UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
FIRST SESSION

VOLUME 115—PART 21

OCTOBER 1, 1969, TO OCTOBER 8, 1969
(PAGES 27859 TO 29312)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1969

XUM

XUM

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

SENATE—*Wednesday, October 1, 1969*

The Senate met at 12 o'clock noon and was called to order by Hon. ROBERT W. PACKWOOD, a Senator from the State of Oregon.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Dear Lord and Father of mankind, who has made and preserved us a nation, make us ever conscious of Thy presence. May the pressures and tensions of the world not shape us but may we shape the destiny of the world. In this forum of freedom, amid the conflict of words and the collision of ideas, may Thy servants be led by Thy spirit to that deeper unity bestowed upon those who strive to know and to do Thy will. Beyond the duties of the day may we behold the splendors of the coming age when all people share in the bounty of the earth, in homes of comfort, in schools well taught, on streets that are safe in a warless world, with Thy love in their hearts and the peace of eternity in their souls.

In the Redeemer's name, we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 1, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROBERT W. PACKWOOD, a Senator from the State of Oregon, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. PACKWOOD thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 30, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on September 29, 1969, the President had approved and signed the following acts:

S. 85. An act for the relief of Dr. Jagir Singh Randhawa;

S. 728. An act for the relief of Capt. Richard L. Schumaker, U.S. Army;

S. 1766. An act to provide for the disposition of a judgment recovered by the Confederated Salish and Kootenai Tribes of Flathead Reservation, Mont., in paragraph 11, Docket No. 50233, U.S. Court of Claims, and for other purposes; and

S. 1888. An act to change the composition of the Commission for Extension of the U.S. Capitol.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on Foreign Relations.

(For the nomination this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 193) authorizing the printing as a House document of a revised edition of "The Capitol," and providing for additional copies.

The message further announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 309) second listing of operating Federal assistance programs compiled during the Roth study.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 713) to designate the Desolation Wilderness, Eldorado National Forest, in the State of California, and it was signed by the Acting President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes, was read twice by its title and referred to the Committee on Labor and Public Welfare.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the conclusion of the morning business, the Senate proceed to the consideration of the unfinished business, S. 2917, Calendar No. 410, the Federal Coal Mine Health and Safety Act of 1969.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

RESULTS OF POLL IN OREGON

Mr. PACKWOOD. Mr. President, recently I polled about 10 percent of the

XUM

voters of Oregon on their opinions as to miscellaneous items facing this country and facing my State. I had a return on this poll of approximately 15 percent—about 15,000 answers. I think the concern of citizens of Oregon for the various issues in this country would be well taken by all Members of the Senate, and I ask unanimous consent that the results of the poll be printed at this point in the RECORD.

There being no objection, the results of the poll were ordered to be printed in the RECORD, as follows:

QUESTIONNAIRE RESULTS SHOW LIVABILITY CONCERN

My suspicion that Oregon citizens are becoming more concerned about preserving the livability of our state for present and future generations was borne out when results were analyzed from my first questionnaire.

As you may recall, the questionnaires were sent to one of every 10 registered voters, or a total of about 85,000 persons.

For example, 93 percent of those replying felt that less emphasis should be placed on how fast Oregon grows and more emphasis on making it more livable for present and future generations. Also 89 percent of those responding favored more stringent regulations by the federal government in dealing with air and water pollution. Better than three out of four (76.8 percent) persons responding said they favored setting aside more public land for conservation purposes such as national parks, wildlife refuges and wilderness areas.

On other issues, there were some equally surprising results.

On whether income derived from businesses owned by churches and other nonprofit organizations should be taxed, nearly 9 out of 10 persons responding (88.4 percent) felt it should.

On Vietnam, virtually everyone (98.5) percent has an opinion of some kind. As for the controversial antiballistic missile system, there are a substantial number (21.2 percent) of the voters who are unsure about whether it should be deployed. Of those having an opinion, sentiment is about equally divided.

I'm most encouraged by the response. The results provide me with a good insight into how Oregon voters view the key issues of the day.

Here is a detailed rundown of the results:

[Answers in percent]

OREGON

1. Do you favor a study to determine which portions of the Oregon Cascades should be devoted to wilderness, parks (plus other recreational areas) and timber cutting areas?

Yes	79.4
No	11.9
Not sure	8.7

2. Do you favor setting aside more public land for conservation purposes such as national parks, wildlife refuges, and wilderness areas?

Yes	76.8
No	15.2
Not sure	8.0

3. Do you favor more stringent regulations by the Federal Government in dealing with air and water pollution?

Yes	89.1
No	6.8
Not sure	4.1

4. Do you associate progress in Oregon with increased industrial development?

Yes	46.3
No	41.5
Not sure	12.2

5. Do you believe less emphasis should be placed on how fast Oregon grows and more emphasis on making it more livable for present and future generations?

Yes	93.0
No	5.2
Not sure	2.8

6. In your opinion what should be done with the Oregon Dunes area along the coast?

(a) Create a national park	23.3
(b) Create a national recreation area	33.1
(c) Leave it as it is	31.8
(d) No opinion	11.8

7. When considering the uses of national forests and public lands, what do you feel should have top priority? (Please select only three and indicate your 1st, 2d, and 3d choices by number.)

Watershed protection	39.5
Production of commercial timber	15.9
Mining	1.0
Wilderness areas (hiking, backpacking, etc.)	16.8
Grazing	5.2
Outdoor recreation (fishing, camping, skiing, boating, etc.)	21.6

NATIONAL

8. Do you approve of the anti-ballistic-missile system as proposed by President Nixon?

Yes	38.7
No	40.1
Not sure	21.2

9. Do you favor a continuation of the 10-percent Federal surcharge on individual and corporate income taxes?

Yes	31.1
No	59.9
Not sure	9.0

10. Do you think the United States should eliminate the draft and depend on a volunteer military force?

Yes	30.2
No	54.7
Not sure	15.1

11. Do you think the Federal Government should guarantee an annual income to citizens who are willing to work but are living in poverty?

Yes	31.6
No	53.4
Not sure	15.0

12. Do you favor the Federal Communications Commission's proposal to ban cigarette advertisements on television and radio?

Yes	67.2
No	27.8
Not sure	5.0

13. Do you favor a permanent arrangement whereby social security benefits are adjusted according to the cost of living index?

Yes	85.0
No	8.7
Not sure	6.3

14. Do you favor taxing income from businesses owned by churches and other nonprofit organizations?

Yes	88.4
No	7.8
Not sure	3.8

15. Following Project Apollo (the lunar landing) do you think the U.S. should decrease spending for the Space Program?

Yes	59.2
No	28.8
Not sure	12.0

INTERNATIONAL

16. If at the end of 1969 the Paris Peace talks on the Vietnam war are unsuccessful, do you favor:

(a) a complete withdrawal of U.S. troops	24.7
(b) withdrawing U.S. troops as rapidly as they can be replaced with South Vietnamese forces	43.9
(c) an all-out military offensive (but no nuclear weapons)	26.9
(d) a continuation of present policy	3.0
(e) no opinion	1.5

FHA INVOLVEMENT IN OREGON RETIREMENT HOME

Mr. PACKWOOD. Mr. President, I invite the Senate's attention to a matter involving a retirement home in Oregon. It is a small retirement home, but it is a matter of some significance, and I hope this is something that will not be repeated in other States.

Several years ago, the Catholic Church, in connection with what was later found to be in essence a fast-buck promoter, undertook to build a retirement home in a small community in Oregon. The church is without fault in this matter. The promoter fooled not only the church, not only those who paid their founders' fees in hoping to retire in this home, but also the Federal Housing Authority.

This promoter, Mr. Markee, was called to task and tried in the Federal district court in Oregon on a variety of charges, and was found guilty. The discouraging thing is that the Federal Housing Authority, while not a party to the case, was found by the district court judge in his comments to be at least haphazardly negligent. I quote from his comments in the sentencing what he had to say about the Federal Housing Authority:

> It is pretty obvious that Mr. Markee wasn't the only villain involving the Mt. Angel retirement home situation. I don't know whether the other people's involvement involved criminal guilt, but it is obvious there was lack of ethics and probably some gross neglignece on the part of some employes of the Federal Government and the agency.

By "the agency" he meant the Federal Housing Authority.

Again, Mr. President, I am not commenting on that particular act of the Federal Housing Authority. We all make mistakes and we all will.

The Federal Housing Authority, because the retirement home did not pan out financially, had to foreclose, had to pay off the mortgage, and took over ownership of the retirement home. At that time, occupancy of the retirement home was very slight. It is very slight today.

Obviously, the church was worried about the people who had paid their founder's fee and under a contract were entitled to live there for life at the fee set in their initial founder's contract.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PACKWOOD. I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Therefore, on November 22, 1966, the Federal Housing Authority wrote to the church, wrote to the abbot of the Mount Angel Abbey, to give assurances that nothing would happen to the people who were in; and they indicated that so long as the founders were there who had paid their fee and so long as they paid the rent stipulated in their original lease, they could remain in the premises under any of three conditions:

First, while the mortgage is in an insured status, that is, while the present mortgagee holds the mortgage; second, if the mortgage is assigned to the Federal Housing Authority; third, if the title to the project is given to the Federal Housing Authority through foreclosure or other means. That is what has happened. The Federal Housing Authority has foreclosed, and they own the project.

About 2 months ago, they indicated to all those who occupy the premises under this founder's fee and guaranteed payment that they would have to vacate the premises unless they paid a substantial increase in rent, not because other people were beating on the doors to get into this project—it is still barren of occupancy; not because more money would be produced by raising the rent, because enough people have moved out that the net rent would not be more than it would have been if the people had remained. Simply because the Federal Housing Authority thought that under their procedures and structure, they had to raise the rent.

I objected and talked with the Under Secretary of Housing and Urban Development and got a 30-day extension. That extension expired yesterday, and now HUD has refused to grant any further extension—despite the fact that there was something bordering close to negligence by the Federal Housing Authority in the first instance, despite the fact that the Federal Housing Authority had given written assurances that these people would not be evicted so long as they paid the rent stipulated in their original contract.

Mr. President, I will now read from a letter dated September 29, 1969, addressed to me from the Under Secretary of Housing and Urban Development, Richard C. van Dusen. He refers to the promise the FHA made to these people. One paragraph of his letter reads:

> I am advised by our counsel that the letter is without legal significance. As you point out, the occupants of this project have already had a good deal of experience with broken commitments.

I think it is difficult when a person reaches retirement age, having worked most of his life, enters a retirement home cosponsored, at least morally, by his church, and certainly given assurances of his Federal Government that he can live there the rest of his life under what he thought was a valid contract, and now discovers his Government reneged on the contract the Government made, forcing him to leave.

I have not finished my investigation of this matter. The Federal Housing Authority has been good enough to grant that some of the very lowest income tenants may remain, not under the original contract price, but at increased prices rather than greatly increased rentals. I have not completed my investigation, but I am embarrassed and ashamed that my Government would make a specific promise to older citizens that they could remain in a retirement home for the rest of their lives, and then take over that retirement home and force them out.

ORDER OF BUSINESS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 10 minutes.

THE VIETNAM MORATORIUM

Mr. FULBRIGHT. Mr. President, it has been 9 months since the President took office, the normal period of gestation for humans to bring forth their issue. No one expected a miracle, but many of us did expect the President to make progress in delivering on his campaign promises to give birth to his plan to end the war. Now comes the newly elected minority leader, the distinguished Senator from Pennsylvania (Mr. SCOTT), the President's leader in the Senate, with the novel, never-before-heard suggestion that there be a 60-day moratorium on criticism of the President because "He needs more time." How many times have we heard that?

Nearly 10,000 American fighting men have died in Vietnam since President Nixon took office. At an average rate of 500 deaths per month, another 1,000 Americans will die in the next 60 days.

Rather than a moratorium on criticism, which kills no one, we who criticize continuation of the war seek, instead, a moratorium on killing. When will this administration bite the bullet instead of firing it and present to the American people the plan to end this war which practically all knowledgeable observers now believe we should never have been involved in.

It is time for Americans to leave Vietnam; it is time for the Vietnamese to fight their own war. I do not believe there is any justification for another American to die in that unhappy land. I, for one, do not intend to abide by the suggestion of the minority leader until our participation in this war ceases or until I become convinced this administration has at least taken the decision to extricate us from the war, and, apparently, I am not alone in this view.

Contrary to the apparent belief of the minority leader of the Senate, the moratorium on normal activities planned by students on campuses across the country for October 15 is in the best American tradition of peaceful protest for the redress of grievances. Rejecting the crude chauvinism of "my country—right or wrong," the participants in this Vietnam moratorium are doing their country the honor of setting a high standard, and of settling for nothing less. They seek to set it right.

When the United States invaded Mexico in 1846, two former Presidents—John Quincy Adams and Martin van Buren—and one future President—Abraham Lincoln—denounced the war as a violation of American principles. When the United States fought a war with Spain and then suppressed the patriotic resistance to the imposition of American rule in the Philippines, the ranks of the opposition included two former Presidents, Harrison and Cleveland, as well as Senators and Congressmen including the Speaker of the House of Representatives, and also such distinguished individuals as Andrew Carnegie and Samuel Gompers. In their peaceful but determined protests against the stupidity and immorality of Vietnam, the students who participate in the moratorium of October 15 will be upholding one of our country's best democratic traditions: the refusal of responsible citizens to acquiesce in silence to a war they deem unjust.

One may hope that President Nixon will reconsider his assertion of September 26 that "under no circumstances" will he be "affected" by opposition to the war in Vietnam on the campuses and in the country. If the President is going to close his mind in advance to the peaceful, orderly expressions planned for October 15, the likely result will be disillusionment on the part of the majority of young people who still have faith in their country's democratic procedures and the swelling of the ranks of that dissident, violent minority whose excesses the President himself has so frequently and so eloquently deplored.

Mr. President, 55 years ago this year one of the most pertinent and eloquent statements on what I think afflicts our country today, an attitude of mind, was written and published in the New Republic. The article reads:

> Every sane person knows that it is a greater thing to build a city than to bombard it, to plough a field than to trample it, to serve mankind than to conquer it. And yet once the armies get loose, the terrific noise and shock of war make all that was valuable seem pale and dull and sentimental.
>
> Trenches and shrapnel, howitzers and forts, marching and charging and seizing—these seem real, these seem to be men's work. But subtle calculations in a laboratory, or the careful planning of streets and sanitation and schools, things which constitute the great peaceful adventure of democracy, seem to sink to so much whimpering futility.
>
> Who cares to paint a picture now, or to write any poetry but war poetry, or to search the meaning of language, or speculate about the constitution of matter? It seems like fiddling when Rome burns. Or to edit a magazine—to cover paper with ink, to care about hopes that have gone stale, to launch phrases that are lost in the uproar? What is the good now of thinking? What is a critic compared to a battalion of infantry? This, men say, is a time for action, any kind of action.
>
> ### THE ONLY WEAPON
>
> So without a murmur, the laboratories of Europe are commandeered as hospitals, a thousand half-finished experiments abandoned. There was more for the future of the world in these experiments than we dare to calculate. They are tossed aside. The best scholarship has turned press agent to the General Staff.
>
> Yet the fact remains that the final argument against cannon is ideas. The thoughts of men which seem so feeble are the only weapons they have against overwhelming force. It was a brain that conceived the gun, it was brains that organized the armies, it was the triumph of physics and chemistry that made possible the dreadnaught.

XUM

Men organized this superb destruction; they created this force, thought it, dreamed it, planned it. It has got beyond their control. It has got into the service of hidden forces they do not understand. Men can master it only by clarifying their own will to end it, and making a civilization so thoroughly under their control that no machine can turn traitor to it.

For while it takes as much skill to make a sword as a ploughshare, it takes a critical understanding of human values to prefer the ploughshare. That is why civilization seems dull and war romantic to unimaginative people.

It is no wonder, then, that war, once started, sweeps everything before it, that it seizes all loyalties and subjugates all intelligence. War is the one activity that men really plan for passionately on a national scale, the only organization which is thoroughly conceived. Men set their armies on a hair-trigger of preparation; they leave their diplomacy archaic. They have their troops ready to put down labor disputes; they will not think out the problems of labor. They turn men into military automata, stamp upon every personal feeling for what they call the national defense; they are too timid to discipline business. They ask men to die for their country; they think it a stupid strain to give time to living for it.

Knowing this, we cannot abandon the labor of thought. However crude and weak it may be, it is the only force that can pierce the agglomerated passion and wrongheadedness of this disaster.

We have not known how to forestall the great calamity. We have taken the ideas that were thrust upon us; we have believed what we were told to believe. We have got into habits of thought when unnecessary things seemed inevitable; in panic and haste we stumbled into what we did not want.

HATE ISN'T ENOUGH

We shall not do better in the future by more stumbling and more panic. If our thought has been ineffective, we shall not save ourselves by not thinking at all, for there is only one way to break the vicious circle of action, and that is by subjecting it endlessly to the most ruthless criticism of which we are capable.

It is not enough to hate war and waste, to launch one unanalyzed passion against another, to make the world a vast debating ground in which tremendous accusations are directed against the Kaiser and the financiers, the diplomatists and the gun manufacturers. The guilt is wider and deeper than that. It comes home finally to all those who live carelessly, too lazy to think, too preoccupied to care, afraid to move, afraid to change, eager for a false peace, unwilling to pay the daily costs of sanity.

We in America are not immune to what some people imagine to be the diseases of Europe. Nothing would be easier for us than to drift into an impossible situation, our life racked and torn within and without. We, too, have our place in the world. We have our obligations, our aggressions, our social chasms, our internal diseases. We are unready to deal with them.

We are committed to responsibilities we do not understand; we are the victims of interests and deceptive ideas, and nothing but our own clarified effort can protect us from the consequences. We, too, can blunder into horror.

Mr. SCOTT. Mr. President, may I respectfully invite the distinguished Senator from Arkansas, chairman of the Foreign Relations Committee, to the labor of thought. May I inquire, therefore, whether his statement includes the suggestion that we withdraw forthwith, immediately, precipitately, without concern for the consequences to the people of Vietnam, from this unfortunate, dreadful, and unpopular war?

Mr. FULBRIGHT. I think that the suggestions which have already been made by Members of this body and others—and which I have made—are not based upon the description of the circumstances the Senator has described. I think that liquidating this war at the earliest opportunity shows the greatest consideration for the people of Vietnam.

We became involved in this war without justification. It was a terrible and tragic mistake in judgment, in my opinion, going back many years. If the Senator wishes to review its history, that is perfectly proper, and I am prepared to try, but I do not know whether the Senator wishes to do that now.

Mr. SCOTT. I do not wish to review the history. I should like to know what the Senator from Arkansas is saying; as to whether he wants to get out of the war now or not.

Mr. FULBRIGHT. What I am leading into is the reason why I think it is to their interest, as well as ours to end the war. The war has now degenerated into a mindless and purposeless slaughter of both Americans and Vietnamese. The President himself, if I understand it, is not intending to seek a military victory. I believe that is correct. I think it was evident some time ago that neither his predecessor nor this one can achieve one with reasonable cost.

There is no question that we could destroy all the Vietnamese, if we were willing to pay the price of condemnation by all civilized people, by using nuclear bombs. We can kill them off. It is not a question of being defeated in a war. The United States is not going to be defeated by this very small nation of peasants. It is an utterly unthinkable thing that we could be defeated militarily. This is not a war in the traditional sense. It is a tragic mistake, in which we became involved.

Now I say, what we are doing is not admitting defeat, we are not "bugging out" of a war. We are liquidating a tragic mistake. We show great wisdom and restraint in the use of our power if—as I have said on this floor so often—we would take the model or the plan laid down in the Geneva accords which are as near to a reasonable settlement of this kind of situation that I can think of.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. SCOTT. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. I do not mind any specific variations in the procedure, but the accords provide for a free election, free of local domination by any particular faction. The accords set up the machinery—whether it would work or not, I do not know, it was never tried—but I think that is what we should do, and do it forthwith.

Mr. SCOTT. That is it. I am not asking the Senator to turn his mental clock back. I am asking him to adjust his mental timetable to today——

Mr. FULBRIGHT. Yes, sir.

Mr. SCOTT. And answer the question of whether he is advocating that we get out of the war today and, if so, under what terms.

Mr. FULBRIGHT. What I am advocating is that the President recognize it is not in the national interest of the United States to continue supporting the existing government in South Vietnam, which is the principal inhibitor and not only of a political settlement. But he has become wedded to it. He has stepped into almost precisely the same attitude as his predecessor. One of the things I expected of this President, and I was assured, I might add, by him and by his principal adviser, Mr. Kissinger, that they would not continue to follow the policies of his predecessor.

In so many words, that was said.

Mr. SCOTT. Does not the Senator recognize the difference—with this President—the difference between winding up a war and unwinding one? Is not this President in the process of unwinding this war? Is he not doing what the Senator from Arkansas has long advocated; namely, bringing home 67,000 of our troops?

Mr. FULBRIGHT. He is doing it much too slowly, while the rate of slaughter continues. He has been, as I said in my statement, actually President for 9 months. He was elected nearly a year ago, and that is 11 months ago practically. It is a matter of timing. If he takes out only 50,000 troops a year, that will take 10 years.

Mr. SCOTT. Is the Senator pleased with the cutback in the draft calls?

Mr. FULBRIGHT. I favor those, but that is only a token which appears to be designed merely to stifle criticism.

I am not criticizing just for the sake of criticizing. I am criticizing because I think this war is a tragic mistake and should be stopped much sooner than he apparently plans to stop it. That is how it appears now.

I have joined others in not criticizing, in any appreciable way, up until today; but he has stated that he is going to ignore any protest, which I assume will be a rational, well-conducted, and an orderly protest, sponsored—not by the SDS—but by responsible elements. I think the country and its people are tired of this war. They have become disillusioned with it. It is our country which is suffering great disunity and turmoil internally with its economy almost in chaos.

Mr. SCOTT. The Senator has made his speech. Would he allow me to continue?

Mr. FULBRIGHT. The Senator asked me the question.

Mr. SCOTT. But I did not expect such a long, convoluted answer. I like to be enlightened and I am willing to be enlightened, but I wish to be enlightened on the Senator's own time.

Mr. FULBRIGHT. One of the Senator's own colleagues from the State of New York has put in a pertinent resolution. Whether that is exactly the way it

XUM

should be done, I do not know. I am interested in it. I have assured him that insofar as I am able, I shall schedule hearings on it, and for anyone else who wishes a hearing on the subject. The Senator has a resolution, and I think it should be discussed.

What I am saying is, I would object to the policy that we should all keep quiet and hope for the best. We have had 9 months of official power now to move. I think it is moving very little. It is all mostly talk. We still have over 500,000 men in Vietnam. He still talks about moving and taking people out, but there has been very little movement.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. FULBRIGHT. That is what I am, in effect, saying.

Mr. SCOTT. Mr. President, in view of the fact that I am not getting answers, I ask unanimous consent to proceed for 5 additional minutes on my own time and then the Senator from Arkansas may ask me to yield.

Mr. FULBRIGHT. All right.

The PRESIDING OFFICER. Without objection, the Senator from Pennsylvania is recognized for 5 additional minutes.

Mr. SCOTT. Mr. President, the Senator from Arkansas has mentioned my name as minority leader, referring to the fact that I have asked for some quietude—not an unpleasant thought in an unquiet world.

After all, there is a statement of Walter Bagehot's:

> An inability to stay quiet is one of the most conspicuous failings of mankind.

There is something also to be said for Lord Byron's view:

> Quiet to quick bosoms is a hell.

I respect the Senator's ability as a semantic acrobat when he says that the President has stated he would ignore the suggestions of the October 15 demonstrators. I respectfully submit that the President said nothing of the sort. The direct quotation I quote, and it is accurate, just in the interest of maintaining some sort of average. What the President actually said was:

> I cannot be affected by what happens on October 15.

What he clearly meant, it seems to me to all reasonable minds, is that no matter how much demonstration occurs, no matter what Senators may say, no matter what others may say to divert the President from a commitment to a course of peace with the opportunity to end the war in the best way he can, he cannot be affected by volunteer suggestions from people who meet on the 15th of October and say, "You must end the war on our terms," or "You must end the war on Hanoi's terms if it comes to that."

Mr. President, the President can end the war only on terms made by the United States of America.

People say, "Oh, he withdrew 60,000 troops. That is only a token."

Mr. President, that is no "token" to the 60,000 people coming home.

That is no "token" to those who will be killed this year, even though the casualties have dropped one-third.

That is no "token" to our soldiers in Vietnam even though infiltration has dropped by two-thirds this year.

We can say that it will take so many years to withdraw all our troops from Vietnam, but this is not a number's game.

Up until now, this year, no troops were withdrawn. They were being escalated. We are deescalating. We spent 6 years moving into a war, and we have had only 8 months to move out of it, and we are moving out of it.

The President's desire is to move far more that the 60,000. His desire is to move as many as he can this year, and next year, and try to bring it to an end. And those who would say, "Let us end the war on a date in December 1970" are saying to the President, "We are prolonging the war." The President wants to end it before then if he can.

The distinguished Senator from Arkansas has said that I have asked for some moratorium, some quiet period—which I have—but he also makes the point that he wants the killing to stop. In the name of God, so does every American. Of course we all want the killing to stop. For any advocate on either side of the controversy to indicate that the other side does not want the killing to stop is not a statement with which I can find myself in agreement.

Now, who wants the killing to stop? The Senator is unwilling to say he wants the war stopped today. Does he want it stopped tomorrow, or next week——

Mr. FULBRIGHT. I did not say that.

Mr. SCOTT. I will yield to the Senator in a minute. I will be fair to him.

But he is unwilling to say he wants it to stop today, tomorrow, next month, or the 15th of October—some magic date—and he is not willing to say when he wants it stopped. I say we ought to stop it just as soon as we can, but we wish to stop it under conditions that recognize that President Ho and his group, when they moved into North Vietnam, murdered every Catholic leader they could get their hands on. If we withdraw under conditions which will not enable them to protect themselves, they will kill South Vietnamese. There will be no end of the killing, and they will kill the Catholics first, and a lot of the leading Buddhists.

Let that blood be on someone else's hands—not mine.

I am for the President and for what he is doing. I am for doing it as fast as we can. I am for a union, a concert of American minds behind the only President we have at any given time. I made that same kind of statement for President Johnson on the floor of the Senate many times. I said time and time again I would support him, whether I would do it this way or another way. I will support President Nixon the same way.

What would the Senator from Arkansas do, if he is to terminate the war immediately, with the American prisoners of war? Does he propose to leave the prisoners of war in the bloody hands of Hanoi? Does he propose to abandon those American prisoners of war as we rush precipitately to the harbors and airfields to get rid of a war which no one likes, which no one wished for, and we wish we had never gotten into?

I will be glad to yield to the Senator from Arkansas up to the time my time expires if he is willing to tell me what he would do with the prisoners of war.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senator may proceed for 5 minutes.

Mr. SCOTT. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

Mr. FULBRIGHT. I would have the opportunity——

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor. He has asked for 2 additional minutes.

Mr. SCOTT. I have asked for 2 additional minutes so I may yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I would like to ask for 5 minutes on my own time in order to respond to the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, the Senator from Pennsylvania is recognized for 2 minutes.

Mr. FULBRIGHT. I wanted to say one or two things. The Senator said I am unwilling to say we should stop the war now. I have said many times—I assume the Senator is familiar with it—that the pattern of ending the war that the French carried on for 9 years was set at Geneva. I think it was a good one. The first thing was a cease-fire which was agreed to between the French and the Vietminh. Then there was the Geneva accord, which set out all the conditions and arrangements which were to be followed in the final liquidation of the colonial status of Vietnam.

I am certainly more than willing to say that, if I possibly could, I would try to get a cease-fire immediately, today or tomorrow. I have said that time and time again. But there are conditions that obviously have to be met in order to get that kind of agreement, and this is where the President has not fulfilled his campaign promise. He ran, a year ago, on the principle, which he stated, of ending the war. He has had approximately 9 months to bring forth the plan. I have not seen the plan.

I do not deny that the President wants to end the war. I have said that. Of course he wants to end the war. He wants to end the killing. We do not differ on that.

Mr. SCOTT. Has the Senator read the paper——

Mr. FULBRIGHT. I have made no such insinuation that the President does not want to. I have said it is a matter of judgment, that he is not willing to take those steps essential to that, a cease-fire and an arrangement which would deal not only with the prisoners of war but the other conditions necessary for the settlement of the war.

I wrote a letter to the late Ho Chi Minh, with the knowledge and approval

XUM

of the State Department, inquiring about the prisoners of war. Everyone does whatever he can in this field, and, of course, we are concerned with it. I do not think it is at all appropriate for the Senator to insinuate that any of us, or any of us who criticize the President, are heartless and feel that the President does not want to stop the war. We are dealing here with a matter of judgment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield the floor.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Arkansas is recognized for 5 minutes.

Mr. FULBRIGHT. We are not dealing here with any differences of that character. It is a matter of judgment and urgency. In order to arrive at that judgment, one balances off not only the killing and the tragedy in Vietnam, but what is happening at home.

I think every Member of the Senate has, in the last few days, had visits from delegations from home in the field of housing. It is only one illustration of the great concern of the people of the United States.

I thought it was very significant that in the elections in Massachusetts yesterday, for the first time since 1875, a Democrat was elected in the district of the late Bill Bates, and the main issue in that election was the war. I can certainly understand it. It ought to be a signal to our political leaders on both sides of the significance of it in the minds of our people.

It is becoming intolerable to continue a war with a purpose no greater than the announced purpose. When we have accepted the principle that we are not going to have a military victory, then there is no use in delaying the settlement of the war. Military victory has been admitted by the President and others generally to be unachievable at a reasonable cost. It is not unachievable. No one denies that we could completely destroy all of Vietnam—North Vietnam and South Vietnam, for that matter—if we wished to. But that is not the question, as I have already said. The question is one of judgment, as to how to proceed to liquidate. I do not think we promote that by a period of silence. We have had a period of silence—relative silence. There has been very little criticism or very few suggestions in the Senate for the past 9 months. I think the time has come now, in the best interests of the country, that we should try to resolve this issue.

The Senate has an obligation to give advice to the President whenever appropriate, especially in the field of foreign relations. That is what we are trying to do—to give the best advice we know—because we are all concerned not only with bringing the men home from Vietnam, but with preserving the existing form of government in this country. We cannot take too lightly the assumption that nothing could disrupt this country. Nearly every country in the world has gone into a revolution of one kind or another, in which its established institutions have been destroyed.

I know there are others who are going to say, or have said, that instead of liquidating the war as a tragic mistake, we should resume the objective of bombing of the north, and the destruction of North Vietnam—technically a perfectly feasible program.

I would say that would be a desertion of American principles. I think it would bring upon this country the most violent outbreak of resentment from all over the world—not just from Communist countries, but from non-Communist countries and all kinds of countries, including our best friends. I do not think under the present circumstances that is a feasible alternative.

Believing that, I am saying we should proceed as quickly as possible to the liquidation of this tragic mistake. A cease-fire should be the first thing. Senators may say, "Yes, but it takes two to make a cease-fire." It does. That is why I say the chord of this tragic mistake, the reason, I think, that a cease-fire has not been achieved, is the acceptance as our responsibility of the preservation of the Thieu-Ky government.

That government is a government that we established. It is really the heir of the old Diem government, and I do not think that the preservation of it as the result of this war is acceptable to the enemy. Therefore, I say there must be a compromise on this issue similar to the one made by the French in 1954. I am going back to that as a precedent accepted by nine members of the conference at Geneva, representing all of the principal powers with an interest in Vietnam. That is the best precedent I know of. That is what I propose as a matter of advice to the President.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The Senator's time has expired.

Mr. FULBRIGHT. I ask for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. I want to say to the minority leader that the President of the United States certainly did not start this war. I thought when he was elected he would take the view that this was a tragic mistake of his predecessor, and that, as a result of the election, he would feel a mandate from the American people to proceed immediately to its liquidation. I thought he had a plan.

I do not see how any plan could succeed or have any effect if that plan involved the preservation of the very objective, one might say, of the war itself, which is the preservation and continuation of the Thieu government. This, it seems to me, is an utterly unrealistic way to look at the war.

I think the President wants to end it. It comes down to what I am suggesting as a matter of judgment, that he should proceed to the principles of the Geneva accords, and I believe he could get a cease-fire and arrange for the release of the prisoners of war, and he could arrange this matter of amnesty or protection, if you like, of the Catholic leaders. The situation is basically the same as in 1954, when the French were certainly as concerned about the Catholic leaders as you or I are now.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SCOTT. Really, the distinguished Senator from Arkansas knows that the President has not made any precondition about the continuation of the Thieu-Ky government. He has said, on May 14, in surely the most generous peace proposal ever made by any nation:

> We will, as a condition of peace, abide by a government freely elected by the people of South Vietnam, and that is the only point that is non-negotiable.

Mr. GRIFFIN. Including the votes of the Communists.

Mr. SCOTT. Including the votes of the Communists.

Mr. FULBRIGHT. I know the President has said that in so many words, but the actions he has taken since, and the actions and the words of Thieu himself, completely belie that statement. Those were words which I do not think he has either been able to or desired to follow through on, because subsequent to that, I believe, he said that Mr. Thieu was one of the greatest politicians of the present day, and that our war in Vietnam was one of our finest hours. He said things which seemed to me to be utterly contradictory to whatever the words the Senator has quoted might mean.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. This is one of the things that bother me. I do not wish to say that the President is deliberately seeking to confuse anybody. But he is, it seems to me, subject to a change of mind, not only in this field, but I was also rather confused about his attitude toward the electoral college, for example. I had understood him to have one firm position up until yesterday, and all of a sudden, he completely flopped over to another position.

As to Thieu, he said that on the 14th of May, or whatever the date was, and subsequent to that he has said things, I submit, that are absolutely contrary to such words.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may have 3 more minutes, to yield to the Senator from Idaho.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Is it not true that President Nixon, at his press conference this past week, reiterated that the one nonnegotiable item of the war was the self-determination of the people of South Vietnam; that he restated his hope free elections could take place; and emphasized that both the government of Saigon and the Government of the United States would abide by the results of such elections, even if the Communists were elected to power; and is it not also true that the following day, President Thieu held a press conference in which he contradicted the President of the United States, and made it clear that so far as the Saigon government was concerned, it would neither permit Communists to be voted into office, nor would it agree to a coalition embracing all factions in South Vietnam, including the Communist factions? Was not the position of Thieu a direct, explicit contradiction to that stated by the President of the United States, coming almost immediately afterward?

Mr. FULBRIGHT. I believe that is correct. This is what I mean when I say that all the evidence indicates that we are unwilling to abandon the support of the Thieu-Ky government, which means, in effect, that free elections or self-determination are not in the cards. We have not accepted self-determination. Once we accept that, and can give any reasonable assurance of its implementation, I think we could get a cease-fire and be on the way to the liquidation of the war. I do not expect the President to liquidate it tomorrow, but I really want him to begin to move in a serious way toward its liquidation.

Mr. CHURCH. I agree with the Senator, and would only like to add that following Mr. Thieu's direct contradiction of President Nixon, there was no disavowal of any kind from the White House concerning the representations of the President of South Vietnam.

I commend the Senator from Arkansas on his part in the debate today, and I join him in repudiating any attempt to impose 60 days of silence on the matter of the war. This is obviously a ploy.

In my judgment, we have a responsibility, here in the Senate, to continue our efforts to bring this war to a close. I think that the Members of this body, on both sides of the aisle, who have worked so hard for peace in Southeast Asia during the past 4 years, have had an important role to play in changing American policy—the change that brought an end to the continuous escalation of the war, which could well have embroiled the United States in an open-ended war on the mainland of Asia.

I think we must continue to assert that responsibility under this administration, as we did in the last administration; and, as a Democrat who opposed the policies of a Democratic President when Mr. Johnson was in the White House, I certainly do not intend to fall silent now that Mr. Nixon is in the White House; but I do believe that the protest must continue to be asserted on a bipartisan basis, and we must avoid, at all costs, making this a party issue.

Mr. KENNEDY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I ask unanimous consent that the Senator from Arkansas may have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. I yield.

Mr. KENNEDY. It is my understanding that the President has established three broad criteria for progress in the war in Vietnam. First, he was hopeful that there would be some progress made in Paris. I think, in his press conference last week, he indicated that there had been no progress made in Paris.

Second, he hoped that there would be a reduction of the fighting by the Vietcong and the NVA in the south, and he indicated that, although the intelligence reports now are somewhat indefinite, and although there might be a reduction in the total numbers of infiltrators in the south, still, the level of the fighting by the Vietcong and the NVA in the south has continued; so there is no progress being made in that area.

His third area was the Vietnamization of the war in the south—that there could be the eventual taking over of the war in the south by the South Vietnamese.

If we consider our situation as it exists in that country today—to the effect that really no progress has been made in Paris and that no progress has been made in terms of a reduction of the violence in South Vietnam—it seems to me that the only real hope being offered to the American people is the hope of a growing Vietnamization of the effort in the south.

I saw last weekend a very revealing interview between Mr. Reynolds and Mr. Scali, on ABC's Issues and Answers, with Mr. Thieu in Vietnam. Both of these responsible reporters questioned the President of South Vietnam at considerable length, as to when and under what circumstances the South Vietnamese Army was going to be able to take over the burden of fighting the war.

It was very clear from his response at that time that in spite of the representations which have been made in this country, the United States is going to have to continue with the burden of that war if President Thieu has anything to say about it.

I wonder whether the distinguished Senator from Arkansas believes President Thieu ought to be making the decisions as to how long American boys will stay in that country and be involved in that conflict, fighting and dying in that war, when we have seen so little response by the South Vietnamese Government toward broadening its government to include the other democratic elements in South Vietnam. Consider, for example, the continual harassment of newspapers. More than 30 newspapers have been closed in recent months. The Government continues to jail political opponents who advocate basically and fundamentally the same kind of adjustments in terms of arrangements for the South Vietnamese Government that our President talks about.

I wonder if this troubles the distinguished Senator from Arkansas as it does the rest of us.

Mr. FULBRIGHT. Mr. President, the Senator from Massachusetts is quite right. The words "Vietnamization of the war" seem to mean that we will support the Thieu government as long as it is necessary for them to establish firmly their control in South Vietnam.

I think they may be able with our help to establish it militarily. I cannot believe that they are likely to do so, but it certainly seems to me that they ought to be given the opportunity to do so only in a free election. This is what I meant by saying that the one condition which is, I think, detrimental to any cease-fire or move toward a political settlement is our being wedded to the Thieu government.

Mr. Thieu has said publicly that he would have nothing to do with the Communists and that it would be 20 or 30 years before they could be rehabilitated or be acceptable in any way—even as voters, I suppose, because they are not allowed to vote now.

The Senator is quite right. I object to our Government's being subject in its foreign policy to other countries around the world. I would object to it in the case of any other country, and I object to it in their case. They have their own life to live, and we ought to allow them to live it.

Mr. KENNEDY. Mr. President, is it the position of the Senator from Arkansas that the interests of the Thieu government in maintaining its posture and position as the Government of South Vietnam may very well not be the same as the interests of the U.S. Government in terms of our presence in South Vietnam?

Mr. FULBRIGHT. I think it is very different. Our interest is, as I said, to liquidate what I consider to be a major, tragic mistake in our involvement there. We misjudged our interest. I do not think that we had a vital interest. However, I do not take that to be a final or fatal misjudgment. Various other countries as individual countries have done it from time to time.

I am interested in getting out before we suffer any further disruption at home or loss of lives abroad.

Those interests are different. Mr. Thieu's interest is in preserving his government. That stands in the way of a settlement. If he could win a free election, I would not object. However, that is not the case.

Mr. KENNEDY. Mr. President, is it the position of the Senator from Arkansas that if Mr. Thieu wants to continue to pursue his own aims and aspirations, he ought certainly to be permitted to do so? But, that he should not pursue them at the expense of the best interests of the United States.

Mr. FULBRIGHT. The Senator is correct.

Mr. KENNEDY. And if Mr. Thieu wants to eliminate the possibility of other democratic groups joining in the government, if he wants to continue his policy with regard to the censorship and repression of newspapers in that country, that whatever kind of leadership he desires for his own country, his government would be permitted to do so by our Government, but that, as I understand it, the Senator from Arkansas is suggesting that we do not have to be involved

XUM

in those efforts simply because we are there to protect the right of the people of South Vietnam to have self determination.

I think the Senator is suggesting that those efforts, in this instance, run very much against our own national policy interests in that part of the world.

Mr. FULBRIGHT. It does, because it stands in the way of a political settlement of the war.

THE SUPERSONIC TRANSPORT AIRCRAFT

Mr. BYRD of Virginia. Mr. President, last week, President Nixon proposed the expenditure of $662 million over the next 5 years for supersonic transport aircraft.

All in all, the cost of development of the SST would run about $1.5 billion, according to present estimates.

The supersonic transport would be a remarkable plane. It would fly at speeds up to 1,800 miles an hour, would carry 300 passengers and would have a range of up to 5,000 miles. It is easy to see why the President and the aviation industry are enthusiastic about development of this aircraft.

I think, however, that we must bear in mind that there is a proper season for all things.

This does not seem to me to be the proper season for a SST.

In the first place, we are in a highly inflationary period.

I do not believe that the economy has yet recovered from the $25 billion deficit in Government finances in fiscal 1968. Consumer prices and interest rates continue to soar.

Mr. Nixon wants $195 million for the SST in the current fiscal year, which would mean an addition of $96 million to funds appropriated in earlier years.

It seems to me that this is not the time to authorize such a sum for a program that is not essential to our security or to our welfare.

I am struck, too, by the fact that under the present plan, more than 85 percent of the funds required for development of the SST will come from the Government. I do not believe this can be justified.

Aviation manufacturers and the airline industry stand to profit from a SST. I believe that they can be asked to bear considerably more than 15 percent of the financial burden of producing this airplane.

Advocates of immediate development of a SST by this Nation often argue that it is important for the United States to lead the world in aviation. But it is no longer possible for the United States to be first with a SST—it will be at least 5 years behind the version being produced by France and England, and another being developed by the Soviet Union.

Furthermore, experts have testified that sonic booms caused by movement of a SST over land would be so severe that it might have to be restricted to oceanic flight. In review of this, it may be that prestige accruing to a nation by virtue of developing a SST may be overrated.

The President's proposal comes at a time when funds for other important Government programs are extremely short. Just within the field of aviation, it seems to me that airport development and improvements in facilities for control of existing traffic are two areas which rank higher in priority than development of a supersonic aircraft.

If we look beyond aviation to the whole field of transportation, we find a rapidly decaying merchant fleet, insufficient financial support for mass transit and possibly a cutback in highway construction funds.

On a still broader horizon, we must take note of the fact that while proposing millions for the SST, the administration is recommending cuts in important health and education programs.

All of these factors militate against a decision to approve funds for the SST.

But I think the most important single factor is that of inflation. Congress would be setting a poor example for the Nation if it were to approve huge expenditures for the SST at a time when it is vital that the inflationary cycle be halted by getting Federal spending under control.

There may come a time for development of a supersonic transport. That time is not now insofar as Government funds are concerned.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am glad to yield to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I commend the distinguished Senator from Virginia on an excellent statement. I agree wholeheartedly with what he has said. He has hit exactly the right note. I am impressed by the fact that he was able to incorporate such a series of important arguments in such a brief statement.

I do think that he has hit upon the most important argument of all when he says that we should recognize that this is a highly inflationary period.

Senators have said this on the floor. The President has made statements about how we have to fight inflation. I think almost everybody agrees that the one way Congress can contribute the most to fighting inflation is to cut spending.

Yet, we get this kind of frill, which has a strictly commercial purpose, which will serve a useful purpose in getting people to Europe 2, 3, or 4 hours earlier, to Asia a few hours earlier; but certainly it is a marginal benefit when we consider all the other things we must do.

I think the Senator has made a most impressive and a most useful statement.

I should like to point out one or two other things in connection with this matter. The Senator from Virginia pointed out that on a cross-country flight, it would not be feasible to fly supersonic speeds because of the sonic boom, and this has been agreed to by all the experts, the Secretary of the Interior, and others.

Every benefit-cost study, every efficiency study, of the SST shows that it would be economically unfeasible to build it if it could not fly the real payoff routes across the country at supersonic speeds. This is the reason why the aviation industry is insisting that the Federal Government pick up the burden of the cost—85 to 90 percent. The aviation industry does not want the risk. This is the reason why this strictly commercial venture is not being privately financed, as every other commercial venture is privately financed.

Also, the Senate decided, on the basis of a divided vote, to proceed with spending money for research and prototype building for the advance manned strategic aircraft, the supersonic bomber. This is a parallel kind of procedure so far as technological breakthrough is concerned. The supersonic transport has no military value. Every Secretary of Defense has argued that it has no military value. If we are going to spend money in this area, the advance manned strategic aircraft is where we ought to spend it.

I also point out that the argument of the balance-of-payments benefit works both ways. If we build the kind of big fleet of supersonic transports that only the United States can build, they will carry American tourists flying abroad to spend American money, to worsen our balance of payments.

Finally, the only argument I have heard that we should proceed—which the advocates keep coming back to—is that this is necessary for our prestige; it is necessary for us to have the kind of prestige that only the supersonic transport can provide. We just landed men on the moon, the principal value of which is prestige. We have by far the dominant aviation industry in the world. Our Air Force is superior to the air force of any other nation. To argue that this is necessary for prestige is a very feeble reed on which to hang this kind of appropriation, especially when we recognize that it is going to cost $600 million, which is more than the administration is asking—much more—for mass transit throughout the United States.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. In other words, all the cities in the country are going to get less for their subways, bus services, and all the other vital means of transporting people into the cities than will be spent to get a small percentage of the American people overseas.

I thank the Senator for his excellent statement.

Mr. BYRD of Virginia. I thank the Senator from Wisconsin for his comments. He has made a deep study of this subject, and I feel that he has added greatly to the understanding of the Senate as to just what is involved in the development of a supersonic aircraft and

XUM

the Government's part in that development.

I concur in the remarks the Senator just made as to the importance of other types of transportation—mass transit and other transportation needs of our Nation which cannot be met now under the existing budgetary arrangements.

So it seems to me, just as it does to the distinguished and able senior Senator from Wisconsin, that this is not the time to be plowing hundreds of millions of dollars into the development of a supersonic transport. We must first put our Nation's financial house in order. We must first get Federal spending under control.

I thank the distinguished Senator from Wisconsin for his valuable comments.

ASSISTANT ATTORNEY GENERAL JERRIS LEONARD SHOULD RESIGN OR ENFORCE THE LAW

Mr. YOUNG of Ohio. Mr. President, questions of ethical conduct preceding the resignation of Associate Supreme Court Justice Fortas and today involving the nomination of Judge Clement Haynsworth to be Associate Justice of that Court make it abundantly clear that Attorney General John Mitchell maintains a double standard regarding ethical conduct for the Federal judiciary. Now there appears to be a curious double standard in the Justice Department insofar as the term "law and order" is concerned.

In a speech before the International Association of Chiefs of Police at Miami Beach on September 29, Attorney General Mitchell described himself as "foremost, a law-enforcement officer." In what the Washington Post reported as a "hard-line law-and-order speech," Mitchell declared:

> I believe the Department of Justice is a law-enforcement agency. I think that persons who break the law ought to be promptly arrested and tried—today.

Meanwhile, in Washington, the Nixon administration's chief civil rights lawyer made the shocking statement that if the Supreme Court should rule in a pending case that schools throughout the South must integrate immediately, such orders could not be enforced.

Referring to an appeal that the Supreme Court has already agreed to consider on an accelerated schedule, Assistant Attorney General Jerris Leonard declared:

> If the Court were to order instant integration nothing would change. Somebody would have to enforce that order.

Leonard said there just are not enough "bodies and people" in the Civil Rights Division of the Justice Department "to enforce that kind of decision."

Mr. President, the remarks of Assistant Attorney General Leonard raised the possibility that the Supreme Court could find itself, for the first time since it declared public school segregation unconstitutional in 1954, in the position of issuing a school desegregation order without full expectation that it would be enforced by the executive branch.

It is noteworthy that 65 of the 74 lawyers in the Civil Rights Division issued a statement on Monday charging the administration with taking positions on civil rights policy that are "inconsistent with clearly defined legal mandates." The Washington Post of September 30 reported that several of the attorneys attending the news conference at which Leonard made his remarks later stated they were astonished to hear him repeatedly blame insufficient legal manpower in the Department of Justice for not accelerating the pace of desegregation enforcement.

One attorney said:

> That must have been dreamed up over the weekend. The Division has had less people and never blamed lack of people for lack of action.

Many expressed concern that Leonard's statement would invite opponents of integration—opponents of the law of the land—"to make enough noise so that the Nixon administration might slow desegregation still further."

Mr. President, it appears that officials of the Department of Justice in this administration have one definition of law enforcement when they speak of criminals and quite another when they speak of civil rights. On the one hand, the Attorney General of the United States refers to himself as "foremost, a law-enforcement officer." On the same day, his Assistant Attorney General openly states that the Justice Department would be incapable of enforcing a Supreme Court decision—which is, of course, the law of the land—insofar as civil rights are concerned. Such hypocrisy cannot and must not be tolerated in our democracy.

How can respect for law and order in our Nation be maintained when the Justice Department itself refuses, or is unable, to enforce a decision of the Supreme Court of the United States?

It is shocking to consider that officials of the Justice Department would be unable to enforce a Supreme Court decision to protect the civil rights and civil liberties of all Americans. The position taken by Assistant Attorney General Leonard represents a cynical, callous attitude toward civil rights problems.

I, for one, am tired of this hypocrisy on the part of high officials in the Justice Department. I am certain that millions of Americans share my deep concern over the gradual erosion in enforcement and implementation of civil rights laws.

If the Attorney General is, as he states, "foremost, a law-enforcement officer"—and I believe that he is—then certainly it is his duty to enforce the law of the land whether or not he or his Assistant Attorney General or this administration or supporters of this administration are in agreement with it. To do otherwise would be to seriously undermine respect for law and order in our Nation.

The difference between the American way of life and the Communist dictatorship of Russia and Red China is the difference between government of law and government of men. In the Red Square in Moscow, what do they have on display under glass? The embalmed corpse of Lenin. In the beautiful Archives Building in Washington, what do we have on display? We proudly display under glass the Constitution of the United States and the Bill of Rights. This illustrates the difference between government of men and government of law. Our freedom and democracy rest entirely on our heritage of respect for the law. When one of the top law-enforcement officials in the land speaks of not enforcing the law, he is doing a disservice to the Nation.

Mr. President, I do not know what action the Supreme Court of the United States will take in regard to the pending appeal of a desegregation delay that was granted to 30 Mississippi school districts at the request of the Nixon administration. I do know that whatever that decision may be, it must be enforced.

If Assistant Attorney General Jerris Leonard cannot, or will not, enforce any such decision, then he should resign and be replaced with someone who can and will uphold the law.

Mr. President, in this morning's issue of the New York Times is an excellent editorial entitled "Retreat From the Law," setting forth clearly and concisely the inherent dangers in the position taken by Assistant Attorney General Leonard which invites resort to mass disruptions as a substitute for the essential faith of our people in justice under a government of law. I ask unanimous consent that this editorial in its entirety be printed in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RETREAT FROM THE LAW

The warning by Jerris Leonard, chief of the Justice Department's Civil Rights Division, that a Supreme Court order to desegregate all Southern schools could not be enforced strikes at the foundation of government by law. It is astonishing as the declared stance of an Administration that, in its rhetoric, has so consistently vowed to uphold law and order.

With every new corkscrew turn of policy, the Nixon Administration demonstrates that its approach to school desegregation is more responsive to the prejudices of Southern politicians than to the legitimate demands to put an end to the illegally maintained dual school systems.

This is why the Justice Department's civil rights lawyers rebelled against the policies they were being asked to pursue. It is why the United States Commission on Civil Rights spoke out against the threat of a major retreat from desegregation. And it spurred the decision of the N.A.A.C.P. Legal Defense and Educational Fund to ask the Supreme Court to redefine "all deliberate speed" to keep that phrase from being perverted into a device for delay.

The plain fact is that the Court spoke fifteen years ago and Congress added in 1964 its mandate for the enforcement of administrative guidelines. For Mr. Leonard, at this late stage, to urge his lawyers to concentrate not on prompt enforcement but on organizing teachers' workshops to smooth the way for desegregation is comparable to asking the Internal Revenue Service to provide courses in ethics and accounting for income-tax evaders.

The Nixon Administration has asked Negroes to accept in good faith its pledges of economic and social justice, but the credibility of such pledges is undermined by the emergence of double standards. The President himself, in opposing "extremism" in school desegregation, equates those who insist on full law compliance with the most stubborn of foot-draggers.

Attorney General Mitchell promises the nation's police chiefs that the Administration will support law enforcement with "all its moral, political and economic power." And on the very same day Assistant Attorney General Leonard scoffs at the thought of enforcing a Supreme Court school desegregation order. Such contradictions can only reinforce Negro suspicions of separate justice for black and white, thus inviting resort to mass disruption as a substitute for the essential faith in justice under a government of law.

ORDER OF BUSINESS

Mr. CRANSTON. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PROPOSED AMCHITKA TESTS

Mr. CRANSTON. Mr. President, tomorrow the Atomic Energy Commission plans to detonate a nuclear device, of the magnitude of 1 megaton, 4,000 feet below the surface of Amchitka Island in the Aleutians.

This calibration test, in preparation for four larger explosions of up to 5 megatons, is scheduled to take place in one of the most seismically unstable areas on this planet.

Many of the Pacific Basin's most severe earthquakes—quakes which have caused tidal waves with subsequent damage to property and loss of life as far away as Hawaii, Japan, and the western coast of the United States—have originated in the immediate vicinity of Amchitka.

The AEC has continued its preparations for these underground tests despite the opinions of leading scientists that it is unwise to detonate such powerful devices in a region which is extremely earthquake prone.

My distinguished colleague from Alaska (Mr. GRAVEL) was justifiably alarmed by the plans to utilize Amchitka for this Nation's most devastating underground tests.

I have worked closely with him in this matter and joined with him in his sponsorship of Senate Joint Resolution 155 because I felt that an independent scientific commission to study the foreign policy aspects of our underground testing program is needed before such tests should take place.

I admire the leadership, skill, and determination the Senator from Alaska (Mr. GRAVEL) has brought to bear upon this Amchitka affair.

Amchitka's remoteness from the continental United States does not insure that Canada, Japan and the Soviet Union would be safe from possible shocks, tidal waves or quakes following the explosions.

Both the Canadians and the Japanese have formally expressed to the State Department their apprehensions concerning these tests.

They have served notice that we will be held responsible for any damage done to their people and their property.

Yesterday in Ottawa, Canada's external affairs minister, Mitchel Sharp, repeated his plea that we abandon plans for the blast, and he described the protest note he earlier sent to us as "extremely strong."

Much of the American public and many members of the scientific community are equally disturbed by the prospect of testing on Amchitka.

Dr. Kenneth Pitzer, president of Stanford University and head of a panel of eminent scientists appointed by President Johnson to examine the relationship between underground tests and earthquakes, expressed grave doubts to the foreign relations committee concerning the desirability of having these tests.

Dr. Pitzer stated that his panel was seriously concerned with the problems of earthquakes resulting from large-yield nuclear tests because new and significant evidence demonstrates that small earthquakes do actually occur both immediately after a large-yield test explosion and in the following weeks.

I have just been informed that President Nixon's science advisers have endorsed the conclusions of the Pitzer Commission.

The AEC has no right to make a final decision to proceed with these tests, in a secret fashion, using undisclosed scientific evidence, without an independent examination of their work by other scientists who have no connection with the AEC.

No group of scientists working in secret has the right to play nuclear roulette with the lives and property of the people in the Northern Pacific Basin. The AEC has seemingly acknowledged, in one small sense, the gravity and dimensions of the potential consequences of the step it is so determined to take. It has placed an announcement in the Federal Register warning U.S. citizens away from a 7,800 square mile nautical area centering on the test site.

As it now stands, the United States is going to begin to detonate underground nuclear devices of great power at a new facility located in a remote but sensitive area.

At a time when our Government has not ratified the Nuclear Nonproliferation Treaty yet asks others to do so, the Amchitka tests are diplomatically unwise.

Our search for nuclear nonproliferation appears to lack sincerity as we embark upon a significant expansion of our underground testing program.

I call upon the administration to postpone the Amchitka tests and to reevaluate the scientific and diplomatic feasibility of testing nuclear devices in the Aleutians.

I know that the people of California, Alaska, Hawaii, Canada and Japan join me in hoping that these unwise, unsafe and scientifically unsound tests will not occur.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. CRANSTON. I am delighted to yield to the Senator, who has displayed such effective leadership in seeking to point out the course upon which we are presently embarked.

Mr. GRAVEL. Mr. President, I wish to associate myself with the remarks of the Senator from California. I also thank him for his fine assistance on what I think is a very vital incident—possibly it could be a very tragic incident in the history of the United States—that will take place tomorrow.

I would like to endorse a few of the points that have been mentioned by my distinguished colleague and to add some additional material from my experience.

First, I think it is important to realize that these tests are calibration tests; that is, we are going to start out with 1 megaton, then go to 2 megatons, then go to 3 megatons, then go to 4 megatons, and then go to 5 megatons. Until something happens, we are just going to stay with that testing program. For purposes of illustration, such a program of testing is like strapping a man into an electric chair, then starting with 1,000 volts, if nothing happens go to 2,000 volts, if nothing happens go to 3,000 volts, and then, when we kill the man in the chair we stop testing. That is the type experimentation we are proceeding with.

Mr. President, I would like to try to assess the possible chain reaction that may take place. We are testing in one of the most seismically active areas of the world, the Aleutian Chain fault. One of these explosions, or one of these underground nuclear detonations—the AEC calls them devices, but they are really bombs—one of these explosions could cause an earthquake. I say "could," because at one time the AEC said categorically that underground detonations do not cause earthquakes.

In January 1968, an explosion in Nevada triggered hundreds of earthquakes afterward. Yet in August of the same year the AEC was still singing the same tune; that is, that underground detonations do not cause earthquakes.

The earthquake that may be caused at Amchitka could cause a slippage of ground. If the slippage is sufficient, it could cause a tidal wave. The explosion in Nevada caused a 15-foot slippage. If such a slippage occurred on Amchitka, it could cause a tidal wave that could strike any one of numerous places: Hawaii; Japan; Anchorage, Alaska; California; Vancouver, British Columbia.

In 1964, a tidal wave started in Alaska's Prince William Sound after an earthquake with a Richter scale reading of 8.4. That tidal wave traveled the Pacific Rim and sought out one town in California, Crescent City, 2,000 miles away; where 13 people were killed, and $12 million worth of damage was caused.

In 1956, a tidal wave that started not far from Amchitka traveled all the way to Hawaii, killing more than 150 people and causing more than $25 million of damage. These are the risks we are playing with.

As the Senator from California says, we turn the chamber and pull the trigger. It could come up blank on Thursday. But will it come up blank on next year's tests or the tests after that?

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The time of the Senator from Alaska has expired.

Mr. GRAVEL. Mr. President, will the Senator from California yield me another 5 minutes?

Mr. CRANSTON. I yield 5 additional minutes to the Senator from Alaska.

The PRESIDING OFFICER. Five ad-

XUM

ditional minutes are yielded to the Senator from Alaska.

Mr. GRAVEL. After a tidal wave begins, that danger exists.

There is another danger, the escape of radioactivity. We raised the question in testimony on Monday before the scientists of the AEC.

I suggested that since the area is earthquake prone, there are countless fissures or faults in the earth. They said that that was possible, but there could be no danger of venting.

But what could happen if a vent occurred? This particular area happens to hold one of the largest fisheries on earth, fisheries used by Canada, Japan, Korea, and the United States—you name them. All these countries feed off this area. There is a possibility of contaminating that great fishery, not to say, of course, the fact that the detonation would be a violation of the nuclear test ban treaty, which would place this country in what I imagine could be unenviable international position. So I hope the State Department will reevaluate the possibilities.

Amchitka is closer to Russian territory than to any other foreign country. Yet, interestingly enough, our closest friends, Canada and Japan, have voiced their concern over the possible danger. But the Soviet Union sits back. If danger should occur, she will be in a more favorable juxtaposition to us.

The international ramifications are well known. But I would suggest another area. The Senator from California mentioned the Pitzer report. The Pitzer panel was created by the President's Science Advisory Committee, not the AEC. They initially objected to such an explosion. That report was finished in November 1968. It was held by the AEC and the White House until last Monday, when it was released at 7 o'clock in the morning, and our committee held hearings at 10 o'clock that morning. That report was made by eminent scientists. But here is the entire book in which it was published. It was published with 48 preceding pages of denigration of the report, and 10 pages of report. I submit that in this fashion it is calculated to undermine the credibility of an official group of authorities, and was held secret over a period of time to thwart informed public opinion in this country, because had the report come out last January, people like myself and other concerned citizens would have been able to rely on it and use it to challenge the secrecy and credibility of the AEC. But to give it to us only a few days before the test was to deny us a proper tool that we should have had to enable us to develop a broad dialog in this country concerning possible risks.

Just recently—today—the President was asked if he intended to delay the test. President Nixon said he was not going to delay the test; that he would rely on the advice that had been received from the AEC. I submit that that advice is in conflict, as the Senator from California just mentioned, with the advice of the President's own Science Advisory Committee. He is flying in the face of that advice and is willing to rely exclusively on the AEC, which I think has been discredited as an honest information-giving agency. The AEC pursues its own course. I submit that it structures its information to arrive at the conclusions it prefers.

If there is tragedy tomorrow, and if there is a loss of life, the blame will lie with the President of the United States, and no one else, because he is the only one who can stop the test now, and he has chosen not to, based upon the advice he is willing to choose to accept.

I pray that there will not be a tragedy tomorrow. But I think that if we pursue this course, there will one day be a serious tragedy. When that tragedy occurs, and we look back and find incompetence, and secrecy, and see the way this project was mismanaged and how the tragedy occurred, it will make the Dreyfus affair look like small-town gossip.

The PRESIDING OFFICER. The additional time yielded to the Senator has expired.

Mr. GRAVEL. I pray that the President of the United States will consider this matter.

I yield the floor.

Mr. CRANSTON. Mr. President, I join in those prayers and hope the President will respond wisely.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation Providing for the Continuation of Federal Agricultural Services to Guam

A letter from the Acting Secretary, Department of Agriculture, transmitting a draft of proposed legislation to provide for the continuation of Federal agricultural services to Guam (with accompanying papers); to the Committee on Agriculture and Forestry.

Report of Loan to East River Electric Power Cooperative, Inc., Madison, S. Dak.

A letter from the Administration, Rural Electrification Administration, United States Department of Agriculture, reporting, pursuant to law, a loan to the East River Electric Power Cooperative, Inc., of Madison, South Dakota (with accompanying papers); to the Committee on Appropriations.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administrative efficiency of the Department of Labor's Neighborhood Youth Corps program in Detroit, Mich., under title IB of the Economic Opportunity Act of 1964, Department of Labor, September 30, 1969 (with an accompanying report); to the Committee on Government Operations.

Report of Proposed Contract With Monsanto Research Corp.

A letter from the Director, Bureau of Mines, U.S. Department of the Interior, transmitting, pursuant to law, a proposed contract with Monsanto Research Corp., 800 N. Lindbergh Boulevard, St. Louis, Mo., for research and development to study foam properties and to develop foam generation and foam application systems that will collect coal dust while maintaining an enveloping blanket of foam (with accompanying papers); to the Committee on Interior and Insular Affairs.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

Nancy Hanks, of New York, to be Chairman of the National Council on Arts.

By Mr. RANDOLPH, from the Committee on Public Works:

L. Ralph Mecham, of Utah, to be Federal cochairman of the Four Corners Regional Commission.

By Mr. EASTLAND, from the Committee on the Judiciary:

Stanley G. Pitkin, of Washington, to be U.S. attorney for the western district of Washington;

Bart M. Schouweiler, of Nevada, to be U.S. attorney for the district of Nevada;

Rex Walters, of Idaho, to be U.S. marshal for the district of Idaho;

George R. Tallent, of Tennessee, to be U.S. marshal for the western district of Tennessee;

William A. Quick, Jr., of Virginia, to be U.S. marshal for the western district of Virginia;

Edward R. Neaher, of New York, to be U.S. attorney for the eastern district of New York;

Gaylord L. Campbell, of California, to be U.S. marshal for the central district of California.

Duane K. Craske, of Guam, to be U.S. attorney for the district of Guam;

William W. Milligan, of Ohio, to be U.S. attorney for the southern district of Ohio;

Blas C. Herrero, Jr., of Puerto Rico, to be U.S. attorney for the district of Puerto Rico;

Rex K. Baumgardner, of West Virginia, to be U.S. marshal for the northern district of West Virginia; and

James H. Brickley, of Michigan, to be U.S. attorney for the eastern district of Michigan.

By Mr. SCOTT, from the Committee on the Judiciary:

Arlin M. Adams, of Pennsylvania, to be U.S. circuit judge, third circuit.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CASE:

S. 2977. A bill to enlarge the boundaries of Grand Canyon National Park in the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Case when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. GORE:

S. 2978. A bill for the relief of Waguih Gharghour (Guy Gargour); to the Committee on the Judiciary.

By Mr. DOMINICK (for himself, Mr. Ribicoff, Mr. Allott, Mr. Bellmon, Mr. Bible, Mr. Baker, Mr. Boggs, Mr. Cannon, Mr. Cotton, Mr. Curtis, Mr. Dodd, Mr. Dole, Mr. Eastland, Mr. Fannin, Mr. Fong, Mr. Griffin, Mr. Hansen, Mr. Harris, Mr. Hart, Mr. Hruska, Mr. Jordan of Idaho, Mr. Mundt, Mr. Murphy, Mr. Packwood, Mr. Percy, Mr. Prouty, Mr. Proxmire, Mr. Smith of Illinois, Mr. Stevens, Mr. Randolph, Mr. Thurmond, Mr. Tower, Mr. Young of North Dakota, Mr. Nelson, Mr. McGovern, and Mr. Sparkman):

S. 2979. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Finance.

(The remarks of Mr. Dominick when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. TYDINGS (by request):

S. 2980. A bill to provide that any person operating a motor vehicle within the District of Columbia shall be deemed to have given his consent to a chemical test of his blood, breath, or urine, for the purpose of determining the alcoholic content of his blood, to prohibit shoplifting in the District of Columbia, to prohibit the theft, unauthorized use, and abuse of credit cards in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

(The remarks of Mr. Tydings when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. TYDINGS (by request) (for Mr. Prouty and Mr. Mathias):

S. 2981. A bill to revise the laws of the District of Columbia on juvenile court proceedings; to the Committee on the District of Columbia.

By Mr. JAVITS (for himself and Mr. Goodell):

S. 2982. A bill to provide for the establishment under all Federal child-feeding programs, eligibility standards which require that free or reduced price meals be served to certain children, and for other purposes; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Javits when he introduced the bill appear later in the Record under the appropriate heading.)

S. 2977—INTRODUCTION OF A BILL ENLARGING GRAND CANYON NATIONAL PARK

Mr. CASE. Mr. President, I introduce, for appropriate reference, a bill to enlarge Grand Canyon National Park.

Almost 70 years ago President Theodore Roosevelt said:

> I want to ask you to do one thing in connection with the Grand Canyon . . . leave it as it is, you cannot improve on it. The ages have been at work on it and man can only mar it . . . What you can do is keep it for your children . . . and for all who come after you.

Until last year, our struggle has been to prevent man's marring the Grand Canyon by the construction of giant dams in connection with a water project for central Arizona. I was glad to join in the battle against them. In my view placement of the dams in the canyon would be an unthinkable violation of a truly unique wonder of nature. Fortunately, Congress agreed with this view and found a way to provide the water and keep the canyon free from dams.

At that time Senator Jackson, chairman of the Senate Interior Committee, agreed with me that consideration should be given to extending the national park.

Since I first introduced a park extension bill in 1967, further research has indicated the desirability of protecting the important side canyons and plateau areas that are needed to make an intelligible whole of the canyon. In line with this, the bill I introduce today includes the following:

First, the main stream of the canyon—including all potential damsites in Marble Gorge and the Lower Granite Gorge—from Lees Ferry to the Grand Wash Cliffs;

Second. The major side canyons: Paria, Kanab, Havasu, Whitmore, and Parashant;

Third, the significant sections of the north rim plateaus: Kaibab, Uinkarets, and Shivwits; and

Fourth, Toroweap Valley, one of the most remarkable approaches to the canyon rim, in an area of interesting volcanic remnants.

My bill will expand the national park from its present 673,575 acres to one consisting of 2.14 million acres. The extended park also will include the lands which comprise both the Grand Canyon and the Marble Canyon National Monuments, which together total over 200,000 acres.

Some 40,000 acres of private land will be included in the park I propose. According to an estimate made by the Sierra Club, the private land would cost under $4 million to acquire.

The 50,000 acres of State-owned land included in the boundaries of the park could be acquired by purchase, donation, or exchange. My bill expressly provides that they not be acquired by condemnation.

Under the "taking" provision in the bill, privately owned land would, immediately upon the enactment of the measure, become Federal land, with the owners recompensed at then-prevailing prices. This would prevent the artificial ballooning of land prices that has plagued Federal acquisition of parkland in the past.

Since much of the area is wild, my bill includes a study to determine whether any portions of the park should be recommended for inclusion in the national wilderness system. My bill would also repeal any permission for reclamation projects within the national park.

Under this bill, no land of the Havasupai, Hualapai, or Navajo Tribes would be taken for the expanded park.

In the past I have quoted the remark made more than 30 years ago by J. B. Priestley that "every member or officer of the Federal Government ought to remind himself, with triumphant pride, that he is on the staff of the Grand Canyon." As "staff members," we have discharged only part of our responsibility for the protection of the Grand Canyon. We have saved it from the dams.

Congress now must move to discharge the remainder of its responsibility by placing the main stream of the canyon as well as associated areas in a complete Grand Canyon National Park.

Mr. President, the question has been asked: What should a complete Grand Canyon National Park include? Jeffrey Ingram, former southwest representative of the Sierra Club and a man thoroughly familiar with the Grand Canyon, has sought to answer the question in a paper recently brought to my attention. It is a most perceptive and compelling statement and I ask unanimous consent that it be printed in the Record after my remarks.

I also ask unanimous consent that the text of the bill be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the statement and text of the bill will be printed in the Record.

The bill (S. 2977), to enlarge the boundaries of Grand Canyon National Park in the State of Arizona, and for other purposes, introduced by Mr. Case, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 2977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Grand Canyon National Park shall hereafter comprise the area generally depicted on the drawing entitled "Grand Canyon National Park", numbered 113–91,001 and dated June 1969. The drawing shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Sec. 2. Nothing in this Act or in any other law shall affect (1) the rights of the individual members of the Havasupai tribe of Indians as described in the Executive order of March 31, 1882, and in section 3 of the Act of February 26, 1919, to use and occupy lands within the Grand Canyon National Park for agricultural purposes, including grazing; or (2) the authority of the Secretary of the Interior (hereinafter referred to in this Act as the "Secretary") under section 3 of the Act of February 26, 1919, to permit such members to so use and occupy such lands for such purposes.

Sec. 3. Except to the extent otherwise provided in section 2 of this Act, where any Federal lands included within the Grand Canyon National Park are legally occupied or utilized on the date of the enactment of this Act for grazing purposes, pursuant to a lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges on such date of enactment, their heirs, successors, or assigns, to renew the privileges form time to time subject to such terms and conditions as the Secretary may prescribe; except that no such privilege shall be extended beyond the period ending twenty-five years from such date of enactment except as specifically provided for in this section. The Secretary shall permit a holder of the grazing privilege to renew such privilege from time to time during the holder's lifetime beyond the twenty-five year period, subject to such terms and conditions as the Secretary may prescribe, if (1) the holder is the person who held such privilege on the date of enactment of this Act, or (2) the holder is the heir, successor, or assign of such person and was a member of that person's immediate family, as determined by the Secretary of the Interior, on the date of enactment of this Act. Nothing contained in this section shall be construed as creating any vested right, title, interest, or estate in or to any of the Federal lands. The Secretary, by regulation, may limit the privileges enjoyed under this section to the extent that they are appurtenant to the private lands owned by the persons who held such privileges on the date of enactment of this Act, and may adjust such privileges to preserve the park land and resources from destruction or unnecessary injury. Grazing privileges appurtenant to privately owned lands located within the Grand Canyon National Park shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States, except for failure to comply with the regulations applicable thereto and after reasonable notice of any default.

Sec. (a) The Secretary is authorized to acquire lands and interests in lands within the boundaries of the Grand Canyon National Park. Such acquisition may be by donation, purchase with appropriated or donated funds, exchange, or otherwise, but in no event shall lands owned by the State of Arizona or any political subdivision thereof be acquired by condemnation.

(b)(1) Effective on the date of enactment of this Act, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property within the park boundaries designated on the drawing entitled "Grand Canyon National Park", Numbered 113–91,001; except real property owned by the State of Arizona or a political subdivision thereof and except as provided in paragraph (3) of this subsection. The Secretary shall allow for the orderly termination of all operations on real property acquired by the United States under this subsection, and for the removal of equipment, facilities, and personal property therefrom.

(2) United States shall pay just compensation to the owner of any real property taken by paragraph (1) of this subsection. Such compensation shall be paid either (A) by the Secretary of the Treasury from money appropriated from the Land and Water Conservation Fund, upon certification to him by the Secretary of the Interior of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 6 per centum per annum from the date of taking the property to the date of payment therefor; or (B) by the Secretary of the Interior, if the owner of the land concurs, with any federally owned property available to the Secretary for purposes of exchange pursuant to the provision of section 6 of this Act; or (C) by the Secretary of the Interior using any combination of such money or federally owned property. Any action against the United States for the recovery of just compensation for the land and interests therein taken by the United States by this subsection shall be brought in the Court of Claims as provided in section 1491 of title 28, United States Code.

(3) Section 4(b) shall apply to ownerships of fifty acres or less only if such ownerships are held or occupied primarily for nonresidential or nonagricultural purposes, and if the Secretary gives notice to the owner within sixty days after the date of the enactment of this Act of the application of this subsection. The district court of the United States for that district in which such ownerships are located shall have jurisdiction to hear and determine any action brought by any person having an interest therein for damages occurring by reason of the temporary application of this paragraph, between the date of the enactment of this Act and the date upon which the Secretary gives such notice. Nothing in this paragraph shall be construed as affecting the authority of the Secretary under subsections (a) and (c) of this section to acquire such areas for the purposes of this Act.

(c) If any individual tract or parcel of land acquired is partly inside and partly outside the boundaries of the park the Secretary may, in order to minimize the payment of severance damages, acquire the whole of the tract or parcel and exchange that part of it which is outside the boundaries for land or interests in land inside the boundaries or for other land or interests in land acquired pursuant to this Act, and dispose of so much thereof as is not so utilized in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471 et seq.).

Sec. 5. In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the park, and outside of such boundaries within the limits prescribed in this Act. Notwithstanding any other provision of law, the Secretary may acquire such property from the grantor by exchange for any federally owned property under the jurisdiction of the Bureau of Land Management in Arizona, except property needed for public use and management, which he classifies as suitable for exchange or other disposal. Such federally owned property shall also be available for use by the Secretary of the Interior in lieu of, or together with, cash in payment of just compensation for any real property taken pursuant to section 4(b) of this Act. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, the value shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. Through the exercise of his exchange authority, the Secretary shall, to the extent possible, minimize economic dislocation and the disruption of the grantor's commercial operations.

Sec. 6. Notwithstanding any other provision of law, any Federal property located within any of the areas described in the drawing entitled "Grand Canyon National Park", numbered 113–91,001, may, with the concurrence of the head of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

Sec. 7. Within two years from the date of the enactment of this Act, the Secretary of the Interior shall review the areas within the Grand Canyon National Park, and shall report to the President, in accordance with sections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c) and (d)), his recommendation as to the suitability or nonsuitability of any such areas within the park for preservation as wilderness, and any designation of any such area as a wilderness area shall be accomplished in accordance with such sections of the Wilderness Act.

Sec. 8. Subject to valid existing rights in such lands, all lands herein added to Grand Canyon National Park by this Act shall, except to the extent otherwise provided by this Act, be subject to all the laws and regulations applicable to that park immediately prior to the effective date of this Act.

Sec. 9. Section 7 of the Act of February 26, 1919 (40 Stat. 1175; 16 U.S.C. 227), is hereby repealed.

Sec. 10. The provisions of the Federal Power Act shall not apply to any portion of Grand Canyon National Park as hereby enlarged, and all existing withdrawals of the Federal Power Commission within the enlarged park are hereby vacated, and all withdrawals of the Bureau of Reclamation within the enlarged park, other than those related to Hoover Dam and Glen Canyon Dam, are hereby vacated.

Sec. 11. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The statement furnished by Mr. Case follows:

What Is a Grand Canyon Anyway?

(By Jeffrey Ingram)

The dangers in answering this question arise from the desire to draw a line which puts Grand Canyon on one side and everything else on the other. This line becomes lost in the subtleties of side canyons' beginnings and the vagaries of land forms. The strength of a river is given by the volume of water gathered by its drainage; the river's velocity by the elevation it must drop down through; its capacity to grind by the stones and soil it picks up; its direction by the differential in hardness of the rock it confronts. A river makes a path for itself across the land, but the track is shaped by the way the rock has been laid and formed, raised and broken. The water corrodes out the land's forms; the land determines the river's course and force.

What to include, of the process and record that is a drainage and that becomes a canyon, within the boundary of the Grand Canyon?

Surely the main stem: from the end of Glen Canyon, where the Kaibab limestone first crops out, to the Grand Wash, where almost 300 miles of wall turn away from the Colorado River?

Surely the side canyons: the great ones like Kaibab, with its own world of tributaries, the Little Colorado, Havasu, the Paria; then the multitude, unclassifiable in their variety of size, sinuosity, color, rock texture, and name: Whitmore, Soap, Nankoweap, Hindu, Tapeats, National, Bass, Burnt Springs, Thunder, Separation, Parashant, Horse Flat, Bright Angel, Tuckup, Shinumo.

Surely the plateaus, whose rise brought two billion years of earth's history up for the Colorado to reveal, and whose heights make possible the Canyon's display of variation in plants and animals: Kaibab and Shivwits that look as if they have shunted the Colorado into immense southern arcs; Paria and Kaibito whose cliffs bound the platform through which the Colorado cut the Canyon's Marble Gorge; Kanab, Coconino, Uinkaret.

Such a sweep of country is a Grand Canyon; it cannot be the reality is that man has marred too much of it. We can try to reserve much of the Grand Canyon for the future; we can try to prevent the degrading of the rest.

THE PIECES OF A COMPLETE PARK

1. Starting at the upstream end of the Canyon, the first new segment of the Park would be the lower Paria canyon, which joins the mainstream from the northwest just below Lee's Ferry. The Paria is not well-known, but a recent Bureau of Land Management expedition indicated its potential for hiking, and its value for archeology and geology, as well as its scenic quality.

2. Marble Gorge, running from Lee's Ferry to Nankoweap Creek. Marble Gorge is also accessible by trail and both east and west rims have a number of viewpoints. Driving out to these viewpoints from the east is a bifocal experience. For most of the trip the eye is held by the Kaibab monocline across the river, where the rocks are clearly warped up, and eroded into the Cockscomb. Then abruptly, the focus shifts as what had appeared to be a line across the plain shows as the opposite rim of Marble Gorge, is then quickly presented in its full width and depth. This approach, with cliffs as setting for the suddenly-appearing Canyon, is typical of Marble Gorge region, for the plain through which the Canyon is cut is bounded on the west by the Kaibab, on the north by the Vermilion, and on the east by the Echo Cliffs. The Echo and Vermilion Cliffs, in addition to forming outer walls for the Canyon, are outcrops of the remarkably colored Triassic formations. The Marble Gorge addition to the National Park would include gorge, plain, and cliffs, except those on the east which belong to the Navajos who have already established Grand Canyon and Little Colorado Tribal Parks on their side of the Colorado.

3. The third new section for the Park would take in a strip of the high forested Kaibab plateau, now open to lumbering. Although geologic history has made the whole Kaibab plateau an integral part of the Grand Canyon, we have suggested adding only the south Kaibab section because of the extensive deer hunting use made of the area during the fall. The south Kaibab is a land of ponds, meadows, aspen and conifer stands which deserves to be saved and enjoyed not only for itself, but as one of the more contrasting entries to the Grand Canyon.

4. The west side of the Kaibab drops off in steps into the complex system of the Kanab side canyons. Kanab Creek starts up near Bryce Canyon in Utah, but the bound-

aries we propose would include only the part in which a wash has deepened into a canyon. The boundary is intended to gather in the arms of the Kanab: Hacks, Granma, Snake, Sowats, Jumpup.

5. Slightly downstream from and opposite to Kanab is Havasu Canyon, which at its upper end is called Cataract Canyon. The lower end of Havasu, with its perennial stream, waterfalls, and Havasupai Indian village is already well-known. The proposed addition would take in the rest of this canyon so that this long cross-section of the Grand Canyon's Paleozoic rocks would be fully within the National Park. Only if side canyons in nearly their entirety are included will it be possible to comprehend the whole sweep of the Grand Canyon.

6. When the Grand Canyon National Monument was proclaimed in 1932, it included the northern end of the Toroweap Valley. The Valley is bounded on the east by a face of the Kanab Plateau and on the west by the Pine Mountains, remnants of volcanic activity. It is a long hall-like entry to a view 3,000 feet as straight down as it is possible to get in the Canyon.

7. The western end of the Grand Canyon is now without any National Park protection, yet it contains the Lower Granite Gorge, a part of the inner gorge unlike the Upper Granite Gorge within the National Park. The prevailing hues and structures of the rock are quite different. There are a number of individual features, such as Travertine Falls and Grotto, the Red Slide, and the lower Sonoran vegetation, which further distinguish it. Here, too, are a number of side canyons which are not duplicated elsewhere. On the north side, rising more than a mile, is the deeply incised Shivwits Plateau, almost unvisited, though it is the area on the North Rim closest to an Interstate Highway. On the south side of the Colorado River, just before the Canyon ends at the Grand Wash Cliffs, is Rampart Cave, containing well-preserved deposits of Late Pleistocene fossils and dung, notably of a ground sloth.

The individual parts of the proposal have been described here as part of the reason for completion of the National Park. Of course, the geographic unity and aesthetic quality of the Grand Canyon constitute the primary justification for completion of the National Park.

S. 2979—INTRODUCTION OF A BILL PROVIDING A TAX CREDIT FOR THE EXPENSES OF HIGHER EDUCATION

Mr. DOMINICK. Mr. President, for myself, Mr. RIBICOFF, Mr. ALLOTT, Mr. BELLMON, Mr. BIBLE, Mr. BAKER, Mr. BOGGS, Mr. CANNON, Mr. COTTON, Mr. CURTIS, Mr. DODD, Mr. DOLE, Mr. EASTLAND, Mr. FANNIN, Mr. FONG, Mr. GRIFFIN, Mr. HANSEN, Mr. HARRIS, Mr. HART, Mr. HRUSKA, Mr. JORDAN of Idaho, Mr. McGOVERN, Mr. MUNDT, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. PERCY, Mr. PROUTY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. SPARKMAN, Mr. SMITH of Illinois, Mr. STEVENS, Mr. THURMOND, Mr. TOWER, and Mr. YOUNG of North Dakota, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education.

This is essentially the same bill which was passed by the Senate as an amendment to H.R. 6950 during the 90th Congress. Unfortunately, the amendment did not survive the subsequent conference with the House and therefore did not become law.

Mr. President, the cost of obtaining an education beyond high school has been rising steadily as shown by the table published by the Department of Health, Education, and Welfare on October 28, 1968. I ask unanimous consent that the table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Tuitions and fees		Total cost (Including room and board)		Consumer prices	Personal income per capita [1]
	Public	Private	Public	Private		
1958–59	$224	$867	$932	$1,687		$2,074
1968–69	299	1,380	1,092	2,326		3,409
Increase project (percent)	+34	+59	$+17	+38	+17	+64
1978–79 (1967–68)	$375	$1,906	$1,264	$2,988		
Increase (percent)	+25	+38	+16	+29		

[1] Calendar years 1958 and 1968.

Source: Department of Health, Education and Welfare, The Chronicle of Higher Education, Oct. 28, 1968.

Mr. DOMINICK. While the cost of higher education has risen steadily, the number of students enrolled in institutions of higher education also has grown constantly, as shown by the fact that in 1940 only 15 percent of our 18-to-21-year-old population was enrolled in college. Today, the percentage has grown to 48 percent of that age group, and will continue still higher, because the stress on education beyond high school makes it imperative for anyone who wants a job with a future to continue his education. Almost 7 million college students now are working toward degrees, and the average annual cost is well over $1,500 per student. To help ease that financial burden, our bill is heavily slanted in favor of low-tuition public institutions, but would also benefit students who choose vocational or junior college training as well.

Although student aid amounted to $1.8 billion in the Federal budget for fiscal 1969, most of those funds were earmarked for graduate fellowships and training in a few specified professions, NDEA loans, veterans' benefits, and work-study programs. Most students who required financial assistance had to rely on work-study programs and scholarships from private or State sources. But before such financial assistance is available, at most institutions of higher education a condition is imposed requiring that the family of the student must contribute toward the student's expenses in accordance with a chart prepared by the college scholarship service. That chart shows the amount the family is expected to contribute by family income level. I ask unanimous consent that this chart, which was published in U.S. News & World Report some months back, be printed at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Income before taxes	Number of other dependent children in family—				
	None	1	2	3	4
$4,000	$290	$100			
$6,000	790	550	$350	$220	$130
$8,000	1,290	980	740	570	440
$10,000	1,860	1,490	1,150	920	750
$12,000	2,450	2,050	1,650	1,370	1,130
$14,000	3,200	2,680	2,220	1,890	1,590
$16,000	3,970	3,360	2,850	2,470	2,130

Mr. DOMINICK. The chart shows that the family which has a gross income of $8,000 and a net income after taxes of $7,114 would be expected to contribute $1,290 toward their college student's expenses before any scholarship funds might be available. You can well imagine what a burden this places on this family. The impact on family finances has become harder and harder.

It becomes even more clear when you consider that at a cost of between $10,000 and $20,000 for 4 years of undergraduate education for each child, the cost of higher education for their children may well cost the family more than the family home. It certainly is a greater burden than mortgage interest, State and local taxes, medical expenses or casualty losses, and yet we give tax relief in the form of deductions for these expenses. It seems to me only right that we recognize for tax purposes the cost of higher education for young Americans.

Our bill would do just that. Under the formula set forth in the bill, the full credit is allowed on the first $200 of expenses for tuition, fees and books; 25-percent credit will be allowed for the next $300 of expenses, and a credit of 5 percent would apply to the next $1,000 of such expenses. The total credit allowable on $1,500 of expenses would be $325.

The formula also provides that the allowable tax credit shall be reduced by 1 percent of the adjusted gross income of the taxpayer in excess of $15,000. The effect of this limitation is to place the major emphasis of the bill on assisting the lower and lower middle income taxpayers who are bearing the burden of higher education. Under this formula, for example, a Senator who pays more than $1,500 for tuition, fees, and books for one of his children at college would be entitled to only a $50 credit on his income tax. A taxpayer whose adjusted gross income is $47,500 or higher would not be eligible for any tax credit.

There is widespread support for the tax credit approach in helping to meet the growing costs of higher education. For example: A questionnaire was sent to the presidents and trustees of all public and private institutions of higher education by the Citizens National Committee on Higher Education, and produced a favorable reply from 90 percent of those

XUM

responding. Only the presidents—not the trustees—showed a slight majority were opposed to the tax credit approach.

A national survey conducted by Opinion Research Corp., of Princeton, N.J., for CBS-TV in 1966, disclosed that 70 percent of the viewing public supported tax credits for education, while only 13 percent opposed this approach. It is interesting to note that in that survey the highest level of support was found among persons in the $5,000 to $6,999 income bracket; 88 percent of this group favored educational tax credits. Among young people in the 18- to 29-year age group, 80 percent were in favor of this proposal.

In June of last year, a nationwide survey by Better Homes and Gardens magazine reported that almost three-fourths of the 300,000 consumers who responded think a family's college expenses are so basic that they should be deductible on individual Federal income tax returns. Other polls have shown the same kind of results: 70 to 80 percent of the public supports the concept of tax credits for education expenses.

College and university administrators, faculty, and trustees have expressed enthusiastic support for the tax credit approach to extend the benefits of higher education to the many who cannot now meet the rapidly increasing costs. The tax credit concept has received the endorsement of a variety of educational organizations, including the National Education Association, the Colorado Education Association, the National Association of University Administrators, the Association of American Colleges, the United Business Schools Association, and the Citizens National Committee for Higher Education.

I believe we should again act favorably on this legislation to help our hard-pressed lower and middle income wage earners meet the rising costs of educating their children to meet the challenges of the future.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2979), to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education, introduced by Mr. DOMINICK (for himself and other Senators), was received, and read twice by its title, and referred to the Committee on Finance.

Mr. PERCY. Mr. President, I am pleased to participate in sponsoring legislation introduced today providing a tax credit for students and families meeting the expenses of a higher education. This legislation is similar to the amendment to the investment tax credit I cosponsored last year. This amendment passed the Senate but was subsequently deleted by a conference committee with the House.

We in the United States have been placing more and more emphasis on the importance of education as a tool for both personal and social betterment. This has resulted from our increasing realization that the solution to our complex social problems, the very growth and development of our country, and our continued prominence in world affairs is dependent upon an educated citizenry.

In response to this accent on education, our youth have come to realize that their own success and advancement depends largely upon their level of knowledge and training. Consequently, we now have nearly 7 million students enrolled in our Nation's colleges and universities. By 1975 it is estimated that this number will reach 9 million.

To accommodate these students, colleges and universities will be spending approximately $22.5 billion for the expansion of facilities, equipment, and teachers. This will be double the amount expended only 3 years ago.

Part of the revenue required for this expansion will be obtained through tuition increases—an all too familiar fact of life for anyone paying for a college education.

This year, for example, the typical student attending a public- or State-supported school will spend approximately $300 for tuition or $1,000 for just tuition, room, and board. His counterpart at a private school will pay even more—nearly $1,300 for tuition to $2,200 for tuition, room, and board. Only 3 years ago the average tuition at these institutions was $200 and $800, respectively.

These tuition costs when added to board, books, and supplemental expenditures often mean that the cost of a college education over a 4-year period exceeds $10,000 per student, It is no wonder that many families, especially those with more than one child, find the cost of education either prohibitive or an onerous burden.

There is, of course, some relief available in the form of scholarships and loans. These generally go where there is the most demonstrable need, as they should. Thus there are financial resources available for the most needy and deserving students.

For the student from a middle-income family, however, there is often no financial assistance available. Thus so many families who work hard to pay the mortgage, meet tax obligations, and educate their children are often burdened with yet another payment they must sacrifice to meet.

These people require and deserve some help because their investment in their children's education is also an investment in our society. And it is these people who will derive the most benefit from the tax credit legislation introduced today.

Under the provisions of this bill, every person paying for vocational, technical, or college education beyond the 12th grade will be eligible for a tax credit of up to $325 for each student he is assisting. The actual amount of the credit will be determined on the basis of a formula providing for 100-percent credit on the $200 of educational expense, 25 percent of the next $300 and 5 percent of the next $1,000.

This credit will not be just an expense tax deduction, but an actual subtraction from the amount of taxes a person would ordinarily have to pay. While it will be provided uniformly without regard to the taxpayer's tax bracket, it will be progressively reduced as the taxpayer's adjusted gross income exceeds $15,000.

The effect of the tax credit can best be illustrated by taking two examples from a State, such as Illinois. In Illinois, a family sending a student to a private school, such as Northwestern University, would be confronted with a tuition bill alone of $1,860. Under the formula, the family would be eligible for the full $235 tax credit. In essence, this credit would reduce their tuition payments by 17.4 percent.

This same family sending a child to a State school, such as the University of Illinois, would have to pay $270 for tuition. Under the formula, the family would be eligible for a $217.50 tax credit, which is 80.6 percent of the tuition cost.

From these examples, it is evident that the percentage of relief from a tax credit is greater for the payment of tuition at publicly supported schools, whereas the dollar amount is greater for private, generally more expensive schools.

It has been estimated that 90 percent of the benefits derived from a tax credit would be afforded to those families with incomes of $20,000 or under. Over two-thirds of these benefits would accrue to families with incomes $10,000 or less. Thus, the legislation accomplishes its goal: Providing financial relief to our middle-income families who are trying to educate their children.

Mr. President, this is an important piece of legislation, which meets a definite need in our society. I would hope, therefore, that the Senate would once again take favorable action on it.

S. 2980—INTRODUCTION OF A DISTRICT OF COLUMBIA ANTICRIME BILL

Mr. TYDINGS. Mr. President, I introduce by request, today, a bill containing three anticrime measures for the National Capital.

One measure will outlaw shoplifting in the District of Columbia. This legislation has been proposed by the Metropolitan Washington Board of Trade.

Shoplifting is a costly crime to law abiding citizens of the Washington metropolitan area. According to the testimony before the District Committee earlier this year of Leonard Kolodny, manager of the Retail Bureau of the Board of Trade, shoplifting and internal theft cost area merchants between $80 and $150 million a year. His testimony revealed that one merchant had apprehended 10,915 shoplifters during the past 5 years. The cost of this crime is, of course, borne by the law-abiding consumers since merchants raise prices as much as 10 percent to compensate for their losses

Currently, in the District of Columbia Code, there is no law specifically prohibiting shoplifting. Instead, shoplifting cases now fall under laws for petty and grand larceny. As a result, many shoplifting cases that should be prosecuted are not. This new law will clearly define what constitutes a shoplifting offense

XUM

and permit merchants to detain a shoplifting suspect until police arrive. Most States, including Maryland, have shoplifting legislation.

Another measure, requested by the District of Columbia government, will require that drivers who appear to be driving under the influence of intoxicants submit to either a breathalyzer, urine, or blood test or face automatic license suspension. This legislation will require that any medical test be administered by a licensed medical practitioner.

Drinking and driving is one of the major traffic problems in the National Capital. This legislation will aid considerably in the enforcement of laws prohibiting driving while under the influence of intoxicants.

This legislation will bring the National Capital into line with 44 States, including Maryland, which already have such legislation.

The third measure, requested by the Board of Trade, will aid in the prosecution of credit card abusers in Washington. Present law, here too, results in far too few prosecutions because prosecution is, at best, difficult. This legislation will define credit card abuse and establish penalties for that offense.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2980), to provide that any person operating a motor vehicle within the District of Columbia shall be deemed to have given his consent to a chemical test of his blood, breath, or urine, for the purpose of determining the alcoholic content of his blood, to prohibit shoplifting in the District of Columbia, to prohibit the theft, unauthorized use, and abuse of credit cards in the District of Columbia, and for other purposes, introduced by Mr. Tydings (by request), was received, read twice by its title, and referred to the Committee on the District of Columbia.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2579

Mr. GRIFFIN. Mr. President, at the request of the Senator from Pennsylvania (Mr. Scott), I ask unanimous consent that, at the next printing, the name of the Senator from Alaska (Mr. Stevens) be added as a cosponsor of S. 2579, to authorize the Commissioner of Education to make vocational education opportunity grants.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2790

Mr. GRIFFIN. Mr. President, at the request of the Senator from Pennsylvania (Mr. Scott), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. Yarborough) be added as a cosponsor of S. 2790, to incorporate the Catholic War Veterans of the United States of America.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2791

Mr. GRIFFIN. Mr. President, at the request of the Senator from Pennsylvania (Mr. Scott), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. Yarborough) be added as a cosponsor of S. 2791, to incorporate the Jewish War Veterans of the United States of America.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 150

Mr. GRIFFIN. Mr. President, at the request of the Senator from Pennsylvania (Mr. Scott), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. Yarborough) be added as a cosponsor of Senate Joint Resolution 150, to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 155

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Alaska (Mr. Gravel), I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. Bayh), the Senator from Massachusetts (Mr. Brooke), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Arkansas (Mr. Fulbright), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. McCarthy), the Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Mondale), the Senator from Maine (Mr. Muskie), the Senator from Wisconsin (Mr. Nelson), the Senator from Connecticut (Mr. Ribicoff), the Senator from Ohio (Mr. Saxbe), the Senator from New Jersey (Mr. Williams), the Senator from Texas (Mr. Yarborough), and the Senator from Ohio (Mr. Young) be added as cosponsors of Senate Joint Resolution 155, to provide for a study and evaluation of international and other foreign policy aspects of underground weapons testing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 37

Mr. GRIFFIN. Mr. President, at the request of the Senator from Pennsylvania (Mr. Scott), I ask unanimous consent that, at the next printing, the name of the Senator from Delaware (Mr. Boggs) be added as a cosponsor of Senate Concurrent Resolution 37, relating to the treatment of prisoners of war.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 267—SUBMISSION OF A RESOLUTION TO PRINT "THE COST OF CLEAN AIR" AS A SENATE DOCUMENT

Mr. RANDOLPH submitted the following resolution (S. Res. 267); which was referred to the Committee on Rules and Administration:

Senate Resolution 267

Resolved, That there be printed as a Senate document the first report of the Secretary of Health, Education, and Welfare, entitled "The Cost of Clean Air," submitted to the Congress in accordance with section 305 (a), Public Law 90-148, the Air Quality Act of 1967, and that there be printed three thousand additional copies of such document for the use of the Committee on Public works.

FEDERAL WATER POLLUTION CONTROL ACT—AMENDMENT

AMENDMENT NO. 217

Mr. STEVENS. Mr. President, on behalf of myself and the Senator from Massachusetts (Mr. Kennedy), I resubmit an amendment to S. 7. I ask that it be printed and lie on the table so that it can be called up at an appropriate time.

This amendment takes into account the very difficult conditions in which the native people of the rural areas of my State live. What we are seeking is an amendment to S. 7 to deal with the pollution problems of rural Alaska.

In this area, the Alaskan native is locked into a cycle of poverty that is more severe than anywhere else in our Nation. Their living conditions give rise to statistics which I have brought forth on the floor before, but which I should like to repeat.

For example, the life span of the Alaskan native is 34 years. The death rate from influenza and pneumonia in the Alaskan native section of our State is 10 times that of the nonnative people. The infant mortality rate is such that their death rate is 5 times that of all other Americans, on an average.

Mr. President, I could cite a great many statistics at this time. One of the statistics that startles me is that only 8 percent of the Alaskan native people have either running water or sewerage facilities in their homes. We are trying to deal with a village condition in which homes are obsolete and substandard, and we cannot afford to put either running water or sewerage facilities in them. What we want to do is to provide sanitation facilities to prevent the pollution of our rivers and streams by creating a safe water facility in each village comparable to the central water facility that is found in many of the trailer courts in States such as Florida and California.

We want to try to create a place where every native family can have a shower, have safe water, have toilet facilities, and have a small room for a health aide or a visiting doctor. This would mean that they would at least be able to participate in the advantages of the 19th century so far as the rest of the country is concerned.

So, Mr. President, I ask that the amendment be received and be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

The amendment (No. 217) was received, ordered to lie on the table and to be printed.

Mr. STEVENS. Mr. President, I ask unanimous consent to have three telegrams printed at this point in the Record. The first is from the grand president of the Alaskan Native Brotherhood, Dr. Walter A. Soboleff; the second is from the commissioner of the Alaska Department of Health and Welfare; and the third is from the director of the Alaska State Housing Authority.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

Juneau, Alaska,
September 27, 1969.

Senator Ted Stevens,
Washington, D.C.:

In the interest of continuing progress as meets critical needs nationally we urge congressional support re Alaska Safe Water Facility Act for rural native villages as an amendment to S. 7 Federal Water Pollution Control Act.

Dr. Walter A. Soboleff.

Juneau, Alaska,
September 27, 1969.

Senator Ted Stevens,
Old Senate Office Building,
Washington, D.C.:

Urge favorable consideration of Alaska Safe Water Facilities Act. Improved sanitation and in turn reduction in water borne disease in native villages of Alaska dependent upon provision of safe water sources and accompanying washing facilities as authorized in your bill. Would appreciate your keeping me advised of progress of this legislation.

J. W. Betit.

Anchorage, Alaska,
September 25, 1969.

Hon. Ted Stevens,
U.S. Senate,
Washington, D.C.:

As has activities this year administering remote housing program in ten villages reinforces our conviction Alaska State water facility act equal in importance to health of villagers with decent safe and sanitary housing. We trust you can convey to Congress the interdependence of both programs in eliminating blight on village health. We give our strongest endorsement and wish you success in this important undertaking.

Jay C. Mueller.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—AMENDMENTS

AMENDMENT NO. 218

Mr. COOPER proposed an amendment to the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States, which was ordered to be printed.

AMENDMENT NO. 219

Mr. PROUTY (on behalf of himself, Senator Bellmon and Senator Dominick) submitted an amendment, intended to be proposed by him to S. 2917, supra, which was ordered to lie on the table and to be printed.

FEDERAL WATER POLLUTION CONTROL ACT—AMENDMENT

AMENDMENT NO. 220

Mr. JAVITS submitted an amendment intended to be proposed by him to the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. Javits when he submitted the amendment appear later in the Record under the appropriate heading.)

H.R. 10595—PROVIDING FOR A GREAT PLAINS CONSERVATION PROGRAM—SUBSTITUTION OF A CONFEREE

Mr. ELLENDER. Mr. President, I ask unanimous consent that the name of the Senator from Oklahoma (Mr. Bellmon) be substituted for that of the Senator from Kentucky (Mr. Cook), as a conferee on H.R. 10595, to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore announced that on today, October 1, 1969, he signed the enrolled bill (H.R. 10420) to permit certain real property in the State of Maryland to be used for highway purposes, which had previously been signed by the Speaker of the House of Representatives.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 1, 1969, he presented to the President of the United States the enrolled bill (S. 713) to designate the Desolation Wilderness, Eldorado National Forest, in the State of California.

NOTICE OF HEARINGS ON MISCELLANEOUS TREATIES

Mr. FULBRIGHT. Mr. President, for the information of the Senate and other interested parties, I wish to announce that the Committee on Foreign Relations will take testimony in public session on October 7 on the following pending treaties:

The Convention Establishing the World Intellectual Property Organization and the Paris Convention for the Protection of Industrial Property;

The Convention on Conduct of Fishing Operations in the North Atlantic; and

The Vienna Convention on Consular Relations and Optional Protocol Relating the Compulsory Settlement of Disputes.

All of these conventions were submitted by the present administration and have been pending for about 5 months or longer.

MANSFIELD'S REPORT REVEALS PERFORMANCE GAP IN ASIAN POLICY

Mr. CHURCH. Mr. President, I wish to compliment the majority leader, the distinguished Senator from Montana (Mr. Mansfield), on his fine report entitled "Perspective on Asia: The New U.S. Doctrine and Southeast Asia."

As the report makes clear, Senator Mansfield's concern stems not from the inadequacies of the President's newly stated policies but from failures in their execution. The President has promised a reduction of U.S. pressure in Asia, yet Senator Mansfield could find no visible sign of followthrough on the new doctrine. The weightiness of U.S. presence continues:

> The concepts, practices, and programs by which U.S. missions in Asia have operated for many years remain the same.

The report demonstrates that the Committee on Foreign Relations must maintain close surveillance over the execution of Asian policy, to determine whether the rhetoric of change will be given operational meaning. As Senator Mansfield has reminded us anew, it is not what a President says, but what he does, that matters.

TREATMENT OF AMERICAN PRISONERS OF WAR

Mr. GRIFFIN. Mr. President, Americans are not the only ones outraged by North Vietnam's treatment of American prisoners.

Editorials in major papers around the world also have expressed indignation. It is becoming more and more obvious to civilized nations that it is the Communists who have blockaded the road to peace; it is Hanoi that has led the treatment of prisoners and civilian population back to the dark ages of starvation and torture.

I should like to focus attention upon four foreign newspaper editorials which give hope that world opinion is swinging—as well it should—to the side of the United States.

The editorial comment quoted below was developed following the September 2 press conference of the returned POW's.

From Le Figaro, of Paris:

> This state of affairs is completely abnormal . . . It is inconceivable that a government which claims to fight for justice and liberty would violate rules that are designed to insure that a certain degree of humanity is respected for POW's.

From liberal Het Laatste Nieuws, of Brussels:

> The North Vietnamese regime is cynically ignoring all purely humane provisions of the Geneva Convention . . . North Vietnam has always been deliberately blind and deaf to this unequivocal language. To the evil which armed violence represents, it is thus adding an equally great evil, that of deliberate arbitrariness. Such an attitude deserves to be condemned by everybody.

From the London Sunday Express:

> In Britain we have had protest meetings about the suffering of the people of North Vietnam. Left-wing MPs have demonstrated

their solidarity with the Communist government. No one doubts the protesters' sincerity or depth of feeling. But why do they not extend their sympathy to other innocent people: the families of the missing servicemen who must live a nightmare of uncertainty? Why do not the left-wingers use their influence to insist that their friends in Hanoi display simple humanity and issue a list of prisoners?

From Aftenposten, of Oslo:

Regardless of how one sees the unhappy war in Vietnam, the majority—we believe—of the Norwegian population is so humanely inclined that they denounce both the mistreatment of prisoners and the spiritual torture which is suffered by the innocent—the prisoners' relatives—by holding them in long uncertainty about the fate of their nearest ones.

THE SENDING OF U.S. AIRCRAFT TO SPAIN

Mr. FULBRIGHT. Mr. President, the Committee on Foreign Relations has given considerable study this year to the issues involved in our military bases in Spain. As a result of the committee's efforts, the agreement reached with Spain for extension of our base rights was far more reasonable than that originally sought by negotiators for both Governments. But I still have serious reservations about the wisdom of any agreement to provide military aid to the Franco government, and the Foreign Relations Committee has not yet passed on the administration's request for $50 million in military aid as payment to Spain. It is my understanding that efforts will be made to reach agreement with Spain on educational and cultural exchanges and other nonmilitary matters to chart a relationship with her which would be more in keeping with our basic values than the present military-oriented arrangement. I hope that the administration attaches great importance to this project.

In view of the concern expressed by members of the committee over the U.S. military presence in Spain, I was surprised to see an article published in the Baltimore Sun of August 12 which reported that the Department of Defense planned to station 72 new F–4 Phantom fighters at the Torrejon Airbase, near Madrid, to replace 54 F–100 aircraft. It seemed strange that a newer, faster, and more effective fighter was being sent in greater numbers than the obsolete plane it was to replace. So I wrote to Secretary Laird and asked a number of questions about the matter. The reply received from Mr. G. Warren Nutter, Assistant Secretary of Defense for International Security Affairs, reveals a great deal about the lack of effective direction and control by the Department of State over military decisions having significant bearing on delicate foreign policy issues. I ask unanimous consent that the article and the exchange of correspondence be printed in the RECORD following my remarks.

According to the letter, it was decided "late last year," apparently while the base negotiations were underway, to replace the F–100's with F–4's and at the same time increase the number of aircraft from 18 to 24 for each of the three squadrons involved. The fact that there was to be an increase of 18 in the total number of aircraft stationed at Torrejon, with all the additional supporting personnel that this entailed was not brought to the attention of the Department of State—or the International Security Affairs section of the Defense Department—until at least 8 months later, 2 months after the base agreement had been signed, and over a month after the U.S. mission in Madrid passed the word, apparently, to the Spanish military. Mr. Nutter wrote:

> When ISA did learn of the proposed increase in early August 1969, we of course promptly informed the Department of State.

If I read between the lines correctly, Mr. Nutter read about it in the newspaper, as I did. Perhaps it will be of some comfort to State Department officials to learn that they were not the only ones in the dark about the Air Force plans, the Defense Department's foreign policy branch was not let in on the secret either.

Seemingly, there were similar problems within the Spanish Government. The letter relates that the U.S. military mission in Madrid told Spanish military officials on June 30 of the "Air Force plans." But either they were not told of the increase in planes and personnel, or the Spanish military men did not pass the information on to higher authority. "In August," the letter states, "the Spanish Government voiced its concern over both the proposed increase in aircraft and the increase in personnel." As a result, the administration has decided to send only 54 F–4's to Torrejon—a 1-for-1 replacement. But, the Defense Department says, this will still result in a "significant upgrading of our capability in the area." And it will mean the stationing of 242 more U.S. servicemen in Spain and a $500,000 blow to our balance-of-payments position.

Mr. President, this is a small matter as foreign policy problems go. But the fumbling and bumbling within the Defense Department, between State and Defense, and between the United States and the Spanish Government depicted here, in the light of the controversy over the Spanish bases issue, illustrates a serious defect in our foreign policy machinery. Foreign policy has, in all too many instances, become the captive creature of decisions made by planners in the Defense Department. Until recent years I believed that the State Department was the agency responsible for the conduct of our foreign affairs. But responsibility must correspond to power and authority. After repeated incidents, large and small, of the military directing our foreign policy—an inevitable product of having bases and military missions scattered around the globe—I am no longer sure that the State Department should be held fully accountable.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Aug. 12, 1969]

U.S. MAY STATION F–4'S IN SPAIN—ADDED USE OF BASE PLANNED DESPITE RECENT PACT

WASHINGTON, August 11.—The Nixon administration plans to upgrade United States military capability in Spain by dispatching 72 new F–4 Phantom fighters to the Air Force base at Torrejon early next year, it was learned today.

Under the plan, likely to bring new criticism from some congressional leaders who want the United States out of Spain entirely, the Phantoms will be substituted for 54 F–100 aircraft.

The F–4's are the major fighters used in Vietnam. The F–100 dates back to 1954.

Pentagon officials say the Spanish government was informed of the proposed move over the weekend. Involved is the 16th Air Force's 401st Tactical Fighter Wing at Torrejon, near Madrid.

Only six weeks ago the U.S. and Spain announced a joint agreement limiting American use of the bases to September 26, 1970, with an additional 12 months provided for withdrawal of units.

The Spanish have issued public statements proclaiming their desire and intent to have full control over the bases after that.

Senator J. W. Fulbright (D., Ark.), chairman of the Foreign Relations Committee, has questioned whether the U.S. needs any bases in Spain. He accepted the recent limited extension of the U.S.-Spanish agreement only as a step toward an eventual U.S. pullout.

FOR RECEIVING POINT

Defense officials make it quite clear in interviews that the administration has future plans for the Spanish bases and hopes to negotiate another extension next year.

The Pentagon proposes, for example, to use Torrejon as a receiving point for the jumbo C–5A transport planes once they begin making military airlift command flights out of the United States.

Defense officials say the Spanish bases are of great military importance to the United States but acknowledge that "we've never said they are absolutely vital to our survival.

"A simple glance at the southern flank of NATO and you can see that the United States must have the capability of reinforcing there in any war," said an officials, pointing to a map of the Mediterranean.

Furthermore, with France leaving the North Atlantic Treaty Organization and forcing the United States to give up its bases there, more American air traffic is being routed through Spain.

AUGUST 28, 1969.

Hon. MELVIN R. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: The enclosed news item reports that the Department of Defense plans to replace 54 F–100 aircraft at the Torrejon Air Base in Spain with 72 F–4 aircraft.

As you know, this Committe has been quite interested in matters relating to U.S. bases in Spain. In view of this, I would appreciate your providing the Committee with the following information:

1. What is the mission of the F–100 squadrons that are currently stationed at Torrejon? How many F–100 pilots are assigned to Torrejon? What is the average length of time?

2. What will be the mission of the F–4 squadrons to be stationed at Torrejon? How many F–4 pilots will be assigned to Torrejon?

3. Does the mission of the tactical fighter aircraft at Torrejon require that the number of F–4s (72) be increased from the number of F–100s (54) that are presently assigned?

4. How was the Spanish Government informed of the change in aircraft? What explanation was given for the increase in the number of aircraft?

5. What was the reaction of the Spanish Government to the change in aircraft and the increase in number to be stationed at Torrejon? What was the reaction of the Spanish press in Madrid to announcement of the change and increase in aircraft?

6. What will happen to the F–100 aircraft that are now stationed at Torrejon after the changeover to F–4s?

7. Was the Department of State consulted and its approval obtained prior to the decision to send the additional aircraft?

8. Do you think that the Spanish Government will attach, or that it should attach, any political significance to the move?

9. Will this result in the stationing of additional U.S. military personnel in Spain? If so, how many and what is the estimated impact of this on our balance of payments?

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., September 20, 1969.
Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Secretary Laird has asked that I reply to your August 28 letter concerning plans to replace aircraft stationed in Spain.

The 401st Tactical Fighter Wing is home-based at Torrejon and is presently equipped with 54 F–100 aircraft. The wing's mission is to provide aircraft in support of operational missions at forward bases in the Mediterranean area essential to the defensive strength which deters attack on Western Europe. Elements of the 401st deploy from Torrejon to these forward bases at regular intervals. The conversion from F–100 aircraft to F–4 aircraft will in no way affect the nature of the mission.

I wish to point out that USAF tactical fighter wings normally have 72 aircraft. Since the mid-1950's, CONUS-based winds have been organized into four squadrons of 18 aircraft each, while overseas-based units have three squadrons of 24 aircraft each. (Most squadrons in the Far East today are equipped with 18 aircraft each—either because they were deployed with that equipment from CONUS, or because of aircraft attrition in that area). When the 401st was sent to Spain in 1966, its three squadrons, coming from CONUS, were organized on CONUS equipment levels, i.e., 18 aircraft per squadron. Due to the shortage of F–100's generated by attrition in Southeast Asia, the six aircraft deficiency in each of the three squadrons was never made up.

When it was decided late last year to convert the wing to F–4's, the decision was concurrently made to increase the number of aircraft in each squadron from 18 to 24 in order to bring the 401st into line with all other tactical fighter wings based in Europe.

Both the Department of State and the Department of Defense had been aware of Air Force plans to modernize the 401st TFW to perform its current mission. The technical details of such conversions were not normally and were not in this case submitted to my office or to the Department of State for approval. Since the number of aircraft involved did not exceed normal equipment levels for a tactical fighter wing, the fact that the conversion included an increase in numbers to bring the 401st to authorized strength was not brought to the attention of ISA or State. When ISA did learn of the proposed increase in early August 1969, we of course promptly informed the Department of State.

On June 30, 1969 the JUSMG–MAAG in Madrid advised the Spanish High General Staff—the usual contact point for such matters—of the Air Force plans. The Spanish were informed that the modernization would permit the 401st to carry out its mission fully.

Most Madrid newspapers gave prominent coverage on August 11 to the proposed conversion, based on an Associated Press story. For the most part these accounts were factual and straightforward. The official Spanish wire service did comment: "Generally well informed circles in Madrid emphasize contradiction between the announcement and the current phase of negotiations on bases between both countries." The report continued to say, however, that the shipment of F–4E's did not imply any change in the terms of the existing U.S.-Spanish agreements. Madrid papers also carried a report from Washington explaining that the new planes were only a normal replacement of old aircraft and not part of any diplomatic decision about the bases.

In August, however, the Spanish Government voiced its concern over both the proposed increase in aircraft and the increase in personnel. Due to these concerns, the Departments of State and Defense recently have agreed that the 401st conversion shall be limited to one-for-one, i.e., only 54 F–4 aircraft will be sent to Torrejon. The Spanish Government has been informed of this decision. The Spanish Government has been assured that the replacement represents only a modernization of equipment and bears no political significance as far as the status of the bases or U.S.-Spanish relations in general are concerned at present or in the future.

The 401st TFW is not presently equipped to carry out its mission fully, because of the shortage of 18 aircraft. The replacement of the 54 F–100's by 54 F–4's will not remedy this deficiency; nevertheless, the increased performance of the F–4 compared to the F–100 will contribute to a significant upgrading of our capability in the area.

The 401st has approximately 70 F–100 pilots. Their average tour of duty at Torrejon is three years. Conversion to F–4's will result in a net personnel increase at Torrejon of 242 men; estimated balance of payments impact is about $500,000 annually. The personnel increase is due in part to the fact that the F–4 is a two-seat aircraft, and the number of flying personnel assigned when the F–4's are phased in will be 144; in addition, since the F–4 is a more complex aircraft, there will be an increase in the number of maintenance personnel. The F–100 aircraft released from the 401st conversion are scheduled for redistribution to support the authorized unit equipment levels of other active Air Force and Air National Guard F–100 units.

I hope that this information will be useful to you.

Sincerely,

C. WARREN NUTTER.

OBSCENITY IN THE MAILS

Mr. GOLDWATER. Mr. President, it was my pleasure today to appear before the House Subcommittee on Postal Operations to discuss the subject of obscenity in the mails. The subcommittee has been extremely diligent in combating this problem, and I am convinced that any bill which they adopt will be responsibly and intelligently written.

Mr. President, I only wish that my colleagues on this side of the Hill would gear up the Senate's legislative machinery so that both Houses would be acting together on this. The American people are deeply shocked and offended by the unsought and unwelcome smut mail which is invading their homes, and they are demanding action now on this subject.

Mr. President, in my testimony before the House subcommittee I attempted to identify the source of this national menace and to suggest new approaches by which we can put a stop to it. With the thought that my remarks might encourage the Senate to take some action on this problem, I ask unanimous consent that my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HALTING THE MENACE OF OBSCENITY IN THE MAILS

Mr. Chairman and Members of the Subcommittee, it is a pleasure for me to visit with you today to discuss the ways in which we can combat the ever-increasing menace of obscenity in the mails. I only wish that my colleagues on the other side of the Hill would rev up their legislative machinery so that both Houses would be acting together on this.

Mr. Chairman, I want to open my remarks by saying that the members of this subcommittee have my utmost respect for the excellent record which they have made in this field. This group has the distinction of holding more sessions this year on the subject of smut mail than all the other committees of Congress put together. Also, I know that this subcommittee handled five or six earlier measures designed to clean up the mails.

Mr. Chairman, it will be my purpose today to explore with you the ways in which Congress can build upon this record.

The present situation is completely baffling to most Americans. On the one hand there is a whole Government arsenal of anti-obscenity laws, including an entire chapter of the United States Criminal Code and several provisions of title 39, which are aimed at excluding indecent matter from the mails.

On the other hand there is a staggering number of complaints being made by individual citizens who protest that their homes are being inundated by a flood of unsolicited smut mail. The number of these complaints made to the Post Office Department alone has soared to well over one-half million in the past three years.

The actual number of Americans who are deeply irritated and offended by perversion in the mails can only be estimated. There is no question that it is enormous. A Gallup poll released just three months ago reveals that 85 out of every 100 adults interviewed said they favor stricter laws dealing with obscene literature sent through the mails. Translated into population figures, this means that one hundred million persons are dissatisfied with the existing postal obscenity laws.

Why is this so? What is the real difficulty with our present laws?

These are questions which I have been examining very closely in recent months. I have sought to get to the bottom of the reasons why this terrible menace continues to threaten the sanctity of American homes. Also, I have attempted to learn what solutions, if any, exist to control it.

Mr. Chairman, as a result of this study, I have formed the following conclusions, which I would like to share with you on the chance that there may be a new idea or two among them to aid in the fight for decency in the mails.

First, the major source of outrage among our citizens is the unsolicited mass mailing of advertisements by some fifteen to twenty large firms. These operators generally send out computerized first-class mailings, taken from regular mailing lists, to pander their filth. They are well-heeled businesses making as much as $10 million a year in a market that runs into billions of dollars.

Second, the next great source of public concern is the fear that sexually perverted material will endanger the ethical, mental, and moral health of children. Many of the current mailings are specifically aimed at teenage children. The remainder is sent indiscriminately with a reckless disregard to the fact that a substantial portion of this trash may reach the hands of young children.

XUM

Third, there are three primary reasons why this misuse of the mails has not halted—

The stringent and confusing definition of obscenity which different members of the Supreme Court have announced in recent years is one.

The fact that the newly enacted pandering law of the 90th Congress does not apply to unsolicited first mailings is another.

The fact that there is no national law aimed squarely at the protection of minors is the third one.

Mr. Chairman, it is clear that Congress can close up these loopholes. There is no longer any question that society may regulate the dissemination to youngsters of material which is objectionable as to them, but which could not be regulated as to adults. The landmark decision of 1968 in the second *Ginsberg* case persuades me that Congress has the Constitutional power to enact a strong new law to restrict the distribution of pictures and printed matter that are obscene to minors.

In this case, the Court upheld a New York State law specifically designed to protect children from obscene matter. This ruling settled the authority of governments to adopt one set of obscenity standards for adults and a separate set for children. That this approach offers unusual chances for effective enforcement is shown in the fact that the conviction upheld in *Ginsberg* involved the sale to a 16 year old of four "girlie" magazines.

If the Court is now willing to find that newsstand magazines are harmful to minors, I am certain it will find that the utter garbage which is infesting the mails is likewise obscene when sent to minors.

Thirty-nine of the State legislatures have adopted some type of special prohibition against the exposure of minors to obscene materials and it is high time that Congress does the same.

The second concept which I believe holds out a strong basis for cleaning up the mails lies in the power of society to protect the Constitutional guaranty of freedom of privacy.

To me privacy deserves one of the highest spots on the list of individual freedoms. It embodies the essence of the sanctity of a man's home and the right to enjoy the privacies of his life.

The basic concepts underlying the right of privacy date back to the laws of ancient Greece and Rome. It has been defined as a distinct and separate right in American law for the past 80 years and is regularly winning expanded interpretations.

The reason for this is easy to see. As great improvements in the means of communications bring all of us closer and closer together, it becomes increasingly simple for the intimacies of life to be intruded upon by those who pander to commercialism. To cast the individual citizen upon his own resources in the setting of modern times would be to leave him without adequate means to protect his privacy.

Thus it is that the Courts now recognize the authority of the State to protect a man's feelings as well as his limbs. The exercise of this power is particularly strong when the threat to privacy involves an invasion of a man's home.

There is a Supreme Court decision close at hand. In *Breard* v. *Alexandria,* 341 U.S. 622 (1951), the Court considered the validity of a municipal ordinance forbidding persons from going upon private residences to solicit orders for the sale of magazines, without prior invitation. The Court upheld the Constitutionality of the ordinance as a proper means to protect householders against "uninvited intrusions into the privacy of their homes."

Perhaps the foremost principle stated by the Court is that in cases where the Constitutional guarantees of free speech and free press collide with the fundamental personal right of privacy, there has to be an adjustment of these rights. In the words of the Court, the privilege to engage in interstate commerce or free speech cannot be permitted to crush "the living rights of others to privacy and repose."

As you know, the most recent enunciation of the rule was made by a three-judge Federal court convened in California to consider the pandering advertisement law. In upholding the power of Congress to restrict unwelcome mailings, the Court said:

> To require a commercial enterprise to strike a name from a mailing list seems little burden to impose to guarantee that dimension of privacy to an individual, otherwise helpless in his home, to "turn off" pandering advertisements which may be erotically arousing or sexually provocative to him and his family.

In my opinion, these decisions lay a solid foundation for the enactment of strong new controls to enforce the right of an individual to choose what it is he desires to see and read within his own home.

Therefore I propose that we act on these cases without further delay by doing one of two things. We should frame a stringent new law that bans completely any mailings by commercial dealers of unsolicited advertisements for smut material. Or we should prohibit all mailings of such matter to persons who declare that they do not wish to receive this type of mail.

Mr. Chairman, I believe the adoption of the controls I have proposed would slam the door on the kind of sexually oriented mail which is inciting the nation's anger. I might add, at this point, that I do not know of any single piece of legislation that could better carry out my objective than the bill introduced by Mr. Dulski and the Gentleman from Pennsylvania, together with Mr. Corbett and Mr. Cunningham of this subcommittee.

For my part, I was pleased to be the coauthor of the first Senate bill that is aimed solely at protecting children against obscene matter. My bill is similar in many ways to the provisions of H.R. 10867 which pertain to minors.

One of the similarities of our bills is the fact that they each define obscene matter in a descriptive way. Each bill thereby follows the standards applied by the New York State statute that has been upheld by the Supreme Court.

Mr. Chairman, I urge that you do not change this approach. The need for a carefully drawn definition is crucial to the validity of obscenity convictions.

This point is emphasized in a decision handed down by the Supreme Court just after its approval of the New York law. In *Interstate Circuit* v. *Dallas,* 390 U.S. 678 (1968), the Court ruled that an ordinance of the city of Dallas was unconstitutional because the standards used to define obscenity were not definite and narrowly drawn. The Court said that this was so even though the ordinance had been adopted to protect children.

The Court specifically noted that the Dallas statute, unlike the New York one, was not drawn "in accordance with tests this Court has set forth for judging obscenity." In view of this signal by the Court, it is important that the "New York" type of definition is the one we should use.

Mr. Chairman, my studies in this field have turned up some data which increases my belief that Congress may enact much stricter controls over the dissemination of obscene materials to children. I will start with the fact that there is a child under 18 living in six out of every ten American homes.

Next, we can note that there are 35 million children in the age group under 18. This is clearly a sufficient number to deserve protection at the national level.

Finally, the official Labor Department statistics disclose that at least one-third of American wives in families with children under 18 are employed outside the home. The highest working force rate among women of all ages is that of married women with children ages 6 to 17. These ladies represented 45% of the entire women's work force and totalled over six million persons.

From this, Congress might properly infer that several millions of children who have arrived at a crucial, inquisitive stage of life will have an unsupervised opportunity to open the mail before their working parents return home.

Based on the above facts, it can be concluded that the access of children to direct advertising mail is so great that additional requirements should be imposed to decrease the chances they will be exposed to matter which is harmful to them

Mr. Chairman, I do not want to leave the subject of a child-oriented statute without stating my belief that exposure to pornographic material is definitely harmful to minors.

Common sense will tell anyone as much. For the skeptics, however, the record contains many persuasive statements by responsible experts.

For example, in 1963 the New York Academy of Medicine published a report on the medical aspects of indecent publications sold at newsstands and circulated by mail. The Academy stated its belief:

> (T)hat although some adolescents may not be affected by the reading of salacious literature, others may be more vulnerable. Such reading encourages a morbid preoccupation with sex and interferes with the development of a healthy attitude and respect for the opposite sex. It is said to contribute to perversion.

In addition, competent medical witnesses have appeared before committees of the Congress to decry the harmful influence of obscene material on juvenile behavior. One of the worst possible relationships was discussed by Doctor Benjamin Karpman, then Chief Psychotherapist at St. Elizabeths Hospital, who said:

> You can take a perfectly healthy boy or girl and by exposing them to abnormalities you can virtually crystallize and settle their habits for the rest of their lives. If they are not exposed to that, they may develop to perfectly healthy, normal citizens. It is here that objection comes upon pornographic literature.

There are many distinguished professionals in the medical field who would be ready to add to this record, and I am hopeful that the subcommittee will invite a fair number of psychiatrists, law enforcement officers, and other experts who have had contacts with consumers of obscenity to appear before you during these hearings.

Turning to the specific provisions of H.R. 10867, I would like to make a few observations that might fit into the legislative record you are shaping.

The first question I want to raise is whether the new section 4011, which creates a category of nonmailable matter as to minors, is intended to impose a strict liability upon the sender to know the recipient is a child.

It seems to me that it does, and I think this is an excellent way to attack the problem. But, in order to guarantee the law will pass the scrutiny of a permissive Supreme Court, I wonder if this feature should be limited to commercial dealers who do not take reasonable precautions to keep their trash out of the hands of minors.

It is true that under certain child protection laws, knowledge that the child is a child is not an essential element of the particular crime. The laws against furnishing liquor to children come to mind.

Lacking a clear precedent in the free speech area, however, I am not at all sure that we can brush aside the element of "knowledge" so easily.

What we could do is to put the smut merchant at his own risk on the question of age whenever he fails to have a professional assurance that the addressee is an adult. Under my proposal the dealer in smut would be required to show that he has taken all reasonable precautions to learn the age of the addressee.

By making this one change in the section, I believe we would safely handle the Constitutional thorns. Further, we might write into the section the defense which would be permitted. For example, the dealer might be allowed to rely upon a professionally designed mailing list that promises a high degree of certainty that it contains the names of adults only.

Such lists can be obtained. I am told that a good list compiler can select such detailed groups of people as new parents, parents of babies born only in private hospitals, or even parents who are new at being new parents. With such ingenuity, I am certain the list compilers and list brokers will be able to rise to the challenge given them to preselect families without children under a specific age. Of course the lists must be checked at regular intervals to be accurate and the statute should require that this be done.

Whatever degree of liability should be imposed on smut peddlers, I would suggest that the statute be made applicable only in a commercial setting. For example, the language should not catch the case of relatives or friends who use the mails without any purpose of material gain.

The source of the national uproar about obscene mail is a few major dealers and it would seem best to me to keep the bill on target by hitting straight at them.

The final change which I suggest is to expand the scope of the bill's criminal provisions. The only person who is covered by the offense seems to be the one who deposits matter in the mail. I fear that this might enable the maker of obscene films or the publisher of indecent literature to evade the penalties of the law by using an independent distributor to handle the mailing of his product. This could be avoided by applying the criminal sanctions to persons who manufacture or publish pornography knowing or intending that it will be sent in the mails in violation of section 4011.

Mr. Chairman, in looking at the ways in which the bill is designed to protect the right of privacy, I am satisfied that you have framed a valuable new approach. Sections 4012 and 4013 are expressly limited to advertisements only, and thereby, are wisely focused on the commercial aspects of the problem.

Also, the scheme used in section 4012 is effective. This provision requires that the disseminator of smut must refrain from mailing his product to anyone on a list of persons who have expressed their unwillingness to receive such matter. I realize this will force the distributor to use computers to scan the hundreds of thousands of names on such lists, but many, if not all, of the present merchants in this illicit industry are already using such equipment. In my opinion, it is high time Congress decided to shift the burden of keeping this unsought material out of homes where it is not wanted to the purveyors of filth, even if it ups the cost of their product.

In summary, Mr. Chairman, I can only recommend that the subcommittee continue its efforts until this public menace is stamped out once and for all.

DEFECTIVE 1970 CARS SHOW LAXITY OF HIGHWAY SAFETY BUREAU

Mr. RIBICOFF. Mr. President, this morning's Wall Street Journal contains a significant story by Charles B. Camp on the defects in the 1970 model automobiles. The existence of these defects is well known. They are all too familiar to every car owner.

Their importance is in what they tell us about the Nation's highway safety program. More than 3 years after the passage of the most far-reaching auto safety laws in our history, American motorists are still victimized by safety defects and shoddy workmanship.

The Highway Safety Bureau has been stagnated for more than 7 months without a Director. During this time the Bureau has drifted aimlessly. It has provided no leadership in traffic safety.

There are no significant new safety features on the 1970 models and none appear in prospect for the 1971's. Plainly, we are making no progress in designing and producing safer cars.

Much of the responsibility for this situation rests on Francis Turner, the Federal Highway Administrator. Under his stewardship the safety program has languished.

I have proposed that the Highway Safety Bureau be taken from under his jurisdiction and established as a separate entity within the Department of Transportation. The article in the Wall Street Journal demonstrates the need for this action.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AGGRAVATING AUTOS: REPORTER FINDS MANY FLAWS IN TESTS OF 1970 CARS DURING MONTH OF TESTS—A PAIR OF BUICKS BOIL OVER, PARTS FALL OFF A HORNET—SOME FLAWS ARE IN DESIGN—IN SEARCH OF A BIG BACK SEAT

(By Charles B. Camp)

DETROIT—If you're in the market for a new car with enough back-seat leg room for adults, don't buy a Buick Skylark. There's so little space between the front and back seats that average-sized people are miserable. Better try a Ford Torino fastback.

On the other hand, if you're interested in safety the Torino fastback probably isn't for you either. The fastback roofine is so low in the back that it severely restricts visibility to the rear. Better try a Chrysler.

But if you're easily flustered, maybe you shouldn't get a Chrysler either. On the dashboard of a well-equipped fullsized Chrysler you will find 22 knobs and buttons—an awful lot of gadgets to keep track of while you're trying to concentrate on driving.

If you're a discerning buyer, in fact, you may have a hard time finding any car that's completely satisfactory among the dozens of models that U.S. auto makers have whipped up for the 1970 model year. Even if you do find your dream buggy, moreover, it may well be delivered with assembly defects that will be annoying at best and perhaps downright dangerous.

BEST FOOT FORWARD

These, at least, are the conclusions reached by a reporter who has spent much of the past month trying out the 1970 models. Each year at this time the four major U.S. auto makers invite automotive reporters to climb in, out, over and under their new cars and drive them hither and yon. The idea, of course, is for Detroit to put its best foot forward in hopes that the writers' glowing reports will send buyers flocking into the showrooms.

This year buyers might logically expect cars to be better than ever. Federal regulations now require a number of safety features that were practically unheard-of only a couple of years ago. Auto companies, trying to avoid embarrassing recall campaigns to correct defects, have announced elaborate programs to catch assembly errors before cars leave the factory. Prices are higher (up an average of 3.5% from 1969 models), and auto makers have saved a lot of money on the 1970s by forgoing radical styling changes that normally cost them millions of dollars in retooling. Presumably, the latter move would leave more money available for quality control and mechanical improvements.

But for a reporter who has spent weeks struggling with gadgets that don't work, puzzling over look-alike control knobs, squeezing into cramped seats and listening to a bewildering array of squeaks and clunks in some very expensive autos, it's hard to see much improvement.

To be sure, the cars offered to newsmen are early-production models that tend to have more bugs than those turned out after workers get more experience making the new cars. But in their effort to make a good impression, auto makers take special pains to correct the bugs in preparing the cars for reporters. Thus, presumably, the newsmen test-drive cars that get far closer attention than those delivered to an ordinary buyer.

SPEWING ANTIFREEZE

Yet the most lasting impression is that even the carefully selected display models are put together poorly.

Two Buicks boiled over like a pair of Model Ts while being driven by newsmen. It seems one threw a fan belt from its engine pulleys, causing the radiator to overheat. The other had an improperly attached radiator cap. Both spewed large quantities of antifreeze onto the ground.

The combination air-conditioner and windshield defogger on a $5,600 Ford Thunderbird quit minutes after being turned on during a rainstorm. Since designers have eliminated the little vent windows that used to provide air for defogging, the only way to keep the windshield clear was to open the main side windows. That let rain pour in on the driver and a passenger.

In a big four-door Chrysler New Yorker, the front seat belts were improperly installed in their containers on the floorboard and couldn't be pulled out for use. A stout tug on the passenger-side belt finally freed it, but the belt on the driver's side resisted all efforts to yank it loose.

ONE BUMP AFTER ANOTHER

An American Motors Corp. Hornet compact shed a piece of a plastic air-conditioner outlet when the car hit a bump. On another bump, the glove-compartment door popped open. On a third, a plastic container of windshield washer fluid dropped from under the hood and hit the road with a splat. When the driver pulled up the door lock button to leave the car and retrieve the container, a small plastic molding around the button came loose.

On one big Oldsmobile 98 Holiday coupe, the chrome trim on the seat wasn't screwed on properly. Also, a chrome knob was missing altogether from the latch that secures the folding back on the front seat—leaving a bare steel shank sticking out and threatening to snag clothing and scrape the legs of back-seat passengers.

On three of four Mercury Montego models inspected, the stick-on simulated wood dashboard trim was peeling back at the edges, and on one Buick Skylark smears of gooey black windshield sealer were spread along the dashboard near the edge of the glass.

In theory at least, these problems could have been corrected on the assembly line. But other problems with the 1970s would be much harder to solve because they are designed into the cars.

XUM

On one line of new Thunderbirds, for instance, it's almost impossible for the driver to reach the outside half of his seatbelt, which is stored in a container on the floor near the door. The reason: A new "control console," housing controls for a battery of options such as power windows and power seats, is mounted on the inside of the driver's door. It comes so close to the side of the seat that the hand of an average adult won't fit down to reach the seat belt.

Some big Buicks have an air-conditioner outlet attached to the bottom of the dashboard near the steering column. If a driver tries to use his left foot on the brake (as many drivers do with automatic transmissions), he can hit the air-conditioner outlet instead. Indeed, on one test model the outlet had been broken away from its mounting screws—presumably by an errant foot seeking the brake.

Visability problems are common. The popular fastback roofline on many cars seriously hampers a driver's rearward visibility by enclosing a large area between the rear side windows and the back window. On Chevrolet's new Monte Carlo luxury car, for example, such blind spots extend more than two and a half feet on each side of the car at their widest points. Ford has made its Torino fastback even racier looking by dropping the roof an inch or so while raising the height of the truck lid—the net result being a sharp reduction in rearward visibility.

The placement of control knobs and gauges is often irksome. Several GM and Ford Motor Co. cars have such wide-spoked steering wheels that when the car is pointing straight ahead the spokes obscure the driver's vision of such controls as light switches and parking brake releases. If a driver uses a shoulder belt, he's unable in many cars to reach a number of dashboard controls.

NO MORE HORN BUTTON

To honk the horn on a 1970 model requires a new set of reactions. The familiar horn button and horn ring have disappeared on most models. To blow the horn on some new GM cars you push little tabs on the steering wheel spokes. On some Chryslers, you squeeze a band on the inside of the wheel rim—an arrangement that can cause some unexpected hornhonking if you grip the wheel hard while making a turn. On some Ford models, you squeeze the top of the cross spoke.

But don't expect consistency even among lines made by the same company. On some GM and Ford cars, you must squeeze the rim just like on many Chryslers, and on one GM model you just push the padded center section of the wheel almost anywhere and the horn blows. (American Motors' Hornet has a still different horn problem. Whenever someone flips the back of the driver's seat forward to get into the back seat, the headrest hits the steering wheel and blows the horn.)

Over the years, Detroit's strongest selling point for many customers has been the comfort, convenience and luxurious silence its cars offer by comparison with many foreign models. But luxury-loving buyers may find some surprises on the 1970s.

There are, for example, some mysterious noises. On a big Mercury Monterey, persistent squeaks emanated from the front end. (A Ford Motor Co. man apologized for the noise; he said he had missed that problem because he had spent an entire afternoon trying to fix another squeak in the rear of another Mercury.)

NO EASY WAY

Detroit's biggest sacrifice of comfort to styling is probably in the back seats of its cars. There seems to be no easy way to get into the back seat of a 1970-model car, particularly a two-door model. What's worse, there are few back seats worth getting into anyway.

If a person of average size or larger tries to get into a back seat by boldly stepping in face first he may find that he can't turn around to sit down. On the other hand, backing in can be hazardous—as in the new Chevrolet Monte Carlo, which has a sharp angle on the door jamb to prod the posterior of a passenger who tries it.

Once inside, you find the center sections of the Hornet and the Ford Fairlane, among others, are definitely to be avoided; they are rock-hard. Feet suddenly become troublesome appendages in the backs of some cars. There's little or no room for them.

Consumers Union, the product-testing organization, says it considers 26 inches of space between the front and rear seat backs as a bare minimum for reasonable comfort. Yet a number of 1970 cars fall short of the mark. One Buick Skylark two-door model offers only about 24 inches—despite a claim by Buick officials that such intermediate-sized cars are the family cars of the future.

Even when a car looks bigger on the outside, there's no guarantee it will be bigger on the inside. Ford's Torino is five inches longer than the 1969 version, but all the added space is on the front end, not in the passenger compartment. The new Chevrolet Monte Carlo is nine inches longer than a basic Chevelle, but the inside seating room is identical, including only about 25 inches of rear leg room.

AN APPEAL FOR HUMANITY IN TREATMENT OF AMERICAN POW'S

Mr. CHURCH. Mr. President, the treatment of American prisoners of war by Hanoi and the National Liberation Front is indefensible. Both have failed to observe the minimal provisions of international law for the welfare of prisoners of war.

North Vietnam and NLF claim that they are not bound by the Geneva conventions of 1949. Despite its status as a signatory of the conventions, Hanoi asserts the right to treat captive Americans as criminals. The NLF provisional government hides behind the fact that it was not in existence at the time of the signing of the Geneva accords.

No legalisms can absolve any government of its obligation to accord humane treatment to prisoners of war. The United States estimates that 1,390 Americans are being held by Hanoi and the NLF. About 1,340 of the prisoners are soldiers or airmen who were captured in the line of duty. An estimated 50 prisoners are civilians—construction workers, foreign aid administrators, missionaries, and diplomats—who had not engaged in any form of combat. Many of the civilians were taken prisoner while they were giving medical aid, food, and technical assistance to Vietnamese citizens.

The Hanoi government and the NLF have refused to reveal the names of the prisoners, or to correct lists of presumed captives provided by the International Red Cross. They have not permitted inspection of prison camps by international welfare agencies. They have interrupted the exchange of mail between prisoners and their families. They have given no credible assurance that the prisoners receive adequate food, shelter, or medical care. To the contrary, they have paraded sick and wounded American prisoners as objects of symbolic vengeance.

The cruelty of this policy is felt most deeply by the prisoners' wives and families. For many, the pain of separation is worsened by terrible uncertainty about whether their loved ones are alive. Recently, 350 dependents—the anxious wives and children of the American POW's—came to Washington to make the world aware of the prisoners' plight and to seek help in their effort to obtain news about their husbands and fathers. Hanoi's refusal to provide this information is inexcusable.

The obstinacy of the Government of North Vietnam and the NLF increases bitterness and suspicion, and raises still another barrier to a successful settlement of the war. Without producing any military or diplomatic advantage, it multiplies grievances, spreads distrust, and has much the same effect on progress toward peace as escalation on the battlefield.

It is time for Hanoi to recognize that its treatment of prisoners of war is morally repulsive to people of all shades of opinion in the United States and the world.

Even before their wives and children came to Washington, I had joined Senator Birch Bayh of Indiana as a cosponsor of his resolution urging the United Nations to act on behalf of the prisoners. I am sure that all Members of Congress share a common desire to bring about a change in Hanoi's prisoner-of-war policies.

As a Senator who has long objected to our involvement in Vietnam, I call on the North Vietnamese and the NLF to observe the canons of morality and international law. They should identify the prisoners of war, allow the free flow of mail, permit inspection of the detention facilities by the International Red Cross, and give real evidence that the captives are receiving adequate care. In the name of our common humanity, they should do so now.

SENATOR MONDALE APPEARS ON CAPITOL CLOAKROOM PROGRAM

Mr. NELSON. Mr. President, during the August congressional adjournment, the distinguished Senator from Minnesota (Mr. Mondale) was interviewed on the radio program "Capitol Cloakroom."

I was impressed with the Senator's thoughtful comments in response to questions about vital issues such as the President's proposed welfare reform, the future of the Office of Economic Opportunity, revenue sharing, defense spending, and tax reform.

I ask unanimous consent that a transcript of the interview be printed at the close of my remarks. I commend it to the attention of Senators. The views which Senator Mondale expressed are extremely relevant to all of us as we discuss and debate national priorities, and consider the appropriate balance between defense expenditures and investments in vitally needed domestic programs.

There being no objection, the interview was ordered to be printed in the Record, as follows:

Transcript of "Capitol Cloakroom," August 13, 1969

(Guest: Senator Walter F. Mondale)

Commentator. Senator Walter Mondale came to Washington in 1964 when he was appointed to fill out the unexpired Senate term of Hubert Humphrey. He was elected in his own right to the Senate in 1966. He's a Democrat, a lawyer and a former Attorney General in Minnesota. He's had a long-time interest in consumer affairs, and before coming to the Senate he served on the President's Consumer Advisory Council. His Committee assignments since coming to the Senate include: Banking and Currency Committee, and four of its subcommittees; the Labor and Public Welfare Committee, and five of its subcommittees. He also serves on the Select Committee on Nutrition and the Special Committee on Aging. Senator Mondale, welcome to "Capitol Cloakroom".

Senator. Thank you very much. I'm delighted to be here.

Commentator. Senator, as a member of the Labor and Public Welfare Committee, you are probably as familiar as any of your colleagues with the President's proposals for a new welfare system. Some have called it a "cruel hoax". Would you agree?

Senator. No, I wouldn't agree with that characterization. I think there are some serious problems that we will have to deal with. There are certain parts of the proposal that many of us have advocated and which I applaud. The idea of helping the working poor is something that I think should have been included a long time ago. The idea of a national minimum welfare standard is another concept I find a good one. The idea of trying to increase incentives so a person on welfare who is employable can do better by working than not working, I find a good idea. The idea of bringing payments to the families of unemployed fathers, something we fought for for years over Republican opposition; indeed, most of these concepts have been fought over Republican opposition—are concepts which I applaud, and I congratulate the President for endorsing them. But there are many problems in this proposal that have to be analyzed. I think the level of Federal support still leaves millions of people in nearly destitute circumstances. The idea that—and it's not quite clear what the Administration proposes to do here—withholding Food Stamp help may actually leave some of them in worse shape than they are today—and some of them on the verge of starvation. The idea that the President stated in his message that the Nation can hope that most people on welfare are employable I think is just not an accurate one, or at least it is going to raise hopes that I don't think can be fulfilled. If I might just cite a few figures. There are about 9½ million people on welfare today. About 5 million of them are children; 2 million are aged and elderly and unable to work; 1 million are blind and disabled; 1½ million are mothers with families, and even the President is not asking mothers who have pre-school children to work. Indeed, I think there is grave question as to whether it is always the best idea to take a mother away from her children. We may do more long-term harm than good. There are only about 80,000 adult males. And many of them may not be employable.

Commentator. Do you feel that a $4 billion program represents a real commitment to doing something about welfare needs?

Senator. It's only a start. And I think when we cost this package out it's going to cost much more than $4 billion to do even what the President is asking for.

Commentator. Senator, one of the President's proposals sort of reorganizes the Office of Economic Opportunity and turns it into—as I understand it—a sort of "think tank". Do you think that's a proper role for OEO?

Senator. I think the President's proposals mean the end of OEO as we have known it. One of the best things OEO has done is to permit the poor to advocate their own cause. It assumes the poor know something about their own circumstances, and are able enough to express themselves. Now that's not always a happy situation. Sometimes it's down-right distressing. But if we are going to have the response by the poor that we need to make them a part of our society and give them a chance, I think it begins with the right of the poor to say something about their own lives. This thing of having outsiders study them, examine them, cross-examine them, poll them, and to have all manner of people who don't live in the ghetto and with the poor, decide what's best for them has a certain arrogance built into it. More than that, we have studied the poor to death; indeed, I think if we just had saved the money we spent on studies and divided it among the poor we probably would have ended poverty by now. And more than that, how long do you have to study hunger? It's not that complicated a concept: if kids don't have enough to eat, you don't need another study. How long do you have to study quality education to decide that that's important? How long do you have to study the issue of decent housing? How long do you have to study whether it is good for children to be exposed to rats? The time has come, it seems to me, to act.

We need to know more—I'm not saying we know it all. But we often learn, in my opinion, more by doing things than by sitting back abstractly without any experience and studying it. It's ironic that the President in proposing the ABM system—which many of us feel will not work—said we don't know if it will work, but we'll spend billions of dollars trying it out, and we'll keep trying, we'll keep making our mistakes, as we proceed toward deployment because that's the best way to learn. That's the ABM system, but when it comes to human beings, who are starving, living in indecent housing, with bad education, and all the frustrations that make up their lives, we say let's not do a thing until we have the perfect answer. I think it's the old-fashioned dodge.

Commentator. Senator Mondale, if I understand what the President has said correctly part of what he is saying is that money is better spent if you can return it through the system of federal revenue sharing of cities and states—what he calls the new federalism—better spent that way, turning the tax money back to the local governments to let them decide how and where to spend it, than to have it funneled through something such as OEO. Question: what's wrong with that?

Senator. There are many ways of helping local government. Local governments today are in here pleading for better funding of Title I of the Elementary and Secondary Education Act, library assistance and other kinds of educational assistance. Local governments are in here asking for better support of urban renewal and housing programs. And I think those matters should be funded in order to achieve specific objectives. I also believe in revenue-sharing. If I may say so, that's a Minnesota idea. It was proposed and fashioned by Walter Heller of Minnesota. I believe in revenue-sharing, but even there the President has announced a concept but not funded it. The first year of its operation is about two years away, and even then it will be half a billion dollars the first year. In my state of Minnesota it will amount to $21 million. We're grateful for the help, but it won't help much. The state of New York I think would receive $100 million, and they have a state budget—let alone local costs—of $10 billion. One top economist, who is an expert in federal revenue-sharing, told me that at the end of the first five years of the President's plan states would be receiving $5 billion in revenue assistance—states and local governments—and at that time state and local governments in this country will be spending $200 billion. So I think it's another example of a fine concept, and I applaud the President for that, because I think we need revenue-sharing. But I believe that it's an unfunded concept.

Commentator. Senator Mondale, when you and your colleagues return from the summer recess and get to work on the welfare proposals, what do you think are the prospects for those proposals passing as they stand now? Or what changes do you think should be made to increase their chances?

Senator. As to the prospects, I simply don't know. We've passed many of these incentive features and other features in the Senate before, and we've lost them in the House. And I'm not an expert on what the House is willing to accept. I'm hopeful the President's message making this a key issue in American politics will cause us to concentrate on these problems more than we have in the past. I think if we do that there are hopeful opportunities for improvement. The real question returns to how much substance we're willing to give to these programs. We've authorized dreams around here and we continue to appropriate peanuts. This is one of the reasons there is such cynicism by Americans. They hear about these great programs like housing—and there's no money for housing; they hear about wonderful programs to relieve the poor, and there's no money there. And wonderful programs for education and only a pittance finally arrives. So the real question I think is one of priorities. We can adopt the concepts—that may be fairly easy—but it takes funds to reorder our priorities. We spent more on the ABM this year than all of the President's proposals. The Defense Budget—takes 81 billion dollars, and the administration is supporting those much higher spending levels in the defense field, and not increased spending in the human field. If they would support us in re-ordering our priorities—have an adequate defense to be sure—but help us to cut out this waste, I think we can provide the additional money we need for these human programs without increasing the budget.

Commentator. Is a part of the battle that is going on over the Defense Department Budget now do you think connected with this concern for social programs? Is it in your own mind?

Senator. Yes, I don't think there's any question about it. I think it ought to be enough to be opposed to waste in any Department that there is waste—that's enough justification. But I think the thing that forces us to finally do what we should have done 15 and 20 years ago—in terms of examining the Defense Budget like we do every other budget—is that the people of our country are getting sick of this. They're asking us why there's no flood projects but more and more defense budget; no education; no housing; none of the things that they need; no tax relief on their real estate taxes and the rest. And we finally have to answer those questions when our constituents ask it. And the only answer is that we have to start spending our money wisely and we're finally getting down to the task of doing so.

Commentator. Senator, speaking of cutting that Defense Budget, you proposed this week that the Navy not build a $377 million nuclear aircraft carrier. The Russians are expanding their fleet. Why did you propose that?

Senator. The Russians, it is true, are expanding their Navy, but they're not building any aircraft carriers, nor have they ever built one, nor do they plan to build one. There are many reasons I base my arguments on in asking that this carrier be cut from the budget. We now have 15 attack carrier forces. That is more than all the rest of the world put together. Indeed, most world powers have no carriers at all. I think we're among the great powers like Brazil, Australia and perhaps France in having them. The carrier is very vulnerable. The carrier is a floating gas-tank with ammunition and bombs and heated stem. And it's very, very expensive for carriers. Now, I'm not against aircraft carriers totally. But the truth of it is, no one has ever justified why we need 15 attack carriers that cost us 7 billion dollar a year now—and if the Navy has their way and we replace all our existing conventional carriers with nuclear-powered carriers, it'll cost probably double that at least within the next ten years. The cost of land-based aircraft is much, much lower. Indeed, without going into the details of the statistics, three nuclear-powered attack carrier forces—and that's what they need for every wing on the line according to their present plans—will cost about $4.2 billion to build. A land-based wing can be taken care of with the runways and hangars and everything else that is needed, for $58 million. And I think there are some real savings to be made by reducing the number of carriers.

COMMENTATOR. Senator, the larger question involved here, as stated on the floor of the Senate by Senator Stennis the other day, is: is it a fact that you and Senator Fulbright and others who have carried forward this philosophy that we need to cut back on defense spending, have carried it to the point where you're creating as Senator Stennis put it "mistrust and distrust" of the whole military establishment?

SENATOR. I have tried in every statement that I have made to make it clear that I think we need an adequate defense. I've tried to make it clear that I respect the military leaders—they're doing their job. And I've tried to make it clear that I realize that defense isn't cheap. But I think it's a mistake, and I'm not saying that Senator Stennis is doing that because I don't believe he is, to take the position that to question the Defense Department is to impeach the standing and integrity of the military leaders. As much as I respect the military I don't believe there is anything special about their efforts that should place them in a privileged sanctuary in the budget-making process. Because we haven't asked them the questions we should have asked over the last 30 years, and in part because they can hide many of their mistakes with security classification, we've really not done our job in the Congress. The Constitution invests the responsibility of raising the Army and Navy specifically in the Congress—it's our job, we can't escape it under the law. And I yield to no man in expressing my respect to the military services. But I believe respect does not require me to accept everything they tell me.

COMMENTATOR. Senator, this is a philosophical question, I suppose, but why is it all of a sudden these questions are being asked? They weren't asked before, we all agree with that. What's caused this mood in the Congress to come about? Is it dissatisfaction growing out of the war, or what is it?

SENATOR. I think some of it is related to the war in Vietnam, in that that war was a serious mistake. And perhaps some of the advice we received from the Pentagon wasn't as good as it could have been. But I think the other thing is basically that the country is coming apart: unparalleled inflation; interest rates the highest they've been in a hundred years; a nation which is wealthy but in which there are millions of persons so impoverished that they're not going to have any choice unless we reorder our priorities; a nation that has come to the point where thousands of our most gifted youth are so estranged that they have become militant, some of them violent and so hostile that I think they scare all of us. I don't believe that is the basis for a public policy, but I think every American shares the feeling that there is something very wrong with our country that needs remedying. And most of us come up with the answer that the problem has been for far too long we've under-emphasized our effort to bring real hope and opportunity to all of our people. And over-relied on an ever-expanding military budget to provide all of our answers.

COMMENTATOR. Senator, you mentioned high interest rates—the highest in a hundred years—which brings us around to the subject of the economy. Automobile sales are down, factory output has had a slide in the last month and a half or so. Are we on the edge of some kind of recession?

SENATOR. I don't think anybody really knows. We know this: the brakes are really on. The Federal Reserve Board has run up interest rates to an all-time high; credit restrictions are at an all-time high; and this affects our whole economy. We know that the Federal Budget has gone from a deficit of $20 or $22 billion just a few years ago to a surplus of $3 billion, which is another form of breakage.

COMMENTATOR. Is that a real surplus? There are some who would say that this is a matter of juggling figures.

SENATOR. In a budget that is as large as ours, there is always going to be that argument. At least it's in balance, which makes the Federal budget non-inflationary. And there may even be a slight surplus, depending on how you do the figuring. But in any event, the Federal budget is not contributing to inflation today. There are some top economists who believe that we may be in the process of undertaking an over-kill, that in some conceivable future period, maybe a year from now, we will see a sharply rising unemployment rate. I guess this is what disturbs me the most because I don't believe we're going to stop this inflationary drive—and we must stop it—without some strong breaking. I don't think that's possible. But we ought to have a strong program—what Walter Heller calls a "net"—to catch the people who drop out of the system. If you have a 4½% unemployment rate—which I think seems very likely pretty soon—translated in the ghetto and among the poor, that could be a 20, 30 or 40% unemployment rate. If you talk about a 19-year-old black male you're probably talking about a 60% unemployment rate. Now that's social dynamite that's gonna explode on us, and it's terribly unfair. We have a national program for taking unskilled people, trying to get them into industry through this jobs program of subsidizing and training them. Those are going to be the first people to lose those jobs. I think there's going to be a feeling of cynicism, of despair that is going to be very hard to contain. I think we need a national program of public service employment to provide employment to these people who really pay the full price of our fiscal and monetary restraint, who really pay the full price of trying to bring this economy under control.

COMMENTATOR. What do you predict are the odds for the House-passed tax reform bill when it gets to the Senate?

SENATOR. I think there will be substantial tax reform. I favor it. It's too soon to know just what the details of that will be. I think much of the House-passed version will be adopted. As you know, the Senate is far less predictable than the House, because we have the open right of amendment on the floor. I think we may liberalize that package some, and I am hopeful that we can do so.

COMMENTATOR. Senator Mondale, since you've gone that far with a prediction, let's talk about the 1972 Democratic Presidential Nomination. It's become an article of wisdom around this town the past few days that Senator Edward Kennedy of Massachusetts is no longer a viable candidate of high potential for the Democratic nomination. Would you agree with that?

SENATOR. I would take his own word. He said that he intended to seek re-election and to serve out his full next term which would take him past the 1972 elections. I doubt that he harbors any serious intentions to seek the Presidency in '72. The period between now and '72 is a long time in politics, as we are learning. A week is a long time these days in American politics. So no one can be sure, but I think that's likely to be the result.

COMMENTATOR. If that is the result, is your old friend and part-time tutor former Vice President Hubert Humphrey back in contention now?

SENATOR. I don't know. I'm sure he's giving it consideration. I think his first move will probably be to seek re-election to the U.S. Senate in Minnesota, which I hope he'll do. I believe he will be elected, and take a look at it then. I think it's really too soon to know.

COMMENTATOR. Senator Mondale, with all of these uncertainties, is the Democratic Party nationally in disarray as some would say?

SENATOR. The Democrats seem bent on breaking the record for disarray year upon year. We're very good at fighting, and we seem to want to prove that on almost every possible occasion. But, if I may say so, I think that under Senator Harris' leadership the National Committee is starting to address itself to the real problems. There is strength in the right kind of controversy. We're starting to reform our Party the way we should have years ago. We're starting to develop rules to permit more relevant and open access to all people, which we should have done years ago. We're starting to read real power into the anti-discrimination provisions of our rule adopted in 1964, and we're talking about the real issues, as controversial as those are.

COMMENTATOR. Unfortunately, we're running out of time. Thank you for being with us on Congressional Cloakroom.

COMMONSENSE MAKES COMMONSENSE

Mr. EAGLETON. Mr. President, in this day when issues are getting more complex, when society and the institutions of its governance proliferate, when policies made by unseen and, some would argue, mindless men, can cost billions of dollars and thousands of lives, when people often feel they can no longer understand or control their own destinies, it is heartening to find that good commonsense still makes good commonsense.

I was greatly impressed recently by a letter from a constituent from New Bloomfield, Mo., written in frustration but with tremendous insight.

I am further heartened because from my travels through Missouri and the country, I believe that the attitudes expressed in this letter reflect those of a majority of Americans, although they are not always articulated as well as they are in this letter.

I therefore ask unanimous consent that a letter written by W. W. Marshall, Jr., of New Bloomfield, Mo., be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

NEW BLOOMFIELD, MO.

DEAR SENATOR EAGLETON: I'm over 40, a WASP, have 4 kids in school (borrowed this sheet of paper from one), just break even, pay as I go if I can (can't). Its 9:30 p.m., I just got in from working on my 1952 8N Ford tractor so I can do more tomorrow (I have 326 acres). I think I'm very common and I don't say what I think often *cause I doubt if it does much good* but here goes:

XUM

1. Its pure bull that our "national pride" demands that we beat the Reds in building that SST at 125 million/yr. for 5 years. If the Reds have one lets buy one from them! Nixon said that in telling us about the SST today. (Nat'l Pride bit.)

2. My feeling is that the war in Vietnam is wrong, we are wrong in being there, we have no business there now or ever in the past. I believe the stupid protestors on the college campuses, the S.D.S., the Yippies and Hippies are telling it like it is and I see more and more middle aged common working people like myself seeing it this way. Their methods may be stupid but so is the war and the draft and its methods. I vote for the young more and more.

3. I'm against the anti-riot bill by which eight people are being tried in Chicago. Please examine this one and tell me who is protected, the people or the system, I think its the system.

4. What a joke it is trying those 6 Green Berets in Vietnam. Come on now, if you want to try someone for murder why not try the commander in Vietnam? I think the trial is a fake and so does everyone around here.

5. I heard that we are to spend 25 billion on the A.B.M. and some new plane for the A.F. I heard that 5 billion would solve our pollution problems but we can't get the 5 billion. I believe we should spend the 5 or 10 billion on pollution and damn little on the first two.

6. I never thought I would say it but I favor very little for defense, less on foreign aid, not a man in Vietnam and do favor some form of income for everyone, even bums.

Thanks for your patience in me.

W. W. Marshall, Jr.

P.S.—You seem to be doing O.K., just wanted to sound off.

SENATOR McINTYRE SPEAKS ON NEW COMMUNICATIONS GAP

Mr. MUSKIE. Mr. President, on September 22 the distinguished Senator from New Hampshire (Mr. McIntyre) spoke at Dartmouth College at ceremonies marking the issuance of the Dartmouth College case commemorative of postage stamp.

In his address, Senator McIntyre examined what may well be the most significant communications gap in our society, the gap between the college educated and the non-college educated.

Warning that society might not be able to sustain a further widening of the breach, he called upon the college-educated to "go the extra step and make the extra effort" to close the gap.

Mr. President, not enough has been written or said yet about this particular breakdown in intergroup communications, and I was pleased to read Senator McIntyre's consideration of it.

I ask unanimous consent that the pertinent section of the Senator's Dartmouth address be printed in the Record.

There being no objection, the excerpt from the address was ordered to be printed in the Record, as follows:

Address by Senator Thomas J. McIntyre at Ceremonies Marking Post Office Issuance of Dartmouth College Case Commemorative Stamp, Monday, September 22, 1969, Dartmouth College, Hanover, N.H.

We hear much these days about the communications gap between generations, between races, between faiths, between economic strata.

Deplorably, all of these gaps do, indeed, exist. Yet recent studies have shown that the greatest gap of all lies not between young and old, not between black and white, not between poor and rich—but between the college-educated and the non-college educated of all ages.

This gap manifests itself—not in open conflict—but in smouldering resentments that threaten to char away the national soul.

There are two revolutions going on in America today. The educated young are revolting against the liberal establishment, and so is the working class. But for dramatically different reasons.

The revolt of the educated young is directed against the sluggishness of the establishment. The revolt of the working class is directed against an establishment they believe has gone much too far, much too fast . . . and against the excesses of the privileged young.

In this context, it is easy to understand just how wide this gap really is, for it spans the outer extremes of the social philosophy spectrum.

The working class revolt lacks the pyrotechnics of the student rebellion, to be true. There are no demonstrations, no confrontations, no violence.

It manifests itself in the quiet election of so-called law and order candidates in Minneapolis, in Denver, in Los Angeles, and in the breakdown of traditional party lines and loyalties in New York City.

There are some awesome implications in all this that the college-educated of our country must begin to appreciate. In the first place, the college-educated are still outnumbered three to one. This fact alone lends substance to an observation by Warren Miller at the recent American Political Science Association Convention.

Miller, a member of the University of Michigan faculty, said he thought it was obvious to any rational politician that there were several times more votes to be gained in 1970 or 1972 by leaning *toward* George Wallace than there were by leaning in the opposite direction.

Is this what the college-educated want? You know that answer as well as I.

All right, then, what can be done about it? The answer is simple . . . yet extremely complex. The communications gap between the college-educated and the working class must be closed.

Now closing that gap implies a willingness on the part of both sides to reach across the chasm. But to assume that each side will reach as far as the other in an unrealistic assumption.

And this is where the sanctity of contract concept enters the picture.

You and I, all of us who were privileged to have a college education, inherited an implied contractual obligation along with that privilege.

This obligation extends far beyond the material aspects of being your less privileged brother's keeper. It extends far beyond the irony of hundred dollar ski boots tramping Dartmouth halls that are less than five miles away from instances of abject poverty.

It embraces a very special responsibility, a responsibility to understand without condescending, to sympathize without demeaning and *to appreciate that the working class is still the very bedrock strength of our society*.

In a very real sense, it implies a willingness to heed that legendary Indian who advised us not to judge another man until we have walked in his moccasins.

Above all, it demands a lasting recognition on the likeness of all men.

No one wrote more eloquently of the common man that the late James Agee, and it was he who described every human being as "an incommunicably tender life . . . wounded in every breath, and almost as hardly killed as easily wounded . . . sustaining, for awhile, the enormous assaults of the universe."

For many of today's college students, the assaults of the universe are real or imagined assaults by the establishment upon their individual consciences. The war. Poverty. Racial discrimination. Society's obsession with material gain. Unjust laws.

The exercise of the collective student conscience has prompted many observers to describe this as the finest generation in history, and I have no quarrel with that assessment.

But today I call upon you students to walk in another man's shoes, a less privileged man's shoes, and to view life as it is seen through another man's eyes.

To sharpen the challenge, let me suggest the shoes of a policeman, the classic protagonist in the campus confrontations.

There are many policemen your age, so the transference ought not to be too difficult.

Now, as allegedly educated men, let's begin by rejecting a current popular myth. Donning a badge and a blue uniform does *not* automatically convert man into angel—*nor into beast*.

This young policeman is a human being, like you, "wounded in every breath" and "sustaining the enormous assaults of *his* universe."

More often than not, he sprang from humble origin and takes just pride in what he is. He also takes pride in honoring the American ethic he learned from his father—work hard, stay clean, go to church, he a good husband and father, honor your obligations *and aspire to more for your children than was had by you*.

The last is important, for it translates into a desire by that young policeman for more education for his children than he had, to give them more opportunities than he had.

So he *wants* to respect education, because he *wants* his children to be educated.

But suddenly put him into a situation where a college student his own age, a young man who had far more privileges than he ever had, calls him "Pig!"

Stay in his shoes for one more minute. Imagine *that* "enormous assault of the universe." Everything he has ever believed in and lived by is degraded by a single epithet.

What happens in that moment to *his* respect for education and the educated?

Will he listen a little less receptively the next time the students cry out against inequities and injustices?

Will he listen a little *more* receptively the next time a demagogue tells him how he would handle spoiled rich kids and campus radicals?

So our challenge, then, is to repair the damage and to go that extra step to close the communications gap.

Our challenge is to restore respect for education, to win back the confidence of that policeman and all working men. If we can do that, if we can regain their trust and respect, we can destroy the simplistic appeal of those few demagogues who feed on their frustrations and resentments.

The effort will be doubly rewarding—first in terms of the Nation, second in personal benefit.

We can learn much from the working people of this country. We can draw much from their great reservoir of strength.

So if we choose to take that extra step, to make that extra effort, the result can be mutual enlightenment, mutual enrichment, mutual reinforcement—and the preservation of Daniel Webster's beloved Union.

DETONATION OF NUCLEAR BOMBS

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the Record a letter dated September 27, 1969, from me to the President, relating to the detonation of underground nuclear bombs.

There being no objection, the letter was ordered to be printed in the Record, as follows:

September 27, 1969.

The President,
The White House,
Washington, D.C.

Dear Mr. President: The authority for detonation of nuclear bombs has been vested in the Presidency, indicating both the measure of public concern regarding the use of these weapons and the confidence of the American public in a President's judgment to exercise his authority with great discretion.

Since ratification of the Nuclear Test Ban Treaty, all of our atomic explosions have been detonated underground, too comply with the treaty's provisions. It is generally assumed that underground tests neither violate international agreements nor present a threat to life or property.

However, evidence now at hand convinces me that these assumptions are no longer valid. I am convinced that the proposed tests in one of the most tectonically active areas of the world may create dangers for Americans and other residents of the Pacific Rim . . . dangers which no one in authority completely understands.

In recent years the scientific community has expressed increasing concern regarding an information gap between the pronouncement of the AEC and facts developed from experience.

In 1964 the AEC through four of its scientists stated that underground nuclear explosions cannot cause earthquakes. These same assertions have been subsequently circulated by the AEC even in the face of generally accepted data, the product of the "Boxcar" and "Benham" tests that nuclear bombs can and have caused earthquakes. The AEC gave this same old reassurance in testimony to the Joint Committee on Atomic Energy July 19, 1968, two months after the "Boxcar" detonation which caused numerous recorded tremors and earthquakes.

Because of public concern generated as a result of some large Nevada tests, the AEC, working in conjunction with the President's Science Advisory Committee created a special panel to study the safety aspects of underground nuclear testing, headed by Dr. Kenneth Pitzer. It completed its work in November, 1968. That report was publicly released today—nearly a year later—and only because of intense pressure for its release.

What purpose does it serve the AEC to keep secret for eleven months the only objective report on the safety of its activities? This method of managing public opinion is incompatible with our representative form of government.

Dr. Pitzer, a former research director for the AEC and a former member of the President's Science Advisory Committee has expressed concern over the absence of a more substantial public hearing before large underground tests are conducted in Nevada and Alaska. Dr. Pitzer has said that as a result of such hearings "Congressmen, Governors and other responsible officials as well as the interested public can form their own judgment, balance this and any other risks against the need for tests or the extra costs of moving to a non-seismic location."

Let me underscore the seriousness of this matter. The Atomic Energy Commission undertakes all of the scientific and staff work related to our nuclear testing program. It reports in secrecy to the President who must then make judgments regarding the detonation of nuclear bombs.

The only objective panel to look into the sequence of events leading to the present state of our nuclear testing, apparently has raised an urgent warning sign. Yet the panel's report was held secret for almost a year.

The President must base his judgment on informed opinion, but the necessary opinion in this case is completely onesided because there has been no public dialogue.

Public opinion and public discussion have been stifled by secrecy. The process, therefore, that would normally result in an informed public dialogue has not been permitted to work. As Dr. Pitzer said so eloquently earlier this year "The problem is not that the risk is completely ignored, rather it has been examined primarily in closed circles with the effective judgment rendered by officials committed to the test program."

Commonly, in response to this type of argument secrecy is defended as required for national defense purposes. But Dr. Pitzer said "when I was advised to look into this situation, the selection of the Nevada and Alaska test sites, I was struck by the fact that there was no real need for secrecy in discussing this problem. The details of explosive devices were irrelevant. All of the essential information was unclassified, or ought to be."

Mr. President, there is an exceptional concern about the series of tests planned to begin October 2 on Amchitka Island in the Aleutian Chain. The tests will be the most powerful ever attempted by the United States underground. And the location is new and untried. The island lies in the Aleutian arc where earthquakes regularly generate dangerous tidal waves.

The AEC's press release of September 24 demonstrates the reason for its credibility problems. In the press release announcing October 2nd as the date for the test, the AEC says that no radioactivity is *expected* to reach the atmosphere, no radioactivity is *expected* to reach the sea, no serious damage is *expected* to occur to fish and wildlife in the area, ground motion is not *expected* to be considerably smaller in seismic magnitude than the direct shock of the explosion itself.

The AEC says further in its statement that *"it is most unlikely that the explosion will trigger an earthquake of magnitude as large or larger than the initial seismic shock."* And it goes on to assure us that the predicted seismic magnitude of 6.5 "makes the possibility of damaging water waves very remote."

The Atomic Energy Commission has not been infallible in the past.

At the Nevada test site where no release of radioactivity is expected, at least 10% of the tests unexpectedly leak off *the Nevada Test Site*. The percentage would be higher if onsite leaks were included. But these are not publicly enumerated. In four consecutive months in 1969 alone at least three tests at the Nevada Test Site have leaked.

The Atomic Energy Commission did not expect radioactivity from the 1965 test on Amchitka Island to leak for hundreds of years. But radioactivity surfaced in at least two small fresh water ponds on Amchitka only a few months after the test.

The AEC did not expect strontium-90 to accumulate in milk.

The AEC did not expect the 800-kiloton blast detonated in January 1968 in central Nevada to rock Salt Lake City and San Francisco as well as Las Vegas.

The AEC did not expect underground nuclear bomb tests to trigger earthquakes. But now it's clear they do.

Mr. President, you are entrusted with the responsibility for determining the size, the nature and the location of nuclear explosions. I strongly urge you, in exercising your responsibility, not to rely exclusively on the Atomic Energy Commission. That agency is committed to the pursuit of this test program.

Based on information it alone has, the AEC has determined that the importance of the test overrides the potential dangers: earthquakes, sea waves, radioactive leakage either into the air or water, our relationships with Pacific Rim nations which have already expressed their concern. Is it proper that one agency of our government should make such a critical evaluation?

I cannot question the importance of the tests to national security because the purpose of the tests is kept secret. But I would say unless that purpose is absolutely overpowering to our *immediate* national defense, that the risks involved do dictate a decision not to go ahead with these tests at this time.

I urge you, Mr. President, to order a postponement of the October 2 test. I urge you to take the initiative in establishing a public dialogue of informed opinion on the nature of the tests and the extent of the dangers.

This entire question is too important to leave to staff evaluation. You have been entrusted with this responsibility, Mr. President, and I urge you to personally become involved before any further tests take place.

Please reflect on the possibility that hundreds, and perhaps thousands of people could be killed, and many millions of dollars in property damage could occur as a result of your assent to the detonation of a hydrogen bomb on October 2. *Also consider the possible radiation contamination of one of the world's great fisheries.*

Please think of the impact on our international posture and prestige of a violation of the Nuclear Test Ban Treaty. Two of America's closest national friends have expressed their concern. Many members of the Senate have added their names in sponsorship of my resolution asking for a Presidential commission to evaluate our nuclear testing programs independently.

Mr. President, if it is your decision to explode this bomb on October 2, then it is your judgment that the above mentioned risks are worth taking due to the exigencies of our weapons testing program.

I am constrained to say, Mr. President, that in the event of a tragedy you will be held accountable.

Sincerely,

Mike Gravel.

RESTORATION OF BALANCE BETWEEN LABOR AND MANAGEMENT

Mr. FANNIN. Mr. President, I have often mentioned the excessive power which labor unions hold over the economy and have repeatedly stressed the need for legislation to restore some balance between labor and management. In addition, I have introduced proposals to bring about some changes in our labor laws which in my opinion are calculated to better serve the interest of the Nation. In a recent speech before the National Press Club, Mr. Carl M. Halvorson, president of the Associated General Contractors of America, shows just what the power of labor unions has done to our economy. He points out that the wage demands of the unions have become so great and so inflationary that the Federal Government was forced to step in and curtail necessary public works projects in order to slow down the economy. It seems to me that it is a sad situation when such a course must be resorted to instead of getting to the heart of the problem by enacting remedial legislation. This point is well made by Mr. Halvorson and I ask unanimous consent that the text of his speech be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

XUM

Statement on Government-Ordered Construction Cutback by Carl M. Halvorson, President, the Associated General Contractors of America, September 5, 1969, at the National Press Club, Washington, D.C.

It is most unfortunate that power of the building trades unions is so great and their wage demands have become so intolerable that the federal government must step in and curtail necessary public works projects in order to cool the economy. This means that the American public will be denied necessary construction services until some later date.

Rationing construction by use of cutbacks, in a surging expanding society, is self-defeating, because these projects will be built later at sharply increased costs. The answer is to get rid of some of the archaic labor laws which protect the already "overly protected" but powerful building trades unions. But the cutback won't affect the unions who have caused much of the current inflation by their outrageous wage demands. The cutbacks hurt the contractor who needs to schedule his work in an orderly manner, and the public who needs schools, hospitals, and other necessary public works.

We welcome the President's stated objectives of a greatly expanded manpower training and vocational education program. This can be a great help in curing the structural ills of the industry if a pragmatic approach is taken.

We also welcome the creation of a cabinet committee on construction to review the vast range of federal construction activities. In the past, federal stop-and-go tactics have imposed great hardships on the general contractor and have substantially increased the cost of public works.

If this curtailment of construction is to be anything other than an expression of frustration in the face of "union created inflation" in the building industry, additional meaningful and forthright actions are required in the following areas:

Review the validity of federal labor laws which were created in times of unemployment and underemployment in the light of today's full employment economy.

Elimination of current featherbedding practices and the use of skilled workers where unskilled workers could be more economically employed.

Evaluation of a general $9–$10 per hour wage already provided for in many existing agreements in this industry and the lateral effects on the manufacturing and service industries and on our competitive posture in world trade.

The government must review the impact of deferred wage increases already structured into existing labor agreements which have been considered too inflationary at this point. Under the Davis-Bacon Act, inclusion of these future rates will greatly increase the cost when these now deferred projects are finally built.

Cutbacks are a reaction to the symptoms of the industry's problems and do not address the causes of those problems. Only congressional action can get to the root cause of inflation—excessive union power. This power has caused over 200 economic work stoppages in the industry this year, averaging 41 days each, 328 million man-hours have been lost. Wage increases are averaging more than 15 per cent per year. In large metropolitan areas, wage increases are averaging nearly $2000 a year. Unfortunately, the construction unions, by their strikes and wage settlements, have now clinched their position as the "power clique" among American workers. The average hourly wage for construction workers is $5.80 and recent wage increases will exceed $10 an hour within two years in many areas.

Correction of inflationary forces in the construction industry will require practical bipartisan political solutions if we are to pursue and develop our stated national goals of full employment and an enriched environment. Congressional hearings should be held promptly to fully explore the problem and to devise acceptable solutions.

MESSAGE PRESENTED TO 23D ANNUAL CONVENTION OF NATIONAL ASSOCIATION OF STATE DIRECTORS OF VETERANS' AFFAIRS

Mr. BURDICK. Mr. President, Mr. Lloyd F. Zander, Fargo, N. Dak., past president of the National Association of State Directors of Veterans' Affairs, has just brought to my attention a message presented to their 23d annual convention held in Christiansted, St. Croix, Virgin Islands, on behalf of Gov. Melvin H. Evans. I think the Governor's message is very timely. I ask unanimous consent that it be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Administrator for St. Croix on Behalf of the Governor of the Virgin Islands, Delivered at the 23d Annual Convention of the National Association of State Directors of Veterans Affairs, on September 20, 1969

Mr. President, Officers of the National Association of State Directors of Veterans Affairs, distinguished guests, ladies and gentlemen:

The Governor of the Virgin Islands, Dr. Melvin H. Evans, has asked me to express to you his profound regret for not being able to present, due to illness. He extends to you a hearty welcome to the Virgin Islands and wishes you a very successful 23d Annual Convention.

He asked me to read the following message, and also to give you some background of our heritage as freedom-loving Americans. Here follows the Governor's message:

"It is with a keen sense of disappointment that I find myself unable to be here with you tonight as I had enthusiastically endorsed this convention being held here from the outset. I had looked forward to being present and participating with you in this special occasion, which means so much to the lives and affairs of so many millions of Americans who have served and are serving their country. Though unable to be present, I am pleased to take this opportunity to have my Administrator for Saint Croix, Mr. Henry E. Rohlsen, convey through this message a few sentiments which I would have liked to express in person, had it been possible.

We, in the Virgin Islands, are proud of our heritage, of fighting for the freedom of man. We fully recognize that to keep freedom one must be ready and willing to die if necessary. We have participated and given our lives in all of the conflicts in which our country has been involved, since we have become a part.

Right now we are participating in Vietnam. Seventeen of our youths have fallen in the fields of Vietnam. We can proudly say that there are no Americans more loyal than Virgin Islanders, no Americans more patriotic, and no area in my knowledge with less subversion.

As an organization serving those in our country, who have given the most and in many cases their all, I salute you and hope that your deliberations here will be productive, but also enjoyable."

Here ends the Governor's message.

I would like at this time to briefly elaborate upon the Governor's message, by telling you a little of our history—of our dedication to freedom in these Virgin Islands.

Let me take you back to the year 1848, when at Fort Frederick, at Frederiksted, St. Croix, the first slaves in the Western Hemisphere and probably the world, were set free, by the abolition of slavery in the Virgin Islands.

The yearning for freedom was causing a state of unrest among the slaves. The planters saw an explosive situation existed and sought aid from the Governor. Against the planters wishes, Governor Von Schoulten made the courageous decision, contrary to the wishes of the Danish Crown, that freedom of the slaves was mandatory. This was the birth of our freedom which we have cherished since.

We skip many years of our struggle to maintain freedom and we arrive at the year 1917. In this year our Islands were purchased by the United States of America for the sum of $25,000,000, and we became American citizens. Immediately, we find our men serving in World War I.

We served and died in World War II. We served and died in Korea. We are now serving and dying in Vietnam.

As of today, we have lost 17 of our youth in Vietnam. Our men have given their lives in Vietnam in order that the people of Vietnam may have the right to fully participate in representative government. The United States has denied this same right of American Democracy to the people of the Virgin Islands.

This is not intended to be a complaint. We are prepared to go wherever the United States flag goes, in the defense of freedom and the dignity of mankind.

We are dedicated to freedom and our country and to the proposition as has been said, "Our country may she be fair and just in all her dealings, but our country right or wrong."

Draft dodgers are not numbered among us. Draft card burners are not numbered among us. Subversion has no part in our lives.

As loyal Americans we have shared in the supreme sacrifice demanded to safeguard and keep our liberty and freedom.

Our participation in this has not been a compulsory or token one. At the outbreak of World War II in 1941, it was necessary for us to send a delegation of Virgin Islanders to Washington to lobby and beg Congress to include the Virgin Islands in the Draft. We were draft exempt.

On a population-ratio basis, we have today, twice as many Virgin Islanders serving in the United States Military Services, as you have from the States.

On a population-ratio basis, we have lost twice as many Virgin Islanders in Vietnam as you have lost from the States.

It is very appropriate and it is heartwarming to our Governor and the people of the Virgin Islands that you have chosen the Virgin Islands as the site of your 23d Annual Convention.

Governor Evans and his Administration join you in your dedication of service to those who have served our country. We honor the accomplishments of your 23 years of dedicated service. We pray that your visit with us will be extremely productive and enjoyable. We open wide the door of our Virgin Islands hospitality to you.

THE FIGHT FOR THE PRESIDENT'S MIND

Mr. GRIFFIN. Mr. President, the Washington Post published an article on Sunday, September 28, 1969, about a book soon to be published by a former Under Secretary of the Air Force, Townsend Hoopes.

The book reportedly details the crucial decisions that led to a major change in policy by the Johnson administration regarding the Vietnam war.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ACHESON'S ATTACK ON JCS "SHOCKED" L. B. J., BOOK SAYS

(By Murrey Marder)

Former Secretary of State Dean Acheson "shocked" President Johnson in February-March, 1968, by telling him he was being "led down a garden path" in the Vietnam war by the Joint Chiefs of Staff.

That description of one of the most jolting exchanges in the 1968 struggle over reversing U.S. escalation of the war is given by Townsend Hoopes, Under Secretary of the Air Force from 1967 to early this year.

Many newsmen—and one insider, former Defense Secretary Clark M. Clifford, who was the major catalyst in "The Fight For the President's Mind," as Hoopes calls it—already have written about the extraordinary civilian revolt behind the scenes that year.

But no insider previously has given such detail and such pointed characterizations of the participants' positions. That great internal debate culminated in President Johnson's decision to change the fundamental course of the war by partially halting the bombing of North Vietnam, coupled with the President's stunning announcement that he was simultaneously removing himself from the 1968 presidential race.

Hoopes' account is likely to arouse challenges from those on the "hawk" side of that critical decision. Hoopes himself was not in the top echelon of the clashing principals; he was in the supporting cast behind Clifford's fight to reverse U.S. policy, and he was heavily engaged in planning options for air strategy in the war.

His version of the internal struggle, published in the October issue of Atlantic Monthly, is drawn from Hoopes' forthcoming book, "The Limits of Intervention," to be published this month by David McKay.

Hoopes states:

In late February, 1968, when Gen. Earle G. Wheeler, chairman of the Joint Chiefs, submitted a military request for 206,000 more American troops, Acheson told the President: "With all due respect, Mr. President, the Joint Chiefs of Staff don't know what they're talking about."

When "the President replied that was a shocking statement," Acheson answered that if so "perhaps the President ought to be shocked." Acheson told the President two weeks later, after an intensive study, that "he was being led down a garden path by the JCS . . ."

Dean Rusk, then Secretary of State, is described in Hoope's book, an Armed Forces Journal interview reports, as "a major contributor to the national confusion over Vietnam." But Clifford's challenge to existing war policy led Clifford to believe Rusk was "troubled and sincerely anxious to find some way to the negotiating table." Rusk, who "in the summer of 1967" had proposed "a heavily qualified partial (bombing) halt," finally gave "implicit endorsement" to the bombing moratorium that emerged from the drive to de-escalate the war.

Walt W. Rostow, President Johnson's security adviser and a leading "hawk" along with Rusk and Wheeler, made Mr. Johnson "the victim" of the "selective briefings'—the time-honored technique of underlining, within a mass of material, those particular elements that one wishes to draw to the special attention of a busy chief . . ."

Robert S. McNamara, Clifford's predecessor as Defense Secretary, who started as a "hawk" but became progressively disenchanted with the war, "finessed serious debate on basic issues," and sought to "muffle the differences, and thereby avoid a business confrontation within the administration." McNamara, "in every instance before going to Saigon to "bargain" with the military on manpower, "reached his own conclusion before departing Washington and had meticulously prepared his own position, including a draft of what he would report to the President on his return."

Clifford, as the former Defense Secretary himself already indicated, stunned Mr. Johnson—who expected him to be a firm supporter of the war. "Then, as Clifford later said wryly, 'this Judas appeared,' " when Clifford led the fight to halt escalation of the war. The Johnson-Clifford relationship "grew suddenly formal and cool." In the following summer, when Clifford led the next fight for a total bombing halt, "the President refused to see him alone . . ."

Abe Fortas, then a Supreme Court justice and one of President Johnson's closest confidents, "continued to play the curious role he had assumed on other occasions in the running debate on Vietnam—a spokesman for those private thoughts of Lyndon Johnson (on pursuing the war) that the President did not wish to express directly." Rostow "and Justice Abe Fortas had a major hand" in drafting two thoroughly truculent speeches" that Mr. Johnson deliver in mid-March, 1969, in the Midwest while the intense secret war policy debate was under way.

Paul Nitze, deputy secretary of defense, although "basically a hard-liner" on communism as Acheson is, "advised Clifford that he (Nitze) was not in a position to defend the administration's Vietnam policy" in testimony before the Senate Foreign Relations Committee. Nitze offered to resign; Clifford advised him to stay. Hoopes describes Nitze as "a pearl of great price."

Paul Warnke, then assistant secretary of defense for international security affairs, "was to have perhaps more influence on Clifford's change of position than any other single person." Nitze and Warnke at Defense, joined by Phil G. Goulding, assistant secretary for public affairs whose role in the internal debate has not been revealed previously, took a major role in providing Clifford with arguments to contest the military leaders' strategy. They were "supported" by Under Secretary of State Nick deB. Katzenbach (as was previously revealed).

If the military request for 206,000 more men for the Vietnam war—"a 40 per cent increase"—had been approved, it would have caused the defense budget to rise "by $10 billion in 1969" and would have created "a requirement for about 400,000 more men on active military service," reservists and draftees. "Goulding argued that the shock wave would run through the entire American body politic."

Many portions of other highlights in the Hoopes account previously have been aired in public, but his version adds more detail.

Hoopes wrote that "one of the major ironies" in the course of events that set off the policy challenge was the fact that McNamara, in February, did not accompany Gen. William C. Westmoreland to Saigon. If McNamara had done so, Hoopes speculated, the troop reinforcement figure probably would have been whittled to about 50,000 and the showdown would have been averted.

When Mr. Johnson assigned the military's request for 206,000 troops to a task force headed by Clifford, who had just been confirmed in January, Hoopes said, "As the principals understood it, the assignment from the President was a fairly narrow one—how to give Westmoreland (U.S. commander in South Vietnam) what he said he needed, with acceptable domestic consequences."

"Restow, Wheeler, and Taylor expounded the hard line," said Hoopes, "arguing that the Tet offensive was in reality a new and unexpected opportunity," and they, joined by Rusk and Treasury Secretary Henry Fowler "were strongly for meeting the request and getting on with the war."

Hoopes said Clifford was "uneasy" about the report but "passed (it) along" while "Nitze, Warnke, Goulding and I were profoundly discouraged." Hoopes said that to him the report "was mindless folly." Then, said Hoopes, as the dismay of these men and others, and the consequences of continuing existing policy, began to have impact on Clifford, "about March 16" the Clifford doubts "crystallized into a firm conviction that the administration's policy in Vietnam was indefensible."

Then Acheson's opposition began to register, Hoopes relates, especially after a two-week inquiry during which Acheson "cross-examined" U.S. experts including Philip Habib of State, George Carver of the Central Intelligence Agency and Maj. Gen. William DuPuy of the staff of the Joint Chiefs.

Next came the turnabout on Vietnam, as previously disclosed, by the so-called "elder statesmen," known as the Senior Advisory Group on Vietnam. There was new shock for the President when men like McGeorge Bundy, former national security adviser to Presidents Kennedy and Johnson; Cyrus Vance, former deputy defense secretary and others added their strong objections in White House meetings on March 25–26.

Meanwhile, as other reports have shown, presidential counselor and speech writer Harry McPherson suddenly thought on the night of March 22, of combining portions of previously mentioned ideas to cut through the impasse. "To McPherson's surprise," Hoopes notes, the President suddenly accepted McPherson's draft proposing halting the bombing of North Vietnam north of the 20th Parallel, "in exchange for assurances that Hanoi would show restraint at the DMZ (demilitarized zone) and would not attack Saigon and other major cities."

Hoopes said that this message was sent to Saigon "with Rusk's implicit endorsement" and "Bunker responded without great enthusiasm, but to the effect that he could live with it."

But the policy struggle continued, Hoopes related, and he, unsure of the outcome, "worked at polishing a letter of resignation" while the President prepared to speak. Hoopes credits Clifford, as do others, with being "the single most powerful and effective catalyst of change," for inducing the President to change his war policy.

ALASKAN COMMUNICATIONS

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated September 26, 1969, from me to the President, relating to the domestic satellite issue, the Alaska satellite requirement, and Alaskan communications generally.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., September 26, 1969.

The PRESIDENT,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: At the moment the White House has several study groups mobilized to grapple with the domestic satellite issue, the Alaska satellite requirement, and Alaskan communications generally.

I would like to bring to your personal attention some existing deficiencies. I hope you will insure that your study groups not overlook appropriate corrective action. It is extremely important that this be done in a timely manner to avoid any agreements within the International Communications Satellite Conference (INTELSAT) which would be detrimental to the United States or to any region of the United States.

The complexity of the issue precludes a detailed presentation in this letter, but a few major elements should be identified. A brief discussion will illustrate their impact

XUM

on the issues and on the public's right to finally be blessed with the rewards of its investments in space research.

I feel confident your review will bring you to the conclusion that:

The Communications Satellite Corporation is unmanageable in its present form with industrial competitors on its board of directors.

The Communications Satellite Corporation, as now chartered, cannot serve as an international agent and act simultaneously as a responsive and successful domestic institution.

The United States should assure that the eventual INTELSAT agreement will not impede full and free utilization of satellite technology for domestic regional or domestic national public communications.

The widest public access to educational and public broadcasting is the highest priority in the land for domestic applications of satellite communications.

In reviewing the hearings that led to enactment of the Communications Satellite Act of 1962, the record reveals the difficulty of legislating a new technology about which so little was then known. The main thrust was to instrumentalize American leadership in international application of the new science. Today we can look on the Act with far more expertise.

The Communications Satellite Corporation (COMSAT) has been seriously hindered by foreign governmental interests in lucrative submarine cables and their inflated profits. COMSAT has on its board of directors industrial representatives of competitors who have often litigated in opposition of COMSAT. It is little wonder that public COMSAT stockholders have not enjoyed a return on their investments. Moreover, the American public which paid for the research leading to this science has yet to enjoy continuous domestic benefits.

Yet the United States by its Memorandum of Understanding with India of September 18, 1969, will provide domestic services to that country by 1972 through a NASA satellite. Without quarrelling with the generous and reasonable India project, it is paradoxical that the United States has not been able to cope with her own applications.

The domestic issue has been permitted to stick in a quagmire of competitive, vested interest of network broadcasters and communications carriers. The profit-criteria has dominated the issue through devices of international commitments, technical regulations and other machinations to keep the issue boiling in uncertainty.

This national dispute is impacting disastrously on critical needs of our society for public, cultural telecasting and for scholarly exchanges between our academic institutions. It delays vitally needed solutions for certain regions such as Alaska or our overseas possessions like American Somoa.

I urge you, Mr. President, to offer amendments to the existing law which will provide the organizational structure, independent of foreign interests, to bring domestic satellite communications to the American public.

With kind regards.

Very respectfully,

MIKE GRAVEL.

UNDERGROUND NUCLEAR TESTS

Mr. INOUYE. Mr. President, on Monday, September 29, the Committee on Foreign Relations conducted hearings on Senate Joint Resolution 155, introduced by the Senator from Alaska (Mr. GRAVEL), and of which I am a cosponsor. The joint resolution urges that a review be conducted of the international and foreign policy implications of the underground nuclear testing on the island of Amchitka. The first in this test series is scheduled to be detonated tomorrow, October 2. This morning an editorial published in the New York Times succinctly sets forth, I believe, the position of a number of Senators who spoke at the Foreign Relations Committee hearings.

Last month, I contacted President Nixon and the Atomic Energy Commission to urge that these tests be postponed until an independent inquiry, such as that proposed by Senate Joint Resolution 155, could be conducted. I continue to urge that this action be taken.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RISK-TAKING ON AMCHITKA

Despite the combined protests of scientists, conservationists, members of Congress, aroused citizens groups in three Western states and the governments of two friendly neighbors, the Atomic Energy Commission is moving ahead with plans for a one-megaton underground nuclear blast in the Aleutians tomorrow, the first of projected tests to perfect new weapons.

Some scientists fear that the explosion may trigger a very large natural earthquake in the seismologically unstable area and that there may be contamination of air and water. Conservationists are concerned about the ecological impact on Amchitka Island, site for the tests, which is a part of the Aleutian Islands National Wildlife Refuge and a stronghold of the sea otter, a species once near extinction. Alaskans, Californians, Hawaiians, Canadians and Japanese are apprehensive about the danger from quakes and tidal waves.

Congressmen have urged a postponement of the tests until an independent panel of experts can assess the potential damage. But the A.E.C., which does not deny that dangerous side effects are possible, insists that the risks are minimal and worth taking in the interest of national security.

That is a dubious proposition on two counts first, because A.E.C. scientists tend to minimize dangers in order to support their interests in further nuclear development, and second, because the weapons the tests are designed to develop will only accelerate the arms race and thus increase international insecurity.

Supporters of the test program argue that the Russians also are testing new weapons. This, unfortunately, is true, but it does not justify testing in this particularly uncertain area until the dangers are studied more thoroughly and objectively.

At the very least, the tests should be postponed until an independent study of the dangers can be completed and discussed. Better still, the United States should press urgently in talks with Moscow and in the eighteen-nation Disarmament Committee for an agreement to ban all underground nuclear weapons testing, or at least those large-yield tests that can be easily monitored. The Amchitka tests pose unwarranted threats to the immediate safety of people living in the Pacific basin and the long-run security of mankind.

A SALUTE TO GHANA

Mr. McGEE. Mr. President, yesterday marked a significant event in Ghana, the official return of Ghana to civilian rule after more than 3½ years of military government. The people of Ghana and the first Prime Minister of the second Republic of Ghana, Dr. K. A. Busia, deserve our sincere congratulations and support in their endeavors. It is my hope that this occasion indicates the tide of armed takeovers that has swept Africa in the last 10 years has reached its peak, and that the events in Ghana will serve as an inspiration for the future.

The smooth and peaceful election of August 29 also deserves our attention, for it was singularly free from any taint of corruption or other irregularities. There can be do doubt that Dr. Busia and his Progress Party have gained a mandate to govern, for they won the elections by a landslide. I think this once again demonstrates the truth of the proposition that the people, given the opportunity, will choose the uncertainties and challenge of democratic self-government before the often proclaimed advantages of the so-called guided democracies or development dictatorships.

But of course it must be realized that no matter how popular or capable the new government may be, Ghana's success will hinge in part upon international cooperation. Specifically it means that we in the West must bend every effort to insure Ghana's prosperity and general well-being by providing a stable and equitable international commodity market, in which Ghana can gain the necessary foreign exchange credits to pay her obligations and finance her development plans.

Recent events in Ghana, then, deserve our best wishes, and I am sure Senators will join me in extending a tribute to the second Republic of Ghana and Prime Minister Busia.

COLUMBUS, OHIO, JOINS IN CALLING FOR ENACTMENT OF URBAN AND RURAL EDUCATION ACT

Mr. MURPHY. Mr. President, Superintendent Harold H. Eibling, of the Columbus, Ohio, public schools, has endorsed enactment of the Urban and Rural Education Act of 1969, S. 2625, which I introduced on July 15.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COLUMBUS PUBLIC SCHOOLS,
Columbus, Ohio, August 18, 1969.

Hon. GEORGE MURPHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MURPHY: Thank you for your thoughtfulness in sending me a copy of the bill you recently introduced in Congress.

This Urban and Rural Education Act of 1969 has been studied and read very carefully by members of our professional staff. As we understand it, this bill would amend Title I of the Elementary and Secondary Act of 1965 and proposes to provide substantial increases in funds for certain qualified large cities to meet the educational needs of disadvantaged pupils in the elementary schools.

This additional money would be available to the local education agency without precondition; therefore, we have assumed that it would be possible to develop facilities needed for the approved programs. This bill as you have presented it seems logical and justifiable in terms of the intensified need that can easily be identified in large cities as well as certain rural sections of our great nation.

I would certainly hope that this bill would meet with favor and success in Congress.

Sincerely yours,

HAROLD H. EIBLING,
Superintendent of Schools.

HUMAN RIGHTS HAVE LONG HISTORY AS PROPER SUBJECT MATTER OF TREATIES

Mr. PROXMIRE. Mr. President, as an unequivocal proponent of Senate ratification of the Human Rights Conventions, I have frequently been confronted with the argument that conventions on human rights are not a proper exercise of the treatymaking power.

I contend that there is both abundant historical and legal precedent for U.S. ratification of Human Rights Conventions.

Human rights were very much an integral part of the international treaty process as early as the 17th century. The Treaty of Westphalia, negotiated at the end of the Thirty Years War in 1648, guaranteed for all the Germanies the equality of rights for people of both the Roman Catholic and Protestant faiths.

Later in the same century, the Treaty of Breda saw the extension of freedom and equality to Roman Catholics by Protestant princes.

The Congress of Vienna of 1815 extended the principle of religious freedom and political equality to many cantons of Switzerland and protected the equality of Christian religions in Germany.

Four different treaties and conferences of the 19th century affirmed and reaffirmed the outlawing of slavery. In fact, 105 years ago in 1862, the United States entered a treaty with Great Britain for the immediate suppression and ultimate elimination of the African slave trade.

The treaties concluding World War I—involving Albania, Austria, Bulgaria, Czechoslovakia, Greece, Hungary, Poland, Rumania, Yugoslavia, and Iraq—guaranteed full equality for the citizens of those nations irrespective of birth, nationality, race, or religion.

The United States has both historical and legal precedent for the ratification of Human Rights Conventions.

The United Nations was a further fulfillment rather than an innovating departure from the traditional collective efforts for protecting human rights and insuring human dignity.

The Senate can take a major step toward the full implementation and full realization of human rights for all human beings by ratifying the Conventions on Forced Labor, Genocide, and Political Rights of Women.

TAX REFORM BILL AS IT AFFECTS MUNICIPAL BONDS

Mr. MURPHY. Mr. President, I have been very much concerned with the impact of the Federal tax reform legislation as it affects municipal bonds. The State of California is also greatly concerned and I arranged for Ivy Baker Priest, State treasurer, to appear before the Senate Finance Committee to voice the State's opposition to the tampering of present Federal-State relationships concerning tax-exempt municipal bonds. I ask unanimous consent that her testimony be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURPHY. Mr. President, testimony before the Senate Finance Committee has amply demonstrated that interest rates on debt obligations of State and local governments would increase sharply if the pertinent sections of the Tax Reform Act of 1969 were enacted. Attendant and equally demonstrable effects of such higher interest rates would be correspondingly heavier property taxes and related imposts in those jurisdictions issuing tax-supported bonds as well as increased charges, fees, or tolls for users of water, sewer, electric, highway, bridges, and other facilities financed by revenue or revenue-supported bonds. What has received less emphasis, but is potentially of tantamount or surpassing significance, is the built-in inflationary impact of higher municipal interest rates on the economy of California and the Nation as a whole.

The State of California and its political subdivisions have typically sold more bonds annually in recent years than any State in the Union. Between 1960 and 1968 California bond sales averaged $1.4 billion yearly, or 13 percent of the total average annual volume. Aggregate State sales for this period amounted to $12.7 billion, against $97.6 billion for all State and local governments combined. Future sales in this order of magnitude, or greater, are a virtual certainty in view of the indicated need of and plans for new statewide construction plus improvements or expansion of existing facilities. Authorized but unsold bonds of the State of California, for example, currently total $1.3 billion, while similar debt of underlying cities, counties, school districts, and other local units is nearly $3 billion.

It is important to note at this point that, whatever average increase in interest rates is ascribed to the Tax Reform Act, such increase for California will necessarily be more severe. Because our State is the largest and, in absolute terms, the most rapidly growing, there has arisen a proliferation of local units whose present credit status by traditional yardsticks demands a premium on borrowing costs. This is especially true for new agricultural developments in the Central Valley associated with the California water project and expansion residential-industrial ventures in southern California accommodative of the spillover from metropolitan Los Angeles and San Diego.

On August 28, there appeared on the financial page of the Los Angeles Times, an article indicating the difficulties that municipal bonds are already having in California. The article goes on to blame both high interest rates and the tax reform bill for the fact that no bids had been received on the estimated $20.5 million Venice waterway project. I ask unanimous consent that this article be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MURPHY. Mr. President, property taxes are the major revenue source of municipal governments. Debt service increases, then, which must result from the tax bill's reform provisions, will consequently be reflected mainly in higher local taxes on land and improvements. It can be shown moreover, that the accrued effects of such higher taxes in California will redound as well to the detriment of the Nation, owing in part to the State's critical role in the U.S. economy.

California for many years has paced the country or ranked highly among the leaders in the value of agricultural output, aerospace production, food and kindred items, transportation equipment, and products derived from or allied with petroleum, lumber, rubber, plastics, and stone, clay, and glass.

Taxes, in agriculture or industry, quite simply are a cost of doing business. Where taxes increase inordinately, thus reducing sharply investment return relative to expenditures, the affected producers may either leave the state or area or pass along the increase to subsequent middlemen or to final consumers. In the first instance the domestic economy of California would suffer. The latter result, however, implying an extrastate transference or multiplication of increased production costs, would be more likely in California because of the general nature of the state's dominant industries—especially agriculture and aerospace. Furthermore, as food items and defense outlays have typically been among the chief culprits in spinning out the inflationary spiral, additional production costs translated into higher prices would have grave economic repercussions.

The effect of higher property taxes on production costs and consumer prices will be felt also to a certain degree in many other industrially important States with substantial prospective borrowing. Whether the individual State or the entire Nation would suffer most in a given instance is, at this juncture, academic. The point is that the suffering is not only destructive but needless.

First. Reducing the value of tax exemption to individuals via the minimum income tax allocation of deductions proposals will yield token revenue benefits to the Federal Government only to inflict lasting damage on the majority of our citizens for the dubious pleasure of paining the rich few.

Second. Permitting State and local governments to issue taxable bonds in exchange for a Federal subsidy would presumably result in offsetting transactions in terms of U.S. Treasury accounts—making it a fiscal nullity, therefore—while at the same time sorely endangering intergovernmental relations, weakening Federal budgetary controls, and tempting the fiscal integrity of local governments by an unlimited license to sell federally backed debt obligations.

Additonally, there are serious legal questions involved in adjudicating the matter of either direct or indirect taxation of municipal interest as well as in the authorized issuance of taxable securities by States and localities. Consequent litigation, inevitably massive and prolonged, will contribute further to the progressively deteriorating condition of the municipal bond market and the higher interest rates that such deterioration entails.

Third. Similarizing the tax liability of commercial banks relative to both profits and losses on portfolio security transactions, as provided in the act's treatment of bonds held by financial institutions, would not only reduce bank holdings of municipal bonds but also impair the market for U.S. Treasury and Federal agency securities, striking thereby a wasteful blow at each level of government.

Tax equity is a worthy aim. I certainly support the need for tax reform because I believe that the American public carries too heavy a tax burden. Therefore, no one doubts the sincerity of the drafters of the legislation. Yet it is apparent in this instance that motive and dedication have combined to produce a bill whose security provisions will disrupt our capital markets, increase interest rates and taxes, fundamentally alter our governmental system, and damage the economies of the States and Nation.

The duty of the Finance Committee and the Senate then, is clear, gentlemen. The offending provisions of the tax reform bill should be struck, in the interest of our constituents, in the interest of State and local autonomy, and in the interest of our national well-being.

Finally, Mr. President, I ask unanimous consent that a statement by Mr. Joseph Jensen, chairman of the board of directors of the Metropolitan Water District of Southern California be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of the Metropolitan Water District of Southern California Concerning the Tax-Exempt Status of Municipal Bonds*

The Metropolitan Water District of Southern California is a public corporation organized under the laws of the state of California to furnish supplemental water at wholesale for municipal and industrial use to cities and other public agencies. The District now serves most of the coastal plain of Southern California. It has a population of more than 10 million living in 121 cities and in various unincorporated areas including the metropolitan areas of Los Angeles, Orange County and San Diego.

Southern California, a semi-desert area, has experienced the greatest influx of people in the world's history during the past three decades in which it has become one of the great urban complexes in the world. This amazing and unprecedented growth placed tremendous pressure on public officials to continue furnishing the most basic commodity for this dynamic and expanding economy, namely, water. The nature distribution of waters in California has never coincided with population and industrial demands, a problem characteristic of most of the southwestern United States. The difficulties of meeting this growth and attempting to plan for the future involved enormous costs and from a practical standpoint could only be accomplished by spending vast amounts of funds requiring long term financing.

In addition to the major water resource works already constructed in Southern California with municipal bonds, the voters of the Metropolitan Water District authorized the sale of $850,000,000 in general obligation bonds in 1966 as part of a financing package for the construction of $1,250,000,000 in new works for the distribution of additional water within our service area. These bonds are in addition to the $1,750,000,000 in bonds authorized for the California State Water Project, the world's largest water project which will meet Southern California's needs until close to the turn of the century. As of this time, Metropolitan has yet to sell $665,000,000, which are unsold.

These figures quite accurately reflect the enormous costs to state and local governments of financing just one of their essential services in the west under the unprecedented growth pressures experienced since World War II. Today in California, public agencies have over $2 billion in bonds awaiting sale for the construction or betterment of water supply systems. In most instances, the added flexibility of long-term financing has permitted public agencies to do a more comprehensive and more efficient planning and construction job in the development of their water resources. Piecemeal planning and construction, quite frequently caused by practical financial restrictions, has usually resulted in a poorly balanced use of available resources and in the long run more expensive development.

Section 301 and 302 of the House Tax Reform bill, H.R. 13270, will clearly have an immediate impact on the costs of long-term municipal financing. The far-reaching effect of the minimum income tax and allocation of deductions proposals is unquestioned. Investors, of course, handle their portfolios in large part based on the tax consequences of their decisions and the question is not whether this will increase the cost of issuing municipal bonds but rather how much. The other distinct possibility is that investors will seek other more profitable investments, thus limiting the supply of funds for municipals and so in effect driving up interest costs as competition between municipal agencies increases in a narrower market.

The other effect of these proposed changes is to undermine the confidence of investors who will not be specifically affected by these amendments but who are afraid that they represent a trend which will eventually include them. They can only view municipals as an investment with much less certainty of return than that upon which they have come to rely. Their reaction may well be the same, i.e., either they will look elsewhere for investment potential or reflect their concern in the bids they make for these securities. Also, until the constitutional issues raised by some of the proposed amendments are resolved by the courts, investors will be reluctant to consider municipals.

From the standpoint of Metropolitan and other public agencies, these reactions will cost money—a great deal of money—which must be passed on to taxpayers or water users. Metropolitan must sell the $665,000,000 balance of its current bond authorization to complete its construction program and an increase of one percent in the interest rate of these bonds will result in an added cost of somewhere around $275,000,000. An increase of 2¼ per cent will result in an increase equivalent to the principal amount.

This added cost to Metropolitan will not be for the investor's benefit. The investor is demanding a higher interest rate to maintain his rate of return in the face of changes in the tax law and the added interest cost to state and local agencies which investors will demand will equal what investors expect they would face in additional federal income tax.

Obviously, we are opposed to the inclusion of interest on municipal bonds in these two provisions. We do not feel the Federal government's need for additional revenue needs to be at the expense of local taxpayers. The almost miniscule number of individuals who escape a portion of income tax because of ownership of municipal bonds is not adequate reason to impose much higher costs on local government, the most greatly troubled level in our entire government structure today.

The alternatives to the tax-exempt bond which have been proposed in connection with tax reform so far fall into three general groups. The House bill provides for a no-strings-attached subsidy for those public agencies willing to issue fully taxable bonds. The other two have been generally lumped into the "urban bank" approach and some type of guarantee system.

These latter two involve Federal surveillance and regulation of local capital projects in order to obtain the financing offered. We do not agree with this. We do not feel that having to accept Federal approval of our construction programs is an alternative to our reluctance to go into a more costly bond market. Some areas of state and local government need Federal assistance to develop needed programs in accordance with national policy but we feel this should be a conscious decision by Congress to aid in a particular field with established standards and a recognition of need rather than as an only alternative for paying higher interest rates. We do not feel that the Federal government's need for additional funds as stated by the Treasury Department is adequate justification for making local public projects into a Federally supervised program.

The no-strings-attached subsidy provided in the House bill has more merit from the standpoint of local agencies and is more consistent with Treasury's arguments that its objection to tax-exempt bonds is in large part based on loss of revenue. However, we cannot agree with such an approach when it must go hand in hand with a major deterioration of our traditional financing market, leaving as an alternative one which is untried and subject to constant change by future Administrations and Congresses. If the direct subsidy approach, which we believe will prove far more costly than current estimates indicate, proves unacceptable or is altered by Congress at some future time, then state and local agencies are left without recourse as their traditional market will have already been substantially altered or eliminated.

The Metropolitan Water District is opposed to any legislative proposals which will eliminate or curtail the tax-exempt status of municipal bonds, reduce or impair their marketability, increase interest costs or otherwise adversely affect the municipal bond market.

Exhibit 1

State of California Views on the Tax Reform Bill—H.R. 13270

(Presented to the U.S. Senate Finance Committee by the Honorable Ivy Baker Priest, State Treasurer, Sept. 23, 1969)

The State of California, which I have the honor to represent before this Committee, opposes those provisions of H.R. 13270 which, as presently written, would tamper with the existing Federal-State relationship concerning tax-exempt municipal bonds.

We oppose also any changes in charitable trust provisions of tax law which would cause unintended but seriously adverse effects on California's and the entire Nation's educational institutions. Any action which shuts off or diminishes the flow of gift funds to private schools will yield only added burdens to the public tax structure.

It is our contention that H.R. 13270, the so-called tax reform law, would cause far more harm than good in attempting to solve some of the existing inequities. It would open a pandora's box of horrors, jeopardizing Federal-State relationships of all kinds and touching off bitter rounds of litigation. For the most part, however, we will restrict our testimony to the proposed taxation of State and Municipal bonds.

---

* Presented to the Committee on Finance, United States Senate, by Joseph Jensen, Chairman, Board of Directors, September 23, 1969.

From this nation's earliest days these bonds have been considered as tax-exempt without serious question. We have not attempted here to present the full weight of data and expert opinion available to support our views, but instead seek to point out as concisely as possible what we believe would be some of the adverse effects of this proposed legislation.

This committee's goal of tax reform is a most desirable one. However, because California would be so seriously affected we must oppose H.R. 13270 in its present form on the following grounds:

1. We believe the proposal to tax state and local bonds, commonly referred to as "municipals", is unconstitutional, regardless of whether the Federal government subsidizes all or any part of the increased interest costs resulting from state or local issuance of taxable bonds instead of the traditional non-taxable bonds. We believe that it really makes no difference whether the interference is direct or indirect on this point.

2. Federal taxation of municipals will immediately and automatically increase market interest rates to compensate investors for the altered status of such bonds. The inevitable result must be increased state and local taxes to pay for the increased interest costs. The low and middle income taxpayer thus would bear an even larger share of the burden than he now does.

3. Once the principle is breached, there would be no fixed stopping point. Once Congress takes the first step away from tax exemption on municipal bonds, it can always take another step and yet another whenever circumstances make it expedient to do so. Thus, a federal subsidy of the extra interest costs involved in issuing taxable municipals can be withdrawn just as easily as it was first offered.

4. The very fact that Congress has been seriously considering legislation of this type already has had adverse effects upon the bond market. The fears and uncertainties surrounding current proposals to tax these bonds have led to (a) a shrinking of available money supply and demand for investments of this type because many would-be investors shy away entirely from the municipal bond market until congressional intentions solidify, and (b) further increase in interest rates on those municipal bonds which do manage to attract bidders in these unsettled times. It must be recognized that selling prices of stocks and bonds are affected by such intangible factors as investor confidence and optimism, or the lack thereof, fully as much as they are by earning records, credit ratings and the caliber of management. This is as true with municipal bonds as with corporate bonds. Investor buying patterns are influenced very markedly by any threat or suspicion of threats such as presented by current congressional actions toward state and local bonds.

5. Greater dependence upon the Federal government as the source of major public works funding for state and local needs will be the inevitable result of any tampering with the historic status of tax-exempt bonds. If the states and their political subdivisions no longer can sell their bonds without having to pay extremely high interest, or cannot find buyers at all because of federal interference with the orderly marketing processes of the past, then the only other major source of funds for state and local capital outlay projects has to be the Federal government itself. That would be in direct contradiction to current efforts to bring about better working relationships between the national and state governments and would force the states to rely almost completely on Washington to solve their fiscal problems involving capital outlay projects. I doubt that any of us want that to occur!

6. California, along with other states, finds herself unable to sell general obligation bonds in the normal manner or volume at the present time because inflation has boosted interest rates above the state legal limit—in our case, five percent. Steps are under way to alleviate this situation through referendum in June, 1970, so that, with voter approval, the State's legal limit on interest may rise to seven percent. However, if and when this does occur, the entire matter may already be or soon afterward become moot *if, through federal taxation of our bonds, interest rates are forced to remain above even the new ceiling*. Administration efforts to curb inflation's effects on the bond market may be nullified if the Congress, through action which we consider most unwise, brings about a condition of permanent fear and uncertainty regarding investments of all types, including municipal bonds.

7. Those who will be most hurt in California if our bonds are made taxable to investors will be the young people now reaching college age who will be denied the new buildings and facilities they need for their education. It will be the youngsters now in school or about to be enrolled in our public school systems who will lack the classrooms they need through 12 years of schooling. It will be the California veterans who depend on funds from the sale of state bonds to provide the loans they deserve for the purchase of farms and homes. It will be the growing millions of people who use and enjoy our state parks and historical sites made possible by bond financing. Perhaps most urgent of all at this point in time, those who will be hurt will be the farmers and cities of California who are depending on the state water project to deliver the surplus waters of the north, as promised, two years from now. All of these groups of people—probably most of our 20 million population—would be adversely affected by the taxation of state and local bonds as proposed under H.R. 13270.

At this point, I would like to present some specifics about California's population, geography, economy and state financing policies these are germane to your understanding of why we believe so strongly that taxation of municipal bonds would be not only undesirable but perhaps even tragic in its effects on California.

FACTS ABOUT CALIFORNIA SCHOOLS AND COLLEGES

According to a researched feature article in the *San Francisco Examiner and Chronicle* for September 7, 1969, approximately six million of a population totaling approximately 20 million were expected to be in California schools this month. That's a school enrollment equal to an entire nation the size of Switzerland. Add to these students some 600,000 school employees and you have more Californians involved in some phase of education than in all other jobs and professions combined. As a state, we spend $4.5 billion a year to run our schools, about what it costs each year to put men on the moon. We are the most college oriented political entity on earth: Nearly one million of us, 50 out of every 1,000, now attend college, which is half again as many as in New York and three times as many as in Illinois.

Our investment in school property is more than $17 billion, according to a study by Crocker-Citizens National Bank Economists. The biggest part of our tax dollar goes for education, a large share, of course, paying for the three million youngsters in elementary school and the 1.3 million in high school. We have had to build 150 new classrooms each week to house our growing public school population. We have the largest and most extensive adult education program in the nation; each year 1.8 million adult Californians take courses in some 500 locations around the state. Our extensive junior or community college system at last count totaled some 89 two-year colleges throughout California.

Between 1955–1957, California's population increased 47 percent but at the same time, enrollment in all colleges and universities increased 160 percent and in the state college system 222 percent. The increase in college enrollment in our state has been averaging about 50,000 a year.

These facts and figures are cited to stress that education in California is, indeed, big business. To guarantee good schools for all of its people wherever they happen to live, the state provides its share of school support according to district need. For many years a state program of loan-grants has assisted local school districts with their building needs. These state funds are provided through the sale of bonds authorized by popular vote. In turn, local matching funds also are usually provided through local bond issues.

The University of California has an enrollment of about 100,000 on its nine campuses and the State College system has an enrollment of about 200,000. Buildings for these college and university campuses are financed largely through state general obligation bonds. Any action which would disturb California's ability to sell such bonds, or which would greatly increase the interest which state taxpayers would have to pay on such bonds, can only work to the detriment of higher education in California.

FACTS ON STATE WATER PROJECT

Planner, builder and operator of a $2.8–$3 billion project which will transfer surplus waters from Northern California to thirsty lands and cities throughout the state, the State Department of Water Resources, is at a crucial stage of construction in its timetable. Water already is flowing through the aqueduct system as far south as the Tehachapi Mountains, which separate the great San Joaquin Valley from Southern California. Contract deliveries are being made to Northern California, the San Francisco Bay Area and to the San Joaquin Valley. However, getting the rest of the contracted supplied through and over the mountains to Southern California by means of the world's greatest pump lift and difficult tunneling across earthquake faults still presents a challenge before the end of the 600-mile water route is reached in 1972. Water is scheduled to reach Los Angeles County in 1971 and nearly to the Mexican border the following year.

Contracts for water service provide that costs of construction, operation and maintenance of the facilities will be paid for by the users, with interest. Until completion of the project, however, the largest proportion of the revenue cannot start flowing back into the State Treasury to meet principal and interest payments on the general obligation bonds which have been issued in series as needed to finance construction. Thus, it is imperative that no unnecessary and controllable factor intervene to disrupt the sale of California water bonds or to cause extra interest charges to be assessed again all contracting parties.

Approximately $600 million of the initial $1.75 billion in water bonds remain to be sold to complete the project as presently planned. Taking a long-range look, however, the project will have to be extended to tap new sources of surplus water from California's north coastal rivers, making further bond financing a necessity. It would be an unnecessary burden to carry on the backs of California water users who pay for these projects if the Federal government were to enact tax legislation which would increase the cost of bond financing, as would H.R. 13270 or any other similar bill.

FACTS ABOUT CALIFORNIA'S BOND SELLING PROGRAM

At the end of Fiscal 1968–69, California's bonded indebtedness (general obligation bonds only) totaled $4.7 billion. Bonds already authorized by the voters but still unissued as of September 1, 1969, totaled $1.34 billion. The state ranks second only to the United States government itself in the dollar volume of bond sales. Under normal market conditions, our bond sales in recent years have been totaling $500–600 million per year.

There is a direct link between California's unusually rapid population growth and the need for public works on a large scale. There is no letup in sight. Because the need is so great (the population increase each year being comparable to adding a city of 500,000) bond financing has been the only feasible means of keeping up reasonably well. It is the fastest way to obtain large sums of money for capital outlay beyond the scope of pay-as-you-go financing. It also is a matter of principle and fiscal common sense that long range benefits should be paid for by future beneficiaries and future taxpayers as well as present ones.

California's general obligation bonds are used, for example, to finance capital outlay needs for:

1. *The Cal-Vet Farm and Home Loan Program*. This has been successfully funded for decades in this manner. A total of $2.285 billion in bonds has been authorized during that period. Ending of the Viet Nam involvement will result in increased requests or for loans from returning veterans.

2. *Public School Construction*. The public school system's building needs are aided by the state through bond sales. State aid is of a loan-grant type, partly repaid with interest. Since 1946 the state has approved applications for approximately $2 billion in state funds to help in constructing facilities for approximately two million students.

3. *Junior College Construction*. Authorized in 1968, the $65 million in bonds for this purpose is another type of bonding program in California which is directly affected by national bond market conditions. At the beginning of this year, there were 89 community colleges operated by 69 separate junior college districts. These are required to match state building construction funds. Last November the first series of these bonds was sold; no more have been sold since then because of prevailing high interest rates.

4. *Park, Recreational and Historical Site Facilities*. In 1964, California voters approved a $150 million bond issue for expanding the State Park System, for local parks and for additions to wildlife conservation board hunting and fishing improvement facilities. In a state of 20 million population, augmented in the summer by visitors numbering in the hundreds of thousands, at least, it has become imperative to provide more parks and recreational facilities. Bonds meet these capital outlay needs.

It should be noted that these have been examples, not an all-inclusive list.

Authorized but unissued state bonds as of September 1, 1969, include: $600 million for the water project, $60 million for construction of state buildings, $80 million for university and state college construction, $75 million for the state park system, $275 million for public school system building aid, and $50 million for junior college construction.

VIEWS ON TAX IMMUNITY UNDER THE CONSTITUTION

The question of tax exemption of municipal bonds may be phrased as follows:

Does the right of states and their political subdivisions to borrow by means of bonds whose interest is exempt from federal taxation stem from the permissiveness of a beneficient central government, or is this right a part of the very nature of our republic's political partnership?

California contends that Congress by itself cannot abolish by statutory enactment that which has been recognized as a constitutional right by the U.S. Supreme Court and which, therefore, can be changed only by amending the Constitution. This principle has been reiterated by the Supreme Court since adoption of the Sixteenth Amendment (the income tax amendment). Since California's presentation here today is not intended to be a legal brief, we will not set forth the citations in case history which substantiate our position. In our view, they are solidly based.

We contend that the Federal government has no right to tax municipal bonds even indirectly, or by offsetting such taxes through the device of interest subsidy. To extend this point, if the states are to be required to yield *their* immunity in this matter, the *Federal government should reciprocally give up its own immunity,* thus opening the way for counter taxation of its bonds by the states. It should work both ways if it is going to be brought into the picture at all. No one would gain by such a chaotic scheme. We merely suggest that a cutting sword usually has two edges.

California contends that any alteration of the principle of reciprocal immunity from taxation could pull down the entire framework of Federal-State relationships and would destroy the principal means open to the states to finance their major capital outlay projects. Once any exception is made to the principle of immunity, immunity no longer exists.

VIEWS ON CHARITABLE CONTRIBUTIONS

The proposed changes in the treatment of charitable contributions suffer from the same weaknesses as those dealing with tax-exempt bonds. The House Ways and Means Committee, in trying to eliminate abuses of present regulations, has proposed changes which, in our opinion, will lessen the flow of charitable contributions.

Although California would not be affected as much as her sister states by such changes because our private institutions carry only about 111 percent of the total enrollment in higher education, we, nevertheless, are concerned about the negative impact that this proposal would have on gifts to private educational institutions. They already are at a competitive disadvantage relative to public institutions. This move to tighten regulations on charitable contributions would heighten that disadvantage at a time when private schools need all the help they can get if they are to remain a viable part of our educational framework.

Every enrollment gain by private institutions lessens the burden which otherwise would fall on our taxpayers. Moreover, we feel that the increased competition between public and private schools helps to achieve our goal of excellence in higher education.

For these reasons, therefore, only summarized here, the State of California respectfully urges the Congress to take no action in developing a tax reform bill which would tend to diminish the ability and willingness of contributors to support private colleges as in the past.

NEWS CLIPS: LOCAL COMMENTS ON AND EFFECTS OF TAXING MUNICIPAL BONDS

Sacramento Bee, September 4, 1969

From a story describing a meeting of the Los Rios Junior College District Board of Education:

"The board rescinded its action of two weeks earlier, awarding a $1,875,400 contract to Harbison and Mahoney for construction of the American River College Library. Assistant Superintendent George Rice explained the district had been unable, in the current confused bond market, to sell the bonds needed to finance the project. Rice said *proposals in Congress, to remove the tax-exempt status from such bonds and to alter the capital gains tax, have combined with high interest rates to dry up the bond market . . .*"

Sacramento Bee, September 5, 1969

From a story reporting proceedings of a Sacramento City Council Meeting:

"Christensen (City Councilman Walter Christensen, former Mayor) warned that 'the Community Center is down the drain' if Congress passes a tax reform bill which eliminates or reduces the tax-free status of municipal bonds, thus making some or all interest on such bonds taxable to investors."

San Francisco Chronicle, September 4, 1969
Financial Editor Sidney P. Allen's Column

"Bonds go begging, more than ever.

"Here's fresh evidence of it. The Bond Buyer Index, the major gauge for the tax-exempt bond sector, topped six percent 10 days ago, and currently has shot up to a new high record at 6.26 per cent.

"Right here at home, to be more specific, the California Municipal Bond Index of Glore Forgan, William R. Staats, Inc. topped 6.21 per cent. That, too, was up a whopping 21–100ths in one week.

"Obviously investor confusion and fear regarding possible tax reform that might eliminate or reduce state and municipal bond tax exemption has knocked the final prop from that sector. It's a punch to the solar-plexis (sic) for California . . ."

Sacramento Bee, September 7, 1969

"Davis—failure of the Davis Joint Unified School District to market $330,000 in bonds has prompted a warning that taxpayers may face increased taxes because of the current condition of the money market.

"The Davis Bonds, authorized by voters in 1963, failed to attract any bidders at the legal maximum interest rate of 5 per cent.

"The business manager of Davis District, Melvin H. Keuhnhold, said, 'the money market is like a yo-yo at the moment. No one's buying bonds—particularly at the interest rate of 5 percent.

'One of the major problems is the tax reform discussions in Washington. At present, interest earnings on bonds are tax-free. But the indications are that they will become taxable—with taxes being applied retroactively. So no one is buying.'

"The Davis Bonds were to finance a new gymnasium and shop at Holmes Junior High School, a project considered 'top priority' by officials."

EXHIBIT 2

[From the Los Angeles Times, Aug. 28, 1969]

VENICE WATERWAYS PLAN FAILS TO DRAW BIDDERS—PUBLIC WORKS LEADER BLAMES PROBLEM ON TIGHT MONEY MARKET

(By Seymour Beubis)

VENICE—The future of the ambitious Venice Waterways Development Project is again uncertain because no bids were received Wednesday on the estimated $20.5 million project.

Howard W. Campbell, president of the Board of Public Works, said he is still determined to go ahead with the project "because we owe it to the property owners to make this project a reality. We will continue to work with corporations who have the potential to do the work."

Chappel admitted, however, that as of now he has no idea when the Venice Canal Project might be started.

PROJECT TO BE READVERTISED

According to Chappell, the project will be readvertised for bids after the board and its staff make a complete re-evaluation of the conditions in the construction industry and in the money markets which affect the fi-

XUM

nancing of the project and particularly the issuance and sale of assessment bonds for the work.

Chappel said the lack of bidders may be attributed to the unsettled conditions in the municipal bond market because of certain provisions in a tax reform bill now pending before the Congress, and the general conditions in the financial world, especially the high prime interest rate of 8½%.

Additionally, according to Chappell, the turbulent state of the construction industry which has been plagued lately with strikes, spiraling wages and rising costs of materials and equipment and other items which go into a huge construction project, may have contributed to the lack of bids.

BIDS SURPASSING ESTIMATES

"We have not been able to get bids on several projects lately and the ones we are getting on other projects are way over our estimates for the work," said Chappell.

Chappell said 70 firms took out a set of plans for the project, a prerequisite to making a bid.

He said that he felt that the lack of bids had nothing at all to do with the estimated cost of the project.

Opponents of the project have maintained that the project would cost well over the $20.5 million estimate and even more than $30 million.

The tax reform bill before Congress, according to Chappell, could substantially affect the issuance and sale of Venice Canal Project bonds because it would impose a tax on state and municipal bonds, even outstanding issues, and it would remove a portion of the current tax exemption on a graduated scale up to 50%, now enjoyed by such bondholders.

The Venice Canal project, the largest assessment act project in the history of the city, would be financed by the issuance of general assessment bonds.

Chappell said he was disappointed that no bids were received, but would have felt far worse if the bids had been higher than that estimated by the board.

"From all the contractors we have spoken to, no one complained about the estimated cost of the project," said Chappell.

The council approved the project earlier this year after stormy hearings. But the council stipulated that if the lowest bid was in excess of 5% of the city engineer's estimated cost, it be reported to the council for its approval before award of a contract.

Two vocal groups opposed the project when it came before the council.

One group was composed of property owners on the periphery of the proposed canal project who claimed they were being assessed for a project that would not be of benefit to them.

A second anti-canal faction was made up of Venice residents, predominantly renters, who felt the project would result in an increase in their rent and thus force them away from the area.

The council was close to rejecting the project or at least postponing action on it because of the periphery property owners, when the Board of Public Works decided to eliminate 136 of these periphery properties from the 1,110 parcels in the canal assessment district.

Prices of property in the Venice Canal area have soared since the project was first announced several years ago.

Plans call for the canals to be linked with the Marina del Rey entrance channel.

The proposed canal system would run from the marina entrance to approximately Venice Blvd. and Pacific Ave.

Besides improvements to the canals, new pedestrian and vehicle bridges, boardwalks and improvements to the buildings along the waterways are planned.

The average cost of the project to property owners with canal frontage is estimated at $15,000 and some go as high as $21,000 excluding interest. The assessments can be paid over 20 years.

THE SECOND REPUBLIC OF GHANA

Mr. BROOKE. Mr. President, great moments in history should not go unremarked.

Such a moment is occurring today in the independent African Republic of Ghana where, for the first time in the history of that troubled continent, a military government is voluntarily turning control of the state over to popularly and peacefully elected civilian authorities.

Ghana has always been in the vanguard of African politics. Successive constitutions drafted by the British governors in the immediate postwar years gradually widened the base of suffrage among the black population, until by 1951 all adults in the colony participated in the selection of a Legislative Assembly. Then, for the first time, an African became Leader of Government Business, a title which was changed to Prime Minister in 1952.

One more general election was held under British supervision in 1956. On March 6, 1957, with much fanfare and acclaim, Ghana became the first black African state to achieve its independence from colonial rule. The ceremony was attended by dignitaries from all over the world, including then Vice President Richard Nixon. Hopes were high. With resolution on the part of its leaders and people, coupled with continued British support and growing Western investment in Ghana's rich cocoa and aluminum resources, the country was well launched on the way to stability and economic and political development.

Problems intervened, as we all know. Ghana's leaders tried too hard and too fast to modernize, westernize, and put their country on a par with other independent states. As the first independent black African state, Ghana assumed a leading role in the independence movement then sweeping across Africa, and in the process the country's own domestic needs were often overlooked. Monuments were built to the greatness of Ghana, to its past and to its future. Convention halls and coliseums proclaimed a commitment to Pan-African unity. But in the meantime Ghana's people often lived in poverty, the prices for its export crops declined, and an increasingly entrenched bureaucracy found ways to use positions of authority to further personal gain.

Finally, on February 24, 1966, the National Liberation Council, made up of army and policy officers overthrew the government of former President Nkrumah and assumed the reigns of the Government of the Republic of Ghana. Critics of this action were many, but once the abuses of the previous administration became more generally known, the criticism assumed a more far-reaching quality. From many quarters it was alleged that African states were not ready for democracy, that the parliamentary experiment had failed, that tribalism would divide the countries of Africa for many decades to come. A succession of military coups in other states seemed to bear out these depressing expectations. In the process, the assertions of the National Liberation Council that they had no political ambitions and were anxious to turn power back to a duly constituted civilian government, were lost, ignored or discounted.

But the NLC went ahead with its plans.

The National Liberation Council appointed a Constitutional Commission to draft a new constitution for Ghana, and promised that they would relinquish their powers to any government formed in accordance with the new constitution and as a result of genuinely free and fair elections conducted under the Constitution.

It is gratifying to note that after a Constituent Assembly had re-examined the proposals of the Constitutional Commission for a Constitution for Ghana, the Constituent Assembly was empowered to enact and promulgate a new Constitution for the Second Republic of Ghana on August 22, 1969.

General elections were held throughout Ghana on August 29, 1969 to elect members of the National Assembly and a new Civilian Government. The Progress Party led by Dr. Kofi Abrefa Busia won the elections by a landslide after 4 months of vigorous campaigning and a peaceful, smooth, and uneventful election.

Dr. K. A. Busia was duly sworn in as the Prime Minister of Ghana immediately after the election, and has subsequently chosen his 17-member Cabinet.

For the time being, a three-man Presidential Commission composed of members of the National Liberation Council—Brig. A. A. Afrifa, Chairman of the NLC, Police Chief J. W. K. Harlley, and Maj. Gen. A. K. Ocran, Chief of the Defense Staff—will exercise the responsibilities of President. This arrangement will last for a maximum of 3 years, may be terminated at any time by a vote of the Legislative Assembly, and is designed to provide continuity during the transition period.

The new government inherits from the NLC a stable political climate. The Constitution created under its supervision provides for a popularly elected government and insures the fundamental freedoms, among these life, liberty, and security of the individual, freedom of conscience, freedom of expression, freedom of assembly and association. In addition the NLC, during its 3-year tenure, was able to salvage the economy of Ghana and to lay sound foundations for the further improvement and expansion of trade and economic development.

The new Prime Minister of Ghana, Dr. K. A. Busia, in a nationwide broadcast in Ghana, appealed to all his fellow Ghanaians to start the Second Republic in the spirit of forgiveness and tolerance. He said:

> This time, we shall succeed in building a truly democratic country in which we shall be proud and happy to live.

The Second Republic of Ghana has thus been born. The young and virile people of this country are determined to succeed. In the same way that Ghana, in 1957, blazed the trail that has since ushered the majority of African countries into independent nationhood, so once again the precedent Ghana has set in orderly transition to civilian administration may well pave the way and provide the lead for similar political achievements throughout all of Africa.

In their determination to develop lasting democratic institutions, the people of Ghana deserve our good will, our understanding, and our support. Today, when their new civilian government is duly sworn in, I extend to them my deepest commendation and best wishes.

WATER QUALITY

Mr. NELSON. Mr. President, it is becoming increasingly evident that our Nation will be facing a severe crisis if something is not done to insure adequate water pollution control measures. Unless we can take steps to improve and upgrade water treatment and distribution systems, we will be slowly poisoning our people to death. It is becoming more difficult with each year to give the American people the right to clean drinking water because of the incredible volume of waste materials being discharged into the water. This problem can only be met by a careful surveillance and persistent vigilance on our part.

Two articles recently published in Milwaukee papers point up the need for effective water pollution control standards to protect our drinking water. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Milwaukee (Wis.) Sentinel, Sept. 6, 1969]

ALARM SOUNDED ON U.S. DRINKING WATER

WASHINGTON, D.C.—The nation's drinking water systems are plagued with serious sanitary deficiencies that are likely to get worse, preliminary findings of a federal study show.

By one department of health, education and welfare estimate, about eight million people are drinking from municipal water systems that contain more bacteria than recommended under federal standards, according to Charles G. Johnson, Jr., administrator of consumer protection and environmental health service.

"Some serious sanitary deficiencies exist in the nation's community water supplies, deficiencies that are likely to get worse before they get better," Johnson said in a speech this week to the American Waterworks association.

Johnson said his estimates come from preliminary results of a department study of water systems in eight metropolitan areas and the state of Vermont, as well as individual water supplies in the southeast.

The metropolitan areas are New York city, including Long Island; Charleston, W. Va.; Charleston, S.C.; Cincinnati, Ohio; Kansas City, Mo.; New Orleans, La.; Pueblo, Colo.; and the San Bernardino-Riverside-Ontario area of California. The 20 million people in these areas are served by 1,100 different community water systems.

Johnson cited these "disturbing" preliminary findings:

In two areas where the survey is complete, 63% of the water systems are deficient by public health service standards, but not necessarily unsafe.

About 9% of samples from seven areas "evidence containination in the distribution systems."

31% of Vermont's water systems are contaminated by bacteria.

Some metropolitan sections are still served by "decidedly unsanitary" tank truck delivery of water.

Many water system operators skip or neglect routine control procedures.

Plant workers are often negligent in their handling of chlorine used for water disinfection.

Pesticide traces were found in 76 of 79 samples tested.

The incidence of bacterial contamination in such individual water supplies as cisterns, wells and springs ranges from 40 to 80%.

Johnson says the United States has over the years maintained a safe and reliable water supply system that all but wiped out such water borne diseases as typhoid fever, amoebic dysentery and bacterial dysentery.

"However, I am convinced," he said, "that we have reached a point when we can no longer afford to take the security and safety of public water supplies for granted."

[From the Milwaukee (Wis.) Journal, Sept. 14, 1969]

100 WATER SYSTEMS LISTED BELOW U.S. STANDARDS

(By Laurence C. Eklund)

WASHINGTON, D.C.—A new government report reveals that more than a hundred of the nation's water systems that supply interstate travelers do not fully measure up to federal standards.

Water from these systems are not now considered unsafe, but their classification by the public health service as "provisionally approved" is in effect a warning to state and local officials that the water supply in question must be improved to retain government certification.

The list of provisionally approved systems was obtained after Charles C. Johnson, Jr., administrator of the consumer protection and environmental health service, had warned in a speech that there was reasons for serious concern about community water supplies.

The water systems of La Crosse and Manitowoc in Wisconsin are included in the list.

The environmental control administration's bureau of water hygiene at Cincinnati, Ohio, advised The Milwaukee Journal, however, that La Crosse had just been removed from the list on the basis of a recent inspection, and is now classified as approved.

The bureau of water hygiene said La Crosse, which had been on the provisional list for "quite a while," needed some new equipment, that iron and manganese in its water supply exceeded recommendations and that not enough bacteriological samples were being taken.

In effect, while the La Crosse water was safe, the surveillance of its system needed to be corrected, according to the bureau.

It was explained that Manitowoc was on the provisionally approved list because it had not collected enough bacteriological samples for the state laboratory of hygiene in Madison.

Six Illinois water systems are on the provisional list. They are Beardstown, Bedford Park and Franklin Park (Chicago supply); Hartford, Lemont and Rosemont.

Major water systems listed as provisionally approved as of July 28 are Nome, Alaska; Pueblo, Colo.; Miami Beach, Augusta, Ga.; Worcester, Mass.; Missoula, Mont.; Jersey City and Newark, N.J.; Buffalo, N.Y.; Charleston, S.C.; Charleston, W. Va.; and Chattanooga, Memphis and Nashville, Tenn.

The public health service has jurisdiction over municipal and private water supplies involving interstate commerce.

In that capacity it makes monthly checks of 720 supplies, including those in cities like Milwaukee, that are used by interstate carriers—busses, planes, trains and boats. This covers water used in transit or for passengers in terminals, for either drinking or cooking. These sources serve two million travelers daily as well as 82 million residents in the local communities.

The schedule for making necessary improvements is individually determined for each of the water supplies on the provisionally approved list by the state health department and the bureau of water hygiene.

While none of the 720 supplies is now on the forbidden list, 38% of those on the provisionally approved list have failed to meet requirements on bacterial count for a month or longer.

But even if a supply should be rejected, the government could effectively bar its use only on vehicles in interstate commerce.

As administrator of the newly beefed up consumer protection agency in the Department of Health, Education, and Welfare, Johnson fears the drinking water problem is growing in seriousness with every year that passes.

The problem of providing water fit for human consumption becomes more difficult, he said, as the waste products of the great megalopolis complexes "continue to be dumped into the water, spewed into the air and even pumped into the ground."

Reporting on a current survey of water supplies in rural areas, Johnson said:

"Initial results of bacteriological analysis on more than 700 samples indicate verified coliform contamination of about 40% of the water supplies, of which 40% is fecal coliform."

Coliforms are bacteria used as an index in testing purity.

Drinking water for more than 50 million Americans is supplied from individual wells, springs, rainwater catchments (cisterns) or unprotected surface sources.

Johnson warned that if Americans must wait for epidemiological studies of human illness to convince them of the hazards of polluted water, it may well be too late to upgrade water treatment and distribution systems.

FEDERAL CITY COLLEGE

Mr. SPONG. Mr. President, Tuesday I was notified by Commissioner of Education James E. Allen, Jr., that the Department of Health, Education, and Welfare will propose an amendment to the fiscal 1970 HEW appropriations bill to provide the much needed $7,241,000 land grant endowment for Federal City College. This assurance from the administration is gratifying.

The purpose of the endowment fund is twofold: half of the interest will be used to support "community outreach" programs operated by the college to promote education in nutrition, child care and development, and consumer protection—programs which go directly to the problems of the inner city and contribute to their long-term alleviation. The other half of the interest derived from the fund will be used in mechanical arts and environmental science programs which provide the kind of training needed by so many District citizens to become productive, job-holding members of the community.

The funds for this endowment were dropped from the 1969 supplemental appropriations bill. I led a successful effort on the Senate floor to restore part of that money, but House and Senate conferees were unable to agree on an amount and the item again was dropped.

Subsequently, I received assurances from representatives of the Office of Education that an effort would be made to have the funds added to the 1970 budget. However, the administration failed to make a formal request of the House Appropriations Subcommittee and gave no indication it would make such a request of the Senate subcommittee. This has been the sad history of efforts to extend the valuable programs to be financed from this endowment.

I believe this latest assurance from the Commissioner of Education puts the administration firmly on record in support of the Federal City College endowment and clears the way for congressional action. At this time, I ask that copies of my letter to Commissioner Allen and his reply be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

August 4, 1969.

Dr. James E. Allen, Jr.,
Commissioner of Education, Department of Health, Education, and Welfare, Washington, D.C.

Dear Dr. Allen: I am writing to express my concern over the Office of Education's deplorable lack of leadership in obtaining the land grant endowment for Federal City College.

Having reviewed the hearing record, I can understand why the Senate subcommittee deleted the request from the FY 1969 Supplemental Appropriations bill. There is little evidence in the testimony that the witnesses knew anything at all about the program. I can only regard the performance as inexcusable.

In point of fact, the extension services which would be supported in part by this money have been among the most successful undertakings of the college. Half of the interest from the endowment would support a variety of "community outreach" programs including education in nutrition, child care and development and consumer protection. The other half would be used to support mechanical arts and environmental science programs at Washington Technical Institute.

When I brought the facts to the attention of the Senate, I was successful in having some money restored to the bill. Unfortunately, the conferees were unable to agree on the amount to be allowed, and the item was dropped. However, I understood from your office that an effort would be made to have the funds added to the FY 1970 budget and that there was reason to believe the request would receive a sympathetic hearing before the appropriations subcommittees.

It was with some dismay, therefore, that I learned that the Office of Educaton made no formal request of the House subcommittee, which has now completed its work, nor, apparently, does it plan to make a formal request of the Senate subcommittee.

I want to make clear my interest in this matter. First, as a member of the Senate District of Columbia Committee and chairman of its Subcommittee on Health, Education, Welfare and Safety, I feel a responsibility to District residents who have no representation in Congress. Second, I know from my own research into the problems of hunger, the tremendous value of nutrition education programs and of the particular need for them in the District.

For these reasons, I was willing to take the lead in having the funds restored to the Supplemental Appropriations bill and I will support fully any new effort in behalf of the endowment program. But leadership must be exercised by the Office of Education in support of its own programs if they are to have a chance of passage.

Congress has designated Federal City College a land grant institution and by virtue of that status it is entitled to receive the benefits enjoyed by other land grant schools. If the Office of Education has changed its position in this regard, I would appreciate being so advised. If not, I would like your assurances that the Office will make a formal request of the Senate Appropriations Subcommittee to include the endowment in the FY 1970 budget so that these valuable extension services can be continued and expanded.

I look forward to your early reply.

Sincerely,

William B. Spong, Jr.

Department of Health, Education, and Welfare, Office of Education,
Washington, D.C., Sept. 29, 1969.

Hon. William B. Spong, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Spong: I apologize for the delay but I am pleased that I can make an affirmative response to your letter of August 4 concerning the endowment fund for the Federal City College.

I have been informed that the Department will submit an amendment to the 1970 Appropriations Bill to the Senate Appropriations Committee calling for the inclusion of $7,241,000 for the endowment fund.

I wholeheartedly agree with you concerning the importance of the programs to be supported by the proceeds from this fund and I am very pleased that the Department has decided to request its inclusion in the 1970 Appropriations Act. I would also like to express our gratitude to you for the strenuous efforts you have made in behalf of the Federal City College in the past and your promise of future support.

Sincerely,

James E. Allen, Jr.,
Assistant Secretary for Education and U.S. Commissioner of Education.

WITHDRAWAL OF TROOPS FROM THAILAND

Mr. PERCY. Mr. President, the announcement that 6,000 U.S. Air Force and Army men will be withdrawn from Thailand during the next 10 months is good news. This agreement reflects the excellent working relationship between the Governments of the United States and Thailand, while making it clear that the Nixon administration is continuing to reduce American military commitments in Asia.

When I was in Bangkok recently, I conferred on these questions with the distinguished Foreign Minister of Thailand, Mr. Thanat Khoman, who said without equivocation that the Thai Government does not want or need U.S. forces in defense of Thailand, and that Thailand allows substantial U.S. forces on its soil, 98 percent of whom are there only in support of the war effort in Vietnam and only 2 percent of whom are engaged in training activities for the Thai forces.

The foreign minister impressed me with his determination that Thailand will provide her own manpower resources for the defense of her own country.

There has been much discussion of the 1965 U.S.-Thailand contingency military plan; the foreign minister said he did not consider the project a treaty, nor even an agreement as that term is generally used. It binds neither government to any commitment of any kind without the expressed and subsequent concurrence of each government. He said this project was only a plan, and no more than this, subject to modification and change by either party, as circumstances may warrant. I clearly understood from Foreign Minister Thanat that the plan could not be implemented or activated without further consultation and the expressed approval of both governments.

The first step has now been taken in reducing U.S. forces in Thailand actively engaged in connection with the war in Vietnam. I would hope that a subsequent, larger withdrawal would be considered by both governments as early as is deemed appropriate. With fewer bombing missions to be flown from Thailand to Vietnam, with gradual U.S. disengagement from Vietnam, and with the considerable strength of the Thai forces and the growing strength of forces of South Vietnam, it seems to me that more Americans could be withdrawn from Thailand, consistent with the expressed policy of both Thailand and the United States. An "over presence" of American military forces in a justly proud, independent and strong friend such as Thailand can only endanger future relations.

One reason I have for great hope for for the future of Asia and in the strength of non-Communist nations in Asia is the emergence of the hard-headed, capable, intelligent leadership represented in such men as Thanat Khoman. He is greatly admired by many Americans who know him, both for his personal qualities and for his dedication to the independence and strength of his country.

THE HAYNSWORTH NOMINATION

Mr. BROOKE, Mr. President, I have today sent the following letter to the President:

The President,
White House,
Washington, D.C.

Dear Mr. President: Because of my respect for you and my own responsibility to be fully objective, I have so far refrained from expressing my views on Judge Haynsworth's nomination to the Supreme Court. The time is now at hand when I shall have to do so and I wanted to tell you of my deep distress in the matter and of my decision.

My review of Judge Haynsworth's record convinces me that his treatment of civil rights issues is not in keeping with the historic movement toward equal justice for every American citizen. Combined with some of the Judge's business activities, which have created the appearance of conflict with his judicial duties, this consideration raises grave questions about the wisdom of confirmation: Is Judge Haynsworth the man to restore the nation's confidence in the utter integrity of the Supreme Court? And is Judge Haynsworth the man to maintain the faith of that vast majority of fair-minded Americans, not to mention the disillusioned minority, who look to the Court as the indispensable instrument of equal justice under law?

The widespread discontent with his nomination shows, I believe, that he is not. As I know you appreciate, the Court's unique position in our national life demands not only that its members be good men but that our people believe them to be good men. Without wishing to do an injustice to Judge Haynsworth, I do not believe he meets the latter test.

A sizeable and growing number of Republican Senators, together with a large number of Democrats, have indicated to me their inclination to oppose the nomination. If this nomination is put to the Senate, it will be extremely embarrassing to those of us who face a great conflict between our principles and our sense of obligation to you. It may well be that there will be sufficient votes to deny Judge Haynsworth confirmation.

Under the circumstances I profoundly hope you will re-consider your decision not to withdraw the nomination. Rather than see the Senate enter another long and embittering debate on such a vital matter, with many of us obliged to voice strong criticism and others prepared to offer only the most grudging acceptance, I honestly believe that the interests of justice would best be served by such a withdrawal.

If there is a consensus in the Senate at the moment, I think it is the view that Judge Haynsworth is not the distinguished jurist whom the country expected to be nominated. In responding to this spreading conviction, I believe you would be taking the wisest course for all concerned.

I pray that you will be able to give this difficult recommendation full and favorable consideration.

With best personal regards, I am,

Sincerely your,

EDWARD W. BROOKE.

THE PESTICIDE PERIL—LIX

Mr. NELSON. Mr. President, an outstanding national leader in the effort to improve the controls on the use of persistent pesticides, Ralph A. MacMullan, director of the Michigan State Department of Natural Resources, has written a very fine article outlining the issue and the position of his department on pesticide use.

Mr. MacMullan, whose State recently prohibited the use of DDT, begins his article very optimistically:

> As I review pesticide events of the past year I am greatly encouraged. My confidence is restored that in the not too distant future we will see the hard pesticides become unnecessary, unwanted, and virtually abandoned. There have been gains and losses, of course, but progress has been solid and gratifying.

However, after reporting on the gains and losses, Mr. MacMullan makes it very clear that there is still "a long way to go," and sets forth a list of steps which must be implemented immediately, including pesticide tolerances in water, monitoring of pesticide pollution, tight enforcement of pesticide regulations and the development of safer, less persistent pesticides.

I ask unanimous consent that Mr. MacMullan's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHERE WE STAND

As I review pesticide events of the past year I am greatly encouraged. My confidence is restored that in the not too distant future we will see the hard pesticides become unnecessary, unwanted, and virtually abandoned. There have been gains and losses, of course, but progress has been solid and gratifying. A year ago in the pages of this magazine I stated my alarm over environmental pollution by persistent insecticides. This has been amplified and echoed by conservationists in this state and across the nation. I now restate my concern and report to you significant happenings of this momentous year.

Let me first outline events that set the stage and discuss some basic concerns that bear directly on the matter. The entire pesticide matter flared up in the fall of 1967 when, to curb an outbreak of Japanese beetles in southwestern Michigan near Lake Michigan, a proposal was made to apply nearly 3 tons of dieldrin. The proponents were totally within their legal authority, and felt that this was in the best interest of the people of Michigan. However, we felt that there were safer ways to get at the problem, and we opposed the spray program. Further, the Environmental Defense Fund, a team of dedicated, concerned scientists retained by Michigan citizens, took the matter to court and at the same time brought action against 56 Michigan municipalities that used DDT to control Dutch elm disease.

The dieldrin court action, although unsuccessful, stalled the application of dieldrin until too late in the fall, and the area was not treated. However, the DDT suit remained alive, and during the next few months 53 out of 56 cities stipulated to the Court that they would drop plans to use DDT against the elm bark beetle that carries Dutch elm disease, if they could be relieved from suit.

Unfortunately, the entire dieldrin affair brought two state agencies into an eyeball to eyeball encounter. The whole matter was very important, however, because both agencies had the best interests of the people of Michigan at heart. Naturally we felt the broader viewpoint of concern for the entire environment was proper, wherein the other folks were "after the beetle" to protect the immediate, local interest of home owner and fruit grower, and to prevent spread of the beetle to other production areas.

To resolve this, our Governor appointed a three-man Pesticide Advisory Panel—an entomologist from one state university, and ecologist from another university, and an industrial entomologist who is also a naturalist. They advised that an appliction of dieldrin in the fall of 1968 would be the lesser of two evils, the other being uncontrolled application by private interests. The Environmental Defense Fund again took the matter into court, this time in Wisconsin, but the case was remanded to Michigan, where it met the same fate as in 1967. So an application of 3 tons of dieldrin and 7½ tons of chlordane on 4,600 acres was made in the fall of 1968. The entire affair has been very complex and there is no need to detail here the parade of legal processes and chains of evidence that were involved.

More important is why this encounter occurred. Use of pesticides was the immediate issue. But the real reason was that man's technology has caught up with, or worse, has passed his ability to harness, understand, or use it intelligently. Here are some of the salient points as I view them.

We, as conservationists, see two major obstacles facing the world. One, we will have more and more people to the point of desperation. Two, the environmental pollution that all of us have created and will continue to create promises to stifle our very existence. The natural pollutants, from carbon dioxide to coliform bacteria, and the durable byproducts of our exploding technology—persistent insecticides, radioactive wastes, aluminum food and beverage cans, and a host of other long-lasting wastes—are haunting us right now—today!

As a conservationist, I will not attempt here to discuss Obstacle Number One, except to recognize that it exists, is critical, and is vital. Any married couple with two or more children has already added to the problem. Obstacle Number Two is a direct result of Obstacle Number One, and it is to the problem of the alteration and degradation of our total environment that we conservationsts can and must address ourselves.

Pesticides used in Michigan bear directly on this world problem of environmental waste. Simply, we define a pesticide as a chemical used to kill anything you don't want—weeds, rough fish, fungi and mold, insects, rats, and sea lampreys. I have no quarrel with use of most pesticides. My main concern here is insecticides, the bug killers, and not all of them—only a few.

We clearly recognize the tremendous value of pesticides to our health, our comfort and our prosperity—to food production, to industry, and the home. We can live without pesticides, but not as well. We are concerned for the most part with only a few of the insecticides, the persistent chlorinated hydrocarbons—those that persist in the environment, spread rapidly over the earth, and later become concentrated in the tissues of living things, the effects of which are just now beginning to be detected and understood.

Let me share with you one experience that we have had recently in Michigan. It involves persistent insecticides, and it involves a big chunk of our real estate. Michigan is blessed with lots of "fresh water" and I quote those last two words. Our waters are not as inherently productive as the oceans, but they are worth a lot to us.

We have more shoreline than any other of the "lower 48" states and more fresh water within our boundaries than any other state. Waters from one-third of the total land area of four states drain into Lake Michigan. The Lake itself measures 22,000 square miles with 1,600 miles of shoreline, and is nearly 1,000 feet deep. About 80 percent of the shoreline has potential for outdoor recreation and the variation in habitat makes the lake inherently capable of supporting a wide range of aquatic life. It is significant as both a sport and commercial fishery. Lake Michigan is also a principal source of drinking water—1.5 billion gallons daily. Industry uses another 4¼ billion gallons. It is a major international seaway.

Lake Michigan lies off to the side of the main stream of water flow through the Great Lakes, like an appendix. Water circulates within the lake, but discharges very little out through the Straits of Mackinac—about one percent of the total lake volume per year. This means that any stable, persistent substance that finds its way into that lake is going to be there for a long, long time. And that is just what has been occurring with certain persistent, chlorinated hydrocarbon insecticides.

What happens when these toxic substances—virtually insoluble in water—begin to accumulate? Recent findings show that DDT was the most probable cause of the death of nearly one million coho salmon fry hatched in state fish hatcheries from eggs taken from Lake Michigan salmon. Many Lake Michigan fish now have DDT levels up to 10 parts per million, plus dieldrin in the range of 0.25 parts per million. The U.S. Food and Drug Administration permits 7 parts per million of DDT in beef and pork, and considers 0.3 parts per million of dieldrin as an "actionable level" a level at which the meat is seized and destroyed.

Where have these pesticides come from? Within the Lake Michigan watershed, including Chicago and Milwaukee—two of the major metropolitan areas of the Middle West—live 6 to 7 million people. Along its shores is one of the major fruit-growing regions of the nation with its accompanying spray schedules. In the northern part of the Lake Michigan basin lie extensive publicly-owned and industrial forests—spraying here, too. Certainly, over the past two decades, many hundreds of tons of DDT have been released in the watershed from a wide variety of sources, as far as a hundred miles from the lake, right down to the shore itself.

Cities and parks with their Dutch elm disease and mosquito control programs, state, national and industrial forests, homes and backyards, farms and orchards, spray remnants dumped down the drain or in the creek—all have contributed. Dieldrin undoubtedly came from a narrower range of sources—somewhat more recently—from farms and orchards, homes and backyards, and even from woolen moth-proofing plants.

Runoff from city and farm and forest finds its way downriver or out of the atmosphere. Dust storms and rain add their share of DDT from points west and from global circulation. Regardless of the source of the DDT, once it reaches the lake, much of it is going to stay there, and this has been going on for the past 20 years.

GREAT LAKES IN DANGER

The Lake Michigan situation is only an example—a big, easy-to-recognize example of environmental contamination. Large bodies of water store these pesticides. Tiny organisms pick up the chemicals and store them. Larger organisms eat the little fellows who in turn are eaten by larger critters until top members of the aquatic food chain—fish-eating birds—store vast quantities of the stuff in their fat. Fish and other aquatic animals take DDT and dieldrin directly from the water passing over their gills. The lowly clam can concentrate DDT 70,000 times greater than his water environment.

The effects of this storing-up of pesticides in animals from smallest to largest is not completely known, but gaps are beginning to be filled in. Man, for the first time in his history, has chemicals at his disposal that can completely alter his own food chain. By wiping out certain insects or minute sea-creatures he removes link after link in the very delicately balanced chain of life on which he depends. The complexities of the whole food chain are involved, they are subtle, and they are real. Enough is known now about the persistent pesticides DDT and dieldrin, to name two, to know that they affect the reproductive cycle of certain animal species. I have already mentioned that DDT was the most probable cause of the loss of close to one million coho salmon fry raised from Lake Michigan nurtured eggs. The DDT in those fish was picked up in Lake Michigan. DDT fed experimentally to falcons and ducks significantly affects reproduction—either by reducing hatchability of eggs or survival of young, or causing thinner egg shells, abnormal behavior, and egg breakage. This could well explain the disappearance of the peregrine falcon from the entire eastern United States and western Europe, and the recent decline of the osprey and our national bird, the bald eagle.

We know that the pink shrimp, the same as used for shrimp cocktail, can be killed by four-tenths of one part per billion of DDT after two days exposure. One part per billion is the same as one ounce of chocolate syrup in one thousand railroad tank cars of milk, and that's mighty weak chocolate milk.

It would be nice if we could prove beyond a shadow of a doubt how DDT directly affected man. But these effects are indirect, we think, and subtle. Effects on lower level organisms are better known, but even here the story is not completely clear. Nevertheless, there is enough evidence for us to be greatly concerned and to start bringing the unnecessary and widespread use of these persistent chemicals to a halt. Keep in mind, though, that these specific pesticides are only one of the many environmental pollutants that are of growing concern to all of us.

OUR POSITION IS CLEAR

Our position on pesticide use can be simply stated. There have been some misunderstandings of this position, but it is one I have always held and which has not deviated from the philosophy and policy adopted by the Michigan Conservation Commission as long ago as March, 1966, for use of pesticides on lands we administer:

1. When chemical control is necessary one should use only the most selective chemicals, in the smallest effective dosage, with the safest carriers.
2. Where possible, cultural or biological controls should be used in preference to chemical control.
3. Where proper alternatives are available, the persistent insecticides should never be used.
4. Where alternative methods of control do not exist, the harm to the total environment from persistent pesticides should be carefully weighed against the calculated harm of the pest before the application is made.
5. When persistent insecticides must be used they should be used under as carefully controlled conditions as possible at the time of year when the environmental conditions will make their use the least harmful.
6. No opportunity should be overlooked to bring pressures to bear which will result in the eventual abandonment of persistent chlorinated hydrocarbon insecticides.

We are encouraged because we see progress on one big point—the general public is beginning to be interested and concerned and that's the first step toward acceptance and action. Go to any farm and garden store or department store in Michigan in the spring, and you'll see people reading pesticide labels carefully, although it is a problem for anyone with bifocals to read tiny black type on a green label background.

DDT has been dropped from Michigan State University recommendations for Dutch elm disease control in Michigan. Most cities no longer will use this chemical for that purpose. DDT is no longer registered by the Department of Agriculture for mosquito control. No commercial pesticide applicator can use DDT for this purpose and retain his license.

For the first time in Michigan history a governor has recognized pesticide pollution as a serious problem. His pesticide advisory panel has recommended decreasing use of persistent insecticides, increasing research and monitoring, tightening up of pesticide regulations, and setting up a pesticide review or control body at the state level.

Our Legislature has considered the pesticide situation serious enough to set up a 10-man joint Senate-House committee to review use of pesticides by everyone.

In Wisconsin, concerned conservationists, aided by the Environmental Defense Fund, are battling to show scientifically and legally, that DDT is a pollutant in the waters of that state—a much-needed precedent.

The pesticide committee of the federal-state water pollution enforcement conference for Lake Michigan has recommended establishment of tolerable residue levels of DDT and dieldrin in Lake Michigan fish at levels so low that they can be achieved only by virtually banning the use of these chemicals in the Lake Michigan watershed. It also recommends that state pesticide regulatory authorities and an interstate pesticide coordination committee be set up.

People are concerned. At a hearing in the Legislature last spring on a pesticide control bill there were as many in attendance as we often see at a hearing on deer herd management—and that is really something.

This concern about pesticides is only part of a feeling that many people are having—and expressing—of the need for a cleaner environment. People are seeking solutions to the problems of a technology-ridden world.

Foresters, farmers, and horticulturists have made great strides toward elimination or restricted use of persistent insecticides. They would instead lean more and more on short-lived but effective chemicals, and on other control methods. We are happy about this.

WHAT CAN BE DONE?

But we have a long way to go. Federal and state agencies, and the universities, still recommend some persistent chemicals even though they recognize and also recommend safer alternatives to control the same bugs. We'd be somewhat happier if their publications would point out differences between pesticides when there is a choice. This ought to be done and done quickly. Out of date publications should be discarded or revised.

Some chemical companies still recommend DDT and its family of hard or persistent pesticides, without reservation. Oh sure, they urge caution. Beware of getting poisoned! But what about environmental poisoning—less dramatic but perhaps just as important to the survival of the race of man. To read some of those ads, you'd think their products were as safe as talcum powder.

We urge action on several points.

We urge a hard look at these deficiencies.

We urge all agencies and all segments of the universities to take a look at these pesticides and to show concern for the entire environment—not just their own restricted "area."

We urge that pesticide tolerances be included more firmly in interstate and intrastate water quality standards.

We urge a stepped-up educational program to bring this concern to the public.

We urge a national inventory of the sources of pesticide pollution and a monitoring of these sources.

We urge tight enforcement of present and future pesticide laws and regulations.

We urge accelerated research to document the direct and indirect effects of pesticides, and to develop safer pest control methods—for the individual, the public, and the world.

We urge a regional approach to pesticide problems to accommodate the many problems found in different but related locales.

A recent approved four-state agreement between natural resource agencies of Illinois, Indiana, Wisconsin, and Michigan was designed to halt the flow of persistent pesticides into Lake Michigan. This agreement is a model that we hope will stimulate similar action in other regions of the country. We also hope to broaden its effectiveness by bringing the executive offices and agriculture departments of these states into the effort.

We will work to identify and correct, in its earliest stages, environmental contamination by pesticides.

We will work to develop and improve the ecological conscience in all of us, and we will work toward the day when government at all levels will be more of a trustee of natural resources, rather than a referee between the many users competing for a resource.

All of us are growing exceedingly weary of being buried in the filth and waste spawned by our technological society. We like this way of life, and we all use it, day in and day out. But if sanity is to remain a part of our life, we must root out and eliminate sources of environmental pollution. Short of this, man has no hope of surviving on this planet.

TWENTY YEARS OF TYRANNY

Mr. FANNIN. Mr. President, today marks the 20th anniversary of the accession of Mao Tse-tung and the Chinese Communists to power on mainland China. What has been the result of these 20 years of tyranny?

The distinguished Committee of One Million—which is ably served by the membership of our minority leader, the Senator from Pennsylvania (Mr. Scott)—has put forth an excellent booklet upon the advent of this anniversary. The booklet deals with the political, military, and economic progress of Communist China within the past 20 years. The foreword is written by Dr. Walter H. Judd, a former Member of the House of Representatives and one of the most widely recognized authorities on China.

Dr. Judd notes that Mao has used every strategem and intrigue available to a tyrant—including terror and murder—to remain in power. He has apparently been propped up once again to wave at the Peking Communist parade as duly reported in the press. It is perhaps significant that so much speculation is rampant in the world about the state of Mao's health. There is a great deal of speculation also about the state of mainland China.

This book, goes a long way toward providing factual answers to that speculation.

The inevitable conclusion from this prestigous publication by this much respected committee is that Communist China itself is being propped up and continues to totter on the brink of civil uprising and economic failure. It is symptomatic to note that China must export opium in order to get the foreign exchange with which to buy wheat for her starving millions.

There are those who argue we must recognize Red China, because it is a fact. These counselors give little heed to the fact that the Red Chinese regime cannot be considered representative of the Chinese people by any stretch of the imagination—yet we hear no great outcry from the critics for free elections in Red China. Where are the howls of indignation and the moans over the fact that Red China has not allowed a free election in the past two decades and her borders remain closed to Western newsmen who would like to report conditions inside China as they really exist.

Mr. President, I ask unanimous consent that the portion of this booklet which I find most interesting to me in connection with my work here in the Senate—the detailing of Communist China's economic record, by John F. Lewis—be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Communist China's Economic Record

(By John F. Lewis)

(Note.—John F. Lewis is associate editor of the American Security Council's Washington Report and producer of the Council's national radio program, "Washington Report of the Air." Mr. Lewis has served as chairman, Freedom of Information Committee of the National Association of Radio-TV News Directors; Radio-TV advisor to the Secretary of Agriculture in 1960; correspondent for the Associated Press and Radio-TV news director for Hearst stations in Baltimore, Md. Mr. Lewis was born in China, where his parents were missionaries, and has traveled extensively throughout Asia.)

"How to handle the relationship between politics and economics and between revolution and production after the seizure of political power by the proletariat is an important question of whether or not to uphold the dictatorship of the proletariat, really take the socialist road and undertake genuine socialist economic construction." (Opening to Editorial, *Peking Review*, July 25, 1969.)

Two decades after the Chinese Communists finished the subversion and conquest of the China mainland and installed Mao Tse-tung in full power in Peking, Red China's agricultural base and industrial plant may be in worse shape than at any time since October 1, 1949.

Since four-fifths of the population of Communist China is engaged in agriculture or enterprises solely related to agriculture, the failure of the mainland economy today must lie in the agricultural sector. Furthermore, since the basic genius of the Chinese farmer, in producing historically remarkable harvests with limited resources in land or equipment, presumably remains unchanged, the only realistic explanations for the agricultural failure must lie in the realm of either the weather or government policies. Over the twenty year period, the weather has not been that bad!

Communism penetrated and ultimately swept over the Chinese people under the banner of "agrarian reform" and Mao himself was presented to the world by his admirers, East and West, as "the agrarian reformer" who would lead China's masses into a "peasant's paradise," as contrasted to Lenin's and Stalin's "worker's paradise" in Russia.

When Mao Tse-tung finally grabbed the reins of power in Peking, he had a right to assume that things would get better because they could not have been worse.

DYNASTY TO DEMOCRACY TO DICTATORSHIP

The fall of 1949 closed out a century of dislocation and misery for the Chinese people. Unfortunately and tragically, it launched a new era under Communism. In the previous 100 years, China had been torn between the decadence of the dying Ch'ing Dynasty of the Manchus and the exploitation of its port cities by the Western powers; between a truly democratic revolution led by Sun Yat-sen and Chiang Kai-shek and an era of warlords and bandits which stifled the new republic's efforts to achieve unity; and, finally, between Japan's full-scale invasion and attempted occupation of the country and Communist efforts to double-cross and ultimately destroy the legitimate, elected government.

In a very real sense, conditions improved almost overnight when the Reds completed their victory. What helped was Korea.

In June, 1950, the Seventh Chinese Communist Party Central Committee agreed to impose Mao's so-called agrarian reform program for three years. It was not put into force, however, because Mao had suddenly embroiled his mainland armies in the Korean War on the side of the North Korean Communist elements. While Peking authorities nervously directed their attention to the Yalu River boundary in North Korea, the Chinese peasant masses were temporarily freed from war, pestilence and the Communist bureaucracy. Agricultural production improved rapidly. Had he not been so wedded to his "reform" concepts and had he left the peasants alone for a few years, Mao might not have experienced the disasters that were to follow.

Once the situation in Korea was stabilized, the honeymoon between Mao's regime and the peasantry came to an abrupt halt.

In 1951–52, having won a stalemate in Korea, Mao cracked down at home, launched a purge against many of his own Communist cadres and began the systematic liquidation of an estimated five million farmers unwilling to relinquish their land and labor to total state control.

In 1953, Peking imposed its first five-year plan to develop heavy industry (with the advice and technological know-how of the Soviet Union) by taxing the peasants "through a unitary purchasing and marketing program for grains and cotton piece goods." [1]

By 1956, enough opposition to Mao's policies had been generated in what remained of the private sector of the business and industrial community to lead him to seize all such property, collectivize agriculture and establish complete Communist Party domination of the political-economic life of cities, towns and villages.

At this point in time, a most significant but little recognized achievement occurred which the Chinese Communists, even today, seemingly do not comprehend. Peking's agricultural record-keeping finally caught up with reality and Peking did not know it. They did not know it because they had not realized the records they inherited and used after 1949 were unreal.

As indicated earlier, China had lived under the most chaotic conditions for nearly a century. Except for very brief periods when Chiang Kai-shek and the Kuomintang Party of Sun Yat-sen could devote their energies to organizational and administrative details in trying to bring order to the Chinese Republic through the 1920's and early '30's, the only record keeping was handled at the provincial level. In many of the provinces, tax-collecting was carried out—frequently in Mafia-shakedown style—by warlords and bandit chiefs. Since most of the population of the provinces were peasants, taxes thus collected were based on land-holdings and per farm production. But when the source of taxation is poor to begin with, the warlords and bandits—for all their greed—recognized that levies must be kept at a minimum or else there would have been bankruptcy, rebellion or both among the populace.

Consequently, the amount of land in cultivation and the annual production was purposely falsified, generally by mutual consent between peasant taxpayers and warlord-bandit tax collectors. As the Communists marched to power following World War Two, the only records they could scrape together for the day when they achieved total control were, more often than not, such misleading records as cited.

On the basis of these records, Mao's bureaucrats built their estimates of the acreages under cultivation and the output per acre. Without bothering to ask why, the statisticians of the Chinese Communist regime by 1956 (who now were keeping fairly accurate records for the entire country), found cultivated acreage and production per acre impressively outstripping all their original estimates.

For major crops—such as rice, millet and beans—the actual output per acre was twice as much as estimated. In the case of some vegetables, nuts and fruits, production was three to five times above the projections of Mao's agricultural economists. Only livestock, decimated by the ravages of war, dropped behind. Obviously—for a Communist bureaucrat—the simple answer was Mao's brilliant system of agrarian reform.

Mao's aides were elated. They had been nervously watching the growing unrest among many of Red China's intellectuals, as well as the now deprived but still surviving business and land-owning community. Even Peking had been one of the world's shocked witnesses to the Polish and Hungarian uprisings which exposed some of the horrors of the Communist nightmare.

With food production now a success story, Mao chose in 1957 to launch the Hundred Flowers campaign, offering critics of his administration the opportunity to step forward and show him where he had erred. So much criticism resulted that the Communists—and Mao in particular—quickly reversed themselves and executed, imprisoned or exiled all who had revealed their dissent.

THE GREAT LEAP FORWARD

Still misreading the fact that the now accurate and up-to-date agricultural production records of 1956–57 were not so much greater than Peking's five-year plan estimates because of Mao's agrarian policies, but only because they had caught up with reality, the Chinese Communists determined in 1957–58 to commit the nation to a "ta-yueh," or Great Leap Forward. Mao said, in effect, if we could do so well in the first five-year plan, we can double our goals in the second five years.

---

[1] *Handbook of Chinese Communist Affairs*, published by the Institute of Political Research, Taipei, Taiwan, Republic of China (1968).

As result, the "three red banners" campaign was promulgated: (1) the Great Leap Forward (industrial and farm production), (2) development of the people's rural communes and (3) the so-called "general line of socialist construction" which would be designed to bring complete communization to China's cities virtually overnight—a dream even Marx, Engels and Lenin never thought possible for any country dedicated to the pursuit of Communism.

Moscow politely urged Peking, during the international Party conference in the Soviet capital in 1957, to drop its plans for too-hasty communization of urban industrial areas.

It was then that the two governments for the first time publicly aired deep-seated disagreements over procedures and tactics. (The goliaths of Communism have never disagreed over ultimate objectives of imposing their system on the world—only on the ways to accomplish that end.)

Months later, in early 1958, the Kremlin called on Mao to drop his rural communes campaign. Mao refused. He gambled everything on them.

H. F. Schurmann, Associate Professor of Sociology and History at the University of California (Berkeley, Calif.) wrote in 1961:

"The communes provided the framework for the revolution in agriculture. There is no evidence that the Central Committee specifically planned the form that they should take, but the concept of enlarged agricultural units was essentially in line with an earlier, though only fragmentary, policy of 'combining cooperatives' (ping-sheh), and the organizational changes just described laid the groundwork for their formation.

"They developed as integrated economic units, and with the establishment of commune industries, commune banking facilities, commune schools and hospitals, and commune militia, they tended in many respects to become 'little nations' (a term actually used to describe them at one time). Thus, on the national scale, they represented an extreme in the process of functional decentralization. But within the communes themselves rigorous centralization prevailed.

"The commune party committees acquired enormous power to manipulate the members: one of the basic features was a centralized system of labor allocation in which commune members were organized in work teams and brigades and assigned wherever their services were required." [2]

By persisting in the commune effort over Moscow's protest, Mao so angered the Soviet Union that the Kremlin withdrew all of its technicians and specialists from mainland China, abruptly cut off all further financial and material assistance to Peking and took other steps which virtually crippled the Chinese Communist economy for years to come.

Mao fought back angrily with both propaganda and deeds. He stepped up efforts to push food production now that land belonged to the communes rather than to individual farmers. He initiated a nationwide attempt at birth control to bring the already bloated population imbalance more into line.

Mao decided to industrialize the peasant masses. Every backyard was to become a steelworks. With the most primitive means imaginable—brick hearths, old pot-iron stoves with straw and dung for fuel—and with bits and pieces of patchwork equipment stripped from established factories and steel plants, the peasants were called upon to produce the impossible.

The steel the backyards would turn out, said Mao Tse-tung, would be China's answer to the Soviet Union and to critics throughout the non-Communist world. Peasant sweat and dedication to Mao's "Thought" would replace Russian technological knowhow and modern equipment. Communist China would show the less fortunate peoples of the developing world that a poor nation with lots of poor people could accomplish miracles in the 20th Century.

THE GREAT LEAP—BACKWARD

Mao plunged ahead and China took a Great Leap—backward!

Peasants resented and resisted the communes. Industrial plant managers saw the nation's resources and some of their own equipment being frittered away on the backyard steel scheme. Agricultural and industrial output slumped. There was famine in the land for nearly three years (1958–61). Consumer goods, always in pitifully short supply, virtually disappeared from retail shelves in all but a few major port cities and Peking in 1959–60. A catastrophe was in the making when the Chinese Communist Party leadership gathered at Lushan in August of 1959. Instead of reviewing a decade of progress under their red banners, they saw a shambles.

Forces loyal to President Liu Shao-chi were in a take-charge position because Liu had been the principal opponent of the Great Leap and communes program. Liu had argued at length against the backyard steel campaign. Liu proposed a modernization of agriculture and a return to incentives, such as land ownership to promote increased production. Liu was ready in 1956 to commit Red China to the purchase of small tractors and other suitable farm machinery to make Chinese agriculture more efficient. Mao said the tractors would come only when the country was able to manufacture them—not import them.

(Today, incidentally, Communist China has its own tractors and, when properly serviced, they reportedly work fairly well. The difficulty is that only about 20 percent of an estimated recent-vintage 40,000 tractors are believed to be operable at any one time because of parts shortages, improper maintenance and restricted fuel distribution.)

Mao did not lose his titles and basic prerogatives. But he did lose decision-making authority in the Communist hierarchy. Liu abandoned promotion of the communes, called off the backyard steel program and sought to restore farmers disrupted by the commune chaos to their home soil in order to rebuild China's agricultural base. Most of Mao's most extreme collectivization policies—now so demonstrably a failure—were discarded.

In the early 1960's, the Communist Chinese economy began making a comeback. Foreign trade expanded. The Canton and lesser trade fairs attracted customers not only from Southeast Asia, but also from other more promising purchasing areas such Australia, New Zealand, Japan and most of Western Europe.

None of the specific figures are considered to be reliable, but Hong Kong estimates indicate Red China's exports perhaps quadrupled—in terms of non-food items—between 1961 and 1964. They had to. In that same period, Mao's Great Leap had so depleted food supplies that he committed an estimated $200 million worth of Peking's gold reserves to purchase wheat from Australia and Canada. In 1965–66, Peking used much of its accumulated $300 million in foreign exchange reserves to buy gold bullion on the London, Paris and Swiss markets to replace the gold spent in wheat purchases.

Once the wheat began to flow, Liu's advisers showed capitalist business acumen. Peking began selling its rice on world markets to a larger degree, while using their wheat purchases as the staple substitute. There was, in fact, a kind of "let them eat wheat" campaign in Red China to persuade the traditional rice-eating masses of Chinese they should use less rice and like it. Wheat cereals and wheat bread have now been introduced to millions of Chinese as something to be preferred over rice. Why?

The unit price in world markets for rice is better than that for wheat. If you sell rice and buy wheat, you can make a profit. Peking has done just that—exporting high-value rice (the staff of life to a majority of the world's population) while importing relatively cheaper wheat which is the mainstay of more affluent Western societies.

During this same period, Red China was trying to demonstrate to the Communist world that it was still a convincing rival to Moscow for revolutionary leadership. It made important contributions of food, manpower and some military equipment to North Vietnam to support the war against South Vietnam. It promoted guerrilla warfare in Africa and Latin America. It extended questionable amounts of aid to some countres in the developing world to expand both influence and subversion.

THE RED GUARD

All of this added to the pressures on Peking inside Communist China. Through quiet "palace" intrigues and plotting, Mao was able (backed by Defense Minister Lin Piao and significant elements of the Army) to announce in November, 1965, that he would lead a Great Proletarian Cultural Revolution.

It did not become quite clear until June of 1966, when he organized the so-called Red Guards, largely consisting of disenchanted or under-employed young people, just what he had in mind. The entire concept caught Liu and the Communist Party organization men off guard.

Mao's most loyal adherent, Chou En-lai, swung back to support him. Lin Piao arranged for his people to control the nation's propaganda machinery in Mao's interests. Liu was a prisoner in his own headquarters as Mao, with reckless abandon, invited the disgruntled, the illiterate and the irresponsible youth of mainland China to engage in a wild, undisciplined spree. With Mao's hearty approval, the Red Guards shut down the schools, emasculated many of the symbols of China's art, literature and ethics, and vented their wrath on the politicians under Liu, who had demoted Mao.

It got out of hand, as one might suspect.

In the first place, Liu and his followers—most of them old-line Communists with a good deal of experience in the traditional techniques of intra-Party in-fighting—fought back. In the second place, Mao's chief supporter, Lin Piao, controlled significant elements of the military, but not all of it by any means. In the third place, the economy went to pieces once again. In the fourth place, the Red Guards had no real loyalties. Being both young and unrestrained, they began splintering into rival organizations—some anti-Mao and others even anti-Communist!

Through 1966–67, anarchy ruled China. Peasants hoarded what food they could, causing critical shortages in the major cities. Responsible workers walked off their jobs in disgust. The railroads—mainland China's principal communications system—stopped running for weeks at a time. Factories occupied by Red Guards ceased functioning. Riots and demonstrations disrupted government machinery at every level, made a mockery of civil authority and terrified the majority.

The military had to move. In the first months of 1968, Mao reluctantly acknowledged that the Great Cultural Revolution was so far out of hand, the dislocations to

---

[2] *The Problems of Communism,* "Peking's Recognition of Crisis," published by USIS, Sept.–Oct., 1961.

XUM

day-to-day life so great, and the opposition to his regime so widespread, that he ordered Lin Piao—his Defense Minister and designated heir—to turn the full weight of the People's Liberation Army against the Red Guards, against anti-Maoists, against revisionists or anti-Communist elements, against workers and peasants who resisted Peking's orders and against students and intellectuals who refused to accept Mao's "Thoughts" as gospel.

In taking this drastic step, Mao was admitting to the Chinese people that, like his Great Leap of the previous decade, his Cultural Revolution had failed.

Lin Piao's army commanders exacted a heavy price for their continued loyalty. Many of the regional and provincial commanders assumed a role not unlike that of the warlords of the 1920's and early 1930's. Some took their units and turned against Mao. Many soldiers defected to join peasant-student guerrilla bands in the hinterland. In the meantime, unrest was growing at such a pace in the big cities among students, intellectuals and workers who were disgruntled over Mao's police state tactics that Peking decided it would try to dissipate the threat of increased rebellion in its chief remaining centers of strength by disbursing a large proportion of city dwellers in the 15- to 30-year age group to the outlying provinces. There they were to accept the strict direction of Communist peasant cadres and PLA units still loyal to Mao and presumably get closer to the masses. Hong Kong intelligence sources estimate that twenty-five million students, intellectuals, and workers have been forced to leave the cities.

At the same time, Mao's dwindling number of loyal associates spread out through the provinces to hand-pick delegates to a long-overdue Ninth Party Congress.

NEAR ANARCHY AND MILITARY RULE

A motley assortment of peasants and soldiers, a sprinkling of workers and those few trained Communist bureaucrats still pledged to support Mao were finally brought together in Peking in the spring of 1969. The 1,500 delegates to the Congress met in closely guarded, secret sessions and rubber-stamped a revised Constitution giving Mao and Lin Piao supreme dictatorial power over both the Communist Party and the country and formalizing the purge of Liu Shao-chi and the hard-core of the entire Party organization.

Army commanders took control of the Congress and the resulting Central Committee and, since that time, have virtually run the country in Mao's name.

Though still able to keep Mao in power, the Army's rule has done little to improve conditions on the mainland. Near-anarchy prevails in much of rural China where Maoists, anti-Maoists and outright anti-Communists fight bitterly for control of government granaries, military depots, arms caches and the allegiance of local Army units.

The result is that in the fall of 1969 there are still-unconfirmed reports of near-famine conditions in many parts of the country. Industrial production—erratic ever since the Cultural Revolution was launched—is believed to be far off schedule and Red China's foreign trade, after a brief rebound in 1968, is again slipping. Since 1965, Peking's import-export activity has dropped off fifteen to twenty percent and foreign buyers who attended the 1969 Canton trade fair came away complaining that once you got beyond the booths and exhibits featuring Mao Tse-tung's books and "Thoughts," there was little to buy. The samples shown were the same products that had been available before the Cultural Revolution.

Rationing prevails for such items as medicines, soap, all but the simplest food products, thread, kerosene, matches and cigarettes. There is so little cloth available for even mending worn out clothes that overseas Chinese report their relatives behind Mao's Bamboo Curtain are writing to request dry-goods instead of money.

The diet now of the average peasant at best is no better than it was in 1939—not 1949. And in 1939, the Japanese were waging all-out war against the hard-pressed troops of Chiang Kai-shek.

Skilled workers not yet dislocated from their factory jobs in the cities put in a 10- to 12-hour day for six to six and one-half days per week.

U.S. News and World Report (March, 1969) noted that Red China has built no new rail lines in ten years, even though it is building them under trade-and-aid agreements for Zambia and Mali in Africa.

As far as those famous agricultural statistics, those records of farm production and acreage—no comprehenisve ones worth considering seriously have been published for ten years.

The soil is said to be depleted from a near-total lack of fertilizer inputs other than scant amounts of human nightsoil.

Mainland China's historically efficient, though complex, irrigation systems are reportedly in disrepair. Those that have been built or repaired by the Red Guard cadres while they memorize the "Thoughts of Mao" for guidance show structural defects. Similarly, many public works projects carried out with great fanfare and haste during both the Great Leap and Cultural Revolution periods are falling apart.

Refugees escaping from the mainland in the past two years often describe how bridges and dams of unsound design and construction collapse or wash out, causing flooding of fields and villages and the destruction of sections of highways and railroad lines. Maintenance crews are frequently too involved in fighting to deal with the breakdowns in equipment or facilities.

Yet, in the face of this mounting tally sheet of failure, Mao's propaganda organs late in the summer of 1969 began calling for another "leap." This time they are avoiding use of the Chinese words "ta-yueh-chin." They just allude to the desirability of a "yueh-chin" (leap) and Peking Radio has suggested what is needed is a "fei-yueh" (flying leap). Some provincial papers smuggled out to Hong Kong by refugees quote Peking as asking the peasants for a "kao-ch'ao" (upsurge).

This summer after *Peking Review* posed the alternatives facing Communist decision-making, as quoted at the very beginning of this article, editorial writer Ko Cheng gave up further attempts at reason to return to the Maoist line:

"Our great leader Chairman Mao's teachings that politics is the commander, the soul in everything, that 'political work is the lifeblood of all economic work', and the great principle he advanced of 'grasping revolution, promoting production' have, theoretically and in practice correctly solved this question and creatively developed Marxism-Leninism. These teachings of Chairman Mao's are our basic guiding thought in successfully carrying out socialist revolution and socialist construction."

Such propaganda fiction—in fact, Chairman Mao's teachings—have "solved" no questions or problems. They have only created them.

WHY HAS MAO FAILED?

Now that there is every indication that some momentous new program will be attempted, despite the failures of the Great Leap of 1958–59, and the Great Cultural Revolution of 1965–69, one has a right to ask how Mao and his followers could have made such colossal blunders.

Those few China observers outside the Bamboo Curtain who have followed Mao's methods but remain objective about him privately share a theory which is worth serious consideration. The same theory may well apply to a Communist leader like Fidel Castro who has managed to ruin the economy of Cuba in ten years.

It is simply that Mao is a guerrilla fighter whose training and instincts have taught him that success for the guerrilla in war is obtained by disrupting that which is orderly and bringing the full weight of whatever power is at his disposal to bear on the weakest point. He uses the same methods when dealing with Red China's economy.

He concentrates all of his energies—and consequently all of the energies of the nation he leads—on achieving a single objective. For example, in the early 1950's, he used his army and newly-won control of China to win a political victory in Korea—at the expense of his own Communist programs for the Chinese nation. Then he turned his full attention at home again to "agrarian reform." Then he withdrew from rural problems long enough to move against private enterprise and industry in the cities. He returned again to the villages and countryside to impose communes and make a Great Leap. This time his efforts backfired. He regained power by turning the Red Guards loose in a so-called Cultural Revolution and when they were no longer controllable, he turned the army loose to clamp down on the Red Guards. Now he dreams of a flying leap and has already decided that urbanites and students must be forcibly uprooted from the cities to be taught by the peasant in the countryside. Always the effort is a mass effort. One writer has suggested that the backyard steel program of the Great Leap was "industrialization by mass movement."

But where he has failed, and failed so completely, is in trying to substitute labor for capital and bulk masses for selective, individual know-how. The problems of agriculture, industry and commerce are much too complex to be solved in this manner over an extended period of time. An economy develops only when there is some harmony in all sectors—not when total national attention and resources are devoted to just one at a time—and certainly not when the attention on one is at the expense of the other.

However, the real reason both Mao and Communism have failed in the past score of years is perhaps more realistically found in the nature of China and its people.

Back in 1947, the great modern Chinese writer and scholar, Dr. Lin Yutang, wrote:

"In the four thousand years of China's history, four great political experiments in totalitarianism, state capitalism, socialism and drastic social reforms were attempted, and each of these failed miserably."[3]

When this writer interviewed Dr. Lin at his home in Taiwan in 1967, he was prepared to update the statement to increase the number to five after seeing Communism's record in China.

Neither China, nor the highly individualistic Chinese, lend themselves to totalitarian schemes for long. Mao and the Communists have been learning this the hard way for twenty years.

PUBLIC HEARINGS, TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today the Committee on Finance received testimony with respect to that part of the House tax reform bill which reduces depletion allowances and cuts back on the tax advantages for production payments of oil and gas. A number of distinguished citizens representing the oil and gas industry outlined the restrictions which would be placed on the entire business if these provisions were retained in the Senate bill and enacted into law.

---

[3] *The Gay Genius: The Life and Times of Su Tungpo* by Lin Yutang, 1947. The John Day Company.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that a summary of the testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

WITNESSES

HON. JOHN G. TOWER, U.S. SENATOR, STATE OF TEXAS

Taxation of the oil and gas industry

Feels that proposed tax changes with respect to the oil and gas industry will be a heavy blow to these industries. Expresses concern that this will hinder our ability to maintain a strong national security posture.

Indicates that the United States cannot afford to be dependent on foreign sources of oil in times of national emergency. States that our national security dictates that we have sufficient petroleum resources, and that a healthy oil and gas industry requires continual exploration and access to risk capital.

Advocates continuation of the 27½ percent depletion allowance for oil and gas. Considers this allowance, together with the ability to deduct intangible drilling costs and exploration expenses, to be the prime source of generating new capital within the oil and gas industry.

NATURAL RESOURCES: DEPLETION ALLOWANCES, EXPLORATION EXPENSES, PRODUCTION PAYMENTS—OIL AND GAS

Coordinated testimony of: American Petroleum Institute; Mid-Continent Oil and Gas Association; Western Oil and Gas Association; and Rocky Mountain Oil and Gas Association

EMILIO G. COLLADO, EXECUTIVE VICE PRESIDENT, STANDARD OIL CO. (NEW JERSEY)

Tax treatment of natural resources

Urges that the foreign tax credit and percentage depletion provisions in the House bill applying to the foreign activities of U.S. petroleum companies be rejected. States that by increasing the tax burden on U.S. petroleum companies' operations abroad, these provisions would seriously weaken the ability of U.S. companies to compete effectively with foreign oil companies, many of which receive substantial tax benefits and, in some cases, cash subsidies from their home governments. Believes that these measures should be assessed in the light of the contribution which U.S. petroleum investments abroad make to important U.S. national objectives.

Indicates that despite the high rate of growth expected in our domestic oil producing capacity in the future, the United States will have to rely increasingly on foreign source oil to meet our growing requirements. Believes that the best way to provide that our country will have access to sufficient foreign-source petroleum is to encourage U.S. companies to continue to search and develop these resources in diverse foreign areas.

States that these provisions in the House bill would seriously undermine valid and long-standing principles of tax equity and of preventing international double taxation which U.S. tax laws have traditionally sought to achieve. Indicates that the elimination of foreign depletion abroad would discriminate against the foreign activities of U.S. petroleum companies by denying them tax treatment comparable to petroleum operations conducted in the United States. Points out that the foreign tax credit provisions in the House bill would double tax parts of a taxpayer's income and would introduce international double taxation on the integrated petroleum industry operations abroad by denying to the mineral industry alone the effective use of the overall basis for applying the foreign tax credit. States that this discrimination against foreign source income, and against the mineral industry in particular, seems unjust and unwarranted, especially since these provisions are unlikely to produce a significant amount of revenue for the United States.

ROBERT G. DUNLOP, PRESIDENT, SUN OIL CO.

The petroleum industry

Indicates that the United States is heavily dependent upon petroleum energy, as oil and gas provide nearly three-fourths of all energy consumed in the United States. States that assured supplies of petroleum are vital to the national security of the United States.

Maintains that under present tax incentives, the domestic petroleum industry has met this country's essential petroleum needs. Notes that gasoline prices, excluding direct taxes, are up only 10 percent since 1926, and that the tax incentives have contributed to this price stability.

Argues that the tax incentives for oil and gas have provided an effective incentive for research and exploration, as well as conservation of natural resources through encouraging the use of marginal oil.

Maintains that the petroleum industry earns only average profits on investment compared to other manufacturers, and also carries an overall tax burden equivalent to or exceeding the tax burden of other industries. Argues that increased taxes, absent of any remedial action, would either increase petroleum prices or reduce profits and thereby reduce investment. Contends that complete elimination of tax incentives would make the United States heavily dependent on foreign oil, which could involve us in a Middle East conflict.

States that the combination of rising costs is limiting funds available for investment and that reserves of oil and gas declined both relatively and absolutely in 1968. Asserts that Federal control of natural gas wellhead prices is partially offsetting the benefit of tax incentives and is creating a serious supply problem for the industry.

WILLIAM I. SPENCER, EXECUTIVE VICE PRESIDENT, FIRST NATIONAL CITY BANK, NEW YORK, N.Y.

Percentage depletion for oil and gas

States that the proposed changes in the tax treatment of minerals could endanger both the international payments position and the energy supplies of the United States, and they could have serious, long-term consequences for the welfare of the Nation.

States that the petroleum industry will have to attract—for domestic exploration and development—as much as $70 billion for the 10-year period through 1980, and that in attempting to do this the industry will be hampered by the likely continuance of monetary stringency in the economy, and also because the liquidity of leading petroleum companies has been declining, while their dependence on long-term debt has been rising sharply. Contends that the ability of the industry to finance its currently increased exploration and development will depend upon its future ability to maintain and approve its profitability.

Believes the tax structure should be designed to enable the industry to meet the Nation's energy goals, and that the House provisions do not meet this test.

GEORGE V. MYERS, EXECUTIVE VICE PRESIDENT, STANDARD OIL CO. OF INDIANA

Reducion in domestic depletion rate

Maintains that the proposed reduction in the domestic percentage depletion rate from 27½ to 20 percent contravenes the national interest.

Production payments

States that the treatment of reserved production payments as loans will cause a reduction in value of 15 to 20 percent. Contends that this reduction decreases the funds available to independents, thus impairing their ability to continue in the business of exploring for and developing oil and gas reserves.

Allocation of deductions

Argues that this proposal would tend to restrict the effectiveness of percentage depletion and intangible drilling cost deductions as incentives to invest the huge amounts of money needed to supply petroleum needs.

Tax treatment of oil shale

Maintains that the provision in the House bill clarifies existing law and is desirable because depletion on the kerogen extracted from the rock shale is necessary if this important natural resource is to be developed.

Limit on tax preferences

Urges the committee to reject the Treasury Department's recommendation to include percentage depletion and intangible drilling costs in computing the limit on tax preferences.

Taxation on gains on sales of mineral properties

States that the Treasury Department has proposed that gains on sales on mineral producing properties be taxed as ordinary income to the extent of intangible drilling costs which have been allowed as deductions. Maintains that the adoption of this proposal would substantially reduce the real value of mineral properties and it would make investment in exploration and development ventures less attractive at a time when there is a vital national need to make it more attractive.

Other proposals

Criticizes three other proposals—including (1) plowback of depletion deduction, (2) capitalization of intangible drilling costs of development wells, and (3) graduated depletion rates that would reduce tax incentives for oil and gas producers.

Plow-back of depletion deduction

States that under this proposal producers would be permitted a 27½ percent depletion rate if they spend an equal amount in domestic exploration and development. Argues that the proposal is based on the false assumption that exploration and development expenditures are less than the industry's depletion deduction. Suggests that if the depletion deduction is to be based on future exploration and development, then inevitably a producer's expenditures for exploration and development will be influenced by and scheduled according to the amount of depletion that needs vesting. Argues that a reduction of the depletion incentive will deter others from entering the natural resource business, especially since those already in the business who have excess depletion would have lower costs of exploration and development through the vesting of past depletion.

Capitalization of intangible drilling costs of development wells

Maintains that the result of this proposal would be a serious disruption in funds available for exploration and development. Argues that the capitalization of these intangible costs will not ultimately increase taxes but will merely change the timing of deductions.

Percentage depletion at graduated rates

States that the net effect of this proposal would be to reduce percentage depletion for the industries as a whole, and that such a proposal would punish those who furnish the bulk of the Nation's energy supply. Believes that such a proposal would also reduce the incentive for a small company to grow larger.

XUM

Coordinated testimony of independent producers; Independent Petroleum Association of America; Independent Oil and Gas Producers of California; Independent Oil Producers and Land Owners Association, Tri-State Inc.; Kansas Independent Oil and Gas Association; Oklahoma Independent Petroleum Association; Panhandle Producers and Royalty Owners Association; Texas Independent Producers and Royalty Owners Association; and West Central Texas Oil and Gas Association

H. A. TRUE, JR., TRUE OIL CO.

Tax treatment of natural resources

Maintains that a healthy, expanding domestic industry is the best assurance of adequate supplies of oil and natural gas. Contends that the domestic industry's activities in searching for and developing U.S. petroleum resources have declined to inadequate levels, imperiling the Nation's economic progress and future security.

Argues that the proposed changes in petroleum tax provisions would sharply reduce the incentive to invest capital in exploration and drilling. States that if these changes are enacted, total expenditures for U.S. exploration and development would decline to only $2.4 billion by 1980, compared with a required expenditure of $8.3 billion, with the result that the United States would be dependent on foreign sources for over 50 percent of its requirements.

Contends that the changes would have a devastating effect on independent producers and would force many of them to discontinue exploration and drilling.

Argues that the search for new reserves of oil and natural gas is inseparable, and that the present shortage of natural gas would be aggravated by the proposed changes.

Contends that the bill would result in increased prices that would cost consumers about $10 billion yearly by 1980.

CLINTON ENGSTRAND, CHAIRMAN, LIAISON COMMITTEE OF COOPERATING OIL AND GAS ASSOCIATIONS

General

Points out that there is a need for oil and gas exploration and that the tax reform movement, as it relates to the petroleum industry, has concentrated on ways and means to reduce rather than increase the economic incentive of the independent producer. Indicates that the tax changes that have been made would impede independent producer decisions to borrow and/or spend the large amounts of funds necessary to drill wells. States that the ups and downs experienced by small business in this high-risk industrial activity requires the incentive aid that comes from other tax features under attack, including domestic percentage depletion, the ABC payment method, carved-out production payments, and capital gains sales of mineral property. Believes that the elimination or reduction of any of these longstanding tax features would further reduce the Nation's vital petroleum drilling effort.

Position of associations

Contends that in order to accomplish the drilling job required by the Nation, the following provisions must be in the Nation's oil tax policy: (1) expensing of nonrecoverable drilling costs (intangibles), (2) the loss carryforward tax provision, (3) liberalization of the 50 percent net income limitation on percentage depletion application, (4) retention of capital gains treatment for total value of oil and gas property sales, and (5) a positive tax incentive program applied directly to domestic exploration efforts.

STARK FOX, EXECUTIVE VICE PRESIDENT, INDEPENDENT OIL AND GAS PRODUCERS OF CALIFORNIA

Introduction

Opposes all proposed changes in the House bill affecting the oil industry. Argues that Congress and the administration should be considering ways to add to the oil industry incentives rather than reduce them.

Conditions in the California oil industry

States that the total number of oil companies in California in 1957 was 1,465, and that in 1967 it was 1,044, a drop of 29 percent. Points out that the State Franchise Tax Board reported that 1,039 oil companies filed State income tax returns for 1957, but only 658 filed such returns for 1967. Of the 1,039 companies filing in 1957, 428 reported taxable income, on which they were assessed $8,263,214 in taxes. Of the 658 companies filing in 1967, 330 reported taxable income on which they were assessed $16,074,343 in taxes. Indicates that oil production in 1957 was 928,971 barrels a day and 984,722 barrels a day in 1967; thus the State income tax per barrel of oil produced, nearly doubled.

Conditions among independent producers

Indicates that between 1957 and 1967 the major companies increased their share of total California production from 45 to 53 percent; the 43 principal minor companies increased from 28 to 29 percent; and the independents dropped from 9 to 3.7 percent. States that data covering oil field development shows the same trend: in 1957, the major companies completed 44.6 percent of all wells and in 1967 they completed 53.8 percent; principal minor companies increased their completions from 24.5 to 37.0 percent; and independents dropped from 30 to 8.3 percent of total completions. Notes that major companies had 45.5 percent of all wells in 1957; but this figure had increased to 53.4 percent by 1967; principal minor companies increased their share of all wells from 25 percent in 1957 to 27.4 percent in 1967; and independents dropped from 22.7 to 10.3 percent of total wells during the same period.

Disincentives

Points out that by using the ratio of oil production to taxes as a rough guide, the district V—Alaska, Arizona, California, Hawaii, Nevada, Oregon, and Washington—producing industries share of the added annual tax load under the tax reform bill would be approximately $84 million, based on its current 14-percent share of total production in the United States. Contends that this added tax would be significant for the independent and minor companies, and that it would come directly out of their pockets.

Producers have no "ultimate consumer"

Indicates that in the oil producing industry the buyer, not the seller, determines the price they will be paid for crude oil and that the producer has no way of shifting the burden of any added expense, be it taxes, higher wages, or any other. States that the impact of added expenses is particularly severe for the California producer because California crude prices average $2.51 per bar-in the Nation where average crude prices are less than they were in 1959. Points out that California is the only oil producing region rel today, whereas in 1959 the average was $2.55.

D. F. M'KEITHAN, JR., PRESIDENT, INDEPENDENT OIL PRODUCERS AND LAND OWNERS ASSOCIATION, TRI-STATE, INC.

Percentage depletion and intanglible drilling cost

States that, in the tristate area of Indiana, Illinois, and Kentucky, a reduced depletion rate would seriously cripple this segment of the domestic oil industry resulting in the obvious curtailment of employment with the concomitant loss in payrolls and taxes as well as a loss in oil production and, consequently, royalties to the landowners, and taxes to the counties. Emphasizes that a change in the manner of deduction of intangibles will literally, and without exception, destroy the domestic oil business in the tristate area because the principle sources of capital funds relied upon by operators are derived from outside investors; any required capitalization of such funds will shut off completely this flow of money and force operators out of business.

Points out that over 1,500 small businessmen employing approximately 30,000 men and women in our tristate area annually contribute about $400 million to the economy, which includes $30 million annually paid to landowners in royalties and over $6 million in taxes to the counties. States that the proposed tax change will not merely work a temporary hardship upon these independents, but such changes will virtually eliminate them as a contributing segment of the economy, which would be unable to compensate for such a loss. Maintains that the country cannot afford to lose this segment of its domestic oil industry because once it is lost, it is doubtful that either the reserves or the skilled technicians could ever be replaced.

TOM SCHWINN, EXECUTIVE VICE PRESIDENT AND COUNSEL, KANSAS INDEPENDENT OIL AND GAS ASSOCIATION

General

Points out that the oil industry has been pictured as a single monolithic industry but that in reality it is composed of two segments: Independent domestic producers, and the major international oil companies. States that in the foreseeable future this Nation must depend upon the independent operator to explore and develop the country's petroleum resources, because the relative profitability of foreign oil has encouraged the major international companies to spend much of their exploration dollar in foreign countries.

Tax incentives

Indicates that the tax incentives necessary to carry forth the need of a healthy domestic petroleum industry are the following: The expensing of nonrecoverable business expenses (intangibles), percentage depletion, liberalization of the 50-percent net income limitation on percentage depletion, loss carryforward tax provision, and retention of capital gains treatment.

Believes that the methods proposed in both the House bill and by the Treasury to correct the so-called tax loopholes do not justify the drastic changes and penalties imposed upon the majority of legitimate oil and gas operators who are now paying a foreign sale of the necessary burden of the cost of Government.

Treasury's limit on tax preference and allocation of deduction proposals

Indicates that the LTP provisions would have a nominal effect upon the established oil operator or high income investor, but would affect the young operator with minimal oil and gas income, or for the investor with small outside income.

Opposes the proposal to include intangible drilling costs in the allocation of deduction provision. Urges that the 60-percent limitation for the application of the allocation of deductions be derived from oil and gas operations, including, but not limited to, all phases of exploration, development, drilling and producing, rather than from the sale of oil and gas. Indicates that there are a number of legitimate related activities for fully qualified oil and gas operators.

Believes that intangible drilling cost, in any case, should be excluded from the allocation of deductions rule on the basis that it is not truly a tax preference item. Points out that the theory of the allocation of deductions rule is that no cash is expended and that the intangible drilling costs do involve cash outlays in a legitimate search for oil and gas.

States that the inclusion of intangible drilling costs in the allocation of deduction provision would discriminate against the investor of the independent operator and that the 60-percent limitation would be a disincentive to the independent segment and have no true affect on the national oil companies.

Indicates that the suggested recapture rule for intangible drilling costs upon the sale of property would have its most adverse effect upon the small operator who periodically would be forced to sell a discovered lease to retire bank loans and other obligations incurred in drilling and developing the lease.

Believes that the proposed 50 percent top marginal rate on earned income, coupled with other proposed tax changes which affect the investor would eliminate him as an oil and gas speculative.

WILLIAM B. CLEARY, PRESIDENT, OKLAHOMA INDEPENDENT PETROLEUM ASSOCIATION

Percentage depletion for oil and gas

Believes the concept of percentage depletion is sound, and that it serves a vital function with respect to the risk capital needed for oil and gas exploration. Expects the major companies to do less drilling in Oklahoma as budgets are shifted more and more to offshore areas and Alaska, and feels independent producers have the burden of finding new domestic reserves of oil and natural gas.

Contends the present 50 percent net income limitation with respect to oil and gas depletion is an artificial limitation which renders it largely ineffective when it is most needed—urges that it be eliminated.

C. H. HINTON, PETROLEUM CONSULTANT, PANHANDLE PRODUCERS & ROYALTY OWNERS ASSOCIATION

Percentage depletion for oil and gas

States that it is an indispensable fact that there is a very serious shortage of natural gas being developed in the United States, and if future requirements are to be supplied, the number of well completions must be doubled over the 1968 level in the shortest possible time.

States that there are thousands of yards of sediments which are estimated to be productive of natural gas that have not been tested by the drilling of wells. Contends that any downward reduction in statutory depletion, or any reduction in intangible drilling costs as a tax reduction will cause a further decline in the number of well completions.

WILLIAM J. MURRAY, JR., PRESIDENT, TEXAS INDEPENDENT PRODUCERS AND ROYALTY OWNERS ASSOCIATION

General

Indicates that the Nation is running out of oil and gas mainly because of the lack of adequate incentive for domestic exploration and drilling. States that reserve productive capacity has been grossly overestimated and that some degree of consumer rationing might prove necessary in any future foreign-supply curtailment. Indicates that an attempt to fill the emerging energy gap by increasing imports would not only endanger national security but would thwart all efforts to close the Nation's payment gap.

Believes that the provisions in the House bill which affect the oil industry would further depress domestic exploration and drilling at the very time when the increase is required to avert a supply crisis.

Expensing of nonrecoverable costs

Indicates that the expensing of nonrecoverable costs is absolutely vital to the domestic wildcatter, and to require that these costs be capitalized would render it impossible for most small operators to look for oil and gas. States that the intangible charge of privilege does not allow the producer to retain tax-free income, but rather encourages him to go into debt or seek outside risk capital in order to remain in the business of searching for reserves to produce. Indicates that the denial of the intangible expensing privilege would be injurious to independents trying to get started but would have far less effect upon the large integrated companies and larger independent producers.

Percentage depletion rate

Supports the 27.5 percent depletion rate. Points out that percentage depletion is an incentive to drill in a high risk industry. States that if the rate were too high, there would be disproportionate concentration of resources into this enterprise when the contrary is true.

50 percent of net limitation

States that the 50 percent of net limitation on the depletion allowance is a particular hardship upon the small operator and upon the caretakers of the marginal or stripper wells. Points out that because of this limitation, few domestic independent producers use the full 27½ percent depletion rate. Indicates that an increase in the net limitation would enable all operators to realize a more uniform depletion percentage factor and would encourage domestic independence to become more active in the search for oil.

Limit on tax preferences

States that the proposal to require individual producers and outside investors who derive less than 60 percent of their income from oil and gas operations to include intangible expensing and depletion income in computing their tax liability would be particularly injurious to independents. Indicates that since the limit on tax preferences does not apply to corporations, it would be aimed directly at the independent producers.

Other tax provisions affecting the oil industry

Points out that the mineral interest holder, or land and royalty owners, would be particularly affected by the limited tax preference and percentage reduction proposals. Believes that the proposals to deny land and royalty owners full participation in depletion would further depress domestic exploration in drilling. Points out that the elimination of the ABC method of financing development, elimination of carved out production payments, and the proposed recapture rule that would require treating as ordinary income any gain or sale of mineral properties to the extent of intangible drilling costs previously deducted, would hit hardest at the domestic wildcatter.

A. V. JONES, JR., PRESIDENT, WEST CENTRAL TEXAS OIL & GAS ASSOCIATION

Provisions affecting the oil industry

Recommends that the tax structure of the domestic petroleum industry be left unchanged. Maintains that any adverse legislation will directly affect all consumers.

Intangible drilling expenses

Argues that the cost of exploration and drilling—known as intangibles—must continue to be recognized as essential business expenses for all participants in the oil and gas industry. Believes that all costs should be deductible when they are incurred and that no limitation be applied to these costs.

ABC transactions and production payments

Believes that present tax treatment of both ABC and carve-out type oil and gas payments should be continued.

Limit on tax preferences

States that the limit on tax preferences is applicable only to individuals, partnerships, trusts, and small corporations. Believes that if this provision becomes law it will tend to eliminate the independent producing segment of the oil industry, and will ultimately create a major company monopoly.

EBERHARD P. DEUTSCH, PERMIAN BASIN PETROLEUM ASSOCIATION

Percentage depletion rates

Opposes any reduction in the present oil depletion allowance under the income tax laws, on the ground that this allowance is a vital incentive to stimulate the search for new sources of oil and gas.

Carved-out production payments

Indicates that exploration and development of oil and gas reserves have grown increasingly expensive in recent years and that the independent producer has had to meet these costs, in large measure, from carved-out production payments. Indicates that the present advantageous tax treatment of such payments was accorded to the petroleum industry to encourage the search for oil and gas and to stimulate its production and that since these purposes are still necessary, the present tax treatment accorded to carved-out production payments should be retained.

Suggests that if it is deemed necessary to discontinue the present tax treatment of carved-out production payments, it should not be done retroactively. Points out that retroactive repeal would deprive the independent producer of venture and short-term operating capital, after he is committed and already in debt, at a time when it is virtually impossible to borrow money. Suggests that the carved-out production payments be permitted to remain in effect for the taxable year in which new legislation is enacted.

JOSEPH R. RENSCH, ON BEHALF OF THE AMERICAN GAS ASSOCIATION AND THE PACIFIC LIGHTING SYSTEM

General

States that a paradox currently exists: estimates of potential gas supplies have increased substantially; but estimates of proved recoverable reserves declined last year. Indicates that since 1946 the Nation's gas reserve/reduction ratio has declined from over 32 to less than 15. States that the addition of new proved reserves are lagging because drilling activity has declined sharply since 1956. Points out that the outlook for adequate gas supplies is bright because domestic supplies will be supplemented by imports and synthetic pipeline gas but that maximum domestic supplies must be developed now because there will be a time lag before these supplemental supplies become available in significant volumes.

Relationship of tax incentives to drilling

Points out that the current lag in exploration and development of new domestic gas supplies can be attributed basically to lack of available capital and incentive to drill for gas. Indicates that both of these factors would be worsened by a reduction in percentage depletion and elimination of other tax incentives.

WALTER E. ROGERS, PRESIDENT, INDEPENDENT NATURAL GAS ASSOCIATION OF AMERICA

Accelerated depreciation allowed regulated industries

Points out that the intent of Congress in allowing accelerated depreciation was to allow all taxpayers the free exercise of business judgment in the selection of the method of depreciation, without restriction by regulatory agencies in the case of taxpayers subject to regulation. Indicates that the position taken by several of the regulatory agencies in requiring those companies using accelerated depreciation for tax purposes to flow-through currently to the company's customers any and all tax benefits discriminates against the regulated industry and defeats the purpose and reason for accelerated depreciation.

States that fairness in the application of tax requirements or benefits demands uniformity to both regulated and nonregulated industries. Believes that all regulated industries now using the flow-through method of accounting for depreciation purposes should be given the right and option as to both old and new property to change the accounting method to a slower method of depreciation, to wit, straight line or accelerated depreciation with normalization, but not be required to. Indicates that all companies presently using accelerated depreciation and normalizing should be allowed to continue to do so as to both old and new property or to go to a slower depreciation on either type of property or both types, but not be required to. Believes, further, that those companies presently using the straight line method of accounting for depreciation purposes should be permitted to use accelerated depreciation and normalization on new property.

Percentage depletion rate

Opposes any reduction in the 27½ percent depletion allowance on oil and gas. States that this percentage has been in effect for over 40 years and has served to produce the incentive for the tremendous progress by this country in the development of oil and gas.

States that gas provides one-third of the energy requirements of our country and that the demand for additional service and supplies is consistently rising. Believes that the sensible investment this country could make at this time would be to retain the incentives presently available in the oil and gas industry, and if necessary, to add some rather than subtract any.

WILLIAM JACKMAN, PRESIDENT, INVESTORS LEAGUE, INC.

Capital gains

Contends that the bill was conceived and enacted in astonishing haste and will make the tax law immensely more complex and onerous for the individual taxpayer.

Opposes increasing the maximum capital gain tax from 25 to 30 percent. Contends that there would be a revenue loss from this change, rather than a revenue increase of $300 million.

Recommends reduction of the capital gains tax from 25 to 12.5 percent, contending that there would be a revenue gain of about $2.5 billion.

Maintains that the bill is one-sided in increasing the holding period of long-term capital assets from 6 to 12 months and removing the ceiling on the capital gains tax.

Argues that if short-term capital gains are treated as ordinary income, short-term capital losses should be deductible in full, and that if half of long-term capital gains are taxed, half of long-term capital losses should be fully deductible.

Proposes that capital gains should be reduced by the increase in the official price index over the holding period, so that gain representing inflation will not be taxed.

MORTON M. WINSTON, EXECUTIVE VICE PRESIDENT, THE OIL SHALE CORP.

Percentage depletion for oil shale

Concludes that oil shale is an economic supplement to domestic petroleum supplies. States, however, that the present Internal Revenue Code is frustrating shale oil development.

Points out that oil and gas produced from oil shale are subject to two competitive injuries in the depletion calculation under current interpretations by the Internal Revenue Service:

(1) There is no specific depletion allowance on shale oil under existing interpretation of the present tax code; and

(2) There is only a 15-percent depletion on the supposed value of the unmarketable shale rock from which the oil is separated.

Emphasizes that shale oil must compete with crude oil from wells even though oil from wells is allowed depletion on its full wellhead value at a rate of 27.5 percent.

Concludes that discrimination against shale oil production mitigates against the flow of capital into shale oil development, and it places shale oil at a competitive disadvantage in the marketplace.

Points out that oil shale retorting is not a manufacturing or refining process; it is a separation process. States that the logical point for applying depletion is after kerogen is first recovered by the separation process, and before any further processing.

Emphasizes that applying shale oil depletion to the value of the oil instead of the rock, will not affect present tax receipts one iota since there is no taxable income from the shale oil industry today. States that to launch this industry will require large amounts of capital and entrepreneurs willing to assume the substantial risks involved, both technical and financial. Requests the committee to remove the tax discrimination against shale oil and to approve the change made by the House.

B. P. HUDDLESTON, P.E., CITRONELLE-MOBILE GATHERING SYSTEM CO., INC.

Effects of reducing the oil depletion allowance and the elimination of the ABC transaction

Presents a case study illustrating the effect of the proposed changes in the Federal income tax law relating to the percentage depletion allowance and the ABC transaction on the independent oil operator. States that Citronelle Field, Ala., the basis for this study, is uniquely representative of a significant oil reserve with diverse operating ownership of over 500 individuals and corporations—major oil companies own less than 20 percent of the total operating interest ownership, and over 1,000 individuals received royalty income from Citronelle production.

Believes that this study shows that the Federal income tax burden of these largely independent Citronelle operators would be increased by 19.5 percent if the percentage depletion rate is reduced from 27.5 to 20 percent. States that the combination of this reduction in rate and the elimination of the ABC transaction will reduce the market value of the Citronelle owners' operating interests (the price that would be paid by a willing purchaser) by 34 percent.

HAROLD D. ROGERS, NORTH TEXAS OIL & GAS ASSOCIATION

Production payments

Expresses the opinion that the provision of the House bill dealing with production payments is contrary to the due process clause of the fifth amendment, and is unconstitutional because it is an attempt to tax income to a mineral property owner by reference to the income from a production payment property owned by another person. Points out that the Supreme Court has held that due process is denied where one person is taxed upon the income from property owned by another person.

States that the mere fact that Congress designates certain transactions has a loan (purchase money mortgage) will not result in creating taxable income when, in fact, the income from the property is not the taxpayer's income.

ARTHUR W. WRIGHT, ASSISTANT PROFESSOR OF ECONOMICS, UNIVERITY OF MASSACHUSETTS

Tax treatment of natural resources—lack of fairness

States that the present tax treatment of natural resources is an important source of unfairness in the Federal tax system as it enables many extremely wealthy individuals to pay less Federal taxes than persons living in poverty and enables corporations engaged in mineral production to pay far less Federal taxes than do other corporations.

Tax treatment of natural resources—Waste of tax moneys

Condemns the present tax treatment of natural resources as a wasteful and inefficient form of subsidy. States that the beneficiaries of mineral tax subsidies should have more faith in the ability of the American free market economy to produce minerals and fuels without Federal aid.

Rejects claims that natural resource producers pay their fair share of Federal taxes. States that claims of this sort often use misleading basis for comparison (such as gross income instead of taxable income) and inconsistently lump together foreign taxes, Federal taxes, local taxes, and user charges when computing the industry tax burden. Rejects, also, claims that the present tax treatment of natural resources is needed to let natural resource producers recover their capital investment in mineral properties. Points out that this recovery can be accomplished through cost depletion and the present tax treatment is defective because it permits tax-free recovery of amounts far greater than mineral producer's original capital investment. States that this tax treatment discriminates against other industries that also must attract substantial amounts of capital investment.

Tax treatment of natural resources

Points out that the present system of mineral tax subsidies creates severe administrative burdens for Government and business alike. Indicates that the areas of greatest administrative difficulty concern "economic interest" individuals, depletion rate determinations, cut-off point questions, unit price computations, and the 50 percent net income limitation on percentage depletion.

Recommendations

Describes the present program of tax assistance to the natural resource industries as an inequitable, wasteful, problem-ridden Government-aid program. Urges the committee to scrap the existing aid program and substitute depletion computed on the basis of actual costs, together with capitalization of intangible frilling costs and recovery of such costs over the useful life of the property like business investment in other industries.

States that the natural resource provisions in the House bill are a step in the right direction, but criticizes both the House bill and the administration's proposals for failing to eliminate percentage depletion entirely and for failing to require full capitalization of intangible drilling and development costs.

RECORDKEEPING REQUIREMENTS OF THE GUN CONTROL ACT OF 1968

Mr. DODD. Mr. President, a concerted effort is afoot to dismantle the Gun Control Act of 1968.

The Senate, after 35 days of committee hearings, at which 154 witnesses appeared, debated this firearms legislation for 6 weeks.

Based on all of this legislative activity, we wrote into the act provisions to require the keeping of records on the sale of ammunition so as to prevent bullets from being sold to criminals, juveniles, and persons who currently own weapons in violation of local laws.

The major charge against these provisions is that the Treasury Department has now issued regulations that require "massive bookkeeping," the obtaining of "privileged" information, and, in effect, the "registration" of firearms.

Because I knew this was untrue, I decided to find out exactly what happens when a person goes to a sporting goods store to buy bullets.

A female staff member of the Juvenile Delinquency Subcommittee was sent to several Maryland sporting goods stores which had figured in the subcommittee's previous investigations of out-of-State sales of firearms.

She asked for .22-caliber rimfire cartridges, of the kind that killed Senator Robert Kennedy.

She asked for rifle cartridges of the kind that killed Rev. Martin Luther King and President John Kennedy, and she asked for shotgun shells of the type that killed Medgar Evers.

At this point, I quote from her report on the purchase of these items:

> The man asked for my driver's license which I put on the counter. He wrote a sales ticket listing my name and address and the number of my D.C. driver's license, took my money, and gave me a copy of the slip and the shells.

The sales slip also lists the quantity, type, and cost of the ammunition. This information has always been obtained by any legitimate businessman. It is identical to the ones issued in department stores every day, which might list such an item as: one green wool dress, $25.

At a second store in the Maryland area, the staff member again purchased .22-caliber rimfire cartridges. These were long rifle .22's of the kind used in 60 percent of the rifle murders in the United States last year. I again quote from her report on these transactions:

> In a bound ledger the salesman recorded the purchase, my name, address, and birthdate, and "D.C. Op." indicating my vehicle operator's permit as the source of the information. He gave me a sales slip with only the price and purchase listed.

Is this "backdoor gun registration"? Is this the elaborate registration procedure" referred to by Senator BENNETT? Is this the "cumbersome burden" put on the purchasers of ammunition?

I have here in my hand the sales slips from these transactions.

The actual purchases took 4 minutes.

To describe this entire process as an "elaborate registration procedure" is almost laughable.

I am sure some Senators may ask, "All right, if this is really all that is required, the recording of the name, age, and address, of what value is this procedure or this information?"

Well, I will tell them the value of it.

The same staff member initially went to two sporting goods stores in the District of Columbia and attempted to buy the same ammunition. The clerks at both stores refused to sell her the ammunition because she did not have a firearms registration card from the Distict of Columbia police showing the registration number and the kind and caliber of gun for which she would be allowed to buy ammunition under the District law.

It was then that she drove to the nearby stores in Maryland to buy the ammunition.

Now I believe that the value of what transpired at the Maryland stores is obvious.

I am sure the District of Columbia is not registering guns to known criminals. That means criminals can not buy ammunition here. If they went to Maryland, they would be deterred from purchasing ammunition, because they would not want to identify themselves and leave a record of the transaction, as our staff member did.

In fact, it would make more sense to me if the Senate were to consider prohibiting the sale of ammunition to nonresidents, if such sales were in violation of their State or local laws, rather than to consider, as is now the case, the repeal of ammunition controls.

The Gun Control Act has prohibited the Washington criminal from buying his gun outside of the city in violation of its laws, and it makes sense to enact similar controls with regard to ammunition.

The Bennett amendment, however, would give the Washington criminal free and unaccountable access to ammunition for a weapon which he may already have.

And we must remember that tens of millions of deadly fireams are abroad in the land.

If a gun-toting District juvenile, who appeared to be over the age of 18, similarly traveled to one of these Maryland stores, he would not have to prove his age if we approved the proposal of the Senator from Utah (Mr. BENNETT).

And if the Bennett amendment were adopted, Washington criminals would undoubtedly avail themselves of the vast supply of ammunition in surrounding suburban communities. Thus, the Bennett amendment would remove an important element of proof in the investigation of firearms crimes. Investigation of crime by law enforcement officials is greatly benefitted by record of ammunition sales, particularly where police suspect a particular individual of a specific firearms crime.

I do not suggest that the situation I have just described is unique to the Nation's Capital. It would apply to any jurisdiction that has firearms or ammunition controls.

If the Bennett amendment were adopted, any criminal or delinquent who already owned a gun, any mature juvenile, anyone who wanted bullets for a homemade "zip gun," anyone who owned a gun in violation of the laws of his city or State—any of these people could walk into any store in a neighboring city or State with loose restrictions and obtain all the ammunition he wanted to use as he saw fit.

Mr. President, in view of the spiraling crime rate, in view of the ever increasing use of guns in murder, assault and robbery, I hope it will never be said that all that the United States Senate could do was to cave in to the gun and bullet lobby.

I ask unanimous consent that the sales slips be included in the RECORD.

There being no objection, the sales slips were ordered to be printed in the RECORD, as follows:

[Sales slip No. 12 from the Save-way Surplus Trading Post, 2747 Nichols Ave., S.E.; 11417 Georgia Ave., Wheaton, Md.; 4650 Suitland Rd., Suitland, Md.]

SEPTEMBER 26, 1969.

Name (None.)
Address (None).
Clerk (None).

1 Box 22 L.R.	$0.93
Tax	.04
Total	.97

[Sales slip No. 19933 from the N. F. Strebe Gunworks, 4926 Marlboro Pike, S.E., Washington, D.C.]

SEPTEMBER 26, 1969.

Name: Elizabeth V. DePaulo.
Address: 2513 Eye St. N.W., Washington, D.C. 20037.

1 Box 22 L.R. ——— SU	$0.93
1 Box 30–30 Hawthorne	4.15
1 Box 12 g Win AA No. 9	3.25
Total	8.33
Tax	.34
Total	8.67

For your protection and for the protection of others always use extreme care in handling this or any other firearm. This device is classified as a firearm and as such is sold by us with the distinct understanding that we assume no responsibility for its resale under local laws and regulations nor for its safe handling by any person or persons who may come into possession of it. We assume no responsibility for physical injury or property damage resulting from either intentional or accidental discharge.

Received by (None.)

SENATOR HARRISON WILLIAMS WRITES ABOUT CLOSING THE OPPORTUNITY GAP

Mr. MUSKIE. Mr. President, the September 1969, issue of the Junior College Journal, published by the American Association of Junior Colleges, contains an article that should be of vital interest to everyone concerned about postsecondary education and the future of higher education in America.

The article, entitled "To Close the Opportunity Gap," was written by the Senator from New Jersey (Mr. WILLIAMS). Senator WILLIAMS is the author of the Comprehensive Community Act of 1969, a bill which would focus Federal resources on the 2-year school.

As cosponsor of this important bill, I am delighted to call this article to the attention of the Senate and to salute Senator WILLIAMS for his continued leadership in stimulating discussion on postsecondary education.

I ask unanimous consent that this timely article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TO CLOSE THE OPPORTUNITY GAP

(By Harrison A. Williams)

(EDITOR'S NOTE.—Senator Williams has been a member of the Education Subcommittee of the Senate Labor and Public Welfare Committee since he first came to that house in 1958. He introduced the Comprehensive Community College Act of 1969 to the Senate, February 17.)

During the past decade, Congress has launched a host of imaginative and long-overdue education programs which have transformed the United States Office of Education from a tired and marginal office to a center of action and controversy handling in excess of $4 billion. Fifty-five per cent of the more than seventy-five programs administered by the Office of Education were enacted in the eighty-eighth and eighty-ninth Congresses—a period from 1963 to 1966. Unfortunately, the Office of Education at the same time has moved in a limited way to meet the challenge of learning at the postsecondary level of education—the challenge on our nation's campuses. This is particularly true of the community junior college, an institution which has the potential and the apparent flexibility to fulfill the laudable goals of American education. This response is also unfortunate because these colleges represent a new level of education which is emerging in the country in response to a lack of relevance in traditional education.

While the community junior college is demonstrating that it is equipped best for the job of extending much-needed educational opportunities in the country, the federal government has failed in its full responsibilities to these colleges which represent almost half of all institutions of higher education and approximately one-third of all students in higher education.

The Bureau of Higher Education, which is responsible for the needs of community colleges in the Office of Education, has supported efforts through the programs indicated on the facing page (not printed in the RECORD).

In the Bureau of Educational Personnel Development, nine community colleges received direct grants under Part D of the enabling legislation. A report from the Office of Education recently made this observation:

"Part F received no appropriation in fiscal year 1969. Approximately thirty other inservice training projects developed by four-year institutions or local school systems include participants from or persons teaching in junior or community colleges, though the training is not necessarily a cooperative venture with a junior college directly. . . . Under B-2 of EPDA, the State Grants program, most states are likely to be working with junior and community colleges, especially in the training of classroom aides. However, the states are still in the process of negotiating their projects and have not submitted to us details on exactly how the funds will be dispersed."

BUREAU OF HIGHER EDUCATION PROGRAMS

Program	Legislation	Amount	Percent
National defense student loan program	NDEA-II	$7,000,000	3.9
Educational opportunity grants	HEA-IV-A	6,000,000	6.5
College work-study	HEA-IV-C	17,700,000	15.7
Grants for construction of undergraduate facilities	HEFA-I	67,000,000	25.0
Loans for construction of academic facilities	HEFA-III	14,800,000	10.0
Improvement of undergraduate instruction	HEA-VI-A	4,000,000	27.6
Comprehensive planning grants	HEFA-I, sec. 105	1,220,000	30.5
Strengthening developing institutions	HEA-III	6,600,000	22.0
Education professions development-training	EPDA V-E	74,000	1.6

In the Bureau of Adult, Vocational, and Library Programs, community college projects made up 10 percent of the total 719 institutional programs in 1968 under Title I of the Higher Education Act of 1965. Only two colleges received grants under the Adult Education Act's Special Experimental Demonstration projects and Teacher Training section. Under the Adult Basic Education programs, only the following estimated percentage of funds are going to community colleges under state distribution formulas:

State distribution of adult education programs

	Percent
New Jersey	8
New York	5
North Carolina	100
Virginia	3
West Virginia	2
Kentucky	5
Mississippi	2
Illinois	10
Wisconsin	100
Iowa	100
Kansas	50
Texas	1
New Mexico	1
Wyoming	10
Montana	10
Idaho	3
Colorado	12

Under the Manpower Development and Training Act (M.D.T.A.) of 1962, as amended, 115 institutions in only twenty-seven states share 7 percent of total M.D.T.A. institutional projects. Title III, Part I, of the Communications Act of 1934, as amended by the Public Broadcasting Act of 1967, has approved three grants to junior colleges. The Vocational Education Act of 1963 funded 444 community junior colleges with only 14.7 percent of funds under state programs which have recognized the contribution of community colleges to career development. Title III of the Library Services and Construction Act has four states which have specifically identified junior colleges in their state plans.

For fiscal year 1969, the Bureau of Research in the Office of Education had $89.4 million available under Title IV of P.L. 89-10 and Section 4-C of P.L. 88-210. Community colleges were involved directly in $451,249 worth of this research activity; when the amount involved indirectly is added, the total is about 6.5 per cent of the funding available.

All these figures point to a lack of sensitivity to the special needs of community colleges in the federal government. The problem is further compounded by a lack of adequate funding. Defense spending and the war in Vietnam cast a long shadow over all domestic priorities crippling the budget of the Office of Education and further darkening the prospects for fulfilling our commitments. We have confused our priorities. We should reverse the trend. The total cost of the anti-ballistic missile system would more than fully fund the entire education authorization; this kind of investment would certainly strengthen the fiber of an education system which is the best deterrent to the insanity of war games and arms races.

The problem extends beyond money. As Lewis Bender, director of the Bureau of Community Colleges in Pennsylvania and chairman of the National Council of State Directors of Community-Junior Colleges, said: "It deals with an honest error of having focused on elementary and secondary or graduate and research—trusts resulted from crises confronting our nation. Now our crisis is internal (not Sputnik) and is a human crisis, not scientific or technological."

CLOSING THE OPPORTUNITY GAP

The urgency of these imbalances prompted the introduction of the Comprehensive Community College Act of 1969. It is now time to close the opportunity gap in higher education. The early support of more than a third of the Senate[1] is sufficient mandate to all of us to take our federal responsibilities to this level of postsecondary education as seriously as we have those of traditional higher and vocational education. Ten similar bills[2] have been introduced in the House of Representatives with equal enthusiasm and support for two-year colleges. As soon as Congress has acted on the extension of the Elementary and Secondary Education Act, I am hopeful that hearings will be scheduled on this bill. I will certainly continue to urge early hearings on this legislation.

The frustration of restoring elementary school curriculum within crumbling school buildings, the futility of retrieving the academic dropout to continue in noncareer-oriented learning experiences in secondary schools, and the flaunting of rhetoric in response to honest demands for relevance on campuses of traditional institutions of higher education have propelled community colleges to the rescue. The extent to which they will succeed depends on their own commitment to the task. But the federal government will cripple that effort if it forces community colleges to conform to the procedures, jargon, and schemes which now pave the way to federal-aid support.

Because the bill which has been introduced focuses attention on postsecondary education, some might be tempted to conclude that we want to bolster the community college at the expense of the four-year university, or the vocational school, or the secondary school. Nothing could be farther from the truth; in fact, it is precisely because we believe so strongly in these other education systems that we are calling for action on the community college.

IDENTITY AND MISSION FOR COMMUNITY COLLEGES

The Comprehensive Community College Act of 1969 gives a long overdue identity to community junior colleges. This act is designed to support the development and construction of private and public two-year, postsecondary institutions of higher learning, including two-year branch campuses of four-year universities which are comprehensive in philosophy and service to the community. The day has long passed when the federal government can afford to support an educational institution which maintains an exclusionary admissions policy and offers only an elite academic course of study. Certainly, *comprehensive* includes consortium schools as in Union County, New Jersey, where Union College and the Union County Vocational and Technical School merge their facilities and services to respond to the demands of the community.

---

[1] Edward Brooke (Massachusetts); Clifford Case (New Jersey); Frank Church (Idaho); Alan Cranston (California); John Cooper (Kentucky); Charles Goodell (New York); Albert Gore (Tennessee); Mike Gravel (Alaska); Edward Gurney (Florida); Fred Harris (Oklahoma); Philip Hart (Michigan); Vance Hartke (Indiana); Mark Hatfield (Oregon); Harold Hughes (Iowa); Daniel Inouye (Hawaii); Henry Jackson (Washington); Jacob Javits (New York); Edward Kennedy (Massachusetts); Charles Mathias (Maryland); Eugene McCarthy (Minnesota); Gail McGee (Wyoming); George McGovern (South Dakota); Walter Mondale (Minnesota); Frank Moss (Utah); George Murphy (California); Edmund Muskie (Maine); Gaylord Nelson (Wisconsin); John Pastore (Rhode Island); Winston Prouty (Vermont); Jennings Randolph (West Virginia); Abraham Ribicoff (Connecticut); Richard Schweiker (Pennsylvania); Hugh Scott (Pennsylvania); Ralph Yarborough (Texas); Steven Young (Ohio).

[2] H.R. 8200: Frank Thompson Jr. (New Jersey) for himself and Edward P. Boland (Massachusetts), Hugh L. Carey (New York), John H. Dent (Pennsylvania), William D. Ford (Michigan), Joseph M. Gaydos (Pennsylvania), William D. Hathaway (Maine), Augustus F. Hawkins (California), Margaret H. Heckler (Massachusetts), James J. Howard (New Jersey), Charles S. Joelson (New Jersey), Joseph G. Minish (New Jersey), Patsy T. Mink (Hawaii), William S. Moorhead (Pennsylvania), Edward J. Patten (New Jersey), Carl D. Perkins (Kentucky); H.R. 7178: James G. Fulton (Pennsylvania); H.R. 7975: Joshua Eilberg (Pennsylvania) for himself and William A. Barrett (Pennsylvania), James A. Byrne (Pennsylvania), William J. Green (Pennsylvania), Robert N. C. Nix (Pennsylvania); H.R. 8393: Henry Helstoski (New Jersey); H.R. 8754: Tim Lee Carter (Kentucky); H.R. 8935: Don Edwards (California); H.R. 10254: Richard C. Ottinger (New York); H.R. 10469: Bertram Podell (New York); H.R. 10591: Charles S. Gubser (California); H.R. 11040: John M. Murphy (New York).

The bill calls for a year of planning to give each state time to develop or update a master plan for postsecondary education. The need for planning is as critical in states that have assumed the leadership with this new level of education as it is in the states where community colleges are still in the planning phase. For example, in Illinois it is difficult to plan and set aside planning functions among the three agencies charged with this responsibility—the State Junior College Board, the Board of Vocational Education, and the Office of Public Instruction. This bill should give these kinds of groups some direction and help stimulate the development of master plans for postsecondary education. All state plans will be developed jointly at the state level with all postsecondary education agencies within the state. In keeping with the philosophy of this bill, individual community junior colleges—which should be the key planners in this effort—will give substantive direction to these plans and control the money appropriated to each state for the purpose of implementing this act. The bill specifies:

"That a State Agency, which is representative of all agencies in such State which are concerned with post-secondary education, will be the sole agency for carrying out such purpose."

Because organizational differences vary from state to state, this provision is not more specific at this time. The intention here is to ensure that the state agency will be fully responsive to community college needs. Hopefully, some direction will be given to this provision when hearings are scheduled.

These master plans will set forth a statewide plan for the improvement, development, and construction of comprehensive community colleges, including first, the development and implementation of comprehensive curriculum programs that have a special emphasis on the needs of the educationally and economically disadvantaged. These curriculums must include occupational-technical programs; career development opportunities; adult continuing education programs; community service, developmental, counseling-advising, and lower-division, university parallel programs. The percentage and relationship of these programs to each other should reflect the demands the community makes on the institution. But it seems that through the community service and counseling-advising programs, community junior colleges can provide their greatest services and thereby respond to their communities. Brookdale Community College Board policy states in part:

"Brookdale Community College is dedicated to its community—Monmouth County—and accepts the responsibility to equalize the post-high school educational opportunities for all who seek them. In fulfilling its mission of bringing higher educational opportunities within geographic and financial reach of all citizens, Brookdale Community College regards the entire county of Monmouth as its campus and all of the citizens as its student body. . . . Acceptance of this philosophical platform mandates the following operational objectives for Brookdale: To focus its educational program on the human development of the student so he increases in sensitivity and concern for his relationship with his fellow man. . . . To extend to every citizen a continuous opportunity to expand his capabilities for enjoying and adding to the productive life of his community—wherever it may be."

Every effort must be made to avoid tradition and elite pressures in determining these services. Room must be made for the concept of Chicago's skill studios; services should be made available around the clock; counseling centers should service the needs of the community—in short, creativity and imagination should be unleased in the colleges' services to the communities they serve.

The second emphasis of the bill is on the training of faculty, administrators, counselors, and other necessary personnel. The role of the faculty, counselors, and other staff at community colleges is critical to their success. Community colleges must find new ways to recruit and hold their teachers and administrators. The role of teachers must be redefined. Tutors from the business community, on a lease-time arrangement, should contribute to the classroom experience. The full resources of the community should be part of the learning process, and the classroom materials should extend to the full community. Miami-Dade Junior College, Florida; Junior College District of St. Louis, Missouri; and Orange Coast Junior College District, Costa Mesa, California, are among the institutions which are aware of this problem and have unleashed their creativity and imagination to solve this issue.

The community college will undoubtedly be a catalyst where change comes slowly in demanding a new concept of the teacher as a resource person and partner in learning. Certification and tradition in colleges of education have crippled progress in education, but community colleges are providing pressure for change as they have in Kansas where the educational training institutes are working closely with community college personnel and instructors.

The third emphasis is on research to be carried out in such colleges to increase their effectiveness and to provide data for future development. Hopefully, this provision will encourage rethinking among those who allot the research dollar in state legislatures and state departments of education. For too long, community junior colleges have been the beneficiary of "expert" advice from institutions which have failed to solve their own problems. This provision would certainly not rule out a consortium effort to work on these problems, but the hope is to tap and bring community junior colleges' creativity and approach to these perennial problems which existing research has failed to resolve.

In addition to these primary emphasis, state plans will establish priorities for the following objectives:

1. If not already tuition-free to state residents, such colleges will be made tuition-free as soon as practicable (or at least reverse the disquieting trend toward increased tuition) or provide adequate financial-aid programs. The intent is to make these institutions available to all and not to exclude anyone who cannot afford to continue his education.

2. Policies and procedures will be set forth designed to assure that federal funds made available under this title will be used so as not to supplant state or local funds, or funds of comprehensive community colleges, but to supplement and, to the extent practicable, to increase the amounts of such funds that would, in the absence of such federal funds, be made available for the purposes of this act.

3. Fiscal control and fund-accounting procedures as may be necessary to assure proper disbursement of and accounting for federal funds paid to the state (including such funds paid by the state to comprehensive community colleges) under this title will be included.

4. Interstate cooperation in carrying out programs pursuant to this bill will also be encouraged.

It will not be sufficient that the state plan be comprehensive. The final form which this bill takes will include a provision to ensure that community colleges retain and maintain local authority and responsibility for carrying out their services to the community. The independent institutions which are striving for a comprehensive mission should be identified in the state plan and nourished in the spirit of the bill. The danger of conformity is strong for community colleges as they mix with other institutions of higher education. It could be equally strong and devastating if these same pressures require the community colleges to conform to state jurisdiction alone.

A BUREAU OF COMMUNITY EDUCATION

For too long we have been treating education as a series of movements—forgetting the symphony. We have spent millions of dollars and uncounted man-hours to build partitions between grades, between levels of learning, and even between geographical designations of these levels. In all this typing, categorizing, and dividing, we have done an injustice to the long-term continuity of real education. When someone moves out of an assigned educational level—by graduating, failing, or dropping out—he seldom gets back. Nowhere in the scheme of things is there an educational system designed simply to serve people who want to learn—and not simply on the basis of birthplace, accumulated grade-point average, or prepschool lineage. The community college can, if it is given help, fill the void. We want to strengthen community colleges, because without them, the other forms of education will continue in hapless cycles of frustration to educate by drawing perimeters around the chosen few. Therefore, under the terms of this bill, a Bureau of Community Education will be established at the Office of Education.

The new bureau, of course, should not be limited to this legislation. The variety of programs that have been arbitrarily or unintentionally misplaced in other bureaus could find new flexibility in this bureau. Those who would resist such an organization should examine the justification for existing bureaus and compare that rationale with the increasing pressures for community control, relevance, continuity, participation, and dialog from students, parents, teachers, and community leaders and planners. Properly structured and developed with the same spirit that it is offered, the Bureau of Community Education could be a catalyst for the change education so desperately needs.

In addition to this administrative provision, the legislation calls for the commissioner of education to appoint a National Advisory Council on Comprehensive Community Colleges. An ad hoc Committee on Community Colleges has already been established to help direct the Congressional interest in this legislation.[3] This committee is a prototype of the National Advisory Council. These are men dedicated to the concept of community colleges. Their advice, judgment, and insight has already contributed immeasurably to the development of this legislation.

---

[3] Milton Bassin, president, New York City Community College, Brooklyn, New York; Lewis W. Bender, assistant commissioner for higher education, State Department of Public Information, Harrisburg, Pennsylvania; James Broman, executive director, Illinois Association of Community and Junior Colleges, Chicago, Illinois; James Colston, president, Bronx Community College, Bronx, New York; Joseph Cosand, president, Junior College District of St. Louis, Clayton, Missouri; Patrick J. Distasio, director, Center for Community Development, Miami-Dade Junior College, Miami, Florida; Paul Elsner, state director, Division of Community Colleges, Denver, Colorado; Ed K. Erickson, president, Seattle Community College, Seattle, Washington; William Flanagan, president, Rhode Island Junior College, Providence, Rhode Island; Richard Gott, director of O.E.O. Demonstration Projects, AAJC, Washington, D.C.; Richard Greenfield, president, Mercer County Community College, Trenton, New Jersey; Ervin Harlacher, president, Brookdale Community College, Lincroft, New Jersey; Norman C. Harris, professor of vocational education, Department of Higher Education, University of Michigan, Ann Arbor, Michigan;

The National Advisory Council will be responsible for establishing criteria which the commissioner of education will use in evaluating the master plans and designating procedures for the administration of this act. It is not enough to rely on textbook intrigue and traditional approaches to administration. The council will bring the experience, sensitivity, and creativity needed at the federal level in handling community junior colleges.

Finally, the commissioner will make an investigation and study of all federal programs assisting community colleges in order to determine which of such programs provide assistance which is a duplication of assistance provided pursuant to this act, and report to Congress, not later than six months after the date of enactment of this act, his recommendations—including any necessary legislation—for terminating such duplication.

Our plan is for a one-stop service station for community colleges. Most of them do not have the manpower or resources to pound the pavements in search of grants. This service and centralization will minimize the effort.

The remarkable Danish scientist-humanist Piet Hein sums up our educational quandray in an aphoristic little poem called a grook:

"Double-doors are justified because they're comfortably wide. Therefore, you only half undo 'em; and therefore nothing can get through 'em."

America cannot afford to block the doors to education. Comprehensive community colleges can be the key to open the door and show the way to full educational opportunity for all Americans.

UNDERGROUND NUCLEAR BOMB TESTS IN ALASKA

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD my statement before the Committee on Foreign Relations on September 29, 1969. The statement relates to the series of underground nuclear bomb tests to be made in Alaska.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY U.S. SENATOR MIKE GRAVEL BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE ON SENATE JOINT RESOLUTION 155, SEPTEMBER 29, 1969

THE SITUATION

The Atomic Energy Commission is preparing for a series of underground nuclear bomb tests in Alaska, at Amchitka Island in the Aleutian Chain. The first test, named MILROW, is due to go off Thursday, October 2. It will be one of the four largest underground explosions ever attempted by the United States, approximately one megaton. An underground test was held at Amchitka Island in October 1965. Thursday's test will be twelve times stronger. It has been termed a calibration test, designed as a forerunner of tests that may go up to five megatons.

IMPACT ON OUR FOREIGN RELATIONS

Japan and Canada have formally expressed their concern to our government regarding the forthcoming tests. The notes have not been made public, but our State Department says that both nations have served notice that they will hold the United States responsible for any lives lost or damage incurred as a result of the tests.

There are three principal areas of concern.

(a) The test could trigger large earthquakes, which not only might propagate eastward to populated areas of the United States, but might well generate devastating tidal waves, technically called tsunami waves, which could smash into the Canadian, Russian or Japanese coasts.

A tsunami is a submarine wave which typically travels at speeds of 500 miles an hour. When such a wave hits a sloping shore it piles up For instance, tidal waves 55-feet high have crashed into Hawaii.

Tsunami waves hit Hawaii in 1946, 1952, 1957, 1960 and 1964. All but the 1960 tsunami were generated in the Aleutians. The 1960 tsunami wave that hit Hawaii was created from an earthquake in Chile. Sixty-one Hawaiians died in that tragedy. The 1946 tidal wave took 173 lives and caused $25 million in property damage. The 1964 Good Friday Alaska earthquake killed thirteen people in Crescent City, California, 2,000 miles away, and also caused $12 million in property damage.

No one yet understands why some earthquakes produce tsunamis and others do not.

(b) The bomb test could leak radioactive debris, particularly through submarine earthquake faults whose locations are not known, and cause a mass pollution of Pacific Ocean fish and other marine life, some of which are protected by treaties to which the United States is a party.

Even when diluted, ocean contamination is amazing. The atomic tests in the South Pacific contaminated fish—especially salmon and tuna—so severely that by 1966 and 1967 those populations which consumed a higher than average amount of fish, people such as the Japanese, Scandinavians, Lapps, and the Eskimos, registered astonishing body-burdens of radioactive iron-55.

(c) The bomb blasts under Amchitka could also leak radioactive debris through venting into the air—an event which occurs at the Nevada test site more frequently than most people realize.

RELATIONSHIP BETWEEN UNDERGROUND TESTS AND EARTHQUAKES

On January 19, 1968 the Atomic Energy Commission exploded an 800-kiloton device in Central Nevada. The test was called "Faultless." A film of that explosion, recorded on a high speed motion picture camera aboard a helicopter, shows a long fault opening within seconds of the explosion, and running almost through ground zero. At the point of the greatest movement, the vertical displacement on the fault was 15 feet. Giant cracks in the earth extended three miles long. Following the "Faultless" test, northern Nevada experienced several earthquakes of magnitude 4.0 and 5.0.

Authorities now agree that underground nuclear explosions can trigger earthquakes.

What is becoming clear, moreover, is that most natural earthquakes are themselves a series of triggered events. For instance, the great Alaska earthquake of 1964 began with a shock of about 6.5. It snow-balled to an earthquake registering 8.4, the largest ever recorded on the North American continent. Two weeks ago on September 11, the Amchitka area itself experienced an earthquake, which began with a shock of 5.2 and triggered itself into 6.6.

Dr. James Brune, one of the AEC's principal earthquake consultants has said: "In many cases larger earthquakes may be considered successions of triggered events rather than smoothly propagating ruptures."

Frank Press is another eminent authority who agrees. He says, "Some recent results suggest that great earthquakes consist of a super-position of smaller tremors with magnitude 6.0–7.0, triggered in succession like a line of falling dominoes."

The Atomic Energy Commission's own material now says that earthquakes follow nuclear detonation. The AEC concedes that nuclear explosions near earthquake faults are particularly hazardous. "The Amchitka test area," the AEC literature says merits "special attention because it is located near one of the earth's most seismically active regions. Inasmuch as earthquake mechanisms are not completely understood, no absolute statements can be made about the possibility of triggering an earthquake of large magnitude in this area."

WARNINGS FROM QUALIFIED SCIENTISTS

The Aleutian arc is one of the most seismically active areas in the world. It is extremely unstable. No one can say for certain that "Milrow" will not become the triggering mechanism for a larger earthquake or that it will not result in a large vertical underground displacement, the prime cause of tsunami waves.

The danger has not gone unnoticed. A special panel headed by Dr. Kenneth Pitzer, President of Stanford University, a former Research Director for the Atomic Energy Commission, and a former member of the President's Science Advisory Committee, has conducted an independent evaluation of the United States underground nuclear testing program. That committee's report was completed in November 1968, but as of today it still has not been released by the AEC or the White House. Dr. Pitzer, on April 14, after having full access to all classified AEC studies, urged that large underground tests in Central Nevada and the Aleutians be delayed pending an independent inquiry by qualified scientists not now under contract to the Atomic Energy Commission or its contract agencies.

Dr. Pitzer said: "I believe the risk that a damaging earthquake might be triggered deserves a much more substantial public hearing before large tests are held at the new sites in Central Nevada and the Aleutian Islands, which are seismically active areas. Then Congressmen, Governors, and other responsible officials, as well as the interested public can form their own judgment, balancing this and any other risks against the need for tests, or the extra costs of moving to a non-seismic location.

No one knows precisely where the great Aleutian fault lies. It is believed to pass within 30 to 100 kilometers of the Amchitka test site. Seismologist James Brune of Cal Tech has said: "I would think that scientists

---

Ellis F. Hartford, dean, Community College System, University of Kentucky, Lexington, Kentucky; Carl Heinrich, director of college accreditation, Kansas State Department of Education, Topeka, Kansas; B. Lamar Johnson, Department of Higher Education, U.C.L.A., Los Angeles, California; Francis Keppel, president and chairman of the board, General Learning Corporation, New York, New York; S. V. Martorana, vice-chancellor, New York State University, Albany, New York; Lloyd E. Messersmith, executive director, California Junior College Association, Sacramento, California; Harry Miller, president, Keystone College, La Plume, Pennsylvania; Bill J. Priest, chancellor, Dallas County Junior College District, Dallas, Texas; Peter Scarth, Educational Systems Corporation, Washington, D.C.; Walter Sindlinger, Department of Adult and Higher Education, Columbia University Teacher's College, New York, New York; Oscar Shabot, president, Chicago City College, Chicago, Illinois; Dale Tillery, Center for Research and Development in Higher Education, University of California, Berkeley, California; James L. Wattenbarger, Institute of Higher Education, University of Florida, Gainesville, Florida; Everett Woodman, president, Colby Junior College, New London, New Hampshire.

would be very hesitant to fire off a large nuclear explosion 30 kilometers from the San Andreas fault One hundred kilometers would be better. But I'd still be a little worried about it."

Dr. Frank Press, Chairman of the Department of Earth and Planetary Sciences at the Massachusetts Institute of Technology and perhaps the most acknowledged expert in this field, says that Amchitka lies in a zone perhaps ten times more seismic than Nevada. That fact, he says, and the fact that the large explosions being planned are without precedent, suggests that previous experience may not be pertinent. About the calibration test planned for Thursday, October 2, Dr. Press says; "Unfortunately, a series of tests with progressively increasing yields is a precaution of uncertain value if the instability mechanism which triggers an earthquake has a threshold.

"For these reasons," Dr. Press continues, "I would associate a definite, though small risk with large nuclear explosions in seismic belts like Amchitka. The very small possibility of very large damage must be balanced against national security needs. In my opinion, the need to test these large yields must be very compelling to justify the risk.

The AEC's own earthquake consultant, Wendell Weart from the Sandia Laboratory, said in 1969, "There is obviously some point in yield (test size) beyond which there would be danger . . ." and in May 1968, he said, "Further understanding is necessary to permit extension of present observations to higher yields and especially to other, perhaps more tectonically active test sites."

THE TSUNAMI WAVE DANGER

The Atomic Energy Commission says that a submarine earthquake of any magnitude greater than 7.0 would likely give rise to a perceptible wave. The AEC says that a long range tsunami of potentially destructive proportion is almost a certainty from a submarine earthquake of a magnitude greater than 7.5.

In fact, the 1946 tsunami which devastated Hawaii was created by a 7.4 earthquake in the Aleutians.

The explosion planned for Thursday will cause a shock estimated at 6.5. Further tests will be of greater intensity. Let me emphasize that a 6.5 underwater shock is the expected result. No one really knows.

Russian territory is only 400 miles from Amchitka. Tokyo is about 950 miles away. Honolulu is 700 miles. Anchorage is 1400 miles.

Let me repeat . . . Crescent City was 2,000 miles from the center of the 1964 Alaska earthquake . . . 13 people were killed.

DANGERS OF RADIOACTIVITY

At the Nevada Test Site, where no release of radioactivity is ever expected, at least 10% of the tests unexpectedly leak. The percentage would be considerably higher if onsite leaks were included. But they are not publicly enumerated. In four consecutive months in 1969 alone at least three tests at the Nevada Test Site have leaked. The Atomic Energy Commission did not expect radioactivity from the 1965 test on Amchitka Island to leak for hundreds of years. But radioactivity surfaced in at least two small fresh water ponds on Amchitka only a few months after the test.

Testing underground does not lessen the amount of radioactivity which an explosion creates; it simply changes the initial routes which it takes, as it begins its almost endless re-circulation in the air, water, soil and food-chains of this planet.

There are six ways in which radioactivity can surface from an underground test:

1. Buried tests contaminate underground water.
2. Buried tests can "vent" radioactivity into ocean water.
3. Buried tests can "vent" into the air.
4. Excavation tests always release radioactivity into the air, soil, rivers, and oceans.
5. Oil, gas, and ore extracted by nuclear blasts will contain residual radioactivity when they are distributed for public use. The most severely contaminated gas is being burned off into the atmosphere.
6. Radioactivity might be released at all levels by earthquakes renting the earth at ground-zero.

Although the Atomic Energy Commission apparently has assumed that the oceans are large enough to dilute the radioactivity forever beyond recognition, we are learning that the initial dilution is countered by the ability of marine life to concentrate it. Fish have concentrated ten to twenty thousand times the radioactivity level of water in which they have been found. Seaweed, an important harvest in many Pacific Rim nations, collects radioactive iodine, a major product of nuclear fission.

Substantial radioactive leakage from the bomb tests under the ocean around Amchitka could cause significant biological harm to the food chains of the North Pacific and to our Pacific coast fisheries, since the Japanese current flows from West to East.

Radioactivity could contaminate the waters around Amchitka via existing underwater earthquake faults. We do not know where these faults are.

ATOMIC ENERGY COMMISSION CREDIBILITY

The AEC's press release of September 24, 1969 announcing the Milrow test is itself evidence that the test is a risk. In its press release the AEC says that no radioactivity is *expected* to reach the atmosphere, no radioactivity is *expected* to reach the sea, no serious damage is *expected* to occur to fish and wildlife in the area, ground motion is not expected to be felt at great distances, the after-shocks are expected to be considerably smaller in seismic magnitude than the direct shock of the explosion itself.

The AEC says further in its statement that "It is most unlikely that the explosion will trigger an earthquake of magnitude as large or larger than the initial seismic shock."

The Atomic Energy Commission has not been infallible in the past. Some examples:

At the Nevada Test Site, where no release of radioactivity is expected, at least 10% of the tests unexpectedly leak. The percentage would be higher if on-site leaks were included. But these are not publicly enumerated. In four consecutive months in 1969 alone at least three tests at the Nevada Test Site have leaked.

The Atomic Energy Commission did not expect radioactivity from the 1965 test on Amchitka Island to leak for hundreds of years. But radioactivity surfaced in at least two small fresh water ponds on Amchitka only a few months after the test.

The AEC did not expect strontium-90 to accumulate in milk.

The AEC did not expect its 1964 test in Mississippi to cause $600,000 in property damage.

The AEC did not expect the 800-kiloton blast detonated in January 1968 in central Nevada to rock Salt Lake City and San Francisco as well as Las Vegas.

The AEC did not expect underground nuclear bomb tests to trigger earthquakes. But now it's clear they do.

The AEC does not expect anything to go wrong at Amchitka. But in its own release on September 24, it sets the stage to shirk liability with the following statement:

"It is most unlikely that the explosion will trigger an earthquake of magnitude as large or larger than the initial seismic shock.

"It must be recognized, however, that the Aleutians are in an area where earthquakes occur often; thus, a local natural earthquake (completely unrelated to the test explosion) could occur in the period following the test."

THE QUESTION OF SECRECY

The only independent evaluation of the underground testing program conducted in recent years, the study headed by Dr. Pitzer, has been kept secret for nearly a year. We do not know what the report recommends, but we do know that Dr. Pitzer personally has serious reservations about both the classification of so many AEC documents as secret, and about the continuation of our underground testing program without more knowledge. Indeed, Dr. Pitzer first recommended the independent commission approach embodied in S.J. Res. 108 and S.J. Res. 155. Even if the Pitzer Report were released today, there would be no time for public evaluation of its message before Thursday's explosion. We have had no explanation of why the AEC has withheld the report from public scrutiny.

Also, a review of recent history leaves an unmistakable impression that the Atomic Energy Commission has been less than candid in its public assessment of risks.

An AEC news release dated January 23, 1964 said: "Four authorities on ground shock, replying to questions posed by the AEC have concurred in the opinion that shock waves from underground nuclear testing—even if explosive forces should considerably exceed any detonation which has been conducted at the Nevada Test Site—offer little or no hazard to public safety . . .

"They agreed that it is not possible to cause a natural earthquake by the underground detonation of nuclear explosions.

"They said that while it was possible theoretically, that a natural earthquake—already poised to occur—could be triggered by an underground nuclear detonation, this would require such unusual circumstances that the possibility is extremely remote."

That view was widely held in 1964. But three large tests, "Faultless," "Boxcar" and "Benham" changed scientific judgment on this question. Nevertheless, the AEC reissued its 1964 statement on August 18, 1967, and again in testimony in August of 1968 before the Joint Committee on Atomic Energy.

Based on information it alone has, and refuses to disclose, the AEC has determined that the importance of the Amchitka test overrides the potential dangers: earthquakes, sea waves, radioactive leakage either into the air, or water, our relationships with Pacific Rim nations which have already expressed their concern.

SUMMARY

A number of issues are before us. We must be concerned with the impact of further underground testing, particularly the large tests planned for Amchitka Island, on the relationship the United States has with other nations in the Pacific area. We must be concerned with any potential violations of existing international treaties or agreements. We must be aware of the potential danger to the life and property of United States citizens as well as those of foreign countries. And finally, and perhaps most importantly, we must question whether the Atomic Energy Commission is sufficient unto itself to decide these questions without a public airing of the facts and factors involved.

The only independent evaluation made of the underground testing question, Dr. Pitzer's report, has been withheld from the public for a year. We in policy making positions, who must answer for the results of such actvity, and the public generally, must assume the worst when such a vital report is kept secret for so long.

I believe that too many questions involving too many areas of our domestic and international life are affected by our underground weapons testing program to continue that program without independent evaluation or public awareness.

My resolution would create a fifteen-member commission appointed by the President to undertake a thorough evaluation of our underground weapons testing program. This commission would study questions of seismic disturbances, and ecological contamination. It would review the implications of further testing on our treaty obligations and foreign policy. It would also review the liability of the United States for foreign lives lost or damage to private property as a result of U.S. underground weapons testing. The Commission would report to the President and to the Congress within a year.

While it cannot be written into this resolution, I believe that such a study should go hand-in-hand with an increased effort on the part of the United States to discover the secrets of subterranean movement. The value of such a study would be incalculable in increasing our knowledge of the forces at work beneath the earth, as well as providing a sound basis for judgment on further underground tests. The day that we know why earthquakes are caused and how to anticipate them, we will have the ability to save countless lives and protect an incalculable amount of wealth and property.

Further, I would hope that this study would be the occasion for initiating the first inventory of the earth's total radioactive contamination. No such inventory now exists. We do not know to what degree man's experimentation with nuclear energy has contaminated his total environment.

I would urge further, Mr. Chairman, that this committee ask the President for a delay in Thursday's Amchitka test so that the implications may be properly evaluated by the Congress and so that the public review concept embodied in S.J. Res. 155 can itself be given proper consideration by the executive and legislative branches of the government before the underground atomic testing program proceeds any further.

I have appended to this statement general exhibits that I hope will prove useful to the committee.

Again, Mr. Chairman, I deeply appreciate your courtesy and that of this committee in calling today's hearing and the prompt consideration which you have shown for this extremely vital question.

SOME SIGNIFICANT MILITARY TESTS

[1 kiloton=1,000 tons of TNT, 20 kilotons=Hiroshima bomb, 1,000 kilotons=1 megaton]

Remarks	Name	Date	Location	Depth/rock	Yield
1st test in Nevada	"Able"	Jan. 27, 1951	Nevada test site	1,060 feet in air	1 kiloton.
World's 1st H-bomb test	"Mike"	Oct. 31, 1952	Eniwetok	Surface	10.4 megaton.
Our biggest H-bomb test	"Bravo"	Feb. 28, 1954	Bikini	do	15 megaton.
1st underground test	"Ranier"	Sept. 19, 1957	Nevada test site	790 feet in tuff	1.7 kiloton.
Voluntary test moratorium late 1958—September 1961					
Test suggests triggered quakes	"Hardhat"	Feb. 15, 1962	Nevada test site	943 feet in granite	5.9 kiloton.
Limited Test Ban Treaty signed Aug. 5, 1963					
1st test to rock Las Vegas	"Bilby"	Sept. 13, 1963	Nevada test site	2,413 feet in tuff	200+kiloton.
Biggest leak: million curies	Data unavailable	Mar. 13, 1964			
Vela detection test	"Salmon"	Oct. 22, 1964	Mississippi	Cavity in salt	5 kiloton.
1st test in Alaska: radiation leaked: seismic mag=6.2	"Longshot"	Oct. 29, 1965	Amchitka	2,300 feet in andesite	80 kiloton.
Las Vegas rolls again	"Greeley"	Dec. 20, 1966	Nevada test site	Data unavailable	850 kiloton.
Las Vegas swings, Salt Lake City jolted, San Francisco rolls; earth splits, rises 15 feet at ground-zero; giant cracks extend 3 miles; earthquakes of mag. 4.0–5.0 followed. 1st test at new site. Holes to accommodate multimegaton tests being drilled.	"Faultless"	Jan. 19, 1968	Central Nevada	3,200 feet	800 kiloton.
1st underground megaton blast; siesmic mag=6.4; fault displaced by 3 feet; faulting for 5 miles, triggers thousands of after shocks.	"Boxcar"	Apr. 26, 1968	Nevada test site	3,800 feet	1.2 megaton.
Deeper megaton test; approximately same effects as "Boxcar." Until it went off, AEC did not know if it would be larger or smaller than "Boxcar."	"Benham"	Dec. 19, 1968	do	4,600 feet in porous volcanic tuff	1.1 megaton.
3d megaton test	"Jorum"	Sept. 16, 1969	do	3,800 feet	A megaton.
Calibration test for multimegaton tests at Amchitka	"Milrow"	Oct. 2, 1969	Amchitka	4,000 feet	Do.

EXHIBIT B

EARTHQUAKES AND THEIR MAGNITUDES

The magnitude of an earthquake measures the energy of its seismic waves. For convenience, a logarithmic scale is used: that is, magnitude 4.0 is ten times the energy of magnitude 3.0; magnitude 5.0 is ten times the energy of magnitude 4.0; and so on.

Underground explosions, which also produce seismic waves, can be assigned magnitudes just like earthquakes. Underground nuclear explosions seem to put about 0.1% of their energy into seismic form. An underground nuclear blast of 1 kiloton would have a magnitude of slightly less than 5.0. A one-megaton explosion produces a magnitude of about 6.5. However, the seismic magnitude of underground explosions varies widely, depending upon the kind of surrounding rocks. Soft rock attenuates seismic energy far more rapidly than a hard rock like granite.

SOME HISTORIC EARTHQUAKES OF INTEREST

Date	Place	Magnitude	Depth (miles)	Estimated deaths	Property damage
1737	Calcutta, India			300,000	
1906	San Francisco	8.3		700	$800,000,000.
1920	Konsu, China			180,000	
1923	Japan	8.3		100,000	Vast.
1933	Long Beach, Calif	6.3	5–6	120	$60,000,000.
1960	Chile	8.4		1,000	$600,000,000.
1960	Agadir	5.7	[1] 1–2	12,000	Total at Kasbah.
1962	Iran	7.5		12,000	
1964	Skopje, Yugoslavia	5.4	8	1,000	
1964	Alaska	[2] 8.4	12	125	$311,000,000.
1964	Niigata, Japan	7.5	24	25	$800,000,000.
1965	Seattle	5.75	35	6	$800,000.
1965 [3]	Amchitka	7.5–8.0			
1969 [4]	Amchitka	6.6			

[1] Comparable in depth to planned multimegaton tests in Nevada and Alaska.

[2] This quake began with a shock of 6.5—which is the direct seismic punch delivered by a 1 megaton bomb—and snowballed to magnitude 8.4.

[3] Largest earthquake in the world during 1965.

[4] Sept. 11, 1969; began with quake of magnitude 5.2, triggering up to 6.6.

EXHIBIT C

THE VENT RECORD

September 15, 1961, to September 15, 1962: 17 out of 46 tests vented.

August 5, 1963 [1]: Limited Test Ban Treaty Signed.

March 13, 1964 [1]: the biggest off-site leak ever.

January–June 1965 [1]: 3 out of 16 tests vented off-site.

1966 [1]: 4 out of 40 tests vented off-site.

Including April 25, 1966 [1]: low-yield "Pinstripe".

1967 [1]: 2 out of 27 leaked.

1968 [1]: 1 out of 33 leaked off-site.

Including January 18, 1968 [1]: low-yield "Hupmobile."

March 1, 1969 [1].

April 30, 1969: low-intermediate (20–200 kilotons vented. Second one this size.

June 12, 1969: low-yield vented.

August 27, 1969: low-yield vented, not off-site.

According to the AEC, additional tests during this period vented "on-site."

An "off-site" leak is one which can be detected at locations outside the Nevada Test Site, whereas an "on-site" leak is one which becomes so diluted before it passes the borders of the Nevada Test Site, that it cannot be detected outside.

Dilution, of course, does not eliminate the radiation; a curie is a curie, no matter how fast the radioactive substance is diluted.

Since many radioactive substances last for generations and even thousands of years, every leak ("off-site" or "on-site") adds to the planet's total radioactive pollution.

According to the AEC in April 1969, "It is current practice to bury nuclear devices sufficiently deep that no radioactive debris is expected to be released to the atmosphere."

If the rate of "on-site" venting in 1969—at least three vents in four months—is typical, then between August 5, 1963, and March 1, 1969, forty-seven such leaks occurred in addition to the 14 announced "off-site" leaks. If so, the percent of contained tests which unexpectedly broke loose is 33%, not 9%.

The AEC says that no test the size and depth of "Milrow" has ever vented; but only three such tests have ever been conducted, which hardly makes a sample adequate from which to predict about "Milrow."

According to the AEC, three out of ten significant leaks at the Nevada Test Site occurred via earthquake faults or fissures. Since the locations of the countless faults on and around Amchitka are not well known, the chance of venting there may be greater than at the Nevada Test Site, which has been under geological scrutiny for 18 years.

---

[1] Excluding Plowshare and on-site leaks, 14 out of 171 tests vented "off-site."

THE PROPOSED REVENUE SHARING ACT OF 1969

Mr. BAKER. Mr. President, on September 23 I introduced on behalf of myself and 32 cosponsors S. 2948, the Revenue Sharing Act of 1969. This bill was recommended to the Congress by President Nixon and is designed to require the regular distribution of a specified portion of the Federal individual income tax to the States primarily on the basis of population with virtually no conditions attached.

Under the terms of this bill a portion of the money allocated to each State will be required to be distributed to all general purpose local governments. The amount that must be distributed to local governments will be the proportion of locally raised general revenues compared to total State and local revenues, and the amount which an individual unit of general local government will receive is that percentage of the total local share that its own revenues bear to the total of all local government revenues in the State.

In analyzing the terms and provisions of this bill, some observers have rushed to the conclusion that such a distribution procedure to the local governments rewards the wealthy suburb at the expense of the central city. This is, however, simply not a valid generalization. There is no evidence to support a contention that suburban governments raise more revenues per capita than urban governments. In fact the reverse is true in many specific instances.

I ask unanimous consent that two tables which have been prepared on this question be printed in the Record.

There being no objection, the tables were ordered to be printed in the Record, as follows:

Some urban-suburban comparisons—revenues, 1966–67; population,[1] 1960

[General revenues own sources: per capita]

1. Baltimore	[2] $232.12
Montgomery County	[2] 204.48
2. Seattle	114.87
Mercer Island	41.36
3. San Francisco	300.15
San Mateo	86.75
Palo Alto	140.76
4. Chicago	106.22
Evanston	99.34
Cicero	63.50
5. Boston	262.18
Cambridge	237.50
Brockton	214.50
6. Detroit	126.63
Ann Arbor	100.63
Grosse Pointe Farm	94.89
Dearborn	127.69
7. Minneapolis	101.95
St. Paul	114.04
Edina	134.28
Minnetonka	43.50
8. New York	372.78
Scarsdale	167.97
Mount Vernon	112.74
9. Cleveland	100.53
Cleveland Heights	66.78
Shaker Heights	101.59
10. Newark	218.34
Tenafly	100.74
Princeton	84.27
Paramus	125.27
11. Philadelphia	161.55
Penn Hills Township	39.35
Haverford Township	37.75
Upper Darby Township	47.25

---

[1] Current population would generally be much higher for suburbs than for cities when compared to 1960.

[2] Both 1967 population.

All cities: General revenues own sources, 1967–68 per capita amounts

Population size:	
1,000,000 or more	$255.95
500,000–999,999	178.11
300,000–499,999	138.79
200,000–299,999	130.14
100,000–199,999	133.11
50,000–99,999	124.11
Less than 50,000	78.74

AMCHITKA TESTS

Mr. NELSON. Mr. President, grave concern has been expressed about the wisdom of the Atomic Energy Commission conducting underground nuclear tests on Amchitka Island in Alaska, especially in light of the questions that have been raised—and not yet answered—about the dangers from earthquakes, tidal waves, radiation leakage, and major environmental damage as a result of the tests.

Rather than go ahead with the tests—the AEC is planning the first one tomorrow—I believe it would be by far the wiser course to delay until an independent commission could undertake a thorough review of our underground nuclear testing program and its effects on the environment, on our safety, and on our international relations.

The commission—which could be the Board of Environmental Quality Advisers, which is near congressional enactment, or a special Presidentially appointed commission as proposed in resolutions before Congress—would make its report and recommendations to the President, Congress, and the American public, so that a determination could be made on whether underground testing can safely continue.

I ask unanimous consent that an excellent editorial on the Amchitka tests, published in the New York Times, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

RISK-TAKING OF AMCHITKA

Despite the combined protests of scientists, conservationists, members of Congress, aroused citizens groups in three Western states and the governments of two friendly neighbors, the Atomic Energy Commission is moving ahead with plans for a one-megaton underground nuclear blast in the Aleutians tomorrow, the first of projected tests to perfect new weapons.

Some scientists fear that the explosion may trigger a very large natural earthquake in the seismologically unstable area and that there may be contamination of air and water. Conservationists are concerned about the ecological impact on Amchitka Island, site for the tests, which is a part of the Aleutian Islands National Wildlife Refuge and a stronghold of the sea otter, a species once near extinction. Alaskans, Californians, Hawaiians, Canadians and Japanese are apprehensive about the danger from quakes and tidal waves.

Congressmen have urged a postponement of the tests until an independent panel of experts can assess the potential damage. But the A.E.C., which does not deny that dangerous side effects are possible, insists that the risks are minimal and worth taking in the interest of national security.

That is a dubious proposition on two counts first, because A.E.C. scientists tend to minimize dangers in order to support their interest in further nuclear development, and second, because the weapons the tests are designed to develop will only accelerate the arms race and thus increase international insecurity.

Supporters of the test programs argue that the Russians also are testing new weapons. This, unfortunately, is true, but it does not justify testing in this particularly uncertain area until the dangers are studied more thoroughly and objectively.

At the very least, the tests should be postponed until an independent study of the dangers can be completed and discussed. Better still, the United States should press urgently in talks with Moscow and in the eighteen-nation Disarmament Committee for an agreement to ban all underground nuclear weapons testing, or at least those large-yield tests that can be easily monitored. The Amchitka tests pose unwarranted threats to the immediate safety of people living in the Pacific basin and the long-run security of mankind.

THE AMERICAN BANKERS ASSOCIATION CONVENTION IN HAWAII

Mr. FONG. Mr. President, the American Bankers Association annual convention concludes its meetings in Honolulu today.

It is extremely significant that the American Bankers Association selected my State as its convention site at the very time that we are celebrating the 10th anniversary of our statehood.

It is my understanding that delegates to this convention are in attendance not only from the west coast, but also the Midwest, the South, and the East.

The State of Hawaii was pleased and happy to serve as host to this convention and we hope the delegates will return on many occasions.

Mr. President, I ask unanimous consent that the agenda of the American Bankers Association convention be printed at this point in the Record.

There being no objection, the agenda was ordered to be printed in the Record, as follows:

AGENDA

MARKETING-SAVINGS DIVISION GENERAL MEETING, MONDAY, SEPTEMBER 29

Presiding: Joe H. Davis, President, Marketing-Savings Division, Senior Vice President, First National Bank of Memphis, Memphis, Tennessee.

Address of the President: "What a Difference a Year Makes."

Report of Nominating Committee: Archie W. McLean, Chairman, President, The Planters National Bank and Trust Company, Rocky Mount, North Carolina.

Election and Installation of Officers.

"Bank's Future Trends—Impact on Marketing Strategy," address by Charles C. Smith, Senior Vice President, Bankers Trust Company, New York, New York.

"Savings and Time Deposits—Changes Wrought and Changes Anticipated," address by Herbert V. Prochnow, Honorary Director, The First National Bank of Chicago, Chicago, Illinois.

STATE BANK DIVISION GENERAL MEETING, MONDAY, SEPTEMBER 29

Presiding: Henry H. Pierce Jr., President, State Bank Division, President, The Union & New Haven Trust Company, New Haven. Connecticut.

Report of Nominating Committee: Russell A. Blanchard, President, Georgia Railroad Bank & Trust Company, Augusta, Georgia.

Business Meeting for 1968–69 Executive Council Members.

Entertainment for Registrants by Kamehameha School Glee Club.

FIRST GENERAL CONVENTION SESSION, TUESDAY, SEPTEMBER 30

Presiding: President Willis W. Alexander, President, Trenton Trust Company, Trenton, Missouri.

Address of the President (Willis W. Alexander).

Address: George A. Spater, President and Chairman, American Airlines, Inc., New York, New York.

Address: Charles E. Walker, Under Secretary of the Treasury, U.S. Treasury Department, Washington, D.C.

Workshop: "How to Manage With Tight Money," sponsored by the Banking and Financial Research Committee. Moderator: Wesley Lindow, Committee Chairman, Executive Vice President, Irving Trust Company, New York, New York.

Election and installation of officers.

Remarks by the President.

Remarks: The Honorable Harry Bloom, State Bank Commissioner, Denver, Colorado.

Address: Irving H. Sprague, Director, Federal Deposit Insurance Corporation, Washington, D.C.

Address: The Honorable Donald H. Sauer, Director, Department of Financial Institutions, Indianapolis, Indiana.

Address: The Honorable Daniel K. Inouye, Senator from Hawaii.

TRUST DIVISION GENERAL MEETING, MONDAY, SEPTEMBER 29

Presiding: Charles W. Buek, Division President and President, United States Trust Co., New York, New York (no outside speakers).

NATIONAL BANK DIVISION GENERAL MEETING MONDAY, SEPTEMBER 29

Panelists:

James F. Bodine, Senior Executive Vice President, First Pennsylvania Bank and Trust Co., Philadelphia, Pennsylvania.

Jack T. Conn, Chairman, Fidelity National Bank & Trust Co., Oklahoma City, Oklahoma.

Carter H. Golembe, President, Carter H. Golembe Associates, Inc., Washington, D.C.

John H. Perkins, Executive Vice President, Continental Illinois National Bank and Trust Co., Chicago, Illinois.

William W. Sherrill, Member, Board of Governors, Federal Reserve System, Washington, D.C.

TUESDAY, SEPTEMBER 30

Workshop: "Plan Now For Survival," sponsored by the Monetary and Payments System Committee.

Moderator: Gerald M. Lowrie, Director of Payments Planning & Director of Automation, American Bankers Association, New York, New York.

Speakers:

John J. Cummings Jr., President, Industrial National Bank of Rhode Island, Providence, Rhode Island.

Karl Hinke, Chairman of the Board, Interbank Card Association, Buffalo, New York.

William M. Jenkins, Chairman, Seattle-First National Bank, Seattle, Washington.

William F. Murray, President, Harris Trust and Savings Bank, Chicago, Illinois.

Philip F. Searle, President, The Northeastern Ohio National Bank, Ashtabula, Ohio.

Workshop on State and Federal Legislation, sponsored by the Federal Legislative Committee (to be annunced).

Entertainment for registrants by Kamehameha School Glee Club (repeat of Monday's performance).

SECOND GENERAL CONVENTION SESSION, WEDNESDAY, OCT. 1

Presiding: President Willis W. Alexander.

Report of the Executive Council.

Report of the Resolutions Committee: Archie K. Davis, Chairman, Chairman, Wachovia Bank and Trust Co., Winston-Salem, N.C.

Inauguration of Officers.

Address: K. A. Randall, Chairman, Federal Deposit Insurance Corp., Washington, D.C.

PRESIDENT NIXON'S SUPPORT OF DIRECT ELECTION

Mr. GRIFFIN. Mr. President, the President's endorsement yesterday of the direct popular vote proposal for election of the President will be welcomed by all who favor this method as the best solution to the present system, and it should help those who desire electoral reform but have not determined which course is the most practical one to follow.

The President's support is significant not only in terms of the public focus which will again be given to electoral reform but also for demonstrating the overwhelming approval of the direct election at nearly all public levels.

We have seen strong support for the direct election from the people, from State legislators, from the House of Representatives, and now from the President. The next step in the process for making this proposal a reality will be up to the Senate. Already there is more support in this body for direct election than for any other proposal. In fact 43 Senators, including myself, are now cosponsoring Senate Joint Resolution 1. Such express support indicates the difficult obstacle other alternatives would face in gaining the necessary two-thirds approval.

For the Senate to block the popular vote plan or adopt a different proposal would be tantamount to a vote against reform. This point is emphasized by the President in his statement and should be of utmost concern to all who are interested in abolishing the electoral college.

The election of the President is the most important political decision which can be made by the people of the United States, and one which affects all of them. For this reason, the Senate should be particularly cognizant of the people's wishes, and I am confident that it will be responsive.

The support of the President, I believe will aid immeasurably in achieving Senate approval and ratification by three-fourths of the States.

UNDERGROUND NUCLEAR TESTING

Mr. FONG. Mr. President, as a cosponsor of Senate Joint Resolution 155, I have joined the distinguished and able Senator from Alaska (Mr. GRAVEL) in calling for the establishment of a Commission to review the international and foreign policy implications of United States underground nuclear testing.

Because of the critical nature of this issue, I wish to bring this matter to the attention of the Senate.

Since the adoption of the Limited Test Ban Treaty in 1963, the Atomic Energy Commission has been detonating underground nuclear explosions for the peaceful use of the atom, as well as for military purposes.

In all, there have been 183 such tests from 1963 to June 1969. Nearly all of these tests have been carried out in the AEC's underground testing area in Nevada—all but four of them. All of these 183 underground nuclear tests have been termed low-yield—1 to 20 kilotons—low-intermediate yield—20 to 200 kilotons—and intermediate yield—200 kilotons to 1 megaton.

The AEC has conducted two high-yield tests—the boxcar test last April, involving a yield of 1.2 megatons, and the Benham test last December, involving a yield of 1.1 megatons. These were the most powerful tests since the United States began underground testing some 12 years ago. Each was 50 times more powerful than the atomic blast that devastated Hiroshima in 1945.

AMCHITKA ISLAND TEST

Now, the AEC has scheduled another high-yield test of a huge bomb, to be set off on Amchitka Island, located at the western end of the Aleutian Chain—an area scientists say is one of the earth's most seismically active regions.

The Commission announced on September 24 that the Amchitka nuclear device will be exploded on October 2, that it will involve a yield of 1 megaton, that the test is designated Milrow, and that it is the forerunner of a series of much larger underground nuclear explosions scheduled on the same Alaskan island.

Mr. President, it is proper, appropriate and urgent that the Senate investigate and evaluate fully the international and foreign policy implications of this series of scheduled tests.

Already, two nations have submitted strong, formal protest notes to the United States, objecting to the Alaska tests, referring to problems of safety, of potential damage, and of liability. Japan filed its protest note on September 15, and Canada followed on September 19.

The site of the Amchitka test is only 670 miles from Soviet soil. It is only 830 miles from the Russian city of Petropavlovsk on the Kamchatka Peninsula.

These three nations may not be the only ones which may conceivably be affected by these gigantic underground explosions. All nations on the rim of the Pacific Basin, as well as those located in the Pacific Basin—such as my own State—may well suffer from the deleterious effects of these tests.

Notwithstanding the Atomic Energy Commission's strong and firm assurances that it would take "every reasonable precaution to insure that the tests cause no injury to people, either directly or indirectly, and cause no material damage either to the ecology or the manmade structures," and notwithstanding the Commission's assurances that first, there are no dangers of radioactive venting, seepage and leakage; second, there will be no direct seismic hazards; and third, measurable tsunamis are unlikely from any earthquake resulting from the tests—notwithstanding these assurances, so very little is known about the consequences of such an unprecedentedly large underground explosion, that at the very least all possible hazards which may result from the Amchitka test should be fully and thoroughly investigated in advance of the tests.

As a matter of fact, the very purpose

of this test is not to try out a new nuclear warhead, but rather to determine whether Amchitka is a safe location for weapons testing, at yields of several megatons. The 1 megaton Milrow test, which the AEC has referred to as a "calibration shot," represents in itself a tremendous increase from the only other test previously conducted on that island—an 80 kiloton "long shot" explosion in 1965.

On the whole, the AEC can rightly claim an excellent record of safety for its 180-plus tests conducted since the Test Ban Treaty. But, as the agency steeply accelerates the level of yield in its tests into the multimegaton range, an increasing number of physicists, seismologists, oceanographers, and others in our scientific community are concerned that the AEC's assurances of safety may be quite unjustified.

EMINENT SCIENTISTS QUESTION LACK OF VITAL INFORMATION

These eminent scientists have stressed how little is known about the seismic, tsunami, environmental and ecological hazards which may flow from such high-yield tests. They are concerned with the demonstrable lack of vital information necessary for any precautionary measures which could and should be taken against these hazards.

They point out that any tests of the magnitude and gravity of Amchitka conducted without such data become an entirely needless risk to the lives of countless millions and to the contamination of a huge part of our planet.

For instance, Dr. Philip Morrison, professor at the Massachusetts Institute of Technology, who was a scientist at Los Alamos from 1944 to 1946, said:

> Since the unexpected venting of the Gnome shot, it has been plain that surprises remain a peril in every new test situation. It would be very unfortunate to have a radioactive venting or a peculiar degree of seismic damage at this crucial stage in diplomatic negotiations.

Four biological scientists at Washington University, St. Louis—including the chairman of the scientific division of the Committee for Environmental Information—"urgently" requested a moratorium and an "independent" study of the hazards of high-yield explosions.

Many scientists agree that of all the possible dangers, the ones involving the largest number of unknowns and uncertainties are the earthquake and the tsunami hazards.

In a pamphlet issued by the Commission in April 1969, called "The Safety of Underground Nuclear Testing," the AEC attempted to discount any concern over any ground motion induced by underground nuclear detonations; with respect to tsunamis, the report said:

> The chance of the proposed Amchitka tests generating a dangerous tsunami through a triggered earthquake appears to be negligible.

But in the very same publication the AEC appears to contradict these assurances. At one point the report makes this statement:

> At a particular location, the ground motion resulting from an explosion depends not only on the yield and the distance of the location from the site of the explosion, but also on the nature of the medium in the vicinity of the explosion, *the structure of the earth's crust between the explosion site and the location in question*, and the surface material at the locality. (Emphasis supplied.)

Then, at a later point, the report goes on to say:

> The Amchitka test area merits special attention because it is *located near one of the earth's most seismically active regions. Inasmuch as earthquake mechanisms are not completely understood*, no absolute statement can be made about the possibility of triggering an earthquake of large magnitude in this area. (Emphasis supplied.)

Thus, it would appear that, by their own statements, the Atomic Energy Commission clearly admits of the extreme danger and the high risks involved in the Amchitka tests.

For, although no large earthquake is known to have originated on Amchitka Island itself, the Aleutians are undeniably part of the circum-Pacific seismic belt, and one of the most earthquake-prone areas on earth. The Rat Island earthquake which occurred on February 4, 1965, originated only 20 miles south of Amchitka, and it was the largest one to occur that year anywhere in the world.

NEW EARTHQUAKE THEORY

Contributing to the concern that a high-yield underground nuclear explosion might trigger an earthquake of extremely large magnitude in the Aleutians is the explanation some leading seismologists are offering about the origin and nature of major earthquakes. In a paper prepared for the American Geophysical Union meeting last April, Dr. James N. Brune, of the California Institute of Technology, reported that a study he conducted led to the theory that:

> In many cases large earthquakes may be considered successions of triggered events, rather than smoothly propagating ruptures.

The evidence also strongly suggested that a large nuclear explosion might conceivably be sufficient to serve as the initial trigger, provided all the circumstances were appropriate. Dr. Brune, together with his colleagues at the institute, Dr. Max Wyss, said that this mode of earthquake development would increase the difficulties of prediction, because it would be necessary not only to predict the initial event, but also to understand all of the very complex geophysical circumstances that led to the resultant succession of events.

The report noted, for example, that the initial event of the great Alaskan earthquake of 1964 was registered as only 6.5 on the Richter scale, which is the scale used to gage the severity of earthquakes; but the largest event in that earthquake sequence had a magnitude of 7.8—which represents an enormous leap on the Richter scale.

In comparison with the largest underground nuclear blast conducted in Nevada, the boxcar 1.2 megaton shot in April 1968, produced direct seismic disturbances of magnitudes as high as 6.2 on the Richter scale, according to other scientific reports.

Dr. James Hadley, the physicist of the AEC Lawrence Radiation Laboratory in Livermore, Calif., said that it was "conceivable" that a nuclear test detonation so close to the concentration of stress in the earth's crust, such as that in Amchitka, could trigger a huge earthquake. He pointed out that, while there has been no evidence of any great stress concentration in the Nevada test sites, this was not true of the Amchitka area. There, he said:

> We have to accept the possibility that, being very close to concentrations of stored energy in the earth, tests might trigger larger events.

Even the Benham 1.1 megaton shot last December in Nevada was followed by approximately 10,000 localized earth shocks, according to scientists of the AEC, and a full month later the ground was still trembling several times a day.

Furthermore, according to AEC, each of the high-yield Nevada test shots caused linear fracture and faulting for a distance of nearly 5 miles in the area. They caused thousands of tiny earth tremors some 1,200 miles away from the explosion site.

POSSIBILITY OF SEISMIC DISTURBANCES GREAT

Clearly, then, the possibility of seismic disturbances following the Amchitka detonation is extremely great. There is no logical reason why a nuclear explosion could not be the initiating seismic event in a series of such events. According to Dr. Brune:

> The larger the explosion, the greater the possibility of its triggering such a series.

According to Melvin L. Merritt, of the Sandia Laboratories at Albuquerque, N. Mex., which has taken part in the AEC's seismological studies, the Amchitka tests will be fired at a distance of from 30 to 100 kilometers from the seismic zone associated with the Aleutian Thrust Fault. Unlike some fault systems, such as the San Andreas Fault in California, which are visible on the earth's surface, the great Aleutian Thrust Fault is buried deep in the earth. For this reason, Dr. Brune said:

> I would think that scientists would be very hesitant to fire off a large nuclear explosion only 30 kilometers from the San Andreas Fault.

The people of the State of Alaska, the great 1964 earthquake still vivid in their memories, are tremendously worried, I am sure, about the Amchitka test series.

At least as worried as the Alaskans are the people of my own State, where tidal waves, or tsunamis, generated by Alaskan seismic disturbances, have wreaked havoc along the length and breadth of the northern coastlines of all eight islands in the Hawaiian archipelago.

Tsunamis travel over the open ocean at a speed of about 500 miles an hour. The height of the wave in the open sea might be only a few feet, but the wave begins to build as it approaches shallow water, or reefs near a coastline.

Since 1946, tsunamis have struck Hawaii five times—in 1946, 1952, 1957, 1960, and 1964. All but that of 1960 were generated in the Aleutians.

After the great Alaskan earthquake of 1964, waves reaching heights of 30 feet smashed against the Alaska coast and caused damage as far south as Crescent City, Calif.

A 1946 earthquake in the Aleutians produced a tsunami that traveled at about 490 miles an hour and reached Hawaii in less than 5 hours. Waves crested at 45 feet in height at the coastline of the island of Kauai and 55 feet at the big island of Hawaii.

The toll of lives lost reached 159, and the damage and losses reached into the hundreds of millions of dollars.

A 1960 tsunami originating in a Chilean earthquake killed 61 persons, devastated the coastlines of all islands in Hawaii, and destroyed untold millions of dollars in property. The wave continued and hit Formosa, the Philippines, New Zealand, and Japan, leaving death and destruction in its wake.

According to scientists on the Committee for Environmental Information, in their report dated June 14, 1969, underground nuclear tests would have about the same force as earthquakes in the Aleutians that "in the past have created tsunamis."

POSSIBILITY OF TSUNAMI GREAT

The report continued:

> Since Amchitka Island is only four miles wide, any earthquake triggered on or near the island would be almost certain to result in movement of the sea floor, and, therefore, possibly in a tsunami. If in this earthquake region a test were to precipitate a quake any larger in magnitude than the test itself, resulting in fault movement over many miles, the result might be a tsunami which did damage thousands of miles away.

The President's Science Advisory Committee panel on safety aspect of the underground nuclear test program delivered its report late last fall to the White House. According to the chairman of the panel, Dr. Kenneth S. Pitzer, president of Stanford University, while the report did not declare that the Amchitka tests would involve unacceptable risks, the panel members appeared to have looked at this test series very dubiously.

The panel did not have a mandate to consider alternative sites for the tests, but some of its members have revealed that the consensus within the group was that the north slope of Alaska's Brooks Range would be much safer than Amchitka for high-yield tests. The area is not earthquake-prone and is largely uninhabited.

But the AEC's view is that Brooks Range is acceptable only in the event that the Amchitka site is found to be unsuitable.

The Pitzer Committee strongly recommended that if high-yield nuclear tests must be conducted at Amchitka for compelling reasons of national security, the minimal precautions observed should include: First, increasing the shot yields gradually; and second, closely monitoring the shots for seismic effects. Again, the consensus of the Pitzer Committee was that these precautions would be advisable because even a low-yield shot might be enough to release the energy which is naturally accumulated along faults where strains exist.

However, according to present plans, the AEC will not be increasing shot yields by modest increments. Only three test holes have been drilled on Amchitka, one for the October's 1-megaton calibration test, and the remaining two for the testing of weapons too powerful to detonate safely in Nevada.

RADIOACTIVE SEEPAGE

Another serious concern about high-yield underground nuclear detonations is the danger of such a large explosion cracking open a fault and allowing radioactive material to escape into the atmosphere.

The Nuclear Test Ban Treaty specifies that no such material may enter the air space of another country. It is a well-established fact that at least one underground explosion in the past has released radioactive debris into the atmosphere by cracking open a fault. In addition, according to AEC figures, of the 40 underground shots fired in 1966, four of them leaked to such an extent that they were detected outside of the test area. Of the 27 shots in 1967, two leaked. Last year there was one leakage in 33 shots.

Radioactive seepage which may result from the Amchitka tests would contaminate Pacific waters and result in the destruction of fish and other ocean life for thousands of miles into the ocean. The island of Amchitka is only 3 to 5 miles wide. No matter where the bombs may be detonated, the explosions would produce fracture zones in the rock, extending considerable distances beyond the shores of the island. This contamination could easily leak into the ocean, and ocean currents would carry these waters for thousands of miles into the Pacific and even beyond.

Just as easily, the contamination may seep into the atmosphere. Nuclear, as well as chemical, explosions produce what is known as a base surge. As described by the AEC, a base surge consists of clouds of dust that are expelled in all directions along the ground by the pressures of an explosion.

A base surge from a nuclear explosion may be several hundred feet thick and may roll out many miles before dissipating. Much of the radioactivity not contained in the vicinity of the nuclear explosion is carried by this base surge and deposited on the ground over which it travels.

EVACUATIONS NECESSARY

The implications of a nuclear base surge for the Amchitka tests are that it is essential for all people in nearby areas to be evacuated. Further, Adak Island, only 180 miles from Amchitka, is inhabited by Navy personnel and their dependents. A few miles to the east of Amchitka, native Aleuts inhabit Umnak Island. There is no question but that these people must be evacuated.

But, as I mentioned earlier, the Russian city of Petropavlovsk is located only 830 miles from the test site. Must these inhabitants be evacuated? How far distant from the test site must such precautionary evacuations be made? How long must the affected areas remain evacuated before the inhabitants are permitted to return?

How, indeed, will the Amchitka test series affect American diplomatic relations with the Soviet Government, the Japanese Government or, for that matter, with all governments around the rim of the Pacific.

Although the protection of people is of primary consideration, the protection of wildlife from any destructive effects of the tests must also be taken into account. Amchitka, after all, is located in the middle of a National Wildlife Refuge.

Scientists, conservationists, and other persons concerned with protecting our natural environment from the destructive activities of man, have warned that the few bald eagles, our national emblem, which inhabit Amchitka, may well be wiped out as a species; they also worry about certain rare sea otters, ducks, and other wildlife.

Mr. President, I hasten to add that I do not oppose underground nuclear testing when such tests are necessary for the national defense or are to be used for peaceful purposes.

I am not a seismologist, nor am I a geophysicist, and I do not profess to know all the risks and peril involved in this Amchitka operation.

UNKNOWN DANGEROUS CONSEQUENCES

But I do know that a large segment of the American scientific community have expressed their alarm and concern about the tremendous risks in the tests as now planned and scheduled by the AEC at Amchitka; I do know that these experts have voiced their concern for the horrors with which mankind might be confronted should we go ahead with the Amchitka tests and thus irreversibly trigger unknown dangerous consequences.

As Dr. Clarence R. Allen, of Caltech's Seismological Laboratory, said:

> My confidence in (the safety of the Amchitka tests) would be increased if our geological and geophysical knowledge of the area were greater.

No matter how small may be the probability of any of the dangers I have been discussing—no matter how slight the possibility of a seismic disturbance or a tsunami; no matter how insignificant the chances of seepage and leakage may be, the present state of geologic, seismic and oceanographic knowledge does not allow us to rule out entirely any of the lethal dangers which I have been discussing. Every possibility, however remote, must be considered, investigated and studied thoroughly—and then every possible precaution taken to minimize any lethal effects which might result.

Mr. President, in view of the tremendous dangers surrounding the scheduled series of underground nuclear detonations at Amchitka Island, in view of the palpable ignorance and uncertainties over their consequence, I have urged the committee to act speedily on Senate Joint Resolution 155, in order that a thoroughgoing study and investigation in these matters may proceed without delay. I further urge that you will order a suspension of the Amchitka project until such studies and investigations have been conducted and the necessary information obtained, before proceeding with the tests.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER (Mr. GRAVEL in the chair). Is there further morning business? If there be no further morning business, morning business is closed.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The PRESIDING OFFICER. By previous order, the Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

The Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that I be permitted to speak out of order for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AMERICAN POSTURE ON VIETNAM

Mr. TOWER. Mr. President, any suggestion of unilateral withdrawal of our forces from Vietnam serves to fuel war, not promote peace. Should we set a time certain for withdrawal from South Vietnam, we would completely sabotage the negotiation which is currently going on in Paris. The enemy would be encouraged to continue the war beyond a point at which he might otherwise opt for peace. Any resolution calling for withdrawal would make more sense if it provided for immediate withdrawal, not only of our troops, but of our negotiating team in Paris. Adoption of a policy of unilateral withdrawal in accordance with a firmly established timetable would, in reality, amount to capitulation. The credibility of the United States as a world leader would be destroyed and, ultimately, a power vacuum would develop which alien forces would rush to fill.

This would be tragic in light of the fact that with the advent of President Nixon's policy, there has been little complaint over the world about American posture on Vietnam. Privately, many heads of state encourage us to remain until we can get a satisfactory settlement which results in the arrest of Communist aggression in Southeast Asia. Such a settlement in the present context seems to be unattainable.

All of our conciliatory gestures and initiatives, such as the moratorium on bombing, has not produced a favorable response from Hanoi. Their strategy is to continue fighting until the United States wearies of the war and surrenders its goals. I think the time is fast approaching when, in the light of North Vietnamese intransigence, we must consider the exercise of additional military options available to us such as the resumption of bombing in the North, interdiction of their lines of communication and supply on a saturation basis, and closing the port at Haiphong.

It becomes increasingly apparent that the intensification of military pressure on our enemies is the only thing that will bring them to terms. I don't believe that we should regard victory as either an evil word or an unattainable goal. It is my belief we can achieve military victory with no more than our present available resources. The policy of restraint, though honestly motivated, and worthy of trial, has to date been unsuccessful.

We should convince Hanoi of our resolve. They are not now convinced and the words of those who advocate unilateral withdrawal give them encouragement to keep fighting. If the American people, and especially American leaders, would unite behind their President and declare a moratorium on attacks on his policies, lives would be saved and an early resolution of the conflict could be accomplished.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from Arizona.

Mr. GOLDWATER. Does the Senator agree that military victory in South Vietnam is unattainable?

Mr. TOWER. No, I do not agree. I think it is attainable.

Mr. GOLDWATER. I agree with the Senator, and I commend him for the remarks he has made today.

I heard earlier the remarks made on the floor by the junior Senator from Arkansas about his proposals, his alternative, and I think it is proper and high time that other alternatives be offered. I join with the Senator from Texas in believing that we can achieve a military victory, that it is high time we told the people in Paris to fish or cut bait, and that if they do not, we go ahead and win this military victory which through sheer stupidity on the part of the Secretary of Defense prior to this administration we were prevented from obtaining.

I am glad the Senator has spoken as he has. I intend to address myself to the same subject later this week.

I am getting a little tired of people in this country saying we cannot win, of people in this country helping Hanoi by continually saying, "Let's pull out. Let's come home. Let's quit."

I do not think they will ever agree to peace over there as long as we try to set a deadline to pull our troops back, as long as we keep saying we are going to quit, we are not going to try to win.

I congratulate the Senator on starting what I hope will be a real ball rolling so that this country can come together, come to its senses, and stand behind the President, regardless of what decisions he makes, and I hope he makes a real tough one in this case.

Mr. TOWER. I thank my distinguished friend the Senator from Arizona, who is very well versed in military affairs.

Certainly, we can win. The reason why we have not won is that we have exercised restraint. It is because we have chosen not to adopt the role of victory as policy, and that is the only reason. We have the resources to accomplish a victory. It would have been much easier some time ago than it would be now. I will admit that the odds are greater. But we still can accomplish it. As the Senator knows, because he is a retired Air Force general, right now if we have to go back into the north, it is going to be costly for us because of the highly sophisticated antiaircraft defenses that have been developed there in the period since the moratorium started.

But if we must exercise such an option, we must. I think that over the long pull we save human life if we bring to bear in a massive way the military ground forces and the air and naval resources we have, to achieve maximum impact on the enemy. We can win it, and I think in a reasonably short period of time, which would save lives over the long pull. I think it would be better than a day-in, day-out, month-in, month-out war of attrition.

Mr. GOLDWATER. The Senator is correct.

When the decision was made in 1961 to go into South Vietnam heavily, a decision at the same time to win the war did not occur, and we went into what we like to call limited warfare. There is no such thing as limited war, because the enemy is not going to limit himself. We found this. When war is declared, as when it is undeclared, at the time we go to war the decision must be made to win the war in the next 15 minutes, if we can do it. This is the way lives are saved in war.

World War II, I remind the Senator, was extended long after its original period because of the terms of unconditional surrender, which are unacceptable to any enemy. I can understand that.

The decision made back in the early 1960's to fight a limited war has dragged this thing long past the time it would have been ended. Had we used our strategic airpower, both naval and air force power, this war would not have gone past the threatening stages, in my opinion.

I think the President should feel perfectly safe in saying, "You either come to a decision in Paris at the peace table, or we can consider breaking the dikes of the Red River, destroy the harbor of Haiphong, and we can deny you equipment."

I grant that we are going to face trouble, because in this long period of no bombing from November 1 of last year, as the Senator knows, because I believe he has been to South Vietnam five times, the buildup north of the DMZ has been spectacular. They have amassed equipment up there, power and transportation facilities, that they never had before, only because we were willing to let them do it.

If we made the decision to go in and win this war—which they know we can do—I think that threat alone would cause them to get to work in Paris or cause them to come to us and ask for a ceasefire. This is the way it should be, and I hope it could be some other way. But I do not think we are going to be able to do it any other way.

Mr. TOWER. I concur with the Senator.

It is very foolish for us to say to the enemy, "Regardless of what you do at a given point in time, we will withdraw."

The distinguished Senator from Nebraska made a good analogy in a private conversation I had with him, when he said:

> As a lawyer, it would be as if two lawyers sat down to talk and one said to the other, "I won't pay you a thousand dollars; I'll settle for $500. But if you won't settle for $500, I'll pay you the thousand.

In effect, this is what we are doing now.

If we pinpoint in time when we will pull out all our troops, the enemy will have no incentive to negotiate, and we might as well pull our negotiating team out of Paris, because there will be no basis for negotiating. I think negotiation would have a better chance for success if we impressed on Hanoi our resolve—not only impressed on them what we have in terms of power, but also our willingness to use it if necessary.

CALL OF THE ROLL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 105 Leg.]

Allen
Baker
Byrd, W. Va.
Cook
Cooper
Cotton
Cranston
Dodd
Ervin
Fannin
Goldwater
Gore
Gravel
Griffin
Hruska
Metcalf
Montoya
Nelson
Pearson
Prouty
Saxbe
Schweiker
Scott
Stennis
Talmadge
Tower
Williams, N.J.
Yarborough

Mr. KENNEDY. I announce that the Senator from Michigan (Mr. HART), Senator from Iowa (Mr. HUGHES), Senator from North Carolina (Mr. JORDAN), Senator from Washington (Mr. MAGNUSON), are absent on official business.

I also announce that the Senator from Florida (Mr. HOLLAND), Senator from Montana (Mr. MANSFIELD), Senator from Georgia (Mr. RUSSELL), Senator from South Dakota (Mr. MCGOVERN), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from California (Mr. MURPHY) are necessarily absent.

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergent at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allott
Anderson
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Cannon
Case
Church
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Fong
Fulbright
Goodell
Gurney
Hansen
Harris
Hartke
Hollings
Inouye
Jackson
Javits
Kennedy
Long
Mathias
McCarthy
McClellan
McGee
McIntyre
Miller
Mondale
Moss
Mundt
Muskie
Packwood
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Thurmond
Tydings
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal-mining industry of the United States.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. COOPER. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment offered by the Senator from Kentucky will be read.

The legislative clerk read the amendment, as follows:

S. 2917

On page 51, line 24, immediately before the period, insert a semicolon and the following: "except that the provisions of this subparagraph (D) shall not apply to any mine which is not classified as gassy as defined in paragraph (12) of this subsection.".

On page 56, between lines 12 and 13, insert the following:

"(12) As used in subsection (l)(1)(D) of this section, the term 'gassy' as used with respect to any coal mine means any mine which has been or hereafter is classed in any manner as a gassy or gaseous mine in accordance with the laws of the State in which it is located or any Federal law, or which has been operated as a gassy mine prior to the operative date of this title, or in which the methane has been ignited, or in which an authorized representative of the Secretary finds methane in an amount of 0.25 per centum or more in any open workings of such mine when tested at a point not less than twelve inches from the roof, face, or rib."

Mr. COOPER. Mr. President, may I ask if my amendment is the pending business?

The PRESIDING OFFICER. The amendment is the pending business.

Mr. COOPER. Mr. President, the amendment which has been read has not been printed. I have decided to use this version of my amendment rather than the one that was printed amendment No. 207, because the amendment I now offer is in simpler form and I think may be more easily understood.

Mr. President, as the members of the committee and other Senators who have been attending the debate know, the purpose of this amendment, which has now been made the pending business, is to maintain the existing classification as either gassy mines or nongassy mines.

Of course, the statistics vary from year to year as mines are opened or closed, but the records of the Bureau of Mines—from 1952 through 1968, 16 years—would indicate that there are about 400 mines which are classified as gassy mines, and about 3,200 which are classified as nongassy mines.

The 400 gassy mines produce about 60 percent of the bituminous and anthracite coal mined in the United States. The approximately 3,200 nongassy mines, which are smaller mines, produce about 40 percent of the coal mined in the United States today.

I have some understanding, I believe, of these problems of our coal mines. Kentucky is the second largest producer of coal in the United States. Only West Virginia is superior in coal production.

Coal is produced in both the eastern and the western sections of Kentucky. In the eastern section, the coal is usually mined from what are known as drift mines. A drift mine is one in which openings are driven into the side of the hill, horizontally, with the vein of coal. The veins of coal may vary from 30 to 48 inches. Now and then there are thicker veins, though not of great acreage—some of a thickness of 5 or 6, or sometimes 7 or 8 feet.

In western Kentucky, as in Illinois, the mines usually are shaft mines, where access to the coal is obtained by driving a shaft perpendicularly into the ground, reaching in some mines great depths.

A third type of mining, which is not affected by this bill, is known as stripping. Anyone who has ever driven through or flown over a stripped area will know what I am talking about.

Mr. President, may we have order? I cannot speak very loudly, as Senators know, and I am doing my best.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COOPER. I was talking about strip mining. As I said, in hilly areas, one flying over the area can see around the hills concentric rings in flat terrain, areas stripped look something like pictures of the moon, except that they are much less attractive. Great cries have risen against strip mining, for good reason. One effect of the present version of this bill will be to increase strip mining. However, I now return to the core of my argument on the amendment.

Its purpose is, as I have said, to preserve the classification, now in the law, of gassy and nongassy mines.

A gassy mine, as has been determined by the regulations of the Bureau of Mines, is a mine which is classed as gassy under State law, or where an ignition of methane gas has occurred, or a mine where, by tests—and these tests are performed daily—it has been found that one-quarter of 1 percent of the area tested shows the presence of methane gas. I emphasize that when a mine is classed as gassy, it is done by finding methane gas in one-quarter of 1 percent or more of the area tested. To take the converse, a nongassy mine is one in which less than one-quarter of 1 percent of gas has been found in any daily test.

Once a nongassy mine has been classed gassy it can never again be reclassified nongassy.

The amount of gas which will cause ignition is from 5 to 15 percent; and if there should be an ignition, of course, there is a danger of explosion and fire, causing fatalities. Last fall there was a terrible tragedy in a mine at Farmington, W. Va., owned by the Consolidated Coal Co. It was a deep mine, with miles of underground passages, and there were a large number of miners working in it. It was a mine which had always been classed as gassy, and a few years before there had been an ignition in that same mine. And 16 miners were killed.

Notwithstanding the known danger in such gassy mines, where so many tragedies have occurred, the mine was opened again, and this explosion occurred, killing 78 people. I have read in the newspapers that they are investigating the cause of the explosion in the mine, and are getting ready to open it.

It is similar to many of the other gassy mines. The workers will go down to this mine again, and they are always faced with the danger of another explosion. But there is nothing in the bill, which is presented to us in the name of safety—and there is much in it that will help—which would prohibit the reopening of these gassy mines where these tragic deaths have occurred.

I have now spoken on this subject in the Senate three times and have placed in the RECORD the statistics I have received from the Bureau of Mines.

The effect of classifying all mines as gassy would be this: Under existing law, all gassy mines are required by law to use what is called "permissible" equipment. The design and construction of the equipment is intended to prevent sparking which might ignite the gas. Testimony taken by the committee indicates that there must be an accumulation of about 5 to 15 percent of gas to cause an ignition; but although this bill—and I say it willingly, as a cosponsor of the bill—works to better standards in both gassy and nongassy mines, and it is hoped that it will improve conditions in the gassy mines, permissible equipment will still be used there, and it will not prevent these ignitions and explosions that we have experienced throughout the years.

Early this year I asked the Bureau of Mines to give me a list of the nongassy and gassy mines. They are tabulated for 18 States. And in most of these States, the nongassy mines are greater in number than the gassy mines.

This is particularly true in my State where almost all coal mines are classified as nongassy. If these nongassy mines are required to reconvert their conventional equipment to what is called permissible equipment, it will—as I will point out later—cost vast sums of money. These smaller mines, by the nature of their operation—small in area and small in number of miners employed—would be forced to go out of business, and with no essential contribution to safety. The danger would reside still in the gassy mines.

I do not say this rhetorically. I have the statistics of the Bureau of Mines which I placed in the RECORD on June 5 and September 25, 1969. This is the record. In the 392 gassy mines, employing 55,000 men, the record for a period of 16 years shows that 381 ignitions and explosions occurred. Three hundred seventy four were killed and 427 suffered serious injuries.

In the same period of years, in nearly eight times as many nongassy mines as gassy mines—approximately 3,200 mines—there were 52 ignitions, 27 were killed and 54 injured.

It is sad for anyone to be killed or injured. However, I make the statement that, considering the fact that mining is a hazardous industry, the record in the nongassy mines is good. There were 52 explosions, slightly over 3 a year, in more than 3,000 mines.

I asked the Bureau of Mines to give me a report on the causes of ignition or explosion in the nongassy mines in these 52 cases. I had a detailed description of the cause of the 52 explosions printed in the RECORD. The RECORD shows that, with the exception of a very few—I believe nine in number—43 occurred because of smoking, lighting a match, the use of an open flame lamp—all now prohibited by the pending bill, and properly so.

In only nine of those 52 occasions would there have been a possibility of preventing the ignition had permissible machinery been employed. And those cases concerned coal drills and blowers. Under the pending bill, permissible blowers and coal drills are required, and my amendment does not strike this requirement. There is no case in the 52, where a permissible motor car, or coal loaders, cutting machines, or a continuous miner, even if they had been permissible, would have prevented the ignitions.

I want to hammer again and again, if I can do so, this into the minds of those who are present and those who may read my remarks—the comparison of almost 400 gassy mines producing 374 deaths in 16 years, and almost 3,200 nongassy mines with 52 explosions and 27 deaths in the same period.

A terrible tragedy occurred at Farmington, W. Va., last year. What did the Bureau of Mines do? The record shows that it had not been on the job, for since this tragedy occurred they have made more inspections and have found gassy mines that were improperly declared nongassy for years.

They do recommend better safety procedures which I support. But they propose to reequip the 3,200 nongassy mines which are safe mines—whether a small mine in Kentucky, West Virginia, Illinois, or Tennessee—that have never had an ignition or an explosion. There are literally hundreds of them.

Why should they be penalized when the big gassy mines are operating under dangerous conditions each time a man goes down in the mines. We are aware of the great investments made in these large mines.

The Bureau of Mines turns away from these dangerous mines and proposes to penalize an operator and his employees who keep the content of gas at less than one-fourth of 1 percent.

The operator of a nongassy mine has an incentive to keep the mine clean and free from gas, because if he does not do so and it reaches one-fourth of 1 percent or more in volume, the mine will be classed as gassy. He would then have to pay out thousands and thousands of dollars to reequip his mine with permissible equipment and junk his present machinery.

Another tabulation is printed in the RECORD. I wrote the Bureau of Mines and asked them to give me a list of mines in which more than one explosion had occurred.

I hope this statement will be heard. It is shocking. Gassy mine after gassy mine has had more than one explosion. Many men have been killed. This has occurred in gassy mines in all States, even in my own State.

The records of the Bureau of Mines from July 1952 to July 1969 disclose that explosion after explosion continued to occur in the "gassy" mines, ranging from two to as many as 18 in the Clinchfield mine at Dola, W. Va., seven occurred in the Pittsburg and Midway coal mine at Union, Ky., 10 at the U.S. Steel Corp. mine at Concord, Ala., eight at the Jones-Laughlin Steel Co. mine at Concord, Ala., eight at the Jones-Laughlin Steel Co. mine in Vestaburg, Pa., and of course, we are reminded poignantly of the fact that the explosion at the Farmington mine in West Virginia last year, which took the lives of 78 miners, was preceded in 1954 by an explosion which took 16 lives at the mine owned by the Consolidated Coal Co.

As I have noted my State did not escape. At Union, Ky., in the western part of the State, a mine owned by the Pittsburg and Midway coal mine has had seven explosions.

Does the Bureau of Mines or do the sponsors of the pending bill propose closing these great mines—as I will describe them later—large areas with millions of dollars invested? No. The mine in West Virginia will be opened in a few days and the men will go back down into the depths of these mines.

Mr. COOK. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. COOK. I would hope that Senators would turn to part II of the coal mine health and safety hearings which is on their desks. Between pages 880 and 881 is a map of the mine at Farmington, W. Va. Senators can see there the distinction right away, because the map shows 151 gas wells in and around those seams—151 known gas wells—and the map indicates abandoned natural gas wells. But gas wells abandoned before 1900 are not even mapped on here.

I can only say to the Senator that they may be about ready to open that mine in Farmington, but they could not guarantee that any one of the 151 known abandoned gas wells in and around those seams could not explode again tomorrow.

Mr. COOPER. The Senator is correct.

Mr. COOK. I am not sure that, under these circumstances, if we are going to punish the nongassy mines in the case of a gassy mine with the history of this one and the known gas wells around it, we should not have an amendment requiring that every gassy mine be closed.

Mr. COOPER. I have an amendment I may offer which provides that when a mine has had two or more explosions, it will be closed for a period, to make certain that it will be safe when opened.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield for a question?

Mr. COOPER. I yield.

Mr. WILLIAMS of New Jersey. Does the Senator have any information at all that the Farmington mine is close to being reopened for the production of coal? As I understand it, they are just in the early stages of the tragic mission of recovering the bodies of the men who were killed in the explosion last November. There could be a suggestion here that they are close to opening that mine for coal production. Is there anything to suggest that that is anything but perhaps years away?

Mr. COOPER. The Senator is probably correct. All I do know is what I have read in the newspapers, the reports of opening of the mine and very careful testing of the mine—first, of course, for the purpose, if possible, of recovering the bodies.

Mr. COOK. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. COOK. The record does show that this mine has had previous explosions, that it has been closed, that it was reopened at a later time, and that it has been utilized for the production of coal.

Mr. COOPER. The Senator is correct. The Bureau of Mines shows one mine with 18 explosions, and they keep opening it.

Mr. WILLIAMS of New Jersey. I did not understand what the Senator said about an amendment that would deal with mines that have had two ignitions.

Mr. COOPER. I said I had such an amendment. I have not said I would offer it. I want to be fair. I hope this committee and the Senate will be concerned about the mines in which explosions have occurred again and again and which have an awful safety record.

Mr. WILLIAMS of New Jersey. There is an amendment, which has not been offered, which would close mines after the second ignition

Mr. COOPER. There is an amendment at the desk.

Mr. BAKER. Mr. President, will the Senator yield for a question?

Mr. COOPER. I yield.

Mr. BAKER. I inquire whether I, too, correctly understood the distinguished senior Senator from Kentucky, to the effect that he has drafted an amendment that would strike directly at the heart of the gassy mine problem in the sense that it would require the permanent closing of gassy mines if there have been two explosions. Is that the thrust of the amendment to which the Senator has referred?

Mr. COOPER. That is the amendment. It is at the desk. I have not called it up. I wanted to have such an amendment printed, so that the Senate would have the opportunity to understand where the core of this danger is.

With all the tremendous movement to close the nongassy mines, I thought we at least ought to suggest to the Senate that perhaps the thing to do is to close the mines that are killing the people working in them.

Mr. BAKER. If the Senator will yield further, I should like now to associate myself most firmly with the point made by the distinguished senior Senator from Kentucky.

I intend to fully support the amendment now pending, to reinstate the distinction between gassy and nongassy mines. If his second amendment is called up—to require the permanent closing of gassy mines that have had two explosions—my inclination is to support it.

It seems to me that, whether that is so or not, the terrible experience at Farmington is one of the reasons why we are coming to grips with the problem of mine safety.

I know something about the coal mining business, both large and small mines, because I grew up in eastern Tennessee, where the coal mine regions are, such as we have. It seems to me that the bill, with all due deference to the committee, has very little to say about the Farmington incident or about the deadly explosive potential of gassy mines but, rather, sets up an objective of requiring the scrapping of millions of dollars' worth of equipment in nongassy mines in order to salve the conscience with respect to losses and deaths and injuries sustained in gassy mines, which hardly seems a direct approach to a critical problem. I believe the record taken by the distinguished committee would fully support a distinction between gassy and nongassy mines, as the distinguished senior Senator from Kentucky now proposes, and that further measures to protect workers in gassy mines is a proper consideration of the Senate at this time.

I commend the senior Senator from Kentucky and the junior Senator from Kentucky for their deep and vital interest in this matter, and I fully associate myself with the position they take.

Mr. COOPER. I appreciate the remarks of the Senator from Tennessee. I know where he lives and where he was born and where he grew up. It is a coal mining area, as is the area in my State where I live. We have seen mines in operation, and we have been in the mines. We may say that we do have some knowledge that comes from observation, for whatever it is worth.

I want to recall to the Senate and to the manager of the bill that I have referred to the tables which I placed in the RECORD, supplied me by the Bureau of Mines after I had written a letter asking for the tables, and I assume they certify them as correct. They cover the period from 1952 through 1968.

I find a paper on my desk. I do not know who placed it there; but if it is on the desk of each Member, I assume it is designed to appeal to Members of the Senate. It would appear to be a contradiction of what I have said about the record. I will point out that it is a diversion. I must say that whoever proposed the statements does not know anything about the facts and that it would mislead the Senate.

It reads: "Methane ignitions and explosions in nongassy mines, 1941 to 1969."

The record I gave began in 1952. This chart, on which deaths and injuries from 1941 and 1952, are reported is a hoax. I will give my reasons. There was no effective Mine Safety Act until 1952. An act was passed in 1941 which was merely advisory. The Bureau of Mines had no power to inspect the mines; nor enforcement powers. Its powers were investigatory and advisory.

In 1952 Congress amended the act and it did provide in the act itself, safety standards in the mines. Further, the Bureau of Mines prepared a code which spelled out the standards in greater detail. The Bureau of Mines was given the authority, in the case of mines employing more than 14 people, to go into the States to inspect these mines, to enforce the law, and to close mines, if necessary. Of course, the record has been better since 1952. However, to go back before there was a mine law, in which there were standards, and before enforcement of these standards by listing the deaths, fatalities, and explosions is improper.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. BAKER. Mr. President, I wish to say that the point made by the Senator from Kentucky is a very real and relevant point in this debate. I would like to commend him for bringing to our attention the fact that the 1941–69 time period does not actually reflect the effort of the U.S. Government to provide mine safety, especially in nongassy mines.

There is one additional point I would like to make and I wish to ask the senior Senator from Kentucky if he agrees with me. Assuming that the base period of 1941 to 1969 was relevant for any purpose, the record of injuries, and the record of the number of ignitions in nongassy mines is tremendously smaller than the number of industrial accidents in any other industry I know of for this number of operations and this number of people employed.

Mr. COOPER. The Senator is correct. Only last week I read in the Evening Star an article by Mr. McKelway, who writes with humor and charm but this particular article was not humorous. Mr. McKelway was discussing accidents. Apparently he had talked to officials in the Department of Agriculture and had ascertained there had been 1,000 farmers, or farmers' sons or daughters, killed last year in the operation of tractors.

I do not know whether that figure is accurate. It just occurred to me as the Senator made his comment. I would say that one of the other great dangers, as far as injuries are concerned, is the mowing machine. That fact is well known.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. BAKER. Mr. President, I think the senior Senator from Kentucky is uniquely qualified to make the point that there were no effective Federal mine laws until 1952 because, I point out, while the senior Senator from Kentucky does not serve on the committee, he once did serve and served with distinction on the committee that has jurisdiction over mining legislation. He had a great part in shaping and forming standards of safety and in preserving the distinction between gassy and nongassy mines. He has a personal knowledge of the situation and, as I said a moment ago, so have I.

I have been in mines, both gassy and nongassy, big and little. I can say, and I hope the Senator agrees, that as far as I can tell the substitution of permissible equipment in nongassy mines will not have a substantial impact on the good safety record in nongassy mines, and it will have no impact on gassy mines.

Mr. COOPER. The Senator is correct. The Senator knows the subject.

The bill properly draws attention to the great problems of ignition and explosion. Ignitions and explosions with fatalities and injuries shock the country. Men are killed in the explosions. However, the big killer in the mines has been coal falls from the roof, the face where the coal is mined, and from the ribs which support the roof. Over one-half the fatalities that have occurred in coal mines have resulted from these rib, roof, and face falls.

In 1957 or 1958—I cannot remember the exact date—when a coal mine safety bill was before the Senate, I introduced an amendment which was reported by the Committee on Labor and Public Welfare. I was on the committee at that time. Former Senator Wayne Morse was the chairman of our subcommittee, former Senator John Kennedy was a member, and I was the third member. We reported a bill to try to reach this chief killer. We were not successful. The Bureau of Mines did not support the measure because they wanted to do then what they want to do today: favor regulations which will have the effect of closing the small mines.

We worked out an amendment in 1966. I was not on the committee at that time; Senator Wayne Morse was, and an amendment was secured to improve safety conditions.

This bill contains an amendment, which I proposed to provide stronger measures and standards for support of roof, rib, and face.

Now, I will return to my subject. Why are mines classified nongassy? The first and simplest reason is that they are essentially nongassy. Every coal seam has methane gas, but there are geological and physical characteristics of nongassy mines as compared to gassy mines, which have led to their classification as nongassy and to their good safety record.

A few moments ago I discussed the various types of mines. At the risk of repetition I will do so again briefly.

In some mines the shaft is driven perpendicularly into the earth some at great depth. Elevators and hoists are used. As Senators know, there is a main entry and other entries are driven out in various directions through the coal seam. Rooms at the sides of the haulways are opened and by careful shoring of the roof the coal is mined.

There are slope mines, where entries are driven in at an angle, often under the water table. The gas—in these types of mines and this is admitted in the record—cannot escape. It cannot escape easily unless there had been an earth convulsion. The gasses are fastened under the water table. The nongassy mines are those I have described as being driven into the side of the hill. They are above the water table, and as those of us who have ridden through the hilly country know the earth has been broken. The gas has been released.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. WILLIAMS of New Jersey. Are there any mines that are now classified nongassy that are below the water table?

Mr. COOPER. There could be.

Mr. WILLIAMS of New Jersey. There could be.

Mr. COOPER. Most nongassy mines are in the hilly parts of States like Kentucky, Virginia, West Virginia, Tennessee, Ohio, and Alabama.

Mr. WILLIAMS of New Jersey. In other words, the number of mines presently classified nongassy are above the water table.

Mr. COOPER. I know that is a characteristic of the nongassy mine.

Mr. WILLIAMS of New Jersey. If there were any degree of difference in treating mines, this would be one distinguishing factor whether the mine was above or below the water table?

Mr. COOPER. No, not at all.

Mr. WILLIAMS of New Jersey. I thought the Senator said that was where the gas——

Mr. COOPER. I was trying to describe some of the characteristics of mines which cause them, when inspected, not to exceed one-quarter of 1 percent of gas.

Mr. WILLIAMS of New Jersey. There is another one—the Senator described shaft mines and drift mines—but there is another method of mining described as long wall mining. Do we have any of that in the area the Senator is addressing himself to?

Mr. COOPER. I would not recognize it. I may, if the Senator would describe it further.

Mr. WILLIAMS of New Jersey. That is where the mining is done, as the term states, along a long wall, hundreds of feet. It is a continuous mining operation along that wall rather than, as the Senator has described, the corridors, with chambers or rooms, as the Senator states.

Mr. COOPER. I have heard mining operators and mining engineers speak of that type of mine. One told me they wanted to testify before the committee about the advantages of this type. But I would not recognize that type of mine. I have not been in one.

Mr. WILLIAMS of New Jersey. Then the Senator is not addressing himself, obviously, to that?

Mr. COOPER. No.

Mr. PERCY. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. PERCY. I have wanted to explain why I feel that I shall have to oppose the Senator's amendment, but I would be very happy to have any rebuttal the Senator may have of my reasoning.

First, I have been a cosponsor of the bill itself. Second, I have reaffirmed from the Bureau of Mines that they oppose the amendment. I have a very high regard for the Bureau of Mines under the direction of Mr. O'Leary. Third, from experience in Illinois, we had a disaster in 1962 in a gas-dust explosion in a mine owned by the Blue Blaze Coal Co., in Illinois, which caused the deaths of 11 men. The explosion was described by the Bureau of Mines investigators as caused by an electric arc or spark from a piece of electrical equipment. The explosion was propagated by methane coal dust. The mine was not classified as gassy by the Illinois Department of Mines and Minerals.

Thus, for those three reasons, I feel compelled to vote against the distinguished Senator's amendment, but I would be happy to have any rebuttal he might have that I should take into account before casting my vote. I have the very highest regard for the judgment and experience of the Senator from Kentucky. It is certainly deeper than mine in this field.

Mr. COOPER. I will be glad to respond to the Senator. I believe he said the Bureau of Mines was opposed to my amendment and therefore he would vote against it.

Mr. PERCY. I called the Bureau of Mines this afternoon just to see whether they had any last thoughts on this. I had understood that the Bureau of Mines and Mr. O'Leary stood with the original bill and opposed the amendment. I have been told on the telephone by Mr. Haynes, because Mr. O'Leary was not available, that the Bureau of Mines does wish to stay with its original position.

Mr. COOPER. As I recall, the Senator stated that his first reason for voting against the amendment—and of course the Senator will vote as he believes best—is that he is a sponsor of the bill. I am a sponsor of the bill, too. It has many provisions in it which are helpful which should have been incorporated in mine safety bills a long time ago—one I proposed 10 years ago. But I would not consider that my sponsorship of the bill prohibits me from studying the bill and deciding to support or reject portions of the bill. If I wanted to add to or change the bill, I would do so.

I have the report made by the Bureau of Mines, January 10, 1962, Illinois, 11 killed, cause, as given by the Bureau of Mines, permissible type shuttle car being repaired when ignition occurred.

Thus, the Bureau of Mines wants to require every nongassy mine to use all permissible equipment. Yet, this was an ignition that killed 11 men, where permissible equipment was used. It happens in gassy mines, using permissible equipment. The Senator was in the Chamber, I am sure, when I compared the record of gassy with nongassy mines.

Mr. PERCY. Yes, I was.

Mr. COOPER. 400 as compared to 3,200, yet despite permissible equipment required in gassy mines, they continue to have explosions and fatalities.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. WILLIAMS of New Jersey. I do not know whether we are reading from the same table.

Mr. COOPER. I am reading from the table given me by the Bureau of Mines. I have used the tables three times in the RECORD.

Mr. WILLIAMS of New Jersey. January 10, 1962. Is that the date?

Mr. COOPER. That is the date given me by the Bureau of Mines.

Mr. WILLIAMS of New Jersey. Where was this? The Blue Blaze Coal Co.?

Mr. COOPER. My record here does not give the name of the coal company but the date, the State of Illinois, and the cause of the ignition, the number of men killed, 11, and it corresponds to the statement of the Senator from Illinois.

Mr. WILLIAMS of New Jersey. The table that appears in part 5 of the hearing record is described this way: Electric arc from open panel in a shuttle car being repaired and in nonpermissible condition.

Mr. COOPER. That is misleading language. I am curious——

Mr. WILLIAMS of New Jersey. Which is misleading? The Senator's or what the record shows here?

Mr. COOPER. I will let it speak for itself. The Senator's record will speak for itself, and so will mine. The records were furnished me in June. I placed the table in the RECORD on June 5. The record, which was provided by the Bureau of Mines, describes this accident and all the other ignitions. I will ask the Senator, when did he secure his tables? I notice it has been drawn in a different form from mine. When did the Senator secure them? Were they introduced at the hearings?

Mr. WILLIAMS of New Jersey. These appear in our hearing records. I read from the tables. They are included in the hearing record. They were prepared by the Bureau of Mines on September 8, 1969.

Mr. COOPER. The point is, during the Senator's hearings the committee never asked the Bureau of Mines to submit records to it comparing the explosions, fatalities, injuries, in a gassy and a nongassy mine, did it?

Mr. WILLIAMS of New Jersey. I have the material here. I have the whole report right in front of me.

Mr. COOPER. My question is——

Mr. WILLIAMS of New Jersey. The number of ignitions, the number of miners killed in nongassy mines. I was going to put this in the RECORD——

Mr. COOPER. Were they requested in the hearings?

Mr. WILLIAMS of New Jersey. Of course, the material I read to the Senator from the record is in the record of the hearings and the record of the committee.

Mr. COOPER. That is right.

Mr. WILLIAMS of New Jersey. The material that I shall be describing later on the number of ignitions in nongassy mines for the period 1941–69, and the number of miners killed as a result of those ignitions, and the number of miners injured as a result of those ignitions, in what are still described as nongassy mines, was supplied to us by the Bureau.

Mr. COOPER. The Senator was present when I was discussing the new table of ignition fatalities and injuries which just appeared today. The one the Senator is just reading——

Mr. WILLIAMS of New Jersey. This is for the period 1941 until some point in 1969.

Mr. COOPER. I discussed that a few minutes ago. I think the Senator was here when I said it is not relevant, because from 1941 to 1952 the Bureau of Mines had no enforcement powers. The 1952 Act gives the Bureau of Mines such authority. I must repeat: I have put into the RECORD the facts, the record of ignitions, injuries and fatalities in gassy and nongassy mines that occurred since the adoption of the 1952 amendments. To go into the past before 1952, when mines were not under Federal regulations and enforcement procedures and to incorporate the record before 1952 is not relevant to the subject we are discussing today.

I have not cited the pre-1952 record of gassy mines, but I will be forced to do so if this argument continues.

Mr. WILLIAMS of New Jersey. Mr. President, if the Senator will yield, I just want to recall that all of this arose from the January 10, 1962, accident, and I thought I heard the Senator say that it dealt with permissible equipment. The record shows that if it were permissible equipment, it was in nonpermissible condition. That is the only thing I wanted to crystallize.

Mr. COOPER. I have already said that of the 52 cases, nine of them would not have occurred, and we hope they could not have occurred, if permissible drills and permissible blowers had been used. The bill requires such small equipment to be permissible and I support it. It is possible it did occur. The record we put in did not disclose that.

I have talked about the geological characteristics of nongassy drift mines. Most are small mines. The fact that 60 percent of the coal in the United States is produced by 400 mines, and that 3,200 mines are required to produce 40 percent, speaks for itself. The mine areas and the equipment of the 400 mines are different from those of the nongassy mines.

For a large mine operation to be economic, it requires the purchase or lease of large tracts of coal, whether underneath the surface or at the base of a hill. Large acreages must be mined to justify the purchase and installation of modern machinery, such as continuous coal miners which claw into the face of the coal, drag it back, and automatically load it onto a belt or car. The cost of modern equipment, even by Bureau of Mines estimates shown in the RECORD, requires a large capital investment.

Smaller mines do not require large acreages. They may be higher toward the crest of the hill, naturally of small acreage. The entries and haulways are not as long, and circuitous as those found in the larger mines, and naturally, they are safer.

One danger of explosion comes from the coal dust. Coal dust is combustible. I have been told, that one can hardly see his hand in front of him when the coal dust pours from the face of the coal, mined by modern machinery. It causes black lung, and it presents also the danger of explosion.

Small mine operations cannot buy that kind of equipment. Their conventional equipment does not produce such a volume of coal and coal dust, and the danger of explosion is less.

I want to speak for a few minutes about the effect if small mines are required by law to junk their equipment and to purchase equipment which they cannot afford, do not need and which will not contribute essentially to safety.

Such a requirement will, of course, drive many small mines out of existence.

I am certain we will be talking about cost of permissible equipment. I will be ready to talk about cost. Mr. President, the distinguished Senator from New Jersey, Senator WILLIAMS placed in the RECORD of September 25, at page 27144, a table which shows that a continuous miner costs $121,000—this is permissible equipment—shuttle cars, two, $80,000, roof-bolter, $16,000; Joy coal drill, $20,000; cutting machine, $84,000; loader, $60,000.

A coal mine producing 50 to 100 tons a day, at an estimated profit of 30 cents a ton, cannot be equipped with that kind of machinery. The operator will go out of business.

What will happen to the miners who work in these mines? They number thousands.

Coal production must be maintained. The demand for coal, happily, has increased because of the need for electric energy. The coal will then be produced by the big mines, the gassy mines, the mines which have permissible equipment, which experience ignitions, and which cause black lung.

Forty percent of the coal produced in the United States, according to the record of the committee, is produced by about 15 companies.

Many of the men thrown out of employment in the small mines would be out of employment forever. Many are older men who have been released from the big coal mines. But even the employable coal miners would have to find work.

Such miners, if they could find jobs at all, would have to go to the big mines. They would be forced into mines holding greater danger for them than the nongassy mines in which they work today.

What else would happen? Of course, the operators would suffer economic loss. They have invested such capital as they have in these mines. They provide employment to the people of the community. They pay their taxes in the community and State. Economic loss would follow—to the miners, to the coal operators, to the community, and to the State.

Another effect would be to lock up forever the wealth and resources of many sections of my State and many sections of the country.

Suppose the head of a family has owned 100 acres of mountain land, or 50 or 200, or perhaps 300, all his life, and perhaps his father before him; the only assets were the timber on the land and the coal under the land. Many lost those rights years ago, when the big companies from other parts of the United States bought their land for $1 an acre, or 50 cents, bought their white oak trees for 50 cents each, bought their land with coal.

But he who owns even 100 acres or 200 acres, and had hoped someday to mine it himself or with his sons, nephews, and brothers, if he should want to lease it to a mine operator, his resource would be locked up by the terms of this bill. No one could afford to operate the smaller tracts.

The analogy is not on all fours, but it would be something like passing a law permitting farming in the western part of my county, Pulaski County, a rather rich agricultural section, but prohibiting farming in the eastern section of the county. It is not a true analogy, but it gives some idea of the way this part of the bill would lock up the resources of many sections of our States, and affect our communities.

The small mines operate with low capital. They employ the people of the community. Auxiliary industries are affected by them, and they all will be hurt. The end effect will be no great contribution to safety, but the closing down of the mines, with all the attendant economic loss and unemployment, and the driving of the employable miners into the dangerous, gassy mines.

I do not think it is a wise thing to do. I have offered this amendment to preserve the classification, and, if it should be agreed to, I would offer a second amendment which would require the Secretary of the Interior to present to Congress, at 2-year intervals, a report upon the safety conditions in all mines in the United States, with his recommendations as to what should be done to assure greater safety.

If it should be shown—which I do not believe it will be—that there is danger in these nongassy mines which requires an installation of permissible machinery, of course, I would want the Senate to accept it.

One final statement, and then I shall close. I have testified on this subject twice this year, once before the House of Representatives subcommittee and once, due to the courtesy of the Senator from New Jersey (Mr. Williams) before his committee in an executive session. I have been asked on several occasions, and it has been suggested, that one who offers this type of amendment has more concern for the economics of the situation than he does for human life and safety.

I can only say that I have consistently supported safety measures. I have had included in this bill three measures which the committee thought improved the administration bill; and, of course, I intend to support other portions of the bill, most of which contribute to safety.

Why do we not place greater emphasis on life and safety in the gassy mines? Suppose I were to offer my amendment by which the Secretary of the Interior is required to close down any mine in which a second ignition or gas explosion has occurred since July 1, 1952? Whom would it affect?

It would affect some 48 of these 400 mines, some of which the record shows have already had as many as 18 explosions.

Who owns those mines? Forty percent of the coal is mined by a few of the greatest corporations in this country. I would like to see if the Senate would vote to close them. I hope we will not have to pass on that. But if in talks of placing human safety and life above economic interests, in respect of the nongassy mine we will have to do the same with these big mines in which people have been killed year after year. But, I doubt if the Senate will vote for that.

Mr. COOK. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. COOK. Mr. President, much has been said since the Farmington, W. Va., disaster of last year about the need for a stricter Federal coal mine safety law. During the same period rising concern over the prevalence in coal miners of pneumoconiosis, or black lung, has created a similar demand for stricter mine health laws.

The Committee on Labor and Public Welfare has reported a strong bill containing both health and safety features. I commend the committee for its concern for the welfare of our Nation's coal miners. However, one provision of the bill, eliminating the current distinction between gassy and nongassy mines, will have a disastrous effect on the small mine operators and miners of the Appalachian region while not making any contribution to improving safety conditions. The overwhelming majority of mines in Kentucky are both small and nongassy.

Historically, cries have been made by businessmen about various social legislation, such as wage and hour laws, that the effect of enacting such new measures would be to drive the owner out of business. It is true that the small operators—a small operator owns a mine which employs 14 or fewer miners—of my State and surrounding States are making essentially this argument against the provision in the committee bill which would eliminate the gassy-nongassy distinction. As I have said, this argument has been used to impede the progress of valuable social legislation in the past, but this is not the case with this argument as applied to the attempt to eliminate the distinction between gassy and nongassy mines.

What is the effect of eliminating the distinction? Under the current law, gassy mines are required to use permissible equipment, that is, equipment which is covered so that sparks will not ignite any gas which might be present. Permissible equipment is not now required in mines which are classified nongassy. Elimination of the distinction would require operators of the nongassy mines to purchase permissible equipment at a cost small operators argue would be prohibitive. I have studied the figures and assessed the economic impact of such action and I agree with their conclusion.

As a Senator from a State which has approximately 1,000 small mines—only 32 of which are gassy—and a great many miners who derive their living from these mines, I want an effective coal mine safety bill. If the elimination of the gassy-nongassy distinction would make any contribution to improving unsafe conditions in our mines I would favor it. But as my colleague, Senator Cooper, recently pointed out, between 1952 and 1969 there were only 52 explosions in nongassy mines; only four were fatal, and in each of the fatal cases the explosion was caused by open flames—matches, cigarette lighter or open lamps—resulting from violation of existing laws. In other words, these were explosions that could have been avoided by enforcement of existing laws and would not have been averted by the proposed changes in the law.

I do not think that General Motors has a record like that. I do not think that the Ford Motor Co. has a record like that. And I do not think that the Florida Power Co. has a record like that.

Senator Cooper further pointed out that during the same period there have been 381 explosions, killing 374 miners and injuring 427 in mines classified as gassy.

My senior colleague from Kentucky yesterday placed in the Record an editorial appearing in the August 23, 1969, edition of the Louisville Courier Journal supporting preservation of the gassy-nongassy distinction. In a letter I mailed to all Senators on September 5, I included that editorial which describes very well the fallacy of the argument that safety requires elimination of the distinction. As I pointed out at that time, the Courier Journal is not a business-oriented newspaper. It is concerned, as all of us are, about preserving one of the few remaining employers in the poverty-ridden Appalachian areas of our country. It would seem to be the height of inconsistency to advocate measures designed to alleviate the plight of the Appalachian poor and then support a provision which might significantly increase the unemployment rolls in the same region.

I support the substitute amendment to S. 2917 offered by my senior colleague including, of course, the preservation of the current distinction between gassy and nongassy mines. The distinction must be maintained not solely for the economic benefit of the small operators of Kentucky, but also to preserve the over 100,000 jobs either in or related to the mines which might be lost by enacting into law a provision making no contribution to improving safety in small nongassy mines.

Mr. COOPER. Mr. President, I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Mr. President, yesterday, I along with 90 of my Senate colleagues, voted to amend the pending Federal coal mine health and safety bill. That amendment offered by the two Senators from West Virginia, will provide health disability benefits to coal miners who, as a result of pneumoconiosis or "black lung," are totally disabled and unable to be gainfully employed.

It is an interim compensation bill, pending a detailed study of a pressing and difficult problem.

Those qualifying for these disability benefits—the totally disabled miner, his widow, or surviving dependents—will be eligible for amounts varying from $1,635 annually for a disabled individual up to $3,264 annually for a disabled individual with three or more dependents. These health disability benefits will be on a temporary and limited basis, in cooperation with the States, while studies are being conducted as to the best long-range approach to this problem.

"Black lung" presently afflicts approximately 20 percent of our retired coal miners and roughly 10 percent of the active coal miners. The committee reports:

> There are a significant number of inactive coal miners living today who are totally disabled and unable to be gainfully employed due to the development of complicated pneumoconiosis while working in one or more of the Nation's coal mines; that there also are a number of surviving widows and children of coal miners whose death was attributable to this disease.

My State of Virginia recognized the need of these victims of "black lung" in 1968 and passed legislation to assist them; there is, however, no coverage for victims who were afflicted prior to that legislation and in some States there is no assistance whatever to such disabled individuals or their dependents.

This amendment will, however, do more than merely provide interim relief to these previously noncovered individuals. It will authorize funds for research and development in the area of coal mine health and safety; more specifically, it will endeavor to develop entirely new methods of protecting miners from respirable dust. This, Mr. President, is most important, for a disability compensation payment can never be an adequate alternative to good health.

Another area of research will be to improve and develop technology to reduce roof fall hazards, which is the single leading killer in our coal mines today, accounting for between 50 percent and 60 percent of all underground fatalities.

Yes, Mr. President, I support this amendment, for I hope the research which it authorizes will be the "ounce of prevention" that avoids the necessity for "a pound of cure."

The proposal should be a reasonable first step toward the long-range solution of a difficult problem.

AMENDMENT OF THE LABOR-MANAGEMENT RELATIONS ACT OF 1947

Mr. WILLIAMS of New Jersey. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2068.

The PRESIDING OFFICER (Mr. Gurney in the chair), laid before the Senate the amendment of the House of Representatives to the bill (S. 2068) to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees which was to strike out all after the enacting clause, and insert:

> That section 302(c) of the Labor-Management Relations Act, 1947, is amended by striking out "or (6)" and inserting in lieu thereof "(6)" and by adding immediately befor the period at the end thereof the following: "; or (7) with respect to money or other thing of value paid by any employer to a pooled or individual trust fund established by such representatives for the purpose of (A) scholarships for the benefit of employees, their families, and dependents for study at educational institutions, or (B) child care centers for preschool and school age dependents of employees: *Provided*, That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice: *Provided further*, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds".

CHILD-CARE CENTERS—VITAL FIRST STEP

Mr. YARBOROUGH. Mr. President, I am pleased to support the passage of the bill which would allow the establishment of child-care centers and scholarships for the education of children of employees through collective bargaining. The present limitation in section 302 of the Taft-Hartley law has worked hardships in not allowing the establishment of such scholarships or child-care centers. As the original sponsor of this measure when I was chairman of the Subcommittee on Labor and a cosponsor of this bill, I am pleased that both the House and the Senate have finally acted and that with the passage of the bill it will be possible for labor and management to sit down together, if they so desire, and create child-care centers which will increase the labor force in areas where they are needed the most.

I understand that the Amalgamated Clothing Union of the men's garment industry is ready to establish funds for these purposes as soon as the bill becomes law. I commend them for their foresight and interest in the general welfare of our country.

If private groups such as these can act together, there is no need for the Federal Government to act and impose its solution, which may not achieve the needs in every case. Through collective bargaining, the individual requirements of each group can be provided in the best interests of everyone.

Mr. WILLIAMS of New Jersey. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Jersey.

The motion was agreed to.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

Mr. WILLIAMS of New Jersey. Mr. President, the senior Senator from Kentucky has raised a major issue which concerns one of the important measures that the committee has adopted to control methane ignitions and explosions. I cannot agree with the distinguished Senator's position, and I believe that a complete explanation of the issue and what the bill does is warranted at this point.

Since January 1941, 1,142 miners have been killed and 965 miners have been injured in the 683 underground coal mine ignitions and explosions which have been reported to the Bureau of Mines. These ignitions and explosions have been among the major causes of death and injury to coal miners.

In order to reduce significantly and ultimately eliminate this dangerous hazard to the safety of every miner, the committee bill, S. 2917, recommends numerous provisions which require operators to initiate procedures which, if properly followed, have the twofold purpose of controlling methane in the atmosphere in underground mines and eliminating the ignition sources of methane.

First, let us understand the hazardous nature of methane gas. Explosive mixtures are formed when the methane concentrations in the mine atmosphers range from 5 to 15 percent. The energy required for ignition is extremely minute.

When methane gas is present in a coal mine, in sufficient quantities, a frictional spark such as one emanating from a motor on a piece of equipment, or one caused by metal striking rock, or even one caused by the flint of an ordinary cigarette lighter, can provide the energy necessary to ignite the methane with the resulting ignition and explosion and death and injury to the miners.

As the knowledgeable Senator from Kentucky (Mr. Cooper) has noted, the potential for an explosion can increase with the presence of coal dust suspended in the atmosphere. As the amount of coal dust in the atmosphere increases, the amount of methane needed for an explosion may decrease to much less than 5 percent.

In 1952, Congress, in recognizing the importance of preventing methane ignitions and explosions, established some measures designed to prevent the accumulation of methane in explosive quantities and to eliminate the sources of methane ignition. Although the measures required by the 1952 act are deficient, that act does require that—

All mines must ventilate the working places;

In gassy mines, air passing through an abandoned area which cannot be inspected cannot be used to ventilate the face;

In gassy mines, preshift examinations for methane must be made 4 hours before the shift, and in nongassy mines, once a day;

Pillar workings in gassy mines must be tested for methane before a roof fall is made.

Perhaps that statement should be explained. This is a roof fall that is produced in the mining operation. As they mine the corridors there are left the supporting pillars, and mining back to and through the corridors these pillars are mined out to the point that they can be and continue to be safely mined. But this area, the pillar that is left finally, is not enough to support and there is a roof fall that is known to be part of the operation and will occur.

And further, that rock dusting be used to prevent propagation of explosions. Rock dusting means the penetration of the sides of the mines with a dust that will help to prevent the explosion of methane gas.

Electric face equipment and junction and distribution boxes in gassy mines, with some exceptions, must be permissible, and trolley and feeder wires cannot extend beyond the last open crosscut;

Smoking and open flames in gassy mines be prohibited; this is one area where there has been agreement by the Senator from Kentucky that even in nongassy mines, smoking should be eliminated.

Tests for methane be made after blasting; and

The drilling and sealing of oil and gas wells be done by the owners thereof under State laws.

Now those are what was included back there in 1952. Let us look at the record to see what followed that. Were these provisions successful in reducing the ignitions?

Since enactment of the 1952 act through June of this year—and these, of course, are most relevant findings—there were 454 methane ignitions and explosions in underground coal mines. This is almost double the 229 ignitions and explosions that occurred during the 1941–52 period. These pre-1952 ignitions and explosions killed 401 miners and injured 501. Although fewer miners have been killed and injured in methane ignitions and explosions since 1952, it is still a very hard record.

The causes of these ignitions are legion. They are smoking, the use of matches to light explosives, the improper use of explosives, the flame safety lamp, trailing cables, locomotives, welding, and numerous other causes.

The committee was shocked at this record. It was clear to us, first, that the safeguards in the 1952 act were inadequate to control methane before it reaches the explosion stage in all mines and, second, that the requirements of the 1952 act did not eliminate the causes of methane ignitions and explosions. We concluded that greater safeguards were needed in this area. Halfway measures are no longer acceptable. We must control the methane and we must eliminate the causes. Accordingly, the bill—

Requires that all mines be mechanically ventilated and that the ventilation equipment be inspected daily;

Increases the minimum quantity of air reaching the face workings;

Requires the use of brattice cloths or other approved devices to improve ventilation at the face; the brattice cloth, of course, is used to direct the flow of air so that it will reach the most difficult and hazardous place in the face of the mine;

Increases the frequency of testing for methane;

Prohibits, in ventilation of face workings, the use of air that passes through an abandoned area that is inaccessible or unsafe for inspection;

Requires sealing or ventilating by bleeders of abandoned areas or areas where pillars have been removed;

Requires Federal inspectors at especially hazardous mines; these are inspectors who remain in residence at the most hazardous mines.

Improves present standards relative to rock dusting to prevent propagation of methane ignitions;

Prohibits the use of open flames and smoking;

Provides greater protection in the use of trailing cables;

Requires continuous testing for methane while welding;

Provides greater safeguards in the use, storage, and transportation of explosives;

Requires that operators make more diligent searches for oil and gas wells, and that operators provide and maintain larger barriers around such wells; and

Requires that flame safety lamps be approved and properly maintained at each mine in accordance with specifications to be prescribed by the Secretary.

These are some of the very detailed and comprehensive safeguards included in this bill. There were two other causes of ignitions that aroused considerable concern.

First, sparks from the bits of the continuous miner and from the cutting machine. There have been 155 such ignitions since 1952, many of which have occurred since the late 1950's. These have killed three and injured 141.

Unfortunately, the technology here is not very advanced. We were informed by the Bureau of Mines that a device to suppress these ignitions as they occur is now being developed and should be available very soon. Accordingly, with this in mind and with the idea of accelerating this process, we directed the Secretary to act promptly on this research and to require such a device as soon as possible. Furthermore, the committee expects immediate attention to be given to complete prevention of these ignitions.

At this point, I might also dwell on the flame safety lamp problem. As a device to measure and detect methane, it is not satisfactory. Miners using this lamp, despite claims to the contrary, are unable to measure the methane in the mine atmosphere at the low percentages required either in the 1952 act or in this bill, except under ideal conditions which may exist in the laboratory but are not found in the mines.

I remember my own surprise, several months ago, when I watched this lamp being used in a Pennsylvania mine. This lamp is a rather simple device. It is a flame in a glass enclosure which has measured markings, like a thermometer. The higher the flame goes the more methane gas there is in the atmosphere. The foreman raised the lamp up in the air and pointed out to me and to other members of the committee who were there that the flame reached only as high as the 1-percent methane marking. Now this chap happened to be a little bit taller than I am. From where I was looking, the flame appeared to be as high as the 1.5-percent marking.

Now that is a significant difference. Because at 1.5-percent methane, the law requires the miners to be withdrawn from the mine.

The point is that these lamps give different readings to different people. The accuracy of the lamp also depends on whether it is properly set by the man who uses it, and that setting is necessarily being changed all day long. So, as I have indicated, research is necessary.

Furthermore, the record is clear that the flame safety lamps in many instances are not properly maintained. Indeed, since 1952 there have been 5 miners killed and 24 injured in 17 ignitions caused by flame safety lamps. This emphasizes the need to maintain these lamps properly, and to be sure of that each day. This is required under the definition of the term "permissible" in section 219(4) of S. 2917.

One promising area of research now underway in the Bureau to control methane is a program of methane drainage in advance of mining. The committee recognized the potential of this research effort and directed that it, too, be accelerated, with primary emphasis on safety aspects of the research.

Mr. COOK. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I am happy to yield to the Senator from Kentucky.

Mr. COOK. During the hearing before the House committee on September 9, Mr. J. H. Musgrove, assistant commissioner of the Kentucky Department of Mines and Minerals, testified. In his testimony, Mr. Musgrove reviewed the number of fatal coal mine accidents in Kentucky from July 1, 1952, to June 1969, and listed their causes. During this 17-year period, a total of 837 fatalities from all causes occurred in our underground Kentucky coal mines. Of this number, the major causes are as follows: Some 517 fatalities are attributed to roof falls; 131 fatalities are attributed to haulage; 61 fatalities are attributed to accidents involving electrical equipment; 34 fatalities are attributed to machinery; 9 fatalities are attributed to gas or dust explosions in gassy mines. There are no fatalities—and I emphasize this point—attributed to gas or dust explosions during this period in mines classed "nongassy."

Mr. President, in this whole argument, I think it is proper and right to work with all of the means and with all of the individual capacities that we can, but it is disturbing, in attempting to work out some of these problems, that we have some people who are vitally interested in this matter who, I am afraid—and I do not say this in regard to the Senator from New Jersey at all, and I want that absolutely understood, but I refer to some people who may have talked with the Senator from New Jersey—may never have been in a coal mine in their lives.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. WILLIAMS of New Jersey. I did not hear all that the Senator said. The Senator was not including me?

Mr. COOK. No, under no circumstances.

Thus, out of a total of 837 fatalities

in Kentucky during the 17-year period, none of these fatalities occurred as a result of a gas or dust explosion in a nongassy mine.

Bear in mind that there are over 900 nongassy mines as compared with 32 gassy mines in Kentucky. These statistics further emphasize my argument that, with respect to ignitions or explosions caused by methane, the safest mines are nongassy mines. More emphasis, in my view, should be placed on reducing the fatalities caused by roof falls, which were the cause of more than 60 percent of Kentucky's coal mine fatalities during this 17-year period.

Mr. President, I ask unanimous consent that a chart from the Kentucky Department of Mines and Minerals be placed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

FATAL COAL MINE ACCIDENTS, JULY 1, 1952–JUNE 3, 1969 INCLUSIVE (17 YEARS)

Year	Falls of roof	Haulage	Electricity	Machinery	Gas or dust explosions (gassy mines)	Gas or dust explosions (nongassy mines)	Miscellaneous	Explosives and blasting	Coal bump	Fire	Surface	Total	Strip	Grand total
1952 (July)	15	9	1	3				[1] 1		4	3	36		36
1953	39	10	3	2							2	56	3	59
1954	35	5	4	5					1		4	54		54
1955	33	13	4				[2] 1	[1] 1			3	55	2	57
1956	47	9	8	2	[3] 1		1	[2] 2			4	74	1	75
1957	40	10	4	1				[4] 2			2	59	2	61
1958	29	7	3	2				[5] 1		1	5	48	1	49
1959	26	7	4	1				[6] 1			3	42	1	43
1960	32	7	8	3			1	[6] 1			3	55	2	57
1961	43	5	2	1				[6] 1			2	55	0	55
1962	19	11	3	1	[7] 1			[8] 1			5	41	0	41
1963	25	5	1	1					1			33	0	33
1964	31	6	3	1				[6] 1			2	44	3	47
1965	25	6	1	3					1		1	37	2	39
1966	22	9		1			1	[9] 3			1	37	3	40
1967	25	5	4	2	[10] 7			[11] 1			2	46	4	50
1968	22	5	7	3				[12] 9	1		3	50	6	56
1969 (June)	9	2	1	2				[6] 1				15	1	16
Total	517	131	61	34	9	0	5	26	4	5	45	837	31	868
Percentage of total underground	62	16	7	4	1		.6	3	.5	.6	5			
Average per year	30.40	7.70	3.58	2.00	.53	0	.29	1.52	.24	.29	2.65			

[1] Blow through.

[2] Cop. air.

[3] Gas-locomotive-old works—Gassy mine.

[4] 1 blow through; 1 put shot off on.

[5] Blasting fuse-caps set off with cap lamp.

[6] Short fuse.

[7] Fireboss-inspection jeep—Gassy mine.

[8] Improper handling—Caps open light.

[9] (1) Flying material from shot, and (2) improper handling.

[10] 2 occurrences—Gassy mines.

[11] Fuse—Caps (open sparks).

[12] Improper handling and storage.

Mr. COOK. Mr. President, further, in 1963, when Mr. O'Leary was testifying before the House committee, Representative Roosevelt asked him certain questions, and I wish to read those questions into the RECORD:

> Mr. O'LEARY. I would say that there is a danger of explosion in every type of mine, and there have been some legislative proposals, I think before this committee, to classify all mines as gassy.
>
> Mr. ROOSEVELT. Would you support that?
>
> Mr. O'LEARY. No, sir.
>
> Mr. ROOSEVELT. You do not recommend it?
>
> Mr. O'LEARY. I wouldn't recommend that.
>
> Mr. ROOSEVELT. Why? Why wouldn't you recommend it, if it is so? I mean, in one sentence, you tell me that there is a danger of an explosion in every type of mine.
>
> Mr. O'LEARY. There is always the possibility of explosion in any type of mine.
>
> Mr. ROOSEVELT. And then in the next sentence you told me that you would not be in favor of so saying.
>
> Mr. O'LEARY. Well, I think in many cases this danger is quite remote. This is an academic danger in many cases.
>
> Mr. ROOSEVELT. Now where can we draw the line when it is non-academic and when it is real?
>
> Mr. O'LEARY. When we classify the mine as gassy.

Mr. President, the chart that has been put on each Senator's desk lists methane ignitions and explosions in nongassy mines, 1941 through 1969; 87 ignitions, 84 miners killed, and 116 miners injured, are listed.

The chart would be complete if it also listed the same situation during the same period from 1941 through 1969 on gassy mines. Had the chart been complete, it would have shown that the number of ignitions in gassy mines was not 87, but 600; that the number of miners killed was not 84, but 1,054; and that the number of miners injured was not 116, but 858.

I think if the comparison were made and the complete chart were presented, not only as to the nongassy mine situation, but the gassy mine situation, it would bring the matter more accurately to the attention of Members of the Senate and I think, in all fairness, would put it in a truer perspective.

Mr. President, I yield the floor.

Mr. WILLIAMS of New Jersey. Mr. President, with further reference to the bill before us, the bill contemplates that additional measures will probably be needed in the future to control methane and prevent methane ignitions and explosions. The research programs just mentioned and other efforts of the Bureau of Mines in this area, if fruitful, will form the basis for action by the Secretary to promulgate additional regulations on this subject.

Now, we come to the major problem—electrical face equipment and the nongassy classification.

The committee followed the recommendation of the Department of the Interior that mines, whether classed as gassy or nongassy under the current law, be treated alike in providing these new and additional safeguards to control methane and prevent ignitions.

Since 1952 the Federal Coal Mine Safety Act, as amended, has contained special provisions allowing the use of electric face equipment which is not sparkproof; that is, has not met the standards of the Bureau of Mines, in mines that have never had an ignition or have never been found to have methane of more than 0.25 percent. In addition, the act has specifically provided that many of these particular safeguards, such as the frequency of preshift examinations, and the prohibitions of smoking and the use of open flames underground applied to only one class of mines; namely, those which have had methane ignitions or in which there was methane of 0.25 percent or more.

Thus, the so-called nongassy mines—again those that have never had an ignition or have never been found to have methane of more than 0.25 percent in the mine atmosphere—have received special treatment under the premise of the 1952 act that a mine need not adopt special measures to control methane and prevent ignitions until there was "evidence of gas." The committee believed, however, that, based on the record, this premise was not valid and, therefore, reached the decision to treat all mines alike.

The committee's decision to do so, however, presented one of the most perplexing problems raised by this legislation. The principal opposition to this uniform treatment of all underground coal mines came from the small, non-gassy-mine operators, particularly those from eastern Kentucky, southern West Virginia, Virginia, and Tennessee. These operators, who want the special treatment for nongassy mines under the 1952 act continued, objected primarily to the requirement in the bill that large electric face equipment in these mines must be made permissible; that is, spark proof.

These small, non-gassy-mine operators, who produce less than 8 percent of the

Nation's coal and employ between 15,000 and 20,000 employees, contend that this requirement will be costly to the operators of these mines and cause many of them to close their mines. They further contend that the history of gas being detected in these mines, either by ignition or air analysis during inspections, does not warrant such a requirement.

Many hours have been spent by the committee and its staff in attempting to understand the issue, the background of the problem, the arguments pro and con, the economic impact, and finally, and most importantly, its impact on the miner's safety. The subcommittee devoted almost 2 days of hearings to this problem. Based on all the information available, some of which was conflicting, the committee concluded that the special treatment granted nongassy mines for the past 17 years relative to the use in such mines of sparkproof electric face equipment should not be continued from the standpoint of the miner's safety. It is important that my colleagues in the Senate understand the reasons for the committee's conclusions.

Both the previous administration, in January 1969, and the present administration, in March 1969, in proposing coal mine health and safety legislation, specifically proposed that all mines should be "subject to the same standards because all underground coal mines are potentially gassy." Both administrations were reiterating the position taken by the Bureau of Mines as long ago as 1926. I believe the senior Senator from Kentucky recognizes that all mines whether classed gassy or nongassy, are potentially gassy.

It is clear from the history of ignitions and explosions in the Nation's coal mines that the exceptions permitted by the 1952 Federal Coal Mine Safety Act, as amended, are not warranted. There is neither a scientific nor technical basis for these exceptions. The record shows that no one can predict when gas may be found in such quantity in any mine to cause considerable damage.

Past history shows that mines, once classified nongassy, do suddenly have sufficient accumulations of methane gas to cause ignitions and explosions. As the record demonstrates, this has happened at least 87 times since 1941. Let me stress that point—87 mines in the past 28 years have been classified nongassy, yet they have had sufficient methane gas to cause an explosion and, as a result of these 87 gas ignitions, in so-called nongassy mines, 84 miners were killed and 111 were injured.

These dangers exist in all nongassy mines, whether they are large or small; whether they are drift mines, slope mines, or shaft mines. As the record demonstrates, of the 55 methane ignitions that have occurred in nongassy mines since the 1952 Safety Act, over half—30 to be exact—occurred in small mines; almost half—22 to be exact—occurred in drift mines. In some of these 55 ignitions, fewer than five miners were employed in the mine. As recently as August 1968, a methane gas ignition occurred in a small nongassy drift mine, let me repeat that, a small, nongassy drift mine, in Kentucky, injuring three miners. On two previous inspections, the methane gas in the atmosphere at the mine registered less than 0.25. On one inspection, it registered 0.15, on the other, no methane gas whatsoever was detected. Yet, on August 5, 1968, a methane gas ignition occurred in that nongassy mine.

In the last 4 years alone, 168 nongassy mines had to be reclassified as gassy. Sixty-nine of these were small mines, and 117 of the 168 were drift mines.

I ask unanimous consent that the Bureau of Mines analysis of these reclassifications be printed in the RECORD at this point.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

203(f) ORDERS, GASSY CLASSIFICATION, ISSUED FROM 1964 THROUGH 1968 BY DATE, STATE, REASON, AND AIR ANALYSIS FOR THE 2 PREVIOUS INSPECTIONS

DISTRICT A

Date of gassy classification	State	Size of mine	Type of opening	Reason for gassy classification	Air analysis (methane) 2 previous inspections	
Feb. 18 964	Pennsylvania	Small	Slope	State—by letter. 1		
Feb. 26 1964	do	Large	Drift	do 1		
June 13 1964	do	do	Slope	0.58	(3)	(3)
Sept. 16 1964	do	do	Drift	1.05	0.21	0.09
May 23 1964	do	do	do	State—by letter 1.		
Feb. 4 1965	do	Small	Slope	do 1		
Feb. 17 1965	do	do	do	do 1		
Mar. 4, 1965	do	Small	do	do 1		
Mar. 29, 1965	do	do	do	do 1		
June 8, 1965	do	do	do	do 1		
June 15, 1965	do	do	do	do 1		
July 22, 1965	do	do	do	do 1		
July 29, 1965	do	Large	Drift	do 1		
Sept. 24, 1965	do	Small	Slope	do 1		
Oct. 7, 1965	do	do	do	do 1		
Oct. 26, 1965	do	do	do	do 1		
Dec. 3, 1965	do	do	do	do 1		
Jan. 3, 1966	do	Large	Drift	do.1		
Feb. 14, 1966	do	Small	Slope	do.1		
May 3, 1966	do	do	do	0.83	0.00	0.00
May 20, 1966	do	do	Drift	1.34	0.08	0.00
May 27, 1966	do	do	do	State—by letter.1		
July 15, 1966	do	do	Shaft	do.1		
Sept. 9, 1966	Pennsylvania	Small	Drift	0.40	0.00	0.00
Nov. 3, 1966	do	do	do	0.39	0.15	0.11
Nov. 28, 1966	do	do	do	0.32	0.03	
Nov. 30, 1966	do	do	Shaft	Interconnected	(3)	(4)
May 23, 1967	Pennsylvania	Large	Drift	State—by letter.1		
Sept. 26, 1967	do	Small	Slope	0.66	.00	.00
Sept. 27, 1967	do	do	do	Interconnected	(4)	(5)
Do	do	do	do	do	(4)	(4)
Oct. 6, 1967	do	Large	do	State—by letter.1		
May 29, 1968	do	Small	Slope	do.1		
Sept. 12, 1968	do	do	do	do.1		
Nov. 4, 1968	do	do	do	Interconnected	(3)	(3)
Apr. 1, 1967	West Virginia	Large	Drift	State—by letter.1		
Nov. 8, 1968	do	do	do	do.1		
May 21, 1964	Ohio	do	do	1.76	.00	.00
May 26, 1966	do	Small	do	0.26	(4)	(4)
Dec. 22, 1966	do	do	Shaft	0.50	.05	.07
June 26, 1967	do	Large	Slope	0.29	.08	.06
July 26 , 1967	do	do	Drift	State—by letter.1		
Mar. 29, 1968	do	do	do	0.42	.06	.04
May 8, 1968	do	do	Slope	0.30	(3)	(3)

DISTRICT B

Date of gassy classification	State	Size of mine	Type of opening	Reason for gassy classification	Air analysis (methane) 2 previous inspections	
June 8, 1964	West Virginia	Small	Drift	0.26	0.06	0.05
Aug. 31, 1964	do	do	do	0.29	.20	.06
Sept. 23, 1964	do	Large	do	0.35	.00	.05
Oct. 6, 1964	do	do	do	0.70	.22	.05
Oct. 30, 1964	do	do	do	0.31	.13	.07
Nov. 4, 1964	do	do	do	Interconnected	.00	
Jan. 27, 1965	do	do	do	do	(4)	(4)
Feb. 24, 1965	do	do	do	0.26	.00	
Feb. 24, 1965	do	do	do	Interconnected	.00	.00
Feb. 24, 1965	do	do	do	do	.04	.00
Feb. 25, 1965	do	do	do	do	.00	.00
Mar. 9, 1965	do	Small	do	do	.00	.00
June 3, 1965	do	Large	do	0.32	.10	.04
Sept. 8, 1965	do	do	do	0.78		
Sept. 27, 1965	do	do	do	0.91	.05	
Dec. 20, 1965	do	do	do	0.49	.19	
Feb. 2, 1966	do	Small	do	Interconnected	(3)	(3)
May 24, 1966	do	Large	do	0.47		
June 14, 1966	do	do	Shaft	1.46		
June 16, 1966	do	Small	Drift	Interconnected		
Sept. 8, 1966	do	do	do	do	(3)	(3)
Dec. 8, 1966	do	do	do	0.43	.22	.08
Jan. 16, 1967	do	Large	do	Interconnected	.00	
Feb. 13, 1967	West Virginia	Large	Drift	Interconnected	0.00	
Feb. 23, 1967	de	Small	do	do	(2)	(2)
Mar. 15, 1967	do	Large	do	0.61	.00	.00
May 8, 1967	do	do	do	0.29	.03	.00
May 11, 1967	do	Small	do	Interconnected	(3)	(2)
Aug. 22, 1967	do	do	do	do	(3)	(2)
Sept. 25, 1967	do	Large	do	0.92	.19	.07
Sept. 28, 1967	do	Small	do	0.26	.05	.00
Oct. 24, 1967	do	do	do	Interconnected	(2)	(2)
Do	do	Large	do	0.92	.13	.15
Nov. 8, 1967	do	do	Shaft	0.51	.00	.00
Nov. 21, 1967	do	do	Drift	0.48	.05	.05
Nov. 28, 1967	do	do	do	0.89	.01	.00
Nov. 29, 1967	do	do	do	0.70	.22	.05
Dec. 4, 1967	do	Small	do	Interconnected	.00	.00
Dec. 6, 1967	do	Large	do	0.97	.14	.10
Jan. 18, 1968	do	do	Shaft	0.52	(3)	(2)
Feb. 13, 1968	do	do	Drift	0.30	.00	.00
Apr. 22, 1968	do	do	do	0.26	.07	.03
July 29, 1968	do	Small	do	0.26	.01	.15
Sept. 16, 1968	do	Large	do	0.25	.00	.00
Nov. 7, 1968	do	do	do	0.33	.06	.00

See footnotes at end of table.

203(f) ORDERS, GASSY CLASSIFICATION, ISSUED FROM 1964 THROUGH 1968 BY DATE, STATE, REASON, AND AIR ANALYSIS FOR THE 2 PREVIOUS INSPECTIONS—Continued

DISTRICT C

Date of gassy classification	State	Size of mine	Type of opening	Reason for gassy classification	Air analysis (methane) 2 previous inspections	
Dec. 17, 1965	Alabama	Large	Drift	0.29	0.24	0.00
July 1, 1966	do	Small	do	0.37	.10	.16
July 13, 1966	do	do	do	Interconnection	.05	.00
Jan. 3, 1968	do			State—by letter.[1]	.00	.00
Nov. 4, 1965	Tennessee	Large	Drift	0.31	.00	.00
July 31, 1967	do	Small	do	0.56	.14	.05
Aug. 23, 1968	do	do	do	0.27	.00	.00
July 15, 1968	do	do	do	0.51	.07	.05
May 17, 1968	do	do	do	State—by letter.[1]	.00	00
Sept. 9, 1965	Kentucky	Large	Slope	do[1]	.00	.00
Apr. 21, 1965	do	do	Drift	1.72	.07	
Apr. 5, 1966	do	do	do	Safety lamp and methane detector.	.00	.05
Feb. 16, 1966	do	Small	do	0.44	.00	.00
Jun. 12, 1967	do	Large	do	0.29	(2)	(2)
Dec. 27, 1967	do	do	do	0.34	.10	.15
Jun. 10, 1968	do	do	do	0.38	.12	.05
Jul. 18, 1968	do	do	do	0.34	.00	.00
Aug. 5, 1968	do	Small	do	Ignition	.15	.00
Mar. 10, 1964	Virginia	Large	Shaft	0.33	(2)	(2)
Nov. 3, 1964	do	do	Drift	State—by letter.[1]	.05	.05
Apr. 9, 1965	do	do	do	0.34	.02	.05
Do	do	do	do	Interconnection	.00	.00
Oct. 14, 1965	do	do	do	do	.15	.21
Mar. 10, 1966	do	do	do	0.32	0	0
Nov. 8, 1966	do	Small	do	Ignition	(3)	.17
Jan. 23, 1967	Virginia	Small	Drift	0.31	0.10	0.14
Mar. 20, 1967	do	do	do	0.27		.00
Do	do	do	do	0.49	.00	.22
May 1, 1967	do	do	do	0.44	.00	.07
May 24, 1967	do	Large	do	0.27	.15	.07
May 25, 1967	do	Small	do	0.56	.00	.03
June 26, 1967	do	do	do	0.36	.00	.16
Aug. 23, 1967	do	do	do	0.29	.14	.04
Aug. 31, 1967	do	do	do	1.49	.00	.15
Sept. 28, 1967	do	Large	do	0.44	.00	.10
Oct. 9, 1967	do	do	do	0.40	.00	.00
Oct. 11, 1967	do	do	do	2.09	.09	.05
Do	do	do	do	1.26	.10	.00
Nov. 9, 1967	do	Small	do	0.47	.00	.00
Dec. 21, 1967	do	do	do	0.26	.19	.15
Jan. 22, 1968	do	Small	do	0.53	.00	.00
Feb. 15, 1968	do	Large	do	0.51	.07	.23
Mar. 19, 1968	do	do	do	0.75	.00	.00
May 1, 1968	do	do	Shaft	State	(2)	(2)
May 6, 1968	do	do	Drift	0.30	.00	.00
May 15, 1968	do	Small	do	0.25	.00	.00
May 22, 1968	do	do	do	Interconnection	.00	.00
June 18, 1968	do	do	do	0.47	.00	.01
July 9, 1968	do	do	do	0.30	.05	.04
July 15, 1968	do	Large	do	0.30	.00	.10
July 30, 1968	do	Small	do	0.25	.05	.19
Sept. 3, 1968	do	Large	do	0.33	.12	.22
Sept. 11, 1968	do	Small	do	0.26	.00	.00
Dec. 13, 1968	do	Large	do	Interconnection	.00	.00
Sept. 11, 1968	do	Small	do	0.51	.03	.03

DISTRICT D

Date of gassy classification	State	Size of mine	Type of opening	Reason for gassy classification	Air analysis (methane) 2 previous inspections	
July 13, 1965	Kentucky	Large	Drift	State—by letter		
July 7, 1965	do	do	Slope	0.47	0.14	0.05
July 4, 1966	do	Small	Shaft	0.53	.00	.00
July 6, 1966	do	do	do	0.39	.00	.03
June 13, 1967	do	Large	Slope	0.53	(2)	(2)
June 21, 1967	do	do	do	0.36	(2)	(2)
Sept. 12, 1967	do	do	Drift	0.32	.10	.05
Nov. 12, 1968	do	do	Shaft	0.29	.03	.03
Do	do	do	Slope	0.41	.00	.16
Nov. 14, 1968	do	do	Drift	0.30	.08	.09
Dec. 10, 1968	Kentucky	Large	Drift	0.26	0.12	0.13
July 23, 1965	Illinois	do	Shaft	State—by letter		
Sept. 15, 1965	do	do	do	do		
Sept 14, 1966	do	Small	Slope	do		
Do	do	do	Shaft	do		
Aug. 18, 1967	do	Large	Drift	0.45	.05	.07
Oct. 22, 1968	do	do	Shaft	State—by letter		
Nov. 8, 1968	do	do	do	0.28	.08	.09
June 1967	Oklahoma	do	Slope	State—by letter		
October 967	do	do	Shaft	do		

DISTRICT E

Date of gassy classification	State	Size of mine	Type of opening	Reason for gassy classification	Air analysis (methane) 2 previous inspections	
Nov. 19, 1964	Utah	Large	Slope	State-By letter.[1]	0.07	0.00
Dec. 23, 1964	Colorado	do	Drift	0.63	.00	.01
Mar. 18, 1965	do	do	do	0.31	.00	.01
1966	None			None		
Apr. 19, 1967	New Mexico	Large	Drift	0.34	0.00	0.01
1968	None			None		

---

[1] Form 203(f) orders were not issued when mines were classed gassy by State department of mines.

[2] No prior inspection.

[3] No samples.

[4] Data not available.

[5] None.

Mr. WILLIAMS of New Jersey. Most of these gas ignitions in nongassy mines have been caused by smoking, open flames, and small nonpermissible electric equipment.

The bill prohibits smoking and open flames, and requires that the small electric equipment be made ignition proof.

However, ignitions have also occurred from larger nonpermissible equipment, and large permissible equipment in nonpermissible condition. The bill also requires that this larger equipment be made ignition proof. The committee believed this requirement to be necessary for a very simple reason. Where there is methane, any spark—whether it be from a match, cigarette lighter, or small or large piece of electric equipment—can cause an ignition. In fact, as the committee has learned, five methane ignitions in nongassy mines have been caused by sparks emanating from large pieces of equipment.

While the bill was before the committee for consideration, a methane ignition was caused in a nongassy drift mine by a large piece of equipment which, the Bureau of Mines reports, was in nonpermissible condition at the time of the ignition. Five men were burned and hospitalized. In that case, fortunately, none were killed. In the most serious of these 55 methane ignitions in nongassy mines since 1952, 11 miners were killed in Herrin, Ill. These miners were working in a mine which the law said was nongassy. Yet, a spark, emanating from a large shuttle car, found methane gas which was not supposed to be there, and exploded the methane gas. The Bureau of Mines reports that the shuttle car was in nonpermissible condition at the time of the ignition.

The mine involved had not been classified gassy by the State of Illinois. According to the report, "methane was never detected in the mine with a permissible flame safety lamp, except for the one time that the mine manager thought he might have found a very small amount in a roof cavity." Air samples collected during State inspections of the mine showed a maximum methane content of 0.08 percent, which, under current law, is well below the nongassy classification limit of 0.25 percent.

A shuttle car was being repaired. It had been manufactured originally to meet the Bureau's standards. During the course of repair, however, the control panel was open.

The Bureau of Mines investigators, in reconstructing the facts after the disaster, believe that during the course of repair, the repairman energized the power to the shuttle car for test purposes. Since the control panel was open, sparks were permitted to emanate. According to the final report of the investigation, "Federal inspectors are of the opinion that the disaster was caused by the ignition of methane in the air current. The gas was ignited by an arc or spark from the open control panel while repairs were being made on the shuttle car." Had the control panel been properly sealed when the machine started to operate, and under the Department of the Interior standards it must be, the ignition would not have occurred.

This may be called a borderline case. Since the particular equipment was manufactured in compliance with Bureau standards, it would not be prohibited by the bill. The fact is, however, that the machine was in a condition of noncompliance with standards at the time of the ignition, and this would be prohibited by the bill. It is also not arguable that 11 miners died in a mine when a spark ignited gas which the law said was not supposed to be there.

In addition to this major disaster caused by sparks emitting from a large piece of equipment in a so-called nongassy mine, the Department of Interior reports that three ignitions, in 1944—Ohio, three injuries; in 1945—Virginia, two injuries; and in 1952—Pennsylvania, four injuries—had been caused by cutting machines which did not meet the Department's standards. This same general type of equipment is still in use in the so-called nongassy mines today, but would be prohibited by the bill.

With this history, the committee could reach no other conclusion than to eliminate the artificial distinction recognized in the 1952 act.

Early in the committee's deliberations two arguments were presented against the judgment that safety required an elimination of the nongassy classification. One argument was economic, the other was practical. The committee was told that the cost of eliminating the distinction to the average small-mine operator would be approximately $260,000. Estimates of the cost for all of the Nation's small-mine operators have ranged from $100 million to $300 million, and, as recently as a week ago, the New York Times reported estimates of between $400 million and $800 million.

In addition to these astronomical economic figures, the committee was informed that it might take as long as 10 years, and even more, for the necessary equipment to become available. As the committee learned, both the cost estimates and estimates of equipment availability were outrageously high because of basic erroneous assumptions. Both these estimates were based on an assumption that the small-mine operators, in order to comply, would have to purchase brandnew electrical equipment. In part, looking back at the early days of committee consideration, it may be understandable why this assumption was made.

Before I explain, however, the facts as they developed before the committee, I should note that the latest Department of Interior estimates are that it may cost the Nation's small-mine operators approximately $10,000 per mine, and that equipment availability is a relatively small problem. Let me explain.

The Department of the Interior, many years ago, established a laboratory in Pittsburgh, Pa. One of the functions of this laboratory was to develop, experiment with, and test electrical equipment to insure that it was ignition proof.

Under schedule 2(G) of the Department's regulations—the regulations governing approval of electrical equipment—the Department's procedures require, under ordinary circumstances, that the equipment to be approved be sent to the Bureau's Pittsburgh laboratory for testing. In addition, the Bureau requires specifications, design drawings, descriptions, and application fees.

Ordinarily, under this procedure, a manufacturer of specialized mining equipment would submit a prototype to the Bureau of Mines. After rigorous testing, which may take up to 3 years, the equipment may be approved. I ask unanimous consent that schedule 2(G) be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Schedule 2G, approved March 19, 1968]

ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT AND ACCESSORIES

(From the U.S. Department of the Interior, Stewart L. Udall, Secretary, Bureau of Mines, Walter R. Hibbard, Jr., Director)

TITLE 30—MINERAL RESOURCES

CHAPTER I—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

[Bureau of Mines Schedule 2G]

Requirements for investigation, testing, approval, certification, and acceptance

On December 19, 1967, a notice was published in the Federal Register (32 F.R. 18098) of the proposed revision of Part 18 of Chapter I, Title 30, Code of Federal Regulations, and interested persons were afforded an opportunity to submit written comments, suggestions, or objections to the proposed revision.

Comments and suggestions have been received and considered and minor changes have been made in proposed §§ 18.13, 18.20, and 18.62, together with editorial changes not of a substantive nature.

Part 18 of Chapter I, Title 30, Code of Federal Regulations, is revised as follows and shall be effective upon publication in the Federal Register.

Part 34 of Chapter I, Title 30, Code of Federal Regulations, is revoked.

WALTER R. HIBBARD, *Jr.*,
Director, Bureau of Mines.

Part 18 of Chapter I, Title 30, Code of Federal Regulations, is revised to read as follows:

Subpart A—General provisions

Sec.
18.1 Purpose.
18.2 Definitions.
18.3 Consultation.
18.4 Equipment for which approval will be issued.
18.5 Equipment for which certification will be issued.
18.6 Applications.
18.7 Fees.
18.8 Date for conducting investigation and tests.
18.9 Conduct of investigations and tests.
18.10 Notice of approval or disapproval.
18.11 Approval plate.
18.12 Letter of certification.
18.13 Certification plate.
18.14 Identification of tested non-certified explosion-proof enclosures.
18.15 Changes after approval or certification.
18.16 Withdrawal of approval, certification, or acceptance.

Subpart B—Construction and design requirements

18.20 Quality of material, workmanship, and design.
18.21 Machines equipped with powered dust collectors.
18.22 Boring-type machines equipped for auxiliary face ventilation.
18.23 Limitation of external surface temperatures.
18.24 Electrical clearances.
18.25 Combustible gases from insulating material.
18.26 Static electricity.
18.27 Gaskets.
18.28 Devices for pressure relief, ventilation, or drainage.
18.29 Access openings and covers, including unused lead-entrance holes.
18.30 Windows and lenses.
18.31 Enclosures—joints and fastenings.
18.32 Fastenings—additional requirements.
18.33 Finish of surface joints.
18.34 Motors.
18.35 Portable (trailing) cables and cords.
18.36 Cables between machine components.
18.37 Lead entrances.
18.38 Leads through common walls.
18.39 Hose conduit.
18.40 Cable clamps and grips.
18.41 Plug and receptacle-type connectors.
18.42 Explosion-proof distribution boxes.
18.43 Explosion-proof splice boxes.
18.44 Battery boxes and batteries (exceeding 12 volts).
18.45 Cable reels.
18.46 Headlights.
18.47 Voltage limitation.
18.48 Circuit-interrupting devices.
18.49 Connection boxes on machines.
18.50 Protection against external arcs and sparks.
18.51 Electrical protection of circuits and equipment.
18.52 Renewal of fuses.

Subpart C—Inspections and tests

18.60 Detailed inspection of components.
18.61 Final inspection of complete machine.
18.62 Tests to determine explosion-proof characteristics.
18.63 Tests of battery boxes.
18.64 Tests for flame resistance of cables.
18.65 Flame test of conveyor belting and hose.
18.66 Tests of windows and lenses.
18.67 Static-pressure tests.
18.68 Tests for intrinsic safety.
18.69 Adequacy tests.

Subpart D—Machines Assembled With Certified or Explosion-Proof Components, Field Modifications of Approved Machines, and Permits To Use Experimental Equipment

18.80 Approval of machines assembled with certified or explosion-proof components.
18.81 Field modification of approved (permissible) equipment; application for approval of modification; approval of plans for modification before modification.
18.82 Permit to use experimental electric face equipment in a gassy mine or tunnel.

AUTHORITY: The provisions of this Part 18 issued under sec. 5, 36 Stat. 370 (30 U.S.C. 7) as amended, and sec. 212(a), 66 Stat. 709 (30 U.S.C. 482(a)). Interpret or apply secs. 2, 3, 36 Stat. 370 (30 U.S.C. 3, 5) as amended, and secs. 201, 209, 66 Stat. 692, 703 (30 U.S.C. 471, 479).

SUBPART A—GENERAL PROVISIONS

§ 18.1 Purpose.

The regulations in this part set forth the requirements to obtain Bureau of Mines: (a) Approval of electrically operated machines and accessories intended for use in gassy mines or tunnels, (b) certification of components intended for use on or with approved machines, (c) permission to modify the design of an approved machine or certified component, (d) acceptance of flame-resistant cables, hoses, and conveyor belts, (e) sanction for use of experimental machines and accessories in gassy mines or tunnels; also, procedures for applying for such approval, certification, acceptance for listing; and fees.

§ 18.2 Definitions.

As used in this part—

"Acceptance" means written notification by the Bureau that a cable, hose, or conveyor belt has met the applicable requirements of this part and will be listed by the Bureau as acceptable flame-resistant auxiliary equipment.

"Acceptance marking" means an identifying marking indicating that the cable, hose, or conveyor belt has been accepted by the Bureau for listing as flame resistant.

"Accessory" means associated electrical equipment, such as a distribution or splice box, that is not an integral part of an approved (permissible) machine.

"Afterburning" means the combustion of a flammable mixture that is drawn into a machine compartment after an internal explosion in the compartment.

"Applicant" means an individual, partnership, company, corporation, organization, or association that designs, manufactures, assembles, or controls the assembly of an electrical machine or accessory and seeks approval, certification, or permit, or Bureau acceptance for listing of flame-resistant cable, hose, or conveyor belt.

"Approval" means a formal document issued by the Bureau which states that a completely assembled electrical machine or accessory has met the applicable requirements of this part and which authorizes the attachment of an approval plate so indicating.

"Approval plate" means a metal plate, the design of which meets the Bureau's requirements, for attachment to an approved machine or accessory, identifying it as permissible for use in gassy mines or tunnels.

"Branch circuit" means an electrical circuit connected to the main circuit, the conductors of which are of smaller size than the main circuit.

"Bureau" means the U.S. Bureau of Mines.

"Certification" means a formal written notification, issued by the Bureau, which states that an electrical component complies with the applicable requirements of this part and, therefore, is suitable for incorporation in approved (permissible) equipment.

"Certification label" means a plate, label, or marking, the design of which meets the Bureau's requirements, for attachment to a certified component identifying the component as having met the Bureau's requirements for incorporation in a machine to be submitted for approval.

"Component" means an integral part of an electrical machine or accessory that is essential to the functioning of the machine or accessory.

"Connection box" (also known as conduit or terminal box) means an enclosure mounted on an electrical machine or accessory to facilitate wiring, without the use of external splices. (Such boxes may have a joint common with an explosion-proof enclosure provided the adjoining surfaces conform to the requirements of Subpart B of this part.)

"Cylindrical joint" means a joint comprised of two contiguous, concentric, cylindrical surfaces.

"Distribution box" means an enclosure through which one or more portable cables may be connected to a source of electrical energy, and which contains a short-circuit portective device for each outgoing cable.

"Experimental equipment" means any electrical machine or accessory that an applicant or the Bureau may desire to operate experimentally for a limited time in a gassy mine or tunnel. (For example, this might include a machine constructed at a mine, an imported machine, or a machine or device designed and developed by the Bureau.)

"Explosion-proof enclosure" means an enclosure that complies with the applicable design requirements in Subpart B of this part and is so constructed that it will withstand internal explosions of methane-air mixtures: (1) Without damage to or excessive distortion of its walls or cover(s), and (2) without ignition of surrounding methane-air mixtures or discharge of flame from inside to outside the enclosure.

"Fire-resistant" as applied to conveyor belts means belting that will pass the flame tests hereafter specified.

"Flame-arresting path" means two or more adjoining or adjacent surfaces between which the escape of flame is prevented.

"Flame resistant" as applied to cable, hose, and insulating materials means material that will burn when held in a flame but will cease burning when the flame is removed.

"Flammable mixture" means a mixture of methane or natural gas and air that when ignited will propagate flame. Natural gas containing a high percentage of methane is a satisfactory substitute for pure methane in most tests.

"Gassy mine" means a coal mine classed as "gassy" by the Bureau or by the State in which the mine is situated.

"Incendive arc or spark" means an arc or spark releasing enough electrical or thermal energy to ignite a flammable mixture of the most easily ignitible composition.

"Intrinsically safe" means incapable of releasing enough electrical or thermal energy under normal or abnormal conditions to cause ignition of a flammable mixture of methane or natural gas and air of the most easily ignitible composition.

"Mobile equipment" means equipment that is self-propelled.

"Normal operation" means the regular performance of those functions for which a machine or accessory was designed.

"Permissible equipment" means a completely assembled electrical machine or accessory for which a formal approval has been issued, as authorized by the Director of the Bureau of Mines under section 212(a) of the Federal Coal Mine Safety Act, as amended (66 Stat. 709; 30 U.S.C., sec. 482(a)).

"Permit" means a formal document, signed by the Director of the Bureau of Mines, authorizing the operation of specific experimental equipment in a gassy mine or tunnel under prescribed conditions.

"Plane joint" means two adjoining surfaces in parallel planes.

"Portable cable", or "trailing cable" means a flame-resistant, flexible cable or cord through which electrical energy is transmitted to a permissible machine or accessory. (A portable cable is that portion of the power-supply system between the last short-circuit protective device, acceptable to the Bureau, in the system and the machine or accessory to which it transmits electrical energy.)

"Portable equipment" means equipment that may be moved frequently and is constructed or mounted to facilitate such movement.

"Potted component" means a component that is entirely embedded in a solidified insulating material within an enclosure.

"Pressure piling" means the development of abnormal pressure as a result of accelerated rate of burning of a gas-air mixture. (Frequently caused by restricted configurations within enclosures.)

"Qualified representative" means a person authorized by the Bureau to determine whether the applicable requirements of this part have been complied with in the original manufacture, rebuilding, or repairing of equipment for which approval, certification, or a permit is sought.

"Splice box" means a portable enclosure in which electrical conductors may be joined.

"Step (rabbet) joint" means a joint comprised of two adjoining surfaces with a change(s) in direction between its inner and outer edges. (A step joint may be composed of a cylindrical portion and a plane portion or of two or more plane portions.)

"Threaded joint" means a joint consisting of a male- and a female-threaded member, both of which are of the same type and gage.

§ 18.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, to discuss a proposed design to be submitted for approval, certification, or acceptance for listing. No charge is made for such consultation and no written report thereof will be made to the applicant.

§ 18.4 Equipment for which approval will be issued.

An approval will be issued only for a complete electrical machine or accessory. Assemblies that include one or more nonexplosion-proof components will not be considered for approval unless such component(s) contains intrinsically safe circuits or is constructed in accordance with paragraph (b), § 18.31.

§ 18.5 Equipment for which certification will be issued.

Certification will be issued for a component or subassembly suitable to incorporate in an approved machine. Certification may be issued for such components as explosion-proof enclosures, battery trays, and connectors.

§ 18.6 Applications.

(a) Investigation leading to approval, certification, extension thereof, or acceptance of cables, hose, or conveyor belt, will be undertaken by the Bureau only pursuant to a written application, in duplicate, accompanied by a clerk, bank draft, or money order, payable to the U.S. Bureau of Mines, to cover the fees. The application shall be accompanied by all necessary drawings, specifications, descriptions, and related materials, as hereinafter provided. The application, all related matters, and all correspondence concerning it shall be addressed to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

(b) Applications for acceptance of cable and cord as flame resistant shall include the following information: Number and gage of conductors, type of material and identifying compound numbers for conductor insulation, fillers, and jackets. The applicant shall provide other description of specifications as may be subsequently required.

(c) Applications for acceptance of a conveyor belt as fire resistance shall include the following information: Trade name of the conveyor belt, thickness of covers, friction and skim coats, number of plies, type and weight of ply material, and designation of breaker strip or floated ply. The applicant shall provide other description or specifications as may be subsequently required.

(d) Applications for acceptance of hose as flame resistant shall include the following information: Trade name of hose, identification of materials used, including compound numbers, thickness of cover, thickness of tube, and number and weight of plies. The applicant shall provide description or specifications as may be subsequently required.

(e) Drawings, drawing lists, specifications, wiring diagram, and descriptions shall be adequate in number and detail to identify fully the complete assembly, component parts, and subassemblies. Drawings shall be titled, numbered, dated and shall show the latest revision. Each drawing shall include a warning statement that changes in design must be authorized by the Bureau before they are applied to approved equipment. When intrinsically safe circuits are incorporated in a machine or accessory, the wiring diagram shall include a warning statement that any change(s) in the intrinsically safe circuitry or components may result in an unsafe condition. The specifications shall include an assembly drawing(s) (see Figure 1 in Appendix II) showing the overall dimensions of the machine and the identity of each component part which may be listed thereon or separately, as in a bill of material (see Figure 2 in Appendix II). The Bureau may accept photographs (minimum size 8" x 10½") in lieu of assembly drawing(s). Purchased parts shall be identified by the manufacturer's name, catalog number(s), and rating(s). In the case of standard hardware and miscellaneous parts, such as insulating pieces, size and kind of material shall be specified. All drawings of component parts submitted to the Bureau shall be identical to those used in the manufacture of the parts. Dimensions of parts designed to prevent the passage of flame shall specify allowable tolerances. A notation "Do Not Drill Through" or equivalent should appear on drawings with the specifications for all "blind" holes.

(f) The Bureau reserves the right to require the applicant to furnish supplementary drawings showing sections through complex flame-arresting paths, such as labyrinths used in conjunction with ball or roller bearings, and also drawings containing dimensions not indicated on other drawings submitted to the Bureau.

(g) The applicant may ship his equipment to the Bureau for investigation at the time of filing his application and payment of the required fees. Shipping charges shall be prepaid by the applicant.

(h) For a complete investigation leading to approval or certification the applicant shall furnish the Bureau with the components necessary for inspection and testing. Expendable components shall be supplied by the applicant to permit continuous operation of the equipment while being tested. If special tools are necessary to assemble or disassemble any component for inspection or test, the applicant shall furnish them with the equipment to be tested.

(i) For investigation of a cable, hose, or conveyor belt, the applicant shall furnish samples as follows:

Cable—a sample having a minimum length of 12 feet;

Hose—a sample having a minimum length of 2 feet;

Conveyor belt—a sample of each type 8 inches long cut across the entire width of the belt.

(j) The applicant shall submit a sample caution statement (see figure 3 in appendix II) specifying the conditions for maintaining permissibility of the equipment.

(k) The applicant shall submit a factory-inspection form (see figure 4 in appendix II) used to maintain quality control at the place of manufacture or assembly to insure that component parts are made and assembled in strict accordance with the drawings and specifications covering a design submitted to the Bureau for approval or certification.

(l) The Bureau will accept an application for an approval, a letter of certification, or an acceptance for listing of a product that is manufactured in a country other than the United States provided: (1) All correspondence, specifications, lettering on drawings (metric-system dimensions acceptable), instructions and related information are in English; and (2) all other requirements of this part are met the same as for a domestic applicant.

§ 18.7 Fees.

(a) Detailed inspection of each explosion-proof enclosure	$105

NOTE: When 20 or less explosion tests are required, the inspection fee shall be $60.

(b) Explosion tests of each explosion-proof enclosure	70

NOTE: When 20 or less explosion tests are required, the fee shall be $35.

(c) Each field inspection of a completely assembled machine or accessory	80
(d) Adequacy tests of potting material	50
(e) Test to determine adequacy of ventilation (battery enclosure)	$50
(f) Intrinsic-safety investigation and test	105
(g) High-potential test	50
(h) Surface temperature test	50
(i) 1. Flame test of cable	50
2. Development flame tests shall be charged at the rate of $10 per specimen. The minimum charge is $25.	
(j) 1. Flame test of conveyor belt or hose conduit	25
2. Development flame tests shall be charged at the rate of $5 per specimen. The minimum charge is $15.	
(k) Impact test each window or lens	25
(l) Thermal shock test each window or lens	25
(m) No charge will be made for inspection or tests made solely for the Bureau's information.	
(n) Examining and recording drawings and specifications preparatory to issuing:	
1. Approval	110
2. Certification	55
3. Extension of approval	70
4. Extension of certification	40

NOTE: When investigation, inspection, or testing is required to be performed at locations other than the Bureau's premises, the applicant shall reimburse the Bureau for traveling, subsistence and incidental expenses of its representative(s) in accordance with Standardized Government Travel Regulations. Such reimbursement shall be in addition to the fee charged for investigation, inspection, or testing.

§ 18.8 Date for conducting investigation and tests.

The date of receipt of an application will determine the order of precedence for investigation and testing. If an electrical machine component or accessory fails to meet any of the requirements, it shall lose its order of precedence. If an application is submitted to resume investigation and testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for investigation and testing will be so determined.

§ 18.9 Conduct of investigations and tests.

(a) Prior to the issuance of an approval, certification, or acceptance of a cable, hose, or conveyor belt, only Bureau personnel, representative(s) of the applicant, and such other person(s) as may be mutually agreed upon may observe any part of the investigation or tests. The Bureau will hold as confidential and will not disclose principles or patentable features; nor will it disclose to persons other than the applicant the results of tests, chemical analyses of materials, or any details of the applicant's drawings, specifications, instructions, and related material.

(b) Unless notified to the contrary by the Bureau, the applicant shall provide assistance in disassembling parts for inspection, preparing parts for testing, and preparing equipment for return shipment. Explosion-proof enclosures shall be drilled and tapped for pipe connections in accordance with instructions supplied by the Bureau.

(c) The Bureau reserves the right to inspect a complete machine, component part, or accessory at a place other than the Bureau's premises, such as the assembly plant or other location acceptable to the Bureau, at the applicant's expense.

(d) Applicants shall be responsible for their representatives present during tests and for observers admitted at their request and shall save the Government harmless in the event of damage to applicant's property or injury to applicant's representatives or to observers admitted at their request.

§ 18.10 Notice of approval or disapproval.

(a) Upon completing investigation of a complete assembly of an electrical machine or accessory, the Bureau will will issue to the applicant either a written notice of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a notice of disapproval is issued, it will be accompanied by details of the defects, with recommendations for possible correction. The Bureau will not disclose, except to the applicant, any information upon which a notice of disapproval has been issued.

(b) A formal notice of approval will be accompanied by a list of drawings, specifications, and related material, covering the details of design and construction of the equipment upon which the approval is based. Applicants shall keep exact duplicates of the drawings, specifications, and descriptions that relate to equipment for which an approval has been issued, and the drawings and specifications shall be adhered to exactly in production of the approved equipment.

(c) An applicant shall not advertise or otherwise represent his equipment as approved (permissible) until he has received the Bureau's formal notice of approval.

§ 18.11 Approval plate.

(a)(1) The notice of approval will be accompanied by a photograph of an approval plate, bearing the seal of the Bureau of Mines, the name of the complete assembly, the name of the applicant, and spaces for the approval number, serial number, and the type or model of machine.

(2) An extension of approval will not affect the original approval number except that the extension number shall be added to the original approval number on the approval plate. (Example: Original approval No 2G–3000; seventh extension No. 2G–3000–7.)

(b) The applicant shall reproduce the design on a separate plate, which shall be attached in a suitable place, on each complete assembly to which it relates. The size, type, location, and method of attaching an approval plate are subject to the Bureau's concurrence. The method for affixing the approval plate shall not impair any explosion-proof feature of the equipment.

(c) The approval plate identifies as permissible the machine or accessory to which it is attached, and use of the approval plate obligates the applicant to whom the approval was issued to maintain in his plant the quality of each complete assembly and guarantees that the equipment is manufactured and assembled according to the drawings, specifications, and descriptions upon which the approval and subsequent extension(s) of approval were based.

(d) A completely assembled approved machine with an integral dust collector shall bear an approval plate indicating that the requirements of Part 33 of this chapter (Bureau of Mines Schedule 25B), have been complied with. Approval numbers will be assigned under each part of such joint approvals.

§ 18.12 Letter of certification.

(a) A letter of certification may be issued by the Bureau for a component intended for incorporation in a complete machine or accessory for which an approval may be subsequently issued. A letter of certification will be issued to an applicant when a component has met all the applicable requirements of this part. Included in the letter of certification will be an assigned Bureau of Mines certification number that will identify the certified component.

(b) A letter of certification will be accompanied by a list of drawings, specifications, and related material covering the details of design and construction of a component upon which the letter of certification is based. Applicants shall keep exact duplicates of the drawings, specifications, and descriptions that relate to the component for which a letter of certification has been issued; and the drawings and specifications shall be adhered to exactly in production of the certified component.

(c) A component shall not be represented as certified until the applicant has received the Bureau's letter of certification for the component. Certified components are not to be represented as "approved" or "permissible" because such terms apply only to completely assembled machines or accessories.

§ 18.13 Certification plate.

Each certified component shall be identified by a certification plate attached to the component in a manner acceptable to the Bureau. The method of attachment shall not impair any explosion-proof characteristics of the component. The plate shall be of serviceable material, acceptable to the Bureau, and shall contain the following:

Certified as complying with the applicable requirements of Bureau of Mines Schedule ________.
Certification No. _________.

The blank spaces shall be filled with appropriate designations. Inclusion of the information on a company name plate will be permitted provided the plate is made of material acceptable to the Bureau.

§ 18.14 Identification of tested noncertified explosion-proof enclosures.

An enclosure that meets all applicable requirements of this part, but has not been certified by the Bureau, shall be identified by a permanent marking on it in a conspicuous location. The design of such marking shall consist of capital letters SBM not less than ¼ inch in height, enclosed in a circle not less than 1 inch in diameter.

§ 18.15 Changes after approval or certification.

If an applicant desires to change any feature of approved equipment or a certified component, he shall first obtain the Bureau's concurrence pursuant to the following procedure:

(a) Application shall be made as for an original approval or letter of certification requesting that the existing approval or certification be extended to cover the proposed change(s) and shall be accompanied by drawings, specifications, and related information, showing the change(s) in detail.

(b) The application will be examined by the Bureau to determine whether inspection or testing will be required. Testing will be required if there is a possibility that the change(s) may adversely affect safety.

(c) If the change(s) meets the requirements of this part, a formal extension of approval or certification will be issued, accompanied by a list of new or revised drawings, specifications, and related information to be added to those already on file for the original approval or certification.

(d) Revisions in drawings or specifications that do not involve actual change in the explosion-proof features of equipment may be handled informally, without fee.

§ 18.16 Withdrawal of approval, certification, or acceptance.

The Bureau reserves the right to rescind, for cause, any approval, certification, acceptance, or extension thereof, issued under this part.

SUBPART B—CONSTRUCTION AND DESIGN REQUIREMENTS

§ 18.20 Quality of material, workmanship, and design.

(a) Electrically operated equipment intended for use in coal mines shall be rugged in construction and shall be designed to facilitate inspection and maintenance.

(b) The Bureau will test only electrical equipment that in the opinion of its qualified representatives is constructed of suitable materials, is of good quality workmanship, based on sound engineering principles, and is safe for its intended use. Since all possible designs, circuits, arrangements, or combinations of components and materials cannot be foreseen, the Bureau reserves the right to modify design, construction, and test requirements to obtain the same degree of protection as provided by the tests described in Subpart C of this part.

(c) Moving parts, such as rotating saws, gears, and chain drives, shall be guarded to prevent personal injury.

(d) Flange joints and lead entrances shall be accessible for field inspection, where practicable.

(e) An audible warning device shall be provided on each mobile machine that travels at a speed greater than 2.5 miles per hour.

(f) Brakes shall be provided for each wheel-mounted machine, unless design of the driving mechanism will preclude accidental movement of the machine when parked.

(g) A headlight and red light-reflecting material shall be provided on both front and rear of each mobile transportation unit that travels at a speed greater than 2.5 miles per hour. Red light-reflecting material should be provided on each end of other mobile machines.

§ 18.21 Machines equipped with powered dust collectors.

Powered dust collectors on machines submitted for approval shall meet the applicable requirements of Part 33 of this chapter (Bureau of Mines Schedule 25B), and shall bear the approval number assigned by the Bureau.

§ 18.22 Boring-type machines equipped for auxiliary face ventilations.

Each boring-type continuous-mining machine that is submitted for approval shall be constructed with an unobstructed continuous space(s) of not less than 200 square inches total cross-sectional area on or within the machine to which flexible tubing may be attached to facilitate auxiliary face ventilation.

§ 18.23 Limitation of external surface temperatures.

The temperature of the external surfaces of mechanical or electrical components shall not exceed 150° C. (302° F.) under normal operating conditions.

§ 18.24 Electrical clearances.

The clearance between live parts and casings shall be sufficient to minimize the possibility of arcs striking the casings. Where space is limited, the casing shall be lined with adequate insulation.

§ 18.25 Combusible gases from insulating material.

(a) Insulating materials that give off flammable or explosive gases when decomposed electrically shall not be used within enclosures where the materials are subjected to destructive electrical action.

(b) Parts coated or impregnated with insulating materials shall be heat-treated to remove any combustible solvent(s) before assembly in an explosion-proof enclosure. Air-drying insulating materials are excepted.

§ 18.26 Static electricity.

Nonmetallic rotating parts, such as belts and fans, shall be provided with a means to prevent an accumulation of static electricity.

§ 18.27 Gaskets.

A gasket(s) shall not be used between any two surfaces forming a flame-arresting path except as follows:

(a) A gasket of lead, elastomer, or equivalent will be acceptable provided the gasket does not interfere with an acceptable metal-to-metal joint.

(b) A lead gasket(s) or equivalent will be acceptable between glass and a hard metal to form all or a part of a flame-arresting path.

§ 18.28 Devices for pressure relief, ventilation, or drainage.

(a) Devices for installation on explosion-proof enclosures to relieve pressure, ventilate, or drain will be acceptable provided the length of the flame-arresting path and the clearances or size of holes in perforated metal will prevent discharge of flame in explosion tests.

(b) Devices for pressure relief, ventilation, or drainage shall be constructed of materials that resist corrosion and distortion, and be so designed that they can be cleaned readily. Provision shall be made for secure attachment of such devices.

(c) Devices for pressure relief, ventilation, or drainage will be acceptable for application only on enclosures with which they are explosion tested.

§ 18.29 Access openings and covers, including unused lead-entrance holes.

(a) access openings in explosion-proof enclosures will be permitted only where necessary for maintenance of internal parts such as motor brushes and fuses.

(b) Covers for access openings shall meet the same requirements as any other part of an enclosure except that threaded covers shall be secured against loosening, preferably with screws having heads requiring a special tool. (See figure 1 in Appendix II.)

(c) Holes in enclosures that are provided for lead entrances but which are not in use shall be closed with metal plugs secured by spot welding, brazing, or equivalent. (See Figure 10 in Appendix II.)

§ 18.30 Windows and lenses.

(a) The Bureau may waive testing of materials for windows or lenses except headlight lenses. When tested, material for windows or lenses shall meet the test requirements prescribed in § 18.66 and shall be sealed in place or provided with flange joints in accordance with § 18.31.

(b) Windows or lenses shall be protected from mechanical damage by structural design, location, or guarding. Windows or lenses, other than headlight lenses, having an exposed area greater than 8 square inches, shall be provided with guarding or equivalent.

§ 18.31 Enclosures—joints and fastenings.

(a) Explosion-proof enclosures:

(1) Cast or welded enclosures shall be designed to withstand a minimum internal pressure of 150 pounds per square inch (gage). Castings shall be free from blowholes.

(2) Welded joints forming an enclosure shall have continuous gas-tight welds. All welds shall be made in accordance with American Welding Society standards.

(3) External rotating parts shall not be constructed of aluminum alloys containing more than 0.5 percent magnesium.

(4) The Bureau reserves the right to require the applicant to conduct static-pressure tests on each enclosure when the Bureau determines that the particular design will not permit complete visual inspection or when the joint(s) forming an enclosure is welded on one side only (see § 18.67).

(5) Threaded covers shall be designed with Class 1 (coarse, loose fitting) threads. The flame-arresting path of threaded joints shall conform to the requirements of subparagraph (6) of this paragraph.

(6) Enclosures shall meet the following requirements based on the internal volumes of the empty enclosure:

(b) Enclosures for potted components:

Enclosures shall be rugged and constructed with materials having 75 percent, or greater, of the thickness and flange width specified in paragraph (a) of this section. These enclosures shall be provided with means for attaching hose conduit, unless energy carried by the cable is intrinsically safe.

(c) No assembly will be approved that requires the opening of an explosion-proof enclosure to operate a switch, rheostat, or other device during normal operation of a machine.

	Volume of empty enclosure—		
	Less than 45 cu. in.	45 to 124 cu. in., inclusive	More than 124 cu. in.
Minimum thickness of material for walls	1/8 in.	316 in.	1/4 in.
Minimum thickness of material for flanges	1/4 in.[1]	3/8 in.[2]	1/2 in.[2]
Minimum thickness of material for cover	1/4 in.[1]	3/8 in.[2]	1/2 in.[2]
Minimum width of joint—all in one plane	1/2 in.	3/4 in.	1 in.
Maximum clearance—Joint all in one plane	0.002 in.	0.003 in.	0.004 in.
Minimum width of joint, portions of which are in different planes—cylinders or equivalent.	3/8 in.[3]	5/8 in.[3]	3/4 in.[3]
Maximum clearances—Joint in two or more planes, cylinders or equivalent:			
(a) Portion perpendicular to plane	0.008 in.[4]	0.008 in.[4]	0.008 in.[4]
(b) Plane portion	0.006 in.	0.006 in.	0.006 in.
Maximum bolt[5] spacing—Joints all in one plane	6 in., with minimum of 4 bolts.	6 in., with minimum of 4 bolts.	6 in.
Maximum bolt spacing—Joints, portions of which are in different planes.	([6])	([6])	([6]).
Minimum diameter of bolt (without regard to type of joint).	1/4 in.	1/4 in.	3/8 in.
Minimum thread engagement[7]	1/4 in.	1/4 in.	3/8 in.
Maximum diametrical clearance between bolt body and unthreaded holes through which it passes.[8]	1/64 in.	1/32 in.	1/16 in.
Minimum distance from interior of enclosure to the edge of a bolt hole:			
Joint—minimum width 1 in.			7/16 in.[9]
Joint—less than 1 in. wide	1/8 in.	3/16 in.	

[1] 1/32 inch less is allowable for machining rolled plate.

[2] 1/16 inch less is allowable for machining rolled plate.

[3] If only 2 planes are involved, neither portion of a joint shall be less than 1/8-inch wide, unless the wider portion conforms to the same requirements as those for a joint that is all in 1 plane. If more than 2 planes are involved (as in labyrinths or tongue-and-groove joints) the combined lengths of those portions having prescribed clearances will be considered.

[4] The allowable diametrical clearance is 0.008 in. when the portion perpendicular to the plane portion is 1/4 in. of or greater in length. If the perpendicular portion is more than 1/8 in. but less than 1/4 in. wide, the diametrical clearance shall not exceed 0.006 in.

[5] Where the term "bolt" is used, it refers to a machine bolt or a cap screw, and for either of these studs may be substituted provided the studs bottom in blind holes, are completely welded in place, or the bottom of the hole is closed with a secured plug. Bolts shall be provided at all corners.

[6] Adequacy of bolt spacing will be judged on basis of size and configuration of the enclosure, strength of materials, and explosion test results.

[7] In general, minimum thread engagement shall be equal to or greater than the diameter of the bolt specified.

[8] Threaded holes for fastening bolts shall be machined to remove burrs or projections that affect planarity of a surface forming a flame-arresting path.

[9] Less than 7/16 in. (1/4-in. minimum) will be acceptable provided the diametrical clearance for fastening bolts does not exceed 1/32 in.

CYLINDRICAL JOINTS

	Volume of empty enclosure—		
	Less than 45 cu. in.	45 to 124 cu. in., inclusive	More than 124 cu. in.
Shafts centered by ball or roller bearings:			
Minimum length of flame-arresting path	1/2 in.	3/4 in.	1 in.
Maximum radial clearance	0.010 in.	0.0125 in.	0.015. in.
Shafts through journal bearings:[1]			
Minimum length of flame-arresting path	1/2 in.	3/4 in.	1 in.
Maximum radial clearance	0.003 in.	0.004 in.	0.005 in.
Other than shafts:			
Minimum length of flame-arresting path	1/2 in.	3/4 in.	1 in.
Maximum radial clearance	0.0015 in.	0.002 in.	0.003 in.

[1] Shafts or operating rods through journal bearings shall be not less than 1/4 inch in diameter. The length of fit shall not be reduced when a pushbutton is depressed. Operating rods shall have a shoulder or head on the portion inside the enclosure. Essential parts riveted or bolted to the inside portion will be acceptable in lieu of a head or shoulder, but cotter pins and similar devices will not be acceptable.

§ 18.32 Fastening—additional requirements.

(a) Bolts, screws, or studs shall be used for fastening adjoining parts to prevent the escape of flame from an enclosure. Hinge pins or clamps will be acceptable for this purpose provided the Bureau determines them to be equally effective.

(b) Lockwashers shall be provided for all bolts, screws, and studs that secure parts of explosion-proof enclosures. Special fastenings designed to prevent loosening will be acceptable in lieu of lockwashers, provided the Bureau determines them to be equally effective.

(c) Fastenings shall be as uniform in size as practicable to preclude improper assembly.

(d) Holes for fastenings shall not penetrate to the interior of an explosion-proof enclosure, except as provided in paragraph (a)(9) of § 18.34, and shall be threaded to insure that a specified bolt or screw will not bottom even if its lockwasher is omitted.

(e) A minimum of 1/8 inch of stock shall be left at the center of the bottom of each hole drilled for fastenings.

(f) Fastenings used for joints on explosion-proof enclosures shall not be used for attaching nonessential parts or for making electrical connections.

(g) The acceptable sizes for and spacings of fastenings shall be determined by the size of the enclosure, as indicated in § 18.31.

(h) The Bureau reserves the right to conduct explosion tests with standard bolts, nuts, cap screws, or studs substituted for any special high-tensile strength fastening(s) specified by the applicant.

§ 18.33 Finish of surface joints.

Flat surfaces between bolt holes that form any part of a flame-arresting path shall be plane to within a maximum deviation of one-half the maximum clearance specified in § 18.31(a)(6): All metal surfaces shall be finished in manufacture to not more than 250 microinches. A thin film of nonhardening preparation to inhibit rusting may be applied to finish steel surfaces.

§ 18.34 Motors.

(a) *General.* (1) Motors shall have explosion-proof enclosures.

(2) Motors submitted to the Bureau for test shall be equipped with unshielded bearings regardless of whether that type of bearing is specified.

(3) The Bureau reserves the right to test motors with the maximum clearance specified between the shaft and the mating part which forms the required flame-arresting path. Also reserved is the right to remachine these parts, at the applicant's expense, to specified dimensions to provide the maximum clearance.

NOTE: For example, a shaft with a diameter greater than 2 inches at the flame-arresting portion might require such machining.

(4) Ball and roller bearings and oil seals will not be acceptable as flame-arresting paths; therefore, a separate path shall be provided between the shaft and another part, preferably inby the bearing. The length and clearances of such flame-arresting path shall conform to the requirements of § 18.31.

(5) Labyrinths or other arrangements that provide change(s) in direction of escaping gases will be acceptable but the use of small detachable pieces shall not be permitted unless structurally unavoidable. The lengths of flame-arresting path(s) and clearance(s) shall conform to the requirements of § 18.31.

(6) The widths of oil grooves and grooves for holding oil seals will be deducted in measuring the widths of flame-arresting paths.

NOTE: Oil seals will be removed from motors prior to explosion tests and therefore may be omitted from motors submitted for investigation.

(7) Openings for filling and draining bearing lubricants shall be so located as to prevent escape of flame through them.

(8) An outer bearing cap will not be considered as forming any part of a flame-arresting path unless the cap is used as a bearing cartridge.

NOTE: The outer bearing cap will be omitted during explosion tests unless it houses the bearing.

(9) If unavoidable, holes may be made through motor casings for bolts, studs, or screws to hold essential parts such as pole pieces, brush rigging, and bearing cartridges. Such parts shall be attached to the casing by at least two fastenings. The threaded holes in these parts shall be blind, unless the fastenings are inserted from the inside, in which case the fastenings shall not be accessible with the armature of the motor in place.

(b) *Direct-current motors.* For direct, current motors with narrow interpoles, the distance from the edge of the pole piece to any bolt hole in the frame shall be not less than 1/8 inch. If the distance is 1/8 to 1/4 inch, the diametrical clearance for the pole bolt shall not exceed 1/64 inch for not less than 1/2 inch through the frame. Furthermore, the pole piece shall have the same radius as the inner surface of the frame. Pole pieces may be shimmed as necessary.

(c) *Alternating-current motors.* Stator laminations that form a part of an explosion-proof enclosure will be acceptable provided: (1) The laminations and their end rings are fastened together under pressure; (2) the joint between the end rings and the laminations is not less than 1/4 inch, but preferably as close to 1 inch as possible; and (3) it shall be impossible to insert a 0.0015-inch thickness gage to a depth exceeding 1/8 inch between adjacent laminations or between end rings and laminations.

(d) *Small motors (alternating- and direct-current)*. Motors having internal free volume not exceeding 350 cubic inches and joints not exceeding 32 inches in outer circumference will be acceptable for investigation if provided with rabbet joints between the stator frame and the end bracket having the following dimensions:

DIMENSIONS OF RABBET JOINTS—INCHES

Minimum total width	Minimum width of clamped radial portion	Maximum clearance of radial portion	Maximum diametrical clearance at axial portion
3/8	3/64	0.0015	0.003
7/16	3/64	.002	.003
1/2	3/32	.002	.004

§ 18.35 Portable (trailing) cables and cords.

(a) Portable cables and cords used to conduct electrical energy to face equipment shall conform to the following:

(1) Have each conductor of a current-carrying capacity consistent with Insulated Power Cable Engineers Association (IPCEA) standards. (See Tables 1 and 2 in Appendix I).

(2) Have current-carrying conductors not smaller than No. 14 (AWG). Cords with sizes 14 to 10 (AWG) conductors shall be constructed with heavy jackets, the diameters of which are given in Table 6 in Appendix I.

(3) Have flame-resistant properties. (See § 18.64.)

(4) Have short-circuit protection at the outby (circuit-connecting) end of ungrounded conductors. (See Table 8 in Appendix I.) The fuse rating or trip setting shall be included in the assembler's specifications.

(5) Ordinarily the length of a portable (trailing) cable shall not exceed 500 feet. Where the method of mining requires the length of a portable (trailing) cable to be more than 500 feet, such length of cable shall be permitted only under the following prescribed conditions:

(i) The lengths of portable (trailing) cables shall not exceed those specified in Table 9, Appendix I, title "Specifications for Portable Cables Longer Than 500 Feet."

(ii) Short-circuit protection shall be provided by a protective device with an instantaneous trip setting as near as practicable to the maximum starting-current-inrush value, but the setting shall not exceed the trip value specified in the Bureau of Mines approval for the equipment for which the portable (trailing) cable furnishes electric power.

(6) Have nominal outside dimensions consistent with IPCEA standards. (See Tables 4, 5, 6, and 7 in Appendix I.)

(7) Have conductors of No. 4 (AWG) minimum for direct-current mobile haulage units or No. 6 (AWG) minimum for alternating-current mobile haulage units.

(8) Have not more than five well-made temporary splices in a single length of portable cable.

(b) Sectionalized portable cables will be acceptable provided the connectors used inby the last open crosscut in a gassy mine meet the requirements of § 18.41.

(c) A portable cable having conductors smaller than No. 6 (AWG), when used with a trolley tap and a rail clamp, shall have well insulated single conductors not smaller than No. 6 (AWG) spliced to the outby end of each conductor. All splices shall be made in a workmanlike manner to insure good electrical conductivity, insulation, and mechanical strength.

(d) Suitable provisions shall be made to facilitate disconnection of portable cable quickly and conveniently for replacement.

§ 18.36 Cables between machine components.

(a) Cables between machine components shall have: (1) Adequate current-carrying capacity for the loads involved, (2) short-circuit protection, (3) insulation compatible with the impressed voltage, and (4) flame-resistant properties unless totally enclosed within a flame-resistant hose conduit or other flame-resistant material.

(b) Cables between machine components shall be: (1) Clamped in place to prevent undue movement, (2) protected from mechanical damage by positon, flame-resistant hose conduit, metal tubing, or troughs (flexible or threaded rigid metal conduit will not be acceptable), (3) isolated from hydraulic lines, and (4) protected from abrasion by removing all sharp edges which they might contact.

(c) Cables (cords) for remote-control circuits extending from permissible equipment will be exempted from the requirements of conduit enclosure provided the total electrical energy carried is intrinsically safe or that the cables are constructed with heavy jackets, the sizes of whch are stated in Table 6 of Appendix I. Cables (cords) provided with hose-conduit protection shall have a tensile strength not less than No. 16 (AWG) three-conductor, type SO cord. (Reference: 7.7.7 IPCEA Pub. No. S-19-81, Fourth Edition.) Cables (cords) constructed with heavy jackets shall consist of conductors not smaller than No. 14 (AWG) regardless of the number of conductors.

§ 18.37 Lead entrances.

(a) Insulated cable(s), which must extend through an outside wall of an explosion-proof enclosure, shall pass through a stuffing-box lead entrance. All sharp edges that might damage insulation shall be removed from stuffing boxes and packing nuts.

(b) Stuffing boxes shall be so designed, and the amount of packing used shall be such, that with the packing properly compressed, the gland nut still has a clearance distance of 1/8 inch or more to travel without meeting interference by parts other than packing. (See Figures 8, 9, and 10 in Appendix II.)

(c) Packing nuts and stuffing boxes shall be secured against loosening.

(d) Compressed packing material shall be in contact with the cable jacket for a length of not less than 1/2 inch.

(e) Special requirements for glands in which asbestos-packing material is specified are:

(1) Asbestos-packing material shall be untreated, not less than 3/16-inch diameter if round, or not less than 3/16 by 3/16 inch if square. The width of the space for packing material shall not exceed by more than 50 percent the diameter or width of the uncompressed packing material.

(2) The allowable diametrical clearance between the cable and the holes in the stuffing box and packing nut shall not exceed 75 percent of the nominal diameter or width of the packing material.

(f) Special requirements for glands in which a compressible material (example—synthetic elastomers) other than asbestos is specified, are:

(1) The packing material shall be flame resistant.

(2) The radial clearance between the cable jacket and the nominal inside diameter of the packing material shall not exceed 1/32 inch, based on the nominal specified diameter of the cable.

(3) The radial clearance between the nominal outside diameter of the packing material and the inside wall of the stuffing box (that portion into which the packing material fits) shall not exceed 1/32 inch.

§ 18.38 Leads through common walls.

(a) Insulated studs will be acceptable for use in a common wall between two explosion-proof enclosures.

(b) When insulated wires or cables are extended through a common wall between two explosion-proof enclosures in insulating bushings, such bushings shall be not less than 1-inch long and the diametrical clearance between the wire or cable insulation and the holes in the bushings shall not exceed 1/16 inch (based on the nominal specified diameter of the cable). The insulating bushings shall be secured in the metal wall.

(c) Insulated wires or cables conducted from one explosion-proof enclosure to another through conduit, tubing, piping, or other solid-wall passageways will be acceptable provided one end of the passageway is plugged, thus isolating one enclosure from the other. Glands or secured bushings with close-fitting holes through which the wires or cables are conducted will be acceptable for plugging. The tubing or duct specified for the passageway shall be brazed or welded into the walls of both explosion-proof enclosures with continuous gas-tight welds.

(d) If wires and cables are taken through openings closed with sealing compounds, the design of the opening and characteristics of the compounds shall be such as to hold the sealing material in place without tendency of the material to crack or flow out of its place. The material also must withstand explosion tests without cracking or loosening.

(e) Openings through common walls between explosion-proof enclosures not provided with bushings or sealing compound, shall be large enough to prevent pressure piling.

§ 18.39 Hose conduit.

Hose conduit shall be provided for mechanical protection of all machine cables that are exposed to damage. Hose conduit shall be flame resistant and have a minimum wall thickness of 3/16 inch. The flame resistance of hose conduit will be determined in accordance with the requirements of § 18.65.

§ 18.40 Cable clamps and grips.

Insulated clamps shall be provided for all portable (trailing) cables to prevent strain on the cable terminals of a machine. Also insulated clamps shall be provided to prevent strain on both ends of each cable or cord leading from a machine to a detached or separately mounted component. Cable grips anchored to the cable may be used in lieu of insulated strain clamps. Supporting clamps for cables used for wiring around machines shall be provided in a manner acceptable to the Bureau.

§ 18.41 Plug and receptable-type connectors.

(a) Plug and receptacle-type connectors for use inby the last open crosscut in a gassy mine shall be so designed that insertion or withdrawal of a plug cannot cause incendive arcing or sparking. Also, connectors shall be so designed that no live terminals, except as hereinafter provided, are exposed upon withdrawal of a plug. The following types will be acceptable:

(1) Connectors in which the mating or separation of the male and female electrodes is accomplished within an explosion-proof enclosure.

(2) Connectors that are mechanically or electrically interlocked with an automatic circuit-interrupting device.

(i) *Mechanically interlocked connectors*. If a mechanical interlock is provided the design shall be such that the plug cannot be withdrawn before the circuit has been interrupted and the circuit cannot be established with the plug partially withdrawn.

(ii) *Electrically interlocked connectors.* If an electrical interlock is provided, the total load shall be removed before the plug can be withdrawn and the electrical energy in the interlocking pilot circuit shall be intrinsically safe, unless the pilot circuit is opened within an explosion-proof enclosure.

(3) Single-pole connectors for individual conductors of a circuit used at terminal points shall be so designed that all plugs must be completely inserted before the control circuit of the machine can be energized.

(b) Plug and receptacle-type connectors used for sectionalizing the cables outby the last open crosscut in a gassy mine need not be explosion-proof or electrically interlocked provided such connectors are designed and constructed to prevent accidental separation.

(c) Conductors shall be securely attached to the electrodes in a plug or receptacle and the connectors shall be totally enclosed.

(d) Molded-elastomer connectors will be acceptable provided:

(1) Any free space within the plug or receptacle is isolated from the exterior of the plug.

(2) Joints between the elastomer and metal parts are not less than 1 inch wide and the elastomer is either bonded to or fits tightly with metal parts.

(e) The contacts of all line-side connectors shall be shielded or recessed adequately.

(f) For a mobile battery-powered machine, a plug padlocked to the receptable will be acceptable in lieu of an interlock provided the plug is held in place by a threaded ring or equivalent mechanical fastening in addition to the padlock. A connector within a padlocked enclosure will be acceptable.

§ 18.42 Explosion proof distribution boxes.

(a) A cable passing through an outside wall(s) of a distribution box shall be conducted either through a packing gland or an interlocking plug and receptacle.

(b) Short-circuit protection shall be provided for each branch circuit connected to a distribution box. The current-carrying capacity of the specified connector shall be compatible with the automatic circuit-interrupting device.

(c) Each branch receptacle shall be plainly and permanently marked to indicate its current-carrying capacity and each receptacle shall be such that it will accommodate only an appropriate plug.

(d) Provision shall be made to relieve mechanical strain on all connectors to distribution boxes.

§ 18.43 Explosion-proof splice boxes.

Internal connections shall be rigidly held and adequately insulated. Strain clamps shall be provided for all cables entering a splice box.

§ 18.44 Battery boxes and batteries (exceeding 12 volts).

(a) A battery box (tray), including the cover, shall be made of steel the thickness of which is to be based on the total weight of the battery and tray, as follows:

Weight:	*Thickness in inches*
2,000 lb. maximum	3/16
2,001–4,500 pound	1/4
Over 4,500 pound	5/16

Materials other than steel that provide equivalent strength will be considered.

(b) Battery-box covers shall be lined with a flame-resistant insulating material, preferably bonded to the inside of the cover, unless equivalent protection is provided.

(c) Battery-box covers shall be provided with a means for securing them in closed position.

(d) Battery boxes shall be adequately ventilated. The size and locations of openings for ventilation shall prevent access to cell terminals.

(e) Battery cells shall be insulated from the battery-box walls and supported on insulating material. Insulating materials that may be subject to chemical reaction with electrolyte shall be treated to resist such action.

(f) Drainage holes shall be provided in the bottom of each battery box.

(g) Cell terminals shall be "burned" on. Bolted connectors (two-bolt type) may be accepted on end terminals.

(h) Battery connections shall be so designed that battery potential will be minimized between adjacent cells, and total battery potential shall not be available between adjacent cells.

(i) Cables within a battery box shall be protected against abrasion of the insulation.

(j) Each wire or cable leaving a battery box on storage-battery-operated equipment shall have short-circuit protection in an explosion-proof enclosure as close as practicable to the battery terminals. A protective device installed within a nearby explosion-proof enclosure will be acceptable provided the exposed portion of the cable from the battery box to the enclosure does not exceed approximately 36 inches in length; in addition, special care shall be taken to protect each wire or cable from damage.

(k) A diagram showing the battery connections between cells and between trays shall be submitted. The number, type, rating, and manufacturer of the battery cells shall be included in specifications.

§ 18.45 Cable reels.

(a) A self-propelled machine, that receives electrical energy through a portable cable and is designed to travel at speeds exceeding 2.5 miles per hour, shall have a mechanically, hydraulically, or electrically driven reel upon which to wind the portable cable.

(b) The enclosure for moving contacts or slip rings of a cable reel shall be explosion-proof.

(c) Cable-reel bearings shall not constitute an integral part of a circuit for transmitting electrical energy.

(d) Cable reels for shuttle cars and locomotives shall maintain positive tension on the portable cable during reeling and unreeling. Such tension shall only be high enough to prevent a machine from running over its own cable(s).

(e) Cable reels and spooling devices shall be insulated with flame-resistant material.

(f) The maximum speed of travel of a machine when receiving power through a portable (trailing) cable shall not exceed 6 miles per hour.

(g) Diameters of cable reel drums and sheaves should be large enough to prevent undue bending strain on cables.

§ 18.46 Headlights.

(a) Headlights shall be constructed as explosion-proof enclosures.

(b) Headlights shall be mounted to provide illumination where it will be most effective. They shall be protected from damage by guarding or location.

(c) Lenses for headlights shall be glass or other suitable material with physical characteristics equivalent to ½-inch thick tempered glass, such as "Pyrex." Lenses shall meet the requirements of the tests prescribed in § 18.66.

(d) Lenses permanently fixed in a ring with lead epoxy, or equivalent will be acceptable provided only lens assemblies meeting the original manufacturer's specifications are used as replacements.

(e) If a single lead gasket is used, the contact surface of the opposite side of the lens shall be plane within a maximum deviation of 0.002 inch.

§ 18.47 Voltage limitation.

(a) A tool or switch held in the operator's hand or supported against his body will not be approved with a nameplate rating exceeding 300 volts direct current or alternating current.

(b) A battery-powered machine shall not have a nameplate rating exceeding 240 volts, nominal (120 lead-acid cells or equivalent).

(c) Other direct-current machines shall not have a nameplate rating exceeding 550 volts.

(d) An alternating-current machine shall not have a nameplate rating exceeding 660 volts, except that a machine may have a nameplate rating greater than 660 volts but not exceeding 4,160 volts when the following conditions are complied with:

(1) Adequate clearances and insulation for the particular voltage(s) are provided in the design and construction of the equipment, its wiring, and accessories.

(2) A continuously monitored, fail-safe grounding system is provided that will maintain the frame of the equipment and the frames of all accessory equipment at ground potential. Also, the equipment, including its controls and portable (trailing) cable will be deenergized automatically upon the occurrence of an incipient ground fault. The ground-fault-tripping current shall be limited by grounding resistors(s) to that necessary for dependable relaying. The maximum ground-fault-tripping current shall not exceed 25 amperes.

(3) All high voltage switch gear and control for equipment having a nameplate rating exceeding 1,000 volts are located remotely and operated by remote control at the main equipment. Potential for remote control shall not exceed 120 volts.

(4) Portable (trailing) cable for equipment with nameplate ratings from 661 volts through 1,000 volts shall include grounding conductors, a ground check conductor, and grounded metallic shields around each power conductor or a grounded metallic shield over the assembly; except that on machines employing cable reels, cables without shields may be used if the insulation is rated 2,000 volts or more.

(5) Portable (trailing) cable for equipment with nameplate ratings from 1,001 volts through 4,160 volts shall include grounding conductors, a ground check conductor, and grounded metallic shields around each power conductor.

(6) The Bureau reserves the right to require additional safeguards for high-voltage equipment, or modify the requirements to recognize improved technology.

§ 18.48 Circuit-interrupting devices.

(a) Each machine shall be equipped with a circuit-interrupting device by means of which all power conductors can be deenergized at the machine. A manually operated controller will not be acceptable as a service switch.

(b) When impracticable to mount the main-circuit-interrupting device on a machine, a remote enclosure will be acceptable. When contacts are used as a main-circuit-interrupting device, a means for opening the circuit shall be provided at the machine and at the remote contactors.

(c) Separate two-pole switches shall be provided to deenergize power conductors for headlights or floodlights.

(d) Each handheld tool shall be provided with a two-pole switch of the "dead-man-control" type that must be held closed by hand and will open when hand pressure is released.

(e) A machine designed to operate from both trolley wire and portable cable shall be provided with a transfer switch, or equivalent, which prevents energizing one from the other. Such a switch shall be designed to prevent electrical connection to the machine frame when the cable is energized.

(f) Belt conveyors shall be equipped with control switches to automatically stop the driving motor in the event the belt is stopped, or abnormally slowed down.

Note: Short transfer-type conveyors will be exempted from this requirement when attended.

§ 18.49 Connection boxes on machines.

Connection boxes used to facilitate replacement of cables or machine components shall be explosion-proof. Portable-cable terminals on cable reels need not be in explosion-proof enclosures provided that connections are well made, adequately insulated, protected from damage by location, and securely clamped to prevent mechanical strain on the connections.

§ 18.50 Protection against external arcs and sparks.

Provision shall be made for maintaining the frames of all off-track machines and the enclosures of related detached components at safe voltages by using one or a combination of the following:

(a) A separate conductor(s) in the portable cable in addition to the power conductors by which the machine frame can be connected to an acceptable grounding medium, and a separate conductor in all cables connecting related components not on a common chassis. The cross-sectional area of the additional conductor(s) shall not be less than 50 percent of that of one power conductor unless a ground-fault tripping relay is used, in which case the minimum size may be No. 8 (AWG). Cables smaller than No. 6 (AWG) shall have an additional conductor(s) of the same size as one power conductor.

(b) A means of actuating a circuit-interrupting device, preferably at the outby end of the portable cable.

Note: The frame to ground potential shall not exceed 40 volts.

(c) A device(s) such as a diode(s) of adequate peak inverse voltage rating and current-carrying capacity to conduct possible fault current through the grounded power conductor. Diode installations shall include: (1) An overcurrent device in series with the diode, the contacts of which are in the machine's control circuit; and (2) a blocking diode in the control circuit to prevent operation of the machine with the polarity reversed.

§ 18.51 Electrical protection of circuits and equipment.

(a) An automatic circuit-interrupting device(s) shall be used to protect each ungrounded conductor of a branch circuit at the junction with the main circuit when the branch-circuit conductor(s) has a current carrying capacity less than 50 percent of the main circuit conductor(s), unless the protective device(s) in the main circuit will also provide adequate protection for the branch circuit. The setting of each device shall be specified. For headlight and control circuits, each conductor shall be protected by a fuse or equivalent. Any circuit that is entirely contained in an explosion-proof enclosure shall be exempt from these requirements.

(b) Each motor shall be protected by an automatic overcurrent device. One protective device will be acceptable when two motors of the same rating operate simultaneously and perform virtually the same duty.

(1) If the overcurrent-protective device in a direct-current circuit does not open both lines, particular attention shall be given to marking the polarity at the terminals or otherwise preventing the possibility of reversing connections which would result in changing the circuit interrupter to the grounded line.

(2) Three-phase alternating-current motors shall have an overcurrent-protective device in at least two phases such that actuation of a device in one phase will cause the opening of all three phases.

(c) Circuit-interrupting devices shall be so designed that they can be reset without opening the compartment in which they are enclosed.

(d) All magnetic circuit-interrupting devices shall be mounted in a manner to preclude the possibility of their closing by gravity.

§ 18.52 Renewal of fuses.

Enclosure covers that provide access to fuses, other than headlight, control-circuit, and handheld-tool fuses, shall be interlocked with a circuit-interrupting device. Fuses shall be inserted on the load side of the circuit interrupter.

Subpart C—Inspections and Tests

§ 18.60 Detailed inspection of components.

An inspection of each electrical component shall include the following:

(a) A detailed check of parts against the drawings submitted by the applicant to determine that: (1) The parts and drawings coincide; and (2) the minimum requirements stated in this part have been met with respect to materials, dimensions, configuration, workmanship, and adequacy of drawings and specifications.

(b) Exact measurement of joints, journal bearings, and other flame-arresting paths.

(c) Examination for unnecessary through holes.

(d) Examination for adequacy of lead-entrance design and construction.

(e) Examination for adequacy of electrical insulation and clearances between live parts and between lives parts and the enclosure.

(f) Examination for weaknesses in welds and flaws in castings.

(g) Examination for distortion of enclosures before tests.

(h) Examination for adequacy of fastenings, including size, spacing, security, and possibility of bottoming.

§ 18.61 Final inspection of complete machine.

(a) A completely assembled new machine or a substantially modified design of a previously approved one shall be inspected by a qualified representative(s) of the Bureau. When such inspection discloses any unsafe condition or any feature not in strict conformance with the requirements of this part it shall be corrected before an approval of the machine will be issued. A final inspection will be conducted at the site of manufacture, rebuilding, or other locations at the option of the Bureau.

(b) Complete machines shall be inspected for:

(1) Compliance with the requirements of this part with respect to joints, lead entrances, and other pertinent features.

(2) Wiring between components, adequacy of mechanical protection for cables, adequacy of clamping of cables, positioning of cables, particularly with respect to proximity to hydraulic components.

(3) Adequacy of protection against damage to headlights, push buttons, and any other vulnerable component.

(4) Settings of overload- and short-circuit protective devices.

(5) Adequacy of means for connecting and protecting portable cable.

§ 18.62 Tests to determine explosion-proof characteristics.

(a) In testing for explosion-proof characteristics of an enclosure, it shall be filled and surrounded with various explosive mixtures of natural gas and air. The explosive mixture within the enclosure will be ignited electrically and the explosion pressure developed therefrom recorded. The point of ignition within the enclosure will be varied. Motor armatures and/or rotors will be stationary in some tests and revolving in others. Coal dust, produced by grinding coal from the Pittsburgh coal bed to a fineness of minus 200 mesh, will be added to the explosive gas-air mixtures in some tests. At the Bureau's discretion dummies may be substituted for internal electrical components during some of the tests. Not less than 16 explosion tests shall be conducted; however, the nature of the enclosure and the results obtained during the tests will determine whether additional tests shall be made.

(b) Explosion tests of an enclosure shall not result in:

(1) Discharge of flame.

(2) Ignition of an explosive mixture surrounding the enclosure.

(3) Development of afterburning.

(4) Rupture of any part of the enclosure or any panel or divider within the enclosure.

(5) Permanent distortion of the enclosure exceeding 0.040 inch per linear foot.

(c) When a pressure exceeding 125 pounds per square inch (gage) is developed during explosion tests, the Bureau reserves the right to reject an enclosure(s) unless (1) constructional changes are made that result in a reduction of pressure to 125 pounds per square inch (gage) or less, or (2) the enclosure withstands a dynamic pressure of twice the highest value recorded in the initial test.

§ 18.63 Tests of battery boxes.

Battery boxes will be tested at the Bureau's discretion to determine the adequacy of ventilation, electrical clearances, insulation, and suitability for the intended service. Such tests will be conducted at the site of manufacture or assembly, or on the Bureau's premises.

§ 18.64 Tests for flame resistance of cables.

(a) *Size of test specimen.* Three specimens each 3 feet long with 5 inches of cable jacket and 2½ inches of conductor insulation removed from each conductor at both ends of each specimen.

(b) *Flame-test apparatus.* The principal parts of the apparatus within and/or appended to the 17-inch deep x 14½-inch high x 39-inch wide rectangular test gallery are:

(1) A source of electric current (either a.c. or d.c.) for loading the cable specimen with means for close regulation.

(2) A suitable ammeter to measure the electric current imposed on the cable specimen conductors.

(3) A suitable temperature measuring device to determine the conductor temperature.

(4) A rack for supporting the cable specimen. It shall have three (3) metal rods installed on the same level with spaces of 16 and 8 inches between rods from left to right. The rods shall be wrapped with asbestos tape to reduce the cooling effect. The height of the rack shall be sufficient to permit the tip of the inner cone of a Tirrell burned flame to touch the jacket of the cable specimen when the flame has been adjusted to proper height.

(5) An electric timer or stopwatch to measure the duration of the tests.

(6) A standard ⅜-inch Tirrell burner for igniting the cable specimen.

(7) A ventilated hood or canopy that, is substantially free from external air currents on the specimen.

(c) *Mounting of test specimens.* The test specimen shall be placed on the rack and connected to the electric source. It shall be centered on the two outside supporting rods with approximately one inch of jacket extending beyond each rod. The thermocouple of the temperature measuring device shall be held in intimate contact with the conductor under a flap of jacket and insulation 26 inches from the left end of the specimen. The flap shall be held tightly, after insertion of the thermocouple, by tying with wire.

(d) *Procedure for flame tests of cables.* (1) The specimen will be heated electrically until the conductor reaches a temperature of 400° F., using a current that is five times the conductor rating given in Tables 1, 2, and 3 in Appendix I.

(2) When the conductor has reached a temperature of 400° F., the flame of a Tirrell gas burner, adjusted to give an overall free flame height of 5 inches and a 3-inch inner cone with natural gas, will be applied directly beneath the specimen at a point 14 inches from its left end.

(3) After subjecting the specimen to external flame for 1 minute, the heating current and gas flame will be cut off simultaneously.

(e) *Test requirements.* The specimen will be considered as having failed the test if the length of the burned area exceeds 6 inches or if burning continues longer than 4 minutes after the gas flame has been cut off. Three specimens of cable will be subjected to the flame-resistance test. If two of the three specimens meet the test requirements the cable will be accepted for listing by the Bureau as "flame resistant".

(f) *Acceptance marking.* Accepted cables shall be suitably marked with an identifying number assigned by the Bureau. Portable and remote-control cables shall have the marking impressed in the jacket or as raised letters and figures on an impressed background at intervals not exceeding 12 feet. Other accepted cables shall be marked at intervals not exceeding 3 feet in the same manner or have durable marking printed on the surface of the jacket.

§ 18.65 Flame test of conveyor belting and hose.

(a) *Size of test specimen.* (1) Conveyor belting—four specimens each 6 inches long by ½-inch wide by belt thickness, two cut parallel to the warp and two parallel to the weft.

(2) Hose—four specimens each 6 inches long by ½-inch wide by thickness of the hose.

(b) *Flame-test apparatus.* The principal parts of the apparatus within and/or appended to a 21-inch cubical test gallery are:

(1) A support stand with a ring clamp and wire gauze.

(2) A Pittsburgh-Universal Bunsen-type burner (inside diameter of burner tube 11 mm.), or equivalent, mounted in a burner placement guide in such a manner that the burner may be placed beneath the test specimen, or pulled away from it by an external knob on the front panel of the test gallery.

(3) A variable-speed electric fan and an ASME flow nozzle (16–8½ inches reduction) to attain constant air velocities at any speed between 50–500 feet a minute.

(4) An electric timer or stopwatch to measure the duration of the tests.

(5) A mirror mounted inside the test gallery to permit a rear view of the test specimen through the viewing door.

(c) *Mounting of test specimen.* The specimen shall be clamped in a support with its free end centered 1 inch above the burner top. The longitudinal axis shall be horizontal and the transverse axis inclined at 45° to the horizontal. Under the test specimen shall be clamped a piece of 20-mesh iron-wire gauze, 5 inches square, in a horizontal position ¼ inch below the pulley cover edge of the specimen and with about ½ inch of the specimen extending beyond the edge of the gauze.

(d) *Procedure for flame tests.* (1) The Bunsen burner, retracted from the test position, shall be adjusted to give a blue flame 3 inches in height with natural gas.

(2) The observation door of the gallery shall be closed for the entire test.

(3) The burner flame shall be applied to the free end of the specimen for 1 minute in still air.

(4) At the end of 1 minute the burner flame shall be removed, the ventilating fan turned on to give an air current having a velocity of 300 feet per minute, and the duration of flame measured.

(5) After the test specimen ceases to flame, it shall remain in the air current for at least 3 minutes to determine the presence and duration of afterglow. If a glowing specimen exhibits flame within 3 minutes the duration of flame shall be added to the duration of flame obtained according to subparagraph (4) of this paragraph.

(e) *Test requirements.* The tests of the four specimens cut from any sample shall not result in either duration of flame exceeding an average of 1 minute after removal of the applied flame or afterglow exceeding an average of 3 minutes duration.

(f) *Acceptance markings.* (1) Conveyor belting—conveyor belts accepted by the Bureau of Mines as flame-resistant (fire-resistant) shall be marked as follows: Metal stencils furnished by the manufacturer shall be used during the vulcanizing process to produce letters depressed into the conveyor belt with the words "Fire-Resistant, U.S.B.M. No. _______." This number will be assigned to the manufacturer after the sample has passed the tests. The letters and numbers shall be at least ½ inch high. The acceptance markings shall be placed approximately 1 inch from the edge of the carrying (top) cover of the conveyor belt and spaced at intervals not exceeding 30 feet for the entire length of the conveyor belt. The markings shall be so placed that they are alternately at opposite edges of the belt. Where cover thickness does not permit markings in accordance with the foregoing, other permanent markings may be accepted.

(2) Hose—hose conduit accepted by the Bureau of Mines as flame-resistant shall be marked as follows: Impressed letters, raised letters on depressed background, or printed letters with the words "Flame-Resistant, U.S.B.M. No. _______" at intervals not exceeding 3 feet. This number will be assigned to the manufacturer after the sample has passed the tests. The letters and numbers shall be at least ¼-inch high.

§ 18.6 Tests of windows and lenses.

(a) *Impact tests.* A 4-pound cylindrical weight with a 1-inch-diameter hemispherical striking surface shall be dropped (free fall) to strike the window or lens in its mounting, or the equivalent thereof, at or near the center. Three of four samples shall withstand without breakage the impact according to the following table:

Lens diameter, (D), inches:	*Height of fall inches*
$D<4$	6
$4\leq D<5$	9
$5\leq D<6$	15
$6\leq D$	24

Windows or lenses of smaller diameter than 1 inch may be tested by alternate methods at the discretion of the Bureau.

(b) *Thermal-shock tests.* Four samples of the window or lens will be heated in an oven for 15 minutes to a temperature of 150° C. (302° F.) and immediately upon withdrawal of the samples from the oven they will be immersed in water having a temperature between 15° C. (59° F) and 20° C. (68° F.). Three of the four samples shall show no defect or breakage from this thermal-shock test.

§ 18.67 Static-pressure tests.

Static-pressure tests shall be conducted by the applicant on each enclosure of a specific design when the Bureau determines that visual inspection will not reveal defects in castings or in single-seam welds. Such test procedure shall be submitted to the Bureau for approval and the specifications on file with the Bureau shall include a statement assuring that such tests will be conducted. The static pressure to be applied shall be 150 pounds per square inch (gage) or one and one-half times the maximum pressure recorded in the Bureau's explosion tests, whichever is greater.

§ 18.68 Tests for intrinsic safety.

(a) General:

(1) Tests for intrinsic safety will be conducted under the general concepts of "intrinsically safe" as defined in Subpart A of this part. Further tests or requirements may be added at any time if features of construction or use or both indicate them to be necessary. Some tests included in these requirements may be omitted on the basis of previous experience.

(2) Intrinsically safe circuits and/or components will be subjected to tests consisting of making and breaking the intrinsically safe circuit under conditions judged to simulate the most hazardous probable faults or malfunctions. Tests will be made in the most easily ignitable mixture of methane or natural gas and air. The method of making and breaking the circuit may be varied to meet a particular condition.

(3) Those components which affect intrinsic safety must meet the following requirements:

(i) Current limiting components shall consist of two equivalent devices each of which singly will provide intrinsic safety. They shall not be operated at more than 50 percent of their ratings.

(ii) Components of reliable construction shall be used and they shall be so mounted as to provide protection against shock and vibration in normal use.

(iii) Semiconductors shall be amply sized. Rectifiers and transistors shall be operated at not more than two-thirds of their rated current and permissible peak inverse voltage. Zener diodes shall be operated at not more than one-half of their rated current and shall short under abnormal conditions.

(iv) Electrolytic capacitors shall be operated at not more than two-thirds of their rated voltage. They shall be designed to withstand a test voltage of 1,500 volts.

(4) Intrinsically safe circuits shall be so designed that after failure of a single component, and subsequent failures resulting from this first failure, the circuit will remain intrinsically safe.

(5) The circuit will be considered as intrinsically safe if in the course of testing no ignitions occur.

(b) Complete intrinsically safe equipment powered by low energy batteries:

(1) Short-circuit tests shall be conducted on batteries at normal operating temperature. Tests may be made on batteries at elevated temperature if such tests are deemed necessary.

(2) Resistance devices for limiting short-circuit current shall be an integral part of the battery, or installed as close to the battery terminal as practicable.

(3) Transistors of battery-operated equipment may be subjected to thermal "runaway" tests to determine that they will not ignite an explosive atmosphere.

(4) A minimum of 1,000 make-break sparks will be produced in each test for direct current circuits with consideration given to reversed polarity.

(5) Tests on batteries shall include series and/or parallel combinations of twice the normal battery complement, and the effect of capacitance and inductance, added to that normally present in the circuit.

(6) No ignition shall occur when approximately ½ inch of a single wire strand representative of the wire used in the equip-

ment or device is shorted across the intrinsically safe circuit.

(7) Consideration shall be given to insure against accidental reversal of polarity.

(c) Line-powered equipment and devices:

(1) Line-powered equipment shall meet all applicable provisions specified for battery-powered equipment.

(2) Nonintrinsically safe components supplying power for intrinsically safe circuits shall be housed in explosion-proof enclosures and be provided with energy limiting components in the enclosure.

(3) Wiring for nonintrinsically safe circuits shall not be intermingled with wiring for intrinsically safe circuits.

(4) Transformers that supply power for intrinsically safe circuits shall have the primary and secondary windings physically separated. They shall be designed to withstand a test voltage of 1,500 volts when rated 125 volts or less and 2,500 volts when rated more than 125 volts.

(5) The line voltage shall be increased to 120 percent of nominal rated voltage to cover power line voltage variations.

(6) In investigations of alternating current circuits a minimum of 5,000 make-break sparks will be produced in each test.

(d) The design of intrinsically safe circuits shall preclude extraneous voltages caused by insufficient isolation or inductive coupling. The investigation shall determine the effect of ground faults where applicable.

(e) Identification markings: Circuits and components of intrinsically safe equipment and devices shall be adequately identified by marking or labeling. Battery-powered equipment shall be marked to indicate the manufacturer, type designation, ratings, and size of batteries used.

§ 18.69 Adequacy tests.

The Bureau reserves the right to conduct appropriate test(s) to verify the adequacy of equipment for its intended service.

Subpart D—Machines Assembled With Certified or Exlosion-Proof Components, Field Modifications of Approved Machines, and Permits To Use Experimental Equipment

§ 18.80 Approval of machines assembled with certified or explosion-proof components.

(a) A machine may be a new assembly, or a machine rebuilt to perform a service that is different from the original function, or a machine converted from nonpermissible to permissible status, or a machine converted from direct- to alternating-current power or vice versa. Properly identified components that have been investigated and accepted for application on approved machines will be accepted in lieu of certified components.

(b) A single layout drawing (see Figure 1 in Appendix II) or photographs will be acceptable to identify a machine that was assembled with certified or explosion-proof components. The following information shall be furnished:

(1) Overall dimensions.

(2) Wiring diagram.

(3) List of all components (see Figure 2 in Appendix II) identifying each according to its certification number or the approval number of the machine of which the component was a part.

(4) Specifications for:

(i) Overcurrent protection of motors.

(ii) All wiring between components, including mechanical protection such as hose conduits and clamps.

(iii) Portable cable, including the type, length, outside diameter, and number and size of conductors.

(iv) Insulated strain clamp for machine end of portable cable.

(v) Short-circuit protection to be provided at outby end of portable cable.

(c) The Bureau reserves the right to inspect and to retest any component(s) that had been in previous service, as it deems appropriate.

(d) Fees for testing under this subpart shall be consistent with those stated in § 18.7.

(e) When the Bureau has determined that all applicable requirements of this part have been met, the applicant will be authorized to attach an approval plate to each machine that is built in strict accordance with the drawings and specifications filed with the Bureau and listed with the Bureau's formal approval. A design of the approval plate will accompany the notification of approval. (Refer to §§ 18.10 and 18.11.)

(f) Approvals are issued only by Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213.

§ 18.81 Field modification of approved (permissible) equipment; application for approval of modification; approval of plans for modification before modification.

(a) An owner of approved (permissible) equipment who desires to make modifications in such equipment shall apply in writing to make such modifications. The application, together with the plans of modifications, shall be filed with Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213.

(b) Proposed modifications shall conform with the applicable requirements of Subpart B of this part, and shall not substantially alter the basic functional design that was originally approved for the equipment.

(c) Upon receipt of the application for modification, and after such examination and investigation as may be deemed necessary by the Bureau, the Bureau will notify the owner and the District office of the mine workers' organization having jurisdiction at the mine where such equipment is to be operated stating the modifications which are proposed to be made and the Bureau's action thereon.

§ 18.82 Permit to use experimental electric face equipment in a gassy mine or tunnel.

(a) *Application for permit.* An application for a permit to use experimental electric face equipment in a gassy mine or tunnel will be considered only when submitted by the user of the equipment. The user shall submit a written application to the Director, Bureau of Mines, U.S. Department of the Interior, Washington, D.C. 20240, and send a copy to Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213.

(b) *Fees.* The applicable fees for work to be done according to this subpart shall coincide with the fees stated in § 18.7.

(c) *Requirements*—(1) *Constructional.* (i) Experimental equipment shall be so constructed that it will not constitute a fire or explosion hazard.

(ii) Enclosures designed as explosion-proof, unless already certified, or components of previously approved (permissible) machines, shall be submitted to the Bureau for inspection and test and shall meet the applicable design requirements of Subpart B of this part. Components designed as intrinsically safe also shall be submitted to the Bureau for investigation.

(iii) The Bureau may, at its discretion, waive the requirements for detailed drawings of component parts, inspections, and tests provided satisfactory evidence is submitted that an enclosure has been certified, or otherwise accepted by a reputable testing agency whose standards are substantially equivalent to those set forth in Subpart B of this part.

(2) *Specifications.* The specifications for experimental equipment shall include a layout drawing (see Figure 1 in Appendix II) or photograph(s) with the components, including overcurrent-protective device(s) with setting(s) identified thereon or separately; a wiring diagram; and descriptive material necessary to insure safe operation of the equipment. Drawings already filed with the Bureau need not be duplicated by the applicant, but shall be properly identified.

(d) *Final inspection.* Unless equipment is delivered to the Bureau for investigation, the applicant shall notify Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, when and where the experimental equipment will be ready for inspection by a representative of the Bureau before installing it on a trial basis. Such inspection shall be completed before a permit will be issued.

(e) *Issuance of permit.* When the inspection discloses full compliance with the applicable requirements of this subpart, the Director of the Bureau will issue a permit sanctioning the operation of a single unit in a gassy mine or tunnel, as designated in the application. If the applicant is not the assembler of the equipment, a copy of the permit also may be sent to the assembler.

(f) *Duration of permit.* A permit will be effective for a period of 6 months. For a valid reason, to be stated in a written application, the Director of the Bureau of Mines may grant an extension of a permit for an additional period, not exceeding 6 months. Further extension will be granted only where, after investigation, the Director finds that for reasons beyond the control of the user, it has not been possible to complete the experiment within the period covered by the extended permit.

(g) *Permit label.* With the notification granting a permit, the applicant will receive a photographic copy of a permit label bearing the following:

(1) Seal of the Bureau of Mines.

(2) Permit number.

(3) Expiration date of the permit.

(4) Name of machine.

(5) Name of the user and mine or tunnel.

The applicant shall attach the photographic copy of the permit label, or replica thereof, to the experimental equipment. If a photograph is used, a clear plastic covering shall be provided for it.

(h) *Withdrawal of permit.* The Director of the Bureau may rescind, for cause, and permit granted under this subpart.

Appendix I—List of Tables

Table No.	*Title*
1	Portable power cable ampacities—600 volts.
2	Portable cord ampacities—600 volts.
3	Portable power cable ampacities—601 to 5,000 volts.
5	Nominal dimension of flat cables with tolerances in inches—600 volts.
5	Nominal dimensions of flat cables with tolerances in inches—600 volts.
6	Nominal diameter of heavy jacketed cords with tolerances in inches—600 volts.
7	Nominal diameter of three-conductor portable power cables with tolerances in inches—601 to 5,000 volts.
8	Fuse ratings or instantaneous settings of circuit breakers for short-circuit protection of portable cables.
9	Specifications for portable cables longer than 500 feet.

TABLE 2—PORTABLE CORD AMPACITIES—600 VOLTS (AMPERES PER CONDUCTOR BASED ON 60° C. COPPER TEMPERATURE—40° C. AMBIENT)

Conductor size-AWG	1-3 conductor	4-6 conductor	7-9 conductor
14	15	12	8
12	20	16	11
10	25	20	14

TABLE 1.—PORTABLE POWER CABLE AMPACITIES—600 VOLTS (AMPERES PER CONDUCTOR BASED ON 60° C. COPPER TEMPERATURE—40° C. AMBIENT)

Conductor size—AWG or MCM	Single conductor	2-conductor, round or flat	3-conductor, round or flat	4-conductor	5-conductor	6-conductor
8	45	40	35	30	25	20
6	60	50	50	40	35	30
4	85	70	65	55	45	35
3	95	80	75	65	55	45
2	110	95	90	75	65	55
1	130	110	100	85	75	65
1/0	150	130	120	100	90	80
2/0	175	150	135	115	105	95
3/0	205	175	155	130	120	110
4/0	235	200	180	150	140	130
250	275	220	200	160		
300	305	240	220	175		
350	345	260	235	190		
400	375	280	250	200		
450	400	300	270	215		
500	425	320	290	230		

TABLE 3—PORTABLE POWER CABLE AMPACITIES—601 TO 5,000 VOLTS (AMPERES PER CONDUCTOR BASED ON 75° C. COPPER TEMPERATURE—40° C. AMBIENT)

Conductor size—AWG or MCM	3-conductor types G–GC and SHC–GC 2,000 volts	3-conduct or type SHD–GC 2,001–5,000 volts
6	65	65
4	85	85
3	100	100
2	115	115
1	130	130
1/0	145	145
2/0	170	170
3/0	195	195
4/0	220	220
250	245	245
300	275	275
350	305	305

TABLE 4.—NOMINAL DIAMETERS OF ROUND CABLES WITH TOLERANCES IN INCHES—600 VOLTS

Conductor size—AWG or MCM	Single conductor	2-conductor			3-conductor			4-conductor Types W & G	5-conductor Types W & G	6-conductor Type W	Tolerance
		Types W & G twisted	Type PG, 2 power, ground	Type PCG, 2 power, 2 control, ground	Types W & G	Type PG, 3 power, ground	Type PCG, 3 power, 2 control, ground				
8	0.44	0.81	0.84	0.94	0.91	0.93	1.03	0.99	1.07	1.18	±0.03
6	.51	.93	.93	.98	1.01	1.03	1.18	1.10	1.21	1.31	±.03
4	.57	1.08	1.08	1.10	1.17	1.20	1.29	1.27	1.40	1.52	±.03
3	.63	1.17	1.17	1.20	1.24	1.27	1.31	1.34	1.48	1.61	±.03
2	.66	1.27	1.27	1.29	1.34	1.34	1.39	1.48	1.61	1.75	±.03
1	.74	1.44	1.44	1.44	1.51	1.52	1.52	1.68	1.88	2.05	±.03
1/0	.77	1.52	1.52	1.52	1.65	1.68	1.68	1.79	1.96	2.13	±.04
2/0	.82	1.65	1.65	1.65	1.75	1.79	1.79	1.93	2.13	2.32	±.04
3/0	.87	1.77	1.77	1.77	1.89	1.93	1.93	2.07	2.26	2.49	±.05
4/0	.93	1.92	1.92	1.92	2.04	2.13	2.13	2.26	2.46	2.71	±.05
250	1.03	2.16	2.16	2.16	2.39	2.39	2.39	2.66			±.06
300	1.09	2.32			2.56			2.84			±.06
350	1.15	2.43			2.68			2.98			±.06
400	1.20	2.57			2.82			3.14			±.06
450	1.26	2.67			2.94			3.26			±.06
500	1.31	2.76			3.03			3.40			±.06

TABLE 5.—NOMINAL DIMENSIONS OF FLAT CABLES WITH TOLERANCES IN INCHES—600 VOLTS

Conductor size—AWG	2 conductor								3 conductor			
	Type W				Type G				Type G			
	Major		Minor		Major		Minor		Major		Minor	
	Outside diameter	Tolerance	Outside diameter	Tolerance	Outside diameter	Tolerance	Outside diameter	Tolerance	Outside diameter	Tolerance	Outside diameter	Tolerance
8	0.84	±0.04	0.51	±0.03								
6	.93	±.04	.56	±.03	1.02	±0.04	0.56	±0.03	1.65	±0.06	0.67	±0.05
4	1.05	±.04	.61	±.03	1.15	±.04	.61	±.03	1.85	±.06	.75	±.05
3	1.14	±.04	.68	±.03	1.26	±.04	.68	±.03	1.99	±.06	.77	±.05
2	1.24	±.04	.73	±.03	1.35	±.04	.73	±.03	2.10	±.06	.81	±.05
1	1.40	±.04	.81	±.03	1.55	±.04	.81	±.03	2.43	±.06	.97	±.05
1/0	1.51	±.04	.93	±.03	1.67	±.04	.93	±.03				
2/0	1.63	±.04	.99	±.03	1.85	±.04	.99	±.03				
3/0	1.77	±.04	1.03	±.03	2.00	±.04	1.03	±.03				
4/0	1.89	±.04	1.10	±.03	2.10	±.04	1.10	±.03				

TABLE 6.—NOMINAL DIAMETERS OF HEAVY JACKETED CORDS WITH TOLERANCES IN INCHES—600 VOLTS

Conductor size—AWG	2 conductor		3 conductor		4 conductor		5 conductor		6 conductor		7 conductor	
	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance
14	0.64	±0.02	0.67	±0.02	0.71	±0.02	0.78	±0.03	0.83	±0.03	0.89	±0.0
12	.68	±.02	.72	±.03	.76	±.03	.83	±.03	.89	±.03	.98	±.0
10	.73	±.03	.80	±.03	.84	±.03	.90	±.03	1.00	±.03	1.07	±.0

TABLE 7.—NOMINAL DIAMETERS OF 3-CONDUCTOR PORTABLE POWER CABLES WITH TOLERANCES IN INCHES—601 TO 5,000 VOLTS

Conductor size—AWG or MCM	Type G–GC (nonshielded) 2,000 volts		Type SHC–GC (shielded overall) 2,000 volts		Type SHD–GC (individually shielded power conductors) 2,001–3,000 volts		Type SHD–GC (individually shielded power conductors) 3,001–5,000 volts	
	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance
6	1.25	+0.10, −0.06	1.39	+0.11, −0.07	1.62	+0.13, −0.08	1.78	+0.14, −0.09
4	1.40	+.11, −.07	1.55	+.12, −.08	1.77	+.14, −.09	1.90	+.15, −.10
3	1.48	+.12, −.07	1.62	+.13, −.08	1.84	+.15, −.09	1.98	+.16, −.10
2	1.55	+.12, −.08	1.71	+.14, −.09	1.92	+.15, −.10	2.09	+.17, −.11
1	1.74	+.14, −.09	1.89	+.15, −.09	2.04	+.16, −.10	2.18	+.17, −.11
1/0	1.84	+.15, −.09	2.02	+.16, −.10	2.18	+.17, −.11	2.34	+.19, −.12
2/0	1.99	+.16, −.10	2.16	+.17, −.11	2.29	+.18, −.12	2.46	+.20, −.12
3/0	2.12	+.17, −.11	2.30	+.18, −.11	2.45	+.20, −.12	2.62	+.21, −.13
4/0	2.30	+.18, −.12	2.48	+.20, −.12	2.62	+.21, −.13	2.76	+.22, −.14
250	2.46	+.20, −.12	2.70	+.22, −.13				
300	2.63	+.21, −.13	2.84	+.23, −.14				
350	2.75	+.22, −.14	2.97	+.24, −.15				

XUM

TABLE 8—FUSE RATINGS OR INSTANTANEOUS SETTING OF CIRCUIT BREAKERS FOR SHORT-CIRCUIT PROTECTION OF PORTABLE CABLES AND CORDS

Conductor size—AWG or MCM	Ohms/1,000 feet at 25° C.	Maximum allowable fuse rating (amperes)	Maximum allowable circuit breaker instantaneous setting (amperes)[1]
14	2.62	20	50
12	1.65	30	75
10	1.04	40	150
8	.654	80	200
6	.410	100	300
4	.259	200	500
3	.205	250	600
2	.162	300	800
1	.129	375	1,000
1/0	.102	500	1,250
2/0	.081		1,500
3/0	.064		2,000
4/0	.051		2,500
250	.043		2,500
300	.036		2,500
350	.031		2,500
400	.027		2,500
450	.024		2,500
500	.022		2,500

[1] Higher circuit-breaker settings may be permitted for special applications when justified.

TABLE 9.—SPECIFICATIONS FOR PORTABLE CABLES LONGER THAN 500 FEET[1]

Conductor size—AWG or MCM	Maximum allowable length (feet)	Normal ampacity at 60° C. copper temperature (40° C. ambient)	Resistance at 60° C. copper temperature (ohms)
6	550	50	0.512
4	600	70	.353
3	650	80	.302
2	700	95	.258
1	750	110	.220
1/0	800	130	.185
2/0	850	150	.157
3/0	900	175	.130
4/0	1,000	200	.116
250	1,000	220	.098
300	1,000	240	.082
350	1,000	260	.070
400	1,000	280	.061
450	1,000	300	.054
500	1,000	320	.050

[1] Fuses shall not be used for short-circuit protection of these cables. Circuit breakers shall be used with the instantaneous trip settings not to exceed the values given in Table 8.

APPENDIX II

LIST OF FIGURES

[Illustrations not printed in RECORD]

Figure No.	*Title*
1	Typical layout drawing of a machine.
2	Sample bill of material (to accompany layout drawing shown on figure 1).
3	Material to be included with the operating instructions on or with the wiring diagram submitted to each customer.
4	Sample factory inspection form.
5	Typical plane joint.
6	Typical combination joint.
7	Typical threaded joint.
8	Typical threaded straight stuffing box and packing gland lead entrance with provision for hose conduit.
9	Typical slip-fit straight type and angle-type stuffing box and packing gland lead entrance.
10	Typical slip-fit angle-type stuffing box and packing gland lead entrance and typical plug for space lead entrance hole.

FIGURE 2.—SAMPLE BILL OF MATERIAL

B. of M. No. ------
Date --------------
Revision
Date
1. ------------
2. ------------
3. ------------
4. ------------
5. ------------

Bill of Material (Electrical)

(Manufacturing Company)
Model: ----------------------------------
(Unit Name)
Approval 2G- ------------
Motor: ----------------------------------
(Manufacturing Company)
Frame ----------------------------------
------ Hp., ------ Volts, ------ Ph.,
------ Cy., ------ R.P.M.
X/P- ------ ------------
(Date)
------------ Extension
(Date)
Starter: --------------------------------
(Manufacturing Company)
Model ----------------------------------
------ Hp., --------- Volts.
X/P- ------ ------------
(Date)
------------ Extension
(Date)
Cable—Motor to Starter:
Cond. No. ------, ------''
O.D., ------' Long
Hose—Motor to Start Cable:
------'' I.D., ------'' O.D., ------' Long
Portable (Trailing) Cable—
Type: ----------------------------------
Cond. No. ------, ------''
O.D., ------' Long
Hose—for Portable Cable:
------'' I.D., ------'' O.D., ------' Long
Hose Clamps—
2 for Motor-Starter Hose conduit ----'' D
1 for Portable Cable Hose conduct ---'' D*
*Only when short length of hose is used.
Trolley Tap—

(Manufacturing Company)
Model ---------------------------- with
------ -ampere fuse.
Rail Clamps, 2.
1 Ground Clamp, Cat. No. ------

(Manufacturing Company)
1 Return Power Conductor, Cat. No ------

(Manufacturing Company)
or—as Optional
Plug on outby end of potable cable for insertion into receptacle on distribution box or equivalent with short-circuit protective device set at ------ amperes.
Static-free Belt
Model
Style
Catalog No. -------,

(Manufacturing Company)
Guard for Belt—
Material ---------------------------------
Overall Dimensions ------'' Long x ----''
Wide x --------'' High

NOTE: The foregoing is intended as a guide. Additional electrical components used shall be completely identified.

FIGURE 3.—MATERIAL TO BE INCLUDED WITH THE OPERATING INSTRUCTIONS—ON OR WITH THE WIRING DIAGRAM SUBMITTED TO EACH CUSTOMER

(Sometimes referred to as "Caution Statement")

CAUTION

To retain "permissibility" of this equipment the following conditions shall be satisfied:

1. *General safety.* Frequent inspection shall be made. All electrical parts, including the portable cable and wiring, shall be kept in a safe condition. There shall be no openings into the casings of the electrical parts. A permissible distribution box shall be used for connection to the power circuit unless connection is made in fresh intake air. To maintain the overload protection on direct-current machines, the ungrounded conductor of the portable cable shall be connected to the proper terminal. The machine frame shall be effectively grounded. The power wires shall not be used for grounding except in conjunction with diode(s) or equivalent. The operating voltage should match the voltage rating of the motor(s).

2. *Servicing.* Explosion-proof enclosures shall be restored to the state of original safety with respect to all flame arresting paths, lead entrances, etc., following disassembly for repair or rebuilding, whether by the owner or an independent shop.

3. *Fastenings.* All bolts, nuts, screws, and other means of fastening, and also threaded covers, shall be in place, properly tightened and secured.

4. *Renewals and repairs.* Inspections, repairs, or renewals of electrical parts shall not be made unless the portable cable is disconnected from the circuit furnishing power, and the cable shall not be connected again until all parts are properly reassembled. Special care shall be taken in making rerenewals or repairs. Leave no parts off. Use replacement parts exactly like those furnished by the manufacturer. When any lead entrance is disturbed, the original leads or exact duplicates thereof shall be used and stuffing boxes shall be repacked in the approved manner.

5. *Cable requirements.* A flame-resistant portable cable bearing a Bureau assigned identification number, adequately protected by an automatic circuit-interrupting device shall be used. Special care shall be taken in handling the cable to guard against mechanical injury and wear. Splices in portable cables shall be made in a workmanlike manner, mechanically strong, and well insulated. Not more than five temporary splices are permitted in a portable cable regardless of length. Connections and wiring to the outby end of the cable shall be in accordance with recognized standards of safety.

FIGURE 4.—SAMPLE FACTORY INSPECTION FORM

Date ------------
Inspector ------------------------

MACHINE

Designation: ------------------------------
Type: -------------- Serial No. ------------

MOTOR

Manufacturer: --------------------------
Serial No.: ------ Type: ------------------
Frame: ---------------------------------
Hp. --- F.L. Speed: ---- Volts: --- Amps. ---
Winding: ------ X/P No. ------ (or parts list designation).

STARTER

Manufacturer: --------------------------
Serial No. ------ Type: -------------------
Hp. ------ Volts: ------ X/P No. ------ (or parts list designation).
Short-circuit protection ------ amps.
Overload-current protection ------- amps.

PORTABLE CABLE

Manufacturer: --------------------------
Type: ---------- Conductors: ----------
Length: ------ O.D. ------ BM No. ------
Is all wiring around machine adequately protected from mechanical damage? ----
By hose conduit -------, Troughs -------,
Metal tubing ---------, Other ---------
By removal of all sharp corners or edges? ------------------------------------
Is wiring separated from hydraulic components? ------------------------------
Is an adequate insulated strain clamp provided for the portable cable? ----------
Are all packing glands properly packed so that ⅛-inch clearance remains between packing nut and stuffing box? -----------
Are lockwashers (or equivalent) provided for all explosion-proof enclosure fastenings? ------------------------------------
Are all plane joints securely fastened so that an 0.005-inch feeler gage cannot be inserted? ------------------------------
Are all threaded covers secured? ----------
How? ---------------------------------

Are all electrical connections secure -------
and properly insulated where necessary?--

NOTE: Add appropriate material for each explosion-proof enclosure when more than a motor and starter are on a machine.

Mr. **WILLIAMS** of New Jersey. This procedure was adopted years ago without the need for considering the special problem it might create for the small mine operators. It is clear, and I readily admit, that if this is the procedure which must be followed, the extremely high cost estimates and time estimates, although still greatly inflated, are a little closer to reality.

As the committee has learned, however, many small mine operators, using traditional American ingenuity, have manufactured homemade mining equipment. These pieces of equipment may differ from each other in each of the 3,000 small mines. There obviously is no prototype which can be sent to Pittsburgh for inspection. Nor could any small mine operator afford the expense and delay that would be necessitated by such a procedure.

The key question, therefore, was—How do we solve this problem of logistics? The small mine operator could convert his homemade equipment to assure its safe operation with relatively little cost, if the Department could bring its approval system to the small mine; if, so to speak, Pittsburgh could be moved to Kentucky.

The bill, therefore, provides the authority to the Secretary of the Interior to adopt a field approval system, under which the equipment used by small mine operators can be tested at the mine for ignition prevention and other safety characteristics. This relatively simple solution will not only permit the conversion of equipment in a much shorter period of time than originally estimated, but at a clearly reduced cost to the small mine operator. Yet, it will not lower the safety standards; it will not sacrifice the miners' safety to economic considerations.

As far as the economic considerations are concerned, the Department of Interior has conducted a nationwide survey of 10 small nongassy mines in each of nine States including Kentucky, Virginia, West Virginia, Tennessee, Illinois, Ohio, Pennsylvania, Colorado, and Utah. On the basis of this survey, and taking into account the field approval system authorized by the bill, the Department of Interior has concluded that the costs to the Nation's small nongassy mine operators will be no more than $30 million, perhaps as low as $21 million. This is approximately $10,000 per mine, as opposed to the estimate of $260,000 per small mine originally suggested to the committee by opponents of the committee's recommendation. And this figure includes the cost of upgrading or replacing the small equipment which the distinguished Senator from Kentucky agrees should be made explosion proof.

The committe recognizes that economic difficulties may still arise and that some already marginal small-mine operators may choose to close their mines. To assist the small-mine operator, the committee has included two important financial assistance programs which it believes will ease the economics involved in making the small mine a safe place to work. These two provisions authorize granting and guaranteeing of long-term low-interest loans for terms ranging up to 20 to 25 years, under both the Small Business Act and the Public Works and Economic Development Act.

LEGISLATIVE PROGRAM

Mr. **GRIFFIN.** Mr. President, will the Senator from New Jersey yield briefly?

Mr. **WILLIAMS** of New Jersey. I yield.

Mr. **GRIFFIN.** Mr. President, I should like to direct an inquiry to the acting majority leader as to whether he could inform us concerning the legislative activity for the remainder of the day and, hopefully, for the remainder of the week.

Mr. **KENNEDY.** Mr. President, it is the hope of the leadership that during the remainder of the day the supporters of the Cooper amendment and the Senators from West Virginia, who are deeply interested, and many other Senators will be able to develop some common language or some modification of this amendment. That will be the first order of business for consideration on tomorrow.

Actually, there are other amendments to the pending bill. The distinguished Senator from Montana (Mr. METCALF) has one. I have a short amendment also.

I would hope that during the remainder of the day the debate on those amendments could be carried on. There might be votes on those amendments. Perhaps there will not be, however. We hope that other amendments can be resolved and disposed of this evening so that the remaining amendment, according to the understanding of the leadership, and the sponsors of the pending bill as well, would be the Cooper amendment or a modification of that amendment.

The Senate will come in at 11 o'clock tomorrow morning. On tomorrow the Senate will consider the civil service retirement bill which, hopefully, will be completed on tomorrow or on Friday. After that, on Friday, the District of Columbia revenue bill will be considered.

On Monday, S. 7, the water pollution bill, and a reconsideration of the Peace Corps measure will be high on the agenda.

That will be the program for the remainder of the week and the early part of next week.

It is the hope of the leadership that any other amendments that are to be offered to the pending bill will be considered tonight and will be voted on so that we can get final action and passage of the pending bill at an early hour tomorrow.

Mr. **GRIFFIN.** Can Senators have reasonable assurance that S. 7, the water pollution bill, will not be taken up until Monday?

Mr. **KENNEDY.** Mr. President, I believe that the civil service retirement bill and the District of Columbia revenue bill will constitute a full program for the remainder of the week. I understand from those interested in the civil service retirement bill that there will not be extended debate. However, the District of Columbia revenue bill is another matter entirely. Our best judgment at this time is that S. 7, the water pollution bill, will be considered on Monday.

Mr. **METCALF.** Mr. President, will the Senator yield?

Mr. **KENNEDY.** I yield.

Mr. **METCALF.** Mr. President, I have an amendment to offer to the pending bill that, I believe, has been worked out so that we can in a very short time agree to a modification of the amendment that will suit everyone.

I have a second amendment, however, that I have referred to the distinguished senior Senator from New York who would like to take another look at the amendment and discsus it tomorrow.

It will take a very short time to consider my amendment. However, I would like to put off offering my second amendment until tomorrow and offer at this time a modification of my first amendment that I believe will be acceptable to everyone.

Mr. **KENNEDY.** Mr. President, with that understanding and from the information obtained during my conversations with the Senator in charge of the bill, the Senator from Vermont has a short amendment to offer and the Senator from New York has an amendment.

We are hopeful that we can set aside temporarily this afternoon the pending amendment and consider and dispose of other amendments as best we can.

Mr. **JAVITS.** Mr. President, the Senator refers to clearing up noncontroversial amendments.

Mr. **KENNEDY.** We hope that no controversy will be involved.

Mr. **METCALF.** Mr. President, I point out to the distinguished acting majority leader, the Senator from Massachusetts, and the Senator from New York, that my amendment is very brief. It should only take a few minutes to dispose of the matter one way or the other.

Mr. **GRIFFIN.** Mr. President, will the Senator yield?

Mr. **METCALF.** I yield.

Mr. **GRIFFIN.** Mr. President, if I may have the attention of the acting majority leader, I take it that it would have to be understood that while the acting majority leader is hopeful there will be no further rollcall votes today, there is no guarantee of that.

Mr. **KENNEDY.** The Senator is correct.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

Mr. **METCALF.** Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily.

Mr. **COOPER.** Mr. President, reserving the right to object, may I see the amendment?

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana?

Mr. **COOPER.** Mr. President, I have no objection.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

XUM

AMENDMENT NO. 177

Mr. METCALF. Mr. President, I call up my amendment No. 177 as modified.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Montana (Mr. METCALF) proposes an amendment:

> On page 78, between lines 3 and 4, insert the following:
>
> "(i) Where the Secretary finds that sanitary conditions so required, sanitary toilet facilities shall be provided in all underground mines. Such facilities will be located at places designated by the Secretary or his authorized representative.".

Mr. METCALF. Mr. President, the provision of sanitary facilities in a mine is just as important as any other safety requirement. I believe it is a national disgrace that we have not yet provided for the provision of sanitary facilities in our coal mines. We have provided for them on big construction operations and in the nonferrous mines. However, we have not yet provided that they be required in coal mines.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. METCALF. Mr. President, the only provision contained in my amendment as modified is that where the Secretary finds it is necessary to have such facilities in a mine, they shall be provided.

I agree with some of my colleagues that the amendment as originally written made it an absolute mandatory requirement that the Secretary or his representative designate a place for the location of the sanitary facilities.

As modified, the amendment provides that in a small mine, where there is not a great distance to be traveled, or where not many persons are employed, the Secretary shall have some discretion to decide where facilities shall be located. In granting this discretion, we still provide that in mines that employ many employees, or where a great distance must be traveled, these facilities will have to be provided.

In a discussion among Senators to agree upon language, we have decided to provide a little flexibility in the amendment and, at the same time, to provide this very much needed requirement in the law.

Mr. WILLIAMS of New Jersey. Mr. President, the amendment has been carefully considered by me and by other members of the committee. As it was understood initially, the amendment would have required facilities to be provided in every mine. But after thinking that provision through, it has been concluded that there might be situations when that could not be accomplished.

Mr. METCALF. Or that it would be better to provide facilities outside the mine.

Mr. WILLIAMS of New Jersey. Yes. For these reasons of practicality, the amendment now provides discretionary authority to the Secretary. Will the Senator from Montana again read the words relating to discretion?

Mr. METCALF. Yes—"where sanitary considerations so require."

So the Secretary would have complete authority and complete discretion to determine whether the facilities should be inside or outside the mine, or whether they should be required at all.

Mr. WILLIAMS of New Jersey. Speaking for myself, and for the committee, as well, I may say that it is felt that this provision will make a significant contribution to the objective of the bill, which is to improve the working conditions in the coal mines of the country. We are glad to make this addition by accepting the amendment.

Mr. METCALF. I thank the Senator from New Jersey.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Montana.

The amendment, as modified, was agreed to.

Mr. JAVITS. Mr. President, I make a unanimous-consent request similar to the one just granted in relation to another amendment and which I gather is noncontroversial.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 9, between lines 14 and 15 insert: "(3) Within 6 months after the date of enactment the Surgeon General shall establish, and the Secretary shall publish, as provided in subsection 105 (c) of this title proposed mandatory standards establishing maximum noise exposure levels for all coal mines."

Mr. JAVITS. Mr. President, in coal mines, just as in any other working place reverberations and other noise may cause problems. This is an effort to meet those problems in a comprehensive coal mine health and safety bill, and hence its introduction here. Under this amendment, proposed standards for noise levels would have to be promulgated within 6 months after enactment. I ask for favorable action.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

EXECUTIVE SESSION

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senate go into executive session to consider two nominations reported earlier today.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

U.S. CIRCUIT COURT

The assistant legislative clerk read the nomination of Arlen M. Adams, of Pennsylvania, to be U.S. circuit judge, third circuit.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

FOUR CORNERS REGIONAL COMMISSION

The assistant legislative clerk read the nomination of L. Ralph Mecham, of Utah, to be deputy cochairman of the Four Corners Regional Commission.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. SCOTT. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SCOTT. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

FEDERAL WATER POLLUTION CONTROL ACT—AMENDMENTS

AMENDMENT NO. 220

Mr. JAVITS. Mr. President, I submit an amendment to S.7, a bill, shortly to be laid before the Senate, to amend the Federal Water Pollution Control Act, as amended.

This amendment is designed to allow the Secretary of Interior to make available for reimbursement payments to States and local governments, those unobligated construction grant funds which the Secretary now is entitled to reallot to States merely having approved projects.

When the reimbursement provisions were included in the law in 1966, it appeared that a number of States—New York, for one—and municipalities, having desperate need for sewage treatment plant construction, would be in a position to commit their own funds if there could be some reassurance that the Federal Government would make an effort to reimburse them. It was recognized that these States and municipalities would have to assume a certain risk that Federal funds would be limited and that little, if any, reimbursement would be forthcoming. It was likewise recognized, however, that such a program was an excellent method of accelerating the necessary construction, and accordingly, the Federal Government would make reasonable efforts to assist those governments which in fact did assume the risk.

This amendment is an attempt to provide those States and municipalities that have used funds in lieu of Federal construction grant funds reimbursement to which they are legally entitled under the Federal Water Pollution Control Act, as amended, and which they most rightfully deserve. Like the amendment offered by the Senator from Maryland, this amendment would provide some reimbursement to those States that have committed their own funds to "prefinance" a portion of the Federal Government's share of water pollution control projects. The amendment goes further than that of Senator TYDINGS, however, in that it offers the same assistance to municipalities that have undertaken similar risks.

Presently, there are seven States that have in fact prefinanced Federal grant funds for the local communities. A number of the communities within those States have contributed funds similarly. It is of further interest to know that the communities in 25 other States also have used their own funds in lieu of Federal grant funds, and they, too, are entitled to reimbursement.

Mr. President, I ask unanimous consent that a chart prepared for me by the Federal Water Pollution Control Administration indicating the sum of the State and community funds advanced in lieu of Federal funds for each State be printed in the Record at this point.

There being no objection, the chart was ordered to be printed in the Record, as follows:

Grant funds prefinanced by States and communities, August 31, 1969

Total	$694,496,740
Alabama	6,308,000
Alaska	------------
Arizona	------------
Arkansas	------------
California	110,400
Colorado	149,442
Connecticut	60,900,000
Delaware	895,600
District of Columbia	2,917,510
Florida	1,835,004
Georgia	16,106,084
Hawaii	------------
Idaho	------------
Illinois	21,013,742
Indiana	3,318,671
Iowa	906,798
Kansas	111,984
Kentucky	------------
Louisiana	------------
Maine	3,500,000
Maryland	52,965,406
Massachusetts	8,500,000
Michigan	53,389,168
Minnesota	------------
Mississippi	------------
Missouri	14,051,977
Montana	------------
Nebraska	------------
Nevada	------------
New Hampshire	2,950,480
New Jersey	51,724,476
New Mexico	------------
New York	308,612,970
North Carolina	706,780
North Dakota	------------
Ohio	5,151,900
Oklahoma	------------
Oregon	2,913,270
Pennsylvania	35,133,010
Rhode Island	1,103,000
South Carolina	7,358,530
South Dakota	------------
Tennessee	3,031,136
Texas	5,007,846
Utah	------------
Vermont	677,000
Virginia	2,463,220
Washington	8,149,550
West Virginia	------------
Wisconsin	12,533,786
Wyoming	------------
Guam	------------
Puerto Rico	------------
Virgin Islands	------------

Mr. JAVITS. It should be made clear that these figures represent eligible reimbursable funds for States and communities through August 31, 1969, and as more communities proceed on construction projects with less than eligible Federal assistance, these figures should increase.

The Federal Water Pollution Control Administration informs me that should $214 million be appropriated for construction grant purposes, an estimated $10 million would remain unused and could be returned to the Secretary for reimbursement purposes. Should $600 million be appropriated, an estimated $100 million would be returned to the Secretary. In proportion to the need and the actual reimbursable amounts committed by the States and municipalities, these figures are small. Nevertheless, by incorporating my amendment into this bill, we will begin to recognize our obligation to those States and municipalities that have taken the risk of using their own funds and by expanding such a concept, we might further encourage other States and communities to take that risk.

These funds would be distributed according to regulations promulgated by the Secretary of the Interior. A suggested distribution, based upon a ratio of the amount prefinanced by each State—and community—to the total amount prefinanced by all such States—and communities—is presented on this second chart, which I ask unanimous consent to have printed in the Record at this point:

There being no objection, the chart was ordered to be printed in the Record, as follows:

Under the proposed plan, funds remaining unobligated six months after the end of the fiscal year for which approved will be reallocated to those States and communities which have prefinanced part of the Federal share of projects in the State. Such reallotment will be made on the basis which the amount prefinanced by each State and community bears to the total amount prefinanced by all such States and communities.

BASIS OF AMOUNT PREFINANCED

States	Percent	Share	Share
Alabama	0.91	$91,000	$910,000
California	.02	2,000	20,000
Colorado	.02	2,000	20,000
Connecticut	8.77	877,000	877,000
Delaware	.13	13,000	130,000
District of Columbia	.42	42,000	420,000
Florida	.26	26,000	260,000
Georgia	2.32	232,000	2,320,000
Illinois	3.02	302,000	3,020,000
Indiana	.48	48,000	480,000
Iowa	.13	13,000	130,000
Kansas	.02	2,000	20,000
Maine	.50	50,000	500,000
Maryland	7.63	763,000	7,630,000
Massachusetts	1.22	122,000	1,220,000
Michigan	7.69	769,000	7,690,000
Missouri	2.02	202,000	2,020,000
New Hampshire	.43	43,000	430,000
New Jersey	7.45	745,000	7,450,000
New York	44.43	4,443,000	44,430,000
North Carolina	.10	10,000	100,000
Ohio	.74	74,000	740,000
Oregon	.42	42,000	420,000
Pennsylvania	5.06	506,000	5,060,000
Rhode Island	.16	16,000	160,000
South Carolina	1.06	106,000	1,060,000
Tennessee	.44	44,000	440,000
Texas	.72	72,000	720,000
Vermont	.10	10,000	100,000
Virginia	.35	35,000	350,000
Washington	1.17	117,000	1,170,000
Wisconsin	1.81	181,000	1,810,000
Total		10,000,000	100,000,000

Mr. JAVITS. I ask unanimous consent that the amendment be printed in the Record at this point.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 220) was received, ordered to be printed and lie on the table; and, without objection, was ordered to be printed in the Record, as follows:

AMENDMENT No. 220

On page 73, between lines 15 and 16, insert the following:

"Sec. 106. Effective for fiscal years beginning after June 30, 1969, section 8(c) of the Federal Water Pollution Control Act is amended in the fourth sentence by striking out 'to States having projects approved under this section for which grants have not been made because of lack of funds' and inserting in lieu thereof 'for the purpose of making reimbursements pursuant to the sixth and seventh sentences of this subsection'."

On page 73, lines 16, 19, and 23, redesignate sections 106, 107, and 108, as sections 107, 108, and 109, respectively.

S. 2982—INTRODUCTION OF THE CHILD NUTRITION ACT OF 1969

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, the Child Nutrition Act of 1969, and I ask unanimous consent that my testimony before the Senate Agriculture Committee this morning, which explains the bill and its provisions, be printed in the Record at this point.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

TESTIMONY OF SENATOR JAVITS

Mr. Chairman, last Wednesday, the Senate passed a comprehensive and far-reaching food stamp bill. As one of the original nine sponsors of the substitute bill which the Senate passed, I am both pleased and gratified with this forward-looking action. Even though the food stamp bill will go a long way toward fighting hunger and malnutrition in this nation, we still must move forward on the other fronts of food assistance if we are to completely eliminate this problem from our midst.

It is for this reason that I will introduce today the Child Nutrition Act of 1969, a bill designed to bring more food and adequate nutrition to millions more children who live in poverty. Briefly, my bill would do the following:

(1) Establish national eligibility standards which require the furnishing of free or reduced price meals to any child who is a member of any household which, (A) is eligible to participate in any Federal food assistance program, or (B) has an annual income equivalent to or less than $4,000 for a household of four persons;

(2) Give the Secretary of Health, Education and Welfare a consultative-evaluative role in child feeding programs;

(3) Require uniform standards and procedures for the allocation of funds to schools and school districts from the states under child feeding programs to insure maximum participation of needy children in such programs;

(4) Require that there be no overt identification of children, who receive free or reduced price meals under any federal program as well as require that needy children receive priority in receiving special milk;

(5) Require an evaluation of the effectiveness of federal child feeding programs in meeting the nutritional and health needs of children, providing meals under school and non-school feeding programs (e.g., Vanik program, Headstart and day care center food programs as well as the school lunch and

breakfast programs), and a report of findings and recommendations for improving such programs to the President by January 20th of each year;

(6) Direct the Secretary of Agriculture to formulate and carry out demonstration projects with private food service concerns for the preparation and provision of nutritious meals in schools which lack or have inadequate facilities for food programs in rural and urban poverty areas as well as in pre-school and non-school feeding programs. It also directs the Secretary to furnish milk and other agriculture commodities in carrying out such projects;

(7) Apply to lunches, breakfasts and non-school food programs rather than just school lunches;

(8) Provide for work training programs whereby low-income individuals would be trained to administer and supervise child feeding programs.

Before I outline in detail my reasons for introducing this bill, I would like to commend my colleague from Georgia, Mr. Talmadge, for the progressive provisions of his school lunch bill, S. 2548, which is now before this Committee. I fel that in addition there are other aspects of our child feeding programs that should have attention and it is for this reason that I shall introduce the Child Nutrition Act of 1969 and would consider it the basis for amendments of Senator Talmadge's bill.

Testimony before the Select Committee on Nutrition and Human Needs, on which I serve as the ranking Republican, has pointed out the need for stronger leadership—both from Congress and the Department of Agriculture—in establishing eligibility standards for children who receive free and reduced-price meals, as well as leadership to assure maximum participation of needy children in all child feeding programs. Therefore, this bill directs the Secretary of Agriculture to consult with the Secretary of Health, Education and Welfare to establish national eligibility standards for receipt of free or reduced-price meals in our child feeding programs, as well as uniform standards to states to use in distributing funds to schools and school districts for such programs to assure maximum participation of needy children.

The Senate last week expressed its desire to have households in which annual income is less than $4,000 per year eligible for receipt of food stamps. It is only logical that children from such households should be automatically eligible to receive free or reduced price meals under Federal child feeding programs. Even more logical is that children from households which receive *any* form of Federal food assistance should also be eligible to receive free or reduced price meals. If a family is in enough need to receive one form of food assistance, then children from that family are in enough need to receive free or reduced price meals in our child feeding programs.

I am pleased that Senator McGovern, Chairman of the Select Committee on Nutrition and Human Needs, endorsed the principle of national eligibility standards for free and reduced price lunches in testimony before this Committee yesterday. I advocated establishing standards for such programs several weeks ago in my omnibus hunger bill, and I am gratified that Senator McGovern is in basic agreement with this principle. However, I think we must go further than just establishing such standards for free and reduced price lunches—we must also apply those same standards to the *breakfast programs, pre-school and non-school food programs.*

It has been estimated that there are between six to eight million children below the poverty level who should be receiving free or reduced-price meals, but only an estimated 2.5 million children in this category are being reached. These figures do not include children from near-poor families who could also benefit from such meals. Much of this lack of participation is due to the problem of local administrators not clarifying sufficiently just who is eligible for such programs. If we establish clear-cut standards, then local school officials will have the direction and leadership necessary to improve program participation and serve the nutritional needs of more children. *In establishing uniform procedures for the distribution of funds, the Secretary of Agriculture should strongly consider allocating funds from states to groups of school districts rather than to individual districts.* I feel that such a procedure would allow more children to be reached and would prevent the situation of one school district receiving funds for needy children and another school district, often only a few miles away, receiving no funds. This would also simplify bookkeeping and reduce some of the complexities of state and local administration of such programs.

This bill also gives the Secretary of Health, Education and Welfare an evaluative and consultative role in child feeding programs. I have often stated that the Department of Health, Education and Welfare, which now has the responsibility for administering Head Start and many day-care center programs, should be brought into all of our child feeding programs. Secretary Finch has stated that we must be concerned with the child from the cradle through his school years. I feel that it is important for the Secretary of HEW to have a role to play in the development and evaluation of our child feeding programs.

This bill also requires that needy children receive priority in the distribution of special milk under the Child Nutrition Act of 1966. All children must have milk, and I believe that we should provide it first to those who need it most—malnourished, needy youngsters.

Also, this bill requires that recipients of free or reduced price meals under child feeding programs shall not be identified in any overt manner. It is cruel to have a child openly identified as being poor and needy to his fellow classmates because of published lists, tickets, separate lines or any of the various devices which are common in many parts of this nation. For too long children have been embarrassed and many have refused to participate in child feeding programs—especially the school lunch program—because of such discriminatory practices. The time has come for this to end.

This bill also directs the Secretary of Agriculture to utilize the services of private food service concerns to bring food to needy children. It is generally accepted that the American private food market is the most effective food distribution system in the world. I feel that we should take steps now to speed up and encourage private food service concerns and processors to bring their expertise in food distribution, management and services into our school-feeding programs. The pace has been extremely slow and it is the intention of this bill to greatly hasten and expand such efforts.

This bill would provide $25,000,000 for the Secretary of Agriculture to carry out demonstration programs with private food companies for the supply, preparation and delivery of food in schools which have limited facilities or none at all for meal preparation and which are located in poverty areas. Every effort should be made to bring the lunch and breakfast programs into schools which now are without facilities. I feel that this approach could be utilized very effectively through the Central and Satellite Kitchen concept, as well as the forward-looking concept of *the development of large-scale food commissaries serving many schools, school districts or even cities and I hope that we can move in these directions soon.*

Already many schools are utilizing private food technology in their food programs and are proving to be very successful. In my own city of New York, the use of frozen convenience foods has proven to be very beneficial, both to the school system and the students. It is predicted that, eventually, all of the city's 400,000 elementary, junior and senior high school students will be offered such meals.

Finally, it is very important that we develop programs which will help the poor break the shackles of poverty so that they may be able to earn their own way and provide their families with the food and nutritional needs that are necessary to sustain a healthy life. It is for this reason that my bill includes a provision for work-training programs for low-income persons so that they might be trained to administer and supervise in child-feeding programs. We have seen how effective our nutrition aides have been in helping poor families achieve proper nutritional meals. *I propose that we train people to become dietitian aides* so that they might eventually receive the training to enable them to enter the field as professionals. I am quite certain that organizations such as the American Dietetic Association would be willing to cooperate in such an endeavor, as well as local school districts.

I deeply believe that we can end hunger in America and I am convinced that this bill, like the historic food stamp bill passed by the Senate last week, will go a long way toward meeting that objective.

Mr. JAVITS I also ask unanimous consent that the text of the bill be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2982), to provide for the establishment under all Federal child feeding programs eligibility standards which require that free or reduced price meals be served to certain children, and for other purposes, introduced by Mr. Javits (for himself and Mr. Goodell), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S. 2982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Nutrition Act of 1969".

AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT AND CHILD NUTRITION ACT OF 1966

Sec. 2. (a) Section 3 of the National School Lunch Act is amended by inserting immediately after "Secretary of Agriculture" the following: "in consultation with the Secretary of Health, Education, and Welfare".

(b) Section 15e of the Child Nutrition Act of 1966 is amended by inserting immediately after "Secretary of Agriculture" the following: "in consultation with the Secretary of Health, Education, and Welfare".

(c) Section 3 of the Child Nutrition Act of 1966 is amended by adding at the end thereof a new sentence as follows: "The Secretary of Agriculture shall, after consultation with the Secretary of Health, Education, and Welfare, impose such requirements as he deems necessary under this Act to insure that priority is given to the furnishing of milk to children of low-income families."

DEMONSTRATION PROJECTS

Sec. 3. (a) The Secretary of Agriculture is authorized, after consultation with the Secretary of Health, Education, and Welfare, to formulate and carry out demonstration projects under which he shall contract with private food service concerns for the preparation of nutritious meals and contract with private food processors for the provision of such meals in schools and school districts which lack or have inadequate food preparation facilities for food programs. Such projects shall be carried out in schools which are located in rural or urban areas having a high concentration of low-income households. Such projects may also be carried out for the benefit of children participating in pre-school and nonschool programs if the children participating in such programs are predominantly children of low-income households.

(b) Such projects shall be placed in operation not later than six months after the date of enactment of this Act and shall be administered, to the extent practicable, in conjunction with any nutrition education program carried out under any other Act.

(c) The Secretary of Agriculture shall consult with and cooperate with local authorities in carrying out this section.

(d) The Secretary of Agriculture shall furnish milk and other agricultural commodities to the maximum extent possible in carrying out this section.

(e) There is authorized to be appropriated the sum of $25,000,000 for the fiscal year ending June 30, 1970 and such sums as may be necessary for each of the four succeeding fiscal years to carry out the provisions of this section.

STANDARDS

SEC. 4. (a) The Secretary of Agriculture, after consultation with the Secretary of Health, Education, and Welfare, shall—

(1) establish for all Federal child feeding programs eligibility standards which require the furnishing of free or reduced price meals to any child who is a member of a household which (A) is eligible to participate in any Federal food assistance program, or (B) has an annual income equivalent to or less than an annual income of $4,000 for a household of four persons;

(2) establish such uniform standards and procedures as he deems necessary for the allocation to schools and school districts of Federal funds made available to States under child feeding programs to assure maximum participation by schoolchildren of low-income households in such programs; and

(3) develop curricula, training programs, and materials relating to diet and nutrition to be used in the training and education of persons engaged in the operation of school feeding programs for children.

(b) No overt identification shall be made of any child who is furnished meals at a free or reduced price under any Federally assisted program.

EVALUATION

SEC. 5. The Secretary of Health, Education, and Welfare, in consultation with the Secretary of Agriculture, shall evaluate the adequacy and effectiveness of school feeding programs administered by the Department of Agriculture, the Department of Health, Education, and Welfare, and other departments and agencies of the Government in meeting the nutritional and health needs of school children, pre-school children, and children provided with food under nonschool programs, and shall report his findings and recommendations for improving such programs to the President not later than January 20 of each year, beginning with the calendar year 1970. The Secretary shall, in evaluating the adequacy and effectiveness of such programs, determine the extent to which such programs provide nutrition assistance and education to children of low-income households.

WORK TRAINING PROGRAMS

SEC. 6. (a) The Secretary of Agriculture is authorized after consultation with the Secretary of Health, Education, and Welfare, to make grants to or enter into contracts and agreements with State and local school agencies for the purpose of planning and conducting specialized work training programs designed to prepare individuals of low income status to administer and supervise in the administration of school, pre-school, and nonschool food service programs. In carrying out the provisions of this section, the Secretary shall, to the maximum extent feasible consult and cooperate with other Federal, State, and local departments and agencies of government and with private, profit and nonprofit, organizations and institutions.

(b) To carry out the provisions of this section, there is authorized to be appropriated the sum of $12,000,000 for the fiscal year ending June 30, 1970, and such sum as may be necessary for each of the four succeeding fiscal years.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF "NATIONAL FAMILY HEALTH WEEK"

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 46.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 46) to authorize the President to designate the period beginning November 16, 1969, and ending November 22, 1969, as "National Family Health Week", which was to strike out the preamble.

Mr. KENNEDY. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

THE CALENDAR

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar numbers 429 and 430.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTABLISHMENT OF THE NONVOTING DELEGATE TO THE HOUSE OF REPRESENTATIVES FROM THE DISTRICT OF COLUMBIA, AND AMENDING THE DISTRICT OF COLUMBIA ELECTION ACT

The Senate proceeded to consider the bill (S. 2163) to establish, in the House of Representatives, the office of Delegate from the District of Columbia, to amend the District of Columbia Election Act, and for other purposes.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–433), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The principal purposes of the bill S. 2163 are to provide a sure line of communication or link between the people of the District of Columbia and their Federal legislature, and to grant to District residents some form of immediate congressional representation.

To these ends, S. 2163 would create an elected but nonvoting delegate to the U.S. House of Representatives from the District of Columbia.

In addition, S. 2163 would amend the District of Columbia Eelection Act of 1955 in certain, less significant ways, reflecting largely experience gained in the District's first school board election in November of 1968.

More specifically, S. 2163 creates the office of congressional delegate from the District of Columbia; the bill then provides that the delegate shall be chosen by the qualified voters of the District, in a partisan, general election, following nomination by a political party by means of a party primary, or, in the alternative, following the submission of a nominating petition signed by 5,000 voters or 2 percent of the total District electorate, whichever is less.

Like other Members of the House of Representatives, the District delegate must be at least 25 years of age at the time of election. He must also have been a continuous resident of the District of Columbia for the 3-year period preceding his election. Unlike other bills providing nonvoting House representation for the District, S. 2163, recommended by the Senate District Committee, does not mandate, for the District's delegate, membership on the Committee on the District of Columbia of the House of Representatives.

The bill S. 2163 makes those technical amendments to the District Election Act and the United States Code which are essential to the selection of the delegate, and to the functioning of his office as created. The bill also, notably, (1) increases from 100 to 200 the number of signatures required on a nominating petition for an election to fill a party office; (2) authorizes the District Board of Elections to provide for the casting of nonabsentee ballots in District precincts other than those of the voters' residences; (3) authorizes the board to declare winners in advance of certain elections, where the number of qualified candidates or nominees does not exceed the number of offices to be filled; (4) increases the per diem compensation of board members from $25 to $50, but with an annual maximum of $2,500; and (5) extends from 10 to 30 days the period following an election within which candidates must file financial statements.

NEED FOR LEGISLATION

In providing for the Office of Delegate to the House of Representatives from the District of Columbia, the Senate Committee on the District of Columbia was mindful of, and found persuasive, the statement of the President to the Congress (dated April 28, 1969), which preceded the introduction of S. 2163 on behalf of the administration:

"I also urge Congress to grant voting representation in Congress to the District of Columbia. It should offend the democratic senses of this Nation that the 850,000 citizens of its Capital, comprising a population larger than 11 of its States, have no voice in the Congress.

"I urge that Congress approve, and the States ratify, an amendment to the Constitution granting to the District at least one

representative in the House of Representatives, and such additional representatives in the House as the Congress shall approve, and to provide for the possibility of two Senators.

"Until such an amendment is approved by Congress and ratified by the States, *I recommend that Congress enact legislation to provide for a nonvoting House delegate from the District.*" (Italic as in the original.)

Likewise, this committee has been impressed with the need for an effective spokesman for the District of Columbia—one with access and available in the Congress on a regular basis, a spokesman able to devote himself to matters of legislative import, a true representative, certain, by the fact of his election, of the support of the people of this city.

HISTORY OF LEGISLATION

The Senate Committee on the District of Columbia had pending before it three bills calling for the creation of a nonvoting congressional delegate from the District of Columbia—S. 1972, and S. 1991, updated versions of the home rule and nonvoting delegate measure (S. 118) passed by the Senate in the 89th Congress, first session, and S. 2163, introduced on behalf of the administration.

A public hearing was held by this committee on April 30, 1969, at which time the committee had before it S. 1972, S. 1991, and the message of the President to the Congress of the United States, dated April 28, 1969. That message outlined the substance of the provisions of S. 2163, which was introduced thereafter, on May 13, 1969.

Testimony was received from 31 witnesses, and further statements and communications were submitted for the record. (See the publication, Home Rule, hearing before the Committee on the District of Columbia, U.S. Senate, 91st Cong., first sess. 1969.)

SUMMARY OF BILL

Section 1 provides that the act (presently the bill S. 2163) is entitled "The District of Columbia Delegate Act."

Section 2 provides for representation of the District of Columbia in the U.S. House of Representatives by an elected delegate, to be seated in the House with the right of debate but not of voting.

The delegate is required, at the time of his election and thereafter while in office, to be at least 25 years of age, a qualified elector in the District, a resident of the District for a continuous period of at least the 3 years immediately preceding, and not otherwise a holder of any public office.

The delegate is entitled to the same privileges and made subject to the same restrictions as those enjoyed by and incumbent upon Members of the U.S. House of Representatives.

Section 3 defines the principal terms used in the Delegate Act.

Sections 4, 5, and 6 provide those technical amendments to the District Election Act and the United States Code which are essential to the selection of the delegate, and to the functioning of his office as created. The amendments assure that the status of the delegate is equal to that of U.S. Representatives except as to voting. Also notably, pursuant to section 4, a political party qualifies to conduct a primary election for the nomination of a candidate for the office of delegate, if a candidate of that party received at least 7,500 votes for delegate or Presidential elector in the next preceding election year; nomination for candidacy in a primary election is conditioned upon the submission of a petition signed by at least 2,000 registered adherents of the relevant party; said nominating petition is to be accompanied by a filing fee of $100; nomination for candidacy in a general election is by means of one such party primary or by petition, except that the latter petition must be signed by 5,000 registered voters or 2 percent of the total number of registered voters of the District; a person who has been a recent unsuccessful candidate in a party primary cannot be nominated as a candidate in the general election by petition; and runoff elections are to be held, after either primary or general elections, if no candidate receives 40 percent of the total votes cast in the election for delegate nominee or for delegate.

Section 7 provides further necessary, technical amendments to the District Election Act. Notably, pursuant to section 7, the number of signatures required on a nominating petition, for an election to fill a party office, is increased from 100 to 200; the District Board of Elections is authorized to provide for casting of nonabsentee ballots in District precincts other than those of the voters' residences; instead of any candidate (as under existing law), any group of qualified electors interested in the outcome of an election would be entitled to apply for credentials authorizing the posting of watchers at the polling places of the District; the Board of Elections is affirmatively authorized to regulate the number and conduct of poll watchers; the board is authorized to declare winners in advance of certain elections, when the number of qualified candidates or nominees does not exceed the number of offices to be filled; the per diem compensation of board members, for time spent in the performance of board business, is increased from $25 to $50, but with an annual maximum of $2,500; and the period following an election within which candidates must file financial statements is extended from 10 to 30 days.

Section 8 renders the delegate act effective upon enactment, and sets the first Tuesday in May 1970 as the date of the first party primary election for the Office of Congressional Delegate from the District of Columbia.

Section 9 provides that funds necessary to carry out the provisions of the District Election Act as amended by the delegate act are authorized to be appropriated.

Mr. PROUTY. Mr. President, the bills before the Senate today, S. 2163 and S. 2164, present a new approach to the establishment of a government by which the District of Columbia may be granted a greater measure of self-government than presently exists. Time and time again the Senate has considered bills on government for the District, only to have them fail in final enactment. As I said, when I introduced this bill, S. 2164, for the administration:

> We should forget past failures, admit we must take a new approach and get on with it.

Washington, D.C., as the Nation's Capital, stands alone in the spotlight. Its problems are national problems and its successes are imitated throughout the Nation. Congress is charged with the responsibility, not only to the residents of the city but to the citizens of the Nation, to create in this city the best form of municipal government possible and to make it a model for other American cities to emulate.

A Commission on Government for the District of Columbia, Mr. President, which this bill provides, is the most practical and realistic means of attaining the goal of the best form of government for the District. The composition of the Commission provides for four elected members giving those who would be governed a voice in the formation of the proposal. The congressional interest would be represented by two Members of the House of Representatives and two Members of the Senate, and the executive branch by five members appointed by the President.

The Commission will have an opportunity to review the many plans for government proposed through the years. In matters of finance, management, urban development and citizen participation it can draw upon the experience of other local governments in developing its proposals.

The bill reported by the committee, Mr. President, was amended in committee to enlarge the responsibilities of the Commission to not only examine the feasibility and desirability of various methods by which the structure of the District government may be improved but also to examine the methods by which the District government can promote economy, efficiency and improve service in its departments and agencies. This Hoover Commission amendment to the bill, offered in committee by the distinguished junior Senator from Virginia (Mr. SPONG), received my full support as well as support from other members of the committee. I think this amendment adds immeasurably to the effectiveness of the bill.

At the time I introduced S. 2164, the Commission bill, I also introduced S. 2163 which would provide for the election of the nonvoting delegate from the District of Columbia in the House of Representatives. This bill which has also been reported to the Senate, is a first step in establishing a needed link between the people of the District and the Congress. For some time I considered joining the two bills as one, but faced with the realities of such action, where one may fail because of opposition to the other, I felt it was unwise to place either of the measures in jeopardy. Neither should be exposed to such a fate. By going it alone each measure will stand on its own merits.

Mr. President, I believe that the enactment of both S. 2163 and S. 2164 will be in the best interest of the people of the District of Columbia and the Nation and I urge the Senate to consider them favorably.

The bill (S. 2163) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act is entitled "The District of Columbia Delegate Act".

DELEGATE TO THE HOUSE OF REPRESENTATIVES

SEC. 2. The people of the District of Columbia shall be represented in the House of Representatives of the United States by a Delegate, elected by the voters of the District of Columbia, to serve during each Congress. The Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting.

He shall be at least twenty-five years of age at the time of his election, shall be a qualified elector in the District, shall have resided in the District for the three-year period immediately preceding the date of his election, and shall, if elected, hold no other paid public office. He shall forfeit his office upon failure to maintain the qualifications required by law. He shall have all the privileges of a Representative granted by section 6 of article I of the Constitution, and be subject to the same restrictions and regulations as are imposed by law or rules on Representatives.

DEFINITIONS

SEC. 3. (a) For purposes of this Act—

(i) The term "District Election Act" means the Act of August 12, 1955 (69 Stat. 699), as amended by the Act of October 4, 1961 (75 Stat. 817; D.C. Code, sec. 1–1100) and by the Act of April 22, 1968 (82 Stat. 101).

(ii) The term "Delegate" means the Delegate to the House of Representatives from the District of Columbia referred to in section 2 of this Act.

(b) Section 2 of the District Election Act is amended by adding the following new subsection (6) at the end thereof:

"(6) The term 'Delegate' means a Delegate to the House of Representatives from the District, elected pursuant to the provisions of this Act."

ELECTION OF DELEGATE

SEC. 4. Section 8 of the District Election Act is amended (A) by redesignating subsection "(h)", "(i)", "(j)", and "(k)" as subsections "(n)", "(o)", "(p)", and "(q)" respectively, and (B) by adding the following new subsections (h), (i), (j), (k), (l), and (m):

"(h) The Delegate shall be elected by the people of the District of Columbia in a general election. The nomination and election of the Delegate and candidates for Delegate shall be governed by the provisions of this Act. Each candidate for Delegate in any general election shall, except as otherwise provided in subsection (j) of this section and in section 10(d) hereof, have been elected as such a candidate by the next preceding primary or party runoff election. No political party shall be qualified to hold a primary election for Delegate unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party for Delegate or for its candidates for electors of President and Vice President.

"(i) Each candidate in a primary election for Delegate shall be nominated for such office by a petition, (1) filed with the Board not later than forty-five days before the date of such primary election; (2) signed by no less than two thousand persons duly registered under section 7 and of the same political party as the nominee; and (3) accompanied by a filing fee of $100. Such fee may be refunded only in the event that the candidate withdraws his nomination by writing received by the Board not later than three days after the date on which nominations are closed. A nominating petition for a candidate in a primary election for Delegate may not be circulated for signature before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions and the posting and disposition of filing fees. The Board shall arrange the ballot of each political party in each such primary election so as to enable a voter of such party to vote for any one duly nominated candidate of that party for Delegate.

"(j) (1) A duly qualified candidate for the office of Delegate may, subject to the provisions of this subsection (j), be nominated directly as such a candidate for election in the next succeeding general Delegate election (including any such election to be held to fill a vacancy). Such person shall be nominated by a petition (a) filed with the Board not less than forty-five days before the date of such general election, and (b) signed by duly registered voters equal in number to 2 per centum of the total number of registered voters of the District, as shown by the records of the Board as of ninety-nine days before the date of such election, or by five thousand duly registered voters, whichever is less: *Provided, however,* That no such signatures may be counted which shall have been made on such petition more than ninety-nine days prior to the date of such election.

"(2) Nominations for direct general election of Delegate pursuant to this subsection (j) shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for Delegate held within eight months prior to the date of such general Delegate election.

"(k) In each general election for the office of Delegate, the Board shall arrange the ballots so as to enable a voter to vote for any one of the candidates for Delegate who has been duly elected by any political party in the next preceding primary or party runoff election for such office, who has been duly nominated to fill vacancies in such office pursuant to subsection (d) of section 10 of this Act, or who has been nominated directly as a candidate for general election pursuant to subsection (j) hereof.

"(l) The signature of a registered voter on any petition filed with the Board and nominating a candidate for primary or general election to any office shall not be counted if such voter also signed any other petition, filed earlier with the Board, and nominating the same or any other candidate for the same office in the same election.

"(m) Designations of offices of local party committees to be filled by election pursuant to clause (3) of section 1 of this Act shall be effected by written communications filed with the Board not later than ninety days before the date of such election."

SEC. 5. (a) Subsection (a) of section 10 of the District Election Act is hereby amended (A) by redesignating subsections (3), (4), (5), and (6) as subsections (6), (7), (8), and (9), respectively, and (B) by inserting after subsection (2) thereof the following:

"(3) Except as otherwise provided in the case of special election, primary elections of each political party for candidates for the office of Delegate shall be held on the first Tuesday in May of each even-numbered year, and general elections for Delegate shall be held on the Tuesday next after the first Monday in November of each even-numbered year.

"(4) Runoff elections shall be held whenever, (i) in any primary election of a political party for candidates for the office of Delegate no one candidate has received as much as 40 per centum of the total votes cast in that election for all candidates for Delegate of that party, and (ii) whenever in any general election for Delegate no one candidate has received as much as 40 per centum of the total votes cast for all candidates in that election. Any such runoff election shall be held not less than three weeks nor more than six weeks after the date on which the Board has determined the results of any primary or general election. At the time of announcing any such determination, the Board shall establish and announce the date on which the runoff election will be held, if one is required. The candidates in any such runoff election shall be the two persons who had received respectively the two highest numbers of votes in such prior primary or general election: *Provided, however,* That if any person withdraws his candidacy from such runoff election (under rules and within time limits prescribed by the Board), the person who received the next highest number of votes in such prior election and who is not already a candidate in the runoff election shall automatically become such a candidate.

"(5) With respect to special elections required or authorized by this Act, the Board shall have the power to establish the dates on which such special elections are to be held, and to prescribe such other terms and conditions as may in the Board's opinion be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this Act."

(b) The last sentence of subsection (a)(9) of section 10 of the District Election Act is amended by deleting the number "(5)" at the end thereof, and substituting in place thereof the number "(8)".

(c) Subsection 10(b) of the District Election Act is amended by inserting after the words "general election for" the words, "Delegates and".

(d) Section 10(c) of the District Election Act is amended by (i) deleting after the words "of a tie vote", the word "in", and inserting in lieu thereof the words "the resolution of which will affect the outcome of", and (ii) by deleting the words "following the election" and inserting in lieu thereof the words "following determination by the Board of the results of the election which require the resolution of such tie,".

(e) Subsection (d) of section 10 of the District Election Act is amended (i) by inserting after the words "official other than" the words "a Delegate or winner of Delegate primary election, or" and (ii) by inserting the following additional sentences at the end thereof: "In the event that such a vacancy occurs in the office of a candidate for Delegate who has been declared the winner in the preceding Delegate primary or party runoff election, the vacancy may be filled not later than fifteen days prior to the next Delegate general election, by nomination by the party committee of the party which nominated his predecessor, and by paying the filing fee required by section 8(i). In the event that such a vacancy occurs in the office of Delegate, the Board shall call special elections to fill such vacancy for the remainder of the term but no such vacancy shall be filled which occurs within five months of the expiration of a congressional term."

AMENDMENT OF TITLE 2, UNITED STATES CODE, AND OTHER LAWS OF GENERAL APPLICATION

SEC. 6. (a) The Act of March 4, 1925 (sec. 4, ch. 549, 43 Stat. 1301, as amended (2 U.S.C. 31)), is amended by deleting the word "and" after the words "Representatives in Congress", and by inserting after the words "Puerto Rico" a comma followed by the words "and the Delegate from the District of Columbia".

(b) Revised Statutes, section 51, Act of July 16, 1914 (ch. 141, sec. 1, 38 Stat. 458 (2 U.S.C. 37)), is amended by deleting the word "and" after the word "Congress", and by inserting a comma in lieu thereof, and by adding, after the word "Commissioners", the words "Delegate from the District of Columbia,".

(c) The Act of July 2, 1954 (ch. 455, title I, sec. 105, 68 Stat. 400, as amended (2 U.S.C. 38a)), is amended by inserting after "Resident Commissioner to," the words "or Delegate to".

(d) The Act of June 23, 1949 (ch. 238, sec. 6, 63 Stat. 265 (2 U.S.C. 46i)), section 11(a) of the Legislative Appropriation Act, 1956 (69 Stat. 509, as amended (2 U.S.C. 60g–1)), and the Act of March 25, 1953 (ch. 10, sec. 4, 67 Stat. 8 as renumbered (2 U.S.C. 112c)), are each amended by deleting the words "from a Territory," and by inserting a comma in lieu thereof.

(e) The last sentence of the eighteenth paragraph under the subheading "CONTINGENT EXPENSES OF THE HOUSE" under the heading "HOUSE OF REPRESENTATIVES" in the Legislative Appropriation Act, 1955, as amended (2 U.S.C. 122), is amended (i) by deleting the word "and" following the words "Members of the House of Representatives" and by inserting a comma in lieu thereof,

(ii) by deleting the semicolon after the words "Resident Commissioner from Puerto Rico" and by inserting in lieu thereof the words "and the Delegate from the District of Columbia;", and (iii) by inserting after the words, "district, Puerto Rico," the words "District of Columbia,".

(f) Subsection (i) of section 1 of the Act of June 25, 1910 (ch. 392, 36 Stat. 822, as amended; 2 U.S.C. 241 (i)), and section 591, title 18, United States Code, are each amended by deleting the period at the end thereof and by inserting in lieu thereof a common followed by the words "and the District of Columbia".

(g) Chapter 11, title 18, United States Code, section 201 is amended by deleting the word "or" after the words "Member of Congress" and inserting the words "or Delegate from the District of Columbia" after the words "Resident Commissioner"; sections 203 and 204 are each amended by deleting the word "or" following the words "Resident Commissioner" and by inserting after the words "Resident Commissioner-elect" the words "Delegate from the District of Columbia, or Delegate-elect from the District of Columbia".

(h) Section 594, title 18, United States Code, is amended by deleting the words "Delegates or Commissioners from the Territories and Possessions" and by inserting in lieu thereof the words "Delegate or Resident Commissioners".

(i) The first paragraph of section 595, title 18, United States Code, is amended by deleting the words "from any Territory or Possession," and by inserting a comma in lieu thereof.

(j) Section 11(c) of the Act of August 6, 1965 (Public Law 89–110, 79 Stat. 443; 42 U.S.C. 1973i(c)) is amended by inserting after "or Delegates or Commissioners from the" the words "District of Columbia or".

(k) Title 10, United States Code, sections 4342(a)(5) and 9342(a)(5), are each amended by deleting the word "Commissioners" and by inserting in lieu thereof the words "Delegate in Congress", Section 6954(a)(5) of such title is amended by deleting the words "Commissioners of" and by inserting in lieu thereof the words "Delegate in Congress from".

(l) The second sentence in the second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act, as amended (D.C. Code, sec. 25–107), is amended by striking out the words "the Presidential" and by inserting in lieu thereof the word "any".

MISCELLANEOUS AMENDMENTS OF DISTRICT ELECTION ACT

Sec. 7. (a) Clause (A) of subsection (2) of section 2 of the District Election Act is amended by inserting after the words "has resided" the words "or has been domiciled."

(b) Clause 2 of subsection (a) of section 8 of the District Election Act is amended by deleting the words "one hundred," and inserting in lieu thereof the words "two hundred."

(c) The first sentence of section 9(b) of the District Election Act is amended by deleting the words "The vote" and by substituting in lieu thereof the words "Except as otherwise provided by regulation of the Board, the vote".

(d) The first and second sentences of section 9(f) of the District Election Act are hereby amended to read as follows:

"(f) If a qualified elector is unable to record his vote by marking the ballot or operating the voting machine an official of the polling place shall, on the request of the voter, enter the voting booth and comply with the voter's directions with respect to recording his vote. Upon the request of any such voter, a second official of the polling place shall also enter the voting booth and witness the recordation of the voter's directions. The official or officials shall in no way influence or attempt to influence the voter's decisions, and shall tell no one how the voter voted."

(e) Section 1 of the District Election Act is amended (i) by inserting after the words "Vice President of the United States"' a comma, followed by the words "a Delegate to the House of Representatives"; (ii) by inserting the word "and" after the semicolon in clause (2); (iii) by deleting the present clause (3) in its entirety; and (iv) by renumbering as clause (3) the present clause (4).

(f) Sections 8(a) and 10(a)(1) of the District Election Act are amended (i) by deleting the words "clauses (1), (2), and (3)" and by inserting in lieu thereof the words "clauses (1) and (2)," and (ii) by deleting the words "clause (4)" and by inserting in lieu thereof the words "clause (3)".

(g) Section 8(c) of the District Election Act is amended (i) by deleting the words "The Board shall", and inserting in lieu thereof the words "Except as otherwise provided, the Board shall", and (ii) by amending subsection 1 to read as follows:

"(1) to vote, in any election of officials referred to in clauses (1) and (2) of the first section of this Act and of officials designated pursuant to clause (3) of such section, separately or by slates for the candidates duly qualified and nominated for election to each such office or group of offices by such party under subsections (a) and (b) of this section 8."

(h) Section 9(c) of the District Election Act is amended to read as follows:

"Any group of qualified electors interested in the outcome of an election may not less than two weeks prior to such election petition the Board for credentials authorizing watchers at one or more polling places at the next election during voting hours and until the count has been completed. The Board shall formulate rules and regulations not inconsistent with this Act to prescribe the form of watchers' credentials, to govern the conduct of such watchers, and to limit the number of watchers so that the conduct of the election will not be unreasonably obstructed. Subject to such rules and regulations watchers may challenge prospective voters whom they believe to be unqualified to vote."

(i) Section 9 of the District Election Act is amended (i) by redesignating subsection "(h)" to subsection "(i)", and (ii) by inserting the following new subsection (h):

"(h) In the event that the total number of candidates of one party nominated to an office or group of offices of that party pursuant to section 8(a) or 8(i) of this Act does not exceed the number of such offices to be filled, the Board may, prior to election day and, notwithstanding the provisions of section 8(c) or 8(i) of this Act, declare the candidates so nominated to be elected without opposition, in which case the fact of their election pursuant to this paragraph shall appear for the information of the voters on any ballot prepared by the Board for their party for the election of other candidates in the same election."

(j) The first sentence of section 4(b) of the District Election Act is amended to read "Each member of the Board shall be paid compensation at the rate of $50 per day, with a limit of $2,500 per annum, while performing duties under this Act.".

(k) Subsection (e) of section 13 of the District Election Act is amended by striking out the words "ten days" and by inserting in lieu thereof the words "thirty days".

(l) Section 14 of the District Election Act is amended by striking out the words "his place of residence or his voting privilege in any other part of the United States," and by inserting in lieu thereof the words "his qualifications for voting or for holding elective office, or be guilty of violating section 9, 12, or 13 of this Act."

(m) Subsection (g) of section 9 of the District Election Act is amended to read as follows:

"(g) No person shall vote more than once in any election nor shall any person vote in a primary or party runoff election held by a political party other than that to which he has declared himself to be a member."

(n) Subsection (b) of section 13 of the District Election Act is amended by inserting after the words "Vice President," the word "Delegate,"; by inserting after the word "committeewoman" the word "or"; and by deleting the words "or alternate,".

(o) Subsection (d) of section 13 of the District Election Act is amended by inserting after the word "elector," the word "Delegate,'; by inserting after the word "committeewoman" the word "or"; and by deleting the words "or alternate,".

EFFECTIVE DATES

Sec. 8. (a) Except as otherwise provided in this Act, its provisions shall take effect upon the date of its approval.

(b) The first primary election of each political party for candidates for the office of Delegate shall be held on the first Tuesday in May 1970.

APPROPRIATION AUTHORIZED

Sec. 9. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of the District of Columbia Election Act as amended by this Act.

ESTABLISHMENT OF A COMMISSION ON GOVERNMENT FOR THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 2164) to establish a Commission on Government for the District of Columbia, which had been reported from the Committee on the District of Columbia, with amendments, on page 1, at the beginning of line 3, strike out "That there is hereby established the Commission on Government for the District of Columbia (referred to hereafter as the 'Commission' to examine the feasibility and desirability of various methods by which the structure of the District government may be improved and by which the District of Columbia may be granted a greater measure of self-government than presently exists."; and, in lieu thereof, insert, "That there is hereby established the Commission on Government for the District of Columbia (referred to hereafter as the 'Commission') to examine the feasibility and desirability of various methods by which (1) the structure of the District government may be improved, (2) the District of Columbia may be granted a greater measure of self-government than presently exists, and (3) the District of Columbia government can promote economy, efficiency, and improved service in the transaction of the public business in the departments, agencies, and independent instrumentalities of the District government."; on page 3, after line 16, strike out:

> Sec. 3. (a) The Commission shall examine the feasibility and desirability of various methods by which the structure of the District government may be improved and by which the District of Columbia may be granted a greater measure of self-government than presently exists. In this connection, the Commission may study among others, the following matters:

XUM

And, in lieu thereof, insert:

SEC. 3. (a) The Commission shall examine the feasibility and desirability of various methods by which (1) the structure of the District government may be improved, (2) the District of Columbia may be granted a greater measure of self-government than presently exists, and (3) the District government can promote economy, efficiency, and improved service in the transaction of the public business in the departments, agencies, and independent instrumentalities of the District Government. In this connection, the Commission may study among others, the following matters:

On page 5, line 13, after the word "Congress;", strike out "and"; in line 18, after the word "and" where it appears the second time, strike out "instrumentalities." and insert "instrumentalities; and

"(11) the means and extent to which the District government can—

"(A) limit expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions;

"(B) eliminate duplication and overlapping of services, activities, and functions;

"(C) consolidate services, activities, and functions of a similar nature; and

"(D) abolish services, activities, and functions not necessary to the efficient conduct of the District government."

And on page 6, line 11, after the word "than", strike out "six" and insert "eighteen"; so as to make the bill read:

S. 2164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established the Commission on Government for the District of Columbia (referred to hereafter as the "Commission") to examine the feasibility and desirability of various methods by which (1) the structure of the District government may be improved, (2) the District of Columbia may be granted a greater measure of self-government than presently exists, and (3) the District of Columbia government can promote economy, efficiency, and improved service in the transaction of the public business in the departments, agencies, and independent instrumentalities of the District government.

MEMBERSHIP OF THE COMMISSION

SEC. 2. (a) The Commission shall be composed of—

(1) two Senators appointed by the President of the Senate, who shall not be members of the same political party;

(2) two Members of the House of Representatives appointed by the Speaker of the House of Representatives, who shall not be members of the same political party.

(3) five persons appointed by the President of the United States, one of whom he shall designate as Chairman and another of whom he shall designate as Vice Chairman. Not more than three of these persons shall be members of the same political party.

(4) the Commissioner of the District of Columbia and the Chairman of the District of Columbia Council shall be ex officio nonvoting members of the Commission; and

(5) four persons to be elected by the people of the District of Columbia.

(b) Vacancies of members appointed to paragraphs (1) through (3) of this section shall be filled in the same manner in which the original appointments were made, and subject to the same limitations with respect to party affiliation. Vacancies of the members elected under paragraph (5) shall be filled by the President.

(c) Seven members shall constitute a quorum, but a lesser number may conduct hearings.

(d) Members of the Commission shall not be deemed to be officers or employees of the United States by virtue of such service.

DUTIES OF THE COMMISSION

SEC. 3. (a) The Commission shall examine the feasibility and desirability of various methods by which (1) the structure of the District government may be improved, (2) the District of Columbia may be granted a greater measure of self-government than presently exists, and (3) the District government can promote economy, efficiency, and improved service in the transaction of the public business in the departments, agencies, and independent instrumentalities of the District government. In this connection, the Commission may study among others, the following matters:

(1) the basic structure of the District government and its relationship to the United States Government;

(2). the legislative authority to be delegated by the Congress to the District government to carry out the powers of local self-government;

(3) the authority of the District government and the allocation of such authority between the executive and legislative branches of the District government;

(4) the fiscal authority of the District government, including its authority to borrow for capital improvements, to engage in short-term borrowing, to provide for payment of bonds and notes, to make legal investments and to exercise other necessary fiscal authority;

(5) the taxing authority of the District government;

(6) the financial administration of the District government and audits of its affairs;

(7) the adjustment of Federal and District expenses and other arrangements between the District and the United States;

(8) elections in the District;

(9) the extent to which the Congress should reserve its authority to amend any charter of self-government which may hereafter be granted, the extent to which such charter may be amended by the people of the District and the extent to which such amendment should be subject to approval by the President or the Congress;

(10) all other appropriate and necessary subjects of legislation within the District consistent with the Constitution of the United States, which may establish the relationship between the District government and the Federal Government and its agencies and instrumentalities; and

(11) the means and extent to which the District government can—

(A) limit expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions;

(B) eliminate duplication and overlapping of services, activities, and functions;

(C) consolidate services, activities, and functions of a similar nature; and

(D) abolish services, activities, and functions not necessary to the efficient conduct of the District government.

(b) The Commission shall submit to the President and the Congress a comprehensive report of its findings and recommendations as soon as practicable and in no event later than eighteen months after the election of the members of the Commission provided for by section 2(a)(5) of this Act. The Commission is authorized to issue such interim reports as it deems necessary prior to the submission of its final report. The Commission shall cease to exist thirty days following the submission of its final report.

POWERS OF THE COMMISSION

SEC. 4. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued over the signature of the Chairman or Vice Chairman, or any duly designated member, and may be served by any person designated by the Chairman, the Vice Chairman, or such member.

(b) The Commission, acting through its Chairman, is authorized to request from any department, agency, or independent instrumentality of the Federal and District Governments any information and assistance it deems necessary to carry out its functions under this Act; and each such department, agency, and instrumentality is authorized and directed to cooperate with the Commission, and, to the extent permitted by law and available appropriations, to furnish such information and assistance to the Commission upon request by the Chairman.

(c) The Commission is authorized to accept, hold, and administer gifts and bequests of money, securities, and other personal property of whatsoever character absolutely or in trust, for purposes for which this Commission is created.

(d) The Commission may appoint and fix the compensation of such personnel as it deems advisable without regard to (1) the provisions of title 5, United States Code, governing appointments in the competitive service, and (2) the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates, except that no person shall receive compensation in excess of the rate now or hereafter provided for grade GS-18.

(e) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(f) When so authorized by the Commission, any member of the Commission may take any action which the Commission is authorized to take by this section.

COMPENSATION OF COMMISSION MEMBERS

SEC. 5. (a) Members of the Commission who are Members of the Congress or full-time officers or employees of the United States or the District of Columbia shall receive no additional compensation on account of their service on the Commission. The other members of the Commission shall be entitled to receive compensation at the rate now or hereafter provided for grade GS-18 of the General Schedule for employees for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Commission.

(b) While traveling on official business in the performance of services for the Commission, members of the Commission shall be allowed expenses of travel, including per diem instead of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

ELECTION OF COMMISSION MEMBERS FROM THE DISTRICT OF COLUMBIA

SEC. 6. (a) Four members of the Commission shall be elected at large by the people of the District of Columbia, pursuant to the provisions of the District of Columbia Election Act (Act of August 12, 1955, 69 Stat. 699, as amended by the Act of October 4, 1961, 75 Stat. 817; sec. 401, Reorganization Plan Numbered 3 of 1967; Public Law 90-292, Ninetieth Congress) and pursuant to the provisions of section 2 of the District of Columbia Board of Education Act of June 20, 1906 (D.C. Code, sec. 31-101), as amended.

XUM

(b) The general election of such members shall take place on the date of the first general, primary, or runoff election (whichever occurs earlier) to be held pursuant to the provisoins of the District of Columbia Election Act and of the District of Columbia Board of Education Act which takes place more than ninety days after the approval of this Act.

(c) If the general election of such members held under subsection (b) of this section would not take place within one hundred and eighty days after approval of this Act, the Board of Elections for the District of Columbia shall provide for a special election of such members. Such election shall take place as soon after the approval of this Act as it can reasonably be held, but no less than ninety days and no more than one hundred and eighty days after the approval of this Act.

(d) The provisions of the District of Columbia Election Act and of section 2 of the District of Columbia Board of Education Act, as amended, relating to the election of candidates for the Board of Education elected at large, shall apply to the election of the elected members of the Commission, except as otherwise modified by this Act.

(e) (1) The following provisions of the District of Columbia Election Act shall not be applicable to the election of elected members of the Commission: Section 1, subsections (a), (c), (d), (e), (f), (g), and (h) (1) of section 8, subsections (a) (1) and (a) (2), (d), and (e) of section 10, subsection (b) (c), (d), and (e) of section 13 and section 15.

(2) The following provisions of section 2 of the District of Columbia Board of Education Act, as amended, shall not be applicable to election of elected members of the Commission: Section (2) (a), (b), subsection (1) or section 2(c), section 2 (d) and (e).

ADMINISTRATIVE SERVICES

Sec. 7. The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

AUTHORIZATION OF APPROPRIATIONS

Sec. 8. There are hereby authorized to be appropriated, out of moneys in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the purposes of this Act.

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–434), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF BILL

The purpose of the bill S. 2164 is generally to create a home rule study commission for the District of Columbia, to serve at the same time as a local investigative commission (a local Hoover Commission) to study in detail the operations of the District of Columbia government.

More specifically, the purpose of S. 2164, (as stated therein), is to establish a Commission on Government for the District of Columbia to examine the feasibility and desirability of various methods by which (1) the structure of the District government may be improved, (2) the District of Columbia may be granted a greater measure of self-government than presently exists, and (3) the District of Columbia government can promote economy, efficiency, and improved service in the transaction of the public business in the departments, agencies, and independent instrumentalities of the District government.

The Commission on Government is to consist of 15 members—two Senators, two Members of the House of Representatives, five Presidential appointees, and four members elected by the people of the District of Columbia, along with, ex officio, the District Commissioner and the Chairman of the District of Columbia Council. While being charged with reasonable expedition, the Commission is allowed 18 months to submit its findings and recommendations to the President and to the Congress.

NEED FOR LEGISLATION

S. 2164 reflects, first, the awareness of this committee of the continued anomaly of the disfranchisement of Washington's 850,000 citizens. Unique among the constituent jurisdictions of the United States, the District of Columbia as such is governed entirely by appointed officials and employees.

In such a setting, in the National Capital, the move toward greater self-government is as inevitable as the ideal of democracy is cherished. The Senate District Committee, moreover, was persuaded that self-government can enhance good government by assuring the support of the people to be governed.

The committee recognized that the important position which the District of Columbia occupies—as a model for the Nation, the National Capital, as well as the residence of nearly a million persons—requires that the form of government in this city be acceptable at once to the Congress, to the President, to the Nation, and to Washingtonians. Yet, to date, proposals for particular forms of government, fashioned or approved by this committee, have not in fact achieved full acceptance. The committee concluded that some novel approach is necessary.

The committee further noted that recent developments in political thinking appear to pose, as never before, conflicting trends in the field of urban government. While some would urge an expansion of interjurisdictional cooperation, others urge decentralization or diffusion of governmental services. While some would urge increased professionalization of local government, others urge increased citizen participation. With this in mind also, the committee opted to create a study commission, whereby disparate thinking might more easily be tapped, reconciled, and implemented.

In specifically charging the Commission on Government (in S. 2164) with a review of the operations of the District government, the Senate committee was mindful of the need for shoring up the administrative underpinnings of any new form of city government. The committee likewise sought to institutionalize intensive oversight and reform, as the logical counterpart of its approval of increased Federal moneys for the support of the District of Columbia government, and of the committee's repeated authorization for an expansion of local governmental activities.

HISTORY OF LEGISLATION

The Senate Committee on the District of Columbia had pending before it four bills relating to home rule—S. 1971, providing for the election of the existing District of Columbia Council, S. 1972 and S. 1991, updated versions of the home rule measure (S. 1118) passed by the Senate in the 89th Congress, first session (providing immediate home rule with a Mayor-Council form of government), and S. 2164, introduced on behalf of the administration, providing a home rule study commission.

A public hearing was held by this committee on April 30, 1969, at which time the committee had before it S. 1971, S. 1972, S. 1991, and the message of the President to the Congress of the United States, dated April 28, 1969. That message outlined the substance of the provisions of S. 2164, which was introduced thereafter, on May 13, 1969.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside and that the amendment I now offer may be considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment offered by the Senator from Massachusetts will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 85, line 25, immediately after "(h)", insert "(1)".

On page 86, between lines 11 and 12, insert the following:

"(2) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any miner or any authorized representative of miners by reason of the fact that such miner or representative (A) has notified the Secretary or his authorized representative of any alleged violation or danger pursuant to paragraph (1) of this subsection, (B) has filed, instituted or caused to be instituted any proceeding under this Act, or (C) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

"(3) Any miner or a representative of miners who believes that he has been discharged or otherwise discriminated against by any person in violation of paragraph (2) of this subsection may, within thirty days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party, to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue an order requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to the rehiring or reinstatement of the miner or representative of miners to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein. Any decision issued by the Secretary under this paragraph shall be subject to judicial review in accordance with the provisions of section 304 of this Act. Violations by any person of paragraph (2) of this subsection shall be subject to the provisions of sections 307 and 308(a) of this Act.

"(4) Whenever an order is issued under this subsection, at the request of the applicant,

XUM

> a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation."
>
> On page 103, line 17, immediately after "section" insert "or section 301 (h) (3)".
>
> On page 104, line 5, immediately after "section", insert "or section 301 (e) (3),".

Mr. KENNEDY. Mr. President, this is, I believe a noncontroversial matter. My proposed amendment would make it unlawful for any person to discharge or otherwise discriminate against a miner for bringing suspected violations of this act to the attention of authorities. In essence, the amendment gives to miners the same protection against retaliation which we give employees under other Federal labor laws. As a result, miners will feel free to point out health and safety hazards which this act is designed to prevent and correct.

Under the amendment, if a miner feels that he has been discharged or discriminated against because he pointed out a suspected violation, he may petition the Secretary of Interior for a review of the action. The Secretary will have a hearing to determine the validity of the charge. If the Secretary decides that the miner was wrongfully fired or transferred, he can order that he be rehired or reinstated to his former position, with or without back pay. He can enjoin the violator from further discrimination and take other appropriate action. A violater would be subject to the civil penalties, but not the criminal penalties, of the act.

A right of appeal to the Federal courts from the Secretary's decision is reserved for all parties.

If he wins his case before the Secretary, the miner can obtain costs and attorney's fees.

Mr. President, the rationale for this amendment is clear. For safety's sake, we want to encourage the reporting of suspected violations of health and safety regulations. Section 301(h) of the bill, on page 85, confirms this concern by calling for immediate inspection whenever a representative of miners believes that there may be a violation of health or safety standards.

But miners will not speak up if they fear retaliation. This amendment should deter such retaliation, and, therefore, encourage miners to bring dangers and suspected violations to public attention.

The provisions of this amendment are similar to protections in other labor laws.

The National Labor Relations Act, for example, makes it an unfair labor practice for an employer "to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this act." But this gives protection only to employees who have pointed out violations of the National Labor Relations Act, and not to those who have pointed out violations of other laws—such as the proposed Coal Mine Health and Safety Act.

The Fair Labor Standards Act, relating to minimum wage and hours worked, provides:

> It shall be unlawful for any person . . . to discharge or in any other manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this act, or has testified or is about to testify in any such proceeding.

The Fair Labor Standards Act gives the employee a right to civil suit for back pay and damages. Suit can also be brought, on behalf of the employee, by the Administrator of the Wage and Hour Division of the Department of Labor.

If the suit is successful, the employee can collect reasonable attorney's fees and costs of the action from the defendant.

The Landrum-Griffin Act makes it unlawful for any person to "attempt to restrain, coerce, or intimidate any member of a labor organization for the purpose of interfering with or preventing the exercise of any right to which he is entitled under the provisions of this act."

Other labor laws have similar protections. But they do not apply in the case of the proposed coal mine health and safety bill. For the protections are written into the specific acts, and apply only for employees calling attention to violations under those specific acts.

My proposed amendment, then, simply puts into the Coal Mine Health and Safety Act the same protection which we find in other legislation.

It is especially important that miners not feel inhibited to point out health and safety violations because there is such a high degree of danger in the mines. As Mr. John Corcoran, chairman of the National Coal Association, testified:

> There can be no question that the health and safety of employees in the coal industry must be given first priority.

Indeed, the first declaration of purpose in the bill before us today is that "the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner."

Mr. President, our coal miners deserve the same safeguards that we give to other employees who raise possible violations of law. My amendment provides those safeguards. I urge its adoption by the Members of this body.

Mr. JAVITS. Mr. President, may I ask the Senator's indulgence, so that we might go on to something else for a few minutes? Would the Senator be agreeable to that?

Mr. KENNEDY. Yes.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I would like to say a word about the amendment proposed by the Senator from Kentucky (Mr. COOPER) with respect to nongassy mines, and to deal with the general proposition for which the Senator from Kentucky so redoubtably contended, which is that the nongassy mines should have special consideration because of their safety record.

I think implied in his approach is the fact that on a very broad scale nongassy mines are usually small businesses.

Neither the Senator from New Jersey (Mr. WILLIAMS) nor I have any vested interest in respect of the inclusion of nongassy mines in this legislation. Senator WILLIAMS is from New Jersey, and I am from New York. We have no great problem with any regulations which would be fair and just to assist in this very dangerous occupation of coal mining.

I wish to assure the Senator from Kentucky and the many people he represents that when we examined into this matter, we examined it with great objectivity. We had to rely on the views of the authorities who deal with mine inspection and safety all the time.

The junior Senator from Kentucky (Mr. COOK) argued that on a given occasion some years ago the Department had a different view on the nongassy mine situation. I do not challenge that. The fact is, however, that their present representation to us—to the Senate, the country, and to everyone concerned—is that if we really want safety for the miners, the Department cannot give the assurance that it will be done unless nongassy mines are covered.

They say, "Yes, the number of explosions over a long period of years is materially less in nongassy than in gassy mines and many more miners are involved." But they say, "We cannot assure you tomorrow that that may not change or that any particular nongassy mine will not explode because of the ignition of methane gas from a spark—a spark which can come from a match, a cigarette or a large or small piece of equipment."

They give as evidence the undisputable fact that there have been methane explosions of a serious character in nongassy mines. The whole concept of our country—and that is one thing we are fighting about in Vietnam and there is no more redoubtable champion for the people in Vietnam and everywhere than the Senator from Kentucky—is that one life is as important as 5,000 lives and vice versa.

That is what we are faced with here. I must say in respect to this amendment that I really am convinced that if we are going to enact a scheme of health and safety, we have to include nongassy mines for the reasons I have just stated.

When one comes to the small business aspect, that is where I have deep sympathy with what the Senator from Kentucky (Mr. COOPER) is up against and what the nongassy mine operator is up against. It is a question of financial ability to do what the interests of safety may require.

The scheme of the legislation seeks—maybe it is inadequate; I am not going to try to be silly about that—to give an extended period of time for compliance of up to 4 years. I am confident that virtually every one of the small nongassy mines could get the full period because they could qualify under the criteria. Furthermore, it makes them eligible for small business loans.

In a memorandum that the Senator from Kentucky (Mr. Cooper) has promulgated, I notice that he challenges the cost of the conversion or other corrections of equipment.

I might tell the Senator that precisely because of the provisions in the bill which permit onsite inspection by the Bureau of Mines, the cost has been brought down materially. Of course, the original cost estimates were much higher than what the cost has been brought down to, by virtue of the provisions in the bill permitting a field inspection system. We are convinced, again objectively, since neither the Senator from New Jersey (Mr. Williams) nor I have any ax to grind, that the $10,000 estimate of the average cost per small nongassy mine of the Bureau of Mines is sound.

We must respectfully submit, although we know that mines are small, and there are difficulties facing the individual proprietor, that this is not a forbidding sum for anyone over a period of years, an extended period of years, who is in business for himself to meet in the interests of safety.

This is the case for us, the proponents.

Let me say to the Senator from Kentucky that I, for one, will do my utmost, within the limits of reason, if more time is required to make more time available. Perhaps he might have a better suggestion as to the financing arrangements, I shall try to do what I can on that. But the fundamental proposition is that the nongassy mines should be required, ultimately to meet the standards of other mines, insofar as the prevention of explosions is concerned.

I speak now only because I hope that overnight, as the Senator considers—and we consider—this, some area of agreement may be found along the lines which I have just laid before the Senator from Kentucky (Mr. Cooper).

I have the deepest sympathy with the problems faced by small mine owners. On the other hand, it is also our responsibility. I hope very much that we can reconcile them by giving something of our time in trying to find some way to deal with the many forces involved, but still retaining the fundamental concept that a true health and safety bill in the coal mine industry demands that there be coverage for the nongassy mines as well.

Mr. COOPER. Mr. President, I appreciate very much the statement just made by my good friend, the Senator from New York (Mr. Javits). He is a constructive legislator. He is always reasonable. I accept wholly the statement, that he and the Senator from New Jersey (Mr. Williams) have approached this subject objectively. I know that is their attitude. That is their character. It may be said that I might not be as objective, but I think that we have to relate with objectivity one's knowledge of the situation and the facts. In that sense, I may be as objective as my friends from New Jersey and New York. I believe that I probably have a more practical knowledge of the situation in the mines, and what would happen, because of the terms of this bill. I say that with great respect for both of them.

The Senator from New York has referred to his efforts to provide help for reconversion through a more liberal, Small Business Administration regulation. That might be helpful to a few of the large nongassy mines which can afford to purchase the machinery, but to a great majority, as shown by the report of the committee, which describes small nongassy mines their operation would not be economically feasible. They could not recoup the investment; a small business loan would be of no value.

The Senator from New York referred to the elimination of nongassy classification as a matter of conscience. It is a matter which lies upon our conscience. I am sorry that anyone should die or be injured in a coal mine. Let me point out that there are many industries in this country, where men work with their hands, that are dangerous and hazardous. Whether in the coal mines, the machine shops, the roundhouses, or the other great industries in our country, there is danger of death and injury.

I must say that, sad as the record is in each of these classes of mines, the record in the nongassy mines is better than in most hazardous industries in this country and is remarkably good.

Mr. President, the Senator from New York argues that introduction into the mines of permissible machinery would reduce ignitions. The record shows that nearly all ignitions have come from matches and smoking. That is taken care of in the bill. I wish to point out that permissible machinery has not appreciably reduced ignitions in the gassy mines.

It is a matter of conscience. Two days ago, when we were debating the question of fixing a tax upon coal for conversion, I believed in my mind and judgment that we did not have the constitutional right and so argued. But, going home that afternoon, I felt sad because I thought that perhaps it would deprive these people who suffer from the black lung diseases would be deprived of compensation. If we in good conscience should close down the small mines, then in good conscience, I should also say that we should close down the gassy mines.

If I had to vote, I believe I would have to vote that the mine in Farmington, W. Va., could not be opened again.

It is not wholly correct to say that this is a matter of conscience on one side and not a matter of conscience on the other.

Mr. President, I thank the Senator from New York. He is my friend, as he knows. We are together on practically everything. We are not together on this subject. He usually knows more about the issues of the day than I do, but I think, in this case, I may have a little more practical experience.

Mr. President, I want to thank the distinguished Senator from New Jersey (Mr. Williams) for his explanation of the bill. He pointed out accurately the great improvements which have been made by his subcommittee—including the Senator from New York (Mr. Javits), Senator Randolph, and others.

As I have said, with the exception of this item, and perhaps a few minor ones, I wholly support the bill.

This is such a complex question that I have laid upon the desk of each Senator a two-page statement which summarizes the position which I believe supports my amendment. I have also analyzed the cost estimates, contradictory as they are, in the report and have placed a two-page summary of it on the desk of each Senator.

I must say that they are absolutely impractical. When anyone reads them, he will know that some of the estimates must have been prepared by one who knows nothing at all about the operation of a coal mine.

For instance, it speaks of a large coal mine, or a large nongassy coal mine with an annual production of 20,000 tons. With 250 days of operation, that would be 80 tons a day. That is a very small, nongassy coal mine.

That is just one example. An experienced coal mine operator or coal miner could look at the cost estimates and know absolutely how illogical and impractical they are. I have tried to emphasize that in the summary I have made.

Now, Mr. President, I have talked too long. Again I express my thanks to my good friend from New York.

Mr. President, I ask unanimous consent to place in the Record two memorandums I have prepared on this subject.

There being no objection, the memorandums were ordered to be printed in the Record, as follows:

S. 2917, Coal Mine Health and Safety Act

SHORT EXPLANATION OF AMENDMENT PROPOSED BY SENATOR COOPER

The Coal Mine Health and Safety Act is complex and this is a short explanation of my amendment which would maintain the present classification of mines as *"gassy and nongassy"* as it relates to the use of certain electrical equipment.

The Coal Mine Safety Act of 1941 was only advisory, without Federal regulation.

The Act of 1952 provided Federal safety regulations and enforcement for mines employing more than 14 persons and designated as Title II mines. With respect to Title I mines—employing 14 or less—regulations were left to states. In 1966, Congress amended the Act, placing all mines without regard to the number of employees under Federal regulations.

The Bureau of Mines has recognized the distinction between "gassy" and "nongassy" mines from 1926 to the present. A mine is classed "gassy" when a test of air at specified places shows a concentration of 0.25 percentum of methane, one-quarter of one percent. Ignitions and explosions occur when methane content reaches generally 5 to 15 percent. The nongassy mines are termed "nongassy" because tests throughout the years showed that the percentum of methane is 0.25 or less.

The Bureau of Mines regulations have required and now require that "gassy" mines use "permissible equipment", equipment built, and approved by the Bureau of Mines, for the purpose of reducing sparking, because there is great danger of ignition in "gassy" mines. S. 2917, the pending bill, would change existing law and require all mines, "nongassy" as well as "gassy ", to use permissible equipment. Operators of "nongassy" mines would be required to junk their present equipment and purchase permissible equipment. The cost would put many of the small mines out of business without any real contribution to safety. I am attaching a second memorandum which will indicate the heavy cost of the requirement for permissible machinery.

Safety record of "gassy" and "nongassy" mines

I placed in the Record on June 5 and again on September 25 of this year the records furnished me by the Bureau of Mines covering the period 1952 through 1968. A comparison between "gassy" and "nongassy" mines is startling. In 392 "gassy" mines, employing about 55,000 persons, and producing about 60% of the coal, there were *381* ignitions, causing *374* deaths and *427* injuries. In the same period of time, in *3,191* "nongassy" mines there were 52 ignitions causing 27 deaths and 54 injuries.

While any deaths or injuries are sad, I must say that the safety record of "nongassy" mines is good. I also asked the Bureau of Mines for a detailed description of the causes of ignitions in "nongassy" mines which I placed in the Record on September 25, 1969. This record indicates that if permissible equipment had been used, only nine of the 51 ignitions might have been prevented by the use of permissible coal drills and blower fans, which are required by this bill, and which I support. The effect of requiring the "nongassy" mines to buy other large, expensive permissible equipment such as cutting machines, loaders and shuttle cars would put most of them out of business. The miners would be forced to find employment in the large "gassy" mines where the record of danger of deaths and injuries is great.

Repeated explosions have occurred in the "gassy" mines ranging from 2 to as many as 18, according to the records of the Bureau of Mines—"gassy" mines which were required to use permissible equipment. The explosion occurring at Consol #9 at Farmington, West Virginia, resulted in the death of 78 persons—about three times as many deaths in this one "gassy" mine as occurred in 3,191 "nongassy" mines in a period of 16 years. A similar explosion had occurred in the same mine in 1956, killing 16 persons.

The bill before us has some very helpful amendments which we hope will reduce the hazards of mining in both "gassy" and "nongassy" mines. I support these more effective regulations.

It is inconsistent for the Bureau of Mines, concerned about fatalities and the bad safety record of "gassy" mines, to keep these open and force upon the "nongassy" mines, which have a far superior safety record, the mandatory requirement to junk their present equipment and purchase permissible equipment.

Memorandum by Senator Cooper Concerning the Costs of Requiring the Use of Permissible Equipment in "Nongassy" Mines as Proposed by S. 2917

S. 2917 would change existing law and require the use of permissible equipment in "nongassy" mines. Unless my amendment is approved, S. 2917 would require about 3,000 "nongassy" mines be equipped with permissible machinery as is now required in 400 "gassy" mines.

I have shown in another memorandum that the Bureau of Mines' records show that in the period of 1952 to 1968, in "gassy" mines, there were 381 ignitions resulting in 374 deaths and 427 injuries. In sharp contrast, in 3,191 "non-gassy" mines there were 52 ignitions, 27 deaths and 54 injuries. The "gassy" mines are dangerous and will continue to be dangerous. S. 2917 would require the "non-gassy" mines, which have a good record of safety as far as ignitions are concerned, to junk their present equipment and rebuild their mines with costly permissible equipment. This would drive many of the small "nongassy" mines out of business and force their miners to find employment in the dangerous "gassy" mines.

The report of the Committee on costs is contradictory. The Committee heard no proof on the costs of refitting a "nongassy" mine with permissible equipment, except for the testimony of Mr. Cloyd McDowell who testified that the cost of fitting a section of a "nongassy" mine would be—about $240,000. Although the Committee heard no testimony, its report, on page 31 (2. Cost of Conversion), states varying figures of costs. The first paragraph states that the minimum would be $70 million, and a maximum of $360 million; the same paragraph places the cost at $51 million. The same page, fifth paragraph, states that the Department concluded the costs to be $80 million. Page 32, fourth paragraph, puts the cost at $51.7 million; page 32, fifth paragraph, puts the cost between $50 million and $60 million; and page 32, sixth paragraph, estimates costs of $30 million.

On pages 27143 and 27144 of the Congressional Record of September 25, Senator Williams of New Jersey placed in the Record tables submitted by the Bureau of Mines. The Record shows that new equipment for a section of a mine would cost $266,000, even larger than Mr. McDowell testified; Table 2, Rebuilt Equipment, would cost $196,500. The table is incorrect because the first three items would not be required and the cost would be $92,500.

Table 3, Rebuilt Equipment, $21,450 would apply to hand-loading mines which have a small production of coal and which have practically gone out of business. For such a mine, the amount of $21,450 would be prohibitive.

Another estimate on page 32 of the Committee Report indicates that small "nongassy" mines could be equipped with converted machinery at a cost of approximately $10,000 per mine. These costs would apply, according to tables placed in the Record, to a mine producing annually 15.000 tons, which on an average work-year of 250 days, would average about 60 tons a day. This is completely unrealistic. The average net profit per ton is thirty cents and, if it were possible to reconvert present machinery—which is not the case—it is an unrealistic estimate of cost.

Permissible machinery is now manufactured by a few companies, and the prototype of the machinery must be approved by the Bureau of Mines.

On page 27143 of the Congressional Record of September 25, the Bureau of Mines states that if all mines are required to reequip with permissible machinery, "it appears that *a minimum of eight years might be required if the manufacturers could triple their sales capacity. It may, however, be as much as ten years . . .*" (Italic supplied.)

The Committee assures us there is no problem of converting present conventional equipment to permissible equipment. In correspondence I have had with equipment manufacturers and with operators, it is evident that conventional equipment cannot be converted to permissible equipment or, if some machinery could be converted, the costs would vary greatly, and would be prohibitive.

In summary, conventional equipment cannot be converted to meet the standards of permissible equipment. The cost of junking conventional equipment and purchasing permissible equipment will force hundreds of "nongassy" mines, with an excellent safety record, out of business causing economical loss to miners, mine operators, many associated industries, and to the communities and States in which these mines are located. It will not contribute to safety. The danger lies in the "gassy" mines and not the "nongassy" mines.

Mr. JAVITS. Mr. President, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I understand from conversations and consultations with officials in the Department of the Interior, that they find this amendment acceptable as far as they are concerned. So I move the adoption of my amendment.

Mr. WILLIAMS of New Jersey. Mr. President, I may add that the amendment has a worthy objective and conforms the bill to other areas to which it should be extended. I accept the amendment.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. GRIFFIN. Is this the amendment that the Senator from Massachusetts was telling me about earlier, that had been cleared with the minority staff?

Mr. KENNEDY. With members of the minority.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. MOSS. Mr. President, my interest in coal mine health and safety is, in part a personal one. As you know, the State of Utah is a coal-producing State with an annual production of approximately 4-million tons per year and an average employment of over 1,200 men. Thus it is very important to me that Congress do whatever is necessary to fully protect both the health and safety of the men in the mines.

But, my interest does not only extend to those men currently employed. Utah has a coal reserve of almost 8-billion tons of which approximately one-half is considered recoverable. We in Utah hope that this reserve will form the basis for industrial development in our State and will provide for jobs and incomes for future generations of our State's residents. However, while we look with anticipation to the fullest development of our coal resources, we have an obligation to insure that such development is not paid for through the death and injury of the men who mine our coal.

The record in both the health and safety field in the Nation's coal mines is a deplorable one. Since 1960, more than 2,400 men have lost their lives in coal mine accidents. Since 1960, almost 100,000 miners have been injured while at work. This is an abominable record, a record which cries out for correction, a record which should galvanize this Congress and all others concerned to do whatever is necessary to effectuate a prompt and significant improvement in the safety field.

In 1968, 309 coal miners died in accidents. This represents an increase of almost 50 percent over the fatality record for 1967. In addition, when one considers the frequency rates of fatal accidents per million man hours, it is obvious that the situation is worsening

XUM

rather than improving. For example, in 1960 the frequency per million man-hours was 1.15, while in 1968, the frequency rate was 1.28 fatalities per million man-hours. I cite these statistics, Mr. President, only to illustrate what is obvious to all of us, that the American coal miner does not now have the protection to which he is entitled.

The record in the safety field is echoed in the area of coal mine health. Coal related diseases are ravaging our mining population to a point where a major crisis is developing in every coal field in this Nation. It has been estimated that 125,000 U.S. coal miners, active and retired, suffer from coal workers' black lung disease. More significantly, medical testimony indicates that there is an increasing incidence of the dust diseases among younger men who face the prospect of this work-related disease during what should be their prime working years.

I am alarmed, as I know you are, by these facts. Assuredly, the record substantiates the need for legislative action by this Congress and the proper enforcement of the coal mine health and safety statutes.

Coal mining is a vital industry in the United States. Coal is produced here by the most modern mining techniques available anywhere in the world. Output per man-day has improved to the point where the American coal miner is the most efficient miner on earth. Production and consumption, after a long period of decline in the early post-war years, has turned upward. Today the coal industry can look to the future with more confidence than it has ever done before. A part of this confidence is based upon the ever growing demand for all forms of energy in the United States. Since coal is the largest indigenous source of energy available to our Nation, it seems to be inevitable that coal mining must expand to meet a large part of this energy growth.

However, it is imperative that as coal mining grows, the coal miner should not be made to suffer from occupational death and disease. He should not be subjected to the daily threat of a roof fall, a fire, or an explosion, as well as other coal mining hazards, which will kill or maim him. Nor, should he have to face the grim probability that his final years on earth will be spent gasping for breath through lungs filled with deadly coal dust.

The cost of such human misery is more than the American people have to or will bear.

I support the bill (S. 2917) as reported by the Senate Labor and Public Welfare Committee. However, I feel that it can and should be improved, and I shall support the amendment to be offered by the Senator from Montana (Mr. Metcalf) to make mandatory civil penalties for violation of the act.

It should not be left to the discretion of the Secretary of the Interior as to when penalties should be imposed. There should be no doubt that they will be imposed whenever the coal operator violates the law.

ORDER FOR ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it stands in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. SPONG. Mr. President, I ask unanimous consent that I may be excused from attendance on the proceedings of the Senate tomorrow, due to a death in the family.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate this evening, I move, in accordance with the previous order, that the Senate adjourn until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 34 minutes p.m.) the Senate adjourned until tomorrow, Thursday, October 2, 1969, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate October 1, 1969:

International Bank for Reconstruction and Development

Robert E. Wieczorowski, of Illinois, to be U.S. Executive Director of the International Bank for Reconstruction and Development for a term of 2 years, vice Covey T. Oliver, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 1, 1969:

U.S. Circuit Court

Arlin M. Adams, of Pennsylvania, to be U.S. circuit judge, third circuit.

Four Corners Regional Commission

L. Ralph Mecham, of Utah, to be Federal cochairman of the Four Corners Regional Commission.

HOUSE OF REPRESENTATIVES—*Wednesday, October 1, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Great peace have they who love Thy law; nothing can make them stumble.—Psalm 119: 165.

Almighty and most merciful Father, who art ever coming to Thy children with strengthening spirit, make us strong in Thee that we may serve our country with great and genuine devotion.

Give us steadfast minds with no room for unworthy thoughts, serene hearts which no trouble can disturb, and strong hands with which to do Thy will in lifting our Nation to higher levels of patriotic living.

We commend to Thy loving care all who are giving their lives for our country, that living or dying they may win for our world the fruits of justice and peace.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 713. An act to designate the Desolation Wilderness, Eldorado National Forest, in the State of California.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1366. An act to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corp.

SPECIAL ELECTIONS—FOUR OUT OF FIVE

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Speaker, congratulations to the people of the Sixth Congressional District of Massachusetts on the election of Michael J. Harrington to Congress yesterday.

Michael J. Harrington, married and the father of four, is a lawyer and member of the State house of representatives.

Harrington is the first Democrat to represent this district in 157 years. He ran a hard-hitting and forceful campaign by taking a stand on the issues and by meeting the people to discuss with them the problems of the district.

Mike Harrington, who recently turned the age of 33, expressed his position on national and international issues.

Some 60 percent of the district's registered voters turned out, an unusually high figure for a special election.

Complete unofficial returns from the 186 precincts gave Harrington 72,030 votes to 65,453 for his Republican opponent, William L. Saltonstall.

With Harrington's overwhelming victory, he becomes the fourth Democrat to succeed in five special elections this year. Democrats have replaced Republicans in three of the five special elections.

We welcome him to the 91st Congress.

DEMOCRATIC VICTORY IN SPECIAL ELECTION IN SIXTH CONGRESSIONAL DISTRICT OF MASSACHUSETTS

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLAND. Mr. Speaker, I am pleased to join my colleague, the gentleman from Massachusetts (Mr. Burke), in congratulating Michael J. Harrington, the Democratic candidate, on his spectacular victory in the special election for Congress in the Sixth District of Massachusetts.

Mr. Speaker, this election had particular significance. It was, indeed, a personal victory for Mike Harrington. It is, surely, a tremendous victory for the Democratic Party. For this is the first time since 1812—157 years—that this district will be represented by a Democrat.

But, Mr. Speaker, above and beyond its significance to our party, the result of the election demonstrated beyond any shadow of a doubt that the people, not alone in this district but throughout the land, are concerned with the issues that perplex them. Mike Harrington hit the issues head on. The war in Vietnam, our foreign policy, reform of the draft, our national priorities, military expenditures and particular systems like the ABM, and a host of other issues came under scrutiny in this special election. Harrington's victory reflected the grave concern that the people of his area have for the direction in which this country is headed. Some 137,000 people voted in this special election. I know of no other special election that has attracted such voter attention. This outpouring of people and Mike Harrington's win are dramatic evidence that people do interest themselves in the problems that beset our Nation.

Mr. Speaker, Mike Harrington was an outstanding candidate and the Democratic Party in this House can rejoice in his success. His ability, knowledge, dedication, his willingness to learn, his capacity for work, and his perceptive mind can and will add to the character of this House. I welcome him to this body.

THE MASSACHUSETTS SPECIAL ELECTION

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I join with the distinguished gentleman from Massachusetts who has just stated that yesterday's stunning victory by Michael J. Harrington in Massachusetts is of major national significance.

Mr. Speaker, the Sixth Massachusetts Congressional District has never been represented by a Democrat. It has been held by the Republican Party since before the Civil War. Our late colleague, William Bates, was reelected last November with 66 percent of the vote. He had won the seat in 1962 with 56 percent, in 1964 with 65 percent, and in 1966 with 66 percent. Mr. Harrington captured the seat for the Democratic Party yesterday by a vote of 72,030 to 65,453. Sixty percent of the registered voters turned out, an excellent showing for a special election.

I assume before long that spokesmen for the Republican Party, based on our experience in recent years, will start issuing statements as to the number of Democratic seats they intend to capture in 1970, and the news media will speculate at length on whether Democratic losses will be 20, 30, or more seats. I would respectfully urge on my Republican friends and the news media a word of caution. We have had five special congressional elections this year, the Democratic Party has won four of them. In three widely scattered sections of the country, Democrats have captured previously held Republican seats. The Seventh Wisconsin District, which has never been held by our party in the 20th century, shifted from Republican to Democratic. We took the Second Montana District which had not elected a Democrat since 1958, and now the Sixth District of Massachusetts, Republican since the 1850's, is ours. In Tennessee, in the face of an all-out Republican effort, we retained a Democratic seat. In California, in a strongly Republican district, the Democratic vote increased from 28 percent in 1968 to 43 percent in 1969. These elections are not isolated events. I believe they represent a national pattern. They reflect a widespread dissatisfaction on the part of the American electorate with the performance of the incumbent administration and the Republican Party. These special elections clearly foretell what is going to happen in next year's midterm congressional election. That election, I have every confidence, will result not in Republican gains in the House but rather a substantial increase in our Democratic majority.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON PUBLIC WORKS AND ATOMIC ENERGY APPROPRIATION BILL

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Thursday, October 2, to file a privileged report on the public works and atomic energy appropriation bill for 1970.

Mr. DAVIS of Wisconsin reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PERMISSION TO COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE A SUPPLEMENTAL REPORT ON H.R. 12605

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may file a supplemental report on H.R. 12605 to correct a printing error in that report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

VIETNAM

(Mr. JACOBS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. JACOBS. Mr. Speaker, let us get specific.

Yesterday morning certain national leaders, including the President himself, called upon the American people to allow thousands more of their sons to die horrible deaths for the dubious cause of defending a dictatorship against a dictatorship in Vietnam.

Yesterday evening the only Americans having an official opportunity to answer that unfortunate request said "No" by electing the first Democrat in 157 years to represent their congressional district in the Speaker's home State of Massachusetts.

That new Member campaigned against our tragic and unnecessary intervention in that unhappy land which we have been able to make no happier by our staggering human and material sacrifice there.

There is a difference between guts and foolhardiness. And what "bugs" me is to hear those whose own lives are not being "bugged in" calling opposition to unnecessary death "bugging out." To them I say, do not be a hero on somebody else's time—or try to save the face of mistaken politicians by somebody else's sacrifice.

STUDENT LOANS

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, we are now in the third week since passage of the "emergency and urgent" student loan bill. On September 15, 1969, I stood in this well and asked the Members of this House to vote down the suspension and give the Members of this body an opportunity to amend that bill, regarding interest rates, student riots, and administration. During debate the chairman of the House Rules Committee assured the House that the bill would be granted a rule immediately and back on the House floor, open to amendments.

After passage of the bill dozens of Members of this body came and said to me, "Bill, I am sorry I could not vote with you. We do not like to operate under a 'gag rule,' but because of the urgency of this measure, we have to act on it right away to provide immediate funds for our college students."

Yet, today, in the third week, this "emergency measure" is still tied up in conference. We have met only twice and on two other occasions the meetings were canceled. Where has all the "urgency and emergency" that allegedly prevailed gone? It is doubtful as to when this bill will get out. Were it not for the arbitrary action of the chairman of the House Education and Labor Committee in holding this bill up and not releasing it in time for a rule so that the House could work its will the bill would have been passed long ago in both Houses and more students would have had an opportunity for loans.

Who is responsible for the failure to

obtain the "quick passage" which this House was promised if they swallowed the "gag rule"?

COTTON FARMERS WANT PAYMENT LIMIT

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, lobbyists are hard at work on Capitol Hill in attempting once more to rally opposition to the limitation written into the House appropriation bill for agriculture, the limitation that fixes a ceiling of $20,000 annually on the total amount any single farmer can get under the various programs authorized by the Agriculture Act of 1965 as extended.

Their theme, as I gather it from reports, is that this would be a disaster for the cotton farmer, that the cotton farmer is opposed to a limitation on payments because it would mean his ruin.

What do the farmers in the Cotton Belt really think about the limitation idea? Progressive Farmer is the magazine that is nationally regarded as the chief publication of the Cotton Belt. The magazine circulates almost exclusively in the cotton States. I have just received a copy of the October issue of the magazine, which reports on a survey it has taken of 6,300 farmers in the Cotton Belt. One of the questions asked of these cotton farmers was: Do you favor an annual limitation on payments to any one farmer under Federal farm programs? The answer was: 71 percent favored a limitation on payments.

Then, as a further inquiry this question was asked: At what level do you favor the limitation? Five percent of them favored the limitation at $100,000; 11 percent of them favored it at $40,000; and 35 percent at $20,000; and 44 percent at $10,000.

So I think it is quite clear from this report by Progressive Farmer magazine that in the land of cotton the farmer definitely wants a limitation on individual payments, and the farmer there thinks even the $20,000 figure is too high.

DISCLOSURE AND LIMITATION OF CAMPAIGN COSTS

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, I am today introducing an election reform bill which would make our law governing Federal election campaign spending consistent with already declared intentions of full disclosure and limited campaign costs. A full summary is being included in today's appendix. Present law may attempt to accomplish these ends, but it offers such a variety of subterfuges that it makes any compliance a voluntary act. I am concerned about the advantage which the wealthy presently have in seeking public office or in influencing the outcome of the election process.

My bill proposes extensive changes in three broad aspects of the law: individual contributions, the total amount which may be spent on a campaign, and the administration of the election financing law.

I would place a realistic limit on the amount an individual may contribute to a candidate and on the amount which is spent in a campaign. I also propose that an independent agency administer the disclosure provisions and have broad administrative powers to deal with violators.

In introducing this legislation I am encouraged by the recent passage of the resolution to change the method of electing a President and by the activity of the Rules Committee concerning legislative reorganization. I hope that this atmosphere of change will continue.

During the 90th Congress election reform received a great deal of attention. The other body passed and the House Administration Committee reported bills which would have gone a long way toward reforming our election laws. This session of Congress has not seen a similar interest in this matter, for at present there is only one other bill pending offering meaningful reform of our election financing laws. There is a clear need for activity, for without reform in this area, our government will neither be truly representative nor responsive.

PRESIDENT DOING HIS BEST TO EXTRICATE US FROM VIETNAM

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, I regret to say that the leadership of the past two Democratic administrations led us into the war in Vietnam. Under President Johnson the Gulf of Tonkin resolution was passed. Under Presidents Kennedy and Johnson the number of men in Vietnam increased from 600 to 542,000.

Voices strangely silent during those years are now blatant and raucous. They would call it Nixon's war. History definitely refutes this.

As a friend said to me years ago when I asked him for one of his red apples, "I guess you do wish it."

As for labeling this Nixon's war, "I guess you do wish it."

Our President is doing his best to extricate us now from this horrible war in Vietnam.

LIMITATION ON PAYMENTS TO FARMERS

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I was pleased to hear the gentleman from Illinois (Mr. FINDLEY) say that he intends to offer a motion to instruct the conferees to maintain the $20,000 limitation on farm subsidy payments. I welcome his support for this measure.

Earlier this year, my amendment to the agriculture appropriation bill to limit farm subsidy payments to $20,000 passed in this body by a vote of 224 to 142. It was a long hard fight, as many of my colleagues may remember.

Now I realize that the gentleman from Illinois has circulated a letter indicating that he will offer the motion I have already described. I read over his letter and certainly do not disagree with the arguments he has set forth in favor of the limitation.

However, for the record, I would like to clarify one point that the distinguished gentleman from Illinois appears to have left out of his letter.

The point, Mr. Speaker, is that it was my amendment to the authorization bill that passed this body last year. And, as I have already stated, it was my amendment that was offered again this year, this time to the appropriation bill, and that was passed by this body.

In addition, Mr. Speaker, I would like at this time to inform the gentleman from Illinois that I intend to offer a motion to instruct the conferees to keep the $20,000 limitation on farm subsidy payments that passed earlier this year.

ELECTION REFORM

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I was at a loss to know why I got a couple or three calls this morning from newspaper reporters and TV reporters wanting to know what I was going to do about election reform. Then I heard the gentleman from New York make a speech, and I suppose he circulated a press release about this election reform. One of them asked me what I intended to do about it as a member of the Elections Committee, and I told him nothing, My State has a good, sound election reporting law. You have to report all contributions and all expenditures. All expenditures over $20 have to be accompanied with a receipt. If the gentleman from New York is so upset about corruption in New York, I suggest that he take it up with the Legislature and the Governor of New York, because it is the States that conduct the elections and not the Federal Government.

PERMISSION FOR SUBCOMMITTEE NO. 5, COMMITTEE ON THE JUDICIARY, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ELECTIONS, COMMITTEE ON HOUSE ADMINISTRATION, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Elections of the Committee on

XUM

House Administration may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALL OF THE HOUSE

Mr. BROOMFIELD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 194]

Abbitt
Addabbo
Bell, Calif.
Blanton
Blatnik
Bolling
Bow
Buchanan
Cahill
Carey
Clark
Clawson, Del
Clay
Colmer
Corman
Daddario
Dawson
Dickinson
Dorn
Dowdy
Esch
Eshleman
Fallon
Farbstein
Fascell
Fulton, Tenn.
Fuqua
Gallagher
Gettys
Hawkins
Holifield
Jacobs
Jarman
Karth
Kirwan
Koch
Lipscomb
McMillan
Mann
May
Mills
Murphy, N.Y.
Ottinger
Patman
Pepper
Powell
Sandman
Scheuer
Teague, Tex.
Whalley
Wydler

The SPEAKER. On this rollcall 379 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING APPROPRIATIONS FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, 1970, AND RESERVE STRENGTH

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 561 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 561

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14000) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Armed Services, the bill shall be read for amendment under the five-minute rule by title instead of by section. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 14000 it shall be in order in the House to take from the Speaker's table the bill S. 2546 and move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 14000 as passed by the House.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 561 provides an open rule with 4 hours of general debate for consideration of H.R. 14000, the military procurement authorization for fiscal year 1970. The resolution also provides that the bill be read for amendment by title instead of by section and that, after its passage, it shall be in order to take S. 2546 from the Speaker's table and amend it with the House-passed language.

The purpose of H.R. 14000 is:

First, to authorize appropriations during fiscal year 1970 for (a) major procurement, and (b) research, development, test, and evaluation by the Department of Defense;

Second, to continue the authority for merging military assistance financing for South Vietnam, other free world forces there, Laos, and Thailand, with the funding of the Department of Defense.

Third, to authorize the personnel strengths for fiscal year 1970 for the Selected Reserve of each of the Reserve components of the Armed Forces; and

Fourth, to provide other authorities and impose certain limitations with respect to procurement actions, and for other purposes.

The total authorization is $21,347,860,000. Of this amount $13,926,460,000 is for procurement, as follows: $6,963,800,000 for aircraft, $3,138,260,000 for missiles, $3,591,500,000 for naval vessels, and $232,900,000 for tracked combat vehicles.

The balance of the authorization, $7,421,400,000 is for research, development, test and evaluation, as follows: $1,664,500,000 for the Army, $1,990,500,000 for the Navy—including the Marine Corps—$3,241,200,000 for the Air Force, $450,200,000 for the defense agencies, and $75,000,000 for the emergency fund.

H.R. 14000 includes, among other things, a limitation of active duty military personnel strength to 3,285,000, effective July 1, 1970; elimination of $142 million for TOW missile procurement; $110 million reduction in tracked vehicle authorizations; a 10-percent cut in research, development, test and evaluation funds; reductions in OV-1 Mohawk, the Cheyenne helicopter, the CH-46E Sea Knight, the Hawk missile, air defense control, XM-43 launcher, and the fast deployment logistics ships.

Mr. Speaker, there is ample time for the bill to be thoroughly gone into during debate and I urge the adoption of House Resolution 561 in order that the bill may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from Texas (Mr. YOUNG), House Joint Resolution 561 does provide 4 hours of debate with an open rule for the consideration of H.R. 14000, the military procurement and research and development authorization for fiscal year 1970. It does provide that the bill will be read by title and that subsequent to the passage of the bill the language of the House bill can be substituted for that of the Senate bill.

I understand there will be a number of amendments offered and we had some question in the Committee on Rules as to the amount of time. The Committee on Armed Services asked for 3 hours. Some Members wanted considerably more. So we agreed on 4 hours. I think that should be adequate time with the time under the 5-minute rule.

Mr. Speaker, I would like to commend the Committee on Armed Services, its distinguished chairman and the ranking minority member, as well as other members, and particularly the staff, for the tremendous cooperation they have extended in connection with this measure. When we wanted to program this bill last week for today, we had to have adherence to our rules. I know that the staff worked well into the night to prepare this report which they hand delivered to our office Saturday so that we could have the report and bill to comply with our rules, which require that we have the bill 24 hours before it is heard in the Committee on Rules.

The purpose of the bill is to authorize funding during fiscal year 1970 for major military procurement programs and the military research, development, and evaluation efforts. The bill also authorizes the personnel strengths for the Selected Reserves of the Armed Forces.

Authorizations contained in the bill total $21,347,860,000. Of this amount $13,926,460,000 is for military procurement of aircraft, missiles, naval vessels, and tracked combat vehicles; $7,421,400,000 if for research and development programs. This is $615,800,000 below what the Defense Department formally requested on April 15. When the terminated manned orbiting laboratory and the Cheyenne helicopter costs are removed, the bill is still $47,100,000 below the Department's revised request.

The procurement authorization is broken down among the Armed Forces as follows:

Army:	
Aircraft	$570, 400, 000
Missiles	780, 460, 000
Tracked combat vehicles	195, 200, 000
Total	1, 546, 060, 000
Navy and Marine Corps:	
Aircraft	2, 391, 200, 000
Missiles	871, 400, 000
Tracked combat vehicles	37, 700, 000
Vessels	3, 591, 500, 000
Total	6, 871, 700, 000
Air Force:	
Aircraft	4, 002, 200, 000
Missiles	1, 486, 400, 000
Total	5, 488, 600, 000

The research and development authorizations are broken down as follows:

Army	$1,664,500,000
Navy and Marine Corps	1,990,500,000
Air Force	3,241,200,000
Defense agencies	450,200,000
Emergency fund	75,000,000
Total	7,421,400,000

A number of major defense programs or systems are covered by the bill. These include the Safeguard ABM system, the C–5A transport, the construction of nuclear powered surface ships, and the advanced manned strategic aircraft.

The authorizations contained in the bill for the Safeguard system total $746,400,000; of this total $345,500,000 is for hardware procurement with the remaining $400,900,000 for continued research and development. The projected total cost of the complete ABM system called for by the President last March is $10,300,000,000. The committee believes both that the system will work and that it is necessary to begin deployment this year.

On this last point, the committee points out that the Soviets have deployed their ABM system around Moscow. They also note that the SS–9 ICBM now used by the Soviets is aimed primarily at knocking out our Minuteman missile silos, not at our cities. Protection is necessary. Our Safeguard system would also be very helpful in stopping all-out nuclear attacks by others than the Russians or an accidental launch by any nation.

The bill contains $940,000,000 for purchase of the C5–A transport. This will purchase the first 23 such planes along with the necessary spare parts. This plane can carry a 100,000-pound payroad 2,900 miles and return without refueling. Because of its double-deck construction 83 soldiers can be carried along with all types of heavy equipment, guns, trucks, tanks, and so forth.

The committee discusses the problem of the cost overruns on the C5–A. This overrun is estimated at approximately $1,300,000,000; all of this was not reasonably foreseeable by either the department or the contractor. The procurement contract technique used in this instance was a new one and not fully perfected. Mistakes have been discovered and cured.

The bill authorizes $100,200,000 for research and development of the advanced manned strategic aircraft—the new bomber—something the committee believes is vitally necessary and which past Defense Secretaries have opposed. Also authorized is $44,900,000 for further research and development of the new tank in which we are cooperating with West Germany. No procurement is authorized on either project.

The reported bill adds about $1 billion to the requested authorizations for shipbuilding, bringing the total authorized for this item to $3,591,500,000. Authorized is a new nuclear aircraft carrier at $515,000,000, eight destroyers, three attack submarines, and one nuclear guided missile frigate. Not included in the bill are funds for the fast deployment logistic ships; this continues the policy the committee took last year.

The bill also sets the ceiling on personnel of the Armed Forces selected reserves for fiscal year 1970. These are:

Army National Guard	393,298
Army Reserve	255,591
Naval Reserve	129,000
Marine Corps Reserve	49,489
Air National Guard	86,624
Air Force Reserve	50,775
Coast Guard Reserve	17,500

Finally, section 407 of the bill establishes a new temporary ceiling of 3,285,000 on the overall active duty personnel of the Armed Forces. This figure will require an actual decrease of 176,300 members by July 1, 1970. The reductions are allocated among the services as follows:

Army	34,000
Navy	72,000
Air Force	50,000
Marine Corps	20,300

This reduction in active duty personnel during fiscal 1970 is expected to result in savings of approximately $2,000,000,000.

The committee voted to report the bill 36 to 3. The bill is supported by the Defense Department, as shown by departmental letters contained in the report.

Mr. Speaker, I urge the adoption of the rule and reserve the balance of my time.

Mr. YOUNG. Mr. Speaker, I yield such time as he may consume to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I take this time merely to advise Members that if this bill is finished tomorrow, it will be our plan to adjourn over until Monday. If we do not finish it tomorrow, we will have to continue on with it on Friday. We, of course, want to accommodate the Members while at the same time not wishing to cut off anyone. However, I would like to make this announcement at this time so the Members may be advised accordingly.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I thank the gentleman for yielding. I, too, express the hope of the distinguished majority leader that we can complete the general debate today even though the rule provides for 4 hours of general debate—that we may finish that sometime today and then proceed to what the gentleman from Oklahoma has in mind tomorrow and complete action on the bill.

Mr. ALBERT. I thank the gentleman.

Mr. YOUNG. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. O'NEILL) for the purpose of debate only.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I rise in opposition to House Resolution 561, which calls for consideration of H.R. 14000 with 4 hours of debate.

I cannot object too strongly to the great mistake I believe we are making here today.

We are going to discuss an authorization of more than $21 billion for military procurement, and for new weapons that may mean an entirely new defense and military policy.

Four hours is simply not enough. It is not only that we would be authorizing at a rate of almost $5½ billion an hour, but more importantly, we are to consider such major new weapons systems as the antiballistic-missile system, the MIRV, new planes, and missiles.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I shall be happy to yield to the gentleman from South Carolina.

Mr. RIVERS. The authorization is not for $23 billion. It is for $21.3 billion.

Mr. O'NEILL of Massachusetts. I am sorry. I thought it was $23.1 billion. I stand corrected. I misread my notes.

Mr. RIVERS. If the gentleman wants an authorization of $23 billion I am sure we can amend it to bring it up to that amount.

Mr. O'NEILL of Massachusetts. Indeed you would. We discussed it before the Rules Committee yesterday and I thought it was $23.1 billion but the worthy chairman of the Committee on Armed Services says it is $21.3 billion. However, it is still the largest procurement or authorization bill that has ever come before the Congress, or before any legislative body in the annals of history.

There is disagreement among the Members as to the worth of these systems and equipment. There was a minority report and additional views on the committee's bill.

We cannot dispose of such important legislation in a mere 4 hours.

The other body discussed this bill for 2 months—are we to discuss a bill of this magnitude and significance in 2 days?

In the Rules Committee yesterday I attempted to obtain an open rule, with 10 hours of debate divided equally between the majority and the minority, with each side pledging one-half of its time to the minority view of the bill.

I believe this is the only fair and the only sensible way in which this bill can be discussed and voted on.

The committee's report was not available until Monday morning. This has scarcely been sufficient time to digest the report, the minority views, and to adequately think about each weapon and each weapons system.

Yesterday, our committee was told that there is no need for additional time, that each Member of this body knows how he is going to vote on the bill.

That may be true, but I doubt it. Perhaps each of us knows how he will vote on ABM and MIRV, but there are many other programs and weapons in this bill that have not been widely discussed nor thought about.

I do not believe that intelligent debate will have no effect on Members' decisions.

I have read the committee report and the minority views. I know that I will support certain amendments. But I also know that the five members of the Armed Services Committee who wrote the minority report have much more information that they would like to impart to their colleagues. I would like to hear them and I would like my colleagues to hear them and obtain the benefit of their knowledge and their views; and a dialog will be good for the public.

I intend to vote against the ABM. In 1968 I was one of a handful of Members who voted against it. I think this is

XUM

a system that is unproven, unnecessary, and wasteful. I would like my colleagues to have the benefit of the views of the writers of the minority report, and I am sure they have much to say.

I believe we could easily spend the entire 4 hours on that one issue.

MIRV deserves and requires much more time. If the authorization is granted we will be entering an entirely new phase of the arms race—an area I believe that will bring the Nation much more harm than good.

I would like to see much more time spent on the consideration of each weapons system.

There seems to me to be too much waste in the defense budget, uncalled for overruns, needless expenditures.

I am also worried about the timing of some of this procurement. Weapons and systems have not been sufficiently tested or developed to enter this stage of procurement. Why must we buy now when we are not prepared to specify or test what we are buying?

There are other programs that need to be funded. The Nation's needs cry out for help. Our domestic problems need funding of the programs we have passed.

What good will be accomplished by thousands upon thousands of weapons, if there is no nation to save or protect?

In the past 5 years we have granted more than 4 hours' time to at least 10 pieces of legislation.

The Civil Rights Act of 1964, 10 hours;

The Housing and Urban Development Act of 1965, 6 hours;

Medicare, 1965, 10 hours;

OEO Amendments in 1966 and 1967, 8 and 6 hours, respectively;

Model cities in 1966, 6 hours;

ESEA of 1965, 6 hours;

Law enforcement in 1967, 5 hours; and

Extension of the surtax and the electoral college's reform this year, 5 hours and 6 hours.

Today we will begin discussion of extraordinarily important legislation. This legislation may ultimately mean the possibility of war is lessened or increased, that billions are wasted or are used for other programs that the Nation desperately needs.

I believe we need more time to discuss this among ourselves, to give the public the benefit of our views and facts, to insure that the minority opinon has time to make its case and present its view of the facts and its understanding of our defense needs.

I oppose this rule, because the destiny of this great Nation cannot be considered and disposed of in 4 hours.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I had not intended to take the floor today to speak on this rule. I think my colleague, the gentleman from California (Mr. SMITH) has certainly in very adequate fashion performed the duties on our side of the aisle explaining what the rule is about.

I do, however, take 2 minutes to tell this House that I join in many of the sentiments which have been expressed by the gentleman from Massachusetts (Mr. O'NEILL). He knows I supported him in the Committee on Rules when this question came up, on the motion that would have allowed additional time for discussion of this very important bill. I am not suggesting, when I agree with him on that, that I share all of the reservations that he has about this bill. It so happens that I am for the ABM. He is against it. But I do have to somehow rise to object to the increasing tendency in this House to feel that you should not take the time under general debate or under the 5-minute rule to explore fully the arguments pro and con. There are some, I suppose, who think that only those on the committee are privy to all of the knowledge and all of the expertise on what are admittedly some very complicated and some very technical fields.

But it is for that very reason, I think—for that very reason we ought to have more debate here on the floor of this House, and particularly this bill coming on today as it does—and the announcement that has just been made by the distinguished majority leader, which I think makes it clear that an effort is going to be made to finish this bill in order that we not have a Friday session.

I would express the hope that Members will not be offering motions to cut off debate, when we get to the 5-minute rule and there are people who want to be heard on both sides of these very difficult and controversial questions, and that we will have that opportunity for debate, that is not, unfortunately, available under the rule itself.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, the gentleman from Illinois has placed an interpretation on my remarks which I thought should be clarified, and that is why I have asked him to yield.

I did say that if this bill is not finished tomorrow night, we will meet on Friday. I thought it was incumbent upon me as majority leader to let the Members know that there is a very decided possibility of a Friday session and that Members should make arrangements accordingly.

Mr. ANDERSON of Illinois. May I assure the distinguished majority leader that I intended no criticism, actual or implied, of his announcement. I do not mean to imply that he is using that as a device to cut off debate. What I am suggesting, and I think it is realistic to expect, however, in view of the pressures that will begin to mount, because we know that a Friday session is forthcoming, that perhaps Members will become anxious to see a limitation placed upon the debate.

I have some engagements for Friday myself and I would be very happy myself to cancel them to stay here because I think it is important to give the Members a chance to be heard on this bill.

Mr. YOUNG. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Alabama (Mr. ANDREWS).

Mr. ANDREWS of Alabama. Mr. Speaker, I agree wholeheartedly with the gentleman from Massachusetts (Mr. O'NEILL) that this is one of the most important bills ever to come before this House for consideration.

This bill is focused on Vietnam—on that ugly war that has been going on for far too long.

Mr. Speaker, I support this rule and I will support the bill. As a member of the Defense Appropriations Subcommittee, I will do my part to see that the provisions of this bill are implemented with funds.

Now people say "Nixon's war," "Johnson's war," "Kennedy's war." This is America's war. But, unfortunately, it seems that only those who are really interested in the war are those who have loved ones in South Vietnam. We are fighting the smallest country we have ever engaged in a war, and yet the war has lasted longer than any war in the history of this Nation.

We were not fighting to win under the other administration. We are not fighting to win under this administration. I renew my plea to the President: "If you are not going to fight to win, get out of there, lock, stock, and barrel." It is an injustice to our troops in South Vietnam to keep them down there in a war which they know they will not be permitted to win. That is not the American way of fighting a war.

I do not believe in pulling out troops piecemeal, because every time you pull out a contingent of troops, you endanger the lives of the remaining troops.

Those who think any good will come out of the peace conference in Paris are just whistling in the dark. It took them 2 months to decide what size and shape table they would sit around. Do you know it is costing Russia $1,200 million a year to keep this war going? It is costing Red China $200 million a year to keep it going. So for $2 billion Russia and China have their most powerful potential enemy pinned down, and when I say pinned down, in my opinion that is an understatement. Of course they do not want the war to end. Look what the envoys do when they leave Hanoi to go to Paris. They stop first in Peking, in Moscow, and then in Paris. When they leave Paris they go to Moscow, Peking, and back to Hanoi.

There is but one way to get out of South Vietnam honorably, and that is to win the war and defeat the enemy. I have said for years the greatest way to fight this war is just to pick up the telephone and call them in Hanoi and say, "If you are not out of there within 30 days, we are going to bring you to your knees. We think we can do it with conventional weapons."

I have talked to many high-ranking Air Force people. They do not tell our committee, because if they did, their heads would roll off their shoulders. But I get them in the restaurant for a cup of coffee or a bowl of bean soup and they say, "We can win this war if given permission."

Curt LeMay told our committee:

> You should not leave two bricks together with mortar in North Vietnam.

Now, let us act like men. Let us act like Americans. Let us fight this war to win or, as was said in the Navy when I was in the Navy, "Get the hell out of there."

Mr. YOUNG. Mr. Speaker, I yield 5

minutes to the distinguished gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Speaker, I have asked for this time on the rule because although I am not a member of the Armed Services Committee I have, through service on other committees, become familiar with some of the matters contained in the bill.

I serve on the Military Operations Subcommittee which this year held extensive hearings on the subject of procurement. I serve on the Subcommittee on Economy in Government of the Joint Economic Committee which held extensive hearings this year on the subject of national priorities and the military budget. From both of these hearings I have concluded that the American people, first, will not tolerate waste or mismanagement in procurement and, second, would prefer the Congress to spend less rather than more than amounts requested by the Defense Department.

The C–5A is a classic case of waste and of questionable practices in procurement. It is a buy-in bail-out deal. The contractor bought-in at a figure so much below the Air Force cost estimate that this might have been the reason for a number of corporate officers selling large blocks of stock a few months later.

A few months later when it appeared to Air Force Secretary Brown that there would be cost overruns he believed that he was protected because this was supposed to be a fixed price contract. I discovered a memorandum quoting the Secretary making the following comment:

> The overhead rates are Lockheed's problem, aren't they? Can they increase our price beyond the ceiling? I don't think so.

There is a memorandum replying to that comment which says:

> You are correct in your statement that Lockheed cannot increase our price of the current C–5A contract beyond the contract ceiling—providing we introduce no changes to that contract.

This memorandum was referred to an Assistant Secretary who was described by a witness before our Military Operations Subcommittee in the following words:

> I know of one such Secretary who will tell you that he believes no defense contractor should be allowed to lose money on a government contract.

At that time it seems clear that the Air Force Secretary did not know of the repricing formula under which, if the Air Force was willing, the contractor would be paid so much for the second run, or run B, of the airplanes that it would be bailed out of its losses on the first run.

I understand that the gentleman from New York (Mr. PIKE) will offer an amendment to delete this bail-out run of 23 C–5 airplanes. Mr. Speaker, this amendment should be adopted because these 23 airplanes are unnecessary; because the 58 C–5's which we will have without the additional 23 will be sufficient; because the aircraft has not yet been brought up to performance specifications; and because it is doubtful that we will ever again authorize the use for which it is intended, which is in connection with the massive intervention of large numbers of American troops into an underdeveloped country, like Vietnam, which has no improved airports.

The second thing that I learned as a result of the hearings before the Joint Economic Committee was that the people expect us in Congress to be a check upon the Pentagon. This is in accordance with the Constitution. Of late much has been said and written about clause 1 of section 2 of article II of the Constitution which provides:

> The President shall be Commander in Chief of the Army and Navy of the United States.

Under the Constitution the President commands whatever Armed Forces are provided to him but the decision as to the number of soldiers and sailors, and whether they shall be equipped with Sheridan tanks, and how many aircraft carriers, under our Constitution, is not his to make.

The so-called "war power" clauses of the Constitution are clauses 11, 12, 13, and 14 of section 8 of Article I of the Constitution.

These clauses provide that Congress has power, "to declare war, to raise and support armies, to provide and maintain a Navy, to make rules for the government and regulations of the land and naval forces."

The war power clauses of the Constitution which give Congress authority "to raise and support armies, to provide and maintain a Navy" and so forth, were not inserted for the purpose of endowing the National Government with power to do these things, but rather to designate the branch of Government which should exercise such powers.

These provisions grew out of the conviction that the Executive should be deprived of the sole power of raising and regulating fleets and armies which Blackstone attributed to the King under the British Constitution.

I submit, therefore, that while we have the power to authorize, for example, more naval vessels than are requested by the Department of Defense we should be very reluctant to do so. If we do so I believe we are out of step with the American people.

I, therefore, will support the amendment offered by the gentleman from New York (Mr. PIKE) to strike the $1.023 billion add-on for the shipbuilding program to reduce the program to the level of support agreed to by the administration and authorized by the other body.

Included in the unrequested add-on is money for long-lead items for nuclear carrier No. 70 even though the other body so seriously questioned the future usefulness of carriers that it directed a special study of this subject to be made.

In this connection I note that in his supplemental views the gentleman from California (Mr. LEGGETT) says:

> I make no pretense that the Committee has considered the greater defense policy issues of the size of or necessity of a 15 carrier task force.

Under our constitutional duty to provide for the common defense and general welfare and "to provide and maintain a Navy," that is exactly what we should consider.

Do we need to maintain our superiority in attack carriers over the Communist nations at 15 to 0 or will 12 to 0 or some other figure be adequate to provide for the common defense? The Soviet Union does not now have a single attack carrier in their entire fleet. In their modernization program there is no indication that they expect to construct anything but light helicopter carriers. They appear to believe, and they may be right, that large attack carriers are becoming increasingly obsolete.

I recognize that there is a need for modernization of our Navy, and the bill without the add-on provides for modernization. But I think, at this time of inflation, the modernization program should be developed at the slowest safe pace and should not proceed at a pace faster than that requested by the Department of Defense.

I believe that the unrequested add-on should be deleted.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, I listened with great interest to the remarks by the gentleman from Alabama (Mr. ANDREWS) just a moment ago when he was discussing the dilemma proposed by the conflict in Vietnam. What he said about either getting in or getting out, winning the war or pulling out lock, stock, and barrel reflects sentiments I have heard expressed often in my own district.

I feel we have a responsibility in the Congress to help at least to deal with fundamental questions like this. I would like to ask the gentleman from Alabama, if he feels inclined to respond, whether or not he feels it would be in order under these circumstances, in order to clarify this issue and bring it to a head and get public discussion undertaken here in this great forum, to introduce a resolution of war declaration. Understand, I am not suggesting it because I do not favor that course of action, but I am sure the gentleman was sincere in what he said, and I would appreciate a response if the gentleman would feel inclined to respond.

Mr. ANDREWS of Alabama. Mr. Speaker, if the gentleman will yield, if I thought a resolution would do any good, I would introduce it. I am not a prophet. The gentleman saw what happened in Massachusetts. The war was an issue. The American people are not going to put up with a way of life which results in 1,500 to 2,000 casualties a week. I will make a prediction, and it will not sound good, even though I am not a prophet.

I am going to predict, if this war is going next year 80 percent of us sitting Members will have to find something else to do. The American people are not going to stand for it any longer.

Mr. FINDLEY. Would this not add further justification to the gentleman's action of introducing such a resolution?

Mr. ANDREWS of Alabama. Perhaps I did not understand the gentleman's suggestion.

Mr. FINDLEY. In other words, the political problem the gentleman says we all face together with this unpopular war, I would think, would motivate the gentleman to give substance to the views he just expressed by causing him to introduce a war declaration and do it quickly.

Mr. ANDREWS of Alabama. I would be willing to introduce it.

Mr. YOUNG. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. HANNA).

Mr. HANNA. I thank the gentleman for giving me this time.

Mr. Speaker, I assure the Members I am not going to speak as a specialist on military affairs. I will leave that to my leader and friend who heads the committee.

There is an aspect to this I believe needs our close thought and consideration. I should like to speak a little more on the subject brought up by the gentleman from Pennsylvania (Mr. MOORHEAD) about our procurement policy.

If we are going to spend $21.3 billion we are going to do it through the procurement policies we have been following, and I suggest that those procurement policies indicate something is wrong or we would not have some of the problems that keep their heads popping up and embarrassing both the Government that is spending the money and the industry that is trying to do the job for the country.

I happen to represent a district in which a good deal of the work is done for some of the programs in defense. Discussing these problems with people in my district I have come to some conclusions I should like to take this opportunity to share with the Members.

It seems very clear to me when we have a procurement policy in new weaponry that starts out with a contract that is trying to describe something which has not yet been built. We then sit down to say, "We are going to have a closed bid operation on that thing which has been very ill-defined," and then come to the point where it is actually to be constructed and find we have to make some adjustments—this means overruns.

When contracts are being made under our present procurement policy, the people who are in charge, who dominate so far as the Government is concerned, and sometimes on the other side, are accountants. When we get to the execution of the contract it is put then in the hands of engineers. Engineers work in the real world with practical demands and practical limitations ultimately the original contract must adjust to their real world. This reads out as negotiated change orders. Change orders read out as overruns. Overruns read as higher costs and then somebody has to take the rap.

It kind of reminds me of a situation which happened in the Army. A certain major was always dreaming up new and different projects for his unit. The fellow who had to see that the men carried them out was the sergeant. One day the major came in to "chew out" the sergeant, as he often did when one of his great ideas failed to achieve success as he had envisioned it. The major said, "Sergeant, what is the trouble?" The sergeant said with immense sarcasm, "The same old thing, I guess, sir; this is a program conceived by a genius and carried out by an idiot."

It seems to me, whenever we have one group in charge of setting up a contract, which has one frame of reference that includes very broad, ill-defined ideas, and then ask somebody else to do it, the result is usually different than the conception.

We must come on line with some kind of realistic view. Perhaps what we need is a policy that recognizes the difficulties of defining a prototype weapons system. A negotiated contract for the prototype that reflects the difficulties of constructing something that has never been built before is in order. And then once we have a real firm understanding of what can be accomplished we can put the followup contracts out to bid. For then we will be dealing in concrete terms and progress, costs, and delivery can be measured by real standards. What I am suggesting is a separate approach for a contract calling for a first-of-a-kind system. Contracts for followup hardware can then be based on tangible standards determined during the development of the prototype system.

I believe if we do not change our procurement policies to something along the order of which I just suggested we will continue to have overruns, overruns, overruns in negotiated and bid contracts.

Mr. Speaker, it seems to me that we ought to have enough experience to know by now that that is not the way to go. There is another instance that happened that I think you should know about. When we have problems with these things the reaction in the Pentagon is generally to send out some more men to watch over the shoulders of the people who are doing the job. Now these men are coming on the line with no experience, and the result of what they do slows up the whole process. And you have an overrun. Then, in response, a whole group of other people are assigned to try to find out what is going on. This slows things down even more.

It is obvious we cannot continue in this way. We have to find a better way to do it. If we are going to spend $21.3 billion doing what we have been doing up to now, it seems to me we will not be able to justify to the taxpayers and to the consumers the impact this spending is going to have on this Nation.

I hope that as a part of this program we will somewhere here in this bill or somewhere here in this House indicate that we are asking for—no, demanding—a procurement approach in the expenditure of this money which will leave us where we are not embarrassed every time we try to justify what is being done.

Mr. YOUNG. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. MOSS).

Mr. MOSS. Mr. Speaker, I want to pay my compliments to the statement made by the distinguished gentleman from Massachusetts (Mr. O'NEILL), and to the concurring remarks made by the gentleman from Illinois (Mr. ANDERSON).

I think it is time that this House become concerned over the role it is being relegated to, that of less and less significance in the Government of the United States, that of less and less significance in the legislative processes of the United States. We are being forced time and time again to consider under conditions of limitation the most far-reaching policy commitments any legislative body in the world is called upon to consider. The gentleman from Massachusetts pointed out that under 4 hours of general debate we will be discussing at the rate of in excess of $5 billion an hour. More significantly, how many hundreds of billions of dollars are implicit in some of the policy decisions which will be made in connection with the authorization of this bill? Must it always be said of the House that it fails to consider; that it does not know what it is doing; that it does not act upon the facts? I voted this year for an open rule on taxes because I felt that I was sent here as a responsible legislator and I feel that we should have legislated on that issue openly and not forced to take a package or reject it. The other body, with unrestricted debate, has the opportunity for every Member to gain the knowledge he should have as an effective legislator. I say to every Member of this body that there is no issue upon which you are receiving a greater volume of mail today than those which are contained in this bill.

We ought to know what we are doing. We ought to have adequate time to engage in a meaningful debate and not be forced to compact it all into 4 hours. I know what is going to happen. We are going to try to get the 4 hours out of the way probably today and then under the pressure of avoiding a Friday session try to limit debate tomorrow.

If we debated this thing for a week we would be giving it inadequate attention.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I would be happy to yield to the distinguished chairman of the Committee on Armed Services.

Mr. RIVERS. Did the gentleman from California ask the Rules Committee to grant any additional time?

Mr. MOSS. The gentleman from California was occupied in the Committee on Interstate and Foreign Commerce in a markup session to attempt to eliminate the problem of overcrowding in the Nation's airways which he regards as one of the most frightening domestic crises we face.

Mr. RIVERS. For which I congratulate the gentleman. The gentleman is doing a terrific job.

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Minnesota.

Mr. FRASER. Would the gentleman agree that if a vote should occur on the adoption of the rule, a vote against the adoption of the rule would indicate our concern about the problem of having inadequate time during which to discuss this bill?

Mr. MOSS. I would certainly interpret that vote as indicating that we do not have enough time during which to evaluate and debate all of the aspects of this legislation.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I yield to the distinguished minority whip.

Mr. ARENDS. It just so happens that I am in charge of 2 hours on this side of the aisle. The manner in which things happen at this time, if the Members stay on the floor this afternoon, I would not be

XUM

surprised but what there will be a lot of time for discussion and debate on this issue. I do not feel that anyone will be shut off. I think there will be time available here this afternoon to Members concerned during which to discuss this bill.

Mr. MOSS. I would say to the distinguished minority whip that he is a very wise legislator, one for whom I have tremendous respect. However, the gentleman knows that a lot of Members will not be here because of the 4-hour limitation and because they know unless they are a member of the Committee on Armed Services, they do not have the chance of the proverbial snowball in hell of addressing themselves to the issues contained in this legislation.

Mr. ARENDS. That is why I made the statement to my good friend, that I think they will find within the time allocated for general debate, if they are here, time during which to be heard.

Mr. MOSS. I think we should insure that the time is available.

The SPEAKER. The time of the gentleman from California has expired. All time of the gentleman from Texas (Mr. YOUNG) has expired.

Mr. SMITH of California. Mr. Speaker, I yield myself 30 seconds.

Mr. SMITH of California. Mr. Speaker, on this statement just made about voting down the rule, I would like to call the attention of the Members of the House to the fact that if we vote down the rule, school is out. They will have to go back to the Rules Committee for another rule and then have it back here on the floor of the House next week for consideration. That will take a considerable amount of time. When the rule was under consideration in the Committee on Rules some wanted general debate limited to 3 hours while others wanted 10 hours. We gave them 4 hours. When the time for general debate was arrived at, the distinguished chairman of the Committee on Armed Services said he would not attempt to start cutting off debate and I do not believe that anyone will be foreclosed from speaking on this bill. I think they will get ample time to discuss this issue.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Speaker, I told the members of the distinguished Rules Committee—and it is interesting to note that not one person from the bleeding heart society was there to oppose the rule—that I felt 3 hours of general debate was sufficient. The distinguished gentleman from Massachusetts (Mr. O'NEILL) said that we needed 10 hours in which to discuss this bill. I said, "Well, give us 10. I did not come here to fight you." If I wanted to take on anyone, it would not be the gentleman from Massachusetts.

I told the Rules Committee to give us what they thought was necessary. If the House does not like this rule, then turn it down. My term ends a year from next January, so I will be here that long. If you want to debate this thing as long as the other body debated it, go ahead and do it.

I am going to read to this House how many committee meetings we had and, if necessary, I will tell you how much time was taken by those who wrote the additional views. Everyone had his time. As a matter of fact, some people probably had more time than they deserved.

Now, I want the House to understand one thing. If overnight the military has become so terrible, repudiate them.

It is a popular thing to do now to take out after the military. If you want to take out after the military, go ahead and do it.

I was elected by this House as the chairman of our committee, and we have 38 fine members. We have disagreements, and we try to handle them on a high plane.

When this bill was reported out only three members voted against the bill—three members. I will read the vote on 90 percent of the amendments offered during the write up of the bill. Nobody—but nobody—was run over. That is not the way we operate in our committee.

I want this House to do exactly what it wants to do, but I am going to call out the cards; and I am going to give you the facts, if and when I am allowed to give them to you. But until then, if you think 4 hours are not enough, vote the rule down, send it back to the committee. I will take whatever time you give me, and I will be glad to have it, and I will not impugn anybody's motives. I do not believe that overnight lightning struck the intelligence tap of the Rivers family tree, as far as my source of intelligence goes.

Now, insofar as these Johnny-come-lately military experts are concerned, I want them to know that I do not claim to have all the knowledge there is about military matters. I do not question anybody, but I do not like the idea of people throwing darts at this committee by saying that we have led somebody down the primrose path.

We held over 63 committee hearings. We were in session for about 7 weeks, and we had 30 related subcommittee meetings. I do not believe it is going to take us 2½ months to tell the story. If we do, I think the whole Committee on Armed Services ought to resign. I can tell my story in less than 2½ hours.

Now, do what you wish to do, but for heaven's sake let us take up this bill. We are pretty late. The cupboard is pretty bare since the late Robert Strange McNamara once presided over the Defense Department. I remember something about that. I can tell you something about the cost overruns on the F-111, and I can tell you about the cost overruns on other defense items. But the military are not the only people who have had cost overruns; for example, the Kennedy Cultural Center. There are many nondefense cost overruns.

If the gentleman from Massachusetts wants us to take more time to talk, I will take 12 hours. But let me say this, Mr. Speaker: When the gentleman from New York, the beloved MANNY CELLER, came in here with his so-called civil rights bills and his so-called voting right bills—aimed at only six Southern States—we could hardly get sufficient time to say good morning. But I do not recall any complaints from the voices I have heard here today. It was just that we got in too late. The fellows south of the Mason-Dixon Line just lost their turns, that was all.

Where were these people who were hollering for equality? They did not seem to care about that. I did not complain. I have been here long enough to know that this is a coldblooded place.

But this is your military. If you do not want to provide for it, then go ahead. This is your military, and this is your Committee on Armed Services. If you want to repudiate us, that is your responsibility.

I will give you the facts as best I can. I will not complain about the results.

Now, let us vote and see just exactly where we stand. We are very late.

Mr. O'NEILL of Massachusetts. Mr. Speaker, will the gentleman yield for a 1-minute statement?

Mr. SMITH of California. I will yield briefly to the gentleman. I will yield 1 minute to the gentleman from Massachusetts.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I just want to comment on the remarks made by the gentleman from South Carolina (Mr. RIVERS), the chairman of the committee. He asked for 3 hours and he said that is the prerogative of the Committee on Rules and the Committee on Rules can give or take as much time as they want.

He said:

> I have no objection.

He says:

> I will take 10 hours or 12 hours or anything you want to give us. I think we can get by with 3 hours.

The truth is we made different motions before the committee and the committee came up with 4 hours. Overnight I have been greatly concerned with the actions of the committee and I do not feel that it is enough time.

Mr. Speaker, I hope that the House votes down the rule and that it will go back and the bill will be brought up next week.

Mr. SMITH of California. Mr. Speaker, I think the matter has been adequately debated on the rule.

I urge the adoption of the rule and yield back the balance of my time.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 324, nays 61, not voting 45, as follows:

XUM

[Roll No. 195]

YEAS—324

Abbitt
Abernethy
Adair
Adams
Albert
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bennett
Betts
Bevill
Blackburn
Boggs
Boland
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins
Conable
Conte
Corbett
Corman
Cowger
Cramer
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Devine
Dingell
Donohue
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Evins, Tenn.
Fallon
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Giaimo
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Heckler, Mass.
Henderson
Hicks
Hogan
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
MacGregor
Mahon
Mailliard
Marsh
Martin
Mathias
Matsunaga
Mayne
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Minish
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Mosher
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
Nix
O'Konski
Olsen
O'Neal, Ga.
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Rivers
Roberts
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—61

Anderson, Calif.
Ashley
Biaggi
Biester
Bingham
Brasco
Brown, Calif.
Burton, Calif.
Button
Chisholm
Clay
Cohelan
Conyers
Coughlin
Culver
Derwinski
Eckhardt
Edwards, Calif.
Evans, Colo.
Ford, William D.
Fraser
Gaydos
Gibbons
Gilbert
Green, Pa.
Gude
Hanna
Hechler, W. Va.
Helstoski
Howard
Kastenmeier
Koch
Leggett
Lowenstein
McCarthy
McDade
Madden
Meeds
Mikva
Mink
Moorhead
Moss
Nedzi
Obey
O'Hara
O'Neill, Mass.
Ottinger
Patten
Pike
Podell
Pryor, Ark.
Railsback
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rosenthal
Ryan
St. Onge
Stokes

NOT VOTING—45

Addabbo
Anderson, Tenn.
Bell, Calif.
Berry
Blanton
Blatnik
Bolling
Bow
Buchanan
Burton, Utah
Cahill
Carey
Celler
Clawson, Del
Colmer
Daddario
Dawson
Dickinson
Diggs
Dorn
Eshleman
Farbstein
Fascell
Gettys
Goldwater
Halpern
Hansen, Wash.
Hawkins
Holifield
Kirwan
Lipscomb
McMillan
Mann
May
Mills
Morton
Murphy, N.Y.
Powell
Rodino
Roybal
Scheuer
Staggers
Teague, Tex.
Whalley
Wydler

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Hawkins against.

Mr. Holifield for, with Mr. Farbstein against.

Mr. Rodino for, with Mr. Powell against.

Mr. Teague of Texas for, with Mr. Scheuer against.

Mr. Daddario for, with Mr. Diggs against.

Until further notice:

Mr. Mills with Mr. Bow.

Mr. Carey with Mr. Cahill.

Mr. Murphy of New York with Mr. Wydler.

Mr. Celler with Mr. Morton.

Mr. Blatnik with Mr. Bell of California.

Mr. Kirwan with Mr. Eshleman.

Mr. Staggers with Mr. Berry.

Mr. Gettys with Mr. Dickinson.

Mr. Fascell with Mr. Lipscomb.

Mr. Dorn with Mr. Buchanan.

Mr. Colmer with Mr. Goldwater.

Mr. Blanton with Mrs. May.

Mr. Anderson of Tennessee with Mr. Del Clawson.

Mr. McMillan with Mr. Burton of Utah.

Mr. Mann with Mr. Whalley.

Mr. Roybal with Mr. Halpern.

Mrs. Hansen of Washington with Mr. Dawson.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. RIVERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14000) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14000, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from South Carolina (Mr. RIVERS) will be recognized for 2 hours, and the gentleman from Illinois (Mr. ARENDS) will be recognized for 2 hours.

The Chair recognizes the gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Chairman, I yield myself such time as I may consume.

It took a long time to get here, Mr. Chairman, but here I am.

Mr. Chairman, today we consider the annual weapons procurement and research and development bill that totals over $21 billion—as a matter of fact, it is $21.3-plus billions.

My remarks will not be too detailed, because many members of the committee are going to participate in this debate, because I observe—or get the inference from what has transpired before the adoption of this rule—that there are a lot of people seeking information, and I will not be surprised if we have a very large attendance here this afternoon—indeed, I hope we will, because if we do have a quorum here I think we can finish this bill reasonably soon.

It is not going to take me 2½ months to present you with all the facts. I can say all I have got to say in a much shorter time than that. I think we have sense enough to solve this question in a much shorter time than that.

This bill is for your security and your country. It provides hardware for our military.

I am expendable. I have been here almost 30 years, but if I lose this one, it will affect all of you.

I hope that I will not in any way say anything that will offend anybody—at least, I will try not to. I want to discuss this matter as dispassionately as we can, and I shall assign, as I said, to each of you the same heart and purpose that I want you to assign to me.

The Congress and the people have seen, this year, a wider discussion of our defense budget than ever before. This, from the overall view, I assure you, in my opinion, is a very good thing. The extent of the debate in the Congress and the wide coverage of this discussion in the press has given everyone, the Congress and the people, a much better understanding, and a much better knowledge of what exactly is involved in defending this country and in keeping our commitments with free nations throughout the world.

World leadership is a tough business. America has assumed this role of world leadership, and we cannot forfeit it. We just cannot forfeit this leadership. We are the only ones who can handle it, so now let us handle it.

But, as helpful as the discussion has been, I feel that, because of the way some of it has been handled in the press, there is pretty good reason to believe that there are some misunderstandings somewhere.

One reference in the press was to the effect that "open season" has been declared on the Armed Forces. This kind of statement would indicate that perhaps things are getting somewhat out of hand. I hope that no responsible person in this country feels that there is an open season on your military. They are your flesh and blood—born of your bodies. They are doing the best they can. I do not think they seek glory on the battlefield of Vietnam, especially since they have been ordered not to seek victory, yet 38,000 American lives have been lost—get that and do not forget it.

Certainly this year has seen greater questioning of our defense budget and of Armed Forces matters generally. As chairman of the committee, I do not object to this.

There are even more questions being asked now than there were, as some of you will remember, in the days of the B-36 controversy when we had a lot of questions being asked.

But this is not, in my opinion, by any reach of the imagination, the declaration of an open season on the men who wear the colors of my country—your country. Perhaps it is time to sit back and do a little self-appraisal. I say this because I feel from my reading of the press that there is a very real danger that the people of the country—through misunderstanding—can come to the point of losing faith in our civilian and military leaders and in the Department of Defense. This is a most dangerous thing.

We, as individuals and Americans, are not militaristic—we are antimilitaristic. The military comes under civilian control—where it belongs. We are fundamentally civilian in our attitudes and beliefs. This is as it should be. Many of our fathers and grandfathers and great-grandfathers came to this country to escape oppressive military rule or to avoid military service to a government in which they could not and did not believe.

Perhaps it is partly this tradition and history that has brought a substantial number of our people and some of their Representatives in the Congress to the point of questioning the very foundation of our national defense itself. I do not object to this. What is wrong with it? Everything should stand the searching light of public questioning.

But a traditional American attitude that is quite reasonable in its genesis—the questioning of any governmental decision whatever it may be—is becoming excessive, and to my mind dangerously excessive, in its application.

If I have the time I am going to answer some of the many erroneous statements that were made in the statement attributed to the gentleman who signed the additional views.

I did not have the time to answer all of those mistakes in that statement, but I will try to get around to answering a couple dozen of them or something in that neighborhood, if I have the time.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman.

Mr. LEGGETT. I would say that the gentleman from South Carolina had the privilege of having the additional views in his hand before you published your main majority report. We did not have your majority views in our hands when we published our additional views. So it was no handicap to the gentleman.

Mr. RIVERS. I would not publish anything of which I am not certain.

A famous writer wrote these words:

> A lie will hold its throne a whole age longer if allowed to skulk behind the shield of some fair seeming name.

I would not publish anything of which I am not certain.

We have got to be responsible. Never has there been any virtue in irresponsibility. Our great Speaker has always said we have got to be responsible. We have got to be strong. We have got to uphold our President, regardless of who he may be, because when he makes a decision he is speaking for all of us. And I am going to back him up to the limit of my capacity.

Today, many people in this country are finding their objections to militarism as necessarily extending to a distaste for even commonsense affairs. It is antimilitarism gone completely berserk. This is illogical. This is frought with danger. There can be no doubt that this misunderstanding, this misinterpretation of the word "militarism" does exist.

We were not ashamed in World War II to call America the arsenal of democracy. Hitler said:

> I fear the productive capacity of America.

Our industrial complex was not a bad word then.

Kipling said this:

> It's yes, sir, Mr. Atkins, when the bands begin to play——

And, Mr. PIKE, you can quote the other stanza better than I. But I tell you this: Do not let us fall into the ditch blaming somebody else for our own mistakes. There is room enough for us all to participate in this high privilege of saving what is left of this great country.

Our international difficulties do not arise because we have a large Military Establishment. We have a large Military Establishment because there are those who threaten us. That is the only reason. Do you want to bring everyone home from NATO. Go ahead and do it. I do not think it would be wise. I do not think we can bring everybody back from the Pacific. I do not think it would be wise.

We must face the cold facts of life. Are we going to heed these facts or disregard them? There are only two courses. We are not in a debating society now. The question now is preparation for survival. You can participate if you want to. If you do not want to do so, that is your responsibility.

Have you forgotten the vote in this House, Mr. Chairman, on the fortification of Guam? How many of those people who were here then would like to relive that day? Some of you must remember that vote. We are not saying that we must satisfy some newspaper editor or some TV commentator or the howling mob. We have a higher issue here.

Have you forgotten the Frenchman who said when he saw the mob in the street, "I've got to go out there and see in which direction they are headed, because after all I am their leader."

The other day two young men called on me. They had just been freed. They had just been freed from a jail in Hanoi. One of them came to me and mentioned the names of some Members of this honorable body whose words were played over and over again. He said, "I was so glad to hear your name mentioned."

I said, "What did they say about me?"

He said, "It wasn't anything good, but we sure wanted to applaud."

I said, "Why didn't you?"

They said, "We wanted to live."

That is the kind of enemy we face.

This is the kind of enemy we face and he will kill us if we let him.

I am not talking about the things that are necessary to give our men a chance—at least some chance of victory. God forbid that another holocaust should come in our time. We will not have the luxury of time again. Incidentally, should we lose our military superiority, church is out for us all. I am not here referring to the anti-ballistic-missile system or to more or fewer nuclear submarines or to aircraft carriers. I am not talking about the morality or immorality of the war in Vietnam. I am talking about the danger of adopting an inadequate bill.

Heaven help us all if the position prevails of those who say we can grow stronger by lowering our guard or we can achieve a world Utopia if we lay down our guns. I say: "We are a peace-loving people and we will prove it by laying down our weapons. If you are as nice and as reasonable and as free from intention to attack us as we are to attack, of course you will do the same thing."

It just does not work out that way. At least it never has, and I do not think it is going to start in 1969 or during my lifetime. I am not that silly or that naive. I question no one's patriotism in this House. I have something else to do. But I appeal to the judgment of Members and I appeal to their judgment as responsible men, and I appeal to the reason of those who are as dedicated as I am.

As for the objections that have been raised and will be raised in connection with this military procurement and research and development bill, certainly no one can question the right or obligation of Congress to look in the closest fashion into the vast expenditures authorized in this bill. Close analysis of some of these programs can go far toward bringing out the facts and helping to clear the air of suspicion and misapprehen-

XUM

sion that is now so prevalent both in the Congress and in the public mind.

But let us exercise the greatest care to avoid the danger of overshooting the mark, of attacking excesses in an excessive fashion. There are indeed defects in our Defense procurement procedures, but there are also deep and abiding dangers which face this country. I feel certain that many share my concern that, in countering the one, we may run the danger of contributing to the growth of the other. We can rightly deal with the excessive costs of weapons systems and the failure of systems to perform in the manner intended, but if our view is limited to errors made and does not extend to the defensive and offensive position that this country needs to achieve, we will have failed to maintain a proper balance in our search for a reasonable and adequate national defense.

We think in generalities, all of us, but unfortunately we must live in detail. It is just a fact of life. It is an acceptable if not proven generality that militarism is bad. Generalities have no surface points to contact that one can grasp, but below the surface are those particulars, those small hard facts that we are sometimes unwilling to grasp or to gather. It is indeed a true generality that war is a terrible thing, but it is a hard fact of life that some wars must be fought.

I wish I knew how to stop them. If I did, I would not be in this Congress. It is an attractive generality that peace and the plucking of fruit from the tree is a way of life devoutly to be sought, but it is also a hard fact that he who would pluck the fruit often is confounded by the common enemy. Remember that.

It is a disturbing generality that the making of machines of destruction is contrary to our higher ethic, but it is a hard fact that someone with a gun is even now on the horizon.

Booby traps and pitfalls, I can assure you, were here long before Vietnam. This world is not a garden of Eden. In the real world in which we live comforting self-serving generalities just do not exist. They just do not exist.

So let us debate matters of defense in an atmosphere of good sense, but let us not make the military the whipping boy in the process.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I will yield to the gentleman from North Carolina any time he wants to ask me a question.

Mr. JONAS. The gentleman owns a house in Charleston, S.C., a home?

Mr. RIVERS. That is about the only thing I do own.

Mr. JONAS. The gentleman, I hope, has never experienced a fire in that residence?

Mr. RIVERS. Not in my house.

Mr. JONAS. Does the gentleman carry insurance?

Mr. RIVERS. I pay for it. I have to pay it in installments.

Mr. JONAS. The gentleman does not consider the insurance he pays for protection against fire wasted money, does he?

Mr. RIVERS. I know what the gentleman is talking about. I know what he means. We must have this insurance. We never need a fire engine until the fire breaks out.

Let me tell the gentleman a story. Once we had a Secretary of Defense—I do not know whether he is still living or not—who was closing up everything. He came to me and he said, "we have got this MATS outfit"—we changed the name of MATS to MAC—"over at the National Airport, and we have got a fire engine. We do not need that fire engine." I said, "why of course you do not need it. Sell it. You are never going to have a fire at National Airport. Those planes are not going to crash. Get rid of it." Do you know what? He did get rid of it.

Mr. JONAS. If you have a fire and do not have fire insurance you are going to be sorry you do not have insurance.

Mr. RIVERS. Then you have had the course.

There is an attractive generality about peace.

We can have our differences. That is a part of our system. But let us avoid the seeking of simple answers to difficult problems through name calling. This does not serve any purpose.

We are all on the same side. In our committee we had some very fine debates. We had differences. When the final analysis came, three out of 39 voted against it. Our batting average is pretty good. Even the good Lord had two out of 12 against him when the going got rough, so I do not think that our batting average is too bad.

I know the imperfections I have. Somebody said I was the southern distributor for mistakes. If somebody did not say it, somebody should have said it.

So let us all start at the same place and end up at the same place in this day of debate and discussion, so we can find some answers.

In another context, John W. Gardner, who is fairly prominent around these parts, said that "America needs physicians, not executioners." John Gardner is right. This is what we need. I agree with that statement.

So now let me deal briefly with the bill. Let me deal briefly with some of the highlights of the bill.

As I said before, other members of the committee will deal with particulars. They are knowledgeable. They will participate in this debate. I do not want to take their time.

This bill before you totals $21,347,860,000. This includes $14,926,460,000 for procurement and $7,421,400,000 for research and development and test and evaluation.

This bill is $615.8 million less than the revised budget submitted by Defense Secretary Laird on April 15.

It is $1.8 billion less than the budget originally submitted by Secretary Clifford for the Department of Defense in January. After submitting his budget Secretary Laird terminated the manned orbiting laboratory and the Cheyenne program. If the money saved on these two programs were included, the present bill is $47.1 million less than the Laird budget of April 15. Our bill is $1,288,360,000 more than the Armed Services Committee of the Senate approved and $1,358,974,000 more than the final bill passed by the Senate. Our bill is still $277,890,000 less than the authorization bill passed by the House last fiscal year.

Now, you can see, with all of this inflation, that we have combed this with the finest of combs. The committee has given more time to a thorough study of the items contained in this bill than any previously made in my memory, and I went on this committee when it was founded and before that I was on the Naval Affairs Committee. The full committee has been working on this bill for more than 6 months. We had a total of 91 meetings that contributed to the bill before us today. We had 61 full committee meetings on the bill. In addition there were 12 sessions by our Seapower Subcommittee headed by the distinguished gentleman from Florida (Mr. BENNETT), and nine meetings by a special subcommittee on the Army tank headed by the gentleman from New York (Mr. STRATTON). There were six meetings by the subcommittee headed by the gentleman from Illinois (Mr. PRICE), which was made up of members formerly on the Research and Development Subcommittee and which will be reestablished. There was also meetings by the Anti-Submarine Warfare Subcommittee.

Every working minute, every working day we have dedicated ourselves to this bill. If we have made a mistake, it may be because we just did not know how to do anything any better. I can assure you we have done the very best we know how to do. I am jealous of this committee. It has been an illustrious group that has headed up this committee, and I do not propose to sit down and see anybody degrade it. I do not propose to sit down and not defend it. I do not hold anything against any member of the committee. This is not my committee. This is your commitee. This is your committee. If you do not think it is run democratically, ask every member on it. Everybody has his say.

The hearings of our committees on this legislation to date fill 2,660 pages, not counting the additional hearings by the subcommittees to which I have referred. We have had our full staff devoting virtually its full working time to this bill for about 6 months. I want to say that all members of the committee have worked dillingently on this legislation. All members have had an opportnuity to make a contribution, and we have taken time to consider divergent views. Ask any member of the committee.

Now let us get to what this thing is about.

The very real threat posed to this country is the Soviet threat. The Soviet military development of recent years is covered thoroughly in our committee report on pages 8 through 13. I hope you will read them.

Other members of the committee I am sure will want to address themselves to this phenomenon.

I want to particularly stress to all Members of the House the great leap forward taken by the Soviet naval authorities in recent years—and the Soviets have obviously made a conscious decision to compete for the position of dominating seapower, to dominate seapower totally not only in the Russian waters but elsewhere.

At this very minute they are walking into the vacuum of the Indian Ocean. The Soviets are not just modernizing their navy. They are using it. They are demonstrating that they understand the totality of seapower. They understand, the combined effect of a modern naval force—a vigorous and modernized naval fleet, an expanded merchant marine and fishing fleet and then, of course, research, and development in this and other areas is recognized to the fullest in this Soviet effort. Right today there are ships off Nantucket. Right today there are ships off my native South Carolina. They have been there so long that I think that they feel they have a right to occupy the waters off South Carolina. And, they are not kidding; they are not kidding. They have been all around the world. They have got the power to back it up.

The great growth of Russian combat power is discussed fully in the important report of our Seapower Subcommittee which is chaired by the gentleman from Florida (Mr. BENNETT) and which is now a best seller in England.

The Soviets now have the largest submarine force in the world. They have some 350 subs, including 65 nuclear-powered submarines. We have 140; 58 percent of the ships of the Soviet Navy, 58 percent, is under 10 years of age, while 58 percent of ours are over 20 years of age. Less than one-quarter of 1 percent of the ships in the Soviet Navy are over 20 years of age. It is because of these facts which were revealed by a thorough review conducted by the gentleman from Florida (Mr. BENNETT) and his Seapower Subcommittee that the committee added $960 million to the administration's request for the modernization of the Navy. And, let me say here that this $960 million was the figure that the Navy recommended. This is not our figure. Every single ship of every category counted in that $960 million were the ships the Navy asked for. The committee did not put these in as the result of some fanciful idea based solely on its own knowledge. We got the information from headquarters.

This is but the first installment of a 5-year program that shall have to be funded to as much as $4 billion a year if we are to catch up with the Soviets and again be the first naval power in the world.

Now, the Soviet power is a real threat. It exists now. It speaks more eloquently of the realities which we have to face here today than all of the noble speeches I or any member of this committee, may make on the subject.

We have all manner of experts in this country today telling us that we should be stopping our own national security developments, that the Russian threat will go away. Who believes this? You have not forgotten what happened in Czechoslovakia, have you? They are just plainly not kidding. You do not think that they are in the Mediterranean just for the purpose of a leisurely Mediterranean cruise. If you think so, just go down and look at them. They are loaded for bear. Take that from me. You can get all kinds of brilliant analyses from people who have never smelled gunpowder.

And let me say this: With reference to this addition for the Navy I speak for the highest authorities.

The President of the United States has promised me that he is going to proceed with this addition in as orderly a fashion as he can, and as fast as he can. And I do not believe Richard Nixon would say that if he did not mean it. He happens to be concerned for the U.S. Navy.

In this connection I inserted into the RECORD yesterday an answer to the study group on two things I do not recall what pages they are on, but if you will look in the RECORD today you will find what I inserted in answer to the study group on the overall defense picture, and also from Adm. Hyman J. Rickover, a fellow well known for his knowledge on nuclear propulsion. Read these. They might help you. It would help to resolve some of the questions that are assailing you because of so much misinformation being put out.

The committee has approved some major programs as recommended by the administration, and in these we are not in conflict with actions of the Senate. These include the ABM, the C-5A, the F-15, the F-14, the AMSA and a nuclear carrier. The Safeguard antiballistic missile system approved in the bill will provide $345 million to begin procurement. And then there is the additional $400 million for R.D.T. & E. for the Safeguard system. The House will recall that we already provided in our military construction authorization funds for construction of R.D.T. & E. facilities for the ABM in the Pacific.

Keep in mind that the deployment that would be started by the ABM procurement funds in the bill will not provide the first phase of the Safeguard until 1974. If the second phase is required, it would not be in place until 1976. By that time—the experts tell me that the Russian SS-9 threat, if continued at its present development, will be a serious threat to our land-based retaliatory forces.

Now, this is what worries us. We have spent in the past some $4 billion on ABM research and development work, and all of that is available to the Safeguard system.

The extensive hearings held by our committee on this issue have shown that the ABM can be made to work, and is technologically feasible. Other members of the committee will express themselves fully on this point. And I will answer you like Senator PASTORE answered some of the skeptics in the other body: Do you not tell me that the brains who sent those boys to the moon, and who brought them back here to tell us—"I walked on the moon."—do not tell me that the brains who sent them and brought them back cannot shoot down something that is man made. Anybody who makes a weapon can find a way to neutralize it. That has never failed in the history of the world. And I would not deprecate the energies and the efforts of my own fellow Americans to say that we cannot shoot down a missile that is headed for New York or Washington, or Philadelphia or Chicago or San Francisco, or Los Angeles, or some missile site. I would not say that of my scientists. I believe they can do it.

I know good and well that we can afford it. Any nation that is approaching a trillion dollars gross national product can afford to spend enough to survive.

As Senator Pastore said:

> What good is it to have a belly full of food and no place to live?

Sam Rayburn said:

> I would rather be a live American with an empty pocketbook than a dead one with a full one.

It is as simple as that. I would just hate for that missile to head for one of our teeming metropolitan centers and not be able to do something about it. If we do not, somebody will jump up and say: "Why didn't Congress give us the ABM?"

I can say, "Not me—I urged you to adopt it." And I believe you will. And I do not think it is going to be by one vote either.

We have a great group on our side who have been advising us and who have not failed us in the past. I believe like the rock of ages, they will come through now. This is my position on the ABM. It is as simple as that. I would rather have it than want it. How can you beat that? It is like a raincoat. I would rather have it on my arm than want it on my back. Nobody ever dislocated his arm carrying a raincoat.

Now you have read that there are five other people in this nuclear club. Communist China, France, England, Russia, and the United States.

McNamara said that we needed only one radar face to detect an attack. This would give us coverage of only 180 degrees at most. The Russian scientists have radars that cover 360 degrees and I do not know whether the fractional orbital missile that Russia has is going to come up over the North Pole or the Gulf of Mexico to this country. But if it comes, I want to be ready for it. I think the American people want to be prepared.

That is all I am going to say about the ABM.

The bill includes $940 million for the support of the 4th Squadron C-5A81 aircraft. At the proper time we will tell you about the C-5A.

The $52 million requested for long lead items for the 5th Squadron was denied on the basis that a decision has not been made to go beyond four squadrons.

The C-5A was started some time ago. It was not laid down yesterday.

Lockheed came before our committee and said they are going to lose money on it.

I want the C-5A. It is a weapons system and nothing anywhere in the world can take its place.

You say—why not the 747, built by the great Boeing Co.? There is no greater company on earth than Boeing. But it cannot fill the bill. It is not a weapons system.

The C-5A has 28 wheels on it. It can come in on a crosswind and land. That did not come out of my head, it came out of some scientist's head. This is the largest plane ever built and it will work as

XUM

sure as you are a foot high. It will work just like the Polaris built by the great Lockheed Corp. out in California. They built that Polaris missile. Now it is building the Poseidon. Lockheed is a great company and the Poseidon is working. That great Lockheed Corp. built the fastest airplane that this country or any country has ever seen. It will build the C–5A. I am not going to demean a great corporation which has contributed so much to our land.

Consider the great North American Corp., which was down in the dumps when the RS–70 did not work. We did not give up. We did not say, "Abolish the North American Corporation." The great committee headed by the gentleman from California (George Miller) made money available, NASA awarded the Apollo contract to North American and through their leadership sent men to the moon and back.

I am not here to deprecate the efforts of American industry. I am here to say good words for their efforts. That is the least I can do.

Consider the great McDonnell Corp. I remember the time the McDonnell Corp. had a contract to build a Navy plane that never got above the ground. What happened to McDonnell? They did not give up. They built that great 101, in the same series, which is in use today. And I do not have to tell this country or this Congress what the McDonnell Douglas Corp. does today. It is a versatile company, building some of the greatest planes on earth today, like the F–4 and the A–4.

I believe American industry can rise to the challenge. Let us give them a hand. They need a pat on the back. If they ever needed it, now is the time. Experts are mushrooming all over the place like toadstools. I have run across more experts in the last year than there are dogs at a county fair. You know what I am talking about. That is the language you use in Georgia.

But I also know we must have something to take the place of the F–4. The F–4 has reached the end of its growth potential. The F–4 was laid down in 1954. It is high time we were moving on its successor and that will be the F–15.

And then there is the F–14. Someone has suggested restudying the F–14, but I point out that one of the great corporations in the country, Grumman is building it. Let us let them go ahead and continue to build it. The Navy badly needs it.

But I am not going to overlook the great General Dynamics Corp. The General Dynamics Corp. built the B–58 and the F–111. The General Dynamics Corp. builds submarines. General Dynamics does not need a kick from Mendel Rivers. But it needs a boost from all of you. Look at Fairchild-Hiller and the great workhorse the F–105. These are all great companies—and America's destiny rests in their industrial capacity and skill.

Of course, they make mistakes. They make a ton of them. But look at their successes.

Now let us get to the advanced manned strategic aircraft, the follow-on for the B–52. We do not have one new B–52 in Vietnam; did you know that? Not one.

Do Members know what a new B–52 is? It is one that is about 10 years old. We do not have any new ones over there. We have now new pure jet engines, but the new engines in the B–52s have the fans—and they are 10 years old at least.

Do we need an AMSA? I should say we do. I do not want to frighten any Members. I know this Congress is going to vote for an AMSA. There is no question in my mind about it. But there have been some statements that the Russians are not building an advanced bomber. I tell Members I do not believe this, and I have very good reasons for making this statement. That is all I will say.

We had better get on with the AMSA before it is too late. The experts tell me we need an AMSA, and one that can handle the problem. We do not have anything like that, now.

What is wrong with the AMSA? For years we begged Secretary McNamara to start this, and in this bill we give the money for the fuselage and configuration and engine and other parts.

Members of Congress have been recorded in favor of efficiency and economy in government. The MIRV program was a perfect example of a weapons system that does exactly this. It is an offensive capability with a classified number of warheads, and we can achieve the same capability at savings of almost $7 billion, the multiple independently targeted reentry vehicle. In the case of Minuteman III, we are able to take advantage of an investment already made in the silos and launch facilities for the earlier versions of the Minuteman missile.

In the case of Poseidon, we are able to retrofit existing Polaris-type submarines at a cost far less than that which would be required for a new missile submarine. with this economical missile.

Will MIRV work? Four out of the last five Poseidon MIRV tests have been completely successful, and five of the last seven Minuteman III MIRV tests have been successful with an additional one being partially successful, and only one being a complete failure.

That is how far we have gone. In my opinion this program would truly lend credibility to our strategic deterrent.

Remember, our strategic force is a deterrent. We do not seek to destroy others. Our MIRV'ed warheads do not constitute a first strike threat against Soviet hardened missile sites. They, therefore, would not start a new spiral in the arms race. The Soviet SS–9 missile on the other hand can launch three 5-megaton warheads which provide a real threat to our Minuteman silos. They can do this.

Nobody in this country died when the Soviets were getting ready to put all these defenses around Moscow. Why should they worry if we do the same thing in New York or Washington or with our defensive and offensive capabilities?

They could not care less. Positively I could not care less what they think. I want this protection, and our committee is giving the Congress the opportunity to accept it or reject it.

In comparison with the action of the other body, the committee has taken action on a variety of programs which were deleted or reduced by the Senate in their action on the administration's request. I will not go into these in great detail as they are explained thoroughly in the committee's report on pages 59 through 79. Let me list a few of these: First, we approved $66 million plus for the E–2C aircraft which had been deleted by the Senate. This is a much needed aircraft to provide the fleet with an airborne early warning capacity. It is something they can see with far away from our ships. We do not have anything this modern. We just want to have our fleet have a plane that can get high enough and see where the enemy is.

We approved $165 million plus for the S–3A aircraft—and I will tell you what it is—for which the Senate made a reduction of $25 million. This is a new antisubmarine aircraft designed for carrier use and much needed for the Navy's antisubmarine warfare function. Mr. Stratton will tell you something about this.

We removed the ban on the A–7D and A–7E aircraft imposed by the Senate. The A–7 aircraft is the only aircraft we have for close ground support. This mission was turned over to the Air Force, and this is the only plane available. It is a new plane, subsonic but a superior close air support weapons system.

The total funds requested for the A–7D and E are $478.7 million.

The Senate bill reduces to $15 million the $60 million requested for the airborne warning and control system, called AWACS. The committee recommends enactment of $40 million for this airborne surveillance capability with its associated command and control communications system. AWACS will provide valuable airborne intelligence and battle management capability for the Tactical Air Command and the Aerospace Defense Command.

The bill provides the full $75 million authorization requested for the SAM–D surface-to-air missile system which the Senate deleted. The SAM–D, on which Mr. Philbin is an authority, and which he will explain to you fully, will provide a major improvement for defending our field armies against an air threat. It would replace the Hawk and Hercules missiles, which are based on technology that is at least 20 years old. It will cost less than half as much to maintain, and the savings in operation and maintenance alone will pay for the system in 5 to 8 years.

This is a complicated bill. At the same time it is a comprehensive bill.

The bill authorizes $105 million plus for the short-range attack missile, SRAM, and $40 million for modifying the B–52 to carry this missile.

The Senate bill provided $67 million plus for the SRAM and deleted the funds for the modification work on the B–52's. The SRAM encountered difficulties in its development stages, but recent tests that have been held indicate those technical difficulties have been solved.

The SRAM missile is a key element in maintaining the capability of our manned strategic aircraft to carry out their assigned mission through the 1970's.

The bill also provides $67 million for

XUM

the advanced surface missile system; $20 million for the undersea long-range missile system; $28.1 million for the T–X navigational trainer; $10 million for the heavy-lift helicopter; $1 million for the light intratheater transport; $38.5 million for the A–37 tactical aircraft; $15 million for the RF–111 reconnaissance aircraft; and $18.5 million for the Conus air defense interceptor.

I said earlier in the day, our cupboard is bare. We need many new weapons. We do not now have them. This bill is the beginning.

The committee has worked very hard in trying to report to you a bill that has been considered at great length, and which the committee considers to be at least what this country can afford to maintain if we are threatened.

I urge you, and respectfully request you, to give us your attention. I thank you, too, for having given me yours.

We have done the best we can.

Mr. ARENDS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. ARENDS. Mr. Chairman, the Members of the House today are voting on perhaps the most important bill of the year, and it is a moment when all Members of the House must feel the weight of their responsibilities. There has been a new climate in consideration of Defense matters on Capitol Hill this year which reflects a climate of questioning and concern throughout the country. I find all manner of experts ready to give their advice to the Members of Congress on national defense policy. I have seen newspaper advertisements signed by every kind of expert from botanists to football coaches. But it is the Members of the House here today who must make the decision on national defense and he must answer to the American people and to history if that defense is inadequate.

I think of something the late President Kennedy used to like to quote about decisionmaking. It is from the Spanish poet Garcia Lorca:

Bullfight critics row on row
Crowd the vast arena full
But only one man's there who knows
And he's the man who fights the bull.

The Members of the House today are the ones who know. You are the ones who have gotten all of the information and heard all sides of the issues. But you cannot put responsibility for your decision on any number of noted college professors or Nobel Prize winners. You cannot turn the matter over to Vince Lombardi. You must make the decision. You must guarantee the adequacy of America's defense capabilities—not only today but into the foreseeable future.

The bill before you provides $21,347,860,000. This money would do two principal things: It will provide $13,926,460,000 for procurement of aircraft, missiles, tracked vehicles, and ships to provide the strength currently needed by our Armed Forces. It will provide $7,421,400,000 in research, development, test, and evaluation to assure the future readiness of our defense capability.

The amount requested in our bill is $615,800,000 less than the amount requested by Secretary Laird in his revised budget of April 15,. It is $47.1 million less when one excludes the Manned Orbiting Laboratory and Cheyenne programs. The bill is $1,803,800,000 less than what was originally proposed by former Defense Secretary Clifford in January of this year.

While the totals in our bill are close to what was recommended by the administration I think it should be clear that our bill is selective in its reductions and in its additions. The committee worked its will on this legislation. Nobody could call this a rubber stamp bill. We added roughly $1 billion in shipbuilding funds to start a needed modernization of the Navy. We made a reduction in research and development, test and evaluation funds of $801 million. But we exempted certain needed weapons systems from this cut since we felt they were vital to our capabilities. And we specifically directed the reduction and elimination of other programs such as the AX aircraft, the TOW missile, the Sheridan vehicle, the main battle tank—MBT–70—and the M–60 A1E2 tank.

The committee's main reductions are discussed throughly in part 3 of the report. Those items which the committee specifically exempted from the R.D.T. & E. cuts are discussed in part 4 of the report where the committee's actions are compared in detail with changes made in the authorization request of the administration by the Senate.

COMMITTEE OVERSIGHT

I want to take a little time to mention the effort the committee is making to improve its control of the defense budget. I believe these efforts are in response to the general desires of the House.

Hundreds of thousands of transactions and decisions take place daily in the Pentagon. It is virtually impossible for Congress to examine every action in detail. The committee, therefore, must work to bring about progressive improvements in management techniques and to do this, it has moved to take on more responsibility for surveillance of Defense Department programs.

I ask the Members of the House to reflect a little bit on the great growth in committee work over the last decade. The first law requiring congressional authorization of military expenditures for the procurement of aricraft, missiles, and naval vessels was enacted in 1959. The law was further amended by the 88th and 89th Congresses to require authorization for research and development and for tracked combat vehicles. This year, the committee has included a provision in the bill, section 405, to extend the authorization requirement to all vehicles, all weapons, all ammunition, and the related spare parts for these items. It will aid surveillance over $3 billion for the annual funding request for procurement.

This will place additional burdens on the committee and on its staff but it is an attempt by the committee to do an even more thorough job on the defense program. I might note that two professional staff members from the General Accounting Office have been assigned to the committee on a continuing basis to aid in the committee's important tasks.

The committee, of course, has had its investigative atuhority for 20 years, and we have recently sharpened the use of this authority to help the full committee in making decisions on weapons programs. The actions of the committee in the present bill on the General Sheridan tank, the M6A1E2 tank, the MBT–70 tank, and the TOW antitank missile system is an example of how our investigative efforts have aided our weapons decisions. The committee has deleted nearly one-quarter of a billion dollars from the 1970 funding request for these programs. This is because our investigations disclosed basic weaknesses in military management which showed these funds could be safely eliminated. This investigation also made recommendations for correcting the management deficiencies uncovered. We are going to have more of these in-depth examinations of major programs in the future

Proposals were made in the Senate to have the General Accounting Office handle much of the task of overseeing defense programs. Your committee believes that such oversight and direction should be a committee function of the Congress. The General Accounting Office can aid in this work to a considerable degree but the responsibility must be maintained within the Congress and within the appropriate committee.

As a further effort to improve its surveillance of programs, the committee added title V to the bill. This provides statutory authority to keep the Congress fully and currently informed on defense programs. The language here is similar to the language in the Atomic Energy Act which gave authority to the Joint Atomic Energy Committee to get all the information to be fully and currently informed about the activities of the Atomic Energy Commission. Again this is a step by the committee to help it better perform the function assigned to it by the House.

SOVIET THREAT

We have heard a great deal recently about the desire for stopping the arms race and a need to stop nuclear proliferation throughout the world, but I think Members should keep in mind that it takes two to tango and it takes both nuclear powers to bring about a real reduction in nuclear arms. We see no evidence that the Soviets are stopping their nuclear arms development. The evidence is quite to the contrary. I urge all Members of the House to read the discussion of the Soviet nuclear developments which begins on page 8 of the committee report.

The Soviets have developed a missile, the SS–9, which can lift a 25-megaton warhead and deliver it near one of our Minuteman silos with great accuracy. This missile is much larger, much more accurate in its guidance system, and much more expensive than would be required for a retaliatory weapon. The SS–9 does not seem logical—unless it is being developed to give the Soviets a first strike potential. It is because of this missile primarily that we have to be prepared with ABM defense. At the present rate of deployment and with the MIRV capability that will be within the Soviet grasp within a few years, the SS–9 would give the Soviets a first strike capability against our land-based strategic forces. They—Russia—are moving militarily full steam ahead.

This is only part of the threat imposed by the Soviets. They have a variety of other ICBM's, may soon pass us in numbers as well as megatonnage of ICBM's, have developed a fractional orbital bombardment system—FOBS—have developed the capability of launching missiles from submarines and, as Chairman RIVERS has indicated, have greatly expanded and enhanced their naval power. They have also expanded and modernized their general purpose forces and they showed in Czechoslovakia that they are willing to use that force to achieve their ends. Finally, they have deployed around Moscow a beginning ABM system, the Golosh, and are pursuing ABM technology with great vigor.

While we all hope and pray for the success of arms limitations talks, let's keep in mind that this Soviet power is very real and that we have to be prepared to counter it if our deterrence is going to be viable in the future.

The committee has approved the Department's request for major weapons programs that will provide an antiballistic missile defense system, the Safeguard; a great addition to our aircraft capability, the C–5A; the much-needed air superiority fighter for the Air Force, the F–15, a long deferred replacement for the F–4 aircraft for the Navy, the F–14; additional assurance of our offensive deterrent, MIRV capability for the Minuteman and the Poseidon; and the new manned strategic aircraft the committee has long sought, the AMSA.

The ABM has been the most discussed program of the year, both in Congress and in the press, and I am sure we are going to hear more about it today. The Safeguard program, recommended by the President and approved by the committee, will use the technology developed for Sentinel and previous systems to provide protection for our land-based nuclear deterrent. It will also provide protection against the potential Chinese threat in the late 1970's and against an accidental launch of an ICBM. The bill provides $345.5 million for procurement for the ABM and $400.9 million for research, development, test, and evaluation. Earlier in the military construction bill, we provided $15.2 million for construction of R. & D. facilities for Safeguard. Our committee gave extensive consideration to the Safeguard proposal, and these deliberations satisfied the majority that the system can be made to work and is required.

The Soviet military capability provides a real threat against our Minuteman missiles and our bomber bases in the mid to late 1970's. The ABM will provide protection for our Minuteman force and will thus be a valuable additional deterrent.

Safeguard will not, as some have claimed, heat up the arms race. The Safeguard is a defensive system which could not reach Soviet territory and could not start a nuclear exchange. I believe it will provide an incentive to arms negotiations by showing the Soviets that we are serious about developing our deterrent force and convincing them that no amount of expenditure on their part will permit them in achieving a first strike capability. At the same time, it will also show that we are not pressing an attack on the Soviets. I think the ABM can add to world stability, and I think the Russians are going to insist upon having their own because of the threat they face from China.

The C–5A has also been the subject of much discussion and many charges of cost overruns. The Committee's decision to approve the C–5A was based on the military requirement and the capabilities of the aircraft. The C–5A is said to be the world's largest airplane. Under wartime conditions, it will have the capability of delivering a 265,000-lb. payload over 3,100 miles at a speed of over 500 miles per hour. The operating cost of the C–5A will be 2.9 cents per ton-mile compared to 5.3 cents per ton-mile for the present C–141. So the long-range operation and maintenance cost should represent a considerable reduction when compared to present aircraft.

The committee approved the $940 million for the C–5A in the bill, including $481 million for procurement of 23 aircraft. The committee deleted $50 million of the C–5A funds requested for procurement of initial spares.

The F–15 will give the Air Force an air superiority fighter for the mid and late 1970's. Present aircraft cannot be economically modified to fulfill this need.

Failure to develop such an airplane will leave our Air Force at a great disadvantage a decade hence in comparison with the Soviet Air Force, which has developed a variety of firstline fighters, and which has six new prototype fighters in production.

The committee has authorized a total of $450 million in the bill for the F–14 for the Navy. This includes $275 million for procurement and $175 million for R.D.T. & E. The F–14, which will provide fleet air defense, replaces the F–4, which was designed in 1954 and has reached the end of its growth potential. In the years that the F–4 has been operational, the Soviets have developed eight new aircraft.

I would point out that the F–14 must operate off an aircraft carrier, and has a different mission requirement from the F–15. The joint Navy project is developing an advanced engine which will be used in both the F–14 and the F–15. But the different mission requirements and operating environment require different airframes for the two planes.

MIRV, which stands for multiple independently targetable reentry vehicles, is a method of carrying more than one warhead on a single rocket with guidance to take each warhead to a different target, or to send all warheads to the same target with spaced arrival times. We are developing MIRV capability on our Minuteman III and on the Poseidon submarine-launched missile, which is a follow-on to the Polaris. I would emphasize that our Minuteman missiles are only a fraction as big as the Soviet ICBM, and when MIRV capability is put into our missiles, the size of each warhead becomes that much smaller. The relatively small size of these warheads precludes the possibility of them being used against hardened enemy missile sites. Our MIRV, therefore, could not be considered a first strike weapon.

American MIRV'ed warheads will be too small in size and number to destroy the Soviet retaliatory force, although they will have a high capability against cities.

The Soviet SS–9, by contrast, is so large that it could launch three 5-megaton vehicles—which are large enough to have a first strike capability against weapon sites. The committee felt it was prudent, therefore, to authorize this continuing developing work on MIRV to make sure our forces are not outstripped by Soviet advances.

The House is aware of the long effort by this committee to assure the development of a manned strategic aircraft. The last B–52 came off the production line many years ago. And our B–52 force is aging badly. The previous administration had sponsored the FB–111 as suitable for the bomber mission and had a long record of roadblocking the AMSA. The current administration, after reevaluation of requirements, recommended an increase in AMSA funding to $100.2 million for fiscal year 1970, compared to the previous administration's request for $77.2 million. The speeding up of the development of AMSA is in line with the long-held position of our committee and we recommend it wholeheartedly to the House.

Dean Acheson, the former Secretary of State, a distinguished Democrat, when he spoke before the Women's Democratic Club, said this:

> I see in America a growing capacity for criticism and a declining capacity for unity.

Then he emphasized that all of us should recognize that the President of the United States is the President of all of us and that we should help him, as he seeks to bring the war in Vietnam to an honorable settlement. An honorable settlement, not a surrender, is what the people want.

These, I say, are the words of a true patriot, who places country above party. I would hope that others would recognize, as Dean Acheson does, that the surest and quickest way to achieve an honorable settlement of the war in Vietnam is to unite behind our President.

I do not believe it is necessary to review in detail all of the many actions that the committee has taken in this bill. A full discussion of all of the changes will be found in the report. I would like to emphasize however, that the development of our future readiness is as important a function of this bill as provision of our present systems. The committee felt so strongly on this that we have, in the R. & D. portion of the bill—title II—earmarked certain funds for specific systems, which will preclude these funds from being subjected to the overall reduction in R.D.T. & E.

The systems so protected include: the heavy lift helicopter and SAM–D missile for the Army the E–2C aircraft, the S–3A aircraft, the undersea long-range missile system, and advanced surface missile system for the Navy; and the RF-III aircraft, the light intratheater transport, the SRAM missile, the airborne weapon and control system—AWACS—and the Conus air defense interceptor for the Air Force.

As I am sure the Members of the House are aware, the present administration, following the submission of the budget, announced cancellation of the Manned Orbiting Laboratory and the Cheyenne helicopter. The committee supported these reductions which mean a $300 million savings in fiscal year 1970 on the MOL and a net savings of $420.5 million from the original Cheyenne request. We have also specifically directed in the bill that no funds authorized shall be expended for the Cheyenne helicopter.

R.D.T. & E. REDUCTIONS

While recognizing the importance of research and development in assuring the future readiness of our forces, the Committee was concerned about some of the management aspects of the R.D.T. & E. program. We felt that some savings could be made in this area and a better ordering of priorities provided.

We have, therefore, made a reduction of $801 million in R.D.T. & E. funds.

The committee has provided in section 402 of the bill requirements for detailed information to the Congrress from the DOD concerning R. & D. projects being done at universities and Federal contract research centers affiliated with universities. We feel there has been overlap and duplication in this program and that there has been too great a concentration of the research effort in a relatively few locations.

In addition, the committee was concerned about the sponsorship of research programs which appeared to be inappropriate to the mission of the Department of Defense.

We have, therefore, added section 203 to the bill, which requires no funds authorized may be used for any research project or study unless that project or study has a direct and apparent relationship to a specific military function or operation.

We have included in our bill, also, a provision adopted in the Senate version of the bill which limits the salary of employees of Federal contract research centers to a maximum of $45,000 unless an annual rate of compensation in excess of that has been approved by the Secretary of Defense and a report of such approval provided to the Committees on Armed Services.

In summary, we have a very big, but very necessary bill. National defense in the threatened world in which we live does not come cheap. All of us would prefer to live in a world where this $21 billion would be spent for peaceful pursuits. But we can afford this bill because we cannot afford to be without it.

Only by having the shield of national defense that this legislation provides will we be able to have a world in which we can work to solve our other problems. The bill, despite its numerous changes and despite the increase in costs of the recent year, is still $277,890,000 less than that authorized last fiscal year. It will support a national defense that takes a smaller percentage of the gross national product than we have spent in the last 3 fiscal years. It is a result of the most thorough and searching review that the Armed Services Committee has ever conducted and I urge all Members of the House to support it.

Mr. PHILBIN. I yield 5 minutes to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, with five major military bases in my congressional district, I am certainly not going to argue against the passage of the military procurement bill before the House. I do urge moderation, however. Projected Federal budget outlays for 1970 national defense were $81.542 million. While the figures we are dealing with today are slightly lower due to public demand, if this military authorization bill is excessive we well might be faced with a very large supplemental appropriations bill later in the fiscal year.

The bill before us, I am sure, is the largest authorization at $21,347,860,000 to be presented to any legislative body of the free or Communist world. This authorization covers but 25 percent of the $80 billion defense bill. These are the alleged controllable items over which the 86th Congress gave power to the House Armed Services Committee to control in this 412 authorization. I do not think we have adequately done our job.

I fully support control of the military by the civilians in the executive and I support controlling the executive, including the military, by a civilian legislative body. I abhor a civilian legislative committee that is a rubber stamp. My committee is not a rubber stamp.

I do charge though that the checks and balances intended by the rules of this House have almost totally broken down.

I say that when our expenditures for defense can be controlled as they were in the period 1955 to 1965, at $1.4 billion increase per year then there is reason in having perhaps a monolythic committee. When you compare this excellent record to the period 1966 to 1970 and notice that the total expenditure rise was nearly $10 billion per year average, then I think it is time to question the committee, its method of organization and its orientation.

I will support the statements I just made. I include in national defense expenditures nuclear power—the technology for propulsion and warheads; veterans benefits, the direct cost of past wars, interest on our national debt of past wars and the regular items referred to in national defense—this is the so-called "Udall method" of budget analysis. Total increase, $15.4 million; average increase in 11 years 1955–65, equals $1.4 billion per year. Total increase, 1965 to 1969, $40 billion equals $10 billion increase per year average.

In 1955 the itemization was as follows:

[In millions]

	Defense + nuclear	War interest	Veterans	Total
1955	$40.323	$6,370	$4,522	$51,200
1965	49,598	11,346	5,722	66,600
1970	70,000	17,300	7,724	107,500

[In percent]

Year	Military budget	Interest on national debt	Veterans cost	Total defense cost	Administrative budget	Percent of administrative budget taken by defense
1952	43.8	5.9	4.9	54.6	65.3	83.2
1953	50.0	6.5	4.4	60.9	74.1	82.7
1954	46.4	6.4	4.3	57.2	67.5	84.9
1955	40.3	6.4	4.5	51.2	64.4	80.9
1956	40.9	6.8	4.8	52.5	66.2	79.3
1957	43.2	7.2	4.9	55.4	69.0	80.3
1958	43.7	7.6	5.2	56.5	71.4	79.1
1959	46.0	7.6	5.4	59.1	77.1	76.7
1960	45.3	9.2	5.4	49.9	74.9	80.0
1961	47.1	9.0	5.7	61.8	79.3	77.9
1962	50.7	9.1	5.6	65.4	86.6	75.5
1963	52.4	9.9	5.5	67.9	90.1	75.4
1964	53.3	10.7	5.7	69.6	95.8	72.7
1965	49.6	11.3	5.7	66.6	94.8	70.3
1966	57.7	12.0	5.9	75.6	106.5	70.9
1967	70.8	13.4	6.9	91.1	126.8	72.6
1968	80.5	14.6	6.6	102.0	143.1	71.4
1969	82.2	16.6	7.7	106.5	147.0	73.1

Now the main committee report on page 7 contains tables whereby a comparison is made between defense expenditures and the gross national product. The tables are fallacious and misleading for at least three reasons because they do not contain the figures included in the official budget summary under national defense for the referenced years as prepared by the Bureau of the Budget.

Second, our administrative income has not kept pace with the increase in our gross national product. As an example: Our administration income in 1953 was $74.1 billion with a gross national product of $355.1 billion.

Our administration income today is only up 100 percent to $152 billion in 1970 but the gross national product is up almost three times. Unfortunately we cannot pay defense bills with gross national product—all we can use is administrative income or debt.

A third fallacy of the main committee's comparison is that it includes trust fund outlays in its comparisons. This is grossly misleading. In 1953 when we had no medical care for retired, Federal highways, adequate insurance programs, and a thin social security experience. Trust fund outlays were $2.6 billion, or 3.4 percent of all Federal outlays. The United States came of age socially in 17 years, fortunately. This year trust fund expenditures will be $48.5 billion, or 25 percent of our total Federal outlays.

I would remind the House that the trust funds are "cookie jarred" and this fund is not available either to pay defense bills, save and except the amounts that have been, in fact, purloined to date to fund the national debt. I said stolen. Surplus trust funds by law go into Government bonds; 70 percent of the money from those bonds goes into defense. To date since 1953 the Federal Government has borrowed from the trust funds $95 billion. Prepayments by social security recipients, employers, highway users have vanished. They do not really have any money in the bank. It has all been swiped—mostly for defense. Last year we had a $9 billion trust fund surplus—where is it? This year we should have $11 billion. If we stick with President Nixon's budget restrictions we may salvage a few billion of the trust funds.

I want to go back to the problems of our committee. Unfortunately, due to the committee success that I mentioned in the 55- to 65-minute time frame, the committee became monolithic. We have a bipartisan committee—partisanship has completely broken down—we have no minority counsel or minority system of checks and balances that you have on every other committee of this House.

Five of us—three Democrats and two Republicans—have tried to constitute ourselves as a viable minority on the committee. This has been a necessity due to the massive unchecked authorizations that have evolved from our committee during the 1960's.

When partisanship is locked up on our committee and here on the floor, I say we have got a sick system when you keep the existing rules of the House that are only designed to protect a partisan minority.

I would say one more thing. We do not have just "average bears" on our committee and I would here address my remarks to the Ways and Means Committee on Committees and the Republican Committee on Committees. My poll indicates that nearly one-third of this House is opposed to the anti-ballistics-missile program. One-half of the Senate is opposed. Yet why is it that only 20 percent of my committee registers opposition. We are not simple random bears.

Not only has partisanship broken down, but due to the great attraction of this committee many Members with military background and orientation like myself populate the committee. There is a vacancy now on the committee. I would hope that the Republican side would have some sympathy for reinforcing the outpost now so gallantly manned by Congressmen CHARLES WHALEN and ROBERT STAFFORD.

I have not addressed myself to the terms of the bill to this point for a very good reason. Probably 95 percent of this House, including myself, will vote for this legislation regardless of the rejection of amendments, so there is little purpose in reviewing the details of the bill.

As had been indicated, at least a dozen amendments will be offered to this bill. Colleagues, do not be timid. If you are afraid or if you abdicate your responsibility to review the military, you give up 70 percent of your power in the Congress.

You say the military has never been wrong—I say look to the waste that you voted for. Over the last 3 years because we and you did not do a proper job we spent $1½ billion for an Air Force manned orbiting laboratory which I am sure Secretary Packard calls a boondoggle. The American Legion and the American Security Council have passed resolutions to oppose this curtailment.

OTIS PIKE on the floor last year tried to cut in excess of $100 million for the Cheyenne helicopter. He said that it is costing too much—you shouted him down—we spent $150 million more during the year and finally the OSD recognized that when you are losing helicopters at the rate of three per day in Vietnam we cannot afford helos that cost $3 million each.

We spent $3 billion on the B-70 bomber a few years ago—built 2½—one crashed and the other one is in a museum. A high-level supersonic bomber is valueless. The original "fearless four" tried to warn this House of that fiscal disaster.

The same people who voted for B-70 to the end now are pushing for a new program called AMSA—advanced manned supersonic attack aircraft—350,000 to 400,000 pounds. Envision a plane 50 percent larger than a 707, larger than the C-141 Starlifter traveling supersonic high and on the deck—a fantastic challenge. We have done it for a cost of nearly $15 million per unit for the FB-111A. The AMSA will weigh five to six times the FB-111A weight and when you buy airplanes by the pound as we do we are talking about buying 263 airplanes at $80 million each. This is what you are doing in this bill. I have an amendment to decelerate this program.

On ABM you spent $1.2 billion last year for the Sentinel system to protect our cities from the Chinese. This year we are protecting our missiles from the Soviets. The CIA does not think there is a Soviet missile threat. But Mel says:

> They're going for our missiles—no doubt about it.

How can they go for our missiles when I indicate on page 168 of my remarks on the bill that the United States will have 24,000 nuclear warheads in the middle 1970's.

And talking about mistakes—what happened to all the dough we appropriated last year for the ABM system. You do not protect missiles like you do cities. What happened to all the real estate that was bought? How much research and development funds went down the drain trying to work out the problems of a city defense—several hundred million dollars?

I say if the Department of Defense can somehow wield the magic scalpel to terminate programs, so can this Congress.

We have exercised some options to cut in this bill and I want to congratulate the committee on total abandonment of the AH56A Cheyenne helicopter, halting the duplicate Shillelagh—Tow missile buy, ignoring the Navy plea on the FDL's, and stopping the AX engineering.

The House Committee on Armed Services has had under consideration the pending bill authorizing appropriations for fiscal 1970 for military procurement for over 6 months. The bill in the total amount of $21,347,860 is not the total tag for defense since under section 412 of Public Law 86-149 only aircraft, ships, missiles, tracked vehicles, and research requires a specific authorization. The pending bill in section 406 expands this authority for future legislation perhaps $3 billion.

The House Armed Services Committee for many years last past has not been a divided committee save on rare occasions; the committee while reserving subcommittee chairmanships to certain members on the majority side in fact has no partisan minority, partisan division or minority counsel. Recognizing the benefits resulting from past monolithic policy, but cognizant also of horrendous errors in our defense authorization in the past, four of my committee colleagues and myself determined early in the present session that a much greater debate was required over individual hardware items both in the House committee and on the House floor. I make no pretense that the committee has considered the greater defense policy issues of the size of or necessity of a 15 carrier task force, relative priorities between defense and nondefense needs of the country; nor did we consider the future costs of many multibillion dollar programs in relation to our future ability to pay for them, though the seeds of those programs are in fact conceived in this legislation.

If it is difficult for a 40-man committee with a 50-man staff of lawyers, investigators, and experts to monitor the 3½-million-man Defense Establishment, five members of that committee without a common staff have a more formidable task in formulating themselves into a viable bipartisan minority. Howbeit, the referenced bipartisan minority did commence to meet separately early this year and has continued nearly weekly meetings to this time in an effort to critically analyze the Defense issues that we were able in a nonmilitary environment. We have not agreed on every issue—witness our bifurcation in the support of the pending bill.

I am concerned with moderation in our defense policy because it has escalated beyond all proportion to the military threat posed to this country rising from $46 billion in 1961 to the budget submission early this year of $82 billion. Our overmesmerization with winning the war in Vietnam has absorbed at least 40 percent of the Defense funds budgeted, and this, in turn, has led to neglect of our military construction program at home and panic to deploy certain costly systems before they were ready. This action has cost the country billions of dollars. I believe that there is such a thing as an international arms race, that intelligence is such that for every action of the Soviets, or the Chinese, this country makes a response and vice versa ad infinitum.

XUM

I believe the United States has overreacted in the past and now is on the brink of moving ahead with another reciprocal round of massive expenditures that invariably leaves each side of the international triangle less secure. I am not a unilateral disarmer and believe in a strong defense until effective arms limitations can be entered into.

I am of the view, as former Secretary McNamara said some years ago, that the United States has bought about as much security as it can through the utilization of military hardware and that our future security lies more in international negotiation, detentes, and effective assistance with reform to those people less fortunate and underdeveloped than ourselves.

Domestically, I believe that a unified society can again be re-created out of the strife torn cities and colleges that pockmark our country. This re-creation, I do not believe, will result from victory in riots and rock throwing, but in effectively turning this country around so that our excellent military effort some years ago can be matched by an excellent effort in higher education, vocational training education, health and housing programs and in full well-paid employment. These efforts have been starved in recent years in favor of an endlessly escalating military appetite.

I am concerned about inflation—nearly 11 percent over the past 2 years. This is tantamount to theft from people on fixed incomes. The Federal Reserve Board has recently indicated that our current runaway economy will either continue to inflate, will be controlled by price and wage controls, or will ebb temporarily due to reduced Federal spending. They also say that when we increase military spending rapidly by $40 billion, as we did over the past 5 years, that we are bound to get inflation since consumer goods are not produced to balance the large increase in national income.

I believe, therefore, that the resolution lies substantially in reduction of military spending. The current actions of the President halting 75 percent of all construction programs, while perhaps sound from an economic sense of the need to reduce spending, appear to be substantially inconsistent with the recent announcement to increase spending by $300 million on the SST supersonic aircraft and are clearly inconsistent with the majority committee action here increasing naval shipbuilding by $960 million.

The pending bill in the amount of $21,347,860,000 is the largest amount authorized in any one bill in any legislative body in the world. In spite of our joint efforts at reduction, the bill is only $615.8 million—about 3 percent—less than the Secretary Laird request, and in reality is only $47.1 million below the DOD request if you exclude $300 million cut from the MOL—manned orbiting laboratory—program and $268.7 million net cut from the Cheyenne helicopter, both items by the Department of Defense.

The House bill as passed is $1,236,360,000 more than the Senate bill and should be substantially reduced before passage.

Mr. BRAY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I intend to restrict my remarks to the air support of ground troops, and discuss the A-7, which is the vehicle that is in the budget and that was recommended by the Navy and the Department of Defense to accomplish this support.

The A-7A is the Navy version of the plane and the A-7D is the Air Force version. In the budget there is $374 million for the A-7D, and $104 million for the A-7A. These are planes that are already in existence, although there has been a great deal of electronic equipment added that will make these planes much more efficient.

Mr. Chairman, we, as a nation, have charged the Air Force with a variety of missions. One of the most significant, I feel, is the tactical mission to provide close air support to our ground forces. It is this important close air support role for which the Air Force requires the A-7D. The aircraft currently used in this role are aged—the F-100—or were designed primarily for other type missions—the F-4 for air superiority.

By modifying the Navy A-7A attack aircraft, the Air Force has optimized the A-7D for the close air support mission. I am told that a more powerful turbofan engine for the A-7D will provide the thrust for takeoff and operation with heavy payloads, and, a significantly improved weapon delivery system will provide the visual air-to-ground bombing accuracies afforded by current state-of-the-art technology.

The Air Force has wisely incorporated survivability features to reduce the aircraft's vulnerability to ground fire and improve its probabilities of returning to base. Foam and self-sealant have been used in the fuel system to suppress explosions or fire and a second fuel feed system serves as a backup. A third flight control power system assures the capability to land safely in case the primary and secondary systems have received battle damage. Armor protection has been provided for the cockpit, engine area, and around critical components. No other tactical fighter has been procured with the built-in survivability features of the A-7D.

Mr. Chairman, the Air Force indicates that the range-payload capability of the A-7D is better than any aircraft in its current inventory that is used in the close air support role. I am told that the aircraft has an inflight refueling capability as well as the ability to carry up to four external fuel tanks; over 15,000 pounds of external ordnance can be carried on six wing pylon stations. This combination gives the aircraft great operational flexibility. With its large fuel capacity, the A-7D can be diverted to alternative targets as the battle situation dictates. By using multiple ejection racks, an almost unlimited mix of conventional weapons can be programed.

Moreover, the A-7 is designed to permit the pilot to adapt his tactics to the ground situation. On a given mission, the aircraft can attack multiple targets or make multiple passes on one target while an automatic, continuous solution bombing system permits the pilot to maneuver or change delivery modes at will. He can, therefore, avoid the heaviest area of concentration of artillery or ground fire without degrading bombing effectiveness. The communications equipment for the plane has been selected to provide a complete interface between air and ground operations. The pilot can talk to the ground commander, the forward air controller, and the tactical air controller during the mission.

The maintainability and reliability standards established for the A-7D are very high, and operating costs are low when compared to the other tactical fighter aircraft. I doubt that any other tactical fighter has been procured with as many maintenance self-test features integrated into the design. I am sure you will agree that these are important features for an aicraft intended for the forward area support of ground forces.

In summary, Mr. Chairman, I support the Air Force's requirement for the A-7D. It is being procured to improve the Air Force capability for close air support. Specific design characteristics have been included in the aircraft toward this end. The aircraft capabilities are such that it can be utilized effectively in other roles but it is the close air support role for which the A-7D is optimized and in which it will be the most effective. The Air Force needs the A-7D to provide an integrated tactical air team. The 128 aircraft in the fiscal year 1970 budget proposal are necessary to fulfill this important requirement.

The action of the Senate in prohibiting the Air Force from procuring A-7's and forcing them to procure F-4's, an aircraft designed 15 years ago, and now outmoded must not be allowed to stand.

Our committee has very properly included the A-7's in the bill now before you and I urge you to support it.

Mr. BRAY. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. BOB WILSON).

Mr. BOB WILSON. Mr. Chairman, there is probably no more partisan Member of the Congress than I. Yet, I must say that our committee is probably the least partisan of any committee in the Congress.

We had a special election in Massachusetts yesterday to replace our beloved late Republican on the Armed Services Committee. The man who won was not exactly my first choice, but I salute him and he will be sworn in here shortly, I understand.

Mr. Chairman, for several months the Armed Services Committee during the illness of the gentleman from Massachusetts, Mr. Bates, suffered somewhat I believe. We certainly miss him today and we miss him for the great support he gave to the defense of our country. We are pleased that his place has been taken by the gentleman from Illinois, LES ARENDS, who has been the ranking minority member on that committee for many years and who has had more service in Congress than anyone on the floor today, I believe. He is familiar with the problems of the military as has been demonstrated just a few minutes ago in his brief remarks.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

XUM

Mr. BOB WILSON. I shall be glad to yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, I hasten to associate myself with the remarks of the gentleman from California with reference to the late and beloved William Bates and also to associate myself with the remarks which the gentleman has made with reference to our present ranking minority member, the gentleman from Illinois (Mr. ARENDS).

Mr. Chairman, I meant to say something earlier along this line, but I do want to add my sincere feeling of appreciation both for the memory and service of our late colleague Mr. Bates and my high affection for the gentleman from Illinois (Mr. ARENDS) who has taken his place.

Mr. BOB WILSON. Mr. Chairman, there has been no question about the close cooperation over the years between the chairman of the Committee on Armed Services and the Republican side. We have followed "Admiral" RIVERS, as he is sometimes affectionately known, in his leadership of the committee. The committee does realize that the captain runs a taut ship. As one of the last petty officers, I appreciate that fact because there has been some little discussion to the effect that there is a little dissent at this time. However, I can assure you that there have been no captain's masts, no courts-martial and no brig time for any members of the committee, even though there has been a little dissent.

I want to address my remarks to one portion of this bill that is before us, and that is the portion concerning the advanced manned strategic aircraft known as AMSA.

This bill contains $100 million for research and development for AMSA. This money figure was originally $77.2 million, but we raised this to the new figure because of a sense of urgency that dictates that further delays in the development of this combat aircraft should not be permitted.

I understand there will be an amendment to reduce the research and development figure $23 million.

I think it should be made very clear that the $100 million that the committee has requested in this bill is $100 million for research and development only. The amount was raised by the Department of Defense from $77 million to $100 million with one purpose in mind, and that is to shorten the competitive design phase for this aircraft, and to permit the beginning of full-scale engineering development in fiscal year 1970.

The request of the Department of Defense and the recommendation of the committee that the request be approved by Congress is not necessarily a commitment for the initiation of production in fiscal year 1971. In other words, the House is not deciding here today or tomorrow whether AMSA will be produced. It is merely being asked to approve a step which later on will permit it to decide in the most deliberate and considerate fashion whether the advanced manned strategic aircraft should go into production.

I think it is extremely important that what we are doing here today should be clearly understood. We are not talking about production of a new bomber. The idea of a new manned bomber is not new, and there is nothing that the Committee on Armed Services has devoted itself to over the years more than to this particular bomber, as important as other projects are.

We are talking about fiscal year 1970, but as far back as fiscal year 1962 the committee was urging the House to approve specific authorization for long-range manned aircraft for the Strategic Air Command. And every year without exception since that time the committee has come before the House to continue urging that this element of our defense not be permitted to fall into decline. And every year the House has supported the committee's recommendation. The difficulty and the lack of progress does not lie with the House of Representatives, or with Congress, because we in Congress have consistently done our part of the job. The trouble has been with the Pentagon—and I am not referring to the military leaders, and I am not referring to the Joint Chiefs of Staff. I am referring to the civilian leadership that simply took an adamant position with respect to the manner bomber. The Joint Chiefs of Staff, I might mention, have consistently supported AMSA.

We have need for a new bomber. I personally am wholly convinced of this, and the Committee on Armed Services is convinced of this. The record of this House since fiscal year 1962 establishes that the House is similarly convinced that we do need a new bomber. Up to this time the Congress has been frustrated in its efforts to persuade the Department of Defense to pursue with anything like a sense of urgency the expressed will—the frequently expressed will—of the Congress for a new bomber.

Last year's committee report dealt in considerable detail with AMSA and stated at one point, and I quote:

> It might be said that AMSA has to this day been pursued by the Office of the Secretary of Defense with a relentless apathy.

This is a good description of the attitude of the civilian leadership in the Department of Defense over the past years. It has indeed pursued the need for a new bomber with a relentless apathy.

Let no one think for one moment that my support and the support of the Committee on Armed Services for a new bomber in any way diminishes its belief in the absolute essentiality of our missile force. This is not in any way involved here.

Very simply stated, in the light of the overall strategic balance between the United States and the Soviet Union—a balance that is much too close for comfort these days—this country needs to have a triple-threat capability. It needs its Polaris missile submarine; it needs its Minute Man missile force; and it needs a modern and effective bomber force—and that is the whole thing in a nutshell.

A mix of all these three capabilities means this: The effective presence of any one of these forces has a very strong tendency to fortify the viability of another of them, thereby strengthening the credibility of our total deterrent posture. If and when the Soviet Union's missiles are improved to a point of great accuracy, our Minuteman force would be very much more vulnerable than it is today. And in these circumstances a modern bomber force together with our Polaris missile submarines would provide a very real assurance against a devastating first strike by the Soviet Union. Further, should the Soviets make a technological breakthrough in antisubmarine warfare, our Polaris fleet could be seriously affected. In this situation a modern bomber force, plus our land-based missile force, would provide against the consequences of this antisubmarine warfare breakthrough. And the survival of our bomber force depends on adequate warning time of a Soviet missile attack; thus our Minuteman force and our Polaris force give assurance in the event the Soviet Union discovers a way of overcoming our warning systems or countering the capability of our bombers to penetrate.

We have a triple threat with the Polaris, the Minuteman, and with the new bomber.

Before concluding my remarks, I would like to make this observation: I look with some concern on the plans of the Department of Defense—if they really can be called plans at this time—to deactivate some of the older B–52 bombers, and the B–58 bombers.

I think we need them longer than the Department of Defense believes. Thank God we have the B–52's. Certainly, those who have engineered and designed them, and those of us in Congress who authorized and appropriated for them had no idea at the time when we were authorizing and appropriating for the B–52's and the B–58's that they would be used for the mission for which they are being used today. No one could see 10 years ahead as to what bomber we may need or what type of bomber we may need. Certainly, the B–52 was never planned for jungle fighting. Yet, those troops in the jungles today are protected by the threat of the bombers and by the actual use of the bombers to protect our fighting forces.

As strongly as I support AMSA, I do so with full awareness that AMSA cannot join our operating forces for a number of years. I strongly suggest that there be a reexamination of current plans with respect to the B–52's, the B–58's, and the cut in FB–111 bombers.

We have now arrived at a point where it is quite apparent that the long-expressed desires of the Congress are consistent with the intentions of the Pentagon.

At last the Secretary of Defense is willing to support the Congress in its support of AMSA. I urge the House to give full funding to the $100 million for research and development of this new bomber.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RIVERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, there are

demands from many sources for cuts in America's defense programs. History is repeating itself. All of this is reminiscent of the peaks and valleys expenditures policies of other days and the unfortunate consequences of those policies to world peace. I am one of those who can recall America's postwar policies toward its military services after World War II, and even after World War I. After World War I ended America, disillusioned from its first serious venture into world affairs, turned its back and promptly disbanded all but token Armed Forces. When the outbreak of World War II in Europe finally shocked us into a realization of the pending danger, we had to rebuild our forces almost from the ground up. At either time had there been an aggressive and militarily prepared country on our borders rather than across the sea, we would have been helpless to defend ourselves.

After World War II we accepted a much larger measure of responsibility for what was happening in the world, at least to the point of setting up the Marshall plan to help Greece and Turkey survive against communism, and we talked tough to Russia about such faraway places as Azerbaijan. Russia was still reeling from near defeat in the war and undoubtedly was apprehensive about the fact that we possessed the atomic bomb and they did not. We even launched a United Nations with great hopes for its future value in quieting the problems of the world.

Nevertheless, it is still within recent memory that the tremendous U.S. military machine of World War II was hastily disbanded and much of its equipment left scattered around the world. In the process, the most powerful and effective fighting force ever assembled was decimated within a matter of months. Yet it was but a few years later that it became necessary to resort to the costly crash buildup for the Korean war. I would hope we have not forgotten the waste which goes with this process and the damage which it does to our international stature and prestige.

Now we live in a different world. Aircraft and missiles have shrunk the world to the point that once protective boundaries of oceans or friendly peoples are now meaningless. The effect has been to bring next door to America all of the world's aggressive and militarily competent Communist nations. Russia now is stronger militarily than we, because Russia's modernization of her weapons has not been neglected in any area and because their missile capability is as great as ours. I find nothing which indicates that communism seriously is prepared to adjust to coexistence with the West. Nor do I find indications that Communist intentions towards us are those of a friendly neighbor. The Communists have not changed their spots, or their plans for world domination. The best and surest security we have is afforded by a strong military defense.

The matter does not stop there. There is another problem which surely will come with the defense cuts which now are proposed. Defense cuts will mean an idling of important sectors of American industry. Idle industry means unemployment. Layoffs at military bases also mean unemployment for dedicated competent career personnel and for many others. These things will complicate the problems of the national economy and they will encourage the specter of depression.

I do not question the necessity to save the taxpayers' dollars wherever we can. I realize that there are areas where some cuts are justifiable, and I do not argue that we should spend money for defense that is not absolutely required for our own security. But I say there is now too much emphasis on cuts in defense.

Talk of troop withdrawals and defense cutbacks in the United States plus uncertainty over U.S. policies already have combined to stimulate Communist activity in other parts of the world and may result in adjustments in policy by nations directly under Communist pressure. It would not take much at this stage to encourage defections of some of our friends to the other side.

It is time to talk of improving our military posture by modernizing our military forces. More than anything we need modernization. It is also time to express appreciation for the services of those who wear the uniform. They have overcome tremendous odds time after time to preserve this Nation and prove its leadership. It is time to look first to America's security and America's commitments and the effect that cuts in the military would have on both. I do not think the people of America want the Congress or the administration to cripple our defenses. We must not return to the wasteful peaks-and-valleys policies of other years.

The President has begun a campaign to firm up American public opinion in support of his Vietnam policy of withdrawal of American troops as fast as practical and continued pressure on Hanoi to accept a realistic plan for peace. It is unfortunate that the public has not been more fully apprised of the status of the war all along and the necessity for the continuation of the American presence in Vietnam. It is certain there will be demonstrations against the war and there will be speechmaking in Congress for early and complete withdrawal of U.S. forces. The President should have the support of the American people on this issue, but it will be necessary that he give the people facts which merit their confidence. He will have to provide the leadership. It is going to be difficult to get a realistic peace, difficult not to lose this war if we overemphasize defense cuts which could seriously limit our military effectiveness. A strong defense capability will impress Hanoi and the Communist world much more than rapid de-escalation and defense cuts. Today it is our responsibility. We can give the President the tools with which to work or we can take them away.

Mr. BRAY. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. Gubser).

Mr. GUBSER. Mr. Chairman, less than 9 years ago this Nation experienced a hard fought and a very close presidential election. The campaign of 1960 was certainly a cliffhanger.

As in all close elections, any one of a number of issues could have influenced the result. But in 1960, in those days which followed the launching of Sputnik, the most decisive issue was a missile gap which did not exist.

In 1960 I argued there was no missile gap because I knew otherwise. Others argued as I did, but, for understandable reasons, the shock value of bad news makes better reading and our voices of truth were drowned in a rapid fire of condemnation and belittling of our defense posture.

Only weeks after he took office, Secretary McNamara admitted that we were correct: There was no missile gap.

Yes, the ebb and the flow of public opinion has played curious tricks on public policy, and, to steal a few words from Alice in Wonderland, today things are getting "curiouser and curiouser."

Today we are engaged in an unpopular war, to which civilians committed us, and one which civilians have decided they will not let military men win.

Americans are disgusted—and rightly so—and their disgust has been fanned into a revulsion against anything military. Demagogs who make a profession of sniffing political winds and adjusting their principles accordingly were quick to follow instead of lead. Because negative criticism is more spectacular than the constructive variety, their efforts were rewarded with headlines and prominent spots on television.

So today, 9 years after public opinion anxiously demanded the closing of a nonexistent missile gap, that same public opinion has erupted into broadside opposition to maintaining a national defense superior to the force which threatens it. The irony of ironies is that today there is in fact a strategic gap. In 1960 we had a 15-to-1 advantage against the Soviet Union in ICBM's. Today she has drawn even and has passed us.

I hope we can rise to our moral responsibilities here in this House. We have no right to enslave ourselves to public opinion when it is wrong. We have no right to make reckless accusations on false or incomplete evidence. We have the responsibility to seek truth and to speak it loudly.

I do not expect my words of truth to receive any more attention today than they did in 1960, but my conscience obliges me to speak them, so I make two points:

First, there is a threat to this Nation.

Second, time is working against us.

I frankly feel our regulations regarding security are too tight and more should be told the American public about our situation vis-a-vis the Russians. If that were the case, my point would be clinched at the outset. Unfortunately, it is not the case. So let us skirt the fringes of classified information and ask some questions.

Why is Russia continuing to build ICBM's when she already has more than the United States?

Why is Russia fast becoming the world's leading naval power?

Why does Russia have, as our Seapower Subcommittee revealed, a fleet 58

XUM

percent of which is less than 10 years old, while we have a fleet, 58 percent of which is more than 20 years old.

Why is Russia building a worldwide navy for operation beyond the Baltic and the Mediterranean with offensive—I repeat offensive—not defensive power?

Why is Russia again working on FOBS, the fractional orbital bombardment system?

Why is Russia stirring up trouble in the Middle East?

Why is Russia building a new bomber capable of reaching United States targets?

Why is Russia concentrating on chemical and biological warfare?

Why does Russia announce she intends to use such weapons?

Why is Russia increasing the type of offensive capability which would be required to overrun Western Europe?

Why has her research and development effort continued to expand through many, many years without fluctuation?

If these questions are answered honestly, how can one reach any other conclusion but this: The course of safety requires that we consider Russia's actions as indicative of aggressive intent.

But some will say in rebuttal, we must look forward to a detente with the Soviet Union, we must show our good faith and hope for disarmament.

Oh, how I would like to buy that argument, but can those who offer it show me one agreement Russia has kept when it served her purpose to break it? Can they show me one earnest and honest step toward international cooperation which Russia has taken? Until they do, this Nation must not err as Neville Chamberlain did.

Time is working against us. In World War II and in Korea we were unprepared to meet aggression, but weapons systems were simple in those days and a holding action by Britain or the beleaguered forces of MacArthur, who fought with their backs to the walls of Pusan, gave us the time to build the hardware we needed.

Today, against one of the world's leading scientific powers, a nuclear power, we will not have even a year. Now, it takes an average of 10 years for research to bloom into hardware. This is the reason why the strategic gap is growing wider in Russia's favor.

For this reason I say thank God for a military-industrial complex. I would be scared to death without it. To harass it out of the defense business by excessive regulation and to unreasonably squeeze profits would be to deny us our greatest strength. Furthermore, without it we invite Government "in-house" research and development and greater control of the military, which no person, even opponents of this bill, wants to see.

Let us be honest in criticizing the military. They are human. They make mistakes. They should be criticized, and they should correct their mistakes. But the mistakes of civilians should not be ascribed to the military in a blanket smear of a great group of people who are prepared to sacrifice their lives in the defense of freedom.

Do not forget that we have civilian control of the military. Do any of us doubt that civilian control prevailed under Secretary McNamara, who not only selected the targets to be destroyed but prescribed the ordnance to be used in destroying them? Do any of us doubt that he exercised absolute civilian control?

Did a military man make the TFX decision?

Did a military man decide to commit combat troops in Southeast Asia?

Did a military man decide not to close the port of Haiphong?

Did a military man conceive the revolutionary C–5A contract?

Have we not had absolute civilian control and decisionmaking?

So let us blame the military men when they deserve it, but do not ask them to take the rap for purely civilian mistakes.

And while we speak here at this end of the Capitol, let us not overlook the loud cries of condemnation of our military which echoed before the TV cameras at the opposite end of this building.

In the interest of fairness, we should let it be known that civilians in the Senate exert heavy control upon the military.

Military men are today rendering military support for treaty commitments that were ratified by the civilians of the U.S. Senate. Let me list a few of them. Here are treaties ratified by the Senate which would require U.S. military support.

The charter of the United Nations, signed in 1945; the Inter-American Treaty, the Rio Pact, signed in 1941; the general treaty between the United States and Panama, signed in 1936; the NATO treaty of 1949; the Southeast Asia Collective Defense Treaty, SEATO, signed in 1954; the security treaty between Australia, New Zealand, and the United States, the Anzus Pact of 1951; the treaty of mutual cooperation and security between the United States and Japan in 1960.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. GUBSER. To continue, the mutual defense treaty between the United States and the Republic of China, signed in 1954; and the mutual defense treaty between the United States and the Republic of Korea in 1953.

Military men today are committed to defend the commitments made in these treaties which were ratified by the civilians of the U.S. Senate. So when we are passing criticism around these days let us be honest and let us direct it where it should be directed.

In conclusion, Mr. Chairman, I would like to make a firm and a flatfooted prediction. In less than 5 years the Russians can be depended upon to provoke another crisis. The voices in the Senate will heed another convulsion of public opinion. The American people will demand more security, and these same voices will be indicating someone besides themselves for allowing our defenses to deteriorate.

Some time in the future when the American people are demanding better defense as they did in 1960, the record of this debate will be used by the opponents of Congressmen in this Chamber today to criticize them for failing to support this bill.

Let us be moderate, let us be honest, let us be leaders, let us not be followers and sniffers of the winds of public opinion. Let us cut where we need to cut, but let us not forget two things: there is a threat, and time is against us.

Mr. RIVERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, I am one of those who may be classified as a bleeding heart or a Johnny-come-lately or a nonexpert or something like that, but I did vote against this bill in the committee and I am going to vote against it on the floor if it remains in its present form. I did this reluctantly and for the first time in 9 years, because obviously I think it is too much money for us to be spending in this area at this time. I offered five amendments in the committee and I managed to get four votes on one of them and a maximum of six on another one of them, so I do not claim any massive successes in the committee, and I will not be terribly surprised if I do not get any massive success in this body when I offer the same amendments here. I fully intend to do so. Frankly, I told the chairman after his speech that I hated to say so, but I thought he had made an awfully good speech. And I really did. The thing he said that I liked the best and which is most significant and most important is the fact that all of us do deal in generalities and we have to act in specifics. I believe that from the word go.

But, having said that, what do we wind up doing? We wind up saying, "Well, we need it like we need a fire engine or like we need an insurance policy or like we need a raincoat." I do not think it is any better to deal in metaphors than it is to deal in generalities.

We talk in generalities because we cannot get the specifics. We try to get specifics. We cannot get the specifics, however, time after time after time.

Mr. Chairman, the greatest problem we have in this country is not something called the military-industrial complex. It is something called "secrecy." We classify everything.

Mr. Chairman, there was a cartoon in the paper a while back which simply said that the highest category of classified information we have is that which does not support our position.

This is essentially what does happen.

I have some specifics right here in my hand. I have the Secretary of the Army, for example, responding to a question. I asked him: Is this for use in Vietnam?

His answer was: "I doubt that it is."

I asked him: Was it included in the money for Vietnam?

His answer was: "I doubt that it is."

And, Mr. Chairman, the Pentagon does not have the right to revise and extend, but they have the right to classify. So what did he classify? He classified "I doubt that." The answer comes back not that "I doubt that it is." The answer comes back, "It is."

That is the version you read, and the hearings you read—and I know you have read all the hearings obviously because they are only 4,000 pages long—but I want to particularly call your attention to page 3726 of the hearings. I asked for the pieces of paper that went over to be printed up in the printed hearings and this is what they looked like. There is that much chopped out of it, and then there is the next page and that is what is chopped out of it. Then there is the next page and it is all chopped out of it. Then you keep on going and finally you come to this page. It has only two little censored holes and here is the witnesses' answer:

> If I went any deeper into it I would have to get it classified.

That is in the statement. What did they do? This was an open hearing. My daughter was there sitting in on this session and they have classified everything out of the record.

Mr. Chairman, we deal in generalities because we cannot get specifics. We fight for specifics.

I simply say to you that when we offer amendments, they will be specific amendments on specific issues and I hope you will listen to them as such and I hope we will have time during which to debate them.

Further, I wish to say to you, finally, that there is not anyone who is against national defense. There is not anyone who is in favor of disarming this country. But, we are talking about national priorities. I will give you one specific as to priority.

For the cost of one of the 58 C–5A's that we have researched and built so far we could build in my district 4½ schools each capable of educating 1,000 people a year for 30 years—4½ of those schools. There is a specific.

Is a C–5A worth 4½ schools that can each educate 1,000 kids a year for 30 years? My judgment is that it is not.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RIVERS. Mr. Chairman, I yield the gentleman 1 additional minute for the purpose of asking him a question.

The CHAIRMAN. The gentleman from New York is recognized for 1 additional minute.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. PIKE. Certainly.

Mr. RIVERS. Since we are talking about dealing in generalities rather than specifics, was the gentleman from New York talking about the committee when he said "they," since he constantly said "they"—was he talking about the full committee?

Mr. PIKE. I do not know what you are talking about.

Mr. RIVERS. You said "they" classified this and "they" classified that.

Mr. PIKE. Are you talking about this particular classification?

Mr. RIVERS. Yes.

Mr. PIKE. This particular classification was done over at the Pentagon, I presume. Most of the classification is done at the Pentagon.

Mr. RIVERS. When you said "they," I thought you were referring to us.

Mr. PIKE. Oh, mercy, no. We have the hearings and then we ship them over to the Pentagon and they cut out everything they do not want in them and then they ship them back.

I have a letter here from the Secretary of the Navy in response to a question that I asked, and I was trying to get him to release the operational orders under which the *Pueblo* sailed. And he not only wrote me back saying no, he could not release the operational orders under which the *Pueblo* sailed, the letter saying "no" was classified as secret.

Mr. RIVERS. Oh, yes. Now will the gentleman yield?

Mr. PIKE. Of course.

Mr. RIVERS. Is this any reason to destroy the Pentagon in its entirety.

Mr. PIKE. If we cannot get the facts from them I suggest——

Mr. RIVERS. Wait a second. I asked the gentleman a question.

Mr. PIKE. Wait a minute, now. Right at the moment I have the time. I have the time.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. RIVERS. Mr. Chairman, I yield the gentleman from New York 1 more minute so that I can ask a question.

I appointed the gentleman chairman of the special subcommittee to hold *Pueblo* hearings.

Mr. PIKE. That is right.

Mr. RIVERS. I am the one who assigned you that job. You did a good job, and I helped you get the classified material, but I did not and was not responsible to the things that the gentleman is, by innuendo assigning, to it.

Mr. PIKE. I am not saying that the committee did it. I am saying that right now, for example, the C–5A had a test failure last week, and nobody on the committee has been advised of that, and it failed at less than 100 percent of its design strength, and nobody on the committee has been advised about it.

Mr. RIVERS. I will say this——

Mr. PIKE. Because it does not justify the position of the Department of Defense.

Mr. RIVERS. Is the gentleman fully advised on this alleged failure of the C–5A?

Mr. PIKE. I got advised of it by the Air Force this morning after I found out about it in a bar in California last weekend.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. RIVERS. I yield 1 additional minute to the gentleman from New York.

Mr. Chairman, I am not surprised at the gentleman's innuendo. I was apprised of it. I went into this thing that the gentleman is talking about. I was apprised of it.

Mr. PIKE. Does the gentleman not believe that all of the members of the commitee should be apprised of it?

Mr. RIVERS. I do not know whether I do now, after hearing what the gentleman is talking about, because he is evidently——

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. Because he is evidently not possessed of all the facts. I have looked into this, and I am looking into it now. I am not ready, nor am I capable, of reporting to this committee the full reason for this alleged failure. I have been informed that some material which had been subjected to one complete life cycle of fatigue testing was put into this test as an expediency. This test failure should not adversely affect the static test or flight test program. I am not going to be a conscious party to assigning fraud to one of the greatest companies just because of an innuendo.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. RIVERS. I yield 1 additional minute to the gentleman from New York.

I have yielded you 1 additional minute. Now go ahead and make your capital.

Mr. PIKE. I would simply say this: that if the Air Force is testing the C–5A's by a system which uses defective materials, then there is something wrong with the testing techniques of the Air Force, and we darned well ought to look into that also. But when there are test failures——

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I cannot yield to the gentleman.

But when there are test failures in a program as vital as this program, and at a time like this, and we do not know anything about it and we are not told about it until we drag it out of the Air Force, then that is why we deal in generalities, and that is why we do not deal in specifics.

Mr. RIVERS. Let me tell the gentleman something: We have an investigating committee looking into this matter. When we are ready to report to this Congress we will do it. The C–5A is not operational, and I am not going to accuse in absentia. I do not do business that way. I am not going to be a party to that, but when I find out, and if there is fraud, then I will raise hell about it.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BINGHAM. Mr. Chairman, when the legislation currently before the House, the military procurement authorization for fiscal year 1970, is read for amendment, I intend to propose an amendment to delete $275 million proposed to be authorized for procurement of six F–14 aircraft over and above the six test prototypes proposed to be provided under the Navy's R.T.D. & E. authorization. I have set out some of the factors that have led me to propose this amendment in a letter which reached all House Members today, reading in part as follows:

> This amendment would bring the Authorization into compliance with the recent warnings of experts like Dr. John Foster, Jr., Director of Defense Engineering and Research, that "we should be cautious" in developing the F–14, and Admiral Connolly, Deputy Chief of Naval Operations for Air, who disclosed in House hearings that "the least risk program is to build the airplane, build a half dozen perhaps, and don't do another

thing until you fly these airplanes to the point where you are sure you have worked out everything."

The same cut in this program that my amendment proposes was recommended in the Report on Military Spending of the Military Committee of Members of Congress for Peace Through Law, headed by Senator Hatfield.

Passage of this amendment would (1) buy time for us to determine through flight tests of the R.D.T.&E. prototypes whether the F–14 and its component systems (particularly the Phoenix missile and the advanced technology engine) will perform as predicted, and (2) allow further study of cheaper, lighter, speedier, more maneuverable substitutes for the F–14 (like the VF–XX) favored by some experts. It will also, of course, greatly reduce the possibility that we will spend hundreds of millions of dollars on an aircraft which fails to perform adequately (as we did with the F–111B). Finally, should we find it necessary or desirable to substitute an aircraft like the VF–XX for the proposed F–14, we could realize a 10-year saving of about $15-billion in production and future operations costs.

In addition, many of the issues relating to the procurement of F–14s were examined in the course of consideration by the Senate. That discussion appears on pages 26140 to 26158 of the September 18, 1969, Record.

I will have more to say on this issue during debate on my amendment. In the meantime, I want to draw my colleagues' attention to an excellent article on the F–14 controversy by Andrew Hamilton from the sixth prepublication issue—dated September 22, 1969—of the National Journal, edited by former Congressional Quarterly editor, Thomas Schroth. The article, entitled "Air Force, Navy Requests for New Fighter Planes Spur Cost Controversy," follows:

Air Force, Navy Requests for New Fighter Planes Spur Cost Controversy

(By Andrew Hamilton)

In the controversy over military programs which has absorbed Congress this summer, Air Force and Navy proposals for new "air superiority" fighters have received relatively little attention.

Yet these programs may prove, in combination, to be the most expensive new items in the fiscal 1970 defense budget, with a potential cost of over $40 billion in the next 15 years.

Pentagon critics: The projected costs are so high that some defense officials believe procurement of the new Navy F–14 and Air Force F–15 will force a sharp reduction in the number of tactical aircraft wings, if future defense budgets are kept within present limits.

These officials argue that the new fighters are not only too expensive by a factor of three, but will fail to match projected new Soviet fighters. That could lead to a dangerous shift in the military balance in such areas as the Middle East, Korea and Central Europe, they assert.

Pentagon critics of the F–14 and F–15 argue that the Vietnam war proved that such complex, missile-firing aircraft, weighted with electronics, are ineffective in aerial combat. They believe a simple, highly maneuverable and very speedy fighter can be built for one-third the cost of the proposed new fighters, with a potential saving of at least $25 billion in the next 10 to 15 years.

Congressional action: The new fighter programs clearly involve the sort of major economic and military questions which have interested the Senate in 1969.

But with the exception of Sen. Vance Hartke, D-Ind., who has taken an interest in the F–14 program, the fighter issues have failed to gain significant political attention. The reasons for this lack of scrutiny help illustrate the difficulties involved in effective congressional oversight of defense programs.

A central reason, clearly, is the failure of the Defense Department to lay the controversial questions involved before Congress in a systematic way. In part this is due to the normal reluctance of an executive department to disclose internal disputes.

In addition, Congress lacks reliable information on the long-term cost implications of these and many other new projects. Unlike the antiballistic missile system, operating costs are a major factor in aircraft systems. But the "10-year systems cost" concept, routinely used by Pentagon analysts to compare proposed weapons systems, is unfamiliar to Congress.

Moreover, the Senate and House Armed Services Committees strongly back the view of Senior Air Force and Navy officers that the United States must start new fighter programs now if it is to meet the Soviet challenge in the 1970s. Air Force Secretary Robert C. Seamans Jr., told the Senate Armed Services Committee April 16 that American superiority in air-to-air combat has declined from 12-to-1 during the Korean war to "less than one-to-one shortly before the bombing halt" in Vietnam in March 1968. Seamans said new Soviet prototype aircraft, including the Foxbeat interceptor, show that the Soviet Union is capable of developing a new air-to-air fighter which is superior to current American Fighters.

Members of Congress confess that it is very hard to start a discussion in the face of massive professional advice to proceed with the proposed new fighters, and without official testimony on alternatives.

For this reason, Hartke decided against challenging procurement funds for the F–14 and chose instead to back an amendment calling for a restudy of the need for the new Navy fighter.

Nevertheless, congressional interest in the F–14, including a critical paper on the program published July 2 by the Members of Congress for Peace Through Law, has helped to bring to light a controversy over the design and cost of new fighters that has raged through the Pentagon for the last year. (MCPL is headed by Rep. F. Bradford Morse, R-Mass., and the chairman of its military subcommittee is Sen. Mark Hatfield, R-Ore.

Impact on industry: The aerospace industry obviously has a large stake in the fighter decision. Although the F–14 airframe contract has been awarded to Grumman Aircraft Engineering Corp., three airframe manufacturers, at least two electronics companies and two engine companies are competing to produce components of the F–15 and the F–14B engine.

Meanwhile, a number of other companies are known to be in discussion with the Air Force and Navy concerning possible alternatives to the F–15 and F–14, as well as possible new missile and electronic systems for fighter aircraft.

COST ISSUE

The estimate that the F–14 and F–15 may cost more than $40 billion is derived from a calculation of the expense of buying and operating slightly more than 1,400 of them for 10 years. The cost of associated weapons for the aircraft could add several billion to this figure.

This estimate is several times larger than the procurement figures currently cited by the Air Force and Navy. Indeed, Congress faces a confusing welter of figures in trying to determine how far it is committing itself by approving development and production of the new planes.

For instance, at least three different sets of F–14 cost figures have been put forward. Sen. John Stennis, D–Miss., chairman of the Armed Services Committee, July 8 reported that the F–14 would cost $15.5 million a copy for the 287 that have been approved in the five-year defense plan. That works out to about $4.4 billion. Two days later, Sen. Howard W. Cannon, D–Nev., chairman of the Armed Services Subcommittee on Tactical Airpower, said in floor debate that the F–14 program would cost $6.4 billion for 463 aircraft.

Yet another committee member, Sen. Barry Goldwater, R–Ariz., Aug. 11 placed in the *Congressional Record* a statement, prepared with Navy assistance, stating that procurement and support of 716 F–14As and F–14Bs would cost $7,643,000,000—a figure which apparently excludes approximately $1.3 billion in research and development. The statement said the "unit flyaway cost" of the F–14 will be $8.06 million each, taking into account 4 per cent annual inflation. ("Unit flyaway") costs exclude research and development, initial production costs, spares and other support costs such as ground equipment. These costs are included in a total procurement program.

The office of the Assistant Secretary of Defense for Systems Analysis, on the other hand, reportedly calculates that 300 F–14s would cost about $5.7 billion, or $19 million each on a total program basis and $13 million each on a unit flyaway basis. Some 700 F–14s would cost $11.6 billion, according to the same source. That works out to $16.5 million each on a program basis and about $11 million each, unit flyaway cost.

Some informed officials note that the Navy's cost figures, used by Goldwater, put the price of the F–14 very close to the cost of the Air Force fighter, which is smaller. The F–14 certainly will cost more than the F–15, they argue, because its airframe weighs some 8,000 to 9,000 pounds more, because it has over 1,000 pounds more electronic equipment than the Air Force fighter (at a cost of at least $1,000 a pound) and because it has a moveable wing.

Sen. Cannon July 10 said the Air Force program would cost $5.14 billion, or about $10 million a plane. But more recent Air Force cost studies put the price of 737 F–15s at about $8.9 billion, including research and development.

Systems cost concept: As an aid to defense decision makers, the Office of Systems Analysis at the Pentagon some years ago began pricing weapons systems on a 10-year basis, including development, production and 10-year direct operating costs for a full system. (Although the "10-year system cost" is a somewhat artificial figure, it provides a reliable way of predicting relative costs of different weapons systems. In actual practice, systems costs may be spread over 15 or more years, because more than five years are needed to put a full system into operation.)

None of the 10-year systems cost studies of the F–14, F–15 or alternatives to them have been made available to Congress, insofar as it can be determined.

But it is possible to construct an approximation of the systems costs for the F–14 and F–15 using known Pentagon figures and a common rule of thumb. This rule holds that 10-year direct operating costs of a modern combat aircraft are about double its "unit flyaway" cost. (Actual experience with recent aircraft suggest direct operating costs of up to three times the unit flyaway cost. In the following calculations it is assumed the F–14 and F–15 will be built for easy maintenance. Operating costs could be reduced much more if the electronics items on aircraft are built with better attention to reliability than has been achieved in the past, and, more important, if the whole system is kept simple. But neither the F–14 nor the F–15 is a simple aircraft.)

Using the Navy figure of $8-million unit flyaway cost for one F–14, 10-year direct operating costs per aircraft will be about

$16 million. For 500 aircraft—the portion of 716 actually operating at any time—the 10-year direct operating costs will be approximately $8 billion. When development and production costs of the program are added, the 10-year system cost for 716 aircraft is approximately $17 billion.

Using the Systems Analysis cost unit flyaway basis for the F–14, the 10-year direct operating costs for 500 aircraft would be about $11 billion and the 10-year system cost will be close to $23 billion. Neither of these calculations includes F–14 weapons which could add up to 10 billion to the price.

The 10-year systems cost of the F–15 could exceed $17 billion based on a unit-flyaway cost of $8.5 million 10-year direct operating costs of $8.5 billion for 500 aircraft and a total program of 737 aircraft.

In combination, these replacements for the F–4 could cost $40 billion to buy and operate, not counting new missiles which will add significantly to the price.

The Systems Analysis Office reportedly calculates that an alternative fighter, described below, can be built and flown at one third this cost.

Phoenix missile: Latest price estimates for this long-range, radar-guided missile, designed to destroy large formations of enemy bombers, put the unit cost at $400,000. Each F–14 will carry six Phoenix missiles, weighing 1,000 pounds apiece, in its "fleet air defense" role. A complete load for 500 aircraft would cost $1.2 billion, excluding $500 million to $700 million in research and development. Ten complete loads—30,000 missiles—would cost nearly $10 billion (allowing a lower unit price on quantity). Insofar as can be determined, the Navy has not indicated to Congress how many Phoenix missiles it plans to buy over the life of the program.

Improved Sparrow: The Navy is developing an improved version of the Sparrow radar-guided missile for use on the F–4, F–14 and F–15. Known as the AIM–75, it will cost about 50 per cent more than current versions of Sparrow, or over $60,000 each.

The fighter aircraft will carry four Sparrows each. Ten complete loads for 1,000 aircraft would cost about $2.5 billion. Defense officials say the current Sparrow has one of the worst performance records of available air-to-air missiles. It reportedly scores a kill approximately one-third as often as the Sidewinder missile when the enemy aircraft is in visual range, and one-fourth as often as simple fixed machine guns aboard fighters.

OTHER SUBMERGED ISSUES

Electronics systems: The potential cost of the new fighters is closely linked to the sophisticated systems they are designed to carry, and to the kinds of air battles they are designed to fight.

For the past year, the Systems Analysis Office has argued that electronics and missiles, instead of improving the effectiveness of fighter aircraft, actually reduce it. The argument, although supported by fighter pilots with Vietnam combat experience, has apparently failed so far to make an impact on the Pentagon's research and development bureaucracy.

In the case of aircraft, this bureaucracy consists of the Air Force Systems Command, the Naval Air Systems Command, and the Office of the Director of Defense Engineering and Research. For years it has been dominated by the view that the largest gains in aircraft performance will come from improvements in radar and other forms of electronics warfare, and from longer range missiles. Thus a large portion of Pentagon research and development spending is allocated to these purposes.

A secret Defense Department study, reported in The Washington Post June 28, noted that the fiscal 1969 Air Force research and development budget allocated $2 billion to research in electronics, missilery and space and only one-tenth that amount to improving simple tactical aircraft and weapons.

Air Force Secretary Seamans April 16 described the difference between American and Soviet fighters in the following terms: "Since their appearance in the Korean war, Soviet-designed fighters have generally been more maneuverable and have had better acceleration than U.S. fighters. Our fighters, on the other hand, have had better radius of action, firepower, avionics and payload." But, he went on to say, U.S. air-to-air superiority has declined alarmingly since Korea.

Systems Analysis studies of tactical aircraft argue that the decline occurred precisely because the United States has spent its money on aircraft capabilities that have little to do with, and hamper, visual air-to-air combat. For example, the F–4, currently the best U.S. fighter, costs about three times as much as its most direct Soviet competitor, the MIG–21. (The comparison is based on Defense Department calculations that it would cost about $800,000 to manufacture a MIG–21 in the United States.) The F–4 has six times the gross bomb payload and three times the range of the MIG–21 for combat missions. The F–4 is equipped with self-contained navigational devices, long-range search radar, radar-directed Sparrow missiles and devices to jam enemy radar.

Yet Vietnam experience raised serious questions about the utility of much of this equipment. Due to the large number of American aircraft in North Vietnam and the impossibility of using electronic equipment to reliably separate friend from foe, no "stand-off" aerial battles were fought, although the F–4 was designed precisely for this kind of warfare, in which fighter planes see each other only on radar and engage at ranges beyond eyesight.

Pentagon study: The secret Pentagon study mentioned above found that pilots seldom used their aerial search radar in Vietnam because it exposed them to early detection by the enemy. The radar also was ineffective because enemy pilots, directed from the ground, could easily avoid its narrow search pattern and approach American fighters from behind. Radar-directed bombing systems aboard some tactical aircraft like the Navy's A–6A were found at best to be 30 percent to 60 percent less accurate than eye-aimed bombing conducted in daylight. And night bomb-attacks in defended areas were found to result in more aircraft losses than daylight attacks.

The study found that air-to-air missiles like the Sparrow were one-quarter as effective for shooting down enemy aircraft as a fighter plane's cannon or machine guns, while costing 200 times as much per firing or 800 times as much per kill.

The study also found that electronics devices and missiles on tactical aircraft in Vietnam failed by very large margins to live up to peacetime test accuracies and manufacturer predictions of reliability.

New fighters: The new Navy and Air Force fighters will continue the trend toward greater electronic sophistication.

The micro-miniaturized electronics equipment, costly in itself, also imposes other cost on the fighter programs. In order to keep down total aircraft weight, the F–14 and, to a greater extent, the F–15, will use large amounts of titanium, which is several times more costly than aluminum. The F–14B and F–15 engines must be built with jewelers' care to achieve maximum thrust-to-weight ratios in partial compensation for the added weight of missiles and avionics.

But some defense analysts believe the new equipment will not work any better than current equipment, if as well. Look-down radar for air-to-air combat, for example, has yet to be successfully developed. Some experts believe it remains impossible to design an effective look-down radar for fighter aircraft. Similarly, the problems involved in developing electronic equipment to separate friend from foe, and long-range missiles that can hit maneuvering targets, make it highly improbable that successful "stand-off" aerial engagements will be feasible in the future, these analysts assert. The most sensible and effective armament for fighter aircraft is a gun, they argue.

Function challenged: The issue of sophistication is closely connected to the purposes for which U.S. tactical aircraft are designed. One basic requirement in recent years has been the "deep interdiction" mission in support of a conventional or tactical nuclear war in Europe. In theory the aircraft would fly deep into East Europe to attack supplies and military units moving toward the front. This mission accounts for the range, payload and low-level, all-weather attack capabilities of the Air Force F–111 tactical bomber, for example.

The F–15 is designed primarily to escort such bombing raids and protect them from enemy fighters. Thus it has been given very long range for a fighter and its equipment is designed to help it survive highly sophisticated enemy defenses, postulated for the future.

Recent Pentagon studies, however, challenge this basic requirement. They argue that deep interdiction is expensive in resources and pilots and highly ineffective because of the ease of duplicating and repairing transport facilities.

Some officials are also concerned that interdiction of Soviet supply lines in Europe will lead to escalation. It could be an open invitation to Soviet submarine attacks on allied ships, for example. The recent studies hold that American tactical airpower should be primarily designed for close support of ground troops and for winning air superiority over the battlefield. The F–15 is viewed as an overly expensive and relatively inefficient aircraft for air superiority.

Similar objections have been raised, both in Congress and at the Pentagon, to the basic requirements for the Navy's F–14. The basic purpose of the Phoenix missile system is to defend the fleet against Soviet bomber attacks. But the Senate Armed Services Preparedness Investigating Subcommittee, in a 1968 report on U.S. Tactical Air Power, said this threat "is either limited or does not exist." The Navy has informed Congress since that the Phoenix will also provide protection against Soviet "cruise" missiles carried aboard some patrol craft, destroyers and submarines.

But recent Pentagon studies are said to have cast doubt on the missile's ability to hit such low-flying targets. They also question the ability of the Phoenix to hit maneuvering targets such as enemy fighter planes.

The Pentagon studies argue that the Navy should not spend so much to defend itself against the most sophisticated and least likely Soviet threats that it can predict, but should be more attentive to its limited war and peacekeeping roles. The studies assume that the Soviet Union will develop an improved fighter like the MIG–21 and export this to its client states. The F–14 will be too cumbersome to engage in successful dogfights with such aircraft, they argue. That raises the possibility, for example, that Soviet-equipped Arab air forces will come to dominate much of the Mediterranean.

Recent Air Force and Navy studies cast doubt on the Navy's original claim that the F–14 will be a good dogfighting aircraft. The Air Force examined the F–14A in comparison to the latest F–4s and found it less maneuverable. A recent Navy study reportedly found that the MIG–21 could out-turn the F–14B, particularly at higher altitudes, thus gaining an important edge in dogfighting.

Alternative approach: A recent GAO study, confirming recent Pentagon studies of tactical air power, argues that the United States should develop flying prototypes of aircraft designed to handle various foreseen needs, in effect emulating the Soviet Union.

These test vehicles would be kept simple and inexpensive; their designs would not be enumbered by multirole requirements. In the field of avionics and missiles, primary focus would be reliable, maintainable designs. Thus procurement of large numbers of new aircraft and associated systems could begin with tested technology. This could, it is claimed, lead to potentially large gains in reliability, and major savings in production and maintenance costs. The study, dated July 14, is entitled, "Evaluation of Two Proposed Methods for Enhancing Competition in Weapons Systems Procurement."

FX–X: One aircraft proposal based on such thinking has been put forward by the Systems Analysis Office as a substitute for the F–14 and F–15. Known as the FX–X, it is described as an "austere" aircraft designed primarily as a dogfighter and escort.

The FX–X would weigh under 30,000 pounds at take-off, and have a single engine of about 40,000 pounds thrust, a single pilot, an all-aluminum airframe and would use existing avionics. Its range would be between that of the F–4 and that of the F–15. It would not be designed for a large bomb payload, although its power would allow it to carry bombs.

Systems Analysis calculated that 300 such aircraft would cost $3.2 million each (unit flyaway cost). The ten-year systems cost for 1,400 such aircraft would be about one-third the cost of the same number of F–14s and F–15s, a potential saving of $25 billion or more.

The Air Force argues that the technology does not exist for a 40,000-pound-thrust engine. But FX–X proponents note that General Electric is developing engines with 67,000 pounds thrust for the Boeing supersonic transport, and that 35,000 pound-thrust engines were built as long as eight years ago. To answer the Air Force argument that the FX–X lacks sufficient range, the Systems Analysis study claims that the FX–X has a 33-per cent longer range than the F–4, and that a larger internal fuel load would seriously reduce acceleration and maneuverability.

A Navy spokesman said Sept. 5 that at least four airframe manufacturers are discussing a variant of the FX–X with the Naval Air Systems Command. It is known to Navy airmen as the "fall-back fighter," to be pursued in case the F–14 program should be curtailed or eliminated.

WHAT THE AIR FORCE AND NAVY WANT

F–14: The new Navy fighter is planned (1) to substitute for the General Dynamics/Grumman F–111–B (Navy version of the TFX) as a missile-carrying aircraft for defense of the fleet against Soviet bomber attacks and (2) to replace the McDonnell-Douglas F–4 as the main carrier-based fighter aircraft. The presently authorized five-year defense plan contemplates purchase of 287 F–14As and F–14Bs to replace the F–111–B. The Navy has informed Congress it wants 716 planes in all, to replace the F–4s as well. Some estimates place the total number of F–14s that may be bought over the next seven or eight years as high as 1,000 to 1,200. The aircraft will be built by the Grumman Aircraft Engineering Corp., Bethpage, Long Island.

The F–14 will be a large swing-wing, supersonic, two-man, twin-engine aircraft. Its design is based on a slimmed-down version of the F–111–B. Like that aircraft, it is designed primarily to carry six large (1,000-pound) Phoenix air-to-air missiles. With the Phoenix it will weigh about 64,000 pounds (compared to about 80,000 pounds for the F–111–B).

In its "dogfight" role the F–14 will weigh, by present Navy estimates, 52,000 pounds. It will carry an improved Sparrow missile (20-mile-plus range) and shortrange Sidewinder missiles, plus a cannon.

Present Navy plans call for three models of the F–14: the F–14A, using the same Pratt and Whitney engine as the F–111–B; the F–14B, using a version of an improved engine being developed for the F–15, and the F–14C, due in the latter 1970s, with improved missile and air-to-ground electronics systems.

The fiscal 1970 military procurement and authorization bill (S: 2546) proposes $464 million for development and initial production of the F–14. The funds will permit purchase of six prototype aircraft and six production models.

F–15: The new Air Force fighter is designed to replace the F–4. It will be a twin-engine, one-man, supersonic aircraft designed primarily for air-to-air combat. It will carry Sparrow missiles, Sidewinder missiles and a cannon.

It will also incorporate a new attack radar (avionics) system to be developed concurrently) with the aircraft. The Air Force anticipates that the new radar system will include a "lookdown" capability which permits the plane to spot aircraft rising toward it from the ground. The Air Force also hopes for radar to discriminate between friendly and enemy aircraft. (Identification Friend or Foe).

The F–15 will be smaller than the F–14 and will have a fixed wing. It will have a takeoff weight of about 40,000 pounds, compared to the estimated 52,000 to 54,000-pound weight of the F–14 in its dogfight version. Both the F–14 and the F–15 will use similar engines.

The Air Force anticipates purchasing 737 F–15s. It may also begin developing a new dogfighting missile for the F–15. And it is studying new cannon designs.

HARTKE REQUESTS PENTAGON DOCUMENTS

Sen. Vance Hartke, D-Ind., Sept. 5, announced in a Senate speech that he had asked Defense Secretary Melvin R. Laird to supply him and other interested Members with several classified documents spelling out "internal objections" within the Defense Department to the new Navy fighter. Hartke said these documents included:

Development Concept Paper 19, which he described as "a study of the options for improving our air combat strength," which "clarifies the limitations of the F–14 as an air superiority fighter."

A letter from the Office of Systems Analysis to Laird containing new estimates of the cost of the F–14 which put the unit cost of 300 at $19 million each.

A study entitled "Feasibility Study of Alternative High-Performance/Low-Cost Fighter Designs, FX–X and VFX–X."

The proceedings of the Navy Fighter Pilots Symposium, held for the last three summers at Coronado, Calif. "At these meetings," Hartke said, "dissatisfaction among Navy pilots with the F–14 became such an embarrassment to the top Navy brass that tight restrictions were placed on all public comment with regard to the substance of the discussions that took place."

An internal study, by Systems Analysis, of a compromise alternative to blanket approval of the F–14 program. Hartke said the study recommended scrapping the F–14A and stretching out the remainder of the program for 18 months.

The Major Program Memorandum on tactical air forces for fiscal 1971–75, a paper drafted by Systems Analysis and addressed to the Joint Chiefs of Staff on June 4. Said Hartke, "This . . . document . . . suggests strict budget guidelines for program expenditures and specifies the mission of tactical airpower in terms of these important capabilities: air-to-air visual combat and close air support, with emphasis on antiarmor. . . . The F–14 is designed for none of these purposes, but instead to counter a dubious Soviet bomber threat with radar missiles."

LAIRD ON SECRET DEFENSE STUDIES

Defense Secretary Melvin R. Laird Sept. 2 sent the following letter to Sen. William Proxmire, D-Wis., in response to a request for two internal Defense Department studies of the C–5A transport.

"DEAR BILL: Thank you for your letter of September 2nd concerning two documents relating to the C–5A prepared in the Office of the Assistant Secretary of Defense for Systems Analysis. I hope I can clarify any misunderstanding concerning the work of the Office of the Assistant Secretary of Defense for Systems Analysis and the Assistant Secretary's recommendations to me in connection with the C–5A program.

"The job of the Systems Analysis staff is to make critical appraisals of defense programs. In their review and evaluation they examine both sides of an issue, but especially the critical side, since others will emphasize the positive aspects of an issue. This is an essential function of significant assistance to me. But, critical studies are not the only basis on which decisions are made. They are part of the wide variety of information I need to draw conclusions and make judgments on defense programs. However, if internal, critical studies prepared by the Systems Analysis staff continue to be given public expression and used as the source for attacking DoD programs, their valuable contribution to the defense decision-making process will be significantly reduced. . . .

"With respect to providing unclassified versions of the Major Program Memorandum (MPM) and other internal working papers, these usually lengthy documents are prepared only in classified form for the internal use of the Department of Defense components involved in the decision-making process. The reasons this particular MPM is classified is that it contains defense contingency planning details.

"Sincerely,

"MEL LAIRD."

IMPACT ON INDUSTRY

The developing controversy over the cost and design of tactical combat aircraft has large implications for the aerospace and electronics industries. For example, the potential F–14 and F–15 programs—and associated weaponry—represent possible sales of over $20 billion in the next 15 years. An alternative "austere" fighter program might be worth only $5 billion to $7 billion for the same number of aircraft. The following list shows major contractors associated with the F–14 and F–15 programs.

F–14—Component, contractor, and contracting agency:

Airframe: Grumman Aircraft Engineering Corp.; Naval Air Systems Command, Washington, D.C.

F–14A engine: Pratt and Whitney Inc., West Hartford, Conn.

F–14B engine: In competition, Pratt and Whitney Inc., West Hartford, Conn., General Electric Corp., Ivendale, Ohio (selection March 1970; Competition phase Aeronautical Systems Division, Air Force; Systems Command, Wright-Patterson Air Force Base, Ohio; Development and production phase to be determined.

Phoenix missile and avionics: Hughes Aircraft Corp., Culver City, Calif.; Naval Air Systems Command, Washington, D.C.

Sidewinder 1–C missile: Raytheon Co., Lowell, Mass.

Sparrow AIM–7F missile: Raytheon Co., Waltham, Mass.

M–61 20mm gun: General Electric Corp., Burlington, Vt.; Army Materiel Command, Washington, D.C.

F–15—Component, contractor, and contracting agency:

Airframe: In competition, Fairchild Hiller Corp., Farmingdale, N.Y.; McDonnell Douglas

XUM

Corp., St. Louis, Mo.; North American Rockwell Corp., Los Angeles, Calif. (selection by Jan. 1, 1970); Aeronautical Systems Division, Air Force Systems Command, Wright-Patterson Air Force Base, Ohio.

Engine:[1] In competition: Pratt and Whitney Inc., West Hartford, Conn.; General Electric Corp., Ivendale, Ohio (selection March 1970); Competition phase: Aeronautical Systems Division, Air Force Systems Command; Development and production phase: to be determined.

Avionics: In competition: Hughes Aircraft Corp., Culver City, Calif.; Westinghouse Corp., Baltimore, Md. (selection late 1970); Aeronautical Systems Division, Air Force Systems Command.

M-61 20mm gun: General Electric Corp., Burlington, Vt.; Army Materiel Command, Washington, D.C.

25mm gun: In competition: General Electric Corp., Burlington, Vt.; Philco-Ford Corp., Newport Beach, Calif. (no selection date established); Aeronautical Systems Division, Air Force Systems Command.

Sidewinder 1-C missile: Raytheon Co., Lowell, Mass.; Naval Air Systems Command, Washington, D.C.

Sparrow AIM-7F missile: Raytheon Co., Waltham, Mass.

Short-range missile: To be determined by competition; Aeronautical Systems Division, Air Force Systems Command.

COST COMPARISON

The following graph compares the approximate 10-year systems cost (procurement and operation) of 1,400 F-14s/15s with the same number of new F-4s and the same number of the proposed FX-X aircraft.

The graph is intended to illustrate the assertion of the Defense Department's Systems Analysis Office that the new fighter aircraft will cost more than twice as much as a present fighter force of comparable size, and three times as much as a fighter force of FX-X aircraft.

The first figures show the systems cost of the F-14 and F-15 combined, based on present Navy and Air Force estimates of unit flyaway cost. The second figures introduce Systems Analysis estimates of the cost of the Navy fighter, which are somewhat higher than the Navy's figures.

[In billions of dollars]

F-14/15 current estimates:	
Procurement cost	17
Operating cost	17
Total	34
F-14/15 alternate prices:	
Procurement cost	20
Operating cost	20
Total	40
F-4:	
Procurement cost	6
Operating cost	8
Total	14
FX-X:	
Procurement cost	6
Operating cost	6
Total	12

NOTE: These figures are approximate due to interpretation from a bar graph.

Mr. BRAY. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. PIRNIE).

Mr. HALL. Mr. Chairman, will the gentleman yield for a point of clarification?

Mr. PIRNIE. I yield to the gentleman.

Mr. HALL. Mr. Chairman, it might be of interest to the Members of the Committee of the Whole House on the State of the Union that the C-5A 3 took off from Edwards Air Force Base today in an overweighted test flight with more thrust than expected, a 27-percent overload of maximum SOR capability, and gained 18,500 feet in less than the maximum rate of climb.

This report has just come over the press wires, and is a new world's record:

CARGO PLANE

MARIETTA, GA.—Lockheed's huge new cargo plane, the C-5 Galaxy, set an unofficial world record today when it roared into the skies weighing 790,100 pounds.

This was 21,000 pounds heavier than it is expected to fly even under wartime conditions and 28,100 pounds heavier than the old mark it established last June 16.

The record was set by C-5 "No. 3" during a test at Edwards Air Force Base, Calif., the company said. The pilot reported the plane lifted off flawlessly and climbed to an altitude of 18,800 feet, burning a total of 21,000 pounds of fuel during its climb.

Mr. Chairman, I thank the gentleman for yielding.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from South Carolina, chairman of our committee.

Mr. RIVERS. As I said before, this is the largest plane in the world and thank God we own it. Who is better to test their own planes than Lockheed? If it does not work we will not take it, and it will not be the first mistake we have made. But how are you going to find out until you have the guts to try to build the plane and test it. This is the largest plane in the world and this plane will work.

When we get the facts, you will get the facts. I am not giving you half truths and half facts. Nor am I rushing in to indict people—I have had that much law and that much experience in the legal profession.

Mr. PIRNIE. Mr. Chairman, I am sorry to take a part of my time to discuss anything that is not directly in this bill. But some of those who have preceded me in the well who complained about time or the lack of it have chosen to deal with other subjects, some of which I believe requires a response—at least I wish to make a response.

I have had the privilege to serve on the Committee on Armed Services during a trying period in our history. I have been proud of the fact that on that committee there seemed to be a general recognition that in the defense of this Nation there was no center aisle. Therefore, we have operated the committee on a bipartisan basis.

The staff of the committee has been available to every Member. I am surprised to hear anyone saying on this floor that this capable staff has been unresponsive. It may be that their requests had not been properly and timely made. I hope we will all remember that every Member of this House shares with the committee an obligation and that there is no center aisle dividing us in our duty to protect this Nation not only now but for the foreseeable future.

Now we have had a great deal of advice as to how we could spend money elsewhere. We have had expert witnesses on the subject in droves before our committee. But when we asked, "Supposing you were in our place and it was your duty to decide what is in the best interest of the security of this Nation?" some of them have thrown their hands up and said, "Thank God I do not have to decide that."

But we do have to decide, and that is what we are here for today.

Although I fully support H.R. 14000, time permits me to discuss only one phase of this program—the inclusion in the military procurement bill of $100.2 million for the engineering development of the proposed Advanced Manned Strategic Aircraft—AMSA. Since 1964 the Congress and the Air Force have attempted to get on with this vital weapons system. Over $140 million has been devoted to preliminary design and advanced development in propulsion and avionics for this aircraft, and this year the Department of Defense has asked for funds necessary to begin engineering development of AMSA in fiscal year 1970. There is every reason why they should be granted.

At the outset, I want to emphasize that the approval of these funds in this legislation does not authorize procurement of AMSA but merely allows the Air Force to get into a technical posture where it will be able to proceed with procurement should the Congress, at a later date, so authorize. These funds will allow the Air Force and the Congress to keep open in terms of potential deployment the option to go ahead with this system should the circumstances demand.

The purpose of AMSA is manifold. Let me dwell on some of the more important ones. AMSA is designed to replace an aging B-52 fleet in a way which reflects the technology of the seventies rather than that of the fifties. By the time that AMSA could be operational—1977—our youngest B-52 bombers will be about 15 years old, plagued by 15 years of hard wear and tear and more importantly, technology which at the minimum will be 25 years old. In light of the advances made in technology since the last B-52 came off the production line in 1963, by 1977 the B-52 bomber will be approaching the relic stage.

However, by building AMSA we will not merely be replacing an old aircraft with a new one which has the same basic equipment. We will be increasing the payload of the bomber significantly, we will have a weapon which has far greater penetration capability than the B-52, one which will have a far greater versatility to fly at high and low altitudes than the B-52. It will be faster, smaller, better able to get through enemy defenses than the B-52. This is what AMSA is, but the important question to be answered is why it is needed.

There are those who argue that we should put all our eggs in one basket—the missile basket. They point out that according to our intelligence the Russians are stressing missile capability rather than manned bombers and that there is little reason in view of vast air defense technology and MIRV's to spend the large amount of money which will be necessary to build AMSA or any bomber. This position assumes that all we need is ICBM's and SLBM's in order to assure an effective deterrent.

---

[1] F-14B engine to be used in both F-14 and F-15 and funded jointly by Navy and Air Force.

However, I would remind the critics that the mixed force concept is not predicated on what a potential enemy may now have but what it may be able to develop between now and the post 1975 period. This time frame is important because that is how long it will take us to get any bomber operational. The most logical argument in favor of AMSA is that it provides us with an effective deterrent capability should our ICBM's be neutralized by MIRV's and in the unlikely event that the Soviets make a breakthrough in antisubmarine warfare which could neutralize the capability of our Polaris submarines. This, of course, assumes the worst but when considering our national defense we cannot afford to look at the possibilities through rose-colored glasses. In dealing with the large uncertainties involved in predicting threats 8 to 10 years in the future, we must keep our options open and remain in a position to move on the AMSA should events continue to verify its need.

In addition to keeping our deterrent credible, there are other reasons why AMSA makes sense. It will provide us with the flexibility to make a response and can be used for missions, such as the B–52 is presently carrying out in Vietnam. Furthermore, you can call back a bomber but not a missile. It can be used in a "show of force" deployment for diplomatic purposes such as was in the case during the 1962 Cuban missile crisis.

There are of course other arguments in favor of AMSA, but in my view, the most important of all is the fact that you can fly a bomber, you can test and retest a bomber, you can move a bomber as circumstances demand it. We cannot say these things about missiles. The chairman of the Senate Armed Services Committee, Senator STENNIS, put it very well when he said:

> No one knows to what extent our ICBM's will operate. We believe they will fly effectively or that a great percentage of them will do so, but it is an unknown quantity.

The same is true of SLBM's. On the other hand, the bomber is a weapon which is a known quantity, and it assures that we have at least one system in our arsenal upon which we can rely in the event others fail or are neutralized.

Those who say we do not need a manned bomber for the post 1975 period continue to claim that our B–52's will do the job. This is not realistic and ignores the technology of today and the anticipated advances of tomorrow. Let us never forget that the Soviets have had many years to improve their methods of defending against the B–52. One area where they have placed great emphasis is in attempting to destroy our bombers prior to launch. Russian FOB's and sea launched ballistic missiles have reduced time and our reaction has been to disperse our B–52 force. One of the prime objectives of AMSA is to provide improved chances of pre-launch survivability through wide dispersal to austere landing bases and quick launch capability. The design of this plane then will make it much less vulnerable to Soviet efforts to destroy our manned bombers prior to launch.

Another question which must be resolved is whether our existing bomber fleet of B–52's can be modernized and restructured to handle the missions anticipated by the Air Force during the post 1975 period. The answer is found in the relative costs and the anticipated performance of AMSA versus the performance of modernized B–52's. First, it will be very costly just to maintain the existing B–52 force as it gets older, not to mention the alterations some have suggested. Clearly at a certain time it becomes more economical to buy new hardware rather than to continue repairing old hardware. If, for example, we restructure the B–52 to incorporate the newest penetrating devices such as missiles and decoys, we will be doing so at the expense of its payload capacity. In contrast, the AMSA will have these new devices including a reduced infrared signature and radar cross section, plus a much larger payload capacity than our existing B–52's presently have without modification. Thus, to take that path would be, in my judgment, a waste of resources and would leave much to be desired in terms of bomber force effectiveness.

I find it interesting that those who feel there is no justification for a new bomber do not attempt to strike all the funds requested for AMSA. Rather, they are hedging their predictions with $77 million which will allow the Air Force to do part of the work on this program. Although the proponents of reduction of funds may claim that their proposal will not eliminate AMSA, let us face the facts—this merely is step one in a concerted effort to kill this bomber. No one doubts for a moment that if this amendment is adopted, in the future the same persons will come forth with the same arguments and another effort to cut. If they are convinced there is no need for this bomber in the future, why do they employ such deceptive tactics?

Mr. Chairman, the decision we make today on this bomber is not a final one in any sense of the word. As I said earlier, approving the $100.2 million in this legislation merely allows us to keep open our option to go ahead with this bomber should circumstances demand it. However, it allows us to do so within the time frame which the Air Force, the Joint Chiefs of Staff, the Secretary of Defense and the President of the United States feel is mandatory. The efforts to cut this bill do more than make $23 million available for other uses, they alter the entire strategic balance of deterrents upon which we will have to depend in the post 1975 period and they weaken seriously the credibility of our determination to be able to respond effectively and completely to any possible first strike threat.

Let us never lose sight of the fact that our ability to avoid nuclear war is predicated on the credibility of our defense structure. Should we find it necessary to incorporate AMSA into that structure, we must be able to do it on a realistic timetable. Since the proposed reduction of funds will alter that timetable, it should be opposed.

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, the five so-called dissident members of the Armed Services Committee had planned to undertake a coordinated effort this afternoon. I think it is quite obvious that this coordination suffered a very serious breakdown with the unsolicited compliment given to my colleague, the gentleman from Vermont (Mr. STAFFORD) and me. I do not thing I would say to the gentleman from California that this breakdown can be attributed to the members of the staff.

Mr. Chairman, about 6 months ago four of my colleagues on the Armed Services Commitee—the gentleman from Michigan, (Mr. NEDZI), the gentleman from California (Mr. LEGGETT), the gentleman from NEW YORK (Mr. PIKE), and the gentleman from Vermont (Mr. STAFFORD), and I—formed an informal discussion group to study in depth our basic defense posture. We had in mind particularly a review of the concepts from which our authorization requests emenate.

We met on a regular basis. We met with many resource individuals, both in and out of Government. During the course of these meetings, we came to a number of conclusions regarding various defense issues and questions. In applying these conclusions to the defense authorization request submitted by Secretary Laird, we decided that his budget required substantial modification. Therefore, we decided to outline a number of amendments which we intended to introduce during the committee mark-up session.

On August 11 of this year we indicated to our distinguished chairman our reservations about the bill that was then being considered in the Senate and the amendments we intended to introduce.

Last week, when we received a copy of the House version of the defense procurement bill, we were very pleased to note a number of our reservations had been overcome. Thus we specifically endorse five provisions of H.R. 14000.

First, we are very pleased with the reduction in the overall troop strength to 3,285,000 personnel. This is approximately 185,000 less than the troop strength as of June 30, 1969.

Second, we are very pleased also with the reduction of $142 million for the TOW missile.

Third, we endorse the $110 million reduction in various tracked vehicles.

These latter two cuts were initiated by our colleague from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from New York.

Mr. STRATTON. I appreciate the gentleman's comments and his support. I hope, at the appropriate time, to list

XUM

some of the facts on these reductions in more detail.

Mr. WHALEN. I would say to the gentleman from New York, I hope that my compliment will not have the same adverse effect on his side of the aisle as an earlier compliment did on my side of the aisle.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I am delighted to yield to the chairman of the committee.

Mr. RIVERS. The gentleman does not mind the committee making a decision in his favor, does he? He does not have any objection to that?

Mr. WHALEN. No.

Mr. RIVERS. We arrived at these conclusions that the five distinguished gentlemen approved of. The gentleman does not mind if we, somewhere down the line, participate in a decision they thought of first, does he?

Mr. WHALEN. We are not suggesting this, Mr. Chairman. We are just expressing our delight over the fact that we do agree at least in these five areas I am outlining, although there are some disagreements in other areas.

Mr. RIVERS. Before the gentleman came to Congress we had been known to make reductions in bills. We may have stumbled along before he got here, but if he will stay with us, he is helping us along.

Mr. WHALEN. I am expressing my delight.

I just want to indicate to the chairman and to the Members of the Committee of the Whole we do not find the bill completely objectionable.

Let me state the fourth area, the ten percent reduction in research and development, with which we heartily endorse.

Fifth, we also applaud the efforts of the committee to retain certain amendments that were inserted in the bill in the Senate.

Despite this fact, Mr. Chairman, we do have some very serious reservations about the bill which was presented to the committee and which was ultimately approved by the committee.

I believe these objections can be categorized in four areas.

First, we feel that the bill, if it is funded at the figure that is contained in this authorization, is inflationary. It is $1.8 billion some higher than the appropriation for the same purposes last year. It is $1,436 million higher than the figure approved by the Senate.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I am delighted to yield to the gentleman from New York.

Mr. PIRNIE. Would not the gentleman in the well like to make it clear to the House that the increase is due to the opinion of the committee that some reestablishment of our Navy was necessary for our national defense, and that that was not a subject which was taken up by the other body.

Mr. WHALEN. I will touch on this. It is quite evident, of course, that the increase was due to the opinion of the committee. Obviously, if it had not been, we would not have come out with that figure.

Mr. PIRNIE. It was just on that one area.

Mr. WHALEN. Let me finish my formal comments.

We say, second, that we have serious reservations because, if this bill is funded at the level approved by the Armed Services Committee, it will certainly take away funds from needed domestic programs.

Third, this authorization contains many dollars which were not requested by the DOD. I refer specifically to the $960 million in the bill for naval ship procurement.

Fourth, and finally, we feel that this bill contains a number of authorizations for programs which are not needed. We believe in the instance of these programs that their case has not been proved by the Department of Defense. Therefore, we feel that they can be either deleted or deferred without in any way detracting from our military posture.

To correct these deficiencies, therefore, the aforementioned five members of the Committee on Armed Services introduced a series of nine amendments during the committee markup session. These amendments were defeated. We intend to reintroduce these amendments tomorrow during the consideration of H.R. 14000.

They fall into two different categories. There are seven amendments which, if adopted, will reduce total authorizations by $2.075 billion. There are two other amendments which contain restrictive language similar to that adopted in the Senate version of the bill.

You have all received a letter from the five aforementioned members of the committee outlining these items. They are also contained in the committee report beginning on page 147. However, for your information here and so that we can perhaps develop the scenario that will unfold tomorrow, let me briefly recite the amendments and review them for you. As I say, they will be introduced by the five aforementioned Members and will be supported by them.

Four of these are in the section dealing with aircraft. The first is a $86 million reduction in the Cobra helicopter. This will be introduced by Congressman NEDZI. The rationale underlying this reduction is the fact that these will be scheduled for shipment to Vietnam in 1971 and 1972. In all probability there will be no American troops there to utilize them then. We have already provided our allies in South Vietnam with other aircraft which will do an equally good, or better, job.

Second, there will be an amendment proposed by Congressman PIKE calling for a reduction of $481 million in procurement of the C–5A, specifically 23 aircraft. The principal reason underlying this particular amendment is the fact that there have been production delays. Therefore even deferring this for 1 year will not in any way impair the security of our Nation.

The third will be a series of amendments that will be introduced by Congressman LEGGETT totalling $77.4 million dealing with SHRAM.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ARENDS. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. WHALEN. Mr. Chairman, as you know, this is the short-range attack missile. I am not going to impose on your time at this point, since my time is limited, to go into the rationale of this, because you can find it in the letter which my colleagues and I sent you as well as in the committee report beginning on page 147.

Fourth, Mr. LEGGETT will present an amendment deleting $38 million from the freedom fighter program. The Department of Defense does not have any provision for this aircraft in its fiscal year 1970 budget request. The committee included funds for this program on the basis of a limited conversation with the Deputy Secretary of Defense to which the Armed Services Committee members were not privy. On this basis, the additional $38 million does not justify urgency and seems ill-advised.

The fifth amendment will be in the missiles section of H.R. 14000. This will be an amendment calling for a reduction of $345.5 million for deployment of the Safeguard anti-ballistic-missile system. This will be introduced by Mr. LEGGETT, of California.

Going on to the next section of the bill—ship procurement—there will be an amendment introduced by Congressman PIKE, of New York, proposing a reduction of $1.025 billion in naval ship procurement. As I stated previously, this amendment will delete the $960 million contained in this bill and not requested by the Department of Defense.

Finally, in the research and development area there will be an amendment proposed to reduce by $23 million the research funds for AMSA. This would reduce total AMSA research from $100 million to $77 million. That is the figure originally requested by the former Secretary of Defense.

The two restrictive amendments to which I refer, one a limitation on the procurement, the transportation, the deployment, and the storage of chemical and biological warfare agents, is very similar to the amendment adopted during the Senate floor debate. The second is the so-called Schweiker amendment which attempts to get at the problems we have been seeing with respect to large overruns and program delays.

This was adopted during Senate floor debate and calls for quarterly reports by the Secretary of Defense and an annual audit by the GAO.

Let me just close with two observations:

First of all, I think we should point out that the five members of the House Armed Services Committee who filed our additional views are not in any way conducting a vendetta against the military. For the security of our country we need a strong and sound military establishment. Personally, I feel this is an honorable profession, one of the highest callings, defending one's country.

Second, in making this study and in arriving at our conclusions and the resulting amendments, we in no way seek to reduce the security of our country.

Let me relate this to an analogy that was brought up earlier in this discussion by the gentleman from North Carolina (Mr. JONAS) with respect to insurance on his home. I think we all have insurance

XUM

policies on our home. I know I do on mine in Dayton, Ohio. But let me point out that it also is true that all of us are not completely covered. Not all contingencies are covered by our household policies. By the same token, we cannot provide funds for every conceivable military contingency.

Mr. Chairman, let me say in conclusion that there will be these nine amendments introduced tomorrow. There will be additional amendments proposed by other Members. I certainly do not want to imply by not discussing them that the five members of the committee are opposed to these. We will make our own individual decisions. All of these amendments which we will consider tomorrow are important amendments. They are important to the future of our country. I am very glad to know that we will be given ample time during which to discuss these amendments. We certainly hope that there will be a full attendance on the part of the Members of the House on the floor during the period of that discussion and that in considering them, you will keep an open mind.

Mr. RIVERS. Mr. Chairman, I yield such time as he may consume to a former distinguished member of our committee, but one who has now departed it for an assignment on the Committee on Appropriations.

Mr. COHELAN. Mr. Chairman, the debate over the necessity of ballistic missile defense has engaged our attention for a number of years. I became involved with this program as far back as 1966 when we were debating the merits of a heavy system, a light system and the sentinal program oriented toward city defenses. The key word now is "Safeguard." The names may have changed but the melody lingers on and the same sour notes continue to be struck.

We must however look to the history of this program, for past projections and requests by the DOD now look very much out of tune with present realities.

In 1967 testimony before the Armed Services Committee, the Nike X version of a ballistic missile defense was discussed at length. The Nike X was a precursor of the Sentinal which has lately been modified and renamed the Safeguard ABM system. Then Secretary of Defense McNamara presented a combination missile and fallout shelter program estimated at $22 billion, $8 billion of which would be allocated for shelters. Secretary McNamara, under questioning, then estimated a possible 6 to 8 billion yearly expenditures in the early 70's to maintain this system.

McNamara, however, did not at that time recommend deployment, recognizing that the quality and quantity of the threat had not been sufficiently determined. I quote from Secretary McNamara:

> I believe we should continue or development program . . . this will allow us to develop a system that would have the maximum capability against the Soviet threat . . . It isn't necessary to make that decision to deploy the system today, because the time they require to deploy their offensive system is greater than the time we require to deploy our defensive system.

Fortunately, the advice was correct as the old Sentinal system of area defense has been judged premature. General Wheeler disagreed in 1967 however and urged immediate deployment of an anti-Soviet area defense ABM coupled with an extensive "education" program by the Executive and Congress to sell a multi-billion dollar bomb shelter system to the American public.

The shelter question had been debated in the early 1960's and discarded as unworkable—leading to the decision not to deploy the Nike-Zeus system—the earliest ballistic missile defense program.

But in 1967, General Wheeler was "absolutely convinced of the necessity for concurrent development of missiles and shelters." As in other instances this too was a premature request as DOD's shelter research is now running at a mere $12 million per year and not tied to ABM like "ham to eggs" as General Wheeler espoused in 1967.

The period following the Nike-Zeus, Nike X era brought on the variation of the Sentinal theme, the heavy 50-city and the light 25-city defense. Both are area defense systems and both are tied to the supposition that we must protect against a massive Soviet strike against population centers, or a light Chinese strike against these same cities. In 1968 this was the last word in ballistic missile defense.

The Joint Chiefs testified to its innocently defensive nature and the proponents in both Houses reiterated the theme that this Sentinel program was only for defense purposes and could only be viewed as defensive by the Soviets. As we remember the ABM appropriation passed last year with 35 dissenting votes in the Senate and 43 in the House.

In the interim, the Safeguard emerged.

Concurrent with the administration decision to request the Safeguard site defense system, we were informed that Sentinel could indeed be considered an escalatory and offensive program. Here I quote from Secretary Laird on March 20, 1969:

> The modified ABM system has been designed so that its defensive intent is unmistakable. It is not an escalation of the arms race. The original Sentinel Plan could have been interpreted as a first step toward the construction of a heavy system toward the defense of our cities. Indeed, it could have been used for that purpose.

My point is, where are we now. If Sentinel was escalatory, as the administration infers, why is Safeguard not escalatory? The present site defense can be extended to area defense in the same manner as the Sentinel.

The last two administrations changed the thrust of ballistic missile defense three times, and on each occasion claimed the latest version to be the ultimate answer to the supposed threat.

What is to say that the Safeguard system will be the final answer. First we became concerned with Soviet intervention and planned a city defense against a large and sophisticated Russian strike.

Now we are told that our major concern is a small Chinese effort. Are we to believe that it is good sense to enter a program which could escalate the arms race at the most inappropriate time in order to derive an unknown quantity of protection against the old bugaboo which haunted us since the end of World War II.

I cannot view the ABM program seriously when the Defense Department keeps throwing the Chinese strawman in our face. There is absolutely no evidence that the Chinese, were they to attack, would waste a limited supply of missiles on our offensive capability.

Of course, there is another alleged reason for buying the Safeguard argument. This is the claim by Secretary Laird that the Soviet buildup of SS9 missiles was a clear indication of their intention to attain a first strike capability. Secretary Laird's arguments are not necessarily sound for reasons I shall get to in the course of my remarks.

There are five main points used by the proponents of the Safeguard ABM as reasons for initiating deployment now. I shall take up and rebut each of these points.

First, assuming that the U.S. and the U.S.S.R. enter SALT—Strategic Arms Limitation Talks—the existence of an ABM system in the deployment stage will give the United States enhanced bargaining power

This is a fallacious argument for a number of reasons. First, we expect the SALT talks to begin soon—at least within the year. The Safeguard will not be deployed for quite a few years—in any case, not before SALT begins. The existence of a full scale R. & D. program, which is agreed to by all sides of the ABM question is certainly as sufficient a bargaining ploy as is a program not ready for deployment.

Also, all evidence indicates that the Soviets have had considerable trouble in development of their own Galosh system. All evidence indicates that the deployment has slowed almost to a standstill, and the program is back in the R. & D. stage. Therefore, the Soviets are not likely to take our deployment seriously as a poker chip when they are fully aware of the difficulties inherent in the development of such a system. The SALT talks must necessarily be approached seriously and honestly. It is foolish to enter such talks with a stacked deck by rushing ahead with deployment on order to have a bargaining ploy. Not only will the Soviets not take such deployment seriously, but will also, and with just reason, accuse us of unfair tactics and lack of good faith.

Second, the ABM as now envisioned is a phased deployment system which will start on a small level—two sites—and can be contracted or expanded under congressional direction each year as the situation warrants.

This argument can be turned back on itself. Why deploy a system still in the development stage? The R. & D. funds for Kwajalein are certainly sufficient to prove the adequacy of the PAR and MSR. The Spartan and Sprint are already developed. This is a premature deployment which, even if there is sufficient reason for a workable ABM system, should not be started at this time. While the pro-Safeguard forces argue that long

XUM

leadtimes are necessary, there is no firm indication that once tested, we could not get a production run in short order. Past experience has indicated that a large number of complicated systems which have gone into production phase have had to be recalled and modified. This is a $6 to $10 billion program. Overruns could be far beyond what we have already experienced in other systems. Why should we not exercise our congressional scrutiny at this time and demand that we be presented with a workable system before we enter deployment. It is against precedent to embark upon procurement of the finished product before R. & D. is finished. The sound move is to continue R. & D. as now programed and at least wait until the test model has proved itself.

Third, a great number of distinguished scientists, Hans Bethe, Herbert York, George Rathjens, among many others, have pointed out grave faults in the system. The proponents of the ABM program argue that these scientists are wrong and point to the detractors who said the H-bomb would never work as an example of the nay sayer who talks through his hat.

In the first place, few of us are capable of making technical judgments. We can only rely on the best advice of the technical community. In the case of the ABM, the preponderance of scientific advice outside the Pentagon has been negative. On the numbers alone the indications are that the system is at best premature if not unworkable. The benefit of the doubt should be given to larger numbers. On the basis of the technical testimony I have seen thus far, we should first attack the problems of penetration and radar blackout before we get into production. All indications are that this phenomenon—blackout—will totally negate the system as now designed.

Fourth, the Soviet Union is stepping up its offensive missile development. Increased production of SS-9 indicates, among other things, that the U.S.S.R. is going after a first strike capability, therefore necessitating the ABM.

There are serious doubts about Secretary Laird's reading of the Soviet intentions. The Secretary stated that the SS-9 development indicates first strike intentions and that we must react. Intelligence indicators can be read both ways however. While the exact numbers are classified, the fluctation in Soviet deployment closely follows the U.S. development of the ABM.

In other words, SS-9 deployment can be read as a reaction to the American deployment of the ABM and not as an independent program to develop a first strike. The Soviet reaction is exactly what the U.S. defense planners would do in the same situation, that is, attempt to overtarget and overwhelm our proposed ABM defense.

Indications are that the intelligence community disagrees on the interpretation of this raw data. There is no reason to accept the DOD interpretation as binding especially in view of the consequences of this interpretation. A logical view of this data, as stated above, is that the increase in SS-9 production is a reaction to our ABM development. A counterreaction on our part would certainly be escalatory.

Fifth, it is argued that the least escalatory program is the ABM. It is defensive in nature and not a threat as would be stepped up deployment of the ICBM, submersible missiles, or other offensive devices. I feel that it is not correct to use the term offensive and defensive in the context of missile hardware development. Any missile system can be offensive or defensive, depending on the intentions of the developer. It is just as sensible to argue that the ABM is offensive. For instance, if the United States were going for an offensive first strike position, it would certainly attempt to strengthen this position by deploying an ABM to counter any Soviet missiles which withstood the first strike. Since all public statements indicate that the ABM Safeguard is designed to provide defense only against a moderate number of enemy missiles—disregarding the site defense argument—it can be logically argued that the ABM is clearly offensive in that it is developed to pick off stray retaliatory missiles surviving our first strike.

Following similar logic, it can be argued that larger deployment of the ICBM force is defensive in nature in that we already have a multimegatonnage overkill and, therefore, more ICBM's are merely a reinforcement of our assured destruction capacity. In the field of nuclear strategy there is no such thing as a totally offensive or defensive missile.

Second, the ICBM, the Polaris, and so forth, are known quantities. Both sides have learned to deal with them and, in political terms, live with them. The ABM is a new equation and the consequences are unknown. At a time when deescalation of the nuclear arms race is approaching feasibility, it is not sensible to introduce a technically unproved and underdeveloped weapon. Both parties to the conflict have learned to live with the present nuclear structure. Both sides have tentatively developed their positions and philosophies relative to arms limitation along the lines of the present technology. The argument that the ABM would in some ways aid the arms limitations will not stand. ABM is an untried equation which could have serious consequences unknown at the present time.

Finally, there is one argument that must be covered if we are fully to understand the results of our actions. Even if deployed as foreseen, the Safeguard, or any other system for that matter, would remain a "low confidence" system. Under the present agreements regarding nuclear testing, it will be impossible to test the ABM warheads. Without atmospheric testing of the ABM warhead we will not be able to determine the answers to the blackout and related problems. Therefore, ABM will at best be a backstop. In the event of attack I cannot foresee reliance on the ABM and all indications are that retaliatory offensive missiles will be used in any case.

What we gain from the ABM, therefore, is the possibility of some damage limitation at the missile bases. These missile bases will in all probability consist of empty holes in any case, as the retaliatory force must be affected in such a low confidence situation. If the strategy of waiting for a hit before a retaliatory launch is considered is still followed, the gains of an ABM system are still not commensurate with the cost—both political and economic—of such a system in that we still have the submersible missiles, the IRBM's, the bomber fleet and the surviving ICBM's.

As a matter of economics it is far more sensible to buildup the ICBM force. This will not upset the balance of power, nor should it be viewed as offensive in that, as stated above, the present ICBM situation is a known quantity to the Russians, and the question of whether a strategic ploy is offensive or defensive is as much a question of the reading of the enemy intentions and past direction as it is the hardware itself.

Mr. Chairman, there is clearly something asked in our priorities and our strategy vis-a-vis the Communist world. As I have stated above, we are embarking on a disastrous course which would escalate the arms race in a dimension we cannot foresee at this time.

Arms limitation talks may soon begin. Our cities are destitute and the air we breathe has its own unhealthy fallout. This is a time for retrenchment from arms expenditures and a firm commitment to satisfying domestic needs.

I therefore, implore my colleagues to support the amendment which will be offered tomorrow to limit the funds for ABM procurement.

As a final matter I wish to recommend to my colleagues this article by Herbert York entitled "Military Technology and National Security." Dr. York is but one of the many outstanding scientists who have opposed the ABM program, and backed up their opposition with the most cogent of arguments.

The article follows:

MILITARY TECHNOLOGY AND NATIONAL SECURITY

(NOTE.—The ABM debate is analyzed in the context of a larger dilemma: the futility of searching for technological solutions to what is essentially a political problem.)

The recent public hearings in the Senate and the House of Representatives on anti-ballistic-missile (ABM) systems have provided an unprecedented opportunity to expose to the people of this country and the world the inner workings of one of the dominant features of our time: the strategic arms race. Testimony has been given by a wide range of witnesses concerning the development and deployment of all kinds of offensive and defensive nuclear weapons; particular atention has been paid to the interaction between decisions in these matters and the dynamics of the arms race as a whole.

In my view the ABM issue is only a detail in a much larger problem: the feasibility of purely technological approach to national security. What makes the ABM debate so important is that for the first time it has been possible to discuss a major aspect of this large problem entirely in public. The reason for this is that nearly all the relevant facts about the proposed ABM systems either are already declassified or can easily be deduced from logical concepts that have never been classified. Thus it has been possible to consider in a particular case such questions as the following:

1. To what extent is the increasing complexity of modern weapons systems and the need for instant response causing strategic decision-making authority to pass from high political levels to low military-

XUM

command levels, and from human beings to machines?

2. To what extent is the factor of secrecy combined with complexity leading to a steadily increasing dominance of military-oriented technicians in some vital areas of decision-making?

3. To what extent do increasing numbers of weapons and increasing complexity—in and of themselves—complicate and accelerate the arms race?

My own conclusion is that the ABM issue constitutes a particularly clear example of the futility of searching for technical solutions to what is essentially a political problem, namely the problem of national security. In support of this conclusion I propose in this article to review the recent history of the strategic arms race, to evaluate what the recent hearings and other public discussions have revealed about its present status and future prospects, and then to suggest what might be done now to deal with the problem of national security in a more rational manner.

The strategic arms race in its present form is a comparatively recent phenomenon. It began in the early 1950's, when it became evident that the state of the art in nuclear weaponry, rocket propulsion and missile guidance and control had reached the point in the U.S. where a strategically useful intercontinental ballistic missile (ICBM) could be built. At about the same time the fact that a major long-range-missile development program was in progress in the U.S.S.R. was confirmed. As a result of the confluence of these two events the tremendous U.S. long-range-missile program, which dominated the technological scene for more than a decade, was undertaken. The Air Force's Thor, Atlas and Titan programs and the Army's Jupiter program were started almost simultaneously; the Navy's Polaris program and the Air Force's Minuteman program were phased in just a few years later.

More or less at the same time the Army, which had had the responsibility for ground-based air defense (including the Nike Ajax and Nike Hercules surface-to-air missiles, or SAM's), began to study the problem of how to intercept ICBM's, and soon afterward initiated the Nike Zeus program. This program was a straightforward attempt to use existing technology in the design of a nuclear-armed rocket for the purpose of intercepting an uncomplicated incoming warhead. The Air Force proposed more exotic solutions to the missile-defense problem, but these were subsequently absorbed into the Defender Program of the Department of Defense's Advanced Research Projects Agency (ARPA). The Defender Program included the study of designs more advanced than Nike Zeus, and it also incorporated a program of down-range measurements designed to find out what did in fact go on during the terminal phases of missile flight.

By 1960 indications that the Russians were taking the ABM prospect seriously, in addition to progress in our own Nike Zeus program, stimulated our offensive-missile designers into seriously studying the problem of how to penetrate missile defenses. Very quickly a host of "penetration aid" concepts came to light: light and heavy decoys, including balloons, tank fragments and objects resembling children's jacks; electronic countermeasures, including radar-reflecting clouds of the small wires called chaff; radar blackout by means of high-altitude nuclear explosions; tactics such as barrage, local exhaustion and "rollback" of the defense, and, most important insofar as the then unforeseen consequences were concerned, the notion of putting more than one warhead on one launch vehicle. At first this notion simply involved a "shotgun" technique, good only against large-area targets (cities), but it soon developed into what we now call MIRV's (multiple independently targeted reentry vehicles), which can in principle (and soon in practice) be used against smaller, harder targets such as missile silos, radars and command centers.

This avalanche of concepts forced the ABM designers to go back to the drawing board, and as a result the Nike-X concept was born in 1962. The Nike-X designers attempted to make use of more sophisticated and up-to-date technology in the design of a system that they hoped might be able to cope with a large, sophisticated attack. All through the mid-1960's a vigorous battle of defensive concepts and designs versus offensive concepts and designs took place. This battle was waged partly on the Pacific Missile Range but mostly on paper and in committee meetings. It took place generally in secret, although parts of it have been discussed in earlier articles in this magazine [see "National Security and the Nuclear-Test Ban," by Jerome B. Wiesner and Herbert F. York, October, 1964; "Anti-Ballistic-Missile Systems," by Richard L. Garwin and Hans A. Bethe, March, 1968; "The Dynamics of the Arms Race," By George W. Rathjens, April, 1969].

This intellectual battle culminated in a meeting that took place in the White House in January, 1967. In addition to President Johnson, Secretary of Defense Robert S. McNamara and the Joint Chiefs of Staff there were present all past and current Special Assistants to the President for Science and Technology (James R. Killian, Jr., George B. Kistiakowsky, Jerome B. Wiesner and Donald F. Hornig) and all past and current Directors of Defense Research and Engineering (Harold Brown, John S. Foster, Jr., and myself). We were asked that simple kind of question which must be answered after all the complicated ifs, ands and buts have been discussed: "Will it work?" The answer was no, and there was no dissent from that answer. The context, of course, was the Russian threat as it was then interpreted and forecast, and the current and projected state of our own ABM technology.

Later that year Secretary McNamara gave his famous San Francisco speech in which he reiterated his belief that we could not build an ABM system capable of protecting us from destruction in the event of a Russian attack. For the first time, however, he stated that he did believe we could build an ABM system able to cope with a hypothetical Chinese missile attack, which by definition would be "light" and uncomplicated. In recommending that we go ahead with a program to build what came to be known as the Sentinel system, he said that "there are *marginal* grounds for concluding that a light deployment of U.S. ABM's against this possibility is prudent." A few sentences later, however, he warned: "The danger in deploying this relatively light and reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented ABM system." The record makes it clear that he was quite right in this prediction.

Meanwhile the U.S.S.R. was going ahead with its own ABM program. The Russian program proceeded by fits and starts, and our understanding of it was, as might be supposed in such a situation, even more erratic. It is now generally agreed that the only ABM system the Russians have deployed is an area defense around Moscow much like our old Nike Zeus system. It appears to have virtually no capability against our offense, and it has been, as we shall see below, extremely counterproductive insofar as its goal of defending Moscow is concerned.

Development and deployment of offensive-weapons systems on both sides progressed rapidly during the 1960's, but rather than discuss these historically I shall go directly to the picture that the Administration has given of the present status and future projection of such forces.

Data recently presented by the Department of Defense show that the U.S. and the U.S.S.R. are about even in numbers of intercontinental missiles, and that the U.S. is ahead in both long-range aircraft and submarines of the Polaris type. The small Russian missiles are mostly what we call SS–11's, which were described in the hearings as being roughly the equivalent of our Minutemen. The large Russian missile is what we call the SS–9. Deputy Secretary of Defense David Packard characterized its capability as one 20-megaton warhead or three five-megaton warheads. Our own missiles are almost entirely the smaller Minutemen. There currently remain only 54 of the larger Titans in our strategic forces. Not covered in the table are "extras" such as the U.S.S.R.'s FOBS (fractional orbital bombardment system) and IRBM's (intermediate-range ballistic missiles), nor the U.S.'s bombardment aircraft deployed on carriers and overseas bases in Europe and elsewhere. There are, of course, many important details that do not come out clearly in such a simple tabular presentation; these include payload capacity, warhead yield, number of warheads per missile and, often the most important, warhead accuracy.

In the area of defensive systems designed to cope with the offensive systems outlined above, both the U.S. and the U.S.S.R. have defenses against bombers that would probably be adequate against a prolonged attack using chemical explosives (where 10 percent attrition is enough) and almost certainly inadequate against a nuclear attack (where 10 percent penetration is enough). In addition the U.S.S.R. has its ineffective ABM deployment around Moscow, usually estimated as consisting of fewer than 100 anti-missile missiles.

What all these complicated details add up to can be expressed in a single word: parity. This is clearly not numerical equality in the number of warheads or in the number of megatons or in the total "throw weight"; in fact, given different design approaches on the two sides, simultaneous equality in these three figures is entirely impossible. It is, rather, parity with respect to strategic objectives; that is, in each case these forces are easily sufficient for deterrence and entirely insufficient for a successful preemptive strike. In the jargon of strategic studies either side would retain, after a massive "first strike" by the other, a sufficiently large "assured destruction capability" against the other in order to deter such a first strike from being made.

There is much argument about exactly what it takes in the way of "assured destruction capability" in order to deter, but even the most conservative strategic planners conclude that the threat of only a few hundred warheads exploding over population and industrial centers would be sufficient for the purpose. The large growing disparity between the number of warheads needed for the purpose and the number actually possessed by each side is what leads to the concept of "overkill." If present trends continue, in the future all or most missiles will be MIRVed, and so this overkill will be increased by perhaps another order of magnitude.

Here let me note that it is sometimes argued that there is a disparity in the present situation because Russian missile warheads are said to be bigger than U.S. warheads, both in weight and megatonnage; similarly, it is argued that MIRVing does not increase overkill because total yield is reduced in going from single to multiple warheads. This argument is based on the false notion that the individual MIRV warheads of the future will be "small" when measured against the purpose assigned to them. Against large, "soft" targets such as cities bombs *very much* smaller than those that could be used as components of MIRV's are (and in the case of Hiroshima were proved to be) entirely ade-

XUM

quate for destroying the heart of a city and killing hundreds of thousands of people. Furthermore, in the case of small, "hard" targets such as missile silos, command posts and other military installations, having explosions bigger than those for which the "kill," or crater, radius slightly exceeds "circular error probable" (CEP) adds little to the probability of destroying such targets. Crater radius depends roughly on the cube root of the explosive power; consequently, if during the period when technology allows us to go from one to 10 warheads per missile it also allows us to improve accuracy by a little more than two-fold, the "kill" per warhead will remain nearly the same in most cases, whereas the number of warheads increases tenfold.

In any case, it is fair to say that in spite of a number of such arguments about details, nearly everyone who testified at the ABM hearings agreed that the present situation is one in which each side possesses forces adequate to deter the other. In short, we now have parity in the only sense that ultimately counts.

Several forecasts have been made of what the strategic-weapons situation will be in the mid-1970's. In most respects here again there is quite general agreement. Part of the presentation by Deputy Secretary Packard to the Senate Foreign Relations Committee on March 26 were two graphs showing the trends in numbers of deployed offensive missiles beginning in 1965 and extending to 1975. There is no serious debate about the basic features of these graphs. It is agreed by all that in the recent past the U.S. has been far ahead of the U.S.S.R. in all areas, and that the Russians began a rapid deployment program a few years ago that will bring them even with us in NCBM's quite soon and that, if extended ahead without any slowdown, would bring them even in submarine-launched ballistic missiles (SLBM's) sometime between 1971 and 1977.

One important factor that the Department of Defense omitted from its graphs is MIRV. Deployment plans for MIRV's have not been released by either the U.S. or the U.S.S.R., although various rough projections were made at the hearings about numbers of warheads per vehicle (three to 10), about accuracies (figures around half a mile were often mentioned, and it was implied that U.S. accuracies were better than Russian ones) and about development status (the U.S. was said to be ahead in developments in this field). A pair of charts emphasizing the impact of MIRV was prepared by the staff of the Senate Foreign Relations Committee.

One could argue with both of these sets of charts. For example, one might wonder why the Senate charts show so few warheads on the Russian Polaris-type submarine and why they show only three MIRV's on U.S. Minutemen; on the other hand, one might wonder whether the Department of Defense's projected buildup of the Russian Polaris fleet could be that fast, or whether one should count the older Russian missile submarines. Nonetheless, the general picture presented cannot be far wrong. Moreover, the central arguments pursued throughout the ABM hearings (in both the Senate Foreign Relations Committee hearings in March and the Senate Armed Services Committee hearings in April) were not primarily concerned with these numerical matters. Rather, they were concerned with (1) Secretary of Defense Melvin R. Laird's interpretation of these numbers insofar as Russian *intentions* were concerned, (2) the validity of the Safeguard ABM system as a response to the purported strategic problems of the 1970's and (3) the arms-race implications of Safeguard.

As for the matter of intentions, those favoring the ABM concept generally held that the only "rational" explanation of the Russians' recent SS–9 buildup, coupled with their multiple-warhead development program and the Moscow ABM system, was that they were aiming for a first-strike capability. One must admit that almost anything is conceivable as far as intentions are concerned, but there certainly are simpler, and it seems to me much more likely, explanations. The simplest of all is contained in Deputy Secretary Packard's chart. The most surprising feature of this chart is the fact that the Russians were evidently satisfied with being such a poor second for such a long time. This is made more puzzling by the fact that all during this period U.S. defense officials found it necessary to boast about how far ahead we were in order to be able to resist internal pressures for still greater expansion of our offensive forces.

Another possible reason, and one that I believe added to the other in the minds of the Russian planners, was that their strategists concluded in the mid-1960's that, whatever the top officials here might say, certain elements would eventually succeed in getting a large-scale ABM system built, and that penetration-aid devices, including multiple warheads, would be needed to meet the challenge. Whether or not they were correct in this latter hypothetical analysis is still uncertain at this writing. Let us, however, pass on from this question of someone else's intentions and consider whether or not the proposed Safeguard ABM system is a valid, rational and necessary response to the Russian deployments and developments outlined above.

To many of those who have recently written favorably about ABM defenses or who have testified in their favor before the Congressional committees, Safeguard is supported mainly as a prototype of something else: a "thick" defense of the U.S. against a massive Russian missile attack. This is clearly not at all the rationale for the Safeguard decision as presented by President Nixon in his press conference of March 14, nor is it implied as more than a dividend in the defense secretaries' testimony. The President said that he wanted a system that would protect a *part* of our Minuteman force in order to increase the credibility of our deterrent, and that he had overruled moving in the direction of a massive city defense because "even starting with a thin system and then going to a heavy system tends to be more provocative in terms of making credible a first-strike capability against the Soviet Union. I want no provocation which might deter arms talks." The top civilian defense officials give this same rationale, although they put a little more emphasis on the "prototype" and "growth potential" aspects of the system. For simplicity and clarity I shall focus on the Administration's proposal, as stated in open session by responsible officials.

From a technical point of view and as far as components are concerned, President Nixon's Safeguard system of today is very little different from President Johnson's Sentinel system. There are only minor changes in the location of certain components (away from cities), and elements have been added to some of the radars so that they can now observe submarine-launched missiles coming from directions other than directly from the U.S.S.R. and China. As before, the system consists of a long-range interceptor carrying a large nuclear weapon (Spartan), a fast short-range interceptor carrying a small nuclear weapon (Sprint), two types of radar (perimeter acquisition radar, or PAR, and missile-site radar, or MSR), a computer for directing the battle, and a command and control system for integrating Safeguard with the national command. I shall not describe the equipment in detail at this point but pass on directly to what I believe can be concluded from the hearings and other public sources about each of the following four major questions: (1) Assuming that Safeguard could protect Minuteman, is it needed to protect our deterrent? (2) Assuming that Safeguard works, can it in fact safeguard Minuteman? (3) Will it work? (4) Anyway, what harm can it do?

First: Assuming that Safeguard could protect Minuteman, is it needed to protect our deterrent?

Perhaps the clearest explanation of why the answer to this first question is "no" was given by Wolfgang K. H. Panofsky before the Senate Armed Services Committee on April 22. He described how the deterrent consists of three main components: Polaris submarines, bombers and land-based ICBM's. Each of these components alone is capable of delivering far more warheads than is actually needed for deterrence, and each is currently defended against surprise destruction in a quite different way. ICBM's are in hard silos and are numerous. Polarises are hidden in the seas. Bombers can be placed on various levels of alert and can be dispersed.

Since the warning time in the case of an ICBM attack is generally taken as being about 30 minutes, the people who believe the deterrent may be in serious danger usually imagine that the bombers are attacked by missile submarines, and therefore have only a 15-minute warning. This is important because a 30-minute warning gives the bombers ample time to get off the ground. In that case, however, an attack on all three components cannot be made simultaneously; that is, if the attacking weapons are launched simultaneously, they cannot arrive simultaneously, and vice versa.

Thus it is incredible that all three of our deterrent systems could become vulnerable in the same time period, and it is doubly incredible that we could not know that this would happen without sufficient notice so that we could do something about it. There is, therefore, no basis for a frantic reaction to the hypothetical Russian threat to Minuteman. Still, it is sensible and prudent to begin thinking about the problem, and so we turn to the other questions. We must consider these questions in the technological framework of the mid-1970's, and we shall do this now in the way defense officials currently seem to favor: by assuming that this is the best of all possible technological worlds, that everything works as intended and that direct extrapolations of current capabilities are valid.

Second: Assuming that Safeguard "works," can it in fact safeguard Minuteman?

One good approach to this problem is the one used by George W. Rathjens in his testimony before the Senate Armed Services Committee on April 23. His analysis took as a basis of calculation the implication in Secretary Laird's testimony that the Minuteman force may become seriously imperiled in the mid-1970's. Rathjens then estimated how many SS–9's would have to be deployed at that time in order to achieve this result. From this number, and the estimate of the current number of SS–9's deployed, he got a rate of deployment. He also had to make an assumption about how many Sprints and Spartans would be deployed at that time, and his estimates were based on the first phase of Safeguard deployment. These last numbers have not been released, but a range of reasonable values can be guessed from the cost estimates given. Assuming that the SS–9's would have four or five MIRV warheads each by that time, Rathjens found that by prolonging the SS–9 production program by a few months the Russians would be able to cope with Safeguard by simply exhausting it and would still have enough warheads left to imperil Minuteman, if that is indeed their intention.

The length of this short safe period does depend on the numbers used in the calculations, and they of course can be disputed to a degree. Thus if one assumes that it takes fewer Russian warheads to imperil Minuteman (it can't be less than one for one!), then the assumed deployment rate is lower and the safe period is lengthened; on the other hand, if one notes that the missile-site radars in our system are much softer than even today's silos, then the first attacking warheads, fired directly at the radars, can be smaller and less accurate, so that a higher degree of MIRVing can be used for attacking these radars and a shorter safe period results. To go further, it was suggested that the accuracy/yield combination of the more numerous SS–11's might be sufficient for attacking the missile-site radars, and therefore, if the Russians were to elect such an option, there would be no safe period at all. In short, the most that Safeguard can do is either delay somewhat the date when Minuteman would be imperiled or cause the attacker to build up his forces at a somewhat higher rate if indeed imperilizing Minuteman by a fixed date in his purpose.

In the more general case this problem is often discussed in budgetary terms, and the "cost-exchange ratio" between offense and defense is computed for a wide variety of specific types of weapon. Such calculations give a wide variety of results, and there is much argument about them. However, even using current offense designs (that is, without MIRV), such calculations usually strongly favor the offense. This exchange ratio varies almost linearly with the degree of MIRVing of the offensive missiles, and therefore it seems to me that in the ideal technological future we have taken as our context this exchange ratio will still more strongly favor the offense.

Third: Will it work? By this question I mean: Will operational units be able to intercept enemy warheads accompanied by enemy penetration aids in an atmosphere of total astonishment and uncertainty? I do not mean: Will test equipment and test crews intercept U.S. warheads accompanied by U.S. penetration aids in a contrived atmosphere? A positive answer to the latter question is a necessary condition for obtaining a positive answer to the former, but it is by no stretch of the imagination a sufficient condition.

This basic question has been attacked from two quite different angles: by examining historical analogies and by examining the technical elements of the problem in detail. I shall touch on both here. Design-oriented people who consider this a purely technical question emphasize the second approach. I believe the question is by no means a purely technical question, and I suggest that the historical-analogy approach is more promising, albeit much more difficult to use correctly.

False analogies are common in this argument. We find that some say: "You can't tell me that if we can put a man on the moon we can't build an ABM." Others say: "That's what Oppenheimer told us about the hydrogen bomb." These two statements contain the same basic error. They are examples of successes in a contest between technology and nature, whereas the ABM issue involves a contest between two technologies: offensive weapons and penetration aids versus defensive weapons and discrimination techniques. These analogies would be more pertinent if, in the first case, someone were to jerk the moon away just before the astronauts landed, or if, in the second case, nature were to keep changing the nuclear-reaction probabilities all during the development of the hydrogen bomb and once again after it was deployed.

Proper historical analogies should involve modern high-technology defense systems that have actually been installed and used in combat. If one examines the record of such systems, one finds that they do often produce some attrition of the offense, but not nearly enough to be of use against a nuclear attack. The most up-to-date example is provided by the Russian SAM's and other air-defense equipment deployed in North Vietnam. This system "works" after a fashion because both the equipment designers and the operating crews have had plenty of opportunities to practice against real U.S. targets equipped with real U.S. countermeasures and employing real U.S. tactics.

The best example of a U.S. system is somewhat older, but I believe it is still relevant. It is the SAGE system, a complex air-defense system designed in the early 1950's. All the components worked on the test range, but by 1960 we came to realize, even without combat testing, that SAGE could not really cope with the offense that was then coming into being. We thereupon greatly curtailed and modified our plans, although we did continue with some parts of the system. To quote from the recent report on the ABM decision prepared by Wiesner, Abram Chayes and others: "Still, after fifteen years, and the expenditure of more than $20 billion, it is generally conceded that we do not have a significant capability to defend ourselves against a well-planned air attack. The Soviet Union, after even greater effort, has probably not done much better."

So much for analogies; let us turn to the Safeguard system itself. Doubts about its being able to work were raised during the public hearings on a variety of grounds, some of which are as follows:

First, and perhaps foremost, there is the remarkable fact that the new Safeguard system and the old Sentinel system use virtually the same hardware deployed in a very similar manner, and yet they have entirely different primary purposes. Sentinel had as its purpose defending large soft targets against the so-called Chinese threat. The Chinese threat by definition involved virtually no sophisticated penetration aids and no possibilities of exhausting the defense; thus were "solved" two of the most difficult problems that had eliminated Nike Zeus and Nike-X.

Safeguard has as its primary purpose defending a part of the Minuteman force against a Russian attack. It is not credible that a Russian attack against the part of the Minuteman force so defended would be other than massive and sophisticated, so that we are virtually right back to trying to do what in 1967 we said we could not do, and we are trying to do it with no real change in the missiles or the radars. It is true that defending hard points is to a degree easier than defending cities because interception can be accomplished later and at lower altitudes, thus giving discrimination techniques more time to work. Moreover, only those objects headed for specific small areas must be intercepted. These factors do make the problem somewhat easier, but they do not ensure its solution, and plenty of room for doubt remains.

Second, there is the contest between penetration aids and discrimination techniques. This was discussed at length by Garwin and Bethe in their March 1968 article in *Scientific American* and mentioned also in varying degrees of detail by many of those who testified recently concerning the ABM issue. The Russian physicist Andrei D. Sakharov, in his essay "Thoughts on Progress, Coexistence and Intellectual Freedom," put the issue this way: "Improvements in the resistance of warheads to shock waves and the radiation effects of neutron and X-ray explosure, the possibility of mass use of relatively light and inexpensive decoys that are virtually indistinguishable from warheads and exhaust the capabilities of an antimissile defense system, a perfection of tactics of massed and concentrated attacks, in time and space, that overstrain the defense detection centers, the use of orbital and fractional-orbital attacks, the use of active and passive jamming and other methods not disclosed in the press—all of this has created technical and economic obstacles to an effective missile defense that, at the present time, are virtually insurmountable."

I would add only MIRV to Sakharov's list. Pitted against this plethora of penetration aids are variously observational methods designed to discriminate the real warheads. Some of the penetration devices obviously work only at high altitudes, but even these make it necessary for the final "sorting" to be delayed, and thus they still contribute to making the defense problem harder. Other devices can continue to confuse the defense even down to low altitudes. Some of the problems the offense presents to the defense can no doubt be solved (and have been solved) when considered separately and in isolation. That is, they can be solved for a time, until the offense designers react. One must have serious reservations, however, whether these problems can ever be solved for any long period in the complex combinations that even a modestly sophisticated attacker can present. Further, such a contest *could* result in a catastrophic failure of the system in which all or nearly all interceptions fail.

Third, there is the unquantifiable difference between the test range and the real world. The extraordinary efforts of the Air Force to test operationally deployed Minutemen show that it too regards this as an important problem. Moreover, the tests to date do seem to have revealed important weaknesses in the deployed forces. The problem has many aspects: The possible differences between test equipment and deployed equipment; the certain differences between the offensive warheads and penetration aids supplied by us as test targets and the corresponding equipment and tactics the defense must ultimately be prepared to face; the differences between the installation crews at a test site and at a deployment site; the differences in attitudes and motivation between a test crew and an operational crew (even if it is composed of the same men); the differences between men and equipment that have recently been made ready and whom everyone is watching and men and equipment that have been standing ready for years during which nothing happened; the differences between the emotional atmosphere where everyone knows it is not "for real" and the emotional atmosphere where no one can believe what he has just been told. It may be that all that enormously complex equipment will be ready to work the very first time it must "for real," and it may be that all those thousands of human beings have performed all their interlocking assignments correctly, but I have very substantial doubts about it.

Fourth, there is the closely related "hair-trigger/stiff-trigger" contradiction. Any active defense system such as Safeguard must sit in readiness for two or four or eight years and then fire at precisely the correct second following a warning time of only minutes. Furthermore, the precision needed for the firing time is so fine that machines must be used to choose the exact instant of firing no matter how the decision to fire is made. In the case of offensive missiles the situation is different in an essential way: Although maintaining readiness throughout a long, indefinite period is necessary, the moment of firing is not so precisely controlled in general and hence human decision-makers, including even those at high levels, may readily be permitted to play a part in the decisionmaking process. Thus if we wish to be certain that the defense will respond under conditions of surprise, the trigger of the ABM system, unlike the triggers of the ICBM's and Polarises, must be continuously sensitive and ready—in short, a hair trigger—for indefinitely long periods of time.

On the other hand, it is obvious that we cannot afford to have an ABM missile fire by mistake or in response to a false alarm. Indeed, the Army went to some pains to assure

XUM

residents of areas near proposed Sentinel sites that it was imposing requirements to ensure against the accidental launching of the missile and the subsequent detonation of the nuclear warhead it carries. Moreover, Army officials have assured the public that no ABM missiles would ever be launched without the specific approval of "very high authorities."

These two requirements—a hair trigger so that the system can cope with a surprise attack and a stiff trigger so that it will never go off accidentally or without proper authorization—are, I believe, contradictory requirements. In saying this I am not expressing doubt about the stated intentions of the present Army leaders, and I strongly endorse the restrictions implied in their statements. I am saying, however, that if the system cannot be fired without approval of "the highest authorities," then the probability of its being fired under conditions of surprise is less than it would be otherwise. This probability depends to a degree on the highly classified technical details of the Command and Control System, but in the last analysis it depends more on the fact that "the highest authority" is a human being and therefore subject to all the failures and foibles pertaining thereto.

This brings us to our fourth principal question: Anyway, what harm can it do?

We have just found that the total deterrent is very probably not in peril, that the Safeguard system probably cannot safeguard Minuteman even if it "works," that there is, to say the least, considerable uncertainty whether or not it will "work." Nonetheless, if there were no harm in it, we might be prudent and follow the basic motto of the arms race: "Let us err on the side of military safety." There seem to be many answers to the question of what harm building an ABM system would do. First of all, such a system would cost large sums of money needed for nondefense purposes. Second, it would divert money and attention from what may be better military solutions to the strategic problems posed by the Administration. Third, it would intensify the arms race. All these considerations were discussed at the hearings; I shall comment here only on the third, the arms-race implications of the ABM decision.

It is often said that an ABM system is not an accelerating element in the arms race because it is intrinsically defensive. For example, during the hearings Senator Henry M. Jackson of Washington, surely one of the best-informed senators in this field, said essentially that, and he quoted Premier Kosygin as having said the same thing. I believe such a notion is in error and is based on what we may call "the fallacy of the last move." I believe that in the real world of constant change in both the technology and the deployed numbers of all kinds of strategic-weapons systems, ABM systems are accelerating elements in the arms race. In support of this view let us recall one of the features of the history recited at the start of this article.

At the beginning of this decade we began to hear about a possible Russian ABM system, and we became concerned about its potential effects on our ICBM and Polaris systems. In response the MIRV concept was invented. Today there are additional justifications for MIRV besides penetration, but that is how it started. Now, the possibility of a Russian MIRV is used as one of the main arguments in support of the Safeguard system. Thus we have come one full turn around the arms-race spiral. No one in 1960 and 1961 thought through the potential destabilizing effects of multiple warheads, and certainly no one predicted, or even could have predicted, that the inexorable logic of the arms race would carry us directly from Russian talk in 1960 about defending Moscow against missiles to a requirement for hard-point defense of offensive-missile sites in the U.S. in 1969.

By the same token I am sure the Russians did not foresee the large increase in deployed U.S. warheads that will ultimately result from their ABM deployment and that made it so counterproductive. Similarly, no one today can describe in detail the chain reaction the Safeguard deployment would lead to, but it is easy to see the seeds of a future acceleration of the arms race in the Nixon Administration's Safeguard proposal. Soon after Safeguard is started (let us assume for now that it will be) Russian offense planners are going to look at it and say something such as: "It may not work, but we must be prudent and assume it will." They may then plan further deployments, or more complex penetration systems, or maybe they will go to more dangerous systems such as bombs in orbit. A little later, when some of our optimistic statements about how "it will do the job it is supposed to do" have become part of history, our strategic planners are going to look at Safeguard and say something such as: "Maybe it will work as they said, but we must be prudent and assume it will not and besides, *now* look at what the Russians are doing."

This approach to strategic thinking, known in the trade as "worst-case analysis," leads to a completely hopeless situation in which there is no possibility of achieving a state of affairs that both sides would consider as constituting parity. Unless the arms race is stopped by political action outside the two defense establishments, I feel reasonably sure there will be another "crash program" response analogous to what we had in the days of the "msisile gap"—a situation some would like to see repeated.

I also mentioned in my own testimony at the ABM hearings that "we may further expect deployment of these ABM systems to lead to the persistent query 'But how do you know it *really* works?' and thus to increase the pressures against the current limited nuclear-test ban as well as to work against amplifying it." I mentioned this then, and I mention it again now, in the hope that it will become a self-defeating prediction. It is also important to note that the response of our own defense establishment to the Russian ABM deployment, which I have outlined above, was not the result of our being "provoked," and I emphasize this because we hear so much discussion about what is a "provocative" move and what is not. Rather, our response was motivated by a deep-seated belief that the only appropriate response to any new technical development on the other side is further technical complexity of our own. The arms race is not so much a series of political provocations followed by hot emotional reactions as it is a series of technical challenges followed by cool, calculated responses in the form of ever more costly, more complex and more fully automatic devices. I believe this endless, seemingly uncontrollable process was one of the principal factors President Eisenhower had in mind when he made his other (usually forgotten) warning: "We must be alert to the . . . danger that public policy could itself become the captive of a scientific-technological elite." He placed this other warning, also from his farewell address, on the same level as the much more familiar comment about the military-industrial complex.

Several alternative approaches to Safeguard for protecting Minuteman have been discussed recently. These include superhardening, proliferation, a "shell game" in which there are more silos than missiles, and land-mobile missiles. Although I was personally hopeful before the hearings that at least one of these approaches would maintain its invulnerability, a review of the recent debates leaves me now with the pessimistic view that none of them holds much promise beyond the next 10 years.

Silo-hardening most probably does work now, in the sense that the combination of SS–11 accuracy and yield and Minuteman silo-hardening works out in such a way that one incoming warhead (and hence one SS–11 missile) has less than a 50–50 chance of destroying a Minuteman. If one considers the technological trends in hardening, yield per unit weight, MIRVing and accuracy, however, it does seem convincing that this is a game in which the offense eventually will win. Albert Wohlstetter, testifying in favor of the Safeguard system before the Senate Armed Services Committee, quoted a paper he wrote with Fred Hoffman in 1954 (long before any ICBM's were actually in place anywhere) predicting that the ability of silo-hardening to protect offensive missiles would run out by the end of the 1960's. That was a remarkably prescient study and is wrong only in numerical detail.

If we take the same rosy view of technology that was taken in almost all the pro-ABM arguments, then hardening will not work for more than another five years. My own view of the technological future is clearly much less rosy, but I do believe that the situation in which hardening is no longer the answer could come by, say, 1980 or, more appropriately, 1984.

Proliferation of Minuteman would have worked in the absence of MIRV. Now, however, it would seem that the ability to MIRV, which no doubt can eventually be carried much further than the fewfold MIRV we see for the immediate future, clearly makes proliferation a losing game as well as the dangerous one it always was.

The "shell game" has not in my view been analyzed in satisfactory detail, but it would appear to have a serious destabilizing effect on the arms race. Schemes have been suggested for verifying that a certain fraction of the missile holes are in fact empty, but one can foresee a growing and persistent belief on each side that the "other missiles" must be hidden somewhere.

Road-mobile and rail-mobile versions of Minuteman have been seriously studied for well over a decade. These ideas have always foundered on two basic difficulties: (1) Such systems are inherently soft and hence can be attacked by large warheads without precise knowledge of where they are, and (2) railroads and highways all pass through population centers, and large political and social problems seem unavoidable.

Where does all this leave us insofar as finding a technical solution for protecting Minuteman is concerned? One and only one technically viable solution seems to have emerged for the long run: Launch on warning. Such an idea has been considered seriously by some politicians, some technical men and some military officers. Launch on warning could either be managed entirely by automatic devices, or the command and control system could be such as to require authorization to launch by some very high human authority.

In the case of the first alternative, people who think about such things envision a system consisting of probably two types of detection device that could, in principle, determine that a massive launch had been made and then somewhat later determine that such a launch consisted of multiple warheads aimed at our missile-silo fields. This information would be processed by a computer, which would then launch the Minutemen so that the incoming missiles would find only empty holes; consequently the Minutemen would be able to carry out their mission of revenge. Thus the steady advance of arms technology may not be leading us to the ultimate weapon but rather to the ultimate absurdity: a completely automatic system for deciding whether or not doomsday has arrived.

To me such an approach to the problem is politically and morally unacceptable, and if it really is the only approach, then clearly we have been considering the wrong problem. Instead of asking how Minuteman can be protected, we should be asking what the alternatives to Minuteman are. Evidently most other people also find such an idea unacceptable. As I mentioned above, the Army has found it necessary to reassure people repeatedly that ABM missiles would not be launched without approval by "the highest authorities," even though this is clearly a far less serious matter in the case of the ABM missiles than in the case of Minuteman.

The alternative is to require that a human decision-maker, at the level of "the highest authorities," be introduced into the decision-making loop. But is this really satisfactory? We would be asking that a human being make, in just a few minutes, a decision to utterly destroy another country. (After all, there would be no point in firing at *their* empty silos.) If, for any reason whatever, he was responding to a false alarm, or to some kind of smaller, perhaps "accidental," attack, he would be ensuring that a massive deliberate attack on us would take place moments later. Considering the shortness of the time, the complexity of the information and the awesomeness of the moment, the President would himself have to be properly preprogrammed in order to make such a decision.

Those who argue that the Command and Control System is perfect or perfectable forget that human beings are not. If forced to choose, I would prefer a preprogrammed President to a computer when it came to deciding whether or not doomsday had arrived, but again I feel that this solution too is really unacceptable, and that once again, in attempting to defend Minuteman, we are simply dealing with the wrong problem. For the present it would seem the Polarises and the bombers are not, as systems, subject to the same objections, since there are now enough other approaches to the problem of ensuring their invulnerability to sudden massive destruction.

In my view, all the above once again confirms the utter futility of attempting to achieve national security through military technology alone. We must look elsewhere. Fortunately an opportunity does seem to be in the offing. There appears to be real promise that serious strategic arms-limitation talks will begin soon. The time is propitious. There is in the land a fairly widespread doubt about the strictly military approach to security problems, and even military-minded politicians are genuinely interested in exploring other possibilities. The essay by Academician Sakharoy, as well as the statements of Russian officials, indicate genuine interest on the other side. The time is propitious in another sense: both sides will be discussing the matter from a position of parity. Moreover, this parity seems reasonably stable and likely to endure for several years.

Later, however, major deployments of sophisticated ABM systems and, even more important widespread conversion of present single-warhead systems to MIRV will be strongly destabilizing and will at least give the impression that parity is about to be upset. If so, the motto of the arms race, "Let us err on the side of military safety," will come to dominate the scene on both sides and the present opportunity will be lost. Therefore in the short run we must do everything possible to ensure that the talks not only start but also succeed. Although the ABM decisions may not forestall the talks, it would seem that success will be more likely if we avoid starting things that history has shown are difficult to stop once they are started.

Such things surely include deployment of ABM missiles and MIRV's. There have been successes in stopping programs while they were in the development phase, but seldom has anything been stopped after deployment had started. The idea of a freeze on deployment of new weapons systems at this time and for these reasons is fairly widespread already, but achieving it will require concerted action by those believing strongly in the validity and necessity of arms limitations as a means of increasing national security. Thus the principal result of the recent national debate over the ABM issue has been to make it clear that Safeguard will safeguard nothing, and that the right step for the immediate future is doing whatever is necessary (such as freezing present deployments and developments) to ensure the success of the coming strategic-arms-limitation talks.

In addition, the ABM debate has served to highlight more serious issues (for example the implications of MIRV for the arms race) and to raise serious questions about other weapons systems. For instance, I suggest that we have also found that silo-based missiles will become obsolete. The only sure method for defense of Minuteman beyond, say, the mid-1970's seems to be the unacceptable launch on warming. As long as we must have a strategic deterrent, we must find one of that does not force us to turn the final decision over to either a computer or a preprogrammed President. Minuteman was conceived in the 1950's and served its purpose as a deterrent through the 1960's, but it appears that in the 1970's its threat to us will exceed its value, and that it and other silo-based missiles will have to go. The deterrent must have alternatives other than "go/no-go," and for the 1970's at least it would now appear that other strategic weapons (Polaris/Poseidon and bombers) could provide them. I expect, however, that as the continuing national debate subjects the whole matter of strategic arms to further public scrutiny we shall learn that these other alternatives also have dangerous flaws, and we shall see confirmed the idea that there is no technical solution to the dilemma of the steady decrease in our national security that has for more than 20 years accompanied the steady increase in our military power.

Mr. RIVERS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Louisiana (Mr. HÉBERT).

Mr. HÉBERT. Mr. Chairman, I rise in support of this legislation and wish to associate myself with the comments which have been made by our distinguished chairman and by the ranking member of the committee.

I think it reflects the many hours of serious deliberation that the committee spent on this bill. I hope you will support the bill in toto. This afternoon, I would particularly like to address myself to title 3 of the bill dealing with the Reserve Forces.

Public Law 90–168, the Reserve Forces Bill of Rights and Vitalization Act, required that the Congress shall authorize the personnel strength of the selected reserve of each Reserve component of the Armed Forces each fiscal year and that no funds may be appropriated for the pay and allowance of any Reserve component of the Armed Forces unless the personnel strength of the selected reach of such Reserve component had been authorized by law. This authorization is the primary purpose of this title.

This bill provides that for the year beginning July 1, 1969, and ending June 30, 1970, the Selected Reserve will be programed to obtain an average strength of not less than the following: The Army National Guard, 393,298; the Army Reserve, 255,591; the Naval Reserve, 129,000; the Marine Corps Reserve, 49,489; the Air National Guard of the United States, 86,624; the Air Force Reserve, 50,775; and the Coast Guard Reserve, 17,500.

The average strength contained in this bill are those numbers recommended by the Department of Defense as necessary to meet our military requirements.

When the bill was originally submitted, it called for an end strength rather than an average strength figure as was included last year. Subsequently, however, the Department of Defense notified the committee that they had no objection to including an average strength requirement. This formula precludes the Selected Reserve from dropping below desired strength levels and then meeting the legal requirements by increasing the strength as the fiscal year end nears.

There is a small decline in the Army National Guard and the U.S. Army Reserve strengths from last year. This is mainly because some of the units mobilized in May 1968 are scheduled to remain on active duty until December 1969, necessitating a downward man-year adjustment.

The Naval Reserve figure is brought back up to 129,000 because of the early release of two Naval Reserve construction battalions which were previously scheduled for retention on active duty through May 1970.

The Marine Corps Reserve strength is increased by 2,285 man-years for fiscal year 1970, representing an increase in unit manning levels, with no additional units being formed.

The Air National Guard was slightly increased above the figures for fiscal year 1969. The main reason for this increase is the effect of the January 1968 mobilization. A portion of the strength of the recalled unit was not included in the authorized average strength of the Air National Guard for fiscal year 1969. Some Air National Guard units were released from active duty in December 1968 and all the remaining units were demobilized by the end of June of this year.

Last year's authorization provided that the total authorized strengths of the units released from active duty shall proportionately increase the average strength of the Reserve components involved. The President's budget provided for this increase. In addition, a recent decision of the Secretary of Defense to retain seven Air National Guard units previously scheduled for inactivation in fiscal year 1970 accounts for a further increase in the Air National Guard strength. These units included five air defense fighter units—F–102 and F–89—and two Military Airlift Command units—CO97. These units are to be retained and converted to new, higher priority missions resulting in an increase of 1,528 man-years above the figure submitted in the President's budget. The Secretary of Defense decision also included the retention of four Air Force Reserve units scheduled for inactivation in fiscal year 1970.

The U.S. Coast Guard requested an average Selected Reserve strength of 17,500 for fiscal year 1970, and the bill reflects that request.

Section 303 of the bill provides new language governing the responsibility of

XUM

the Secretaries of the military departments to furnish the personnel, equipment, facilities, and supplies needed to enable all units and Reserves and the Selected Reserves to meet their mobilization readiness requirements, as established and approved contingency and war plans.

If we are to have a Reserve Force to assist us in an emergency, the force is hardly worth the paper it is written on unless the units are equipped and properly trained to do their job in the case of an emergency. For years, we have been authorizing funds for equipment for the Reserve Forces only to have them diverted to the Active Forces, thus reducing the efficiency and effectiveness of the Reserves. It is time to stop this kind of bookkeeping deception. This section takes care of that.

Section 304 permits the year-end report to be filed with the Congress 90 days rather than 60 days after the end of the fiscal year. Experience has shown us that it takes more than 50 days for the paperwork to go through the computers. Then, after this material is assembled, the results must be reviewed at higher echelons. The result is that the reports are either coming in late or reflecting information at some point previous to the end of the fiscal year. By changing the time to 90 days, we expect to receive current information within the 90-day period.

Gentlemen, we believe we have a strong, defensible bill which will insure our Nation's safety. I urge your support.

Mr. RIVERS. Mr. Chairman, I yield such time as he may consume to a distinguished member of the committee, the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I rise in support of H.R. 14000. It is a privilege to serve on this committee. I wish to associate myself with the remarks which have been made by our chairman and those which were made by the ranking member of the committee.

Mr. Chairman, we are here to consider the bill which involves $21.3 billion. This is one of the most important bills we will consider in this session of the Congress. We all sincerely hope debate will be responsible. We hope that in the days ahead as amendments are offered that tempers will not flare, that the adrenalin will not be loosed into the blood of those engaged in debate and responsibility will reign instead of emotions.

When we have finished we will have taken one of two courses—either to prepare for our survival or to have lowered our guard with the prayer that heaven will help us and our enemies will not take advantage of us. It seems to me we should all chart our course not so much as whether we are trying to satisfy some editor of a newspaper or a columnist or even those growing numbers who think it is fashionable to declare open season upon the military. We should recall that unlike the past, this time if the war clouds gather we will not have the luxury allowed to us in the past to prepare to defend ourselves.

The great part of the money we are authorizing in this bill could be quite appropriately compared to the insurance policy on one's home. A while ago the gentleman from North Carolina (Mr. JONAS) pointed out all of us carry insurance on our home but we still do not want a fire. It is true we never need a fire engine until the fire breaks out. But if we have a fire and there is no insurance or a fire department, at that moment there is no chance to provide either.

In the light of the foregoing, I subscribe to the thoughts of my esteemed chairman of the full committee who has said that it is far better to be prepared and be ready than to simply wish we were prepared and hope for the best when danger strikes.

Your House Armed Services Committee has not gone into this bill without adequate study. It is a big bill containing $21 billion, $14 billion of which is for procurement and $7 billion for research, development, and testing. When all is said and done it is $615 million less than the revised budget of Secretary Laird in April 1969 and $1.8 billion less than the military budget submitted by Secretary Clifford in January 1969.

We have combed this procurement authorization with the finest of combs. We worked on this bill for 6 months. There have been a total of 91 meetings of the full committee and subcommittees. There have been 61 meetings of the full committee.

The principal addition of funds over and above the request of the administration is $961 million for the modernization of our Navy. The Soviet Navy is a very real threat. They have quickly filled the vacuum in the Indian Ocean left by the withdrawal of the British fleet. They virtually control the Mediterranean today. Their ships are off Nantucket. Their ships are off our Carolinas. The Russian naval threat will not go away.

Procurement items in the bill include money for C–5A, the F–15, F–14, AMSA, and MIRV as well as funds for the ABM. For the procurement of ABM $345 million is included and $400 million for research, development, technology and engineering. There will be much more said about the ABM. Whether the ABM will work or not was answered in the best possible way during the debate in the other body when one of the Members pointed out if this country has the brains to send a man to the moon, there is no doubt but what he has the brains to make the ABM work.

Both in general debate and under the 5-minute rule, we will very likely hear again and again that we cannot afford the money authorized in this procurement bill. The answer is, surely a country with a gross national product which will soon approach $1 trillion can afford a $21 billion procurement bill. Put in somewhat different perspective, proponents of a strong defense posture have said what good is it to have a stomach full of food if you are dead. The late Sam Rayburn once said he would rather be a live American with an empty pocketbook than a rich dead American.

There is much dissatisfaction with the Vietnam war but that is not the issue in this debate. Everything we are authorizing here is for our own defense. We have drawn from the inventory of our military weapon vehicles, planes and ships. Largely because of the Vietnam war our cupboard is bear, our ships are old and our planes are old. We need something new and we do not have it. That is what this procurement bill is all about.

No one of the House Armed Services Committee has set themselves up as experts. We plan to accomplish in 3 or 4 days what the other body took months to achieve. Someone has quite appropriately said of the long debate in the Senate on the Defense procurement bill that never in our history has there been so much said by those who were so little informed on things that should never have been put into print at all.

Repeating, this bill has very little in it for Vietnam. Instead, it provides for long lead items for our own defense against enemies in the world that would hope we would lower our guard. Unlike Vietnam this procurement bill is not a matter of morality or immorality. It is purely and simply a matter of survival. I intend to support H.R. 14000. As a member of the House Armed Services Committee, I know that we have put in countless hours on this procurement bill. This measure deserves the full support of every member who believes we cannot afford to be unprepared.

Mr. RIVERS. Mr. Chairman, I yield such time as he may consume to the distinguished member of the Appropriations Committee, the gentleman from Oklahoma (Mr. STEED).

Mr. STEED. Mr. Chairman, I rise in support of this legislation.

I have been more than normally interested in the progress of the C–5A military cargo airplane, because the Air Force will conduct its early training programs for the C–5 at Altus Air Force Base, in my district in Oklahoma. Over the past year, I have tried to keep track of the progress this airplane is making and have made several inquiries about the airplane itself and all of its performance characteristics.

Also, during the past 7 or 8 months, I have been reading about the various congressional committee inquiries and of course, followed the Senate debate in connection with the proposed amendment to delete funds for additional C–5A's. That amendment having been defeated, we now have a companion amendment in the House.

Throughout all of the news stories and reports of testimony and debate, I have been very surprised at the concentration and emphasis on the contractual aspects of the C–5A program. Comparatively, there has been far too little said about the airplane itself and its amazing performance abilities.

The C–5 is designed to respond to an extremely difficult Air Force requirement, and every evidence so far is that it will do so with room to spare. I believe it will be welcomed, not only by Air Force pilots, but also by the Army men on the ground who are so dependent on the supplies it will bring.

If we buy enough of them, C–5's will replace all the wornout, obsolete C–133's and C–124's at less than one-quarter of the cost per ton-mile.

In addition to doing it much cheaper, the C–5 can carry many oversized military equipment items that none of the others can carry at all. It will fly almost anywhere, nonstop, quickly and certainly—and when it gets there, it will land on short, unimproved fields, close to the men who need the items being carried on board.

You marvel that it can carry over 130 tons of supplies—that with lighter loads it can fly 5,500 nautical miles nonstop—that its landing distance can be less than 3,600 feet on a wet, grass-covered runway.

And, if you want to consider its usefulness—here is a list of one typical load that can be carried in just one C–5: One M–48 bridge launcher, weighing more than 128,000 pounds; four M–151 quarter-ton trucks with trailers, weighing a total of more than 16,000 pounds; two M–170 ambulances, weighing more than 7,500 pounds; two UH–1D helicopters, with a combined weight of 9,000 pounds; two M–54 5-ton trucks with trailers, weighing over 70,000 pounds; two M–37 three-quarter ton trucks with trailers, with a total weight of more than 20,000 pounds; plus 52 drivers, troops, and support personnel, who with their equipment weigh more than 12,000 pounds.

The total for this typical load in one C–5 is 264,768 pounds. And that airplane, with that load, can fly 2,500 nautical miles nonstop and land on a wet, grass field in less than 5,000 feet.

Or, if you want another statistic, the C–5 can carry 16, yes 16, three-quarter-ton trucks at the same time.

It will truly be an astounding performer—this C–5A, not only in the sheer size of its capabilites, but also at a ton mile rate lower by far than any other airplane in existence in the world today.

The statements I have just made about the C–5 cannot be made about any other aircraft in the world, and I am glad our Nation has it. But, of course, none of these great capabilities mean much if we do not need them.

But every evidence is that we do.

If this amendment is not defeated, the Air Force has said it will be forced to retain its C–133's and C–124's—despite their excessive cost of operation—despite the cost of further modifications to the C–133's—despite the fact that these airplanes cannot carry the outsized equipment that is needed—and despite the fact that these airplanes are grossly inefficient and hopelessly obsolete.

And even with the continued costly use of these old aircraft, there still would be a glaring deficiency in the strategic airlift rapid deployment capability that has been established as a requirement.

It is inconceivable to me that we would require the Air Force to fly obsolete and costly old airplanes that cannot do the job, when an outstanding new working tool is available in the form of the C–5A.

The C–5A is not only a giant in size—it also is a gigantic step forward in the state of the art—and it will serve an equally great need in the mobility and flexibility of our military forces.

All of the people of the Fourth Congressional District of Oklahoma are looking forward to welcoming the C–5A to Altus Air Force Base in the near future. I feel certain that the "marriage" performed there—between the world's finest military cargo airplane and the world's finest pilots in the U.S. Air Force—will be a very happy one.

Mr. RIVERS. Mr. Chairman, I yield such time as he may consume to a distinguished member of the committee, the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Chairman, the increasing evidence of antimilitary sentiment in this country is most disturbing. At a time when the Soviet Union is closing gaps and Red China, while spewing threats and abuse at the United States, is building up a powerful war machine, amazing as it is, we find here in our country antimilitary gestures being manifested on many fronts.

We hear the howls of the antiwar element and the shameless outbursts of the pacifists. College ROTC programs are under attack. The anti-ABM and the anti-MIRV forces have been extremely vocal. The anti-CBW crowd beats their drums. The alleged industrial-military complex is wrongfully pictured as a sinister conspiracy in our society. The draft is under attack by the fuzzy brained professors, the hippies and yippies, the Spocks, and the Carmichaels. In some quarters it has become stylish to oppose, reduce, and denounce anything related to military preparedness in this country.

Then, there has been the surfacing of the new left, of which the Students for a Democratic Society is very much a part. The pro-Marxist SDS, which claims 30,000 members in American colleges, is aided and abetted by leftwing teachers, Black Panthers, and other militant troublemakers.

The people, goaded and financed—in part, at least—by the Communist Party U.S.A., are forever finding fault with their own country, but never seem to criticize Hanoi or other potential Communist aggressors.

Practically every facet of our military buildup seems to be suspect in the minds of most of these people. Fortunately for America they represent a relatively small minority of our population.

Now this does not mean that we should not exercise prudence and appropriate restraint in expenditures for national defense. Every outlay for this purpose, and indeed for every other Federal expenditure of tax money, should be screened, rejected if unsound, and reconciled with good judgment. Our Committee on Armed Services has done just that, so far as the military is concerned.

Whether by coincidence or not, it is a fact that most of those, whether on the college campuses or elsewhere, who oppose the draft, for example, also oppose the war in Vietnam, the anti-ballistic-missile program, the mythical industrial-military conspiracy, the ROTC, and practically every other move to strengthen our military posture. At the same time, of course, there are those who in good faith oppose various defense programs, who present their views in an orderly manner.

Mr. Chairman, we are living in a time that calls for sanity and soul-searching. It is a time which calls loudly for unity. Indeed, had there been complete unity among our people, backed by a positive win policy, it is safe to say the war against the Communist aggressors in Vietnam would have been won long ago and thousands of American lives would have been saved.

In dealing with those programs and weapons which our best military minds consider to be essential, let us proceed realistically and always give any doubt in favor of those measures which are designed to strengthen our defense posture. We should not ask for more, nor should we settle for less.

There is something reminiscent about the antimilitary eruption in this country. It reminds us of those critical months which preceded World War II, when the antidraft forces were so strong that only a few weeks before Pearl Harbor the draft was extended by a margin of only one vote in the House of Representatives. It reminds us that not long before the Japanese struck there was a substantial vote recorded against a measure to build up the military effectiveness in the island of Guam. And it reminds us of a strong move against a measure, sponsored by Carl Vinson, to create a two-ocean Navy.

Much of that opposition was in the name of economy and a faint but unrealistic hope for neutrality. Others insisted such measures were unnecessary, war-like, and provocative. And all of that at a time when Hitler was sinking our unarmed merchant ships on the high seas, and when Japan was amassing a war machine of major proportions. Less than a month before Pearl Harbor the Congress, over bitter opposition, managed to amend the Neutrality Act in order for helpless merchant ships to be equipped with deck guns.

It is true that times are different today. But with the balance of world power hanging in the balance, who are we to say there is not a significant similarity of dangers involved? Would we not be well advised to follow Napoleon's advice, hope for the best but be prepared for the worst? Let us remember that Hitler's Germany and Japan were armed to the limit in 1939; now, 1969, the Soviet Union and the Red Chinese are armed to the limit. And both of them point to the United States as their No. 1 enemy.

Above all, let us not be hoodwinked into thinking for a moment that our security is not in jeopardy today. This is a time for us to close ranks and move forward in a spirit of unity and determination. We can ill afford the luxury of unwarranted dissent and division, particularly at the level where definitive actions are taken and where responsibility lies, if an adequate security posture is to be maintained.

The best way, and perhaps the only way, to achieve and maintain peace in this troubled world is to keep America strong and powerful. Anything less is an invitation for disaster.

Mr. Chairman, I enthusiastically support the pending procurement bill. The committee spent weeks on it and evaluated every provision, line by line. We live in an age of technological and scientific marvels which requires research and development in the constant search for better weaponry. The enactment of this bill will make America stronger.

The committee left no stone unturned

in listening to and carefully evaluating every change that was proposed. I am convinced that in view of conditions in this country and in the world today, this bill offers the least for which we can afford to settle. And I am convinced this House, close as it is to the voice and well-being of the American people, will support the measure overwhelmingly.

Mr. ARENDS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. King).

Mr. KING. Mr. Chairman, I rise in support of H.R. 14000, the military procurement authorization bill as reported from the Armed Services Committee. I would like to comment briefly on some of the criticism being leveled at the so-called military-industrial complex which I feel is an attempt to downgrade our national military posture.

The strength of our Nation depends on not only the number and quality of the men available to fight for it but also upon the scientific, technological, and productive capacity of the Nation's industries.

It has been through the combined efforts of the military and industrial organizations to design, develop, and deploy necessary weapons systems that has made this Nation great and has kept it free.

What is contributing most to the current debate on national purpose and national resources is the bitter sense of frustration over the war in Vietnam. The enormous and unpredicted costs, combined with a sense of futility, have created social and economic pressures that have been directed toward almost all defense programs.

No one calls a national security budget of $80 billion a piddling sum. It is big, but contrary to popular belief, the majority of the defense budget is not funneled over to the defense industry for hardware. More than half of all defense dollars go for personnel related costs. We are spending over $7 billion on research and development vital to our survival. We are spending $291 million for research and development in some 350 colleges and universities.

The decisions we in Congress are making today will determine our national posture in the middle and late 1970's. There are some who feel that our priorities at home are so demanding that we should direct most of our national resources to them, cutting back drastically our military developments and requirements. These people should be advised that if we unilaterally lower our defenses and if a nuclear war results, the problems of our present world will seem minor indeed in comparison.

The basis for any national security policy must be a threat of intervention or aggression.

No one wants a Military Establishment simply for the glory of having one, least of all those who serve in it, either willingly or unwillingly. But the hard military facts of life today regarding the number of military threats around the world prove that it is hardly the time to cut military expenditures or impair our defense readiness. While some may disagree, I have been unable to find any mellowing on the part of Communist aggressive aims. It is not evident in Vietnam, nor at the Paris Peace Conference, nor in Czechoslovakia, nor in Korea.

Several areas of potential involvement of the United States exist today, requiring not only a large Army and Air Force but also a strong Navy.

Some say that we cannot protect our people from the effects of nuclear war, but in a large sense that is not correct. If we provide for deterrence by maintaining, providing, and protecting our forces, we reduce the probability of an enemy attack and increase the probability that our people will be safe.

Mr. Chairman, passage of the authorization bill as it has been submitted would reassure our military that our Nation stands behind them.

This proposal has received a penetrating review by the House Armed Services Committee, under the outstanding leadership of the distinguished chairman, the Honorable L. Mendel Rivers. The committee has been fully cognizant of the costs of defense and other needs of our country. We have already made substantial cuts upon the recommendation of the President and Secretary of Defense in the authorization and I sincerely feel that any further cuts would be an unacceptable risk to our security.

Mr. ARENDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. Clancy).

Mr. CLANCY. Mr. Chairman, I rise to give my full support to H.R. 14000 now under consideration by this body and urge its immediate passage. In my judgment, this is one of the most important bills to come before Congress each year, if not the most important.

This legislation authorizes appropriations totaling $21,347,860,000, the bulk of which is for the procurement of urgently needed aircraft, missiles, naval vessels, and other military hardware to keep our defenses at the high level needed at this time.

By passage of this bill we make a determination of the defense posture necessary to be maintained by this country to insure our national security. It is difficult to calculate or assign value in dollars and cents to this proposition. It is impossible to repair whatever damage may be caused by the lapse of time or lack of effort applied in keeping our defenses strong and secure.

This measure attempts to deal realistically with the responsibilities the United States faces in a complex, uncertain international setting. It endorses a posture of constant readiness of our defenses and it underwrites a policy of diversification of those defenses permitting a flexible response in any contest. It provides for the supplementation and modernization of our defense system in accordance with the contemporary developments of those who challenge our security.

In this bill, the Safeguard anti-ballistic-missile system has been designated to receive appropriations totaling $746.4 million. The adversaries of freedom have made tremendous progress in the technology of mass destruction. We must, therefore, more than ever before in our Nation's history, have in our military inventory sufficient weapons and force to survive a massive nuclear attack and to deliver a decisive counterblow.

Anti-ballistic-missile defense is not a cureall for the security of the United States. It is not the ultimate defense system, for technology knows no limits and each decade produces fresh challenges and a greater need for response on the part of free nations. Antimissile defense is, however, an essential component in the network of military systems designed to give the American people a seamless garment of security in an age of acute danger.

If an enemy is planning a first strike attack, his utmost consideration is "certainty." He must, therefore, assume the most pessimistic capabilities for his own force and the most optimistic capabilities for a defending force. Since the ABM would greatly reduce any sense of certainty that the enemy might have about the success of his attack, it provides an important deterrent to nuclear attack. Therefore, a broad view of the need for the ABM must take into consideration the attitudes of the enemy toward the United States, the enemies' experience with ABM systems, and present and projected military capability.

The Armed Services Committee has taken the position that our national defense effort, to be truly effective, must be based on a balanced and flexible military force—a force that can be employed at any time and at any place, either wholly or in part, to effectively counter any type of aggression, be it guerrilla warfare or nuclear attack. To that end, we have stressed the grave importance of not relying entirely on our missile capability for our military strength. It is a matter of great urgency to hasten the development of an aircraft that can meet the optimum performance characteristics that are required today. I believe that the C–5A will put this country years ahead in airlift technology. It is more than the world's largest airplane, it is a new kind of defense system. A fleet of U.S. C–5A's, each shouldering 130 tons of helicopters, heavy artillery, tanks, trucks, folding bridges, munitions, medicine, food, fuel, and men, can make this the only country that can move an army across an ocean in a matter of hours. It is like having a military base in nearly every strategic spot on the globe.

Although the C–5A has many virtues, its main value is, as I have mentioned, its unique capability to deploy rapidly all the equipment necessary to enable our ground combat units to go into operation quickly when our treaty commitments require it.

During the late 1950's and early 1960's, the slow, range-limited propeller drive C–124 and the turboprop C–133 were the major aircraft that provided this capability. However, these aircraft cannot provide the fast deployment mobility currently required by our commitments.

The first step in improving our airlift force was the introduction of the C–141, which is currently our largest operational military jet transport. Its performance

XUM

has been outstanding. However, about 35 percent of the equipment needed by an infantry division is too large to fit in the aircraft. Such items as tanks, helicopters, and armored personnel carriers, for example, cannot be transported in the C-141.

Eight years ago, Mr. Chairman, the Air Force foresaw the unavoidable retirement of our propeller aircraft and recognized the cargo size limitations of the C-141. Accordingly, the Air Force proposed a large, fast jet aircraft designed to carry all the large items of equipment of an Army division. Further, the design allowed the deployment of the necessary personnel required to man the equipment. This unique capability to airlift the combat troops and their equipment simultaneously is vital to an effective and responsive force deployment.

The C-5A weight is about twice that of the C-141 and it has three times the range/payload capability. Carrying up to 87 Army personnel on its upper deck and 200,000 pounds of heavy equipment or vehicles in the cargo compartment, the C-5A is the heaviest aircraft ever flown—a recordholder. Yet it takes less runway to land than many commercial airliners. Its 28-wheel high flotation landing gear permits the aircraft to land on unpaved primitive airfields and is designed to adjust vertically to allow the aircraft to kneel to match cargo compartment floor heights with loading docks, trucks, and to permit drive-on and drive-off traffic. The cargo compartment has full width openings, fore and aft, which provide a drive through capability and the rear door opens in flight to permit airdrop of materials. Airdrop loads in units of up to 50,000 pounds in size are possible—quite an improvement over the C-141.

Flight testing indications are that the C-5A will successfully meet the primary mission performance requirements.

This includes such requirements as maximum payload and range, takeoff and landing distances, engine thrust and specific fuel consumption, substandard runway operations, and maintainability and reliability.

The C-5A can help deliver completely equipped combat units, support forces, and all types of supplies, including large and heavy weapons virtually anywhere in the world. The C-5A, supplemented as required by the C-141 and civil reserve air fleet, will give U.S. defense forces the capability for instant reaction to global emergencies. For the first time since the development of modern ground combat equipment, both the troops and their supporting equipment can be deployed directly by air from a base in the United States directly to a forward combat area.

The simple fact is that this airplane is the only one of its kind. It is the only aircraft we have available for the unique requirements of operational ground force mobility.

There has been considerable discussion regarding cost overruns on the development and production of the C-5A aircraft. However, mitigating circumstances over which neither the Air Force nor the contractor had any control account for some of the cost increases. Abnormal economic fluctuations or inflation were reflected by increased costs of labor, overhead, material, and subcontractor costs. Other contributing factors were: Technical problems requiring redesign of the airframe; oversaturation of industry supplier capacity—a "seller's market"; use of more expensive material such as titanium and beryllium; and the application of more expensive fabrication techniques. Other reasons for this cost growth were: late specifications and changes, a tight delivery schedule, and the early phaseout of the C-141 production line.

The C-5A program initiated the new procurement technique known as the total package procurement concept. All developmental work and much of the support and production work were, under this new concept, to be procured under competition in one contract containing commitments on price, performance and schedule. However, this was not truly a total package as the contract did not include costs for initial spare parts or their replenishment depot level associated ground equipment, first destination charges facilities, or military construction.

In addition thereto, the C-5A contract was not a firm fixed-price contract. It is a fixed-price incentive contract with both cost and performance incentives.

Relatively little has been said throughout the public debate on the C-5A program about the engines for this airplane. The engine supplier, General Electric, has been able to meet the requirements of its contract with the Air Force and to deliver engines as needed at costs that do not exceed the contract ceiling prices.

Over 200 successful flights involving more than 3,000 engine flight hours have been made with the TF-39 engine manufactured by General Electric, Evendale, Ohio. To date, the total hours of factory testing and flight testing of this engine exceed 23,000 test-hours, an equivalent of 10 years of actual C-5A aircraft life. The engine has performed thus far in a very reliable manner. It has never been necessary to shut down an engine in flight, nor to abort a flight. Compared to other aircraft and engine development programs, this is indeed a remarkable record of success which attests to the greatness of this engine.

By means of factory testing some difficulties were detected during the development of this engine. Corrections were devised and proved in such a way that they were introduced into the production engines without any hold-up in aircraft production. So much effort has gone into making this engine reliable and long wearing that it will be relatively inexpensive to operate in service. General Electric feels that from the standpoint of a product that meets expected performance and delivery schedules, this is one of the most sucessful aircraft engine developments it has undertaken.

The legislation before us today is consistent with the maintenance of a military posture sufficient to deter aggression on the part of those who strive for world domination. In every instance the committee has worked to provide a bill which balances budgetary considerations against the realities of power and the impact of dollars saved against the security of the Nation. The result of such considerations is the bill which is before you today. It is one to which I give my full support and recommend for your favorable consideration.

Mr. ARENDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. WHITEHURST).

Mr. WHITEHURST. Mr. Chairman, the proposal to appropriate funds for additional ships for the Navy and to modernize others can only be described as a belated step in the right direction. We as a nation need to be stronger at sea, not weaker as has been so recently suggested. And I also believe that we as a nation need to understand better what the sea offers us now and will offer in the future. The point which seems not to be too well understood is that there is far more at stake here than just whether the Navy can have 35 new ships.

Our non-Communist world is essentially a maritime alliance which is a system dependent upon the sea for communications and economic prosperity as much as for defense. The success of the free societies of the world, and the political integrity of those States are anchored in an economic well-being which in turn is to be found in their trade in the world marketplace. This trade has to go by sea. We are thinking of such countries as the United States, Great Britain, Japan, West Germany, Italy, France, Sweden, Australia, New Zealand and Canada. This list is not all of the free world States by any means, but it is enough to show that the political and economic fortunes of all are tied to the sea.

Even if we take the selfish viewpoint and consider only the economic health and prosperity of the United States, we find that those free sealanes as guaranteed by the Navy are mandatory for our multibillion-dollar export-import trade, and that they bring us some 60 critical raw materials without which our present way of life could not continue. To that you can add all the shipbuilding, port and yard facilities, labor and other sea-related industries. And this freedom of the seas as preserved by naval power in our hands perhaps is even more necessary if we are to think at all about any future development of those immense marine resources of all kinds which are our rightful heritage in the sea.

Most of us have a pretty good idea of how nations have used the seas from ancient times to the present. Most of us know the classic historical doctrine of the sea and how it was used to turn the tide of empires. Perhaps that has caused some of us to look at our missile-space age and say old-fashioned seapower has no place. And indeed there is not much place for old-fashioned seapower. But the thinking must not be allowed to stop at that point. What we do not know or possibly have not thought about much is how today's advances on all fronts are opening ways to use the sea in the thoroughly modern context.

As we approach the decade of the seventy's we are finding there is much more going on in the modern ocean than the passage of ships and the swimming of fish. We find the sea itself becoming a competitive place. It is because immutable facts of world geography have placed the sophisticated nations of the world in the Northern Hemisphere near the water, and also many of the new and emerging nations. Nations are competing at sea in five distinct but related areas: the political, the economic, the area of ocean resources and the naval and strategic. The sum of a nation's capabilities in all these areas amounts to its total seapower effort. In our case the key to it all is naval strength, but it is not all naval strength by any means.

For the first 15 years after World War II we could do pretty much as we pleased on the sea because we came out of that war so strong on the sea. Then around 1960 some remarkable and quite important changes began to take place. The new competitive sea began to make itself felt. Other nations were claiming their birthrights in the world ocean. Japan, West Germany, France, Great Britain, and Italy, resurging from the shambles of World War II with new economies based in good part upon sea trade, regained world political stature, even to the point of aid to less developed countries. But the country making the biggest splash was the Soviet Union. In addition to a foreign aid program almost as large as our own, the Kremlin forged a massive sea capability which had obvious political and economic talents as well as naval and maritime uses. Now, wherever a Soviet ship goes, naval, merchant, pleasure, icebreaker, fishing, or oceanographic, there also goes Soviet ideology, usually in the form of a hard sell.

Even though the United States is more than holding its own with the world's biggest and best Navy, the biggest world trade volume, and is among the leaders in ocean transport, there must be great significance to us in the rise of the seagoing activities of these other countries. And there is. What they are telling us is what we seem so reluctant to see and admit, even though we traditionally like to think of ourselves not only as a maritime power, but as historically one of the greatest. They are telling us that far from being outdated, national power at sea and national uses of the sea are going to have deep and lasting effects upon present and future world order or the lack of it.

With regard to a use of the sea in today's world, it is nearly time for us to fish or cut bait. That is why the 35 new warships which started this discussion are so important. There will be upon us very soon the hard requirement to set our total goals in the world sea, and along with that will come the equally tough requirement to balance those goals against the national capability in both technology and investment, and to weigh the benefits against the real long term costs.

We think we know something about the sea. But I wonder how much we know about the modern sea. For instance, that the modern sea sets its own imperatives—things a nation must do to realize the benefits justly due them from the world oceans. And for instance, how tough minded the modern sea is. The sea does not care who understands its imperatives or misunderstands them, as history has shown time and time again. The only difference in our time is that onrushing technology is making both the rewards for understanding and the penalties of misunderstanding so much greater than ever before.

It may seem a trifle odd that this plea for 35 new ships for our Navy has mentioned the Navy hardly at all. Let me assure it is only a matter of putting first things first. I for one am convinced that the first problem we have at sea is the one of gaining a national understanding of what total sea power can do for us now and in the future. Once that understanding is ours, the spearhead and central element of seapower, the Navy, will never have to beg for ships.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, I do want to express my deep appreciation to the distinguished minority whip, and the ranking minority member on the Committee on Armed Services, for granting me this time.

Mr. Chairman, I want to agree with the observations made by my colleague, the gentleman from California (Mr. GUBSER) when he said there were two important things. First, there is a threat to this Nation and, second, that time is running against us in meeting that threat.

I think we ought to recognize in considering this legislation that those who do not speak enthusiastically for every item in it in the full dimenson are not bleeding hearts, and their patriotism is as great as any other person, including the distinguished chairman of the Committee on Armed Services himself.

Mr. RIVERS. Mr. Chairman, if the gentleman would yield, had the gentleman been here, the gentleman would have heard me make that statement.

Mr. MOSS. Mr. Chairman, I heard the statement, but I heard the continuing innuendo that went on throughout the thread of the remarks.

The fact is that the security of this Nation is also at stake here at home, and that we need some priorities assigned in this Nation. We cannot give to one department of the Government everything that it wants, as we have been doing—and I am as guilty, I think, of that as anyone. This is only the second time that I have stepped into the well to urge that we give the careful attention to priorities which are needed now, and which in my judgment have not been given, and are not reflected in the legislation now before us.

I hope that in the Committee on Appropriations a more careful consideration to those priorities will be given.

I point out to you that the industry and the business of this Nation that is not defense oriented is in deep trouble. It is in deep trouble because of the constantly escalating cost of money which is directly tied to our deep involvement and the escalating involvement in the Far East. I am not unfamiliar with that involvement, and I am not speaking here against the military. I am speaking for a rational balance for the military in the overall availability of wealth that this Nation has to commit to its many urgent priorities—and we have urgent priorities in every city, in every community in this Nation. We have them in every agency and in every department of the Government in this Nation.

We have been working in the Commerce Committee for the past few weeks to try to create the means of having an air transport system adequate to meet the demands of a great nation.

The Committee on Ways and Means has been considering a further enhancement of the trust funds for highways.

We have a serious disruption of communications in the largest city in this Nation, the city of New York.

We have priorities in every level of education that cry out for more dollars. Yet, the only bill that comes to the floor of this House that is not significantly cut is the one affecting the armed services—and that is not an antimilitary statement. That is a statement of fact—$47 million are cut out of a bill running to $21.3 billion. Why that is petty change. That is small cash for the military. That can be wiped out by eliminating waste in almost any activity in which they are engaged. It is not the way for responsible legislating.

I said earlier that there was a lack of time for adequate discussion and I point out that there have been many Members who want to talk and who needed more time who were contributing to the dialog in this House and were unable to get that time. One of my colleagues, the gentleman from California (Mr. LEGGETT) wanted more time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ARENDS. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, as one who has kept "book" on closed rules and on waivers of points of order, I would like as a preamble to point out that we are operating here under an open rule with no waivers of points of order. I commend the Committee on Rules for it.

Further, I would like to say that comparisons with the actions of the other body in considering this procurement bill for a matter of 8 to 10 weeks and comparing it to the time allotted here, are odious because I think ofttimes a disservice to the Nation was performed in that discussion, although I am not adverse to public information.

I would simply summarize this by saying that never was so much said by those who were so little informed about something that maybe never should have been discussed in the first place.

Mr. Chairman, today the Committee on Armed Services brings to the Committee of the Whole for its consideration, a bill of over $21 billion authorization for military procurement.

While the full committee met on 47 separate days, heard 73 witnesses, and published 2,660 pages of hearings testimony, this record does not show the full scope of the committee's preparation for

XUM

the bill. All of the authorization and posture hearings of prior years contributed to our preparation for this bill. Indeed, many of the questions which were asked this year, had to be with the relation of the current presentation with those of prior years. There were meetings of subcommittees which bore directly on the subject matter of the bill—and just the daily work of each of us is herein compiled. There were many trips that we took which added to our understanding of the problems of our defense in the same spirit in which the architect oversees the builder. We received a number of briefings which were not recorded as part of the hearings, including our usual classified military intelligence briefings. We have received and examined a large quantity of top classified information.

Out of all of this we have produced H.R. 14000—a 17-page bill and House Report No. 91-522, a 145-page report to which have been added 29 pages of additional views. These are the paper results of the actions of the 39 members presently on the Committee on Armed Services.

You may wonder why I have gone into these statistics in such length. I desire to review for you the history of committee operation.

As has often been quoted to you, article I, section 8, of the Constitution gives the Congress the power—among others—

> To raise and support armies;
>
> To provide and maintain a navy;
>
> To make rules for the government and regulation of the land and naval forces.

Article I, section 5, further provides:

> Each house may determine the rules of its proceedings.

There do not appear to be any references to the use of committees in the Congress in any of the papers relating to the formation of the Union. There is no apparent reference to them in either the Federalist papers or in the debates as recorded by James Madison. However, Jefferson prepared a manual for his guidance as President of the Senate from 1797 to 1801. This manual was adopted by the House in 1837, as a guide for its deliberations in supplement to its rules.

The importance of order in the functioning of the House is stressed at the beginning of the Jefferson Manual:

> It is very material that order, decency, and regularity be preserved in a dignified public body.

The Jefferson Manual is generally credited as the best statement of parliamentary law at the time that it was written. The practice of working through committees existed not only in the House of Commons in Great Britain, but also in the early colonial assemblies—for instance Pennsylvania and especially Virginia. In section XI, Jefferson clearly recognized the necessity of using committees:

> Standing committees, as of Privileges and Elections &c, are usually appointed at the first meeting, to continue through the session. The person first named is generally permitted to act as chairman. But this is a matter of courtesy; every committee having a right to elect their own chairman, who presides over them, puts questions, and reports their proceedings to the House.

In its early days, the House conducted its business by the use of a number of "ad hoc" committees. Only gradually did it create standing committees. The House Committees on Military Affairs and on Naval Affairs were not formed until 1822. Under the Legislative Reorganization Act of 1946 these two committees were joined into the present Committee on Armed Services.

At the present time the Committee on Armed Services functions in accordance with the provisions of rule XI of the Rules of the House of Representatives:

> All proposed legislation, messages, petitions, memorials, other matters relating to the subject listed under the standing committees named below shall be referred to such committees, respectively:
>
> 3. Committee on Armed Services.
>
> (a) Common defense generally.
>
> (b) The Department of Defense generally, including the Departments of the Army, Navy and Air Force generally.
>
> (c) Ammunition depots; forts, arsenals; Army, Navy, and Air Force reservations and establishments.
>
> (d) Conservation, development, and use of naval petroleum and oil shale reserves.
>
> (e) Pay, promotion, retirement, and other benefits and privileges of members of the armed forces.
>
> (f) Scientific research and development in support of the armed services.
>
> (g) Selective service.
>
> (h) Size and composition of the Army, Navy, and Air Force.
>
> (i) Soldiers' and sailors' homes.
>
> (j) Strategic and critical materials necessary for the common defense.

Acting under these rules—after extensive hearings and other preparations, the Committee on Armed Services, in regular manner, and for the orderly conduct of business of the House has brought the present bill before you today.

The responsibility of the Armed Services Committee has also been set forth in statutes. They have been repeated here once today by the distinguished ranking minority member, and I shall not repeat them again except to add that we should also be cognizant of the responsibility of our committee for oversight, surveillance, and review of an add-on, added like the tail of a dog, which has been sutured by the Curtis-McCormack amendment to an appropriation bill, which has been much misinterpreted and much misconstrued to broaden the present Department of Defense with its oversight of the three constitutionally formed armed services, and I would refer you to the supplemental views in the report of the Joint Committee on the Reorganization of the Congress to find out what I think about this appendage and its need for reamputation.

Before 1959, only military construction and construction of naval vessels required authorization. Starting with Public Law 86-149 of August 10, 1959, the Department of Defense has been required to seek authorization for various kinds of procurement in addition to those items. This requirement was expanded by Public Law 87-436—1962—Public Law 88-174—1963—and Public Law 89-37—1965. Today the procurement of all aircraft, missiles, tracked vehicles and naval vessels as well as all research and development has to be authorized. This means that these areas receive special scrutiny by the Armed Services Committees on a line-item basis, before the services can go to the Appropriations Committees to receive the funds involved.

In the present bill, we are further expanding this authorization responsibility to include other vehicles, weapons, and munitions.

Having the responsibility of providing for the common defense by raising and supporting armies and providing and maintaining a navy, your Committee on Armed Services has exercised its responsibility by recommending H.R. 14000. This has been done, Mr. Chairman, after backgrounding, prayerful consideration, perception hopefully, and prudent judgment always; based on the sum total answer to three hauntingly persistent and logically basic questions:

First. If not us, whom?

Second. If not there, where?

Third. How else with freedom and honor?

Today there is opposition to the bill the Committee on Armed Services has almost unanimously approved. The opposition has not had the responsibility that this committee bears. Nor has it had the benefit of extensive hearings and testimony from those in the executive branch charged with carrying out the laws relating to our national security. Nor has it received the voluminous amount of classified information which has been made available to the entire Committee on Armed Services.

I have carefully reviewed the materials which have been published from time to time in the CONGRESSIONAL RECORD as constituting the work of the "loyal opposition." I must say that there is one gaping omission in their work. There is much discussion of the costs of various military operations. However, there is little relation to the threat we are facing. The Committee on Armed Services has very carefully set forth the major portions of the threat, starting at page 8 of its report. Remember always, our committee is a committee on defense as indeed our Armed Services are defense forces.

Your Committee on Armed Services has long been concerned with the apparent rush of the Soviets to overtake us in the matter of nuclear arms. In order to highlight this problem, we asked the American Security Council to examine the relation between our nuclear arms and those of the Soviets from all unclassified sources. That report, "The Changing Strategic Military Balance, U.S.A. versus U.S.S.R.," was printed as a committee print so that it could receive congressional distribution. This was later followed by "The ABM and the Changed Strategic Military Balance, U.S.S.R. versus U.S.A.," published privately. The committee asked the American Security Council from examine the maritime situation from unclassified sources. That report, "The Changing Strategic Naval Balance, U.S.S.R. versus U.S.A.," was published as a committee print so that it, too, could receive congressional distribution. More recently

XUM

our Subcommittee on Seapower issued its report, "The Status of Naval Ships," which has received widespread distribution.

The lesson from all of these unclassified sources—as well as inherent knowledge from a large number of classified sources—is that the Soviets are exerting every effort to better us, not only in strategic nuclear weapons but also in the naval-maritime field. These are two fields in which we have always thought we should predominate. Our ocean borders and friendly neighbors across our boundaries, require it. Our freedom-loving world allies rely upon us.

The report of the Committee on Armed Services this year goes very carefully into the threat. It considers the growing and expanding nuclear threat from the Soviets—not only in numbers, but in sizes of warheads as compared to our posture which has been voluntarily static for a considerable time.

As we go into the multiple warheads for our missiles, the Soviets will also make a similar development. Since their warheads can be much larger, they can either multiply more warheads or multiply larger warheads—in either instance gaining further advantage over us.

In the naval-maritime field we know that the Soviets have produced not only a new navy—but also a new merchant marine, and all since World War II. It is timely that Jane's Fighting Ships says that the Soviets are ahead in new construction and have built a navy "to be reckoned with." On the other hand, he has discouraging remarks to make about the U.S. Navy:

> All the same, prodigious though the recent shipbuilding effort has been, especially in the fields of nuclear-powered submarine construction and guided missile development, the U.S. Navy has not overcome its block obsolescence problem. Most of the U.S. aircraft carriers, cruisers, destroyers, escorts and minesweepers, refitted or not, are a quarter of a century old. War potential though they could still just be, they are becoming a liability.

While we have been slow to develop new airplanes—having only had the C-5A, the F-111, and the F-107 in the past few years, the Soviets have been coming out with at least six new fighters and a new bomber as well as a new supersonic transport.

While we have stopped construction of our Polaris submarines, and have only just started two classes of new fast or quiet attack submarines, the Soviets have been coming out with several new classes of both missile and attack submarines.

The review of the Soviet technology shows that it is carefully developed—primarily with the military needs in mind. The Soviet schools are turning out more scientists and engineers now than our schools are—and of course the Soviets can direct them into the fields where they are needed—they are not free to seek employment where they will.

Against this background, Mr. Chairman, our committee has endorsed a bill for over $21 billion in procurement of missiles, planes, tracked vehicles, naval vessels and research and development.

In one major respect we have gone beyond what the executive branch has asked for—because our committee has long recognized the need for rebuilding the Navy. Unless we are already too late, the time to start that rebuilding is now. We have provided for nearly $1 billion more for shipbuilding than was requested by the President. We have long been studying the "block-obsolescence" of the Navy. We have recognized the necessity of getting new capital ships. We must have new aircraft carriers, new destroyers, new frigates and new submarines. We also must have new support ships—for our warships cannot function properly if there is delay and problems in replenishing them.

It is against this background of the committee's responsibility and the committee's study of the threat that we are recommending the bill that is before you today. I commend it to your passage.

Mr. RIVERS. Mr. Chairman, I yield to the distinguished ranking majority Member of the House on our committee, the gentleman from Massachusetts, Representative PHILBIN, such time as he may consume.

Mr. PHILBIN. Mr. Chairman, I strongly support the pending bill.

The bill is necessary to continue the quality and adequacy of our national defense into the 1970's. It must be remembered that this House has a very heavy responsibility, not only to meet the present day needs of our Armed Forces but to prepare for our national defense in the future and make sure it is sufficient to meet all our defense needs.

The Soviets have been modernizing and improving their forces at a surprising rate, and are rapidly pulling ahead in some crucial respects. We must be strong enough to deter Soviet aggression in the decade ahead as in the decades past until total peace comes to this troubled world.

I know this bill comes at a difficult time when people feel frustrated by the tragic burdens and uncertainties of the Vietnam war and the need to solve pressing domestic problems.

But we must not let these unhappy frustrations blind us to the real needs of overall defense so urgently needed at this time, and until, through our most vigorous efforts and concern, we succeed in pressing the Soviet with the urgency of world peace.

All of us very much hope the strategic arms limitation talks—SALT—will begin soon and we will do all in our power to help the President to press for this vital project and work unitedly for its success.

But we cannot let our guard down until some definite agreement can be reached.

With reference to our economy efforts, it should be noted that in approving this $21.3 billion authorization bill, we authorized $7,421,400,000 for R.D.T. & E. However, but we also reduced the R.D.T. & E. funds by $801 million, and the sum of $260 million from the item for tank procurement, and other sizable cuts. This is a stringent budget.

Moreover, the committee, in response to what we feel are the wishes of the House for greater emphasis on Defense spending cuts, has put language in the bill to expand the authorization function next year.

This will add authorization jurisdiction to all weapons, all vehicles and all ammunition. This is an additional workload for our committee, adding about $3 billion in authorizations to the committee's responsibility. But we feel a more thorough review has to be made, we believe the House wants it made and we propose to perform this most vital task.

In summary, this bill provides the present arms requirements of our military services and provides the new systems—such as the C-5A, the F-15, the F-14, the Sam-D, the AMSA and others—that our forces will need in the future to keep this country, its homes and its people safe and secure and help keep the lamps of freedom lighted throughout the world.

I will have more to say about the contents and issues of this very costly, but essential legislation later in the debate and amendment stage since there are other specific provisions that I intend to discuss at some length.

The committee wants all Members of the House to have every opportunity to debate and amend this bill, but we do not believe it requires a 10-week debate such as was experienced in the other body, nor do we believe that amendments should be presented that may be harmful to the bill's adequacy and effectiveness as an instrument for rounding out the national defense, and giving heart and courage to struggling peoples and minorities who are living under the dark shadows and threats of dictatorial governments.

Mr. RIVERS. Mr. Chairman, to a young man who has made a great impact on this Congress, the distinguished Member from New York (Mr. LOWENSTEIN) I yield 5 minutes.

Mr. LOWENSTEIN. Mr. Chairman, I appreciate the graciousness of the eloquent chairman of the committee, and I am grateful for the opportunity to discuss for a few minutes the general problem confronting the Congress as we consider this particular bill.

It is not possible, of course, to discuss in detail a bill of this magnitude in the time allotted. What I will do is try to explain some of the things that worry me, and underscore some of the questions that the bill raises for many Americans.

In the first place, all of us agree that the security of this country is primary if we are to survive, and so to have time to resolve other problems. Since that is so, there is neither occasion nor excuse, as the distinguished chairman said, to either impugn the motives or the character of those who oppose—or who support, for that matter—any particular item in the bill.

Second, many of us who have served in the Armed Forces of this country, who have supported its policies in previous wars—who have swum against the tide, at times when isolationism was rampant—many of us share the determination that this country must never forget its obligation to contribute to collective security and to cooperate in the develop-

XUM

ment of international institutions that will bring the world closer to peace and social justice.

This is not the time to discuss the merits of the war in Vietnam, but precisely because I am afraid of a renewed isolationism dominating the thinking of the American people, I want to warn that we are inviting exactly that by continuing on our present course there. Nor has the President's failure to answer important questions about the war—and the odd suggestion that his failure to answer these questions should inspire prolonged silence from those who have been asking them so patiently for so long—nor has this attitude gained time or support for his position on these matters.

Since World War II the United States has spent $1.4 trillion on defense, and we spend today on defense $1,000 per taxpayer per year. We spend more on defense than is spent by all levels of Government for health and education, old age assistance, housing, and agriculture. In fact, the Government spends more money on defense than the total profits of all American private enterprise combined.

The budget for ammunition in 1 year in Vietnam alone now equals the entire Federal budget for education and health.

In short, we have not been what one could call neglectful of our defense needs, when it has come to spending money.

Nor are we militarily vulnerable.

We have the only intercontinental bomber force in the world. We have enough thermonuclear weapons to destroy everyone everywhere repeatedly. We have the only naval carrier force in the world, and the only worldwide helicopter force.

We are the only country that now maintains a ring of military bases of great magnitude around the world at the cost of billions of dollars.

It has been said repeatedly today—and there will be no argument about it—that the Soviet Union is the chief external source of danger to our security. This bill adds almost $1 billion to the request of the Department of Defense for funds for naval construction. Yet note the primacy of our position viz-a-viz the Soviet Union in key categories of naval strength:

Attack aircraft carrier, nuclear:	
U.S.A	1
U.S.S.R	0
Attack aircraft carrier:	
U.S.A	15
U.S.S.R	0
ASW support aircraft carrier:	
U.S.A	7
U.S.S.R	0
Battleship:	
U.S.A	1
U.S.S.R	0
Guided missile cruiser, nuclear:	
U.S.A	1
U.S.S.R	0
Guided missile cruiser:	
U.S.A	3
U.S.S.R	0
Guided missile light cruiser:	
U.S.A	6
U.S.S.R	1
Guided missile destroyer:	
U.S.A	28
U.S.S.R	5
Fleet ballistic missile submarine, nuclear:	
U.S.A	41
U.S.S.R	15

Thus it seems reasonable to ask what security considerations justify the expenditures now before us for approval. And to ask, more profoundly, how we can attain a lasting security—to ask what the greatest threat is to our security, and how that threat can best be met. Is it not possible that our proper concern about threats from abroad has gradually transfixed us into forgetting—or ignoring what has been going on much nearer by?

I fear for the security of my country. I fear too for its health. I fear for its happiness. I believe we are plunging headlong, mostly by habit, almost by inertia, into programs and attitudes that have frustrated and alienated a vast number of our people, until it is no longer certain that we can hold together the delicate fabric that makes democracy function. Is this state of affairs not a threat to the national security, to the national well-being, that deserves some sense of urgency from those charged with the security and well-being of the Republic?

We have produced a generation of young Americans a large part of which would employ any ruse or device to stay out of the same Armed Forces that so many of us used ruses and devices to get in. Yet these are dedicated, intelligent, patriotic young Americans. They are in any case the only young Americans we have. I think it is a measure of the erosion of our security that so many of our young people have come to feel this way about the Armed Forces of their country.

Nor will it help this situation to villify the vast number of people who feel this way. It might, of course, help to try to find out why they feel this way, and then to do something about the cause of this attitude. It might even help national security, if easing mistrust and division is still considered relevant to national security.

But I am afraid the erosion of our security will continue as long as millions of Americans believe that their problems are not of primary concern to the people who make the decisions—that is, to us.

Alas, the voices of these millions of Americans are not heard here nearly as widely or as frequently as they are in the country at large. That, in its way, is not a help to our security.

So I am very concerned about the future of America, however great our supply of missiles and warships. Is it not clear to everyone by now what will happen to this blessed land if it fails to find the energy and use the resources necessary to overcome the socioeconomic and psychopolitical problems that are leading us toward unraveling at home?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LOWENSTEIN. May I have an additional 2 minutes, Mr. Chairman?

Mr. RIVERS. How much time do I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 29 minutes remaining.

Mr. LOWENSTEIN. I will settle for 1 minute.

Mr. RIVERS. I yield the gentleman 2 minutes. If I do not have sufficient time, I will find it somewhere. The gentleman is doing pretty well for his side.

Mr. LOWENSTEIN. I appreciate the consideration of the chairman and his kind comment.

What I want to say in these last 2 minutes is that many people are watching—more than ever before—how we are going to deal with the threats to the future of this Nation that have nothing to do with the Soviet Union. We can hold our own when we are attacked from abroad. Can we do as well when the danger is from bitterness, division, and the neglected needs of millions of our own people? The voting on the amendments that will be offered to this bill during the next day or two will provide a clue.

I hope everyone here will understand the motives of those of us who cannot support this bill as it now stands, when we urge a reconsideration of the question of whether it is in the best interest of this country to give more money to the Defense Department than it has asked, even recalling the traditional modesty of its requests.

I hope this House will study these amendments bearing in mind what "security" in a free society must encompass. I hope we will vote on them in the light of other needs and expenses so long deferred, in the light of the tax burden inflation, and of the profound resentments now exploding among some of the minority groups that are so pronouncedly underrepresented here as we make these decisions that affect their lives as much as they affect ours. How good it would be if we could emerge from the voting on these amendments unified in voting adequate sums for the military defense of this country, and galvanized to do as much to defend it in other ways as well. I have great respect for the labors of this committee and of its chairman and staff. Their job was to consider military requirements. Our job is to put those considerations into the context of the larger requirements of the whole society, to weigh relative needs and costs, to consider the Nation's security and well-being in its totality.

The debate here on these critical matters will be over very soon. But that is not the end of the story. That debate will rage at length throughout the country because this bill is of special, almost unique, importance. It represents a vast outlay of money, and it will determine direction on critical questions for many years to come. But it also has great symbolic significance for a nation deeply troubled and divided, and in such circumstances it would be gravely irresponsible to vote on amendments by rote or by slogan. Men elected in parallel procedures have equal obligations to consider what is best for the country before they make far-reaching decisions. It is not in derogation of the committee report to suggest that in matters that affect everyone so profoundly, the committee's point of view must be weighed against other points of view, and then a balance must be struck.

We will not stint on money necessary for military security. We must stop stinting in the intensity of our inquiry to see what money is indeed necessary for this purpose, and we must start inquiring urgently what else we must do if we are to survive as a contented people.

Mr. RIVERS. Mr. Chairman, I yield 5

minutes to the distinguished gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, I appreciate the chairman of the committee yielding this time to me, giving me the opportunity to raise some very important questions which are implicit in the bill before us.

H.R. 14000 would authorize appropriations of $21.35 billion—$21,347,860,000—for the procurement of certain weapons systems and research development, test, and evaluation. It is $1.29 billion more than the Senate authorized, including $1.02 billion for new ship construction which the administration did not request. This bill is almost one-fourth of the entire military budget for fiscal year 1970.

According to the Joint Economic Committee, 80 percent of this Nation's "relatively controllable Federal outlays" are military expenditures.

While no one disputes the need to finance the legitimate defense needs of the Nation, I am concerned about the magnitude of the military budget, its relationship to the budget for urgent civilian needs, and the imbalance in national priorities which it represents.

For too many years Congress has given unquestioning approval to the military budget and accepted without serious debate the assumptions upon which it is predicated. At last the Congress is beginning to scrutinize military spending and to ask questions. The long debate in the Senate, the well-reasoned additional views of our colleagues on the Armed Services Committee, and the debate on the amendments to be offered on this bill—all indicate that Congress has a role to exercise in the formulation of defense policy. Congress should no longer permit the Pentagon to set policy.

Of course, we must not forget that this authorization bill underwrites and continues to finance the war in Vietnam, a war which continues to rage on at a cost of some $30 billion a year. There is no end in sight, for unfortunately this administration seems unable to change the basic strategy of the previous administration.

In considering the bill before us, we should ask whether or not Congress is willing to exercise its responsibility or simply rubberstamp Pentagon requests which have been enlarged by the Committee on Armed Services.

We should ask whether or not Congress will continue to support the tragic war in Vietnam or use the only means which it possesses, that is, the power of the purse, to bring this war to a prompt conclusion.

We should ask whether or not the crucial and urgent domestic needs of our society will continue to play a role subservient to that of the military.

This bill contains many items which challenge our willingness to answer these questions and to make crucial decisions.

Amendments will be offered to reshape expenditures for these items, and the votes on these amendments will show whether or not we are ready to begin to make decisions on priorities and exercise effectively our responsibility.

Mr. Chairman, I would like to point out some of the areas of concern in this bill.

There are some $746.4 million for the Safeguard ABM system. In the past I opposed deployment of the Sentinel system, and the same basic objections apply to the Safeguard system. It threatens to upset the already delicate strategic balance, poison the climate for the strategic limitation talks, and to encourage escalation of the arms race.

The bill provides funds for research and development, and procurement for chemical and biological warfare. This program seems to have little relevance to national security requirements and raises grave legal and moral questions. Congress should insist at a minimum on certain guidelines for the development, testing, procurement, storage, and disposal of these weapons.

The $940 million allocated for the C–5A jet transport includes funds for a fourth squadron—23 airplanes in addition to the 58 airplanes already authorized and programed. The fourth squadron has not been justified. Moreover, not only are there technical problems but there has already been a cost overrun of at least $1.3 billion which means the total program will cost about $2 billion more than the Air Force originally said it would.

Serious questions have been raised about other items in this bill—the advanced manned strategic aircraft; the short-range attack missile for which the Senate deleted procurement funds until the results of new research and development are available; the Cobra helicopter which the Senate did not fund.

The Defense Department asked for $2,631.4 million for naval vessels. This was cut by the Senate to $2,568.2 million. The House Armed Services Committee has approved $3,591,500,000—$961 million more than the Defense Department asked for and $1,023.3 million more than authorized by the Senate.

Then there is the $52 million which the committee has added for the so-called freedom fighter aircraft. A total of $14 million for the F–5–21 was included on March 27 in the supplemental military procurement authorization bill for fiscal year 1969, but was not acted upon by the Senate. In opposing this project on March 27, I pointed out that this was nothing more than a subsidy to Northrup Aviation to build the F–5–21 for sale abroad and that our Air Force had no plans to incorporate the plane in its inventory.

There are just a few of the examples of unnecessary or unwarranted expenditures in this bill.

I might mention one item that is not in the bill—the manned orbiting laboratory. For years I pointed out that the MOL was a duplication of a similar NASA program. A year ago the Secretary of the Air Force refused to brief individual Members of Congress on the project. On September 12, 1968, I offered an amendment to the Defense appropriations bill to reduce it by 8.5 percent. Included in my amendment, which was based on a well-documented study by Congressional Quarterly, was the deletion of $550 million for the MOL. Unfortunately, my amendment was not adopted, but now the Department of Defense has abandoned MOL because, in its words, of the "first, continuing urgency of reducing Federal defense spending and, second, advances in automated techniques for unmanned satellite systems."

This kind of waste cannot be allowed to continue. The amount of money that was spent for the manned orbiting laboratory could have been spent to feed the hungry, build better housing, provide better health and medical care for our citizens, and provide every American child the opportunity to obtain a good education.

We cannot allow massive funds to continue to be used wastefully for military spending while we ignore our problems at home. Out of every $100 of tax money received by the Federal Government, $67 goes to military spending: past wars, the war in Vietnam, and preparation for future conflicts.

This leaves $33 for this Nation's urgent needs: housing, food, education, health care, social security, transportation, and other domestic programs.

The imbalance in our priorities is clear. To support H.R. 14000 is to support that imbalance and to strengthen the military-industrial complex while domestic social programs are being starved.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RIVERS. Mr. Chairman, I yield 6 minutes to the distinguished chairman of the Democratic Study Group, the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, first of all, I wish to thank the chairman of the Armed Services Committee for the courtesy of accommodating me with an additional minute and for affording me the original block of time despite the fact that I am not a member of the Armed Services Committee.

Mr. Chairman, one of the reasons we have to look carefully at this bill is that by our action we shall determine whether there will be what is commonly called a post-Vietnam dividend available to meet the domestic concerns of our country.

When one looks at the $7 billion in this bill for research, development, testing and evaluation, one can readily identify items which will soon blossom into multi-billion dollar expenditures, using up the $30 billion that would otherwise be available for nonmilitary purposes at the end of the conflict in Vietnam. There is R.D.T. & E. money in this bill for MIRV, ABM, SRAM, AWACS, SAM–D, SCAD, Phoenix, AMSA, AX, AGMX–3, CONDOR, Maverick, TOW, MBT–70, biological weapons and the F–14 and F–15 fighters.

When we start these weapons systems down the road by authorizing research and development and the testing, we set off an inevitable chain reaction. These weapons systems gain momentum of their own, leading to high levels of defense expenditures in later years.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. FRASER. Yes, I yield to the gentleman from New York.

Mr. McCARTHY. I wonder if the gentleman might be able to answer a ques-

XUM

tion that is perplexing to me, one to which I cannot get an answer?

Why is it that the other body was able to pass unanimously an amendment that would put restrictions on the testing and transportation and disposal of germ and gas warfare weapons which would answer many of the problems that have arisen in this country regarding the safety of our own citizens? Why is it that an amendment like that, one which has been approved by the Secretary of Defense and passed by the other body unanimously, with such bipartisan support as was given by such "unilateral disarmers" as the Senator from Texas (Mr. TOWER), the Senator from Mississippi (Mr. STENNIS), and the Senator from South Carolina (Mr. THURMOND) all of whom voted for it—why would an amendment like that be voted down in the Armed Services Committee on the House side?

Mr. FRASER. I actually am at a loss to understand why the committee should not allow what seems on its face to be a commonsense amendment.

In this regard, I want to pay tribute to the gentleman from New York (Mr. McCARTHY) in connection with his excellent work on the problems of chemical and biological warfare.

Mr. McCARTHY. Thank you for that compliment but that was not my purpose in arising. I wanted to focus on the fact that the gentleman from Michigan (Mr. NEDZI) will offer basically the same amendment that passed the other body unanimously. It actually has been changed slightly at the behest of the Pentagon, and it is not even as strong as the one that passed the other body unanimously. I would hope that the Members would give some serious thought to the question. This specific amendment does not deal so much with our posture abroad as it does with the safety of our own citizens in the United States with regard to the transportation of these lethal materials across the United States, and their testing.

Mr. STRATTON. Mr. Chairman, would the gentleman yield for an answer to the question raised by the gentleman from New York?

Mr. FRASER. I would state that possibly later.

I just want to say——

Mr. STRATTON. I thought the gentleman was seeking information.

Mr. FRASER. Would the gentleman permit me to use my own time?

I understand that the amendment that the gentleman from Michigan (Mr. NEDZI) will offer, will not cost any money, or will not add or subtract any money but provides safeguards that the Department of Defense has agreed to. Is that the understanding of the gentleman?

Mr. McCARTHY. That is right. It would for the first time inform the Congress about what is going on in this program, and remove some of the excessive secrecy that has in effect blanked out most Members of this body and the other body from knowing some of the basic things that are going on in this business of chemical and biological warfare.

Mr. FRASER. I thank the gentleman for his comments.

Mr. Chairman, I hope that bipartisanship is not misused to cover over legitimate differences or to become the fountain for disagreement.

I think that the failure of partisanship occurred during the years involving our deeper and deeper involvement in Vietnam. Day after day on the floor of this House we heard pleas for unanimity behind the President.

I believe it is not right to insist on unanimity when there are serious and important questions to be asked—questions about premises, and about objectives for policies that have led us into the kind of war we have gotten into in Vietnam.

I hope this Nation will never engage in finger pointing at the past, but only learn from that experience. We must understand that honest and open debate is far preferable to cries for unanimity which obscure the actions that the public should be informed about.

Finally, there are just two points that I hope may be cleared up under the 5-minute rule.

There has been reference today to an unidentified threat that the Soviets are indeed, contrary to the knowledge that we have had in the past, planning a new strategic bomber force. This allegation——

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. RIVERS. Mr. Chairman, I yield 1 additional minute to the gentleman from Minnesota.

Mr. FRASER. This allegation is made in support of the advanced manned strategic aircraft—AMSA. If there is hard intelligence on this, the House ought to know all about it.

Second, I hope that along the way there will be an explanation of the testimony of Under Secretary Packard in which he said that an effort is being made to achieve a hard target capability for the Poseidon missile. This has only one meaning, and that is the capacity to destroy the enemy's missile silos. And if we acquire that capacity, the Soviets then would have legitimate reason to believe that we have acquired a first-strike capability and are no longer willing to rely on our ability to retaliate if we or our allies are attacked.

I hope these questions will be explored, and will be answered in the debate which will follow when we move into the amending stage.

Mr. ARENDS. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I appreciate the gentleman from Illinois yielding.

I have been present here in the Chamber for all but about 10 minutes this afternoon as this debate has proceeded. Very frankly, as it has gone on I have not been sorry that I made an issue, as I did earlier, of the somewhat scant amount of time allotted for general debate on this bill.

The debate has been good on this issue. It has been a reasonable debate. It has been a restrained debate. It has been the kind of responsible discussion of the critical and crucial issues that confront our country and I think possibly we ought to have more.

You know I think it is merely a matter of coincidence that the speakers who have preceded me in the well, at least the last three or four gentlemen, happen to be prominent leading members of the Democratic study group. Well, I would not want you to think that economy stops at the center aisle. I would not want the country to think there are not responsible Republican Members in this Chamber. I do think we do have the responsibility even in this great committee to try to take an intelligent and reasoned look at this very important segment of the budget.

I picked up a copy of Fortune magazine not long ago, the August 1969 issue, and that is scarcely I think a publication of the left wing. What did I see? The lead article in it related to a cut in the defense budget.

I saw the testimony the other day—I heard it or I read it—of a rather distinguished and I think eminently conservative gentleman in this country, Mr. William McChesney Martin. He said he would like to see the defense budget in this country cut down to $15 billion.

So I do not think you are being radical, I do not think you are being left wing, I do not think you are being irresponsible if you suggest cuts, with all due deference to this great committee, and it is a great committee. I appreciate the fact that they worked for 6 months and have had 91 meetings. But somehow, gentlemen, I think we have to understand this: some of the old ways that we have grown very comfortable with and have grown very accustomed to over the years, I do not think are quite good enough any longer so far as the discussion of public issues is concerned.

With all due respect to my friend the gentleman from Missouri, I cannot agree that the debate that took place in the other body was one that seriously and dangerously compromised the security of our country.

I think the people of this country expect not only the Chamber on the other side of the Capitol but also this Chamber, being the co-equal body that it is, to engage in the same kind of discussion and the same kind of analysis. That is why I made the plea that I did earlier for more time. I am glad we have had this debate, and I hope we may have more like it in the days to come.

I do not think any of us should hang our heads in shame. I do not attack the chairman of the committee or the members of the committee. They are some of the most valuable Members of this House.

I do not rise even to make a broad gaged, broad scale attack against this bill. I would express the hope that we can calmly and dispassionately and reasonably perhaps look at the task that confronts us and decide whether or not we can make some selective cuts.

I think under the conditions that exist in our country, given the budgetary procedures within which we must operate, that this is only discharging the duty that a responsible legislator has.

As a duty to my constituents, from the letters I received from people wondering why we have been spending so much money in this area, I would be the first to admit, as I said a minute ago, to the necessity of giving up some of the old and comfortable ways that we have become so accustomed to.

I would be the first to admit that I have not been as interested as I should have been in times past, and I have not taken the time to look into some of these areas as perhaps I should have done.

Let me, if I have a minute before my time is up, say I read with interest a section of this very excellent report devoted to the subject of MIRV. Much of what I read I like, but there are a couple of statements to which I would have to respectfully take exception. For example, they said in this report:

> It is for this very reason that prudence dictates that we should be disturbed about a large force of large-sized and accurate Soviet MIRV's.

It is precisely for this reason, because I was concerned about the possible potential threat to our own land-based deterrent, that I joined with more than 100 Members of the House some weeks ago in urging that we have a mutual moratorium in this area.

At that time we did not know whether we were going to have the SALT talks. Since that time I think it is very apparent that we are going to have those talks. I think it also has become apparent that the administration, the people downtown, are impressed by the urgency of this issue. They are impressed by the fact that a quarter of the Members of this body were sufficiently concerned to file a resolution of the kind that I mention. So I think it is going to be a negotiable issue. It is going to be high—and I hope very high—on the agenda of that forthcoming conference, and it certainly should be.

I am not going to offer any amendment to try to delete any funds dealing with that program because that would be in the nature of a unilateral action. I have never proposed a unilateral action. But I do deeply feel the wisdom of trying to engage in some mutual action that may help us to secure the security of this country that we all want.

The thing to which I did take exception in the report was the language contained on page 36, at which point the committee suggests that you can get deterrents in two ways. You can build credible deterrents in two ways. You can install more boosters, which is very expensive, or, they say, you can go on and do what they are doing with these programs. You can MIRV all our weapons. I quote the report:

> In reality it constitutes nothing more than a more efficient and less expensive method of creating a credible deterrent to a potential enemy whose intentions can never be known with any real certainty.

I would not want that language to pass without my at least issuing my personal caveat that I think something more is involved than just doing something more cheaply. I think that this can be and is potentially a destabilizing thing so far as the whole strategic arms race is concerned. I know the administration is concerned about it. If they were not, they would not be agreeing to sitting down and talking with the other side about a possible limitation of strategic arms.

I think we should be mindful that whenever we discuss this subject that what we are endorsing is not giving up any military advantage. Far from it. Rather, to take these reasonable and rational actions that will preserve our land-based nuclear deterrent, that will give us the security to keep us strong and the No. 1 power in the world.

Mr. RIVERS. Mr. Chairman, I yield 7 minutes to the gentleman from New York (Mr. STRATTON).

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from California.

Mr. GUBSER. Before the gentleman takes the floor, I would like to take note of the fact that he has chaired a subcommittee which has investigated the Sheridan-Shillelagh system. I assumed he will be speaking on that subject.

I would like to say at this time that never in my 17 years in Congress have I served under a more dedicated and enlightened leadership than the gentleman from New York has provided. I think he has done a great service, and the remarks he will make should be listened to intently by the entire House.

Mr. STRATTON. I certainly deeply appreciate the remarks of my friend from California, a very able and very patient member of the subcommittee.

Mr. Chairman, I take this time, as we are moving toward the end of this great debate on this subject, to try to comment on a point that I think has been largely overlooked.

The gentleman from Illinois (Mr. ANDERSON) spoke a moment ago very eloquently about the need to cut. We have to cut here, in defense, as we have to cut elsewhere, he said.

The gentleman from New York (Mr. RYAN) suggested a moment ago that the Committee on Armed Services is really just an outpost of the Pentagon, rubberstamping their suggestions except when we try to raise them.

There has been a good deal of comment made on the fact that this bill includes an increase of $1 billion in ship construction funds over the requests of the Department of Defense.

But what has been overlooked, I think very largely, although there has been some reference to it, is that we have also made cuts in this bill. We have cut very substantially, for example, in the field of Army tanks by over a quarter of a billion dollars. And I think it ought also to be pointed out that those cuts have not been made merely because of any feeling in our bones that defense ought to be cut or because of the application of any meat-ax or any antimilitary approach, but on the basis of a very careful investigation conducted by our committee through the agency of its special investigating subcommittee.

For after all, we do have in our committee a responsibility to oversee the operations of the Defense Department—not just to pass laws and authorize money and rubberstamp; we also have a responsibility to look over very closely what they have done.

And this is nothing new in our committee, either. The very distinguished gentleman from Louisiana (Mr. HÉBERT) chaired that investigating subcommittee for many years, and he struck terror into the hearts of many a general and many an admiral when they appeared before him. The distinguished gentleman from Virginia, a former Member of this body, Mr. Hardy, also chaired this subcommitee and he too took a very close look indeed at the exenditures of the Defense Department and its contractors.

This year, as the gentleman from California has indicated, the subcommittee did indeed have an opportunity to look into the Army tank program, and as a result of that investigation we found evidences of waste and duplication. We made our recommendations to the full committee.

And that full committee, which some people say will do only what the uniformed services want them to do, accepted these recommendations unanimously. We have, in fact, not only reduced the tank funds in this bill below what the Department wanted, but we have also cut out even more than the Senate tried to do—and more even than the amendments that were offered on the Senate floor and then later withdrawn—perhaps because we had the advantage of some careful knowledge and investigation in this field.

We have reduced, for example, the proposal for the development of a Tow missile by $156 million. Why? Because the Tow missile represents an almost exact duplicate of the Shillelagh missile, already produced for use with the Sheridan tank. Since the Army regards both as about equal in reliability and lethality, and since the Tow cost twice as much as the Shillelagh, this duplication seemed to us to be both an unnecessary and an extravagant expense. So we knocked out this money for the Tow missile because it was wasteful that we should be trying to do the same thing with two different missiles.

We knocked out $57.6 million for the production of additional Sheridan tanks, a tank that is perhaps better known because of the headline that appeared some time ago that it was a "billion-dollar booboo." I am not sure whether that designation is completely accurate, but the fact of the matter is we have hundreds of Sheridans now, today, sitting around unused in Army warehouses, as our subcommittee found out. So we have allowed in this bill only the money needed to complete the present contract for these tanks. After that buy is completed we are insisting that the Army fix these hundreds of Sheridans that are sitting around unused instead of contracting for still more off the assembly line.

We also knocked out $23.8 million for the M–60 tank because of a continuing failure to adapt this weapon to the Sheridan gun system; and we knocked out $25.4 million for the production of additional pilot models of the MBT–70, that makes a total of $262 million.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

XUM

Mr. **STRATTON**. I yield to the gentleman from South Carolina.

Mr. **RIVERS**. Mr. Chairman, I wish the gentleman from New York would say the reason we are finishing this contract for the Sheridans is that it would cost equally as much to terminate the contract. So we will continue the inventories with the hope that somewhere down the line the suggested improvements made by the distinguished subcommittee will be forthcoming. We cannot possibly reduce this.

Mr. **STRATTON**. The chairman is absolutely correct. It would cost more to terminate the contract because of the termination costs involved than it would cost to complete the contract. But we are refusing to allow the Army to buy any new Sheridans after that contract is over.

To cut out Sheridan procurement short of this total contract figure would have involved the Army in costly termination charges. But any purchases of additional Sheridans beyond those covered in the original contract would be completely unwarranted. The Army already has hundreds of Sheridans sitting around unused in warehouses or storage yards across the country. To be sure, these stored Sheridans do need various retrofits before they can be utilized. The Army would prefer to buy new ones, fresh off the assembly line, than take the trouble to fix up the ones they already have on hand. But this would be a most wasteful procedure—especially in a program that has already seen far too much waste—and the full committee approved our recommendation that we reject it.

With regard to our action on the MBT–70, let me just make this additional point: Even the Army does not know where it is going on the MBT–70. It is holding a top-level meeting on this very question with the Germans, who are cooperating with us in building the tank, in December. We left in the bill the money needed for further research and development on this new tank, but we deleted funds that had been requested to build additional pilot models. They have enough pilots already, and obviously until a decision is made as to just where this program is headed, it would be wasteful to start construction of any further prototypes. If it turns out that extra construction funds are urgently needed after the Army has made its decision as to where they are going, they can always come back to Congress for supplemental appropriations or for a reprograming.

Now, if I have another minute remaining, let me point out that while there has been criticism of this naval shipbuilding add-on to our bill, I am a little bit surprised at the people who have been suggesting we do not need a ship modernization program. Even the gentleman from California (Mr. Leggett) sent out a letter to all Members of the House suggesting we do not need it, because we have so many more ships than the Russians sailing around the seas. Surely the gentleman who is a very able member of our Antisubmarine Warfare Subcommittee knows of the recent dramatic advances in Soviet submarine power. Surely he knows the truth of our relative strength does not lie in playing a crude, oversimplified numbers game.

I would like to invite the attention of Members to a report by "Jane's Fighting Ships," which is certainly not a subsidiary of the House Armed Servies Committee. The Washington Post this morning, if you got a copy, had a report that the editor of Jane's Fighting Ships said today:

> The United States Navy faces a crisis—

That is, a crisis of obsolescence. Here is the full article, let me read it:

> The Soviet Union soon will have one of the most sophisticated and largest navies in the world, but the United States Navy faces a crisis, the editor of Jane's Fighting Ships said today in a foreword to the 72nd edition.
>
> The Russians are using their fleet to fill the naval void left in the Atlantic, the Northwest Pacific and Indian Oceans which was left as Britain withdraws her decreasing forces to the home islands and the Mediterranean, Raymond Blackman said.
>
> "The U.S. Navy still has not overcome its block obsolescence problem mentioned in these pages six years ago when most of the United States' aircraft carriers, cruisers, destroyers, submarines, escorts and minesweepers built during the war were already 20 years old," the editor said.

Mr. Chairman, that is what we are trying to do in this bill, by providing funds to modernize our Navy. We are trying to do something now to overcome this crisis of obsolescence.

Let me quote too from someone else who is not usually regarded as a leading member of the industrial-military complex. In fact, he has had his own problems with the military "brass." I speak of none other than Vice Adm. Hyman G. Rickover. Chairman Rivers has already put his letter in full in the Congressional Record. Members will find it on page 27766, in the Record. I believe all ought to read this great statement.

Here is what Admiral Rickover says:

> They are the foundation of the future nuclear-powered Navy for which you have worked so long and so hard—the modern Navy the United States needs to retain its position as a world power of the first rank. * * * There are those who deprecate the need to maintain military supremacy or even mere parity with the Communist empires on the grounds that other nations have accepted a decline from first to second or third rank. * * * The former great powers of Europe who have lost their defense capability enjoy political freedom today only because we are strong enough to defend them and ready to do so.

And he adds, if you do not believe what I say then look at what happened to Czechoslovakia.

The **CHAIRMAN**. The time of the gentleman from New York has expired.

Mr. **RIVERS**. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. **STRATTON**. Mr. Chairman, I appreciate that, because it gives me an opportunity to read some more of this other section from Admiral Rickover's very eloquent letter:

> We observe the tragic drama of Czechoslovakia negotiating with Russia the continuing subjugation of her people.

That, the Admiral says, is what happens if one is not under America's nuclear umbrella or under the protection of our Navy.

We have heard some suggestions here this afternoon that these figures we have been quoting to you about Soviet power are all "cooked up." Here is what Admiral Rickover says on that particular point:

> Although we lack the data for a precise comparison of U.S. and Soviet military expenditures. It is clear that the U.S.S.R. spends much more annually for new weapons than the United States. Is it then reasonable for us to fail to modernize our defenses on the assumption that the danger of war no longer exists? The first priority of all life is survival.

Mr. Chairman, what is in this bill is the minimum we need to do now to protect ourselves in the dangerous days that lie ahead, whatever happens in Viet Nam. That is the reason this bill should be passed overwhelmingly by this House.

Mr. **RIVERS**. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida, the author of the leading ship report, which his committee issued and which has been accepted by the entire world (Mr. Bennett).

Mr. Chairman, I yield myself whatever time I need to say that without the wonderful work of the gentleman from Florida I do not know how the committee could ever have arrived at the reason for urging the President to accept an additional $900 million to start at last the rebuilding and replacement of our obsolete and obsolescent—block obsolescent—Navy.

I yield to the gentleman from Florida (Mr. Bennett).

Mr. **BENNETT**. Thank you very much, Mr. Chairman.

Mr. Chairman, the primary need of the Navy at this time, according to Adm. Thomas H. Moorer, Chief of Naval Operations, is for new ships with which to modernize the Navy.

In order to examine into the matter, the Seapower Subcommittee of the Armed Services Committee held extensive hearings last January. Those hearings resulted in the report, "The Status of Naval Ships," which clearly and dramatically reveals the sorry shape of our Navy ships. No other set of hearings in recent times has examined into the matter as closely and carefully.

As a result of those hearings, we found that whereas 58 percent of our ships were 20 years old or older, 58 percent of the Soviet ships were 10 years old or younger. Indeed, less than one-fourth of 1 percent of the Soviet fleet was older than 20 years.

Specifically we found that the Soviets have built a whole new fleet since World War II, including a submarine fleet of over 360 ships. This construction has been carried on in modern yards—indeed, there is one submarine yard which is larger and more modern than all of our submarine yards put together. The Soviets can turn out 20 nuclear-powered submarines each year—with one nuclear-powered ballistic-missile submarine being completed each month. The Soviets have kept their design crews working together on ship after ship. They have an educational background which is pouring trained scientists and engineers into their maritime program.

Do the Soviets really mean business on the seas? Admiral Gorshkov, who is the equivalent of our Chief of Naval Operations, has said:

> The flag of the Soviet Navy now proudly flies over the oceans of the world. Sooner or later the United States will have to understand that it no longer has mastery of the seas.

He has also said:

> The USSR today has a naval fleet and aviation equipped with nuclear rockets equal to any strategic tasks, including tasks of an offensive nature, on all the seas and oceans of the world.

He has also said:

> For the first time in its history, the Soviet nation has acquired a powerful ocean-going navy. It has become the world's greatest naval power, capable of taking its line of defense out into the ocean.

Mr. Chairman, I insert in the RECORD at this point, other statements concerning the Soviet naval aims:

"The mighty Soviet power must have a navy, both on sea and ocean commensurate with its interests and worthy of our great cause." Molotov at First Session of Supreme Soviet, 1938.

"Our Navy has become in full a modern navy, capable of resolving any strategic mission in its area (of responsibility). Overseas, they quite frequently speak and write that the U.S. Navy is capable of delivering an attack and landing at any point on our coastline. But as they say, 'it is easy to boast, but it is also easy to fail.' It seems to me that the people overseas should be thinking about the fate of their own coasts and their extended (lines of) communication, whose vulnerability is now monstrously bared, and about the traditional invulnerability of America which has forever been eliminated."—Marshall of the Soviet Union Malinovsky, 21st Congress of the CPSU, Feb. 1959.

"The Soviet Navy is an entirely modern navy, capable of resolving any strategic mission within its area (of responsibility). Our Fleet is in a position not only to defend the sea frontiers of the Soviet nation, but also to carry out successfully combat operations on the ocean expanses and to deliver powerful blows against targets on other continents."—Admiral S. G. Gorshkov, 41 Anniversary of the Soviet Army and Navy, Feb. 1959.

"It is correctly believed in advanced military thought that the navy best suited to meet the requirements of modern warfare must be basically a submarine navy. It is in this direction that the Navy of the Soviet Union is now developing. Its combat capabilities have grown substantially, primarily through an increase in the striking power of its submarines. Occupying a worthy place in the system of the state's armed forces, it is capable—in cooperation with all the other branches—of successfully accomplishing the most complex tasks of fighting on the seas."—Admiral Gorshkov, Navy Day 1960.

"The Soviet Navy, the basic armament of which is the submarine, equipped with atomic engines, missiles, and homing torpedoes with nuclear warheads, has received the capability of waging effective battle with the fleet of the enemy at the distant approaches to our shores."—Soviet Defense Minister Malinovsky, 1962.

"The Soviet submarine fleet with atomic engines armed with ballistic and homing missiles, vigilantly stands guard over our socialist achievements."—Premier Khrushchev, 22nd Congress 1961.

"The Soviet Navy by the character of her armament of highly maneuverable forces and military capabilities is obliged to be prepared at any moment and at any point of the globe to secure the protection of the interests of our state."—Admiral Gorshkov, *Krasnaya Zvezda*, October 31, 1962.

"The Communist Party and the Soviet government are displaying wise foresight, taking all measures to insure that the armament and organization of our fleet correspond to its growing role in the defense of the country, to the protection of its state interests."—Admiral Gorshkov, *Krasnaya Zvezda*, 5 Feb, 1963.

"During the last war, the actions of the fleet occurred basically in the regions close to shore and were conducted mainly in operational and tactical interaction with the army. Now, considering the intention of aggressors and the place given to their navies in the plan of nuclear attack on the socialist countries, we must be prepared to answer them with destructive strikes at naval and shore objectives on the whole territory of the world ocean."—Admiral Gorshkov, *Krasnaya Zvezda*, 5 Feb 1963.

". . . the hopes of the strategists across the ocean that their communications, and even more their shores, will be inaccessible to our Navy in time of war have proved illusory."—Admiral Gorshkov, *Krasnaya Zvezda*, 5 Feb 1963.

"In our opinion time has already nullified the significance of such major warships as battleships and cruisers. Aircraft carriers are also losing their importance. Modern weapons make it possible to locate them quickly and to destroy them before they can use their armament."—Admiral Gorshkov, *Literaturnaya Gazeta*, 6 May 1965.

"The necessity of strengthening the naval might of the USSR is stipulated also by the rapid development of our cargo and commercial fleet, and the broadening of state interests of our country on the seas and oceans. . . . Thanks to the attention and concern of the Party, the government, and the whole Soviet people, our navy has developed in full accordance with the aims and missions of a great naval power and plays an important role in the defense capability of the fatherland."—Editorial. "On guard over the sea defenses", *Krasnaya Zvezda*, 13 July 1965.

Fleet Admiral Kasatonov, First Deputy Commander-in-Chief of the Soviet Navy, when asked by a journalist if the introduction of intercontinental ballistic missiles had not decreased the role of the Navy replied, "By no means. On the contrary, the Navy's role has increased, because the missile has also become its basic armament." He went on to assert that the Navy now has everything necessary to repel any aggressor in coordination with the other services.—*Kazakhstanskaya Pravada*, July 25, 1965.

He (Kasatonov) later boasted that "the white and blue flag of the USSR Navy, with its red star and hammer and sickle" is seen "in all parts of the world".—*Trud*, July 30, 1966.

"There is no justification for the permament presence of the military fleet of the USA in the waters washing the shores of Southern Europe. The question is raised as to what basis there is for the fact that, 20 years after the end of the Second World War the 6th Fleet of the USA sails the Mediterranean Sea, using military bases, ports, and replenishment stations in a series of Mediterranean countries. This carries with itself a serious threat to the independence of all countries on this shore. The time has come for the demand to remove the 6th Fleet from the Mediterranean Sea to resound with full voice."—Brezhnev, *Pravda*, April 25, 1967.

"Tens of our submarines and surface ships are constantly located in various regions of the oceans and seas, where they vigilantly serve, safeguarding the state interests of the homeland, protecting the labor of the Soviet people. . . ."—Admiral Gorshkov, *Pravda*, 30 July 1967.

"For the first time in its history, our Navy has in the full sense changed into a long-range offensive arm of the armed forces. . . . Shoulder to shoulder with the Strategic Rocket Forces the Soviet Navy has become the most important weapon of the High Command."—Admiral Kasatonov, "Ha Boevoi Vakhte," *Krasnaya Zvezda*, 30 July 1967.

"During the Great Fatherland War (World War II), fleet actions took place basically in the areas close to shore and were conducted for the most part in operational and tactical cooperation with the Army. Now, taking into account the intentions of the imperialist aggressors, and the place given to their navies in the plan of nuclear aggression against the socialist countries, the Soviet Navy must be prepared to answer them with crushing blows at naval objectives on the entire territory of the World Ocean."—Captain (2nd Rank) A. V. Basov in *Boevoi Put 'Sovetskogo Voenno-Morskogo Flota* (Moscow: Voenizdat, 1964), p. 596.

"The construction of the Soviet submarine fleet is proceeding successfully. Our enemies are building a submarine fleet armed with ballistic missiles. We are arming our fleet with both ballistic and homing missiles. Conditions oblige us to do this. Our enemies in the opposing military blocs are preparing to bombard the territory of our country as well as the socialist countries from submarines. We are prepared to answer them, firing at their targets on the sea as well as on the land."—Premier Khrushchev, 22nd Party Congress of CPSU, 1961.

ROLE OF THE NAVY

Our Navy is an instrument of foreign policy. It is able to carry force, as that instrument, anywhere in the three-quarters of the world that constitute the oceans. This is distinct and different from the commitment of troops to overseas actions or the stationing of troops in foreign bases. At a time when the troops overseas and the bases in foreign countries are being reduced, we must not jeopardize our ability to exert power in those areas by cutting our Navy.

In carrying out national policy, there are many ways in which the Navy can be used. But this does not mean that only the Navy is important. On the contrary, the Navy is part of a team that provides defense in depth.

The Navy can also help protect this Nation from the threat of thermonuclear weaponry from intercontinental ballistic missiles. Through our Polaris submarines, we can provide part of a believable retaliatory capability that will keep anyone from using ICBM's against us. For the future we can continue this retaliatory threat with the development of the undersea long range missile system—ULMS. These submarines can go on target shortly after leaving their home port and can stay on target. They will have between four times and 10 times as much ocean in which to hide as our Polaris submarines because of their additional range.

At the same time we are faced with a very large fleet of Soviet submarines outfitted with their cruise missiles—hundreds of miles range—or ballistic missiles—thousands of miles range—which can be aimed at our cities or our weapons.

In order to contain this threat, we need a navy with the strongest possible antisubmarine position. This means that we need not only attack submarines which can detect and intercept Soviet

XUM

submarines but land- and sea-based airplanes, destroyers, and carriers able to cope with this threat as defenses in depth—and the latest sensors in all of the equipment. Our research and development must be strengthened to keep ahead of this threat.

There is another very important role that the Navy can play in meeting these threats. Now, for the first time since the War of 1812, the United States is threatened with the possibility of a war being carried to its own home land. Perhaps the most important role that the Navy can play is to keep that war away from our lands. No other service can really play this kind of a role. By locating our retaliatory forces at sea with even larger areas in which to operate, it makes the problem of locating and neutralizing them much greater for the Soviets. In addition, the shipborne antimissile system could be placed between the United States and the Soviet Union in the oceans so as to intercept at an earlier stage any intercontinental ballistic missiles that the U.S.S.R. might want to launch at the United States. Even in only one location we could by this means take the fight away from our land and away from Canada and away from Greenland, and it would put that fight high over the Arctic Ocean.

In the past 30 years we have been involved in military operations on almost every continent in the world. We have some treaty commitments with over 40 nations in the world. We have to be able to fulfill those obligations. At this time we are already shipping by ocean about 2 million tons a month for military purposes—with over half of that petroleum products. Hence, we have to have control of the seas in order to meet our commitments.

A State Department analysis of our foreign defense commitments was inserted in the CONGRESSIONAL RECORD on September 5, 1969. I include it at this point in the RECORD:

U.S. COMMITMENTS TO FOREIGN POWERS

DEPARTMENT OF STATE,
Washington, D.C., August 15, 1967.
Hon. J. W. FULBRIGHT,
Chairman,
Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your letter to Secretary Rusk of August 1, 1967 concerning Senate Resolution 151 "Relative to United States Commitments to Foreign Powers."

You have asked in your letter for the Department's comments on the general subject of Resolution 151 and for answers to four specific questions. We believe the Department's general views on the subject of the resolution can best be presented in testimony before the Committee when hearings are held next week. In this letter the Department undertakes to answer the four specific questions.

Last year at approximately this time, Secretary Rusk appeared before the Preparedness Investigating Subcommittee of the Senate Committee on Armed Services to discuss some matters relevant to the specific questions posed in your letter of August 1, 1967. Prior to his appearance, the Department provided that Subcommittee with a compilation of United States commitments and assurances consisting of provisions of formal treaties and agreements, and official declarations by the Congress, the President, the Vice President, and the Secretary of State concerning actions the United States would take if another country were the victim of aggression. For the convenience of the Committee on Foreign Relations, and to provide a context for the answers to specific questions posed in your letter of August 1, 1967, which appear below, I have attached an updated version of the compilation earlier supplied to the Preparedness Investigating Subcommittee.

Question 1: Of the 42 countries with which the United States has bilateral treaties or multilateral agreements for collective defense, in how many instances would the Executive Branch view as automatic the American commitment as one upon which the United States would act unilaterally—meaning that we view the obligations not only as collective but individual, as the Department has interpreted the SEATO Treaty? For example, should *one* of the members of the 1947 Inter-American treaty of reciprocal assistance be attacked by subversion or from an external source, to what extent, if any, would there be a commitment for the United States on its own to supply men or materiel to respond to such attack? We would like to have such nations listed, not only in the American Republics, but elsewhere.

This question raises the issue whether the United States obligation to assist another party to one of these treaties is an individual obligation or an obligation that arises only when there has been a multilateral determination by the treaty parties. The question is asked with regard to responses in the case of armed attack and in the case of subversion.

Under each of our multilateral treaties, the commitment to extend assistance in the event of an armed attack is individual and requires no collective finding or decision by a multilateral organization. The Rio Treaty provides that in the event of an armed attack against an American state "*each* one of the said Contracting Parties undertakes to assist in meeting the attack" (Art. 3(1), emphasis added). The Treaty goes on to provide that "*each one* of the Contracting Parties may determine the immediate measures which it may *individually* take" (Art. 3(2), emphasis added). In the North Atlantic Treaty, "*each*" of the signatories "in the exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the party or parties attacked by taking forthwith, *individually* and in concert with the other parties, such action . . ." (Art. 5, emphasis added). In the Southeast Asia Collective Defense Treaty and in the Anzus Security Treaty "each party" agrees that "it" will act to meet the common danger (Art. IV in both). The same is true of the bilateral treaties with the Philippines, Korea, Republic of China and Japan. Thus, under each of these treaties there is an individual obligation independent of any collective action.

The question posed in your letter of August 1 is asked also in regard to actions taken in response to attack by subversion. All of our defense treaties call for consultation in the event of a threat other than armed attack—such as externally supported subversion. Article 6 of the Rio Treaty provides for a meeting of the Organ of Consultation "if the inviolability or integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack . . . or by any other fact, or situation that right endanger the peace of America". The Organ of Consultation can determine "the measures which must be taken . . . to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the continent". Article 4 of the NATO Treaty provides that "[t]he Parties will consult together whenever in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened". Substantially similar language exists in the Anzus and SEATO Treaties (Arts. III and IV(2), respectively). Thus, when the threat takes the form of subversion rather than armed attack, each multilateral treaty calls for consultation. No individual obligation of unilateral action is imposed. The same is true by virtue of similar language under the bilateral treaties with the Philippines and Korea. Under the Japanese treaty consultation is called for "whenever the security of Japan or international peace and security in the Far East is threatened."

Question 2: Specifically, does the United States (United Nations obligations aside) have a national commitment in the event of attack from an external source or from internal subversion to come either to the military or economic aid of Israel or any of the Arab States? In short, is the United States as a nation committed to supply American military or economic resources to protect the territorial integrity of these states?

President Johnson and his three predecessors have stated the United States interest and concern in supporting the political independence and territorial integrity of the countries of the Near East. This is a statement of policy and not a commitment to take particular actions in particular circumstances. Unrest and conflict in the Middle East have been of serious concern to the United States for a long time. The use of armed force in the Middle East can have especially serious consequences for international peace extending far beyond that area. We have bent our efforts to avoid a renewal of conflict there. Thus, we have stated our position in an effort to use our influence in the cause of peace.

Question 3: Bearing in mind recent situations in the Congo and Nigeria, is there any United States national commitment to supply American military or economic resources in the event of aggression or threats to the integrity of those states or any states in Africa?

With regard to the Congo, the United States has supported policies and actions of the United Nations in preserving the territorial integrity, political independence and economic unity of that country. We have no specific commitment to supply military or economic resources to the Congo in the event of aggression or a threat to its integrity. We have extended military and economic assistance to the Congo as a part of the implementation of our foreign assistance legislation. Recently, at the request of the Government of the Congo, we made available to it three C–130 aircraft. The decision to furnish this assistance was not based on any prior commitment of the United States to defend or assist in the defense of the Congo.

The United States has no commitment to come to the defense of Nigeria in the event of an armed attack or subversion. We hope that the current fighting in that country will be brought to an early end, but we have maintained that the crisis is an internal matter and we have refrained from any action that could be interpreted as interference in Nigeria's affairs such as the sale of arms from the United States to that country.

There are two other countries in Africa that should be mentioned in this context. The United States has an agreement of Cooperation with the Government of Liberia (TIAS 4303). Article 1 of that agreement provides: "In the event of aggression or threat of aggression against Liberia, the Government of the United States of America and the Government of Liberia will immediately determine what action may be appropriate for the defense of Liberia."

That language does not create a commitment by the United States to supply military or economic resources in defense of Liberia.

The United States has an agreement with

the Kingdom of Libya relating to Wheelus Air Base. The Preamble to that agreement provides in part that the two Governments confirm their determination "to cooperate to the maintenance of peace and security within the framework of the Charter of the United Nations" and are "of the opinion that cooperation within the territory of Libya will assist in achieving these objectives." The presence of United States Air Force personnel in Libya makes the security of that country of special interest to the United States. We have recently undertaken discussions with the Government of Libya concerning the phasing out of United States use of the Wheelus airfield.

Question 4: Finally, could the Administration at this time provide the Committee with a full list of all nations which upon the basis of past official statements, communiques, or other public or private understandings, as well as formal treaties, reasonably assume that they have a United States commitment under some set of circumstances involving either an economic or military threat to their existence, to receive either economic or military assistance from the United States?

The attached compilations set forth the provisions of formal treaties and agreements, and official declarations by the Congress, the President, the Vice President, and the Secretary of State concerning actions the United States would take if another country were the victim of aggression. We have, with the countries covered by these lists and with others, military and economic assistance agreements entered into pursuant to existing legislation. Some of these agreements are present commitments of the United States to provide specified assistance. They are not conditioned on the occurrence of a threat to the peace or security of the recipient country and they involve no commitments of the United States apart from their specific terms.

If the Department can be of any further assistance, please let me know.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

U.S. DEFENSE COMMITMENTS AND ASSURANCES, DEPARTMENT OF STATE, AUGUST 1967

I. PROVISIONS IN TREATIES AND OTHER FORMAL AGREEMENTS

A. Charter of the United Nations, June 26, 1945 [1]

Parties

United States

116 other countries [as of June 20, 1966].

Relevant provisions

Art. 42: Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore internatioanl peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Art. 43: All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces. assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

* * * * *

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. . . .

Art. 51: Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

* * * * *

B. Western hemisphere

1. Inter-American Treaty of Reciprocal Assistance (Rio Pact, September 2, 1947) [2]

Parties

United States, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba,[3] Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.

Relevant provisions

Art. 3:

(i) The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack again all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

(ii) On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting parties may determine the immediate measures which it may individually take in fulfillment of the obligation contained in the preceding paragraph and in accordance with the principle of continental solidarity. The Organ of Consultation shall meet without delay for the purpose of examining those measures and agreeing upon the measures of a collective character that should be taken.

(iii) The provisions of this Article shall be applied in case of any armed attack which takes place within the region described in Article 4 or within the territory of an American State. When the attack takes place outside of the said areas, the provisions of Article 6 shall be applied.

(iv) * * *

Art. 6: If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continental or intracontinental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.

Art. 8: For the purposes of this Treaty, the measures on which the Organ of Consultation may agree will comprise one or more of the following: . . . and use of armed force.

Art. 20: Decisions which require the application of the measures specified in Article 8 shall be binding upon all the Signatory States which have ratified this Treaty, with the sole exception that no State shall be required to use armed force without its consent.

2. Applicability of North Atlantic Treaty, April 4, 1949

[Canada and Iceland, as signatories to the North Atlantic Treaty, are covered by the commitments embodied in that Treaty. Greenland, as part of the Kingdom of Denmark, and the Bahamas and Bermuda as "islands under the Jurisdiction of any of the parties in the North Atlantic area north of the Tropic of Cancer" are likewise covered by that Treaty. For the NATO commitments, see C. 1., below.]

3. Bilateral Agreements

a. Agreement Between the Government of the United States and the Government of the Kingdom of Denmark, Pursuant to the North Atlantic Treaty, Concerning the Defense of Greenland, April 27, 1951. [4]

Relevant provisions

Art. 1: The Government of the United States of America and the Government of the Kingdom of Denmark, in order to promote stability and well-being in the North Atlantic Treaty area [5] by uniting their efforts for collective defense and for the preservation of peace and security and for the development of their collective capacity to resist armed attack, will each take such measures as are necessary or appropriate to carry out expeditiously their respective and joint responsibilities in Greenland, in accordance with NATO plans.

Art. 2: In order that the Government of the United States of America as a party to the North Atlantic Treaty may assist the Government of the Kingdom of Denmark by establishing and/or operating such defense areas as the two Governments, on the basis of NATO defense plans, may from time to time agree to be necessary for the development of the defense of Greenland and the rest of the North Atlantic Treaty Area, and which the Government of the Kingdom of Denmark is unable to establish and operate single-handed, the two Governments in respect of the defense areas thus selected, agree to the following:

* * * * *

(3) In cases where it is agreed that responsibility for the operation and maintenance of any defense area shall fall to the Government of the United States of America, the following provisions shall apply:

* * * * *

(b) * * * the Government of the United States of America, without compensation to the Government of the Kingdom of Denmark, shall be entitled within such defense area and the air spaces and waters adjacent thereto:

* * * * *

(iii) to station and house personnel and to provide for their health, recreation, and welfare.

* * * * *

(4) In cases where it is agreed that responsibility for the operation and maintenance of any defense area shall fall to the Government of the Kingdom of Denmark, the following provisions shall apply:

(a) The Government of the United States of America may attach United States military personnel to the staff of the commanding officer of such defense area, under the command of an officer with whom the Danish commanding officer shall consult of all important local matters affecting United States interest pursuant to the North Atlantic Treaty.

(b) The Government of the United States of America * * * may use such defense area in cooperation with the Government of the Kingdom of Denmark for the defense of Greenland and the rest of the North Atlantic Treaty area * * *

* * * * *

Art. 4: In connection with activities for the defense of Greenland and the rest of the North Atlantic Treaty area, the defense area will so far as practicable, be made available to vessels and aircraft belonging to other Governments parties to the North Atlantic

---

Footnotes at end of article.

XUM

Treaty and to the armed forces of such Governments.

* * * * *

b. Defense Agreement Pursuant to the North Atlantic Treaty Between the United States and the Republic of Iceland, May 5, 1951.[6]

Relevant provisions

Having regard to the fact that the people of Iceland cannot themselves adequately secure their own defenses, * * * [the North Atlantic Treaty Organization has requested the U.S. and Iceland to] make arrangements for the use of facilities in Iceland in defense of Iceland. * * *

Art. 1: The United States on behalf of the North Atlantic Treaty Organization and in accordance with its responsibilities under the North Atlantic Treaty will make arrangements regarding the defense of Iceland subject to the conditions set forth in this agreement. For this purpose and in view of the defense of the North Atlantic Treaty area, Iceland will provide such facilities in Iceland as are mutually agreed to be necessary.

[Arts. 2–8 relate to the use of facilities, the composition of forces, the status of Keflavik Airport, etc.]

c. North American Air Defense Command Agreement Effected by Exchange of Notes, United States-Canada, May 12, 1958.[7]

Relevant provisions

Studies made by representatives of our two Governments led to the conclusion that the problem of the air defence of our two countries could best be met by delegating to an integrated headquarters the task of exercising operational control over combat units of the national forces made available for the air defence of the two countries. * * * The agreed integration is intended to assist the two Governments to develop and maintain their individual and collective capacity to resist air attack on their territories in North America in mutual self-defence.

* * * My Government proposes that the following principles should govern the future organization and operations of the North American Air Defence Command.

1. * * *

2. The North American Air Defence Command will include such combat units and individuals as are specifically allocated to it by the two Governments. The jurisdiction of the Commander-in-Chief, NORAD, over those units and individuals is limited to operational control as hereinafter defined.

3. "Operational Control" is the power to direct, co-ordinate, and control the operational activities of forces assigned, attached or otherwise made available. * * *

4–11. * * *

d. General Treaty Between the United States and Panama, March 2, 1936.[8]

Article X

In case of an international conflagration or the existence of any threat of aggression which would endanger the security of the Republic of Panama or the neutrality or security of the Panama Canal, the Governments of the United States of America and the Republic of Panama will take such measures of prevention and defense as they may consider necessary for the protection of their common interests. Any measures, in safeguarding such interests, which it shall appear essential to one Government to take, and which may affect the territory under the jurisdiction of the other Government, will be the subject of consultation between the two Governments.

C. Europe

1. North Atlantic Treaty, April 4, 1949[9]

Parties

United States, Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, United Kingdom, Greece,[10] Turkey,[10] Federal Republic of Germany.[11]

Relevant provisions

Art. 3: * * * The Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

Art. 4: The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened.

Art. 5: The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them. * * * [on the basis of Art. 51 of the UN Charter] will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area. [Provides also for "immediately" reporting to the UN Security Council any armed attacks and all consequent measures, and for terminating such measures when the Security Council has acted to restore and maintain peace and security.]

Art. 6: [As modified by the Protocol on the Accession of Greece and Turkey] For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack—

(i) on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France,[12] on the territory of Turkey or on the islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer;

(ii) on the forces, vessels, or aircraft of any of the Parties when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.

Art. 11: This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes.

2. Joint Declaration Concerning the Renewal of the Defense Agreement of September 26, 1953, United States-Spain, September 26, 1963.[13]

Relevant provisions

* * * In affirming the importance of their bilateral Defense Agreement [signed Sept. 26, 1953. TIAS 2850] which will be applied in the new five year period of its validity in the spirit of this Declaration, they [the Governments of the United States of America and of Spain] consider it to be necessary and appropriate that the Agreement form a part of the security arrangements for the Atlantic and Mediterranean areas.

The United States Government reaffirms its recognition of the importance of Spain to the security, well-being and development of the Atlantic and Mediterranean areas. The two governments recognize that the security and integrity of both the United States and Spain are necessary for the common security. A threat to either country, and to the joint facilities that each provides for the common defense, would be a matter of common concern to both countries, and each country would take such action as it may consider appropriate within the frame work of its constitutional processes.

* * * * *

[Signed by Secretary of State Dean Rusk for the United States]

D. Near East-Middle East

1. Applicability of North Atlantic Treaty Since 1952

[On February 18, 1952, Greece and Turkey acceded to the North Atlantic Treaty. Since that date they have been covered by the commitments of that Treaty. (See C.1., above).]

2. United States Membership in CENTO Committees

The Pact of Mutual Cooperation (Baghdad Pact) between Iraq, Turkey, the United Kingdom, Pakistan, and Iran was signed at Baghdad, February 24, 1955. (Text in *American Foreign Policy, 1950–1955: Basic Documents,* pp. 1257–1259.) It was redesignated the Central Treaty Organization (CENTO) by a resolution of the Council of the Treaty Organization adopted August 21, 1959 following the announcement by Iraq of its decision to withdraw. The United States is a member of the Military, Economic, and Anti-Subversion Committees of CENTO and an observer at the Council meetings.

3. Bilateral Agreements

a. Agreement of Cooperation Between the Government of the United States and the Imperial Government of Iran, March 5, 1959.[14]

Relevant provisions

Art. 1: The Imperial Government of Iran is determined to resist aggression. In case of aggression against Iran, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East, in order to assist the Government of Iran at its request.

b. Agreement of Cooperation Between the Government of the United States and the Government of the Republic of Turkey, March 5, 1959.[15]

Relevant provisions

1. The Government of Turkey is determined to resist aggression. In case of aggression against Turkey, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East, in order to assist the Government of Turkey at its request.

e. Africa

a. Agreement of Cooperation Between the Government of the United States and the Government of Liberia, July 8, 1959.[16]

Relevant provisions

Art. 1: In the event of aggression or threat of aggression against Liberia, the Government of the United States of America and the Government of Liberia will immediately determine what action may be appropriate for the defense of Liberia.

f. South Asia

1. United States Membership in CENTO Committees

[Pakistan is a member of CENTO, in certain activities of which the United States participates. (See Sect. I.D. 2., above).]

2. Membership of the United States and Pakistan in SEATO

[See Section G.1., "Southeast Asia-Southwest Pacific.]

3. Agreement of Cooperation Between the Government of the United States and the Government of Pakistan, March 5, 1959.[17]

Relevant provisions

Art. 1: The Government of Pakistan is determined to resist aggression. In case of aggression against Pakistan, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate

---

Footnotes at end of article.

action, including the use of armed forces, as may be mutually agreed upon and is envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East, in order to assist the Government of Pakistan at its request.

g. Southeast Asia-Southwest Pacific

1. Southeast Asia Collective Defense Treaty, September 8, 1954: [18]

United States, Australia, France, New Zealand, Pakistan, Philipines, Thailand, United Kingdom, Cambodia,[19] Laos,[19] Free territory under the jurisdiction of the State of Vietnam.[19]

Relevant provisions

Art. 2. In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without against their territorial integrity and political stability.

Art. 4:

(i) Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constructional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

(ii) If, in the opinion of any of the Parties, the inviolability of the integrity of the territory or the sovereignty or potential independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

(iii) It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

Understanding of the United States of America

The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2.

2. Security Treaty Between Australia, New Zealand, and the United States (ANZUS Pact) September 1, 1951 [20]

Relevant provisions

Art. 4: Each Party recognizes that an armed attack in the Pacific Area on any of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

3. Mutual Defense Treaty Between the United States and the Republic of the Philippines, August 30, 1951 [21]

Revelant provisions

Art. 4: Each Party recognizes that an armed attack in the Pacific Area on either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common dangers in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

Art. 5: * * * an armed attack on either of the Parties is deemed to include an armed attack on the metropolitan territory of either of the Parties, or on the island territories under its jurisdiction in the Pacific or on its armed forces, public vessels or aircraft in the Pacific.

4. Memorandum of Agreement, Ambassador Bohlen and Foreign Secretary Serrano of the Philippines, October 12, 1959 [22]

Relevant passages

1. In accordance with the understandings reached during our discussions in August, September and October 1959, the following is agreed:

* * * * *

(c) *Mutual Defense:* The policy of the United States with regard to armed attack on the Philippines is contained in the Mutual Defense Treaty. Further the United States reaffirms the policy set forth in the statement of September 7, 1954 of then Secretary of State Dulles which reads as follows:

"Under our Mutual Defense Treaty and related actions, there have resulted air and naval dispositions of the United States in the Philippines, such that an armed attack on the Philippines could not but be also an attack upon the military forces of the United States. As betwen our nations, it is no legal fiction to say that an attack on one is an attack on both. It is a reality that an attack on the Philippines is an attack also on the United States."

and in the joint communique issued on June 20, 1958 by President Eisenhower and President Garcia the pertinent part of which reads as follows:

"President Eisenhower made clear that, in accordance with these existing alliances and the deployments and dispositions thereunder, any armed attack against the Philippines would involve an attack against United States forces stationed there and against the United States and would instantly be repelled."

5. Exchange of Notes Between Secretary Rusk and Foreign Secretary Ramos of the Philippines, September 16, 1966 [23]

Relevant provision

[Referring to the Memorandum of Agreement of Foreign Secretary Serrano and Ambassador Bohlen of October 12, 1959:] . . . I have the honor on behalf of my government to reaffirm the policy of the United States regarding mutual defense expressed in the 1959 Memorandum. * * *

H. East Asia

1. Treaty of Mutual Cooperation from Security Between the United States and Japan, January 19, 1960 [24]

Relevant provisions

Art. 5: Each Party recognizes that an armed attack against either Party in the territory under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

2. Mutual Defense Treaty Between the United States and the Republic of China, December 2, 1954 [25]

Relevant provisions

Art. 2: In order more effectively to achieve the objective of this Treaty, the Parties separately and jointly by self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and communist subversive activities directed from without against their territorial integrity and political stability.

Art. 5: Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

[In its report on the Treaty, the Senate Committee on Foreign Relations included the following: "It is the understanding of the Senate that the obligations of the parties under Article V apply only in the event of external armed attack; and that military operations by either party from the territories held by the Republic of China shall not be undertaken except by joint agreement."]

3. Mutual Defense Treaty Between the United States and Republic of Korea, October 1, 1953 [26]

Relevant provisions

Art. 2: The Parties will consult together whenever, in the opinion of either of them, the political independence or security of either of the Parties is threatened by external armed attack. Separate and jointly, by self help and mutual aid, the Parties will maintain and develop appropriate means to deter armed attack and will taken suitable measures in consultation and agreement to implement this Treaty and to further its purposes.

Art. 3: Each Party recognizes that an armed attack in the Pacific area on either of the Parties in territories now under their respective administrative control, or hereafter recognized by one of the Parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

[In advising and consenting to the ratification of the treaty the Senate added the following understanding: "It is the understanding of the United States that neither party is obligated, under Article III of the above Treaty, to come to the aid of the other except in case of an external attack against such party; nor shall anything in the present Treaty be construed as requiring the United States to give assistance to Korea except in the event of an armed attack against territory which has been recognized by the United States as lawfully brought under the administrative control of the Republic of Korea."]

II. PROVISIONS OF OFFICIAL DECLARATIONS

A. Western Hemisphere

1. Seventh Annual Message of President Monroe to Congress ("The Monroe Doctrine"), December 2, 1823 [27]

Relevant passages

* * * The occasion has been judged proper for asserting, as a principle in which the

---

Footnotes at end of article.

XUM

rights and interest of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers. * * * The political system of the allied powers [the "Holy Alliance"] is essentially different * * * from that of America. * * * We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. * * * With the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. * * *

2. Statement by the Department of State on the Monroe Doctrine July 14, 1960 [28]

Relevant passage

* * * * *

The principles [of the Monroe Doctrine] which the United States Government enunciated in the face of the attempts of the old imperialism to intervene in the affairs of this hemisphere are as valid today for the attempts of the new imperialism. * * * Today, nearly a century and a half later, the United States is gratified that these principles are not professed by itself alone but represent through solemn agreements the views of the American community as a whole.

3. The Ogdensburg Agreement: Joint Statement by President Roosevelt and Prime Minister Mackenzie King of Canada, August 18, 1940 [29]

Relevant passages

The Prime Minister and the President have discussed the mutual problems of defense in relation to the safety of Canada and the United States.

It has been agreed that a Permanent Joint Board on Defense shall be set up at once by the two countries.

This Permanent Joint Board on Defense shall commence immediate studies relating to sea, land, and air problems including personnel and matériel.

It will consider in the broad sense the defense of the north half of the Western Hemisphere.

* * * * *

4. Joint Announcement on Defense, United States-Canada, February 12, 1947 [30]

Relevant passages

In the interest of efficiency and economy, each Government has decided that its national defense establishment shall, to the extent authorized by law, continue to collaborate for peacetime joint security purposes. * * *

[Citing the "identity, of view and interest between the two countries", and noting that "no treaty, executive agreement, or contractual obligation has been entered into," [31] the announcement quoted the Ogdensburg Agreement of August 1940 which established the Permanent Joint Board on Defense.]

In discharging this continuing responsibility [for the defense of the north half of the Western Hemisphere] the Board's work led to the building up of a pattern of close defense cooperation. The principles announced on February 12 are in continuance of this cooperation. * * *

5. Joint Resolution Expressing the Determination of the United States With Respect to the Situation in Cuba (Cuban Resolution) October 3, 1962

5. Cuban Resolution—Text of Public Law 87–733 [S.J. Res. 230], 76 Stat. 697, approved October 3, 1962: Joint Resolution expressing the determination of the United States with respect to the situation in Cuba.

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extra-continental Communist powers, including even the threat of military intervention in America on part of the Soviet Union"; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

6. Joint statement at Washington by President Kennedy and President Betancourt of Venezuela, February 20, 1963 [32]

Relevant passage

* * * * *

The President of the United States pledged the full support of his country to the Republic of Venezuela in resisting the all-out campaign of the international Communists, aided especially by their Cuban allies, to overthrow the constitutional Government of President Betancourt.

* * * * *

[When asked at a news conference on March 6, 1963 about the nature of the "full support" in case of a serious or successful revolution against Betancourt, President Kennedy replied: "Well, it would depend a good deal on the conditions and what our obligations might be under the Rio treaty. We strongly support President Betancourt's efforts in Venezuela in a good number of ways. But if you are asking me, I would have to see what the conditions were, what the responsibilities were under the Rio treaty, the OAS, if we knew we were going into a more substantial situation. If you are talking about aggression from the outside, the answer is very clear. If you are talking about internal acts, we would have to judge those acts, and depend a good deal on what the Government of Venezuela decided as the appropriate response."] [33]

B. Europe

1. Statement by President Eisenhower on United States Policy Towards the Western European Union, March 10, 1955 [34]

[In a message of the Prime Ministers of the signatories to the Western Europe Union protocols—Belgium, France, Federal Republic of German, Italy, Luxembourg, the Netherlands, and the United Kingdom—President Eisenhower referred to a similar statement of principles he had made on April 15, 1954, in anticipation of the European Defense Community, and to the fact that the latter evolved into the Western European Union plan.]

Relevant passages

I am glad to affirm that when the Paris Agreements [establishing the Western European Union arrangements] have been ratified and have come into force, it will be the policy of the United States:

* * * * * *

(3) To continue to maintain in Europe including Germany, such units of its armed forces as may be necessary and appropriate to contribute its fair share of the forces needed for the joint defense of the North Atlantic area while a threat to that area exists and will continue [sic] to deploy such forces in accordance with agreed North Atlantic strategy for the defense of this area;

* * * * * *

(6) * * * to regard any action from whatever quarter which threatens the integrity and unity of the Western European Union as a threat to the security of the parties to the North Atlantic Treaty calling for consultation in accordance with Article 4 of that Treaty.

2. Communique, North Atlantic Council Ministerial Session, Athens, May 6, 1962 [35]

Relevant passage

* * * the Ministers welcomed the confirmation by the United States that it will continue to make available for the Alliance the nuclear weapons necessary for NATO defense, concerting with its allies on basic plans and arrangements in regard to these weapons. In addition, both the United Kingdom and the United States Governments have given firm assurances that their strategic forces will continue to provide defense against threats to the Alliance beyond the capability of NATO-committed forces to deal with.

3. Final Act, London Nine-Power Conference, Declaration by the Governments of the United States, the United Kingdom, and France, October 3, 1954 [36]

Relevant passages

5. the security and welfare of Berlin and the maintenance of the position of the Three Powers there are regarded by the Three Powers as essential elements of the peace of the free world in the present international situation. Accordingly they will maintain armed forces within the territory of Berlin as long as their responsibilities require it. They therefore reaffirm that they will treat any attack against Berlin from any quarter as an attack upon their forces and themselves.

6. They will regard as a threat to their own peace and safety any recourse to force which in violation of the principles of the United Nations Charter threatens the integrity and unity of the Atlantic alliance or its defensive purposes. In the event any such action the three Governments, . . . will act in accordance with Article 4 of the North Atlantic Treaty [which calls for consultation] with a view to taking other measures which may be appropriate.

Footnotes at end of article.

XUM

4. Statement by President Kennedy Regarding Berlin, in Address to the Nation, July 25, 1961 [37]

Relevant passage

We are there [Berlin] as a result of our victory over Nazi Germany and our basic rights to be there deriving from that victory include both our presence in West Berlin and the enjoyment of access across East Germany. * * * But in addition to those rights is our commitment to sustain—and defend, if need be—the opportunity for more than 2 million people to determine their own future and choose their own way of life. * * * The NATO shield was long ago extended to cover West Berlin, and we have given our word that an attack in that city will be regarded as an attack upon us all.

5. Address by Vice-President Johnson before the West Berlin House of Representatives, August 19, 1961 [38]

Relevant passage

I have come to Berlin by direction of President Kennedy. He wants you to know—and I want you to know—that the pledge he has given to the freedom of West Berlin and to the rights of Western access to Berlin is firm. To the survival and to the creative future of this city we Americans have pledged in effect, what our ancestors pledged in forming the United States: "* * * our Lives, our Fortunes and our Sacred Honor". * * *

6. Statement by Secretary of State Rusk Regarding Berlin, in Address at Davidson College, February 22, 1962 [39]

Relevant passage

The Western allies, backed by all the NATO powers have the most solemn obligation to protect the freedom of the West Berliners. * * * To protect this freedom requires the continued presence of Allied troops and free rights of access. * * *

7. Concurrent Resolution 570 (Berlin Resolution), October 10, 1962

Concurrent resolution

Whereas the primary purpose of the United States in its relations with all other nations is and has been to develop and sustain a just and enduring peace for all; and

Whereas it is the purpose of the United States to encourage and support the establishment of a free, unified, and democratic Germany; and

Whereas in connection with the termination of hostilities in World War II the United States, the United Kingdom, France, and the Soviet Union freely entered into binding agreements under which the four powers have the right to remain in Berlin, with the right of ingress and egress, until the conclusion of a final settlement with the Government of Germany; and

Whereas no such final settlement has been concluded by the four powers and the aforementioned agreements continue in force: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress—

(a) that the continued exercise of United States, British, and French rights in Berlin constitutes a fundamental political and moral determination;

(b) that the United States would regard as intolerable any violation by the Soviet Union directly or through others of those rights in Berlin, including the right of ingress and egress;

(c) that the United States is determined to prevent by whatever means may be necessary, including the use of arms, any violation of those rights by the Soviet Union directly or through others, and to fulfill our commitment to the people of Berlin with respect to their resolve for Freedom.

8. Joint Communique, President Kennedy and Chancellor Adenauer of Germany, November 15, 1962 [40]

Relevant passage

It is agreed * * * that the freedom and viability of Berlin will be preserved in all circumstances and wtih all means.

9. Joint Communique, President Johnson and Chancellor Erhard of Germany, June 12, 1964 [41]

Relevant passage

The President restated the determination of the United States to carry out fully its commitments with respect to Berlin, including the maintenance of the right of free access to West Berlin and the continued freedom and viability of the city.

C. Near East-Middle East

1. Message of President Truman to Congress ("The Truman Doctrine"), March 12, 1947 [42]

Relevant passages

* * * * *

I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures.

I believe that we must assist free peoples to work out their own destinies in their own way.

I believe that our help should be primarily through economic and financial aid which is essential to economic stability and orderly processes.

* * * * *

2. Joint Resolution To Promote Peace and Stability in the Middle East ("The Eisenhower Doctrine"), March 9, 1957 [43]

Relevant passage

SEC. 2. The President is authorized to undertake, in the general area of the Middle East, military assistance programs with any nation or group of nations of that area desiring assistance. Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any such nation or groups of such nations requesting assistance against armed aggression from any country controlled by international communism: *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States.

3. Tripartite Declaration (United States-United Kingdom-France) Regarding Security in the Near East, May 25, 1950 [44]

Relevant passage

3. The three Governments take this opportunity of declaring their deep interest in and their desire to promote the establishment and maintenance of peace and stability in the area and their unalterable opposition to the use of force or threat of force between any of the states in that area. The three Governments, should they find that any of these states [i.e. the Arab States and Israel] was preparing to violate frontiers or armistice lines, would, consistently with their obligations as members of the United Nations, immediately take action, both within and outside the United Nations, to prevent such violation.

4. Multilateral Declaration Respecting the Baghdad Pact, July 28, 1958 [45]

Parties

United States, Pakistan, Iran, Turkey, United Kingdom.

Relevant passages

1. The members of the Baghdad Pact attending the Ministerial meeting in London [46] * * * declare their determination to maintain their collective security and to resist aggression, direct or indirect.

4. Article 1 of the Pact of Mutual Co-operation signed at Baghdad on February 24, 1955, provides that the parties will co-operate for their security and defense and that such measures as they agree to take to give effect to this co-operation may form the subject of special agreements. Similarly, the United States in the interest of world peace, and pursuant to existing Congressional authorization, agrees to co-operate with the nations making this declaration for their security and defense and will promptly enter into agreements designed to give effect to this cooperation.

5. Joint Communique, President Kennedy and the Shah of Iran (Mohammed Reza Pahlavi), Washington, April 13, 1962 [47]

Relevant passages

* * * * *

Their talks included a review of political and military situations in the world; a discussion of the progress which Iran is making in economic and social advancement; a review of defense arrangements in which the two countries are associated; and aspects of United States economic and military aid programs in Iran.

* * * * *

They discussed and were in complete agreement on the subject of the nature of the threat to the Middle East and to all free peoples. They reaffirmed the provisions of the bilateral agreement of 1959 concerning the maintenance of the independence and territorial integrity of Iran, and agreed on the necessity of collective security arrangements to achieve this end.

* * * * *

6. Letter from President Kennedy to Crown Prince Faisal of Saudi Arabia, October 25, 1962 [48]

Relevant passage

* * * * *

* * * Under your firm and enlightened leadership I am confident Saudi Arabia will move ahead successfully on the path of modernization and reform which it has already charted for itself. In pursuing this course you may be assured of full United States support for the maintenance of Saudi Arabia's integrity.

* * * * *

7. Statement on Jordan and Saudi Arabia by Secretary of State Rusk, in a News Conference, March 8, 1963.[49]

Relevant passages

[In response to a question on political stability in Saudi Arabia and Jordan, Secretary Rusk stated:]

* * * * *

We of course are concerned about the independence of these Arab states and their freedom from external penetration. * * * We are very much interested in the independence and the security of our friends in Jordan and Arabia and will be very much alert to any threats against them.

8. Reply by President Kennedy to a News Conference Question concerning the Middle East, May 8, 1963 [50]

Relevant passage

* * * * *

We strongly oppose the use of force or the threat of force in the Near East, and we also seek to limit the spread of communism in the Middle East which would, of course destroy the independence of the people. This government has been and remains strongly opposed to the use of force or the threat of force in the Near East. In the event of aggression or preparations for aggression, whether direct or indirect, we would support appropriate measures in the United Nations, adopt other courses of action on our own to prevent or to put a stop to such aggression,

---

Footnotes at end of article.

XUM

which, of course, has been the policy which the United States has followed for some time.

9. Remarks of President Johnson during Exchange of Toasts with President Shazar of Israel, August 2, 1966 [51]

Relevant passage

* * * * *

[Reaffirming President Kennedy's statement of May 8, 1963 which expressed American support for the security of both Israel and her neighbors,[52] President Johnson said:]

We subscribe to that policy.

10. Statement by President Johnson on the Near East Situation, at the White House, May 23, 1967 [53]

Relevant passage

* * * * *

To the leaders of all the nations of the Near East, I wish to say what three American Presidents have said before me—that the United States is firmly committed to the support of the political independence and territorial integrity of all the nations of that area. The United States strongly opposses aggression by anyone in the area, in any form, overt or clandestine.

* * * * *

11. Address by President Johnson at a Foreign Policy Conference of Educators Sponsored by the Department of State, June 19, 1967 [54]

Relevant passages

* * * * *

Our country is committed—and we here reiterate that commitment today—to a peace [in the Middle East] that is based on five principles:

First, the recognized right of national life;

Second, justice for the refugees;

Third, innocent maritime passage;

Fourth, limits on the wasteful and destructive arms race; and

Fifth, political independence and territorial integrity for all.

* * * * *

D. Africa

The Department is not aware of any published official statements by the Congress, the President, the Vice President, or the Secretary of State containing United States defense assurances to African countries.

E. South Asia

1. Letter from President Eisenhower to Prime Minister Nehru of India, February 24, 1954 [55]

Relevant passage

* * * * *

* * * I am confirming publicly that if our aid to any country, including Pakistan, is misused and directed against another in aggression I will undertake immediately, in accordance with my constitutional authority, appropriate action both within and without the U.N. to thwart such aggression. * * *

* * * * *

2. Assurances to Pakistan Respecting the Extension of Military Assistance to India: Statement by the Department of State, November 17, 1962 [56]

Relevant passages

[Referring to an exchange of notes between the United States Government and the Government of India released the same day (November 17), which concerned the provision of military aid to India, and citing the assurances given to India in 1954 when similar aid was extended to Pakistan,[57] the statement continued:]

* * * * *

The Government of the United States of America has similarly assured the Government of Pakistan that, if our assistance to India should be misused and directed against another in aggression, the United States would undertake immediately, in accordance with constitutional authority appropriate action both within and without the United Nations to thwart such aggression.

Needless to say, in giving these assurances the United States is confident that neither of the countries which it is aiding harbors aggressive designs.

F. Southeast Asia

1. Joint Resolution To Promote the Maintenance of International Peace and Security in Southeast Asia (Tonkin Gulf Resolution), August 10, 1964 [58]

Relevant passages

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in Southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

2. Statement of Congressional Policy, March 16, 1967 [59]

The Congress hereby declares—

(1) its firm intentions to provide all necessary support for members of the Armed Forces of the United States fighting in Vietnam:

(2) its support of efforts being made by the President of the United States and other men of good will throughout the world to prevent an expansion of the war in Vietnam and to bring that conflict to an end through a negotiated settlement which will preserve the honor of the United States, protect the vital interests of this country, and allow the people of South Vietnam to determine the affairs of that nation in their own way; and

(3) its support for the convening of the nations that participated in the Geneva Conferences or any other meeting of nations similarly involved and interested as soon as possible for the purpose of pursuing the general principles of the Geneva accords of 1954 and 1962 and for formulating plans for bringing the conflict to an honorable conclusion.

3. Joint Statement, Secretary of State Rusk and Foreign Minister Thanat Khoman of Thailand, March 6, 1962 [60]

Relevant passages

* * * * *

The Secretary of State reaffirmed that the United States regards the preservation of the independence and integrity of Thailand as vital to the national interest of the United States and to world peace. He expressed the firm intention of the United States to aid Thailand, its ally and historic friend, in resisting Communist aggression and subversion.

The Foreign Minister and the Secretary of State * * * agreed that the Treaty [Southeast Asia Collective Defense Treaty] provides the basis for the signatories collectively to assist Thailand in case of [direct] Communist armed attack against that country. The Secretary of State assured the Foreign Minister that in the event of such aggression, the United States intends to give full effect to its obligations under the Treaty to act to meet the common danger in accordance with its constitutional processes. The Secretary of State reaffirmed that this obligation of the United States does not depend upon the prior agreement of all other parties to the treaty, since this treaty obligation is individual as well as collective.

In reviewing measures to meet indirect aggression, the Secretary of State stated that the United States regards its commitments to Thailand under the Southeast Asia Collective Treaty and under its bilateral economic and military assistance agreements with Thailand as providing an important basis for United States actions to help Thailand meet indirect aggression. In this connection the Secretary reviewed with the Foreign Minister the action being taken by the United States to assist the Republic of Vietnam to meet the threat of indirect aggression.

* * * * *

4. Declaration of Honolulu, President Johnson, Chairman Nguyen Van Thieu and Prime Minister Nguyen Cooky, February 8, 1966 [61]

Relevant passage

The President of the United States and the Chief of State and Prime Minister of the Republic of Vietnam are thus pledged again—

To defense against aggression;

To the work of social revolution;

To the goal of free self-government;

To the attack on hunger, ignorance, and disease; and

To the unending quest for peace.

5. Communique of Seven Nations, Manila Conference, October 25, 1966 (Australia, Korea, New Zealand, Philippines, Thailand, United States, Republic of Vietnam) [62]

"We are united in our determination that the South Vietnamese people shall not be conquered by aggressive force and shall enjoy the inherent right to choose their own way of life and their own form of government. We shall continue our military and all other efforts, as firmly and as long as may be necessary, in close consultation among ourselves until the aggression is ended."

6. Remarks of President Johnson in Offering a Toast to the King of Thailand, Bangkok, October 28, 1966 [63]

Relevant passages

* * * * *

Tonight we stand as allies in a common cause. * * * We know the risks that we both run to meet the common dangers. But we know, also, that we act from a joint conviction of common interest.

Let me assure you in this regard that Thailand can count on the United States to meet its obligations under the SEATO treaty. The commitment of the United States under the SEATO treaty is not of a particular political party or administration in my country but is a commitment of the American people.

I repeat to you: America keeps its commitments.[64]

g. East Asia

1. Joint Resolution Authorizing the President To Employ the Armed Forces of the United States for Protecting the Security of Formosa, the Pescadores and Related Positions and Territories of That Area (Formosa Straits Resolution), January 29, 1955 [65]

Relevant passage

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such

---

Footnotes at end of article.

XUM

related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores. * * *

2. Statement on Formosa and the Offshore Islands by President Kennedy in a Press Conference, June 27, 1962 [66]

Our basic position has always been that we are opposed to the use of force in this area. * * * [In the event of] aggressive action against the offshore islands of Matsu and Quemoy * * * the United States will take the action necessary to assure the defense of Formosa and the Pescadores. * * * In my own discussion of this issue in the campaign of 1960, * * * I stated this position very plainly, for example, on October 16, 1960: "The position of the administration has been that we would defend Quemoy and Matsu if there were an attack which was part of an attack on Formosa and the Pescadores. * * *" Under this policy sustained continuously by the United States Government since 1954, it is clear that any threat to the offshore islands must be judged in relation to its wider meaning for the safety of Formosa and the peace of the area. Exactly what action would be necessary in the event of any such act of force would depend on the situation as it developed. * * *

3. Reply to Question at Press Conference in Korea by Vice President Humphrey, February 23, 1966 [67]

Relevant passage

The United States Government and the people of the United States have a firm commitment to the defense of Korea. As long as there is one American soldier on the line of the border, the demarkation line, the whole and the entire power of the United States of America is committed to the security and defense of Korea. Korea today is as strong as the United States and Korea put together. America today is as strong as the United States and Korea put together. We are allies, we are friends, you should have no questions, no doubts.

H. Southwest Pacific

1. Joint Communique, President Johnson and President Macapagal, October 6, 1964 [8]

Relevant passage

The two Presidents recognized that the aggressive intentions and activities of Communist China continue to present an imminent threat in the Far East and in Southeast Asia. They reviewed, in this connection, the importance of the Mutual Defense Treaty between the Philippines and the United States in maintaining the security of both countries and reaffirmed their commitment to meet any threat that might arise against their security. President Johnson made it clear that, in accordance with these existing alliances and the deployment and dispositions thereunder, any armed attack against the Philippines would be regarded as an attack against United States forces stationed there and against the United States and would instantly be repelled.

2. Joint Communique, President Johnson and President Marcos of the Philippines, September 15, 1966 [9]

Relevant passages

* * * * *

14. Mutual Security. Both Presidents recognized the strategic role which the Philippines plays in the network of allied defenses and agreed to strengthen their mutual defense capabilities.

* * * * *

16. The two Presidents pledged themselves to strengthen the unity of the two countries in meeting any threat to their security. In this regard, they noted the continuing importance of the Mutual Defense Treaty between the Philippines and the United States in maintaining the security of both countries. President Johnson reiterated to President Marcos the policy of the United States regarding mutual defense as stated by him and by past U.S. Administrations to the Philippine Government since 1954.

FOOTNOTES

[1] 59 Stat. 1031. Signed at San Francisco June 26, 1945; entered into force for the United States October 24, 1945.

[2] TIAS 1838. Opened for signature at Rio de Janeiro September 2, 1947; entered into force for the United States December 3, 1948.

[3] Resolution VI, of the Final Act of the Eighth Meeting of Consultation of Ministers of Foreign Affairs of the American Republics, Punta del Este; signed January 31, 1962, excluded "the present Government of Cuba, which has officially identified itself as a Marxist-Leninist government" from participation in the inter-American system.

[4] TIAS 2292. Signed at Copenhagen April 27, 1951; entered into force June 8, 1951.

[5] Both the United States and Denmark are members of NATO. See *ante*, p. 10.

[6] TIAS 2266. Signed at Reykjavik May 5, 1951; entered into force May 5, 1951.

[7] TIAS 4031. Signed at Washington May 12, 1958; entered into force May 12, 1958.

[8] Treaty Series No. 945. Signed March 2, 1936; ratification advised by Senate, July 25, 1939; ratified by President, July 26, 1939; proclaimed by President, July 27, 1939.

[9] TIAS 1964. Signed April 4, 1949; ratification advised by Senate, July 21, 1949; ratified by President, July 25, 1949; proclaimed by President, August 24, 1949; entered into force August 29, 1949.

[10] Acceded by Protocol, February 18, 1952. TIAS 2390, October 17, 1951.

[11] Acceded by Protocol, May 5, 1955, TIAS 3428, October 23, 1954.

[12] Considering the independence of Algeria the North Atlantic Council on January 16, 1963, noted that insofar as the former Algerian Departments of France were concerned the relevant clauses of this treaty had become inapplicable as from July 3, 1962.

[13] TIAS 5437. Signed at New York, September 26, 1953.

[14] TIAS 4189. Signed at Ankara March 5, 1959; entered into force March 5, 1959.

[15] TIAS 4191. Signed at Ankara March 5, 1959; entered into force March 5, 1959.

[16] TIAS 4303. Signed July 8, 1959; entered into force July 8, 1959.

[17] TIAS 4190. Signed March 5, 1959; entered into force March 5, 1959. This bilateral agreement of cooperation was entered into pursuant to the Declaration Relating to the Baghdad Pact signed at London July 28, 1958 (see Section D, "Near East-Middle East").

[18] TIAS 3170. Signed September 8, 1954; ratification advised by the Senate, February 1, 1955; ratified by the President, February 4, 1955; proclaimed by the President, February 19, 1955; entered into force, February 19, 1955.

[19] Included (for the purposes of Article IV) by the Protocol to the Southeast Asia Collective Defense Treaty, TIAS 3170, signed September 8, 1954; entered into force, February 19, 1955. Cambodia has indicated disinterest in the protection of the Southeast Asia Treaty. In the Geneva Declaration on the Neutrality of Laos, the Royal Government of Laos declared that it will not "recognize the protection of any alliance or military coalition including SEATO," and the United States and other nations agreed to "respect the wish of the Kingdom of Laos not to recognize the protection of any alliance or military coalition, including SEATO."

[20] TIAS 2493. Signed September 1, 1951; ratification advised by the Senate, March 20, 1952; ratified by the President, April 15, 1952; proclaimed by the President, May 9, 1952; entered into force April 29, 1952.

[21] TIAS 2529. Signed August 30, 1951; ratification advised by the Senate, March 20, 1952; ratified by the President, April 15, 1952; proclaimed by the President, September 15, 1952; entered into force, August 27, 1952.

[22] File 711.56396/10-1659.

[23] TIAS 6084. Signed at Washington, September 16, 1966.

[24] TIAS 4509. Signed January 19, 1960; ratification advised by the Senate, June 22, 1960; entered into force, June 23, 1960.

[25] TIAS 3178. Signed December 2, 1954; ratification advised by the Senate, February 9, 1955; ratified by the President, February 11, 1955; proclaimed by the President, April 1, 1955; entered into force, March 3, 1955.

[26] TIAS 3097. Signed October 1, 1953; ratification advised by the Senate, with an understanding, January 26, 1954; ratified by the President, subject to the said understanding, February 5, 1954; proclaimed by the President, December 1, 1954; entered into force, November 17, 1954.

[27] J. D. Richardson, *Messages and Paper of the Presidents, 1789–1897*, volume 11, pp. 207–220.

[28] *American Foreign Policy: Current Documents*, 1960, pp. 210–212.

[29] Made at Ogdensburg, New York; text in *Department of State Bulletin*, August 24, 1940, p. 154.

[30] *Department of State Bulletin*, volume XVI, No. 399, February 23, 1947, p. 361.

[31] Subsequently both Canada and the United States becomes parties to the North Atlantic Treaty.

[32] *Public Papers of the Presidents of the United States: John F. Kennedy* 1963, p. 188.

[33] *Ibid.*, p. 243.

[34] *American Foreign Policy, 1950–55; Basic Documents*, volume I, pp. 989–991.

[35] *American Foreign Policy: Current documents, 1962*, pp. 541–543.

[36] *American Foreign Policy, 1950–55: Basic Documents*, volume I, pp. 1481–1483.

[37] *American Foreign Policy: Current Documents, 1961*, pp. 604–612.

[38] *American Foreign Policy: Current Documents, 1962*, pp. 634–635.

[39] *American Foreign Policy: Current Documents, 1962*, pp. 689–690.

[40] *American Foreign Policy: Current Documents, 1962*, pp. 626–627.

[41] *Department of State Bulletin*, volume L, No. 1305, June 29, 1964, pp. 992–994.

[42] *Department of State Bulletin* Supplement of May 4, 1947, pp. 829–832. The message was delivered by the President before a joint session of Congress.

[43] House Joint Resolution 117, 85th Cong., 1st sess.; approved by the President, March 9, 1957.

[44] *Department of State Bulletin*, June 5, 1950, p. 886.

[45] TIAS 4084. Signed at London July 28, 1958; entered into force for the United States July 28, 1958.

[46] Iraq was not present.

[47] *American Foreign Policy: Current Documents, 1962*, pp. 778–779.

[48] White House press release dated January 8, 1963 (text in *American Foreign Policy: Current Documents, 1962*, p. 783).

[49] Department of State Press Release 121 Mar. 8, 1963, text in *Department of State Bulletin* XLVIII, No. 1239, Mar. 25, 1963, p. 435.

[50] *Public Papers of the Presidents of the United States: John F. Kennedy*, 1963, p. 373.

[51] Weekly Compilation of Presidential Documents, Aug. 8, 1966, Vol. 2, No. 31, p. 1019.

[52] See Item II, C.7., p. 48.

[53] White House press release dated May 23, 1967.

[54] *Weekly Compilation of Presidential Documents*, June 26, 1967, pages 889–920.

[55] Text as printed in *Dept. of State Bulletin*, XXX, No. 768, Mar. 15, 1954, pp. 300–401.

[56] Dept. of State press release 683, No. 17, 1962, text as printed in *Dept. of State Bulletin*, XLVII, No. 1223, Dec. 3, 1962, pp. 837–838.

[57] See item E. 1., p. 50.

[58] House Joint Resolution 1145, 88th Cong., 2d sess., August 10, 1964; 78 Stats. 384.

[59] Supplemental Appropriation Act, Title IV, 81 Stat. 5–6.

[60] Department of State Press Release, No. 145, March 6, 1962.

In two world wars, we found that large enemy submarine forces have nearly cut us off from our allies. Now we face the largest and most modern enemy submarine fleet we have ever faced. We have found that we can effectively use submarines both against submarines and against enemy fleets and merchant marines in forward areas where the enemy has control of the ocean surface. Thus, in World War II our submarines were able to reduce the flow of petroleum to Japan to such an extent that at the end of the way, the Japanese fleet was hard put to find oil needed for operations.

We also learned the value of airpower, flying off carriers, to win our battles—and to cut down on the flow of petroleum to the enemy. We could not have made the step-by-step progress back across the Pacific up to Japan itself without getting control of the seas as we went. It was the use of planes flying off carriers that gave control of the air in our amphibious landing. I know because I was there—and I live today because of that. In Southeast Asia, we have been flying effectively off carriers as well as land bases. The carriers have not been subject to sneak attacks—such as have destroyed so many land aircraft.

When we had the missile crisis with Cuba, it was our seapower thrown around the island that made the effective difference. It gave us many choices of further steps.

With our Navy, our Government has any number of choices as to possible action in case of any trouble in any part of the world. With our large number of commitments we must be ready to back up our word or the Soviet will take over from us. Our choices range from "showing the flag," to blockades, to enemy action of varying kinds and amounts. Having these choices also gives our Government time to consider other possibilities which may be needed in any particular situation.

However, seapower must also be considered in its broader aspects. It is not merely the use and deployment of naval forces in both peacetime and wartime—it is also the use of the merchant marine, of fishing fleets, of oceanography. The Soviets are practicing what we learned long ago and have forgotten—that seapower is the coordinated use of all aspects of our naval and maritime abilities in support of a national policy.

FLEXIBILITY OF NAVAL POWER

Naval power has the great advantage of giving our Government any number of choices as to possible action in support of national policies in any part of the world. In meeting our treaty commitments and protecting our vital interests, naval power allows great flexibility of response ranging from show-the-flag operations to any level of response that a situation requires.

CUBAN CRISIS

The flexibility and effectiveness of our seapower were so well demonstrated during the Cuban crisis, that is is worthwhile recalling that experience, especially as related by Senator Robert F. Kennedy in "Thirteen Days."

After the United States had photographic proof of the existence of strategic missiles in Cuba furnished by the Soviets, there was considerable debate as to what course we should take. The choices ran from armed invasion to diplomatic action. President John F. Kennedy decided that the first step would be to quarantine Cuba.

At first the quarantine was to extend 800 miles from Cuba, but it was reduced to 500 miles in order to give the Soviets time to consider and send necessary orders to the ships already underway. Two Soviet freighters carrying missiles approached the 500-mile boundary. At first it was planned to have the interception made by a cruiser. However, when a Soviet submarine was located between the two ships, it was decided to send the antisubmarine carrier *Essex* to make the interception. The Soviet freighters stopped at the edge of the 500-mile zone, so there was no need to confront them. However, the Soviets sent a tanker on through. Not wanting a confrontation over a ship not carrying missiles, we sent only an escort of surface ships to accompany it.

The Soviets had six submarines in the area which were constantly watched by our antisubmarine activities. We were able to get a fleet of 25 destroyers, two cruisers, several submarines, three attack carriers, five antisubmarine carriers, and a large number of support ships for the surface quarantine, as well as for antisubmarine work.

When an East German passenger ship appeared and entered the quarantine zone, it was decided to let it pass without stopping it. The possibility of harming 1,500 passengers was the governing consideration. We did not want another *Lusitania*. In order to show that we would insist on boarding and inspecting ships within the zone, a Panamanian freighter was selected. It was stopped, boarded, examined, and permitted to go on its way since it carried no arms. This showed we meant business, still without a direct confrontation with the Soviets.

While these operations were taking place on the high seas, we were able to put our missile crews on maximum alert and move troops into Florida and the southeastern United States. The 1st Armored Division began to move out of Texas into Georgia. Five more divisions were placed on alert. The base at Guantanamo Bay was strengthened. The Navy deployed 150 ships into the Caribbean. The Strategic Air Command was dispersed to civilian landing fields around the country and the B-52's were ordered into the air with a full load of atomic weapons. Plans were made for all scales of attack, including invasions of Cuba and overrunning of the missile sites, in case the enemy undertook any of a number of possible kinds of action.

In the meantime, also, the United States was able to undertake diplomatic discussions with the Organization of American States, with the heads of England, France, and Germany, and with the United Nations. It was able to discuss the situation with the ambassadors of a number of countries and with the leaders of Congress.

Through the use of the quarantine, the United States was able to keep making a number of choices of courses of action. It was able to make clear its will and determination without necessarily making such a direct confrontation that the Soviets were not able to retreat. Throughout, there were any number of times when new circumstances made different decisions desirable at the last minute. The flexibility of our naval forces in the area combined with our mastery of the seas, based primarily on our aircraft carriers, gave us time to prepare and the Soviets time to reconsider.

To retain this kind of strategic flexibility, a flexibility which can be an important deterrent to war as this episode proved, is another important reason why we must proceed with the modernization of our Navy.

One hesitates to think what the results might have been in that crisis without the overwhelming mastery of the seas. As former Prime Minister Harold MacMillan has explained in an introduction to "Thirteen Days" by Robert F. Kennedy:

> Apart from the various diplomatic weapons which were used with consummate skill, the President's decision to adopt the method of the blockade gave an opportunity both for the Americans to prepare and to the Soviet Government to recede.

H.R. 14000

The bill which is before you contains $3.591 billion for shipbuilding. This bill does go beyond what the Department of Defense has asked for. However, it was drafted on information supplied by the Navy. Indeed, the Chief of Naval Operations has asked for a $4 billion shipbuilding bill for at least 5 years in order to get the Navy into a good posture by the 1980's. Even with that construction there will be a period during the middle 1970's when we will have to rely on too many ships over 30 years of age.

The Secretary of the Navy has called for a $4.5 billion shipbuilding program for 10 years. The Deputy Secretary of Defense has stated that the Navy needs this kind of a shipbuilding bill. The President has told the chairman of the full committee that he agrees with this shipbuilding bill. With this background, the committee decided it had no choice but to bring forth a bill which would restore the Navy to its rightful role.

The biggest differences with the Department of Defense program are in the construction of support ships and in the provision for long leadtime items.

Since the Navy cannot operate efficiently without a full complement of modern support ships, many of these are contained in the bill before you.

One of the most important ships that there is in the bill is the attack carrier.

---

[61] Text in LIV Department of State Bulletin 305–307.

[62] Press release 252, Oct. 25, 1966.

[63] Text in *The Department of State Bulletin*, LV, No. 1430, Nov. 21, 1966, pp. 767–768.

[64] The President's statement was reiterated by Secretary Rusk in a press release on March 22, 1967, published in *The Department of State Bulletin*, LVI, No. 1450, Apr. 10, 1967, pp. 597–598.

[65] House Joint Resolution 159, 84th Cong., 1st sess., Jan. 29, 1955 (Text in *American Foreign Policy, 1950–1955:* Basic Documents (2 volumes, Washington: U.S. Government Office, 1957), Volume II, pp. 2486–2487).

[66] *Public Papers of the Presidents: John F. Kennedy, 1962*, pp. 509–517.

[67] Korea Times, February 24, 1966.

The attack carrier is the heart of the U.S. surface naval strength and gives us a unique capability which is unmatched by any other nation. The carrier is the one capital ship that the Russians do not yet have, and its flexibility gives us an important leverage in carrying out national policy.

Attack carriers are the one way the United States has of taking its air power almost any place it may be needed. Ninety-five percent of the world's population and 85 percent of the world's contingency areas lie within striking distance from carriers. Carriers are not dependent upon base rights, landing rights, or overflight rights, which can quickly disappear when needed most. Recently our overseas air bases have been greatly curtailed as in France and Morocco, to name some outstanding examples. From 551 overseas bases at the end of the Korean war, we now have dropped to 173. Of 105 operational Air Force bases overseas in 1957, there are now only 35.

The Air Force is said to have a "kit" by which it can turn any civilian airfield into a military air base, so as to be able to use more land bases in a hurry. This presupposes that there will be all of the base rights—as well as overflight rights—which will be necessary to the United States. Upon inquiry, it turns out that the kit consists of 6,000 people, 7,000 tons of cargo and 1,500 vehicles. Thirty-two hundred tons of consumables a day are also required for the operation, including petroleum products.

When all costs of maintaining a fighter wing are compared, the differences between Navy and Air Force are not great—in fact, they are just about even. And the carrier can be placed in a new location immediately.

Attack carriers have been able to provide air power in the Pacific against a large Navy in ending World War II, in Korea when all of the land bases were overrun by the enemy, and for Southeast Asia.

The use of carriers in support of U.S. policy is best shown by the following information:

Summary of Attack Carrier Support of U.S. Foreign Policy Since the Korean War

July 1954: Searched for survivors of downed British aircraft in South China Sea. Search aircraft fired on by Chinese Communist fighters. Our aircraft returned the fire downing two Chinese Communist fighters—*Philippine Sea* and *Hornet*.

June to October 1954: Support evacuation of citizens of North Vietnam to the South—"Passage to Freedom"—*Hornet*.

October 1954: Assist victims of hurricane "Hazel" which had devastated part of Haiti. Helicopters dropped medicine, food, clothing and other supplies and relieved the widespread suffering—*Saipan*.

January 24 to February 12 1955: Protected and supported evacuation of more than 18,000 civilians and 20,000 military personnel from Chinese Mainland and Tachen Islands to Taiwan—*Essex, Wasp, Yorktown, Kearsarge*.

August 23, 1956: Search for crewmen of Navy patrol plane shot down off coast of Communist China while prepared to take other military actions if required—*Wasp*.

July to October 1956: Egyptian-Israeli War—Suez Crisis. Protected the evacuation of 2,177 U.S. citizens from Alexandria, Haifa, Tel Aviv, Amman and Damascus. Provided air cover, and air and surface reconnaissance—*Randolph, Coral Sea, Antietam*.

October to December 1956: During Suez Crisis provided backup support to Mediterranean Naval Force in Eastern Atlantic—*Forrestal, Roosevelt*.

A two-carrier task force in the Western Pacific was prepared to sail to the Mediterranean—*Lexington, Bon Homme Richard*.

April 1957: Jordan Crisis. Provided show of force and presence—*Lake Champlain, Forrestal*.

September 1957: Participation in NATO exercise Strike Back in North Atlantic, North and Norwegian Sea—largest peacetime naval exercise in history (Canada, France, Netherlands. Norway, UK and US)—*Saratoga, Essex, Intrepid, Wasp, Forrestal*.

July to September 1957: US presence and show of force to defend Taiwan during Chinese Communist shelling of Kinmen Island—*Kearsarge, Lexington, Hancock, Bon Homme Richard*.

August to November 1957: US presence and show of force during Syrian political uprisings—*Randolph, Intrepid*.

July 14 to August 20, 1958: Lebanon crisis. Supported US Peace Force landing in Beirut. Conducted covering, reconnaissance and patrol missions—*Essex, Saratoga*.

August to September 1959: Provided US show of force during shelling of Nationalist Chinese islands Quemoy and Matsu by Chinese Communists. (*Essex* proceeded from Lebanon crisis to Taiwan area)—*Hancock, Lexington, Bennington, Essex, Princeton, Midway, Shangri La*.

July 5 to 10, 1959: Show of force during Nationalist China-Communist China crisis—*Ranger, Lexington*.

August to September 1959: Provided presence and US force in South China Sea during Laotian crisis—*Lexington, Hancock*.

September 1959: Distributed food, medicine and evacuated typhoon victims in Nagoya, Japan—*Kearsarge*.

December 3 to 5, 1959: Aided flood victims who survived a broken dam disaster near San Raphael in southern France. Provided medical supplies, doctors, food, communications and news coverage—*Essex*.

April 11–16, 1960: U.S. show of flag to India (first carrier to visit since WWII)—*Bon Homme Richard*.

Fall 1960: Guatemala and Nicaragua requested assistance to guard against invasion. Provided air and surface patrols along Central America—*Shangri La*.

September 1960: Executed President Eisenhower's new policy of keeping at least 3 attack carriers "on the line" in troubled waters of the Far East at all times—*Coral Sea* first to sail as an augmenting carrier in WEST PAC.

September 1960 to June 1961: Major short term buildup of U.S. retaliation capability in response to Soviet pressure on Berlin—3 CVA in Mediterranean by rotation.

1960: U.S. show of flag at Split, Yugoslavia—*Forrestal*.

February to April 1961: Laotian Crisis. Provided U.S. presence in South China Sea and prepared to protect and support amphibious and airborne assault force—*Lexington, Midway, Coral Sea*.

April 1961: Cuban Crisis (Bay of Pigs)—*Independence*.

June 1961: Dominican Republic Uprising following assassination of Trujillo. Provided show of force—*Intrepid, Shangri La, Randolph*.

November 19–27, 1961: Dominican Republic Crisis. Provided presence and show of force—*Roosevelt*.

May 1962: Laos-South Vietnam Crisis. Provided presence and show of force in South China Sea and gave air cover for Marines landed in Thailand—*Hancock, Lexington, Coral Sea*.

June 1962: Quemoy-Matsu off-shore islands crisis. Provided presence and show of force—*Hancock, Midway, Coral Sea*.

August 25, 1962: Miyako Island, Japan volcano eruption. Assisted survivors.—*Midway*.

October 22 to November 21, 1962: Cuban Missile Crisis. Conducted reconnaissance, guarantine and surface surveillance. Other carrier forces assumed higher readiness postures in the Mediterranean and Western Pacific.—*Independence, Enterprise, Saratoga*.

April 28, 1963: Increasing Middle East tensions. Provided U.S. presence and show of force.—*Enterprise, Saratoga*.

May 1–4, 1963: Laos Crisis. Provided U.S. presence in South China Sea.—*Ranger*.

June 1963: Provided 256,500 gallons fresh water to Hong Kong during extended drought period.—*Coral Sea*.

November 1963: South Vietnam political crisis following death of President Diem. Provided U.S. presence and show of force.—*Oriskany, Hancock, Coral Sea*.

April to May 1964: Good Will tour of Indian Ocean by "Concord Squadron" and Visits to Diego Suarez, Malagasy, Mombasa, Kenya, Aden and hosted the Shah of Iran.—*Bon Homme Richard*.

August 1964: Retaliatory strikes against North Vietnam following Gulf of Tonkin incident.—*Constellation, Ticonderoga*.

August 1964 to the present: Vietnam war.—*America, Enterprise, Constellation, Kitty Hawk, Independence, Ranger, Forrestal, Coral Sea, Hancock, Franklin D. Roosevelt, Oriskany, Midway, Bon Homme Richard, Intrepid, Ticonderoga*.

June 1967: "Six Day" Arab-Israeli War. Protected U.S. interests in Middle East. Provided protection for ships evacuating U.S. nationals from UAR.—*Saratoga, America*.

October 1967: Provided presence for possible evacuation of U.S. nationals during Greek attempted political coup.—*Saratoga, Roosevelt*.

January to March 1968: Readiness maneuvers after *Pueblo* capture by North Korea in Sea of Japan. Maintained presence in the area, ready to take offensive or defensive actions as directed.—*Enterprise, Ranger, Ticonderoga, Coral Sea*.

April to July 1969: Readiness maneuvers after unarmed Navy reconnaissance aircraft (EC–121) shot down over international waters by North Korean fighters. Maintained presence in Sea of Japan prepared to carry out actions as directed.—*Enterprise, Ticonderoga, Ranger, Kitty Hawk, Bon Homme Richard*.

INVULNERABILITY OF CARRIERS

One of the arguments made against funding the new attack carrier is that carriers are extremely vulnerable to enemy attack. The facts belie that argument.

Of the 44 attack carriers which have been built, only five have been sunk by enemy action, the last one being the *Hornet* on October 26, 1942, in the battle for the Solomons. No *Essex* class or later carrier has been sunk by enemy action. Forty-one of these carriers have launched air strikes in combat. The carriers are especially designed to take a large amount of punishment from bombs and torpedoes and still be able to continue flight operations. In the *Enterprise* catastrophe, nine major bombs exploded on the armored flight deck. If it had been the decision to continue flight operations, they could have resumed within hours merely by the removal of the debris from the deck.

The carrier may be subject to attack from either airplanes or submarines, but airfields can be subject to that attack, too, as well as to guerrilla and other enemy action. The carrier has protection from missile attack by its escort screen and by its own aircraft. An air base has protection by its own planes, too, as well as by ground forces and even naval forces. An attack on a carrier by a nuclear weapon would be about as devastating as the same kind of an attack on an airbase. However, a carrier, being mobile, cannot be pretargeted when it is maneuvering at sea.

During World War II, our attack carriers took some 42 bombings or torpedoings. There was no sinking after the *Hornet* went down on October 26, 1942. Carriers are especially designed to absorb bombings. Their hulls are especially designed and compartmented. There is armor plate on their flight deck. When the *Enterprise* had its tragic fire, nine major sized bombs exploded on its flight deck. Yet, if it had been desired, the carrier could have been back in flight operation within a few hours—requiring only the removal of the debris on the deck.

Some point to the sinking of the *Elatch* by a Styx missile as being indicative of the danger carriers run. Carriers have escorts whose task is to keep gunboats, such as fired the missile out of range of the carrier. They also can defend against any missile. The carriers' planes can also defend against a missile. One sub missile will not sink the carrier. Indeed, since the Styx missile is a heat seeking missile, and since a nuclear carrier does not have any stack, there will be no easy target provided to the missile. If the missile locks onto the heat from planes warming on the deck of the carrier, it would do no more harm than the explosions on the *Enterprise*, due to the armor plate in the deck.

A chart of the World War II bombings shows:

SUMMARY OF BATTLE DAMAGE TO U.S. CARRIERS, WORLD WAR II, INCLUDING CAUSE AND EFFECT OF DAMAGE

Ship	Date hit	Cause of damage	Continued in operation	Temporarily out of action (see remarks)	Out of action	Required overhaul or repair	Duration of overhaul or repair	Sunk	Remarks
Lexington	May 8, 1942	2 bombs, 2 or 3 air torpedoes	×		×		Sunk	×	Hit at 1120-1121 Landed 13 planes at 1145. Launched planes at 1243. Large explosion at 1442. Fires out of control at 1450. Ship abandoned and sunk by our own DD torpedoes
Yorktown	(1)	3 bombs: 2 air torpedoes: 2 submarine	×		×		do	×	Hit at 1430. Launched 8 VF at 1600. Torpedoes hit at 1620, ship stopped, later sunk (on 7th).
Wasp	Sept 15, 1942	2 or 3 submarine torpedoes			×		do	×	Finally sunk by own DD torpedoes. Japanese submarine torpedoes struck in way of magazines and exploded part own ammo. Fires and damage appeared manageable until 3 gasoline vapor explosions occurred below deck.
Hornet	Oct. 26, 1942	5 bombs; 3 air torpedoes; 2 kamikaze.			×		do	×	Day-long action. Finally sunk by own DD torpedoes and gunfires after ship abandoned
Saratoga	Jan. 11, 1942	1 submarine torpedo	×			×	See remarks		Repaired at NYPH and then proceeded to NYPS for installation of blisters as previously scheduled. Duration of overhaul 4 months, not all chargeable to torpedo damage.
Enterprise	Feb. 1, 1942	1 bomb	×						Splinter damage only.
Yorktown	May 8, 1942	3 bombs	×						Hit at 1127. Landed planes at 1155; launched at 1215; launched planes at 1230. Not sent in for overhaul or repairs.
Enterprise	Aug. 24, 1942	4 bombs	×		×	×	3 weeks		Hit at 1712, continued to operate planes until 1843 when steering lost. To NYPH.
Saratoga	Aug. 31, 1942	1 submarine torpedo		×		×	7 weeks		Hit at 1948. Stopped at 1953 as result electrical fires. At 0130 back in commission and at 0130 landed 20 VSB and 9 VTB, at 0030 launched and landed A/C.
Enterprise	Oct. 26, 1942	2 bombs		×		×	2 weeks		Hit at 1115, started operating planes again at 1230. To Noumea for repairs.
Independence (CVL)	Nov. 20, 1943	1 air torpedo			×	×	24 weeks		3 shafts knocked out and extensive flooding.
Lexington	Dec. 4, 1943	do			×	×	8 weeks		Hit at 2330, no air operations in progress to PSNY.
Princeton (CVL)	Oct. 24, 1944	1 bomb			×		Sunk	×	Hangar deck fires. Finally sunk by own forces.
Intrepid	Feb. 17, 1944	1 air torpedo			×	×	6 days		Steering gear damaged.
Wasp	Feb. 19, 1944	5 bombs	×						Fragment damage, local fires.
Bunker Hill	June 19, 1944	1 bomb	×						Fragment damage, local fires, minor flooding.
Franklin	Oct. 13, 1944	1 kamikaze	×						Negligible damage.
Hancock	Oct. 14, 1944	1 bomb	×						Minor fragment damage.
Franklin	Oct. 15, 1944	3 bombs	×						Minor fragment damage, small fires, minor damage.
Intrepid	Oct. 29, 1944	1 kamikaze	×						Small fire, quickly extinguished.
Franklin	Oct. 30, 1944	do		×		×	10 weeks		Hit at 1046. Recovered planes of strikes in air at 1337. Launched again at 1649. Recovered at 1758. To PSNY. Extensive fires were extinguished in 2½ hours.
Lexington	Nov. 5, 1944	do	×						Small fires extinguished in 20 minutes.
Essex	Nov. 25, 1944	do	×						Minor fires, minor flight deck damage. Hit at 1256, resumed flight operations at 1326 (30 minutes).
Intrepid	do	2 kamikaze			×	×	7 weeks		Extensive fires and structural damage. Hit at 1254/59. Flight deck fires out at 1314; others under control at 1532. To NYSF.
Belleau Wood (CVL)	Oct. 30, 1944	1 kamikaze			×	×	4½ weeks		Serious fires on flight deck, gallery, and 01 decks. To NYSF.
Cabot (CVL)	Nov. 25, 1944	2 kamikaze		×			2 weeks		Small fires. Minor structural damage. Severe fragment damage. To Ulithi for repairs, operated planes 1 hour 06 minutes after hit.
Ticonderoga	Jan. 21, 1945	do			×	×	9 weeks		Extensive fires and damage to electrical cables under flight deck forward. To NYPS.
Saratoga	Feb. 21, 1945	4 kamikaze; 2 bombs		×		×	10 weeks		Hits over period from 1700 to 1846. Extensive fires and severe structural damage. By 2015 ready to land A/C. To PSNY.
Randolph	Mar. 11, 1945	1 kamikaze				×	3 days		Ship at anchor Ulithi when hit. Repaired at Ulithi.
Enterprise	Mar. 18, 1945	1 bomb	×			×	12 days		Minor fires, minor damage. No interruption of operations (Bomb broke up). Repaired at Ulithi.
Intrepid	Mar. 18, 1945	1 kamikaze	×			×	11 days		Minor gasoline fires, minor fragment damage. Repaired at Ulithi.
Yorktown	do	1 bomb	×						Severe blast and fragment damage to exterior shell plating. Minor fires quickly extinguished. No interruption of operations.
Franklin	Mar. 19, 1945	2 bombs			×	×	End of war		Terrific conflagrations and explosions of own bombs, ammo., and Tiny Tims.
Wasp	do	1 bomb		×		×	7 weeks		Severe fires. Moderate structural damage. Resumed routine flight operations day after hit. Withdrawn following day and ordered NY.
Hancock	Apr. 7, 1945	1 kamikaze		×		×	do		Severe fires. Hit at 1210, landed returning strike at 1630. Withdrawn and ordered Pearl Harbor for repair.
Enterprise	Apr. 11, 1945	2 kamikaze		×		×	4 weeks		Minor fires, hull damage and flooding. Heavy shock damage to machinery. Hits at 1410 and 1510. Launched planes at 1652.
Essex	do	1 bomb	×						Minor damage, hit 1507. Launched at 1541, landed CAP at 1604.
Intrepid	Apr. 16, 1945	1 kamikaze		×		×	5 weeks		Severe conflagration, moderate blast, and fragment damage. Hit at 1336, fires out at 1544 and reported ready to land planes. Repair at Hunter's Point.
Bunker Hill	May 11, 1945	2 kamikaze			×	×	16 weeks		Severe fires, moderate structural damage. Out of action. To NYPS.

Footnotes at end of article.

SUMMARY OF BATTLE DAMAGE TO U.S. CARRIERS, WORLD WAR II, INCLUDING CAUSE AND EFFECT OF DAMAGE—Continued

Ship	Date hit	Cause of damage	Continued in operation	Temporarily out of action (see remarks)	Out of action	Required overhaul or repair	Duration of overhaul or repair	Sunk	Remarks
Enterprise	May 11, 1945	1 kamikaze			×	×	14 weeks		Fires controlled in 30 minutes, but bulging of flight deck required sending planes to other ships. To PSNY.
Langley (CVL)	Jan. 21, 1945	1 bomb		×		×	9 days		Moderate blast and fragment damage, minor fires. Hit at 1207, recovered planes at 1435, and fleet operations continued thereafter.
San Jacinto (CVL)	Apr. 6, 1945	1 kamikaze	×						Minor damage.

[1] Yorktown, June 4-7, 1942.

NEED FOR A NEW CARRIER

There are presently 16 carriers being used as attack carriers, including one antisubmarine warfare carrier which is temporarily being used in the attack role. The average age of these carriers is 15 years, but five were commissioned between 1944 and 1947 and one was commissioned in 1950, so they are between 19 and 25 years old.

There is no question that these carriers have about reached the end of their useful life. In particular, they will not be able to receive the new fighter planes which are needed to meet the new Soviet Blinders. Their catapults and arresting gear will not take the new planes, and there is not enough capacity to install new electronic equipment. Their equipment is old and falling into greater disrepair. Because the tempo of operations on carriers is higher than on other ships, there has been less opportunity for regular maintenance and repair.

In addition, the habitability of the older carriers is not good, and far below modern day standards. This is an important factor. Those who would have us cut back on the number of carriers we use are also those who want us to go to an all-volunteer force. A Navy composed of ships in poor condition and with poor habitability will not attract volunteers who will stay. It will also not be effective against its enemies. Hence, no matter how large the number of carriers may be proper for the Navy, it is essential to have a new carrier in view of the age and condition of the older carriers.

ATTACK AIRCRAFT CARRIERS OF THE U.S. NAVY

Number	Name	Date commissioned	Age in years as of September 1969	Planned replacement	Age when planned to be replaced
CVA-67	John F. Kennedy	Sept. 7, 1968	1		
CVA-66	America	Jan. 23, 1965	4		
CVA-65	Enterprise	Nov. 25, 1961	7		
CVA-64	Constellation	Oct. 27, 1961	7		
CVA-63	Kitty Hawk	Apr. 29, 1961	8		
CVA-62	Independence	Jan. 10, 1959	10		
CVA-61	Ranger	Aug. 10, 1957	12		
CVA-60	Saratoga	Apr. 14, 1956	13		
CVA-59	Forrestal	Oct. 1, 1955	13		
CVA-43	Coral Sea	Oct. 1, 1947	21	CVAN-72 (1980)	[1] 33
CVA-42	Franklin D. Roosevelt	Oct. 27, 1945	23	CVAN-71 (1978)	[1] 33
CVA-41	Midway [2]	Sept. 10, 1945	24		
CVA-34	Oriskany	Sept. 25, 1950	19	CVAN-70 (1976)	[1] 26
CVA-31	Bon Homme Richard	Nov. 26, 1944	24	CVAN-69 (1974)	[1] 30
CVA-19	Hancock	Apr. 15, 1944	25	Nimitz (1972)	[1] 28
CVA-14	Ticonderoga	May 8, 1944	25	Midway (1970)	[1] 26
CVS-38	Shangri-La	Sept. 15, 1944	25	[3]	

[1] To be redesignated as CVS.

[2] Presently decommissioned undergoing modernization.

[3] Temporarily serving as an attack carrier for duration of Vietnam conflict.

There has been considerable discussion about how many attack carriers the Navy should have. The number is examined and reexamined all of the time. At the present time there are 16, with one antisubmarine warfare carrier being used as an attack carrier. With this number we have maintained two carriers in the Mediterranean and five on station off Vietnam. The rest have been deployed in the Atlantic and the Pacific Oceans, or have been on training or undergoing overhaul. Even with the 16 it has been difficult to meet the missions expected of the Navy.

There are a number of ways to consider how many carriers are needed.

If response time is considered, we need between 12 and 24 carriers. If we have 12, we can respond anywhere in the world in 7 days; if we have 24, the response time is cut to 3½ days.

If matching the Soviet fleet is a factor, it is estimated that in the mid-1970's the Soviets will have about 30 task forces such as they recently sent into the Gulf of Mexico and into the Indian Ocean. If the Soviets keep between one-fifth and one-third deployed, then we will need six to 10 carriers, also, to match their deployments. This would require a total force of between 18 and 30 carriers.

If the number of possible areas for fighting around the world is considered, such as Korea, Southeast Asia, Germany, the Mediterranean, and now the Caribbean, then we need between 15 and 21 carriers.

By all three methods of computation—and the reasoning behind each is highly classified—then we not only do not need fewer carriers—we need more than the present 16.

There is no "magic number" of 15. The history of the number of attack carriers shows that there has been a variation over the years:

1945	20
1946	14
1947	12
1948	11
1949	8
1950	7
1951	14
1952	16
1953	16
1954	15
1955	17
1956	19
1957	16
1958	15
1959	14
1960	14
1961	15
1962	16
1963	15
1964	15
1965	16
1966	16
1967	16
1968	16
1969	16

Of the 25 years since the end of World War II, we have had 15 carriers in only 5. Indeed, just before Korea erupted, we had only seven carriers on active duty. We were able to bring that strength up to 14 the next year because we had a reserve fleet. Now we have no really usable reserve of attack carriers.

No matter which way the problem is considered, one new carrier is needed now. Even on the best managed program, it takes about 6½ years to build a carrier from the first approval to buy long leadtime items to commissioning. This is a long enough time to wait for a new carrier without extending it.

One point should be added. One of the lessons from the Cuba missile crisis was that a quick response with an overwhelming use of seapower centered on aircraft carriers can bring about a desired result. We must remember that we no longer have the ability to move our attack carriers through the Panama Canal. No angle-deck carrier can pass through the locks. In case of emergency, the carriers would have to go around Cape Horn, which would increase the response time immeasurably, and perhaps unacceptably. This one factor alone means we have to consider the Atlantic Fleet and the Pacific Fleet separately. It also means we should have carriers able to go around the Horn or through the Northwest Passage with the shortest time taken to replenish before the voyage. This means a nuclear carrier.

The bill provides for 17 other warships than the nuclear carrier, 18 support ships, 21 conversions and long leadtime items for 41 new construction or conversions. The purpose of this kind of shipbuilding program is to attain a balanced fleet by the 1980's without having a crash program now or in the future. If we do not start this kind of a program now, we will either end with no fleet or with a crash program which will lead in turn to another period of block obsolescence.

As President Kennedy said:

> If there is any lesson of the 20th Century, and especially of the past few years, it is that in spite of the advances in space and air . . . this country must still move easily and safely across the seas of the world.

The CHAIRMAN. If there are no further requests for time, under the rule, the Clerk will now read the bill by title.

The Clerk read as follows:

H.R. 14000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army $570,400,000; for the Navy and the Marine Corps, $2,391,200,000; for the Air Force, $4,002,200,000.

MISSILES

For missiles: for the Army, $780,460,000; for the Navy, $851,300,000; for the Marine Corps, $20,100,000; for the Air Force, $1,486,400,000.

NAVAL VESSELS

For naval vessels: for the Navy, $3,591,500,000: *Provided,* That no funds authorized to be appropriated by this Act for the use of the Armed Forces of the United States shall be expended after January 1, 1970, for the contract procurement of DD 963 class destroyers unless the procurement planned for such vessels makes provision that the vessels in that plan shall be constructed at the facilities of at least three different United States shipbuilders.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $195,200,000; for the Marine Corps, $37,700,000.

Mr. RIVERS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the title be dispensed with and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RIVERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14000), to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, had come to no resolution thereon.

HOUR OF MEETING ON TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. BENNETT. Mr. Speaker, reserving the right to object, some comment has been made here today about Members not having enough time during which to speak on this bill. Could we start at 9 o'clock? I wonder if the distinguished majority leader would amend his unanimous-consent request for us to come in at 9 o'clock tomorrow?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, I would say to my distinguished friend from Florida I wish he had spoken to me about that earlier because I have cleared the time of meeting at 11 o'clock with other Members and I am fearful that this word will not get out in time to the Members with whom this has been cleared for us to meet at 10 o'clock tomorrow instead of 11.

Mr. BENNETT. I do not wish to disturb the arrangements which have been made by the leadership, but I would like very much for the majority leader to make the hour of meeting on tomorrow 10 o'clock.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, is this as a convenience for Members to not be here on Friday or is it for the purpose of making available ample time for the consideration of the bill on Thursday and Friday?

Mr. ALBERT. Mr. Speaker, if the distinguished minority leader will yield, I would respond by saying, either or both insofar as I am concerned.

Mr. GERALD R. FORD. Mr. Speaker, further reserving the right to object, is it the intention of the majority leader and the leadership on that side to work late tomorrow in order to finish this bill or to adjourn at a reasonable time if we have not concluded it by 6 or 7 o'clock tomorrow night and then meet on Friday?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further—if I may speak without having consulted with the members of the committee on both sides—I would like to play that by ear and then let the circumstances dictate when we reach a late point tomorrow afternoon. If it is obvious that we cannot finish the bill, I would think we would want to go over. However, if we can finish at an early hour, I think we would want to complete it.

Mr. GERALD R. FORD. In light of the fact that we have no other business scheduled on Friday, I see no reason whatsoever to go to a late hour tomorrow night.

Mr. ALBERT. I concur in what the gentleman has said and insofar as I am concerned I am willing to meet early and stay late and if we have not concluded the consideration of the bill, then to meet on Friday. However, I see that there seems to be considerable interest among those present to meet at an earlier hour on tomorrow. We had cleared the hour of meeting for 11 o'clock. But, if I may do so, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

INTEREST EQUALIZATION TAX EXTENSION ACT

(Mr. CELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CELLER. Mr. Speaker, in the other body, the Finance Committee has added a totally nongermane and regressive amendment to the Interest Equalization Tax Extension Act—H.R. 12829. The amendment repeals the ammunition recordkeeping requirements of the Gun Control Act of 1968.

The Senate committee amendment eliminates recordkeeping in sales of, first, shotgun ammunition; second, rifle ammunition; third, .22 caliber rimfire ammunition, and component parts thereof.

The 1968 act prohibits the sale of ammunition to certain juveniles, mental incompetents, known felons, drug addicts, and other irresponsible persons. Requiring a prospective purchaser to give his name, address and substantiate his age is not a nuisance. Clearly, enforcement of the act's prohibitions would be impossible without requiring dealers to keep records of ammunition transactions.

Under the Senate committee rider, ammunition recordkeeping for aproximately 90 percent of all firearms would be eliminated.

Recordkeeping will deter those who cannot legally buy ammunition.

Recordkeeping will insure that dealers will exercise a higher degree of care in determining whether the buyer is barred under the statute from buying ammunition.

Availability of ammunition records will aid in the investigation of firearms crimes.

The only way of affecting the 90 million firearms already privately owned is by regulating the flow of ammunition.

According to Senate Juvenile Delinquency Subcommittee studies: .22 caliber pistols and revolvers were involved in 30 percent of the handgun murders committed last year; .22 caliber rifles were involved in 60 percent of the rifle murders last year; .22 caliber rimfire bullets accounted for 37 percent of the homicides committed in this country last year; that is, 3,300 Americans were murdered by these bullets.

The weapon used to kill Robert Kennedy was a .22 caliber revolver which fired a .22 caliber rimfire bullet.

Mr. Speaker, the Gun Control Act of 1968 represented one of the outstanding accomplishments of the 90th Congress. It marked the beginning toward reducing the level of gun violence in this country. Now, without any hearings and only 10 months after the act has become effective, a Senate committee has moved to strike an essential element from the act's regulatory fabric.

No examination of the need or consequences of repealing ammunition controls has been made. It is unwise and regressive to cut back the scope of the act of 1968. Should the other body nevertheless adopt this ammunition rider, it will encounter sustained opposition on the floor of the House. The resulting delay may well jeopardize the enactment of the Interest Equalization Tax Extension Act. The ammunition amendment should be defeated.

INCREASE IN MAXIMUM CRIMINAL PENALTIES UNDER THE SHERMAN ANTITRUST ACT TO $500,000

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCULLOCH. Mr. Speaker, I am pleased today to join with the distinguished chairman of the Committee on the Judiciary, the Honorable EMANUEL CELLER, in introducing the Nixon administration's bill to increase the maximum criminal penalties under the Sherman Antitrust Act to $500,000. The enactment of this legislation will provide a more effective and much needed deterrent to pernicious antitrust violations like price-fixing, profit-pooling, market allocation, monopolization and other often predatory practices.

As originally enacted in 1890, the Sherman Act imposed penalties up to $5,000 for conviction. As a result of the efforts by the Attorney General's National Committee to Study the Antitrust Laws, the law was amended in 1955, to increase the maximum fine to $50,000. Since then, the profit of corporations has increased greatly and the value of the dollar has decreased. As a result, this potential penalty has not served to punish offenders and has not deterred possible offenders. A maximum $50,000 fine simply does not dissuade most corporations from engaging in those activities which Congress has found to be inimical to the interests of a free and competitive society.

This legislation is properly limited to corporate defendants. Moreover, because no minimum fine is required, small businesses will not be unduly harmed as the court may, in its discretion, fit the penalty to the crime. In addition, though civil antitrust litigations instituted by the Government may sometimes involve novel or unfamiliar theories of illegality, this is not true in a criminal proceeding. For example, price-fixing agreements in their various forms, have been *per se* illegal since the *United States* v. *Trenton Pottery Co.*, 273 U.S. 392 (1927). It would be fatuous to argue that a businessman could be surprised by a price-fixing indictment or that a large penalty under those circumstances would be unfair.

Mr. Speaker, the President is attempting to create law and order with justice through a massive attack upon violent crimes, crimes against property and organized crimes. I commend him for this effort. Likewise, the deterrent to competitive crimes must be made strong. I commend the Nixon administration for its recognition of this principle and I urge prompt enactment of this legislation.

I am pleased to tell the House that in the administration of the late great Dwight D. Eisenhower, when Herbert Brownell was Attorney General, we increased the penalties for this kind of criminal act tenfold, and we propose to increase it that much again.

CALL FOR SHOW OF NATIONAL UNITY BEHIND PRESIDENT NIXON

(Mr. KLEPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEPPE. Mr. Speaker, I strongly support the call by the minority leadership of the House and the Senate for a show of national unity behind President Nixon in his determined effort to bring the long and agonizing war in Vietnam to an early and honorable conclusion.

The next few weeks could be crucial in our negotiations with the other side. I deplore any words and actions here on the home front now that would help to convince the North Vietnamese that the United States is tired, weak willed, and hopelessly divided. I especially deplore some of the recent efforts to make a political issue out of Vietnam by a few of the leaders of the party which was in power at the time we became so deeply involved in this tragic war.

This is not Mr. Nixon's war. He did not get us into it. He is only trying to get us out with honor. Time after time he has indicated to the Government of North Vietnam and its negotiating team in Paris his willingness to walk the extra mile toward a solution.

Mr. Speaker, on July 17, 1969, I listed in the RECORD a statement outlining the many specific moves the United States has taken to achieve peace. Under unanimous consent I am including as a part of my remarks the following excerpts from that speech:

> It may well be that the Communists believe they have only to sit tight and wait for the United States to "cut and run." They must follow, with at least some satisfaction, the mounting attacks here at home on the continuing American military presence in Vietnam. They may believe that the United States is tired, weak-willed, and hopelessly divided.
>
> They hear demands for unilateral withdrawal now from some of the very men who were a part of the preceding administration when the big buildup of U.S. military forces was taking place. One wonders why these experts did not speak out then.
>
> I do not believe the voice of despair is the voice of the American people.
>
> I think President Nixon has the support of most Amercans in his quest for an honorable peace. But I do not believe that most Americans want peace at any price—peace under terms dictated entirely by the Communists.
>
> A few weeks ago, I conducted a poll on the Vietnam question in my district. More than 7,500 persons responded, a number far larger than the professional pollsters query in their nationwide samplings of public opinion. I asked the people which alternatives they would favor "if the Paris peace talks fail to produce agreement leading to at least some disengagement in Vietnam within the next few months."
>
> Ten percent favored "withdrawal of U.S. military forces from Vietnam, even though this might mean a Communist takeover."
>
> "Withdrawing U.S. troops as rapidly as they can be replaced with South Vietnamese forces" was selected by 47 percent as the best course.
>
> Thirty-nine percent favored "an all-out offensive against North Vietnam, utilizing full available military power, short of nuclear weapons, in an effort to win a clear-cut victory."
>
> Only 4 percent were undecided.
>
> Certainly these responses reflect no great support for a "cut and run" policy. And I suspect that public sentiment in most congressional districts across the country is not greatly different from what it is in mine.
>
> President Nixon has not yet had quite 6 months to solve a problem which was many years in the making. For the first time since 1960, the number of American troops in Vietnam is being decreased, rather than increased. A sure and swift route toward peace has been opened to the other side.
>
> The time has come for the Communists to show some willingness to negotiate seriously—to show some evidence of good faith.
>
> I believe the possibility of achieving at least the beginning of a settlement would be enormously improved if a few individuals here in the United States would vountarily stifle their shrill cries of dissent long enough to let the Communists know that these United States are united in their determination to obtain a just and honorable peace in Vietnam.

FEEDING WHEAT TO BEEF CATTLE

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEBELIUS. Mr. Speaker, I would like to take this opportunity, as the Representative from the largest wheat-producing district in the Nation, the "Big First" District of Kansas, to comment on the current wheat industry crisis and the related farm income problem not only in my district, but throughout rural and smalltown America.

The crisis in wheat today can be summed up in the words of a western Kansas minister who told his Sunday congregation, "Blessed be agriculture—if one does not have too much of it." That, Mr. Speaker, is precisely the problem. Our present domestic wheat surplus is slowly climbing to the 900-million-bushel mark. Our surplus, plus the present world surplus, has depressed the wheat market price to levels below the cost of production for many farmers despite increased efficiency and rapid technological advances.

It is a paradox of enormous irony that at the same time we are constantly being warned of the imminent threat of world hunger and overpopulation, the man whose job it is to feed America and to help feed a troubled world cannot make a decent living.

Yet, despite the fact the farmer is today being forced out of business by the present cost-price squeeze, many mistakenly believe the farmer is the real "fat cat" in our society—the fellow that gets paid for growing nothing.

Let me illustrate the true picture of the very real wheat industry crisis by comparing the plight of the farmer with his city cousin, that much maligned, made over and misinformed consumer. The Kansas wheat farmer actually receives only 14 cents of every $1 the American consumer spends on bread. At the same time, prices paid by farmers for all items increased 27 percent in the last 10 years. During the same period, costs of services increased 43 percent, transportation costs rose 24 percent, medical care rose 54 percent, production workers' wages increased 42 percent, and the inflationary statistics go on and on. Everything the farmer must buy is going up in price while everything he sells is going down.

This situation is most ironic when you consider the farmer's contribution to our society as a whole. The man who contributes the most is receiving the least. In western Kansas, we have a real emergency. Farm management fieldmen recently reported the average net income of $1,970 and $2,225 in the two-farm management districts within my district. This income figure in light of the average farmer's 58-hour week figures out to be 66 cents an hour—a wage that is a disgrace.

Yet, Mr. Speaker, what speeches ring throughout the Halls of Congress? Upon what peg are we hanging our legislative hat today? While the farmer turns an anxious eye to Washington, Washington in turn courts the consumer.

Let me make it perfectly clear I have no quarrel with the consumer in the important fight against inflation. My point is, let us not use the American farmer as the scapegoat. The average consumer today only spends 17 percent of his disposable income for food. Twenty years ago, he spent over 25 percent. The current figure means the American consumer is getting his food at a cheaper cost than any other country in the world and any other country in history.

In effect, the misinformed consumer and an urban oriented Congress do not realize the farmer has been subsidizing the rest of the Nation for many years with more than an adequate supply of food at prices below his own cost. By limiting a family's food expenditure to only 17 cents out of each dollar spent, the farmer has released 83 cents of every consumer dollar for nonfood items. He has made it possible for accelerated rapid growth and prosperity in all segments of our society.

The Kansas wheat industry is directly responsible for generating $450 million to the Kansas economy. Mr. Speaker, as you can see, it is imperative that we save the farmer from financial ruin. We must protect the traditional and proven way of life that provides the economic backbone to our society. We desperately need solid proposals that will help revitalize rural and smalltown America.

As a partial answer, I support my good friend and former "Big First" Congressman, Kansas Senator BOB DOLE, in his efforts to increase wheat exports under the food for peace program. The food for peace program warrants expansion because it not only helps reduce Commodity Credit Corporation acquisitions and costs and improves farm product prices, but it also generates sufficient tax receipts through increased labor requirements to cover the Government's costs. It may well be that our mightiest weapon in our quest for peace is this Nation's willingness to share our abundance with those who are less fortunate.

Another partial answer to the wheat surplus dilemma involves increased domestic consumption. With the present concern for health and high cholesterol levels, studies show that a diet high in carbohydrate, including wheat and other cereals, serves to lower the level of susceptibility to heart disease. In this same vein, wheat cereal carbohydrates are a growing source of protein and energy.

Another proposal I would like to specifically emphasize is feeding wheat to beef cattle. Recent statistics show feeding wheat to produce meat has great promise in decreasing our surplus wheat stocks. This approach would convert the wheat surplus to red meat and help meet the growing demand for this quality product at the supermarket.

A fine local example of this approach is the feedlot at Pratt, Kans.—local producers are offered $1.15 per bushel for No. 2 Hard Red Winter wheat—the grade normally grown and handled by Kansas farmers. This compares with local offerings for cash wheat which range from $1.06 to $1.10. The 20,000-head-capacity feedlot will use approximately 90,000 pounds or 1,500 bushels of wheat a day in their feeding operation.

In relation to this development, Mr. Bill Duitsman, superintendent of the Fort Hays Agricultural Experiment Station of Kansas State University in Hays, Kans., recently sent me Bulletin 487 by John Brethour, station herdsman and associate professor, Fort Hays branch station, entitled "Feeding Wheat to Beef Cattle."

In reference to the station's research, Mr. Brethour recently offered an encouraging answer to the wheat farmer's dilemma. He stated the Kansas wheat crop alone represented a 5-pound steak per person in the United States. This crop could also represent 70 loaves of bread per person. I submit to you that beefsteak and good bread make a wonderful combination.

Further, his observations on feeding wheat described in the station bulletin state wheat is a safe and efficient grain to use in a beef cattle ration. In direct comparisons involving various grains: One pound of wheat has been equivalent to 1.09 pounds of corn or 1.15 pounds of sorghum grain. However, the relative value of wheat was 8 percent greater when mixed with corn—1 pound of wheat equivalent to 1.17 pounds of corn—and 9 percent greater when mixed with sorghum grain—1 pound of wheat equivalent to 1.24 pounds of sorghum grain.

To further illustrate the benefit of feeding wheat to beef cattle is the price relationship to other grains. With corn at $1.30, the value of wheat per bushel, if fed up to 50 percent of the concentrate, would be $1.63—a considerable increase from the $1.07 bushel value when marketed as grain at the present time in southwest Kansas.

Recent studies recently released by Purdue University further emphasize the importance of the "feed wheat" concept in reducing surplus wheat. The research reveals the value of wheat as a concentrate in swine finishing rations. The benefit is similar to that mentioned in the previous results regarding beef cattle.

The summary in the experiment station's bulletin presents in capsule form the statistics and technical data that point to the value of wheat as a concentrate in beef cattle finishing rations, as a protein source in balancing a beef cattle ration, and as an energy and protein source in high-roughage wintering rations.

I am happy to present this valuable information to my colleagues and for consideration and study by livestock producers. I feel this vehicle for reducing the wheat surplus and government storage expenses, for satisfying the growing demand for beef by the consumer in a most efficient way, and for boosting the wheat price and returning prosperity to the wheat farmer should be fully utilized.

Mr. Speaker, the consumer may not appreciate nor even understand feeding wheat to beef cattle, but it is through the application of such valuable research that we can find partial answers to the wheat industry crisis. This solution for the wheat farmer can actually represent an investment in our Nation's future food supply, could help our Nation's balance of payments, and will further guarantee to the consumer that his food will continue to be available at the lowest possible price.

INVESTIGATION OF WASHINGTON GAS LIGHT CO. LONG OVERDUE

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I am preparing legislation for a full-scale investigation of the practices of the Washington Gas Light Co.

I had installed in the house I live in in Virginia a brandnew furnace and air-conditioning system. I have had nothing but trouble with it and the Washington Gas Light Co. farmed the installation out to a subcontractor. It is just a little over 3 years old and, although I did not keep accurate track, I would presume that at least 36 calls have been made by me to the gas company because of the malfunction of the unit, both heating and air conditioning. I noted an advertisement in last night's Star which said, in effect, that if you have problems they will respond with instant service. This is not true. I had a problem with the unit last Thursday and nobody showed up until the following Monday.

More important is the farming out of the installation of the furnace-air conditioning combination, and I have evidence at my command of some pretty shady practices involving relationships between the Washington Gas Light Co. and those they direct to make the installation. The furnace is a Bryant,

XUM

which is the most antiquated, ill-constructed heating unit I have ever come across, and I have come across many because my late father was in the plumbing and heating business, and I happen to know something about these heating units.

I condemn the Washington Gas Light Co. and their practices, as well as the poor workmanship of the Bryant Co. which has resulted in the furnace practically falling apart, and it is just a little over 3 years old.

I am preparing legislation for a full-scale investigation of the practices of the Washington Gas Light Co., and I have talked to the chairman, Mr. STAGGERS, and I am confident that when the legislation is introduced he will agree to have the investigation and bring out the facts on this terribly bad installation as well as the others.

In conclusion, I call upon all of the citizens who are considering central air conditioning and new heating units to have nothing to do with the Washington Gas Light Co. and their installers. And if they do not heed my advice, they are going to be in for a heck of a lot of trouble. When you spend upwards of $3,000 for the installation of a new furnace and central air conditioning, you expect it to last from 10 to 20 years. This is not the case so far as I am concerned, as mine is a complete flop after only a little more than 3 years.

REPRESENTATIVE TAFT APPLAUDS FAA DECISION ON TRANSPONDERS, WELCOMES NTSB STUDY OF MID-AIR COLLISIONS

(Mr. TAFT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TAFT. Mr. Speaker, I was pleased to learn of the FAA's decision to require transponder equipment on all aircraft operating within designated areas of the country.

It is a step that may help improve air traffic control operations throughout the country and to reduce danger of mid-air collisions.

At the same time, however, I must caution that there are practical and technical difficulties to work out.

Private aircraft operators presently equipped with transponder equipment are frequently directed to turn it off because multiple transponders in crowded areas cloud up present radar screen equipment. This indicates the need for early action on the President's air safety program. Also, private owners are experiencing serious delays in servicing and repairing transponder equipment.

It is encouraging to read of the National Transportation Safety Board's plan to begin immediate hearings into the entire problem of mid-air collisions.

I include the following article from the Wednesday, October 1, 1969, Wall Street Journal in the RECORD:

FAA, SPURRED BY INDIANAPOLIS COLLISION, ACTS TO CURB TRAFFIC OVER 22 AIRPORTS

(By Albert R. Karr)

WASHINGTON.—Government men, haunted by the specter of midair collisions, took a safety step that they had been accused of dodging.

The Federal Aviation Administration published a proposed rule designed to control more rigidly the swarm of small, privately owned aircraft around 22 major airports, starting with extra-crowded Washington National. The rule is expected to reduce the the number of planes flying near the terminals, and the keep air traffic controllers better informed of the whereabouts of small craft in airport areas. The hope is that the risk of collision between airliners and smaller planes will be lessened.

FAA officials acknowledged that their action was speeded by the recent collision of an Allegheny Airlines DC9 and a small private plane near Indianapolis, which killed 83 persons. But they insist they had been moving ahead on the step anyhow, even before the catastrophe.

Underscoring the new urgency, interested parties will have only 30 days to comment before the new rule is effected, instead of the usual 60 days.

HIGHER ALTITUDES

The FAA, which runs the nation's air traffic system, also will take other action soon. It will direct controllers at all airports to keep arriving jet liners at higher altitudes before descending, and to get departing jetliners up to these heights faster. The aim is to reduce the exposure of airliners to small aircraft at the lower altitudes where the greateest danger of collision exists.

The agency also is considering tougher standards for certifying aircraft and pilots. "If the discipline of flight must be sharpened to prevent risk of life or its loss, then I am in favor of doing what is necessary to prevent a marginal aircraft, an incompetent pilot, or a permissive regulation from being loosed upon the airways," says John H. Shaffer, FAA administrator.

The FAA hopes to have the regulation it proposed yesterday in effect at National Airport by mid-December and at 21 other major fields by next July.

At the 22 airports, the rule would apply to all planes entering a space shaped like an inverted wedding cake. They would have to get clearance first from the tower controller, have necessary equipment to insure a good image on his radarscope, and furnish him by radio with such details as their altitude and flight plan. In addition, most nonairline planes would have to avoid designated corridors used by big jets climbing after takeoff or descending for landing.

Around National Airport, the "wedding cake" would roughly have a top layer 40 miles in diameter between 3,000 and 7,000 feet, a middle layer five miles in diameter between 1,500 and 3,000 feet, and a bottom layer three miles in diameter between the ground and 1,500 feet.

The wedding cake will be centered over the airport and planes allowed to enter it will either be passing through or coming down to land. Thus, at peak traffic periods there may be aircraft circling within the wedding cake waiting their turn to land.

With the new rules, controllers will be able to tell airline pilots of the whereabouts of any other craft in the more critical terminal areas, the FAA says. Further, controllers won't give entry clearance to many planes when too busy to handle them, and many aircraft owners would probably forgo flying near the big airports rather than pay for equipment that would satisfy the radar-image requirement.

The FAA also is planning to step up efforts to impress on pilots of all planes the need to be more aware of aircraft which might be near their planes, to complete development of high-intensity flashing lights on planes as a potential collision-preventing device, and to require future aircraft to have improved cockpit visibility.

Memories of the Indianapolis tragedy, plus awareness that the collision peril is increasing, also are spurring other anti-collision efforts within the Government and outside.

The National Transportation Safety Board, a Transportation Department unit that investigates aircraft accidents and recommends accident-prevention measures, will convene public hearings on the Indianapolis accident next week, only a month after it occurred and much faster than usual.

The board will quickly follow with hearings in Washington on the whole problem of midair collisions—the first such hearings ever scheduled. The aim: To put the FAA, the airlines and other groups on the spot, in hopes of producing more preventive action. "We're anxious for more progress," says John H. Reed, chairman of the safety board.

One interested group, the Aircraft Owners and Pilots Association, representing owners of private aircraft, is sure to resist the FAA's proposed restrictions on the small planes. But the owners and the Air Line Pilots Association, a union of airline pilots, are pushing anti-collision proposals of their own. Both favor reserving climb-and-descent corridors for airliners only.

The ALPA–AOPA proposal would establish climb-and-descent corridors rising to 18,000 feet and extending for 45 miles from major airports. These would be limited in usage for big jets only. By contrast, the proposed FAA rule would include more modest corridors; in many cases, such as National Airport, they would be entirely within the wedding cake control area, typically extending 10 miles from the airport and up to 7,000 feet. In others, they would extend out of the control area, but still be much shorter than those envisioned by the ALPA and AOPA.

Meanwhile, Congressional concern over mid-air collisions has received impetus from the Indianapolis accident. "Much of the Congress is now convinced it'll have to carry part of the ball; the Indianapolis collision is moving them along all the faster," say one knowledgeable Senate aide.

Last week, the House Ways and Means Committee, which had always cold-shouldered such proposals, gave tentative approval to a set of new and increased "user charges" to raise $10 billion for modernizing the nation's airport and airways systems. Committee members, with Indianapolis in mind, took the view that the legislation is urgent. Similar attitudes are evident in the Senate and House Commerce committees, which are dealing with airport-airway improvements that the legislation would authorize.

INCREASING DANGER

The collision danger is unquestionably increasing. Just in the past 2½ years there have been 10 collisions involving at least one airliner, compared with 34 in the entire three decades before. Since the start of 1965, there have been 137 midair collisions including 12 involving at least one airliner, with 403 persons killed. In the preceding five-year period, there were 93 collisions, five of them involving airliners, killing 219 persons. (Other aircraft in the collisions were privately owned or military planes.)

The potential for still greater tragedy shows in an FAA study of near-collisions during 1968. The FAA indicates publicly that pilot reports show there were about 4,500 "hazardous" near-misses, which came dangerously close to being actual collisions. But the FAA's private estimate approaches 9,000. Of all the near-miss reports, fully 30% came from airline pilots, and several involved two airliners.

A persistent safety problem is the presence of small planes, their exact locations unknown, in the airspace also used by airliners. There were 74 near-miss reports from the New York City area last year, and 54 of those involved airliners, most of them narrowly missing a small plane.

Airline pilots rely on traffic controllers to tell them about other aircraft that could be a collision threat. But many small planes don't show up on controllers' radarscopes, and many of these pilots don't let the controller know by radio that they're in the area; they usually aren't required to do so. As a result, an airline pilot often isn't aware of another craft until it's nearly upon him, if he sees it at all.

Even when the small-plane pilot does contact an air traffic facility, it's frequently a station that either doesn't have contact with a tower controller who talks directly with airline pilots or is too busy to relay word of the small plane's location to the tower.

FAA officials say the pilot of the Piper Cherokee that collided with the Allegheny jet over Indianapolis did contact an air traffic flight service station (a place where small-plane pilots file flight plans and get weather reports), but didn't check in with the approach controller. The controller might have told the Allegheny pilot to delay his descent until the small plane passed beneath, the FAA men say. The airliner was struck by the small plane while descending.

Besides the small planes flying near big airports, other factors contribute to midair collisions. The FAA's radar is being criticized. Various air-controller groups say the Indianapolis equipment was faulty. The controller organization goes further, alleging that much of the nation's radar system consists of obsolete, worn-out military hand-me-downs.

David Thomas, deputy FAA administrator, insists the Indianapolis radar is the best available right now. He concedes "a little bit of truth" to the charge regarding the general status of FAA radar, but he says the equipment has been kept in good condition and is usable within its limitations. More modern radar is being developed, Mr. Thomas adds.

MERRIMACK RIVER POLLUTION

(Mr. MORSE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, a 1966 Federal Water Pollution Control Administration study of the pollution problem in the Merrimack River Basin stated that proper pollution control would enable 10.5 million people within a day's drive of the river and thousands in the rest of the country to fully utilize its tremendous fish, wildlife, and recerational potential. This report pointed out that there is a potential $1 million softshell clam industry in the river itself, but that in 1964 the harvest amounted to only $14,000.

According to FWPCA figures for 1964, the total income lost from the commercial shellfish industry, recreational visitor income, increased property value, and increased tax revenue, because of pollution, amounted to a minimum of $37 million. The maximum annual loss was estimated as high as $70 million—approximately $65 per year for every man, woman, and child in the basin.

The loss is even more striking when one has the opportunity to travel along these waterways. As I observed that day I accompanied Lowell Sun reporter Franz Scholz during his canoe trip on the Merrimack and Concord Rivers, recreating the journey made by Henry David Thoreau in 1839, the banks are still lush and verdant, and provide easy access to the river. An excursion along this area during the autumn when the foliage is turning would be one of the most beautiful and breathtaking sights in New England. The fact that the river is hardly used, even for boating, because of its pollution, is a great loss to the residents of the local communities, both in enjoyment and in revenue.

The following is the second in the series of articles in the Lowell Sun by Franz Scholz dealing with the various dimensions of the pollution problem in the Merrimack River Basin. The first article which appeared in the CONGRESSIONAL RECORD of September 30, described, in vivid terms of colors and odors, the pollution that was observed. This second installment describes in very real terms the effects of pollution on life, both in the river and along its banks:

POLLUTION MENACES RIVERSIDE RESIDENTS

(By Franz Scholz)

LOWELL.—Prior to the 19th century, commerce in the Merrimack Valley depended largely on the Merrimack River.

Henry David Thoreau, traveling the river in 1839 reported seeing ferries, canal and fishing boats plying the river. The bricks from which the factories in the city of Lowell were made, he said, were transported from Manchester on the river.

As we journeyed up the Concord and Merrimack Rivers from Aug. 23 to Aug. 29, following Thoreau's route on the rivers, we saw no signs of commerce. The only boats seen during our seven day journey were pleasure boats on the Concord from the South Concord boat house to Billerica and on the Merrimack from Lowell to the Tyngsboro bridge. Later, above the falls in Manchester other pleasure boats, some equipped for water skiing or hauling fishermen, were seen.

PREDICTED DECLINE

Writing 130 years earlier, Thoreau predicted such a decline in boating on the river: "In a few years there will be an end to boating on this river," he said.

Commerce on the river declined shortly after the advent of the railroad and the construction of super highways alongside the vast bridges over the river.

Outside of the few pleasure boats seen and an occasional young boy fishing, the only other uses we saw being made of the Merrimack was a depository of sewage by the major cities and towns and wastes by the huge factories along its banks, as a source of power for these same cities and factories as a source of water used by farmers to irrigate their crops and as a public water supply for the City of Lowell.

Of these sources, the disposing of waste from both public and industrial sources was far away the most widely practiced.

Fishing and boating, as noted, were seen only occasionally and only on certain sections of the river—Concord, Lowell, Tyngsboro and Manchester. (So rare was boating in the river above Nashua that children who spotted us making our way up the river called their parents and neighborhood friends to witness the unusual sight, and in Manchester, a policeman, who forbade us to rest our boats on the banks of the river a few yards from highway 495, looked at us in disbelief when we told him we had come all the way from Concord, Mass.)

Use of the river for irrigation was also restricted. We saw only a dozen or so farmers and two golf courses using the river's water to irrigate their crops or golfing greens.

Lowell was the only city using the river as a source of public or drinking water. (Further down the river, Lawrence also uses the river for drinking purposes.)

SPILL SEWAGE INTO RIVERS

And, although several of the larger cities and industries were seen using the river's water to supply electric power, we more often observed large cement pipes through which the cities spill their raw sewage into the rivers—the larger cities each poured sewage at 20 or more points into the rivers. In addition, the industries, also located mainly in the larger cities along the rivers, poured their wastes (for the most part untreated) into the rivers at hundreds of points—some of the largest industries, as pointed out in a previous article in this series, spilled more waste solids into the river's water than did the public sewers in the cities of Lowell and Manchester combined.

This dumping of raw sewage and industrial wastes has gone on for hundreds of years. Thoreau witnessed in 1839: "The river," he said of the Merrimack, "was devoted from the first to the services of manufacturers.

The result, as we learned, was the rivers' waters were so polluted they corresponded to settled raw sewage diluted from 17 to 31 times.

Near the sewage outfalls, the rivers' waters even more nearly approximated raw sewage. A sample taken of the Nashua river, approximately down half mile from the point where it flows into the Merrimack, for example, showed it corresponds to settled raw sewage effluent diluted less than six times.

POLLUTION COUNT IMPROVED

Downstream, further away from the large cities, we found the pollution count somewhat improved as a result of the river's ability to purify itself. Near the Lowell water plant intake, for example, a sample of the water corresponded to settled raw sewage diluted nearly 21 times.

In a previous article we described the effects of this pollution on the water and on the bed of the Merrimack watershed. In this and the next article we will describe the effects of pollution on the environment both within and immediately surrounding the rivers.

Examined in the remainder of this article are the effects of pollution on aquatic life within the rivers and the potential enjoyment it steals from people living along the rivers.

Again, we will rely on Thoreau to provide us with a knowledge of the fish living in the rivers when he made his journey in 1837.

In the Concord, he observed anglers catching a variety of fish: sun-fish, bream, common perch, cousin trout, dace, shiners, pickerel, horned pout, suckers, common eel, and sometimes in the rapids lamprey eel were found. At one point, he described a "kingfisher sat upon a pine over the water and the bream and pickerel swam below."

Formerly, he wrote, salmon, shad and alewives were abundant in the Concord until the "dam and canal at Billerica and factories at Lowell put an end to their migration hitherward."

He reported essentially the same fish living in the Merrimack, where shad, alewives, salmon and bass were in greater abundance. "But," he observed, "locks and dams have proved more or less destructive to the fisheries."

THOREAU WARNED IN 1839

He also warned in 1839 of the destruction factors wastes wrought aquatic life, advising, "it concerns us to attend to the nature of fishes."

Nevertheless, he observed men and boys fishing all along the banks of the two rivers, some marketing their catches and depending on the money they brought for their livelihood.

Gradually, the shad, alewives, and salmon disappeared, partly, perhaps, because of the dams, but also because of the river's pollution.

SPECIES DISAPPEARED IN 1938

Earl Hoover, New Hampshire's state biologist, reported the disappearance of these species in 1938. Surveying the possibilities of

XUM

stocking the Merrimack, Hoover wrote, "the problem resolves itself into whether fisheries or pollution are of most significance."

Although the salmon, shad, alewives and finer fish Hoover found to be practically nonexistent in the river at that time, bass and pickerel, he said were found in abundance.

But, he recorded, "they are seldom fished. This anomaly may be attributed to the anglers' dislike of fishing waters which are polluted, but not with pollutants which are toxic or in sufficient quantity to kill fish throughout the entire river.

In a 1966 report, the federal water pollution control administration offers a remarkably similar description of the effect of pollution on the aquatic life in the Merrimack watershed.

AVERSION TO USING FISH

"Parts of the Merrimack River in New Hampshire possess an outstanding fishery," it states. "However," it adds, "there is public aversion to using fish caught from the river for food because of the raw sewage emptied into the river."

Moreover, because of pollution, shellfish beds in the estuary of the river have been closed to harvest since 1926. Today, shellfish can be taken in only certain small sections, but must be treated in the shellfish depuration plant at Newburyport before marketing.

The fish contained in the Merrimack between Nashua and the state line according to the U.S. Fish and Wildlife Service in 1966 are yellow perch, red-breasted sunfish, pumpkinseed, large-mouthed bass, astern chain pickerel, northern yellow bullhead, northern common bullhead, eastern golden shiners, eastern common shiners, fallfish, long-nosed dace, eastern black-nosed dace and eastern common suckers.

In addition, some shad migrate into the river, but cannot make it past the Pawtucket Falls in Lowell.

As for salmon. The Fish and Wildlife Service reports it has not seen a salmon in the Merrimack in almost 50 years. Their disappearance, it says, is attributed mainly to dams and pollution.

We saw fewer species of fish than reported by the Fish and Wildlife Service and considerably fewer fishermen than Thoreau observed.

In Concord, Mass. we saw boys catching horned pout and bass. Other fishermen reported having caught pickerel in the clearer waters of the Concord.

Suckers and carp also reportedly fed off the bottom of the river and occasionally, with the bright sun reflecting off the surface of the calm waters, we could see what appeared to be minnows jumping on the surface.

Turtles also abounded in the river. On one log laying in the water on the left bank of the Concord, we spotted about 20 little sun turtles basking in the sun. Along the shores, the shells of shellfish could also be found, apparently caught by beaver or muskrats, brought ashore, opened and eaten.

When we got into the much larger Merrimack, we observed fewer fish, especially when we passed through the larger cities of Lowell, Nashua and Manchester where the vast majority of sewage and other wastes polluting the water enters the river.

On the long, desolate stretches between the cities, however, more fish could be seen jumping in the water.

Carp and suckers and horned pout were the only fish we saw in the sewage infested water near the large cities. Residents of Lowell and Manchester, however, reported having caught bass and even some perch from the banks of the river in their cities.

Between the cities, the scavenger fish were joined by bass, pickerel, sun fish and minnows.

Some people on these long stretches reported having caught or seen trout in these waters, although most people agreed that trout were more plentiful in the clean brooks and streams which run into the Merrimack.

FISH PREFER STREAMS

Owen Flynn, sports editor of The Sun, who has fished the river for many years, supports the observations we made. Trout and some of the more delicate fish, he tells us, enter the Merrimack from the clean brooks and streams. Because of the pollution on the larger river, however, most, he says, prefer to stay in the clear streams.

Contrary to what we expected, more anglers were seen in one day along the banks of the smaller Concord than in six days along the Merrimack river. Anglers abounded along the banks and in boats along the Concord river from the Concord bridge, almost to the dam at the old Talbot mills.

In the Merrimack, we saw only six groups of fishers—one between Lowell and the Tynsboro bridge, two others over sewer outfalls in Nashua, a group of boys at the mouth of a river of blood flowing from a slaughter house in Manchester into the Merrimack, another just above the dam in Manchester, and the last in a boat headed north in Concord, N.H.

Ironically, approximately one half of the anglers on the Concord River happened to be colored people—all adults—from what are predominately all white communities.

The remainder of the anglers were mixed between adults and young boys.

Their main catches consisted of horned pout, bass, perch and sun fish.

On the Merrimack, the staple catch was carp or suckers and horned pout, although further north some people were after bass, pickerel and perch.

Some of the fishermen seen were more lucky than others.

Two men fishing for bass and pickerel along the banks of the Merrimack in Tyngsboro had no luck at all on the Sunday we met them.

Just above the Tyngsboro Bridge on Monday, however, a resident of the area reported his son and a friend had fished 86 horned pout out of the river in a span of two hours the day before.

NOT MUCH LUCK

No one else had such luck, although lads fishing over sewer outfalls in Nashua and Manchester did manage to catch some carp. Fins of the huge carp and suckers could be seen as they fed on the raw sewage which poured out of pipes into the river in Nashua and Manchester.

Perched above the sewer pipes or standing on the banks alongside, youths baited hooks with either kernels of corn or worms and in minutes usually had a large carp on the end of their line. Occasionally, a horned pout nibbled at their baited hook, but their primary catch was carp and suckers.

They fished only for the sport and fun of wrestling with the huge large scaled fish on the end of their lines. They either freed or left the fish they caught on the banks to die.

The other groups of fishermen seen—one just above the dam in Manchester and another in Concord, N.H. heading north—had exactly the same number of worms when we met them as they had when they started fishing. Both groups of fishermen were primarily after bass and pickerel.

From talking with people, we learned that many residents along the banks of the river above the Manchester dam fish the river for sport. On the days we traveled that stretch, however, we did not see any lines in the water.

Nights, after we docked our boats, or while resting during the days, we often spoke with residents about fishing in the river. Most of the more experienced fishermen we spoke with said they prefer to fish the long stretches between the huge cities where sewage is not so abundant than in or near the cities where the waters are more polluted.

We found only one person, however, who said he took his catches home for his wife to serve on a platter. The others echoed the words of New Hampshire's former biologist and the fish and wildlife service—"I won't eat those fish. They live on sewage."

The sewage dampens not only their appetite for the fish, but also their desire to go fishing. Most of the fishermen we spoke with told how they used to fish the river every chance they had, but now do not like to put their boats in the sewage infested water or expose their hands or other parts of their bodies to it.

We used to spend weekends fishing between Nashua and Manchester, said one man about 35 years old. Now we won't go near the water. I bought myself a trailer, and when I feel like going fishing I pack my gear in it and go up north or to upstate New York, he said.

In Nashua, we spoke one night with several residents who had come down to the river to survey the progress made on the new Hudson bridge being built on the river. After assessing the progress made, their attention turned to kids fishing over a sewage outfall several yards below the new bridge.

FILTH RUINS FISHING

Watching the young boys reminded them of the days they fished the river. It's probably not as bad (polluted) now as it was then," one said, observing that many of the factories along the river have closed down. Staring at the kids fishing over the sewer, he added, however, that the "dirt and filth the cities pour into the river takes all the enjoyment out of fishing."

"I don't fish any more," a Nashua barber, married with two children said, "at least not in the Merrimack."

Normally, one would believe that people living along a river such as the Merrimack would enjoy not only fishing, but boating, and swimming and other water sports as well. But, as already seen, because of the pollution few fish the river. So even fewer swim in it. Boating is more popular, but water skiing and other sports in which the human body comes into contact with the water is virtually non-existent.

The lone exception again is just above the dam in Manchester, where homes line both banks of the river and virtually all the residents swim and boat on the river—we saw one lady with her two dogs out on a paddle boat—and most water ski.

The only other sport along the river where boating seemed popular was between Lowell and Tyngsboro. We saw perhaps a dozen boats on the Sunday afternoon we plied that stretch of water. Most of the boats were docked at the Lowell Boat Club.

Smaller craft, mainly canoes and row boats were seen on the Concord River.

But, for the most part, residents along both rivers enjoyed few of the advantages expected from a water front home.

We found only one family outside of the people living just above the dam in Manchester, which swam in the Merrimack. "We probably shouldn't swim in the river," the man of the house said. "But we do anyway."

Others observe the "bathing prohibited" sign posted on the old Lowell Bath House on the Pawtucket Boulevard.

Many, perhaps most of the people living along the Merrimack, don't have boats of any kind. Moreover, a great majority do not even have steps or a path leading down to the river.

Most of the residents we spoke with along the river admitted they do not use the river—some even forget it is in their backyards, except on warm summer nights when it gives off gaseous odors.

The only advantage it gives me, one resident said, is a breath of cool air on warm days and a scenic view to look out over. On warm nights the smell from the river negates all these benefits, he added.

DON'T GO NEAR WATER

Of most interest to us, however, was that many of the residents do along the river, have no access to it. Some have built steps or worn paths to the river, but a surprisingly large number simply do not go near it. "What do I want to go down there for," said one resident, "I can't swim in it and I don't have a boat." He has two children and said that if he had steps or a path leading to the river, it would make it easier for the children to fall in or try to go swimming.

Another interesting aspect of life along the river, is that many of the homes (especially in Hudson, N.H.) are abandoned. Other homes are only summer residents. In Tyngsboro, one man said he saw his neighbor whose home is used only during the summer, one day in the past year.

Finally, the benefits pollution in the river steals from people living along the river is indicated by the fact that for the most part, the banks of the Merrimack are underdeveloped. Large stretches of land along the river (especially between Tyngsboro and Nashua, Nashua and Manchester, and Manchester and Concord) are desolate, the several points with no houses seen for miles.

In this respect, the river remains much the same as Thoreau saw it. "As one ascends the Merrimack," he wrote, "he rarely sees a village, but for the most part, alternate wood and pasture lands, and sometimes a field of corn or potatoes, or rye or oats or English grass, with a few straggling apple trees, and, at still longer intervals, a farmer's house."

Farms still take up much of the land along the river. In Hudson, N.H., we visited with two farmers, although other farms could be seen beyond the trees along the banks. Three golf courses also help make up the banks of the river.

For the most part, however, the river's banks are undeveloped.

THE WAR IN VIETNAM

The SPEAKER pro tempore (Mr. PATTEN). Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 60 minutes.

Mr. BLACKBURN. Mr. Speaker, I previously addressed the House on this subject matter on Monday evening, but we did have a number of Members who could not appear at that time, and who also desired to express themselves concerning the subject of Vietnam and support of the President.

Mr. Speaker, at this time I will be very happy to recognize the gentleman from Arizona (Mr. STEIGER).

Mr. STEIGER of Arizona. Mr. Speaker, I thank the gentleman from Georgia for yielding, and I would like to congratulate the gentleman for his concern and for his being willing to give evidence that all is not as represented in the advertisements paid for by some political circles and in the resolutions that are being circulated in this House even to this date.

Mr. Speaker, everyone in Congress is not happy with the Vietnam positions as stated in recent newspaper advertisements and resolutions being circulated in the House of Representatives. There are still a lot of us around who think that if the United States is in a war we should win it.

There is no doubt that if the Communists continue to refuse meaningful negotiations, we can force a military victory. Some of us have a deadline also—not a deadline for withdrawal of American forces—but a deadline for the resumption of meaningful military efforts based upon the continued failure of meaningful Communist negotiations. Say January 1 of 1970 is our deadline. If by that time there is no progress in Paris or directly between Hanoi and Washington, we will recognize that good will, conciliation, and conversation are not going to get the job done.

At this point, we should resume the bombing north of the 17th parallel in Vietnam. We should include the dikes of the Red River Delta as primary targets. We should close the harbor at Haiphong, either by bombing or mining. We should utilize the special infiltration teams of South Vietnamese rangers by having them invade North Vietnam in small groups with orders to do as much damage as possible.

We believe that every time Saigon is shelled or civilians are attacked anywhere in South Vietnam, American B–52's should bomb a North Vietnamese target and the North Vietnamese should be told this will happen.

We offer this policy based on the firm conviction that Communists only understand strength. We think it is presumptious of Congress to attempt to dictate military tactics or specific foreign policies, so we will introduce no legislation. We recognize that every elected voice raised to urge instant withdrawal simply strengthens the Communist conviction that delay means victory for them and death for many more American troops. However, we shall continue to urge the President to take whatever military action he deems appropriate and to assure him that in our view most Americans are not willing to abandon Southeast Asia at the behest of the politically self-seeking.

Mr. Speaker, I again thank the gentleman from Georgia for yielding me this time, and for the indulgence of the Members.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, several weeks ago, when my colleague from California (Mr. McCLOSKEY) advised me of his and Mr. RIEGLE's plans to introduce their resolution—to conclude our combat operations in Vietnam by December 31, 1970—I made it completely clear that even the serious suggestion of such an ill-conceived and presumptuous action was abhorrent and repugnant.

To seriously offer this resolution for the consideration of the House of Representatives is to suggest that the Members of this body must either be ignorant of established Communist aspirations, objectives, and strategy—or worse, totally indifferent to them.

What this resolution would do would be to tell the President of the United States to surrender to a demand by the House that the President do what he has told the Communists he will not do: order a unilateral American withdrawal which will permit the Communists to gain tyrannical, bloody control of the whole of Vietnam and, in turn, embolden them to move to repeat their Vietnam strategy in an effort to gain similar control over Laos, Cambodia, and Thailand.

What this resolution would do would be to serve notice on the Communists that Vietnam is to be theirs, courtesy of the Congress of the United States, in abject betrayal of the hundreds of thousands of young Americans who have served in Vietnam, of those who have shed their blood there, and of those who have died there.

It must be noted that this effort, like that by Senator GOODELL, is being forced by members of the President's own party in interesting concert with the political plans of such Democrats as Senator McGOVERN and National Chairman Harris.

According to the Washington Post of Saturday, September 27, 1969, Senator HARRIS "wants to help lead the war protests, which last year the Democratic organization tried to muffle."

I would advise the sponsors of this resolution that, under these circumstances, their role is even more incongruous than that of the bewildered chairman of the party whose Johnson administration involved us, 550,000 troops and billions of dollars strong, in this most nightmarish of wars, even as it denied those troops the hope of victory and, in many respects, the chance of survival.

I commend to the attention of the sponsors of this resolution these words, last Friday, by the distinguished gentleman from Pennsylvania, Senate Minority Leader HUGH SCOTT:

> An automatic, precipitous deadline-type withdrawal (from Vietnam) would simply encourage the North Vietnamese to say: "All we have to do is dig in and wait, the Americans will go home, and then we'll massacre the civilian populace."

I commend to the attention of my colleagues the fact that, every time President Nixon, like President Johnson before him, has made a move, has issued a statement, in the interest of real peace, Hanoi's propaganda agencies, like their so-called peace negotiators in Paris, have rushed forth to excoriate him.

I find no cause to do anything that could possibly be used by the Communists to further their effort against this country by attacking not just the President—but more importantly—the Presidency.

I prefer that the RECORD show my position as believing that, if we are to impose a time limit on anything, it should be on the time the President feels impelled to be patient with the Communists—a limit on just how contemptuous we will permit the Communists to be of our desire and efforts for peace.

I believe that if, within a certain reasonable period of time, the Communists continue to demonstrate no desire for peace, the President should take any and all military steps necessary to win the war at the earliest possible moment.

I remind my distinguished colleagues that last October I cited repeated instances of demonstrated Communist contempt for our various ceasefires, our bombing halt, and various and related efforts to deescalate and end the war.

I noted, then, that, in announcing his bombing halt, President Johnson said it was a "step to really determine the good faith of those who have assured us that progress will result when bombing ceases."

Mr. Speaker, as we look back, that, indeed, was a long, long time ago—a time in which American casualties have increased daily—not in North Vietnam which created the conflict, but in South Vietnam, which continues to be the victim of that conflict. Down through these long and costly months in which, under the new administration of President Nixon, several thousand American troops have been withdrawn in further demonstration of American good faith, we have continued to suffer abundant demonstrations of the real character and meaning of Communist "good faith."

I note that, last Saturday, the distinguished chairman of the Republican Party, Representative ROGERS MORTON, said:

> For the first time, there is a significant shaft of light in that long dark tunnel of war . . . In his press conference (last Friday) . . . the President called for national unity in support of his search for a lasting peace . . . I now ask you to close ranks behind our President and, further, urge the support of your friends and neighbors. I do not ask this of you as Republicans—but as concerned Americans. Our country deserves no less.

Mr. Speaker, I commend this statement to the judgment and conscience of every Member of this House—especially to those of the gentlemen who brought this resolution before us.

Mr. BLACKBURN. I thank the gentleman for his observations.

Mr. STEIGER of Arizona. Mr. Speaker, will the gentleman yield?

Mr WILLIAMS. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. Does the gentleman feel that in addition to the lack of apparent political wisdom to which he referred, the action of the Republicans which he named in his statement offers any comfort to the Communists at this point by taking a public position of this kind?

Mr. WILLIAMS. There is no question about it. Actually I covered it in my statement. The resolution we are talking about and some of the actions to which you referred are definitely providing comfort to the Communists, providing comfort to North Vietnam, the Vietcong, and all their Communist supporters.

As I said in my statement, all this resolution is doing is telling the Communists, "Just hold on until December 31, 1970. The Americans will have gone." And then they can resort to their old tactics to massacre—the massacre of civilians in South Vietnam, the murder of their leaders, and the very things which have been the earmark of the campaign of North Vietnam and the Vietcong.

Mr. STEIGER of Arizona. I thank the gentleman.

Mr. BLACKBURN. I thank the gentleman for his remarks. I would like to comment that the observation of a time limit, if there is going to be one, should be on the negotiations in Paris. I personally think that the leadership of our country, both the former administration and the present, has shown more than reasonable tolerance in the negotiation period. The efforts toward reasonableness have been shunted aside with a genuine mockery from the other side.

I think the sooner we let it be known that the American public is not going to tolerate this loss of life with no end in view for an indefinite period, the sooner we will convince the North Vietnamese seriously to attempt to settle our differences at the negotiating table.

Mr. WILLIAMS. I would like to respond by saying the gentleman is entirely correct. There is no question but that President Nixon is making a number of very sincere moves in an effort to bring peace in Vietnam, and every time the President makes such a move, the Communist propaganda agents, just like the Paris peace negotiators that I referred to in my statement, cannot wait to misrepresent the President's intention.

In all of the time since we stopped the bombing of North Vietnam, back in October of 1968, I personally have not seen one gesture of good will from North Vietnam or the Communists, which leads me to believe that they seek in any way true peace in Vietnam.

Mr. BLACKBURN. I thank the gentleman.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

First I should like to commend the gentleman from Georgia (Mr. BLACKBURN) for taking the special order on Monday and again today to provide the opportunity for a colloquy on the Vietnam issue. I commend him for his quick reaction against a so-called "bug out" plan being advocated by some of our colleagues in this body and in the other body.

Every American would like to see the end of the Vietnam war today. Every American would like to see our boys returned home to their loved ones today. We all grow weary of this, our longest war in history. Yet, I feel that those who would bring all of our troops home no matter what are misreading the majority of Americans across this great country which has never before in history said we cannot win so let us give up.

There is no opportunity for a lasting peace if we just simply give up now. There is no point to further negotiations by North Vietnam of any kind of a satisfactory settlement—if they know that by simply killing more American soldiers without retaliation we will pull out in 15 months leaving the South Vietnamese nation to be overrun by Communist hordes who will have the 15 months to prepare for the onslaught. What kind of a solution is that?

Apparently forgotten in the debate is the fact that the North Vietnamese are the aggressors. They are the ones who attack below the DMZ and run for cover to their own country which we have not invaded.

The President has announced the withdrawal of 60,000 American troops to show the world he is intent on peace and not the conquest of another nation. He has offered an olive branch. He has, however, maintained that we not abandon South Vietnam until a peaceful satisfactory solution can be negotiated.

If we abandon South Vietnam now, the whole Indochina Peninsula is lost to the Communists and make no mistake communism is still our real enemy in the conflict in South Vietnam and in the entire world.

Weighing the cost of resistance and the price of capitulation, even a patriot might say we are better off to quit before more blood is spilled. Weak nations throughout history have capitulated to a strong aggressor rather than suffer loss of lives and devastation of their land.

But we are not a weak nation. We do not need to suffer the indignities of a surrender so that communism can continue its march to complete our destruction. Are we ready to say, better Red than dead. Are we ready to say, at the least, to South Vietnam, better for you to be Red than dead.

I do not think the people of this great nation are ready to surrender to communism. Yet, a total surrender in Vietnam could only be interpreted as such and a timetable withdrawal of all forces announced in advance is precisely that.

We have stopped the bombing of military targets in North Vietnam. Since the beginning, we really have fought with one hand tied behind our back. Negotiate—why should they? They have every reason to believe they have nothing to lose.

The President has taken steps he hopes will bring about an early and peaceful settlement to insure the integrity of South Vietnam. Let us support him until we see there is no hope for a peaceful settlement.

If North Vietnam does not want peace, we have the resources to take the offensive. Our biggest error, it seems to me, is that we have not tried to win.

We could easily blockade Haiphong Harbor to all shipping. We could, at least, engage in hot pursuit across the 17th parallel. We could impose economic sanctions on any country supplying North Vietnam with military supplies, certainly, but even to any goods including food.

We must make every effort to negotiate an honorable settlement. History has shown that settlement of a military conflict is not negotiated unless one of the adversaries is placed in a position where a solution to the end of the conflict becomes imperative.

On September 17, over 200 Members of the House participated in a special order designed to call attention to the inhumane treatment of our prisoners of war. The total disregard for the 1949 Geneva Convention clearly shows the kind of an enemy we are fighting in South Vietnam.

Just yesterday, I received a letter from a first lieutenant infantryman, a constituent of mine, who writes:

> I would like to return home to my wife and family as much as any man in this country. However, I feel that a tragic mistake

XUM

is being made in withdrawing troops from this area without some sort of master plan. Areas and people are being left unprotected and many units are trying to operate at reduced strength. I fear that the same mistake is being made in Vietnam that was made in Korea. We have not stopped Communism. We have not settled anything, and yet we are pulling out.

I have received many letters like this from boys enlisted or drafted into the Armed Forces from my district. I doubt if they are much different from most other young men in the service from other districts over the Nation. We must, of course, support our young men in Vietnam. But, we must also support their Commander in Chief, our President, in those decisions he feels necessary to give him a chance to resolve the conflict.

I thank the gentleman for yielding me this time, and I appreciate the effort which he is making, as I have stated, and giving us this opportunity for discussion and colloquy on this most important subject.

Mr. BLACKBURN. I thank the gentleman for his remarks.

By way of illustration of his sentiment that the majority of the American people do not favor a surrender under any guise, a recent survey which was run in my own district indicated that in excess of 74.6 percent of the people in my district favor setting a definite time limit on the negotiations in Paris and in the absence of meaningful concessions from the North Vietnamese 62.5 percent favor using our maximum military, economic and diplomatic pressure to bring this matter to an honorable conclusion.

I believe this poll is probably representative of a great number of districts throughout the Nation. It would be a tragic error if the North Vietnamese should interpret the very vocal but small group who are crying for peace at any price to be symbolic of the will of the American people. The American people have never surrendered in armed conflict. We certainly are not going to suffer the indignity now at the hands of a fifth-rate power.

Mr. WYLIE. I would hope not. I appreciate the comments of the gentleman.

In my own district a poll has indicated a reflection of views similar to those of the constituents of the gentleman from Georgia.

I have not seen a recent poll on what action the United States should take by some of the professional pollsters, but at no time have I ever seen a poll which said that a majority of the people of this country favored a unilateral surrender in South Vietnam. I do not believe we have come to that place yet.

Mr. BLACKBURN. I certainly agree with the gentleman.

Mr. WYLIE. I thank the gentleman.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I am happy to yield to my colleague from Georgia.

Mr. THOMPSON of Georgia. I thank the gentleman for yielding.

On the walls of this Chamber are pictures of two great men, Washington and Lafayette, Lafayette was a Frenchman. His contribution to this country was that the French helped us, in effect, guarantee and insure our freedom. We would not be the Nation we are today were it not for the fact that a foreign power, France, and some foreign individuals in that country, thought enough to come over here and in effect help and support our effort to have our own right of self-determination for the type of government we wanted.

President Kennedy and President Johnson throughout the entire involvement in Vietnam stated over and over our only purpose in Vietnam has been to assure the South Vietnamese of their right to self-determination, their right in a free election, an election in which there is no coersion either by ourselves or the North Vietnamese, to determine their own future.

Perhaps our mistake—and certainly we have made mistakes in this—has been the manner in which we became involved in this war, because we went into this war with the declared intention of not trying to seek victory over the North Vietnamese.

Over and over we heard President Johnson particularly state that we are not trying to defeat North Vietnam but are trying to show them aggression does not pay and that we will, in effect, put up a shield to protect the people of South Vietnam. Regrettably, the political leaders in this country did not stand behind President Johnson. I, for one, was convinced and continue to be convinced that had there been a unified effort behind the President, 1, 2, 3, or even 4 years ago, and the North Vietnamese were convinced that the American politicians were not going to try to make political profit for their own benefit out of cutting at the President, the war would have already been over and President Nixon would not have inherited the situation that he inherited. President Nixon—allow me to say this—is the first President who has, in effect, made any moves at deescalating this particular conflict. We saw constant escalation going on under Presidents Kennedy and Johnson. President Nixon is, in effect, trying to end the American involvement in Vietnam.

He has come into this situation not because of choice, but because the American public had confidence in him and elected him to this post. We saw President Johnson in an obvious political move a few days prior to the election, and I believe, in an attempt to influence the outcome of that election, cease the bombing of North Vietnam. This certainly put handcuffs on the incoming President so far as attempting to put any pressure on the North Vietnamese was concerned at the negotiating table. He is operating under the severest of handicaps that any person could possibly have.

Now, Mr. Speaker, the thing that particularly distresses me is to see people within his own party, both within this Chamber and the other body, attempting to and making personal political gain at the sacrifice, in effect, of thousands and thousands of American boys who have died in Vietnam while trying to assure the right of self-determination of the South Vietnamese. Make no mistake about it, there are people both within my party and the other party who are doing this for their own political reasons. No, it is not popular sometimes to stand behind the President. He has more knowledge of this situation than we have and has more information, and he has a determination to bring this conflict to a close. I believe he will bring it to a close. But if there is going to be any conclusion which will be anything other than absolute surrender for this greatest nation on the face of the earth to a small power, it will require political leaders in this country to stand behind their President.

Let me make an additional point here, and let me make this crystal clear. In asking the political leaders of this country to stand behind their President, I am not asking them to stand behind one who desires to make war. It is not his desire to do so. His desire is to seek peace. But it is very obvious that if the enemy believes there are enough political leaders in the country who will create such diversion and division among the American public that it will be impossible for him to carry out his announced intention of negotiating an honorable settlement, then the North Vietnamese will negotiate in no meaningful fashion.

So, Mr. Speaker, the plea that I am making tonight is simply this: that we do have a moratorium on the undercutting of the President by certainly the members of his own party and the members of the other party, because it is in the national interest and in the interests of freedom-loving people of the world everywhere.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BLACKBURN. Mr. Speaker, I appreciate the gentleman bringing to the attention of our body the fact that we did receive at a very crucial time from another power, France, aid and assistance. Without this assistance we could well never survived the American Revolution.

Certainly all of us should be grateful for that help and I think in a very real sense the people of South Vietnam have a debt of gratitude to the people of this country in the same sense as has been expressed by my colleague, the gentleman from Georgia (Mr. THOMPSON).

Mr. Speaker, as an illustration of the position that the President has stated in public appearances, I insert into the RECORD at this point comments made by President Nixon, one of May 14, 1969, and one of September 1969 as an illustration of the degree with which the South Vietnamese people are reestablishing local government. I am going to insert these comments relating to villages and hamlets as illustrations of what is happening in South Vietnam during the last year and a half.

The matter referred to follows:

VIETNAM: PRESIDENT RICHARD M. NIXON'S PLEDGE

ADDRESS TO THE AMERICAN PEOPLE, MAY 14, 1969

We have also ruled out either a one-sided withdrawal from Vietnam, or the acceptance in Paris of terms that would amount to a disguised American defeat.

When we assumed the burden of helping to defend South Vietnam, millions of South Vietnamese men, women and children placed their trust in us. To abandon them now would risk a massacre that would shock and

XUM

dismay everyone in the world who values human life.

Abandoning the South Vietnamese people, however, would jeopardize more than lives in South Vietnam. It would threaten our long-term hopes for peace in the world. A great nation cannot renege on its pledges. A great nation must be worthy of trust. . . .

If we simply abandoned our effort in Vietnam, the cause of peace might not survive the damage that would be done to other nations' confidence in our reliability.

If Hanoi were to succeed in taking over South Vietnam by force—even after the power of the United States had been engaged—it would greatly strengthen those leaders who scorn negotiation, who advocate aggression, who minimize the risks of confrontation with the United States. It would bring peace now but it would enormously increase the danger of a bigger war later.

PRESS CONFERENCE, MARCH 4, 1969

I think that the American people will support a President if they are told by the President why we are there, what our objectives are, what the costs will be, and what the consequences would be if we took another course of action. . . . It is the responsibility of a President to examine all of the options that we have and then if he finds that the course he has to take is one that is not popular, he has to explain it to the American people and gain their support.

VILLAGE AND HAMLET ELECTIONS

A. SEPTEMBER 1969 ELECTIONS

The Republic of Viet-Nam will conduct a third round of 1969 village and hamlet elections during September. Scheduled for the first three Sundays of the month, these elections will bring self-government to more than 700 villages and hamlets in recently pacified areas of the country.

Statistics from previous local elections held since 1967 indicate that elected governments are already functioning in 1,891 (88.8%) of South Viet-Nam's 2,130 villages and 8,776 (81.4%) of the estimated 10,775 hamlets. (These figures are not exact but represent the best estimates by the Ministry of the Interior; precise figures are hard to come by because of population shifts under wartime conditions and consolidation for security purposes under the pacification program.)

The villages and hamlets holding elections this month have been run by appointed officials installed when pacification began. Authorities say elected governments can now operate in these communities because of the improved conditions and increased security.

Local elections will continue to be held during the rest of this year, until self-government is brought to virtually all of South Viet-Nam's villages, completing the electoral process began in April 1967.

The purpose of local elections, as stated by GVN officials, is to restore the centuries-old tradition of village autonomy and move nearer to the goal of full representative democracy. As an important part of the process of restoring local autonomy, the GVN has recently strengthened the powers of elected village officials by giving them authority over budgets and taxes and control of Popular Forces platoon, People's Civil Self-Defense Forces and Revolutionary Development teams operating within their jurisdiction.

B. HISTORY OF LOCAL ELECTIONS

The village

The village is the basic social and political unit of Vietnamese society. It is not a village in the European or American sense but is more akin to a British borough or American county, containing anywhere from two to ten hamlets and embracing rice fields, commons, forests, marketplaces, housing areas and a generally cohesive population. The village has traditionally been governed by a council of elders and notables chosen for their devotion to Confucian ideals and contributions to village welfare. Within the village the hamlets are like precincts, useful for administration but with no real legal autonomy or budgets of their own.

Village elections suspended

Security reasons and the desire rapidly to establish effective administrative control in the country moved the GVN to suspend village elections in 1956, and all local officials were appointed thereafter. The change occurred during a period of wide-spread terrorism by the Viet Cong directed against local officials who were largely unable to introduce effective local administration. Later, in an effort to improve village and hamlet security, the regime undertook a program of "strategic hamlets" based on organizing and arming the hamlets to contribute to their own defense. By emphasizing the hamlet, this program further contributed to a lessening of village authority and strength.

Election decree of 1964

Every government of Viet-Nam since the overthrow of Ngo Dinh Diem in November 1963 has committed itself to a return to village democracy. A village election decree providing for deliberative and executive village organs was issued in May 1964; but the village councils elected were purely advisory, and the village chief and his staff were still appointive officials.

Election decree of 1966

In March 1966 the GVN began to draft laws for the reorganization of village and hamlet governments and election of responsible officials at the local level. Work on these laws was delayed because of government preoccupation with the Buddhist struggle and preparation for the Constituent Assembly elections in September 1966. A decree was finally issued December 1966 governing the village and hamlet elections of 1967 and all subsequent elections. It also gave village councils increased authority over budgets, taxes, land transfers, public services and internal legal matters. It forbade provincial and district interference with village government and put a stop to higher officials tapping village budgets and taxes to defray district and provincial expenses. In January 1969 an amendment to the 1966 decree considerably shortened and simplified the electoral process.

1967 elections

The first round of villages and hamlet elections was held in April, May and June of 1967. These elections were bitterly opposed by the Communists, who killed six and kidnapped 18 candidates, killed 15 and kidnapped 38 voters, in 555 terrorist incidents. Despite Viet Cong attempts to frustrate the elections, 2,511,543 voters (77.6% of those registered) elected officials in 984 villages and 4,600 hamlets.

1968 elections

Local elections during 1968 saw some 300,000 additional voters choose officials in 120 villages and 236 hamlets.

1969 elections

On eight Sundays in March and June of this year, despite dangers posed by the communists' post-Tet offensive, nearly 90% of the eligible electorate turned out in village and hamlet elections around the nation.

The 1,553,308 men and women who went to the polls in March elected 7,741 leaders in 589 additional villages and 3,031 additional hamlets. The average of 1.7 candidates who stood for each post was a high figure in a country where local officials have long been prime targets for Viet Cong assassinations. The March elections reflected the success achieved by the Accelerated Pacification Campaign launched in November, 1968.

During the June elections, 1,092 candidates were elected to membership on local village councils and 1,121 hamlet chiefs were chosen for office, mostly in newly secured areas. It was estimated that close to 90 percent of the eligible voters in the various villages and hamlets turned out to vote—despite communist violence.

Government authorities announced that in the June village council elections, 118,043 of the 132,959 registered voters, or 38.7 percent, went to the polls. Further, 89 percent, or 282,169 of the 316,720 registered voters went to the polls in the hamlets.

C. ELECTION DETAILS

Preparation

The GVN's objective is to hold elections in all villages and hamlets in Hamlet Evaluation Survey (HES) classifications A, B, C, and D without elected officials by the end of 1969. The September elections are the third step in reaching that goal. The Ministries of Information, National Defense and Interior are supporting the information and security aspects of the election. Final lists of voters and candidates are posted not less than ten days before the polling each week. Candidates for village and hamlet posts are permitted to campaign during the five days prior to the election.

Village elections

A Village Council of 6–12 members, depending on the population, is elected for three years. The Village Council chooses the Village Chief from among its members, and he in turn nominates members of his staff, including two deputy chiefs, for Council approval. His staff is then known as the Village Administrative Committee; its members are responsible for security, education, agriculture, public health, administration and tax matters.

The Village Council shares authority with the Village Chief. It must be consulted on some tax collection procedures and on the use of village-owned land. Its concurrence is required before projects, usually public works, can be undertaken in the village. The Province Chief does not have the right of arbitrary removal of Council members and cannot remove the Village Chief without their concurrence.

Hamlet elections

Hamlet Chiefs are directly elected for three years. Deputy Hamlet Chiefs are elected only in hamlets of more than 3,000 population, also for a three-year term. The Hamlet Chief has two assistants, one for security and one for administration, whose appointments must be approved by the Village Council. The hamlet is a sub-unit of the village, and the Hamlet Chief operates under the direction of the Village Chief.

Administrative reforms

An April 1969 GVN decree reinforced the development of local autonomy by further strengthening the powers of elected officials. The Popular Forces (PF) and the Peoples Self-Defense Forces now come under operational control of the Village Councils and Village Chiefs, which means a substantial local defense capability responsive to local direction and under unity of command. Revolutionary Development (RD) cadres assigned to a particular village remain there permanently to further the development of local government, defense and self-help projects. They, too, are now under the control of the Village Council and Chief.

Villages now decide on their own which self-help projects they will undertake, usually with the people supplying the labor and the central government the materials to construct facilities. To help them get started the Ministry of Rural Development has allocated a total of 2,000 million piasters (US $16,949.153) in self-help funds for an initial 1,681 villages. Each village with an elected

XUM

government will receive one million piasters (US $8,500) to finance its rural development programs. The Village Council may spend the money as it sees fit for projects requested by the people—schools, roads, bridges, wells, dispensaries, marketplaces, etc.

Having set in motion the process of restoring self-rule through elections and encouraging rural people to take a more active role in planning and executing village development projects, the GVN in February 1969 launched a program for training local officials in the political, economic and administrative arts necessary for effective self-rule. By the end of 1969 nearly 63,000 village and hamlet officials will have received training in village development, pacification techniques, deployment of self-defense forces, national politics, budgets, taxation systems and other essential administrative skills.

Mr. FREY. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I shall be happy to yield to the gentleman from Florida.

Mr. FREY. Mr. Speaker, with four colleagues of mine, we did during the recess visit South Vietnam, two on the other side and three on this side of the aisle. We went with an open mind, really wondering what was happening over there. We learned a lot and, frankly, as a freshman Member of Congress we had read over the years that each time someone went over there they came back with the statement that we were to achieve a military victory. All of us will recall that former Secretary of Defense McNamara went over there nine times and each time when he returned he said that we were going to have a military victory. So, we were wondering what was happening in Vietnam.

I shall not attempt to stand here in front of this body and say that we came back as experts, because that is not true. But I think it is true that we came to a better understanding of what was going on, with a better understanding of what was involved and this is true because you can see and feel it and can talk with the people involved.

One must remember and learn a lesson and that is that the war in Vietnam is a four-part war. It is not a military war. It is a war of pacification, an economic war, a political war, because they are attempting to build a nation over there under extreme circumstances.

We had an opportunity to talk to the legislators over there, some of whom had lived in North Vietnam and one of whom had been a legislator in North Vietnam before about 1 million of his fellow countrymen were driven to the south. That was at the time when Ho Chi Minh killed between 50,000 and 100,000 people who did not agree with him.

The fact of the matter is they have a long way to go. It is no easy task. Their country has been torn apart for years. However, I was amazed that they were doing as good a job as they were under the circumstances.

For instance, the educational level, I believe, is that 86 percent of the young people over there will receive 5 or 6 years of education in South Vietnam.

With reference to the economic situation, next year they will export rice under these circumstances.

We looked at this question also: Are the people in South Vietnam loyal to the government? Of course, this is really a key question. The real test of that fact is expressed in the action of the government of South Vietnam when it turned over 500,000 arms to the provincial and district troops. These are not the regular ARVN troops but are the troops who are guarding the villages and hamlets. This was a risk, because if they were not loyal to the government and if they did not believe in the government of the South Vietnamese, the arms would be used against them.

We looked at the pacification program in South Vietnam. It has the support of about 86 percent of all the villages. When we use the expression "pacification," this really falls into different categories. Generally, I think pacification means that you can go into one of these villages or hamlets and not get shot. However, it does not mean that you can run around the countryside and not take any risk. However, they are making progress. The road is open all the way to the DMZ and the railroad is being rebuilt.

Mr. Speaker, these people have been in the middle of war and a great many of them have been killed. There have been over 10,000 village chiefs and officers killed over the last 10 or 12 years. They are making progress and are moving forward and are trying to build a government. It is not a grassroots government as we know it here and I think to compare it to our form of government is ridiculous under the circumstances.

They are trying to build a defense machine from the top down. They are trying to do it, for instance, in the delta through the Tillers of the Soil Act. This act, if passed, will give about 800,000 to 1 million acres to the fellow working the land, which did not exist before. They are trying other reforms.

Yes, of course there is the black market, and this black market over there we saw in the streets of Saigon, but yet when you compare it to the situation in Korea at the same time, there is a world of difference, it is much better in Vietnam.

Certainly I think when we look at the military situation, when we realize that we are in a position where the North Vietnamese can hit and run across the border, and come back again; where we have been restricted in our targets that we can hit, where we have the stalemate, and impasse; I, for one, came back with the feeling that what we must do under the circumstances is withdraw our troops at staged intervals, withdraw them and replace them with troops of the South Vietnamese as quickly as possible.

I say that for this reason: I say it because the other alternatives of pulling out unilaterally, I believe, do not make any sense whatsoever. Whether Vietnam was important or was not important years ago, we made it important.

When you are over there I think you understand that the United States just cannot live in isolation in this world. I think all of us at times wish some of the problems would go away. I know I do.

But regardless of your belief in the domino theory, or any other theory, I just wonder what would happen if, for instance, say that whole part of the world over there was united behind Communist China, I think that Vietnam itself might be regarded as just a warmup.

But to return to what I was saying, I think that the action that the President has taken, frankly, is the only one that makes any sense. The Communists of North Vietnam are playing a crescendo, you might say, as far as the battle goes. They will run up the scale maybe every 60 days or 80 days now to keep the pressure on the United States, to keep the pressure on our troops over there, and then they will back off. It is not a lull. I will tell you, I hope no one uses that word to the troops there. To the troops in the field there is no such thing as a lull, but they will back off in their scale of fighting, but they are continually keeping the pressure on. Frankly, they are trying to pressure the people of the United States into taking some precipitous action.

Time is on our side. By changing the stalemate, by setting for the first time a new course of action where there is an end in sight for the American people, I think in essence we can frustrate the Communists who want to force us to do something; who want to force us to just pull up and leave.

I think this, too: I think that both our friends and our foes alike should know that we are starting on this course; that this appears to be the right course to follow. I feel it is the right course. But do not take anything for granted. I do not believe that if positions change we should not revalue it, and what we are doing, and that we should not look at it again.

Certainly this is not a sign of weakness in any sense, to frankly carry out the policy of allowing Asians to fight an Asian war, and help them logistically.

But I think I want to make that point clear. I know I want to make that one point clear, and that is do not sell us short, do not sell the people in this country short. Certainly the young men over there—and that is all they really are, is young men—I am never going to have any fear for the future of this country. These are fine young men. They are not all happy. Every one of them knows the date that they are going to come back, they have it worked out like we all did down to the last minute and second. But they are doing their job, and it is a tough job, and they are doing this tough job under all kinds of impossible conditions, and in beating Charlie at his own game.

There is no such thing as a good war, and there is no good place to fight. I certainly hope in the future if this country ever does get into another war we are not going to do it unless we assume the obligation of doing everything we can to back up the boys over there. But that is for the future. It is where we are at now that I think we want to do something about. And I for one am glad that we are taking action and are finally going to accomplish something so that there is an end in sight so far as this country's involvement in the war and so far as the war in Vietnam is concerned.

Again I thank the gentleman for yielding.

Mr. BLACKBURN. Mr. Speaker, I thank the gentleman for giving us the benefit of his experience and his views, having been there. I simply want to state by own personal agreement. No matter what the debate may have been over the value of Vietnam 5 or 10 years ago, the fact of the matter is today that it is extremely important, if for no other reason that America has put her prestige on the line there.

Mr. DEVINE. Mr. Speaker, suddenly, overnight, the Nation is plagued with "instant experts" on foreign policy with easy solutions to U.S. involvement in the Southeast Asia theater. The second-guessers in both political parties are having a field day at the expense of thousands of dedicated American young men who gave their lives in the cause of freedom.

Sometimes it looks like an auction—seeing who can outbid the President on withdrawals. And it is so obvious these vocal hucksters are completely lacking in qualifications to formulate an intelligent judgment. When President Nixon announces a proposed withdrawal of 50,000 troops, an eager politician bids 100,000; then, not to be outdone, a colleague goes for 200,000, and another starry-eyed hero wearing an ensemble of dovefeathers, cries out for immediate withdrawal of everybody, yesterday.

Mr. Speaker, the President of the United States inherited a miserable situation, and he has responsibly and methodically gone about the business, for the first time since 1960, of reducing American troops in Vietnam—something neither John Kennedy nor Lyndon Johnson did as President. Yet, this is not enough for the "instant experts." There is no person in the United States of America today that has more accurate and more information available than our President. He also has the advice, guidance, judgment, and suggestions of the Secretary of Defense, Mel Laird, Secretary of State, Bill Rogers, not to mention Henry Cabot Lodge.

I do not know, Mr. Speaker, what solutions are offered by the instant withdrawal crowd, other than to appeal to the emotional responses of families who have loved ones involved; however, I do know it is not a traditional American posture to run up the white flag of surrender, to turn tail and run, to abdicate the honor of our commitments.

Many responsible citizens find it difficult to reconcile our "limited war" posture, and I agree. There are those who feel we should declare an ultimatum: Tell the Communists of North Vietnam that as of a date certain, unless positive steps for peace are taken, and complete cease fire, to get the women and children out of Hanoi and any other target area, because the United States is no longer interested in a prolonged indecisive no-progress negotiation. Let them know we will no longer consider North Vietnam a sanctuary, and we will take whatever responsible steps that may be necessary to win. This, of course, would include bombing dikes, industrial targets, blockading Haiphong, and shutting off supplies of all types.

Mr. Speaker, only the President of the United States has the authority and capability to win the peace. He should be permitted to do so, without demagoguery and political opportunism.

Mr. ADAIR. Mr. Speaker, as Members of the House know, I yield to no one in my desire to see the Vietnam war brought to an honorable and speedy conclusion. The killing of American and South Vietnamese boys and the destruction resulting from the effort of North Vietnam and the Vietcong to take over South Vietnam by force represent one of the great tragedies of this century.

We all hope that the Paris peace negotiations ultimately will be successful, but thus far our side has made the concessions and the other side has repudiated them. In my opinion, it is obvious that the Communists believe that if they can only hold out long enough, American public opinion will force the American Government to pull out unilaterally and precipitately in a defeat that will have repercussions for our country and the free world for decades to come.

It is my belief that well-intentioned proposals calling for the complete withdrawal of all American forces by a fixed period, such as the end of 1970, would have the effect of prolonging the killing and of delaying a peaceful settlement. What possible incentive is there for the Communist negotiators in Paris to negotiate an agreement with us if we announce in advance that we are going to pull out anyway by the end of 1970. Meanwhile, the Communists would prosecute the war to enhance their chances for a complete takeover after the Americans had gone.

Not only are such proposals unrealistic, in my opinion, but they do not keep faith with the thousands of Americans who have been wounded, killed and taken prisoner. We should keep these men and their families very much in mind as we consider how to speed the end of this war. Many of them are saying, "Let us not have made our sacrifice in vain."

Mr. LUKENS. Mr. Speaker, I rise in earnest dismay over the attack by some Members of this body on the Nixon administration's handling of the war in Vietnam. They are quick to criticize but offer no proposals for achieving a lasting and honorable peace in Vietnam. The Nixon administration, on the other hand, has been doing everything humanly possible to indicate our sincere and earnest desire for a peaceful settlement.

I deeply regret that some of my colleagues are inserting a knife in the back of a Republican President and a Republican administration which has inherited some of the most severe problems our country has ever faced.

It is obvious that the dissenting Members on either side of the aisle do not have access to hard intelligence information surrounding the situation in South and North Vietnam. It is also obvious that they do not have the experience nor the exposure that the President of the United States has in dealing with this problem. Thus they are not in a position to question the judgment of the Chief Executive of this Nation—a President who has made remarkable progress in extricating America from the horrible situation he inherited in January of this year.

It is also obvious they have very short memories. Many of those voices among us dispaired because we dared to protect a defenseless people who were faced with invasion by an outside force. They cry out now because we help protect the villages and innocent peasants from inhuman Communist atrocities. These same voices have continuously espoused intolerable concessions to bring about negotiations at any price. They began by influencing decisions which resulted in our failure to block the seaport of Haiphong and to our bombing of cowpaths instead of strategic military targets.

Because of this influence, we held back until antiaircraft missile capability was established by North Vietnam, resulting in many American deaths. We have honored many truces, all of which resulted in the dashing of our hopes for a cease-fire, and in the rebuilding by the enemy of their ability to kill Americans during such lulls. This merely resulted in a stronger enemy, a refreshed enemy; and a better equipped enemy, with an increased capability to kill.

"Stop the bombing of the North," cried those same timid souls to show our sincere desire for a negotiated peace. We did stop. Not once, but 11 times. This bombing cessation resulted only in military escalation by the North Viet Communists, who are now entirely free of harassment in the North. Daily they violate the demilitarized zone, while still fighting and killing innocent civilians in the South.

Still not satisfied, we heard the cry "pull some of our troops out." The President has indeed scheduled the withdrawal of almost 60,000 men as of this date. Their response, "Not enough, merely a political move," "not of any consequence." Yet how they would have ranted and raved if we had sent in an additional 60,000. The result of the pullout has been, inevitably, more casualties, more atrocities, and more aggressive action by the enemy. Now those same voices are demanding that we must pull all of our men out.

Gentlemen, we have gone that extra mile. Time and time again. The only sure means of achieving peace in the face of this continued Communist aggression, if we are to believe these voices, is to once again turn our backs on an innocent, Communist invaded country and run to "safety." Someday we may not have any place to which we can run. Then our only chance for peace will be submission.

In the name of peace, those people, either naively or intentionally have relayed the enemy propaganda. They have had their say. Their proposals have not been successful because they assumed the Communists want peace. The Communists do not want peace, a fact which they daily prove.

Neither South Vietnam nor the United States are the aggressor. The aggresors are the Communists. The Communists do not want peace so long as they make progress through aggression in all parts of the world. It should be apparent to any objective observer that we will have peace only when aggression is punished, only when we negotiate from a position of strength.

In order to minimize casualties, perhaps it is time to finally resolve this issue. To do so, we must consider using every conventional resource available to us to achieve what every sensible patriotic American knows we can achieve—a military victory in Vietnam.

I would like to close with a quote, Mr. Speaker, which runs thus:

> A coward is a man who does not realize that his safety depends on his courage.

A nation bogged down in the quagmire of indecision, torn by disunity, faced with the dissolution of ethics, is truly a coward. America must realize that the path to greatness, to a meaningful peace, and to real equality and freedom for all has always been to face physical suffering with moral courage born of spiritual belief.

GENERAL LEAVE

Mr. BLACKBURN. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the subject of my special order today, the war in Vietnam.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

NATIONAL ADULT-YOUTH COMMUNICATIONS WEEK

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, as a result of the adoption of Joint Resolution 814, sponsored by myself and many colleagues in this Congress, President Nixon has proclaimed this week as National Adult-Youth Communications Week.

I would, therefore, like to take this opportunity to publicize one area of activity with which I am personally acquainted, where the different generations have been communicating and have produced tangible results. I speak of the dialog and joint efforts which characterize the membership of my task force on youth.

After my election to the 91st Congress, I set about establishing various task forces to enable individual citizens to affect the legislative process and to enhance communication between citizens and the Congress. The purpose of each task force—all of which are completely nonpolitical in nature—is to advise me on matters which are under discussion for possible legislative action. I also expect from them feedback and recommendations and suggestions for improvements after bills have been introduced.

One of the first groups to be launched was the task force on youth. In forming this volunteer committee, we recruited qualified community leaders, well acquainted with the needs and problems of the younger generation. More important, however, than the recruitment of adult advisers was the gathering of youthful participants. Each high school in the Fifth Congressional District was asked to select one outstanding student from the junior and senior class to participate. Also, the colleges in both Prince Georges and Charles Counties were asked to select four outstanding students to serve.

At their first general meeting the task force on youth divided itself into 11 committees on the military draft, alcohol and smoking, education, mental health, race problems, narcotics, human needs, crime, voting age, environmental quality, and county government.

The committee on voting age, composed of several students and one member of the Jaycees as adviser, took it upon themselves to conduct a survey of high school students to gage their opinions on lowering the voting age, after they learned that I was sponsoring a bill to lower the voting age to 18 in Federal elections.

Mr. Speaker, I would like at this time to insert the results of that survey into the CONGRESSIONAL RECORD as an example of the cooperation which can be elicited when the different generations take the time to communicate effectively.

I commend all the members of my task force, under the chairmanship of Mr. Robert Crawley, who volunteered their time to participate in this project in order to keep me informed of the sentiments of the youth in my district, and I also thank the students, faculty, and administrators of the high schools who took valuable class time to comply with this request.

The following summary includes the questions and the tabulated results:

1. Are you in favor of lowering the voting age?

Yes	718
No	77

2. What should the voting age be?

17	24
18	588
19	100
20	5
21	74
25	1
No response	3

3. What do you believe justifies lowering the voting age? (Check one or more)

If a person can be drafted, he should be able to vote	589
Young people are civically and politically involved	320
Young people are prepared to vote at an earlier age because of the education they receive today	431
Young people today mature at an earlier age	174
Our nation is becoming "younger"; young people should have a voice of government	276
Other; explain	12
No response	58

4. Should voting age be uniform throughout the nation?

Yes	730
No	59
No response	6

5. How should uniformity of voting age be accomplished?

Constitutional amendment	440
Act of Congress	180
Constitutional convention	28
State legislatures	95
No response	52

6. Do you believe passing an examination should be prerequisite to voting eligibility?

No	468
Yes, only if under 21	123
Yes, all voters	189
No response	15

7. Which elected officials should voters under 21 be eligible to vote for?

No elected officials	48
All elected officials	610
President and Vice President only	48
President, Vice President, Congressmen	8
President, Vice President, State, local	6
Congressmen, State	4
Congressmen, State, local	34
State officials, local	10
Local officials only	14
State only	4
Congressmen only	2
No response	10

THE CASE FOR THE SAFEGUARD ABM SYSTEM

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 60 minutes.

Mr. HOLIFIELD. Mr. Speaker, the prevention of nuclear war must be the primary objective of our Nation. We must maintain a position of overall military strength sufficient to deter any nation from believing that it could launch a successful attack against the United States.

Deterrence today rests upon the conviction by leaders of the Soviet Union that the U.S. military power is sufficient to inflict unberable damage on the Soviet Union after a surprise first strike on us.

If the military power of the Soviet Union ever rises to the level where leaders in the Kremlin believe that the U.S. military power is inadequate to inflict such an unbearable retaliatory strike, the basic factor of deterrence no longer exists.

We must at all costs maintain the factor of deterrence, in order to buy time to achieve mutual disarmament.

Failure to negotiate a disarmament agreement, which includes adequate inspection guarantees, must inevitably cause mutual suspicion, mutual fear, and a continuation of the arms race to continue between the United States and U.S.S.R. as each strives to offset the other's military power.

I define offsetting military power as being sufficient power to maintain deterrence. Military power is composed of a mixture of military offensive and defensive capabilities.

No defensive or offensive weapon system can be separated from the "mix" and considered unnecessary, if it contributes to the total offsetting balance of military power upon which overall deterrence depends.

A key objective of our military power mix is to implant the credibility of our deterrence into a potential enemy's calculations, convictions, and intentions.

The respective military, economic, and

geopolitical assets of two potential enemies will, when separately compared, always vary. The important factor is that each nation's total weapon system mix, when compared with the potential enemy mix, will constitute an adequate level of offsetting military power.

In 1962, President Kennedy was faced with a Soviet power play to upset the balance of nuclear terror. He stood firm, and the destabilizing threat receded. Since then two Presidents and their top civilian-military advisers have evaluated the changing total military power mix of the Soviet Union. Each noted the growth of Soviet offensive and defensive military power. Their conclusions have led to additional research, development, and deployment of an ABM system in the United States to offset this developing imbalance created by the recent rapid expansion of Soviet military strength.

Let me cite some examples of this developing threat as seen by top U.S. Defense officials:

> Because of the low altitude of the (Soviet) FOBS' orbits, some of their trajectories would avoid detection by some early warning radars, including our BMEWS. Also, the impact point cannot be determined until ignition of the rocket engine that deboosts the payload out of orbit—and that occurs roughly three minutes and some 500 miles from the target. And the flight path can be as much as 10 minutes shorter than that of an ICBM. (Secretary of Defense McNamara, November 3, 1967.)
>
> We estimate that as of 1 September 1968 the Soviets had approximately 900 ICBM launchers operational, compared with 570 in mid-1967 and 250 in mid-1966—an increase of well over threefold in a period of a little more than 2 years. (Secretary of Defense Clifford, January 15, 1969.)
>
> We must compare the 20 to 25 megaton warhead, on the Soviet SS-9, with our own ICBM warhead which are only a fraction as large. Thus, the Soviets by deploying as many ICBMs as the United States, can potentially deliver a much larger megatonnage in an attack than we can with our ICBMs. (Secretary of Defense Laird, March 21, 1969.)
>
> In the single year 1968, the Soviets put to sea a new type ballistic missile submarine as well as several new types of nuclear attack submarines—a feat far exceeding anything we have ever done.
>
> Admiral Gorshkov, Commander in Chief of the Soviet Navy, said recently: "The flag of the Soviet Navy now flies proudly over the oceans of the world. Sooner or later, the U.S. will have to understand that it no longer has mastery of the seas." (Admiral H. G. Rickover, April 25, 1969.)

Also, the following quotes on the effect of ABM defense are worth noting:

> A completely different concept of ABM is to deploy it around Minuteman silos, and at command and control centers. This application has gone in and out of Defense Department planning. *I am in favor of such a scheme at the appropriate time.* (Emphasis added.)
>
> My main reason for being in favor is that such a deployment would stabilize the strategic situation rather than the opposite. (Prof. Hans Bether, P. 39 of ABM hearing before the Senate Foreign Relations Committee, March 6, 1969.)
>
> Senator SYMINGTON. Dr. Panofsky, I would ask this question: If we are successful in defending Minuteman bases in this way, and if they desire to maintain parity, would they not increase their ICBMs?
>
> Dr. PANOFSKY. Only if they were genuinely interested in a first strike posture. If they were satisfied by a second strike posture, then, if we increased the defense of our Minuteman bases by ABMs, they would not have to increase their ICBM force. (P. 341 of ABM briefing before the Senate Foreign Relations Committee, March 28, 1969.)

CONCLUSION 1

> That there is little likelihood of nuclear attack by ICBM from either China or the Soviet Union because China lacks the capability, and because any such attack would be sure to rain lethal fallout and second-strike nuclear destruction on the attacking nation itself and existing defenses therefore provide adequate protection without addition of an ABM system.

REBUTTAL

As responsible legislators we cannot assume away the problem. It is our job to make sure that the likelihood of attack remains small. Therefore, we must be concerned with the evidence of Soviet increases in both offensive and defensive nuclear weapons capability and Red China's growing nuclear arsenal. Those who assert that "there is little likelihood of nuclear attack by ICBM from either China or the Soviet Union" might well have said the same about the Soviet invasion of Czechoslovakia in 1968, Soviet offensive nuclear missiles in Cuba in 1962, and Red China's attack on India in 1962. The fear of "lethal fallout" by leaders of the Soviet Union and Red China is also speculative in view of the extensive civil defense system in the Soviet Union and the relatively dispersed population in the U.S.S.R. and Red China.

CONCLUSION 2

> That neither Chinese nor Soviet missile development and deployment are going forward at such a rate or in such a manner as to suggest a significant change in the capabilities or intentions of either of these nations in the foreseeable future that would justify deployment of an ABM system at this time.

REBUTTAL

This is a risky conclusion, considering the Soviet present expansion of both offensive and defensive nuclear firepower. As Secretary Clifford said on January 15:

> In the Soviet strategic posture, the *large increase* in deployments of hardened, land-based ICBMs has been the most significant development of the past year; we project that by the end of 1969 they will have deployed over 1000 intercontinental ballistic missiles. (Emphasis added.)

Everyone can speculate about their intentions, but responsible legislators have to keep their eyes on the capability. To speculate and be wrong would make us the richest Nation in the international cemetery.

CONCLUSION 3

> That given the current uncertainties about the technical reliability and capability of the ABM system to perform the functions visualized for it, it does not merit our confidence, and additional research and development, rather than deployment, appears appropriate at this time.

REBUTTAL

The Safeguard system is backed by about 13 years of intensive research and development on ballistic-missile defense. Both the Sprint and Spartan missiles have undergone a number of successful test firings. A missile site radar has been constructed and is being tested at the Kwajalein Atoll in the Pacific. In the near future that radar will control test firing of both the Sprint and the Spartan interceptors. A few months later both radar and missile systems will be integrated in tests to track and intercept incoming ballistic-missile reentry vehicles from Vandenburg. The technology and components for the perimeter acquisition radar have already been tested in similar operational radars at Eglin Air Force Base, Fla. In parallel, the AEC will continue to test the warheads in a series of underground shots.

In identifying the need for ABM protection we should avoid overstating or understating the system capabilities. Nor should we advocate research only as a device merely for deferring a decision. To the extent that further research, development and testing are necessary for assurance of satisfactory operation according to performance specifications, such efforts should be made providing that Congress authorizes the Safeguard system. Thereafter it becomes the President's responsibility to determine when the system is ready for deployment in the interest of national security.

CONCLUSION 4

> That while greater protection from accidental launch of nuclear missiles toward the United States would be desirable, this alone does not justify deployment of the ABM, especially when there is serious doubt whether an ABM system could perform this function effectively, and there is no evidence that it is either the best or only means of dealing with the accidental launch problem.

REBUTTAL

It is difficult to conceive of any other means which we could use to intercept an accidentally launched ICBM than through the use of an ABM missile. The resolution of doubt as to functional efficiency must rely on testing an operational system—without a nuclear warhead explosion in the atmosphere.

An alternate to noninterception is, of course, our accepting the damage of a delivered enemy ICBM on our deterrent force of Minutemen bases.

Another alternate is to launch our ICBM's after recognizance of an incoming enemy missile and before its arrival on target. Either of these two alternates are stark and dangerous choices.

CONCLUSION 5

> That before delegating authority to fire offensive or defensive nuclear weapons to officials below the level of the President, which would almost certainly be necessary in case of ABM, all possible alternatives should be explored.

REBUTTAL

The problem of firing a defensive ABM type of missile is not insoluble. The President can direct beforehand the conditions under which such a missile can be used.

An accidental or deliberate firing, because of the relatively short range, however, would not constitute a threat against the Soviet Union. The Kosygin interview in the New York Times of February 10, 1967, discloses the Soviet attitude toward defensive short-range missiles.

CONCLUSION 6

> That a decision to deploy ABMs, or actual ABM depolyment would add nothing to our arms control bargaining position that we do not already enjoy through our current deploy-

XUM

ment *capability*, and in fact might limit our bargaining power by reducing our seeming sincerity in seeking to limit strategic arms.

REBUTTAL

Logic would seem to argue that the United States would be in a better bargaining position for mutual arms reduction if we had, for trade off purposes, an offsetting ABM system to a similar system in the Soviet weapon mix.

I note the underlining of "capability" in the phrase "our current deployment capability." Does this suggest additional deployment of ICBM's, an offensive weapon?

As to "reducing our seeming sincerity in seeking to limit strategic arms," Kosygin in an interview in the New York Times of February 10, 1967, is quoted as follows:

> Question. Doesn't the Soviet Prime Minister share the view that a build up of a Soviet anti-missile system is a new step in the arms race?
>
> Answer. It seems to me that the system that warns of an attack is not a factor in the arms race. On the contrary, it is a factor that reduces the possibility of destruction of people.

We have earnestly advocated and achieved steps toward disarmament; that is, Test Ban Treaty, Nonproliferation Treaty, Geneva Arms Control Conferences, and Presidential offers to negotiate peaceful arrangements. Our sincerity of desiring peace cannot be justifiably challenged.

CONCLUSION 7

(1) That arms control negotiations following ABM deployment or a decision to deploy would have reduced potential for reaching agreement due to influences from sources with vested interests in retaining the system and the possible need for one or more parties to dismantle existing hardware and to incur the resulting financial losses.

(2) Negotiations conducted prior to any deployment or deployment decision would proceed without these negative influences and constraints, and enjoy a correspondingly better probability of reaching arms control agreement.

REBUTTAL TO (1)

This argument applies to all weapon systems in our total weapon system mix. Arms control negotiations must inevitably involve freezing, reduction, or dismantling of existing hardware and cessation of future arms production of weapon systems and must inevitably result in financial loss to arms systems producers.

REBUTTAL TO (2)

If there is one lesson we have learned in Congress, it is that the leaders of the Soviet Union respect military power and understand resolve.

On June 24, 1968, the Senate voted 52 to 34 to support the deployment of a U.S. ABM system. Three days later representatives of the Soviet Union announced that they were inclined to discuss negotiations on offensive and defensive nuclear weapons. I think this timing clearly illustrates that when we show that we are determined to maintain our strength, the Soviets are willing to negotiate. If Congress rejects the ABM it will show the Soviets that the leaders of our Nation are deeply divided on this issue—a divison which they would exploit to our disadvantage without giving us any concessions.

CONCLUSION 8

The resources required to deploy an ABM system would have greater benefits for the Nation if devoted to various domestic needs.

REBUTTAL

This argument is of course a statement which relates to all military expense. Satisfaction of domestic needs could be made from substantial reductions in all military expenses, assuming that the funds would be diverted to domestic needs.

CONCLUSION 9

The request for funds to deploy the A.B.M. system ought, at this time, to be opposed.

REBUTTAL

Conclusion based on the assumption that statements 1 to 8, inclusive, are valid and not subject to challenges.

CONCLUDING COMMENT

Support of the research and development of an antiballistic-missile system is justified on the basis of:

First, it is an offsetting system to the Soviet deployment of the Galosh and Tallinn systems, now in being;

Second, it is part of the overall military mix of the United States which offsets the military mix of the Soviet Union; and

Third, it would be a factor both militarily and psychologically in preserving the factor of deterrence. As long as deterrence obtains, nuclear war will not destroy mankind. As long as deterrence obtains we are buying time for negotiating the terms of peace.

When deterrence fails and nations exchange their deadly nuclear warheads, no military device can protect humanity from catastrophic destruction.

The case for the U.S. decision to develop and eventually deploy a defensive anti-ballistic-missile system therefore rests on the judgment that it would be a balance offset component of our military system mix to a similar component in the Soviet military system mix, and that it would add to the factor of deterrence in the Soviet evaluation of comparative military capability and, therefore, affect their possible decision to start a nuclear war.

Mr. Speaker, I would also like to include a letter written by Adm. H. G. Rickover to Senator Pastore on the ABM subject:

U.S. Atomic Energy Commission,
Washington, D.C., April 25, 1969.

Hon. John O. Pastore,
U.S. Senate,
Washington, D.C.

Dear Senator Pastore: In your letter of April 15th, you asked me to give an estimate and an opinion as to where we are and where we are going and what needs to be done in a military way in these times of turmoil and peril. There is, as you point out, a division of opinion among the American people regarding the necessity of reinforcing our military strength.

The first point I would like to make is that in judging between conflicting views on this matter, the deciding factor must be their relevance to the world as it is, *not as we would wish it to be*. Granted the hideousness of modern war, can we deduce therefrom that mankind is now wise enough to forego recourse to arms? A look at history should put us on guard against those who claim that humanity has now reached a state where the possibility of armed aggression can be safely disregarded in formulating national policy.

I am reminded of the intense opposition to the Navy's 15-cruise bill in 1929. It was argued by many that with the signing of the Kellogg Peace Pact the year before it was no longer necessary to build new warships. And this in light of the lessons of World War I which erupted despite the various Hague Peace Treaties! These ships were of inestimable value in helping us win World War II. The war itself was prolonged because Congress—heeding the "merchants of death" argument—in 1939 prohibited shipment of war materials to Britain and France.

Then, too, weight must be given to the credentials of those propounding opposite views. Are they public servants charged with the awesome responsibility to secure our country against foreign conquest, or are they private individuals not accountable for the consequences of their opinions, who feel free to express their personal abhorrence of war and to agitate for a reduction of the financial burden military preparedness imposes on the taxpayer? Would the majority of the electorate accept their argument that, given our unmet domestic needs, we cannot afford an effective defense position vis-a-vis our potential adversaries? Or that war is so horrible that it is better to suffer defeat than to fight?

As for the high cost of preparedness, it is in fact no greater proportional to total U.S. output than 10 years ago—8.8% of total U.S. goods and services. Omitting the costs of the Vietnam War and allowing for inflation, our armed forces have less buying power today than a decade ago. In the Soviet Union, on the other hand—according to the Annual Report of the Congressional Subcommittee on Foreign Economic Policy issued last June—resources have been diverted from the farm sector to defense, where outlays rose dramatically in 1966–67, after remaining static since 1962. The Report talks about their new preoccupation with national security. And you must bear in mind that actual war costs absorb but a small portion of their expenditures while we are spending some two and a half billion dollars a month in Vietnam.

If history teaches anything it is surely that weakness invites attack; that it takes but one aggressor to plunge the world into war against the wishes of dozens of peace-loving nations if the former is militarily strong and the latter are not. Yet there are those who depreciate the need to maintain military supremacy or at least parity with the communist empires, on the grounds that other nations have accepted a decline from first to second or third rank and that we ourselves for most of our history were militarily a second-rate power yet secure enough within our borders. They forget that we then profited from the *Pax Britannica*, even as the former great powers of Europe who have lost their defense capability enjoy political freedom today only because we are strong enough to defend them and ready to do so. What it means to be weak and without American protection should be evident to all as we observe the tragic drama of Czechoslovakia "negotiating" with Russia the continuing subjugation of her people.

As a lawyer, you are familiar with Blackstone's statement that security of the person is the first, and liberty of the individual the second "absolute right inherent in every Englishman." Just so, the first right of every American is to be protected against foreign attack, and the first duty of government is to keep our nation alive. Given the world situation, this calls for maintenance of a defense capability which is adequate to discourage potential aggressors. Said President Nixon, in discussing the Cuban missile crisis, "It is essential to avoid putting an American

XUM

President, either this President or the next President, in the position where the United States would be second rather than first or at least equal to any potential enemy . . . I do not want to see an American President in the future, in the event of any crisis, have his diplomatic credibility be so impaired because the United States was in a second-class or inferior position. We saw what it meant to the Soviets when they were second. I don't want that position to be the United States' in the event of a future diplomatic crisis.

There can surely be no doubt that the overwhelming majority of the American people are opposed to relinquishment of our defense capability, recognizing full well that there will then be no one left to prevent the takeover by communist power. Whether one takes the optimistic view that a permanent East-West detente can be negotiated, or the pessimistic view that ultimately we shall have to fight for our liberties, this nation has no future if it allows itself to be outmatched militarily.

To turn now to specific matters currently in dispute. There is the ABM system which is under heavy fire on grounds that it (a) will escalate the arms race and (b) will not work. It should be stressed that the Soviets have had their own version of the ABM for several years without inducing us to expand our military power. Just as the Soviet ABM version has not added to the Soviet threat, so our own ABM would not add to ours. The Russians have been singularly silent in this respect; the outcry has come mostly from those in this country who habitually apply a double standard when adjudging military developments in the U.S. and the U.S.S.R. One must ask how can our defensive capability be considered provocative, while theirs is not? Is there not something deeply disturbing when one observes scientists, formerly holding responsible positions in government, advocate policies directly contrary to those they supported when in office? It must not be forgotten that many of our most prestigious scientists were bitterly opposed to development of the H-bomb. Where would we be today had not the Congressional Joint Committee on Atomic Energy and President Truman—who had the responsibility for the safety of the U.S.—disregard their advice?

As for the assertion that the ABM cannot be made to work, I must disagree. If there is one lesson I have learned in the many years I have devoted to the development of nuclear propulsion plants it is that, given the soundness of a theoretical concept, it can, with drive and imaginative engineering be *made* to work.

Contrariwise, for a theoretical concept to be translated into reality it must be *worked* on. Research alone—no matter how prolonged—will not do it. The very act of developing the concept through detailed engineering work produces improvements in the original concept—improvements which would have been neither obvious nor possible without such actual engineering work.

The Soviets are just as adept in research and development as we are. They have amply proved this by their progress in space, in missiles, in aviation, in military equipment, in nuclear submarines. They know full well from their own experience that with research alone—without development engineering—our ABM system or any other system would not be meaningful and could be discounted. For this reason we must guard against those claiming that we can limit ourselves to research—that research alone will suffice.

You also asked me to comment on what needs to be done in these times of turmoil and peril. As I am more familiar with the threat posed by the Soviets to our naval power, I would like to confine myself to this area, and specifically to submarines. But what I say here is valid for our land, sea, and air power as well.

The Soviet Union is embarked on a program which reveals a singular awareness of the importance of sea power and an unmistakable resolve to become the most powerful maritime force in the world. They demonstrate a thorough understanding of the basic elements of sea power: knowledge of the seas, a strong modern merchant marine, and a powerful new Navy. They are surging forward with a naval and maritime program that is a technological marvel.

At the end of World War II, the Soviet Union had a fleet of 200 diesel-powered submarines. They then embarked on a massive building program, producing over 550 new submarines through 1968, at least 65 of which are nuclear-powered. During the same period, the United States built 99 submarines, 82 of them nuclear-powered. The Soviets have scrapped or given away all their World War II submarines as well as some built since. They now have a new submarine force of about 375; we have 143, which includes 61 diesel submarines most of which are of World War II vintage. Thus the Soviets have a net advantage of about 230 submarines. It is estimated that by the end of 1970 they will have a numerical lead in nuclear submarines.

To achieve this the Soviets greatly expanded and modernized their submarine building facilities. Just one of their numerous submarine building yards has several times the area and facilities of all U.S. submarine yards. They use modern assembly-line techniques under covered ways, permitting large-scale production regardless of weather conditions.

In the single year 1968, the Soviets put to sea a new type ballistic missile submarine as well as several new types of nuclear attack submarines—a feat far exceeding anything we have ever done. In looking to the future, it is estimated that by 1974 they will add about 70 nuclear-powered submarines to their fleet, whereas we will add but 26—further increasing their numerical superiority. In the case of the ballistic missile submarine the Soviets have undertaken a vigorous building program to surpass our Polaris fleet of 41. They have completed seven of the new Polaris-type submarines, and have the capability to turn out one a month. We have no Polaris submarines under construction or planned. We must assume that by the 1973–74 time period they will be up to us.

Numerical superiority, however, does not tell the whole story. Weapon systems, speed, depth, detection devices, quietness of operation, and crew performance all make a significant contribution to the effectiveness of a submarine force. From what we have been able to learn during the past year, the Soviets have attained equality in a number of these characteristics and a superiority in some.

In order to achieve the results so far attained in all areas of modern technology the Soviets had to develop their most important resource—technical and scientific personnel. The Soviet educational program enjoys highest national priority. The statistics on the total numbers of Soviet degree graduates are extremely impressive. The U.S. National Science Foundation data indicates that in 1966 alone, 168,000 engineers were graduated; the U.S., on the other hand, produced but 36,000. With specific application to the Navy, the Leningrad Shipbuilding Institute, just one naval institute of several, had over 7,000 students in 1966 studying naval architecture and marine engineering. I doubt we had over 400 enrolled in these subjects in all U.S. colleges.

While we cannot specifically count the number of Soviet scientists and engineers devoted to naval work, it is apparent that they have created a broad technological base. They have committed extensive resources to support development of their naval forces. The steady build-up of the Soviet submarine Navy from an ineffective coastal defense force at the end of World War II to the world's largest underseas navy today deserves admiration; also it should deeply worry every American. By the end of this year we face the prospect of losing the superiority in nuclear submarines we have held for many years. The threat posed by their submarine force—with their new ballistic and cruise missile launchers and new attack types, is formidable. If more sophisticated types are added in the near future, as is likely considering their large number of designers and their extensive facilities, the threat will rapidly increase.

The Soviets have frequently announced their intent to be the pre-eminent world power. Why do we not believe them? Hitler in Mein Kampf plainly announced his intent to dominate the world. We did not believe him either—until it was nearly too late. Admiral Gorshkov, Commander in Chief of the Soviet Navy, said recently: "The flag of the Soviet Navy now flies proudly over the oceans of the world. Sooner or later, the U.S. will have to understand that it no longer has mastery of the seas." And just a few days ago the Russians announced a projected 50% increase in the size of their merchant fleet. These facts should be weighed when assessing the judgment of those who argue for a reduction of American military power while the Soviet military power is rapidly expanding.

The bearer of bad news is always punished. In ancient times, he might be put to death. Today he becomes "controversial" and unpopular. But if there is one subject on which the American people must know the truth, however unpalatable, it is our military position vis-a-vis the Soviets. I believe *no one can better inform them than members of the Congress—who have such close ties to their constituents.*

I suggest that by keeping secret our knowledge of Soviet strength at this time we may lose more than by confiding the truth of the danger we face to the American people.

Respectfully,

H. G. Rickover.

THE RED NIGHTMARE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Ohio (Mr. Ashbrook) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, Taft radio stations carried a series of broadcasts on the Red nightmare. I listened to this presentation and felt that it was one of the most comprehensive, succinct statements that I had heard on this vital subject. Joe Waldman, producer of this three-part series, has furnished a copy of the program. He and the Taft broadcasting stations are to be commended. I certainly recommend it to all who are interested in receiving a true insight into world communism. The program was as follows, and I quote:

The Red Nightmare

(By Joe Waldman)

The principle of communism is nothing new. In ages past, several primitive societies were built along communistic lines. The whole tribe lived in common and shared food, property and housing. Communism, as we know it today, is little more than a century old. The brand of communism we now know is called "scientific socialism." It came from the mind of an egotistical, crabby, industrious little man who was born in Germany and lived most of his life in exile. His name was Karl Marx.

XUM

Marx was born in Trier, Germany in May of 1818, the son of a successful Germany lawyer. He was an intelligent youngster, and a temperamental one. At school he excelled; and showed one particular trait which was to mark his entire life: a tremendous capacity for work . . . if the work was to his liking.

Marx did not make friends easily. He was tremendously intelligent—but also vain, bitter and rebellious. He fell deeply in love with a lovely young girl named Jenny von Westphalen, a love which was to remain strong throughout his life. They were married in 1843. Their life together was one of great devotion . . . and abject poverty. Marx wrote; and his wife stood by him through incredible misery, including cold, starvation and the death of their children.

A life-long friend of Marx was a man named Friedrich Engels, the son of a wealthy industrialist. Engels supplied the money and Marx supplied the ideology. Both men were socialists and atheists. But rarely were two close friends so widely diverse in character. Engels was well-mannered, hedonistic and happy. Marx was morose, moody and quite rude.

Engels spent much of his time in Manchester, England, tending to his father's business, while Marx lived in London. Engels was tall and thin, blue-eyed, two years younger than Marx and a lover of horses and women.

In contrast, Marx lived in squalor. He was often sick, suffering from headaches, rheumatism and boils. His wife was constantly sick. Following the death of their seventh-born, Jenny's health worsened. The Marx's lived from pawnshop to pawnshop.

It is one of the great ironies of history that the father of communism was kept alive through the generosity of a wealthy capitalist; and that this capitalist's son should become the second father of communism.

The great classics of communism, including *Das Kapital,* were hacked out under these horrible conditions of poverty. But Marx was tough and stubborn. He continued writing, reading and denouncing capitalist poverty.

If the mind of Marx was biased, it was also razor sharp. He was an avid student of history, philosophy and economics. Sitting in his dingy apartment or in the British museum, this German born social theorist surveyed the world. He felt he could recast it on his own terms. Through his writings and his revolutionary organizations he undertook to do so.

Marx was called "the moor" by his children because of his deep black hair and dark, piercing eyes.

And what of this "communism" he fathered? His first line of attack was an atheistic view of the world. He joined two very old ideas:

First: That everything in the universe, whether a blade of grass, a human being, or society itself, is constantly changing and at the same time is in conflict. This is called "dialectics."

And two: That there is no God; that the world is composed only of "living matter." Hence, man is walking dust, without spark or image of any divine creator. This idea is called materialism. Hence, dialetical materialism.

This remarkable concept was to undergird the entire Communist world outlook. Human society, as well as the physical universe, Marx said, is affected by this outlook. The principles have universal application. Non-Communist thinkers, as well as human experience, have since punctured many holes in this thesis—but to Communists it applies with the same certainty as does the law of gravity.

"Constant and bitter struggle is good," said Marx, "because it achieves progress." In fact, Marx viewed the entire recorded history of the world as the story of class struggle. Mankind, he said, has always been divided into classes: groups of people who have special interests, ideals and ways of doing things. These classes, he said, have been struggling from the very beginning of time . . . and still are. Marx explained this struggle by means of a formula, commonly referred to as the "thesis-antithesis-synthesis dialectic," which he borrowed and altered from the German philosopher G. W. F. Hegel.

This is how it works:

You begin with an economic class—A thesis. This class is the dominant power in any given society. This class controls production—housing, clothing and all else. An opposing class arises—an antithesis—which seeks to overthrow the first class. It has different ideals, motives and ambitions. There is immediate conflict. Soon, a new class—a synthesis—is the result. This new class encorporates only the best of both previous classes. Marx seemed to have overlooked the possibility that it might also absorb some of the bad.

Now, with the synthesis, the process begins again. This is history for, as Marx held, historical materialism was nothing more than applying the concept of dialectical materialism to society. The new synthesis is now dominant and thus becomes, in turn, a new thesis. It directs housing, wealth, fashion and all else. And again, another opposition arises—a new antithesis. They struggle . . . and a new synthesis is the result. And again, the world begins another cycle. Obviously, these theories are a bit distorted. But to understand communism in its 20th century form, it is essential to grasp the underlying theory.

This class struggle, in Marx's reasoning, always produced a higher stage of civilization. First came the slavery of man. The class of slave-owners resulted in the antithesis . . . or those who sought to abolish slavery. The resulting conflict produced feudalism, representing the best of both previous classes. In turn, feudalism was attacked by its own antithesis. For hundreds of years the struggle continued, issuing forth finally in a new synthesis—Capitalism—again representing the best features of both rivals.

During Marx's lifetime history was still in the Capitalist stage. But he said it could not remain there. It must move on to Communism. The Capitalist class had already developed its own antithesis which Marx identified as the Proletariat, or working class, which was striving to overthrow the old system.

"Communism," Marx proclaimed, "Represents the new synthesis of the Capitalist-Proletariat struggle and the Apex of all history." When Communism emerged victorious conflict would cease. The state would wither away. History would come to an end. This new state would be the perfect and final society—stateless, classless, where all property used in production would be held in common and human activities would conform to the principle: "From each according to his abilities; to each according to his needs."

And now, the role of the party. The party, said Marx, was to be the vanguard of the Proletariat. Most workers are stupid, uneducated in Marxism and duped by Capitalists. They could never start a revolution by themselves. They need guidance; and that is the job of the party. Why? Because party members are awake, intelligent and, most important of all, learned in the ways of Marxism. They know the laws of revolution, the mysteries of the development of society. Their task is to be the general staff of the revolution. And what of force and violence? Can they be avoided? Marx said "No!"

Marx emphasized that capitalist society, most naturally, would not of its own volition turn over its factories, banks and money to the workers. Moreover, it would doubtless organize a counter-revolution. Hence, under the leadership of the party the workers must, if necessary, be prepared to utilize force and violent revolution. If the capitalists submit peacefully, good. If they resist, destroy them. But this is not the end of it. Once power is obtained, opposition will remain which must be stamped out—utterly, completely, ruthlessly. Again, this cannot be left to the untrained, untaught proletariat. It is a task for the dictatorship of the proletariat, conceived as a transitional stage between actual revolution and the arrival of the highest and final form of communism. And, again, guiding the dictatorship would be the party, serving as a steamroller and liquidating through sheer force all capitalist elements. Then—and only then—could new socialist construction begin.

In 1848 Marx, in collaboration with Engels, prepared the platform of the Communist League—a revolutionary organization which included a large number of German exiles. This was the famous "Communist Manifesto," the first sweeping blueprint for Communist ideals. The document is striking, forceful . . . and threatening:

". . . The Communists disdain to conceal their views and aims. Let the ruling classes tremble at a Communist revolution. The proletarians have nothing to lose but their chains. They have a world to win. Workingmen of all countries, unite!!"

Marx believed that well-intentioned and good-hearted men cannot be depended upon to improve society. They are dabblers and botchers who only make things worse. Mere social reforms strengthen capitalism, prolong exploitation and keep the corpse alive.

The only solution is to tear down capitalism completely with the use of force and violence and set up a communistic government. In 1864, Marx helped organize the first Communist Internationale—the first Communist congress. Its legacy to the cause of communism lay in giving international structure to the movement.

Communism, as designed by Karl Marx, has never really worked. Virtually all of his precepts, as altruistic as he may have felt they were, have never been borne out in world society simply because they *cannot* work. Marx said that capitalism is destructive because it destroyed the working man, forcing him to live under subhuman conditions. He believed the industrial revolution would enslave the little man while the idle rich would live in splendor.

The truth: Under capitalism the little man has prospered and gained in a strength hardly dreamed of by Marx. And the industrial revolution has bettered the life of the worker. Capitalism has worked.

The truth: Marx predicted his great revolution would begin in a highly industrialized nation. It did not. It began in an industrially backward nation. And not because the working man was sick of living in a class society, but because he was being crushed from within by an inefficient monarchy and from without by an unsuccessful war.

The truth: Marx placed no trust in either capitalism or the goodness of man. And yet, capitalism has fostered the most unsordid acts of humanity and generosity in the history of the world; and its society has produced innumerable men of greatness and good will.

The final truth: communism has failed miserably. It has become the seat of unrest from the inside to the outside. Tito and Yugoslavia broke with Soviet Russia. Albania sided with Tito. There was open revolt in East Germany, Poland and Hungary. Most recently, tiny Czechoslovakia sought to peacefully institute a policy of liberalism. The result was a crushing blow from Russia. . . . Including the use of tanks, arbitrary arrest and detention and the burning of books. Communist China has broken from the rule of Moscow. A very deep schism has developed in the rigid structure of communism simply because, in the final analysis, it has proven to be an unworkable system.

Stated simply, there is no communism in Russia. Communism is just a name tacked onto an ancient form of government called "dictatorship." Russia experiences no classless society and no freedom of thought or action. It is a power which is fading. But, like a wounded tiger, it is all the more deadly because it is fading.

Communism is a handy title to hang on the Russian Government. In structure it has been likened to Christianity: It has its savior, Karl Marx; its bible, the manifesto; its heaven, the Communist utopian state; and its apostles, Lenin and Stalin.

Marx and Engels laid the groundwork for communism, but they left no guidelines as to the revolutionary methods by which the end result was to be reached.

But for one man, communism might have drowned in a sea of words. This man never knew Marx. He was born Vladimir Ilyich Ulyanov. The world came to know him as Lenin.

Vladimir Lenin took Communist theory and galvanized it into Communist organization and action. He became the third great driving force in the success of the great revolution. If Marx is the father of communism, Lenin is the father of the Communist Party.

Lenin was born on April 22, 1870 in Simbirsk, which is now called Ulyanovsk—a town on the Volga River. His father was a school inspector and a devout member of the Russian Orthodox Church. Lenin, one of six children, was a brilliant student. He had a tremendous capacity for deep concentration. What he may have lacked in speed he made up for in dogged perseverence.

At the age of sixteen Lenin became an Atheist. He is said to have ripped a cross from around his neck, thrown it on the ground and spat upon it.

In 1887, when Lenin was seventeen his older brother Alexander was hanged in the courtyard of Schlusselburg Fortress in St. Petersburg. He had been charged with four others in a plot to assassinate the czar of Russia. The death of Alexander deeply affected the young Lenin and much of his life was altered by this act.

In 1887 Lenin entered Kazan University. In a short while he became involved in student revolutionary organizations. He was arrested and later kept under police surveillance.

At the age of eighteen he discovered Marx. He was soon studying the precepts of communism day and night, discussing and planning with his sister Anna and organizing Marxist study groups.

He passed his law examination in 1891, graduating with honors, and was admitted to the bar.

At the age of twenty-four Lenin already had the appearance of a man who had lived much. A friend remarked that he had wrinkles which seemed better suited to middle age. He was bald. His eyes always seemed to be staring beyond what he was looking at. They were dark and piercing, revealing a quick mind and a sharp wit.

By the 1880s Russia was boiling with discontent. A strong revolutionary movement was in rebellion against the Czarist regime. Many of the revolutionary goals were impractical. Some demanded a greater voice for the peasants or industrial workers. Some preached violent revolution. Still others advocated democratic reform. The ideas were diverse but they all agreed on one thing—it was time for a change.

The more radical of the groups believed in political terrorism. Their violence, however, led only to more oppression.

It is interesting to note that the first foreign translation of Marx's "Das Kapital" was Russian.

In 1883 a Marxist group was founded in Russia. Ten years later, when Lenin joined the group at St. Petersburg, the movement was a strong and dynamic force.

The early Russian Marxists were deeply divided. They were merely theorists; not apostles of action. Lenin immediately undertook to change all that. And he might have succeeded had he not been arrested in December of 1895. He was imprisoned, then exiled to Siberia.

Lenin was released in 1900 and left Russia, more enflamed than ever with the idea of violent revolution.

Lenin and his wife Nadezhda lived in Western Europe as exiles, moving from city to city and using fictitious names. Most of their time was spent living in Switzerland.

Lenin was happiest when he could talk of revolution. And he would do so far into the night, or anytime he could find a willing audience. His wife was constantly on guard to prevent him from overburdening himself, because he abused his body and his mind through lack of sleep and poor eating habits. Often he would work himself into highly nervous states when discussing his plans for the revolution which he knew must come.

Lenin formulated the principles not only of scientific Marxism, but of violent revolution. He spent much time in London at various libraries studying the principles of warfare, the construction of barricades, home-made weapons, command structure and a good deal more. He made Marxism a highly disciplined, organized and ruthless creed. Ruthless—the key word. It appears again and again in his writings.

"Capitalism cannot be defeated and eradicated without the ruthless suppression of the resistance of the exploiters."

"Contempt for death must spread among the masses and thus secure victory. The ruthless extermination of the enemy will be their task."

And how could the revolution be achieved? Not by democratic reforms. That process is plodding and much too slow. It must be accompanied by violent, naked revolution. "The sword is the weapon," he would say, "Everything must be dedicated to this aim; one's time, talents . . . one's very life. Revolutions do not just happen. They are made."

Lenin conceived of the party as the cornerstone of the revolution. Marx, in his philosophical abstractions, had never thought out the day-to-day composition of the party. But Lenin did. The party, he said, must be a small, tightly-controlled, deeply loyal group. Membership was not to be the key—but fanaticism was. Members must live, eat, breathe and dream revolution. They must lie, cheat, steal and murder if the party was to be served. Family ties and years of goodness did not count. The only thing that mattered was the party and its existence.

In 1903 the Russian Social Democratic Labor Party—the Russian Marxist Party—met in convention in Brussels. The proceedings were later transferred to London after Belgian authorities had warned several of the delegates to leave the city.

A dispute arose. Should party membership be restricted . . . or open to anyone? Lenin, quite naturally, fought for restricted membership, and his views won out. His group became known as the Bolsheviks, or majority party. The losers were known as the Mensheviks, or minority party. The party, said Lenin, must contain the hard core, loyal and fanatic followers. To permit just anyone to join the party would weaken it. Each member was to be strong. To admit a weakling would place a large crack in the strength of the party. Discipline was an important word.

The masses could not be expected to make the revolution. They would run at the first sound of gunfire. They must be led . . . or pushed . . . by fanatical party members who would attack if the party so ordered, or to die if so ordered.

This principle of discipline has made the communist party the most successful recruiting organization in the world. The precepts of discipline exist in no equal form anywhere in the world today. In 1900 Lenin helped found a revolutionary paper called "Iskra," or "The Spark." It was printed in Germany and smuggled past customs into Russia. One man who religiously read this clandestine newspaper was a young exseminary student in Southern Russia named Joseph Vissarionovich Djugashvili. He later changed his name to Stalin. Lenin's newspaper offered directions to the secret revolutionaries all over Russia, informed them of the lines to follow and pushed for improved party organization.

Marx avoided the more violent aspects of the proposed revolution. Lenin filled in the gaps. Any weapon would do—a gun, a knife, hatchets, hammers or bare hands. Use any weapon just so it does the job. A man was either your friend or your enemy. If he is a friend, clasp his hand. If he is an enemy—kill him.

Lenin labored day and night for seventeen years studying the methods of revolution and hoping that it would come in his lifetime. And it did come—in November of 1917.

The First World War had erupted like a hideous chain reaction. Russia honored her blood relationship with England and declared war against the central powers. The name of the Russian capital of St. Petersburg was changed to the less Germanic "Petrograd." The Russian people answered the call gallantly as a wave of patriotic fever gripped the country.

Russia fared badly from the very beginning. The Russian footsoldier fought bravely but he was ill-equipped, poorly trained and suffered from poor leadership. The battlefield losses were appalling. In the words of German Field Marshal Paul von Hindenburg: "In regard to Russian casualties, the page has been torn from the book." Conditions were ripe for revolution. The soldiers were suffering at the front and the peasants were starving and taxed to death at home. In the Imperial Palace Czar Nicholas was taking orders from his wife who was taking orders from Gregory Rasputin, a self-proclaimed holy man who had the royal family in his hands.

The government was tottering and in March of 1917 gave way to the regime of Alexander Kerensky. Kerensky instituted a liberal regime. Czar Nicholas was forced to abdicate; and this became the signal for all revolutionaries to return from exile to Russia. Leon Trotsky returned from his exile in New York. Stalin returned from Siberia. Lenin was in Switzerland, unable to become a part of the revolution—the revolution which was beginning without him.

Suddenly, Lenin received help from an unexpected source. The German high command, hopeful that Lenin could take Russia out of the war, offered to transport him through Germany by train and deliver him to Russia. With Russia out of the war, nearly a million German soldiers would be freed from the eastern front. Germany could throw them against the allies in France and break the four-year deadlock. Lenin, they reasoned correctly, was the man for the job.

And so, as Winston Churchill said, Lenin was shipped across Germany in the sealed boxcar of a train like some deadly plague bacillus to be loosed upon Russia.

The great revolution was on and it came not from the ignorant poor but from the intellectual rich. The half-century of Russian communism was beginning upside down. The revolution had begun without Lenin. But now, thanks to the German general staff, he was on his way to the motherland in a sealed boxcar.

Lenin was wildly greeted upon his arrival and he immediately began working against

XUM

the regime of Alexander Kerensky. He began a systematic program of dissention and unrest in the armed forces. Lenin refused to co-operate with the government except on his own terms. All the time he was building the strength of the Bolsheviks. Crash programs were instituted to train all members in warfare and party organization. Command structures were assigned and filled in virtually every area of Russia.

Lenin had almost a sixth sense when it came to diagnosing revolutionary situations. He knew when to act and when to remain silent. He was the true leader of the Russian revolution.

Joseph Stalin, fresh from exile in Siberia, was relatively unknown but he studied Lenin closely and began learning the skills that would, in a few short years, catapult him to absolute power.

In the fall of 1917 the Bolsheviks seized power during the October revolution. At last Lenin was the undisputed ruler of all the Russias. Communism had breached the first wall of capitalism.

The Bolsheviks immediately instituted the dictatorship of the proletariat. Karl Marx had conceived the dictatorship of the proletariat as merely a transitional period between revolution and the establishment of the final communistic society. But Lenin created more of a reign of terror.

A brutal campaign followed the Bolshevik takeover. Thousands were executed, including the czar and his entire family. The secret police—the cheka—were under direction to arrest, imprison and execute anyone who might, even in the slightest, interfere with the formation of the new state.

The loyalty test was simplicity itself. To what class did the individual belong? How much food in his home? How well educated was he? If a man owned too much, or if he was too well dressed, he might be accused of being an exploiter or capitalist and sent before an execution squad.

For the next three years the Bolsheviks were forced to defend their positions against the Poles and the White Russians—those loyal to the czar.

A bitter civil war raged from one corner of Russia to the other. American, British, French and Japanese troops were sent into Russia to protect their interests. And the Communists declared war on them as well.

In Red Square, the voice of Vladimir Lenin: "Comrades," he said, "the capitalists are waging war against Russia. They are sending money and military supplies to the Russian landowners hoping to restore the power of the czar, the power of the landowners, the power of the capitalists. No!! That shall never be!!"

Lenin immediately instituted a policy of war communism. Industry was nationalized. The government took over the task of distributing manufactured goods to the people. Trade and commerce were abolished. Food supplies were confiscated. Poor peasants were assembled into special committees to inform on their more wealthy neighbors who might be hiding their grain.

1921—and the revolution came to a close. The White Russians were either dead, in prison or in exile. Russia lay in a shambles. The Bolsheviks attempted to adapt Marxist theory to rural Russia. The result was chaos and confusion.

Industrial production was virtually nonexistent. The peasants were in open revolt. Private incentive had been destroyed. By 1922 famine was sweeping the land with millions starving or existing on a semi-starvation diet. Nearly five million people died.

Lenin became concerned as he saw his government slipping away. The very survival of communism hung in the balance. With uncharacteristic panic, Lenin embarked upon a crash program to preserve the state. Conformity became mandatory. Slave labor camps were increased in number to accommodate dissenters. "Religion is the opiate of the people," he said; and the churches were closed. Uprisings were brutally suppressed.

Lenin soon discovered that suppression was the worst possible answer to the problem. The people were not about to endure another brutal regime.

In March of 1921 sailors of the Red Navy at Kronstadt rose in open revolt.

With his customary keen sense of timing, Lenin realized that it was time for a change.

The result was the N.E.P., the new economic policy. Capitalist policies which were previously denounced were temporarily introduced to save the crumbling government. Peasants were allowed to keep surplus grain. The people were permitted to dispose of their supplies as they chose. And private trade was again allowed.

In industry many businesses were returned to private ownership, although the government retained control over the larger firms.

To the complete surprise of the Bolsheviks the N.E.P. was mildly successful; and it gave the government time to consolidate its gains. Years before capitalism had saved the father of communism. Now, capitalist theory was saving the Communist state.

The work had just begun. In March of 1919, even as the civil war was still raging, Lenin founded the third internationale. This meeting provided the keystone of Soviet policy. The most far reaching decision: Communism was to become truly international. Moscow, the new Russian capital, would guide the movement throughout the world. Victory in Russia was only the first step. The ultimate goal was world communism.

Ironically, the first powerful weapon of Soviet Russia was official recognition by the United States and Great Britain. Without this recognition communism might have been stillborn.

Under the leadership of Herbert Hoover millions of dollars in food and financial aid came to Russia from the people of the United States. America sought not to aid communism, but to save the lives of millions. For the third time, communism survived because of capitalism.

Lenin hoped passionately that the new Communist state would survive; and he could have chosen no better man to head the office of secretary general of the party. The man he chose was the son of a cobbler, a former seminary student turned atheist and an old line Bolshevik . . . Joseph Stalin.

In January of 1924 Vladimir Lenin died following a long illness. His death left open a struggle for supremacy within the party that was to last into the 1930s. Lenin could never have foreseen the lofty pedestal on which he would stand in Moscow a generation after his death.

To this day his body lies encased under glass in a magnificent tomb in Red Square. Each day, thousands pass by to gaze upon his remains. Next to Karl Marx, Lenin stands highest in Communist reverence. But his nation and his party were to pass under the control of an ambitious, scowling, mustached revolutionary from the province of Georgia in southern Russia.

Winston Churchill once said: "The worst thing that ever happened to the Russian people was the birth of Lenin. The next worst thing was his death."

He was right. Lenin's death opened the door to the most callous and brutal dictator in world history.

Joseph Stalin was born in 1879. As a young man he had attended a seminary in Tiflis in the Caucasus. He was expelled in 1899. At the age of twenty he was already a revolutionary. From 1902 until 1913 he was arrested seven times, exiled six times and escaped five times from exile.

Stalin was not brilliant. He was slow and plodding; yet his grasp of the Russian mentality was enormous. The years he spent as an agitator, prisoner and political schemer gave him an insight into Communist intrigue that other party leaders seemed to sorely lack. Working quietly and meticulously he was quick to exploit any opportunity that might increase his personal power.

Stalin liked to represent himself as the heir of Lenin—the man predestined to carry on the great Bolshevik revolution. This claim, however, is not borne out by the facts. Shortly before his death Lenin wrote:

"Comrade Stalin, having become General Secretary, has concentrated an enormous power in his hands; and I am not sure that he always knows how to use that power with sufficient caution."

Ten days later Lenin added this postscript:

"Stalin is too rude; and this fault, entirely supportable in relations among we Communists, become insupportable in the Office of General Secretary. Therefore, I propose to the comrades to find a way to remove Stalin from that postion."

But it was too late. And Lenin was too sick. Within days he was dead.

A bitter struggle for power began between Stalin and Leon Trotsky. Trotsky, whose real name was Bronstein, was born in 1879, the same year as Stalin. He was an early revolutionary and had spent many years in exile.

Following the revolution he served as Lenin's Commissar of Foreign Affairs and later did much to organize the Red Army. There were many differences which separated Stalin and Trotsky. The most important ideological dispute was one of basic policy. Stalin felt that Russia should concentrate on making itself powerful *first*, before undertaking extensive revolutionary action abroad. Trotsky felt that the revolution could survive only if Communist revolutions were promoted in other countries. Both men, however, sought world conquest.

Their dispute centered on how to achieve it. Stalin won out. In 1929 Trotsky was exiled by Stalin. Eventually he found refuge in Mexico.

There has never been proof that Trotsky was murdered on orders from Moscow. But very few believe that he was not. In any case Leon Trotsky was discovered in bed, hacked to death with a pick axe. It has long been thought that Stalin feared Trotsky's influence even in exile. Joseph Stalin was now undisputed dictator of Russia. He was to become the most successful dictator in world history. His power was absolute. This short, red-haired, stocky man would, through sheer force of will, weld Russia into a solid, powerful Communist nation.

Stalin can be called the "ideal" dictator. He was utterly ruthless. He knew and understood the Russian mind. He knew and understood every aspect of the Communist organization. He would let nothing stand in the way of his personal power. During the Second World War he permitted his own son to die in a German concentration camp rather than deal with the Nazis for his release. His own daughter recently published her memoirs and one is jarred by the total lack of emotion in the Russian ruler.

Stalin broke the first rule of Marxist theory. The state, which was to wither away, became even stronger. It became an agent of sheer oppression. The army, navy, secret police and all political structures grew even more powerful and permanent. Slave labor camps multiplied. Soviet society became ironclad, more rigid than under the most autocratic czar. Army officials, party henchmen, industrial managers; *all* emerged as classes, each jealous of the other.

Stalin carried to the extreme Lenin's concepts of the party as a fanatical, disciplined group. Stalin used the party not only as a tool with which to seize and maintain power, but also as a method of liquidating all personal opposition.

The party was, indeed, kept pure. Only the fiercely loyal and obedient belonged.

Each and every one of Stalin's actions had to be justified by Marxist-Leninist theory The solution was quite simple. If the theory did not fit, it was re-interpreted. To deviate was to court disaster. In 1928 the first of a series of five year plans, designed to strengthen heavy industry and collectivize agriculture, was launched. Step by step Lenin's new economic policy disappeared. Rigid government control was instituted. Production quotas were set and they had to be met. Compulsory labor increased. Private trade disappeared once again. Consumer goods were at a premium. Small farms were abolished. The peasants were moved to large, co-operative farms.

Rather than join the collectivization process a large group of peasants, the Kulaks, burned their crops and killed their livestock. It was an open denial of Soviet policy. Stalin's reply was to send in the Red Army. Tens of hundreds of thousands of Kulaks were annihilated; but the Kulaks achieved their goal: They crippled the Communist state. For thirty years Soviet food supplies were nil.

The first five year plan was a dismal failure. Food was scarce. Transportation broke down in every area of the country. Famine re-appeared. Disease stalked the land. And millions died.

Stalin held firm. Heavy industry was expanded. Steel mills, automobile and tractor factories were operating day and night. Emphasis was placed on armament.

Stalin's tight control extended to the arts. Literature, sculpture, painting and music were to conform to the party line. It can be noted that very little greatness exists in Russian art from 1935 to 1953.

In the early 1930s Stalin began sensing discontent within the ranks of the party. It was the old story again. A power struggle was in the making. With customary efficiency, Stalin solved the problem in a matter of months. Between 1934 and 1938 the Soviet state was brutally purged. The world was a witness to the public trials in Moscow as hundreds of old line Bolsheviks such as Grigori Zinoviev and Nikolai Bukharin faced the firing squads. Many had fought to create the 1917 revolution. Hundreds died. Then thousands. One thing was certain; Stalin was liquidating all opposition. The purge was effective. Any possible threat to Stalin was now gone. But Stalin made one terrible mistake, one he could not have forseen in the 1930s. Among those who went before the firing squads were the cream of the Russian officer corps. And they disappeared at a time when they would be needed most.

In Germany another former revolutionary was building an empire; and he, too, was building on an ideology.

On August 24, 1939, the world was jolted when Stalin entered into a mutual non-aggression pact with Adolf Hitler. Winston Churchill had called Russia "a riddle inside a question mark surrounded by an enigma." The key, he said, rested with Russian national interest.

Churchill was right. Stalin was buying time—time to rebuild the army he had destroyed during the purges. But time was against him. The men he needed were gone.

The world Communist movement was terribly shaken by the pact. The Communist parties in every country in the world were in a state of shock. For years Stalin had spoken out against Hitler and all that he stood for. Now he was doing an about-face and clasping hands with the German tyrant. In the half-century of world communism, this was the most demoralizing blow, as thousands left the party in disgust. On September 1, 1939, another aspect of the non-aggression pact became evident. German forces invaded Poland. The second World War had begun. Sixteen days later Russian forces crossed the Polish frontier and raced to the Vistula river. It was now clear that Russia and Germany had agreed to carve Poland in two.

This time Stalin was buying protection. In conquering the north of Poland he was shoring up the defensive perimeters of Russia. But he needed more before he could turn the Soviet Union into a fortress. Next, he demanded that Finland give him the Karelian Isthmus in exchange for some land north of Lake Ladoga. The Finns refused. Stalin was enraged. Huge armies were sent into Finland to bring the tiny country to its knees.

It is doubtful that Stalin fully understood the tough fibre of the Finns. Their defense was first rate. Within weeks the Finnish countryside was littered with the frozen bodies of an utterly destroyed Russian army.

This was a double-barreled blast for Russian communism. First, Stalin had launched an unprovoked attack on tiny Finland. Second, his armies were crushed.

A second invasion was launched, this time with the finest troops in the Soviet Union. By March of 1940 it was over; and tiny Finland was forced to surrender even more territory to the Russians.

Stalin got what he wanted, but time was still against him. He knew that it was only a matter of time before Hitler turned his armies east and he was racing the clock to prepare for it.

The year of 1940 was one of underlying tension. Stalin hurriedly assigned War Commissar Timoshenko to the enormous task of reorganizing the Russian army. He worked day and night for months plotting supply lines, troop movements, accelerated training schedules and defense installations. He would still be working on June 22nd, 1941 when Hitler's armies crossed the Bug river into Russia.

The German blow was unequalled in history. The attack was calculated to stun and demoralize the Russians and bring about their defeat before they could organize an effective defense.

The German timetable called for victory in a matter of months, and it seemed as though the timetable was right. In less than thirty days the Germans had killed half a million Russian soldiers and captured a half-million more.

Germany had developed modern warfare to an exact science. The German soldier was highly-trained and dedicated. He used the finest weapons and drove the finest tanks. The German Air Force was the best in the world.

The Russian soldier was ill-equipped and ill-trained. He was basically an ignorant peasant. The vast majority of Russian soldiers did not even carry adequate rifles. Most of them could not even drive a car. And Russian morale was non-existent.

By November the German army could see the outline of the Kremlin in Moscow. Hitler announced to the world, "the Russian Bear is beaten. He will never rise again."

Then, as it had a hundred thirty years before, the great Russian winter descended upon the north. The German Army ground to a halt. Then it froze. And thousands died in the snow.

By now the Russians had consolidated their forces. They counterattacked and pushed the Germans back.

It was a significant moment. The invincible German Army had suffered its first defeat; and the Russian Army its first victory.

The following year the winter descended again. The German Army was marching backward.

Hitler had made the mistake of treating the Russian population with unparalleled brutality. Now they rose up as one to drive the invader from Russia. Even Stalin was forced to admit that the people were fighting not for communism . . . but for mother Russia.

Stalin welcomed military and economic aid from the United States. Across the North Sea to the Port of Murmansk, millions of tons of military equipment were being delivered to the Russian Army and Air Force.

By now the allies were in North Africa, Italy and Sicily. Their bombers were pounding Germany day and night.

On June 6, 1944 American forces landed in France. The German Army was now caught in a vise. Eleven months later she lay in a shambles, the most completely destroyed nation in history.

Hitler was dead. Germany's thousand year state was nothing. President Roosevelt was dead.

Roosevelt made the mistake of trusting Stalin. During their conference at Yalta Roosevelt granted Stalin millions of miles of territory north of Greece. Thirty years of post-war controversy was born at Yalta. The war was over. The old prejudice and suspicion was born anew. President Truman and British Prime Minister Atlee accused Russia of violating the Yalta Agreement. Russia was suspicious of British intentions in Greece and of the American attitude toward German reparations.

On July 26, 1945 a meeting of the Big Three took place in Potsdam. Though suspicious of Stalin's motives Truman and Atlee reluctantly conceded the validity of the Yalta Agreements. Russia was given much of eastern Europe. Germany was divided into four zones of occupation.

And the final scene was yet to come.

On August 6, 1945 an atom bomb was dropped on Hiroshima, Japan. Two days later Russia entered the war against Japan and opened the door to Russian influence in China. On August 9 another bomb was dropped. The second world war ended.

Russia was now in a paradoxical position. She had been totally ravaged by the war. But she now stood at the summit. She had gained millions of square miles in territory, millions in population, an experienced army and an influence only dreamed of six years before.

Great Britain had been drained and weakened by the war, as had France. Two giants remained—the United States and the Soviet Union. The hot war had ended. The cold war was about to begin. It is a difficult thing to estimate Russia's loss during the war. Statistics can give us some idea. She lost seven million horses, seventeen million cattle, twenty million hogs, twenty seven million sheep, sixty per cent of her industry, forty-eight per cent of her electricity and twenty five million human beings.

The Second World War had finally placed a cheap price tag on human life. Its value has not yet returned.

The four power rule of Germany was one of daily tension and incident. Those Nazi war criminals who escaped to the West faced the Nuremberg Trials. Most were set free. Those captured by the Russians were quickly and simply shot.

Russia began moving westward. They swallowed up Poland, Rumania, Hungary and Czechoslovakia. All political resistance was crushed. In the Katin Forest in Poland nearly ten thousand bodies were discovered in shallow graves. All men. All officers in the Polish Army. All with their hands tied behind them. In one simple, efficient moment, Russia had assured that she would have no opposition in the post-war government of Poland.

Greece was ripe for revolution. The Communist Party in Greece rose up to overthrow the monarchy. The Reds were put down violently and the survivors were imprisoned. Before their defeat they kidnaped more than thirty thousand Greek children and transported them to Russia. They would return years later as Communist espionage agents. There was trouble in Berlin.

The Russians, who were bound by agreement to allow free access into the divided city, suddenly closed the gates. They were placing the city under seige to starve the inhabitants into submission. The United States and Great Britain had only one alternative. Rather than crash the barricades and precipitate another war they took to the air. For months the city of Berlin was fed, clothed and kept free by airplane. The Russians were beaten and the barricades came down.

At a small college in Fulton, Missouri the old warrior Winston Churchill once again sounded the alert against tyranny with a phrase which would leap into the headlines. He called upon the world to recognize that an "iron curtain" had descended upon eastern Europe.

The Communist revolution in China came to an end. Chaing Kai Chek and his army were pushed onto Formosa.

The Communist movement worldwide was at its apex.

A scientist once said, "there is only one thing worse than one nation having the atomic bomb—and that's two nations having it."

By 1949 the Russians had it. And with it they had another powerful weapon—not only for war but for diplomatic strength as well. In June of 1950 Communist North Korean forces crossed the 38th parallel and launched an unprovoked attack on the Free Republic of South Korea. Through sheer chance the Russian ambassador to the United Nations was absent when the general assembly voted to fight the aggression. Without Russia's veto to hinder them the entire assembly voted to oppose the North Koreans. Russia would not make the same mistake again.

Russia supported the North Korean armies and later supported China when she entered the war. Officially, the Soviets denied any support but the undeniable proof was there. The North Koreans and Chinese used Russian tanks, machine-guns, mortars, rifles, trucks, jeeps and airplanes.

The war ended in 1954. Twenty-two thousand men never returned. On March 6, 1953 Joseph Stalin finally proved he had something in common with the rest of mankind. He died.

Another power struggle developed. The result was Georgi Malenkov as premier and Nikita Khrushchev as first secretary of the Communist Party.

For the first time in years Russia took a warm approach to the west. Malenkov was a moderate. He sought co-operation with the western world. He bettered the lot of the Russian commoner. Even the head of the dreaded secret police, Lavrenti Beria, was executed.

Former enemies of the state were given their freedom. It appeared that a new era of peace might develop. But it was not to be.

The real power in the Kremlin is the 12-man comintern. They saw to it that Malenkov was taken out. In his place: Nikita Khrushchev, and a return to hard line communism.

In his book, "Darkness at Noon," Arthur Koestler made the point that Soviet Russia must, from time to time, destroy her idols and replace them with new ones. And so it was with Khrushchev and Stalin. Before a world Communist congress in Moscow, Nikita Khrushchev damned Stalin and all that he had stood for. One of the greatest of Communist leaders had come in for one of the most thorough condemnations in all Communist history. As Koestler had predicted, former enemies of the state were elevated to glory while others were defiled.

Khrushchev told the United States, "We will bury you." Since making that irrational statement the Soviet Union has taken great pains to point out that the statement referred to victory in an economic sense. Another untruth.

Khrushchev visited the United Nations and, in full view of the world, behaved much more like a disagreeable schoolboy than the ruler of millions.

He visited the United States and played the role of the benevolent dictator. At virtually the same moment Russian secret police were rounding up and executing thousands in Hungary in the wake of the Hungarian fight for freedom.

Ninety miles from the coast of the United States Fidel Castro led his guerrilla armies against the dictator Fulgencio Batista in Cuba. Millions the world over cheered his fight against tyranny.

Author George Orwell, in his book, "The Animal Farm," told the story of the animals who rose up against their master. . . . And of a few who assumed command. In time, the animal-leaders were indistinguishable from the hated humans they overthrew. And so it was in Cuba. In time, Castro replaced Batista's tyranny with his own. Communism now had a firm foothold in the western hemisphere.

As long as we are quoting some rather famous authors, let's consider this excerpt from the writings of Vladmir Lenin:

"The Russian bear, when confronting the enemies of communism, must strike quickly and withdraw his paw. If his opponent strikes back . . . then we must retreat. If he does nothing, strike again!!!"

And so it has been in Berlin and Cuba. When the West takes a firm stand against Communist aggression, the Red bear pulls back his paw. When the West does nothing, the arrogance of the Red bear is unbearable.

In the fifty-odd years since the October revolution, communism—in the final analysis—must be termed a failure. It has, indeed, reached powerful proportions. It still stands as a deadly threat to human freedom. But there are massive cracks in the structure. They can be seen in the open schism with China, Yugoslavia, Albania and Czechoslovakia. They can be seen in the Polish, East German and Hungarian revolts. They can be seen in the break with Cuba. They can be seen when world-famous Russian ballet dancers and Olympic sportsmen and writers defect to the West.

Most of all, the cracks in the superstructure of communism can be seen in the stone walls and barbed wire fences and deadly minefields which surround the Communist block. A Soviet official was once asked the reason behind all these barriers. He replied: "To keep people out." If so, they are unnecessary. For the world has so rejected the concept of the Soviet totalitarian state that it is doubtful anyone would ever want to get in. No—the walls are there to keep people in; stone and barbed wire monuments to the largest prison in all history.

Communism has failed; but that does not make it any less deadly. So long as the reigns of Communist government rest with the more fanatic members of the party, communism will remain an ever-present threat to individual thought and action.

One of the great symbols of the United States is the American eagle. It is an appropriate symbol and readily indicates the character of the people of this country. In one talon it holds the olive branch of peace; in the other, the arrows of war.

This country will always offer the hand of friendship to any nation that sincerely seeks peace and harmony. But it will rebuff with terrible fury any nation which seeks world conquest and war. It is appropriate, indeed, that our first President should supply the guiding words which we live by to this very day:

"Eternal vigilance is the price of liberty."—*George Washington.*

AMERICAN SST IS VITAL TO NATION'S FUTURE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Washington (Mr. PELLY) is recognized for 10 minutes.

Mr. PELLY. Mr. Speaker, it was announced this morning that the British-French supersonic transport, the Concorde, flew yesterday at supersonic speeds for the first time. This clearly demonstrates the wise decision President Nixon made last week when he announced a go-ahead for America's SST program for the Russians flew their TU-144 at supersonic speeds months ago.

The SST is here, Mr. Speaker, and we must accept it and cope with it. We can best cope with it by continuing research on noise abatement. Also, research in SST designs must be continued; flight techniques must be improved and flight maneuvers must be rigidly controlled; adaptation of the airplane to its mission—land or sea—must become a fixed policy. All of these steps will decrease the number of sonic booms and minimize those that do occur.

Above all, Mr. Speaker, surely a people intelligent enough to develop a supersonic airplane must be ingenious enough to render it acceptable.

With the strongest conviction, I believe outlawing the SST in America is not a sensible answer to any problems it may present. Again, Mr. Speaker, the SST is here.

What faces us in this matter is the opportunity to save a vital American industry; that of aircraft manufacturing which is spread throughout our land.

No one knows better than President Nixon that in America's endeavor to increase our standard of living through increased wages we have priced our products out of many world markets. Even in our automobile industry, where our mass production methods have helped exports. presently foreign automobile manufacturers, especially in Germany and Japan, are threatening our leadership.

In the air transport manufacturing field, we have been supreme, and as a result our sales abroad have contributed heavily toward our balance of international payments. However, in the years ahead, unless we advance, through new technology, from subsonic to supersonic travel, our supremacy will end. The President realizes what this would do to our world trade and economy. He knows there will be an SST and that if we don't build one our airlines will be forced to buy a foreign-built SST in order to compete.

Mr. Speaker, presently the Boeing Co. has 122 orders for the American SST; orders placed despite the fact that the Russians and the British-French consortium will be in the air in advance of our SST, and most importantly, because of our supremacy in building aircraft.

These 122 orders represent $4,880,000,000, at $40 million a piece. Fifty-seven of these orders are from foreign airlines, meaning that $2,280,000,000 would come from overseas, dramatically affecting our balance of payments. Even on just the 122 orders presently held by the United States, our balance of payments would be substantially benefited. Yet, without the aircraft that figure would be a negative $2,600,000,000 on the loss of sales to airlines in the United States. Sheer competition would force them to purchase the foreign-built aircraft.

In addition, Mr. Speaker, Boeing Co. has projected a market of 500 for the U.S. SST, 270 of them for foreign airlines. The sales, based on this projection, just to foreign carriers would total a staggering $10,800,000,000. This is money that would come into the U.S. economy in the middle and late 1970's and early 1980's providing we have an SST to sell.

Some people say the Boeing 747 will do the job, but nobody knows that this is not true better than Boeing. The 747 and the SST are designed to accomplish completely different tasks.

Russia is determined to capture the SST market just as the Soviet Union has plans to become the leading maritime power by building a modern merchant fleet.

Mr. Nixon knows the public opposition to noise and the problems of the sonic boom, so wisely he has limited the SST to overwater flights until this problem is overcome.

This research and promotion of American supersonic transportation by the Government is well within precedent. Congress legislated funds to develop low-cost, fast, frequent air transportation when I first came to Congress in 1953 and has subsidized this public service ever since. There is nothing new about this.

However, this is a program for the future, and delay could well be its doom. Certainly, anyone who knows anything about long-term investment funds recognizes private enterprise cannot do the job. Later, after the original research, private enterprise can enter the picture. On the matter of the Government backing, Mr. Speaker, it will be repaid with interest from royalties on sales of the aircraft.

I hope my colleagues who have not favored the SST in the past will restudy the issues and lend their support to the $9 million President Nixon is requesting of Congress.

The SST is an investment in the future of all Americans. In the years ahead it means jobs in nearly every State of the Union. But, just as important it means continued civil air supremacy and a vital contribution to our world trade and our ever-increasing living standard.

Finally, let me remind my friends that while this is a civil project, I hope no one will overlook that it has important military implications. We need the SST for defense and our airlift capability.

I urge support of the House for this vital program for the future of our Nation.

Meanwhile, Mr. Speaker, the Seattle Post-Intelligencer on September 26, presented an excellent editorial on the President's decision regarding the SST, and I ask unanimous permission that this editorial appear at this point in the RECORD:

THE SST DECISION

A P-I View: President Nixon's decision to proceed with the development of the supersonic transport plane (SST) should greatly aid this nation in keeping the aviation leadership it has enjoyed over the past 60 years.

The Boeing Co. people got a tremendous shot in the arm with President Nixon's announcement he would push forward with plans to develop two prototypes on the supersonic transport aircraft.

Although the proposal faces tough going in the Congress, particularly the House of Representatives, the President's action has done much to improve the sagging morale of Boeing officials and employees involved in the project. After a somewhat lengthy delay in waiting for Mr. Nixon's decision, his remarks were most encouraging.

We applaud the President's "difficult" decision in giving the go ahead for construction of the SST. At the same time we don't see how he could very well have failed to do so.

The SST—a monster able to carry 300 passengers at a speed of 1,800 miles an hour—admittedly is almost as controversial as the ABM antiballistic missile system. And for very good reasons.

Its practical economic value is unproven. Its potential sonic booms over residential areas could be intolerable. Many engineering and technological problems remain unsolved. Its immediate development program promises to cost a tremendous amount of money—ultimately as much as $4.5 billion.

To many of the critics, it is the cost of the program which should rule it out at this time of urban crisis and the war in Vietnam. "They insist—and will insist in the coming congressional appropriation debate—that the SST does not merit its recommended priority treatment.

All these are pretty impressive reasons for continuing to stall on a plane which was first planned under the Kennedy administration. Yet the fact is that other nations are not stalling. Russia's supersonic airliner, the TU-144, and its British-French counterpart, the Concorde, already have been test flown for many hours.

To President Nixon, and to us, this fact overrides all others. As happened in the space race, it is imperative this nation catch up and recapture leadership in another of mankind's major thrusts into the future.

Technical problems even sonic booms, can be solved if we really try. Money will be found for the war and for our social problems. What we must not lose, and certainly not by default, is the world pre-eminence we have earned by topping the competition in every really important challenge.

PRESIDENT NIXON'S ENDORSEMENT OF DIRECT ELECTION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 5 minutes.

Mr. CONTE. Mr. Speaker, I am pleased that President Nixon has endorsed the direct election amendment that this body overwhelmingly adopted last month. I think the President's action represents a great step forward in our efforts to achieve a truly representative system, and I applaud him for it.

During the debate over this measure, we had the opportunity to hear all the arguments both pro and con. I think we faced the issue squarely and came out in the right place.

As the President stated, however, the issue is no longer the same. The issue now is how to achieve the goal of electoral reform in the shortest possible time.

Time is clearly of the essence. One only has to look back to 1968 to recognize the truth of this statement.

For this reason, I hope that something can be done by 1972, and if not then, by 1976 at the latest.

I think President Nixon's leadership in this fight will give it a tremendous boost. I congratulate him again for his forthright endorsement of the direct election amendment.

Thank you, Mr. Speaker, for the opportunity to make these brief remarks.

TEXAS DEPARTMENT OF PUBLIC WELFARE'S TREMENDOUS SUCCESS IN 1969 SUMMER PROGRAM FOR AFDC CHILDREN AND YOUTHS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues the excellent work of the Texas State Department of Public Welfare in the execution of their 1969 summer program for AFDC children and youths. The program was a great success, especially in my own county and the 24 other counties within the San Antonio coordinated region.

The program is aimed at gainfully employing as many children and youths as possible in summer activities which range from education, including the Headstart program, to health care, recreation, and summer employment. In Bexar County—part of which I represent—some 16,076 children participated.

Much of the credit for the enormous success of this year's program is due to the public welfare caseworkers. The entire field staff was mobilized in the 24 counties in my region in late May to plan the available resources for summer activity for the children. These efforts were coordinated with the staffs of public and private agencies to insure maximum participation in every possible area. Youths were placed in Federal installations under the youth opportunities program. Jobs ranged from IBM apprentice in Bexar County to fieldwork picking cotton in Wilson and Karnes Counties. The Headstart program, besides schooling, included complete health and dental checkups. Recreational activities for children included camping, organized sports, sewing, and so forth. There was also an extensive summer school program for those needing or desiring summer courses. The Upward Bound program and commercial schools were employed and some youths even attended colleges on their own.

It is clear to me, Mr. Speaker, that this program has helped one very needy segment of our society and, as such, deserves recognition and commendation. It is for this reason that I would like to commend its coordinators: Mr. Joel E. Falcon, the program director; Mr. Raymond G. Cheves, the director of field staff; and Mr. Roy A. Broussard, the program coordinator; along with the many caseworkers. It is their dedication and enthusiasm that is making this project a success. I insert a table of the activities by the various programs used at this point for your information:

Summer activity by programs	Counties											
	Atascosa	Bandera	Bexar	Comal	Dimmit	Edwards	Frio	Gillespie	Gonzales	Guadalupe	Karnes	Kendal
Headstart program	3	7	576	45	20	8	8	4	15	130	34	0
Summer employment	83	5	1,100	25	12	5	0	0	6	132	102	3
Summer school and college	14	2	400	50	0	3	30	1	18	100	46	3
Recreation	7	60	7,000	87	10	40	53	5	20	161	82	8
Health care	1	0	7,000	45	0	0	0	0	0	123	21	0
Total	98	74	16,076	252	42	56	91	10	59	646	285	14

	Kerr	Kimble	Kinney	La Salle	Mason	Maverick	Medina	Real	Uvalde	Val Verde	Wilson	Zavala
Headstart program	7	7	6	32	0	10	5	4	9	6	34	8
Summer employment	0	15	5	1	0	9	5	5	9	6	102	6
Summer school and college	49	23	4	32	0	150	5	3	5	3	46	38
Recreation	15	19	20	22	0	158	5	10	10	5	82	3
Health Care	0	0	0	0	0	0	0	0	0	0	21	0
Total	71	64	35	87		327	20	22	33	20	285	55

	Number		Number
Activities in all counties:		Activities in all counties—Continued	
Headstart program	978	Recreation	7,889
Summer employment	1,636	Health care	7,211
Summer school and college	1,025	Grand total	[1] 18,739

[1] For all activities in all counties.

ANYBODY FOR DIRTY MEAT?

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, several years ago the public was stunned to discover that approximately 15 percent of all red meat consumed in this country was slaughtered and processed without adequate inspection. The meat in question moved through packing facilities involved in intrastate commerce. Not crossing a State line, it came solely under State jurisdiction. More often than not, this meat was poorly inspected, recalling all the old horrid specters of the times of Upton Sinclair and his work, "The Jungle." In State after State, the picture was the same. Poor inspection. Putrid meat being doctored to look healthy and consumable. Unsanitary conditions. Special dealers in the "four D's"; animals which were dead, dying, disabled, or diseased. A national outcry went up from coast to coast and, under vigorous prodding, the consumer was extended protection by passage of the Wholesome Meat Act of 1967. This measure went into effect on December 15, 1967. A 2-year grace period was provided under the act, allowing individual States leeway for that period of time to bring inspection procedures and facilities up to Federal levels and standards. This deadline expires on December 15, 1969.

One further year of grace is provided for in the act for a given State which has attempted to live up to provisions of the law, but which does require some further extension in order to complete its updating of standards. Discretion is allowed the Secretary of Agriculture in extending such an additional grace period.

It is a fact that regulations promulgating this act have been published by the Department of Agriculture only about a month ago. Many States have entered into agreements with the Department of Agriculture under which they promise to live up to terms of the law.

If States have not lived up to the letter of the law by the expiration date, the Federal Government is empowered to move in and take over inspection of red meat in such facilities in the consumer interest.

It is interesting to note that Nebraska, home State of the Secretary of Agriculture, Mr. Hardin, has failed to enter into such an agreement with the Federal Government. An oversight, I am sure.

Mr. Speaker, it is already obvious that a good many States which tolerated such lax inspection have been equally lax in bringing their standards up to snuff. It is also obvious that a good many of them are preparing to ask for the extra 1-year extension from the Department of Agriculture, using the excuse that late publication of regulations leaves them with too little time to interpret and put them into actual force. They obviously are counting on aid and assistance from the Assistant Secretary of Agriculture in charge of enforcing the act itself. Mr. J. Phillip Campbell is the former Commissioner of Agriculture of Georgia. In that former capacity he bitterly opposed the entire Wholesome Meat Act when it was originally promulgated. He remained intransigent to the end, fighting the bill in the final form it now takes. It is clear to any who would see what is coming.

After December 15, a stream of exceptions for an additional year will emanate from the Department of Agriculture, allowing millions of consumers to be exposed to dirty meat for yet another year. Consumers will be able to purchase such unwholesome meat in one State and cross a State line with it into other jurisdictions. There is not a doubt but that such products will continue to endanger lives and public health. Unless the Department of Agriculture moves swiftly to inform all involved States that foot-dragging will be intolerable and extensions difficult to come by, the worst will occur.

We have already seen how standards are being relaxed in this department of Government. Recently we have seen a ruling allowing 15 percent of all hot dogs to be composed of garbage chicken meat. Also, they are to be allowed to contain up to 30 percent pure fat. Garbagedogs would be a more apt name for them. Will a relaxation of hard-won standards regarding meat inspection be added to the fast-growing list?

LAOS: THE SECOND VIETNAM

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, as the fighting obviously escalates in Laos and excuses of the most feeble sort spill out of the administration, I have the chilling, despairing feeling that we have learned nothing from all the agony of the past few years.

It is a fact that the American air war in Laos is immense, equaling past air offensives in Southeast Asia. The automatic secondary target for our air strikes in case of truces is Laos. Foreign troops, possibly both Thai and American, are now engaged in combat there. At the very least, American air support and logistics support is increasing significantly.

We know B-52 raids on North Vietnamese supply routes running through Laos have been stepped up to compensate for a halt in bombing of the north. In March, tactical bombing was increased in support of Laotian forces fighting the Pathet Lao.

Already the American chain of command is the ultimate decisionmaker in the war because of our command of supplies and air support. Our total annual assistance to the government there is in the neighborhood of $250 million. Of this, only $60 million is accounted for publicly. The rest is, of course, going for military purposes.

It is no secret that the North Vietnamese are invading that nation, aiding the native Pathet Lao. For almost a decade, we have sought to beef up the native troops to counter this threat. It is the same sad tale as in South Vietnam. They will allow us to turn them into a client state which profits while American dying escalates. Have we no ability to learn from the past? Then we are, of course, doomed to repeat it.

We know that American advisers are attached to a good many Laotian units, participating in planning and tactics. American personnel are servicing Laotian combat aircraft. One entire American base in Thailand is being used totally to support our Laotian effort.

Laos is a collection of tribes with no national feeling comparable to that found in the West or in other Asian areas. Civil war of some kind is a permanent state of affairs there. Yet we are involving ourselves in it just as we did in Vietnam. Our involvement is similar to that of a man who enters a quicksand bog in the hope of walking across it without sinking more than ankle deep.

As the Vietnamese war spills across the Laotian borders, intermingling with Laotian internal strife, we are now, in the name of fighting the North Vietnamese and Pathet Lao, diving headfirst into another Vietnam. A surrogate, if you will, for the Asian swamp we are already desperately striving to extricate ourselves from.

It is appallingly obvious that military and civilian personnel on the spot are seeking to edge us in a cumulative manner into the same insanity. Also, it is being done in secret, without permission of the Congress and in spite of the demand from coast to coast that such activity should end in Vietnam, much less commence in Laos.

By what right is the Government of this country pursuing such action? By what right does the Department of State dare to publicly stand up and tell the U.S. Congress such outrageous lies as they have been doing in the past few days about the Laotian question? Do they feel we are as frightened, stupid, and supine as they are?

Mr. Speaker, I am beginning to believe that these gentlemen who are making these decisions are functioning in a vacuum. Outside, they are utterly oblivious to the anger, mounting impatience and shortening tempers of the people of this country. It is about time that these gentlemen were told that if they intend to give another war, the attendance will be very sparse. If they are willing to go we shall be glad to cheer them on, wish them bon voyage.

MORE ON THE CASE AGAINST EXTENSION OF THE WEST FRONT

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, one of the difficulties in the recent action of the House in approving $2 million for undertaking plans and specifications for the proposed 4½-acre extension of the west front of the Capitol is that with the limited time available to the opposition I never had a real chance to answer some of the rather plausible sounding but nevertheless inaccurate arguments offered by proponents of this elaborate and expensive extension project.

I tried to make up for that deficiency the other day, however, when I testified on this same proposal before the Legislative Appropriations Subcommittee of the Senate. For some of those who heard the debate on this subject in the House, it may be of interest to peruse this additional testimony of mine on this costly project. We still have a chance to beat it.

Under leave to extend my remarks, I include my testimony before the Senate subcommittee:

TESTIMONY OF CONGRESSMAN SAMUEL S. STRATTON BEFORE THE SENATE LEGISLATIVE APPROPRIATIONS SUBCOMMITTEE, SEPTEMBER 24, 1969

Mr. Chairman, members of the committee, I appear here this morning in opposition to the appropriation of $2 million under the heading Extension of the Capitol contained in H.R. 13763, the Legislative Appropriation Act for 1970 which passed the House last Friday. As some members of this subcommittee are perhaps already aware, I not only fought, somewhat unsuccessfully, to have this appropriation deleted in the House but I have been fighting for more than three years to block the elaborate, expensive, and to me unnecessary proposal to extend the West Front of the Capitol which is referred to and in effect endorsed by this $2 million appropriation. I have opposed this not only because I believe that it would be unwise for us to cover up and destroy for all time the last remaining original section of the historic United States Capitol building that has been standing since 1800, but also because I do not believe that we need to spend the kind of money involved in this proposal for the additional space which it would provide, certainly not at a time when the President of the United States himself has cut back on construction funds by 75 percent.

In previous years it was to a large extent the action of the Senate in opposing this project that prevented its adoption, in particular the opposition of former Senator Monroney of Oklahoma and Senator Proxmire of Wisconsin, and Senator Young of Ohio. In fact in 1966, largely in response to the opposition of members of this body and the public outcry of aroused citizens, the leaders of the House Appropriations Committee indicated that they did not intend to attempt to fund this project while the Viet Nam War was still under way.

Nevertheless a fresh effort has suddenly been made late this summer to revive the whole program, in spite of the fact that the war is still on and the inflationary problems connected with it are even more disturbing than before. Largely the argument justifying this revival is that new cracks have developed in the West Front and unless Congress moves swiftly to approve the original expansive project the building may collapse at any moment around our heads with untold disaster to ourselves, our visitors and the Republic.

There is no disputing the fact, Mr. Chairman, that the West Front is in need of repair and certainly no one would deny that some steps must be taken to prevent its collapse and to restore it to a safe and sound condition. What is at issue is whether the only way to preform this job of preventing the collapse of the West Front is through the very elaborate extension plan which the Architect has been pushing for all these years and which in effect would be officially and formally endorsed by the Congress if this $2 million appropriation is approved.

As I am sure members of this subcommittee are aware, this extension is by no means a simple or a modest undertaking. It involves an increase in floor space of the Capitol of 4½ acres. It includes the addition of two dining rooms, two cafeterias, two auditoriums, 38 toilets, 8 elevators, two escalators, and a total of 98 offices, most of these presumably to be used as hideaways for especially favored members of the House or Senate. It should be obvious to anyone that we do not really need two escalators or two cafeterias or 98 additional hideaway offices just to keep the West Front of the Capitol from falling down.

My position for some time has been that before we proceed with this elaborate project, which would cover up the last remaining portion of the original Capitol building for all time, and would extend the West Front by some 44 to 88 feet, completely change its present architecture to a kind of poor man's replica of the East Front, and involve the destruction and duplication of the present Olmstead terraces, we ought to pause for a moment to find out whether there is any better, cheaper, easier way to save the West Front of the Capitol without doing all of this untold damage and costing the taxpayers so much money. In that connection, incidentally, the present bill for the West Front extension proposal is $45 million, an increase of $11 million from the price tag which the Architect fixed in 1966, and judging by our experience with his cost estimates for the East Front extension and for the Rayburn Building, I would judge we would be likely to end up with a final price tag of perhaps $60 or $70 billion. Even at Mr. Stewart's own figures the fact is that the present square foot cost of the West Front extension is 5 times the present square foot cost of what had hitherto been generally regarded as the most expensive of all office buildings, the Rayburn Building. The Rayburn Building, with 2,375,000 square feet and a total cost of $81,367,000, cost $34.26 per square foot. The West Front extension by contrast, using the Architect's own figures, would provide us with 269,000 square feet at a cost of $45 million, or $166.95 per square foot, nearly 5 times the cost of the Rayburn Building.

The arguments that have been given to the House Committees and to the House itself in support of this elaborate expansion project have claimed that it is impossible to determine how the West Front might be saved without being transformed and extended, that it would be impossible to determine in advance how much it would cost, and it has been argued that in any event the whole west side of the Capitol would have to be vacated for a very long period if anything except an extension project were carried out. I am not an architect myself, but the American Institute of Architects, which includes 80 percent of the professional architects of the country, maintains, on the other hand, that none of these three arguments will hold water. They claim that the West Front can be restored without being extended, they claim that a reasonably reliable estimate of its cost can be made, and they claim that only those sections of the Capitol immediately being worked on would have to be vacated during the restoration process.

The really incredible fact in this whole matter of the Capitol extension is that in all of these years that this proposal has been kicking around here nobody has ever undertaken to make a careful, thorough, impartial engineering study of what needs to be done in order to prevent the West Front from collapsing and how much it would cost. A good deal is made of a study made by the Thompson & Lichtner firm of Boston, Massachusetts, of the condition of the West Front. This study appears in 5 volumes, and I have looked at all 5 volumes. However, in all of

XUM

these 5 volumes there is only one small paragraph which simply states flatly, without any description or analysis, that restoration is impossible and extension is the only solution. The balance of the volume is a detailed analysis of some of the cracks and crumbling that have occurred in the West Front. This is not an engineering study of restoration or of the problems associated with it, and it does not represent an argument that restoration is impossible. The firm was engaged by the Architect, and I am sure they were well aware of what the Architect wanted done. Like a good employee or consultant the study that they produced was designed to assist their client achieve the end that he wanted.

My recommendation has been, and I made the proposal in the House and I would make it to this subcommittee, that we delete the $2 million for plans and specifications for the extension project and substitute instead $100,000 to finance an independent engineering survey of just what would be required to keep the West Front from collapsing and how much it would cost.

Two years ago, I believe in 1967, this subcommittee and the Senate itself adopted a resolution directing the Architect of the Capitol to have such a study conducted, since this subcommittee and the Senate shared my conviction that nothing had been done to explore this alternative. However, the provision was knocked out in the Conference Committee and the assurance that nothing would be done on the item during the present emergency was made at that time, as I recall it.

This subcommittee should know that although the $2 million appropriation did pass the House last Friday, a day when normally many members of the House are not in attendance, it did not exactly sweep the House. The only vote which we were able, from a parliamentary situation, to take, was a nonrecorded vote of 92 to 59. Moreover, those speaking in favor of the extension project received nearly 2 hours in debate while I, speaking against it, got all of 8 minutes. I would say that the House was swayed primarily by these arguments: (a) Those supporting the extension were not interested in additional space for the Capitol, they were only interested in saving the building and its occupants from the hazard and calamity of a sudden collapse.

Yet the fact is that by approving this $2 million, we get the particular plan which the Architect has been pushing for years, the Plan No. 2 which involves this elaborate expansion with all of the facilities which I have already indicated, and the fact remains that there has still not been any study made of whether we can in fact save this building and prevent the collapse which we have been told is imminent in any simpler, less elaborate and cheaper way.

(b) Both Representative Yates and Representative Andrews of North Dakota made eloquent statements in defense of the proposal that the extension project was the only way to save the Capitol and that no alternative was feasible. However, their statements in this regard do not really represent an independent engineering or architectural judgment, in my opinion. They were based on three sources: (1) the Thompson & Lichtner report, which was commissioned by the Architect of the Capitol; (2) Mr. Campioli, the Assistant Architect of the Capitol, an employee of Mr. Stewart, who, incidentally, prior to becoming associated with Mr. Stewart was associated with the architectural firm of Alfred Poor & Associates, the group that designed the East Front extension, helped design the West Front extension, as well as the Cannon renovation and the garages of the Rayburn Building. Obviously, Mr. Campioli is hardly an independent witness on this particular subject; (3) a Mr. Severud, questioned by telephone by Congressman Yates, who was also identified as being on Mr. Stewart's payroll as an engineer consultant, so that he, too, like any good lawyer, would be expected to support the proposal of his client rather than oppose it.

All of this, Mr. Chairman, suggests to me that what we really need to do to make sense is to make certain that no construction work begins on this West Front until after we have had an independent engineering study made of what is the minimum we need to do to keep the West Front from falling and how much it would cost. Mr. Stewart or his associates have given their own figure for the cost of this restoration, ranging from $10 to $50 million, but that is not the result of any study and is hardly a disinterested quotation. If by spending $100,000 now we can perhaps save the taxpayers $10 or $15 or $20 million later on in avoiding the construction of unnecessary office space, and unnecessary cafeterias, and unnecessary auditoriums in the Nation's No. 1 historic shrine, I think we would be very wise and would be indeed well served. Some people have raised the question as to whether a study directly commissioned by the Architect of the Capitol himself, who is so deeply committed to this particular extension project, would be meaningful since he might well influence the decision of the firm which he engaged with this $100,000. I am not sure whether this is a wise concern or not, but if it is impossible for us to get a genuinely independent engineering survey made by some firm engaged by the Architect of the Capitol, perhaps the National Trust Foundation or even the Interior Department might be qualified to take on this particular assignment.

Let me make just one additional point. Much has been made of the urgent necessity of preventing the West Front from collapsing. In that connection, I ought to point out that the Architect's own statement makes it perfectly clear that if this $2 million for plans and specifications is appropriated it will be some 18 months before we have these plans and specifications available for further construction. Thus the blunt fact is that even if we go along with this requested appropriation we are not going to be doing anything to prevent the Capitol from collapsing around our heads for another 18 months. If the danger is really great now, we are going to have to live with it for another 18 months. If we can in fact survive for that 18 months' period without the building collapsing around our heads, certainly we can survive long enough for the 6 or 8 months that it might take to conduct the detailed, independent engineering study which I have suggested should be made. Then we will have not just one option before us but some alternative choice, and then we can act much more intelligently in deciding which course of action would be the best and the most economical to take.

Mr. Chairman, may I just conclude by inserting in the record with my remarks a letter which the American Institute of Architects addresesd to me earlier this year in response to certain questions addressed to them last fall by our late, beloved colleague, Senator Bob Bartlett of Alaska. Senator Bartlett was as concerned with the damage that might be done by this West Front extension as I was and as a member of this subcommittee he did a magnificent job in preventing any hasty extension action. On November 25th, he addressed a letter to the President of the AIA asking for his comments on certain statements by Mr. Campioli with respect to the imminence of the collapse of the Capitol. The reply of the AIA was forwarded to me on February 17, 1969. Because a distinguished former member of this subcommittee and this body was deeply concerned over this subject, I believe that it would be particularly appropriate that this exchange of correspondence be included in the record at this point. It should be noted particularly that the reply of the AIA spells out the points which I have made earlier, namely, that the entire West Front of the Capitol would not have to be evacuated for a period of from 5 to 10 years, that the West Front restoration is feasible, and that a relatively precise cost figure could be placed upon it.

The AIA letter is attached.

The American Institute
of Architects,
St. Louis, Mo., February 17, 1969.

Hon. Samuel S. Stratton,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Stratton: This is my belated reply to the late Senator E. L. Bartlett's letter of November 25, 1968 (enclosed), in which he asked the American Institute of Architects to comment on a speech given by Mario E. Campioli, Assistant Architect of the Capitol, before the Convention of American Registered Architects. Since you have long been interested in plans for correcting the condition of the West Front of the Capitol, I am directing my reply to you.

The American Institute of Architects believes that the West Front of the Capitol can and should be restored in its present location using existing standstone where possible or new sandstone where necessary. Like any prudent owner, Congress should commission an impartial structural engineer to study all aspects of restoration and to recommend a program for restoration complete with cost and risk evaluations and detailing any disruption of Capitol activities. Only then will Congress be able to make an effective comparison between restoration and extension.

The questions which Senator Bartlett asked illuminate one glaring fact: no one knows exactly what restoration will entail.

The engineering report prepared in 1964 by Thompson and Lichtner (which was commissioned by the Architect of the Capitol) is devoted solely to the feasibility of extension—nowhere does it state that restoration is impossible. This report professionally justifies extension but does not professionally analyze the expected risk, cost and disruption factors which would be encountered in restoration.

Without the benefit of a feasibility study we and the members of Congress can do no better than to make educated guesses about the risk, cost, and the extent of restoration needed. Yet, we are certain that restoration is possible. On this basis then we answer Senator Bartlett's questions which were prompted by the picture of horribles painted by Mr. Campioli.

Will restoration of the existing structure entail vacating the entire West Front "for a period of five to ten years"?

By using modern technological developments, the entire West Front would not have to be vacated "for a period of five to ten years." Only those spaces immediately adjacent to active restoration would have to be vacated.

Is it true that there would be no limit on risk or cost, if the West Front were restored rather than extended?

Of course, there would be a limit to cost and risk of restoration. We firmly believe restoration will prove much less costly than extension (much structural repair must be done in either event). A feasibility study would provide Congress with cost information.

Does the structural preservation of the Capitol indicate an extension of the building to the west?

The structural preservation of the Capitol does not necessarily indicate an extension to the West. Structural preservation can be accomplished by several means, including either restoration *or* extension. We strongly urge Congress to choose restoration.

Senator Bartlett also asks: "Am I mistaken in believing that nothing of the original Capitol building will remain if the West Front were extended?" The Senator was not mistaken: the West Front is the last remaining exterior portion of the original Capitol building. And for this very reason, we argue that Congress should restore the West Front.

As you know, the West Front of the original Capitol building is substantially unchanged from its appearance in 1825. In that year, Charles Bulfinch completed the West Front of the Capitol, slightly modifying William Thornton's prize-winning design of 1793. In 1800, under the direction of James Hoban, the north wing of the original Capitol—Congress House—was completed and the legislators moved in. In 1807, the south wing was finished under the charge of Benjamin Latrobe. Bulfinch then completed Thornton's conception of the Capitol by constructing the central portion, including its West Front. For reasons of economy, President George Washington chose sandstone as the building material.

In 1851, Thomas Walter began to add the present House and Senate chamber to the north and south wings. At this time, too he designed the present steel dome to replace Bulfinch's low brass dome which was dwarfed by the new wings.

No further changes were made in the Capitol until the late 1950's when the Associate Architects, commissioned by the Architect of the Capitol, J. George Stewart, extended the original East Front 32½ feet in order to eliminate the impression that the huge dome overhung the original central portico. In so doing, Mr. Stewart also replaced the sandstone of the East Front with marble. Thus, even though the original East Front was preserved as an interior wall, it has disappeared from view.

Now the Architect of the Capitol and Speaker McCormack want to extend the West Front in the same manner: replacing sandstone with marble and preserving the West Front as as interior wall. If this is done, all vestiges of the original Capitol will be buried beneath marble.

Since 1800, parts of the West Front have witnessed the unfolding of the story of the United States as a Nation. Surely, now when Americans are beginning to appreciate the heritage of their past, we can afford to restore the West Front in its original place for historical reasons.

Thus, we urge restoration in order to bequeath to the future a reliable representation of an original portion of the Capitol in the place where it was built. Restoring the wall in its present position is important to preserve a position in time without change: a position in time which will be credible to generations of Americans now and in the future. Certainly in our hierarchy of buildings there is none more important to our Nation than the Capitol. If a small portion of it is not worth restoring, what is?

Finally, Senator Bartlett inquired about The Institute's consistency in supporting restoration of the West Front. Once again he points to the AIA MEMO (see enclosed article) of January, 1958, which states in part: "It is believed that the space requirements could be better filled—and at far less cost—by leaving the East Front alone and instead developing a proposed scheme for expansion of the West side of the building." The above quotation was contained in an article reporting the activities of the Committee on the Preservation of the Capitol which was not an AIA committee, but composed of a group of architects (some AIA members), architectural historians, as well as other prominent citizens outside the profession, to rally support against the proposed extension of the East Front of the Capitol. This quotation is entirely out of context and misrepresents The Institute's long-standing position in favor of restoration. The American Institute of Architects has never officially or unofficially espoused any proposal for extending the West Front of the Capitol." While opposing destruction of the historic East Front, and reporting activities of that nature, The Institute has been cast by proponents of a West Front extension, in the position of recommending extension of the West Front.

In 1958, we urged restoration of the East Front for historical reasons. Now, extension of the East Front makes stronger our historical argument in favor of preserving the West Front as the last remaining exterior portion of the original Capitol. Only Congress can and should make the decision to restore the West Front. In so doing, Congress should not let its current and future space needs (which can and should be accommodated elsewhere) dictate; rather it should consider what our Capitol means to Americans now and will mean to future generations of Americans.

I feel that the controversy over restoration or extension of the West Front of the Capitol poignantly emphasizes the need for a professional commission to plan the comprehensive development of Capitol Hill. I hope that legislation such as S.J. Res. 74, which passed the Senate last year, will be reintroduced this session and enacted into law. Only then will there be an orderly resolution of controversies such as this.

I appreciate the opportunity to express once again The Institute's position on this most important matter.

Sincerely yours,

GEORGE F. KASSABAUM,

President, American Institute of Architects.

SDS PROMOTES DISCORD IN HIGH SCHOOLS

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, high schools across our Nation are being disrupted by Students for a Democratic Society—SDS—militants who are intent on promoting racial discord and violence. In nearly a score of States since the fall semester began, high schools have become the staging areas for the spread of the SDS revolutionary philosophy.

A national SDS high school policy was first inaugurated in October 1968, at an SDS national council meeting in Boulder, Colo., where a special "high school resolution" was adopted. The resolution called for: First, the hiring of a national high school coordinator; second, regional organizations of the SDS to make high school organizing a main part of their program; and third, the national circulation of an underground paper published by the Los Angeles high school SDS chapter.

SDS leaders feel they have found a new outlet in high schools for SDS militancy. They have emphasized the need to recruit new members on the high school level, to circulate SDS literature and to "radicalize" high school students. One SDS pamphlet for high school readers states:

> Even such seemingly destructive actions as starting trash can fires and pulling fire alarms are actually forms of protest directed at the school as it is now constituted. Not only the defense of hair and clothing styles against administration attack, but the adoption of such styles themselves indicates a general disgust with the values and attitudes that our generation has been force-fed.

Exploitation of racial unrest in many of our Nation's high schools appears to be of the SDS. For example, a few days ago in Pittsburgh, Pa., several high schools were closed for a time because of racial fighting blamed in part by police on SDS agitation. SDS members by painting slogans favoring "Black Power" and "Victory for the Vietcong" on the outside of Pittsburgh's racially tense Oliver High School touched off an incident of violence. At Pittsburgh's South Hills High School, a bare-breasted female SDS member ran through the halls urging pupils to leave class while a group of 30 SDS members distributed SDS literature to the pupils. In Detroit, a group of 15 SDS members painted SDS slogans on high school walls and assaulted two teachers who tried to stop them.

For immature young high school students the advent of the SDS activists in their schools may provide a new and different outlet for excitement. SDS does not hesitate to take advantage of these teenagers, for they are enthusiastic workers and a source of needed "bodies" to join in SDS-sponsored demonstrations. The tragedy is that the young people often do not know for what reason they are demonstrating and do not realize the deeper, more serious activity which could follow. The real catastrophe is that those who join the SDS with an honest and sincere belief that they may be helping minority groups or the poor are being exploited. The ability of the SDS activists to seize upon items of discontent and to fan the sparks of discontent into actual violence presents a clear and present danger.

In the days ahead, we can expect the SDS to concentrate even more on high schools in large cities where there are college SDS chapters. These chapters have been instructed by the SDS national leadership to direct and encourage SDS activities in local high schools. Likewise, they have been instructed to help the young students prepare attacks on high school principals and policies. In addition, they have been instructed to help publish "free press" type newspapers and urge disruptive tactics inside the school.

As chairman of the Committee on Internal Security I have presided over a series of hearings concerning the involvement of the SDS in revolutionary violence. I have heard outstanding educators, college and university administrators, and other outstanding academic leaders report on the willingness and readiness of SDS to engage in violence to accomplish its goals. As a committee, we are focusing our attention on the degree and the intensity of the threat SDS poses and the proper means to meet the threat—whether by school administrative action, by local or State government action, or by Federal legislation.

We have already seen the effect of SDS disruptive tactics and a vast majority of the American public is disgusted and sickened by such vicious activity. It is time to let it be known that we do not intend to stand idly by and let these malcontents make a mockery of our educational system because our schools are like any other community. In the presence of violence, the rights of the law-abiding residents—the students who want to learn, the teachers who want to teach—have to be defended at any cost. These come first. Any compromise with this principle is an invitation to anarchy.

XUM

LEAVE OF ABSENCE

By unanimouus consent, leave of absence was granted to:

Mr. Pollock (at the request of Mr. Gerald R. Ford), for October 2 and the balance of the week, on account of official business.

Mr. Talcott (at the request of Mr. Gerald R. Ford), for the balance of the week, on account of official business.

Mr. Saylor (at the request of Mr. Gerald R. Ford), for October 2 and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Holifield (at the request of Mr. Price of Illinois), for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Ashbrook, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Cowger); to revise and extend their remarks and include extraneous matter:)

Mr. Pelly, for 10 minutes, on October 1.

Mr. Conte, for 5 minutes, today.

(The following Members to address the House (at the request of Mr. Mikva); to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Wolff, for 15 minutes, on October 15.

Mr. Tunney, for 15 minutes, on October 2.

Mr. Jacobs, for 60 minutes, on October 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Boland to revise and extend his remarks with reference to the congressional election in the Sixth District of the State of Massachusetts.

Mr. Conable and to include extraneous matter.

Mr. Bingham to include extraneous matter with his remarks in the Committee of the Whole, today.

Mr. Leggett to include a table during his remarks today on H.R. 14000.

Mr. Lowenstein (at the request of Mr. Leggett) to insert a table in his remarks during general debate today.

Mr. Bennett to include tables and other extraneous matter during his remarks on H.R. 14000.

Mr. Cohelan to revise and extend remarks made in Committee of the Whole and to include extraneous matter.

(The following Members (at the request of Mr. Cowger) and to include extraneous matter:)

Mr. McKneally.
Mr. Vander Jagt.
Mr. Wyman.
Mr. Chamberlain.
Mr. Scott in two instances.
Mr. Ashbrook.
Mr. Mathias.
Mr. Steiger of Wisconsin.
Mr. Coughlin.
Mr. Zwach.
Mr. Derwinski.
Mr. Morton.
Mr. Hastings.
Mr. Minshall.
Mr. Bray in two instances.
Mr. Schwengel.
Mr. Keith.
Mr. Foreman in two instances.

(The following Members (at the request of Mr. Mikva) and to include extraneous matter:)

Mr. Corman in five instances.
Mr. Clark in two instances.
Mr. Biaggi.
Mr. Garmatz.
Mr. Rarick in four instances.
Mr. Gonzalez in two instances.
Mr. Downing in three instances.
Mr. Bennett in two instances.
Mr. Mikva in six instances.
Mr. Hungate.
Mr. Moss in two instances.
Mr. Marsh in two instances.
Mr. Eilberg.
Mr. Hathaway in two instances.
Mr. Charles H. Wilson.
Mr. Hagan.
Mr. Fascell in two instances.
Mr. Ottinger.
Mr. Preyer of North Carolina.
Mr. Waldie in three instances.
Mr. Scheuer in two instances.
Mr. Hanna in four instances.
Mr. Wolff.
Mr. Brown of California in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1366. An act to release the conditions in a deed with respect to a certain portion of the land heretofore conveyed by the United States to the Salt Lake City Corporation; to the Committee on Government Operations.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 713. An act to designate the Desolation Wilderness, Eldorado National Forest, in the State of California.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 10420. An act to permit certain real property in the State of Maryland to be used for highway purposes.

ADJOURNMENT

Mr. MIKVA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, October 2, 1969, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1203. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to extend the act establishing Federal agricultural services to Guam; to the Committee on Agricutlure.

1204. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administrative efficiency of the Neighborhood Youth Corps program under title IB of the Economic Opportunity Act of 1964, Detroit, Mich., Department of Labor; to the Committee on Education and Labor.

1205. A letter from the Assistant Secretary of the Interior, transmitting a proposed plan for supplying the power requirements of the central Arizona project and augmenting the Lower Colorado River Basin Development Fund, pursuant to the provisions of section 303(c) of the Colorado River Basin Act, Public Law 90–537; to the Committee on Interior and Insular Affairs.

1206. A letter from the Director, Bureau of Mines, Department of the Interior, transmitting a copy of a proposed contract with Monsanto Research Corp., for research and development to study foam properties and to develop foam generation and foam application systems that will collect coal dust while maintaining an enveloping blanket of foam, pursuant to the provisions of Public Law 89–672; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. Supplemental report (pt. II) on H.R. 12605 (Rept. No. 91–518). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 14020. A bill to amend the Second Liberty Bond Act to increase the maximum interest rate permitted on U.S. savings bonds; without amendment (Rept. No. 91–545). Referred to the Committee of the whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. S. 2564. An act to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park; with amendments (Rept. No. 91–546). Referred to the Committee on the Whole House on the State of the Union.

Mr. EDMONDSON: Committee on Interior and Insular Affairs. H.R. 1706. A bill to provide for the conveyance of certain mineral rights in and under lands in Pike County, Ga.; with amendments (Rept. No. 91–547). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL (by request):

H.R. 14114. A bill to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SAYLOR:

H.R. 14115. A bill to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CELLER:

H.R. 14116. A bill to increase criminal penalties under the Sherman Antitrust Act; to the Committee on the Judiciary.

By Mr. McCULLOCH:

H.R. 14117. A bill to increase criminal penalties under the Sherman Antitrust Act; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 14118. A bill to amend section 213 of the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 14119. A bill to amend section 355 of the Revised Statutes, as amended, to eliminate mandatory submission for approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. CONABLE:

H.R. 14120. A bill to revise the Federal election laws, and for other purposes; to the Committee on House Administration.

By Mr. CONYERS:

H.R. 14121. A bill to authorize the Small Business Administration to indemnify corporate sureties on bonds covering contracts of sound small business concerns where such action will further the purposes of the Economic Opportunity Act of 1964; to the Committee on Banking and Currency.

H.R. 14122. A bill to increase the participation of small business concerns in the construction industry by providing for a Federal guarantee of certain construction bonds and authorizing the acceptance of certifications of competency in lieu of bonding in connection with certain Federal projects, and for other purposes; to the Committee on Banking and Currency.

H.R. 14123. A bill to amend the act of August 24, 1935 (commonly referred to as the "Miller Act"), to exempt construction contracts not exceeding $20,000 in amount from the bonding requirements of such act, and for other purposes; to the Committee on the Judiciary.

By Mr. GARMATZ:

H.R. 14124. A bill to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act; to the Committee on Merchant Marine and Fisheries.

By Mr. HANSEN of Idaho (for himself, Mr. Carter, and Mr. Rodino):

H.R. 14125. A bill to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title; to the Committee on Veterans' Affairs.

By Mr. MacGREGOR:

H.R. 14126. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. PATMAN (for himself and Mr. Widnall):

H.R. 14127. A bill to carry out the recommendations of the Joint Commission on the Coinage, and for other purposes; to the Committee on Banking and Currency.

By Mr. PICKLE:

H.R. 14128. A bill to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health; to the Committee on Interstate and Foreign Commerce.

By Mr. ROTH:

H.R. 14129. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROUDEBUSH (for himself, Mr. Bray, Mr. Adair, Mr. Zion, Mr. Myers, Mr. Landgrebe, Mr. Watkins, Mr. Broyhill of North Carolina, Mr. Kyl, Mr. Hunt, Mr. Skubitz, Mr. Sebelius, Mr. Devine, and Mr. McKneally):

H.R. 14130. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Veterans' Affairs.

By Mr. SAYLOR:

H.R. 14131. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 14132. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Veterans' Affairs.

By Mr. ASHBROOK:

H.R. 14133. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.R. 14134. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 14135. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. HANNA:

H.R. 14136. A bill to amend the Internal Revenue Code of 1954 to require private foundations, qualified pension, profit sharing, and stock bonus plans, and certain other exempt organizations to hold a portion of their assets in housing investments; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Leggett, Mr. McKneally, Mr. Murphy of New York, Mr. Moorhead, and Mr. Stokes):

H.R. 14137. A bill to provide for the establishment of a Commission on Marihuana; to the Committee on the Judiciary.

By Mr. MEEDS:

H.R. 14138. A bill to amend the Employment Act of 1946 to bring to bear an informed public opinion upon price and wage behavior which threatens national economic stability; to the Committee on Government Operations.

By Mr. POFF:

H.R. 14139. A bill to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, as amended; to the Committee on the Judiciary.

H.R. 14140. A bill to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks; to the Committee on the Judiciary.

By Mr. CONTE:

H.J. Res. 917. Joint resolution to authorize the President to proclaim the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

By Mr. HAGAN:

H.J. Res. 918. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. NICHOLS:

H.J. Res. 919. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. POLLOCK:

H.J. Res. 920. Joint resolution to provide for a study and evaluation of international and other foreign policy aspects of underground weapons testing; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL:

H. Con. Res. 394. Concurrent resolution expressing the sense of the Congress with respect to international agreements providing for mandatory extradition of aircraft hijackers; to the Committee on Foreign Affairs.

By Mr. TEAGUE of Texas:

H. Con. Res. 395. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GIAIMO:

H.R. 14141. A bill for the relief of David Joseph Huntington and Beatrice Huntington; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 14142. A bill for the relief of Dr. Fuad S. Ashkar; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII.

272. The SPEAKER presented a petition of Domingo C. Castaneda, Munoz, Nueva Ecija, Philippines, relative to compensating the Philippine Scouts for their services during World War II; to the Commttee on Armed Services.

EXTENSIONS OF REMARKS

GREEN THUMB PROGRAM IN VIRGINIA IS A NOTABLE SUCCESS; WORKERS ASSIST IN FLOOD RECOVERY WORK AT DOUTHAT STATE PARK

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 1, 1969

Mr. SPONG. Mr. President, the green thumb work program for the elderly has met with wide approval and success in Virginia. The efforts of green thumb workers have resulted in beautified park areas, new hiking trails, more attractive roadsides, and other improvements to public facilities.

During the recent disastrous floods in Virginia's James River Basin, green thumb workers provided valuable assistance in rescue and cleanup operations at Douthat State Park, near Clifton Forge.

The workers have been commended by Mr. A. R. Crutchfield, chief ranger of the park, for their help in cleaning roadways and bridges leading to stranded campers. Mr. Crutchfield said they rebuilt two wooden bridges washed away by high water, and cleaned debris from the culverts.

Mr. President, the August issue of the Virginia Highway Bulletin, a monthly publication of the Virginia Department of Highways, contained an article discussing the virtues of the program. The information on the success of green thumb will be of interest to Senators. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OPERATION GREEN THUMB

In an age of governmental programs often referred to unkindly as giveaways, it is refreshing to find one that has been received as enthusiastically as Operation Green Thumb.

Not that it is as well-known as it should be. Only fourteen states, including Virginia, are currently participating in the program; the states, in addition to Virginia, are Arkansas, Indiana, Kentucky, Minnesota, Nebraska, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Dakota, Utah, and Wisconsin.

The program is designed to give retired farmers a chance to supplement their Social Security income by offering them employment and training on public projects as gardeners, landscapers, nurserymen, and highway maintenance men. Though any public agency may become a sponsor of the program, there are at present only three Virginia agencies participating—the Department of Highways, the State Division of Parks, and the Newport News Division of Parks. Several agencies, however, are cooperating in the program—the Virginia Office of Economic Opportunity, the Commission on Aging, the Virginia Farmers Union, the Farmers Home Administration, and the Virginia Employment Commission.

The program was conceived by the Farmers Union and operates under a grant from the U.S. Department of Labor. Tony T. Dechant, president of Farmers Union and Green Thumb, has pointed out that to many of the Green Thumbers the program has meant "the difference between staying in their own homes and leading their own productive lives or being dependent on the state or their children."

The average age of the 2,000 Green Thumbers now employed is 68. The average income, before the program, was $900 per couple, but Green Thumb gives each one an opportunity to earn up to $1,500 a year—that, of course, being the amount that one is permitted to earn in addition to full Social Security benefits.

The Green Thumbers are everywhere doing a notable job. Hard workers all their lives, they take a tremendous pride in their work and the contribution they are making to their communities. As one observer said: "These older workers seem to put something extra into their work. People in the community notice it. The cooperating agencies recognize it." The program has been so successful that a similar program, for women, has been created through the efforts of the Commission on Aging, called Green Light, it started on August 1 in the Newport News area, where a group of six women are employed in community service.

In Virginia there are ten Green Thumb projects, employing 140 men who work three days a week, eight hours a day, in seven-man crews. There are also two part-time administrators—a state director and a field supervisor.

The projects sponsored by the Highway Department are located in Lee, Washington, Pulaski, and Brunswick Counties. Typical of the projects is one that took place along 25 miles of US 58 and Route 70 in Lee County. Here brush and trees were removed to enhance the beauty of the roadsides and to improve sight distances on mountain curves. In Washington and Pulaski Counties, Green Thumbers pruned, fertilized, and cared for shrubbery along the entire length of Interstate 81 in the two counties. In Washington County, work was conducted in two nurseries owned by the Department, and in Pulaski County 6,000 small pines destroyed by a fire were replaced with pine seedlings. In Brunswick County, shrubbery was planted and trimmed and grass was cut along US 58.

The Virginia Director of Operation Green Thumb is Bennie I. Draper, Jr., of Blackstone, and the chairman of the advisory committee is Robert L. Dirks, of the Virginia Office of Economic Opportunity. Highway Department members of the committee are Craig S. Romaine and R. E. Greene (alternate), associate landscape engineers.

Mr. Romaine is so impressed by the program that he hopes it will encompass many more projects next year (most of the projects are carried on between May and September). He says that the Green Thumbers really earn what they are paid and that they are contributing vastly to the better economy of our rural communities.

JACKSONVILLE, FLA., CELEBRATES FIRST ANNIVERSARY AS CONSOLIDATED CITY

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. BENNETT. Mr. Speaker, today, October 1, marks the first anniversary of the Consolidated City of Jacksonville and Duval County, Fla. Jacksonville has given proof again that our Nation's citizens can fight "City Hall"—and win.

A few short years ago Jacksonville was a city in decline. Its urban ills had surfaced for all to see. They included the all-too-familiar corruption in local government, skyrocketing taxes, a disaccredited high school system, rising crime rates, water and air pollution, and an imbalance of city-county population, to name a few.

Outraged citizens took a long, hard look. And then they took action.

In January 1965, a two-sentence manifesto was drawn up and signed by 23 of the city's most influential business and civic leaders assembled by the Jacksonville Area Chamber of Commerce. It called for sweeping governmental reforms and became the driving force behind the eventual merger of city and county governments. As a result of this citizen action, a blue ribbon committee was appointed and given the legislative mandate to study the subject of local government in its entirety and to make appropriate recommendations for its improvement.

Ultimately, a "blueprint for improvement" was presented, which called for a single countywide government with a "strong mayor" and a 19-man council. Also recommended was a consolidated countywide police force under the supervision of an elected sheriff, a nonpartisan, nonpaid elected school board, plus a consolidated, elected civil service board.

On August 8, 1967, Duval County voters went to the polls and made political history. Consolidation won by a 2-to-1 margin. Following the vote for consolidation, an election was held for the new government's officials. With but a few exceptions, the "old guard" was passed over in favor of new political faces.

Consolidation went into effect on October 1, 1968. The new city limits embrace 827 square miles, making Jacksonville the largest city in land area in the United States.

Described as a "businessman's kind of government," Jacksonville now operates along corporate lines, seeking maximum efficiency at the lowest cost available.

Consolidation has won for Jacksonville, the Department of Housing and Urban Development—HUD—regional and national awards for "outstanding contributions to intergovernmental relations." And in March of this year the inspiring citizen action which brought about the government reform was rewarded with the coveted "All America City" award presented by the National Municipal League and Look magazine.

The enormity of the achievement in Jacksonville has prompted newspaper editorials from coast to coast. May I quote from just a few:

> We often refer to the "backward South," but the voters of Duval County, Fla., were forward-looking enough to merge the county into the city of Jacksonville. If voters of the four-county metropolitan Cleveland area would do likewise, we would all benefit immeasurably.—The Cleveland Press.

* * * * *

XUM

Jacksonville and Duval County have consolidated their areas and governments in a move for efficiency and economy that might provide thought-food for other governmental units, including Chicago and Cook County.—Chicago Daily News.

* * * * *

Jacksonville-Duval and Portland-Multnomah do not have identical problems, but some are common to muncipalities throughout the nation. How the Florida consolidation works out will be watched with interests in many States.—The Portland Oregonian.

* * * * *

Jacksonville's spirit of coordinated governmental thinking offers much to emulate.—The Atlanta Journal.

* * * * *

The Jacksonville consolidation is a considerable feat in municipal government. There is no doubt that the Jacksonville example offers a real challenge to other metropolitan areas. And in our own community, the desirability of extending city limits to encompass areas which normally and logically belong to the city should be pursued.—The Birmingham (Ala.) News.

* * * * *

With Detroit and other Michigan cities facing the same cash crisis in the struggle to provide adequate services—police, fire, schools—the story from Jacksonville seems to have some relevancy.—The Saginaw (Mich.) News.

* * * * *

Waycross and Ware County, as well as other communities, should keep a close watch on the new consolidated government. Jacksonville may, indeed, be setting the pace for the cities of tomorrow.—Waycross (Ga.) Journal-Herald.

* * * * *

The Jacksonville-Duval County consolidation as a pattern of local government will be worth watching.—The Austin (Texas) Statesman.

* * * * *

The Jacksonville situation sounds somewhat like the one here. Consolidated government is the wave of the future, and something that some day must come to Knoxville.—The Knoxville (Tenn.) News-Sentinel.

May I take this opportunity to extend heartiest congratulations to Mayor Hans G. Tanzler, Jr., and all 505,000 citizens of Jacksonville on the first anniversary of their "bold new city of the South."

CAMPUS DISORDER

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 1, 1969

Mr. BYRD of Virginia. Mr. President, the Wall Street Journal of September 30 contains a thoughtful editorial on the subject of campus disorder. The editorial makes the point that while some disruption is bound to occur, the prime need is for firm control within the academic community.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TOWARD A HOUSE IN ORDER

Campus disruption may mar the new academic year as it marred the old, but we doubt that the trauma will be quite so acute. The academic community seems to be getting a grip on itself.

Given the juvenile militance of some students, it's hard to see how all outbursts can be prevented. The first few weeks of the academic year have been reassuring in that regard. Presumed students staged a hit-and-run raid roughing up staff members at the Center for International Affairs at Harvard University. A Marine Corps recruiter was splattered with paint at Cornell University. At the University of Michigan students seized a building in support of demands for a student-run bookstore.

We hold some hope, though, that there will be no general repetition of the truly sickening thing about last year's campus riots, which was not the outrages by adolescents but the weakminded response by responsible adults. Students would seize buildings and manhandle deans, and learned faculties would debate and divide on demands of amnesty. Criticism was often directed not at the students who initiated violence but at the deans who were forced to resort to police to quell it.

The Michigan incident, where administrators called police to arrest more than 100 demonstrators, will be the first test of whether that mood will continue this year. Perhaps significantly, the first comments by faculty members tended to support the administration.

Regardless of the outcome at any given campus, there is plenty of evidence that summer has given administrators time to think and plan, and time for university disciplinary procedures to take hold. While the real trick is to put the conclusions into practice, by and large the results of the rethinking seem to be sound.

Recent declarations by the trustees of Cornell are particularly interesting, since that was the scene of the worst capitulation last year—caving in to a group of armed black militants occupying Willard Straight Hall. The trustees now declare such common sense as, "There can be no such thing as a nonviolent building occupation. The every act is a threat of the use of force."

Even more significantly, the Cornell trustees singled out the heart of the problem: "Had discipline at Cornell been enforced over the last two or three years, simply by fair but firm adherence to the disciplinary code and the judicial system in force, a tragic event of the dimensions of the Willard Straight incident might well have been avoided."

Despite Cornell and other well-publicized instances of hesitation, in fact many universities have enforced their disciplinary codes far better than they have been given credit for. The Chronicle of Higher Education recently surveyed 28 campuses that suffered disruption last year and found that more than 900 students had been suspended or expelled. Another 850 had been placed on warning or probation that could result in harsher penalties upon a second offense.

Dartmouth and Harvard have disciplined faculty members who egged on demonstrators. Thus there is warning that disaffected professors cannot necessarily promote revolution at no risk to themselves.

These are all highly salutary steps, and it is important that those of us who have criticized the initial vacillations recognize how far the universities have gone in the directions we have advocated. We would not be surprised if the turn toward hardheadedness does take a lot of steam out of the protests, but some will probably continue. In these times of instant communication, it will be easy for a few spectacular outbursts to obscure a quite different general trend.

Certainly the record over the summer is enough to suggest that further intervention by state and Federal authorities is not what is currently needed. Academic freedom is threatened both by capitulation to mobs and by outside intervention. If it comes to a choice, intervention is no doubt the lesser evil, but that point has by no means arrived.

The way to avoid such a choice of evils—as these columns have been stressing throughout—is for the academic community to assert its own discipline and protect its values. It has now made creditable progress toward doing so.

The general community need not fear to criticize whatever backsliding may appear, but at the moment the appropriate thing is for the rest of us to stand back and give the universities time to reap the benefit of their start toward putting their own house in order.

ELECTION FINANCING REFORM BILL

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. CONABLE. Mr. Speaker, reform of any sort is always a subject of great public interest, a large amount of political oratory but all too often little real activity. During this session of Congress, oratory has been replaced by action a number of times, and frequently the activity has been directed at changes which are necessary in our method of governing ourselves. Recently this House approved a resolution to amend the Constitution to alter the way we elect a President. The movement to reorganize the legislative branch of Government will soon have public evidence of the willingness of Congress to reform itself when the Rules Committee reports its recommendations for change. Activity on these two subjects has been needed for a long time, and I am encouraged by the steps that have been taken.

There is a third aspect of our method of governing ourselves which has received a good deal of attention in the past and needs to be considered again—changing the law regarding limitation and disclosure of campaign spending. The present law is hopelessly inadequate and offers almost no real regulation on the subject, for reports of spending can be easily avoided through a variety of subterfuges, and disclosure of campaign costs is more a voluntary act than one in compliance with the law.

The legislation I am introducing today, the Election Financing Reform Act of 1969, is aimed at enforcing full disclosure of campaign costs and limiting the total amount which may be spent during an election campaign. The present limits on campaign spending, if absolute, would be unrealistically low, but they are easily avoided and have become only a small encumbrance having only the effect of adding a little more confusion to an already confusing aspect of our electoral process.

This bill proposes a limit on the amount a person may contribute to political campaigns in a year with strict criminal sanctions to enforce the limit. A person may contribute $50,000 in the aggregate with a maximum of $10,000 to a presidential candidate in any election, general or primary, and a maximum of $5,000 to any Senate or House candidate in any election. The terms "election," "campaign contribution," "campaign expenditure," "candidate," and "political committee" are defined so that effective enforcement of the law will become a greater possibility than it is now.

Other aspects of campaign financing subject to criminal sanctions are certain contributions of Government contractors and promises of benefit for political activity. Stronger limitations, also in the form of possible criminal penalties, will be placed on the candidate himself, especially in respect to use of funds for personal purposes. The bill will make a candidate responsible for all expenditures in his behalf by requiring him to authorize specifically all contributions and expenditures. This is the only reasonable means of enforcing the law regarding campaign expenses as it removes the possibility of any candidate claiming that the expenses of his campaign were totally unknown to him. By careful definition of terms it is still possible for a person actually to be subject to a draft although it will not be as frequently claimed.

To make full disclosure a reality I have provided for administration by an independent regulatory agency separated physically and politically from its subject of regulation. This body, the Federal Election Commission, will be charged with receiving reports of campaign contributions and campaign expenditures made by political committees, candidates and certain individuals. It will have wide investigatory powers and the power to impose administrative sanctions for violations of the election law including ordering full public disclosure, an order in the nature of a cease-and-desist order and civil penalties up to $25,000.

The bill would require registration of all political committees, including intrastate political committees, which anticipate receiving contributions of $1,000 or which actually receive $1,000. Once registered, these committees will be subject to stringent reporting requirements as will the candidates whose campaign they are financing. In addition to filing with the commission in Washington, candidates will additionally have to file with the local Federal district court so that this public information is fully available to the persons most interested in it.

I am concerned with the emphasis which is increasingly placed on great wealth in election campaigns and I have inserted sections into the bill which attempt to limit the cost of elections and prevent the large donor from dominating a campaign. I have set a limit of 25 cents per person in the electorate as the measure of the maximum that may be spent in an election. For an average congressional district, this would mean that a candidate could spend over $100,000 but could not receive more than $5,000 from any one source. In recognition of the importance of the primary election, and the disadvantage which might result from a flat campaign spending limitation, I have separated the primary from the general election so that candidates for House or Senate seats would be able to spend 25 cents per person in a primary and the same amount in a general election. Because presidential politics are constructed in a different way, the 25 cents per person limit applies only in the general election with a different formula applicable to State primaries. The small States should be able to assert the same great national impact they have in past presidential primaries, so I suggest a limit which is not strictly tied to population. A candidate may spend the higher of either 25 cents per person in the State or 1¼ cents per person in the Nation; a maximum, depending on the State, of between $2½ million and $5 million.

These limits are high in comparison to the present limits set by law and in comparison to the amounts reported each year. Both the present limits and the present reported amounts give an inaccurate picture of the cost of running a campaign, as the weakness of the existing law allows most spending to go unreported. This bill provides a means of showing the true cost of campaigning and a means of limiting campaign expenditures.

We have long delayed the reform that is necessary in our election law. But the willingness of this Congress to examine and to change other deficiencies in our system of elections indicates to me that perhaps this needed change will be made as well. Information on the candidate's financial support and how this support is being used will be helpful to any voter seeking to make accurate assessment of the candidate's merits.

This is a matter of protecting the integrity of the electoral process and giving fairer representation to our constituencies. This bill will allow Congress to honor its intentions and the aims of the laws now governing elections by making the standards which are publicly proclaimed the standards that are actually honored—the opportunity of any qualified person to seek election regardless of wealth and the right of the public to be informed of campaign costs.

NATIONAL COUNCIL OF JEWISH WOMEN RESOLUTION ON A NATIONAL COMMITMENT TO EDUCATION

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Wednesday, October 1, 1969

Mr. JAVITS. Mr. President, at its August 25th national executive committee meeting in New York City, the National Council of Jewish Women adopted a resolution on "A National Commitment to Education." This organization, now in its 76th year, has chapters throughout the Nation and has long been in the forefront among those seeking to meet the educational needs of our Nation's young people. I ask unanimous consent that the NCJW resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A NATIONAL COMMITMENT TO EDUCATION

The National Council of Jewish Women commends the House of Representatives for its action in increasing greatly needed appropriations for education by one billion dollars and thereby recognizing Federal aid to education as one of the nation's highest priorities.

Through Council members' personal involvement in education, both as volunteers and professionals, they have come to realize that because needs in education are so overwhelming and local resources so overstrained there must be a continuous commitment on the part of the Federal government to provide financial support to education.

We urge the Senate to support the appropriation voted by the House and demonstrate its commitment to meeting the needs of the nation's children. We urge the President to authorize the expenditure of the appropriated funds because we feel that in the allocation of funds within the total Federal budget education should have highest priority.

AIR COLLISIONS

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. CLARK. Mr. Speaker, I am submitting a copy of a column carried in the News-Tribune, Beaver Falls, Pa., by William Northrop, on the subject of air collisions. As a former pilot of light aircraft myself I believe that Mr. Northrop's remarks have a great deal of truth in them and deserve consideration. Certainly something must be done about these collisions but not at the expense of driving out general aviation.

The material follows:

AIR COLLISIONS

(By Bill Northrop)

As a private pilot who does a bit of flying, even around some big airports, I've got to add my two cents worth to the present so-called discussion of air-collision problems. I say so-called discussion, because actually there isn't much discussion. The talk is about getting rid of general aviation so the big jets can have the sky safely.

So, to begin with lets start with some statistics—like there are over 100,000 general aviation planes to 2,500 commerical jets. Included in general aviation are things like Lear Jets, Jet Commanders, big twin engines, some four engined models, light twin engines, and high performance single engine. The little Piper Cub is a thing of the past. Most of these general aviation craft are well equipped electronically, and many of the general aviation pilots well-trained. The pilots don't run around looking for jets to ram.

Even with this many planes in the air, the air traffic problem is centered mainly around the big airports. And this congestion is caused by the commercial airline companies who insist on scheduling all the flights at a handful of times. Like at LaGuardia airport New York where 16 airliners are all scheduled to take off at 5 p.m.

Furthermore, the problem isn't so much the small plane as the big plane which is moving at 250 miles an hour even when it's within sight of the airport. Also as the jets become bigger and faster, they need more room, not to get away from small planes, but simply because they can't turn as sharp. This swings them over small airports at low altitudes. So, who's infringing on whom?

An interesting fact is that Van Nuys, California airport which is for general aviation only, is the second busiest airport in the United States. Yet, air collision problems there aren't critical, nor are air traffic delays. This tells something, I'm sure.

Now, let's get to the problem of air collisions. They happen, which is tragic. But, it's not all at the doorstep of the light plane and the student pilot. If anything, the crash in Indianapolis was a freak. Remember other air collisions?—between two airlines over New York City, between two airliners over Grand Canyon, both under radar control. And the one in Asheville, N.C., both were under radar control and instrument flight rules (the private business pilot was experienced as the airline pilot in this instance). The flight controller gave questionable instructions in that one. Then there's the prop airliner that rammed the small plane near Chicago after disregarding the air controller's warning about traffic dead ahead.

The point is that it does happen and it happens under all sorts of circumstances and it isn't just a matter of light planes getting in the way of the big birds.

So, let's turn to safety in general, the FAA screams about air safety and wags a finger at general aviation. But . . . what about Bradford, Charleston, Cincinnati? Airliners went down on the approaches to these airports mainly because the FAA hadn't installed an instrument landing system, or as in the case of Cincinnati, the system wasn't operative.

Furthermore, to soothe the public's ears and the politicians, the FAA requires fully loaded jet liners in some areas to reduce power shortly after take-off and make a steep turn in some areas. Yet, this is a critical moment in flight and any engine failure will send this jet plunging to the ground.

In addition, the FAA maintains a whole gang of major airports that are inadequate and even unsafe for the big liners of today. And the problems within the air traffic control system? Well, that's a whole separate story.

What I'm saying is not that there shouldn't be safeguards to prevent air collisions, but that you can't dump the whole blame for lack of air safety on general aviation. Nor are there simple cures to this particular problem such as putting all planes under so-called positive control, or requiring all planes to have a device known as a transponder which sends positive signals back to a radar scope.

You can't drive general aviation out of the skies anymore than you can drive pleasure boats, or pleasure cars off the waters and the highways. Besides, general aviation flies more passengers than commercial carriers each year just because of the number of planes there are, and there are more business owned and operated planes than there are airliners.

There's room for all. In fact there's more room than you would imagine, and there are some solutions that would get the air separation we need. But it won't be done by finding a scapegoat.

THE AUTUMN MIGRATION OF HAWKS

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, October 1, 1969

Mr. BOGGS. Mr. President. The migration southward of flocks of numerous varieties of birds is a certain and compelling sign that the warmth of summer will, before long, become the chill of winter.

One of the most accessible and enjoyable places from which to study this annual sign of the rhythm of nature is the Brandywine Creek State Park, near Wilmington, Del. This park offers to visitors a picturesque variety of scenery along the historic Brandywine Creek, plus the likelihood of spotting as many as eight migrating species of eastern hawks during the next several weeks.

A most interesting article about the park and the hawks was published in the New York Times of September 28, 1969. I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hawks Stage a Show Over Delaware

(By Victor Block)

Rockland, Del.—Dedicated bird watchers and nonexperts alike who want to marvel at a once-a-year spectacle are now heading, binoculars in hand, for 433-acre Brandywine Creek State Park, three miles northwest of Wilmington.

There, where Brandywine Creek meanders between three-covered mountain ridges, the annual fall hawk migration will be in full swing well into October, with members of some species being sighted as late as mid-November. Only the broad-winged hawks, which are on their way to Venezuela for the winter, complete the major part of their fly-by during September.

Eight species of Eastern hawks make their way southward along the mountain chain, which creates thermal currents or updrafts. These rising columns of warm air enable the birds to soar effortlessly as high as two and one-half miles, where they are still visible as specks in the sky.

FLIGHT PATTERNS

Larger, more mature birds take advantage of these updrafts to rest as they glide, waiting for younger hawks to catch up. When they do, as many as 100 hawks can regroup, peel off into a narrow flight pattern and disappear from sight within 30 seconds.

At other times, scores of broadwings may be spotted flying at tree-top level, while marsh hawks dart down into marshy areas along Brandywine Creek to search for food.

On a good day—one that is cool and breezy, or following a flight-postponing rainy spell—hundreds of hawks can be spotted and identified. They include the red-shouldered and red-tailed hawk, the osprey, the sparrow hawk and the pigeon hawk, which makes its way southward from its summer habitat in Canada.

DARKEN THE SKY

In addition, a variety of other birds may be seen by patient watchers. Three species of blackbirds—the redwing, grackle and cowbird—occasionally darken the sky over the area, so dense is their migration flight. Turkey vultures may be seen soaring overhead. During October, thousands of geese join the parade.

Two other East Coast locations—Hawk Mountain, northeast of Harrisburg, Pa., which is the first ridge of the Appalachians, and Cape May, N.J.—are widely known as hawk lookouts. But neither offers the complete program that is available at Brandywine Creek State Park, which is situated almost exactly between the two other hawk watch areas. The park was opened to the public last April.

The first stop in the park suggested by Charles Mohr, the director, is the Delaware Nature Education Center and its many exhibits. An automatic slide display, which visitors can activate, offers a brief but comprehensive explanation of sights that can be seen in the surrounding woods and fields. A narrated half-hour slide program, conducted at 1:30 P.M. on Saturdays and Sundays, gives a more complete description of the hawk migration, including a short course in spotting markings, silhouettes and flight patterns. The information makes almost anyone an "instant expert."

SELF-GUIDED TOURS

A guided tour of one of two nature trails that meander through the grounds follows the slide program at 2 P.M. on weekends. A self-guided tour follows well-marked woods trails and uses brochures available at the center to describe sights along the way.

While these aspects of the program provide much in the way of information and enjoyment, most fall visitors spend the bulk of their time at the hawk watch, which is near the Education Center. Standing behind a stone fence at the top of a gentle hill affords a good view of the nearby mountain ridge. It is a choice seat for the spectacular display.

Seeing a flock of broadwings circling directly overhead, or a pair of slenderwinged sparrow hawks performing aerial acrobatics, the neophyte may relate to a nearby guide his belief that hawks are considered destructive killers of chickens, game birds and harmless animals. The guide will quickly assure him that most species of hawks feed primarily on rodents and insects.

STOMACH STUDY

This was proved, in part, by a United States Department of Agriculture study of the stomachs of more than 5,000 hawks, which showed their favorite foods to be rats and mice, insects, snakes, frogs and small birds. Even the birds that fall prey to the powerful beak and talons of hawks are primarily those that are weakest, all part of nature's plan to maintain a wildlife balance. These facts are among those that led the Delaware Legislature to approve a bill last June to protect all birds of prey.

DIRECTIONS TO PARK

To reach Brandywine Creek State Park, cross the Delaware Memorial Bridge and turn north on Interstate 95 into Wilmington. Take U.S. 202 north for one and one-half miles, then turn left onto State Route 141. Turn right onto Rockland Road and bear right after crossing the bridge over Brandywine Creek.

Two other places of interest nearby are the Henry F. du Pont Winterthur Museum, the grounds of which are adjacent to Brandywine Park, and Longwood Gardens, across the state line in Pennsylvania.

ELECTION REFORM

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. CHAMBERLAIN. Mr. Speaker, the electoral college, which for the greatest part of our history has not operated as intended, was originally conceived to meet conditions when communications were slow and difficult—when there was no modern two party system throughout the country and no mechanism for nominating candidates—and when a principal concern was to get quarreling ex-colonies, fresh from the failure of the Articles of Confederation, to agree on an effective national executive. Our political institutions have since grown up around and in some ways in spite of the present system. Their continued growth and stability, I am satisfied, now require a different, more viable procedure.

The State Journal of Lansing, Mich., in an editorial appearing September 20, adds its voice to those seeking reform in a brief, perceptive statement which I commend to the attention of my colleagues:

ICE FINALLY BREAKS ON ELECTION REFORM

The surprisingly quick passage of an electoral reform amendment to the Constitution in the U.S. House Thursday is an encouraging step toward overhauling the outmoded presidential election system.

The amendment, calling for direct popular election of the president in place of the electoral college system, is the most reasonable way to assure that the vote of every citizen has meaning.

Ever since the founding of this country, the electoral college system has left the door open to the possible election of a person who has not received a plurality of the public vote.

Secondly, the electoral college system makes it possible for a presidential election to be decided by the House of Representatives where political maneuvering again could bring the election of a man who ran second best in the popular vote.

The present amendment in Congress provides direct election of the president at the polls. If no candidate receives at least 40 per cent of the popular vote, then there would be a runoff election between the top two vote-getters. This would still assure a plurality winner.

Some have argued that the runoff provision could still lead to election of a minority president—one who has received less than 50 per cent of the total vote. But this has been true many times under the electoral system and is almost impossible to avoid when there are more than two major candidates in the presidential race.

The House amendment still has a rough road ahead in the U.S. Senate and in the nation's legislatures. But in a nation where almost every other public elective office, federal, state and local, is decided on the basis of plurality—it is logical that the most important one of all be brought in line with the times.

DICKEY-LINCOLN PROJECT

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. HATHAWAY. Mr. Speaker, the time for House consideration of the current fiscal year's Public Works Appropriations draws near, Mr. Speaker, and, as it does, the familiar clamor generated by New England's private electric utilities is heard anew in the halls of Congress.

The private utilities are concerned that some $807,000 of public works funds recommended by President Nixon for the Dickey-Lincoln School hydroelectric project in Maine may be approved by this body.

They are concerned, Mr. Speaker, that, for the first time in history, the Northeast will receive the same inducements for reducing the cost of electricity as those which, for years, have benefited the Northwest, the Southwest, the Southeast, and the area surrounding the Tennessee Valley Authority.

They are concerned that, after years of self-indulgence at the expense of the good people of New England, their monopolistic stranglehold will be broken.

They are terrified at the prospect of competition.

And so, the volume of their protestations is raised again, as it has been in all of the 4 years since the project's authorization in October of 1965. The volume is great, because it is financed by a monopoly to which money means nothing—the costs of the large-scale lobbying campaign are simply tacked onto the electric bills of the people being exploited. The protestations are pervasive, because they are voiced by an interest group whose political persuasion and control far exceeds its actual contribution to the society of New England.

It is regrettable, Mr. Speaker, that the good people of New England command neither the influence, the money, nor the relentlessness to mount a lobbying effort of their own. For, surely, they are aggrieved.

The fact that New England's electric power consumers pay the highest electric rates in the Nation is irrefutable. Equally so are the facts that residential consumers pay nearly 35 percent more than the national average, that commercial consumers pay up to 50 percent more, and that industrial consumers pay over 60 percent more.

Prices like these should guarantee New Englanders the very best electric power service available anywhere. But, as we recall the power blackout of 1965 and look to the threat of a more serious failure during the oncoming winter, we know that the opposite is closer to fact. We know, too, that, in spite of the utilities' announced plans to increase their production of electric power, demand will continue to far exceed available supply.

Compared to the present level of New England's electric power costs, the Dickey-Lincoln project, would save consumers more than $9 million a year. Little wonder, then, why the vast majority of New Englanders favor its construction. Little wonder why the private utilities are so vehemently opposed.

Mr. Speaker, it is time that the great Northeast, where the fight for equity began two centuries ago, is finally accorded the same equities as those enjoyed by nearly every other section of the country with regard to the provision of electric power. It is time that this gilt-edged investment for the Northeast and the Nation is finally approved. It is time, insofar as the development of power resources is concerned, that New England is at last brought back into the Union.

I submit that it is the responsibility of the House of Representatives to assure that it is—to assure that equity is restored to a deserving citizenry. I respectfully request of my colleagues, therefore, that when consideration of the Dickey-Lincoln School hydroelectric project reaches the floor of this body, it be given their support and final approval.

REAR ADM. JOHN HARLLEE

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. DOWNING. Mr. Speaker, recent weeks have seen an able public servant and strong advocate for a vibrant merchant marine leave Government service. I refer to Rear Adm. John Harllee who resigned as chairman of the Federal Maritime Commission September 1, having served with the Commission since 1961.

Originally appointed by the late President John F. Kennedy, Admiral Harllee was sworn in for his second term by President Johnson on July 20, 1965. That term was the first 5-year term granted on the Commission. Admiral Harllee served continuously as Chairman from August 26, 1963. His total Government service was more than 34 years.

He is the son of the late Mrs. Ella F. Harllee and the late Brig. Gen. William C. Harllee, U.S. Marine Corps, retired, and is a graduate of Western High School, Washington, D.C., and of the U.S. Naval Academy, class of 1934.

Admiral Harllee was stationed at Pearl Harbor at the time of the attack. During World War II he commanded Motor Torpedo Boat Squadron 12 and served as chief staff officer of the PT organization in the Southwest Pacific. Among his awards were the Silver Star and the Legion of Merit with Combat V. Motor Torpedo Boat Squadron 12 received the Presidential Unit Citation for 6 months of action under his command.

After the war he served with the Navy's Congressional Liaison Unit—on a special assignment for Congressman John F. Kennedy, commanded the destroyer U.S.S. *Dyess*—which won the division competition during the year it was under his command; and graduated with the grade of excellent from the senior course at the Naval War College.

During the Korean conflict, Admiral Harllee was executive officer of the cruiser *Manchester* and was awarded the Commendation Ribbon for conduct in action. He commanded Destroyer Division 152, including a month's tour as commander of the surface ships on the Formosa patrol. He served as chief of staff of Destroyer Flotilla 3 and commanded the attack cargo ship U.S.S. *Rankin*, which while under his command won more awards than any other naval vessel during the period 1957–58.

In 1959, Admiral Harllee voluntarily retired from the Navy and joined the Ampex Corp., Redwood City, Calif. In 1960 he was granted a leave of absence to devote full time to the presidential campaign. He became chairman of Citizens for Kennedy and Johnson of Northern California. After the election he became vice president of E. I. Farley & Co., New York City, a position he resigned in 1961 to accept appointment to the Federal Maritime Board—and later to the Commission.

Admiral Harllee was awarded the Man of the Year Award by the New York Foreign Freight Forwarders & Brokers Association, the Golden Quill Award by the Rudder Club of New York, the Order of Maritime Merit by the San Francisco Port Authority, the Honorary Port Pilot Award of the Port of Long Beach, Calif., and was cited by the Federal Bar Association for his work in maritime law. Admiral Harllee is also an honorary member of the Delta Theta Phi Law Fraternity. He was a member of the Administrative Conference of the United States from March 26, 1968, to September 1, 1969.

Admiral Harllee is married to the former Jo-Beth Carden of Texas and San Francisco. They have one son, John Harllee, Jr., a 1963 graduate of Harvard University and a 1968 graduate of Georgetown.

I know that all of us who love the sea and who admire the men who sail it wish him well in whatever future endeavor he chooses.

HEAVY RESPONSE RECORDED IN COUGHLIN POLL

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. COUGHLIN. Mr. Speaker, recently I conducted a poll of the citizens of the 13th Congressional District of Pennsylvania to determine their opinions on vital issues we face as a Nation. Because of the wide interest in public opinion samplings and the significance of the response, it is appropriate to report the result in the Congressional Record.

A majority of those responding ranked the end of the Vietnam war first in terms of national importance. Sixty-two percent favored President Nixon's policy of gradual withdrawal.

Almost two-thirds opposed deployment of the anti-ballistic-missile system.

More than half favored cutbacks in military spending, and there was substantial support for reduction in space and agriculture programs.

Seventy-seven percent felt the reduced tax surcharge for 1 year was justified as an anti-inflation measure or if accompanied by tax reform.

There was strong support for pollution and open space laws, permitting voluntary prayer in public places, direct popular election of the President, and stronger laws against obscene material.

My district, adjoining to and northwest of Philadelphia, is roughly 18 by 36 miles and comprises a good cross-section of the Commonwealth since it includes crowded urban areas, less densely populated residential sections, and rural communities and farmlands.

In an effort to reach as many citizens as possible, more than 175,000 questionnaires—not printed at Government expense—were mailed to households and boxholders. Before the August 15 deadline for tabulating, a total of 32,176 individual responses was received. These were carefully tabulated under statistical procedures guaranteeing a minimum of error.

The return of about 18 percent is high and the response shows an increasing degree of citizen concern. Each person who answered the questionnaire and provided his name and address will receive a copy of the results—also not printed at Government expense.

The results:

1. Please rank the following 1, 2, 3, 4, 5 and 6 in terms of National importance:

End of Vietnam war	1
Urban problems	5
Tax reform for middle income and elderly	4
Inflation and cost of living	2
Crime and unrest	3
Other	6

[Following answers in percent]

2. In Vietnam, do you favor? (one only)

Immediate withdrawal of all U.S. forces, even if it means North Vietnamese takeover	20
Nixon policy including gradual U.S. troop withdrawal and South Vietnamese responsibility for war	62
Escalated military pressure on North Vietnam	13
None of the above	5

3. On the proposed anti-ballistic missile system (ABM), do you favor? (one only)

Deployment of limited system at cost of about $7 billion	22
Deployment of a more extensive system at a higher cost	9
Continued research and development while redirecting funds to meet domestic needs	47
Elimination of any ABM	19
None of the above (specify)	3

4. In which of the following should we cut expenditures? (More than one, if any.) (Totals more than 100 percent, because more than one answer possible.)

Military programs	53
Antipoverty programs	24
Space exploration	41
Foreign aid primarily for humane purposes	27
Low income housing and slum clearance	11
Crime prevention and control	4
Transportation, ground and air	15
Agriculture programs	45

5. Do you feel a reduced tax surcharge for 1 year is justified? (One only.)

As an anti-inflation measure	31
If accompanied by tax reform and/or tax sharing with State and local governments	46
Under no circumstances	15
Other (specify)	8

6. Should college campus unrest be met with? (More than one, if any.) (Totals more than 100 percent, because of combinations.)

New Federal laws	27
New State and local laws	29
College authorities using existing laws	75

7. In electing the President, do you favor? (One only.)

Direct popular election	75
Awarding electoral votes in proportion to candidates' votes	11
Awarding electoral votes by congressional district	5
Present system	9

8. Do you favor voting at age 18?

Yes	45
No	47
Undecided	8

9. Do you favor stronger laws against obscene material?

Yes	68
No	24
Undecided	8

10. Do you favor constitutional amendment to permit voluntary prayer in public places?

Yes	78
No	17
Undecided	5

11. Do you favor further Federal laws to protect our natural environment such as legislation on air and water pollution, and open space?

Yes	95
No	2
Undecided	3

Party preference by percentage:

Republican	71
Democrat	25
Non-Partisan	3
Other	1

Ages of those responding by percentage:

18–21	2
21–35	27
35–50	37
50–65	25
65-over	9

THE FARM PRODUCERS INCOME

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. ZWACH. Mr. Speaker, as a member of the House Agriculture Committee, I am very much interested in improving the income of our farmers. Time and again, we have heard the complaint of high food prices and that the farmer is receiving a good price—this is not true.

Sylvia Porter, in an article in the Minneapolis Tribune, September 11, writes on the plight of the farmer in regard to the prices he receives for his products. Miss Porter's article certainly clears the air as to who receives the biggest percentage of our food dollars.

I am happy to share the facts of Miss Porter's article with my colleagues by inserting it herewith in the Congressional Record:

The Farm Producers Income

(By Sylvia Porter)

With Food costs now rising at an annual rate of more than 7 percent and meat prices alone rocketing at a rate of near 12 percent a year, how's the farmer doing?

Poorly. As he usually has fared in recent years, poorly.

Just chew on these facts:

Of the $89.5 billion we spend on foods originating on farms, only $28.9 billion goes to farmers. The rest, $60.6 billion, goes to the maze of middlemen who store, transport, process, package, advertise and sell food to us—and to the government in the form of business taxes and to lenders in the form of interest.

Specifically, for every $1 we spend on milk, the farmer gets only 50 cents. For every $1 we spend on bread, the farmer gets 14 cents. For every $1 on oranges, he gets 22 cents; for onions, 27 cents; for potatoes, 33 cents; for cornflakes, a tiny 9 cents; for frozen peas, 17 cents; for margarine, 25 cents.

The average net income on a U.S. farm dropped between 1966 and 1967, according to the latest statistics available, to $4,526. And this is in the face of a dramatic increase in farm productivity to the point where today's farm worker supplies enough food to feed 42 persons, nearly double the 23 he fed a decade ago.

XUM

The U.S. farmers' costs of interest, taxes and wages are rising at nearly 3 percent a year—almost twice the rate of rise in food prices he is being paid.

Today, less than 5 cents of every dollar we spend on everything goes to the U.S. farmer for food—vs. 10 cents as recently as 1949.

So who is the winner? The food retailer—the man or woman we see across the counter? Not according to a recent study of profits by New York's First National City Bank. The bank reports after-tax profits of leading chain food stores at an average of only 1.1 percent of sales. It shows the percentage among food processors ranging from 1 percent for meat packers to 3.2 percent for bakeries.

Who are the winners in the food industry, then?

Since 1959, our total food marketing bill has risen about 44 percent to last year's $60.6 billion. This table, based on Department of Agriculture figures, shows you which of the middlemen got the biggest percentage increases of our food dollars during this period.

Source	Share in 1968 Bill	Percent rise since 1957–59
Laborer	$27.3	53
Transporter	4.6	15
Corporation after tax profits	1.8	71
Depreciation	2.2	57
Business taxes	2.3	92
Advertising	2.0	67
Rent	1.7	55
Interest	.5	150
Repairs bad debts	1.2	71
Other (including packaging)	15.0	22

MILITARY JUSTICE ACT OF 1968 SAVES MANPOWER

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. BENNETT. Mr. Speaker, the results of the first month of the Military Justice Act of 1968 have just been formulated by the Army Judge Advocate General Corps. I was privileged to be a House sponsor of this legislation which passed in the 90th Congress—Public Law 90-632.

Maj. Gen. Kenneth J. Hodson, the Army Judge Advocate General, has given me the following report, and I believe it should be brought to the attention of the Congress and the Nation. I congratulate General Hodson and his associates for the fine and dedicated work they are doing for the serviceman and our country:

MILITARY JUSTICE ACT OF 1968 REPORT

I. Percentage analysis:

(a) General Courts-Martial where accused requested trial by the Military Judge alone—72%.

1. General Courts-Martial trials by military judge alone involving pleas of guilty—76%.

(b) Special Courts-Martial in which a Bad Conduct Discharge was adjudged where one was authorized—100%.

1. Bad conduct discharge tried by military judge alone—100%.

(c) Special courts-martial to which a military judge was detailed—53%.*

1. Special courts-martial where accused tried by military judge alone—97%.

2. Special courts-martial tried by the military judge alone where accused pleaded guilty—81%.

(d) Trials by special court-martial where accused waived the right to qualified counsel—38%.

(e) Trial where qualified counsel were requested but not available—none.

II. Manpower savings analysis:

Based on August Rate for Military Judge alone and FY 69 case totals:

(a) 232,352 man hours per year saved at 53%* rate for detail of MJ to SPCM.

(b) 383,440 man hours per year could be saved if military judges were detailed to 100% of the SPCM.

REVENUE SHARING

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. VANDER JAGT. Mr. Speaker, the attention of the Nation recently has been focused on President Nixon's revenue sharing plan. For this reason I call to the attention of my colleagues a statement given to the press on September 15, 1969, by Donald D. Cook, president of the National Alcoholic Beverage Control Association, offering a proposal for revenue sharing which I believe should receive serious consideration. The statement of Mr. Cook follows:

REVENUE SHARING

(By Donald D. Cook)

Ladies and Gentlemen, to introduce myself, I am Donald Cook, Director of the Ohio Department of Liquor Control, but it is as President of the National Alcoholic Beverage Control Association that I welcome you this morning to our Press Conference.

Our Association has always received outstanding cooperation from the Press, and we deeply appreciate your taking the time to be here with us.

To get right to the subject matter, let me say that we have called this press conference, in conjunction with President Nixon's recently announced program of revenue sharing, to offer a startlingly simple, yet practical suggestion as to a possible source of revenue sharing with the states.

Specifically, what is proposed is the refund to the states of the 10.50 federal excise tax levied on distilled spirits on a per proof gallon basis or an approximate total of 790 million dollars. (Incidentally, a wine gallon is just a standard gallon of measure, whereas a proof gallon describes the strength of the alcoholic beverage which, in this country, means 50 percent of alcohol by volume. In other words, a bottle at 100 proof would be 50 percent alcohol.)

Briefly, ladies and gentlemen, the National Alcoholic Beverage Control Association is an association consisting of the states responsible for the purchase and distribution of approximately 30 percent of the total volume of all alcoholic beverages sold in the United States or approximately *one and three-quarter billion dollars.*

Eighteen Control States, representing one-third of the population of the United States, are affiliated with us, plus Montgomery County, Maryland, which also operates as a dispensary system.

As you know, President Nixon and several leaders of Congress have proposed a sharing of Federal taxes with the states as a block grant—with no strings attached. This is precisely what our proposition suggests—a return to the states of revenue which has already been paid by the citizens, for use as may be determined by the local governors and legislatures.

Speaking as the President of the National Alcoholic Beverage Control Association, I can tell you that we have been a constant supporter of relief to the states as currently proposed by the President. We see this current proposition as simply a further step in looking ahead to the future—a step which is indicative of the ever-present awareness by our State Officials of national as well as local problems— a new partnership between the states and the Federal Government.

It is in line with President Nixon's thinking in regard to the need for more funds to restore the states to their proper rights and roles in the Federal system, and to enable local officials to effectively exercise leadership in solving their own problems, which moves us to propose the return to the states of the $10.50 federal excise tax which is levied on distilled spirits as *one source* of revenue which can be considered.

We are going to make every attempt to implement this program during this current session of Congress and today we are requesting our Senators and the Chairman of the Senate Finance Committee to permit us to testify or file a statement to this effect.

We believe the existing tax bill, presently before the Senate Finance Committee, should be amended to include this program, which in our judgment is the most equitable way of returning to the people any given amount of taxes paid by the respective citizens of the states.

The Control States and the approximate amount of potential revenue resulting from the recapture of federal excise tax of $10.50 per proof gallon on distilled spirits, are as follows:

(In millions—1968)

Alabama	$32,225
Idaho	7,184
Iowa	27,225
Maine	14,239
Michigan	125,843
Mississippi	18,797
Montana	9,643
New Hampshire	23,867
North Carolina	65,526
Ohio	128,749
Oregon	27,245
Pennsylvania	143,004
Utah	8,266
Vermont	10,350
Virginia	67,911
Washington	51,839
West Virginia	17,055
Wyoming	5,166
Montgomery County, Md	5,700
Total	789,834

THOMAS NEWTON FROST

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. SCOTT. Mr. Speaker, one of my constituents, Tom Frost of Warrenton, Va., died recently. He was a member of the general assembly of Virginia for a long period of years and a very affable and friendly gentleman whom the people of his legislative district had returned to Richmond many times.

The Fauquier Democrat, a weekly newspaper published in his home town of Warrenton, wrote an editorial which expresses the feeling of esteem in which he was held by the people of his area.

We will miss Tom and I would like to insert at this point in the RECORD the editorial from the September 25, 1969, edition of the Fauquier Democrat:

XUM

"MAY I HELP YOU?"

The state Superintendent of Public Instruction Dr. Woodrow W. Wilkerson told Warrenton Rotarians on September 11 that Delegate to The General Assembly Thomas Newton Frost, of Warrenton, also a Rotarian, "is always there to lend a helping hand."

Dr. Wilkerson said, "I don't know where Tom Frost finds all the energy which he seems to possess in abundance."

At 64, Tom Frost was putting out the energy which few men, age 24, possess. Last Monday night he attended a meeting of the Fauquier Hospital board, on Tuesday night he met with the Fauquier County Democratic Committee, and on Wednesday he was the guest at a formal banquet.

There at least you would have expected him to relax, take it easy. Not Tom Frost. Surrounded by doctors of medicine, he spent much of the evening trying to interest them in moving to his district to relieve the doctor shortage here.

By Thursday night, Tom Frost was dead.

He should have paced himself, of course, tried to do less, delegate more of his work to others. But to Tom Frost, service was too personal a matter to delegate. He tried, as he had all his life, to do it all himself.

Some were determined for special reasons that Tom Frost would never do them a favor. They failed. It was so natural for him to be helpful where he thought help was needed that everyone in the community was to some extent his beneficiary.

The cynical would say he was building up an account payable on election day. But the instances are legion where Tom Frost's giving yielded him no return whatsoever. Few knew that—among many others—he befriended a convicted felon and helped him over rough times when the convict got out of jail. That man, by law, could not vote, and he had no voting relatives.

Tom Frost also was too simple and direct a man to fall into the awkward habit of many modern would-be professionals who identify themselves on the phone by saying, "This is Mister ________." To Tom Frost and all who met him and heard from him he was plain Tom Frost. And the simple self identification was followed immediately by the question, "May I HELP You?"

Throughout his county, his district and the Commonwealth, more than the question will be missed.

DREW PEARSON

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. SCHEUER. Mr. Speaker, 1 month ago, on September 1, Drew Pearson died. The man, the legend, the institution were as remarkable as they were controversial, and their passing marks the end of an era.

Drew Pearson meant many things to many people—an indefatigable, muckraker and ferret to some—a kind, wise, urbane, philosopher to others—a thoughtful commentator on the deep-running tides in our domestic and international affairs to still others. To me—old friend and three decades ago Pearson's legman—perhaps his finest scoops and most explosive exposés were those he chucked in the wastebasket and never printed. These were the exposés about public officials caught in flagrant dilecto—who were retiring, resigning, not running for reelection, dying of cancer, where no useful purpose would be served by shattering careers already terminated by time, tides, and events. For Pearson was totally devoid of personal vindictiveness. He was simply a news-behind-the-news professional who determinedly trod the news trail where the evidence led.

On Thursday, September 4, there was a morning memorial service for Drew Pearson at the Washington Cathedral. I believe my colleagues of all shades of opinion and holding in memory a variety of associations with Drew Pearson and his 40 years of journalistic distinction will be moved and touched by the remarks made at the memorial service by his stepson, Tyler Abell; by his longtime partner, Jack Anderson; and by his old friends of many years, Senator Wayne L. Morse and the Honorable Walter Washington, Mayor of Washington, D.C.

The remarks follow:

DREW PEARSON MEMORIAL

(By Tyler Abell)

In the beginning God created the heaven and the earth.

And the earth was without form and void; and darkness was upon the face of the deep. And the Spirit of God moved upon the face of the waters.

And God said, Let there be light: and there was light.

And God saw the light, that it was good: and God divided the light from the darkness.

I was with Drew at the end, but the end was the beginning. Drew lived—and lives—in the future. He never thought about how bad things were or how sad a situation was; he pushed his thoughts to what should be done and how the world could be better.

His body quit him when its time was up. He didn't die because his heart quit; his body simply couldn't slow his spirit down any longer.

The ashes of his body will be left where things grow, on his beloved farm, where there is a spring every year, the cows, calves and the beans are ripe for picking in September.

He spent his last days on the farm he loved, and his spirit was so strong even his doctors didn't realize how weak his body was. He didn't complain about being sick; he talked about getting well. He talked about helping people. He talked about mistakes being made in government. He didn't want to know why he was sick; he wanted to know how to get well . . . how to make the world well.

We didn't know it was the last morning for his eyes to enjoy the beautiful view of the Potomac from the terrace of his home, but it couldn't have been a more beautiful morning. The sun was warm; the sky was clear; the river was full; the trees and grass as green as we had ever seen.

He sat on the terrace and read the newspaper. Intermittently we talked of a column he planned to write. He hoped, he said, that in a day or two he could start taking some of the burden off Jack.

After a time, he decided that before it got too hot, he would like to have a drive around the farm—as he had done the previous day.

He walked to the car, and I drove him first to the dairy barn where the silo was being filled—from which the cows would feed while they gave milk through the winter.

Then we went to the bean field where we had stopped the day before and where a few pickers were already in the fields. Melvin, who had driven with us, got out to explain that the beans wouldn't be ready until next week.

Drew said he thought he'd better go back. He didn't complain; he just said he needed to lie down. A few minutes later he was back in bed, and only then did I realize that his body was having far more trouble than his spirit would admit.

The breathing was heavy; we gave him oxygen and made him comfortable. Mother called the doctor, but Drew was asleep when the ambulance came.

Just when his spirit left his body behind, no one will ever know exactly, but leave, it did. The body which had served so well for so many years could no longer keep up.

The spirit of Drew Pearson continues free in the land, as it has for so long, a free spirit seeking freedom for all.

PEARSON MEMORIAL

(By Jack Anderson)

There are no words that, in two minutes, can capture the past 22 years, no words that can describe my deep feelings for Drew Pearson. To me, he was a giant, a man of courage and conviction, yet never without compassion. He who believes is strong; he who doubts is weak. Drew had the strong convictions that made him a master of those who were weak and wavering. I searched the scriptures, I thumbed through the classics for the right words to say here this morning. I finally selected these words from Edwin Markham:

God give us men! A time like this demands
strong minds, great hearts, true faith
and ready hands;
Men whom the spoils of office cannot buy:
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demagogue
and damn his treacherous flatteries
without winking;
Tall men, sun-crowned, who live about the
fog in public duty and in private
thinking.

Such a man was Drew Pearson.

APPRECIATION FOR LIFE OF DREW PEARSON

(By Hon. WAYNE L. MORSE)

We gather at this memorial service, as free men and women, to express our reverent appreciation for the life of Drew Pearson. It was a life which, in keeping with his Quaker background, was dedicated to the service of mankind according to the dictates of his conscience. He was more than a Journalist; he was a humanitarian; he was a citizen-statesman.

Born to Quaker parents in Evanston, Illinois, on December 13, 1897, Andrew Russell Pearson lived most of his boyhood in Swarthmore Pennsylvania, where his father was Professor of Speech. After his graduation, in 1919, from Swarthmore College, having been an editor of the college newspaper and wearing a Phi Beta Kappa key, Drew Pearson walked forth into the world with his conscience as his guide. He volunteered for two years of service in Serbia to supervise the American Friends Service Committee postwar relief program in Balkan villages.

Often, over the years of my friendship with him, I heard Drew discuss the influence of his work for the American Friends Service Committee upon some of his later views on foreign policy. It brought him into a close and affectionate understanding of the Slavic people. They expressed some of their appreciation of his dedication to helping others help themselves in recovering from the ravages of war by naming a Serbian town, Pearsonovitch, in his honor.

It was the American Friends Service Committee that was the forerunner of the Peace Corps of which Drew was a staunch supporter. In fact, some of the advisors who helped to set up the Peace Corps were selected from the American Friends Service Committee with which Drew continued to maintain a close association, in support of all its work.

To fully appreciate this great American's public service we should never forget that he was a Humanist. Influenced early in his life by spiritual teaching that, although there is much about immortality that we do not know, there is a very real immortality of influence resulting from practicing spiritual values in person-to-person relationships.

Drew Pearson applied his spiritual beliefs. He was one of the organizers and a longtime president of the Washington, D.C., chapter of Big Brothers, devoted to combating juvenile delinquency. The Big Brother concept of One-Man-One-Boy relationship, as a means of graduating potential delinquent boys into responsible citizenship, is one of Drew's legacies to our youth.

Drew Pearson liked young people, He had faith in them. He helped them in many, many ways about which the general public knew very little. Sometimes we were privileged to look into the mirror reflecting his love and understanding of children when one of his columns took the form of a letter to his grandchildren. Those letters also portrayed the gentle, human qualities of this great man.

For a number of years, he made an annual practice of taking troupes of professional entertainers, including the popular Harlem Globetrotters, to visit American overseas bases at Christmas time.

In 1952, he organized a committee called "Americans Against Bombs of Bigotry" to combat the bombing of schools and places of worship that had resulted from racial and religious intolerance. Drew Pearson was largely responsible for raising the money to rebuild the Clinton, Tennessee, schoolhouse. In 1953, he organized the "Americans Conscience Fund" to assist victims of racial bigotry. These are among the legacies of his humanitarianism.

In public affairs and politics, Drew Pearson's brilliance, courage, and devotion to our system of constitutional self-government inspired millions of Americans throughout his great career. His acts of courage were countless.

When the Ku Klux Klan was in the heyday of its post-war revival, Drew waged a powerful radio campaign against it, climaxed by his famous broadcast from the State Capitol in Atlanta, Georgia. It was in that speech, on July 21, 1946, that he answered the dare from the Klan to come to Georgia.

His innumerable clashes with dishonest and corrupt officials at all levels of government demonstrated a courage rooted in sincerity, conscience, and conviction. The record of his service to his generation and all to follow is a significant part of this period of American history.

He recognized the truth of Jefferson's comment that a Democracy can be no stronger than the enlightenment of its people. He deplored the growing trend toward government by secrecy and executive supremacy in our nation. His muck-raking of the concealment of facts from the American people by departments of the executive branch—frequently including the White House itself—produced some of his most penetrating columns. The concealment by members of Congress of their conflict-of-interest, financial manipulations made him a crusader for years in support of effective and meaningful public-disclosure legislation which would give the people the facts about the sources and amounts of income not only of all members of Congress, but members of the Judiciary and Executive branches in the higher-pay brackets.

It is frequently said that Drew Pearson helped keep many public officials honest, He did. Most public officials are honest, and Drew often said so in his columns. Unfortunately, there is a small minority that yields to temptation now and then. Another group might become wayward if it were not for the possibility that, should they leave the straight and narrow, they might read about it in the column of Pearson and Anderson.

His contributions to the foreign affairs of our nation put us forever in his debt. In 1947, Drew Pearson helped symbolize the need for free nations to join in feeding a weakened Europe, by staging the Friendship Train. The Christian Science Monitor called it "one of the greatest projects ever born of American journalism".

He donated thousands of dollars of his own money, endless time and energy, to get the train rolling across the United States. Seven hundred carloads of food and other supplies, worth 40 million dollars were collected by patriotic Americans and sent to France and Italy to promote the cause of friendship.

Democratic leaders of France and Italy stated that this meaningful, symbolic gesture in support of friendship helped in their contest with Communism. You will remember that, in 1949, they sent the "Merci Train" of 40-and-8 cars, and an Italian car of gifts, chiefly of valuable paintings, to our country. Drew Pearson was selected by them to take charge of the distribution of the gifts to cultural centers in the United States.

In 1951, he helped launch the Freedom Balloon campaign, operated by the Crusade for Freedom, which reached behind the Iron Curtain with air-borne messages of liberty and encouragement. He also organized the Democracy Letters to Italy in the election of 1948 which was credited with helping defeat Communism in Italy in that election. In 1953, he proposed the "Food for East Germany" program which was supported by the Eisenhower Administration.

These activities of Drew Pearson in foreign policy, I mention to emphasize that we pay tribute at this memorial service to a great American who was dedicated to the cause of peace. Many of his columns, speeches, and radio programs warned of the danger that war only produces more war when nations, for whatever reasons, engage in unilateral, military interventions, and when they escalate armament races—particularly nuclear weapons of world destruction.

He argued that our defense guard must not be let down, but that multilateral negotiations under the aegis of international tribunals offer mankind a greater hope for world peace than resorting to the law of military might. Firm in this belief, Drew Pearson served his country as a Journalistic Statesman, traveling throughout the world, talking to high government officials, urging the escalation of diplomatic intercourse in the interest of peace-making rather than military containment productive of war-making.

He was welcome in many Latin-American countries and greatly helped to improve relations between the United States and Latin American countries. He was an effective supporter of economic, educational, health, and cultural aid to Latin America and a critic, rightly so, of military aid in large amounts. Military juntas and dictatorships of one brand or another received the lancing cuts of his sharp criticism. He particularly deplored the growing influence of the American military in Latin America in co-operation with military juntas and dictatorships.

In 1959, he attended the Atlantic Conference in London as a delegate and was a member of the President's Food for Peace Committee in 1961.

One of his greatest services to our country, in his capacity as a private citizen, was his trip to Moscow in 1961. He spent two days with Chairman Khrushchev at his summer home on the Black Sea discussing United States-Soviet problems. He wrote a series of columns on his talks with the Russian leaders, which received worldwide attention.

At this memorial service we pay tribute to the legacy of national and world statesmanship that he has bequeathed to us. We thank him for his courage and dedication to the dictates of his conscience. We honor him for putting into practice the principle that in a Democracy there is no substitute for the full, public disclosure of the public's business. In keeping faith with that principle, his conscience directed him to follow the facts as he honestly believed them to be. Whenever he found that he had been misinformed or had committed an error in judgment he again followed the dictates of his conscience and sought to ameliorate the wrong caused by his mistake.

Drew Pearson's escape from typewriter, editors, politicians, conferences, interviewers, and telephones was his farm in Maryland overlooking the Potomac River. There he could become completely absorbed in his farm hobby. He called it that, but it was, in fact, a substantial operation. Nevertheless, it provided him with the diversion, relaxation, and exercise he said he needed, and the opportunity to indulge his appreciation of fine animals and his love of nature.

He was a remarkably good farm manager. He was a good judge of cattle and horses, and a very keen David Harum trader. I frequently thought there was nothing he enjoyed more than to negotiate a profitable David Harum trade on livestock, machinery, or hay, particularly if I was on the short end of the trade. Some of my most enriching conversations with him were when we tramped over each other's farms and shared views on whatever came to mind.

He never took himself too seriously, and his roguish sense of humor was a source of delight to all who knew him well. A most prized possession of any who received one was a gift-enclosure card attached to a package of his own brand of frozen pheasant, the card showing Drew sighting a flying pheasant, with all the feathers falling off and only the carcass frozen in mid-air with the caption, "You got the bird".

One of the great sources of strength that helped sustain him over the years has been his beloved and loyal family. His lovely wife, Luvie, has been his intellectual counterpart, courageously standing beside him as he has faced difficulties, sharing with him their mutual successes. Their children and grandchildren have filled their home with much happiness and gratification. Drew's two sisters also have shared a close relationship with him and his family. To all of his loved ones, we, gathered here, extend our deep sympathy and share in their sense of loss.

He seemed so indestructible, as though he would go on forever slashing away at wrongdoing. It is difficult to imagine the American scene without him. We shall always remember him as one of the great citizen-statesmen of our generation whose brilliant record of accomplishments has strengthened us all as well as the history of our nation.

PEARSON GREAT HUMANITARIAN

(By Mayor Walter Washington)

I direct your attention to the 23rd Psalm—The Lord is my Shepherd; I shall not want. He maketh me to lie down in green pastures: He leadeth me beside the still waters. He restoreth my soul: He leadeth me in the paths of righteousness for His name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil: For Thou art with me; Thy rod and Thy staff they comfort me.

It was my great privilege to have labored in the vineyard with this great humanitarian. In his lifetime, Drew Pearson led many young people out of the shadows and into the sunlight, out of fear toward courage, away from evil into happy useful lives. As the moving spirit of the Big Brothers movement he had a miraculous gift for communicating the force of his own dreams to others to the end that countless little brothers were helped by bigger brothers to surmount the obstacles in their path toward adulthood.

His deep belief in his fellowmen gave strength to all who worked with him to alleviate social ills and to improve the quality of life of the downtrodden. He believed and helped others to believe in freedom, equality, justice and opportunity for all.

The citizens of the Nation's Capital—the capital of the free world as he described it—now humbly pray that he be granted peace everlasting and that the blessings of the Lord rest upon his family.

SOUTH EL MONTE RESOLUTION CRITICAL OF ADMINISTRATION HANDLING OF SMOG ANTITRUST SUIT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. BROWN of California. Mr. Speaker, the City Council of South El Monte, Calif., which is located in the 29th Congressional District, has joined the lengthening group of municipalities critical of the Justice Department action to settle behind closed-doors the antitrust suit brought against automobile manufacturers charged with conspiring to limit development of effective smog controls.

In the accompanying letter to the resolution, South El Monte City Administrator John F. Lawson, Jr. emphasized that "the South El Monte City Council and citizens stand 100 percent" behind the efforts now being made to have the Justice Department rescind its request for a consent judgment and press instead for a full open public trial.

The people of South El Monte recognize the importance of this issue, and I commend them for their action in passing this resolution:

RESOLUTION No. 69–1185

A resolution of the City Council of the City of South El Monte urging the Justice Department to reverse its decision regarding anti-pollution control devises

Whereas the United States Justice Department has announced its decision to settle out of court a suit charging that four major United States automakers conspired to delay introduction of effective anti-pollution control devices; and

Whereas an appeal to this decision must be filed within thirty days of the date of that decision which was rendered September 11, 1969; and

Whereas a personal appeal on the part of Congressman George Brown has been made to the citizens of Southern California to demand this appeal since Southern California residents have been subjected to ever increasing amounts of air pollutants at a rate that seriously threatens both human health and the complete delicate ecology of the area;

Now therefore be it resolved by the City Council of the City of South El Monte that it be demonstrated to the Courts, Justice Department, and President of the United States that California citizens will not be satisfied with this out of court settlement; and

Be it further resolved that the Federal Legislature, Courts, Justice Department and the President of the United States be immediately urged to protect the residents of California by demanding a drive for effective air pollution abatement.

Dated this 25th day of September, 1969.

Ayes: Allen, Duncan, Stiles, Vargas, Shapiro.

Noes: None.

Absent: None.

MAX M. SHAPIRO.
Mayor.

Attest:

MARY E. VAN DYKE,
City Clerk.

WE HAVE NEEDED A NEW FRONTIER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. TEAGUE of Texas. Mr. Speaker, a recent Huntsville Times editorial has reviewed briefly our national space effort following the flight of Apollo 11. Here, in one of the major space centers of the Nation, these people have been close to the development of our national space program for the past decade. This thoughtful editorial reviews the values and benefits which have accrued from our manned space flight program and looks to the future. The editorial follows:

WE HAVE NEEDED A NEW FRONTIER

No matter what great deed is done, a certain number of people have always been around to declare that for various reasons it never should have been attempted. The pioneer moon landing of Apollo 11 is no exception, even though it is unquestionably one of those turning points which will profoundly influence the future destiny of mankind.

What does U.S. space achievement mean, and where should we now direct our efforts? These are questions that will be argued across the land and in the highest levels of government.

To complete the $24 billion moon landing and exploration program 9 more flights to the moon are scheduled. But even as Apollo 11 left its launching pad, pressure against the U.S. space program built in many areas.

A spokesman for a leading Negro civil rights group, protesting America's ". . . inability to choose the proper priorities," said the money spent to land a man on the moon could have wiped out hunger for 31 million poor people in the U.S. But to infer that the kind of concentrated effort and expenditure of funds, which brought success to the space program, could bring the same kind of results in solving social problems is no more valid than comparing elephants and eels. The two problems are just not the same and cannot be solved in the same way. One concerns organizing and directing technical know-how to solve highly complex problems of engineering, navigation, chemistry, electronics, etc., most of which can be calculated down to an infinite number of decimal places.

On the other hand, social welfare, poverty, hunger, employment, ways of life, motivation and behavior are all involved in the question of poverty or of hunger, and as yet the human mind and spirit cannot be calculated or controlled by any computer. As one newspaper commentary put it, ". . . the human problems which most need to be solved are least likely to be, in eight years or eighty. And the chief reason is that, for both good and ill, you can't engineer the human spirit like a Saturn rocket."

In terms of earthly human welfare, of what particular worth is the Apollo 11 flight and the space effort in general? This question is most often answered by asking another: Could there be any security for the people of the Western world if the USSR or eventually perhaps China stood on the moon while the United States did not have such capabilities in space? The disastrous implications of this have been considered so fully in the press and by the people of the United States as to need no additional discussion, and U.S. competence must extend into future space developments, whether they be orbiting space stations, moon colonization or interplanetary travel.

It must also be realized that our national ability to create jobs and to fund both private and government efforts to upgrade the opportunities and living standards of all our people depend upon the continued capacity of American enterprise to innovate, to grow, to create new industries, new wealth and employ even greater numbers of people. The technological breakthroughs in new products, new materials, whole new technologies and techniques of training, management and manufacture, characteristic of the space program, have contributed immensely to this capacity and will continue to do so.

Finally, one of the most significant contributions of the space program has been to bring together in a common effort some of the most creative minds and personalities in the nation. They are the kind of people who might have been found leading covered wagon trains, pushing the first railroad across the deserts and mountains of the western United States, or associated with men like Thomas Edison, Charles Lindbergh or the many others who in their lives advanced beyond the known boundaries of accomplishment.

The U.S. has needed a new frontier. Exploration and going beyond what was done before has been the history, the genius and the inspiration of our people. We cannot solve our earthly problems without national pride or the confidence and spirit to excel in whatever we do. More than anything else, the opening of the frontiers of space may profoundly influence the strengthening of these qualities in the hearts of the American people.

FORMER UNDER SECRETARY OF HEW GIVES KEYNOTE ADDRESS AT N.F.R.W. CONVENTION

HON. ROGERS C. B. MORTON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. MORTON. Mr. Speaker, last Saturday it was my privilege to attend the 15th biennial convention of the National Federation of Republican Women in Washington, D.C. It was my special pleasure to be present for the very fine keynote address which was delivered by my friend and constituent, the Honorable Bertha Adkins, Under Secretary of HEW during the Eisenhower administration.

Miss Adkins has had a very distinguished career in service to her community, her State, and her country. I am pleased to include in the RECORD the text of her remarks to the Republican women:

KEYNOTE SPEECH

(By Hon. Bertha Adkins)

I have been allotted twenty minutes for this keynote speech. It will not take me that long to say what I have to say.

Girls, this country is in a very unhealthy condition. War, riots, rebellion on the campuses, runaway inflation, bitterness among our people, do not indicate a healthy nation. It is up to the women—all ages, sizes, colors, backgrounds—to restore its strength. It is the women who nurse the sick, provide the right diet, and give tender, loving care to their families. If we love our country—and I think we do—we must use all of these skills *now* to return our nation to its position of leadership in a world at peace, at home and abroad. This is not time for pettiness, for foolish feminine flutterings, for nostalgic longing for the past, nor for hysterical recriminations. We must find out the causes for our illness and begin proper medication now. We must make the seventies a decade of response, responsibility and republicanism if we want the future of our country to be strong and secure.

RESPONSE

Our First Lady, Pat Nixon, has given us the emphasis we need. It is in our volunteer services in our own communities that we exert the greatest influence in solving national problems. If each separate community eliminated prejudice in personal relationships, had equal opportunities for individual development, controlled environmental health, and emphasized spiritual values—our national problems would vanish. Pat Hitt is promoting this approach in her job as Assistant Secretary of Health, Education and Welfare. Elly Peterson is bringing to our national political leaders the programs of assistance in the ghetto areas which she so successfully inaugurated in Detroit. Gladys O'Donnell, our Federation President, is encouraging our Republican Clubs to take Leadership in community action programs. But only you can really make this a decade of response.

This is the time to reach out to all women—especially the young women who are looking for action—to organize them to work for common needs. And I do mean WORK. Your club meetings should be planning sessions for ACTION—not just an occasion to read minutes, gripe about the status of things, have refreshments and go home. In the present day vernacular, find your "thing" and do it. I know that the young women of today will respond to your encouragement if you show that you are making your community a better place in which to live. We are often discouraged by the news accounts of rebellious youth. But I know that there are more of our youth who want to be constructive than destructive if we older people give them opportunity to do so.

RESPONSIBILITY

We are all too aware, however, that response without a sense of responsibility can be destructive. Extremists of both the right and the left have action programs, but these are not what we need for our national well being. We have seen action in the past decade from the New Frontier to the Great Society, but what are the results? Layer upon layer of government bureaucracy have been created. But are our problems being solved and growing smaller? More and more money has been spent, but has inflation been halted and the value of our dollar strengthened?

Let's look at the welfare programs. All of us want to help people who are in need. All of us want to help families remain together. All of us are willing to pay taxes to help children have proper food, clothing and shelter. All of us know that training is essential if workers are to become a part of our present economic society. Are our present welfare programs succeeding in these objectives? The answer is no. President Nixon, therefore, has proposed changes in the welfare programs which will help train people to take jobs and become self-reliant while still keeping their families together. He has also proposed that the Federal government share with the states and local communities some of the funds collected in the federal taxes so that local tax loads may be alleviated and needs of the people across the country be met on a more equitable basis. This is showing a sense of real responsibility to the entire nation.

All of us know that our tax laws must be revised to make a more equitable sharing of our tax burdens. The House of Representatives has already passed a bill which would bring many desirable changes. But the loss in revenue to the government is such that deficit spending seems inevitable, and that adds more fuel to the fire of inflation. So President Nixon has asked the Senate to take a longer look at the House proposals and make the tax cuts less drastic. As a single person I shall welcome relief. Single persons have long carried more of the share of taxes than they should be expected to bear. But I know that if I want my government to provide certain services and be strong, I must support it with tax money. I have also seen what inflation does to the value of my retirement income. I support President Nixon in his responsible view of taxes.

President Nixon is cutting government spending in non-essential programs in an effort to halt inflation which is a danger to every man, woman, and child in this country. This is again putting a sense of responsibility ahead of personal popularity.

Response and responsibility must go hand in hand.

REPUBLICANISM

Let me say here that I do not hate all Democrats and love all Republicans. Some of my best friends are Democrats. In fact, my mother's family are Democrats. I know that often in the press Republicans are pictured as being dull while the Democrats are amusing. It is true that our national conventions last year showed great contrasts. I do not think that riots and bloodshed such as we saw at Chicago are amusing. Do you? After over ten years of a Democrat controlled Congress and eight years of Democrats in the White House, is their record amusing? The people did not think so in 1968 and there are reasons why.

Let's look at the record in Vietnam. At the end of 1960, there were 800 military advisers in Vietnam from the United States sent by President Eisenhower at the request of the South Vietnamese Government to help them train their own people to fight the Communist forces threatening to take over their country. By the end of 1961, there were 3,200 *troops* sent by President Kennedy and by the end of 1963 he had increased that number to 16,300 troops. By the end of the Johnson administration in 1968, there were over 500,000 troops from the United States in Vietnam. This all is a matter of record. Now, thankful citizens of all political parties applaud President Nixon's orders to begin bringing our boys home and his efforts to end the hostilities there.

It is a fact that the Democrats have had a working majority in both Houses of Congress for almost 16 years. The committee chairmen have positions of leadership based on seniority, as you know. These men have been around there for a good long time. They know quite well how to get legislation on the floor. They know quite well how to bottle up legislation in committee. What is the record? Three months of this fiscal year have passed and they have not yet passed one bill funding the government departments. Our government is paying its day-to-day obligations on "emergency" measures. Would you call this efficient?

Last May, President Nixon sent proposals for much needed changes in our military draft system, which so vitally affects all of our young people and their planning for the future. What has Congress done about them? Nothing.

Some Democrats in the Congress say that they are waiting for the President to make recommendations before passing legislation. But they can move quickly when they want to. The House passed tax bill proves that this year. And I cannot remember that there was any dragging of the heels last year when Congress raised its own pay. The truth of the matter is that the Democrats are so busy fighting themselves that they have no real leadership. Despite their greater numbers they cannot enact legislation without Republican assistance in vital matters of national interest. The civil rights legislation of 1964 would never have been passed without the help of Senator Dirksen. But I think the real reason behind the do-nothing session of 1969 is the fact that elections of 1970 are influencing the Democrats to postpone action until next year no matter how essential it is for the country to have action now. The Democrats believe that the voting public have short memories. Action next year, therefore, will be fresh in people's minds.

I have more confidence in the people of this country than that. So I say we Republican women must start looking now for candidates to run for Congress—candidates who will be qualified, able, dedicated, and electable. We do most of the election work in the precincts anyway, and we should help choose the candidates for whom we can work with great enthusiasm. I wish the men appreciated us more. At least, I wish they showed their appreciation more actively in supporting well-qualified women for both elective and appointive posts in government. We have some wonderful Republican women in Congress—Margaret Chase Smith in the Senate, Margaret Heckler, Florence Dwyer, Charlotte Reid, Catherine May in the House. But 15 years ago there were twice that number of Republican women in the House. In appointive jobs it is apparent that the women must wait their turn. The patronage boys at the White House are very busy getting men into jobs. They are working so hard that the other day they named four men for three places! But I am sure they will eventually get to the girls.

Of course, we care more for our country than we do our personal feelings. We have helped elect Republican Governors. We have helped elect men and women to our state legislatures and local governmental posts. But we need to do more and we can do anything we put our hearts and minds to doing. Let us rally our forces now to make the seventies a decade of response, responsibility and republicanism and restore our beloved country to a land of Peace, Prosperity and Progress.

CORRESPONDENT JIM LUCAS WINS MARINE AWARD

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. EDMONDSON. Mr. Speaker, I was delighted to learn that Scripps-Howard Military Reporter Jim G. Lucas is the recipient of the 1969 Distinguished Service Award given by the Marine Corps Combat Correspondents Association.

This was good news to me. Our entire family considers Jim a close, longtime friend, and all Oklahoma is proud of him. He was born and reared in my district in Oklahoma, and started his career in journalism working for our hometown paper, the Muskogee Daily Phoenix. Jim became a military writer as a Marine combat correspondent, and received the

Pulitzer Prize for his coverage of Marine actions in the Pacific in World War II.

Since World War II, Jim has served as a war correspondent and military writer for Scripps-Howard, and he has served with distinction. He wrote for many months from Vietnam, and his reports and his perspective on the war in Vietnam have earned him the highest respect and acclaim—especially among combat veterans who have served in Vietnam.

In addition to his Pulitzer Prize, Jim has received many additional awards, including the Ernie Pyle award of the Overseas Press Club, which Jim has won twice—the only repeat winner in the history of that award.

I know, though, that Jim will find a place on his wall for this Distinguished Service Award of the Marine Corps Combat Correspondents Association. It is a high honor, and Jim has always had a special feeling for the Marine Corps since he went to the Pacific with the Marines in World War II.

YOUR OPINION, PLEASE: 1969

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. BRAY. Mr. Speaker, some problems faced by the American Republic may change, and some may remain constant. But one thing that never changes is the interest in these problems, and the opinions held on them, by our citizens.

I find that the overwhelming majority of contacts I have with my constituents, by letters, wires, phone calls, and personal meetings, show a very high degree of knowledge on these problems. In addition, constituents' opinions and observations frequently give me new perspective and insight, which is very helpful and vitally important to anyone in the Congress.

An opinion poll, I have found, is an extremely useful supplement to these other contacts for both Congressman and constituent. For the constituent, it generates new interest in the issues of the day and encourages him to make his sentiments known to his elected representatives in Washington. For the Congressman, it gives him the added benefit, of incalculable value, of new angles and approaches to these same issues.

I know some questions are very difficult to answer with just a "Yes" or "No" but when a vote comes up in the Congress, these are the only answers open to Members. I have found that these polls do generate additional comments in the form of accompanying letters, where those responding to the poll expand and amplify on their checked poll card replies.

The major issues in my poll this year are among those most widely discussed and debated in our Republic. The answers have all been mentioned, by various sources, at one time or another. The replies will be tabulated, the results inserted in the CONGRESSIONAL RECORD, and a copy of the results sent to all those who were polled.

I have sent such questionnaires each year for many years, and I am asking this year, again, for "Your Opinion, Please." The questions follow:

YOUR OPINION, PLEASE: 1969

Yes *No*

1. Do you favor construction of an anti-ballistic-missile system? ( ) ( )
2. Do you favor a federally financed guaranteed annual income? ( ) ( )
3. Do you favor expansion of trade with East European Communist countries? ( ) ( )
4. Should the Federal Government assume total responsibility (administration and costs) for all welfare programs, and let states, cities and local units drop them? ( ) ( )
5. On student disorders at universities and colleges:
   - (a) Stop Federal aid to students convicted by civil court or disciplined by school authorities for disorder ( ) ( )
   - (b) Stop Federal aid to schools where administration fails to curb disorders ( ) ( )

(Please check one in each of the following)

6. Which of the following world "hot spots" do you think holds the greatest danger to world peace?
   - (a) Vietnam ( )
   - (b) Middle East ( )
   - (c) Russian-Chinese Frontier ( )
7. In Vietnam, should we:
   - (a) Continue present course: limited military action and peace talks in Paris ( )
   - (b) Pull out of peace talks; push for military victory (but no nuclear weapons) ( )
   - (c) Immediate and unconditional U.S. withdrawal ( )
8. How do you assess the present overall course of the Administration?
   - (a) Too far Left ( )
   - (b) Too far Right ( )
   - (c) About the course I prefer ( )

PICO RIVERA URGES ATTORNEY GENERAL TO CHANGE DIRECTION ON SMOG SUIT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. BROWN of California. Mr. Speaker, on Monday, the City Council of Pico Rivera, Calif., sent a letter to Attorney General John Mitchell urging that the Justice Department reverse its direction in the current air pollution antitrust suit brought against the major car manufacturers.

Pico Rivera is but one of many Southern California cities who have criticized the Nixon administration for the way it has sold out the right of all citizens to have a clean and healthy atmosphere.

I commend the action taken by the leaders of Pico Rivera, and I now insert their letter into the RECORD:

CITY OF PICO RIVERA,
Pico Rivera, Calif., September 29, 1969.

The Honorable JOHN H. MITCHELL,
Attorney General of the United States, Justice Department, Washington, D.C.

DEAR MR. MITCHELL: On behalf of the Pico Rivera City Council, I would like to urge you to not drop the suit against the auto manufacturers for conspiring to restrain and delay the development and installation of smog control devices.

We are of the opinion that the information gathered by the Federal Grand Jury after meeting for 18 months in secret session should be made public, and that the Justice Department carry out its obligations to those of us suffering from air pollution primarily caused by vehicle exhaust emissions.

Your cooperation will be appreciated.

Respectfully,

FRANK TERRAZAS,
Mayor.

THE POWER OF PRAYER

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. GAYDOS. Mr. Speaker, Americans have always been a praying people, our Founding Fathers saw fit to write into the Constitution a provision guaranteeing us the right to worship God in our own way.

These men, having just fought a bloody conflict to win freedom, knew well the power of prayer. They had learned there are times when God alone can provide the strength needed to overcome certain crises. Other Americans have learned the same truth in two world wars, Korea, and Vietnam.

But, as a people, we also have a tendency to take many of our freedoms for granted. We do not get alarmed until we are threatened openly with their loss.

Seven years ago that was the case. The Nation's God-fearing majority reeled under the sudden shock that the Bible and prayer in public schools had been declared unconstitutional by the U.S. Supreme Court.

The reaction was immediate. Public officials at all levels of Government were besieged with expressions of dismay and disbelief at the ruling. Here in this House many amendments have since been proposed to restore this constitutional right. Similar legislation was proposed in the other body. To date these efforts have been to no avail.

And what has happened in the 7 years since the Supreme Court's decision? Crime has soared at an almost unbelievable rate in practically every city in the country. Near the top of this list is the city which stands as a symbol of this God-fearing and freedom loving Nation—Washington, D.C., the Nation's Capital. Who here can stand proud in the face of what we know to be shameful truths?

We have watched the Nation's stockpile of morals become depleted. Nudity and obscenity, once found only in the books and films circulated in back alleys

XUM

and gutters by degenerates, now have found acceptance on the legitimate stage under the guise of art. Novelists now win accolades for whatever new bit of sordidness they foist upon the public in the name of literature. Films for the family have all but disappeared. In their place we are shown celluloid commercials on illicit sex.

Drugs and narcotics drag 7,000 Americans each year down the path to addiction and self-destruction. Yet people sitting in our higher halls of learning actually have defended the use of dope for young Americans.

Law and order has been bent under the rulings of the same Supreme Court. Repeated decisions give rise to the opinion the rights of society are not to be considered on the same level as the rights or will of the individual.

I submit, Mr. Speaker, much of this rejection of morals and esthetic values can be traced to the lack of a strong religious belief in our Nation's young. They, in many cases, are rebelling against ethnical values, human cultures, and civilization.

The question "Where have we failed?" has been asked many times by many people. The Cleveland Chapter of the American Hungarian Federation has as good an answer as any I have heard to that question.

The chapter has declared a well balanced society cannot be uprooted by senseless rioting as long as it remains morally strong and united. But such a society cannot exist, it observes, unless the society is grounded in the belief in the Creator and unless prayer and religion are allowed to exercise their proper function in schools and public life.

Americans, reluctant to give up their religious right they had held for so long, now are attempting to circumvent the law and the Supreme Court.

Some of them have tackled the issue head on. School board in the city of Clairton in my district, the 20th Congressional District, acted boldy and decided to reinstitute prayers and bible reading in the schools. Other cities and school boards have followed Clairton's lead, although not by the same approach.

One of the most unique schemes was cited in an editorial of the Daily News, a newspaper which circulated in the Clairton area. The writer, John M. Orr, explained how student Netcon, N.J., are getting the word.

They get it, Mr. Speaker, through no less a medium than the CONGRESSIONAL RECORD. Each day the RECORD contains the prayer given by the chaplains of the House and Senate and these are read to the Netcong students as "messages from Congress."

Mr. Orr raises a most interesting question in his report on the Netcong prayers. He asks if any governmental agency has the authority to ban the reading of the RECORD, a publication of the Federal Government.

Furthermore, Mr. Orr states, the Supreme Court ruling on prayer was wrong and by being wrong the Court now finds itself being overruled by the only power higher than it in this society of ours—the people!

The people have spoken. They have for 7 years. It is time to quit talking and act on the many bills submitted to the House which would permit prayers, on a voluntary basis, in public schools and public buildings.

RHODESIA'S SIDE OF THE STORY

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. BROCK. Mr. Speaker, following the elections in Rhodesia last summer, the American public was subjected to a large amount of hostile commentary directed against the leadership of this small, proudly independent people. In the interest of presenting both sides of the story, and because of its merit and factual content, I submit the following editorial, originally printed in the June 21 issue of the Chattanooga News-Free Press, for inclusion in the RECORD. I commend it to the attention of my colleagues:

SO WHAT DOES IT MEAN TO US?

So they held an election in Rhodesia. What's it to us? Isn't Rhodesia a little country, thousands of miles away? How are Americans affected?

We are involved in the welfare of Rhodesia because Rhodesia is a staunch anti-Communist nation in Africa, where Russian, Chinese, Algerian, Castro and other Communists are seeking to promote revolution. We are involved because Rhodesia wants to be our friend but our leaders have chosen to act as though Rhodesia were an enemy. Rhodesia has been chosen by domestic and international politicians to be a whipping boy in cheap racial politics—that may prove to be very expensive to the cause of freedom.

The country of Rhodesia in Southeastern Africa was settled as an English colony. It is about the size of California, is a beautiful land rich in minerals and agriculture potential and marked by cities more modern than Chattanooga.

The "issue" that usually is involved in discussion of Rhodesia pictures a few whites "oppressing" a majority of blacks. That is not the true picture at all.

The white population, mostly English in background, is about the size of the population of greater Chattanooga. The black population is about equal to that of the state of Tennessee. (There are, in addition, Indians and mulattos.) There is no question that the minority of slightly fewer than a quarter million whites runs the country, while the more than four million blacks and others have relatively little voice. But it still is not a situation of racial "oppression."

Most of the blacks, or Africans, as the Rhodesians call them, still live in a Stone Age culture. Most have mud huts with thatched roofs, except in modern settlements developed by the white government. There are, however, a few black millionaires who live in great style. The Europeans, as the whites in Rhodesia are usually called, are the primary entrepreneurs, the operators of farms and mines and factories and businesses—and the government.

To have it otherwise would be something like it would have been if a handful of American colonists had turned the government of the embryonic United States over to the wigwam-dwelling, buffalo-hunting, skinclad Indians who had not developed an advanced culture. If we had done such a thing in America, obviously our country would not have survived. If the racial politicians throughout the world should force "one man, one vote" rule on Rhodesia, obviously that country would not survive, to the detriment of its black inhabitants as well as whites. It should be remembered that the Africans in Rhodesia enjoy a higher standard of living than the blacks in any other country in Africa—including the black-ruled ones—with the exception of South Africa, which is white-ruled and the most advanced nation on the continent.

Rhodesia does not deny blacks the right to vote. Voting is based on a combination of three standards: education, property ownership, earnings. Africans and Europeans are measured by the same general standards. Obviously, because they are backward, the Africans have a minority of the voters. There are perhaps 80,000 Europeans eligible to vote and about 10,000 others, of whom two-thirds are African blacks.

Rhodesian society is integrated. Go into the main hotel in Salisbury, the capital of Rhodesia, and you may see more integration than in most American cities.

The issue is not really race but ability and advancement.

In our country, however, this is widely misrepresented, even though Africans hold seats in Rhodesia's Parliament.

President Lyndon B. Johnson made a play for black American votes and kowtowed to black pressures in the UN by declaring by "executive order" a U.S. trade boycott against Rhodesia. Though our Constitution does not give a President power to pass criminal laws, the LBJ order that still stands threatens a 10-year prison term and a $10,000 fine for anyone who trades with anti-Red, friendly-to-America Rhodesia. Meanwhile, we trade with Russia and other Communist countries that aid in the killing of Americans in Vietnam.

Rhodesia declared its independence from Britain in 1965 just as the American colonists did in 1776—only Britain was not powerful enough or otherwise inclined to fight the Rhodesians. Rhodesia wanted to keep ties with Britain. But British appeasement of the international racists made this impossible. So Rhodesia declared itself a republic. The election yesterday one-sidedly supported the policies of Prime Minister Ian Smith.

Rhodesia is important to us because Rhodesia is our friend—in spite of what we have done to Rhodesia, because Rhodesia is a stronghold against Communism, because we are doing wrong that Americans ought to demand be corrected.

But our policy drifts on. Under the LBJ trade ban, vital U.S. purchases of the Rhodesian chrome we need have been cut off—while we buy lower grade chromite ore from Communist Russia at $6 a ton higher price.

Isn't it time to stand with our friends and against the Reds and quit the sort of foolishness we have engaged in regarding Rhodesia and so many other countries?

A CONVERSATION WITH CHIEF JUSTICE EARL WARREN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. WALDIE. Mr. Speaker, last June many of my colleagues in the Congress marked the retirement of Chief Justice Earl Warren with words of high praise and fond recollection for the tremendously significant accomplishments of the Supreme Court which he presided over and guided with courage and dedication.

XUM

At that time I said:

> The Court has taken the ideals of this Nation down from the walls where we have kept them inscribed to be pointed at with pride on ceremonial occasions and has put flesh and blood upon them.

Mr. Speaker, the Chief Justice has revealed a great deal about how that "flesh and blood" applied to our ceremonial ideals in a most candid and spontaneous interview he granted Morrie Lansberg, editor of McClatchy Broadcasting of Sacramento, Calif.

Mr. Speaker, I consider this interview to be a remarkable and historic recollection by this Nation's 14th, and possibly its greatest, Chief Justice.

I am grateful for the opportunity to submit it for inclusion in the CONGRESSIONAL RECORD:

A CONVERSATION WITH CHIEF JUSTICE EARL WARREN

INTRODUCTION

Morrie Landsberg, editor, McClatchy Broadcasting, interviewed Earl Warren in connection with his retirement, on June 23, 1969, as the 14th Chief Justice of the United States. In the quiet of the book-lined study of the U.S. Supreme Court, the former California district attorney, attorney general and governor reviewed, on film and on tape, his 50 years of public service—the last 16 as the Chief Justice. But mostly the conversation traced Warren's momentous years on the court and its landmark decisions under his leadership.

The hour-long interview was broadcast June 25, 1969, over all McClatchy radio and television stations; radio KOH, Reno; KFBK, Sacramento; KBEE, Modesto; and KMJ, Fresno; and KOVR–TV, Stockton-Sacramento, and KMJ–TV, Fresno.

The exclusive interview granted by Warren in connection with his retirement was intended for Californians; it was done without preparation on his part and without knowledge of the questions to be asked. But the interview immediately attracted national attention and brought many requests for printed copies. What follows are the complete questions and answers of McClatchy Broadcasting's A Conversation With Earl Warren.

Question: Mr. Chief Justice, you have devoted more than 50 years to the law as a young legislative clerk, as District Attorney, as Governor, as Attorney General, and as Chief Justice of the United States. In what significant ways would you say the administration has changed over the past half century?

Answer: Of course, the principles of the administration of justice have changed very little. We have the same constitution, generally speaking, the same substantive law, but of course the size of our population, the number of crimes committed, the number of judges who administer the law, and all of the personnel that is essential to do that have greatly changed the manner of administering the law and that change has brought with it a great many problems that didn't exist. Judges formerly had a rather leisurely life, but these days they are pressed for time in everything they do, and pressed as much as they may be, there is always a backlog that distresses a judge and retards the administration of justice. This is one of the common problems that we must face in the near future.

Question: Are you saying, sir, that we are not spending enough money on the courts?

Answer: I am saying that courts are not adequately staffed, that they are not using modern methods of administration. I am not speaking of the judging process, because the judging process now, I guess, is the same as it was in the time of Solomon. The human element of judging is still present, but in the administration of it, there are so many complications now, so many ramifications, that it calls for business methods just as much as any business does, and unless we adjust to modern conditions and modern necessities, we are going to have serious backlogs that retard the administration of justice.

Question: Way back in 1925, in your days as a prosecutor, you were quoted as saying, "If people have money, they are likely to escape punishment." To what extent would you say our justice is class conscious today?

Answer: Well, that is a rather abstract statement, but just the same there is a lot to it. The person without the means of investigating his case and without having a skilled lawyer is at a disadvantage that a person of means would not be at, and naturally that is reflected in the number of people who are convicted and many times from the punishment that they receive.

Question: But have there been changes since 1925 which have made legal counsel more available to the poor?

Answer: Oh yes! Since I have been on this court, the court has determined that everyone is entitled to a lawyer. If he cannot afford it himself, the state or the nation, whichever it may be, must furnish counsel for him. But the problem is to get counsel who will work on the cases and do the things that are necessary to see that a man's rights, whatever they may be, are fully protected.

Question: Mr. Chief Justice, in recent years critics have contended the Supreme Court decisions coddle the criminal and encourage crime. What do you say to this from your perspective?

Answer: I am of the opinion that the decisions of the courts, and I am speaking now of this court in particular which has established the guidelines for the courtroom, have in no way adversely affected the prosecution of crime. Certainly, every man is entitled to a lawyer. No man, whether he is rich or poor, whether he is educated or uneducated, is qualified to go into a courtroom knowing nothing of the law or its procedures, is qualified to defend himself in a time of crisis such as that. He is entitled to someone who can look at his case objectively, study it, and study what his rights might be and then present it to the court. I think great advances have been made in recent years, but still there are many parts of the country where even the assignment of counsel is not done with any great degree of seriousness. Perhaps they will appoint someone to represent a man in the next half hour and they will go through a trial in a day and it will be all over. That is not representation and thoughtful lawyers and the bar association and defendants' association are working very diligently on that now to see that every man gets the proper representation of his rights, whatever they might be. A man might be guilty and confess his guilt and admit his guilt, but still he has certain rights in the courtroom that ought to be presented to the court in determining what the punishment should be.

Question: There are people who feel the court's critics overlook the fact that the rights of individuals—all individuals—are involved in these decisions. Do you agree?

Answer: Oh yes! There are so many people who believe that, for instance, any decision that might help a man who is charged with being a communist is coddling communists. Of course, that is not true, but a man, whether he is a communist, or a fascist, or a klu klux klanner, or whatever it might be, is entitled to have his rights protected in the courtroom and if his rights cannot be protected in the courtroom, the rights of no one can be secure.

Question: Do you feel that the police techniques have actually been improved as a result of court decisions?

Answer: I think that the work of the police has been improved through the years. I think it is on a higher standard now than it was when I first went into the law enforcement business almost 50 years ago and I am very hopeful that it will continue to improve through the years. The third degree, for instance, was a common thing 50 years ago and in the enforcement of the law, one had to watch it very carefully to see that it was not committed. But I think comparatively few law enforcement officers now are addicted to the third degree and it is because the courts have abhorred that kind of conduct and have said that if it is indulged in by the police then a man is not given a fair trial. Therefore his conviction cannot stand and certainly that is in the interest, not the particular defendant alone, but in the interest of everyone.

Question: Recalling your experiences as District Attorney of Alameda County and Attorney General of California, would you say the court's decisions have made police work more difficult?

Answer: I suppose one can honestly say that if you follow rules in any business, your work is more difficult than if you just are left to your own devices, some of them even brutal devices, but not more difficult in the sense that they should not be performed. But if, instead of beating a prisoner to get a confession from him, he is given a lawyer and given an opportunity to talk to him and then the police are enabled to talk to him after that . . . is a rule that . . . it is just so much a question of common humanity that nobody should want to avoid it.

Question: Mr. Chief Justice, from your days as Attorney General of California, you have consistently complained about the lack of support given law enforcement authorities. How serious do you consider the problem today?

Answer: If anything, I consider it more serious today than it was then because the police today have a tremendous problem, greater than it was even in the days when I was District Attorney and an Attorney General when we had the bootlegging, the rum running, the hijacking and all of those things. It was a very lawless era, but nothing like it is today. The police have a tremendous problem today and they are entitled to all the support that the public can give them; I mean support when they do right, not when they do wrong; support when they follow the rules of jurisprudence and not when they violate them. But today we see crimes committed on the streets in the presence of a great many people and the police are not able to find a witness who is willing to come and testify. We read of other crimes committed in the presence of a great many people and no witness—no one will even inform the police that a crime has been committed. That is not upholding the law. The police are entitled to respect and assistance because most of them are good people and are carrying a terrific burden, and they are entitled to the support of the public at all times.

Question: Mr. Chief Justice, the late Chief Justice Felix Frankfurter said in 1946, if I may quote, "It is hostile to a democratic system to involve the judiciary in the politics of the people." Have you ever felt that the Supreme Court's jurisdiction should be limited?

Answer: Well, it is very much limited and always has been and, of course, judges when they take the bench are supposed to detach themselves from politics, I don't mean become disinterested because every American citizen should be interested in politics, but a judge should detach himself from active politics and it has been my experience that most judges with whom I have ever come in contact have obeyed that rule.

Question: Did you feel in the early phase that the court was going it alone in protecting civil rights and liberties?

XUM

Answer: Well, there was a long time, from the 1870's until 15 years or so ago, that Congress passed no laws affecting the civil liberties of the people. That was not entirely the fault of the Congress because the court itself had, in those early years, put some limitations upon the acts of Congress. But because there were no laws passed during that time and because problems involving civil rights were developing, the only refuge people had was in the courts, and the only law that the court could apply was the broad principles of the Constitution and that made a very, very difficult situation for the courts and we were very much alone at that time. But since that time, Congress has passed a number of civil rights laws which encompass a great many of the civil rights and I am sure that will mean the work of the courts will be easier now than it has been in the past.

Question: Were you at times impatient that state and federal officials were not responsive enough in the desegregation matter?

Answer: In some parts of the country, yes. One couldn't help being impatient when he would see the orders of the court flaunted and just not obeyed in any sense of the word, and where illegal things were changed in form, but not in substance and carried on. Of course, one feels frustrated at that, but there are so many things that have happened to encourage one who has been in this field that I think on the whole, much progress has been made.

Question: I know the court doesn't try to run a popularity poll, but do you feel there has been a general acceptance by the public of recent decisions on such matters as desegregation and civil liberties?

Answer: That is very difficult for me to say, but I think in the main, the people of this country recognize that the great American ideal is that everyone shall be entitled to equal protection under the laws and while they might disagree with the application of it in something that irritates them particularly, still they have the consciousness that it is not only the law, but that it is right. I think in that sense the American people are in favor of the overall objectives of the Fourteenth Amendment of the Constitution of the United States which guarantees those rights.

Question: How does the black separation movement fit in with what is being achieved or what people are trying to achieve in civil liberties?

Answer: Well, of course the separation movement is the opposite of equal protection. You see, this is the very thing that was stricken down in the desegregation cases. The old separate, but equal doctrine which existed for a period of some 50 years, or so we thought, had been abolished, but the idea of having separate institutions now and separate governments, and so forth, is the antithesis of equal protection under the laws.

Question: Do you see it creating some problem for this country?

Answer: Oh yes, of course it does. These problems are great that we are going through; well, I don't have the answers for them. I do believe that in the long run the principles of our Constitution will prevail because they're of the experience of the ages and Americans are reasonable people and on sober second thought they invariably decide the thing not only in the right way, but in a humane way too. So, I think we are on the way to progress even though we abhor many of the things that exist at the present time.

Question: Do you think the militants are trying to push us too far, too fast?

Answer: Well, militancy is always too fast, but the militancy is taking so many different forms these days it is impossible to discuss it in any brief interview.

Question: Would you say, Mr. Chief Justice, that American justice has been completely desegregated?

Answer: Oh no, by no means! There aren't 20% of the school children in the south that are in desegregated schools. The same situation exists in some of our northern cities. The black people do not have work opportunities that white people have. They're still having problems in voting in some parts of the country, and no we just haven't put all of our force behind giving people equal rights and that, to me, would be the answer to many of our problems. When the American people, as a whole, recognize that we have, in the past, been wrong in depriving certain minorities of their constitutional rights and when we make the decision to see that they will, in the future, have these rights, then I think we're on the way to solving most of our domestic problems.

Question: What would you list, Mr. Chief Justice, as the Supreme Court's most important decision in your 16 years here? Was it the school desegregation or reapportionment?

Answer: I think the reapportionment, not only of State legislatures, but of representative government in this country is perhaps the most important issue we have had before the Supreme Court. If everyone in this country has an opportunity to participate in his government on equal terms with everyone else, and can share in electing representatives who will be truly representative of the entire community and not some special interest, then most of these problems that we are now confronted with would be solved through the political process rather than through the courts.

Question: Would this apply mostly to the South?

Answer: I remember the first case we had, the Baker vs. Carr case, came from one of our northern states and that the legislature in that state had been the same for over 60 years in spite of all the territorial changes. The group that was in power kept the legislature apportioned just exactly as it was over 60 years before, although the State Constitution said that the representation should be equal, but they paid no attention to it. The courts, prior to Baker vs. Carr, said that it was the business of legislatures and not of courts. This court held that the question of whether a person was having equal protection of the laws was a judicial question and we had the right to decide it and we held that the legislatures must give equal representation to everyone. That was where the expression "one man one vote" came into being and, of course, it just isn't state legislatures, but it has been expanded to the Congress and expanded also to local government. If it's right on one level of government, of course, it's right on all levels of government, and in that sense, I think, the case which all the other reapportionment cases followed is perhaps the most important case that we have had since I have been on the court.

Question: In another area, you said awhile back that pornography was the court's most difficult area. Why is that?

Answer: It's the most difficult area for the simple reason that we have to balance two constitutional rights with each other. Of course, the state and national government have a right to have a decent society and have the right to make the laws and regulations that will keep it a decent society. On the other hand, we have the First Amendment which says Congress shall pass no laws abridging the right of speech and the press and religion, and so forth, and the question is how far can people go under the First Amendment which gives them freedom of speech without offending the right of the government to maintain a decent society, and when you have those two things coming together, you find it very difficult to write a verbal definition of what obscenity is. I know that in many communities in the past, they have had boards of censorship and the experience that was had under them was atrocious. I recall that in one southern city, the censorship board—board of censorship—ruled that a motion picture which showed little colored children and little white children playing in a school yard was obscene. I remember, also, another instance when in Chicago the police board of censorship, in spite of all that goes on in that great city, held that Walt Disney's picture of a vanishing prairie which showed a mother buffalo giving birth to her little one in a snow storm was obscene. Many other instances of things of that kind show how far boards of censorship will go in determining what is obscene and what is not obscene. When it comes to writing a definition, it is very difficult to do it. The court has done its best, but the people on both sides of the question will stretch it just as far as they can and make tremendous problems.

Question: Do you think that the people who peddle pornography sometimes have gone too far?

Answer: Oh my goodness yes! Some of the things that go through the mail, some of the things that are sent to my home are just unspeakable and under no decision of this court are they justified, but still nobody seems to do anything about it.

Question: Is it up to the postal authorities or is it a weakness in the law?

Answer: Well, I don't like to point the finger at anybody, but it is a question of law enforcement and those who say that the Supreme Court has put its approval on obscenity are just not aware of the facts because the court has not done that. The court has specifically said that obscenity is not protected under the free speech clause of the constitution. The only question involved is what is obscenity, and I haven't seen anyone who has been able to write the definition for obscenity that juries can follow that has been fairly satisfactory.

Question: Is one of the problems the fact that anti-pornography laws vary from state to state?

Answer: I am not so sure that's true. I think the states are rather uniform in what they are doing these days, but it's a difficult phase of the law to enforce. Policemen don't like to do it, prosecutors don't like to prosecute them, judges don't like to determine what is obscene and what isn't obscene, and there is just a general inclination for everybody to do nothing and blame somebody else.

Question: Mr. Chief Justice, if we can get into the field of politics, looking back, would you rather have been President?

Answer: Well, I never was infected, really, with the fever to be President. I was in a few primary elections and I was perfectly willing to be nominated if there was any chance to be nominated, but I never felt that there was any real chance of my being nominated. It was only an outside chance and had I been nominated, of course, I would like to have been elected and served as President, but I never felt the loss of it.

Question: That was in 1952. As I recall, the major weapon of your campaign was free orange juice from the California delegation headquarters.

Answer: Well, I suppose we did campaign with orange juice.

Question: Well, back in 1948, Harry Truman said of you. "He is a Democrat and doesn't know it." What was your reaction to that when you first heard that?

Answer: Well, inasmuch as he was speaking to Democrats at the time, I thought he couldn't have made a better campaign speech for me. I was running for governor about that time, but I am very fond of President Truman. I think he was a great president and a very fine human being. I serve on the Board of Directors of his library now and I have agreed to serve on the Board of Overseers of his peace center that is to be established in the Near East, so I am sure he said it with no malice and I didn't consider it as being a malicious statement and it didn't hurt me any either.

Question: Mr. Chief Justice, would you favor the proposal that has been debated in California for tuition at the University of California?

Answer: No, I would not. Public education in California has had a great history and a great tradition and it started with the idea of no tuition on any level, either in our public schools or in our state colleges or in our University of California. The University of California and our state colleges have grown great in estimation throughout the world and it's because we have taken in people of all economic levels. I believe that if we charge tuition we're cutting down the opportunity of people in certain economic levels to get the education that they should have. People who have means can always find a college to go to, but those who have little or no means have a very difficult time. I have heard it said that they come as freeloaders to the university if there is no tuition, but that isn't true. It costs a student about $2,000 a year to go to college, or to the University of California, even if there is no tuition. I believe because we have grown great in the tradition of no tuition and because our state is big enough and rich enough to provide free education for all of our people, we should retain the no tuition idea.

Question: Mr. Chief Justice, do you believe the Bill of Rights would be ratified if it came to a vote today?

Answer: I think probably that there would be a great debate over some of them because we have never taught our youngsters in the schools, or today are we teaching them in most of our colleges where the Bill of Rights came from, why it is there, and what its purpose is in society. There are a lot of thoughtless people who feel that we don't need any more Fifth Amendment, we don't need any more jury trials under the Sixth Amendment, and we don't need protection as to free speech and freedom of the press and freedom of religion, but I do believe that on sober second thought after a great debate, the American people are wise enough to retain those rights which have made this country the greatest in the world.

Question: Do you believe there is not enough foundation in the basics of what the Bill of Rights stands for?

Answer: Well, I would teach more of it in the public schools and I'd teach more of it in the universities and I'd teach more of it in the law schools than they do. I also think our Bar Associations should interest themselves more than they have in the past in discussions as to the merits of the Bill of Rights.

Question: You believe there is not enough foundation in the basics of what the Bill of Rights stands for?

Answer: That is right. People don't understand what they are, they're just a group of words to a lot of people until they affect their particular interest and then, of course, they are interested. I remember one time talking to a newspaper man when we had the loyalty oath fight at the university, if you remember that many years ago. I was Governor then and Chairman of the Board of Regents at the University of California and I was of the opinion that it was not only a destructive thing, but it was a silly thing, this oath, because it wasn't provided by statute. Anybody could take it and then laugh at having taken it, and the only people who would refuse to take it would be people who couldn't in conscience take an oath of that kind. All of them having taken the oath to support and defend the constitution of the United States, none of them objected to that, it was just this test oath that they objected to; and I talked to a newspaper man one time who was quite hostile at the position I took in opposition to the loyalty oath. I said to him, "Well, let me ask you a question: Now, suppose the Congress was to pass a law saying that before you could use the mails that you would take the test oath to the effect that you were not a communist, that you would not write anything communistic in your newspaper before you put it in the mail. What would you think of that?" And he said, "Well, you know what I would think of that." And I said, "I believe I do, but what would you think of it?" "Well," he said, "I would be against it." I said, "Why?" He said, "Well the first thing you know if we did that, there would be some bureaucrat in Washington telling us that what we were writing was communistic and they would be censoring what we were writing." I said, "You just made the case for these professors at the university because they felt that if they took a test oath like that, there would be somebody in Sacramento that would be looking into their work and saying to them, what you're saying is communistic or subversive in some other respect and, therefore, you must not teach it." And he said, "Oh well, it's much ado about nothing, let's forget it."

Question: You said in 1947, by the way, that our form of government is on trial today. To what extent would you say that our government is on trial?

Answer: I think that all free governments are on trial and perhaps always will be. You know we had, I say we, but the world had many democracies before the birth of Christ and around the Mediterranean Sea and very few of them lasted very long for the simple reason that the people became tired of governing themselves. They relaxed, they took no interest in their government, they let other interests step in, and they fell prey to some kind of authoritarian government. The only one that lasted was Rome, and it lasted for 1,000 years because Romans were proud of their citizenship, they participated in it and were thoroughly willing to govern themselves, but the rest of them all died. Our country is young by historical standards; it won't be 200 years old until about seven years from now, and in history, that is a very short time and we are still learning day by day how to govern ourselves. If we ever lose the impetus to do that, if we ever become lackadaisical and leave it to somebody else to govern us, if we ever forget the Bill of Rights which came to us in a hard way over the centuries of Anglo-Saxon law, then we're in danger. And we are on trial, always, and we are on trial before the world to see what we can do with this government of ours. The better we make it the more contented our people are, the more equal life is for people in this country, the more assuredly it will be sustained indefinitely.

Question: Mr. Chief Justice, what are some of the forces which challenge a free society today?

Answer: I think that perhaps the most important force is the force of apathy. When the people are not interested in their government, when they're not willing to participate in it and do the things for the general welfare that our institutions complicate, we are really in danger then. And that, I think, stems from the fact that so many people are unaware of the historical background of our institutions, how they came into being, why they came into being, and so forth. I have no fear at all of our future as long as people are interested in government. No matter how they disagree, as long as they are interested in government, and will have the great debate in order to get things established, I have no concern about the future at all. American People in the aggregate are wise and they're good and they will decide things in the right way if we can get everybody interested in the affairs of government.

Question: Have you ever felt that we were headed toward totalitarianism in this country?

Answer: Well, there have been some things that if permitted to be extended would tend toward totalitarianism, but I don't think that we are in any immediate danger of going into totalitarianism. However, erosion is a terrible thing, you know, and government can erode just by a succession of little things that happen just like a hillside. Those are the things that put us in danger, because when the erosion becomes noticeable, the weakness has developed and then it is very difficult to restore the virility of the government. But we have a great, growing virile country and there is no reason why anybody should become discouraged or become discouraged because we are not progressing, nor should they became apathetic because we progressed as far as we have because we still have a lot of problems and we must be after them all the time. The free way of life is not the easiest way of life to live by a long ways. If we are going to be free, we have to work for it and it's been said in the past, and I'm sure it's true, that every generation must re-establish its own freedoms and I believe that, because otherwise one generation could erode the freedoms that the others have built up until the next generation couldn't restore them.

Question: What do you say, Mr. Chief Justice, to critics who say that the court, by its decisions, has dealt a death blow to state's rights?

Answer: Oh, on the contrary, I think that the Supreme Court has established state's rights. What does reapportionment do, but establish state's rights? It establishes in the states the power to govern themselves and most of the problems that we have today in our big cities, for instance, we find they are there because the states have done nothing about them. And the reason they couldn't do anything about them was because most of their legislatures were controlled by interests that were not interested in the preservation of our cities. Now that they are freed from those restrictions, I am sure that the states will do something about cities and won't just look to the Federal government to have everything done for them. Most of this concentration of power that you find in the government, Federal government, comes from the fact that the states have not themselves done their job and they look to the Federal government, therefore, to do it for them. Once the Federal government does it for them, of course, it has to build up a big bureaucracy in order to administer these programs; so I think in all respects, I can't think of anything that this court has done to destroy state's rights. Now, of course, the term state's rights is abused very, very greatly. I suppose in some parts of the country when we compel the desegregation of schools that we are interfering with state's rights. We are not interfering with the rights of the people in those states because we're guaranteeing to the people the right to have those rights on an equal basis. But as far as I can see this court has not, in any sense, entrenched upon the Tenth Amendment, which reserves to the states and to the people the rights that are not delegated to the Federal government in the Constitution.

Question: There are some going around the country now saying we are really a federation of sovereign states. Is that the way you see history, Mr. Chief Justice?

Answer: Again, they use terms in ways that are not realistic. The states are not sovereign because the sovereignty is in the United States government. We have a supremacy clause in the Constitution which says that the laws of the United States are supreme and that makes the sovereignty, but the sovereignty in our country is really in the people through their representative form of government, both in the Federal government and the State government. There was never any indication in the constitutional convention that the states were sovereign, that's a

XUM

word that has been added to it. They have autonomy to a great extent and they have just as much autonomy now as they had then, and probably more, but they never were sovereign after the Constitution of the United States was adopted. They were under the Articles of Confederation, but when the Constitution of the United States was adopted, the sovereignty was in the United States of America through the people.

Question: Mr. Chief Justice, you once said there should be compulsory retirement for all public officials, but didn't specify any age. Do you have any further views on this now?

Answer: I still believe that compulsory retirement is a good thing because in my opinion the strength of our institutions depends on infusing new blood into them all the time and I don't like to see people stay in public office too long. But I do want to see the compulsory retirement in all branches of the government, not just in the judiciary. That, I would be opposed to. I have been opposed to it all along because people who don't like the decisions of the Supreme Court are very free to say yes, we ought to have compulsory retirement, but they don't want to apply it to themselves. In the Congress they have chairmen of committees who are 80 odd, and one of them recently into the 90's, and those men are all powerful. I think if we are to have compulsory retirement in the courts, we ought to have it in the congress as well, and I'm in favor of having it in both.

Question: Do you have any suggestions for a retirement age?

Answer: Oh, I don't have any definite age. I suppose 70 or 75, somewhere in that range. I'm over either of them now, you know.

Question: You're 70????

Answer: 78.

Question: Mr. Chief Justice, what are your future plans? Will you write memoirs or teach or concern yourself with the administration of justice?

Answer: One thing I will do is to keep busy. That, I must do. I have been busy all my life and I have been in the public service now, counting my time in the Army, 52 years in August, without a day out of the public service. They have been vigorous years too, every one of them, and I couldn't stand to be idle. I'm not leaving just to go fishing or something of that kind, but there's so many things that can be done, there are so many causes in the world today, that one need never lack one that he can really work on.

Question: Mr. Chief Justice, what was your reaction to the clamor by your critics for your impeachment?

Answer: Oh, they have a right to do that. I believe that criticism is a proper function in government. No one should be above criticism and while one would rather be praised, I guess, than blamed, I have never had any ill feelings for anyone who criticized the court or even who suggested my impeachment. Although, they knew that there were no grounds for it and it wasn't possible, but they have a right to do it and I have never had any feelings against it.

Question: Do you think there is a better understanding of the court today than there was, let's say, 5 years ago or 10 years ago?

Answer: No, I can't say, because we have no measuring stick. You see, the court is in a position where it cannot fight back. It never can answer its critics and when all the public hears is one side, one never can tell what lodges in their minds and what they think.

Question: The statement has been made that the court, under your leadership, made laws instead of interpreting the Constitution. What do you say to that?

Answer: Well, I think that no one could honestly say that the court makes no law. It doesn't make it consciously, it doesn't do it by intending to usurp the role of Congress, but because of the very nature of our job, when Congress says that everyone is entitled to the equal protection of the laws and it enacts no legislation on a given subject, and we have a case in this court in that area, we are left to interpreting the constitutional section one way or the other. We make law. It couldn't be otherwise, but we don't do it for the purpose of usurping Congress' function because Congress can do as it did in the last few years in the Civil Rights area, pass some very important civil rights acts and those acts have made our work immeasurably easier because all we have to do now is say what did Congress mean when it said this, and it said that, and it said something else. Before Congress had said nothing and we had to decide whether it came within that broad language of the Constitution, that everyone is entitled to due process of law and to the equal protection of the laws. Now, normally when we interpret congressional statute, if we misinterpret it, it is of no great significance because Congress within a few days can enact a new law to state exactly what they do mean, but when you come to dealing with constitutional questions, then, of course, it's different. Congress can't overrule our opinions on the Constitution. But sure, we have to make law. When two litigants come into court, one says the Act of Congress means this, the other one says the Act of Congress means the opposite of that, and we say the Act of Congress means something—either one of the two or something in between. We are making law, aren't we? Not because we want to invoke our power as against the Congress, but we have to interpret it and whatever way we interpret it we are making some law. But to recognize that as to statutes, if Congress doesn't believe that we interpreted their law properly they can change it overnight if they wish to do it.

Question: Someone once said, Mr. Chief Justice, that the Warren court, as he put it, will rank in history as the court of the people. Is that the way you'd like the court to be remembered?

Answer: I would like the court throughout its history to be remembered as the court of the people. No one can say how the opinions of any particular court or any particular era will stand the test of time. All one can do is to do his best to make his opinions conform to the Constitution and laws of the United States and then hope that they'll both be so considered in the future.

CONGRESS HAS CHANCE TO END WAR

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. MOSS. Mr. Speaker, the McClatchy newspapers of California has taken a close look at Senator CHARLES GOODELL'S proposal for ending the war in Vietnam. On Monday of this week, an editorial in the Sacramento Bee concluded:

> Goodell's move should spur something long overdue: A new assessment by the people's representatives in Congress as to the U.S. role in Vietnam, and by extension of this policy, in all of Southeast Asia:

I offer this editorial to my colleagues as food for thought:

CONGRESS HAS CHANCE TO END WAR

U.S. Sen. Charles E. Goodell, Rep-NY, in his first major move as a junior senator, has presented Congress with the opportunity of ending a war it never had a chance to declare in the first place.

His proposal to deny the Pentagon funds to continue the Vietnam war offers a sounding of congressional opinion which has not occurred since the hapless Gulf of Tonkin resolution, used by the Johnson administration to escalate U.S. military efforts in Vietnam.

Undoubtedly that resolution would not have carried with the force it did had the Congress known what subsequent probings of the matter have revealed. New evidence suggests American ships were not actually engaged with North Vietnamese craft in the episode which sparked belligerent reaction. In any case, the amorphous circumstances of that night are so unclear, upon deeper study, as to make the Tonkin resolution reckless brashness.

Implicit in the war-declaring power of the Congress is the power to grant or withhold money in the pursuit of war. Goodell stands upon firm enough constitititutional ground.

In considering his proposal, the Congress naturally would weigh President Richard Nixon's response that rigidly to set a timetable of withdrawal would lead Hanoi to halt all negotiations in Paris because the U.S. was abdicating the field, anyway.

Congressmen could weigh that against the point that if U.S. withdrawal is not on a systematic and definite basis, the South Vietnamese are unlikely to expedite the necessary reforms—both civilian and military—enabling them to take over their own battle.

Goodell's move should spur something long overdue: A new assessment by the people's representatives in Congress as to the U.S. role in Vietnam, and by extension of this policy, in all of Southeast Asia.

PROBLEMS OF WATERBORNE COMMERCE

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. DOWNING. Mr. Speaker, in a keynote address before the annual convention of the Federal Bar Association before the Council for Transportation Law, Fontainebleau Hotel, Miami Beach, Fla., Wednesday, September 4, 1969, Commissioner George H. Hearn of the Federal Maritime Commission made an excellent presentation of Commission and court decisions which was most meaningful to all who are concerned with problems of waterborne commerce. I include the address in the RECORD in order to share it with others who doubtless will find it of interest:

PROBLEMS OF WATERBORNE COMMERCE

It is a privilege and honor to have been invited to address the 1969 annual convention of the Federal Bar Association, and particularly a personal pleasure to appear with this distinguished panel of friends and associates. While contemplating the function of a keynote address, I realize the difficulty of attempting to comment briefly on each of the areas to be discussed by our panelists; and I concluded as to the virtual impossibility of that approach. Consequently, I thought I would bring to the attention of this professional group a problem that has been a continuing impediment not only to Interamerican Transportation but to overall United States foreign waterborne commerce. I therefore thought a presentation of Commission and court decisions which may foster

XUM

international cooperation and result in removal of that impediment in the foreseeable future would be a helpful beginning to the panel discussion today.

As you know, in 1961 the President's Reorganization Plan No. 7 separated the promotional and regulatory functions of the Federal Maritime Board. The promotional functions were vested in the Maritime Administration of the Department of Commerce. The regulatory jurisdiction was given to the newly created Federal Maritime Commission. As a member of that Commission I consequently do not participate in the exercise of promotional responsibilities.

This is not to say, however, that the functions and activities of the Federal Maritime Commission have no bearing on the well being of our merchant marine industry. By specific statutory language and by the overall authority delegated by Congress to the Commission, it is empowered to take positive action to prevent certain activities prejudicial to our maritime industry and to our commerce in general.

An example of the specific authority to protect our merchant marine industry is Section 26 of the Shipping Act of 1916. That section empowers the Commission to investigate situations in which it appears "that the laws, regulations, or practices of any foreign Government operate in such a manner that vessels of the United States are not accorded *equal* privileges in foreign trade with vessels of such foreign countries or vessels of other foreign countries . . ."

And I emphasize the word "equal". The concept of equality is the touchstone of the authority of the Federal Maritime Commission to prevent undue detriment to our commerce.

The shipping laws of the United States do not discriminate as to flag. Our ports are open to the flags of all nations who may wish to participate in our foreign waterborne commerce. Such participation may not be indiscriminate, however, or without obedience to our laws. Foreigners who seek to profit from our foreign commerce have no greater or lesser rights than those which attach to our own citizens who seek their livelihood in the same manner.

This principle, of course, applies equally to individuals and nations. No person who profits from the commerce of the United States and who is protected by our laws should expect to do so on terms different from those imposed on any other person; and as the merchant marine industry of a nation contributes to its national economy, the nation must recognize the ramifications of that economic contribution. A nation cannot expect to enjoy the benefits of participating in another nation's commerce without assuming the attendant obligations.

These principles cannot be disputed. There can be no gain without investment, no privilege without constraint. In the present context no country can permit a vital aspect of its economy to rest in the unfettered hands of those whose interests are not at stake. This is especially true of a country which, like the United States, has 95% of the cargo in its foreign waterborne commerce carried in foreign bottoms.

The foreign merchant fleets which have served our trades so long and well have not done so for the sole benefit of the American economy. The owners of those fleets are businessmen who make decisions based on commercial considerations. What is good for their balance sheets, however, may not always be good for ours or, certainly, for our public interest.

Yet, despite the need of the United States to regulate its foreign waterborne commerce, and despite the profitable market foreign carriers find in our trades, they are not content. Sometimes they even are uncooperative toward our efforts to keep the trades functioning fairly and smoothly. There is a continual flow of complaint toward United States regulatory policies and practices in foreign trade; and from time to time these are sweetened by the crocodile tears of the foreign carriers bemoaning their inability to turn a profit in our trades because of our regulation.

But the next day the weeping is replaced by pleas for assistance against yesterday's partner in tears—the other foreign flag carrier who is now discriminating against a fellow foreigner.

If our trades are so unprofitable, then let the money-losing shipowners ply other trades; but no, they stay on and strive to continue their profitable participation in our trades. They go so far as even to struggle for the maintenance of the *status quo* in shipping practices, for fear, perhaps, of encroachment on their domains by other carriers utilizing advanced techniques.

Such action is not, however, in keeping with the public interest; and the Federal Maritime Commission is not in existence to protect vested interests at the expense of the public good. Indeed last year the Commission had occasion to speak on this subject in a famous case known as the *CML* Case. It involved a dispute over through intermodal rates between Container Marine Lines and the North Atlantic Westbound Freight Association conference. The Commission said:

"Traditional methods of transporting cargo are rapidly being replaced by the growth of new techniques and transportation systems. The Federal Maritime Commission . . . has sought to facilitate, wherever possible, the implementation of improved shipping systems."

If foreign carriers wish to maintain their position in our trades they cannot always place the interests of their pocketbooks above the public interest. Again, in the *Container Marine Lines* Case the Commission stated:

"Conferences and carriers have an obligation to conduct themselves in a manner commensurate with their responsibilities as transporters of the foreign waterborne commerce of the United States . . . There comes a point . . . when self-interest must yield to the public interest, and carriers and conferences must conduct their business decisional processes accordingly."

A number of foreign carrier interests also have found these conclusions inescapable, and they are seeking to maintain the profitability of plying our trades not through immobility, but by diversifying their operations. For example, there has been a spurt of interest in through intermodal cargo movements; and three carriers, including two foreign lines, recently received Commission approval for the joint operation of ships in a LASH service between the United States and Europe. LASH stands for Lighter-Aboard-Ship, and the ships carry cargo in floating containers, or lighters, which can be loaded and discharged directly into the water by shipboard crane.

It is evident, therefore, that only through the adoption of new technologies will water transportation be profitable to the carrier and shipper alike. Consequently, all carriers, domestic and foreign, have an obligation to themselves and the shipper to keep in step with transportation advances.

The offering of the most modern and efficient transportation service is not, however, a complete satisfaction of a carrier's obligations in United States trade. As I have said today, and on many previous occasions, carriers must bear the burdens as well as enjoy the advantages of participation in our commerce. That a carrier may be offering a technologically advanced service may do nothing for the shipper who cannot avail himself of it or cannot participate equally with others.

New practices bring new problems, and all carriers must cooperate with the Federal Maritime Commission in ensuring that the benefits of new shipping techniques are available in our trades to all in equal measure.

In this spirit I hope there will be a departure from past practice. My experience at the Federal Maritime Commission leaves me amazed and dismayed at the lack of such cooperation from foreign carriers. Notwithstanding the profits they have reaped in our trades or the advantages they enjoy under our law, foreign carriers have continually eschewed obedience to our Congressional laws and policies.

Despite the array of Commission and court decisions against them, foreign carriers persist in efforts to circumvent our laws. Again I repeat that those carriers and their governments steadfastly resist the United States in its attempt to regulate the privileges it has granted them. Privileges are not without cost; and if we actively seek and then enjoy a privilege we must be willing to pay the price.

In this case the lack of foreign cooperation is astounding in view of the value of the privilege compared with the smallness of the cost. To illustrate my point let me give some brief examples.

Section 15 of the Shipping Act of 1916 mandates the immediate filing with the Federal Maritime Commission of all agreements among carriers which would authorize rate fixing or other restrictions on competition between the parties. Such agreements, often known as conference agreements, must then be approved by the Commission before they may be implemented. Approval does not, however, merely relieve carriers from penalties for acting under an unapproved agreement. A very important consequence flows from approval and endows the carriers with a very meaningful privilege. Agreements are, on approval, *ipso facto* except from the provisions of our anti-trust laws.

This is a considerable benefit to conference members, considering the American economic philosophy which takes a dim view of price fixing and similar restrictions on competition. Considering further that conferences are the dominent commercial units in ocean commerce, it seems that our Congress, in grantig the anti-trust exemption, has asked little in return.

This far reaching immunity was intended by Congress to be counterbalanced with a scheme of surveillance over the conferences to be conducted by a regulatory body now known as the Federal Maritime Commission. Under that scheme the conferences were prohibited to engage in various unreasonable and discriminatory practices, and generally require to act in a manner not detrimental to the commerce of the United States. How small a price this is to pay for immunity from our anti-trust laws! I cannot imagine the force of the outcry should the United States revoke the privilege and subject conferences to the full effect of those laws!

Yet the foreign carriers who, incidentally, dominate most conferences, and the governments of their flag either do not appreciate the privilege or are bent on defiance of our need to place limits on its exercise. No privilege can be boundless; and Congress exercised its judgment in delegating to the Federal Maritime Commission the task of ensuring reasonable exercise of the anti-trust exemption utilizing guidelines set forth in the shipping statutes.

In carrying out this function the Commission has been met at almost every turn by obstacles set up by foreign dominated conferences. By withholding relevant information, by refusing to justify rates, by acting arbitrarily against our commerce and by any other available means have the conferences attempted to frustrate the Commission's lawful duties.

In 1965 there arose a case which began rather routinely and innocently, but which mushroomed into a *cause celebre*. It is known as the *Ludlow* Case.

A conference raised its rate on jute to the United States and Ludlow Corporation, an importer, complained to the Commission. A formal proceeding was begun and the complainant sought to obtain data from the conference and its members. The Commission issued subpoenas *duces tecum* directed to each carrier covering documents located both in this country and outside the United States. The carriers refused to comply and the Commission was forced to seek court enforcement despite the clear state of the law in the Commission's favor.

In affirming the District Court decision granting enforcement of the subpoenas, the Court of Appeals said:

"The . . . contention, that the Commission is without power to issue a subpoena requiring the production of evidence from outside the United States, is surprising as a matter of common sense."

The court then analyzed the statutes and legal precedents and found the Commission clearly empowered to subpoena documents wherever located. In this manner the conference gained nothing but legal expenses and produced nought but delay for the shipper and the Commission. Obstructionism was clearly the object as the conference further demonstrated.

After the Court of Appeals decision four foreign carriers still refused to produce certain subpoenaed evidence located in their home countries—India, Great Britain and the Netherlands. The carriers pleaded that they were prevented from producing the documents by legal restrictions imposed by their respective governments. On that ground contempt relief was denied by the District Court.

Thereafter the Commission instituted a proceeding which resulted in cancellation of the conference agreement as having been carried out in a manner contrary to the public interest. The Commission concluded that the refusal to comply with valid subpoenas prevented the Commission from properly discharging its duties as established by Congress, notwithstanding the plea of legal prohibition abroad. The Commission opinion echoed *dicta* of the Court of Appeals which, in affirming the enforcement order, characterized the reluctant conference members as "the very foreign carriers that have doubtless had a hand in stimulating the attitudes of their governments."

Although the Court of Appeals set aside the Commission's cancellation of the agreement as being too severe a penalty under the circumstances, the court made one thing clear: the penalty of cancellation is available to the Commission in some cases. The court said:

"It may well be that there are some investigative proceedings where the inability of the conference to supply information would leave the Commission with no alternative but to cancel the agreement."

It should, therefore, be abundantly clear that the Federal Maritime Commission will no longer tolerate this type of obstructionism and that our courts will doubtless quickly lose patience with foreign carriers who persist in attempts to frustrate the mandates of Congress.

Although this case took three years to be finally resolved through a commercial settlement between the parties, the last chapter has apparently not been written. About two weeks ago Ludlow Corp. petitioned the Commission to issue a show-cause order against the same conference. Ludlow alleges new unlawful practices in the setting of rates on jute. I cannot comment on this new development because the matter may come before the Commission for adjudication.

Another example of a situation in which the foreign dominated conferences have evidenced this attitude is that of rate setting. In this area, too, there is the matter of the unwillingness of the carriers to produce data. Again the matter has been reviewed by a federal court, and in a landmark decision of last June the Commission was upheld in its demand for data.

In 1965 the Federal Maritime Commission began an investigation into the rates between United States North Atlantic ports and ports in the United Kingdom. The Commission was concerned with apparent rate disparities in that trade. The disparities were such that the rates outbound from the United States were higher than either the reciprocal inbound rates or the parallel Canadian rates. These disparities existed as to tariff items involving the same commodities moving in the reciprocal or parallel trades. It appeared, *prima facie*, that such disparities constituted a detriment to the commerce of the United States. Such a condition is contrary to Section 18(b)5 of the Shipping Act of 1916. That section requires the Commission to disapprove a rate which "it finds to be so unreasonably high . . . as to be detrimental to the commerce of the United States."

An extensive record was developed, but it lacked sufficient evidence to rebut the *prima facie* case; and on that basis, *inter alia*, the Commission disapproved and ordered cancelled six rates of the outbound conference because they were unreasonably high in violation of Section 18(b)5. We further ordered the conference to file lower rates on the six items with "written justification of the level of the new rates based upon cost, value of service, or other transportation conditions . . ."

The conference thereupon appealed our decision to the court saying that the Commission could not require justification of the rates. Such a requirement, it was contended, was an exercise of a rate-making power the Commission admittedly does not possess in foreign commerce.

Thus the conference declined to adequately defend its rates and then opposed a demand for justification of new rates when the old ones were found unlawful. This, it should be noted, is a conference that carries 98 per cent of the liner cargo in the trade moving outbound from the United States. I am at a loss to understand how such an omnipresent rate fixing body can expect to carry on its anti-competitive activities without restraint.

The Court of Appeals expressed similar feelings when it said:

"Certainly the United States has a right to protect its own commerce against injury by carriers, organized or not. The Commission . . . did not fix the rates. It did not use the terms 'prove' or 'establish.' It required 'justification' . . . which means an explanation with supporting data."

Foreign carriers should now be on notice that the Federal Maritime Commission and the courts will not permit rate setting on the basis of self-styled "unavailable" data. Rates must be justified and cannot be based on data withheld for any reason in another country.

I believe the carriers will be inclined toward greater cooperation in this area; for the next time the Commission's action may be more severe. Indeed the appeals court said in conclusion:

"We are inclined to think the Commission would have been hard put to fulfill its statutory duty with less disturbance of the traditional practices in the trade."

The conference attitude toward rate-making is evident in yet another confrontation between the Federal Maritime Commission and the foreign dominated conferences. This, the latest of the three matters I am bringing to your attention, has been handled short of court action so far. I speak now of certain surcharges imposed by many conferences following the longshoremen's strike of last winter. The development of this surcharge situation also has presented the Commission with an opportunity to test the willingness of the conference carriers to produce data for Commission scrutiny.

The longshoremen's strike affected our East and Gulf coasts and lasted as long as 57 days in some ports. It was the longest and costliest such strike in our history.

The effects of the strike were felt throughout our economy and not just in the shipping industry. United States export and import markets suffered at every level. American shippers could not move their goods across the docks outbound; American consignees could not take delivery of inbound cargo. Similarly, foreign shippers and consignees were prevented from having their cargo moved across our East and Gulf Coast piers.

In the shipping industry the effects were also widespread. Many ships lay idle in our ports and close offshore; numerous other ships were diverted from their scheduled routings; and the flow of money through some labor markets was sharply reduced.

It should have been clear to everyone that the shipowners were not the only ones to suffer economic losses due to the lengthy strike. Yet upon termination of the strike the shipowners acted as if they were entitled to recoup their losses even at the expense of other affected groups.

The carriers sought to recover their losses by imposing a "strike surcharge". With few exceptions the surcharge was set at 10%, thus increasing the shipper's costs by that amount.

The Federal Maritime Commission does not object to rate increases, *per se*. Carriers are entitled to be compensated for services rendered. Yet the Commission does have a statutory obligation to the public to scrutinize rate increases, especially extraordinary ones. Under Section 18(b) of the 1916 Shipping Act, all carriers subject to our jurisdiction must file their rates with the Commission; and those rates must meet the standard of reasonableness of Section 18(b)5 of that Act as I have already mentioned. In addition Sections 16 and 17 of the 1916 Act prohibit rates which impose undue discrimination or prejudice on any affected party.

Consequently the Commission began to examine the surcharges. This was done with an eye not only toward the new charges, but also in consideration of 5% to 10% general rate increases which had been recently filed by some conferences. Furthermore, the Commission's attention was sharpened by numerous protests against the surcharges received from shippers, shipper groups and even international organizations.

Close analysis of the surcharges was not necessary, however, in order to recognize a gross inequity in the new rates. A mere glance at the carriers' tariffs revealed that many carriers had imposed the surcharge only on cargo moving outbound from the United States. They had not imposed any surcharge on inbound cargo. This was startling to the Commission because the strike had made it impossible to move cargo across our piers inbound as well as outbound. The foreign shipper was prevented from marketing his goods in this country equally as the American shipper was prevented from exporting his goods.

While the Federal Maritime Commission does not deny carriers their due, such a disparity was, on its face, a detriment to the commerce of the United States. No such blatant and inexplicable disparity could stand without justification.

The Commission therefore sought justification from the carriers. We communicated with various conferences and independent carriers as to the disparity and the level of the surcharge. Generally, the response was consistent with the previous practice of noncooperation. The justification offered was flimsy and the Commission was confronted with little but delaying tactics. A few conferences and carriers did, however, remove the surcharges or postpone their effective date.

In light of these facts and the development of the surcharge situation, the Commission undertook strong action. Several further official requests for justification having failed, the Commission issued a show-cause order. The order was directed at two conferences—one inbound and one outbound—and their member lines. They were directed to show cause why they should not be found in violation of Section 15 of the Shipping Act because of their responsibility for the inequitable apportionment of a strike surcharge.

The two conferences presented a perfect example of a practice and attitude detrimental to our commerce and inimical to the carrying out of the Commission's responsibilities. Of the ten members of the outbound conference and the seven members of the inbound conference, seven served both trades—outbound and inbound.

The show-cause order produced positive results. Shortly after its issuance the Commission received a telex message from the outbound conference stating that the surcharge would be cancelled three days hence.

Unfortunately, this success may be somewhat illusory. The carriers preferred to withdraw the surcharge rather than justify it. Subsequently, other surcharges were also terminated, but most were replaced by general rate increases of equivalent amounts.

By such a tactic the conferences and carriers apparently hoped to circumvent the attack against their strike surcharges. This ploy will not avail them, however, if the general rate increases are merely the surcharges in disguise. If there remains a discriminatory inequality in the imposition of the new rates, the disparity will not have been eliminated. The Commission's request for justification of the rate increases will retain its validity and applicability. We hope that this episode can be terminated without difficulty and will not be as protracted as those involving the subpoenaed data and the dsparities in the North Atlantic/United Kingdom trade.

This, then, is our view of an attitude and practice which has been continually displayed before the Federal Maritime Commission. Foreign carriers and their governments have countered it with an argument based upon the nature of ocean-borne commerce. The foreign shipping interests say that ocean shipping is founded on the traditional and well accepted principle of freedom of the seas. This principle recognizes that ocean going vessels are subject to the laws of their home country, and no one nation can presume to make laws or establish regulations for all maritime countries.

With this we agree; but freedoms are not without bounds. A nation may impose liabilities on persons of foreign allegiance for activity beyond its borders but which results in consequences within its borders reprehensible to that nation. Thus, if an agreement is made outside the United States among foreigners, and not only is intended to but does have an effect on our commerce, then our laws may be extended to prevent such agreements from adversely affecting our commerce. An agreement which is unlawful if executed within the United States by Americans is equally unlawful although executed outside this country by foreigners if it is intended to and does have an effect within the United States.

These legal principles being unimpeachable, I cannot understand the chagrin of those foreigners who are agonized by the application of our laws to "their" conferences. Just because "their" conferences are domiciled abroad does not make them any the less "our" conferences since they engage in our commerce. And, further, I think history evidences the fairness of our laws in their enactment and implementation. Under our shipping statutes the Federal Maritime Commission shows no bias toward or against the vessels of any flag. Every ocean common carrier receives fair and impartial consideration before the Commission and in the courts of the United States.

Ocean transportation is, today, undergoing rapid change. New techniques are causing a complete restructuring of the industry which will include new groupings and new practices. Fresh accommodations will also be needed to ensure the growth of these developments to their full potential. Consequently, I hope the winds of change in ocean transportation will bring also a new spirit of international cooperation.

CONCERN FOR CRIME RATE IN WASHINGTON

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. SCOTT. Mr. Speaker, the Congress has exclusive jurisdiction over the District of Columbia and I would like to share with my colleagues a letter received from a responsible citizen who lives in my district and is concerned about his daughter moving into Washington.

Certainly, the Capital City should be a model for the rest of the Nation, but I share the concern of my constituent and know that most of the Members in this House also share his concern.

Therefore, it seems incumbent upon us in our deliberations to find some method of reducing the crime rate in Washington and making it a place in which any citizen could relax and enjoy its beauty during his visit or residence therein.

The letter is set forth in full, omitting only the name and official title of the citizen concerned:

SEPTEMBER 11, 1969.

The Honorable WILLIAM L. SCOTT,
House of Representatives,
1217 Longworth Building,
Washington, D.C.

DEAR BILL: My daughter, who recently accepted employment in Washington, D.C., and who expects to be a part-time student at George Washington University this winter, recently moved into an apartment in downtown Washington. This move was entirely against my better judgment and against my recommendation. Since she had just reached her twenty-first birthday on September 1, and filled with the enthusiasm and confidence of idealistic youth, she chose to disregard both my judgment and my recommendations.

Our friends in the community and in our church all echo one chorus, "Clay, are you crazy to let your daughter move into that "jungle"? A banker friend of mine at the Rotary Club meeting yesterday said, "Clay, I am a native of Washington. I grew up there. I moved to Montgomery County in 1950 however, and I will not go back into the place at night for any reason—shows, concerts, plays—you name it".

My daughter spent approximately six months in Vienna, Austria last winter studying voice. We were never at all concerned about her welfare. Now, however, when the telephone rings in the late evening my wife picks it up with great reluctance just knowing that a voice on the other end of the line will be conveying the message that our daughter has been raped, or worse. Can a sadder day fall upon America than this?

The Congress of the United States is the governing body for the District of Columbia. The Congress of the United States, in my judgment, is the only one that can restore sanity, safety and dignity to the Nation's Capital.

I have been in the public service most of my adult life. I feel that I am a reasonable student of domestic as well as foreign affairs. I sincerely doubt, however, that there is a more pressing matter before the Congress today than the matter of restoring safety to the streets of the Nation's Capital.

I am going to make a suggestion that has perhaps been made before. I make it not out of selfish interest, but from shame as a sincere American. We are using American troops to maintain peace in Korea; we are using American troops to try to restore order in South Vietnam, and we are using American troops to protect Western Europe. Until the District Government can re-establish an adequate police force and until society can correct the ills that make of Washington a "jungle", is it not time to police the streets of Washington at night with the Marines, the Infantry or the Green Berets? As a concerned American, I know of no better use of our armed forces than to protect the Nation's Capital and the citizens of the nation when they have occasion to visit it.

The Nation's Capital holds so much that is of interest and that is dear to its citizens. The Nation's Capital holds much that is of interest to the young people in the surrounding areas. Parents not only have to become dictators and deny their children the privilege of the many benefits of the Nation's Capitol, they have to do it in shame and humiliation.

I know that Washington is perhaps no worse than many other cities in the nation. None of these however, are the Nation's Capitol. None of these hold for the people of the nation what Washington holds. The Nation's Capital is simply different and should be different.

I hope in all sincerity that I will not receive a reply to the effect that "I am not on the proper committee" or that "I will bring your letter to the attention of the proper authorities". I hope rather, that if you see fit to reply to this letter, it will be to the effect that you are going to accept your responsibility as a member of Congress and pursue this matter with all of the facilities at your command until the people of the nation can again walk the streets of the Capital at night in reasonable safety.

CALIFORNIA ATTORNEY GENERAL FEARS RISE IN DANGEROUS DRUG ABUSE TIED TO MARIHUANA SUPPLY DROP

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, California Attorney General Tom Lynch testifying before a Senate juvenile delinquency subcommittee last week called for the Federal Government to assume broader, more direct responsibility for the control of both marihuana and dangerous drugs. According to a Los Angeles Times article on Lynch's testimony, the Attorney General contended that abuse of dangerous drugs increases in California in proportion to any shrinkage in marihuana supplies and the resulting rise in marihuana prices. Dr. Roger Smith, a University of California criminologist with research experience

XUM

in the Haight-Ashbury District of San Francisco recently testified that Operation Intercept on the Mexican border has brought about a combination marihuana drought and hashish boom in California. Smith stated that—

> The marijuana gap is going to be filled by hashish importers who are a good deal more mercenary and sophisticated than the marijuana people.

All this reinforces my belief that Federal, State, and local drug control activities must be better coordinated. Independent action by separate official bodies may have unexpected deleterious effects upon the programs and projects of other concerned governmental branches. Misconceptions must be cleared up and accurate information on the entire drug scene must be widely disseminated, not only to the general public, but to enforcement officials as well. In effect, we must avoid jumping from the fryingpan into the fire.

I submit for inclusion in the RECORD the following articles:

RISE IN DANGEROUS-DRUG ABUSE TIED TO MARIJUANA SUPPLY DROP; LYNCH TELLS SENATE SUBCOMMITTEE LINKING PATTERN HAS BEEN CONSISTENT IN CALIFORNIA THROUGHOUT THIS DECADE

(By Rudy Abramson)

WASHINGTON.—Abuse of dangerous drugs increases in California in proportion to any shrinkage in marijuana supplies and the resulting jump in marijuana prices, Atty. Gen. Thomas C. Lynch told a Senate subcommittee Thursday.

The pattern has been consistent throughout this decade, he said, but it will be most dramatic in 1969, when arrests for dangerous-drug violations may surpass marijuana arrests for the first time in several years.

Testifying before the Senate juvenile delinquency subcommittee, he said:

"It is time that dangerous drugs in the illicit market be stripped of any facade which minimizes their risk, their harm and their role in drug abuse. The facade includes penalties."

LEGITIMATE DRUGS ABUSED

The dangerous-drug category includes nonnarcotic substances like amphetamines and barbiturates which have legitimate medical uses but are widely abused.

On comparing marijuana and dangerous-drug use patterns, Lynch did not suggest that marijuana laws be softened, but rather that penalties for trafficking in dangerous drugs be toughened.

Marijuana laws generally call for more severe sentences than those pertaining to the dangerous drugs. Lynch called for the federal government to assume broader, more direct responsibility for the control of both marijuana and dangerous drugs.

Neither of the drug-abuse bills now pending before the Senate juvenile delinquency subcommittee provides an adequate federal effort, he said.

"As one who has been willing to stand and be counted in my own state on these important aspects of the drug-abuse problem, I do not hesitate to point out the federal neglect in preventive education and health."

Even though the federal government has supported most of the research done on drug abuse, it has not taken steps to get the research findings into the hands of students.

A major problem for California authorities, Lynch said, is that dangerous drugs are shipped to Mexican buyers, who arrange for them to be diverted into illegal traffic without the shipments ever crossing the border.

"Last year there were six tons of these drugs seized in California by local, state, and federal agencies," Lynch said. "This is about 15 million pills and capsules. We believe that the major part of these seized drugs have their origin in export shipments to the border towns along the California-Mexico border.

HITS SHIPMENT METHOD

"This is possible because of the unsupervised method of such shipments. The drugs are 'consigned' to a Mexican citizen, but there is no requirement that delivery be made only to that person. Such a situation permits mind-bending drugs to be diverted from the foreign warehouses on the U.S. side of the border."

Lynch cited one 1967 case in which California officers bought 500,000 amphetamine tablets from a Tijuana cafe man who had ordered them from a firm in Chicago. The drugs were still in a warehouse on the U.S. side of the border.

The cafe man had used the name of a nonexistent pharmacy to order the drugs and had hot been questioned by the manufacturer.

Lynch recommended that Congress consider amending export laws to give the President unquestioned authority to put restrictions on export of such drugs.

Shipments of these drugs might also be bonded, he said, to insure that they are delivered to the consignee.

The latter recommendation was also made by Mayor Sam Yorty, who testified before the subcommittee.

Questioned by Sen. Thomas J. Dodd (D-Conn.) on California's growing drug problem, Yorty said one major reason for it is "the lack of swift and sure justice, especially for those who push and sell."

The mayor strongly endorsed Operation Intercept, the stepped-up federal effort to cut off the flow of drugs across the border.

CALLS IT SURGERY

"It's surgery and surgery is painful," he said. Neverthless, "I think it is high time we made a concerted effort."

The mayor emphasized the importance of strong enforcement of marijuana laws.

"This trend toward lighter penalties will see renewed emphasis on directing the major corrective thrust toward rehabilitation rather than prevention," he said in his prepared statement. "In short, law enforcement in this field is to be replaced by the philosophy of 'learn to live with your local dope pusher.' "

"I think the proper answer is to hit the source and the distributor. If one is sincere about not giving 'youthful experimenters' police records which might adversely affect their lives in later years, then, as a first priority, let's keep marijuana and drugs out of their hands to begin with . . ."

To accept the idea that simple possession of marijuana is of no great consequence, he concluded, "is to tell our young people we do not expect them to be concerned with observing basic morality or decency."

MARIHUANA CRACKDOWN BOOMS USE OF HASHISH, EXPERT SAYS

(By Paul Houston)

Operation Intercept on the Mexican border has brought on a combination marijuana drought and hashish boom in California, a UC criminologist with research experience in the Haight-Ashbury District of San Francisco told a U.S. Senate subcommittee here Friday.

"The state's drug scene is changing rapidly, and we've now got the largest market for hashish in our history," said Dr. Roger Smith, a staff member of UC Medical Center, San Francisco, and head of a research project on amphetamine abuse.

"The hashish is coming from North Africa, and it's more potent, of higher quality and much cheaper than marijuana from Mexico," Smith told the Senate special subcommittee on alcoholism and narcotics at a hearing in the County Hall of Administration.

Smith added, however, that some marijuana continues to arrive from Panama, from such states as Iowa and Kansas, and from sailors on warships arriving in San Francisco from Vietnam.

"The marijuana gap is going to be filled by hashish importers who are a good deal more mercenary and sophisticated than the marijuana people," Smith said.

Related testimony was given a day earlier by Atty. Gen. Thomas C. Lynch at a hearing in Washington, D.C., before another Senate subcommittee. Lynch said shrinkage in marijuana supplies has led to a dramatic increase in the use of dangerous drugs in California.

Smith himself placed main emphasis in his testimony on discussing the wiedspread use in San Francisco of the amphetamine "Speed," which is the dangerous-drug category.

Most Speed available in Northern California, he said, comes from a few large illicit laboratories which produce up to 25 pounds a week at a cost of $50 to $150 a pound and a street sale price of about $4,000 a pound.

Smith described Speed as "one of the most insidious" of drugs because "one can get caught up quickly with it."

He explained, "The first experience makes you feel better than you've ever felt in your life, and the adverse effects come only after an extended period of use. To come down off the high, the user turns to barbiturates, then heroin and the progression is awful."

Smith said that of 196 cases treated at the private Drug Treatment Center in San Francisco from January to June, 1969, there were 118 involving heroin, 46 Speed, 13 barbiturates and 19 psychedelics such as LSD and marijuana. Seventy-four of the 118 heroin sufferers had used Speed first.

"So there is a definite relationship between Speed and heroin," he said, adding that "underground newspapers universally condemn Speed."

LACK OF TREATMENT

"My concern is not to titillate you," Smith told the assembled senators: subcommittee Chairman Harold E. Hughes (D-Iowa), George Murphy (R-Calif.), Peter H. Dominick (R-Colo.) and William B. Saxbe (R-Ohio).

"I'm concerned by the lack of treatment facilities and rehabilitation programs."

Smith was asked by Dominick if he believed drug laws were too stiff.

He replied, "I agree with Fort and Smith (two previous witnesses) that criminal sanctions against narcotics users must be done away with, that we should concentrate penalties on suppliers.

"If we're ever going to deal with the problem, we've got to take the romance out of it being against the law. People think they're being denied something sexual and fun, when the fact is it's miserable and rotten.

"When you deal with drug abuse as an illness, you change its image and deromanticize it."

Dominick said he was concerned that "the tenor of most witnesses here today is drugs are here to stay and we have to learn to live with them."

Smith commented, "I don't see any way of stopping them. The pharmaceutical industry is putting out thousands of drugs, and you're going to see a whole new collection in the next few years. We must develop rational attitudes on how to deal with them intelligently."

Three earlier witnesses urged the senators not to worry so much about marijuana as about what one called the "real problem drugs"—amphetamines, barbiturates and heroin.

The three were David Smith, a physician who organized the Haight-Ashbury Free Medical Clinic; Joel Fort, a physician in the

UC Berkeley school of social welfare, and Assemblyman Jess Unruh (D-Inglewood).

Smith, Fort and another witness, William H. McGlothlin of the UCLA Neuropsychiatric Institute, testified that their research and experience had convinced them marijuana is a mild hallucinogen that is not addictive, causes no great physical or psychological impairment and is not as socially harmful as alcohol and tobacco.

Smith said there had been a big switch from marijuana to amphetamine use "on college campuses, by housewives and on Wall Street.

"The absurdity of operation Intercept," he said, "is that you could seal off the borders of the United States and still have huge supplies of amphetamine available from black market Speed labs.

THE IMPORTANCE OF PRAYER

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 29, 1969

Mr. DELANEY. Mr. Speaker, I am glad to have this opportunity to join my colleagues in recognizing the importance of prayer in our national life.

Down through the ages man has always associated knowledge with spiritual values, and in times of stress and deliberations on important issues, he has paused to seek the blessings of God.

The importance of prayer was perhaps best expressed by the Poet Tennyson in the following words from his great work, "Idylls of the King":

More things are wrought by prayer than this
    world dreams of.
Wherefore, let the voice rise like a fountain
    for me night and day.
For what are men better than sheep or goats
That nourish a blind life within the brain,
If, knowing God, they lift not hands of prayer
Both for themselves and those who call them
    friend?
For so the whole round earth is every way
Bound by gold chains about the feet of God.

The efficacy of prayer has been formally recognized by the Government of this Nation since its founding. George Washington first proclaimed a National Day of Prayer and Thanksgiving on October 3, 1789. Similar recognition of the importance of prayer has been regularly proclaimed periodically since that time. In 1952 Congress memorialized the President to proclaim a National Day of Prayer each year.

In their inaugural addresses, virtually every President has called upon Divine Providence to bless this Nation. Both this House and the other body begin each day's session with a prayer by the official chaplain. And the U.S. Supreme Court opens its session with its marshal praying, "God save the United States and this honorable court."

These brief examples clearly demonstrate that prayer has been widely accepted as having a proper place in our public life. I believe the great majority of the American people want prayer restored to the most important public function in which their children participate—attendance at public school. I am hopeful that a way may be found to satisfy this great desire of American parents, without offending the religious sensitivities of any citizen.

SELIG GOLDBERG: AMERICAN—HUMANITARIAN—FRIEND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. BIAGGI. Mr. Speaker, on Sunday, October 5, 1969, I will attend a dinner honoring Selig Goldberg, a personal friend, an outstanding citizen of the Bronx, and a crusader in causes humane. Mr. Speaker, I am pleased to pay tribute to him.

His mother, Sarah, was born 97 years ago in Austria and resides with her daughter, Anna. His father, Morris, who came from Russia, died in 1927. Selig's two brothers, Ben and Abe are living in Florida. He has four sisters, Bea, Anna, Rose, and Sue, who makes her home in California.

Selig Goldberg, now 65, was in the sixth grade when he left school to undertake the duties of his first job—carrying newspapers from a basement at 180th Street and Third Avenue in the Bronx. He advanced to driving a horse and wagon to deliver newspapers and later obtained a job with the New York American.

The Goldberg family moved to California in 1938, where Selig accepted employment with the Los Angeles Examiner. Unhappiness resulting from the extensive frequent travel necessary in his new job prompted their return to New York within the year.

To support his family, struggling, Selig took any job that was available. He worked at the American News Co., and then as an inspector with the New York Journal.

The opportunity to own a business presented itself and was accepted by Selig in 1947. This was the beginning of the Bronx County News. To insure success in this venture, he did any and all kinds of work—from sorting the returns to driving the trucks, and worked day and night. He always began work at 6 a.m. until the day of his retirement.

He has two sons, Stan and wife Doris have three children; Steve, Sandy, and Meryl. Mel and wife Myra have a son, Craig, and a daughter, Jan.

It is my wish—and the wish of many, many friends—for the continued good health and happiness of Selig Goldberg and his lovely wife, Ruth.

This is another shining example of the great American story told countless times. A bootstrap effort to avail one's self of the opportunity this glorious country and its way of life presents—Selig's saga of life has woven itself into the fabric of American life and history. In the process he won legions of friends simply living by the golden rule.

The world is a better place—his family, friends, and associates enjoy richer lives because of his presence. May he never leave us.

I am privileged to call him friend.

LETTER TO THE PRESIDENT

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. HAYS. Mr. Speaker, one of my constituents, Pfc. Jeffrey C. Davis, now serving with the Army in Vietnam, has sent me a copy of his letter to the President. I am sure my colleagues will agree that this is an excellent and very moving letter and I include it in the RECORD at this point:

SALEM, OHIO,
August 27, 1969.

THE PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: I am a soldier, Pvt. E-2, MOS 11810, departing for Vietnam tomorrow. I am writing to you not so much as a soldier would write to his commander-in-chief, but more as a soldier would write to the visible head of his country. I am NOT writing to request your intervention in my shipment to Vietnam. I am writing a letter which I hope will express the feelings of many thousands of men who must fight and possibly die in Vietnam.

Mr. President, prior to entering the Army, I had four years of college with a major in political science. I also have held a very responsible position in the office of a large industrial firm. I have read nearly every piece of printed matter available concerning Vietnam. I have studied the culture and the history of Southeast Asia. After all of my study and after numerous conversations with responsible business men, I cannot agree with our actions of the past in Vietnam, nor can I find justification for our presence there now; however, I am an American and a soldier and therefore I serve in accordance with the laws of our country.

Now, I am faced with combat in a hostile environment. Mr. President, I will go to Vietnam and do my job as many have done before me. Each American who has served in Vietnam has received the gratitude of his country; however Mr. President, I feel that those of us who will see or have seen combat in Vietnam have a right to ask for something more.

We don't want more money or faster promotions. No, that is not the case at all. We simply want to come back to a land that is worthy to bear the title of "United States of America." We want to come back to a land where morality, not vice, is queen. We want to come back to a land where the mass medias produce education, not violence and smut. We want to come back to a land where the air we breathe and the water we use is pure. We want to come back to a land where education takes priority over space.

Mr. President, we want, upon our return, to see this land free from hatred. We want to see black and white live together as civilians in the same harmony that they died together as soldiers. We want to see every man treated as a human being. We want to see this land without poverty. We want to see this land without unemployment.

Mr. President, when we grow "short" in Vietnam, we want to look forward to returning to an America that has eliminated graft and corruption in all levels of government. We want to look forward to returning to an America where law and order is "in" and violence is "out". We want to look forward to a land where guns are not put in the hands of criminals; look forward to a land where we don't have to be afraid to walk down the street.

Mr. President, when we step off that plane

XUM

that will bring us back from Vietnam, we want to step upon a land where we will not have to fear that someday our sons will go off to war. We want to step upon a land that is respected the world over, not for its military strength and its industrial advances, but rather for its humanitarian ideas of government and justice. We want to step upon a land where all the inhabitants are proud to be Americans!

These are the things that we want Mr. President. The medals and honors of combat mean nothing to us compared to these things. So, Mr. President, I will go to Vietnam and you will remain here.

However, even though we are many miles apart, we share one thing; we are both American. That is a great bond. We both know that American ends in the words "I CAN". Mr. President, I CAN return from Vietnam; CAN YOU give me and thousands of others what we want and what we will have earned in Vietnam?

As I depart for Vietnam, Mr. President, my prayers are with you, that God may watch over you and guide you in your every action.

Respectfully submitted,
JEFFREY C. DAVIS,
Pvt. U.S. Army.

THE NEED FOR IMMEDIATE PASSAGE OF THE EXPANDED STUDENT ASSISTANCE APPROPRIATIONS AMENDMENT

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. VANIK. Mr. Speaker, cutbacks in Office of Education student assistance programs, announced by the administration during this spring and summer has brought chaos to American campuses. Not only have college administrators been faced with major budget problems and disruptions in plans, but thousands and thousands of worthy students have been denied loans and have been forced to drop out of college. Thousands of freshmen from low-income and middle-income families have had to cancel plans to begin school this fall. Many students, who have received loans in the past and were expecting loans in the 1969–70 school year were notified at the last minute that loans were unavailable. In cases, these upperclassmen in their senior year have been forced to withdraw from school.

In most cases, it appears that these students were not able to turn to private lending institutions for assistance. Because of the exorbitantly high interest rates now in effect, most students simply could not afford to borrow—or could not find sources willing to lend. The Federal Government's guaranteed student loan program, which works through private banks, has completley broken down because most banks refuse to participate in the program since they can charge—and get—higher interest elsewhere.

In an attempt to determine the dimensions of the problem, I recently wrote every college and university in my State of Ohio asking if the loan allocations which they received were adequate. The answer from 54 colleges and universities was an unequivocal "No." Except for one small religious college, all these replies from the State of Ohio indicated that the loan funds allotted to their schools were totally inadequate.

To give a better idea of the problems caused by the cutbacks in this program and the delay in Congress in passing an expanded appropriation, I would like to enter into the RECORD at this point a few sample quotes from some of Ohio's leading educators:

From Baldwin-Wallace College, Berea, Ohio:

I could tell you that at least 70 or more students have been affected by this cut.

There is one highly significant fact however, which I do want to call to your attention. More than one-half of our borrowers are planning to become teachers. For many of these young teachers this loan program has been the only open doorway to economic opportunity. At the same time the program has had a multiplier effect because of producing so many teachers. At this moment as we prepare to open our Fall Quarter on Thursday, we have upperclass students unable to return because of limited funds with which we must work. I am well aware of the bank loan subsidy bill. Psychologically, however, the students have not yet adjusted to this idea and many of them have not been in the position in the small towns to take advantage of it.

From Chase Law School, Cincinnati, Ohio:

Many banks are unwilling to participate in that [State guaranteed loan program] under the conditions of the present money market.

Dyke College, Cleveland, Ohio, noted that changes in fund allocations in August and in the fall cause almost irreparable disruptions:

How do I reverse a course of action that took place when notification of inadequate funds was first received by a student and his parents? The time for increased appropriations was last spring.

As Heidelberg College, Tiffin, Ohio, noted that—

Unfortunately, over the history of the program, funding by the government has always come very late for institutions and students to do effective planning.

Students have proven to be conscientious borrowers. We have less than 1% delinquent loans.

Kettering College of Medical Arts, of Kettering, Ohio, stated that—

Where we are really hurting is in the Nursing Student Loan Fund allotted to us. We asked for $105,000 and were only allotted $16,000. A heavy percentage of our nursing students were depending on receiving from $1,000 to $1,500 each. This is a vital area in which the need is great today.

Lake Erie College, Painesville, Ohio:

To the extent possible we substituted other types of College aid and referred students to state loan program. Nevertheless there are resident students who have withdrawn stating that they are unable to meet the cost of education here.

From Marietta College, Marietta, Ohio:

Last year we supplied loans to 288 students. This year we have enough funds for only 224 loans. There are not enough funds available to cover the loans we have promised. If additional federal funds are not provided by January, we will have to reduce second semester loans across the board or try to find College funds to put into the program. I'm sure you realize the difficulties entailed by either of these alternatives.

Mary Manse College, Toledo, Ohio:

Our students generally belong to working class families. They must assist themselves in large measure throughout college. This sudden reduction in student loans left many students without adequate resources for this year. We have had a considerable drop in enrollment. How much was due to lack of funds we have not yet accurately determined, but we do know that the cut in loans has been a great hardship for our students.

From Mount Union College, Alliance, Ohio:

In an attempt to live within the anticipated budget for 1969–70 many students, particularly seniors, who in previous years had loans were denied renewals. And almost all other loans awarded to returning students were reduced. Some students already enrolled at Mount Union have been forced to withdraw or transfer because of the financial situation. Also we have had to deny assistance to many promising freshmen who without the needed aid were unable to enroll.

From Notre Dame College, Cleveland:

As you know, our allocation for the *year* is $29,014; this is definitely NOT ADEQUATE. I have had to request this entire amount for use for the *first semester;* I just don't know what we are going to do for the second semester—I guess that I am living in faith that Congress will still give us what we need.

From Oberlin College, Oberlin:

The Department of Health, Education, and Welfare recommends that a student obtain a State Guaranteed Loan if we are unable to grant his a National Defense Student Loan. At the same time it is obvious that banks are most reluctant to grant these loans, especially in Ohio.

From Ohio Northern University, Ada, Ohio:

I would like to point out the difficulty for the Financial Aids Director in being notified of the official allocation as late as August 18, 1969.

Otterbein College, Westerville, Ohio, noted:

The official notice, coming in August, that we would receive only $70,439, left us in a real quandry. We have had to divert funds from other sources—money which should go into new equipment, maintenance, etc.—in order to meet the commitments we have made to our students.

PRESIDENT NIXON SUPPORTS DIRECT POPULAR VOTE FOR PRESIDENT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1969

Mr. McCLORY. Mr. Speaker, President Nixon has thrown his full support in favor of a constitutional amendment for the direct popular election of the President and Vice President.

This measure which passed the House overwhelmingly a short time ago is now pending in the other body. There is deep apprehension that the necessary two-thirds vote in that body may be difficult to achieve.

The President's position is most heartening and should encourage Members of the other body who have remained noncommittal to now cast their votes in line with the President's recommendation.

It should be noted also that the President's position is in complete accord with the popular sentiment of the country.

Mr. Speaker, once again we can be proud of President Nixon's leadership on a great national issue. It is to be hoped that this leadership will be respected and supported by the necessary two-thirds vote in the other body.

THE NATIONAL LEGISLATIVE COMMITTEE, VETERANS OF FOREIGN WARS OF THE UNITED STATES, OUTLINES LEGISLATIVE GOALS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. TEAGUE of Texas. Mr. Speaker, on September 27 and 28, the National Legislative Committee of the Veterans of Foreign Wars of the United States met here in Washington to review the several hundred resolutions approved by the delegates to the Philadelphia national convention last August. It was at this convention that this 1,500,000-member organization elected Ray Gallagher of South Dakota as their national commander in chief. This veteran leader has been in office a little over a month. It is already quite evident that the Veterans of Foreign Wars is going to be a bigger and better organization before his year is over.

The national legislative committee is a good example of his selecting the best men to do the best job for the VFW and the Nation. The chairman is a fellow Texan and a man whom I have known for many years and greatly admire. He is Ted C. Connell, of Killeen, who is a past national commander in chief of the VFW.

The main purpose of the national legislative committee's meeting was to recommend a top priority legislative program for the VFW for the following year. In addition, the national legislative committee filed a report outlining the concerns of the VFW respecting pending legislation, the VA appropriation for 1970, and the status of House approved bills pending in the Senate. I commend my colleagues' attention to this report on veterans legislation:

REPORT OF THE MEETING OF THE NATIONAL LEGISLATIVE COMMITTEE, VETERANS OF FOREIGN WARS OF THE UNITED STATES, WASHINGTON, D.C., SEPTEMBER 27 AND 28, 1969

The National Legislative Committee of the Veterans of Foreign Wars, after reviewing veterans legislation in the 91st Congress together with the approximately 300 mandates approved by the delegates to our Philadelphia National Convention, submits the following report.

There are three major problem areas of deep concern to the National Legislative Committee:

1. The negative position of the Administration with respect to legislation moving forward in the 91st Congress.

2. The position of the Administration, as reflected by its Bureau of the Budget, opposing adequate funds and perosnnel to operate veterans programs.

3. The bottleneck of bills in the Subcommittee on Veterans Affairs of the Labor and Public Welfare Committee of the United States Senate, where several V.F.W. Priority Legislative Goals have languished for many months.

More specifically, your Committee found that the following bills, which have passed the House, are pending in the Subcommittee on Veterans Affairs:

H.R. 693: Provide medical benefits to veterans of the Mexican Border Campaign.

H.R. 692: Extend from the present six months to nine months the period of time that seriously disabled veterans may be cared for in a private nursing home at VA's expense.

H.R. 693: Provide that the VA may furnish outpatient treatment and any medical services necessary for seriously disabled veterans who are in receipt of the special housebound or aid and attendance allowance for service connected or non-service causes.

H.R. 693: Eliminate the so-called "pauper's oath," or statement of inability to defray hospital expenses, for a veteran 72 years of age or older, to be admitted to a VA hospital.

H.R. 693: Authorize the VA to furnish drugs prescribed by a physician for all disabilities, service connected or non-service connected, for seriously disabled veterans who are receiving the special housebound disability rate.

H.R. 2768: Eliminate the six months time limitation for veterans who are furnished nursing care for service-connected disabilities.

H.R. 3130: Furnish outpatient treatment for non-service connected disabilities as well as for service connected disabilities for war veterans who are rated as permanently and totally disabled for service-connected disabilities.

H.R. 9334: Increase the per diem rate to $7.50 where a veteran is receiving hospital care in a state home and liberalize the program generally.

H.R. 11959: Amend the education provisions of the GI Bill to allow receipt of certain additional Federal educational assistance benefits for children, widows, and/or wives of deceased veterans who died of service connected causes.

The Administration has recommended that action be deferred on the following legislation pending further study:

Increase the dependency and indemnity compensation rates for service connected widows.

Provide additional monthly payments for each child for widows in receipt of DIC benefits.

Increase insurance for those serving in the Armed Forces from $10,000 to $15,000.

Provide double indemnity coverage for Armed Forces personnel assigned to duty in a combat zone or for extra-hazardous duty.

Provide dismemberment indemnity coverage for loss of or loss of use of limbs and eyes.

Establish a Vietnam era Veterans Life Insurance Program for a permanent plan of insurance for those discharged from the Armed Forces.

Increase education and training allowance for all of the VA educational programs by a sufficient amount to offset the cost of living and cost of education since the latest increase in education training benefits.

All of the above legislation is moving forward in the 91st Congress and reflects V.F.W. national mandates.

The VA budget for fiscal year 1970 is still very much in doubt. The Administration in April, 1969 recommended the following reductions in the fiscal year 1970 VA budget:

$31,567,000 providing funds for 3,586 doctors, nurses, attendants, and other hospital personnel including operation of kidney hemodialysis units, alcohol treatment units, heart intensive care units, etc.

$11,333,000 in other categories of veterans hospital care and medical and prosthetic research.

$41,151,000 for modernization and construction of veterans hospitals.

$4,000,000 for modernization and construction of medical facilities in State Soldiers Homes.

$3,200,000 for 378 employees to contact veterans and adjudicate and process their claims.

In addition, the Bureau of the Budget in July 1969 ordered the Veterans Administration to operate with approximately 3900 fewer personnel than it had on June 30, 1969, which is causing serious staffing problems in both VA hospitals and regional offices.

It was the unanimous conclusion of your National Legislative Committee that the Commander-in-Chief of the Veterans of Foreign Wars take the following action in light of these findings, which are of such grave and intense concern to the membership of the Veterans of Foreign Wars:

The Commander-in-Chief immediately advise the President of our grave concern on these matters and urge the President to sign those legislative bills thus far opposed by the Administration and when final action is taken on these measures by the Congress.

The President be urged by the Commander-in-Chief to:

Report favorably on the legislative proposals on which the Administration has deferred action, pending studies.

Allocate all the funds the Congress appropriates to operate the Veterans Administration in FY 1970.

To reevaluate the priorities of his Administration to take into account that the Veterans Administration must be considered in the same category with the Department of Defense as a war agency and that operating funds must be made available accordingly to staff the agency so that the VA can cope with the wartime workload imposed upon it by the present military discharge rate of about one million new veterans each year.

Appreciation be expressed to the House of Representatives for restoring to the 1970 VA budget most of the funds which the Administration reduced from its April 1969 revised budget.

Appropriate action be taken by the Commander-in-Chief and the National Legislative staff to urge the Senate to pass a 1970 VA appropriation at least equal to the $7,705,192,000 passed by the House of Representatives.

An all-out campaign be inaugurated by the Veterans of Foreign Wars, calling for prompt, positive action by the Senate Labor and Public Welfare Committee and the United States Senate on H.R. 11959 and similar bills to provide increased education and training allowances for veterans enrolled under the GI Bill.

That the Commander-in-Chief advise National, Department, District, County Council, Post Commanders, and our membership of the concern of its National Legislative Committee and that our officers and members contact the President and Members of Congress urging support of pending legislative proposals carrying out V.F.W. national mandates and our V.F.W. legislative program.

It was the consensus of the National Legislative Committee that this report was needed at this time to dramatize the seriousness of veterans problems as the Committee found them during its meeting this past weekend. The recommendations made by your Committee are, in its opinion, most urgent. Time is of the essence. The Veterans of Foreign Wars must continue its leadership as the major spokesman for veterans and their families or, if deceased, their survivors.

APPOINTMENT OF HELEN DELICH BENTLEY AS MARITIME COMMISSIONER

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. GARMATZ. Mr. Speaker, in his appointment of Mrs. Helen Delich Bentley to head the Federal Maritime Commission, President Nixon has shown unusually good judgment. A better qualified person could not be found.

An article in the Sunday Star by Miriam Ottenberg will substantiate my statement on her qualifications, and under permission to extend my remarks, I wish to include this article, which will be of interest to all Members:

TUGBOAT ANNIE OR KNOWLEDGEABLE LADY? OUR HIGHEST RANKING WOMAN APPOINTEE

(By Miriam Ottenberg)

Helen Delich Bentley, President Nixon's nominee to head the Federal Maritime Commission, has been labeled variously as a Tugboat Annie with language to match, an old-fashioned swashbuckler with hats to match and—by the President himself—a "knowledgeable lady in a man's world" who "has gained a reputation for being the best there is."

Her man's world has been on the waterfront, beginning with Baltimore, but for many years ranging over any of the world's waterfronts.

The $40,000-a-year job for which she has been nominated makes her the highest ranking woman appointed by President Nixon to the executive branch and the first woman to head a regulatory agency.

Her confirmation hearing set for Thursday before the Senate Commerce Committee's merchant marine subcommittee headed by Senator Russell Long (D.-La.) is expected to attract congressional witnesses from both Senate and House and from both sides of the aisle.

For Mrs. Bentley, a lifelong Republican, has taken a non-partisan approach to maritime affairs—giving the material she has collected to Democrats and Republicans alike, to anyone who would carry forward her campaigns for improving the port of Baltimore and strengthening the American merchant marine.

As long-time maritime editor of The Baltimore Sun, the 45-year-old blonde has talked with, tangled with, provoked and persuaded all manner of men from the lowliest longshoreman to the loftiest legislator.

Some who have felt the leading edge of her displeasure claim she has a low boiling point, a notorious temper. Others, more friendly, say that's not a volcanic eruption at all, just a tea kettle letting off a little steam.

In the course of 24 years of increasing responsibility on The Sun and ever-widening interest in national labor and transportation affairs, she has been the central figure in countless anecdotes—the dogged woman among all the men. There's the much repeated story about socking a longshoreman during a longshoremen's strike in Philadelphia when he suggested she turn her "newsy nosy nose" into a ski jump.

And the time in Oslo when her shout interrupted a conference she was covering when a Norwegian shipowner claimed he was losing money on U.S. business. Knowing full well he was making money, not losing it, she called out: "If that's true, if you're losing money, take your ships out, take them out of our service."

Back in Baltimore, they tell the story of the day she sent one of her legmen to cover a special meeting at the longshoremen's union hall called after she wrote a story of payroll padding between longshoremen's officials and management. She knew her reporter couldn't get in but she wanted him to see who was attending and she was too busy at that hour to go herself.

When the longshoremen got rough with the reporter, he ran across the street and called her. She responded by going straight to the union hall. There she stood on the street, daring them to push her off the sidewalk.

"I knew they'd come to my defense if I had any trouble," she explained. "I always felt as a whole every longshoreman is a friend. I've always felt safe on the waterfront.

SHRUGS 'EM OFF

Sometimes the stories are apocryphal but she usually shrugs them off with a grin. In a day that begins before 6 a.m. and often ends way past midnight, there's no time to trouble over trivia.

Once in a while, though, the tale emerges so distorted for one reason or another that she determines to get the record straight. Such is the tale of the four-letter word heard 'round the world.

The word was used in the course of dictating a story to The Sun from the giant icebreaker S.S. Manhattan as it ploughed its way over the top of Canada to traverse the fabled but untraveled Northwest Passage.

She doesn't deny using the word. It slipped out, she recalls, at a moment when she was tired and irritable, the phone connection was bad and she had repeated the same sentence over and over again to the man taking her story. And she's sorry.

"I knew at the time I said it, I shouldn't have and I expected to be cut in on immediately but nothing happened for 24 hours. Then Stanley B. Haas, the mission commander for Humble Oil, told us there would be no more calls to our offices.

"The press was livid at me. I told them what I'd said and I apologized. I was mortified that I had caused this. I felt if I had done it, I should pay the penalty but not everybody else."

Before the day was out, though, several of the men did get through to their offices with reports that the Federal Communications Commission had ordered a communications blackout because of the word.

When news filtered back that the FCC denied any part of the blackout, Mrs. Bentley set about finding out who was really responsible.

Finally, at Anchorage, Haas issued a statement saying Mrs. Bentley's "slip-of-the-tongue" while transmitting over Humble's facilities was reported to Humble's communications company which held the license for radio facilities aboard the vessel.

"Fearing a more severe clampdown by the regulatory agency, we apparently over-reacted and imposed the restriction without any involvement by the FCC," Haas conceded. "Communicating word restriction to the ship was difficult and obviously there was some misunderstanding and inaccuracy in the way we made the announcement aboard ship."

He regretted that so much public attention was called to Mrs. Bentley's "lapse," expressed great respect for her as a journalist and confidence that she would prove an able head of the maritime commission.

With that the incident appeared closed, but everywhere she has gone since she returned last week—including Capitol Hill—she is asked about the word.

Disturbed by the incident as she has obviously been, she has managed to refrain from saying what she must have thought more than once—that it wouldn't have been a page one happening if she'd been a Harry instead of a Helen.

For Mrs. Bentley, becoming the first woman to traverse the Northwest Passage (unless some Eskimo woman made it centuries ago) was something less than a pink tea long before the word imbroglio. At the start, it didn't look as though she would make the trip at all.

GETTING ABOARD

When she applied, she was turned down by Humble Oil, which was spending some $40 million to determine the economic feasibility of transporting Alaskan oil to the east coast of the United States by using super-tankers to plow through the frozen waterway. This could be history in the making and Mrs. Bentley was determined not to miss it.

She was told Humble Oil's public relations man had arranged for space for 10 men. There was no room for a woman. She countered with a suggestion that three or four women could occupy a room together. Nothing doing.

A few days later she tried again. This time she argued that her syndicated column appeared in 14 newspapers and that ought to be enough.

"That didn't quite go over," she recalls "so I said, 'Supposing I become chairman of the Federal Maritime Commission' and he said, 'Well, that puts a different light on it.' Two days later he gave me the go-ahead and later that same day, the White House called to say I was going to be nominated to head the FMC."

The Manhattan left Chester, Pa., Aug. 24 but there was no space for her aboard until Sept. 4 when a helicopter picked her up with some others at Thule.

It wasn't the only occasion she had to be put ashore to make room for some men.

After she had been on the ship a few days, the only woman among 130 men, she was put ashore in Resolute, the most northerly point in Canada. It was a lonely outpost but she managed to get several stories there before a plane picked her up and deposited her on a rocky beach without benefit of landing strip.

A helicopter from the ship dropped off some men and took her back.

Being shunted on and off the ship she took in stride because she makes a point of not asking any quarter just because she's a woman. She's no shrinking violet, as she's the first to admit, but she's no feminist either.

Since she's been called a Tugboat Annie, what is her image of herself? Mrs. Bentley pondered awhile before she answered that one.

"I don't really think I'm a Tugboat Annie," she said. "I'm a very plain-spoken, hard-working and I think fair-minded person . . . a twentieth century woman with a certain amount of conservatism, which undoubtedly fits in with Republican Party thinking.

"I have always felt that each person should stand on his own two feet. I've worked since I was 12, never dodged anything, nor asked for any favors. I try to meet everyone on his or her level. I don't like phonies, don't like pseudo socialites and I particularly don't like lazy people."

Since she'll be bossing 260 people at the FMC and have regulatory authority over thousands of others, what kind of people does she like?

"Genuine people," she responded swiftly, "people who are honest, people who work, people who don't shoot from the hip, people who are fair and make an effort to get both sides of the story."

Undoubtedly, she will be something new to the foreign diplomats with whom she wi have to deal in her adjudicating role. Because she will be called on to rule between American and foreign shipping interest in world trade, Mrs. Bentley was asked what her position will be.

"FAIR-MINDED"

"I think the diplomats will find that I'm a fair minded person who will give them every consideration," Mrs. Bentley replied. "I don't believe in special favors to the American merchant marine but I'm against prejudice that discriminates against the American merchant marine."

In her dealings with the American merchant marine she has steered a course that was at once protective as a mother hen and scolding as a maiden aunt. She is passionately patriotic about building American seapower.

"One thing people don't realize is how dependent we are on the rest of the world for raw materials as well as selling our finished products," she says with crusader's fervor.

"The United States is far from being self-sufficient. It's important that we keep good working relations with all countries, who are both producers and buyers."

Acknowledging that in her new post, she's supposed to be more on the regulatory end of maritime affairs, Mrs. Bentley nevertheless adds: "Naturally, I couldn't sit aside and not do what I can to help revive the fleet which is so sorely needed to protect our commerce and trade.

"In order for us to be assured of a steady flow of raw materials and of outlets for our products, we must have a basic nucleus fleet, which as President Nixon said would be able to carry at least 30 percent of our total foreign commerce."

Building the fleet is more the bailiwick of Marine Administrator Andrew Gibson, a fact of which Mrs. Bentley is well aware, but fortunately they've known each other for years and get along well.

As President Nixon noted in announcing her nomination, she has "established a record of professional excellence unsurpassed by any maritime expert in the country".

It's been a long haul for a woman who started out just about as far away from ships and the sea as she could get. She was born in Ruth, Nev., a mining town high in the mountains.

An award, the first of many in her career, was her springboard into the outside world. It came in 1941 when the Elks National Foundation selected her as the nation's outstanding high school girl graduate and gave her their top scholarship to the college of her choice.

After attending the University of Nevada for a year she came to Washngton to work for the late Senator James G. Scrugham whose campaign she had managed in two Nevada counties before she was old enough to vote herself.

At night, she attended George Washington University but wanted to get into newspaper work so she quit Washington for the University of Missouri's School of Journalism, from which she was graduated in 1944.

"TAKE A LOOK"

After brief stints with the United Press and Lewiston, Idaho, Tribune, she got a job on the Baltimore Sun in 1945. She went from general reporting to the labor beat but in 1948, she asked for a change.

"Go down and take a look at the port," she was told. "We've had nobody there since before the war."

The look became a career. One of the first stories she covered on the waterfront dealt with some supposedly Communist sailors who had mutinied and gone up the mast.

"I wanted to talk to them so I scooted up the mast. I didn't have any better sense."

She's been scooting ever since—building the waterfront beat until it takes three people besides herself to cover it all, carrying a television program for 14 years, writing a syndicated column, getting some laws and preventing the passage of others and scooping her male colleagues on some major stories.

She campaigned successfully for the Maryland Port Authority and teamed with Representative Thomas Pelly, R–Wash., to prevent enactment of a bill requiring American flag ships to put on radio call selectors. Her stories pointed out that the device had never been perfected but a Massachusetts manufacturer had a surplus lot and persuaded his Congressman to put in a bill to sell the things to American ships.

Her stories have often carried her far from Baltimore—as far as Saigon where her account of the shipping chaos on the waterfront eventually prompted AID to send an expediter to clear up the mess.

Ten years ago, she was married to William R. Bentley, a former public school teacher who now operates an antique business. Although her managing editor worried that her new by-line might be too long to fit in a column, she nevertheless added her married name. It fits.

The Bentleys live with their six poodles in Lutherville, Md. Their house is 58 miles from downtown Washington via the Beltway. She's clocked it because if she's confirmed, she's planning to commute. There doesn't seem much doubt about that.

U.S. CHAMBER'S DESKBOOK SHOWS BUSINESSMEN HOW TO COMBAT ORGANIZED CRIME

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. FASCELL. Mr. Speaker, in 1968, a subcommittee which I chair, the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations, after extensive hearings said that—

> Organized crime cannot exist in any community that is determined that it shall not exist, and which backs up that resolve with effective action. (Federal Effort Against Organized Crime: Report of Agency Operations, House Report No. 1574, 90th Congress.

In June of this year I was invited to appear on the U.S. Chamber of Commerce radio program "What's the Issue?" to discuss the organized crime problem as it relates to legitimate businessmen. At that time I said:

> Organized crime is becoming a competitive force in legitimate business fields because by having illegitimate sources of revenue they have a tremendous competitive advantage over legitimate businessmen in the field.

It was recently estimated that organized crime today has a net worth of $149 billion, and that in 15 years its worth will increase to $600 billion. Obviously, a force of this magnitude, operating above the law and bent on subverting our institutions, must be defeated.

The question is: How can it be done? First, we need vigorous and coordinated law-enforcement efforts at every level of government. Second, we need an informed and active private sector which is willing to be a participating partner with government in the fight.

In 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that "private business associations develop strategies to prevent and uncover organized crime's illegal and unfair business tactics."

The Chamber of Commerce of the United States has, this week, published a "Deskbook on Organized Crime." To my knowledge, it is the first self-contained, comprehensive, ready-reference book for businessmen hoping to find ways to combat organized crime. The deskbook is purposely compact and enables businessmen to recognize organized crime manifestations. It also supplies them with information on how to make those manifestations known to appropriate officials. It is an excellent work, in an area where there has been a great need.

Because the deskbook represents a meaningful step toward educating the private sector on the threat posed by syndicated crime, I recommend it to my colleagues and to all businessmen.

Following is the national chamber's announcement about the deskbook:

NATIONAL CHAMBER RELEASES BOOK THAT TELLS BUSINESS HOW TO DETECT ORGANIZED CRIME

WASHINGTON, September 24.—The Chamber of Commerce of the United States today released a 72-page book telling businessmen how to detect organized crime in their own companies.

Entitled, "Desk Book on Organized Crime," it is a compact detailed report that tells a businessman what to do if he suspects organized crime is trying to exploit his firm. The purpose of the book is to point out the symptoms of organized crime techniques to businessmen. It suggests what businessmen can do to combat these techniques, and it tells them where they can get help. It is written in such a manner that company supervisors can learn how to cope with organized crime techniques.

"Practically every type of business and industry in the United States is currently being exploited or penetrated . . . by a conglomerate of crime," the book warns.

It leads off with a description of the severity of the challenge that the organized underworld presents to the business community. It follows with a tabulated section that spells out the major organized crime threats that must be anticipated by business. The final section offers businessmen a blueprint for a counterattack against organized crime.

In releasing the book, Arch N. Booth, executive vice president of the National Chamber, said experts in the field of crime prevention, plus knowledgeable business leaders in a special study identified that of all crime, organized crime most directly and most seriously affects all business. He said the book will be helpful in protecting a legitimate business enterprise from organized crime and that it will also be helpful in protecting a businessman and his family from personal threats from organized crime racketeers.

"By and large, business has been a sitting duck for underworld sharpshooters," the book reports. How much organized crime reaps from its entry into legitimate business and industry is an open question, it continues. But it said one example is a single midwestern city where racketeers controlled or had large interests in 89 businesses with total assets of over $800 million.

The book contains a list of 87 business and industries in which organized crime has been known to be active. The list ranges from accounting, advertising, air freight, and auto agencies to vending machines, waterfront services, window washing and wire services. The book warns that the list is only partial.

The book alerts businessmen to the ways in which organized crime moves into legitimate business and industry. For example, one technique the book explains is the organized crime of planned bankruptcy fraud. The book reports the number of ways in which bankruptcy fraud is carried out.

It explains that one form of bankruptcy fraud is to set up a new company with an almost identical name and a similar address to that of a well known and highly creditworthy corporation. Capitalizing on the favorable credit rating of the well known firm, racketeers proceed to order goods from misled suppliers. The fraudulent company then goes bankrupt without paying its bills.

The book warns businessmen to make sure credit and sales personnel are aware of such flam operations. It urges them to review dollar cut-off points for credit and to closely check credit accounts.

But beyond these good business practices, the book warns that frequently victims of bankruptcy frauds are tempted to write off the account as a tax loss and be done with it. But the book urges against this practice and explains why. First, it is a disregard for the health of the business community and effective law enforcement. Second, such frauds tend to result in higher credit standards, and third, if a company appears to be so willing to be bilked once, organized crime may try a second and third time.

In addition, the book gives details on how to combat dummy or fraudulent associations, gambling, labor racketeering, loan sharking, monopoly and coercive competitive practices, illegal uses of stocks, bonds, credit cards, and illegal take-over of a legitimate business plus a number of other organized crime techniques. Editor's Note: Copies of the book are available from the News Department of the Chamber of Commerce of the United States.

JAMES L. HANBERRY—DENMARK, S.C., MAN A NATIONAL HERO

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. WATSON. Mr. Speaker, one of the most remarkable acts of bravery in the history of this Nation occurred at the turn of the 20th century when 14 men volunteered for a human experiment by Maj. Walter Reed to find out the cause of yellow fever. Three of these courageous men were from South Carolina. Just recently, a portrait was dedicated to the memory of one of these great Americans—Mr. James Leonard Hanberry, a native of Denmark, S.C., which is in my congressional district. Mr. Hanberry passed away in 1961, almost 60 years to the day when he allowed himself to be bitten by a mosquito which carried the dreaded yellow fever.

Attending the unveiling of the portrait were members of Mr. Hanberry's immediate family, including his brother, Mr. Everett Hanberry, and the Hanberry children. A magnificent dedication address was delivered by Mr. Richard Rhame, of Orangeburg S.C.

Mr. Speaker, as a part of my remarks I would like to include a story written by Joyce Milkie and the text of Mr. Rhame's address as they appeared in the Orangeburg, S.C., Times and Democrat of September 21, as follows:

JAMES L. HANBERRY—DENMARK MAN A NATIONAL HERO

(By Joyce W. Milkie)

More than 150 people gathered last Sunday afternoon at the Salley Archives Building to pay homage to the memory of James Leonard Hanberry, one of fourteen yellow fever volunteers, whose bravery and sacrifice helped to defeat this dread disease.

Hanberry, who was honored many times during his lifetime, was born in Denmark, S.C., but lived much of the latter part of his life in Orangeburg. One of his daughters, Mrs. B. Earle King, and a number of grandchildren and great grandchildren also reside in Orangeburg.

The overflow crowd stood for more than an hour waiting for the ceremony to begin. They were there to witness the unveiling of an oil painting of Hanberry by noted Orangeburg artist, Gerald Foster. The portrait, presented to the family of Mr. Hanberry by the artist, was in turn given to the Historical Society and will be hung in the Archives Building on Middleton St., Orangeburg.

Sons and daughters, a brother, and great grandchildren of Mr. Hanberry were present as the president of the Historical Society, Mike Salley, introduced the speaker for the afternoon, Richard Rhame.

Rhame told the story of Hanberry's heroic act, also giving full credit to another Denmark man, C. G. Sonntag, who was also a volunteer. Rhame emphasized that Hanberry offered himself for this dangerous feat for one reason—"It was the right thing to do."

Hanberry was discharged from the service immediately following the end of the Spanish American War. He re-enlisted December 18, 1898 and was discharged Dec. 12, 1901, on his birthday.

On Feb. 28, 1929, the Congress of the United States ordered gold medals to be struck to present to the 14 members of Dr. Walter Reed's famous group of volunteers. Their names also appear each year on a roll of honor in the official Army Register.

Hanberry's "Congressional Medal" was one of his most highly prized possessions; it is now safely encased in glass at the Archives Building, along with other memorabilia. The fever chart showing the list of volunteers, their dates of infection by the dread disease and the fantastically soaring fevers they suffered, is also at the Archives Building.

Rhame said it was interesting to note how closely South Carolina is associated with this great feat of history.

Four of the volunteers were, of course, Cuban. Three were from South Carolina, including Hanberry and Sonntag, both from Denmark, and Levi Falk of Newberry. One man from North Carolina enlisted with the South Carolina men initially, and another, from Florida, moved to South Carolina later and is buried at Spartanburg.

"This," Rhame said, "is indeed a proud record for our State."

Mr. Sonntag is buried in Arlington National Cemetery.

The handsome portrait was unveiled by two of Mr. Hanberry's great grandchildren, Debbi and Mary Paige Hutto of Orangeburg.

Present also for the occasion was Mr. Everett Hanberry of Denmark, brother of James Leonard Hanberry; and the Hanberry children, Joe M. Hanberry of Little Mountain, James L. Hanberry of Greenwood, Mrs. H. L. Dantzler, Mrs. J. D. Patrick, and Mrs. Earle King of Orangeburg.

TEXT OF PORTRAIT DEDICATION ADDRESS

CONTRASTING RECEPTIONS

"Just a few short months ago, all the world hailed the return of the brave lunar astronauts after they unfurled the American Flag on the 'Sea of Tranquility'—it was man's first step on the moon, destined to be ordained as one of civilization's greatest feats. Accolades from the leaders of the world—homage from all the people—multitudes lining the streets of the great cities to catch a fleeting glimpse of the returning heroes. Surely such praise and adulation were deserved—a new conquest had been completed in man's never ceasing search for knowledge.

"Contrast this reception for these three brave outer-space explorers just a little less than half a year ago with the reception accorded that small group of men returning from Cuba little more than half a century ago who, with no thought—nor expectation—of personal glory, unlocked the mystery of one of mankind's greatest killers: yellow fever.

GENERALLY IGNORED

"Except in small scientific and medical circles, little was heard of the accomplishments of the Yellow Fever Commission, headed by Major Walter Reed, U.S. Army. Their return was uneventful and generally ignored by the world—their contribution to all humanity was not acknowledged for over a quarter century.

"Today, 68 years later, we honor the memory of one of those heroes whose unselfish devotion to his fellowman resulted in greater benefits to the human race, at a far smaller material cost, than the launch of a single rocket.

"And this hero we honor today was one of our own: James Leonard Hanberry.

HE KNEW HIS ENEMY

"Mr. Hanberry had known 'Yellow Jack' as a child—his mother had been a victim of it in her youth. He knew what happened when the Yellow Fever Plague descended upon the great cities in both this, the new world, and in the old world—he knew how the populations of Charleston, New Orleans, Memphis, Washington, Philadelphia, and even New York were decimated—bodies stacked in the streets like cords of wood—destruction of homes and possessions of those thought contaminated. Mr. Hanberry knew 'Yellow Jack' while serving in the Hospital Corps of the Army during the War With Spain and the occupation of Cuba that followed. And his knowledge there was an intimate knowledge as he ministered to the sick and dying at Columbia Barracks near Havana, Cuba.

"With the fearsome knowledge he had of Yellow Fever, James L. Hanberry unhesitatingly stepped forward, one of 14 men, when the call went out from the Commission for Volunteers to participate in the previously unheard of human exeprimentation proposed by Major Reed to try to determine the unknown cause of the killer disease—more deadly than the bullets of the enemy during the recently completed conflict.

GREAT RISKS, DANGERS

"Mr. Hanberry committed himself to cross a threshold fraught with greater risks and dangers than those brave men who entered their space vehicles, bound for the moon—the mission of the astronauts had the combined knowledge of thousands at their disposal: Mr. Hanberry and that small band of fellow volunteers embarked upon their adventure with little more than an uncertain hope of survival, and the knowledge of four doctors—an uncertain knowledge buoyed up by faith, trust, and confidence.

"The mosquito had been suspect by a few scientists as a factor to be reckoned with—but proof had never been established. The only sure proof had to entail the engagement of uncertain, dangerous, unpopular human experimentation, scientifically ordered and controlled. The role in the Yellow Fever drama played by the insect must be determined—if it existed. It was vital to determine whether, in truth, one victim of Yellow Fever might infect others by personal or property contact—the theory commonly accepted at the time as the primary cause of the spread of the fever.

STRICT QUARANTINE

"Major Reed persuaded the authorities to segregate, under strict quarantine, a portion of Columbia Barracks for use in the experiment. This section of the military base—apart from all the remainder—was named Camp Lazear in honor of Dr. Lazear, a member of the Yellow Fever Commission who had succumbed to the disease a short time before the start of the experiment. Camp Lazear was the focal point for all the work of the commission—it became the home of the little band of volunteers. Several huts, including the 'Pest House,' were prepared according to the specifications of the commission.

"Mr. Hanberry, and his friend, C. G. Sonntag, also from Denmark, became residents of the 'Contamination Hut' where they lived secluded for a period of three weeks, seeing only those members of the staff assigned to them in carrying out the experiment. It was a lonely vigil they kept—cut off and isolated from friends and buddies.

"While confined in the stifling atmosphere of the sealed hut, they slept in the death shrouds of deceased victims of Yellow Fever—wore the clothing of those who had died—rested on the soiled beds and handled the possessions of the dead.

"In spite of this lengthy time, exhausted mentally from the psychological strain as well as physically from the inactivity of confinement, Mr. Hanberry suffered no ill effects related to the fever; hence, it was correctly concluded that the old theory of fever transmittal from person to person was in error.

"It staggers the imagination to reflect on the wanton destruction of life and property that had occurred over the years when it was thought that the plague was passed from person to person! Man's knowledge was immeasurably enriched as a result of those three weeks of agonizing experiments endured by Mr. Hanberry in the 'Contamination Hut.'

NEXT CRUCIAL STEP

"Now it was time to take the next crucial step: actual human infection by a mosquito which had fed from the veins of a Yellow Fever victim. And James Hanberry submitted to this second ordeal with full knowledge of the probable outcome—he permitted himself to be bitten by 'Mosquito No. 13,' an insect which had been carefully documented and chronicled as it sucked the blood of patients, delirious with fever.

CONSUMING FEVER

"Three days later—on Feb. 9, 1901—James L. Hanberry was seized by the consuming fever which registered above 105 degrees. For almost one month his body was tortured with pain and racked with convulsions but, with the youthful strength engendered by his wholesome life as a boy in Denmark, S.C., he successfully withstood the seige of the disease. Mr. Hanberry gave all credit for his recovery to his doctor and nurse. It was said by Dr. Roger Post Ames, the attending physician, that—'Mosquito No. 13 that bit Hanberry on Feb. 6, 1901, stopped 200 years of confusion, bitter controversy, horror, sickness and deaths.' And it was proved that man was only the temporary host and that the female stegomyia mosquito was not only the permanent host, but was infectious as long as she lived.

"The solution for the conquest of Yellow Fever was simple, once the transmittal agent was determined: destroy the breeding places of this deadly little insect and the Yellow Plague would evaporate. The world, armed with this great knowledge, was ready for liberation and mankind has been the victor once again. Had it not been for these experiments and the brave men who volunteered to be human guinea pigs, it is conceivable that there would have been no Apollo moon experiments—no Panama Canal, which had been thwarted previously when the French abandoned their efforts in 1880 because of the disease—mankind might still be stacking bodies on the streets.

"When he was asked why he submitted to the ordeal, Mr. Hanberry stated simply: 'Because it was the right thing to do.' And that answer typifies the man as we knew him—he did it because it was the right thing to do!

HUMOR, HUMILITY . . .

"We remember this brave man for his humor—his humility—and his courtliness—a man who was instrumental in quietly serving his fellow man in a great mission—without tumult and fanfare—and without expectations of any reward.

"Mr. Hanberry did not seek the noisy throngs—his was the personality of quiet reflection. He played his part in making the world a better place for all of God's children. He voluntarily gave his body as the instrument for human experimentation—and 'Greater Love Hath No Man.'

"It was our privilege to know him—it will be our great pride to point to his portrait in this building and say to those who did not know him: 'There is a Southern gentleman who placed the welfare of his countrymen far above his personal consideration.'

LET US REMEMBER

"Let us be forever mindful of his contribution to our health and well-being—and to the health of generations in all the world for ages to come.

"Let us Remember The Maine—Teddy Roosevelt and his 'Rough Riders'—Admiral George Dewey—but, above all, let us remember James Leonard Hanberry, born in Denmark, S.C., on December 12, 1875—died on February 27, 1961."

LAW PROFESSOR CALLS FOR CHANGE IN CONSENT DECREE APPLICATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. BROWN of California. Mr. Speaker, at issue in the controversy over the Justice Department's move to enter a negotiated agreement to resolve the pending antitrust suit against automobile manufacturers accused of retarding development of smog controls is the legal tool of the consent decree.

Recently, I received an article from the April 1968 Iowa Law Review by Prof. John J. Flynn, of the University of Utah Law School, which takes a thorough and analytical look into the use and practice of the consent judgment. In addition, Professor Flynn makes some perceptive suggestions regarding improvement of the consent decree mechanism.

I found Professor Flynn's article to be an important contribution in the smog antitrust case at point, and I now insert it in the RECORD and recommend that my colleagues give this analysis serious consideration:

CONSENT DECREES IN ANTITRUST ENFORCEMENT: SOME THOUGHTS AND PROPOSALS*

(By John J. Flynn**)

The use of consent decree in federal civil antitrust enforcement is a widespread practice. The consent decree has proved to be an efficient enforcement tool and has received an increasing acceptance as such among the states. Professor Flynn examines the content and effect of the consent decree, its growth as an effective governmental procedure, and the recurring problems involved with its usage. In conclusion, he poses some practical suggestions for maximizing the use of the decree as a regulatory antitrust remedy.

The most widely used antitrust remedy in federal civil enforcement is the consent decree.[1] There is evidence that it is also becoming a common remedy in those states which are actively enforcing their antitrust laws. Although neither the federal, nor the state, antitrust laws expressly or directly authorize the use of the consent decree as a remedial device, it has been widely accepted as the primary remedy in public civil antitrust enforcement. The history and evolution of the antitrust consent decree constitutes an interesting chapter in the development of the legal process to accommodate the task of the adequately enforcing antitrust policy with a relatively limited and static budget in an increasingly complex society. Almost like the process of creating a common-law fiction to overcome a theoretical obstacle of substantive or procedural law, the judiciary and the bar have evolved a legal process to overcome a practical obstacle of substantive and procedural antitrust law—the expeditious enforcement of antitrust policy in a judicial setting. It shall be the purpose of this article to examine the development of consent decrees as an antitrust remedy, to examine their content, and to make suggestions concerning some of the recurring problems with antitrust consent decrees.

I. HISTORY AND EVOLUTION OF THE CONSENT DECREE

The first use of a consent decree in antitrust enforcement was in *United States v. Otis Elevator Company* in 1906.[2] Apparently drawing from the analogy of settlements in private civil litigation, the Government and the defendant entered into a stipulation, with the force and effect of an injunction, dismissing their case. Since that time, the consent decree has been used with increasing frequency, to the point where eighty-seven percent of all the civil antitrust cases pursued to remedy by the federal government during the decade of the fifties were settled by consent decrees.[3]

The constitutionality and the statutory validity of consent decrees were firmly established by the 1928 decision of the United States Supreme Court in *Swift and Company v. United States*.[4] The Court held that federal courts had jurisdiction to entertain antitrust consent decrees and that the only grounds of atack available on appeal are clerical errors, lack of consent, fraud, and lack of subject matter jurisdiction. Consequently, provisions of the decree based upon erroneous factual or legal conclusions, provisions which enjoin intrastate activities, provisions which are vague and general, and provisions which go beyond the scope of the antitrust laws are barred from attack on appeal because of the defendant's consent to the decree.[5]

The use of consent decrees to terminate antitrust litigation was stimulated by the enactment of the Clayton Act in 1914. Section 5(a) of the Clayton Act provides that a final judgment or decree "rendered in any civil or criminal proceedings brought by or on behalf of the United States under the antitrust laws" is to be given prima facie effect "as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto" in private treble damage actions under section 4 of the Clayton Act and single damage actions by the United States under section 4A of the Clayton Act.[6] Incentive to enter into a consent decree was stimulated by the proviso to section 5: "that this section shall not apply to consent judgments or decrees entered before any testimony has been taken or to judgments or decrees entered in actions under Section 4A."[7] A noticeable increase in consent decrees, which should not necessarily be solely attributable to sections 4 and 5 of the Clayton Act, took place after the passage of the Clayton Act.[5]

A peculiarity of consent decree litigation under the federal antitrust laws has been the almost exclusive use of this device in government civil antitrust enforcement. Although it has been pointed out that the theoretical basis for consent decree "emerges out of the very process of litigation" and that "settlement out of court is one of the oldest of legal usages," this writer has only uncovered one reported consent decree in a private equity action under the federal anti-

---

Footnotes at end of speech.

XUM

trust laws, *A. O. Novander, Inc. v. Chapel Hill Gardens, Inc.*[9] The *Novander* case should not necessarily be considered an important instance of the use of the consent decree in private litigation, since the decree was based upon a consent decree entered against the same defendant in an earlier government antitrust action.[10] There is also little evidence to indicate widespread but unreported use of consent decrees in private antitrust equity suits.[11] The stimulus of the section 5(a) proviso of the Clayton Act is, of course, not present in a suit brought under the antitrust laws by a private litigant, and private injunctive cases are not numerous.[12] Moreover, it is likely that the private litigant does not have the additional bargaining leverage present in public enforcement because he does not have the government's unlimited resources, excellent investigative assistance, threat to bring criminal charges, and trained counsel. But there is no statutory limitation upon the power of litigants in private equity actions under the antitrust laws to settle their case and obtain a judicially enforced decree by entering into a consent decree.

At the state level, the general absence of state antitrust enforcement and the lack of official reporting until recent times of what little enforcement there was has restricted the development of consent decrees as a state enforcement weapon. The Tennessee antitrust statute specifically authorizes consent decrees against cooperative marketing associations restraining or monopolizing trade,[13] and Washington's new antitrust statute provides for a general remedy called "assurance of discontinuance." [14] Aside from being a vague and ambiguous remedy, the Washington provision seems to limit relief to negative proscriptions upon past conduct and does not appear to authorize affirmative relief in antitrust consent decrees.[15]

Other states have utilized consent decrees as an antitrust remedy in public enforcement, apparently upon the presumption that the power to bring civil actions includes the power to settle the dispute by consent decree. New York has reportedly used consent decrees to enjoin coercion in the installment loan contract business,[16] to enjoin bid rigging in state construction contracts,[17] and to enjoin monopolization.[18] Texas has long utilized consent settlements in civil forfeiture cases and recently found occasion to utilize a consent decree to prevent an anticompetitive merger.[19] Hawaii obtained dissolution of a motion picture theatre chain into two chains by a consent decree following a monopolization charge,[20] and California obtained a consent decree barring publication, adoption, or adherence to price schedules for real estate brokerage fees.[21] Thus, there is some evidence of the use of consent decrees as a state antitrust remedy, particularly in those states which have been actively enforcing their antitrust statutes over a sustained period of time.

As a general proposition, however, the development of the use of consent decrees in federal and state antitrust enforcement has been a gradual process resulting in the creation of a unique remedial device used in the vast majority of public civil antitrust cases. The remedy has grown by custom and usage with little direction provided by legislatures or the judiciary, and with relatively scant attention paid to the nature and content of decrees by the bar and the academic world. The analysis here will focus primarily on the use of consent decrees as a federal antitrust enforcement tool; however, the principles are equally applicable to state utilization of this remedial device.

II. THE NATURE AND CONTENT OF CONSENT DECREES

The consent decree has been described as "[A] compromise between two parties in a civil suit; the exact terms [of which] are fixed by negotiation between the parties and formalized by the signature of the federal district judge." [22] This definition is somewhat vague, not only because of the use of the obscure word of corporate folklore "formalized," but also because it does not accurately describe the process of negotiation, the judicial implementation, and the legal consequence of consent decrees. The process of negotiation can best be described as being similar to contract negotiations. Hamilton and Till's description of consent decree negotiations twenty-five years ago is still apt:

> Questions do not have to be transmuted into the alien language of the law; the procedures ordained for ordinary courtroom use do not obtrude with their distractions. The parties meet in informal conference; no weight of intent and harm hangs heavy overhead; fact and value do not have to trickle into the discussion through the conventional rules of evidence. An opportunity is presented to a group of men, sitting around a table, to reach a settlement grounded in industrial reality and the demands of public policy.[23]

Although the context of negotiation may differ from normal business contract negotiations, the essence of what is transpiring does not differ. The parties are engaged in a bargaining process, the Government offering to refrain from formal litigation in return for the defendant's consent to a legally binding "contract," backed by the sanction of contempt, obligating the defendant to refrain from certain conduct or to engage in a certain form of conduct. The very form of the decree illustrates the contractual bargaining nature of consent decree procedure since the decree's preamble states the Government's *quid* [24] and the balance of the decree states the defendant's *pro quo*.

At best, judicial implementation of consent decrees in most cases can only be analogized to the performance of a symbolic religious rite by a high priest, or, at worst, as the performance of an important public function with the machine-like logic of a chiclet dispenser. The analogy to a symbolic religious rite is apt since the placing of the judicial *imprimatur* upon a consent decree is akin to the symbolic act of spinning a prayer wheel, sprinkling water on an individual, or slaughtering an animal on an altar. The act itself is meaningless and often done with little concern about the act, but the symbolic meaning and consequence of the act is usually of great significance to the believers. The chiclet dispenser analogy is apt since the performance usually entails the following of certain mechanical steps with no rationalization or understanding of what is being done. Thus, the court is presented with a negotiated "contract" with little or no understanding of its background, content, or consequences, and mechanically performs the rite of stamping the contract with the approval of the judiciary.[25]

The consequences of a consent decree implemented by a court's *imprimatur* have often been analogized to the effect of an injunction. It is considered to be an order of the court adopting the decree and is enforced by contempt proceedings. But the analogy limps somewhat since the defendant to a litigated decree can appeal the findings of fact and conclusions of law to a higher tribunal. A consent decree, stamped by a court with its *imprimatur*, contains none of these attributes of a litigated injunctive decree. It can only be attacked on appeal for clerical error, lack of consent, fraud, lack of subject matter jurisdiction,[26] and, apparently, failure to carry out an appellate court's previous orders.[27] In effect, therefore, the consent decree is analogous to an injunctive decree with res judicata effect since the enumerated grounds for attacking a consent decree are similar to the limited grounds for collateral attack upon a final judgment which has become res judicata.

Thus, a consent decree in an antitrust case may be defined as the negotiation of an agreement by the parties to a civil antitrust claim; submitted to and adopted by a proper judicial tribunal without explanation or understanding of the circumstances and consequences of the agreement; which is given the effect and attributes of a res judicata injunctive decree by the parties and any tribunal in the future which may have occasion to interpret or enforce the decree. For all practical purposes, therefore, consent decrees may be viewed as a hybrid remedial device with many of the characteristics of a common-law fiction.

The basic content of consent decrees may be divided into routine provisions found in almost all decrees and provisions designed to eliminate alleged violations and prevent future violations by the defendant who happens to be involved in the particular case. The preamble or introductory portion of a consent decree enumerates prior procedural steps of the parties, denial of the substantive allegations of the Government's complaint, a statement that the parties have consented to the entry of "this judgment," that there has been no trial or adjudication of any issue of fact or law, that neither party has made any admission regarding any issue of fact or law, and that no testimony has been taken.[28] At times the preamble to the decree is varied to meet the situation of capitulation and consent to a decree by less than all the alleged defendant conspirators [29] or to dismiss certain specific counts of the complaint without prejudice.[30] In at least one case, the trial court inserted as a preamble to the consent decree the background and circumstances which induced the parties to negotiate the decree.[31] But the general purpose of the preamble to a consent decree seems to be the defining of the nature of the consent decree so that no question may be raised as to the application of the prima facie case provision of section 5(a) of the Clayton Act in subsequent treble damage actions.

The first three and last two numbered provisions of consent decrees normally consist of "boilerplate" provisions. Part I of the decree states that the court has subject matter and in personam jurisdiction, and specifies that a complaint has been stated upon which relief can be granted under a particular section of the antitrust laws.[32] Part II of most decrees is a definitional section defining products, practices, or classifications of individuals involved in the text of the decree.[33] While litigants may find the exercise of defining terminology a boring task, it should be done with care since subsequent proceedings under the decree may turn upon the meaning attributed to a word or phrase in the decree.[34] Part III of most consent decrees consists of a provision defining the scope of application of the decree.[35] This section of the decree usually makes the decree applicable to the parties named in the complaint, and in the case of corporate defendants, to "the officers, directors, agents, employees, subsidiaries, successors and assigns and all other persons in active concert or participation with the defendant" who receive actual notice of the decree by personal service or otherwise.[36] No litigation concerning this phase of routine antitrust consent decree boilerplate has been discovered. It is highly doubtful, however, whether this provision of the decree would enable the Government to claim that persons, corporations, subsidiaries, and "all other persons in active concert or participation" with the defendant are legally bound by the decree in the absence of being made parties to the original complaint. Such an interpretation would violate generally accepted due process notice requirements. The primary value of inserting this type of provision, which claims too much, perhaps lies in its value as a deterrent to the legally unsophisticated director, agent,

---

Footnotes at end of speech.

employee, subsidiary, assigns, and "all other persons" in active concert with the defendant.

A second section of this third general boilerplate provision in an antitrust consent decree usually consists of a declaration that the officers, directors, agents, employees, and subsidiaries of the defendant corporation, when acting in such capacity, are deemed to be one person for purposes of the consent decree. This provision may prevent a charge of intracorporate conspiracy to violate the consent decree. A more likely explanation for its inclusion, however, is the possibility that the Government believes such a provision will ease proof of corporate violation of the decree by eliminating the question of whether officers, agents, employees, or subsidiaries were acting on behalf of the corporation.

Some consent decrees have varied the "scope of application" boilerplate provision to meet peculiar circumstances. For example, some of the consent decrees designed to eliminate repetition of the price fixing conspiracy in the heavy electrical equipment industry expanded the purpose of the consent decree provision defining the decree's scope of application to include extemptions for foreign sales arrangements,[37] requirements of delivering the decree to corporate officials and employees of the defendant,[38] and requirements that the defendant establish a training program for corporate personnel to explain the meaning of the decree.[39] The inclusion of these provisions was obviously designed to avoid hardships created by the different considerations in foreign trade and to assist the implementation of the decree, particularly within the large corporations involved with their farflung and relatively independent subdivisions.

Many consent decress also contain an additional boilerplate provision designed to inform competitors, members of a defendant's distribution system, or buyers who may have been injured by a defendant's alleged anticompetitive behavior of the decree provisions. Such a provision may require mailing a copy of the decree to those with whom the defendant has existing contractual relations for the marketing of the defendant's products; [40] mailing a copy of the decree to all buyers of defendant's products within a certain period;[41] publication of the decree in trade journals where it will presumably be seen by members of a defendant's distribution system, competitors of the defendant, and customers of the defendant; [42] or distribution of the decree among the members of a defendant trade association.[43] By requiring a defendant to disseminate a consent decree internally and to all dealers, buyers, and competitors, the rights of those dealing with a defendant under the consent decree become widely known and decree enforcement may be stimulated by complaints from those who were given notice of the decree by the defendant's own hand.

Enforcement of a consent decree, however, need not depend upon surveillance by competitors, customers, or members of a defendant's distribution system. Standard boilerplate for all consent decrees is the insertion of visitation rights in favor of the Attorney General. Such a provision authorizes the Attorney General or his delegate, upon reasonable notice to the defendant and subject to legally recognized privileges: (1) access during office hours, to all books, ledgers, accounts, correspondence, memoranda, and other records in the defendant's possession relating to matters contained in the consent decree; and (2) the right to interview the defendant's officers and employees with regard to any of the matters contained in the consent decree. Abuse of the visitation power is circumscribed by the requirement that information gained pursuant to the visitation provisions of the decree may not be divulged except in legal proceedings to which the United States is a party for the purpose of securing compliance with the decree.[44] This broad visitation power is inserted in every consent decree for the obvious purpose of assisting Government enforcement of the decree. On the few occasions that the government has sought to utilize the right of visitation, however, the courts have restricted Government access to documents by holding that the Government does not have the right to make an initial selection of documents since the decree limits access to documents relevant to the decree,[45] and the Government does not have the right to be present when the defendant selects the documents relevant to the decree.[46] In effect, the provision providing visitation rights for the Government can be equated with the subpoena power and confers little power beyond the Civil Investigative Demand available by legislation.[47] The determination of what documents are "relevant" to matters in the decree permits wide flexibility and discretion to the individual making the selection of documents. While the Government may be expected to give a broad application to what is "relevant," the defendant may be expected to give a narrow application to "relevant" and thereby frustrate the practical value of the visitation provision. The only solution to this Hobson's choice is, perhaps, to allow the defendant to make the initial selection of documents in the presence of the Government. Otherwise documents the Government might consider relevant to the decree may be forever lost to flames born out of a defendant's judgment of irrelevancy.

A final boilerplate provision in most consent decrees is a provision retaining court jurisdiction for the purpose of judicial enforcement, modification, and construction of the decree.[48] In most consent decrees, this provision is not finite, there being no termination date placed upon the life of court retention of jurisdiction. Consequently, several major corporations, unions, trade associations, and individuals which have entered into consent decrees are theoretically required to conduct a part or all of their business operation forever subject to the rules and regulations of a court-entered decree and subject to contempt proceedings for violation of that decree. Although many, if not most, consent decrees are filed and forgotten by the defendants, the Government, and the courts,[49] a vast part of American industry is theoretically governed by over five hundred consent decrees—decrees without limitations in time and subject to enforcement even unto the second or third generation.[50]

An occasional decree has contained a provision for termination after the passage of a certain period of time or upon the happening of a stipulated event.[51] The termination of a decree after the passage of a certain amount of time seems to be used where a defendant is prohibited from exercising certain otherwise legal rights or market conditions may reasonably be expected to change after a certain time period.[52] Other explanations for automatic termination of a decree after the mere passage of time may exist, but the paucity of factual information surrounding the negotiation and entry of consent decrees make educated guesses hazardous at best. The almost impossible test for modification of a consent decree [53] should stimulate defendants to bargain for termination of the decree after the passage of a stipulated period of time. Except in cases where the decree restructures the entire market,[54] where extensive supervision is called for,[55] or when the recidivistic conduct of the defendant warrants the addition of the sanction of contempt proceedings,[56] the Government might also find value in automatic termination provisions. Consent decrees are just as difficult to modify for the Government [57] as they are for defendants. The Government may well find itself bound by a decree which the passage of time indicates has not restored competition.[58] Furthermore, the tendency of the Government to shift attention from an industry which has recently been subjected to antitrust investigation and litigation to another may heighten the Government's belief that since a consent decree has been entered the industry is then compelled to be on its good behavior. The general failure of the Government to enforce decrees is such a well-known phenomenon that the consent decree slap on the wrist and exhortation to go and sin no more may induce a sense of security on the part of defendants; security to sin some more while the enemy rests on its consent decree laurels. The knowledge that an industry is no longer subject to a particular consent decree may well stimulate new Government surveillance to assure that the habits of the past are not renewed upon consent decree termination.

The non-boilerplate provisions of a consent decree are as many and varied as the practices which violate the antitrust laws. The minerun antitrust violations have all been enjoined by many of the vast number of consent decrees entered to date.[59] Of course, a general prohibition to stop price fixing, group boycotts, or some other acknowledged antitrust violation usually leaves the Government with only the advantage of having an extra remedy—contempt of the court's decree. Proof of the decree violation and proof of a violation of the statute usually require the same evidence.

Many consent decrees, however, attempt to go beyond enjoining a defendant from doing what he is already required to avoid by statute. Decrees of this type seem to be drafted with a view toward eliminating the basic causes of the violation. For example, in *United States v. Standard Oil Company,*[60] six major producers of retail petroleum products were charged with restraining trade by vertical price fixing and group boycotts. The decree not only enjoined the end practices restraining trade, but sought to eliminate the factors causing the restraint by enjoining the defendants from belonging to any organization controlling west coast oil products or prices; enjoining boycotts of producers in the use of pipeline and storage facilities; enjoining purchase contracts beyond one year unless the seller is given termination rights; establishing detailed provisions governing retail dealer contracts and distributor agreements; enjoining fair trading; restricting requirement contracts on T.B.A.; and enjoining boycotts of dealers. Much of the relief was in the form of affirmative requirements designed to eradicate the pressures and means for restraining trade rather than negative prohibitions enjoining the defendants from doing something they were already prohibited from doing by statute.[61] Consequently, violations are easier to prove, and the main objectives of an antitrust equity decree, preventing future violations and rooting out the causes for past violations, are achieved.

Several decrees have gone beyond negative prohibitions and ordered affirmative relief. Divestiture [62] and dissolution [63] have not been uncommon. Other decrees have ordered patent licensing on a reasonable royalty basis [64] or on a royalty free basis.[65] Several decrees, particularly in cases involving alleged violation of section 7 of the Clayton Act, have restricted future acquisitions by shifting the burden to the defendant of proving that future acquisitions do not restrain trade.[66] Other unique provisions in recent consent decrees have included enjoining the use of fair trade agreements; [67] limiting a Clayton Act section 7 defendant to a stated percentage of a statewide market,[68] requiring the destruction of all papers and records allegedly used by a trade association to allocate customers; [69] obtaining consent to

---

Footnotes at end of speech.

XUM

a limited admission that the consent decree defendant had violated section 1 of the Sherman Act for purposes of treble damage suits by state and local governments; [70] conditioning the issuance of trademark licenses upon the defendant obtaining future licensee submission to the consent decree; [71] providing a domestic agent for service of process for a foreign subsidiary engaged in alleged export restrictions; [72] restraining the use of patents to harass competition and potential customers; [73] forbidding the use of a particular delivered pricing system; [74] and requiring a defendant renting machines to send all lessees a bill of sale for no additional consideration.[75] In many of these cases, it is doubtful whether a court would have ordered similar relief and in most of these cases it is impossible to determine the effectiveness of the relief obtained since little else is ever heard of a consent decree after its adoption by a court. In all of these cases, however, legitimate questions may be raised as to whether private rights and the public interest were adequately protected by the procedures followed by the parties in negotiating the decree. As will be developed later, the procedure for negotiating consent decrees leaves affected third parties with a weak position from which to protect their rights and interests, and the bargain the Antitrust Division has presumably struck for the public interest is subject to little or no independent review by an unbiased tribunal.

III. THE CONSENT DECREE'S ROLE AND VALUE IN ANTITRUST ENFORCEMENT

The sheer number of consent decrees entered in antitrust cases and the obvious willingness of government and private litigants to seek termination of civil litigation by consent indicates that antitrust consent decrees have several inherent values. For the Government, the antitrust consent decree is a relatively inexpensive and rapid method of enforcement. In turn, more extensive enforcement per enforcement dollar may be obtained. Moreover, the Government often has the opportunity to obtain broader and more radical relief,[76] particularly in cases where judicially acceptable evidence is difficult to obtain, than would be possible if the case were litigated and subject to the rules of evidence and judicial reluctance to impose broad and comprehensive remedial relief. In addition, substantive antitrust policy may be extended in antitrust consent decree negotiations; the Government is relatively free to indulge in experimentation with antitrust remedies; future cases against the same defendant may be governed by decree provisions shifting the burden of proof; [77] particular activity within an industry may be subjected to continual supervision; and far-ranging bargaining with an industry or particular firm may be engaged in for the purpose of settling a whole range of government-business problems beyond the basic antitrust complaint, away from public and judicial scrutiny.[78]

The consent decree defendant may also obtain several advantages. By entering into a consent decree, the defendant avoids the threat of a prima facie case for treble damage actions inherent in litigated cases under section 5(a) of the Clayton Act. The relative informality and secrecy accompanying consent decree negotiations also avoids the expense, inconvenience, and notoriety of protracted litigation. A further advantage to today's image-conscious businessman and corporation is the maintenance of an antitrust-pure reputation, since the consent decree is not an adjudication of an antitrust violation. Of a more subtle nature, but often of great value, are the advantages of being able to exert political and other outside pressures during consent decree negotiations which are unavailable or highly dangerous in a court room,[79] the avoidance of business disruptions and expense by extensive discovery if a trial were to be held, obtaining concessions in the decree which might not be permitted if a full trial were to be held, escaping contractual or other obligations involving third parties,[80] and insulating practices from government attack which prediction might suggest would be considered violations in the mind of the judiciary.[81]

The courts benefit by the extensive use of consent decrees in anti-trust cases since complicated and time consuming litigation is removed from crowded trial dockets. Trial courts avoid appellate reversal because of procedural, evidentiary, and substantive errors while retaining a semblance of judicial participation in antitrust enforcement.[82]

To some extent the interest of competitors of and those associated with an antitrust defendant are protected by the Antitrust Division's policy of filing proposed consent decrees thirty days prior to the effective date of the decree. Theoretically, those affected by the decree, but not named as parties, have an opportunity to present their views prior to the formal adoption of the decree by the court.[83] These views are presented to the Antitrust Division, not the court considering the decree. Consequently, an "affected person's" interests may only be reflected in the consent decree if the Antitrust Division chooses to do so.

Th only other avenue of approach for an "affected person," not a party to the suit, is by intervention under rule 24 of the Federal Rules of Civil Procedure. Federal courts have been more than reluctant to permit intervention in the framing or modification of consent decrees. In most cases the courts have been hostile to the intervenor on the grounds that the framing of a consent decree by negotiation would be frustrated by piecemeal intervention [84] or that that Justice Department will represent "affected persons" while representing the public interest.[85] The anti-intervention stand of the courts, however, may be undergoing change if the implications of the Supreme Court's language in *Cascade Natural Gas Corporation v. El Paso Natural Gas Company* [86] are carried to their natural conclusion.

In *Cascade* the district court denied intervention to the state of California, a Southern California electrical utility, and an Oregon-Washington natural gas distributor seeking to intervene in divestiture proceedings pursuant to a Supreme Court mandate holding that El Paso's acquisition of Northwest Pipeline Corporation violated section 7 of the Clayton Act and ordering divestiture without delay.[87] Rule 24(a) of the Federal Rules of Civil Procedure states that intervention may be had as a matter of right "(1) when a statute of the United States confers an unconditional right to intervene;" or "(2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties." [88] The Supreme Court held that all three applicants were entitled to intervene as a matter of right; the state of California and the Southern California public utility under the narrower standard of old rule 24(a) (3),[89] and the Oregon-Washington natural gas distributor under the broader standard of amended rule 24(a) (2). The state and the public utility were held to be the direct victims of the antitrust violation and " 'so situated' geographically as to be 'adversely affected' within the meaning of rule 24(a) (3) by a merger that reduces the competitive factor in natural gas available to California." [90] The Oregon-Washington distributor, Cascade, was entitled to intervene of right because it had " 'an interest' in the 'transaction which is the subject of the action' " [91] and "the 'existing parties' have fallen far short of representing its interests." [92] Although Cascade's interest was geographically remote, the proposed divestiture plan allegedly created a new firm with substantially less gas reserves than the merged company, thereby endangering the reliability of Cascade's source of supply. If the full implications of holding Cascade's "interest" sufficient to obtain intervention of right are realized in subsequent antitrust litigation involving intervention under rule 24(a), apparently the intervenor's interest need not be as direct as those of a competitor or a direct victim of the illegal conduct being corrected in tthe remedial phase of antitrust litigation. The *Cascade* case implies that customers and suppliers of an antitrust defendant may have a right to intervene even though the effect of an antitrust decree may be indirect in its effect upon the intervenor.

In addition to showing "an interest . . . which is the subject of the action", the intervenor must show that "he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicants interest is adequately represented by existing parties." [93] This requirement should prove to be far more troublesome for prospective intervenors in antitrust consent decree proceedings. The Antitrust Division theoretically repersents the public interest in consent decree proceedings, although a recent congressional study [94] and the *Cascade* case [95] cast doubt on this theory. The Antitrust Division consistently resists moves to intervene on the grounds that the Division adequately represents the interests of prospective intervenors while representing the public interest, that the thirty-day advance filing of proposed decrees before they are entered provides adequate opportunity for third parties to present their views, that intervenors are pursuing ther own interests which may conflict with the public interest, and that intervention so complicates the consent decree process as to sacrifice the Government advantage of expeditious and economic enforcement.[96]

In *Cascade*, the Court avoided a decision on what showing an intervenor must make in antitrust equity proceedings in order to satisfy the requirement that his interest is not "adequately represented by existing parties." While noting that enforcement of a public law may also demand protection of private interests which may not be adequately safeguarded, absent intervention, by enforcement officials or judcial discretion to grant permissive intervention,[97] the Court expressly disclaimed any intention of interfering with the Attorney General's authority to settle antitrust cases.[98] The Court avoided the issue by viewing the proposed divestiture decree as a stipulation circumventing the Court's earlier mandate ordering divestiture without delay,[99] and consequently, the intervenors were not adequately represented in the formulation of a decree pursuant to the Court's earlier order.

The implications of this case, therefore, are difficult to assess. In the absence of an appellate court mandate violated by a proposed decree entered between the Government and a defendant, an intervenor must allege facts demonstrating that the Government does not adequately represent his interest. As the *Cascade* opinion points out, this may often happen in public law enforcement. Yet, as the Assistant Attorney General for the Antitrust Division pointed out, allowing all those with an interest in the matter being settled by a consent decree intervention of right, may so complicate consent decree procedures as to eliminate the values those decrees provide as efficient and economical antitrust remedies.

The dilemma is created because of the application of the broader standards for intervention used in the judicial process, to a process which is essentially "administrative"

Footnotes at end of speech.

in character.[100] The Assistant Attorney General's objection to intervention in consent decree proceedings is based upon preservation of the administrative process, rather than the standards of rule 24(a) which measure the right to intervene by the intervenor's interest and whether that interest is being adequately protected. So long as the guarantees of the administrative process[101] are not present in the consent decree process, private interests affected by a consent decree may justifiably claim a right to intervene beyond the limited right to file objections with the Antitrust Division during the thirty days between publication and entry of the decree.[102] Third party interests cannot always be adequately protected in the private negotiations between the Antitrust Division and an antitrust defendant, and the sacrifice of a particular private interest may often occur because of the practicalities of the bargaining situation involved, or because of political or other extraneous factors which might influence a particular antitrust case. Until the consent decree process is recognized for what it is—an administrative proceeding without any of the trappings of traditional procedures in administrative actions—the courts may be well advised to look with suspicion upon the claim that particular private interests of third parties are protected by the Antitrust Division and that the Antitrust Division necessarily always represents the public interest in consent decree negotiations.

The resistance of the Antitrust Division and the courts to formal intervention has been circumvented to a limited degree. In cases involving decree modification, federal courts have been liberal in allowing amicus briefs to be filed by affected persons.[103] The trend toward use of amicus briefs has been most evident in attempts to modify the famous motion picture consent decrees spawned by *United States v. Paramount Pictures, Inc.*[104] Each of the decrees required the divested circuit exhibitors to prove to the court supervising enforcement of the decrees that subsequent acquisitions of theatres would not unduly restrain competition. As the theatre circuits have expanded to modernize theatre holdings, meet shifts in population, and meet changes in theatre-going habits,[105] applications to the court under the decrees to acquire existing theatres to build new ones have evoked complaints from existing theatre owners in the affected markets. Competitor complaints about theatre acquisitions by the consent decree defendants have been heard by way of amicus curiae brief.[106] Consequently, the interest of competitors and others who may be affected by a consent decree or decree modification, but are not parties, must be protected by the Antitrust Division if intervention is not permitted, and by the slender reed of an amicus brief, if permitted, or by filing an objection with the Antitrust Division during the thirty-day waiting period before the decree becomes final.

Two recent developments in consent decree negotiations, the so-called "asphalt clause" and entry of a decree without the Government's consent, are further attempts to protect third parties injured by an antitrust defendant's violations. They also are an attempt to protect an antitrust defendant from allegedly unreasonable demands for decree provisions by the Government.

The "asphalt clause" was added to the antitrust consent decree lexicon by a provision inserted in consent decrees entered against ten sellers of asphalt, road tar, and bituminous concrete.[107] The defendants were charged with rigging bids in sales to state and local governments in Massachusetts, New Hampshire, and Maine. The "asphalt clause" of the decree enjoined the defendants from denying the prima facie effect of the decree in treble damage actions filed by state and local agencies prior to entry of the decree.[108] The obvious purpose of the clause was to assist state and local governmental agencies in damage actions against the antitrust defendants.[109] Such an object has the salutary effect of assisting a special class of "private" litigants to recover monetary damages for injuries caused by the antitrust violation, while at the same time assisting the national public interest in preventing a continuation of the violation. Moreover, the taxpaying public is not put to the expense of two investigations and trials. Asphalt clauses, however, saddle the consent decree program with a complicating factor which might stiffen an antitrust defendant's resistance to settlement if there is any chance of escaping an adverse judgment at trial. Additionally, the Antitrust Division is placed in the position of fostering two interests—the national government's interest in ending an injury to national trade and commerce and a state's interest in recovering damages for an injury caused by the antitrust violation. As Judge Wyzanski noted in *United States* v. *Lake Asphalt and Petroleum Company,*[110] the Antitrust Division may well find itself in the delicate position of representing divergent interests of conflicting equities.[111]

In the only other case in which the Government demanded an asphalt clause as the price of consent, *United States* v. *Brunswick-Balke-Collender Company,*[112] Judge Tehan found a more fundamental objection to the asphalt clause and entered the consent decree, minus the asphalt clause, without the Government's consent. Relying on *Twin Ports Oil Company* v. *Pure Oil Company,*[113] Judge Tehan found that an antitrust defendant has a "right" under the proviso of section 5 of the Clayton Act "to avoid the 'prima facie evidence' sanction by capitulation" in the form of a consent decree.[114] The asphalt clause was viewed as an "unauthorized attempt on the part of an administrative agency to avoid [the] congressional intent" to give antitrust defendants the "right" to escape the prima facie effect of section 5 of the Clayton Act.[115]

A basic difficulty with Judge Tehan's attack on the asphalt clause is the fact that section 5 of the Clayton Act was not intended to confer any rights on antitrust defendants. To the contrary, section 5 was intended to benefit third parties injured by an antitrust violation[116] and provide a stimulus to defendants to settle for the benefit of efficient government enforcement.[117] Rather than being contrary to the congressional purpose for enacting section 5 of the Clayton Act, the asphalt clause seems to be a unique device for carrying out the two major congressional purposes behind section 5—to assist injured third parties and to obtain efficient government enforcement by consent decrees.[118] Indiscriminate use of the asphalt clause might well hamper the purpose of stimulating capitulation by defendants, but the selective use of asphalt clauses in cases where the Government has a strong case and the injured third parties to be benefited are public agencies or persons unable to litigate a treble damage action seems a worthwhile policy the Government should follow. In this way a further deterrent will be added to the antitrust arsenal, the public purse will be spared the expense of duplicating investigations and litigation, third parties injured by antitrust violations will be spared the cost of litigating a complex damage claim, and the courts will be spared the burden of several treble damage suits spawned by successful government unmasking of an antitrust violation.[119]

The *Brunswisk* case also raised the issue of whether a consent decree can be entered without the Government's consent.[120] While entering a consent decree without the Government's consent might seem contradictory, defendants in antitrust cases should find comfort in the possibility. Arbitrary and unreasonable demands made by the Government as the price of Government concession may be voided by the court entering a proposed decree to which the Government has not consented.[121]

The issue was squarely presented to the Supreme Court in *United States* v. *Ward Baking Company.*[122] The district court had entered a consent decree without the Government's consent.[123] The Government's refusal to consent was based upon the contention that the decree omitted two necessary items of relief. The district court ruled that the claimed additional items of relief would not be awarded to the plaintiff after a trial of the case and therefore the court could enter the decree without Government consent. The Supreme Court avoided the fundamental issue of whether a consent decree could be entered without the Government's consent and reversed the district court on the lower court's own standard. The Court held the additional relief sought by the Government had a reasonable basis under the circumstances and that a bona fide disagreement concerning substantive items of relief existed, which could only be resolved by trial. The *Ward* decision seems to indicate that there may be some circumstances where a consent decree can be entered without the consent of the Government, even though the court expressly limited its holding to the particular facts there present.[124] By deciding the case on the standards applied by the district court the decision seems to indicate that "the Government does not have an unqualified right . . . to force the trial of a case because the defendant will not accept some substantive terms of a proposed decree—terms which the court can state before the trial it would not grant after trial even if the Justice Department proved its case. . . ."[125] Such a result is consonant with the libertarian's view of judicial review as a method of preventing arbitrary government action and with the view that a consent decree is more than merely a contract between private litigants. But the practical problems entailed in applying judicial control to the content of consent decrees may well prove to be a vexing problem. A novel solution to the problem was used in *United States* v. *Standard Oil Company.*[126] In that case, consent decree negotiations broke down over Government insistence that the defendants divest certain assets. The trial court held a hypothetical trial of the issue to determine whether divestiture would be granted if a full trial were held. Upon deciding divestiture would not be granted if a full trial were held, the parties agreed to a consent decree without divestiture. The difficulty with this procedure is that it skirts perilously close to the language of the section 5(a) proviso of the Clayton Act exempting consent decrees from the prima facie effect of antitrust judgments. The proviso only exempts "consent judgments or decrees entered before *any testimony* has been taken. . . ."[127] Moreover, the procedure of hypothetical trials to induce consent decrees weakens the Government's potent bargaining weapon of a full trial and the application of section 5(a) of the Clayton Act in subsequent treble damage actions.

Perhaps the only solution to the dilemma of preserving the freedom of the parties in consent decree negotiations while retaining sufficient judicial control so that arbitrary and excessive demands by the Government are not imposed as the price of Government consent is to permit entry of consent decrees over Government objection in cases where an antitrust defendant is able to carry the burden of demonstrating that the relief demanded is in no way related to the case.

IV. SOME SUGGESTIONS FOR IMPROVEMENT OF THE CONSENT DECREE PROCESS

There is some evidence of increased imagination in the formulation of antitrust con-

---

Footnotes at end of speech.

sent decrees by the Government. Rather than settle for routine prohibitions of conduct already barred by the statute, the Government seems to be demanding relief directed at the causal factors behind the antitrust violation. To some extent more consent decrees are framed as regulatory standards to govern such conduct as a defendant's relationship with customers and suppliers rather than as a list of negative prohibitions. To the extent that such a trend acknowledges that many antitrust violations are symptomatic of structural factors rather than anticompetitive behavior, it should be encouraged. Indeed, it is difficult to see the value of simply enjoining anticompetitive behavior which is already outlawed by statute in the absence of vesting a right of action to enforce the decree in private persons who are injured by a violation of the decree.[128] The Government's failure to enforce decrees, the questionable utility of adding contempt as a remedy for violation of a decree by ordering a defendant not to do an act he is barred by a criminal statute from doing to begin with, and the possible invitation to a defendant to treat the decree as the only standard he is bound by and therefore encourage anticompetitive behavior in the process of circumventing the decree, all suggest that a consent decree should be used primarily as a regulatory decree rather than a negative prohibition of certain types of anticompetitive behavior. If consent decrees are to serve the latter function, as negative prohibitions of certain activities, it is suggested that private litigants be given a right of action to enforce the decree, either by injunction or damages, in light of the Government's failure to enforce consent decrees by contempt citations.

If consent decrees are to be used primarily as a regulatory decree designed to eliminate or regulate structure or conduct causing anticompetitive effects, it would seem that a reappraisal of consent decree procedures is necessary. If the decree amounts to legislation governing the growth or business practices of a particular industry, provision should be made for an objective evaluation of the public welfare, the rights of competitors, and the rights of suppliers and customers of the affected industry. The present practice of negotiating the decree in secrecy, bargaining in the framework of an adversary context rather than a legislative context, negotiating with less than all the affected parties, and vesting bargaining power in a litigation-oriented branch of government rather than a regulatory branch of government, all suggest serious deficiencies in present consent decree procedures. The danger of political influence or horse-trading being involved; the tendency to treat the questions involved as a private settlement between adversaries rather than the framing of regulations to guide an industry and prevent future anticompetitive behavior; the failure to allow all interested parties and pressure groups to present their views to the lawmaking institution involved; and the absence of a government approach to the issues presented in regulatory decrees from an industry wide viewpoint and a legislative viewpoint based on extensive fact finding, suggest a need for congressional investigation of the consent decree process. While no solution to the question is proposed here, principally because of the absence of sufficient empirical data and a means to obtain such evidence, it does seem clear that civil antitrust enforcement by the Antitrust Division has evolved into an "administrative" process of negotiating regulatory consent decrees within the context of the adversary system. Congress should recognize this fact of antitrust enforcement, investigate its implications, and pass legislation making theory equate with the realities and requirements of modern antitrust enforcement. Whether the solution lies in the creation of a special court to oversee the implementation and enforcement of consent decrees, the transfer of cases involving the entry of regulatory decrees to an administrative tribunal,[129] or the retention of the present system with a considerable increase of the staff, budget, and investigative powers of the Antitrust Division, must await an adequate congressional investigation and a legislative judgment weighing the values inherent in present consent decree procedures and the objectives of antitrust policy with the rights of private interests and fundamental notions of due process.[130]

At the state level, assuming general enforcement, the obvious value of achieving antitrust enforcement in a speedy and inexpensive manner makes the consent decree an attractive enforcement device. However, since most restraints of trade encountered by states may be expected to be of the per se character and to involve predatory market behavior, it seems logical to expect that the bulk of state antitrust consent decrees would consist primarily of negative prohibitions rather than regulatory provisions. Consequently, the use of consent decrees in state enforcement is also open to the utilitarian objection that such a decree only provides the added sanction of contempt and is of little value in the absence of subsequent decree enforcement, since defendants would soon learn to ignore the decree.

Even so, it is suggested that any uniform state antitrust legislation should include express power to use consent decrees since the efficiency and economy of the remedy should make it a realistic remedy for an understaffed and underfinanced attorney general. To avoid the danger that antitrust defendants will ignore the decree, private parties should be given the right to enforce the decree by injunction or treble damage actions where they can prove the consent decree defendant has violated the decree and the violation has caused injury to the private party. Although the possibility of future treble damage actions based on the consent decree may increase defendant reluctance to enter into a consent decree, the advantages of a consent decree to the state and the private defendant, particularly if the state statute makes litigated decrees prima facie evidence of violation in subsequent damage actions, should override defendant hesistancy to negotiate. The state would obtain expeditious and economical antitrust enforcement and be able to shift the cost of decree supervision to private litigants, while assuring future compliance with the prohibitions of the decree.

TYPE OF DISPOSITION OF PRIVATE ANTITRUST CASES TERMINATED IN 86 U.S. DISTRICT COURTS, FISCAL YEARS 1955-60

		Judgment without consent or by consent									Contested judgment				
				Consent judgment		Consent dismissal							Judgment by court during trial		
Fiscal year	Total	Dismissed for want of prosecution	Default judgment	Before trial	During or after trial	Before trial	During or after trial	Transfers	Other disposition	Remanded	Judgment by decision of court before trial	Judgment after court trial	Directed verdict	Other	Judgment on jury verdict
1955[1]	200	8	0	8	1	129	5	1	4	2	21	5	2	1	3
1956[2]	212	5	1	5	0	146	7	1	2	2	25	8	1	0	9
1957[3]	192	10	0	0	0	123	4	3	0	1	28	9	3	0	11
1958[4]	201	4	0	1	0	149	1	2	0	0	28	9	0	1	6
1959[5]	238	15	0	3	0	164	2	1	2	2	35	9	1	0	4
1960[6]	220	15	1	3	0	145	4	4	5	5	19	9	1	3	6

[1] Annual Report of the Director of the Administrative Office of the U.S. Courts, table C-4, 174-75 (1955).

[2] Annual Report of the Director of the Administrative Office of the U.S. Courts, table C-4, 222-23 (1956).

[3] Annual Report of the Director of the Administrative Office of the U.S. Courts, table C-4, 182-83 (1957).

[4] Annual Report of the Director of the Administrative Office of the U.S. Courts, table C-4, 170-71 (1958).

[5] Annual Report of the Director of the Administrative Office of the U.S. Courts, table C-4, 198-99 (1959).

[6] Annual Report of the Director of the Administrative Office of the U.S. Courts, table C-4, 250-51 (1960). The same breakdown of information is unavailable after 1960. Table C-4 has been changed primarily to reflect the number of cases going to jury trial.

FOOTNOTES

* Research for this study was supported by funds provided by the Legislative Research Center of the University of Michigan Law School, funds derived from gifts to the University of Michigan by William W. Cook, and funds provided by the Research Committee of the University of Utah. The views expressed herein are those of the author, and do not necessarily represent the views of any of the sponsors of this research.

**Associate Professor of Law, University of Utah. B.S., Boston College; LL.B., Georgetown University; S.J.D., University of Michigan.

[1] See generally Barnes, Settlement By Consent Judgment, in An Antitrust Handbook 235 (1958); M. Goldberg, The Consent Decree: Its Formulation and Use (Michigan State Bureau of Business & Economic Research, Occasional Paper No. 8, 1962) [hereinafter cited as M. Goldberg]; W. Hamilton & I. Till, Antitrust in Action 88-97, 126-29 (TNEC Monograph No. 16, 1940); Antitrust Subcomm. of the House Comm. on the Judiciary, Consent Decree Program of the Department of Justice, 86th Cong., 1st Sess. (Comm. Print 1959); Birnbaum, The Auto-Finance Decree: A New Technique in Enforcing the Sherman Act, 24 Wash. U.L.Q. 525 (1939); Dabney, Consent Decrees Without Consent, 63 Colum. L. Rev. 1053 (1963); Dabney, Antitrust Consent Decrees: How Protective An Umbrella?, 68 Yale L.J. 1391 (1959); Donovon & McAllister, Consent Decrees in the Enforcement of Federal Anti-Trust Laws, 46 Harv. L. Rev. 885 (1933); Duncan, Post-Litigation Resulting from Alleged Non-Compliance with Government Antitrust Consent Decrees, 8 W. Res. L. Rev. 45 (1956); Harsha, Some Observations on the Negotiation of Antitrust Consent Decrees, 9 Antitrust Bull. 691 (1964); Ergo, ASCAP and The Antitrust Laws, 1959 Duke L.J. 258; Haberman & Birnbaum, The Auto-Finance Consent Decree: An Epilogue, 1950 Wash. U.L.Q. 46; Isenbergh & Rubin, Antitrust Enforcement Through Consent Decrees, 53 Harv. L. Rev. 386 (1940); Jacobs, Antitrust Law: Consent Decrees in Merger Cases, 43 A.B.A.J. 23 (1957); Jinkinson, Negotiation of

Consent Decrees, 9 Antitrust Bull. 673 (1964); Katz, The Consent Decree in Antitrust Administration, 53 Harv. L. Rev. 415 (1940); Litvack, Consent Decrees in Government Civil Antitrust Actions, 9 N.Y.L.F. 181 (1963); Marcus, The Impact on Business of Antitrust Decrees, 11 Vand L. Rev. 303 (1958); McHenry, The Asphalt Clause—A Trap for the Unwary, 36 N.Y.U.L. Rev. 1114 (1961); Peterson, Consent Decrees: A Weapon of Anti-Trust Enforcement, 18 U. Kan. City L. Rev. 34 (1949); Phillips, The Consent Decree in Antitrust Enforcement, 18 Wash. & Lee L. Rev. 39 (1961); Timberg, Recent Developments in Antitrust Consent Judgments, 10 Fed. B.J. 351 (1949); Van Cise, The Trend in Patent Provisions in Antitrust Consent Decrees, 41 J. Pat. Off. Soc'y 743 (1959); Withrow, Compliance with the Antitrust Laws, 9 N.Y.L.J. 187 (1962); Comment, Section 5 of the Clayton Act—Consent Decrees and the Statute of Limitations, 22 U. Chi. L. Rev. 514 (1955); Note, Antitrust: Consent Decree: The History and Effect of Western Electric Co. v. United States, 45 Cornell L.Q. 88 (1959); Note, Consent Decree as a New Method of Defining and Enforcing Antitrust Laws, 8 Cornell L.Q. 185 (1923); Note, The R.C.A. Consent Decree, 1 Geo. Wash. L. Rev. 513 (1933); Note, Modification of Antitrust Consent Decrees, 31 Ind. L.J. 357 (1956); Note, Consent Decrees in Anti-Trust Cases, 31 Law Notes 143 (1927); Comment, The Consent Decree in Antitrust Enforcement—Analysis and Criticism, 32 Rocky Mt. L. Rev. 367 (1960); Comment, The Packer Consent Decree, 42 Yale L.J. 81 (1932); Note, An Experiment in Preventive Anti-Trust: Judicial Regulation of the Motion Picture Exhibition Market Under the Paramount Decrees, 74 Yale L.J. 1040 (1965); Comment, Regulation of Business—Sherman Act—Administration and Enforcement—A Re-Analysis of Consent Decrees, 55 Mich. L. Rev. 92 (1956); Comment, Consent Decrees and the Private Action: An Antitrust Dilemma, 53 Calif. L. Rev. 627 (1965).

[2] 1 CCH, Decrees & Judgments in Federal Anti-Trust Cases 107 (N.D. Cal. 1906).

[3] From January 1, 1950 to December 31, 1959 the Antitrust Division filed 276 civil cases. Of these, 222 were pursued to a remedy. The balance were either dismissed, won by the defendant, or were not finally resolved by the time this compilation was made. Of the 222 cases pursued to remedy, 194 resulted in the entry of consent decrees against some or all of the defendants. Sources: CCH, The Federal Antitrust Laws with Summary of Cases Instituted by the United States 1890–1951 (1952) [hereinafter referred to as CCH Blue Book]; CCH, The Federal Antitrust Laws with Summary of Cases Instituted by the United States 1952–1956 (Supp. 1957); CCH, U.S. Antitrust Cases Summaries, Complaints, Indictments, Developments 1957–1961 (Transfer Binder 1961).

[4] 276 U.S. 311, 325–32 (1928).

[5] *Id.* at 327–32.

[6] Clayton Act, 38 Stat. 730, 731 (1914), *as amended.* 15 U.S.C. § 16(a) (1964).

[7] Id.

[8] From 1900–1909 the Government brought 19 civil antitrust cases; 5 of those cases were dismissed or disposed of short of adjudication in favor of the Government and 14 cases were pursued to some form of remedy in favor of the Government against some or all of the defendants. Of the 14 cases pursued to remedy, the Government obtained litigated injunctive relief in 12 cases and consent decrees were entered in 2 cases, or 14% of the cases pursued to remedy. From 1910 to 1919 the Government brought 75 civil cases, 57 of which were pursued to remedy. In 24 of the cases pursued to remedy injunctive relief was awarded the Government; consent decrees were entered in 33 or 58% of the cases pursued to remedy. The statistics of the decades through the sixties are as follows: 1920–1929: 97 civil cases instituted, 72 cases pursued to remedy, 12 cases in which litigated injunctive relief granted, 60 (83% of cases pursued to remedy) consent decrees entered; 1930–1939: 52 civil cases instituted, 41 cases pursued to remedy, 13 cases in which litigated injunctive relief granted, 31 (76% of the cases pursued to remedy) consent decrees entered; 1940–1949: 238 civil cases instituted, 201 cases pursued to remedy, 34 cases in which litigated injunctive relief granted, 170 (85% of the cases pursued to remedy) consent decrees entered; 1950–1959: 276 civil cases instituted, 222 cases pursued to remedy, 35 cases in which litigated injunctive relief granted, 194 (87% of the cases pursued to remedy) consent decrees entered. As of the date of this compilation 16 civil cases instituted between 1950–1959 were still pending. Disparities between the total number of cases pursued to remedy and the total of injunctive decrees and consent decrees are caused by consent decrees entered by some defendants and litigated injunctive decrees entered against the remaining defendants in a particular case. Sources: CCH Blue Book; CCH, The Federal Antitrust Laws with Summary of Cases Instituted by the United States 1952–1956 (Supp. 1957); CCH, U.S. Antitrust Cases Summaries, Complaints, Indictments, Developments 1957–1961 (Transfer Binder 1961).

The increase in the use of consent decrees to the present high level is not solely attributable to § 5 of the Clayton Act. Better government investigation, the institutionalization of the consent decree process, and the desire of both sides to escape costly and complicated litigation may also be cited for the dramatic increase in consent decrees.

[9] 1959 Trade Cas. ¶ 69,540 (N.D. Ill.).

[10] Id. at 76, 169. The earlier case was United States v. J. H. Matthews & Co., 1958 Trade Cas. ¶ 69,187 (W.D. Pa.).

[11] See Appendix.

[12] See Flynn, Survey of Injunction Relief. Under Federal and State Antitrust Laws, 1967 Utah L. Rev. 344.

[13] Tenn. Code Ann. § 69–111 (1955).

[14] Wash. Rev. Code Ann. § 19.86.100 (Supp. 1967).

[15] The proposed Uniform State Antitrust Act specifically authorizes consent decrees in public enforcement. Tentative Draft of Uniform State Antitrust Act § 14, 4 Trade Reg. Rep. ¶ 30,101, at 35,155 (1967). Section 15 of the proposed Uniform Act, authorizing private injunctive relief, does not include any mention of consent decrees in private cases. Id. Section 17 of the Act contains a proviso similar to that found in § 5(a) of the Clayton Act. Id. at 35,156.

[16] See 100 B.N.A. Antitrust & Trade Reg. Rep. A-4 (June 11, 1963).

[17] See 144 B.N.A. Antitrust & Trade Reg. Rep. A–12 (April 14, 1964).

[18] New York v. American Optical Co., 126 B.N.A. Antitrust & Trade Reg. Rep. A–4 (December 10, 1963) (microscope sales to public agencies).

[19] Texas v. Sinclair Oil Corp., 1961 Trade Cas. ¶ 70,144 (Tex. Dist. Ct.).

[20] State v. Farman, 138 B.N.A. Antitrust & Trade Reg. Rep. A–21 (March 3, 1964).

[21] People v. California Real Estate Ass'n, 1962 Trade Cas. ¶ 70,446 (Cal. Super Ct. 1962). See also State ex rel. Griffith v. Anthony Wholesale Grocery Co., 118 Kan. 394, 234 P. 992 (1925) (consent settlement under Kansas antitrust law); State v. Swift & Co., 187 S.W.2d 127, 130, 137 (Tex. Ct. Civ. App. 1945) (modification of 1915 consent decree entered under the Texas antitrust law).

[22] M. Goldberg, The Consent Decree: Its Formulation and Use (Michigan State Bureau of Business & Economic Research, Occasional Paper No. 8, 1962). Antitrust Subcomm. of the House Comm. on the Judiciary, Consent Decree Program of the Department of Justice, 86th Cong., 1st Sess., ix (Comm. Print 1959), defined an antitrust consent decree as:

> An order of the Court agreed upon by representatives of the Attorney General and of the defendant, without trial of the conduct challenged by the Attorney General in proceedings instituted under the Sherman Act, the Clayton Act or related statutes. Normally the consent decree recites that it does not constitute evidence or admission by any of the parties with respect to any of the issues involved in the litigation.

This definition is more accurate than Mr. Goldberg's since it avoids the obscurity of the words "formalized by the signature of the federal district judge" and makes clear the injunctive character of a consent decree.

[23] W. Hamilton & I. Till, Antitrust in Action 88 (TNEC Monograph No. 16, 1940).

[24] The standard "boilerplate" introduction to all consent decrees is illustrated by the following passage:

> Plaintiff, United States of America, having filed its complaint herein on June 28, 1960; defendant having filed an answer to such complaint on December 27, 1960, denying the substantive allegations thereof; and plaintiff and defendant having by their respective attorneys consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without any admission by plaintiff or defendant in respect to any such issue.
>
> Now, therefore, before any testimony has been taken and without trial or adjudication of any issue of fact or law herein and upon consent of the parties signatory hereto as aforesaid, it is hereby ordered, adjudged and decreed as follows:

United States v. Union Carbide Corp., 1964 Trade Cas. ¶ 71,227, at 79,903 (W. D. Mo.).

[25] On occasion, courts have taken an activist role. See Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129, 136–43 (1967); United States v. Blue Chip Stamp Co., 5 Trade Reg. Rep. (1967 Trade Cas.) ¶ 72,239 (C.D. Cal. Aug. 18, 1967), aff'd mem., 389 U.S. 580 (1968); United States v. F. & M. Schaefer Brewing Co., 5 Trade Reg. Rep. (1968 Trade Cas.) ¶ 72,345, at 84,939 (E.D.N.Y. Dec. 20, 1967).

[26] Swift & Co. v. United States, 276 U.S. 311, 324 (1928).

[27] Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129, 136–43 (1967).

[28] See typical preamble quoted in note 24 supra.

[29] See, e.g., United States v. Sangamo, Elec. Co., 1962 Trade Cas. ¶ 70,502 (E.D. Pa.); United States v. Allen-Bradley Co., 1962 Trade Cas. ¶ 70,420 (E.D. Pa.); United States v. Cutler-Hammer, Inc., 1962 Trade Cas. ¶ 70,421 (E.D. Pa.). The only difference in the preamble of this type of decree is that the court states it has made a finding pursuant to Fed. R. Civ. P. 54(b) that there is no just reason to delay entry of the decree on the claims asserted against the consenting defendant.

[30] See United States v. Renault, Inc., 1962 Trade Cas. ¶ 70,386 (S.D.N.Y.).

[31] United States v. Standard Oil Co., 1959 Trade Cas. ¶ 69,399, at 75,525–27 (S.D., Cal.). The case involved a complaint filed in 1950 in which the Government was seeking divestiture of Standard's wholly owned retail outlets. The divestiture demand was the major stumbling block to a consent settlement and the court stated in the consent decree that it held a hypothetical trial on the issue of divestiture and decided that remedy would not be granted if a full trial were held. This conclusion evidently stimulated the settlement. The procedure of holding a hypothetical trial is open to some question since the proviso to § 5(a) of the Clayton Act only exempts from prima facie effect "consent judgments or decrees entered before any testimony has been taken. . . ." 15 U.S.C. § 16(a) (1964) (emphasis added). If the holding of a hypothetical trial to induce a

XUM

consent settlement does not violate the letter of § 5(a), it certainly violates the spirit. This case has provoked further confusion because of the decree's "tacit validation" of consignment selling by west coast oil companies which was condemned by the Supreme Court five years later in a private antitrust treble damage action. See Simpson v. Union Oil Co., 377 U.S. 13, 30 & n.4 (1964) (dissenting opinion, Justice Stewart).

[32] A typical decree provides: "This Court has jurisdiction of the subject matter of this action and of the parties hereto. The complaint states a claim upon which relief against the defendant may be granted under Section 1 of the Act of Congress of July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' commonly known as the Sherman Act, as amended." United States v. Union Carbide Corp., 1964 Trade Cas. ¶ 71,227, at 79,903 (W.D. Mo.). For examples of consent decrees basing jurisdiction on § 7 of the Clayton Act, see, e.g. United States v. Suburban Gas, 1962 Trade Cas. ¶ 70,439 (S.D. Cal.); United States v. National Homes Corp., 1962 Trade Cas. ¶ 70,533 (N.D. Ind.); United States v. Ryder Systems, Inc., 1961 Trade Cas. ¶ 70,056 (S.D. Fla.). The Antitrust Division has generally refrained from instituting cases under the Robinson-Patman Act, but some consent decrees have contained provisions enjoining price discrimination under the Robinson-Patman Act. See United States v. Ekco Prod. Co., 1962 Trade Cas. ¶ 70,280 (N.D. Cal.), amending 1957 Trade Cas. ¶ 68,768 (N.D. Cal.); United States v. Foster Wheeler Corp., 1961 Trade Cas. ¶ 70,035 (E.D. Pa.).

[33] For example:

As used in this Final Judgment:

(A) "'Prestone' brand anti-freeze" means an anthylene glycol base anti-freeze produced and marketed by defendant under the trademark "Prestone";

(B) "Person" means any individual, partnership, corporation, or any other business or legal entity;

(C) "Agent" means any person selling for or on behalf of defendant "Prestone" brand anti-freeze from stock consigned to it;

(D) "Distributorship" means any person purchasing "Prestone" brand anti-freeze from the defendant for resale;

(E) "Fair Trade Contract" means any resale price maintenance contract, or supplement thereto, pursuant to which the resale price of "Prestone" brand anti-freeze is lawfully fixed, established or maintained under the fair trade laws of any state, territory, or possession and the Act of Congress of August 17, 1937, commonly called the Miller-Tydings Act, or the Act of Congress of July 14, 1952, commonly called the McGuire Act.

United States v. Union Carbide Corp., 1964 Trade Cas. ¶ 71,227, at 79,903–04 (W.D. Mo.). Occasionally, definition of the products involved becomes complex and extensive. In such cases the definitional section of the decree is supplemented by an appendix. See, e.g., United States v. Allen-Bradley Co., 1962 Trade Cas. ¶ 70,505, at 77,055–56 (E.D. Pa.) and United States v. Allen-Bradley Co., 1962 Trade Cas. ¶ 70,420, at 76,695 (E.D. Pa.) (definitions of industrial control equipment); United States v. Cutler-Hammer, Inc., 1962 Trade Cas. ¶ 70,421, at 76,700 (E.D. Pa.) (definitions of low voltage distribution equipment).

[34] See, e.g., United States v. Northern California Pharmaceutical Ass'n, 235 F. Supp. 378 (N.D. Cal. 1964); United States v. Restonic Corp., 1962 Trade Cas. ¶ 70,442 (N.D. Ill.); United States v. International Nickel Co. of Canada, 203 F. Supp. 739 (S.D.N.Y. 1962); United States v. Owens-Corning Fiberglass Corp., 178 F. Supp. 325 (N.D. Ohio 1959); United States v. Sears, Roebuck & Co., 165 F. Supp. 356 (S.D.N.Y. 1958); cf Hughes v. United States, 342 U.S. 353 (1952); St. Louis Amusement Co. v. Paramount Film Distrib. Corp., 168 F.2d 988 (8th Cir. 1948).

[35] For example:

The provisions of this Final Judgment applicable to the defendant shall apply also to its officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with the defendant who shall have received actual notice of this Final Judgment by personal service or otherwise. For the purpose of this Final Judgment the defendant and its officers, directors, agents, employees and subsidiaries, when acting in such capacity, shall be deemed to be one person.

United States v. Union Carbide Corp., 1964 Trade Cas. ¶ 71,227, at 79004 (W.D. Mo.).

[36] Id.

[37] See United States v. General Elec. Co., 1962 Trade Cas. ¶ 70,488, at 76,987 (E.D. Pa.):

This Final Judgment shall not apply to the defendant GE with respect to (a) activities and operations outside the United States which do not affect the domestic commerce of the United States, (b) contracts to be performed outside the United States, and (c) export sales or sales for export outside the United States except with respect to or for the stated use of the plaintiff or any instrumentality or agency thereof.

[38] See United States v. General Elec. Co., 1962 Trade Cas. ¶ 70,488, at 76,987 (E.D. Pa.):

Defendant GE is ordered and directed to take such steps as are reasonably appropriate for the purpose of procuring compliance with the terms of this Final Judgment, such as: (1) for the period of twenty years following the effective date of this Final Judgment, deliver a copy of this Final Judgment: (a) to each present and future member of its Board of Directors; (b) to each of its present and future Vice Presidents and chief managerial officers who are not members of the Board of Directors; (c) to the present and future members of the Board of Directors, Vice Presidents and chief managerial officers of each domestic subsidiary, if any, engaged in the manufacturing, processing or sale of heavy electrical products; (d) not less frequently than every two years, to each officer and employee of GE who has responsibility for establishing prices for the sale of heavy electrical products in the United States, together with a statement signed by the Chief Executive Officer of GE stating the obligation of such persons to comply with the terms of this Final Judgment; and file with this Court and serve upon the plaintiff affidavits as to the fact and manner of the delivery of a copy of this Final Judgment as provided for in this paragraph (1), such affidavits in respect of the delivery provided for in subparagraphs (a), (b), and (c) hereof to be filed and served ninety days after the effective date of this Final Judgment, and such affidavits in respect of the delivery provided for in subparagraph (d) hereof to be filed and served within ninety days after the end of any calendar year in which GE takes the action provided for in such subparagraphs.

[39] Id.

Defendant GE is ordered and directed to take such steps as are reasonably appropriate for the purpose of procuring compliance with the terms of this Final Judgment, such as: . . .

(2) Maintain a program of teaching and instruction of key domestic management employees on the application, meaning and effect of the terms of this Final Judgment.

[40] See United States v. Union Carbide Corp., 1964 Trade Cas. ¶ 71,227, at 79,904 (W.D. Mo.); United States v. Sherwin-Williams Co., 1961 Trade Cas. ¶ 70,179, at 78,713 (N.D. Ohio).

[41] See United States v. General Elec. Co., 1962 Trade Cas. ¶ 70,488, at 76,990 (E.D. Pa.); United States v. Armco Drainage & Metal Prod., Inc., 1961 Trade Cas. ¶ 69,942, at 77,751 (D.N.D.). In United States v. Wichita Eagle Publishing Co., 1959 Trade Cas. ¶ 69,400, at 75,538 (D. Kan.), defendant newspapers were required to print a copy of the consent decree in their newspaper.

[42] See United States v. True Temper Corp., 1961 Trade Cas. ¶ 70,090, at 78,388–89 (N.D. Ill.); United States v. Operative Plasterers & Cement Masons Int'l Ass'n, 1959 Trade Cas. ¶ 69,248, at 74,953–54 (N.D. Ill.).

[43] See United States v. Retail Floor Covering Ass'n, 1959 Trade Cas. ¶ 69,337 (E.D. Pa.).

[44] An example of the limiting power in a visitation clause is as follows:

For the purpose of securing compliance with this Final Judgment and for no other purpose, and subject to any legally recognized privilege, duly authorized representatives of the Department of Justice shall upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, upon reasonable notice of defendant made to its principal office be permitted subject to any legally recognized privilege:

(A) Access during the office hours of said defendant to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or control of said defendant relating to any of the matters contained in this Final Judgment, and

(B) Subject to the reasonable convenience of said defendant and without restraint or interference from it, to interview the officers and employees of said defendant who may have counsel present, regarding any such matters.

For the purpose of securing compliance with this Final Judgment, the defendant upon the written request of the Attorney General or Assistant Attorney General in charge of the Antitrust Division, shall submit such written reports under oath if so requested, with respect to any of the matters contained in the Final Judgment. No information obtained by the means provided in this Section VI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

United States v. Union Carbide Corp., 1964 Trade Cas. ¶ 71,227 (W.D. Mo.).

[45] See United States v. International Nickel Co. of Canada, 203 F. Supp. 739, 743 (S.D. N.Y. 1962).

[46] Id at 744.

[47] Antitrust Civil Process Act, 15 U.S.C. § 1312 (1964). The Civil Process Act for antitrust cases was suggested by the Prettyman Report (Procedure in Anti-Trust and Other Protracted Cases), 13 F.R.D. 41, 62 (1951) and the Report of the Attorney General's Nat'l Comm. to Study the Antitrust Laws 345 (1965). See generally Decker, The Civil Investigative Demand, 21 ABA Antitrust Section 370 (1962); Perry & Siman, The Civil Investigative Demand: New Fact-Finding Powers for the Antitrust Division, 58 Mich. L. Rev. 855 (1960); Smith, Conduct of a Justice Department Civil Antitrust Investigation for Defendant, 45 Chicago B. Rec. 502 (1964).

[48] For example:

Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment and for the enforcement of compliance therewith and the punishment of the violations of any of the provisions contained herein. United States v. Union Carbide Corp., 1964 Trade Cas. ¶ 71,227 (W.D. Mo.).

[49] See M. Goldberg 66 (discovering only 39 civil and criminal contempt proceedings instituted since 1890 for violations of litigated and consent decrees).

[50] The latest attempt to modify the Packer's consent decree came in 1961, forty years after the entry of the decree. See United States v.

XUM

Swift & Co., 189 F. Supp. 885 (N.D. Ill. 1960), aff'd per curiam, 367 U.S. 909 (1961). For an excellent analysis of consent decree modification and flexibility, see Note, Flexibility and Finality in Antitrust Consent Decrees, 80 Harv. L. Rev. 1303 (1967).

[51] See United States x. General Motors Corp., 1965 Trade Cas. ¶ 71,624, at 81,809 (E.D. Mich.); United States v. Standard Oil Co., 1959 Trade Cas. ¶ 69,399, at 75,535 (S.D. Cal.); cf. Chrysler Corp. v. United States, 316 U.S. 556, 558 (1942); Ford Motor Co. v. United States, 335 U.S. 303, 312–320 (1948) (Supreme Court construed time limitations upon the life of a consent decree).

[52] See, e.g., United States v. General Motors Corp., 1965 Trade Cas. 71,624, at 81,807 (E.D. Mich.); United States v. Standard Oil Co., 1959 Trade Cas. 69,399 (S.D. Cal.); United States v. R.C.A., 1959 Trade Cas. 69,459, at 75,756 (E.D. Pa.); United States v. Wichita Eagle Publishing Co., 1959 Trade Cas. 69,400, at 75,537–38 (D. Kans.).

[53] "Nothing less than a clear showing of grievous wrong evoked by new and unforeseen conditions should lead us to change what was decreed after years of litigation with the consent of all concerned." United States v. Swift & Co., 286 U.S. 106, 119 (1932). The 1932 Swift decision on modification has been cited as controlling precedent in more than 100 cases passing upon the question of consent decree modification. See United States v. Swift & Co., 189 F. Supp. 885, 901 (N.D. Ill. 1960), aff'd per curiam, 367 U.S. 909 (1961). The test has been rigorously maintained. See, e.g., United States v. Lucky Lager Brewing Co., 209 F. Supp. 665 (D. Utah 1962); United States v. Owens-Corning Fiberglass Corp., 178 F. Supp. 325 (N.D. Ohio 1959); United States v. International Boxing Club, Inc., 178 F. Supp. 469 (S.D.N.Y. 1959). The most thorough and best considered recent opinion on consent decree modification is the 1961 district court opinion by Judge Hoffman in United States v. Swift & Co., 189 F. Supp. 885, 901 (N.D. Ill. 1960), aff'd per curiam, 367 U.S. 909 (1961). See generally Dabney, Antitrust Consent Decrees: How Protective an Umbrella? 68 Yale L.J. 1391 (1959); Note, Modification of Antitrust Consent Decrees, 31 Ind. L.J. 357 (1956).

[54] See United States v. General Motors Corp., 1965 Trade Cas. 71,624 (E.D. Mich.). The Packer's consent decree of 1920 has had a permanent impact upon the marketing of meat products.

[55] The nature of the anticompetitive restraints involved in the motion picture consent decree cases of the early 1950's necessitated remedial relief requiring extended supervision. See generally Note, An Experiment in Preventive Antitrust: Judicial Regulation of the Motion Picture Exhibition Market Under the Paramount Decrees, 74 Yale L.J. 1041 (1965). In other industries, reconciling the policies of the antitrust laws with the economic realities of a defendant's position may necessitate a decree permanently defining the permissible scope of a defendant's activities. See generally Ergo, ASCAP and The Antitrust Laws: The Story of a Reasonable Compromise, 1959 Duke L.J. 258.

[56] The past records of several of the defendants involved in the electrical equipment conspiracy cases suggests the public interest might best be protected by a consent decree without automatic termination provisions.

[57] See Ford Motor Co. v. United States, 335 U.S. 303 (1958). See generally Note, Requests by the Government for Modification of Consent Decrees, 75 Yale L.J. 657 (1966).

[58] Perhaps the best recent example of this is United States v. Western Elec. Co., 1956 Trade Cas. ¶ 68,246 (D.N.J.). The consent decree has not been successful in eliminating the dominance of Western Electric Co. and American Telephone & Telegraph Co. in the telephone apparatus and equipment business or in other important fields of communications. See Antitrust Subcomm. of the House Comm. on the Judiciary, Consent Decree Program of the Department of Justice, 86th Cong., 1st Sess. 29–120 (Comm. Print 1959); Hearings Before the Antitrust Subcomm. of the House Comm. on the Judiciary, pt. 2, 85th Cong., 2d Sess. (1958); M. Goldberg 34–48.

[59] See, e.g., Price Fixing: United States v. I.T.E. Circuit Breaker Co., 1962 Trade Cas. ¶ 70,586 (E.D. Pa.); United States v. Driver Harris Co., 1961 Trade Cas. ¶ 70,031 (D.N.J.); United States v. Frozen Food Distrib. Ass'n, 1959 Trade Cas. ¶ 69,364 (S.D.N.Y.); Bid Rigging: United States v. Sangamo Elec. Co., 1962 Trade Cas. ¶ 70,588 (E.D. Pa.); United States v. Allen-Bradley Co., 1961 Trade Cas. ¶ 70,052 (S.D. Ohio); United States v. New England Concrete Pipe Corp., 1959 Trade Cas. ¶ 69,481 (D. Mass.); Tie-Ins: United States v. Dempster Bros., Inc., 1962 Trade Cas. ¶ 70,359 (E.D. Tenn.); United States v. True Temper Corp., 1961 Trade Cas. ¶ 70,090 (N.D. Ill.); Group Boycotts: United States v. Southwest Steel Rolling Mills, 1961 Trade Cas. ¶ 69,902 (N.D. Cal.); United States v. Blue Diamond Corp., 1961 Trad Cas. ¶ 69,901 (N.D. Cal.); Division of Markets: United States v. Cornell-Dubilier Elec. Corp., 1962 Trade Cas. ¶ 70,589 (E.D. Pa.); United States v. True Temper Corp., 1961 Trade Cas. ¶ 70,090 (N.D. Ill.); United States v. Greater N.Y. Tailors' Expressmen Ass'n, 1961 Trade Cas. ¶ 70,154 (S.D.N.Y.); United States v. Pitney-Bowes, Inc., 1959 Trade Cas. ¶ 69,235 (D. Conn.); Monopolization: United States v. General Motors Corp., 1965 Trade Cas. ¶ 71,624 (E.D. Mich.); United States v. Lima News, 1965 Trade Cas. ¶ 71,609 (N.D. Ohio); United States v. General Elec. Co., 1962 Trade Cas. ¶ 70,342 (S.D.N.Y.); United States v. Eastman Kodak Co., 1961 Trade Cas. ¶ 70,100 (W.D.N.Y.); United States v. Standard Oil Co., 1959 Trade Cas. ¶ 69,399 (S.D. Cal.); Acquisitions and Mergers: United States v. Lucky Lager Brewing Co., 1962 Trade Cas. ¶ 70,508 (D. Utah); United States v. Borg-Warner Corp., 1962 Trade Cas. ¶ 70,461 (S.D. Tex.); United States v. Ryder System, Inc., 1961 Trade Cas. ¶ 70,056 (S.D. Fla.); United States v. American Radiator & Standard Sanitary Corp., 1960 Trade Cas. ¶ 69,810 (W.D. Pa.).

[60] 1959 Trade Cas. ¶ 69,399 (S.D. Cal.).

[61] The Standard Oil decree did not obtain as much relief as a court may have ordered if the case were tried. The Antitrust Division apparently did not believe it could prove certain arrangements to be violations of the antitrust laws. Simpson v. Union Oil Co., 377 U.S. 13 (1964), indicates the Supreme Court was willing to extend the substantive meaning of § 1 of the Sherman Act to include coercive arrangements as "combinations" in violation of § 1. See Note, Combinations in Restraint of Trade: A New Approach to Section 1 of the Sherman Act, 1966 Utah L. Rev. 75. Since the factual situations in Standard Oil and Simpson are substantially identical, it seems that further relief, in the form of diverstiture, could have been obtained in the Standard Oil decree if the case were litigated and appealed to the Supreme Court. Mr. Justice Stewart took note of the Standard Oil decree in his dissenting opinion in Simpson, indicating a conflict existed between the two cases. Simpson v. Union Oil Co., 377 U.S. 13, 30 n.4 (1964) (dissenting opinion).

[62] See, e.g., United States v. Suburban Gas, 1962 Trade Cas. ¶ 70,439, at 76,774 (S.D. Cal.); United States v. National Homes Corp., 1962 Trade Cas. ¶ 70,533, at 77,154 (N.D. Ind.); United States v. Ryder Systems, Inc., 1961 Trade Cas. ¶ 70,056, at 78,244 (S.D. Fla.); United States v. American Radiator & Standard Sanitary Corp., 1960 Trade Cas. ¶ 69,810, at 77,170 (W.D. Pa.); United States v. R.C.A., 1959 Trade Cas. ¶ 69,459, at 75,755 (E.D. Pa.); United States v. True Temper Corp., 1959 Trade Cas. ¶ 69,441, at 75,663 (N.D. Ill.).

[63] See, e.g., United States v. Nassau & Suffolk County Retail Hardware Ass'n, 1959 Trade Cas. ¶ 69,345, at 75,276 (E.D.NY.): United States v. Frozen Food Distrib. Ass'n, 1959 Trade Cas. ¶ 69,364, at 75,342 (S.D.N.Y.); United States v. Fur Shearer's Guild, 1959 Trade Cas. ¶ 69,312, at 75,172 (S.D.N.Y.); United States v. Aero Mayflower Transit Co., 1956 Trade Cas. ¶ 68,526, at 72,142 (S.D. Ga.).

[64] See, e.g., United States v. Borg-Warner Corp., 1962 Trade Cas. ¶ 70,461, at 76,882 (S.D. Tex.).

[65] See, e.g., United States v. Driver-Harris Co., 1961 Trade Cas. ¶ 70,031, at 78,108 (D.N.J.); United States v. Pitney-Bowes, Inc., 1959 Trade Cas. ¶ 69,235, at 74,860 (D. Conn). See generally, Cise, The Trend in Patent Provisions in Antitrust Decrees, 41 J. Pat. Off. Soc'y 743 (1959).

[66] See, e.g., United States v. Suburban Gas, 1962 Trade Cas. ¶ 70,439 (S.D. Cal.); United States v. National Homes Corp., 1962 Trade Cas. ¶ 70,533, at 77,153 (N.D. Ind.); United States v. M.C.A. Inc., 1962 Trade Cas. ¶ 70,459 (S.D. Cal.); United States v. American Radiator & Standard Sanitary Corp., 1960 Trade Cas. ¶ 69,810, at 77,169 (W.D. Pa.). A similar provision in the Paramount Decrees, 1948–49 Trade Cas. ¶¶ 62,335, 62,377 (S.D.N.Y. 1949); 1950–51 Trade Cas. ¶¶ 62,765, 62,861 (S.D.N.Y. 1951); 1952–53 Trade Cas. ¶ 67,228 (S.D.N.Y. 1952), has resulted in constant supervision over the motion picture exhibition industry. For an excellent analysis see Note, An Experiment in Preventive Antitrust: Judicial Regulation of the Motion Picture Exhibition Market under the Paramount Decrees, 74 Yale L.J. 1040 (1965). See generally Jacobs, Antitrust Law: Consent Judgments in Merger Cases, 43 A.B.A.J. 23 (1957).

[67] United States v. Sperry Rand Corp., 1962 Trade Cas. ¶ 70,495, at 77,015 (W.D.N.Y.); United States v. Arnold Schwinn & Co., 1962 Trade Cas. ¶ 70,445, at 76,800 (N.D. Ill.); United States v. Shaw-Walker Co., 1962 Trade Cas. ¶ 70,491, at 77,001 (W.D.N.Y.); United States v. Hamilton Cosco, Inc., 1959 Trade Cas. ¶ 69,394, at 75,491 (S.D.N.Y.); United States v. Maryland State Licensed Beverage Ass'n, 1959 Trade Cas. ¶ 69,261 (D. Md. 1958). In United States v. Wilson & Geo. Meyer & Co., 1961 Trade Cas. ¶ 70,020 (N.D. Cal), the defendant was permitted to enter into fair trade agreements exempted by the Miller-Tydings Act for the first ten years of the decree and thereafter to enter into McGuire Act exempted fair trade agreements.

[68] See United States v. Lucky Lager Brewing Co., 209 F. Supp. 665, 667 (D. Utah 1962).

[69] See United States v. Greater N.Y. Tailors' Expressmen Ass'n, 1961 Trade Cas. ¶ 70,154, at 78,596 (S.D.N.Y.).

[70] See United States v. Allied Chem. Corp., 1961 Trade Cas. ¶ 69,923 (D. Mass. 1960). In a similar type of suit, the Government was unable to obtain such an admission, and the trial court entered the decree without the government's consent. United States v. Brunswick-Balke-Collender Co., 1962 Trade Cas. ¶¶ 70,282, 70,346 (E.D. Wis.).

[71] See United States v. Spring-Air Co., 1962 Trade Cas. ¶ 70,402, at 76,632 (N.D. Ill.).

[72] See United States v. General Elec. Co., 1962 Trade Cas. ¶ 70,342, at 76,363 (S.D.N.Y.).

[73] See United States v. Dempster Bros., 1962 Trade Cas. ¶ 70,359, at 76,450 (E.D. Tenn.).

[74] See United States v. General Fireproofing Co., 1962 Trade Cas. ¶ 70,489, at 76,996 (W.D.N.Y.) three point zone pricing system).

[75] See United States v. Operative Plasterers & Cement Masons Int'l Ass'n, 1959 Trade Cas. ¶ 69,248, at 74,954 (N.D. Ill.).

[76] See, e.g., United States v. General Motors Corp., 1965 Trade Cas. ¶ 71,624 (E.D. Mich.) (consent decree with several novel provisions designed to end the defendant's alleged monopolization of bus manufacturing). See generally Barnes, Settlement by Consent Judgment, in An Antitrust Handbook 235 (1958).

XUM

[77] See generally Note, supra note 55, at 1042–43.

[78] See generally Ergo, supra note 55.

[79] For an extended analysis of two consent decrees arrived at after alleged political interference see Antitrust Subcomm. of the House Comm. on the Judiciary, Consent Decree Program of the Department of Justice, 86th Cong., 1st Sess. (Comm. Print 1959).

[80] See, e.g., United States v. Carter Prod., Inc., 211 F. Supp. 144, 148–150 (S.D.N.Y. 1962); United States v. Arnold Schwinn & Co., 1962 Trade Cas. ¶ 70,445, at 76,800–01 (N.D. Ill.).

[81] Compare Simpson v. Union Oil Co., 377 U.S. 13 (1964), with United States v. Standard Oil Co., 1959 Trade Cas. ¶ 69,399 (N.D. Cal.).

[82] In Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129 (1967), the Court reversed a decree entered after 5 months of negotiation in open court. Judge Ritter of the U.S. District Court for Utah had to clear his docket for 5 months.

[83] See 28 C.F.R. § 50.1 (1965), which provides:

Consent Judgment Policy.

(a) It is hereby established as the policy of the Department of Justice to consent to a proposed judgment in an action to prevent or restrain violations of the antitrust laws only after or on condition that an opportunity is afforded persons (natural or corporate) who may be affected by such judgments and who are not named as parties to the action to state comments, views or relevant allegations prior to the entry of such proposed judgment by the court.

(b) Pursuant to this policy, each proposed consent judgment shall be filed in court or otherwise made available upon request to interested persons as early as feasible but at least 30 days prior to entry by the court. Prior to entry of the judgment, or some earlier specified date, the Department of Justice will receive and consider any written comments, views or relevant allegations relating to the proposed judgment, which the Department may, in its discretion, disclose to the other parties to the action. The Department of Justice shall reserve the right (1) to withdraw or withhold its consent to the proposed judgment if the comments, views or allegations submitted disclose facts or considerations which indicate that the proposed judgment is inappropriate, improper or inadequate, and (2) to object to intervention by any party not named as a party by the Government.

(c) The Assistant Attorney General in charge of the Antitrust Division may establish procedures for implementing this policy. The Attorney General may permit an exception to this policy in a specific case where extraordinary circumstances require some shorter period than 30 days or some other procedure than that stated herein, and where it is clear that the public interest in the policy hereby established is not compromised.

In at least one case the objections of third parties caused the decree to be modified twice before a final judgment was entered. See United States v. Blue Chip Stamp Co., 5 Trade Reg. Rep. (1967 Trade Cas.) ¶ 72,239, at 84,502 (August 18, 1967). For a further example of intervention and a hearing on objection, see United States v. F. & M. Schaefer Brewing Co., 5 Trade Reg. Rep. (1968 Trade Cas.) ¶ 72,345, at 84,939 (Dec. 20, 1967).

[84] See, e.g., United States v. El Paso Natural Gas Co., 1965 Trade Cas. ¶ 71,362 (D. Utah), rev'd sub nom. Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129 (1967); United States v. Bendix Home Appliances, ¶ 10 F.R.D. 73 (S.D.N.Y. 1949); cf. United States v. General Elec. Co., 95 F. Supp. 165 (D.N.J. 1950).

[85] See Allen Calculator v. National Cash Register Co., 322 U.S. 137, 142 (1944); United States v. General Elec. Co., 95 F. Supp. 165, 170 (D.N.J. 1950). But see Missouri-Kansas Pipe Line Co. v. United States, 312 U.S. 502, 506 (1941): "But where the enforcement of a public law also demands distinct safeguarding of private interests by giving them a formal status in the decree, the power to enforce rights thus sanctioned is not left to the public authorities nor put in the keeping of the district court's discretion." In a sequel to the Packer's consent decree, intervention was allowed for a party whose contracts with the consent decree defendants were interfered with by the decree. See United States v. California Cooperative Canneries, 279 U.S. 553 (1929). Some decrees invite intervention by private parties. See Missouri-Kansas Pipe Line Co. v. United States, supra. In one case, the Government was permitted to intervene in a private suit. See Crosby Steam Gage & Valve Co. v. Manning, Maxwell & Moore, Inc., 51 F. Supp. 972 (D. Mass. 1943).

[86] 386 U.S. 129 (1967).

[87] United States v. El Paso Natural Gas Co., 376 U.S. 651, 662 (1964).

[88] Fed. R. Civ. P. 24(b) provides for permissive intervention:

(b) Permissive Intervention. Upon timely application anyone may be permitted to intervene in an action: (1) when a statute of the United States confers a conditional right to intervene; or (2) when an applicant's claim or defense and the main action have a question of law or fact in common. When a party to an action relies for ground of claim or defense upon any statute or executive order administered by a federal or state governmental officer or agency or upon any regulation, order, requirement, or agreement issued or made pursuant to the statute or executive order, the officer or agency upon timely application may be permitted to intervene in the action. In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

The Advisory Committee's extensive notes on the revision of rule 24 may be found in J. Moore, Federal Practice Rules Pamphlet 560–64 (1966). For general comments see 2 W. Barron & A. Holtzoff, Federal Practice and Procedure §§ 591–604 (Wright ed. 1961); 4 J. Moore, Federal Practice ¶ 24.01–.10 (1966).

[89] Prior to the 1966 amendment, rule 24(a) was as follows:

Intervention of Right. Upon timely application anyone shall be permitted to intervene in an action: (1) when a statute of the United States confers an unconditional right to intervene; or (2) when the representation of the applicant's interest by existing parties is or may be inadequate and the applicant is or may be found by a judgment in the action; or (3) when the applicant is so situated as to be adversely affected by a distribution or other disposition of property which is in the custody or subject to the control or disposition of the court or an officer thereof.

The purpose of the amendment was to avoid the concept of a funds in the hands of the court as a necessary element of an applicant's right to intervene and to predicate intervention upon whether the applicant's interests may be substantially impaired by the disposition of the action. See Advisory Committee's Notes in, J. Moore, Federal Practice Rules Pamphlet 561 (1966).

[90] Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129, 135 (1967).

[91] Id.

[92] Id. at 136.

[93] Fed. R. Civ. P. 24(a) (2).

[94] Antitrust Subcomm. of the House Comm. on the Judiciary, Consent Decree Program of the Department of Justice, 86th Cong., 1st Sess. (Comm. Print 1959).

[95] Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129, 141–42 (1967).

[96] See Intervention In Government Antitrust Suits, 301 B.N.A. Antitrust & Trade Reg. Rep. B-1 to B-3 (April 18, 1967).

[97] Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129, 135 (1967). The Court relied upon Missouri-Kansas Pipe Line Co. v. United States, 312 U.S. 502, 506 (1941).

[98] Cascade Natural Gas Corp. v. El Paso Natural Gas Co., 386 U.S. 129, 136 (1967).

[99] Id.

[100] Intervention in federal administrative proceedings is governed by § 6(a) of the Administrative Procedure Act:

So far as the orderly conduct of public business permits, any interested person may appear before any agency or its responsible officers or employees for the presentation, adjustment, or determination of any issue, request or controversy in any proceeding (interlocutory, summary, or otherwise) or in connection with any agency function. 5 U.S.C. § 1005(a) (1964).

See generally Note, Intervention by Third Parties in Federal Administrative Proceedings, 42 Notre Dame Law, 71 (1966).

[101] See generally Administrative Procedure Act, 5 U.S.C. § 1001 (1964).

[102] See "Consent Judgment Policy," quoted note 83 supra. In fact, litigation might be barred if they do not file before the 30 days have tolled on the filing of the proposed consent decree. See United States v. Blue Chip Stamp Co., 5 Trade Reg. Rep. (1967 Trade Cas.) ¶ 72,239 (Aug. 18, 1967), aff'd mem., 389 U.S. 580 (1968).

[103] This trend has not been confined to antitrust cases. Moreover, the role of amicus briefs has shifted somewhat from friend of the court to advocate before the court. For a perceptive article, see Krislov, The Amicus Curiae Brief: From Friendship to Advocacy, 72 Yale L.J. 694 (1963).

[104] 334 U.S. 131 (1948). The consent decrees entered after the Paramount decision are: United States v. Paramount Pictures, Inc., 1948–49 Trade Cas. ¶62,335, at 62,864 (S.D.N.Y. 1948); United States v. Paramount Pictures, Inc., 1948–49 Trade Cas. ¶62,377, at 63,010 (S.D.N.Y. 1949); United States v. Loew's Inc., 1950–51 Trade Cas. ¶ 62,861 (S.D.N.Y. 1951; United States v. Loew's Inc., 1952–53 Trade Cas. ¶67,228 (S.D.N.Y. 1952).

[105] Particularly the growth of drive-in theaters.

[106] For a survey of analyses see Note, supra Note 55.

[107] See, e.g., United States v. Allied Chem. Corp., 1961 Trade Cas. ¶69,923 (D. Mass. 1960); United States v. Lake Asphalt & Petroleum Co., 1960 Trade Cas. ¶69,835 (D. Mass.); United States v. Bituminous Concrete Ass'n, 1960 Trade Cas. ¶69,878 (D. Mass.). See generally Dabney, Consent Decrees Without Consent, 63 Colum. L. Rev. 1052 (1963); McHenry, The Asphalt Clause—A Trap for the Unwary, 36 N.Y.U.L. Rev. 1114 (1961); Comment, Consent Decrees and the Private Action: An Antitrust Dilemma, 53 Calif. L. Rev. 627 (1965); Comment, Section 5 of the Clayton Act and Entry of Consent Decrees Without Government Consent, 1963 Wis. L. Rev. 459.

[108] "Each defendant is enjoined and restrained from denying that this final judgment . . . has prima facie effect in . . . the suits instituted in this court by the Commonwealth of Massachusetts . . . and any other suit instituted by any city or town against any of the defendants signatory hereto prior to the date of entry of this final judgment." United States v. Lake Asphalt & Petroleum Co., 1960 Trade Cas. ¶ 69,835, at 77,272 (D. Mass.). Approximately 50 treble damage actions had been filed by Massachusetts and its political subdivisions. See McHenry, supra note 107, at 1119 n. 18.

[109] See Bicks, Significant New Antitrust Developments, 17 A.B.A. Antitrust Section 268 69 (1960).

[110] 1960 Trade Cas. ¶ 69,835 (D. Mass.).

[111] For excerpts from the record concerning Judge Wyzanski's reaction to the asphalt clause see McHenry, supra note 107, at 1124. In the only other case to consider a government demand for an asphalt clause,

United States v. Brunswick-Balke-Collender Co., 203 F. Supp. 657 (E.D. Wis. 1962), Judge Tehan noted the "incongruity that a party who capitulated and thereby spared the Government the expenditure of substantial time and money would end up in immeasurably worse condition than it would if it lost its case after protracted trial." Id. at 660. This is perhaps overstating the case since the defendant would be spared the cost of a protracted trial, would not be subject to a prima facie case by all private damage claimants under the asphalt clause as would be the case if the defendant lost the protracted trial, and the defendant might well use as asphalt clause issue to bargain for the deletion of other proposed decree provisions.

[112] 203 F. Supp. 657 (E.D. Wis. 1962). In the electrical conspiracy cases, the same result was achieved by government resistance to nolo contendere pleas and the capitulation of the defendants by pleading guilty to a selected number of indictments. Apparently some state attorneys general were considering appearances in the cases to resist nolo contendere pleas, but decided not to appear when guilty pleas were entered in a limited number of cases. See McHenry, supra note 107, at 1114 n.2.

[113] 26 F. Supp. 366 (D. Minn. 1939).

[114] See United States v. Brunswick-Balke-Collender Co., 203 F. Supp. 657, 662 (E.D. Wis. 1962).

[115] Id. at 661.

[116] President Wilson's message to Congress in support § 5 clearly established the rationale for the proposal:

> It is not fair that the private litigant should be obligated to set up and establish again the facts which the Government has proved. He cannot afford, he has not the power to make use of such processes of inquiry as the Government has command of.

51 Cong. Rec. 1962, 1964 (1914).

[117] See 51 Cong. Reg. 15,824 (1914) (remarks of Senator Lewis); 51 Cong. Rec. 16,276 (1914) (remarks of Senator Webb); 51 Cong. Reg. 16,004 (1914) (remarks of Senator Chilton); H.R. Rep. No. 627, pt. 2, 63rd Cong., 2d Sess. (1914).

[118] For an excellent analysis of the Brunswick case see Comment, Section 5 of the Clayton Act and Entry of Consent Decree Without Government Consent, 1963 Wis. L. Rev. 459.

[119] One proposal has been that the courts be given discretionary power to determine whether a consent decree establishes a prima facie case for treble damage claimants. M. Goldberg 70. This proposal faces several difficulties. Most of the courts approving consent decrees have no knowledge of the facts and circumstances surrounding the cases before them; it is difficult to conceive of a court exercising this type of discretion without an extended hearing with the participation of the third party claimants; and, it would change the essential character of consent decree negotiations from a two-way negotiation to a three-way negotiation. It is also doubtful whether the Antitrust Division, the judiciary, and the bar would support the legislation necessary to implement this proposal. Although the Supreme Court has reserved consideration of the asphalt clause, United States v. Ward Baking Co., 376 U.S. 327 (1964), it does seem that this method for securing the rights of injured third parties, while also obtaining the advantage of a consent decree, stands the best chance of success. The only thing necessary to achieve that success is a willingness by the Antitrust Division to implement an asphalt clause program. There has been little indication of such a willingness since the Brunswick case.

[120] See United States v. Brunswick-Balke-Collender Co., 203 F. Supp. 657, 659–62 (E.D. Wis. 1962). See also United States v. Ward Baking Co., 1963 Trade Cas. ¶ 70,609 (M.D. Fla. 1962), rev'd, 376 U.S. 327 (1964); United States v. Aero Mayflower Transit Co., 1956 Trade Cas. ¶68,526 (S.D. Ga.); cf. United States v. Standard Oil Co., 1959 Trade Cas. ¶ 69,399 (S.D. Cal.). Contra, United States v. Lake Asphalt & Petroleum Co., 1960 Trade Cas. ¶ 69,835 (D. Mass.); United States v. Hartford Empire Co., 1 F.R.D. 424 (N.D. Ohio 1940). See generally Dabney, supra note 107; Comment, Antitrust Judgments Entered Without Trial or Government's Consent, 82 B.N.A. Antitrust & Trade Reg. Rep. B–1 (1963).

[121] Professor Oppenheim has reasoned:

> It has been stated to be a fundamental concept that the antitrust consent decree is not to be viewed solely as a contract resulting from an unrestricted bargaining process between the government and the defendants. Rather, it is an agreement for a voluntary settlement of antitrust issues in which the scope and content of the provisions therein can rise no higher than their source in the legislative objectives and prohibitions of the standards embodied by Congress in its national antitrust policy. . . . It follows, therefore, that neither antitrust officials nor a court of equity has authority under law to induce or accept provisions in consent decrees unless they are related to the prevention or correction of violations of the antitrust laws within the objectives of that legislation.

Oppenheim, Federal Antitrust Legislation: Guideposts to a Revised National Antitrust Policy, 50 Mich. L. Rev. 1139, 1230, 1234 (1952). The 1955 Report of the Attorney General's Antitrust Committee took the position that the Antitrust Division should not seek relief which would "transgress constitutional boundaries" or which could not "reasonably be expected after litigation." Att'y Gen. Antitrust Comm., Report 361 (1955).

[122] 376 U.S. 327 (1964).

[123] See United States v. Ward Baking Co., 1963 Trade Cas. ¶ 70,609 (M.D. Fla. 1962).

[124] "We decide only that where the government seeks an item of relief to which evidence adduced at trial may show that it is entitled, the District Court may not enter a 'consent' judgment without the actual consent of the government." United States v. Ward Baking Co., 376 U.S. 327, 334 (1964).

[125] See Dabney, supra note 107, at 1063. Mr. Dabney's second conclusion, that the Government cannot force a trial where the defendant consents to all the relief the Government requests for the sole purpose of creating a prima facie case under § 5(a) of the Clayton Act, is based on the Brunswick decision. United States v. Brunswick-Balke-Collender Co., 203 F. Supp. 657 (E.D. Wis. 1962). The Supreme Court refused to pass on that question in United States v. Ward Baking Co., 376 U.S. 327 (1964), and the conclusion seems doubtful in light of an analysis of the Brunswick case. See Comment, supra note 118. It may also be argued that the demand for an "asphalt clause" is "relief" the Government would obtain upon full trial of the case because of the prima facie case effect given a litigated decree by § 5 of the Clayton Act. The basic question is, of course, whether a prima facie case obtained by an asphalt clause or litigation of the case is "relief" to which the Government is entitled. In light of the legislative history of § 5 of the Clayton Act it is not too much to say that the Government does have an interest in securing to private litigants their right to damages as a matter of public policy in preventing a multiplicity of suits, restoring competition by aiding injured competitors, and increasing the deterrent effect of antitrust sanctions.

[126] 1959 Trade Cas. ¶ 69.399 (S.D. Cal.).

[127] 15 U.S.C. § 16(a) (1964) (emphasis added).

[128] See Comment, Consent Decrees and the Private Action: An Antitrust Dilemma, 53 Calif. L. Rev. 627 (1965).

[129] See Ellman, Antitrust Enforcement: Retrospect and Prospect, 53 A.B.A.J. 609 (1967). Commissioner Ellman suggests that the FTC should restrict its function to that of a regulatory agency rather than that of a policeman and prosecutor. While little debate can be had on this proposition, realistic facts demand that the FTC be substantially upgraded in quality before major changes are made in the allocation of authority between the FTC and the Antitrust Division.

[130] The Assistant Attorney General in charge of the Antitrust Division of the Department of Justice delivered an important address reflecting the Antitrust Division's position on several important questions with respect to consent decrees before the Bar of the City of New York on December 13, 1967. See Turner, Antitrust Consent Decrees: Some Basic Policy Questions, 336 Antitrust & Trade Reg. Rep. X–1 (Dec. 19, 1967). The speech was published after the preparation of this article, but in no way detracts from this author's views as stated herein.

JAPANESE-AMERICAN ASSEMBLY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, early in September a number of my colleagues and I had the honor of taking part in the second Japanese-American Assembly.

This meeting was jointly sponsored by the American Assembly and the Japanese Council for International Understanding and was held in Shimoda, Japan.

Because there are a number of substantive policy questions facing our two countries, I am including as a part of my remarks, the complete text of the final report:

FINAL REPORT OF THE SECOND JAPANESE-AMERICAN ASSEMBLY

PREFACE

The Second Japanese-American Assembly, sponsored by the Japan Council for International Understanding and The American Assembly, met in Shimoda, Japan, September 4–7, 1969. As in the first Assembly, also held in Shimoda, in 1967, the participants (70 in all) included scholars, government officials, businessmen and communication specialists from both nations.

For three days in small groups they discussed the outlook for the bi-national relationship in the 1970s in the light of present political, economic and social postures in each nation as well as in other countries of Asia. Their talks were based on issues raised in paper prepared as advance background reading by James W. Morley, Saburo Okita, Gerald Curtis, Muniyoshi Hirano, Jiro Sakamoto, George McT. Kahin, Fuji Kamiya, Mineo Nakajima, and Marius B. Jansen.

The participants also heard formal addresses by Shorjiro Kawashima, vice chairman of Japan's Liberal Democratic Party and Kogoro Uemura, president of the Federation of Economic Organizations; and by United States Senator Charles Percy of Illinois and Edwin O. Reischauer, former United States Ambassador to Japan.

In plenary session on the final day the participants reviewed the following report which had been drafted by the co-editors of the background papers—Messrs. Curtis and Kamiya—and by the discussion leaders and rapporteurs:

Jun Eto, Hans Baerwald, Herbert Passin, Masataka Kohsaka, Marius Jansen and Michio Rohyama.

The views contained in this report are those of the participants in their private capacities and not of the Japan Council for International Understanding or of The American Assembly, a nonpartisan educational organization which takes no views on issues it presents for public discussion. Nor is The Ford Foundation, who generously underwrote the costs of the Assembly on the American side—gratefully acknowledged herewith—to be associated with the opinions herein.

CLIFFORD C. NELSON,
President, The American Assembly.

At the close of their discussions the participants in the Second Japanese-American Assembly reviewed the following report in plenary session. The report represents general agreement. However, no one was asked to sign it, and in view of the often differing opinions expressed during the course of the discussions, it must be clearly understood that not every participant agrees with every statement.

The relationship between the United States and Japan and their role in Asia have become the subject of serious public debate in both countries. While Japan and the United States share many common interests, there are significant differences in their views of the world and their respective roles in it. Furthermore, these views have not remained constant within each country but have been undergoing change.

There is today in the United States a great concern to solve pressing domestic problems such as poverty, race relations and a variety of urban ills. The American experience in Vietnam has generated a general questioning of America's foreign policy posture. American public opinion clearly desires a reduction in the overseas commitments of the United States, particularly in its military aspects. The timing and extent of this reduction are at issue but not the principle itself.

Japan's rapid industrial growth has created urgent pressures for attention to educational, urban, and environmental problems. At the same time its enormous economic power has contributed to an increase in national confidence. In this setting, America's desire to limit its commitments coincides with a changing political environment in Asia to create new choices and constraints for Japan. There is also a questioning of past policies and a public desire for a different, though still unspecified, role in international affairs.

Asia in the seventies will see a greater complexity in international relations than has heretofore existed in the postwar period. The Sino-Soviet split, the ongoing withdrawal of American troops from Vietnam, and internal developments in Asian countries are combining to create new challenges and new opportunities for the United States and Japan. Both countries must work out policies for the changing political environment in Asia appropriate to their respective capabilities and the desires of their publics.

Political instability will continue to characterize much of Asia in the 1970's, often as a result of the social and political strains of nation building. This will sometimes be constructive and not necessarily dangerous to world peace or subject to outside influence.

Japan will play a more influential role in Southeast Asia in the coming decade. This is partly the inevitable consequence of its position as the only highly advanced industrial nation in Asia. Japan thus has a unique opportunity further to participate and assist in the economic development of other Asian nations. This role, if fully accepted, would be extremely complex and challenging, given the great differences in stages of economic growth, political stability and other conditions among the states in the area. It will require greater involvement but should exclude any military role. By the same taken, the United States too should seek now opportunities to increase its role in economic development programs. Both countries should place emphasis on multilateral means in this field.

It is highly desirable that both the United States and Japan try to normalize their relations with mainland China and to have it participate in a variety of international conferences and organizations. The continued isolation of China and the misunderstanding of intentions between China, Japan, and the United States pose obstacles to the reduction of tensions in Asia.

The existing tensions between China and the Soviet Union are not expected to decrease in the near future. On the contrary, an increase in the conflict is a possibility in the coming decade. Military conflict between China and the Soviet Union is not in the interests of either the United States or Japan.

The problem of Taiwan is a major concern of both the United States and Japan. Eventually it must be solved by the people of Taiwan and China themselves. There was vigorous discussion concerning this formulation, but differences of opinion could not be resolved.

The Vietnam War must be brought to a quick settlement. All efforts should be made to insure that the Vietnamese themselves be free to decide what type of regime they desire. Both the United States and Japan should aid the reconstruction and economic development of North and South Vietnam in the postwar period.

The form of reversion of Okinawa to Japan is the most urgent issue confronting the United States and Japan. The Okinawa problem is not only one of national sovereignty but also of the basic rights of the Okinawan people. It is imperative that a timetable for reversion be set within this year and that immediate steps be taken to provide for Okinawan participation in Japanese life during the process of transition. It was the general view that the return of the islands in such a manner as would place American bases there on the same terms as apply to bases in other parts of Japan is most desirble. However views favoring the immediate, unconditional return of Okinawa were also expressed. Okinawan revision to Japan will remove a major irritant in United States-Japanese relations and will contribute to the development of great mutuality of interest between the two countries.

The problem of Korea is of direct concern to the United States and cannot be disregarded by Japan. We were in general agreed that forcible change of existing borders in the Korean peninsula would present serious problems to the United States and Japan, although we did not arrive at conclusions on the extent of this danger or counter measures to be taken.

Mutual security arrangements between the two countries must be considered in terms of the long range friendship between the United States and Japan. There was a wide variety of opinion ranging from abrogation to the indefinite continuation of the present Treaty without change. The prevailing view was that, in the immediate future, there was no alternative to automatic extension. However, dissatisfactions in both the United States and Japan clearly require that the Treaty be constantly examined and adjustments made as expeditiously as possible. Even under the present Treaty, the further reduction of American bases in Japan is desirable. It was generally agreed that both countries should work toward creating conditions under which the security of Japan and its neighbors could be insured without the presence of American bases.

Close relations between the United States and Japan are in part the result of their extensive economic ties. As great trading nations, both share a common interest in maximizing the opportunities for the freest possible world wide economic interaction. In this context it is imperative that both nations eliminate as quickly as possible barriers to trade and take necessary steps to insure the free movement of capital between the two countries. It was generally recognized that at this stage Japan should take the initiative in this regard in order to avert a vicious circle of retaliatory protectionist measures. The economies of both countries are sufficiently strong to make protectionist measures unnecessary.

There is unanimous agreement among Americans and Japanese that a friendly and equal relationship is of fundamental importance. As advanced industrial societies both countries share many common problems despite differences in language, culture, and historical experience. We both must improve our mass education systems, deal with the dissatisfactions of youth, make our cities more liveable, and make government and large organizations more responsive to the needs of society.

* * * * *

It was resolved in plenary session that the funds specified for cultural purposes in the repayment of Japan's debt to the United States be used for the creation of a foundation devoted to the fuller development of dialogue and the study of our common problems.

PARTICIPANTS IN THE SECOND JAPANESE-AMERICAN ASSEMBLY

Joint chairmen

Tokusaburo Kosaka, Chairman, Japan Council for International Understanding, Tokyo.

Clifford C. Nelson, President, The American Assembly, Columbia University, New York.

Joint editors

Gerald Curtis, Professor of Political Science, Columbia University.

Fuji Kamiya, Professor of International Relations, Osaka Municipal University.

Chief administrator and liaison officer

Tadashi Yamamoto, Japan Council for International Understanding.

Shigeyoshi Aikawa, Adviser to Editorial Board, *Yomiuri Shinbun*.

Yoshikata ASO, Member, House of Representatives, Democratic Socialist Party.

Hans H. Baerwald, Visiting Professor, International Christian University, Tokyo.

A. Doak Barnett, Brookings Institution, Washington, D.C.

John Brademas, Representative from Indiana, Congress of the United States.

William E. Brock, Representative from Tennessee, Congress of the United States.

Jerome Cohen, Professor of Law, Harvard University.

Frederick Dutton, Executive Director, The Robert F. Kennedy Memorial Foundation.

John Emmerson, Professor of Political Science, Stanford University.

Jun Eto, Literary Critic and Author.

Thomas S. Foley, Representative from Washington, Congress of the United States.

Aiichiro Fujiyama, Member, House of Representatives, Liberal Democratic Party.

Motoo Goto, Assistant Editorial Writer, The Asahi Shinbun.

Noboru Goto, President, Tokyo Electric Railway, Ltd.

Kazushige Hirasawa, Editor-in-Chief, The Japan Times.

Stanley Hoffman, Professor of Government, Harvard University.

Hiroki Imazato, President, Nippon Seiko, K. K.

Rokuro Ishikawa, Vice-President, Kajima Construction Co., Ltd.

Marius B. Jansen, Professor of Japanese History, Princeton University.

Nicholas Johnson, United States Federal Communications Commissioner.

Motoo Kaede, Sub-Chief Editor, *Tokyo Chunichi Shinbun*.

George McT. Kahin, Director, Southeast Asia Program, Cornell University.

Raymund A. Kathe, Senior Vice President, First National City Bank.

Shojiro Kawashima, Member, House of Representatives, Vice-Chairman of the Party, Liberal Democratic Party.

Yohei Kohno, Member, House of Representatives, Liberal Democratic Party.

Zentaro Kosaka, Member, House of Representatives, Liberal Democratic Party, Former Foreign Affairs Minister.

Masataka Kohsaka, Professor of Law, Kyoto University.

Hiroshi Kurokawa, Assistant Managing Editor, *Nihon Keizai Shinbun*.

Akira Kuroyanagi, Member, House of Councilors, Vice Secretary, Komeito.

Shigeharu Matsumoto, Chairman, Board of Directors, International House of Japan, Inc.

Shiro Mikumo, Chief Editorial Writer, *The Sankei Shinbun*.

Seigen Miyazato, Professor of Law, Ryukyu University, Okinawa.

Osamu Miyoshi, Editorial Writer, The Mainichi Newspapers.

James W. Morley, Professor of Political Science, Columbia University.

Kinhide Mushakoji, President, Institute of International Relations for Advanced Study of Peace and Development in Asia.

Eiichi Nagasue, Member, House of Representatives, Member, Central Executive Committee, Democratic Socialist Party.

Mineo Nakajima, Lecturer in International Relations and Chinese Studies, Tokyo University of Foreign Studies.

Yasuhiro Nakasone, Member, House of Representatives, Liberal Democratic Party.

Yasumasa Ohta, Sub-Chief Editorial Writer, *The Tokyo Press*.

Herbert Passin, Professor of Sociology, Columbia University.

Hugh Patrick, Professor of Far Eastern Economics, Yale University.

Charles Percy, United States Senator from Illinois.

Richard Pfeffer, Assistant Professor, Dept. of Political Science, Johns Hopkins University.

Gerald Piel, President and Publisher, *Scientific American*.

John Powers, Aspen Institute, Colorado.

Edwin O. Reischauer, Professor, Department of Asian Studies, Harvard University.

Donald Rumsfeld, Director, Office of Economic Opportunity, Washington, D.C.

Kiichi Saeki, President Nomura Research Institute of Technology and Economics.

Shoichi Saeki, Professor of Literature, Tokyo University.

Jiro Sakamoto, Professor, Hitotsubashi University.

Joseph E. Slater, President, the Salk Institute.

William A. Steiger, Representative from Wisconsin, Congress of the United States.

Nathaniel B. Thayer, New York.

S. Fletcher Thompson, Jr., Representative from Georgia, Congress of the United States.

Seiji Tsutsumi, President, Seibu Department Store Co., Ltd.

John V. Tunney, Representative from California, Congress of the United States.

Gordon Tweedy, Chairman, C. V. Starr & Co., Ltd., New York.

Morris Udall, Representative from Arizona, Congress of the United States.

Kogoro Uemura, President, Japan Federation of Economic Organizations.

Jiro Ushio, President, Ushio Electric Co., Ltd.

Arthur L. Wadsworth, Executive Vice-President, Dillion Read & Co., New York.

Kei Wakaizumi, Professor of International Relations, Kyoto Sangyo University.

Ichiro Watanabe, Member, House of Representatives, Komeito.

Robert M. White, II, Editor & Publisher, the Mexico Ledger, Missouri.

Masakazu Yamazaki, Playwright, Assistant Professor, Kansai University.

CONGRESSMAN FRANK ANNUNZIO HONORED AS RECIPIENT OF THE JUSTINIAN SOCIETY OF LAWYERS' MAN OF THE YEAR AWARD FOR 1969

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. PUCINSKI. Mr. Speaker, last week our highly respected and very distinguished colleague Congressman Frank Annunzio, was honored by the Justinian Society of Lawyers as the recipient of its annual Man of the Year Award.

Congressman Annunzio joins a very highly respected group of former recipients of this coveted tribute by the Justinian Society of Lawyers. Former recipients included Justice Michael A. Musmanno, Hon. Joseph A. Califano, Jr., Gov. John A. Volpe, and Mayor Joseph L. Alioto.

I was pleased to be able to participate in this very impressive tribute to our colleague which was held last Thursday in the Sherman House in Chicago.

Among those responsible for arranging this tribute to Frank Annunzio were:

Anthony J. Fornelli, president of the Justinian Society of Lawyers; Vito D. DeCarlo, first vice president; Gerald L. Sbarboro, second vice president; Anthony J. Scotillo, third vice president; Benjamin DiGiacomo, treasurer; Oscar P. Chiappori, secretary; Hon. Lawrence X. Pusateri, chairman, Parole and Pardon Board, State of Illinois; Angelo D. Mistretta, retiring president; Hon. P. A. Sorrentino, judge, Circuit Court of Cook County; and Rev. Paul J. Asciolla, C.S.

Mr. Speaker, Frank Annunzio has richly earned the distinction and honor paid him by the Justinian Society of Lawyers. Throughout his life, Frank Annunzio has been in the forefront of serving his fellow man and as an articulate spokesman of the high ideals and impressive achievements of the Italian people.

As a former schoolteacher, a State director of labor, a confidant of men in high public office, a community leader, a ward committeeman, and a stanch American, Frank Annunzio exemplifies the highest traditions of public service. He has brought credit to the Italo-American community and tc Americans all. As a member of the Congress, he enjoys the highest respect of his colleagues. As a member of the House Banking Committee, his impact on major legislation affecting our entire economy is imposing and impressive. Frank Annunzio exemplifies the highest standards of dignity and compassion for his fellow man.

I should like to place in the Record today his speech delivered in acceptance of this highly distinguished award.

Congressman Annunzio's speech follows.

REMARKS BY CONGRESSMAN ANNUNZIO

Father Asciolla, distinguished guests, all of my friends, ladies and gentlemen, it is needless for me to tell you how tremendously delighted I am tonight to be selected for the Justinian Award. I am aware of the fact that all of the other recipients of this award have been people from outside the City of Chicago and that I am the first Chicagoan to achieve this high honor and this distinction.

Your organization is to be commended for its courage tonight in inviting so many distinguished and outstanding judges in our community and to have as your awardee a Member of the Congress of the United States of America. As we all know, this is hunting season on Judges and Members of Congress. By inviting us tonight, you are demonstrating your faith in our institutions of government.

Our critics are many but you and I can agree that in America we have a government for and by the people, and that there is no government in the world better than the government in America.

We are not perfect, because we are not a totalitarian state. You can only achieve perfection in a Communist or Fascist state, where those who dare criticize, and those who dare oppose the government, and those who want to use the right of free speech, are either murdered or placed in concentration camps. Of course, the perfection of which I speak is not a real perfection but rather is the perfection which the dictators claim they have achieved. So, despite all of this criticism that is leveled at the public officials of America, and some of it is probably justified, but as far as the great majority of criticism that is leveled against the representatives of this government is concerned, I must say that the people who represent the press, radio and television should dig, and dig deeper, to get the facts because in this day and age when young people are rebelling all over the world it is necessary, when facts are presented in writing or on television, that they be as close to the truth as possible. So, whether we are teachers, lawyers, newspaper men, commentators or politicians, all of us are Americans, all of us are deeply concerned with the preservation of our free institutions, and all of us are deeply concerned about the continuation of our American way of life.

The Justinian Society of Lawyers, through its members, has contributed much to every Italo-American organization in this area. Its members have acted as lawyers and parliamentarians for our organizations, and have given freely of their advice and counsel to these organizations.

As the General Chairman of the Villa Scalabrini Development Fund, I want to publicly acknowledge the great contribution that the Justinian Society and its members have made to the Italian Old Peoples' Home. Our Home today is a five million dollar institution. It is one of the outstanding old peoples' homes in the nation. It is modern in every detail. It is the only Home I know that has a Geriatrics Department, and nurses and doctors are on duty around the clock to take care of the old people when they get sick. Therefore, at this time it is not necessary to remove those who are bedridden to hospitals. They can get the professional medical care they need right at the Old Peoples' Home.

As I look at the future of the Old Peoples' Home, I see our Home becoming a center for the Italo-American people all over the state and county where they can meet to discuss mutual problems facing them in our complex and modern society.

As you probably know, there are sixteen Italo-American Congressmen in the Congress of the United States. Most of these men represent areas either on the eastern or western seaboards. I have the distinction of being the only Italo-American Congressman west of the Appalachian Mountains, east of the Rocky Mountains, and from the Gulf of Mexico to the Canadian border. Despite the fact that we have 25 million Italo-Americans in the United States, there is only one Congressman who represents this vast area I have just described in the Congress of the United States.

Since my election in 1964, I have actively participated in every legislative measure that would give long overdue recognition to the contributions that Italo-Americans have made to America since the landing of Columbus in the New World.

We all know that Italo-Americans have participated with honor and distinction in every way in the history of our country—in the Revolutionary War, in the Civil War, in the Mexican War, in World War I, in World War II, in the Korean War, and in the Viet Nam War. Our people have given dedicated service in the defense of their country, and there are three Italo-Americans who are winners of the Congressional Medal of Honor.

On August 25, 1965, the Congress of the United States passed a new Immigration and Nationality Act and this Act was signed into law by President Lyndon B. Johnson on October 3, 1965, in an unprecedented ceremony at the Statue of Liberty. Before the enactment of this legislation, only 5,666 Italians could be admitted to the United States. Since the passage of this Act, over 100,000 Italians have been admitted to the United States. Under the law today, 20,000 Italians can come to America each year. Congressman Peter Rodino of New Jersey and I, when the bill was passed, were the coauthors of the program to phase out in three years the discriminatory national origins quota system in order that we could secure more visa numbers to alleviate the plight of a quarter-of-a-million Italians waiting to come to America.

The passage of this law was important not only because it provided for increased migration of Mediterranean peoples to our shores, but it was important because it took 42 years to repeal the infamous McCarran-Walter Act which conferred second-class-citizen status on every Italo-American, whether he came from Italy or was born in the United States. The philosophy of this anti-American is a permeated our entire society and especially our professional schools. It established in each school a quota, according to nationality, for admittance of law students, medical students, dental students, and other professional students. As far as I am concerned, one of the greatest achievements in behalf of genuine Americanism, is the repeal of the McCarran-Walter Act because this means that at least every American must be judged on his merits, and his merits alone, regardless of race, color or religion.

In 1968, we passed the National Monday Holiday bill. This bill was passed with the full cooperation of Speaker John W. McCormack, who waited until 9:30 p.m. in the evening in order to call the bill before the House. I want to say that every Italo-American Congressman and our friends were on the floor of the House and participated in the debate and in supporting passage of the National Monday Holiday bill. This bill was passed about 12 o'clock midnight by a vote of 212 to 83.

For the first time beginning in 1971, the second Monday in October will be observed as a national Federal holiday honoring Columbus. As you know, we celebrate George Washington's birthday because he is the father of our country. All other holidays depict an event in the history of America, such as Memorial Day, Veterans Day, Thanksgiving Day, but only two men have been singled out to be honored with a special day—George Washington and Christopher Columbus. As the father of all immigrants, Columbus certainly deserves this recognition and becomes the second man in the history of our country to be honored in this way. We as Italo-Americans have waited for over one hundred years to achieve this recognition, and as one of the cosponsors of this bill, I want to say that it was an event worth waiting for!

When I first came to the Congress of the United States, I heard so much about Constantino Brumidi—the Michelangelo of the Capitol. I went to the Senate to view the works in the Brumidi corridor, the beautiful frescoes of the Rotunda, and the Rotunda itself, because all of this work was performed by the genius who migrated from Italy in 1852. My distinguished friend, former Senator Paul Douglas, introduced the Brumidi Bust bill in the Senate because nowhere in the Capitol was there a mark to inform the hundreds of thousands of visitors to Washington about the beautiful art work of Constantino Brumidi.

I was the first sponsor of this legislation in the House of Representatives. Again, I must say that I received the untiring cooperation and assistance of not only the Italo-American Congressmen, but all of our friends in the Congress rallied to support this bill, and there were over one hundred Members of Congress who cosponsored the bill in the House. This bill was passed and signed into law, and an appropriation was made for the procurement of a marble bust of Constantino Brumidi to be placed in the Senate wing of the Capitol Building.

On February 26, 1968, I introduced resolutions to provide for dedication of the Brumidi bust in the Rotunda and to provide for a printed record of the proceedings of the dedication ceremonies in the Rotunda. I invited the Dean of the Italo-American Congressmen, Honorable Peter Rodino, to be one of the co-chairmen of this dedication, and I also asked Senator John Pastore of Rhode Island to act as a co-chairman. Over 54 representatives of the Joint Civic Committee of Italian Americans from Chicago were present in Washington to participate in the dedication ceremonies. It was a beautiful morning. The Marine Band played appropriate music. The Vice President of the United States, the Speaker of the House, the Ambassador of Italy, the Majority Leader of the House, the Minority Leader of the House, the Majority Leader of the Senate, the Minority Leader of the Senate, my good friend, the late Honorable Everett McKinley Dirksen, the distinguished members of the Dedication Committee, and important Members of the House and Senate representing both parties were all present at the ceremonies.

It was the first time, in the 193-year history of our country, that an immigrant Italian, who was born in Rome and migrated to the United States, was honored in the Rotunda of the Capitol for his great works of art and was given the long overdue recognition that he so richly deserved!

In the 90th Congress, and again in the 91st Congress, I introduced legislation to name the nuclear accelerator at Weston, Illinois the "Enrico Fermi Nuclear Accelerator" in honor of one of the great scientists of our time and the father of nuclear energy—Dr. Enrico Fermi.

This was a two-year struggle, but again, I must tell you that over one hundred of my Colleagues in the House of Representatives rallied and cosponsored this bill. On April 9, 1969 I received a call from the Chairman of the Atomic Energy Commission, Dr. Glenn T. Seaborg, informing me that the Commission had met and that they had voted to name the Weston Accelerator in honor of Enrico Fermi. However, I was asked not to release this information until Dr. Seaborg had received approval from the White House. On April 29, 1969, I received a call from the White House informing me that the President had approved the recommendation naming the Weston Accelerator in honor of Enrico Fermi, and on that day—April 29—I released this information to the press of America.

What is the importance of this particular recognition? For the first time in the history of our country, a national major Federal facility now has the name of another man born in Italy who came to the United States of America, just as Brumidi did, and made a major contribution to our way of life as the father of nuclear energy.

The day will come, because of the results of the work at the new Enrico Fermi Accelerator, when new discoveries will make life easier for mankind, nuclear energy will be harnessed for peaceful purposes so that we can have better facilities, cheaper energy to heat our homes, new cures for illnesses, and a constructive attack on some of the serious problems that beset our society, such as water and air pollution.

About three weeks ago I was having lunch in the Member's Dining Room with my good friend, the late Dan Ronan, the Congressman from the Sixth District of Illinois. While sitting at the table, another good friend, a Polish-American Congressman from the State of Michigan asked if he could join us and I said, "yes." He said, "Franco, what is your next Italian-American project?" I replied, "You know, my friend, the other day I was walking in the basement of the Rotunda, and to my great surprise, I found that in this corner of the Rotunda, where no one ever visits, there are three marble busts—Giuseppe Garibaldi, Thaddeus Kosciusko, and Casimir Pulaski." My Polish friend could not believe what he heard.

That afternoon, as it had been the custom of Dan Ronan and myself over the years, we walked around the Capitol Building and as we approached the Rotunda of the Capitol, Dan said to me, "You know, Frank, I would like to look at these three busts." So we went to the basement of the Rotunda, and do you know who was there checking up on me—my good Polish friend from Michigan. He said to me, "When are you going to introduce the legislation so that I can support you?"—"Not until 1970," I replied, "for that is an election year!" So you see, I am now going to have the help of the Poles in order to raise from the dungeons of the Rotunda of the Capitol Garibaldi, Kosciusko, and Pulaski.

There are many other pieces of legislation, such as the resolution dealing with defamation, that I can discuss. But my time is limited, and I know by now you are wondering what else I do as a Member of Congress to serve the interest of all Americans—not only Italo-Americans.

As most of you know, I am a Member of the House Banking and Currency Committee. I am also a Member of one of its most powerful Subcommittees—the Domestic Finance Subcommittee. During the last five years, I have been fortunate, for as a Member of the Committee I have helped to uncover the most extensive and vicious juice racket that ever existed in any part of our country.

American fighting men abroad were being charged and were paying interest rates amounting to 50 and 60 per cent on loans they had made with unscrupulous money lenders. As a result of our Congressional investigation, and with the help of the distinguished Chairman of the Banking and Currency Committee, Wright Patman, a fifty million dollar Washington-based company has been put out of business. This company had on its Board of Directors eight retired admirals and generals. It has been estimated that a racket of over one hundred million dollars has been broken and our servicemen are now free of the "fast buck" operators. These servicemen were sent to Europe and Asia to protect our free enterprise system, and instead, our free enterprise system was cheating them! Today, I am happy to report to you that on our military bases all over Asia and all over Europe, we have established Federal credit unions with deposits on hand of over forty million dollars, with loans on hand of ten million dollars, and with a maximum interest rate of one per cent per month on the unpaid balance being charged to our fighting men.

At the present time, I am engaged in a confrontation with the insurance industry. I want to assure my friends who are in the insurance industry that I believe in the free enterprise system and that all I am saying to the insurance industry of America is—either you provide insurance at reasonable rates for the people of the inner cities and ghettos of America, or it becomes the responsibility of our government to get into the insurance business.

This is not a new experience. We have Federal insurance for depositors, for commercial banks, for savings and home mortgages, for VA loans and FHA loans. We have Federal flood insurance. Social Security is an insurance program. Our government has a long history of successful insurance programs. In order to meet the needs and wants of the small businessmen and the small home owners of our inner cities, and in order to keep our communities together, we can no longer tolerate red and black lining of districts and wholesale cancelling of policies, particularly when no reason is given by the insurance companies for the cancellation of these policies!

I could go on about some of my work, but I want to say to the Justinian Society of Lawyers that we live in a day and age where you cannot sit back, where you cannot be complacent, where it is not enough to earn a living only for your family. We live in a day and age of involvement. We must become involved in the social and political problems that confront our nation, our state, and our city.

The lack of involvement, evident in certain areas of our society today, reminds me of the jury that was considering a very complicated murder case that was filled with conflicting testimony. When the jury returned to the courtroom, they asked the foreman of the jury if they had reached a verdict. The foreman of the jury rose and told the judge, "Your Honor, in this case the jury decided not to get involved."

In Illinois, we are having a Constitutional Convention, and I was shocked when I read the list of the delegates, for with 1,250,000 Italo-Americans residing in our state, there are only a half-dozen delegates to this Constitutional Convention who are Italo-Americans. I call upon you to meet this challenge, to get involved, to file for public office. We cannot win them all, but we will win some if we try. I call upon the Justinians to prepare position papers, if you please, on how they feel about the judiciary and other important issues. Remember that if we do not elect our judges for the first time, we will find that Italo-Americans will disappear from the judiciary. I firmly believe that under the Missouri Plan, we will find less representation of members of our ethnic group. I do not agree with my friend Ambassador Goldberg who has said that a position on the Supreme Court is not a Jewish seat. The President took him at his word and he appointed another Anglo-Saxon to the Supreme Court. I do not feel that designating an Anglo-Saxon is wrong, but I do feel that Italo-Americans, Jewish-Americans, Irish-Americans, Polish-Americans, and all of the other hyphenated groups are just as intelligent as any other people in the United States of America and it is about time that we let others know where we stand—and we must stand up and be counted!

There are other issues that are coming up, and again we are reluctant to take part. What is the position of the Justinians on the issue raised by thirteen prominent professors in major law schools across the country who declared recently that unrestrained snooping, eavesdropping, and wiretapping "would gravely threaten some of our most fundamental liberties as well as the true law itself."

We must remember that in my generation and in your generation, we were lucky enough to witness the birth of radio and television. I can vividly recall listening to the Dempsey-Tunney fight in 1927 when my father bought his first radio equipped with earphones. I can vividly recall when electricity was installed in our home when I lived on Edgemont Avenue not too far from this Hotel. I can recall the first television set, but our children and our grandchildren have no such recollection, for they were born in the electronic age and accept this electronic equipment as a way of life. It is not uncommon for us to have special telephones for the exclusive use of our children and it is no great surprise to me that so many of our college people and our young people will say "what's wrong"? They take these new instruments as a matter of fact and as a customary way of life, and unless those of us, who have deeprooted understanding of privacy and the rights of the individual, take a position, we will see the pillars that have supported democracy crumble, because today it is the unsavory character who is the victim of this invasion of privacy, and tomorrow it will be the innocent citizen, the professional man, and political representatives of the people who will fall to the vengeance of this facist philosophy.

In conclusion, I want to express to you my deep personal appreciation for honoring me and to extend my congratulations to your newly elected officers and to my good, friend, Anthony Fornelli, your new president, who is doing such an outstanding job as Chairman of the Human Relations Committee of the Joint Civic Committee of Italian Americans, and who works untiringly, with dedication and devotion, for all Americans. He is a champion—a fighter—against the smearmongers and the guilt-by-association-technique users, and the unscrupulous operator who peddles his lies in order to benefit his pocketbook.

Ladies and gentleman, the Italian-American can live with the lies that are printed about him if only the truth about his accomplishments is given equal space. Again, thank you for honoring me tonight with your award and I assure you that I will try with all my heart to live up to the faith and confidence you have placed in me.

Thank you.

DISTRICT 28 STEELWORKERS SERVE EVERY MEMBER

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. FEIGHAN. Mr. Speaker, it was my privilege to cut the ribbon on the occasion of the dedication of the building which will provide the facilities for members of the United Steelworkers to participate in their credit union program. My brief remarks follow:

The opening of this credit union is yet another example of the Steelworkers' Union conscientiously serving its members. Beginning today, the Steelworkers of the Cleveland-Akron-Lorain district will be assured of adequate financial services.

Credit unions have long contributed to the welfare of millions of Americans. Among the countless financial institutions, they are the closest to the people. Based on a self-help concept, credit unions provide members, who share a common bond, a private avenue for saving and borrowing. Their loan policies are another special feature. Banks often require considerable collateral before granting a loan. Credit unions, on the other hand, can grant loans based primarily on a member's character and ability to repay. By thus facilitating borrowing, credit unions are performing an invaluable service, especially in an economy troubled with inflation.

There are more credit unions than any other type of financial institution in this country. This credit union of the Steelworkers, however, is unique. The common bond of credit unionism has been expanded from the workers of a single steel plant to all Steelworkers in District 28. That expansion was possible because the forerunner of this credit union operated so effectively and efficiently. This represents the culmination of thirty-seven years of tireless, selfless, and unswerving devotion to the cause of unionism by the membership. Today marks the beginning of a new era and new horizons for all the members.

As a result, more than 30,000 Steelworkers in a large geographic area can now enjoy convenient financial services tailored to individual needs.

This building stands as a symbol of your initiative, and I am honored to join in its dedication.

PROPOSE POPULATION GROWTH COMMISSION

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. BUSH. Mr. Speaker, on Monday of this week the Senate passed by unanimous consent S. 2701, to establish a Commission on Population Growth and the American Future. This legislation was requested by President Nixon in his population message to the Congress, July 18.

The members of the Republican task force on earth resources and population are very pleased with this quick and bipartisan support taken by the Senate.

So many of us on both sides of the aisle have expressed our concern over the problems of our environment. The subject of ecology is now part of our everyday working vocabulary. In the past 6 months I have felt an increasing awareness on the part of all Members of the House about the need to understand the effects of population growth on our environment; our physical environment as well as our social environment.

The proposed Commission will be responsible for inquiry and recommendations in this interrelationship of population growth, environmental quality, and natural resources. This Commission will be as much educational as it is investigative and we certainly need a high-level platform from which the American people can see, hear, and learn about this interrelationship.

H.R. 13337 is identical legislation to S. 2701. It is cosponsored by the House Republican leadership as well as the members of our earth resources and population task force.

This bill has been assigned to the Government Operations Committee and we are hopeful that Chairman DAWSON will give this bill a high priority within his committee's order of business.

GREENSBORO MANPOWER DEVELOPMENT CENTER

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. PREYER of North Carolina. Mr. Speaker, many of us have been disappointed at times in the results of some of the programs designed to lift out of poverty the millions of Americans who, usually, through no fault of their own, live a life of limited opportunity and reward. At the same time, we need to recognize that there are many success stories in the recent history of the cooperative efforts of Government, education, and business, to provide a better life for our fellow citizens. One such story has recently come to my attention.

The Manpower Development Corporation, which is led in our State by Luther Hodges, Jr., the son of our distinguished former Governor and U.S. Secretary of Commerce, and by George Autry, former aide to North Carolina's Senator SAM ERVIN, has issued a report on the completion of a training program in my home city of Greensboro. It demonstrates how a well-developed and managed training program can produce graduates who put much more back into the economy than the cost of such a program. Most importantly, it shows what we can do in terms of enriching the lives of our fellowman.

A summary of the report follows:

THREE-MONTH FOLLOWUP OF FOURTH CYCLE GRADUATES OF THE GREENSBORO MANPOWER DEVELOPMENT CENTER

On April 18, 1969, 67 trainees graduated from the fourth cycle of the Greensboro Manpower Development Center. Three months later, 62 of these graduates were located in the Greensboro area and interviewed in depth about their post-training status. Salient points are summarized herein.

Employment status of the 62 graduates at the time of the interviews breaks out as follows:

Employed full time	43 (69.3%)
Employed part time	3 (4.8%)
Unemployed	16 (25.8%)
Total	62 (100%)

Of the 43 graduates employed full time, 35 were employed on the first job they had taken after graduation; six were on their second job after graduation; one was on his third full-time job, and one was on his fourth. Thus, over 80 percent of the full-time employed graduates had remained on the first job they had found after completion of the MDC training.

The 43 employed-full-time graduates were in jobs with 26 separate employers. Eight employers were manufacturers; five were food processers; five were government or social service agencies; five were sales/service organizations; three were individuals; and one was a construction firm.

The hourly wage of the 43 graduates employed full-time ranged from a low of $1.25 to a high of $3.00. The average hourly wage for the 43 was $1.82.

Sixteen graduates were unemployed at the time of the follow-up interviews. Four of the 16 had been employed at some time since graduation, but had left their jobs—one because of a jail term, one because of a health problem, and two because of on-the-job disagreements with fellow employees.

Of the 12 graduates who had been unemployed for the entire period between graduation and follow-up, four had not worked because of health problems. One graduate was planning to move out of town shortly, and one was waiting to enter a skills-training program at the local technical institute. The other six graduates had not been able to find suitable employment. All six stated that they were still trying to find work through such means as ESC, the want ads, and personal applications at plants.

The 62 graduates who were located for follow-up had, at the beginning of the cycle, an aggregate earned annual income of $90,670, or an average of $1,462 earned annual income per person. At the time of the follow-up, the same 62 individuals reported an aggregate earned annual income of $165,942—an increase of $75,272 over the pre-cycle figure. This translates into an average per-person income of $2,676, or $1,214 more than the pre-cycle per-person figure.

Actually, since 16 of the graduates were unemployed at the time of follow-up, the entire aggregate annual income figure of $165,942 was attributable to the 43 graduates employed full-time and the three employed part-time. The average annual income for the group of employed graduates only, then, is $3,607.

Figured on an individual basis using the family status and income data provided by the trainees, the 67 graduates were paying an aggregate Federal income tax amounting to $4,584 at the beginning of the cycle. Twenty-two weeks later, at the time of follow-up, the same group was earning at rates for which an aggregate Federal income tax of $12,626 for the first year is projected.

On the basis of this first follow-up, then, new Federal income tax payments in the amount of $8,042 have been generated. At this rate the Federal investment of $60,000 in the fourth cycle (total cost: $64,000) would be paid completely back into the Federal coffers in the form of income tax alone in a period of 7½ years.

POSTAL CORPORATION

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. OLSEN. Mr. Speaker, what with the deluge of propaganda promulgated by the so-called "Citizens' Committee" and Department officials themselves favoring the creation of a postal corporation, I believe we must keep in mind that many qualified and respected people still see an extreme danger in a sudden conversion of the Department to a corporation that would result in a precipitous diminishment of service to the American people.

I would like to call to the attention of my colleagues a letter by J. Edward Day, former Postmaster General, that appeared in the Washington Post on September 30. I hope that every one of my colleagues will read this letter, especially the paragraph describing the poll that was buried in the Kappel Commission Report:

WOULDN'T TAMPER WITH MAIL

Your editorial on the postal corporation plan (Sept. 23) mistakingly indicates that only the postal unions are opposed to it. Two and a half years ago when this old idea was trotted out again, I publicly explained its pitfalls. In my opinion it would bring us postal strikes, curtailed service and a 12-cent first class rate.

It is, we know, the current fad to scoff and carp about most everything. Nonetheless, a Roper Associates poll buried in the "annex" material of the Kappel Commission report on the Post Office shows that 76 per cent of those interviewed were "completely" satisfied with the mail service they get and another 19 per cent were "fairly well satisfied."

Of course, a disaster can be manufactured in any organization if the top management tells the employees and the public every day that the whole thing is a mess. It is ironic that the backers of this plan profess concern with employee morale.

J. EDWARD DAY.

BRANDT COALITION, DEMOCRATIC MATURITY—A WALLACE COALITION, CONSTITUTIONAL CRISIS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. RARICK. Mr. Speaker, the German elections have left Chancellor Kiesinger with a plurality but not a majority. To hear the leftists talk, he was defeated. It has been amusing to see the news media promote a coalition of the second-place Socialist candidate Brandt, and the third-party Free Democrats in order to capture a majority of the votes in the Bundestag necessary to elect Brandt as the next Chancellor. For some reason, these people seemed pleased at the thought of the ouster of the Christian Democratic Party which has guided German destiny since World War II, and under which free Germany has achieved the status of a stable, solvent, anti-Communist ally of the United States.

The same news media has been notably silent on telling the American people who Willie Brandt really is—such significant items as his real name before he adopted his alias, his presence with Communist forces in the Spanish Civil War under a forged passport, his Moscow affiliations, and who his financiers are. By contrast, Mr. Kiesinger's bones were picked clean.

The real hypocrisy of the press is revealed by its enthusiastic endorsement of a coalition between the Socialist Party which ran second and a splinter party to unseat the party which achieved the largest popular vote.

Yet, under similar circumstances last fall, the same hypocritical news jockeys were aghast at even the suggestion that a third-party candidate might be in a position to influence a coalition government in the United States.

The news analysts bewailed this as a "constitutional crisis" here. In a panic reaction, fomented in great part by the news media, the House adopted a constitutional amendment completely altering the philosophy of our Government since its formation. The 40-percent-to-win principle applied to the German election would have left Mr. Kiesinger the undisputed Chancellor and his party in power without any coalition.

As to Bonn, however, the same news analysts suddenly read the same facts, where the swing is to the left, and discover it to be merely the attaining of Democratic maturity by the German people.

It is interesting to speculate what the attitude of these savants would have been if the third party in the deal were the National Democrats instead of the Free Democrats.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Bridgeport Telegram, the Bridgeport Post, the Middletown Press, and the Torrington Register in the State of Connecticut. The editorials follow:

[From the Bridgeport Post, Bridgeport, Conn., Aug. 4, 1969]

PUSH FOR BIGGER TRUCKS

The trucking industry, engaged in a determined campaign for the last year or so to persuade the government to give even larger trucks the run of the nation's roads, has lately come up with a new argument to bolster its case.

Industry spokesmen asserted in congressional hearings that the size and weight hikes desired would actually contribute to highway safety. Their reasoning is that by abandoning the present weight limit—73,280 pounds—for trucks on the interstate system and adopting instead of axle-spacing formula, weight distribution would be improved. Trucks might be heavier—up to 92,500 pounds—and wider, but also better-balanced, and therefore less of a hazard to truckers, passenger car drivers, bridges and the roadways themselves.

There is no question that trucking is a vital element in the transport system of a consumption-happy society or that there are valid arguments for bringing existing regulations into line with changing needs of the industry and public, improved technology and highway facilities.

But this is one that is likely to be difficult to sell to drivers who have had white-knuckled experience maneuvering around and among present width and weight trucks, or struggled to keep a car on the road in the gale-force winds frequently created in passing or being passed by trucks.

[From the Middletown (Conn.) Press, Aug. 1, 1969]

THE TRUCKERS ROLL AGAIN

The trucking industry is again revving up its motors in an attempt to steer new weight and size limits through Congress. The industry naturally wants to increase the size of trucks that are permitted on the highways.

This is the bill that almost slipped through Congress last year, but was halted by a public outcry. The legislation, which has been denounced by the American Automobile Association as an "anti-safety bill," is what is called a permissive bill. It would merely permit the states to authorize larger truck sizes (wider, longer, and heavier) on the interstate highways within their borders. In the past, states have been quick to go along with the trucking industry.

But there are two problems. The first is safety and the second is money. Accidents between cars and small pick-up trucks produce 0.3 fatalities per 100 persons involved, but the death goes to 13.3 per 100 persons in collisions between cars and tractor-double trailer trucks, an increase of 40 times. There is, in short, a reason for people to fear large trucks, because usually it is the passenger car driver who gets killed. In addition, larger trucks cost the taxpayer money, tons of it. Last year the Bureau of Public Roads predicted that the wear and tear of an estimated 300,000 bigger trucks would add $8.5 billion in repair and construction costs to the interstate highway system during the first 10 years. That doesn't count the damage to local roads which presumably are built at lesser standards.

Actually, the trucking industry has long received too much hidden public subsidy. These huge underpowered tractor-trailers, snorting fumes and noise, crawling up hills and barrelling down hills, jack-knifing and exploding, have run roughshod over the highways. What is actually needed is legislation to insist on noise and exhaust suppression, and sufficient power to maintain a constant, safe speed on the highway.

[From the Torrington (Conn.) Register, Aug. 1, 1969]

HIGHWAY GIANTS

The trucking industry is back before Congress this year with a bill to permit the operation of heavier and bigger trucks on the nation's interstate highway system. Congress, as it did with a similar measure last year, should reject the proposed changes.

Foremost among the opponents of the legislation is the American Automobile Association, whose executives testified recently before the House Public Works Committee. The AAA's opposition is based on two points. The first is that bigger trucks will constitute a hazard on the highways because their bulk diminishes the visibility of other drivers and their length makes passing more risky.

The second point the AAA stresses is that—the increased weight of tractor-trailers and tractor-two trailers will punish pavements and bridges and increase not only the costs of upkeep but also the construction of new roads built to withstand the heavier loads.

Highway costs warrant concern, but the argument Congress should find most persuasive is the likelihood of greater danger on the nation's already unsafe roads. A 70-foot truck, more than eight feet wide and weighing as much as 15 tons, is an intimidating object. To allow such snorting behemoths on the public roads is not in the public interest.

POST OFFICE DEPARTMENT DECISIVE ACTION LAUDED

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. DULSKI. Mr. Speaker, our Subcommittee on Postal Operations is working diligently to come up with legislative answers to the avalanche of smut which is flowing into the Nation's homes through the mails.

Postmaster General Blount announced today decisive action to revoke the post office box privileges of eight dealers in sexually oriented materials.

This is the kind of affirmative action which we must take to deal with this mounting problem of ponography. I commend Mr. Blount and the Department for their initiative in this instance.

Mr. Speaker, following is the text of the press release issued by the Department on this matter:

POST OFFICE DEPARTMENT PRESS RELEASE ON TUESDAY, SEPTEMBER 30

The Post Office Department today revoked the post office box privileges of eight dealers in sexually oriented materials. Postmaster General Winton M. Blount said the action was taken under his administrative authority to deny the use of rental boxes to individuals who use them for immoral or improper purposes as determined by the Department's General Counsel.

Five of the affected firms have been using rental boxes in California post offices. They are: Collectors Publications, City of Industry; John Amslow & Associates, Culver City; G & M Enterprises, Hollywood; Athens West and Athena Books, both of Los Angeles. The remaining boxes which were ordered closed include those rented by Central Sales, Baltimore, Md.; Marion John Shiflet, Detroit, Mich.; and Superb Sales, York, Pa.

Each of the dealers has been either arrested or indicted on charges of violating Federal or state pornography statutes.

"DON'T WORRY, MOM"—BUT HE DIED IN VIETNAM

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. SNYDER. Mr. Speaker, no one will remember my words here, but I know that all of us will remember the brave young men who have given their allegiance and their lives without protest to the defense of America and free men everywhere.

There may be questions of policy or skepticism over tactics, but no one can doubt the valor of our fighting men.

Mr. Speaker, our sympathy and the sympathy of millions of Americans goes to the family of Johnny Cottingham, who paid the ultimate sacrifice for his country in Vietnam. But we owe him more than sympathy. We owe him our highest debt of gratitude, for he died for all of us.

The September 26, 1969, article about his sacrifice—from the Kentucky Post, by John Harris—appears below:

"DON'T WORRY, MOM . . ." BUT HE DIED IN VIETNAM

(By John Harris)

"Please don't worry about me, Mom."

Like so many other boys in Vietnam, that was what John Edward (Johnny) Cottingham wrote his mother.

But mothers can't help worrying a little.

So it was Wednesday night for Mrs. William C. Cottingham, of 21 Prospect street, Newport.

"It was about nine o'clock. I had my pajamas on, fixing to go to bed," she said. "We saw a car come up the drive and a man in uniform got out.

"I just knew something was wrong."

She was right.

The Army officer brought word her youngest son had been killed Tuesday in Vietnam.

A later telegram confirmed he was killed when he encountered a hostile force. There were no further details.

Pfc. Cottingham, 20, had been serving with the First Air Cavalry Division at Quam Loi since arriving in Vietnam July 26.

He was drafted some six months earlier

on Jan. 8, took basic training at Ft. Dix, N.J., and then went to Ft. Lewis, Wash., before Vietnam.

Young Cottingham had attended Immaculate Conception Elementary School, Newport Catholic High and Newport High.

He had dropped out after his sophomore year and worked as parking lot attendant before entering the Army.

"He was my baby," the grieving Mrs. Cottingham said today, "the youngest of five.

"He had a lot of plans—wanted to finish his education when he got back. But it doesn't matter now . . .

"I got a letter from him two weeks ago. He said, 'Please don't worry about me, Mom.'

"And he may have more letters in the mail to me now—I don't know. He wrote every chance he got."

Young Cottingham's father retired last March after 20 years as a truck driver for the City of Newport. He was widely known as a professional boxer from 1925 until 1933 under the name of "Bobby Cotton."

Other survivors include two brothers, Frank, Rochester, N.Y., and Thomas, Southgate.

Also two sisters, Mrs. Judith Florence, and Mrs. Mary Selby, both of Newport.

Funeral arrangements are pending further contact with the Army.

Cottingham is the 26th Campbell Countian to be killed in Vietnam and the 105th for northern Kentucky.

SOCIAL SECURITY INCREASE FOR THE ELDERLY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. OBEY. Mr. Speaker, no more eloquent testimony in support of the need for an increase in social security benefits can be found than the words of the letter which I received from two of my constituents from Marshfield, Wis.

This letter conveys, better than any words of mine, the need for Congress to pass a decent social security increase of at least 15 percent this year. Senior citizens are not asking for handouts. They are simply asking for what they have a right to expect in a period of inflation.

I commend the text of this letter to the attention of my colleagues:

MARSHFIELD, WIS.,
July 28, 1969.

Hon. Mr. DAVID OBEY,
Member of Congress,
Washington, D.C.

DEAR MR. OBEY: Well, we got you into Congress, thank God and so far you are doing good there, but you promised us old people to do something about our social security income. We sure are having a hard time making ends meet with everything going up in price that we need. We had to quit farming on account of health and age after our youngest son graduated from the U. of Wis. in Madison. One of our 4 boys bought the farm, he is crippled with polio, one of our boys is a Korean war veteran, one is still in the army. Our combined income is $136.40 a month. We sure have a hard time making it. So please work on that bill to up our payments.

God bless you and yours.

Yours thankfully,

Mr. and Mrs. OTTO A. KRAUS.

We hope to hear from you, your honor.

THE FEDERAL TRUTH IN LENDING REGULATION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. HUNGATE. Mr. Speaker, I believe my colleagues will find useful the following article from the Illinois Bar Journal: "The Federal 'Truth In Lending' Regulation." The article indicates the Federal agencies that can furnish information regarding requirements of this act for each category of business.

The article follows:

THE FEDERAL "TRUTH IN LENDING" REGULATION

(By Howard H. Braverman, director of professional services)

A very necessary addition to every law office library is a copy of Title 12, Chapter II, Part 226, Code of Federal Regulations, the so-called "Truth in Lending" regulation.

The Federal Reserve Bank of Chicago, Box 834, Chicago 60690 has an excellent pamphlet available without charge entitled, "What You Ought To Know About Truth In Lending".

The pamphlet contains the full text of Regulation "Z", questions and answers of a general nature about the Regulation along with specific ones in regard to finance charges and annual percentage rates, open end credit, real estate and the advertising of credit. There are also very fine exhibits in the pamphlet which can be adapted to your clients' needs, especially those with the less complicated transactions.

From the pamphlet, we learned that for $2.00, you can obtain two volumes showing finance charge rates for credit payments running up to 480 months and up to 104 weekly payments as well as annual percentage rates on irregular or multiple advance transactions. These tables can be obtained by sending your check to the nearest Federal Reserve Bank or to the Board of Governors of the Federal Reserve System, Washington, D.C.

Each category of business will be subject to enforcement of the regulation by a federal agency. The following is a list of the business and the federal enforcing agency to which it has been assigned. If you have specific questions in respect to your client's compliance with the Regulation. you will get your most prompt and accurate answer by writing directly to the enforcing agency.

BUSINESS AND FEDERAL AGENCY

National Banks: Comptroller of the Currency, U.S. Treasury Dept., Washington, D.C. 20220.

State Member Banks: Federal Reserve Bank in which bank is located.

Nonmember Insured Banks: F.D.I.C. Supervising Examiner for District where bank is located.

Savings Banks insured by FSLIC and members of FHLB system: Supervisory Agent, FHLB District where bank is located.

Federal Credit Unions: Regional Office of Bureau of Federal Credit Unions where credit union is located.

Those subject to Civil Aeronautics Board: Director, Bureau of Enforcement, C.A.B., 1825 Connecticut Ave. N.W., Washington, D.C. 20435.

Those subject to Interstate Commerce Commission: Office of Proceedings, Interstate Commerce Comm., Washington, D.C. 20523.

Those subject to Packers and Stockyards Act: Nearest Packers and Stockyards Administration area supervisor.

Retail, Department Stores, Consumer Finance Companies and all other subject businesses: Truth In Lending, Federal Trade Commission, Washington, D.C. 20580.

ELECTION OF THE PRESIDENT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. DERWINSKI. Mr. Speaker, since we in the House have passed the proposed constitutional amendment establishing the direct popular vote for the election of the President including the highly questionable 40 percent runoff figure, editorial commentary on the subject is especially pertinent since the Senate is wisely scrutinizing the measure.

The Homewood-Flossmoor Star, one of the publications of the Williams Press, carried a very thought-provoking editorial on the issue in its Thursday, September 25 edition. It follows:

CHOOSING PRESIDENT

In its opinion column, "Review and Outlook," the Wall Street Journal recently offered sober advice concerning national elections, with particular emphasis on proposals for choosing the President by popular vote. Such a proposal subsequently passed the United States House of Representatives by so substantial a margin (more than 80 per cent) that many observers who foresaw no immediate threat to the electoral college system must have seen fit to fall back and regroup.

To be sure, the direct vote proposal would still need to be approved by two-thirds of the federal Senate and at length by the states in order to take effect. But the House vote not to mention public opinion polls, might indicate that the makings for favorable action in these quarters are also on the horizon.

The Journal draws in part on the writing of Theodore H. White, who authored the "Making of a President" series, for resources with which to cool the direct vote fervor.

Much of the heat developed, you will recall, when the third party candidacy of George Wallace threatened to throw the 1968 decision into the House of Representatives for resolution. Special attention was directed toward the possibility of a permanent deadlock or a deal which would give Mr. Wallace more bargaining power than he deserved. The cause for concern was valid.

But there is no less, and perhaps more, cause for concern over the direct vote process. Under the electoral vote system, it is pointed out, recounts in areas where irregularities are apparent tend to be isolated to one or a very few states. "Under direct election," it is added, "a nation-wide recount becomes a distinct possibility, especially considering that in two of the three most recent Presidential elections the winning margin has been less than one per cent."

Thus it is entirely possible that we wouldn't be worried now over who was elected in 1968 for the simple reason that we wouldn't even know who had won in 1960.

Clearly there are good arguments for reforming or modifying the electoral vote system rather than abandoning it. One modification which has appealed to us is apportioning electoral votes on the basis of state pluralities or along Congressional district lines.

As the Journal says: "In the real world, as Mr. White warns, it will be better to correct known defects in a tested system than to experiment with a new system carrying obvious and quite possibly dangerous defects of its own."

Perhaps the substantial House margin for scrapping the electoral vote system does in fact portend similar favorable action by the Senate and the populace. Then again it might stimulate the careful scrutiny of the issue which appears to have been entirely too limited in advance of the Congressional tally.

THE SHOCKING CRIME PICTURE IN CLEVELAND, OHIO

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. MINSHALL. Mr. Speaker, there has been no doubt in the minds of Cleveland residents for some time that its streets no longer are safe, by night or day. Statistics recently released by the Federal Bureau of Investigation confirm that the much maligned cry for law and order has a basis in fact. That cry is being heard in every section of our city.

WJW-TV and WJW radio in Cleveland recently broadcast an excellent editorial calling for stronger local leadership, tougher law enforcement and court action, and increased citizen support to reverse this alarming crime rate. The editorial, which follows, points out just how intolerable the situation has become, with the crime rate in Cleveland rising almost 50 percent faster than in the average city of comparable size. The editorial follows:

THE SHOCKING CRIME PICTURE IN CLEVELAND

The increase in crime in Cleveland can be described in one word: shocking. Figures quoted by the FBI indicate that crime rose by 56 percent in Cleveland for the first six months of this year compared to the same period last year. The national average was 9 percent.

Let's look at these figures in more detail, and compare Cleveland with the other cities whose population is between 500,000 and one million.

Murder: Cleveland +54%, average +18%.
Rape: Cleveland +59%, average +34%.
Robbery: Cleveland +62%, average +21%.
Assault: Cleveland +71%, average +21%.
Burglary: Cleveland +44%, average +4%.
Larceny: Cleveland +37%, average +16%.
Auto theft: Cleveland +71%, average +18%.

These startling figures confirm the growing concern and fear among Cleveland residents. They underline the urgency of a concerted community effort to fight crime. We feel this requires a three-pronged effort. We must have capable law enforcement supported by a better equipped and more effective police department.

Our police must enforce the laws to the fullest extent. Our courts must get tougher and mete out firm sentences to protect the innocent victims of crime. Our citizens must support law enforcement and not be afraid to report crimes whenever and wherever crimes are being committed.

As we see it, the current crime situation demands a major community effort. It requires increased and decisive action on the part of the police department, the administration, City Council, the courts and the public. No one in Cleveland can afford to remain complacent in the face of this shocking crime picture.

THE OCEAN'S RICHES

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. HANNA. Mr. Speaker, yesterday's Wall Street Journal pointed out the vast potential value of the oil lying beneath the ocean floor. No one can dispute the great material benefits that might be realized from the exploitation of this single resource. However, we should not—as many have suggested by their pronouncements on our public policy toward the development of the deep seabed—denominate this aggregate of natural resources, the sea, in terms of the immediate or near-term returns available to the entrepreneurs of our Nation. This is not to say that their efforts are unimportant. It is to suggest that we should not, like those who rushed to California in quest of gold in 1849, allow our attention to be so thoroughly affixed to a single quest that we lose sight of the vast importance of an orderly program for efficiently maximizing the return from all the available resources. While the broad-gaged approach I suggest is clearly more costly and certainly can promise little in the way of instantaneous returns, it does promise to provide a rich harvest of returns over the long term.

The article follows:

OCEANS OF RESOURCES—AND QUESTIONS

(By Ruth Sheldon Knowles)

(NOTE.—The author is a petroleum specialist who has made four trips around the world in the past four years.)

As private enterprises opens ever broader opportunities for development of the ocean's resources, the future is being increasingly clouded by governmental intervention, both actual and potential.

To some extent such intervention is not only unavoidable but desirable. However necessary marine resources may be, now and in the future, someone has to set rules to guide orderly development and to promote sensible conservation. Government research also is needed in areas where private companies can see no early prospect of profits.

The key question, then is whether governments and private industry will be able to work together constructively, making use of the vast knowledge acquired in recent years. On a planet where expanding populations are making ever greater demands on resources, the answer to that question is of no mean significance.

IMPRESSIVE BREAKTHROUGHS

Ten years ago we knew less about the oceans which cover three-fourths of the globe than we did about Mars. In the past few years, due primarily to petroleum industry research, we have been making impressive technological breakthroughs. By 1980 the U.S. will have the technical capability to utilize extensively the underwater resources of offshore lands to a water depth of 6,000 feet, which is equivalent to adding approximately 1,370,000 square miles to the nation's lands, or more than five states the size of Texas.

Benefits from the acquisition of this new territory include the development of tremendous oil and gas reserves, new mineral, chemical and pharmaceutical resources, fish farms and such things as "seasteading" by private companies and individuals leasing public lands to develop underwater parks, hotels and restaurants.

The petroleum industry, which finances 85% of its research, has spent more than $250 million in underwater research in the past 15 years. Initially the new technology is of primary importance to the whole world in assuring the availability of adequate oil and gas resources to satisfy rapidly increasing energy demands. The current annual increase in oil consumption is about a billion barrels, which is more than the annual production of Saudi Arabia or Iran, two of the world's largest producing countries. Consumption of oil 20 years from now is expected to be nearly four times today's.

Dr. Lewis G. Weeks, retired chief geologist of Standard Oil Company, (New Jersey) and an authority on potentialities of world oil basins, states that offshore prospects offer the best hunting grounds. He estimates that the seabed under waters only out to 1,000 feet deep contains potential oil basins covering 6.2 million square miles, one-third as large as the area covered by the world's land basins.

Ten years ago only three or four countries and five companies had offshore petroleum interests. Today, hundreds of companies are exploring the waters of 75 countries, and 28 countries are producing oil and gas.

The United States continental shelf has been the principal laboratory for new developments. Since 1946, 12,500 offshore wells, more than 60% of the world total, have been drilled in our shallow, near shore, coastal waters. They account for approximately 15% of total U.S. oil production and about 10% of total gas production. This development has cost $13 billion, including almost $6 billion in bonus, rental and royalty payments to state and Federal governments. So far, the industry has not recovered its investment, as the average rate of return is about 7%. The investment payout period of a successful offshore discovery will take a minimum of ten years.

Before the first self-contained offshore drilling platform was built, the industry spent $5 million researching currents, wave profiles, wave forces and other non-existent sea data to determine the engineering and materials required. This research led to the ability to detect development of hurricanes. These studies enlarged the understanding that sea, air and land are a single, complex system. Ocean currents and the roughness of the sea's surface result from lower atmosphere winds and the shape of the ocean floor and its coastlines.

Most of today's offshore drilling is in waters of less than a thousand feet and the deepest producing wells are in 345 feet of water. However, technical capability has grown to the extent that industry is already planning complete ocean floor operations applicable to 6,000 feet of water where fixed platforms would be impractical or too expensive. Mobil Oil Co. and North American Rockwell recently announced that their deepwater production system will be ready for use next year.

The two companies developed automated sea-bottom installations to operate a whole oil field. Life support systems were devised so that technical men, who are non-divers, can work in a shirt-sleeve environment. The structures are serviced by a small submarine to transport men to and from work. The submarine also is equipped with articulated arms to enable the submarine operator to perform essential duties on the outside of the sea-bottom structures. To a ship traveling on the surface there will be no indication that men and machines are working far below with as great ease as on land. This systems approach could be the forerunner to deep sea mining operations as well as the establishment of underwater industrial colonies.

Automated operations have reached a sophisticated state in shallower waters. Shell Oil Co. developed a robot, a 14-foot tall mechanical man, which swims and can walk on the ocean floor. Human divers are still necessary, of course, for many complicated maneuvers. Their capabilities have been increased by the oil industry. In 1967, Humble researchers devised diving chambers and techniques for divers to perform maintenance work which pushed the limit of water depth at which man can work effectively for prolonged periods to 636 feet.

A 500,000-BARREL TANK

In the Arabian Gulf, off the coast of the Trucial sheikhdom of Dubai, Continental Oil Company recently launched the largest underwater oil storage tank in the world. The 500,000 barrel tank, designed by Chicago Bridge & Iron Co., is as tall as a 20 story building and is anchored underwater 65 miles from shore. It is a major step towards the establishment of all offshore petroleum development on the ocean floor, at increasingly greater depths, operating independently of dry land facilities.

Petroleum industry research scientists predict that by 1980 we will have the capability of exploring and producing in any ocean area of the world. Economics rather than technology will be the determining factor. This prediction is based on the success of deep ocean drilling. The oil industry developed the use of small, dynamically positioned vessels to core in water depths as great as 5,000 feet. This led to a joint Government-industry deep sea drilling program and the development of the Glomar Challenger, a specially designed floating drilling vessel using satellite navigation and automatic dynamic positioning equipment allowing it to drill in water depths of 23,000 feet.

Developing ocean frontiers has created manmade problems. The most critical at the moment is pollution resulting from drilling accidents such as the blowout in a Santa Barbara Channel well and tanker accidents such as the "Torrey Canyon" disaster off the English coast. Under prodding from governments the industry is intensifying research and development of safety devices to prevent such accidents, and researchers are working continuously on methods to render accidental spills harmless to man as well as marine life. New, fast-acting oil dispersants have been developed which achieve both purposes. Ocean development, unlike much industrial development of the past, comes at a time when industry and governments are keenly aware of the necessity of preserving man's natural habitat and preventing the general resources abuse.

HARMONIOUS COEXISTENCE

Competing uses of the seabed pose other problems, some of which may well be surmountable. In the Gulf of Mexico, for instance, oil and fishing interests coexist harmoniously. Although there are over 2,000 fixed oil structures in the Gulf, they occupy such a small portion of the total area they do not interfere with fishing operations. Also, seabed petroleum facilities are designed to reduce the fouling of fishing gear. Oil operations actually are credited by the Department of Interior with increasing fish catches as sea life attaches itself to oil structures and attracts schools of fish.

The Government is studying its role in America's future in the sea. Last January, the Commission on Marine Science, Engineering and Resources, authorized by Congress and headed by Julius Stratton, chairman of the Ford Foundation, presented its voluminous two year study to President Nixon and Congress. The commission recommends creating a National Oceanic and Atmospheric Agency (or "wet" NASA) with a $20 billion budget for the next ten years. The agency would coordinate existing Government programs, support basic research, manage the coastal zone, establish pollution controls, encourage fishing and mining industries, and a variety of other activities.

The need for a $20 billion public program to develop the ocean will be a subject of debate in view of the rate at which private industry is already moving. However, there is no question that a fundamental goal of both industry and Government is to see that technology is advanced rapidly in order to establish jurisdiction over the seabed of the entire U.S. submerged continental land mass.

The question of who owns the seabed and how much is not as clear as it should be. Present international laws of the sea relate only to its surface. The 1958 Geneva Convention on the Continental Shelf, signed by the U.S. and 38 other nations, is the only international document concerning seabed ownership. This Convention confirms to coastal nations exclusive sovereign rights to the natural resources of their "Continental Shelf" which is legally defined as "the seabed and subsoil of the submarine areas adjacent to the coast to a depth of 200 meters (650 feet), or, beyond that limit, to where the depth of superjacent water admits of the exploitation of the natural resources of the said areas."

The U.S. position is that because of the Geneva Convention clause referring to recognition of sovereign rights beyond the 650-foot depth which admit of "exploitability," a nation has the right to claim the seabed to the limit of its submerged land mass, no matter how deep the water, as long as it has technological ability to exploit it.

This position is threatened by a United Nations proposal under consideration by a General Assembly permanent committee which proposes establishment of an international agency which, by treaty, would become the owner of the minerals beneath the sea beyond the limits of national jurisdiction, with the financial benefits of exploitation going to the developing countries of the world. The proposal does not define "national jurisdiction" and the U.S. does not want to open up any Pandora's box of defining this term on any other basis than that determined by the Geneva Convention.

MILDRED STEISEL—A SPECIAL KIND OF WOMAN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. WOLFF. Mr. Speaker, during the course of our lives we all come in contact with women who represent—as mothers, in civic affairs and in their personal qualities—the highest American ideals. Such a special kind of woman was Mildred Steisel, a friend and constituent who lived in Glen Cove, N.Y., before her untimely death earlier this week.

I believe it important to pause from time to time in the rush of public affairs to reflect, however briefly, on where the strength of this great country rests. And whenever I ponder this vital question I am always drawn to the conclusion that our greatness stems from the millions of Americans who give of themselves in public service, especially in their local communities.

Mildred Steisel was such a person. There was always time in her too short but very busy life for her neighbors and friends, for civic affairs, for those seemingly small but very important individual efforts that provide our communities with better schools or an aware public or any other specific need of a community.

We all owe a lasting debt of gratitude to the people like Mildred Steisel who truly, in their own way, have made this country what it is. To her husband, William, and her three fine children, we can only express our sorrow and honest belief that they can forever be proud of the ideals and principles that Mildred Steisel personified.

NEED FOR AN EFFICIENT AND RESPECTED DISTRICT OF COLUMBIA GENERAL HOSPITAL

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. FRASER. Mr. Speaker, as many of us know the District of Columbia General Hospital is in trouble. Mr. William Raspberry, in his September 29, 1969, Washington Post column, quotes members of the hospital house staff organization who are critical of Mayor Washington's failure to act in this crisis. By introducing this column into the RECORD, I do not necessarily endorse these criticisms of Mayor Washington. But I do know that an efficient and respected general hospital is an absolute necessity in an urban area. There are some medical functions which can only be handled by a general hospital. We must take the necessary steps to make the District of Columbia General an effective arm of the District of Columbia government.

Recently, my Minneapolis constituents voted overwhelmingly for a $25 million bond issue which will finance a new general hospital in our city. The passage of this bond issue in an era often marked by taxpayer revolt indicates the great impact a good municipal hospital can have on a community.

Mr. Speaker, American voters will support added taxation when they are convinced of the value of the new programs requiring the higher taxes. The lesson for us and Washington, D.C., is that we must support the District of Columbia General. We must make it an efficient and respected institution even if this means new taxation. There is some indication that added personnel costs will pay for themselves. But whatever the source, the resources must be found to make the District of Columbia General the pride of the community.

The article referred to follows:

DISMAY GROWS AT THE DISTRICT OF COLUMBIA GENERAL

(By William Raspberry)

The sign on the fourth-floor bulletin board at D.C. General Hospital announces: "The Mayor is Coming."

Underneath, someone has added: "Tomorrow & tomorrow & tomorrow."

It is by way of expressing the dismay of D.C. General's young doctors that Mayor Walter E. Washington has shown little public interest in joining their fight for improving conditions at the hospital.

XUM

"We've had promises of support from Reps. (Joel T.) Broyhill, (Ancher) Nelsen and (Donald) Fraser," one intern said. "But they tell us it is up to the mayor to submit a request for an emergency supplemental appropriation. He may be planning to do something but he certainly hasn't let us know."

Every day's delay, the doctors say, is costing needless suffering, needless overcrowding and needless death. And in its own perverse way, delay in obtaining the money needed for services and staff increases is costing money.

"We have twice the patient load and half the staff of the better hospitals in the city," said Dr. Martin Shargel, president of the House Staff Organization, which is spearheading the fight.

What this means is that scores of patients are being kept in hospital beds, at a cost of some $75 a day, while doctors await reports from understaffed laboratories.

If these reports were readily available, many of these patients could be released outright or treated as outpatients.

No one knows, for instance, how many patients are kept unnecessarily long because it takes several days to get X-rays made and returned to patients' files. Many X-ray films get lost and have to be redone. The key reason why is that there are no more than three people—often fewer—to keep track of some 250,000 current X-rays.

Understaffing is costing money in still other ways. Much of the overtime payment, for instance, could be eliminated if the hospital were properly staffed.

The Washington Hospital Association has estimated that some 70 per cent of D.C. General's patients may have enough insurance to pay for their care, Dr. Shargel said. But there aren't enough clerks to handle the billing, and many patients who could pay never get billed for their care. D.C. General may be losing as much as $15 million to $18 million a year on bills that are collectable but uncollected, he said.

Dollars—and life-saving facilities—are wasted because the city has no real convalescent facility. A drunk who gets admitted as a "social emergency" stays in a nonsurgical hospital ward at a cost of $71 a day when he could be cared for in a more appropriate institution at a fraction of the cost. (The rate for chronic care institutions averages about $15 to $18 a day.)

"We could build and staff a chronic care facility on the savings alone," one resident said.

The in-and-out surgery facility off the main surgery room is locked and idle because there is no nurse to staff it. As a result, a patient admitted to have a cyst removed may spend two weeks in the hospital—again at $75 a day—when he could have been treated and released in a matter of hours, both saving money and freeing a bed.

One of the reasons that the hospital has never had enough money is that the city has never asked for enough, according to Dr. Timothy Tomasi, one of the 180 to 190 interns and residents who belong to the House Staff Organization.

"The supervisors make minimal requests and these are routinely cut by the hospital's medical director before the budget goes to the Health Department. There, Grant (former Health Department director Dr. Murray Grant) would cut it again, as would the District Building, the Bureau of the Budget and the Congress. If you start off asking for what you really need to operate, you obviously wind up with far less."

The doctors want assurances from Mayor Washington that this system will end and that he will move quickly to request emergency funds to meet current needs.

They are afraid the mayor doesn't see the current situation as a crisis, and they are increasingly bitter about it.

"A similar situation arose in New York City recently," one of them said, "and within 48 hours New York's mayor came up with $80 million.

"Our situation came to a head on Sept. 8, and our mayor has yet to make his first public statement regarding his hospital."

SENATOR GOLDWATER CALLS FOR HALT TO MENACE OF OBSCENITY IN THE MAILS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. DULSKI. Mr. Speaker, the public demand for action is mounting to stem the flow of smut through the mails.

Our Subcommittee on Postal Operations is conducting hearings on various bills aimed to putting teeth in our present laws concerning what can be sent through the mails.

On our hearing today, chaired by Chairman ROBERT NIX, of Pennsylvania, the leadoff witness was the Honorable BARRY GOLDWATER, Senator from Arizona, who presented very helpful testimony in support of legislative action.

He particularly gave support to the bill sponsored by myself and other members of the subcommittee to ban the sending of smut through the mails to homes where minors reside.

Mr. Speaker, Senator GOLDWATER's statement is a very comprehensive and forceful commentary on this problem and I am including the full text as part of my remarks:

"HALTING THE MENACE OF OBSCENITY IN THE MAILS"

(Statement by Senator BARRY GOLDWATER, of Arizona, before the House Subcommittee on Postal Operations, October 1, 1969)

Mr. Chairman and Members of the Subcommittee:

It is a pleasure for me to visit with you today to discuss the ways in which we can combat the ever-increasing menace of obscenity in the mails. I only wish that my colleagues on the other side of the Hill would rev up their legislative machinery so that both Houses would be acting together on this.

Mr. Chairman, I want to open my remarks by saying that the members of this subcommittee have my utmost respect for the excellent record which they have made in this field. This group has the distinction of holding more sessions this year on the subject of smut mail than all the other committees of Congress put together. Also, I know that this subcommittee handled five or six earlier measures designed to clean up the mails.

Mr. Chairman, it will be my purpose today to explore with you the ways in which Congress can build upon this record.

The present situation is completely baffling to most Americans. On the one hand there is a whole Government arsenal of anti-obscenity laws, including an entire chapter of the United States Criminal Code and several provisions of title 39, which are aimed at excluding indecent matter from the mails.

AVALANCHE OF COMPLAINTS

On the other hand there is a staggering number of complaints being made by individual citizens who protest that their homes are being inundated by a flood of unsolicited smut mail. The number of these complaints made to the Post Office Department alone has soared to well over one-half million in the past three years.

The actual number of Americans who are deeply irritated and offended by perversion in the mails can only be estimated. There is no question that it is enormous. A Gallup poll released just three months ago reveals that 85 out of every 100 adults interviewed said they favor stricter laws dealing with obscene literature sent through the mails. Translated into population figures, this means that one hundred million persons are dissatisfied with the existing postal obscenity laws.

Why is this so? What is the real difficulty with our present laws?

These are questions which I have been examining very closely in recent months. I have sought to get to the bottom of the reasons why this terrible menace continues to threaten the sanctity of American homes. Also, I have attempted to learn what solutions, if any, exist to control it.

Mr. Chairman, as a result of this study, I have formed the following conclusions, which I would like to share with you on the chance that there may be a new idea or two among them to aid in the fight for decency in the mails.

THREE CONCLUSIONS

First, the major source of outrage among our citizens is the unsolicited mass mailing of advertisements by some fifteen to twenty large firms. These operators generally send out computerized first-class mailings, taken from regular mailing lists, to pander their filth. They are well-heeled businesses making as much as $10 million a year in a market that runs into billions of dollars.

Second, the next great source of public concern is the fear that sexually perverted material will endanger the ethical, mental, and moral health of children. Many of the current mailings are specifically aimed at teenage children. The remainder is sent indiscriminately with a reckless disregard to the fact that a substantial portion of this trash may reach the hands of young children.

Third, there are three primary reasons why this misuse of the mails has not halted—

The stringest and confusing definition of obscenity which different members of the Supreme Court have announced in recent years is one.

The fact that the newly enacted pandering law of the 90th Congress does not apply to unsolicited first mailings is another.

The fact that there is no national law aimed squarely at the protection of minors is the third one.

LOOPHOLES CAN BE CLOSED

Mr. Chairman, it is clear that Congress can close up these loopholes. There is no longer any question that society may regulate the dissemination to youngsters of material which is objectionable as to them, but which could not be regulated as to adults. The landmark decision of 1968 in the second *Ginsberg* case persuades me that Congress has the Constitutional power to enact a strong new law to restrict the distribution of pictures and printed matter that are obscene to minors.

In this case, the Court upheld a New York State law specifically designed to protect children from obscene matter. This ruling settled the authority of governments to adopt one set of obscenity standards for adults and a separate set for children. That this approach offers unusual chances for effective enforcement is shown in the fact that the conviction upheld in *Ginsberg* involved the sale to a 16 year old of four "girlie" magazines.

If the Court is now willing to find that newstand magazines are harmful to minors, I am certain it will find that the utter garbage which is infesting the mails is likewise obscene when sent to minors.

Thirty-nine of the State legislatures have adopted some type of special prohibition against the exposure of minors to obscene materials and it is high time that Congress does the same.

CAN STILL PROTECT PRIVACY

The second concept which I believe holds out a strong basis for cleaning up the mails lies in the power of society to protect the Constitutional guaranty of freedoms of privacy.

To me privacy deserves one of the highest spots on the list of individual freedoms. It embodies the essence of the sanctity of a man's home and the right to enjoy the privacies of his life.

The basic concepts underlying the right of privacy date back to the laws of ancient Greece and Rome. It has been defined as a distinct and separate right in American law for the past 80 years and is regularly winning expanded interpretations.

The reason for this is easy to see. As great improvements in the means of communications bring all of us closer and closer together, it becomes increasingly simple for the intimacies of life to be intruded upon by those who pander to commercialism. To cast the individual citizen upon his own resources in the setting of modern times would be to leave him without adequate means to protect his privacy.

COURTS RECOGNIZE STATE POWER

Thus it is that the Courts now recognize the authority of the State to protect a man's feelings as well as his limbs. The exercise of this power is particularly strong when the threat to privacy involves an invasion of a man's home.

There is a Supreme Court decision close at hand. In *Breard* v. *Alexandria*, 341 U.S. 622 (1951), the Court considered the validity of a municipal ordinance forbidding persons from going upon private residences to solicit orders for the sale of magazines, without prior invitation. The Court upheld the Constitutionality of the ordinance as a proper means to protect householders against "uninvited intrusions into the privacy of their homes."

Perhaps the foremost principle stated by the Court is that in cases where the Constitutional guaranties of free speech and free press collide with the fundamental personal right of privacy, there has to be an adjustment of these rights. In the words of the Court, the privilege to engage in interstate commerce or free speech cannot be permitted to crush "the living rights of others to privacy and repose."

As you know, the most recent enunciation of the rule was made by a three-judge Federal court convened in California to consider the pandering advertisement law. In upholding the power of Congress to restrict unwelcome mailings, the Court said:

"To require a commercial enterprise to strike a name from a mailing list seems little burden to impose to guarantee that dimension of privacy to an individual, otherwise helpless in his home, to 'turn off' pandering advertisements which may be erotically arousing or sexually provocative to him and his family."

DECISIONS LAY SOLID FOUNDATION

In my opinion, these decisions lay a solid foundation for the enactment of strong new controls to enforce the right of an individual to choose what it is he desires to see and read within his own home.

Therefore I propose that we act on these cases without further delay by doing one of two things. We should frame a stringent new law that bans completely any mailings by commercial dealers of unsolicited advertisements for smut material. Or we should prohibit all mailings of such matter to persons who declare that they do not wish to receive this type of mail.

Mr. Chairman, I believe the adoption of the controls I have proposed would slam the door on the kind of sexually oriented mail which is inciting the nation's anger. I might add, at this point, that I do not know of any single piece of legislation that could better carry out my objective than the bill introduced by Mr. Dulski and the Gentleman from Pennsylvania, together with Mr. Corbett and Mr. Cunningham of this subcommittee.

For my part, I was pleased to be the coauthor of the first Senate bill that is aimed solely at protecting children against obscene matter. My bill is similar in many ways to the provisions of H.R. 10867 which pertain to minors.

SIMILARITIES OF OUR BILLS

One of the similarities of our bills is the fact that they each define obscene matter in a descriptive way. Each bill thereby follows the standards applied by the New York State statute that has been upheld by the Supreme Court.

Mr. Chairman, I urge that you do not change this approach. The need for a carefully drawn definition is crucial to the validity of obscenity convictions.

This point is emphasized in a decision handed down by the Supreme Court just after its approval of the New York law. In *Interstate Circuit* v. *Dallas*, 390 U.S. 678 (1968), the Court ruled that an ordinance of the city of Dallas was unconstitutional because the standards used to define obscenity were not definite and narrowly drawn. The Court said that this was so even though the ordinance had been adopted to protect children.

The Court specifically noted that the Dallas statute, unlike the New York one, was not drawn "in accordance with tests this Court has set forth for judging obscenity." In view of this signal by the Court, it is important that the "New York" type of definition is the one we should use.

MINORS IN 60 PERCENT OF HOMES

Mr. Chairman, my studies in this field have turned up some data which increases my belief that Congress may enact much stricter controls over the dissemination of obscene materials to children. I will start with the fact that there is a child under 18 living in six out of every ten American homes.

Next, we can note that there are 35 million children in the age group under 18. This is clearly a sufficient number to deserve protection at the national level.

Finally, the official Labor Department statistics disclose that at least one-third of American wives in families with children under 18 are employed outside the home. The highest working force rate among women of all ages is that of married women with children ages 6 to 17. These ladies represented 45% of the entire women's work force and totalled over six million persons.

From this, Congress might properly infer that several millions of children who have arrived at a crucial, inquisitive stage of life will have an unsupervised opportunity to open the mail before their working parents return home.

Based on the above facts, it can be concluded that the access of children to direct advertising mail is so great that additional requirements should be imposed to decrease the chances they will be exposed to matter which is harmful to them.

SMUT DEFINITELY HARMFUL

Mr. Chairman, I do not want to leave the subject of a child-oriented statute without stating my belief that exposure to pornographic material is definitely harmful to minors.

Common sense will tell anyone as much. For the sceptics, however, the record contains many persuasive statements by responsible experts.

For example, in 1963 the New York Academy of Medicine published a report on the medical aspects of indecent publications sold at newsstands and circulated by mail. The Academy stated its belief:

"(T)hat although some adolescents may not be affected by the reading of salacious literature, others may be more vulnerable. Such reading encourages a morbid preoccupation with sex and interferes with the development of a healthy attitude and respect for the opposite sex. It is said to contribute to perversion."

In addition, competent medical witnesses have appeared before committees of the Congress to decry the harmful influence of obscene material on juvenile behavior. One of the worst possible relationships was discussed by Doctor Benjamin Karpman, then Chief Psychotherapist at St. Elizabeth's Hospital, who said:

"You can take a perfectly healthy boy or girl and by exposing them to abnormalities you can virtually crystallize and settle their habits for the rest of their lives. If they are not exposed to that, they may develop to perfectly healthy, normal citizens. It is here that objection comes upon pornographic literature."

There are many distinguished professionals in the medical field who would be ready to add to this record, and I am hopeful that the subcommittee will invite a fair number of psychiatrists, law enforcement officers, and other experts who have had contacts with consumers of obscenity to appear before you during these hearings.

AS FOR SPECIFIC PROVISIONS

Turning to the specific provisions of H.R. 10867, I would like to make a few observations that might fit into the legislative record you are shaping.

The first question I want to raise is whether the new section 4011, which creates a category of nonmailable matter as to minors, is intended to impose a strict liability upon the sender to know the recipient is a child.

It seems to me that it does, and I think this is an excellent way to attack the problem. But, in order to guarantee the law will pass the scrutiny of a permissive Supreme Court, I wonder if this feature should be limited to commercial dealers who do not take reasonable precautions to keep their trash out of the hands of minors.

It is true that under certain child protection laws, knowledge that the child is a child is not an essential element of the particular crime. The laws against furnishing liquor to children come to mind.

Lacking a clear precedent in the free speech area, however, I am not at all sure that we can brush aside the element of "knowledge" so easily.

PUT SMUT MERCHANT AT OWN RISK

What we could do is to put the smut merchant at his own risk on the question of age whenever he fails to have a professional assurance that the addressee is an adult. Under my proposal the dealer in smut would be required to show that he has taken all reasonable precautions to learn the age of the addressee.

By making this one change in the section, I believe we would safely handle the Constitutional thorns. Further, we might write into the section the defense which would be permitted. For example, the dealer might be allowed to rely upon a professionally designed mailing list that promises a high degree of certainty that it contains the names of adults only.

Such lists can be obtained. I am told that a good list compiler can select such detailed groups of people as new parents, parents of babies born only in private hospitals, or even parents who are new at being new parents. With such ingenuity, I am certain the list compilers and list brokers will be able to rise to the challenge given them to preselect families without children under a specific age. Of course the lists must be

XUM

checked at regular intervals to be accurate and the statute should require that this be done.

Whatever degree of liability should be imposed on smut peddlers, I would suggest that the statute be made applicable only in a commercial setting. For example, the language should not catch the case of relatives or friends who use the mails without any purpose of material gain.

TARGET SHOULD BE MAJOR DEALERS

The source of the national uproar about obscene mail is a few major dealers and it would seem best to me to keep the bill on target by hitting straight at them.

The final change which I suggest is to expand the scope of the bill's criminal provisions. The only person who is covered by the offense seems to be the one who deposits matter in the mail. I fear that this might enable the maker of obscene films or the publisher of indecent literature to evade the penalties of the law by using an independent distributor to handle the mailing of his product. This could be avoided by applying the criminal sanctions to persons who manufacture or publish pornography knowing or intending that it will be sent in the mails in violation of section 4011.

Mr. Chairman, in looking at the ways in which the bill is designed to protect the right of privacy, I am satisfied that you have framed a valuable new approach. Sections 4012 and 4013 are expressly limited to advertisements only, and thereby, are wisely focused on the commercial aspects of the problem.

Also, the scheme used in section 4012 is effective. This provision requires that the disseminator of smut must refrain from mailing his product to anyone on a list of persons who have expressed their unwillingness to receive such matter. I realize this will force the distributor to use computers to scan the hundreds of thousands of names on such lists, but many, if not all, of the present merchants in this illicit industry are already using such equipment. In my opinion, it is high time Congress decided to shift the burden of keeping this unsought material out of homes where it is not wanted to the purveyors of filth, even if it ups the cost of their product.

In summary, Mr. Chairman, I can only recommend that the subcommittee continue its efforts until this public menace is stamped out once and for all.

WASHINGTON, D.C.—DESTROYED BY LIBERALISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. RARICK. Mr. Speaker, today a committee of the other body held hearings on the question of dangers to schoolchildren in the public schools of the District of Columbia. Some of the testimony was called to my attention, and I find it quite appropriate to again mention the degree to which the American people are awakening to the sickness of our Nation's Capital.

An early witness was the principal of a high school, who related his powerlessness to prevent crime, including rape, robbery, and narcotic traffic within his school. The last witness was a young lady speaking for the military parents, who pointed out the dangers to the children of our servicemen, not in foreign nations but in Washington.

This young lady pointed out quite plainly that service personnel have no vote in the District, hence no influence on the School Board. She added that she had always been a supporter of "home rule" for the District, but now that she has seen Washington, she has changed her mind and has asked her Congressman and both of her Senators to oppose such a move. Her logic is unassailable. If the District has not enough ability to run safe schools, it obviously cannot run its own government—even on Federal money.

Mr. Speaker, the lawlessness which runs rampant in our Capital is a national disgrace—and it is the responsibility of the Congress, no one else, to perform our constitutional duty and see to it that only people at least competent to protect schoolchildren are selected to preside over this once great city before it further disintegrates. I insert a potpourri of recent typical news clippings:

[From the Washington (D.C.) Evening Star, Sept. 30, 1969]

Court Mikes Stolen

Four microphones, valued at a total of $300, have been stolen from the courtroom of D.C. General Sessions Court Judge Thomas C. Scalley. A court official told police yesterday the chrome-plated microphones were removed from the judge's stand some time after Sept. 9.

[From the Washington (D.C.) Evening Star, Sept. 30, 1969]

Conte's Car Robbed

Rep. Silvio O. Conte, R-Mass., has reported to police that his car was entered Sept. 20 while it was parked in the 200 block of New Jersey Avenue SE and a stereo tape recorder was stolen.

In addition to the recorder, valued at $59, a tape valued at $10 was taken.

[From the Washington (D.C.) Evening Star, Sept. 30, 1969]

Big "Woof" Routs Masked Gunman At Woman's Car

Evelyn Hynson of 5541 Edgemont Drive, Alexandria, drove to the Penn Daw Duck Pin Bowling Alley last night to pick up her husband James.

As she sat in the parking lot, a man with a stocking over his head jerked open the car door and pointed a gun at her.

Mrs. Hynson screamed.

"At this point," a Fairfax County police report said, "A 200-pound dog that had been lying in the rear seat raised up and said 'woof'." The dog is a Great Pyrenees.

"The subject," police said, was last seen running south."

[From the Washington Daily News, Sept. 30, 1969]

Four Grocers Convicted of Selling Stale Meat

Owners of four small District grocery stores were found guilty yesterday of selling stale hamburger meat that was unfit for eating.

They were fined $50 each and given a suspended sentence by General Sessions Judge Justin L. Edgarton.

The meat, which would look fresh to the eyes of the average grocery shopper, was found to be adulterated with specks of sulfite by a meat inspector. Sulfite, when appled to meat which is turning brown on the surface, makes it look fresh and redder by drawing hemoglobin from inside the flesh.

"Sulfite also destroys the Vitamin B-1 content of the meat," William Paxton, an assistant corporation counsel said.

The four store owners found guilty are: Paul J. Barber, owner of a grocery at 653 Eighth-st ne; Max S. Goodman, owner of Goodman's Grocery at 1000 Third-st se; Frieda L. Schindler, owner of Schindler's Market at 2940 12th-st ne and Ester M. Lyerly, presidnt of Moy Inc., which operates the A & L Market at 2007 First-st nw.

Three other cases, involving the same charge, were continued to Oct. 20.

[From the Washington Evening Star, Sept. 3, 1969]

Visitor Is Raped at Friend's Home

A visitor to Washington was raped in a friend's house in the Connecticut Avenue area early yesterday by a man who apparently had planned to rob the home.

Police quoted the 26-year-old victim as saying she had returned from a party, and was looking in a linen closet for a sheet when she was seized from behind.

The man told her not to struggle, forced her into a bedroom and took $5 from her purse, police said.

After she told the man she had no more money, he forced her to undress, and then raped her, she told police.

[From the Washington Evening Star, Sept. 9, 1969]

Phone Operator Raped and Robbed

A 51-year-old switchboard operator was raped and robbed in an upper Connecticut avenue apartment house yesterday afternoon, policie reported.

Police said the woman was operating the switchboard in the apartment house about 4:45 p.m. when she heard a noise behind a bank of mailboxes.

Investigating, she found a man crouched behind the mailboxes, and when she attempted to return to the switchboard to call for help he took out a knife, pulled two rings off her hand, and raped her, police said.

[From the Washington Post, Sept. 4, 1969]

Group Robbed Leaving Church

The administrator of Grace Baptist Church at 9th Street and South Carolina Avenue SE and four members of the congregation were robbed in front of the church last night after they left a meeting there.

Police said four youths, one armed with a gun, approached the group about 9 p.m., threatened to shoot them and took $309, including $75 from administrator Hugh H. Lowery, 48.

[From the Washington Post, Sept. 28, 1969]

Barry's Dissidents Break Up Meeting on Pilot Precinct

(By Stephen P. Caplan)

Dissidents led by Marion Barry broke up the meeting yesterday that was to have set up the election of a citizens advisory board for the Pilot Police Project.

The dispute, which has held up the project nearly a year, is over definition of community participation.

Barry, who is operations director of Pride, Inc., led the group that broke up a citizens meeting last Feb. 19 to organize the pilot project. In April the city suspended the project pending selection of a representative citizens board.

Barry ended yesterday's meeting five minutes after it was called to order.

He and a group of his supporters arrived at the Garrison School, 12th and S Streets NW, where the meeting was held, and became involved in a pushing and shouting match at the front door when they tried to enter.

Policemen on duty told them that admittance was by invitation only.

INVITATIONS ISSUED

Invitations for the meeting had been sent to all civic organizations operating in the Third Police District, a broad section of central Washington bounded on the north by Harvard Street NW and on the south by L Street.

Each organization was allowed one representative and one vote in procedures.

Barry left his group of dissidents at the door, entered on his invitation as representative of the Ad Hoc Committee for the Pilot Police Project, and immediately took the floor to call for admittance of all people interested.

Meanwhile Pat Garrison, a United Planning Organization employe, became involved in an altercation with policemen stationed at the door of the school when she attempted to gain admittance and was turned back because she did not have an invitation, but she was eventually admitted.

FUNDED BY OEO

The $1.4-million Pilot Police Project, designed to give special training to police officers and to improve police-community relations, gets its money from the federal Office of Economic Opportunity.

The project has run into opposition and criticism from the UPO, the city's antipoverty agency.

Barry, inside the school, stepped to the speaker's rostrum when a call for committee reports was issued. He began demanding that people at the door be admitted.

Barry was harassed from the floor at the start, and chairman Thrulow Tibbs called for order so that business might continue.

Finally, however, as a majority of the representatives shouted from the floor for attention, Tibbs allowed Barry to call for a vote to admit uninvited people waiting at the door.

BARRY WINS VOTE

Tibbs and Barry argued over the results of the first vote, which Barry counted, and when a second vote was called, Barry's forces won by a margin of 29 to 17.

Tibbs then announced to the group of 78 representatives that he would inform project director Robert Shellow of the vote and leave action to his discretion.

The representatives shouted both Tibbs and Barry down.

Tibbs then adjourned the meeting and asked all participants to leave the school.

Barry, after being informed by police that the school was closed and everyone had to leave, called a rump session at the Twelfth Street YMCA, 1816 12th Street NW.

About 45 of the 80 persons at the original meeting followed Barry to the YMCA where a short meeting was held outlining the purposes of Barry and his associates.

Calvin Rolark, UPO liaison for the police project, offered his support to the rump group, saying the project had to be controlled from within the community.

The meeting at the YMCA ended with Barry announcing a news conference at 11 a.m. Monday at the project's headquarters, to discuss its problems.

Robert Jones, of the Concerned Citizens of Central Cardozo, told the meeting that his group could not allow the city officials to control the project.

Any meeting not open to all interested parties would be "smashed up," he said, before it would be allowed to make any decisions for the community as a whole.

[From the Washington Evening Star, Sept. 9, 1969]

ARMED ROBBERIES SOAR TO RECORD 714 IN AUGUST

Armed robberies in the District last month rocketed to a record 714, topping the previous monthly high of 707, set last January.

And Capt. Ralph L. Stines of the robbery squad reports that so far this month, armed robberies have continued at better than a 20-a-day clip with 184 recorded through yesterday morning.

In late August, with the robbery rate sliding up again after a dip to 312 in June, Mayor Walter E. Washington ordered the use of overtime pay to put an extra 150 uniformed men on the street.

FEBRUARY PRECEDENT

The precedent was set in February this year when the Mayor had authorized 170 additional patrolmen into the streets, but overtime funds were exhausted in June and the extra officers were discontinued.

After a major crackdown on narcotics peddlers here in August, there was speculation that this might dry up drug sources, increase prices, and force addicts to turn increasingly to armed robbery rather than the more traditional shoplifting and burglary to get enough money for drugs.

However, police officials discounted this as a prime factor for the August record. Insp. Walter R. Bishop, commander of the morals division, said that after the raids, there was a "freeze," with heroin increasing in price about $2 a capsule; prices dropped back to normal in a short time, Bishop said.

"I would hesitate to say that the raids were a prime factor in the robbery increase," he said, adding, however, that in the past several years there has been a definite trend of more addicts involved in armed robberies.

ASKS COURT SPEEDUP

Stines said he hoped that the "courts get moving," pointing out the long delay before a felony suspect is able to be brought to trial here because of jammed court calendars.

"It takes too darn long to get them to court, and robbery is all some of these people know," he said.

He cited the court reorganization bills pending in Congress, including a preventive detention provision and said, "This would keep some of these people off the streets who are causing us trouble."

[From the Washington Sunday Star, Sept. 28, 1969]

THREE CYCLIST CLUBS INVOLVED IN SOUTHEAST BAR SHOOT-OUT

(By Michael Anders)

Nearly two months of increasing hostility between three motorcycle gangs and residents of a predominantly-black District neighborhood erupted into a major gun battle near midnight Friday at a Southeast Washington bar.

Two persons received minor gunshot wounds and a girl was hospitalized after the quick-tempered shoot-out in which as many as a dozen rounds apparently were fired. Three motorcycle clubs were involved in the melee, which at one time involved in-fighting among the gangs.

District police investigating the incident were given several versions of the shootout and witnesses interviewed yesterday gave still another.

PAGANS WERE INVOLVED

All versions agree, however, that the shooting involved members of the Pagans, based in Northern Virginia, and a Negro man who entered the bar.

According to the versions given most credence by policemen of the 11th Precinct, between 25 and 30 members of the motorcycle groups were drinking beer at the Livingston Inn in the 4600 block of Livingston Road SE.

A car containing two Negro men drove into a nearby alley and one of the men went inside the bar to see a girl. He returned shortly to exclaim: "They're shooting in there."

At this point, according to police, another Negro emerged from the bar firing a gun. He dashed over to the car and "fired some more" shots across the trunk.

"That's when he caught return fire," said one officer. The driver of the late model car got out and ran after his car was hit by three bullets.

Two men suffered superficial gunshot wounds: Richard C. Richter of the 7200 block of Harrison Lane, Alexandria, and Albert F. Schoepper of the 1700 block of the 19th Street, NW. Police did not list the age of either man but said that both were white.

Both were treated at Cafritz Hospital and released. A girl was kept under observation for a head injury.

DANCE SPARKED INCIDENT

Several Negroes were in the bar when the shooting started, police said. Both black and white witnesses, who preferred anonymity, added that the incident began when a Negro started dancing with a white girl.

A verbal exchange between a Pagan and the Negro heated up until the Pagan was invited to settle the differences outside, according to accounts by witnesses.

How the shooting started is unclear, police said, but a witness added that everybody pulled a gun when the first shot was fired. "There must have been 15 guns pulled out" from boots and belts, he said.

Two Pagans followed the Negro out of the bar and a second Negro, with an open knife, followed the trio.

"I was going out the door," another witness said, "when a bullet barely missed me and hit that guy in the side."

The second victim told a waitress, "Hi ya, baby," and collapsed near the door. A bullet grazed his temple, traveling between skull and the skin.

The concentration of motorcycle riders in the area started about two months ago. A policeman explained that cyclists usually hit one spot for a month or two, then leave when things become too hot or a better hangout is found.

PROGRESS, PROJECTS AND SURVIVAL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. WALDIE. Mr. Speaker, there is no question that environmental protection is among the highest concerns of the citizens of this Nation. It is apparent from public opinion polls, constituent mail, editorial comment that the concern of the people for enhancement of their environment and protection from increased air and water pollution has eclipsed other more mundane issues.

This concern, Mr. Speaker, is completely justified by the evidence at hand. Our cities are suffering from strangulation by air pollution and by increased traffic. Our rivers, estuaries, and lakes are fast becoming open sewers, despite efforts to protect them from becoming the repository of agricultural, industrial, and municipal wastes.

The anger of the young at the apparent inability of our governmental and commercial institutions to protect their world from this degradation is now being matched by the growing frustration of their elders.

XUM

Mr. Speaker, we in the Congress must demonstrate our willingness to meet this frustration and this anger with action. The effort to convince the administration to reconsider its decision to spend but $214 million of the $1 billion authorized by the Congress to finance water pollution control efforts is one step.

Reconsideration of public works projects that have questionable effect on the environment may be another.

I would like to take this opportunity, Mr. Speaker, to submit four editorials regarding this concern by the public for protection of their environment. The editorials represent a cross section of the west coast and, I think, the entire Nation.

The editorials referred to follow:

[From the Los Angeles Times, Sept. 25, 1969]

The Battle for Survival

Issue: Public concern has resulted in a counter-attack against environmental pollution. But can it be effectively maintained?

Only now is man beginning to realize that he has imperiled his very future on earth by despoiling his environment.

The terrible price of public indifference and neglect is all too apparent in the pollution and ugliness that have resulted. And we are running out of time as well as resources.

Yet a California state legislator only a few days ago was still defending a major construction project with the argument that progress is more important than protecting the environment.

"We're just going to have to live with the destruction of natural resources," he said.

He was wrong.

We cannot live with any more destruction of natural resources. Indeed we will not maintain our present standard of life unless we preserve and enhance what is left of those resources.

The battle for survival finally is gaining momentum in Southern California—a once-scenic land now best known for its polluted air, its oil-soaked shoreline and other ugly consequences of uncontrolled exploitation.

This past week the public fought back on several environmental fronts—and with a degree of success that would not have been possible until recently.

Who would have expected serious consideration to be given a proposal that a moratorium be placed upon all state public works projects until their environmental impact is reassessed?

But that suggestion by Chairman George Milias of the Assembly Committee on Natural Resources and Conservation reflects a markedly changing attitude toward environmental problems at all levels of government in California.

"There is no reason why we should be stampeded like cattle toward foreseeable and preventable environmental disaster," Assemblyman Milias (R-Gilroy) told delegates to the Planning and Conservation League legislative conference in Santa Barbara. It was a most appropriate place to hold such a meeting.

Less spectacular, but of far greater duration, than the Santa Barbara oil spill has been the continuous pollution of Los Angeles Harbor with industrial wastes. A weak Regional Water Quality Control Board had done little to deal with the problem.

On Wednesday, however, the board stiffened its attitude and refused to delay a cease-and-desist order against one of the principal offenders, Vegetable Oil Products Co. Goaded by public opinion, state officials had told board members they were moving too slow in cleaning up the harbor waters. They should now move considerably faster.

Meanwhile in Orange County, Southern California Edison Co. was jolted by the announcement that the county air pollution control officer would deny the utility's application to expand its Huntington Beach power generating station.

"The Edison plant is the largest single stationary source of pollution of oxides of nitrogen in the county," APCD officer William Fitchen said. "If Edison triples the size of its plant, that will mean 90 tons a day from just that source and that is equal to the entire output from our motor vehicles today."

Ventura County officials last week also informed Edison that new and more stringent air pollution standards would be imposed on its generating plant now under construction at Ormond Beach.

Fitchen suggested that power plants be built in the desert, something Edison, to its credit, is already doing on a major scale. Their plans could well be accelerated and expanded by the obvious concern of customers in Orange and Ventura counties.

It was also the week that the 1970 models from Detroit appeared in dealers showrooms, equipped with devices to meet the tougher emission standards required by the Legislature. And the word from Sacramento was that even more stringent requirements than those now scheduled would be sought.

In Los Angeles, the Board of Supervisors ordered a comprehensive study of the entire waste disposal problem and the means to cope with it.

But not all the environmental news was encouraging.

The Federal Aviation Administration appeared singularly indifferent to the jet noise objections of those living near International Airport and beneath the aircraft flight patterns.

One FAA official, Donald Haugen, dismissed the increasing number of complaints as due to "the hot summer and windows being open more."

Later in the week, another FAA official was even less sympathetic. People will just have to become accustomed to the noise of supersonic jets, said Col. Robert L. Stephens. Those on the ground "will get used to sonic booms," he said. "It will be just like a train passing their homes."

He too is wrong.

People will not get used to sonic booms, any more than they can get used to air and water pollution. Nor need they tolerate these threats to their environment.

The public can protect itself and its resources if it is not apathetic. But unless we are willing to pay the price of preserving the environment, we will deserve the tragic consequences of our neglect.

[From the Antioch Daily Ledger, Sept. 25, 1969]

It's Your Fight; Get With It

You have to experience it to believe it.

That's why not many people get really excited when they read or hear about the destruction of our environment, through pollution.

To most people, pollution is a term applied to waters of the land. But pollution takes many forms, not the least of which includes the atmosphere. When we destroy our atmosphere, to the extent that we have destroyed many of our streams, then man's days on earth are limited—or we learn to live in a test tube environment, under glass or plastic.

Air pollution can't be written about, related or seen on television so that the listener, reader or viewer fully understands it. It has to be smelt and felt. Lived in, to put it another way.

That's why we appreciate the efforts to curb those who add to the pollution crisis under the guise of "progress."

Recent statements by Congressman Jerome R. Waldie, D-Antioch, may seem far-fetched to some but careful analysis bears out his position. His latest claim—that state plans to divert more and more north-state water to the south will result in increased air pollution—is a mind-boggler at first.

But figure it out for yourself. Los Angeles and vicinity already is a critical smog area, caused by the concentration of people, machines and industry there. If more water is provided, more and more people will move in with less and less usable air available to support life.

The problem goes deeper than that though, as anyone who has traveled by land across this country knows.

By western standards, much of the East already is uninhabitable as a result of pollution. Clean air is as scarce as clean water.

That's why we appreciate a suggestion by California Assemblyman George Milias, R-Gilroy, that a moratorium on all major public works be ordered. He says a moratorium is needed "in the face of a steady disintegration of the state's natural environment."

His eye is on the State Water Project and its pell-mell activities.

Milias is not just another politician spouting off. He is chairman of the Assembly Committee on Natural Resources and Conservation.

Instead of continuing with "major environmentally questionable public works," Milias says the state should turn its manpower resources temporarily "to environmental enhancement programs."

Milias gets specific and his recommendations should be of particular interest to Delta Bay residents.

"Until the protected waterway plans is completed, the National Estuarine Report completed, the Open Space Plan completed, and until we have finally determined how to define state lands, we should not present a series of irreversible accomplished facts to the people who have entrusted their natural resources to our decision-making ability," he said.

"We have everything to lose from blind progress and everything to gain from a chance to take stock . . ."

The legislator has called on the Planning and Conservation League to enter the major water policy dialogue and make itself felt.

Now get this point:

"The principal planning going on in this state," he said, "is not in the hands of the state Office of Planning and other such agencies, but in the hands of the water engineers and hydrologists of the Department of Water Resources, who by law must be primarily concerned with delivering water to contracting agencies."

That's exactly what our complaint—and that of most Contra Costa officials—has been right along in the Delta water controversy.

We hope other legislators had their ears open to these remarks.

What we are fighting for in the Delta-Bay area is part of the battle that should be going on world-wide, if this world is to be maintained in a condition that will continue to support life naturally.

We may have less to fear from bombs that could destroy life in seconds than from policies that will cause the same result over a longer period of time. We are heading rapidly forward to the point of no return.

[From the Tribune, Sept. 22, 1969]

Water at Any Cost?

The lack of concern for the San Francisco Bay-Delta system becomes clearer every day as state water officials push construction of the State Water Project at literally any cost.

Proponents of the $3 billion project disregard ecological preservation, pursue financial circumvention and offer extraneous rhetoric in urging construction of the project and its yet-to-be approved peripheral canal.

Northern California water interests contend that water diversion via the canal around the Delta would leave insufficient water available to prevent intrusion of salt water into the Delta. This intrusion would prohibit agricultural use and upset nature's delicate balance necessary for preservation of wildlife.

The attitude of the canal's proponents toward the Bay-Delta have been revealed by Indio's Gordon Cologne, chairman of the Senate Water Committee: "We're just going to have to live with the destruction of natural resources."

It is that kind of thinking which would allow damage to the single most valuable resource in Northern California for the sake of pumping water into the arid deserts of Southern California to meet consumer and agricultural demands.

In addition, William Gianelli, state water resources director, wants the state's taxpayers to take a financial risk even the banking industry will not assume.

The state, prohibited by law from selling bonds at more than five per cent interest, has asked banks to buy $100 million in notes anticipating voter approval next June of a hike in the interest rate limit to seven per cent.

When the banks turned Gianelli down, he proposed "borrowing" the funds from the state's pooled money investment account until voters approve selling the bonds at a higher interest rate.

What Gianelli fails to acknowledge is that the pool is not surplus money and if voters turn down the interest hike, the state legislature would have to ask the taxpayers to replenish the $100 million.

Neither does it seem like sound reasoning to go to such extremes to finance construction of the controversial canal in view of Governor Reagan's attempts to curtail inflation by cutbacks in statewide building.

Gianelli also asks why the canal's opponents were not heard from 10 years ago before the public and legislature approved the massive State Water Project.

Has Mr. Gianelli forgotten that the canal was not added to the $3 billion project until three years after the electorate approved financing in 1960? Further, what "should have been done" 10 years ago has no bearing on what should be done now to protect the Bay-Delta system.

Gianelli and other state officials must not be allowed to follow a course which clearly aims at building the project in apparent disregard to fiscal and physical costs.

[From the Reno Evening Gazette, Sept. 19, 1969]

TOO MUCH PROGRESS

One California legislator has locked horns with a sacred cow.

U.S. Rep. Jerome Waldie of Contra Costa County has objected strongly to a $208 million proposal to siphon water from the Sacramento River and send it to Southern California.

This source of supply empties into San Francisco Bay, and Waldie and other Californians are gravely concerned with the effect the project might have on bay pollution, salinity and ecology.

It doesn't make sense for the north to have to suffer the consequences of satisfying the south's insatiable demand for more and more water, Waldie figures.

Waldie further proposes that other sources of surplus Northern California water be denied to the south, too. The point is, he says, Los Angeles is too big for its own good, already, and further rampant growth ought to be discouraged for a while.

A breathing spell of a generation or so would give the south time to come to grips with the terrific problems its teeming millions have brought with them. Such problems as smog, urban sprawl and traffic jams.

You can't legally stop people from coming, says Waldie, but you'll discourage them if there's no water.

Chambers of Commerce in the Los Angeles area will certainly scream, since chambers generally subscribe to the old truism that growth is progress and you can't stop that. A lot of other people will snort derisively—they're doing it already—and probably identify Waldie as some kind of nut. But the lawmaker is no crackpot. He is an apt politician who once served as floor leader in the California Assembly.

He is someone fairly important who is finally speaking what has been almost unspeakable. He is risking being branded as a screwball for daring challenge the proposition that "we've got to get more water down there so we can expand this megalopolis."

Waldie's point makes some sense, not only for California, but for Nevada and other places, where unchecked growth threatens some of the very conditions that make life in the West so attractive for so many people.

People are flocking, only to find that subdivisions and roads and shopping centers are rapidly displacing the attractions they came to enjoy.

That is progress in reverse, and it not only can be stopped but should be, Continuous growth ought not to be a sacred cow where it does more damage than good.

SENIOR CITIZENS SUPPORT STV

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. OTTINGER. Mr. Speaker, in these inflationary times, with nearly 20 million older Americans living on fixed incomes, I am more than ever concerned with the welfare of our senior citizens. These older Americans are among those most painfully affected by rising costs and must be even more careful than ever in seeing that their dollars are spent wisely.

At a time when they already have more than enough problems to contend with, senior citizens are now the object of a particularly cynical scare campaign being waged by movie-theater owners, intent upon capitalizing on the unfounded economic fears of a substantial segment of the American population. Not content with relying on the court to judge the issue, this group has launched an unbelievable advertising and propaganda campaign intended to stampede senior citizens into signing petitions and writing letters to Congress against STV.

What alarms me most is the deliberate attempt to distort the facts and unnecessarily scare senior citizens who already have more than enough problems to concern them in their sunset years.

In my view, the scare campaign generated against STV is contrived and insidious. It clearly represents an attempt to distort the facts by a group more interested in its own ledger sheets than in the welfare and enjoyment of the elderly.

It is my firm conviction that a successful STV operation, properly regulated, will, in fact, enhance the entertainment opportunities of all citizens, including our senior citizens, at less cost than is now possible.

I want to call to the attention of my colleagues an open letter recently circulated to members of the National Council of Senior Citizens and signed jointly by John W. Edelman and Aime J. Forand, both presidents emeritus of this organization. These two gentlemen are to be commended, both on their understanding of the issues involved and their initiative in setting the record straight for the benefit of senior citizens who might otherwise be influenced by this unfortunate and cynical scare campaign. I submit this letter for inclusion in the RECORD for the benefit and information of my colleagues:

JULY 23, 1969.

AN OPEN LETTER TO SENIORS

DEAR CLUB MEMBER: In these inflationary times, those of us who are living on fixed incomes must be more careful than ever in seeing that our dollars are wisely spent. The cruel effects of inflation hit hard at our entertainment and recreation. We all know that this is the area in which we can spend proportionately less.

Naturally, radio and television are the two services which many of us rely on to fill this need. In recent days, a large-scale campaign has been mounted to frighten Senior Citizens into believing that existing TV service will be wiped out by a proposed new system, called Subscription TV (STV) or Pay TV. We deny this flatly.

This campaign has been managed by movie-theater owners, who are more concerned about competition to their business than about the welfare of Senior Citizens or, indeed, the public at large.

We have analyzed subscription television and the tight rules under which the Federal Communications Commission will permit it to operate: our belief is that older Americans will benefit substantially by STV.

Pay television will bring to the home TV screen—at a fraction of the cost of a ticket to a live performance—entertainment that is now completely foreclosed to most of us for reasons of cost. Opera, ballet, Broadway plays and symphony concerts which are not now broadcast by commercial television, as well as first-run movies, would be available on STV . . . and without commercial interruption.

A single STV-equipped television set located in a Golden Years Club, a Housing Center Senior Club, or any similar facility could be viewed by 50 to 100 people for much less than the cost of one ticket to a first-run movie house in any of our major cities.

A seven-year trial experiment of STV in Hartford, Connecticut, authorized by the Federal Communications Commission, has established the appeal of this new form of entertainment to persons of low and modest incomes. Statistics filed with the FCC showed that more than 85% of the subscribers in Hartford had annual incomes of less than $10,000 and more than 40% were under $7,000.

The FCC has allowed STV as a supplement to the television fare you now receive. It has adopted rules designed to assure that you will not have to pay for anything that now or in the future is or will be available on advertising television. The Commission has stated that, if the present rules are not adequate to give you this security, the rules will be amended to make them adequate. The official FCC "fact sheet" and an explanatory brochure are enclosed for more detailed information.

Thus, the FCC rules will not permit STV to encroach on any of the programming now carried on commercial TV, including sports events. STV will be allowed to show only first-run movies, not more than two years old. Each new STV station will be required to give at least 28 hours of free programming per week—so that there will be more entertainment on the airwaves, not less. And no STV will be permitted unless the service area already receives four top-quality television channels.

So, subscription TV can not take away any of the television now received, it can only augment it. But what's best is that nobody has to watch the pay programs. You only pay for those programs you choose to watch. And you pay for none if that is your choice. That's free choice TV!

Some theaters, we are told, are offering Senior Citizens a reduced matinee rate to attend their movies. We are confident that the producers of STV also will take the older American into consideration when they establish their rate structure. We hope that other media will also offer discounts to the more than 20 million Senior Citizens.

In fact, what we really support is more entertainment at less cost to the elderly. If STV will allow Senior Citizens to see a first-run film, play or opera without having to pay for transportation downtown, parking, restaurant meal and other extras, then we are for it.

Sincerely,

JOHN W. EDELMAN,
President Emeritus, National Council of Senior Citizens.
AIME J. FORAND,
President Emeritus, National Council of Senior Citizens.

RELIEF FROM ADVERSE EFFECTS OF RESTRICTIVE MONETARY POLICY SOUGHT BY CERAMIC TILE INDUSTRY

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. HASTINGS. Mr. Speaker, because of its crippling effect upon our Nation's economy, President Nixon has placed the fight against excessive inflation at the top of his list of domestic priorities.

There is one side effect of the Government's anti-inflationary drive which, it seems to me, must be given special attention. While monetary restrictions, such as those imposed by the Federal Reserve Board in the past and those presently in effect, are a traditional tool in the fight against inflation, these restraints, and the resulting interest rate increases, have produced a sharp contraction in the housing construction market, and threaten irreparable harm to the ceramic tile industry and others engaged in the manufacture of products used principally in new home construction. While the fight against inflation is one which must be waged, and for which the President deserves high praise, it seems to me that we must recognize that we have a responsibility to those aspects of our economy being most adversely affected by restrictive monetary policy.

At the same time it must cope with a contracting housing market, the ceramic tile industry must also face a rising tide of foreign imports, which stand today at historically high levels—and are the product, for the most part, of predatory practices which would bring prosecution under U.S. statutes if engaged in by domestic firms. These practices include marketing through giant international cartels, price fixing, unlawful territorial restrictions, improper use of standard labels, to cite a few examples.

Through widespread violations of our antidumping statutes, first the Japanese and now the British have been able to capture significant shares of the U.S. market, to the point that these products now amount to one-third of our domestic consumption.

The impact of restrictive monetary policy reaches far beyond mere contraction of the housing market, for these same forces have produced a shift in the nature of the type of housing unit being built. Last year, for the first time in history, apartment units represented more than 50 percent of residential construction—and it is in apartment construction that foreign made tile finds its most receptive market.

Consequently, foreign manufacturers of ceramic tile are not sharing the burden of our Nation's fight against inflation.

In order to offset the adverse effects of these monetary restrictions on the housing industry, I urge bipartisan sponsorship of House Concurrent Resolution 386, which I introduced Monday. It expresses the sense of Congress that the executive branch should take steps under the Trade Expansion Act or under its general authority to negotiate voluntary quota arrangements with foreign countries to effect such reductions in imports as are necessary to protect the ceramic tile industry and others until such a time when restrictions are lifted and free market conditions are restored.

"FUN FARMERS" GROW FREE

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. HAGAN. Mr. Speaker, in my opinion, I believe one of the best ideas to help solve social problems in our country today is contained in a letter and enclosure received from my good friend, Mr. W. Clyde Greenway, executive director, Sears Roebuck Foundation at Atlanta, Ga. I, therefore, commend the following to your attention:

GEORGIA AGRIBUSINESS COUNCIL, INC.,
Atlanta, Ga., July 23, 1969.

Hon. G. ELLIOTT HAGAN,
U.S. Representative,
First District of Georgia,
Sylvania, Ga.

MY DEAR CONGRESSMAN: Enclosed is a copy of a clipping from the *Tallahassee Democrat* which gives the story of how retirees, students and others who are interested in gardening can have the privilege of doing it on the farm of Mr. Lawrence Edenfield in Tallahassee "for free."

Mr. Edenfield's pay is the enjoyment he gets from seeing these people produce fresh vegetables for their tables as well as make good use of their time.

After reading this article I got to thinking about the many people in cities all over the South who are either on welfare, in the low income category, or elderly, and have a lot of time on their hands. This combination of circumstances causes a lot of problems and it suddenly dawned upon me that a program of some type should be developed that would permit these people to use their spare time in gardening to produce food as well as keep them busy.

Possibly this type project could be a part of the adult phase of the vocational agricultural program. In my experience this should be one of the great programs to teach people to garden plus provide a laboratory plot for them to actually carry out what they learn under the vocational guidance.

It might be of interest to you to know that I have discussed this with vocational leaders, county agricultural extension agents and business people and all agree that a project of this type would solve quite a few of our problems where people are forced to live so close together.

If you think this idea has merit I would certainly like to hear from you and hope you would have the opportunity of discussing it with some of the educators.

Sincerely,

W. CLYDE GREENWAY.

"FUN FARMERS" GROW FREE

(By Mike Wright)

Fifteen Tallahassee families have found a "Garden of Eden" on Miccosukee Road.

Lawrence Edenfield, owner of Edenfield Farm, a 90 acre tract located two miles east of the truck route on Miccosukee Road, is donating a prime portion of his land and much of his personal help to friends and acquaintances who "can use the land and want to grow fresh vegetables for their tables."

And for the use of his land, machinery, and help, which includes initial plowing, fertilizing and readying the rows to be planted, Edenfield charges, "not one red cent".

"I get my rent," he added, "from the satisfaction I get from watching people make things grow."

Edenfield first began his project of "lending" rent-free land to his friends more than 10 years ago when he allowed students at Florida State to come out and grow the food they needed to eat while still in school. "Some of the students who used my land then," stated Edenfield, "said they would have had to drop out of school if it wasn't for their garden."

Since then, a variety of people from all walks of life have become a part of Edenfield's "gardening community". Included now is a barber, two assistant attorneys general, several retired State Department of Education employes, two professors at FSU, a doctoral candidate and several people employed by various Tallahassee businesses.

"Most of the people gardening usually know me or someone who knows me. That's how they got started," stated Edenfield. "All that I ask of someone who uses my land is that they be honest."

Edenfield and his troop of gardeners raise almost all crops native to North Florida and some that aren't. Edenfield has set aside six rows of honeydew melons which are almost exclusive to Southern California and have never been known to be raised here.

Claude Andrews, a retired Vocational Rehabilitation State Department of Education employe, said concerning his gardening, "There is nothing better than fresh food on the table. In addition, we get good exercise and something we can use at home. Being 73 years old, this gardening is possibly the one thing that has kept me out of the hospital."

The people who use Edenfield's land are allowed to use as much as they can take care of all year around if they like and grow anything they want.

When an individual gets behind with his gardening, others pitch in to help him catch up. "When I was out plowing my 'middles' to get rid of some of the grass, I noticed Clem

Roach's middles were dirty. When I finished with mine, I went over and cleared out Roach's," Andrews said.

Howard Mathews, a retired United States Soil Conservation employe stated, "We've been eating out of our garden for months. My wife has put up corn, cucumbers, tomatoes and almost everything else we raise. Last winter, we had such a bumper crop of greens that we gave more than a pickup truck load away."

A doctoral candidate at FSU and a former agriculture teacher in Hillsborough County, Hiram Green said, "Mr. Edenfield was the principal of the high school where my wife taught—that's how I came to garden here."

"Working here has been good therapy for me and we enjoy the fresh vegetables," added Green.

Mrs. D. E. Williams, the wife of the retired Negro Education Supervisor, State Department of Education, and a fellow gardener, summed up the entire gardening operation, "Mr. Edenfield is doing one of the most generous things I know of by lending his land and machinery like this. It's his big spirit that makes him do it. He likes to make things grow and see other people make things grow."

THE AMERICAN LEGION'S 50TH ANNIVERSARY

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. McKNEALLY. Mr. Speaker, the American Legion is just finishing 50 years of service to God and country and is now looking forward to the second half century of service.

While this great organization has established a most admirable record, it is striving to improve its effectiveness and future contributions to the community, State, and Nation. To this end, it created a task force for the future under the chairmanship of a distinguished Legionnaire and past national commander, William E. Galbraith, who presently is serving as Deputy Under Secretary for Congressional Relations, U.S. Department of Agriculture.

I should like to commend to my colleagues in the House the report of this task force which was presented to the 51st annual national convention of the American Legion:

REPORT OF THE TASK FORCE FOR THE FUTURE

To the 51st National Convention:

In our observance of The American Legion's Golden Anniversary Year, we have done much to honor the past. However, the Task Force For The Future was directed to use this period to prepare for the future—to build a springboard to the Legion's second half-century of service.

The Task Force For The Future was appointed on December 15, 1967. Its basic charge was to (quote) "provide the Legion with a grand strategy to guide its course in the years to come, a clear road map of suggested activity for the next decade; long range aims to be met before the centennial in 2019." (End quote)

Conscious as we have been of our own fallibility, ungifted with visionary powers, limited by our own experiences and biases, the Task Force for the Future has, nevertheless, applied itself to the assigned task for nearly two years. We have attempted to view America as a whole and to visualize the future role that the American Legion can and should take in our national destiny.

We also wish to place in the record an acknowledgment of our respect for and debt to our departed comrade James F. Green of Nebraska, who served as chairman of the Task Force from its inception until his untimely death, June 14, 1968.

Many persons have contributed to this study. We have solicited and received suggestions and recommendations from national and department officers, from past officers, and from many who have never held office. Chairmen of national commissions and their directors have cooperated. To all who contributed their knowledge, opinions and thinking, we express our deep appreciation.

In 1919 and the early 1920's, the youthful Legion swiftly developed policies and programs that bore directly on the major national problems of that time. The Preamble to our Constitution served as a beacon in guiding the organization to those activities which were found to be pertinent to the day.

As we look forward to the next fifty years, we find that our Preamble is still our surest guide. If we accept the pledges we make in reciting the Preamble, if its words have as much meaning for us today as they did for our founders, then, in the opinion of your Task Force, the American Legion must direct more of its attention, its leadership and its energies to finding solutions to the massive problems that beset America during these critical years. The American Legion is already making substantial contributions in several areas of current national concern. The Task Force recommends that now and for the foreseeable future we direct even greater attention to the following ten major problems:

1. The crisis in our educational system.
2. Poverty and its attendant problems.
3. Race relations in America.
4. The continuing problems of national security and civilian problems related thereto.
5. The trend toward anarchy and other forms of lawlessness; the need for impartial law enforcement and the administration of prompt, even-handed justice.
6. The pollution and dissipation of our basic natural resources, including our air, our waters, our minerals, our forests, our soil, our very living space.
7. The ominous spiral of inflation, which tends more and more toward catastrophe.
8. The search for a just, stable and enduring world peace.
9. The threats to public safety and the disorganization of daily life flowing from a vast and ever growing technology that may outstrip the ability of men and governments to live with it.
10. The mushrooming of cities with its twin evils of urban disintegration and the decline of rural stability.

We do not suggest that the Task Force or anyone else has ready answers to these problems. We do suggest that they need as much of our attention as we can give them, that the difficulty of solution is but a challenge to be met, that a great organization such as The American Legion has an obligation to lend its best efforts in the quest for answers, locally and nationally. We cannot absolve ourselves of this responsibility by claiming ignorance or lack of expertise, or the absence of precedents. Neither will it suffice to criticize and condemn. These problems, in all of their complexities, must be faced. We must, by endless search, and study and trial, qualify ourselves to speak and to act constructively. We must make our contribution, be it great or small to the search for solutions.

With the evidence so clearly before us, few would deny that the American educational system is due for a serious and critical reevaluation and overhaul. We should insist upon impartial, penetrating, exhaustive and competent reviews of that system from the kindergarten to the college and the graduate school. It is obvious that many university students have been willing to follow anarchistic leaders down blind and dreary trails which can lead to destruction and chaos. Indeed, chaos has triumphed on many a once proud campus in recent months. Your Task Force must draw the conclusion that either (a) students do have certain deep-seated, genuine causes for complaint, or (b) the educational system has failed to transmit to them the values necessary in a free, responsible, democratic society, or (c) both.

Although poverty has today become identified with racial issues, poverty is by no means the exclusive burden of any one race, ethnic group or geographical location. We believe that our technological and economic progress has made it possible and, indeed, necessary to eliminate poverty so that the poor may become independent, self-supporting and proud citizens. We recall The American Legion's monumental contribution to the Nation through the original GI Bill of Rights and its succeeding versions. The success of that legislation, designed to help those who will help themselves, persuades us that the Legion can and should be a force in shaping self-liquidating programs that could really reach to the roots of poverty. At the same time, simple humanity and the welfare of our society demand that supplementary income sufficient to maintain personal dignity and health be given to those in deprivation because of circumstances beyond their control.

With regard to racial problems, the record of The American Legion shows that we have already made many basic decisions against discrimination. We have not shrunk from some that were temporarily costly to the organization. Your Task Force believes that we should do whatever else is in our power to discourage racial considerations as factors in human relations.

Through the personal experience of each of its members, The American Legion is conscious of the security needs of our nation and the degree to which those needs may be satisfied only through the joint efforts of industry and the military branch of our government. Nevertheless, we are living in an economy which is ever more dependent on military production for jobs, wages and support. In this age of possible instant war and instant annihilation, our military system has become so huge, complex and expensive that it cannot help but vastly influence our internal political decisions, strain our foreign and domestic stability, and provoke internal hostilities. Your Task Force suggests that The American Legion, which understands and cares about our security needs, must analyze in depth the social, economic and political problems that the security system creates. Certainly, The American Legion is better able to appraise these problems in balance than those hostile to the military.

We could continue by pointing out the very considerable American Legion activity of the recent past with regard to law enforcement and other of the ten major problem areas. But a further enumeration of problems and past Legion accomplishments is not necessary.

In the course of its nine full-scale meetings, the Task Force has on many occasions looked critically and intensively into the inner structure and operation of our organization. We have reached agreements on a wide variety of strictly internal matters. We are submitting our specific recommendations to the National Commander for early study and action by the proper standing commissions and committees and by administrative personnel.

However, some of these internal recommendations are of such immediate and overriding importance that they merit presentation from this platform. Your Task Force sees in the returning thousands of Vietnam veterans both an immediate responsibility and a future boon. The immediate responsibility is, of course, to render to them the full range of services of which we are capable and to arouse an apathetic public to the debt which we all owe them. The future boon is the strength which The American Legion will gain as they affiliate themselves with us and bring to us their new ideas and their great potential for leadership.

Your Task Force has been concerned by reports that veterans of the Vietnam period are taking advantage of the educational benefits of the GI Bill to a lesser degree than did the veterans of World War II and the Korean War. The present scale of monthly educational benefits is so low that it is *no* benefit to the more needy Vietnam vets. The meagerness of the benefit prevents them from going to school at all. Very serious attention should be given to amending the GI Bill so that it will meet tuition costs. Knowledgeable persons who have discussed this matter with us are convinced that soaring tuition costs are preventing many returning veterans from entering or continuing in training, under the present benefit system.

We believe that there is much more that our National Organization can and should do to inform the public, to organize our own services, and to implement the programs already established to contact and to enroll the new veterans. However, we have examined the budget reports of the National Finance Commission and, like you, we have winced at the increasing pressures of inflation. We commend the National Commander, the National Adjutant and the National Finance Commission that they have candor, we do not believe that our current dues structure will maintain this same level of services much longer. Certainly it will not permit us to expand into the new areas suggested by this report. We strongly recommend that attention be given to our future financial requirements during the coming year and that the 1970 National Convention be prepared to come to grips in a realistic manner with our future financial requirements.

Recommendations and suggestions on leadership training, the reputation of Posts, modernization of terminology, structure, eligibility, observance of the bi-centennial of the Declaration of Independence, the Flag Code and similar internal matters will be presented to the National Commander for further study by the proper standing commissions and committees.

But, Mr. Commander, recommendations are easily made, and words are cheap. The need is for action. Time is running out. We strongly urge that the work started here be taken up now by a Task Force For The Future in every department.

Fellow Legionnaires, your Task Force For The Future has been fully aware, throughout its long and intensive studies and deliberations, of the importance and magnitude of its truly awesome task, and indeed of its incapability of achieving it to the ultimate degree. We have endeavored to give a glimpse of the world in which, from now on, the Legion will "live, and move, and have its being," now and in the swiftly coming twenty-first century. The Immortal Bard, some hundreds of years ago, said: "There is a tide in the affairs of men which, taken at the flood, leads on to fortune. Omitted, all the voyage of their lives is bound in shallows and in miseries." For The American Legion, in this supremely challenging era—this great citizen phalanx near three million strong—let us believe—the tide again is at the flood. Let us take it, and, guided in the night by the stars of an unselfish service, in the day by the compass of consecration to God and Country, sail on to that fortune which alone is our true wealth, the respect and honor of our own generations, and of the generations yet to be.

NEW YORK TIMES LAUDS NATIONAL DRIVE TO IMPROVE READING SKILLS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. PUCINSKI. Mr. Speaker, this Nation has long suffered from a chronic shortage of competent readers. Our schools have produced a wasteland of nonreaders, who have had to suffer the consequences of inadequate training in reading for the rest of their lives. My colleagues will recall that I called their attention to the woefully deficient reading level of our student population in a speech before this body on August 2, 1968. At that time I called on the Congress to place priority on reading achievement in all programs supported under title I of the Elementary and Secondary Education Act. I also urged that the national assessment project emphasize evaluation of reading skills being produced in our Nation's schools.

Therefore, I am highly encouraged to learn that U.S. Commissioner of Education James E. Allen, Jr., intends to place greatest emphasis on reading programs, so that by 1980 every student will be able to read capably before he leaves school. I wish to recommend to my colleagues the following editorial which appeared in the New York Times on September 30, 1969, in praise of Dr. Allen's new directive:

A NATION OF ILLITERATES?

The youth who leaves school without being able to read—and read well enough to cope with the demands of modern life and employment—enters society crippled. Worse, his deficiency is likely to impel him to become a drop-out, a frustrated, embittered and easy victim of delinquency, drift and crime. At present, an estimated one-third of the nation's schoolchildren are embarked on such a dismal course, and in the nation's big cities, the hopeless army is probably closer to half of the total enrollment.

It is to this intolerable situation that James E. Allen Jr., the United States Commissioner of Education, addressed himself in opening a nationwide war against reading retardation. His target is to make sure that by 1980 no youngster will leave school unable to read.

Few priorities ought to command more unquestioned support. Dr. Allen is justified in asking for a public determination as compelling as President Kennedy's earlier goal of landing a man on the moon. But this parallel could be misleading unless it is remembered that the triumph in space was accomplished not just by enthusiasm but by the hard work of experts and the single-minded deployment of resources.

What has not yet been acknowledged is the need to teach children, at an early age, individually or in small groups. This must be done by teachers sure of their methods and skills. The teacher training institutions have not remotely begun to satisfy the demand for such teachers. School systems still fail to understand the importance of the kind of saturation effort that will not allow pupils to fall by the wayside.

The Allen plan will go down to defeat as long as schools leave it to remedial instruction to pick stragglers up later. Once the frustrations build up and the momentum is lost, reading becomes a hateful chore that infects the entire enterprise of learning.

These are the pitfalls the Allen crash program must avoid. The teams of experts whom he properly wants to place at the disposal of the states and local systems must avoid becoming embroiled in methodological controversies and action-delaying research. They must help speedily to spread the benefits of demonstrably successful operations.

Experts differ—as they should—about the best way to teach children to read, and Dr. Allen does not intend to impose governmental control and standardization. But there can be no disagreement over the end result. The public has a right to know what is being accomplished. Tests can and should be devised to provide a national yardstick; schools must be held accountable for their ability to accomplish their basic mission.

EARLY ASSESSMENT CAN PREVENT SCHOOL FAILURE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. WALDIE. Mr. Speaker, the early failure in school of a young and sensitive child can have a profound effect upon his future behavior pattern and thus his entire life. If the educational institution can provide children with early assessment, for each child is, of course, different, we can thus know what he is capable of and what help he needs.

It is this early assessment that can prevent early failure, frustration, and possibly negative reaction.

Dr. Harvey R. Wall, psychologist for the Mount Diablo Unified School District and associate professor at California State College, Hayward, recently made an excellent presentation on this subject before the California State Assembly Education Subcommittee on Instruction and Teacher Relations.

Mr. Speaker, I would like to submit Dr. Wall's remarks for the RECORD so that my colleagues can share his views on this important subject:

To California Assembly Education Subcommittee on Instruction and Teacher Relations, March K. Fong, Chairman.

From Dr. Harvey R. Wall, Psychologist, Mt. Diablo Unified School District and Associate Professor, California State College at Hayward.

Re Testimony Regarding Early Education Readiness, Assessment, and Prescriptive Primary Education.

Date September 19, 1969, San Francisco.

INTRODUCTORY STATEMENTS

The prevention of failure in our public schools can represent a savings in human resources, a savings in public expenditures, increased teacher effectiveness, and immeasurable decrease in child and family life stresses.

Professional education and the behavioral sciences have long recognized that children's learning rates vary and that individual prescriptive learning (programs) can be adapted to accommodate individual differences. However, the system of mass education has unfortunately been slow to recognize the potentialities of implementing what we now know. Furthermore, it can be shown that an early educational intervention into the life of a potentially failing student can prevent the necessity for the apparent proliferation of remedial programs which now hopefully respond to the later identification of symptoms related to school failure.

Because, in our society, the educational life of a child is a mandatory or virtually conscriptive one, it would seem only appropriate that his 13 years be made as free of undue frustration and as full of meaning and success as possible.

It is rather common knowledge that lack of school success is common to those whose lives are characterized by delinquency, dropping out of school and society, and unemployment. An individual's perception about his total school success may well determine his perception of himself as a contributing or a hostile member of society.

Thus, economy of human resources and funding would seem to favor prevention over remedy.

1. *The essential components* of a comprehensive early assessment procedure must call upon the disciplines of teaching, child psychology, curriculum development, medicine, speech and language development, administration, and parenthood. Specifically, experience and the research literature have demonstrated that children learn best when the following developmental characteristics are adequately represented in the young child:

(a) Acculturation in broadest definitions which includes an awareness and responsiveness to the surrounding environment.

(b) Physical growth, stamina, and neuromuscular ability to respond to small and large muscle demands of the learning and socialization process.

(c) Social competence to respond to the teacher to child and child to child relationships found in group instruction.

(d) Dependence versus independence criteria which characterize a child's readiness to respond to direction while knowing when to request and accept help.

(e) Speech and hearing so that the receiving and expressing of ideas and facts are unencumbered.

(f) Visual-motor skills give the child the ability to manually and visually do what the teacher and the brain demand in his basic curriculum.

(g) Emotional stability permits him to respond to the many requirements of the daily learning processes.

(h) General mental ability gives the child a global aptitude to comprehend and integrate the learning into a meaningful experience.

2. *Initial comprehensive pupil examinations* are valuable when administered prior to school entry. But, they serve a *continuing* purpose when the results of these assessments contribute to program, instructional, and curricular adaptations geared to the unique requirements of the examined children. Far too often, schools have administered "screening" examinations for the express purpose of determining that the child is either "ready" or "too immature" for the kindergarten program. Examinations should preferably be administered as an initial step in developing purposeful prescriptions for all of the children.

Far too often we have told parents that conforming girls meet our program standards and that active boys cannot succeed in our female-oriented system.

Examinations are important but prescriptions are vital.

3. *Increased academic performance* has been observed in children who have undergone preschool examinations and have then participated in prescriptive activities during kindergarten and grade 1. Because the evidence is somewhat limited, we need pilot programs for the purpose of developing and refining prevention systems.

One of our District's schools, located in an area of cultural disadvantage, has demonstrated that improved academic performance does result from a well planned and executed system for potentially unsuccessful children. The improved academic work of the children is, however, only one of the many positive outcomes emanating from this approach: improved parent-school relations, improved self-worth indicators in the children, improved teacher involvement with program development, and a decrease in school vandalism.

Basic components of this project are:

(a) Early assessment of pupil characteristics finds principal, teachers, specialists, and aides examining prospective kindergarten children several months before the fall entry.

(b) Many ongoing conferences by the principal with small groups of parents in their homes using the approach "You invite your friends and I'll bring the coffee and cookies."

(c) Use of a wide range of developmental materials in kindergarten and grade 1 stressing language and listening skills, physical skills, small and large muscle training activities.

(d) Extended language development periods with a teacher-pupil ratio of 10.

(e) Extensive and well planned use of para-professionals.

(f) Individual conferences directed at home prescriptions which supplement school-related skill development.

(g) Parent guidebook giving them several tips and directions for improving child competencies.

Increased funding through Title I, ESEA, and an exhaustive work week for the principal further characterize this program.

After two years of active commitment to the assessment and prescription system, this school's grade 1 reading test scores have shown dramatic improvement. Other basic pupil skills have similarly improved.

Although less funding will be available, four more schools in non-target communities of the District are involved in similar programs beginning this fall. Thus, these data are not available at this time.

Many other and varied programs could be described. They range from the bombardment-immersion approach of Bereiter and Engelmann of Illinois to the less dramatic Ilg-Ames Gesell Institute commitment to the "let the child's maturation rate show us the way."

4. *Assurance of program adaptations* can be realized after competent pupil assessments when some of the following characteristics are present:

(a) Training of prospective teachers should include a variety of interventions geared toward the prevention of individual pupil failure.

(b) Re-training of the current force of teachers through state-sponsored scholarships, funded in-service training activities, and state or regionally developed materials to aid in the intervention process.

(c) Careful and goal-directed teacher selection.

(d) Revision of the kindergarten through grade 3 curriculum and its methodologies (a program of continuing value must acknowledge more than a kindergarten commitment to individualization).

(e) Provision for the active and continuing involvement of specialists for assisting teachers and parents.

(f) Pre-school assessment programs and facilities which can be available for children as early as three years so that prevention prescriptions can be realized at a stage in child development when interventions can be the most productive. (Schools or school-related agencies could provide such services on the Well Baby Clinic model. Prevention of disorders has been an effective aspect of the program for physically handicapped children at age three years.)

(g) School districts applying for special funds for implementing prescriptive programs should show evidence that (1) adequate pupil assessments will occur, (2) adequate evidence exists that the districts will, in fact, design programs which are geared to observed characteristics of the examined children for the primary level school years, and (3) parent education and training is an ongoing activity as an aspect of their application.

(h) Supervision of program development is available from local and state sources.

(i) Funding for research staff should assist districts in adequately evaluating the success of the program design and implementation.

5. *Present pilot projects* are responding to pupil prescriptions after assessment when teachers and administrators are convinced that the present primary program is *inadequate* and they are involved in developing something better. Furthermore, it has been found that increased funding must be available so that there is a significant decrease in pupil-adult ratios in the primary school years. Increased staff may be specialists and/or they could come from ranks of the paraprofessionals who can free the well-trained teacher to make the necessary curricular and teaching interventions necessary for realizing a successful prevention of failure program.

6. *Cost of implementing programs* directed at preventing school failure will vary from *impact* upon the problem to an *optimum* attack at eliminating many of the currently operating remedial programs.

For each child retained in a school grade level, a cost of $800.00 to $1,000.00 can be added to the education of the child.

Failure to succeed can become a cost of overwhelming proportions and relates to the spectrums of public welfare, Youth Authority, special education, remedial education, police, mental hygiene agencies, and the economy as a whole.

Our State's attempts at remedying mental, physical, social, and educational disorders now require annual expenditures in nine figures.

Isn't it, therefore, time for us to spend a mere fraction of this amount in systematically trying to prevent some of these disorders?

It would appear that we should implement the knowledge that we already possess.

This Subcommittee is commended for its interest in a problem of such far-reaching consequence.

NATIONAL CATHEDRAL DESECRATED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. RARICK. Mr. Speaker, the magnificent structure known as the Washington National Cathedral has been constructed over a period of half a century by the contributions, both direct and indirect, of the Christian American people who have felt that such a house for the worship of God was appropriate to the capital city of a nation of Christians.

Technically the cathedral is the Episcopal Cathedral of Saints Peter and Paul, the seat of the Episcopal bishop of Washington. Because of the fundraising appeal to all Americans, it has long been customary to permit responsible leaders of other Christian denominations to worship and to preach in the cathedral on special occasions.

Americans who have built this cathedral are entitled to know the use to which it is currently being put as a stage and platform from which to propagate doctrines the antithesis of Christianity. Articles reporting this desecration follow my remarks:

XUM

[From the Washington Post, Sept. 29, 1969]

Gandhi: Ceremony for "A Universal Man"

(By B. J. Phillips)

On the 100th anniversary of the birth of Mahatma Gandhi, Indian Foreign Minister Shri Dinesh Singh and former Vice President Hubert H. Humphrey came to the National Cathedral to talk about Gandhi. And Ravi Shankar came to play sitar music composed especially for the centennial celebration of Gandhi's birthday.

What was said bounced and echoed in the high stone ceilings, at times understood, at times not understood. But Shankar's music was never lost in the Cathedral. It turned the ornate home of one culture into a sounding board for another.

"I want the cultures of all lands to be blown about my house as freely as possible," was the quotation from Mahatma Gandhi's writings which appeared on the leaflet passed out by ushers containing the order of service.

In its pomp and prayers, it was a service not unlike that followed by the English men and women who had colonized India. Twenty-two years after he led India to independence from Great Britain, committees across the world have arranged birthday anniversary celebrations such as the United States' observance yesterday at the Cathedral.

Gandhi, the originator of passive resistance and nonviolent political action, was, like his disciple, Dr. Martin Luther King Jr., killed by an assassin, less than six months after India became an independent nation.

The service, attended by church ladies in hats and gloves, Shankar devotees in blue jeans and Indian women in saris, began with a processional. It would have seemed like any other service at the Cathedral—altar boys carrying the cross and two giant candles, church officials in purple robes—but for the white-saried members of the Indian Embassy choir and the low platform beneath the pulpit where Shankar would play.

Dean Francis B. Sayre welcomed the worshippers, who included an overflow of several dozen who stood throughout the service, to "a celebration of the grandeur of Gandhi's spirit."

Humphrey read passages from the scriptures of the world's major religions.

Foreign Minister Singh spoke of Gandhi as "a universal man, a man deeply in love with humanity as a whole."

A hymn was sung and, during the last verse, incense carried into the Cathedral heralded Shankar's entrance.

Shankar and Miss Kamala, who accompanied him on the tanpura, removed their sandals and climbed onto the platform. Cradling the sitar with one foot, Shankar began to play.

Ravi Shankar is a delicately-built man, with small hands and feet. When he plays, his chest appears to expand as though he only breathes in, never exhaling. He seems to grow as his music grows, in carefully controlled, intricately developed expansion of the theme.

The National Cathedral reaches seem to hold the low brooding quarter-tones and turn them into a background for the shimmer of the developing theme. For more than 20 minutes, Shankar's sitar owned the Cathedral as fully as the medieval saints carved into the pulpit above his head.

Finally he finished, exhaled, picked up his incense and waited for the long line of choir-boys and officials to file out before falling into the recessional.

At evening services, the Cathedral again was filled to capacity. This time there were no gloved ladies; there were strike buttons and "boycott grapes" lapel pins.

Cesar Chavez, leader of the California farm workers, was the main speaker at a church service-union rally attended by Mrs. Robert F. Kennedy, Sen. Walter Mondale, Rep. John O'Hara, Mrs. Fannie Lou Hamer and an overflow crowd of students and union workers.

The service began with folk singer Joe Glazer leading a two-stage sing-in. First he led the audience in the original words to "John Brown's Body" and "We Are Climbing Jacob's Ladder," followed by the rewritten versions: "Solidarity Forever" (in English and Spanish) and "We Are Building a Strong Union."

Chavez sat quietly in a black vinyl-covered aluminum rocking chair while the speeches by Sen. Mondale, Father John McCarthy, of Texas; Mrs. Hamer, one of the founders of the Mississippi Freedom Democratic Party, and Rep. O'Hara praised him for his efforts to organize farm laborers.

"There is a shameful thing in this country," Chavez said. "Those who plant, irrigate, cultivate and harvest the food that reaches the table of every American have no food for themselves."

Chavez asked that "Americans band together to bring justice to the tortured valleys of our land."

There was another round of songs, led by Mrs. Hamer; then the concert and union hall was quiet after a day Cathedral Dean Sayre said happened "because the church cares."

[From the Evening Star, Sept. 29, 1969]

Cesar Chavez at the Cathedral: Chavez Says Pentagon Prolongs Grape Strike

The leader of the nationwide grape boycott charged last night that the Pentagon has sharply boosted its purchase of grapes and has thus kept the bitter, 4-year-old strike alive.

Cesar Chavez, beginning a week of boycott activity spoke to an estimated 2,000 persons at Washington Cathedral, claiming the Pentagon had undermined the boycott by increasing its grape purchases by 30 percent last year, and by shipping 350 percent more grapes to Vietnam.

He said the Department of Defense told him that servicemen's "routine craving" for grapes was responsible for the increased purchases.

More grapes are also going into fruit cocktails, and being used as raisins, Chavez said, to make up for what he claimed was a 30 percent decrease in the sale of grapes since the strike began in September, 1965.

Chavez also charged that the Federal Mediation and Conciliation Service had ignored his request to summon grape growers back after negotiations broke down recently.

Chavez, 42, accused the Food and Drug Administration of failing to find evidence of dangerous pesticides on grapes after a supermarket chain said it had found the poison. Some 80 percent of the pickers in his native Delano, Calif., are affected by the pesticides, he said.

Sen. Walter Mondale, D-Minn., another speaker at the fund-raising rally, supported Chavez' charge against the FDA. Mondale said the agency's study discounting reports of dangerously contaminated grapes was "partial, unfair, and unresponsive."

Chavez was to testify today on the pesticide question before Sen. Mondale's subcommittee on migratory labor. Sen. George Murphy, R-Calif., a supporter of the grape growers affected by Chavez' strike, was also scheduled to testify.

Chavez told the predominantly young crowd that he pledged his workers' support to the Vietnam moratorium scheduled Oct. 15 in the nation's colleges.

Chavez' appearance here was his first outside of California since he went on a 25-day fast 18 months ago.

The boycott supporters will hold a rally Tuesday night, and then a "surprise-in" led by Chavez. Speakers at last night's meeting indicated the "surprise-in" would include demonstrations at Sen. Murphy's home and at local supermarkets where grapes are sold.

HOUSE OF REPRESENTATIVES—*Thursday, October 2, 1969*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Teach me, O Lord, the way of Thy statutes; and I will keep it unto the end.—Psalm 119: 33.

O Thou who dost reveal Thyself to man in endless ways, deepen within us the sense of Thy presence as we lift our hearts unto Thee in this our morning prayer. As our fathers came to this altar to worship Thee, so do we bow before Thee humbly and reverently.

With grateful hearts may we learn to labor in Thy spirit, to live in harmony with Thy laws, and to let love lighten and brighten our lives.

Turn Thou our strength to the tasks of justice, mercy, and peace that as we work for the common good we may find joy and satisfaction in useful living.

In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

CALIFORNIA EARTHQUAKE

(Mr. WALDIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDIE. Mr. Speaker, last night in northern California there was an earthquake of considerable proportions that had its epicenter in Santa Rosa, which is approximately 50 to 60 miles north of San Francisco. There was considerable damage done in the area of the epicenter, the damage in property costs ranging in the thousands and, in addition, a number of people were injured. There was additional damage done in the immediate San Francisco Bay area from this particular earthquake.

I joined recently with Representative Mink, of Hawaii, and others expressing concern about the consequences and risks that were unknown relative to the Amchitka underground testing of nuclear weapons that is scheduled for today. At that time my concern was predicated upon the consequences and risks that the Representatives in Hawaii and Alaska believed were present as a result of these proposed nuclear tests.

I am now expressing the concern of the people of the bay area of California, which I represent, which is a seismic unstable area of considerable extent, that this test may further jeopardize that instability which was in motion as of last night's earthquake.

I intend to contact the President today to urge that the test scheduled for this evening in Alaska be reconsidered until

XUM

these consequences affecting the seismic stability of the Pacific Basin are fully understood. We believe our area should not be subjected to risks that are not totally and completely understood.

TRIBUTE TO THE LATE JOHN P. WHITE

(Mr. McCORMACK asked and was given permission to address the House for 1 minute.)

Mr. McCORMACK. Mr. Speaker, I am deeply grieved at the passing of a very dear and valued friend of mine, whom many Members of the House knew and admired as much as I did, John P. White, Deputy Assistant Secretary of State for Congressional Relations.

John White was one of the finest gentlemen I ever met. I knew him back in Massachusetts when he was connected with the Massachusetts Legislature, and I knew him in his associations with our Government and Members of the Congress. For years he occupied a very important position in the State Department, which he performed in an outstanding manner.

His qualifications were rich, not only including his dedication to his duties, but his beautiful outlook on life. He was a man who by those rich qualities inspired others who knew him or came in contact with him.

I saw him only last Tuesday in my office when we were having a chat. Two or three days a week he would drop into my office, as I am sure he dropped into the offices of other Members. We were having a chat and he appeared to be in excellent health. The information I received is he left his house this morning to go to the State Department and while en route death suddenly took place. In any event, we have lost a very valuable public official. The State Department certainly has lost a very able servant and employee, and many of the Members of the House—and particularly myself—have lost a dear and valued friend.

I extend to Mrs. White and her loved ones my deepest sympathy in her bereavement.

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, the news this morning about the sudden passing of John P. White, Deputy Assistant Secretary of State for Congressional Relations was a shock. It is an untimely loss not only for his immediate family but for his many friends and associates at the State Department and on Capitol Hill.

I came to know "Skip" White especially well when he served as a State Department escort officer on several trips abroad with my subcommittee. I found him courteous and always willing to be of all possible assistance to me and my colleagues. His reports and counsel on international affairs were deeply appreciated. He was a friend as well as an adviser and he will be sorely missed.

Mrs. Zablocki joins me in extending our heartfelt sympathy to Mrs. White and their son, Scott.

Mr. O'NEILL of Massachusetts. Mr. Speaker, a close and dear friend, John P. White, died suddenly this morning of a heart attack.

Mr. Speaker, I know you are as grieved as I am at the loss of our good friend, dedicated and extraordinarily able public servant and one of God's noble men.

I first met Skip White when I entered the legislature in 1938. He was a page and legislative attaché to the Massachusetts Legislature and was without a doubt the best liked man in the statehouse. He enlisted in the service in 1940 as a private in Field Artillery. When he was honorably discharged in 1945, he was a captain in the U.S. Air Force. When he returned to the legislature, it was as legislative counsel. He served in that capacity from 1946 to 1953 and gained a reputation as being extremely able, dedicated, and dependable. Everyone in the legislature on both sides of the aisle respected him and loved him.

In 1952, right after he had been elected Governor of the Commonwealth, Christian Herter asked Skip to be his legislative secretary. I remember how hard Skip had worked for the reelection of Paul Dever as Governor. But what concerned Governor Herter most was that Skip was the most able man in the statehouse and the man who could best get his legislative program across to the legislature. In the 4 years that he served in this position, he was responsible more than any other man for getting 23 of the 24 major programs of the Herter administration through the legislature. Although he was a good Democrat, he put the Commonwealth above party and the needs of the people above all other considerations.

In 1957, he rejoined us in Washington as special assistant in the Office of Congressional Relations of the State Department. We, who had served in the legislature while he had been there, were overjoyed to have our good friend in Washington, and while we were working on new legislation and new programs, it was nice to have a reminder of past days in the Massachusetts house. We had watched Skip's career from the time he was a house page going to Boston College. We had watched him come up through the ranks and took a special pride in his being brought to the State Department. I will never forget the party we had for him when he was named Deputy Assistant Secretary for the State Department's Congressional Relations in 1964. That was a joyous time because we saw a good friend, an able public servant rewarded for his diligent work. From 1964 until that day he competently, conscientiously, and brilliantly performed his duties in the Office of Congressional Relations. He was always available, always informed and informative, and always helpful.

I will miss him greatly; he was a good friend, a fine companion, and a wonderful man. His wife, Elaine, and their son, Scott, have my deepest sympathy. The only consolation I can offer them is that the time they had together was the happiest period in his life. He loved them and knew he was loved and his life was fulfilled through them. I hope this knowledge will give them strength and comfort.

Mr. BURKE of Massachusetts. Mr. Speaker, it is with great sadness and shock that I learned of the passing this morning of John P. White, Deputy Assistant Secretary of State.

Born in Winthrop, Mass., in 1915, Skip, as he was known to those of us who were fortunate to be among his many friends, attended the Winthrop public schools until 1933 at which time he entered the New Preparatory School in Cambridge. While attending Boston College between 1934 and 1939 he was legislative attaché to the Massachusetts State Legislature.

In 1940 Skip enlisted in the Air Force as a private and upon discharge 5 years later was a captain and pilot.

Upon separation from the Air Force he became legislative counsel for the Massachusetts State Legislature in which position he served until 1953 at which time he became legal secretary to the Governor.

In 1957 he joined us here in Washington as the Special Assistant for Congressional Relations with the State Department, and in 1964 was promoted to the position of Deputy Assistant Secretary of State.

Skip's life was a model of loyalty and service to his country and dedication to his family and friends.

He was a good friend and a capable and hardworking man who will be deeply missed by those of us whose lives were made a little better by his passing through them.

Mr. Speaker, I extend my deepest sympathy to his lovely wife Elaine and his son Scott.

Mr. BROOMFIELD. Mr. Speaker, I want to join my colleagues in expressing my deep sense of shock and grief at the passing today of John P. White, Deputy Assistant Secretary of State for Congressional Relations.

"Skip" White was among the most able and amiable men in the State Department. His loss will be felt all over Capitol Hill and throughout the State Department. But he will be especially missed by those of us who serve as members of the House Foreign Affairs Committee.

Skip provided each of us with years of valuable counsel and experience as well as courteous and efficient personal service during the committee's trips abroad. It was on those occasions that many of us got to know Skip personally and were privileged to share his friendship.

His death is an untimely loss for all of us. Mrs. Broomfield joins me in extending our sincere condolences to Mrs. White and their son, Scott.

Mr. DORN. Mr. Speaker, I was shocked and saddened to hear of the passing of my warm and personal friend, "Skip" White.

Skip White was one of the greatest men it has been my privilege to know. He rendered magnificent service to the Nation and was loved and respected by Members of the Congress.

There were so many good characteristics about Mr. White. He was always thoughtful, pleasant, and helpful. He was intelligent, industrious, and a dedicated public servant. Skip White possessed the quality of warmth and friendship that drew people to him. Above all, he loved this Republic. He served our country and the cause of freedom throughout the world with a very special devotion and dedication.

Skip White will be greatly missed by his colleagues in the State Department, by every Member of Congress who knew him, and by a host of friends the world over. Skip White used our office frequently to make calls and hold conferences in connection with the Wednesday morning State Department briefings for House Members. Mrs. Dorn and my staff looked forward to his visits, as he was always courteous and kind. They join me in my deepest and most heartfelt sympathy always to Mrs. White and to all of his family.

Mr. ROONEY of New York. Mr. Speaker, I was profoundly shocked to learn of the sudden passing this morning of the Honorable John P. White, Deputy Assistant Secretary of State for Congressional Relations. I knew "Skip" White for many years. He was a true friend. Skip had been with the State Department since 1957; a truly dedicated, informed, hardworking, and warm human being. We shall all miss him greatly. Skip's professional life was one of public service starting back in 1933 when he was a page to the Massachusetts State Legislature while attending Boston College. In 1940 he entered the armed services as a private, emerging 5 years later as a captain and pilot. He became legislative counsel for the Massachusetts State Legislature upon his discharge and held that post until 1953 when he became legal secretary to the Governor. In 1957 he came to the State Department as special assistant for Congressional Relations and, in 1964 was made Deputy Assistant Secretary of State. His dedication to his work was exceeded only by his dedication to his lovely wife, Elaine, and their son, Scott. Mrs. Rooney joins me in extending our prayers and deepest sympathy in this sad hour.

Mr. MURPHY of Illinois. Mr. Speaker, I was shocked and saddened to learn of the untimely death of John P. White, Deputy Assistant Secretary of State for Congressional Relations.

Jack White began public service by working as a page and later as legislative counsel for the Massachusetts State Legislature. After serving as legal secretary for the Governor of Massachusetts, Christian Herter, Jack White moved to Washington in 1957 as Special Assistant for Congressional Relations for the State Department. In 1964, he became Deputy Assistant Secretary of State for Congressional Relations, a post in which he served until his death.

My friendship with Jack White began in 1959, when I first came to Congress and was appointed to the House Committee on Foreign Affairs. Throughout my years of association with him, I developed a deep appreciation and respect for his reports and wise counsel on international affairs. The State Department has lost an able and dedicated servant, and I have lost a dear and valuable friend.

Mrs. Murphy joins me in extending to his wife, Elaine, and son, Scott, our most heartfelt sympathy.

Mr. CONTE. Mr. Speaker, I rise today in sadness over the death of one of our true friends, and one of the Federal Government's most loyal workers.

Deputy Assistant Secretary of State for Congressional Relations John P. White—known to most of us as "Skip" White—died suddenly this morning while on duty for the State Department. He was 53.

"Skip" White was one of those key officials whose roles are often unheralded, but without whom the massive Federal Government cannot function. Many Members of this body, and particularly those of the Massachusetts delegation, are very familiar with the efficient manner in which "Skip" White carried out his duties as a liaison man for the State Department with the Congress.

Always willing to help, "Skip" was adept at avoiding delays in communication between his Department and this body. I know personally of many occasions when his intimate knowledge of the Government, and his knack for getting things done, rescued projects that appeared to be tangled in redtape.

"Skip" was born in Winthrop, Mass., in December 1915. He attended public schools there, the New Preparatory School in Cambridge, and from 1935 until 1940 he was a student at Boston College. He enlisted as a private in the Army in 1940, served in combat in World War II, and was honorably discharged as a captain and a pilot in 1945.

During his years at Cambridge and Boston College, he had served as a page in the Massachusetts general court, and he returned to the State legislature as a legislative counsel from 1946 to 1953. His long and close relationship with former Massachusetts Gov. Christian Herter began in those days, and he served as legislative secretary to the Governor from 1953 to 1957. When Mr. Herter became Secretary of State, "Skip" came to Washington with him and became a special assistant in the Office of Congressional Relations, Department of State. He served in that position from 1957 until 1964 when he was named Deputy Assistant Secretary for Congressional Relations.

During my 8 years in the Massachusetts Senate, I came to know "Skip" White well and to appreciate his very special talents.

That death should strike down a man of such stature at such an early age is truly tragic. The Congress, the State Department, and the entire Federal Government is greatly diminished by his passing.

I extend my deepest sympathy to his widow Elaine, and his son Scott B. White.

Mr. HANNA. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from California.

Mr. HANNA. Mr. Speaker, I thank the gentleman for yielding, and I would just like to join the gentleman in expressing my shock and sorrow at the passing of "Skip" White, and in doing so I know that I express the sentiments of many of the Members in this House who have been involved in matters with the State Department, and in connection with foreign nations in which "Skip" White played such an important part.

To many the servants of Government beneath the ranks of leadership are faceless ciphers. Not so. More so than not they are warm, wonderful, and valued copartners in the business of Government. No one person typifies the interdependency; the mutual respect that is created and maintained between those that lead and those who serve in less spectacular roles than did John "Skip" White. His untimely passing dramatically demonstrates the respect and affection that so often attaches to our partnership in good government.

I want to remind the House that he was a very active and valuable ally in the recent exchange between Members of the House here in the United States and Members of the National Assembly in Korea.

We have certainly lost a friend and I want to join in our expression of sympathy to the family.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the distinguished majority leader, the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I certainly desire to associate myself with the remarks of the gentleman from Massachusetts and the gentleman from California. I was among those who had the opportunity of working with "Skip" during our legislative exchange with the Korean National Assembly. His work was outstanding.

I should like to add that over the years I have worked with many representatives of the various executive departments of the Government. I have never known one who was more cooperative, more helpful, or more efficient in the pursuit of his duties than our late friend, "Skip" White.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my distinguished friend, the gentleman from Florida.

Mr. SIKES. Mr. Speaker, I want to associate myself with all that has been said about this great loss to good government and our country in the very untimely death of the Honorable John P. White, the good friend of the Members of the House of Representatives for many years and my warm personal friend.

I shall indeed miss his friendly counsel and his important and valuable services.

Mr. MOSS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from California.

Mr. MOSS. Mr. Speaker, I want to join in the expressions of the gentleman from Massachusetts. I confess to a deep sense of shock on learning of the death of "Skip" White.

As chairman of the Subcommittee on Foreign Operations, he has been an invaluable ally and aide to every member of the subcommittee. He has been at all times efficient, effective, courteous, and considerate.

I think the Government of the United States has sustained a real loss in the passing of this most dedicated servant.

I offer my deepest sympathy to his family.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the distinguished chairman of the Committee on Armed Services, the gentleman from South Carolina.

Mr. RIVERS. Mr. Speaker, I want to associate myself with the eloquent remarks of the most distinguished gentleman from Massachusetts (Mr. CONTE). His sentiments of bereavement and those of the other Members are so well said that I can add nothing to them. But I am honored to associate myself in such sincere remarks of sorrow.

Mr. Speaker, this young man was a hallmark of dedication to his country and a magnificent representative of the Department of State. If all other departments of our Government were represented as he represented his country as a member of the State Department, there would be less suspicion and more admiration on the part of those who make the policy and carry out what this Congress is trying to do for this country.

Mr. CONTE. I thank the distinguished gentleman from South Carolina.

Mr. KLEPPE. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. KLEPPE. Mr. Speaker, I was a member of the congressional delegation that went to Korea and I had the chance to get to know "Skip" White.

I found out just what kind of representative of our country he was. I also found out what kind a man and friend he was.

Mr. Speaker, I want to join in the remarks made by the gentleman in the well and my colleagues who have just preceded me and extend my sympathies to the family. We have lost a friend and this country has lost a very notable citizen.

Mr. CONTE. I thank my colleague.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my colleague, the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I want to join my colleague, the gentleman from Massachusetts, in this expression of sorrow over the passing of John White.

I think what has been said here by so many Members is indicative of his character and of his personality. I have known "Skip" White for more than 30 years. I recall being a young member of the Massachusetts Legislature when Leverett Saltonstall was speaker of the house. At that time John White was his personal page. From those days to this day, he dedicated himself to the public service, having been assistant to Governor Herter and then coming down here as one of his assistants when he was Under Secretary and then Secretary of State.

I think the task he had as Deputy Assistant to the Secretary of State for Congressional Affairs and the manner in which he performed that particular task showed pretty well his personality and his ability.

Congressional liaison is not the easiest of tasks, but John White performed this chore with great ability, knowledge, and a pleasing personality. His fine style and manner won the respect and esteem of all all who came in contact with him. He was constantly on the Hill and dropping in to the Members' offices or chatting with them in the corridors on, not alone, matters pertaining to the Department of State but personal problems affecting the constituents of the Members of the Congress. He, indeed, was the ideal congressional liaison man.

I know that this Nation has lost a great public servant. I know the Department of State has lost a spirited and very persuasive member of the Secretary's staff. So I join with my colleagues and all of those who have expressed their sympathy today and those who did so yesterday and those who will do so in the days to come.

I express that sympathy to his wife, Elaine, and his son, Scott, in this hour of deep sorrow.

Mr. CONTE. I yield to the distinguished majority whip, the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I would like to associate myself with the remarks made by my colleagues with respect to "Skip" White. I was shocked, as were the members of my staff in the whip's office, when we learned of the untimely death of Mr. White. We had a very warm, close personal relationship with him. He was an invaluable aide to my office and myself, and I join with all who have expressed their deep sense of loss in a great public official. Mrs. Boggs joins in extending our sympathy to Mrs. White and members of his family.

Mr. CONTE. I yield to the distinguished ranking minority member of the Foreign Affairs Committee, the gentleman from Indiana (Mr. ADAIR).

Mr. ADAIR. Mr. Speaker, I am among those who were deeply grieved over the passing of our good friend and counselor, John P. White, Deputy Assistant Secretary of State for Congressional Relations.

"Skip" White was an able professional, and he represented the State Department and his country in a most effective manner. I always found him to be courteous, well informed, and very helpful. I will miss being able to call upon this dedicated American for advice and counsel in the years ahead.

Mr. PRICE of Illinois. Mr. Speaker, I was shocked at the sad news of the sudden death of John P. White, Deputy Assistant Secretary of State for Congressional Relations.

Many in this House knew "Skip" White longer and better than I, among these our distinguished Speaker of the House, JOHN W. McCORMICK, but I yield to none of these in the depth of my admiration and respect for this faithful public servant.

"Skip" White's passing was sudden as he drove from his home to his office in the Department of State. The news reached Capitol Hill quickly and was received with great sorrow by his hosts of friends.

His assistance to many Members of this House was invaluable to them in their official work. His counsel on international affairs was a big factor in helping many Members of Congress in forming their own views and making important decisions.

I personally shall miss him. I will always look back with great pleasure to a trip to Southeast Asia last March when "Skip" White was the escort representative of the State Department assigned to the U.S. delegation attending an interparliamentary meeting with representatives of the National Assembly of South Korea. I will never forget his many courtesies and his help extended to me and all the other members of the delegation.

Mrs. Price, who holds the same high esteem and admiration for "Skip," joins me in extending our deepest sympathy to Mrs. Smith and their son, Scott.

Mr. BRADEMAS. Mr. Speaker, like many other Members of Congress, I was profoundly grieved to learn of the death of John P. White, Deputy Assistant Secretary of State for Congressional Relations.

John White, or "Skip" as most of us knew him, was a most dedicated and able public servant.

After service for the Massachusetts State Legislature and for the Governor of Massachusetts, Skip White came to Washington in 1957 as the Special Assistant for Congressional Relations for the State Department, and 7 years later became Deputy Assistant Secretary of State.

He worked hard at his job, was scrupulously fair to Members of Congress of both political parties, and I know that all of us who knew him will miss him.

I extend to Mrs. White and his son my deepest sympathies.

Mr. VANIK. Mr. Speaker, it was a shock to learn of the untimely death of John P. White, Deputy Assistant Secretary of State for Congressional Relations.

Mr. White was an exemplary public official with a high sense of dedication. The State Department and the Nation has lost a valuable public servant.

GENERAL LEAVE TO EXTEND

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and public service of the late John P. White, Deputy Assistant Secretary of State for Congressional Affairs.

The SPEAKER. Is there objection to the request of the Senator from Wisconsin?

There was no objection.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 196]

Abbitt
Addabbo
Anderson, Tenn.
Ashley
Aspinall
Barrett
Bell, Calif.
Blanton
Blatnik
Bolling
Brock
Byrne, Pa.
Cahill
Carey
Celler
Chisholm
Clark
Clawson, Del
Clay
Collins
Colmer
Culver
Cunningham
Daddario
Davis, Ga.
Dawson
Derwinski
Diggs
Edwards, La.
Farbstein
Fascell
Feighan
Flowers
Ford, William D.
Gallagher
Gray
Green, Oreg.
Halpern
Harvey
Hawkins
Hechler, W. Va.
Holifield
Hosmer
Kirwan
Lipscomb
MacGregor
Mann
Marsh
Matsunaga
May
Miller, Calif.
Mills
Morton
Ottinger
Pollock
Powell
Purcell
Roberts
Rodino
Rooney, N.Y.
St. Onge
Saylor
Springer
Talcott
Taylor
Teague, Tex.
Waggonner
Whalley
Wilson, Bob
Wydler
Wyman

The SPEAKER. On this rollcall 359 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CUT IN MODEL CITIES PROGRAM

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, yesterday, the Nixon administration announced a 42-percent reduction in the funds for the model cities program, along with similar reductions in our 235 and 236 housing programs for low-income people and a reduction in water and sewer loans.

The Model Cities Act, the rent supplements program, and the 1968 Housing Act passed by Democratic Congresses and Democratic administrations are truly milestones and will, if properly carried out, solve our housing programs. The action of the Nixon administration in cutting back funding for these programs constitutes, in my opinion, one of the cruelest and most cold-hearted steps ever taken against our low- and moderate-income families. While, at the same time, the Nixon administration and its Secretary of Housing and Urban Development mouthed pious statements about and concern for housing, they immediately moved to cut the heart out of the model cities program—one of the major housing programs enacted by the Congress. There can be no question that this action by the Nixon administration makes it clear that it is turning its back on the hopes of the low- and moderate-income person in their desire to secure decent, safe, and sanitary housing.

Mr. Speaker, Mr. Romney very recently said:

> We have to establish for housing and urban development the high national priority which the goals set by Congress require.

Yesterday's action is apparently Secretary Romney's concept of "high national priority."

It is doubly cruel, Mr. Speaker, and especially tragic that the administration has moved to cut back its housing programs at a time when the housing industry is at one of its lowest points in recent history. Housing starts will, no doubt, drop as low, or lower than 1 million units in 1969—meaning that for the year 1969, we will fall 1.6 million units beow that needed to meet our national housing goals for this year.

DEMOCRATIC VICTORIES IN CONGRESSIONAL ELECTIONS

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, last night a very well-known news commentator, Alan Smith, on WTTG, reporting on the latest development on the campaign front, said the Democrats had just won their third special election this year for a House seat.

I called WTTG to try to get the record straight on it. I was informed the United Press had given them that information. I called the United Press to try to get the record straight, and they said somebody else had given them the information.

So, for the record, for my friends at WTTG, which usually is a very accurate television station, and for United Press International, I just want to make the record clear:

There have been five special elections this year for House seats, and the party of the people, the Democratic Party, has won four of those special elections—not three—and we hope we can continue to see this trend develop and grow in the months ahead, with another great Democratic victory in November of 1970.

INCREASE IN REQUEST FOR FOREIGN AID PROGRAM

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I was interested in the remarks of the gentleman from Texas about the cut in the model cities program. We are marking up the foreign aid bill now, and I thought the membership would be interested to know that the administration has submitted a bill and asked for a billion dollars more for foreign aid than the Congress voted last year, which comes out to just about a 40-percent increase.

I hope, when this bill gets to the House, we can at least cut it down to size.

CALIFORNIA EARTHQUAKE AND AEC TESTING IN ALASKA

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, I want to further add to what has been said about the major earthquake that occurred in my congressional district causing extensive damage and personal injury to the area and the people of Santa Rosa and Sonoma County.

With the San Andreas fault located near the western seashore of Sonoma County, everyone familiar with the area recognizes the basic seismic instability of the terrain.

In view of this disaster and the instability factor, a number of my constituents have been calling, expressing concern over the pending Atomic Energy Commission tests to take place in Amchitka, Alaska.

Therefore, I have joined with some of my other congressional colleagues from California in signing a letter to President Nixon, asking that he postpone the nuclear test explosion until such time as we can be satisfied that there will be no adverse affect on our coastal area resulting from or caused by these tests.

You can understand the concern on the part of the people of Hilo, Hawaii, Crescent City, Calif., and other coastal communities when you realize that these areas have been the recipients of major tidal waves caused by earthquakes that have occurred in Alaska.

The tsunami wave action wiped out my hometown of Crescent City, Calif., in 1963, following the earthquake that centered in Anchorage, Alaska. Ten lives were lost and the entire downtown section of Crescent City was totally devastated.

And now, this major earthquake in Sonoma County has developed extreme and very emotional fear among my constituents.

Therefore, I have called the White House, the Department of Defense, and the Atomic Energy Commission, asking President Nixon, the DOD, and the AEC to call off the firing of the test explosion in Alaska today.

AUTHORIZING APPROPRIATIONS FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, 1970, AND RESERVE STRENGTH

Mr. RIVERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14000) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 14000, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, it had agreed that title I of the bill would be considered as read and open to amendment at any point.

Mr. RIVERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today could be a long day, and I suspect it will.

It is not going to be the desire of the chairman of the Armed Services Committee to keep any Member from saying anything he wants to say. I personally believe that everyone has made up his mind on how he is going to vote on just about everything here. It will be my desire not even to ask for a limitation of debate at this time, or the next 3 or 4 hours, as far as that is concerned. I just hope this Committee will get on and debate the things which are causing the country the greatest concern.

I sincerely recognize a lot of the Members of this body have problems with certain parts of this bill. I want them to look out for what they think is good for the country and for their own welfare. Of course, that would never come before the country's welfare. I recognize this.

I will certainly not impose my will on anybody if I can help it. I just hope that those who want to finish tonight will help us. I will cooperate any way I can. I just ask and plead with everybody, let us debate first things first and let us see if we cannot get the main problems out of the way and then get to the small problems.

I ask, and I am sure I will receive, the full cooperation of everybody.

On yesterday if I hurt the feelings of anybody it was not intentional. That is not my business. One distinguished Member accused me of saying something that hurt his feelings. I am not in the business of making enemies; they pick me out of the crowd. So if I have, I hope that you will accept my apologies, because I have a higher mission than this. I try to reflect what the committee has done. Believe me, if I reflect on anybody, there was absolutely no intention to. I want you to know I would not do it.

In debate I do not mind taking it. I can take care of myself. I did not want to hurt anybody's feelings. I want to set the record straight. I would not hurt anybody's feelings.

AMENDMENT OFFERED BY MR. CHARLES H. WILSON

Mr. CHARLES H. WILSON. Mr. Chairman, I offer an amendment.

Mr. NEDZI. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NEDZI. Mr. Chairman, are not members of the committee supposed to be recognized by seniority?

The CHAIRMAN. That is a matter for the Chair's discretion.

The Clerk will read the amendment.

The Clerk read as follows:

> Amendment offered by Mr. CHARLES H. WILSON of California: On page 2, line 6, strike out "$780,460,000" and insert in lieu thereof "$434,960,000".

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. CHARLES H. WILSON. Mr. Chairman, this is the amendment which there has been so much discussion about and which is possibly the most important amendment that will be considered in the bill that is now under consideration. This is the amendment that will strike out the deployment of the Safeguard antiballistic-missile system but which does, however, leave some $400 million in the research and development for this program.

There have been reams and reams of publicity both for and against this particular amendment. Everyone is acquainted with the issue, I am sure. I made a commitment to the people in my district that I would support the amendment to eliminate the deployment of the ABM system. I was one of the eight members of the committee who voted against it when we were marking up the bill, and I am submitting this amendment at this time in line with the commitment I have made to the people of the 31st District of California. I would suggest that we debate this thing fully and we consider all aspects of it this morning and proceed with our deliberations on this important legislation as expeditiously as possible.

Mr. Chairman, I yield back the balance of my time.

Mr. LEGGETT. Mr. Chairman, I move to strike the last word.

Mr. LEGGETT. The offering of this amendment at this time disturbs a little bit the timetable we had arranged for today, but I think——

Mr. HALL. Mr. Chairman, will the gentleman yield? Who is "we"?

Mr. LEGGETT. I am talking about a number of us on the committee who voted and signed the minority and concurring views. As you know, we have been working for about 6 months trying to develop a viable minority on our committee, and without counsel I might say it has been a very, very difficult chore. I want to commend my colleague from California for offering the amendment at this time. We have a united position on the majority side of the aisle from California.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I cannot yield at this time. I have only 5 minutes.

We are both opposed, Mr. WILSON and myself, to the deployment of the ABM missile and granting funds for that at this time. I want to say that if we were provincial, probably I would have another position, because certainly 17 percent of our defense budget comes from California. A lot of it comes from my district and a lot of it is spent out there. Certainly I think we have to have cost effectiveness as a prime criterion with respect to the expenditure of Federal funds. I moved in the committee to strike out $545.5 million for the ABM system. I included $345 million as my colleague has included in his amendment here today. Actually, this was going to be my amendment. However, he does not include a $200 million cut for R. & D. that I included in my committee amendment. I thought, since research and development was proceeding parallel with the hardware procurement, if we do not buy the hardware we would be saving a large portion of research and development money.

Mr. Chairman, I would ask the members of the Committee to look at page 164 of the report where they will find a synopsis of some of the things I am going to say here today. I refer particularly to that paragraph wherein the Army states that no R. & D. funds would be saved if procurement does not advance. When I stated that I felt they did not need the $200 million for research and development, they say they do. In other words, what happens to the R. & D. if there is no deployment?

The statement to which I refer is as follows:

> If fiscal year 1970 authorization to proceed with tactical procurement is denied, the fiscal year 1970 R. & D. program will continue as presently planned because the development and test program has reached a state whereby all of the major components (except the perimeter acquisition radar) are ready in fiscal year 1970 or early fiscal year 1971 for integrated system tests at the Kwajalein Missile Range. Any significant delay in these planned tests would create inefficiencies in utilization of test facilities and personnel and use of previously accumulated test data and materials.

So it is obvious that a full testing program can take place without spending $4.5 billion to test the system in the Dakotas.

We are going to find out whether this system will work when we fire the missiles out at Kwajalein as best we can without atmospheric testing. I say we are not going to have tests anyway in the Continental United States. We cannot make up our minds now as to whether or not we can actually have the silo tests of the Minuteman which the local farmers tell us really will not work.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LEGGETT. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HALL. Mr. Speaker, reserving the right to object, and I shall not object to the gentleman proceeding at this time because I think he made his request quite properly—I believe this is a subject for debate, but, in view of the fact that the Congress convened 2 hours early today, I shall object in the future.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEGGETT. Mr. Chairman, I appreciate very much the gentleman's consideration. I might say, however, that, if the gentleman is going to object to anyone asking for additional time, Members who have spent much time in studying the ABM system and this bill will be unable to express themselves within the span of 5 minutes fully on this very important subject and I suspect, therefore, we will be out of this House by 2 o'clock this afternoon.

Mr. Chairman, we are spending 70 percent of our total administrative budget either directly or indirectly in this procurement bill. I say it is worthwhile to take some time to determine whether or not all the items we have in this bill are pragmatic and necessary.

Mr. Chairman, the total program with reference to the ABM, as you know, is not to shoot down every incoming missile that is going to be shot by the Soviet

Union. As the Secretary of Defense Mr. Laird has said it is to assure that we are going to have approximately 200 missiles surviving to meet the problem posed in 1970 when the Soviets build the SS–9 and that we want to be sure that they will never feel free to think that they can shoot those SS–9's and effect a first strike.

In the ABM portion of this legislation, we are spending $10 billion and the other body estimates the figure will be $20 billion.

Mr. Chairman, Senator SYMINGTON estimated that this escalation could take us to the $400 billion level over the next 10 years. But what we are doing in this bill now pending before us here today is spending in the order of $50 million to $100 million per ICBM silo, to protect the Minuteman missile in the foreseeable future as they do not have such protection today.

If we want to assure that we are going to have a viable, credible deterrent, why, we can buy 200 additional missiles and, by building one-(ulms), ultra-long-range submarines, we can buy 200 missiles for a fraction of the ABM cost. We have money for the (ulms) program in this bill. We have money for all kinds of enhancements to our Minuteman program and the Poseidon program contained in this legislation. So I say we just do not need to spend $100 million to $200 million a silo to extend this kind of protection.

I say we are foolish to start off on a very, very expensive program that is going to take us 10 years—admittedly 5 years—to effect a deployment with the very fragile support that we have for this system.

I think it is a good thing that we have had virtually unanimous support in this Congress for the great things we have done in this House, the Polaris program, and our nuclear ship program, and personally I like the Poseidon program—and on that I might differ with some of my colleagues—but I think it is worth while to move ahead with programs where we have got very strong polarization. But we are damned fools to start in with a $10 billion expenditure when there is the possibility of a 50–50 Mexican standoff—as we have in the other body, especially when the 50 Senators who voted against this bill represent 58 percent of the American population.

If you are wondering about the attitude of the American people, you can refer to the polls and refer to the election that my colleague from Oklahoma referred to just a moment ago in the home State of our Speaker in Massachusetts.

I do not believe the American public likes waste. I think when we moved ahead with the program last year we in effect wasted $1.2 billion dollars.

You recall we had on the floor at that time the system called Sentinel. This was to protect us from the Chinese, and their ability to lob 20 or 50 missiles over into the United States in the middle seventies. But then over the years suddenly that has not become important at all. Now we are concerned with an alleged massive installation on the part of the Soviet Union and the fact that Secretary Laird discovered that the Soviet Union was in the process of constructing 35 missiles of the SS–9 variety over the past year.

I moved in committee to strike $545.5 million from the item "Missiles for the Army." Eight favorable votes were recorded. This reduction includes the procurement amount of $345.1 million and an additional amount of $200 million—the estimated research funds attendant to the procurement that would not be spent if the system is not deployed. Were this amendment to carry, there would remain $200.9 million for Safeguard research and $125 million for general missile research.

Since the committee hearing I have received a communication from the Army that negates that any R. & D. funds would be saved if procurement does not advance. The Army statement is as follows:

> If fiscal year 1970 authorization to proceed with tactical procurement is denied, the fiscal year 1970 R. & D. program will continue as presently planned because the development and test program has reached a state whereby all of the major components (except the perimeter acquisition radar) are ready in fiscal year 1970 or early fiscal year 1971 for integrated system tests at the Kwajalein Missile Range. Any significant delay in these planned tests would create inefficiencies in utilization of test facilities and personnel and use of previously accumulated test data and materials.

I fail to understand the Army logic of this position, however, rather than argue the point I will not ask for an R. & D. reduction on the House floor.

The debate over the necessity for ballistic missile defense, or the adequacy of the proposed ABM systems, has been continuing for a number of years. The proposals have ranged from a heavy city-oriented defense through a light city defense and finally to an offensive missile defense system known as the Safeguard, the system under consideration this year.

I have consistently opposed these proposals for what I and a large number of my colleagues on both sides of the aisle and in both Houses of Congress consider to be sound strategic and political reasons.

I do not intend to reiterate all the arguments. Most of them have been fully covered in prior debates. I do, however, wish to discuss the major premises.

I do not believe that the ABM program makes much sense. It is clearly cost ineffective. It is very, very expensive for the limited objectives which could be satisfied with other existing hardware. There is a serious question of its effectiveness in achieving its limited objectives under battle conditions. There is no doubt that it creates a massive real estate, personnel training, and readiness problem never before attempted by modern man. Assuming we are successful in developing an anti-missile-missile system, the whole thing could be easily obviated by more Soviet missiles which leads again to ad infinitum escalation.

MAJORITY OF AMERICANS OPPOSE

The point has been made that major American action is usually accompanied by a two-thirds vote requirement—city bonds, impeachment, constitutional amendments. In the other body, the vote on this issue was divided 50–50—so the program was not terminated and the tie went to the administration. Ironically, the 50 Senators on the minority represent 58 percent of the American electorate in the States or portions of States they represent—assuming each Senator represents one-half of a State. We think it is fundamentally bad business to start a 10-year or maybe 50-year building program with such a frail even standoff to begin with.

The purpose of the ABM system as it has been described by Secretary Laird is to assure that with our capability to shoot 1,000 Sprint and Spartan antiballistic missiles, perhaps 200 of our offensive ICBM Minuteman II's and III's will survive in the middle 1970's and 1980's in the event the Soviets go for a "first strike" at our missiles.

WASTE LAST YEAR

You will recall in the authorization bill last year, it was not our loss of missiles due to the Soviet threat that engulfed us, but rather the loss of people in our cities due to the Chinese threat. We have apparently forgotten about the Chinese and the Sentinel system, and as of this writing, it's anybody's guess what happened to the $342.7 million we appropriated for procurement, $312.9 million for research, and $263.9 million for construction near cities—totaling $919.5 million. No doubt these funds have been spent for good national purposes regardless of the complete change of mission.

M'NAMARA WARNING

It was stated in my separate views in the report last year that undoubtedly someday there would be pressure to escalate the system to take on the Soviet Union. Nobody dreamed that the system would be changed in less than a year and the Soviets challenged.

The ABM system, of course, has been under development for over 10 years by the Army and later by the other services—$4 billion have been spent on research to date for the Nike Zeus, Nike X—then the Sentinel, and now the Safeguard system. From a $3 billion light city defense in 1967, we have now moved to a $12 billion Soviet missile defense. It has been estimated in the other body that this escalation may not stop until we reach the $400 billion level.

The alleged reason for the modification from Sentinel to Safeguard was because of the Defense Department discovery early this year that the Soviets had 35 more SS–9 large missiles than we thought they had, and the mere fact that the Soviet Union had 235 large SS–9 missiles under construction posed a threat to our very existence. As Secretary Laird said. "They're going for our missiles. No doubt about it."

What the OSD forgot, however, was an admonition from former Secretary McNamara—1967, page 395–6 Armed Services Committee hearings:

> Once sufficient forces have been procured to give us high confidence of achieving our assured destruction objective, we can then consider the kinds and amounts of forces which might be added to reduce damage to our population and industry in the event deterrence fails. But here we must note another important point; namely, the possible interaction of our strategic forces programs with those of the Soviet Union. If the general

nuclear war policy of the Soviet Union also has as its objective the deterrence of a U.S. first strike (which I believe to be the case), then we must assume that any attempt on our part to reduce damage to ourselves (to what they would estimate we might consider an acceptable level) would put pressure on them to strive for an offsetting improvement in their deterrent forces. Conversely, an increase in their damage limiting capability would require us to make greater investments in assured destruction, which, as I will describe later, is precisely what we now propose to do.

It is this interaction between our strategic forces programs and those of the Soviet Union which leads us to believe that there is a mutuality of interests in limiting the deployment of anti-ballistic-missile defense systems. If our assumption that the Soviets are also striving to achieve an assured destruction capability is correct, and I am convinced that it is, then in all probability all we would accomplish by deploying ABM systems against one another would be to increase greatly our respective defense expenditures, without any gain in real security for either side. * * *

The principal issue in this area of the strategic forces program concerns the deployment of an anti-ballistic missile defense system, that is, Nike-X. There are three somewhat overlapping but distinct major purposes for which we might want to deploy such a system at this time:

1. To protect our cities (and their population and industry) against a Soviet missile attack.

2. To protect our cities against a Red Chinese missile attack in the mid-1970's.

3. To help protect our land-based strategic offensive forces (that is, Minuteman) against a Soviet missile attack.

After studying the subject exhaustively, and after hearing the views of our principal military and civilian advisers, we have concluded that we should not initiate an ABM deployment at this time for any of these purposes. We believe that:

1. The Soviet Union would be forced to react to a U.S. ABM deployment by increasing its offensive nuclear force still further with the result that:

(a) The risk of a Soviet nuclear attack on the United States would not be further decreased.

(b) The damage to the United States from a Soviet nuclear attack, in the event deterrence failed, would not be reduced in any meaningful sense.

As I noted earlier, the foundation of our security is the deterrence of a Soviet nuclear attack. We believe such an attack can be prevented if it is understood by the Soviets that we possess strategic nuclear forces so powerful as to be capable of absorbing a Soviet first strike and surviving with sufficient strength to impose unacceptable damage on them.

We have such power today. We must maintain it in the future, adjusting our forces to offset actual or potential changes in theirs.

There is nothing we have seen in either our own or the Soviet Union's technology which would lead us to believe we cannot do this. From the beginning of the Nike-Zeus project in 1955 through the end of this current fiscal year, we will have invested a total of about $4 billion on ballistic missile defense research—including Nike-Zeus, Nike X, and Project Defender. And during the last 5 or 6 years, we have spent about $1.2 billion on the development of penetration aids to help insure that our missiles could penetrate the enemy's defenses. As a result of these efforts, we have the technology already in hand to counter any offensive or defensive force changes the Soviet Union might undertake in the foreseeable future.

We believe the Soviet Union has essentially the same requirement for a deterrent or "assured destruction" force as the United States. Therefore, deployment by the United States of an ABM defense which would degrade the destruction capability of the Soviet's offensive force to an unacceptable level would lead to expansion of that force. This would leave us no better off than we were before.

NO EVIDENCE OF FIRST STRIKE INTENT

It is very questionable whether the conclusion is valid that the Soviets are going for our missiles at all in a first strike. In the early 1960's we built very large liquid propellant multimegaton rockets. We've never professed an intent to go for their missiles on a first strike. After building many hundreds of large liquid rockets, we converted to the smaller megaton solid fuel Minuteman. The Soviets, on the other hand, have always had more primitive rockets than the United States. The U.S.S.R. started SS-9's in 1964, carried on an almost level building program through 1967 when they phased down last year and this year. The general intelligence information is based on classified numbers which substantially negate any Soviet massive building program recently.

Of course, the fact that at least 100 of our Minuteman field is out of range of the Soviet SS-9 missile should be the easy answer to those who charge a Soviet first strike intention.

I questioned Secretary Packard at length before our committee with respect to Russia's first strike intentions. I do not believe the Secretary of Defense was fully conscious of American nuclear might when he drew the conclusions he did. In the 1970's the United States, as published in nonclassified documents, will have:

	Warheads
31 submarines × 16 missile tubes × 10 + Poseidon MIRV warheads	4, 230
10 submarines × 16 missile tubes × 3	480
1,054 minuteman III ICBM's × 2	2, 108
Tactical nuclear bombs warhead Europe	7, 000
B–52 bomber capacity	4, 200
(Plus unknown B–58; FB–111, AMSA load)	-----
Total	10, 018

In addition, we are providing funds in this bill for a new class of—ULMS—ultralong-range submarines that will pose an additional 6,000 warhead threat in the late 1970's.

It is utter and complete nonsense to suggest that the Soviets are going for our missiles. How they would conclude that we might not be going for theirs is hard to imagine.

How 200 warheads could add or detract from the 24,000 warhead threat of the seventies is difficult to contemplate. It can be argued, however, quite plausibly that a 1,000 unit ABM system in reality is intended to pick off a few stray Soviet missiles after we effect our first strike.

UNITED STATES ASLEEP WITH 24,000 WARHEADS

How any country could postulate that they could shoot 225 or 500 ABM's and catch the United States napping with all 24,000 warheads under repair, out of commission or out of effective Presidential control in this modern age is inconceivable.

Mentioned in Newsweek magazine some months ago was the 916 Satellite warning system. There are funds in this bill to support this foolproof $2 billion warning system that is designed to give warning 5 minutes after launch and 25 minutes before impact of an enemy attack and the pattern of impact. This warning system upon which the ABM is dependent will also give us adequate time to launch any counterattack contemplated by the President.

OTHER SYSTEMS CHEAPER

If the President wants an ABM system I say he should buy it from the Air Force, not the Army. The Air Force system outlined to the committee could be installed by modifying the nose cone on 100 ICBM's. The 10-year total cost was estimated at $500 million plus a $2 billion cost for MSR—missile site radars—and PAR—perimeter area radars. The Air Force has experience at being on ready alert and already has the men and silos in place.

Compare this to the Army system. It is estimated that 10,000 to 20,000 Army personnel will be trained and stationed at the contemplated 1,000 silos around the country to protect our missiles. We are buying annual maintenance charges in this bill of at least $1 billion per year. This is the most expensive fire department ever conceived by man.

Interestingly enough today we do not have enough money in the Defense Department to keep more than a few hundred of our B–52's on 15-minute alert with highly trained Air Force personnel. With the ABM the plan is to keep 1,000 crews on 3-minute alert waiting for the Soviets to develop a submarine launched fractional orbiting Poseidon type missile that will be accurate enough to catch our Air Force napping on the several score bases to which our planes are currently being scattered.

The Navy, of course, has its SABMIS system guaranteed to cost only $6 billion that undoubtedly will be presented in next year's budget. I personally think the Navy system is better and cheaper than Safeguard—but we may start to buy both when we probably need neither.

For those who charge that the United States needs an ABM because the Russians have a Golash ABM the answer is simple. The Soviets 5 years ago started a defensive system and installed not 1,000 sophisticated launchers as we are doing in this bill, but 67 primitive nonautomatic devices. When we learned of this defensive mechanism many years ago we immediately responded to the challenge. We developed and deployed ICBM's and Polaris with chaff and decoy capability and a multiple warhead capability. In addition, we overtargeted our missiles at Moscow. The net effect of Moscow's efforts was that they were less secure and today they have abandoned their efforts, while two-fifths complete, to provide an ABM Moscow defense.

The Moscow Golash experience is ample proof to answer those who say the ABM system is defensive only and will not escalate the arms race—they have the United States in a panic.

There is another objection to the system. Even if deployed, the Safeguard or any other system for that matter, will remain a "low confidence" system. Under the present agreements regarding nuclear testing, it will be impossible to test the ABM warheads. Without atmospheric testing of the warhead we will not be able to determine with complete accuracy the answer to blast blackouts and related problems of incoming missile discrimination. Therefore, the ABM will at best be a backstop. In the event of attack I cannot foresee total reliance on the ABM defense, and all indications are that retaliatory offensive missiles will be used, in any case. What we will gain from the ABM, therefore, is the possibility of some damage limitation at the missile bases. These missile bases will in all probability consist of empty holes in any case, as the retaliatory force must be effected in such a low confidence situation. If the strategy of waiting for a hit before a retaliatory launch is considered, the gains of an ABM system are still not commensurate with the cost both political and economic of such a system in that we still have the submersible missiles, the IRBM's, the bomber fleet, and the surviving ICBM's.

As a matter of economics, it is far more sensible to build up the ICBM force. This will not upset the balance of power nor should it be viewed as offensive.

As a practical matter, regardless of the arguments on this floor, we are never going to actually be in the position where we can rely on the ABM and let the Soviet missiles fall, not shooting our own ICBM's—we are never going to be able to take that chance and the Soviets certainly should not be misled on this point. We can never test the system in action. Scientists claim that there well might be a radar blackout negating the whole system under nuclear fire—we will really never know.

WILL THE ABM CONFOUND SALT TALKS?

With Gromyko's current soft line in the United Nations it is expected that strategic arms limitation talks will begin this year. I would certainly hope that regardless of the outcome of the ABM debate that the President would suspend construction on the system during a 6-month negotiating period. The ABM will take 5 years to build. SALT talks could rule out deployment in less than 1 year.

While on the one hand the ABM could be a poker chip in the talks, as already indicated, the President is the banker already with 24,000 chips at his disposal.

The existence of a full-scale R. & D. program, which is agreed to by all sides of the ABM question, is certainly as sufficient a bargaining chip as is a program not ready for deployment.

The SALT talks must necessarily be approached seriously and honestly. It is foolish to enter such talks with a stacked deck by rushing ahead with deployment in order to have a bargaining ploy. Not only will the Soviets not take such deployment seriously, but will also and with just reason accuse us of unfair tactics and lack of good faith.

Knowing the way Secretary Laird became alarmed when he saw the start of construction of six sites last year with possibly 36 Soviet SS-9 missiles, I am sure the Soviets will be similarly unduly alarmed when they see the start of construction of our 1,000-silo program. I am well cognizant that many Members of this House do not believe in an arms race detente. This program is sure to fan the flames of the international bonfire they are encouraging.

In conclusion:

First. The expensive safeguard ABM is not designed to save people—only a few hundred missiles in the Dakotas. These surviving missiles constitute but a few percent of our total force that would survive a Russian first strike.

Second. The Safeguard system can be a poker chip in "arms limitation" agreement talks whether or not we spend several billion dollars to start a system.

Third. The Russian ABM has been a net loss for Moscow and this Moscow defense two-fifths complete has been canceled.

Fourth. If the Chinese ever develop a meaningful threat, the Air Force and Navy have much cheaper systems to take down a handful of missiles or an accidental launch than the "Safeguard" system.

Fifth. Our massive nuclear arsenal and the warning system we are deploying are ample deterrent to preclude either the Soviets or Chinese from launching a first strike.

Sixth. There are not threats current or in any hard intelligence estimates for the future that would degrade our Polaris-Poseidon nuclear second strike.

It is interesting to note that 2 years ago when Secretary McNamara yielded to congressional pressure to move in development of an ABM system against the Chinese, he alluded to two imminent dangers, one of which is already upon us—Speech September 18, 1967, in San Francisco:

> In reaching this decision. I want to emphasize that it contains two possible dangers, and we should guard carefully against each.
>
> The first danger is that we may psychologically lapse into the old oversimplification about the adequacy of nuclear power. The simple truth is that nuclear weapons can serve to deter only a narrow range of threats. This ABM deployment will strengthen our defensive posture—and will enhance the effectiveness of our land-based ICBM offensive forces. But the independent nations of Asia must realize that these benefits are no substitute for their maintaining, and where necessary strengthening, their own conventional forces in order to deal with the more likely threats to the security of the region.
>
> The second danger is also psychological. There is a kind of mad momentum intrinsic to the development of all new nuclear weaponry. If a weapon system works—and works well—there is strong pressure from many directions to procure and deploy the weapon out of all proportion to the prudent level required.
>
> The danger in deploying this relatively light and reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented ABM system.
>
> We must resist that temptation firmly—not because we can for a moment afford to relax our vigilance against a possible Soviet first-strike—but precisely because our greatest deterrent against such a strike is not a massive, costly, but highly penetrable ABM shield, but rather a fully credible offensive assured destruction capability.
>
> The so-called heavy ABM shield— at the present state of technology—would in effect be no adequate shield at all against a Soviet attack, but rather a strong inducement for the Soviets to vastly increase their own offensive forces. That as I have pointed out, would make it necessary for us to respond in turn—and so the arms race would rush hopelessly on to no sensible purpose on either side.
>
> It is said that nothing can prevent a man from suicide, if he is sufficiently determined to commit it.
>
> The question is what is our determination in an era when unlimited war will mean the death of hundreds of millions—and the possible genetic impairment of a million generations to follow?
>
> Man is clearly a compound of folly and wisdom—and history is clearly a consequence of the admixture of those two contradictory traits.
>
> History has placed our particular lives in an era when the consequences of human folly are waxing more and more catastrophic in the matters of war and peace.
>
> In the end, the root of man's security does not lie in his weaponry.
>
> In the end, the root of man's security lies in his mind.
>
> What the world requires in its 22d year of the atomic age is not a new race towards armament.
>
> What the world requires in its 22d year of the atomic age is a new race towards reasonableness.
>
> We had better all run that race.
>
> Not merely we the administrators. But we the people.
>
> Thank you, and good afternoon.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. LEGGETT. Mr. Chairman, I would ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ICHORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, some time ago I heard a prominent scientist make the statement that if there was anything worse than a scientist or an artist or an actor speaking out in the field of politics, it was a politician speaking out on a subject about which he knew nothing. I have heard politicians speak on something about which they knew nothing. As a matter of fact, I have been guilty of that transgression myself.

But I do not believe we have today that kind of a situation. All of us know something about the complicated anti-ballistic-missile system known as Safeguard.

I have not heard anyone in this body, however, claim to be an expert. If there is a person who claims to know all about the intricate components and the intricate workings of this complicated system that we call Safeguard, he will have difficulty convincing me of the validity of his claim.

But even though we are not experts, we are called upon to make a decision and I think this is a proper decision for the politicians to make.

I rise not as an expert, but as a member of the House Committee on Armed Services who has listened to all the arguments of the experts, both pro and con. I have studied all of the material

I could get my hands on, both pro and con, in order to make this great and difficult decision.

Mr. Chairman, I reject all of the arguments directed against the deployment of the Safeguard. My preference would be not to spend the large sums of money we are spending for national defense. But I, Mr. Chairman, cannot afford to live in a world of fantasy. I cannot afford to approach this issue with emotion. I must accept the world as it is.

There is a great danger that the Soviet Union will soon have a decisive striking advantage over the United States unless some action is taken. There is a very grave danger that our nuclear deterrent credibility will be overcome unless Safeguard is authorized and deployed.

I submit that the balance of the argument weighs in support of a decision to deploy the Safeguard without further delay.

Because, Mr. Chairman, of the widespread allegations that the Safeguard will not work, I would like to discuss particularly this aspect of the system. I do this because I do not believe most of the Members of the House realize the extent to which the development work has progressed on the ABM. The committee voted the initial development funds for the ABM in this bill because the system has developed and advanced to the point where deployment can be initiated.

I would like to go into some of the details of the development work, and which led the committee to believe the system will work.

First, let us look at the missiles. Flight tests of the redesigned Spartan were initiated in March of last year.

The Army has had 12 Spartan flight tests to date and of these, eight have been successful, two partially successful, and two unsuccessful. This is a remarkably fine record for early flights of a redesigned missile. Naturally, there are many more flight tests to come.

In early 1970 all flight tests will be moved to the Meck Island complex for control and execution by the missile site radar—MSR—there. Beginning in the spring of 1970 interceptions of ICBM's will be attempted.

The Army has fabricated and flight tested some 32 Sprint missiles at White Sands Missile Range. Of these, 17 flights have been fully successful, seven partially successful, and eight unsuccessful. Of particular importance, 12 of the last 14 Sprint firings have been successful. The latest successful firing was on September 15 at White Sands Missile Range. Late this year, all testing will be shifted to Meck Island where firings using most of the system components will be conducted.

Let us look now at the radars and the accompanying computers which are a key part of Safeguard.

The missile site radar installation began in August 1967. The radar first operated in May 1968 and was operating at full power by November 1968. Its performance fully met expectations. The computer and computer programs—software—are similarly being phased-in in an orderly way. The first missile site data processor was installed in January 1968 and operated with software in February 1969. In May 1969, the MSR was successfully tested in closed-loop communications with a Spartan guidance section. By June 1969, the MSR-data processor-software combination was working together and a test sphere was tracked. Before next July 1, missile firings will be conducted with the MSR.

While the data processing function for Safeguard is certainly complex, it is not any more complicated than some of the previously built computers. The data processing job for Safeguard, like that for the successful Apollo program is a difficult one; however, the requirements can be met. Safeguard data processors are operating successfully today, meeting their requirements both at the Bell Telephone Laboratories and at the Kwajalein test facility. Two of four required data processors for the MSR at the Kwajalein test facility have been installed and have operated successfully as a multiprocessor unit.

The PAR will employ demonstrated state-of-the-art components. Its design and characteristics are quite similar to the FPS–85 radar that the Air Force is operating now at Eglin Field, Fla. Because of the demonstrated state-of-the-art capability, a research and development model is not required. The phase I PAR at Grand Forks, N. Dak., will be used initially for checkout and testing purposes, becoming subsequently a tactical component of the phase I Safeguard system.

What is still needed, then, to insure an effective Safeguard ABM system, is the integrated testing of the components. The Kwajalein test facility will not provide for the checkout and operation of the tactical system. Equally important, it will not provide the ability to check out an integrated multiple site defense. The minimum deployment that will provide operational experience, including the initial interaction between sites, is the phase I deployment approved by the committee.

The major task left is the integration of Safeguard system functions in the computer programs.

The computer programs will be developed and tested at data processing centers—with equipment identical to that at the sites—at the Bell Telephone Laboratories. These centers will contain portions of PAR and MSR receivers and the digital equipment that interfaces these receivers with the data processors. All of the computer programs involved in preparing the missiles, launch control, guidance, and the missile commands will have been thoroughly tested for months at either the data processing centers or the Kwajalein test range before they are needed at the Safeguard sites.

Many months will be devoted to onsite final debugging, checking, and testing. Testing will not stop on the operational readiness date. System testing will continue over the years, and the simulations will become more and more realistic.

In summary, the evidence presented to your committee and the program for development convinces us that the system can work and will work. It should be remembered that the first phase, which includes radars at two sites, will not be operational until 1973, and there will be plenty of time until then to work on the remaining technological problems.

There are always those who say it cannot be done. But we believe that our national defense has succeeded because it does not yield to that negative spirit. This defensive system is a necessary part of our future security, and we have confidence that American technicians can make it work.

I urge the Members to defeat the amendment of the gentleman from California.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ICHORD. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. HALL. Mr. Chairman, I object.

Mr. PIKE. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I think it is sort of a unique experience in this House to have an amendment of this magnitude introduced by a person who does support the amendment in his heart but really does not make any great speech in its behalf. I do not mean that it was a bad speech, but simply that he did not use much of his time to support his position and it is fairly obvious that this is a tactical maneuver of one sort or another.

Does the gentleman from California (Mr. CHARLES H. WILSON) want me to yield to him?

Mr. CHARLES H. WILSON. I just want to assure the gentleman that I am not a great speechmaker.

Mr. PIKE. I would assure the gentleman that anything he had to say in support of his terribly important amendment I think all of us would have listened to with great interest.

Yes, we all do know something about the ABM system. But there is so much that we do not know about the ABM system. I would probably support it if I thought it had a chance on earth of working. But one of the things that concerns me most is the command and control problem. We say that no one but the President of the United States has the authority to fire nuclear weapons, and the ABM, all of its firing components, is a nuclear machine. The long-range Spartan missile is a nuclear machine and the short-range Sprint missile is a nuclear machine. When the Spartan intercepts, hopefully, at a high altitude, it does not hit the incoming missile and kill it. The theory is that it kills it with X-rays at some distance, and depending on what the distance is, the incoming missile may or may not be deflected. It may come right straight ahead, and radars on the ground are not going to know really whether that is a dead missile or a live missile, whether that incoming missile has been killed or has not been killed, and nobody is going to give the order to fire the Sprint missiles except a computer, and the Sprint missiles go off at a lower altitude, a much lower altitude, and there is a danger of fallout from our own defensive missiles which have been fired, not by a human being, but by a computer.

I think there is so much about this program that the American people really are not aware of—and I for one am going to be very, very slow to risk the danger of nuclear fallout on the people of this country or on the people of any country, based on a decision which, in the final analysis, is made by a computer. That is what we are talking about. We are talking about the command and control.

I think it is a fiction if we try to tell the American people that the President is going to make the decision to use nuclear weapons. This is not an offensive weapon. This is a defensive weapon. But it can, in the Sprint phase, cause fallout. And nuclear fallout can kill people.

We do not know whether what is coming in is what Dr. Foster refers to as a piece of space garbage or a nuclear missile coming in, but should not we at least have the decision as to whether this thing should be fired really in the hands of the President?

The **CHAIRMAN**. The time of the gentleman has expired.

Mr. **HALL**. Mr. Chairman, I move to strike the requisite number of words.

It is not necessary at this time for me to go into a review of the total ABM system. I feel it is fully covered in the committee's report and further clarified by the statements made by the chairman and the ranking minority member.

Incidentally, the additional views referred to were prepared by the House Armed Services Committee staff. I would like to address myself to the apparently misunderstood "cog" in the wheel of our planned deterrent, and I refer to the "command and control aspects."

It has been said that the Safeguard system will not work because there will not be enough decision time available to allow for human intervention. It is further alleged that this could lead to a "computer-made" decision on whether or not there would be a nuclear exchange.

Let me quote the words of our former colleague and now the Secretary of Defense, Mel Laird:

> The need for timely response has been recognized in the design of Safeguard communications. We have had a wealth of experience in the operation of a very sophisticated command and control system applied to our air defense against bombers. There are duplicating, multi-routed communication channels which internet among the President, CONAD headquarters in Colorado Springs, and the National Command Center in Washington. Safeguard will build upon this already proved system to provide the President with the power to make his decision in timely fashion.

Let it be quite clear, that a war-or-peace decision will not be left to the determination of a computer. That decision will most certainly be left in the hands of the President of the United States, who has access to the best advice humanly possible to receive. Deputy Secretary of Defense David Packard is on record as saying:

> I could not recommend any system whereby atomic bombs are released by the decision of a computer. That is not involved, despite what some of the scientists might say.

Much has been made about the technical problems involved in the communications network that controls the Safeguard. Although there are problems to be overcome, it is most certainly safe to say, that they will be no more difficult to solve in Safeguard than in another area, for example, landing two men on the moon.

Secretary of Defense Laird has stated in testimony before the Committee on Armed Services, that we have not yet reached the point in time where the decision has to be made, as to the possibility of the President delegating the authority to fire the Safeguard to a lower ranking officer.

The Secretary further pointed out that every President since Harry S. Truman has retained unto himself the authority to release a nuclear weapon. However, it must be understood that in the past we have always been concerned with offensive weapons, which would impact on the territory of an enemy, thus starting a war, undoubtably involving nuclear detonation and subsequent release of radioactive material.

In response to a question by Mr. PRICE, chairman of our subcommittee, on R.D.T. & E., Secretary Laird said:

> As Mr. Price stated, the warhead will not detonate in the nuclear mode unless an actual target is encountered. Specifically, the missile cannot be sent a command to detonate in the nuclear mode unless the interceptor has reached an altitude which is safe to people on the ground, the radar has tracked the target and established the intercept point, and the interceptor is on course to a position near that point. The missile will accept such commands only after its own environmental sensing equipment discerns that a safe detonation point has been reached. Thus, the warhead cannot be armed and fired until a safe altitude has been reached. As Mr. Price also indicated, the system design permits a withholding of the nuclear detonation if a decision not to intercept is made after the missile is launched. In this event, the warhead can either be destroyed in flight, with conventional explosives, or be permitted to return to earth or the ocean intact. Should it return to earth, there will not be a nuclear detonation. The worst that could happen would be that the small conventional high explosive charge in the warhead could explode or burn on impact, thus scattering small amounts of nuclear material.

This makes for three very important points.

First. In the worst of situations, the ABM will not detonate until it is high enough to not cause a dangerous fallout problem.

Second. If fired accidentally, or at a false target, it will not cause a nuclear explosion, because once in the air it can be destroyed, or it can fall to earth with no resulting nuclear detonation.

Third. It is entirely defensive, and trigger control can and probably will be delegated properly and in a timely manner.

We have now arrived at a point, where in an emergency, such as a failure in communications, authority to fire the ABM could be delegated to someone of responsibility other than the President. This delegation could be made in complete safety, because of the aforementioned "foolproof" design, and the most important fact that the range of the "Spartan" missile—the larger of the two ABM missiles—is limited to 400 miles. Certainly not enough range to even come close to Soviet territory. In fact, not enough range to clear our own shores.

On the basis of this information, I think it can be fairly stated that the President could and should be able to delegate the firing of a defense weapon, in this case the two ABM missiles.

Let me make it quite clear that I do not advocate the delegation of authority to fire an offensive missile such as the Minuteman. On this I am sure that the President would be the first to agree, that only one man's finger should be on the nuclear trigger. Let us not for one moment forget, that the ABM is and always will be a defensive weapon, it cannot be used for any other purpose.

Let me point out once again that we have lived for many years with the authority to fire our offensive weapons strictly in the hands of the President of the United States, and, at the same time, let me point out, that the amount of time the President has to respond to an attack is very limited, even with our advanced technology giving us the ability to see over the horizon. Today, we are talking about minutes to reach a decision.

There is no doubt that the capability of the system has been sufficient to make it a successful deterrent, which would imply a confidence in the communications system on the part of the Russians, as well as on the part of our own military leaders. I think it is safe to assume that the Russians will have the same approach as we do to the communications link in our ABM system, and I seriously doubt that they would be foolhardy enough to assume that our ABM could not be fired in a short enough period of time so as to blunt an attempted first strike. It would, therefore, have real deterrent effect on any Soviet leader contemplating a first-strike attempt.

Let me say as simply as I can, I believe in the entire concept of the ABM system, that includes the command and control aspects. I have said many times before that we need the system. It can and will work. We cannot afford to forgo it. It will save a minimum of 20 million U.S. lives. I urge my colleagues to support the Safeguard ABM.

Mr. **DANIEL** of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. I come before the House this morning, posing not as an expert on this or any other subject, but as one who is tremendously interested in the security of our Nation, and as one who is distrustful of our adversaries. After our sad experience at Yalta, Potsdam, Teheran, Cairo, Geneva, and Paris, I regret to say I have come to have little faith in the processess of international bargaining.

History reveals that nations experience periods of external and internal crisis. This is such a period in the history of our Nation. We are victims of an era of permissiveness both at the national and international levels which could become our Achilles' heel.

We live in an era when it is popular to downgrade the dangers of communism. They say that it is no longer a monolithic force and therefore poses no threat to the safety and security of our Nation.

Mr. Chairman, I can find no evidence to justify any such conclusion. It is obvious that the adversaries change their tactics from time to time, but their goal remains constant, and that is to bury the United States economically and world domination. This is why, Mr. Chairman, we must remain strong defensively and offensively. This is why, Mr. Chairman, we must deploy the Safeguard system.

As one of the gentlemen before me said, we spend a great deal of time on this subject in the committee. I am convinced that Safeguard provides us a degree of security which is essential and also gives us certain options which are not now available to us.

There are those who say that the suggested money could be spent on more meaningful projects. They talk about rehabilitation of the inner cities. The Congress has many needs to consider. The inner cities are important, as are a number of other projects which have been proposed to this Congress. But, Mr. Chairman, I would suggest that unless we build a deterrent capability this entire subject could very well become academic, because there may not be any inner cities to rehabilitate.

There are also those who argue that to deploy the system will dim our prospects for disarmament. Wise old Patrick Henry once said that the only lamp by which his feet were guided was the light of experience. Mr. Henry said:

> I know of no better way to judge the future than the past. Those who harbor such thoughts ignore the lessons of history. What little success we have experienced in our international negotiations has been when we have negotiated from a position of strength.

We also hear the argument that deploying the system is immoral. I would ask the question, when did it become a sin to protect ourselves and to protect our country? It is morally right to deploy this system, and any position that is morally right cannot be politically wrong.

Our country has its faults and its shortcomings, but I suggest that the American way of life, based on a fundamental belief in God and propelled by our free enterprise profit-maturated system, has no equal. Mr. Chairman, let us keep it that way. Let us deploy the Safeguard system. Our best approach to the goal of world security is through the security of the United States of America.

Mr. Chairman, I include the following analysis of the Chinese threat:

THE CHINESE THREAT

One of the great values of the Safeguard Anti-Ballistic Missile System which perhaps has been understated is its capacity to provide protection against limited or accidental attack.

Going to the heart of this problem is the kind of limited attack that Communist China can be expected to mount in the 1970's.

Those who oppose the ABM generally make light of its ability to protect against the Chinese threat on two grounds. The first is that China is simply not likely to do anything as insane and irrational as launching an attack against the United States, since such would appear suicidal. China is far weaker than Russia, so the argument goes, and our power has been sufficient to deter Russia from nuclear war and certainly will deter China, too.

The other part of the argument is that if the Chinese did launch an attack, they would use low-flying aircraft, cruise missiles, sub-launched missiles, or bombs smuggled into the country, against all of which the ABM would be presumably useless.

Finally, the argument is made that China could develop penetration aids against the ABM.

Let us look at the situation of China.

The Chinese ICBM program has been adversely affected by the so-called "cultural revolution" and has slipped from an expectation of the early 1970's to some later period. The Chinese were expected to test a long-range missile before the end of 1967 but did no do so. The Chinese exploded a thermonuclear device in 1966.

I think we should keep in mind, however, that even with this setback, the Chinese can be expected to have a long-range delivery capability in the 1970's. The lead time required for the development of an anti-ballistic missile system is so long that even if we started this year, the Chinese are likely to have missile systems that can reach the United States before we get our ABM fully operational.

Unlike the Soviets, the Chinese Communists could not under any current estimate be considered to have a counter force capability against our strategic force. That is to say, within a few years, the Chinese may present a city-busting threat but will not by any stretch of the imagination have the ability to destroy our ICBM missiles in their silos.

The Red Chinese will, of course, consider an ICBM delivery capability of even a relatively unsophisticated kind as a deterrent against our country and equally against the Russians.

The Chinese could carry out a small demonstration attack to gain the upper hand in a crisis. But the assumption is naturally made that the Chinese would be constrained by our relative capability. The Chinese leader who ordered a nuclear strike against us would have to be completely convinced that moral considerations prevented us from retaliating—or he would have to be insane.

Even with a limited nuclear threat in relation to ours, the Chinese must be reckoned with at the point where they attain ICBM capability. The Chinese have repeatedly demonstrated a readiness to be as brutal as possible if it will serve their purpose. This has been true in their dealings with India, in their brutal invasion of Tibet, in their dealings with U.S. prisoners of war in Korea, and in their attitude towards loss of life among their own troops and their own citizens and their allies. They have frequently displayed the kind of approach the North Vietnamese demonstrate—readiness to see 10 of their own men die in order to kill one American.

It also should not be forgotten that the threat of ICBM retaliation may not mean the same thing to Communist Chinese leaders as to us. Relatively few of their population live in cities, so the destruction from a nuclear attack would not be as concentrated on their cities as would be the case with the United States or even Russia.

A crisis in which the Chinese could seriously threaten to "punish" the United States may prove to be quite difficult under our political and moral system.

At the present we have the capability to punish the Chinese homeland severely, while they can only kill our military men who come within their nation. But when they could deliver nuclear missiles on our homeland, an entirely different position pertains. So, while any kind of nuclear attack against the United States is unlikely, a lack of resolve on our part could persuade some future Chinese leaders to test the United States with a nuclear confrontation. This would be an enormous problem for an American president.

If during a future crisis Chinese missile-carrying submarines lay off our coastline, it would pose an obvious threat. If cities within the range of these submarine-based missiles were undefended, and assuming the Chinese are attempting to blackmail us in our relations with a third country, the President would be in a most difficult position. His choice would be either the threat of a retaliatory strike against the Chinese mainland or backing off from his course in the third country, abandoning his course to avoid a demonstration strike by the Chinese submarines. A President for moral reasons might seek to avoid a retaliatory strike that might kill millions of innocent civilians in China. In addition, a retaliatory strike by us might trigger additional firing by such nuclear forces as the Chinese had available, threatening a full nuclear exchange.

With the United States with such grim alternatives, it is not inconceivable that the Chinese might fire one missile in a demonstration attack against the U.S. mainland, or against an outlying island under the protection of the United States.

Even the remotest possibility of this kind of thing happening should lead a prudent man to have doubts about foreclosing the option for some other kind of response beyond a simple nuclear exchange. Having an ABM capability with some confidence in the safety of our cities and our mainland forces might spare a president the awful alternative of nuclear warfare or surrender to blackmail.

But China also poses a threat because of the possibility of accidental launch. The Chinese have moved at their highest possible speed to develop atomic bombs and hydrogen bombs. However, the sophisticated command and control systems, which keep these weapons under control in the United States and apparently in the Soviet Union, may not be so easy for the Chinese to develop.

Considering the nature of the Chinese Communist system, their incredible internal leadership struggles, and the speed with which they attempted to achieve a nuclear weapons capability, the danger from an accidental strike against the U.S. from Red China simply cannot be ignored. While the possibility might appear slim and the cost, therefore, not justified, the possibility exists and the alternatives make an anti-ballistic missile defense feasible. An ABM system could negate the threat of a light Chinese attack and leave a number of options open to the United States.

THE LESSON OF MENNON

Consistent with this preparatory approach is the fact that the Chinese Communists have shown themselves reluctant to attack those who prepare an adequate defense. The Chinese, for example, have been reluctant to try to invade the Nationalist-held island of Quemoy, only two miles off the Chinese mainland, because of the strong defense that would be faced.

By contrast, faced with weak defenses the Communists have been ready for quick and ruthless attack, such as their actions on the Indian frontier in 1962 and their ruthless attack on Tibet.

In considering the slippery leadership of the Chinese Communists, one should not forget the lesson of Nehru and his Defense Minister Krishna Mennon. How they used to lecture the United States on getting along with China! They knew the Chinese. If one were "reasonable" with China and did not constantly treat her as an enemy and confront her with troops, the tensions would drop and any arms race with her would cease. Mr. Mennon apparently had a different theory about how to deal with us, because while he was constantly saying nice things about the Chinese, he was constantly attacking the United States. Nehru and Mennon backed up their theory with action—that is to say, they left their Tibetan border with China virtually undefended. And the Chinese were reasonable enough to charge in and take huge chunks of Indian territory, humiliating India in the process.

By contrast with Indian-type thinking as regards the Communist Chinese, the approach of the Russians would appear to be much more effective. It is to be prepared at all times. It is not impossible to imagine that the Chinese might fire their missiles out of an irrational fear that they were going to be subject to a U.S. attack and that if they did not fire first they would not be able to launch their small and highly vulnerable force. This kind of presumption of U.S. attack is certainly not beyond the realm of possibility considering the irrational nature of Red Chinese leaders.

THE FALLACY OF UNILATERAL CONTROL

There are those in this country today who are so desperate for arms control that they encourage a unilateral attempt at control by the United States.

The argument goes that building an ABM system would be provocative to the Russians and that, therefore, we should refrain from doing so both to avoid encouraging the enemy to build up countermeasures and on the theory that our show of good intentions would encourage these other countries to limit their own nuclear force. The theory is that we create good will in a potential enemy by leaving ourselves unprotected, and this is somehow supposed to lead to the end of the arms race.

Those who make the argument against the ABM today as an upsetting factor in the arms race are the same people who label the Soviet ICBM program as an attempt on their part to achieve parity with us. This was supposed to be a good thing. When they reach parity with us, they would feel secure and we could then negotiate an arms reduction agreement. We stopped our ICBM program at 1,054. The Soviets reached parity, but they kept going. They now have more than 1,200 missiles and appear determined to put at least 1,800 in place. And what is more, they are building missiles with far larger payloads than ours—up to 25 megatons. At the same time, they have a large program going for the development of nuclear ballistic missile submarines.

It is curious that building a defensive system would be maintained to be provocative to the Chinese, whereas the Chinese, by issuing a "no first use" statement about their offensive system, were considered to have adequately quieted the fears of India and Japan and other Asian neighbors about Chinese nuclear intentions.

There are all kinds of holes in the unilateral control argument, political and moral. Even recognizing the danger of the arms race, it is not prudent to foreclose the options to defend oneself against either the great Soviet force or the Chinese force. It would seem almost impossible to maintain the position—that some opponents of the ABM maintain—that defending oneself makes things worse. As indicated earlier, a defensive system gives one an option in a crisis other than all-out exchange.

It must also be remembered that the competition between China and Russia will continue regardless of what action we take. Even if we stopped our nuclear development in hopes of encouraging the Russians to do likewise, no one would seriously maintain that the Chinese would stop theirs. They would continue trying to move forward until they achieve a parity with the Soviets and at some point in time when they got close, the Russians would continue development to stay ahead of them, not to mention their desires to get ahead of us.

It is also not beyond the realm of possibility that the Chinese might launch an attack against the U.S. or the U.S.S.R. in hopes of creating a nuclear exchange between the U.S. and the U.S.S.R. in the confusion following the attack.

PENETRATION AIDS

It is claimed by some of the critics that the Chinese People's Republic could cheaply and quickly develop penetration aids which would negate the effectiveness of our Safeguard system. This is simply not correct.

Penetration aids are not simple, and they are certainly not cheap. We have spent over one billion dollars developing pentration aids and are only now reaching a level of success. It would cost the Chinese as much and would take them as long to develop a similar capability.

The radars needed to successfully design and build truly reliable penetration aids requires the sophistication and complexity of the radars to be used with the ABM system. It is absurd to suppose the Communist Chinese can quickly develop such a radar capability. Without this radar capability and extensive R&D expenditures, such penetration aids as could be developed would not be of high reliability and the Chinese would know and we would know that their penetration aids were not a creditable threat.

All in all, an ABM defense against the Chinese should add to world stability. And in the event of an inadvertent firing or even an intentional demonstration attack being fired—which certainly wouldn't be the first irrational act by a Chinese leader—would serve to save lives and property and help avoid World War III. The decision to have an ABM system capable of meeting the Chinese threat, which was an overriding consideration in the Johnson Administration's approval of the Sentinel system, and a key element of President Nixon's Safeguard system, adds up to a lot of good common sense.

Mr. FRASER. Mr. Chairman, will the gentleman yield for a question?

Mr. DANIEL of Virginia. I am glad to yield to the gentleman from Minnesota.

Mr. FRASER. I was impressed by the argument the gentleman made about his conviction that we really had to have this system. One of the questions that remains in my mind is what happened to the Sentinel system, which this committee approved a year ago and which the President then determined was not a wise move to make? Did the gentleman believe that the President was right or the committee was right a year ago?

Mr. DANIEL of Virginia. The gentleman was not on the committee at that time.

I believe the President was right at the time he proposed the Sentinel, and I believe the President is right when he proposes the Safeguard, because we have a different situation now from what we had at that time.

Mr. NEDZI. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. NEDZI. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. HALL. I object.

The CHAIRMAN. Objection is heard.

Mr. NEDZI. I thank the gentleman from Missouri.

Mr. Chairman, I request some additional time not because I am impressed with my powers of oratory or because I like to hear myself talk, but because I think it is vital that we, the bipartisan minority on the Armed Services Committee, make clear what we are trying to accomplish.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman.

Mr. LEGGETT. Mr. Chairman, I ask unanimous consent that the gentleman may have an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HUNT. Mr. Chairman, I object.

Mr. THOMPSON of Georgia. Mr. Chairman, I object.

Mr. NEDZI. Anyone who has reflected on the process through which we review military authorizations and anyone who has reflected on what has happened yesterday and today and upon the many reports of inadequacies in the military establishment has to conclude that there is lots of room for improvement. Improvements are essential if we are going to survive as a nation. It has to be stated that there is no acrimony on our part against the military or against the committee. As the gentleman from Ohio (Mr. WHALEN) said, we regard the military among the higher callings, and probably more so than most Members, because we see firsthand the dedication and the competence of our military. Moreover, I want to make clear that we are no more willing to place the destiny of our country in the hands of the Soviets or the Chinese hawks than in the hands of any other hawks and, so long as any nation retains military might capable of inflicting harm on us, we have to have a military defense against it. We understand that, and we are not naive enough to believe that unilateral disarmament will necessarily cause others to disarm. Unilateral disarmament, as a matter of fact, may well create irresistible temptations which would be totally counterproductive as far as peace in the world is concerned. Any disarmament has to be accompanied by adequate safeguards. We understand all of this.

My colleagues, the enormity of the military budget and the highly technical nature of it, coupled with the problems of secrecy that have been alluded to by my colleague from New York, Mr. PIKE, yesterday, combine, in my judgment, to result in a morass that is intimidating the average Member of Congress.

How much more simple to "go along with the chairman," who is the recognized expert in this field, than to have to explain the extremely complicated details of a weapons system. This tendency prevails, my colleagues, on the Armed Services Committee itself. I must confess that to this time, despite spending almost 7 years on the committee and diligent efforts to understand, there are far too many aspects of our military posture which are accepted on faith, with the hope that an absence of protest or sign of approval is in the best interest of the Nation. The nonpartisan attitude and monolithic character of the committee creates additional doubts since no minority staff is charged with the responsibility of digging to expose weaknesses in the position of the majority. We have an excellent professional staff to whom I would like to extend my compliments and appreciation. I mean this sincerely. The chairman and staff have been extremely generous in providing assistance in specific instances whenever requested, and it is unfair to charge a lack of cooperation in this regard. However, unlike other committees where there is a philosophical division along party lines with full-time staff devoted to serving the minority, our committee staff is committed to the chairman and majority. This is by no means intended, even by implication, as a criticism of either the chairman or staff. This is the structure within which all of us endeavor to carry out our responsibilities.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. NEDZI. If the chairman can get me some additional time, I will be delighted to yield to him.

This is the structure which prompted the minority to attempt to determine whether there is another side to the case made within the committee. On the basis of outside sources as well as on a critical review of evidence presented to the committee, we have prepared the amendments for consideration today.

My colleague, the gentleman from Illinois (Mr. ANDERSON), said yesterday the "old and comfortable ways" require some revision. The point is emphasized, ladies and gentlemen, when we on the committee learn about a Soviet bomber threat through the press following the chairman's appearance before the Rules Committee; or when we learn about a problem with the C–5A through a chance conversation in a bar; or where we are called upon to approve a reduction of $52 million in the C–5A program on the basis of a conversation between the Deputy Secretary of Defense, Mr. Packard, and the chairman on the morning of the mark up of this bill, which lasted a day, and at the same time we gave approval to an authorization of $52 million for a controversial Freedom Fighter based upon the same conversation. Page 58 of the report gives you as much information on the $52 million transfer as the committee had when it voted.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MOSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Michigan.

Mr. NEDZI. Mr. Chairman, my colleague from California will offer an amendment later in the day to strike this latter authorization primarily for the reason that the matter received no adequate deliberation in the committee.

Mr. Chairman, page 58 of the report gives to you all the information we had on the $52 million transferred when we voted on it last week.

These are not generalities, my colleagues, but specific problem areas. I assure all of you that our efforts today are not the result of any mad obsession with the magnitude of our defense budget but are the result of a careful consideration of our requirements and the justifications made by the record as well as the overall condition of our economy and pressing alternative needs. The amendments we offer are conservative and are our best collective judgment of where cuts can be made without affecting the muscle of our defense establishment.

If you are of the opinion that our defense expenditures are excessive, I assure you that your support of the amendments we offer can be justified.

Mr. Chairman, the controversy over the ABM is destined to be one of the most dramatic in American history.

Why? Because the decision over whether or not the United States should deploy an ABM system comes at a moment of opportunity, a potential turning point, a military and political fork in the road. In addition, for the first time in the postwar era, American public opinion is playing a role in a question involving a weapons system.

In such a controversy it is inevitable, I suppose, that there will be some on both sides who will approach the issue on pure emotion, promilitary or antimilitary, pro-Establishment or anti-Establishment, and so forth. So much greater the obligation, then, for serious public officials to search out the facts in as clearheaded a manner as possible, and to be as precise in analysis and argument as possible.

Several basic, valid assumptions have guided our post-World War II policies in the 24 quick years of the atomic age. We should examine and restate these assumptions as a necessary stage-setting to detailed examination of the merits of the ABM.

BASIC PREMISES OF U.S. POLICY

In 1964, a then-popular President of the United States said in his state of the Union message:

> We must be constantly prepared for the worst and constantly acting for the best—Strong enough to win a war, and wise enough to prevent one.

This remains a valid premise.

A second premise is that we must so conduct our affairs that it is clear to the Communist giants that it is in their interest, as well as ours, to live in peace. One of the ways we persuade them is by maintaining deterrent nuclear power. We would rather be in the position of having the strength and not needing to use it than to be in the position of needing the strength and not having it.

Third, the advent of nuclear weaponry has accelerated the potential speed and scope of war destruction to awesome levels. Everyone knows that in a nuclear exchange we would not have the luxury of time as we did in World War II. We would have to respond with forces in being. Hence, in the absence of international agreements it is necessary to maintain great and costly forces in a constant state of readiness.

Fourth, we have relied on a strategy of "assured destruction capability." That is, we have well-dispersed and powerful nuclear forces fully capable of destroying the Soviet Union, even after absorbing an initial surprise attack. We want Soviet planners to know, as a certainty, that the best attack they could launch would still leave us with the capability of destroying their society. At the same time, we fully realize that they could inflict terrible damage on us. A nuclear stalemate exists.

Finally, it has been a conviction among Americans in and out of Government, particularly since the outbreak of the Korean war, that we will always be willing to pay the price for having too much defense rather than risk the danger of having too little defense.

PUBLIC DISCUSSION WELCOME

As a member of the House Armed Services Committee, I am pleased to have this national debate.

I believe we can have a probing and intelligent debate without demeaning one another. Proponents do not favor nuclear holocaust and opponents do not favor abject weakness, regardless of what some partisans on each side would imply.

Wisdom in military affairs is not limited to the military, or even to congressional committees. I could remind you of the fact, for example, that in 1963, the House Armed Services Committee voted 32 to 5 in favor of the construction of the RS–70 bomber. Several billion dollars were spent on just two planes which never became part of our defense weaponry. One was lost in an accident, and the other is a museum piece in Dayton, Ohio.

When the ABM came up for a vote in 1968, the House Armed Services Committee voted 36 to 4 in favor of it. Last week the vote was 32 to 8.

This is preface to two observations which will be familiar to Congress watchers:

First. The Congress, particularly the House, operates largely by committee, with the membership at large coming together to ratify the decisions made earlier by the committee responsible for the legislation in question.

Second. The membership of the Armed Services Committees in both House and Senate is, unfortunately, not truly representative of national public opinion. Nor do minority views on military matters always get wide hearing, unless those views are held by a civilian Secretary like Robert McNamara.

Thus it is very important that Congressmen and Senators who are not on the Armed Services Committee, are, virtually for the first time, seeking to educate themselves on military matters. They are no longer willing to pass perfunctorily, and with almost no debate, military bills hitherto regarded as sacred. Whatever the outcome on ABM, this is a healthy development.

THE ABM—A TURNING POINT

The ABM has all the earmarks of an expensive mistake—expensive financially, politically, and morally.

It is possible, just possible, that this is one of those moments in world history when a turning point has been reached. It may be a moment of opportunity. If so, we should explore it. If we can reach an accommodation on arms control with the Soviet Union, we must try.

It is an awesome, growing, and insistent fact that the speed of intercontinental missiles is so rapid that some fundamental command concepts are at stake now. Leadtime is so precariously thin that life-and-death decisions are perhaps inexorably passing from political leaders to more narrowly focused technicians, and maybe even from human beings to machines. While the comparison is not totally analogous, it should be noted that we found in the *Pueblo* and the EC–121 cases that by the time the chain of command was negotiated, the time for effective action had long passed.

We have not yet reached a "launch-on-warning" stage in our missile weaponry command system. Such a development, if reached, would remove those precious elements of civilian control and restraint we so cherish.

But if an ABM system is installed, it is my considered judgment that the power of decision in the firing of defensive nuclear weapons must pass from the hands of the President of the United States. Such a development would be of the utmost seriousness. I do not make this warning lightly and it should not be taken lightly. The conclusion is inevitable that the nature of the ABM and the nature of the command structure are such that delegated authority and not the President, will have to be in the position to press a nuclear button.

It may be necessary, if the international situation reaches the gravest dimensions, to place the United States in the position where the civilian Commander in Chief does not have the ultimate responsibility. But before we reach this state we should explore, with all the determination at our command, the desirability and possibility of arms control and a turning down of the spiraling arms race.

SHIFTING JUSTIFICATIONS FOR THE ABM

I have diligently examined the pros and cons of the ABM proposals and there is one point, at least, that is uncontrovertible: proponents of the ABM have used and often abandoned one argument after another.

As soon as one argument is knocked down, they shift to another, label it "the argument" and then shift again when that one is shot full of holes. Pretty soon you get the idea that the real reason for deployment is because someone wants to deploy it, no matter what.

The first argument, made with apparent reluctance by then-Secretary Robert S. McNamara, was that a "thin system" was needed to protect us against projected Chinese ICBM capability in the 1970's.

When Clark Clifford became Secretary of Defense this argument was joined, then overshadowed, by the whispered argument made to the Senate that we needed to authorize the ABM, to begin it, as a bargaining point with the Russians. In effect, it was to be a $5 billion poker chip and let us not worry that it might become a $50 or $60 billion mistake. There were also hints that this "thin system" was a Democratic political tactic to protect L.B.J.'s flank against any "missile gap" charges which might be made by Republican political candidates in the 1968 campaign.

President Nixon shifted the scene away from the cities with his "Modified ABM" speech, which some say was more of a political compromise than a military decision. He told us that ABM's would be placed not around our cities but at two ICBM sites to protect our offensive missiles, and, make our deterrent more credible. There are some suggestions that our nuclear weapons are vulnerable. Accordingly, we can expect implementation of the plan to place ABM's not only at two sites but at 12 sites to provide coverage over the entire country.

All other arguments having fallen short, Secretary Laird tells us that the Russians are preparing a "first strike capability." That is, a strike which can wipe out our second strike, reprisal weaponry. This, too, is questionable and Secretary of State Rogers has already caused Laird to explain this argument.

Finally there is the perennial problem of those in charge of classifying information declassifying portions of it to suit their purposes.

TECHNICAL ADEQUACY

Let us review the question of the technical adequacy of the ABM, and some of the arguments which first demean and then flatter its technical development.

For months we were told that the ABM was not capable of defending against "sophisticated" Soviet attack. The ABM, we were told, would be useful in defending American cities against an "unsophisticated" Chinese attack. Assuming, of course, that the Chinese conveniently devoted themselves to developing unsophisticated missiles and then neatly hurtling them into an American system designed to knock them all down, and great care was taken to assure the Russians that the system was not directed against them. Now we are told that our ABM's can be expected to knock out the "latest sophisticated missiles" of the Soviet Union which may attack our ICBM missile sites, and that protecting cities might be provocative while protecting missile sites is not.

We have been told the Soviets are building an ABM system around Moscow and then we have been assured and reassured that we can penetrate any Soviet defense system with our Polaris submarine missiles, our SAC bombers, and our intercontinental ballistic missiles.

As an opponent of ABM deployment, I caution those who share my general view to avoid the temptation to say the ABM will not work.

We cannot be sure it will not work now or in the future. Highly able men, of great technical competence say we can have a workable American ABM. I cite, for example, the testimony of John S. Foster, Director of Defense Research and Engineering of the Department of Defense. He is a man I respect and he says the ABM will work.

It is a fact, regrettable but no less a fact, that there are technical experts on both sides and that the technical questions are of such refinement that no sure judgment on technical feasibility can be made by even the most searching of congressional critics, let alone by the average American.

Since it is logical that technical strategists must stay on the safe side in strategic matters, we are at a decided disadvantage if the ABM question is to be decided on technical aspects alone. However, the ABM question is much broader in scope. Other crucial factors are inextricably involved. These factors include:

First, the effect the ABM deployment would have on arms control discussions;

Second, the effect ABM deployment, by either the Soviet Union, or the United States, or both, would have on the arms race;

Third, the role of the human being in the trigger-quick decisions inherent in the operation of nuclear weapons; and

Fourth, the implications of the demotion of the nuclear weapon from the "last resort" category. When we begin to treat the enormously destructive nuclear weapons as we do conventional weapons then we enter a stage of fantasy mixed with a touch of madness.

Fifth, recent studies indicate the possibility a large nuclear attack would be suicidal to the attacker.

THE IMPACT OF ARMS CONTROL TALKS

There has been a lot of loose talk from both sides about what effect deployment of an ABM system would or would not have on disarmament talks.

Confusing "straw men" have been set up without restraint. Not only that, but partisans on each side ascribe nonexistent views to their opponents.

In any event, it is not true, in my opinion, that we will necessarily be unable to get the Russians to agree to arms control if we proclaim a "policy for deployment."

Second, there is no reason why we could not talk even if both Russia and the United States have begun to deploy ABM's.

Nonetheless, it is simply commonsense to make the observation that it would be easier to agree to refrain from beginning deployment than to interrupt deployment once begun. Each weapons system and each governmental policy does develop a momentum of its own, and a self-interested constituency.

THROUGH THICK AND THIN

It is my considered judgment that the deployment of a "thin" or partial ABM system is the first step toward deployment of a "thick" system.

The pressure to approve "modest" changes, all in "modest" billion dollar increments, will be irresistable, especially when the usual experts testify as to how much additional protection we will have. This is akin to the process of gradual commitment which raised our military, political, and financial involvement in Vietnam to such levels. That there will be a Soviet response to an ABM deployment cannot be questioned. The Soviet Minister of Defense would not be doing his job if he were not developing plans to improve Soviet capabilities should we deploy. And another rung on the arms ladder will have been ascended by both parties.

COMMAND PROBLEMS

In all the swiftly—accumulating literature on the ABM, one crucial problem has not been given sufficient attention. It may be the most serious consideration of all. This is the problem of command responsibility.

An accidental attack could not possibly be intercepted under the present chain of command.

The military command structure is such that a missile attack does not allow sufficient "lead time" to respond efficiently.

Under the fundamental American principle of civilian control of the military, the civilian President is the Commander in Chief of the Armed Forces. Only he has the authority to order the firing of offensive or defensive nuclear weapons.

If we deploy an ABM system, however, and if each ABM site is to be effective, lesser authority will have to be given authority to fire intercept nuclear weapons. Once this is done, civilian control is weakened and persons down the line, without full political and intelligence information, could be making a policy decision which should be reserved for the President. This particular question deserves full debate.

THE "VULNERABILITY" OF OUR DETERRENT

In the last few weeks we have been told for the first time that our deterrent capability is vulnerable in the foreseeable future. This is a sudden evaluation and one which is hotly disputed by Polaris and missile men in the field, as well as by civilians.

There have been no recent breakthroughs in exotic technology to justify such talk.

Soviet deployment of the ICBM's is within predicted levels and our second strike reprisal capability is clear and unmistakable.

It is conceivable that the Soviets could develop a first strike capability. But we must ascertain and weigh "capability" and "intent." Any such Soviet effort would be enormously expensive and we would have intelligence information about it well before the point of critical vulnerability.

And to those who claim we would be defenseless if the Soviets persisted in their current rate of deployment, it should be emphasized that at no expense and with no leadtime we can render Soviet SS-9's targeted at our missiles virtually useless.

We have merely to change our policy to one which would call for immediate retaliation. Any enemy planner has to consider the very practical problem of catching our missiles in their silos. There is no doubt among any in the scientific community that we have the capability of getting our missiles off before enemy missile impact. Certainly, a second strike capability is more desirable for it provides valuable leadtime, however, I submit the probability that Soviet planners would have to consider seriously any provocative acts, however slight, if they forced us to resort to a policy of immediate response. The point is that this kind of posture would still provide us with deterrent strength and "leadtime" to structure our defenses—thus obviating the need for immediate deployment of the ABM with all of its possible consequences on the arms race.

While we must constantly analyze and counter the military capabilities of potential enemies, we cannot allow ourselves to be mesmerized by "capability" and "potential" to such a degree that the arms race will spiral and spiral at a mad pace. Somewhere civilian political officials must inject themselves and feed other considerations into the processes of decision like political self-interest, morality, and the future of humanity itself.

SUICIDAL TO ATTACKER

Recent studies, though disputed by some, indicate the possibility that any nuclear attack capable of destroying any nation's retaliatory capability would so contaminate the hemisphere's atmosphere with radioactive debris that it would be suicidal. Respected scientists have indicated that a nuclear attack of such dimensions would cause future generations genetic damage to an extent that would require restructure of existing societies. The extent of malformed humans would be so great that contemporary attitudes toward caring for the physically and mentally incapacitated would have to be changed and may require their premeditated elimination. The thought is too ghastly to dwell on.

ARGUMENTS TO SET ASIDE

I realize that my own views will not always coincide four-square with the views of other ABM opponents.

I have no hesitance, in any event, in commenting upon a few anti-ABM arguments which do not persuade those who ultimately must be persuaded.

For example, the charge was made that the cities will become a powder-keg if the ABM system is deployed around cities. The answer is that if there must be deployment, they should be deployed where they will do the most good.

Second, we hear of a "military-industrial complex" conspiracy. There is no conspiracy. There is a community of views and a psychology which develops when men become deeply involved in a project. Their perspectives become subjective.

There must be other men in a position to discount biases and built-in self-interest. But there is no conspiracy. Such talk deflects thought; it does not abet it.

Third, the argument is made that the funds for an ABM system should be used for domestic needs. It is an easy argument, easy to run with and even demagogic. But it does not stand up. Our security deserves primary consideration, even at the expense of domestic needs. So if the ABM truly is imperative for our security it must take priority. In addition, the facts of legislative life are such that any decrease in military expenditures would bear little relation, symmetrical or otherwise, to spending for domestic programs. A concession has to be made, however, that any decrease in defense spending weakens the argument of those who say we cannot afford domestic programs. Unfortunately, it merely weakens the argument but does not convert.

CONCLUSION

The question of whether or not to deploy an ABM system is of the highest importance to our national security, our foreign policy, and, to some extent, our domestic priorities.

The entire world is listening in on our debate. It should, for the decision has potential consequences for everyone in the world.

We are now on a plateau of nuclear stalemate. If we, and the Russians, are coaxed by technological temptations to slip off the present "plateau" we could be swept into a whirlwind of an expensive and imponderable arms race without end. Faced with such a prospect, we should try once more, and before all, to take the initiative for world peace through arms agreements and control.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in my remarks I would like to refer to several of the points made in opposition to the deployment of the ABM.

The gentleman from New York made two points. One was that never on earth would this system have a chance to work. The other was the command and control problem.

The gentleman from Michigan in discussing this matter made what he considered to be the main point as he saw it to the effect that it would adversely affect the arms control negotiations.

Now, the argument as to whether this system is workable or not has an old ring to it.

I remember back in the late 1940's and the early 1950's when nine out of 10 scientists of the country and three out of the five members of the Atomic Energy Commission—everyone but one of the 20 or so scientific members of the General Advisory Committee to the Atomic Energy Commission—opposed the development of the hydrogen bomb.

But fortunately there were some scientists who were actually at work on what they then called a superbomb, and they knew that such a bomb would be workable. They were in the laboratory doing the actual work.

The President of the United States at that time, Harry Truman, ordered a special survey to be made to determine the feasibility of developing such a weapon and, after some months of study which included members of the Joint Committee on Atomic Energy, the Secretary of Defense at the time, the Chairman of the Atomic Energy Commission, and some other scientists, they reported to the President and he came to the decision that we should go forward as quickly as possible with the development of the hydrogen bomb.

It was very fortunate that we did, because within a few months after we successfully tested the hydrogen bomb the Soviets also successfully tested the hydrogen bomb.

So our very security could be at stake now as it was then, when some people think that this defensive system will not be workable. I am convinced that it will be workable, maybe not as effectively and efficiently in the first models as it should be, but the reason you start with deployment is so that you can improve upon it step by step, and when you do need it, it will be ready.

For the opponents of the ABM system who say they are not exactly against the ABM system, but this is not the time to deploy it, let me tell you, my friends, that when the time comes when you do need it you cannot deploy it then because it will be too late. You cannot wait until it is needed to start deployment.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I am sorry, but I cannot yield to the gentleman from Minnesota inasmuch as I only have 5 minutes, and I am sure that an objection would be made if I asked to proceed further.

Let me say something about the point raised by the gentleman from Michigan as to how it would adversely affect arms limitation talks. The record does not show that at all. It shows that when we did move forward with certain defensive programs we speeded up arms limitations negotiations. Why, even the most recent vote in the Senate has helped to speed up discussions on arms limitations.

I would admit that there is some concern on the part of some, and I would like to be able to relate the records to show just how arms limitations have been improved as we increased our offensive and our defensive capabilities. However, in the limited time I do not have the time to do it. We did not withdraw from arms limitation talks when the Soviet Union deployed an ABM system.

Turning now to the command control situation, the rocket engine of this system has not the range to transport the warhead to a potential foreign enemy.

The warhead will not detonate in the nuclear mode unless an actual target is encountered. The system will also be designed so that a launch of the ABM will even be impossible unless an incoming target is detected and identified since computers, radars, and other equipment will prevent launch unless a target is acquired.

And, finally, environmental sensing equipment such as altitude and acceleration sensors will not permit arming when the weapon is on the way up and is close enough to the ground to hurt people by its detonation. The warhead is designed to never return to the ground intact.

If the nuclear destruction command is not given, the warhead will be destroyed by dynamite-type explosives and any contained plutonium will be scattered high in the air. This scattering essentially eliminates any public health hazard.

The problem of firing a defensive ABM type of missile is not insoluble. The President can direct beforehand the conditions under which a missile can be used.

Mr. PIKE. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois, if he so desires, may have 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ARENDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, no defense issue in my memory has been involved in more public debate than this current question of the development of an anti-ballistic-missile system. It has been a very emotional issue, often generating more heat than light. When all of the debate and discussions are examined in detail, it becomes apparent that the ABM is not considered an issue in itself, but is a symbol of those who want to question the whole basis of our national defense policy.

They have the right to question and debate defense policy and the other policies in response to which our defense forces are devised. We here today, however, are to vote on the ABM system itself. In doing this, we must remember that the ABM is a part of the whole national defense structure that we need to assure the deterrent capability of our military forces. You may not like the world we live in. You may not like living with the knowledge that hundreds of nuclear weapons exist in the world. You may not like the military-industrial complex. You may not like the Pentagon. But these are not reasons for voting against any one particular weapon system. These are not arguments against the ABM.

In considering the ABM you must ask yourself these questions: Is there a real threat to our land-based strategic forces? Does the Safeguard system give reasonable promise of protecting against that threat? Would the ABM make nuclear war more likely or less likely?

The vast improvement in the Soviet missile forces over the past several years is one of the most dramatic military developments of the last 20 years. The Soviets have improved, expanded and modernized their forces, have greatly improved their naval power, and are rapidly developing a force of huge ICBM's. With their solid-fueled SS–13, the Minuteman-sized SS–11 and their gigantic SS–9, the Soviets soon will have in place as many ICBM's as the United States. Now, because of the concentration of our people, the Soviets could destroy a larger percentage of our population with 200 1-megaton warheads than we could destroy of theirs with 1,200.

But the Soviet SS–9 is a huge missile which can carry up to a 25-megaton warhead and which is highly accurate. According to the best intelligence available to us, the Russians are expected to have about 400 of these operational by the mid-1970's. It is the purpose of this SS–9 that caused the committee the greatest concern. It is much larger, much more accurate and much more expensive than the kind of missile needed for a retaliatory force.

Why would the Soviets spend much more than necessary on a missile if it was only for retaliatory purposes? I am sure they are concerned about the level of their defense spending, too. I do not suppose their military-industrial complex is any more popular than ours. But with multiple, independently targeted reentry vehicles—MIRV—the SS–9 could launch three 5-megaton warheads toward the United States with an accuracy of within a half-mile of target. Such accuracy with such large warheads would mean a 90-percent chance of destroying Minuteman missiles in their silos. Thus, the force of SS–9, which the Soviets will have in the 1970's, will give them the capability of virtually destroying our land-based ICBM force—unless we do something about it.

Secretary Laird said the SS–9 with MIRV capability could make the survivability of our Minuteman force "virtually nil by the mid-1970's"—it is argued that the Soviets have no intention of developing a first strike force. But we cannot develop our forces according to what their intentions might be. We cannot predict what their intentions will be in the midseventies—we cannot even predict who their leaders will be at that time. But we must develop our forces in such a way as to be able to meet their capabilities regardless of how sanguine some might feel about their intentions.

Can the ABM give a reasonable promise of being able to meet this Soviet threat?

The answer is simply yes. The ABM is a complex system and the technical considerations are also. But it would be foolhardy to assume that their resolution is beyond the capabilties of American scientists and engineers. Research in antiballistic-missile defense has gone on for 13 years. The work has always revolved about the same basic concept—that is, using radars to track the attacking missile, using computers to direct the defensive missile, and using a high speed similar weapon to destroy the incoming missile.

All of the prior work and research, the total cost of which is around $4 billion, is available and useful to the Safeguard system. We are not starting from scratch.

The missiles used in the Safeguard, the Spartan, and Sprint have been under development for some time. The Spartan was flown over a year ago. There is no question that these missiles can achieve the speed required for their mission. Computer-controlled radars, using electronically beamed steering, as planned for the Safeguard, are operating today. The technical problems of the phased-array radar have been largely solved. The Air Force FBS–85 radar in Florida uses a computer similar to that required for the perimeter acquisition radar—PAR—of the Safeguard system and is tracking thousands of space objects daily.

The job required of the computer is obviously the most technically challenging aspect of the ABM. I do not wish to minimize the difficulty of the job required. However, it is simply true that computers, every bit as complex as those required for Safeguard, have been built. The IBM 360–91 computer exceeds the Safeguard computer in computing capacity and is operating successfully today.

In summary, our committee believes that the system will work.

I would like to note that the committee went into enormous detail to satisfy itself on this point. The committee has reviewed ABM developments yearly since research began. This year, with all of our background, the committee conducted a sweeping reexamination of the whole issue.

We questioned the Secretary of Defense, Melvin Laird. We questioned the Deputy Secretary of Defense, Mr. Packard. And we questioned Dr. John S. Foster, Jr., the Director of Defense Research and Engineering. We spent 3 days on hearings with these officials alone. In addition, we spent a full day of morning and afternoon sessions questioning expert outside witnesses, including three who opposed the ABM system and three who supported it. We also had available statements of other groups and individuals who have presented arguments for or against the system. Included in our hearings, which are available to all the Members of the House are statements opposing the system from men who have been among the principal public opponents of the ABM. We questioned witnesses repeatedly on the technical feasibility of the system, as well as on their concern for its implications on the arms race.

I can only tell you that I listened as carefully as I could and to me, the witnesses in favor of the ABM were more persuasive.

I know that a particular argument is made against the Safeguard because of what is called the command and control problem. It is alleged that because we have had difficulties in the past with communications systems that word might not be gotten to leaders in time to make the Safeguard work. If that argument was followed through its logical extension, we would give up all kinds of defense capabilities because of system problems. If the communications system is not working properly, the answer is not to give up the whole ABM system. It is to improve the communications link in the system.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. ARENDS) has expired.

Mr. DICKINSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, it is alleged that the time frame for decision is too short for the President to act. Again, logic will not carry that argument very far. It is far better to be in a situation where the President has to react very quickly than be in a situation where he has no hope of reacting at all. The decision time facing the President is not too much different from that facing him now with the Minuteman missile, but certainly no one would recommend we get rid of our Minuteman force.

Finally, it is alleged that authority to release the nuclear weapons would have to be delegated by the President, and that if this were true a lower ranking officer could lead us into war. What Secretary Laird told our committee is that we are not at the point yet when this decision on delegation has to be met. However, I think it is chiefly important to remember that in no case could the ABM, of itself, start a war. Because of its range, the ABM missile could not reach Soviet territory. It explodes high above the United States—high enough so as not to cause a significant fallout on our own people. If it misses an incoming warhead, or if it is fired by mistake, it would be destroyed in the air without a nuclear detonation. And, of course, it could still not reach Soviet territory.

Finally, would the ABM make a nuclear exchange more likely as some critics claim?

I think it would make it less likely. I have pointed out that it could not reach Soviet territory and accidentally start a war. But it could stop the accidental start of a war because it could eliminate an offensive missile accidentally launched from another country. We must keep in mind that in future years when some smaller nations have a nuclear delivery capability without the sophisticated control techniques developed by this country and by the Soviets, the chances of an accidental launch would be increased. An ABM defense can prevent such a launch from killing millions of people and starting a nuclear exchange. It also would be quite valuable in handling a missile fired by the Chinese when they develop ICBM delivery capability possibly in the late 1970's. I am convinced in my own mind that even if arms negotiations meet their fondest hopes, we will never find the Soviets willing to give up their ABM development because of the concern that they will need it against the Chinese threat.

I did not hear anybody complaining that the ABM was a provocative weapon when the Soviets were developing theirs in recent years, and it is significant that Soviet Premier Kosygin said of the Russian ABM:

> I think that a defense system which prevents attack is not a cause for the arms race but represents a factor preventing the death of people.

Finally I would note that some people are much taken with the idea of the strategic arms limitation talks—the so-called SALT negotiations.

I am of the opinion, myself, that any SALT agreement signed by the Soviets must be taken with a large grain thereof.

But in any case, the critics have shown no evidence that ABM development would delay the SALT talks. The Russians announced their interest in SALT negotiations in June of 1968 but 3 months later invaded Czechoslovakia. It is curious to me that those who are so concerned about our ABM development hurting the arms talks did not express the same concern when the Soviets actually invaded another country.

We can and we should pursue the possibilities of the SALT talks, but we also can and we must prepare against the other developments in the Communist world, above all, the threat posed to our nuclear deterrent. The Safeguard system is necessary to be sure we can meet that threat.

Mr. DICKINSON. Mr. Chairman, I am opposed to the amendment. I support the limited deployment of the ABM. I am not an expert on this subject. I claim no expertise. I am a member of the committee, though, who has sat through the hearings, and I am a concerned American. No one knows for sure until we reach the point where we need and have to fire them as to how effective antiballistic missiles will be. At some point, we have to make a judgment as to whom we are going to trust and make a decision to defend ourselves.

Mr. Chairman, I submit that we have reached the point now where we must make such a decision. If we err, then we shall have spent money. But if we err in the wrong direction—if we do not go ahead with the development and the token deployment—if we make a mistake in this judgment, then we shall have spent untold millions of American lives.

So if we do not know—no one can say, "I know," with a finality—if we must make a judgment, let us make it on the side of safety and the side of American lives and for a strong defense of America.

I yield back the remainder of my time.

Mr. FISHER. Mr. Chairman, I move to strike the requisite number of words.

The importance of this issue becomes self-evident when we recognize that the lives of 20 to 50 million people are involved. Therefore, it is of the highest importance that this body give the consideration to this that should be given when human lives, more than the technical intricacies involved in weaponry are involved, are involved, in the outcome of the issue. I do not recall that any issue since I have been on the Committee on Armed Services has received as much attention, not only this issue, but every one contained in the mammoth military procurement bill, as was accorded in this instance.

Nearly 3,000 pages of words are contained in the printed hearings. The opposition to this issue and to all the half dozen or so others that arose during the course of deliberations were accorded all the time they could use during the course of the discussion and the inquiry. In fact, I have an idea that if the record were examined, it would be found a disproportionate portion of the time was actually taken by those in opposition—and that was very proper and agreeable with all concerned.

So we have an issue before us now relating to the deployment of the ABM and the further research and development related to it. Let us remember as we vote on this issue, Mr. Chairman, that the Soviets are now deploying ABM's around Moscow. Let us remember that the Soviet version is a third-generation version. Let us remember that not only are the Soviets today deploying the ABM, the third generation of the ABM, but also the Soviets today are engaged in the research and development of the SS–9, the multiple warhead nuclear missile which is designed for one purpose and one purpose only, according to the best authorities in this country, and that purpose is to knock out and destroy our ICBM bases. There is no other purpose for it. They are spending hundreds of millions of dollars and perhaps thousands and thousands of hours in research in an effort to develop that sort of thing. Yet we debate here whether we should spend money and continue our research and development, and the deployment which would follow, of an effective defense against the SS–9.

Now the question is raised as to whether this weapon will work, and I doubt if there are very many in this body who are really qualified to contribute very much in the way of expertise on that subject. Probably the gentleman from Illinois (Mr. PRICE) is about the best experienced and most knowledgeable man in the Congress, at least of those I know, of that caliber.

But if we go beyond that and go outside to seek the views of the real experts, we might confer with Dr. Edward Teller, the father of the H-bomb, and he says this ABM will work. He says it should be deployed now. He supports the Sentinel and the Safeguard. He supports this program we are debating. I would assume his judgment on this subject should be worth appropriate consideration, because surely he knows more than almost anyone in this body knows about it.

As was said a moment ago, Mr. Chairman, the lives of millions and millions of people could be involved in the outcome of this issue. But time is running out. We are playing for keeps. The hour is late. If we make any mistake, let us make it in favor of trying to save 20 million to 50 million lives. That is precisely what is involved in the outcome of this issue here today.

WHY DEPLOY SAFEGUARD NOW?

I am deeply concerned about the statements that have been made as to when Safeguard should be deployed. Many have said there is no urgency to deploy ABM. They have said that the United States has plenty of time to decide how best to defend its deterrent forces. They have said "wait for results of arms talks." We must realize—and our fellow Americans must realize—that Safeguard deployment should start now.

As has been explained in some detail, we know that the Soviets are steadily building up their ICBM forces and show no signs of slowing down. Additionally, the Chinese Communists could have an operational ICBM capability by the mid-1970's. We know that the Soviets are testing multiple warheads on their SS–9's, each with an estimated yield of 5 megatons. We know that, if we attribute to them an accuracy 5 years from now no better than we can achieve now, each of these multiples can achieve a very high kill probability against an undefended Minuteman. If we project a Soviet SS–9 force in the mid-1970's no larger than their current rate of buildup permits, this number could take out over 90 percent of our Minuteman force. With less than 100 Minutemen left, and assuming a reasonable Soviet ABM, this would effectively remove our Minuteman second-strike capability.

The Soviets are also steadily expanding their force of *Yankee*-class submarines—equivalent to our Polaris ships. If they continue at the estimated rate, these will constitute a very serious threat to our bomber bases in the mid-1970's. This is because the warning time can be so short that the B–52's will not have time to take off and fly a safe distance. Most of our B–52's will be destroyed, and their second-strike capability negated.

With Polaris we are in much better shape. We do not know of any way in which the Soviets could destroy Polaris. We know, however, that the Soviets are very active in the antisubmarine warfare area, and we can never be sure that some technological breakthrough might not compromise Polaris. It would be the height of imprudence to depend on one type of strategic deterrence only.

The threat is serious, it is real, and we must start defense preparations now.

There are those who argue that a delay of 1 year will give time to see if the U.S.S.R. is ready for arms limitation agreements. They argue that during this year we can continue our research and development and emerge with better designs. Our designs have already reached an advanced stage; little or no improvement can be expected by a year or two of delay. And the whole history of negotiations with the U.S.S.R.—even on simple matters—has been one of long, tedious and repetitious debate. It is far from likely that any binding and effective agreement could be formulated in 1 or 2 years. Yet our capability to deploy would have been delayed 2 or 3 years.

We occasionally hear the argument for delaying Safeguard that if the Soviet threat develops we can always deploy additional Minutemen—and that this can be done in a short time, say 1½ to 2 years. The total time to go from decision to deploy to operational status is considerably more than 1½ to 2 years. To go through the entire budgetary appropriation, procurement, and construction cycle would normally take 4 to 5 years, and even on an expedited basis would require at least 3 to 4 years. A switch to deployment of additional Minutemen missiles would require immediate decisions to provide for a 1974 deployment of these offensive missiles.

The most significant fact, however, is this approach would mean that we meet the Soviet threat by proliferation and not defense. Our option for defense might be lost, and with it the chance of stabilizing the relative posture of the two countries at a lower level of offensive weapons.

Another significant effect of delay would be the loss of the effort which is currently underway—resulting in a substantial delay in defensive readiness in case of a later decision to deploy.

Stopping deployment funds now would mean readiness of the first site would be delayed at least 2 years—until early 1976. Later deployments, such as the so-called phase 2, could not be ready until 1978. This long delay results from the necessity to abandon now and to build up again later the talented and trained personnel base for production, site engineering, construction, and the like. It is questionable whether many of these highly talented individuals would return if once separated from the program.

Delay would also result in a great loss of funds. Congress has already appropriated $1,744 million for deployment. An estimated $500 million of these funds would be lost if we decided to cease deployment. Even if we again decided to deploy during the next session of Congress, the cost of a 12-site deployment would be over $250 million and possibly $500 million higher than if we continue our current effort.

This cost results from the discharge of the some 5,000 trained personnel we now have on preproduction and construction engineering effort and the necessity to replace them later; the termination of contracts with subcontractors throughout the country who have made commitments for undertaking parts of the program; and the need to reestablish production lines, and build a new construction engineering base.

To illustrate the effect of a delay of 1 year in deployment, let us examine the case of the first site planned for deployment, the missile site radar facility at Grand Forks, N. Dak.

About 7 to 9 months would be required after firm site selection for the completion of the detailed engineering necessary prior to contract award. After contract award, some 24 to 27 months would be required to ready the site to the point where installation and test of radar and data processing equipment and other military equipment could begin. Some 19 to 22 months would be required thereafter for installation, test, checkout, and onsite training prior to site readiness. Procurement of hardware would have been made approximately 30 months prior to delivery to the site. All of these are relatively tight time factors for the work to be accomplished.

If deployment were delayed for a year, with activity restricted to R. & D., DOD would terminate as quickly as possible all procurement and construction engineering activities, packing items already procured, stopping all other production and fabrication, canceling vendor contracts, packing or sealing the production lines, and reassigning people. If the Congress in next year's authorization renewed the authorization and appropriated funds to deploy, the schedules would be approximately as follows: Completion of negotiations for a preproduction contract award in August 1970 at the earliest. Contract would take 2 to 3 months more. About 9 months would then be required to rehire, relocate, and retrain procurement and production personnel, renegotiate and restart the flow of vendor items, and reestablish production lines. Thus, about August 1971, effective production and assembly could be reinitiated in order to deliver all major hardware to site by April 1974. Site readiness would be achieved about January 1976.

Consider the impact of such unilateral action by the United States on the strategic arms limitation negotiation. We would be delaying with a U.S.S.R. which has already initiated deployment of a defensive system, has some sites operational, and is presently carrying on a most active test program on an advanced ballistic-missile defense system. We would enter negotiation having lost great bargaining factor.

In summary, then, a deployment decision is needed now if we are to be able to counter the mid-1970's Soviet and Chinese Communist threat to our land-based strategic offensive forces and avoid the loss in money and effectiveness that would result if skilled engineering and production talents are allowed to disperse.

Mr. STAFFORD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. Wilson), which eliminates the deployment money, $345.5 million from the ABM system, but—let us not lose sight of this—it leaves all of the $400 million-plus for research and development for ABM.

Mr. Chairman, being a Northerner, a New Englander, it will not be necessary for me to ask unanimous consent to speak more than 5 minutes, and it will not be necessary for anybody to seek the floor in order to yield me any extension of time to talk, because I do not believe I will need the 5 minutes in question.

I am not going to argue any of the ideological questions which are inherent in the discussion we have today on this very important issue. There is only one aspect of the ABM problem which I wish to discuss, so far as deployment is concerned.

I recognize that the majority of the members of the Research and Development Subcommittee of the Committee on Armed Services, upon which I have served, as well as the majority of all the members of the committee disagree with the position I am taking here. I respect their judgment. I hope they will respect my sincere conviction upon this matter.

In my opinion, in spite of the tests and the work which has been done in research and development on the ABM system thus far, this enormously complex system which we are considering today, we have not yet done enough to prove the system; to justify beginning the actual deployment of the system here in the United States of America.

This is one of the most complex undertakings which our technology has encountered.

I am not going to say the system will not work. Perhaps it will as it is now constituted. I am not going to say if the system will not work now, it cannot be made to work, because I believe it can be made to work in the future if that is what we want to do.

In the next 9 months of fiscal year 1970, with the $400 million available if this amendment is adopted for just such purpose, we ought to continue research and development upon the ABM system and not begin the deployment of that system.

I would say, Mr. Chairman, enough instances have come to light in the past 12 months of expensive, complex military weapons systems, like the Cheyenne helicopter, which have not worked. Let us not have another. Let us not go ahead with the deployment of the ABM system until we are convinced beyond any reasonable doubt that if we do deploy it that system is going to work. Let us go ahead with $400 million worth of R. & D. in the next 9 months. There are only 9 months left in fiscal year 1970. In that time frame it can be further extensively tested. Then let us review the state of the ABM system's development in the light of such further tests as we begin consideration of the 1971 budget, which we probably will have under consideration in our committee within 6 or 7 months from the time we meet here today.

I urge the adoption of the amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I am glad to yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I would like to compliment the gentleman from Vermont (Mr. Stafford) for his discussion of why we do not need to deploy the ABM at this time.

I would also like to ask him a question on the immediate need or lack thereof for deploying the ABM. I will preface my question, however, with a few comments on our existing nuclear deterrents.

First, our ground-based ICBM system consists of 54 Titan II rockets and 1,000 Minutemen I missiles. Minuteman I, by 1973, will be replaced by Minuteman II's and Minuteman III's, each possessing longer ranges and heavier payloads.

Second, the U.S. Air Force has on alert about 600 B–52 and B–58 bombers equipped with over 1,000 nuclear-type weapons. It has been estimated by no less an authority than Dr. Jerome B. Wiesner that of the 600 bombers, "about half would get through to their targets."

Third, the fleet ballistic-missile weapon system is compried of 41 nuclear-powered submarines carrying a total of 656 Polaris missiles. This is really quite a deterrent because on April 7, 1969, Secretary of Defense Laird called it "virtually invulnerable."

Fourth, and finally, we have above and beyond what I have already mentioned over 7,000 nuclear weapons positioned outside the United States. Many of these are capable of striking targets in the Soviet Union.

In view of all this, it certainly seems to me that our national security is not in danger at this time. It looks like we have plenty of time and plenty of elbow room to continue further research on the ABM before we deploy it. We are talking about a huge investment, specifically $345.5 million for procurement, and I for one want to be sure we really need this before we dump all this money into it.

My question, then, to the distinguished gentleman from Vermont is this—in light of our current nuclear deterrents, which I have just discussed, is not our national security sufficiently protected for the time being to allow us some elbow room to go ahead with further research on the ABM but to delay any deployment of it?

Mr. STAFFORD. I believe the various missile systems we have are a great deterrent force, a great force for peace in the world. I believe under the umbrella which they provide we can use the next 6 or 9 months to further test the ABM system.

Mr. CONTE. I thank the gentleman.

Mr. ROBISON. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I am glad to yield to the gentleman from New York.

Mr. ROBISON. Mr. Chairman, I appreciate the gentleman's yielding to me so that I can announce my support for the pending amendment as offered by the gentleman from California (Mr. Leggett) that would delete $345.5 million from the bill as now included for Army missile procurement—and hence deployment—in connection with the so-called Safeguard anti-ballistic-missile system.

As others have noted, this amendment would leave untouched and still in the bill the sum of $400.9 million in research and development funds for the Safeguard or a follow-on—and hopefully—better ABM system in the event there should be clearer evidence than we have today of our need for the same.

In taking this position, I am holding to the same position I have maintained relative to the deployment of any form of an ABM system since September of 1967 when, as I recall, I was one of only 26 Members voting against the first military construction appropriation bill that clearly carried advance deployment moneys for such a system. Subsequent votes on this issue have not been as clearly defined, in a number of instances, as that first vote—and some have occurred within the Committee of the Whole and, thus, were not recorded, but on each such occasion I have voted against ABM deployment moneys.

In so stressing my consistency, I do not wish to give the impression that mine has been a rigid position—or that I have not reviewed my position from time to time, as conditions changed or, indeed, as President Nixon directed a substantial and, to me, welcome modification of the original Johnson-McNamara concept of an ABM system. For there have been few issues during my entire period of service in the Congress to which I have devoted as much time and attention—and study—as I have to the complex and, in many cases almost unanswerable, questions involved in the matter now before us.

It would, thus, have been a simple matter, I suppose, as President Nixon—of my party—succeeded Lyndon Johnson, and then as Mr. Nixon did, as I have mentioned, direct what I regarded as an improved ABM concept over that one originally offered by Mr. Johnson, to have said that in matters of this sort the President knows best; or that, in instances involving the national security, it is always best to err, if at all, on the side of caution.

It would have been easy—in many ways—to have thus accommodated my position to the changed political and, to a lesser extent, technical circumstances.

But I have not done so because I have yet to see any convincing evidence—convincing to me, that is—that even the modified Safeguard system is presently required from the standpoint of our national security.

If I thought it was, I would vote the necessary funds for its deployment regardless of its costs for, though I am well aware of the need to remarshal our resources as between our defense needs and our Nation's social needs as soon as world conditions permit, the time has not yet arrived, unfortunately, when we can do that without some degree of risk.

Thus, my opposition is not based on the system's costs, as set forth in the bill before us, or as contemplated in future years.

Nor is it based on whether or not the system will work.

One has to assume that a nation that can land men on the moon safely and then bring them home can, with equal competence, solve the technological problems remaining before Safeguard becomes a thoroughly reliable weapons system.

At the same time, why begin to put a still-rudimentary and largely-untested system into the field if one is not convinced we need it now or, indeed, may not need it for several years yet to come, if at all?

If one believes that to be the situation—as I do—why not, then, proceed with further research and development of the system's components, and with the necessary testing, rather than beginning deployment of something that may well become obsolete before its installation is complete?

Nor is my opposition based on that difficult question—which I tend to answer in the affirmative—of whether or not our proceeding with deployment could upset the chances of success of the forthcoming arms-limitations—SALT—talks. Our past experiences in attempting to negotiate anything with the Russians ought to have taught us that it is rather useless, in any event, to try to speculate whether or not the Russians will move in this direction, if we move in that. So, while I do not wish us to do anything that might lessen the chance that, this time, at long last, they are prepared to talk realistically about our coming to some sort of arms agreements—so we can each slow down, if not end, the endless and senseless race we have been engaged in for so tragically long—I really do not see how anyone can make much of a case one way or the other on this point.

And, as to that case's other side—that the President needs congressional approval for deployment of an ABM system as a sort of "poker chip" to use in those talks—I do not really see that at all since the existence of a full-scale research and development ABM programs, which he will have in any event, ought to be equally as good a "chip" for him to advance as the very limited deployment of a system not really ready yet for the field.

Nor, finally, does my continuing opposition relate to the fear, as some have expressed it, that our having an ABM system is, in itself, so provocative as to result in an escalation of that arms race which I have mentioned. Such questions as I have had about this, I have tended to answer in the negative, for an ABM system as importantly modified by President Nixon should not be considered by the Russians—who have a partial and rudimentary ABM system of their own which may well have been designed to furnish them with some protection against a future nuclear threat from Red China—as being a provocative move on our part.

Instead, when it all comes down to the final analysis, my continuing objection to spending money to deploy Safeguard relates to my belief that the same will not buy us $1 worth more security than we now have against the threat of nuclear war.

In explaining this, one has to state again the basis upon which our strategy for deterring nuclear war—or the threat thereof—has always rested. We have always sought to do this—and have so far succeeded—by maintaining at all times a capability to retaliate against the Russians, or any other would-be nuclear aggressor, with such nuclear force as to cause that aggressor an "unacceptable" amount of damage in return.

I have purposely put quotation marks around that word "unacceptable," Mr. Chairman, because no one really knows what is, or is not, "acceptable" in this sense—and, of course, the answer may differ as we consider different nations, it being generally felt that our retaliatory blow, to constitute a proper deterrent, might have to be heavier, for instance, against Red China some day in the future than as against Russia now.

In any event, when one considers the massive retaliatory strength we now have—with its tremendous "overkill" capacity—in our vast and diversified deterrent force consisting, at last count, of 645 strategic bombers, 41 missile-launching submarines carrying a total of 656 weapons, and 1,054 land-based ICBM's, plus such tactical weapons as we may have here and there in Europe and elsewhere, it would clearly seem that we remain immune from any possible first-strike reach by Russia, if that is even contemplated, for some time to come.

And then when one adds into this strength the fact that, in response to the technological advances both we and Russia have made in recent years, we are fully prepared to begin to MIRV—meaning to replace our existing, single warheads with multiple, independently-targeted, reentry vehicles—both a substantial portion of our land-based Minuteman ICBM force and our Polaris submarine ICBM force, it is most difficult to see how a rudimentary ABM system, protecting only a few of our Minuteman sites, is really necessary now or in the immediate future.

It is important to understand that, by so MIRV-ing our retaliatory nuclear arsenal, we can thus increase its warhead strength by multiples of up to three for Minuteman and up to 14 for Polaris/Poseidon; thereby maintaining a substantial lead over Russia in total number of warheads.

Considering the fact that even the smallest warhead we are discussing is many times more powerful than the rudimentary atom bombs used over Hiroshima and Nagasaki years ago, all this would seem to assure us the continuance of an overkill retaliatory capacity as against Russia for several years yet to come, and for quite a few more years than that insofar as the budding Red Chinese threat may be concerned.

Now, finally, an ABM system is supposed to protect a part of our Minuteman force, as I have said, against a surpise attack, or to give us a flexible response—evidently meaning some alternative to all-out retaliation—or to be a defense against stray, accidentally-fired ICBM's.

But I have not yet been told why our Minutemen are now more vulnerable to a surprise attack than they have ever been. Personally, I doubt they are, and surely Russia's attempt, if that is what she is doing, to overcome our long-time lead in numbers of both missiles and warheads would not, alone, make them so vulnerable.

More importantly, however, let us remember that our entire investment in all this will be totally wasted if we ever have to use it.

This is because deterrence is a psychological thing, depending on our keeping our willingness—as well as our ability—to retaliate in full force credible to any would-be aggressor. The key word, here, is "credible."

Our Minutemen are only vulnerable to a surprise attack if they are still in their silos.

I wonder if, in further considering that fact, we have not touched upon what is, perhaps, the basic fallacy in the argument of those advancing the case for ABM.

Each of us can well undestand the awesome nature of a Presidential decision to release those Minutemen from their silos—and any President's desire for some degree of flexibility.

But, in the event of an actual attack, it is also difficult to contemplate any President wanting to rely on an untested and uncertain Safeguard system. It would seem to me that our retaliatory missiles would be used in any case—and, then, ABM would be protecting nothing but empty silos.

And I wonder further whether or not, in so seeming to reach for that flexibility, we do not risk somewhat eroding the credibility—key word, again—of our deterrent strength? By seeming to wish to prepare ourselves to ride out a potential Russian first strike against us, do we not invite Russia to essay that first strike—as we wait, with ABM, to see if she really means it?

If we are uncertain about Russia's first-strike capabilities and intentions—and we are—I know of no better way to prevent any attempt by her at a first strike, or even of any better way to cause her to make sure there never is an accidental ICBM launch in our direction, than to leave her in doubt whatsoever about our second-strike capabilities and intentions.

Mr. Chairman, few who have engaged in this debate—either here in this Chamber or in the preceding debate on this issue in the other body—have addressed themselves to this question. But it remains one that troubles me greatly.

In conclusion, I believe that deployment of the Safegard ABM system, now, adds nothing to our national security, but is something that may, in a wholly unintended and unforeseen manner, actually detract therefrom.

Our assured retaliatory capability, coupled with the certainty of our intended response, represents to my mind our greatest inhibition against any Russian first-strike attack—and even against any accidental ICBM launch.

Thus, for the reasons stated, I will vote for the Leggett amendment, and I urge my colleagues to do likewise.

Mr. HICKS. Mr. Chairman, I rise in support of the amendment and move to strike the requisite number of words.

Mr. Chairman, I believe that the gentleman from Massachusetts (Mr. Conte) put his finger on the reason why this system should not be deployed at the present time. That reason is we do not need it at the present time. Let us not lose sight of the fact that the sole reason for the ABM is that we want to make our deterrent credible in the 1970's. Keep in mind this fact, that if we have to use the ABM system, it has not worked. It is just that simple. If we have to use it, it has not worked. All this talk about 30 million people it will save or 50 million peope it will save is a lot of nonsense. It is just not designed to save people. The Safeguard system, as contrasted to the Sentinel system, was not designed to save people. It is designed to have the Soviets believe that our missile system can do what it is designed to do; that is, destroy the Soviet Union as a way of life.

The question is: Is that deterrent credible and will it remain credible in the 1970's. That is a judgment matter, as the gentleman from Alabama (Mr. Dickinson) said. He wants to put his judgment on the side of putting in the ABM. I put my judgment on the side of the fact that at the present time and through the period of the eighties we will be able to destroy the Soviet Union with the missiles that we now have. As the gentleman from California says, if we cannot, we had better start building the long-range missile submarines so that we can move them around the ocean so that they cannot be destroyed. That is the reason why I say the amendment offered by the gentleman from California (Mr. Charles H. Wilson) stopping the deployment of these missiles should be adopted. Every dollar we spend that we do not need on defense is a dollar too much. On the other hand, I am going to vote against a great many amendments that the dissident minority is offering today, because I am not sure that we do not need them. This is one measure of our defense budget that I am absolutely certain we do not need.

Along with the gentleman from Vermont (Mr. Stafford) I agree we should continue our research and development, because who knows when we will have a breakthrough at some time when we will get a system that will save lives. At that point, when we have a defense missile system that will save lives, we ought to deploy it, but at the present time we do not have one and do not contemplate having such a system. We contemplate a system that will make our nuclear deterrent more credible. It is credible today and it will remain credible in the 1970's time frame regardless of whether the ABM is deployed or not deployed, in my judgment. For that reason I think there is $345 million here that need not be expended.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to my distinguished chairman.

Mr. RIVERS. If this system can save a missile site, could it not save a city?

Mr. HICKS. If it could save a missile site, it would make the missiles in that missile site available to shoot back at whoever was shooting at us, but if we have to use it to save a missile site, then it has not worked, because it has not proved to be a deterrent. That is the only reason why we are putting in the Safeguard system. It is to make our missile deterrent credible so that they cannot be destroyed and we can shoot them back.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman from California.

Mr. LEGGETT. I thank the gentleman for yielding.

I know that the gentleman in the well is very much concerned about saving people. The fact is that we have totally changed our orientation on this missile system. Last year when we were on the floor those who urged support of the Sentinel were trying to save people from the Chinese. However, that is not the ploy today. The ploy today is to save missiles, which is the virtual exclusive use of the Safeguard missile system. I know that the gentleman is concerned about what happened to the $1.2 billion we voted on the floor of the House last year for the Sentinel system. There was $300 million for military construction where we were going to buy up sites near cities and we had the cities erupting and complaining all around the country. There has never really been an adequate explanation given to me as to what has happened to this kind of wasteful expenditure.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, ever since my college days I have had a very healthy respect for the process of debate. That is the reason I am terribly disappointed in this debate today, because thus far it seems that most of the proponents of the amendment have not argued on the merits of the question.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield to me at that point?

Mr. GUBSER. No; I cannot yield at this point.

Mr. Chairman, they have made the claims of "foul" and charged that they were being gagged and have not been given adequate time during which to discuss this issue.

Very frankly, if I were sitting on the other side of the aisle, I would be asking unanimous consent for everyone's time to be extended in the hope that the boys in the Press Gallery would emphasize the fact that discussion and debate was curtailed.

But, Mr. Chairman, I ask this question: Have you ever known of an issue before the American public which has been so thoroughly discussed and debated as this one? I certainly do not know of one. I think the American people and every Member of this House pretty well knows the issue.

For a moment I would like to address myself to the merits of this matter. I think they involve three questions.

First of all, will it work? Second, will it upset the balance of power and start a new arms race? Last, do we need it?

The distinguished gentleman from Texas (Mr. Fisher) pointed out the fact that Harry Truman was faced with a decision and made it in his typical courageous style. Dr. Teller said that the H-bomb would work. Other experts said it would not. Mr. Truman made the decision and I ask you where we would be in this world today if Russia had possessed a thermonuclear weapon while we did not. That would be the case had Mr. Truman followed the advice of some of the so-called scientific experts.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Illinois.

Mr. ARENDS. The gentleman just reminded me of something that happened with reference to the H-bomb. The great scientist, Mr. Oppenheimer, was reported in the press as saying that it would not work. After it did work and he was confronted with the question, "How could you be so wrong?" he said something like this, "I had only hoped it would not work, I did not want it to work."

Mr. GUBSER. I thank the gentleman.

Mr. Chairman, we put a man on the moon. We will make this system work. I do not say when or how well it will work, but I say we can make it work.

With reference to the question, Will it upset the balance of power and start a new arms race?—there are arguments both pro and con which I shall not dwell upon. However, it is a defensive weapon.

How can a defensive weapon start a new arms race? In our military history we had H-bomb superiority, and Russia met it and surpassed it; we had the B-52 superiority and she met that. With respect to everyone of our deterrents she has met them. We have the ICBM and she is fast meeting that. We have the Polaris deterrent and surely she will meet that.

Mr. Chairman, my point is that this will not set up an arms race because, ladies and gentlemen, there is one in progress right now and Russia is winning it. It is just that simple.

Last, do we need an ABM? The answer lies in another question: Will Russia or China launch a first strike against us? The answer to that question only lies in the minds and the hearts of the men in the Kremlin and in Peking.

Mr. Chairman, I do not have extrasensory perception and I cannot look into the minds and hearts and consciences of these men. I cannot answer the question and I submit no one else in this room can.

But, as I pointed out yesterday during general debate, I think I established by asking several questions, which if answered honestly would prove conclusively that there is a threat and there is an aggressive intention on the part of the Soviet Union.

So in the interest of safety we must assume that that threat is real, and we must be ready for it. We cannot run the risk of erring as Chamberlain did.

I submit that this is the real and significant issue. What we are buying is a minimum of 1 year's time and probably 2 years in a deployment schedule. We can come back here next year and repeal all of this, and stop the program dead in its tracks, but we will not have lost 1 year or perhaps 2 in the face of a serious threat.

Mr. Chairman, if anyone favors further research and development is he not really saying, "I am for deployment if it works." If this is not so why support any funds for R. & D., why not cut it off now? Thus the arms race argument is negated and so is the argument that negotiations will be hindered. If one favors further research and development the issue is not deployment, the issue is when it will be deployed.

I believe American scientists will make it work. So if there is a threat from a potential aggressor and time is against us, is it not sensible to save 1 year and probably 2. The year we save may be the difference between having a nation and not having one.

Mr. ADAMS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

I will yield part of my time in a moment to members of the committee who wish to discuss this. Before yielding I want to indicate that I rise in support of the amendment.

I might state that my background on the ABM does not come from this debate today, or this week; it started actually, as far as I am concerned, over a year ago when the deployment of the Sentinel ABM on a site within the Seattle area was discussed. Many of us were approached by a group of scientists and physicists, many of whom have worked on the programs for the scientific advancement of defense of the United States. These scientists said that first, the system will not work; and second, if it were used it could destroy the city which it was designed to protect by a fire storm that would result. There are also problems in the control-command area which are involved with an X-ray kill system.

For example, if you use an X-ray kill your radar will still reflect that the missile is coming into the area, and if you give humans control over the Sprint missiles they will fire these short-range missiles at the incoming missile or you have to lock it down and just depend on computers to fire for the X-ray kill, otherwise you will have a massive firing at the missile as it continues to come in, and as the Sprints are fired, and the resulting fire storm will destroy that city.

The Sentinel was then rejected and the Safeguard was picked.

This system we discuss today is not a people saver, it is a missile saver. I would like to mention that I put in the Record on July 11, 1968, an article from the Scientific American of March 1968, describing the ABM system in detail, and showing how it cannot work. On February 26, 1969, I did the same thing with another article.

For example, it can be shown that through the use of a simple tandem missile there is a radar blackout. The first explosion knocks out the long-range radar, and in the blackout the second missile goes through. The use of chaff and various other penetration devices are equally dangerous to this system.

Mr. GILBERT. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from New York.

Mr. GILBERT. Mr. Chairman, I thank the gentleman for yielding, and I wish to associate myself with the remarks of the distinguished gentleman from Washington.

Mr. Chairman, I rise and associate my remarks with those of the distinguished gentleman from Washington (Mr. Adams) in support of the Wilson amendment, which would delete $345,500,000 for limited deployment of the ABM system.

I voted against the ABM appropriation last year and I have not altered my position. The cost is exhorbitant; it will be a financial drain on this country. And I believe the deployment of this system threatens to upset our already delicate, strategic balance and encourages escalation of the arms race. In addition, there is the serious risk of accidental explosion near our urban centers, and I certainly believe the deployment of this system would weaken our bargaining position and diminish our capacity to conduct intelligent and rational foreign policy. As I have said in the past, the ABM system is inconsistent with our efforts for the ratification of the Nuclear Nonproliferation Treaty and the establishment of a Department of Peace. Under the terms of the treaty the nuclear powers are to undertake "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament." If there is good faith intent in nuclear disarmament, then deployment of the ABM system is inimical to a nonproliferation treaty. Mr. Chairman, I do not want to dwell longer on the technical shortcomings of such a system. We have heard ample scientific testimony that the system may be of little or no worth to the Nation's security. But I will say with conviction that we have set a grievously bad example to the rest of the world.

Mr. Chairman, I reiterate that I support the Wilson amendment, and I urge my colleagues to support it, also.

Mr. ADAMS. Mr Chairman, I also want to associate myself with the remarks made yesterday by the gentleman from Illinois (Mr. Anderson) for whom I have the greatest respect, and who I believe stated it so very well when he said that we must change our comfortable, old ways. That is why some of us who are not on the Armed Service Committee are involved in this argument we are engaged in today.

I also want to associate myself with the remarks made by my colleague from Washington (Mr. Hicks). He and I have both gone through a great deal of soul-searching in regard to this situation. We have been involved in it for over 2 years. We are concerned about our people in our cities, and we are concerned about where this program goes if you start with the Safeguard, and then go to the Sentinel, and then go to heavy defenses. And that is why I again urge the members of the committee who have not done so to read the articles I have previously placed in the Record on July 11, 1968, and on February 26, 1969.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from California (Mr. Leggett) a member of the committee.

Mr. LEGGETT. Mr. Chairman, I thank the gentleman for yielding.

I know that the gentleman is appreciative of the great wisdom of Dr. Teller who has been alluded to here on the floor before, intimating that he had contributed measurably to the building of the hydrogen bomb—whether or not he is the father of it or not, I have never been really able to prove.

I do recall, however, Mr. Chairman, that the doctor sometimes has been wrong. For instance, when I was in the California Legislature some 7 or 8 or 9 years ago I recall the doctor appeared before our legislature urging at that time the great necessity for the development of civilian defense shelters. If you take his mathematics and the recommendations of the doctor at that time, it would have meant that the State of California as a State would have expended the amount of $10 billion to protect the State from the fallout of the nuclear holocaust that was going to come.

Mr. Chairman, now on hearing of the doctor's enthusiasm for the ABM, I am satisfied that really why he was doing that was because he was really anticipating what the nuclear holocaust would be like and what problems would be created in our own atmosphere with this tremendous fallout that we would be getting from the ABM nuclear weapons exploding in our own atmosphere at very short range.

Mr. ADAMS. Will the gentleman agree that the Sprint missile being fired in tandem in great numbers at the incoming missile can establish a fire storm within the area in which they are fired?

Mr. LEGGETT. That is exactly right. It is very interesting to note that we have had some other systems presented to our committee—one an Air Force system, classified by letters and names describing it and the SABM's the Navy surface anti-ballistic-missile system.

Mr. WEICKER. Mr. Chairman, I move to strike out the requisite number of words and rise in support of the amendment.

Mr. Chairman, the great tragedy of the ABM is that it has become a symbolic test of conflicting ideologies. As such, it has already made its first kill—specifically, the commonsense of many who will render judgment on it.

The prevailing rules require that a big "L" liberal must state his opposition to the ABM in order to preserve his reputation for social reform. Similarly, a big "C" conservative finds he must support the system if he is to convince his backers that he has not sold out to creeping socialism.

The mass media has used the ABM issue to symbolize everything from Biafra to tax reform. Conservatively oriented media charge opponents of the ABM with being against national security and soft on communism, while their liberal counterparts insist that only without the ABM will Russia bargain in good faith on arms reduction with the United States.

Let us stop the noise and try to examine what is really at stake in this issue. We are looking at a proposed weapons system, a piece of military hardware, costing *x* number of dollars and designed to do a certain job. We are not conducting a symbolic test of feelings toward the administration. We are not symbolically examining our love of country, and we are not attributing any new candor or worthiness of purpose to Sino-Soviet communism.

If we fail to examine this system on its merits, or if we oppose it simply to create an embarassment for our President, then indeed we have raised an issue even greater than the ABM—specifically, the priority we give to partisanship.

I have always believed in a strong national defense posture and I do not think this is the time to base our national policies simply on trust in the Soviet word. But if we are talking about national security, and putting democracy on the offensive, then commonsense leads this American to a stance of opposition to the ABM Safeguard system.

On the first point—national security. If I recall my military history correctly, the United States became the greatest military nation in the world, not because of our numbers, but because we developed military weapons and tactics which depended on mobility and simplicity of operation. An example of this would be the development by the United States of the principle of indirect artillery fire as compared to the Russian tactic of massing artillery on the ground in a certain pattern to achieve a similar pattern of shell bursts. The ABM system proposed in this bill is neither mobile—this, because of its fixed-site characteristics, nor is it simple of operation—this, because of its reliance on extremely delicate ground-based electronic gear.

As to mobility. Do you honestly believe that fixed installations are superior in this day and age to highly mobile installations such as our nuclear submarines?

As to the electronic part of the system. Do you honestly believe that we are not capable of doing via satellite, what is proposed to be done on the ground?

It is impossible to touch upon the issue of national security without commenting on the balance of nuclear terror which presently exists. I do not know if the ABM system has credibility in Moscow or Peking; what I do know is that our present nuclear arsenal capable of being delivered by ICBM, submarines, or B–52's does. And I also know that those ABM's already constructed by Moscow can in no wise give to any Russian the assurance that at the minimum, he would not be on the receiving end of at least 100 of our missiles. I believe the time has come for this Nation to distinguish between more defense and better defense. Is it not a sad commentary on the creativity of our democracy that we are always talking about military defense or military offense. Again, historically we have displayed a success way beyond the numbers of our population because we not only concentrated on military weaponry, but also on the powerful weapons of scientific discovery and technological advancement for life. If only we can forget our unnatural cynicism and remember that freely creating is where a free society like ours has two punches for every one of the Sino-Soviet military state.

What I am saying is that for every man you can persuade to a political philosophy with CBW, I can persuade 1,000 with a cure for cancer. For every woman that you can persuade with an ABM, I can persuade 1,000 with a system that creates fresh water where none now exists. And so it goes.

I plan to vote for the bill, but also for this amendment. And I think in doing that, I represent the commonsense judgment of a majority of Americans. That judgment accepts reaching the limits of destruction, but very humanly pleads that the work of hope begin.

Mr. RIVERS. Mr. Chairman, I wonder if we can get some idea as to how many additional Members desire to speak on the amendment. I wonder if we could agree to, say, an hour of debate.

Mr. GERALD R. FORD. Mr. Chairman, will the distinguished chairman of the committee yield?

Mr. RIVERS. I yield to the minority leader.

Mr. GERALD R. FORD. I had hoped to make a few remarks. Others in the leadership on both sides might like to say a word or two. Even if an hour were now allocated among the Members now standing, it would mean each would have less than 5 minutes.

Mr. RIVERS. I would not wish to deny anyone 5 minutes. Maybe we ought to go on.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to assure the distinguished chairman of the Armed Services Committee that I shall not take the full 5 minutes unless members of this Committee would like me to yield to them.

Mr. Chairman, there has been a great deal of talk on this floor about who is and who is not an expert. I come before you obviously making no claim to be an expert. I am a lawyer by training and a politician by trade. But I do remember that as a trial lawyer I had to cross-examine experts. I had to educate myself in their field. I remember a case involving the awful disease of epilepsy. I had to learn enough so I could cross-examine medical experts on that subject.

In this field I tried to do a little cross-examining. I cross-examined an expert as to whether we could now and in the future penetrate whatever kind of defense the Soviets could erect against us, and the expert assured me that there was no system that the Soviets could possibly erect that we could not, with our various penetration aids—chaff, decoys, multiple warheads, maneuverable warheads and, if all fails, a precursor to knock out their radar—there was no system that could be erected that we could not penetrate. Therefore, I asked, Why is it not true that they could also penetrate whatever we would erect?

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from California.

Mr. LEGGETT. I appreciate the gentleman yielding and giving us the additional time. I appreciate the remarks the gentleman is making on the subject of experts, because I am reminded of the way our Committee on Armed Services selects its experts on the question of deployment of the ABM. We heard many generals, admirals, Air Force generals, and colonels expressing their views on why it was pragmatic that we deploy these various systems. We did set aside, I think, one Friday morning to hear civilian witnesses who might be pro or con on the question of deployment. This was a day when, I believe, we had a bare quorum of the committee present. We had a total of about 3 hours of testimony presented which was split between the distinguished people who thought it was a good idea and those who thought it was a bad idea. I do not purport to be any expert myself. I have familiarized myself, I think, with this subject matter about as much as anybody on the floor.

But still when you come up against a $10 billion system that envisions this massive expenditure of money, personnel, and training, it is very difficult for anybody to master exactly what it means. But I think that one of the great experts we are forgetting about, Bob McNamara, while I have disagreed with him on a number of subjects, certainly on the question of deployment against the Soviet Union he was immutable.

He said that even though the Sentinel system might be all right—and we recall in October 1967 he said it would be OK, we should release the Sentinel, and we will start with an R. & D. program; he said at the time, however, that we should not initiate an ABM deployment to help protect our land-based strategic offensive forces against a Soviet missile attack.

He said:

> 1. The Soviet Union would be forced to react to a U.S. ABM deployment by increasing its offensive nuclear force still further with the result that:
>
> (a) The risk of a Soviet nuclear attack on the United States would not be further decreased.
>
> (b) The damage to the United States from a Soviet nuclear attack, in the event deterrence failed, would not be reduced in any meaningful sense.

Those remarks appear on page 167 of the report in my concurring remarks, which I might mention were not prepared by any committee staff lawyer.

I would say that as far as the people who come up and say that we should deploy the ABM because we want to save 50 million people, Bob McNamara has said if we want to save 50 million people, we should not deploy this system against the Soviet Union, because they will have to do what we did. The Soviets deployed not a thousand ABM's, like we are deploying in this program, but they put up 67 around Moscow in the Galosh system and they got it two-fifths completed and then abandoned it. Nothing has happened in the past year on that program. It is a nonautomatic ineffective primitive system.

I think the effect of it has been to make the United States move ahead with this massive deployment and this massive arms race.

Mr. RANDALL. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Chairman, a nation's most fundamental interest is its own survival. If I were convinced that the Safeguard ABM system would contribute significantly to our Nation's security I would not be standing here urging my colleagues to vote against it. But, I am convinced otherwise. Some of the best scientific minds in this country have studied the ABM and it is their opinion that at worst the system will not work at all and at best it cannot be depended upon to work at a given time. To a man, James Killian, Donald Hornig, Jerome Wiesner, and George Kistiakowsky, the science advisers to the last three Presidents, oppose the decision to deploy the Safeguard ABM. One of the primary responsibilities of these highly trained scientists was to advise the President on weapons systems. I do not think anyone questions their objectivity or qualifications. What is it about the ABM which inspires such little confidence in its reliability?

For one thing it is the most complicated electronic system ever conceived. Briefly this is how the system is set up. It is composed of two types of missiles and two types of radars, the latter feeding impulses to a computerized central "nervous system."

One radar is a perimeter acquisition radar—PAR—a long-range detection and tracking instrument capable of scanning the horizon. The other radar is a missile site radar—MSR—designed to track incoming targets at shorter ranges than the PAR and to track U.S. missiles to their encounter with an attacking missile.

The larger of the two missiles is Spartan, a three-staged rocket with a range of several hundred miles. It carriers a nuclear warhead and is designed to intercept incoming missiles above the earth's atmosphere.

The smaller missile is Sprint. It is also nuclear-tipped; has two stages and like Spartan is fired from an underground silo. It has high speed and limited range and is designed to intercept attacking missiles that have pierced the long range Spartan defenses.

In theory the system would begin to function when incoming missiles were more than 1,000 miles away. PAR would track them for a minute or two, establish their trajectory and feed the data to a computer.

A Spartan missile would be launched to intercept the attacking missiles hundreds of miles distant in outer space. It would fly at about 5,000 miles an hour and at its nearest point to the enemy missile, explode its hydrogen warhead with the impact of millions of tons of TNT.

Any enemy weapons penetrating this nuclear defense would encounter the short-range Sprint which is capable of climbing thousands of feet in a few seconds and making interceptions between 5,000 and 100,000 feet at ranges between 15 and 25 miles.

Sprint's operation is all within the earth's atmosphere where it is easier for radar to identify decoys and other devices designed to confuse the defender. Its warhead is smaller than that of Spartan; its explosion probably would be about 20 miles in the air.

The computers which guide the Sprint and Spartan are fantastically complex. They must interpret radar signals, identify targets, track incoming objects, predict trajectories, distinguish between warheads and decoys, eliminate false targets, reject signals from earlier nuclear explosions, correct for blackout effects, program, arm and fire the rockets. And it must do it all within 10 minutes.

It is obvious even to a layman that if any one of the components is out of order or does not perform perfectly, the whole system fails not partially but totally. If the missiles misfire or malfunction, no enemy rockets can be intercepted. If the radar does not properly interpret the signals it cannot guide our missiles to their targets. Certainly the enemy would send a large number of decoys along with the actual warheads and if the computers are fooled by the decoys then our rockets will be sent to incept the decoys and the enemy ICBM's will proceed unharmed. The list could go on ad infinitum. If a showdown ever came and something malfunctioned, it would not be possible to hold the countdown for adjustments and repairs as we are able to do with the Apollo moon shots.

A Bureau of the Budget official recently made a study of 13 major aircraft and missile programs utilizing sophisticated electronic systems. Of the 13, only four could be relied upon to perform at more than 75 percent of their specifications. Two of the systems costing $10 billion had to be phased out when their low reliability became manifest. Two others were simply canceled after an expenditure of $2 billion.

Dr. Daniel Fink writing in the October 1968 Science and Technology states that our missiles have a reliability of about 50 percent. Fifty to 75 percent reliability in an offensive weapon is acceptable because of our very high coefficient of overkill. Recent Senate hearings revealed less than 10 percent of our offensive missiles need reach the Soviet Union in order to completely devastate the 50 largest cities. Thus we have a rather large margin for error with offensive missiles. Conversely, since the U.S.S.R. also has a high coefficient of overkill our ABM system must perform with absolute perfection. Even 90 percent is not good enough.

Back in 1960–61 there was great pressure to deploy the Nike-Zeus or its variant, the Nike X. Both were anti-ballistic-missile systems not greatly different than the one now being offered. Much to their credit, President Eisenhower and President Kennedy opposed deployment. Looking back on that decision, Dr. George Kistiakowski, President Eisenhower's science adviser made this observation:

> It is interesting to contemplate that had the deployment of Nike Zeus been authorized in 1960–61, we would have just about now the full system in operational readiness, after spending what was then estimated as twenty billion dollars and could have been, judging by analogy with other large weapon systems, twice as much. Considering the current numbers and sophistication of offensive missiles now being deployed by the super powers, it is technically certain that the Nike-Zeus ABM system would now be of little value. It would be obsolescent or even obsolete, judging by the fact that the probably somewhat more modern Soviet ABM defenses around Moscow are rated of little value to the Soviet Union by our competent military experts.

Even if we thought we had built an impenetrable system there would be no means of testing it thoroughly. For example there is no way to know what effect a high altitude nuclear explosion would have on the ABM radar and electronic systems. We cannot test this because the Test Ban Treaty prohibits atmospheric nuclear testing. A great number of scientists feel that such an explosion would completely "black out" our radar. In response to a question by Senator SYMINGTON, Dr. Hans Bethe, professor of physics at Cornell University observed:

> An atomic explosion would produce a much higher concentration of electrons and would thus reflect radio waves of much higher frequency than the ionosphere. This gives radar blackout for a certain length of time after the explosion, usually counted in minutes and this has been observed in our own high altitude nuclear weapons tests in 1958 and 1962.

Since the ABM could not be deployed before 1973 at the very earliest, the U.S.S.R. as well as any other potential foe will have 3 years to figure ways to alter their ICBM's so that they can penetrate our ABM. This point has particular relevance to the Chinese threat since Chinese ICBM's are still in the development phase. China will not have to make expensive revisions of her ICBM's. She can simply provide for the penetration aids in her original design.

What will this system of doubtful reliability cost the American taxpayer? The President says $8.2 billion. That cost does not include the nuclear warheads which will run the price up to about $11 billion. But if we think we are going to get off that cheaply we are fooling ourselves. In 1967 a system similar to the Safeguard ABM was estimated to cost $3.7 billion. A Brookings Institute analysis of weapons systems costs revealed that actual costs have exceeded estimates by 300 to 700 percent. If the ABM follows this trend we are going to put out an awfully lot of money. The $11 billion buys protection for only a few sites. If it turns out that Safeguard is only the prototype for a "thick" system, the total might reach astronomical heights. I do not think any thoughtful American is willing to spend hundreds of billions of dollars for a weapon that has no better record for reliability than the ABM. Applied to domestic problems, $100 billion would develop and protect our rural economy, rebuild our cities, decontaminate our air and water, educate our children and still leave a surplus.

From strictly the military point of view a multibillion-dollar expenditure for

ABM means that less money will be available to develop new and more effective ways to protect our security. Dr. Jerome Wiesner, Science Adviser to President Kennedy stated:

> Some weapons systems are obsolete in their conception, and I think this is probably true for the anti-ballistic-missile system before us. I have in fact come to the conclusion that any system that depends upon projectiles—rather than say nuclear rays or electromagnetic beams or laser beams—is futile.

Would it not be better to devote more funds to further research and development in the field to see if some really effective system might be developed, than to deploy an unprecedentedly expensive system that probably won't work and is sure to become rapidly obsolete?

Not even the most optimistic proponent of ABM will argue that the system proposed will protect our cities. Rather deployment will be directed toward protecting some of our ICBM's. Such protection, the argument continues, will assure that sufficient numbers of our Minuteman ICBM's would survive a sneak attack to devastate the attacking nation. This argument seems to assume that our deterrent credibility is based exclusively on our Minuteman ICBM's. We all know that is not so. Our deterrent or "assured destruction capability" rests on three distinct and independent components: Bombers, missile carrying submarines, and Minuteman ICBM's. The task assigned to Safeguard is to protect only a fraction of our ICBM's. The fact is that if every Minuteman were destroyed, our bomber force and our Polaris submarines would still have the capability to totally destroy the attacker. Therefore, whether or not we deploy the Safeguard ABM our assured destruction capability remains intact.

Some have said that we ought to have an ABM because the Russians have one around Moscow. If we do not deploy we will suffer an ABM gap. That reasoning might be more persuasive if there were any reason to think the Russian model was effective. Our intelligence has confirmed that the Russian ABM system is a primitive type similar to the type President Eisenhower rejected as unworkable back in the late 1950's. It now appears the Russians have recognized the weakness of the system and no longer deploy it. In a letter to former Senator Monroney, former Deputy Secretary of Defense Roswell Gilpatrick commented:

> It seems generally accepted within our intelligence and scientific community that the ABM system which the Soviets have deployed around Moscow has encountered many technical difficulties and is probably of limited effectiveness.

It would be ludicrous to justify a multibillion-dollar weapon as a reaction to a weapon you and your adversary both know has marginal utility.

Another of the multitude of alternative uses the administration has attributed to the ABM system is a protection against accidental launch of an ICBM. Of course, any additional protection against an accidental launch would be reassuring, but in this case other more effective means are available. The U.S.S.R. and the United States have a vital and coinciding interest in this problem, and it would therefore seem preferable to get an agreement with the Russians and anyone else who has operational ICBM's to place self-destruct mechanisms in the ICBM itself. Then if one were accidentally fired its owner could destroy it before it could cause any damage.

Not only does Safeguard allegedly protect against Russian attack, Chinese attack, and accidental launch, but it also is supposed to provide an alternative response when we are faced with a possible attack. We need not, they say, launch our Minuteman, Polaris missiles, and B-52's. If the attack is less than all out we need only launch our ABM's which will intercept the missiles. But, before we buy this facile argument let us imagine ourselves to be the President. A special adviser comes in and tells the President that the radars have picked up what are believed to be Soviet ICBM's and their projected trajectory indicates they are headed for one of our Minuteman sites. The President must make his decision in less than 5 minutes. He knows the ABM's have a failure probability of 50 percent or more. He knows that there is a 72-percent chance that one of the radar installations will not be operational. With these and all the other uncertainties, would you order the Minuteman to remain in their silos and rely on the ABM? Or would you fire the Minuteman immediately and leave the enemy ICBM's to hit empty silos? Viewed in these terms the option is illusory.

The fact that no ICBM or hydrogen bomb has ever exploded accidentally, does not mean that it cannot happen. The specter of such an accident is clearly accentuated by adding many more nuclear rockets to the Minuteman bases. Also of significance is the fact that one of the two types of ABM's used in the Safeguard system is programed to detonate at a comparatively low altitude. We must at least concede that the potential risk to civilian population is increased by the deployment of the ABM. Dr. George Rathjens of MIT observed that if the warhead of a single Spartan missile went off accidentally, it would cause nearly total destruction for a radius of 5 miles. Moreover, Dr. Ralph Lapp points out that if the Sprint rockets are detonated above the sites as they are programed to do, the resulting heat, light, and blast may cause very great damage to nearby cities—such protection we may be able to do without. It naturally follows that the very existence of an ABM installation will attract enemy ICBM's trying to destroy the system.

Aside from the question of whether Russia could achieve a preemptive strike capability, the great weight of the evidence points to the proposition that she is seeking only to maintain a form of missile parity. Dr. Wolfgang K. H. Panofsky, director of the Stanford Linear Accelerator Center at Stanford University expressed considerable doubt that the Russians either could or would attempt a preemptive strike against the United States:

> I would like to express considerable skepticism that an attack of the kind envisaged by the Department of Defense witnesses could be mounted by the Soviets with any confidence of success. One has to recognize that such a first strike implies that the Soviet decision makers would have to make a rational decision for such a fully coordinated attack and that in the absence of having carried out any operational tests involving nuclear warheads (forbidden by the atmospheric test ban), they would have confidence that such an attack would actually work. I consider this to be an extremely implausible projection of our available intelligence, including that concerning the SS-9. I can think of no better prescription for accelerating the arms race than taking the position that we must prepare a fully safe countermeasure for any technically imaginable contingency. It is this kind of planning which, from the narrow point of view of the military may appear conservative but which can lead to disastrous consequences for the survival of the U.S. or in fact the entire world.

Deployment of the ABM will surely lend credence to the feeling that the United States is reassessing its world responsibilities and is planning to withdraw to a "fortress America" unconcerned about the protection of our allies in Europe and elsewhere. It is no secret that Canada is miffed about our failure to consult with her on the proposal to deploy the ABM. This is understandable since presumably in case of attack most of the intercepts would occur over her territory.

Finally, let us look at the probable Soviet reaction to ABM deployment. What are they likely to do as a response to our ABM? Will they do nothing since they recognize that ABM is defensive rather than offensve? Or, will they speed up their own work on an ABM system? Or will they feel that their own deterrent is imperiled and launch an effort to enlarge their offensive capability? I submit that they will react just as we reacted when they deployed a rather primitive missile defense system around Moscow. We gave the go ahead to development and deployment of weapons which could penetrate their defense system. I refer of course to the Posiedon and MIRV.

I think the conclusion is inescapable that with the deployment of the ABM we are off on another round of what is euphemistically called the "arms race." Actually "race" is a tragic misnomer. A race implies a finish line and a winner, but the arms race can have no winner because there is no finish line. For every weapon there is a counterweapon; to every offense, a defense, and so the cycle goes on; thrust, parry, thrust, parry. It is a cycle that can terminate in but two ways. The participants can stop voluntarily. They can sit down together and agree to stop the race and they can devote their energy to more practicable and useful pursuits. We all know the alternative. We have lived with it since July 16, 1945. If the experience of those 24 years offers any lesson it is this: the arms race must end or civilization will. So far we have been lucky. Maybe our luck will hold out for a while longer. And maybe it will not.

Wishing will not stop the arms race. In addition to mutual distrust and suspicion, there are powerful vested interests on both sides. Frederick Collins

XUM

noted that 28 major contractors for the ABM project employ about 1 million people in 42 States. That adds up to a terrific amount of political pressure that may be brought to bear. It is not easy to vote against a bill that provides employment for your constituents. But, sometime we must apply the brakes and there is no better time than today. Prior to the ABM deployment proposal the Russians had expressed interest in beginning disarmament talks. We can give impetus to those talks by voting not to deploy the ABM. Let the research and development continue, but let us give disarmament a chance.

For too long, Mr. Chairman, we have abdicated our constitutional responsibility to raise and support armies. It is time that we serve notice on the Department of Defense that its requests shall no longer receive only pro forma scrutiny. We in the Congress have been elected to judge what is and is not in the national interest. I am merely suggesting that we exercise that responsiblity. Let us say "No" to an expensive new weapons system that does not work and that we do not need. Let us say "Yes" to a reorientation of our national priorities and direct ourselves to the crucial domestic problems that ominously cry for solution. The survival of our Nation demands it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. Mr. Chairman, I rise in opposition to the amendment of the gentleman from California (Mr. WILSON), which would eliminate all funds for the deployment of the Safeguard system and leave only some money to continue research and development.

I will now yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I wonder if the Bob McNamara the gentleman from California was speaking of, is the same Bob McNamara who, as the former Secretary of Defense, was going to have American troops out of Vietnam 3 years ago?

Mr. RANDALL. Yes, I am sure we are speaking of Mr. Robert Strange McNamara. I think it is no secret that I had the opportunity several times to interrogate him about his policy of gradualism on Vietnam which cost us so many lives of the finest young men ever sent on the battlefield. As we all know, this no-win policy became so unbearable that it was finally rejected by former President Johnson who replaced him with a new Secretary, Clark Clifford. For my part one of the few things that I ever said which could be construed to be praiseworthy about Mr. McNamara was the fact that he had served longer than any other Secretary of Defense in the history of that office before he had to be removed by former President Johnson.

Now, Mr. Chairman, I think we ought to get back on the track to discuss some more the things that were brought out by those on the other side of the aisle concerning the deployment of the hydrogen bomb. Mr. Truman happens to be my fellow townsman. If he had listened to some of the scientists, who urged him to put aside the H-bomb the entire history of the world might today be on a different course. If Mr. Truman had yielded to the scientists who said to do nothing we might not be engaged in this debate today, because we could already have surrendered to the Soviets and living as a slave of the Soviet Union.

We are behind. We are behind in this race. All the committee asks you to do today is give our Department of Defense the funds to catch up or to become even with our enemies. Regardless of what Members' feelings may be about Vietnam, about the morality or immorality of that war, the Safeguard is something for our own defense. There has been far too little emphasis that the Safeguard is only a defensive weapon. We are not talking about war in Vietnam now or about anything except the defense of our own country. I submit that the defense of our homeland is a worthwhile undertaking. If for no other reason we should defeat this amendment.

May I suggest that if we do not approve deployment of the Safeguard today, then such a failure to act is tantamount to inviting the Russians to take advantage of our indecision.

There has been a great deal of argument back and forth concerning the cost of the ABM. The cost is going to be great. There is no question about that. But, if we do not start this deployment, if we do not start doing something, all the while admitting it may not be 100-percent effective, we are saying we never plan to start the journey toward perfection. No journey starts until one takes the first step.

The defeat of this amendment will mean we can start the deployment. It would be something like lighting a candle instead of continuing to curse the darkness.

Returning to the cost of the ABM, we did not know the cost in terms of lives and money when we determined to win our liberty at the time of our Revolution. I do not think we worried about the cost at the time of the war in 1918. We did not worry over costs at the time of Pearl Harbor. Certainly we should not worry about the cost of our own defense at this time—because that is what we are talking about right here and now. We are considering a defensive weapon to protect the lives of our own people and the land we all love.

A lot more needs to be said.

If I may, I want to quote from a gentleman by the name of Admiral Rickover, who I know we all respect. Concerning the difference between an ideal world of peace and the realism we all must face he said:

> In judging between the conflicting views on this matter, either to scrap the ABM or deploy it, the deciding factor must be relevance to the world as it is, not the world we would wish it to be.

As to this issue of whether the deployment of the Safeguard will escalate the arms race, let me emphasize again that if we start today we are still a long way behind the Russians. We in this country have not complained against their defensive missiles. In fact the Russians themselves do not regard the deployment of the ABM as an act of escalation.

Returning to the argument on whether the Safeguard will save lives; that is whether it is effective, even if it should prove to be less effective than we now believe—nevertheless we must have it as a bargaining device. I am convinced it is a dangerously inaccurate assessment to say that we can sit down with the Russians without this kind of weapon as a bargaining device.

Certainly the Safeguard will cost some money. Priorities have been mentioned with the suggestion many domestic needs are inadequately funded. Let me remind you that I and many others who favor the Safeguard were also among those who voted for the Joelson amendment which provided $1 billion additional funds for education. We are for education. I am going to support full funding for water pollution control and most of you who are for Safeguard are going to vote for control of water pollution. With a gross national product of $1 trillion we can provide for these domestic needs and for our own defense.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to my colleague from Missouri.

Mr. HALL. I appreciate the gentleman's statement, and I want to associate myself with him and commend him for what he has said so well.

Does the gentleman not agree with me and the chairman of the Subcommittee on Research and Development, which has labored from long before the days of the original Nike X determination, that there would be no radioactive fallout because of the way the program will be run, because this is a weapon whose nuclear capability cannot be touched off until the guidance motor—rocket—is locked on to a true incoming missile. Because it is a defensive weapon it would be detonated or used only over the seas or at very high altitudes over the continental United States.

Mr. RANDALL. That is an accurate statement. I appreciate the contribution of our colleague from Missouri.

I am glad you stressed the fact the nuclear device would not be activated until it was in outer space, or outside our atmosphere.

Now, Mr. Chairman, if I have any remaining time I want to discuss some of the most commonly used arguments against the ABM and present rebuttals to these arguments. One of the constantly recurring arguments is that the ABM which is developed today may be useless 10 years from now. The best way to answer this opposition is to say that if we develop an ABM system today we can continue to make it so effective that it may be unnecessary to have such a system 10 years from now. But, even if that is wrong, we will have all of those 10 years in which to find improvements to such defensive weapons systems and have the same time, 10 years, to pursue negotiations that will hopefully be meaningful and productive in causing all countries to abandon the arms race.

Another argument is the the deployment of the ABM system is not necessary before we sit down to the bargaining table with the Soviets. Who can forget the fact that the Soviets fully understand only the language of strength.

They began their ABM system 7 years ago and constantly improved and updated that system. My rebuttal to such a shallow argument is that we will be in a position of perilous weakness if we try to bargain with Russia without at least a start on our ABM system. No other country knows better how to capitalize on weakness than the Russians. The history of the past two and one-half decades demonstrates that the strength of her adversaries is far more persuasive with Russia than is the humaneness of any proposal presented to the Soviets.

Mr. Chairman, those who stand against this amendment to cut out all funds for the deployment of the Safeguard are saying you do not want to take a chance on the defense of your country. In essence you are saying you want some insurance. Most important, I think we can all say if we may be in error about the validity of the arguments of the opponents then those who favor deployment can say, though they may be in error, they have erred on the side of strength and security for our Nation.

In my humble opinion, the opponents of the ABM have either forgotten their history or have not read enough of our own history about how between wars we have allowed ourselves to become unprepared. In every instance we have reasoned that it was inconceivable that there could be a First World War, or a Pearl Harbor, or a Korea. But they all happened. We live in a day now that it takes a long leadtime to build sophisticated weapons. We must deploy the Safeguard now while there is still time available.

It is my sincere hope that one who reads the RECORD will not conclude that any of us who favor the deployment of the Safeguard have suggested that we are more patriotic than those who oppose it. There is room for honest differences. I am proud of the record that the House of Representatives has always carried on the tradition that it will support the President in matters of national defense. Mr. Nixon is my President. He is briefed by more high echelon sources of intelligence than any other person in America. He is the Commander in Chief of all of our Armed Forces. He has asked for the Safeguard. I will support him because I believe he knows more about our needs than any other person in America.

The hour is late. We cannot delay any longer. We hope and pray the time will never come that we will need the Safeguard. But, if that time should come, it will be too late to talk about deployment. We must prepare for our own defense now. Today may even be too late.

Mr. REID of New York. Mr. Chairman, I rise in support of the amendment and move to strike the requisite number of words.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I am happy to yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, the bill which is now before us, the Military Procurement Authorization Act of 1969 will have historic impact on this Nation, not only from the standpoint that it will determine to a large extent the direction and growth of our military preparedness for the next several years, but perhaps equally important, the fate of this bill and the many provisions and dollars it contains for defense programs may well mark the beginning of an era when Congress commits itself to a thorough and careful review of funds that are committed for military purposes.

I have taken the floor several times earlier in this session to cite the very real and very desperate need in America for additional Federal commitments to solving some of the problems we face on the domestic scene. It is, to say the least, irresponsible to assume a one-sided view of the question of priorities as between defense and domestic programs in the Federal budget. There can be no question that the position we have in the world demands a strong, a modern, a responsive military; on the other hand there is no question that the Federal Government must take equally seriously the problems it faces within its borders and the commitments that will be required to solve those problems.

Last month, Mr. Chairman, our colleagues in the other body spent day after day after day reviewing and studying and pruning and debating the bill that is now before us. The Senate consideration of this fiscal year's military procurement program was a responsible one. Judging from the seriousness and the accomplishments of that Senate debate I think we can safely say that we are at the end of the era when Congress would hastily and confidently approve almost any and all requests it received for funds from the Department of Defense. We should not pass from that irresponsible, into one equally irresponsible, where the meat ax rather than the magniying glass is used to scrutinize the programs requested of us by the military.

I have made a very long and careful study of this legislation, I know that many amendments are going to be offered to cut or trim the funds allocated in the bill for various weapon systems development programs and for other programs for procurement of weapons that have already been deployed.

Before specifically stating my views on these amendments, I want to offer well deserved praise to the Secretary of Defense who on his own initiative has already made significant cutbacks in several defense programs. After a review within his own Department, Secretary Laird announced the termination of the manned orbital laboratory. He has further announced significant cutbacks in the numbers of naval ships and in the deployment of Army and Marine manpower. I do not believe that Secretary Laird took these actions in order to head off further cuts that might be made by the Congress in considering this bill. I believe they were made out of sincere conviction within the administration that some sense of priority had to be applied within the military budget in order not to afford the Defense Department a vastly unreasonable share of the total Federal tax dollar in this fiscal year.

On the other hand I do not believe that the action taken by the Secretary of Defense means that all of the cuts that might or could be warranted or appropriate have already been taken by him. I do think that the Secretary's review of his own procurement programs has been sufficient for us to decide that any procurement item or weapon systems which he did not request from the Congress need not be added on to this authorization bill.

Of the many amendments that are being offered by our colleagues to trim the funds authorized in this bill, I can think of none more important than that being offered to trim deployment funds for the anti-ballistic-missile system. Beginning with the President's announcement of his desire to deploy antiballistic missiles surrounding two hardened Minuteman sites, I have made a thorough study of this request, and while I feel strongly that our Nation must maintain the most up to date possible technology in the area of missile defense, I am not convinced that it is either necessary or wise at this point to take the steps of deploying the antiballistic missile. There have been several thoughtful and well-founded questions raised about the workability of our ABM system as it is presently offered, and there have been even further questions raised about the possible obsolescence of such a missile if and when it became deployed. For that reason, Mr. Chairman, I intend to support the amendment which will delete deployment funds from the ABM program in this authorization bill.

There is another amendment being offered, Mr. Chairman, one which passed the Senate after it was offered by Senator RICHARD SCHWEIKER, of Pennsylvania. His amendment would require the General Accounting Office to make a periodic review of all defense procurement contracts in effect at any given time. After the experience we have had this year with the uncovering of substantial waste and overruns in defense procurement contracts I feel that this is one safeguard which we in the legislative branch can apply in the hopes of avoiding such occurrences in the future. I might mention here that Secretary Laird has himself placed a high priority on the elimination of waste and overrun in defense procurement practices.

But I feel as the oversight body principally responsible for conserving the taxpayers' dollar, the Congress through the General Accounting Office can best provide this review through a current and periodic check on ongoing defense procurement programs.

Other amendments being offered concerning procurement of new armored weapons and tanks, the development of a new Sram missile system, the placing of a ceiling on the overall manpower level in the Armed Forces, and the amendment to delete procurement of the addition squadron of C–5A cargo aircrafts are all worthy of very careful consideration before we include funds for these items.

I commend each of the gentlemen who have researched and prepared these amendments because they are indeed responsible attempts to trim funds from the military budget which might better be utilized elsewhere in the Federal spending picture.

XUM

There really has not been much opportunity to review military spending on the floor, so that we can set priorities in both domestic and military spending. I feel that one way to do this is through a total review of our spending and for this reason I cosponsored H.R. 474, a bill to establish a Commission on Government Procurement, which if passed by the Senate will give more opportunity for closer scrutiny of both domestic and military spending.

Mr. Chairman, let me again say, these amendments are not to hack away at the total military budget, but to review spending program by program to make responsible cuts that will not interfere or deter our goals for national and international policy.

Mr. REID of New York. Mr. Chairman, I should like to address myself briefly today to the remarks of the chairman of the Committee on Armed Services. First I wish to say to him that I am appreciative, as I am sure are my colleagues, that he has placed no limitation on debate. I very much hope that he will give us an assurance today that there will be no limitation on debate, because the Senate took several months on the ABM and I feel very strongly that every Member of the House ought to have an opportunity to speak clearly and fully on this subject.

Would the chairman care to respond?

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I am happy to yield to the gentleman.

Mr. RIVERS. Is the gentleman asking me a question as to whether or not I am going to move to limit debate on the ABM issue?

Mr. REID of New York. That is correct.

Mr. RIVERS. At this time I have no intention to.

Mr. REID of New York. I appreciate the assurance of the chairman.

Mr. RIVERS. I made that statement earlier in the day.

Mr. REID of New York. I am glad to have it reassured. I thank the chairman.

I believe the debate today has not fully focused on one very simple proposition. Again, I would value any comments of the chairman, if he wishes to make them.

The United States stands at a point in history where it could miss a unique chance for peace. In the history of events it is always possible for nations not to seize an opportunity. I believe the SALT talks, which I hope will be started very promptly, are such an opportunity.

I know of no evidence, no intelligence, that requires that there be any deployment of the ABM at this time. Furthermore, I do know of considerable evidence that suggests we should not make this deployment on the eve of and pending serious talks with the Soviets. I have talked at some length on this question with Bill Foster who, as Members know, was Chairman of the Disarmament Agency for some 8 years. I think he is as knowledgeable as anybody on the subject.

What specifically are we risking? We are risking serious nuclear escalation. We could lose, perhaps irrevocably, a chance for peace and debate. If we start by deployment, there is every indication that the Soviets will follow suit; a macabre chance of escalation and counter-escalation. I repeat that, as yet, there is no indication that they have made a decision to build the next generation of offensive and defensive weapons. Furthermore, if we once start down this road, it is not a matter of a few billion dollars but, in the estimate of Mr. Foster, which I credit, it could be a $100 billion decision.

That very clearly would vitate our opportunities to meet our basic needs at home; it could sharply reduce our diplomatic options bringing on a new chapter of political cold war.

I very much hope that we will show the wisdom in this House today to step back from the precipice while there is yet time.

There is a military-industrial complex in this country, but equally there is one in the Soviet Union. If we proceed to deploy when we do not need to, I think there is every indication that the Soviet marshals will respond. I think in the past we have tended to confuse capability with action. There is no evidence that I am aware of that the Soviets have made any irrevocable decision to deploy.

This amendment does not seek to limit research. Indeed it provides for the continuance of research. What it seeks to do is to avoid the deployment that could trigger massive nuclear escalation. I think if we miss this chance for peace and if the House does not act to limit deployment of the ABM, what we are risking is the potential incineration of our planet. We are risking a very critical diplomatic opportunity to negotiate a moratorium on ABM deployment and on MIRV deployment. If anyone wishes to take that responsibility, I think they would be making a tragic mistake.

Mr. Chairman, I urge that the amendment be supported and that deployment be opposed.

Mr. McCORMACK. Mr. Chairman, I move to strike the last several words.

Mr. Chairman, there are some observations that I think are very pertinent, or at least they are to me, that I would like to convey to my colleagues for whatever consideration they might be worth to them.

I stood in this well the day after Pearl Harbor and offered the resolution declaring war after the dastardly attack made there upon our fleet and our men. Three months before that I sat in this Chamber and saw the extension of selective service pass this body by one vote. Every Member who voted against that bill was just as good an American as I. But Pearl Harbor happened 3 months later. Nobody could see it. It is difficult, if not impossible, to look into the future. But it happened. If that bill had failed to pass, where would we have been when Pearl Harbor occurred? We did not have much defense with its passage. We could not even get some $30 million through to fortify Guam in the state of mind that existed. However, fortunately for us, when Pearl Harbor happened the Atlantic was still our first line of defense. No longer. As far as Europe is concerned, the Atlantic is no longer the first line of defense of the United States.

We were very weak after Pearl Harbor. It took us 3 years to marshal our industrial resources and our manpower resources as well as our military resources before we could start taking even a limited offensive.

And, there is something even more important in the fact that the Atlantic is no longer our first line of defense. That is the fact that the United States of America or any other country—and I am speaking about our country—will never have another opportunity to prepare itself after the fact. World War II also settled that fact for all time, whether we like it or not. World War II was the last opportunity that the United States would have to prepare itself after the fact.

Mr. Chairman, if we are going to be prepared, we have got to be prepared before the fact. That applies to all nations. But I am speaking and talking about the country that I love and the country which we all love and of which we are citizens. Now, we cannot question those two facts. The Atlantic is an important area of offensive warfare I will admit, for us and to also the Soviet Union or any other potential enemy powers who would undertake to attack us. I have no question about that. I know all about that.

The President of the United States of America, Harry Truman, had the vision and the doggedness to make the decision over the advice of the members of the General Science Committee to proceed with the hydrogen bomb. Nine members composed that committee and eight of them voted against it. The ninth member was in Europe and did not vote. Three out of the five members of the Atomic Energy Commission voted urging us not to go ahead with it. Sixteen out of the 18 members of the Congressional Joint Committee on Atomic Energy voted to urge the President to go ahead with it. We can thank God that there were those in good faith who said we did need it and needed it then. We knew the Soviets were experimenting on it. They completed their experiments about 10 months after we completed ours.

Mr. Chairman, where would we have been if Mr. Truman had made the decision not to go ahead with this project? We could never have recovered. We would not have had the time. It would have taken years.

I can tell you another story about the A-bomb. I wonder how many of you realize how close we came to losing World War II? One morning we had a meeting in the late Speaker's office, the late Sam Rayburn's office, and there were three Members of the House present. Sam Rayburn was there, I was present as the majority leader, and the late Joe Martin was present as the minority leader and former Speaker. There was also present Gen. George Marshall and Henry Stimson, Secretary of War; and Dr. Vanderveer Bush.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and yield to the distinguished Speaker.

Mr. McCORMACK. I do want to indirectly take this additional time, but I thank the gentleman. However, I just want to call attention to the A-bomb and to one of the most momentous meetings, I think, which took place in the history of our country. General Marshall and Secretary Stimpson were asking for funds to be appropriated by Congress because they could not carry it on themselves within the then budget. We had to get an appropriation of about $1.6 billion in order to carry it on without letting the Nazi government know it. Both of them said to Sam Rayburn and Joe Martin and myself that they knew that the Hitler government was experimenting on it. We did not know how many projects they had. They started before we did. And, with their heads down on their chins they both said that if the Nazi government perfected it before we did, we could lose the war overnight.

Mr. Chairman, there is much history in connection with the A-bomb.

Now, with reference to the H-bomb, I do not know whether this is the proper time to go into that but, on the other hand, there were many questions involved.

You know all of these motives.

Those who oppose this are just as good Americans as I am, just as concerned for the welfare of our Nation, but I do not want to take a chance. I want insurance for my country in all situations in which it is involved. If I am going to err in judgment, I prefer to err on the side of strength and security than on the side of insecurity and uncertainty. And that feeling is more important today, in my mind, than it was before World War II because then we had a breathing spell to recover. No longer will we have that in the future.

(Mr. ST. ONGE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ST. ONGE. Mr. Chairman, the current debate on the proposed anti-ballistic-missile system—ABM—is of major national significance and rightly so. On the eve of the congressional decision, residues of political differences are fast dissipating. National interest has taken precedence over party politics, personal commitments, and scientific reputations.

As a concerned citizen, I have listened, read, studied, and wrestled with the question of how I, as a Member of Congress, should respond and ultimately vote on the ABM authorization and appropriation. I have reached the conclusion that I cannot, in all honesty, support this program. This has not been an easy and pleasant task. The Nixon administration, the proponent of the ABM system, has not been consistent in its argument, united in its claim, clear as to its objective, sure of its capabilities, and positive as to its effect on stabilizing the nuclear arms race.

As we approach a decision, the Nixon administration has shifted away from its main argument that the ABM is vital to prevent the Soviet Union from achieving a "first strike" capability that could wipe out American retaliatory forces, as well as from its previous stand that it will work, or that it is even needed. In other words, the administration is now saying that the present American defense system is a potent and effective deterrent to the Soviet Union or Communist China.

The chief argument, now advanced, is that the ABM is needed to strengthen the President's hand as he is about to begin talks on strategic arms limitations with the Russians. This is not a good argument. In my opinion, negotiations should precede any commitment to such an uncertain, expensive, and dangerous course which is bound to accelerate the arms race. There is always some risk in negotiation with the Russians, but I prefer to take such risks in the name of peace and sanity than take chances with nuclear games in the name of security.

The ABM is an enormously expensive system and, as such, cannot be divorced from the question of national priorities. Surely our domestic difficulties—race, poverty, urban blight, inflation—must take precedence. Our Nation can never be strong internationally as long as these problems remain unsolved.

I give and have always given the highest priority for necessary programs contributing to American national security and national defense within the larger world community. I would never hesitate to vote for programs which I believed would secure those ends. I have doubts, however, about the ABM's contribution to our national security. This system is designed to defend the United States by intercepting and detonating in the atmosphere or outer air any missiles with nuclear warheads which might be fired toward the United States. Serious controversy among eminent military, scientific, and political experts raises questions about whether or not the ABM system would actually contribute toward our national defense. Until some of this controversy can be solved, I believe in supporting appropriations only for continued research and development of the system.

In light of the fact that so many experts are so diametrically opposed in evaluation of the above questions and others, I believe that we should at the present time continue our research and development of the ABM system, but not deploy any of its component parts. During this time, we may reach a better consensus and knowledge about the reliability, purpose, and cost of the system, and we may also be able to reach agreement with the Soviet Union which would make unnecessary the new and costly arms systems.

We may, therefore, by delaying decision, not have to deploy the ABM system or the MIRV. We may be able to assert our national community needs over those of a purely military orientation, and devote more of our energies and resources to our urgent national priorities—improving our cities, achieving equal rights and law with justice, combating poverty, creating better educational and health facilities, protecting our national resources, and preventing air and water pollution. Delay or avoidance of deployment of these new weapons systems will, I hope, have positive implications for the quality of our national life and for the direction of our foreign and military policy in the future.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as others have said, I do not stand here before you as an expert, but do say that perhaps I have had more practical experience with atomic and nuclear explosions than most of the Members in this Chamber. My aircraft has been buffeted by the explosion of atomic bombs. I participated in a joint atomic task force being on the control aircraft directing the movements of sampling aircraft in the first hydrogen bomb test in the Pacific. I have seen the largest atomic bomb that we have ever exploded, exploded. I know some of the terror of these particular weapons.

Our Speaker in a few words capsuled my feelings on this very important question; that is, if there is an error to be made, it should be made on the side of strength rather than on the side of weakness.

What are the arguments that we hear against deployment? Well, first we heard it costs too much. I believe the Speaker effectively answered that question about costs; it does not cost too much. We can deploy and we can still proceed against pollution—and I also will support one billion dollars for pollution.

I also voted for the Joelson amendment. We can do this. We can do both. We can defend and protect the future of this country.

Then we hear that if we in effect have the audacity to protect and defend America through deployment of this system, that we may in effect make the Russians so angry with us that they will not negotiate on disarmament.

Well, I believe as strongly as does the Speaker of the House that we are in a better position to negotiate from strength rather than from weakness. I reject the argument.

Then the gentleman from Washington—I wish he were here—made the statement—and he was assuming, of course, that this system works, when he said that the Sprint missile would explode at such a level that it could possibly cause a fire storm. Well, this simply is not true. The Sprint missile is designed to explode at a height at which it would not cause a firestorm.

Bear in mind that heat diminishes with the square of distance. But would you rather have a city destroyed by a nuclear explosion than take the chance of possibly having some fallout, or having a fire? I would not. I would rather have the chance of fallout, which I do not believe is a very creditable chance and save our cities from being destroyed by a nuclear explosion.

Then you come to the point about the saving of lives. Yes, I am convinced the system can be overcome. It can be overwhelmed. But even in overwhelming it we would still—and I would like to see a wider deployment in the first stage—save 50 or 60 million lives by the missiles we would stop before it is overcome. To me that is worthwhile.

But I believe perhaps one of the greatest arguments against this amendment is simply this: I do not foresee nor expect a massive nuclear attack. I believe the Russians are more rational than that, because they realize what would happen to them.

But I do know human nature being

XUM

such as it is, and with the many millions of human beings with some getting into positions of power, that possibly in a moment of insanity and in conjunction with several others, could cause an accidental launch against this country. Put yourself in the position of the President, if one morning you have the hot line from Moscow, ring, and you pick up the phone and the interpreter on the other side says, "Mr. President, we regret to tell you this, but a group of our generals have gone berzerk and they have launched a missile against Chicago. We want you to know we are not made at you, Mr. President, and we are not at war with you and we hope you will be understanding of the situation, but in 20 minutes 2 million people in Chicago are going to die."

Now what I would like to see is a deployment of such an ABM system as would provide an alternative to our only present defense of massive retaliation. I would like to see a deployment that I feel would be able to intercept incoming missiles and not have to wait for one of our cities to be destroyed before we act.

I have met and counseled with Dr. Keller and he tells me that with a limited launch of four or five missiles, we have a 95 percent certainty of stopping them and, to me, this is reason enough for deployment even beyond the present proposal.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from South Carolina.

Mr. RIVERS. If my memory serves me rightly, at the time of Pearl Harbor the Japanese Ambassador was here in conference at the White House.

Mr. THOMPSON of Georgia. That is correct; we cannot place the future of this Nation in the hands of Foreign Ambassadors.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. FRASER. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I was impressed with the argument in favor of the ABM that the Speaker of the House made with his use of historical analogies. But it was an historical analogy that thrust us into the Vietnam war—the analogy of Munich—the need to stop aggression or be overrun.

I think the United States has been going through a maturing process for the past 30 years. We are beginning to understand the complexities and difficulties of the world around us.

Sometimes argument by analogy can obscure the complexities rather than help us understand them.

One of the facts about the history of the ABM system that impresses me is that this is the fourth generation of the ABM that has been brought before the U.S. Congress. We began with the Nike-Zeus system. Then it was the Nike X. Then it was the Sentinel system and now it is the Safeguard system. At every step of the way we heard the same argument that it is better to err on the side of strength than on the side of weakness. We are fortunate that we never have built any of the four versions, because each has proved to be incapable of giving the defense claimed for it.

We had a debate in this Chamber a year ago on the Sentinel system and we heard the same argument made in the well of this House that we are hearing today. Then what happened? The President took another hard look at the Sentinel system, and he went on the air, I think it was on March 14, 1969, and said to the American public that it was not a wise move to deploy the Sentinel system; that this would not be prudent in terms of the reaction it would arouse from the Soviet Union. Instead we should move to a different system—the Safeguard.

Should we have believed the arguments in favor of Sentinel a year ago? Was Congress wise in approving the Sentinel system when in March of this year President Nixon said, "No, it would be a mistake."? This is the kind of sophisticated and complicated judgment with which we are faced.

The argument that has impressed me the most against the ABM system is the fact that if the Soviets do intend to acquire a first-strike capability against the United States, the ABM would be no deterrent to them. They would acquire this capability sometime in the middle 1970's and by simply continuing the production of the SS-9 for another 3 or 4 months they can completely wipe out the effect of a limited ABM system. They could produce sufficient numbers of additional warheads so they could overcome a limited ABM system and proceed to destroy, if they have that capability, our missiles in the ground.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman from California.

Mr. GUBSER. But suppose that one Sentinel or one ABM were able to stop one incoming Russian SS-9: Could the gentleman speculate as to how many thousands of American lives would be saved by that one missile, even if the others failed?

Mr. FRASER. I will say to the gentleman that not even the most fervent advocates of the ABM argue that this system will protect the American people if the Soviets are determined to launch a major strike against the United States. The President himself made that perfectly clear.

If I may make one other point: It has been said that the ABM system is defensive, and hence it will not have any effect on the other side. Turning to the page of the committee report that talks about equipping our offensive missiles with the MIRV, I ask the Members to look at the justification given for the United States going ahead with the MIRV system. Do you know what the reason is? Because of the Soviet ABM. For us to say that an ABM is defensive and it will cause no response on the other side is answered completely in the committee report in which it is made clear that our response to the Soviet ABM is the MIRV, which is clearly the most destabilizing development in nuclear weaponry since the arms race began.

I want to emphasize that this is not a partisan issue. Some of us have been concerned, whether our President was President Johnson or President Nixon, and our concern continues until today. I hope in the House we will not yield to the simplistic arguments of the past, but rather learn from the past to better understand today.

Mr. WAGGONNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am happy indeed to follow the gentleman from Minnesota in the well directly after his arguments. It is difficult for anyone to expand in a more rational way on the merits of the President's ABM proposal over and beyond what the distinguished speaker has just said, because he has laid it on the line and given us the meat of the coconut. Just a few thoughts since time does not permit more. The gentleman from Minnesota (Mr. FRASER), concluded his arguments by saying, in effect, we ought to learn something from history, and I think this is what the speaker was trying to say. We indeed ought to learn something from history. But the people who have advanced the arguments against the ABM system apparently have never learned that, because arguments exactly like those they have made here today have been made between every war in which this country has been engaged and history records that because these agreements have been heeded we as a result have never and I said never been ready for any war. We have always had to play catch up. Between World Wars I and II the cry was to quit spending money on defense and to disarm. And stupidly we did disarm. Every time we sank three battleships the other side burned three sets of plans to provide equity. How foolish can we be?

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the distinguished minority whip.

Mr. ARENDS. The gentleman has made a point which reminds me of a statement that appears in the committee report.

As the late Robert F. Kennedy reported in "Thirteen Days," his memoirs of the Cuban crises, this country cannot trust the word of the Soviets concerning their strategic or tactical plans. Just prior to the quarantine, the highest Soviet leaders were giving both private and public assurances that there were only defensive missiles being brought into Cuba. We had photographic proof that the opposite was the case. As Senator Kennedy described it:

> Now, as the representatives of the CIA explained the U-2 photographs that morning, Tuesday, October 16, we realized that it had all been lies, one gigantic fabric of lies.

Mr. WAGGONNER. The gentleman is exactly correct. Because of arguments like the one I mentioned before yielding, we were not ready for World War I, we were not ready for World War II, we were not ready for Korea, and we were not ready for Vietnam. And we are not ready for an expanded war today. We have said to the world for all to hear, "We are not going to strike first with nuclear weapons." Then why on earth would the Russians have a defensive system similar to our ABM system except to defend against retaliation from the United States which would come if we were able after we were struck? They have never said that they would not launch a first strike. It was a mistake for us to ever say so. The Russians have both a first strike and defensive capability now.

Let me tell you what the fallacy of the opposition argument is. The gentleman from Minnesota (Mr. FRASER) made it perfectly clear. He unwisely believes he can predict their intent. He talks about the intent. I have had letters from a few people who have said it is inconceivable that anybody could or would attack the United States. As has already been pointed out, it was once inconceivable to us that the Japanese would attack us at Pearl Harbor, as they did. But the fallacy in the argument is this. In establishing a Department of Defense, in preparing for the defense of this Nation and its people, we do not and should not do what we do because we think we can estimate intent, and we never have been able to estimate intent, but we prepare ourselves as we should and give primary consideration to what the potential of the enemy might be. Intent is of no value, but potential is. We must be prepared to over match their potential. The Russians have tremendous potential.

The argument has been made that it is a waste of money to spend this amount on defense. It has been said we ought to spend it on social welfare. The rate of growth of social welfare costs far exceeds the growth rate of the costs of the Department of Defense. The truth is, if you follow this rationale, every dollar spent on defense is wasted if you do not have a war but if spending money to provide for defense prevents war it is money well spent. You cannot equate lives with dollars. Some say it will not work, but it will.

I am told we will have an amendment offered to strike conventional carriers. Are we going then to be consistent with our arguments and say they will not work? It has been proven that they will work. You can make no argument against carriers except you do not want to provide for defense and want to spend the money for something else.

Let me tell the Members what my impression of the Safeguard system is. I think the President made a wise decision. He recognized we have a fourth generation of ABM missiles, as the gentlemen who preceded me said, and in recognizing so, the President recognizes we are going to get other capabilities which are advanced, so what does he want to do? He wants to protect our retaliatory capability and expand that capability and our defensive capability as technology is gained to do so, and I cannot see anything wrong with that.

Here then is the crux of the issue. The ABM just might be the difference between our surviving and saving this country in a war and not doing so. I do not want to take that chance. It just might be the balance of difference. Vote down this amendment. Do not prostrate the United States before the Russians or anybody else. Do not be led down the road of no return by those who so foolishly believe the Russians or Chinese can be trusted and their future actions predicted.

Mr. WHALEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard many arguments today, both in favor of and against the deployment of the Safeguard anti-ballistic-missile system. I think at this point it might be well to list the points on which both the proponents and opponents agree. I think in doing that, we then will be able to narrow the issues.

First. I think both the proponents and opponents agree on the fact that we can indeed afford the cost of deploying the Safeguard ABM system. This point was well stated by one of the most outspoken opponents of the system, Mr. Adolf Berle, Jr., who said in the 1970's with the trillion dollar gross national product, we can afford to excise up to $50 billion for ABM deployment.

Second. Both the proponents and opponents agree that the Safeguard ABM system cannot protect people, cannot protect urban areas. I think perhaps there has been some misunderstanding on this point. This fact was pointed out very clearly by President Nixon in his message of March 14, when he said "it is not within our power to do so."

Third. The experts are agreed Russia is continuing its ABM research, and it is for this reason that those who oppose deployment of the Safeguard do believe we should continue funding ABM research and development.

Fourth. I think this is the most important: There is unanimity among our military intelligence and scientific experts that the Russian Golosh system does not work, and it can be easily overcome by U.S. missiles.

Having enumerated the areas of agreement, let us next consider the issues which represent the major points of disagreement between Safeguard proponents and opponents. As I see it, there are three.

First. Does the Soviet Union have a first strike intention? I think it is difficult to surmise "intention." Thus, I believe the possibility of a Russian first strike is not a debatable subject. Rather, I agree with Secretary Laird who said we are not concerned so much with intentions as with capabilities.

This leads, then, to the second issue.

Second. Is there a real threat to our nuclear deterrent?

Before answering this question, I believe we ought to enumerate what this deterrence consists of. First, our intercontinental land-based missiles. Second, our SAC intercontinental aircraft. Third, our nuclear-powered submarines. Fourth, our tactical missiles located in Europe.

These are widely dispersed. From available statistics it is obvious that our nuclear strength far surpasses that of the Soviet Union. Therefore, they are in no position to overwhelm us. Further, it is literally impossible to knock out the various deterrents which I have mentioned at one time with one strike. If one of these is knocked out, this will still leave us with a credible deterrent in the other areas. So I believe it is obvious at the present time, and for the foreseeable future, there is no real threat to our second-strike force.

Third, will the Safeguard system work? Is it operationally feasible? We already have pointed out that the Russian Galosh ABM is not workable. The reasons which cause the Russian Galosh ABM system to be unworkable also apply to Safeguard.

First, Safeguard, like Galosh, can be overwhelmed.

Second, the Safeguard radar is extremely vulnerable. This is the primary weakness of the Russian system. The entire ABM system is dependent upon our radar. I would point out that our MSR radar has one-tenth the hardness of the missile which it is seeking to defend. It is quite obvious there will be a strike against the radar, which can easily be knocked out. Since Safeguard's effectiveness depends upon operable radar system, destruction of that system will render Safeguard ineffective.

Third, Safeguard's computer system is not technically feasible. Why? Simply because the computing task cannot be defined and an effective response, therefore, cannot be programed.

In view of the fact that there is now no credible threat to our own nuclear deterrent, plus the fact that Safeguard's operational capabilities are extremely doubtful, I urge the adoption of the Wilson amendment.

Mr. OBEY. Mr. Chairman, I rise in favor of the amendment and move to strike the requisite number of words.

Mr. Chairman, I doubt that there is a Member of this House who does not want the maximum in national security and safety of our Nation and its citizens. Sometime today or tomorrow we will vote on an anti-ballistic-missile system, and by doing so will answer the question of whether we believe our Nation's security will be enhanced or diminished by the development of a weapons system which will cost anywhere from $10 to $40 billion.

It is politically difficult to vote against any weapons system. It is difficult because a vote against a weapons system, no matter how many doubts exist about its effectiveness, subjects the man who cast that vote to wild, unfounded attacks upon his patriotism and his dedication to his country's welfare.

But what we are really talking about here today is how best to preserve national security and how best to spend the people's money, and difficult though it may be, that vote must be cast.

Mr. Chairman, for many years the arms budget has received little more than perfunctory review by the Congress as a whole. We are often told that "the military knows best"; that the Congress should not try to override military judgment on weapons system matters. But Mr. Chairman, a few weeks ago a person known by everyone in this House was quoted as saying:

> It is not the military people who make our world-wide commitments, it is not the military people who determine our budgetary expenditures, it is not the military people who set the major policies of our nation; all these things are the responsibilities of civilian leaders in executive and legislative branches.

The man who said that was a man who served in this House for 16 years, a man whose seat I was elected to fill 6 months ago, the present Secretary of Defense, Melvin Laird.

I think that statement indicates what the facts are.

Mr. Chairman, above all else, I do not want this debate to generate into a cliched attack upon the so-called "military-industrial complex." I think it would be a dangerous thing to turn this debate and the opposition toward the deployment of an ABM system into an attack upon the military. The country cannot afford that, and the military does not deserve it. I, for one, am not especially shocked because our chief military leaders are requesting approval for another weapons system. If they sincerely believe that weapons system is in the best interest of the country, it is their obligation to the public, to the Congress, and to their own consciences to request such a system.

But, to us falls a different task. We too have our obligations to conscience and our role is quite different.

To us falls the responsibility to examine that request, not only in terms of past military realities and requirements, but also in the context of present and future military, international, economic and domestic considerations.

To us fall the responsibility and the obligation to balance such requests against other requests for hospitals, medical research, pollution control, and a good many other things, including other weapons systems.

So today the Congress must make a decision which should be ours to make. Most of us have studied the questions involving the deployment of the ABM and its implications for our national security and some will say that because of this examination we are for the first time meeting our responsibilities in this area.

That is not really true.

We should not only be debating weapon systems, we should also be examining the foreign commitments, the contingency planning, and the tactical assumptions which make this discussion of weapons systems necessary. Until the Congress is organized to do that, we will really be debating only the last step in the process of constructing a defense or armament budget.

Within that limited context, I cannot help but conclude that our security is not enhanced with the deployment of an ABM system. Debate on the ABM in the Senate and throughout the nation has shown that there are grave and widely held doubts about the invulnerability and reliability of the Safeguard system proposed in this bill.

In case you think that these are farfetched doubts, the Stubbings report showed that of 11 major electronic weapons systems procured since 1960, only two of them have worked correctly and six—or more than half of them—have met less than 25 percent of their specification standards and these were systems which could be tested.

We are talking about a system of radar, computers and missiles—all of which can never be realistically tested as an integrated system.

There are strong doubts that the long and short-range radar systems, part of which have not yet even been built, will operate with the simultaneous and instantaneous precision necessary in the event of a sudden attack. Dr. Jerome Weisner, former science adviser to President Kennedy has said:

> Few competent people expect the extremely complex ABM system to work the first time; yet it must to have any effect.

The computer system of the ABM will contain hundreds of thousands of parts. It has not yet even been built, let alone tested. It must guide radar, detect and track targets, sort out decoys, and with all their other doubts, many leading scientists simply do not believe that the computers can ever be programed to do the job required. They are also convinced that because the short-range radar is much more vulnerable to nuclear blast than the missile sites, the entire system could be blinded—even by relatively inaccurate missiles.

Equally as significant is the fact that they believe that the Safeguard is designed inadequately to do the job it is supposed to do—to protect our Minuteman missile sites.

The most telling criticism of all is the ease with which our ABM missiles could be overcome by simply raining in more offensive warheads than our defensive system is capable of destroying.

While it will take us until about 1974 to have our first two ABM sites finished, the Soviet Union could manufacture and deploy, in a few short months, enough missiles to completely off-set our ABM system.

To quote Senator STUART SYMINGTON, who, as a past Secretary of the Air Force can hardly be classified as "inexpert" or "naive":

> Even if the Safeguard works perfectly, with a slight addition in production by the Soviets of their SS–9 weapon, according to objective and capable scientists and engineers, there will be no increase in the security of the United States; so the money will be wasted.

Senator SYMINGTON has also described the system as "a nuclear space age followup to the tragedy that was the maginot line."

In 1958 President Eisenhower prevented the deployment of a Nike-Zeus anti-ballistic-missile system against the wishes of a good portion of the military. So did President Kennedy. Secretary of Defense McNamara testified in 1967 that if President Eisenhower had not won that fight we would have been saddled with a $12 to $14 billion white elephant which would have been obsolete before it could have been deployed.

The evidence is all too strong that the same will be true of the Safeguard system. The overwhelming opinion of the scientific community is against it, and the Federation of American Scientists has called the ABM: "irresponsible on fiscal grounds" and "pointless on military grounds."

Perhaps the most distressing of all, however, is the destablizing effect our decision to deploy an ABM system could have on the balance of terror which has existed between the Soviet Union and the United States for the past two decades.

In September 1967, Secretary of Defense Robert McNamara said:

> What is essential to understand here is that the Soviet Union and the United States mutually influence one another's strategic plans. Whatever be their intentions, whatever be our intentions, actions—or even realistically potential actions—on either side relating to the build-up of nuclear forces, be they either offensive or defenseive weapons, necessarily trigger reactions on the other side. It is precisely this action-reaction phenomenon that fuels an arms race.

The proponents of an ABM system tell us it will not escalate the arms race. Recent history shows differently. In response to the Soviet deployment of their Galosh system around Moscow, we reacted by accelerating our MIRV multiple warhead program and by requesting money for manned bombers. Now we have learned that the Soviet Union has resumed testing of its fractional orbit bombardment system—FOBS—a system which involves the delivery of nuclear weapons from low altitude orbits. That system had not been tested by the Soviets for almost a year. But, in what many consider a direct response to the Senate decision on the ABM, the FOBS testing began again in mid-September.

So the Russians went to Galosh, we responded with ABM and MIRV and they went to FOBS and, no doubt, we will be told that the new tests of FOBS present a danger to which we ought to respond.

How soon will we hear that the "thin" ABM system must be expanded into a "thick" one?

Mr. Chairman, we have an awesome array of weapons that ably guard the security of this Nation.

We have large numbers of tactical nuclear weapons in Europe, 650 nuclear armed strategic Air Force bombers, not to mention our medium range bombers. We have over 1,000 land-based Minutemen missiles and 656 of the most effective weapons in the world—Polaris missiles. With our plans to install the Poseidon in 30 of our 41 submarines, we will have over 5,000 ICBM's in addition to the tactical weapons I have mentioned—enough to retaliate with devastating effect upon any country foolish enough to attack us.

The United States and Russia have stockpiled enough nuclear weapons to equal 15 tons of TNT for every human being on earth. Is not that, in the President's words, "sufficiency" enough?

If such an arsenal does not offer us sufficient protection to try once more to slow the momentum of the arms race, then we might just as well admit it can never be done.

Is it not, less dangerous to try than not to?

If we do not act now before the ABM and MIRV genies get out of the bottle, will we have another chance?

Mr. Chairman, societies can be destroyed from within as well as from without. Either way, the result is the same, a rending of national fabric and a lessening of national security.

The security of a nation is determined not only by the soundness of its weapons, but also by the soundness of its society and the soundness of its dollar. Even in times of economic stability we are not so rich a nation that we can afford to spend $10 and possibly eventually $40 billion on a weapons system of questionable reliability, and inevitable pointlessness.

In a time of inflation, such a decision would not only be unwise, it would be downright risky.

The cost of the ABM program before us today is now set at about $11 billion. A few months ago that cost was estimated at about half that amount. What it will be 2 years from now we can only guess. But this is the money that will not go to build schools or hospitals, feed the hungry or help our citizens to live a decent life. And the fact that 12 major systems developed by the Department of Defense since 1950 exceeded their estimated cost by an average of 220 percent offers us little hope that the future will be different. What we should do now is to delay deployment of the ABM but continue research and development. If at some future time the cast for deployment becomes compelling, we would be prepared.

Congress should not be surprised when the military asks for new weapons systems. That is their job. But, in the name of fiscal sanity, we must expect Congress to look at those requests in the same way that we do anybody else's. That is our job. So far we have not done it and we have certainly not done it with the ABM. I am convinced that if we applied the same test for cost effectiveness to the ABM that we supposedly apply to our domestic programs, this House would never authorize money for the deployment of Safeguard—nor for several other systems in this bill.

I shall not vote for this system. There is overwhelming evidence that it will not work. History and logic shows that it will leave us at least $10 billion poorer, and will start another costly and futile round of nuclear armament escalation leaving us in the end with more burdens, but no more security, than before. And that makes no sense at all!

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Chairman, I want to commend the gentleman for his outstanding statement here today. I know we have been talking about what the American people want. I know the gentleman has come to the Congress fresh from the people in his home State of Wisconsin. As I understand it, they have expressed themselves and you have come in here to give us your views. I think the statement made here today by the gentleman is outstanding.

Mr. OBEY. I appreciate the comments of the gentleman from California. I have not often taken this floor in the past during debate because I know it is felt a freshman does not very often have that much to offer, and that is probably right, but I felt so strongly about this issue that I felt I ought to do it.

Mr. BELCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I very seldom, if ever, take the well to argue anything concerning another committee, but I have not gotten clearly in mind exactly what the issue here is, and before I vote on it I would like to know. Apparently the issue is whether or not we are willing to shoot $345 million in the hope that it might save 50 million people. I am willing to take that kind of a chance, and I am not much of a bettor, either.

I am ranked as one of the conservatives. As conservative as I am I would vote for the $345 million just in the hope that it would work. I do not know whether it would work and I do not think anyone else knows whether it will work. I do not have any more information than these gentlemen who are proposing this amendment. I am just as ignorant as they are about the whole thing. The thing that surprises me, though, is this: Every time we have a cut in an appropriation you know it is us old mossbacks that are trying to cut it. Those fellows never do. I have never seen them support a cut in an appropriation for foreign aid. I have never seen them cut an appropriation for welfare or anything else. Why does it get to be such a principle that they who are very liberal and are willing to spend money for almost anything under the sun are not willing to spend $345 million just in the hope that it will save 50 million people? Why, you fellows are not liberal at all; you are more conservative than we are.

Now, why in Heaven's name have you come to be such tightwads all of a sudden? Wait until we get the foreign aid bill up here and see what you do about it. Wait until we get the welfare bill up here and see what you say about it. Even in our Committee on Agriculture we are spending $3.5 billion a year in subsidies to agriculture. If we are willing to spend that much and if we are willing to spend $192 billion for the Federal budget, I am willing to spend $345 million in the hope that we will all be here to enjoy it.

Mr. Chairman, there is one thing about this. You fellows are not taking any chance. If you are proved wrong, there is not going to be anybody left in America to claim that you were wrong.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. RIVERS. Mr. Chairman, I wonder if we could arrive at some time limitation on this amendment? I wonder if we could not agree to close debate on this amendment and all amendments thereto at 2 o'clock.

The CHAIRMAN. Is the gentleman from South Carolina making that unanimous-consent request?

Mr. RIVERS. I ask unanimous consent that all debate on this amendment and all amendments thereto close at 2 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. ECKHARDT. Mr. Chairman, reserving the right to object, I should like to ask if I had been recognized prior to the time the request was made by the gentleman from South Carolina.

The CHAIRMAN. The Chair will state to the gentleman from Texas that the Chair had not recognized the gentleman.

Is there objection to the request of the gentleman from South Carolina?

Mr. FOLEY. Mr. Chairman, reserving the right to object, I wonder if I could ask the distinguished chairman of the committee if he would consider a time limitation of 2:30. We have a number of Members standing and this is a very significant issue.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the chairman of the committee.

Mr. RIVERS. As a matter of fact, the chairman of the committee has not opened his mouth on this amendment. I would like to let people know that I at least have some opinions about it and I would like to say something.

Mr. Chairman, I would like the Chair to state how many Members are standing who wish to be heard on this amendment.

The CHAIRMAN. The Chair will state that 30 Members are standing.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude at 2:30, with the last 5 remaining minutes reserved to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The Chair will recognize the Members who were standing for 2 minutes each.

The Chair recognizes the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, I rise in favor of the amendment. The antiballistic-missile system—ABM—could well turn out to be the most tragic and costly military dud in the Nation's history. There is strong indication that the ABM is not technologically feasible and that spending billions on its development and deployment is little more than a public works program for the defense industry. The thought of throwing away billions of dollars on a weapon system whose only utility is as a museum piece is shocking to me because of the vital domestic social and humanitarian needs of our society which are going unmet.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, most of the debate against the amendment, which amendment I support, has been directed at a straw man, a straw man who is for unpreparedness, a straw man who is for unilateral disarmament, yet I know of no man who has taken the floor—and I do not believe there is likely to be one—who stands for either of those principles.

I recall that Winston Churchill said of the early 1938 period:

> Poor England! Leading her free, careless life from day to day, amid endless good-tempered parliamentary babble, she followed, wondering, along the downward path which led to all she wanted to avoid. She was continually reassured by the leading articles of the most influential newspapers, with some honorable exceptions, and behaved as if all the world were as easy, uncalculating, and well-meaning as herself.

I also recall at that time that the mightiest military force on earth was the

Luftwaffe, and Britain was unprepared and not concerned with preparedness.

Today the mightiest military force on earth is the U.S. strategic arms force. We are certainly not in the position of an easy, careless, miscalculating England of the late thirties.

Our situation is simply this: to choose whether or not to choose an untested defense mechanism as against a well-detested deterrent force. The United States has in excess of three times as many nuclear warheads—including its Polaris submarines, its ICBM Minuteman, and its warheads on planes—as the Soviet Union at the present time.

The status of the two nations today is as if two persons sat across the table from each other naked, with blowguns with poison darts. Neither dare shoot the poison darts because of the deterrent force of the other side. But let us devise imperfect shields for both sides, and the darts may then fly.

We are not talking about disarmament. We are not talking about unpreparedness, but about the best way to be prepared.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Chairman, people keep saying that we can do things that seem impossible, as if that were at issue in the discussion about the ABM. The point seems to be that because someone has said it is impossible to construct a successful anti-ballistic-missile system, we should deploy at once whatever antiballistic missiles we happen to have on hand.

But the question is not, Can we do things that seem impossible? The question is, Should we spend billions of dollars more to deploy more weapons before there is much reason to think that they will work?

Some men once thought they could reach the moon by planting beanstalks. Now eventually we did reach the moon, but we did not do it by deploying large numbers of beanstalks until some of them grew to the moon. Research provided a better way to reach the moon than climbing beanstalks, and in fact it now seems clear that not much was lost by not having spent much on beanstalks.

No one here has opposed continuing research to develop antimissile defenses. But the men who have had the most to do with developing the ABM—the great scientists whose names are a "Who's Who" of America's foremost Defense consultants: York, Panofsky, Killian, Kistiakowsky, and the rest—tell us that it is foolish to deploy what we have now got. The simple fact is that one does not add to one's security by deploying weapons that will not work, no matter how many of them one deploys. One may, on the contrary, weaken one's security by spending billions of taxpayer's dollars pointlessly in the midst of an already dangerous inflation.

People also keep saying, "You cannot trust the Communists," as if that were at issue. We have been reminded that the Russians lied about missiles in Cuba, as if the lesson of that episode were not that our technology was good enough—even 7 years ago—to detect deception. The point of course is precisely that we do not need to trust the Russians at all to make agreements with them that would limit the arms race, because if these agreements were violated our technology would tell us so right away, and we could proceed accordingly.

For instance, we know the Russians have deployed ABM's around Moscow. We would not have known it any the less had they done so in violation of a treaty prohibiting the deployment of ABM's.

We also know that the Russians have stopped deploying ABM's. Perhaps they know more about the futility of deploying ABM's than we do having already deployed some. Perhaps they are hoping that we will balance their waste by deploying some of our own. If it is relevant to keep repeating, "You cannot trust the Communists," perhaps that is the relevance.

If a few little Galoshes near Moscow can lead the United States into vast expenditures for more useless missile systems, it may well be said accurately one day that the Soviet ABM's struck a grievous blow against America.

Finally, it has been suggested that we must deploy ABM's to protect us against a sort of unofficial attack by a mad Russion colonel acting on his own. This line of reasoning apparently agrees with Secretary McNamara's assessment of the utter uselessness of ABM's in their present stage of development if we were to be confronted by a massive and deliberate Russian attack. But, it is said, against a stray intercontinental missile or two, deployed ABM's could save a large number of American lives. And who would begrudge money for that—even if it costs $400 billion to construct ABM's that could protect all of our population centers, as Senator SYMINGTON, among other experts, has told us it would?

Which brings us back to the central, incontrovertible fact of this debate: Weapons that do not work do not afford anyone much protection against anything, even against stray missiles fired by madmen, whether they be Russian colonels, Chinese dictators, or anyone else.

That is why money for ABM research makes sense, and why money for ABM deployment at this time does not.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, obviously in 2 minutes' time I can only address myself very briefly to one facet of this debate.

I hope perhaps, because of the concern I have expressed here in the well in recent months over the arms race, I may have some small claim to some credentials in this area, of being interested and concerned about the build-up of nuclear power in the world and with the threat that this may pose to the very fragile peace that still exists in the world.

After listening to all of these arguments over the deployment of the ABM or at least the authorization in this bill to proceed toward the goal of operational deployment by 1974, I firmly disagree that it is the kind of provocative gesture that will upset the forthcoming SALT talks.

It seems to me that the whole subject of anti-ballistic-missile systems is one of the things that might well come up in the talks, an agreement to limit systems of this kind to make sure they do not blossom out or ballon into huge city ABM defense systems which I think would be a potential forerunner of an attempt to achieve a counterforce capability.

But how are we going to bargain at those talks if we are going into those talks and have already indicated that we foreclose completely the option of this country to deploy any kind of an antiballistic system and if we deny the President the right that he should have to proceed on a very sound and reasoned and incremental basis.

The program will be reexamined annually, and we will have the opportunity to consider whether diplomatic conditions have changed and whether the technology has changed, to the point where perhaps the decision to go ahead can be altered.

It seems to me the President's report of the 14th of March did spell out the kind of responsible program that enables those of us who are interested in maintaining this option and also interested in seeing a scaling down of the arms race to support the authorization requested in this bill.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I am very glad that the distinguished gentleman from Illinois has raised the question of the SALT talks.

I have enormous admiration for the gentleman who, I think, is one of the ablest Members of this House. We agree on the danger of the MIRV weapons system and that there should be a suspension of MIRV testing on both sides, to give us a chance to succeed in the SALT talks.

But I disagree with him on the implications of the ABM decisions before us today with respect to the SALT talks.

I regret that very little attention has been paid during this debate to these talks. In my opinion it is impossible to overstate the significance of these talks. Whether we can achieve a strategic arms limitation agreement with the Soviet Union, with adequate safeguards, is perhaps the most important question that lies in front of us, indeed of the whole world.

We are at a crossroads. We can take the road of an accelerated arms race, with MIRV and with the ABM, and spend billions and billions of dollars over the next 10 years, and at the end of 10 years have no greater security than we have today because the Russians will have kept up with every move.

Or we can move toward success in the SALT talks that would mean a substantial limitation of military expenditure on both sides and the possibility of spending on needed programs at home.

Today those SALT talks are not taking place. Why? Because the Russians have not set a date. We have asked for a date. What are they waiting for?

I submit, Mr. Chairman, that the Russians are nervous today, they are afraid we will achieve a situation dangerous to them by moving ahead with the ABM and MIRV and they have said so in their controlled press.

By holding back on ABM and MIRV, we would create a better atmosphere and hopefully we would be able to get these talks started.

If we accept this amendment, we are not ruling out the possibility of going ahead with the ABM, if we cannot get the talks started or if they do not succeed—that possibility is always there. So, we are not giving up any leverage with the Soviets, which is what the gentleman from Illinois is worried about.

I have stated previously that I think it is literally impossible to exaggerate the importance of this issue. As I said, in a previous discussion on the floor of the House:

> I think it is undoubtedly the most important issue that will come before this Congress, because it not only signals a whole new dimension in the arms race between ourselves and the Soviet Union, but it will also determine how we are going to use our resources in the coming years, whether we are going to use them on highly dubious military devices, or whether we are going to use them for the crying needs of our cities and the country as a whole.

I would like, at this point, to review in some detail what my reasons are for opposing deployment of ABM.

First. There is little likelihood of first-strike nuclear attack by ICBM from either China or the Soviet Union—because China lacks the capability, and because any such attack would be likely to rain lethal fallout and/or retaliatory nuclear destruction on the attacking nation itself—and addition of an ABM system would not improve existing defenses against a nuclear attack delivered by means other than missiles.

The Chinese have not developed the degree of missile capability that was predicted and that would require ABM deployment on our part. Deputy Secretary of Defense Packard confirmed in testimony before the House Armed Services Committee that he had concluded that "the Communist Chinese threat had slipped somewhat and the exact date it would be realized is not now clear."

The assumption that China would act so irrationally as to attempt to deliver a nuclear strike upon the United States by whatever means is contrary to the record of Chinese international behavior over the past 2 years, during which China has acted, if not spoken, with considerable caution and moderation toward the United States.

Secretary of Defense Laird has argued, on the basis of the size and nature of the ICMB's being produced by the Soviet Union and the rate at which they are being produced, that the Soviet Union is seeking to develop a first-strike capability—that is, an ability to destroy our retaliatory forces with a preemptive attack. He has suggested that the Soviets might be tempted to utilize such a capability in the coming decade, casting the ABM as an essential element in maintaining the credibility of our deterrent—and indeed in assuring our survival in the face of growing Soviet strength.

There has, however, been serious question whether Secretary Laird has correctly estimated projected Soviet capabilities and future intentions. Secretary of State Rogers, for example, has publicly doubted the Soviet "intention" of launching a first strike.

Second. Neither Chinese nor Soviet missile development and deployment are going forward at such a rate or in such a manner as to suggest a significant change in the capabilities or intentions of either of these nations in the foreseeable future that would justify deployment of an ABM system at this time.

Intelligence experts are in sharp disagreement over both the capabilities of the large Soviet SS–9 missile and the strategy the Russians are currently pursuing. In questioning Secretary Laird's assumptions, several analysts have pointed out—

First, that the United States holds an overwhelming lead in total warheads and is still substantially ahead in development of MIRV's—multiple, independently targeted reentry vehicles—and in submarine-based missiles;

Second, that the Soviet deployment of solid-fuel missiles began only last year—6 years after the United States began deployment;

Third, that the deployment curve for new weapons systems rises sharply in the early stages of deployment, and levels off thereafter. On that basis, the Soviet Union's deployment of SS–9's is currently within normally predictable limits for a new weapons system, and therefore the assumption that the Soviet Union will continue indefinitely to deploy these weapons at the current rate is highly questionable.

In short, current Soviet efforts can equally well be explained as a response to a "missile gap" in which they perceive themselves as lagging, rather than an effort by the Soviets to create a first-strike capability that could destroy our second-strike deterrent capability.

Even if the Soviets did develop a theoretical first-strike capability, that capability would depend on the assumption that their attacking missiles would find our Minutemen in place. In fact, the Soviets could never be sure that—should they launch a first strike at our offensive missiles sites—we would not fire our missiles in anticipatory retaliation even before their missiles had reached American soil, a possibility that, in itself, constitutes the needed deterrent to a Soviet first strike without adding an ABM system. This element of uncertainty would persist in the Soviet's minds even though a U.S. President might, in fact, be reluctant to react to radar signals of an incoming attack in such an all-out manner.

Third. Given the current uncertainties about the technical reliability and capability of the ABM system to perform the functions visualized for it, it does not merit our confidence, and additional research and development, rather than deployment, would be appropriate at this time.

A number of prominent scientific and technical experts believe that, based on past experience with complex weapons systems—including current published doubts about the reliability of our Minuteman ICBM force—the ABM, the most complex system of missiles, radars, computers, and command systems ever contemplated, let alone deployed, is unlikely to perform well enough to do its intended job. Evaluating the system is complicated by the fact that its components can never be fully tested, leaving us in a position of having to rely on an unproven system to work effectively on a few minutes' notice.

Some scientists feel that the radar system which would have the task of guiding our ABM's—especially the Spartans—could be confused by any of a number of enemy penetration aids. Though there remains considerable debate over whether decoys could easily be added to the unsophisticated Chinese missile threat, it is generally assumed that Soviet development of radar baffling penetration aids has paralleled our own. In addition, the radars guiding both Spartans and Sprints could be completely blacked out for "several minutes" by initial high-altitude nuclear explosions either of incoming missiles or of our own first wave of ABM's.

Fourth. While greater protection from accidental launch of nuclear missiles toward the United States would be desirable, this alone does not justify deployment of the ABM, especially when there is serious doubt whether an ABM system could perform this function effectively, and there is no evidence that it is either the best or only means of dealing with the accidental launch problem.

A strong case has been made that an ABM system is necessary to fill the void which is alleged presently to exist in the event a nuclear power should accidentally launch an ICBM at the United States. This is a highly unlikely eventuality, and if it were to occur, there is no assurance that the proposed ABM system would be capable of dealing effectively with the situation, or that an ABM system is the only means—or even the most desirable means—of solving the problem of preventing or limiting damage from an accidental strike.

If it could be assumed that the ABM system would provide effective protection against damage due to accidental attack, that alone would hardly justify deploying it given the many other arguments against it. But many foreseeable technical and command problems with the proposed ABM system cast real doubt even on its usefulness for dealing effectively with accidental attack.

Fifth. Before delegating authority to fire offensive or defensive nuclear weapons to officials below the level of the President, which would almost certainly be necessary in the case of ABM, all possible alternatives should be explored.

Under the fundamental American principle of civilian control of the military, the civilian President is the Commander in Chief of the Armed Forces. Only he has the authority to order the firing of offensive or defensive nuclear

XUM

weapons. If we deploy the currently proposed ABM system, lesser officials will have to be given authority to fire intercept nuclear weapons. While the circumstances are not totally analagous, the *Pueblo* and EC–121 incidents indicate that current systems of human command do not respond quickly enough to permit a Presidential decision to launch ABM's within the "lead time" that would be available when enemy missiles appear on the warning radar screens. To respond in time with ABM's would almost certainly require a "launch-on-warning" arrangement that would remove the civilian control over nuclear weapons to which this country has long been committed. In other words, the nature of the command structure and the nature of the ABM are such that delegated authority and not the President would have to be in a position to press the nuclear button. The seriousness of this problem, and the technical problems with the ABM, are even more evident when viewed in the context of certain political considerations, in particular, the long-awaited arms limitations talks.

Sixth. A decision to deploy ABM's, or actual ABM deployment, would add nothing to our arms control bargaining position that we do not already enjoy through our current deployment capability, and in fact might limit our bargaining power by reducing our seeming sincerity in seeking to limit strategic arms.

Proponents of the ABM have contended that deployment would merely match what the Soviets have already done around Moscow, and that it would put us more in step with the traditional emphasis on defense in Soviet strategic doctrine. They further note that the Soviet reaction to Secretary McNamara's initial announcement of our intention to deploy an ABM system was quite restrained. Therefore, such deployment will either leave the prospects for agreement unchanged or will improve them by giving us a new bargaining counter.

On the other side, opponents of deployment have contended that deployment of any new weapons system, whether offensive or defensive, is inevitably destabilizing and a spur to further escalation by both sides. The United States has accelerated its embryonic program to develop MIRV's and its own ABM system largely in response to the Soviet ABM deployment around Moscow. Similarly, it must be assumed that Soviet defense leaders would have to respond to deployment by the United States of an ABM system with a further increase in their own offensive and defensive capabilities.

If the Soviets perceive a "missile gap" in favor of the Americans at the present time, how much wider must the gap seem to them if we now add ABM's, MIRV's, and even AMSA—advanced, manned, strategic aircraft—to our already superior arsenal? Since we have managed to raise the specter of a Soviet first strike despite our present lead, the menace of preemptive action by the United States must seem even more real to worried planners in Moscow. Dr. Marshall Shulman has argued, for example, that an American ABM deployment is likely only to strengthen the hand of those individuals in the Soviet hierarchy who contend that the United States is too committed to an arms race seriously to be interested in negotiating its halt. Consequently, this American action would reenforce the case for increased Soviet arms deployment and give fresh impetus to the upward spiral of arms. Indeed, it must be assumed that Soviet defense leaders would be regarded as derelict in their duty if they did not propose expanded Soviet armament in response even to the prospects of American ABM's, MIRV's, and AMSA.

Seventh. Arms control negotiations following ABM deployment or a decision to deploy would have reduced potential for reaching agreement due to influences from sources with vested interests in retaining the system and the possible need for one or more parties to dismantle existing hardware and to incur the resulting financial losses. Negotiations conducted prior to any deployment or deployment decision would proceed without these negative influences and constraints, and enjoy a correspondingly better probability of reaching arms control agreement.

It is in this regard that our ABM deployment could well leave us with less rather than more security. For if the ABM has the destabilizing effect which we fear, we may lose our chance to reach agreement with the Soviets on a level of mutual deterrence approximating that toward which they are presently building. We may instead be forced by parallel fears to match, and to top, each other's weapons systems, with neither side able to know with assurance whether it is leading or lagging in the race for national survival. The resulting atmosphere of uncertainty would produce a much less stable international order, in which we might encounter far greater difficulty than at present in insuring American security.

With negotiations on possible arms limitations such an important factor, what of the contention that an ABM system would prove a valuable bargaining counter for the United States? The proposed Safeguard system would not be operational until 1973. So in any negotiations over the next year or two—the period in which prospects for international arms control agreement would be fully tried and tested—the United States would, in fact, be bargaining our capability to deploy an ABM system rather than the actual deployment of such a system. A decision now to deploy, therefore, would add nothing to our bargaining position within this time frame and would probably weaken it by decreasing our ability to convince the Russians that we are sincere in seeking to limit strategic arms.

There is little doubt that arms control negotiations could be conducted even if Russia, the United States, or both had decided to deploy or already begun to deploy ABM's. But once the decision to deploy is made, or deployment undertaken, any arms control agreement is likely to require a dismantling of existing facilities and consequent financial losses—both likely to incur the opposition of the vested interests that inevitably develop in support of retaining and expanding any weapons system once it is deployed.

Eighth. The resources required to deploy an ABM system would have greater benefits for the Nation if devoted to various domestic needs.

The cost of the Safeguard system for which further funding will be required this year has been estimated by the administration at between $6 and $7 billion. About $900 million of this total will be needed in fiscal year 1970. Opponents of the system have contended that Safeguard is just the opening wedge for a "thick" ABM system which would be designed to defend against a major Soviet attack, at a cost estimated upward from $40 to $100 billion. The Nixon administration has not denied this. The Joint Chiefs of Staff were consistent advocates of heavier ABM defenses and only shifted their position to Safeguard recently. Similarly, the testimony on the ABM by successive Secretaries of Defense has consistently emphasized the case with which the initial ABM system can be "upgraded" to deal with improvements in the anticipated offense. Pressures for expansion and refinement of the system, once deployment begins, would be irresistible, no matter how sincere the Pentagon and other proponents of the system may be today in asking only for a "thin" ABM defense. Indeed, the inadequacies of a "thin" system are already being pointed out by such ABM proponents as Dr. Donald Brennan of the Hudson Institute, and the chorus of voices favoring expansion would inevitably swell as the limitations of the Safeguard became increasingly apparent from operational experience.

Some experts have argued that the ABM, in view of the political and technical questions which have been raised about its capability for enhancing national security, is not worth even the relatively limited price for the Safeguard system, and that the American people deserve to have their national resources put to better use than for weapons systems of uncertain value.

It is this last point that carries the ABM argument to a considerable extent into issues of social policy—and, indeed, of moral judgments—in addition to the political and economic considerations already explored. Here, judgments admittedly become increasing subjective; contentions on either side of the case become vitally impossible to quantify or to support conclusively. But it is the conviction that the national security of the United States cannot be assured solely through escalation of military might. National security requires, in addition, the restoration—or creation—of a healthy domestic society which offers each citizen full and equal opportunity for self-development and participation in the affairs of the Nation. From this base, our security also requires that every effort be made to advance the cause of world peace through effective arms control and extension of the rule of law. Exclusive, or even major, reliance on arms can advance neither of these purposes, but can only undermine them, and, in the end, undermine the national security we all seek to insure.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. Foley).

Mr. FOLEY. Mr. Chairman, I rise in opposition to the amendment. I must echo the words of the gentleman from Illinois (Mr. Anderson), who pointed out that the forthcoming SALT talks will not be advanced by a decision to prohibit the deployment of phase I of the Safeguard system. I feel as he does, that it would be tragic, to deprive the President and our negotiators at the talks of the widest opportunity to reach whatever negotiated agreements are possible and useful regarding strategic weapons.

On the other hand, the gentleman from New York (Mr. Bingham), who just left the well, has suggested that the Soviets might be unwilling to enter the talks if we should proceed with this authorization or that our action would at least create a bad climate for the talks. Let me quote a brief statement to the Committee which I believe may be of interest. This statement was made by Soviet Premier Kosygin—at a press conference in London on February 9, 1967:

> I believe that defensive systems, which prevent attack, are not the cause of the arms race, but constitute a factor preventing the death of people. Some argue like this: What is cheaper, to have offensive weapons which can destroy towns and whole states or to have defensive weapons which can prevent this destruction? At present the theory is current somewhere that the system which is cheaper should be developed. Such so-called theoreticians argue as to the cost of killing a man—$500,000 or $100,000. Maybe an antimissile system is more expensive than an offensive system, but it is designed not to kill people but to preserve human lives.

The Soviets have been outspoken in support of ballistic missile defense, they can hardly claim that a decision to authorize the Safeguard system justifies postponing or canceling the SALT. The fear that authorizing ABM will of itself cause a failure or contribute to a failure of the talks does not appear to be supported by what we know of Soviet statements and attitudes.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Yates).

Mr. YATES. Mr. Chairman, my good friend, the gentleman from Illinois (Mr. Anderson)—and he is my good friend—has suggested that we ought not to take away from the President the chip in the poker game that will be known as the SALT talks. If that were the basis of consideration, I submit that perhaps the President should have recommended about 10 additional weapons systems so he might have available additional chips as well. I think the gentleman from New York (Mr. Bingham) correctly suggested the fallacies in that argument.

I see my good friend, the gentleman from Oklahoma (Mr. Belcher) on the floor. He talked about the fact that he did not know why we are opposed to spending $345 million to save 50 million lives. The fact is that we are not spending $345 million as he says. What is in prospect here is the expenditure of $50 or $60 billion for a system that probably will not work. That is one very good reason we are opposed to this program.

My authority for the statement that the ABM will not augment our national security is not any of the witnesses who appeared in opposition to the bill but rather a statement made by Dr. Foster himself before the Committee on Appropriations in the last hearings of that committee that are printed. Dr. Foster, of the Department of Defense, is the strongest proponent of the ABM.

This is what Dr. Foster stated in response to a question by the gentleman from Texas (Mr. Mahon). Mr. Mahon said:

> In you opinion, is there anything we could do today that would make your statement invalid? Is this just a fact of life based on the unilateral strength of the U.S.S.R., with which we must live ad infinitum?

Dr. Foster replied as follows:

> One hopes not, Mr. Chairman.
>
> I have tried to explain in the statement that we are making a major effort in research and development of the ABM defense in the hope that it may be possible to evolve a defense.
>
> In other words, we do not have one at the present time, but in the hope that we may evolve a defense that will protect our American people against an all-out Soviet attack.
>
> As you know, we do not feel that current technology permits this capability.

There is a time for research. There is a time for deployment. As far as I am concerned, we have not yet reached the time for deployment. I support the efforts of the ABM proponents to continue research to try to find a system that will resist incoming missiles. We have not yet reached that position.

The notion that it may be possible to provide an effective defense against missile attack is so seductive, on the surface, that most reasonable men would react favorably to such a proposal. Unfortunately, the problems of missile defense are too complex and the implications of an ABM deployment too far reaching to afford us the luxury of easy answers. Too often in the past Pentagon decisions have been accepted as though they were handed down from on high. If the Pentagon was infallible, or if we could even be assured that only national security objectives guided its decisions, our problem would be substantially simpler. As it is, we have some work to do.

On March 14, President Nixon announced his decision to proceed with the deployment of an anti-ballistic-missile system. He called that system Safeguard, to distinguish it from the previous Sentinel deployment which he had rejected. The Sentinel deployment had been proceeding until early February, when local protests in Chicago, Boston, Detroit, and Seattle forced a stoppage. Then, in the short period of 6 weeks, the $6 billion Sentinel deployment was set aside in favor of the new $7 billion Safeguard system. The Sentinel had been billed as a population defense, but President Nixon made it very clear that such a defense was not feasible. I found that interesting, since it was the position that myself and several of my congressional colleagues in the House and Senate had held from the outset. We are pleased the President affirmed our creed. I think we ought all to be suspicious of a decision of that magnitude which was arrived at in so short a time. Every indication is that the Safeguard system will stand close scrutiny no better than its now abandoned predecessor.

The Secretary of Defense has discussed the Safeguard system primarily as a defense for our Minuteman ICBM's. In order to substantiate his position he has stated unequivocally before Senator Gore's Arms Control and Disarmament Subcommittee that the Soviet Union is seeking a first-strike capability against the United States. He has not, however, provided any evidence which would make that statement even remotely plausible. In order to achieve a first-strike capability against the United States the Soviet Union would have to have a high assurance of destroying all but 400 of our offensive nuclear warheads before they reached their targets in the Soviet Union. Moreover, they would have to achieve the destruction of those warheads virtually simultaneously.

Secretary McNamara has testified that 400 1-megaton warheads would kill immediately 74 million Russians and would destroy 76 percent of Soviet industry. At the present time our arsenal consists of some 4,200 separately targetable warheads. By 1975, the year in which Secretary Laird foresees such vulnerability to our forces, it is likely the MIRV technology will have increased the number of our separately targetable warheads to something in the neighborhood of 10,000. In order to achieve a first-strike capability against us, then, the Soviet Union would have to be able to destroy more than 95 percent of our offensive arsenal before it reached its targets. That kind of reliability is simply not possible in the foreseeable future. It is useful to note in passing that the above calculations do not even take into consideration the thousands of tactical nuclear weapons we have stationed in Europe. Neither does it account for the relative invulnerability of our Polaris submarines, which by 1975 will be able to deliver, at any given moment, more than 3,000 warheads on Soviet soil.

Dr. George Rathgens of Massachusetts Institute of Technology has stated that in order for the Soviets to achieve the objective Mr. Laird has set for them they would "need to have a capability of destroying virtually all of our land- and sea-based missiles nearly simultaneously since they could hardly count on our delaying retaliation very long after the first few of our missiles were destroyed. Clearly the Soviet Union has none of these capabilites at present. Development of most of them should be evident to us through our intelligence collection well before they are operational."

Moreover, even if Mr. Laird should succeed in persuading the Congress that a Soviet first-strike capability was a serious possibility, the burden of proof would still be on him to demonstrate that the Safeguard ABM system was the most effective, economical way to protect our retaliatory forces. Dr. W. K. H. Panofsky has suggested that a much less expensive ABM system than the Safeguard deployment could provide adequate protection for the Minuteman. Dr. Rathgens has suggested that since the Safeguard system expends so much of its capabilities protecting its own radars, it costs something on the order of $25 to $100 million to protect a single Minuteman. That figure is made all the more incredible by the fact that the Minuteman itself costs only about $4 million apiece. The Pentagon has provided no cost-benefit analysis of the Safeguard program. Assuming that protecting the Minuteman fields is a reasonable objective, it is still not clear that it could not be done cheaper and more dependably by some other means, such as improved silo-hardening techniques or dispersal of the missiles.

It is important to understand that in the unlikely event the Soviets should decide to attack the Minutemen, it would be a saturation attack. Under those circumstances, the possibility of a massive, catastrophic failure of a system as complex as the Safeguard is substantial. If just a single warhead reaches the missile site radar, which is about 10 times as vulnerable as a Minuteman silo, then the system collapses. All that is required is that one of the Sprint missiles defending the MSR fail, and the entire defense would be rendered useless.

In many respects the Safeguard deployment, with its components adapted from the Sentinel hardware, is a typical example of how weapons technology tends to feed on itself. The full Safeguard deployment consists of some 12 sites. It has been announced that, though the whole deployment has been described as a thin "area defense," there will be short-range, terminal defense Sprint missiles at each site. Since none of the sites will be located near population centers and only a few will be adjacent to our Minuteman fields and bomber bases, the sole objective of most of the Sprint missiles will be to protect the ABM itself. The Sprints are necessary because the area defense provided by the long-range Spartan missiles is so leaky and undependable.

The Safeguard system, then, is the same old system that we thought had been buried, and it is based on the same old assumptions about national power that have caused us to establish military bases all over the globe. More important, the Safeguard system is, in the final analysis, based not on a rational calculation of our national security needs, but on the continuing illusion that the United States can order the world according to our rather specialized blueprints about how governments ought to be run. The debacle of Vietnam, with its tragic costs in lives and spirit, should have long since laid that illusion to rest. The day has now passed when the United States could seek influence in the name of democracy and international hegemony in the name of defense.

The ABM system is only a single symptom of the disarranged national priorities that are reflected in a Federal budget that spends over $80 billion for weapons while domestic programs which are designed to give new life to our troubled society continue to be drastically underfunded. Of course we need a strong national defense and adequate appropriations for the purpose. But something must be done to stop the unneeded wasteful military expenditures. Unfortunately, over the last two decades Pentagon requests for appropriations have not been screened adequately.

McGeorge Bundy, in a recent issue of Foreign Affairs, stated the situation very well:

> The neglected truth about the present strategic arms race between the United States and the Soviet Union is that in terms of international political behavior that race has now become almost completely irrelevant. The new weapons systems which are being developed by each of the two great powers will provide neither protection nor opportunity in any serious political sense. Politically the strategic nuclear arms race is in a stalemate. It has been this way since the first deliverable hydrogen weapons were exploded, and it will be this way for as far ahead as we can see, even if future developments should be much more heavily one-sided than anything now in prospect. This proposition does not square with the complex measurements of comparative advantage which dominated the ABM debate, but I think it can be supported by both fact and logic.

No purpose can be served by explaining once again the technical case against the ABM. That case is as strong today as ever, and it has never been refuted. The committee report, which contains a quite thorough, if not persuasive, discussion of the ABM, makes no inroads at all into the arguments made by such distinguished scientists as Dr. George Rathgens, Dr. Herbert York, Dr. Hans Bethe, Dr. George Kiastakowsky, Dr. Ralph Lapp and several others. The Safeguard ABM is such a low-confidence system that the "conservative assumptions" by which we guide our strategic planning must assume that it will not work. In an attack situation experts tell us we simply could not rely on it. Conservative planning would require that we launch our Minutemen on warning. This would be the deterrent to forestall any attack, and not a penetrable ABM. The so-called choice given the President by another set of buttons, an $11 billion complex of radars and missiles, is not really a viable alternative.

The ABM debate has been unique in that for the first time an independent body of technical knowledge has been brought to bear on a major strategic weapons system. The Nation owes a considerable debt to those civilian scientists whose conscience and competence brought them into the ABM discussion. The Congress and the American public knows more about the nuclear age today than ever before, however disquieting that knowledge might be. It is important now to apply the larger lessons implicit in the ABM debate and begin to bring the nuclear arms race under control. We have to understand that technical considerations, despite their importance in the ABM debate, do not hold the key to arms control.

In fact the contrary is true. From a technical standpoint virtually anything is possible as long as the time and money are available. Herman Kahn, a Hudson Institute researcher who specializes in this sort of thing, has projected some technological "advances" in weaponry that are expected to develop in the last two decades of the century if the arms race continues on its present course: New kinds of nuclear weapons; various kinds of laser or other "death rays"; a menu of techniques for effective chemical and/or biological warfare in various applications; well understood doomsday machines—or near doomsday machines—tidal wave producers; climate changers, earth scorchers, or other ways to modify or damage the environment on a large scale; new forms of psychological, or even direct mental warfare; and the invention of a nuclear six-gun technology or at least the development of inexpensive and widely available versions of the nuclear weapons of mass destruction characteristics of the military technologies of the middle and late 20th century.

The ABM system, especially in tandem with the developing MIRV technology, threatens to make it much more likely that Mr. Kahn's predictions will come true. The Safeguard system, if deployed, will not make doomsday machines or tidal wave producers inevitable—technologically they are not related. But if the ABM deployment or the MIRV program are allowed to go ahead unchecked in both the United States and Soviet Union, then an offense-defense race will be prospect that would result in still higher levels of armaments and a net diminution of security on both sides. I urge passage of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I do not think there is a Member in this body today who is not really sincerely reaching for peace. While we must remain strong militarily to reach for peace, ultimate peace does not lie along the road of indefinite escalation of arms. The world's best chance for peace lies in effective negotiation—negotiation leading to binding and effective international agreements.

We may be on the verge of finally beginning those negotiations with the Russians. President Nixon has called for those negotiations. The Russians may be finally at last about to agree.

Under our government of delegated powers, the responsibility of conducting those negotiations lies with the President of the United States. He will speak for America. He must be a credible negotiator. World peace may well depend upon whether or not the Russians recognize Richard Nixon as such—whether they are convinced that in the ultimate analysis this Nation will follow the President in this critical area.

President Nixon has eloquently set forth his conviction on this issue. He has based that conviction on the broadest possible knowledge, on extensive discussions and on intensive study of all arguments, pro and con. He has called for a limited deployment of the ABM. He has put his credibility completely on the line. In my opinion, without taking away from our right and even from our obligation to disagree with the President on other matters, we dare not destroy the credibility of President Nixon on this particular issue. We must support him on this. This amendment should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, I rise in support of the amendment. I favor further research and development but I am opposed to deployment at this time.

I believe the gentleman from Ohio (Mr. WHALEN) said we would agree, and I certainly agree with him, that we can afford it. I would add this caveat, however: We can afford it only if we need it. That is, only if we need it.

I think the gentleman from Washington, my colleague (Mr. HICKS) with his classic ability to cut through the chaff, has struck at the heart of this matter, and that is the question of whether this is necessary to preserve the credibility of our deterrent. I agree with him wholeheartedly, it is not necessary to preserve the credibility of our deterrent, and thus, in my judgment, there are $345 million here which are not necessary.

I know that if we do not spend it for this, that does not mean for certain we will spend it for some other programs, but I also know if we do spend it for this, it will not be available for other programs that are in need of this type of money. There are other programs such as vocational education which need it. The $345 million is $100 million more than the President suggested for vocational education for this entire Nation. The $345 million is six or seven times as much as we have appropriated in this House for library books for the children in this Nation. As the gentleman from New York yesterday pointed out, it would build 10 schools which would educate 1,000 young people each year for 30 years.

I suggest that the domestic budget contributes as much to the national security as does the military budget. A progressive country solving its own problems may do more for peace than a phalanx of antiballistic missiles. Full funding of education and fulfilling of man's hopes must command a higher priority.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. EVANS).

Mr. EVANS of Colorado. Mr. Chairman, one comment I also would like to allude to was made by my distinguished friend, the gentleman from Oklahoma (Mr. BELCHER) when he made this decision in his mind that he would spend $345 million on the hope we could save 50 million people. I think everyone in this Chamber, if that were the question, would join with the distinguished gentleman from Oklahoma and vote for this $345 million. But I submit that is not the question.

The purpose of this apropriation is to protect our own missile sites, not cities. I submit further that in fact we are not simply talking about a thin system. We are talking about making a decision which will ultimately lead to a thick system. If a thin system protects against only 10 percent of the incoming missiles, once we accept the logic, then we will be pushed to develop a thick system without question. Maybe we should develop a thick system. I do not believe the state of the art is now at a point where we can or should make that decision.

I believe we should and can preserve our option for this. However, I am worried about a remark made by my friend, the gentleman from California (Mr. GUBSER). He has suggested the possibility of a foreign military officer or politician going insane and some day does get his finger on a trigger of an ICBM. Under those circumstances I might vote for deployment of an ABM to take care of such an event, because goodness knows this world has had insane men in it. But, beyond that eventuality, I would not vote for deployment in this year.

The CHAIRMAN. The Chair recognizes the gentleman from Flordia (Mr. SIKES).

Mr. SIKES. Mr. Chairman, we would be in a better negotiating position if the ABM were deployed now. We will definitely be in a stronger position in defense when it is deployed. There is no rhyme or reason for further delay.

The deployment of Safeguard is pictured by opponents as an escalation of the arms race. It is alleged that it will draw a Soviet reaction to insure their deterrent force. Thus, Safeguard is criticized as causing the initiation of a new round in the arms race.

The truth is the system would not require a Soviet reaction—unless the Soviets are aiming for a first-strike capability.

With the deployment of Safeguard, the United States will qualitatively improve its strategic forces, not quantitatively escalate the total offensive megatonnages. The decision to primarily defend Minuteman and the bomber forces rather than deploy additional offensive forces reflects this.

Defense of our retaliatory forces should, in fact, actually slow down the arms race by enhancing the stability of our deterrent without threatening the Soviet deterrent. Safeguard in any of its proposed phases or options is of modest scope and presents little or no threat to their deterrent. The Sentinel plan called for deployment of radars and missiles in our heavily urban industrial centers, but Safeguard radars will—with the exception of the Washington, D.C., area—be deployed well outside of our cities.

In this vein, I should add the fact that the Soviets show every evidence of understanding the ABM issue. They did not exhibit any concern over the original Sentinel decision and continued thereafter to express their interest in arms limitation talks. Premier Kosygin has declared publicly in regard to the Soviet ABM system, which they began to deploy before we decided on Sentinel, that a defensive system is not a threat to any nation and does not provoke an arms race.

A Soviet reaction to the Safeguard system, as I said, will be necessary only if the Soviets want a first-strike capability against the U.S. bomber and the Minuteman-Titan force.

Of all the actions we might take to preserve our deterrent forces in the face of the growing Soviet threat, deployment of a defense of our deterrent forces is the least provocative.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the distinguished gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, the question is not whether the proponents of this amendment are right. The question is whether they can afford to be wrong.

We have spent $3 billion on research on this program. The time for action is now.

I will tell you why. If we started building this ABM system tomorrow and all went well, it would take us at least 48 months before it became operational. It just so happens that in 48 months the Red Chinese will have completed a production capability to produce 200 deliverable nuclear warhead intercontinental ballistic missiles every 12 months. This Nation must start building now a defense against a Red Chinese threat which will become very real in 48 months.

So I do not believe we can waste 1 more day. We are behind schedule now.

I am opposed to this amendment because I believe we have to move forward with the deployment of this system.

There is one thing that is certain around here. Our friends say, "We want more research, but we do not want deployment; we do not want procurement." We know the rule around Congress is that the best way to kill a project is to study it to death. This has been studied, researched, and experimented. They have found that it works. Now is the time for action.

I hope the amendment will be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, at long last we have had a real debate in the House on the subject of the ABM. The American people are deeply concerned about the implications of the deployment of any ABM system, and for good reason.

The ABM issue has awakened the Nation to the dangers of the nuclear arms race and the imbalance in our national priorities. Today we have an opportunity to apply the brakes to the spiraling arms race with its inflationary effects upon our economy and at the same time save billions of dollars which might be used to solve urgent domestic problems.

I have presented the arguments against deployment of an ABM system when military procurement and appropriations bills have been before us in the past. This year the system is called Safeguard and is designed to protect offensive Minuteman missile sites against a Soviet attack. Last year it was called Sentinel and was designed to protect our major cities against the possibility of an irrational Chinese attack into the 1970's.

The agility with which ABM supporters shifted from Sentinel to Safeguard suggests that the objective is to initiate deployment of whatever ABM system will create the least public outcry. Then once the camel's nose is under the tent, a "thin" system will become "thick"; a missile site defense system will also become a population center defense system; a project with a cost of $10.3 billion—according to the committee report at page 18—will become a $50 to $100 billion

XUM

project; and absolute security in the nuclear age will still be unattainable.

The essential arguments against the ABM are:

It would encourage the Soviet Union to increase its offensive missile capability, which in turn would necessitate that the United States reciprocate, resulting in an expensive and destabilizing increase in the missile race.

Militarily, the United States is in a position of relative strategic parity with the Soviet Union; both have sufficient capacity for retaliation so that it is in the interest of neither to strike first. There is, thus, a stabilized, mutual nuclear deterrence.

If an ABM system is deployed by one country, the calculations of the other's offensive capability may be thrown off by an unknown factor, which would be compensated by an increased offensive strength. This will probably yield the same strategic parity we have now, at a higher level. More likely, it will introduce a dangerous new unstabilizing element in the arms race.

By the time it is deployed, it will be virtually technologically obsolete. Not only will it be obsolete, but it may not work.

As former Secretary of Defense McNamara pointed out, it is more economic to devote our resources to maintaining offensive superiority or parity than to pursue an ABM system.

The deployment of the ABM may well have an adverse effect on the strategic arms limitation talks.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from California.

Mr. BURTON of California. I should like to commend the gentleman from New York and to associate myself with his remarks.

Mr. RYAN. I thank the gentleman from California who is one of the most dedicated Members of the House in the quest for peace.

I should like to comment for a minute on one of the arguments espoused by the supporters of the Safeguard, which is that somehow its deployment will strengthen our bargaining position at the conference table with the Soviets. They claim that, if it is approved, the Soviets will have an added incentive to agree to an arms limitation.

There is a fault in that logic. If the Safeguard system is a defensive weapon and in no way provocative, how can it be a bargaining incentive? If the Soviets have nothing to fear from the ABM, why would they be concerned about its deployment?

If, on the other hand, it does present a threat, is it reasonable to expect cooperation from the Soviet leaders?

The notion of using this for a tradeoff is not very logical.

This system has been sold to the American people at various times with various rationales—as a necessary protection against an irrational Chinese attack. This was the concept, when it was presented by Secretary of Defense McNamara. Now it is presented to us as a defense against the offensive missiles of the Soviet Union directed at our missiles.

If the Safeguard is deployed, the Department of Defense will surely find one or more reasons for its continued existence. Should it be offered as a tradeoff in bargaining at arms limitation talks with the Soviets, it is not difficult to imagine the Military Establishment balking and swiftly dredging up the potential Chinese threat to justify it. Weapons systems must not be allowed to dictate defense policy. Defense policy should dictate weapons systems.

The arms race must be brought under control. The adoption of the pending amendment will at least help to stabilize the situation.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Chairman, I believe there are three things that each and every one of us would recognize and accept.

First, we have been working on the anti-ballistic-missile for some 16 or more years, if one goes back to the initial studies that were made by the Department of Defense.

I served on the Defense Appropriations Subcommittee beginning in January 1953, and one of the first requests made for research and development by the Department of the Army at that time was for money for anti-ballistic-missile studies. We have gone through the various generations of the Nike and then we had Sentinel and now Safeguard. We are still in the research and development stage for any practical purposes on Safeguard.

Secondly, we know that the Soviet Union has deployed an ABM system, the Galosh family of weapons. We know it is a deployed first generation ABM system, and we must assume it is probably a second generation ABM system, and it may well be a third generation ABM system.

We also know that the United States has had no ABM system that is deployable.

With this background it seems to me we ought to take affirmative action in this session of Congress to approve the Safeguard system.

Now, there are some legitimate questions that have been raised. First, is deployment of the Safeguard system a provocative act and, secondly, will it hinder disarmament and, finally, will it work and is it needed.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from New Mexico (Mr. Foreman).

(Mr. FOREMAN asked and was allowed to yield his time to Mr. Gerald R. Ford.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Gubser).

Mr. GUBSER. Mr. Chairman, I ask unanimous consent that I may be allowed to yield my time to the gentleman from Michigan (Mr. Ford).

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. LEGGETT. Mr. Chairman, I object.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. The question is, Is it provocative? Well, I do not use the words of this gentleman often to back up an argument of my own, but several years ago Mr. Kosygin, a fairly influential member of the Soviet Union heirarchy at the time that Kremlin leaders made the decision to proceed with their ABM system was quoted as saying:

> It seems to me that defensive measures do not accelerate the arms race.

If that is a good argument from their point of view, it is certainly equally effective from our point of view.

The next question is, Will it hinder disarmament? Again I think we can look back at history. Either in 1967 or 1968 former President Lyndon B. Johnson announced that he was going to deploy the so-called Sentinel ABM system. There were some at the time who felt that that announcement would preclude a go-ahead on disarmament talks. The contrary is true. The facts are that within 4 weeks after Mr. Johnson as President of the United States announced that we are going to deploy the Sentinel ABM system the Soviet Union asked the United States to begin arms control negotiations.

I do not believe a start on deployment of the Safeguard system will hinder disarmament talks. Actually I think it would be helpful in the initiation of worthwhile and needed discussions between the United States and the Soviet Union.

Let me ask this question: Why should the Soviet Union enter into negotiations involving possible concessions by them on the one hand and concessions by us on the other hand if the United States has already stopped beforehand the undertaking of a weapons system that is negotiable?

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

The Chair recognizes the gentleman from Illinois (Mr. Arends).

(Mr. ARENDS asked and was allowed to yield his time to Mr. Gerald R. Ford.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Chairman, if this Congress either by this amendment or by any other amendment precludes the President of the United States from proceeding with the Safeguard system, when the President proceeds to negotiate with the leaders of the Soviet Union he will have one hand tied behind his back.

Let me make this observation: If the United States enters into negotiations naked, we will come out of those negotiations naked.

If we want the United States to be in a bargaining position, a strong position for negotiations, this Congress ought to make available to the executive branch of the Government the authority to proceed with the Safeguard system.

The third question: Will it work? Well, I have read a great deal, some scientific and some otherwise, that it will not. I have read an equal amount of scientific substantiation of the workability of this program. I have listened to others, many very knowledgable, who have also alleged that it will work. But there is one person I think we all respect—and I have not heard his name mentioned here before—there is one person in the scientific community of the United States who has been the winner of "the Big Four" in the area of the sciences. That is Prof. Eugene Wigner, of Princeton University. He has been the winner of the Nobel Prize for physics, the National Medal of Science, the Enrico Fermi Award and the Atoms for Peace Award.

You should read Dr. Wigner's justification and support for the ABM. His observations will resolve any question or any doubt in your minds. His statement on the ABM was inserted in the Congressional Record for May 1, 1969, page 11049. I urge every Member to read it.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(By unanimous consent, Mr. Gubser yielded his time to Mr. Gerald R. Ford.)

Mr. GERALD R. FORD. I thank the gentleman.

Mr. Chairman, any Member of this House who questions deployment of the Safeguard system should do as the distinguished Speaker has recommended that we do, and that is to err on the side of strength rather than on the side of weakness.

Mr. Chairman, I have listened to the debate on this occasion and other occasions. I have listened to Members in this body as well as Members in the other body who were here during World War II and the Korean war and when the critical decisions were made with reference to the atom bomb and to the hydrogen bomb. And, let me say this: This country would not be here today if those decisions had not been made affirmatively, despite substantial opposition from segments of the scientific community.

I say as one American along with 200 million other Americans that we are fortunate that those in the White House did make those decisions. The same strong decision must be made today by the President and the Congress.

Let me ask you this question: Is the ABM needed? The answer is yes. Fortunately, President Truman made the decision to proceed with the H-bomb in the early 1950's. The late President Eisenhower stated in 1954:

> If the Soviets had beaten us to the hydrogen bomb, Soviet power would today be on the march in every quarter of the globe.

I say to you if we hesitate, if we wait, if we hinder, if we roadblock this program, we would be doing the same thing for the decade of the 1970's that former President Eisenhower predicted would have happened if President Truman had not made the right decision in the early 1950's.

Mr. Chairman, rumors have been rife around the world, and I have heard comments made, that certain weapons tests have been undertaken or completed by the enemy. If those tests, my colleagues, prove out as the Soviets hope they will, then in my opinion we would be foolhardy, we would be stupid in disapproving the ABM. I strongly favor the Safeguard system.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. FOREMAN. Mr. Chairman, I support H.R. 14000. I oppose the amendment to delete deployment of the anti-ballistic-missile system—ABM. I believe in saving dollars, but I place a priority on the saving of lives.

The argument is advanced that we should use this ABM money to help our people. How better could we help our people than by providing a defensive system to protect them against the adversaries who would, if they thought they had the decisive advantage, destroy them? What good does it do to spend money to build increased model cities, welfare programs and other domestic ideas and programs if there is no one left here to enjoy them?

The argument is made that this system won't work. As a matter of fact, it is the fourth generation of ABM development. It does work. But even if we were still testing to make it work, the Russians, the Chinese, and/or others don't know whether or not it will work either, and no adversary would want to take the chance whether or not it would work.

The argument is advanced that the ABM is provocative. Is a shield in a sword fight provocative? Is a coat of armor provocative? ABM will provoke only those who plan to attack us, because it is only a defensive weapon.

It took courageous leadership, ability and determination for Mr. Nixon to make the decision to deploy the Safeguard-ABM defensive system. Current, reliable, hard intelligence shows us that the Soviets are presently deploying SS-9 ICBM's with 20 to 25-megaton warheads capable of destroying our hardened Minuteman ICBM strike force. In addition, the Chinese threat against our population, as well as the danger of an accidental attack, cannot be ignored. With the Safeguard, a purely defensive weapons system, it is possible to reduce U.S. fatalities to a minimal level in the event of a Chinese nuclear attack in the 1970's, or an accidental attack from any source—and, to protect our retaliatory strike capability against any aggressor. No President, or Congress, with the responsibility for the lives and security for the American people, could fail to provide this protection.

Mr. DONOHUE. Mr. Chairman, as we initiate our examination, discussion, and determination of this amendment, to eliminate funding for the proposed ABM system, and other amendments, to this military procurement authorization bill before us, I most earnestly hope and urge that our legislative mood and movement toward final action will be firmly founded upon an unyielding and immovable "bare bones" policy and scrutiny in the imperative public interest.

Mr. Chairman, shortly after I entered this U.S. House of Representatives, it became quite clear that the mere utterance of the phrase, "necessary for the national defense" was the magic and unchallenged password to the swift and near unanimous congressional approval of any requested military expenditure.

There was then and there is now no gainsaying the fact that "necessary for the national defense" is mighty impressive, and that many military expenditure requests, now and in the past, are and were substantially meritorious and actually urgent in and for our national defense security.

However, many of us, through these past years, have consistently, earnestly, and patriotically questioned the good sense and wisdom of the Congress in repeatedly and customarily attributing, in reality, to the words, "necessary for the national defense" the same significant magic projected in the children's storybook command of "open sesame."

Too often through too many years, the purse strings holding our national taxpayers hard earned money have been burst asunder and nearly the whole content of the purse freely emptied, without any concentrated study or sensible limitation, at the mere sound and pronouncement of the hypnotical expression "necessary for the national defense."

Many of us, through the years, have, perhaps too quietly at times, persistently and conscientiously protested against this "open session" military spending affliction and annually urged, as I repeated here on July 18, 1968, the Congress not to approve a blank check for unlimited military spending.

That is why I placed in the Congressional Record, on last May 28, 1968, an article by an outstanding columnist revealing grave instances of military waste and extravagance in various parts of the world for the information of my colleagues and commendation of dedicated employees who discovered and revealed these disturbing instances of careless supervision and inventory.

That is why, in the Congressional Record of last June 5, 1969, I inserted an editorial article estimating that sloppy and wasteful procedures in defense contracts had cost the American taxpayers some $30 billion in sheer waste over the past 20 years. In this article it was indicated that all too often high Pentagon officials tended to try to cover up spending blunders of colossal size in defense contracts instead of publicly revealing them and initiating corrective action.

In my own remarks, I appealed to the Defense authorities on the ground that it was "far better, in the national interest, to 'put out' the facts about such military spending than to have them 'found out'," pointing out that the confidence of the American people and the Congress is seriously impaired when those in high public trust withhold the truth for no clear and good purpose.

Mr. Chairman, that is why, as the author of similar legislation, H.R. 17357 of the 90th Congress, I urged the adoption and voted for on May 27, 1968, of H.R. 17324, a bill designed to keep the profits, of industries that contract with the Government for the manufacture of military hardware, under realistic bookkeeping control and right reason. The record and

XUM

evidence clearly reveal that some contract manufacturers had received unconscionable profits at tremendous and unjust expense to the taxpayers.

Mr. Chairman, that is why I have consistently urged the closest scrutiny and most searching questioning of the legitimate extent and commitment of military spending in the technical areas of research and development.

That is why last February 26, 1969, I again publicly protested and questioned the financial prudence and feasibility of the proposed construction of the anti-ballistic-missile system for which various estimated costs have ranged anywhere from 5 to 50 or 80 billions of dollars. I am still opposed to this unrestricted expenditure.

Mr. Chairman, those who have been long engaged in this mission of trying to focus the concentrated attention and examination of the Congress and the country upon military expenditures were deeply gratified at the historical action of the U.S. Senate in their recent exhaustive debate and study of military procurement expenditures over a period of 2 months when, in previous years, they had initiated and completed Chamber action on the same subject mostly within 2 days.

I respectfully submit that the unprecedented Senate action, even without actual accomplishment of the substantial expenditure reductions that a good many of us would have liked, still represents, finally, a great moral victory and morale boost for our people and our country at a time in our destiny when it is imperatively needed to sustain and strengthen confidence and faith in the legislative branch of this Government.

Mr. Chairman, there are many more amendments that will be offered in the course of this debate to eliminate and/or lessen requested authorization amendments in several areas of spending in this bill.

Even though the other body may have accepted some of them in their originally proposed figure I would hope and urge that their various decisions will not be permitted to weaken or dilute our higher duty and determination, as the source of national appropriations, to effect sound reductions and sensible savings to taxpayers at whatever point and on whatever items our legislative judgment dictates.

Mr. Chairman, the largest item, by far, in our national budget, some $77½ billion this fiscal year, is for overall military defense expenditures.

Neither I nor anyone else would attempt to argue against the urgency of insuring the ability of this country to successfully repel any possible armed threat to our national security.

However, the duty of the Defense Establishment to provide our adequate defense does not automatically carry with it the right to a blank check on American taxpayer.

Modern, expert bookkeeping, wise spending projection, and the diligent exercise of frugality can be high marks of military efficiency as well as they are of a modern American private enterprise system.

Experience unhappily proves that loose purse strings are an almost irresistible temptation to careless excess and wasteful extravagance.

I do not question the motives or sincerity of any Congressman or citizen who is conscientiously concerned about insuring the adequacy of our national defense system, but I, just as conscientiously, consider it our highest duty and obligation to the American taxpayer to hold the military expenditure purse strings, and those of any other Federal department, as sensibly and prudently tight as is humanly possible.

Let me quietly and calmly remind you that if and when any emergency may arise, which we pray it will not, immediate, responsive action can be readily taken by the President and the Congress to meet and overcome it, whatever it may be. That is what the Congress is for, and I most earnestly hope that when our deliberations are done on this vitally important measure before us, it will truly represent and reflect a triumph of legislative prudence and responsibility in the disbursement of our people's money in the national interest and the peace of the world.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I listened with interest to my colleague from Oklahoma as he engaged in a little "you-fellowsism." He stated that "none of you fellows will be around to know if you are wrong if it is a mistake not to deploy the ABM system." And, that there will not be anyone around to know if we are wrong.

But, on the other hand, when you other fellows make a mistake we are around to know. For instance, the mistake you made in the midfifties about the educational system in our country, a mistake which has brought about one of the most critical situations this country has ever faced, a woefully inadequate educational system which has allowed our cities to reek with ignorance and therefore unemployment and crime. We are around to see that mistake. And speaking of "fellows," was it not you "other fellows" who told us in the fifties that Lenin predicted the Russians would not defeat us by force of arms but that the Communists would force us to spend ourselves into bankruptcy?

I congratulate you "other" fellows. You are helping to prove that prediction precisely right with this FBM—French bankruptcy maginot line.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, I listened with great interest to the remarks of the minority leader, and he is absolutely correct that we have in fact studied this for 16 years now; we have researched it for 16 years and, according to what we are presented with today, for 15 years we have been wrong.

Last year we did come in with a system which was designed to save lives, and this year we have changed that system completely, and all we are talking about today is a system which is designed to save missiles. We have changed that system 100 percent, in this year.

We have, as the gentleman from Washington said so eloquently a while ago, a system which is not designed to save life, for if we ever use this system, it has already failed; this is a system which is designed to deter war as the other one was, but I simply ask if it fails and if it does not deter war, let us not talk about how many lives will be saved. Let us consider how many lives will be lost.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, the people who are concerned about saving 50 million lives, and are willing to invest $345 million to save those lives, I wonder how they voted on the $1 billion that we put in the education bill to save 50 million lives of the young people around this country, to properly educate them? It is a question of national priorities.

While it is said that we need a fire insurance policy as a rationale for the ABM, I do not think that we need to buy the whole fire department in order to protect us; and that is what we are doing in this case. What we are buying here is 10,000 men who we are going to use to man this system on a 3-minute alert basis for the next 50 or 100 years.

If it is like the ICBM system that we have currently deployed, we are going to buy 48,000 contract civilian personnel like the ones who are now working on the ICBM system around the clock. So what we are buying here is an obligation of about $1 billion per year maintenance. It is said in argument that the estimated cost is around $350 million; I think it is going to take a billion dollars to maintain the system. And the net effect is, that all we are going to do is to stimulate the Russians into doing what we have done. They have put up 67 antimissiles, and we are going to put up 1,000.

Of course, the distinguished minority leader says that the ABM's do not lend themselves to the arms race. Well, he can say one thing in one paragraph, and his innuendo in another is a very different point of view.

If you look in the report of the majority on page 26 at the bottom of the page, they say that it is alleged that the Safeguard system could be overcome by a Soviet missile buildup.

What is their answer? They say that obviously Safeguard defenses could also be increased.

So what we are saying, then, is that Senator SYMINGTON is right; we are moving toward a $400 billion dollar program to try to make ourselves safer, and in the end all we are going to do is to be contaminating and confounding our budget, and making ourselves less safe.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I support the bill and its provision for the limited ABM. I feel that this will not be a stimulus to an arms race, but as a matter of fact will help us in controlling arms throughout the United States and the world.

I support President Nixon's Safeguard ABM and I do this after extensive study of the pros and cons and only after being convinced that the Safeguard is necessary to the long-range protection of the United States.

I began my inquiry into the Safeguard, frankly, with skepticism. I was hoping that I could find sufficient evidence that it was not needed and that we could safely vote against it. We have many other important areas where we could use the money, not the least of which is considering relief for the heavily burdened U.S. taxpayer.

But the more I learned about the ABM the more I became convinced that Safeguard is not only vital for the future security of the United States but will make a very real contribution to world stability in the coming decade.

Three things impressed me a great deal in my review of the ABM:

First was the logic of Secretary Laird's statement that we can never be sure of Soviet intentions, but that we must be ready to respond to Soviet capabilities.

All study material available to the Congress and particularly the material made available by the intelligence community will convince an objective observer that the SS–9 missile will give the Soviets the capability in the mid to late 1970's of destroying our Minuteman missiles in their silos.

As Secretary Laird has said, we could not say with certainty that the Soviets are planning a first strike but the SS–9, if its development and deployment are continued at the present rate, could give the Soviets that capability. We must see that the protection for our deterrent is such that the Soviets never have that capability and never have enough of a chance to succeed with a first strike so as to be tempted to try one.

There has been much dispute in the public debate about the intelligence on the Soviet missiles. But if you read that closely, you will find that the disagreement is really a matter of judgment on what the Soviets intend. There is no disagreement in the intelligence as to what the actual developments are and what the Soviet capabilities will be if those developments continue. I do not think we can determine our defense needs on the basis of the hope that the Russians' intentions have become more benign with the passage of time. The invasion of Czechoslovakia, after all, was only a year ago and is at this moment being solidified.

The second point that impressed me greatly in my study was the extent to which past technological developments have contributed to the Safeguard program.

Quite frankly, when one reads much of the public debate one might be led to a belief that the Safeguard is a wholly new and untried approach and that the technological developments required are part of a new guessing game.

In actual fact, two things are apparent. One is that Safeguard is the culmination of years of research and development in which billions of dollars have been invested and while its deployment concept is somewhat different because the character of the threat is somewhat different, it can logically make use of the work that was previously performed in developing the Nike X and the Sentinel. The benefits of all of these earlier systems are available to Safeguard and the technology required for Safeguard is to be found at least in part in those earlier programs.

Also one should note how much of the development has already taken place. There are actually computers in existence now that are as complicated as those which will be used for Safeguard. Safeguard data processors are operating today and meeting test objectives at the Kwajalein test facility. The Spartan missile was first flown over a year ago. The Sprint missile has been undergoing tests for 2 years and is developing satisfactorily.

The third thing that impressed me in my study of ABM, and to me one of the most crucial reasons for supporting the system, is that I think Safeguard can improve world stability in a decade of the 1970's and 1980's. It is a nonprovocative weapon. It cannot harm a single hair on the head of a single Russian because it cannot go far enough to land on Russian territory. It cannot start a war. Even if fired at a command level lower than the Presidency, it would entail no danger of nuclear exchange even if it had been fired at a false target. It can be destroyed in the air without a nuclear exchange. In addition to warding off the Russian threat, it will be of crucial importance at the time when the Chinese will have a nuclear delivery capability, which is already claimed by them to be a fact. It could handle the threat the Chinese are likely to pose and its very existence would give the President an option to resist demonstration attacks or nuclear blackmail threats in future years when other nations might have a nuclear capability without the sophisticated command control capability we have and the Soviets have. In such a world an ABM defense against an accidental launch could truly save the world from nuclear holocaust. It would give us the opportunity to make sure that an accidental launch does not start world war III.

In summary, I think we should all remember the ABM is not a thing in itself but a part of the whole fabric of national preparedness. We must defend America. And the best defense is the power that wards off initial attack in the first place. Our maintenance of that kind of power has been the best deterrent to general war. And now that a threat to the deterrent is made, we must continue to develop our national defense capabilities to assure the survivability of our deterrents. The ABM is a necessary step in that process. We cannot play guessing games with 40 million American lives, which may be saved by the development of this purely defensive weapon.

I support the ABM and I will urge all of my fellow Members of the House of Representatives to do likewise.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I at this point yield to the chairman of the committee.

Mr. RIVERS. Mr. Chairman, I thank the gentleman.

On July 9 the distinguished Senator from Washington, Senator JACKSON, made a speech in which he listed the names of those who composed the Politburo. I have some copies here. I would like to give them to the Members. They are Stalinists. They are the crowd who marched into Czechoslovakia.

This is the crowd who will make the decision as to whether or not to set off a missile in Russia for which we may have to use the ABM. But that is not the only fact.

But I would like the Members to read this. It is a very, very carefully written speech. The Members can read it now from these copies, or they can read it later in the RECORD. I shall include it at the end of my remarks.

But I want to say to the Members that you cannot put any faith in the written word of these Soviet leaders, or on their promises. I call this to the attention of everyone here.

When I get my time on the floor I am going to read a part of the speech by the distinguished Senator from Rhode Island, Senator PASTORE, wherein he answers a few questions and pays his respects to the patron saint of the opposition, Dr. Jerome Wiesner.

I think you will be quite interested in what he has to say.

Mr. Chairman, the statement I referred to is as follows:

FISCAL YEAR 1970 DEPARTMENT OF DEFENSE AUTHORIZATION BILL

(Remarks by Senator Henry M. Jackson, member, Senate Committee on Armed Services, on the floor of the U.S. Senate, July 9, 1969)

In considering the fiscal year 1970 Department of Defense Authorization Bill, which is now before the Senate, I can think of nothing more essential for the Congress than clear thinking about the Soviet Union.

How can we reach sound judgments on the national defense budget if we do not understand the nature of the Soviet adversary?

Can you think of a top American business leader who would make decisions determining the survival of his company before he had carefully studied his chief competitors and what they were up to? Yet many in Congress seem willing to make decisions that could determine the safety and survival of this nation and the future of individual liberty without facing up to what the Soviet Union is up to.

Recently, we have heard a great deal about "national commitments", disarmament, and threats to "cut and cut and cut and cut" the defense budget. But we have heard precious little discerning comment from those same sources about the nature of Soviet leadership and what is really going on in the Soviet Union.

Who are the Kremlin rulers today? What sort of people determine the foreign and defense policy of the Soviet Union?

Briefly, these are the members of the 11-man Politburo, in alphabetical order:

Leonid Brezhnev, age 62, General Secretary of CPSU Central Committee. Russian by birth, he began his career during the Stalin purge of 1936–38 in the Ukraine where there were three survivors of the 102-man local Central Committee. This is one of the men who denounced others on innumerable occasions. Orthodox in outlook, built his career on the political platform of return to doctrinal rigidity, partial rehabilitation of Stalinism, and crackdown on liberal writers. His political priorities are protection of the supremacy of the party, tightening the ties of the socialist camp under Soviet dominance, protection of defense goals through allocations to heavy industry, with agricultural allocations ranking second.

Andrey Kirilenko, age 62, Secretary of CPSU Central Committee. Russian by birth. Rose from a career of bloody and petty intrigue in the provincial Ukranian party committees. Thus far one of Brezhnev's most loyal political supporters. Alternates with Suslov in deputizing for Brezhnev when the latter is out of town. Has been increasingly prominent in the past year and may now have edged Suslov out as the number two man in the party. Kirilenko displayed a strong pro-consumer bias during the Khrushchev years and in the period immediately after his ouster. These views have been muted since 1966 when ideological orthodoxy and preoccupation with the needs of defense began increasingly to dominate the thinking of the leadership.

Aleksey Kosygin, age 65, Chairman of USSR Council of Ministers. Russian, born in Leningrad. Took the first moves in his career in the great purge of 1936–38. He played an active role in Party life at a time when the main "activity" was the denunciation and purge of the previous secretaries and bureaus, and when the Leningrad communists were being slaughtered on a very large scale. During that time he advanced rapidly—moving up in four steps, from shop manager in a Leningrad factory to a post in the Soviet government in about two years. Pragmatic with a strong interest in a balanced economy, especially interested in increased attention to consumer goods and "rationalization" of economic planning methods. His age, desire to preserve his privileged position, and orthodox Marxist training, however, limit his receptivity to new ideas and methods.

Kirill Mazurov, age 55, First Deputy Chairman of USSR Council of Ministers. Byelorussian by birth. Started his career in the Party at the time of the 1936–38 purge. He has served some years in KGB operations. Pragmatic in outlook, responsible for light industry, but also interested in agriculture. Is behind a grandiose plan for the "urbanization" of the countryside being strongly pushed by the Byelorussian party organization, but currently hard up for funds. In foreign policy, Mazurov seems to favor an aggressive stance against the West. Alternates with Polyansky in deputizing for Kosygin.

Arvid Pelshe, age 70, Chairman of Party Control Commission. Latvian by birth and career, began his rise in the Latvian party during Suslov's pro-consulship of that area, and is reported to owe his present high position to Suslov's patronage. A colorless party functionary, orthodox in outlook, he has spent important years in KGB operations.

Nikolay Podgorny, age 66, Chairman of Presidium USSR Supreme Soviet. Ukrainian by birth and career. Under Khrushchev, identified with relatively liberal views, but since early 1966 has moved steadily toward orthodoxy in support of Brezhnev.

Dmitry Polyansky, age 51, First Deputy Chairman of USSR Council of Ministers. Ukrainian by birth, career ties to the Crimea, and thus far a loyal member of the Ukrainian group in the Politburo. Has served in both party and state positions. As First Deputy Premier is responsible for agricultural production and is a zealous champion of investment in the agricultural production base. As a result has been increasingly in direct competition with the military for scarce resources. He is interested in doing business with the West and acquiring advanced Western technology, but otherwise seems to be ideologically orthodox in his foreign policy views.

Aleksandr Shelepin, age 50, Chairman of All-Union Central Council of Trade Unions. Russian, made his career in the Komsomol, then as head of the KGB. One of the most powerful figures in the leadership at the time of Khrushchev's ouster. Since 1966 his political position has steadily weakened. Interested in administrative efficiency and modern methods of control. Was behind move to rehabilitate Stalin in early 1966 and seemed to favor a tough, chauvanistic foreign policy. There are now indications that he is in search of a new platform to "run" on. Is said to have opposed Politburo handling of Czech crisis, but was an advocate of the aggressive line in the 1967 Middle East war.

Peter Shelest, age 61, Ukranian by birth and career, still based in Kiev. First Secretary of Ukranian Central Committee. Conservative on most domestic issues though something of a Ukranian nationalist and champion of the "rights" of the republics, which however does not prevent him from applying harsh measures against his independently minded Ukrainian countrymen. A hard-liner on military matters. His remarks on foreign policy issues have been consistently tough, and he is reported to have pushed hard for a military intervention in the Czech crisis, fearful of the spread of the freedom-virus to the bordering areas of the Ukraine.

Mikhail Suslov, age 66, Secretary of CPSU Central Committee with informal ranking of second-in-command. As the 1936–38 purge struck, Suslov began his spectacular rise, becoming one of the Rostov provincial secretaries. In 1939 he was appointed First Secretary of the Stavropol Regional Committee, where in 1944 he became involved in the deportation of the Karachai people. Proving successful in this, he was made Chairman of the Bureau of the Central Committee for newly-occupied Lithuania, in 1944, and reimposed Soviet rule against a bitter resistance. High priest in doctrinal matters with special interest in the cohesion of international Communism. Orthodox in outlook and long opposed to "revisionism" in any field.

Gennady Voronov, age 58, Russian by birth. Grew up in the Soviet Far East and for many years party boss of one of the large districts bordering on Communist China. Chairman of RSFSR Council of Ministers. Ambiguous figure with no apparent political ties with other members of the Politburo. Has been outspoken defender of the technocracy and favors establishing western-style management training schools.

The often neglected truth about this group of men who are now on top in Russia is that they are the first generation of rulers who are actually the products of the Stalin system. Those who rose with Brezhnev, Kosygin, Suslov, Kirilenko and the others in the purge of 1936–38 were qualified for promotion by their denunciations of their colleagues. To have moved ahead in those days is a certain sign of complicity in Stalin's terror.

Now, in power, these men have shown themselves unable and apparently unwilling to make the reforms, small or large, required to meet the needs of an increasingly more complex, sophisticated Russian society. As one Russian observer put it: "There are no liberals at the top. Not in the Politburo. No Soviet Dubceks in sight, and no viable faction within the Party that would support one. That's the worst of it all."

Indeed, the repressive measures employed today to intimidate, frighten and stifle expression of dissent approach those of the thirties and forties in their intent and in the dogged intensity with which the Politburo executes them. There are more intellectuals now incarcerated in jails, committed to mental hospitals, or exiled to Siberia than at any time since Stalin's terror—Aleksandr Ginzburg, Yury Galanskov, Pavel Litvinov, Larissa Daniel, and all the others. In addition, Soviet official organs employ countless other methods of repression. Liberals are slandered in the official press. Travel abroad is denied dissenters. Writers are denied the right to publish their works in their own country.

The lack of qualifications of most of the Politburo in dealing with foreign affairs is obvious. Careerists in the provincial or Central Party apparatus, they are generally narrow-minded, nationalistically oriented, basically hard-boiled communists, limited men, concerned for their own positions and privileges, and knowing little of foreign reality.

After World War II, Maxim Litvinov used to take foreign diplomats and newspapermen aside and warn them that Stalin and his colleagues were thoroughly ignorant of the outside world, and that this constituted a very great danger. It seems that most of the present Politburo are no better off in knowledge of the outside world, some of them probably worse off. Clearly, we cannot discount the danger that these men, who are showing themselves unequal to the need for reforms at home, may make serious errors of judgment in their conduct of affairs abroad.

This is the group that chose to use armed force to strangle the evolutionary democratization of its own friend and ally, Czechoslovakia, which under Dubcek's leadership was indicating to the Soviet Union itself a way out of the vicious circle of repression, fear, repression. This is the group that then concocted the ominous Brezhnev doctrine of limited sovereignty which asserts the right of the Soviet Union to intervene unilaterally in all communist-run countries.

It is difficult to see how one could have thought up a more clumsy and self-defeating rationalization of the Czech invasion. All the talk about the subordination of international law of the "laws of the class struggle" and the double-talk about defending sovereignty by denying sovereignty gives no comfort to any other communist ally, and shows a crude and deliberate disregard for the political interests of other communist parties, particularly many in Western Europe, who, to retain the credibility of their effort to gain power by parliamentary means and of their willingness to support "bourgeois liberties" feel they must repudiate the theory of imperialist communism and Soviet Party predominance.

If anyone had any doubt about the capacity of the Politburo to blunder, its performance in the case of Czechoslovakia should dispel the doubt. The similarities between Moscow's forcible methods and Nazi methods are now fully visible to the peoples of all the Warsaw Pact countries, beginning with Rumania, and to communist comrades around the world whose interests the Soviet leadership brazenly ignored.

Meanwhile, there is little doubt that a struggle for power and influence goes on within the Politburo, and that the outcome is uncertain.

In the Soviet Union a few leaders conspiring when they choose, can make and unmake a man's power without his knowledge or that of the public. That is what happened to Khrushchev in 1964.

Will change when it comes bring merely a reshuffle of the same old Party *apparatchki* (Suslov or Kirilenko in place of Brezhnev; Voronov or Podgorny in place of Kosygin)? Or will it bring a change of generation of Party *apparatchki* (Shelepin, Mazurov, Polyansky)?

Will the change continue to restrict Soviet politics to the self-perpetuating Kremlin circles? Even now, the police appear to be gaining ground. As Michel Tatu, one of the most astute analysts of the Soviet scene has said, it is no accident that Yury Andropov, the KGB chief, has been promoted to be an alternate member of the Politburo, for the first time since the notorious Lavrenti Beria was in the top group. Andropov has presided over the crackdown by the KGB on liberal Soviet intellectuals and signs of him in action during the Czechoslovak crisis have not indicated any doubts on his part concerning the intervention.

Also now, the influence of the Stalinist-type political commissars appears to be on the rise. General Shtemenko, Stalin's former chief of staff, downgraded two ranks on his master's death, has not only been reappointed to high position in the Soviet military hierarchy but is now Chief of Staff of the Joint Armed Forces of the Warsaw Pact states, and is campaigning to refurbish Stalin's image as a military leader. General Yepishev, a particularly sinister figure, who was Stalin's assistant minister of state security in the horrible Doctor's Plot period, was made chief political commissar of the Soviet armed forces in 1962 and promoted to full membership of the Central Committee following the fall of Khrsuhchev. He is noted for his continual attacks on the liberal writers and on the so-called "foreign imperialists." And one gets no comfort from Yepishev's chilling article, widely circulated this year in *Kommunist*, the official Communist Party journal. In that article he says that "classical Leninist teaching" on the inevitability of "a series of frightful clashes" between capitalism and communism still applies in the nuclear age, and that World War III would "guarantee the construction of socialism and communism."

The resurgence of Soviet thinking in terms of the class struggle, reflected in military doctrine as well as in the Soviet approach to international law, must cause apprehension about the road ahead.

Now, the fact of the matter is that an increasing number of the informed Western analysts of Soviet developments assess the Soviet Union as a dangerous, unpredictable opponent—on the verge of a leadership crisis, the outcome of which cannot be forecast.

In this perspective, the fast growing military capabilities of the Soviet Union take on added significance.

No one is sure of the future and one has to be prepared for surprises.

I am reminded of the lively discussion of the Czech crisis on August 7, 1968, at a high-powered workshop. The discussion produced a show of hands on the probability of Soviet military occupation of Czechoslovakia. Twenty present believed such an eventuality unlikely; two thought it probable.

One participant later suggested as a possible subtitle for the workshop, "Or Why We Were So Wrong."

We do not know who will have the finger on the Soviet trigger in the months and years ahead. The enormous Russian arsenal will be at the disposal of whatever "strong man" or ascendant faction of tough, ambitious figures come to the fore in the Soviet power struggle.

Hence, there is everything to be said for the United States to maintain a solid and prudent stance.

Mr. President, the essence of a solid and prudent stance is a protected U.S. second-strike capacity which gives us the capability to retaliate against a strategic nuclear attack, and therefore to discourage such an attack. This is the first essential of national security and individual liberty, and of the survival of us and our allies in freedom.

In recent years recognition has grown decisively among officials and scientists that we want to maintain the second-strike capacity—not of just one, but of all major vehicle types of our strategic force: Minuteman, bombers, and Polaris-Poseidon.

As our Armed Services Committee report states: "Each system has different limitations, is subject to varied uncertainties and requires distinct modes of attack. Each type must be protected, so as to insure no easy defeat of our system by an enemy. It must be of serious concern therefore if any part of our deterrent mixture is adversely affected by changing adverse forces and technologies."

The Senate Armed Services Committee has voted to cut about $2 billion from the proposed 1970 Defense Department Authorization Bill. I joined in those votes. We can do without some of the less urgent military programs. But in the face of the likely dangers ahead, tampering with the strategic offense and defense core of the Defense budget is a very risky business.

Of real concern is the continuing Soviet development of their gigantic SS–9 missile, on which they have already begun to test multiple reentry vehicles, and not without success. The evidence is firm that the Soviets have more than 230 SS–9's operational or under construction. If the Soviets continue to deploy additional missiles at the same rate as in the past few years, by the mid-1970's the survivability of most of our Minuteman forces as presently deployed, would be in question.

Also of special concern is the threat to our bombers from the growing number of Soviet Polaris-type missile submarines, and the danger to our Polaris system from Soviet efforts in nuclear attack submarine construction and in anti-submarine warfare. As the report of the Armed Services Committee puts it: "We cannot assume that our Polaris system will be the first weapon in history to remain invulnerable."

Also of concern is the hard work which the Soviets have put into their ABM for many years. The Soviets are completing the deployment of some 60 Galosh ABM missiles on launchers around Moscow. And, very important we now have hard evidence that the Soviets are testing an improved long-range ABM, which apparently has a "loiter" capability, so that, after the initial firing, the missiles can coast or "loiter" for a period of time, until a specific target is selected, at which point it can then be restarted and maneuvered to the target. The Tallinn defense system, very extensively deployed throughout the Soviet Union, is believed by many in the intelligence community to be subject to upgrading so as to give it an ABM capability.

Faced with these problems, President Nixon has recommended a phased program to deploy an ABM defense. The functions of the Safeguard ABM program are to help protect (1) the Minuteman silos; (2) our manned bomber force; and (3) the command and other facilities necessary in a crisis to assure national political control of both our land and sea-based strategic forces. It is intended also to (4) provide a partial but useful protection of our people against an accidental, irrational or reckless small missile attack.

The opponents of the Safeguard program initially seemed to deny the fact that we confront increased threats to our deterrent forces in the mid and late 1970's. They now appear to have retreated from that position and are trying to make a case for alternatives to deploying an ABM system which in their view would be better.

Several Senators and scientists have suggested that, rather than *defend* our offensive forces, we should *expand* our offensive forces—our Minuteman or our Poseidon, or both. Yet buying more Minuteman without protection is certainly more destabilizing than an active defense of Minuteman silos, since it increases the capacity to strike first. And buying more MIRVed Poseidon forces would surely be viewed from the Russian side as more threatening than a limited ABM defense of our forces.

Moreover, any significant expansion of our *offensive* nuclear weapons is more costly than the Safeguard program.

The President and the proponents of the Safeguard system are in my judgment the real moderates on this issue.

Some opponents of ABM advocate delay in deployment—of what they call "an inadequately tested, unproven missile defense system." In fact, the Safeguard system is the result of a very comprehensive research and development effort. The components are more fully advanced and better tested than were the components of the Polaris missile system, when a comparable go-ahead was given.

Mr. President, how can we now prove this system, except through a prototype-like deployment? Phase I of Safeguard is, in effect, a prototype installation that will enable the Defense Department to complete engineering, installation, and shakedown and tests and to have the two stations fully operative by 1974. If we delay the decision for about a year, as some propose, the soonest these two sites could be ready for complete checkout would be in 1976. This would leave us with no option to provide active defense for the essential portion of our Minuteman force on the schedule that may be necessary if we do not reach agreement with the Soviets on limiting or reducing strategic forces. There is obviously no substitute for time. And, what's more, the delay would cost us an extra expenditure of several hundred million dollars.

We can expect, as in the case of every other offense and defense system, that we can improve its effectiveness over the years. But we urgently need the experience of a deployed working prototype. The idea that we should not be getting this experience in this very important defense area of nuclear weaponry, while the potential opponent was not dormant and has had the opportunity to obtain some of this experience for many years, is to me the height of imprudence.

The statement to our Committee by Freeman J. Dyson of the Institute of Advanced Study at Princeton includes this perceptive comment:

"In the long run the battle between offensive and defensive technology is a battle of information. If the defense knows where the offensive warheads are, it is not too difficult to destroy them. For the last 20 years the offensive has had an overwhelming advantage, but this advantage is being reduced as defensive information-handling capability improves. In the long run, I believe the defense will prevail because the defense will have more accurate and timely information than the offense. Defensive batteries within a hundred miles of the battle should ultimately be able to out-maneuver incoming offensive vehicles controlled from a command center 5000 miles away on land or in a submarine off-shore. The offensive command will be fighting the battle blind, without any possibility of quick reaction to defensive moves. I consider that it is only a question of time, perhaps ten or twenty years, before these inherent advantages of the defense become actual. The time that it will take to overturn the doctrine of the supremacy of the offensive will of course depend on political decisions as well as on technological developments."

Some of the campaigners against ABM deployment argue that before deciding to proceed with deployment we should negotiate with the Russians.

Why either one or the other?

Why not both?

If we do not have *our* ABM system moving along, what inducement is there for the Soviets to negotiate with us on a freeze or a reduction in *their* ABM deployment? Can anyone seriously maintain that Moscow will agree to limit its ABM's, if we now, and unilaterally, abandon deployment of our ABM's? Nothing in the record of negotiations on the control of arms suggests that this would be the way to have a successful negotiation with the Soviets.

I do not think that we can realistically expect the Politburo to sign an arms agreement that rules out a limited Soviet ABM defense and leaves their country vulnerable to nuclear coercion and attack from Communist China and other secondary nuclear powers? And I also very strongly doubt that the American Congress and people would ac-

XUM

cept an agreement under which the Soviets are permitted to have their ABM system while we have no comparable ABM protection well underway here.

Thus I believe the chance is promising that we could come to an agreement with the Soviet Union for a limited ABM defense on both sides—an agreed ceiling on the number of ABM's, for example—provided that we don't foolishly throw that chance away by now scuttling our own program.

In my judgment, anyone who wants a successful negotiation with the Soviets to halt the further evolution of dangerous strategic armaments should be a strong proponent of the Safeguard ABM.

President Nixon has asked us to give him the funds to proceed with the Safeguard ABM as a matter "essential for national security."

After thorough consideration, a majority of the Senate Armed Services Committee has supported the President's request.

President Nixon believes he would be in a much stronger position in the forthcoming negotiations with the Soviets on limitation of offensive and defensive nuclear systems if he had the backing of the Congress on his Safeguard program. I agree with that analysis. Indeed, in my opinion, nothing would be more detrimental to our diplomatic effort—and more shortsighted—than to deny the President the strong hand he needs just as his negotiators are about to sit down at the conference table.

I have no doubt that the Senate will evidence its common sense and vote to go forward with the ABM program as part of the 1970 Department of Defense Authorization Bill.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. PHILBIN).

Mr. PHILBIN. Mr. Chairman, I yield to Chairman RIVERS.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that this yielding to me come when my time comes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman.

Mr. CONYERS. Mr. Chairman, one of the most dubious arguments I have ever heard is the one that proclaims boundless faith in American science and asserts, "If the Russians can build a missile we can figure out a way to shoot it down." In Russia there are equally competent scientists who can claim, "If the Americans can build a missile defense, we can figure out how to penetrate it." Philosophically, the two claims are equally strong; it comes down to a matter of hard technology.

The hard technological fact is that missile offense is far ahead of missile defense and will remain so in the foreseeable future. There is no law of nature that says this should be so; it is simply an empirical fact.

Any one of a long list of inherent defects renders the Safeguard system hopelessly inadequate. Consider, for example, the missile site radar. It is too complex, too expensive, and too fragile. It is only one-tenth as hard as the ICBM silos it is supposed to protect. This means it can be destroyed by a warhead only one thirty-second as powerful as that needed to destroy an ICBM. Even if we very optimistically assume the ABM to be 80 percent effective, the Soviet Union need only direct two SS-9 missiles, each bearing 15 warheads of perhaps 150 kilotons each, against a missile site radar to have a better than 90 percent chance of destroying the radar. Thus, by spending perhaps $120 million on four SS-9's, they could destroy both missile site radars of Safeguard phase I and render the entire $2.1 billion system inoperable. This is not a good cost-exchange ratio, and it gets no better as the system is expanded into phase II.

There is no doubt in my mind that Safeguard is nothing more than a make-work project for the military-industrial complex.

But even more important than the question of technical adequacy is the question of national priorities. Some of the better political cartoonists have taken to depicting our cities as dilapidated, vermin-infested shantytowns squatting in the shadows of glistening, gigantic antiballistic missiles. In my view, this is a dead accurate representation of the situation. We do not need augmented military protection for our country; our existing nuclear deterrent is more than sufficient to do this many times over. We need to take this money and use it to improve the society we are so concerned about protecting.

Mr. KOCH. Mr. Chairman, I rise in support of the amendment.

Rather than restate the many valid reasons for opposing the appropriation for the ABM that my colleagues have given, I just want to say that I support those reasons.

I also want to bring the attention of the House to something that occurred yesterday which indicates the order of our national priorities as the Nixon administration views them.

Yesterday, the Nixon administration announced that it is going to cut by $215 million the model cities program—a slash this year of 42 percent—and, yet, here today we are going to willy nilly spend for the commencement of the deployment of the ABM, as one gentleman said, $345 million. We all know expenditures for the ABM ultimately will cost the taxpayers of this country close to $60 billion, and the authorization today will be the first installment payment.

I say to the gentlemen who are supporting this bill that some of us who are opposed to it are not necessarily unalterably opposed to it in principle, we are saying—wait until the SALT talks take place. Then if the talks prove unsuccessful in their goal of ending the arms race and if we think we must therefore go ahead, we can debate its merits then. But until those talks occur, we ought not to embark upon this course of expenditure. It appears that the Nixon philosophy is committed to saving silos and destroying our own cities by permitting them to fall into decay for lack of funds.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I yield to the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Chairman, I rise in support of this amendment to delete a total of $545.5 million from Safeguard ABM procurement and research and development.

A number of amendments are being offered today, but none in my opinion involve a program with the potential for disastrous consequences found in ABM deployment. The Senate recognized the grave questions when they ended in a tie vote. The House Armed Services Committee—generally a bastion of unanimity—recorded eight dissenting votes on the committee bill which we seek to amend.

It seems abundantly clear that this lack of agreement coupled with the consequences of development and deployment can lead to only one conclusion—we must halt this system now.

Secretary of Defense Laird points to Soviet missile development, the SS-9 in particular, as a reason for immediate deployment, reasoning that the Soviets are preparing for a first-strike capability.

Dr. Jerome Wiesner and Abram Chayes disagree. In their recent book, "ABM, an Evaluation of the Decision To Deploy an Antiballistic Missile System," they state:

> Our present intelligence on Soviet strategic forces shows an ICBM force of about 1,000. It may be that some 200 more are in the process of deployment.
>
> About 600 of these are SS-11's, comparable to our Minuteman; about 230 are SS-9's, capable of carrying considerably larger payloads. The remainder are of other models. The bulk of this force has been deployed in the last three years. In addition, the Soviets have 150 intercontinental bombers, a few nuclear submarines and large numbers of intermediate-range missiles and planes that could be used to attack targets in Europe or in the bordering oceans.

Carl Kaysen, formerly White House policy planner and currently director of the Instittue for Advanced Studies at Princeton, also challenges Laird's perception of the threat. He states:

> He (Laird) has particularly emphasized his projections of the rate of build-up of Soviet offensive weapons, especially of SS-9 missiles, capable of carrying large warheads or multiple warheads. The facts on which this argument rests, so far as can be determined, are essentially the same facts from which the two preceding Secretaries of Defense drew quite different conclusions. These show a rapid growth of Soviet land-based intercontinental missile forces: from 250 launchers in total in mid-1966; 570 in mid-1967; to some 1,000 by early 1969. Of these some 200 to 250 are of the SS-9 type, all of which were added since 1966. In addition, the Soviet Union is building a missile-launching submarine force which now has some 50 to 100 missiles and is similar to our Polaris fleet. Secretary of Defense Clark Clifford, in describing the situation of the Soviet land-based missile force, said late in 1968, "The rate of increase over the past year has been somewhat greater than estimated a year ago. However, we believe the rate of increase will be considerably smaller over the next two or three years. Beyond that point, our estimates become less firm.

Former Secretary of Defense Robert McNamara considered the possibility of a Soviet first strike and said:

> It would not be sensible for either side to launch a maximum effort to achieve a first-strike capability. It would not be sensible because the intelligence-gathering capability of each side being what it is, and the realities of leadtime from technological breakthrough to operational readiness being what they are, neither of us would be able to acquire a first-strike capability in secret.

Jeremy Stone, a longtime opponent of the ABM also discounts the probability of a sudden strike from Russia.

> A large-scale Soviet attack against American cities is plainly and simply not rational, since the American response is primed to destroy the Soviet Union in return. The Soviet leadership is aware of this. That nuclear war is mutual suicide has attained the status of a cliche with both super-powers. Wide-scale nuclear attacks on American forces are so unlikely to succeed, and so dangerous in any case, that it is very hard to imagine a Soviet leader, or Soviet committee, attempting them.
>
> One can talk of war occurring through escalation. But it still requires, at some stage, that one major power launch nuclear weapons against the other. This will be, and can be expected to be perceived as, a self-destructive act. For the foreseeable future, war calculations will not seem promising; moreover, leaders are unlikely to believe them if they do seem so. And there is ample evidence in the three decades since World War II of great-power caution in treating events that might risk general nuclear war.

Finally, we must look at this situation in the light of our domestic needs which are generating pressures equal to anything facing our national security. We are operating with a budget that has a ceiling of about $92 billion. There are uncontrollable expenses such as medicare, veterans payments, and other trust accounts which bring us down to about $72 billion. Out of this I ask you what funds are available for our cities, our open spaces, education, and welfare. Just about $9 billion. This is $9 billion to fund the incredible problems that are facing us on the domestic scene. Compared to the numbers that we are discussing today, this is a mere pittance. I have had continual discussions with the officials in the cities I represent and I can assure you that the problems are acute and cannot be put off indefinitely.

We must reorient our fiscal thinking and recognize that a country facing the crises we have today cannot blithely spend $80 billion a year for a military machine. This is not a question of national security. This is a question of condoning massive waste in the military sphere and refusing to look at the pressing needs of the people in the cities. I am for national security, but I view national security in the full sense of the word. National security means security for all the people, not just a bloated military machine. I hope the time has finally come when we can recognize that an insecure domestic population is as much of a threat to our existence and the quality of our life as is the threat from outside aggressive powers.

As the scientists I have quoted point out, the ABM is dangerous. Its technical merits are under serious question. It will in all probability lead to an escalation of the arms race.

On the policy level, it is an example of the waste and sloth in our thinking on national priorities.

I sincerely request that my colleagues pass this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. SYMINGTON).

Mr. GREEN of Pennsylvania. Mr. Chairman, will the gentleman yield to me?

Mr. SYMINGTON. I yield to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. I thank the gentleman for yielding. I rise to announce for the RECORD my support of this amendment and to associate myself with the remarks of the gentleman from Minnesota (Mr. FRASER), the gentlemen from New York (Mr. LOWENSTEIN and Mr. BINGHAM), and the gentleman from Illinois (Mr. YATES), the gentleman about to speak, and many of the others who oppose deployment of the ABM at this time.

Mr. SYMINGTON. Mr. Chairman, I suppose I might be looked upon as a second-generation weapon in this discussion, a distant second, certainly, in understanding of the subject and influence in the debate, but not in concern for the result, or the third generation it will affect. Defeat of the amendment is widely predicted. It is traditional for this House to support Presidential initiatives in matters involving national security. It is equally traditional for this House to expect great things of our Presidents in the search for peace, diplomatic success, and the projection of America as a Nation to be trusted, loved, and respected.

But we must not think that by merely giving the President a mighty weapon he requests, we are discharging our duty, much less exhausting our opportunity, to prepare a legacy of peace for our children. For the very request itself is predicated on failures of international communication and understanding for which the President does not bear any more responsibility than we do. Nor is it a question of trust. Our relations with recognized adversaries throughout history have been based upon mutual distrust. When powerful adversaries meet to talk, they are not beguiled by suggestions of mutual trust. They concentrate on what is in their mutual interest. The question is how to translate mutual interest into an agreed series of moves which need not be considered "trusting," yet which will turn man back from the brink.

Today's wisdom will be measured in years to come by whether it fosters or inhibits such moves. In Dr. Brennan's familiar article supporting the ABM he quotes Premier Kosygin as approving its adoption by this country. A trusting government would accept such "approval" at face value—a Soviet endorsement of purely defensive systems. A less trusting interpretation would arise from the suspicion that the Soviets would like us to invest in a costly defense system that would be born obsolete and, like their own, abandoned. Self-deception is not self-interest.

Finally, the issue before us is not solely one of national security, but of the security and hope of the whole world. And this is something no one nation can guarantee. It will take broad and historically unique agreements between parties who somehow are induced to assign a lower priority to the next generation of weapons than the next generation of children.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, the gentleman, along with all others, has engaged in good debate. It has been long. It has been to the point. I think we have perhaps demonstrated that there is nothing as impervious as a logic-tight idea in the minds of some. Certainly, with disposal of the theory of the electromagnetic pulse, ordinarily known as the Fireball, we have disillusioned those who say the arms race is even or that we are ahead. Good intelligence indicates to the contrary.

We have heard much about the Galosh-U.S.S.R. ABM, and, little orientations on the redirection of the direct-phased array of radar toward China. The proponents of the amendment conveniently fail to mention the Tallinin U.S.S.R.-ABM ringing their principal cities. We have discussed the SALT talks and disabused them, because it still takes two to tango, and one does not get in bed with a snake without getting bit. On the other side we have proved that the ABM is defensive. We cannot afford not to have it because of the lives lost, and I am disabused with the argument about whether those lives were preserved by direct or by indirect action. If our Safeguard deters the Soviet first strike "turkey-shoot," it has been completely successful. We have proved also that we can delegate the trigger control to a trustworthy man who can control, and this is purely a defensive weapon, which would be exo-atmospheric in its motivation and carefully controlled, or it would be overseas beyond an area of 400 miles to the point of origin.

For all of these reasons, because we are within the state of the art and the technological know-how of knocking down incoming intercontinental ballistic missiles, to the point of saving American lives, whether we live thereafter in fallout shelters or not, I say we cannot afford to do anything less than to deploy this system and do it now while there is still time available.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. HALPERN).

Mr. HALPERN. Mr. Chairman, I rise in support of the amendment.

ABM AND AMERICA'S FUTURE

For 2 years an increasingly disturbed American public questioned the need for an anti-ballistic-missiles system—scientists doubted whether it would work; many of my colleagues thought the money could be more profitably spent on domestic priorities; citizens were frightened by it; and civilian defense analysts felt it was a useless strategy. And yet, today we are being asked to appropriate funds to deploy an ABM system that could escalate the arms race and inject national life with a new militarism.

The Nation's defenses must be maintained, and I do not pretend to be a defense expert, but when such a vast array of respected opinion questions the wisdom of spending billions on a nuclear defensive system that may not even work,

XUM

then the Safeguard ABM system must be viewed with skepticism.

The ABM would commit America to a military strategy that has never been tested and relies as much upon ambiguous logic as it does on its ability to function.

While we all wish to secure "peace among nations," it is difficult to view this rash ABM decision as anything but provoking the Soviet Union and other hostile Communist countries. The Pentagon says an anti-ballistic-missile system would improve our bargaining position with Russia. But is this not the old, discredited gamesmanship of the cold war?

I think the time has come when the United States should take the lead in seeking peace, instead of risking our national security on a nuclear gamble.

Indeed, the time has come when Americans must stand up to what former President Eisenhower called the "influence of the military-industrial complex." For years we have let our foreign policy be set in accordance with unquestioned judgments made by military men. Generals, no doubt, have rights as citizens, but in our democracy, they traditionally are supposed to carry out civilian-made policy, not dictate it.

Yet the Pentagon now has come up with an ABM system that modifies the previous administration's $5 billion Sentinel system. This new "thin" nuclear defensive system will be phased over several years, costing $6 to $7 billion. It alters the original ABM sites, from the cities to rural America—in hope of detracting popular opposition—and focuses on defending existing defensive networks through detection, interception, and destruction of enemy nuclear missiles. It has been estimated that this supposedly modest "thin" system would eventually escalate until we have poured $25 billion or more into a full-scale ABM network.

Just from a technical point of view, there are many reasons that militate against an effective ABM. No computer has ever been built that can approximate the performance that will be required of the Safeguard system. Time and again, it has been pointed out that the Soviets have numerous means at their disposal to circumvent the Safeguard system. Chaff can be dispersed to confuse our radars; a nuclear explosion would probably make radar penetration impossible; and electronic countermeasures could be used to jam our radar. Since the radar constitutes the core of the Safeguard system, it is highly unlikely that effective ABM defense can be developed.

Perhaps even more dangerous than the system itself may be its effect on the strategic arms limitation talks—SALT. At a time when the Nation is seeking a means of accommodation with the Soviet Union on arms limitation, it appears that we are prepared to take another step down the perilous road of escalation of the arms race. I am quite certain that the Soviets will view this development with extreme suspicion. They may well conclude that successful arms limitation talks with the United States are out of the question. This would be one of the most tragic developments for the American people and the people of the world.

Almost a quarter of a century has gone by since the skies over Japan were besmirched by the detonation of the atomic bomb. Surely such an event must never happen again. If we do not maintain an atmosphere wherein the SALT talks may proceed, we may only be bringing ourselves that much closer to nuclear destruction. I firmly believe that the deployment of the ABM system will create a situation wherein arms limitation talks will be fruitless.

As an alternative to giving the go-ahead on the ABM, Congress should insist that the system's effectiveness be carefully tested, and in view of considerable criticism, I believe strongly that additional research should be carried on before the antiballistic missile system can be called operational. Let us set our sights in that direction and then let us consider our pressing domestic problems. I feel democracy would be best served by spending the proposed billions now on human needs.

In the last analysis, I feel the Nation will be losing a great stride toward peace if this missile system is deployed at this time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Chairman, I yield to the gentleman from South Carolina, the chairman of the Armed Services Committee (Mr. RIVERS).

Mr. RIVERS. Mr. Chairman, I thank the gentleman from Texas very much.

Mr. Chairman, we have come to the end of this debate now. We have got to make up our minds. I think there has been a good debate. It has been on a high plane. I think everybody has had his say. We have had some very knowledgeable statements.

I want to say this. Whether we like it or not, Richard Nixon is the President of the United States. Like Harry Truman, who used to have on his desk, a sign like this: "The buck stops here." We cannot pass the buck beyond Richard Nixon. He has to make the ultimate decision, and from his decision there is no appeal. This is Richard Nixon's responsibility, and the responsibility of each one of us is to back our President when it comes to our country's survival.

What do we do? Someone says, do not use this. When you use it, church is out. We do not plan to use it. There is no mistake about that. But, we do not plan to put all our eggs in one basket.

During the discussions in the other body, Dr. Jerome Wiesner's name was thrown around quite a bit.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The Chair recognizes the gentleman from Louisiana (Mr. HÉBERT).

Mr. HÉBERT. Mr. Chairman, I yield to the gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Chairman, I thank the gentleman from Louisiana.

We had learned gentlemen come before our committee. We had three from the opposition and three from those who were for this. One of the great scientists who favored this was Dr. John Wheeler, Palmer Physical Laboratory, Princeton University. I was quite impressed with his testimony. He left no doubt as to where the scientists of his group stood.

Dr. Wiesner could not get there, and he sent Dr. Rathjens, if my memory serves me, and he presented Dr. Wiesner's paper and one of his own. There were others. Over in the other body the distinguished Senator from Washington, Senator JACKSON, asked the Senator from Rhode Island, Senator PASTORE, to yield. I want to quote for the House what transpired, and I hope the Members will listen:

> Mr. JACKSON. Mr. President, will the Senator yield?
>
> Mr. PASTORE. I yield.
>
> Mr. JACKSON. Mr. President, I should like to ask the Senator if he is aware that, in 1962, it was said that the lunar orbital rendezvous technique would be a poor way to send a man to the moon, that it would not work, that it would involve too great risks for the lives of the astronauts, and so on. Is the Senator aware that the man who said that was Dr. Jerome B. Wiesner, the science adviser to President Kennedy? Fortunately, President Kennedy did not follow the counsel of Dr. Wiesner on that issue. Dr. Wiesner is now the leading opponent of the ABM. President Kennedy followed the advice of the responsible technical experts in NASA.

Says Senator PASTORE:

> The best way I can answer that is that Jerome Wiesner—and he is a good friend of mine; I know all about Jerome. He was the scientific adviser to President Kennedy in 1961, 1962, and 1963; and while he was scientific adviser, John Kennedy spent $800 million on the ABM. So it is either one of two things: He was either advising Kennedy wrong, or Kennedy was not listening to him.

In here it has "laughter." I can tell you that, because I was there.

> I mean, there you are. I studied geometry. You cannot have it both ways—

Says the distinguished Senator—

> I will admit that this is not the ultimate answer, and I do not think we should have to prove that it is.
>
> Let me tell you something else, about taking care of the poor. Here is one man—

Speaking of himself—

> who apologizes to no one about taking care of the poor. I stood on this floor alone and offered an amendment to override the House of Representatives and override my Appropriations Committee by increasing a cut that the House made, and was sustained by the Appropriations Committee on an amendment to raise it by $225 million.
>
> Let nobody tell me that I am taking bread out of the mouths of the hungry in order to get the bomb. Let him tell that to somebody else.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

The Chair recognizes the gentleman from South Carolina to close debate.

Mr. RIVERS. I thank the distinguished Chairman.

Mr. Chairman, am I now on my own time?

The CHAIRMAN. Yes.

Mr. RIVERS. I thank the Chairman.

Now, says the Senator:

> Furthermore, who ever said we had to make a choice? After all, if we need the ballistic missile for the security of the Nation, let us have it. If we do not need it, let us do away with it. That was the purpose of the Smith amendment. If we do not need it, let

> us do away with it. Let us be honest about it.
>
> The only question is: Will it work? I have already covered that ground. It is said that the ballistic missile is expensive. Everything is expensive. What are we talking about in the bill? A difference of $345 million. Yet we spend almost $500 million in Vietnam every week. If we can spend $500 million on strangers to keep them free, why can we not spend $345 million to save our American population? We are not so poor that we have to give up the security of our country.

Says the distinguished Senator:

> Now as to the miracle of our time: Today is the 24th anniversary of the dropping of the atomic bomb on Hiroshima.

I am now speaking for myself. I am the only Member of this body here today who was among the first Members of Congress to see Hiroshima in 1946. The late George Bates was there. The late John Fogarty was there. It was a horrible sight—a horrible sight. I saw the wounds and the burned and charred flesh of those people in that hospital. Part of the hospital survived, and the only other building, if I recall correctly, was a brewery, and it was standing with all the windows knocked out.

I do not want that to happen to my people.

The President of the United States says we need to talk to the Russians about disarmament. We have got to give him what he says he needs. John F. Kennedy said:

> Let us never negotiate out of fear, but let us not fail to negotiate.

I asked President Nixon point blank, "Do you need this?" He said, "I do." Now, this is all I need to know. President Nixon is the most briefed man in the United States. He gets the highest information. And he says he needs it. I know it will work. It will shoot down the incoming missiles.

As chairman of your committee, presiding over your committee, after hearing testimony that went on for about 6 months on the whole bill, we came to this conclusion. We had a rollcall vote on it. The vote was about 31 to 8.

I know there are many of you who have a problem. I do not deny the reasons for your decisions nor do I assign myself any more patriotism than I do to you. Yours is an honest difference, and this I hasten to say, but it is my firm conviction that we need this system. We have already spent money on it, and we must spend money on the long leadtime items. It will take at least 4 years to do it. We must spend the money on the hardware for it. This is what we must do.

We should turn this amendment down and get on with the business of saving America.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I fully share the distinguished chairman's view, one, that it will work and, two, if there is any question, we ought to proceed simply because it will be helpful to the President of the United States in any negotiations that he might have with the Soviet Union or others on disarmament.

It seems to me the crux of the argument for the Safeguard system is precisely this: It adds to the credibility of our strategic nuclear deterrent and if it is deployed it will be a deterrent against any attack from any source. If that is true and it is successful in deterring war—and I believe it is and will be—then we will save every American's life and not just a few.

Mr. RIVERS. The speech of the great Speaker of the House should be the answer. Mine, of course, any way you look at it, is anticlimatic, but mine, nevertheless, comes as the authority from your committee. We conducted the hearings and we arrived at the decisions. America is too young to die. Do not let us participate in that funeral, so help us God.

Mr. TUNNEY. Mr. Chairman, we are again today considering the deployment of the ABM. This is one of the most important issues facing our Nation today. The issue is important because how it is decided could drastically alter our future national priorities. The issue has received extensive debate—one of the few times that a weapons system has been thoroughly examined. Since the end of World War II we have spent $23 billion on missile systems that were never completed, or when completed were obsolete.

The debate has convinced me of the undesirability of deploying the ABM at this time. I am convinced that not only is ABM not needed but it probably will not work. This so-called defensive system would in actuality only create a danger to the cities and families it is purported to protect. Misplaced confidence in an unsure weapons system does not strengthen but only weakens our national security.

I believe that a more rational approach would be to freeze further deployment of the ABM and continue with research and development. Let us explore this vital issue with great care before committing expenditures of almost $10 billion now and up to $100 billion in the future.

Former Secretary of Defense Robert McNamara once said:

> Every ABM system now feasible involves firing defensive missiles at incoming offensive warheads in an effort to destroy them. What is overlooked is that any such system can rather obviously be defeated by an enemy simply sending more offensive warheads, or dummy warheads, than there are defensive missiles capable of destroying them.

Many knowledgeable scientists have argued that the so-called thin ABM will be obsolete by the time it is ready to cope with a mid-1970 Chinese missile threat.

Dr. George Rathjens has stated:

> If the numbers of Chinese ICBM's and United States interceptors are both doubled, the chances of at least one Chinese missile getting to its target rises to over 70 percent, to over 90 percent if the numbers of ICBM's and interceptors are both quadrupled, and so on. In the long run then (and it may not be too long a run), defense clearly becomes a losing game even against a relatively weak adversary. The costs of defense required to maintain any given level of protection will rise much more sharply than the costs of improving the offense.

We stand at a critical juncture to move with the momentum of the arms race or apply reason to this vicious cycle and at the same time rearrange our national priorities.

For example let us consider that our total human and physical environment is slowly deteriorating while less and less money is spent for its improvement. Let us not leave as a heritage for future generations cities ringed with useless ABM's; but these same cities populated by undereducated children, consisting of substandard housing, bisected by polluted waterways and covered by noxious smog.

Mr. SCHADEBERG. Mr. Chairman, those who are members of the Armed Services Committee that has spent many hours in the study of the vital issues so involved in the future security of our Nation, and those who have made a cause celebre of their opposition, have more than adequately dealt with the subject of deployment of the ABM system. Yet, not one Member of the House of Representatives will have his mind changed by what has been said during debate. Each Member has made it his responsibility not only to inform himself about this legislation before he came to the Chamber, but to weigh the possible alternatives. This has been done in order to make a responsible judgment in keeping with what each Member believes to be in the best interest of the security of this Nation. That we come to different conclusions is testimony to the fact that there are good arguments for and against this amendment to delete funds for the deployment of the ABM. In the end, each one of us has to make his own judgment and stand by it.

In weighing the arguments in support for the amendment to strike out authorization to build the ABM system, it is clear that this is a matter of spending priorities. There are many demands being placed on our tax dollars, but in my mind the answer is clear. No matter how successful we are in solving the many problems that beset us, our successes will be of little avail if there is no one around to enjoy them and to enjoy them in an atmosphere of freedom.

In addition to the argument that we can ill afford to build the system from an economic standpoint, a second argument in favor of the anti-ABM amendment has been that "it will not work." I do not know, for certain, whether it will work or not, nor does any one who has spoken pro or con the question. Even the "experts" are divided in their opinions. I was not elected by the people of Wisconsin's First District to vote away their security or, if I should err in my judgment, to err on the side of insufficient defenses. I would sooner spend money for a system of promised security and discover, in a case of critical need, that it does not work as efficiently as we anticipated, than not to provide the system and discover at a time of vital need that we do not have a defense that might have worked to meet an enemy threat.

The people, to whom we have been given the responsibility of protecting, deserve to have more than two alternatives—total annihilation or surrender. They must have an alternative besides the choice between future capitulation before the force of an enemy and all-out

XUM

nuclear war—the protection of our Nation that makes possible the preservation not only our own freedom, but that of the freedom-loving peoples of the world.

We cannot afford not to provide the ABM defense. If we cannot afford it now we need never to be able to afford it because time will have run out. Should we be forced to surrender or to go down to defeat, we will no longer have the choice even to debate the issue.

I want to make it clear to my colleagues that what I fear is not really understood as clearly as it ought to be. That is, that after all is said and done in this august body, our ultimate defense, our security, and our future does not depend on anything we say here or do here. Our future depends not upon the people of Russia or China, but of their Governments which, incidentally, do not exist by the expressed will of those governed. Until such time when despotic governments determined to rule the world are no longer a threat to the freedom of the world, we do not have a choice but a moral responsibility to leave no stone unturned in the defense of this Nation. The ABM system will not give us peace. Perhaps it will not even prevent war. But, with it, we will have a chance to pursue peace and freedom. Without it we may not even have a future.

Mr. Chairman, I am opposed to the amendment which would strike the authorization of the ABM system from this bill.

Mr. GAYDOS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. Wilson), to cut $345 million from the military procurement authorization for the deployment of the Safeguard antiballistic missile system. I have read and listened to arguments for and against the system. I have reached the conclusion that there has not been a strong case presented for the expenditure of the total amount earmarked for this project. I emphasize here, however, I am not opposed to the expenditure of some $400 million to continue research and development of a defensive system.

There are several factors which have led me to the conclusion that the Safeguard system is not practical for deployment. It is a highly complicated fragile system. We never will really know if it works except under combat conditions and if it should fail, then it will be far too late to correct the mistake.

Scientists have said the effectiveness of Safeguard could be nullified by nuclear explosions causing a radar blackout and preventing missiles from leaving the ground. They would, therefore, be completely useless as defensive weapons. There are other sophisticated methods of changing the radar system, accomplishing the same effect. An enemy could overcome Safeguard simply by saturating the air with incoming attack missiles; or it could send over a fleet of missiles with dummy warheads on which our ABM's would be wasted, leaving the prime targets open for a followup attack.

When deployed, the Safeguard system will not protect people but military targets. Nor will it bring about any dramatic change in arms limitation talks. In fact, it could have the opposite effect and trigger an acceleration in the arms race.

This country's growing stockpile of offensive missiles is expected to number 24,000 in the 1970's. This in itself is a defensive weapon. What nation can expect to eliminate all our land and submarine-based missiles in a single first-strike effort? There would be more than enough of our missiles left after such an attack to retaliate with devastating results. Should a nation be foolish enough to take such a gamble? I fail to see how that nation will be deterred from its suicidal course simply because we have deployed the Safeguard system.

Furthermore, Mr. Chairman, the mere fact that a nation attempts a first-strike attack is proof positive that Safeguard or any other defensive system would not work. The idea of such system, of course, is to be a deterrent against such strikes. If a foreign power did send in waves of missiles do you honestly believe we would launch only the ABM in defense and then sit back and wait to see how many of the enemy's missiles hit us and how much damage they cause? Nonsense. I expect we would send up our retaliatory missiles as soon as we were convinced a major attack had been launched against us. Then what would the ABM's be protecting? Empty silos.

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. Charles H. Wilson).

Mr. PIKE. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Charles H. Wilson and Mr. Rivers.

The Committee divided, and the tellers reported that there were—ayes 105, noes 219.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Pike: On page 2, line 10, strike "$3,591,500,000", and insert "$2,568,200,000".

Mr. PIKE. Mr. Chairman, my staff yesterday, my own personal loyal staff, advised me that I have done a very bad thing—I had done something the President of the United States has asked us not to do—I raised my voice.

I apologize to the Members of this House and to the President of the United States, if I have raised it too loud. But I am going to try to make my amends now because what this amendment does is to take the authorization of money for naval ship construction back to what the President of the United States asked for.

We heard an awful lot in the last hour about how we have got to support the President of the United States. I heard yesterday the President of the United States supports this billion dollar add-on that the Armed Services Committee has put in this bill, which is $960 million more than the President asked for. It is $1,024 million more than the Senate approved. So just as a round figure, let us talk about a $1 billion add-on.

I find it hard to believe that the President who excoriated this Congress because we added a billion dollars for education is going to embrace this Congress if we add a billion dollars for naval warships. I find it very, very hard to believe.

My amendment, to be specific, gives to the Navy precisely what the President asked for minus three FDL ships plus one nuclear submarine. That is the action that the other body took. It is so close to the President's position that I am going to be interested in seeing how many are really going to support the President's position.

I simply want to start by saying that the chairman of the subcommittee that heard the testimony on the need for additional ships is one of the men who I really value most highly on the committee, the gentleman from Florida (Mr. Bennett).

When the gentleman from Florida (Mr. Bennett) says that something is so, you can hang your hat on it. By that I do not mean that I agree that the $3½ billion which is in the bill would really come to $3½ billion because we all know there is an escalation in all these costs and we all know there is an overrun on these costs. The head man himself is telling us precisely what the Navy said. I believe the gentleman from Florida (Mr. Bennett) and I believe the committee report when it says that the need or the reason for this billion dollar add-on is because our ships are old. Of course, that is absolutely right. Our ships are old. But there are an awful lot of things in this country that are old. We have some old schools in this country. We have some old hospitals in this country and we have some old highways in this country. We have air that smells old and water that is just as old. More importantly, we have people who are old and who are not being adequately taken care of. We have all kinds of people who are ill and who are not being adequately taken care of. We have people who are not being adequately fed. This is simply a question of national priorities. That is all it is. Are we going to turn our backs on the American people for the benefit of the U.S. Navy? Are we going to add on a billion dollars more than the President requested? I do not believe the President is nervous about this. If he really wanted this money, I suspect he would have had the Secretary of Defense come to the committee and ask for it.

Mr. BENNETT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, when we were talking yesterday about the bill in general, I mentioned the fact that this is a matter of conscience that we have before us now in this bill. The question is whether we will do what we should in our time for our country. That has been clearly testified to, and that is what this provision in the bill would do. It is true that it is just an authorization bill. Ultimately the appropriations procedure may cut it down considerably. That is always true.

But the testimony before our committee was clear. There was not any doubt about it at all. The facts were right on the line that our Navy is becoming very antique, that there are specific vessels of the Russians that can outrun our vessels vessel-for-vessel and can outshoot our vessels vessel-for-vessel, and are fitted with better weapons of war than ours. Our vessels are the counterparts of those vessels. They are side-by-side with those vessels.

Members will recall the Israel situation, although we, ourselves, were not involved in it. If we had been involved in it, we would have found our own war vessels would not have been able to measure up to those others. They would have been outrun by the counterparts of the Russians, and shooting could be outdone by the Russians. The measure of the weapons was greater with the Russians.

Mr. Chairman, that situation must be rectified. We cannot avoid the responsibility. It is our responsibility in the Armed Services Committee to bring this situation to the Committee of the Whole and show the situation as it actually is. We cannot get political about it. We must tell you what the need of our country is. Our country needs these vessels.

I hope that the provision to which the amendment is directed will be allowed to stand in the bill, because I think it is essential to tell the country what lies ahead of it—$5 to $10 billion of new military construction to put ourselves vis-a-vis on a par with the Russians. We must do that. If we do not do it in the next half decade or whole decade from now, this country will be in grave danger indeed.

I caution all Members to consider the amendment very carefully. It is an important amendment. It is true that the authorization may not be fully funded by the Appropriations Committee, but we ought to have the authorization. A full study has been made. Incidentally, as subcommittee chairman, I ask the question, Why have a subcommittee study for hour after hour, day after day, week after week, and take testimony after testimony in order to arrive at conclusions unless those conclusions are going to be looked at? Nobody made any attack on the actions of the committee. Everyone agreed that what was concluded by the subcommittee was so. Read what Jane's said yesterday about the American Navy. See what foreign people have said about the American Navy. Do not take my word if you do not want to. But why should a committee make an investigation and study of a matter such as this, coming back with the actual facts, and then find that others turn their backs on that study? That should not be the way to legislate. We should get the facts and live with the facts.

Not only the subcommittee but also the full committee and everyone present who commented on this matter found the facts to be true. Those facts show that America must, in this period of history, do something very dramatic with regard to its Navy. It must get these 30-year-old ships off the sea and get modern ships built and in their place, in the interest of preserving our national security and world peace in our time.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New York.

Mr. PIRNIE. I thank the gentleman for yielding. I take this moment to observe that the gentleman from Florida is the chairman of a very important committee that made a very intensive study. I have heard many times on this floor pleas for studies. Now that we have one, a very good one founded on fact, I think we would do well to heed this study very, very seriously. I trust that the authorization will be approved.

Mr. BENNETT. I thank the gentleman.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, I rise in opposition to this amendment.

The U.S. Navy is in a serious situation primarily because of the age of its ships. According to the Bennett seapower report, our seapower has reached a state of block obsolescence with over 58 percent of our combatant ships being 20 years old or older. Since 1964, the Navy has had funded only three ships capable of living on a total environment; that is, capable of fighting air, surface, and subsurface opposition.

It is not a question of enlarging our present Navy, it is a question of maintaining an adequate Navy capable of defending the country should that occasion ever arise.

The experts have told us, in no uncertain terms, that our present Navy is in a deplorable and dangerous condition. They have literally begged the Congress to take immediate action. And now is our opportunity to fulfill this responsibility.

The naval shipbuilding part of the bill was based upon a Navy request. The Secretary of the Navy has called for a 10-year $3.5 billion annual shipbuilding program. The Chief of Naval Operations has asked for a $4 billion annual program for at least 5 years. Even with these programs, there will be a serious gap during the midseventies, because we have waited too long to get started.

The Navy has presented us with a package program giving careful, expert consideration as to the mix of the various type of vessels needed.

The nuclear attack carrier, CVAN–6A, is the second nuclear-powered attack carrier of the *Nimitz* class. This ship and a third planned in fiscal year 1971 will be procured on a multiyear contract from a single shipbuilder in order to acquire them at the least cost.

This ship is authorized in order to maintain our carrier force capability. She is scheduled to replace the *Bon Homme Richard* which will be 30 years old on her replacement date in 1974.

The third carrier, CVAN–70, is scheduled for delivery in 1976 replacing the *Oriskany* which at that time will be 30 years old.

Secretaries McNamara and Clifford previously approved the third carrier in the fiscal 1971 program. Secretary Laird has conferred to the chairman of the Senate and House Armed Services Committee that this carrier is still planned for 1971.

I understand the gentleman's amendment would delete the funds for the CVAN–69, the second of the nuclear carriers in this program. We have already spent $132 million in leadtime items. Delay in completing the funding of this vessel will only increase its cost. But all this is academic because we have to have it now.

I think the words of Adm. H. G. Rickover, the father of the nuclear Navy, are pertinent at this point in our deliberation. He said:

> What of those who advocate reduction in our military strength prove to be in error? What ultimate gain will there be if we have money but lose our freedom?
>
> Is the decision to build or not build a weapon to be based on cost, or is it to be based on need. The cost of weapons is one of the sacrifices we must pay in order to remain free. I, too, wish the world were different and that it were not necessary to lose lives and expend irreplaceable natural resources for defense. But we must survive in the world as it is, not as we dream it should be.
>
> Freedom comes at a price. If we fail to pay for adequate defense now, and our weakness invites attack, we will pay many times as much in dollars to wage war and infinitely more in young lives lost.

We cannot afford not to do what is necessary. I urge the defeat of this amendment.

Mr. BENNETT. I thank the gentleman from Virginia.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr BENNETT. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman for yielding.

Mr. Chairman, I share the very high respect which the gentleman from New York has stated he holds for the gentleman from Florida. I hold it so strongly that I agree 100 percent with the gentleman from Florida that the amendment of the gentleman from New York should be defeated. The overwhelming arguments at this time for a stronger, modernized Navy are, in my opinion, greatly strengthened by the moves which we are making toward disengagement from some land-mass commitments. The U.S. Navy must be kept up to date as the world's strongest naval force. The Pike amendment must be rejected.

Mr. STAFFORD. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. PIKE).

Mr. Chairman, the amendment offered reduces the authorization in this bill for naval shipbuilding only from the $3.5 billion figure which has come out of the Committee on Armed Services to a figure which approximates that requested by the administration of $2.5 billion. The only difference between the Senate figure, which is contained in the amendment offered by the gentleman from New York (Mr. PIKE), and the request of the administration is to add one nuclear attack submarine and to delete three fast-deployment logistic ships, which action was agreed to in our committee, and, as I recall, in the Senate bill as well.

Mr. Chairman, I would like to say I find the decision to speak out on this issue to be one of the most difficult deci-

XUM

sions I have made in the 9 years I have served in the House of Representatives. I have the greatest admiration and respect for the chairman of my committee and the ranking member and for the decision of the majority of members of the committee to the effect that we should recommend an additional billion dollars for shipbuilding beyond the administration's budget request. I dislike being in a different position from the chairman on this matter.

Another factor which makes my decision difficult is the fact that I have served through two wars in the U.S. Navy. I revere the Navy. I am proud of the fact that I have had service in it. I would not knowingly deny it anything it really needs that is also essential now to the security of the United States of America.

Moreover, I have served on the Seapower Subcommittee of the Armed Services Committee for some time and I can appreciate the necessity for maintaining our ability as a country to insure the freedom of the seas, so that the raw materials from around the world which are necessary to our industrial complex can reach our shores and the finished materials from our factories can reach markets abroad.

I know also of the problems generated in our Navy by the aging and block obsolescence of our ships.

I think the Navy needs every ship which it has requested this year, and it ought to have every ship which it has requested. I know it could use the additional ships which my committee seeks to make available to the Navy through this inflated authorization, but I think those additional ships beyond the President's budget request run into another paramount need of the United States of America, and that is the need to control inflation in this country, inflation which is robbing our senior people of their purchasing power, inflation which has been one of the causes of the cost overruns which have been plaguing the military and which threaten to run the cost of ships, planes, missiles, tanks, and aircraft out of sight in the stratosphere.

I think we need to get inflation under control. I believe the Secretary of Defense and the Department of the Navy have recognized this and it has been a major factor in the size of the budget request which they have made this year.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I yield to my chairman, the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, is the gentleman from Vermont aware that these additions are precisely what the Secretary of the Navy requested of the Department of Defense as a minimum need to begin an orderly 5-year replacement program for the obsolete ships and for the obsolescence of our Navy? Is the gentleman aware of this?

Mr. STAFFORD. Mr. Chairman, I am aware that the Navy and the other departments of the armed services would all like much more than the final submission made for them contained. I understand that the Navy could use these other ships.

Mr. RIVERS. Is the gentleman aware that the Chief of Naval Operations said he needed these? These are his figures, not those of the gentleman from South Carolina.

Mr. STAFFORD. Mr. Chairman, I appreciate that.

Mr. RIVERS. Is the gentleman also aware the President of the United States agreed he would accept this as a need?

Mr. STAFFORD. I think anybody would agree that the additional ships are needed, but I say, Mr. Chairman, that when we have inflation under better control than we do today, and we may be able to accomplish that by next fiscal year, then and not now would be the time to give the additional ships authorization to the Navy. I say this year let us give the Navy what the President has requested for it in the official budget submission. Let us give the Navy this full request and nothing more.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, yesterday there was some comment both on the floor and off the floor about the result in the Massachusetts runoff election to fill the seat of our late beloved colleague, Bill Bates of Massachusetts. The young man who was elected the day before yesterday will probably be here to take his seat in a short time, but I am sure even when he arrives it will be a long time before any of us will forget Bill Bates. Many of us journeyed to Salem to attend his funeral, and we paid an unusual tribute to him here on this floor. His voice is one we miss today in this Chamber as we debate this bill under probably more opposition than we have had certainly in the 11 years I have had the privilege of serving in this body.

In all those 11 years there was one thing Bill Bates said and one thing he fought for and one thing he tried hard to get, and that was the end of the block obsolescence of the U.S. Navy. Bill Bates was a sailor. He knew the condition of the Navy and he knew we cannot continue year after year, year after year, to sail the same ships without having them wear out. So Bill Bates year after year stood up here and said, "I think we ought to have a program to lick this block obsolscence."

And year after year that program somehow got eroded away. In spite of what the gentleman from Massachusetts did and in spite of what the gentleman from South Carolina has done in fighting for new nuclear frigates, and ships of that kind, as we on our committee have usually found, somehow they always got chopped out.

The obsolescence crisis we face today is a much greater crisis than we faced 11 years ago when I first came to this body and when the gentleman from Massachusetts, Bill Bates, was first speaking out on that subject.

The gentleman from Florida (Mr. BENNETT) referred a moment ago to a story that appeared yesterday in the Washington Post, for those who were lucky enough to get a copy. It came from Jane's Fighting Ships. This is not the committee speaking. This is not the Member from New York speaking. This is Jane's:

> The Soviet Union soon will have one of the most sophisticated and largest navies in the world. but the United States Navy faces a crisis, the editor of Jane's Fighting Ships said today in a foreword to the 72d edition.
>
> The Russians are using their fleet to fill the naval void left in the Atlantic, the Northwest Pacific and Indian Oceans which was left as Britain withdraws her decreasing forces to the home islands and the Mediterranean, Raymond Blackman said.
>
> "The U.S. Navy still has not overcome its block obsolescence problem mentioned in these pages six years ago.

This is the reason for this add-on. It is to provide the ships that we need. Jane's recognizes the problem, and have, as they say, for more than 6 years.

Finally, the chairman of our committee took the bull by the horns and put in this year's bill a total program to provide the ships we need if we are ever going to stay up with this competition.

Where are the Russians today? What are they doing? Look at their submarine forces. The Soviet submarine forces today are 375 to our 146. When it comes to nuclear submarines, they have 65 to our 79, but 41 of those 79 are Polaris submarines, so they cannot fight other submarines.

The Soviets are building today at a rate of eight submarines a month, and they have the capacity to go up to 20. This is a frightening picture, and no one has expressed it more clearly than Admiral Rickover.

Take a look at the letter from Admiral Rickover, which the gentleman from South Carolina put into the RECORD the day before yesterday.

> The Soviet Navy has undergone a continuing modernization program including the building of missile-armed cruisers and destroyers, helicopter carriers and several new classes of nuclear and conventional submarines. As a result, their Navy has become a fleet capable of sustained open ocean operations. For the first time in her history, the Soviet Union is using a deployed naval force in support of foreign policy in areas not contiguous to its borders.

They are not backing down; they are pushing out hard and pushing out fast, and we need to recognize that blunt fact if we are to protect the future security and survival of our country.

Mr. FISHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I appreciate my friend from Texas yielding to me, because I think that the remainder of these words by Admiral Rickover are very important in connection with this amendment, and certainly, in my judgment, it is a very dangerous amendment.

> Their force in the Mediterranean includes warships armed with surface-to-surface and surface-to-air missiles, amphibious ships with naval infantry embarked, as well as attack and missile submarines.

All you have to do is look at the papers. The Soviet Navy has already cruised in the Gulf of Mexico. They have more ships in the Mediterranean today than we do in our 6th Fleet. As our Committee on National Defense posture brought out a year ago, under the very able leadership of our former colleague from Virginia, Mr. Hardy, there are very serious problems of neglect and obsolescence in ships of the 6th Fleet right on the edge of the Soviet empire. This bill is designed to correct that situation, and this amendment is dangerous because it will kill this effort. Not only will it knock out those new ships that we need but it will also knock out the third nuclear aircraft carrier of the *Nimitz* class which we have scheduled, the CVAN 70. That is just what you are doing if you vote for this amendment. You are voting to keep our Navy, as it says on page 10 of our committee report, saddled with 58 percent of its ships over 20 years of age, while the Soviets have 58 percent of their ships under 10 years of age.

Mr. Chairman, I remember the strong words of Franklin D. Roosevelt which he sent to Winston Churchill in those days when England was fighting with her back against the wall. We should remember those words in connection with this amendment when the question is whether we are going to keep the U.S. Navy supreme. Roosevelt sent to Churchill those famous lines from Longfellow:

> Sail on, oh Ship of State.
> Sail on, oh Union strong and great.
> Humanity, with all her fears,
> And all her hopes of future years,
> Is hanging breathless on thy fate.

The free world today is literally hanging breathless on the future of a strong and modern American Navy, and you are going to gut that great Navy if you adopt this amendment.

Mr. NEDZI. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think it is important to describe to the House exactly what this amendment does. We have been given the impression that if this authorization does not go through as it appears in the bill, we are going to be in danger of survival, but the fact here is that this cut does not affect the full funding of an aircraft carrier this year. It does not affect the funding of three nuclear attack submarines, and it does not affect the construction of the nuclear-powered frigates which have already been approved. The only warship construction affected is the DD963, and there the only effect is to cut the number being authorized this year from eight to five, which is the number requested by the DOD. In all of the material that has come before the House today we have relied on the DOD to give us their expertise and to make a determination as to which services should receive the priorities. All of a sudden we find that advice is not sound. There is a certain inconsistency in what has taken place.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield to me for a question?

Mr. NEDZI. Briefly.

Mr. FINDLEY. The administration made very plain its opposition to the ABM amendment which was just rejected. Has there been any indication whatever that the administration is opposed to the amendment now under consideration? I have heard of none, and I wonder if the gentleman has.

Mr. NEDZI. I have to be candid with the gentleman and say that I am not aware of any, and I think the reason is quite obvious.

If the money is appropriated, it does not have to be spent.

We went through a similar exercise on the B-70 a few years ago.

The point is that before the House approves such an open-ended authorization and hands a blank check to the Department of Defense and to the Department of the Navy, it seems to me that we should have some extensive hearings on this. In fact, the Department of the Navy and the Department of Defense should come in and, in effect, say that the money cannot be better spent some place else.

What the Department has requested is a $2.5 billion shipbuilding program. So it is not as if you are not going to modernize the Navy at all. There are substantial funds in the bill for that purpose. The point is that here is a gratuitous $1 billion added on which primarily affects support vessels.

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from Ohio.

Mr. WHALEN. Would the gentleman agree that if the administration, indeed, approved of this $90 million ship procurement add-on, there is a vehicle by which this can communicate that to us, namely, an authorization request?

Mr. NEDZI. Well, I know that my lines are open but perhaps they choose not to use them.

Mr. WHALEN. The point I am making is simply this: Did the administration request these funds in its budget submitted to the Congress by Secretary of Defense Laird?

Mr. NEDZI. Absolutely not.

Mr. WHALEN. Mr. Chairman, if the gentleman will yield further, is not this the normal vehicle through which this is accomplished?

Mr. NEDZI. It certainly is. I would say to the gentleman that the committee has under consideration at the present time the difference between a $2½ and $3½ billion program. It is not as if you are wiping out everything the Navy asked for by supporting the amendment. You are supporting what the Department of Defense asked for and in so doing what is in the best interest of the United States.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would like to revert—as the fundamental matter we are dealing with today—to the questions which the distinguished chairman of the committee put to our colleague, the gentleman from Vermont (Mr. STAFFORD), a few moments ago, when he asked him whether he was aware that it was the Secretary of the Navy who requested the additional billion dollars for fleet modernization.

Mr. Chairman, we face two challenges: No. 1, the capability of the administration, of the executive branch of the Government to sift and evaluate and judge requests of the military, as between the competing requests of the various services, and as against the competing demands of our domestic economy, with its enormous unmet needs, its deteriorating public services, its polluted air and waters.

Second, the capability and the willingness of this Congress to support or not to support the administration by exercise of its own independent judgment, rather than continuing to acquiesce supinely to the requests of each military service and continue to give them, to all intents and purposes, carte blanche authority over military budgets.

In 1968, approximately a year and a half ago, our administration came to the basic conclusion that unlimited military expenditures—unlimited application of military force alone—as applied to Vietnam—could not prevail, that we had to work to achieve a nonmilitary solution to that war. That decision involved a gradual—hopefully not too gradual—deescalation of military expenditures. I sense that the present administration is pursuing that goal in order to fulfill the hopes and dreams of 200 million Americans.

Mr. Chairman, in a recent Gallup poll 52 percent of the American people thought we ought to limit military expenditures. We have heard complaint after complaint that this Congress has been frozen out of the basic decisionmaking process with reference to the warmaking power, that we have abdicated our constitutional function.

Mr. Chairman, here is a perfectly clear case where the Congress should make its own independent judgment as to the balance of expenditures between the services, and the proper balance between expenditures for our total military capability and the needs of our domestic economy.

In this case we are supporting an administration that apparently judges that we do not need this extra $1 billion which the committee supports, a 40-percent increase in a budget item for this particular authorization.

It is high time that the Congress supported not only the capability of the executive department to make decisions independent of the military, but also, our own integrity as a Congress in making decisions that are going to affect the form and substance and quality of the life in America for decades to come.

This is one case in which we ought to support the administration and the President in the evaluation and the judgment that they have made. This is a $1 billion item, a 40-percent increase in requested administration budget. We ought to support our President, and our own independent judgment by acceding to the President's judgment and the determination of the Senate on this point.

Mr. Chairman, in March 1968, the historic reversal of our Vietnam policy took place amidst pleas for change from both within and without the executive branch of Government. When experienced, perceptive advisers like McGeorge Bundy and Dean Acheson saw the folly of that policy, the voters had expressed their own dissatisfaction with the Johnson policy at the polls. As of today the public has already spoken on the

XUM

military budget. Just as in 1968, the representatives of the public interest must pay attention to the calls of the populace. We must seize this opportunity. We must stop this escalation of the military budget. We must restore the budget to the Senate's moderate requests. We must regain the faith and the support of a majority of our own people.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are working here—and apparently we are going to continue working with all of these amendments—until very late this afternoon, and I was a little amazed when I took this off the ticker, in view of the fact that the President has been talking about the Congress not doing much.

This is the President's schedule for today:

At 9 o'clock he met with a group of at least six Republican Senators. That would be a rigorous thing, I am sure.

At 12:15 he had a meeting with Harold Lee, an old friend who owns the Mandarin Hotel in Hong Kong.

At 12:30 he met with Aubrey M. Meyers, of Pomona, Calif., a classmate at Whittier High School.

At 5:30 he departs for the weekend in Florida with Mrs. Nixon and the White House staff members.

Now, in view of the House working late tonight, I think at the end of our deliberations we ought to pass a resolution and ask the President of the United States to slow down. No man can stand a pace like this very long.

Mr. BURKE of Massachusetts. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, at this time, I would like to point out many of the problems of the shipbuilding yards, as a result of an arbitrary decision handed down by the Secretary of the Navy a short time ago in canceling out the General Dynamics' Fore River Shipyard at Quincy, Mass. from further consideration of the DD-963 class destroyer, package contract.

Under a concept the Navy Department established a few years ago, a shipyard winning design competition would be awarded total construction contract. The plan offered the opportunity to shipyards to apply mass production, from start to finish, development techniques to major shipbuilding projects. The winner would receive whopping contracts assuring the yard a steady workload and multimillion dollar volume of business. The Navy would benefit by having the opportunity of gaining the best design from the competitors, and from the economics of applying mass production techniques to a large number of vessels. It would allow for modernization of the shipyard, and a total package procurement system promised a number of identical class ships at a lower unit cost, thereby making maximum use of taxpayers' dollars.

I endorse and support this concept, if it is to be carried out, however, when the Navy announced its arbitrary decision, canceling the General Dynamics' Fore River Shipyard from further consideration, I immediately tried to make several inquiries to the Secretary of the Navy and the Naval Ship Systems Command. I ran into a blank wall of silence. No one in authority seemed able to give any clear cut explanation why the Fore River Shipyard was excluded from further consideration.

The Secretary of the Navy failed to answer for several weeks and then his response was vague and failed to give answers as to cost and other factors important to this over-$1-billion program.

I sought out those in the Navy Department in charge of selection of design and, of course, I am not at liberty to disclose my sources of information. I was reliably informed that the designs submitted by General Dynamics' Fore River Shipyard were considered to be superior than those submitted by the other two yards by those making the appraisal.

Of course, none of us want to up the cost to the taxpayer, but the information I have indicates that the Navy has no intention or carrying out a package deal to one shipyard. Litton, it is reported, will be awarded a full package contract, but will then fragment by subletting part of the destroyer contract to Bath Iron Works, thereby taking care of the States represented by the chairman of the Senate Armed Services Committee and the ranking minority member of the Senate Armed Services Committee. Both appear to be not unhappy at the elimination of the Fore River Shipyard from further consideration.

There is talk around Capitol Hill that Massachusetts will be punished for those who have attacked the military complex, and some have pointed out that the Senator from Maine cast the deciding vote in the Senate in favor of the ABM.

I am a realist, and when the Navy Department fails to come up with the proper answers, I step forward and start questioning their actions. I feel that the Secretary of the Navy has failed to answer why General Dynamics' Fore River Shipyard was eliminated for further consideration of the gigantic program.

As a Congressman from the district where Fore River Shipyard is located, I would be remiss in my duties to my district, and indeed the Nation at large, if I kept silent in this matter.

If the Navy is abandoning its original concept, I can see no alterntive but to support the procurement bill providing that these contracts be constructed in the facilities of at least three different shipyards, or else, the yard that is being awarded the contract should be compelled to adhere to the original concept set up by the Navy Department in streamlinig its yard, in improving its production methods, and in cutting down unit cost in each ship to be built. It does not appear at this time that the Navy will insist on naval yards completing one contract, so the original concept would be nullified.

I cannot change my decision until the Navy Department comes forward with information on cost and design that can justify the unusual hasty decision a few weeks ago.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. PIKE. Mr. Chairman, reserving the right to object, I think, in view of the number of people who still want to be heard on this amendment, that 10 minutes is simply not adequate to do it in. We are talking about a $1 billion add-on; a $1 billion amendment. I would have to object to the request.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 15 minutes.

The motion was agreed to.

The CHAIRMAN. The Members who were on their feet will be recognized for 1¼ minute.

The Chair recognizes the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. PIKE) to cut approximately $1 billion from the Navy procurement section of this bill.

Of the allocable and controllable portions of the Federal budget, approximately 80 percent is for the defense budget, and that is an enormous portion. Of the total $193 billion Federal budget, only $1 in $10 is spent on nonmilitary controllable items. That is about as small as we dare let that fraction be.

Today we have one of the best minds who ever came out of this Congress serving as Secretary of Defense. Probably no man here is better qualified to serve in that position than Mel Laird, and I do not believe he would submit a defense budget to the Congress that would compromise our defense posture, and that would be insufficient to our needs. There might be times when he would ask for too much, but I cannot believe of there ever being a time when he would ask for too little, nor do I think the President would okay a budget that asked for too little. If these extra naval funds were strategically important, I am sure they would have been included in the budget.

Further, we are strapped for funds. This billion dollars is critically needed for urgent human needs here at home.

These funds could: First, provide 30,000 additional hospital beds; second, construct and equip 20,000 schoolrooms; third, increase by five times our national expenditures on cancer and heart disease research; and fourth, increase by 15 times our national antiair-pollution efforts.

Let us put these dollars where they will really help America—not in additional materials of war that exceed the requests of the Defense Department.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I rise in support of the amendment to strike the unrequested $1 billion add-on to the shipbuilding program.

In this connection, I would like to associate myself with the remarks made by the distinguished gentleman from Vermont (Mr. STAFFORD) because today the nation is facing almost unprecedented inflation which is steadily robbing not only our taxpayers on fixed income and retirement income, but also those in the prime of their earning life.

The plea to engage in defense spending adds nothing to consumer goods and services, and does add to inflation.

The American people recognize this and they expect us in the Congress to do our duty and cut rather than add to the Pentagon request.

The President also recognizes the urgency of controlling it. He has deferred federal construction. He has criticized this House for our action on education. He is now beginning to indicate that he may veto this tax reform bill out of fear for its inflationary impact. Yesterday, in this period of urban crisis the administration cut the model cities program by $215 million.

Surely at this time we should support an amendment which would delete a budget busting unrequested $1 billion add-on.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. PIKE).

In so doing I would like to make three observations.

First, reference was made earlier to the recent Janes report on naval vessels and naval construction.

I think it is significant that the conclusion of this report was not read to the committee this afternoon. The conclusion of that report states that the United States today is by far the leading seapower of the world and will continue to remain so for many years to come.

Second, it has been inferred that the President supports the $960 million ship procurement add-on.

I suggest that if the President favored this add-on he would have indicated his support by inserting a request for an additional $960 million in his military authorization request.

Third, it has been suggested that the Navy needs additional vessels. We certainly do not quarrel with this. We do not quarrel with the fact that the Air Force needs additional planes.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The Chair recognizes the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, I ask unanimous consent that the time allotted to me may be granted to the gentleman from Ohio (Mr. WHALEN).

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WHALEN. I thank my colleague.

As I was saying, Mr. Chairman, we recognize that the Air Force needs additional aircraft. These additional funds have not been provided.

We recognize that additional funds are needed for education. Those additional funds have not been provided.

We recognize that additional funds are needed for welfare programs. These additional funds have not been provided.

So, Mr. Chairman, I am simply stating that if we add up all the needs expressed by the various departments and bureaus, the budget would be astronomical. We have to establish some kind of priority and in the case of defense spending, the President has done this. I urge, therefore, that the House go along with the budget submitted by Secretary Laird by supporting the Pike amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I can hardly hold back my disappointment that the chairman of the committee saw fit to cut off debate so peremptorily on an amendment of this size. I know that this is a matter that is dear to his heart. I am sure he thinks he is doing the right thing in adding another $1 billion to the $2½ billion that the administration asked for. He wants to have a 5-year replacement program instead of the scheduled 10-year replacement program.

The truth of the matter is that in a confrontation with the Soviet Union, we would not be engaged in a naval battle. We are not going to keep a naval fleet out of the Gulf of Mexico by buying some support ships.

Mr. Chairman, the kind of argument that we have heard here is falacious. Of course, we need a navy. I have very strong respect for its role in maintaining the U.S. presence around the world. But this kind of addition of $1 billion above the amount asked for by President Nixon in a time of severe inflation is sheer folly.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, this morning the chairman of the committee spoke of the principle of civilian supremacy in our Government and of its importance. But here is a case where the reverse principle is being applied. The civilian chief of the Defense Department submitted to the Congress a proposal for naval shipbuilding. Instead of going along with that proposal, the committee now asks us to reverse the Secretary's decision and accept the amount requested by the admirals.

My good friend from New York, Mr. STRATTON, referred to this as a very dangerous amendment. I hardly think our former colleague, Secretary Laird, would come in here with a very dangerous recommendation. But then, as is so often the case, my good friend from New York also represents the point of view of the Navy. Perhaps from the point of view strictly of the Navy, bearing in mind how important service priorities may be, this could be a "very dangerous amendment," but it is not dangerous for the people of this country.

We may need new ships to replace old ones. But I say we need new hospitals, new schools, new subway cars, new houses, more, much more. We also must give greater priority to the needs of our older citizens.

It seems to me incredible that this House should even consider adding $1 billion to the DOD's request to the Congress, when we are constantly told we must cut back on our homefront needs.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, the amendment before us offers us an opportunity to reduce this massive $21.3 billion military spending bill by $1.023 billion.

The Department of Defense originally asked for $2.631 billion for ship construction in its revised budget. The Senate Armed Services Committee cut this figure by $63.2 million, which was approved by the Senate. The new figure, $2.568 billion, was also approved by the Department of Defense following Senate action.

The House Armed Services Committee, however, on the grounds that our Navy is in "deplorable and dangerous condition" not only restored the funds cut by the Senate, but also added $960.1 million, making a total of $1.023 billion.

I certainly believe that our Navy must be modernized to meet the demands that face it in the nuclear age. However, I do not feel that the House should substitute its judgment for that of the Department of Defense which has the concurrence of the Senate.

The Department of Defense has set up a modernization program keeping in mind that the resources of this Nation are not unlimited.

This amendment to reduce procurement funds to the level of support asked by the Defense Department will not cut back on our warship building program.

Funds would still be available for the CVAN-69, construction of a nuclear-powered frigate, three nuclear attack submarines, and the two LHA's which were approved previously. Only one warship would be affected. The number of DD-963's would be five, the original number requested by the Department of Defense, instead of eight.

This amendment would eliminate funds, however, for those ships added by the House committee—support vessels not requested by the Department of Defense. These are not first-line ships. If the building of these ships were a matter of national security, I am sure that the Defense Department would have included them.

This amendment will cut back on the building of two nuclear ships: a carrier, costing $100 million and a cruiser, costing $32.1 million. It will cut back on support construction funds for five research ships, five ocean minesweepers, four salvage tugs, three fleet supply ships, and a floating drydock. The cost: $662 million.

It will cut back funds for three additional DD-963-class destroyers. The cost: $157.3 million. It will cut back funds for three additional LHA assault ships, costing $112.3 million. And it will cut back $154.4 million for general ship construction and conversion.

None of these items were requested by the Defense Department.

Throughout this debate I have talked about national priorities. This is a blatant example of our distorted sense of priorities, a willingness to expend huge sums, $1.023 billion to be exact, on unnecessary military items. Yet, when the House recognized the importance of education and adopted the Joelson amendment increasing appropriations for education by some $900 million, the President, and those in the House who are the foremost advocates of this $1 billion add-on, deplored the actions of the House.

Where the Defense Department has not even asked for this additional $1 billion, how can it be justified? How can it be argued that the national defense will be in danger if this amendment is adopted?

There is danger closer to us than on the high seas. We have a dangerous domestic crisis facing us daily. It is time to face that crisis and allocate our resources toward its solution.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Pike).

Mr. PIKE. Mr. Chairman, because of the lack of time we have to consider this, some of the Members may be in doubt as to what the effect of the amendment is.

I ask you to look at page 57 of the report. It will show that the President's submission was $2.631 billion. It will show the Senate bill and the ships involved therein, which are $2.568 billion. And it shows what we have done in the House, which is to add $1 billion and make it $3.591 billion.

My amendment simply takes it back to the Senate bill, which is essentially what the President asked for. I simply do not think that this is any time in our national history to be adding 40 percent to the amount the President requested for naval ship construction.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Stratton).

Mr. STRATTON. Mr. Chairman, reference was made a moment ago, I believe, by the gentleman from Minnesota (Mr. Fraser), that what we are voting for here are just support ships. Make no mistake about that. This bill does not call here for support ships. Admiral Rickover's letter gives the clear details of this add-on. He lists what it involves: three high-speed nuclear submarines this year, with long lead-time items for five more; completion of funding for the next nuclear carrier, CVA-69, and long lead-time items for the next one, CVAN-70; and completion of one nuclear-powered guided-missile frigate this year, with long lead-time items for three more.

It may well be that the American Navy is stronger today than the Soviet Navy, but the important thing is that we are going down while they are going up, and very rapidly so. Unless we are going to get a long-range shipbuilding program going, we can never lick the problem of obsolescence. That was the lesson of Mr. Bennett's subcommittee on the status of seapower in America. It is also the lesson Mr. Bates never fully succeeded in getting over to this House or to the executive branch. This is the job we must do, to build for the future, not just for 1 year ahead, but for the long-range future, for our Navy, yes, but even more for our country.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. Downing).

Mr. DOWNING. Mr. Chairman, for the life of me I cannot understand the thinking of some of my dear friends who are proposing this amendment. What other warning signals do we have to have? The experts have told us that our fleet is in a "dangerous and deplorable" condition. Our able colleague, Charles Bennett from Florida, and his subcommittee went into this and they said, "We are subject to block obsolescence." With 58 percent of our present combatant ships being 20 years old or older.

We are not enlarging the Navy with this bill. We are just trying to maintain an adequate Navy. But no words of mine can excel those of Admiral Rickover who said:

> What if those who advocate reduction in our military strength prove to be in error? What ultimate gain will it be if we have money but lose our freedom? Is a decision to build or not build a weapon to be based on cost or is it to be based on need? Freedom comes at a price. If we fail to pay for adequate defense now and our weakness invites attack, we will pay many times as much in dollars to wage war and infinitely more in young lives lost.

We must defeat this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Arends).

Mr. ARENDS. Mr. Chairman, I strongly oppose the adoption of this amendment, and I adhere to the report of the subcommittee chaired by the gentleman from Florida (Mr. Bennett).

Mr. Chairman, I yield to the gentleman from California (Mr. Gubser), who was a member of that subcommittee.

Mr. GUBSER. Mr. Chairman, I was privileged to serve on the subcommittee chaired by the gentleman from Florida. I believe we have compiled a report which should be a bible so far as future needs of the U.S. Navy are concerned. It is known as a best seller across the world, because it clearly shows we are lagging behind.

The gentleman from New York referred to page 57 of the report. I invite him to look at the opposite page, at page 56, where it is clearly shown that it will take us until the year 1983 to build ourselves back to parity with ships that are less than 20 years of age.

I remind the House this is not an executive dictatorship. This is a republic. We have a responsibility in this House to formulate policy. We believe this is what the U.S. Navy needs, and we should vote for it.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. Rivers) to close the debate on this amendment.

Mr. RIVERS. Mr. Chairman, these are not the chairman's figures. They came from the Navy, and the President of the United States has accepted the figures in his conversation with me. It is known to everyone on this committee. In the committee there was a vote of 35 to 4, and even the gentleman from California, (Mr. Leggett) did not follow the gentleman from New York (Mr. Pike) on this one.

If there is anything wrong with the Navy, the Chief of Naval Operations could not have come in and testified as he did. Who knows better than he?

The gentleman from New York (Mr. Pike) knows this is for our Navy. We need at least $4 billion a year if we are going to have a modern Navy by 1990. How much time do we need?

What else do we need to convince us? This is our Navy. If the Members want to sink it, that is their right. But the President is for this. The Secretary of Defense is for this. The Armed Services Committee by a rollcall vote has approved it by 35 to 4. It has been debated, Members can bet their bottom dollar on this, and we have reams of testimony attesting to this fact of life.

Mr. NICHOLS. Mr. Chairman, I rise in opposition to the amendment. It seems to me that "modernity" is the main thrust of the subject here. It is not modernization or modernizing, for those terms imply an updating or refurbishment. As I see it, we are mainly concerned here with one day having on hand new ships—a significant number of new ships—and not ships that essentially are new weapons systems mounted aboard old hull or ships that are driven across the waves by powerplants built a quarter of a century ago.

It is true that within this section of the bill there are provisions for some conversions and updating. But for the greater part the subject is modernity: ships that are new from the keel to the topmost antenna.

Somewhere behind the thought of these proposed ships lies the idea of the Russian threat at sea. I need not dwell on this, except to say it is major—it does not abate—and it is taking some forms that should give us all concern. As a recent example, there was the deployment in July of a Red navy squadron that proceeded to Cuba and the Gulf of Mexico by way of the waters off our own east coast. Whoever it was that laid out the course of that seven-ship group saw fit to have them steam a few score miles off U.S. shores.

In viewing the Soviet maritime threat we see some certainties and some uncertainties. Russian warships have not been tested in fleet actions since the early days of this century, and thus we do not really know how they would stand up in battle. From appearances the technology of their fleet units would seem first rate. But here, again, we do not know how they would hold up under conditions of prolonged and arduous service. These, I submit, are uncertainties. We know the capabilities of our own fleet units in these respects, but do not—to any degree of certainty—know those of the Soviet Navy.

As it pertains to modernity, however, we are on much firmer ground. We are now dealing with figures and can thus talk with a measure of mathematical precision. The facts are on hand, and I should like to present them later.

I do not hold myself forth as an expert in naval tactics. It would seem, though, in a contest between a group of new ships and a group of old ships a pronounced advantage would lie with the former. It would also seem that in a noncombat situation newer ships make a better impression than old ships. Concepts of that nature are, perhaps, what lie at the base of my concern with modernity.

As an example of impressions in a noncombat situation, I present a scene

XUM

that often takes place in ports at many locations throughout the world: the Mediterranean, Latin America, Africa, and so on. Some of our Navy's ships are in port and are open to general visiting. Groups of college students come aboard and tour the ships. However favorable the initial impressions of these young people, they are diluted somewhat when they realize that the hull, the engineering plant, the living spaces, and the very decks they're walking on were built even before they were born.

There is also the difference between the product that is of a whole in its time frame as contrasted to that which represents varying inputs over the decades. Creative and energetic young Americans can take the body of a Model-A Ford, add to it an engine and accessories of more recent make, and come forth with a product that is the curiosity and pride of the neighborhood. But no manufacturer of automobiles could stay solvent producing such a machine. Their successful products are one in technology, in form, and in structure—all brought together in a specific time frame. Something of this, too, should pertain in the building of a nation's ships of war.

I am well aware of the fact that the Navy must, for certain reasons, resort to major alterations and conversions in its efforts to keep the fleet up to a desired standard. But that practice is not the Navy's ideal choice—even though it is the course often chosen. This is not to degrade conversions and alterations. They do serve a purpose; and I believe those listed for the 1970 program are valid. Nonetheless, the end result is modernizing—and that's not quite the same as modernity, as I have attempted to show.

Referring to my earlier statement about modernity figures for the U.S. Navy and the Russian Navy. The certainty here is that ours is the older Navy. Perhaps the most meaningful set of figures is 58 and 99. The former figure—58—refers to the percentage of our total combatant tonnage that is of World War II basic design. In contrast, 99 percent of Russia's combatant tonnage was placed in commission within the past 20—not 25 but 20—years.

When we go into ship types, we find that none of their approximately 375 submarines was built before 1948.

Among destroyers, 90 percent of our conventional types were built before 1948. However, all equivalent Russian types were built since that year.

The pattern is all too clear.

But there is more to this matter than a Navy-by-Navy rundown of ships' ages. Things grow old merely through the passage of time. Consider the year 1949—20 years ago. Nine out of 10 of our present auxiliary ships were sailing the seas even then. As were 65 percent of our present amphibious warfare ships.

The rigors of continuous service have been just as strenuous on these workhorse types as they have been on our destroyers, submarines, and aircraft carriers. It is odd when you think of it—our career Navy men can retire from active duty after 20 years' service, but the ships they man seem destined to sail on and on.

Our aircraft carriers have been the subject of increased discussion in recent months. Age patterns among this type are somewhat different from the norm. While all of our ASW support aircraft carriers were built 20 or more years ago, we do have a fairly even spread among our 15 attack carriers.

Five are less than 10 years old. Four are in or approaching their mid-teens. The others, however, are nearing or already past the 20-year marker. Old age is truly at hand for these veterans of wartime and immediate postwar building efforts. They are beyond modernizing.

Mr. Chairman, I realize that while speaking in support of the section on shipbuilding, I have dwelt at some length upon modernity—a factor that is often overlooked. And yet, when you build something—ships or whatever—you necessarily build something new. Modernity and the benefits it brings must thus be considered as one with the building of a ship.

I strongly urge that the amendment be defeated.

Mr. KYROS. Mr. Chairman, I have long admired the outstanding and effective support which the chairman of the Committee on Armed Services, the distinguished gentleman from South Carolina, has given to our programs of national defense. Our Nation can be particularly grateful for the dedication which this committee has shown in its efforts to provide our fighting men at sea with the equipment necessary for maintaining not only our own defense but that of the free world. I have always given my full support to the gentleman from South Carolina and to his committee in these efforts, and I was particularly impressed by the committee's study of the status of U.S. Navy ships released earlier this year.

As a graduate of the U.S. Naval Academy, a former naval officer with 10 years of active duty, and a person with great pride in my own State's seafaring traditions, I have done everything possible to assist our Government in meeting the continuing demands placed upon our naval fleet and its men. I have, while in the Congress, sailed aboard our fleet in many parts of the world and recently visited aboard the *John F. Kennedy*, with the 6th Fleet in the Mediterranean. While I have welcomed every opportunity to remain in constant contact with the U.S. Navy, I have also been profoundly disturbed by the deteriorating condition of many of our vessels. Our destroyer fleet, in large part consisting of World War II vintage vessels, is in particularly bad shape. I would like, therefore, to commend the distinguished gentlemen from South Carolina and the members of his committee for the dedication which they have shown in providing for a renewed and modern destroyer fleet, which I believe to be a most essential ingredient of our Navy's defense and peacekeeping capabilities.

The committee has wisely allocated a considerable amount of funds for this purpose and provided for the necessary level of commitment in constructing new, multipurpose destroyers, now designated to be the DD963 class.

I am seriously disturbed, however, by one aspect of the military authorization and procurement bill now before this body. The bill states that no funds shall be allocated for the construction of these vessels unless such plans call for construction at the facilities of at least three different U.S. shipbuilders.

From the outset of the DD963 program the Navy premised its plan on the fact that very real benefits accrue to the Nation and the Navy by awarding a large number of ships to a single prime contractor. It is my opinion that the above provision in H.R. 14000 represents a significant change in the procurement concept which may reduce the benefits.

I am concerned that the special provisions of the bill calling for a three-way division of the contract could have consequences which are far-reaching and extremely costly. It is my understanding that such a division of the contract would substantially increase costs of the program, possibly in the magnitude of $200 million. Moreover, this act could conceivably delay the construction of badly needed replacements for our huge destroyer fleet by months or years and this, I believe, cannot be tolerated.

Of equal significance, the special provision relating to the DD963 program could reduce to a minimum the advantages gained by a single design and production plan for all the ships in the program. If this were to be the case, the desired standardization within the fleet could not be achieved and problems which have historically hampered our fleets relating to maintenance, repair and overhauling would continue.

Procurement of large numbers of ships from a single contractor was a vehicle devised, among other features, to assure a continuity of work for a single shipbuilder. This concept was implemented to correct a flaw in previous ship procurements which spread the work within a single program to a number of contractors covering wide geographical areas. While the former approach appeared to protect a vital national resource, our shipbuilding industry, it in fact spread the work to such an extent that individual shipbuilding companies rarely had sufficient backlogs to justify the capital expenditures required to modernize the industry or maintain a competitive posture on a world-wide basis.

The DD963 contract as originally conceived made it possible for the contractor receiving the award to justify the cost associated with construction of a completely new facility, a facility which when completed would become a vital national asset. A three-way division of the contract will seriously impair this opportunity to improve our Nation's shipbuilding abilities.

In my opinion neither the Congress nor the Navy will benefit if the contract is divided as proposed in H.R. 14000. In any event at least 60 or 65 percent of the work would be subcontracted out by any prime contractor involving over 30 States.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. PIKE and Mr. BENNETT.

The Committee divided, and the tellers reported that there were—ayes 92, noes 131.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. NEDZI

Mr. NEDZI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. NEDZI: On page 2, line 2, after the word "Army" strike out "$570,400,000" and insert "$484,400,000" and add the following language: "Provided, that none of the funds herein authorized shall be used for the procurement of Cobra helicopters."

Mr. NEDZI. Mr. Chairman, I appreciate that it is getting late in the afternoon and we started early this morning. I will try not to take the full 5 minutes. But the amendment I have presented to the Committee at this time is one of those that the bipartisan minority has worked on. It deals with helicopters. I suppose most of you realize at the present time there is unanimity that the Cheyenne helicopter program, in the words of the committee report, "has been a costly experiment." I might remind the Committee that this now abandoned program is the same one that our colleague from New York (Mr. PIKE) expressed so much concern about many months ago. Had his concerns then been heeded, many thousands and perhaps millions of dollars could have been saved. Though the program is now abandoned, the tendency to hang on to at least some of these funds persists. We are asked in the bill to authorize the purchase of 170 of these gun ships for $86 million. This gun ship obviously is an interim one. It is not due for delivery until 1971 or 1972. The missile which is to be used on this helicopter has been canceled. A decision as to whether to use a 20 or 30 millimeter gun has not been made. In addition to these shortcomings, the final determination as to whether a twin-engine helicopter is preferable still remains to be made. As a matter of fact, the Marine Corps is presently testing for the purpose of determining whether a twin-engine helicopter is preferable or not.

Mr. Chairman, I do not think that there is any question we are endeavoring to scale down our efforts in Vietnam. In view of the thousands of the helicopters in our inventory—and mind you, an additional authorization of almost half a billion dollars in this bill for Army aircraft which are mostly helicopters—it truly taxes the imagination to conclude that our national security is jeopardized because of the failure to authorize 170 experimental interim Cobra helicopters in fiscal 1970. We may well find ourselves in 1972 with obsolescent aircraft with no requirement for them. In the words of the committee report in commenting on the Cheyenne, "We must carefully confirm our development progress on complex new systems before entering the production phase." This decision to authorize can clearly be deferred until we understand with greater certainty what we are actually authorizing. I ask your support to strike $86 million from the bill through this amendment.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment.

Because of the cancellation of the Cheyenne helicopter program, this bill is already $371 million below the original administration request for aircraft for the Army. The only thing that can possibly take up that void created by cancellation of the Cheyenne is an improved version of the Cobra, which has been performing with such superlative capability in Vietnam.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I did not ask the gentleman to yield to me during his remarks.

Mr. NEDZI. I would have been pleased to yield had the gentleman requested me.

I think the record should be set straight that the administration has not asked for the Cheyenne helicopter.

Mr. WRIGHT. If the gentleman will refer to his own committee report on the pages where the Cheyenne helicopter is discussed, pages 41 and 42, he will see that the Army requested funds that had been earlier earmarked for the Cheyenne to be used instead to acquire Cobra helicopters. The committee bill allows $86 million for this purpose, but eliminates $429 million originally requested for the Cheyenne and $28 million requested for the Mohawk. This amounts to a total reduction below the administration's defense budget when these three items are considered in tandem.

If the gentleman will be kind enough to bear with me while I attempt to develop two or three specific thoughts, I would appreciate it very much.

First of all, the Vietnam war has demonstrated as never before the utility and the enormous potential of the helicopter as a tactical military weapon. The Cobra has been largely responsible for this. It was the first great and effective helicopter to be used in numbers for a variety of military purposes. The Cobra has more than proved itself. I have met returning pilots who eloquently sing the praises of the Cobra. As contrasted with my experience and that of others during World War II, when with 30 or 40 combat missions we were allowed to come back to the States, many of these fellows have flown as many as 750 combat missions in the Cobra helicopter.

The helicopter, and the Cobra in particular, is one of the principal reasons why we have maintained superiority in this difficult bush war, this type of guerrilla operation, so foreign to our past experience. When we take into consideration the fatality record, it is something like 8 to 1 or 10 to 1 in our favor. Surely we do not want to abandon helicopter development. The Army declares its need for an improved Cobra with night visibility and an antitank missile.

The second basic thought we need to consider is that this is the one combat aircraft we can still get in numbers, in numbers if you please, for a relatively modest amount of dollars.

The amendment which the gentleman has offered seeks to strike out $86 million for this purpose. This $86 million will buy 170 improved aircraft, with all the new developments. That comes to approximately $500,000 apiece. We simply cannot get any other kind of modern military aircraft for that amount of money.

Finally, for this very reason, the helicopter is one combat aircraft that can be supplied in some numbers to our friends with which to defend themselves. In other words, I would say to those who declare that they want to get our boys out of Vietnam and let the South Vietnamese take over and defend themselves, remember that they cannot defend themselves without equipment. And the multipurpose helicopter is the prime equipment need.

Unless you are prepared to say with certainty that the Vietnam war will end this year, and further that there will never be any other guerrilla-type operation such as this, and unless you are prepared to say that there will not be any situation in which a small country has to defend itself from an aggressor then certainly you cannot conclude that we have no further need for helicopters.

Mr. Chairman, I suggest for these reasons that it would be an act of great folly for us to eliminate this modest request for the improved Cobra helicopters.

Mr. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. These helicopters are needed. The helicopters which they had planned to use did not work out. If we do not need this helicopter, we do not need any rifles in South Vietnam. My goodnes, what on earth are we talking about? If you take this away from the U.S. Army you might as well tell them to come home.

Mr. Chairman, I do not know of any further arguments to be raised in support of this amendment and I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. NEDZI).

The question was taken; and (on a division demanded by Mr. NEDZI) there were—ayes 36, noes 92.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. PIKE: On page 2, line 4, strike out "$4,002,200,000" and insert "$3,521,200,000" and add the following language: "*Provided*, That none of the funds herein authorized shall be used for the procurement of C5A aircraft beyond the number of 58 previously authorized."

Mr. RIVERS. Mr. Chairman, I wonder if we could arrive at a time to vote on this amendment?

Mr. MOSS. Mr. Chairman, reserving the right to object——

Mr. RIVERS. Mr. Chairman, I have not made the proposal yet. I just asked to see if we could arrive at some time limitation.

What about 30 minutes?

Mr. MOSS. Mr. Chairman, reserving the right to object, I pointed out to the distinguished chairman on yesterday, and I made the point when the 4-hour

XUM

rule was discussed, that on today we would be faced with an effort to force this thing through the House before today was over, and that there would be efforts to propose severe limitations upon debate, a debate which would cover 21.3 billions of dollars. Precisely that has happened. There have been—I am speaking in regular order. If you want to make a point, stand on your feet.

That has happened, so that there have been many Members forced to step into the well here for a minute and three-quarters, or under 2 minutes in time. That does not permit logical or rational debate. It is for that reason I object.

Mr. RIVERS. Mr. Chairman, I have made no motion. I have not set the time on anything. Everything has either been agreed upon by unanimous consent or voted on by the House. The chairman does not have that much power. If the House did not vote to cut off debate, then it was not done. I think that is still the rule.

Mr. PIKE. Mr. Chairman, may I ask: Is this all to come out of my time?

Mr. RIVERS. Mr. Chairman, is this coming out of the time of the gentleman from New York? I certainly do not want to cut off anybody, and I certainly would not want to cut off the distinguished gentleman from California for all the tea in China. But I do want to say I would not be surprised if we finish tonight, if you do not mind going through supper time.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PIKE) for 5 minutes in support of his amendment.

Mr. MOSS. Mr. Chairman——

The CHAIRMAN. Will the gentleman from New York yield to the gentleman from California?

Mr. PIKE. Does the gentleman from California ask me to yield?

Mr. MOSS. Mr. Chairman, inasmuch as the gentleman only has 5 minutes, I will take my own 5 minutes.

The CHAIRMAN. The gentleman from New York is recognized in support of his amendment.

Mr. PIKE. Mr. Chairman, I am not at all sure, really, that prolonging this debate at this particular time is particularly useful because we can see the way things are going.

By the same token, I think there are things which ought to be said, and which are important not only to us who have worked hard on these matters—and everybody on the committee has worked hard on these matters—but that are important to the Nation as a whole.

For example, it was pointed out that the prior amendment which I offered to reduce the Navy shipbuilding authorization was defeated in the committee by a vote of approximately 35 to 4.

Yet, it was defeated here on a teller vote of 131 to 92. So I think it honestly can be said that there are some currents afoot in the land, and there are some ideas afoot in the land which are not necessarily represented when we take a vote in our committee.

The amendment which I have just offered cuts out additional procurement of the C–5A aircraft. You have all heard about the C–5A aircraft. I am not going to change any votes by a speech I make here today. It has fantastic capabilities. It has fantastic cost overruns. Lockheed can, indeed, build magnificent aircraft. The question again is one of national priorities. How much is it worth to us? Every one of the aircraft that we have authorized and built thus far has cost us, if you apportion the R. & D. money over the 58 that we procured—five R. & D. models and 53 procurement models—approximately $45 million each.

Now that is an awful lot of money per aircraft. We are told in this procurement that the 23 which are authorized this year will only cost about $21.5 million each—per plane. I do not deny that it is a great big plane. It is. It is a huge plane. It is the biggest plane that the world has ever seen. The question is, Is it worth what we are paying for it?

Now Lockheed has engaged in a massive advertising campaign. Here is a little bitty ad that was in Life magazine here in the Washington region a couple of weeks ago for the C–5A. They say all kinds of things about it. They say it has beryllium brakes and it has, I have forgotten, how many wheels—but it has an awful lot of wheels. It says that a fleet of U.S. Air Force C–5A's will make this the only country that can move an army across an ocean in hours.

Well, if I read my mail right, the only direction that my people want to move an army across an ocean is toward home. I do not think they really care if it is in a matter of hours. I think they would be willing to spend even a few days on it.

So the question is, Do we want this? There is a further question. We do not know what the planes we have already authorized are going to cost. I sent each of you a mimeographed thing this morning. They have troubles with that plane. I do not say that they cannot fix the troubles. This is the same argument I made last year on the Cheyenne helicopter. But I said, "Let us do the research and development first before we buy any more of these planes."

The CHAIRMAN. The Chair recognizes the gentleman from California, a member of the committee (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I support the amendment offered by my colleague, the gentleman from New York. I do not think there is any particular magic about 81 C–5A airplanes. I say that this House, and I said it before, should use its discretion. We should not abandon totally the power to control 70 percent of our budget to our House Committee on Armed Services.

There has been some indication that the currents on our committee are not exactly the currents in this House. I have alluded to that before.

I want to say in answer to the question—Do we have democracy on our committee? That I would have to answer that at first blush—yes—we have on things that the majority controls and we never report anything to the floor of the House that the majority does not control.

But we have another thing on our committee. It is called the policy committee. I have indicted this committee in public before. I do not know what it is. I have been on the committee only 4½ years. I do not know who the members of the policy committee are. I think they might be on the majority and the minority sides, but I am not sure of that. I have never seen a scratch of a pen before our committee authorizing what the policy committee does. I know on the day of our committee markup, it was reported to us that the policy committee had recommended such and such with respect to all of these various systems, but I have never heard one member of the policy committee, wherever they are—and whoever they are I wish they would stand up and identify themselves—but I have never heard one member relate what was happening, relate an argument, or relate some of the democracy that has taken place on that very important committee.

I value my membership on the House Armed Services Committee very much. I am one of 40 members on that committee. Certainly I do not ingratiate myself with our leadership on the committee by making statements such as this. But I think this kind of nondemocracy has got to come to a stop. The idea of rewarding people who vote with the leadership by chairmanships, subcommittee chairmanships, and those of us who have not voted with the leadership, giving us no subcommittee assignments, relatively none, is wrong. We have a committee now working on the draft. But if you look at the membership on the majority side on the draft committee, the most important subject matter now being reviewed by this Congress, you will find that on the majority side we do not have experienced men save and except the subcommittee chairman. We have two junior members of the committee who have only been in the House about 8 months.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I do not have the time to yield.

Mr. HÉBERT. Do you know the facts?

Mr. LEGGETT. You can take your own time to explain them. I do not yield.

Mr. HÉBERT. You refuse to know the facts?

Mr. LEGGETT. I refuse to know the facts.

The CHAIRMAN. The gentleman from California refuses to yield.

Mr. LEGGETT. I say there is nothing magic in the power of the Department of Defense. They came down to our committee on the day of our hearing and they said, "We do not need the fifth squadron of C–5A's. Authorize only the fourth. We have the money for the third, but we do not need the fifth squadron" they said.

All of a sudden our committee chairman went into a conference. The chairman, with the Assistant Secretary of Defense, related to us, "I had a conference with the Secretary this morning. He said he does not need the fifth squadron. That $52 million is out."

Oh, by the way—and this is not a direct quote—I want to tell you that that $52 million we agreed that that was going into a new aircraft, what we call a world freedom fighter aircraft—not the F–5, not necessarily the F–5–21, but a new airplane, there was not a scratch of the pen from the Department of Defense in support of that action. For those of you who abdicate your responsibilities as a Member of this House to our committee to act in this fashion, I put you on your conscience; and to sit around and say, "Well, if we are going to err for national defense, let us err on the part of safety," I do not think this is an adequate cliche to rely on.

Mr. ARENDS. Mr. Chairman, I move to strike the last two words.

I think it is high time that we really gave some consideration to the amendment before us rather than some of what I would refer to as idle chatter going on around the floor of the House this afternoon, some of it based on facts, a little bit on misrepresentation. We are here this afternoon trying to do a job on this bill. Everyone is being afforded an opportunity to make his speech and express his will. Nobody has been shut off. But I wish we would stick to facts.

The gentleman who just spoke before the House went into some detail about who he believes is on the Armed Services policy committee. If he does not know who is on the policy committee of our committee, that is his fault. It is very simple. If he has not learned in 4½ years, that is his fault. He should ask who is on the policy committee. This is no secret. I have told many people when they have asked.

On this particular policy committee are majority members and minority members. I happen to be the ranking member on the Republican side. Contrary to what the gentleman from California says, I have no chairmanship of a subcommittee. No one has rewarded me for anything in our committee. I am not asking for any favors.

I wish my colleague from California would stay around and pay some attention to what is going on in the committee, and not make rash statements about what he thinks is wrong with the policy committee and the Armed Services Committee as a whole. The gentleman must remember that, during committee discussion, he used as much time as any other single member. About that, I have no complaint but wish he would stop implying our committee does not try at all times to act fairly and reflect the views of each and every member.

Mr. RIVERS. Nine percent of the total time taken up in the committee's voluminous hearings was taken up by the gentleman from California (Mr. Leggett) despite the fact that he is only one of 39 members. Does this suggest that our committee is not democratic? Of course not. I have no complaints from the gentleman about his taking up the time, but I have had complaints about the time taken up by the gentleman.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield for some further statistics on that time?

Mr. ARENDS. Mr. Chairman, I have the time. I have yielded to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, this same thing happens on every bill. This same gentleman gets up and talks about the committee. Ask the gentleman from Illinois (Mr. Price). Ask anyone. I do not know what more time the gentleman wants. I have given him time.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. Mr. Chairman, I refuse to yield.

Mr. Chairman, one further thing. I have served on this committee, and there is no question of partisanship. I stand on the judgment of the committee. If it is not good, then the House ought to do something about it.

Mr. LEGGETT. That is the whole problem.

Mr. ARENDS. If that is the whole problem, then the gentleman should do something about the committee, and maybe he will be around here long enough to do it, but I doubt it.

Mr. HUNT. Mr. Chairman, in his supplemental views on the committee report and in his letter to the Members of the House, Mr. Leggett correctly identifies the number of the bill as H.R. 14000. Beyond that, I cannot vouch for the veracity of his remarks.

Mr. Leggett says the committee has a 50-man staff of lawyers, investigators, and experts. The committee has 15 professional personnel including the staff of the investigating subcommittee and two GAO investigators assigned to the committee on a continuing basis. Even with all our secretaries and clerical staff included, we do not have 50 employees.

Mr. Leggett says that the war in Vietnam absorbs at least 40 percent of the budget. The Defense budget is approximately $77 billion a year. The annual cost associated with Vietnam is $24 billion.

Mr. Leggett claims that the committee's report outlines an alleged Soviet buildup of military power. That buildup is very real.

Mr. Leggett says that we have budgeted $7.8 billion for veterans' benefits. Of course, veterans' benefits are not in the present bill, are not under the jurisdiction of our committee, and are the cost of past wars, not future ones. However, since Mr. Leggett thinks this is too much, perhaps he would be kind enough to tell the House and his constituents which veterans' benefits he wants to reduce.

Mr. Leggett says:

> Today, virtually all income taxes paid by individuals feed the military appetite.

Since the military outlay takes less than 50 percent of the total Federal budget, it is impossible for me to understand how Mr. Leggett can say this.

The gentleman points out that the orientation of our ABM effort has changed over the years. This is correct because the nature of the threat has changed. The gentleman also says that the ABM will confound SALT talks and heat up the arms race. The Safeguard is not designed to be a defense of cities. It is to defend our strategic offense capabilities. So, it is clearly not a first-strike weapon, and it will not require the action on the Soviet's part—unless the Soviets are going for a first-strike capability.

Mr. Leggett says that even the success of the ABM could be obviated by more Soviet missiles. The fact is that at the point of time when the ABM is in place, the cost of Russian offensive missiles will be higher than our defensive missiles. Deploying sufficient missiles to keep a first-strike capability would be prohibitively expensive and strategically uncertain for the Russians.

Mr. Leggett makes the novel suggestion that we should have something like a two-thirds vote before an undertaking of this importance is approved. Perhaps he is prepared to suggest that we should not elect a President unless he has a two-thirds vote.

Mr. Leggett says that the ABM is "clearly cost ineffective." If it stopped one accidental offensive ICBM, the ABM could save 20 million American lives. Members can draw their own conclusions about cost effectiveness.

Mr. Leggett claims that the Soviets could not possibly be going for a first-strike capability since they have 200 warheads and he alleges we have many thousands. As the evidence presented to the committee clearly shows, the Russians in the mid or late 1970's will have over 400 SS–9's and with MIRV capability, they provide a serious threat to our Minuteman force. Mr. Leggett seems unable to understand that it is the period of the late 1970's that we are preparing for and, of course, he is unable to explain the purpose of so large a missile as the SS–9 if it is not a first-strike weapon.

He makes the very dangerous statement that "it is quite plausible that a 1000-unit ABM system could be intended to pick off stray Soviet missiles after we effect our first strike."

Mr. Leggett knows perfectly well that we do not have first-strike intentions. But, more important, he should certainly understand that our offensive missiles are too small in size to have a first-strike capability against hardened missile sites.

Mr. Leggett alleges there is a much cheaper system available. The nonnuclear approach being studied by the Air Force is unfortunately not a system that is now available. This bill does not preclude further study of that approach. But it is in the elemental stages of development whereas the radar, the computer, and the missiles for the Safeguard are well along on their development with most of the technological problems solved.

Mr. Leggett claims the annual maintenance charges on the Safeguard will be $1 billion per year. The only figures available to us indicate our annual maintenance cost at $350 million a year. No $1 billion figure has ever been presented to our committee.

Speaking of the Soviet ABM effort Mr. Leggett says the net effect of Moscow's efforts was that the Russians were less secure as a result of those efforts and today they have abandoned their attempts to put an ABM defense around Moscow although it is only two-fifths complete. There is no evidence that the Soviets are less secure as a result of having built an ABM system around Moscow and it is certainly incorrect to assert that they have abandoned their efforts to build an ABM defense. On the contrary, the Moscow ABM system has achieved a state of operational readiness. The Moscow system has an effective radar network, and it must be remembered, the big radars are the long lead-time elements of their ABM system. It is true they have installed only a limited number of Galosh interceptor missile launchers. But more launchers can be installed rapidly. Furthermore, we have heard evidence that the Soviets are testing an improved interceptor which can coast or "loiter" until a specific target is selected and then be maneuvered to its target. It is certainly reasonable to anticipate the addition of this new interceptor to the Moscow system. The Soviet ABM capability reduces the effectiveness of our deterrent forces in penetrating a large urban-industrial complex. Their level of defense can be expanded quickly and will probably be qualitatively improved.

I could go on with numerous inaccuracies in this statement. But it would be a pointless exercise. It should be clear that this is an emotional outburst that is not based on fact, and would be a dangerous document for Members of the House to depend on.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been here about 10 years, and I have been on the Committee on Armed Services all that time, and I am not on the policy committee nor am I the chairman of any subcommittee. I would like, however, to address myself to the comparison of the C–5A with the oncoming SST, the 747, and other civil reserve air fleet planes—CRAF—with which our Department of Defense contracts in order to handle strategic and military airlift. I have had the privilege of serving from its inception on the Military Airlift Subcommittee.

I think the main fact that remains, after the gentleman from New York with whom I often agree in some of his perceptive and delving excavations, is that we need enhanced and increased strategic military airlift capability if we are going to fly men thoroughly equipped from points at home to points overseas, and if we are going to return from overseas our forces we have kept there much too long and in much too great a concentration. The C–52 can handle this. The Galaxy is eminently successful. Costly? Yes. Mistakes? Of course. Overruns? Assuredly. But we cannot brush it all away by simply saying that the differential is between $21 million a copy and $45 million a copy in a piece of equipment we need.

This committee has listened to the industrialists. This committee has had "on the pan" the militarists who have engaged in this. There is a new concept originated during a past administration, known as "a total package concept" contract. I believe even the gentleman who proposed this amendment will agree with that the only way we can get the reduced rate for the necessary numbers of copies of the Galaxy is to go through with this total package concept contract which the committee in its wisdom decided was not so bad anyway. We have to do it to come out. We have to do it in order to provide for our need for total capability of lift in the military. We have to do it in order to keep our word. We have to do it in order not to destroy by a writ of the pen a contract on which we have agreed in solemn covenant with a great industrial producer that has provided the "Starlifter" and many others.

I think this amendment should be defeated out of hand because of the wisdom of the committee and the entire work they have done for it, and because of the needs of the services and the hope of returning our men from overseas so that they can better serve at home and be available on call for strategic airlift overseas when needed.

COMPARISON OF THE C–5A WITH THE 747 AND OTHER CRAF AIRPLANES

One of the arguments introduced against the C–5A is that aircraft in the civil reserve air fleet can be used at least in partial substitution for the C–5A. It is argued that the new Boeing commercial airplane, the 747, particularly makes this an attractive alternate.

Once again, this argument presents a comparison between apples and oranges, and we have economic arguments presented which really are beside the point.

There is a tendency to forget, in the case of the 747, that it is designed to carry commercial passengers and/or commercial cargo, and all indications is that it is a fine airplane for these purposes. And, also, it generally is forgotten or not known that of the approximate 200 747's on order, only three are convertible cargo models and none are all cargo models. Therefore, 747's in the CRAF program essentially will carry only passengers or troops, and what little cargo they can carry would have to fit into the small compartments beneath the passenger floor.

Even if 747's were to be ordered as all cargo models by the Air Force today, or by commercial carriers for CRAF use, the delivery of them would be some 24 months later than C–5's because of the current production status of the 747, and because of present delivery commitments of these aircraft to commercial users. This in turn would force the use of obsolete and expensive C–133's and C–124's for 2 more years.

But let us also remember, that in comparison with the 747 or other commercial carriers, the C–5A is designed to carry military equipment and cargo—not troops—and under military conditions. It is true that the C–5A can be converted to commercial cargo use, but it would be changed very substantially for this purpose. The reverse is not true—as the 747 simply could not be converted—except at huge expense—to perform C–5 type military missions.

Let us examine why this is so.

First, the C–5 can land on short, unimproved runways at remote points, with unsophisticated or no landing aids from the ground—and the 747 cannot make such landings. Under some conditions, the C–5 can require no more than 3,500-foot runways, and under other conditions it may take 5,000-foot runways. These runways can be grass instead of cement, and the grass can be wet instead of dry. An expensive air terminal, with all the sophisticated and complicated radar and guidance systems, is not required.

For example, there are over 1,300 paved airports throughout the world suitable for the C–5 to land with its wartime load of 265,000 pounds. This does not include the thousands of unpaved sites which the C–5 can use. The 747, however, can land this kind of a load at only 415 airports. This means there are over three times as many places to which C–5 missions can be deployed, not even counting the unpaved sites. The value of this asset, in case of a national emergency, is beyond measure.

As it arrives at a landing area, the C–5 cross-wind landing gear again gives it the flexibility to operate from substandard fields, for it has a system which permits positioning the landing gear up to 20 degrees on either side of neutral. The 747 does not have such an ability, nor does it need it for commercial missions, since it is designed for operation from civilian fields or large military fields which normally have more than one runway, allowing it to pick a direction dictated by current wind conditions.

After the C–5 arrives at the field, it can kneel its landing gear to lower the fuselage, and then employ its forward and aft ramps to drive equipment off the airplane under its own power, or roll it off, very quickly and ready for action. The 747, on the other hand, would require extensive ground handling equipment, in place on the ground, to lift the equipment off the airplane from 16-foot heights—a tortuous, time-consuming and expensive operation, assuming the ground handling equipment is available in the first place.

Or, if the C–5A crew wishes, and conditions require it, the C–5 load can be air dropped to the ground by parachute, using built-in air-drop equipment. This is impossible in a 747.

At the start of a mission, the question arises as to loading efficiency and the ability to carry all kinds of equipment.

In the first place, there are many pieces of equipment that can be carried in the C–5 but cannot be carried in the 747. Only 53 percent of the military equipment items which need to be airlifted can get through the 747 door, again assuming you have the necessary and expensive ground handling equipment available and prepositioned in the first place.

Still speaking of load carrying ability, the C–5 has a heavy floor, which will accommodate heavy wheeled or track loads. The 747 floor is normal for commercial type loads, but will not accommodate heavy loads.

But even the pieces that can be carried in the 747 would require a much longer time to load. Because of the specialized loading systems and ramps that are built in on the C–5, the average loading time for a 1970 infantry division is 35 minutes for a C–5, whereas it would take 85 minutes to load the 747 with just those portions of the infantry division which it is capable of carrying. And here again, this assumes the existence in the first place of the expensive but necessary ground handling equipment required to load a 747.

Then, after the equipment load is on board, the C–5 has seats on an upper deck for 75 troops and equipment handlers, so that when it lands the entire unit of equipment and men is ready to go. The 747 has no such room for troops and equipment handlers.

Now that we have loaded the C–5 and we are in the air, let us see what other differences there might be.

First, let me call to your minds a picture in the Washington Post on Sunday, August 31. It showed a C–5 being refueled in the air—one more unique feature built into the C–5, but not available in the 747. Even if ground bases for refueling were denied the C–5, after commencement of hostilities, the C–5 could continue to operate, whereas operation of the 747 would be severely limited.

Next, the C–5 has a built-in guidance system providing for terrain following, terrain avoidance, and station keeping for formation flying. This capability does not exist in the 747.

The C–5 is designed and stressed for flying "on the deck" at 200 or 300 feet altitudes, following mountainous terrain at speeds as high as 350 knots. A commercial airplane, such as the 747, would experience premature fatigue failure in this kind of operation.

Also, while enroute, the C–5 has a built in Madar system. This means—malfunction, detection, analysis, and recording system. This unique feature enables the ordering of necessary spares while the aircraft is still in flight, and it is uniquely compatible with the U.S. Air Force spares support system. This is a significant advance, in comparison with the rudimentary engine analyzer systems on other aircraft such as the 747.

Still speaking of maintenance features, in view of the kinds of conditions the C–5 is expected to encounter on landing at unimproved fields, there is danger of damage to its wheels. In this event, the C–5 can be taxied, or even landed with one bogie retracted—a bogie is a group of 6 wheels. This permits tire or wheel changes without the use of jacks, and allows the airplane to be moved off the runway to a work area for repairs on wheels, brakes or tires. The 747 cannot do this.

The list of differences for military cargo missions goes on and on, and the plain fact is that the 747 is simply not capable of performing C–5 missions, nor is any other commercial airplane. Cost comparisons are beside the point.

None of this should be construed to be a criticism of the 747. All reports indicate it is a fine airplane and will perform very well the commercial missions it was designed for.

The C–5A, on the other hand, was designed for military missions, and all test results to date indicate it will perform them superbly and at a very low cost.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike the requisite number of words.

I recognize the facts that have been brought out with relation to the C–5A program. We are all aware of the stories that have appeared through the press over the months on the cost overrun. The Committee on Armed Services and other committees of the House and the other body have held extensive hearings on overruns in the C–5A program.

There is not a single Member of the House who condones these excessive overruns. They wish they would not happen. We would like to see them renegotiated. I am certain that in accordance with existing law they will be.

But this is not the first aircraft that has been involved in a cost overrun. I doubt if any new type of aircraft at any time in the history of this country has not cost more than people thought it would when it was originally contracted for.

There have been papers written on the subject of overruns in Government work, and even in municipal work, and in private building. There are cost overruns on our public roads program. There are cost overruns in the atomic energy program. Every reactor ever built cost from 50 to 100 percent more than people estimated it would cost at the beginning.

As a matter of fact, studies have been done from time to time on cost overruns and estimates have been made that in the area of weapons procurement during a period in the 1950's, the overruns ran as high as 200 percent. The lowest one ran about 100 percent.

This is not anything new to the House. It is something we do not like. From time to time we pass legislation to try to tighten it up. The military should concentrate more in taking steps to avoid such overruns.

But we are not talking here this afternoon about a cost overrun on the C–5A. We are concerned with whether or not it is a valuable aircraft for use in the military airlift.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield for a question?

Mr. PRICE of Illinois. I am glad to yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I have looked at the report to find out whether the effect of the amendment would be to strike out all funds for the further development of the C–5A. Could the gentleman inform us, if the amendment offered by the gentleman from New York (Mr. PIKE) is passed, would this eliminate all funds for further C–5A development?

Mr. PRICE of Illinois. I believe the gentleman from New York (Mr. PIKE) could explain that a little better than I. I do not have time to explain his amendment. Since it is a reduction in funds, I assume it will substantially reduce the number of aircraft. I am opposed to it, and I hope the House will not accept it.

The C–5A is a valuable aircraft for the military airlift. I hope that the House will oppose this amendment.

The gentleman from Missouri (Mr. HALL) reviewed some of the capabilities of the C–5A, and did a very fine job.

I find it extremely difficult to question the need for the C–5A. Who was it who first indicated a need for it? Actually, it was the Congress itself, through studies of the Military Airlift Subcommittee, which originally supported a program known as the CX–4. What was the CX–4? It is the C–5A. Who pushed it? The Congress of the United States did, because existing aircraft were not capable of meeting the contingencies in the future with respect to the need for adequate military airlift.

This type of aircraft is the idea of the Congress. Why did we want it? We wanted it because we knew there was a need for it. We sought development of a new aircraft to increase the effectiveness and efficiency of our airlift—and reduce the cost of operation. And we have. The C–5A will cut down the cost of operation.

It is estimated now the cost is 5.3 cents per ton mile for the C–141, and that is a lot lower than the aircraft previous to that. But the C–5A cost per ton mile of hauling is 2.9 cents per ton mile.

It would take a long time, I know, to save some of the money lost in this overrun, but in the years to come this money will be retrieved by the efficiency of the operations of the C–5A.

On the overrun questions I would like to refer to a report released by the Air Force in July 1969. This report titled, "Review of the C–5A Program," resulted from an in-depth review of the program which was one of the initial actions directed by the new Secretary of Defense The objectivity of the report is further reinforced by the fact that four persons outside of the Air Force, who are experts in their field and were not previously involved in the C–5A program, also presented their findings in the report.

What does the C–5A report say concerning the cost increase? The cost estimate in the report is the same given to Congress as being $4,831 million for 120 aircraft for research and development, production and initial operating spares. In October 1965 when the contracts were signed with Lockheed and General Electric, the comparable figure was $3,369 million. The latest figure is an increase of $1,462 million or a 44 percent cost growth for a program 7½ years in duration.

While not condoning the cost growth in the C–5A program, I would like to point out that the C–5A report indicated that a significant part of the contractors' cost increases was beyond their control. That is to say, any airplane manufacturer, no matter how great his engineering and management talent, would also have been victimized by the inflation that has occurred in our economy over the past several years.

There are further reasons for the cost growth cited in the C–5A report which I recommend be read. It should be noted that although the report itself is a comprehensive one, it is but a small part of one of the most exhaustive reviews ever conducted on a weapon system by Members of the Congress and the Department of Defense. Most of the information, except that which is classified, is a matter of public record for all to see and examine in minute detail.

After reviewing these records, I find it extremely difficult to question the need for the C–5A's truly tremendous capability to move quickly, a military force anywhere in the world. It opens a new era in rapid mobility and air operations. It does both more economically, even at its increased costs, than can be done any other way. I said a moment ago one of the greatest assets of the C–5A which is often overlooked is that it will carry cargo at a cost of 2.9 cents per ton mile based on airlift industrial fund. This compares with the cost of 5.3 cents per ton mile for the C–141 whose low cost per ton mile is considered an exceptional achievement. Putting the economic gains on an annual operating cost basis, six C–5A squadrons will provide an increased airlift capability of almost four times than that of the 16 squadrons of aging C–124's and C–133's, which the C–5A will replace at only a slight increase of 4 percent in annual operating costs.

And as previously stated, I respectfully remind the Members that your Special Subcommittee on Military Airlift of the Committee on Armed Services in 1963, recommended that the C–5A, previously identified as the CX–4 be built to satisfy future airlift requirements.

Gentlemen, I am convinced that this decision to build the C–5A was a wise one, the need is valid, and we should buy the aircraft under consideration for the fourth squadron.

Mr. RANDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, so far as I know, in the debate on this amendment, no reference has been made to the fact the House Committee on Armed Services has already cut out $102 million on the C–5A. What is proposed by this amendment is to cut out the C–5A entirely and completely. In the course of the debate today I have observed that those who are for this amendment referred in several instances with approval to our senior Senator from Missouri and his stand on the procurement bill in the other body. Mr. SYMINGTON was the first Secretary of the Air Force. The senior Senator from Missouri is, in my opinion, sincere when he says he is quite concerned about the magnitude of military expenditures. No one can charge he has abandoned his views on the importance of a strong national defense. He is concerned about the staggering costs of defense. Nearly everything he has proposed is in the effort to save some money in defense expenditures. Right here is an illustration of a way the Senator has proposed we save money on defense costs, because with the C–5A we are provided with a "remote presence."

That is what we are talking about. With the C–5A we can do something which we have not been able to do with any other plane we have; namely, we can avoid the necessity of stationing a large military force overseas.

The "remote presence" concept enunciated by Senator SYMINGTON in the Senate debate provides an additional reason for C–5A's—beyond those requirements based on JCS plans.

Senator SYMINGTON as well as other Members of Congress have addressed themselves to this subject from time to time. Senator SYMINGTON's "remote presence" speech was made on the Senate floor September 9, 1969.

The latest figures available indicate some 593,000 American troops are stationed abroad, not including the troops in Vietnam. It has been estimated that the cost of these men averages about $8,600 per man—in pay, in allowances, and in supplementary benefits, a total of more than $5 billion per year. Additionally, there are about 500,000 dependents and 250,000 foreign employees located on the more than 3,300 major and minor U.S. military bases overseas. In direct cost, it is a staggering bill—and the adverse effect on our international balance of payments is perhaps even more important, in spite of the offset we receive in West Germany.

Full exploitation of the C–5A in this way would allow the United States to reduce its troops abroad to token forces in many cases, and in an emergency to rapidly reinforce the military presence by massive airlift.

With airplanes like the C–5, able to carry all kinds of military equipment including the outsized pieces like tanks and helicopters, and able to land in remote areas on short and unimproved fields, it would be unnecessary to risk the hazards of prepositioning. And it would be unnecessary to pay the huge cost of duplicating an inventory of equipment abroad and at home.

The C–5A makes the "remote presence" concept credible. It can carry tanks, fuel trucks, bridge launchers, armored personnel carriers, helicopters, and all the other outsized pieces of equipment that are unable to be carried in today's cargo airplanes. It can carry many combinations or multiples of these pieces of equipment. It can carry the equipment handlers and technicians who go with the equipment. It can fly nonstop 6,000 miles at jet speeds, and then land on short, wet grass fields. It has its own built-in loading and unloading ramps—or it can drop equipment from the air.

Ten of these C–5A's could have accomplished the Berlin Airlift job it took 300 then-current transports to do.

With a sufficient number of C–5A's, able to pick up many pieces of equipment from inventories positioned in the United States and transport them quickly to wherever they are needed, the "remote presence" is not only credible—the "presence" is not really very remote.

Thus, the C–5A can be a "peacemaker" in this "remote presence" concept, rather than an instrumentality of war. It can satisfy our obligations and our commitments abroad, without the necessity of so many troops and so much equipment being physically stationed abroad.

The not-so-remote presence of the C–5A makes the "remote presence" concept a viable, exciting theory—worthy of the fullest possible exploitation of our Defense Department and our State Department and the Congress as they consider the important questions of our involvement abroad.

Those who oppose this amendment to further cut funds for the C–5A over the $102 million already cut by the committee are not voting for a saving of defense money, except the original amount cut out. If you vote for the C–5A you are voting for great saving in defense costs over the entire life of this great plane with its massive airlift. The Senate rejected a similar effort to cut the C–5A by a vote of 64 to 23. Those who really want to save on defense costs will prevent knocking out the great C–5A because it is one of our greatest money savers.

Mr. LANDRUM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is rare indeed in all the time that I have been privileged to be a Member of this House for me to attempt or presume to speak on a subject coming from a committee on which I am not a member. However, it occurs to me in the examination of this question that most of the opposition to the continuation of this program for the C–5A is built more on a notion brought about by some bad publicity than it is on hard, cold facts. I have been impressed here by the very profound remarks of the distinguished gentleman from Missouri (Mr. HALL) about what the C–5A will do and what it is doing and how it has already shown completely that it can meet the demands that the Air Force requires and that our defense needs will require. I think we also ought to think a little bit about what some of the individuals connected with this program, one of whom, not a Georgian but a former Alabama boy and a very distinguished man of business, Dan Haughton, chairman of the board of Lockheed Aircraft Corp., said. He has been in the "boiler room"—actually and literally in the boiler room—of the University of Alabama where he worked his way through the college and up from that point, mind you, to the present high position of chairman of the board of this great and successful corporation. Let us listen a little bit to what Mr. Haughton said before the committee. The distinguished chairman held hearings on this, and here is what Mr. Haughton said to the people of the United States:

> The issue is this—do the people of the United States need the kinds of products we produce? If they do, they should procure them from the most efficient companies available. If procurement on that basis excludes Lockheed, then we will have deserved it.

There is not anything any more American than that.

Now I have heard here today the eloquent plea of my warm friend and very able and distinguished colleague, the gentleman from New York (Mr. PIKE), for hospitals, for schools, and for money to take care of the things that go with operating this great social order that we have. His record bears out his concern in this area.

But, let me say to my distinguished friend, and my warm friend, this: Here is a way to save some money for those schools. Here is a way to save some money for those hospitals. Here is the way to provide some money to build those roads you want over which the people may travel. This will save money. Here is a way to let those who would become an aggressor against this Nation know that we will continue to be equipped to meet that aggression and do it in a most economical and efficient fashion.

Mr. Chairman, I can think of nothing more unwise or more imprudent, in my judgment at least, than at this moment to hamper or hamstring the continued production of this great aircraft. I think the Air Force has demonstrated that our defense needs it. I think it is important for them, and despite the mistakes that have been made, as the distinguished gentleman from Missouri (Mr. HALL) has said they were made for the same reasons all mistakes are made; on

XUM

the basis of trial and error, trying to get the best that we can. The good minds that are behind this program building this aircraft are giving the best that they have. I think that is good enough to justify our continued support of the C–5A and defeat the amendment.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the distinguished minority whip gave us some good advice today. He said let us talk about some facts. I join the gentleman in that. I think it is time that we talk about facts and get over the emotionalism that has characterized very much of the debate here this afternoon. There are some very important facts connected with this C–5A. It is perhaps—well, there is no question about it—the most costly plane we have ever acquired. The overruns are far above average and we are not getting what we have expected in the three squadrons of 58 with reference to their cost and no one knows how much the next 23 will cost. We know how much we are authorizing in dollars, but we do not know how much it is going to cost. Every Member of this House who has followed this in the press and who has attempted to follow the confused information from the Pentagon, knows that you can select any one of a half dozen figures as to the cost per plane or the cost of the overrun.

Now, do we need the plane? I think it is an excellent plane. I think 58 of them probably fulfill our requirements at the moment and will do so for some years into the future, because this does not represent the totality of military aircraft available to this Nation.

Now, I am not talking about something I know nothing of. I have been here for 17 years, and I have been on the Committee on Interstate and Foreign Commerce for the past 13 years dealing with the problem of aviation. I know that we are having a whole new generation of aircraft, the 747's, the first delivery having been made to one of the major airlines, and that these are going to come off in increasing numbers and constitute an important part of the reserve fleet available to this Nation, and you can buy two of them, having about 50 percent more carrying capacity, for the same number of dollars, as you can the C–5A's.

I know the whole story, about how many wheels the thing has, and it will sit down in marshland, but I would be willing to wager that no one is going to be damned fool enough to set it down in marshland at a time when we might be depending on it. We will have the runways as we had the runways in World War II, and as we had the runways in Korea, and as we have them in Vietnam, and every one of you who has been out there, as I have, knows that we do have them.

Then we have the tremendous fleet of 707's, and the Douglas counterpart, and that fleet is not being fully utilized in civilian aviation. Any of you who travel by air—and I think most of you do—know that since the day before yesterday your fares went way up. They went up because our civilian fleet is operating at approximately 32 percent of capacity. So we have the airlift ability to meet the most urgent demands of this Nation.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I will yield to the gentleman from New York for a question.

Mr. STRATTON. Mr. Chairman, does the gentleman know how you could get a tank into a 747?

Mr. MOSS. I do not think that you are going to have to have 82 C–5A's full of tanks.

Mr. STRATTON. Well, the fact of the matter is, the C–5A is not to be compared to the 747. The C–5A has a roll-on roll-off capacity, which the 747 does not have.

Mr. MOSS. I do not yield further. I answered the gentleman's question. I do not yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. MOSS. Mr. Chairman, we have transported tanks in other aircraft, and we can transport them again, and the gentleman knows it. But I thought that the policy of this Nation was going to be one now of switching to a defensive posture. I did not think that the policy of the Nation was to continue to underwrite a world policeman's role and move into every troubled spot on the globe.

I think it has become the firm conviction of this administration as enunciated by the President that you cannot win a military victory in Vietnam, and if you cannot win it there, you cannot win it in a lot of other parts of the globe.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the point the gentleman from California (Mr. Moss) is missing is that this aircraft, the C–5A is uniquely adapted for a military purpose. The 747 is a very fine aircraft, and it has a tremendous capability, but the fact of the matter is that it was not built for military missions.

The basic purpose of the C–5A aircraft is to transport equipment as well as personnel to overseas spots where they may be needed. You can roll this equipment on and off the C–5A something you cannot do with a 747 or even a 707.

There are many Members of this House and of the other body who say we ought to bring our troops back quickly from Vietnam, and who say we ought to bring our troops back from other places too, like Europe. If we are going to do that, then we need the facilities to get back there if there should be a new emergency. If we cannot keep our troops in Europe, for example, if we cannot keep our equipment there, then we are going to need a vast airlift capability to move in quickly in case of a Soviet attack.

If you really want to establish an effective fortress America, and bring back many of our troops from Europe so as to make an appreciable dent in military budget, you are going to have to have this kind of aircraft. We need it to maintain our credibility and our deterrent power in Europe, as well as elsewhere in the world where we may have vital interests to protect.

Mr. EVANS of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am most concerned with this decision that we are making because I am impressed with this aircraft. I am also very concerned about the difficulties that this aircraft has experienced.

I would like to address a question or two then to the sponsor of this amendment, the gentleman from New York (Mr. PIKE), if I could please.

If the gentleman's amendment is passed, would there be any funds left for the production and development of this aircraft in this coming fiscal year 1970?

Mr. PIKE. Yes, of course.

There is $34 million for research and development including flight tests.

There is $160 million for initial spares. There is $40 million for replenishment spares.

There is $225 million to cover previous years overruns which is for production of prior authorized aircraft.

We simply do not have the slightest conception of what this new aircraft is going to cost because under the formula of the contract, the cost of this new addition of aircraft depends on what the cost of the present aircraft is. We do not know what the cost of the present aircraft is because they are still having difficulties with the development of it. The more that the present authorized aircraft costs us, the more the new 23 aircraft are going to cost.

But there is $459 million in the bill for the C–5A's, even if my amendment passes.

Mr. EVANS of Colorado. If I may prevail upon the gentleman to ask one more question.

Assuming the gentleman's amendment was to fail and this money were in the bill for the construction of the additional 23 C–5A's. Could the gentleman tell the committee what his opinion is, from the hearings that he has attended, as to whether or not these 23 can be made in the next fiscal year and what period of time it would take them to construct these airplanes?

Mr. PIKE. I do not think anybody can answer that question at this time.

As I indicated yesterday, they had a test failure last week. It was not a great big test failure, but it was a serious test failure.

In July they had a wing problem. So they developed a fix for that wing problem. Last week the fix they had developed failed under a test at 83 percent of its designed load. Well, they said, it was not a valid test because they used bad equipment or material to test it with. It was their test—Lockheed's test. But they do not want to accept the results of their own test. They may be right, I do not know. But what we do know is that when they develop a "fix," every one of the aircraft which has been made so far is going to have to go back and to some degree have to be taken apart. There are 22 locations on each plane where they have to stick this fix in. Obviously, this is going to cause a delay and, obviously, it is going to cost an awful lot of money.

I do not say that Lockheed cannot fix them. Of course, they can fix them. But we do not have the slightest idea how long it is going to take and we do not have the slightest idea how much it is going to cost.

Mr. EVANS of Colorado. If I may ask the gentleman a further question and if he would give us the answer, if he knows the answer. Have we finished production of those aircraft which we have purchased at the present time?

Mr. PIKE. No, we will not finish the production of aircraft that we have already authorized money for until 1971.

Mr. EVANS of Colorado. In other words, money that has been authorized and appropriated and available for this aircraft as of this date will carry construction through 1971?

Mr. PIKE. Well, no—to be fair to the company—there comes a point in any aircraft procurement when you start stopping. The production line does not stop all at once. But they are 6 months behind schedule right now. They are going to get further behind schedule because of the difficulties that they are having. I honestly think we could delay this authorization another year without seriously turning down the production line of aircraft because of the fact that it is already behind schedule and because of the difficulties they are having.

Mr. EVANS of Colorado. I thank the gentleman very much.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I do not think that anyone in this Chamber disputes the fact that there has been an overrun. There has been an overrun in a number of various projects. A short time ago we discussed the Kennedy Center for the Performing Arts, and it was pointed out that percentagewise there was a much greater cost overrun there than we have in this particular area.

The cold, hard facts of life are simple. We are in a period of inflation. Where the manufacturer had projected production based on maybe 3 percent inflation, we have had 7 percent. But even the proponents of reducing the commitment to Lockheed acknowledge this fact without any question of doubt, the C–5A is the finest cargo aircraft ever developed. In fact, we will be able to transport cargo for the lowest cost per-ton-mile ever in the history of the world with this aircraft.

Heretofore, the C–141 held this record. With the C–5A we will be able to transport at a rate much lower than that. But even that is not the real reason for continuing the commitment on this aircraft, nor is the full employment of Lockheed. This is a concern to me because I recognize that even if the amendment were to succeed, production would continue for some period of time. But the very future of this Nation and our foreign policy very definitely can hinge upon the decision we make in this area.

Why do I make that statement? I say that simply because we appear to have engaged in a process of diminishing our bases overseas. We are in trouble in Libya right now. I do not know what is going to happen to our bases in Libya. Certainly in Vietnam the President has made very clear that in a relatively few years we will no longer have a presence in Vietnam. In the Peace Treaty with Japan we gave our written pledge that Okinawa would be returned to Japan. Hopefully, and I am assured of the fact, we will retain bases there. But I do not know for how long.

The point is simply this: the C–5A will give a mobility to foreign policy that we have never had before, because rather than just being able to transport men, as we could by utilizing our civilian fleet of aircraft—the 747, the 707, and so forth—we can now transport a complete military unit, including all the tanks and hardware. As our bases diminish overseas, we know that our foreign policy need not be ineffective or disastrous, so far as influence on world matters is concerned, if we have the mobility which the proper numbers of the C–5A aircraft can give us.

Let me emphasize the point that there is no other aircraft in the entire world that can do the job that this particular aircraft can do.

The gentleman from California (Mr. Moss) mentioned the fact that it has a number of wheels and can land in a marsh area. The C–5A's 28 wheels may not actually allow it to land in a marsh but it can land certainly in an unimproved cleared area. I do not know what is going to happen in Europe or throughout the world, whether we would have improved landing fields available or not. But the designers of this aircraft have so designed it that it can operate on unimproved cleared land. It can land in an unimproved cleared area and carry the greatest load that any aircraft has ever hauled and land in a distance shorter than the DC–9 uses.

I am not knowledgeable on the question of military plane needs or the needs of our country in this field. But I do place confidence in the Pentagon in trying to provide for the defense and protection of this country. The Pentagon has stated we need more than the 58 aircraft, and I am willing to stand behind those who have the full facts and support them because I feel, just as the gentleman from Georgia, the Dean of our delegation, has pointed out, this aircraft will in effect end up saving money because if we do reduce our bases overseas, we will still have mobility without a negative effect on foreign affairs.

Mr. RIVERS; Mr. Chairman, I wonder if we could agree on a time to vote on all amendments thereto end at a quarter to 5.

Mr. ARENDS. Mr. Chairman, reserving the right to object, will the gentleman repeat his request?

Mr. RIVERS. I would propose that debate continue for 15 minutes longer, until a quarter to 5.

Mr. Chairman, I ask unanimous consent that debate on the amendment and all amendments thereto end at a quarter to 5.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. DAVIS of Georgia. Mr. Chairman, reserving the right to object, I would like to point out that the C–5A is manufactured in my district, and, since that is so, I would like to deliver the remarks that I have prepared on the subject.

Several Members have been recognized and the airplane is not made in their districts.

The CHAIRMAN. Does the gentleman from Georgia object to the unanimous-consent request?

Mr. DAVIS of Georgia. I do, for the time being.

The CHAIRMAN. Objection is heard.

Mr. RIVERS. Mr. Chairman, I want the gentleman from Georgia to be recognized for his 5 minutes.

Mr. Chairman, I ask unanimous consent that after the gentleman from Georgia has concluded his statement, the committee conclude debate on this amendment and all amendments thereto within 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. Davis).

Mr. DAVIS of Georgia. Mr. Chairman, I thank the Chairman, and I thank the chairman of the committee, the gentleman from South Carolina (Mr. Rivers).

I will not use my 5 minutes, but at the outset of my few remarks, I do want the Committee not to misunderstand the fact that I do represent the district in which this airplane is made. We have 28,000 employees there, most of whom reside in my district.

Mr. Chairman, I would like to associate myself with the remarks of my colleagues in opposition to this amendment.

Also I would like to point out this airplane represents a new conquest in the ocean of space. I am convinced from my conferences with the engineers and with Lockheed Aircraft Corp. and with other people that we will wind up with a method of transporation that actually will be more economical than water transportation, if we figure in the time element, because, of course, while water transportation is cheaper, it is also a great consumer of time.

Based on the studies I am familiar with—and I ask you to accept my word for it—we are going to conquer the ocean of air in a more economical way than we have conquered the ocean of water or than we have conquered land transportation.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, it is so very easy to put out figures that the layman does not comprehend. As the gentleman knows, these tests referred to are static tests conducted in a laboratory on the ground. The manufacturer wants to be sure his planes are going to work. He wants to get 150 percent safety on this plane, and it got up to 83 percent of capacity. Listen to what this plane has done in the air. It is not a failure. It is a great success. The C–5A aircraft itself weighs 320,000 pounds. As part of its programed testing at Edwards Air Force Base, a C–5A lifted off at 790,000 pounds. In essence, the airplane lifted 470,000 pounds in addition to lifting itself. This represents lifting of 247 percent of its own weight.

This is a world's record. This plane is no failure. There is nothing to compare with it since man took to the air down at Kitty Hawk, N.C.

The gentleman knows what he is talking about. This is a great company. They want to be sure it will work. Believe me, it will work. We will be the only nation on earth to have anything like this for airlift logistics or any type of mobility.

This is no pipe dream. It is a fact of life. Our committee has gone into this thing. We know something about airplanes too. This plane has 28 wheels on it. It can land in a crosswind with the wind blowing against it, and it can land sideways. There is nothing in the world like it. We are not selling you a bag of bones. The gentleman is correct.

Mr. DAVIS of Georgia. May I endorse every remark the chairman of the committee just made.

Mr. Chairman, I want the Members to know that this is the biggest airplane in the world, the biggest in the world. Russia has nothing to compete with it. No other nation in the world does. And it is adaptable to civilian uses. It is conquering the air.

Throughout the months of various congressional hearings on the C–5A, and in view of the newspaper stories that have followed these hearings, there has occurred a greater distortion of public information than any I have ever witnessed in my years in Congress. The distortions, half-truths, and gross inaccuracies culminated in the introduction, both in the other body and now in this body, of amendments that would delete authorization for those C–5's that constitute the fourth squadron of aircraft.

The central issue, of course, is whether the United States needs the additional 23 C–5A's which are included in the committee bill but which are sought to be deleted by the amendment offered by my distinguished colleague, the gentleman from New York (Mr. PIKE). On the question of need, the Armed Services Committee has ample testimony and information from the military to defend the requirement for these additional 23 C–5A's. I support strongly the committee views on this central question of need.

However, as the representative of the district in which C–5's are built and where over 28,000 men and women are employed in their production, there is another aspect of this subject I wish to discuss.

The proponents of this amendment have said that "a final decision on whether to go ahead with the added 23 aircraft can be deferred." Previously they had talked about a "1-year moratorium" on C–5 production. In the other body the sponsor of a companion amendment was a bit franker. He said his amendment was necessary in order to "put the Air Force in the driver's seat" in its negotiations with Lockheed for amendments to the C–5 contract.

I shall not presume to stand before this Committee and say that I am familiar with all the details of the contract between the U.S. Government and the Lockheed Aircraft Corp. But I will say that I have been a member of the bar since 1939 and have practiced law from every position in the courtroom, including that of having been a superior court judge. To me, it is unthinkable that the Government is immune from the solemn obligations of a contract and that persons who enter into agreements with the Government must run the risk of whimsical abrogation when a few members of our Military Establishment take sudden flight at the behest of a tiny minority of members of this Committee.

The Air Force and Lockheed are negotiating changes in the C–5 contract which are desired by the Government. I would dislike very much for the U.S. Congress to enter into those negotiations, as this amendment would have us do, so as to put the Government in the driver's seat.

This would mean that the Government has abrogated unto itself the power to disavow the terms of a solemn obligation and to wreak havoc with the plans of the management and employees of a major company which has in good faith engaged its personnel in the protection of our national security and which had a right, peculiar to free countries, to rely on its covenant with our Government.

The amendment's proponents also propose to abrogate the repricing clause in the C–5 contract. In this respect, it should be remembered that extensive testimony on this clause was made both by the Government and the contractor before the Armed Services Committee.

In this testimony, it was explained that this clause was not a "special agreement for Lockheed" as it was called by a Washington Post reporter. Nor was it a "golden handshake" with all the implications that go with that phrase. Instead, it was a contract clause offered to all three competitors in the 1965 competition for the C–5, and was designed to avoid catastrophic losses for the winning contractor, in the event unforeseen cost increases were to occur.

Lockheed testified that it could not have signed the contract without such a clause—the risk would have been too great. Now it is proposed that this contract clause be abrogated by the Government—that the Government should fail to live up to its agreement with Lockheed.

But what is the ultimate aim of this amendment? We already have heard voluminous testimony before the Armed Services Committee that Lockheed cannot make any profit on the C–5 contract and might lose $200, $300 million on it. And that is on the basis of the present terms of the contract. Does the amendment seek to go further than that, and put the Air Force into the driver's seat so far that Lockheed is driven into bankruptcy?

This, of course, would put the Congress in the position of punishing the Nation's most efficient and dependable defense contractor and cause layoffs of 20,000 of Lockheed's employees and layoffs of 20,000 more employees of subcontractors and suppliers. Even more importantly, it would put us in the position of denying the Air Force a badly needed logistics support program that is designed to help our fighting men, who depend so much on the supplies and equipment that would be carried by the C–5.

Again I say that this last point—the need for these aircraft—should be not only the central issue, but the only issue in this debate. All of the members of the committee who have been victimized by misinformation on this procurement question, I submit—without meaning to impugn the motives of anyone—are, in the words of the late minority leader of the other body, simply leading us down the road to defeat.

Mr. HAGAN. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to my colleague from Georgia.

Mr. HAGAN. Mr. Chairman, I would like to briefly discuss the C–5A program and why I consider it essential that we proceed in an orderly manner to procure additional C–5 aircraft.

The C–5A program has been under examination for quite some time. All aspects of the program have been examined by our distinguished colleagues in the Senate and by us. The results of this investigation have produced supporters of the program and those who oppose spending any more money for additional aircraft. Today, I would like to say a few words in support of the program.

In carrying out our national commitments, a rapid response to regional contingencies is vital. The capability to provide this response with effective U.S. forces reduces the risk of localized crises and threatened aggression expanding into major conflicts. Rapid deployment of effective forces, of course, may require the capability to airlift necessary ground combat troops and their equipments.

During the late 1950's and early 1960's, the slow, range-limited C–124 was the major aircraft that provided this capability. However, this airplane and the other propeller-driven cargo aircraft can no longer provide the deployment mobility required by our commitments. In 1961, foreseeing the unavoidable retirement of our propeller aircraft, the Air Force proposed a large, fast aircraft designed to carry all of the large items of equipment of an Army division. This aircraft, the C–5A, was designed to be complementary to the C–141 which was developed as the first step in improving our airlift force.

In recent statements in this Chamber and in the Senate we have been reminded of our existing collective defense agreements with some 45 or 50 different countries around the world. These commitments and the overseas force we maintain to support them are subjects of substantial controversy. Congressional critics have said that "our overseas establishment which consists of 1.45 million troops, 500,000 dependents, and 250,000 foreign employees on 429 major and 2,980 minor bases is excessive." The senior Senator from Missouri stated in the Senate that these overseas establish-

XUM

ments could be reduced by creating a "remote presence."

Now I do not want to discuss the pros and cons of "remote presence" nor do I want to delve into the various facets of our foreign commitments. I just want to make the point that either continuing our present overseas forces the way they are now or establishing a "remote presence" requires an improvement in our airlift capability. The C–5 is the only way to satisfy the requirement for effective, rapid responses in the event of aggression in the various treaty areas. The Boeing 747 and other civilian aircraft will be able to assist in solving the airlift problem, but these will not be able to operate into and from unimproved fields, carry outsize cargo, nor to function in an air drop role.

We have had considerable discussion about the number of airlift aircraft, including the C–5, needed to achieve our airlift objectives. Obviously, a great number of variables are involved in making this determination including the number of Army divisions to be deployed, the number of contingencies that have to be dealt with, and many others. From hearing these discussions, it is clear to me that the number of C–5 aircraft needed depends on our intentions to meet our treaty commitments and a judgment as to the military force these commitments would require. Our professional experts in determining required force levels, the Joint Chiefs of Staff, continually evaluate these variables. They have consistently stated a need for more than three squadrons of C–5's.

If the funds for the C–5 for fiscal year 1970 are not approved, the minimum impact would be a delay of several months in the procurement of additional aircraft, and in view of the increased costs caused by any delay, it could possibly result in termination of the program. It is estimated that a 1 year funding delay would increase the costs of the full-scale 120-aircraft program by $400 to $575 million with a 1½-year delay in the delivery of the first additional aircraft. Even with only a 3-month delay, it is estimated costs would increase by $135 to $175 million.

Mr. Chairman, we cannot afford any delay or a chance of terminating this vital program. If we are to meet our commitments, the procurement of additional C–5's is imperative. I request all of you to support the authorization bill as written.

The CHAIRMAN. Under the unanimous-consent agreement. Members will be recognized for 1¼ minutes each for debate.

The Chair recognizes the gentleman from Pennsylvania (Mr. MOORHEAD).

(By unanimous consent, Mr. LEGGETT yielded his time to Mr. MOORHEAD.)

Mr. MOORHEAD. Mr. Chairman, the case against the C–5A procurement is probably the best documented of any system within the authorization bill currently before the House. Beginning almost a year ago, the Joint Economic Committee, on which I serve, determined that these mammoth airplanes were going to cost the American taxpayers almost $2 billion more than the original estimate. It is clear that—

First. The Air Force entered into a contract that was poorly conceived and which did not protect the taxpayers' interest, but even worse that—

Second. The Air Force purposefully withheld knowledge of the exorbitant overruns that were occurring—from Congress and from the public to protect itself against criticism which may be understandable but also to protect the position of Lockheed in the common stock market.

That, Mr. Chairman, is not the function of Air Force officials.

Furthermore, we are now told by the Air Force that costs will escalate even more, but they refuse to say how much.

With this long history of deceit and purposeful misleading of both bodies of the Congress and the public, I am more than a little dubious about one aspect of the C–5A airplane that has not been addressed adequately either here in the House or in the Senate—its performance. We have been furnished with glowing reports by the Air Force and other advocates of the plane including many members from Georgia which indicate that despite its cost it is a fine airplane. But is it? Do you know? I certainly do not.

It failed its recent wing strength test.

We do know that the weight has been increased, full flap speed changed, and the landing sink rate decreased. There have been 46 design and performance changes—but the Air Force tells us that it will meet or exceed all specifications. We also know that the performance has been degraded so that its takeoff weight from unimproved runways has been decreased by 100,000 pounds. This means that it must carry less cargo or fuel for its return trip. However, there have been some 789 specification changes.

My question, Mr. Chairman, is: Will the plane meet the specifications or will the specifications meet the plane? What is going on? I have been trying to find out for 4 months. In June an Air Force witness promised to supply information relating to contract changes as they affect performance for the record of hearings by the Subcommittee on Economy in Government. That record is still open today. As recently as last week, I again attempted to obtain this information. The Air Force has systematically avoided responding to my requests. Why should they avoid responding? It is not a question of security classification. It is not a question of time—they have had almost 4 months to reply. In view of their past practice of withholding "bad news" from the Congress, I am becoming more and more suspicious all the time that we may end up with a plane that does indeed fly—but one which must be flown so gingerly that it will be of little utility to us under the stringent military conditions we are expecting it to operate. Why else would they refuse to supply this information?

It would be the height of irony if we were to end up with a complete fiasco on this program—a fantastically priced plane that barely works and which we do not really need. Let us not compound the error. Let us support the Pike amendment to delete funds for acquiring the fourth squadron of C–5A airplanes.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, it is difficult to try to second guess the Armed Services Committee. It is obvious they are all experts in their field. They have done their homework well.

One does not quite know where the facts lie, because both sides are compelling in their arguments.

But I should like to point out to the House that the expenditures in this budget are based on an estimate of revenue made by the Bureau of the Budget and the Treasury Department a year ago, when they anticipated a $5.5 billion surplus for 1969. When we consider that we have lost $100 billion in value in the stock market so far this year, and Members have talked to building contractors in the last 2 days and know what has happened in that industry, and we know the auto industry this year is cutting back its production runs because of a slowdown in orders for 1970, there is a good possibility some $15 billion to $20 billion of revenue that had been anticipated in 1969 will never materialize.

I believe the Members ought to take that into consideration as they debate these amendments.

I supported the ABM because I believe it is absolutely necessary to our defense but I believe there is merit in all the other amendments to reduce the budget.

I believe the House should be advised this budget will lead to a substantial normal deficit for fiscal 1970 if we do not trim sail. Obviously, I shall have to vote for this bill in final passage but I do believe we ought to substantially reduce the unnecessary expenditures.

I intend to offer an amendment later if I am recognized which would provide this authorization shall be reduced by 10 percent of any debt we might have in anticipated revenues for 1969. It is obvious we must do everything possible to keep expenditures down. And I shall continue supporting amendments which will reduce this tremendous expenditure.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Chairman, I wonder if I may have the attention of the proponent of this amendment to answer a question.

Mr. Chairman, I believe everyone is pretty well familiar with the fact that contracts are entered into under a penalty provision. Whoever breaches the contract usually suffers a penalty.

If, for instance, Lockheed should fail to perform, they are subject to certain penalties each day for this failure. We have talked about what it will cost and what it is costing, but how much more will it cost the United States. That is one question. First of all, are we obligated, if your amendment prevails, to purchase them?

Mr. PIKE. If I understand the gentleman's question correctly, I would answer this way: We have already gone over the penalty figure for delay that Lockheed was responsible for, and all of the additional failures are chargeable to the taxpayers of America.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Pike).

Mr. PIKE. I will be happy to yield further to the gentleman from Alabama.

Mr. DICKINSON. I appreciate the gentleman yielding, because I do not think I understand you and, if I did understand you, I do not agree with you. If I understand the situation correctly—and I heard the testimony just as you did—if we do this and correct this contract as we are supposed to do by your amendment——

Mr. PIKE. No, no. I hope they are not building the aircraft that we have not yet authorized, because, if they are, then there is something really wrong with our operation.

Mr. DICKINSON. Let me say to the gentleman, is there not an opinion by many that we are already obligated to purchase these planes? Are we not obligated?

Mr. PIKE. The Air Force said specifically that they did tell Lockheed they would do it subject to the action of the Congress, and that is what we are here for today.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Bray).

Mr. BRAY. Mr. Chairman, something was said about experts on airplanes. I am certainly not one, although I have been on every subcommittee that was set up dealing with airlift that has been formed by the Committee on Armed Services, and I have been for many years the ranking minority member of the Air Lift Subcommittee. There was a great need for a plane like the C–5A. There is no question about that. Nothing like it has ever been produced before. Congress has nothing to do with making the contracts. We do need this plane badly and we need it even worse today than we did before. There has been an enormous amount of money spent on the C–5A. I am not at this time going to go into the argument as to the reasons for these costs, but I say it is a condition and not a theory that confronts us here today. It is the finest plane in the world for its purpose and no other nation has one that even approaches it. Most of the expense has already been incurred, and if we stop it today we will wreck something that we need.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. Montgomery).

Mr. MONTGOMERY. Mr. Chairman, the Air Force made a flat statement that the military cargo planes are needed. Our own Armed Services Committee said we need it. The C–5A seems to be the answer. You know you cannot compare the Boeing 747 with the C–5A. The 747 is mainly a passenger plane. Of the 200 Boeing 747's ordered only three will be converted to cargo hauling. The C–5A can land on 1,300 runways around the world whereas the 747 can land on only 300 runways around the globe.

Mr. Chairman, I hope this amendment will be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. Bennett).

Mr. BENNETT. Mr. Chairman, on the question of the funds in this bill for the C–5A, I would like to make comments on the issues that have been raised.

It is said: "The Department of Defense has not justified the military necessity for the 4th squadron—planes 59 to 81—of C–5A aircraft."

ANSWER

The presently programed force of 6 C–5A squadrons was decided upon as a result of a series of studies in the early 1960's and culminated in a joint Army-Air Force study in 1964 known as "Airtrans 70's." This study analyzed the force closure times achievable with several alternatives airlift forces, based on the total military forces then planned for deployment under several potential contingency situations.

The study concluded that the closure times achievable justified an airlift force of at least 13 squadrons of C–141's and six squadrons of outsize transport aircraft.

The critical time in any deployment situation is the first several weeks. Sealift offers little help during this early time unless it is pre-positioned under a concept similar to that intended for the fast deployment logistic ships. However, in view of the lack of support for the FDL program by the Congress, it is unlikely that the United States will have that sealift capability to meet the initial requirements for a military deployment. Without that sealift capability, it is highly possible that the requirement for C–5A's will increase rather than decrease.

The requirements for strategic airlift including the C–5A are reviewed and approved annually by the Joint Chiefs of Staff as well as the Office of the Secretary of Defense.

ISSUE NO. 2

During the Senate debate it was stated that the C–5A would provide a "remote presence" capability. That is, we could bring our boys home from foreign bases and only deploy them when required. This did not establish the need for additional airplanes for the following reasons:

It was not established that we do not already have this capability with our existing airlift capability of C–5A's already under contract, and C–141's. Senator Symington who enunciated this "remote presence" admitted this when he stated "Without benefit of a detailed analysis of the logistics problems involved, it is not possible to make an exact quantitative estimate of the effect of this revised threat scenario on U.S. heavy airlift requirements."

Additionally, the C–5A is not designed as a troop carrying plane. Its purpose is to carry the outsized equipment for an armed division in the first few days of an emergency. For troops or for longer periods of time, other planes and ships are as efficient and less costly.

ANSWER

In meeting a contingency requiring U.S. troops, we must either have our forces on the scene or capable of deploying them to the scene in the shortest amount of time to prevent the emergency situation from expanding beyond control.

It is more costly to keep our forces overseas in the hopes of preventing crises than it would be to keep a major portion in the United States and deploy them rapidly as needed when emergency situations arise.

The C–5A is designed to carry approximately 99 percent of the heavy equipment of an Army division on the main cargo deck. Simultaneously on the upper deck the C–5A accommodates up to 83 drivers, troops, or support personnel. The balance of the troops and lighter equipment and cargo are carried in the C–141's and in the commercial aircraft of the Civil Reserve Air Fleet that are under contract.

As previously stated, the critical time for any deployment is the first several weeks. During this time MSTS vessels and notional ships cannot deliver from the United States to an overseas destination.

ISSUE NO. 3—COST OF THE C–5A AIRPLANE

It is said: First. The C–5A is a tremendously expensive airplane. Including amortized development costs, the plane has increased in cost from $28 million apiece to approximately $43.4 million apiece. This is almost double the cost of the 747 jumbo jet which is approximately the same size.

Second. These cost increases mean that the total program will cost about $2 billion more than the Air Force originally said it would.

ANSWER

General Accounting Office witnesses testified before the committee that it looked like the overrun on the 115 aircraft that are now under contract with Lockheed will be $1.3 billion.

The General Accounting Office also estimated the cost per airplane would be $38 million for the first 58, or through run A, and $30.2 million per aircraft for the 57 airplanes in run B. This is not almost double the cost of the 747 jumbo jet.

The Boeing 747 is comparable in overall size to the C–5A and was designed for commercial airlines primarily to carry as many passengers as possible. According to the Air Force, it is not an acceptable substitute to perform the missions planned for the C–5A. Although the 747 has a large cargo floor area, its irregularly shaped cargo door has a clear rectangular opening smaller than the cargo door of the C–141. Thus the 747 can not carry the outsize cargo for which the C–5A was designed. The main cargo deck of the 747 is over 16 feet off of the ground so that the aircraft can be loaded or unloaded only at airfields where special loading equipment has been located in advance. Also, as presently designed, the 747 is intended principally to move containers of cargo, while the military requirement involves the movement of substantial quantities of vehicles. The floor of the 747 is not stressed to carry heavy tanks, bridge launchers, cranes or other very heavy combat equipment. Finally, the 747 is not designed for operation on semi-prepared, short runways, for air dropping cargo, or for formation flying.

ISSUE NO. 4—AIR FORCE MANAGEMENT OF THE C–5A PROGRAM

It is said:

First. The Air Force has systematically refused to make public the facts about

XUM

the C–5A and has misled the Congress about the costs and the nature of the C–5A contract.

Second. The last Air Force cost estimate is almost 1 year old, and despite the huge cost overrun, and the fact that the Air Force admits that there will be further cost increases, the Air Force has failed to bring their cost estimate up to date.

Third. The Air Force entered into a contract with Lockheed that clearly does not protect the taxpayer's interests. It contains a reverse incentive in the so-called repricing formula, whereby Lockheed will be paid back more than 1 dollar on run B airplanes, for each dollar they overrun on run A.

ANSWER

The System Project Office—SPO—reporting to higher Air Force headquarters has been accomplished in an extensive, detailed, periodic, and timely manner. Review of minutes of the Designated Systems Management Group—DSMG—consisting of the Secretary of the Air Force, the Chief of Staff, and their immediate staff meeting held throughout the period 1966–69 have revealed no withholding of known cost or performance problems by the System Project Office. Known cost growth estimates were reported to higher echelon at all times and as early as 1966 potential cost growth was discussed at the Designated Systems Management Group meeting. All official Air Force congressional testimony has been researched during this same period. Again, all cost and technical data known at the time of testimony was disclosed. However, this research did reveal that the context in which these figures were given varied.

The most critical period in this respect was found to be the May–June period. In March, testimony was given to the House Appropriations Committee to the effect that Air Force estimated an overrun of about $250 million. The May 1968 cost study revealed for the first time that Lockheed costs might be running over contract ceiling. In June, after a detailed review of the May estimates, top Air Force and Department of Defense management decided to make a bottoms up estimate to confirm the May study results. The decision was also made to reflect the May estimates only in the selected acquisition reports—SAR's—and program change requests—PCR's—to OSD until the sudden rise in costs could be absolutely confirmed.

It was also decided that no other internal reports would reflect these costs until confirmed. Two specific Air Force reports were involved—the contract summary report and the USAF cost performance report. The contract summary report had actually not reflected an overrun since the first report of February 2, 1966, due to the System Project Office interpretation that the overrun related to overceiling costs. The reports submited from May through December 31, 1968, did not reflect an overrun in accordance with the June decision to treat the estimates as tentative pending confirmation by the new bottoms up estimate. The USAF cost performance reports during the period May 1, 1968, through December 29, were not updated to reflect the May estimates—no reports were submitted during the periods of July 1 through August 31 and November 4 through December 29. In addition, since the headquarters USAF management summary is based on these reports, it also did not reflect the latest cost estimates during this period. The reports for January 1969 all reflected the latest cost estimates.

It is at this juncture that the Air Force management judgment could be questioned by someone outside DOD not knowing all the considerations that went into the decision to wait until the bottoms up cost study was completed. These considerations were that: First, the May cost estimate resulted from extremely preliminary data; second, Lockheed contested its accuracy; third, potential inequity which this preliminary data, if made public, might have on Lockheed's overall financial health.

It is pertinent to point out that there were no procedural or policy requirements in the Department of Defense or Air Force that called any further disclosure of the May cost estimate. Then current procedures required only that reprograming actions of the current fiscal year be reported—not changes in total program estimates, and that program status normally be provided Congress during budget hearings or on request of the committees.

To proceed, the "bottoms up" cost estimate was completed and reflected in the September 30 Selected Acquisition Report—SAR. This reflected an even greater total program estimate—$4.3 billion.

Again, Department of Defense procedures did not require disclosure of this estimate. Providing no reprograming action was required, the next logical point would be to reflect the $4.3 billion in connection with the fiscal year 1970 budget—to be presented in early 1969. However, the C–5A came up in other congressional proceedings in November and, of course, the Air Force then acknowledged the increases, and subsequent detailed discussions were held with Armed Services and Appropriations Committee staffs.

One thing is clear, neither the Air Force nor the Department of Defense withheld requested data on costs to the Government for the C–5A from Congress. Cost data was reported internally within OSD at top management levels but, under the existing agreed upon procedures, was not automatically reported to the Congress. The information would have been, and was, furnished when requested. There is certainly room for disagreement between reasonable people as to whether additional data should have been voluntarily offered to Congress.

Continuing issue No. 4, it is said: Air Force failed to bring cost estimates up to date.

ANSWER

More accurate assessments of cost increases will be available as production progresses. The magnitude of the overrun cannot be established with absolute certainty however until 1971 when all actual costs through production run A are known and agreed to between the contractors and the Government.

Continuing issue No. 4, it is said: "The Air Force entered into a contract with Lockheed that clearly does not protect the taxpayer's interests. It contains a reverse incentive in the so-called repricing formula, whereby Lockheed will be paid back more than one dollar on run B airplanes, for each dollar they overrun on run A."

ANSWER

The repricing formula was made part of the contract to preclude catastrophic loss if unknown risks, such as those which actually materialized, increased the cost of the C–5A beyond the range of foreseeable risk. This formula was developed in recognition of the fact that, as the time of the Request for Proposals, bidders were committing themselves to operational aircraft prior to their development and covering a long span of time.

Price adjustments resulting from the application of the repricing formula were not intended to turn a loss into a profit, and, in fact, do not. The clause was in the model contract to which all competitors bid and signed their contract before one was selected. Hence, it was not a special afterthought designed to protect Lockheed. It has been determined that, under a selected set of conditions, not fully understood at the time the contract was written, the price adjustment provisions of the contract can result in a "reverse incentive." A point can be reached where, for each additional dollar of cost occurring in the production of run A aircraft, the result is an increase in total contract target and ceiling of more than a dollar. This potential could encourage a contractor to add costs to run A so as to reduce his overall loss on both the run A and the run B production.

The provisions of the price adjustment clause are both vague and ambiguous as regards implementation. The clause is vague as to the technique of applying the multiplier factors of 1.5 and 2. It is vague with respect to the relationship of abnormal economic fluctuation to the repricing formula. There is no specific language to indicate if the formula's denominator—target cost—is all run A target costs or just run A target costs for those Materiel Procurement Codes in the numerator—actual costs. In addition, it does not address the question of whether the provision goes into effect when any portion of run B option is exercised. Based on the latest Air Force estimate of cost to complete, the contractor's net loss position could vary from $56 million to $285 million depending on how this ambiguity is resolved.

In summary, a recent Air Force review conducted by Assistant Secretary Whittaker found that this provision was well intentioned but poorly structured, and not fully comprehended at the time of award. In operation, it is beset with ambiguities, complicating its implementation and raising the prospect of a reverse incentive. The amount of reverse incentive and the point of its effectivity—the number of run B airplanes—depends upon resolution of all of the aforementioned. The supplemental agreement for

XUM

option B aircraft and engines limited the Government's obligation to funds for 99 more engines and for only the long lead-time material for the run B aircraft. This was done to avoid exceeding statutory authority regarding obligations.

No reverse incentive exists with the 23 aircraft being requested for fiscal year 1970. The Air Force is negotiating with Lockheed to eliminate the possibility of a reverse incentive, before more than the 23 fiscal year 1970 run B aircraft are procured.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, I support the amendment to delete $481 million for procurement of 23 additional C–5A's pending a cost review by the Comptroller General.

There have been 58 C–5A's, three squadrons, authorized by Congress. This request for a fourth squadron at a cost of $481 million does not seem necessary at this time. Studies made by the Systems Analysis Group of the Department of Defense have challenged the military and economic necessity of 23 additional planes. Although the Secretary of Defense overruled the opinion voiced in these studies, he has not provided Members of Congress with justification for the additional planes.

Even if a fourth squadron of 23 planes could be justified, this amendment would not hamper production schedules since they are already 6 months behind. Further delays are expected. Delivery is not planned until fiscal year 1972.

The C–5A program has been an extremely costly one. There have been numerous technical problems such as the failure of the wing spars. Only the Lockheed Corp. has benefited from the program. A repricing clause in the contract has made it quite profitable for Lockheed, but a fiscal disaster for the Government.

The Government has already had to pay at least $1.3 billion more than the original estimate for research and development of the first three squadrons; and the cost overruns are expected to reach $2 billion.

Delaying the decision will allow for a cost-benefit analysis, and will give the Government the ability to negotiate with Lockheed, instead of being forced to be victim to the repricing clause of the present contract.

The amendment is a sound amendment. Its adoption will signal the intent of Congress to exercise some measure of control over military procurement contracts.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. Rivers) to close debate.

Mr. RIVERS. Mr. Chairman, now that the figure of $2 billion has been bandied around here by some of the opponents of this bill, we asked the GAO about it and they said it would be $1.3 billion.

The Air Force says it will be $1.4 billion.

Mr. Chairman, as everyone knows there are overruns on everything. I told you yesterday that there are overruns. Overruns are no mortal sin. We have got to have this thing whether or not there are overruns. We are watching it. We have the GAO on it. We did not tell former Secretary of Defense McNamara to go out here and make a total package concept. We had nothing to do with that.

President Nixon now has a milestone concept and at regular intervals of about every 6 months he is advised as to the cost of these things.

But, if you are going to fight somebody, fight the former Secretary of Defense. We are trying to do something about it. If you terminate this thing now, listen to me, the Air Force says it wil cost between $400 million and $500 million to get started again. They have got to have these planes. We cannot get rid of this plane.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. All time has expired.

The question is on the amendment offered by the gentleman from New York (Mr. Pike).

Mr. PIKE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Pike and Mr. Rivers.

The committee divided, and the tellers reported that there were—ayes 60, noes 136.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. LATTA

Mr. LATTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Latta: On page 2, line 20, strike out the period and substitute a semicolon and add the following: "*Provided*, That none of the funds authorized herein shall be utilized for the procurement of Sheridan Assault Vehicles (M–551) under any new or additional contract."

Mr. LATTA. Mr. Chairman, I discussed this amendment before the Committee on Rules on Tuesday. I have since discussed it with the Chairman of the Armed Services Committee, and I have discussed it with the ranking Republican member of that committee, and they are in agreement with it.

Mr. Chairman, I want to commend the committee for accepting this amendment and recognizing in this bill that this Sheridan tank has not only been a costly failure but according to reports, it constitutes a safety hazard for its occupants. It is, therefore, time to bring the program to a halt. Believe it or not, $1 billion of taxpayer's money has been expended on this unworthable tank since 1959 and some army people still want to continue it.

By adopting my amendment there would be no further contracts entered into for these Sheridan tanks, or better known as Sheridan assault vehicles, after the present contract expires.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I will be happy to yield, but first let me point out to the gentleman from New York that I do not believe I have ever read a more comprehensive report on any given subject than the one that the gentleman and his subcommittee prepared on this subject and I commend him for it.

Mr. STRATTON. I certainly appreciate the gentleman's very generous words.

I was not quite clear on listening to the gentleman's amendment whether his amendment would alter the bill to the extent that we are funding those tanks which would represent completion of the original contract which was signed back in 1964.

The committee felt, after examining the situation, that to terminate this contract short of the remaining number of vehicles—and I have forgotten the exact number, but I think it is 20 or something like that—we would actually run into more expense, with increased costs. I do not know whether the gentleman is trying to prevent us completing that.

Mr. LATTA. No, I am not attempting to do that. I agree with the gentleman's finding in his report that it would probably cost more money to terminate the present contract than to permit them to fulfill what remains of it.

By reason of that fact, my amendment does not terminate the present contract but says none of the funds authorized herein shall be utilized for the procurement of them under any new or additional contract.

Mr. STRATTON. I appreciate the gentleman's explanation.

Mr. LATTA. I want to make it clear, however, that we want no more of these tanks.

Mr. STRATTON. I think I am in complete agreement with the gentleman.

Mr. RIVERS. Mr. Chairman, I do not see how I can oppose this amendment, and so far as I am concerned, I accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Latta).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows·

Amendment offered by Mr. Leggett: On page 2, line 4, strike out "$4,002,200,000" and insert "$3,962,200,000".

On page 2, line 8, strike out "$1,486,400,000" and insert "$1,466,000".

The CHAIRMAN. The gentleman from California (Mr. Leggett) is recognized.

Mr. LEGGETT. Mr. Chairman, this may be the last amendment to the hardware items in this bill. This is your last opportunity to register a vote for economy, if you are so inclined. If you are inclined to err ad infinitum on behalf of safety, why then shout this amendment down.

I want to tell you in spite of how it may appear on the floor here that some of we dissidents from the committee might lay bare our defenses; certainly that is not true.

We are recorded by not making our objection in this bill for the F–14 aircraft, the F–15 aircraft, the VSX aircraft, the EC–3A aircraft, for the SAM–D and I could go on and list another 50

XUM

programs that we have approved up to this point and that we are going to approve.

So we are not nitpicking and we are not singling out every single item in the bill to object to.

But with the SRAM particularly, that program appealed to us for curtailment. It appealed to the Department of Defense for curtailment because this year they cut out of that program $326 million out of the development costs. They are not totally terminating the program. They would leave in the bill on the order of 84 million for research and development and $40 million for SRAM modification of the B–52. Twenty million dollars for the development of the SRAM missile itself. The SRAM is defined in the Air Force Space Digest as a short-range supersonic air-to-ground launch and standoff attack missile.

It is going to replace the Hound Dog missile but it is supersonic. It is nuclear and it is expensive. I say, if it is the will of this House to impose some limitations on the unreasonable expenditures of contractors, then I say, this is the place to go ahead and include some discipline. As I note in my remarks, at page 172 of the report, in this one contract alone we thought it would cost us, about three years ago, $161 million to develop this program with the great company of Boeing. They have been doing other things, but I guess they have not been able to zero-in on just exactly what we are doing here, because their development costs now are $314 million, a 94-percent overrun, a greater percentage overrun than we have any place in the Department of Defense or the Department of the Air Force.

The cause of it, as has been explained in the report, is the fact that this is in part a program in which we need to work with the Atomic Energy Commission to develop nuclear warheads. It so happened, over in the AEC section, they developed a warhead that was an inch out of kilter with the balance of the missile. This seems totally impossible in this day and age when we can put a man on the moon within a half minute of the time we prognosticate. But that is what they did with this program.

We were supposed to have a flying air-to-ground supersonic nuclear missile tested in February of this year. The tests did not come off because the program did not jell. It was not until July of this year that we finally got the solid-propellant engine in this missile to reignite in flight but the missile still missed its target.

I would say another thing. This missile is supposed to be developed in the early seventies so that it can attach to the B–52. The B–52, according to other sections of the majority report is scheduled to be phased out in the mid-seventies—so how long will the system be useful?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEGGETT. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HALL. I object.

The CHAIRMAN. Objection is heard.

Mr. FISHER Mr. Chairman, I move to strike the last word. I shall not consume the time allotted to me, because I feel the Members would like to hear the gentleman from Washington (Mr. Hicks) when he addresses himself to this subject. I know he is knowledgeable about it, and I know he has some very strong views.

Mr. Chairman, this amendment should be defeated. As you can readily determine by turning to page 74 of the committee report, authorization for the further R. & D. and early production of the short range attack missile—SRAM—is of the highest urgency. It will fill a vacuum in our family of missiles. SRAM missiles will provide our deterrent force with greatly increased capabilities to penetrate terminal defenses and present a variety of threats for the enemy to worry about. The range is about 350 miles.

Early deployment of the SRAM will produce three distinct cost advantages. The useful life of the B–52 can be extended into the mid–1970's, thereby reducing the need for their earlier replacement. It will permit a leveling off of FB–111 aircraft. And it will be needed for the advanced manned strategic aircraft.

As is not uncommon in the development of highly sophisticated weapons, many technical difficulties have plagued the SRAM development effort. Fortunately most of the bugs have been removed. There was a successful test from a B–52 at White Sands on July 29, and another is scheduled within a few days from now. Perfecting this weapon has been a long and rocky road to travel. And it has been expensive, but very rewarding.

It has now been determined that the technology is sound and that a reliable system will emerge. After additional tests, procurement will be in order, but there will be no procurement until further tests are concluded.

In case funds for procurement are not provided, the Air Force will have a proven missile system in April 1970 but no funds to provide for its deployment, causing a slippage of operational use by an estimated 18 months.

It is imperative that this funding be provided—now. It is foolhardy to deny the Air Force the opportunity to deploy the SRAM at the earliest possible date and at the same time cause a very costly delay, both in time and money, and above all—the strategic strength of our Nation.

PARLIAMENTARY INQUIRY

Mr. DELLENBACK. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DELLENBACK. Mr. Chairman, did I understand the reading clerk correctly when he read the amendment offered by the gentleman from California (Mr. Leggett) on page 2, line 8 to call for a reduction of the figure from "$1,486,400,000" to a grand total of "$1,466,000", a reduction of $1,485,000,000?

The CHAIRMAN. The gentleman is correct.

Mr. LEGGETT. Mr. Chairman, that was a Freudian slip. That really should have read "$1.46 billion" in the last part of my amendment. I ask unanimous consent that my amendment be so corrected.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will reread the amendment.

The Clerk read as follows:

> Amendment offered by Mr. Leggett: On page 2, line 4, strike "$4,002,200,000" and insert "$3,962,200,000".
>
> On page 2, line 8 strike "$1,486,400,000" and insert "$1,466,000,000".

Mr. HICKS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California.

The hour is late and we are getting tired. I suspect this amendment is going to be defeated anyway, and it should be defeated.

The SRAM missile is part of our strategic nuclear deterrent. It is just exactly the same as the missile on the ground, the Minuteman, and the Polaris submarine in the ocean, and this is the weapon we use on our aircraft.

As pointed out by the gentleman from Texas, it is a nuclear tipped missile, about 14 feet long. A B–52 will carry 20 of them. The FB–111 will carry six of them. It is to be used and is used as part of our nuclear deterrent.

There will be probably amendments offered later to strike funds for the AMSA (the Advanced Manned Strategic Aircraft) now called the B–1.

People say we do not need a new bomber. Well, if we do not need a new bomber, certainly we need to be able to use the bomber we now have, and the bomber we now have is the B–52, and the B–52 is not usable against the defenses of the Soviet Union if it has to carry bombs over the target and deposit them.

Mr. FRASER. Mr. Chairman, will the gentleman yield for a question?

Mr. HICKS. I yield briefly.

Mr. FRASER. Mr. Chairman, I do not wish to take up the gentleman's time, but I am curious about one fact. As I understand it, although the Soviet Union has no strategic bomber force and we do, the Russians therefore have a relatively good air defense system.

Mr. HICKS. I so understand.

Mr. FRASER. If we equip our B–52's with this new missile, the SRAM, the Soviet Union would probably be forced to operate their air defense system.

Mr. HICKS. We will anticipate that they will continue to operate their air defense system regardless.

Mr. FRASER. So what we will be doing as we add the SRAM to our inventory is force the Soviet Union to a further expenditure in defense, which may be good, because that will use up all her resources and thereby make it more difficult for her system to work.

Mr. HICKS. Of course, that is one of the theories behind having the mix of offensive weapons we have, so that they have to be equipped to defend against all three of them. There is no question about that. That would be one of the subjects we hope that would be taken up in the

XUM

Strategic Arms Limitation Talks—SALT—if they occur.

Mr. FRASER. At least it would be fair to say the Soviet Union has no counterpart to the U.S. strategic bomber force.

They do not have the same forces, and as far as the gentleman knows they are not planning to acquire a larger force?

Mr. HICKS. That is my understanding.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding, because that is certainly not my understanding.

I am a little tired of hearing the assumptions that we are ahead in nuclear capacity, in fleet capacity, in capital ship capacity, and now in strategic capacity. I do not know on what intelligence or on what basis these assumptions are handed out here willy-nilly, and on which some of the debate is based.

The gentleman is a member of the committee. He hears about the Bison, the Bear, and the Badger. He knows of the overflights and the long-range TU-41. We know, within reasonable figures, the exact numbers available, and the capability of the aggressor's strategic air force.

I believe we should straighten out the record as to the assumption that there is no strategic air capability in the aggressor.

Mr. HICKS. The gentleman is exactly right that we know the Soviet capability. He also knows as well as I know that the Soviets do not begin to have the capability of the Strategic Air Force we do, despite all the names he so glibly reeled off just a moment ago. They do not begin to be able to compete with our Strategic Air Force.

Nevertheless, we still need the SRAM missile to make our Strategic Air Force even better, to keep it at top capacity, so that if we do not get the AMSA now called the B-1 we will still have the very best in the way of a nuclear deterrent.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

I appreciate the candor of the gentleman from Washington in his discussion of the Soviet bomber threat.

Here we have a contest between the United States strategic bomber offensive capability and a growing Soviet air defense which they are trying to maintain so as to offset our bomber threat. Now we are being asked to spend more money to make our bomber threat more credible, which will force the Soviets to spend more money to make their defense more effective.

I am not against making our bombers more effective, but it seems to me at some point we ought to recognize that all we are doing is fueling the arms race. We are seeking to improve an arm of our strategic force which has not substantial counterpart in the Soviet Union. Because they obtain some kind of a defense against what we have, we try to go to an even higher plateau of effectiveness.

When does reason intervene to stop this kind of ever-increasing rise in the arms expenditures? When can we say we have a sufficiently credible bomber deterrent? Perhaps it has some problems of penetration, but we do not have to face a comparable threat from the Soviet Union.

Before this debate is over, I hope that it will be made crystal clear that when we have put Poseidon missiles into 31 nuclear submarines we will have in every single submarine the capacity to destroy 160 Soviet cities, more cities than are worth destroying. There is nobody on the floor of the House who even pretends that our submarine fleet at the present time is vulnerable to any Soviet destruction. If they should try to destroy our submarine fleet, and they miss but one, then we would destroy 160 cities.

It is this kind of madness, it is this kind of unrealistic effort to meet contingencies which are remote, which is bothering the people of the United States.

We have, as has been said here before, very real threats to the United States that emanate from within. We have problems in our cities and racial tensions; we have alienation; we have young people marching. Yet we go blithely forward spending, spending, spending for military expenses against contingencies which are neither real or substantial. I hope at some time this House will feel the concern that the American people have as we move this spiral upward, and that instead we will begin to respond to their desire for a balanced and improved defense program which is related to the real world and protects our security, but not a program that goes after every conceivable, marginal threat.

Mr. HAGAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have followed closely the development of the short range attack missile—SRAM.

The original program for its development was approved in 1965 based on the Air Force estimate of $161.6 million, excluding contract definition. Since the inception of the SRAM, a total of $297.4 million has been appropriated for research, development, test and evaluation only.

The development cost has grown to an estimated total of $413.4 million.

There has been two principal reasons for this cost increase:

First, various technical problems encountered during development have required more time and effort to solve than had been originally estimated.

Second, design changes and schedule availability changes in Government supplied interfacing equipment have caused redesign and rescheduling of SRAM system components.

As you may know, the major area of technical problems was the development of the missile rocket motor.

Although progress is now being made, the motor subcontractor faced very serious problems in 1967 and 1968 due in part to stretching the state-of-the-art required to build this small motor in a compact body.

Solving these problems involved major efforts including the redesign of this motor, which has run the subcontractor's costs over the ceiling of the subcontract.

Under the incentive sharing arrangement of the subcontracts, the prime contractor must pay a portion of the costs over the target price up to the ceiling price.

The Government pays a portion of these costs up to the prime contractor's ceiling price in accordance with the cost sharing provisions of the contract.

Costs over the ceiling price are paid solely by the contractor.

These technical problems also extend the period of time the development program must be carried prior to going into production.

The first powered missile launch, scheduled in August 1968 was accomplished from a B-52 over the White Sands Missile Range, N. Mex., on July 29, 1969.

The contract test objectives were satisfactorily accomplished on this mission which gives high confidence that the motor problems have been solved.

In my review of the program, I have found that the biggest part of the cost increase in the design changes and availability of Government supplied equipment are in the FB-111 interface and the availability of the FB-111 for test purposes.

The SRAM development contract incorporated a specific baseline for each of the SRAM carrier aircraft configuration, this being the aircraft's performance including the avionics and the availability of these aircraft as Government furnished property to the SRAM contractor.

Under the total package contract which outlined correction of deficiencies responsibility for the total combined B-52/SRAM and FB-111/SRAM systems, including the interface specifications, the Government became liable whenever its side of the interface specifications or its requirement to furnish equipment could not be met.

I further found that the principal difficulty had to do with the large numbers of changes that were required as a result of the concurrent development of the FB-111 aircraft, the SRAM missile itself and the warhead.

The result is that as a problem shows up requiring a design change on the aircraft it necessitates a design change on the missile to insure compatibility as both evolve into operational hardware.

Since the SRAM must also be compatible with the B-52, it also resulted in many engineering hours and hardware redesigns for this aircraft.

Some of these major interface problems were:

The change of the engine inlet on the FB-111, the redesign of the bomb bay doors, the interface with the Mark I, then the change to the Mark II Avionics, redesign of the warhead to incorporate Permissive Action Link—another nuclear Safeguard which is classified—and the updating of the B-52 Bomb Navigation Capability, and additional B-52 emergency power requirements.

Further, various developments and changes in the FB-111 program—slips, reduced buys, and so forth—have caused the availability of test aircraft for SRAM to slide significantly since the start of the SRAM program.

This has required rephasing and stretchout of the SRAM test program.

XUM

Due to the reasons I have just enumerated, the original program cost estimate of $161.6 million for SRAM development has grown to an estimated $413.4 million, of which $190.1 million is related to the interface and schedule changes discussed. Since these changes are directed by the Government, these are costs which must be borne by the Government.

The estimated over-target costs of $60 million is the Government's portion of the cost increases due to the unforeseen technical problems I discussed earlier.

On the surface, it would appear the program suffered from weaknesses in coordination of the program which, no doubt, cost the taxpayer a substantial sum.

And perhaps some of this could have been avoided by better planning and coordination.

To that extent, improvements must be made within the Department.

Despite the high cost of the SRAM program, however, we should not lose sight of the fact that the program is now on the threshold of production. We should not deny this request for funds because we have incurred seemingly exhorbitant costs.

We must not take away the opportunity from the Air Force to prepare for production when it appears to be within grasp.

The earlier this weapon is introduced into the weapon inventory, the more savings we will derive.

The real savings are derived from the extension of the useful life of our B-52 bomber forces and the reduction of large numbers of strategic bomber forces.

I urge my colleagues to carefully consider the SRAM program from this viewpoint before consideration is given to any hasty reduction in funding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Leggett).

The question was taken; and on a division (demanded by Mr. Leggett), there were—ayes 34, noes 88.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Pike: On page 2, line 6, before the semicolon, insert the following language: "No funds authorized and appropriated for the deployment of an anti-ballistic-missile system shall be expended until the Congress has been advised by the executive branch of Government of a clear policy and definitive plans for the command and control of such system. Such definitive plans shall include at a minimum the following information: The titles of the person or persons authorized and responsible to order the launch of the missiles; the manner in which that person or persons shall be informed of an impending attack and shall give the order to launch; any provisions which are made for contingencies regarding the absence, death, or disability of such persons and the titles of all persons authorized to and responsible for the exercise of command and control under such contingencies."

Mr. PIKE. Mr. Chairman, I think that this should not be a long discussion. But I do think it is an important discussion.

Let us start by saying this is one which to the best of my knowledge no one supported me over in the committee and I do not want there to be any question that I come here fresh from some other triumph on the Armed Services Committee. No, I will take that back. I am advised that I did have one vote of support.

We have authorized the deployment of an ABM. Our basic law, as I understand it, on the control of nuclear weapons and who can authorize the use of them, is in the Atomic Energy Act, and it says that:

> The President from time to time may direct the Commission to deliver such quantities of special nuclear material or atomic weapons to the Department of Defense for such use as he deems necessary in the interest of national defense.

The report which accompanied that legislation said this:

> In view of their enormous military significance the atomic weapons are subject under the bill to full control by the President as Commander-in-Chief.

In our hearings—and I refer you now specifically to page 1927—we discussed the question. And there are many people who disagreed with me as to the validity of the ABM concept who share with me a troubled feeling as to who is going to authorize the firing of the ABMs, and perhaps with some people it is a question of whether it will get authorized in time or not. My own feeling is that if we continue to say, as we have said that only the President has this power, the system simply cannot work. I read from page 1927 of the hearings and this is a question I asked of Secretary Packard:

> Mr. Pike. You were quoted, I think, personally, as saying that there would be no delegation of this power. I think this is very vital, Mr. Chairman, this point that you raised.
>
> The Chairman. I think so, too.
>
> Mr. Pike. You were quoted in the New York Times as saying there would be no delegation of this power. Is this an accurate quotation?
>
> Secretary Packard. I believe it is very important. The nuclear weapon is such a dangerous device that I think it is necessary that it be kept under the control of the President.

I should say, just to put this in context, that we were talking about the ABM.

On the following page, page 1928, Dr. Foster said:

> Now, to release this weapon under these conditions—

He was talking about the different types of nuclear attack on America—

> requires the authority of the President. As we said yesterday, the President is never away from the communications that tie him to the civilian military authorities that operate the system.

Well, I just submit to you that that is poppycock. The President is away from the civilian military authorities that tie him to the system. The President may be throwing out a ball at the opening ball game. He may be doing some very important work in southeast Asia. He may be in all kinds of places, but he is not available all the time.

He was not available at the time of Pearl Harbor. The message did not get there.

He was not available at the time of the *Liberty* incident—the message did not get through.

The *Pueblo* messages did not get through, and the EC-121 messages did not get through.

Mr. LONG of Maryland. Mr. Chairman, if the gentleman will yield, is it not also true that he was not necessarily available at the time when he was visiting an Iron Curtain country recently.

Mr. PIKE. Of course it is true that he was not instantly available.

I simply submit to you that there are people who are in favor of delegating this power. There are people who are not in favor of delegating this power. I think the very least we have to do is establish some lines of command and control, and be honest with the American people about what we are doing, because if you are not honest with the American people about what you are doing we are telling them that we are depending upon a system that we know cannot work, because the President is never going to get the message in time to use it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HALL. Mr. Chairman, the amendment of the gentleman from New York (Mr. Pike) would preclude deployment of any anti-ballistic-missile system until the President revealed to Congress the persons who would be authorized—delegated—the responsibility of firing the defensive weapon. The Chief Executive would have to reveal the manner in which the Congress would be informed. In addition, the Commander in Chief would have to reveal the manner in which the order would be given and, finally, who would succeed to the authority.

Mr. Chairman, I hope the amendment will be defeated on the basis that the President is the Commander in Chief. I have already spoken about our responsibility as a Committee and as the Congress to raise, provide for, and support the Armed Services and will not repeat it at this time. I am very jealous of the duties of the Congress, and anxious that we fulfill our committee responsibilities, but there is such a thing as the principle of the separation of powers between the executive, legislative, and judicial branches. Having served in the executive branch during World War II, I am anxious that the Commander in Chief be allowed to continue operating our forces, and indeed be the Chief Executive and administrator of the executive branch. This amendment would require an infringement on his constitutional prerogative—and indeed his responsibilities—and change operational control to "advisory to the legislative branch." It would lock the President in. Second, the release of this information would increase the possibility of sabotage of our command and control system to say nothing of our defensive system. I believe the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Pike).

The question was taken; and on a division (demanded by Mr. Pike), there were—ayes 32, noes 86.

So the amendment was rejected.

Mr. HALL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks immediately prior to the action on the previous amendment.

Mr. NEDZI. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ARENDS. Mr. Chairman, I move to strike out the last word, and I am not going to take any time.

But we have just seen a rather unprecedented incident take place in this House where any Member of Congress is denied the right to extend his remarks in the RECORD. I wish the gentleman would reconsider and withdraw his objection.

AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. PIKE: On page 2, line 4, add the following language: "of which $42,000,000 is authorized to be appropriated only for the procurement of OV-10 aircraft".

Mr. PIKE. Mr. Chairman, I regret to say that this amendment does not save a dime.

It does this. It does not say where the money is to come from, but it would be my hope that we would take the price, or at least the alleged price of two C-5A aircraft and with it buy approximately 100 OV-10 aircraft.

The OV-10 aircraft is not a glamorous plane. It is a relatively small plane optimized for the light attack role in a guerrilla environment.

It recently had writeups in both the Navy Aviation News and the Armed Forces Journal. The Armed Forces Journal referred to the fact that over half of the engagements in Vietnam last less than 20 minutes. The OV-10 in a test which the Air Force recently ran was available in 5 minutes. The nearest any other aircraft we have, for the close-air-support role, can come is an average of 50 minutes. If half of the engagements are over in 20 minutes and the planes do not get there for 50 minutes, you really do not have anything you can call close air support.

The gentleman from Indiana (Mr. BRAY) yesterday made a fine speech about the A-7 as a close-air-support aircraft. The A-7 started as a plane called the F-8. It was made by Ling-Temco-Vought. It was a fighter plane. They did not have anything else, so they decided to make an attack plane out of it. At that time the project was called Val. So they gave some to the Navy and they gave some to the Air Force, and the Air Force found that with the engine they had in it they couldn't get it off the ground. Literally, on a hot day, with a full load in Vietnam, the plane would not fly. So they had to put a more powerful engine in it, and they did it.

But it is not a close-air-support aircraft. It is a conversion of an obsolete fighter. That is what it is.

Later on in this bill you will find a provision prohibiting the Air Force from developing the only close-air-support plane that the Air Force has ever come close to supporting. It is a plane called the Ax. The committee bill says, "Don't develop the Ax." And I am saying, for heaven's sake, if we really care about the people who are on the ground in Vietname or anywhere else, let us get them an aircraft that can get to them within the timeframe in which they need it. If the OV-10 can do it in 5 minutes and it takes anything else 50 minutes, let us give them an OV-10. For the price of two C-5A's you can get 100 of them. I happen to believe that we are not really going to have the nuclear holocaust. I happen to believe that our deterrent power plus the simple sanity of world leaders is going to prevent this all-out nuclear exchange that we all dread.

So what are we left with? If you were a Communist leader and you saw what was going into Vietnam, what would you do? I would submit you would try to start more Vietnams, and I would suggest to you that we ought to have the kind of plane which is performing magnificently over there. We have an opportunity to buy it. The production line for us is over, but the Germans are buying some. This is the last opportunity we will have to do it, and I think it is important.

Mr. DEVINE. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN pro tempore. (Mr. ROONEY of New York). The gentleman from Ohio is recognized.

Mr. DEVINE. I rise for economic reasons as they relate to the amendment offered by the gentleman from New York. The OV-10A is also known as the Bronco. This is a counter-insurgency-type aircraft. It happens to be the product of a manufacturing company in my district, in Columbus, Ohio, the North American Rockwell Co. They worked for many years developing this aircraft, and it is currently in use.

Last month I put a rather detailed, comprehensive report on the performance of this aircraft into the RECORD, and I would invite our Members' attention to it. This will not give us any additional funds. It is my understanding the amendment offered by the gentleman from New York would merely substitute an OV-10 aircraft in place of two C-5A's and it would serve the purposes that are needed in our current conflict in Vietnam.

Mr. PRICE of Texas. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. PIKE). I am in full agrement with his proposal that $42,000,000 be authorized to be appropriated from the suggested aircraft allotment for the Air Force, and utilized solely for the procurement of the OV-10A aircraft manufactured by North American Rockwell.

I support this particular procurement from a rather unique perspective, at least for a Member of Congress. I have logged several hours flying time in the OV-10A aircraft. I have put the Bronco, as it is called, through several series of maneuvers and flight tests similar to those I employed when I flew combat in jet fighter planes during the Korean war. I found the Bronco to be highly maneuverable and extremely flexible in terms of the combat support functions it could provide our troops in the field.

The record that the Bronco has compiled in only 7 months of combat operations in Southeast Asia is an enviable one. It is a matter of record that during the 7 months Air Force OV-10A's were used in the combat zone, they compiled an average monthly utilization rate of 94 hours. In addition, the average operational readiness rate for the 7-month period was 87 percent, as compared with the Air Force standard rate of 71 percent. The Marine Corps has maintained high utilization and operational ready rates with the Bronco, accumulating 16,100 combat hours through April 1969. Together, the Air Force, Marine Corps, and the Navy, totaled almost 36,000 combat hours through April of this year using this aircraft.

The OV-10A has some special attributes which are worthy of mention. A Bronco piloted by two veteran Marine Corps officers has claimed a new class distance record with a nonstop flight of better than 2,500 miles. With the exception of auxiliary fuel tanks, the record-breaking aircraft is identical to those now in service in Vietnam.

The Navy is presently using OV-10A's to power its light attack squadron which, in addition to fulfilling valuable forward control and spotting functions, is providing much-needed firepower support for U.S. ground troops operating in the enemy-infested delta region. Normal firepower for the Bronco includes machineguns and rockets of various sizes.

I know from experience how valuable these armaments can be. If a pilot is flying a forward position and he spots an enemy tank that has American troops pinned down with deadly gunfire, there is no time to call up planes with heavy armament. In situations such as this, the enemy tank must be knocked out on the spot. The Bronco can perform this task. In tight spots, it can help save American lives.

The operational successes of the Bronco have been recognized by our allies. At the recommendation of the German Air Force, the German Ministry of Defense is buying 18 OV-10A aircraft through the U.S. Government, with follow-on production orders. Performance, not advertising, sells contracts such as this; we would be wise to profit from it.

Mr. Chairman, on the basis of my personal experience with the OV-10A Bronco, coupled with its outstanding performance in the field. I can recommend its increased utilization by the U.S. Air Force. I think that earmarking $42,000,000 in the general Air Force aircraft procurement quota is a good way of insuring that the Bronco will see further action; I hope, however, that all the services will employ the OV-10A, as its flexibility, versatility, and durability, makes it ideally suited for our air combat needs.

Mr. RIVERS. Mr. Chairman, I oppose the amendment. The plane called Bronco was built as a counterinsurgency aircraft. I have in my hand a picture of it. It has done a terrific job. Nobody, but nobody, but nobody ever dreamed that this fine little aircraft would be for close ground support. It is fine as a forward air control aircraft—FAC—but they could not use it for close ground support. In any area but South Vietnam, they would

XUM

shoot it to kingdom come. When you get over the frontlines, you have to get in and out fast. This plane is just not designed for that purpose. We have a close ground-support plane, the A–7, which is a magnificent aircraft and a subsonic aircraft. They made a deal with the Army that the Air Force would take the close ground support and the Army would yield certain aircraft they had for that purpose.

Yet, they did not try under the last Chief of Staff to make the A–7 work. We made them take those or we would take the close ground support from them. This little aircraft has great capability. It is a magnificent aircraft, but the plane is not designed for this sort of thing. It just cannot operate that way. Now we have a plane doing that. We have never yet fulfilled the mission of the A–7. We have the plane. Let us make the Air Force use it. But the OV–10A is not for this purpose.

Mr. Chairman, I ask that we vote on the amendment.

Mr. LEGGETT. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. LEGGETT. Mr. Chairman, I yield to the gentleman from New York (Mr. PIKE) to close the debate.

Mr. RIVERS. Mr. Chairman, I asked that we vote on the amendment.

Mr. PIKE. Mr. Chairman, I think the gentleman from California was recognized.

The CHAIRMAN. The Chair will state the Chair recognized the gentleman from California for 5 minutes for purposes of debate. He has yielded to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, it is absolutely true, as the Chairman states, that the Air Force has never used the OE–10 in the role of close support, but the OE–10 is flown not only by the Air Force, but also by the Marine Corps, and it does act in that role, and also the Navy does use it in that role.

This plane is an armed aircraft in the Marines and in the Navy. It has never been an armed aircraft in the Air Force until they finished their evaluation of it this year. It is an armed aircraft today, and it can be used for close air support, as it is in the Marines.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, the Marines have an altogether different mission. Everything in the Marines, when they talk about obstacles, is close ground support—even the cooks and the bottle-washers. This has nothing to do with close ground support as we have it on the battlefield. We have a close air-ground support but this is not it. We cannot compare the Marines with the U.S. Army. Theirs is a different mission.

Mr. LEGGETT. Mr. Chairman, I will read from the U.S. Air Force Digest, on page 215, talking about the OV–10, where they say this aircraft carries more armament and can perform close support duties.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PIKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. BINGHAM: On page 2, line 3, strike "$2,391,200,000" and insert in lieu thereof "$2,116,200,000".

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes in support of his amendment.

Mr. BINGHAM. Mr. Chairman, my amendment eliminates $275 million in procurement funds for the first production models of the airplane. The amendment does not affect research and development—R.T.D. & E.—funds, $175 million, or the Navy's plan to build and fly six test models, three of which are provided for in the $175 million. Let us not have another TFX fiasco.

The health of the American aircraft industry has been sorely tested by the boom-to-bust pattern of military procurement in recent years. We have seen many projects, which we backed in good faith, terminated or threatened with termination after costs got out of hand because Pentagon managers had acted with undue haste and optimism in deciding to go into production. This cycle is wasteful. It is unfair to the workers at defense plants which lose business. And it is harmful to national security. The experts are unanimous in agreeing that the way to prevent this disastrous sequence in the future is to build flying prototypes of new aircraft before making the commitment to introduce them into the military inventory.

My amendment says to the Navy: go slow. Build the first six test models with R.T.D. & E. funds and see how they fly. Be sure the aircraft can be built to weight and performance specifications before you pay to tool up for production. Make sure the new engines will live up to expectations, and that the Phoenix missile and electronics systems will work as you want them to. If and when all these systems work, it will be time enough to start production.

The early production models of the F–14 will be equipped with obsolete engines designed for the F–111, because an improved engine will not be available for at least 3 years. The F–111 engines will serve well on test models. But it is acknowledged that they have inadequate thrust for air-to-air combat with existing Soviet fighters, not to mention those that will surely come. The only stated purpose for rushing the F–14 into production now is to have a handful of aircraft—less than 100—to defend our fleet against Soviet bombers and ship-launched cruise missiles by 1973. But both the Senate Preparedness Investigating Subcommittee in a 1968 report on tactical airpower, and the chairman of the House Appropriations Committee, the gentleman from Texas (Mr. MAHON), have told us that the Soviet bomber threat to our fleet has failed to materialize as predicted. In 1961, Congress was told that it was imperative to have a fleet air defense system using the Phoenix missile against Soviet bombers by 1969. Last year we were told it was safe to put this defense off another 4 or 5 years. Nothing has happened since then to challenge the conclusion that this defense can be safely delayed at least another year beyond that while the large technical problems involved in this new aircraft system are worked out.

Because they will lack the new engines, the early production models of the F–14 will serve only to carry the Phoenix missile. This will cost at least $400,000 a copy, according to the latest estimates. Indeed, the whole Phoenix system could cost several billion dollars in addition to the cost of the F–14. Yet the Phoenix has not been tested against supersonic or maneuvering targets. The tests to date have been carefully structured. They are hardly a fair measure of the performance to be expected from this very expensive, very complex system under ordinary conditions of maintenance and combat. Clearly the Phoenix needs more testing. It would be foolish to authorize procurement of aircraft which can be used only for the Phoenix before it is clear that either the aircraft and the missile will work effectively.

Dr. John Foster, Jr., the Director of Defense Engineering and Research, has warned us that "we should be cautious" in developing the F–14, because, he says:

> Despite the best efforts of the professionals in the Navy and the contractors, we will have difficulties in fitting the Phoenix fire-control system into the new aircraft, and in mating the new engines.

And Admiral Connolly, the Deputy Chief of Naval Operations for Air, has declared:

> The least risk program is to build the airplane, build a half dozen perhaps and don't do another thing until you fly these airplanes to the point where you are sure you have worked out everything.

These gentlemen did, nevertheless, recommend against the "least risk" program.

The production aircraft proposed to be deleted by my amendment would be, pound for pound, the most expensive tactical aircraft we have ever put into production. Each of them would cost nearly $46 million. At a weight of 36,000 pounds each, that works out to over $1,270 a pound, more than twice the cost of gold. Once in mass production, the airplanes will cost close to $12 million each, and perhaps as high as $19 million. Recent Pentagon and industry studies are said to prove that a very good fighter can be built by 1974 for one-third as much, or less.

An impressive body of evidence based on Vietnam combat experience has been marshaled in recent months to show that the national interest could be better served by building a highly maneuverable fighter with great acceleration—characteristics in which, the Navy acknowledges, the F–14 is somewhat deficient. It was for this reason that the Air Force flatly rejected the notion that the F–14, even with advanced engines, could serve its needs for an air superiority fighter.

The most this amendment could cost us would be a short further delay in introducing a new fighter into the Navy, a delay which would be entirely compatible with the Air Force schedule for its new fighter, the F–15. We have had expert assurances that the delay would not entail a dangerous military risk. But from it we could gain a better, more reliable fighter. This could be an F–14 with most of the bugs worked out in advance of production. But it might be a substitute fighter, like the proposed VF–XX or a similar aircraft designed strictly for dogfighting. Many experts believe such an aircraft is not only more desirable than the F–14, but could be built and flown for some $15 billion less over a 10-year period. What Members of this Congress could wish to be accused, in years to come, of voting for a multibillion-dollar disaster in defense spending when the chance was offered to say to the Pentagon: be prudent, be absolutely sure you are buying what we need, and that it will perform, before committing us to production?

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is a case of trying to be holier than a pope.

The amendment offered by the gentleman from New York (Mr. BINGHAM) was considered by the "fearless five" who probably know more about this particular weapon than he does, and they rejected it.

As a matter of fact, I should not be standing up here talking about the F–14. The distinguished and able gentleman from New York (Mr. PIKE) is probably one of its most eloquent spokesmen. As a matter of fact, he and I entertained a number of Members of the House several months ago in the Rayburn Building, at which time the manufacturers of this aircraft appeared before us and spoke very eloquently about not only the job it would do but also the capacity of the company to perform the job.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am happy to yield to the gentleman from New York.

Mr. PIKE. That was the F–15.

Mr. STRATTON. It was the F–14, too. We talked about both of them. Would the gentleman suggest he is opposed to the F–14?

Mr. PIKE. I guarantee the gentleman if I were opposed to the F–14 I would offer the amendment.

Mr. STRATTON. The gentleman is an eloquent spokesman for both these aircraft.

The simple fact is that this is the Navy's answer to the F–111 fiasco. We have been all through the F–111, the TFX. They tried for years to adapt it to a Navy version. It would not work. As a matter of fact, it is not working very well even in the Air Force version. It was just too heavy for the Navy carriers.

Finally, a couple of years ago the Navy admirals persuaded the Department of Defense—with some help from the Congress—to forget about the F–111 and switch to a new Navy plane, now called the F–14. This is an aircraft which embodies all the good things that were in the F–111, but does it with less weight and does it more quickly. It has the variable wing, for example, the airweather avionics, the powerful TF–30 engine, the supersonic speed, and the Phoenix, stand-off missile. Because it embodies so much of the F–111 there is a much lower level of risk in its construction. And it is being developed, as Mr. PIKE, will tell you, by the company that probably has done more over the years in developing successful carrier aircraft for the Navy, the Grumman Corp. of New York.

Now, I am a little surprised that the gentleman from New York should have tried to create the impression in what he put into the RECORD on yesterday on page 27973, that both Dr. Foster, the head of R. & D. for the Defense Department, and Admiral Connolly are against this aircraft and are in favor of his amendment. I have here in my hand a letter to the chairman of our committee dated today and signed by Dr. Foster which I would like to read to this House:

> DEAR MR. CHAIRMAN: The F–14 is an advanced design, carrier-based fighter aircraft. The program has been laid out to proceed through the test phases in an orderly manner. It was thoroughly reviewed prior to initiation by all elements of the OSD, and has since been under constant surveillance by both Secretary Packard and myself. By using the engine and avionics from the F–111B program, and designing solely against Navy requirements, the technical risk is considered to be low. The flight test phase is, of course, the first real opportunity to confirm the design and identify where modifications are needed. While the initial six research and development aircraft can gather some data, experience has proven that additional numbers are required to provide timely investigation of all elements of the system. The magnitude of the testing requires these additional aircraft.
>
> The program enjoys high priority in the Navy, and accordingly, people of the highest professional competence have been assigned to manage it. Progress is being reported on a quarterly basis and evaluated against defined milestones. Specific inquiries are initiated as the situation warrants. For example, last spring the NASA was asked to make an independent performance evaluation of the design. Their results essentially confirmed the Navy and contractor calculations. To date the program is on schedule and meeting the design objectives.
>
> Inasmuch as the F–14A is urgently needed to replace the aging F–4 and fill a Fleet Air Defense gap, I strongly urge that the DOD request for $275 million PAMN FY 70 be authorized and appropriated to continue the test and development phase of the program.
>
> Sincerely,
>
> JOHN S. FOSTER, Jr.

Mr. Chairman, we have already waited long enough in the Navy because of all of the fiascos connected with the F–111. Let us not delay further, as this amendment would do, because of the urgent need of the Navy for a modern carrier airplane. The gentleman from New York in the RECORD quotes Admiral Connolly as saying that:

> The least risk program is to build the airplane, build half a dozen perhaps, and don't do another thing until you fly these airplanes.

The gentleman from New York quoted this statement entirely out of context. The admiral said that would be the least risky policy, but he emphatically did not advocate it. Instead of that he said that we should go ahead with the program included in this bill, building 12 of these planes, because since we are applying here so many of the techniques which were worked out in the F–111 we are not taking any very serious technical risks.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am glad to yield to the chairman of my committee.

Mr. RIVERS. If you adopt this amendment, you might as well say that you are going to do away with the nuclear carriers, because this is to be based on the new nuclear carrier fleet, to replace one of the best planes we ever had, the F–4. You could not do anything like that, because it would sink the new Navy. This is being done by a good company, Grumman, and there is no better company on earth. We cannot be serious about this. Why do you want to take any more time on this? Why not just vote on this and get it out of the way?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RIVERS. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, I would hope that we can speedily get down to facts on the proposal to eliminate procurement of the F–14. Proponents of the amendment would take away the opportunity to acquire in the shortest possible time, a well-designed and almost certainly effective fighter, and offer instead something which is vague and indefinite and completely unknown for tomorrow. In the intervening time between the availability of the F–14, which would be 1973 at the earliest, and some hypothetical future date for a later aircraft, possibly 5 years later, we would have lost precious time to the Russians. It is an inescapable fact that while we have been preoccupied with the Vietnamese war, we have neglected modernization. This problem has been complicated by the failure of the F–111 series to measure up to expectations. The Russians have a new generation of fighter aircraft which soon will be coming into inventory and which undoubtedly will be superior to anything we now have. It should not be forgotten that only one or two of our aircraft are a match for their present Mig–21.

I do not want and I do not think the House wants to limit and possibly to condemn American fliers to the possibility of combat against obviously superior enemy aircraft in future years. The new Russian aircraft which will be coming into inventory may be as good as the F–14. Undoubtedly, they will be better than anything we now have. Money is not as all important as the sponsors of this amendment apparently believe. I would rather spend $275 million for the prospects of a better aircraft if it will insure even a reasonable chance that we will be as effective in the air as enemy forces. I do not think the House will want to forget that the F–4 which is now our best aircraft, has been in service since 1958.

It has been a great airplane, but in order to keep it effective, we have already improved it in every possible way. We have milked dry the possibility of future improvement. We must have a new aircraft. The House would be making a very serious mistake to refuse to approve the funds for the F–14. The Navy is as completely certain that this will be an effective aircraft as I have ever seen, and I have heard them testify on many, many weapons systems in my time here. I am willing to risk their judgment. I am convinced the House should do so.

Mr. RIVERS. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. HUNT), a member of the committee.

Mr. HUNT. Mr. Chairman, I have listened intently to the debate on the F–14. Likewise, I read with great interest the debate in the other body about the F–14. The subject matter that revolved around debate was great indeed and in many respects went way beyond the case itself. The credibility of everything—cost, performance, strategy, tactical usage, and so forth—was opened to attack on an almost indiscriminate basis. The very R. & D. nature of weapon system development and procurement creates an environment that is fraught with uncertainties and unknowns. When the Defense Department legislates in this environment with arrogance and a sense of cleverness as it has for the past 6 to 7 years, we are bound to experience a "credibility" gap. If we react to that credibility gap with a slashing attack at all programs—and we all know it is possible to find something wrong in hindsight with any major development program—we should ask ourselves if we are in reality closing or opening that gap even further.

Let me make one specific point on the F–14 program to illustrate my point. Those in opposition to the F–14 have cited a wide range of cost figures that create a picture of the F–14 as an extremely expensive weapon system when compared to an F–4 or even the proposed new F–15 airplane. I do not know where these cost figures are generated or how—they are certainly not to be found in the Navy Program Office that has responsibility for the determination and validation of such figures. The incredible point is that in the development of a large weapon system, you can find any combination or range of figures you want. With an overabundance of figures and statistics you can prove anything you want.

In this environment of widely varying rules for program costing and interpretation, it is possible to tell a "truth" that is so misleading as to destroy perspective and understanding. What is needed is to tell a simple whole truth that is constrained and purposely expressed to give understanding and confidence. We find for example unqualified estimates of the F–14 program costing $25 billion being entered into the RECORD. I can find no basis for such an estimate.

Such an estimate can only be due to a glib treatment of cost data and estimating factors and is inexcusable in the environment of debate and discussion.

There is a much simpler whole truth. The Navy has contracted with the Grumman Corp. for 469 F–14 aircraft—six R. & D. and 463 production aircraft—subject to the approval of the Congress. The information I have shows the program will cost $6.4 billion. This includes all three models, the F–14A, the F–14B, and the F–14C. It includes $1.3 billion for R. & D. and $5.1 billion for production. Most importantly, these figures are based on escalated dollars which means that provision has been made for a 4-percent compounded annual increase in cost for inflation from 1970 to 1976.

Gentlemen, let us concentrate on simple truths that we can understand—to my mind the Navy needs an F–14; the F–4 is rapidly becoming obsolete. The background of the F–14 design and development is comprehensive and as thorough as any program I have reviewed. The contract is correctly structured with incentives and safeguards. The management team within the Navy is a strong one. It is matched with a dedicated and strong contractor management team that has been in place with outstanding technical expertise from the inception of studies initiated some 2½ years ago. The program is on schedule, it has met a number of tough milestones to date with regard to mockup, release of drawings, and fully negotiated subcontracts.

I concur with the previous recommendations that we support this program and not jeopardize the future of this Nation by further needless, irresponsible, and naive debate.

I urge the defeat of this amendment.

Mr. STAFFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. However, I shall not take the full 5 minutes.

Mr. Chairman, I just want to say that I believe the F–14 is a very necessary aircraft for the U.S. Navy and that we should go ahead with its procurement as rapidly as we can, and that if we do that, we can have the first test flight in 1971 and we can have the aircraft operational and going into the inventory in 1973.

Mr. Chairman, it has been almost 15 years since the last air superiority fighter was designed in this country. If we do not move now with the new one, the Soviet Union will have at least two aircraft which will be superior as air superiority fighters over our present F–4 in its latest modification.

Mr. Chairman, without taking more time, I urge that the amendment be defeated.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from New York.

Mr. PIKE. As I have so frequently done today—I am tremendously impressed with the gentleman's judgment—and I would like to associate myself with his remarks.

Mr. QUILLEN. Mr. Chairman, I rise in support of H.R. 14000, to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

A number of major defense programs or systems are covered by the bill, all of which I support. These include the Safeguard ABM system, the C–5A transport, the construction of nuclear-powered surface ships, and the advanced manned strategic aircraft.

Mr. Chairman, I urge the passage of this bill without further delay.

Mr. BRADEMAS. Mr. Chairman, section 402 of the military procurement bill—H.R. 14000—contains a provision which has very grave implications for the future of American higher education.

This section requires the Department of Defense to submit to Congress 60 days prior to the award of a contract or grant for research and development at any given university a report on the status of previously funded research and development projects at that university.

This report must include "a statement summarizing the record of the school, college or university with regard to cooperation on military matters such as the Reserve Officer Training Corps and military recruiting on its campus."

While section 402 contains no provision for the cutoff of research and development funds to any university, it requires little imagination to see the intent of the legislation. Section 402 is little more than a thinly veiled threat to universities which, for their own reasons, decide to change the status of ROTC and military recruiting on their campuses. In this section, Congress is serving notice on our universities that abolition of ROTC or campus military recruiting will not be looked upon with favor, and could eventually result in the loss of defense research contracts.

This interpretation of section 402 is supported by the report of the Armed Services Committee on H.R. 14000—House Report 91–522—which states that section 402 "ties together the attitudes of colleges and universities and their record of cooperation with the Department of Defense and the Armed Forces in the areas of the Reserve Officers Training Corps and military recruiting on the campus with contracts and grants for research and development to the school and to individuals on the faculty and staff of that school."

The report continues:

> We also believe that when the scientific efforts are believed to be equal at several institutions, such research projects should be placed in universities which are cooperating fully with the Department of Defense in the national defense efforts.

Mr. Chairman, it would, indeed, be unfortunate if this potentially punitive provision is allowed to stand in the final version of the bill. Section 402 would constitute an irresponsible use of the power of the purse by the Federal Government to influence the internal decisionmaking processes of American universities. Universities already hard pressed by conflicting internal pressures, must not be stripped of their freedom to make decisions concerning ROTC and military recruiting on campus. It is not the role of the Federal Government to tell our universities how they should proceed in such areas.

But even more important, section 402 would play directly into the hands of those extremist elements on our campuses who want to destroy our universities. Many of our finest universities depend very heavily upon the funds they obtain through Federal research to maintain their standards of excellence, especially in the technical fields so vital to national defense. By successfully mobilizing the pressures against ROTC, which already exist on many campuses, the extremists could succeed in bringing to bear upon the university the official displeasure of the Federal Government, with, under section 402 of H.R. 14000, the implied threat of the cutoff of funds. The result could be irreparable damage to the quality of American higher education.

The militants on our campuses claim that involvement in Government-financed research has compromised the freedom of American universities, making them little more than appendages of our Nation's Defense Establishment. Section 402 would only serve to susbtantiate this argument.

I doubt very much that the Department of Defense is at all satisfied with section 402. I doubt that our military planners are willing to accept the 2-month delay in research and development programs which the reporting provisions of section 402 will involve. I doubt that the Pentagon will accept with equanimity the possibility of losing the services of some of our most important research installations. If this should happen, the national security of the United States would suffer.

At a time when our universities are being subjected to such intense pressures, it is especially important that Congress exercise prudence in dealing with the problems that affect higher education. Section 402 would serve to aggravate rather than to solve these problems.

I, therefore, hope that when the military procurement bill, as passed by the House, goes to conference with the Senate, section 402 will be deleted. As it now stands, section 402 is a big, fat gift to the extremists on the Nation's university campuses.

Mr. PRICE of Illinois. Mr. Chairman, an important item found in the House bill before us now is authorization for funds to provide the Air Force with 128 A-7D aircraft. In the other body there is no provision for A-7D procurement.

In extensive hearings before the House Armed Services Committee justification for the inclusion of an authorization of $347.7 million was made and the committee urges the House to support its action.

Testimony before the committee indicated that there is no question in the minds of both Navy and Air Force personnel intimately familiar with the operating characteristics of the A-7D and its Navy counterpart the A-7E, that these aircraft more than meet the specifications designed to fulfill their mission.

The A-7D is essential to the Air Force in its close support missions. Both the A-7D and A-7E represent a dramatic step forward in navigation and weapons delivery capability.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto do now close.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The amendment was rejected.

Mr. NEDZI. Mr. Chairman, I ask unanimous consent to withdraw my objection to the unanimous-consent request of the gentleman from Missouri (Mr. HALL).

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ADAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am sorry the last debate was cut off, because I wanted to ask the gentleman from New York (Mr. STRATTON) the question, because earlier today he had commented on the necessity for increasing the fleet—and as an ex-Navy man I understand the reasons for wanting to increase the fleet—then just in the argument just completed there were some comments about this being a fighter plane, and that we needed the fighter airplanes.

Not knowing about the merits of the F-14 or the F-15, or the TFX or F-111, or whatever it is, I want to know about where we are going to fight this naval war?

In other words, it seems to be that we are going to place fighters on our carriers in the anticipation of fighting the type of war we fought in World War II. And it is my understanding, and I do not pretend to be the military expert, perhaps, that the gentleman is, that the Russians do not have any carriers, and that we are not fighting a carrier to carrier battle, or a plane to plane battle, we are not fighting a fighter to fighter battle, and that instead we are fighting with missiles, and with nuclear weapons and other nuclear armament.

There is no other navy in the world today that anybody has to speak of except our friends. So I am trying to visualize this. Maybe we need the F-14 as a support fighter if we are going to fight off Vietnam, or someplace, as a fighter-interceptor together, on our carriers, and to take up the room from the bombers. If I understand what our idea is in having nuclear carriers to use them as a floating base, then it seems to me they should be doing it.

I would like to know the kind of concept the war that we are to be fighting.

Mr. STRATTON. Mr. Chairman, if the gentleman will yield, the gentleman apparently is not aware that we have carriers in Vietnam, and that we are not dropping nuclear bombs from them; they are not part of our strategic force, they are down there doing the day-to-day support work in Vietnam, and the plane that is doing the job is the F-4.

We also have carriers in the Mediterranean as part of our defense forces over there, and they do have a strategic role. They also are providing a lot of our attack power, our F-4's which, as the gentleman from Florida said, was first conceived in 1954.

Even Mr. McNamara, who has been both praised and excoriated on this floor, insisted that we needed a new plane when he first came in, and his proposal was the F-111 because he wanted the same plane for the Air Force and for the Navy, but it never worked. So our Navy has waited all these years to get a plane to replace the aging F-4.

I wish that I was as assured as the gentleman seems to be that we will never have to fight another engagement in which we will use carriers, but if the time should occur then we are going to have to have our carriers to bring our fighting power in where it may be needed, whether it is Korea or Vietnam, or whether it is in the Mediterranean, and I want to see those carriers equipped with the best possible planes.

Mr. ADAMS. I want the gentleman to answer my question. I agree with what the gentleman says, I am not arguing that point at all. My problem is this: If we are going to use these as attack carriers off Vietnam, and so on, we should have bombers and perhaps fighter bombers on them.

Now, the problem that I have, as I understand this is a fighter, and perhaps an intercepter, and that you are going to put on some jury rigs and let the F-4 carry out tactical support, or something else, but if you want to use them as attack carriers for some purposes so that they can go off on a mission, then put bombers on them and do not put fighters on them.

I want to know whether we are going on a fighter program or is this to be a bomber program.

Mr. STRATTON. I think the gentleman misunderstands the role of these aircraft. Some are called fighters, and some are called attack planes. The fighters have the capability of engaging other planes just as our F-4's have engaged the Mig's over in Vietnam, but they also have an attack capability, and the same thing is true of attack planes.

This is nothing new. We are not changing our role. This is simply a faster and swifter plane to deal with the threat. The Soviets have laid down eight new aircraft since the F-4 was first developed and we have not come up with a single new plane in this category.

The F-111 apparently is a lemon. It has not produced for the Air Force and it was grounded in Thailand. The F-111b was washed out for the Navy and apparently the FB-11 is being washed out. It is time that we at least tried to stay up with the Soviets in this field.

Mr. ADAMS. That is what I wanted to ask the gentleman. Are we developing a plane to match the Mig or something that is going to be a package like the F-111?

Mr. STRATTON. Exactly like the F-111.

Mr. ADAMS. Then I do not want it if it is like the F-111.

Mr. BINGHAM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I will not take the 5 minutes, but I have asked for this time simply for the purpose of assuring this House that I would not mislead the House.

I greatly regret the fact that the gentleman from New York (Mr. STRATTON) suggested that I did mislead the House. If the gentleman had been listening to me, he would have heard me say, after I quoted Admiral Connolly and Dr. Foster, that they did, nevertheless, recommend the F-14 program. After having spoken of another course as the "least-risk" program, they did not recommend that "least-risk" program.

I also regret that the chairman of the committee for the first time today moved to close debate without giving anybody else a chance to speak when there were a number of Members on their feet and the gentleman for the first time today moved to close debate without further time being yielded to anyone.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman.

Mr. RIVERS. I have no intention of cutting the gentleman off. I asked if everyone had finished speaking and I thought we were ready to vote.

Mr. BINGHAM. But members of the committee were on their feet, Mr. Chairman.

Mr. RIVERS. I did not know the gentleman wanted to speak twice on his amendment.

I thought since the gentleman had spoken once that that is what he wanted to do. If the gentleman had asked me to yield, I would have yielded.

Mr. BINGHAM. You asked the gentleman from New York to yield, but after I had asked the gentleman to yield several times during the course of his remarks to straighten out what he was saying.

Mr. RIVERS. There was not any intention of doing that and the gentleman knows that, I am sure.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman.

Mr. STRATTON. I might not have heard what the gentleman said in offering his amendment. I was preparing my own remarks in opposition. I apologize to him for not catching his statement that the admiral did not support his amendment. But I read the fact sheet which the gentleman put out on this amendment earlier today and I read the remarks he put in the RECORD yesterday on page 27973. In both cases he quoted Admiral Connolly in support of his position, and without mentioning that the admiral was actually opposed to his amendment.

Let me read to the gentleman what Admiral Connolly did say on page 3006 of our hearings about the proposal the gentleman offered as an amendment:

> Stopping the F-14A program and proceeding only with the F-14B will result in additional program costs of $340M.

Mr. BINGHAM. Mr. Chairman, I decline to yield further and yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,664,500,000, of which (a) $10,000,000 is authorized to be appropriated only for the development of the Heavy Lift Helicopter and (b) $75,000,000 is authorized to be appropriated only for the development of the SAM-D system: *Provided*, That none of the funds herein authorized shall be expended for research, development, test, and evaluation of the Cheyenne helicopter;

For the Navy (including the Marine Corps), $1,990,500,000, of which (a) $66,091,000 is authorized to be appropriated only for the development of the E-2C aircraft (b) $165,400,000 is authorized to be appropriated only for the development of the S-3A aircraft, (c) $20,000,000 is authorized to be appropriated only for the development of the Undersea Long-range Missile System, (d) $67,900,000 is authorized to be appropriated only for the development of the Advanced Surface Missile System, and (e) $517,300,000 is authorized to be appropriated only for the research and development of Anti-Submarine Warfare Systems;

For the Air Force, $3,241,200,000, of which (a) $15,000,000 is authorized to be appropriated only for the development of the RF-111D aircraft, (b) $1,000,000 is authorized to be appropriated only for the development of the Light Intratheater Transport aircraft, (c) $18,500,000 is authorized to be appropriated only for the development of the CONUS Air Defense Interceptor, (d) $84,700,000 is authorized to be appropriated only for the development of the Short Range Attack Missile (SRAM), and (e) $40,000,000 is authorized to be appropriated only for the development of the Airborne Warning and Control System (AWACS): *Provided*, That none of the funds herein authorized shall be expended for research, development, test and evaluation of the A-X aircraft; and

For the Defense Agencies, $450,200,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1970 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $75,000,000.

SEC. 203. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

Mr. RIVERS (during the reading). Mr. Chairman, I ask unanimous consent that title II of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. FRASER. Mr. Chairman, reserving the right to object, I wonder if the chairman could tell us what his plans are with respect to having the Committee rise tonight.

Mr. RIVERS. I am ready to move that the Committee rise right now.

Mr. FRASER. So if the gentleman's request is granted, you expect to have the Committee rise?

Mr. RIVERS. Yes.

Mr. FRASER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina (Mr. RIVERS)?

There was no objection.

Mr. RIVERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14000) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, had come to no resolution thereon.

HOUR OF MEETING TOMORROW

Mr. ALBERT. Mr. Speaker, at the request of several Members, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow morning.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. PATMAN. Mr. Speaker, reserving the right to object, and I shall not object, the Committee on Banking and Currency has a very important bill which was set down for hearing at 10 o'clock this morning. We had to postpone the meeting until tomorrow morning on account of the fact that the House met today at 10 a.m. If the gentleman from Oklahoma would change his request to 11 a.m., we could hear the witnesses who are in town for the purpose of testifying. That is the reason for the request being changed.

Mr. DANIELS of New Jersey. Mr. Speaker, also reserving the right to object, I am likewise in the same position. A number of witnesses from the State of New Jersey are scheduled to testify tomorrow before the Committee on Education and Labor. It would cost these people not only a great deal of expense but a great deal of inconvenience, and it may not be possible for them to come back. I join in the request, and ask the distinguished majority leader if he would make the time 11 o'clock.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

RESIGNATION OF CONFEREE AND APPOINTMENT OF CONFEREE ON S. 1075

The SPEAKER laid before the House the following communication:

OCTOBER 2, 1969.

Hon. JOHN W. MCCORMACK,
Speaker of the House,
Washington, D.C.

DEAR MR. SPEAKER: At this time, I would like to resign as a conferee on S. 1075.

I will be out of town on official business, attending the Third Annual Fish Expo in Seattle.

I respectfully request an alternate be appointed in my place.

With kindest regards,
Sincerely,

THOMAS M. PELLY,
Representative in Congress.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER. The Chair appoints as a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the bill S. 1075 the gentleman from California (Mr. MAILLIARD) to fill the existing vacancy thereon caused by the resignation of the gentleman from Washington (Mr. PELLY).

The Clerk will notify the Senate of the action of the House.

THE GREEN BERETS

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, most Americans, I am sure, joined with us in applause when Chairman RIVERS announced that Army Secretary Resor had dropped charges against the Green Berets accused of murdering a suspected South Vietnamese double agent.

In the words of this morning's edition of the Washington Post the Secretary's action "closes the official curtain on a dark side of the Vietnam war."

It may close the official curtain but it leaves many questions unanswered and the fate of the Green Berets allegedly involved uncertain.

According to the press the case against Col. Robert Rheault and his men was being pushed by the Department of the Army at the highest level. Indeed, it was not until the Central Intelligence Agency "declined" to produce certain material prosecution witnesses that the case was dropped.

Under the circumstances Secretary Resor said he doubted the defendants could receive a fair trial. Even before the announcement that the charges were to be dropped there was concern that the defendants would not receive a fair trial.

Just what these men actually did and under what orders they acted is not known publicly and may never be. This much is apparently clear, however:

A South Vietnamese national was executed.

This man was suspected of being a double agent.

The Central Intelligence Agency apparently was involved.

It is also apparent that what the Green Berets did was done during time of war in the belief that orders were being followed.

From this one can conclude that, notwithstanding the dismissal of charges against them, the military careers of these Green Berets are henceforth stagnate at best and ruined at worst.

It can also be concluded that the Central Intelligence Agency has again erred and is attempting to cover up what apparently is a very serious mistake.

Notwithstanding Secretary Resor's assurances that he wants to "make it clear that the acts which were charged, but not proven, represent a fundamental violation of Army regulations, orders, and principles," this type of activity has been carried on in the past. The question seems not to be whether but by whom and how often.

Mr. Speaker, it seems to me that Col. Robert Rheault and the men charged with him have been caught in the middle of a bizarre and clandestine operation not of their design nor their choosing for which they may well suffer throughout their lives. This is a tragedy. The whole episode is a tragedy in the shameful history of the Vietnam war.

FUNDS FOR POLLUTION CONTROL

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, the need for adequate funding of water pollution control projects has been recognized by a majority or substantial number of the Members of this body. It is heartening to know that the American public—and this means the American taxpayer—is wholeheartedly in support of funding programs designed to improve the quality of the Nation's water.

The very influential Chicago Tribune editorialized on this subject in yesterday's issue and I am including a reprint of that editorial for the information of all of my colleagues:

FUNDS FOR POLLUTION CONTROL

> When Congress enacted the clean waters restoration act of 1966, it was regarded as a significant step in the nation-wide campaign against water pollution. But since then Congress has failed to fulfill its obligations under the act by falling far short of appropriating all the funds authorized. Such funds are to be used as federal cost sharing grants for construction of municipal sewage treatment plants.
>
> In Illinois, for example, there are federal grant applications for 273 water pollution control projects but proposed federal funding sufficient for only 20 to 25 of them. Gov. Ogilvie points out that this short funding has a serious impact on this state's progress toward construction of necessary pollution abatement works, particularly in cities along the Illinois river, Lake Michigan, and other interstate waters. Other authorities warn that the whole national anti-pollution effort is being crippled.
>
> Altho the 1966 act authorized one billion dollars for such purposes in fiscal 1970, the Nixon administration's budget calls for appropriations of only 214 million dollars. To stimulate the cities to get on with the job of cleaning up pollution, a strong movement is under way in the House to persuade the administration to provide full funding under the act. This movement has the support of most state governors, mayors of many cities, and nearly 40 conservation, civic, and other groups and agencies, including the AFL–CIO, the Chicago metropolitan sanitary district, the Izaak Walton league, and the League of Women Voters.
>
> Sponsors of the movement assert they have 219 "firm" votes pledged in the House—enough to approve an amendment to increase appropriations to the full billion dollars in the event the House appropriations committee fails to recommend this sum. Pollution control costs money, but it is necessary if Americans are to avoid fouling their environment even more seriously than they have already. The longer control measures are delayed, the more it will cost eventually to stop pollution.

A 25-PERCENT BENEFIT INCREASE AND EXPANDING COVERAGE FOR ELDERLY AND DISABLED CITIZENS

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, I am introducing a bill today to reform our social security program by providing a 25-percent benefit increase and expanding coverage for our elderly and disabled citizens.

Since the last increase in social security benefits in February 1968, the cost of living has gone up dramatically and is continuing to rise. The escalating costs of the staples of human life—food, housing, clothing, and medical care—have created a real crisis for the elderly.

The President's proposal for a 10-percent increase in social security payments, effective in March 1970, is totally unresponsive to the needs of our elderly and retired citizens and, due to inflation and rising taxes, does not constitute a real increase at all. In terms of actual buying power, it would represent a reduction in social security benefits by next March.

In my congressional district alone, about 54,000 individuals receive social security benefits. Many of these citizens who must rely on this fixed income have written to me describing their desperate situation and their inability to cope with the rising costs of essential goods, services, and taxes. It is ironic that our modern society, which has realized the enormous benefits of medical breakthroughs that have dramatically prolonged human life, has not made adequate provision for our senior citizens in their years of retirement when they need it most.

As originally conceived, the social security program was based on the theory that benefits received would be in relation to the contributions a worker made and would not necessarily be his sole means of support. If a retired worker and his wife have a total income of $105 a month with which they have to budget for food, housing, and drugs and other medical expenses, then clearly this sum is inadequate and the social security program has failed in its purpose. Now, however, we must acknowledge the fact that social security payments are relied upon by many of our elderly as their prime income and the present level of benefits is not enough for many of them to meet their basic expenses and live in dignity.

It is a sad and inexcusable commentary on our society that the aged are the largest single group making up our poverty rolls. Almost one-third of all Americans over the age of 65, nearly 6 million, live in poverty and this number is increasing.

I believe a substantial raise in benefits is essential and my bill provides a 25-percent across-the-board hike for all social security recipients.

In addition, my bill would double the minimum primary benefit by raising the present level of $55 a month for an individual to a much more realistic $110 monthly. The minimum amount for a couple also would increase from $82.50 to $165 a month.

It also raises the amount persons may earn without losing benefits, adds prescription drugs to the medicare program, extends medicare coverage to the disabled, and provides for automatic cost-of-living increases in benefits in the future.

The present $1,680 limitation on earnings is quite unrealistic and I feel it should be raised to at least $2,400 annually. My bill would accomplish this by increasing the monthly earnings limit from $140 to $200 and it also would enable a retired worker to keep $1 of every $2 he earned from $2,400 to $3,600.

Since drug costs are a substantial portion of the budget of every older American, my bill broadens the medicare program to include the cost of prescription drugs.

A formulary committee would be established to determine the drugs and biologicals which are to be covered. The reimbursement for these would be based on the lowest priced generic or brand name drugs available, consistent with Federal Food and Drug Administration standards.

I also propose extending medicare coverage to those receiving social security disability benefits who presently are not covered. Many of these disabled citizens have sizable medical expenses, often related to their disability, and they often cannot secure private health insurance coverage at a reasonable rate.

By providing for automatic cost-of-living benefit increases in the future, we can insure that the elderly will not have to wait on congressional action when living costs rise. Civil service annuitants already receive automatic cost-of-living increases. My bill would establish the same system for those receiving social security benefits so that their payments would be increased by the amount the cost-of-living index has risen whenever this is more than 3 percent.

In order to insure that the social security trust funds will be maintained on a fiscally sound basis, my bill would raise the level of wages subject to social security taxes from $7,800 to $9,000 and supplement this with general tax revenues in meeting the cost of certain features of the program. This financing plan seems practical in view of the administration's announcement it anticipates a budget surplus for this fiscal year. In future years, the likelihood of termination of our involvement in Vietnam and reduced military expenditures, coupled with additional revenue coming from the closing tax loopholes should provide the Treasury with more than enough general tax funds to cover the cost of higher benefits.

I am pleased the House Ways and Means Committee plans to begin hearings on various social security proposals later this month and I expect this will be one of the most important areas of legislation Congress will consider in the coming months. I hope it will act promptly to put this increase into effect by January 1, 1970, since higher payments are so urgently needed by so many people.

THE PRICE OF BEEF VERSUS THE PRICE OF CATTLE

(Mr. POAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POAGE. Mr. Speaker, retail meat prices are always a matter of concern to the housewife, so I think some information recently developed by our Committee on Agriculture would be of interest to those who prepare the family menu and handle the family budget.

During the past year the price of live cattle of choice grade moved up from approximately $29 a hundred pounds last January to a high of $35.14 the last week of June. Every housewife is aware of this and most of them attribute the rise in the retail meat market prices to this move. Actually, the retail price of meat in the Nation as a whole, figuring a combined average of all cuts, rose from 90 cents a pound in January to a July high of $1.01, and there has been little decline since that time. The Department's estimate for September is 99.4 cents, a decline of approximately 2 percent.

The consumer naturally is more conscious of any rise in the price of food than of any drop which might occur and certainly of any decline in the price paid to the producer. Therefore, what has been happening in the price of cattle in recent weeks may well have escaped the attention of the public generally.

A number of members of the House Committee on Agriculture returned from an observation tour of livestock centers in the Southwest, visiting operations on the farms and ranches, through the cattle auctions and feedlots, to the slaughterhouses and packing plants. We saw cattle selling at appreciably lower prices than the same kind of cattle were bringing a few months ago, notwithstanding the fact that the production costs had continued to go up, just as other costs in our economy. As a matter of fact, on the first of this month livestock growers were receiving just about the same price for choice steers that they had received on the first of January, and about 17 percent less than they received in June. In short, as far as the producers' price for his cattle is concerned, there is no justification whatever for any higher retail prices than existed a year ago. And if measured by the price of cattle, beef should today actually retail for 18.3 percent less than it did 18 years ago, inasmuch as the cowman is today taking approximately 6½ cents per pound less for his live animals than he received in 1951.

Unfortunately, the retail price of food items always very quickly reflects, and generally greatly magnifies, any upward movement of farm prices, while any downward movement of retail prices always lags far behind a drop in the farmers' prices, and very seldom, if ever, reflects the entire drop which has occurred in the farm products.

Let me therefore suggest that when the housewife goes to look for a scapegoat for the high price of retail meat, that she look somewhere other than on the farm or ranch.

REMOVAL OF LIMITATION ON INCOME UNDER SOCIAL SECURITY

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, today I am introducing legislation to remove the limitation on income for our citizens receiving social security payments.

The earnings limitation system should be removed. The Government has reported that almost 1½ million people lost some or all of their social security benefits last year because they had income from work. There are probably millions of others who deliberately held their earnings down because they did not want to get involved with a complicated provision and a computer-run bureaucracy.

In a period when older people are being hard hit by inflation, older people with needed skills are being shunted out of work. This makes no sense at all. People need to be encouraged to work—not discouraged. It is high time for the Congress to remove this archaic provision and take this step to get an additional $2½ billion a year into the hands of our inflation-hit aged population.

This is the least we can do for our older Americans, many of whom are still earning below the poverty level with their social security because of this limitation.

CUTS IN FUNDS FOR HOUSING AND URBAN DEVELOPMENT

Mr. BARRETT. Mr. Speaker, the callous action of the administration in slashing the funds available for Housing and Urban Development was a long step backward and one that will do lasting damage to some of our most important programs. Not only will these budget cuts have a serious impact on the important programs directly affected but the fundamental message they carry must be clear to everyone—this administration is turning its back on the problems of our cities and all those who need decent housing. Nothing can explain away that fact, particularly, in view of the stark contrast with the administration's position favoring $10 billion for an ABM system which experts have said is not needed, hundreds of millions of dollars in subsidy money to aircraft manufacturers to develop a supersonic transport, and nearly $3 billion for foreign aid. Moreover, the administration's opposition to tax relief for those of average or below average income while favoring tax benefits for wealthy corporations, shows the true position of this administration.

The tragically misguided cuts in Federal aid for Housing and Urban Development must come as a shock to everyone who believes in our national housing goals and the improvement of our cities. For 20 years the Federal Government has pursued the policy of "a decent home and a suitable environment for every American family," established by the Housing Act of 1949. Now in 1 day we have seen a major reversal of that policy.

Secretary Romney apologized for the President's announced 75-percent cut in

Federal construction spending on the grounds that this would supposedly help to produce more housing. Obviously the Secretary is not calling the shots. His own programs have been riddled by this latest blast from the White House.

The model cities program enacted in 1966 is the keystone to our efforts to improve not only housing conditions in our city slums but the whole range of education, employment, and social benefits needed by the underprivileged. After the years of hard fighting to obtain even the present inadequate budget level we see that these funds are cut by nearly one-half with a stroke of a pen.

One of the most critical problems facing the homebuilding industry and the home buying public is the present record high level of interest rates. And yet, in the face of this, the administration has announced its intention to cut the interest subsidy assistance enacted by Congrees just last year to help low-income families.

The water and sewer grant program was approved by the Congress with overwhelming support. This reflects the urgent need for more adequate facilities to meet the population pressure in our growing towns and cities. In spite of this, Federal grant funds for local water and sewer construction have also been cut.

The administration has also obstinately refused to use the $2 billion available to them in the Government National Mortgage Association fund for mortgage loans on low- and moderate-income families. They even asked the Congress to repeal $500 million of this which became available on July 1, but neither body of Congress would accept this. The administration is also opposing our efforts to provide additional funds for the program of low-interest loans for housing for the elderly. On top of this they have administratively frozen funds for public housing and have set an arbitrary limit on urban renewal funds for the new neighborhood development program created by Congress last year.

The intentions of the Nixon administration become clearer every day—it is their policy to repeal, through tight money and freezing Federal funds, all of the gains in housing legislation made over the past two decades. There can be no justification for the latest cuts which are aimed at our neediest families and the most urgent problems of our cities.

MODEL CITIES PROGRAM

Mr. **MOORHEAD**. Mr. Speaker, I find the plans by the administration to cut $215 million from the model cities program an incredible act of stupidity. How can the President ignore the plight of our urban areas and discuss budget cutbacks in the one sector that is grossly underfunded—in relation to its needs—to begin with?

I think that every Member of this Chamber will agree that frugality is desirable in this time of inflation, but the administration need look no further than an overfat military budget for a place to trim expenditures.

This Congress authorized $515 million for the model cities program and we expect the administration to spend this amount. This body did not call for a 42-percent cutback in the program. This body did not deem this worthwhile program could begin adequately the revitalization of our cities with only $315 million.

I, for one, am not going to be taken in by the shilly-shally excuse that the $215 million reduction represents a lack of applications or a faulty bureaucratic effort.

What sort of priorities is the President setting for this Nation when he calls for a slash in an area where, if anything, twice the authorized amount would still be inadequate to do the job of building our cities?

If the President is truly concerned with trimming the budget, I can give him an item to do away with that will save the taxpayers $1.023 billion. We seem to find funds for an unnecessary nuclear carrier but there is not a fifth of that amount available for the millions of Americans who inhabit our ailing urban areas.

THE TIME HAS COME TO END THIS WAR

(Mr. **WOLFF** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **WOLFF**. Mr. Speaker, I do wish to emphasize at the outset of this statement that I believe the first responsibility of our Government is to provide for our security. For without that security our national ideals and goals are immediately in danger. So I speak, not as a pacifist, but as one who believes firmly in the importance of maintaining adequate defenses to insure our national security.

However, time and again since I took the oath of office almost 5 years ago, I have felt it my responsibility to speak out against what I regard as our tragic, futile policy in Vietnam. This war, that has taken 40,000 American lives and left 130,000 of our young men maimed and wounded, has been and remains the focus of our attention.

This is appropriate for it is clear that the prolonged war is the principal cause of the sharp divisions among Americans. The war is the single most important reason that our economy is beset by serious inflation, tight money, and other dangers. The war has prevented the United States from correcting certain grave domestic problems to which we awakened only in this decade; and even our great country is unable to fight a land war in Asia and, at the same time, address itself to pressing domestic problems.

Despite the problems it has bred it would be our responsibility to prosecute this war if it was vital to our national interest. But on balance, weighing the enormous costs against what we might possibly gain if all went our way in Vietnam—something that is quite unlikely—on balance, prolonging this war is not in our national interest. In fact, a continuation of the war, with the accompanying loss of American lives and the great drain on our national resources, is clearly contrary to the best interest of the United States.

I am drawn inexorably to the conclusion that we must begin immediately what former Under Secretary of the Air Force Townsend W. Hoopes has called "deliberate, orderly but complete withdrawal" from Vietnam. This total withdrawal must begin now, for as President Nixon said several weeks ago, "The time has come to end this war." The President is correct and I urge him to use the power at his disposal to give true meaning to his words; for it is deeds and not words that will stop the killing of 200 young Americans every week.

We must have an end to the sidestepping that appears to be our current policy. Just as we drifted into this war and the overwhelming American combat role it seems as though the administration would have us drift out. The consequence of such a policy would be substantial, unnecessary loss of thousands of American lives and protecting our men now in Vietnam must be our first concern.

The withdrawal that I seek, I might add, is not susceptible to any fixed timetable. To establish some far away date for the end of American fighting in Vietnam would probably insure that we will be involved up until that deadline. Rather than indirectly prolonging the war by picking some future date arbitrarily we should move promptly in the manner suggested by Mr. Hoopes.

Moreover, I believe we should, at the same time, propose in Paris an immediate, standstill cease-fire. I have come to believe that the beginning of the end of American combat involvement in Vietnam must start immediately for the following reasons:

There is no reason to give 25 American lives every day to sustain the corruption in a South Vietnamese regime that is more interested in perpetuating its own power and waging war than it is in seeking peace.

Nor is there any reason to suffer the thousands of deaths that will ensue during a fictitious withdrawal such as the one already begun. The slim chance of saving face is not sufficient justification for additional American deaths and casualties.

Even today, more than 4 years after major escalation was begun, the South Vietnamese have not established a truly democratic government. Some time ago I saw a glimmer of hope that democracy might be achieved but that glimmer has been extinguished. I shall only cite as a salient example the continued imprisonment of Truong Dinh Dzu, the man who ran second in the Vietnamese national elections, for alleged "treasonous statements"—charges never proven.

The South Vietnamese have provided no substantial moves to undertake their proper responsibility in fighting what is primarily their war.

At the same time some South Vietnamese government leaders provide impediments to peace with intransigent or unreasonable demands. I might note here the remarkable assertion last weekend by Vice President Ky in which he proposed to dictate American policy.

There is, here at home, a justifiable anxiety about the war that threatens to aggravate serious, existing differences among the American people.

There is, as has been charged so often of late, a confusion of priorities when we can fight this war, with its fantastic cost of 40,000 lives and more than $100 billion of our resources, while failing to act against more pressing problems here at home. The focus of American interest is blurred; we must attack isolationism, but we must, at the same time, recognize that the primary needs of our own people come first.

Now I know it has been said that those who are critical of American policy should remain silent. I cannot accept this; if freedom of expression is ever to be stifled then we will have begun to forfeit our greatness. Americans have a responsibility not to be silent about our national problems and national needs, but rather to be honest, vocal and outspoken. Anything less than full freedom of expression would be a contradiction of our creed.

I believe the American errors in Vietnam can be identified in four separate administrations. It is not, under any circumstances, a partisan issue and nothing is to be gained from futile efforts to place the blame here or there, with this individual or that.

My purpose, and I trust the purpose of all who differ with the evolution of our Vietnam policy, is not to affix blame. Rather, I seek to correct the errors of the past and substitute for a failing policy new directions that will extricate us from a war that we cannot justify in terms of its cost to the American people.

The simple truth is that we cannot save face, salvage prestige, or aid American interests in any way by permitting this war to continue.

I urge the President, in all good faith and with the conviction that what I propose is what the American people want and need, not to protract our disengagement.

The President seeks, as all Presidents should, the broad support of a majority of the American people. The only way this can be achieved is to begin immediately a reordering of our national priorities by undertaking without further delay the call for a standstill cease-fire and the "deliberate, orderly but complete withdrawal" of American combat forces from Vietnam.

TO END ABUSE OF TENNESSEE WALKING HORSE

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. Devine) is recognized for 5 minutes.

Mr. DEVINE. Mr. Speaker, I have today introduced legislation designed to end the cruel and unnecessary practice of deliberately making the legs, ankles, and hooves of the Tennessee walking horse sore to alter its natural gait.

Unscrupulous owners and trainers have discovered that, if the front feet of the walking horse are deliberately irritated, he will lift them quickly and take longer strides in an effort to reduce his pain. This desired gait is thus accomplished quickly without months of training.

Soring is done by the use of chains, tacks, or small rollers attached together by chain. Some are also sored by the use of oil of mustard or oxide of mercury. Many horses lie down in the ring because the pain is so severe.

My bill joins Congressmen Kuykendall, of Tennessee, and Whitehurst, of Virginia, to prohibit the movement in commerce of horses which are sored. The penalty provided for each violation is a fine of $500 and/or 6 months in jail.

In the latest issue of a national magazine this cruel and inhumane practice is being brought to the attention of the public, and I am sure all Members of Congress will receive considerable mail on this subject. Soring is a cheap substitute for careful training, and a practice which should have been outlawed many years ago.

FARM PAYMENT LIMIT

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. Findley) is recognized for 15 minutes.

Mr. FINDLEY. Mr. Speaker, the long-awaited action of the House to go to conference with the other body on agriculture appropriation disagreements was momentarily scheduled this past Monday, but delayed once more. While no announcement has been made, action could occur at any moment.

Certainly this step has been a long time coming. The House completed its own work on the appropriation bill in May and the other body shortly after. Senate conferees were named several months ago.

It is generally accepted that the reason the House conferees have not as yet been named arises from the disagreement over House language establishing a $20,000 limitation on the amount of payments any single farmer can get for the 1970 crop year under various farm commodity programs.

On a substantial record vote this provision was accepted by the House. It was subsequently rejected by the other body.

Before House conferees are named, an attempt will be made to instruct House conferees to insist on the limitation provision now in the House version.

As you know, the limitation, although voted 224 to 142 by the House on May 27, is not popular with prospective conferees and in my opinion certainly will be deleted in conference unless they are instructed.

Here are the principal arguments being advanced against the payment limit:

ARGUMENT

It is legislative in character and should be considered later in legislation, not tacked on an appropriation bill.

RESPONSE

This argument is dilatory nonsense. The relatively few wealthy cotton producers who are the beneficiaries of individual payments running into hundreds of thousands of dollars a year have been fighting an effective rearguard action against payment limits for years wherever they are proposed—on legislation or appropriations.

Their lobbyists are shrewd and resourceful. I am confident they are covering House offices in their usual discreet but potent way.

Last year when the same payment limit was scuttled in conference on a legislative bill, the plea was for just one more year to draw up something better. So what is new?

ARGUMENT

The new Secretary of Agriculture has given assurances that new legislation will include a payment limit.

RESPONSE

At no point has the Agriculture Secretary indicated support for payment limits. His statement this past Wednesday to the House Agriculture Committee gave no assurance that administration proposals will include a payment limit of any kind. He listed arguments for and against a payment limitation, but he stated that there was "legitimate concern" amongst those who espoused the negative arguments.

ARGUMENT

Because of the snapback provision of the present cotton law, the $20,000 payment limit would actually increase program cost. As you will recall, this argument was used widely and with great effect during earlier debate in both the House and Senate. The basis for it was a forecast by the Agriculture Secretary in which he said flatly that the payment limit would have the effect of increasing the cotton program cost by $160 million.

RESPONSE

I have in writing an acknowledgment from the Agriculture Department to the effect that the Secretary's use of the word cost was "unfortunate."

This admission followed my investigation of the assumptions and computations on which the Secretary based his forecast. Details may be found in the Congressional Record August 4, page 22145. In summary, he failed to adjust for the recoverable value of the inventory increase he predicted would occur. This oversight was a $334 million boner. Making adjustment for this error alone shows the payment limit effecting a cotton program cost reduction of $96 million, instead of cost increase of $160 million. In his assumptions he used an unrealistic yield figure—550 pounds per acre—which also tended to inflate substantially the cost estimate. Yield this year is now reported at only 474 pounds, and never in history has come close to 550.

The Department's statistical work actually supports my forecast that, with or without snapback, the limitation amendment will cut costs substantially.

ARGUMENT

Instructing conferees is unnecessary, because an opportunity will exist for a recommital motion with instructions if the amendment is deleted in conference.

RESPONSE

Last year I learned my lesson. Scrapping normal procedure, the conference report which had deleted a $20,000 payment limit was taken first to the Senate, not the House. The effect of this deliberate shuffling of papers was to deny me the opportunity to attempt to recommit with instructions to insist on the payment limit.

XUM

ARGUMENT

The $20,000 limit will impoverish cotton farmers and may cause a shortage of cotton.

RESPONSE

On the face of it, the argument is ludicrous. Using the Department's own assumptions and computations—except for the boner on inventory value—1970 crop income of cotton farmers would be up $60 million, not down. Assuming the snapback provisions would not take effect, the result would hardly put farmers in the poorhouse. Take Eastland Plantation in Sunflower County, Miss., for example. It would still get $20,000, surely enough to grubstake the owner for a year.

WOULD LIMITATION HELP EASTLAND PLANTATION?

One of my colleagues from the land of cotton, in his enthusiasm for big payments for wealthy farmers, has been privately stating in the cloakroom that Eastland Plantation would actually get more money from the Government under the $20,000 limit.

His explanation is that the snapback provision would be in effect and this would mean that the Government would purchase at a high price all of the Eastland cotton, representing an outlay considerably higher than under the present program.

Unfortunately this explanation suffers from the same gross shortcoming as Secretary Hardin's mistaken cost estimate. It treats the inventory value of Eastland cotton as zero, which of course is preposterous.

Under the snapback provision, Eastland Plantation, like other producers, would be eligible to receive a Government loan at 65 percent of parity. This year that would come to about 32 cents a pound. That figure, however, does not represent Government cost; rather, it is inventory investment. The realized loss—or cost—would, based on past experience, likely be about 12 cents a pound—not 32 cents.

Under the present program, Eastland Plantation would be eligible for a direct payment of about 15 cents a pound, in addition to income from sale or loan of about 20 cents. Thus the combined payment-loan this year would be about 35 cents a pound, compared with 32 cents if the snapback provision had been operating. While parity value, as well as payment level, will climb next year, figures will remain comparable.

This means that net Government cost of handling Eastland Plantation cotton under the snapback provision next year would clearly be less than under the present program.

In mentioning this, I do not wish to leave the impression that I am defending the snapback provision. This provision should not be in the law. I voted to delete it from the bill when it was first proposed.

On the other hand, the existence of the snapback provision is not sufficient reason to justify opposition to the $20,000 limitation provision.

Sustaining the House position on the limitation is our only chance to limit payments on 1970 crops, because subsequent amendments—whether on appropriation or legislative bills—cannot be effective until 1971 crops at the earliest.

The hard-pressed taxpayers of the United States should not longer be required to finance big payments to wealthy farmers.

For the convenience of Members who may wish to reflect on the cost advantage of the $20,000 limitation, here is the text of correspondence I have had with the Department of Agriculture:

JULY 30, 1969.

Hon CLIFFORD M. HARDIN,
Secretary of Agriculture.

DEAR MR. SECRETARY: In your statement to the Senate Appropriations Agriculture Subcommittee on June 4 in opposition to the $20,000 limitation on individual payments to farmers, you stated that the provisions of the snapback clause of the present cotton program would increase the "cost" to the government by $160 million if they became operative for the 1970 crop.

The use of the word "cost" was unfortunate, because it left the erroneous impression that the expenditure would be entirely nonrecoverable.

Actually, a careful examination of the computations and assumptions your staff uses in analyzing the effect of the snapback clause leads inevitably to the conclusion that it would reduce program costs to the government and at the same time increase income to producers. Accepting as valid all the assumptions your staff made, the snapback clause would give cotton farmers in 1970 a $350 million boost in income, compared with last year. Program cost, $879 million compared with $975 million, would be down $96 million.

In Table 5 appended to your statement, you showed a net change of $432 million in stocks at loan rate. This item can hardly be termed cost in the usual sense, unless the words cost and investment are used interchangeably. Using the last 3-year average market price for cotton, 24 cents, we could assume the government in time would recover about $120 for each bale that went into the increased carryover. This would mean a projected net loss in this increased carryover of $98 million, not the $432 million gross outlay you listed.

Under the snapback clause, the major expense items based on the assumptions you used would be $156 million for diversion payments, $595 million for losses on sales and $98 million predictable loss on increased carryover—making a total of $879 million. This is $117 million less than the $960 million in payments forecast under the present program for the 1970 crop.

Accordingly, I feel that you may wish to correct your statement as to "cost" under the snapback clause.

By your own figures, cost under snapback will actually be less, not more. Your figures show cotton producers getting $60 million more from the 1970 crop under snapback than the present program (farm value of production plus payments), and $350 million more than in 1968. This makes the argument against snapback difficult to comprehend.

Moreover, several assumptions made in producing the estimates are open to question. Understandably they are designed to make snapback look unattractive. Reasonable modifications in the assumptions would reduce sharply the cost estimates under snapback.

For example:

In light of the import controls on raw cotton, it can reasonably be anticipated that the higher support price under the operation of the snapback clause would result in a market price higher than 24 cents.

If the market price should rise to 26 cents, for example, the net loss on the increased carryover would drop by $27 million. Each one-cent increase in market price would reduce carryover losses by $13.5 million. Corresponding cost reduction would also of course occur on CCC sales.

In your forecast you assume a yield of 550 pounds per acre. With the 1968 yield at 515, and the 1969 forecast at 520, a yield of 530 would surely be more reasonable than 550. Yield has never reached 550 pounds average. A diversion payment rate higher than the 10 cents you specified could be expected to take additional acres out of production. In 1968 the program secured a diversion of 3.2 million acres for payment. Acceptance of your figure of only 2.4 million would therefore seem debatable at best.

These variable factors, together with the recoverable character of the item you described erroneously to be cost, led me to conclude that net program cost under the snapback clause for the 1970 crop would actually be substantially less than the cost you project under the present direct-payment program. At the same time farmer income would go up.

If, as I have suggested, you administer the snapback clause under the option of simultaneous purchase and sale—a procedure which the Comptroller General has described as a payment program and therefore, in my view, subject to the $20,000 individual limitation—even greater program-cost reductions would be realized.

I would appreciate a word of clarification for the benefit of those who may have been misled by your statement to the subcommittee.

Sincerely,

PAUL FINDLEY,
Member of Congress.

Following is the text of the transmittal letter from Mr. Frick, together with the worksheet and assumptions for snapback computations that he supplied to me:

U.S. DEPARTMENT OF AGRICULTURE,
AGRICULTURAL STABILIZATION AND
CONSERVATION SERVICE,
Washington, D.C., July 11, 1969.

Hon. PAUL FINDLEY,
House of Representatives.

DEAR MR. FINDLEY: Per your request I am enclosing detailed notes concerning the computations and assumptions we used in analyzing the effect of the implementation of a snap-back program for cotton.

Sincerely yours,

KENNETH E. FRICK,
Administrator.

WORK SHEET AND ASSUMPTIONS FOR SNAPBACK COMPUTATIONS

1. Assume the Secretary would offer voluntary diversion at a payment rate of 10 cents per pound on up to 35 percent of the producer's allotment.

2. Planted plus diverted is estimated at 12.7 plus 2.4 equals 15.1 million acres; this compares with an adjusted allotment of 15.3 (16.2 minus .9). The incentives for either diversion or planting are so high that there would be very little "slippage."

3. Voluntary diversion payments would be subject to a limit of $20,000; therefore, we have assumed that only about half of the 5 million acres eligible for diversion would be diverted.

4. The difference between planted and harvested is estimated at only 600,000 due to the fact that under the snap-back, benefits accrue to farmers on actual production rather than projected production.

5. Average yield is estimated at 20 pounds higher due to the above reason and additional acres planted in skip-row patterns.

6. Ending stocks are estimated to be 1.5 million bales higher than under present program; CCC stocks, however, are estimated to be 2.1 million bales higher. This is due to the fact that with surpluses beginning to build up again the trade would carry less

stock. This results in a nonrecurring CCC outlay of $96 million ($160 per bale times 600,000 bales).

7. Current parity for cotton is approximately 48 cents; the minimum support rate of 65 percent would indicate that the support price for average of the crop could not be less than 31.2 cents.

8. The expenditures of $432 million is merely the 2.7 increase in CCC stocks times $160 per bale.

9. Storage and handling costs are estimated up 50 percent in the line with the increase in CCC stocks.

10. Producer payments are calculated as follows; 2.4 million acres diverted at projected yield of 520 pounds equal $125 million plus $31 million in small farm payments for a total of $156 million.

11. Total disappearance of 11.9 million bales at a CCC loss of $50 per bale accounts for the snap-back loss of $595.

TABLE 5.—UPLAND COTTON—ESTIMATES OF BASIC DATA FOR 1968 THROUGH 1970 CROPS (BASED ON PRESENT PROGRAM) AND 1970 UNDER THE SNAPBACK PROVISION

Item	1968 crop (1)	1969 crop (2)	1970 crop: Present program (3)	1970 crop: Snapback (4)
Acreage (thousands):				
Alloted	16.2	16.2	16.2	16.2
CAP, CR, adjustment, etc	1.0	.9	.9	.9
Diverted for payment	3.2			2.4
Planted	10.9	11.9	11.9	12.7
Harvested	10.1	11.1	11.2	12.1
Field: Pound per acre harvested	515	520	530	550
Supply and utilization (1,000 bales):				
Production (including imports and city crop)	10.9	12.1	12.5	14.0
Beginning stocks (including preseason ginnings)	6.3	6.6	7.2	7.2
Domestic disappearance	8.1	8.3	8.4	8.4
Exports	2.5	3.2	3.5	3.5
Ending stocks	6.6	7.2	7.8	9.3
CCC stocks July 31	3.0	3.6	4.2	6.3
Price (in cents):				
Support price per pound (middling 1 inch)	20.25	20.25	20.25	32
Support price per pound (average of crop)	19.69	19.71	19.71	31.25
Price support payment rate	12.24	14.73	17.31	
Diversion payment rate	10.76+6			[1] 10
Producer payments	784	826	966	156
Farm value of production (million dollars)	1,192	1,290	1,302	2,172
Total (million dollars)	1,976	2,116	2,268	2,328
Major receipts or expenditures (million dollars):				
Net change in stocks at loan rate	−230	−60	−60	−432
Storage, handling, and loan settlement	−3	−18	−20	−30
Producer payments	[2] −742	−826	+966	−156
Snapback loss on sales or loan repayments				−595
Subtotal, price support expenditures	−975	−904	−1,046	−12 13
Public Law 480	−82	−70	−70	—
Estimated major expenditures	−1,1057	−974	−1,116	−1,283
Change in CCC stocks (million bales) (from June 30 of prior year)	+2.2	+0.6	+0.6	+2.7

[1] Volume. [2] Fiscal year.

Since this correspondence occurred, USDA reports on 1969 crop cotton yield tend to discredit even further the cost estimate under snapback for the 1970 crop. The yield for 1969 is now put at 474 pounds per acre, which contrasts with the 520 yield figure used in table 5, and makes even more unrealistic the 550-pound yield figure used in forecasting the cost of the snapback provision for the 1970 crop. Yield has never in history approached 550 pounds per acre.

GOV. MARVIN MANDEL FIGHTS MALNUTRITION IN MARYLAND

The SPEAKER. Under a previous order of the House the gentleman from Maryland (Mr. FRIEDEL) is recognized for 10 minutes.

Mr. FRIEDEL. Mr. Speaker, in Maryland we do not have a lieutenant governor. Under our constitution when a Governor dies or resigns, his place is taken temporarily by the president of the senate until such time as a successor is chosen by the members of the general assembly.

When the Vice President of the United States, SPIRO T. AGNEW, resigned the governorship of Maryland, the general assembly chose as the new Governor the distinguished speaker of the house of delegates, Marvin Mandel, a resident of the Seventh Congressional District of Maryland, which I have the honor to represent in this House.

Mr. Speaker, Marvin Mandel is a quiet unassuming man, who has nothing about him of the demagog. A superb craftsman, who knows the business of government as few in America do, he believes in doing his job with a minimum of fanfare and a maximum of results.

Many very serious problems faced the new Governor, but one of the most awesome is the problem of childhood malnutrition in our State, a problem which the State had through the years left to the political subdivisions. Unfortunately, despite their best efforts the problem has grown to a level beyond the fiscal capabilities of the subdivisions.

Rather than delaying action on this problem, Governor Mandel conceded the point that conditions in our State had reached scandalous proportions and typical of Marvin Mandel, he set out to correct the situation.

Earlier this year he appointed a blue ribbon task force with a mandate to report back to him by the opening of the present school year. Working closely with the task force, Governor Mandel, made available $1,200,000 in State funds to assist the city of Baltimore and the 23 counties of Maryland. In addition, he has maintained close liaison with the congressional delegation of our State in an effort to obtain badly needed Federal assistance.

On October 1, 1969, Governor Mandel's national relations officer, Gerard F. Devlin, presented a hard-hitting report to the Senate Committee on Agriculture and Forestry, which is considering amendments to the School Lunch Act. His testimony paints a picture which is far from pretty, but he "tells it like it is." Mr. Speaker, I insert Mr. Devlin's statement and a very pertinent series of articles published earlier this year in the Baltimore Sun in the RECORD following my remarks. I know many other States face the same problem and I believe these articles will be of interest to my colleagues.

Mr. Speaker, I am very proud of my most distinguished constituent and if, to coin a phrase, the name of Marvin Mandel is not exactly a household word, rest assured that before he leaves office his name will be known across this Nation as a Governor who gets the job done.

The material follows:

TESTIMONY OF GERALD F. DEVLIN, NATIONAL RELATIONS OFFICER FOR THE STATE OF MARYLAND, BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND FORESTRY CONSIDERING AMENDMENTS TO THE SCHOOL LUNCH ACT

Mr. Chairman and members of the Senate Committee on Agriculture and Forestry:

My name is Gerald F. Devlin. I am National Relations Officer for the State of Maryland and I am here today representing Governor Marvin Mandel, who shares the deep concern of members of this Committee on the problem of malnutrition and especially malnutrition among our school children. We would like to commend the very distinguished junior Senator from the State of Georgia, the Honorable Herman E. Talmadge for his sponsorship of Senate Bill No. 2548 and his commitment to the concept that no child who comes to school hungry will go home hungry.

I would like to thank you, Mr. Chairman, for your promptness in scheduling hearings on pending bills to amend the School Lunch Act.

Mr. Chairman, statistically speaking, Maryland is perhaps the most typical American state. We rank near the middle of the 50 states in population, in per capita income, in poverty. We are a state with a great industrial base, but also a great agricultural state. We are part of the industrial Northeast, part of the rural South and, three counties are part of Appalachia.

I point this out, Mr. Chairman, in order to show that Maryland's problems are similar to those of the other 49 states. A close look at hunger in the State of Maryland shows a truly appalling picture, but it is rivaled by conditions in other parts of the United States.

Mr. Chairman, earlier this year Weldon Wallace of the Baltimore Sun wrote a four-part series on hunger in the City of Baltimore. With your consent, Mr. Chairman, I would like to have this series made a part of the permanent record of this committee, in order that all members of the Senate and all persons interested in malnutrition may look at this factual report of conditions in a large American city.

Mr. Wallace points out that the problem of malnutrition in parts of Baltimore is worse than that in some of the so-called "underdeveloped" nations. For example, Mr. Wallace cites a study conducted by Dr. Ray Hepner, who heads the Community Pediatrics Center at the University of Maryland's Medical School. Dr. Hepner, who is also Chairman of

Governor Mandel's Commission on Childhood Malnutrition, notes that a study which he made of children below school age in Baltimore and in poverty-ridden West Pakistan indicates that iron-deficiency anemia is twice as prevalent among children in Baltimore's Inner City than among children in the poorest areas of West Pakistan.

In similar nutrition studies, Vitamin A deficiency was found to be far more severe in the poorer parts of the City of Baltimore than it was in Ethiopia. The normal value of Vitamin A level in blood serum is considered 37 micrograms per 100 mm. For Ethiopian children, the range is 31 to 50. For Inner City Baltimore children, it is 19 to 38. Among 4 and 5-year olds examined by the Community Pediatrics Center at the University of Maryland, 16% had a Vitamin A level below 15 micrograms or less than half the normal. This record is no better than the situation in Thailand and South Vietnam.

Dr. Hepner's investigations also pointed out that among Baltimore Inner City children between the ages of 5 and 15 years, 23% got less Vitamin A than the required daily allowance.

Mr. Chairman, without going on at length, I think that we in Maryland concur with the very accurate appraisal of the effects of malnutrition made by the distinguished Senator from Georgia on the floor of the Senate on July 7, 1969. He said then that "An improper diet in the formative years has resulted in mental retardation, individual lack of energy and initiative in unknown segments of our adult population. The most tragic aspect of this is that many of those deprived adults are producing offspring who must endure the same unfortunate cycle of poverty."

I think our experience in Maryland and the studies conducted by Dr. Hepner and others have underscored the accuracy of the Senator's remarks—and I might add—the human tragedy that goes with the repetition of the poverty cycle. Mr. Chairman, in Maryland we are at this time taking dynamic action to alleviate childhood malnutrition. For example, within the past month the Governor has allocated $1,200,000 to serve 40,500 additional needy children free, or reduced-price, meals each day. Further, the Governor has indicated his willingness to recommend additional funds to alleviate this problem.

It has been estimated that there are 90,000 children in need of free or reduced-rate lunches in the State of Maryland. About half of this number are to be found in Baltimore, and the other half in the 23 counties outside of the city. At this time the House Committee on Appropriations is considering the Appropriation bills adopted by the House and Senate which include funds for school lunch programs. With these funds, and the supplemental funds made available by Governor Mandel, we still would not have enough money to solve the problem and to feed the 70,000 Maryland children who need free or reduced-rate lunches each day of the school year. It is for this reason that Governor Mandel earlier announced his strong support of HR 11651, a bill which would make available $100,000,000 in additional funds in the present fiscal year, of which Maryland's share would amount to something between $1,900,000 and $2,000,000.

Governor Mandel urged the members of the Maryland House Delegation to give their full support to this emergency measure when it was considered under suspension of rules in the other body. I am happy to report that the Maryland Delegation, four of whom are Democrats and four of whom are Republicans, supported this measure unanimously, indicating the fact that hunger is not a partisan issue.

Funds along this order are desperately needed, and it is our hope that this great Committee will authorize the expenditure of at least the amount of money contained in HR 11651.

Mr. Chairman, there are so many other witnesses who have testified upon this same subject that I shall not take time of this great Committee any further. I would like to thank you, Mr. Chairman, for your deep and personal interest in this subject, an interest which extends back more than three decades, and to Senator Talmadge for his deep and humane interest in the well-being of American school children. It is my hope, and the hope of Governor Mandel, whom I represent today, that you will authorize funds to assist the states in providing proper nutrition for our school children. I commend this Committee for its energy and its diligence. Thank you.

[From the Baltimore Sun, May 19, 1969]

HUNGER IN BALTIMORE—I: CITY'S CHILD ANEMIA RATE RIVALS PAKISTAN'S

(By Weldon Wallace)

Eighteen-year-old Marcia is the anemic mother of a 10-month-old boy and a 2-year-old girl. They live in West Baltimore.

The boy was placed in foster care recently. At the age of 9 months he weighed 9 pounds—11 pounds under normal expectancy.

The girl has been diagnosed as severely anemic at the Provident Comprehensive Neighborhood Health Center. She has not tried to stand alone, and characteristically she keeps her feet in a curled-up position. She is receiving physical therapy.

The cause of the children's poor condition: Bad diet.

Such cases are commonplace here.

The proportion of Baltimore children whose growth is severely stunted because of malnutrition far exceeds the national average.

In certain other conditions reflecting poor diet, the city's record compares unfavorably even with some of the so-called "underdeveloped nations."

As but one example, the rate of anemia traceable to iron deficiency is twice as high among children in Baltimore's inner city than among children in rural areas of West Pakistan.

This was reported by Dr. Ray Hepner, who heads the community pediatrics center operated by the University of Maryland with federal funds. His conclusions are based on comparative studies he made of children below school age—650 in Baltimore and 474 in West Pakistan.

Iron-deficiency anemia is the result of a diet poor in meat, eggs, vegetables and fruits.

The effect of such a diet is to lower levels of hemoglobin, a substance in red blood cells that transports oxygen and removes carbon dioxide. When hemoglobin is deficient, heart and blood vessels must work harder to meet the body's demands for oxygen.

Symptoms include apathy, poor attention and performance and increased susceptibility to fatigue and disease.

Iron-deficiency anemia is no respecter of race, creed or color. It is however, definitely a disease of the poor.

In a sampling of children from Baltimore suburban homes made by the University of Maryland pediatrics department not one case was found. By contrast, studies in an area radiating out from University Hospital, at Greene and Lombard streets, revealed severe iron-deficiency anemia in 36 percent of children 6 months old; 54 per cent at 12 months; 18 per cent at 4 years, and 25 per cent at 15 years.

These findings are matched by records in other sections of the inner city.

A Johns Hopkins survey showed that among 8,000 East Baltimore children in the socalled "Broadway corridor," 20 per cent had hemoglobin levels lower than 10 grams per 100 milliliters of blood. Translated, that means "truly severe anemia."

At the Johns Hopkins Hospital, 88 children were treated for iron-deficiency anemia in the last six months of 1963 alone, it was reported by Dr. Henry Seidel, associate professor of pediatrics.

In another nutrition study, Vitamin-A deficiency was found to be far more severe in Baltimore's inner city than in Ethiopia, according to the University of Maryland. The normal value for Vitamin-A level in blood serum is considered 37 micrograms per hundred milliliters. For Ethiopian children the range is from 31 to 50; for inner-city Baltimore children, it is 18 to 38.

Among 4- and 5-year-olds examined by the community pediatrics center of the University of Maryland, 16 per cent had a Vitamin-A level below 15 micrograms, less than half the normal. This record is no better than the situation in Thailand and South Vietnam.

The source of statistics on Ethiopia, Thailand and South Vietnam was the International Committee for Nutrition in National Development. The University of Maryland conducted the comparison study for Baltimore.

The local investigation involved inner-city children between the ages of 5 and 15 years. It revealed that 23 per cent got less Vitamin A than the recommended daily allowance.

At the age of 4 years, Patty is 37 inches tall—4 inches below normal expectancy for her age—and thus is rated as severely stunted. But at 45 pounds Patty is obese—9 pounds overweight. Her wobbly head indicates all too clearly the unhealthy nature of her fat.

This child is anemic, with a hemoglobin level of less than 8 grams per 100 milliliters of blood. The normal level for her age is about 13 grams.

Patty is one of six children in a fatherless white family of Southwest Baltimore. She is overfed on starches but deprived of milk, meat, fruits and vegetables.

A typical day's menu, as recorded by a social worker, consisted of the following:

Breakfast—Sugar-coated cereal with water.

Lunch—None.

Dinner—Hominy grits and gravy.

The typical child admitted to a Baltimore hospital for treatment of ordinary pneumonia, gastro-enteritis or dehydration is an inner-city dweller who lives on a poor diet. Almost never is it a youngster from the suburbs.

Of 22 beds in the sick-infant ward at University Hospital, 20 to 50 per cent, depending on the season, are occupied by patients suffering from some preventable illness reflecting malnutrition.

Aside from human considerations, this is sheer financial waste.

The cost of hospitalizing a child is nearly $100 a day, including laboratory and other charges, and the average stay is 14 to 25 days. Meanwhile, preventive services available at the University of Maryland community pediatrics center cost $100 for each child each year.

As already pointed out, one of the chief effects of malnutrition is stunted growth, and Baltimore's record in this area is much worse than that of the nation as a whole, according to Dr. Alexander J. Schaffer, a world-renowned pediatrician at Johns Hopkins. Dr. Schaffer is consultant to the city Health Department and the federal government on child-health programs in Baltimore.

In a special study of height and weight, he examined 2,000 children chosen randomly from four health centers in different parts of the inner city, white and black. Their ages ranged from 2½ to 9 years.

He found that 15 per cent of the children were severely stunted in height, and that 12 per cent were severely deficient in weight.

By the same scientific measure in the nation as a whole, 9 per cent of deprived children stand at the severely stunted level in both height and weight.

Findings more extreme than Dr. Schaffer's were obtained by Dr. Zsolt Koppanyi in the O'Donnell Heights section of southeast Baltimore, a predominately white area.

In a study of school children from the first through sixth grades, Dr. Koppanyi tabulated almost 300 out of 900 as severely stunted.

Statistically, one would expect only 30 of these children to be small for hereditary reasons. High excesses above that figure, physicians say, are attributable to other causes—chiefly, malnutrition.

Studies of malnutrition in animals, reported earlier this year in *Science* magazine, contain extremely disturbing implications for mankind.

These investigations proved that nutritional deficiencies in animals at a very early age not only retard physical growth but also produce irreversible mental and emotional damage. The studies were described by two eminent pediatricians, Drs. Heinz F. Eichenwald and Peggy Crooke Fry.

Research of this kind obviously would be impossible among humans, for scientists cannot deliberately starve subjects for study purposes. But there is no scientific reason to doubt that what Dr. Eichenwald and Dr. Fry and other investigators noted in animals is also true of humans.

A child's brain, like an animal's grows far more rapidly than other parts of the body. By the age of 3, the normal human brain is 80 per cent of its adult size, while body weight is only 20 percent of what it will be at maturity.

In rats and pigs, comparable development takes place by weaning time. The Eichenwald report showed that the brain never attained normal size at maturity in animals deprived of adequate nutrition during the early period of rapid brain growth, even if they received a consistently good diet after weaning.

Ten-year-old Raymond, of Baltimore's O'Donnell Heights, was described by a physician as being at least "two years behind in his normal development." He is anemic. He is only 49 inches tall—6 inches below normal expectancy—and weighs only 49 pounds, 25 pounds under the normal weight for his age.

His performance also lags. He has failed a grade in school.

What Raymond ate on the day before a physician examined him recently is typical of the diet of many deprived families—enough to keep going, even token amounts of foods necessary for normal development, but far from adequate to sustain healthy growth.

For breakfast, Raymond had one egg, a glass of milk and toast. For lunch, nothing, and for dinner a hot dog on one slice of bread, with soda pop.

Raymond is one of eight children in a white family. His father earns $172 a month.

The malnutrition responsible for intellectual retardation is not simply a deficiency in the quantity of food eaten or in the calories consumed. The crucial factor is the amount of protein in the diet. For young infants, protein is derived almost entirely from milk, while for older babies and young children the sources are not only milk but also meat and eggs.

In numerous cases the malnourished are well fed so far as calories are concerned but starved of proteins. Indeed this is one of the most common types of malnutrition found in Baltimore.

The evidence is that failure to nourish a child adequately in the earliest years may not only do physical harm but may also leave him ill equipped to compete fairly in school and in work—never able to realize a potential which was, in fact, inborn.

[From the Baltimore Sun, May 20, 1969]

Hunger in Baltimore—II: A Meager Meal

(By Weldon Wallace)

A Day Is Common

The Johnson family, consisting of a mother and four children, ages 5 to 9, shares a six-room house in East Baltimore with a family of six (the mothers are sisters).

Terry, the oldest of the Johnson children, is an epileptic who cannot read or write.

Six-year-old Allen has asthma and severe anemia. His hemoglobin level is less than 6 grams per 100 milliliters of blood. A level of 12 would be normal for his age. He also has a heart murmur.

A social worker found that the family ordinarily eats nothing for breakfast. Lunch consists of soup or crackers or sometimes a dry, sugarcoated cereal, served with water.

A typical dinner would be hamhock, which is mostly bone, skin and gristle; green beans, and boiled potatoes.

How many people in Baltimore go to bed hungry?

The answer to that question depends on the definition of hunger.

Outright starvation, as in a concentration camp or the streets of Calcutta, is rare—though such cases do appear in Baltimore hospitals from time to time.

But if hunger means subsisting on one meager meal daily, then it is common in this city.

If hunger means dullness at school or work because of protein deficiency, it is widespread here.

Malnutrition is often disguised by appearances. Many Baltimoreans who suffer malnutrition because they are deprived of meat, fresh vegetables and eggs look well-filled out because their diets are heavy with starches.

Though it is easy to find evidence of hunger simply by making random visits to the kitchens of inner-city homes, there are more precise ways to form an idea of the number of Baltimoreans for whom its pangs are part of daily living.

As of February, nearly 19,800 families with dependent children were receiving payments from the city Department of Social Services. These families included more than 61,000 children.

Health Department officials estimate that the population also includes perhaps 60,000 children whose parents work but earn very little more, and sometimes less, than the welfare scale.

Scientific evidence indicates that out of an estimated 120,000 indigent children in Baltimore, 12,000 are severely stunted because of malnutrition. That figure is obtained by applying to all such children in the population the findings of Dr. Alexander J. Schaffer, who studied a representative cross-section of them.

In addition to the severely stunted there are at least 15,000 preschool children—and that figure is probably far too low—who are malnourished to a degree that impairs function and hampers normal development.

It is also estimated that among the inner city, about 2,400 in every grade are malnourished to a severe degree, plus others who are moderately so.

These calculations are based on a conservative interpretation of findings made in a variety of studies at University, Johns Hopkins, Sinai and City hospitals.

An uncounted number of Baltimore adults are also hungry, malnourished or both. The situation is especially bad for the old, of whom 4,000 are on welfare rolls. Many are stranded in their quarters by infirmities and often are forced to subsist on so little food that their survival itself is miraculous.

It is among the young, however, that malnutrition is most ominous, in view of scientific studies indicating that protein deficiency early in life permanently impairs brain growth and mental capacity.

What, actually, do deprived Baltimoreans eat?

Families stock up mainly on potatoes, rice, spaghetti, grits, baked beans and bread—foods that meet the most immediate demand, relief of the feeling of emptiness.

Meats eaten by the poor are, for the most part, not the ones high in protein value but those which are cheap because they consist chiefly of bone and fat. These are pig knuckles; pig feet; pork neckbone; "fatback" (a part of the hog that has no lean); chicken wings and back; and hamburgers that may contain as much as 50 percent fat. Luncheon meats are eaten, too, but these are relatively expensive, and the quantities taken are generally so small as to provide negligible protein.

Even the above meats are by no means daily fare.

Walter Crane, a laborer, supports his wife and 12 children on earnings of about $425 a month.

Monthly expenditures include: $100 for an unfurnished house in South Baltimore; $20 for gas and electricity; $30 for clothing and household maintenance and $15 to pay off a debt. This leaves no more than $260 for food and other expenses—$18.50 for each person.

For breakfast the family eats grits or toast.

Lunch is a peanut-butter-and-molasses sandwich, with half a pint of milk bought by those of the children who are in school.

Dinner may consist of neckbone or pigfeet—chicken or pork chop on Sunday—with rice or potatoes and a canned vegetable, usually string beans. The children get powdered milk.

Perhaps because of the milk, limited though it may be, the children have developed no major diet-deficiency diseases, but they tend to be anemic; they are below par in energy and school performance, and they are not thriving like children on balanced diets.

When a youngster enters the comprehensive child-care clinic of the University of Maryland, a record is taken of the food he has consumed during the preceding 24 hours.

Sample records, chosen at random, illustrate vividly how indigent Baltimoreans manage to keep going on diets that maintain existence but lack balance and offer almost none of the protein, iron or vitamins needed by the body.

SAMPLE DIETS

For a 2-year-old from a family of four:

Breakfast: Applesauce.

Lunch: Lunchmeat on one slice of bread.

Dinner: Nothing.

For a 4-year-old from a family of six:

Breakfast: Grits, scrambled egg, coffee with milk and sugar.

Lunch: Collard greens, white potatoes, rice and fatback.

Dinner: Collard greens, rice, chicken wing.

Snack: Cookie, potato chips, soda pop.

For a 7-year-old girl:

Breakfast: Nothing.

Lunch: Nothing.

Dinner: Pork Shoulder, candied sweet potatoes, white potatoes, string beans.

A 4-year-old girl from a family of four:

Breakfast: Hard-boiled egg and orange juice.

Lunch: Cornflakes and one orange.

Dinner: Hamburger and orange juice.

A 7-year-old girl:

Breakfast: Nothing.

Lunch: Bean sandwich with margarine; chocolate milk.

Dinner: Nothing.

A 3-year-old girl:

Breakfast: Cornflakes with milk and sugar.

Lunch: Nothing.

Dinner: Pork roast, potatoes, cabbage.

Snack: Two jam sandwiches.

XUM

The following menu of a 6-year-old girl is unusual in that it is nutritionally adequate:

Breakfast: Bacon, scrambled eggs, grits, milk.

Lunch: Cookies and milk.

Dinner: Ham, collard greens, white potatoes, milk and bread.

Snack: Cake and frozen strawberries.

A 2-year-old had:

Breakfast: Pancakes with syrup and aplesauce.

Lunch: Nothing.

Dinner: Frozen chicken-pot pie.

For several of these children the only drink was a popular beverage which consists of nothing more than flavored water.

Sweets are common substitutes for something more substantial, and it is not unusual to see a child enter an innercity store in the morning to exchange a coke bottle for candy that may serve as breakfast or lunch. If the child has a little money, coke and potato chips commonly are purchased.

The last week of the month may find a family subsisting on a single food three times a day—oat meal, for example, with nothing more than cinnamon and sugar to vary the taste.

Sometimes one food will predominate for several days because a large supply has been purchased.

EGGS, ALL WEEK

One mother of six recently bought several dozen eggs, and for lunch all the next week she served her children two egg sandwiches apiece. Breakfast in that household normally consists of cornflakes with watered cream the first two weeks of the month and a piece of cake or toast for each person the rest of the time. Dinner might be hamburger or a portion of sausage or bacon served with eggs. No milk.

Some poor persons become so used to bulky foods that they are not tempted by proteins and green vegetables even when those are available.

"Nothing tastes right to me anymore," said one inner-city mother, "except bread with margarine and salt."

[From the Baltimore Sun, May 21, 1969]

HUNGER IN BALTIMORE–III: EIGHT EAT ON $77 A MONTH WITH NO MILK, GREENS, FRUIT

(By Weldon Wallace)

Shirley, a 12-year-old girl who lives in West Baltimore, has reached only the fourth grade level in an upgraded class. She lags not only in her studies but also in physical development.

Shirley is 52 inches tall, 8 inches below the 5 feet normal for her age, and she weighs 63 pounds, 24½ pounds less than the average healthy 12-year-old. Physicians rate her severely stunted.

Shirley is the oldest of seven children in a fatherless family. An examiner found she had "rampant" tooth decay and other evidences of poor condition.

Shirley's 3-year-old brother is even more retarded, proportionately. He weighs 25 pounds, litle more than two thirds of the 34 pounds normally expected at that age.

The mother, by contrast, is obese at 190 pounds.

The children's retarded development and the mother's fat both reflect a diet heavy in starches but lacking in the iron, proteins and vitamins mandatory to health.

A social worker recorded the following menu on a typical day in the family:

Breakfast: Sausage and grits.

Lunch: Lunchmeat and bread.

Dinner: Turkey wings and mashed potatoes with gravy.

No milk, no green vegetables, no fruit.

Shirley's family has a monthly income of $282, which comes from the Department of Social Services and child support paid by the absent father. The monthly rent for a large house, which was found by the social worker to be in "horrible condition," is $100. Since gas is used for heating, the gas bill in winter can run as high as $70. Electricity takes another $15. Clothing and the most minimal of needs for household maintenance account for another $20 at least.

This means that in cold weather the average money available for food each month is $77, little more than $9.50 a person—less than 32 cents a day.

The problem of hunger in Baltimore cannot be solved solely by pouring more money into welfare, say more than a dozen top-ranking medical and social specialists whose opinion was sought.

Yet all of these experts believe some money increases are necessary.

As they see the situation, hunger cannot be isolated from other social ills. Its correction requires a drastic upgrading of innercity life as a whole.

"Nutrition is a part of nurture," says Dr. Ray Hepner, University of Maryland pediatrician. It does not go with a sense of hopelessness. It demands at least minimum economic and social stability, which cannot be achieved without the basic education and vocational training that innumerable Baltimore families lack.

Yet malnutrition in itself is such an urgent problem for the young that truly heroic efforts are called for to prevent a new generation from growing up here stunted in body and mind. That is the conviction of Baltimore physicians who live with the problem every day.

To these doctors, there is no question that more money for food is a desperate and immediate need.

Simple arithmetic shows the reason.

The Baltimore Department of Social Services pays a family of four $128 monthly for subsistence and $50 for shelter, including utilities. Subsistence is allocated on the following basis: $95 for food; $20 for clothing; $13 for personal and household maintenance.

But the United States Department of Labor says a family of four needs $192 for minimal subsistence. This exceeds the Maryland allowance by $64 or one-third of the welfare subsistence grant.

The federal government breaks down the total this way: $112 for food; $40 for clothing; $40 for personal and household maintenance.

To achieve a moderate standard of living, which means all necessities but no luxuries, a family of four needs $266 for subsistence, according to studies made by the Maryland State Department of Social Services.

This is divided into $149 for food; $58 for shelter; $58 for personal and household maintenance.

For shelter, a family of four requires $118 to meet a moderate standard of living, the state Department of Social Services estimates. This is more than three times the $50 Maryland welfare allotment, which has not changed since 1958.

A welfare family may live in a public-housing project at the rate allowed for shelter by the Department of Social Services—if units in the project are available, but few are.

Of 10,280 such units in Baltimore, all but 111 are presently taken. Tenants include 5,000 welfare families, according to Robert C. Embry, Jr., the city housing commissioner, and that figure represents only one-quarter of the nearly 20,000 families in the single welfare category of Aid to Families with Dependent Children.

The other public-housing units are rented to indigent families not on welfare. These pay a higher rate, which is necessary in order to make the housing projects self-supporting.

What the average welfare family of four actually pays for rent is $86 monthly, the state Department of Social Services found in a sampling it made.

Since that is $36 above the $50 earmarked in the grant for shelter, clients must dig into their subsistence allotment to make up the difference. Almost inevitably the family skimps on food.

As it is, the $95 food allotment amounts to less than 79 cents a person a day. To subtract $36 leaves only $69—57½ cents daily for each person. That amount may be subject to further depletion from the incidentals and emergencies that are part of the experience of almost any family.

Further, the $69 is only $9 more than the lump sum the family-of-four householder must put down in order to buy food stamps, which are designed to stretch the buying power of his grocery dollars.

Many people cannot use the food-stamp program simply because they are unable to pay out a large proportion of their monthly grant at one time. The money is just not there.

Figures reveal how far the program falls short.

In March, 9,400 clients bought food stamps. That is less than half the families with dependent children on relief, to say nothing of clients in other categories.

Only 1,000 householders who were not on public assistance purchased the stamps in March—and there are probably as many self-supporting indigents as there are welfare clients.

In buying food stamps a householder who is not on welfare is subject to the same rules that apply to public-assistance clients. If his family totals four, and his net earnings, for example, are $190 a month, he is not eligible for stamps because his income exceeds the $178 basic welfare grant.

Several plans and proposals are now under consideration to ease the workings of the food-stamp program and to permit the indigent to enjoy the great benefits it was designed to provide.

A federal source of free food to supplement the diet of indigents has been available in recent years, but Maryland has not taken advantage of it.

The Department of Agriculture would send foods to this state for donation to the indigent when prescribed by a physician or requested by nurse or social worker. However, Marland has never made the appropriations necessary to stockpile this food and distribute it.

Even the few dollars which indigent Baltimoreans have to spend for food may not go as far as an equal number of dollars spent by the more fortunate consumer. The inner-city householder generally cannot afford taxi or bus fare to shop for bargains among chain stores beyond her neighborhood and must go to the corner grocery, where prices are often higher for poorer food.

A substandard diet not only deprives body and mind of nutrition; it also helps to weaken family relationships. In comfortable homes the dinner table is a source of unity, drawing the family together at least once daily and often providing the only opportunity for leisurely interchange among parents and children.

But in many ghetto homes, food is so scarce and monotonous that the family has no interest in sitting down at the table together. The mother may simply put a pot of beans or potatoes or cabbage on the stove, and family members go there at random to help themselves.

And food alone, even the best of it, may not provide adequate nutrition if an unhealthy or unsettled emotional tone in the environment interferes with the body's processes of digestion and assimilation, physicians say.

Nothing contributes to instability more than the absence of a father from the household—one of the most depressing problems of the ghetto.

Ironically, the welfare system tends to perpetuate rather than alleviate the problem of the fatherless home.

A father who works may be unable, for one reason or another, to earn as much as his family could receive from a welfare grant. Often he lacks the training to do so. His family, however, is not eligible for public assistance so long as he remains at home. It is tempting, therefore, for the father to desert his family for its own economic good.

The Monroe family consists of husband, wife and 15 children. Because Mrs. Monroe is a devout Catholic, she has refused to practice contraception.

Mr. Monroe works for a construction firm, so his employment is often dependent on the weather. He also has a problem with alcohol but, nevertheless, he is employable by standards of the Department of Social Services.

The wife is the family's main support. Each night she travels by bus from her Schroeder street home to Dundalk to work as a janitor for $60 a week. She has to pay for her own carfare and lunch.

If Mr. Monroe were to leave home, his wife and children would draw a minimum of $250 in public assistance and Mrs. Monroe would not have to make that nightly journey to Dundalk. But the couple will not hear of this.

"We will stay together," Mrs. Monroe says, "and, if necessary die together."

Welfare clients heretofore have found little encouragement to seek work, since whatever they have earned above $10 and expenses is deducted from their welfare grant. As of July this will be changed to permit a worker to retain $30 plus one-third of additional earnings.

Some knowledgeable persons would go even further. As they see it, the client should be allowed to retain both his grant and his full wages if neither alone can provide him with basic subsistence. This would give him a toehold on a better life for his family and would be an incentive to push further up. As his lot became better, the welfare grant would taper off.

One new undertaking of the department of special services which shows great promise is the work incentive program, designed to provide job-training opportunities for clients. The interest this has aroused, and the response to it, belie the popular belief that welfare clients are happy to remain wards of the state.

[From the Baltimore Sun, May 22, 1969]

Hunger in Baltimore—IV: War on Anemia Is Urged in Slums

(By Weldon Wallace)

A group of leading Baltimore pediatricians has presented to the federal government a plan to protect infants from iron-deficiency anemia, which now affects thousands of young Baltimoreans.

Under this proposal, drafted by Dr. Alexander J. Schaffer, all infants born in the Model Cities area of Baltimore would receive iron-enriched milk from birth through the age of 9 months. This preventive measure would benefit a vast deprived section of Baltimore, extending from Monroe street in the west across the business district and to Broadway in the east. The population of the area is at least 100,000.

Dr. Schaffer is consultant on all public child-health programs in the city.

His recommendation is one of several moves taken recently in Baltimore by public and private agencies as the city becomes more sharply aware that hunger is chronic here and that malnutrition is a constant drain on the energies of the poor.

Another move is a proposal by the School Board to double the free lunches offered in city schools, bringing the number to 10,000. Though health officials say that at least twice that many are needed, the increase sought is regarded as a substantial advance in the attack on hunger. If the budget for the additional lunches is approved, the city would pay about 45 per cent of the cost, and the remainder would be made up from federal sources.

Dr. Schaffer's proposal contains two provisions. The first concerns the iron enrichment of milk for infants. The second calls for a program of systematic and widespread nutritional education for parents. Dr. Schaffer emphasizes the second just as strongly as the first.

Such education would be given to expectant mothers along with other training in child care. The instructors would be organized as neighborhood teams headed by 12 full-time persons employed from among residents of the Model Cities area, all under a project director.

Dr. Schaffer computes the cost of his two-part proposal at nearly $212,000 annually, and in return for this money he believes the infant population of Baltimore would be virtually freed of iron-deficiency anemia.

Such anemia lowers the levels of hemoglobin in red blood cells, thus impairing the delivery of oxygen to the body and the removal of carbon dioxide. Its symptoms include apathy, poor attention and performance and increased susceptibility to fatigue and disease.

A scientific sampling of the population has shown that more than a third of the infants born to indigent parents in Baltimore have iron-deficiency anemia by the age of 6 months. Among indigent 15-year-olds, one-quarter are affected.

It is believed that the iron formula Dr. Schaffer wishes to add to milk would have a number of beneficial side effects, including improvement in the assimilation of proteins, which are necessary for the infant's physical and mental development.

Dr. Schaffer is only one of the experts in infant and child care who consider nutritional education of the public an indispensable weapon in the battle against hunger.

Even big increases in food grants to welfare recipients will not be reflected by comparable improvement in nutrition unless householders know what foods to buy—this is the conviction of all experts who were questioned.

Numerous indigent mothers do not understand that there is a vital nutritional difference between a diet of bread, spaghetti and potatoes and a menu that offers meats, eggs and fresh vegetables.

Many of the poor, especially those who have come from rural areas, think of food in terms of cornbread, syrup, grits and other starches, prepared with ethnic flavorings. Foods high in protein and other elements necessary for growth and health are often unwelcome to palates unaccustomed to them. Even with more money to spend for food many persons would probably continue eating the foods they know and like.

It is the consensus of experts that any other measure to aid nurtition will be only partially successful without a vast training program in food habits and tastes, in shopping practices and menu planning.

Understandably, in view of the meager food money available to them, inner-city householders feed their families primarily on cheap but filling starches. Yet even with very limited resources, householders who have some knowledge of nutrition manage by resourceful shopping and adroit menu-planning to give their families the basic foods needed for growth.

If the job that must be done to improve the lot of poor Baltimoreans nutritionally, nothing is more hopeful and promising than the fact that a great deal of nutrition can be provided on a small budget.

At a cost of hardly more than $6 a day a family of 10 can eat meals that are both tasty and adequate to meet the body's nutritional demands.

Proof is a booklet prepared by Mrs. Norma Maiden, nutritionist of the University of Maryland Community Pediatric Center.

This booklet contains menus and recipes designed to enable a family of 10 to eat for a week at a cost of $43, based on food prices in corner grocery stores.

Listed are such dishes as omelets, barbecued chicken, hamburger "submarines," meat loaf, baked fish, beef stew and "herringburgers."

Mrs. Maiden includes price lists of all foods bought. She also offers suggestions on how to use leftovers and how and when to shop to get the best value.

Public and private organizations are considering plans to train people to serve as instructors in nutrition in the ghetto.

But to be successful, such a program must be part of an intensive overall drive to eliminate illiteracy, provide job training and otherwise prepare indigent people to make a better life for themselves. Hunger, the experts insist, does not stand isolated from other problems. It is part of the total pattern of deprived living.

Family stability is the base of a better life, and a job is essential to stability.

Dr. Henry Seidel, Johns Hopkins pediatrician, has said, that "if I had $100,000,000 to give to the poor, I would not spend it on food or health but on jobs."

Education and job placement, better nutrition and social circumstances—all should help in the abatement of alcoholism, drug addiction and illegitimacy, in the opinion of people who work with these problems every day.

For many indigent persons alcohol has been the only escape from a world without hope; a world where even when jobs become available, the unemployed lack training to fill them.

As for illegitimate parenthood, there is a popular notion that numerous unmarried women become pregnant repeatedly because each additional child produces more welfare revenue. In truth the money allotted for each new child is $24.50 per month, a slim amount indeed for the nurture of a child and hardly an inducement for maternal profiteering.

And, until very recently, the welfare department imposed a maximum in grants, so that each extra child after the fourth produced no increase in benefits at all.

Dr. Ray Hepner, who heads the University of Maryland Community Pediatric Center, offers clear evidence to refute the idea that repeated pregnancies are desired by these women or are viewed by them with indifference.

Four years ago the university started education in family planning. For a quarter of a century, the birth rate in the area around University Hospital, Greene and Lombard streets, had been rising sharply. After programs in family planning were started, the birth rate began to decline and today it stands at the level that prevailed 25 years ago.

No factor in the present attack on ghetto problems is more encouraging than the sheer build-up of public concern about hunger and malnutrition.

There has been something like a national awakening. Hunger is a pressing topic in Congress, in state legislatures, in magazines and newspapers, on television and radio. Many churches have entered the inner city as the most important area of their ministry today.

And while Baltimore has the unwanted distinction of leading the country in many evidences of malnutrition, it was also the first city to create a task force on nutrition. This unit, established by Mayor D'Alessandro, has brought together numerous agencies,

XUM

public, private and religious, for a concerted attack on the problem.

All are needed to regenerate the other side of the land of plenty.

SOCIAL SECURITY

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. Staggers) is recognized for 10 minutes.

Mr. STAGGERS. Mr. Speaker, our elderly citizens, dependent for the most part upon social security benefits, were given every reason to believe that changes in the system would go into effect before the close of 1969. The administration's recent proposal for an increase in benefits, effective April 1, 1970, is obviously an unreasonable delay. Further, the increase proposed is insufficient to cover the increase in cost of living since the last change was made in the system.

We will fail in our duty to social security beneficiaries if we do not provide earlier and more substantial relief. I am therefore suggesting that Congress amend the Social Security Act so as to provide:

First. Changes effective with checks mailed out in early January 1970.

Second. An increase in minimum benefits to $75 per month.

Third. A general increase of benefits of 15 percent of the present scale.

Fourth. A cost-of-living increase on a scale equivalent to those used by industry in fixing wage scales, such increases to be calculated every 6 months.

Fifth. Modifications in employer and employee contributions to the system which will make the above increases possible.

Mr. Speaker, the present social security system has demonstrated the correct answer to the aging problem. It has proved itself to the satisfaction of the public as a concrete and workable method of assuring a serene and unworried old age. It needs modification from time to time to meet changing conditions. If those modifications must be made by successive congressional acts, those changes will necessarily become involved in partisan political manipulations. The social security system has not at any time been a partisan measure. Frequent automatic assessments of changing conditions will help to preserve its nonpartisan character.

I feel that this suggestion is just and proper at the present time, and that it will assure a satisfactory operation of the system for some time to come.

OUR COURSE IN VIETNAM

(Mr. KYL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KYL. Mr. Speaker, since becoming involved in Vietnam, we have had three basic courses we could pursue:

We could seek military victory.

We could withdraw unilaterally.

We could attempt to negotiate some kind of settlement between those first two extremes.

Our Government has been trying to negotiate. There is no question about the seriousness of our desire. We have taken steps to indicate our good faith in seeking a solution. I do not know how much has been achieved. This is a diplomatic process. Diplomacy cannot exist in public.

In recent days, we have had an increasing tempo of criticism over Vietnam policy. The agitation has centered chiefly on the schedule for withdrawing troops from Vietnam. The argument has been carried on primarily by press release. It is obvious that there is an effect on public opinion. A decision is being forced.

In this brief discourse, I am not attempting to say that opposition is good or bad or whether silence would be better. I am saying that what is happening will result in some easily predictable results.

Most important, opposition to our foreign policy effectively removes the option to negotiate. For what we are saying to the enemy is this: "You better hurry and negotiate with us soon because we are going to have all our troops removed by a certain date, and then it will be too late to negotiate."

It is as simple as that.

This will leave us with but two options. We will have the option to pull out. But we will also have the alternative of seeking military victory. And once the middle option is removed we will have to move one way or the other.

What is the cost of accepting either alternative? I do not think anyone needs briefing on the costs of an all-out war in Vietnam. I am not so sure we all understand the possible costs of withdrawal.

For when we get ready to make the decision for withdrawal, we have to ask ourselves if this means withdrawal from all Southeast Asia. If it does not, how do we specify where or when or how we can or will be involved in that portion of the globe. And if our policy determination at that time is to be meaningful, we will have to express our intention clearly or we will be tested at every geographic point in Southeast Asia.

We will also have to make it obvious very quickly, what our interests are in other parts of the world, particularly in those acute trouble spots like the Mideast.

It is always easier to have an opinion than to make a decision.

In attempting to pressure others into making decisions that we ourselves cannot make, we are advised to estimate all possible consequences of our recommendations. And, we must all be prepared to share the responsibility for the decisions others make at our insistence.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill and joint resolution of the Senate of the following titles:

S. 2068. An act to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees; and

S.J. Res. 46. Joint resolution to authorize the President to designate the period beginning November 16, 1969, and ending November 22, 1969, as "National Family Health Week."

The message also announced that Mr. Bellmon be appointed a conferee on the bill (H.R. 10505) entitled "An act to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program" in lieu of Mr. Cook, excused.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2163. An act to establish, in the House of Representatives, the office of Delegate from the District of Columbia, to amend the District of Columbia Election Act, and for other purposes; and

S. 1264. An act to establish a Commission on Government for the District of Columbia.

GENERAL LEAVE TO EXTEND

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Pike amendment opposing the construction of naval vessels to the bill, H.R. 14000.

The SPEAKER pro tempore (Mr. Pucinski). Is there objection to the request of the gentleman from Alabama?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Foreman) and to revise and extend their remarks and include extraneous matter:)

Mr. Devine for 5 minutes today.

Mr. Findley for 15 minutes today.

Mr. Rhodes for 5 minutes today.

(The following Members (at the request of Mr. Anderson of California) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez for 10 minutes today.

Mr. Friedel for 10 minutes today.

Mr. Staggers for 10 minutes today.

Mr. Rosenthal for 60 minutes on October 14.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Fulton of Tennessee in three instances, and to include extraneous matter.

Mr. Hunt to extend his remarks following those of Mr. Arends in the Committee of the Whole today.

Mr. Price of Texas to extend his remarks following those of Mr. Devine in the Committee of the Whole today.

Mr. Tunney, to revise and extend his remarks immediately preceding the vote on the ABM amendment.

Mr. Eckhardt, to extend his remarks and to add extraneous matter on the bill H.R. 14000 on amendment No. 1.

Mr. Daniel of Virginia, and to include extraneous matter following his remarks on the ABM today.

Mr. Price of Illinois, to extend his remarks on the final amendment on H.R. 14000.

Mr. Brademas, to extend his remarks at the end of the debate today on H.R. 14000.

Mr. Schadeberg to extend his remarks during debate on the ABM on H.R. 14000.

Mr. Quillen to revise and extend his remarks made during debate on H.R. 14000.

(The following Members (at the request of Mr. Foreman) and to include extraneous matter:)

Mr. Roudebush.
Mr. Zwach.
Mr. Taft.
Mr. Winn in two instances.
Mr. Pelly in five instances.
Mr. Carter.
Mr. Collier in five instances.
Mr. Eshleman.
Mr. Wyman in two instances.
Mrs. Reid of Illinois.
Mr. Pollock in five instances.
Mr. Horton.
Mr. Derwinski.
Mr. Watson in two instances.
Mr. Esch.
Mr. Foreman.

(The following Members (at the request of Mr. Anderson of California) and to include extraneous matter:)

Mr. Natcher in two instances.
Mr. Long of Maryland.
Mr. Rarick in four instances.
Mr. Gonzalez in two instances.
Mr. Charles H. Wilson.
Mr. Cohelan in two instances.
Mr. Addabbo in two instances.
Mr. Watts in two instances.
Mr. Tiernan.
Mr. Diggs.
Mr. Hathaway in two instances.
Mr. Griffin in three instances.
Mr. Monagan in two instances.
Mr. Kastenmeier.
Mr. Brown of California in two instances.
Mr. Minish.
Mr. O'Neill of Massachusetts in four instances.
Mr. Brademas in 10 instances.
Mr. Biaggi.
Mr. Rogers of Florida in five instances.
Mr. Ashley.
Mr. Tunney.
Mr. Olsen in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2163. An act to establish, in the House of Representatives, the office of Delegate from the District of Columbia, to amend the District of Columbia Election Act, and for other purposes; to the Committee on the District of Columbia.

S. 2164. An act to establish a Commission on Government for the District of Columbia; to the Committee on the District of Columbia.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The Speaker announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 2068. An act to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees; and

S.J. Res. 46. Joint resolution to authorize the President to designate the peroid beginning November 16, 1969, and ending November 22, 1969, as "National Family Health Week."

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes p.m.) under its previous order, the House adjourned until tomorrow, Friday, October 3, 1969, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1207. A letter from the Director, U.S. Information Agency, transmitting the report of the Agency on activities under section 401 of the Federal Property and Administrative Services Act of 1949 (Public Law 81–152); to the Committee on Government Operations.

1208. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States under the provisions of section 212(a) (28) (I) (ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1209. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d) (3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d) (6) of the act; to the Committee on the Judiciary.

1210. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a) (1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1211. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a) (2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1212. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KIRWAN: Committee on Appropriations. H.R. 14159. A bill making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes; without amendment (Rept. No. 91–548). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 14143. A bill to amend the Employment Act of 1946 to bring to bear an informed public opinion upon price and wage behavior which threatens national economic stability; to the Committee on Government Operations.

By Mr. CEDERBERG:

H.R. 14144. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. DEVINE:

H.R. 14145. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored" and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.R. 14146. A bill to authorize the release of 12,366 short dry tons of non-stockpile-grade fluorspar from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. FREY:

H.R. 14147. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in benefits thereunder and a minimum primary benefit of $70; to the Committee on Ways and Means.

By Mr. GILBERT (for himself, Mr. Adams, Mr. Addabbo, Mr. Annunzio, Mr. Brasco, Mr. Button, Mr. Byrne of Pennsylvania, Mrs. Chisholm, Mr. Conyers, Mr. Dent, Mr. Edwards of California, Mr. Farbstein, Mr. Feighan, and Mr. Flood):

H.R. 14148. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled and for other purposes; to the Committee on Ways and Means.

By Mr. GILBERT (for himself, Mr. Halpern, Mr. Hicks, Mr. Howard, Mr. Koch, Mr. Leggett, Mr. Matsunaga, Mr. Mikva, Mr. O'Konski, Mr. Olsen, Mr. Podell, Mr. Pucinski, Mr. Rees, Mr. Tiernan, and Mr. Tunney):

H.R. 14149. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 14150. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work; and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means.

By Mr. JARMAN:

H.R. 14151. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTENMEIER:

H.R. 14152. A bill to amend title II of the Social Security Act to provide a 25-percent across-the-board increase in benefits thereunder, with a minimum primary benefit of $110 and subsequent cost-of-living increases, and to raise the amount individuals may earn without suffering loss of benefits; to amend title XVIII of such act to make health insurance benefits available without regard to age to all individuals receiving cash benefits based on disability, and to provide coverage for qualified drugs under part B of such title; and to authorize appropriations to finance the cost of these changes; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 14153. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in the monthly benefits payable thereunder, with a minimum primary benefit of $80, and for other purposes; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 14154. A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes; to the Committee on Education and Labor.

H.R. 14155. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 14156. A bill to exclude from Federal income taxation amounts received under insurance contracts for increased living expenses necessitated by damage to or destruction of an individual's residence; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 14157. A bill to provide for the orderly marketing of flat glass imported into the United States by affording foreign supplying nations a fair share of the growth or change in the U.S. flat glass market; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 14158. A bill to amend title XVIII of the Social Security Act to provide that payment may be made under the hospital insurance program for emergency inpatient hospital services furnished in Canada or Mexico regardless of where the emergency occurred; to the Committee on Ways and Means.

By Mr. KIRWAN:

H.R. 14159. A bill making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers-Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

By Mr. ASHLEY:

H.R. 14160. A bill to provide additional mortgage credit, and for other purposes; to the Committee on Banking and Currency.

By Mr. BROTZMAN:

H.R. 14161. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER:

H.R. 14162. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 14163. A bill to provide for the distribution to the several States, for display to the public in museums and other appropriate institutions, samples of the lunar rocks and other lunar materials brought back by the Apollo 11 mission; to the Committee on Science and Astronautics.

By Mr. DE LA GARZA:

H.R. 14164. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. ICHORD:

H.R. 14165. A bill to provide for the orderly marketing of flat glass imported into the United States by affording foreign supplying nations a fair share of the growth or change in the U.S. flat glass market; to the Committee on Ways and Means.

By Mr. MACGREGOR:

H.R. 14166. A bill to provide for the prototype construction of a commercial supersonic transport airplane, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 14167. A bill to amend section 274 of the Atomic Energy Act of 1954 to allow the imposition by a State of more restrictive standards relating to the discharge into the navigable waters of the United States of radioactive materials; to the Joint Committee on Atomic Energy.

By Mr. POAGE:

H.R. 14168. A bill to extend the act establishing Federal agricultural services to Guam; to the Committee on Agriculture.

By Mr. SISK:

H.R. 14169. A bill to amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act; to the Committee on Agriculture.

By Mr. STAGGERS:

H.R. 14170. A bill to amend section 13a of the Interstate Commerce Act, to authorize a study of essential railroad passenger service by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN:

H. Con. Res. 396. Concurrent resolution expressing the sense of the Congress relating to the withdrawal of U.S. Forces from South Vietnam; to the Committee on Foreign Affairs.

By Mr. VANIK:

H. Res. 563. Resolution to establish a Select Committee on Post-War National Priorities; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ICHORD:

H.R. 14171. A bill to except Col. Alexander M. Hearn, U.S. Marine Corps (retired), from the application of the provisions of section 283, title 18, United States Code; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 14172. A bill for the relief of Maria dos Anjos Branco Silva and her minor children Jose, Octavio, and Germina; to the Committee on the Judiciary.

SENATE—*Thursday, October 2, 1969*

The Senate met at 11 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, our Father and Preserver, we give Thee thanks that of Thy goodness Thou hast watched over us during the night that is past and brought us to this new day; and we beseech Thee to renew and strengthen us by Thy spirit as we dedicate ourselves to Thy service.

Uphold this Nation in all her righteous endeavors. Draw together the broken multitude into one united people strong in the Lord and in the power of His might that the good life may be fulfilled in all men. Protect the protectors of our safety and guard the guardians of our lives and property that our ways may be the way of peace and justice. Give wisdom to all who teach and all who are taught that the young may be nurtured in Thy truth and qualified to lead in the days of promise and hope into which Thy providence guides us.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 2, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, October 1, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered. The nominations on the Executive Calendar will be stated.

NATIONAL COUNCIL ON THE ARTS

The assistant legislative clerk read the nomination of Nancy Hanks, of New York, to be Chairman of the National Council on the Arts.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

GREETINGS TO SENATOR MANSFIELD

Mr. SCOTT. Mr. President, I ask unanimous consent to extend the greetings of the Senate to the distinguished majority leader, to welcome him back, and to find him in excellent health.

Mr. MANSFIELD. I thank the Senator.

The ACTING PRESIDENT pro tempore. We are delighted to have the majority leader back in the Senate.

Mr. MANSFIELD. I thank the minority leader and the Chair.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FORMER SENATOR HAYDEN'S 92D BIRTHDAY ANNIVERSARY

Mr. GOLDWATER. Mr. President, I invite the attention of the Senate to the fact that today is the 92d birthday anniversary of our esteemed former colleague, Carl Hayden, and at this moment a little celebration is going on in observance of his birthday at the Hayden Library at Arizona State University at Tempe, Ariz.

I thought perhaps some of my colleagues might wish to send him a telegram or something, because not many men reach that age, particularly with the great veneration he commands.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Amendment to the Budget, 1970, for Disaster Relief

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1970, in the amount of $125 million, for disaster relief (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

Proposed Family Assistance Act of 1969

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes (with accompanying papers); to the Committee on Finance.

Report of Claims of Employees for Damage Claims Settled by the Department of Commerce, 1969

A letter from the Assistant Secretary of Commerce, transmitting, pursuant to law, reporting on claims of employees for damage to or loss of personal property sustained by them incident to their service which the Department of Commerce settled during fiscal year 1969 (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

Admission Into the United States of Certain Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Harry D. Steward, of California, to be U.S. attorney for the southern district of California; and

Jack V. Richardson, of Kansas, to be U.S. marshal for the district of Kansas.

By Mr. LONG, from the Committee on Commerce:

Helen D. Bentley, of Maryland, to be a Federal Maritime Commissioner.

By Mr. CANNON, from the Committee on Commerce:

Secor D. Browne, of Massachusetts, to be a member of the Civil Aeronautics Board; and

Isabel A. Burgess, of Arizona, to be a member of the National Transportation Safety Board.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 533. A bill for the relief of Barbara Rogerson Marmor (Rept. No. 91–437);

S. 2096. A bill for the relief of Dr. George Alexander Karadimos (Rept. No. 91–438);

S. 2231. A bill for the relief of Dr. In Bae Yoon (Rept. No. 91–439);

S. 2443. A bill for the relief of Dr. Silvio Mejia Millan (Rept. No. 91–440);

H.R. 3165. An act for the relief of Martin H. Loeffler (Rept. No. 91–441); and

H.R. 3560 An act for the relief of Arie Rudolf Busch (also known as Harry Bush) (Rept. No. 91–442).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 1775. A bill for the relief of Cora S. Villaruel (Rept. No. 91–444).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 1797. A bill for the relief of Dr. Wagih Mohammed Abel Bari (Rept. No. 91–443).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

H.J. Res. 851. Joint resolution to request the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival" (Rept. No. 91–446).

By Mr. HRUSKA, from the Committee on the Judiciary, with an amendment:

S. 476. A bill for the relief of Mrs. Marjorie Zuck (Rept. No. 91–445).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

S.J. Res. 143. Joint resolution extending the duration of copyright protection in certain cases (Rept. No. 91–447).

By Mr. TYDINGS, from the Committee on the Judiciary, with an amendment:

XUM

S. 981. A bill to amend title 28 of the United States Code to provide that the U.S. District Court for the district of Maryland shall sit at one additional place (Rept. No. 91–448); and

S. 1508. A bill to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States (Rept. No. 91–449).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

S. 2983. A bill to amend the Federal Meat Inspection Act to give any State an additional year to develop and enforce an effective inspection program for meat and meat food products that are distributed wholly within such State, and for other purposes; to the Committee on Agriculture and Forestry.

(The remarks of Mr. CURTIS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. FANNIN:

S. 2984. A bill to permit certain service performed as a temporary employee of the field service of the Post Office Department to be counted toward civil service retirement; to the Committee on Post Office and Civil Service.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2985. A bill to improve the administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the System, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. SCOTT (for himself, Mr. BROOKE, Mr. DOMINICK, Mr. GRIFFIN, Mr. HANSEN, Mr. JAVITS, Mr. PROUTY, Mr. SCHWEIKER, and Mr. STEVENS):

S. 2986. A bill to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes; to the Committee on Finance.

(The remarks of Mr. SCOTT when he introduced the bill appear in the RECORD under the appropriate heading.)

By Mr. BENNETT:

S. 2987. A bill for the relief of Alba Cristina Asserbauer Pirez; to the Committee on the Judiciary.

By Mr. HARTKE (for himself and Mr. MCGEE):

S. 2988. A bill to amend title 5, United States Code, relating to civil service retirement; to the Committee on Post Office and Civil Service.

By Mr. GOODELL:

S. 2989. A bill to permit the vessel *Marpole* to be documented for use in the coastwise trade; to the Committee on Commerce.

S. 2983—INTRODUCTION OF A BILL AMENDING THE FEDERAL MEAT INSPECTION ACT

Mr. CURTIS. Mr. President, just 21 months ago, in December 1967, the Wholesome Meat Act, a great milestone in consumer protection, was signed into law. The act was designed to provide a cooperative Federal-State program of meat inspection that would guarantee a uniformly high standard of purity and wholesomeness in meat or meat products slaughtered or processed for sale anywhere within the United States.

Since the passage of that act the States have made impressive strides in bringing their individual inspection systems up to Federal standards. Every one of the 50 States has either passed a new meat inspection law, amended its old law, or is now considering in its legislature a new or amended statute. Forty-four States and the Commonwealth of Puerto Rico have signed cooperative meat inspection agreements with the U.S. Department of Agriculture. Since January 1 of this year the States have initiated inspection in 1,200 plants that were previously uninspected. There are today a total of 9,079 plants under State inspection. The States are also making impressive strides in hiring and training new personnel for their programs. And more than $20 million have been budgeted by the States for plant inspection during fiscal year 1970.

However, while much has been done, much remains to be done. On December 15 of this year the Secretary of Agriculture must determine whether each State has a system of meat inspection "at least equal" to the Federal system. If the State does not have such a system fully operative but is making good progress toward it, the Secretary may extend the time for developing such a system to December 15, 1970.

I believe that it will be unfortunate if the Secretary of Agriculture is forced to take over intrastate meat inspection. The Wholesome Meat Act was designed to establish a cooperative Federal-State system of inspection. We should give the act every chance to do just that.

Under a cooperative Federal State system small plant operators may have the benefit of more responsive state inspection. It is much easier for local plants to have their plans approved and their inspection administered by State officials who are within the range of convenient communication and transportation arrangements.

Moreover, if the Federal Government is forced to take over all State meat inspection activities the additional cost will run upward of $50 million.

The legislation which I introduce today (S. 2983) will do three things. It will give each State an additional year in which to achieve an inspection system equal or better than the Federal system. The legislation will also grant a further 3-year exemption from inspection to some small business concerns to allow them opportunity to bring their intrastate facilities up to Federal standards. Finally, this legislation will allow inspected packing plants to perform exempt custom slaughter and processing of livestock for a producer's individual use.

As I have pointed out, the States are making impressive efforts to create high standards of meat inspection in accordance with the spirit of the Wholesome Meat Act. However, in many of these States biennial legislatures have just passed or are just in the process of passing or amending their meat inspection laws. The implementation and the financing of these programs will take time. If we cut these States off too soon, others may feel that their efforts are not worthwhile. Hasty action can produce a domino effect in which State inspection systems and the concept of Federal-State cooperative inspection fall by the wayside. Extending the final time that may be allowed for compliance to December 15, 1971, will allow biennial legislatures to meet to implement and finance the systems which they have now established or are establishing.

I believe that it is also necessary to provide a short-term exemption for small operators that will allow them to bring their intrastate plants up to Federal or at least equal State standards.

I am thinking of the small plants in my own State and in other States which slaughter and process only for local citizens and local markets. Under the present law these plants will have to comply with Federal standards which are incorporated in the proposed new Federal meat inspection regulations, or at least equal State requirements, not later than December 15, 1969, or December 15, 1970, if the Secretary grants the additional year to the State.

However, the proposed Federal meat inspection regulations were only published on August 14 of this year. It may be after January 1, 1970, before they become effective. It will take an incredible effort for operators of small plants just to ascertain whether their facilities now comply with such standards. And the problems of changing facilities to meet the requirements that are finally adopted and of financing such changes simply cannot be solved in the time now permitted.

The operators of the plants who would benefit from this exemption do a relatively small business, less than $250,000 gross a year. They are reputable members of the local community and they are known by their customers in that community. The purpose of this exemption is not to allow them to operate indefinitely at a lower standard but to allow them time to obtain the advice and financing necessary to reach a higher standard.

Finally, legislation I have introduced would relieve current provisions in the law as to custom slaughtering and preparation of meat products for limited use by a livestock owner. The present law allows custom slaughter and preparation of meat products for such uses without Federal inspection, but only if the slaughterer does not engage in any other slaughtering or processing activities.

The legislation I propose, numbered S. 2983, follows what I believe is a fair and sensible route. Under it custom slaughter activities could be exempted from the inspection requirements that apply to a plant's commercial operations. The Secretary would be authorized to issue regulations to assure that custom slaughtered meat is kept strictly separate from meat that is held for sale.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2983) to amend the Federal Meat Inspection Act to give any State an additional year to develop and enforce an effective inspection program for meat and meat food products that are distributed wholly within such State, and for other purposes, introduced by Mr. CURTIS, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 2985—INTRODUCTION OF A BILL IMPROVING THE ADMINISTRATION OF THE NATIONAL PARK SYSTEM

Mr. JACKSON. Mr. President, on behalf of the Senator from Colorado (Mr. ALLOTT) and myself I introduce, for appropriate reference, a bill to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes.

This measure was submitted and recommended by the Department of the Interior and I ask unanimous consent that the letter from the Secretary of the Interior accompanying the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 2985), to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes, introduced by Mr. JACKSON (for himself and Mr. ALLOTT) (by request), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The letter furnished by Mr. JACKSON follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., September 23, 1969.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To improve the administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the System, and for other purposes."

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The national park concept in the United States had as its genesis the establishment of Yellowstone National Park in 1872 (17 Stat. 32; 16 U.S.C. § 21 *et seq.*) Some 44 years later the National Park Service was created to: "promote and regulate the use of the Federal areas known as national parks, monuments, and reservations. . . ." (39 Stat. 535; 16 U.S.C. § 1)

The years since that time have been witness to an increased national awareness of our heritage which has expanded and varied the nature and quality of resources which the American people demand as the focus of that awareness. Since 1916 the National Park Service has been honored by the trust bestowed for administration of areas containing superb natural, historic, and recreational resources. This maturing process has, however, resulted in vestiges of the separate origins which are anachronism today. The proposed bill would clearly unify all these areas, and insure a greater measure of uniformity by clarification of existing general authorities, as well as adding new authorities to assist in administration.

Section 1 of the bill consists of a legislative recognition of the growth of the National Park System, and a declaration of the close relationship of the distinct, yet interrelated areas, and of the part they play as expressions of our national heritage.

Section 2 of the bill amends the Act of August 8, 1953 (67 Stat. 496), which defines the term "National Park Systems". The amendment would redefine National Park System to mean all areas administered by the Secretary through the National Park Service. "National Park System" is currently defined only in terms of six specific types of areas (16 U.S.C. § 1(c)). Other types of areas, administered pursuant to cooperative agreement, are excluded from that definition but are defined as "Miscellaneous areas", while others, such as recreational areas, are not involved at all. The statutory references in the bill are to authorities which should be applicable in aid of unified administration, as follows:

1. General National Park Service authority
2. Rights-of-way
3. Donations of land and money
4. Roads and trails
5. Approach roads
6. Conveyance of roads to states
7. Acquisition of inholdings
8. Aid to visitors in emergencies
9. Arrests
10. Services to the public, emergency supplies and services to concessioners, acceptability of travelers checks, and care and removal of indigents
11. Concessions
12. The land and Water Conservation Fund
13. General sellback and leaseback authority (except in national parks or national monuments of scientific significance) and general exchange authority

Section 3 of the draft bill provides the Secretary with authority to undertake certain activities, as follows:

(a) Transportation for employees and their families at isolated situations could be provided. There are, at present, situations in which restrictions on use of leave time, access to shopping, and so on, caused by distance from the lack of transportation to the nearest convenient areas, constitutes a condition of employment amounting to a penalty, (such as at Isle Royale National Park and Fort Jefferson National Monument). The authority would be exercised where adequate commercial transportation is not available and only where incidental to official transportation services.

(b) Provide recreation facilities for employees and their families at isolated situations. The authority would be similar to that given the Forest Service in Public Law 87–867 (76 Stat. 1157).

(c) Appoint advisory committees to advise the Director on matters concerning existing programs and to bring about a greater public understanding of such programs. Members shall receive no compensation, but may be reimbursed for necessary travel expenses.

(d) This extends the provisions regarding "waterproof footwear" (45 Stat. 238) to other field equipment, and clarifies existing authority as to items such as safety glasses, foul weather gear, wet suits, safety shoes and other specialized footwear, chaps, scuba gear, etc.

(e) This paragraph would authorize contracts to provide services and property such as water, at reasonable rates, for visitor facilities which may be located outside the boundaries of a unit of the National Park System.

(f) This provision would enable the National Park Service to equip certain special purpose vehicles, such as U.S. Park Police cruisers, patrol vehicles in remote desert areas, etc., with air conditioners. These are especially needed in park police cruisers where officers spend many hours patrolling the national capital parks. Similar authority with respect to vehicles used by the Washington Metropolitan Police is contained in the District of Columbia Appropriation Act for Fiscal Year 1969.

(g) In the interpretation of certain historical properties, Washington's Birthplace at Wakefield, Virginia, for example, and in providing meaningful environmental exposure to urban visitors, the National Park Service operates as interpretive facilities such exhibits as living farms. Products and services from these facilities, such as eggs, vegetables, and breeding stock can, under this authority, be sold without regard to the surplus property procedures of existing law, and the proceeds credited to the appropriation which funds the National Park Service interpretive activity, rather than being credited to miscellaneous receipts in the Treasury as required under existing law.

(h) This provision authorizes the National Park Service to transport children from nearby communities to organized interpretive and recreational programs in the parks. For example, under such authority children from Washington, D.C., metropolitan area could be transported to Prince William Forest Park for organized camping and outdoor recreation. Similar authority exists for transportation to assemblies called by the Secretary of Agriculture in the furtherance of his extension services.

Section 4. This amendment to section 1 of the 1948 Act would remove the requirement of exclusive or concurrent jurisdiction as to park police arrest authority. Since the arrest authority is for *Federal* crimes on *Federal* property, the present requirement is unnecessary and results in a confusion of the authority.

Piscataway Park, which is in the National Capital Region, is partly within Prince Georges County, and partly within Charles County, Maryland. Likewise, Prince William Forest Park is partly within Prince William County and partly within Stafford County, Virginia. Park police arrest authority does not extend to Charles County, or to Stafford and Prince William Counties. The amendment would add these counties to the definition of "environs of the District of Columbia" in section 3 of the 1948 Act.

All of these authorities will greatly assist us in providing for the American people and, indeed, the people of the World, service commensurate with the extraordinarily fine and unique resources administered by the National Park Service.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

S. 2986—INTRODUCTION OF THE FAMILY ASSISTANCE ACT OF 1969

Mr. SCOTT. Mr. President, I introduce on behalf of myself, and other Senators, "The Family Assistance Act of 1969," comprehensive legislation addressed to one of our most serious do-

XUM

mestic problems. This bill constitutes one of the most important domestic initiatives which the Nixon administration will undertake. It embodies the administration's proposals for a complete overhaul of our present, highly unsatisfactory welfare system. President Nixon did not overstate the case when he termed the welfare system a colossal failure and a huge monster. No one is happy with welfare as it now exists—neither the taxpaying American, administrators at the Federal, State, and local levels of government, nor the recipients themselves.

Most of the problems in the existing system center around the program known as AFDC—aid to families with dependent children. In a period of increasing prosperity, and decreasing unemployment, this program has grown steadily. Since 1960, its cost has tripled, and the number of recipients has more than doubled. This program is now responsible for payments to 6,500,000 persons. Yet this program is basically unfair. It is unfair to men who work hard for low wages. It is unfair to families that stay together, instead of breaking up. It is unfair to people who live in different States, some of whom receive a payment of $39 a month, and others of whom receive as much as $163 a month.

After a great deal of study, the administration has concluded that the best way to remedy these problems is to establish a uniform Federal payment—a family assistance payment—to families with children and with comparable amounts of income. This is not a guaranteed income program. Persons who do not accept work or training opportunities will not be eligible for payments. It is a program that guarantees that help will be available for any family, with children, where the breadwinner uses his best efforts. It is designed as a program to encourage people to help themselves. The incentives to have earnings, and to increase earnings, are large.

Under this plan, the basic benefit for a family with no income would be $500 for each of the first two persons in the family, and $300 for each additional one. Thus, in the case of a family of four without income, payments of $1,600 annually would be available. The first $720—based on $60 a month—of annual earnings, would not result in any reduction in the basic family assistance benefit. This would ordinarily cover the expenses of employment so that an individual would not be disadvantaged by going to work. Above this level, a dollar of earnings would result in only a 50-cent reduction in benefits. For each dollar of unearned income, there would be only a 50-cent reduction, thus providing a monetary incentive for child support, and for more stable work effort by individuals so that higher unemployment compensation benefits would be available.

The food stamp program which was proposed by the President, and for which legislation has now been passed by this body, will enhance the benefits available. The comprehensive manpower and training bill will make more available training opportunities in relation to local labor markets, and the opportunity for placement of welfare recipients in the type of training program most likely to fit them for available jobs. This bill will complement both programs. With regard to the latter, this bill provides funds to help defray training costs, and it vastly expands—compared with present programs—the authority for day care. Any unemployed person who is able to work or take training will be required to register with the State employment services. An exception is made in the case of mothers of children under 6 whose acceptance of training or employment is voluntary.

Under the existing system there is, as I pointed out, a very wide variation in payments. It would be unfair to significantly reduce the amount of assistance being received by individual families today. This bill, accordingly, contains provisions for State supplementation so that persons will not lose under the new arrangement. Obviously, the intact working families who are eligible for nothing today will gain, and greater equity will result.

In the program for the aged, blind, and disabled, Federal matching is materially improved. The Federal Government would provide 100 percent of the first $50 of payment per individual, 50 percent for the next $15, and 25 percent of the amount above $65. Of vital importance is the principle of a minimum income floor that would be established for the first time. As a condition for receiving Federal grants, the States would have to assure that each aged, blind or disabled individual would have at least $90 from his assistance payment and other income each month.

The bill has been designed to assure some fiscal relief under the welfare programs as compared with existing law. It includes provisions that the Federal Government will reimburse the States for any required non-Federal expenditures that exceed 90 percent of what their expenditures would be under existing law. At the same time, other provisions assure that States will expend at least one-half as much as they are spending at present. These provisions, coupled with the revenue-sharing proposals of this administration, will aid hard-pressed State treasuries.

Out of new expenditures of approximately $5 billion—$4 billion under the bill that I have introduced and $1 billion of direct revenue sharing—the savings to State treasuries is estimated at $1.7 billion, one-third of the total. The remaining expenditures will go primarily to the recipients of family assistance payments, for training costs and day care and for administration and other items.

The bill makes minimal changes in the existing provisions for social services to families. This, I understand, will be the subject of later proposals. Similarly, the bill makes only minimal changes in the medicaid program which is now under intensive review by the Department of Health, Education, and Welfare.

Mr. President, the welfare proposals contained in this bill are designed to correct four basic evils in the present system—evils which provide strong incentives for abuse. It corrects the evil inequities between male and female-headed families which today provide an incentive for them to leave home. It corrects the inequities today between the idle and the working poor which presently provide an incentive for idleness. It requires recipients to accept available work or training and provides expanded training in day care services to make this possible.

Mr. President, this bill is long; it is complex. Not all may agree with the details of every provision. Certain refinements may be suggested in committee, and on the floor. Yet, overall, I believe these proposals constitute a major improvement in the way in which we deal with one of our most troublesome problems. They warrant fully the most careful consideration by all of us, leading to enactment.

For the first time since the 1930's the emphasis in Federal programs has shifted from the merely custodial to the remedial. President Nixon recognizes that the Federal dole is demeaning to human dignity, and only encourages a cycle of dependence from one generation to the next. This bill is vitally essential to the successful implementation of his stated goal to "assist millions of Americans out of poverty and into productivity."

I am pleased to have joining me as cosponsors in this effort the following distinguished Senators: Mr. Griffin of Michigan, Mr. Brooke of Massachusetts, Mr. Dominick of Colorado, Mr. Hansen of Wyoming, Mr. Prouty of Vermont, Mr. Schweiker of Pennsylvania, Mr. Stevens of Alaska, Mr. Javits of New York, and Mr. Percy of Illinois.

Mr. President, I ask that an explanatory statement by Health, Education, and Welfare Secretary Robert H. Finch, and a section-by-section analysis of the Family Assistance Act of 1969 be printed at this point in the Record.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the explanatory statement and section-by-section analysis will be printed in the Record.

The bill (S. 2986), to authorize a family assistance plan providing basic benefits to low-income families with children to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes, introduced by Mr. Scott (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

The material furnished by Mr. Scott follows:

Statement of Secretary of Health, Education, and Welfare, Robert H. Finch, in Explanation of the Family Assistance Act of 1969

The Family Assistance Plan is a revolutionary effort to reform a welfare system in crisis. With this program and the Administration's proposed Food Stamp plan, the Federal Government launches a new strategy—*an income strategy*—to deal with our most critical domestic problems. For those among the poor who can become self-supporting, this strategy offers an avenue to greater income through expanded work incentives, training, and employment opportunities. For those who cannot work, there is a more adequate level of Federal support.

If the Family Assistance and Food Stamp proposals are enacted, we will have reduced the poverty gap in this country by some 59 percent. In other words, these two programs taken together will cut by almost 60 percent the difference between the total income of all poor Americans and the total amount they would have to earn in order to rise out of poverty. In one particular category of the poor, that of couples over 65 years of age, the Family Assistance Plan will in fact raise recipients' incomes above the poverty line altogether. This income strategy includes an Administration proposal for a 10 percent increase in Social Security benefits, coupled with an automatic cost of living escalator. This is a real war on poverty and not just a skirmish.

I. THE FAILURE OF WELFARE

On August 8 the President addressed the nation and called the present welfare system a failure. He said:

"Whether measured by the anguish of the poor themselves, or by the drastically mounting burden on the taxpayer, the present welfare system has to be judged a colossal failure. . . .

"What began on a small scale in the depression 30's has become a huge monster in the prosperous 60's. And the tragedy is not only that it is bringing States and cities to the brink of financial disaster, but also that it is failing to meet the elementary human social and financial needs of the poor."

The failure of the system is most evident in the recent increases in welfare costs and caseloads. In this decade alone, total costs for the four federally-aided welfare programs have more than doubled, to a level now of about $6 billion.

In the Aid for Families with Dependent Children program (AFDC), costs have more than tripled since 1960 (to about $4 billion at the present time) and the number of recipients has more than doubled (to some 6.2 million persons). Even more disturbing is the fact that the *proportion* of persons on AFDC is growing. In the 15 years since 1955, the proportion of children receiving assistance has doubled—from 30 children per 1,000 to about 60 per 1,000 at present.

Prospects for the future show no likelihood for relief from the present upward spiral. By conservative estimates, AFDC costs will double again by Fiscal Year 1975, and caseloads will increase by 50 to 60 percent. Yet, the great irony is that despite these crushing costs, benefits remain below adequate levels in most States.

Moreover, the present AFDC program is built to fail. It embodies a set of inequities which help to cause its own destruction. First, it is characterized by unjustifiable discrepancies as between regions of the country. With no national standards for benefit levels and eligibility practices, AFDC payments now vary from an average of $39 per month for a family of four in Mississippi to $263 for such a family in New Jersey.

Second, it is inequitable in its treatment of male-headed families as opposed to those headed by a female. In no State is a male-headed family, where the mother is also in the home and the father is working full time for poverty wages, eligible for AFDC. In half the States, even families headed by unemployed males are still not eligible under the AFDC–UF program. On the other hand, families in poverty headed by women working full or part-time are almost universally covered. The result of this unfortunate discrimination is the creation of a powerful economic incentive for the father to leave home so that the State may better support his family than he can. For example, if a father employed full time in a low wage job is able to earn only $2000 per year, and welfare in the State would pay a fatherless family $3000 per year, his wife and children are financially 50 percent better off if he leaves home. And this financial incentive has taken its toll. In 1940, only 30 percent of the families on AFDC had absent fathers, but today the figure stands at over 70 percent.

Third, AFDC imposes inequities between those who work and those who do not. Because families in poverty headed by working men are not covered, it is easily possible for such a working family to be less well off than the welfare family. And what could be more debilitating to the motivation to work to see the opportunity for one's family to be better off on welfare? Moreover, the present system further undercuts the incentive to work by reducing welfare payments too rapidly and by too much as the head of the household begins to work.

II. THE FAMILY ASSISTANCE PLAN

This Administration began its formal inquiries into welfare reform even before the inauguration. From the report of the Transition Task Force on Welfare to the present time, a number of reform proposals have been considered. The final result reflects the best efforts of many different people in and out of government and in different Federal agencies.

This analysis led us to the conclusion that revolutionary *structural reform* in the system is required. The first priority of the Family Assistance Plan has been to remove, or at least minimize the inequities of present welfare policies. It is designed to strengthen family life and incentives for employment. This strategy may not pay off immediately, but unless this investment is made now, fundamental reform will be even more expensive in the future.

The Family Assistance Plan provides fiscal relief for hard pressed States and at the same time raises benefit levels for recipients in those areas where they are lowest. Of the $2.9 billion made available in new funds under the plan for benefits to families and to aged, blind and disabled adults, an estimated $700 million will have the effect of providing fiscal relief for the States and about $300 million will be for benefit increases for present recipients. But these goals, it must be said, cannot be our first priority at the present time. There are others who would invest more of our available resources in benefit increases or in a federalization of the program designed to provide maximum fiscal relief to the States. These are not easy priorities to weigh and balance, but we have concluded that—while those other approaches might be politically more popular in many respects—they only pour more Federal money into a system doomed to failure. The *system* must be changed, not just its payment levels or the division of labor between the Federal and State governments within it.

The technical operation of the Family Assistance Plan is described in the attached summary. This memorandum will review its major purposes.

First, it combines powerful work requirements and work incentives for employable recipients. By including the working poor—families in poverty headed by men working full time—the new plan much reduces and in many cases eliminates the inequity of treatment between those who work and those who do not. Second, by making it possible for a family to earn $60 per month without any reduction of benefits, a recipient will have a strong financial incentive to enter employment and will be able to recoup his expenses of going to work without a drop in total income. Third, the program includes a strong work requirement: those able bodied persons who refuse a training or suitable job opportunity lose their benefits. For this reason, the program is not a guaranteed annual income. It does not guarantee benefits to persons regardless of their attitudes; its support is reserved to those who are willing to support themselves. The work requirement is made effective by a new obligation of work registration. In order to be eligible for benefits, applicants must first register with their employment service office so that training and job opportunities can be efficiently communicated to them. Mothers with children under six, are however, exempted from this requirement of work and work registration and may elect to stay at home with their children without any loss in benefits.

Second, the Family Assistance Plan treats male and female-headed families equally. All families with children, whether headed by a male or female, will receive benefits if family income and resources are below the national eligibility levels. From this structural change in coverage flows one of the key advantages of the program in terms of family stability. No longer would an unemployed father have to leave the home for his family to qualify for benefits. In fact, the family is better off with him at home since its benefits are increased by his presence. And for employed men, the system greatly reduces and in some cases reverses the financial incentive to desert. In the example cited above of the father earning $2000 in a State where his family would receive $3000 on welfare, the Family Assistance Plan would supplement his wages by $960, giving the family $2960 in income and eliminating the financial incentive for the father to leave home.

Third, the program establishes a national minimum payment and national eligibility standards and methods of administration. For a dependent family of four, the Federal benefit floor will be $1600 per year. *When benefits under the President's Food Stamp proposal are also taken into account, the assistance package for such a family is about $2350 per year, or more than two-thirds of the poverty line as it has been most recently redefined*. This is not, of course, a sufficient amount to sustain an adequate level of life for those who have no other income; it is, nevertheless, a substantial improvement and can be made more adequate as budget conditions permit. As a result of the establishment of the Federal benefit floor of $1600, payment levels will be raised in 10 States and for about 20 percent of present recipients.

For the aged, blind, and disabled, a nationwide income floor would be set at $90 per month per person of benefits plus other income. This comes on a yearly basis to $2160 for two persons, an amount which is actually above the poverty line for an aged couple. This represents an important change which we have made in the program since the President announced it on August 8; when the minimum for the adult categories was set at $65.

Perhaps at least as important as the establishment of national minimum benefit levels, however, is the provision of national eligibility standards and administrative procedures to govern the Family Assistance and State supplementary payment programs. For the first time, a single set of rules will apply throughout the nation, although the States will remain free to administer their supple-

XUM

mentary payment programs under these uniform rules if they so desire. (The pre-existing State standards of need and payment levels will still continue to control in the supplementary payment programs with regard to eligibility and amount of benefits.)

States will be given the option, for both the supplementary payment and the adult category programs, to contract with the Social Security Administration for Federal assumption of some or all of the administrative burdens under these programs. In this way, we should be able to move toward a single administrative mechanism for transfer payments, taking advantage of all the economies of scale which such an automated and national administered system can have. The eventual transfer of Food Stamp Program to the Department of Health, Education, and Welfare—as previously proposed by the Administration—should further enhance this administrative simplification.

Fourth, the plan includes over $600 million for a major expansion of training and day care and opportunities. Some 150,000 new training opportunities will be funded under the legislation, which, when combined with the proposed Manpower Training Act is a simplified and centralized framework, should greatly broaden the opportunities for self support for recipients. Some 450,000 quality child care positions are also funded in a new and flexible program which further extends the Administration's commitment to the first five years of life.

Fifth, the Family Assistance Plan provides major fiscal relief for the States. An estimated $700 million of the $2.9 billion in new Federal money being made available for expanded cash assistance will go to the States in the form of saving on their existing welfare costs. For five years from the date of enactment, every State is assured fiscal relief at least equal to 10 percent of what its costs would have been under the old welfare program. When these savings are combined with the new money going to the States through the training and child care components and through the separate revenue sharing program, major relief for State governments is produced. In particular, by including the working poor within the Family Assistance Plan, we are establishing a wholly Federal responsibility for a category of potential recipients which an increasing number of States are beginning to assist at their own initiative. Some 7 States now have Statewide programs of relief for the working poor and another 8 States have local or experimental programs directed to these people—all entirely at State expense. By establishing a Federal program to cover the working poor, we are relieving the States of what seems to be the next likely increase in costs and coverage.

III. IMPACT ON OTHER PROGRAMS

The Family Assistance Plan has a major impact on several other Federal programs bearing on the poor.

First, we have changed the treatment of unearned income compared to the present welfare system so that the recipient of Family Assistance benefits loses only 50 cents from his benefit for each dollar of unearned income received. This results in the elimination of an important inequity which, for example, would make a female-headed family of four ineligible for Family Assistance benefits if it received $1700 per year in alimony or support payments, but would pay that family a benefit if the husband were at home and earning $1700 per year. It also has an important impact on other Federal programs such as Old Age, Survivors and Disability Insurance, and Unemployment Insurance by eliminating the dollar-for-dollar loss in benefits under welfare as income from these other programs is received.

Second, this legislation amends Title XIX (Medicaid) to extend mandatory coverage under that program to the AFDC–UF category. It is not possible at this time to include the working poor adults in Medicaid even though they are added to public assistance coverage under Family Assistance.

Third, Family Assistance has been carefully harmonized with the Food Stamp Program. As has already been stated, the benefits under these two programs are additive, so that a family of four receives a package of Family Assistance and Food Stamp subsidies totalling about $2350. Moreover, the eligibility ceilings have been set at virtually the same point—$4000 for a family of four—and both programs would now extend coverage to the working poor.

Finally, certain changes in the programs of services for AFDC recipients under Title IV of the Social Security Act are necessitated as a result of the Family Assistance Plan. The Department of Health, Education, and Welfare will be submitting more comprehensive amendments on the service program shortly. These amendments will include an expanded program of assistance to the States for foster care. In the meantime, however, we are leaving the present AFDC services provisions intact and retaining the 75-percent Federal matching for the financing of these programs.

SUMMARY OF FAMILY ASSISTANCE ACT OF 1969

TITLE I—FAMILY ASSISTANCE PLAN

Establishment of plan

Section 101 of the bill adds new parts D, E, and F to title IV of the Social Security Act, establishing a new Family Assistance Plan providing for payment of family assistance benefits by the Secretary of Health, Education, and Welfare and supplementary payments by the States.

Eligibility and amount

The new part D of title IV of the Social Security Act authorizes benefits to families with children payable at the rate of $500 per year for each of the first two members of a family plus $300 for each additional member.

The family assistance benefit would be reduced by non-excluded income, so that families with more non-excludable income than these benefits ($1600 for a family of four) would not be eligible for any benefits.

A family with more than $1500 in resources, other than the home, household goods, personal effects, and other property essential to the family's capacity for self-support, would also not be eligible.

Countable income would include both earned income (remuneration for employment and net earnings from self-employment) and unearned income.

In determining income the following would be excluded (subject, in some cases, to limitations by the Secretary):

(1) All income of a student;

(2) Inconsequential or infrequent or irregular income;

(3) Income needed to offset necessary child care costs while in training or working;

(4) Earned income of the family at the rate of $720 per year plus ½ the remainder;

(5) Food stamps and other public assistance or private charity;

(6) Special training incentives and allowances;

(7) The tuition portion of scholarships and fellowships;

(8) Home produced and consumed produce;

(9) ½ of other unearned income.

Veterans pensions, farm price supports, and soil bank payments would not be excludable income to any extent and would, therefore, result in reduction of benefits on a dollar for dollar basis.

Eligibility for and amount of benefits would be determined quarterly on the basis of estimates of income for the quarter, made in the light of the preceding period's income as modified in the light of changes in circumstances and conditions.

Definition of family and child

To qualify for Family Assistance Plan benefits a family must consist of two or more related individuals living in their own home and residing in the United States and one must be an unmarried child (i.e., under the age of 18, or under the age of 21 and regularly attending school).

Payment of benefits

Payment may be made to any one or more members of the qualified family. The Secretary would prescribe regulations regarding the filing of applications and supplying of data to determine eligibility of a family and the amounts for which the family is eligible. Beneficiaries would be required to report events or changes of circumstances affecting eligibility or the amount of benefits.

When reports by beneficiaries are delayed too long or are too inaccurate, part or all of the resulting benefit payments could be treated as recoverable overpayments.

Registration for work and referral for training

Eligible adult family members would be required to register with public employment offices for manpower services and training or employment unless they belong to specified excepted groups. However, a person in an excepted group may register if he wishes.

The exceptions are: (1) ill, incapacitated, or aged persons; (2) the caretaker relative (usually the mother) of a child under 6; (3) the mother or other female caretaker of the child if an adult male (usually the father) who would have to register is there; (4) the caretaker for an ill household member; and (5) full-time workers.

Where the individual is disabled, referral for rehabilitation services would be made. Provision is also made for child care services to the extent the Secretary finds necessary in case of participation in manpower services, training, or employment.

Denial of benefits

Family Assistance benefits would be denied with respect to any member of a family who refuses without good cause to register or to participate in suitable manpower services, training, or employment. If the member is the only adult, he would be included as a family member but only for purposes of determining eligibility of the family. Also, in appropriate cases, the remaining portion of the Family Assistance benefit would be paid to an interested person outside the family.

On-the-job training

The Secretary would transfer to the Department of Labor funds which would otherwise be paid to families participating in employer-compensated on-the-job training if they were not participating. These funds would be available to pay the training costs involved.

STATE SUPPLEMENTATION OF FAMILY ASSISTANCE BENEFITS

Required supplementation

The individual States would have to agree to supplement the family assistance benefits under a new part E of title IV of the Social Security Act wherever the family assistance benefit level is below the previously existing Aid to Families with Dependent Children (AFDC) payment level. This supplementation is a condition which the State must meet in order to continue to receive Federal payments with respect to maternal and child health and crippled children's services (title

XUM

V) and with respect to their State plans for aid to the aged, blind, and disabled (title XVI), medical assistance (title XIX), and services to needy families with children (part A of title IV). Such "supplementation" would be required to families eligible for family assistance benefits other than families where both parents are present, neither is incapacitated, or the father is not unemployed. The States would thus be required to supplement in the case of individuals eligible under the old AFDC and AFDC-UF provisions; they would not have to supplement in case of the working poor.

Amount of supplementation

Except as indicated below and, except for use of the State standard of need and payment maximums, eligibility for and amount of supplementary payments would be determined by use of the rules applicable for Family Assistance benefits.

In applying the family assistance rules to the disregarding of income under the supplementary payment program—

(1) In the case of earned income of the family, the State would first disregard income at the rate of $720 per year, and would then be permitted to reduce its supplementary payment by 16⅔ cents for every dollar of earnings over the range of earnings between $720 per year and the cutoff point for family assistance (i.e., $3,920 for a family of four), and could further reduce its supplementary payments by an amount equal to not more than 80 cents for every dollar of earnings beyond that family assistance cutoff point.

(2) In the case of unearned income, these same percentage reductions would apply, although the initial $720 exclusion would not apply.

Requirements for agreements

Some of the State plan requirements now applicable in the case of Aid and Services to Needy Families with Children would be made applicable to the agreement. These include the requirements relating to:

(1) Statewideness;

(2) Administration by a single State agency;

(3) Fair hearing to dissatisfied claimants;

(4) Methods of administration needed for proper and efficient operation, including personnel standards, training, and effective use of subprofessional staff;

(5) Reporting to Secretary as required;

(6) Confidentiality of information relating to applicants and recipients;

(7) Opportunity to apply for and prompt furnishing of supplementary payments.

Payments to States

A State agreeing to make the supplementary payments would be guaranteed that its expenditures for the first 5 full fiscal years after enactment would be no more than 90 per cent of the amount they would have been if the Family Assistance Plan amendments not been enacted. This would be accomplished by Federal payment to each State, for each year, of the excess of—

(1) The total of its supplementary payments for the year plus the State share of its expenditures called for under its existing State plan approved under title XVI plus the additional expenditures required by the new title XVI, over

(2) 90% of the State share of what its expenditures would have been in the form of maintenance payments for such year if the State's approved plans under title I, IV(A), X, XIV, and XVI had continued in effect (assuming in the case of the part A of title IV plan, payments for dependent children of unemployed fathers).

On the other hand, any State spending less than 50 per cent of the State share, referred to in clause (2) above, for supplementary payments and its title XVI plan would be required to pay the amount of the deficiency to the Federal treasury.

A State would also receive ½ of its cost of administration under its agreement.

ADMINISTRATION

Agreements with States

Sufficient latitude is provided to deal with the individual administrative characteristics of the States. Provision is made under which the Secretary can agree to administer and disburse the supplementary payments on behalf of the States. Similarly the States can agree to administer portions of the family assistance plan on behalf of the Secretary, with respect to all or specified families in the States.

Evaluation, research, training

The Secretary would make an annual report to Congress on the new Family Assistance Plan, including an evaluation of its operation. He would also have authority to make periodic evaluations of its operation and to use part of the program funds for this purpose.

Research into and demonstrations of better ways of carrying out the purposes of the new Plan, as well as technical assistance to the States and training of their personnel who are involved in making supplementary payments, would also be authorized.

Special provisions for Puerto Rico, the Virgin Islands, and Guam

There are special provisions for these areas under which the amount of family assistance benefits, the $720 of earned income to be disregarded, and several other amounts under the Family Assistance Plan and the new title XVI of the Social Security Act (aid to the aged, blind, and disabled) would be reduced to the extent that the per capita income of these areas is below that of that one of the 50 States which had the lowest per capita income.

TRAINING, EMPLOYMENT, AND DAY CARE PROGRAMS

Section 102 of the Administration bill would replace part C of title IV of the Social Security Act in its entirety.

Purpose

The purpose of the revised part C is to provide manpower services, training, and employment, and child care and related services for individuals eligible for the new Family Assistance Plan benefits (new part D) or State supplementary payments (new part E) to help them secure or retain employment or advancement in employment. The intent is to do this in a manner which will restore families with dependent children to self-supporting, independent, and useful roles in the community.

Operation

The Secretary of Labor is required to develop an employability plan for each individual required to register under the new part D or receiving supplementary payments pursuant to the new part E. The plan would describe the manpower services, training, and employment to be provided and needed to enable the individual to become self-supporting or attain advancement in employment.

Allowances

The Secretary of Labor would pay an incentive training allowance of $30 per month to each member of a family participating in manpower training. Where training allowances for a family under another program would be larger than their benefits under the Family Assistance Plan and supplementary State payments, the incentive allowances for the family would be equal to the difference, or $30 per member, whichever is larger.

Allowances for transportation and other expenses would also be authorized.

These incentive and other allowances would be in lieu of allowances under other manpower training programs.

Allowances would not be payable to individuals participating in employer compensated on-the-job training.

Denial of allowances

Allowances would not be payable to an individual who refuses to accept manpower training without good cause. The individual would receive reasonable notice and have an opportunity for a hearing if dissatisfied with the denial.

Utilization of other programs

In order to avoid the creation of duplicative programs, maximum use of authorities under other acts could be made by the Secretary of Labor in providing the manpower training and related services under the revised part C, but subject to all duties and responsibilities under such other programs. Part C appropriations could be used to pay the cost of services provided by other programs and to reimburse other public agencies for services they provided to persons under part C. The emphasis is on an integrated and comprehensive manpower training program involving all sectors of the economy and all levels of government to make maximum use of existing manpower and manpower related programs.

Appropriations and administration

Appropriations to the Secretary of Labor would be authorized for carrying out the revised part C, including payment of up to 90 percent of the cost of training and employment services provided individuals registered under the Family Assistance Plan. The Secretary would seek to achieve equitable geographical distribution of these funds.

In developing policies and programs for manpower services, training and employment for individuals registered under the Family Assistance Plan, the Secretary of Labor would have to first obtain the concurrence of the Secretary of Health, Education, and Welfare with regard to all programs under the usual and traditional authority of the Department of Health, Education, and Welfare.

Child care and support services

Appropriations to the Secretary of Health, Education, and Welfare would be authorized for grants and contracts for up to 90 per cent of the cost of projects for child care and related services for persons registered under the Family Assistance Plan and in manpower training or employment. The grants would go to any public or non-profit private agency or organization, and the contracts could be with any public or private agency or organization. The cost of these services could include alteration, remodeling, and renovation of facilities, but no provision is made for wholly new construction. The Secretary of Health, Education, and Welfare could allow the non-federal share of the cost to be provided in the form of services or facilities.

These provisions (unlike other provisions of the bill) would become effective on enactment of the bill.

Advance funding

To afford adequate notice of available funds, appropriations for one year to pay the cost of the program during the next year would be authorized.

Evaluation and research

A continuing evaluation of the program under part C and research for improving it are authorized.

XUM

Annual report and advisory council

The Secretary of Labor is required to report annually to Congress on the manpower training and related services.

ELIMINATION OF PRESENT PROVISIONS ON CASH ASSISTANCE FOR FAMILIES WITH DEPENDENT CHILDREN

Section 103 of the bill revises part A of title IV of the Social Security Act which relates to cash assistance and services for needy families with children. The new part A is called Services to Needy Families with Children, reflecting the elimination of the provisions on cash assistance. The cash assistance part is no longer necessary because of the Family Assistance Plan in the new part D of title IV.

The revised part A provides for continuation of the present program of services for these families. Foster care for children and emergency assistance, as included under existing law, are also continued.

Requirements for State plans

Section 402 of the Social Security Act which sets forth the requirements to be met by State plans before they are approved and qualify the State for federal financial participation in expenditures, would be revised as appropriate in the light of the elimination of the cash assistance provisions.

Payments to States

The provisions on payments to States for expenditures under approved State plans remain the same as existing law with respect to services, emergency assistance, and foster care. The matching formulas continue to vary, as in existing law, according to the kinds of services involved.

Definitions

The definitions of "family services" and "emergency assistance to needy families with children" have not been substantially changed.

The definitions of "dependent child", "aid to families with dependent children", and "relative with whom any dependent child is living" have been replaced (as no longer applicable) by definitions of

(1) "Child"—which refers to the definition in the new part D, establishing the Family Assistance Plan; this in effect substitutes a requirement that the child be a member of a "family" (as defined in the new part D) instead of having to live with particularly designated relatives;

(2) "Needy families with children" (and "assistance to such families")—this being defined as families receiving family assistance benefits under the new part D, if they are also receiving supplementary State payments pursuant to the new part E or would have been eligible for aid under the existing State plan for aid to needy families with children if it had continued in effect.

Foster care and emergency assistance

The provisions on payments for foster care of children and emergency assistance remain virtually the same as under existing law.

Assistance by Internal Revenue Service in locating parents

The provision on this subject remains the same and allows use of the master files of the Internal Revenue Service to locate missing parents in certain cases.

TITLE II—AID TO THE AGED, BLIND, AND DISABLED

This title revises the current title XVI of the Social Security Act and sets forth the revised title XVI in its entirety. One of the major changes is the removal of the provisions relating to medical assistance for the aged which, under existing law, would terminate at the end of calendar 1969. All medical assistance for which the Federal government shares costs will now be provided under approved title XIX State plans.

Requirements for State plans

Few changes are made in this section (sec. 1602), aside from deleting the provisions relating to medical assistance for the aged. The section retains, without substantial change, the requirements relating to:

(1) Administration by a single State agency (except where a separate agency is permitted for the blind as under existing law);

(2) Financial participation by the State;

(3) Statewideness;

(4) Opportunity for fair hearing;

(5) Methods of administration, including personnel standards, training, and effective use of subprofessional staff;

(6) Reporting to the Secretary as required;

(7) Confidentiality of information relating to recipients;

(8) Opportunity for application and furnishing of assistance with reasonable promptness;

(9) Establishment and maintenance by the State of standards for institutions in which there are individuals receiving aid;

(10) Description of services provided for self-support or self-care; and

(11) Determination of blindness by an opthalmologist or an optometrist.

The present prohibition against payment to persons in receipt of assistance under title I, IV, X, or XIV would be applicable instead to cases of receipt of family security benefits under the new part D of title IV.

The provision on inclusion of reasonable standards for determining eligibility and amount of aid would be replaced by one requiring a minimum benefit of $90 per month, less any other income, and by another requiring that the standard of need not be lower than the standard applied under the State plan approved under the existing title XVI or (in case the State had not had such a plan) the appropriate one of the standards of need applied under the plans approved under titles I, X, and XIV.

While the requirement relating to the determination of need and disregarding of certain income in connection therewith has been continued (although without the authorization to disregard $7.50 per month of any income, in addition to other income which may or must be disregarded), it has been expanded in a manner parallel to family assistance benefits to include disregarding as resources the home, household goods, personal effects, other property which might help to increase the family's ability for self-support, and, finally, any other personal or real property the total value of which does not exceed $1500. There would also be a new requirement for not considering the financial responsibility of any other individual for the applicant or recipient unless the applicant is the individual's spouse or child under the age of 21 or blind or severely disabled, and a prohibition against imposition of liens on account of benefits correctly paid to recipients.

Other new requirements relate to provision for the training and effective use of social service personnel, provision of technical assistance to State agencies and local subdivisions furnishing assistance or services, and provision for the development, through research or demonstrations, of new or improved methods of furnishing assistance or services. Also added is a requirement for use of a simplified statement for establising eligibility and for adequate and effective methods of verification thereof. Finally, there are new requirements for periodic evaluation of the State plan at least annually, with reports thereof being submitted to the Secretary together with any necessary modifications of the State plan; for establishment of advisory committees, including recipients as members; and for observing priorities and performance standards set by the Secretary in the administration of the State plan and in providing services thereunder.

The present prohibitions against any age requirement of more than 65 years and against any citizenship requirement excluding U.S. citizens would be continued.

In place of the present provisions on residency, there is a new one which prohibits any residency requirement excluding any resident of the State. Also there would be new prohibitions against any disability or age requirement which excludes a severely disabled individual aged 18 or older, and any blindness or age requirement which excludes any person who is blind (determined under criteria by the Secretary).

Payments

In place of the present provision on the Federal share of expenditures under the approved State plan there is a new formula which provides for payment as follows with respect to expenditures under State plans for aid to the aged, blind, and disabled approved under the new title XVI:

With respect to cash assistance, the Federal Government will pay (1) 100 per cent of the first $50 per recipient, plus (2) 50 per cent of the next $15 per recipient, plus (3) 25 per cent of the balance of the payment per recipient which does not exceed the maximum permissible level of assistance per person set by the Secretary (which may be lower in the case of Puerto Rico, the Virgin Islands, and Guam than for other jurisdictions).

With respect to services for which expenditures are made under the approved State plan, the Federal Government would pay the same percentages as are provided under existing law, that is, 75 per cent in the case of certain specified services and training of personnel and 50 per cent in the case of the remainder of the cost of administration of the State plan.

Payment by Federal Government to individuals

The revised title XVI includes authority for the Secretary to enter into agreements with any State under which the Secretary will make the payments of aid to the aged, blind, and disabled directly to individuals in the State who are eligible therefor. In that case, the State would reimburse the Federal Government for the State's share of those payments and for ½ the additional cost to the Secretary of carrying out the agreement, other than the cost of making the payments themselves.

Definition

The new title XVI defines aid to the aged, blind, and disabled as money payments to needy individuals who are 65 or older or are blind or are severely disabled.

Transitional and related provisions

Titles I, X, and XIV of the Social Security Act would be repealed.

Provision is made for making adjustments under the new title XVI on account of overpayments and underpayments under the existing public assistance titles.

Provision is also made for according States a grace period during which they can be eligible to participate in the new title XVI without changing their tests of disability or blindness. The grace period would end for any State with the June 30 following the close of the first regular session of its State legislature beginning after enactment of the bill.

Conforming amendments

The bill also contains a number of conforming amendments in other provisions of

XUM

the Social Security Act in order to take account of the substantive changes made by the bill. Thus, the changes in the medicaid program (title XIX of the Social Security Act) would require the States to cover individuals eligible for supplementary State payments pursuant to the new part E of title IV or who would be eligible for cash assistance under an existing State plan for aid to families with dependent children if it continued in effect and included dependent children of unemployed fathers.

Effective date

The amendments made by the bill would become effective on the first January 1 following the fiscal year in which the bill is enacted. However, if a State is prevented by statute from making supplementary payments provided for under the new part E of title IV of the Social Security Act, the amendments would not apply to individuals in that State until the first July 1 which follows the end of the State's first regular session of its legislature beginning after the enactment of the bill—unless the State certified before this date that it is no longer prevented by State statute from making the payments. In the latter case the amendments would become effective at the beginning of the first calendar quarter following the certification.

Also, in the case of a State which is prevented by statute from meeting the requirements in the revised section 1602 of the Social Security Act, the amendments made in that title would not apply until the first July 1 following the close of the State's first regular session of its legislature beginning after the enactment of the bill—unless the State submitted before this date a State plan meeting these requirements. In the latter case the amendments would become effective on the date of submission of the plan.

Another exception to this effective date provision is made in the case of the new authorization, in the revised part C of title IV of the Social Security Act, for provision of child care services for persons undergoing training or employment—which would be effective on enactment of the bill.

Mr. JAVITS. I have joined as a cosponsor, Mr. President, because I wish to encourage the administration in this initiative.

I advise the Senator from Pennsylvania (Mr. SCOTT) that I reserve the right to put in another bill or move amendments, but the fundamental principle is so important and I think the initiative of the administration so sound and desirable that I felt it my duty to join as cosponsor.

Mr. SCOTT. I thank the Senator from New York.

ADDITIONAL COSPONSORS OF A BILL AND JOINT RESOLUTIONS

S. 2979

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from New Jersey (Mr. CASE), the Senator from Hawaii (Mr. INOUYE), and the Senator from Alabama (Mr. ALLEN) be added as cosponsors of S. 2979, to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 154

Mr. EAGLETON. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. GURNEY), the Senator from Rhode Island (Mr. PELL), and the Senator from Illinois (Mr. SMITH) be added as cosponsors of Senate Joint Resolution 154, to authorize and request the President to proclaim the month of January of each year as "National Blood Donor Month."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 155

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Alaska (Mr. GRAVEL), I ask unanimous consent that, at the next printing, the names of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from New Mexico (Mr. MONTOYA), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. METCALF), and the Senator from Maryland (Mr. TYDINGS) be added as cosponsors of Senate Joint Resolution 155, to provide for a study and evaluation of international and other foreign policy aspects of underground weapons testing.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SETTLEMENT OF CERTAIN LAND CLAIMS OF ALASKA NATIVES—AMENDMENT

AMENDMENT NO. 221

Mr. STEVENS. Mr. President, today I would like to submit an amendment, intended to be proposed by me, in the form of a substitute for S. 1830, the Alaska Natives Land Claims Settlement. This amendment has been prepared at the request of the Alaska Federation of Natives, and represents their views on a land claims settlement.

Mr. President, because of the extremely wide interest this legislation has aroused in my home State of Alaska, I ask unanimous consent that in addition to the normal number, 1,500 extra copies of this amendment be printed and made available to the Interior Committee.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 221) was referred to the Committee on Interior and Insular Affairs and ordered to be printed.

THE DRAFT CALL REDUCTIONS—A CRUEL HOAX? CLAYTON FRITCHEY ANALYZES THIS PROPAGANDA

Mr. YARBOROUGH. Mr. President, recently this administration announced, with considerable fanfare, a reduction in draft calls for the remainder of this year. At the same time, a call was issued for meaningful draft reform. I am proud to say that I was among the first Senators to endorse this action for draft reform.

Now, however, serious questions have been raised about the validity of these draft-call reductions. It appears that, for the first 10 months of this year, draft calls have been running considerably higher than they were for the similar time period of last year. In fact, if my figures are correct, the average monthly draft call last year was 24,667 as opposed to 29,040 this year. That is over 4,000 men per month more than were being drafted last year.

In this light, the draft-call reductions are not so significant, for the administration has been drafting more men up to now, perhaps with the intent to announce reductions in draft calls later in the year.

A similar tactic was used by this administration earlier in the year when it announced a reduction in U.S. troop strength in Vietnam knowing full well that there had been a sharp increase in the numbers of U.S. forces there beforehand.

Mr. President, if these developments indicate any sort of trend in the way this administration intends to deal with the American people, they are perpetrating a cruel hoax on this Nation for which they will be held accountable.

While it may be possible to market a candidate like a new brand of laundry detergent, it is not possible to merchandise national policies in this way. The people are too alert to what an administration does for it to be able to continue to make meaningless gestures of the sort I have been discussing.

Mr. President, I ask unanimous consent that an article entitled "Are Draft Cuts, Token Pullouts Fooling Anyone?" written by Clayton Fritchey, and published in the Washington Star of Friday, September 26, 1969, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARE DRAFT CUTS, TOKEN PULLOUTS FOOLING ANYONE?

(By Clayton Fritchey)

Dr. Benjamin Spock and some of the student leaders dismissed President Nixon's draft reduction announcement as "fakery," which may be putting it a little strongly, but certainly there are good reasons for taking a hard look at the hat from which this rabbit was pulled.

Nixon's hand is quick, but not quicker than the computers. And the computers show that he has been drafting young Americans even faster than Lyndon Johnson did last year. The administration is able to call off draft calls for November and December because the government has inducted so many into the armed forces since Nixon took office that it already has enough in the pipeline to sustain operations for the time being.

The unpublicized, although significant fact is that draft calls have shot up 70 percent over last year since Nixon announced in June that he was beginning the withdrawal of U.S. troops from Vietnam. In October 1968, for instance, the call was for 13,800 as against 29,000 this October.

In the five-month June–October period the 1968 total was 79,300, compared with 135,700 in 1969. In 10 months this year, Nixon is going to draft almost as many men (290,400) as Johnson did (296,000) in 12 months last year.

Is the President really fooling anybody (except possibly himself) in hoping that momentary draft cuts and token troop withdrawals will take him off the Vietnam hook, and make the war acceptable to the American public, especially the students he is presently so concerned about?

A Pentagon official is quoted as saying, "We're simply buying time—on the installment plan." Gen. Lewis Hershey, director of Selective Service, views the presidential move as buying a "breather for a couple of months."

In its cynicism, the administration may have underestimated the idealism that animates many students. The anti-war spirit on the campuses is not based solely on self-interest and fear of the draft. Actually, most of the militant leaders have been immune to the draft.

"The time has come for peace," the President told the United Nations last week, but the delegates noted that, despite his earlier "hopes" of withdrawing all of America's combat troops next year, Nixon has currently settled for another small cutback of 35,000 men by Dec. 15.

Since the first reduction was 25,000, this means total withdrawals for 1969 will be only 60,000. At this rate it would take eight years to bring them all home. Moreover, even if future casualty rates do not exceed the level of the present fighting, such a prolonged withdrawal would cost the U.S. about 600,000 more killed and wounded.

For months, the administration has tried to pacify the public with talk of "lulls" and turning the fighting over to the South Vietnamese army. Yet, says the Armed Forces Journal, after a new analysis of casualties: "The harsh fact is that U.S. military forces in Vietnam have suffered approximately 30 percent more combat deaths in the first six months of the Nixon administration than in the last six months of the Johnson administration."

Under Nixon, combat deaths jumped from 4,894 to 6,358, and wounded rose from 31,557 to 45,363. Even during the most recent "lull" U.S. killed and wounded have been averaging around 1,500 a week, or over 75,000 annually, which is higher than the average for the last three years.

The figures do not support Pentagon propaganda that militarily the war is going our way. Just the contrary. In the last six months of 1968, the kill ratio of enemy combat deaths to total allied combat deaths was 5.49. For the first half of 1969 the ratio was 3.95. Between the first and second quarters this year, it dropped from 6.74 to 2.76. Does this sound as if the enemy have lost the capacity to fight effectively?

YOUNG DEMOCRATS ENDORSE U.S. RATIFICATION OF HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, in November 1967, more than 1,000 Young Democrats gathered in Miami, Fla. They went there to discuss matters of great import to both the country and the party. Out of this assembly came a number of resolutions.

I am gratified that one of the resolutions concerned the human rights conventions. The resolution contains a ringing endorsement of the conventions and a call for Senate ratification. I feel that it is noteworthy that even though dealing with such topics as Vietnam, foreign aid, and the war on poverty, these young people found time to include human rights among their priorities. I suggest that we follow the example and advice of the Young Democrats by placing human rights among our priorities and ratifying the human rights conventions.

Mr. President, I ask unanimous consent that the Young Democrats resolution on human rights be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HUMAN RIGHTS CONVENTION

The United States Senate is presently considering several international Human Rights Conventions, among them the convention on the political rights of women, the convention on Genocide.

The Senate has held hearings on these conventions wherein many prominent Americans and organizations have testified in favor of their ratification.

A number of United States Senators, most prominent among them the Hon. William Proxmire of Wisconsin, have continued the fight for ratification of these conventions and the principles involved in these conventions have long been held basic to the American way of life and would require no amendment of our own laws but would simply reaffirm our desire to make universal those rights already prevailing in the United States.

Most of the nations of the world have ratified these conventions, but the United States, whose principles they embody, has not.

The Young Democratic Clubs of America call upon the United States Senate to ratify the convention on the political rights of women, the convention on Genocide, as soon as possible as proof to the world that we stand behind the principles that made our country great.

THE COST OF QUOTAS

Mr. BROOKE. Mr. President, this morning's Wall Street Journal has a fine editorial that effectively pinpoints the tremendous inequity and inadequacy of this country's oil import program.

The burden that this costly program puts on New Englanders is intolerable. Since the implementation of the mandatory oil import program nearly a decade ago, many millions of oil consumers have paid increasingly higher prices to heat their homes. The cost of home heating oil in New England is far higher than in any other section of the Nation. This program has turned the New England area into a carefully manipulated captive market dominated by the major oil companies. The end result has been that the people of New England have paid more than their fair share of the several billion dollar yearly outlay that it takes to support this program.

We hope that the Presidential task force now studying the oil import program will be the vehicle for vast changes in this costly and unfair quota system.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE COST OF QUOTAS

While no one doubts that oil import quotas cost U.S. consumers a great deal of money, there's a wide divergence of opinion as to what the cost amounts to.

Imported oil on the average is much less expensive than petroleum produced domestically. So companies that get permission to bring in foreign crude reap windfall profits, and consumers pay more for gasoline and other petroleum products than they otherwise would.

How much more? Well the Interior Department last July officially estimated the extra outlay at $2.2 billion to $3.5 billion a year. But one of the department's own agencies, the Bureau of Mines, puts it substantially higher and figures it will amount to more than $7 billion a year by 1975.

John Ricca, deputy director of the Office of Oil and Gas, which oversees oil-import analysis, said the two reports "are based on different economic models and different assumptions." He explained that the earlier estimate assumed that product prices are influenced by larger integrated oil companies, while the Bureau of Mines study assumed that prices are determined by independent refiners.

That sort of explanation isn't likely to make consumers feel any better. Nor, for that matter, does it make the oil import quotas look any better.

The alleged purpose of the quotas is to assure the U.S. an adequate supply of oil if it is cut off from foreign sources by a world emergency. Quotas protect domestic producers and supposedly encourage them to go on hunting for new U.S. oil supplies.

The argument is at best questionable, in view of such factors as large existing reserves on this continent and new discoveries in Canada and Alaska. If the argument is fully accepted, however, an import-control program of unknown cost, paid willy-nilly by consumers, is still a poor way to assure adequate oil supplies. By contrast, direct and open subsidies to the industry would look fairly good if assistance were really needed.

Even that misguided chap who buys a pig in a poke at least knows what he's paying for it.

CHAIRMAN OF HOUSE JUDICIARY COMMITTEE VOWS FIGHT TO PREVENT REPEAL OF AMMUNITION CONTROLS

Mr. DODD. Mr. President, many of us are gravely concerned over a "Christmas tree" attachment to H.R. 12829, pending on the Senate Calendar, which would repeal the ammunition controls of the Gun Control Act of 1968.

The distinguished chairman of the Committee on the Judiciary of the House of Representatives (Mr. CELLER) discussed this matter on the floor of the other House yesterday. Because I wish to call the attention of Senators to this valuable statement, I ask unanimous consent that it be printed in the RECORD again today.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

INTEREST EQUALIZATION TAX EXTENSION ACT

(Mr. CELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CELLER. Mr. Speaker, in the other body, the Finance Committee has added a totally nongermane and regressive amendment to the Interest Equalization Tax Extension Act—H.R. 12829. The amendment repeals the ammunition recordkeeping requirements of the Gun Control Act of 1968.

The Senate committee amendment eliminates recordkeeping in sales of, first, shotgun ammunition; second, rifle ammunition; third, .22 caliber rimfire ammunition, and component parts thereof.

The 1968 act prohibits the sale of ammunition to certain juveniles, mental incompetents, known felons, drug addicts, and other irresponsible persons. Requiring a prospective purchaser to give his name, address and substantiate his age is not a nuisance. Clearly, enforcement of the act's prohibitions would be impossible without requiring dealers to keep records of ammunition transactions.

Under the Senate committee rider, ammunition recordkeeping for approximately 90 percent of all firearms would be eliminated.

Recordkeeping will deter those who cannot legally buy ammunition.

Recordkeeping will insure that dealers will exercise a higher degree of care in determining whether the buyer is barred under the statute from buying ammunition.

Availability of ammunition records will aid in the investigation of firearms crimes.

The only way of affecting the 90 million firearms already privately owned is by regulating the flow of ammunition.

According to Senate Juvenile Delinquency Subcommittee studies: .22 caliber pistols and revolvers were involved in 30 percent of the handgun murders committed last year; .22 caliber rifles were involved in 60 percent of the rifle murders last year; .22 caliber rimfire bullets accounted for 37 percent of the homicides committed in this country last year; that is, 3,300 Americans were murdered by these bullets.

The weapon used to kill Robert Kennedy was a .22 caliber revolver which fired a .22 caliber rimfire bullet.

Mr. Speaker, the Gun Control Act of 1968 represented one of the outstanding accomplishments of the 90th Congress. It marked the beginning toward reducing the level of gun violence in this country. Now, without any hearings and only 10 months after the act has become effective, a Senate committee has moved to strike an essential element from the act's regulatory fabric.

No examination of the need or consequences of repealing ammunition controls has been made. It is unwise and regressive to cut back the scope of the act of 1968. Should the other body nevertheless adopt this ammunition rider, it will encounter sustained opposition on the floor of the House. The resulting delay may well jeopardize the enactment of the Interest Equalization Tax Extension Act. The ammunition amendment should be defeated.

PROPOSED DEPARTMENT OF CONSERVATION AND ENVIRONMENT

Mr. CASE. Mr. President, the responsibilty for protecting our environment currently is scattered among more than 90 Federal agencies. One of these agencies is the Bureau of Sports Fisheries and Wildlife, which is conducting a continuing study of the amounts of hard pesticides accumulated in the bodies of fish, birds, and shellfish.

An article published recently in the Newark Sunday News reported that the study has revealed that wild ducks shot by hunters in New Jersey contained one of the highest concentrations of DDT in their bodies found among ducks anywhere in the country.

This is just one example of how, with the aid of technological and scientific developments, we have accelerated the pollution of the soil, the air, and the waters to a point where irreparable harm to the health and livability of our surroundings is a distinct possibility.

Unless man begins to take better care of his environment, the earth may become as inhospitable to life as the moon.

Therefore, I have introduced proposed legislation to create a new Federal Department of Conservation and the Environment, which would for the first time give a specific single Government agency responsibility for protecting our environment.

Mr. President, I believe that the article in the Newark Sunday News should be of interest to Senators. Therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Newark (N.J.) Sunday News, September 28, 1969]

STUDY FINDS HIGH DDT IN NEW JERSEY DUCKS

(By James M. Staples)

WASHINGTON.—A two-year federal survey has revealed that ducks from New Jersey had among the highest concentrations of the pesticide DDT in their bodies found anywhere in the United States.

It is part of a continuing study by the U.S. Bureau of Sport Fisheries and Wildlife on amounts of DDT and other "hard pesticides" accumulated in bodies of fish, birds and shellfish. Findings will be used as a base against which future research can be measured.

Wings of mallard and black ducks collected from hunters during the hunting seasons of 1965 and 1966 were assayed for pesticide contents. The wings were originally collected in order to plot duck population and migration data.

The new findings were expected to heighten the New Jersey confrontation between conservationists and agricultural-chemical interests on controls for DDT and other chlorinated hydrocarbons.

HARD PESTICIDES

They are termed hard pesticides because they retain chemical identity for many years after being applied, entering bodies of fish, birds, animals and man and gradually building up concentrations suspended in fats. Foes of the DDT family stress that there are some 900 pesticides which are not under attack.

A bill in the New Jersey Legislature, introduced by Assemblywoman Josephine S. Margetts, R-Morris, and Assemblyman Thomas H. Kean, R-Essex, would establish a state pesticide review board with the power to assess and, if deemed advisable, ban any insecticide, fungicide or herbicide from sale or use in the state.

New Jersey Secretary of Agriculture Philip Alampi heads a Pesticide Study Council named a month ago by Gov. Hughes. Alampi has spoken out strongly in favor of pesticides generally, saying that his council will seek to "protect and reassure" pesticide users.

DDT has been charged with bringing on the imminent extinction of bald eagles, peregrine falcons, ospreys and pelicans, because it causes weakness in egg shells which leads to their collapse during incubation and death of the unhatched bird. There is a growing mass of evidence that chlorinated hydrocarbons damage sex hormones in mammals and may lead to genetic problems.

OTHER SURVEYS

Published recently in the government's pesticide monitoring journal, the duck survey and a companion one on starlings will be followed soon by a report on DDT and other pesticides found in shellfish.

Another study in the same series earlier this year showed that of fish sampled throughout the country, the highest DDT concentrations were in fish from the Delaware River near Burlington, N.J.

The report on ducks focused on four "flyways," or migration routes taken by the birds each year. They are along the Atlantic Coast, the Mississippi River, Rocky Mountains and Pacific Coast.

Ducks killed in New Jersey averaged 2.1 parts per million of DDT in adults and 1.75 in immature birds. The part per million measurement is the ratio of pesticide to body weight.

Researchers noted that all ducks collected were killed by hunters during hunting seasons. This means that some could have migrated southward and others could have been residents of New Jersey.

Findings in adult ducks in Delaware at the same time showed only .88 parts per million (ppm) of DDT. In Pennsylvania it was 1.14 ppm, New York, 1.24 ppm; Rhode Island, .94 ppm; Connecticut, 1.51 ppm, and Massachusetts, 1.69 ppm. These states, along with New Jersey, are an "overlap area" for duck breeding and migration grounds.

Comparable findings to those in New Jersey came also from Alabama; along the Mississippi flyway ducks were "cleanest" from the DDT standpoint, followed by those along the Mississippi.

Scientists scanning the survey theorized that ducks, living in wetlands, acquire DDT mainly in areas which have been dosed for mosquito control. They said the same thing about DDT found in the fish from the Delaware River.

The starling survey showed nationwide DDT accumulations, with the Southeast averaging highest. Two samplings from Arizona and New Mexico were the highest individual readings, between 15 and 25 ppm.

Dieldrin, like DDT, a chlorinated hydrocarbon pesticide but 50 or more times as powerful, also showed up uniformly among starlings and most ducks. Although dieldrin readings were much lower than DDT, its added potency caused concern among reseachers.

PUBLIC SUPPORT FOR THE ESTABLISHMENT OF AN AMERICAN FOLKLIFE FOUNDATION GROWS

Mr. YARBOROUGH. Mr. President, I have been greatly encouraged by the rapidly growing public support for my bill, S. 1591, to create an American Folklife Foundation within the Smithsonian Institution.

The American people are recognizing the necessity for accumulating and permanently recording the diversified traditions and cultures which have molded our Nation. Not only does each American enjoy the distinctive ways of his own family, ethnic group, region, and occupation which comprise his traditional or folk culture; but he also shares with all Americans a common body of customs and traditions which is our national culture and heritage. The establishment of the Foundation would guarantee the preservation of the very basis of our unique society.

In a letter to me endorsing the bill, Mrs. Mildred L. Rahn of Baltimore, Md., lucidly warns of the increasing homogenization of our society in this day of mass communication and conformity.

We must act quickly to prevent the eventual loss of this vital portion of our heritage.

Mr. President, I ask unanimous consent that Mrs. Rahn's letter, dated September 27, 1969, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

> Baltimore, Md.,
> *September 27, 1969.*
>
> Senator Ralph Yarborough,
> *Senate Committee on Labor and Public Welfare, Old Senate Office Building, Washington, D.C.*
>
> Dear Senator Yarborough: This letter is in support of your Senate Bill No. 1591, relating to the American folk life foundation. I think it is time that the various cultures within the United States are consolidated, studied, and preserved as a national folk life.
>
> Maybe a separate folklife museum could be founded to sponsor folklife demonstrations throughout the nation—a sort of travelling version of the Smithsonian's folklife festivals.
>
> I am especially partial to the American folk music. Our country has such a wealth of folk song tradition. The excellent exhibit by Mr. Scott Odell at the Smithsonian should be expanded and made a permanent part of the Institution. I am referring to the Country Music exhibit with instruments, pictures, tapes, and slides. This could even become part of the American folklife foundation.
>
> Please urge the committee to pass the bill so researchers can begin collecting while there is still time. Each generation loses a bit more of the past tradition. Let it be recorded for everyone, now, while we still have people from the pre-T.V. generation—who knew folk culture before mass communication.
>
> Pacem in terris,
> Mildred L. Rahn.

CALIFORNIANS KILLED IN VIETNAM

Mr. **CRANSTON**. Mr. President, in the past week, since last Thursday, September 25, the Pentagon has notified 14 more California families of the death of a loved one in Vietnam. Those killed were:

Pfc. Dennis L. Bartlebaugh, son of Mr. Kenneth L. Bartlebaugh of Fullerton.

Sp4c. Encarnasion Rodriquez, son of Mr. and Mrs. Encarnasion A. Rodriquez of La Mirada.

Sp4c. Kenneth G. Burlock, Jr., son of Mr. Kenneth G. Burlock of San Bernardino.

Pfc. Gregg L. Cochrane, son of Mr. and Mrs. Robert S. Cochrane of Santa Clara.

Sp4c. Robert A. Cooke, son of Mr. and Mrs. Dan Cooke of Durham.

Sgt. Lowry T. Cuthbert, son of Mr. and Mr. Richard Cuthbert of Compton.

Pfc. David T. Ford, son of Mr. and Mrs. Gordon E. Ford of Hayward.

Pfc. Charles H. Goldmeyer, son of Mrs. Ellen L. Erdman of San Diego.

Cpl. Frank J. Montez, brother of Miss Dianne Montez of San Martin.

Lt. John A. Reed, husband of Mrs. Susanne C. Reed of Fallbrook.

Pfc. James S. Rogers, husband of Mrs. Luann Rogers of Palmdale.

Sp4c. Nels V. Rosenlund II, husband of Mrs. Vivian P. Rosenlund of Rio Dell.

Pfc. John C. Sterling, son of Mrs. Angelina M. Espinosa of Concord.

Pvt. Erich L. Tidwell, son of Mrs. Beverly S. Bush of San Diego.

They bring to 3,815 the total number of Californians killed in the Vietnam war.

SUPPORT FOR THE PRESIDENT'S EFFORTS TOWARD PEACE IN VIETNAM

Mr. **HANSEN**. Mr. President, it is time that Members of Congress who believe in national honor and national principle should stand up for the President of the United States in his efforts to bring about an honorable and just peace in Vietnam.

Day after day, we hear and read about the advocates of surrender and retreat until sometimes average Americans must think there are only quitters and cowards in their country's Capitol.

Those are harsh words, Mr. President, but I believe they are fully justified.

Get out now, some say.

Get out by 1970, or by the end of 1970, or by the middle of 1970, others say.

Get out at any cost—to us or to our allies.

And daily as they talk, they strengthen the resolve of the enemy in the field and harden his heart at the bargaining table, thus making the road to peace ever longer and more difficult. But these people do not represent all America or even most of America. And it is time the world knew it.

Whether we are in Congress or out in the hinterlands, it is time the enemy know that most Americans support their President and, even more, believe that he should be given a decent time in which to arrange an honorable peace without the harpers and the hippies creating confusion at home and lending comfort to the other side with their eternal bleating.

Mr. President, it is time for America to tell the President it stands with him during this time of awful responsibility. It is time for Americans who still put their country's honor and duty first, to stand up and be counted.

MILITARY PROCUREMENT

Mr. **MONDALE**. Mr. President, the military procurement bill reported by the House Committee on Armed Services came as a shock to those of us who are concerned about wasteful and unnecessary military expenditures. Instead of following the lead of the Senate Committee on Armed Services, which recognized the necessity of reducing the military budget, the House Committee actually increased the total authorization approved by the Senate Committee in the amount of approximately $1.3 billion.

Most of this increase can be traced to the $1 billion which the committee added to the administration's budget request for Navy shipbuilding. According to the chairman of the House Committee, this billion-dollar addition is justified because the Navy asked for it. The distinguished chairman, who professes an allegiance to the principle of civilian control of the military, was not persuaded by the fact that the Navy's civilian superiors in the Defense Department submitted a budget to Congress which did not recommend this additional billion dollars for shipbuilding.

What is particularly disturbing about the recommended increase in the Navy's authorization is the inclusion of approximately $100 million for the procurement of items for the nuclear attack carrier designed as CVAN–70—which the administration did not plan for funding until fiscal year 1971. This recommendation flies in the face of the amendment unanimously adopted by the Senate, requiring a comprehensive study of the Navy's carrier program before any funds can be authorized for the carrier CVAN–70.

I see no justification for the House committee's action. At a time when most of the American people are already bearing an unfair tax burden and at a time when our overwhelming domestic problems require a reordering of national priorities, it would be fiscally irresponsible for Congress to act in this manner.

I should assume that President Nixon would strongly oppose this recommended increase in his own military budget. When the House recently added more than $1.1 billion to his budget request for education, the President immediately announced his intention not to spend these additional funds. He expressed the importance of holding down Federal "spending in the present economic environment," and stated that "present circumstances plainly require a point of predictable firmness and responsibility in dealing with these budgetary problems."

In light of the President's sentiments on Government spending, I was dismayed when the chairman of the House Committee on Armed Services announced that the President supported this effort to add $1 billion to the Navy's budget. The chairman told the House:

> The President of the United States has promised me that he is going to proceed with this addition in as orderly a fashion as he can, and as fast as he can. And I do not believe Richard Nixon would say that if he did not mean it. He happens to be concerned for the U.S. Navy.

I strongly disagreed with the President's decision to withhold desperately needed funds for education. I do not believe that it is justifiable to cut education programs in an attempt to restrain an inflation which is fed primarily by excessive military expenditures.

But his unwise decision not to spend money appropriated for education in excess of his budget request is even more indefensible if he in fact supports the $1 billion addition to his military budget by the House committee.

It is ironic that the additional amount of funds in both cases is approximately $1 billion. If the President's position is that he will support inflationary spending for naval shipbuilding but will oppose funds to improve the education of our children, it exposes his administration's distorted sense of national priorities.

MAHATMA GANDHI AND THE ENDING OF THE GANDHI BIRTHDAY CENTENNIAL CELEBRATION YEAR

Mr. **McGEE**. Mr. President, today is an appropriate day to pay tribute to Mahatma Gandhi, the most effective apostle of nonviolence this world has seen in generations, if not centuries. Today the Gandhi Birthday Centennial Celebration Year, proclaimed by UNESCO, comes to an end.

That this year has been full of conflict and violence is a fact that Gandhi would have lamented, but be assured that he would not have rested with lamentations alone. We can only believe that he would reaffirm these words he wrote in 1920:

> I believe that non-violence is infinitely superior to violence, (that) forgiveness is more manly than punishment. Forgiveness adorns a soldier. But abstinance is forgiveness only when there is the power to punish; it is meaningless when it pretends to proceed from a helpless creature.

But Gandhi recognized that this was only half the problem, and he did not counsel the helpless to depend upon the generosity of the strong. He wrote:

> Non-violence in its dynamic condition means conscious suffering. It does not mean meek submission to the will of the evil-doer, but it means the putting of one's whole soul against the will of the tyrant. Working under this law of our being, it is possible for a single individual to defy the whole might of an unjust empire to save his honor, his religion, his soul, and lay the foundation for that empire's fall or its regeneration.

There should be a special place in American hearts for Gandhi and the philosophy he espoused. Not only does he arouse our sympathy for the underdog, he also reminds us that the United States was also once a colony and had to struggle for its national independence. It should not be forgotten either, that Henry David Thoreau's "Essay on Civil Disobedience" exerted a strong influence upon Gandhi's thought. Nor that Thoreau himself had been deeply influenced by the teachings of Hindu scriptures.

So it is highly fitting that we take this occasion to pay our respects to the memory of Mahatma Gandhi, the man about whom Albert Einstein wrote:

> Generations to come will scarce believe that such a one as this ever in flesh and blood walked upon this earth.

SURRENDER NOT WANTED IN VIETNAM

Mr. GOLDWATER. Mr. President, I note with some interest and more than a little skepticism the declaration of the Democratic national chairman that he is not trying to make retreat and surrender in Vietnam a Democratic issue.

I think it would be more accurate to say that he is trying, but is having little success.

Mr. President, everyone wants peace. But only a very few want surrender. Everyone wants Americans troops out of Vietnam. But only a few want a cowardly retreat.

Everyone wants to get out. But only a few want to bug out.

Everyone wants to negotiate, if possible, an honorable end to this war. But only a very few insist on undercutting the President and his negotiators at the negotiating table.

Mr. President, I should say that, on the basis of his recent statements, the chairman of the Democratic National Committee is beginning to sound like one of that little group who would surrender, retreat, and bug out.

I think he is wasting his time. Most Democrats, like most Republicans, want an honorable, negotiated peace which would find the United States living up to its commitments and which would insure the freedom of our allies.

I hope that eventually the chairman of the Democratic Party will join with the great majority of Americans in seeking to attain those goals.

THREATENED AMERICA; WILDERNESS AREAS ARE DEFENDED BY LIFE MAGAZINE; THE BIG THICKET SHOULD BE SAVED

Mr. YARBOROUGH. Mr. President, the August 1 issue of Life magazine contains an editorial and an excellent article which describe the effects of man's lack of concern for his environment.

The editorial points out that our continental wilderness has largely vanished and that what remains is threatened by our own increased needs. It tells of how pollution, the misuse of pesticides, and indiscriminate and ruthless development are deteriorating the quality of American life today, both in the countryside and in our cities.

The article, entitled "Threatened America," written by Donald Jackson and Grey Villet, describes the erosion of our little remaining wilderness. They sampled the survivors and discussed how Hell's Canyon along the Idaho-Oregon border, the continent's deepest gorge, is threatened with inundation by a reservoir; how Yosemite National Park in California is already inundated with people; how Corkscrew Swamp in south Florida, a teeming pool of life, is endangered by water-draining canals; how the Pine Barrens of New Jersey are in danger by a projected jet port; and how Admiralty Island in Alaska, domain of the grizzly and the bald eagle, is headed for the power saws of the loggers. As the author says, "the wilderness erodes. And as it does, perhaps we do, too."

Mr. President, these are only a few of the limited samples of wilderness areas threatened with destruction. The Big Thicket, a unique and beautiful wilderness in southeast Texas which is unparalleled in the richness and diversity of its plant and animal life in the southwest, is also facing destruction. It has already been reduced from its original size of 3.5 million acres to about 300,000 acres. I have introduced bills to create a Big Thicket National Park in each Congress since 1966. My bill, S. 4, to save the Big Thicket is pending now. We must act soon if we are going to save this incomparable area from destruction.

Mr. President, I ask unanimous consent that the editorial from Life magazine and the article, written by Donald Jackson and Grey Villet, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AN EDITORIAL

The following story shows a part of America that is threatened by our spreading civilization and growing population—the wilderness lands. These lands—10 million acres now under protection, almost all west of the Mississippi—have always held a magic. F. Scott Fitzgerald wrote of the early settlers arriving at the new world three centuries ago: "For a transitory enchanted moment man must have held his breath in the presence of this continent, compelled into an esthetic contemplation he neither understood nor desired, face to face for the last time in history with something commensurate to his capacity for wonder."

That enchanted moment is long past. The continental wilderness has largely vanished, and what remains of it is threatened by our own increasing needs. Our capacity for wonder survives, but less survives to be wondered at.

Vanishing wilderness is, however, only one aspect of the deteriorating quality of American life today, both in the countryside and in our cities. There are many others: pollution, endangered wildlife, smog, urban sprawl and that new catch-all term, "uglification." In later issues Life will show this deterioration and recommend ways to prevent it.

Change, of course, is inevitable; and progress, which is intelligently conceived change, is desirable. There must indeed be more jet airports, highways, housing and power plants, and it is foolish to maintain—as some conservationists do—that their encroachment must be prevented everywhere and at all costs. But too often the cost is too high. We are a rich country, but as Jean Mayer, a population expert and Special Consultant to the President, writes in *Columbia Forum:* "Rich people occupy much more space, consume more of each natural resource, disturb the ecology more, and create more land, air, water, chemical, thermal and radioactive pollution than poor people."

The population of the U.S. is headed toward 300 million in the next quarter of a century; our GNP will reach a trillion dollars in the next two years. This explosive combination of people and money will produce ever greater demands for more cars, dams, lumber, fuel, food, roads, land. These demands will lead, unless checked, to more pollution, garbage, trash, noise, desecration—and leave much less beauty to evoke our capacity for wonder.

What we now require is an intelligent and continuing weighing of the demands of "progress" against what might be sacrificed to them. Fortunately, some momentum in this direction already exists. Both government and industry have shown awareness—though not yet enough—of the environmental side effects of their activities. The Wilderness Act of 1964 set aside vital acreage for protection and provides a method for setting aside much more. Two months ago President Nixon established an Environmental Quality Council at Cabinet level, with himself as chairman and his scientific adviser Dr. Lee DuBridge as executive secretary. The same executive order set up a Citizens' Advisory Committee on Environmental Quality, with Laurance Rockefeller as its chairman. Both groups have a broad charter but have yet to show what they can do. Such industries as chemicals, oil and utilities have recently shown a greater responsibiilty toward the environment in which they flourish.

Public concern has also increased. The destruction of rivers by chemicals and detergents, the destruction of wildlife by insecticides, the destruction of landscape by indiscriminate and ruthless "development"—all are now less likely to occur without protest than was possible 10 years ago.

Nevertheless, not nearly enough informa-

XUM

tion exists to enable government, industry and the public to determine whether or not specific projects should be approved. The Santa Barbara oil-drilling leases, granted by the U.S. Department of the Interior, might not have been granted if the full extent of the threat had been known. The use of DDT, a successful chemical against insects, is either being questioned or has been banned in 17 states because its damage to other forms of life is finally recognized. Marshlands that have been filled in and gobbled up by industry and housing might well have have been protected if more people had realized that one acre of marshland potentially can produce 10 times as much animal protein (fish, oysters, clams, crabs) as one acre of farmland.

Quite aside from the purely physical destruction involved in careless exploitation are the esthetic losses. Even when no ecological damage is committed, we constantly afflict the eye with shoddy excrescences of bad design, ugly and haphazard travesties of modernity spattered across the landscape in the name of expansion.

Life will undertake to treat these themes in pictures and words. We will report the threats and attempts to show how they can be opposed and, if possible, defeated. We believe that the threats are serious, that the potential losses are critical and that the need for action is urgent.

THREATENED AMERICA: POLLUTION, TRASH, SMOG, SPRAWL, NOISE, GARBAGE, UGLINESS—THE WILD LANDS STRUGGLE TO SURVIVE

(By Donald Jackson)

The wilderness erodes. What remains of it survives in isolated and glorious patches, on mountainsides and remote islands and dark swamps and deserts. For every strip that's left there are competing claims, often more than two; the back country may be serene. but there is little security.

Here we look at a sampling of the survivors, at how they achieved that state of grace and what their prospects are: Hells Canyon, the continent's deepest gorge, threatened with inundation by a reservoir; Yosemite, already inundated with people; Corkscrew Swamp, a teeming pool of life endangered by water-draining canals; the Pine Barrens of New Jersey, a tidy forest being eyed by the jetport builders; Admiralty Island, Alaska, a domain of grizzlies and bald eagles, headed for the power saws of the loggers. "Something will have gone out of us as a people," Wallace Stegner has written, "if we ever let the remaining wilderness be destroyed." The wilderness erodes. And as it does, perhaps we do too.

HELLS CANYON

The canyon liberates the imagination even as it constricts the horizon. The sun arrives late and leaves early, and the long dark lets you see what your grandfather saw, and his grandfather, and you hear the sounds they heard, and you know their dreams and dreads and joys. A wondrous gift, this wilderness, a summoning of the senses and a teasing at the spirit. The wild river sings the spring away, and in the summer it lies on its back, kicking and biting like a downed cat—at once violent, poignant and beautiful. Across the river might as well be across the sky. On the canyon wall the would-be dam builders have painted their initials, like fraternity boys autographing a railroad bridge: HMS—High Mountain Sheep Dam. For 15 years engineers for Northwest power companies have gazed fondly at their blueprints and dreamt of this dam—a canyon almost *demands* a dam. The only undammed reach of the Snake, its last 80 miles of wild water, would be tamed; a 60-mile-long reservoir would rise lolling and drown the fragrant riverside meadows, and water skiers would glide where rapids had snarled. The few sheep and cattle ranchers who live there, the outdoorsmen who come in by rapids-running boats or pack mules would just have to find someplace else. The dam was approved by the Federal Power Commission, a compromise dam was suggested by the Interior Department, and the Supreme Court finally bounced the whole question back to the FPC. Engineers and conservationists are now arguing through another round of hearings.

"I spent three weeks in there once," the old woodsman said. "Never saw a soul. Do you understand? Never saw a soul."

YOSEMITE

It's 8 a.m. A squirrel hobbles gamely under half a piece of bread. Smell of bacon and woodsmoke. Sound of raucous bluejays. Of 5,000 people camped in Yosemite Valley, 4,000 are asleep. One rolls out of a sleeping bag and finds a hot dog for breakfast. The tough part is finding a stick. For sale at the gate: "Instant fire-pac Pres-to-Logs. An evening's fire in a carton." Rivers full, white. Gentle morning sun paints the mountainside. Trailers everywhere. Cars everywhere. People everywhere. Question: What is a national park? Answer: A national parking lot.

Two p.m. Motorcycles, each with built-in girl, makes circles in the dust. An old couple watches transistor TV. "We've got crime enough here for a city of 200,000," says a ranger. Drinkers drink. Sleepers sleep. A hundred eager tourists surround a bear at Glacier Point. The ranger keeps his distance, does nothing. Is it dangerous? "Sure, but we're okay here." The bear nuzzles a woman. She looks annoyed. Question: What are these people doing here? Answer: Having a cheap vacation.

Eight p.m. Hippies convene in a meadow. Smell of pot. Sound of acid rock. "Hey, want to trade a swig of wine for a cigarette?" Squares at Yosemite Lodge, digging the slide show. They hiss when a picture of a skunk appears. "Look, I live in Glendale," says a camper. "In Glendale we got smog. Here you got good water, good air and the smell of pines. Crowded, sure, but it's better than smog." Impartial bluejays mooch from everybody. San Jose-in-the-pines. Disneyland-in-the-wild. Question: Where is the wilderness? Answer: Over there somewhere, beyond the auto nature trail.

CORKSCREW SWAMP

The swamp makes feeble tools of our senses. There is too much to absorb: too many sounds, too much density, motion, mystery. The colors are too bright, too true; none of man's paints can match them. Suddenly a heavy splash, a strangled squawk: something is dying. On the lake of water lettuce the heron stalks, one long twig of a leg hanging absently in the air, hypnotized by some twitch of life on the water. The tension breaks, the sounds resume: the faintly nasal grunt of the alligator, the skull-rattling drumbeat of the woodpecker, a dozen birds singing in a dozen keys for a dozen reasons. There is something terrible about the swamp: it seems to stir some forgotten fear—perhaps of dark and silent death, the clumsy stranger's death, a quick and quiet ripple on the black water. More here than you can see, or hear, or smell; intimations of things never known.

This swamp survives, but its enemy closes. Land developers ("Building New Worlds for a Better Tomorrow") have dredged canals near the swamp, lowering the water level on which everything depends—orchid and wood stork, bluegill and otter. The Audubon Society, owner of the 10,000-acre swamp, has fought back by buying buffer land, building dikes, drilling wells. "I think," says the Audubon superintendent cautiously, "we can reasonably expect to survive." "The wilderness has been pushed aside," boasts the housing developer's brochure. Not yet. Not quite.

PINE BARRENS

Strange these woods should be here. Miraculous, in fact. (The green dark of the pines closes in, closes in.) They must be a part of some "master plan," there will be a city here, certainly, or a nuclear power plant, or a shopping center. (Look at the water beetles, chugging around the neat dark river like miniature speedboats. Taste the water. You can drink it.) This is New Jersey, smack in the middle of the megalopolitan main line. Twenty million people live within two hours of these "barrens"—so named by early farmers because of their disappointing soil. Obviously the barrens can't stay this way, 1.3 million acres of green in midurbia, there must be something—ah, a jetport, they're talking about a jetport. *That* sounds more like it. (In the canoe we glide, silent as Indians, and I feel invisible.) "What are you going to do, waste a *resource* like this, let it just sit there, undeveloped? Ninety percent of it *privately owned!* Man, that's opportunity!" Maybe they'll build a jetport, maybe they won't, they haven't decided—but you don't think it's going to stay here like it *is*, do you? (What secrets have these woods kept? What promises? Why are they here?) Something, *something* will happen, certainly. All those people so close, all this space, all those people so close, all this space . . .

ADMIRALTY ISLAND

This island is the home of royalty, and the rest of us tread here at the sufferance of the monarchs. A neat division has been worked out by the rulers: the land belongs to the grizzly, the sky to the bald eagle. Very little grousing by the subjects, either. Man, though—well, you know man, he's the touchy one. He slashes the trees and chokes the salmon streams with his debris, just to show who's *really* boss. So far the logging has been small-scale and well hidden; the bulk of Admiralty has remained the preserve that the monarchs know. But the bulldozers are revving their engines offshore, and the power saws are coming in their dozens. The land is national forest, but the U.S. Forest Service has chosen to sign a contract with a lumber company turning over nearly half of the remaining open land to logging. "We harvest timber like farmers harvest crops," says a Forest Service man. But why here, why in this realm of wonders? "Everybody's gotta be somewhere," comes the reply.

In the carpeted forests and the perfumed meadows, though, out there amid the sedge and wild raspberries, lush moss and brilliant streams, playfully splashing herring and silver-domed sea otters, out in the wild stillness the monarchs aren't listening. There's the grizzly, lazing up to a stream and selecting his breakfast salmon. There's the eagle, preserving his dignity through strength alone as he drops into the nest. Surely we can't intimidate *them*. High, high up in the Arctic sky a jet bomber slides soundlessly west, the only visible work of man, taking a full minute to traverse the broad horizon. There is no past, no future, only this stillness, eagle and plane and bear, together in a frozen tick of time.

The sight of a bear track on an Alaskan island, intimidatingly huge, a miniature amphitheater filled with three inches of water . . . the smell of spring in Hells Canyon, sweet and soft and fresh . . . the sound of a full and violent river, a ceaseless fast freight smacking along to some midnight rendezvous . . . a sudden stillness in a place vivid with life . . . the feeling of oneness with your tribal past, the ease of letting years blow away like blossoms in the wind . . . an echo off a cedar swamp . . . the surprising gentleness of nature . . . fear . . .

XUM

wonder . . . solitude . . . mystery. "Wilderness," wrote one connoisseur, "holds answers to questions man has not yet learned how to ask."

Our history was written in prairies and mountains, not castles and cathedrals, and the raw spectacle confronted by the first Europeans on this shore had no equal in the Old World. Americans still live so close to the wilderness, figuratively if not often in fact, that it's difficult for many to see that it is practically gone. It doesn't *look* that way, flying over the country at 28,000 feet, but almost all that land down there is spoken for—it's being used to graze cattle or sheep, it's part of a military base or a testing site, it's been leased to a lumber company. Excluding Alaska, only between two and three percent of the U.S. qualifies for the federal definition of wilderness: "An area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain . . . [an area] without permanent improvement or human habitation." Most of that slender remnant has either been picked over once, or is about to be. The Wilderness Act of 1964 set aside nine million acres for permanent preservation (a million more acres have been added since then), but left the remaining *de facto* wilderness as a shrinking arena where the final scenes of an old American drama are being played—the conflict between the developers and the conservationists.

In the past the fight has never been even. From the beginning, when the last Conestoga was put on blocks and the boosters fanned into the countryside, building the dam has had clear precedence over listening to the river, clearing the woods has had the edge on getting lost in them. There have been isolated victories for the conservationists through the years—it comes as a revelation to learn that Yellowstone Park was set aside as a "public park or pleasuring ground" *97 years ago*—but those were exceptions.

The American creed was and is foursquare for growth; growth is seen to have a sort of *a priori* goodness, a moral value, and against that force the tender arguments of the wilderness-lovers ("deep breathers" and "kissers of the wind," one developer calls them) were feeble indeed. Still, there was an ambivalence in the American mind: if conquest of the wilderness seemed necessary and therefore Christian and laudable, it was gradually subverted to the idea of wilderness as sanctuary, as escape, as the resting place of truth and beauty. It's a tough one: both ideas are wholly American, both impulses beat in the American breast, and thus the conflict is not so much a clash of two opposing groups as it is a collision of two ideas within the mind of each of us. "We have met the enemy," Pogo said, "and they are us."

Both sides indulge in what might be called the "last great" syndrome. In Hells Canyon on the Idaho-Oregon border, for example, private and public power companies have hankered to build a dam for half a generation, claiming that the middle Snake River represents the "last great source of hydroelectric power in the Pacific Northwest." The Sierra Club, a late-arriving but fiercely effective foe of any dam in the canyon, ripostes with the charge that the Snake is the "last great free-flowing river in the West." Both contentions are wrong, and both sides, in moments when candor gets the better of combat, will admit it.

But now the fight is a lot closer to even than it ever was. The reason, probably the only reason that could explain it, is that the public, or at least large segments of it measurable regularly in election returns, has become conservation-minded.

Nothing like reliable statistics are available to document this phenomenon, but its existence is conceded by both dam builders and river preservers, the former with a sour mutter that "the pendulum has swung too far the other way," and the latter with the kind of raucous victory shout peculiar to long-time losers.

Nirvana for the deep breathers is still beyond the sunset, however. David Brower, the eloquent conservationist recently ousted from leadership of the Sierra Club, explains that "there's plenty of power when the public gets excited about a specific issue like Grand Canyon or the redwoods, but there's still not enough day-in-day-out support."

Brower's examples are not random; preservation of the Grand Canyon (from a dam which would have backed reservoir water into the canyon) and the redwoods (from the lumber industry) were victories for an army he commanded. Through dogged energy and charismatic flair, Brower built the Sierra Club to its present strength and letter-writing clout. In April he was voted out of office. Critics charged that he was authoritarian, spent too freely and acted without the consent of the club's board of directors. As a result, the conservationists are floundering momentarily for lack of strong leadership. The two most significant and visible leaders of the last decade, Brower and former Interior Secretary Stewart Udall, are currently without portfolio.

The best illustration of the growing strength of the wilderness forces is the sunburst of conservation legislation that emerged from Congress during the Johnson years. The Wilderness Act was only one of dozens that reflected an increasing environmental uneasiness—the scenic rivers bill, antipollution laws, establishment of new parks and others.

In the courts as well, the values of wilderness have begun to get a hearing. A federal appeals court ruled in 1965 that scenic, historic and recreational values had to be taken into account by the Consolidated Edison Company in its proposal to build a nuclear power plant on the Hudson River. A 1967 U.S. Supreme Court decision on the Hells Canyon dam issue introduced the same ideas into an order remanding the question to the Federal Power Commission, where it remains.

Industry itself has begun to show some long-absent sensitivity to conservation. Public relations men go to elaborate lengths to avoid offending the wind-kissers. Some firms have subsidized conservation studies, others have donated parks or wild land to local governments. This kind of thing cuts no ice with Brower, however. He calls it "cosmetics for rape." He is, of course, incorrigible.

Along with the growing power of the conservationists has come a change in the character of the movement. The wind-kissers, in fact, are in decline. The scientists, more specifically the ecologists, are increasingly important. Nowadays a stand of trees or a piece of sageland is worth preserving not necessarily for its beauty or its opportunity for solitude; it is more likely defended as vital to the balance of nature, the "chain of life" in a given area, or as a natural laboratory containing potentially valuable secrets. The ecologists talk less about the romance of wilderness and more about "ecosystems," distinctive networks of relationships between land and water, vegetation and wildlife.

This has led to some peculiar gyrations. Some scientists are trying to "quantify," in the good new American way, the values of wilderness. This is a ploy born in desperation. For decades developers have been able to show, in dreary charts of "cost-benefit ratios," what *specifically* might be gained from whatever project they have in mind—read: dollars. In reply the conservationists have fiddled with their fingernails and talked about beauty. Now they are groping for figures to fight the developers on their own terms; hence graphs that measure "scale of valley character" and assign numerical values to a view of a mountain or the presence of a bear.

"What it comes down to is this," says Brower. "If you can't measure a thing, measure it anyway for those who won't know anything about it unless you do."

The ecologists are running the palace, all right, but the troubadours are still skulking around outside in the high grass, practicing birdsongs, comparing back packs, listening, frowning when they hear an airplane. Udall thinks the two sides, conservationists and developers, now have "a kind of parity of influence," but most conservationists disagree. "There's very little conservation legislation coming forward these days," says one congressman. "The logging and power interests are still damned strong. I'm pessimistic."

The one huge, dark fact dominating the entire question of land preservation is continued population growth. Any question of conserving space leads ultimately to a question of limiting the people with claims on that space. Most defenders of the wilderness are, at bottom, pessimistic about their chances, and spiraling population is the reason. It seems the final, ironic fruition of the "more is better" philosophy—to simply outgrow our resources. Nothing riles conservationists more than the celebration of growth for its own sake—ceremonies saluting the arrival of the 200 millionth American, the National Park Service's breathless releases on rising attendance figures. A Sierra Club poster is only about 20% facetious when it suggests that man, like the bald eagle or the flamingo, is now an "endangered species."

Another dark shadow on the future of wilderness is the state of public ignorance. Despite the growth of interest in the outdoors, most Americans remain urban, motorized and oblivious to the physical and spiritual wonders of the wild. The major recreation phenomenon of the past few years is the growth of trailers and camper trucks, motel rooms on wheels with names like Teardrop, Week-N-Der, Six-Pac, Rolls Royal and Char-Akee. Most camper drivers get no closer to the wild than a national park campground.

On the other hand, though most Americans may personally feel no urge to tramp the back country, they are enchanted by the idea of its existence. The camper truck may become an outdoors teaser; as he sees a little of raw, splendid America, the driver may want to see more; he may even recognize that the easiest way is not necessarily the best way—but that's getting giddy.

For the men who draw up "master plans" and "long-range policy," then, there is this difficult series of questions: what does the majority want, open country or scenic overlooks? Do you strike a balance between tourist development and wilderness preservation and, if so, how? Is *everything* that remains worth saving, or just some of it? (When conservation pioneer Bob Marshall was asked how much wilderness was enough, he replied, "How many Brahms symphonies are enough?" He was incorrigible too.) How do we develop an ecological conscience in America? Through education, but why haven't we done so? Why aren't children taught to respect all living things? Wilderness is peculiar among American possessions in that it is not susceptible to compromise. To take some wilderness is still to take wilderness. Roads cannot be unbuilt.

The men who worry about these questions have come up with a few suggestions. (No ideas or initiatives have come from the new Administration, except for the President's creation of an Environmental Quality Council. "We're trying to steer clear of the controversial ones right at the start," says a high Interior Department official.) Here are the proposals:

The National Park Service is considering eliminating cars from some parks and operating campgrounds on a reservation system, as opposed to the present first-come, first-served method.

Some conservationists have urged that tax relief be granted to encourage the preservation of open space. Pay landowners, in effect, not to develop their land.

Udall suggests that "environmental mediators" could arbitrate disputes between developers and conservationists, in the manner of labor mediators.

Brower would like to see a sort of Fair Conservation Practices Commission, an independent nongovernmental agency with authority to review projects before and after construction.

Biologist Garrett Hardin proposes that access to wilderness be limited to those "of great physical vigor," willing and able to walk and to take the risks of the wild, and that wilderness and park areas be established at graded levels of difficulty according to ability.

Hardin's intriguing idea recognizes the final paradox: as more people learn to know and appreciate wilderness, more will want to experience it. Ultimately, their numbers might destroy it just as effectively as would highways or snack bars. It could be cherished to death.

THE PESTICIDE PERIL—LX

Mr. NELSON. Mr. President, environmental quality should be a matter of concern to every individual throughout the world. Abuse of the environment in one geographic area will in time effect neighboring geographic areas. The disastrous effects on the total environment from the use of persistent pesticides has international significance and has already been the subject of grave concern by many countries.

An article published recently in the Toronto, Canada, Globe & Mail reports on the findings of high levels of DDT residues in fish in some Canadian lakes. In Lake Simcoe DDT residues were found at levels twice that permitted in commercial fish in the United States.

The Canadian Government is concerned and beginning to phase out the use of DDT. The newspaper article reports:

> The Ontario Water Resources Commission had stopped issuing permits for DDT use in controlling aquatic nuisances, and the Department of Lands and Forests stopped using DDT for mosquito and black fly control in 1966. Last year it stopped using DDT altogether, as did the Metro Toronto Parks Commission the year previously.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Toronto (Ontario) Globe Mail, July 8, 1969]

ONTARIO TESTS FOR RESIDUE, BUT MAINTAINS POLICY OF FINDING DDT SUBSTITUTE

(By Loren Lind)

Lake Simcoe supports the largest sport fishery of any lake in Ontario other than the Great Lakes, Patrick Hardy, editor of the Canadian Audubon, says.

Mr. Hardy says the 283 square miles of water 40 miles north of Toronto also takes the drainage from much of York and Simcoe counties, where 14,128 pounds of DDT pesticide were sprayed on crops last year.

He wrote an angry editorial recently, telling the Department of Lands and Forests it ought to be monitoring the level of DDT. "Is it being done?" he asked. "If so, what are the levels?"

One man who read this editorial on the subway one morning was Douglas Roseborough, supervisor of fish management for Lands and Forests.

"He's pretty hard on us, but he's asking some good questions," said Mr. Roseborough, "We are monitoring for DDT in Lake Simcoe."

The results are neither conclusive nor reassuring. Five spawning lake trout, netted in Lake Simcoe in the fall of 1967, showed telltale signs of DDT residue at more than twice the level permitted in fish sold commercially in the United States. Their DDT content ranged from 12.55 to 18.44 parts per million.

No tests for DDT residue in Lake Simcoe fish have been completed since that date, but the result was a concentrated research project that should provide clues about the extent and origin of DDT contamination by 1970.

This study, conducted jointly by Lands and Forests and the Ontario Water Resources Commission, will include two other DDT trouble spots, Lake Muskoka and the Bay of Quinte.

The Lake Simcoe finding followed a 1966 sample taken on Lake Muskoka, which showed lake trout there to have 19 to 72 parts per million of DDT. This exceeded the level at which young fry died in a study at Lake George in New York in 1964, and it led the researchers to conclude that these female lake trout would be incapable of reproducing "without subsequent fry mortality developing."

Lake Muskoka was chosen for the study because lake trout were dying out there, and widespread DDT spraying for mosquitoes and blackflies had been conducted for several years. The conclusion that DDT appeared to cause fish deaths was more predictable than the suggestion that human health might also be in danger.

Their high DDT content, said the Subcommittee on Pesticides in its report to the Government, "raises the question of whether these fish are suitable for human consumption."

Dr. Ernest Mastromatteo of the Department of Health later declared these fish warranted concern but not alarm, even though their DDT content exceeded the 7 parts per million maximum set by the Food and Drug Directorate for fruits, vegetables and the fat of cattle, hogs and sheep.

He explained last week: "In terms of the total diet, they would have little effect on a person. But if these fish were a person's only food, the judgment would be quite different."

The Muskoka finding led the Department of Health to ban commercial application of DDT in the Muskoka Lakes system, although it permits DDT spraying in other areas.

The Ontario Water Resources Commission had stopped issuing permits for DDT use in controlling aquatic nuisances, and the Department of Lands and Forests stopped using DDT for mosquito and black fly control in 1966. Last year it stopped using DDT altogether, as did the Metro Toronto Parks Commission the year previously.

But according to the Department of Health, which requires registration of all DDT sales over four pounds, at least 305,961 pounds of the pesticide were sold in Ontario last year. More than one-third of this was used in Norfolk County (133,236) pounds, mainly for the control of cutworm in tobacco growing. It is used on rye grass cover crops prior to tobacco planting.

The Department of Agriculture and Food has a goal of cutting back the use of DDT by 20 percent in five years, but almost 80 percent of its current use is for tobacco crops. No satisfactory substitute has been found to combat the cutworm and Ontario's policy regarding DDT has been one of substitution.

M. K. McCutcheon, executive director of the Department of Energy and Resources Management was asked whether laws restricting DDT use might need to be enacted. "I don't think we have any real worry about this," he replied, "because the industries themselves have been very vigilant in finding alternatives."

W. L. Smith, the man who issues commercial spraying licenses for the Department of Health, said he intends to keep a close watch on DDT, but just now he wouldn't want to commit himself one way or another.

"We are not in favor of banning or prohibiting anything if we can avoid it, because that is pretty final. But we are discouraging its use. We haven't issued any permits for the use of DDT for biting fly control by aircraft in 1968 and 1969."

Byron Beeler, soils and crops branch director for the Department of Agriculture and Food, said his department is gradually trying to fade out the use of DDT. Yet he recommends its use for cutworms on tobacco crops, leafhoppers on potatoes and codling moths on apples, in the spraying calendar issued annually.

"If we come up with a product that can do as good a job and compete favorably economically, then I think we can phase DDT out."

This objective will be helped along by new Food and Drug Directorate rules which will reduce the permissible uses of DDT from 60 to about a dozen. Expected in January, the new rules will ban DDT use for mosquito control, combatting dutch elm disease, protecting such fields crops as beans, corn, and peas, and spraying against the common housefly in homes.

But it will be permitted to protect fruit crops, potatoes, tomatoes, grapes, berries and tobacco, said Lloyd Roadhouse of the federal Agriculture Department's pesticide technical information office. His reasoning: no adequate substitutes have been found.

In some instances, the substitutes prove too expensive. For example, it takes 1½ pounds of DDT per acre to protect carrots from leafhoppers. This much DDT costs about 90 cents. A farmer might use one-quarter of a pound of Phosdrin instead, but this would cost him $2.18.

Mr. Roadhouse said the public outcry against DDT has compelled government and industry to come up with alternatives that break down more rapidly than DDT. It has a half-life of five to 15 years, which means its total biological activity is reduced to half its original power in that much time.

This means that DDT which has a half-life of 15 years would still retain one-eighth its original effectiveness after 45 years. This allows much time for it to accumulate in the lower forms of life and then become transferred to the fat tissue of cattle and humans. For this reason, alternatives that break down more swiftly, such as methoxychlor in mosquito control, are being used in place of DDT.

As the Agriculture Department reduces the permissive use of DDT, the Food and Drug Directorate intends to reduce the amount of DDT allowed in foods. A. B. Swackhammer, an official with the FDD, said the 1 ppm maximum may be replaced by a graded scale but the effect will be to cut down on the total DDT content in food.

At present, even though the official 7 ppm maximum does not apply to fish, the directorate uses this level as a guideline to decide if fish is edible. Mr. Swackhammer said he has found no instances in which the edible parts of fish in an entire region ran above this level.

Dr. Mastromatteo emphasized that the 7 ppm level retains a large margin of safety, so that persons eating any one fish with that much DDT would be in no danger. Even though very little of the DDT is lost in cooking, it would take more than a steady diet at that level to cause any immediate danger.

Milk is another substance in which DDT often appears, but a province-wide study by the Provincial Pesticide Residue Testing Laboratory at the University of Guelph shows little cause for alarm.

"The study hasn't been released yet," said Dr. Heinz Braun, chief chemist, "but I can generally say that the report will probably allay a lot of suspicion people have right now about DDT."

Ontario's 130,000 coho salmon, stocked in rivers near Toronto last spring, stand little chance of contracting the high DDT level of their Michigan cousins. Last March the U.S. Food and Drug Administration seized 28,000 pounds of commercially caught cohos found to have DDT at 12 to 19 parts per million.

When that happened, Mr. Roseborough had his men check the cohos being caught on the banks of Lake Huron at Sarnia and Goderich. They found the DDT less than 1 ppm. "I don't know where they're getting this fantastic level they talk about, because we just haven't got it," said A. E. Armstrong, a biologist, with the Department of Lands and Forest. Fish in Lakes Erie and Ontario generally have even lower levels of the pesticide than those in Lake Huron.

PUBLIC HEARINGS TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today the Committee on Finance received testimony relating to various features of the House-passed tax reform bill, including those which revise the standard deduction allowance and the accumulated earnings tax. Other topics before the committee involved the tax treatment of both retired persons and single persons. However, a majority of our witnesses today testified in connection with the House bill in general.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that a summary of the testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

WITNESSES

HON. HENRY BELLMON, U.S. SENATOR, STATE OF OKLAHOMA

General

Believes the main purpose of our tax system should be to raise revenue, and questions whether it is now necessary for extensive use of our tax system for social purposes.

Recommends that the tax reform law include a provision which would allow a taxpayer who goes to court and successfully proves his innocence to recover the costs of such litigation from the Federal Government.

Believes that equity requires an immediate upward adjustment of the personal income tax exemption, and that if the total adjustment cannot be made in 1 year, it should be made in stages that will not unduly upset the Nation's economy.

Cites a University of Oklahoma study indicating that during a recent 2-year period, independent oil producers drilled 86.5 percent of the exploratory wells and 20 percent of the development wells completed in Oklahoma, and that it showed that 70 percent of the capital employed by independent operators is obtained from outside investors who are not connected in any other way with the independents' oil operations. Concludes that it is clear that the independent oil producer in Oklahoma relies heavily on outside investment funds as a source of capital to supplement his own funds obtained through capital recovery. States that if a current writeoff of intangible drilling costs is restricted and the proposed reduction in the depletion allowance to 20 percent is carried out, drilling operations of independent oil producers in Oklahoma might be reduced by as much as 45 percent,.

Supports the Treasury's position calling for the deletion of the House proposal eliminating depletion on foreign oil and gas production.

HON. CHARLES M'C. MATHIAS, JR., U.S. SENATOR, STATE OF MARYLAND

Philanthropy

Considers the House bill to be a severe challenge to the spirit of philanthropy.

Charitable contributions

Supports the increase in the limit on charitable deductions from 30 to 50 percent. Expresses concern about other provisions which could discourage large contributions, such as charitable trusts and gifts of appreciated property. Considers the Treasury proposals as an improvement over the House bill, but indicates that further modifications should be considered.

Objects to different tax treatment of gifts of appreciated property to private foundations as contrasted to similar gifts to other tax-exempt organizations.

Foundations

States that the proposed 7½ percent tax on investment income is excessive and unwarranted. Supports, as a compromise, the Treasury recommendation to reduce the tax to 2 percent. Believes that such a levy should be explicitly imposed as a user charge or fee, earmarked to defray administrative expenses.

Contends that the "income equivalent" provision requiring a minimum 5 percent yield is unrealistic and would reduce the flexibility of investment practices of foundations.

Maintains that the stock ownership limitations would impose special hardships on foundations whose assets consist wholly or primarily of stock in closely held family corporations, and whose major contributors are members of that family. Questions the necessity of such complete divestiture if stock is nonvoting. Expresses concern that divestiture would result in lower prices being paid for this stock than its real value.

Suggests that redemption of such closely held stock by the issuing company should be allowed over the 10-year period with no adverse tax effects to the foundation, the redeeming corporation, its stockholders, or the original donor of the stock.

Urges that the language of the House bill be modified and clarified regarding the permissible activities of foundations in public policy fields. Contends that the line between lobbying and educational activities is delicate and elusive.

State and municipal bonds

Maintains that the House provisions have caused chaos in the bond markets. Urges caution in considering measures which could make it more difficult for States and localities to finance public improvements.

Pension plans and deferred compensation

Opposes the proposed change in tax treatment of lump sum distributions from qualified pension plans.

Suggests postponement of consideration of deferred compensation pending further study.

Livestock

Contends that lengthening the required holding period and including livestock in the depreciation recapture rule could create havoc in the industry.

GENERAL

DAN TROOP SMITH, PROFESSOR OF FINANCE, HARVARD UNIVERSITY

General

States that many of the substantive revisions of H.R. 13270 are long overdue, and will prevent abuses which have developed under the letter of the existing law but seem to flout the spirit and intent of Congress. Considers examples of this to include the *Clay-Brown* provisions, extending unrelated business income tax to other exempt organizations, tighter rules on farm and hobby losses, multiple corporations, cooperatives, recapture of depreciation on real estate, stock dividends, and limitations on certain aspects of mergers. Indicates, on the other hand, that some of the substantive provisions represent new departures, some of which seem unduly complicated and questionable from economic or social policy.

State and municipal bond interest

Considers the proposed option to issue taxable bonds, with a Federal interest subsidy to offset the higher interest cost, to be the best approach devised. States that the issues of State and local bonds have become so large they can only be absorbed by offering high yields which give extra benefits to the highest bracket taxpayers, and results in higher revenue losses to the Federal Government than the interest savings to State and local governments.

Maintains that inclusion of municipal bond interest in LTP would be retroactive legislation which has already disturbed the bond market. Recommends adoption of the Treasury proposal to remove this item from LTP, and the sooner the better.

Private foundations

Believes that the prohibitions on self-dealing seem reasonable and desirable, as do the limitations on stock ownership and use of assets, though a long period should be allowed for divestment.

Argues that the proposed tax on investment income is undesirable. Feels that this would penalize recipients of grants, and possibly encourage higher taxes on foundations.

Maintains that the demarcation between permitted and forbidden activities concerning legislation is too vague and would prevent grants for many important topics such as population and pollution control and other areas where foundation activity has preceded government activity.

Restricted property

States that since options in restricted stock may be used to secure more favorable tax treatment, it is not unreasonable that their value should be taxed fully as ordinary income. Suggests that the present law on qualified stock options might well require a longer holding period and permit a longer period for options to run before exercise.

Believes that the maximum marginal tax rate of 50 percent on earned income will change the relative attraction of options and cash compensation in favor of cash.

Deferred compensation

Feels that the 50-percent maximum marginal rate on earned income will also substantially reduce the advantage of deferred compensation contracts. Suggests that in view of this, it seems doubtful that it would be worthwhile to recreate the uncertainty of tax treatment of deferred compensation contracts. Proposes postponement of legislation in this area. Recommends, however, if legislation is adopted now, that deferred compensation from earned income be included in earned income to which the 50-percent maximum marginal rate applies.

Percentage depletion on foreign production

Notes that any revenue gain from the repeal of foreign percentage depletion will be eliminated in the long run by increased foreign taxes. Contends that the profits of U.S. companies will be reduced by higher foreign taxes and that our balance of payments will be hurt. Supports the Treasury proposal to delete this provision.

Capital gains and losses

Considers the proposed removal of the 25-percent maximum alternative tax rate to be undesirable and unfair, since it has been in the law for many years and that this one rate is singled out for a substantial increase while other rates are being reduced. Argues that such a large increase in rate may so reduce transactions that both revenue and mobility of capital funds will be reduced.

Supports the extension of the holding period from 6 to 12 months, as gains on short-term holdings may be expected to represent trading profits rather than true capital appreciation. Indicates that although the longer holding period will probably reduce total transactions in the security markets, this rapid turnover may just represent churning in the markets with little benefit with regard to investment savings.

Urges that consideration be given to a sliding scale of inclusions of capital gains based on length of holding period, such as: up to 1 year—full inclusion; 1 to 2 years—75 percent; 2 to 5 years—50 percent; 5 to 10 years—30 percent; and over 10 years—20 percent. States that with a sliding scale such as this, there would be no need for an alternative tax rate.

Charitable contributions

Supports the Treasury recommendation to remove the appreciated property of gifts from LTP and allocation of deductions. Maintains that if this is not done, it will hurt giving to educational institutions and hospitals.

Believes that there has been abuse in claims of high values for art objects. Feels that a limitation on charitable contributions of art to cost would not be unreasonable, nor would it prevent ultimate gifts to museums due to the estate tax.

Accumulation trusts

States that the proposed new rules on accumulation trusts are exceedingly complicated. Supports the Treasury recommendation that this be applied prospectively to avoid the impossible task of reconstructing income for past years.

Purposes an alternative approach that would tax income of an inter vivos trust to the grantor unless it was distributed and taxed to a living beneficiary and require the consolidation of income from all testamentary trusts and inter vivos trusts after the death of the grantor.

Suggests that if the H.R. 13270 provision is adopted, it be made applicable only to accumulations after the beneficiary has come of age at which time a young person may be expected to keep adequate income records anyway.

Investment credit and amortization

States that the investment credit should never have been adopted and its repeal is no loss. Recommends that the reserve ratio test of the depreciation guidelines be removed by administrative or statutory action. Maintains that no other major industrial country has any similar constraints.

Suggests that the special amortization of pollution control facilities may be justified because of the importance of the subject. Indicates, however, that the provision is inadequate and incorrect. Considers severe fines and other penalties to be necessary and appropriate so that the costs of pollution are borne by the producers and the consumers of these products.

Corporate mergers

Believes that more study is necessary to determine the impact of different types of requisitions. Notes that many mergers may strengthen firms and increase their competitive effectiveness, but other mergers may reduce competition. Indicates that the capital structures of some of the new conglomerates are uncomfortably reminiscent of some of the holding ocmpany inverted pyramids of the late 1920's.

Feels that when the fixed charges on new securities issued in acquisitions exceed the pretax income of the companies acquired it seems likely that leverage is being pushed too far, and that a tax law which discriminates against equity financing is leading to unstable financial structures.

Considers the most serious result of the conglomerate merger movement to be the prominence it gives to the "wheeler-dealer" type of entrepreneur. Indicates that the House bill provisions appear reasonable but may be too lenient. Supports the denial of the installment sale provisions.

Other provisions in H.R. 13270

Considers the balance of H.R. 13270 to be deficient in that individual tax burdens are reduced by $7.3 billion and corporate tax burdens are increased by $4.9 million. Maintains that this does not seem wise in a country which needs continuing new investmet in order to increase labor productivity (and keep wage increases from being too inflationary) and strengthen the international competitive position.

States that the 50-percent maximum marginal tax rate is the most important single change which could be made to reduce the search for new tax loopholes. Feels that it is unfortunate that a similar maximum is not set up for all income.

Suggests that deductions for dependent children be limited to two at a high enough income level to prevent hardship for larger families now in existence, such as $15,000. Considers the tax subsidy to large families to be unjustified due to the immense problem of population control.

GEORGE S. KOCH, CHAIRMAN, FEDERAL FINANCE COMMITTEE, COUNCIL OF STATE CHAMBERS OF COMMERCE

General

Urges the committee delay its decisions on the House bill, so as to provide the time needed for Congress, the administration, taxpayers and tax specialists, to study the bill and be more nearly certain of its effect on the economy and the Nation's institutions.

Believes that the House provisions respecting State and local bond interest, the oil industry, the capital formation markets, contributions to schools and other institutions, the obvious trend toward a gross income tax, and the attacks on the foreign tax credit, are wrong for the Nation and its economy. States that numerous provisions of the bill would not produce any meaningful revenue effect or gain, and questions how, with a small, relatively insignificant revenue effect, these changes can be justified as against the predictable serious and adverse effects on our economy that many foresee.

States that the House bill has a number of retroactive features which in fairness should be eliminated; for example, the increased capital gains tax on individuals and corporations applying to appreciation which occurred before the date of change, inclusion of State and municipal bond interest in the limit on tax preferences, and the application of the limit on tax preferences and allocation of deductions to capital gains, appreciation in donated property, and excess depreciation on real estate.

STANLEY NITZBURG, TAX COUNSEL, COMMERCE AND INDUSTRY ASSOCIATION OF NEW YORK, INC.

General

States that tax incentives are not "loopholes" but a proper part of the socially and economically justifiable dynamics of a free enterprise system. Suggests that the raising of corporate taxes and reducing incentives for technological advancement and new plant construction will add to the competitive burden of U.S. business with foreign trade and will aggravate our trade and payments problem. Feels that tax relief will be attained through tax reform and that tax reduction at this time is an inappropriate response to continued inflation. Believes that our inequitable and complex system of taxation requires both reform and simplicity.

Analysis of provisions in House bill

Supports the following provisions in the House bill:

(1) Section 121 restricting business activities of tax-exempt organizations by subjecting their unrelated business income to tax at ordinary corporate tax rates.

(2) Section 231 which would liberalize deduction of moving expenses.

(3) Section 311 which would liberalize income averaging by reducing the qualifying percentage to 120 percent and by including capital gains in the computations.

(4) Section 412 which limits the application of the election to have an installment sale.

(5) The provision encouraging rehabilitation of low-income housing.

(6) Section 421 which restates the existing law making stock distributions taxable where the stockholders not accepting cash or other property receive a proportionate corporate interest.

(7) Sections 801–804 which would afford tax relief to individual taxpayers with a reservation as to fiscal soundness of enacting such provisions at this time.

Opposes the following provisions in the House bill:

(1) Unreasonable dollar limitation imposed on moving expenses.

(2) Section 301 which would restrict the amount of tax preference income which an individual could earn without being subject to tax.

(3) Section 302 which requires the allocation of expenses between taxable income.

(4) Section 331 which would impose an additional "minimum tax" on deferred compensation payments.

(5) Section 401 which would penalize small business by changing the tax treatment of multiple corporations.

(6) Section 413 which requires a pro rata portion of original issue discount to be included in a bondholder's annual income and requires a corporation to file an information return recording the amount of discount earned by each bondholder.

(7) Section 414 which limits the deduction paid by a corporation on repurchase of its convertible securities.

(8) Section 461 which would increase the alternative capital gains rate for corporations from 25 percent to 30 percent.

(9) Section 515 which would eliminate capital gain treatment on total distributions from qualified plans made to an employee in 1 year.

(10) Section 521 which eliminates the use of the double declining balance and sum of

the years digit methods of accelerated depreciaton on new buildings.

(11) All provisions of the bill which would have retroactive application.

ARTHUR J. PACKARD, CHAIRMAN, GOVERNMENTAL AFFAIRS COMMITTEE, AMERICAN HOTEL AND MOTEL ASSOCIATION

Capital gains

Contends that the proposed increase in the corporate capital gains rate from 25 to 30 percent should be deleted because it is grossly unfair. States that corporate income is taxed twice, once to the corporation and a second time on distribution to its stockholders as dividends at normal tax rates.

Real estate depreciation

Contends that the changes in the use of the accelerated methods of depreciation are unrealistic. States that while the bill allows the 150 percent declining balance method on new construction of hotel and motel properties, older properties purchased do not share such treatment, yet the depreciable factors remain the same. Argues that more depreciation occurs in the case of new properties than in used properties during the early years, and this fact has been recognized by the provisions of existing law, which permit the 200 percent declining balance and the sum-of-the-year digits methods in the case of new properties and a maximum of 150 percent declining balance method for used properties. Contends that these provisions should be maintained.

Objects to recapture of depreciation in excess of straightline because no consideration is given to the part which inflation plays in increasing the selling price of an asset. States that the current law gives some effect to the inflationary aspect of the economy and contends that to convert what is now taxed as capital gains into ordinary income as excessively burdensome.

Earnings and profits

Opposes the provision dealing with the effect on earnings and profits of accelerated depreciation on the grounds that it introduces a double standard (1) for the determination of taxable net income, and (2) for the computation of earnings and profits.

Argues that if accelerated depreciation is considered correct, and recognized in the determination of taxable income, it should be accepted in computing earnings and profits.

Multiple corporations

Objects to the elimination of the multiple surtax exemption and other related benefits as discriminatory, since two or more separate business activities owned by different interests will pay less income tax than if they were under common control. Contends that there should be no tax penalty imposed upon the business community in conducting business activities in a multiplicity of corporate forms that are found essential and desirable in the ordinary course of business.

Exempt organizations

Agrees with extension of the "unrelated business income tax" to virtually all exempt organizations and advocates imposing a tax on the investment income of such organizations.

Proposes exclusion from "unrelated trade or business" the activities of a trade show sponsored by a business league exempt under section 501(c)(6). States that existing regulations imply that a trade show of a type common to the hotel/motel industry represented an "unrelated trade or business."

States that the Internal Revenue Service takes the position that income from trade shows is not unrelated income where the exhibits are for products or services utilized by the sponsoring organization's members. Argues that the display at an industry trade show by suppliers of products used in the industry is also within the activities and purposes of the industry's business league.

CARL A. BECK, CHAIRMAN OF THE BOARD OF TRUSTEES, NATIONAL SMALL BUSINESS ASSOCIATION

Surtax exemption

Recommends that the surtax exemption be increased from $25,000 to $100,000. Justifies this recommendation on the premise that the present exemption dates back to the "thirties" since which time the dollar has lost almost 75 percent of its value. States that technology requirements demand larger investments by small business in plant and equipment, hence, greater demands on the small firm's revenues. Points out that increasing the level of the surtax exemption from $25,000 to $100,000 is almost exactly equal to lowering the tax rate 2 percent on the first $1 million of corporate profits.

Accelerated depreciation

States that sec. 452 of H.R. 13270 restricting the use of accelerated depreciation by all corporations unduly penalizes the smaller firm in that investments by small firms are sporadic and any single purchase of equipment is a large percentage of the total capital invested in the business while in the case of large corporations, the effect of section 452 would be relatively minuscule. Feels that rapid depreciation more nearly reflects the actual—and true—rate of depreciation of plant and machinery. Concludes that accelerated depreciation is vital to small business in that it allows the entrepreneur a return of capital to be reinvested thus permitting the smaller business to expand and keep modern.

Cooperatives

Supports the provisions of S. 2646 with respect to cooperatives, and urges their substitution for section 531 of H.R. 13270.

Tax on unrelated business income

Supports, in principle, the provisions of section 121 of H.R. 13270 relating to the business income of now tax-exempt organizations. Feels that income derived by such organizations from commercial transactions in direct competition with taxpaying business should not be tax exempt.

ROBERT G. SKINNER, EXECUTIVE COMMITTEE, DIVISION OF FEDERAL TAXATION, AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

Taxation of payments for merchandise or other property received prior to the occurrence of sale

Proposes that section 451 of the code be amended by adding a new subsection which would simply provide that payments received for goods sold by a taxpayer in the ordinary course of trade or business shall be included in income in the year in which the sale takes place. Adds that for this purpose the method of accounting regularly employed by the taxpayer in keeping his books shall be determinative.

Alternatively, suggests that section 451 could be amended to make it clear that gross income from the sale of merchandise or other property is the gain from such a sale and not the gross receipts from the transaction.

Relaxation of requirements for advance rulings regarding transactions involving foreign corporations

Suggests that the Secretary of the Treasury or his delegate should be given statutory authority to make a determination after an exchange that the exchange was not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

Amortization of intangible assets

Proposes that the cost of purchased goodwill, trademarks, trade names, secret processes, formulas, licenses, and other similar intangible assets should be amortizable over a stated period fixed by statute to the extent that these costs are not otherwise deductible under other sections of the code.

Recommends an amendment of the code to provide that if a definite life cannot be determined for a purchased intangible asset, its cost can be amortized over a period of 120 months or, at the election of the taxpayer, over a longer period, with a provision in section 1245 which would provide for recapture of amortization when the intangible asset is sold or otherwise disposed of in a transaction covered by that section.

Private foundations

Supports the prohibitions on self-dealing although unable to express a consensus of opinion on other provisions of the bill regarding private foundations.

Suggests the following modifications relating to private foundation provisions:

(1) The tax on investment income should be limited to the extent it is intended to raise revenue. It should not be imposed as a "user" fee.

(2) While it is difficult to object to the imposition of the proposed tax on termination of exempt status for willful repeated acts or for a willful and flagrant act (proposed code section 507), the computation of the aggregate past tax benefits is too complicated and seems unnecessary in view of the circumstances under which the tax would be imposed.

(3) The tax on failure to distribute (proposed code section 4942) requires that allowance for amounts set aside for future projects be established to the satisfaction of the Internal Revenue Service at the time they are set aside. In view of the penalties for failure to distribute, the Service will be able to prevent the setting aside of amounts merely by failing to act on applications or through the manner in which information supporting the amounts set aside is required to be filed. Foundations should be permitted to support these "set-asides" later.

(4) The bill limits to 20 percent the combined ownership of the corporation's voting stock which may be held by the foundation and all disqualified persons. We believe that this percentage limitation should be 35 percent.

(5) The tax on investment which jeopardize charitable purposes (proposed code section 4944) is too punitive considering the subjective nature of the act that would give rise to the tax. Any investments that experience a loss in value would be regarded by some as having jeopardized the exempt purposes. As a minimum, there should be a "correction period" as provided in proposed code section 4941(e)(4).

(6) The attribution rules included in proposed Code section 4946(a)(3) for determining "disqualified persons" should be modified to follow the rules of section 318(a) rather than code section 267(c), or section 267(c)(3) should be modified to apply only to partners having an interest of 10 percent or more.

Other exempt organizations

States that section 121(d) dealing with the Clay B. Brown problem seems unnecessarily harsh in attempting to tax all debt-financed income. Proposes an alternative that the present exemption from the unrelated business income tax for rents from personal property leased with realty could be eliminated. Suggests that this would prevent Clay Brown-type transactions by taxing the rent from any lease for whatever term where personal property constitutes more than an incidental or insubstantial portion of the property subject to the lease.

Supports the extension of the tax on unrelated business income, however, recommends that the specific deduction allowed in the determination of unrelated business income be raised from $1,000 to $5,000 which should eliminate much of the burden of compliance by the organizations and audit by the Internal Revenue Service.

Recommends that in the case of social clubs, the allocation of income and expenses between member and nonmember activities will present difficult accounting and definitional problems that should be provided far more clearly.

Advertising income derived from periodicals of exempt organizations

Believe that it is possible for both the advertising and editorial content of certain periodicals to be functionally related to the exempt purposes of the organization. Consequently, it seems that the regulations which single out advertising activities of a periodical published by an exempt organization for treatment as an unrelated business, are unrealistic in concept. Recommend that section 512 or 513 should be amended to incorporate the following concepts:

(1) A trade or business should be defined along vertically integrated lines so that advertising activity, alone, cannot constitute a trade or business.

(2) If the activities of such defined trade or business are functionally related to the purposes for which an organization has been granted exemption, this trade or business should not be characterized as unrelated to the exempt purposes of the organization.

Suggests that this approach should prevent the unfair competition that was the original target of Congress in enacting the tax on unrelated business income.

Charitable contributions

With respect to sections 201 (c) and (d) regarding charitable contributions of appreciated property, does not favor the distinction drawn between gifts to public and gifts to private foundations. Feels that contributions of such property should be treated in the same manner without regard to the type of charitable recipient.

Farm losses

Agrees with the intended purpose of the proposed legislation to curb abuses of capital gain provisions coupled with the use of losses from farming operations, however, believes that the language of section 211 of the bill is so sweeping that it will affect more taxpayers than intended.

Recommends that the bill be clarified so that there is no doubt that the $50,000/$25,000 de minimis exceptions apply also in the case of farm net losses for the current taxable year.

Hobby losses

Agrees with the intended purpose of the proposal for dealing with so-called hobby losses. Suggests the provisions should be modified to the following extent:

(1) The $25,000 excess of deduction over gross income should be changed to $50,000 (proposed code section 270(b)).

(2) Wherever it appears throughout the section, the term "activity" should be changed to "trade or business."

(3) The application of this proposal should be limited to individual taxpayers.

Limitation on deduction of interest

Does not agree with the proposed limitation on the deduction of interest on funds borrowed for investment purposes because it has been an established general principle of economics, accounting and taxation that expenses incident to the production of income are deductible from such income. Suggests that this legislative proposal in a sense represents an artificial and arbitrary mutation of this principle which would tend to discourage the assumption of risk and the investment of capital—both of which have been important factors in the growth and development of our economic system. Furthermore, it would constitute an inconsistent exception to the cash receipts and disbursements method of accounting under which expenses are deducted when they are paid and income is taxed when it is received.

Adds, however, that if this proposed provision is enacted in basically its present form, it is suggested that the limitation be made applicable at both the corporate and the shareholder level in the case of subchapter S corporations.

Moving expenses

Believes that the dollar limitations on amounts of certain of these deductions are unrealistic in today's economy and that they should be increased. Also believes that the deductions provided for should be extended to self-employed taxpayers and to partners.

Urges that the moving expense proposals be made effective for taxable years beginning on or after January 1, 1964.

Limit on tax preferences

Recommends that the tax preference items be dealt with through direct legislation. States that if this is not practicable, then supports the provisions of the bill with one modification, for example, the tax preference item regarding the excess of accelerated depreciation over straight line depreciation should likewise provide for a reduction when straight line depreciation exceeds accelerated depreciation.

Income averaging

Supports income averaging provision of the bill but takes exception to the proposed effective date of taxable years beginning after December 31, 1969. Notes that the provisions of the bill dealing with the repeal of the alternative tax on capital gains for individuals (section 511) are to be effective with respect to sales and dispositions occurring after July 25, 1969. Suggests that the effective dates of these two provisions coupled with the 10-percent tax surcharge now in effect subjects any long-term capital gain realized by individuals in the brief period from July 26 to December 31 to a severe and inequitable tax penalty. Believes equity dictates that the effective dates for eliminating the alternative capital gains tax and introducing the new averaging provisions be the same.

Restricted property

Supports the restricted property provision on condition that any legislation finally approved continues to provide for the 50 percent maximum rate on earned taxable income. Concludes that this provision, coupled with the capital gain provisions in the bill, reflects a recognition of equality of tax treatment between earned income and capital gain income. Believes that these provisions, taken together, will continue to provide incentive for those who have contributed much to our economic progress and will also lessen the search for transactions motivated by tax avoidance.

Accumulation trusts, multiple trusts, etc.

Supports the provisions of the bill applicable to trusts except for effective dates. Recommends that the restrictive changes proposed with respect to accumulation trusts be made applicable only to those trusts established or additions made to the corpus of existing trusts after April 23, 1969.

With respect to eliminating the exceptions available under the definition of "accumulation distribution" as contained in present section 665(b) of the code, it is recommended that for those accumulation trusts which cannot qualify under these exceptions, the effective date with respect to full or maximum throwback apply only to accumulations in fiscal years ending after April 23, 1969.

Corporate mergers

Disagrees with section 411 of the bill, which provides that a corporation is not to be allowed an interest deduction with respect to certain types of indebtedness. Suggests that any restrictions on the "tide of conglomerate mergers" should be imposed outside the tax law.

Contends that the proposal will adversely affect persons who for valid business reasons may desire to sell their businesses.

Disagrees with section 412 of the bill to the extent proposed section 453(b)(3) will disqualify from installment sale treatment transactions which presently have good business purpose. Contends that section 453(b)(4) is adequate to cover present abuses of the installment method.

Does not agree with section 413 of the bill regarding the tax treatment of the original issue discount on bonds. Feels that the proposed changes violate the well-established rules of the cash method of accounting and further that they will add to complexity and information reporting difficulties far out of proportion to the problem which section 413 is designed to solve.

Recommends as an alternative solution of the problem that present Code section 1221 be amended to exclude from the definition of a capital asset all corporate nonconvertible debt (sometimes referred to as "straight" debt).

Natural resources—Mineral production payments

Recommends that an exception to the treatment of mineral production payments as loans be made for production payments used to equalize the investment of participants in a unitization.

Natural resources—Mining and exploration expenditures

Supports the provisions of the bill dealing with exploration expenditures. Suggests that a provision be added to permit taxpayers who have made elections under present law to have additional time to make new elections.

Capital gains and losses

Believes that a holding period beyond 6 months would more accurately indicate the intention to invest and thereby serve more closely congressional intent that special tax treatment be afforded gains from investment as distiguished from speculative gains.

Effective date for the capital gain and loss provisions can impose serious tax penalties for those sales or dispositions which are made after July 25, 1969, pursuant to action taken prior to that date. Suggests that the effective date be established at December 31, 1969, or, in the alternative, eliminate from the provisions of the bill any transactions to which the seller was committed in writing on or before July 25, 1969. Further suggests that insofar as the repeal of the alternative capital gains tax for individuals and the character of the gain is concerned, collections or other dispositions in connection with transactions in which the installment method was elected should be treated as if they occurred on or before July 25, 1969.

Subchapter S corporations

States that the bill's treatment of contributions to retirement plans is an improper approach to only one subchapter S corporation tax policy matter. Suggests that a better policy would be to amend the H.R. 10 rules to conform them more closely with those accorded corporations. Recommends that no action should be taken on this matter until the overall revision of subchapter S is further considered.

Suggests a more convenient method be provided for handling forfeiture applicable to contributions for years beginning after 1969.

RICHARD L. GOLDMAN, TAX COUNSEL, ASSOCIATION OF MUTUAL FUND SPONSORS, INC.

Associations taxable as corporations

States that an amendment is needed to avoid threat of two capital gain taxes on one gain, and perhaps one tax on no gain, in the case of investors who accumulate mutual fund shares under a periodic payment plan (by which they may invest, for example, $25 a month for a period of years).

States that when an investor liquidates his interest under the plan (his shares being sold back to the issuing fund by the bank custodian to give him his cash), his gain is taxed to him, as is proper, but contends that it may be taxed a second time because the investors are considered an association taxable to a corporation, and the association is regarded as having sold the fund shares and realized a gain. Maintains that the association, electing to be a "regulated investment company," should not be taxable on the gain, because it is distributed, but the gain is threatened with being treated as if not distributed, for technical tax reasons. Argues that the second tax would be borne in effect by the continuing investors, who do not benefit by the gain.

Maintains that in other instances there could be a tax on no gain at all.

Proposes that association status for such investors be abolished, since they are unrelated, and the action of one should not affect the tax status of the rest.

Standard Deductions

JOHN RINALDO, RINALDO AND ASSOCIATES, LONG BEACH, CALIF.

Tax rates

Based on statistical studies of the firm's clients and Treasury income statistics, it is recommended that tax rates for individuals (Sec. 804) be retained in order that the middle income taxpayer receive some limited tax relief from the 1969 Tax Reform Law.

Tax Treatment of Retired Persons

ERNEST GIDDINGS, LEGISLATIVE REPRESENTATIVE, NATIONAL RETIRED TEACHERS ASSOCIATION, AMERICAN ASSOCIATION OF RETIRED PERSONS

Retirement income credit

States that the retirement income credit has not been updated since 1962, and that it no longer provides equal tax treatment for those who may be retired under Government or private pension systems or who make provision for their own retirement. Suggests that the 13-percent increase in social security benefits in 1967 (and a few lesser increases between 1962 and 1967) justify an amendment to permit computation of the credit on an increased base.

States that the maximum amount of income which may qualify as retirement income should be raised from $1,524 to $1,872 a year, and that the reduction made in the credit on account of earned income should be changed to correspond with the changes made in the earned income reduction provided in the social security law.

Urges the adoption of S. 2968, introduced by Senator Ribicoff, and states that it does no more and no less than to again adjust the retirement credit provisions to conform with existing social security laws.

JOHN F. GRINER, NATIONAL PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Exemption from income tax of civil service annuities

States that a comparison of the social security, the Railway Retirement Act, and the civil service retirement systems shows that, although all are mandatory, the civil service employee suffers discrimination because his annuities are subject to income tax payment on income derived from contributions of the Federal employer.

Points out that an analysis of the annual income of both the civil service employee and survivor annuitants reveals that an overwhelming majority are living at the poverty level.

Contends that the precepts of tax justice require that we extend to civil service annuitants the same tax policy that now applies to social security and Railway Retirement Act annuitants—total exemption from all income tax.

Recommends that this vestige of tax discrimination which has been endured too long by retired Federal employees, by their dependents and by their survivors be eliminated. Emphasizes that the great majority of them are now living at or near the poverty level and they are in urgent need of tax relief.

THOMAS G. WALTERS, PRESIDENT, NATIONAL ASSOCIATION OF RETIRED CIVIL EMPLOYEES

Exemption of Federal employee annuitants and survivors from tax

States that most annuitants and their survivors are in the low-income bracket. Points out that according to the latest statistics issued by the U.S. Civil Service Commission only 968 annuitants receive a monthly annuity of $1,000 or more; 281,435 annuitants received less than $200 per month and 231,958 survivor annuitants received less than $200 per month; 110,436 annuitants received less than $100 per month and 168,288 survivor annuitants received less than $100 per month.

Recommends the following items regarding the tax treatment of the elderly:

(1) Exemption of the elderly from any surcharge tax.

(2) Exclusion from the gross income of the first $5,000 for a family and the first $3,600 for a single person received as civil service annuity from the U.S. Government or any agency thereof.

(3) Reestablishment of the provision to deduct drug and medical expenses for persons 65 years and older. (Deleted in 1967). S. 1564 introduced by the late Senator Everett McKinley Dirksen and now before this committee provides for this restoration for income tax purposes.

(4) Amendment of medicare to provide for the payment of prescription drugs outside of hospital.

(5) Amendment of medicare to provide that provisions (a) and (b) be made available to all Federal annuitants and their survivors.

Single Persons

MISS VIVIAN KELLEMS, EAST HADDAM, CONN.

Tax treatment of single persons

1. Discusses background of the community property laws which resulted in the income-splitting provision for all married couples. Alleges that this is a discrimination against single persons.

2. Claims that discrimination against single persons is unconstitutional.

3. Supports the House bill which extends the head-of-household rate schedule to certain single persons. Strongly endorses the bill (S. 2794) introduced by Senator McCarthy which extends to unmarried persons the tax benefits of income splitting used now by married persons.

General

ADRIAN H. PEMBROKE, NATIONAL OFFICE PRODUCTS ASSOCIATION AND THE BUSINESS PRODUCTS COUNCIL ASSOCIATION

Accumulated earnings tax

Argues that the accumulated earnings tax is really a penalty, the liability for which often arises from ignorance, bad advice, misunderstanding, or mistakes in business judgment. Contends that it is too complex to be coped with by small corporations, and advocates its repeal.

States that the accumulated earnings tax is applied only to closely held corporations, which are for the most part small businesses. Contends that this gives a competitive advantage to big business. Maintains that the growth of small businesses must be financed through retained earnings, because financing with borrowed capital is unfeasible, particularly in the present high-interest-rate money market.

Urges that if the statute cannot be repealed, it should be amended as follows:

(*a*) The *Donruss* case should be overruled in part by providing that the taxpayer will prevail if it can show that the corporation would have accumulated its earnings without regard to the tax savings at the shareholder level.

(*b*) Something further should be done to alleviate the taxpayer's burden of proof.

(*c*) The amount of the minimum accumulated earnings credit should be increased to reflect the decline in the value of the dollar since the credit was fixed at $100,000.

(*d*) If the higher bracket tax rates are reduced a corresponding reduction should be made in the accumulated earnings tax rates.

ESTIMATES OF CAPITAL EXPENDITURES CONTINUE TO DECLINE

Mr. HARTKE. Mr. President, I oppose the repeal of the investment tax credit because I believe the credit is necessary for our economic strength and because its repeal cannot possibly help to curb inflation.

Outlays for new plants and equipment have not contributed to inflation and in fact may be one of the few factors forcing prices and costs down.

In the arguments for repeal of the tax credit some very inflated estimates have been made for capital expenditures for 1969. In February of this year, it was estimated that capital expenditures would be increased by 14 percent over 1968; in May it was estimated to be a 12½-percent increase. On July 23, I predicted that capital expenditures will show only a 7- to 8-percent increase. It should be remembered that inflated prices distort my estimated 7 to 8 percent increase. In terms of constant dollars, the increase in capital expenditure would be no more than 4 percent; and that is neither inflationary nor even adequate for our growing economy.

I invite the attention of Senators to the most recent estimate for capital expenditures as published in the Commerce Department's "Survey of Current Business" for September. It forecasts only a 10½-percent increase over 1968 for capital expenditures. Whatever the final figures, it is obvious that capital expenditures for 1969 will be much closer to my estimate of 8 percent than the originally predicted 14 percent.

EROSION DESTRUCTION OF WOLF RIVER

Mr. NELSON. Mr. President, on August 1, 1969, I introduced S. 2757, a bill to provide for the control and prevention of pollution, deterioration of water quality, and damage to lands and waters resulting from erosion to the roadbeds and rights-of-way of existing State, county, and other rural roads and highways and from erosion of streambanks.

As I said before the Senate in introducing the bill, erosion along 300,000 miles of the Nation's waterways is destroying valuable land, and the annual cost of removing sediment from stream channels, harbors, and reservoirs is $250 million.

The need for this type of legislation can also be cited by individual examples. An article published in the Appleton, Wis., Post Crescent on September 14, 1969, tells the story of the pollution of the Wolf River by erosion. A voyage down the river by nine members of the Wisconsin Assembly Conservation Committee opened their eyes to the difference that effective erosion control makes. The last sentence sums up the situation well:

> Our eyes have been opened to a tragic thing . . . this disintegration because of the lack of a joint effort.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAWMAKERS SEE BOTH SIDES—WOLF RIVER: REAL JEKYL AND HYDE

(By Roger Pitt)

NEW LONDON.—Members of the state Assembly Conservation Committee saw two Wolf Rivers Friday—and it wasn't a mirror image.

The split personality Wolf River could be compared to a person—a real Jekyl and Hyde: one side is ugly, and showing signs of rapid deterioration; the other is wide, beautiful and easily navigable.

It is hard to believe they are the same river.

Fremont is the dividing point. Fremont north, shows the harsh signs of man, while below Fremont man has taken steps to prevent the erosion of valuable river banks.

MANY ACRES LOST

George Framberger, Winnebago County soil conservationist, told Assembly committee members, "I feel 10,000 acres of land has been lost by erosion."

Nine of 13 committee members made the tour. They were accompanied by a large number of officials from areas bordering the Wolf River and newsmen from the state.

A 20-minute drive by car is a long, 40-mile voyage from New London to Fremont.

WILDLIFE ABOUNDS

Twisting, agonizing bends in the river, dead falls protruding from the shores, shifting sand bars resulting from eroding shorelines and other debris of nature challenge the boat pilot. Nearly all obstructions except the meandering river course can in part be blamed directly to man. Even the changing river channel is being affected by man's encroachment on nature.

We saw a picturesque view only nature could duplicate. Bountiful wildlife—ducks, giant blue heron, deer, turtles and muskrats—were seen during the trip. State legislators from the metropolitan area were most impressed. Legislators from this area were most concerned.

Only in two places were cattle—often blamed for bank erosion—viewed along the river. Much of the farm land above Fremont has been rip-rapped with miles of stone and broken concrete. The areas disappearing the fastest are the marshes lining the river's course and privately owned, non-farm land.

Stone rip-rapping below Fremont is interpersed with wood and steel.

Gene Garrow, Fremont, told assemblymen he estimates 700 ton annually of silt pours into the river punctuating the need for greater streambank preservation measures.

MORE FOR LAWS

Wolf River residents hope that the legislative effort needed to end the increasingly serious threat to the river might have gotten its start Friday.

Paul Alfonsi, R-Minocqua, committee chairman, discussed the upper-Wolf problems for two hours with Ed Hildebrand, Weyauwega school teacher and a native of the river.

Hildebrand recalled how the river was "generous to his family during his youth." He said, "Much of our subsistence came from the river . . . white bass smoked, pickled and fresh; northerns—they were called pickerel."

"Now," he just shook his head and made a hand gesture in disgust, never finishing his statement, but clearly showing his thoughts.

Alfonsi said, "Many studies have been made by a varity of agencies . . . it's amazing how much of the material is duplicated."

The majority leader pledged hearings, probably in the spring or summer of 1970, with an eye toward a legislative report and action in 1971. "We have to see that we get all the information there is," he stressed.

"We couldn't paint a picture to show the unfortunate problem existing on the Wolf River," Alfonsi said at a noon luncheon. "Our eyes have been opened to a tragic thing . . . this disintegration because of the lack of a joint effort."

THE NOMINATION OF JUDGE CLEMENT F. HAYNSWORTH

Mr. MONDALE. Mr. President, I very much hope that President Nixon will withdraw his nomination of Judge Clement F. Haynsworth to the Supreme Court.

Judge Haynsworth's record clearly indicates his insensitivity to the needs and aspirations of Americans who have spent the last 50 years struggling for equal rights and the opportunity to earn a decent living. Moreover, I believe the conduct of his personal financial affairs shows far less discretion than we should expect of a Supreme Court Justice.

It is no accident that those most concerned about civil rights and economic justice—the civil rights movement and organized labor—have led the effort to prevent Judge Haynsworth's confirmation. To these groups and organizations, the nomination of a man with Judge Haynsworth's philosophy is a throwback to an America of a different age—when segregation was the law of the land and when working men were prevented from organizing for higher wages and better working conditions.

If this nomination is not withdrawn, the Senate will have to make a decision which may prove to be a turning point in American history.

The question before us is much broader and much more important than merely the nomination of a single individual to our highest court, as important as that would be by itself. The question really is the direction in which we will move in the country concerning the quality of rights which we say we stand for as a nation.

There are already disturbing indications that we have changed our direction on these matters. The administration has issued a statement of change policy on school desegregation, which is nothing more than a blatant invitation to the South to delay further. The statement has been followed by transparent requests to southern courts to slow down based on the claim that desegregation plans could not be implemented in time. In Mississippi, the request for delay in 33 school districts was premised upon the damage created by Hurricane Camille—yet not one of the 33 school districts was in the path of that terrible natural disaster. The administration has awarded defense contracts to textile firms with a history of racial discrimination. It has proposed a voting rights bill which is a clear watering down of the commitment to equal suffrage in the South and a patent call to southern Members to embroil the simple extension of the 1965 act in a welter of confusion and delay.

These are the circumstances in which Judge Haynsworth's nomination is received. Unfortunately, the nomination is clearly another step in the same direction, but this time a step which could affect the course of civil rights enforcement for a generation.

I, for one, will not stand still to see this country go through a second reconstruction period. If the Supreme Court—the one institution to which black Americans have been able to look with confidence—is turned around, there will be no reason for those in the South committed to resist change to act in any way other than according to their convictions.

This is happening already. I frequently hear disturbing reports from back communities in Mississippi and Alabama and rural Georgia that local sheriffs and Klansmen have been striking and retaliating with greater boldness and violence in the last 8 months. Think of what it would mean if they knew that the Federal courts were no longer open to those whose rights they violate.

The Washington Post said the other day that Judge Haynsworth's record on civil rights places him "merely in the middle of the civil rights stream." That is a gross misstatement, and if the editors of the Post had read the testimony of witness after witness before the Judiciary Committee or studied Judge Haynsworth's record with any care, they could never have made that statement.

We are dealing here with a man whose judicial record—not his personal views—is one of evasion and delay in the implementation of the law of the land. Throughout the struggle that has ensued since the Brown decision in 1954, Judge Haynsworth has been on the wrong side in crucial cases ever since he came on the bench.

In a major case where a majority of his court ruled that a hospital receiving Federal funds could not practice racial discrimination, Judge Haynsworth dissented. This dissent expressed his view that since the hospital had been established privately, it could legally practice discrimination, despite its receipt of Federal funds. A man who believes that private hospitals receiving Federal funds can legally discriminate against black Americans does not exemplify the values of 20th century America.

His record on school desegregation cases has been equally unresponsive to the rights of black Americans. In 1962, he said that it was permissible to have a rule which allowed any child to transfer from a school where he would be in a racial minority—despite the fact that the obvious purpose of the rule was to minimize integration. His colleagues overruled him by a vote of 3 to 2.

In 1963, he voted against requiring the schools of Prince Edward County to be reopened, and if any doubt his views on the merits of that case, it is necessary to quote but one sentence from his opinion:

> When there is a total cessation of operation of an independent school system, there is no denial of equal protection of the laws, though the resort of the poor man to an adequate substitute may be more difficult and though the result may be the absence of integrated classrooms in the locality.

Luckily the Supreme Court disagreed with him.

In 1965, he said that separate steps need not be taken for faculty desegregation, that assignment of teachers could be expected to change as racial patterns in the school change. Again, the Supreme Court reversed this decision.

In 1967, Judge Haynsworth refused to condemn "freedom of choice" as an ineffective route to desegregation. The Supreme Court reversed him once again. Indeed, Judge Haynsworth filed an opinion 4 days after the Supreme Court's decision disapproving freedom of choice, expressing his preference for this type of plan.

In December 1968, he granted stays in a number of cases to delay desegregation, all of which were vacated by Justice Black. This past summer, Judge Haynsworth refused to move a number of school cases along fast enough to bring desegregation for the fall term. Later in the summer, Justice Black made a statement which is in cold contrast to his record of sanctioned delay:

> There is no longer the slightest excuse, reason or justification for further postponement of the time when every public school system in the United States will be a unitary one, receiving and teaching students without discrimination on the basis of their race or color.

Any Presidential appointment requiring Senate confirmation cannot be considered lightly. This is especially true of appointments to the Supreme Court—the one institution which has represented the last hope for redressing the grievances of those who have been denied fundamental rights and opportunities.

It is, therefore, vitally important that men be appointed to the Supreme Court who strongly oppose discrimination and economic injustice and who believe that courts should be prepared to provide remedies where other institutions have failed to do so.

Judge Haynsworth's record strongly suggests that he is not this type of man. It is a record which has not received enough attention. Judge Haynsworth may be a "moderate" on civil rights, but all that means in this context is that he has been sophisticated in his efforts to delay the course of desegregation.

There are other matters as well—such as Judge Haynsworth's consistently antilabor record. But to me, the basic point is his record on civil rights—for that, in many ways, is the test of our quality and integrity as a nation. I will not participate in approving a nomination which could well affect the very essence of what America is supposed to be.

Mr. EAGLETON. Like every Senator, I have given considerable thought to the Haynsworth nomination. I have decided to vote against its confirmation. Let me make clear my reasons for this decision.

The fact that Judge Haynsworth may be a conservative, or that his views on certain matters may differ from mine or from a majority of the Warren court, does not, in my judgment, preclude his sitting on the Supreme Court.

The Senate has the right and the duty to consider the views of Supreme Court nominees on vital national issues. However, we should not seek a uniformity of opinion on the Court, and I believe a nominee should be rejected on this ground only if his views are so extreme as to place him outside the mainstream of American political and legal discourse. Clearly this is not true of Judge Haynsworth.

My opposition to his appointment rests solely on his apparent insensitivity to the canons of judicial ethics established by the American Bar Association. In my judgment, the record made before the Committee on the Judiciary with regard to the Darlington and Brunswick cases clearly evidences an insensitivity on Judge Haynsworth's part to canons 25 and 26, which read as follows:

> *Canon 25—Business Promotions and Solicitations for Charity:* A judge should avoid giving ground for any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce others to patronize or contribute, either to the success of private business ventures, or to charitable enterprises. He should, therefore, not enter into such private business, or pursue such a course of conduct, as would justify such suspicion, nor use the power of his office or the influence of his name to promote the business interests of others; he should not solicit for charities, nor should he enter into any business relation which, in the normal course of events reasonably to be expected might bring his personal interest into conflict with the impartial performance of his official duties."
>
> *Canon 26—Personal Investments and Relations:* A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and, after his accession to the bench, he should not retain such investments previously made longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.
>
> He should not uitilize information coming to him in a judicial capacity for purposes of speculation; and it detracts from the public confidence in his integrity and the soundness of his judicial judgment for him at any time to become a speculative investor upon the hazard of a margin.

The Canons of Judicial Ethics require, not just that judges be men of integrity, but that they avoid even the "appearance of impropriety." This Judge Haynsworth has not done.

Judge Haynsworth has been nominated to fill the seat left vacant by the resignation of Justice Fortas following allegations of conduct contrary to Canon 25. I cannot in good conscience vote to replace Justice Fortas with Judge Haynsworth.

THE FALLACIES IN THE FINANCE COMMITTEE'S ARGUMENTS FOR REPEAL OF AMMUNITION CONTROLS

Mr. DODD. Mr. President, the Committee on Finance has filed its report on H.R. 12829, the Interest Equalization Tax Extension Act. Section IV of the report on this tax measure is devoted to the repeal of the ammunition controls of the Gun Control Act of 1968.

While no hearings were held on this repeal amendment, it is, nevertheless, on the Calendar to be considered by the full Senate.

While I have already spoken about this matter, I now want to discuss section IV of the committee report in some detail.

In all candor, certain language in that section is in error. It is a misrepresentation, and it is misleading.

Initially, the report states:

> Under Chapter 44 of title 18 of the United States Code, the Secretary of the Treasury is required to record the name, age, and address of a person buying any type of ammunition.

Mr. President, that is not true.

The Secretary of the Treasury is not required to record the name, age, or address of a person buying ammunition. That is required of the licensee, the dealer, the seller of ammunition.

Second, the committee report says that the ammunition control regulations from the Treasury Department go considerably beyond this requiring a person purchasing ammunition to give his name, address, and date of birth; the date of purchase, the manufacturer, caliber, gage, or type of component, and the quantity of the ammunition purchased; and the purchaser's driver's license number or other type of identification.

Mr. President, this information is in error. The ammunition purchaser is not required to give information concerning his purchase, it is the licensed dealer who is required to maintain such information in his records.

It is true that the dealer undoubtedly asks the purchaser for a copy of his driver's license, because that is the only way that the dealer can be sure that he is not selling handgun ammunition to minors under 21 or rifle and shotgun ammunition to persons under 18. This is hardly burdensome for, as we all know, most young people in this country must show proof of age when they seek to purchase alcoholic beverages and, in some cases, even cigarettes.

Third, the report goes on to state that the registration of persons purchasing ammunition creates an "enormous and unnecessary administrative burden on the Treasury Department, on firearms dealers, and on the Nation's sportsmen who purchase this type of ammunition."

Mr. President, there is no administrative burden on the Treasury Department that would be relieved if the Bennett amendment were adopted, for it is the licensee who maintains the records of sale or other disposition of ammunition, not the Treasury Department.

Certainly, this is not an enormous bur-

XUM

den on the licensee. It is merely prudent recordkeeping.

Further, the report goes on to say that these "requirements do not contribute to an increase in public safety."

Mr. President, I state emphatically that records on ammunition are essential as a law-enforcement tool, because they do indeed contribute to an increase in public safety.

They serve as a deterrent to the purchase of ammunition by juveniles.

They serve as a deterrent to felons who might be very hesitant to have their name and address recorded.

And they serve to assist law enforcement officers in cases where police suspect a particular individual of a specific firearms crime.

The committee report goes on to say that "the ammunition covered by the amendment is the type used mostly in sporting types of firearms. The amendment does not affect the registration requirements under present law related to pistol and revolver ammunition; these are the weapons most commonly used by criminals in the commission of a crime."

Mr. President, I submit that .22-caliber ammunition, which would be exempted by the amendment, is the type used in the Saturday night specials, the inexpensive revolvers that have plagued law enforcement officers throughout this Nation for the last 10 years.

In fact, 30 percent of the handgun murders each year are committed by .22-caliber handguns, and 3,300 murders were committed last year by .22-caliber handguns.

Further, while the committee report tells us that the ammunition in question is used only by hunters and sportsmen, the Violence Commission report tells us that ".22 calibers have very limited utility as hunting weapons." The Violence Commission report also points out that the most common sporting use of .22-caliber ammunition in America is for "plinking at tin cans and bottles," and the Metropolitan Life Insurance Co. tells us that this plinking is a major cause of accidental deaths.

The committee report could mislead the Senate, for it talks only about hunters and sportsmen. It does not say that the ammunition control amendment would help to guarantee that every Minuteman, Nazi, Black Panther, Ku Klux Klansman, and other extremists will soon have 4 billion bullets available "with no questions asked."

The committee report does not tell us, as the Violence Commission does, that the leaders of these extremist groups recommend to their followers that they purchase shotguns, rifles, handguns, and ammunition for political assassination and civil insurrection. And when these anarchists can afford only a single weapon, the preferred gun is the .22 caliber handgun or rifle.

The report states further:

> The Committee is convinced that this amendment accomplishes the dual objective of (a) relieving ammunition dealers and sportsmen of unreasonable burdens in the purchase of sporting-type ammunition, and (b) protecting the public safety by retaining registration requirements with respect to the purchase of ammunition designed primarily for handguns.

The facts speak for themselves:

Ninety percent of all available ammunition will be removed from Federal controls if this amendment is adopted.

And that means that the four billion bullets which will be produced in America this year will be available to lunatics and would-be assassins.

Seventy percent of the ammunition produced in America is .22-caliber rimfire. Tens of millions of people presently own the weapons that will fire such ammunition. We do not know who they are, they may be deliquent "zip-gun" owners, would-be bank robbers and murderers, such as the trio who viciously shot to death four innocent women last Wednesday with a .22 caliber pistol, or any one of the other 3,000 to 4,000 people who will murder Americans in the next 12 months. To remove the present controls would make .22-caliber bullets even more accessible to the unfit and the irresponsible.

Mr. President, section IV of the committee report on H.R. 12829 is so inaccurate that the Senate should insist on hearings before the Bennett amendment is considered. It is only with hearings that the Senate will be able to act intelligently, because only then will it have an accurate committee report.

Mr. President, I ask this for those of us who have worked so long and so hard on the question of controls of firearms and ammunition. I ask this on behalf of a public frightened and threatened by crime in the streets.

Let us not be too easily misled on an issue which is so vital to the safety of our fellow citizens.

THE ANNOUNCED CUTBACK IN MODEL CITIES FUNDING

Mr. KENNEDY. Mr. President, the announcement yesterday that the administration plans to cut drastically the funding of the model cities program can be viewed only with deep concern and regret.

This most important program, enacted in 1966, was adopted after long and careful study in both Houses of the Congress. Its sponsors and supporters quite literally fought to bring this much needed program into being. The model cities program is vital to the Nation's effort to revitalize our cities and to make them economically and socially viable. The restoration of these cities—especially those at the core of major metropolitan areas—is vital to the Nation.

A cutback of $215 million in the funding of a program never adequately funded signals the end of our commitment to the provision of a better life for our citizens who live in urban areas. It signals the end of a newly created Federal-local partnership of progress. The Federal Government cannot continue to demand a commitment from State and local governments if it does not intend to fulfill its own commitment of financial and technical assistance.

We in New England, because our cities are older, know well the value of this program in our effort to restore our cities. In Massachusetts alone, nine cities have made a major commitment of time and personnel and funds to the model city program. These cities—Boston, Springfield, New Bedford, Worcester, Cambridge, Lowell, Lynn, Holyoke, and Fall River—typify most dramatically the need for this program and the hope it held out to their citizens. Forty-one cities across the country have already signed contracts to move their programs into implementation—we are told they will not be affected by this cutback, but can we be sure. More than 100 other cities are participating at some level of planning and development under the promise of this program. Surely, there is no better evidence of the country's need for and response to this program.

I urge the administration to reconsider this action. I hope that Congress will continue to express its commitment to this program, and I will do what I can in this regard.

We are told that our involvement in an unpopular war in Vietnam has no effect on our ability to pay for the domestic needs of this country. Yet plain commonsense tells us that when we spend billions in the central highlands, we will not have those billions for our cities; or that when we spend billions on bombs, we will not have those billions for schools.

Mr. President, as we in Congress look over the last few years and review the landmark legislation we have passed to meet the needs of this country and its citizens, we are constantly aware that we cannot find the appropriations for them. It is plain that we cannot finance a war and finance our needs at home, at least if this experience is any guide.

As we enter 1970's, we simply must find the funds to provide for the domestic needs of the country. To do less than this is to shortchange our children.

ENVIRONMENTAL QUALITY: MONEY TO CLEAN UP OUR WATERS

Mr. TYDINGS. Mr. President, one of the major domestic problems confronting the United States today is the pollution of our waterways. The sad fact is that all of our rivers and streams are in part polluted.

A nation of clean, sparkling waters no longer exists on our land. In its place we have a country of brown and gray waters, often unfit to swim in, and filled with all types of garbage and effluents.

Even in Maryland, which is one of the few States to move ahead forcefully in the area of water resources, the rivers are in less than perfect shape. The Potomac, the Patuxent, the Severn, the Choptank, and the Patapsco are all filled with filth.

In 1966, Congress passed the Clean Waters Restoration Act authorizing substantial sums for construction of water quality treatment facilities. Unfortunately, appropriations have lagged far behind authorizations.

Today, I am told a House committee reported out a $450 million appropriation measure for fiscal year 1970. This is well above the $214 million figure requested

XUM

by the administration, but below the $600 million which the Senate committee is expected to approve.

I would just like to remind my colleagues in the Congress that the legislation we passed in 1966 authorized a figure of $1 billion for the construction of water quality plants in fiscal year 1970. According to the information we received in 1966, and I have no reason to doubt it is no longer valid, $600 million is insufficient to meet the real need.

I hope that in our recognition of our responsibility for clean water and our willingness to move ahead of the administration we do not forget that $600 million still falls short of the mark. It does not close the gap between authorizations and appropriations. It does not meet the requirements as Congress itself has defined them, and it will not result in the cleaning up of our waters.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If there be no further morning business, morning business is closed.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER FOR ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CURTIS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the disposition of the Journal tomorrow, the distinguished Senator from Nebraska (Mr. CURTIS) be recognized for a period not to exceed 1 hour. I understand the subject of his remarks will be the tax treatment of State and municipal bonds, foundations, and charitable giving.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of the remarks of the Senator from Nebraska (Mr. CURTIS), there be a period for the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MODEL CITIES SHOULD HAVE HIGHER PRIORITY THAN SST

Mr. PROXMIRE. Mr. President, the Model Cities Act was passed in 1966. It was a new and unique idea whose purpose was to pull together a wide variety of individual or "ad hoc" Federal, State, and local programs in order to concentrate resources in the urban ghettos of the country.

For 3 years the program has been in the planning stage. Finally, it has arrived at the point where action should take place. The danger has always been that there would be too much talk and too little action. The Douglas Commission in its final report entitled "Building the American City" put the problem very well. I quote the final five paragraphs of part II, chapter 7 of the report entitled "Model Cities" and I remind Senators that this was written late last year:

> The program is in its early stages, but a few crucial issues that may determine its ultimate success or failure are already discernible.
>
> The concept seems to be correct. Under the traditional program-by-program approach, a variety of local agencies administer their own narrow programs with little or no coordination with the needs of other programs and the city as a whole. They are funded by a variety of Federal agencies whose programs, both at the Federal and local levels, are largely independent of each other, and whose funds are often funneled through a State administrative apparatus that adds another layer of autonomous operation.
>
> Instead, under model cities, a comprehensive program is designed at the local level so that the funds and activities can be concentrated to meet the total needs of a community. This is both a desirable and absolutely necessary goal.
>
> If this commendable purpose is to be carried out, however, at least two major pitfalls must be avoided. The first is the danger that the program will become bogged down in the "planning process" and planning terminology at the expense of action. One hears from model city experts and reads in its literature an abundance of language taken from space jargon which might best be termed modern barbarisms. One hears about "target" neighborhoods, "restructuring the delivery systems," and "launching the planning process." One hears very little about how many houses will be built, how often the garbage will be collected, and what kind of schools, health clinics, and job training classes are planned or when they will be open for use.
>
> This may be due in part to the fact that the program is still in its early stages. But one senses that to date there is more interest from the local administrative structure than from the people or the concerned program-oriented groups in the community. There is a danger that the program will be overweighted by the creation of a multitude of new committees or institutions to coordinate, plan, and talk with one another and that needless new layers will be added rather than that existing institutions will be made more efficient.
>
> The second major problem, and one which affects the first, is that of funding. It is vital to fund the amounts authorized for at least two reasons. Unless there are enough funds to carry out programs, model cities will become nothing more than a talking and planning program. It is the promise of funds and the receipt of funds which provide the incentives for cities to focus their efforts in a concentrated area, to develop innovative programs and to foster the active involvement of neighborhood residents.
>
> Funds are vital to success. Without them, no amount of planning will build houses, collect garbage, train the unemployed, or educate children. The promise of the program can result in performance by the cities only if the funds are forthcoming.

Now, however, just at the time when the success of the program is at stake, the Nixon administration has called for a slowdown and a stretchout of $215 million in model cities funds. What is worse, it is said that the slowdown and stretchout are due in large part to bureaucratic delays at HUD.

I ask unanimous consent that an article published in today's New York Times entitled "$215 Million Cut in Model Cities Is Ordered by the Administration," which gives the facts in some detail be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

$215-MILLION CUT IN MODEL CITIES IS ORDERED BY THE ADMINISTRATION

WASHINGTON, October 1.—The Nixon Administration has signaled a slowdown and stretchout for the Model Cities urban-aid program by cutting $215-million from planned expenditures this year.

The 42 per cent reduction in spending estimates for the fiscal year ending next June 30 was prompted by two factors: President Nixon's call for $3.5-billion in Government-wide budget cuts and a slow start for the action phase of the Model Cities program.

The rollback from outlay estimates in April of $515-million to $300-million represents bureaucratic delays and not substantive program cuts, officials of the Department of Housing and Urban Development maintain.

The 41 cities that have already signed contracts moving their Model Cities programs from planning to implementation will lose none of their money, the officials say.

Some 150 communities in 45 states, the District of Columbia and Puerto Rico are participating in the program, enacted in 1966.

MANY MAYORS ANGRY

While planning has proceeded for some time, this is the first year for implementing the plans to attack all the causes of poverty and blight within a slum through one integrated plan. The idea is to funnel all the renewal that Federal-local money can buy into target slum neighborhoods.

News of the funding slowdown caught

> big-city Mayors by surprise. Many were angry.
>
> In New York, Mayor Lindsay termed it a "disastrous mistake" and an "incredible anti-city action."
>
> In Boston, Mayor Kevin H. White said:
>
> "Cutting back these funds downplays the Model Cities program and thereby establishes a dangerous precedent, because this program, unlike poverty programs and other Federal programs, is the direct responsibility of big-city mayors."
>
> The stretchout stems in part from Republican cancellation of plans left by the Democrats to fund at least 65 cities beginning last July 1.
>
> Boston, for example, was originally scheduled to receive $7.7-million from July, 1969, through June, 1970.
>
> "However, because of various delays in the Federal bureaucracy, the money will not start coming until October, 1969, and this will be our budget through October, 1970," Mayor White said.
>
> Other cities will move into their action phases later in the fiscal year than expected, thereby reducing over-all expenditures, Housing Department officials said. Completion, in turn, will be delayed.
>
> The slowdown is expected to have its heaviest impact on the 34 first-round Model Cities locales that have yet to sign grant contracts and on the 75 second-round choices still in the planning phase.

Mr. PROXMIRE. Mr. President, the success and integrity of this program is at stake. Whether it is to be nothing more than a "jaw boning," program in which local bureaucrats meet to "communicate" with each other, or whether it will be a program to build houses, collect garbage, provide schools, establish health clinics, and train unskilled men and women for jobs, is now at issue.

Once again the question of priorities is at stake. The "go ahead" is given for the SST, the C–5A, the ABM, and manned space flights; but housing is cut. At the present rate more members of the jet set will be flown to Europe on the SST in its first year of operation than the number of housing units for low-income families which will have been built under the model cities program.

Let us get our priorities straight. Let us get the bureaucracy to function. Let us cut back on the frivilous and the marginal programs, excessive military expenditures, and unneeded public works projects. Let us use those savings to meet our most pressing social needs—housing, jobs, schools—to help dampen down inflation, and to reduce the tremendous tax burden which now falls on the American people.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDIING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

Mr. MANSFIELD. Mr. President, to get the ball rolling and try to finally dispose of this bill, whether or not Senators are present, I understand that my distinguished colleague (Mr. METCALF) has an amendment he intends to offer at this time.

The ACTING PRESIDENT pro tempore. The junior Senator from Montana is recognized.

AMENDMENT NO. 177

Mr. METCALF. Mr. President, I call up that portion of my amendment No. 177 on lines 3 and 4 of page 2 thereof and ask that it be stated.

The ACTING PRESIDENT pro tempore. Does the Senator ask unanimous consent that the pending amendment be temporarily laid aside?

Mr. METCALF. I so ask unanimous consent.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment of the Senator from Kentucky (Mr. COOPER) will be laid aside temporarily, and the amendment offered by the Senator from Montana (Mr. METCALF) will be considered. The clerk will state the amendment.

The assistant legislative clerk read as follows:

> On page 101, line 9, strike the word "may" and insert in lieu thereof the word "shall".

Mr. METCALF. Mr. President, under the provisions for penalties for violations of the various provisions of this act, it provides that:

> The operator of a coal mine in which a violation occurs of a mandatory health or safety standard established by, or promulgated pursuant to, titles I or II of this Act, or of any other provision of this Act, may by order be assessed a civil penalty by the Secretary which penalty shall not be more than $25,000 for each occurrence of any such violation. Each occurrence of any such violation may constitute a separate offense.

Then that section continues to tell how the Secretary or his representative is to determine what the penalty shall be. The size of the coal mine, the number of violations, the frequency of violations, and all those things that determine the good faith in which the man has operated the mine are to be considered.

My amendment provides that if there is a decision that a violation exists, the Secretary shall impose a penalty.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. METCALF. I yield.

Mr. MANSFIELD. Could that penalty be as low as $1?

Mr. METCALF. It could be as low as $1. I have considered some of the problems that have been submitted. Some people have suggested that a penalty of not less than $100 or more than $25,000 be imposed. It seems to me that that is unfair to many operators of small mines, who have operated in good faith but have some safety violations. But, if my amendment were agreed to, every owner of a mine would know that he would be subject to a penalty of at least $1, or something of that sort, for his first violation.

Mr. MANSFIELD. Will the Senator yield further?

Mr. METCALF. I yield.

Mr. MANSFIELD. The idea, as I take it on the basis of the amendment as read and as explained by my colleague (Mr. METCALF), is that even if the fine is as low as $1, it will still serve as a reminder that a judgment has been made, and perhaps in this way will make the mine owner more careful, so that subsequent violations will not occur?

Mr. METCALF. And subsequent violations, of course, would be subject to higher penalties, so that any miner who does violate the safety and sanitary provisions of this act knows that a penalty is going to be imposed—a fair penalty, maybe only, for the first violation, the $1 that my colleague from Montana has suggested; but there will be a penalty imposed.

That is the only purport of my amendment.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. METCALF. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. I should like to ask the Senator a question, and then perhaps the manager of the bill may have a comment.

As the senior Senator from Montana has developed, with the Senator's response, there is no provision for a mandatory assessment of any certain sum.

Mr. METCALF. That is correct.

Mr. COOPER. The Secretary can fix any sum he thinks proper, from $1 to $25,000?

Mr. METCALF. A token penalty for a first violation.

Mr. COOPER. When I first read this section, I was concerned as to whether or not an operator charged with a violation would be afforded due process. Is it the Senator's opinion, after studying this section, that an operator would be afforded due process, and that there would be a hearing with the right of appeal to a court?

Mr. METCALF. Of course there would be due process. There would be investigation by the inspector and the determination of a civil penalty, and such determinations are subject to appeal to the Federal courts—the Federal district courts, the circuit courts of appeals, or in extraordinary situations, even the Supreme Court of the United States.

Mr. COOPER. I thank the Senator.

Mr. METCALF. I call attention to the provision of the act that the Secretary should consider the operator's history of violations. The way to get a history of violations is to have a mandatory penalty imposed. If the original penalties are only a dollar there is a part of the history of violations, so that the history of subsequent violations, then, would show a lack of good faith and a refusal to comply with the provisions of the law.

Mr. WILLIAMS of New Jersey. Mr. President, in further response to the inquiry of the Senator from Kentucky, on page 102, paragraph (3), the procedural protection afforded an individual who might have a penalty assessed against him is fully spelled out, as follows:

> An order assessing a civil penalty under this subsection shall be issued by the Sec-

> retary only after the person against whom the order is issued has been given an opportunity for a hearing and the Secretary has determined by decision incorporating findings of fact based on the record of such hearing whether or not a violation did occur and the amount of the penalty, if any, which is warranted. Section 554 of title 5 of the United States Code shall apply to any such hearing and decision.

So all of the protections are, of course, afforded in the situation where a civil penalty is considered and assessed.

I believe it has been made abundantly clear by the junior Senator from Montana, who offers this amendment, and by the majority leader, that the only amount fixed in the penalty section is the amount of $25,000, which, of course, is manifestly the ceiling; and any amount below that ceiling could be assessed, as was indicated. It is even suggested by the bill that the gravity of the violation, the good faith of the operator, and all other pertinent considerations would go into the assessment of the penalty, which, as the majority leader has suggested, could, under the discretion of the Secretary, go down to a dollar.

Mr. METCALF. And, as the Senator from New Jersey has pointed out, one of the things to be taken into consideration is whether or not the amount of the penalty is warranted, as provided in subsection (3) on page 102.

Mr. WILLIAMS of New Jersey. I will say, Mr. President, that the mandatory nature of the penalties that would arise under the amendment of the Senator from Montana was discussed quite extensively in committee, though not to a voting conclusion; and I believe it is safe to say that the majority of the committee members would be willing that this amendment be a part of the bill as we go from the Senate to a conference with the House of Representatives.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. COOPER. Mr. President, as a matter of courtesy, I think I should say I have been informed that the senior Senator from New York (Mr. JAVITS) opposed in the committee the making of this civil penalty mandatory. I have been informed that he would like to have consideration of the amendment postponed until he arrives in the Chamber. I extend that courtesy to him and state that fact.

Mr. METCALF. Mr. President, I was on the floor all day yesterday. I had discussed the matter with the senior Senator from New York. I had the amendment offered. It was the lowest numbered amendment of any offered to the pending bill. The amendment has been pending for all of this time. I have been trying to bring it up, and I have been forced to bring it up at this time in order to get consideration of the amendment before the pending bill is passed.

Mr. WILLIAMS of New Jersey. Mr. President, in view of all of the factors and mindful of the committee discussions we have had and the fact that we are now in the 5th day of debate on the pending bill and knowing that the distinguished Senator from Montana has been present on each of those 5 days and ready on all of those occasions to offer his amendment, I do believe that it would be wise at this time to agree with the Senator from Montana that the amendment be agreed to and be part of the conference with the House.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Montana, on line 9 of page 101 of the bill, to strike the word "may" and insert in lieu thereof the word "shall."

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question now is on agreeing to amendment No. 218, offered by the Senator from Kentucky (Mr. COOPER).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Vrginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS—WAIVER OF RULE VIII

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to speak without regard to rule VIII.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACTIVITIES BY MILITANT RADICAL GROUPS—NEW TROUBLE ON COLLEGE CAMPUSES

Mr. BYRD of West Virginia. Mr. President, several events in the news in the past few days concerning activities by militant radical groups should alert us to the new trouble that is brewing on the Nation's college campuses and elsewhere.

It has been observed that coming events cast their shadows before, Mr. President, and I believe that all of us would do well to pay heed now, and law-enforcement authorities should plan a course of action before the situation gets completely out of hand.

We have grown so used to demonstrations and violence that I am afraid many of our people tend to take these things for granted. Perhaps some have been misled by the relative quiet of the summer following the ending of school terms last June.

That may well have been the quiet before the storm, for the events of the past few days indicate serious disorders may lie ahead. I hope that I am proved wrong. But to be forewarned is to be forearmed.

Last week a vicious gang of young thugs, about 20, who said they were members of the SDS, the so-called Students for a Democratic Society, vandalized Harvard University's Center for International Affairs. No one at first seemed to be sure whether they were students or not.

Teachers and students were physically assaulted, and at least two required hospitalization. Windows were smashed, telephones ripped out, a seminar was disrupted, and the so-called anti-imperialist slogans were stenciled on walls while the invaders shouted obscenities.

The gangsters shouted:

> Ho, Ho, Ho Chi Minh, NLF is going to win.

As every one knows, NLF stands for the National Liberation Front, which is the political arm of the Vietcong.

Ostensibly these hoodlums were attacking this center for international study because of their opposition to the war in Vietnam. The irony of the situation, however, is that the center has not been known for its support of the war, but on the contrary much of the written material that has come out of the center is said to be critical of U.S. foreign policies in this regard.

As has happened in so many other cases those who are bent on violence commit their depredations without any sensible, reasonable motivation for their actions. They are troublemakers pure and simple and not responsible individuals.

Another indication of what may lie ahead occurred at the University of Maryland. A brawl evolved on that campus when an organizer for the SDS appeared at a student rally with a Vietcong flag. A member of the university's student government, I am glad to say, had the intestinal fortitude to rip it down.

But those who were rallying around that flag screamed through bullhorns:

> We are Communists. We support the Vietcong. We want the revolution here.

Their objective was to urge students to go to Chicago to take part in the antiwar demonstrations set for early October.

These incidents to which I have alluded—and there are others which I could cite—should not have surprised anyone who has been reading about the subversive activities of the SDS, although not all of the SDS activities have been publicized. Unfortunately, I am convinced that many of our citizens do not really know how viciously anti-American many of the SDS leaders are.

For example, some recent checking I have done has unearthed the fact that Bernardine Dohrn, former SDS interorganizational secretary, has recently returned from a trip to Cuba where she and other SDS members last month reportedly met with representatives of the Provisional Revolutionary Government—PRG—of South Vietnam.

What trouble they planned at that meeting we can only conjecture. But we know that the SDS has called for militant demonstrations in Chicago from October 8 through October 11. Miss Dohrn has said publicly that the demonstrations will include rallies and marches at the courts and in the schools.

In a press release, she declared that the Chicago demonstrations will be in support of the PRG for the immediate withdrawal of the United States from Vietnam; the immediate release of all black, brown, and all other political prisoners in the United States; independence for Puerto Rico; and an end to the income tax "war surcharge."

The first proposal for the demonstrations in Chicago was made in July in a meeting held in Cleveland, Ohio, called by David Dellinger, national director of the National Mobilization Committee—NMC—To End the War in Vietnam, now known as the New Mobilization Committee. The demonstrations have been referred to as "Chicago Action."

SDS National Secretary Mark Rudd had proposed Chicago Action to begin around September 24 to coincide with the beginning of the trial of the eight principals indicted for criminal conspiracy to violate Federal antiriot statutes at the 1968 Democratic National Convention, and we have seen that such disorders did occur. Dellinger is one of the eight defendants.

The October dates were substituted so there would be no conflict with student registration at colleges. Rudd declares there needed to be militant demonstrations to "bring the war home" by fighting racism, imperialism, and poverty in the streets of the Nation.

He did not specifically advocate physical confrontation with Chicago police, but others at the Cleveland conference expressed concern about the prospects for violence in Chicago Action. The NMC leadership expressed a desire for Chicago Action to be nonviolent.

A steering committee was appointed to work out differences with SDS. But the committee so far has failed to achieve an agreement. SDS leaders continue in their militant approach to Chicago Action, talking of "some kind of action" inside or outside the Federal court during the trial of the eight defendants, a sample of which demonstrations have already been staged, as we have seen.

Meetings of the committee have been marked by NMC claims that it will not take part in the SDS Chicago Action but will organize its own Chicago Action to include a march on State Street and a massive rock music concert during October 21 through October 25.

Dellinger told the committee that Black Panther Party National Chairman Bobby Seale, one of the eight defendants, will support NMC but not the SDS Chicago Action. Youth International Party—YIPPIE—founders Abbie Hoffman and Jerry Rubin, also defendants, have disagreed with SDS on militant action. The Young Lords and Young Patriots, Chicago street gangs, have rejected the SDS Chicago Action on the grounds it does not have long-range community appeal and would reflect adversely on local groups.

But the SDS has shown no signs of compromise. It has outlined a tentative schedule for Chicago Action to include a "memorial rally" on October 8 for Che Guevara and other revolutionaries; a mobilization of high school, trade school and community college students for an "offensive" against the schools on October 9; an SDS "go after the courts" drive on October 10 to "stop the trial;" and a "big march" on October 11, during which participants "must be prepared to defend ourselves in the event of vicious attacks by Chicago pigs."

SDS leadership considers the Chicago Action a test of the organization's ability to build and carry out a national militant action without the help of other groups. Some leaders, including Rudd, in July expressed doubts that such could be done.

But they have gone ahead without compromise in their demands for a militant Chicago Action which they feel must not fail if SDS is to continue in the vanguard of the revolutionary movement in the United States.

SDS, Mr. President, therefore is organizing from coast to coast for this action and one leader has predicted it will be "pretty bloody" because protesters will "fight back."

American citizens should not be complacent about plans such as these, Mr. President. The time to sound the alarm is now, not after the fire has started.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUMBER OF AMERICAN TROOPS IN SOUTH VIETNAM

Mr. GORE. Mr. President, in order that the Senate may be informed, on September 11, 1969, there were 508,000 U.S. troops in South Vietnam.

According to the U.S. Defense Department, on September 18 the total had reached 510,200. On September 25, which is the latest report I am able to get, the number had increased to 511,500. I do not wish to draw any conclusions, but merely to state these facts.

There are some other statistics which Senators should find disturbing. The number of U.S. casualties in Vietnam for the week ending September 27 was 1,448. There have been 67,009 casualties of American boys in Vietnam since last January 18.

Mr. President, without desiring to stimulate debate or otherwise to stir controversy, permit me to say this war must end.

The PRESIDING OFFICER. What is the will of the Senate?

CALL OF THE ROLL

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 106 Leg.]

Allen
Anderson
Bellmon
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Church
Cook
Cooper
Cranston
Curtis
Dodd
Eagleton
Ellender
Goldwater
Gore
Gravel
Griffin
Hansen
Hart
Holland
Hollings
Hruska
Inouye
Javits
Jordan, N.C.
Kennedy
Mansfield
Mathias
McGee
Nelson
Pearson
Pell
Prouty
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Sparkman
Stennis
Talmadge
Williams, N.J.
Young, Ohio

Mr. KENNEDY. I announce that the Senator from Iowa (Mr. HUGHES), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I also announce that the Senator from Indiana (Mr. BAYH), the Senator from North Carolina (Mr. ERVIN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), and the Senator from Virginia (Mr. SPONG), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allott
Bennett
Bible
Cannon
Case
Cotton
Dole
Dominick
Eastland
Fannin
Fong
Fulbright
Goodell
Gurney
Harris
Hartke
Jackson
Jordan, Idaho
Long
McCarthy
McClellan
McGovern
Metcalf
Miller
Mondale
Moss
Mundt
Muskie
Packwood
Pastore
Percy
Proxmire
Smith, Maine
Stevens
Symington
Tower
Tydings
Williams, Del.
Yarborough
Young, N .Dak.

The PRESIDING OFFICER. A quorum is present.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on September 30, 1969, the President had approved and signed the following joint resolution:

S.J. Res. 152. A joint resolution to provide for the temporary extension of rural housing programs and Federal Housing Administration insurance authority, and to extend the period during which the Secretary of Housing and Urban Development may establish maximum interest rates on insured loans.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, if I may have the attention of the manager of the bill, the proposer of the pending amendment, and the minority leader, I would like to propound a unanimous-consent request.

I ask unanimous consent that on the pending amendment of the Senator from Kentucky (Mr. COOPER) there be a time limitation of 1 hour, the time to be equally divided between the distinguished senior Senator from Kentucky (Mr. COOPER), and the distinguished Senator from New Jersey, the manager of the bill (Mr. WILLIAMS), and that on any amendments to the Cooper amendment there be a time limitation of one-half hour, the time to be equally divided between the sponsor of the amendment and whoever may be in opposition.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I have one question. I do not know whether there would be any ruling on germaneness as to a substitute. We have a substitute.

Is it to be understood the substitute to be proposed by the Senator from New Jersey (Mr. WILLIAMS) and me would be in order?

Mr. COOPER. Mr. President——

Mr. MANSFIELD. I would bow to the Senator from Kentucky in that connection.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. COOPER. I had raised this question myself with the majority leader; that is, if there should be a question about germaneness and the question of whether or not a substitute can be offered to my amendment.

I would want sufficient time for some argument before a decision is made.

Mr. MANSFIELD. The Senator can be assured of that.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. JAVITS. Mr. President, I do not quite understand the way the matter is left. Do we or do we not have authority to put in the substitute to the Cooper amendment? Is it understood that this amendment will qualify regardless of the germaneness rule, for the purpose of the time limitation?

Mr. COOPER. I would make this suggestion. We have agreed upon a time limitation of 1 hour for my amendment, which is the pending amendment. If there should be an amendment offered to it——

Mr. JAVITS. Or a substitute.

Mr. COOPER (continuing). Or a substitute, it should have one-half hour. That is an hour for the amendment with a half-hour added.

I have not seen the substitute which I understand will be offered. I do want to look at it and if it should be what I understand it will be, I will raise a question as to whether or not it can be offered. I would suggest we have 15 minutes on that matter if it becomes necessary.

Mr. JAVITS. Mr. President, we are entering into a unanimous-consent agreement. I do not have to consent to it and, therefore, the substitute will be in order. There are no conditions necessary. I am anxious to enter into the agreement. I thoroughly agree with the Senator. But this business of setting a precondition on the kind of substitute we will offer is not proper in a unanimous-consent request.

Mr. COOPER. We agree on the time limitation if an amendment is properly laid down.

Mr. JAVITS. Right.

Mr. COOPER. But if a question is raised——

Mr. JAVITS. As to what is germane?

Mr. COOPER. Germanenes or privilege.

Mr. JAVITS. Then, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

What is the pleasure of the Senate?

Mr. SCOTT. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN in the chair). Without objection, it is so ordered.

Mr. COOPER. Mr. President, I have asked that the order for the quorum call be rescinded. We have been debating my amendment now for 3 days. This is the largest attendance we have had during those 3 days. If Senators who are in the Chamber will remain, I will finish my argument.

Inasmuch as the amendment is a complex issue and not many of us are from coal mining States, I have prepared and had printed in the RECORD of October 1, page 27949, a short explanation of my amendment and the reasons I have introduced it. I have also had placed on the desk of each Senator the same statement. If the statement has been removed, the statement is in the RECORD of yesterday on page 27949. I do not believe it would take over 3 or 4 minutes to read the statement.

I have spoken on this issue every day for 3 days. Last June, when the matter was being considered in committee, I made a rather lengthy statement on the bill in the Senate and placed in the RECORD at that time statistical records on safety from the Bureau of Mines.

Today I wish to tell the Senate the purpose of my amendment.

The Senate is now considering the Coal Mine Health and Safety Act. It includes proposed amendments to the Coal Mine Safety Act, the last amendment being in 1966.

One section of the bill concerns itself with health standards. We have at last taken note of the fact of the heavy concentrations of coal dust which usually occur in the large mines because of their modern and advanced equipment used at the face of the coal.

Mr. President, these large concentrations of coal dust at the face of the coal are, I have been told, so heavy that a miner cannot see his hands in front of his face. The inhalation of coal dust, day after day, has been a cause for many years—but worse in recent years—of the malady generally known as "black lung."

A section in the bill, which is very strict, is intended to reduce the concentration of coal dust; it will be of help in preventing black lung.

The second section of the bill—and this is the section with which my amendment is concerned—deals with safety standards in the mines to protect the lives and limbs of those who work in the mines.

To recall to Senators who are not on the committee, or who do not come from coal-producing States, let me say that the Bureau of Mines has been an agency of the Government for over 30 years.

In 1941, an act was passed which provided to the Bureau of Mines the authority to make recommendations to the States and to mine operators on appropriate standards of safety, but the Bureau of Mines had no enforcement powers and its function was only advisory.

In 1952, the act was amended to provide standards, to authorize to the Bureau of Mines the authority to write regulations, and also gave the Bureau of Mines enforcement powers in mines employing 15 or more men.

In 1966, the act was further amended and provided to the Bureau of Mines the authority to fix standards and enforcement powers in every mine in this country.

Many States have mine safety laws. My State of Kentucky has a model safety law. The Kentucky Department of Mines and Minerals makes more inspections of mines in 1 year, than the Bureau of Mines does in the entire United States.

Last fall, in Farmington, W. Va., a terrible tragedy occurred. In a mine owned by the Consolidated Coal Co., an ignition or explosion of some type occurred. While the exact causes have not yet been ascertained, 78 miners were entombed and are assumed to have been burned to death or asphyxiated.

That accident shook the conscience of the people of our country. It also shook the Bureau of Mines.

The President of the United States sent to Congress the bill now before the Senate. I am a cosponsor of the bill, but I said on its introduction that from my experience in the past, having worked on three safety bills, and by knowledge of the operations of coal mines in my State, I would reserve the right to offer such amendments as I thought proper. That is the right of every Senator whether or not a sponsor.

From the beginning, the Bureau of Mines, until this time—and I hope that it will continue—has classified mines as either gassy or nongassy.

A mine is classified nongassy as long

as the content of the gas in a specimen of atmosphere tested in a specific way does not exceed one-quarter of 1 percent in volume. This is the law today. Gas must accumulate, according to experience, to about 5 to 15 percent before it can be ignited or exploded.

According to the last records I have been able to secure from the Bureau of Mines, there are 3,192 nongassy mines. That may vary because that was at the end of 1968. The same record listed 392 gassy mines. They are generally larger than nongassy mines, and produce 60 percent of coal mined annually.

But in comparing the safety records of these two classes of mines—there is a vast difference. In the 3,192 mines 52 explosions occurred in 16 years, and 27 deaths.

Any record of deaths is sad. But, considering it is the record of approximately 3,200 nongassy mines operating over a 16-year period, with only 52 explosions, I contend before this body that it is a safety record superior to most industries in this country.

Mr. President, what happened in the 400 gassy mines in the same 16 years? There were 381 explosions which caused 374 deaths, compared to 52 explosions and 27 deaths in nearly 3,200 nongassy mines.

The explosion in Farmington, W. Va.—one explosion killed 78 people—three times as many as have been killed in the 3,200 mines in a 16-year period.

I asked the Bureau of Mines for further information and to give me a list of the mines in which more than one explosion had occurred. I was given a list, and in 48 of the gassy mines there have been more than two explosions. There have been six explosions, and eight explosions, and one mine has had 18 explosions. Yet the Bureau of Mines did not close these dangerous mines.

The explosion in the coal mine in Farmington, W. Va., killing 78 people was most unique. A few years ago, 16 men were killed in the same mine.

It has not been closed.

What does the bill do? It turns to the 3,100 nongassy small mines. The small mine operators and mines have no great companies to speak for them. They do not have the United States Steel Co. They do not have the Consolidated Coal Co. They are not giant companies. The record shows that about 20 companies produce about 40 percent of the coal annually mined in this country. We who come from States with small mines, which may produce 50 tons, 100 tons, 150 tons, or 300 tons a day, must speak for them. We do speak for them. I have placed in the RECORD and before this body the tragic safety record of the 400 gassy mines in this country, and the good safety record in the 3,200 nongassy mines.

What remedy does the Bureau of Mines and the committee propose? They require that the small nongassy mines must buy permissible equipment, whether needed or not, whether it contributes to safety or not, and junk their hard bought conventional equipment. There is no word in the hearings about the expense of the equipment except the testimony of Mr. McDowell of my State who testified that it would cost $240,000 to equip a mine section. After they saw the record, at the last minute the Bureau of Mines provided the committee a series of estimates of cost, which appears in their report.

I would say that anyone with any experience with coal mines would know that the estimates are impractical and in some instances silly. I will give an example. The bureau attempted to divide mines into new classes for the purpose of their estimates: gassy mines, large nongassy mines, and small nongassy mines. It described a large nongassy mine as one which produced 20,000 tons a year, or about 80 tons a day. This is absolutely ridiculous. It speaks the impracticality and the unreliability of their estimates. Those who know mining are aware that if the companies operating in nongassy mines are to stay in business—and a few of them may—they must buy a permissible motor, permissible cars, a permissible loader, a permissible cutting machine. The Bureau of Mines itself estimated that the equipment would cost $266,000, more than Mr. McDowell from Kentucky testified the equipment would cost—$240,000. Yet it speaks of $10,000 or $20,000 as the cost of equipment.

What will be the effect? I say without hesitation that if the bill is passed with this requirement—the requirement that the nongassy mine must install permissible equipment, I do not care how much time is given to the mines to convert—it will put out of business one-half or more of the small mines of this country. It will end the employment of many miners. It will cause the operator to lose his investment. It will put out of business auxiliary industries such as the trucking and equipment industry. It will hurt every community, county, and area in which the small mines are located.

There are about 1,100 in my State. They are scattered throughout eastern Kentucky.

There has hardly been a newspaper or magazine particularly those from the State of my dear friend from New York—that has not sent a writer and photographer to eastern Kentucky to write and picture examples of poverty and desolation. I live in the eastern part of Kentucky. I have long been concerned with the poverty and deprivation there. During the administrations of President Eisenhower and President Kennedy efforts began to be made to do something about the situation. And much has been done. These writers stay a few days, take pictures, go back, and write about the worst examples of poverty in eastern Kentucky.

I would not deny there is poverty. I would not deny there is lack of proper housing. I would not deny there is a lack of proper sanitation in some places. But I stand for those people and defend them. They are an independent and patriotic people. Sometimes but not as often as in the great cities they are violent, but they do not engage in crimes of theft and robbery and similar crimes as in the great urban centers.

I raise this point to emphasize that the chief source of employment in eastern Kentucky is the coal mining industry. Next to West Virginia, Kentucky has the largest coal production in the Union.

If my amendment is defeated, small mines, which are numerous not only in my State of Kentucky, but West Virginia, Tennessee, Virginia, and Alabama, will be closed. The mines will not be employable elsewhere, many of them because they are too old. Those who are employable will have to go to the big gassy mines, the dangerous mines in which nearly 400 have been killed in 16 years.

I will read the list of States concerned:

Alabama has 17 gassy mines; 85 nongassy mines.

Colorado has 23 gassy mines and 36 nongassy mines.

Iowa has only 5 mines. They are nongassy.

Kentucky has 32 gassy mines and 913 nongassy mines.

Maryland has 33 mines, all nongassy.

Missouri has two mines, which are nongassy.

Montana has 12 mines, which are nongassy.

New Mexico has one gassy mine and seven nongassy mines.

North Dakota has one gassy mine.

Ohio has 18 gassy mines and 55 nongassy mines.

Pennsylvania has 68 gassy mines and 279 nongassy mines.

Utah has 10 gassy mines and 17 nongassy mines.

Virginia has 44 gassy mines and 673 nongassy mines.

The State of Washington has one gassy mine and three nongassy mines.

West Virginia has 132 gassy mines and 908 nongassy mines.

I predict that at least half of the small nongassy mines and up to two-thirds, will be forced out of business, with the consequences I have mentioned.

Mr. President, the pending bill is a very strict bill, and it is a necessary bill. One who votes for the bill, with the adoption of my amendment, will be voting for better standards of health and safety.

I say, with all deference, that lack of information about this problem is nothing strange. I do not know about many serious problems that exist in other States. We have gone as far as we could.

I would call to the attention of all Senators, as I did the manager of the bill, the Senator from New Jersey, and the Senator from West Virginia, that if they will look at the bill, page 48, line 20, section 206, they will see that the subject is "Electrical Equipment Generally"; this section describes all of the electrical equipment, in general, that will be found throughout the mines, such as wiring, power connections, cables, circuit breaking devices, and so forth. This is permissible machinery, and we are not objecting to it, because it can be provided. It is not of great cost, and it could be of help where safety is concerned.

On page 51 of the bill are two sections to which we do not object. One concerns itself with junction and distribution boxes for making power connections past the last open crosscut. This means at the face of the coal, where coal is being mined. The second involves small equipment, such as a hand-held electric drill, blower and exhaust fans, and electric pumps. These are small pieces of equipment that can be carried up to the face. It has been found in several cases that if a permissible drill had been used in a nongassy mine, an explosion might have been prevented, because there is a possibility of drilling into a gas pocket. We accept these requirements.

What we cannot accept is the demand of the Bureau of Mines, and this committee, that these small mines, producing 50, 80, 100, 200, or 300 tons a day, must buy a permissible motor, a permissible loader, and permissible shuttle cars, permissible machines which the Bureau of Mines states cost $266,000. The economic operation of these mines would not permit it, and they would go out of business.

I pointed out the other day that this measure would have another effect upon mining States. The poorer, or usually poorer, families who have managed to hold onto 50 or 100 acres of land with some coal under it, near the top of a hill, have a chance now to lease it to a small operator, or perhaps to mine it themselves. It may be all they have. Long ago, the big companies came into Kentucky, some of the same ones operating big gassy coal mines now. They purchased the lands and the mining rights of the people, some who were not the best educated in the world. They bought their timber, some of the best timber in the United States, white oak and poplar, at 50 cents a tree. Many a man has discovered that he had sold his coal rights and did not know about it. But the people who have been able to hold onto a small acreage that has coal under it will be deprived, if my amendment is defeated, of ever being able to lease the coal or to work it. They are denied the opportunity, but the great companies with the gassy mines can continue to operate.

Another consequence, if my amendment is defeated, is strip mining of the small acreages at the tops of the hills, for they cannot be mined with permissible equipment economically, there is one way they might be mined, which is through strip mining. One who has flown over the areas and seen the country devastated by strip mining, and its effect upon the environment, know what I am talking about; conservationists in the Senate should know.

I call to the attention of my friends from New York and from New Jersey, who are arguing that the nongassy mine should be refitted with permissible machinery, that many of the gassy mines are not fitted wholly with permissible machinery, for example, cutting machines. The Senator from New Jersey admitted this yesterday.

I will give the record. The committee placed in its report: "Summary of Ignitions and Explosions in Gassy and Nongassy Mines, January 1941 to June 10, 1969." It provides the causes of explosions in both categories, gassy and nongassy mines. I hope my friends who argue the imposition of permissible machinery upon all mines will listen.

One of the chief causes of ignitions in gassy mines, as shown on page 372, part 5, is "cutting bits." How many explosions have they caused? 153. This is by nonpermissible machinery used in gassy mines. How many explosions have been caused in the nongassy mines by nonpermissible cutting bits? Two. Two in the nongassy mine compared to 153 in the gassy mines. Yet the bill, unless my amendment is adopted would require the nongassy mines to junk their equipment with cutting bits which have caused two explosions, and put in $75,000 equipment with cutting bits which have caused 153 explosions.

Mr. President, it has been implied in the reports, and it has been said on the floor of the Senate that this is a matter of conscience of weighing safety against property.

I agree that we must do everything practicable and reasonable and possible to provide for the safety of the miners. This bill has many helpful provisions, with this exception. But if we are to talk of placing economic interests above human life and safety, then I ask that we think of the 400 gassy mines, their multiple explosions, up to 18 in which nearly 400 people have been killed. There is nothing in this bill which will close these mines. Only the safe nongassy mines are threatened with closing.

I do not know what the Senate will do with my amendment. I know that the committee opposes it, though some of its members support it. I know those members have worked objectively, and have done their best; but with deference, I feel impelled to say this: as I do not know very much about urban conditions in New York, and New Jersey, except through the news media, nor about the special problems in many States of which their representatives have specific knowledge, I must say to the chairman and other members, "With all your study and your objectivity, you do not know the specific conditions in the mining States, and the practical operation of the mines.

I hope my amendment will be accepted. If it is defeated upon the ground as Mr. O'Leary testified, several years ago, an "academic risk," cannot be taken, then I believe it is right that I offer my amendment to reach the heart of the problem: To close down the gassy mines in which more than one explosion occurred, with multiple deaths, till they are safe. It is a valid answer to the argument of placing material considerations above life and safety. The committee will not vote for such a measure. Millions of dollars are invested in the mines by the Consolidated Coal Co., the United States Steel Corp., the Bethlehem Steel Co., and others. Large investments are involved. These companies employ hundreds of people and pay 40 cents a ton to the United Mine Workers' Benefit Fund, which I think correct. But we must consider safety from both sides of the picture—gassy as well as nongassy mines.

This is the third time I have worked a mine safety bill. Neither of the other bills was as comprehensive as the pending bill. In 1957 and 1958, when I was a member of the Committee on Labor and Public Welfare, former Senator Wayne Morse, a friend of labor and a tremendous worker, accepted my position against that of the Bureau of Mines. He brought a bill to the floor.

At this point, I would like to refer to a statement I made on this debate on September 29, a reference to the large mine operators and the United Mine Workers being together, a United Mine Workers representative in my State informed me, and properly, that my statement could be interpreted to mean some sort of collusion between the mine operators and the United Mine Workers. I did not so intend. While I disagree with the UMW in the bill, with respect to the classification of "gassy" and non-gassy mines, I must state that the UMW has worked hard for safety for its members and all mines. I make this statement in fairness to the United Mine Workers. The bill was not passed because of the opposition of the Bureau of Mines and the United Mine Workers.

Former President John F. Kennedy was then a member of that committee. He supported my position against that of the Bureau of Mines.

Again in 1966, although I was not a member of the committee, former Senator Morse was kind enough to ask me to join his committee in working up a bill, which I did. I make these comments to indicate this is not a new problem—and the Bureau of Mines position is not always sacrosanct.

The Senator from New Jersey yesterday made much of the fact that in late months, since the awful tragedy in West Virginia, the Bureau of Mines has discovered that some mines which had previously been classified nongassy were gassy.

I have said always that the Bureau does not make enough inspections. If they were gassy mines, they should have discovered it a long time ago.

Yesterday I found a statement on my desk. It is an attempted answer to the records of the Bureau of Mines which I had placed in the RECORD contrasting safety records in gassy and nongassy mines.

The statistics supplied me by the Bureau of Mines begin with the year 1952 and extended through 1968. The year 1952 was chosen because it was the first year in which the Bureau of Mines had authority to fix standards for the States and enforce them. Of course, they had records before that date, from 1941 on.

The Senator from New Jersey had printed in the RECORD statistics from 1941 through 1968 on nongassy mines. He did not supply statistics for the gassy mines.

Including the period of 11 years, from 1941 to 1952, 87 ignitions occurred in the nongassy mines instead of 52 ignitions. Instead of 27 men killed, there had been 84. Fifty-seven men had been killed in nongassy mines between 1941 and 1952. However, as I have said, those were the years in which there was no Federal standards and no Federal enforcement.

The statistics on gassy mines for that period were not cited as the statistics on nongassy mines were supplied. I will give the record on gassy mines for the period 1941–68.

There were 600 explosions in the gassy mines in that period. And 1,054 men killed.

XUM

We shall see what happens. I hope very much that the Senate will support my amendment.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). The Senator from New Jersey is recognized.

Mr. WILLIAMS of New Jersey. Mr. President, the Senator from Kentucky in his customary manner has spoken with great eloquence and emotion for the small mine operators, the operators of mines that have been designated as nongassy.

Most of the arguments we advance have been made in the debate. I would merely like to say that the whole picture as it comes from all of the coal mines in the country has brought forth a national demand that we in the U.S. Senate, right here and now, enact legislation that will bring a new and significant measure of safety to the men who mine the coal in this country. That is why we are here.

All of the statistics on the gassy and nongassy mines are in the record, as they should be. We have the record on ignitions and explosions that kill and injure men. That record should be here. That is why we are here with what the Senator from Kentucky has described—as I believe it is—a stiff bill.

If anyone deserves stiff standards for safety and improved conditions for health, believe me it is the coal miners of the Nation. The bill will provide them a new degree of safety and a better and healthier atmosphere in which to work.

For many reasons, and certainly with patience and to seek understanding, the members of the committee have worked with the Senator from Kentucky. We understand the economic problems of small mines. Certainly the Committee on Labor and Public Welfare will be the last place in the world where anything will be done to put men out of work. So we have been understanding and patient, and we have responded to the needs of the small mines of the country.

I must say, however, that at the outset we were confused by the anachronism of gassy and nongassy mines. All mines are gassy. The gas can be detected upon entry into some mines. If it cannot be immediately detected, it is latent, buried in the seams of coal beneath the ground, and as the coal is cut, the gas will come out. That is why geologists say and the Department of the Interior say, and the bill provides that all mines should have the same classification. So the distinction of gassy and nongassy is, by the bill, eliminated. It is a wrong distinction. It is an anachronism. It is geologically unsound. Now it has been wiped away.

The committee was mindful of the respect to which any member is entitled. Since January of this year, we have worked patiently, week in and week out, month in and month out, to the point where we have arrived at what our committee thinks is a good bill. We were also mindful of St. Matthew's statement in chapter 5, verse 41:

> And if anyone forces you to go one mile, go with him two miles.

Mr. President, we have gone, and we were glad to go, with the Senator from Kentucky the extra mile.

Now I should like to offer an amendment as a substitute for the pending amendment. It will take us the extra mile. It will take us the 2 miles in an accommodation to all the facts and the understanding we have arrived at from the Senator's presentation.

Mr. COOPER. Mr. President, I raise an objection.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 53, after the period on line 7, add the following sentence: "permits for noncompliance and renewals thereof issued in accordance with the provisions of this paragraph shall, in the aggregate, not extend the period of noncompliance more than forty-eight months after the date of enactment of this Act."

"(6) In the case of any coal mine which is operated entirely in coal seams located above the watertable, which has not been classed under any provision of law as a gassy mine prior to the date of enactment of this Act in which one or more openings were made prior to the date of enactment of this Act, and the total annual production of which does not exceed seventy-five thousand tons annually based on the mines' production records for three calendar years prior to such date, the effective date of the provisions of paragraph (1) (D) of this subsection shall be three years after the operative date of this title, except that any operator of such a mine who is unable to comply with the requirements of paragraph (1) (D) on such effective rate may file with the Panel an application for a permit for non-compliance ninety days prior to such date. If the Panel determines, after notice to all interested persons and an opportunity for a hearing, that such application satisfies the requirements of paragraph (8) of this subsection and that such operator, despite his diligent efforts will be unable to comply with such requirements, the Panel may issue to such operator such a permit. Such permit shall entitle the permittee to an additional extension of time to comply with the provisions of paragraph (1) (D) of not to exceed twenty-four months, as determined by the Panel, from such effective date."

On page 53, line 8, change "(6)" to "(7)"; on page 53, line 21, strike "paragraph" and insert "subsection"; and on page 54, strike lines 4 through 7 inclusive.

On page 56, between lines 12 and 13 insert:

"(12) On and after two years from the operative date of this title, all electric face equipment covered by paragraphs (5) and (6) of this subsection which is replaced or converted shall be permissible and maintained in a permissible condition and, in the event of any major overhaul of such equipment in use on or after two years from such date, such equipment shall be put in and shall thereafter be maintained in permissible condition."

Mr. WILLIAMS of New Jersey. Mr. President, I inadvertently failed to say that I offered the amendment for myself, the Senator from New York (Mr. JAVITS), and the Senator from West Virginia (Mr. RANDOLPH).

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The Chair would like to state that this amendment is not in order. It hits places in the bill that the original amendment does not touch, and therefore, it cannot be offered as a substitute. It could be redrafted, of course, to confine itself to the same areas of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LIFE MAGAZINE ATTACK ON SENATOR THURMOND

Mr. ALLEN. Mr. President, a Member of this body has been scurrilously attacked. This attack was launched from the pages of the September 19 Life magazine. This story can best be characterized as having the nature of a diatribe loosely clothed in the trappings of yellow journalism. The purpose and design of this article was to slander Senator THURMOND and to mortally wound the confirmation of Judge Clement Haynsworth to the Supreme Court.

The entire article was fraught with fiction and bereft of fact.

Here are the facts:

Senator THURMOND and Charles E. Simons, Jr., who is now a Federal district judge and a former law partner of Senator THURMOND, purchased a large tract of land in Aiken County, S.C., in 1953, and 452 acres of the tract turned out to be a fine industrial site.

In 1966, the South Carolina Highway Department started condemnation proceedings in Aiken County to take 66 acres of the 452-acre industrial site by eminent domain, for the purpose of building a nonaccess portion of Interstate Highway I–20. Three appraisers in the pay of the highway department found that the highest and best use of the property would be for timber growing purposes, and so they placed the value on the right-of-way as follows: Mr. Norwood of Greenville, $8,585; Mr. Height of Jackson, $9,900; Mr. Willard of Spartanburg, $12,700. It should be noted that all three of these appraisers adopted the highway department's timber cruise of $3,253. This figure was grossly in error and was later raised to $9,000 by the attorney general's office. Two of the appraisers had never appraised any property in Aiken County prior to that time, and none of them considered the property as having any value as an industrial site.

Senator THURMOND and Judge Simons had two outstanding foresters—a Mr. Hatcher, who found the timber on the land alone to be worth $9,717.55, and another forester, a Mr. Billingsly, who valued it at $9,649.00.

The primary value of the land did not lie in its timber-producing capacity, but rather in its inherent and obvious value as an industrial site. This is an important factor and should be borne in mind as one reviews the matter. Three well-qualified experts in the field inspected the property, evaluated it as an industrial site, and were prepared to go into court and testify as follows:

Mr. Buck Mickel, president of Daniel Construction Co., a $400 million company headquartered in Greenville, S.C., and his company's site evaluation expert, Mr. Currie Spivey, appraised the 452 acre tract as an industrial site worth $500 an acre.

Mr. Stathy Verenes, of Aiken, a member of the State Development Board and a former member of the planning and development commission of Aiken County, who had been very active in bringing large industry into Aiken County and who had tried to purchase the land on two occasions from Senator THURMOND He was of the opinion that the tract had a minimum value of $500 per acre.

The other, and final, appraiser, Mr. William B. Byrd of North Augusta, S.C., who, as a member of the Aiken County Planning and Development Commission had been active in bringing industry into the Aiken area and owned large woodlands himself, felt the tract had a fair market value of at least $500 an acre as an industrial site.

All three of these experts expressed a strong opinion that the 452-acre tract was a prime industrial site. In reaching their decisions they took into consideration these factors: First, its location on the South Edisto River which had a daily flow of approximately 16 to 18 million gallons of water; second, its topography—it is high ground; third, its location near many populated communities, most of which had no large industry but had large labor supplies; and fourth, availability to natural gas and other public utilities. They all further expressed the opinion, and were prepared to testify in court, that after this tract was divided in half by the highway right-of-way its availability and use as an industrial site would be effectively destroyed.

Lawyers know that in condemnation cases a primary factor to be considered is that of "severance damages". The original tract in question, as I have pointed out, was composed of 452 acres; 66 acres of that land was condemned by the Highway Department. This 66 acres ran right through the middle of the original tract; therefore, the land was severed into two parts and rendered useless as an industrial site. The law provides for damages for lands that have been severed and thereby rendered less valuable.

There were three major factors involved in determining the value of the condemned property: First, the value of the land condemned, which was determined to be $500 per acre; second, the value of the timber lost when the land was condemned; and third, the damage to the remainder of the tract because of the portion taken by condemnation known as severance damages. The damages break down in the following forms:

The loss of 66.04 acres at $500 an acre	$33, 020
The value of the timber on the 66 acres	9, 640
The severance damages for the remaining 386 acres: 386 acres x $194 (difference between $500 and $306)	74, 884
Total damages	117, 544

The highway department initially offered to Senator THURMOND and Judge Simons the amount of $10,000 for the 66 acres. When the landowners compared this figure with their total losses of $117,000, it was, of course, refused. The Senator and the judge appealed the case to the highway condemnation board, which raised the bid for the land to $18,892.50. They did not consider this amount adequate, in view of the great disparity between this offer and the real value of the land. The only recourse left the Senator and the judge was to go to court. There is no question that, as a matter of constitutional right, an individual is entitled to the payment of just compensation when his land is taken for public use, and that compensation is to be calculated on the basis of the highest and best use to which the land may be adapted.

Prior to going to trial several offers were made and considered, and ultimately a settlement of $32,500 was arrived at as being acceptable to the attorney general, the highway department, and the Federal Bureau of Roads. Senator THURMOND and Judge Simons felt such offer of settlement was inadequate, but decided to accept it in order to stay out of court if possible because of their positions of public trust.

It is significant to note at this point that the lawyer who represented the State in this matter, Mr. Marion L. Powell, agreed to represent the attorney general for a fee of $2,500, with a special proviso that if he obtained a good result in the case he would be paid an additional fee. After the $32,500 final settlement was consummated, Attorney Powell submitted a bill for an additional fee of $2,500, on the grounds that he had obtained an especially favorable settlement for the attorney general's office in this case. The payment of Mr. Powell's additional fee for the good settlement he obtained was immediately approved by the attorney general and paid by the highway department.

The breakdown of the settlement which was agreed upon by the attorney general's office, Senator THURMOND and Judge Simons, and directed by the court, was as follows: $15,000 for the land and timber, and $17,500 for severance damages to the remainder of the land. This is clear proof that the attorney general's office recognized that the major damage suffered by the Senator and the judge was the destruction of the industrial site potential of the land.

In spite of the fact that the land was valued by competent businessmen and appraisers at $500 per acre, the fact that the State's lawyer was paid a bonus for getting a low settlement, and the fact that the breakdown in the court decree itself showed that the major portion of the damages went to reimburse the landowners for the loss of industrial site potential, Life magazine wrote its ludicrous article.

In spite of these facts, which were clear and fully substantiated, and a matter of public record, Life magazine sent one of its reporters to South Carolina who rambled across the State for some months in an attempt to uncover skeletons in Senator THURMOND's closet.

It is clear from the evidence that they were not interested in the facts, for if they were they would have printed the story directly from court records; but instead they were so intent on undermining the man's character and reputation that the facts of the case were utilized as nothing more than a skeleton for the story.

Let us look at the fiction.

Life's story made various charges. At one point the article said:

> What they add up to is that Senator Thurmond and Judge Simons received more money for their land than any neighboring owners of similar property received, more money than the land was worth by any appraisal other than their own—in brief, more money by far than they would have received had they not been United States Senator Thurmond and Federal Judge Simons.

This statement is patently false. Some landowners received more money per acre for their land than did Senator THURMOND and Judge Simons, and some received less.

Attention is invited to the information presented by Mr. Currie Spivey of Daniel Construction Co. at the press conference held by Senator THURMOND and Judge Simons in reference to these charges. In his survey of the situation, Mr. Spivey found that some landowners got more and some got less money per acre than the Senator and Judge. This should certainly come as no surprise to anyone, since the value of land is largely a matter of location and adaptability.

Attorney General McLeod of South Carolina, states that at least one property owner of similar land received $500 an acre from a jury trial. There were also other owners who received similar amounts for their land. Highly qualified appraisers familiar with the requirements for industrial sites appraised the property at $500 to $550 per acre.

There were other landowners in the area who received similar amounts for their property and such persons did not hold high office, thus it is incorrect to conclude that this settlement was related to the positions held by Senator THURMOND and Judge Simons rather than the value of the land itself.

The article describes the land as "mostly covered with scrub timber." This is another falsehood. The land had been cleared and planted with pines at the owners' expense. In fact, it has been admitted by the State that the timber on the 66 acres in question had a value of around $9,000, admitting that the earlier timber appraisal of $3,200 was in error.

The Life article attacks the experts who were prepared to testify that the land was a valuable industrial site. The article fails to cite the impressive credentials of these individuals, the reasons for their opinions of its value, and why their opinions would have validity. The article cites the opinions of the highway department witnesses and its own "independent" appraiser, as if their views on the question were the only ones which should be considered. They assume that witnesses appearing on behalf of the State were unbiased, impartial, and highly qualified, but that witnesses appearing for THURMOND and Simons should have carried no weight whatsoever.

The Life article cites the reputations and influence of the landowners and their attorneys, implying that a fair trial could not be held in Aiken County.

It is well known that the reputations and connections of attorneys are a factor in any trial in any county; furthermore, Marion Powell, the lawyer for the State Highway Department, who serves as city

XUM

judge in Aiken, enjoys a prestige in the community comparable to that of Mr. Williams and Mr. Surasky, the lawyers for the Senator and the judge.

Also, while the favorable opinion which citizens in Aiken County hold for Senator THURMOND and Judge Simons might be a factor before a jury, to deny the regular recourses of the law to anyone for this reason would be an attack on the jury system itself. Had the case gone to trial, there would have been 2 or 3 days of closely reasoned and highly persuasive testimony by experts for both sides. By the time the jury retired to make its decision, after having been charged by the judge on the relevant law, it is far more likely that the jury's deliberations would have focused on the questions before them rather than on the identity of the landowners.

Life described the matter as "tightly kept as a family indiscretion." However, the entire transaction is a matter of public record, as both Senator THURMOND and Judge Simons knew it would be from the very beginning; furthermore, all of this information has been in the hands of State officials who are part of a Democratic administration and who would have little reason to protect Senator THURMOND.

Upon learning of Life's inquiry, Senator THURMOND and Judge Simons discussed the entire matter completely and in detail with representatives of Life magazine, including Mr. Walsh, who wrote the story. No questions were asked which were not answered, and the Life representatives expressed themselves as completely satisfied with the information provided by THURMOND and Simons.

It should also be noted that Judge Simons went out of his way to make sure Life had access to all records concerning the transaction including a transcript of his testimony. Senator THURMOND's senatorial duties kept him busy in Washington and he did not testify in the case.

In the story, Life also reports the Senator's ownership of three lots in West Columbia, as if something were wrong with this, even though Life could find nothing wrong.

Senator THURMOND purchased the property at a time when a bridge was planned for another location. In fact, he first attempted to buy this property approximately 20 years ago as a proposed homesite.

Life described the view from this site in such a way as to imply the site was unsuitable for building a home when, in fact, the lots command a beautiful view of the river.

Upon learning that authorities were considering locating the bridge on a portion of his property, Senator THURMOND expressed his view to the highway department that he hoped the proposed bridge would return to its original site, but that if this were not feasible, he would sell the property for what he paid for it plus interest.

Life implied that the presence of attorneys and a tape recorder at their interview with Senator THURMOND and Judge Simons indicated that there was something to be covered up.

The Life reporters were explicitly told the attorneys were there to answer Life's questions and were in no way representing THURMOND and Simons for the purposes of the interview.

The Life article also stated that John Ehrlichman at the White House was investigating this matter. This is a fabrication which Mr. Ehrlichman has denied.

The Life article was released the day before the hearings on Judge Haynsworth's confirmation began. It contained snide and untrue references to Judge Haynsworth, completely irrelevant to the subject of the article. The article was written with the purpose of hurting Judge Haynsworth and also as part of a campaign in the northern liberal press to villify Senator Thurmond, because the South has a spokesman who has influence in the Nixon administration.

One may not agree with Senator THURMOND in all matters, but no one can deny that he is an honest man. He did in this matter what he always does—he fought for what he believed to be right, and no man can fault him for that.

STROM THURMOND is a man of sterling character, great courage and limitless capacity; a man who has been honored many times by the citizens of his State, this country, and foreign lands.

It has been reported that a former journalist who was known for his ability to uncover cadavers in the closets of Members of Congress tried for many years to "get something" on STROM THURMOND, and failed to do so. Life merely proved that there is absolutely nothing unsavory about this man. The fact that they could find not one scrap of evidence against him did not stop their tabloid type attack.

In their effort to damage STROM THURMOND, the editors of Life may have done their publication mortal harm; in their effort to hurt his reputation, they tarnished theirs; in an effort to raise questions about his character, they revealed lack of character themselves.

The true motive of Life is revealed in an interview reported by Thomas P. Mayes in the Augusta Chronicle on September 17, 1969, which he held with Judge Julius B. Ness, of Bamberg. In a front page story Mr. Mayes reported:

> The trial judge in Senator Strom Thurmond's recently publicized property condemnation settlement told The Augusta Chronicle that a Life reporter informed him the magazine was "out to get" the Republican legislator.
>
> South Carolina Circuit Judge Julius B. Ness of Bamberg said the magazine contacted him two or three times concerning the case. After repeatedly informing the magazine there was nothing unusual about the settlement. Ness reported, he then asked the reporter why Life was so interested.
>
> He said Life was "out to get Strom Thurmond", the judge continued.
>
> Ness said he does not list himself as a Thurmond supporter.

Mr. President, I have evidence available that the brother journalists of the editor and writer of Life have reached the conclusion that there is no substance to the Life story about Senator THURMOND and Judge Simons.

Numerous editorials supporting the position of Senator THURMOND and Judge Simons have been written by prominent editors all over South Carolina who are objective and fair minded and fully capable of weighing the facts, and their judgment is cleary and overwhelmingly thumbs down for Life, and thumbs up for THURMOND and Simons.

Mr. President, I ask unanimous consent that the following editorials be printed in the CONGRESSIONAL RECORD at the conclusion of these remarks:

"The Smear That Failed", News and Courier, Wednesday, September 24, 1969.

"So Strom's a Tough Fighter", Greenville News, Wednesday, September 17, 1969.

"Strom-Life: Falling Money Will be His", Greenville Piedmont, Wednesday, September 17, 1969.

"Attack on Thurmond Seems Flimsy Case", the Spartanburg Herald, Thursday, September 18, 1969.

"Life's Case Against Strom", Columbia Record, Tuesday, September 16, 1969.

"An Empty Bucket", the Gaffney Ledger, Wednesday, September 17, 1969.

"Strom Needs No Defense", the Ridge Citizen, Thursday, September 18, 1969.

"That's Life, I Reckon!", North Augusta Star, Thursday, September 18, 1969.

"A Strikeout", the Chester Reporter, Wednesday, September 24, 1969.

"Thurmond Taken", Star Reporter, Thursday, September 25, 1969.

"Land For Sale", James Island Journal, Thursday, September 25, 1969.

"A Liberal Smear?", Augusta Herald, Tuesday, September 16, 1969.

"Thurmond 2, Life 0", Charlotte News, Friday, September 19, 1969.

I also ask unanimous consent that documentary evidence prepared by Mr. Currie Spivey, Industrial Site Expert for Daniel Construction Co., be printed in the RECORD following the editorials referred to above.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. Mr. President, in closing, let me reiterate the primary points.

First, the article charges that Senator THURMOND and Judge Simons received more money than their neighbors for land condemned for the highway right-of-way, because of their influence. This is not true and STROM THURMOND publicly denied it in Columbia, S.C., on September 19, where he said:

> As you know, last Sunday Life magazine published a story which implied that Judge Charles Simons and I used our influence as public officials to get more money for a tract of land that we owned than others got for lands located in the same area when our land was condemned by the state to build a highway. These charges are false, malicious and unfounded and I deny any impropriety or wrongdoing.

It is clear that some landowners got more, some got less, per acre for their land than did STROM THURMOND and Judge Simons.

Second, the purpose of the article was to smear STROM THURMOND, hurt Judge Haynsworth's confirmation by the Senate, and do harm to Judge Simons because he has been mentioned as a possible replacement for Judge Haynsworth on the fourth circuit court of appeals. Although his record is without blemish, they hope to ruin his chances for elevation to a higher court.

I think Senator THURMOND parried this thrust well when he said:

> The heart of the matter is simply that the state of South Carolina and the South in general, for the first time now in modern history, has a voice in Washington, and that voice is being heard.
>
> The northern liberals can't stand that. The northern liberal press aimed its guns at me in Miami, and they haven't stopped shooting yet—they haven't shot me down yet, and they won't—because you just can't stop the truth with a pack of lies.
>
> This is just another barrage in the battle between the anti-South, northern liberals and those of us who come from the South who are standing up for the Constitution and fighting to stop the leftward trend and reverse the flow of power to Washington.

There may be other attacks leveled against conservative constitutionalists like Senator STROM THURMOND, but I am confident that he will continue successfully to defend his reputation and his position with truth and unflinching courage as he has done so ably in this case.

EXHIBIT 1

[From the Charleston (S.C.) News and Courier, Sept. 24, 1969]

THE SMEAR THAT FAILED

Life Magazine's attempt to "get" Strom Thurmond by means of a smear article is a failure. The senator's support in South Carolina hasn't diminished. In the nation at large, Life's innuendoes have gone over like the proverbial lead balloon.

In a sensational article captioned "Strom's Little Acres," Life suggested that Sen. Thurmond's influence enabled him to receive an excessively high price from the State Highway Department for 66 acres in South Carolina which he and Judge Charles Simons Jr. owned.

The senator, like many another landowner, declined the State Highway Department's bid for his property. He took the matter to court, as was his right, and settled for a price below what his attorneys thought acceptable. The reasonableness of the settlement is indicated by the fact that the Highway Department paid its attorney an extra fee because he had obtained an "especially favorable settlement for the Attorney General's office in this case."

Life's crude effort is all the more unworthy because Strom Thurmond has gone to unusual lengths to avoid profiting from influence or knowledge gained in public service. He has said he does not own any securities. He also dissolved his law partnership. This is rare in the U.S. Senate in which many senator-lawyers and their partners back home represent powerful corporations or equally powerful unions.

The damage as a result of the Life article is to Life Magazine. It stands exposed as a dealer in sensational smear journalism.

[From the Greenville (S.C.) News, Sept. 17, 1969]

SO STROM'S A TOUGH FIGHTER

We don't pretend to know what Life magazine was trying to prove in the recent "expose" of money made by Senator Strom Thurmond and Judge Charles Simons Jr. on land condemned for highway purposes.

Life did prove one thing South Carolinians already knew. Strom Thurmond is a tough fighter, always ready, willing and able to stand up for his legitimate rights. In this case he was prepared to go to court over the land price and so wound up with a pretty nice settlement.

His actions in the land case, all of them in the public record, are no different from a thousand previous fights on political issues. Strom Thurmond's rugged individualism and refusal to be pushed around on anything by anybody are why he has become an institution in South Carolina.

So what else is new in life?

[From the Greenville (S.C.) Piedmont, Sept. 17, 1969]

STROM-LIFE: FALLING MONEY WILL BE HIS

(By William F. Gaines)

Life magazine has it that Sen. Strom Thurmond and his former law partner bought a tract of land near Columbia at one price and sold it at a much higher one.

This is bad?

If it is illegal to buy property for investment and later realize a profit on the investment, a great many persons in South Carolina are out of jail who should be in it. The practice is rather common.

The property was bought in the early 1950s. It was condemned for road construction by the State Highway Department in 1956. Senator Thurmond and his partner Charles E. Simons Jr., now a district federal judge, were not satisfied with the price offered. They appealed, and later were paid $492 an acre. The 66 acres involved was part of a 3,000-acre tract which had been bought in several parcels at an average price of $14.35 an acre.

All of this is a matter of public record. Life magazine did not have to dig it out, for the record is open to anyone interested in seeing it.

Life makes a leering point of the fact that owners of adjoining property were accepting $200 an acre for tracts of the same nature.

The difference is that Thurmond and Simon appealed, the other property owners haven't. They have, if they wish, the same recourse.

Thurmond has spent 46 years in public life and service in South Carolina and in the Army. This is the first time he has been under attack for any financial dealing.

A picture of the senator standing on his head appeared in Life while he was honeymooning with his first wife, Jean. An anti-Thurmond man was kidding an ardent Thurmond supporter in Greenville about it.

"I can tell you this," returned the pro-Thurmond man. "Any money that falls out of his pocket will be his own."

Thurmond has always been a man of principle and outspoken conviction. This has earned him friends and this has earned him enemies.

In my opinion, he is incorruptible. We could do with some more like him.

He does not deserve harassment.

[From the Spartanburg (S.C.) Herald, Sept. 18, 1969]

ATTACK ON THURMOND SEEMS FLIMSY CASE

As more light is put on the Strom Thurmond land matter, Life magazine's attack becomes much less journalistic expose and much more an attempt at political assassination.

The Senator won't be helped by the episode. But if this is the best they can do to hang Strom Thurmond, he's got a long political life ahead.

The simple facts are these:

Thurmond and his former partner, U.S. Judge Charles Simons, owned a parcel of land in Aiken County. It happened that an interstate highway went through the property.

They declined the State Highway Department's offer of $200 an acre and prepared to take their case to a condemnation jury. A final settlement came to $492 an acre.

S.C. Atty. Gen. Dan McLeod says he feels the price was too high, but that the state decided not to take the matter to a jury for fear the jury would award considerably more. Sen. Thurmond says he thinks the land is worth at least $750 an acre.

This kind of situation is rather common in land acquisition for highway construction.

The only criticism leveled at Sen. Thurmond is that, being a prominent national figure he is, he should have been willing to sell his land for the same price as others in the vicinity received.

That is a rather flimsy basis for implications of scandal and exercise of improper influence.

There is no indication that Thurmond or Simons attempted to exert special influence.

Inevitably, there must be consideration about the political motives involved in the attack. At immediate question is whether it was intended to adversely affect the Senate's approval of Judge Clement Haynsworth for the Supreme Court; and subsequently the possible appointment of Simons to succeed him on the Circuit Court of Appeals.

One thing about Thurmond is that he is not likely to recoil into silence.

[From the Columbia (S.C.) Record]

LIFE'S CASE AGAINST STROM

Vicious muckrakers and doctrinnaire liberals have been trying for a long time to get something on U.S. Senator Strom Thurmond of South Carolina. Finally *Life*, in its effort to put some "life" into its magazine, has come out with a weak indictment that contradicts itself.

By innuendo rather than fact, it attempts, under the title, "Strom's Little Acres," to show that the Senator did something wrong by demanding and getting more than he was offered by the State Highway Department for Aiken County land for an Interstate right-of-way, and by buying a future homesite in the possible path of a Columbia exit route.

Life says Thurmond and U.S. District Judge Charles E. Simons Jr., received $492 an acre for 66 acres while others received an average of $200 an acre, which was the original offer to the former Aiken law partners.

Thurmond said he valued the land at no less than $750 an acre. Highway appraisers gave it a maximum appraisal of $192 an acre. The Highway Department offered a condemnation price of $200. Thurmond and Simons made a move to take the matter to court.

The state's local counsel advised against fighting the case, saying that a local jury verdict might give the landowners as much as $120,000 for the property. The local state's attorney arranged a $50,000 settlement. The U.S. Bureau of Public Roads, which pays 90 per cent of Interstate highway costs, refused to approve that price.

Before the case went to trial, a compromise was reached on a total of $32,500, or $492 an acre. Thurmond said he thought the land was worth more than $50,000, but he and Simons accepted the lower figure "because of the positions we held with the public."

Life sent an appraiser to look at the property. His comment was, "This land is mainly good for holding the earth together," a cliche used for describing uninhabited badlands, deserts and bald, arid mountains of the West. Everybody in South Carolina knows that the state has no land of this type, that all South Carolina land is valuable, and especially so in booming Aiken County. Land values throughout the state have skyrocketed in recent years.

Thurmond and Simons purchased the 66 acres three years before Congress passed the Federal Highway Act of 1956 authorizing construction of the Interstate System, so no routes had been planned at that time.

The second count in *Life's* case against Thurmond was that he purchased a place to build a home on the West Columbia bank of the Congaree River, overlooking the City of Columbia, and he may receive a windfall profit if a proposed river crossing "nicks the corner" of the property.

Life hints that there was some skullduggery about shifting the site of the river bridge from Gervais Street farther upstream. It found the change in plans to be for "reasons as yet obscure."

A principal "obscure" reason was that Gervais Street is criss-crossed by railroads that often pile up West Columbia-Columbia road traffic. West Columbians registered a strong appeal to move the crossing three blocks northward to avoid the railroad tracks. Incidentally, the plans for location of the crossing have not yet taken definite shape.

Thurmond and Simons bought the Aiken County woodlands as an investment, hoping to make a profit. That was not the case in Thurmond's purchase of the West Columbia lots. "I thought I might wish to retire there," he told *Life*. "Now, if this road runs through there and touches a corner, it would destroy the property as a homesite. I have expressed the hope to the Highway Department that they would not have to run it through there, but if they do have to have the property, all I would expect is the money I put in it, plus interest."

The late Drew Pearson was reported to have tried for years to find some deviation to pin on Thurmond and damage his reputation for integrity, but failed. Political foes attempted it and failed. One of the attempts backfired when Thurmond exposed the fact that the information used in the smear attempt had been stolen from his briefcase by an aide of the government spokesman.

And now *Life*, by suggestion and display, tries to make a mountain out of a mirage.

[From the Gaffney (S.C.) Ledger]

An Empty Bucket

Life magazine went hunting for a needle in the haystack and is quite frankly stuck by its own needling.

If the magazine, with all of its money, prestige, political power and capable investigator-writers, cannot nail Sen. Strom Thurmond with any more than the latest charges leveled at the senior South Carolina senator, then the winner of this round is Sen. Thurmond.

Life has charged that Sen. Thurmond and another party received exorbitant prices for land they owned which was condemned by the State Highway Department.

The article, in the September 19, 1969 issue of Life, states that Charlie Simons and Sen. Thurmond received twice as much for some property condemned by the S.C. Highway Department as did some other property owners who apparently did not appeal to the courts.

Sen. Thurmond said, "When the property which we purchased in the early 1950's was condemned in 1966, the Highway Department did not offer a fair or just price for destroying a prime industrial site and taking growing timber worth thousands of dollars. We appealed to a court and jury which was our only recourse."

Sen. Thurmond has the same rights as any other citizen to own property and to ask for protection and a decision by a jury. If any injustice was done any of the other land owners, the state or the S.C. Highway Department might be answerable before an individual citizen.

If Life magazine, after an extensive effort to dig up something on the South Carolina senator which might be used against him in an all-out drive to reduce any influence he might have in high places, could find nothing more than this, then they have failed miserably.

There was nothing done in this case that could not have been reported by the smallest newspaper in the state, for everything that was done was conducted in the open, it was all legal and above board.

The fact is that nobody in this state or any responsible person in any state would be interested in reporting something that had been reported in 1966 as a matter of public record and has not changed since.

The fact is that the liberal smears against Sen. Thurmond are having an adverse effect. People who know and those who did not know before, realize more than ever that Sen. Thurmond is a man of integrity and that those who attack him are doing so with political purpose.

We do not always agree with the senior senator from the Palmetto State but we have never, ever had any reason to question his character, uprightness and honesty.

Life writers might look closer home for skeletons in political closets. They might prompt an investigation into some matters which have caused far more damaging accusations to be leveled against certain liberal senators.

Sen. Thurmond has his faults, he is human. He is entitled to the rights and privileges given each and every American. His moral conduct has been beyond reproach for as long as we have known him and of him, and we in South Carolina have known him and of him, far longer than anyone at Life magazine.

If the story was written to sell magazines, we hope it succeeded. If it was meant to damage the character of Sen. Thurmond it failed miserably. If you set out to smear someone . . . be sure you have some dirt in your bucket before you take him on. Life magazine took on Sen. Thurmond with an empty bucket and everybody knows it . . . even Life.

[From the Johnston (S.C.) Ridge Citizen]

Strom Needs No Defense

Strom Thurmond needs no defense from here or elsewhere against the innuendo of slander in a story published in the recent issue of Life Magazine. Anyone who knows Strom Thurmond and Life Magazine can come only to the conclusion that the magazine is out to "get" Senator Thurmond by any means, fair or foul. And that conclusion can be arrived at with no other information than the above. A detailed list of so-called "facts" in the matter is not necessary.

If ever a Shakespearean quotation were applicable, the following is to Life's article: "It is a tale told by an idiot, full of sound and fury, signifying nothing."

In this connection, we note that Wednesday morning's Augusta Chronicle, carried a statement by the trial judge in the case that Life's reporter admitted to him that Life was out to "get" Thurmond. The magazine is a mouthpiece of the Liberal extreme which hates and fears the influence of Senator Strom Thurmond.

In the 46 years of his political life, better men than Life Magazine's reporter have tried the same thing, only to come up against the impregnable wall of Thurmond's private and public integrity. South Carolina politicians have no peers when it comes to unearthing something or anything that would be detrimental to an opponent. And that fact that South Carolina politicians have been unsuccessful for this long is due to a very simple explanation: there is nothing there on which Thurmond's character and integrity may be successfully attacked.

He needs no other defense.

[From the North Augusta (S.C.) Star, Sept. 18, 1969]

That's Life, I Reckon

From what we read, it looks like Life magazine is after Our Strom. 'Pears as how that Yankee magazine thinks $492 an acre is too much for some land Strom sold for the interstate right-of-way.

Reckon them Life writers still thinks weuns is just using our land for growin' five cent cotton.

Shore am glad them critturs didn't attend the last meeting of the area school advisory council. One of the things they discussed was how much money a couple of local folks wants fer a access road to the new high school.

Seems as how one feller wants $15,000 fer 2.1 acres and 'nother fellow wants $1500 per acre fer three and a half acres.

Right now, them same acres is bein' used fer cows to graze on.

Shore hope them Life fellers don't find out about this! They might start investigatin' our farmers!

[From the Chester (S.C.) Reporter, Sept. 24, 1969]

A Strikeout

We do not agree with Senator Strom Thurmond on all subjects but we do agree with his characterization of the recent article in Life Magazine as "false, malicious and unfounded." It was a pretty sorry attempt to imply wrongdoing in a situation where the bare facts would not support such a charge.

And these facts were simply that Senator Thurmond and his former law partner, Federal Judge Charles Simons, refused to accept an offer of $200 an acre for land needed by the State Highway Department and settled out of court for $492. This figure, approved by the S.C. Attorney General, was a compromise of their claim that the land was worth at least $750 an acre.

As Senator Thurmond said, he had quit his law firm and stripped himself of all connections that might be considered in conflict with his duties as a Senator, but he did not give up his rights as a citizen to protect his property.

That Thurmond, as a Republican Senator, could force this compromise out of a Democratic regime in South Carolina should have been warning enough to Life that the facts did not cover the insinuations of political pressure and fast-buck dealing contained in the article.

There is a strong suspicion, as Senator Thurmond charged, that Life was sold a bill of goods by Democratic party officials in the hope that his political future would be so damaged that Thurmond could be replaced in the Senate by a good Democrat.

[From the Star Reporter, Sept. 25, 1969]

Thurmond Taken

Competent lawyers tell us that Yancey McLeod knows whereof he speaks in his assessment of the value of Senator Thurmond's property, which was the subject of Life's half-baked expose. Such being the case, it appears to us that the senator and his partner, Judge Simons, were taken for up to $40,000 by the state in this transaction.

[From the James Island Journal, Sept. 25, 1969]

Land for Sale

The story behind the story concerning Strom Thurmond's sale of land to the highway department suggests as much indiscretion as the sale itself. There is speculation that it is not a move by liberals out to gain revenge against the South Carolina conservative but rather a maneuver on the part of South Carolina politicians to embarrass Thurmond and lessen his chances for reelection next time around.

If this is the case, we feel sorry for anyone that has to step that low. Granted that the price paid for Thurmond's land was high, officials have nevertheless admitted that he could have probably obtained more had he chosen to go to court.

If he had purchased the land with prior knowledge of the roadway's being built in that specific location, the criticism would have been justified. Journal readers know that we have been seldom in Senator Thurmond's corner, but in this instance, we feel that he has been the victim of someone's outright greed, either for money or what they felt to be a chance at political power.

As we heard in one commentary, it appears that the prestigious national press is out to get any and all politicians through picking at anything that they can exaggerate into some sort of sensationalism. Being a public figure exposes a person to constant public view, but it shouldn't require them to suffer the indignities heaped on them by a nit-picking news media that has lost its concept of objective reporting.

Sooner or later the public will wise up that what they are hearing and reading is not really reporting, but a form of trite entertainment, a yellow journalism, designed only to enhance commercial ratings and protect advertising revenue.

We would venture a guess that 90% of America's problems are promoted, if not generated, by this same irresponsible group The sad part is that the group is probably less than 1 percent of the overall news media.

[From the Augusta (S.C.) Herald, Sept. 16, 1969]

A Liberal Smear?

Charges brought by Life Magazine that Sen. Strom Thurmond (R–S.C.) and Federal Judge Charles E. Simons have profited excessively from the sale of land for use in the Interstate system seem to be about what the senator has called them—"another in series of attempted liberal smears."

Life has said that Thurmond and Simons received $32,500—$492 an acre—for 66 acres of land of a type that brought their neighbors around $200 an acre. The strong implication is that the two former law partners were able to get the higher figure by virtue of their respective high offices.

Both men have categorically denied any wrong-doing. Judge Simons is quoted as saying in response to the article: "We received no more than a fair price for the land—there is no question about that. I don't know what the other landowners got."

For his part, Sen. Thurmond said that upon going to the Senate in 1954 he gave up his law practice, severed all business connections and disposed of such stocks as he held, but "did not and will not surrender my right as a citizen to own property."

That right to own property connotes the right to dispose of property.

The property in question, interestingly enough, was acquired in 1953, at an average price—Life says—of $14.35 an acre. Whatever reason Thurmond and Simons might have had for buying it, that reason could not have had anything to do with any preknowledge of the use to which it actually was put, since even the outline for the Interstate system was not aired until the following year, when President Eisenhower first presented it at the Bolton Landing (N.Y.) Governors Conference on July 12, 1954.

As for whatever price other landholders in the vicinity got for their property, that would seem to be their affair and does not necessarily have any bearing on what Thurmond and Simons were paid. All had access to the courts to appeal the original offer on condemnation, and the two men availed themselves of this right. Apparently, not all of the others did likewise.

It is no dark, deep secret that there has been among liberals of both parties a gnashing of teeth over the amount of influence Thurmond allegedly wields over the Nixon Administration, and his charge of a "liberal smear" would seem to be every bit as valid as is the implication of wrongdoing on his part.

In fact, the Life charge appears to be just another manifestation of that abiding anti-Southernism which has been so roundly condemned by columnist James Jackson Kilpatrick, and which has so colored the opposition in Congress to the Supreme Court appointment of Judge Clement F. Haynsworth of Greenville, S.C. (an appointment which, incidentally, knocked down the shibboleth of Thurmond's supposed "influence," since the man he was backing was passed over).

Someone apparently has dug mightly to discredit the senator, only to come up with a handful of dust. We have a notion the senator will survive the latest attack.

[From the Charlotte (S.C.) News, Sept. 19, 1969]

Thurmond 2, Life 0

We yield to none in our distaste for the general run of South Carolina Sen. Strom Thurmond's politics. Perhaps it is significant that one is impelled to make that plain before venturing that Life magazine hasn't laid a glove on the senator in its investigation of his real estate dealings.

The facts as Life sets them forth seem clear and above contest. Thurmond and Federal District Court Judge Charles Simons, a friend and associate, owned 66 acres of land that lay in the path of an interstate highway in South Carolina. A complex chain of events brought Thurmond and Simons to the threshold of a court fight with the state over the value of the land, whereupon the state agreed to pay them more than twice what other landowners in the path of the interstate were getting. In another instance, Life notes, a parcel of Thurmond-owned land fell unexpectedly and conveniently under the end of a new bridge.

"It cannot be stated that Thurmond had foreknowledge of or control over . . . the bridge site," Life says of the point that is essential to make the bridge episode worth more than a glance, which is all Life gives it.

That the outcome of the interstate episode was not fair is indisputable. That the status of Thurmond and Simons as public figures in South Carolina didn't hurt them any in their contest with the state is alleged, and is reasonable to assume. However, it's also true that what happened was neither illegal nor very uncommon. In fact, if we understand correctly, any man with knowledge and money enough to hire a lawyer and fight for his land may receive an increased settlement, simply because government likes to avoid the trouble and expense of court fights.

And that, in fact, is about all Senator Thurmond demonstrably did. He certainly has that right, even if the attendant developments and results might well embarrass a senator who once said "A man in public office has got to appear to be right as well as be right." It's pretty small potatoes, really, unless the people at Life have more to tell. So far they don't seem to have proved much, except that these matters are seldom fair. And they don't seem to have accomplished much, except maybe to further strengthen Senator Thurmond's hold on the heads of South Carolinians and the Senate seat that is theirs.

General Information on Senator Thurmond-Judge Simons Tract

(a) Topography of 452 Acre Tract is quite suitable for utilization as a building site for a large Industrial Plant prior to Bisection by I–20. Bisection by I–20 has completely negated such utilization by reducing the land area remaining on either side of I–20 to inadequate proportions.

(b) The South Edisto River constitutes an excellent source of raw water as well as an ideal medium for dissipating treated Industrial effluent. (Flow rate reported 16–18 million gallons/day).

(c) Well water experience in the area is excellent. The City of Aiken derives approximately 15% of its potable water from a single well capable of delivery up to 4,000,000 gallons of water per day.

(d) Natural Gas is available at the site.

(e) Railroad is available within 6.8 miles: $914,000 approximate cost times 1.5 equals $1,371,000.00 yearly gross revenue. $1,371,000.00 divided by $300 per car equals 4570 cars per year.

This type railroad revenue could be derived from: (1) Average pulp mill (2) major synthetic fiber plant (3) large heavy chemicals plant (4) large nitrogen plant (5) other miscellaneous large industrial plants.

(f) U.S. Highway No. 1 is located approximately 3 miles west of the site with an excellent network of county road connections. These would normally be paved, according to the industries requirements, by the state or county.

(g) Labor availability in this portion of Aiken County is excellent. There are no major industries in this area of Aiken County or adjoining Edgefield County.

(h) Soil bearing capacity in the area is very good.

(i) Available adjacent land for expansion requirements.

A. PURCHASE PRICES PAID FOR INDUSTRIAL TRACTS ACTUALLY SOLD IN SOUTH CAROLINA SIMILAR TO THE TRACT OF SENATOR THURMOND AND JUDGE SIMONS

Industry	Approximate number of acres	Average price per acre	Year
Nitrogen	316	$787	1961
Synthetic fibers	600	900	1961
Do	2,500	500	1964
Paper	413	552	1965
Synthetic fibers	750	500	1966
Chemical	645	500	1966
Nuclear fuels	1,000	800	1967
Synthetic fibers	1,500	540	1968
Do	260	800	1969

B. AVAILABLE INDUSTRIAL SITES FOR SALE WHICH ARE LISTED BY DANIEL CONSTRUCTION COMPANY AND WHICH ARE SIMILAR TO TRACT OF SENATOR THURMOND AND JUDGE SIMONS

Location	Approximate number of acres	Average price per acre
Greenville	800	$1,000
Dillon	100–300	750–1,000
Timmonsville	448	850
Lake City	150	800
Hartsville	394	600
Jackson	225	500

C. CONDEMNATION PRICES PAID TO AIKEN COUNTY LANDOWNERS BY SOUTH CAROLINA HIGHWAY DEPARTMENT FOR RIGHTS-OF-WAY ON HIGHWAY I-20[1]

Owner	Location	Approximate number of acres	Average price per acre
Dr. W. H. Mathis, Jr	Belvedere	33	$1,666
W. D. Mathis	do	19	1,736
Julian Roberts	do	35	650
Jenny McKie	North Augusta	90	1,000
Butler Estate	Belvedere	22	1,136
Bennie Willing	Aiken	22	465
John W. Yonce	do	21	514
Lenwood Willing	do	11	500
Ralph Hartley	do	14	581

[1] Same highway on which the tract of Senator Thurmond and Judge Simons is located, and only a few miles away.

D. SITES WITH SIMILAR CHARACTERISTICS ARE MORE SCARCE EACH YEAR DUE TO REQUIREMENTS BY INCOMING AND EXPANDING INDUSTRY—NEW AND EXPANDING INDUSTRY (CAPITAL EXPENDITURES) IN SOUTH CAROLINA

Year	Number of new and expanded plants	Value Of investment
1960	151	$209,759,000
1961	187	217,677,000
1962	187	210,795,000
1963	162	264,208,000
1964	179	281,214,000
1965	226	600,006,000
1966	202	509,012,000
1967	149	305,797,000
1968	201	635,617,000

IN MEMORIAM—JOHN P. WHITE

Mr. KENNEDY. Mr. President, this morning, John P. White—known as Skip to his hundreds of friends—died suddenly and unexpectedly as he was leaving his home in Rockville, Md.

Skip served both his home State of Massachusetts and his Nation over the years with ability, imagination, dedication, and high good humor. His record of public service covers some 35 years, and bears repetition to show the variety of his experience.

He was born in Winthrop, Mass., in 1915, and was educated in the Winthrop public schools, the New Preparatory School, and Boston College.

He served as a legislative aide in the Great and General Court of Massachusetts—the legislature—from 1934 until 1940.

In 1940, he enlisted as a private in the Field Artillery of the U.S. Army, and served with distinction until 1945, by which time he had risen through to the rank of captain.

After his discharge, he returned to the Massachusetts Legislature, this time as legislative counsel and stayed from 1946 to 1953.

Christian Herter was serving as Governor of Massachusetts in 1953, and Skip joined his staff as legislative secretary. Governor Herter and Skip had become friends in the 1930's, and this close association continued in the Massachusetts State House until 1957.

In that year, Skip came to Washington to serve in the Department of State, as a Special Assistant in the office of Congressional Relations. He later became Deputy Assistant Secretary of State for Congressional Relations, and he held this post until his death this morning.

President Kennedy spoke often of his great respect for Skip, whom he had come to know in his work as a member of the Senate Committee on Foreign Relations. This relationship—based both on personal friendship and a working relationship—continued through President Kennedy's life.

I shared this respect for Skip, because of his unlimited capacity for work and unflagging devotion to assisting the Members of Congress with matters relevant to the State Department. In my travels abroad as chairman of the Senate Subcommittee on Refugees and Escapees, for example, Skip was of immeasurable value.

He leaves behind him a large gap in the lives of his many friends. These friends live both in Massachusetts and in Washington, as well as around the world. He was in many ways unique in keeping his old friends while making new ones every day.

I speak for these many friends in saying how much we shall miss him.

To his wonderful wife, Elaine, and his son Scott, now a student at Princeton, I offer my sympathy for their loss, but in consolation to them let me say he leaves warm memories of a rich and full life of service to his country and companionship to his friends.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

The Senate resumed the consideration of the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States.

Mr. JAVITS. Mr. President, I yield to the Senator from New Jersey for the purpose of introducing an amendment.

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself and the Senator from New York (Mr. JAVITS), I send to the desk a substitute amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The bill clerk read the amendment as follows:

> On page 51, before the period on line 24, immediately before the period insert a semicolon and add the following: "except that, notwithstanding any other provision of this subsection, in the case of any coal mine which is operated entirely in coal seams located above the watertable, which has not been classed under any provision of law as a gassy mine prior to the date of enactment of this Act in which one or more openings were made prior to the date of enactment of this Act, and the total annual production of which does not exceed 75 thousand tons annually based on the mine's production records for three calendar years prior to such date, the effective date of the provisions of this paragraph shall be three years after the operative date of this title, provided that any operator of such a mine who is unable to comply with the requirements of paragraph (1)(D) on such effective date may file with the Panel an application under paragraph 5 of this subsection for a permit for non-compliance ninety days prior to such date. If the Panel determines, after notice to all interested persons and an opportunity for a hearing, that such application satisfies the requirements of paragraph (8) of this subsection and that such operator, despite his diligent efforts will be unable to comply with such requirements, the Panel may issue to such operator such a permit. Such permit shall entitle the permittee to an additional extension of time to comply with the provisions of this paragraph of not to exceed twenty-four months, as determined by the Panel, from such effective date."
>
> On page 56, between lines 12 and 13 insert:
>
> "(12) On and after two years from the operative date of this title, all electric face equipment covered by paragraphs (5) and (6) of this subsection which is replaced or converted shall be permissible and maintained in a permissible condition and, in the event of any major overhaul of such equipment in use on or after two years from such date, such equipment shall be put in and shall thereafter be maintained in permissible condition."

Mr. WILLIAMS of New Jersey. Mr. President, the substance of this amendment was read prior to the point made by the Senator from Kentucky. The only changes are technical, to make it conform to the amendment for which it would be a substitute.

The PRESIDING OFFICER. Without objection, the Chair recognizes the amendment as now in proper form.

Mr. COOPER. Mr. President, I raise a point of order, and ask for a ruling from the Chair, as to whether the amendment can be offered as a substitute.

The PRESIDING OFFICER. The Chair has just ruled that the amendment can be offered and is in proper form.

Mr. JAVITS. Mr. President, is my name on that amendment?

The PRESIDING OFFICER. Yes, it is.

Mr. JAVITS. And the name of the Senator from West Virginia (Mr. RANDOLPH)?

The PRESIDING OFFICER. Yes; the Senator from West Virginia is also a cosponsor.

Mr. WILLIAMS of New Jersey. Mr. President, it was previously requested. That was an error.

Mr. JAVITS. Mr. President, then, the sponsors are the Senator from New Jersey and I. The name of the Senator from West Virginia (Mr. RANDOLPH) is off.

The PRESIDING OFFICER. The three Senators are sponsors.

Mr. JAVITS. Mr. President, the name of the Senator from West Virginia (Mr. RANDOLPH) is to be stricken, at his request.

The PRESIDING OFFICER. Very well.

Mr. JAVITS. Mr. President, one brief word, and I shall not detain the Senate long.

I heard, with interest, the Senator from Kentucky (Mr. COOPER) refer to my familiarity with the slums of New York, and his lack of familiarity with them and their details, being like my lack of familiarity with conditions in eastern Kentucky. I will, of course, thoroughly agree with the Senator from Kentucky that he knows much more about the mines in eastern Kentucky than I do, just as I know much more about the slums in New York than he does; but he is a U.S. Senator and I am a U.S. Senator. I have to vote on his mines, and he has to vote on my slums. If he were a member of the Committee on Labor and Public Welfare, and he were the ranking minority member of the committee's subcommittee concerned, he would have to use his best judgment, as God gave him to use that judgment. His judgment would not in any way be affected, as mine is not affected, by the fact that I have a deep feeling for those people, not any more or any less than for every other American.

I state frankly that I was persuaded by the evidence, nothing else. If I were a judge on the Circuit Court of Appeals in the District of Columbia, or on the Supreme Bench of the United States, I would have to rely upon the same criterion. I do not think I disappoint the people of my State any more than I think I disappoint the people of the country by so doing.

Here is the nubbin of this case as I see it. There is a universal opinion among the labor people that the distinction between gassy and nongassy mines should be eliminated. It is true that many of the mines the Senator from Kentucky is talking about are very small businesses and are not organized. I do not say that is good or bad. It is a fact of life. I know that the Senator from Kentucky has argued for years that the United Mine Workers has been in some sort of cahoots with operators with respect to health and safety requirements. I do not know whether it is true or false, but I know as far as labor is concerned, it has requested this regulation for both gassy and nongassy mines.

Couple that with the fact that the Bureau of Mines, an agency of the United States, thinks it should be done and that technically it can be done, and add to it the fact that there have been explosions in nongassy mines. The ratio of explosions between nongassy and gassy mines may be 2 to 20 or 2 to 50, but there have been explosions in nongassy mines, explosions which have kill and maimed miners. Therefore, if we are going to have health and safety, we have to do something about it in mines where there has been not only a hazard but a loss.

So the question comes up: What distinction shall we make between the two?

The Senator from Kentucky is on strong ground in certain respects. I do not think he is on strong ground for advocating that the small mines be left out of this requirement that all equipment be explosion proof, but he is on strong ground when he says they are small mines and they have financial problems. We do not want to put them out of business unless the requirements of safety dictate otherwise.

I know of other businesses, small enterprises, that would do pretty well if we permitted them to operate. For example, firms could make fireworks and sell them. Firms might distill alcohol and sell it illegally. They might engage in narcotics sales. There are many businesses that could exist if we permitted them to, but we have to have a balance between social gain and social loss.

I want to keep those very small mines in business if I can. I am a member of the Small Business Committee, so I have some familiarity with the problems faced by small businessmen.

I know the feeling of the Senator from Kentucky for people, and I know something about the situation. The people there have no better friend than JOHN COOPER of Kentucky. Nor has he any better friends than they. They are fine, honorable Americans. I am sure we should stretch every point he has made. The only question is: What can we do?

I do not see, in all honesty, how we can make this distinction, which would be, not arbitrary, but unjustified from a safety standpoint. I will not use the word "arbitrary." Second, what can we do to help them financially?

There exists a serious difference between the Senator from Kentucky and the committee. We really believe we help by the changes made in this bill, which completely revise the matter of re-equipping mines. The practice used to be that if an operator wanted to have equipment which was permissible, he would have to send it to Pittsburgh for the purpose of its being appraised, analyzed, and tested by the Bureau of Mines. Under the bill, the inspections, and so forth, would take place at the site, with every kind of field improvisation, as we used to call it in the Army, and the machinery would be permissible so long as it came up to the performance standards.

Again the Bureau—and I do not know why it would have any ax to grind—represents that the cost per small mine would be $10,000. That is a tremendous difference from the $240,000 or $260,000 figure the Senator from Kentucky has used. Certainly the cost of $240,000 or $260,000 for many small mines would be confiscatory. I would be the first to say it. But we think we have found a way out of that.

It seems to me there is a case for the Bureau of Mines, not withstanding that at one time the witnesses testified that the cost would be several hundred thousand dollars. Now we are over that hill and we have done something different, which brings the cost down and which means the small nongassy mines can be brought within this framework.

That is our case. I will not be passionate about it. I think I speak for the Senator from New Jersey (Mr. WILLIAMS) when I say that both he and I would be pleased by nothing more than to agree with the Senator from Kentucky (Mr. COOPER). We do agree on practically everything. But sometimes there are sectional interests. Sometimes there are responsibilities such as I carry and such as the Senator from New Jersey carries as members of the Committee on Labor and Public Welfare, where we think we see things clearly and where we are convinced, no matter how warmly we feel about opponents on this question. We can treat our opponents affectionately, but we cannot throw in with them. I cannot in this case. Whatever the Senator does, I must vote for my conviction. Having heard it out and tested it out, I cannot do otherwise.

So, Mr. President, as far as I am concerned, I rest our case with the Senate. In the strain and effort to do something more than we have done before—and we have given much time to this matter—the amendment which the Senator from New Jersey has offered for both of us will give another year of relief. It will give 5 rather than 4 years. It simplifies the application. There is a 3-year moratorium. Then he gets 2 years more on one single application. It can be granted for many reasons, whether it is economic or the ability to acquire the equipment.

Then we have included in the bill the opportunity for small business loans.

Those are the two areas in which we have tried to accommodate the situation; and the substitute, as I say, goes even further than we did in committee: It provides for a simplified procedure and an additional year.

One last thing: I think that one of the most important successes—the Senator from Kentucky does not have to agree with me, and I am not asking him questions—that the Senator from Kentucky could have would be that a distinction is made by this substitute between gassy and nongassy mines in respect to the time allowed. Thus I think the principle as to which Senator COOPER feels so deeply is given some recognition; but we simply cannot go along with him on the basic issue of leaving out the nongassy mines completely, for the reasons I have stated, assuming the Senate agrees with us. We can only give our view. I assume that the Senator from New Jersey (Mr. WILLIAMS) will speak for himself, but I think I have fairly represented the motivation and the attempt which has persuaded us that this is the way the Senate ought to go.

Mr. WILLIAMS of New Jersey. Mr. President, the Senator from New York certainly speaks eloquently for himself, and he speaks for my position also.

I should like to state, very briefly, where we are. The bill as reported, together with the amendment that is now pending, would require, if this amendment were adopted:

First, that all mines now classified as gassy comply as to all electric face equipment within 16 months.

Second, that small, 1-horsepower electric face equipment in all mines be permissible within 16 months.

Third, that the large horsepowered equipment in all mines now classified as nongassy be permissible within a maximum period, depending on the availability of equipment, of 4 years, except that all mines now classified as nongassy which are above the water table, and which annually produce not more than 75,000 tons, shall have up to 5 years, depending on the availability of equipment, to be make their equipment permissible.

Mr. President, I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I should like to ask the distinguished Senator from New York a question.

In what way does his substitute amendment change the language of the bill so as to accommodate the small operator in the economic situation which confronts him, while, at the same time, providing additional safety for the miner?

Mr. JAVITS. First, it gives the smaller operator more time. It gives him a year more than is given to other operators to conform to the standards of the bill.

Second, it gives him a much simplified procedure. In the rest of the bill, after 16 months, the nongassy operator has to make an annual application for more time. Under the substitute, the small operator gets practically a standstill for 3 years without anything, and then another 2 years for some more, but it is a very easy provision for him to take advantage of. So those are two distinctions: one is to time, and the other is to procedure.

Those are the effects of the substitute. As to safety, we wait an extra year. But you have to draw a balance somewhere, and we are really straining to try to accommodate the economics of the situation.

Mr. RANDOLPH. That is right.

Mr. JAVITS. The Senator from New Jersey and I have no doubt as to our rightness on the classification, but we are trying very hard to accommodate the eloquent pleas of the Senators from Kentucky (Mr. COOPER and Mr. COOK), and I am sure others feel the same way.

Economically, there must be some bad news, but we have done the best we can.

Mr. BYRD of West Virginia. Does the Senator feel that, on the basis of the evidence, the small operators can feasibly meet the requirements of the substitute within the time frame that is provided by the substitute?

Mr. JAVITS. We believe so. We believe so very much, because we do place a lot of faith, and I think justly, in the complete change in procedures, which can cut costs enormously, because again that is a two-sided thing: One, you save the enormous costs of shipment and transshipment; and two, you open the door to all kinds of field improvisations. Because if you deal with shipping something to Pittsburgh, they have to assemble it; hence, in essence, it has to be new. But the minute you get inspection on the site, then it can be rehabilitated. It can be a bunch of spare parts or components a fellow gets and puts something together, because you have tremendous latitude for improvisation in the field, and the Department expects that.

They know there will be a big burden of administration, but, again, an effort is being made to accommodate the small operator, and their estimate of the cost is $10,000, as contrasted with the figure stated here of $240,000 or $250,000. I do not know enough about estimates to argue about it; it may be $12,00, $15,000, or $18,000, rather than $10,000, but it is in an entirely different order of magnitude, contrasted with the cost of a bunch of new machinery sent to Pittsburgh for a seal, and so on.

I believe, and the Senator from New Jersey believes with me, that the order of magnitude within that compass, $10,000 or thereabouts, is well within the competence of any operator who really ought to be in business. I mean, we simply cannot stretch the rubberband beyond the point where we are going to risk lives, because we are trying to keep everybody in business. That is really what the balance is, and this is where we struck it.

Mr. COOPER. Mr. President, I do not want my friends from New York and New Jersey to think I am ungrateful. If I did not show proper regard for them in this debate, it was because I feel strongly about this issue, and not because I do not respect them. They are certainly not my enemies. We have been friends throughout the years, and perhaps I can talk that way, at a time when we are celebrating the anniversary of the birth of Gandhi.

There are those in the country today, who cause violence, yet say they are in the tradition of Gandhi. They are not in his tradition. He did not hate those against whom he opposed. He appealed to their goodness, to their common humanity. He loved them.

So, as I have been talking against your positions, I have been appealing to your goodness.

Mr. JAVITS. Mr. President, will the Senator yield? I just want to add one of the most interesting experiences of my life to that.

Mr. COOPER. I yield.

Mr. JAVITS. Golda Meir, in New York, spoke with the deepest feeling of grief for the Arab boys who are falling in the so-called guerrilla warfare against Israel. In the same spirit, she said her heart was grieved and broken just as much for any boy, Arab or Jew, who fell in that kind of struggle.

Mr. COOPER. It is an aspect of greatness and of her greatness.

I must respond to the subject—the substitute. As I understand it, it provides to those mines now classified as nongassy an additional year in which to convert their equipment, if their annual production does not exceed 75,000 tons. A mine producing 75,000 tons would, on the average, produce about 250 tons a day. It is not a large mine. It might or might not be able, over a long period of years, to purchase such equipment. It would depend upon its acreage, its capital, and many factors which none of us can estimate clearly at this time.

I oppose the substitute amendment, because it only postpones the date of closing of many mines.

Mr. President, I urge that the substitute amendment be rejected.

Mr. COOK. Mr. President, I cannot help saying, with all the respect I have for the distinguished senior Senator from New York and the distinguished Senator from New Jersey, that the enthusiasm with which the substitute amendment is being presented can best be described by the fact that 18 States in our Nation mine coal. And from those 18 States come 36 Senators. There is not a single Senator from a coal mining State in the United States that has his name on the substitute amendment.

That is the only statement I want to make in supporting the senior Senator from Kentucky in opposing the substitute amendment.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask unanimous consent that, following a quorum call in which the presence of a quorum will have been ascertained, the proponents of the amendment, represented by the Senator from New Jersey, and the opponents of the substitute amendment, represented by the Senator from Kentucky, have 5 minutes each to conclude the debate on the substitute amendment.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, is it the intention to have a live quorum?

Mr. JAVITS. That is what I understand the Senator from Kentucky has in mind. Is that correct?

Mr. COOPER. No. I will be satisfied if we have a quorum call.

Mr. JAVITS. Mr. President, I modify my unanimous-consent request to provide that after a quorum call, which will follow immediately upon this unanimous-consent agreement, the time for the quorum call not being charged to either side, when the Senate resumes its deliberations, there be 10 minutes of debate on the substitute amendment, the time to be equally divided and under the control of the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Kentucky (Mr. COOPER).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanmious consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on the amendment in the nature of a substitute, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER. Mr. President, I shall take time only to say that the substitute, although offered on its merits, is also offered to defeat the proposition which I have urged before the Senate; namely, that the classifications of mines should be retained as gassy and nongassy.

The effect of the substitute amendment, if adopted, would be to remove those classifications. The amendment is of no substantial benefit at all to the nongassy mines and the small operators. It would only postpone the date of closing mines.

I urge that the substitute amendment be rejected.

Mr. WILLIAMS of New Jersey. Mr. President, I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am sure that both Senators from Kentucky know of my appreciation of the problem they have presented to the Senate. I am sure that the distinguished senior Senator from Kentucky (Mr. COOPER) recalls that in 1965 and 1966 it was upon my motion that he sat, in effect, as a member of the Committee on Labor and Public Welfare as we considered the problem of the smaller bituminous coal miners of the United States. At that time, I helped to bring that legislation, with the aid of former Senator Morse and others, to the floor, and this is a matter of record.

So the understanding of the Senator from West Virginia, who now speaks, as to the problem is one that I do not believe that anyone—certainly, not the Senator, for whom I have a very cherished affection—would indicate otherwise.

Mr. COOPER. May I say that I agree wholly with the Senator. He and his colleague, Senator BYRD, have been valiant fighters for their sides, their mines, their miners, and for safety.

Mr. RANDOLPH. I thank the Senator.

We come today to this situation in the mine health and safety proposal of 1969. We remember the past, but we are faced with the problem, in so far as possible, at least in degree, regardless of the type of mine, of remembering that it is the health and the safety of the miners that must be considered by the Senate.

For the record, I want to have it understood very clearly that the feeling within the committee and the feeling within the subcommittee was—I would say 80 percent of the membership of the subcommittee and the committee, as Senator COOPER, I think, would understand in our conversations—for a 3-year period. An amendment to that effect was offered in the full committee. But I appealed, very frankly, to the Senator who offered the 3-year proposal to extend it to 4 years, because I recognized the problem. To a degree it exists in West Virginia, Virginia, Kentucky, and other States. So I was going then beyond what I think the committee really felt in its composite judgment we should do.

Now we come here, and after going from 3 to 4—I think Senator JAVITS would say that I argued the point of 4 years rather than 3—we come up with 5 years.

So there is a very real attempt here not only on the part of the majority but also of the minority of the committee to understand and try to respond to the argument of the Senator from Kentucky. I cannot believe that the Senate, after we have worked for months and months on this measure—we understand the health and safety problems involved—would not think in terms of the constructive substitute which has been offered. I trust that it will pass by a very considerable margin of votes.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of New Jersey. I yield back the remainder of my time on the substitute amendment.

Mr. COOPER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the substitute amendment has been yielded back.

The question is on agreeing to the substitute amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METCALF (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from New Mexico (Mr. MONTOYA). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. MATHIAS (when his name was called). Mr. President, on this vote I have a live pair with the Senator from South Carolina (Mr. THURMOND). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea."

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), and the Senator from Virginia (Mr. SPONG) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Iowa (Mr. HUGHES), the Senator from Virginia (Mr. SPONG), and the Senator from New Hampshire (Mr. MCINTYRE) would each vote "yea."

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Oregon (Mr. PACKWOOD) and the Senator from Delaware (Mr. WILLIAMS) are detained on official business.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Kansas (Mr. DOLE). If present and voting, the Senator from Oregon would vote "yea," and the Senator from Kansas would vote "nay."

The pair of the Senator from South Carolina (Mr. THURMOND) has been previously announced.

If present and voting, the Senator from Tennessee (Mr. BAKER) would vote "nay."

The result was announced—yeas 45, nays 31, as follows:

[No. 107 Leg.]

YEAS—45

Aiken
Anderson
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Dodd
Eagleton
Eastland
Ellender
Fong
Gravel
Griffin
Harris
Hart
Hartke
Holland
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
McGee
Mondale
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—31

Allen
Allott
Bellmon
Bennett
Boggs
Brooke
Cook
Cooper
Cotton
Curtis
Dominick
Fannin
Fulbright
Goldwater
Goodell
Gurney
Hansen
Hollings
Hruska
Jordan, Idaho
Mansfield
Miller
Mundt
Pearson
Prouty
Saxbe
Sparkman
Stennis
Stevens
Tower
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS AS PREVIOUSLY RECORDED—2

Mr. Metcalf, against.
Mr. Mathias, for.

NOT VOTING—22

Baker
Bayh
Cranston
Dole
Ervin
Gore
Hatfield
Hughes
Long
Magnuson
McCarthy
McClellan
McGovern
McIntyre
Montoya
Murphy
Packwood
Russell
Smith, Ill.
Spong
Thurmond
Williams, Del.

So the amendment of Mr. WILLIAMS of New Jersey in the nature of a substitute for Mr. COOPER's amendment (No. 218) was agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. SCOTT and Mr. JAVITS moved to lay the motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Senator from Kentucky (Mr. COOPER), as amended by the substitute amendment offered by the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New York (Mr. JAVITS).

The amendment, as amended, was agreed to

Mr. SCOTT. Mr. President, I now ask the distinguished Senator from New Jersey (Mr. WILLIAMS) to advise us what other amendments may be pending. I understand the distinguished Senator from Vermont (Mr. PROUTY) has an amendment. Are there others?

Mr. WILLIAMS of New Jersey. As far as known here, that is the only amendment that is expected, unless other Senators have amendments that I have not been notified of.

Mr. COOPER. Mr. President, I have an amendment.

Mr. WILLIAMS of New Jersey. So it would be two amendments that we now know of.

Mr. SCOTT. Mr. President, can we have some understanding as to limitation of time, or does the Senator feel he would not want to do that?

Mr. PROUTY. I do not feel that I should agree at this time.

Mr. WILLIAMS of New Jersey. Mr. President, I would be willing to agree to a time limitation. I know the general nature of the amendment of the Senator from Vermont.

Mr. SCOTT. Mr. President, I would request that the Senator from Vermont be next recognized so that, while we have so many Senators present, we may ask for the yeas and nays.

Mr. COOPER. Mr. President, it may be that the Senator from New Jersey will accept my amendment.

Mr. SCOTT. May I then ask that the Senator from Kentucky be recognized?

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. COOPER. Mr. President, I send my amendment to the desk. I hope Senators will remain in the Chamber. I think we can dispose of it in a few minutes.

The PRESIDING OFFICER. The amendment offered by the Senator from Kentucky will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The clerk will proceed to read the amendment.

The assistant legislative clerk resumed the reading of the amendment.

Mr. COTTON. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

XUM

Mr. BYRD of West Virginia. Mr. President, I request that the Chair direct staffers to take seats or leave the Chamber.

The PRESIDING OFFICER. Staff members are so directed.

The clerk will proceed with the reading of the amendment.

The assistant legislative clerk resumed the reading of the amendment.

Mr. YOUNG of Ohio. Mr. President, a point of order. I see in the Senate Chamber a person in a pink shirt who is not a Senator, seated in the second seat, and I ask that he be excluded from the Senate Chamber.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield.

Mr. JAVITS. Mr. President, he is my assistant. He is here to assist me with the bill. If the Senator insists on removing him, of course——

Mr. YOUNG of Ohio. If the Senator from New York says it is necessary for him to be in the Chamber, of course, I was not aware of it.

Mr. JAVITS. It is.

Mr. YOUNG of Ohio. I was not aware of it. I have no objection.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk resumed the reading of the amendment.

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

The assistant legislative clerk read the amendment, as follows:

On page 92, between lines 15 and 16, insert the following:

"SEC. 302A. Any operator of a coal mine in operation on the operative date of this title which, during the period commencing July 1, 1952, and ending on such operative date, has experienced two or more ignitions or explosions due to methane shall be ordered by an authorized representative of the Secretary to close and cease mining operations in such mine within sixty days following such order. After the operative date of this title, any operator of a coal mine which has experienced, subsequent to July 1, 1952, two ignitions or explosions due to methane shall be ordered by an authorized representative of the Secretary to close and cease mining operations in such mine within sixty days following such order.".

On page 92, line 18, strike out "or 302", and insert in lieu thereof ", 302, or 302A".

On page 93, line 18, strike out the period and insert in lieu thereof a semicolon and the following: "except that the Secretary shall not modify or terminate any order issued pursuant to section 302A the effect of which would enable any such mine closed by such order to commence mining operations, unless the Secretary, following such investigation, has first determined that such mining operations are not likely to adversely affect the health and safety of miners in such mine.".

On page 103, line 15, strike out "or 302" and insert in lieu thereof ", or 302A".

On page 104, line 3, strike out "or 302" and insert in lieu thereof ", 302 or 302A".

Mr. COOPER. Mr. President, I shall explain the amendment very briefly. I know a number of Senators are now in the Chamber who were not present during the debate.

The amendment which was defeated was my amendment. A substitute to it was adopted. My amendment proposed to retain the classification of gassy and nongassy mines. Its purpose was to retain the classification so that the small nongassy mines, which have a fine safety record over 16 years, would not be driven out of business. The amendment was defeated.

There are 3,200 nongassy mines in the United States, producing 40 percent of the coal. There are 400 gassy mines that produce 60 percent of the coal. The effect of the vote just taken will be to drive out of business a large number of small nongassy mines.

But that is done. These employees must go to gassy mines.

The records of the Bureau of Mines show that in the last 16 years there were 52 explosions and 27 miners were killed in those 3,200 nongassy mines.

In that same period of 16 years, there were nearly 400 explosions in those 392 gassy mines, and nearly 400 people were killed. These mines are open.

I placed also in the RECORD statistics from the Bureau of Mines showing that in many of the gassy mines multiple explosions had occurred. Many had six and eight explosions. One had 18 explosions. They are still operating.

In one mine, in one explosion, three times as many people were killed as were killed in 3,200 mines in 16 years.

Safety is the primary consideration.

My amendment proposes that any mine which has a second explosion shall be closed by the Secretary of Interior through the Bureau of Mines, and that it shall not be reopened until the Secretary, with the assistance of the Bureau of Mines, shall have determined that it is, in reason, safe to reopen the mine.

For example, if such a provision had been in effect when the first explosion, at Farmington, which killed 16, the mine could not have been opened again until it was known to be safe. Later 78 persons were killed in the same mine.

My amendment is a safety measure. It will make certain that if a mine has more than one explosion, it will be closed and not allowed to reopen until the Secretary, by proper procedure, has determined that it is safe. The amendment provides for proper procedures and due process under the law.

I hope that the managers of the bill will accept my amendment.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Kentucky yield for one or two questions, before we reach the question of accepting the amendment?

Mr. COOPER. I yield.

Mr. WILLIAMS of New Jersey. Do I correctly understand that, as it was first stated, the amendment would close all mines that have had two ignitions since 1952?

Mr. COOPER. No. My amendment would be prospective.

Mr. WILLIAMS of New Jersey. In other words, the history of explosions does not bear upon the provisions of the amendment?

Mr. COOPER. I do not propose: Close every mine that has had more than one explosion in the last 16 years. It is necessary to have due process, and no one can determine why explosions have occurred in the past. So the amendment must be prospective.

Mr. WILLIAMS of New Jersey. Mr. President, if the Senator will yield further, so that we might be completely clear, this is an amendment bearing the Senator's name, and his endorsement is on it, which says:

On page 92, between lines 15 and 16, insert the following:

"SEC. 302A. Any operator of a coal mine in operation on the operative date of this title which, during the period commencing July 1, 1952, and ending on such operative date, has experienced two or more ignitions or explosions due to methane shall be ordered by an authorized representative of the Secretary to close and cease mining operations in such mine within sixty days following such order. After the operative date of this title, any operator of a coal mine which has experienced, subsequent to July 1, 1952, two ignitions or explosions due to methane shall be ordered by an authorized representative of the Secretary to close and cease mining operations in such mine within sixty days following such order."

That says that all mines that have had two ignitions since 1952, as of the operative date, shall close.

My question simply is, how many mines, how many workers, how much production is the Senator seeking to close?

Mr. COOPER. Mr. President, let me answer the Senator's question. When the Senator asked me, I thought it was prospective. I immediately went to the desk for the amendment, and saw that it would become effective as of July 1, 1952. While the Senator from New Jersey was talking, I was striking the language, to make sure that it was prospective.

I intended it to be prospective, and I shall modify the amendment as follows: In the third line of the amendment, after "which," strike out the words "during the period commencing July 1, 1952, and ending on such operative date," and insert in lieu thereof "shall, from the date of enactment of this act, experience two or more ignitions."

Mr. President, I ask that my amendment be modified accordingly.

The PRESIDING OFFICER. The Senator may modify his amendment.

Mr. COOPER. I assure the Senator that that was not my intention, and when he asked me I went immediately to the desk to make certain, I found that the Senator was correct, and I have changed the amendment. It was not my intention to make it retroactive.

Mr. President, before the yeas and nays are ordered, may I say that in a few moments I shall withdraw my proposed amendment. I sent it to the desk to assert my view that it is just as necessary to apply adequate safety procedures to 400 gassy mines owned by strong corporations, mines whose safety record is bad, as to apply severe measures to the small, safe nongassy mines. I withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment will be withdrawn.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point certain provisions in the bill which begin at page 90, line 24, and continue through page 92, line 15, which deal precisely and exactly with the kinds of conditions toward which I think the Senator from Kentucky was directing his attention, and provide a procedure by which even potentially dangerous mines can be kept under control and closed, if need be, by the Secretary.

There being no objection, the excerpt from the bill was ordered to be printed in the RECORD, as follows:

(h) (1) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds (A) that conditions exist therein which have not yet resulted in an imminent danger, (B) that such conditions cannot be effectively abated through the use of existing technology, and (C) that reasonable assurance cannot be provided that the continuance of mining operations under such conditions will not result in an imminent danger, he shall determine the area throughout which such conditions exist, and thereupon issue a notice to the operator of the mine or his agent of such conditions, and shall file a copy thereof, incorporating his findings therein, with the Secretary and with the representative of the miners of such mine, if any. Upon receipt of such copy, the Secretary shall cause such further investigation to be made as he deems appropriate, including an opportunity for the operator or a representative of the miners, if any, to present information relating to such notice.

(2) Upon the conclusion of such investigation and an opportunity for a hearing upon request by any interested party, the Secretary shall make findings of fact, and shall by decision incorporating such findings therein, either cancel the notice issued under this subsection or issue an order requiring the operator of such mine to cause all persons in the area affected, except those persons referred to in subsection (d) of this section, to be withdrawn from, and be prohibited from entering, such area until the Secretary, after a hearing affording all interested persons an opportunity to present their views, determines that such conditions have been abated.

(i) Should a mine or portion of a mine be closed by an order issued by the Secretary or his authorized representative for repeated failures of the operator to comply with any health or safety standard established by, or promulgated pursuant to, titles I or II of this Act, the Secretary shall, after all interested parties have been given an opportunity for a hearing, order that all miners who are idled due to the order shall be fully compensated by the operator for lost time, as determined by the Secretary, at their regular rates of pay for such time as the miners are idled by such closing, or for one week, whichever is the lesser. Any order issued pursuant to this section shall be subjected to judicial review under section 304 of this Act.

Mr. BELLMON. Mr. President, the coal mine health and safety bill, S. 2917, is a major step toward providing needed changes in the present law which will benefit the thousands of people employed in this industry. As a former member of the Committee on Labor and Public Welfare when this legislation was written, I strongly support the vast majority of provisions which upgrade health and safety standards of this Nation's coal mines.

However, one provision of this bill, namely section 301(i), may cause extremely difficult administrative problems, will be extremely expensive and, more important, will not result in any increase in safety in the coal mines. This section requires the Secretary of the Interior to permanently station a Federal inspector in those coal mines which liberate excessive quantities of gases which in the opinion of the Secretary are likely to present explosion danger.

The Department of Interior has recently written a letter to me setting forth their objection to inclusion of this provision in any legislation which might be enacted into law. The Department feels that this provision will actually weaken the safety protection afforded the miner. The Department feels that in those mines which will liberate excessive quantities of gases, the permanent presence of a Federal inspector will cause the mine operator to defer to the Federal inspector the responsibility for protecting the miners' safety. Also in those mines which do not liberate excessive quantities of gases, the operator and the miner will have a tendency to relax the maintenance of safety standards.

Mr. President, I ask unanimous consent that a copy of the Department's letter to me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., October 1, 1969.

Senator HENRY BELLMON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BELLMON: The Department of the Interior is very concerned about one of the provisions contained in S. 2917, reported by the Committee on Labor and Public Welfare.

The provision I am referring to is section 301(i) which is as follows:

"(i) The Secretary shall station Federal inspectors, for the purpose of making mine inspections on each and every day such mine is producing coal, at those underground coal mines which liberate excessive quantities of explosive gases and which are most likely to present explosion dangers in the opinion of the Secretary, based on the past history of the mine and other criteria he shall establish."

While we have some concern regarding the administrative problems, the funding problems, and the problems of attempting to define a mine "that liberates excessive quantities of explosive gases" all of which this provision causes, our greatest concern is that the inclusion of this provision will actually reduce the safety protection afforded the miner.

This Department has repeatedly gone on record as supporting a strong health and safety bill. We believe that the Committee in including this provision in the bill felt that this would increase the safety protection afforded the miners. We are convinced, however, that just the opposite will result. Rather than placing the responsibility on the operator and the miner to maintain the safety standards established by the bill, this provision allows this responsibility in those mines designated as liberating excessive quantities of explosive gases to be deferred to the Federal inspector stationed there by the Secretary. Likewise, in those mines which do not liberate excessive quantities of explosive gases the operator and the miner will have a tendency to relax the maintenance of the established safety standards.

The prime responsibility for safety must rest, as it always has in coal mines or in any other industry, with the day-to-day exercise of care and responsibility by the operator and the miner. The operator must provide safe working conditions and let his foreman and miners know that he believes in and wants them to practice "safety first". The miner, since his supervisor cannot be with him at all times, has the major role in seeing that he works safely—for his own good as well as his co-workers. He must be highly motivated toward safety.

The inclusion of this provision in the bill will significantly weaken the safety protection afforded the miners and will reduce the level of mine safety. Such a result is contrary to the stated intentions and objectives of both this Department and your Committee.

We therefore strongly urge that you delete section 301(i) from the bill.

Sincerely yours,

RUSSELL E. TRAIN,
Under Secretary of the Interior.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 219

Mr. PROUTY. Mr. President, I send to the desk my amendment No. 219, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROUTY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROUTY's amendment (No. 219) is as follows:

AMENDMENT NO. 219

Strike out all after line 1, page 6, through line 24, page 7, and insert in lieu thereof, the following:

"FEDERAL COAL MINE HEALTH AND SAFETY BOARD OF REVIEW

"SEC. 5. (a) There is hereby established a Federal Coal Mine Health and Safety Board of Review which shall be an independent agency. In the exercise of its functions, powers, and duties, the Board shall be independent of the Secretary and the other offices and officers of the Department of the Interior.

"(b) The Board shall consist of five members to be appointed by the President with the advice and consent of the Senate. No more than three members of the Board shall be of the same political party. Members of the Board shall be appointed with due regard to their fitness for the efficient discharge of the functions, powers, and duties invested in, and imposed upon, the Board, and two members shall have a background, either by reason of previous training, education, or experience in coal mining technology, one member shall have a background either by reason of previous training, education, or experience in public health, and two members shall be drawn from the public generally. All such members shall not have had any interest in or hold any office in, or connection with, the coal mining industry or any organization representing coal miners for at least one year prior to their appointment and during the term of their appointment. Pending the appointment by the President of members of this Board, the members of the Federal Coal Mine Safety Board of Review, established by the Federal Coal Mine Safety Act, as amended, shall continue as members of the Board in accordance with the provisions of that Act regarding their appointment until they are replaced or reappointed under this section.

"(c) Members of the Board shall be appointed for terms of five years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term and (2) the five members first appointed shall serve for terms, designated by the President at the time of appointment, ending on the last day of the first, second, third, fourth, and fifth calendar years beginning after 1969. Upon the expiration of his term of office, a member shall continue to serve until his successor is appointed and shall have qualified.

"(d) The Chairman of the Board shall be entitled to receive compensation at a rate equal to that provided for in level IV of the Executive Schedule and section 5316 of title 5, United States Code. The other members of the Board shall receive compensation at a rate equal to that provided for in level V of the Executive Schedule.

"(e) The principal office of the Board shall be in the District of Columbia. Whenever the Board deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place. At the request of an operator of a mine or a miner or the representative, if any, of the miners working in the mine, the Board shall hold hearings or conduct other proceedings under this title, at the county seat of the county in which the mine is located or at any place mutually agreed to by the Chairman of the Board and the operator or miner or representative involved in the proceeding. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the Secretary of the Board.

"(f) The President shall designate from time to time one of the members of the Board as Chairman. The Board shall, without regard to the civil service laws, appoint such legal counsel and hire consultants as it deems necessary. The Chairman shall be the chief executive and administrative officer of the Board and shall, subject to the policies and decisions of the Board, exercise the responsibility of the Board with respect to (1) the appointment and supervision of personnel employed by the Board; (2) the distribution of business among the Board's personnel; and (3) the use and expenditure of funds. Subject to the civil service laws, the Board shall appoint such other employees as it deems necessary in exercising its power and duties. The compensation of all employees appointed by the Board shall be fixed in accordance with chapter 53 of title 5, United States Code.

"(g) For the purpose of carrying out its functions under this title, three members of the Board shall constitute a quorum, and official action can be taken only on the affirmative vote of at least three members. A special panel composed of one or more members, upon order of the Board, shall conduct any hearing provided for in this title and submit the transcript of such hearing to the entire Board for its action thereon. Such transcript shall be made available to the parties prior to any final action of the Board. An opportunity to appear before the Board shall be afforded the parties prior to any final action and the Board may afford the parties an opportunity to submit additional evidence as may be required for a full and true disclosure of the facts.

"(h) Every official act of the Board shall be entered of record, and its hearing and records thereof shall be open to the public. The Board shall not make or cause to be made any inspection of a coal mine for the purpose of determining any pending application.

"(i) The Board is authorized to make such rules as are necessary for the orderly transaction of its proceedings, which shall provide for adequate notice of hearings to all parties. The existing rules of the Federal Coal Mine Safety Board of Review shall constitute the rules of the Board until superseded or modified by the Board.

"(j) Any members of the Board may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(k) The Board may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Reasonable notice must first be given in writing by the party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as provided in subsection (j) of this section. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

"(l) In the case of contumacy by, or refusal to obey a subpena served upon, any person under this section, the Federal district court for any district in which such person is found or resides or transacts business, upon application by the United States, and, after notice to such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Board or to appear and produce documents before the Board, or both; and any failure to obey such order of the court may be punished by such court as contempt thereof."

(2) Strike out all on lines 22 and 23, page 5, and insert in lieu thereof the following:

"(13) 'Board' means the Federal Coal Mine Health and Safety Board of Review established by this Act."

(3) Strike the word "Panel" whenever it appears in the bill and insert in lieu thereof the word "Board".

(4) Strike everything from line 3 through line 24 on page 24 and insert in lieu thereof, the following:

"(d) On or before the last day of any period fixed for the submission of written data or comments under subsection (c) or this section, any interested person may file with the Secretary written objections to a proposed standard, stating the grounds therefor and requesting a public hearing by the board on such objections. As soon as practicable after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specifying the proposed standards to which objections have been filed and a hearing requested, and shall refer such standards and objections to the Board for review in accordance with subsection (e) of this section.

"(e) Promptly after any matter is referred to the Board by the Secretary under subsection (d) of this section, the Board shall issue notice of, and hold a public hearing for, the purpose of receiving relevant evidence. Within sixty days after the completion of the hearing, the Board shall make proposed findings of fact on such objections and shall file with the Secretary a report incorporating such findings together with its recommendations and with the record on which such findings are based and shall make such report public. Upon receipt thereof, the Secretary, upon consideration of the Board's findings of fact and recommendations, may by decision adopt the Board's recommendations or make new findings of fact and promulgate the mandatory standards with such modifications as he deems appropriate, or take such other action as he deems appropriate. All such findings shall be made public.

"(f) Any aggrieved person may, within thirty days after promulgation in the Federal Register of any mandatory health or safety standards which were referred to the Board under subsection (d) of this section, file with the United States Court of Appeals for the District of Columbia a petition praying that such standards be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary, and thereupon the Secretary shall certify and file in such court the record upon which the Secretary made his decision, as provided in section 2112, title 28, United States Code. The court shall hear such appeal on the record made before the Secretary. The findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or remand the proceedings to the Secretary for such further action as it directs. The review provided by this subsection shall be the exclusive review available to such person of any such standard and such standards shall not be the subject of any review during any procedure to enforce such standards by the Secretary in the Board or the court. The filing of a petition under this subsection shall not stay the application of the standards complained of, unless the court so orders, upon finding that there is a substantial likelihood that the Secretary's findings are erroneous, and that irreparable injury will result without such a stay."

(5) On line 25, page 24, change "(f)" to "(g)" and on line 3, page 25, change "(g)" to "(h)".

(6) Strike out all from line 17 on page 81 through line 13 on page 82, and insert in lieu thereof the following:

"(d) On or before the last day of any period fixed for the submission of written data or comments under subsection (c) of this section, any interested person may file with the Secretary written objections to a proposed standard, stating the grounds therefor and requesting a public hearing by the Board on such objections. As soon as practicable after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specifying the proposed standards to which objections have been filed and a hearing requested, and shall refer such standards and objections to the Board for review in accordance with subsection (e) of this section.

"(e) Promptly after any matter is referred to the Board by the Secretary under subsection (d) of this section, the Board shall issue notice of, and hold a public hearing for, the purpose of receiving relevant evidence. Within sixty days after the completion of the hearing, the Board shall make proposed findings of fact on such objections and shall file with the Secretary a report incorporating such findings together with its recommendations and with the record on which such findings are based and shall make such report public. Upon receipt thereof, the Secretary, upon consideration of the Board's findings of fact and recommendations, may by decision adopt the Board's recommendations or make new findings of fact and promulgate the mandatory standards with such modifications as he deems appropriate, or take such other action as he deems appropriate. All such findings shall be made public.

"(f) Any aggrieved person may, within thirty days after promulgation in the Federal Register of any mandatory health or safety standards which were referred to the Board under subsection (d) of this section, file with the United States Court of Appeals for the District of Columbia a petition praying that such standards be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary, and thereupon the Secretary shall certify and file in such court the record upon which the Secretary made his decision, as provided in section 2112, title 28, United States Code. The court shall hear such appeal on the record made before the Secretary. The findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or remand the proceedings to the Secretary for such further action as it directs. The review provided by this subsection shall be the exclusive review available to such person of any such standard and such standards shall not be the subject of any review during any procedure to enforce such standards by the Secretary in the Board or the court. The filing of a petition under this subsection shall not stay the application of the standards complained of, unless the court so orders, upon finding that there is a substantial likelihood that the Secretary's findings are erroneous, and that irreparable injury will result without such a stay."

(7) On line 14, page 82, change "(f)" to "(g)", and on line 17, page 82, change "(g)" to "(h)".

(8) Insert the following between lines 14 and 15 on page 94:

"REVIEW BY BOARD

"SEC. 304. (a)(1) Within thirty days after receipt of an order made pursuant to subsection (a), (b), (c), (h), or (i) of section 302 or of a decision made pursuant to section 303 or of an exception made pursuant to section 401(c) of this Act, as the case may be, an operator or the representative, if any, of the miners of the affected mine may apply to the Board for review of such order, decision or exception.

"(2) The operator or the representative as appropriate, shall be designated as the applicant in such proceeding, and the application filed by him shall recite the order complained of and other facts sufficient to advise the parties of the nature of the proceeding. The Secretary shall be the respondent in such proceeding, and the applicant shall send a copy of such application by registered or certified mail to the respondent and to the operator or the representative, if any, of the miners of the affected mine, as appropriate. Immediately upon the filing of such application, the Board shall fix the time for a prompt hearing thereof.

"(3) The facts found by the Secretary or his authorized representative and recited or set forth in an order issued pursuant to subsection (a), (b), (c), (h), or (i) of section 302 or in a decision issued by the Secretary pursuant to section 303 or in an exception made pursuant to section 401(c) of this Act, as the case may be, shall be prima facie evidence of such facts and the burden of rebutting such prima facie case shall be upon the applicant, but either party may adduce additional evidence.

(4) Upon conclusion of the hearing, the Board shall make findings of fact, and shall issue a written decision incorporating such findings therein affirming, vacating, modifying, or terminating the order issued under subsection (a), (b), (c), (h), or (i) of section 302 or the decision issued under section 303 or the exception made pursuant to section 401(c) of this Act, as the case may be.

"(5) In the case of an application by an operator for review of an order or decision or exception of the Secretary, the representative, if any, of the miners of the affected mine shall be permitted to intervene in the proceeding. In the case of an application by a representative, if any, of the miners of the affected mine for review of an order or decision or exception of the Secretary, the operator shall be permitted to intervene in the proceeding. An operator or representative permitted to intervene shall have the same rights as any other party.

"(b)(1) Within thirty days after receipt of an assessment order made pursuant to section 309(a) of this tile, the operator or the miner may apply to the Board for review of such order.

"(2) The facts found by the Secretary and recited or set forth in said order shall be prima facie evidence of such facts and the burden of rebutting such prima facie case shall be upon the operator or miner, as the case may be, but any party may adduce additional evidence.

"(3) Upon conclusion of the hearing, the Board shall make findings of fact, and shall issue a decision incorporating such finding therein and granting with such modifications as it deems appropriate or denying the petition.

"(c) The Board may permit any interested person to intervene in any proceeding and such person shall have the same rights as any other party, unless the Board otherwise orders.

"(d) Each decision made by the Board shall show the date on which it is made, and shall bear the signatures of the members of the Board who concur therein. Upon issuance of a decision under this section, the Board shall cause a true copy thereof to be sent by registered or certified mail to all parties and their attorneys of record and to the representative, if any, of the miners of the affected mine or other interested person. The Board shall cause each decision to be entered on its official record, together with any written opinion prepared by any members in support of, or dissenting from, any such decision.

"(e) The Board shall establish procedures to provide for the consolidation of hearings under this section whenever appropriate.

"(f) Pending the hearing required by this section for review of said order or decision or exception, the applicant before the Board may file with the Board a written request for the Board to grant temporary relief with such conditions as it may prescribe from the order or decision, together with a detailed statement giving reasons for granting such relief. The Board, after a hearing in which all parties and the representative, if any, of the miners of the affected mine are given an opportunity to be heard, may grant relief upon a finding that (1) there is a substantial likelihood that the action under review was erroneously issued, (2) the granting of the relief will not adversely affect the health or safety of the miners of the affected mine, and (3) failure to grant the relief will result in serious and irreparable injury.

"(g) In view of the urgent need for prompt decision of matters submitted to the Board under this section, all actions which the Board takes under this section shall be taken as promptly as practicable, consistent with adequate consideration of the issues involved."

(9) On line 16, page 94, change "304" to "305"; on line 4, page 97, change "305" to "306"; on line 2, page 99, change "306" to "307"; on line 6, page 100, change "307" to "308"; and on line 6, page 101, change "308" to "309".

(10) On line 11, page 103, add the following sentence after the period: "No such petition shall be filed while any review proceedings concerning the assessment order are pending under sections 304 and 305 of this title."

(11) Strike the words "the Secretary or" on line 3, page 95; on line 4, page 95; on line 9, page 95; on line 10, page 95; on lines 13 and 14, page 95; and on line 23, page 96.

(12) Strike everything from the word "issued" on line 16, page 94 through the word "Act" on line 19 of page 94, and insert in lieu thereof the following: "issued by the Board under sections 102, 206(1), and 304 of this Act."

(13) On line 16, page 95, strike the phrase "Secretary under Section 303" and insert in lieu thereof the following: "Board under section 304".

(14) On line 17, page 15, and on line 12, page 56, change "304" to "305".

(15) On lines 21 and 22, page 90, change "303 and 304" to "303 through 305".

(16) Strike out all from the word "Any" on line 13, page 92, through the word "Act" on line 15, page 92, and insert in lieu thereof the following: "Any order issued pursuant to this section shall be subject to review under sections 304 and 305 of this Act."

Mr. PROUTY. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. PROUTY. The purpose of this amendment, Mr. President, is to establish an independent and full-time Board which would provide a prompt and impartial review of actions taken by the Secretary of the Interior and his subordinates in the administration and enforcement of this act. This Board would also pass upon requests for extensions of time to comply with certain provisions of the bill. The Interim Compliance Panel created by the Senate bill to perform this function and composed of representatives of various Federal departments will be eliminated.

The critical need for such a Board has been fully recognized and its adoption repeatedly urged by both President Nixon and former President Johnson. It is also supported by State representatives, the United Mine Workers and the coal industry, to assure a strong and effective enforcement of health and safety provisions while simultaneously providing an immediate, fair and technically sound determination of disputes concerning the application of the law.

The provisions of this amendment are basically those creating a Coal Mine Health and Safety Board of Review which were included in S. 2405, the coal mine health and safety bill introduced by the distinguished Senior Senator from New York (Mr. JAVITS).

The five members of the Board will be full-time Federal employees. They will be nominated by the President, subject to Senate confirmation, but will not be selected as representatives of the workers and the coal industry, respectively, as is the case at present. The amendment provides that two members shall have a background by reason of either previous training, education, or experience in coal mining technology; one member shall have a background in public health; and the remaining two members shall be drawn from the general public.

I believe the need is obvious for an independent Board to review the promulgation of standards, the extensive mine closing orders, and the severe civil penalties authorized in this bill. Such a Board would be consistent—although not identical—with the review board which has functioned with an exemplary record of fairness, objectivity, and approval for over 17 years under the present act. Moreover, it would parallel the independent review boards established only recently by Congress, after careful deliberation, in the closely related field of metal and nonmetallic mine safety and in the broad field of transportation safety. The inclusion of such a board has been vigorously supported by substantially all the immediate parties most knowledgeable and concerned in the advancement of coal mine health and safety, including the administration, the progressive industry members, and the responsible representatives of the coal mine workers.

The rejection of an independent review board, and the substitution in the bill

XUM

of such procedures as the hearing and review of disputes by the Secretary whose subordinate issued the order in conflict or found the alleged violation upon which a penalty would be imposed, are manifestly unfair and violative of our deeply rooted concepts of justice. For the Secretary—vested also with regulatory powers under the bill—would serve in each instance as investigator, prosecutor, and also as the sole trial judge and jury—a concentration of authority which shocks our sense of due process of law.

Furthermore, while the bill superficially accords a right of appeal to the courts from decisions of the Secretary, such appeals would be strictly confined to the record made before the Secretary, without the benefit of any findings by an independent board; temporary relief would be essentially unobtainable either before the Secretary or the courts; and the cost of taking an appeal, with the mine forced to remain shut down and the workers unemployed pending the appeal, would be economically prohibitive. Indeed, as is evident from such procedures, the bill is so contrived as to deny any effective protection to the mine operators or the mineworkers from arbitrary or unwarranted actions taken by the Secretary, or his representatives, in the enforcement of the law.

The inclusion of an independent review board, with appeals from the findings of the board to the appellate courts, would obviously correct these grave deficiencies in the bill and would establish a fair and equitable system for the resolution of disputes. Such a board would not, of course, hinder an intensive and vigorous administration, since, apart from other considerations, it would enable the Secretary and his representatives more fully to test the enforceable limits of the act. But most importantly, the ready availability of an efficient, impartial and inexpensive forum to decide conflicts regarding the extremely complex health and safety requirements in the bill would promote the compliance and cooperation of the parties, which, as President Nixon indicated in his message to Congress, provide "the touchstone to any successful health and safety program."

The committee report makes several assertions which it thereafter relies upon as justification for eliminating the present Coal Mine Board of Review. In my opinion, these assertions are unfair and unfounded, and I will comment on some of them briefly.

First. The committee report states that both the Nixon and Johnson administrations proposed that the Coal Mine Board of Review continue in existence "with veto power over the Secretary in enforcement actions."

The truth of the matter is that neither the Board under the present act, the Board which I propose be created, nor any independent review board proposed in any of the bills before the Senate, would grant any veto authority whatsoever to such a board. Rather, the Board would be delegated the authority to resolve disputes concerning orders or penalties issued by the Secretary, and decisions by the Board would be subject to full review by the U.S. Court of Appeals and by the U.S. Supreme Court.

Second. The committee report states that the present Coal Mine Board of Review "on its face appears to be an industry-oriented Board, or a special interest Board."

However, the facts are these. On appeals to the Board from disputed orders issued by the Federal inspectors, the Board has upheld the Federal inspectors in almost 70 percent of the fully litigated cases; and the decisions of the Board have been unanimously sustained in every case considered by the U.S. Courts of Appeals, with the courts even specifically commending the opinions of the Board. Also, most significantly, the Bureau of Mines itself filed only two appeals from Board decisions, one of which was dismissed as untimely, and the other was denied on its merits. Moreover, the present Director of the Bureau of Mines expressly testified before the committee that he agreed with all except one of the Board's decisions issued in the last 17 years, and that the Board "has done a very responsible and respectable job." Consequently, it is obvious that the Board has performed its quasi-judicial functions with complete fairness and impartiality, and has implemented the enforcement of the present act.

Third. The committee report quotes the Director of the Bureau of Mines as characterizing the Board as "an escape valve" for the industry and refers to the Board's own statement before the Appropriations Committee describing itself as "essentially a buffer between the U.S. Bureau of Mines, and the coal industry."

These quotations by the Director and by the Board were lifted wholly out of context, and neither in fact reflected any suggestion of any role by the Board which would weaken the enforcement of the act. More particularly, the Director testified that the Board has been a highly effective forum for the resolving of disputes; that without this "escape valve" for the handling of conflicts, the industry "might well have become litigation oriented"; and that the system of appeals "has worked beautifully" in operation. Likewise, the Board, in its statement before the Appropriations Committee, referred to its adjudication functions as a "buffer between the U.S. Bureau of Mines and the coal industry, in determining the propriety and scope of orders issued under title II of the Federal Coal Mine Safety Act." In the same statement, the Board emphasized that its "assigned mission is the safeguarding of lives and property under the amended Act," and that progress in reducing major disasters "will derive from a more intensive and vigorous enforcement of the present law, and from the active cooperation of the parties concerned."

Obviously, neither the Director nor the Board stated or implied in any manner that it was a function of the Board to weaken the effective enforcement of the act. Indeed, no major disaster has ever occurred in a mine involved in any Board proceeding. The record of the Board, as already noted, has plainly enhanced, not impaired, the effective administration of the act.

Fourth. The committee report quotes Professor Jaffe of the Harvard Law School of stating that "it is difficult to see what legitimate interest is served by subjecting the Secretary's judgment to the final decision of an industry Board."

In the first place, the Board to be created by my amendment is not an industry board. Second, the committee report carefully omits the professor's statement at the outset of his quoted remarks, namely:

> A comprehensive judgment as to the property of the Board Mine Health and Safety Board of Review would require more information than I have.

Moreover, the professor's remarks were strictly confined to S. 1300 and were without reference to the proposed reconstitution of the Board under S. 2405—the Javits bill—or under my amendment.

Finally, contrary to the professor's statement, none of the proposed bills, or my amendment, would subject the Secretary's judgment to any "final decision" of the board, since complete review of the board's decisions would be provided in the U.S. courts of appeals and the Supreme Court.

The "legitimate interest" to be served by the right of appeal to an independent review board, as recommended to the committee by the present and past administrations and by the most experienced and competent authorities in the field of coal mine health and safety, is the success of the entire health and safety program. This interest would be thwarted by the autocratic concentration of legislative, enforcement, and judicial powers in the Secretary under S. 2917, and by the virtual denial, in practice, of any right of review of disputed orders or penalties issued by the Secretary in the enforcement of this bill.

In conclusion, Mr. President, I would like to emphasize again that the administration and the Department of the Interior have favored and continue to favor retention of a Federal Coal Mine Health and Safety Board of Review.

It is also my understanding that the bill being considered in the House provides for such a Board. Although there are differences between the House provisions and this amendment, I believe that the adoption of this amendment by the Senate will lead to the creation of a competent and independent Review Board when we go to conference with the House.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WILLIAMS of New Jersey. Mr. President, with regard to this amendment, I will be very brief. The amendment has only become available for review today. It was not offered in the subcommittee, it was not offered in the full committee, and it comes as new material. It consists of 17 pages of very complex material that would materially affect the entire bill, a bill that has been in evolution and development for better than 9 months and in debate here for 5 days. But I should like to make four important observations.

This amendment would deny small operators an opportunity for judicial review of the Secretary's mandatory standards in enforcement proceedings by permitting only one test of those standards when initially promulgated.

Another point: It would permit the Board, without a full hearing, to reopen a mine which has been closed because of an imminent danger. The committee bill does not permit this to be done, not even by the Supreme Court. One mine, reopened by a court in these circumstances, exploded and killed five miners before the court's action could be rescinded. I would address this observation particularly to the Senator from Kentucky, who has come through with such feeling and concern with respect to the danger and the security of the men who work in the mines. Consider Farmington: Certainly that should have the fullest attention before that mine would be permitted to be reopened for production.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. PROUTY. I point out that under the provisions of the amendment I have introduced—

> The filing of a petition under this subsection shall not stay the application of the standards complained of, unless the court so orders, upon finding that there is a substantial likelihood that the Secretary's findings are erroneous, and that irreparable injury will result without such a stay.

I think that answers the Senator's question with respect to that point.

Mr. WILLIAMS of New Jersey. I thank the Senator.

Further, it would deny the protections of the Administrative Procedure Act in violations and penalty hearings before the Board.

Another point: It would abolish the Interim Compliance Panel carefully established by the committee to grant operators extensions of time to comply with the dust and permissible equipment sections of the bill. This was very carefully worked out, so that if there were any hardships in compliance, there would be ample opportunity for coal operators to adjust to the requirements of the bill.

In addition, the amendment contains, according to legislative counsel—I have not had an opportunity to read it in word-by-word detail—numerous technical and drafting errors which would of necessity have significant impact on the proposed legislation.

For all these reasons, but particularly because it is a complex matter that has not been considered by the committee that had the responsibility of bringing this major bill to the floor, I strongly oppose this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. PROUTY. Mr. President, first, I am going to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROUTY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SAXBE in the chair). Without objection, it is so ordered.

Mr. PROUTY. Mr. President, I wish to quote from the August 1, 1969, issue of the United Mine Workers Journal, page 3:

> We favor the retention of the Federal Coal Mine Safety Board of Review. However, we believe that its structure should be changed. We suggest the Chairman of the Board be an impartial person with no prior association with any segment or organization of the coal mining industry. We strongly favor retention of labor and management representatives on the Board. No one has a more immediate interest in coal mine health and safety than the workers in the mines and the management of the mining operations. We know that some dissatisfaction has been voiced about the Board, much of which has been unfounded. However, we favor retention of the Board for two major reasons.
>
> a. The Board serves as a technically qualified quasi-judicial Board which can render prompt and expert judgment needed in coal mine health and safety matters, and
>
> b. We believe that Federal inspectors are more willing to issue closure orders which are appealable to a Board than they would be if such appeals were taken in the first instance to the federal court.

Mr. President, the proposal I have submitted is not comparable to the present Board, although there is a great similarity to it. Certainly the interim panel which we find in the bill is completely contrary to the wishes expressed by the miners at that particular time and also before the committee.

The mine workers want a professional board. As a matter of fact, the Board proposed by my amendment is much stronger in this respect than the board advocated by the United Mine Workers which would have continued the present special interest Board containing two members selected by the union.

Under this Board neither representatives of industry nor labor are included in the Board or as members of Board. Under the interim panel the five members are composed as follows: One member each from the Department of Labor; Department of Commerce; Department of Health, Education, and Welfare; Department of Interior; and the National Science Foundation. These members are full-time, salaried employees in these departments. They cannot devote the necessary time to the problems, the very grave and important problems, which will have to be considered in view of the legislation which we will soon enact into law.

Under my proposal the Board would consist of two members with a background in coal mining technology, one member with background in public health, and two members representing the general public. They shall not have an interest, have held office in or had connection with the coal mining industry or a union representing coal miners for at least 1 year prior to appointment. Members are to be nominated by the President subject to confirmation by the Senate. The chairman would be designated by the President from among confirmed members. The first members would be appointed for 1, 2, 3, 4, and 5 years, respectively, to establish the rotation principle. Thereafter, all terms would be for 5 years. No more than three members of the Board shall be of the same political party.

Mr. President, I ask unanimous consent to have printed in the RECORD the Comparison of Interim Compliance Panel established in S. 2917 and Federal Coal Mine Health and Safety Board of Review, as proposed in my amendment.

There being no objection, the comparison was ordered to be printed in the RECORD, as follows:

COMPARISON OF INTERIM COMPLIANCE PANEL ESTABLISHED IN S. 2917 AND FEDERAL COAL MINE HEALTH AND SAFETY BOARD OF REVIEW PROPOSED IN PROUTY AMENDMENT

	PANEL	BOARD
Size	5 Members.	5 Members.
Background	One Member each from Dept. of Labor; Dept. of Commerce; Dept. of HEW; Dept. of Interior; Natl. Science Foundation.	Two Members with background in coal mining technology; 1 Member with background in public health; 2 Members representing general public.
Other qualifications	None. No restrictions on prior activities.	Shall not have had interest in, held office in or had connection with coal mining industry or a union representing coal miners for at least one year prior to appointment.
Membership on Board	Automatic if in one of 5 specified federal positions, or if selected by man in one of these 5 positions. Chairman elected by members.	Members to be nominated by President subject to Senate confirmation. Chairman to be designated by President from among confirmed members.
Tenure	Indefinitely.	First members to be appointed for 1, 2, 3, 4 and 5 years, respectively, to establish rotation principle. Thereafter all terms to be for 5 years.
Political Affiliation	No restrictions. Presumably all 5 would represent party of Administration.	No more than 3 members of the Board shall be of the same political party.
Status of members	Responsible government officials with full-time duties in other capacities will be part-time Panel members when and if functions of Panel can be fitted in with duties of full-time employment.	Board members will be full-time. Board members to work exclusively on duties and functions of the Board imposed by law.

XUM

COMPARISON OF INTERIM COMPLIANCE PANEL ESTABLISHED IN S. 2917 AND FEDERAL COAL MINE HEALTH AND SAFETY BOARD OF REVIEW PROPOSED IN PROUTY AMENDMENT—Continued

PANEL	BOARD
Compensation	*Compensation*
No additional compensation, as are already paid full-time government employees in other capacities. May be reimbursed expenses.	Chairman to be at Level IV of Executive Schedule—other members at Level V. Also receive expenses.
Administrative authority	*Administrative authority*
When applicants for permits of non-compliance with respect to either dust standards or electrical equipment meet the statutory filing requirements, the Panel will act on the application after all interested parties have been notified and given an opportunity for hearing. Any hearing shall be of record, and the Panel shall make findings of fact and issue a written decision.	1. Rule making authority. 2. Power to issue subpoenas. 3. Official seal judicially noted. 4. Every official act to be a matter of record, and all hearings and records to be open to the public. 5. Authority to take depositions and to pay witness fees.
Functions	*Functions*
1. No.	1. Upon timely request by mine operators or union, Board will hold hearings on orders or decisions of the Secretary, and may affirm, vacate, modify or terminate such orders or decisions, in the following categories: a. Withdrawal orders. b. Findings of other violations. c. Idle pay for miners. d. Permits granting mine operators exceptions to health and safety standards to let accredited engineering institutions experiment with new techniques and new equipment to improve health or safety of miners. e. Imposition of civil penalties upon either coal mine operators or coal miners. The Secretary's findings of fact shall be prima facie evidence of such facts, but subject to rebuttal.
2. No.	2. When timely objections made to proposed mandatory health or safety standard, Secretary shall refer proposed standard to Board for hearing. After hearing, Board makes proposed findings of fact and submits to Secretary together with its recommendations and the record. Secretary may modify standard or take any other action on it he deems appropriate, as Board's findings and recommendations are not binding on him.
3. Review and, after giving all interested parties an opportunity for hearing, act upon applications for permits of non-compliance with respect to dust standards and the use of non-permissible electrical equipment of more than 25 horsepower.	(3) Same.
Duration	*Duration*
Will work itself out of existence when law prohibits any further issuance of permits of non-compliance. Six years with respect to dust standards and four years with respect to electrical equipment of more than 25 horsepower.	Will become permanent part of structure administering and enforcing Federal Coal Mine Health and Safety Act.
Support	*Support*
Majority of members on Senate Labor and Public Welfare Committee.	1. The Administration and the Dept. of Interior. 2. State representatives. 3. The coal industry. 4. The United Mine Workers. 5. The prior Administration. 6. The House Committee currently considering similar legislation. The House bill currently provides for a 5-member full-time Board to review notices, orders and penalties, and for 3 additional members to consider granting dust standard exemptions and for research, consultation in setting standards and to assist in coordinating Federal and State health and safety activities.

Mr. PROUTY. Mr. President, I ask unanimous consent to have printed in the RECORD a table making clear the review and appeal procedures.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

REVIEW AND APPEAL PROCEDURES

PRESENT LAW	S. 2917 WITHOUT PROUTY AMENDMENT	S. 2917 WITH PROUTY AMENDMENT
1. Federal and State inspectors issue order finding safety violations.	1. Federal inspector issues Order finding violation.	1. Federal inspector issues Order finding violation.
2. Operator may request review by Director of Bureau of Mines or operator may request review by Federal Coal Mine Safety Board of Review.	2. Operator or union may obtain review by Secretary of Interior.	2. Operator or union may request review by Secretary of Interior or operator or union may request review by Federal Coal Mine Health and Safety Board of Review.
3. If review requested of Director of Bureau of Mines operator may request the Board to review the Director's Order.		3. If review requested of Secretary of Interior, operator or union may request Board to review Secretary's order.
4. The Board's Order is subject to judicial review in the U.S. Court of Appeals for the circuit in which the mine is located.	4. Operator or union may obtain review of Secretary's Order in U.S. Court of Appeals for circuit where mire is located or in U.S. Court of Appeals for District of Columbia.	4. Operator or union may obtain judicial review of Board's Order in U.S. Court of Appeals for circuit where mine is located or in U.S. Court of Appeals for District of Columbia.

Mr. PROUTY. Mr. President, with reference to actions reviewable by the Board, referred to in my mimeographed statement, which Senators will find on their desks, I read as follows:

1. Closing orders issued by Federal inspectors on ground of imminent danger;

2. Orders issued by Federal inspectors concerning violations which do not constitute imminent danger situations;

3. Orders issued by Federal inspectors finding that violations which do not constitute imminent danger situations are caused by the operator's unwarrantable failure to comply with health or safety standards, and closing orders issued by Federal inpectors on grounds that such violations have been caused by the operators unwarrantable failure to comply with health or safety standards;

4. Closing orders issued by Secretary affirming, or orders setting aside, findings of Federal inspectors that (a) violations exist which do not constitute imminent danger but that (b) reasonable assurance cannot be provided that the continuance of mining under such conditions will not result in an imminent danger, and (c) such conditions cannot be effectively abated through the use of existing technology;

5. Orders issued by the Secretary affirming or vacating orders of Federal inspectors granting full compensation to miners idled by a closing order resulting from an operator's "repeated" failures to comply with health or safety standards.

6. Any of the foregoing orders issued by the Secretary after review where the initial order was made by a Federal inspector rather than the Secretary himself;

7. Any modifications or terminations in previously issued Orders made by the Secretary or federal inspectors;

8. Assessment of civil penalties against mine operators for violation of health or safety standards, and assessment of civil penalties against miners for wilfull violations of safety standards; and

9. Board will act directly on applications for extensions of time to meet applicable dust standards, or to install permissible electrical equipment of more than 25 horsepower, as specified in S. 2917.

(NOTE 1.—All foregoing Board Orders subject to judicial review in Court of Appeals for circuit where mine is located or in Court of Appeals for the District of Columbia.)

(NOTE 2.—Board will also hold hearings on health or safety standards proposed by Secretary upon request of an interested party.)

(After hearing Board will submit its findings and recommendations to the Secretary. They are not binding, however, upon Secretary's decision as to what standards he shall promulgate.)

Standards then promulgated by the Secretary are subject to review only in the Court of Appeals for the District of Columbia. This Court's decision is final unless U. S. Supreme Court grants review.

Mr. President, in addition, the Board will also review exceptions to the health and safety standards granted by the Secretary to mine operators for the purpose of permitting accredited engineering institutions the opportunity to experiment with new techniques and new equipment to improve the health and safety of miners.

It also orders under the Kennedy amendment adopted yesterday, "When the Secretary finds that a miner or a union representative has been discharged for having made charges or for having furnished information under this act."

Mr. President, shortly I shall suggest the absence of a quorum. It will be a live quorum. Then I shall speak very briefly following the quorum and then be prepared to vote, if that is agreeable to the other side.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The Clerk will call the roll.

The bill clerk proceeded to call the roll, and the following Senators answered to their names:

[No. 108 Leg.]

Aiken
Allen
Allott
Bellmon
Brooke
Byrd, Va.
Byrd, W. Va.
Cook
Cooper
Dodd
Ellender
Goldwater
Hansen
Hollings
Javits
Kennedy
Mansfield
McGee
Metcalf
Mondale
Prouty
Randolph
Saxbe
Talmadge
Williams, N.J.
Williams, Del.

The **PRESIDING OFFICER.** A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be instructed to request the presence of absent Senators.

The motion was agreed to.

The **PRESIDING OFFICER.** The Sergeant at Arms is instructed to execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Bennett
Bible
Boggs
Burdick
Cannon
Case
Church
Cotton
Curtis
Dominick
Eagleton
Eastland
Fannin
Fong
Fulbright
Goodell
Gravel
Griffin
Gurney
Hart
Hartke
Holland
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Mathias
McCarthy
Miller
Moss
Mundt
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Tower
Tydings
Yarborough
Young, N. Dak.
Young, Ohio

The **PRESIDING OFFICER.** A quorum is present.

The question is on agreeing to the amendment (No. 219) of the Senator from Vermont (Mr. PROUTY).

Mr. PROUTY. Mr. President, I should like to remind Senators that the yeas and nays have been ordered on this amendment. I shall speak only very briefly, and I assume the distinguished Senator from New Jersey will be perhaps even less verbose.

Mr. WILLIAMS of New Jersey. That is accurate.

Mr. RANDOLPH. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield.

Mr. RANDOLPH. Mr. President, I believe that when this amendment is either voted up or voted down, we can bring this measure to passage. Presumably no other amendments will be offered.

I commend the able Senator from Vermont for the argument he presented earlier this afternoon, so that Senators who have considered this legislation for several days can join with him and others of us who have been attentive to these problems in bringing consideration of this measure to a close. I thank my colleague from Vermont very much.

Mr. PROUTY. Mr. President, first I want to contradict a rumor that has been circulated today to the effect that the Board I propose under my amendment would consist of 10 members, all of whom would be college professors with little or no knowledge or concern for the coal miners of our country.

I point out that that is a false story. I think it was circulated for some reason which I will not go into at the present time. However, it is a malicious and completely false rumor. I think the Members of the Senate should be made well aware of that fact.

Mr. President, the pending bill eliminates the Federal Board of Review and establishes an Interim Compliance Panel. The Panel would consist of five members drawn from various Government agencies and departments, members who have other full-time duties and whose functions—and I hope the Senators will listen to this very carefully—would be limited to passing upon requests for extensions of time to meet the applicable dust and safety standards imposed upon electrical equipment of more than 25 horsepower contained in the pending bill.

Those are the only functions the members of this Interim Compliance Panel would have.

Under my proposal the Health and

Safety Board of Review would have authority to: First, resolve disputes concerning orders and civil penalties, subject to full judicial review by the U.S. courts of appeals and the U.S. Supreme Court.

Second, rule on applications for extensions of time in which to meet applicable dust standards and safety standards imposed upon electrical equipment of more than 25 horsepower which are contained in the pending bill. These decisions are also subject to judicial review in the court of appeals.

Third, hold hearings on proposed health and safety standards promulgated by the Secretary of the Interior upon the request of any interested party. The board's findings and recommendations upon proposed standards will be submitted to the Secretary, but will not be binding in any way upon the standards the Secretary may then decide to promulgate.

The Board under my amendment would be a full-time board whose members would be nominated by the President subject to Senate confirmation. The Board under my amendment would have two members with a background of coal mining technology, one with a background in public health, and two members representing the general public.

This would mean that it would be certainly anything but a fixed interest type of group. It will be a special group devoted to the welfare and the needs of the coal miners and the coal mining industry, and on a full-time basis.

The Board is essentially the same as that proposed by the Senator from New York (Mr. Javits) in S. 2405.

The provisions had been worked out and were completely agreeable to the Department of the Interior and the administration.

The concept of the Board of Review was fully supported by President Johnson during his administration and is fully supported by the Bureau of Mines, the Department of the Interior, and the Nixon administration.

The concept is also supported by representatives of the States, by the coal industry, and by the United Mine Workers of America.

Provision for a Board of Review is also included in the bill now pending in the House.

The argument in favor of retaining a Board of Review probably has been most concisely summarized by President Boyle, of the United Mine Workers, in a letter to the Senator from Texas (Mr. Yarborough) under date of July 29.

The letter was reproduced in the United Mine Workers Journal on August 1, 1969. I read excerpts from it:

> a. The Board serves as a technically qualified quasi-judicial Board which can render prompt and expert judgment needed in coal mine health and safety matters, and
>
> b. We believe that Federal inspectors are more willing to issue closure orders which are appealable to a Board than they would be if such appeals were taken in the first instance to the federal court.

Mr. President, I will read again one paragraph from my statement delivered earlier:

> The rejection of an independent review board, and the substitution in the bill of such procedures as the hearing and review of disputes by the Secretary whose subordinate issued the order in conflict or found the alleged violation upon which a penalty would be imposed, are manifestly unfair and violative of our deeply-rooted concepts of justice. For the Secretary (vested also with regulatory powers under the bill) would serve in each instance not only *investigator,* and *prosecutor,* but also as the *sole trial judge* and *jury*—a concentration of authority which shocks our sense of due process of law.

Mr. President, I yield the floor.

Mr. WILLIAMS of New Jersey. Mr. President, the amendment has been stated earlier. It is an amendment that has broad ramifications. It just came to us today, although we have been working on this matter for months and months.

It is hard to understand, in this brief time. Therefore, I strongly urge the Senate to reject the amendment.

The United Mine Workers did perhaps indicate support for the kind of Board last August which is the subject of the amendment. However, they do not support the amendment at this time.

I ask unanimous consent to have printed at this point in the Record a telegram sent to me by W. A. Boyle, president of the United Mine Workers of America, and a letter sent to me by acting director of labor's nonpartisan league by Joseph "Jock" Yablonski, both of whom oppose the Prouty amendment in these communications.

There being no objection, the material was ordered to be printed in the Record, as follows:

United Mine Workers of America,
Washington, D.C.

Hon. Harrison A. Williams, Jr.,
U.S. Senate,
Washington, D.C.:

The UMWA's support of the Federal Coal Mine Safety Board of Review was predicated upon the position the Board would be retained in its present form and would exercise its present limited powers of review. It is not the position of the UMWA that the Board should be vested with tremendous new authority far beyond the scope of its present power. The UMWA supports rigid enforcement of a strong coal mine health and safety law. If the Board were vested with virtually unlimited powers over all standards set by the Secretary of Interior and with power to veto any penalties against the operator levied by the Secretary, this could well jeopardize the rigid enforcement of the strong law for which we are fighting. The UMWA expresses grave concern over the retention of the Board if it is to be given such a broad scope of power. The strict enforcement of improved health and safety standards for the coal miner could best be assured if the Secretary of Interior were given the authority as provided in the Senate Committee's bill.

W. A. Boyle,
President.

Labor's Non-Partisan League,
Washington, D.C., October 2, 1969.

Hon. Harrison A. Williams, Jr.,
Chairman, Labor Subcommittee,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: The new powers given the Federal Board by the Prouty amendment were not considered in the public hearings of the Coal Mine Health and Safety legislation, and the United Mine Workers had no opportunity to testify on the impact of this amendment on the health and safety needs of the mine workers. These new powers in the Prouty amendment are so numerous and so sweeping that I cannot list them all. It is impossible, without a great amount of study, to assess their impact on the coal mine workers of this Nation.

We wish to be clearly on record that we favor the administrative review provisions in the Committee bill which we understand and know would protect the miner's rights to a safe and healthy job. We do not support the board proposed by the Prouty amendment.

The miners workers health and safety bill has been before the Senate for almost 5 days. We urge prompt passage.

Sincerely yours,
Joseph "Jock" Yablonski,
Acting Director.

Mr. PROUTY. Mr. President, in response to what the Senator from New Jersey has just stated, I point out that a bill introduced by the Senator from New Jersey (Mr. Williams), and I believe at the request or with the knowledge and consent, at least, of the United Mine Workers, there was provision for a board of review.

Why all of a sudden the United Mine Workers have changed their opinion at the last moment—and I understand it was this morning or last night—I am at a loss to understand except for the malicious rumor that someone has been circulating to which I referred earlier, that the Board would be composed of 10 members, all of whom would be college professors without any interest or concern for the mine workers or operators.

That is strictly untrue and false, and perhaps malicious would be a polite way in which to refer to it.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. MILLER. Mr. President, will the Senator tell us whether the proposal of the Senator from New Jersey provided for a board which was an independent board such as the Senator from Vermont is proposing or whether it provided for a board which would be within a department similar to the former Board?

Mr. PROUTY. Mr. President, I want to be corrected if I am wrong. I think the membership would have been composed of five, two of which would have represented the union, two of which would have represented the operators, and the fifth would have represented the public, so to speak.

It was not a completely independent board such as I am proposing at this time. There is that difference.

Mr. MILLER. Mr. President, I was wondering if that might not be a substantial difference.

Mr. PROUTY. I think the proposal which I have made, which would provide for five full-time and qualified independent members, would protect the interests of both the mine workers and the operators to a much greater degree than was possible under the old Board of Review type they had in which industry and labor were represented or controlled, and it was always referred to as a special interest board. This is completely independent and removed from any influence by the industry or the workers themselves.

Mr. KENNEDY. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MILLER. Mr. President, I am not suggesting that there is not a great deal of merit to the proposal of the Senator from Vermont. I am trying to define why the United Mine Workers would support a board proposal in a bill introduced by the Senator from New Jersey and then all of a sudden not support a board proposal introduced by the Senator from Vermont.

As I understand it, the Senator from New Jersey proposed a board which would be within the department. The Senator from Vermont proposes an independent board outside of the department. Is my understanding correct?

Mr. WILLIAMS of New Jersey. The Senator's understanding is correct.

Mr. MILLER. I think it might be a little beneficial if we could find why the difference. I can understand why a board within the department might have some merit. It enables perhaps the Secretary to exercise some influence in accordance with departmental policy which may be spelled out in legislation; whereas, a separate and independent board might take a position contrary to departmental policy, and I am not sure that that would be good. But at this moment I must say that the Senator from Iowa is a little concerned and confused about the difference.

If either the Senator from New Jersey or the Senator from Vermont can enlighten us, I think it might be helpful.

Mr. PROUTY. I might point out to the Senator from Iowa that President Boyle of the United Mine Workers also spoke in favor of a board of review during the committee hearings, and one that would have two union representatives and two management representatives, and they could pick their own two representatives. That may be the difference.

I think what they apparently want to do is to place the Secretary of the Interior in such a position that he becomes a virtual czar. The Secretary of the Interior does not want that authority. He thinks that with a board we can iron out some of these disputes and differences without going to court.

The present Board has done an excellent job over the years, and I think the proposal I am suggesting will be even superior, certainly with the new responsibilities. We are making the Board a full-time group with the added responsibilities which are imposed upon someone by the provisions in this bill. I think they should be full time and highly expert in the field.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. PROUTY. I yield.

Mr. MILLER. I see the Senator from New Jersey in the Chamber. Perhaps he would rather answer.

Did the proposal in the bill introduced by the Senator from New Jersey provide for a full-time board?

Mr. WILLIAMS of New Jersey. To which bill is the Senator from Iowa referring?

Mr. MILLER. The Senator from Iowa is referring to the bill which I understand the Senator from New Jersey introduced, which provided for a board.

Mr. WILLIAMS of New Jersey. I believe that is true. Months, months ago, I, as chairman of the Subcommittee on Labor, which had jurisdiction over this matter, introduced a bill. The Senator from West Virginia introduced a bill. We came out with the pending bill. We feel that with the authority in this bill, the Secretary will be in a position of Secretaries of other departments. Orderly procedures will be preserved, and it will be far more effective and more efficient in the objectives of reaching what the bill is all about—coal mine health and safety.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. MILLER. Mr. President, I should like to continue for a moment.

I just want to say to my friend the Senator from New Jersey that I appreciate his answer, but I do not think I have yet got the answer.

Mr. WILLIAMS of New Jersey. The answer is that I support the pending bill, and it comes after months and months of day-in and day-out study. I had a bill in at the beginning of our study. In the evolution of study and discussion, this is our end product, the pending bill.

Mr. MILLER. Perhaps I should make my question more clear.

I am interested in this point. The Senator from Vermont has stated that the United Mine Workers supported this Board concept. The Senator from New Jersey a few moments ago read to the Senate a telegram signed by the United Mine Workers indicating opposition to this amendment. What I am trying to find out is whether there has been a change or whether there was a different ball game.

Mr. WILLIAMS of New Jersey. The Board proposed by the Senator from Vermont has vast, sweeping powers that were never understood because it was never heard; and the mine worker representatives, speaking for their membership, certainly are not going to support something the effect of which they do not know. It is a broad, sweeping Board, and they are worried about it, as I am worried about it, as the Senator from West Virginia is worried about it. All of us are worried about it.

Mr. MILLER. I can understand somebody being worried about something they do not know anything about; but I understand that the bill of the Senator from New Jersey provided for a Board and that the United Mine Workers supported that bill. Now the Senator from Vermont says he is proposing a bill with provision for a Board in it. Why does the United Mine Workers not support this?

So far, I have this distinction: The Senator from New Jersey had a bill which provided for a Board within the department. The Senator from Vermont is providing for a Board which is outside of the department—separate and independent. I am trying to find out whether that is the only difference and, if that is the only difference, what that difference means.

Mr. WILLIAMS of New Jersey. So far as this Senator is concerned. I am supporting the pending bill, which is the end product of 9 months—believe me—hard work.

Mr. MILLER. I thank the Senator.

Mr. RANDOLPH. Mr. President, will the Senator yield 30 seconds?

Mr. PROUTY. I yield.

Mr. RANDOLPH. I wish to say, in response to the helpful discussion of the Senator from Iowa, that there were eight bills before the subcommittee. I introduced three bills. In the introduction of those bills, I never committed myself to all provisions of all of them. But we felt it necessary, as we broke ground here in connection with the health and safety of miners, to have before us many viewpoints—whether it was the viewpoint of the Johnson administration, the viewpoint of the Nixon administration, the viewpoint of the operator, the viewpoint of the coal mining union, or that of other interested citizens.

I think the chairman of our subcommittee has said what I have said in other words; but I wanted to make it clear that in the introduction of three of the eight bills before us, I sought to supply alternative subject matter on which we could exercise our judgment in bringing a constructive measure to this body.

We studied and debated many options in arriving at the bill reported to this forum and amended in part here.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COOK (when his name was called). On this vote I have a live pair with the Senator from Alaska (Mr. STEVENS). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Louisiana (Mr. LONG), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN), the Senator from New Mexico (Mr. ANDERSON), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. HUGHES), the Senator from New Mexico (Mr. MONTOYA), and the Senator from New Hampshire (Mr. MCINTYRE) would each vote "nay."

Mr. GRIFFIN. I announce that the

XUM

Senator from Tennessee (Mr. BAKER), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

If present and voting, the Senator from Tennessee (Mr. BAKER) would vote "yea."

The pair of the Senator from Alaska (Mr. STEVENS) has been previously announced.

On this vote, the Senator from Kansas (Mr. DOLE) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting the Senator from Kansas would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Maryland (Mr. MATHIAS). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Maryland would vote "nay."

The result was announced—yeas 24, nays 53, as follows:

[No. 109 Leg.]

YEAS—24

Allen
Allott
Bellmon
Bennett
Boggs
Cooper
Cotton
Curtis
Dominick
Fannin
Fong
Goldwater
Gravel
Gurney
Hansen
Hruska
Jordan, Idaho
Miller
Packwood
Pearson
Prouty
Tower
Williams, Del.
Young, N. Dak.

NAYS—53

Aiken
Bible
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Dodd
Eagleton
Eastland
Ellender
Fulbright
Goodell
Griffin
Hart
Hartke
Holland
Hollings
Inouye
Jackson
Javits
Jordan, N.C.
Kennedy
Mansfield
McCarthy
McGee
Metcalf
Mondale
Moss
Mundt
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Cook, against.

NOT VOTING—22

Anderson
Baker
Bayh
Cranston
Dole
Ervin
Gore
Harris
Hatfield
Hughes
Long
Magnuson
Mathias
McClellan
McGovern
McIntyre
Montoya
Murphy
Russell
Smith, Ill.
Stevens
Thurmond

So Mr. PROUTY's amendment (No. 219) was rejected.

Mr. BYRD of West Virginia. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from West Virginia proposes an amendment, on page 101, line 16 after the comma insert the following: "whether the operator was at fault".

Mr. BYRD of West Virginia. Mr. President, under section 308, an operator of a coal mine shall be penalized for violations occurring of a mandatory health and safety standard.

I am not opposed to penalties being assessed against operators where the operators are clearly at fault. The language in my amendment would merely require that, before a penalty could be applied, there be a finding that the operator was indeed at fault.

Mr. WILLIAMS of New Jersey. Mr. President, we have thoroughly discussed this amendment with the Senator from West Virginia. It would require the Secretary to consider the fault of the operator, or his lack of fault, in determining the amount of the penalty. It is acceptable to us.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

Mr. METCALF. Mr. President, I was the author of an amendment that required a mandatory penalty and, of course, I do not want a mandatory penalty to be placed upon a coal operator who is penalized for the inadvertent act of a coal employee. I want only a penalty for the coal operator who is responsible for his own actions. Many times it is the inadvertence of an employee which is responsible for a violation, and I feel that the Senator from West Virginia has made a contribution.

Mr. BYRD of West Virginia. I thank the distinguished Senator from Montana.

Mr. JAVITS. Mr. President, personally I am opposed to a mandatory penalty. Perhaps, had I been here this morning, I might have taken action against it. But I have thought it over, and I know how strongly the Senator from Montana (Mr. METCALF) feels about it. Therefore, I have not sought to undo it. Thus, it was left open to me to move for reconsideration. I express my appreciation for that to the leadership, but I do think that what the Senator from West Virginia (Mr. BYRD) is trying to do now lends another quality to it. It is unfortunate that, nonetheless, the Secretary must still levy a penalty, if it is only $1. But as it is a civil penalty, I do not feel so exercised about it.

I think the amendment of the Senator from West Virginia is very useful. When it goes to conference we will have to study the amendment in the context of what results from the conference, as to both amendments. I am sure that both of us appreciate that I, for one, will have to come back to each of them, if we have to make some shift from that position.

Mr. ALLEN. Mr. President, I offer an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Alabama proposes an amendment, on page 101, line 11, between "be" and "more" insert the following "less than $1 nor".

Mr. ALLEN. Mr. President, in the colloquy this morning, at which time the imposition of the civil penalty was made mandatory rather than discretionary, it was stated by the distinguished junior Senator from Montana (Mr. METCALF) that a fine of as little at $1 could be imposed under the language of the section. That is true, because the penalty provided by section 308 shall not be more than $25,000. Of course, under that language, a penalty of as little as $1, or 1 cent, for that matter, could be imposed. With such a tremendous ceiling for this penalty, a ceiling of $25,000, it would seem that the Secretary might be somewhat reluctant to impose a penalty of as little as $1.

The purpose of my amendment is to give legislative sanction by legislative act rather than by colloquy in the CONGRESSIONAL RECORD to the imposition of a penalty as low as $1. That is the purpose of my amendment.

Mr. METCALF. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I yield.

Mr. METCALF. The very able Senator from Alabama was in the chair during the course of the colloquy when I offered my amendment. It was very plain from both the majority leader and on my part that we anticipated there would be penalties of only $1—that is, a token penalty at times. Thus I feel that the Senator from Alabama, in nailing this down as part of the legislation, has made a contribution.

Mr. ALLEN. I thank the Senator from Montana.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time.

The bill was read the third time.

Mr. METCALF. Mr. President, we are reaching a landmark in industrial health legislation in approval of the Federal Coal Mine Health and Safety Act of 1969. Coal mining is one of the most hazardous occupations. It has been in many ways a tragic industry. Death, disease, unemployment, and poverty have plagued many of the coal areas. We are recognizing and acting on some of the problems in this legislation.

I believe that the members of the Senate Committee on Labor and Public Welfare, who have worked so long and carefully on this bill deserve our thanks. I am especially mindful of the efforts of the distinguished Senator from New Jersey (Mr. WILLIAMS), chairman of the Senate Labor Subcommittee. Because of his leadership, fairness, and persistence, the health standards and working conditions in American industry are substantially improved. I want to express my appreciation to him, and to note with gratitude the reception accorded my amendments regarding enforcement, inspection, and sanitary facilities.

I believe that this legislation marks the beginning of a new era in coal development. My State, which is also the State of our distinguished majority leader (Mr. MANSFIELD) is very much a part of that new era. At least 10 percent of the Nation's coal reserves lie in Montana. Senator MANSFIELD, Congressman OLSEN, Congressman MELCHER, Governor Anderson, and I are jointly cosponsoring a 2-day coal symposium at Eastern Montana College in Billings, November 6 and 7. We believe that coal development will be of great import to our State's future. We want to encourage that development, we want to protect our environment as we proceed with development, and we want the people who mine Montana coal to be protected by the type of legislation which Congress is in the process of approving.

Mr. President, I ask unanimous consent to insert at this point in the RECORD the press release announcing the Montana coal symposium and a background paper which Governor Anderson and the Montana congressional delegation have prepared.

There being no objection, the press release and background paper were ordered to be printed in the RECORD, as follows:

[From the Montana congressional delegation and State of Montana, Sept. 24, 1969]

TWO-DAY COAL SYMPOSIUM IN BILLINGS, NOVEMBER 6 AND 7

Eastern Montana College, Billings, will host a two-day symposium, November 6 and 7, designed to attract national attention to development of Montana's vast coal reserves.

The symposium will also examine protection of environment and preservation of Montana's prime recreational assets as coal resources are developed.

Announcement of the symposium was made jointly today by Governor Forrest Anderson, Senator Mike Mansfield and Lee Metcalf and Representatives Arnold Olsen and John Melcher.

Dr. Will Clark, Chairman of the Division of Science and Mathematics at Eastern and the immediate past president of the National Conservation Education Association, will coordinate the symposium.

Speakers and panelists will include representatives of industry, the Federal and State government and conservation organizations.

Topics to be discussed will include construction of mine-mouth plants, regional electric power pooling, conversion of coal to synthetic hydrocarbons, magnetohydrodynamics (direct conversion of coal to electrical energy), plant location in relation to water supplies, slurry pipelines (pipelines which carry coal mixed with water), freight rates, barge transportation, use of unit trains to transport coal to distant markets, strip mining, land reclamation, air and water pollution and safeguarding of areas of archeological and historical importance.

Montana has some 221 billion tons of lignite, sub-bituminous and bituminous coal reserves, averaging more than 2,300 tons to the acre. At least 14 billion tons are considered capable of economic strip mining. Montana's reserves amount to about one-tenth of the Nation's total.

The Congressional delegation and the Governor summarized the goal of the symposium in these words:

"Montana's vast coal reserves offer an opportunity for economic development unprecedented since the discovery of the 'Richest Hill on Earth' in Butte. But, as was the case in Butte, development poses threats to Montana's beautiful environment that cannot be ignored. The purpose of the Montana Coal Symposium will be to look at how modern technology can best utilize Montana coal—and, at the same time, how the development can take place with minimal damage to the environment."

Speakers and panelists will be announced at a later date. Persons may reach Dr. Clark, symposium coordinator, at Eastern Montana College, Billings, 59101, phone—406-657-2343.

BACKGROUND PAPER, MONTANA COAL SYMPOSIUM, BILLINGS, MONT., NOVEMBER 6 AND 7, 1969

Montana's vast coal reserves offer an opportunity for economic development unprecedented since the discovery of the "Richest Hill on Earth" at Butte. But, as was the case in Butte, development poses threats to Montana's beautiful environment that cannot be ignored. The purpose of the Montana Coal Symposium will be to look at how modern technology can best utilize Montana coal—and, at the same time, how the development can take place with minimal damage to the environment.

Coal offers two commodities to modern man: the energy that can be produced through burning it or its products, and the chemicals that can be derived from it. The greatest potential today appears to be a conversion of coal to energy or energy products—although chemical production could very possibly be an auxiliary industry.

Energy can be secured from coal in two basic ways. One is conversion to electrical energy, and this industry today is by far the largest user of coal in Montana. The other is conversion of coal to synthetic hydrocarbons—gasoline or a natural gas substitute—and this represents a great potential, although the necessary technologies are still in the developmental stage.

POWER FROM COAL

The Nation's power needs, especially in heavily-populated areas, are growing rapidly. Markets in the populated Midwest and in the Pacific Northwest are burgeoning. These areas a short time ago were looking to the atom for the future's major power source. However, rapidly escalating nuclear fuel and plant costs, plus a number of unsolved conservation problems, have cast a shadow over the future of nuclear generators—at least for the next few years.

Montana coal may fill the gap. Preliminary studies show extra- or ultra-high-voltage transmission lines—"electrical superhighways"—between the Pacific Northwest and the Midwest to be economically feasible. The lines will probably pay for themselves through allowing giant bulk power exchanges between two regions. When you add the economic benefits of low-cost Montana coal to the formula, the lines become even more desirable. Not only would they provide for power exchanges between the two regions, but they also would carry power produced in Montana. Montana coal would be "shipped by wire" to these two great markets.

An Office of Coal Research report strongly indicates that power carried from generators in Montana to Pacific Northwest markets would be highly competitive with power produced in nuclear plants right at the markets.

Power has traditionally been produced from coal through burning of coal to produce steam to turn a turbine—which, in turn provides torque to a generator. This technique has disadvantages. It is not very efficient (although it is more efficient than the similar process that is used in nuclear plants) and it creates thermal pollution—the heating of water that is used to condense the steam. This kind of pollution can be devastating to the balance of life in a stream or lake or even in an ocean, at least locally.

A promising new technique that might eliminate thermal pollution, or reduce it greatly, is magnetohydrodynamics, called MHD for short. Briefly, MHD converts burning coal directly to electrical energy without any of the intermediate steps. It is far more efficient than the old steam-turbine technique and it thus does not create as much waste heat. The Office of Coal Research is ready to go ahead with an MHD pilot plant research program if it can get appropriations. The program has been endorsed by the Office of Science and Technology and by the Montana Congressional Delegation. Montana might be an ideal site for the pilot plant.

Power from Montana coal does not necessarily have to be produced in Montana. There is also a great potential for shipping coal via rail to populous markets. Already Montana coal is going to northern Minnesota for this purpose. That the coal is hauled 800 miles, and is still competitive, proves its strength in the marketplace.

SYNTHETIC FUELS

Coal is mostly carbon. Add hydrogen and you have hydrocarbons, the basic of all modern fuels, including natural gas, gasoline and fuel oils.

Hydrogen *can* be added to coal this way. The Germans relied on "Braun coal," a substance much like Montana lignite, for producing fuels when they ran short of petroleum during World War II.

The Nation's petroleum will not last forever, even with the fabulous Arctic Slope discovery in Alaska. Oil companies know this, and they and the Office of Coal Research have been working on techniques to "hydrogenate" coal into hydrocarbons. A number of processes have been developed for this purpose—OCR recently issued a report on a Cresap, West Virginia, pilot plant operated by Consolidated Coal Company. There is little doubt now that an economic process will be developed, and oil companies have been securing leases on coal in Montana, Wyoming and elsewhere.

A Rapid City, South Dakota, pilot plant will be used to study the potential for conversion of coal to a substitute for natural gas, the reserves of which are rapidly being depleted.

COMBINED PLANTS

Combined electric and synthetic hydrocarbon plants may offer a great potential for Montana coal. It is possible that "char," a byproduct of the coal-to-gasoline process would make a good fuel for powerplants.

Chemicals might also be produced in such a plant. Petroleum in recent years has become the major source of such chemicals, but coal may once again be a major contender in the chemicals industry.

WATER

One of Montana's aces in the hole in attracting coal-based industry is water. The State has abundant supplies—from the Yellowstone and Missouri Rivers and their tributaries, Yellowtail Reservoir on the Big Horn River is a major possibility, and Fort Peck Reservoir on the Missouri may also be.

Water may be the key to coal development. Every process described above requires cooling water and water for other purposes—although MHD needs less than most.

CONSERVATION

There are large conservation problems associated with coal production and development, but they can be solved with modern technology.

Coal in Montana in modern times is obtained from strip mines. These mines create deep gullies and accompanying mounds of earth, called "spoil banks." A major conservation issue is the extent to which countryside must be restored after strip mining. Not only are the spoil banks unsightly, but they also often contribute to water pollution and other kinds of environmental damage. Modern technology has developed ways to level the spoil banks—but the cost is high, and choices must soon be made.

Burning coal for many purposes creates "fly ash," a fine, abrasive residue, and various gaseous pollutants, including sulfur and nitrogen oxides. Montana coal possesses a tremendous advantage over other coals in that its sulfur content is very low and it produces less of the damaging sulfur oxides.

Nonetheless, there will be a problem of air pollution from power plants and other coal-using installations. Technology can now remove the particulate pollutants, the fly ash, without too much difficulty. But processes for removing the gaseous pollutants are still embryonic. With increasing nationwide, even worldwide, air pollution, it is necessary that solutions be found soon, even for installations that will be located on remote Montana prairies.

Eastern Montana, wherein most of the coal reserves lie, is an especially rich paleontological and archeological field, with ancient remains of prehistoric Indian life and rich fossil beds, which would be ruined by indiscriminate strip mining.

This background paper on the Montana coal symposium at Eastern Montana College, Billings, was prepared for members of the Montana Congressional delegation and the Governor of Montana. Additional copies are available from them or Dr. Will Clark, Symposium Coordinator, Eastern Montana College, Billings, Montana 59101.

Several Senators requested the yeas and nays on passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Minnesota (Mr. MCCARTHY), and the Senator from Georgia (Mr. RUSSELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN) and the Senator from Maryland (Mr. MATHIAS) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. FANNIN), the Senator from Oregon (Mr. HATFIELD), the Senator from Maryland (Mr. MATHIAS), the Senator from Alaska (Mr. STEVENS), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 73, nays 0, as follows:

[No. 110 Leg.]

YEAS—73

Aiken
Allen
Allott
Bellmon
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Curtis
Dodd
Dominick
Eagleton
Eastland
Ellender
Fong
Fulbright
Goldwater
Goodell

Griffin
Gurney
Hansen
Hart
Hartke
Holland
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Mansfield
McGee
Metcalf
Miller
Mondale
Moss
Mundt
Muskie
Nelson
Packwood
Pastore

Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Symington
Talmadge
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—27

Anderson
Baker
Bayh
Bennett
Burdick
Cranston
Dole
Ervin
Fannin

Gore
Gravel
Harris
Hatfield
Hughes
Long
Magnuson
Mathias
McCarthy

McClellan
McGovern
McIntyre
Montoya
Murphy
Russell
Smith, Ill.
Stevens
Thurmond

So the bill (S. 2917) was passed, as follows:

S. 2917

An act to improve the health and safety conditions of persons working in the coal mining industry of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Coal Mine Health and Safety Act of 1969".

FINDINGS AND PURPOSE

SEC. 2. Congress declares that—

(1) the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner;

(2) deaths and serious injuries from unsafe and unhealthful conditions and practices in the coal mines cause grief and suffering to the miners and to their families;

(3) there is an urgent need to provide more effective means and measures for improving the working conditions and practices in the Nation's coal mines in order to prevent death and serious physical harm, and in order to prevent occupational diseases originating in such mines;

(4) the existence of unsafe and unhealthful conditions and practices in the Nation's coal mines is a serious impediment to the future growth of the coal mining industry and cannot be tolerated;

(5) the operators of such mines with the assistance of the miners have the primary responsibility to prevent the existence of such conditions and practices in such mines;

(6) the disruption of production and the loss of income to operators and miners as a result of coal mine accidents or occupationally caused diseases unduly impedes and burdens commerce; and

(7) it is the purpose of this Act (1) to establish interim mandatory health and safety standards and to direct the Surgeon General and the Secretary of the Interior to develop and promulgate improved mandatory standards to protect the health and safety of the Nation's coal miners; (2) to require that each operator of a coal mine and every miner in such mine comply with such standards; (3) to cooperate with, and provide assistance to the States in the development and enforcement of effective State coal mine health and safety programs; and (4) to improve and expand, in cooperation with the States and the coal mining industry, research and development and training programs aimed at preventing coal mine accidents and occupationally caused diseases in the industry.

MINES SUBJECT TO ACT

SEC. 3. Each coal mine, the products of which enter commerce, or the operations or products of which affect commerce, shall be subject to this Act, and each operator of such mine and every miner in such mine shall comply with the provisions of this Act and the applicable standards and regulations of the Secretary and the Surgeon General promulgated under this Act.

DEFINITIONS

SEC. 4. For the purpose of this Act, the term—

(1) "Secretary" means the Secretary of the Interior or his delegate;

(2) "Surgeon General" means the Surgeon General, United States Public Health Service in the Department of Health, Education, and Welfare, or his delegate;

(3) "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a place in a State and any place outside thereof, or within the District of Columbia or a possession of the United States, or between points in the same State but through a point outside thereof;

(4) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam;

(5) "operator" means any owner, lessee, or other person who operates, has control of, or supervises a coal mine;

(6) "agent" means any person charged with responsibility for the operation of all or part of a coal mine or the supervision of the miners in a coal mine;

(7) "person" means any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other organization;

(8) "miner" means any individual working in a coal mine;

(9) "coal mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities;

(10) "work of preparing the coal" means

the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous, lignite, or anthracite coal, and such other work of preparing such coal as is usually done by the operator of the coal mine;

(11) "imminent danger" means the existence of any condition or practice in a coal mine which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated;

(12) "accident" includes a mine explosion, mine ignition, mine fire, or mine inundation, or injury to, or death of, any person; and

(13) "Panel" means the Interim Compliance Panel established by this Act.

INTERIM COMPLIANCE PANEL

SEC. 5. (a) There is hereby established the Interim Compliance Panel, which shall be composed of five members as follows:

(1) Assistant Secretary of Labor for Labor Standards, Department of Labor, or his delegate;

(2) Director of the Bureau of Standards, Department of Commerce, or his delegate;

(3) Administrator of Consumer Protection and Environmental Health Service, Department of Health, Education, and Welfare, or his delegate;

(4) Director of the Bureau of Mines, Department of the Interior, or his delegate; and

(5) Director of the National Science Foundation, or his delegate.

(b) Members of the Panel shall serve without compensation in addition to that received in their regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of duties vested in the Panel.

(c) Notwithstanding any other provision of law, the Secretary of Health, Education, and Welfare, Secretary of Commerce, the Secretary of Labor, and the Secretary of the Interior shall, upon request of the Panel, provide the Panel such personnel and other assistance as the Panel determines necessary to enable it to carry out its functions under this Act.

(d) Three members of the Panel shall constitute a quorum for doing business. All decisions of the Panel shall be by majority vote. The chairman of the Panel shall be selected by the members from among the membership thereof.

(e) The Panel is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted in accordance with the provisions of this Act. The provisions applicable to hearing examiners appointed under section 3105 of title 5 of the United States Code shall be applicable to hearing examiners appointed pursuant to this subsection.

(f) (1) It shall be the function of the Panel to carry out the duties imposed on it pursuant to sections 102 and 206(l) of this Act. The provisions of this section shall terminate upon completion of the Panel's functions as set forth under sections 102 and 206(l) of this Act.

(2) The Panel shall make an annual report, in writing, to the Secretary for transmittal by him to the Congress concerning the achievement of its purposes, and any other relevant information (including any recommendations) which it deems appropriate.

TITLE I—MANDATORY HEALTH STANDARDS FOR COAL MINES

PART A—INTERIM MANDATORY HEALTH STANDARDS FOR CONTROLLING DUST AT UNDERGROUND COAL MINES

SCOPE AND COVERAGE

SEC. 101. (a) The provisions of sections 102 and 103 of this title shall be interim mandatory health standards applicable to all underground coal mines until superseded in whole or in part by improved mandatory health standards promulgated by the Secretary in accordance with health standards established by the Surgeon General for such mines to become effective after the operative date of this title. Any orders issued in the enforcement of the provisions of this part shall be subject to review as provided in title III of this Act.

(b) Among other things, it is the purpose of this title to provide, to the greatest extent possible, that the working conditions in each underground coal mine are sufficiently free of dust concentrations in the atmosphere to permit each miner the opportunity to work underground during the period of his entire adult working life without incurring any disability from pneumoconiosis or any other occupation-related disease during or at the end of such period.

(c) (1) Within one year after the date of enactment of this Act, the Surgeon General shall develop and submit to the Secretary and the Congress recommendations as to the maximum permissible total exposure of individuals to coal mine dust during a working shift. Such recommendations shall be revised by the Surgeon General as necessary.

(2) Within three years after the date of enactment of this Act, and thereafter as needed, the Secretary shall publish as provided in subsection 105(c) of this title a schedule specifying the times within which mines shall reduce the total personal exposure to dust on a working shift to the levels recommended by the Surgeon General. Such schedule of the Secretary shall be based upon his determination of what is the minimum time necessary for these levels to be technologically feasible and the availability of equipment. The levels so specified by the Secretary shall be the dust standards applicable to coal mines under this Act.

(3) Within 6 months after the date of enactment the Surgeon General shall establish, and the Secretary shall publish, as provided in subsection 105(c) of this title proposed mandatory standards establishing maximum noise exposure levels for all coal mines.

DUST STANDARD AND RESPIRATORS

SEC. 102. (a) (1) Effective sixty days after the operative date of this title, each operator shall continuously maintain the concentrations of respirable dust in the atmosphere of the active workings of the mine during each shift at or below 3.0 milligrams of dust per cubic meter of air, except that, where a permit for noncompliance has been issued to an operator as hereinafter provided, such operator shall continuously maintain the concentration of respirable dust in the atmosphere of the active workings of the mine during each shift at or below 4.5 milligrams of dust per cubic meter of air or, if a lower concentration is prescribed in such permit, at or below such lower concentration. In mining operations where the coal dust contains more than 5 per centum quartz, the dust standard shall be determined in accordance with a formula to be prescribed by the Surgeon General.

(2) Effective three years after the date of the enactment of this Act, each operator shall continuously maintain the concentrations of respirable dust in the atmosphere of the active workings of the mine during each shift at or below 2.0 milligrams of dust per cubic meter of air, except that, where a permit for noncompliance has been issued to an operator as hereinafter provided, such operator shall continuously maintain the concentration of respirable dust in the atmosphere of the active workings of the mine during each shift at or below 3.0 milligrams per cubic meter of air or, if a lower concentration is prescribed in such permit, at or below such lower concentration.

(b) (1) Any operator who determines that he will be unable, using available technology, to comply with the 3.0 milligram standard established by subsection (a) (1) of this section, or the 2.0 milligram standard established by subsection (a) (2) of this section, upon the effective date of such standard, may, no later than sixty days prior to the effective date of the standard with respect to which such application is filed, file with the Panel an application for a permit for noncompliance. If, in the case of an application for a permit for noncompliance with the standard established by subsection (a) (1) of this section, the application satisfies the requirements of subsection (c) of this section, the Panel shall issue to the operator a permit for noncompliance. If, in the case of an application for a permit for noncompliance with the standard established by subsection (a) (2) of this section, the application satisfies the requirements of subsection (c) of this section, and the Panel, after all interested persons have been notified and given an opportunity for a hearing, determines that the applicant will be unable to comply with such 2.0 milligram standard, the Panel shall issue to the operator a permit for noncompliance. Any such permit so issued shall entitle the permittee during a period which shall expire at a date fixed by the Panel, but in no event later than twelve months after the effective date of such standard, to maintain continuously the concentrations of respirable dust in the atmosphere in each active working place during each shift to which the extension applies at a level specified by the Panel, which shall be at the lowest level which the application shows the conditions, technology applicable to such mine, and other available and effective control techniques and methods will permit, but in no event shall such level exceed 4.5 milligrams of dust per cubic meter of air during the period when the 3.0 milligram standard is in effect, or 3.0 milligrams of dust per cubic meter of air during the period when the 2.0 milligram standard is in effect.

(2) (A) Except as provided in paragraph (3) of this subsection, in any case in which an operator, who has been issued a permit (including a renewal permit) for noncompliance under this section, determines not more than ninety days prior to the expiration date of such permit, that he still is unable to comply with the 3.0 milligram standard established by subsection (a) (1) of this section or the 2.0 milligram standard established by subsection (a) (2) of this section, he may file with the Panel an application for renewal of the permit. Upon receipt of such application for renewal of a permit, the Panel, if it determines, after all interested persons have been notified and given an opportunity for a hearing, that the application is in compliance with the provisions of subsection (c) of this section, and that the applicant will be unable to comply with such standard, may renew the permit for a period not exceeding six months. Any hearing held pursuant to this subsection shall be of record and the Panel shall make findings of fact and shall issue a written decision incorporating its findings therein.

(B) Such renewal permit shall entitle the permittee, during the period of its effectiveness, to maintain continuously during each shift the concentrations of respirable dust in the atmosphere at any active working place to which the renewal permit applies at the lowest level which the conditions, technology applicable to such mine, and other available and effective control techniques and methods will permit, as determined by the Panel, but in no event shall such level exceed 4.5 milligrams of dust per cubic meter of air during the period when the 3.0 milligram standard is in effect, or 3.0 milligrams of dust per cubic meter of air during the period when the 2.0 milligram standard is in effect.

(3) Except to the extent otherwise provided in subsection (k) of this section, no permit or renewal permit for noncompliance shall entitle any operator to an extension of time beyond thirty-six months from the date of enactment of this Act to comply with the 3.0 milligram standard established by subsection (a) (1) of this section, or beyond seventy-two months from the date of

XUM

enactment of this Act to comply with 2.0 milligram standard established by subsection (a) (2) of this section.

(c) Any application for an initial or renewal permit for noncompliance made pursuant to this section shall contain—

(1) a representation by the applicant and the engineer conducting the survey referred to in paragraph (2) of this subsection that the applicant is unable to comply with the dust standard applicable under subsection (a)(1) or (a)(2) of this section at specified active working places because the technology for reducing such dust concentrations at such place is not available, or because of the lack of other effective control techniques or methods, or because of any combination of such reasons;

(2) an identification of the active working places in such mine for which the permit is requested; the results of an engineering survey by a certified engineer of the dust conditions of each active working place of the mine with respect to which such application is filed and the ability to reduce the dust concentrations to the level required to be maintained in such working place under this section, together with a copy of such engineering survey; a description of the ventilation system of the mine and its capacity; the quantity of air regularly reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms of each such active working place; the method of mining; the amount and pressure of the water, if any, reaching the working face; the number, location, and type of sprays, if any; actions taken to reduce the dust concentrations; and such other information as the Panel may require; and

(3) statements by the applicant and the engineer conducting such survey, of the means and methods to be employed to achieve compliance with the applicable dust standard, the progress made toward achieving compliance, and an estimate of when compliance can be achieved.

(d) The Secretary shall cause to be made such frequent spot inspections as he deems appropriate of the active workings of underground coal mines for which permits for noncompliance have been granted under this section for the purpose of obtaining compliance with the provisions of this title. The Secretary shall also make spot inspections of all active workings in underground mines to insure compliance.

(e) Any operator or representative of miners aggrieved by a final decision of the Panel with respect to an application for an initial or renewed permit for noncompliance may file a petition for review of such decision in accordance with the provisions of section 304 of this Act:

(f) Each operator shall take samples of the atmosphere of the active workings of the mine to determine the atmospheric concentrations of respirable dust. Such samples shall be taken by any device approved by the Secretary and in accordance with the methods and at locations and at intervals and in a manner prescribed by him. Such samples shall be transmitted to the Secretary, in a manner prescribed by the Secretary, and analyzed and recorded by him in a manner to assure that the dust levels established by, or permitted under, this section are not exceeded and to enable him to cause an immediate inspection of any mine whenever such samples indicate that the concentration of dust therein exceeds such level. If, upon the basis of such samples or additional samples taken during an inspection, the Secretary or his authorized representative finds that the concentrations of respirable dust in any active workings in a mine exceed the level required to be maintained under this section, the Secretary or his representative shall issue a notice to the operator or his agent, a copy of which shall be transmitted to the Panel and to a representative of the miners in the mine, fixing a reasonable time to take corrective action, which time shall not exceed seventy-two hours, and the operator of the mine shall take corrective action immediately in order to bring such concentrations at or below the level required to be maintained under this section. If, upon the expiration of such time, the Secretary or his authorized representative finds that such action has not been completed and the violation has not been abated, he shall issue an order requiring that while such corrective action is underway, no work, other than that necessary to take such action and to obtain valid samples of the atmosphere of the active workings of the mine to determine the atmospheric concentrations of respirable dust, shall be permitted until the dust concentrations in such mine have been reduced to or below such required level. As soon as possible after an order is issued, the Secretary, upon request of the operator, shall dispatch to the mine involved a person or team of persons, to the extent such persons are available, determined by him to be knowledgeable in the methods and means of controlling and reducing respirable dust. Such person or team of persons shall remain at the mine involved for such time as they shall deem appropriate to assist the operator in reducing respirable dust concentrations. While at the mine, such persons may require the operator to take such actions as they deem appropriate to insure the health of any person in the coal mine.

(g) The dust resulting from drilling in rock shall be controlled by the use and maintenance of dust collectors, by water or water with a wetting agent, or by ventilation or other means approved by the Secretary. Miners who are engaged in drilling in rock and exposed for short periods to inhalation hazards from gas, dust, fumes, or mist shall wear respiratory equipment. When the exposure is for prolonged periods, other measures to protect such miners or to reduce the hazard shall be taken.

(h) Respirators shall be worn by all persons for protection against exposures to concentrations of dust in excess of the levels required to be maintained under this section. Use of respirators shall not be substituted for environmental control measures. Each mine shall maintain a supply of respirators adequate to comply with the provisions of this section.

(i) References to respirators, dust collectors, or respiratory equipment in this section mean respirators, dust collectors, and equipment approved by the Secretary in accordance with health standards established by the Surgeon General.

(j) References to specific concentrations of dust in this title mean concentrations of respirable dust if measured with an MRE instrument or equivalent concentrations of dust if measured with another device approved by the Secretary. As used in this title, the term "MRE instrument" means the gravimetric dust sampler with four channel horizontal elutriator developed by the Mining Research Establishment of the National Coal Board, London, England.

(k) At any time within two years following the date on which the 2.0 milligram standard established by subsection (a) (2) of this section becomes effective, the Secretary may, after having given the Congress advance written notice not less than one hundred and twenty days prior thereto and in accordance with health standards established by the Surgeon General, extend the time within which all underground coal mines are required to comply with such standard, if the Secretary determines that the technology or other effective control techniques or methods for reducing such dust concentrations to the level required by such standard is not available. Such extension shall be effective at the end of the first period of sixty calendar days of continuous session of Congress after the date on which a written plan of such extension is transmitted to it unless, between the date of transmittal and the end of the sixty-day period, either House passes a resolution stating in substance that that House does not favor the extension plan.

(l) For the purpose of subsection (k) of this section—

(1) the continuity of a session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period.

(m) Any extension plan transmitted to the Congress pursuant to this section shall be received and acted on by the Congress in the same manner as that provided for reorganization plans under chapter 9 of title 5 of the United States Code.

(n) The Secretary and the Surgeon General shall, from time to time, but in no event less than twice annually, submit a written report to the Congress setting forth the progress made toward achieving absolute compliance with the standards established by subsection (a) of this section, and an estimate of the time as to when such compliance can be achieved.

(o) The Secretary or his authorized representative may require a greater quantity of air than the minimum required under section 204(b) of this Act when he finds it necessary to protect the health of miners in a coal mine. Where line brattice or other approved devices are installed, the space between such device and the rib shall, in addition to the requirements of section 204 (c)(2) of this Act, be adequate to permit the flow of sufficient volume of air to reduce the concentrations of respirable dust at each active working face.

MEDICAL EXAMINATIONS

SEC. 103. (a) The operator of an underground coal mine shall establish a program approved by the Surgeon General under which each miner working in such underground coal mine will be given, at least annually, beginning six months after the operative date of this title, a chest roentgenogram and such other tests as may be required by the Surgeon General. The films shall be taken in a manner to be prescribed by the Surgeon General and shall be read and classified by the Surgeon General and the results of each reading on each such miner shall be available to the Surgeon General and, with the consent of the miner, to his physician and other appropriate persons. The Surgeon General may also take such examinations and tests where appropriate and may cooperate with the operator in taking of such examinations and tests on a reimbursable basis. Each operator shall cooperate with the Surgeon General in making arrangements for each miner in such mine to be given such other medical examinations as the Surgeon General determines necessary. The results of any such examination shall be submitted in the same manner as the aforementioned films. In no case, however, shall any such miner be required to have a chest roentgenogram or examination under this section without his consent.

(b)(1) On and after the effective date of the 3.0 milligram standard established by section 102(a)(1) of this title, any miner who, in the judgment of the Surgeon General based upon such reading or medical examinations, shows evidence of the development of the pneumoconiosis shall be assigned by the operator, for such period or periods as may be necessary to prevent further development of such disease, to work, at the option of the miner, in any working section or other area of the mine, where the mine atmosphere contains concentrations of respirable dust of not more than 2.0 milligrams of dust per cubic meter of air.

(2) On and after the effective date of the 2.0 milligram standard established by section 102(a)(2) of this title, any miner so showing such evidence of the development of pneumoconiosis shall be assigned in accordance with the provisions of paragraph (1) of this subsection to any working section or other area of the mine where the mine atmosphere contains concentrations of respirable dust at a level, below 2.0 milligrams of dust per meter of air, determined by the Secretary, in accordance with health standards established by the Surgeon General, to be necessary to prevent further development of such disease.

(3) Any miner assigned to work in any other working section or other area of the mine pursuant to paragraphs (1) or (2) of this subsection shall receive for such work the regular rate of pay received by other miners performing comparable work in such section or area, or the regular rate of pay received by such miner immediately prior to his assignment, whichever is the greater.

PART B—PROMULGATION OF MANDATORY HEALTH STANDARDS FOR ALL COAL MINERS

HEALTH STANDARDS; REVIEW

SEC. 105. (a) In accordance with health standards established by the Surgeon General from time to time and the procedures set forth in this section, the Secretary shall promulgate mandatory health standards for the protection of life and the prevention of occupational diseases in coal mines.

(b) In the development of such standards, the Surgeon General shall consult with other interested Federal agencies, representatives of State agencies, appropriate representatives of the coal mine operators and miners, other interested persons and organizations, the State, such advisory committees as he may appoint, and where appropriate, foreign countries. In addition to the attainment of the highest degree of health and protection for the miner, other considerations shall be the latest available scientific data in the field, the technical feasibility of the standards, and experience gained under this and other health regulations.

(c) The Secretary shall from time to time publish any such proposed standards and the schedule provided for in subsection 101(c)(2) of this title in the Federal Register and shall afford interested persons a period of not less than thirty days after publication to submit written data or comments. Except as provided in subsection (c) of this section, the Secretary may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such standards or schedule with such modifications as he and the Surgeon General may deem appropriate. Not later than twelve months after the date of enactment of the Act, the Secretary, in accordance with health standards established by the Surgeon General, shall propose mandatory health standards for surface coal mines and surface work areas of underground coal mines and shall publish such proposed standards in the Federal Register.

(d) On or before the last day of any period fixed for the submission of written data or comments under subsection (c) of this section, any interested person may file with the Secretary written objections to a proposed standard or schedule, stating the grounds therefor and requesting a public hearing by the Secretary on such objections. As soon as practicable after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specifying the proposed standards or provisions of the schedule to which objections have been filed and a hearing requested, and shall review such standards, schedules, and objections in accordance with subsection (a) of this section.

(e) Promptly after any such notice is published in the Federal Register by the Secretary under subsection (d) of this section, the Secretary shall issue notice of and hold a public hearing for the purpose of receiving relevant evidence. Within sixty days after completion of the hearings, the Secretary shall make findings of fact and may promulgate the mandatory standards with such modifications, or take such other action, as he and the Surgeon General deem appropriate. All such findings shall be public.

(f) Any mandatory standard or schedule promulgated under this section shall be effective upon publication in the Federal Register unless the Secretary specifies a later date.

(g) All health standards established by the Surgeon General pursuant to this title shall, at the time of their transmission by him to the Secretary for disposition by him in accordance with the provisions of this title, be published in the Federal Register.

TITLE II—MANDATORY SAFETY STANDARDS FOR COAL MINES

PART A—INTERIM SAFETY STANDARDS FOR UNDERGROUND COAL MINES

SCOPE OF COVERAGE

SEC. 201. (a) The provisions of sections 202 through 218, inclusive, of this title shall be interim mandatory safety standards applicable to all underground coal mines until superseded in whole or in part by improved mandatory safety standards promulgated by the Secretary for such mines pursuant to section 219 of this title. Such interim standards shall be enforced in accordance with the provisions of title III of this Act.

(b) The purpose of this title is to provide for the immediate application of mandatory safety standards developed on the basis of experience and advances in technology and to prevent newly created hazards resulting from new technology in coal mining. The Secretary shall immediately initiate studies, investigations, and research to further upgrade such standards and to develop and promulgate new and improved standards promptly that will provide increased protection to the miners, particularly in connection with hazards from trolley and trolley feeder wires, signal wires, the splicing and use of trailing cables, and in connection with improvements in vulcanizing of electric conductors, improvement in roof control measures, methane drainage in advance of mining, improved methods of measuring methane and oxygen concentrations and the use of improved underground power equipment, including diesel power.

(c) In any case in which an exception to a standard established by this part is authorized by the provisions thereof, such exception shall be made only upon a finding by the Secretary that it is warranted under the criteria established in the provision authorizing such exception, and that the granting of the exception would not pose a danger to the safety of miners. Such findings shall be made public and shall be available to a representative, if any, of the miners at the affected mine.

(d) In any case where the provisions of sections 202 to 218, inclusive, of this title provide that certain actions, conditions, or requirements shall be carried out as prescribed by the Secretary, the provisions of section 553 of title 5 of the United States Code shall apply unless the Secretary otherwise prescribes.

GENERAL STANDARDS

SEC. 202. (a) Telephone service or equivalent two-way communication facilities shall be provided between the surface and each landing of main shafts and slopes and between the surface and each working section that is more than one hundred feet from the mine portal.

(b) Smoking shall be prohibited underground. No person shall carry smoking materials, matches, or lighters underground. Smoking shall be prohibited in or around oil houses, explosives magazines, or other surface areas where such practice may cause a fire or explosion. The operator of a coal mine shall institute a program, approved by the Secretary, at each mine to insure that any person entering the underground portion of the mine does not carry smoking materials, matches, or lighters.

(e) Each operator shall make arrangements in advance for obtaining emergency medical assistance and transportation for injured persons. Emergency communications shall be provided to the nearest point of assistance. Selected agents of the operator shall be trained in first aid and first aid training shall be made available to all miners. Each mine shall have an adequate supply of first aid equipment located on the surface, at the bottom of shafts and slopes, and at other strategic locations near the working faces. In fulfilling each of the requirements in this subsection, the operator shall meet at least minimum standards established by the Surgeon General. Within two months after the operative date of this title each operator shall file with the Secretary a plan setting forth in such detail as the Secretary may require the manner in which such operator has fulfilled the requirements in this subsection.

(d) A self-rescue device approved by the Secretary shall be made available to each miner by the operator which shall be adequate to protect such miner for one hour or longer. Each operator shall train each miner in the use of such device.

(e) The Secretary may require in any coal mine that rescue chambers, properly sealed and ventilated, be erected at suitable locations in the mine to which men could go in case of an emergency for protection against hazards. Such chambers shall be properly equipped with first aid materials, an adequate supply of air and self-contained breathing equipment, an independent communication system to the surface, proper accommodation for the men while awaiting rescue, and such other equipment as the Secretary may prescribe. A plan for the erection, maintenance, and revisions of such chambers and the training of the miners in their proper use shall be submitted by the operator to the Secretary for his approval.

(f) Upon the basis of research demonstrating that underground illumination will improve, within eighteen months after the operative date of this title, prescribe standards for illumination by permissible lighting for all active workings in a mine.

(g) Every operator of a coal mine shall establish a program, approved by the Secretary, of training and retraining of qualified and certified persons needed to carry out functions prescribed in this Act.

(h) The Secretary shall prescribe improved methods of assuring that miners are not exposed to atmospheres that are deficient in oxygen.

(i) The Secretary may require each operator of a coal mine to establish a check-in and check-out system that will provide positive identification of every person underground, and provide an accurate record of the miners in the mine. Such record shall be kept on the surface in a place chosen to minimize the danger of destruction by fire or other hazard and shall bear a number identical to an identification check that is securely fastened to the lamp belt worn by the person underground. The identification check shall be made of a rust resistant metal of not less than 16 gage.

ROOF SUPPORT

SEC. 203. (a) Each operator shall undertake to carry out on a continuing basis a program to improve the roof control system of each mine and the means and measures to accomplish such system. The roof and ribs

XUM

of all active underground roadways, travelways, and working places shall be supported or otherwise controlled adequately to protect persons from falls of the roof or ribs. A roof-control plan and revisions thereof suitable to the roof conditions and mining system of each mine and approved by the Secretary shall be adopted and set out in printed form within sixty days after the operative date of this title. The plan shall show the type of support and spacing approved by the Secretary. Such plan shall be reviewed periodically, at least every six months by the Secretary, taking into consideration any falls of roof or ribs or inadequacy of support of roof or ribs. No person shall proceed beyond the last permanent support unless adequate temporary support is provided or unless such temporary support is not required under the approved roof control plan. A copy of the plan shall be furnished to the Secretary or his authorized representative and shall be available to the miners or their authorized representatives.

(b) The method of mining followed in any mine shall not expose the miner to unusual dangers from roof falls caused by excessive widths of rooms and entries or faulty pillar recovery methods.

(c) The operator, in accordance with the approved plan, shall provide at or near each working face and at such other locations in the mine as the Secretary may prescribe an ample supply of suitable materials of proper size with which to secure the roof of all working places in a safe manner. Safety posts, jacks, or other approved devices shall be used to protect the workmen when roof material is being taken down, crossbars are being installed, roof boltholes are being drilled, roof bolts are being installed, and in such other circumstances as may be appropriate. Loose roof and overhanging or loose faces and ribs shall be taken down or supported. Except in the case of recovery work, supports knocked out shall be replaced promptly.

(d) When installation of roof bolts is permitted, such roof bolts shall be tested in accordance with the approved roof control plan.

(e) Roof bolts shall not be recovered where complete extractions of pillars are attempted, where adjacent to clay veins, or at the locations of other irregularities, whether natural or otherwise, that induce abnormal hazards. Where roof bolt recovery is permitted, it shall be conducted only in accordance with methods prescribed in the approved roof control plan, and shall be conducted by experienced miners and only where adequate temporary support is provided.

(f) Where miners are exposed to danger from falls of roof, face, and ribs the operator shall examine and test the roof, face, and ribs before any work or machine is started, and as frequently thereafter as may be necessary to insure safety. When dangerous conditions are found, they shall be corrected immediately.

VENTILATION

SEC. 204. (a) All coal mines shall be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary and such equipment shall be examined daily and a record shall be kept of such examination.

(b) All active underground workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away flammable or harmful gases and smoke and fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms of any mine shall be nine thousand cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be nine thousand cubic feet a minute. The Secretary or his authorized representative may require in any coal mine a greater quantity of air when he finds it necessary to protect the safety of miners. In robbing areas of anthracite mines, where the air currents cannot be controlled and measurements of the air cannot be obtained, the air shall have perceptible movement.

(c) (1) Properly installed and adequately maintained line brattice or other approved devices shall be used from the last open crosscut of an entry or room of each working section to provide adequate ventilation to the working faces for the miners and to remove gases, dust, and explosive fumes, unless the Secretary or his authorized representative permits an exception to this requirement. When damaged by falls or otherwise, they shall be repaired promptly.

(2) The space between the line brattice or such other device and the rib shall be large enough to permit the flow of a sufficient volume of air to keep the working face clear of flammable and noxious gases.

(3) Brattice cloth used underground shall be of flame-resistant material.

(d) (1) Within three hours immediately preceding the beginning of a coal-producing shift, and before any workmen in such shift enter the underground areas of the mine, certified persons designated by the operator of the mine shall examine a definite underground area of the mine. Each such examiner shall examine every active underground working section in that area and shall make tests in each such working section for accumulations of methane with means approved by the Secretary for detecting methane and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in the active underground working sections; examine active roadways, travelways, and all belt conveyors, approaches to abandoned workings, and accessible falls in working sections for hazards; examine by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume; and examine for such other hazards and violations of the standards established by, or promulgated pursuant to this title, as an authorized representative of the Secretary may from time to time require. Such mine examiner shall place his initials and the date and time at all places he examines. If such mine examiner finds a condition which constitutes a violation of a mandatory standard established by, or promulgated pursuant to, this title, or any condition which is hazardous to persons who may enter or be in such area, he shall indicate such hazardous place by posting a "Danger" sign conspicuously at all points which persons entering such hazardous place would be required to pass, and shall notify the operator of the mine. No person, other than an authorized representative of the Secretary or a State mine inspector or persons authorized by the mine operator to enter such place for the purpose of eliminating the hazardous condition therein, shall enter such place while such sign is so posted. Upon completing his examination, such mine examiner shall report the results of his examination to a person, designated by the mine operator to receive such reports at a designated station on the surface of the mine or underground, before other persons enter the underground areas of such mine to work in such coal-producing shift. Each such mine examiner shall also record the results of his examination with ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(2) No person (other than certified persons designated under this subsection) shall enter any underground area, except during a coal-producing shift, unless an examination of such area as prescribed in this subsection has been made within eight hours immediately preceding his entrance into such area.

(e) At least once during each coal-producing shift or more often if necessary for safety, each active underground working section shall be examined for hazardous conditions by certified persons designated by the mine operator to do so. Any such conditions shall be corrected immediately. If such conditions cannot be corrected immediately, the operator shall withdraw all persons from the area affected by such condition, except those persons whose presence is required to correct such conditions. Such examination shall include tests with means approved by the Secretary for detecting methane and with a permissible flame safety lamp or other means approved by the Secretary for detecting oxygen deficiency.

(f) Examinations for hazardous conditions, including tests for methane, and for compliance with the standards established by, or promulgated pursuant to, this title shall be made at least once each week by a certified person designated by the operator of the mine, in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and insofar as safety considerations permit, abandoned workings. Such weekly examination need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date at the places examined, and if hazardous conditions are found, such conditions shall be reported promptly. Any hazardous condition shall be corrected immediately. If a hazardous condition cannot be corrected immediately, the operator shall withdraw all persons from the area affected by the hazardous condition, except those persons whose presence is required to correct the conditions. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(g) At least once each week, a qualified person shall measure the volume of air entering the main intakes and leaving the main returns, the volume passing through the last open crosscut in any pair or set of developing entries and the last open crosscut of any pair or set of rooms, the volume being delivered to the intake end of each pillar line, and the volume at the intake and return of each split of air. A record of such measurements shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

(h) (1) At the start of each coal-producing shift, tests for methane shall be made at the face of each working place immediately before electrically operated equipment is energized. Such tests shall be made by qualified persons. If more than 1.0 volume per centum of methane is detected, electrical equipment shall not be energized, taken into, or operated in such working place until the air contains no more than 1.0 volume per centum of methane. Examinations for methane shall be made during such operations at intervals of not more than twenty minutes during each shift, unless more frequent examinations are required by an authorized representative of the Secretary. In conducting such tests, such person shall use means approved by the Secretary for detecting methane.

(2) If the air at an underground working place, when tested at a point not less than twelve inches from the roof, face, or rib, contains more than 1.0 volume per centum of methane, changes or adjustments shall be made at once in the ventilation in such mine so that such air shall not contain more than 1.0 volume per centum of methane. While such ventilation improvement is underway and until it has been achieved, power to face equipment located in such place shall be cut off, no other work shall be permitted in such place, and due precautions will be carried out under the direction of the operator or his agent so as not to endanger other active workings.

If such air, when tested as outlined above, contains 1.5 volume per centum of methane, all persons shall be withdrawn from the area of the mine endangered thereby, and all electric power shall be cut off from such area of the mine, until the air in such area shall not contain more than 1.0 volume per centum of methane.

(i) (1) If, when tested, a split of air returning from active underground working sections contains more than 1.0 volume per centum of methane, changes or adjustments shall be made at once in the ventilation in the mine so that such returning air shall not contain more than 1.0 volume per centum of methane. Tests under this paragraph and paragraph (2) of this subsection shall be made at four-hour intervals during each shift by a qualified person designated by the operator of the mine. In making such tests, such person shall use means approved by the Secretary for detecting methane.

(2) If, when testing, a split of air returning from active underground working sections contains 1.5 volume per centum of methane, all persons shall be withdrawn from the area of the mine endangered thereby, and all electric power shall be cut off from such area of the mine, until the air in such split shall not contain more than 1.0 volume per centum of methane.

(3) In virgin territory, if the quantity of air in a split ventilating the workings in such territory equals or exceeds twice the minimum volume of air prescribed in subsection (b) of this section, if the air in the split returning from such workings does not pass over trolley or trolley feeder wires, and if a certified person designated by the mine operator is continually testing the methane content of the air in such split during mining operations in such workings, it shall be necessary to withdraw all persons and cut off all electric power from the portion of the mine endangered thereby only when the air returning from such workings contains more than 2.0 volume per centum.

(j) Air which has passed by an opening of any abandoned area shall not be used to ventilate any working place in the mine if such air contains 0.25 volume per centum or more of methane. Examinations of such air shall be made during the preshift examination required by subsection (d) of this section. In making such tests, a qualified person designated by the operator of the mine shall use means approved by the Secretary for detecting methane. For the purposes of this subsection, an area within a panel shall not be deemed to be abandoned until such panel is abandoned.

(k) Air that has passed through an abandoned panel or area which is inaccessible or unsafe for inspection shall not be used to ventilate any working place in such mine. No air which has been used to ventilate an area from which the pillars have been removed shall be used to ventilate any working place in such mine, except that such air, if it does not contain 0.25 volume per centum or more of methane, may be used to ventilate enough advancing working places immediately adjacent to the line of retreat to maintain an orderly sequence of pillar recovery on a set of entries.

(l) An authorized representative of the Secretary may require in any coal mine that electric face equipment operated therein be equipped with a methane monitor approved by the Secretary and kept operative and in operation.

(m) Idle and abandoned areas shall be inspected for methane and for oxygen deficiency and other dangerous conditions by a certified person with means approved by the Secretary as soon as possible, but not more than three hours, before other employees are permitted to enter or work in such areas. However, persons, such as pumpmen, who are required regularly to enter such areas in the performance of their duties, and who are trained and qualified in the use of means approved by the Secretary for detecting methane and in the use of a permissible flame safety lamp or other means for detecting oxygen deficiency are authorized to make such examinations for themselves, and each such person shall be properly equipped and shall make such examinations upon entering any such area.

(n) Immediately before an intentional roof fall is made, pillar workings shall be examined by a qualified person designated by the operator to ascertain whether methane is present. Such person shall use means approved by the Secretary for detecting methane. If in such examination methane is found in amounts of more than 1.0 volume per centum, such roof fall shall not be made until changes or adjustments are made in the ventilation so that the air shall not contain more than 1.0 volume per centum of methane.

(o) Within six months after the operative date of this title, and thereafter, all areas in all active mines in which the pillars have been extracted or areas which have been abandoned for other reasons shall be effectively sealed or shall be effectively ventilated by bleeder entries, or by bleeder systems or an equivalent means. Such sealing or ventilation shall be approved by an authorized representative of the Secretary.

(p) Pillared areas ventilated by means of bleeder entries, or by bleeder systems or an equivalent means, shall have sufficient air coursed through such areas so that, before entering another split of air, the return split of air shall not contain more than 2.0 volume per centum of methane, when tested at the point it enters such other split.

(q) Where areas are being pillared on the operative date of this title without bleeder entries, or without bleeder systems or an equivalent means, pillar recovery may be completed in the area to the extent approved by an authorized representative of the Secretary if the edges of pillar lines adjacent to active workings are ventilated with sufficient air to keep the air in open areas along the pillar lines below 1.0 volume per centum of methane.

(r) Each mechanized mining section shall be ventilated with a separate split of intake air directed by overcasts, undercasts, or the equivalent, except an extension of time, not in excess of twelve months may be permitted by the Secretary, under such conditions as he may prescribe, whenever he determines that this subsection cannot be complied with on the operative date of this title.

(s) In all underground areas of a coal mine, immediately before firing each shot or group of multiple shots and after blasting is completed, examinations for methane shall be made by a qualified person with means approved by the Secretary for detecting methane. If methane is found in amounts of more than 1.0 volume per centum, changes or adjustments shall be made at once in the ventilation so that the air shall not contain more than 1.0 volume per centum of methane. No shots shall be fired until the air contains not more than 1.0 volume per centum of methane.

(t) Each operator of a coal mine shall adopt a plan within sixty days after the operative date of this title which shall provide that when any mine fan stops immediate action shall be taken by the operator or his agent (1) to withdraw all persons from the working places, (2) to cut off the power in the mine in a timely manner, (3) to provide for restoration of power and resumption of work if ventilation is restored within a reasonable period as set forth in the plan after the working places and other workings where methane is likely to accumulate are reexamined by a certified person to determine if methane in amounts of more than 1.0 volume per centum exists therein, and (4) to provide for withdrawal of all persons from the mine if ventilation cannot be restored within such reasonable time. The plan and revisions thereof approved by the Secretary shall be set out in printed form and a copy shall be furnished to the Secretary or his authorized representative.

(u) Changes in ventilation which materially affect the main air current or any split thereof and which may affect the safety of persons in the coal mine shall be made only when the mine is idle. Only those persons engaged in making such changes shall be permitted in the mine during the change. Power shall be removed from the areas affected by the change before work starts to make the change and shall not be restored until the effect of the change has been ascertained and the affected areas determined to be safe by a certified person.

(v) The mine foreman shall read and countersign promptly the daily reports of the preshift examiner and assistant mine foremen, and he shall read and countersign promptly the weekly report covering the examinations for hazardous conditions. The mine superintendent or assistant superintendent of the mine shall also read and countersign the daily and weekly reports of such persons.

(w) Each day, the mine foreman and each of his assistants shall enter plainly and sign with ink or indelible pencil in a book approved by the Secretary provided for that purpose a report of the condition of the mine or portion thereof under his supervision which report shall state clearly the location and nature of any hazardous condition observed by them or reported to them during the day and what action was taken to remedy such condition. Such book shall be kept in an area on the surface of the mine chosen by the operator to minimize the danger of destruction by fire or other hazard, and shall be open for inspection by interested persons.

(x) Before a mine is reopened after having been abandoned or declared inactive by the operator, the Secretary shall be notified and an inspection shall be made of the entire mine by an authorized representative of the Secretary before mining operations commence.

(y) In any coal mine opened after the operative date of this title, the entries used as intake and return airways shall be separated from belt and trolley haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt and trolley haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries to protect the health of miners and to insure that the air therein shall not contain more than 1.0 volume per centum of methane. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened prior to the operative date of this title which has been developed with more than two entries, that the conditions in the entries, other than haulage entries, are such as to permit the coursing of intake or return air through such entries, (1) the belt and trolley haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate working places, and (2) when the belt and trolley haulage entries are not necessary to ventilate the working places, the operator of such mine shall limit the velocity of the air coursed through the belt and trolley haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, to protect the health of miners, and to insure that the air therein shall not contain more than 1.0 volume per centum of methane.

COMBUSTIBLE MATERIALS AND ROCK DUSTING

SEC. 205. (a) Coal dust, including float coal dust deposited on rock-dusted surfaces, loose coal, and other combustible materials, shall not be permitted to accumulate in active underground workings or on electrical equipment therein.

(b) Where underground mining operations create or raise excessive amounts of dust, water, or water with a wetting agent added to it, or other effective method approved by an authorized representative of the Secretary, shall be used to abate such dust. In working places, particularly in distances less than forty feet from the face, water, with or without a wetting agent, shall be applied to coal dust on the ribs, roof, and floor to reduce dispersibility and to minimize the explosion hazard.

(c) All areas of a mine, except those areas in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock dusted to within forty feet of all working faces, unless such areas are inaccessible or unsafe to enter or unless an authorized representative of the Secretary permits an exception. All crosscuts that are less than forty feet from a working face shall be rock dusted.

(d) Where rock dust is required to be applied, it shall be distributed upon the top, floor, and sides of all underground areas of a mine and maintained in such quantities that the incombustible contents of the combined coal dust, rock dust, and other dust shall be not less than 65 per centum, but the incombustible contents in the return aircourses shall be not less than 80 per centum. Where methane is present in any ventilating current, the per centum of incombustible content of such combined dusts shall be increased 1.0 and 0.4 per centum for each 0.1 per centum of methane, where 65 and 80 per centum, respectively, of incombustibles are required.

(e) Subsections (b) through (d) of this section shall not apply to underground anthracite mines subject to this Act.

ELECTRICAL EQUIPMENT—GENERAL

SEC. 206. (a) The location and the electrical rating of all stationary electrical apparatus in connection with the mine electrical system, including permanent cables, switchgear, rectifying substations, transformers, permanent pumps, trolley wires and trolley feeders, and settings of all direct-current circuit breakers protecting underground trolley circuits, shall be shown on a mine map. Any changes made in a location, electrical rating, or setting shall be promptly shown on the map when the change is made.

(b) All power circuits and electrical equipment shall be deenergized before work is done on such circuits and equipment, except, when necessary, a person may repair energized trolley wires if he wears insulated shoes and lineman's gloves. No work shall be performed on medium- or high-voltage distribution circuits or equipment except by or under the direct supervision of a competent electrician. Switches shall be locked out and suitable warning signs posted by the persons who are to do the work. Locks shall be removed only by the persons who installed them.

(c) Electric equipment shall be frequently examined by a competent electrician to assure safe operating conditions. When a potentially dangerous condition is found on electric equipment, such equipment shall be removed from service until such condition is corrected.

(d) All electric conductors shall be sufficient in size and have adequate current-carrying capacity and be of such construction that the rise in temperature resulting from normal operation will not damage the insulating materials.

(e) All joints or splices in conductors shall be mechanically and electrically efficient and suitable connectors shall be used. All joints in insulated wire shall be reinsulated at least to the same degree of protection as the remainder of the wire.

(f) Cables shall enter metal frames of motors, splice boxes and electric compartments only through proper fittings. When insulated wires other than cables pass through metal frames the holes shall be substantially bushed with insulated bushings.

(g) All power wires (except trailing cables on mobile equipment, specially designed cables conducting high-voltage power to underground rectifying equipment or transformers, or bare insulated ground and return wires) shall be supported on well-installed insulators and shall not contact combustible material, roof, or ribs.

(h) Power wires and cables, except trolley wires, trolley feeder, and bare signal wires, shall be insulated adequately and fully protected.

(i) Automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed so as to protect all electric equipment and circuits against short circuit and overloads. Three phase motors on all electric equipment shall be provided with overload protection that will deenergize all three phases in the event that any phase is overloaded.

(j) In all main power circuits, disconnecting switches shall be installed underground within five hundred feet of the bottoms of shafts and boreholes through which main power circuits enter the underground portion of the mine and within five hundred feet of all other places where main power circuits enter the underground portion of the mine.

(k) All electric equipment shall be provided with switches or other controls that are safely designed, constructed, and installed.

(l) (1) One year after the operative date of this title—

(A) all junction or distribution boxes used for making multiple power connections inby the last open crosscut shall be permissible;

(B) all handheld electric drills, blower and exhaust fans, electric pumps, and other such low horsepower electric face equipment as the Secretary may designate within two months after the operative date of this title, which are taken into or used inby the last open crosscut of any coal mine shall be permissible;

(C) all electric face equipment which is taken into or used inby the last open crosscut of any coal mine classified as gassy prior to the operative date of this title shall be permissible; and

(D) all other electric face equipment which is taken into or used inby the last open crosscut of any other coal mine shall be permissible; and except that, notwithstanding any other provision of this subsection in the case of any coal mine which is operated entirely in coal seams located above the watertable, which has not been classed under any provision of law as a gassy mine prior to the date of enactment of this Act in which one or more openings were made prior to the date of enactment of this Act, and the total annual production of which does not exceed seventy-five thousand tons annually based on the mine's production records for three calendar years prior to such date, the effective date of the provisions of this paragraph (1) (D) shall be three years after the operative date of this title: *Provided*, That any operator of such a mine who is unable to comply with the requirements of paragraph (1) (D) on such effective date may file with the Panel an application under paragraph 5 of this subsection for a permit for noncompliance ninety days prior to such date. If the Panel determines, after notice to all interested persons and an opportunity for a hearing, that such application satisfies the requirements of paragraph (3) of this subsection and that such operator, despite his diligent efforts will be unable to comply with such requirements, the Panel may issue to such operator such a permit. Such permit shall entitle the permittee to an additional extension of time to comply with the provisions of this paragraph of not to exceed twenty-four months, as determined by the Panel, from such effective date.

(2) The operator of each coal mine shall maintain in permissible condition all electric face equipment, required by this subsection to be permissible, which is taken into or used in by the last open crosscut of any such mine.

(3) Each operator of a coal mine shall, within two months after the operative date of this title, file with the Secretary a statement listing all electric face equipment by type and manufacturer being used by such operator in connection with mining operations in such mine as of the date of such filing, and stating whether such equipment is permissible and maintained in permissible condition or nonpermissible on such date of filing, and, if nonpermissible, whether such nonpermissible equipment has ever been rated as permissible, and such other information as the Secretary may require.

(4) The Secretary shall promptly conduct a survey as to the total availability of new or rebuilt permissible electric face equipment and replacement parts for such equipment and, within six months after the operative date of this title, publish the results of such survey.

(5) Any operator of a coal mine who is unable to comply with the requirements of paragraph (1) (D) of this subsection within one year after the operative date of this title may file with the Panel an application for a permit for noncompliance. If the Panel determines that such application satisfies the requirements of paragraph (8) of this subsection, the Panel shall issue to such operator a permit for noncompliance. Such permit shall entitle the permittee to an extension of time to comply with such requirements of paragraph (1) (D) of not to exceed twelve months, as determined by the Panel, from the date that compliance with the provisions of paragraph (1) (D) of this subsection is required.

(6) (A) Any operator of a coal mine issued a permit under paragraph (5) of this subsection who, ninety days prior to the termination of such permit, determines that he will be unable to comply with the requirements of paragraph (1) (D) of this subsection upon the expiration of such permit may file with the Panel an application for renewal thereof. Upon receipt of such application, the Panel, if it determines, after notice to all interested persons and an opportunity for a hearing, that such application satisfies the requirements of paragraph (8) of this subsection and that such operator, despite his diligent efforts, will be unable to comply with such requirements, may renew the permit for a period not exceeding twelve months. Any hearing held pursuant to this paragraph shall be of record and the Panel

shall make findings of fact and shall issue a written decision incorporating its findings therein.

(B) Any permit issued pursuant to this subsection shall entitle the permittee to use such nonpermissible electric face equipment referred to in paragraph (1)(D) of this subsection, as specified in the permit, during the term of such permit.

(7) Permits for noncompliance issued under this subsection shall, in the aggregate, not extend the period of noncompliance more than forty-eight months after the date of enactment of this Act.

(8) Any application for a permit of noncompliance filed under this subsection shall contain a statement by the operator—

(A) that he is unable to comply with paragraph (1)(D) of this subsection within the time prescribed;

(B) listing the nonpermissible electric face equipment being used by such operator in connection with mining operations in such mine on the operative date of this title and the date of the application by type and manufacturer for which a noncompliance permit is requested and whether such equipment had ever been rated as permissible;

(C) setting forth the actions taken from and after the operative date of this title to comply with paragraph (1)(D) of this subsection, together with a plan setting forth a schedule of compliance with said paragraph for each such equipment referred to in such paragraph and being used by the operator in connection with mining operations in such mine with respect to which such permit be required and the means and measures to be employed to achieve compliance; and

(D) including such other information as the Panel may require.

(9) No permit for noncompliance shall be issued under this subsection for any nonpermissible electric face equipment, unless such equipment was being used by an operator in connection with the mining operations in a coal mine on the operative date of this title.

(10) As used in this subsection, the term "permissible electric face equipment" means all electrically operated equipment taken into or used in by the last open crosscut of any coal mine the electrical parts of which, including, but not limited to, associated electrical equipment, components, and accessories, are designed, constructed, and installed, in accordance with the Secretary's specifications, to assure that such machines will not cause a mine explosion or mine fire, and the other features of which are designed and constructed, in accordance with the Secretary's specifications, to prevent, to the greatest extent possible, other accidents in the use of such equipment. The regulations of the Secretary in effect on the operative date of this title relating to the requirements for investigation, testing, approval, certification, and acceptance of electric face equipment as permissible shall continue in effect until modified or superseded by the Secretary, except that the Secretary shall provide procedures, including, where feasible, field testing, approval, certification, and acceptance by an authorized representative of the Secretary, to facilitate compliance by an operator with the permissibility requirements of paragraph (1) of this subsection within the period prescribed.

(11) Any operator or representative of miners aggrieved by a final decision of the Panel under this subsection may file a petition for review of such decision in accordance with the provisions of section 304 of this Act.

(12) On and after two years from the operative date of this title, all electric face equipment covered by paragraphs (5) and (6) of this subsection which is replaced or converted shall be permissible and maintained in a permissible condition and, in the event of any major overhaul of such equipment in use on or after two years from such date, such equipment shall be put in or shall thereafter be maintained in permissible condition.

(m) Any coal mine which, prior to the operative date of this title, was classed gassy and was required to use permissible electric face equipment and to maintain such equipment in a permissible condition shall continue to use such equipment and to maintain such equipment in such condition.

(n) All power connection points, except where permissible power connection units are used, outby the last open crosscut shall be in intake air.

(o) Each undergrounded, exposed power conductor that leads underground shall be equipped with lightning arresters of approved type within one hundred feet of the point where the circuit enters the mine. Lightning arresters shall be connected to a low resistance grounding median on the surface which shall be separated from neutral grounds by a distance of not less than twenty-five feet.

(p) No device for the purpose of lighting any underground coal mine which has not been approved by the Secretary or his authorized representative, or open flame, shall be permitted in any underground coal mine, except under the provisions of section 212(d) of this title.

(q) An authorized representative of the Secretary may require in any coal mine that electric face equipment be provided with devices that will permit the equipment to be deenergized quickly in the event of an emergency.

TRAILING CABLES

SEC. 207. (a) Trailing cables used underground shall meet the requirements established by the Secretary for flame-resistant cables.

(b) Short-circuit protection for trailing cables shall be provided by an automatic circuit breaker of adequate current interrupting capacity in each ungrounded conductor. Disconnecting devices used to disconnect power from trailing cables shall be plainly marked and identified and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

(c) When two or more trailing cables junction to the same distribution center, means shall be provided to assure against connecting a trailing cable to the wrong size circuit breaker.

(d) One temporary splice may be made in any trailing cable. Such trailing cable may only be used for the next twenty-four hour period. No temporary splice shall be made in a trailing cable within twenty-five feet of the machine, except cable reel equipment. Temporary splices in trailing cables shall be made in a workmanlike manner and shall be mechanically strong and well insulated. Trailing cables or hand cables which have exposed wires or which have spices that heat or spark under load shall not be used. As used in this subsection, the term "splice" means the mechanical joining of one or more conductors that have been severed.

(e) When permanent splices in trailing cables are made, they shall be—

(1) mechanically strong with adequate electrical conductivity and flexibility;

(2) effectively insulated and sealed so as to exclude moisture; and

(3) vulcanized or otherwise treated with suitable materials to provide flame-resistant qualities and good bonding to the outer jacket.

(f) Trailing cables shall be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections. Trailing cables shall be adequately protected to prevent damage by mobile equipment.

(g) Trailing cable and power cable connections to junction boxes shall not be made or broken under load.

GROUNDING

SEC. 208. (a) All metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continuous throughout and shall be grounded. Metallic frames, casing, and other enclosures of electrical equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded effectively.

(b) The frames of all offtrack direct current machines and the enclosures of related detached components shall be effectively grounded or otherwise maintained at safe voltages by methods approved by an authorized representative of the Secretary.

(c) The frames of all high-voltage switchgear, transformers, and other high-voltage equipment shall be grounded to the high-voltage system ground.

(d) High-voltage lines, both on the surface and underground, shall be deenergized and grounded before work is performed on them.

(e) When not in use, power circuits underground shall be deenergized on idle days and idle shifts, except that rectifiers and transformers may remain energized.

UNDERGROUND HIGH-VOLTAGE DISTRIBUTION

SEC. 209. (a) High-voltage circuits entering the underground portion of the mine shall be protected by suitable circuit breakers of adequate interrupting capacity. Such breakers shall be equipped with relaying circuits to protect against overcurrent, ground fault, a loss of ground continuity, short circuit, and undervoltage.

(b) High-voltage circuits extending underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit. At the point where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed out by the automatic breaker and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

(c) The grounding resistor shall be of the proper ohmic value to limit the voltage drop in the grounding circuit external to the resistor to not more than 100 volts under fault conditions. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

(d) High-voltage systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken.

(e) Underground high-voltage cables shall be equipped with metallic shields around each power conductor. One or more ground conductors shall be provided having a cross sectional area of not less than one-half the power conductor or capable of carrying twice the maximum fault current. There shall also be provided an insulated conductor not smaller than No. 8 (AWG) for the ground continuity check circuit. Cables shall be adequate for the intended current and voltage. Splices made in the cable shall provide continuity of all components and shall be made in accordance with cable manufacturers' recommendations.

(f) Couplers that are used with medium-voltage or high-voltage power circuits shall be of the three-phase type with a full metal-

XUM

lic shell, except that the Secretary may permit, under such guidelines as he may prescribe, couplers constructed of materials other than metal. Couplers shall be adequate for the voltage and current expected. All exposed metal on the metallic couplers shall be grounded to the ground conductor in the cable. The coupler shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

(g) Single-phase loads, such as transformers primaries, shall be connected phase to phase.

(h) All underground high-voltage transmission cables shall be installed only in regularly inspected aircourses and haulageways, and shall be covered, buried, or placed so as to afford protection against damage, guarded where men regularly work or pass under them unless they are six and one-half feet or more above the floor or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated, or placed to prevent contact with trolley and other low-voltage circuits.

(i) Disconnecting devices shall be installed at the beginning of branch lines in high-voltage circuits and equipped or designed in such a manner that it can be determined by visual observation that the circuit is deenergized when the switches are open.

(j) Circuit breakers and disconnecting switches underground shall be marked for identification.

(k) Terminations and splices of high-voltage cable shall be made in accordance with manufacturers' specifications.

(l) Frames, supporting structures, and enclosures of substation or switching station apparatus shall be effectively grounded to the high-voltage ground.

(m) Power centers and portable transformers shall be deenergized before they are moved from one location to another. High-voltage cables, other than trailing cables, shall not be moved or handled while energized.

UNDERGROUND LOW- AND HIGH-VOLTAGE ALTERNATING CURRENT CIRCUITS

SEC. 210. (a) Low- and medium-voltage power circuits serving three-phase alternating current equipment shall be protected by suitable circuit breakers of adequate interrupting capacity. Such breakers shall provide protection for the circuit against overcurrent, ground fault, short circuits, and loss of ground circuit continuity.

(b) Low- and medium-voltage circuits used underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the power center, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all electric equipment supplied power from that circuit. The grounding resistor shall be of the proper ohmic value to limit the ground fault to 25 amperes. The grounding resistor shall be rated for maximum fault current continuously.

(c) Low- and medium-voltage circuits shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or the pilot check wire is broken.

(d) Disconnecting devices shall be installed in conjunction with the circuit breaker to provide visual evidence that the power is disconnectd. Trailing cables for mobile equipment shall contain on or more ground conductors having a cross sectional area of not less than one-half the power conductor and an insulated conductor for the ground continuity checks circuit. Splices made in the cables shall provide continuity of all components.

(e) Single phase loads shall be connected phase to phase.

(f) Circuit breakers shall be marked for identification.

(g) Trailing cable for medium voltage circuits shall include grounding conductors, a ground check conductor and ground metallic shields around each power conductor or a grounded metallic shield over the assembly, except that on equipment employing cable reels, cables without shields may be used if the insulation is rated 2,000 volts or more.

TROLLEY AND TROLLEY FEEDER WIRES

SEC. 211. (a) Trolley wires and trolley feeder wires shall be provided with cutout switches at intervals of not more than 2,000 feet and near the beginning of all branch lines.

(b) Trolley wires and trolley feeder wires shall be provided with overcurrent protection.

(c) Trolley wires and trolley feeder wires, high-voltage cables and transformers shall not be located inby the last open crosscut and shall be kept at least 150 feet from pillar workings.

(d) Trolley wires, trolley feeder wires, and bare signal wires shall be insulated adequately where they pass through doors and stoppings, and where they cross other power wires and cables. Trolley wires and trolley feeder wires shall be guarded adequately (1) at all points where men are required to work or pass regularly under the wires, unless the wires are placed 10 feet or more above the top of the rail; (2) on both sides of all doors and stoppings, and (3) at man-trip stations. The Secretary or his authorized representatives shall specify other conditions where trolley wires and trolley feeder wires shall be adequately protected to prevent contact by any person, or shall require the use of improved methods to prevent such contact. Temporary guards shall be provided where trackmen and other persons work in proximity to trolley wires and trolley feeder wires.

FIRE PREVENTION

SEC. 212. (a) Each coal mine shall be provided with suitable firefighting equipment adapted for the size and conditions of the mine. The Secretary shall establish minimum requirements for the type, quality and quantity of such equipment, and the interpretations of the Secretary relating to such equipment in effect on the operative date of this title shall continue in effect until modified or superseded by the Secretary.

(b) Underground storage places for lubricating oil and grease shall be of fireproof construction. Except for specially prepared materials approved by the Secretary, lubricating oil and grease kept in all undergound areas in a mine shall be in portable, fireproof, closed metal containers.

(c) Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return.

(d) All welding, cutting, or soldering with arc or flame in all underground areas of a mine shall, whenever practicable, be conducted in fireproof enclosures. Welding, cutting, or soldering with arc or flame in other than a fireproof enclosure shall be done under the supervision of a qualified person who shall make a diligent search for fire during and after such operations and shall, immediately before and during such operations, continuously test for methane with means approved by the Secretary for detecting methane. Welding, cutting, or soldering shall not be conducted in air that contains more than 1.0 volume per centum of methane. Rock dust or suitable fire extinguishers shall be immediately available during such welding, cutting, or soldering.

(e) Fire suppression devices meeting specifications prescribed by the Secretary shall be installed on underground equipment within one year after the operative date of this title. In lieu of such devices, fire resistant hydraulic fluids approved by the Secretary may be used in the hydraulic system of unattended equipment.

(f) Deluge-type water sprays or foam generators automatically actuated by rise in temperature, or other effective means approved by the Secretary of controlling fire shall be installed at main and secondary belt-conveyor drives. Where sprays or foam generators are used they shall supply a sufficient quantity of water or foam to control fires.

(g) Underground belt conveyors shall be equipped with slippage and sequence switches.

(h) After every blasting operation performed on shift, an examination shall be made to determine whether fires have been started.

BLASTING AND EXPLOSIVES

SEC. 213. (a) Black blasting powder shall not be stored or used underground. Mudcaps (adobes) or other unconfined shots shall not be fired underground.

(b) Explosives and detonators shall be kept in separate containers until immediately before used by the miners. In underground anthracite mines, (1) open, unconfined shake shots may be fired, if restricted to battery starting when methane or a fire hazard is not present, and if it is otherwise impracticable to start the battery; (2) open, unconfined shake shots in pitching veins may be fired, when no methane or a fire hazard is present, if the taking down of loose hanging coal by other means is too hazardous; and (3) tests for methane shall be made immediately before such shots are fired and if methane is present when tested in 1.0 volume per centum such shot shall not be made until the methane content is reduced below 1.0 per centum.

(c) Except as provided in this subsection, in all underground areas of a mine only permissible explosives, electric detonators of proper strength, and permissible blasting devices shall be used and all explosives and blasting devices shall be used in a permissible manner. Permissible explosives shall be fired only with permissible shot firing units. Only incombustible materials shall be used for stemming boreholes. The Secretary may, under such safeguards as he may prescribe, permit the firing of more than twenty shots and allow the use of nonpermissible explosives in sinking shafts and slopes from the surface in rock. This section shall not prohibit the use of compressed air blasting.

(d) Explosives or detonators carried anywhere underground by any person shall be in containers constructed of nonconductive material, maintained in good condition, and kept closed.

(e) Explosives or detonators shall be transported in special closed containers (1) in cars moved by means of a locomotive or rope, (2) on belts, (3) in shuttle cars, or (4) in equipment designed especially to transport such explosives or detonators.

(f) When supplies of explosives and detonators for use in one or more working sections are stored underground, they shall be kept in section boxes or magazines of substantial construction with no metal exposed on the inside, located at least twenty-five feet from roadways and power wires, and in a dry, well rock-dusted location protected from falls of roof, except in pitching beds, where it is not possible to comply with the location requirements, such boxes shall be placed in niches cut into the solid coal or rock.

(g) Explosives and detonators stored near the working faces shall be kept in separate closed containers, which shall be located out of the line of blast and not less than fifty feet from the working face and fifteen feet from any pipeline, powerline, rail, or conveyor, except that, if kept in niches in the rib, the distance from any pipeline, powerline, rail or conveyor shall be at least five feet. Such explosives and detonators, when stored, shall be separated by a distance of at least five feet.

HOISTING AND MANTRIPS

SEC. 214. (a) Every hoist used to transport persons at an underground coal mine shall be equipped with overspeed, overwind, and automatic stop controls. Every hoist handling platforms, cages, or other devices used to transport persons shall be equipped with brakes capable of stopping the fully loaded platform, cage, or other device; with hoisting cable adequately strong to sustain the fully loaded platform, cage, or other device; and have a proper margin of safety. Cages, platforms, or other devices which are used to transport persons in vertical shafts shall be equipped with safety catches that act quickly and effectively in an emergency, and the safety catches shall be tested at least once every two months. Hoisting equipment, including automatic elevators, that is used to transport persons shall be examined daily. Where persons are regularly transported into or out of a coal mine by hoists, a qualified hoisting engineer shall be on duty while any person is underground, except that no such engineer shall be required for automatically operated cages, platforms, or elevators.

(b) Other safeguards adequate, in the judgment of an authorized representative of the Secretary, to minimize hazards with respect to transportation of men and materials shall be provided.

(c) Hoists shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes used. An accurate and reliable indicator of the position of the cage, platform, skip, bucket, or cars shall be provided.

(d) There will be at least two effective methods approved by the Secretary of signaling between each of the shaft stations and the hoist room, one of which shall be a telephone or speaking tube.

(e) Each locomotive and haulage car used in an underground coal mine shall be equipped with automatic brakes, where space permits, speed reduction gear, or other similar devices approved by the Secretary which are designed to stop the locomotives and haulage cars with the proper margin of safety.

MAPS

SEC. 215. (a) The operator of an active underground coal mine shall have in a fireproof repository located in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, an accurate and up-to-date map of such mine drawn on scale. Such map shall show the active workings, all worked out and abandoned areas, excluding those areas which have been worked out or abandoned before the operative date of this title which cannot be entered safely and on which no information is available, entries and aircourses with the direction of airflow indicated by arrows, contour elevations, elevations of all main and cross or side entries, dip of the coalbed, escapeways, adjacent mine workings within one thousand feet, mines above or below, water pools above, and either producing or abandoned oil and gas wells penetrating the coalbeds or any underground area of such mine and such other information as the Secretary may require. Such map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located. Such map shall be kept up to date by temporary notations, and such map shall be revised and supplemented at intervals prescribed by the Secretary on the basis of a survey made or certified by such engineer or surveyor.

(b) The coal mine map and any revision and supplement thereof shall be available for inspection by the Secretary or his authorized representative, by coal mine inspectors of the State in which the mine is located, and by any miner and his authorized representative, and by operators of adjacent coal mines. The operator shall furnish to the Secretary or his authorized representative, upon request, a copy of such map and any revision and supplement thereof. Additional copies shall be made available to the Secretary or his authorized representative upon request.

Any such map or revision and supplement thereof shall be confidential and its contents shall not be divulged to any person other than those mentioned in this subsection without the consent of the operator of the mine covered by such map, except that such map or revision or supplement thereof may be used by the Secretary to carry out any provision of this Act and in any proceeding, investigation, or hearing conducted pursuant to this Act.

(c) Whenever an operator permanently closes such mine, or temporarily closes such mine for a period of more than ninety days, he shall promptly notify the Secretary of such closure. Within sixty days of the permanent closure of the mine, or, when the mine is temporarily closed, upon the expiration of a period of ninety days from the date of closure, the operator shall file with the Secretary a copy of the mine map revised and supplemented to the date of the closure. Such copy of the mine map shall be certified as true and correct by a registered surveyor or registered engineer of the State in which the mine is located and shall be available for public inspection.

ESCAPEWAYS

SEC. 216. (a) At least two separate and distinct travelable passageways to be designated as escapeways, at least one of which is ventilated with intake air, shall be provided from each mine working section continuous to the surface, and shall be maintained in safe condition and properly marked. Mine openings shall be adequately protected to prevent the entrance into the underground portion of the mine of surface fires, fumes, smoke, and flood water. Adequate facilities approved by the Secretary or his authorized representative shall be provided in each escape shaft or slope to allow persons to escape quickly to the surface in event of emergency.

(b) Not more than twenty miners shall be allowed at any one time in any mine until a connection has been made between the two mine openings, and such work shall be prosecuted with reasonable diligence.

(c) When only one mine opening is available, owing to final mining of pillars, not more than twenty miners shall be allowed in such mine at any one time, and the distance between the mine opening and working face shall not exceed five hundred feet.

(d) In the case of all coal mines opened after the operative date of this title, the escapeway required by subsection (a) of this section to be ventilated with intake air shall be separated from the belt and trolley haulage entries of the mine.

MISCELLANEOUS

SEC. 217. (a) Each operator of a coal mine shall take reasonable measures to locate oil and gas wells penetrating coalbeds or any underground area of a coal mine. When located, such operator shall establish and maintain barriers around such oil and gas wells in accordance with State laws and regulations, except that such barrier shall not be less than three hundred feet in diameter, unless the Secretary or his authorized representative permits a lesser barrier consistent with the applicable State laws and regulations, or unless the Secretary or his authorized representative requires a greater barrier.

(b) Whenever any working face approaches within fifty feet of abandoned workings in the mine as shown by surveys made and certified by a registered engineer or surveyor, or within two hundred feet of any other abandoned workings of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within two hundred feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least twenty feet in advance of the working face and shall be continually maintained to a distance of at least ten feet in advance of the advancing working face. When there is more than one borehole, they shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into abandoned workings or adjacent mines. Boreholes shall be drilled not more than eight feet apart in the rib of such working place to a distance of at least twenty feet and at an angle of forty-five degrees. Such rib holes shall be drilled in one or both ribs of such working place as may be necessary for adequate protection of persons working in such places.

(c) Persons underground shall use only permissible electric lamps approved by the Secretary for portable illumination.

(d) On and after the operative date of this title, all structures erected on the surface within one hundred feet of any mine opening shall be of fireproof construction. Unless structures prior to such date located within one hundred feet of any mine opening are of such construction, fire doors shall be erected at effective points in mine openings to prevent smoke or fire from surface sources endangering miners underground. These doors shall be tested at least monthly to insure effective operation. A record of such tests shall be kept and shall be available for inspection by interested persons.

(e) Adequate measures shall be taken to prevent methane and coal dust from accumulating in excessive concentrations in or on surface coal-hauling facilities, but in no event shall methane be permitted to accumulate in concentrations in or on surface coal-handling facilities in excess of limits established for methane by the Secretary within one year after the operative date of this title, and coal dust shall not accumulate in excess of limits under title I of this Act. Where coal is dumped or near air-intake openings, provisions shall be made to avoid dust entering the mine.

(f) An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that the face equipment, including shuttle cars, be provided with substantially constructed canopies or cabs to protect the miners operating such equipment from roof falls and from rib and face rolls.

(g) After the operative date of this title, the opening of any mine that is declared inactive by the operator or is abandoned for more than ninety days shall be sealed by the operator in a manner approved by an authorized representative of the Secretary.

(h) The Secretary may require any operator to provide adequate facilities for the miners to change from the clothes worn underground, store such clothes from shift to shift, and for sanitary and bathing facilities.

(1) Where the Secretary finds that sanitary conditions so require, sanitary toilet facilities shall be provided in all underground mines. Such facilities will be located at places designated by the Secretary or his authorized representative.

DEFINITIONS

SEC. 218. For the purpose of this title and title I of this Act, the term—

XUM

(1) "certified person" means a person certified by the State in which the coal mine is located to perform duties prescribed by such title (provided that the State standards meet at least minimum Federal requirements established by the Secretary); except that, in a State where no such program of certification is provided, such certifiation shall be by the Secretary;

(2) "registered engineer" or "registered surveyor" means an engineer or surveyor registered by the State pursuant to standards established by the State meeting at least minimum Federal requirements established by the Secretary, or if no such standards are in effect, registered by the Secretary;

(3) "qualified person" means an individual deemed qualified by the Secretary to make tests or measurements, as appropriate, required by such titles;

(4) "permissible", as applied to—

(A) equipment used in the operation of a coal mine, except as otherwise provided in subsection 206(1) of this title, means equipment to which an approval plate, label or other device is attached as authorized by the Secretary and which meets specifications which are prescribed by the Secretary for the construction and maintenance of such equipment and are designed to assure that such equipment will not cause a mine explosion or a mine fire;

(B) explosives, shot firing units, or blasting devices used in such mines, means explosives, short firing units, or blasting devices which meet specifications which are prescribed by the Secretary; and

(C) the manner of use of equipment or explosives, shot firing units, and blasting devices, means the manner of use prescribed by the Secretary;

(5) "rock dust" means pulverized limestone, dolomite, gypsum, anhydrite, shale, talc, adobe, or other inert material, preferably light colored, (1) 100 per centum of which will pass through a sieve having 20 meshes per linear inch; and 70 per centum or more of which will pass through a sieve having 200 meshes per linear inch; (2) the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and (3) which does not contain more than 5 per centum of combustible matter or more than a total of 5 per centum of free and combined silica (SiO_2);

(6) "coal mine" includes areas of adjoining mines connected underground;

(7) "anthracite" means coals with a volatile ratio equal to .12 or less; and

(8) "low voltage" means up to and including 660 volts; "medium voltage" means voltages from 661 to 1,000 volts; and "high voltage" means more than 1,000 volts.

PART B—PROMULGATION OF MANDATORY SAFETY STANDARDS FOR ALL COAL MINERS

SAFETY STANDARDS; REVIEW

SEC. 219. (a) The Secretary shall, in accordance with the procedures set forth in this section, develop, promulgate, and revise as may be appropriate, mandatory safety standards for the protection of life and the prevention of injuries and occupational diseases in a coal mine.

(b) In the development of such standards, the Secretary shall consult with other interested Federal agencies, representatives of State agencies, appropriate representatives of the coal mine operators and miners, other interested persons and organizations, and such advisory committees as he may appoint. In addition to the attainment of the highest degree of safety protection for the miner, other considerations shall be the latest available scientific data in the field, the technical feasibility of the standards, and experience gained under this Act and other health and safety regulations.

(c) The Secretary shall from time to time publish any such proposed standards in the Federal Register and shall afford interested persons a period of not less than thirty days after publication to submit written data or comments. Except as provided in subsection (d) of this section, the Secretary may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such standards within his jurisdiction under this Act with such modifications as he may deem appropriate. Proposed mandatory safety standards for surface coal mines and surface work areas of underground coal mines shall be developed and published by the Secretary not later than twelve months after the date of enactment of this Act.

(d) On or before the last day of any period fixed for the submission of written data or comments under subsection (c) of this section, any interested person may file with the Secretary written objections to a proposed standard, stating the grounds therefor and requesting a public hearing by the Secretary on such objections. As soon as practicable after the period for filing such objections has expired, the Secretary shall publish in the Federal Register a notice specifying the proposed standards to which objections have been filed and a hearing requested, and shall review such standards and objections in accordance with subsection (e) of this section.

(e) Promptly after any such notice is published in the Federal Register by the Secretary under subsection (d) of this section, the Secretary shall issue notice of and hold a public hearing for the purpose of receiving relevant evidence. Within sixty days after completion of the hearing, the Secretary shall make findings of fact and promulgate the mandatory standards with such modifications, or take such other action, as he deems appropriate. All such findings shall be public.

(f) Any mandatory standards promulgated under this section shall be effective upon publication in the Federal Register unless the Secretary specifies a later date.

(g) All interpretations, regulations, and instructions of the Secretary in effect on the operative date of this title, not inconsistent with any provision of this Act, shall continue in effect until modified or superseded in accordance with the provisions of this Act.

TITLE III—ENFORCEMENT

INSPECTIONS AND INVESTIGATIONS

SEC. 301. (a) Authorized representatives of the Secretary shall make frequent inspections and investigations in coal mines each year for the purpose of (1) obtaining, utilizing, and disseminating information relating to health and safety conditions, the causes of accidents, and the causes of diseases and physical impairments originating in such mines, (2) developing safety standards, (3) determining whether an imminent danger exists in a coal mine, and (4) determining whether or not there is compliance with the mandatory health and safety standards established by, or promulgated pursuant to, title I or II of this Act or with any notice, order or decision issued under this Act. In carrying out the requirements of clauses (3) and (4) of this subsection in each underground coal mine, such representatives shall make inspections of the entire mine at least four times a year. No advance notice of any inspection required by this subsection shall be given to any operator of a coal mine or his agents.

(b) For the purpose of developing improved health standards, the Surgeon General or any authorized representative of the Surgeon General shall have a right of entry to, upon, or through, any coal mine.

(c) For the purpose of making any inspection or investigation under this Act, the Secretary or any authorized representative of the Secretary shall have a right of entry to, upon, or through, any coal mine.

(d) For the purpose of carrying out his responsibilities under this Act, including the enforcement thereof, the Secretary may by agreement utilize with or without reimbursement the services, personnel, and facilities of any Federal or State agency.

(e) For the purpose of making any investigation of any accident or other occurrence relating to health or safety in a coal mine, the Secretary may, after notice, hold public hearings, and may sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this section, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(f) In the event of any accident occurring in a coal mine, the operator shall notify the Secretary thereof and shall take appropriate measures to prevent the destruction of any evidence which would assist in investigating the cause or causes thereof. In the event of any accident occurring in a coal mine where rescue and recovery work is necessary, the Secretary or an authorized representative of the Secretary shall take whatever action he deems appropriate to protect the life of any person, and he may, if he deems appropriate, supervise and direct the rescue and recovery activity in such mine.

(g) In the event of any accident occurring in a coal mine, an authorized representative of the Secretary, when present, may issue such orders as he deems appropriate to insure the safety of any person in the coal mine, and the operator of such mine shall obtain the approval of such representative, in consultation with appropriate State representatives, when feasible, of any plan to recover any person in the mine or to recover the mine or to return affected areas of the mine to normal.

(h) (1) Whenever a representative of the miners has reason to believe that a violation of a mandatory health or safety standard promulgated by the Secretary exists, or an imminent danger exists, in a coal mine, such representative shall have a right to obtain an immediate inspection by notifying the Secretary or his authorized representative of such violation or danger. Any such notice shall promptly be reduced to writing, signed by the representative of the miners, and a copy shall be provided the operator. Upon receipt of such notification, a special inspection shall be made as soon as possible to determine if such violation or danger exists in accordance with the provisions of this title.

(2) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any miner or any authorized representative of miners by reason of the fact that such miner or representative (A) has notified the Secretary or his authorized representative of any alleged violation or danger pursuant to paragraph (1) of this subsection, (B) has filed, instituted or caused to be instituted any proceeding under this Act, or (C) has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(3) Any miner or a representative of miners who believes that he has been discharged or otherwise discriminated against

XUM

by any person in violation of paragraph (2) of this subsection may, within thirty days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party, to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue an order requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to the rehiring or reinstatement of the miner or representative of miners to his former position with back pay. If he finds that there was no such violation, he shall issue an order denying the application. Such order shall incorporate the Secretary's findings therein. Any decision issued by the Secretary under this paragraph shall be subject to judicial review in accordance with the provisions of section 304 of this Act. Violations by any person of paragraph (2) of this subsection shall be subject to the provisions of sections 307 and 308(a) of this Act.

(4) Whenever an order is issued under this subsection, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

(i) The Secretary shall station Federal inspectors, for the purpose of making mine inspections on each and every day such mine is producing coal, at those underground coal mines which liberate excessive quantities of explosive gases and which are most likely to present explosion dangers in the opinion of the Secretary, based on the past history of the mine and other criteria he shall establish.

(j) At the commencement of any inspection of a coal mine by an authorized representative of the Secretary, the authorized representative, if any, of the miners at the mine at the time of such inspection shall be given an opportunity to accompany the authorized representative of the Secretary on such inspection.

FINDINGS, NOTICES, AND ORDERS

Sec. 302 (a) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds that an imminent danger exists, such representative shall determine the area throughout which such danger exists, and thereupon shall issue an order requiring the operator of the mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such imminent danger no longer exists.

(b) Except as provided in section 102(f), if, upon any inspection of a coal mine, an authorized representative of the Secretary finds that there has been a violation of any mandatory health or safety standard established by, or promulgated pursuant to, title I or II of this Act, but the violation has not created an imminent danger, he shall find what would be a reasonable period of time within which the violation should be totally abated and thereupon issue a notice to the operator or his agent fixing a reasonable time for the abatement of the violation. If, upon the expiration of the period of time as originally fixed or subsequently extended, an authorized representative of the Secretary finds that the violation has not been totally abated, and if he also finds that the period of time should not be further extended, he shall find the extent of the area affected by the violation and shall promptly issue an order requiring the operator of such mine or his agent to cause immediately all persons, except those referred to in subsection (d) of this section, to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that the violation has been abated.

(c) (1) If, upon the inspection of a coal mine, an authorized representative of the Secretary finds that any mandatory health or safety standard established by, or promulgated pursuant to, title I or II of this Act is being violated, and if he also finds that, while the conditions created by such violation do not cause imminent danger, such violation is of such nature as could significantly and substantially contribute to the cause and effect of a mine safety or health hazard, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with such mandatory health or safety standards, he shall include such finding in the notice given to the operator under subsection (b) of this section or subsection (f) of section 102 of this Act. If, during the same inspection or any subsequent inspection of such mine within ninety days after the issuance of such notice, a representative of the Secretary finds a violation of any such mandatory health or safety standard and find such violation to be also caused by an unwarrantable failure of such operator to so comply, he shall forthwith issue an order requiring the operator to cause all persons in the area affected by such violation, except those persons referred to in subsection (d) of this section, to be withdrawn from, and to be debarred from entering, such area until an authorized representative of the Secretary determines that such violation has been abated.

(2) If a withdrawal order with respect to any area in a mine has been issued pursuant to paragraph (1) of this subsection, a withdrawal order shall promptly be issued by a duly authorized representative of the Secretary who finds upon any subsequent inspection the existence in such mine of violations similar to those that resulted in the issuance of the withdrawal order under paragraph (1) of this subsection until such time as an inspection of such mine discloses no similar violations. Following an inspection of such mine which discloses no similar violations, the provisions of paragraph (1) of this subsection shall again be applicable to that mine.

(d) The following persons shall not be required to be withdrawn from, or prohibited from entering, any area of the coal mine subject to an order issued under this section:

(1) Any person whose presence in such area is necessary, in the judgment of the operator or an authorized representative of the Secretary, to eliminate the condition described in the order;

(2) Any public official whose official duties require him to enter such area; and

(3) Any consultant or any representative of the miners in such mine who is, in the judgment of the operator or an authorized representative of the Secretary, qualified to make coal mine examinations or who is accompanied by such a person and whose presence in such area is necessary for the investigation of the conditions described in the order.

(e) Notices and orders issued pursuant to this Act shall contain a detailed description of the conditions or practices which cause and constitute an imminent danger or a violation of any mandatory health or safety standard established by, or promulgated pursuant to, title I or II of this Act and, where appropriate, a description of the area of the coal mine from which persons must be withdrawn and prohibited from entering.

(f) Each notice or order issued under this Act shall be given promptly to the operator of the coal mine or his agent by an authorized representative of the Secretary issuing such notice or order, and all such notices and orders shall be in writing and shall be signed by such representative.

(g) A notice or order issued pursuant to this Act may be modified or terminated by an authorized representative of the Secretary. Any such modification or termination of an order shall be subject to review under sections 303 and 304 of this title in the same manner as the order being modified or terminated.

(h) (1) If, upon any inspection of a coal mine, an authorized representative of the Secretary finds (A) that conditions exist therein which have not yet resulted in an imminent danger, (B) that such conditions cannot be effectively abated through the use of existing technology, and (C) that reasonable assurance cannot be provided that the continuance of mining operations under such conditions will not result in an imminent danger, he shall determine the area throughout which such conditions exist, and thereupon issue a notice to the operator of the mine or his agent of such conditions, and shall file a copy thereof, incorporating his findings therein, with the Secretary and with the representative of the miners of such mine, if any. Upon receipt of such copy, the Secretary shall cause such further investigation to be made as he deems appropriate, including an opportunity for the operator or a representative of the miners, if any, to present information relating to such notice.

(2) Upon the conclusion of such investigation and an opportunity for a hearing upon request by any interested party, the Secretary shall make findings of fact, and shall by decision incorporating such findings therein, either cancel the notice issued under this subsection or issue an order requiring the operator of such mine to cause all persons in the area affected, except those persons referred to in subsection (d) of this section, to be withdrawn from, and be prohibited from entering, such area until the Secretary, after a hearing affording all interested persons an opportunity to present their views, determines that such conditions have been abated.

(i) Should a mine or portion of a mine be closed by an order issued by the Secretary or his authorized representative for repeated failures of the operator to comply with any health or safety standard established by, or promulgated pursuant to, titles I or II of this Act, the Secretary shall, after all interested parties have been given an opportunity for a hearing, order that all miners who are idled due to the order shall be fully compensated by the operator for lost time, as determined by the Secretary, at their regular rates of pay for such time as the miners are idled by such closing, or for one week, whichever is the lesser. Any order issued pursuant to this section shall be subjected to judicial review under section 304 of this Act.

REVIEW BY THE SECRETARY

Sec. 303. (a) (1) An operator notified of an order issued pursuant to sections 102(f) or 302 of this Act, or any representative of miners in any mine affected by such order or any modification or termination of such order pursuant to section 302(g) of this title may apply to the Secretary for review of the order within thirty days of receipt thereof

XUM

or within thirty days of its modification or termination. The applicant shall send a copy of such application to the representative, if any, of miners in the affected mine, or the operator, as appropriate. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of the operator or the representative of miners in such mine, to enable the operator and the representatives of miners in such mine to present information relating to the issuance and continuance of such order.

(2) The operator and the representative of the miners shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

(b) Upon receiving the report of such investigation, the Secretary shall make findings of fact, and he shall issue a written decision vacating, affirming, modifying, or terminating the order complained of or the modification or termination of such order and incorporate his finds therein.

(c) In view of the urgent need for prompt decision of matters submitted to the Secretary under this section, all actions which the Secretary takes under this section shall be taken as promptly as practicable, consistent with the adequate consideration of the issues involved.

(d) Pending completion of the investigation required by this section, the applicant may file with the Secretary a written request that the Secretary grant temporary relief from any order issued under sections 102(f) or 302 (b) or (c) of this Act or from any modification or termination of any order under subsection (g) of section 302 of this Act, together with a detailed statement giving reasons for granting such relief. The Secretary may grant such relief, under such conditions as he may prescribe, if—

(1) a hearing has been held in which all parties were given an opportunity to be heard;

(2) the applicant shows that there is substantial likelihood that the findings of the Secretary will be favorable to the applicant; and

(3) such relief will not adversely affect the health and safety of miners in the coal mine.

JUDICIAL REVIEW

Sec. 304. (a) Any decision issued by the Secretary under sections 302(h), 302(i), 303, or 401(c) of this Act or by the Panel under sections 102 and 206(l) of this Act shall be subject to judicial review by the United States court of appeals for the circuit in which the affected mine is located, or the United States Court of Appeals for the District of Columbia Circuit, upon the filing in such court within thirty days from the date of such decision of a petition by the operator or a representative of the miners in any such mine aggrieved by the decision praying that the decision be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the other party and to the Secretary or the Panel, as the case may be, and thereupon the Secretary or the Panel shall certify and file in such court the record upon which the decision complained of was issued, as provided in section 2112 of title 28, United States Code.

(b) The court shall hear such petition on the record made before the Secretary or the Panel, as the case may be. The findings of the Secretary or the Panel, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any decision or may remand the proceedings to the Secretary or the Panel for such further action as it may direct.

(c)(1) In the case of a proceeding to review any decision issued by the Secretary under section 303 of this Act, except a decision pertaining to an order issued under section 302(a) of this Act, the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceeding if—

(A) all parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief;

(B) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding; and

(C) such relief will not affect the health and safety of miners in the coal mine.

(2) In the case of a proceeding to review any decision issued by the Panel under sections 102 or 206(l) of this Act, the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceeding if—

(A) all parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief; and

(B) the person requesting such relief shows that there is a substantial likelihood that he will prevail on the merits of the final determination of the proceeding.

(d) The judgment of the court shall be subject to review only by the Supreme Court of the United States upon a writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the decision of the Secretary or the Panel.

(f) Subject to the direction and control of the Attorney General, attorneys appointed by the Secretary may appear for and represent him in any proceeding instituted under this section.

POSTING OF NOTICES AND ORDERS

Sec. 305. (a) At each coal mine there shall be maintained an office with a conspicuous sign designating it as the office of the mine and a bulletin board at such office or at some conspicuous place near an entrance of the mine in such manner that notices and orders required by law or regulation to be posted on the mine bulletin board may be posted thereon, be easily visible to all persons desiring to read them, and be protected against damage by weather and against unauthorized removal. A copy of any notice or order required by this title to be given to an operator shall be delivered to the office of the affected mine, and a copy shall be immediately posted on the bulletin board of such mine by the operator or his agent.

(b) The Secretary shall cause a copy of any notice or order or decision required by this Act to be given to an operator to be mailed immediately to a duly designated representative of miners in the affected mine, and to the public official or agency of the State charged with administering State laws, if any, relating to health or safety in such mine.

(c) In order to insure prompt compliance with any notice or order issued under this Act, the authorized representative of the Secretary may deliver such notice or order to an agent of the operator and such agent shall immediately take appropriate measures to insure compliance with such notice or order.

(d) Each operator of a coal mine shall file with the Secretary the name and address of such mine and the name and address of the person who controls or operates the mine. Any revisions in such names or addresses shall be promptly filed with the Secretary. Each operator of a coal mine shall designate a responsible official at such mine as the principal officer in charge of health and safety at such mine and such official shall receive a copy of any notice, order, or decision issued under this Act affecting such mine. In any case, where the coal mine is subject to the control of any person not directly involved in the daily operations of the coal mine, there shall be filed with the Secretary the name and address of such person and the name and address of a principal official of such person who shall have overall responsibility for the conduct of an effective health and safety program at any coal mine subject to the control of such person and such official shall receive a copy of any notice, order, or decision issued affecting any such mine. The mere designation of a health or safety official under this subsection shall not be construed as making such official subject to any penalty under this Act.

RECORDS

Sec. 306. (a) All accidents and, except in any abandoned panels or areas of an underground coal mine which are inaccessible or unsafe for inspections, all unintentional roof falls, whether or not death or injury results, shall be investigated by the operator to determine the cause and the means of preventing a recurrence. Records of such accidents and roof falls, and all ignitions, whether or not death or injury results, and records of such investigations shall be kept and such records shall be made available to the Secretary or his authorized representative and the appropriate State agency. The operator shall file with the Secretary at such intervals as he may prescribe, but at least annually, a report of all accidents, roof falls, and ignitions, together with a statement of the hours worked during such reporting period.

(b) Every operator of a coal mine and his agent shall establish and maintain, in addition to such records as are specifically required by this Act, such records and make such reports and provide such information, as the Secretary may reasonably require from time to time to enable him to perform his functions under this Act. The Secretary is authorized to compile, analyze, and publish, either in summary or detailed form, such reports or information so obtained. Except to the extent otherwise specifically prohibited by this Act, all records, information, reports, findings, notices, orders, or decisions required or issued pursuant to or under this Act may be published from time to time, may be released to any interested person, and shall be made available for public inspection.

INJUNCTIONS

Sec. 307. The Secretary may institute a civil action for relief including a permanent or temporary injunction, restraining order, or any other appropriate order, in the district court of the United States for the district in which a coal mine is located or in which the operator of such mine has his principal office, whenever such operator or his agent (a) violates or fails or refuses to comply with any order or decision issued under this Act, or (b) interferes with, hinders, or delays the Secretary or his authorized representative, or the Surgeon General or his authorized representative, in carrying out the provisions of this Act, or (c) refuses to admit such representatives to the mine, or (d) refuses to permit the inspection of the mine, or the investigation of an accident, injury, or occupational disease occurring in, or connected with, such mine, or (e) refuses to furnish any information or report requested by the Secretary or the Surgeon General in furtherance of the provisions of this Act, or (f) refuses to permit access to, and copying of, such records as the Secretary or the Surgeon General determines necessary in carrying out the provisions of this Act. Each court shall have jurisdiction to provide such relief as may be appropriate. In such actions, subject to the direction and control of the Attorney General, attorneys appointed by the Secretary may appear for and represent him.

PENALTIES

SEC. 308. (a) (1) The operator of a coal mine in which a violation occurs of a mandatory health or safety standard established by, or promulgated pursuant to, titles I or II of this Act, or of any other provision of this Act, shall by order be assessed a civil penalty by the Secretary which penalty shall not be less than $1 nor more than $25,000 for each occurrence of any such violation. Each occurrence of any such violation may constitute a separate offense. In determining the amount of the penalty, the Secretary shall consider the operator's history of previous violations of health or safety standards or other such provisions, whether the operator was at fault, the appropriateness of such penalty to the size of the business of the operator charged, the gravity of the violation, and the demonstrated good faith of the operator charged in attempting to achieve rapid compliance, after notification of such a violation. No penalty shall be assessed under this subsection pending the completion of proceedings for review of an order or decision under this title.

(2) Any miner who willfully violates the mandatory safety standards established by, or promulgated pursuant to, title II of this Act, relating to smoking or the carrying of smoking materials, matches, or lighters shall be subject to a civil penalty assesesd by the Secretary, which penalty shall not be more than $1,000 for each occurrence of such violation.

(3) An order assessing a civil penalty under this subsection shall be issued by the Secretary only after the person against whom the order is issued has been given an opportunity for a hearing and the Secretary has determined by decision incorporating findings of fact based on the record of such hearing whether or not a violation did occur and the amount of the penalty, if any, which is warranted. Section 554 of title 5 of the United States Code shall apply to any such hearing and decision.

(4) If the person against whom the penalty is assessed fails to pay the penalty within the time prescribed in such order, the Secretary shall file a petition for enforcement of such order in any appropriate district court of the United States. A copy of the petition shall forthwith be sent by registered or certified mail to the respondent and to the representative, if any, of the miners in the affected mine and thereupon the Secretary shall certify and file in such court the record upon which the order sought to be enforced was issued. The petition shall designate the person against whom the order is sought to be enforced as the respondent. The court shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Secretary or it may remand the proceedings to the Secretary for such further action as it may direct. The court shall hear the case on the record made before the Secretary and the findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. Subject to the direction and control of the Attorney General, attorneys appointed by the Secretary may appear for and represent him in any action to enforce an order assessing civil penalties under this paragraph.

(b) Any operator who willfully violates a mandatory health or safety standard established by, or promulgated pursuant to this Act, or violates or fails or refuses to comply with any order issued under sections 102(f) or 302 of this Act, or any final decision issued under this title, except decisions under subsection (a) of this section or section 301(h) (3), shall, upon conviction, be punished by a fine of not more than $25,000, or by imprisonment for not more than one year, or by both, except that if the conviction is for a violation committed after the first conviction of such person, punishment shall be by a fine of not more than $50,000, or by imprisonment for not more than five years, or both.

(c) Whenever a corporate operator (1) violates a mandatory health or safety standard established by, or promulgated pursuant to, this Act, or violates any other provision of this Act, or (2) violates, fails, or refuses to comply with an order issued under sections 102(f) or 302 of this Act or any final decision issued under this title, except a decision under subsection (a) of this section or section 301(h)(3), any director, officer, or agent of such corporation who knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under subsections (a) and (b) of this section.

(d) Whoever knowingly makes any false statements or representations in any application, records, reports, plans, or other documents filed or required to be maintained in accordance with this Act or any mandatory health or safety standard promulgated thereunder or in connection with the violation of any such standard or any order issued under this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or both.

TITLE IV—ADMINISTRATION

RESEARCH

SEC. 401. (a) The Secretary and the Surgeon General shall conduct such studies, research, experiments, and demonstrations as may be appropriate—

(1) to improve working conditions and practices, and to prevent accidents and occupational diseases originating in the coal mining industry;

(2) after an accident, to recover persons in a coal mine and to recover the mine;

(3) to develop new or improved means and methods of communication from the surface to the underground portion of the mine;

(4) to develop new or improved means and methods of reducing concentrations of respirable dust in the mine;

(5) to develop new and improved sources of power for use underground, including diesel power, which will provide greater safety; and

(6) to determine the improvement to health or safety that illumination will produce and to develop such methods of illumination by permissible lighting.

(b) The Surgeon General shall conduct studies and research into matters involving the protection of life and the prevention of diseases in connection with persons, who although not miners, work with or around the products of coal mines in areas outside of such mines and under conditions which may adversely affect the health and well-being of such persons.

(c) The Secretary is authorized to grant an operator, on a mine-by-mine basis, an exception to any of the provisions of this Act for the purpose of granting accredited engineering institutions the opportunity for experimenting with new techniques and new equipment to improve the health and safety of miners. No such exception shall be granted unless the Secretary finds that the granting of the exception will not adversely affect the health and safety of miners.

(d) The Surgeon General is authorized to make grants to any public or private agencies, institutions and organizations, and operators or individuals for research and experiments to develop effective respiratory devices and other devices and equipment which will carry out the purposes of this Act.

(e) There is authorized to be appropriated to the Secretary of the Interior such sums as will be necessary to carry out his responsibilities under this section and section 202(b) of this Act at an annual rate of not to exceed $20,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $30,000,000 for the fiscal year ending June 30, 1972, and for each succeeding fiscal year thereafter. There is authorized to be appropriated annually to the Surgeon General such sums as may be necessary to carry out his responsibilities under this section. Such sums shall remain available until expended.

TRAINING AND EDUCATION

SEC. 402. (a) The Secretary shall expand programs for the education and training of coal mine operators, agents thereof and miners in—

(1) the recognition, avoidance, and prevention of accidents or unsafe or unhealthful working conditions in coal mines, and

(2) in the use of flame safety lamps, permissible methane detectors, and other means approved by the Secretary for accurately detecting gases.

(b) The Secretary shall, to the greatest extent possible, provide technical assistance to each operator of a coal mine in meeting the requirements of this Act and in further improving the health and safety conditions and practices at such mine.

STATE PLANS

SEC. 403. (a) In order to assist the States where coal mining takes place in developing and enforcing effective health and safety laws and regulations applicable to such mines consistent with the provisions of section 407 of this Act and to promote Federal State coordination and cooperation in improving the health and safety conditions in the Nation's coal mines, the Secretary shall approve any plan submitted under this section by such State, through its official coal mine inspection or safety agency, which—

(1) designates such State coal mine inspection or safety agency as the sole agency responsible for administering the plan throughout the State and contains satisfactory evidence that such agency will have the authority to carry out the plan;

(2) gives assurances that such agency has or will employ an adequate and competent staff of trained inspectors qualified under the laws of such State to make mine inspections within such State;

(3) sets forth the plans, policies, and methods to be followed in carrying out the plan;

(4) provides for the extension and improvement of coal mine health and safety in the State, and that no advance notice of an inspection will be provided any operator or agent of an operator of a coal mine;

(5) provides such fiscal control and fund accounting procedures as may be appropriate to assure proper disbursement and accounting of grants made to the State under this section;

(6) provides that the designated agency will make such reports to the Secretary, in such form and containing such information, as the Secretary may from time to time require; and

(7) meets additional conditions which the Secretary may prescribe by rule in furtherance of and consistent with the purposes of this section.

(b) The Secretary shall approve any State plan or any modification thereof which complies with the provisions of subsection (a) of this section. He shall not finally disapprove any State plan or modification thereof without first affording the State agency reasonable notice and opportunity for a hearing.

(c) Whenever the Secretary, after reasonable notice and opportunity for a hearing, finds that in the administration of an approved State plan there is (1) a failure to comply substantially with any provision of the State plan, or (2) a failure to afford reasonable cooperation in administering the provisions of this Act, the Secretary shall by decision incorporating his findings therein

XUM

notify such State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect.

(d) Any State aggrieved by the Secretary's decision under subsection (c) of this section may file within thirty days from the date of such decision with the United States Court of Appeals for the District of Columbia a petition praying that such action be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary, and thereupon the Secretary shall certify and file in such court the record upon which the Secretary made his decision, as provided in section 2112, title 28, United States Code. The court shall hear such appeal on the record made before the Secretary. The findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or remand the proceedings to the Secretary for such further action as it directs. The filing of a petition under this subsection shall not stay the application of the Secretary's decision, unless the court so orders.

(e) The Secretary is authorized to make grants to any State where there is an approved State plan (1) to carry out the plan, including the cost of training State inspectors; and (2) to assist the States in planning and implementing other programs for the advancement of health and safety in coal mines. Such grants shall be designed to supplement, not supplant, State funds in these areas. The Secretary shall cooperate with such State in carrying out the plan and shall, as appropriate, develop facilities for, and finance a program of, training of Federal and State inspectors jointly. The Secretary shall also cooperate with such State in establishing a system by which State and Federal inspection reports of coal mines located in the State are exchanged for the purpose of improving health and safety conditions in such mines.

(f) The amount granted to any State for a fiscal year under this section shall not exceed 80 per centum of the sum expended by such State in such year for carrying out the State coal mine health and safety enforcement program.

(g) There is authorized to be appropriated $3,000,000 for fiscal year 1970 and $5,000,000 annually in each succeeding fiscal year to carry out the provisions of this section which shall remain available until expended. The Secretary shall provide for an equitable distribution of sums appropriated for grants under this section to the States where there is an approved plan. The Secretary shall coordinate with the Secretaries of Labor and Health, Education, and Welfare in making grants under this section.

RELATED CONTRACTS AND GRANTS

Sec. 404. In carrying out the provisions of sections 201(b), 401, and 402 of this Act, the Secretary and the Surgeon General may enter into contracts with, and make grants to, public and private agencies and organizations and individuals.

INSPECTORS; QUALIFICATIONS; TRAINING

Sec. 405. The Secretary may, subject to the civil service laws, appoint such employees as he deems requisite for the administration of this Act and prescribe their duties. Persons appointed as authorized representatives of the Secretary shall be qualified by practical experience in the mining of coal or by experience as a practical mining engineer or by education. Persons appointed to assist such representatives in the taking of samples of dust concentrations for the purpose of enforcing title I of this Act shall be qualified by training or experience. The provisions of section 201 of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251, 270) shall not apply with respect to the appointment of such authorized representatives of the Secretary or to persons appointed to assist such representatives, and, in applying the provisions of such section to other agencies under the Secretary and to other agencies of the Government, such appointed persons shall not be taken into account. Such persons shall be adequately trained by the Secretary. The Secretary shall develop programs with educational institutions and operators designed to enable persons to qualify for positions in the administration of this Act. In selecting persons and training and retraining persons to carry out the provisions of this Act, the Secretary shall work with appropriate educational institutions, operators, and representatives of employees in developing adequate programs for the training of persons, particularly inspectors. Where appropriate, the Secretary shall cooperate with such institutions in carrying out the provisions of this section by providing financial and technical assistance to such institutions.

ADVISORY COMMITTEE

Sec. 406. (a)(1) The Secretary shall appoint an advisory committee on coal mine safety research composed of—

(A) the Director of the Office of Science and Technology or his delegate, with the consent of the Director;

(B) the Director of the National Bureau of Standards, Department of Commerce, or his delegate, with the consent of the Director;

(C) the Director of the National Science Foundation or his delegate, with the consent of the Director; and

(D) such other persons as the Secretary may appoint who are knowledgeable in the field of coal mine safety research.

The Secretary shall designate the chairman of the committee.

(2) The advisory committee shall consult with, and make recommendations to, the Secretary on matters involving or relating to coal mine safety research. The Secretary shall consult with and consider the recommendations of such committee in the conduct of such research, the making of any grant, and the entering into of contracts for research.

(3) The chairman of the committee and a majority of the persons appointed by the Secretary pursuant to paragraph (1)(D) of this subsection shall be individuals who have no economic interests in the coal mining industry, and who are not operators, miners, or officers or employees of the Federal Government or any State or local government.

(b)(1) The Surgeon General shall appoint an advisory committee on coal mine health research composed of—

(A) the Director, Bureau of Mines, or his delegate, with the consent of the Director;

(B) the Director of the National Science Foundation or his delegate, with the consent of the Director;

(C) the Director of the National Institutes of Health or his delegate, with the consent of the Director; and

(D) such other persons as the Surgeon General may appoint who are knowledgeable in the field of coal mine health research.

The Surgeon General shall designate the chairman of the committee.

(2) The advisory committee shall consult with, and make recommendations to, the Surgeon General on matters involving or relating to coal mine health research. The Surgeon General shall consult with and consider the recommendations of such committee in the conduct of such research, the making of any grant, and the entering into of contracts for research.

(3) The chairman of the committee and a majority of the persons appointed by the Surgeon General pursuant to paragraph (1)(D) of this subsection shall be individuals who have no economic interests in the coal mining industry, and who are not operators, miners, or officers or employees of the Federal Government or any State or local government.

(c) The Secretary or the Surgeon General may appoint other advisory committees as he deems appropriate to advise him in carrying out the provisions of this Act. The Secretary or the Surgeon General, as the case may be, shall appoint the chairman of each such committee, who shall be an individual who has no economic interests in the coal mining industry, and who is not an operator, miner, or an officer or employee of the Federal Government or any State or local government. A majority of the members of any such advisory committee appointed pursuant to this subsection shall be composed of individuals who have no economic interests in the coal mining industry, and who are not operators, miners, or officers or employees of the Federal Government or any State or local government.

(d) Advisory committee members, other than employees of Federal, State, or local governments, while performing committee business shall be entitled to receive compensation at rates fixed by the Secretary or the Surgeon General, as the case may be, but not exceeding $100 per day, including travel time. While so serving away from their homes or regular places of business, members may be paid travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons intermittently employed.

EFFECT ON STATE LAWS

Sec. 407. (a) No State law in effect upon the effective date of this Act or which may become effective thereafter shall be superseded by any provision of this Act or order issued or standard established or promulgated thereunder, except insofar as such State law is in conflict with this Act or with any order issued or standard established or promulgated pursuant to this Act.

(b) The provisions of any State law or regulation in effect upon the effective date of this Act, or which may become effective thereafter, which provides for more stringent health and safety standards applicable to coal mines than do the provisions of this Act or any order issued or standard established or promulgated thereunder shall not thereby be construed or held to be in conflict with this Act. The provisions of any State law or regulation in effect upon the effective date of this act, or which may become effective thereafter, which provide for health and safety standards applicable to coal mines for which no provision is contained in this Act or any order issued or standard established or promulgated thereunder, shall not be held to be in conflict with this Act.

(c) Nothing in this Act shall be construed or held to supersede or in any manner affect the workmen's compensation laws of any State, or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under State laws in respect of injuries, occupational or other diseases, or death of employees arising out of, or in the course of, employment.

ADMINISTRATIVE PROCEDURES

Sec. 408. Except as otherwise provided in sections 201 (d), 303 and 308(a) of this Act, the provisions of sections 551–559 and sections 701–706 of title 5 of the United States Code, shall not apply to the making of any order or decision pursuant to this Act, or to any proceeding for the review thereof.

REGULATIONS

Sec. 409. The Secretary, the Surgeon General, and the Panel are authorized to issue such regulations as each deems appropriate to carry out any provisions of this Act.

ECONOMIC ASSISTANCE

Sec. 410. (a) Section 7(b) of the Small Business Act, as amended, is amended—

(1) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(2) by adding after paragraph (4) a new paragraph as follows:

"(5) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern operating a coal mine in effecting additions to or alterations in the equipment, facilities, or methods of operation of such mine to requirements imposed by the Federal Coal Mine Health and Safety Act of 1969, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of such Act is amended by inserting "or (5)" after "paragraph (3)".

(c) Section 4(c)(1) of the Small Business Act, as amended, is amended by inserting "7(b)(5)," after "7(b)(4),".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b)(5) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

TITLE V—INTERIM EMERGENCY COAL MINE HEALTH DISABILITY BENEFITS

PURPOSE

SEC. 501. Based on a recent study conducted by the United States Public Health Service, Congress finds and declares that there are a significant number of inactive coal miners living today who are totally disabled and unable to be gainfully employed due to the development of complicated pneumoconiosis while working in one or more of the Nation's coal mines; that there also are a number of surviving widows and children of coal miners whose death was attributable to this disease; that few States provide benefits for disability from this disease to inactive coal miners and their dependents; and that, in order to give the States time to enact laws to provide such benefits or to improve those laws where token or minimal benefits are provided, it is, therefore, the purpose of this title to provide, on a temporary and limited basis, interim emergency health disability benefits, in cooperation with the States, to any coal miner who is totally disabled and unable to be gainfully employed on the date of enactment of this Act due to complicated pneumoconiosis which arises out of, or in the course of, his employment in one or more of the Nation's coal mines; to the widows and children of any coal miner who, at the time of his death, was totally disabled and unable to be gainfully employed due to complicated pneumoconiosis arising out of, or in the course of, such employment; and to develop further and detailed information and data on the extent to which past, present, and future coal miners are or will be totally disabled by complicated pneumoconiosis and unable to be gainfully employed, on the extent to which assistance to such miners and their dependents is needed, and the most effective method for assuring such assistance.

INTERIM DISABILITY BENEFIT STANDARDS

SEC. 502. The Secretary of Health, Education and Welfare (hereinafter referred to in this title as "the Secretary") shall develop and promulgate interim disability benefit standards governing the determination of persons eligible to receive emergency coal mine health disability benefits under this title and the methods and procedures to be used in disbursing such benefits to such persons. Such standards shall take into consideration the length of employment in coal mines considered sufficient to establish a claim for such benefits; reasonable and equitable means, methods, and procedures for filing and establishing proof of disability, consistent with the purpose of this title, by the coal miner or, as appropriate, his survivor to enable such person to receive benefits as soon as possible after enactment of this Act; and such other matters as the Secretary deems appropriate. Such standards shall be effective upon publication in the Federal Register, unless the Secretary prescribes a later date which date shall not be more than ninety days after the operative date of this title. The provisions of section 553 of title 5 of the United States Code shall apply to the promulgation of such standards.

ASSISTANCE TO STATES

SEC. 503. (a) Upon publication of the interim disability standards by the Secretary under this title, the Secretary shall enter into agreements with any State pursuant to which he shall provide financial assistance, in accordance with the provisions of this title, to the States to carry out the purpose of this title, and the States shall receive and adjudicate, in accordance with such standards, claims for interim emergency coal mine health disability benefits from any eligible person who is a resident of such State. Such State shall also agree to pay one-half of such benefits during the fiscal years ending June 30, 1972, and June 30, 1973. Such agreements shall, in addition to such other conditions as the Secretary deems appropriate, include adequate assurances that the State shall provide such fiscal control and fund accounting procedures as may be appropriate to assure proper disbursement and accounting of grants made to the State under this section; and that the State will make such reports to the Secretary, in such form and containing such information, as the Secretary may from time to time require.

(b) Beginning after the effective date of any agreement entered into with a State under this section and ending on June 30, 1973, the Secretary, subject to the provisions of this section shall, from sums available therefor for any fiscal year, make grants to such State equal to the estimated sums needed by such State to pay all such benefits to eligible persons through June 30, 1971, and to pay one-half of such benefits to eligible persons during the fiscal years ending June 30, 1972, and June 30, 1973. No benefits shall be paid under this section to an eligible person if the State, after the enactment of this Act, reduces the benefits for disability caused by complicated pneumoconiosis to which such person is otherwise entitled under such State's laws or regulations. Benefits paid to an eligible person under this section shall be reduced by an amount equal to any payment made to such person under any other provision of law for a disability directly caused by complicated pneumoconiosis arising out of, or in the course of, employment in one or more of the Nation's coal mines.

(c) Interim emergency coal mine health disability benefits shall be paid under this section to persons determined by the State pursuant to such standards to be eligible to receive such benefits. Such benefits shall be paid as soon as possible after a claim is filed therefor and eligibility determined, except that such benefits shall terminate when such person is no longer eligible, or on June 30, 1973, whichever date is first. The amount of benefits payable to an eligible person under this section shall be determined as follows:

(1) In the case of total disability, such eligible person shall be paid benefits during the period of such disability up to a rate equal to 50 per centum of the minimum monthly payment to which an employee in grade GS–2 with one or more dependents, who is totally disabled, is entitled under the provisions of sections 8105 and 8110 of title 5, United States Code;

(2) In the case of the death of a miner resulting from such disease, an eligible widow shall be paid benefits at the rate the deceased miner would be entitled to receive such benefits if such miner were totally disabled until such widow dies or remarries; and

(3) In the case of any eligible person entitled to benefits under clauses (1) or (2) of this subsection who has one or more dependents, such benefits shall be increased at a rate of 50 per centum of the benefits to which such person is entitled under clauses (1) or (2) of this subsection, if such person has one dependent, 75 per centum, if such person has two dependents, and 100 per centum, if such person has three dependents; except that such increased benefits for a child, brother, sister, or grandchild, shall cease if such dependent dies or marries or becomes eighteen years of age, or if over age eighteen and incapable of self-support becomes capable of self-support.

(d) There is hereby authorized to be appropriated from funds in the Treasury for the fiscal year ending June 30, 1970, not to exceed $10,000,000, and for the fiscal year ending June 30, 1971, not to exceed $30,000,000, and for the fiscal years ending June 30, 1972, and June 30, 1973, not to exceed $15,000,000 annually for the purposes of this title. If the amounts appropriated for any fiscal year are less than the amounts necessary to enable the Secretary to make the full amount of grants to all States which have entered into agreements with him under this title, the grants to each State for such fiscal year, and the payments to eligible persons required to be made during such fiscal year under such agreements, shall be proportionately reduced.

STUDY

SEC. 504. The Secretary shall immediately undertake a study to determine the extent to which coal miners are or will be totally disabled due to complicated pneumoconiosis developed during the course of employment in the Nation's coal mines and unable to be gainfully employed; the extent to which the States provide benefits to active and inactive coal miners and their dependents for such disability; the adequacy of such benefits, the need for, and the desirability of, providing any Federal, State, or private assistance for such disability; the need for, and the desirability of, extending the provisions of this title for persons eligible for benefits under this title; and such other facts which would be helpful to the Congress following completion of this study, as the Secretary deems appropriate. In carrying out this study, the Secretary shall consult with, and, to the greatest extent possible, obtain information and comments from, the Secretary of the Interior, the Secretary of Labor, and other interested Federal agencies, the States, operators, representative of the miners, insurance representatives, and other interested persons. The Secretary shall submit a report on such study, together with such recommendations, including appropriate legislative recommendations, as he deems appropriate, to the Congress not later than October 1, 1970.

TITLE VI—MISCELLANEOUS

JURISDICTION; LIMITATION

SEC. 601. In any proceeding in which the validity of any interim mandatory health or safety standard set forth in this Act is in issue, no justice, judge, or court of the United States shall issue any temporary restraining order or preliminary injunction restraining the enforcement of such standard pending a determination of such issue on its merits.

OPERATIVE DATE AND REPEAL

SEC. 602. The provisions of titles I through III and title V of this Act shall become operative one hundred and twenty days after enactment. The provisions of the Federal Coal Mine Safety Act, as amended, are repealed on the operative date of those titles, except that such provisions shall continue to apply to any order, notice, or finding issued under that Act prior to such operative date and to any proceedings related to such order, notice, or finding. All other provisions of this Act shall be effective on the date of enactment of this Act.

SEPARABILITY

SEC. 603. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

REPORTS

SEC. 604. Within one hundred and twenty days following the convening of each session of Congress, the Secretary and the Surgeon General shall submit through the President to the Congress separate annual reports upon the subject matter of this Act, the progress concerning the achievement of its purposes, the needs and requirements in the field of coal mine health and safety, and any other relevant information, including any recommendations either deems appropriate.

Mr. WILLIAMS of New Jersey. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay it on the table was agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized, in the engrossment of the bill, to correct any technical or clerical errors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of New Jersey. I also ask unanimous consent that Senators may add remarks for the RECORD within 5 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, while I was unable to attend the opening sessions of the debate on this measure which is designed to up-date our coal mine industry and provide miners with long-needed protection, it was with great pleasure that I witnessed the highly thoughtful debate today. The overwhelming passage of this measure represents a splendid achievement for the miners of our Nation.

Much of the credit, I must say, belongs to the distinguished Senator from New Jersey (Mr. WILLIAMS). All of us appreciate the long hours he devoted to preparing this measure both in committee and while it was pending before the Senate. The high caliber of that preparation was exhibited in the wide acceptance of the proposal. We are grateful.

Our thanks go also to the distinguished senior Senator from New York (Mr. JAVITS) who joined constructively and with characteristic cooperation to assure this fine success. Other Senators played vital roles, as well. Noteworthy was the contribution of the distinguished Senators from West Virginia (Mr. RANDOLPH and Mr. BYRD). Representing a great mining State they understand well the grave problems of unsafe mines and mining operations. They contributed immensely to the discussion.

Of course, the distinguished senior Senator from Kentucky (Mr. COOPER) must be singled out for his contribution. Though his views differed to some extent with some features of the proposal, he urged his position with great advocacy and the deep sincerity which was always welcome. The same may be said for his colleague, the distinguished junior Senator from Kentucky (Mr. COOK). The Senator from Vermont (Mr. PROUTY) also deserves our gratitude for his contribution to the discussion and for cooperating to assure final disposition with such efficiency.

Finally, I wish to thank all Members of the Senate for their cooperation. I think each of us may take great pride in the passage of this measure. We have gone on record unequivocally in support of this great issue.

Mr. RANDOLPH. Mr. President, by a unanimous vote, the Members of the U.S. Senate have committed themselves to improve the health and safety of the coal miners of the United States. As one of the Senators representing West Virginia, the State with the greatest tonnage of coal produced annually and the one with the largest number of miners employed in the production of that coal, I wish to express my personal and official appreciation to my colleagues in the Senate, and, especially, to my fellow members of the Committee on Labor and Public Welfare. I commend the able chairman of the Committee on Labor and Public Welfare (Mr. YARBOROUGH) and I am grateful beyond expression of words for the attention given to this vital subject by our tireless and diligent colleague from New Jersey (Mr. WILLIAMS), the chairman of the Subcommittee on Labor, who has spent many, many hours, days, and weeks managing this vital legislation in subcommittee, in full committee, and in this forum. He had excellent cooperation by his majority colleagues.

My words of commendation for him go equally to the very able Senator from New York (Mr. JAVITS), the ranking minority member of both the Committee on Labor and Public Welfare and of the Subcommittee on Labor, and to his colleagues on the minority side.

We wrote, within the subcommittee and the committee, and now we have successfully completed in the Senate itself, a bill which I believe will enhance very much the health and safety of the Nation's coal miners. It is legislation which, although very stringent and very strict in its provisions, and likely to be very expensive to administer and to comply with, should be effective and workable. This is very important not only to those who operate the mines and to the workers in the mines, but also to people generally in the United States.

This measure is in no wise a timid contribution to the strengthening of industrial safety. It is a commitment, as I stated in my first sentence—a commitment by this Congress to a job that needed to be done. It is my hope that, in conference with the House of Representatives, after a companion measure has been passed there, we can resolve as quickly as possible the differences between the measures, and place upon the desk of the President of the United States legislation important not only to miners and operators, but to the well being of the consuming public of the United States as well.

I conclude by associating myself with Chairman WILLIAMS' appropriate and thoroughly justified words of appreciation and commendation for the able and dedicated staffs of the Subcommittee on Labor and of the full Committee on Labor and Public Welfare. They performed admirably under stress and with loyalty to the cause of better health and safety for coal miners—a cause for which we were all working with devotion. I likewise commend the members of committee members' staffs for their very real assistance.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I shall just be 30 seconds. I appreciate everything that the Senator from West Virginia has just said about me. I know that the Senator from New Jersey (Mr. WILLIAMS) feels the same way. We could not have accomplished this effort without the work of the Senators from the coal-mining States, the Senators from West Virginia (Mr. RANDOLPH and Mr. BYRD), the Senator from Kentucky (Mr. COOPER), and his tremendous fight for the operators of the nongassy mines in the mountains of eastern Kentucky, the Virginia Senators, and others who had the expertise. Senator WILLIAMS and I were the objective fellows who found the facts and worked out a bill, but I wanted at this point to pay my tribute to the Senators from the coal-mining States.

Mr. YARBOROUGH. Mr. President, I want to thank the distinguished Senator from New Jersey for his leadership on this bill. I am proud to report that this is the second safety bill, to protect American labor, to come out of the Labor Subcommittee this year, under the chairmanship of the distinguished Senator from New Jersey (Mr. WILLIAMS)—first the construction safety bill, and now the mine safety bill. These are two notable productions of that subcommittee. Despite the fact that some people say Congress is not moving, Mr. President, I say that the Senate is moving, and we have gotten through two of the most important safety bills for the benefit of workers in this country in many years.

The passage of this bill has been accomplished with the cooperation, as has been stated, of the Senator from New York (Mr. JAVITS), the ranking minority member of the committee, and the Senators from the coal-producing States, notably the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Pennsylvania (Mr. SCHWEIKER), who coming as he does from the coal-mining State of Pennsylvania, was very active.

Mr. President, in the midst of our deliberations on this bill, word was spread through the news media to the effect that the people, the workers in the mines and the coal producers, had lost interest, and nobody wanted the bill. Nevertheless, the committee and the subcommittee, and then the Senate, moved ahead with this measure to protect these coal miners from black lung and other such ailments. I wish to thank the members of the subcommittee and every member of my Committee on Labor and Public Welfare for their excellent efforts. Week after week, while this matter was under consideration, we always had a quorum present.

Several Senators addressed the Chair.

Mr. BYRD of West Virginia. Mr. President, I wish to compliment the able Senator from New Jersey (Mr. WILLIAMS) on the splendid and effective manner in which he has managed the coal mine safety bill, and to express my appreciation for the diligence and the dedicated effort that he has put into the tedious and tiring deliberations on this measure over a long period of many months. At all times he has been very sympathetic, patient, and understanding. He has worked very hard.

I wish also to commend the able Senator from New York (Mr. JAVITS) on the very fine and sincere work that he has contributed. He truly has been most helpful and cooperative, and very effective. I commend all the other Senators who have worked so long on this very difficult measure. Especially, I would commend my colleague (Mr. RANDOLPH) who has lived so closely with this legislation from the beginning. He has certainly given his best.

My part in the measure, Mr. President, was confined almost entirely to the compensation amendment, which the Senate adopted on Tuesday by a vote of 91 to 0. I am not a member of the committee, but I did cosponsor that amendment with Mr. RANDOLPH and others, and I feel that my efforts in behalf of that amendment were of some assistance. I am happy, again, Mr. President, to commend the Senators who have worked so long and so hard on this very difficult and important bill, especially those on the committee.

Mr. SPONG. Mr. President, as a Senator from a coal-producing State, I would like to associate myself with the remarks of commendation made regarding the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New York (Mr. JAVITS) for their efforts resulting in the unanimous adoption of a Coal Mine Health and Safety Act. In behalf of the coal miners of Virginia, I thank the floor managers of the bill and the other Senators who have labored so long on this legislation.

I have had recent opportunity to talk with Virginia miners—some of them victims of accidents, others of lung disease resulting from their occupation.

The Senate has taken a step today toward improving the conditions for safety in the mines and reducing the chances for contraction of pneumoconiosis by workers in the coal mines.

Mr. KENNEDY. Mr. President, I congratulate the Senator from New Jersey (Mr. WILLIAMS) for his outstanding leadership as he has led this important legislation through to passage today. His activities, and the final result today, are very impressive. I commend, as well, the Senator from New York (Mr. JAVITS), the Senator from Kentucky (Mr. COOPER), the Senator from Vermont (Mr. PROUTY), and the Senators from West Virginia (Mr. RANDOLPH and Mr. BYRD).

CIVIL SERVICE RETIREMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 333, S. 2754.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2754) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished chairman of the committee, I should like to yield at this time to the distinguished minority leader.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, may I ask the distinguished majority leader what is the order of business from here on out? What is to be done on the pending measure, and what does the majority leader plan thereafter?

Mr. MANSFIELD. Mr. President, in response to the questions raised by my distinguished colleague, the minority leader, there is a hope—how good it is I do not know—that we might be able to finish the pending business tonight. Whether or not we finish it tonight or tomorrow, it will be followed by the John F. Kennedy Center bill, Calendar No. 316, and that, in turn, will be followed by the District of Columbia revenue bill, Calendar No. 427, and that in turn by S. 7, Calendar No. 346, the water pollution control bill.

It is anticipated that either tonight or tomorrow morning, we will bring up for reconsideration the Peace Corps measure, which I understand has been cleared all around.

That, to the best of my knowledge, is the situation as we see it.

Mr. SCOTT. I thank the distinguished majority leader.

CIVIL SERVICE RETIREMENT

The Senate resumed the consideration of the bill (S. 2754) to amend subchapter II of chapter 83 of title V, United States Code, relating to civil service retirement, and for other purposes.

Mr. McGEE. Mr. President, I sent to the desk amendments to the pending measure, S. 2754, and ask unanimous consent that the amendments be agreed to en bloc. These are perfecting amendments in language, or updating of dates, recommended by the administration, and have nothing to do with the substance or any controversial parts of the bill. I ask unanimous consent that they be agreed to en bloc.

The PRESIDING OFFICER. The clerk will state the amendments.

The assistant legislative clerk proceeded to read the amendments.

Mr. McGEE. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments will be printed in the RECORD.

The amendments are as follows:

On page 8, line 7, change the section designation from "SEC. 201." to "SEC. 201. (a)".

On page 8, line 12, strike out the words "period of" and insert in lieu thereof the word "total".

On page 8, line 12, insert the following new subsection "(b)":

"(b) Subsection (c) of section 8333 of title 5, United States Code, is amended to read as follows:

"(c) A Member or his survivor is eligible for an annuity under this subchapter only if the amounts named by section 8334 of title have been deducted or deposited with respect to his last five years of civilian service, or, in the case of a survivor annuity under section 8341(d) or (e)(1) of this chapter, with respect to his total service."

On page 12, in lines 1 and 16, strike out the word "consecutive".

On page 14, beginning on line 6, strike out all down through line 14 and insert in lieu thereof the following:

"(2) The annuity of each surviving child who, immediately prior to the effective date of such amendment is receiving an annuity under section 8341(e) of title 5, United States Code, or under a comparable provision of any prior law, or who hereafter becomes entitled to receive annuity under the Act of May 29, 1930, as amended from and after February 28, 1948, shall be recomputed effective on such date, or computed from commencing date if later, in accordance with such amendment. No increase allowed and in force prior to such date shall be included in the computation or recomputation of any such annuity. This paragraph shall not operate to reduce any annuity."

Mr. McGEE. Mr. President, the pending legislation relates to civil service retirement.

The PRESIDING OFFICER. The Chair would inquire of the Senator from Wyoming if he wishes that these amendments be agreed to prior to his presentation.

Mr. McGEE. If that is in order, Mr. President.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The Senator from Wyoming may proceed.

Mr. McGEE. Mr. President, this legislation is a result of neary 3 years of careful study and recommendation by the Committees on Post Office and Civil Service to enact legislation resolving the financial difficulties of the civil service retirement and disability fund and to make certain improvements in the benefits offered employees of the Federal Government through the retirement plan.

Each Senator has on his desk a copy of the public hearings which our Subcommittee on Retirement held on this legislation, as well as a copy of the committee report recommending enactment; so I will not dwell at length on the intricacies of the bill except to describe briefly the major purposes involved.

Title I relates to resolving the longstanding problem of adequately financing the civil service retirement system. Ever since its creation in 1920, the system has had a financial liability which was not properly funded. This was caused originally by permitting credit for all civil service performed prior to August 1, 1920, and it has over the years accumulated a total unfunded liability of

$57.7 billion. It is "unfunded" because the amount of money collected from the employees and contributed by the Government, when invested at interest, will not pay the debt which the Government owes to all employees.

Let me point out that none of this liability results from any failure on the part of our civil service employees to pay their share. They have always paid whatever the law required, originally 2.5 percent of their gross salary, and now 6.5 percent of their gross salary.

The liability is solely the result of the Government's failure to live up to its part of the bargain. In the early years, no money was contributed by the Government to the fund. After 1928 the amount contributed was not sufficient to meet fully the future costs, and it was not until 1957 that Congress by law required agency contributions at a rate equal to the employee's contribution. So all that time, the fund lost earnings on money that would have been invested had it been contributed by the Government, and we call that the "lost interest on the unfunded liability." In addition, changes in the retirement law, statutory salary increases, inclusions of new groups of employees, and other liberal changes in the law create additional unfunded liability because no contribution is made to pay the cost of crediting past service.

Title I seeks to resolve this problem permanently. In the first place, the lost interest on the unfunded liability as well as the amount of annual annuity payments based on military service will be paid directly from the Treasury into the retirement fund. To soften the impact upon the budget, we will start at 10 percent and gradually move up to full payment over a 10-year period. By fiscal year 1980, the Treasury will pay directly to the fund approximately $3 billion each year, and at that time the unfunded liability will cease to grow any larger on account of the loss of interest.

Second, title I authorizes the Congress to appropriate each year whatever amount of money is necessary to prevent an increase in the unfunded liability resulting from statutory changes in the retirement law or salary increases which affect the future liability of the fund. These payments would be amortized over a 30-year period at a level rate. At the end of 30 years, the payments would come to an end and because of the payments, the unfunded liability would not have increased.

That is title I in a nutshell. Our committee has worked for several years on this problem. The status of the fund has been a serious problem. We must act now to insure the future stability of the retirement program so that those who retire from the Federal service will never have their annuities jeopardized. The Bureau of the Budget, the Civil Service Commission, the House of Representative's Committee on Post Office and Civil Service, all of the members of the House Appropriations Subcommittee on Independent Offices, and the Senate Committee on Post Office and Civil Service endorse and support this remedy for the unfunded liability.

The requirement that the Treasury pay the annual cost of crediting military service for civil service retirement purposes was given our very careful consideration. The idea first arose some years ago when the then chairman of the Senate committee, Senator Olin Johnston, recommended that the Department of Defense be required to reimburse the fund for the military service added to an employee's retirement credit. Our committee considered that proposal and we also considered charging the cost to the Veterans' Administration. But in the last analysis, we determined that the cost for military service should not be borne by any one agency of the Government. It is a benefit to those who have served in the Armed Forces, which is a general responsibility of the Government. Originally, Congress' idea was to credit such service for men who had their career in the Federal civil service interrupted on account of war. Congress deemed that they should not lose retirement credit under such circumstances if they returned to the Government and retired on a civil service annuity. There are thousands of employees in those circumstances; but there are also thousands of employees whose career was military rather than civilian, and who retire after 30 years in the Army or the Navy, and come into the civil service. Subsequently, after 5 years' civilian service, they may be eligible to retire and have their entire military service credited toward civil service retirement if they give up their military retired pay, or if they were retired from the military on account of a combat-connected disability.

The result is that nonveteran employees pay a portion of their contribution for a retirement benefit which they do not receive and which in many cases will pay a retirement benefit to a retired officer or enlisted man who spent 20 or 25 or 30 years in the Armed Forces. I am sure my colleagues have heard a number of complaints from constituents concerning this particular quirk in the law. With that in mind, our committee recommends that the Government generally pay this cost, that it not be charged to the Army or the Navy or the Veterans' Administration or the retirement fund itself. As in the case of the interest on the unfunded liability, the impact of the payment would be softened by amortizing it over a 10-year period, beginning at about $9.5 million and increasing to about $195 million over a 10-year period.

Finally, Mr. President, title I increases the amount of contribution by employees and each agency of the Government. Presently, employees, including congressional employees, pay 6.5 percent of the gross annual pay into the retirement program, and each agency contributes 6.5 percent of its payroll into the system. Members of Congress pay 7.5 percent of their annual salary, and an equal amount is contributed by the appropriations available for congressional operations.

Under the new rate, each employee will contribute 7 percent of pay, effective in January 1971, each congressional employee will contribute 7.5 percent, and each Member will contribute 8 percent. The total additional contribution into the system will be about $240 million a year, based on next year's payroll. The total contribution will be 14 percent, and the total cost of the program after the effective date of the amendments in title II, will be 13.98 percent of payroll.

Title II makes certain very basic changes in the Civil Service Retirement Act to improve the system. Five of these were included in the bill which passed the House a couple of weeks ago:

First, changing the high 5 to the high 3 for computing civil service annuities;

Second, including accumulated sick leave as service for an employee who retires with sick leave to his credit;

Third, adding 1 percent to the cost-of-living adjustments for annuitants which are made from time to time on the basis of Consumer Price Index.

Fourth, permits the widow of a Federal employee who died or retired before the act of July 18, 1966, to remarry and continue to receive her annuity if she is past 60 years of age; and

Fifth, permits an employee of the Congress to receive the 2.5-percent computation formula for all years of service. He would pay an additional 1 percent for this improved formula.

In addition to these changes the Senate bill exempts up to $3,000 of civil service annuity from Federal income taxation, and improves the survivor annuity protection for employees or disability-retired employees.

Some of these features are well known to all Members. Changing the high 5 to the high 3 is an effort to make more relevant the annuity which an employee receives in relation to the salary he was receiving at the time of his retirement. There is not anything magic about the high 5. It has been in the law for 39 years, and it is time to recognize that retirement annuities should be as closely related to the standard of living the employee was purchasing and enjoying at the time of his retirement as we can make them.

Adding sick leave to an employee's retirement credit resolves a very basic problem, because although employees are paid for their accumulated annual leave at the time of retirement, they give up all of their sick leave. One result is that employees tend to call in sick quite frequently in the last year or two before they retire. When an employee retires on disability, it is standard practice to use up all of his sick leave before leaving office. So the Government pays at full value for accumulated sick leave in many cases. In other cases, an employee who has enjoyed good health and good conscience gives up 2,000 hours or so of accumulated sick leave for which he receives no credit or compensation.

The additional 1-percent adjustment in annuities recognizes that our national productivity continues to increase, and that there is more to maintaining a reasonable standard of living after retirement than just chasing after the consumer price indicators.

The change in the retirement computation for the employees of the Congress makes their retirement computation identical to that of Members of Congress—2.5 percent for congressional serv-

XUM

ice, and 2.5 percent for up to 5 years of military service. For this they will pay an extra 1 percent each year.

The exclusion of up to $3,000 of civil service annuities from Federal income taxation is a goal that retired civil service employees have sought for many years. It is just hard to explain to people back home that civil service annuities are taxed as ordinary income, while social security is tax free, railroad retirement is tax free, and income from investments on municipal bonds is tax free. That does not create a very good impression upon a retired civil service employee who is trying to get by on $2,000 or $3,000 a year and is paying taxes on it. This is an amendment to the Civil Service Retirement Act and is very similar, except for the dollar amount, to the bill, S. 2087, which I introduced on May 8, 1969, and which was referred to the Committee on Post Office and Civil Service.

This exclusion of up to $3,000 would be in lieu of the retirement credit now provided by the Internal Revenue Code. Under that law, any pension or annuity payment which is not taxed must be subtracted from the retirement credit. The effect of our amendment, therefore, would be to replace the retirement credit for civil service annuitants only, thus giving them a tax benefit equal to the difference between the $3,000 exclusion and the tax credit they now receive, which is now a maximum of $228. The impact on revenue would not be substantial because retired employees past 65 who are married to a spouse past 65 have very little taxable income anyway.

Finally, the bill revises very substantially the survivor annuity benefits for a widow of a Federal employee who dies or who has retired on account of physical disability and thereafter dies.

Under existing law, the widow and children of an employee who has less than 5 years' service receives no benefit at all if her husband dies. If an employee has 5 years of service, his widow is entitled to a percentage of his earned annuity; and since civil service retirement is a system based on long service and average salary, the earned annuity of a young employee is very small. After 10 years, his earned annuity is just 16¼ percent of his average salary. After 20 years, it is just 36¼ percent of his average salary; and when you give the widow 55 percent of that, she will not get rich. The examples cited on pages 6 and 7 of the committee report indicate how drastic the financial impact of the death of a short-term employee is upon his wife and children.

For some time our committee has attempted to work out legislation acceptable to all to provide for a transfer of credit between civil service retirement and social security. Nothing acceptable has been developed. We shall continue that effort, but in the meantime, we must resolve the problem for the survivors now. Our bill does this, and I think it is a most significant improvement in the retirement program.

The amendments provide that when an employee dies after completing 18 months' service under the Civil Service Retirement Act, he has a vested annuity for survivor annuity purposes only. His widow is entitled to at least 55 percent of 40 percent of his average salary or 55 percent of his annuity projected to age 60, whichever is less; and his children would be entitled to the lesser of $900, 60 percent of his average salary divided by the number of children, or $2,700 divided by the number of children. The effect of our amendments are to make very substantial improvements in the survivor annuity protection offered an employee who has at least 18 months' service, but not more than 22 years of service. This is where the retirement program for civil service employees is now gravely deficient and that is where we have aimed our corrections.

The cost of the bill as reported from the committee is about $205 million in direct transfer from the Treasury to the civil service retirement fund in the coming fiscal year, that is fiscal year 1971. The normal cost of the system is increased by about one-fifth of 1 percent of Federal payroll. One percent of Federal payroll was about $22 billion as of June 30, so the extra cost which, of course, will be fully paid for under the financing portion of the bill is $44 million a year. That is $2 million a year less than the provision of the bill passed by the House of Representatives. The difference relates primarily to changing the method of financing military service credit.

The unfunded liability of the system would be increased by $1.4 billion as a result of the liberalizations in title II, but the overall liability of the fund would be reduced because of the direct Treasury funding for military service credit. The net result would be a decrease in the liability of the fund of about $3.3 billion.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. FONG. Mr. President, I congratulate the distinguished Senator from Wyoming for his leadership in bringing to the Senate this very constructive bill. This bill really stabilizes, for the first time, the retirement system and assures that our civil service employees will be paid in the future. It also adds a few changes to the law that are very desirable.

Mr. President, the Civil Service Retirement Amendments of 1969, contained in S. 2754 and presently under debate, contains critical and very necessary changes in the U.S. civil service retirement system and fund. The bill was reported out unanimously by the Senate Committee on Post Office and Civil Service.

I strongly urge my Senate colleagues to approve the proposed legislation.

For 22 years the U.S. Civil Service Commission has urged Congress to approve legislation eliminating or stabilizing the Federal retirement fund's unfunded liability. The Senate report on S. 2754 explains in detail the reasons for this huge deficit, now totaling $61,000,000,000, and the committee's proposal to correct the present intolerable situation which if allowed to continue will bankrupt the Federal retirement fund in 18 years.

The Federal retirement fund was established in 1920 to provide retirement income for all Federal employees. The initial employee contribution of 2½ percent was to be matched by Federal Government contribution of an equal amount. The 2½ percent employee-agency contribution was increased periodically until in 1956 the present 6½-percent contribution rate became effective. During the entire history of the Federal retirement system, all Federal employee contributions have been paid in full and have approximated one-half the normal cost.

In contrast to the specific requirements for employee contributions, the act, prior to 1958, stated in effect that the Federal Government's share would be financed by the submission of appropriation estimates to Congress necessary to finance the system and to continue the act in full force and effect. As a result, a number of different methods were employed over the 48 years the plan has been in existence to take care of the Government's contributions.

During the first 8 years of the plan, no agency appropriations were enacted and benefit disbursements were financed entirely by employee contributions. From 1929 to the end of World War II, although Government contributions were generally recommended by the President in amounts sufficient to cover normal costs and to amortize the unfunded liability then existing, the amounts actually appropriated varied. Congress enacted lower appropriations than those recommended by the President on five occasions, higher amounts twice, and on one occasion approved the full amount requested by the President in his budget.

In 1958, the present funding procedures were enacted. Under it, each Federal agency contributes to the fund from its appropriations for payment of salaries, amounts equal to deductions from the salaries of its employees for retirement at the rate of 6½ percent. This achieved the objective of assuring annual income approximating normal cost. However, these contributions failed to meet fully the Government's portion of retirement costs because it did nothing to reduce the unfunded liability caused by insufficient appropriations in previous years.

A review of the system shows that the major causes for the present unfunded liability of approximately $61 billion have been: First, creditable service for which neither the employee nor the employer contributed, such as military service creditable for civilian retirement; second, general wage increases which result in benefits based on a higher pattern of salaries than that upon which at least a portion of contributions is based; third, liberalizations applying to benefits based on past and/or future service without a commensurate increase in contributions; and fourth, loss of compounded interest income which would have been earned if the accrued liability had been fully funded.

Because employee contributions during the 1930's and 1940's exceeded benefit payments, the potential impact of an unfunded liability was obscured. However, with stabilized employment, inadequate employer contributions and in-

XUM

creased benefit payments, the annual trust fund revenues within the foreseeable future would be unable to meet benefit payments.

Under the present funding practices the assets of the fund which presently total $20,500,000,000 will increase to $23 billion in 1975 while the deficiency will simultaneously approach $80 billion. In 1975 the disbursements will begin to exceed the annual income of $3.8 billion. Thereafter, disbursements will continue to escalate over a relatively static income and will result in a declining fund balance. At that time, in order to meet benefit payments, all disbursements in excess of current income will have to come from the fund balance. Without additional funding, that balance will be depleted by 1987.

Thereafter, disbursements will exceed income by $3,500,000,000 and will require direct appropriations to meet benefit payments. By year 2000, the necessary direct annual appropriations would approach $5,000,000,000. This would be in addition to the approximate $3,000,000,000 employee-agency contributions.

PROPOSED NEW FUNDING PROCEDURE

Under the provisions of S. 2754, the normal cost financing of equal employee-agency contributions would be retained. Normal cost in this sense is defined as that level percentage of annual employee pay which, invested at interest, is required to cover the costs of benefits earned each year starting for each employee at the time of appointment.

The present inadequate contributions and the normal cost financing of the combined contribution rate from 13 to 14 percent of payroll—7 percent each from employee and agency, effective January 1970. The congressional employee rate of 6½ percent would be increased to 7½ percent, and Members of Congress would contribute an additional one-half percent, to 8 percent.

The present normal cost of present benefits is equivalent to 13.86 percent of civilian payroll for the Federal Government. The increased benefits plus the modified reimbursement procedure for military service credit contained in the bill would increase the cost coverage by 0.12 percent, for a total of 13.98 percent of current payroll. The result is an overfinancing of slightly less than .02 percent of payroll.

Although the system's unfunded liability has grown to $61 billion in 1969, and can be attributed to numerous liberalizations of benefits, recurring salary increases, and several automatic cost-of-living adjustments to annuities, the major growth of the unfunded liability is attributable to the loss of interest on the unfunded liability. This approximates $2 billion each year.

The bill would eliminate this loss by providing for direct appropriations of this interest. However, for the first year the Secretary of the Treasury would transfer to the retirement fund a sum equivalent to 10 percent of the interest on the then-existing unfunded liability; and thereafter an additional 10 percent for each successive fiscal year until 1980. After 1980, the amount transferred annually will be the equivalent of the full interest thereon.

This formula, though not reducing the unfunded liability, will provide the interest to make the fund operationally solvent. This is the thrust of title I of the bill.

Should future incremental unfunded liabilities result from benefit liberalizations, general salary increases, extension of coverage to new groups of employees, or newly authorized annuity increases, they would be fully financed by the Federal Government through direct appropriations to the fund, in equal annual installments, over 30-year periods. The Government would assume full responsibility for additional deficiencies thus created, and, by amortization, preclude further increases in the unfunded liability.

Title II of the bill makes certain liberalizations in the Federal Retirement Act. It would: use "high 3" instead of "high 5" for computing civil service annuities; permit adding sick leave accumulated at the time of retirement to the period used in computing annuities; add 1 percent to cost-of-living increases for annuities; make the remarriage provisions of the 1966 Amendments to the Federal Retirement Act partly retroactive; improve survivor benefits for employees and retired disabled employees who die in service or after disability retirement; exempt up to $3,000 of civil service retirement annuity from Federal income taxation; and permit congressional employees to receive 2½ percent credit for all years of congressional employment in computing their annuities rather than limiting congressional service credit to 15 years.

Both the House and the Senate Committees on Post Office and Civil Service have labored hard on this legislation in an attempt to find the best solution to the critical problems which face the Federal retirement system.

The matter of correcting the funding deficiency of the Federal retirement system must be faced by Congress now. We sincerely believe that we have found a good solution. We have also written into S. 2754 some much needed benefits, but at the same time we have held the cost down below the amounts to be contributed by the employees and their employing agencies. Under the bill the benefits of the entire fund will still be .02 points under the 14 percent of payroll contributions.

I strongly urge favorable action on this measure.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield to the distinguished Senator from Florida.

Mr. HOLLAND. I am not clear as to the exemption of $3,000 of retirement pay from the provisions of the Federal income tax. I assume that that means an overall amount of $3,000 and not $3,000 per year.

Mr. McGEE. No; this would be from income in a given year.

Mr. HOLLAND. Does the Senator mean $3,000 in every year would be exempted?

Mr. McGEE. Would be exempted from the income tax; yes.

Mr. HOLLAND. The bill is not clear on that. It does not say that this exemption takes effect every year. It appears from the way the bill reads—at least to this Senator—that it is an overall, one-time exemption.

Mr. McGEE. I am having the staff check the language in the bill, and then I will respond to the Senator.

Mr. HOLLAND. My second question on the same point, which I think the Senator can answer while that is being checked, is this: Does this provision affect the provision of the present law under which there is exempt from income tax the full amount that any Member of Congress has paid in up to the time that that amount is fully paid?

Mr. McGEE. It does not affect that existing provision so far as Congress is concerned.

Mr. HOLLAND. The $3,000-per-year exemption, or whatever it is, does not apply to Members, then, but only to civil service retirees?

Mr. McGEE. The first $3,000 applies to all.

Mr. HOLLAND. Does this mean that retired Members of Congress get not only the right to receive everything they have paid in—which, of course, is a very large amount and figured over a large number of years—but also $3,000 a year?

Mr. McGEE. No. As I understand the Senator's point, if I understand it correctly, he still is entitled to all his entitlements in what he has paid in, that this only would obtain to his calculations on paying an income tax annually, and that he would be exempted from the first $3,000 of obligations in the tax computation.

Mr. HOLLAND. Let me state it in a hypothetical way: Suppose a retiring Member of Congress had paid in $10,000 to the retirement fund. Under present law—at least as the Senator from Florida understands it—up to the time his retirement pay had equaled $10,000, he would have no income tax to pay, because, in effect, it would simply be a repayment of savings accumulating to his account. Do I correctly understand that this would still be the case under the proposed legislation?

Mr. McGEE. The Senator's understanding is correct.

Mr. HOLLAND. How does the $3,000, then, come into the figure?

Mr. McGEE. It comes in after that point.

Mr. HOLLAND. Does it mean that the $3,000 is a supplement to the return of the $10,000 or that it is not applicable during the time the $10,000 is being repaid, or just how does it apply?

Mr. McGEE. The $10,000 figure the Senator is using is regaining capital. This is a $3,000 exemption on income.

Mr. HOLLAND. Then, this would be in addition to the return of the $10,000 saved?

Mr. McGEE. Yes. The $10,000 capital would be unaffected.

Mr. HOLLAND. One would get back the $10,000 he had paid in, and, in addition to that, in each year he would be entitled to a $3,000 exemption?

Mr. McGEE. Exemption; correct.

Mr. HOLLAND. What is the philosophy behind that, may I ask the distinguished Senator?

Mr. McGEE. The basic reason for that

was that most of the annuitants are not confronted with that situation, and this was aimed at protecting the across-the-board annuitants who are in a very low income retirement fund category.

Mr. HOLLAND. Is the Senator suggesting that the able committee was seeking to discourage Members of the House and the Senate from staying here for many years?

Mr. McGEE. To my knowledge, the committee never entertained such a thought.

Mr. HOLLAND. I thank the Senator for that clear statement in the RECORD.

Mr. McGEE. May I respond to the Senator's earlier question in regard to the language in the bill and what it means.

On page 13, in subsection (f) of section 207——

Mr. HOLLAND. Is the Senator referring now to the bill or to the report?

Mr. McGEE. To the bill.

The thrust of the exemption allowance puts it on an identical basis with the Social Security and the Railroad Retirement Acts at the present time.

On page 13, the language reads:

> An amount, not to exceed $3,000 each year which is received by an annuitant or a survivor annuitant under this subchapter . . . which would be included as gross income for purposes of the Federal income tax laws, shall not be included as gross income under such laws.

Would the Senator feel that that would remove the uncertainty?

Mr. HOLLAND. I think it would remove the uncertainty, but it would make the $3,000 not applicable to retirees who would have to receive $10,000 or $20,000, or even more, before they got back what they had put in. Apparently, this $3,000 does not begin to apply at all until one has received back his entire contribution to the fund.

Mr. McGEE. The income tax law itself, I understand, separates the income capital from the exemption category.

Mr. HOLLAND. I thank the Senator. I believe we have it reasonably clear now. In other words, if a retiree were entitled to receive, let us say, $20,0000 a year, having been here a good while, he could set off that first year the $10,000 that he had contributed, if that was the amount, and, in addition, claim an exemption of $3,000 as against the remaining part of the income which would be gross taxable income.

Mr. McGEE. Yes, that is my understanding of it.

Mr. HOLLAND. I think that is a clear explanation. Whether that approach is justified, is another thing.

I hope the Senator will make very clear what is implied, because I do not believe that Congress is trying to increase its rights as above what it had before, in the passage of this measure.

Mr. McGEE. No. The intent was to try to keep it as simple as we could and yet take care of the typical annuitant, who is generally in the $3,000, $4,000, or $5,000 category, which leaves him a very minimal sum.

Mr. HOLLAND. I say again that the Senator is suggesting that the Members of the Senate and the House stay here a very short period.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. FONG. The reason for the $3,000 exemption is that if one is a social security retiree, all the amount he receives as a social security beneficiary is not taxable. People who work for the Federal Government are not under social security but do receive a retirement income, and we feel that the $3,000 is the equivalent amount that the people under social security are getting.

Mr. HOLLAND. The theory of the social security law is that the citizens have paid for insurance and they are getting payments because they have paid for insurance.

Mr. FONG. This will be the same.

Mr. HOLLAND. That is not true in this case, though. The Members of Congress pay on a portion of their retirement. They pay, as I recall it, half of the pool. They have been paying 7 percent each year for a long time—I do not remember how long—and that amounts to a very considerable sum. But the Federal Government pays an equal amount, as I recall.

Mr. FONG. The same is true with respect to the individual. The employer pays half and the employee pays the other half.

Mr. HOLLAND. Perhaps I was thinking about the matter solely from the standpoint of the self-employed person, because that has been my own situation, except for membership in the Senate; and, of course, there is no employer to pay the other half when a person is self-employed.

Mr. McGEE. That is correct. Here our real concern was the 9 million-plus annuitants that we felt had long since merited this kind of exemption in order to keep it equitable for them.

Mr. HOLLAND. From a quick reading of the report and several sections of the bill applying thereto it is made clear there is no change in the existing law as to the way surviving widows are affected. Am I correct in that?

Mr. McGEE. There is a small change in the way surviving widows are affected. It enables them to keep their annuities if they remarry, provided they are over 60 years of age.

Mr. HOLLAND. I am not speaking of that. I am speaking particularly of Members, because of the impression that Members would be particularly concerned with this point. My understanding is, leaving aside the question of remarriage which the Senator mentioned, there is no change whatever in the right of a surviving widow.

Mr. McGEE. There is no improved benefit. Surviving widows would still be affected by the 1-percent addition on the cost-of-living index.

Mr. HOLLAND. That is the 1-percent addition for every 3-percent upping of the consumer price index.

Mr. McGEE. The Senator is correct.

Mr. HOLLAND. I think it is a good provision. I congratulate the committee for having added it. I think most of the bill is good; maybe all of it is good.

Mr. McGEE. The Senator from Florida has been very helpful.

(At this point, Mr. SPONG assumed the chair.)

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. McGEE. I have told the Senator from Delaware I will yield to him.

Mr. President, I yield briefly to the Senator from Indiana.

Mr. HARTKE. Mr. President, first I wish to congratulate the distinguished Senator from Wyoming for his leadership in this field. It has been my privilege so serve as the chairman of the subcommittee and to hold hearings on this measure.

The question raised by the Senator from Florida concerning taxation points out a deepening crisis that exists in the entire field of caring for the aged. I did not think this bill is the answer as far as the problems of these people are concerned. In many cases we have a combination of circumstances surrounding former employees which is rather tragic.

They have never been able to achieve comparability with people in private industry, so that even by taking the high 3 years instead of the high 5 years they are being told they will be paid a percentage on reduced capability that they would have had in the field of private employment. There should not be any penalty for anyone who serves in the Government. I know many people seem to attach an undesirable stigma to people who work for the Government. I find that most people who work for the Government are sincere people. They want to provide service, and they would like to be treated on a comparable basis, not only while they are working, but after they retire.

Anyone who studies the actual amount of money that will be provided under this bill will be shocked because it comes pretty close to the poverty level. This is a problem the country will have to face up to soon. We have two circumstances combining. First, because of the better health of the Nation we have people living longer than they used to; and, second, the increase in cost for people after retirement is frequently the total cost for them to take care of themselves. Frequently people in retirement do not have anyone around to take care of their ordinary affairs. They may have to hire people to care for them and to take them places. The person in retirement usually cannot drive a car any longer. My statement with respect to costs is especially true in the field of medical treatment and drugs.

This is a problem which is very acute in the Nation and affects all the aging. The situation is compounded for the civil service employee so I really feel that in this case we are not righting a wrong; we are correcting some of the inequities, but we have much farther to go.

I hope we will not be content to say that the Committee on Post Office and Civil Service considers this to be the answer to the problem. The answer lies beyond.

This is not a problem which is special to the Government, but I think the Government has a responsibility. Certainly, when people retire it should not be the first time in their lives that they are poor. Unfortunately in America today

XUM

many old people are saying for the first time, "I did not become poor until I became 65." Mr. President, that is tragic, indeed.

I hope we pass the bill quickly and then go about the business of trying to determine what we are going to do about the acute problem of the aging.

Mr. McGEE. Mr. President, the Senator's point is well taken and no one speaks with greater perception and depth of understanding than the Senator from Indiana. The Senator has spent a great many years with this problem, and the thrust of his comments just now have been that this is not the place where we stop. This is only another of the steps we are taking, and that should have been taken in many cases long ago. But at least we are finally moving in this direction. I agree with the Senator.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I am glad this entire discussion has come up. I certainly appreciate the comments of the Senator from Indiana. I doubt if the average citizen knows right now that each Member of the House and Senate is paying $3,000 on his retirement fund out of each year's earnings besides the full income tax which everybody pays, subject only to a $3,000 allowance for living in Washington, which costs most of us nearly $10,000.

I think it is good for these matters to be placed in the RECORD because they more clearly explain the situation.

The next thing I would like to say is I think there is another fact not generally known to our people and that is that workers on the Hill, for Congress, are not in the same situation as civil service workers in that when their Senator or House Member is defeated, their jobs stop the day he goes out of office. There is no right to stay on and there is no vested right to remain, as there is in civil service. I think employees of Congress are thoroughly entitled to be regarded as in a different classification. They are placed in a different classification under the present law and would be by this law. I am glad they are. Of course, they pay a little bit more for the protection they get and under this bill this practice would continue. But it is well for the RECORD to show that employees of Congress are not in the favored protected and secure position that civil service workers are. I believe that is shown by this bill and the different treatment accorded for the different groups of employees.

I thank and congratulate the Senator.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. YARBOROUGH. Mr. President, as a member of the Committee on Post Office and Civil Service, who has served on that committee longer than any other Member of the Senate, I congratulate our chairman, the distinguished senior Senator from Wyoming, for the great care he has taken with the bill, for the diligence with which he attended all hearings, and his work in bringing the measure to the floor of the Senate. I commend him for his work on the bill.

There is one provision in particular that I desire to mention and that is the provision for crediting Federal employees for unused sick leave time.

I introduced that measure in Congress after Congress. We were unable to move it. I hope that it is passed some time. In some respects this provision is more generous than my proposal.

The provision for unused sick leave, I think, is for the benefit of the Federal Government. Figures show that of Federal employees who work for 30 years, one-half use up all the accumulated sick leave and one-half end up with about 44 days in unused sick leave. The able, efficient, and experienced employee works for years and years and does not use any sick leave time. The Government profits on those employees who work year after year and do not use their sick leave because those employees get no credit. These people have worked faithfully and they do not take sick leave and, therefore, they lose 44 days when they retire. When there is an experienced employee who takes a couple of weeks off for sick leave and his substitute is brought in there is a general loss—we had testimony on that year after year—by losing 2 weeks' time of the most efficient employee. This is the experience of private business in America. This is going to make money for the Federal Government.

I congratulate the chairman of the committee on having that provision in the bill.

I want to associate myself with the remarks of the distinguished Senator from Florida. In talking to people in my State, I find that they have no concept of the fact that our payments for retirement are more than $300 a month. They have heard something about Federal judges, which they get from the lawyers and other laymen, that a Federal judge pays nothing into his retirement system and that after 5 years of service, if he is at the proper age, he can retire at full pay.

I do not think that the service of a judge is so much more patriotic, more arduous, and more difficult that we should have to vote ourselves a harsh retirement system and vote for them such a generous retirement system. But that is a fact.

I want people to know that whereas a judge pays nothing into his retirement fund and after 5 years of service, if he is old enough, he can retire on full pay, we must pay $3,400 a year into the fund, which gives us only 2½ percent of credit for a year's service. When we compute that in with other deductions and limitations, we can take the year's service and it adds up that we will not get that 2½-percent credit in our retirement. If one should pass away, then his widow will draw only one-half the pension, which will not be 2½ times the number of years served. In other words, this is a limited retirement compared to retirement either in Federal service or outside of it.

Mr. President, as the able Senator from Florida has pointed out, it is well for people to know that Senators are also having income tax deductions taken from their checks, just as the rest of American workers do. Many people think that somehow or other we enjoy some free largesse here, that we get things tax free. I think it is well to have that in the RECORD, too, that our income tax payments come out of our salary checks, and they are heavy, with hundreds of dollars taken out every month for retirement, and hundreds of dollars taken out for income tax, so that the take-home pay of every Member of Congress is reduced drastically from what a person might imagine it is from the gross amount we get.

Mr. President, S. 2754 is a measure which is badly needed. I am hopeful that the Senate will not only pass this bill today but that we would do so without amendment.

This measure has a particularly fond place in my legislative heart for, aside from its basic provision and many financial reforms, it also provides a formula for the addition of unused sick leave to actual length of service in computing annuities. This provision is not as extensive as my own unused sick leave bill, S. 1276, but it is a big step in the right direction. I have fought for this principle for some 6 years now since I introduced my first bill on the subject in 1963, and I am very pleased that we were able to include this principle in this vital legislation.

As has been stated, the basic thrust of S. 2754 is toward financial reform of the system. The financing of the civil service retirement program has been an obvious and continuing problem for a number of years. For years the reports of the actuary have been grim forecasts of impending financial disaster, each succeeding report being more pessimistic than the preceding. For example, in 1958 the unfunded liability of the program was estimated to be about $18.1 billion and over the years the estimates have risen so that it is now about $57.7 billion. Current forecasts are that the civil service retirement fund will have a zero balance in about 18 years if no changes are made in the benefits provided or the financing.

Though these financing reforms are generally supported, it cannot be said that the bill is without controversial features. It is a matter of record that the administration is in general agreement with the financing provisions but objects to the benefit improvements which would be provided.

For my part, I believe that the extensive study that has gone into the preparation of the bill indicates that it would provide adequate income to pay for all presently scheduled benefits and an orderly method of financing future benefits.

In addition to the "high-3-year average" formula for computing annuities, a provision of the original bill, Senator McGEE and the full Post Office and Civil Service Committee have added three amendments that are the basic difference between the House and Senate bills. I strongly urge the retention of these amendments in the final bill.

One of these amendments would create a vested survivor right after 18 months' service rather than the 5 years now required. Another would exempt up to $3,000 of an annuity from Federal taxation. In effect, both these amendments merely extend to Federal employees rights now enjoyed by social security recipients.

The third McGee amendment would require an annual payment to the retirement fund to cover the costs of extending credit for military service in figuring the final annuity. The military service credit was the idea of the Congress and the cost should not be charged to the fund as a whole. This amendment would rectify this previous oversight.

Upon extensive examination of this measure and a careful study of the problems it is designed to meet, your Committee on Post Office and Civil Service reported S. 2754 unanimously. I urge the Senate to give S. 2754 a similar vote of confidence today.

Mr. President, with this retirement matter coming up year after year, with different provisions in it, I must commend the able Senator from Wyoming for a very skillful job in combining in this bill the many things in our Federal retirement system which need correcting.

As the Senator from Indiana said, it is not perfect. It is difficult to get a perfect bill with all differences of opinion ironed out. But this is a very splendid piece of work and the Senator from Wyoming is entitled to great credit for bringing such a bill to the floor of the Senate.

Mr. McGEE. Mr. President, I want to thank my friend from Texas for his kind comments and would say to him that I always stand very humbly at a time like this, remembering how very much he contributed to the thinking on the bill which reflected the effective way which his years of seniority on the committee made it possible to serve as guidance.

My chairmanship on the committee is the consequence of some of the flukes in our committee system. But it does represent a responsibility, nonetheless. Without men like the Senator from Texas, the Senator from Indiana, the Senator from Utah, the ranking minority member, the Senator from Hawaii, and the Senator from Delaware, we would, I think, have gone off on many occasions in different directions that might not always have turned out to be the wisest ones.

It is the combined vigilance on the part of members of the committee which has made it possible to arrive at what I think is substantially a sound piece of legislation.

Mr. YARBOROUGH. The distinguished Senator from Wyoming just said that he is chairman of the committee by what might be called one of the flukes in our committee system.

Let me say that if his chairmanship is a fluke, then it is one of the luckiest flukes the Senate has had happen to it in a long time.

Mr. McGEE. I thank the Senator from Texas.

Mr. President, I have said all I can say at this time and, therefore, I yield the floor.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. WILLIAMS of Delaware. Mr. President, I want to agree with the chairman, the Senator from Wyoming (Mr. McGEE), on one point; and that is, that title I is long overdue recognition of the insolvency of the civil service retirement fund. Title I provides a method for reimbursing the fund and placing it in a more solvent position.

Mr. President, there are some questions in title II on which I raise questions, particularly the one mentioned by the Senator from Florida. He referred to section 207 on page 18 regarding the $3,000 special tax exemption, or an amount not to exceed $3,000 each year for the annuitant. The bill states that this extra $3,000 will be excluded from the gross income, and it amends section 8355 of title 5 of the United States Code. Under existing law the Treasury Department allows credit for the amount of the pension that repesents a return on the payments made by the employee and the other is treated as income.

That is approximately the formula under which it has been taxed heretofore.

As is pointed out, when an employee has recovered all of his original payments to the fund the remainder now is taxable income.

It is interesting to note that this $3,000 special exemption has no effect, as I see it, on a married couple drawing a pension of $5,000 or $6,000 a year. It really does not begin to take effect until the pension has crossed the $6,000 annual figure. Let us face it, this is not a tax break for the low-income employee.

What disturbs me is not so much the question of whether the $3,000 exemption should be approved but rather why it does not apply to all retirees, whether they be in private industry or government service. Why give a $3,000 extra tax exemption on retirement income just to Federal employees? I think that all American citizens who are living on retirement are in the same category and are therefore entitled to the same kind of treatment.

True, retirement payments are exempt under social security, but the social security fund is financed by the employee and the employer—one-half is taken out of his paycheck, and the other half is paid by the employer. But the employer figures that as part of his wage. It is deferring the income. Social security has a much lower formula for computing benefits than it is under this more favorable formula of civil service.

I think there should be a question in the minds of all of us when considering changing the revenue code, can the Government afford to give this $3,000 retirement exemption on pensions? If it can then the next question is, should it be made available to employees of the U.S. Government only, or should the tax break be made available to all taxpayers in America?

Mr. President, I do not think it can be justified to single out the employees of the U.S. Government, whether we be Members of Congress or serving in some other capacity, for a special tax exemption that is not extended to all other retired American citizens.

For that reason I think that if this is going to be considered it should be considered as an amendment to the tax revenue bill which will come before the Senate later this year. As a part of that bill Congress can consider how far we reduce the tax for all pension funds. Let us be sure that all the people will be treated alike, and let us not establish a special group of tax-exempt citizens by virtue of their having been employed by the U.S. Government.

Mr. McGEE. Mr. President, will the Senator let me respond to that question?

Mr. WILLIAMS of Delaware. I will in just a moment.

Mr. McGEE. Oh, I thought the Senator had asked a question. Excuse me.

Mr. WILLIAMS of Delaware. We have on the Senate calendar, a tax bill which has long been deferred and which proposes to lower taxes for those in the so-called poverty or low-income groups. That bill has not been acted upon. If it were it would to a large extent reduce the need for the bill we have before us now.

Any tax reduction that is approved by the Senate should apply equally to all taxpayers and not to a select group, which happens to include Members of Congress.

Another point I wish to make is that the tax reduction proposal in section 207 is to amend the Revenue Code in a Senate bill, a procedure which heretofore the Senate has not recognized as being proper. The Revenue Code can be amended only by a bill that has come from the House or by amendments offered thereto in the Senate. That is the customary procedure. Let the Ways and Means Committee of the House or the Finance Committee of the Senate consider the merits of the proposal and relate it to all the other taxpayers.

For that reason, I suggest that it would be wise to strike section 207 from the bill and let it be considered in the regular tax bill later.

Mr. President, I wish to make a point of order that section 207 is an amendment to the Revenue Code, as attached to the Senate bill, which is not in order under our rules.

Mr. McGEE. Mr. President, if it is permissible, am I in order to respond to the point raised by the Senator from Delaware?

Mr. WILLIAMS of Delaware. Mr. President, I will withhold it.

The PRESIDING OFFICER. Will the Senator from Delaware withhold his point of order?

Mr. WILLIAMS of Delaware. I will withhold it, yes.

Mr. McGEE. Mr. President, the Senator raises several good points here. I would like, as best I can recollect them now, to respond to them as they appear to me.

I think the Senator is so right that here we have a special group that has been kind of "selected out" for this package—Federal employees—but I think it is important to remember that they were "selected out" long ago and denied that $3,000 allowance while social security annuitants were getting it and while Railroad Retirement annuitants were getting it. That is the kind of selectivity we have witnessed here in the program. So I think there is a second side to the coin in who is playing favorites.

I agree that there is great merit in having a uniform application of this provision to all retirees, but the jurisdiction of this committee is over civil service retirees. We did not pretend to try to tell the income tax service how to administer the law. We did not intend to invade some other committee's jurisdiction. Our intent was to live up to our responsibility, and that was to address ourselves to the problem of Federal civil service annuities in this particular instance in the bill, in section 207, on page 13, which amends section 8345 of title 5 of the United States Code. This is the Civil Service Retirement Act. It is not the Internal Revenue Code. We believe, therefore, it is still very much in order.

Finally, I would suggest that a year ago, or earlier this year, when a bill that I introduced provided for this very specific allowance—S. 2087—the bill was referred to the Senate Committee on Post Office and Civil Service. And because of the jurisdiction and concern of that committee over civil service annuities, I would have to take issue with my friend from Delaware in regard to the legitimacy of a point of order's being sustained. The Finance Committee has jurisdiction over tax matters. The House can originate revenue bills. But we believe this to be in the civil service annuity category and properly within the jurisdiction of the Committee on Post Office and Civil Service.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. WILLIAMS of Delaware. Perhaps I do not understand the English language. I will ask the Senator this question: Is not the purpose of section 207 to exempt from Federal income taxes $3,000 of annuitants' pensions?

Mr. McGEE. The purpose of this provision is to try to make it possible for an annuitant to survive on the basis of his annuity.

Mr. WILLIAMS of Delaware. Is not the purpose of this provision to exempt from Federal income taxes the first $3,000 of an annuitant's pension? Is not the purpose of the section to exempt the Federal employee from taxes on $3,000 of his pension?

Mr. McGEE. From the first $3,000.

Mr. WILLIAMS of Delaware. Of taxes?

Mr. McGEE. Yes.

Mr. WILLIAMS of Delaware. So that makes it a tax bill.

Mr. McGEE. If the Senator will permit me to quote the English language, that is quite a jump in adding that up to a tax bill.

Mr. WILLIAMS of Delaware. It is quite a jump, and it is a benefit that is not extended to any other group——

Mr. McGEE. I mean the Senator's conclusion that it is a tax.

Mr. WILLIAMS of Delaware. On September 4, 1969, the Senator's committee was served notice by the chairman of the Finance Committee (Mr. Long), and I refer the Senator to the remarks of the Senator from Louisiana appearing on page 24287, wherein the Senator from Louisiana points out how it would amend the Revenue Code and raises a question of jurisdiction.

Today before the Finance Committee we had testimony on this very proposal, based on an amendment introduced by the Senator from Connecticut (Mr. Ribicoff). His amendment deals with this matter in a broad way. It would affect not only Government employees but all annuitants, including private industry as well. We had testimony on that point before our committee today.

What I am saying, without debating the merits or demerits of this proposal, is that I think whatever we do should be done for all retirees who are living on pensions. I am merely suggesting that we should wait until we get the tax bill, and then whatever we do we treat all taxpayers alike.

When the Senator from Wyoming has finished his statement I will renew my point of order because there is no question that the purpose of this provision is to exempt from Federal income taxes the first $3,000 of pensions of civil service annuitants.

Mr. McGEE. Mr. President, may I say to my distinguished colleague from Delaware that we were not aware that there had been any great move in the Finance Committee to concern themselves with civil service annuitants or their annuities. I think that is understandable because that matter belongs in the Committee on Post Office and Civil Service.

The staff advises me that the Internal Revenue Code of 1954 contains a provision—I believe sponsored by the Senator from Delaware—to the effect that part-time postal employees cannot attach that to their civil service status.

I think this is a case of looking at both sides of the coin. I would suppose that was subject to some kind of point of order, since it would reflect invading the jurisdiction of the Committee on Post Office and Civil Service. But that really should not be the issue of a point of order here. The issue ought to be whether this is a correct procedure, with the Post Office and Civil Service Committee having jurisdiction.

In view of the absence of any real effort anywhere else to look into the interests of our civil service annuitants, and because of the precedent set by the Senator himself in adding to the Internal Revenue Code of 1954 a provision that influenced civil service directly, without having to do with the income tax element, it would seem to me that this factor also should be weighed on the scale of decisionmaking in terms of his point of order.

Mr. WILLIAMS of Delaware. When the Senator says the Finance Committee is not concerned with the civil service employees I remind him that the Ribicoff amendment deals with the pensions of all annuitants, including private industry as well as civil service employees. It does not single out one special group for recognition; it deals with all of them, just as all other tax bills should do.

Mr. President, I renew my point of order against section 207, as appearing on page 13 of the bill, on the basis that it is an amendment to the Internal Revenue Code in a Senate bill.

The PRESIDING OFFICER. In response to the Senator from Delaware, the Chair would say that his point of order raises a constitutional question, and that the Chair has no authority to rule on a point of order involving a constitutional question. Therefore, the Chair refers the point of order and the question to the Senate.

The question is, Is it the judgment of the Senate that the point of order is well taken?

Mr. WILLIAMS of Delaware. I ask for a division, Mr. President.

The PRESIDING OFFICER. A division is requested. Will Senators who believe the point of order is well taken stand and be counted?

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

Mr. McGEE. Mr. President, I did not hear the second part of the question.

The PRESIDING OFFICER. The question is, will Senators who believe the point of order is well taken stand?

Mr. McGEE. I thought they had stood, and the Chair had made a follow-up statement.

The PRESIDING OFFICER. All those opposed.

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MANSFIELD. Mr. President, will the Senator withhold that?

Mr. WILLIAMS of Delaware. I will withhold it, but I will be requesting the yeas and nays. I might ask, is the Senator willing to have a vote on it tonight?

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I have talked with the interested parties on this measure now pending, and I am about to propound a unanimous-consent request.

UNANIMOUS-CONSENT AGREEMENT

I ask unanimous consent that, at the conclusion of morning business tomorrow, there be a time limitation of 30 minutes on the pending constitutional question which has been referred to the Senate for decision, and that the time be equally divided between the distinguished senior Senator from Wyoming, the manager of the bill (Mr. McGee), and the distinguished senior Senator from Delaware (Mr. Williams), who raised the point of order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

Ordered, That at the conclusion of the morning business on October 3, 1969 during the further consideration of the point of order against Section 207 of S. 2754 Civil Service Retirement bill, debate be limited to 30 minutes to be equally divided and controlled by the Senator from Wyoming (Mr. McGee) and the Senator from Delaware (Mr. Williams).

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. For the information of the Senate, there will be a record vote on that question.

Mr. MANSFIELD. Yes, I think there should be.

Mr. McGEE. Mr. President, will the Senator yield until I can propound another thought here?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPONG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TELEVISION NEWSPAPER OF THE AIR

Mr. SPONG. Mr. President, WETA, channel 26, launches a daily newspaper-of-the-air tonight—Thursday, October 2—with editors and reporters from the Washington Post and the Evening Star. This is an example of public television's ability to respond effectively to an emergency community need, the channel 26 newspaper-of-the-air will be broadcast in color, 7 to 8 p.m., 10 to 11 p.m.

Newspaper-of-the-air will cover the day's most important events in the fields of foreign and national news; District of Columbia, Virginia, and Maryland news; entertainment, sports, and other news features; with incisive reports and analysis of leading Washington reporters.

I make this announcement for the information of Senators who may be interested.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 50 minutes p.m.) the Senate adjourned until tomorrow, Friday, October 3, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate October 2, 1969:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Samuel C. Adams, Jr., of Texas, to be an Assistant Administrator of the Agency for International Development, vice R. Peter Straus, resigned.

U.S. DISTRICT JUDGE

R. Dixon Herman of Pennsylvania to be U.S. district judge for the middle district of Pennsylvania, vice Frederick V. Follmer, retired.

U.S. ATTORNEY

S. John Cottone, of Pennsylvania, to be U.S. attorney for the middle district of Pennsylvania for the term of 4 years, vice Bernard J. Brown.

U.S. MARSHAL

Thomas Edward Asher, of Kentucky, to be U.S. marshal for the eastern district of Kentucky for the term of 4 years, vice Archie Craft.

William C. Black, of Texas, to be U.S. marshal for the northern district of Texas for the term of 4 years, vice Robert I. Nash.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 2, 1969:

NATIONAL COUNCIL ON THE ARTS

Nancy Hanks, of New York, to be Chairman of the National Council on the Arts for a term of 4 years.

U.S. ATTORNEYS

Duane K. Craske, of Guam, to be U.S. attorney for the district of Guam for the term of 4 years.

James H. Brickley, of Michigan, to be United States attorney for the eastern district of Michigan for the term of 4 years.

Bart M. Schouweiler, of Nevada, to be U.S. attorney for the district of Nevada for the term of 4 years.

Edward R. Neaher, of New York, to be U.S. attorney for the eastern district of New York for the term of 4 years.

William W. Milligan, of Ohio, to be U.S. attorney for the southern district of Ohio for the term of 4 years.

Blas C. Herrero, Jr., of Puerto Rico, to be U.S. attorney for the district of Puerto Rico for the term of 4 years.

Stanley G. Pitkin, of Washington, to be U.S. attorney for the western district of Washington for the term of 4 years.

U.S. MARSHALS

Gaylord L. Campbell, of California, to be U.S. marshal for the central district of California for the term of 4 years.

Rex Walters, of Idaho, to be U.S. marshal for the district of Idaho for the term of 4 years.

George R. Tallent, of Tennessee, to be U.S. marshal for the western district of Tennessee for the term of 4 years.

William A. Quick, Jr., of Virginia, to be U.S. marshal for the western district of Virginia for the term of 4 years.

Rex K. Bumgardner, of West Virginia, to be U.S. marshal for the northern district of West Virginia for the term of 4 years.

EXTENSIONS OF REMARKS

ROSCOE I. DOWNS

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. NATCHER. Mr. Speaker, Roscoe I. Downs is not only an outstanding Kentuckian but he is also one of the great newspapermen of our Commonwealth.

This veteran of the journalistic field began his newspaper career in 1906 and from that time on he has made sure that his readers are provided with a fair, honest, and unbiased presentation of the news. His strong and frank editorials have won for him numerous honors and have made the newspaper he has published since 1945, the Hancock Clarion in Hawesville, Ky., invaluable in attracting and accelerating the industrial growth of this particular area.

Mr. Downs is one of the most respected and admired gentlemen in the Second Congressional District of Kentucky and certainly I am delighted that the Kentucky Press Association recently gave special recognition to their eldest member for his many years of splendid newspaper work.

Mr. Speaker, I am pleased at this point to insert in the RECORD the article which appeared in the July 1969 issue of the Kentucky Press, the voice of the Kentucky Press Association, honoring Mr. Downs. The article follows:

DOWNS HAS ENJOYED LONG ASSOCIATION WITH KPA

Teddy Roosevelt was president of the United States and the Kentucky Press Association was only 38 years old when Roscoe I. Downs became a member of KPA and attended his first summer convention.

At 84, Downs is editor of the Hancock Clarion at Hawesville and still adheres to 6-day a week work schedule. His editorials have won for his paper several awards over the years and even today are a force in his community.

It was in June of 1907 that Downs and his bride, the former Miss Winnie Cullin, honeymooned at the KPA convention at Estill Springs, Irvine, Ky. They were married at Livermore on June 16, 1907 and immediately began the journey to Louisville where they joined other Western Kentucky editors for the trip by special railway car to Irvine and the convention.

The bride and groom escaped the hazing of the press group by concealing the fact of their newly wedded state. A Courier-Journal reporter, however, learned of the couple's secret during the trip home after the convention and wrote a story of how the entire KPA had been fooled.

Downs can probably lay claim to the oldest membership in KPA. His membership has not been continuous, over the 62 year period, he has spent several years in other states. Consecutive membership has been since 1945 and in 1952 he was voted a Life Member of the association.

In 1906 he edited the Livermore News in McLean County. The name of the paper was later changed to The Kentucky Citizen.

After having closed the paper at Livermore, Downs continued his career on various newspapers, first the Dixon Journal and later the Corydon (Ind.) Republican. His next move was to Havanah, Ill. and the Mason County Democrat.

Then came several years out of the journalistic field before the smell of printer's ink drew him back. First to the Cynthiana Log Cabin and then the Georgetown News. For several years he was employed on the Aurora (Ind.) Bulletin. He then became shop foreman in the printing department of Indiana University, Bloomington, Ind. From there he moved to Freemont, Ohio, where he was makeup man on the Daily Messenger.

Returning to Kentucky, Downs worked for a short time on the State Journal at Frankfort before moving on to the Estil Herald at Irvine. From Irvine he went to Washington, D.C., where, for 15 years—1930 to 1945, he was employed in the Government Printing Office.

He returned to Kentucky in 1945 to publish the Hancock Clarion. His daughter, Mrs. Bernice E. Wimmer, and grandson, Donn K. Wimmer, are now co-publishers of the paper and Mr. Downs is the editor.

The Clarion converted to offset last April and Mr. Downs remarks that "now, at past 84, I find my trade as a printer being relegated to the rear by this photographic pattern of offset."

"Being a printer for 62 years," Mr. Downs says, "is an era of which I am proud, along with Benjamin Franklin, I count my trade as a worthy one."

"In the past years I have enjoyed the Kentucky Press Association and, until recently, have attended most of its meetings."

Several years ago Mr. Downs published a novel, "This Fair Eden."

FARM LOSSES PROVISIONS IN TAX REFORM BILL

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Thursday, October 2, 1969

Mr. HARTKE. Mr. President, on September 22, the Committee on Finance held hearings on the very important farm losses provisions contained in the tax reform bill. Artificially created farm losses are a notorious area of tax abuse. This tax loophole distorts farm prices and imposes on the ordinary farmer a particularly cruel form of unfair competition.

The distinguished Senator from Montana (Mr. Metcalf) is a recognized leader in the fight to close this tax loophole. I ask unanimous consent to have printed in the Record his excellent and most persuasive statement to the Committee on Finance.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Eliminate Tax-Dodge Farming

My bill, S. 500, would eliminate existing distortions in the farm economy by limiting to $15,000 or to the amount of "special deductions" listed in my bill, whichever is higher, the amount by which a "farm loss" may offset nonfarm income. Special deductions are those that would be allowed to some one whether or not he was in farming or because it is the type of deduction clearly beyond a taxpayer's control. I am referring to such things as taxes, interest, abandonment or theft of farm property, fire, storm, or other casualty, losses and expenses from drought, and recognized losses from sales, exchanges and involuntary conversions of farm property. Neither the House-passed bill nor the Administration's proposal contain a comparable provision to protect the legitimate farmer and rancher from being penalized for having incurred an economic agricultural farm loss in a given year. My bill also provides safeguards to protect those just starting out in farming as well as those who might find themselves in a loss situation in a given year, not by design for tax purposes but rather by chance. This is accomplished by a provision that allows a disallowed loss to be carried back three years and forward five years against past or future farm income.

The problem with the approach recommended by the Administration and now contained in the House-passed bill except for different dollar exclusions is that it allows the tax-dodge farmer to defer any recognized capital gains while at the same time he is allowed to continue using the full amount of his artificial losses as an offset against nonfarm income year after year. By attempting to convert capital gains into ordinary income rather than nip the losses in the bud before the tax-dodge farmer can use them, both the House bill and the Administration allow offenders an easy out with just the proper amount of tax planning.

Revenue figures provide some insight into the comparative effectiveness of the House bill, the Administration's proposal, and S. 500. My bill would affect about 14,000 individual tax returns and would raise an additional $205 million a year from these individuals. The House bill would affect about 3,000 returns and when fully operative raise an additional $25 million annually. These revenue estimates do not include comparative figures for corporations. I can only imagine the amount by which the gap between the two bills would widen even further.

The Administration estimated its 4 September proposal would apply to 9,300 individuals and raise $50 million annually. The Administration has already admitted that although the House bill adopts the same approach, the dollar exclusions contained in the House bill are so high as to render it ineffective.

Here is a unique opportunity to combine substantial revenue increases with substantial equity by restoring healthy competition to our farm economy. The House-passed bill can be reshaped to serve as a meaningful vehicle for equitable and effective reform in this area.

I appreciate the opportunity to testify for legislation that would remove inequities between legitimate farm operators and tax-dodge farmers—people who engage in farming for the purpose of creating artificial losses which can be used to offset substantial amounts of their nonfarm income.

In the first session of the 90th Congress, I introduced S. 2613, to amend the Internal Revenue Code of 1954 to provide that farming losses incurred by persons who are not bona fide farmers may not be used to offset nonfarm income. When I ultimately decided upon the loss limitation approach as the best way to get at this problem, one of the sources of information I considered was an article written by Hendrik S. Houthakker, now a member of the Council of Economic Advisors. At the time that he wrote the article, Mr. Houthakker was engaged as a professor of Economics at Harvard. He concluded his article, which appeared in the January-February 1967 issue of Challenge, with the observation that "if this sacred cow is to be finally eliminated, the Internal Revenue Service may need some help from the Congress."

I found Mr. Houthakker's discussion of possible methods to get at this problem particularly stimulating. He stated as follows:

"If the tax laws are to be effective in this area, a more sophisticated definition of farmers is needed, or, alternatively, the offsetting of farm losses against other income should be restricted. But this restriction has to be introduced with due regard to the interests of genuine farmers.

"The best possibility would be to limit the farm loss deduction to, say, $10,000 in any one year, with provisions to carry larger losses backward or forward to be offset against earlier or later farm profits, but not against nonfarm income. In 1962 the taxpayers who claimed over $10,000 in farm losses had an average nonfarm income of about $50,000.

"Another possibility would be to treat as farmers only those who have derived a specified fraction of their income from farming during the past five years.

"Still another (similar to the Treasury proposal of 1963 which was rejected by Congress) would be to allow capital gains treatment only for the amount by which sales exceed deductions for farm losses in prior years. This proposal, however, would not deter those who do not take capital gains at all."

The 1963 Treasury proposal referred to by Mr. Houthakker is basically the same proposal as that suggested by Administration officials in their testimony before the House Ways and Means Committee on 22 April of this year and restated again but with higher dollar figures before this Committee on 4 September. This proposal which has come to be known as the Excess Deductions Account approach is now contained in the tax reform bill under review by this Committee.

In July of last year, both the Departments of Treasury and Agriculture issued highly favorable reports on S. 2613, the predecessor to my bill, S. 500, which I reintroduced with substantial bipartisan support in January of this year. Both of those reports endorsed the principle of my original bill but at the same time suggested constructive modifications which I incorporated in the bill which was introduced last Fall for discussion purposes and then reintroduced early this session.

In order for the record to be complete on this matter here are the constructive suggestions made by the Treasury Department in its report of 11 July 1968:

"As an alternative, we suggest placing a ceiling on the amount of nonfarm income which could be offset by farm losses in any one year. If there were excess farm losses, they could be carried backward and forward to offset farm income, but no other income, of other years. If part of a taxpayer's income for a year consists of capital gains, his carryover of excess farm deductions arising from the special farm accounting rules would not be permitted to offset it. On the other hand, the ordinary farmer incurring a loss would be protected under this approach in two ways: First, by allowing a limited deduction for farm losses, an ordinary farmer who must take part-time or seasonal employment to supplement his income in a poor year in his farm operations would not be deprived of his farm loss deductions. Second, the carryover and carryback provisions would be available to absorb large one-time losses. In other words, the provision would, in operation, only affect taxpayers with relatively large amounts of nonfarm income, that is, individuals who do not have to depend on their farm income for their livelihood.

"It is suggested that . . . corporations could be covered in the same manner as individual farmers and farms run by a partnership."

The Treasury Department concluded by suggesting that some kinds of farm expenses should be excepted from the disallowance provisions. Here is the reason for that suggestion:

"One category of farm expenses would in-

XUM

clude taxes and interest which are generally deductible whether or not they are attributable to an income producing activity. A second category would include casualty and abandonment losses and expenses and losses arising from drought. These events are generally not in the taxpayer's control and disallowance of the loss or expense could create an undue hardship to the taxpayer since they may be catastrophic. These same expenses and losses are now excluded from the operation of section 270 which excludes losses in connection with a hobby operation."

One additional suggestion made in the report was to provide "for an adjustment that would limit the measure of allowable farm deductions to the taxable one-half of capital gains." The reason for this suggestion was to prevent the taxpayer from receiving a double deduction against his capital gain farm income.

The suggestions contained in last year's Treasury and Agriculture reports together with those contained in Mr. Houthakker's article made a great deal of sense. For example, it was clear that all concerned agreed the most equitable and effective way to get at this problem is to limit the amount of farm losses that can be used as an offset against nonfarm income in any one year.

The problem which now exists is that liberal tax accounting rules designed for the benefit of the ordinary farmer are being manipulated by nonfarmers. These nonfarmers engage in farming for the purpose of creating artificial losses that they can use to reduce the taxes they would otherwise have to pay on high-bracket nonfarm income. The tax losses which these tax-dodge farmers show are not true economic losses. These so-called "tax losses" arise from deductions taken because of capital costs or inventory costs and thus usually represent an investment in farm assets rather than amounts actually lost. Usually, the investment is ultimately sold and taxed only at lower capital gains rates.

The deductions are set off against ordinary income, while the sale price of the resulting assets represents capital gain. The gain is then usually the entire sales price since the full cost of creating the asset has previously been deducted against ordinary income. In reporting on my original bill, S. 2613, in July of 1968, the Treasury reviewed the two principal methods of accounting used in reporting business income for tax purposes. Generally speaking, those businesses which do not involve the production or sale of merchandise may use the cash method. Under that method, income is reported when received in cash or its equivalent, and expenses are deducted when paid in cash or its equivalent.

However, in businesses where the production or sale of merchandise is a significant factor, income can be properly reflected only by deducting the costs of merchandise in the accounting period in which the income from its sale is realized. This means that costs are recorded when incurred and sales when made, and costs attributable to unsold goods on hand at year's end are included in inventory. Under this method of accounting, the deduction of costs included in inventory must be deferred until the goods to which they relate are sold rather than being deducted when the costs are incurred. Thus, under this second method of accounting, income from sales of inventory and the costs of producing or purchasing such inventory are matched in the same accounting period. The end result in this type of business is a proper reflection of income.

The Treasury Department has historically permitted farmers to deviate from general accounting practices to spare the ordinary farmer the bookkeeping chores associated with inventories and accrual accounting. In addition the Treasury has in the case of some capital outlays permitted farmers to write them off as if they were current expenses.

On 5 February of this year, the House Ways and Means Committee published a study of needed areas for tax reform conducted by the Treasury Department during the last two years of the Johnson Administration. In discussing the effect that tax-dodge farmers have on the farm economy the study points out that "when a taxpayer purchases and operates a farm for its tax benefits, the transaction leads to a distortion of the farm economy. The tax benefits allow an individual to operate a farm at an economic break-even or even a loss and still realize an over-all profit. For example, for a top-bracket taxpayer, where a deduction is associated with eventual capital gains income, each dollar of deduction means an immediate tax savings of seventy cents—or seventy-seven cents with the surtax—"to be offset in the future by only twenty-five cents of tax." This cannot help but result in a distortion of the farm economy, and is harmful to the ordinary farmer who depends on his farm to produce the income needed to support him and his family.

"This distortion may be evidenced in a variety of ways: For one, the attractive tax benefits available to wealthy persons have caused them to bid up the price of farmland beyond the price which would prevail in a normal economy, and is harmful to the ordinary farmer who must compete in the marketplace with these wealthy farm owners who may consider a farm profit—in the economic sense—unnecessary for their purposes."

My bill would eliminate these distortions by limiting to $15,000 or to the amount of the "special deductions" listed in the bill, whichever is higher, the amount by which a "farm loss" may offset a taxpayer's nonfarm income. The $15,000 figure is reinforced by the following observation contained in Treasury's two-year study, and I quote: "If a taxpayer has more than $15,000 of nonfarm income, his primary source of livelihood is not likely to be his farming efforts, and, thus, he is not the type of farmer for whom the special accounting rules were devised." Generally, a farm loss would be the amount by which farm deductions exceeded farm income in any given year. For this purpose, as the 1968 Treasury report suggested, the untaxed one-half of long-term capital gains attributable to farm property would not be included in farm income. Farm deductions include all deductions that are attributable to the business of farming. If the taxpayer's nonfarm income is in excess of $15,000 in any given year, the limit on his deductible loss in that year would be reduced by one dollar for each dollar of such excess. However, economic losses are protected by providing that the $15,000 loss limitation will be raised to the amount of the taxpayer's special deductions if that amount is higher than $15,000.

When Assistant Secretary of the Treasury Edwin S. Cohen testified before this Committee on 5 September he referred to the fact my bill is now pending before this Committee. He was then asked by Senator Hartke and I quote: "What is wrong with that bill?" Answer by Mr. Cohen. "Well, suppose as Senator Gore said, a short while ago, there were an actual economic loss of $50,000, suppose there is an actual economic loss from tornado, floods, low prices, drought, any number of factors, why should we disallow a true economic loss to the farmer or where should we disallow it in any event at strictly $15,000 a year."

There are two observations I must make with respect to that answer. First, if there were an actual economic loss of $50,000 from tornado, floods, low prices, drought or any other factor beyond the control of the taxpayer under the provisions of my bill the entire amount of that economic loss could be used to offset nonfarm income. Assistant Secretary Cohen's answer simply demonstrated that he had never read my bill. My bill specifically takes into account the nature of the deductions that generate a loss in a given year. It provides that if the sum total of deductions paid or incurred in the business of farming and which are attributable to taxes, interest, the abandonment or theft of farm property, or losses of farm property arising from fire, storm, or other casualty, losses and expenses directly attributable to drought, and recognized losses from sales, exchanges and involuntary conversions of farm property—if any one or all of those deductions adds up to a figure that is higher than $15,000 then the taxpayer is allowed to use the higher figure as an offset against nonfarm income. An exception is made in my bill for such deductions since they are in general deductions which would be allowed to anyone holding farm property without regard to whether it was being used in farming or because it is the type of deduction that is clearly beyond the control of the taxpayer.

My second observation is that assuming an actual economic loss of $50,000 caused by any of the economic factors listed by Assistant Secretary Cohen, and assume one additional fact . . . that the taxpayer has an adjusted gross nonfarm income in excess of $25,000 in that same year, it is the Administration's proposal that would penalize the taxpayer for an economic loss. Although the loss could be used as an offset against nonfarm income the entire amount of that loss would have to be included in the Administration's excess deductions account. To the extent of the balance in that account, what would otherwise be a long-term capital gain from farming in a subsequent year would be converted into ordinary income. The House-passed bill would also attempt to recapture an economic loss by the same method but to a lesser degree because it only applies to that portion of a farm loss above $25,000 and then only if nonfarm adjusted gross income is above $50,000. When Assistant Secretary Cohen testified he observed that the dollar exclusions contained in the House-passed bill render the bill ineffective.

Getting back to the loss limitation approach, my bill adopts a suggestion made in both the 1968 Agriculture and Treasury reports as well as in Mr. Houthakker's article. If the farm loss in any given year is greater than the allowable amount, it would be carried backward three years and forward five years to offset farm income of those years. This safeguard is in the bill to protect new farmers who are sincerely interested in farming but who understandably might be unable to turn an economic profit in those years.

My bill also provides that a taxpayer may treat a nonfarm business as a part of his farming operation if it is related to and on an integrated basis with the farm business. Some recent inquiries about this provision indicate that there are those who would attempt to use it to offset some artificial farm losses arising from the farm tax accounting rules against income earned in another business. This provision is not intended to allow a business to be considered as related and conducted on an integrated basis with the farming operation unless it consists of the processing of a product raised in the farming operation. Furthermore, it is only equitable that to qualify to elect this provision, the sale of such processed product should produce a substantial portion of the total receipts of the over-all operation. Moreover, this provision is intended only for purposes of measuring the size of the "farm loss" to ascertain whether certain deductions are allowable. This provision is not meant to allow the nonfarm business to be treated as a farm operation for the purpose of adopting accounting methods, the filing of estimated tax returns, or the filing of final returns, and the like.

The House-passed bill and the Administration's proposal both adopt the proposal contained in S. 500 which would exclude from the application of any limitation, the taxpayer who is willing to follow with respect

XUM

to his farming income, accounting rules which apply generally to other taxpayers; that is if he uses inventories in determining taxable income and treats as capital items—but subject to depreciation in cases where other taxpayers would take depreciation—all expenditures which are properly treated as capital items rather than treating them as expenses fully deductible in the current year.

My bill has gained substantial bipartisan support in both the House and the Senate. Twenty-six other Senators, including three members of this Committee (Senators Hartke, McCarthy and Harris) are cosponsors of S. 500. At last count, the loss limitation approach contained in the bill had been specifically endorsed by members of at least thirty different Congressional delegations.

Aside from Congressional support the method of approach taken in S. 500 has the full support of all those who are sincerely interested in the working farmers of our Nation. For example, the National Farmers Union, the American Farm Bureau Federation, the National Grange, the National Farmers Organization, the National Council of Farmer Cooperatives, the National Association of Wheat Growers, the Cooperative League of the U.S.A., the National Association of Farmer Elected Committeemen, the Farmland Industries Cooperative, the Mid-Continent Farmers Association—formerly known as the Missouri Farmers Association, the Farmers Grain Dealers Association, the AFL–CIO, the Industrial Union Department of the AFL–CIO, the United Steelworkers, the South Texas Cotton and Grain Association, Inc., and the Amalgamated Meat Cutters and Butcher Workmen, have all called for a limit to be placed on the amount of artificial farm losses that can be used as an offset against nonfarm income.

Contrast this type of support with the testimony of the National Livestock Tax Committee before the House Ways and Means Committee some six years ago. This is what the National Livestock Tax Committee had to say about the excess deductions account approach in 1963 and I quote: "We cannot say whether it would work or would not, but it is the most modest approach that has come to our attention."

Well, that sort of grudging praise coming from an organization that has been fighting tax reform in this area every step of the way made me take a hard look at the EDA approach when I first considered ways to get at this problem without hurting the legitimate farmer.

The basic problem with the EDA approach is that it allows the tax-dodger farmer to defer any recognized capital gains until he chooses to sell and at the same time, allows him to continue along his merry way each year using artificial farm losses as an offset against nonfarm income. With proper tax planning the balance in the excess deductions account can be milked dry by the time the taxpayer decides he is ready to recognize long-term capital gains. Such a proposal will not remove any of the incentive from existing clients of cattle management firms such as Oppenheimer Industries. Instead of catching the tax-dodge farmer with his hand in the cookie jar by limiting premature deductions each year, the EDA approach lets the tax-dodge farmer put us in the position of having to refill an empty jar.

Farm operations carried on by corporations usually are not separately reported on the corporation tax return. Consequently, data concerning the number of corporations and revenue effect with respect to corporations could not be determined with respect to either the EDA approach or the loss limitation approach.

However, I do have revenue figures that provide some insight into the comparative effectiveness of the House bill, the Administration's proposal, and S. 500. At my request the Chief of Staff of the Joint Committee on Internal Revenue Taxation, Laurence N. Woodworth, has provided me with the following statistics.

My bill would affect in the neighborhood of 14,000 individual tax returns. It is estimated that it would raise an additional $205 million a year from these individuals. The number of returns affected by the "Excess Deductions Account" provision of H.R. 13270 is estimated to be in the neighborhood of 3,000. By 1979 the estimated increase in tax liability under the farm provisions of the House bill are as follows: excess deductions account, $10 million; depreciation recapture, $5 million; holding period of livestock, $5 million; hobby losses, negligible; for a total of $20 million by 1979. It is estimated that sometime after 1979 the increase in tax liability ascribed to the excess deductions account provision would increase an additional $5 million. So we are talking in terms of increased revenue under the House-passed bill of $25 million a year as opposed to $205 million under S. 500. These revenue estimates do not include comparative figures for corporations. We can only leave to the imagination the amount by which the gap between the two bills would widen even further.

The Administration estimated on 4 September that its modified EDA rule "would apply to only 9,300 individuals" and that the long-range revenue effect of its farm loss provisions would be $50 million, still a far cry from the amount of revenue that could be raised by equitably and effectively dealing with this problem.

Elimination of the exception for livestock from the depreciation recapture rules was analyzed in detail several years ago by the President of Oppenheimer Industries, General Harold L. Oppenheimer. General Oppenheimer has been described by Time magazine as the "Bonaparte of Beef". He has authored three books for the cattle industry, Cowboy Arithmetic, Cowboy Economics and Cowboy Litigation. I have been informed by his Washington representative that a fourth book, Cowboy Politics is now in preparation. Here is what the General had to say in 1966 in his book, Cowboy Economics, about the depreciation recapture provision that has since been adopted in the House-passed bill:

"Members of Congress and officials of both the old and the new administrations have suggested that where accelerated depreciation is taken, on any subsequent sale, the portion of the capital gain which represents the recovery of previously taken depreciation should be treated as ordinary income. This is essentially the system now used in Canada.

"Evaluation. This piece of legislation is undoubtedly going to get passed within the next year or so, although it was deleted by the House Ways and Means Committee from the 1964 Tax Bill. However, as far as breeding herds are concerned, this is a matter of relatively little significance. During the first two years of a purchased breeding herd, the culls sold from the herd on a capital gain basis are very unlikely to exceed the depreciated value by more than a few dollars. During the third and fourth years, this could be a matter of some importance in the sale of culls but without an appreciable percentage effect on the overall picture. During the fifth year, most of the animals with an original capital base will have been sold and the herd will consist almost entirely of animals born to it at no cost basis, so the effect this legislation would achieve would then be zero."

General Oppenheimer's book, Cowboy Litigation, contains an interesting chapter, "Tax Play in Race Horses." Here are some of the observations contained in that chapter.

"The tax aspects of the horse business are unique, but in most instances, parallel the cattle business . . .

"Stud fees paid by the owner of a mare are currently deductible or they can be capitalized and depreciated over the life of the foal. Unless the breeder is in a loss position and concerned about a so-called hobby loss, it would be better to expense the fee . . .

"Depreciation can produce considerable tax benefits as with cattle. . . .

Animals held for breeding are treated the same as other livestock such as cattle . . .

"Continued losses are a problem and always subject to scrutiny. . . . Breeding, racing, and the showing of horses have always been suspect, particularly when conducted by a high-bracket taxpayer that endeavors to write the losses off against other income. . . . As with cattle, the decision turns on the subjective motives and profit potential of the owner. . . . Country estates and small operations are in the facet suspect. The more attention paid to the business and the professional manner in which the business is operated are all plus factors."

I shall turn now to some of the more common allegations made by those who oppose my bill. For example, there are some who say that the bill would force farmers to use the accrual system of accounting; that the bill would prevent the successful farmer or rancher from engaging in nonfarm operations with outside income for fear of losing his right to deduct from losses; that the bill would discourage the flow of outside money into ranching and farming operations and so on.

I have repeatedly denied these allegations. Statistics reveal that there are a comparatively few taxpayers who enter into farming as a tax-dodge device. The 32-page report, "Statistics of Income—1967. Preliminary, Individual Income Tax Returns," published on 14 January of this year reveals that for 1967 there were approximately 770 thousand taxable individual income tax returns filed that reported a net loss from farming. My bill would affect in the neighborhood of 14 thousand or slightly less than 2 per cent of those returns. This is statistical evidence that my bill will only affect the tax-dodge farmers who are currently distorting the farm economy.

In discussing statistical evidence of this problem, the Treasury's two-year study, published on 5 February of this year, points out that a growing body of investment advisors is currently advertising that they will arrange farm investments for high-bracket taxpayers to enjoy deductions on dollars that are really spent to acquire capital assets. It is because of that kind of advertising that people are being drawn to farm "tax-loss" situations.

Just last year I saw an ad in a magazine called the Airline Pilot that read in part—"Own a citrus grove using tax dollars as your total investment. . . ." The ad was headed "Tax Shelters for 1968." You can pick up the Wall Street Journal on any given day and find ads of this type. For example, the other day I came across one that read in part: "Pistachio Nuts, The Green Nut with the Golden Future . . . Outstanding opportunity for land investment and Pistachio nut tree planting program . . . Most of growing costs deductible."

As I evaluated each of the proposals pending before this Committee, I must admit that I have become even more convinced that the fairest and most effective way to get at this problem is to adopt the loss limitation approach contained in S. 500. Here is a unique opportunity to scale down the long run revenue loss that results from the sum total of all the provisions of the 368-page House bill while at the same time we increase substantially the equity of our tax laws through a healthier farm economy.

TAX REFORM BILL'S EFFECTS UPON COLLEGES AND UNIVERSITIES

HON. JOHN C. WATTS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. WATTS. Mr. Speaker, the following statement was presented before the Senate Finance Committee by Dr. Robert R. Martin, president of Eastern Kentucky University, on behalf of the American Association of State Colleges and Universities and the National Association of State Universities and Land-Grant Colleges.

As the outstanding president of Eastern Kentucky University, Dr. Martin is uniquely qualified to comment upon the provisions of H.R. 13270, the tax reform bill, and the effect these provisions will have upon educational institutions. I commend President Martin for his excellent statement and hope that it will be widely read by the Members of Congress:

STATEMENT BY PRESIDENT ROBERT R. MARTIN, OF EASTERN KENTUCKY UNIVERSITY

Mr. Chairman: members of the Committee: My name is Robert R. Martin, I am President of Eastern Kentucky University in Richmond, Kentucky. I am also chairman of the Committee on Federal Relations of the American Association of State Colleges and Universities and a member of the Association's Board of Directors. This statement is submitted on behalf of the American Association of State Colleges and Universities and the National Association of State Universities and Land-Grant Colleges. The combined membership of these two associations is 372 colleges and universities located in the 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. They enroll approximately three and a half million students, or about half of all the college students in the nation.

The Associations presenting this statement have previously joined with the American Council on Education and others in testimony covering major points in H.R. 13270 of interest to higher education. While we concur generally in the position taken by the American Council on Education, we feel that the gravity of the proposals in H.R. 13720 with respect to state and municipal bonds was inadequately emphasized in that statement, and for this reason present additional testimony on this point.

We also wish particularly to emphasize the concern of these two Associations—which was expressed in the American Council's testimony—over the proposed tax on the income of private foundations. We oppose the imposition of such a tax, and support the proposal that, instead of a tax, a registration or similar fee be prescribed adequate to cover the cost of enforcement of existing laws and regulations.

The colleges and universities in our two Associations have experienced enrollment increases in the past decade that have resulted in enormous demands for additional physical facilities. During this period of time, state governments and institutions of public higher education have had to rely primarily on long-term borrowing as the source of funds to meet these capital needs. General obligation bonds and/or revenue bonds have been issued by the states or by the institutions to provide funds for necessary academic, service and housing facilities. Such bonds, being exempt from taxation by the Federal Government have been readily marketable and have enabled the institutions to provide the facilities necessary for the academic and other programs required by the increasingly large number of young men and women seeking the advantages of higher education.

I do not believe it is an overstatement to say that the result will be "catastrophic" if the bill passes in its present form. In fact, the threat of passage has already seriously damaged markets for this type of bond.

To illustrate, I cite the experience of Eastern Kentucky University. Since 1960, Eastern Kentucky University has issued and marketed several series of its Consolidated Educational Buildings Revenue Bonds, aggregating $21,400,000, which were sold in the open market and purchased by private investors. In July, 1969, the University offered a series of such bonds in the amount of $7,400,000 for the purpose of constructing needed academic facilities. For the first time in the history of the Commonwealth of Kentucky, no bids were received for the purchase of bonds offered by a state agency. I am informed by a respected municipal bond dealer that the threat of passage of H.R. 13270 was the sole contributing factor for the market decline during the week that this issue of bonds failed to attract a bid.

Under Sections 301 and 302 of the proposed Income Tax Reform Act of 1969, the tax exempt status of state and municipal bonds is negated, not only on future issues by these agencies but on existing issues. With reference to existing issues, the provisions of these two sections will, in my opinion, be a serious breach of faith by the United States Government. These bonds were purchased under the assumption of tax exemption and lower interest costs were realized by the seller of the bonds due to tax exemption. I am informed that bonds issued by state and municipal government agencies have been tax exempt from the original enactment of the income tax laws until the present date. If Sections 301 and 302 become law, then earnings from such bonds will become liable to taxation and the owner will have no recourse for the resultant or potential loss of income. Obviously, the bondholder will unavoidably conclude that the state and municipal bonds are not good investments. Further, the potential purchaser of state and municipal bonds will be forced to conclude that, if such bonds can be made subject to taxation on the basis proposed by Sections 301 and 302, then subsequent legislation can make such bonds fully taxable. Accordingly, interest rates will rise markedly and the marketability of state and municipal bonds will be seriously jeopardized. Further the provisions of these sections constitute an attempt, by indirection, to provide for federal taxation on state and local governmental units.

Proponents of H.R. 13270 have pointed to Sections 601 and 602 as protection for state and municipal agencies in this matter in view of the potential effects of Sections 301 and 302. However, what appears to be a choice between the sale of taxable or tax-exempt bonds by the agency is in reality no choice whatsoever. An analysis of the effect of H.R. 13270 upon the bond market would have to conclude that the bill in its present form would make it necessary for public institutions of higher education to look to the Federal Government for federal financing of physical plant needs. The proposed subsidy will not attack the problem of debt capacity under parity formulas to which existing debt has committed the institutions. Further, a serious question arises regarding the determination of the amount of interest subsidy. Here, I am advised by a municipal bond dealer, whose qualifications I respect, who stated that he was unable to find a single individual in his business who does not believe that the result of the bill will be higher interest costs to issuers, even after the federal subsidy. Additionally, the imposition of federal regulations and "red tape" will seriously impair the flexibility and efficiency of capital financing by public institutions of higher education.

Under existing federal statutes and regulations, state and local governments have had the ability to operate freely, without federal interference or intervention, in the incurrence of long term debt. Admittedly, state colleges and universities have used federal assistance in this field at one time or another. However, when such federal assistance was used, the Federal Government was free to accept or reject this assistance under the prevailing rules. The provisions of H.R. 13270 are such that, in my opinion, this freedom will disappear. State colleges and universities will be forced to apply to the Federal Government for assistance or pay rates of interest that would be economically prohibitive. While the bill proposes a subsidy without regulation, experience in the field of federal assistance leads us to conclude that the outcome would be otherwise.

I have offered no opinion or comment concerning the remainder of the Act. Certainly, I subscribe to the concept of tax reform to the end that the burden of taxation is equitably distributed among the citizenry. I must strongly protest, however, the efforts of proponents of the Income Tax Reform Act of 1969 to use the concept of "tax reform" to disguise an attack upon the treasuries of states and municipalities. Such action is contrary to the fundamental conception of the relationships between states and municipalities on the one hand and the Federal Government on the other. I implore you on behalf of public colleges and universities of the Nation to leave for states and municipalities the freedom from federal taxation of bond issues in order that these colleges and universities may continue with freedom from federal interference, to develop their institutions with the diversity and uniqueness that has been the hallmark of higher education in the United States.

STUDENTS FOR A DEMOCRATIC SOCIETY AT UNIVERSITY OF SOUTH CAROLINA

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, October 2, 1969

Mr. THURMOND. Mr. President, many Americans are finally waking up to the fact that their country is under attack. Those of us who have been concerned in recent years over the subversive and totally disruptive activities of various outlaw groups across the land are heartened and encouraged. Responsible citizens from every corner of the Nation are demanding that action be taken against those who would destroy our form of government. Notorious among those despoilers is the Students for a Democratic Society.

Mr. President, the SDS no longer makes any attempt to be subtle as they go about their work. Using cliches and platitudes which Communists have long employed to foment hate and dissatisfaction, SDS is systematically spreading its venom—always concentrating on the young. The disturbances we have seen over the past few summers are indicative of their labors, and testify to the terrible competence they possess.

Mr. President, I have before me a pamphlet that is being distributed by SDS at the University of South Carolina, a fine institution located in the capital city of my home State. While I consider it unfit for printing in the RECORD in full, I should like to read a few selected passages which are typical:

> U.S. Occupation Troops Out of Vietnam, All Foreign Countries, The Black and Brown Communities, And The Schools!
>
> Support The National Liberation Front And The Provisional Revolutionary Government of South Vietnam!
>
> Support The Black Liberation Struggle!
>
> Solidarity With The "Conspiracy 8"!
>
> It has been almost a year since the Democratic Convention, when thousands of young people came together in Chicago and tore up pig city for five days. The action was a response to the crisis this system is facing as a result of the war. The demand by black people for liberation, and the ever-growing reality that this system just can't make it.
>
> This fall, people are coming back to Chicago: more powerful, better organized, and more together than we were last August.
>
> SDS is calling for a National Action in Chicago October 8–11. We are coming back to Chicago, and we are going to bring those we left behind last year.
>
> And at home, in the black and brown communities, the pig patrols the streets defending white-owned property against black people. Pigs occupy black and brown communities just like troops occupy Vietnam. Busting heads whenever they can. Arresting people on trumped-up charges just for trying to stay alive. And coming down hardest on the black and brown liberation struggles—on the people who are fighting the hardest for the freedom of their people, and all the oppressed people of the world.
>
> And in the working class communities, the schools and the shops of the cities, the pig stands six feet tall to protect the boss against the worker, the principal against the student.
>
> The only people the troops abroad and the pigs at home defend are the rich people—the ruling class—who own and run the country.
>
> Behind all the pigs in the world are a few millionaires. Behind the "riot squad" riding four deep through Watts, or the 'tactical unit' busting up a wildcat picket line, behind the National Guard and the U.S. Army stand the rich people who run every large company you can name.
>
> It's got to be the truth. Because one thing that's absolutely for sure is that those pigs aren't around to defend you. They enforce the laws that mess you over. They "keep you in your place". When you rebel, when you fight for what you need, they try to crack your head.
>
> Rich people need lots of different kinds of pigs. Sometimes their jobs is to train others to keep the people down. Like the leaders of the Guatemalan people's movement. High school principals and guidance counselors and college administrators are also pigs, trying to bribe people and make them believe that one day they'll really get ahead.
>
> But we can't let the pigs keep us down any longer. In almost all the countries of the world, in the black and brown communities, and in many schools and shops, people are getting together to fight and defeat the pigs and the people the pigs defend. In Vietnam 500,000 U.S. troops are being defeated by a people's army, led by the National Liberation Front and the Provisional Revolutionary Government. The Vietnamese have shown us that the pig can be beaten.
>
> On October 8–11, tens of thousands of people will come to Chicago. During those days there will be a series of actions aimed at exposing the real nature of the pig power structure and taking a price for all of the suffering, misery, and death that imperialism causes to the peoples of the world: A memorial rally for Che Guevara, murdered by CIA pigs two years ago October 8 in Bolivia. An action at schools all over the city, carried out in co-ordination with local high school, community college, and trade school people in Chicago.
>
> A march on the courts demanding freedom for all political prisoners—viciously jailed by the pigs and, like the Chicago "Conspiracy 8," used as scapegoats for the pig violence that dominates this country.

Mr. President, we can see from this comparatively mild example of SDS literature that we are not dealing merely with idealistic kids, as some would have us believe. Rather, we are faced with an attack by bands of roving revolutionaries who are striking at the very heart of one of our most valuable resources—our young people. One wonders how anyone who cares about America's future can be unconcerned or disinterested in the face of such activities.

Mr. President, something must be done. We must fight back before the damage becomes irreparable. I was pleased to note that the Attorney General stated several months ago that he would seek indictments under the "Thurmond antiriot amendment." He has made the promise good at Chicago, as we know, and I think this is a great stride in the right direction.

There is another measure in which I have a special interest, Mr. President. On April 25 of this year I introduced the Academic Freedom Protective Act of 1969, S. 1988. This bill is currently pending before the Internal Security Subcommittee of the Committee on the Judiciary, and is one which we all should keep an eye on. I am convinced that, if enacted, this measure would effectively deal with the serious threat posed by the various groups interested in disrupting our educational process. It would also show that the U.S. Senate is not going to stand idly by like the proverbial Nero while our colleges burn and our students are denied the right to an education commensurate with their abilities.

Mr. President, S. 1988 is a practical solution to this problem. The bill does not seek to punish entire institutions by withholding aid and thus penalizing the innocent along with the guilty. This legislation protects the college students from those who would commit illegal acts by subjecting them to the processes of the Federal court. I urge the attention of Senators to this pressing problem, with the hope that this attention will result in congressional action to remedy it.

HOW MUCH LONGER?

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. TIERNAN. Mr. Speaker, the country grows weary of the senseless bloodshed that now has mounted its toll for 8 years. Almost 40,000 Americans have died, 250,000 Americans have been wounded, and we face the probability that 1,800 more will be maimed before the end of this year. Our Nation is tired of the killing, tired of the useless bloodshed, and repulsed by the prospect of spending another 5 years in Vietnam.

Since 1963 we have allowed the Nation to follow an erratic course in Southeast Asia that has left us open to question on every front. After 8 years we are faced with the fact that our commitment in blood has not brought victory; that our fighting has further damaged our battered image on the world scene; that our power has been thwarted; and that our Presidency and Congress have been questioned as to their ability to lead wisely.

On May 27 of this year, I urged that President Nixon initiate a "peace offensive" designed to reduce our active participation in one of the most tragic chapters in American history. Today we still are unable to clearly see peace in the near future. We continue to talk in Paris, at the Pentagon and here in the Congress; but while we talk, lives are snuffed out at the rate of 150 per week. Since my speech in May, another 3,000 young Americans have died in Vietnam. We ask for what, and how much longer? We have asked these same questions for 8 years now, and we still have no answer. If our end is truly to guarantee that the South Vietnamese have the right to determine their own future and their own form of government, then our support of the present Thieu-Ky regime is a mockery.

It is now time for us to answer the question, "How much longer?" We must bring to a halt the carnage of American youth. I am today introducing a Vietnam disengagement resolution of 1969. I believe that this resolution is truthful when it states that the United States "has substantially fulfilled, in fact and in spirit, any obligation it may have had to protect the Republic of South Vietnam from aggression or rebellion." We have given the people of South Vietnam a reasonable opportunity to decide their own future.

This resolution would assure that substantially all U.S. forces will be removed from South Vietnam before December 31, 1970. We would make arrangements providing sanctuary outside of Vietnam for persons desiring it if their safety should appear to be threatened following the departure of American troops by the coming to power of a hostile power.

It is my contention that the South Vietnamese have not taken enough of the initiative in this war. They must be kept from taking further advantage of the courageous fighting of American soldiers. It is not in the interest of the American people or the South Vietnamese people to support a government which refuses to admit broader participation in the processes of government, which censors and closes newspapers, and which jails political prisoners.

Mr. Speaker, I urge my fellow colleagues to support this resolution. By setting a clear timetable for withdrawal, we will force the South Vietnamese Gov-

ernment to reform itself. But most of all, we will extricate ourselves from the brutality, destruction, and demoralization that have been our fate for 8 long years.

CAPITAL GAINS TREATMENT IN TAX REFORM BILL

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, October 2, 1969

Mr. JAVITS. Mr. President, I am very much concerned with the tax treatment of capital gains as proposed by H.R. 13270. I feel that the proposals put forth by the administration are a much better alternative. The administration proposals would basically continue the current tax treatment of capital gains, except in situations where capital gains income is unusually large in relation to other income, and I favor the administration's position.

I ask unanimous consent to have printed in the RECORD the statement delivered before the Committee on Finance on September 16 by Robert W. Haack, president of the New York Stock Exchange, on this question. I recommend that Senators review the statement most carefully because few people can speak to the issues involved with more knowledge than Mr. Haack.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CAPITAL GAINS TREATMENT IN TAX REFORM BILL

SUMMARY

My name is Robert W. Haack. I am President of the New York Stock Exchange. With me today are Bernard J. Lasker, Chairman of the Board of Governors of the Exchange, and Donald L. Calvin, a Vice President of the Exchange.

My statement this morning is the summary of a comprehensive 18-page statement analyzing the impact of the capital gains tax provisions of the tax reform bill now before this Committee. Copies of the full statement, including my summary, have been submitted to the Committee.

In the ten minutes allotted to me this morning, I will summarize the principal points and conclusions of that statement.

As passed by the House of Representatives, the specific capital gains tax provisions of the tax reform bill constitute a sharp increase in the capital gains tax. The Exchange believes that three major adverse results may be anticipated if these provisions are enacted in their present form:

First, risk-taking incentives and the supply of essential venture capital would be seriously curtailed.

Second, investments in modern plant and equipment and in new technologies would diminish.

And third, the mobility of capital assets—which is crucial to maintaining a dynamic and fluid economy—would be impeded.

To my knowledge, there is no controversy about the need for maintaining an adequate level of investment to promote long-run economic prosperity. Recognition of this need is implicit in a recent statement by Secretary David M. Kennedy, who pointed out that the bill passed by the House is (quote) "weighted in favor of consumption, to the potential detriment of the nation's productive investment." Secretary Kennedy concluded that the present version (and again I quote) "could impede economic growth in the years ahead by curtailing the incentive to make productive investments." (End of quote).

The Exchange's own analysis of the probable economic impact of the proposals under consideration suggests that their hasty enactment could cause irreparable harm to the nation's long-term capacity for growth.

Let us look briefly at each of the major proposed revisions in capital gains treatment.

THE HOLDING PERIOD

I don't think anyone would quarrel with the proposition that smooth functioning of capital markets is largely dependent upon liquidity—that is, the ease with which investors can move in and out of investments.

The holding period required to distinguish between an investment transaction—which qualifies for capital gains tax treatment—and a non-investment transaction—which does not—automatically decreases the liquidity of the national investment pool.

In determining the most suitable length of the holding period, there is necessarily a trade-off between the opposing goals of making the necessary distinction between types of transactions and of stimulating market liquidity. To achieve one goal completely would be to sacrifice the other.

All available data indicate that the existing six-month holding period is more than ample to filter out the majority of non-investment transactions.

The proposal to extend the holding period to 12 months simplistically assumes that most investors will refrain from altering their investment behavior and that the net result will be a revenue gain. I submit that it is far more realistic to assume that investors will tend to follow their individual self-interest; that they will lock themselves into existing investments for the longer period in order to qualify for capital gains treatment. In that case, the net result could well be a revenue *loss*.

The logical tendency of an investor with a sizeable gain would be to speculate against the holding period if there were any reasonable chance of preserving enough of the gain to make waiting worthwhile. To the extent that this incentive would be operative, it would tend to lock large amounts of capital into current investment positions—with an inevitable, and significant, loss in both capital mobility and market liquidity.

The House Ways and Means Committee Report suggests that upper-income taxpayers are the principal beneficiaries of the shorter holding period. But an examination of the available data refutes this. The most recent Treasury Department statistics show that only 4 percent of all long-term gains realized by taxpayers with incomes of $100,000 or more were from assets held between six and 12 months. By contrast, the ratios were 10 percent for those with incomes under $10,000 and 9 percent for those in the $10–50,000 bracket.

Stated somewhat differently, the top-income group accounted for only 17 percent of all gains realized between six and 12 months after purchase, while taxpayers with incomes under $10,000 accounted for 16 percent of all gains realized during the six-to-12 month period—and those in the $10–$50,000 bracket accounted for 50 percent.

Thus, it is clear that the major portion of the additional tax burden that would be imposed by lengthening the holding period would fall not on the wealthiest taxpayers—but on those who can least afford to bear it.

THE ALTERNATIVE RATE

The most direct impact on the flow of risk capital would result from the proposed elimination of the alternative tax rate.

This is, pure and simple, an increase in the tax rate on long-term capital gains. And as such, it would lower the incentive for investors to put money at risk—by reducing the after-tax rewards. Moreover, it would discourage the transfer of capital from matured investments to more venturesome opportunities by raising the tax cost of such transfers. Ultimately, the cost of capital would rise as entrepreneurs would be forced to compete for a portion of the smaller pool of available risk capital.

Relatively few individuals qualify for use of the alternative rate. However, it is this group that is the prime source of venture capital. These investors provide the cutting edge of economic growth. In effect, eliminating the alternative tax would penalize the group from which the largest proportionate share of the national investment pool is expected to be accumulated.

Common sense dictates that the lower the after-tax value of an existing investment, the more likely the investor is to hold onto it. This is, of course, another aspect of the "lock-in" phenomenon. The proposal to eliminate the alternative tax optimistically—we might even say, naively—minimizes the probable lock-in reaction of those who would be affected. The available data tabulated in the text of our statement clearly demonstrate that the higher the income, the greater the tendency to wait before realizing accrued capital gains. Elimination of the alternative tax would strongly accentuate this tendency.

TREATMENT OF CAPITAL LOSSES

Investment risk would also be affected marginally by the proposal to restrict the long-term capital loss deduction from ordinary income to 50 percent of the loss. It is no secret that investors weigh prospective gains or losses in terms of *total* dollars, and make their investment decisions accordingly.

The capital loss proposal assumes that many taxpayers can manage their investments so as to realize gains and losses in different years. Not only is this assumption not valid, but the proposed change would most seriously affect lower-income taxpayers who are least able to time realizations to achieve a tax advantage, and who have the least prospect of offsetting accumulated losses against future gains.

In effect, a majority of taxpayers who may sustain investment losses—which, in the lower and middle-income brackets can often amount to a sizeable portion of annual income—would be subject to further penalties. The rationale for this seems to be that it is justifiable in the interests of restricting a relatively small number of higher-bracket individuals who, however, would *still* be in a position to use the loss provision to best advantage.

Contrary to the avowed intent of this measure's proponents, the disparity in loss treatment would continue to exist between taxpayers who can manage their investments so as to realize gains and losses in different years—and the great majority who cannot.

CONCLUSIONS

The bill under consideration contains several additional proposals which would tend to dampen investment incentives. Two of these are discussed briefly in the full statement we have submitted to the Committee. We plan to submit a more detailed analysis of these provisions for the record at a future date.

The proposals to lengthen the holding period, to eliminate the alternative tax, and to restrict capital loss deductions would—if enacted—have a serious adverse effect on investment incentives, capital mobility and stock market liquidity.

We agree with the Secretary of the Treasury that they carry the potential for impeding economic growth in the years ahead, and we respectfully urge this Committee to reject all three provisions.

For the future, we would urge that any new proposals to revise the existing capital gains tax structure be preceded—or at the very least accompanied—by a detailed study of all aspects of capital gains taxation. We would hope that such a study would provide more definitive data—both on the effectiveness of the existing structure and on the probable impact of any proposed changes—than were available to the House Ways and Means Committee when the present bill was drafted.

ANALYSIS OF ECONOMIC ASPECTS OF THE CAPITAL GAINS TAX PROVISIONS OF H.R. 13270

Any examination of the specific capital gains tax provisions of the tax reform bill must consider the broad economic consequences which may flow from enactment of the bill in its present form. As passed by the House, these provisions constitute an effective increase in the capital gains tax. The Exchange believes that three major adverse results may be anticipated if these provisions are enacted in their present form:

(1) Risk-taking incentives and the supply of essential venture funds would be seriously curtailed.

(2) Investments in modern plant and equipment and new technologies would diminish.

(3) The mobility of capital assets, which is crucial in maintaining a dynamic and fluid economy, would be impeded.

These effects, as discussed in greater detail below, would retard long-term economic growth and enterprise and would, ultimately, limit the rise in our nation's real standard of living. The New York Stock Exchange shares the view that policies which may inhibit the incentive to invest, to innovate, and to take risks should not be enacted in haste and without careful study. The mobility of capital assets is vital to the entire concept of private enterprise. Beyond these broader economic considerations, we believe that the House proposals on capital gains will fail in their avowed purpose of redistributing tax burdens in a more equitable fashion. Therefore, the current proposals should be made to bear a heavy burden of proof before they are accepted by the Congress.

CAPITAL GAINS AND RISK

Congress has long acknowledged that there are distinct differences between ordinary income and gains realized on true capital assets, in that it is to the national economic advantage to encourage people to invest in productive enterprises. Accordingly, capital gains should be—and, since 1921, have been—subjected to a lower tax rate than ordinary income. Long-term investments play a crucial role in promoting economic growth. The House appears to have ignored the fact that the expectation of capital gains induces not only saving, but investing, and an optimum allocation of resources—all of which are indispensable to a rising per capita income.

Capital must be encouraged to flow into new ventures if society is to benefit from new technological trends and discoveries. And the individual's willingness to assume unusual capital risks depends to a considerable extent upon the prospect he sees for suitable returns. Obviously, then, higher taxes on the gains from high-risk situations would discourage investors from assuming such risks. Accordingly, if the tax provisions dealing with capital gains are altered to provide less favorable treatment, a reduced flow of equity capital to newer, more risky, business ventures and a diminution of aggregate investment will result.

IMPACT ON THE LEVEL OF INVESTMENT

There is no controversy about the need for an adequate level of investment to promote long-run economic prosperity. Government has available various fiscal and monetary tools by which it can attempt to influence aggregate investment. Since the acquisition of physical assets, such as plant and equipment, typically requires the issuance of securities of one type or another, tax policies towards buyers of securities directly affect the ease and cost of financing expansion. Realistic tax treatment of capital gains can effectively induce the saver-investor to offer funds in greater quantity and at lower cost to enterprises undertaking the expansion of modernization of their physical facilities. A number of industrial nations—including Canada, West Germany and Japan—have indicated their awareness of this by exempting capital gains from any form of taxation.

Administration officials have voiced concern on several occasions with regard to this bill's detrimental impact on the level of real economic investment. In a recent speech to the Tax Section of the American Bar Association, Assistant Secretary of the Treasury for Tax Policy Edwin S. Cohen stated that economic analysis indicated that the Bill "involves too great an allocation of benefits to consumption and not enough to investment in productive equipment and capacity." Secretary of the Treasury David M. Kennedy reiterated the view that the House bill was "weighted in favor of consumption, to the potential detriment of the nation's productive investment." He concluded that the House version "could impede economic growth in the years ahead by curtailing the incentive to make productive investments."

CAPITAL MOBILITY

Increases in capital gains taxation will adversely affect both the level of investment and the allocation of investment funds.

Economists in general agree that the mobility of capital should be encouraged in order to achieve optimum allocation of economic resources. Tax measures which hamper investment liquidity and impair capital mobility are clearly undesirable. Increases in capital gains taxation offer a classic example of such measures. If funds are to be allocated among competing investment projects with maximum efficiency, it is essential for investors to have access to a liquid and orderly market when a sale is to be consummated. Liquidity in securities markets facilitates the purchase and sale of securities, and thereby frees capital to flow to whatever industries or companies offer the highest prospective returns. Individuals should not be deterred from making desirable shifts in the composition of their assets as their needs and expectations change. Inevitably, higher capital gains taxes, by discouraging investors from switching to other alternatives, will interfere with the optimal allocation of resources, to the ultimate detriment of economic growth.

THE LEVEL OF SAVINGS AND INFLATION

It would, in any case, be difficult to imagine a more inopportune time for setting forth the proposed changes in capital gains taxation. The major economic issue confronting the American economy today is excessive demand and inadequate savings. Inflationary pressures are intense and, to some extent, are likely to remain with us into the 1970's. Tax policy at this time should *encourage* savings as a means of combatting the pressures of excessive demand. Instead, we find tax policy changes proposed which would increase the tax burden on capital gains. Studies indicate that individuals view capital gains in a different light than ordinary sources of income. Regarded as unusual and unpredictable receipts, capital gains are not typically consumed but are returned to the flow of savings. It follows that an increase in capital gains taxation may well stimulate consumption at the expense of savings, and decrease the over-all pool of funds available for investment. Such recommendations are inconsistent with other recent counter-inflationary policies, such as the income tax surcharge which represents a compulsory form of personal savings. To the extent that business capital investment is financed through savings rather than through the expansion of the money supply, price pressures are relieved and the task of the Federal Reserve is made easier.

Higher aggregate savings can also lessen inflationary pressures that arise from the "cost-push" side. Greater availability of aggregate savings serves to promote investment in more productive techniques.

By making the most efficient equipment available to employees, industry improves the productivity of the labor force. Larger gains in output per man-hour serve to narrow the gap between wage increases and improvements in productivity and thereby limit the inflationary push coming from the cost side. Thus, it seems clear that in the current economic environment, any tax policy which discourages savings compounds the problem of achieving non-inflationary economic growth.

The current economic climate underscores the importance of continuing existing capital gains tax policies without significant change. From the short-run point of view as well as the longer-run goals of our economy, it would be wise to refrain from altering the tax treatment of capital gains in a manner that would reduce savings, impair the mobility of capital, and seriously interfere with the flow of capital to newer, more dynamic, and more risky ventures. We believe that the recommendations made in the House bill have been conceived in haste and are based on inadequate data. Our analysis of the economic impact of the proposals under consideration suggests that their hasty enactment can cause irreparable harm to the nation's long-term capacity for growth.

In the following pages, each of the major capital gains tax proposals is discussed in some detail, with reference to available data which we believe strongly accentuate the dangers inherent in proceeding at this time with the changes recommended by the House.

THE HOLDING PERIOD

Tax incentives for capital investment, however, are not the only determinant of capital market efficiency. Smooth functioning of a nation's capital markets is dependent upon liquidity—the ability to move readily in and out of investments. The less liquid an investment, the less attractive it is to investors. Rates of return reflect, in part, the degree of liquidity. The strength of the NYSE—and the U.S. securities markets in general—stems from the large number of orders that continually flow to it. Any diminution in the flow tends to impair market quality.

The NYSE agrees with the assertion in the House Ways and Means Committee's Report that "The holding period is an arbitrary and imperfect procedure that may be inaccurate in some specific situations, but it provides an approach under which there are significantly fewer administrative and compliance difficulties than would arise under a less objective standard." In setting this admittedly imperfect cut-off point, two considerations should be paramount. First, the barrier must be raised high enough to separate ordinary business transactions and speculation from investment; and, second, it must not be raised so high as to seriously impair market liquidity. In other words, there is a trade-off between the two objectives. To achieve one completely is to sacrifice the other.

The current six-month holding period filters out the vast majority of transactions by those who earn their livelihood by buying and selling securities. It has the same effect with regard to investors who buy and sell securities with the objective of making short-term gains. The Ways and Means Committee estimates that the revenue gain from an extension of the holding period to 12 months will ultimately total $150 million annually. Underlying this estimate is the assumption that the proposed changes in the tax treatment of capital gains will have relatively little impact on investment behavior. It is realistic to assume, however, that investors would tend to significantly alter their pattern of realizations to conform to the lengthened holding period requirement. Some investors would be discouraged from purchasing equities altogether. It is, of course, impossible to determine precisely, in advance, the revenue effect of a changed holding pattern. It is clear, however, that, at best, postponement of realizations would tend to minimize the revenue gain associated with a holding period extension and might very well lead to a revenue loss.

The problem is to weigh the uncertain promise of a small revenue gain against the economic disadvantages which would stem from a holding period extension.

EFFECTIVENESS OF THE SIX-MONTH HOLDING PERIOD

All available data indicate that the six-month holding period is more than ample to filter out the majority of "non-investment" transactions. Transactions data from the 1962 Internal Revenue study of capital gains, for example, demonstrate where long-term investment apparently is not the motivating factor, there is a strong tendency to go for quick gains.

TABLE I.—*Gains transactions in corporate stock by length of holding period, 1962*

Holding periods:	*Number of transactions*
Short term, total	1, 124, 449
Under 1 month	408, 114
1 under 3 months	316, 687
3 under 6 months	260, 411
Not available	139, 237
Long term, total	2, 621, 942
6 to 12 months	432, 214
1 under 2 years	472, 202
2 under 3 years	300, 343
3 under 4 years	223, 332
4 under 5 years	151, 044
5 under 10 years	411, 212
10 under 15 years	153, 808
15 under 20 years	71, 304
20 years and more	78, 422
Not available	328, 061
Total, all periods	3, 746, 391

SOURCE: "Statistics of Income—1962, Supplemental Report, Sales of Capital Assets Reported on Individual Income Tax Returns," U.S. Treasury Department, Table 12, p. 112.

As can be seen from Table I, 2.6 times as many *transactions* occurred in stock held under six months than in stock held from six months to a year. Especially significant is the fact that the number of gain transactions that occurred in stock held under one month (408,000) was almost as great as the total for the entire six to twelve-month period (432,000). The number of gain transactions that occurred within three months of purchase is, in fact, so great—approximately three-fourths of all short-term gain transactions—as to suggest that six months may be a longer period than necessary to catch most non-investment transactions.

Corroboration of this view is apparent in the findings of studies of public transactions on the NYSE over the years. Results of the most recent studies are presented below.

TABLE II.—VALUE OF SHARES SOLD BY INDIVIDUALS BY HOLDING PERIODS

[In percent]

NYSE public transaction studies	Holding periods: 1 month or less	Over 1 to 6 months	Over 6 months
1960	[1] 17	[1] 22	[1] 61
1961	10	32	58
1963	24	[2] 29	[3] 47
1965	12	28	60
1966	23	23	54

[1] Percentages are based on total excluding "don't know" category.

[2] Over 1 to 3 months of holding accounted for 16 percent of total sales and over 3 months to 6 months accounted for 13 percent.

[3] Over 6 to 12 months of holding accounted for 18 percent of sales.

Source: New York Stock Exchange.

As can be seen in the summary of the five studies in Table II, from two-fifths to over half of the *value* of sales occurred before the end of the six-month holding period, with disproportionately large dollar volume of sales taking place within the first month after purchase. A more detailed analysis of holding periods is available only for the 1963 study.

In that study, not only did most sales (53%) not qualify for long-term gains under the six-month test, but also the amount of sales within the first six months of holding were nearly three times greater than the amount in the six-to-12 month period.

There was a greater tendency to sell within three to six months after purchase than in six to twelve months. Putting the 1963 sales data on a monthly average basis, to allow for the difference in length of period, the ratio of all sales made in the three-to-six-month holding period (4.2%) was higher than the ratio for sales in the later period (3.0%).

In 1966, the American Stock Exchange undertook a similar study, the results of which confirm the findings of the 1963 NYSE study. As can be seen, 66% of the value of sales did not qualify for capital gains treatment, and only 13% of the sales total was attributable to holdings in the six-to-12 month category. Furthermore, the highest income group accounted for a disproportionately low share of sales in the six-to-12 month holding period.

TABLE III.—VALUE OF SHARES SOLD, BY HOLDING PERIODS, AMERICAN STOCK EXCHANGE, MAY 25, 1966

[In percent]

Income class	Short sales	Under 1 month	1 to 3 months	3 to 6 months	6 to 12 months	12 plus months	Unknown
Under $10,000	5	29	23	11	15	9	8
$10,000 to $25,000	9	25	15	13	13	18	8
$25,000 plus	10	27	14	10	9	25	5
Unknown		24	12	27	13	12	12
Total	7	28	20	11	13	14	7

The transactions data collected by the New York and American exchanges, do not specifically isolate the trading proclivities of short-term traders, who are the prime target of the holding period. We believe, however, that the typical short-term trader is interested in rapid turnover of funds with relatively small profits on each transaction, rather than with achieving long-term capital gains treatment.

Evidence on this point is provided by a study made in July 1961 among NYSE floor members who traded for their own account. There is little reason to doubt that the 1961 findings remain valid today. The study found that only 3% of both number and value of shares sold during a one-week period was held longer than six months. By contrast, 86% of the shares sold and 90% of their value were held one month or less.

The foregoing analysis of transactions strongly suggests that the six-month holding period is more than doing the job it was intended for. While it "may be inaccurate in some specific situations," it is clear that the six-month holding period excludes from long-term capital gains treatment the vast majority of transactions which are not consistent with the basic concept of what should and what should not qualify for preferential treatment.

SHORTCOMINGS OF WAYS AND MEANS COMMITTEE ANALYSIS

Underlying the NYSE analysis is the concept that the most accurate measure of the holding period's effectiveness is the number and value of transactions disqualified from capital gains treatment. The Ways and Means Committee's conclusion that the current holding period is not adequate for the job of distinguishing between investment and non-investment transactions stems from a limited perspective of the problem. Rather than measuring transactions directly, the Committee looked at Capital gains realizations. Standing alone, gains realizations give little indication of trading patterns. One should also ask, how much trading do the gains represent?

For example, the Ways and Means Committee supports its contention that ". . . assets held between 6 months and 1 year tend to be speculative" by showing "that almost 90% of all capital gains on corporate stock in 1962 arose from sales occurring after 1 year of possession." But this offers no true indication of the efficacy of the six-month holding period. As indicated in the table on transactions above (Table I), taken from the same IRS study used in the Ways and Means Committee analysis, more capital gains transactions in stock (472,000) occurred between the first and second years of holding than in the 6 to 12-month period. By contrast, 1,124,000 transactions took place before the expiration of the holding period. If the six-month holding period did not adequately cope with the question of speculative and normal business transactions, we would expect the opposite results—that is, a jump in gain transactions from the first to the second half of the year after purchase and a decline in the number of transactions in the second year after purchase.

The pattern of transactions provides a more reasonable basis for judging the holding period than the statistic that almost 90% of gain occurs from sales occurring after one year of possession. This compares growth over a single year with the total of gains which have accrued over many years. Obviously, in a growing economy with a secularly rising stock market, the dollar value of appreciated stocks held over a period of years will be substantial.

The Ways and Means Committee Report offers as evidence of the inadequacy of the current holding period, the "sharp increase in sales between the sixth and seventh months the stock was held." The fact is that there will always be a tendency for realizations to bulge at the expiration of a holding period of any duration.

In appraising both the preceding and the Ways and Means Committee's discussion of trading patterns during the first year, it must be noted that 1962, the only year for which detailed IRS data on gains realizations are available, was undoubtedly an atypical year. A sharp market break in the spring of that year prompted early realizations of both profits and losses in order to preserve the former and minimize the latter. The high ratio of realized losses to gains emphasizes this point. In 1962, short-term losses reported to IRS ($768,000,000) were 2.2 times greater than short-term gains. Similarly, the value of losses realized after six to 12 months of holding ($804,000,000) was double the value of six-to-12-month gains.

The 1962 pattern of realizations emphasizes the need for preserving flexibility for the investor. No matter what his initial intentions, he is exposed to the fluctuations of the market after making his original purchase. An intended "long-term investment" may become a short-term gain, or even a loss as market conditions shift. The greater uncertainties of a longer holding period are bound to discourage investors. It would impede the mobility of capital and thereby lessen market liquidity. New ventures, particularly, would find financing more difficult as the longer holding period added to the basic risk associated with venture capital.

From the Treasury's point of view, a longer holding period, particularly in a year like 1962, would reduce revenue collections. This would occur because the investor is often well-advised to wait for the end of the holding period, *even if substantial erosion in his gain takes place.* With capital gains taxed at half the regular rate, the investor in the 50% tax bracket waiting for the holding period expiration could accept a one-third erosion in his gain and still come out with the same after-tax profit. At the top 70% marginal rate, the break-even point is a 60% erosion in profits, assuming a 25% alternative capital gains tax rate.

TABLE IV.—EROSION IN GROSS GAIN AT WHICH CAPITAL GAINS AND REGULAR TAX RATES RESULT IN EQUIVALENT AFTER-TAX YIELDS

[In percent]

Marginal tax rate	Erosion factor	Marginal tax rate	Erosion factor
14	8	50	33
20	11	60	[1] 47
30	18	70	[1] 60
40	25		

[1] Assumes 25 percent alternative capital gains tax rate.

WHO USES THE 6–12 MONTH HOLDING PERIOD?

The Ways and Means Committee report asserts that the inadequacy of the six-month holding period is demonstrated by the pattern of realizations in the first year of holding by the $100,000-and-over group. The report demonstrates that the top income group realizes a far greater portion of its first-year gain in the six-to-12 month period than in the 0-six month period. As shown in the preceding table (Table IV), that is to be expected since higher income groups take a smaller risk (in after-tax profits) in delaying realizations than do lower income groups. This pattern would hold no matter what the holding period.

Furthermore, the Committee report does not point out that the higher income groups tend to hold assets longer than the lower income groups. In fact, when the data for all long-term realizations are examined—rather than just those for the first year—we find that in terms of total long-term capital gains, realizations in the six-to-12 months period are far more important for the lower income groups than the higher income groups.

For example, as indicated on Table VI, in 1962, only 4% of all realized long-term gains on returns with incomes of $100,000 or more were from assets held 6 to 12 months. By contrast, the respective ratios were 10% and 9% for those with incomes of under $10,000 and from $10,000 to under $50,000.

Put another way, the $100,000 and over group, while accounting for 33% of all reported long-term gains in 1962, accounted for only 17% of all gains realized in the six-to-12 month period; while taxpayers with incomes under $10,000 accounted for 16% of all gains realized in the six-to-12 month period—and those in the $10–50,000 bracket accounted for 50% (Table V).

Similar results were obtained in the American Stock Exchange study. The AMEX study indicated that 74% of all sales in the six-to-12 month period were made by persons in the under-$10,000 group, compared with only 14% for the over $25,000 group. By contrast, their portion of sales of stock held longer than one year were 44% and 40%, respectively.

TABLE V.—DISTRIBUTION OF CORPORATE STOCK CAPITAL GAINS BY HOLDING PERIOD AND INCOME CLASS, 1962

[In percent]

Holding periods	Taxable returns: Under $10,000	$10,000 under $50,000	$50,000 under $100,000	$100,000 and over
6 to 12 months	16	50	16	17
1 under 2 years	16	50	17	18
2 under 3 years	15	47	16	22
3 under 4 years	14	47	16	22
4 under 5 years	15	45	17	23
5 under 10 years	13	39	16	32
10 under 15 years	7	39	16	39
15 under 20 years	5	31	16	48
20 years and over	8	21	12	59
Total, all periods	11	40	16	33

Source: "Statistics of Income—1962, Supplemental Report, Sales of Capital Assets Reported on Individual Income Tax Returns," U.S. Treasury Department, table 12, p. 112.

Available data give strong indication that lengthening the holding period would not exclude very many additional non-investment transactions from long-term capital gains treatment. Its principal effect would be to realign investment holding patterns, hinder market liquidity and capital mobility and increase the risk to venture capital.

ALTERNATIVE RATE

Among the proposed revisions in capital gains treatment, the most direct impact on the flow of risk capital would stem from elimination of the alternative tax rate. First, it would lower the incentive to put money at risk by reducing the after-tax reward. Second, it would discourage the movement of capital from mature, less risky investments to new and unproved but potentially rewarding opportunities by raising the tax cost of transferring investments. Ultimately, the cost of capital would rise as entrepreneurs vie for shares of the smaller pool of venture capital.

Relatively few individuals qualify for use of the alternative rate on long-term capital gains; however, it is this group that is the prime source of venture capital. These investors provide the cutting edge of economic growth.

In the landmark study, *Effects of Taxation, Investments by Individuals*, it was concluded that ". . . business must look mainly to a very small percentage of the population—individuals with large incomes or substantial holdings of wealth or both—to find any widespread willingness to assume the risks of business ownership, especially of unseasoned enterprises." The authors also found that there is ". . . very strong evidence for the validity of the major finding of this section, namely, that the investment decisions of the upper income and wealth groups are of overwhelming importance in governing the flow of equity capital from private investors to business enterprise." [*]

While any blunting of investment incentives serves as an impediment to the generation and free flow of investment capital—as the NYSE has pointed out many times—its effects are magnified as the degree of risk increases. It is a fact of economic life that the relative handful of large savers are in the best position to supply risk capital. The problem is to maintain an investment environment which would stimulate the large savers to frequently turn over their matured investments and seek out new risk situations. The tax penalty for turning over an investment is clearly a major factor in the decision.

A dollar in an existing investment paying a reasonable return at minimum risk, often proves more attractive than 75 cents (after the alternative capital gains tax) in a high-risk investment that holds out the possibility of sizeable returns. The existing investment dollar looks even more attractive to top-bracket taxpayers when its after-tax value drops 13%, from 75 to 65 cents. The lower the after-tax value of an existing investment, the more likely the investor is to hold on to it—or "lock" himself in. This "lock-in" effect is generally acknowledged.

The 1965 capital gains study conducted for the NYSE by Louis Harris and Associates, Inc. was designed to measure investors' reactions to 20% and 50% *reductions* in tax rates. In examining the *long-run* implications of a 20% cut in the maximum capital gains tax rate, Harris estimated that Treasury revenues would rise by slightly more than one-quarter. If the maximum rate were halved, to 12½%, estimated revenues would climb nearly three-quarters. The implications of these findings in the context of a tax rate *increase* are clearly disturbing.

This study of the lock-in effect of the capital gains tax suggests that an increase in the rate would have a substantial impact on capital mobility. As a consequence of the decline in gains realizations, the revenue increment would not rise in proportion to the increase in the effective capital gains tax rate.

CURRENT HODING PATTERNS

Available data clearly demonstrate that the higher the income, the greater the tendency to wait before realizing accrued capital gains. This shows up in the following table.

TABLE VI.—DISTRIBUTION OF REALIZED LONG-TERM CAPITAL GAINS ON CORPORATE STOCK, BY HOLDING PERIODS AND INCOME SIZE CLASS, 1962

[In percent]

Holding period	Taxable returns: Under $10,000	$10,000 under $50,000	$50,000 under $100,000	$100,000 and over
6 to 12 months	10	9	7	4
1 under 2 years	13	12	10	5
2 under 3 years	11	10	9	5
3 under 4 years	9	9	8	6
4 under 5 years	8	7	7	4
5 under 10 years	28	25	25	24
10 under 15 years	8	14	15	17
15 under 20 years	4	7	9	13
20 years and over	9	7	10	22
Total	100	100	100	100

Source: "Statistics of Income, 1962, Supplemental Report, Sales of Capital Assets Reported on Individual Income Tax Returns," U.S. Treasury Department table 12, p. 112.

In the lowest (under $10,000) income group, 51% of total long-term capital gains were realized on assets held five years or less. While this ratio is only modestly higher than those for the $10,000-to-under $50,000 and $50,000-to-under $100,000 income groups, it is more than double the 24% ratio for the over $100,000 income group. By contrast, 22% of gains realizations by the top income group were accounted for by sales of holdings of 20 years or more, compared with only 7% to 10% for the three lower income groups.

We do not mean to imply that differences in the timing of realizations are all attributable to the lock-in effect. We do suggest, however, that securities markets (and other investors) would be better served if the holding pattern of the top income earners more closely resembled that of the less affluent groups (i.e., more frequent asset turnover). Elimination of the alternative tax on long-term capital gains would have the opposite effect. It would further widen the disparity in length of holding.

---

[*] J. Keith Butters, Lawrence E. Thompson, and Lynn L. Bollinger, *Effects of Taxation, Investments by Individuals* (Cambridge, Mass.: The Riverside Press, 1953), p. 27.

From the point of view of capital mobility, inclusion of capital gains in income averaging is not a substitute for the alternative tax. While the latter helps to ease the lock-in problem somewhat, income averaging would tend to aggravate it by providing an incentive to postpone the realization of gains so as to qualify for the advantages of averaging.

The blunting of tax incentives to the prime source of venture capital will mean more competition for the pool of available risk money. Returns to risk capital will have to rise if new ventures are to attract equity financing. In turn, desirable, but less promising, new ventures may fall by the wayside in the tougher competition for risk capital.

In an environment of strong competition for funds, it is especially imperative that incentives for risk capital be preserved if the business sector is to make a maximum contribution to national economic growth and well-being. The proposal to eliminate the alternative tax—which is essentially a technique for increasing the tax rate for the most substantial investors—offers a virtually foolproof means of *reducing* such incentives.

TREATMENT OF CAPITAL LOSSES

Investment risk would also be affected marginally by the proposal to restrict the long-term capital loss deduction from ordinary income to 50% of the loss. Investors weigh prospective gains or losses in terms of *total* dollars and make their judgments accordingly.

The proposal is largely predicated on the assumption that many taxpayers are in a position to manage their investments in such a way as to realize gains and losses in different years. Not only is the assumption not valid, but the proposed change would have the greatest impact on the lower-income groups, which are in the least advantageous position to arrange the timing of realizations to qualify for beneficial tax treatment. In effect, the great bulk of taxpayers already hurt by investment losses—often amounting to a sizeable portion of annual income—would be further penalized in order to restrict a relatively small number of taxpayers who are in a position to use the loss provision to best advantage.

Not only does that rationale lead to inequities, but it still does not deal directly with the problem. Taxpayers in a position to properly time gain and loss realizations would still do so.

It should be emphasized that most capital losses (74% in 1962) result from stock sales. Stockholdings are subject to market fluctuations. For the most part, losses may be realized either because of the need for cash or to prevent possible erosion of the value of holdings. In either case, the sale cannot be postponed for very long. Similarly, for most investors, the possibility of erosion of the gain during the period when realization is postponed generally outweighs the advantage of the minor tax saving attributable to proper timing.

From the individual's point of view, a loss is a loss no matter how it comes. A dollar lost through a decline in an investment hurts just as much financially as one lost through negligence or theft.

IMPACT OF THE PROPOSED TREATMENT OF LOSSES

The limitation on deduction of loss hits hardest at the lower-income groups. In point of fact, lower-income taxpayers with losses have far less of a possibility of offsetting losses against future gains or future income than do upper-income taxpayers. As a group, lower-income taxpayers sustain very high losses in relation to income.

TABLE VII.—LONG-TERM CAPITAL LOSS CARRYOVER ON TAXABLE RETURNS SHOWING NET CAPITAL LOSS, 1966

Adjusted gross income classes	Average adjusted gross income	Average carryover	Average carryover as percent of average income
Under $3,000	1, 432	3, 589	254
$3,000 to under $4,000	3, 491	2, 974	85
$4,000 to under $5,000	4, 500	6, 744	151
$5,000 to under $6,000	5, 005	13, 628	248
$6,000 to under $8,000	6, 985	8, 838	127
$8,000 to under $10,000	8, 941	4, 308	48
$10,000 to under $15,000	11, 937	4, 142	35
$15,000 to under $20,000	16, 976	5, 428	32
$20,000 to under $50,000	28, 240	5, 458	19
$50,000 to under $100,000	65, 847	7, 183	11
$100,000 to under $200,000	131, 729	10, 574	8
$200,000 to under $500,000	280, 453	16, 202	6
$500,000 to under $1,000,000	670, 661	14, 077	2
$1,000,000 and over	2, 161, 328	15, 125	1

Source: Adapted from "Statistics of Income—1966 Individual Income Tax Returns," U.S. Treasury Department, table 19, p. 41.

For returns with under $8,000 of adjusted gross income, the average capital loss carryover generally runs well in excess of income. The ratio of loss carryover to income dwindles as income rises above $8,000, falling to only 1% for the top income earners.

That the tax burden of proposed capital loss limitations (including revised treatment of losses of married couples) will fall upon the lower and middle-income groups is corroborated by the Ways and Means Committee's revenue estimates. Of the $65 million of additional revenue attributable to the change in treatment of losses, 57% would be paid by the under $15,000 income group and 34% by the under $10,000 group.

In summary, net capital losses in practice have been virtually nondeductible. The proposed changes in treatment of losses will further penalize investors whose financial positions have already been impaired. They would hit hardest at individuals in the low and middle-income groups, who have the least prospect of offsetting accumulated losses against future gains.

OTHER PROVISIONS AFFECTING INVESTORS

In addition to the three proposed revisions in capital gains treatment already discussed, the Bill contains several other proposals which would tend to dampen investment incentives. The NYSE will submit a detailed statement on these to the Committee on Finance at a future date. Here, we will comment only briefly on two of these proposals.

Disallowance of nonbusiness deductions

Non-corporate taxpayers would be required to allocate non-business deductions—such as interest, state and local taxes, charitable contributions, casualty losses and medical expenses—between taxable income and tax preference items. The latter include one-half of long-term capital gains, presumably on the theory that one-half of long-term capital gains is being excluded from income.

In simplest terms, the proposal amounts to an increase in the effective rate of the capital gains tax. It does by indirection and through administrative complexity what could be more easily done by a simple increase in the tax rate, if that were thought desirable. The burden of the change in treatment of deductions would fall primarily on those individuals who are the major source of venture capital. Their response to the proposed change would be essentially the same as it would be to an increase in the alternative tax (discussed above).

In addition, the provision does not differentiate between capital gains realized in connection with a trade or business as contrasted with ordinary investments.

Furthermore, the rationale for the allocation of deductions between income included and excluded from taxable income does not, in actual practice, apply to the vast majority of realized capital gains. In the words of the report of the Committee on Ways and Means, "The bill essentially requires allocation of any itemized deduction where it is *reasonable to assume* that a portion of the pertinent expense is met out of nontaxable income." The fact is that most individuals who would be affected—those with relatively large capital gains—would tend to reinvest their realized funds rather than use them for living expenses—the assumption on which the proposal is based.

Overlooked completely by the proposal is its effect on the relationship between state income taxes and the Federal tax. Escalation of state tax rates at the upper end of the income scale is predicated on the theory that the taxpayer would recoup a large part of the additional tax through the state tax deduction. In addition, since many states tie their tax base to the Federal base, effective state income taxes in many instances would also rise. Combined, the two would have substantial effect on total tax costs (state and Federal) of large investors which the report of the Ways and Means Committee evidently did not foresee.

Limitation on deduction of investment interest

Limiting the interest deduction on loans used to finance investment property to $25,000 over and above investment income also penalizes those individuals who exhibit the greatest willingness to take investment risks. It seems anomalous to permit unlimited interest deductions for consumption purposes, while limiting interest deductions on funds put into productive investment. Furthermore, where does one draw the line between legitimate risk-taking through leveraging investments and tax considerations? Even where tax considerations are a factor, the end result is still an increase in investment.

This provision was apparently prompted by the widely-publicized 150 or so high-income returns for 1966 in which excess investment interest allegedly was used to insulate from taxation other types of income received by the taxpayers. The simple way of handling this situation would have been to include investment interest within the "limit on tax preferences" structure. Instead, the Bill offers an extremely complex provision which is shot-through with possibilities for inequities.

To the extent that interest must be offset against long-term capital gains, with an effective 50% disallowance, the real tax on such gains is substantially increased.

If the investment on which the interest is being paid results in a capital loss, both the loss and the interest in excess of the minimum are disallowed—a disturbing new form of double tax jeopardy. When a taxpayer repays investment borrowings from non-investment income, he can deduct practically no capital losses and, under this Bill, only limited amounts of investment interest.

XUM

The argument that the $25,000 annual limitation means that only substantial investors are confronted with such a choice of alternatives hardly alters the intrinsic unfairness of the provision. It underscores however, the fact that the impact of the Bill falls most heavily upon those investors who necessarily must be depended upon to supply a major share of risk capital.

CONCLUSION

The whole question of investment incentives, including capital gains taxation, is fraught with uncertainty. That incentives for investment are essential for sustained economic growth in a free enterprise economy is not in dispute. What constitutes a proper level of incentives is a question on which reasonable men can differ. The existing treatment of capital gains has been essentially unchanged for over a quarter of a century. Over that period, the U.S. has compiled an enviable record of economic growth.

In the years immediately ahead, the rate of generation of new capital must be stepped up if our economy is to meet the demands put upon it by an increasingly sophisticated and expensive industrial plant and a population demanding an attack on the backlog of social and environmental problems. In the face of these needs, the structure of incentives which has proved out over the years should not be casually or hastily dismantled.

Unfortunately, there is little hard current data on the capital gains tax and other incentives. Based on the fragmentary data that do exist, the NYSE believes that the various capital gains provisions are essentially doing the job for which they were designed.

Heavy reliance by proponents as well as opponents of capital gains tax revision has been put on a single study done in 1962—a year in which stock market performance, and probably gains realizations, was distinctly not typical.

As we have demonstrated, the existing data offer no persuasive rationale for altering the existing capital gains tax structure at this time; and, in fact, there is every indication that the provisions now in effect are accomplishing the job for which they were designed.

If, at some future time, it should be deemed desirable to alter the present tax treatment of capital gains, it would certainly seem necessary to base any proposals for far-reaching changes on a detailed study of capital gains. Such a study would aim to provide timely and definitive new data on all aspects of the capital gains tax provisions of the Internal Revenue Code.

CAN "POLITICAL REALISM" HALT THE WAGE-PRICE SPIRAL?

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. COHELAN. Mr. Speaker, Herbert Rowen, business and financial editor of the Washington Post, recently wrote an article that succinctly challenges the wisdom of President Nixon's rejection of wage-price guidelines.

Inflation still spirals, unemployment still rises, but our President refuses to acknowledge that prices in major industries must be held down. Mr. Rowan correctly writes that "pricing moves—as in autos and steel—are often precisely the ones that set national patterns and affect the general psychology."

To meet with the leaders of the automobile and steel industries and to ask them to consider their responsibility to the economy, however, is "jawboning" which Mr. Nixon self-righteously refuses to do.

"Jawboning" is immoral, our President has indicated, but he has also said that his real reason for not partaking in such "immoral pursuits" is that they do not work. Instead, President Nixon plans to rely totally on tight money and expenditure control.

Mr. Speaker, President Nixon's negation of leadership in the area of wage-price guidelines indicates to me that our President's concept of what will or will not work tends to favor the corporations. Corporate profits increase or stay level while the trap of inflation clamps its jaw on the wage earner.

To further elucidate why wage-price controls should be used by the President, I am including Mr. Rowan's article in the RECORD at this point:

CAN "POLITICAL REALISM" HALT THE WAGE-PRICE SPIRAL?

(By Hobart Rowen)

We now have Mr. Nixon's word for it that he rejected wage-price guidelines not only because they are a fraud and immoral, "but most important" because they are ineffective. Presumably, the President would be less bothered by the ethical consideration and discriminatory impact of guidelines—if only they worked.

At least, that is a candid revelation. By his own definition, re-stated at last week's press conference, Mr. Nixon is a "political realist." Thus, he was able to say he would swallow a reduction in the oil depletion allowance (although he had always opposed such a change) because the House insisted on reducing the allowance as part of the tax reform bill—and he wants tax reform.

These are valuable clues to the thinking of the President. A close associate says, "above all he is a pragmatist," recalling how the President reversed his opposition to junking the 7 per cent investment tax credit earlier this year, when it became clear the Democrats controlled that issue.

That leads us back to the wage-price question. No one has seriously advocated re-instituting wage-price controls, or even a formal set of guideposts; inflation, as a consequence of huge Vietnam war costs financed by borrowings instead of taxes, has overrun the old 3.2 per cent benchmark.

So President Nixon, as he knew, was beating a dead horse. But what has been suggested is that the President still has great power to demand of big industrial corporations and big unions that they exercise a degree of restraint.

This has been called "jawboning," because the sanctions behind such a request depend mostly (but not wholly) on the conviction in the President's voice. And after saying that he wouldn't resort to any such tactic, President Nixon then proceeded to do a bit of jawboning, even while disavowing it.

"I am not jawboning and telling them to reform themselves . . ." Mr. Nixon said at his press conference. "But I do say this: that labor and management, labor that asks for exorbitant wage increases, management that raises prices too high, will be pricing themselves out of the market."

This was a very mild and justifiable warning, nothing more than Economic Council Chairman Paul W. McCracken and Labor Secretary Shultz themselves had done before. But it was much less than some others on the Nixon team had hope he would do.

What can White House-backed pressure really accomplish? Let us look at three examples from the very recent past:

A year ago, after a good-humored session in the office of Arthur Okun, LBJ's economic adviser, General Motors' boss John Roche pared an intended $100 average car increase back to $48. This year, the boost was $125—after Mr. Nixon had publicly announced there would be no intervention in such decisions.

In April, 1968, major U.S. companies raised heating oil prices. The increase didn't stick, whereupon the companies rolled wholesale prices back but left consumer prices at the higher level. This bonanza to wholesalers was repealed after the Economic Council made a polite representation to the industry.

When the 10 per cent tax surcharge was passed last year a number of state utility commissions began to figure the cost, automatically, into companies' rate bases. But a letter from Treasury Secretary Henry H. Fowler urging the commissions to consider first whether the companies would be able to earn their allowable returns, even with surtax, halted this movement in its tracks. Estimates are that by holding the utilities in check consumers may have been saved $200 million.

This is the kind of effort the Nixon administration rejects, in part because it is discriminatory. But such pricing moves—as in autos or in steel—are often precisely the ones that set national patterns and affect the general psychology.

Stubbornly, the Nixon administration "game plan" relies exclusively on tight money and expenditure control to reduce total demand. It's a calculated policy of letting steam run out of the economy, whether it becomes a "slowdown," "recessionette," "mini-recession," or what-have-you.

The result is to discourage real growth in the economy—a process that must be accompanied by an increase in unemployment.

Eventually, if Mr. Nixon's administration follows this "game plan" unremittingly, it will work. That is, it will slow the economy down and produce some kind of recession (maybe in time for the 1970 congressional elections).

But the problem is that a tight budget and a tight monetary policy do not necessarily come to grips with a wage-price spiral. A federal surplus will not affect wage increases averaging 7 per cent already built into the economy for several years ahead. And Mr. Nixon's scenario of total reliance on aggregate controls does nothing about structural problems: nothing in his "game plan," for example, will affect soaring hospital or doctor costs.

One would think that a political realist, with an eye on 1970, wouldn't shrink from a little tough-turkey talk with industry and union leaders when they forget the public interest.

MAYOR DALEY PROCLAIMS MAHATMA GANDHI DAY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. MIKVA. Mr. Speaker, today, October 2, 1969, people of all nations will celebrate the birth-centennial of Mahatma Gandhi. Pursuant to a UNESCO resolution, all member states will mark this anniversary. Former Vice President, Mr. Hubert H. Humhprey, is heading the U.S. National Gandhi Centenary Committee.

In honor of the event, the mayor of the city of Chicago, Richard J. Daley has proclaimed October 2, 1969, as Mahatma Gandhi Day in Chicago. The Mahatma Gandhi Centennial Committee of Greater Chicago, headed by Patrick F. Crowley and sponsored by 60 leading Chicago organizations has planned an exciting program for this special day. The main event will feature addresses by the Reverend Jesse Jackson, on "The Relevance of Mahatma Gandhi" and by Illinois State Treasurer, Adlai Stevenson III, on "Gandhi's Message for the World Today."

Because of Mahatma Gandhi's important place in history and the special events planned in Chicago, I invite my colleagues' attention to the following proclamation.

The proclamation referred to follows:

PROCLAMATION

Whereas, October 2, 1969 marks the 100th anniversary of the birth of Mahatama Gandhi, one of the greatest servants of mankind in the 20th century; and

Whereas, Mahatma Gandhi earnestly sought early progress towards the achievement of a peaceful, happy, harmonious and cooperative community for all men; and

Whereas, Mahatma Gandhi dedicated his life and talents to the establishment of a social order based on peace and brotherhood; and

Whereas, Mahatma Gandhi exemplified the values of love, truth and non-violence in his life in the fullest measure, thus providing an appropriate basis for the establishment of such a social order; and

Whereas, the centennial of Mahatma Gandhi's birth provides a most suitable occasion for renewing hope and confidence in the creation of social order governed by the basic human values for which Gandhi stood; and

Whereas, the Mahatma Gandhi Centennial Committee of Greater Chicago has taken leadership in the commemoration of the centenary of Mahatma Gandhi's birth, thus calling world attention to Chicago's pre-eminent position in the field of international relations:

Now, therefore, I, Richard J. Daley, Mayor of the City of Chicago do hereby proclaim Thursday, October 2, 1969, as "Mahatma Gandhi Day in Chicago" and do call upon the people of the City of Chicago to assist and participate in the proper observance of this anniversary celebration.

Dated this 15th day of May, A.D., 1969.

RICHARD J. DALEY,
Mayor.

PULASKI DAY PARADE

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. ADDABBO. Mr. Speaker, on October 5, the 33d annual Pulaski Day Parade will head up Fifth Avenue and millions of Americans will take time to remember the great contributions which our fellow citizens of Polish descent have made to our Nation.

This year marks the 190th anniversary of the death of Brig. Gen. Casimir Pulaski, who was one of the heroes of American independence. General Pulaski died of wounds suffered at the Battle of Savannah and his devotion to America serves as a rallying point for our 10 million citizens of Polish descent.

On Pulaski Day, we also honor the heroes of the Warsaw uprising and the successful Polish soliders who fought at Monte Casino 25 years ago.

Perhaps the most important thoughts shared by Americans on Pulaski Day are those thoughts of support and good will for the people of Poland who remain oppressed but have never lost the dream of freedom.

On October 5 as thousands in New York City and other communities march in Pulaski Day Parades, the people of Poland will know that they are not alone in their desire for liberation and their determination will be strengthened by our expression of sympathy and support.

AUTOMOBILE PRICE ADVERTISING

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, I would like to commend the fine and comprehensive work of Mr. Dermot P. Shea, executive secretary of the State Consumers' Council of the Commonwealth of Massachusetts.

Our State is quite fortunate to have a man as dedicated as Mr. Shea in his struggle to eliminate many of the unfair practices of the automobile retailing industry. He has been able, through his extensive amount of research, data, and investigation, to help alert the people of the Commonwealth to the misrepresentation of many automobile transactions.

I feel that the testimony which he presented on September 17, 1969, to the Federal Trade Commission's public hearing in Washington, D.C., should be read by every Member of this body. This testimony was researched and prepared by the State Consumers' Council of the Commonwealth of Massachusetts. The council is a statutory body charged with representing the consumers in government and in the marketplace. Dermot Shea and his council should be congratulated on his testimony, which clearly defines the vast spectrum of dishonest techniques that can hoodwink the car-buying public.

Mr. Speaker, we must take heed of Mr. Shea's testimony and help to abolish all practices of dishonest marketing in the automobile business.

I present his testimony for the benefit of my colleagues:

MISREPRESENTATION IN AUTOMOBILE PRICE ADVERTISING

My name is Dermot P. Shea. I am the Executive Secretary of the State Consumers' Council of the Commonwealth of Massachusetts. The Council is a statutory body charged with representing the consumer interests in government and in the marketplace.

I am happy to be here today to represent the consumers of the Commonwealth at this important hearing. The serious problems in automobile merchandising field led the Council to sponsor and fight for the enactment of the Massachusetts odometer law, the retail installment sales act with its truth-in-lending provision, the deceptive trade practices act modeled after the Federal Trade law itself, among other pieces of corrective legislation. I would like to state for the record that our Agency has always received the fullest cooperation from the Federal Trade Commission, both from the Boston regional office as well as here in Washington.

I admire the courage of the Federal Trade Commission in undertaking to probe into the problem of new automobile price advertising. Actually, it is easier for the consumer to figure what the true national debt is than to determine the actual retail price of an automobile. Certainly it is one of the most chronic and serious problems of the entire automobile industry. Because of the deliberate confusion in this area induced by the automobile manufacturers, as well as marginal automobile dealers, the consumers are being bilked by not being given full and proper information as to the true going retail price while they are in the showroom. Therefore, in the overwhelming majority of automobile retail transactions, the consumer has not been given a true market value choice.

In my judgment, based upon the experience of the Consumers' Council with the retail area in the marketing of automobiles, what is lacking in the automotive trade, among others things, is *price integrity at the retail level*. I am making an effort to stay on the subject of this hearing which relates to the price structure of this trade but I cannot help making a pertinent aside to quote briefly from a complaint just received by the Council from a consumer which follows:

"I am concerned, as are many other citizens, with the skyrocketing prices being charged for the shoddy merchandise the consumer is forced to buy. During this time of spiraling inflation and excessive prices, the consumer needs protection more than ever. The average person is paying sky high prices for merchandise that is of extremely poor quality.

"An example of the poor quality of merchandise is our nation's leading product—automobiles. An average price of $3,000 will buy the consumer a car with doors, windows, seats and screws loose, parts missing, and most things assembled or installed incorrectly. Every car dealer is so overwhelmed with repairs on other new cars, that he cannot possibly service every car he sells. The consumer may find also that after he has had the car awhile and has driven it many miles, the manufacturer may call in thousands of these cars and claim that a part is defective and the car is unsafe to drive!"

The point of referring to this additional area of concern, such as poor quality workmanship at the manufacturing level, and the very serious breakdown of warranty performance by factory and dealer alike is to emphasize that the whole spectrum of automobile problems is the direct result of the morass of ineptitude and shystering in the automobile marketplace. Price deception is one of these major problems.

All the advertising promotions and public relation gimmicks of the automobile manufacturers have not and cannot cure the basic problem the entire automobile industry faces—*the question of integrity of product and marketing which includes the pricing structure of this industry*.

Here are examples of the oriental bazaar type of advertising now occurring in Massachusetts and elsewhere. I hereby submit copies of local dealership ads:

EXAMPLE A—PONTIAC AD

If you will note, it states that you will save $1,034 on a brand new Bonneville convertible. This is taken from a supposed list price of $4,654. Actually, the average price of this vehicle in the New England area would be from $500 to $600 automatic discount off this so-called Federal sticker list price, making this claim of a saving of $1,034 totally misleading. I will not repeat all the other examples involved in this one ad but the principle is the same. Many car dealers quote a Federal sticker list price and state savings that are false as far as the true market price is concerned. As a result, the consumer is actually being baited into this type of huckster dealership and parted from his savings.

EXAMPLE B—FORD AD

The Council has been checking a new rash of ads pertaining to leased cars being sold as new Fords. These cars are being sold with the implication that they are factory fresh cars and again in these ads the Federal sticker price with fictitious savings claims is being used.

EXAMPLE C—DODGE AD

This dealership had advertised consistently in full color page ads that it would pay for out of state buyers, transportation free with accommodations at a motel overnight and used the Federal sticker price and fictitious savings to bait customers to his dealership. This dealership has now changed hands because the prior owner was finally terminated by the factory. My office received justified complaints as to the price and also the model of the car advertised. This was a volume dealer but who is taking care of his warranties now!

To save time I would like to enter into the record samples of other ads that have used the Federal sticker price to mislead the consumers of the Commonwealth.

Now this type of advertising has been going on ever since the Federal sticker price law took effect. What has happened once again is a law that is designed to protect the consumer is being turned against the consumers of the country, this time by the automobile manufacturers who are playing a numbers game in establishing a fictitious price on a Federal sticker that is not a true going market price. In a word, the consumer is being "stuck" by the sticker.

To demonstrate this point further, I will cite the Federal sticker price and the actual true market value price of three similar 1969 models by three different manufacturers, all with the same equipment:

1969 models, 4-door hardtop	Factory Federal sticker price	Dealer's gross markup	Actual average profit to dealer plus get-ready cost	Actual metropolitan retail price	Federal sticker price inflated by—
Chevrolet Impala	$3,559.95	$789	[1] $240	$3,010	$549.95
Plymouth Fury III	3,562.75	789	[2] 225	2,998	564.75
Ford Galaxie 500	3,592.27	804	[3] 250	3,038	554.00

[1] Chevrolet "get ready cost," $40.

[2] Plymouth Fury III "get ready cost," $25.

[3] Ford Galaxie 500 "get ready cost," $50.

Note: These prices for all 3 similar models include a standard V-8 engine, freight cost, automatic transmission, power steering, pushbutton radio, wheel covers, and undercoating. State and local taxes are not included.

Source: Responsible industry authorities.

These figures are quoted from Metropolitan Boston area, exclusive of local taxes. I am, also, informed that these are the actual retail prices throughout most all metropolitan areas of the United States with a variation of possibly $50.00. It should be obvious, therefore, that the automobile manufacturers are deliberately inflating their price in order to subvert the Federal sticker law to the detriment of the public interest. Why the automobile industry insists on further compounding its sins of omission and commission that already exist in the area of safety, warranties, poor quality control and design by now adding vicious price deception practices is beyond my comprehension.

I have reviewed the practices cited by the Federal Trade Commission that are the subject of this hearing. In the case of three practices cited, namely price comparison advertising (No. 1), "comparably equipped" advertising (No. 2), and advertising prices for new automobiles that do not include all the charges (No. 4), the advertising campaigns conducted by the major automobile manufacturers with their local tie-in speak for themselves. You have already evidence of this in the record.

In connection with the practice cited concerning the advertising of pricing actions with respect to new automobiles in such a way as to conceal an actual price increase as a result of the reduction in the warranty coverage of new automobiles (practice No. 4 cited), I wish to commend the Commission for drawing this to the public attention. The consumer does not realize the extent of the limitations of the new car warranty. This is a tribute to the Detroit hucksters. Perhaps the new 1970 models will carry some more surprises for the consumer. Maybe Detroit will decide that the spare tire and wheel is superfluous. There is a strong industry rumor making the rounds to this effect. Evidently Detroit has decided to cut the car warranties today and is considering charging extra for the wheels tomorrow. Where else have the automobile manufacturers been cutting corners? How many horses are being stolen from the horse power of new cars?

The new warranty program of the automobile manufacturers does reflect pessimistic view of the durability of their product as some manufacturers are cutting down the term of their warranty to one year. The way this was done makes the Brinks job look sick. If you figure the value of the prior warranty to be $50.00 a car, the reduction of the warranty coverage by Detroit adds up to a substantial sum. One estimate has been made that by this action alone Detroit has taken away $200,000,000 from the car buyers of the United States (based on a loss of $25.00 a car—8,000,000 production). This actually is a conservative figure in terms of the cost of repairs that normally would have been covered by the prior warranty program in the second year of ownership when most repairs of an automobile are needed and when the defects or flaws of an automobile come to light.

Finally, Mr. Chairman, I have discussed at length the issue raised in practice #5 cited concerning the advertising of the manufacturers suggested retail price which is required by the Federal sticker law to be attached to new automobiles. These retail prices, as I have previously stated, are being posted in order to conceal the true fair value in order to permit manipulation on phony high trade-in allowances for used cars, as well as confusing the buyer as what is the actual price of the new car he is buying.

In my judgment, all of these practices warrant the issuance of Trade Regulation Rules prohibiting them as unfair and deceptive acts and practices. Until the Federal Trade Commission or the Congress acts in this area, particularly with reference to the Federal sticker law, I am (as Executive Secretary of the Consumers' Council) recommending to all consumers of the Commonwealth of Massachusetts to take 15% off the top of the Federal sticker price, exclusive of taxes and transportation costs, on American automobiles (with the exception of luxury and sports cars that may have limited production) in order to have a rule of thumb to determine the true retail market value of a new automobile.

DICKEY-LINCOLN PROJECT

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. HATHAWAY. Mr. Speaker, time is fast approaching for consideration by the House of Representatives of fiscal 1970 public works appropriations, and with it, consideration of a public works project for which the people of New England have been waiting and hoping for many years.

I refer, of course, to the Dickey-Lincoln School hydroelectric project, which, like the Grand Coulee and Hoover Dams and the Tennessee Valley Authority, would provide reliable and low-cost electric power to a large region of the Nation.

The Dickey-Lincoln project was authorized by the 89th Congress 4 years ago this month. Its potential worth to New England and the Nation has attracted the endorsement of two administrations, the bipartisan support of the majority of New England's national legislators, and the nonpartisan support of labor, business, industry, and the general public. Since its authorization, however, its construction has been disparaged and delayed by the lobbying efforts of a self-serving interest group comprising the private power utilities of New England.

The need for reduced electrical rates for the many residents of the Northeast is irrefutable, Mr. Speaker. New Englanders—homeowners, business concerns, and industrial plants alike—currently pay the highest rates in the Nation.

But the high cost of electric power is only part of the concern expressed by the citizens of the Northeast. More to the point of these remarks is their genuine apprehension about the reliability of the electric power service being provided them.

New Englanders recall the power blackout of 1965 and look with no little anxiety toward the real threat of another more serious failure during the winter months ahead. And as they do, they wonder why there has been no decisive action on the lesson of 1965—why there has been no alleviation of the threat of future power failures.

An incisive, well-researched article, which appears in the September issue of the Washington Monthly magazine, poses the question "Where will you be when the lights go out again?" Author John Wicklein, a former reporter for the New York Times and currently a producer of public affairs programs for National Educational Television in Washington, relates many of the reasons why the threat of another blackout is not remote and, in so doing, focuses on some of the questionable tactics of the private utility lobby of the Northeast in preventing assurances against the recurrence of such a catastrophe from reaching the people of New England.

Excerpts of Mr. Wicklein's article follow:

WHERE WILL YOU BE WHEN THE LIGHTS GO OUT?

(By John Wicklein)

Power companies have failed to act decisively on the lesson of 1965, when 30 million people in a 30,000-square-mile area found themselves without power for up to 13 hours.

Why have they failed to act?

The only reasonable answer, when you study the power situation in the United States, is lack of foresight among most private power company executives. These men somehow seem to lack the will—or the enterprise—to face up to the capacity problems of an industry whose demand is doubling every ten years.

To some people, the Big Blackout was a lark. "Where Were You When The Lights Went Out?" and all that. It was fun being caught between floors in the elevator.

But what if the building had caught fire at the same time? What if it had not been a bright, clear night, and you had been in a plane over a fogged-in airport that had no ground control to guide it down? What if *you* had been on an operating table in a New York hospital when the lights went out?

Miraculously, no deaths occurred. But miracles don't necessarily happen twice.

In New England, where the private companies have so far been able to fight off all attempts to establish federal yardstick projects, the customers are charged the highest rates in the country. A homeowner supplied by the Boston Edison Company, for example, pays more than twice the rate paid by a homeowner in Seattle, in the Bonneville marketing area. In part, this reflects high fuel costs in New England, but fuel by no means accounts for all the difference.

Over bitter opposition from the private industry, Congress four years ago narrowly approved a bill to authorize a major federal hydroelectric project in Maine. First call on this project's 800,000 kilowatts would go to public systems in the area, and the rest would be sold wholesale to the private companies. Desperate as they are for new capacity, the New England companies just do not like the idea of a federal project on their turf.

New England traditionally has been an area of rugged individualist companies that did not want to cooperate even with each other. So the region lags behind the rest of the country in the coordinated operation the companies' own engineers agree is necessary.

The big Blackout of 1965 gave the New England companies a jolt. Suddenly the papers were filled with "Investor-Owned Utilities" ads announcing plans for all kinds of coordination and cooperation and capacity-building. One ad, printed in the Wall Street Journal and elsewhere, proclaimed the formation of a "Big 11 Power Loop." This was to tie 11 large plants of several companies into one big grid. The grid was to include new nuclear plants—a form of generation that had not received much attention in New England up to that time.

But Big 11 proved to be a paper loop. In a hearing before the Atomic Energy Commission on plans to build the Vermont Yankee Nuclear Power Plant, Albert H. Cree, chairman of the Central Vermont Public Services Corporation, was asked if the companies involved had made a study of a one-system basis of operation in their area. Cree replied that the Big 11 Loop was a study of a sort. Whereupon this exchange between Cree and George Spiegel, attorney for a group of publicly-owned systems in Massachusetts:

SPIEGEL. Is that full-page ad of the Big 11 Power Loop the only document that exists as to the study of the one-system basis in New England?

CREE. So far as I know it is.

SPIEGEL. Do you think that there is sufficient detail in that one-page ad to guide you in this project?

CREE. Yes, I do, because the forecast of loads upon which all of our individual planning is based was part of the Big 11 ad.

Even if it had come into being as announced, the "Big 11 Loop" would not have met the criterion for reliable one-system operation—that all systems in the area must be interconnected. The power companies planned to exclude the public agencies from participating in the nuclear plants and the grid that would tie them together. Legal actions by the municipal systems have changed that, but the grid is still unbuilt. The "Big 11 Loop" continues to be promoted in television ads while the prospects for a major blackout seem about the same as they were in 1965.

Rather than reliability, the main interest of the New England companies in regional cooperation seems to be to keep federal power out of the area, prevent the states from forming public power authorities, and kill off the local publicly-owned systems. It's interesting to document this through evidence entered at a current SEC hearing on an application of three of the companies to merge into the Eastern Electric Energy System.

One Justice Department exhibit concerns the formation of an association of New England utility presidents. The association's purpose, according to a press release was "to coordinate individual construction plans of New England's investor-owned companies, to the end that these companies will remain prepared to meet, in full and on time, all of the area's rapidly expanding electrical requirements, and to do so at the lowest rates consistent with the maintenance of proper service standards."

To this publicly announced purpose were added, on an "overall strategy" paper circulated privately among the participating companies, these "basic objectives":

"To develop a regional climate of public opinion which will prevent any expansion of government-owned or tax-subsidized electricity within New England, and which will, instead permit the gradual elimination of government power operations presently existing in the area.

"To take a position of national industry leadership in securing the final defeat in the U.S. Congress of Passamaquoddy, St. John, and every other Federal power proposal for New England which requires Congressional authorization."

The first crisis to confront the presidents' association came as an aftermath of the Northeast Blackout. More then ever, the Dickey-Lincoln School project seemed necessary to the region. Some Maine legislators, concerned for future supply, proposed setting up a Maine Power Authority to distribute Dickey-Lincoln power and to build an atomic power plant. Quickly the New England companies reacted with a plan of their own. They would build a nuclear plant—Maine Yankee—which would bring power to the state cheaper than Dickey-Lincoln School.

At the SEC hearing, the Massachusetts municipal systems introduced a memo on Maine Yankee subpoenaed from the files of the Boston Edison Company. In it Frank M. Staszesky, executive vice president of Boston Edison, said that officials of two companies participating in the project had urged Boston Edison to come in as a gesture of "self-serving patriotism for the investor-owned utility industry."

Enlightened self-serving?

"They both feel," Staszesky wrote, "that the public power thrust is in Maine and must be met in Maine, and in particular they consider Dickey-Lincoln School the main threat."

In another memo, Staszesky said the major objective of the Maine Yankee project was to "discourage the formation of a Maine Power Authority, which could be a precedent for formation of similar public power authorities in New England." He reported to his president that the commitments of the two companies to come into the project had been made over the telephone. The urgency, he said, was to announce Maine Yankee before a special session of the Maine Legislature that was to consider creating the authority. One New England company executive, he wrote, "specifically thought we should join Maine Yankee to avoid arousing suspicions that the New England companies are not thinking and planning together—even if in private there are some differences of opinion between companies."

In cross-examination, the municipal systems' attorney commented: "It seems to me the testimony we have been listening to here . . . illustrates that they didn't even have time to figure out what the power was going to cost from Maine Yankee or how they were going to transmit it, but the main thing was to get it tied down on some kind of oral commitment, get it announced to the press in order to head off a proposal for a public power plan."

In the case of the Maine Power Authority, the companies' strategy worked: the Legislature killed it. The Dickey-Lincoln School Project is still alive, but only just. No funds for construction have been appropriated. Power lobbyists in New England and in Washington are working hard to get Congress to strike the $807,000 budgeted for planning and development from this year's appropriations.

Mr. Speaker, it is essential to the citizens of New England and their economy that funds for the Dickey-Lincoln project be included in the public works appropriations bill for this fiscal year and subsequently approved by this House.

New Englanders have already waited too long to be freed from the stranglehold of the private power monopoly. They have lived too long under the ominous threat of another serious power failure.

ESTABLISHMENT OF A PRESIDENTIAL TASK FORCE ON WOMEN'S RIGHTS AND RESPONSIBILITY

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mrs. REID of Illinois. Mr. Speaker, I want to take this opportunity to commend President Nixon on his announcement yesterday regarding the establishment of a task force on women's rights and responsiblities, with Miss Virginia R. Allan, former president of the National Federation of Business and Professional Women's Clubs as the chairman.

Earlier this year my colleagues, the gentlewoman from New Jersey (Mrs. DWYER), the gentlewoman from Washington (Mrs. MAY), the gentlewoman from Massachusetts (Mrs. HECKLER), and I met with the President to discuss opportunities for women generally and particularly in Government and public service. In my judgment, President Nixon has shown by his move to establish this task force that he is sincere in his desire to improve opportunities for women.

I was particularly pleased that two women from Illinois were appointed by the President to serve on the 13-member task force. They were Mrs. Laddie F. Hutar, president, Public Affairs Service Associates, Inc. of Chicago, and Sister Ann Ida Gannon, president, Mundelein College, Chicago.

The task force will review the present status of women in our society and recommend what might be done in the future to further advance their opportunities. I feel sure that the Congress will give its cooperation to this endeavor, and we will look forward to receiving the report and recommendations of the task force.

GHANA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. DIGGS. Mr. Speaker, yesterday governmental authority in one of the most promising countries in Africa was transferred from the military back to a civilian regime, an almost unprecedented phenomenon.

It may be recalled that on February 24, 1966, the National Liberation Council, made up of army and police officers, overthrew the government of former President Nkrumah and assumed the reins of government of the Republic of Ghana.

This action became necessary because of the deteriorating economic and political conditions in Ghana at that time.

On the assumption of power, the National Liberation Council declared that they had no political ambitions and were anxious to hand over power to a duly constituted representative civil government as soon as possible. To this end the National Liberation Council appointed a constitutional commission to draft a new constitution for Ghana.

The National Liberation Council further promised that they would relinquish their powers to any government formed in accordance with the new constitution and as a result of genuinely free and fair elections conducted under the constitution.

It is gratifying to note that after a constituent assembly had reexamined the proposals of the constitutional commission for a constitution for Ghana, the constituent assembly was empowered to enact and promulgate a new constitution for the Second Republic of Ghana on August 22, 1969.

General elections were held throughout Ghana on August 29, 1969, to elect members of the national assembly and a new civilian government. The Progress Party, led by Dr. Kofi Abrefa Busia, won the elections by a landslide after 4 months of vigorous campaigning and a peaceful, smooth, and uneventual election.

Dr. K. A. Busia has been sworn in as the Prime Minister of Ghana, and he has announced his 17-member cabinet, who are expected to take over from the National Liberation Council by September 30 this year.

The National Liberation Council has been able to salvage the economy of Ghana and laid sound foundations for the further improvement and expansion of Ghana's economy.

Politically, Ghana's new constitution insures the fundamental freedoms, amongst these life, liberty, and security of the individual; freedom of conscience, of expression, and of assembly, and freedom of association.

The new Prime Minister of Ghana, Dr. K. A. Busia, has in the nationwide broadcast in Ghana appealed to all his fellow Ghanaians to start the Second Republic in the spirit of forgiveness and tolerance and that "this time, we shall succeed in building a truly democratic country in which we shall be proud and happy to live."

Mr. Speaker, the Second Republic of Ghana has thus been born. The young and virile people of this country are determined to succeed and they deserve our goodwill and understanding.

FARMERS MUST CONTROL PRICING OF THEIR PRODUCTS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. ZWACH. Mr. Speaker, in the House Committee on Agriculture, we are discussing a new farm program. Secretary of Agriculture Clifford Hardin and others have so far testified. Many more people will be heard from before we pass a farm bill out to the floor.

In the meantime, I read a very interesting article submitted to the Swift County Monitor News at Benson, Minn., by Mrs. Wesley Benham and printed in the September 11 issue of that newspaper.

Mr. Speaker, I hope all of my colleagues will read this article, which I am inserting herewith in the CONGRESSIONAL RECORD. This article tells very plainly some of the problems our producers are up against.

I particularly commend to my colleagues, this paragraph from Mrs. Benham's article:

> The time has come for the American farmer to exert some control over his destiny. He must control the pricing of farm products instead of abdicating this power to special interest groups.

The entire article follows:

FARMERS MUST CONTROL PRICING OF THEIR PRODUCTS

(By Mrs. Wesley Benham)

Would you be surprised to read headlines like these in your newspaper?

"Mills increase steel price $8 a ton"

"Manufacturers up new car prices an average of $56"

"Producers announce 17% increase in price of copper"

Hardly. It's not surprising that the people who produce the goods should have the power to price these goods.

But how about headlines like these?

"Ranchers boost beef 3¢ a pound"

"Dairymen increase milk price 2¢"

"Farmers announce 6% increase in price of wheat"

Surprising? Quite! Because everybody knows that unlike other producers, farmers can't put a price on the goods they produce. Steel mills can. Manufacturers can. Smelters can. But farmers can't.

Farmers take what they are given for their products. If other producers used the same marketing technique farmers do, then new shoes, washing machines and cars would all sell for whatever buyers were willing to pay for them. And if Chevy . . . or any other truck manufacturer . . . complained that $1900 pick-ups were selling for only $1750, buyers could retort with, "Sorry, but new pick-ups are bringing only $1750 today That's all we're paying. Take it or leave it."

A farmer might survive with this kind of marketing system if all other producers would agree to play the same game. Then farmers could price the things they need . . . they could pay whatever they wished for fertilizer, farm equipment, for kids clothes and kitchen appliances. So far, no one's been able to persuade other producers to plat this "What will you give me" system of marketing. Small wonder. No businessman could afford to leave the pricing of his own products to the decision of others.

So if other producers won't relinquish their God-given right to price their own products, the alternative is for farmers to exercise the same God-given right themselves. That right is theirs. It's theirs constitutionally. And it's been certified in Congress by the Capper-Volstead Act.

The time has come for the American farmer to exert some control over his destiny. He must control the pricing of farm products instead of abdicating this power to special interest groups.

Because solving the farm problem lies in the power of pricing. Conscientious, responsible pricing based upon the principles of sound, ethical business management.

What's the score? Farmers are losing 542 to 68. New York financial columnist Sylvia Porter has come up with figures that show how much the American farmer has been subsidizing other working people the past 50 years. Since 1919, average hourly wages have gone up 542 per cent. But the cost of food has risen only 68 per cent. If you are a farmer, you know that the people who raise the food didn't collect the 68 per cent increase, either. It went to processors, packagers, food chains and others. Farm income today is actually lower than it was at mid-century. It's still not too late to get into the game. You can control the power through NFO.

EDITORIAL HONORS BENGALS' COACH; THE DOUBTERS NO LONGER DOUBT

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. TAFT. Mr. Speaker, the Cincinnati Bengals, the newest member of the American Football League, are undefeated in three games this year.

As my colleagues know, the Bengals' success is due in large measure to the remarkable skills of their leader, the No. 1 Bengal of them all, Paul Brown.

I am proud to include the following WKRC-TV editorial in the RECORD so that all may read of the Bengals' achievements under Coach Brown:

PAUL BROWN

SEPTEMBER 19, 1969.

Depending on the school or league, amateur or professional, a football season encompasses anywhere from ten or fewer games to as many as fourteen. Obviously, in order to rack up 300 wins, a coach has to put in a lot of anxious Friday nights, or Saturday or Sunday afternoons. But that's exactly what Paul Brown accomplished this past Sunday when his Bengals beat the Miami Dolphins in the opening game of another long season.

Paul Brown brought home 300 winners over a 35-year coaching career that began in 1930 at a Prep School in Maryland. However, it's his record at Massillon High School, Ohio State and, finally, with the Cleveland Browns that has become an established part of the folklore of the Buckeye State.

The Bengals' press, radio, and TV Guide lists so many innovations of this remarkable man that it's difficult to know which to include here. Perhaps the most important was noted in the citation accompanying his induction into pro football's Hall of Fame, which read: "He was the first to make coaching a year-round occupation, not only for himself, but for a fulltime resident coaching staff—a practice that has since become universal."

Paul Brown is, as the Bengals' publicity men claim, the man responsible for making pro football what it is today, and is the leader in shaping its future. Cincinnati is fortunate to count him among its citizens.

VOLUNTARY PRAYER IN OUR PUBLIC SCHOOLS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. ROUDEBUSH. Mr. Speaker, excellent response has been received from throughout the Nation on our plans to insert children's prayers into the CONGRESSIONAL RECORD for use by our Nation's public schools where the Supreme Court has outlawed prayer and Bible reading.

I have received letters and phone calls from across the Nation encouraging my efforts to offer a legal solution to the evil effects of the Supreme Court ban.

Strong sentiment has also been expressed for passage of a constitutional amendment to permit voluntary prayer in our public schools and provide a permanent solution to the antireligious efforts of the Supreme Court.

Mr. Palmer Stracco, president of the board of education in Netcong, N.J., has also contacted my office.

Netcong is the community where the school board first devised the ingenious idea of reading Chaplain prayers from the CONGRESSIONAL RECORD each day as a substitute for regular prayer services outlawed by the Supreme Court.

Mr. Stracco extended his thanks for my plans to insert more suitable children's prayers in the CONGRESSIONAL RECORD, and indicated that other school jurisdictions now may follow suit and read prayers from the CONGRESSIONAL RECORD to circumvent the antiprayer decision of the Supreme Court.

I wish to publicly applaud Mr. Stracco and the Netcong School Board for their courage and inventiveness in opposing the Supreme Court, and devising a means whereby voluntary prayer can be restored to those schools which desire to start the school day with a devotion.

I hope this plan catches on like wildfire and that schools across the Nation will turn to the pages of the CONGRESSIONAL RECORD for a source of children's prayers inserted to provide a legal remedy to the tragic Supreme Court decision.

The Supreme Court is but nine men, most of them possessing a twisted, liberal philosophy that says "Yes" to pornography and obscenity for our children but "No" to prayer and Bible reading.

The enduring foundation of our country is based on religious conviction, morality, patriotism, and freedom.

The effects of many recent Supreme Court decisions have undermined these foundations. Some of the authors of these evil decisions have now left the Court, but the results of their infamous work are still with us. We must continue to labor to offset these consequences.

This week's children's prayers for use in public schools follow:

My voice shalt Thou hear
In the morning, O Lord;
In the morning will I direct
My prayer unto Thee
And will look up. (Fifth Psalm)

Father, keep me all day long
From all hurtful things and wrong;
Make me Thine obedient child,
Make me loving, gentle, mild.

Dear God, hear me, a little child,
Who speaks to You in prayer;
Teach me today that Your great love
Is living everywhere.

Lord, for tomorrow and its needs,
I do not pray;
Keep me, God, from stain of sin,
Just for today.

Let me no wrong or idle word
Unthinking say;
Set Thou a seal upon my lips,
Just for today.

In the early morning,
With the sun's first rays,
All God's little children
Thank and pray and praise.

I, too, thanks would offer,
Jesus, Shepherd dear,
For Thy tender pasture
And Thy guiding care.

THE WALKING HORSE PROTECTION BILL

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. FULTON of Tennessee. Mr. Speaker, over the past 20 years, a proud breed of pleasure and show horses, the Tennessee walking horse, has fallen victim to a vicious and inhumane practice.

A minority of unfeeling exhibitors, owners and trainers have, over the years, resorted to the practice of soring the hoofs of these beautiful animals as a shortcut to the patience and skill needed for the training of the Tennessee walking horse. For far too long, diverse and inadequate State laws have "looked the other way" at this inexcusable practice.

The walking horse protection bill, introduced in the Senate by Senator JOSEPH TYDINGS of Maryland, and my colleague from Tennessee, Representative DAN KUYKENDALL, would prohibit the interstate shipment and exhibition of sored walking horses, make it unlawful to exhibit a sored horse in a horse show in which any horse had been moved in interstate commerce, and prohibit holding a horse show in which a sored horse is exhibited, if any horse was moved in interstate commerce. The legislation would impose a fine of up to $500 and imprisonment up to 6 months, or both. The Agriculture Department would administer the law, and those who conduct a horse show, as well as those who participate in it, are responsible with enforcement of the law, under the bill's terms.

These are strong provisions—they are justified.

Leaders and officials of the American Horse Show Association, and leaders of the National Tennessee Walking Horse Celebration at Shelbyville, Tenn., have all voiced agreement that the practice of soring these animals is an abominable practice. Some of them differ, however, on how this practice can be effectively brought to an end.

One of the great problems in this area is the differing State laws, and a situation which permits everyone to blame someone else for these acts of blatant cruelty. Trainers and exhibitors maintain the public demands such practices to produce the conformation and gait expected in competition.

I cannot agree that the public is so unfeeling and callous.

The executive secretary of the National Walking Horse Trainers Association, Mr. Jack Short, has stated that their association, only a year and a half old, should be given sufficient time to clean up the industry without Federal regulation.

Although I can sympathize with Mr. Short's views, I cannot see how this legislation could adversely affect the association's efforts to do exactly what is proposed by such Federal legislation—the immediate halt to the practice of soring walking horses. If anything, such legislation should make their efforts more effective, enforceable, and immediate.

The use of oil of mustard or iodide of mercury, placed on the horse above the hooves and below the ankles, or the use of chains or heavy boots to add weight, forcing the horse to take an exaggerated gait or step, is a despicable practice. Federal legislation, making regulations against this practice uniform throughout the Nation, is needed and should be given immediate approval.

The Tennessee walking horse is a handsome and distinct breed. It has created a multimillion dollar industry, and these animals have brought pleasure to thousands.

The industry must remove from its ranks those unfeeling and unscrupulous individuals who would, through such heartless practices, destroy not only this industry, but this proud breed of horses.

The walking horse protection bill would accomplish this.

HORTON URGES HELP FOR HANDICAPPED WORKERS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. HORTON. Mr. Speaker, there is no one for whom I have more admiration than a disabled person who pursues a normal life and becomes an active member of the community.

A disabled person performs tasks that we take for granted; but these things that we so easily disregard demand an inordinate amount of determination, stamina, and above all, courage.

Can you imagine getting up in the morning, realizing the struggle ahead of you, and yet continually enduring and even relishing the challenge.

Not the least of the obstacles handicapped people face is money. For many it is more expensive to work, than not to; it is more expensive to contribute to society than to stay at home.

Mr. Speaker, there is in my district a man who, to me, is an example of a person working to his fullest capacity. Charles G. Bills of Walworth, N.Y., is paralyzed from the shoulders down. And yet, he is a full-time teacher at Wayne Central School in Ontario, N.Y.

Mr. Bills' expenses so he can get to work each day include $800 every 3 years for an electric wheelchair, $3,000 for a van to transport him in the wheelchair, and $800 for a power hoist to raise and lower the wheelchair from the van.

Mr. Bills' valiant example has prompted me to submit legislation today to help the handicapped pay for transportation to and from work. It will provide a $600 additional tax exemption for a disabled taxpayer who needs special equipment to travel to work.

I would like to share with my colleagues, portions of a letter from Mr. Bills. I have always believed that employed handicapped people should have every advantage we can afford them, but this letter has reinforced my opinion:

Hon. Frank Horton,
House of Representatives,
Washington, D.C.

Dear Mr. Horton: I am paralyzed from the shoulders down as the result of an accident. I am one of the *very few* seriously paralyzed persons in America to be fully employed. I am a fulltime teacher at Wayne Central School, Ontario Center, N.Y.

Extra costs of employment to me are as follows: an electric wheelchair to enable movement with ease in the classroom. Cost? $800. I will have to have a new one every 2 to 3 years. The van to transport the wheelchair and myself to and from school costs $3000. The van requires a power hoist to raise and lower the wheelchair. Cost? $800. So far I have been fortunate enough to have a good friend, a teacher in the same building, to drive me—no charge. You see I am not able to drive a vehicle because I don't have complete use of my hands and arms.

In a year I will change buildings and then may have to pay a driver. Needless to say, employment is very expensive for me. For a long time tax laws have recognized extra expenses to the blind by providing an added exemption for them. I think we should extend this to cover seriously disabled persons of all kinds. I would guess that my out-of-pocket expenses of employment are greater by far than those of a blind person. You see they can ride in a regular car pool. I cannot. My wheelchair doesn't fit. Many thinks.

Very sincerely yours,

Charles G. Bills.

Mr. Speaker, I would hope my colleagues would pay particular attention to this admirable man. Employed handicapped people perform a valuable service by challenging themselves to their full capacity and demonstrating the ability of a disabled person to be an active member of the community. I urge Congress to give its full support to my legislation to help the disabled.

ESTABLISHMENT OF AN INDEPENDENT COMMISSION

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 1969

Mr. POLLOCK. Mr. Speaker, I introduce today a joint resolution to provide for the establishment of an independent commission to study the foreign policy effects and other implications of our underground nuclear testing program. This commission, composed of experts in such diversified fields as oceanography, medicine, and international relations, would evaluate our testing program in order to determine what effect, if any, the underground detonation of nuclear devices is likely to have on our environment and ecology and on our existing treaty obligations. Under the provisions of my resolution, the commission would be required to transmit a report to the President and to the Congress when its work is completed. Appropriate legislative and Executive action could then be taken on the basis of the commission's findings.

Mr. Speaker, I am convinced that the Atomic Energy Commission has taken every possible precaution with respect to the imminent underground test on Amchitka Island to insure the ecological balance of the region and to assure the safety of the inhabitants of the lands comprising the Pacific rim. However, because other tests of larger magnitude are planned for the future, I feel that further study and evaluation should take place.

To preserve our national security, we must continue our underground testing program for the foreseeable future. However, the people of our great Nation and the people of every nation on the Pacific rim have the right to expect virtually absolute safety even though underground testing must go on. A commission of the type I have proposed would provide us with an independent, unbiased assessment of the ecological and political consequences of our testing program. People everywhere could give real credence to this report, for the commission, unlike the AEC, would be totally disinterested.

Since the turn of the century, earthquakes and other natural phenomena have caused great damage and loss of life in every nation bordering on the Pacific Ocean. We must insure that a man-made phenomenon with these destructive characteristics is not created by our underground testing program. My distinguished colleagues, I urge your careful consideration of the resolution which I have just introduced.

REPORT TO CONSTITUENTS

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. ESHLEMAN. Mr. Speaker, I am now sending to my constituents another of my regular series of newsletters. I am including the contents of that report in the Record at this point:

The Threat of Political Radicals

(By Ed Eshleman)

When you turn on your television to watch the news, you are likely to see one or the other or both of the following characters: A young man with a beard who threatens to overthrow authority in the name of justice. A man with a gun who threatens to take the law in his own hands to protect his rights. Either of these characters or others like them are a threat to our nation. They may come from the far right or the far left. They are political radicals who are attempting and sometimes succeeding in undermining our basic democratic institutions.

Radicalism is not new to America. We have always had a certain number of citizens with way out opinions. But, never before have we taken such views so seriously. In the past, we dismissed those persons on the political fringes as irresponsible voices of unreasoned dissent. Today, perhaps because so many frustrations confront us as a people, the screamers are listened to and sometimes believed.

When things seem wrong, it is easy to find agreement with someone who promises a change. The promiser is often followed without being asked to spell out his policies. So Hitler found as he rose to power in Germany. So campus revolutionaries discovered last spring as they convinced thousands of moderate students to support them. But, herein lies the mistake for men who wish to remain free.

Freedom is a fragile thing which can be lost easily in the excesses of the moment. Revolutionists exploit the temper of the moment to achieve their own goals. Those goals are always anti-democratic, tending toward one of two extremes—tyranny or anarchy. The good intentioned citizen, who sees only the few worthwhile things in what a radical has to say, can get swept up in a tide moving toward loss of liberty and even a demise of civilization.

On the national front, many young people find certain attractive features in the recent ravings of the far left. For example, the peace theme has won the far left a goodly number of supporters. But a little close examination of leftist groups like the SDS has shown their peace leanings to be selective in nature. In some of their underground publications, the Students for a Democratic Society have indicated that they want American youth to fight, but on the side of the Communists in wars of liberation throughout

XUM

the world. The far left peace theme can be simply a cover to win adherents to an anti-American philosophy.

There is danger on the far right as well. Many people can get excited about a law and order theme. Like in the case of peace, it is difficult to find fault with a goal of attaining law and order. But a close look at the far rightists, who have taken to exploiting law and order for their own ends, reveals some disturbing signs. The extremists on the right are often willing to go the route of vigilante committees and other strong arm tactics to preserve order, but are unwilling to give consideration to the need for maintaining real justice. Freedom demands law and order tempered with justice, or totalitarianism is soon the product.

On the international front, the political radicals have shown themselves to be more than just anti-freedom. They are, in fact, anti-civilization. Their most savage assaults against the established order have been directed against precisely those institutions furthest removed from the law of the jungle—against the office of ambassador (even primitive societies, in their first steps away from constant tribal conflict, give sanctity to the herald); against peaceful transportation, where international cooperation has progressed steadily; against universities, and against churches.

If Americans are to protect their rights against the irresponsibility of political radicalism, they must resolve to take a difficult path to solving problems and relieving tensions. That path goes down the "middle of the road" and offers no easy answers. But, it is the path which traditionally has provided the political balance necessary for social stability. It is a commitment toward keeping the radicals where they belong—out on the fringes and generally ignored.

SHORTS

Cutting defense spending

The defense budget can be cut, and I expect this to be done. Dollars, no less than men in combat, ought to stand up and fight, right down to the last penny. Waste is a dangerous enemy in the military. But any meat-ax chopping such as some legislators seem to have in mind, could jeopardize our whole national security. The job is not to downgrade or smear the military, but to keep it under control. We must expect the military to be prudent in every way, including its management of the taxpayer's dollar. But Congress should be equally prudent. And prudence does not mean either reckless spending or reckless slashing.

We've moved

My staff and I are now working in a new office on Capitol Hill. When you get to Washington, be sure to stop and see us in the three rooms we like to think of as a Pennsylvania Dutch Country annex. And, when you're writing me, the new address is: **416 Cannon House Office Building, Washington, D.C. 20515.**

Kids quiz astronauts

Congressmen and their families were recently given an opportunity to meet and question the American "moonmen". During the question-answer session, the children more or less took the floor away from their parents. Typical questions from the small fry: "Did you think about getting stuck in the moon dust?" "Do you know when someone is going to the moon again and are they taking any girls along?" Hiding a smile, Astronaut Neil Armstrong, main spokesman for the Apollo 11 trio, answered seriously that actually they were not too concerned about sinking in the dust since they had learned what to expect before beginning their trip and that the next moon flight is scheduled for November 14, but if any women were going along the crew isn't saying anything. Another youngster asked why the flag looked like it was blowing when there isn't any wind on the moon. "We fooled you on that one," she was answered and then the explanation of how the flag was rigged was given her.

Washington staff

I have always regarded my staff more as public servants for the 16th Congressional District than as personal assistants. I thought perhaps you would like to see the four people who work for you in my Washington office. Pictured on the left, from left to right, are: Bob Walker, Research Assistant, from Millersville, 3 years on Capitol Hill; Vi Heinzel, Executive Stenographer, 20 years on Capitol Hill with 6 Congressmen; June Burke, Administrative Assistant, 27 years on Capitol Hill with 7 Congressmen; Pat Felty, Secretary, from Lebanon, 1 year on Capitol Hill.

Finest sense of politician

In his eulogy to the late Senator Everett M. Dirksen, President Nixon had some notable words about the profession to which Senator Dirksen devoted his life. I thought those words were worth repeating. "Everett Dirksen was a politician in the finest sense of that much-abused word. If he were here, I think he might put it this way: A politician knows that more important than the bill that is proposed is the law that is passed. A politician knows that his friends are not always his allies and that his adversaries are not his enemies. A politician knows how to make the process of democracy work, and loves the intricate workings of the democratic system. A politician knows not only how to count votes but how to make his vote count. A politician knows that his words are his weapons but that his word is his bond. A politician knows that only if he leaves room for discussion and room for concession can he gain room for maneuver. A politician knows that the best way to be a winner is to make the other side feel it does not have to be a loser. A politician in the Dirksen tradition knows both the name of the game and the rules of the game, and he seeks his ends through the time-honored democratic means."

Apollo film

The National Aeronautics and Space Administration recently made a film about the flight of Apollo 11 especially for the Congress. I have obtained a copy of that film and will make it available to schools (for assembly programs) and organizations in the 16th District. Not only can you schedule the film, but in addition, I will send along my Field Representative, Ron Reedy, to show the historic moon landing as photographed by the astronauts. If you are interested, call my District office in Lancaster, 717/393–0666.

Combatting inflation

Stern steps are being taken these days to combat inflation. The federal budget is being balanced at all costs because there is no doubt but what deficit spending is a cause of inflation. A 75 percent cutback in federal construction has been ordered. For many with federal projects this is a hard pill to swallow. If, however, this and all the other steps to reduce the cost-of-living end the inflationary spiral that is now stealing six cents from every dollar we earn or possess, then in the long run we should be thankful for any present day sacrifices.

Marijuana problem

The national debate about the narcotic marijuana has most often centered on two questions: (1) Is marijuana really an addictive drug? (2) Does society really have a right to prevent a person from using marijuana even if it might be harmful to him? Now a judge in the State of Washington has added a new dimension to the argument, and I think an important dimension. The judge stated: "Marijuana is a dangerous drug. It is much more dangerous to the non-user than to those who resort to it. It is the hard-working, responsible citizen who suffers by the cult that it creates. For it is he, the responsible citizen, who is called upon not only to support himself and his family, but also to carry the burden of the drug-oriented, anti-social user. If he fails to provide for both, the culture in which he lives will surely deteriorate and be less than desired, and possibly may even fail to meet the needs for a good existence. The impact of the lark attitude that some have toward the drug may not really be felt until the next generation—when it comes to light that the smoker of it is neither physically nor mentally fit to shoulder the burdens that society imposes upon him."

Name game

What's in a name? Plenty—especially if your name is Smith. According to some figures released by the Veterans Administration, Smith is the most popular name (310,000) in the VA's master file. The Johnsons (202,700) not only are keeping up with the Joneses but are far out in front. In fact, even the Williamses (150,020) are ahead of the fourth place Joneses (145,180). In fifth place are the Browns (144,000). The VA file shows 10 Abraham Lincolns, 1640 Robert E. Lees, 44 Ulysses S. Grants and 496 George Washingtons.

Spiritual crisis

The principal issues of the moment may not be as political and economic as we might like to think. There is a growing conviction in Washington that we are faced today with what is essentially a crisis of the spirit. Modern man has turned too often and too easily to government for answers to all his problems. He needs to recognize that there are answers he must seek elsewhere. Daniel P. Moynihan, an Assistant to the President, put it this way: "What is it government cannot provide? It cannot provide values to persons who have none, or who have lost those they had. It cannot provide a meaning to life. It cannot provide inner peace. It can provide outlets for moral energies, but it cannot create those energies. In particular, government cannot cope with the crisis in values which is sweeping the Western World."

Miniature message

Bumper stickers have become a popular form of self-expression. The latest one I've seen reads: "You're a Good Man Uncle Sam." Even when we disagree with some things our government does, I think we would still endorse that sentiment. Let's all think a little more positively!

PRICE-WAGE GUIDEPOSTS NEEDED NOW

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. ASHLEY. Mr. Speaker, today I am joining my colleague from Wisconsin, Mr. Reuss, and 12 other House Members in sponsoring legislation directing the Council of Economic Advisers, after full consultation with representatives of business and organized labor, to prepare annual price-wage guideposts to effectuate the stable, noninflationary growth in our national economy.

The bill provides for establishment of a three-man Price-Wage Stabilization Board in the executive branch to hold hearings on price-wage behavior and to report promptly to the President and Congress when national economic stability is threatened.

XUM

Mr. Speaker, the need for enactment of this legislation is urgent. Inflation continues out of control. The Consumer Price Index has increased at a rate of 7 percent from the start of 1969 while the wholesale index has increased at a rate of 6 percent. Recent price increases in automobiles, steels, copper, gasoline, nickel, zinc, and aluminum are certain to fuel further escalation of the inflationary spiral.

The traditional weapons against demand inflation—a restrictive monetary and fiscal policy—have not proven adequate to curb inflationary pressures, in part because major companies and unions in highly concentrated industries have substantial discretion in their price and wage decisions. If inflation is to be brought under control, monetary and fiscal policies must be supplemented by a system of price-wage guideposts designed to contain further increases.

In my view, Mr. Speaker, the previous administration made a serious mistake when it abandoned economic guideposts in 1967. Previous to that action, they had proved an effective instrument—not perfect but certainly helpful—in curbing unjustified price increases and holding labor increases to gains in productivity.

One of the weaknesses of the guidepost policy of the previous administration was that there was no administrative agency assigned the task of holding hearings and focusing public attention on specific wage or price increases inconsistent with national economic stability. That weakness would be righted in the legislation introduced today.

Another shortcoming of the previous guideposts was that they were announced unilaterally by the Council of Economic Advisers instead of being arrived at after institutional consultations with labor and management. This shortcoming too would be corrected by the bill that is being introduced.

Mr. Speaker, I am reluctantly drawn to the conclusion that total reliance upon monetary and fiscal policy to halt inflation will result in the substantial downturn in economic activity, with resultant unemployment and further postponement of essential domestic requirements.

Let me make it clear that I find no fault with the decision of this administration to continue the surtax and to limit postponeable public spending. I have supported these measures. However, we must face the fact that actions taken to date have not been effective and that erosion of the dollar must be halted before we can again enjoy a healthy economy. Mr. Speaker, I am reluctant to advocate the imposition of price and wage controls found necessary during other periods when our Nation has been involved in armed conflicts. This course may be necessary, however, if we do nothing to supplement the anti-inflationary measures now being relied upon. I am firmly convinced that a comprehensive mechanism for establishing price-wage guidelines is an action that Congress can and should undertake immediately in an effort to avoid the more bitter medicine of actual wage and price controls that otherwise may become necessary.

RETURNED VOLUNTEERS CALL FOR ABOLISHING PEACE CORPS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. BROWN of California. Mr. Speaker, the new Peace Corps Director, Joseph Blatchford, caused great interest here in Congress when he recently noted that he is going to bring about significant new directions and composition of the volunteer organization.

Mr. Blatchford is not the only person advocating such major changes.

Many former Peace Corps volunteers are members of a national organization called the Committee of Returned Volunteers, and when this group conducted its general assembly last month they took a strong position on the future for the Peace Corps.

CRV suggests that the Peace Corps, as it is now, should be abolished. Their reasons are included in the position paper which I am inserting into the RECORD.

While I do not advocate abolition and subversion of the Peace Corps, I do think that many of the points raised by the returned volunteers deserve serious consideration.

Undoubtedly, the Committee of Returned Volunteers does not represent the views of all ex-PCV's. Yet, I deem it significant that many of these extremely dedicated and idealistic Americans see distortions and tarnish in the image of the Peace Corps of which they were a part, and that they feel that Peace Corps should be so radically changed.

I have always supported the Peace Corps., and I believe that "volunteerism" ranks as one of the highest attributes of America's national character. It is the one facet of our foreign aid program which give my greatest backing. Certainly, I do not want to see Peace Corps entangled in massive bureaucratic structuring and policy constraints such as those which seem to limit the effectiveness of the other parts of our aid programing.

After 8 years, the Peace Corps has become sort of an establishment. Perhaps it is appropriate that substantive changes be made in its objectives and operations. If so, then we should listen to what former volunteers have to say.

Mr. Speaker, I now put the Committee of Returned Volunteers position paper in the RECORD:

COMMITTEE OF RETURNED VOLUNTEERS: POSITION PAPER ON THE PEACE CORPS

(Passed by the General Assembly on Sept. 15, 1969)

We are United States citizens who have worked abroad for voluntary service organizations including International Voluntary Service, the American Friends Service Committee and, for the great majority of us, the United States Peace Corps. We who volunteered for the Peace Corps saw that organization as a vehicle through which we could work in poor communities overseas to help people improve their lives. However, our original idealistic concern did not include an understanding of the underlying causes—social, economic and political—of the underdevelopment we sought to combat.

Now we have gained first hand experience of the conditions of life in the Third World, and we have also worked to develop a broader perspective on our individual experiences through extensive discussions with many other returned volunteers. Moreover, we have come to a new realization that present day underdevelopment is in many cases perpetuated by the negative and destructive policies of the United States. Therefore because of our continuing commitment to the well-being of the people with whom we lived and worked, we have come to the unavoidable conclusion that *the Peace Corps should be abolished,* for the following reasons:

I. THE PEACE CORPS SUPPORTS THE STATUS QUO IN THE COUNTRIES TO WHICH IT SENDS VOLUNTEERS

(a) It gives legitimacy, through its very presence, to the local power structure which invited it. This elite, typically in collaboration with powerful U.S. financial interests, indulges its narrow self-interest at the expense of the common people.

(b) It provides an illusion of progress by helping to coax out of an obsolete and inadequate politico-economic system some token social projects (a school here, a health center there), although on a scale so small that it can only be described as cynical.

(c) It attempts to work through individual volunteers on a person-to-person level to ameliorate small, local difficulties, even though these may be but symptoms stemming from problems in the nation's basic institutional structure whose solutions require collective action and awareness.

(d) It seeks to channel the energies of local people with sincere aspirations (youth, leaders, idealists) away from examining and challenging underlying social, political and economic injustices of the existing order by drawing them into superficial efforts; to make that order, no matter how unjust, work more smoothly.

(e) It has the effect of reinforcing the belief already held by many of the world's poor that their underdevelopment is really their own fault and that the unjust social order in which they struggle for existence is immutable. Their conviction that they themselves do not have the creativity and cannot marshal the resources to understand and overcome their poverty and dependence is confirmed.

II. THE PEACE CORPS SUPPORTS THE WORLDWIDE VESTED INTERESTS OF U.S. BUSINESS AND THE U.S. GOVERNMENT

(a) It "makes friends for America" abroad who will become the future supporters of and apologists for U.S. policy in the Third World and can easily be recruited into local American business concerns and cooperating host country agencies. The ultimate goal of this process is the Americanization of the entire world.

(b) It collaborates with other U.S. agencies in underdeveloped countries (including the Agency for International Development, the United States Information Service, the Alliance for Progress,) to promote an "alternative to communism." This is nothing more than a kind of "development" along lines which American interests can control for their own benefit—a goal which can only be assured by frustrating the development of the people's awareness of their own self-interest, which might well take the form of socialist revolution.

(c) It grooms Americans for future employment as "area specialists" with the State Department, A.I.D., the Foreign Service, and pacification programs, and with U.S. business interests overseas, thus serving in effect, as a "graduate school for imperialism."

(d) It assembles the considerable collective knowledge which the Peace Corps volunteers have about a country, as expressed in the reports, surveys, plans and evaluations they are frequently called upon to submit to their superiors. The Peace Corps director in the country, in turn, attends regular meetings called by the U.S. ambassador of his "country team" (including heads of the U.S. military assistance program, the Central Intelligence Agency, I.A.D., U.S.I.S.). It cannot be denied that much of the information they gather is available for passing on to other government agencies.

(e) It capitalizes on the idealism of U.S. youth and on the good will of the people of the United States to present a false image of the U.S. presence in the Third World. Far from radicalizing volunteers, it attempts to dissipate their "excess energy" and to channel it to further U.S. interests.

(f) It presents the Peace Corps volunteer to the people of the United States as the embodiment of its sincere concern with the world's "less fortunate" peoples. The Peace Corps volunteer supposedly represents a sacrifice to carry our "help" to the remotest village. The public is led to see the Peace Corps as a sincere effort to do the "right thing", making up for many mistaken policies and bureaucratic shortcomings of other U.S. aid programs.

(g) It not only draws attention away from the obvious manifestation of U.S. imperialism, such as the Green Berets, but because of its subtlety it is a dangerous extension of U.S. penetration and domination of the Third World.

The Committee of Returned Volunteers is convinced that real development is often impossible without a revolution which carries out an equitable redistribution of economic and political power, including nationalization of all resources; one which makes education, employment, housing and medical care available to all the people. The United States opposes any such revolution, and the Peace Corps is an integral part of U.S. policy. There may well be many superficial changes in the Peace Corps structure and policies from time to time, but regardless of these changes it will continue to function as an instrument of U.S. domination. Therefore, we oppose the presence of Peace Corps volunteers in the Third World. We call for abolition of the United States Peace Corps. We call upon present volunteers to subvert the Peace Corps and all other institutions of U.S. imperialism.

FROM SPACE, A GAIN FOR EARTH

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the Plain Dealer of Monday, September 1, 1969, carried a letter written by Dr. Walter T. Olson, assistant director of Lewis Research Center, a NASA laboratory, who replied to a letter by a schoolboy named Walter Williams. Because of the brief but thoughtful reply by Dr. Olson to this young man's questions, I commend this letter, as reprinted by the Plain Dealer, to your reading:

FROM SPACE, A GAIN FOR EARTH

(NOTE.—In the following letter, Dr. Walter T. Olson, assistant director of Lewis Research Center of the National Aeronautics and Space Administration on Brookpark Road, replies to a query by a schoolboy, Walter Williams, 12815 Woodside Avenue.

The latter had written NASA, asking why man is spending millions of dollars on the moon when he has problems on this earth and wouldn't he be better off to spend this money on fighting slum conditions?

The Plain Dealer believes Dr. Olson's concise appraisal of the overall space program is worth consideration by a wide audience and reprints it with his permission.)

(By Walter T. Olson)

You have asked us why we spend so much money to explore space when we have problems on earth.

I hope that you and your friends will study your history very carefully. When you study history, you will learn that man has always had problems on earth and has, at the same time, continued to explore and to learn new things and to learn how to do new things. As man has learned how to do new things, he has been able to apply what he has learned toward a better life on earth.

It's like this: Once man lived in caves and hunted food by clubbing animals with a stick. Then he learned to hunt with a bow and arrow and that gave him time to build a better house to live in. Then he improved his household tools and that gave him time to cultivate plants and to keep animals for food. All of that gave him time to wonder and so he learned to travel and to navigate.

Travel made it possible for riches and knowledge to spread and to be accumulated all over the world. With riches and knowledge, man acquired even more time to study nature and other things, and what he learned from nature enabled him to invent even more wonderful tools and machinery which let him do things that he could not do by himself.

But many thousands of years went by before our modern age started. Inventions like the telescope and the microscope around 1600 helped the development of sciences like biology, chemistry, astronomy and physics. These sciences helped the development of inventions like steam engines (about 1700), gasoline engines, electric power (late 1800's), automobiles, airplanes, plastics and synthetics, radios and television (1900's).

One invention leads to one or more other inventions, and so the many things and services that we see have been created recently and in growing numbers. The wealth that has appeared in our country has largely come from discovery and invention.

What I have tried to say, so far, is that science and technology have brought us to where we are. For most of the history of man, the tasks of providing for necessities and luxuries were performed through drudgery or slavery. Only in the last 100 years or so have we been able to eliminate slavery, and that was largely made possible by the advancing technology that I have described.

Mankind has always had poverty and slums. Only because technology has advanced so rapidly in the last 20 years have we been able to produce enough wealth and power to even ask the question that you ask: "Why not spend this money on the slums?" This money that you talk about only exists because we have advanced technology.

The space program has been made possible by advanced technology. And, in turn, it helps to continue the development and advancement of scientific knowledge and technical ability. So I would not stop the space program because it advances technology, and we need technology to produce the wealth that will ultimately eliminate slums.

Also, you might want to know how much money is being spent on the space program; it is approximately $4 billion per year. That compares with the nearly $60 billion that the United States will spend in 1970 on health and welfare and on community development and housing; in other words, our government is already spending about 15 times as much money on these functions as it spends on space.

Annual military spending is about $80 billion. Our government will pay almost $4 billion (as much as the space program) to farmers for not growing things and as price supports. It is interesting to realize that people in the United States spend about $8 billion, twice as much as the space program, on cigarettes, and they aren't even good for you! So we can afford a space program and a lot of other things, too.

Best of all, the accomplishments of the space program remind us that we can solve big and difficult problems. But, we must want to solve the problem, and we must study hard and work hard to succeed. That's how we got to the moon—by hard study and hard work for many years here on earth.

I share your wish and the hopes and prayers of many others that we will somehow speed up our efforts to make the world a better place to live in. But it won't just happen, not even if we spend more money on slums. It will take thought, and dedication, and hard work by us all.

JAMES GROPPI—THE MAD PIPER OF WISCONSIN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. RARICK. Mr. Speaker, most of us have heard of Milwaukee's James E. Groppi, the demagog masquerading as a priest. His usual followers are young Negroes, demanding something or other which he has persuaded them that they have been denied. His targets are varied, and have included the city counsel, a judge, a distinguished fraternal order, and now the Legislature of the State of Wisconsin. Should he elevate his sights and regard the Congress as a target, it might be well for us to note his latest escapade.

Monday he led a crowd of so-called "welfare mothers" on a march to Madison, Wis. It is not exactly clear who was caring for the children, but at any rate Groppi and his girls were marching to the legislature to demand more money. On the way, he stopped at the University of Wisconsin to recruit some more assistance. In addressing the students, he told them he had a plan. A number of students joined his troop, and away they marched. Again, it is not entirely clear who was doing any learning at this university.

Groppi's plan turned out to be quite simple. His mob literally tore down the doors of the chamber in which the Wisconsin House of Representatives was meeting, occupied the chamber, took over the meeting, and physically prevented the transaction of business. The Governor of Wisconsin was not a good sport, and called out the National Guard. In this instance, it does not appear to have been federalized.

Today Groppi is in the news again. It seems that a Wisconsin judge has issued a bench warrant for his arrest as a parole violator—stemming from the last time he was convicted of violently interfering with a police officer.

So Groppi is back in church, again. He is claiming "sanctuary"—a gimmick revived by the far left from medieval times. The theory is that a criminal can hide in a church, and the authorities are powerless to apprehend him. This is only a theory, of course, but it does make

XUM

good news stories and may even confuse Americans who cannot conceive of their own church hiding a criminal. It is not clear at this time whether Groppi is pretending again to be a priest while he hides.

I insert an article of the Monday disgrace:

[From the Washington Evening Star, Sept. 30, 1969]

GROPPI "SEIZES" LEGISLATURE

MADISON, WIS.—Police herded the Rev. James E. Groppi and about 200 welfare demonstrators from the Wisconsin Capitol last night, but the militant civil rights leader vowed to return.

The eviction of the priest and his fellow protesters ended an 11-hour takeover of the Assembly chambers. National Guardsmen called to duty by Gov. Warren P. Knowles surrounded the Capitol to prevent re-entry.

There were no arrests.

PROSPECTS POOR FOR BILL

The legislature was scheduled to try to resume its special session on the Republican governor's $33 million welfare and urban aid package today. The bill would restore a number of cuts in the state welfare program which the legislature made last month. Its prospects of passage were believed poor.

"We're going to be here as long as the special session is in Madison," Groppi told several hundred cheering followers after their ouster from the Capitol.

ADJOURNMENT FORCED

Groppi, who led a small group of welfare mothers on a 90-mile, week-long march from Milwaukee to Madison, had entered the Capitol about an hour before the special session was to begin at 2 p.m. yesterday.

By the time lawmakers started arriving, more than 2,000 protesters—many of them students from the nearby University of Wisconsin—had crowded into the chambers. They jammed the balconies and stood on desks during speeches by Groppi and others.

The Assembly finally adjourned in an uproar after Speaker Harold Froehlich, R-Appleton, tried unsuccessfully to get the demonstrators to give legislators room to operate.

As uniformed police, and eventually guardsmen, arrived at the Capitol, the number of protesters in the Assembly chambers slowly dwindled. About 300 National Guardsmen were on the scene when Groppi and his group were evicted. A short time later, the guard announced an additional 750 men were being placed on active duty to seal off the Capitol.

MR. McLARNEY—EXPERT

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. MONAGAN. Mr. Speaker, I attach herewith an editorial from the September 29, 1969, edition of the Waterbury, Conn., American, praising Connecticut Governor Dempsey's appointment of Thomas McLarney, of Waterbury, to the new State Commission To Revise the Election Laws. Mr. McLarney is not only an expert and an authority on Connecticut voting laws, but he is a dedicated public servant. His long service as registrar of voters in the city of Waterbury has won credit for him and for the city in the interpretation, enforcement, and improvement of the Connecticut laws, and the protection of the interests of the individual voter. I am personally familiar with Tom McLarney's abilities and accomplishments in his field and, additionally, I am happy to have him as a friend. The article follows:

RECOGNITION FOR AN EXPERT

Gov. John Dempsey has affirmed the special capabilities of Waterbury's Thomas McLarney when he appointed him to the new State Commission to Revise the Election Laws. The selection of McLarney, Democratic registrar of voters, was proper recognition of one of the true authorities in Connecticut on voting laws.

While McLarney is a Democrat, it has been customary for years for both Republicans and Democrats to consult with him on the proper interpretation of the laws. Election officials in many communities in this area and elsewhere in the state have conferred with him on procedures to be followed. The office of the secretary of state over several administrations has made use of McLarney at seminars of various types on the election laws.

This city is extremely fortunate to have such a man holding the office. While the job of registrar may not have the glamor of many others in city government, it is the key to honest elections which is the foundation of democracy. McLarney's supervision of any election matters is assurance to everyone that the rights of all, regardless of political persuasion, will be protected.

URBAN DEVELOPMENT SHRINKS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. MINISH. Mr. Speaker, it is unbelievable and indeed, bizarre, that our Housing Secretary, George Romney, has decided to slash funds almost 50 percent for the model cities program. This program, enacted in 1966 to improve living conditions for inner city dwellers, is already underfunded. Nonetheless, Mr. Romney wants to cut its funds almost in half.

The Housing Secretary has announced similar plans concerning the interest subsidy program, which assists low-income families in the purchase or rental of homes. Further, Mr. Romney has called for a substantial reduction in funds for the water and sewer grant program, which was enacted to meet the urgent need of our growing population for increased facilities.

Mr. Romney's statements will only increase confusion about Housing and Urban Development policy concerning Federal aid to cities. Although he has said in the past that these programs must have the highest national priority, he follows up by announcing a cutback on these already underfunded programs. Then he says that "this downward revision in outlay does not represent a cutback."

The fact remains that when there is a reduction in funds for a program, less money can be spent for the program. The cities, therefore, will now have a smaller sum of money to use in solving their urgent problems.

Where will it end? We just might find that without housing and urban development programs, there is no need for a Housing and Urban Development Secretary.

DUAL MORTGAGE MARKET SYSTEM

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. GRIFFIN. Mr. Speaker, I know that every Member of this body is gravely concerned over high interest rates and other factors caused by inflationary pressures which have restricted the building of housing units. It is our duty to explore every possible avenue which will provide relief for the homebuilder and the homeowner. In this connection, I commend to my colleagues a statement presented Tuesday before the Committee on Banking and Currency of the other body by W. Parham Bridges, Jr., Jackson, Miss., vice chairman, Realtors' Washington Committees of the National Association of Real Estate Boards:

STATEMENT OF W. PARHAM BRIDGES, JR., JACKSON, MISS., VICE-CHAIRMAN REALTORS' WASHINGTON COMMITTEE OF THE NATIONAL ASSOCIATION OF REAL ESTATE BOARDS, BEFORE THE SENATE BANKING AND CURRENCY COMMITTEE WITH RESPECT TO THE REPORT OF THE COMMISSION ON MORTGAGE INTEREST RATES

Mr. Chairman and members of the Committee: We appreciate this opportunity to appear this morning to offer our comments on the Report of the Commission of Mortgage Interest Rates and to support its most important recommendations—the abolition of the 6% statutory interest rate ceiling on FHA-insured and VA-guaranteed mortgages and the implementation of an experimental three-year dual market system for determining these rates. The Commission in this report has undertaken an analysis of a very complex subject that adds to our knowledge of the various factors which influence home mortgage credit.

In supporting the recommendations for a dual market system and abolition of the 6% statutory ceiling, we wish to make it clear that we have no particular affinity for high interest rates. Our industry is hurt badly during periods such as the present one when money is tight and rates are high. Nor should our position lead any to infer that we are insensitive to the credit needs of lower and moderate income families who suffer the most from high rates. If we felt that the dual market system would contribute to the upward tendency in interest rates, we would surely be opposed to its enactment.

Experience has shown, however reluctant any of us may be to admit, that there is very little relationship between the statutorily imposed ceiling rate and the actual yield demands of the market. While government can control interest rates by imposing an artificial ceiling, the result of doing so often leads to a drying up of available funds. Accordingly, we believe that more money will be made available to mortgage borrowers under a comparatively regulation-free system than under a system which imposes an unrealistic statutory ceiling which is not responsive to the demands of the market place.

There are those who argue that a rate ceiling can act as a restraint in tight money periods, that the ceiling will slow the upward trend in yield demands. This argument continues that the ceiling enables many families to obtain mortgage loans at lower rates than they could have obtained in an unrestrained market. We believe that these "restraints" actually serve only to make FHA and VA mortgages unavailable to the very people the advocates of a controlled system wish to help. What solace does it provide to the borrower that he is not saddled with high interest rate payments if the result of all this protection is to deny him mortgage funds altogether? Perhaps there are home owners today who are paying lower rates than they would under a relatively free system, but there are far more families that are not home owners, or who have not moved into a new home they covet, only because an artificial ceiling has dried up any funds that would otherwise be available.

We must overcome the notion that we can control yield simply by imposing ceilings. As long as lenders have alternative means of investment the ceiling will be self-defeating. Discounts are the inevitable by-product of rate ceilings, and the discount simply translates the allowable rate into the actual rate. If discounts are forbidden and the ceiling is not lifted, then no funds are made available. The ceiling might protect would-be borrowers from excessive interest, but in reality only by denying them mortgage funds outright.

In advocating permanent abolition of statutory rate ceilings for FHA and VA mortgages we are by no means suggesting that government should make no effort to minimize interest rates. The Commission quite properly cited the need to control inflation, and the need to achieve a proper balance between fiscal and monetary measures designed to combat inflation as a means of helping to control the tremendous upward pressure on interest rates we have experienced in recent years. Ultimately, interest rates on residential mortgages are determined by the economic forces which compete for the nation's supply of credit. Policies of the federal government and the spending and borrowing practices of the Administration have a tremendous impact on mortgage interest rates. Mortgage rates can be influenced downward if our nation's leaders make such control a high priority item. It will require discipline, but interest rates can be reduced, and we urge that they be reduced—but not by imposition of an artificial statutory ceiling which serves only to shift the blame for high interest away from those whose policies helped to cause the high rates in the first place.

Members of this Committee have heard many times in rcent years that inflation hits hardest at the mortgage industry. We will not elaborate on it any further now, but we hope steps will be taken to control it if not end the current inflationary spiral.

The primary objective of the proposed dual market system is to eliminate discounts. Real estate brokers and salesmen believe that high discounts are a far greater deterrent to any mobility in housing than high interest rates. Our members have the unpleasant task of explaining to a distraught home owner who is finally ready to buy a new home more suited to his family needs that the equity he has in his present home, which he is counting on to provide the downpayment for his new one, must be used instead to cover part of the cost of mortgage funds for the buyer of his existing home. It is not possible to calculate the quantitative effects of high discounts, but it should be borne in mind that as each home owner decides against the purchase of a better home, as many as three or four sales may have been lost. He will not be buying a new home, no one will be buying his home, and no one will be buying or moving into the home of the family which might have bought his present home.

In the final analysis it is unjust to expect a seller to use his equity to help a buyer obtain financing. It should be a goal of the Congress to eliminate the factors which cause excessive discounts in the first place.

Discounts also deter speculative building, in our opinion, more than high interest rates. It cannot be over-stressed that unless there is building and unless owners of present housing place their homes on the market, home ownership opportunities for families not now enjoying that privilege cannot be made available.

Nevertheless, we agree with the Commission Report that it will take some time for the market to adjust to a system which abolishes discounts, and for this reason we urge the Committee to approve both parts of the dual market system. Hopefully, in three years it will be possible to discontinue the charging of discounts in the FHA and VA market altogether. Certainly we pledge that our Association will do all within its power to discourage the use of discounts, if this plan is enacted. The institutional changes that the new system will bring about will not occur overnight, and we therefore believe that the option should still be available.

For lower income families that can least afford high interest rates federal assistance is the only answer. Interest subsidy programs such as Sections 235 and 236, rent supplements, leased housing and other programs must be funded at sufficient levels to enable these families to acquire adequate housing. We do not believe that these families should be made the victims of federal spending restraint.

At the same time, however, we hope there will not be reluctance to enact the dual market system and to abolish the statutory ceiling because of the impact it will have on low and moderate income families. If a ceiling rate is arbitrarily low, money will not be available. The cost of home mortgage credit will be set by the market, regardless of how much some of us may wish this were not so. To those families whose incomes are insufficient to pay the market price federal assistance must be made available. The Congress would be doing these families a much greater favor by appropriating money for interest subsidies and other housing assistance than by "protecting" them against the evils of high interest rates by cutting off what funds might otherwise be available for mortgage loans.

We would like now to comment briefly on some other aspects of the mortgage market which we hope the Committee will consider. First is the authority contained in the Housing Act of 1968 for the holders of FHA and VA mortgages to issue securities which would be backed by the Government National Mortgage Association. We earnestly hope that the proposed regulations recently published by HUD will be activated without further delay, but at the same time we believe they are too restrictive to have the impact the authors of this program envisioned.

We believe that the authority needs to be expanded to permit the issuance of securities other than the pass-through type. If this instrument is going to tap the sources of capital that need to be attracted in order to become a viable force in the market, market-types of securities must be designed. Moreover, we believe the proposed regulations contain minimum issue amounts and minimum face amounts which are much too high. The $5 million minimum issue amount is unduly restrictive and will prevent many smaller institutions from taking part in this program. In addition, we believe that the $100,000 minimum face amount of each individual obligation is higher than it need be if the obligations are to have a wide appeal. A $25,000 minimum would provide the necessary protections against disintermediation and undue competition with mortgage-oriented thrift institutions.

We urge the Committee to use its influence to obtain these changes and additions in subsequent regulations. The mortgage-backed security is one of the most promising developments in the mortgage market in recent years, and we hope that the implementing regulations will be sufficiently flexible to enable these securities to be of maximum impact in attracting capital that has heretofore been unavailable to the mortgage market.

We also wish to reiterate our plea that we begin looking toward some long-range solutions to some of the institutional problems that have plagued the mortgage market, even in brighter years. In the past, reforms in the mortgage market have been born out of crisis and the solutions have been necessarily short-range. Many of the reforms we still need could have come about 20 years ago if all of us had been a little more far-sighted.

The mortgage instrument itself is in need of revision. Because of differing redemption periods, complex foreclosure procedures, and other institutional problems inherent in the mortgage instrument the mortgage is not competitive in the financial market. The National Commission on Uniform State Laws has undertaken a project aimed at the objective of creating uniformity in this area. This project is being financed by the industry.

While the Federal Housing Administration has made a significant contribution toward ameliorating this problem by achieving some degree of uniformity for certain classes of insured mortgages, the great bulk of residential mortgages are not nationally marketable securities. Even the FHA mortgage is subject to different state laws involving foreclosure and redemption procedures.

Uniform state laws would be of immeasurable benefit, but we need some form of catalyst to bring them about. Our years of study on this question bring us to a recommendation we have made to this Committee in the past and which we make again today: that the Federal National Mortgage Association be authorized to deal in conventional loans.

The development of a strong secondary market for residential mortgages, whether insured or conventional, is essential to the future stability of the mortgage market. FNMA has made considerable progress and now that it is independent it is making a tremendous impact on the insured mortgage market. But it needs to have an impact on the entire mortgage market, not just that part consisting of FHA and VA mortgages.

We note that the Chairman on September 24th introduced S. 2958 to authorize the Federal National Mortgage Association to purchase conventional mortgages. We strongly urge the Committee to approve this bill as essential to the solution of the long range problems affecting the mortgage market.

HEARINGS OF INTERNATIONAL EXECUTIVES, FINANCEES, AND H-VISAS

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. FEIGHAN. Mr. Speaker, the Immigration and Nationality Subcommittee of the Committee on the Judiciary has scheduled hearings to commence on October 6, 1969, in room 2237, Rayburn House Office Building, at 10:30 a.m. and to be continued in room 2237 Rayburn House Office Building on October 8 and 9 at 10 a.m.

These hearings will examine the subjects of temporary admission of specialist personnel and executives, the temporary admission of financees and finances of U.S. citizens, and the temporary ad-

XUM

mission of skilled workers to fill jobs permanent in nature.

Officials from the State Department will testify on October 6, officials from the Justice Department on October 8, and officials from the Labor Department on October 9.

Additional hearings will be scheduled later in the month at which officials of the AFL–CIO, U.S. corporations conducting international business, the National Foreign Trade Council, and the Association of Immigration and Nationality Lawyers, and others will testify.

EFFORT TO KEEP RAILROAD PASSENGER SERVICE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. PICKLE. Mr. Speaker, last week, I joined with the gentleman from Washington (Mr. ADAMS) in his special order concerning rail passenger service, and in sponsoring a bill to give the Interstate Commerce Commission the authority to regulate the quality of service extended to the railroad passenger.

This is an important and critical area and one made more so to me by recent developments in my own hometown Several weeks ago, the Missouri-Pacific filed with the Texas Railroad Commission an application to discontinue the Eagle, the last remaining passenger train serving Austin.

The Eagle now runs from St. Louis to Laredo, and the discontinuance application, if granted, would allow the service to terminate at Texarkana.

In addition to this development on north-south service, my district also suffered a serious blow in connection with the recent ICC case which gave rise to the legislation dealing with quality of service. The so-called Messer case authorized discontinuance of the Sunset Limited, and this action worked to remove from Smithville and other towns in my district the last remaining east-west passenger train service.

The result of these developments of the past several weeks is that the 10th District and indeed all of central Texas has lost or is seriously threatened with losing north-south and east-west passenger train service.

As a result of these saddening developments in our own area, and of the activity seen recently in Congress, I was contacted by a number of people from the Austin area who expressed strong support for a move to keep the Eagle running. They also felt that the ICC should have the authority to regulate the quality of passenger service, and some of the letters described extreme instances of poor service.

While the discontinuance of the Eagle does not come before the ICC for consideration, I do feel that many of the letters I have received concerning it are of proper concern in connection with the additional authority the ICC requested in issuing the Messer opinion.

Accordingly, Mr. Speaker, I intend to forward these letters to the ICC in further support of the need for maintaining our passenger train capability.

In addition, I intend to forward to the ICC any further statements I receive on this subject, particularly as they relate to the rail passenger problems in my area.

As I have said before, I strongly feel that we must make an all-out effort now to keep our passenger trains alive, and to assure that we do have a system available for use when we reach further technical success in high speed ground transportation. We already have seen strong evidence from the demonstrations of high speed trains that a good, reliable system can be profitable when operated with due consideration for the passenger.

THE ADMINISTRATION WORKS TO SOLVE CIVIL AVIATION PROBLEMS

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. KEITH. Mr. Speaker, the Committee on Interstate and Foreign Commerce, on which I serve, is presently in its second week of markup of the administration's airports and airways development bill.

Passage of this proposal is essential if we are to provide for the orderly growth of our Nation's airways and airports system in the decade ahead. In order to alert the American public to the need for this bill and to inform citizens of its provisions, FAA Administrator Shaffer has written an explanatory letter to a number of newspapers.

In order that all members might have the benefit of this clear and concise appraisal of the administration's response to the challenge of airport and airways growth and modernization, I include Administrator Shaffer's letter, as it appeared in the Boston Herald Traveler, September 25, 1969, at this point in the RECORD:

ADMINISTRATION WORKERS TO SOLVE PROBLEMS OF CIVIL AVIATION

(By J. H. Shaffer)

In recent weeks considerable editorial comment has been accorded air traffic controllers and their observations on the state of the country's airports and airways.

In behalf of the controllers, let me say that their profession entails a deep sense of responsibility for the safety and welfare of the flying public. The vital service controllers perform is indispensable to safe air transportation.

We are continuing to recruit, train, and place air traffic control personnel and technicians as rapidly as present circumstances permit. During fiscal year 1969, we achieved a net gain of 2,086 air traffic control specialists, 241 electronic technicians, and 224 inspectors and aircraft operations personnel. Unfortunately, the influx of qualified people is not sufficient, under the present system, to meet our total needs.

It should be understood that the air traffic controller personnel problems cannot be isolated from the larger problems besetting the nation's air traffic system. I am concerned that public attention may have been diverted from pending legislation which seeks to revamp the nation's airport/airways system and, not incidentally, vastly improve the environment of those who control traffic and maintain the airways.

I am hopeful that newspapers which are concerned about the state of aviation generally will not overlook the efforts the Nixon Administration is making to deal constructively with the root of the problem—the insufficiencies of our present airport/airways network.

The subject is timely, since further congressional hearings on the legislation introduced last 16 June are being held during September.

The problems afflicting civil aviation today did not develop yesterday, last month, or on 20 January. Over the years, the Federal resources available in support of civil aviation have failed to match all transportation's spectacular growth. Repeatedly, aviation's needs have yielded to other national priorities. In the past, gross tragedies such as the Grand Canyon and Staten Island accidents have stimulated public support.

Nevertheless, the time for improvement and expansion of the nation's aviation facilities and services can no longer be delayed. Accordingly, the administration has proposed strong and responsible legislation, not only to pay for additional navigation aids and other electronic equipment, to help expand airports, to reduce the pressure of air traffic control, and to further support the growth of aviation as a viable force in our national economy, but also to produce the necessary funds to do these things.

Today revenues from a half-dozen user sources are available for the construction and maintenance of highways, while only a nominal tax on aviation gasoline (four cents a gallon, two cents of which is refundable on request) presently goes into the general fund to support aviation needs. Yet, like expressways, runways take concrete, and high-stressed runways cost $1,000 a linear foot; a modern airport like the new Wallas-Fort Worth jetport may cost a billion dollars before fully completed.

Aviation's needs are fiscal, not technical. Federal program costs for airports and airways over the next decade are estimated to be $14½ billion. Two-thirds of that sum can be raised through increased taxes on air transportation.

I believe the American public is ready to pay as it flies for the improvements in the airways which are so badly needed, just as the public pays as it drives for the highways that lace our country. A long-range, fiscally-sound foundation is urgently needed if airway developments are to cease being piecemeal, patch-work projects, and graduate into well-planned, substantive programs consistent with the national need. Such programs are not feasible unless the funds to support them are assured.

The schedule of user taxes produced includes an increase in the commercial air passenger domestic ticket tax from five to eight per cent, for a projected ten-year revenue yield of $7.37 billion; a $3 per person tax on international departures ($.4 billion); a five per cent tax on air freight waybills ($.62 billion); and an increase to nine cents per gallon on all non-commercial aviation fuel ($.75 billion). The total revenue to be realized over a ten-year period: $9.14 billion.

All taxes collected under this schedule will go into a "designated account" and be earmarked specifically and exclusively for air traffic services and airport development, excluding the facilities within the terminal itself. During the first year, the proposed new taxes would produce revenues of $509 million, an increase of $274 million over present taxes.

XUM

In the course of the decade, the prospects indicate double the revenue yield that would be available without the new taxes.

The FAA's program for the next decade calls for the construction of 900 new airports and the improvement of 2,750 others (the ten-year cost would be approximately $2.5 billion in Federal money, matched 50–50 by local governments); the extension of air traffic facilities to smaller airports and an acceleration of modernization efforts (also $2.5 billion for the ten years); research and development activities aimed at the future ($.6 billion); and the recruitment, training and placement of the additional air traffic and emergency personnel needed to fully man and maintain all facilities ($8.9 billion to raise the total of such personnel from 32,000 to 53,000).

In the past the Congress has supported department and agency recommendations for the hiring of additional controllers and for authorizing true time-and-a-half for overtime, where necessary. While the training and placement of controllers admittedly has not kept pace with the growth of aviation (which has exceeded everyone's forecasts), there is a limit to the logic of tackling a problem by assigning more people to share it than by seeking to correct it. The completion of the current automation program, the replacement of out-dated equipment, and the acquisition of more and better navigation aids will substantially reduce the strain of the air traffic controller's job while increasing his responsibility as the ground level manager of an airborne system.

It is, therefore, Secretary Volpe's view and mine that "pay-as-we-grow" airport/airways legislation is one of the most important measures before the Congress. If we are to avoid the mistakes of recent years, the under-estimation of the growth of air travel and the need for airways facilities and people, we must embrace the user charge and designated account principle of financing our airports and airways.

The resulting transfusion of funds and facilities will stem the national civil aviation anemia, and strengthen air transportation's prospects for growth in the public interest.

LUNAR LANDING

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. GOLDWATER. Mr. Speaker, during these days of great scientific achievement, there is much discussion of an alleged conflict between science and religion. However, I believe most of us will agree that man's achievements here on earth and his spiritual life go hand and hand. I believe that this was very beautifullly stated by a Rabbi Juda Glasner in an article published in the Los Angeles Herald Examiner on August 30, 1969. The climax of our scientific and technological advancement in this century was culminated, I believe, by the landing of man on the moon in July. Therefore, I am placing this column in the CONGRESSIONAL RECORD, because I believe it describes in simple words the relevance of God to both our modern world and this wonderful achievement:

LUNAR LANDING

(By Rabbi Juda Glasner)

The success of Apollo 11 is among mankind's historic achievements. Because of it historians will refer to our age as the era of fantastic accomplishments in science.

The following story is an apt commentary on the unprecedented progress of our age and its ramifications. A pilot was reported to have made this announcement to his passengers: "Ladies and gentlemen, we are off course but we are making excellent time." Whether or not this story is really true, it reflects upon the trend of our present time. The speed at which we travel has led our nation to land men on the moon. The tempo of our time leads us to produce a staggering volume of commodities of almost infinite variety. Thus it appears that speed and quantity have become national goals. However, as the above story indicates, it seems proper and fitting to ask: are we as a nation off course?

Long ago when the Psalmist prayed to the Lord, it was not for speed he pleaded, but to "Make the way straight before me (Psalms V,9). Thus, to King David, right "direction" was more important than "speed." Similarly, even in a time of amazing accomplishments, we must remember, just as David did, that as we move ahead we must be sure that we are moving in the right direction.

As a nation we can take rightful pride in the phenomenal advancements made by Apollo 11. However, we must be mindful that an age of discoveries and innovations is generally beset with many hazards. The President, in his address at the dedication of the Karl E. Mundt Library at General Beadle State College in Madison, South Dakota on June 3, 1969, referred to these hazards when he said, ". . . the usual apologists are ready to excuse any tactic in the name of progress." Indeed, progress alone without direction can eventually cause retrogression. Just when we are moving forward we may easily fall backward if we are misguided in our direction. Therefore, it is vital that today, when our nation is overwhelmed with progress, that we should seek the direction that will make our progress meaningful.

Thus, the astronauts of Apollo 8 should be credited not only for being the first men to see the backside of the moon, but also for the spiritual lesson they taught us which lesson perhaps transcends the technological achievement. For, in their greatest triumph, they focused our attention on God. As they accomplished their difficult and complex mission they were not overwhelmed by their own power, instead, at the height of their success, they displayed a humility that is so often forgotten in these days of progress. As they circled the moon they recognized that without God there would be no universe. While still in space they referred to the opening verses of the Book of Genesis, reminding us that God is the Creator of the universe, and that without His assistance, without His help, no mission, no task can be executed and fulfilled.

Again, during the Apollo 11 mission, when Edwin E. Aldrin discussed the symbolic aspects of the moon flight, he ended his remarks with a verse from the Psalms: "When I considered Thy heavens, the work of Thy fingers, the moon and the stars which Thou hast ordained, what is man that Thou art mindful of him? . . ." (Psalms VIII, 4–5). Thus our nation has concluded its most significant projects in space by reaffirming that we are a nation under God. And we have thereby rejected the notion of the Soviet Union that were there a God the late Yuri Gagarin would have seen him hovering somewhere in space.

Our direction, therefore, should be clear. Abraham Lincoln indicated that direction when he said, "I am concerned to know not whether the Lord is on my side but whether I am on the Lord's side." As long as it continues to keep this direction in mind, our nation will continue progress and prevail.

THE GREEN BERET DEBACLE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. WYMAN. Mr. Speaker, at long last the public charges against our eight Green Beret soldiers have been dropped. They never should have been brought in the first place, much less all the attendant public information concerning their nature and detail.

Soldiers under military discipline in time of de facto if not de jure war ought never to be exposed to this sort of public accusation. It is not only harmful to them individually but virtually disastrous in terms of military morale in general. Whomever within the Military Establishment is responsible for initiating this debacle ought now to be placed in a position where such a grievous error cannot harm this country again.

In this connection the following editorial in the Washington Evening Star of September 30, 1969, is significant:

CHARGES DROPPED

One of the strangest cases in the annals of United States military justice has come to a fittingly bizarre conclusion. The murder trial of the eight Green Berets has been called off.

The decision to cancel the trial was entirely reasonable. Army Secretary Stanley R. Resor cited the refusal of the Central Intelligence Agency to let its agents testify as the reason. Perhaps it was. But there is an inevitable suspicion that the Army, the administration and the CIA must have watched with growing dismay as the defense wheeled up an awesome array of legal artillery.

When the charges were first announced, it seemed proper that the trial should proceed—if only to give the accused officers and men a chance to clear themselves of the charge of murdering an enemy in time of war. As the weeks went by, and as the list of major defense talent lengthened, it became clear that the eight Green Beret soldiers would not be the only defendants. The Army, Special Forces, the CIA, the intelligence apparatus in Southeast Asia, would be in the dock beside the accused men.

What would remain of the intelligence system after such a trial? What of the already tattered image of the United States in the eyes of much of the world? What would happen to relations between the United States and its touchy ally in Saigon?

But if the cancellation of the trial was justified, what of the Army's conduct prior to its reversal? There is at least a question as to whether the case should ever have been brought to light, or whether, in the national interest, all matters involving the shadow world of espionage should not be left beneath the veil.

Those who bungle assignments or who exceed their authority can be—and have been—disciplined without the attendant glare of a public trial. It is not "The American Way." But neither is espionage. It is a necessary evil, and if we are going to play the game, perhaps we should play it all the way according to the established, dark rules.

There can, under any set of rules, be no excuse for the revelation of specific charges against the accused men. The part each man is supposed to have played in the planning and the execution of the murder of the suspected double agent is on the record. The trigger man was named. Calling off the trial removes the possibility that any of the ac-

XUM

cused will spend the rest of their lives in prison. But it cannot lift the shadow of suspicion that the Army has placed over them.

Perhaps the only sound official decision to date has been the cancellation of the last act of the dismal drama.

AN ANSWER TO OUR BLOOD SHORTAGE

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. CARTER. Mr. Speaker, to emphasize the importance of the donation of blood by all healthy citizens, I have introduced a resolution authorizing the President to proclaim the month of January of each year as National Blood Donor Month.

Recently, Mr. Robert K. Massie, a prominent author whose son suffers from hemophilia, wrote an enlightening article, one that shows an excellent understanding of the use of whole blood and its various components.

I include the article in the RECORD at this point:

[From the Reader's Digest, October 1969]

AN ANSWER TO OUR BLOOD SHORTAGE

(By Robert K. Massie)

Through last year's long Fourth of July weekend, while most Americans were lazily swimming, grilling hamburgers or watching fireworks, I was struggling with a medical emergency. I spent the whole four days on the telephone, trying to locate a supply of the special blood product that my son Bobby needed to stop an internal hemorrhage into his right elbow joint.

Bobby, 13, is a hemophiliac. On Thursday morning, he had complained of pain in the elbow. Normally, I would have given him a transfusion of the blood protein essential to clotting—which should have stopped the bleeding quickly. But I could find none available in the Greater New York area. So Bobby continued to bleed. "Don't worry so much, Dad," he'd say cheerfully. "It's not too bad."

Relatively speaking, he was right; it wasn't one of his most serious bleeding experiences. But it seemed to me incredible that New York's reservoir of blood could suddenly run completely dry. Donating blood doesn't take much time and hurts very little. And millions of people, for myriad personal reasons, donate theirs so that other millions can survive disease, surgery and accidents. This recognition of obligation between human beings who usually don't know one another has always seemed to be a hopeful feature of modern life.

In our case, Monday morning did bring a fresh trickle of donors, and the crisis—Bobby's and the city's—was over.

The grim fact is, however, that the shortage of blood is a dangerous, growing, nationwide phenomenon. Superb new advances in medicine, such as open-heart surgery and organ transplants, require unprecedented quantities of blood. This year, between six and seven million pints of blood will be drawn in the United States, yet this is only a tiny fraction of the amount potentially available: only three percent of the potential donor population (people between the ages of 18 and 65) gives blood. This figure is, I think, both an indictment and a challenge.

Blood recruiters have tried many techniques to stimulate more voluntary blood donations.[1] The results are disappointing, however. In New York, for example, the Community Blood Council, a voluntary group made up of some 16 different organizations in the area, devised a plan under which the donation of a single pint of blood entitles the donor and his entire family to complete coverage of any possible blood needs for a year. Yet from about 3,500,000 healthy adults in the Greater New York area who are members of Blue Cross come only around 100,000 donors a year. "In New York City," says Edward Schottland, Director of Donor Recruitment for the Greater New York Blood Program, "some companies give their employees time off for donating blood. But others tell their employes that if they want to give blood, they must do so after working hours." The problem is not confined to the United States. To encourage donations, Sweden has found it necessary to pay all donors a flat $5 "courtesy fee." Russian workers who give blood get one day off. If a worker gives five times a year, he may receive an extra week's vacation on the Black Sea.

STRETCHING THE SUPPLY

But many doctors wonder if even additional recruiting can meet skyrocketing demands quickly enough. Says Dr. James Stengle, Chief of the National Blood Resources Program of the National Institute of Health, "If supply is to keep pace with demand, we must first make better use of the blood already available." One of the things that worries Dr. Stengle is that blood often expires on the shelf of one hospital while there may be a desperate need for it in another hospital only a few miles away.[2] To everyone concerned with blood resources, this huge and costly loss is totally unacceptable. A new program designed to eliminate this wastage is being worked out on a regional level by the National Institutes of Health: a computerized blood inventory system that moves blood swiftly from areas of surplus to areas of demand.

A second great step forward is the development of techniques for quick-freezing blood so that it can be stored indefinitely. Eventually, it may even become possible for a person to build an absolutely safe reserve of his own blood, drawn over the years, frozen, and stored against the day when major surgery is needed. But so far, the process is cumbersome and expensive.

By far the most promising new advance in blood utilization is called "component therapy," involving the process of separating blood into its different cellular and protein components: red cells, white cells, platelets, antihemophilic factor (AHF), albumin, fibrinogen and gamma globulin. Thus, one pint of blood, given by a single human donor, can help seven other human beings by providing only that component which they actually need. Not only does this multiply the national blood supply, but it is also infinitely safer and more effective for patients.

My son Bobby provides an excellent example of component therapy's effectiveness. His hemophilia is caused by the absence of the blood component AHF. Whole blood contains little AHF relative to the amount of blood that can safely be transfused. Fresh-frozen plasma was an advance, but even this sometimes failed to provide enough AHF to control his bleeding. Separating the blood into components removes those parts of the blood that he does not need and gives him a concentrate of AHF, which usually stops his bleeding almost immediately.

ISOLATING THE COMPONENTS

The scientific understanding of the nature and function of human blood is expanding rapidly. For almost a century, doctors had to transfuse whole blood. Then, during World War II, plasma—the fluid, noncellular portion of blood—was successfully separated from red cells on a mass basis. Plasma saved thousands of wounded men in shock from blood loss. Since then, many of the components of blood have been identified, their functions understood, and ways found to isolate them without damaging their ability to function effectively inside another human body.

Thus, doctors today have at their command an impressive array of separate blood components. First are the red cells, basic to life because they carry life-sustaining oxygen from the lungs to every part of the body. Formerly, a patient suffering from chronic anemia—his tissues "suffocating" slowly for lack of oxygen—was given a transfusion of whole blood to supply the missing red cells. Unfortunately, the large volume of plasma included with the transfused blood filled the patient's veins with superfluous fluid, which could strain the heart. Now, only the red-cell component need be given. A minimum volume achieves a maximum effect.

White cells, or leucocytes, defend against infection in the body. With cancer therapy and certain toxic conditions, for example, the number and activity of leucocytes drop alarmingly. In such cases, a transfusion of the concentrated leucocyte component may help save lives. Or take the patient who receives a new kidney or heart. He must have massive doses of X rays or drugs to prevent his body from rejecting the foreign organ. But this dosage may also kill his white cells, leaving him dangerously susceptible to infection. Transfusing him with concentrated white cells provides a temporary defense mechanism.

Platelets, the smallest cellular component of blood, play an important part in preventing bleeding. When a break in a blood-vessel wall occurs, platelets form clumps which temporarily plug the hole and then interact with plasma proteins to produce a clot. A normal person has almost nine million platelets in every ounce of blood. But in leukemia, platelet count may fall below one million, and the result may be massive bleeding throughout the body. Transfusions of platelets are therefore standard in leukemia therapy.

Once the red and white cells and platelets have been separated from blood, what remains is plasma, which can be further subdivided into several vitally useful components. One is AHF, Bobby's benefactor. The known others are albumin, fibrinogen and gamma globulin.

Albumin is the most abundant of the many proteins found in plasma, and is used principally as a substitute for whole plasma in restoring blood volume. It has the great advantage over plasma of being free of any hepatitis virus, but though widely in demand, it is not adequately available. Fibrinogen, like AHF and platelets, plays a role in blood clotting, and is occasionally effective in controlling the dangerous bleeding that may occur in women immediately after childbirth.

Gamma globulins are a family of protein molecules that include antibodies to almost all infectious diseases. Given either preventively after exposure to a disease, or, sometimes, as treatment, they play an increas-

---

[1] In New York about 40 percent of total collection comes from paid professional donors, which can be hazardous. For example, authoritative studies have found that the incidence of hepatitis is at least six times greater among professional donors than among volunteers from the families of patients.

[2] Even within the blood bank's refrigerator, more and more blood cells die as the days pass. After 21 days, the cellular component is no longer fit to use, but plasma can be conserved for fractionation into proteins.

XUM

ingly routine and important role in modern medicine. Donors who have recently had a given disease or a vaccination against it may have blood whose gamma globulin is especially rich in that particular antibody, thus providing science with what amounts to a specific "tetanus immune" or "measles immune" globulin. "Separation of plasma into components is not merely the best way of using most of the blood collected," says Red Cross and New York University researcher Dr. Alan Johnson. "It is literally the *only* way that we will be able to supply enough plasma and prepare enough blood-component concentrates to meet our rapidly expanding needs."

A PROBLEM OF EDUCATION

Why not fractionate most of our fresh whole blood? Without recruiting a single additional blood donor, six million annual donations could be transformed into a supply of as many as 42 million units of blood components.

One reason is know-how. Producing blood fractions is still more complicated than collecting and transfusing whole blood. Another factor is cost. In time, however, because costs will be fairly shared among the several components, fractions will become cheaper than whole blood. And if, as scientists hope, the process eventually can be automated and large volumes fractionated routinely, costs should drop dramatically.

At the moment, however, there is a more serious obstacle: doctors themselves. "Many physicians are still unaware of the value of using blood components," says Dr. Julian B. Schorr, clinical director of the Greater New York Blood Program. "They have been told in medical school, 'If your patient is losing whole blood, replace whole blood.' They are reluctant to change."

Some patients, of course, do need whole blood: to replace massive blood loss or in certain exchange transfusions. In many other cases, whole blood is being given in order to replace a deficient number of red blood cells. Here, the administration of whole blood is wasteful. Moreover, it can be a gamble with a patient's life. Errors can occur in the process of matching the donor's blood to the recipient's. In rare cases, they may be fatal.

The problem, therefore, is as much one of education as of cost. And the message to be preached is as logical as it is urgent: Faced with a surging demand for blood and its components, confronted with unmistakable evidence that the separate components are usually better for the patient than whole blood itself, American medicine must make component therapy not the exception, but the rule. When this is combined with an increased realization of the need for blood donations, then and only then can we avoid weekends like that Fourth of July when a great American city simply ran out of blood.

MOTHER'S FEARS REALIZED

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. LONG of Maryland. Mr. Speaker, L. Cpl. Joseph G. Sands, a fine young man from Maryland was killed recently in Vietnam. I wish to commend his courage and to honor his memory by including the following article in the Record:

Mother's Fear Realized: War Kills Son

Mrs. Eleanora Wolfe had a feeling that her son, Joseph Gregory Sands, ever went to Vietnam, "he wasn't coming back."

Mrs. Wolfe stopped him from going into the combat zone once, and an appendicitis attack stopped him a second time. On his third try, he got as far as Okinawa, and in June he finally got to Vietnam. "He certainly kept on trying," Mrs. Wolfe said yesterday. "And he finally made it."

Tuesday, an enemy mortar round crashed into a Marine night camp in Quangh Nam province and killed Lance Corporal Sands, 22.

"When I came home yesterday, there were two Marines waiting for me," Mrs. Wolfe, said, "I knew what it was."

Mrs. Wolfe says she has come to trust her "feelings." She had "a feeling" just before her first husband, Joseph B. Sands, died, and just before her son had his appendicitis attack.

"I had a feeling again a month ago, and told my husband that something had happened to Gregory," she said yesterday. "The next week we got a letter that his helicopter had been shot out of the air, but miraculously no one was injured."

NEVER TOLD SON

Mrs. Wolfe said her son first volunteered to go to Vietnam when he was still under 21 and needed her permission.

Mrs. Wolfe said she never told her son of her foreboding.

"I never told him point-blank please don't go," she said. "He was not a kid, he was a man: he had a right to make his own decisions."

Mrs. Wolfe said that after the helicopter crash last month her son wrote and told her "he was indestructible," and she wrote back and told him "to keep * * *."

"SENSE OF DUTY"

"He was a good kid," she said. "He wanted to go to Vietnam, and he had a great sense of duty and responsibility to his country."

Mrs. Wolfe said her son dropped out of Patapsco Senior High School in his senior year to join the Marine Corps, but continued his studies and passed his high school equivalency test while in the service.

Besides his mother, he is survived by two sisters, Christine Sands, of the home address, 1939 Codd avenue in Dundalk, and Mrs. Sharon Kruft, of Camarilla, California.

GARDENA VALLEY NEWS COMMENDS WILSON DRUG BILL—CALLS FOR JOINT UNITED STATES-MEXICAN CONTROLS

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, the Gardena Valley News has long been a crusading newspaper in the field of combating narcotic addiction and drug abuses. The publishers have shown perception and sensitivity in this area that unfortunately is very rare today. They have been in the forefront of responsible citizens calling attention to the Mexican border narcotic traffic and the attendant increases in California drug consumption.

This summer the Gardena Valley News published an editorial largely commending but also slightly critical of drug legislation that I have proposed in the House and Senator Yarborough has introduced in the Senate. I wish to thank the publishers for their kind words and constructive criticism. I wish also to call to my colleague's attention the text of their editorial.

With the institution of the administration's Operation Intercept the Gardena Valley News' call for action against pharmaceutical houses which send to Mexico large quantities of pills that are inevitably smuggled back across the border and for the United States and Mexico to work out a mutually agreeable yet effective solution to the border drug traffic problem, merits your attention. As pointed out in the editorial, like crime, the drug problem will not yield to one or two simple methods of attack. Creating tension between border merchants and government officials may possibly deter the government-to-government cooperation that is needed to reduce smuggling. The effects of driving marihuana off the market must be considered and planned for. Will it increase consumption of harder narcotics? Will it spur profit-motivated pharmaceutical firms to keep up their outrageous pill production for export and eventual illegal reentry into the United States? Will organized crime move in and try to encourage increased heroin importation because of the tremendous profits that they can derive from it? Will the cutting off of marihuana prove that it is psychologically addictive? Is hashish merely a concentrated form of marihuana with no noticeable differences in effect? These are but a few of the questions that come to mind as a result of the Nixon administration's aim of making marihuana too expensive and rare for college kids to acquire.

Is the Justice Department consulting the Department of Health, Education, and Welfare on these questions? Are Federal efforts being coordinated? Is there a difference in approaches to the problem within the administration? If so, should not a unified, joint approach be utilized? Do we know enough about the subject? I think not and have, therefore, sponsored a bill to create a commission on marihuana and hallucinogenic drugs. The Judiciary Committee will hold hearings on the bill today and hopefully favorable action will take place shortly. The concern of many Members of Congress is well-founded. We are confronted with a medical, psychological, and social problem that needs thorough understanding to combat it. I will continue in my efforts to gain greater understanding of the problem and to take appropriate actions that will be in the best interests of all parties involved.

I now insert into the Record the aforementioned editorial:

Drug Abuse Legislation: Solons Shown Enlightened Way

Congress has before it at last a bill with the potential to curb the increasing use of illicit drugs and narcotics. The new legislation, introduced simultaneously by Rep. Charles Wilson (D-Calif.) and Sen. Ralph Yarborough (D-Texas), emphasizes research, rehabilitation and education—in all an enlightened approach.

It avoids the pitfalls of a recent Nixon proposal that emphasizes law enforcement—a program that would be useless without thousands more policemen and an understanding judiciary to enforce it. Neither is a reality today.

Yet somehow the rehabilitation and enforcement goals must be met, and today's frustrations overcome. In introducing his "comprehensive bill," Rep. Wilson noted that "fully half of those now being arrested for drug use are under 21. Juvenile drug arrests rose 800% between 1961 and 1967. This evidence clearly points to the need for examining and attempting to understand the drug situation, rather than merely condemning it," he said.

We believe the Wilson-Yarborough bill begins to meet this need. Gardenans should be concerned about the legislation, for although it is being debated in Washington, the thrust of its programs would be in the nation's communities.

It would increase the research into the causes and cures of drug problems, offer incentive grants for community programs to treat and rehabilitate drug-dependent individuals, and attempt to educate a wide audience—particularly young people—to the dangers of drug abuse. The Secretary of Health, Education and Welfare would be authorized to control drugs that he finds are prone to abuse.

We suggest the addition of some other points to make the bill truly comprehensive. Some provisions should be amended into the bill obliging pharmaceutical houses to cease sending to Mexico the large quantities of pills that inevitably are smuggled back across the border. It is imperative that the United States and Mexican governments work out some solution to the traffic of drugs across the border. No legislation will be complete without such a provision.

Because of this legislation's own premise that research is a necessary prerequisite to action, we believe that marijuana should not be moved from the Internal Revenue Code and placed under control of the Food, Drug and Cosmetic Acts, as it suggests. That move needs the support of the very research that Wilson and Yarborough propose.

Finally, the supporters of this legislation, including 24 co-sponsors, must seek more bipartisan support. The bill has too much potential to be passed over because it only has Democratic support.

It has some proposals that will surprise the layman, because he would expect such common sense provisions to be law already.

It includes, for the first time, some means of evaluating the adequacy of existing state programs. It would extend enlightened California standards about rehabilitation to the nation. And it would officially acknowledge the need to study stimulants and depressants.

Like crime, the drug problem will not yield to one or two simple methods of attack. We applaud this effort to broaden the front of the battle.

MILITARY TECHNOLOGY AND NATIONAL SECURITY

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. COHELAN. Mr. Speaker, due to an error, the article "Military Technology and National Security," by Herbert York, did not appear in the RECORD following my remarks on the floor yesterday. This article is of great importance and should be shared by all my colleagues. For this reason I am inserting it now and recommending it to the membership of the House:

MILITARY TECHNOLOGY AND NATIONAL SECURITY

(NOTE.—The ABM debate is analyzed in the context of a larger dilemma: the futility of searching for technological solutions to what is essentially a political problem.)

(By Herbert F. York)

The recent public hearings in the Senate and the House of Representatives on anti-ballistic-missile (ABM) systems have provided an unprecedented opportunity to expose to the people of this country and the world the inner workings of one of the dominant features of our time: the strategic arms race. Testimony has been given by a wide range of witnesses concerning the development and deployment of all kinds of offensive and defensive nuclear weapons; particular attention has been paid to the interaction between decisions in these matters and the dynamics of the arms race as a whole.

In my view the ABM issue is only a detail in a much larger problem: the feasibility of a purely technological approach to national security. What makes the ABM debate so important is that for the first time it has been possible to discuss a major aspect of this larger problem entirely in public. The reason for this is that nearly all the relevant facts about the proposed ABM systems either are already declassified or can easily be deduced from logical concepts that have never been classified. Thus it has been possible to consider in a particular case such questions as the following.

1. To what extent is the increasing complexity of modern weapons systems and the need for instant response causing strategic decision-making authority to pass from high political levels to low military-command levels, and from human beings to machines?

2. To what extent is the factor of secrecy combined with complexity leading to a steadily increasing dominance of military-oriented technicians in some vital areas of decision-making?

3. To what extent do increasing numbers of weapons and increasing complexity—in and of themselves—complicate and accelerate the arms race?

My own conclusion is that the ABM issue constitutes a particularly clear example of the futility of searching for technical solutions to what is essentially a political problem, namely the problem of national security. In support of this conclusion I propose in this article to review the recent history of the strategic arms race, to evaluate what the recent hearings and other public discussions have revealed about its present status and future prospects, and then to suggest what might be done now to deal with the problem of national security in a more rational manner.

The strategic arms race in its present form is a comparatively recent phenomenon. It began in the early 1950's, when it became evident that the state of the art in nuclear weaponry, rocket propulsion and missile guidance and control had reached the point in the U.S. where a strategically useful intercontinental ballistic missile (ICBM) could be built. At about the same time the fact that a major long-range-missile development program was in progress in the U.S.S.R. was confirmed. As a result of the confluence of these two events the tremendous U.S. long-range-missile program, which dominated the technological scene for more than a decade, was undertaken. The Air Force's Thor, Atlas and Titan programs and the Army's Jupiter program were started almost simultaneously; the Navy's Polaris program and the Air Force's Minuteman program were phased in just a few years later.

More or less at the same time the Army, which had had the responsibility for ground-based air defense (including the Nike Ajax and Nike Hercules surface-to-air missiles, or SAM's), began to study the problem of how to intercept ICBM's, and soon afterward initiated the Nike Zeus program. This program was a straightforward attempt to use existing technology in the design of a nuclear-armed rocket for the purpose of intercepting an uncomplicated incoming warhead. The Air Force proposed more exotic solutions to the missile-defense problem, but these were subsequently absorbed into the Defender Program of the Department of Defense's Advanced Research Projects Agency (ARPA). The Defender Program included the study of designs more advanced than Nike Zeus, and it also incorporated a program of down-range measurements designed to find out what did in fact go on during the terminal phases of missile flight.

By 1960 indications that the Russians were taking the ABM prospect seriously, in addition to progress in our own Nike Zeus program, stimulated our offensive-missile designers into seriously studying the problem of how to penetrate missile defenses. Very quickly a host of "penetration aid" concepts came to light: light and heavy decoys, including balloons, tank fragments and objects resembling children's jacks; electronic countermeasures, including radar-reflecting clouds of the small wires called chaff; radar blackout by means of high-altitude nuclear explosions; tactics such as barrage, local exhaustion and "rollback" of the defense, and, most important insofar as the then unforeseen consequences were concerned, the notion of putting more than one warhead on one launch vehicle. At first this notion simply involved a "shotgun" technique, good only against large-area targets (cities), but it soon developed into what we now call MIRV's (multiple independently targeted reentry vehicles), which can in principle (and soon in practice) be used against smaller, harder targets such as missile silos, radars and command centers.

The avalanche of concepts forced the ABM designers to go back to the drawing board, and as a result the Nike-X concept was born in 1962. The Nike-X designers attempted to make use of more sophisticated and up-to-date technology in the design of a system that they hoped might be able to cope with a large, sophisticated attack. All through the mid-1960's a vigorous battle of defensive concepts and designs versus offensive concepts and designs took place. This battle was waged partly on the Pacific Missile Range but mostly on paper and in committee meetings. It took place generally in secret, although parts of it have been discussed in earlier articles in this magazine [see "National Security and the Nuclear-Test Ban," by Jerome B. Wiesner and Herbert F. York, October, 1964; "Anti-Ballistic-Missile Systems," by Richard L. Garwin and Hans A. Bethe, March, 1968; "The Dynamics of the Arms Race," by George W. Rathjens, April, 1969].

This intellectual battle culminated in a meeting that took place in the White House in January, 1967. In addition to President Johnson, Secretary of Defense Robert S. McNamara and the Joint Chiefs of Staff there were present all past and current Special Assistants to the President for Science and Technology (James R. Killian, Jr., George B. Kistiakowsky, Jerome B. Wiesner and Donald F. Hornig) and all past and current Directors of Defense Research and Engineering (Harold Brown, John S. Foster, Jr., and myself). We were asked that simple kind of question which must be answered after all the complicated ifs, ands and buts have been discussed: "Will it work?" The answer was no, and there was no dissent from that answer. The context, of course, was the Russian threat as it was then interpreted and forecast, and the current and projected state of our own ABM technology.

Later that year Secretary McNamara gave his famous San Francisco speech in which he reiterated his belief that we could not build an ABM system capable of protecting us from destruction in the event of a Russian attack. For the first time, however, he stated that he did believe we could build an ABM system able to cope with a hypothetical Chinese missile attack, which by definition would be "light" and uncomplicated. In recommending that we go ahead with a program to build what came to be known as the Sentinel system, he said that "there are *marginal* grounds for concluding that a light deployment of U.S. ABM's against this possibility is prudent." A few sentences later, however, he warned: "The danger in deploying this relatively light and reliable Chinese-oriented ABM system is going to be that pressures will develop to expand it into a heavy Soviet-oriented ABM system." The record makes it clear that he was quite right in this prediction.

Meanwhile the U.S.S.R. was going ahead with its own ABM program. The Russian program proceeded by fits and starts, and our understanding of it was, as might be supposed in such a situation, even more erratic. It is now generally agreed that the only ABM system the Russians have deployed is an area defense around Moscow much like our old Nike Zeus system. It appears to have virtually no capability against our offense, and it has been, as we shall see below, extremely counterproductive insofar as its goal of defending Moscow is concerned.

Development and deployment of offensive-weapons systems on both sides progressed rapidly during the 1960's, but rather than discuss these historically I shall go directly to the picture that the Administration has given of the present status and future projection of such forces.

Data recently presented by the Department of Defense show that the U.S. and U.S.S.R. are about even in numbers of intercontinental missiles, and that the U.S. is ahead in both long-range aircraft and submarines of the Polaris type. The small Russian missiles are mostly what we call SS–11's, which were described in the hearings as being roughly the equivalent of our Minutemen. The large Russian missile is what we call the SS–9. Deputy Secretary of Defense David Packard characterized its capability as one 20-megaton warhead or three five-megaton warheads. Our own missiles are almost entirely the smaller Minutemen. There currently remain only 54 of the larger Titans in our strategic forces. Not covered in the table are "extras" such as the U.S.S.R.'s FOBS (fractional orbital bombardment system) and IRBM's (intermediate-range ballistic missiles), nor the U.S.'s bombardment aircraft deployed on carriers and overseas bases in Europe and elsewhere. There are, of course, many important details that do not come out clearly in such a simple tabular presentation; these include payload capacity, warhead yield, number of warheads per missile and, often the most important, warhead accuracy.

In the area of defensive systems designed to cope with the offensive systems outlined above, both the U.S. and the U.S.S.R. have defenses against bombers that would probably be adequate against a prolonged attack using chemical explosives (where 10 percent attrition is enough) and almost certainly inadequate against a nuclear attack (where 10 percent penetration is enough). In addition the U.S.S.R. has its ineffective ABM deployment around Moscow, usually estimated as consisting of fewer than 100 antimissile missiles.

What all these complicated details add up to can be expressed in a single word: parity. This is clearly not numerical equality in the number of warheads or in the number of megatons or in the total "throw weight"; in fact, given different design approaches on the two sides, simultaneous equality in these three figures is entirely impossible. It is, rather, parity with respect to strategic objectives; that is, in each case these forces are easily sufficient for deterrence and entirely insufficient for a successful preemptive strike. In the jargon of stategic studies either side would retain, after a massive "first strike" by the other, a sufficiently large "assured destruction capability" against the other in order to deter such a first from being made.

There is much argument about exactly what it takes in the way of "assured destruction capability" in order to deter, but even the most conservative strategic planners conclude that the threat of only a few hundred warheads exploding over population and industrial centers would be sufficient for the purpose. The large growing disparity between the number of warheads needed for the purpose and the number actually possessed by each side is what leads to the concept of "overkill." If present trends continue, in the future all or most missiles will be MIRVed, and so this overkill will be increased by perhaps another order of magnitude.

Here let me note that it is sometimes argued that there is a disparity in the present situation because Russian missile warheads are said to be bigger than U.S. warheads, both in weight and megatonnage; similarly, it is argued that MIRVing does not increase overkill because total yield is reduced in going from single to multiple warheads. This argument is based on the false notion that the individual MIRV warheads of the future will be "small" when measured against the purpose assigned to them. Against large, "soft" targets such as cities bombs *very much* smaller than those that could be used as components of MIRV's are (and in the case of Hiroshima were proved to be) entirely adequate for destroying the heart of a city and killing hundreds of thousands of people. Furthermore, in the case of small, "hard" targets such as missile silos, command posts and other military installations, having explosions bigger than those for which the "kill," or crater, radius slightly exceeds "circular error probable" (CEP) adds little to the probability of destroying such targets. Crater radius depends roughly on the cube root of the explosive power: consequently, if during the period when technology allows us to go from one to 10 warheads per missile it also allows us to improve accuracy by a little more than twofold, the "kill" per warhead will remain nearly the same in most cases, whereas the number of warheads increases tenfold.

In any case, it is fair to say that in spite of a number of such arguments about details, nearly everyone who testified at the ABM hearings agreed that the present situation is one in which each side possesses forces adequate to deter the other. In short, we now have parity in the only sense that ultimately counts.

Several forecasts have been made of what the strategic-weapons situation will be in the mid-1970's. In most respects here again there is quite general agreement. Part of the presentation by Deputy Secretary Packard to the Senate Foreign Relations Committee on March 26 were two graphs showing the trends in numbers of deployed offensive missiles beginning in 1965 and extending to 1975. There is no serious debate about the basic features of these graphs. It is agreed by all that in the recent past the U.S. has been far ahead of the U.S.S.R. in all areas, and that the Russians began a rapid deployment program a few years ago that will bring them even with us in ICBM's quite soon and that, if extended ahead without any slowdown, would bring them even in submarine-launched ballistic missiles (SLBM's) sometime between 1971 and 1977.

One important factor that the Department of Defense omitted from its graphs is MIRV. Deployment plans for MIRV's have not been released by either the U.S. or the U.S.S.R., although various rough projections were made at the hearings about numbers of warheads per vehicle (three to 10), about accuracies (figures around half a mile were often mentioned, and it was implied that U.S. accuracies were better than Russian ones) and about development status (the U.S. was said to be ahead in developments in this field). A pair of charts emphasizing the impact of MIRV was prepared by the staff of the Senate Foreign Relations Committee.

One could argue with both of these sets of charts. For example, one might wonder why the Senate charts show so few warheads on the Russian Polaris-type submarine and why they show only three MIRV's on U.S. Minutemen; on the other hand, one might wonder whether the Department of Defense's projected buildup of the Russian Polaris fleet could be that fast, or whether one should count the older Russian missile submarines. Nonetheless, the general picture presented cannot be far wrong. Moreover, the central arguments pursued throughout the ABM hearings (in both the Senate Foreign Relations Committee hearings in March and the Senate Armed Services Committee hearings in April) were not primarily concerned with these numerical matters. Rather, they were concerned with (1) Secretary of Defense Melvin R. Laird's interpretation of these numbers insofar as Russian *intentions* were concerned, (2) the validity of the Safeguard ABM system as a response to the purported strategic problems of the 1970's and (3) the arms-race implications of Safeguard.

As for the matter of intentions, those favoring the ABM concept generally held that the only "rational" explanation of the Russians' recent SS–9 buildup, coupled with their multiple-warhead development program and the Moscow ABM system, was that they were aiming for a first-strike capability. One must admit that almost anything is conceivable as far as intentions are concerned, but there certainly are simpler, and it seems to me much more likely, explanations. The simplest of all is contained in Deputy Secretary Packard's chart. The most surprising feature of this chart is the fact that the Russians were evidently satisfied with being such a poor second for such a long time. This is made more puzzling by the fact that all during this period U.S. defense officials found it necessary to boast about how far ahead we were in order to be able to resist internal pressures for still greater expansion of our offensive forces.

Another possible reason, and one that I believe added to the other in the minds of the Russian planners, was that their strategists concluded in the mid-1960's that, whatever the top officials here might say, certain elements would eventually succeed in getting a large-scale ABM system built, and that penetration-aid devices, including multiple warheads, would be needed to meet the challenge. Whether or not they were correct in this latter hypothetical analysis is still uncertain at this writing. Let us, however, pass on from this question of someone else's intentions and consider whether or not the proposed Safeguard ABM system is a valid, rational and necessary response to the Russian deployments and developments outlined above.

To many of those who have recently written favorably about ABM defenses or who have testified in their favor before the Congressional committees, Safeguard is supported mainly as a prototype of something else: a "thick" defense of the U.S. against a massive Russian missile attack. This is clearly not at all the rationale for the Safeguard decision as presented by President Nixon in his press conference of March 14, nor is it implied as more than a dividend in the defense secretaries' testimony. The President said that he wanted a system that would protect a *part* of our Minuteman force in order to increase the credibility of our deterrent, and that he had overruled moving in the direction of a massive city defense because "even starting with a thin system and then going to a heavy system tends to be more provocative in terms of making credible a first-strike capability against the Soviet Union. I want no provocation which might deter arms talks." The top civilian defense officials give this same rationale, although they put a little more emphasis on the "prototype" and "growth potential" aspects of the system. For simplicity and clarity I shall focus on the Administration's proposal, as stated in open session by responsible officials.

From a technical point of view and as far as components are concerned, President Nixon's Safeguard system of today is very little different from President Johnson's Sentinel system. There are only minor changes in the location of certain components (away from cities), and elements have been added to some of the radars so that they can now observe submarine-launched missiles coming from directions other than directly from the U.S.S.R. and China. As before, the system consists of a long-range interceptor carrying a large nuclear weapon (Spartan), a fast short-range interceptor carrying a small nuclear weapon (Sprint), two types of radar (perimeter acquisition radar, or PAR, and missile-site radar, or MSR), a computer for directing the battle, and a command and control system for integrating Safeguard with the national command. I shall not describe the equipment in detail at this point but pass on directly to what I believe can be concluded from the hearings and other public sources about each of the following four major questions: (1) Assuming that Safeguard could protect Minuteman, is it needed to protect our deterrent? (2) Assuming that Safeguard "works," can it in fact safeguard Minuteman? (3) Will it work? (4) Anyway, what harm can it do?

First: Assuming that Safeguard could protect Minuteman, is it needed to protect our deterrent?

Perhaps the clearest explanation of why the answer to this first question is "no" was given by Wolfgang K. H. Panofsky before the Senate Armed Services Committee on April 22. He described how the deterrent consists of three main components: Polaris submarines, bombers and land-based ICBM's. Each of these components alone is capable of delivering far more warheads than is actually needed for deterrence, and each is currently defended against surprise destruction in a quite different way. ICBM's are in hard silos and are numerous. Polarises are hidden in the seas. Bombers can be placed on various levels of alert and can be dispersed.

Since the warning time in the case of an ICBM attack is generally taken as being about 30 minutes, the people who believe the deterrent may be in serious danger usually imagine that the bombers are attacked by missile submarines, and therefore have only a 15-minute warning. This is important because a 30-minute warning gives the bombers ample time to get off the ground. In that case, however, an attack on all three components cannot be made simultaneously; that is, if the attacking weapons are launched simultaneously, they cannot arrive simultaneously, and vice versa.

Thus it is incredible that all three of our deterrent systems could become vulnerable in the same time period, and it is doubly incredible that we could not know that this would happen without sufficient notice so that we could do something about it. There is, therefore, no basis for a frantic reaction to the hypothetical Russian threat to Minuteman. Still, it is sensible and prudent to begin thinking about the problem, and so we turn to the other questions. We must consider these questions in the technological framework of the mid-1970's, and we shall do this now in the way defense officials currently seem to favor: by assuming that this is the best of all possible technological worlds, that everything works as intended and that direct extrapolation of current capabilities are valid.

Second: Assuming that Safeguard "works," can it in fact safeguard Minuteman?

One good approach to this problem is the one used by George W. Rathjens in his testimony before the Senate Armed Services Committee on April 23. His analysis took as a basis of calculation the implication in Secretary Laird's testimony that the Minuteman force may become seriously imperiled in the mid-1970's. Rathjens then estimated how many SS–9's would have to be deployed at that time in order to achieve this result. From this number, the estimate of the current number of SS–9's deployed, he got a rate of deployment. He also had to make an assumption about how many Sprints and Spartans would be deployed at that time, and his estimates were based on the first phase of Safeguard deployment. These last numbers have not been released, but a range of reasonable values can be guessed from the cost estimates given. Assuming that the SS–9's would have four or five MIRV warheads each by that time, Rathjens found that by prolonging the SS–9 production program by a few months the Russians would be able to cope with Safeguard by simply exhausting it and would still have enough warheads left to imperil Minuteman, if that is indeed their intention.

The length of this short safe period does depend on the numbers used in the calculations, and they of course can be disputed to a degree. Thus if one assumes that it takes fewer Russian warheads to imperil Minuteman (it can't be less than one for one!), then the assumed deployment rate is lower and the safe period is lengthened; on the other hand, if one notes that the missile-site radars in our system are much softer than even today's silos, then the first attacking warheads, fired directly at the radars, can be smaller and less accurate, so that a higher degree of MIRVing can be used for attacking these radars and a shorter safer period results. To go further, it was suggested that the accuracy/yield combination of the more numerous SS–11's might be sufficient for attacking the missile-site radars, and therefore, if the Russians were to elect such an option, there would be no safe period at all. In short, the most that Safeguard can do is either delay somewhat the date when Minuteman would be imperiled or cause the attacker to build up his forces at a somewhat higher rate if indeed imperiling Minuteman by a fixed date is his purpose.

In the more general case this problem is often discussed in budgetary terms, and the "cost-exchange ratio" between offense and defense is computed for a wide variety of specific types of weapon. Such calculations give a wide variety of results, and there is much argument about them. However, even using current offense designs (that is, without MIRV), such calculations usually strongly favor the offense. This exchange ratio varies almost linearly with the degree or MIRVing of the offensive missiles, and therefore it seems to me that in the ideal technological future we have taken as our context this exchange ratio will still more strongly favor the offense.

Third: Will it work? By this question I mean: Will operational units be able to intercept enemy warheads accompanied by enemy penetration aids in an atmosphere of total astonishment and uncertainty? I do not mean: Will test equipment and test crews intercept U.S. warheads accompanied by U.S. penetration aids in a contrived atmosphere? A positive answer to the latter question is a necessary condition for obtaining a positive answer to the former, but it is by no stretch of the imagination a sufficient condition.

This basic question has been attacked from two quite different angles: by examining historical analogies and by examining the technical elements of the problem in detail. I shall touch on both here. Design-oriented people who consider this a purely technical question emphasize the second approach. I believe the question is by no means a purely technical question, and I suggest that the historical-analogy approach is more promising, albeit much more difficult to use correctly.

False analogies are common in this argument. We find that some say: "You can't tell me that if we can put a man on the moon we can't build an ABM." Others say: "That's what Oppenheimer told us about the hydrogen bomb." These two statements contain the same basic error. They are examples of successes in a contest between technology and nature, whereas the ABM issue involves a contest between two technologies: offensive weapons and penetration aids versus defensive weapons and discrimination techniques. These analogies would be more pertinent if, in the first case, someone were to jerk the moon away just before the astronauts landed, or if, in the second case, nature were to keep changing the nuclear-reaction probabilities all during the development of the hydrogen bomb and once again after it was deployed.

Proper historical analogies should involve modern high-technology defense systems that have actually been installed and used in combat. If one examines the record of such systems, one finds that they do often produce some attrition of the offense, but not nearly enough to be of use against a nuclear attack. The most up-to-date example is provided by the Russian SAM's and other air-defense equipment deployed in North Vietnam. This system "works" after a fashion because both the equipment designers and the operating crews have had plenty of opportunities to practice against real U.S. targets equipped with real U.S. countermeasures and employing real U.S. tactics.

The best example of a U.S. system is somewhat older, but I believe it is still relevant. It is the SAGE system, a complex air-defense system designed in the early 1950's. All the components worked on the test range, but by 1960 we came to realize, even without combat testing, that SAGE could not really cope with the offense that was then coming into being. We thereupon greatly curtailed and modified our plans, although we did continue with some parts of the system. To quote from the recent report on the ABM decision prepared by Wiesner, Abram Chayes and others: "Still, after fifteen years, and the expenditure of more than $20 billion, it is generally conceded that we do not have a significant capability to defend ourselves against a well planned air attack. The Soviet Union, after even greater effort, has probably not done much better."

So much for analogies; let us turn to the Safeguard system itself. Doubts about its being able to work were raised during the public hearings on a variety of grounds, some of which are as follows:

First, and perhaps foremost, there is the remarkable fact that the new Safeguard system and the old Sentinel system use virtually the same hardware deployed in a very similar manner, and yet they have entirely different primary purposes. Sentinel had as its purpose defending large soft targets against the so-called Chinese threat. The Chinese threat by definition involved virtually no sophisticated penetration aids and no possibilities of exhausing the defense; thus were "solved" two of the most difficult problems that had eliminated Nike Zeus and Nike–X.

Safeguard has as its primary purpose defending a part of the Minuteman force against a Russian attack. It is not credible that a Russian attack against the part of the

Minuteman force so defended would be other than massive and sophisticated, so that we are virtually right back to trying to do what in 1967 we said we could not do, and we are trying to do it with no real change in the missiles or the radars. It is true that defending hard points is to a degree easier than defending cities because interception can be accomplished later and at lower altitudes, thus giving discrimination techniques more time to work. Moreover, only those objects headed for specific small areas must be intercepted. These factors do make the problem somewhat easier, but they do not insure its solution, and plenty of room for doubt remains.

Second, there is the contest between penetration aids and discrimination techniques. This was discussed at length by Garwin and Bethe in their March 1968 article in *Scientific American* and mentioned also in varying degrees of detail by many of those who testified recently concerning the ABM issue. The Russian physicist Andrei D. Sakharov, in his essay "Thoughts on Progress, Coexistence and Intellectual Freedom," put the issue this way: "Improvements in the resistance of warheads to shock waves and the radiation effects of neutron and X-ray exposure, the possibility of mass use of relatively light and inexpensive decoys that are virtually indistinguishable from warheads and exhaust the capabilities of an antimissile defense system, a perfection of tactics of massed and concentrated attacks, in time and space, that overstrain the defense detection centers, the use of orbital and fractional-orbital attacks, the use of active and passive jamming and other methods not disclosed in the press—all of this has created technical and economic obstacles to an effective missile defense that, at the present time, are virtually insurmountable."

I would add only MIRV to Sakharov's list. Pitted against this plethora of penetration aids are various observational methods designed to discriminate the real warheads. Some of the pentration devices obviously work only at high altitudes, but even these make it necessary for the final "sorting" to be delayed, and thus they still contribute to making the defense problem harder. Other devices can continue to confuse the defense even down to low altitudes. Some of the problems the offense presents to the defense can no doubt be solved (and have been solved) when considered separately and in isolation. That is, they can be solved for a time, until the offense designers react. One must have serious reservations, however, whether these problems can ever be solved for any long period in the complex combinations that even a modestly sophisticated attacker can present. Further, such a contest *could* result in a catastrophic failure of the system in which all or nearly all interceptions fail.

Third, there is the unquantifiable difference between the test range and the real world. The extraordinary efforts of the Air Force to test operationally deployed Minutemen show that it too regards this as an important problem. Moreover, the tests to date do seem to have revealed important weaknesses in the deployed forces. The problem has many aspects: the possible differences between test equipment and deployed equipment; the certain differences between the offensive warheads and penetration aids supplied by us as test targets and the corresponding equipment and tactics the defense must ultimately be prepared to face; the differences between the installation crews at a test site and at a deployment site; the differences in attitudes and motivation between a test crew and an operational crew (even if it is composed of the same men); the differences between men and equipment that have recently been made ready and whom everyone is watching and men and equipment that have been standing ready for years during which nothing happened; the differences between the emotional atmosphere where everyone knows it is not "for real" and the emotional atmosphere where no one can believe what he has just been told. It may be that all that enormously complex equipment will be ready to work the very first time it must "for real," and it may be that all those thousands of human beings have performed all their interlocking assignments correctly, but I have very substantial doubts about it.

Fourth, there is the closely related "hair-trigger/stiff-trigger" contradiction. Any active defense system such as Safeguard must sit in readiness for two or four or eight years and then fire at precisely the correct second following a warning time of only minutes. Furthermore, the precision needed for the firing time is so fine that machines must be used to choose the exact instant of firing no matter how the decision to fire is made. In the case of offensive missiles the situation is different in an essential way: Although maintaining readiness throughout a long, indefinite period is necessary, the moment of firing is not so precisely controlled in general and hence human decision-makers, including even those at high levels, may readily be permitted to play a part in the decision-making process. Thus if we wish to be certain that the defense will respond under conditions of surprise, the trigger of the ABM system, unlike the triggers of the ICBM's and Polarises, must be continuously sensitive and ready—in short, a hair trigger—for indefinitely long periods of time.

On the other hand, it is obvious that we cannot afford to have an ABM missile fire by mistake or in response to a false alarm. Indeed, the Army went to some pains to assure residents of areas near proposed Sentinel sites that it was imposing requirements to ensure against the accidental launching of the missile and the subsequent detonation of the nuclear warhead it carries. Moreover, Army officials have assured the public that no ABM missiles would ever be launched without the specific approval of "very high authorities."

These two requirements—a hair trigger so that the system can cope with a surprise attack and a stiff trigger so that it will never go off accidentally or without proper authorization—are, I believe, contradictory requirements. In saying this I am not expressing doubt about the stated intentions of the present Army leaders, and I strongly endorse the restrictions implied in their statements. I am saying, however, that if the system cannot be fired without approval of "the highest authorities," then the probability of its being fired under conditions of surprise is less than it would be otherwise. This probability depends to a degree on the highly classified technical details of the Command and Control System, but in the last analysis it depends more on the fact that "the highest authority" is a human being and therefore subject to all the failures and foibles pertaining thereto.

This brings us to our fourth principal question: Anyway, what harm can it do?

We have just found that the total deterrent is very probably not in peril, that the Safeguard system probably cannot safeguard Minuteman even if it "works," that there is, to say the least, considerable uncertainty whether or not it will "work." Nonetheless, if there were no harm in it, we might be prudent and follow the basic motto of the arms race: "Let us err on the side of military safety." There seem to be many answers to the question of what harm building an ABM system would do. First of all, such a system would cost large sums of money needed for nondefense purposes. Second, it would divert money and attention from what may be better military solutions to the strategic problems posed by the Administration. Third, it would intensify the arms race. All these considerations were discussed at the hearings; I shall comment here only on the third, the arms-race implications of the ABM decision.

It is often said that an ABM system is not an accelerating element in the arms race because it is intrinsically defensive. For example, during the hearings Senator Henry M. Jackson of Washington, surely one of the best-informed senators in this field, said essentially that, and he quoted Premier Kosygin as having said the same thing. I believe such a notion is in error and is based on what we may call "the fallacy of the last move." I believe that in the real world of constant change in both the technology and the deployed numbers of all kinds of strategic-weapons systems, ABM systems are accelerating elements in the arms race. In support of this view let us recall one of the features of the history recited at the start of this article.

At the beginning of this decade we began to hear about a possible Russian ABM system, and we became concerned about its potential effects on our ICBM and Polaris systems. In response the MIRV concept was invented. Today there are additional justifications for MIRV besides penetration, but that is how it started. Now, the possibility of a Russian MIRV is used as one of the main arguments in support of the Safeguard system. Thus we have come one full turn around the arms-race spiral. No one in 1960 and 1961 thought through the potential destabilizing effects of multiple warheads, and certainly no one predicted, or even could have predicted, that the inexorable logic of the arms race could carry us directly from Russian talk in 1960 about defending Moscow against missiles to a requirement for hard-point defense of offensive-missile sites in the U.S. in 1969.

By the same token I am sure the Russians did not foresee the large increase in deployed U.S. warheads that will ultimately result from their ABM deployment and that made it so counterproductive. Similarly, no one today can describe in detail the chain reaction the Safeguard deployment would lead to, but it is easy to see the seeds of a future acceleration of the arms race in the Nixon Administration's Safeguard proposal. Soon after Safeguard is started (let us assume for now that it will be) Russian offense planners are going to look at it and say something such as: "It may not work, but we must be prudent and assume it will." They may then plan further deployments, or more complex penetration systems, or maybe they will go to more dangerous systems such as bombs in orbit. A little later, when some of our optimistic statements about how "it will do the job it is supposed to do" have become part of history, our strategic planners are going to look at Safeguard and say something such as: "Maybe it will work as they said, but we must be prudent and assume it will not and besides, *now* look at what the Russians are doing."

This approach to strategic thinking, known in the trade as "worst-case analysis," leads to a completely hopeless situation in which there is no possibility of achieving a state of affairs that both sides would consider as constituting parity. Unless the arms race is stopped by political action outside the two defense establishments, I feel reasonably sure there will be another "crash program" response analogous to what we had in the days of the "missile gap"—a situation some would like to see repeated.

I also mentioned in my own testimony at the ABM hearings that "we may further expect deployment of these ABM systems to lead to the persistent query 'But how do you know it *really* works?' and thus to increase the pressures against the current limited nuclear-test ban as well as to work against amplifying it." I mentioned this then, and I mention it again now, in the hope that it will become a self-defeating pre-

XUM

diction. It is also important to note that the response of our own defense establishment to the Russian ABM deployment, which I have outlined above, was not the result of our being "provoked," and I emphasize this because we hear so much discussion about what is a "provocative" move and what is not. Rather, our response was motivated by a deep-seated belief that the only appropriate response to any new technical development on the other side is further technical complexity of our own. The arms race is not so much a series of political provocations followed by hot emotional reactions as it is a series of technical challenges followed by cool, calculated responses in the form of ever more costly, more complex and more fully automatic devices. I believe this endless, seemingly uncontrollable process was one of the principal factors President Eisenhower had in mind when he made his other (usually forgotten) warning: "We must be alert to the . . . danger that public policy could itself become the captive of a scientific-technological elite." He placed this other warning, also from his farewell address, on the same level as the much more familiar comment about the military-industrial complex.

Several alternative approaches to Safeguard for protecting Minuteman have been discussed recently. These include superhardening, proliferation, a "shell game" in which there are more silos than missiles, and land-mobile missiles. Although I was personally hopeful before the hearings that at least one of these approaches would maintain its invulnerability, a review of the recent debates leaves me now with the pessimistic view that none of them holds much promise beyond the next 10 years.

Silo-hardening most probably does work now, in the sense that the combination of SS–11 accuracy and yield and Minuteman silo-hardening works out in such a way that one incoming warhead (and hence one SS–11 missile) has less than a 50–50 chance of destroying a Minuteman. If one considers the technological trends in hardening, yield per unit weight, MIRVing and accuracy, however, it does seem convincing that this is a game in which the offense eventually will win. Albert Wohlstetter, testifying in favor of the Safeguard system before the Senate Armed Services Committee, quoted a paper he wrote with Fred Hoffman in 1954 (long before any ICBM's were actually in place anywhere) predicting that the ability of silo-hardening to protect offensive missiles would run out by the end of the 1960's. That was a remarkably prescient study and is wrong only in numerical detail.

If we take the same rosy view of technology that was taken in almost all the pro-ABM arguments, then hardening will not work for more than another five years. My own view of the technological future is clearly much less rosy, but I do believe that the situation in which hardening is no longer the answer could come by, say, 1980 or, more appropriately, 1984.

Proliferation of Minuteman would have worked in the absence of MIRV. Now, however, it would seem that the ability to MIRV, which no doubt can eventually be carried much further than the fewfold MIRV we see for the immediate future, clearly makes proliferation a losing game as well as the dangerous one it always was.

The "shell game" has not in my view been analyzed in satisfactory detail, but it would appear to have a serious destabilizing effect on the arms race. Schemes have been suggested for verifying that a certain fraction of the missile holes are in fact empty, but one can foresee a growing and persistent belief on each side that the "other missiles" must be hidden somewhere.

Road-mobile and rail-mobile versions of Minuteman have been seriously studied for well over a decade. These ideas have always foundered on two basic difficulties: (1) Such systems are inherently soft and hence can be attacked by large warheads without precise knowledge of where they are, and (2) railroads and highways all pass through population centers, and large political and social problems seem unavoidable.

Where does all this leave us insofar as finding a technical solution for protecting Minuteman is concerned? One and only one technically viable solution seems to have emerged for the long run: Launch on warning. Such an idea has been considered seriously by some politicians, some technical men and some military officers. Launch on warning could either be managed entirely by automatic devices, or the command and control system could be such as to require authorization to launch by some very high human authority.

In the case of the first alternative, people who think about such things envision a system consisting of probably two types of detection device that could, in principle, determine that a massive launch had been made and then somewhat later determine that such a launch consisted of multiple warheads aimed at our missile-silo fields. This information would be processed by a computer, which would then launch the Minutemen so that the incoming missiles would find only empty holes; consequently the Minutemen would be able to carry out their mission of revenge. Thus the steady advance of arms technology may not be leading us to the ultimate weapon but rather to the ultimate absurdity: a completely automatic system for deciding whether or not doomsday has arrived.

To me such an approach to the problem is politically and morally unacceptable, and if it really is the only approach, then clearly we have been considering the wrong problem. Instead of asking how Minutemen can be protected, we should be asking what the alternatives to Minuteman are. Evidently most other people also find such an idea unacceptable. As I mentioned above, the Army has found it necessary to reassure people repeatedly that ABM missiles would not be launched with approval by "the highest authorities," even though this is clearly a far less serious matter in the case of the ABM missiles than in the case of Minuteman.

The alternative is to require that a human decision-maker, at the level of "the highest authorities," be introduced into the decision-making loop. But is this really satisfactory? We would be asking that a human being make, in just a few minutes, a decision to utterly destroy another country. (After all, there would be no point in firing at *their* empty silos.) If, for any reason whatever, he was responding to a false alarm, or to some kind of smaller, perhaps "accidental," attack, he would be ensuring that a massive deliberate attack on us would take place moments later. Considering the shortness of the time, the complexity of the information and the awesomeness of the moment, the President would himself have to be properly preprogrammed in order to make such a decision.

Those who argue that the Command and Control System is perfect or perfectable forget that human beings are not. If forced to choose, I would prefer a preprogrammed President to a computer when it came to deciding whether or not doomsday had arrived, but again I feel that this solution too is really unacceptable, and that once again, in attempting to defend Minuteman, we are simply dealing with the wrong problem. For the present it would seem the Polarises and the bombers are not, as systems, subject to the same objections, since there are now enough other approaches to the problem of ensuring their invulnerability to sudden massive destruction.

In my view, all the above once again confirms the utter futility of attempting to achieve national security through military technology alone. We must look elsewhere. Fortunately an opportunity does seem to be in the offing. There appears to be real promise that serious strategic-arms-limitation talks will begin soon. The time is propitious. There is in the land a fairly widespread doubt about the strictly military approach to security problems, and even military-minded politicians are genuinely interested in exploring other possibilities. The essay by Academician Sakharov, as well as the statements of Russian officials, indicate genuine interest on the other side. The time is propitious in another sense: both sides will be discussing the matter from a position of parity. Moreover, this parity seems reasonably stable and likely to endure for several years.

Later, however, major deployments of sophisticated ABM systems and, even more important, widespread conversion of present single-warhead systems to MIRV will be strongly destabilizing and will at least give the impression that parity is about to be upset. If so, the motto of the arms race, "Let us err on the side of military safety," will come to dominate the scene on both sides and the present opportunity will be lost. Therefore in the short run we must do everything possible to ensure that the talks not only start but also succeed. Although the ABM decision may not forestall the talks, it would seem that success will be more likely if we avoid starting things that history has shown are difficult to stop once they are started.

Such things surely include deployment of ABM missiles and MIRV's. There have been successes in stopping programs while they were in the development phase, but seldom has anything been stopped after deployment had started. The idea of a freeze on deployment of new weapons systems at this time and for these reasons is fairly widespread already, but achieving it will require concerted action by those believing strongly in the validity and necessity of arms limitations as a means of increasing national security. Thus the principal result of the recent national debate over the ABM issue has been to make it clear that Safeguard will safeguard nothing, and that the right step for the immediate future is doing whatever is necessary (such as freezing present deployments and developments) to ensure the success of the coming strategic-arms-limitation talks.

In addition, the ABM debate has served to highlight more serious issues (for example the implications of MIRV for the arms race) and to raise serious questions about other weapons systems. For instance, I suggest that we have also found that silo-based missiles will become obsolete. The only sure method for defense of Minuteman beyond, say, the mid-1970's seems to be the unacceptable launch on warning. As long as we must have a strategic deterrent, we must find one that does not force us to turn the final decision over to either a computer or a preprogrammed President. Minuteman was conceived in the 1950's and served its purpose as a deterrent through the 1960's, but it appears that in the 1970's its threat to us will exceed its value, and that it and other silo-based missiles will have to go. The deterrent must have alternatives other than "go/no-go," and for the 1970's at least it would now appear that other strategic weapons (Polaris/Poseidon and bombers) could provide them. I expect, however, that as the continuing national debate subjects the whole matter of strategic arms to further public scrutiny we shall learn that these other alternatives also have dangerous flaws, and we shall see confirmed the idea that there is no technical solution to the dilemma of the steady decrease in our national security that has for more than 20 years accompanied the steady increase in our military power.

XUM

A MARINE REPLIES FROM VIETNAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. RARICK. Mr. Speaker, Cpl. D. J. Welsh, a Louisianian from my district, presently serving in the U.S. Marine Corps on his third tour of duty in Vietnam writes to us:

> Of all the people those of us serving in Vietnam want to see the war end, but not until the job is done. Communism has to be stopped somewhere. Why not right here and right now? Communism is like a disease and if left unchecked, it will spread until all else is wiped out. We are fighting not just for South Vietnam but for our own way of life as well. If we give in now, we'll be just one step closer to making a well-known Communist statement a fact. Those infamous words are "We will bury you." It's up to us whether they do or not.

Certainly Corporal Welsh's letter home is a refreshing change from the usual diatribes that are being spewed out by many who have not been there, will not go, do not know what it is all about, and have a closed mind on learning the truth.

Seldom do we hear from our men on the front line and when we do their credibility far exceeds that of the "better-Red-than-dead" crowd.

I include Corporal Welsh's letter, as follows:

[From the State-Times, Sept. 24, 1969]

EDITOR, STATE-TIMES:

My name is Darrel Welsh and my home is in Baton Rouge. I've been in the Marine Corps for three years now and I plan on continuing my education when I come home next June.

I want to let people at home know why I'm glad and proud to be where I am. I hope that maybe this letter could be printed in your paper. I'm not a politician, only a Marine in Vietnam doing his small share, but I have eyes and ears and I want to pass on a few of my impressions of the situation here. This way I can answer many people without getting angry at any one person for some of the ridiculous questions that I have been asked or for statements that have been made because I volunteered for duty in Vietnam.

I have started to write a number of times before but just let it go instead. However, the latest offensive changed my mind. Two fellow Marines died and 14 were wounded in a five minute rocket attack and I do not want to believe that they died in vain. As I was running for a bunker, only my own safety was in mind. However, once inside, my thoughts were varied but something that all too often seems like a popular pastime in the United States came to my mind. I'm talking of the current generation of demonstrators and protesters. Of course, some of what I say is only opinion, but some of it is undeniably fact. I will say, however, that I know many Marines who feel the same as I do.

I am now in Vietnam for the third time. I asked to come back and all too many people had questions for me too. Questions like: Do you like it over there? Are you crazy? I am here because I want to be, not because I'm crazy or because I like it here. Many people question our involvement in Vietnam and in some ways rightly so. Yet many protest for the sake of protesting or because they don't really know what it's like outside their own limited environment. If they knew, they might try to do something useful instead of sign carrying or shouting insults.

Vietnam has taught me that it's not enough to reap the benefits of the American way of life without also putting something into it, just because one is lucky enough to be born an American . . . and believe me we are lucky to be American! By the same token, why should someone have to live under Communist domination just because he or she was born in Vietnam, China, North Korea or any of the other Asian nations?

Do all these protesters really know the score? Do they know what it's like to live in a filthy, rat and bug-infested thatched hut, a hut that leaks when it rains, has no air-conditioning or heating, no plumbing and only a bamboo bed and a wooden table or two for furniture? Have they had their teeth rot out because proper care wasn't available? Have the women had to give birth to their own babies and watch them die of disease or malnutrition because there was no doctor or they couldn't pay transportation fares, let alone medical fees? Do their families and friends get tortured and murdered because they don't politically or morally agree with someone else? I don't think so!

Of all people surely those of us serving in Vietnam want to see the war end, but not until the job is done. Communism has to be stopped somewhere. Why not right here and right now? Communism is like a disease and if left unchecked it will spread until all else is wiped out. We are fighting not just for South Vietnam but for our own way of life as well. If we give in now, we'll be just one step closer to making a well known Communist statement a fact. Those infamous words are "We will bury you." It's up to us whether they do or not.

D. J. WELSH,
Corporal, U.S. Marine Corps.

FREEDOM FROM HUNGER

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. TUNNEY. Mr. Speaker, Mr. Lionel Steinberg, a constituent of mine, and an outstanding authority on agricultural matters in the State of California and the Nation, made a speech on freedom from hunger before the State Board of Agriculture in Sacramento earlier this year. While the speech was delivered several months ago, its importance is in no way diminished by the passage of time. Mr. Steinberg's appeal merits the attention of all concerned Americans and I am placing it in the CONGRESSIONAL RECORD so that my colleagues may have the opportunity to read it.

FREEDOM FROM HUNGER

(By Lionel Steinberg)

I shall speak today on the growing concern about the vast increase in armament by the East and West and the effect it is having on the hungry people of the world.

It was heartening to hear in the Inaugural Address of our new President, some encouraging words about his desire for peace, and his interest in the hungry peoples of the world. He said, "For the first time, because the people of the world want peace and the leaders of the world are afraid of war, the times are on the side of peace. The greatest honor history can bestow is the title of peacemaker. This honor now beckons America; the chance to help lead the world at last out of the valley of turmoil and onto that high ground of peace that man has dreamed of since the dawn of civilization. If we succeed, generations to come will say of us now living that we mastered our moment—that we helped make the world safe for mankind.

"This is our summons to greatness. And I believe American people are ready to answer this call.

"Standing in this same place a third of a century ago, Franklin Delano Roosevelt addressed a nation ravaged by depression, gripped in fear. He could say, in surveying the nation's troubles: 'They concern, thank God, only material things.'

"Our crisis today is in reverse. We find ourselves rich in goods, but ragged in spirit; reaching with magnificent precision for the moon, but falling into raucous discord on earth.

"We are caught in war, wanting peace. We are torn by division, wanting unity. We see around us empty lives, wanting fulfillment. We see tasks that need doing, waiting for hands to do them.

"To a crisis of the spirit we need an answer of the spirit. And to find that answer we need only look within ourselves."

The U.S. Arms Control and Disarmament Agency estimates that world military outlays since 1900 have totaled $4,000 billion. If recent rate of increase in the arms race continues, the world will manage to spend another $4,000 billion in just the next decade ahead. The peace loving nations of the world spent more than $182 billion last year on arms.

Despite these huge expenditures, recent reports indicate that the United States has enough nerve gas to kill 100 billion persons—or thirty times the world population; and enough atomic weapons for the equivalent of 100 tons TNT per capita. The Soviet Union is similarly endowed.

We are spending for arms, 45 times what we are spending for economic aid. And, the United States now ranks sixth in the world in the amount of economic assistance we give, based upon our national income.

In other words, at the same time arms expenditures have gone up, our expenditures for aid to the less developed nations have gone down.

As some of the members of this Board may know, I have been a National Trustee of the American Freedom from Hunger Foundation for nearly eight years. The Freedom from Hunger Foundation is affiliated with the United Nations Food and Agriculture Organization, and its goals have been threefold:

1. To arouse world interest in the problems of hunger.

2. To conduct research, and to deal with the cause and effect of world hunger.

3. To commence an action program of information, food production, and expansion of nutrition in the less developed nations.

In my last report to this body, I stated that—"It's '1776' all over the world," and that—"Communism is not the last hurdle to continuous peace." I stated that—"world chaos would continue throughout the remaining years of this Century even if all the remaining Communists in the world were to suddenly and unaccountably drop dead."

World revolutions are the sign of the times.

Two-thirds of the people of the world go to bed hungry every night of their lives. Some two billion of them live on less than one hundred dollars each year. In fact, most of the world's people suffer from conditions which are the basis of the greatest revolution in history: Hunger, poverty, disease, the pressure of increasing population, limited supplies of food, foreign exploitation, the exploitation of natural resources for quick profits, colonialism, bondage, absentee ownership of most of the land, corruption of officials, oppressive taxation, no access to capital, disastrous interest rates, no freedom of speech, no freedom of press, no freedom of assembly, no right to vote or hold office.

Last fall Lord Snow gave an address at Westminster College, Fulton, Missouri. He referred to the present condition of the World as literally in a "state of seige". He asks—"What is going wrong with us?"

Among philosophical thinkers, the world's dooms-day clock still reads—"11:52", with a few moments left before famine reaches serious proportions among two billion people who habitate the southern hemisphere of the globe.

Raymond Ewell, of Population Bulletin forecasts famine for India, Pakistan and China in the early 1970's, followed by Indonesia, Iran, Turkey, Egypt and several other countries within a few years, and then followed by most of the other countries of Asia, Africa and Latin America by 1980, just eleven years away. Such a famine will be of massive proportions affecting billions of persons. If this happens, it will be the most colossal catastrophe in history.

What is going wrong with us in the western world?

Can man, politically, contain the social, environmental, economic and ideological forces that threaten the world with total destruction? Authorities of world conditions such as Gunnar Myrdal of Sweden, the emminent Soviet physicist Andrei Sakharov, and the new member of the World Bank, Robert McNamara, have bluntly posed the question of whether we possess the political creativity to resolve the critical challenge to our future existence.

The most pressing problems in the quarter century ahead—each require bold and virtually unprecedented international cooperation for their resolution. To enumerate a few of these:

1. Nuclear War and danger of global suicide.
2. Hunger and starvation.
3. Explosion of World population, which makes all problems more acute, particularly that of food.
4. Great power rivalry, intensified by critical ideological differences between the Western Powers and the Soviet Union, and between the Soviet Union and China.
5. The destruction and poisoning of man's environment—pollution of the air, the sun, the land, and the failure of technical and social expertise to keep pace with the radical increase in the number of human beings, particularly in the cities.

It took from the dawn of mankind until 1830, for the world to reach a population of 1 billion. It took only 100 years from 1830 to 1930 for the second billion and it took only thirty-eight years for the third billion. Present world population growth is almost a new billion every ten years and the forecast is for a seven billion population in about 30 years.

Man, today, is on the threshold of landing on the moon, with the project costing the United States and the Soviet Union in excess of $50 billion. But here on earth, two-thirds of the world's population, cannot be assured of getting a square meal tomorrow.

In Vietnam, we are spending $3 billion per month; this expenditure for one month equals the cost of the entire California water plan which offers food for millions in the United States and hundreds of millions abroad. Armament costs the Soviet Union and the United States over $100 billion per year. The new contemplated anti-missile shield could cost the U.S. another $60 billion.

From a gross national product of over $900 billion, and national tax revenues of $180 billion, less than one-fifth of 1% is going for the less developed nations.

Despite efforts by United States and United Nations agencies, and northern European countries, a massive population explosion eats away progress almost as rapidly as it is made. It has been said that the stork "passes the plow".

The population of the poverty stricken two-thirds of the earth is increasing at more than double the rate of the advanced countries.

In the past twenty years, the United States and Britain alone, have spent more than $85 billion in Africa and Asia in aid and loans to bridge the poverty gap.

Last year, the United States Congress voted the lowest sum in the history of the foreign aid program—$1.75 billion. Britain, engulfed in massive and stubborn fiscal problems, has been forced drastically to trim its foreign aid program.

Having passed through the first development decade of the United Nations without making much tangible progress, the underdeveloped world now faces the new decade with less outside help than it has ever had before.

All our Presidents in the past twenty years have made contributions to the problem. In leaving office, former President Johnson, in commenting on the slash in the foreign aid program, said—"It is unmerciful to condemn millions of people to wretchedness. It is madness to so jeopardize our own security and the orderly progression of our world."

C. P. Snow comments that the rapidity and completeness of human communications are constantly presenting us with the sight of famine, suffering, and violent death. He said it may be that this era of complete communications, in some perverse manner, helps to make man more callous.

The gap between rich and poor countries is growing. The average daily income among the peoples of nearly one hundred countries is something like 35¢ a day or less than $100 per year.

There have been some encouraging breakthroughs; new fertilizer plants in India and Pakistan, new rice varieties mentioned at the last State Board of Agriculture meeting in Tulare, new wheat varieties and new mechanized processes in many countries.

However, the rich countries will be surrounded by a sea of famine unless three forces are placed in operation—not just one alone, but all three.

1. A concerted effort by the rich countries to concentrate on hunger, instead of war, to produce food, money and technical assistance for the poor nations.
2. A supreme effort by the poor nations themselves, similar to what is being done in India and Pakistan to revolutionize their food production.
3. An effort by the poor countries, with all the assistance that can be provided—to reduce, or stop population increase.

The United Nation's Secretary General Thant said . . . "We are not winning the war on want. The opportunity gap is growing wider and inequality is increasing. Tens of thousands of Indians sleep and die in the streets, and hundreds of millions suffer from malnutrition."

In Africa, more than 180 million people, spread over an area of the continent, more than twice the size of the United States, now holds more than 40 independent countries trying to exist on one crop economies with a tribal primitive agriculture. It has been said that tribalism and corruption are the twin scourges of Africa.

In the cities of Africa, graft is not a crime. Corrupt politicians charge that army officers in many African countries have overthrown the government.

The present rate of population expectancy, will triple the population in Africa.

One of the few optimistic reports that came out recently came from Dr. Bernard Berelson, President of the Population Council. He believes that we have a good start at slicing a significant proportion of the birth rates in underdeveloped countries. The optimism is dependent, in part, on the future development of two or three new contraceptive techniques that will be cheap and easy to administer with no side effects. One such contraceptive, a tiny capsule implanted in the skin, has shown great promise in early tests.

This talk has been largely concentrated on world food problems, but here at home we have recently been told that malnutrition exists among 10% of the population of our own country, the richest in the world. A recent U.S. Public Health Survey Nutrition report, pointed out thousands of cases of Kwashiorkor and scurvy among the many random samples taken in Texas, Louisiana, Kentucky and South Carolina.

Dr. Arnold Schaefer, who made the report said—"nearly one out of twenty Americans in the survey had the protruding belly and the wasted limb common among those with protein deficiency." This nutrition expert called our attention to rickets and glandular diseases in American children due to malnutrition. This is because 10 percent of America's youngsters live on starchy foods such as potatoes, beans and grits—poor sources of protein. It was not until late last year that the Nation's dried milk used in the United States food program, was fortified with Vitamins A and D.

The food crisis can be solved. The developing nations can grow more food. The agrarians, the economists, the administration methods now exists.

Just last week, a major oil company reported in North Africa that where they had failed to find a sea of oil, they did discover a sea of pure water of such magnitude that it will make possible the farming of several millions of acres in North Africa. Full use of atomic power will make it possible to irrigate other arid areas. Over 90% of the world's rivers flow into the seas unused. The major oil companies and private government are putting vast resources into the production of fertilizer plants. These plants, new seeds and chemicals, and modern farm equipment and technical expertise, offer some more answers.

Here in the United States, we hope that the present Secretary of Agriculture, Clifford Hardin, will bring new energy and ideas to both domestic food problems and to world food problems.

From 1963 through 1968, I had the honor of serving on Secretary of Agriculture Orville Freeman's Civil Rights Committee. One of our most important field study reports brought the plea for the extension of the Food Stamp Plan for those families unable to purchase the stamps, but despite the humanity of Orville Freeman, in eight years, during the Kennedy and Johnson Administrations, he was unable to unsnarl the red tape hampering the Federal Government in getting food to the hungry, or even finding out where and how many hungry people there are. He was "ham-strung" by conservative Southern Congressmen who controlled appropriations.

One of the first things that the new Secretary Dr. Clifford Hardin did was a constructive change in the Food Stamp Plan under which the poor people in three Southern South Carolina counties were given food stamps free.

It may very well be that a once conservative Republican, as President of the United States, will complete the task that liberal Democratic Presidents commenced.

The Russian Sakharov says: "Only by immediate international cooperation, by pooling the resources of the Soviet Union and the United States, and placing them at the service of the world can we survive our critical problems."

Lord Snow concluded his speech in Missouri by saying: "We can survive only if we turn from war to peace; if we utilize the capabilities of the New Culture for man's preservation rather than his destruction."

XUM

I would like to close my talk by suggesting that we take a new look at the young generation of Americans. Too often, the press is filled with stories about our long-haired, rioting, striking, dope-taking teen-agers.

Former Congressman Leonard Wolf when he became the Executive Director of the American Freedom from Hunger Foundation was frustrated because he did not have sufficient funds for the work of the foundation. So he undertook a program to communicate with the youth of America concerning the problems of world hunger. He went to Fargo, North Dakota and went to the students in Oregon and in California and he told them about the problems. The students of Fargo, North Dakota came up with a program, "Why not have a walk for development?" Some 3,500 students joined by their teachers and religious leaders and some parents walked 32 miles. Each one was sponsored by community leaders, by business, by some of their parents and over $35,000 was raised in that walk for development in Fargo, North Dakota. Those funds were sent to Madagascar for an agricultural experiment station and part of the funds went to help an Indian tribe in North Dakota.

I spoke to Leonard Wolf and one of the National Trustees and said "maybe this was a "fluke" in North Dakota, I don't think this could happen in California." He accepted the challenge and spoke at the high schools of Indio and Palm Springs, California. Some 800 young people from the high schools of the Coachella Valley joined in this walk for development and raised $15,000.

I received a phone call in my room this morning from the Executive Director of Freedom from Hunger in Northern California who informed me that five more youth organizations in California cities will have nine walks for development. Plans are now underway. It seems obvious with thousands of young people demonstrating unselfishness perhaps we here in California might well implement some of the new programs of President Nixon and Secretary Hardin. Perhaps the State Board of Agriculture ought to vote a congratulatory message to Secretary Hardin for his work to extend the Food Stamp Plan. Perhaps we might again indicate to President Nixon and the new Secretary of State that there are successful farmers in California whose "know how" and "show how" ability might help some of the underprivileged Nations.

What really is needed is more revitalization of active participation in Government. Let's not leave it to the other "guy". Let's help do something to prevent world famine and world hunger.

POSTAL POLITICS

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. OLSEN. Mr. Speaker, we on the Post Office and Civil Service Committee have heard a long parade of administration witnesses decrying politics in the Post Office. These witnesses cite such activity as being at the core of postal ills.

Yet when it comes to playing politics to convert the Post Office to a corporation, there is apparently no hesitancy on the part of the Post Office Department officials. A timely article substantiating this appears in the October issue of the Postal Supervisor—the magazine of the National Association of Postal Supervisors. I would like to submit this article for the RECORD for the edification of all my colleagues.

The article follows:

NO MORE POLITICS?

(By Donald N. Ledbetter)

In a year when the Post Office Department has ordered an end to politics in the postal service, the Department itself has engaged in one of the best organized and most expensive lobbying efforts in recent history. In my ten years on the Washington scene, I have not witnessed a bigger campaign for any piece of legislation than has been waged by the Department for its postal reform bill, H.R. 11750. A bottomless reservoir of talent and money in the Post Office Department has been available for this purpose despite the continuing cry of "budgetary limitations" when requests are made by postmasters and supervisors for adequate staffing and other legitimate mail moving needs.

At the outset of the state convention season last April, the Department indicated that Departmental representation at N.A.P.S. state conventions would have to be limited to a few of the larger conventions. After H.R. 11750 was introduced on May 28, however, Departmental speakers suddenly became available for all of our conventions despite their size or remote locations. The Department had a product to sell—a postal corporation— and it was obvious from the start that no stone would be left unturned in the effort to sell it. Departmental representatives were directed to preach corporation to N.A.P.S. audiences and apparently to anyone else who would listen. It was incongruous to say the least to hear a speaker at the beginning of his speech state that he "was not there to sell the postal reform bill because it would be illegal for him to do so"—and then proceed to do just that for the next thirty to forty minutes. From reports received at national headquarters, there were only a few Departmental speakers who departed from the written text which, of course, was 99% corporation.

Meanwhile, the arm twisting was going on here in Washington. The N.A.P.S. resident national officers, who had been trying unsuccessfully for two years to get the Department to sit down and discuss the pros and cons of postal reform, were suddenly invited to a series of meetings with top Departmental officials to discuss the proposal. The discussions at these meetings were informal and frank with both sides expressing their opinions quite freely. The N.A.P.S. resident officers felt that the meetings were very profitable, but the Department probably did not. They were unsuccessful in selling the corporation to the N.A.P.S. officers.

The Department even went so far as to recommend that a special off-year national convention be called in order for the Department to have an opportunity to try to sell the corporation idea to the N.A.P.S. membership. When President O'Dwyer told the Department it would be ridiculous to call a special convention for such a purpose, the Departmental officials decided to try some other approach to reach N.A.P.S. members in the field.

Meetings were set up in all fifteen Regional Offices, and in an unprecedented move, at least two N.A.P.S. state officers from each state branch were invited to come to the Regional Office on administrative leave and at Departmental expense. In addition to these, the officers of the local branches in the Regional headquarters cities were also invited to attend the meetings.

Simultaneously, Regional Directors called in "50 to 75 representative postmasters" for the same purpose. Top Departmental officials visited the Regions, and at each of the one-day seminars, the assigned official spoke to the postmasters at a morning session and to the supervisors at an afternoon session. Although billed as briefing sessions on reorganization plans, it was obvious to those who attended that the meetings were called for the sole purpose of selling the postal reform bill, H.R. 11750. Considering a minimum of one day's pay, travel and per diem allowance for all who attended the meetings, the expense to the Department should stagger the imagination.

An interesting sidelight to the Regional meetings was the fact that the president of the National Association of Postmasters, U.S., who is a full time postmaster, attended all fifteen of the meetings at the invitation of the Postmaster General and spoke to the postmasters at the morning sessions. He did so in an effort to explain *"The Postal Service Act of 1969"* to postmasters and *"to insure their full understanding and wholehearted support."* (See *Postmasters Gazette,* August 1969, page 2.) The postmasters association had previously endorsed the corporation bill, making it the only postal employee organization—to our knowledge—to have taken such action.

In this connection, we have great respect for N.A.P.U.S. and agree with many of its aims and objectives. When there are points on which we do not agree, however, we certainly honor their right to a difference of opinion. Unfortunately there have been reports that the N.A.P.U.S. president openly criticized N.A.P.S. at some of the Regional sessions for not going along with the Department on the corporation idea.

With the Regional meetings concluded, the Department turned its attention to Postal Forum III, a meeting attended by more than 2000 mail users and field postal officials at the Washington Hilton Hotel in Washington, D.C. on September 8–9. N.A.P.S. resident officers attended the meeting and estimated that there were 400 to 500 postmasters, Regional and Departmental officials present. The registration fee was $50.

Although advertised as a continuing of the dialogue established between the post office and its largest mail users with Postal Forum I in 1967, it was obvious to all who attended that the theme of the Forum was "The Postal Service Act of 1969, H.R. 11750." From the keynote address by the Postmaster General on Monday morning to the banquet address on Tuesday night by Secretary of Commerce Maurice Stans, the message was the same—H.R. 11750. The PMG even had the assemblage at the banquet reciting the number of the bill in unison!

For people who are proud of their lack of past experience in politics and who have declared that there will no longer be any politics in the postal service, this team has shown Washington a lobbying campaign which will long be remembered. Who said "No more politics?"

POST OFFICE CONSTRUCTION

Postmaster General Winton M. Blount announced on September 9 a cutback of more than $182 million in new post office building contracts in carrying out President Nixon's program to reduce cost pressures in the construction industry. The President had announced on September 4 a reduction of 75% in new federal building contracts until inflationary pressures ease in the construction industry.

The Post Office Department's cutback—which, incidentally, does not affect contracts already let—applies to buildings to be leased from private firms as well as those to be owned by the government. The cutback however will not delay site acquisitions and architectural planning for future facilities.

Because of the cutback, contracts will only be awarded for projects having the highest priorities. These would include those replacing facilities which are considered to be dangerous to health and safety, where the growing mail volume could create a breakdown unless the project goes forward, and where the lease on a facility cannot be extended.

XUM

N.A.P.S. 1970 DUES CARDS

N.A.P.S. 1970 dues cards are now available upon order from national headquarters at a cost of 2¢ each regardless of quantity. The cards, which are yellow in color with the year "1970" screened in the background, have suitable spaces on the back for a branch officer to initial to indicate either dues withholding or cash payments. Although use of the cards is not mandatory, more and more branches are using them each year. The cards may be ordered by branch officers only.

PELLY BACKS FULL FUNDING OF CLEAN WATER PROGRAM

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. PELLY. Mr. Speaker, I am pleased to be one of more than 220 Members of the House supporting a $1 billion appropriation for the Clean Water Appropriation Act scheduled for House consideration next week.

Conditions of many of our lakes, streams, and rivers sometimes appear hopeless, but in my hometown of Seattle there is an outstanding example of what proper planning and financing can accomplish.

The beautiful Lake Washington, lining the east side of the city, a number of years ago began deteriorating in quality caused by increased population and individual community sewage treatment plants dumping their effluence into the lake.

Joint action and the founding of Metro, a metropolitan area government organization to deal with sewage and other pollution problems, along with strong citizen participation through a bond issue, as well as with Federal assistance, have resulted in the restoration of Lake Washington into what can be cited as a splendid example of what can be done in fighting water pollution.

All of us in Seattle are proud of Metro and its accomplishments. But, much remains to be done in expanding this system so that an entire watershed is protected. The sewage from more towns must be tied into this system which carries much of the area sewage and after treatment in its consolidated plants pipes the effluence to where it is dissipated in the deep tidal salt water of Puget Sound.

The Clean Water Restoration Act and the vital help it could provide for cities and States on a matching basis is the most direct and least expensive way of making progress in cleaning up the Nation's waters, and the program cannot work unless the Federal Government provides its share as promised.

Mr. Speaker, I urge my colleagues to support the funding of $1 billion for the Clean Water Restoration Act and include a fine article from the September 28 edition of the Seattle Times concerning the work of Metro at this point in the RECORD:

METRO PLANS PHASE 2 PROGRAM OF SEWERS, POLLUTION CONTROL

(By Bob Lane)

So you think Metro's job is done, now that it is nearly finished with the last projects in a 10-year construction program that has been completed in eight years at a cost of $131 million?

Metro doesn't think so.

The agency and its consulting engineers now are working on a Phase 2 program that will require almost as much sewer construction and pollution-control work in the 15-year period ending in 1985.

Because of inflation and other cost pressures, the price of the small work program will be substantially greater—with the total possibly as high as $160 million.

Work completed in Phase 1 was close to miraculous.

Lake Washington was cleansed of the treated sewage that fed algae, whose superabundant growth was speedily bringing on the biologic death of the lake.

Lake Sammamish has received a similar cleansing.

Construction work to be completed early next year will end the dumping of raw sewage into Elliott Bay.

Metro officials see a need for continued spending to make further improvements to water quality and to provide sewer service in new and growing suburban communities.

About one-third of the spending required in the next 15 years will be to extend Metro trunk lines into unserved areas such as Southeast King County, east of Lake Sammamish and into other rural districts about to become suburban communities, Charles V. Gibbs, Metro executive director, said.

The other money will go for the improvement and expansion of existing facilities, Gibbs said.

Phase 2 plans will include expansion of the Renton treatment plant, development of sludge-disposal facilities at the West Point treatment plant, modifications to the Alki treatment plant and construction of more regulator stations on North End sewer lines to prevent the overflow of sewage into the Lake Washington Ship Canal and Lake Union during wet weather.

The problem is money. Metro doesn't have enough.

But the agency is working on that problem, too.

The federal government consistently has discriminated against large cities and metropolitan sewer districts in the distribution of its limited pollution-control funds, Gibbs said.

Twenty-five other major utilities and Metro, at Metro's instigation, have developed an informal but powerful alliance designed to win proper consideration by the government and perhaps to get some of the federal money.

Metro has received only $6 million from the federal government in support of its $131 million program. It was entitled to receive $40 million.

A survey by Metro shows that since 1956 the 26 sewer utilities have been responsible for $1.4 billion or 24 per cent of all spending on water-pollution control. The same utilities have received only 6 per cent of federal aid distributed in the same period.

Representatives of the utilities met recently in Washington to discuss the financial situation and will meet in Dallas next month with the Water Pollution Control Federation.

A bill now before Congress would authorize the Secretary of the Interior to develop contracts with utilities under which the federal share of a project would be spread over 30 years. Most cities and utilities oppose the bill.

Gibbs said he believed the bill will be amended to provide, among other things, some way of giving major cities and districts credit for some of the money they qualified for but did not receive.

The magazine Nation's Cities, published by the National League of Cities, has reported that Congress has appropriated only about one-third of the funds authorized in 1966 and that because of the money shortage about 4,600 applications for grants "are now languishing" in federal offices.

Metro's financing program, however, will have to go beyond digging deeper into the federal till.

The Phase 2 program will include recommendations for acquiring additional local funds.

Methods being studied include higher monthly fees for customers in new areas and some form of service or connection charge to be levied against municipalities or districts joining Metro.

Some members of the Metro Council believe that residents of new areas should pay their own way and that those now served by Metro—who have paid their own way—should not be asked to subsidize extensive extensions of the Metro system.

The issues now are clear. The answers to the questions are not.

TREATMENT AND USE OF WATER

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. BUSH. Mr. Speaker, the Republican Task Force on Earth Resources and population held two fascinating hearings during September.

The first dealt with water recycling and reclamation. The Honorable GUY VANDER JAGT, a member of our task force, invited Dr. William Tanner of Michigan State University to speak with us regarding the water reclamation and recycling project being initiated on the campus of his university. This type of leadership and initiative demonstrated at Michigan State could provide a model for other institutions and needs the support of private as well as public interests.

I found most interesting the treatment and use of water in this process as a closed system—rather than an open one—that simply discharges water—with its pollutants—into our tributaries, rivers and lakes. It was most encouraging to learn that water pollution problems can be solved by a space and time formula rather than by unknown future technological advances.

The subject of our second hearing was marine biochemistry and biology. The Honorable JERRY L. PETTIS, another task force member, invited Dr. Bruce Halstead, executive director of the World Life Research Institute and one of the Navy's top consultants on marine biochemistry. Dr. Halstead talked on the phenomena of marine ecology in micro-organisms, plant life and fish. He explained how water pollutants were creating enormous levels of toxicity within healthy looking fish and how changing environments can change the toxicity in marine life. The task force also examined a model diving ship being developed for further sea exploration by General Electric Co.

Both of these hearings further convinced me that we need to move quickly in alerting the public to the needs of the next decade if we are to properly manage our technology, our environment and our society with the increased population expected in the next 30 years.

XUM

Mr. Speaker, I insert the highlights of these two hearings in the RECORD:

Highlights of Statement of Dr. Howard Tanner

Dr. Howard Tanner, Director of Natural Resources at Michigan State University and recipient of the "Conservationist of the Year" award, cited 4 domestic issues which he feels are interrelated and responsible for our depletion of earth resources—(1) population stability; (2) inner city tension; (3) racial harmony; and (4) environmental degradation. The key element that brings these four together is the *water problem*. Our behavior in the past has been reckless and thoughtless because we tend to believe that our rich, unpopulated country still exists today as it did one hundred years ago. Thus, we traditionally displace our earth resources problems but we do not solve them, e.g., we treat water but we do not recycle or reuse it effectively.

The solution to the water quality problem and the pollution problem necessitates more *space* and *time*. In addition, there must be a complex *team approach*, an incorporation of the facts of economics, social and political scientists, as well as technology. Michigan State University is involved in a program concerned with the environmental quality and will tackle 2 important areas:

1. Wastewater reclamation and reuse
2. Fundamental and applied research and teaching in field phases of the natural sciences.

Three to six million gallons a day of treated domestic wastewater will be pumped four miles to an allocated area of small lakes on the MSU campus. As the water flows through the lake system, nutrient levels will be altered due to biological activities of plants and animals. Nutrients will be removed by growth of aquatic plants and farm crops treated by irrigation. A withdrawal system will transport water to experimental sites such as a golf course, a recreation area, crop sections and woodlots to determine the value of this nutrient-rich water on each area. Afterwards, the same water will be available for immediate reuse as well as for injection elsewhere.

Various areas will be dedicated to teaching and research activities; (1) intensive plant research to study wastewater utilization and irrigation and the influence of water nutrient levels on plants; (2) study of aquatic environments including the cropping of aquatic plants.

Another phase of the program will consider community recreational benefits such as picnicking, fishing and boating, direct body contact in water sports and other recreational uses of water.

The benefits of this management program are many. It will be possible to clean up wastewater, reuse the water, and salvage and use waste material, all without discharging high-nutrient wastes into a stream.

In order for this experiment to prove valuable, first to Michigan, and then to the nation as a whole, we need citizen awareness as well as a combination of engineering, biology, economics, etc. Everyone, from liberal arts student, to citizen, to scientist, must take an active interest in wastewater reclamation and reuse in order to permit the full utilization of our natural resources and still prevent the destruction of our environment.

Marine Biodynamic Chemicals—A Neglected Resource

(By Bruce W. Halstead, M.D.)

It is highly significant that the Republican Research Committee of the United States Congress has seen fit to establish a House Republican Task Force on Earth's Resources and Population. Technical experts representing a broad international spectrum of disciplines have pointed up the extreme urgency for prompt and bold action that must be taken by Government and private enterprise if we are to divert an impending global catastrophe of unprecedented proportions. The problems involved in the global population explosion and accompanying lack of food supply are of such enormous scope as to comprise the most massive technological challenge of our age. Food and population problems are further compounded by the ever present threat of diseases which appear in a multitude of forms. When these problems are placed in their proper mix, we have the resulting products: poverty, hunger, and disease—the infamous triumvirate which provide the matrix for wars and civil strife. When the overall situation is critically analyzed, we come up with the single common denominator of a defective economic structure.

In the light of some of these threatening developments, it is particularly appropriate that the President and Congress critically evaluate the total picture of earth's resources, their relationship to society, and the role of our great Nation in the development of these resources. A large amount of literature and numerous analyses have appeared over the decades on such topics as petroleum, minerals, foods, lumber, fisheries, and a host of other materials that commonly are recognized to be vital to our economy. One resource area that has been given relatively little attention has been the field of marine biochemistry which includes a vast array of biodynamic substances having both nutritional and pharmaceutical potential. There is now an overwhelming amount of scientific documentation which clearly supports the contention that the sea is man's greatest untapped storehouse of life-giving and life-sustaining substances.

Natural products as recognized by chemists and pharmacologists generally refers to chemical substances having biodynamic activity that are produced by plants and animals. Past research in natural products chemistry has shown that plants and animals are capable of producing a vast number and variety of biodynamic substances. The plant kingdom has contributed many useful drugs having remarkable structures and myriads of biological effects. Some of the better known substances include such diverse items as reserpine, atropine, scopolamine, ergonovine, ephedrine, quinidine, quinine, digitoxin, rutin, pilocarpine, leurocristine, vincaleukoblastine, various antibiotic substances, etc. Although it is estimated that this planet contains more than 850,000 plant species and more than one million animal species, it is probably safe to say that less than 5 percent of these amazing organisms have been screened with any degree of thoroughness as to their total potential as producers of biodynamic substances. When one considers the tremendous contribution which these organisms have already made to the therapeutic armamentarium of mankind, it is extremely difficult to rationalize the reasons for our failure to have explored more thoroughly these vast medicinal resources.

With the advent of the era of ocean exploration, the subject of natural products research has once again come into sharp focus and rightly so because the oceans which comprise about 71 percent of the earth's surface are recipients of a comparable portion of the energy received from sunlight, and it is estimated that about four-fifth's of all living things live in, on, around, or fly over the seas of the world. When one considers the number of biochemical substances within a single specimen of plant or animal and then multiplies this by an infinitude of ecological situations which can modify the chemical constituents within the organism and then multiplies the number of species of organisms, the mathematical possibilities of biochemical agents throughout the world of natural products truly staggers the imagination. However, the purpose of this Congressional hearing is to try and make a realistic economic assessment of the future of natural products rather than to discuss a subject which some critics have termed as "pie in the sky." The question that now presents itself is what are the mechanisms whereby we can harness these substances and thereby avail ourselves of these extremely valuable economic and therapeutic resources. It is to this specific topic which I wish to direct my remarks.

If one critically examines the research and development requirements of the proposed marine pharmaceutical business, it will be seen that there are major deficiencies operational at present both in the government and private sectors. A marine pharmaceutical program begins with a good field procurement program. Geographically speaking the greatest concentration of marine organisms possessing biodynamic substances is found within the rich marine Indo-Pacific faunal province. However, this is not to say that enormously large resources are not to be found elsewhere. Effective field programs demand adequate logistics support. It is in this specific area that our present marine pharmaceutical operations begin to fall apart at the seams and ultimately result in an ineffective program. The initial procurement step involves faunal surveys suitable for toxicological and pharmacological screening. This operation requires trained marine biologists who are competent shallow-water divers capable of using self-contained underwater breathing apparatus and hookah. Accurate locality and ecological records of the exact site at which the specimens were captured are needed. In marine organisms as in many land plants, it has been demonstrated that the chemistry of the organism varies with the environment and the food ingested. Consequently, many of the toxins which are of potential pharmaceutical value are not species specific. The production of these substances frequently is controlled by environmental rather than genetic factors. The difficulties are further compounded by the fact that these chemical fluctuations are not always seasonally predictable but are due to ecological factors which are at present completely unknown. A useful field record must be accompanied by an accurate scientific identification of each organism that is collected. The matter of obtaining a taxonomic diagnosis of each organism poses monumental problems if one is screening marine organisms on a large-scale basis from many localities.

The difficulties in field logistics and marine specimen identification are foreign to the thinking of the pharmaceutical industry. No pharmaceutical company presently has an in-house capability for dealing with either of these problems. Field surveys are expensive, demanding the services of divers, underwater photographers, technicians, marine epidemiologists, marine biologists, etc. Many of the most productive areas of the world are in remote localities and require the use of aircraft and ships of varying sizes and types. Ship time alone may cost from several hundred to several thousands of dollars per day. The identification of marine plants and animals requires the services of a large number of specialists. The Smithsonian Oceanographic Sorting Center, which operates the largest program of its type, utilizes the efforts of about 250 systematists throughout the world. Unfortunately for the marine pharmaceutical industry, the SOSC is not in the business of providing a routine identification service for commercial groups even though they have been most generous in attempting to assist any group in need of identification services. If the marine pharmaceutical industry is going to develop on a practical commercial scale, it will require solid backing from a government agency such as the SOSC which can provide the necessary identification back-up. It will also

XUM

require assistance in funding expensive ocean operations, ecological, faunal, floral, epidemiological, and screening studies. Legislation is presently being formulated by our United States Congress for the establishment of a National Institute of Marine Medicine and Pharmacology which hopefully will be able to provide leadership, funding, and technical assistance to the academic community and industry in developing marine pharmaceuticals. However, if this program is to be successful it will require better liaison and a more cooperative government-industry climate than presently exists.

Another serious problem that we face within the marine pharmaceutical business is the matter of screening. The pharmaceutical industry as a whole is geared largely to the screening of synthetics which is handled in a rather stereotyped or assembly-line fashion. Obviously synthetics which have a known structure and at times predictable pharmacological properties which are readily subject to patent procedures offer rough competition to an unknown and unwieldy group of slimy substances from the briny deep. Sad experiences has shown that this mish-mash of marine noxious substances which refuses to exhibit a consistent pattern of any type is not suitable for processing through the well-oiled computerized wheels of our modern pharmaceutical industry. Moreover, because of the very physical nature of these creatures, consisting of such troublesome materials as spongin, cellulose, silicious substances, calcified structures coupled with soft tissues, chitin, dentinal structures, etc., the otherwise simple problem of preliminary chemical extraction becomes very complex and almost impossible to handle on a production basis. Thus at the very beginning even before the screening process begins most industrialists are ready to throw in the towel and call it quits. This initial discouragement is further enhanced by the realization that even when the active substances are extracted they are available in such minute quantities as to be useless as far as a practical source of commercial supply is concerned. At the present time, most pharmaceutical companies are by temperament and in-house technology poorly equipped to cope with the avalanche of problems with which the marine world is so bountifully graced.

With this dismal picture in mind why should we attempt to pursue this pharmacognostic chaos any further? In the final analysis what are the benefits to be derived from the large investment that is going to be required by both taxpayers and stockholders alike? The need for a new and broader spectrum of more effective pharmaceuticals is obvious and of concern to all men everywhere. It is apparent that if the pharmaceutical industry were capable of meeting all of these needs by means of a strictly synthetic approach, they would have long ago done so and would now be spending the remainder of their days in retirement and meditation clipping coupons resulting from the benefits of their patented discoveries. The facts of the matter are that regardless of the approach that is used the discovery of chemical structures which have resulted in major breakthroughs in therapeutic medicine are few and far between. Moreover, if the record of the synthetic achievements is stacked against that of natural products, it is not particularly impressive in the new horizon area of pharmaceutical achievement. The enormous contributions of natural products are too well known to pharmacists and physicians to need further documentation at this time. If indeed we are seeking new and revolutionary types of molecular structures and biological activity, it would be logical to assume that we should direct our attention to those areas where they are present in the greatest abundance, namely, natural products. In sheer numbers alone, the comparatively meager number of industrial synthetic chemists throughout the world cannot hope to compete with the infinite number of chemical factories that exist throughout the natural world. Moreover, "nature's chemists" have one advantage over synthetic chemists and that is that from their very beginning they have been manufacturing products that are a functional part of a biological system.

The ocean is a vast chemical-physiological receptacle that not only encompasses almost 71 percent of the earth's surface but measures its proportions on a three-dimensional scale with a volume of about 325,000,000 cubic miles of water. Much of the solar energy received by the ocean is utilized by minute plants living in the upper 25 fathoms in the manufacture of living substances. These algae are to be found in a host of forms and serve as the primary food source of the sea. It is estimated that this vegetable matter annually amounts to 4,000 tons per square mile, and that marine plants produce about 85 percent of the food produced by all plants on this earth. Feeding upon this vegetable matter, either directly or indirectly, are myriads of marine animals. In the study of marine biotoxins it has been shown that potent biochemical agents may originate at lower trophic levels (algae, etc.) within the food web and eventually make their way through a sequence of organisms involving plants, invertebrates, fishes, and even mammals. In some instances their biochemicals may be modified; whereas in others they appear to be stored within the tissues of the organism apparently without undergoing any change. Thus carnivorous fishes feeding at the upper trophic levels are literally a biochemical product of their predecessors. An interesting example of this biochemical succession is found in the case of ciguatoxin which appears to be capable of passing from plant to invertebrates and on through a great variety of fishes. This phenomenon presents certain opportunities for those searching for biodynamic substances because organisms at one level may serve as concentrators of substances derived from a lower trophic level. For example a rapid sampling of certain types of materials produced by minute encrusting algae might be obtained by screening the gut contents of herbivorous fishes such as the surgeon-fishes of the family Acanthuridae. This would also involve a biological analysis of the gut contents, but it nevertheless permits a rapid check of an array of substances which might be difficult to obtain by other methods.

One practical question that presents itself at this juncture is the matter of supply of raw materials in the event that a useful substance is discovered. There are two considerations of fundamental importance in the screening of natural products. One objective is to discover new molecular structures which can serve as a blueprint or model for a synthetic chemist to use in the development of a new product. Another objective of natural products research is to find commercial uses of undeveloped marine resources. Although chemical characterization studies may utilize large quantities of raw materials, the amounts required would undoubtedly be much less than that needed to meet the continuing demands of a commercial market. On the other hand, if synthesis of the substance is not possible or economically unfeasible, then alternate routes must be considered. This now brings up the subject of harvesting marine products by means of marine pharmaceutical aquaculture.

During the past several years the subject of marine aquaculture has been given a great deal of attention relative to increasing our food resources. To many uninformed persons this technology is thought to be of recent vintage and a new discovery, but such is not the case. The basic principles of aquaculture have been in practice on a large scale in many parts of the world for many centuries. Oyster culture has been in operation in Japan since about 2000 B.C. and by the Romans since about 100 B.C. to cite only two examples. Culture techniques are effectively utilized in the rearing of seaweeds, sponges, mollusks, shrimps, and vertebrate fishes to one extent or another in Japan, China, Korea, Indonesia, Philippines, Australia, Great Britain, United States, Venezuela, Scandinavia, and elsewhere. Although there are pros and cons as to the need and in some cases the practicality of rearing oceanic food fishes on a massive scale, it is becoming increasingly evident that this is an area of technological research that can be highly productive. Marine aquaculture from the viewpoint of pharmaceutical research should ultimately prove to be a vital link in the development of drugs from the sea. Granted that there are numerous problems, but they are not insurmountable. It should be kept in mind that the pharmaceutical industry would not be faced with a highly competitive food fisheries market in which the cultured products must compare favorably with wild stocks. In some instances the marine pharmacologist may be working with organisms which are present in sufficient abundance to develop a new commercial fisheries. At the present time, some of the most interesting compounds are appearing in groups of little-known organisms such as certain species of sponges, coelenterates, echinoderms, annelid worms, anthropods, and species of so-called "trash fishes."

Marine pharmaceutical fisheries of the future offer great economic possibilities to island and many continental areas of tropical and temperate seas of the world. Biodynamic substances appear to be most commonly present in shallow-water organisms within the 150-foot zone which is readily available to shallow-water divers. There is presently needed a new pharmaceutical and fisheries technology. These are just a few of the areas which the proposed National Institute of Marine Medicine and Pharmacology together with industry and the scientific community hopefully will begin to explore within the immediate future. If the marine biotoxicological findings of the past are any indication of the future, it will ultimately be shown that the biochemical wealth of the sea probably far outweighs that of the utilizable marine inorganic resources. How long mankind can continue this luxury of scientific and economic ignorance only future historians will be able to ascertain. The greatest single impediment to the development of the field at present is the lack of fresh imaginative and adventuresome thinking on the part of both industry and government.

WATER POLLUTION CONTROL

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

Address of Gov. Raymond P. Shafer at Pennsylvania Conference on Water Pollution Control, Penn Harris Motor Inn, Wednesday, October 1, 1969

Welcome and thank you for coming to the third annual conference on environmental problems faced by our Commonwealth.

These conferences, which are part of my Administration's ten-year program: "Project Environment," are designed to put focus on the most critical problems we must solve if

XUM

life is to be liveable for future Pennsylvanians.

In the first conference we concentrated on air pollution.

In the second we discussed land pollution.

Now we take up water pollution.

I trust that you will find this conference as productive as we found the first two. And I hope you will help us find ways to assure every Pennsylvanian that the water in our faucets is clean and pure. The sad fact is that we cannot give that assurance to every citizen today—a fact that is not isolated to Pennsylvania.

I want to take this brief moment to be personal about this and the other crises we face in the Commonwealth.

As Governor, I am deeply proud of the efforts most Pennsylvanians are willing to make, and are making, toward solving our mutual problems.

I have travelled about this Nation and have yet to find a more beautiful natural land of variety than our Commonwealth. And I have yet to find any State making a greater effort to preserve its beauty, natural resources and environment than we are.

We have a $500 million land and water fund that is now being used to attack the scars and pollution left by irresponsible mining practices; for providing good recreation; for getting the sewage out of our streams.

We have the first and strongest solid waste management law in the Nation for dealing with the junk and garbage of our affluence.

We are ready to begin construction of the Nation's first air pollution monitoring network when a certain State official decides to stop playing politics with it.

We have the Nation's first water pollution monitoring network to help us strengthen the enforcement of our model Clean Streams Law. We also have the toughest strip mining laws among the States.

These are examples of our willingness to work against the problems of the past and meet the challenges of the future.

But I ask myself: Is this really enough? Are we going to win with this kind of an effort?

I read the words of the pessimists, which warn us that for the first time in history, the future of the human race is now in serious question.

For many of us, that warning sounds melodramatic, but an increasing number of thoughtful people are repeating it. People like Professor Richard A. Falk, of the Center for Advanced Study in Behavioral Sciences, who said recently:

"The planet and mankind are in grave danger of irreversible catastrophe . . . Man may be skeptical about following the flight of the dodo into extinction, but evidence points increasingly to just such a pursuit . . . There are four interconnected threats to the planet—wars of mass destruction, overpopulation, pollution, and the depletion of resources. They have a cumulative effect. A problem in one area renders it more difficult to solve the problems in any other area . . . The basis of all four problems is the inadequacy of the sovereign states to manage the affairs of mankind in the 20th Century."

These critics of our present way are repeating to themselves those marvelous lines from Pogo: "We have met the enemy and he is us."

And to prove it they produce these facts:

That DDT has been found in the tissues of Eskimos and of Antarctic penguins.

That 75 percent of all incinerators in the Nation are inadequate.

That dump-and-fill operations in the San Francisco Bay over the past 150 years have reduced the Bay to half its original size.

That we Pennsylvanians alone are still dumping millions of gallons of industrial wastes, raw sewage, pesticides and detergents into our water daily.

Can we hope to change these conditions under our present structure of self-government?

In his brilliant editorial in last month's issue of Harper's Magazine, John Fischer concludes that we are living in a state of near-anarchy because "we have no government capable of dealing effectively with public problems."

He makes this blanket charge that everyone of us must heed, whether or not we agree:

"We have a hodgepodge of 80,000 local governments—villages, townships, counties, cities, port authorities, sewer districts and special purpose agencies. Their authority is so limited, and their jurisdictions so confused and overlapping, that most of them are virtually impotent. The states, which in theory could put this mess into some sort of order, usually have shown little interest and less competence. When Washington is called to help out . . . it often has proven ham-handed and entangled in its own archaic bureaucracy. The end result has been that nobody in authority has been able to take care of the Country's mounting needs."

We, as Pennsylvanians, cannot escape this criticism, although I believe we have done more recently than any other State to show our interest and provide competence for dealing effectively with public problems.

Our "Partner Cities Program" though in infancy, is designed to help local governments plan for the future.

We have committed ourselves, through the Governor's Science Advisory Committee, to a program we call "Science for Society." This program has originated out of our conviction that the scientific know-how that has powered our national space and defense programs can help create inexpensive and durable housing materials, unsnarl urban traffic tangles and purify our air and water supplies.

If we fail to answer the criticisms of John Fischer in Pennsylvania, it will not be because we didn't try.

And that really is what this conference is all about. To give you the opportunity to help Pennsylvania respond to the challenge.

It is needless to say that our past history and policy toward control of water pollution was not a noble achievement. The fact that we allowed millions of gallons of acid mine drainage to get into our streams was alone a disgrace.

And even with the efforts we are presently making through the construction of the first acid mine water treatment facilities, through the Sanitary Water Board and other State agencies concerned about pure water, changes are needed.

At this conference, we are asking you to think about and give us answers to these questions:

Does the Sanitary Water Board have the tools now needed to assure the quality of our water supply?

Are the water pollution control concepts and methods developed in the 1930s, and still in existence, adequate to meet the growing demands for pure water?

There is need for improved planning and new water management techniques. Our present system of providing municipal sewage collection and water pollution control is moving too slowly. Consequently, it is not keeping pace with the development of the Commonwealth.

We must now create a State-local partnership of regional systems of water quality management. Communities, industries, builders, and individual citizens must work more cooperatively in a region to assure a pure water supply.

We can no longer allow the proliferation of water treatment facilities along our streams, just as we can no longer permit any community, regardless of size, to dump raw sewage into any body of water.

During the past year, the State's Water Resources Coordinating Committee held a series of meetings to stimulate the formation of watershed associations. We have found that these associations are providing our citizens with a better awareness of regional water problems and a new responsibility to become involved in pollution control efforts.

These associations can give us the basis needed to create regional control of the water supply and bring to an end the era when a hamlet, acting selfishly, can veto the improvement of water quality for other communities.

The program for this conference is designed to give you the opportunity to present your views on what course Pennsylvania should follow to protect its priceless water and its proper use. I know of no greater contribution you can make to the improvement of our environment and the future development of our Commonwealth.

Thank you.

SWEEPING REFORMS IN POST OFFICE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. DERWINSKI. Mr. Speaker, next Wednesday the House Post Office and Civil Service Committee may take a positive step in commencing the markup for the proposal to reform the Post Office Department. The bill which would effectively produce postal reform by means of a Government corporation is H.R. 11750 which received tremendous editorial endorsement from objective publications across the country.

It was with special interest that I noted a very spirited and effective editorial in the South Suburban News of Harvey, Ill., Saturday, September 6, which gives an especially sound presentation for the arguments in support of H.R. 11750.

The editorial follows:

SWEEPING REFORMS IN POST OFFICE

It isn't often that a new idea calling for sweeping reforms in one of our long-established national institutions is able to enlist substantial and enthusiastic bipartisan political support at all levels of government—federal, state, and local.

But that is just what is happening in the case of President Nixon's legislative proposal to reorganize the antiquated Post Office Department from top to bottom.

Twenty of the states' governors and 66 mayors from coast to coast have already joined federal officials in urging Congressional passage of the President's bill, known in its present form as H.R. 11750, which would remove the Post Office from Cabinet and restructure it as a government-owned corporation operating under a charter from Congress to run on a self-supporting basis.

In our vew, the features of the proposed corporation (to be called the United States Postal Service) are so superior to those of the present system that the bill deserves the wholehearted approval of every citizen.

First, the public at large would benefit from the savings the corporation would bring about.

One of the most exasperating aspects of the Post Office operation is that it is always in debt. Last year's deficit, for instance, was a colossal $1.2 billion. A comprehensive independent study made last year pointed out that a large part of the Department's an-

XUM

nual deficits is caused by inefficient management practices built into the system itself and completely beyond the powers of the Postmaster General to change.

The study group concluded that only a total overhaul of the Department would effect the improvements so crucially needed in this area.

This is precisely what the President's proposal would do. It would place the corporation in the hands of a group of professionally competent directors and give them the authority to run it on a sound businesslike basis. It would also empower them to purchase badly needed modern equipment and construct modern facilities to insure that postal services are provided as efficiently as those of any successful private corporation.

The result, as stipulated in the President's bill, will be that five years after the beginning of operations, the corporation's income in revenues should, on the whole, equal its outgo in expenses.

Second, the mail users themselves would derive tremendous benefits. The present haphazard and inequitable rate structure would be replaced by a plan in which the board of directors would set rates after hearings and recommendations by a panel of expert rate commissioners.

Thus, all classes of users would be assured of fair treatment, and the old practice of one user helping to pay for the transportation and delivery of another user's mail would be eliminated, as nearly as it is humanly possible to do.

Thanks to building and equipment improvements, service to mail users would be faster and more dependable than it is now.

Finally, postal employees would find that the corporation will provide them with a whole range of benefits that the current system doesn't have. Workers will be able—for the first time—to be represented in productive labor-management negotiations on the bread-and-butter issues of wages, hours, benefits, and all conditions of employment. In the event that labor and management cannot get together on the resolutions of an issue, H.R. 11750 also makes provisions for the use of impartial and binding arbitration to see that the rights of workers are fully guaranteed and fully protected.

Then—another first—Post Office employees would be given the incentive and opportunity to advance their careers as far as their own abilities and energies would carry them. They would no longer be hamstrung by the current system frustrating restrictions, under which nearly two-thirds of all postal workers reach retirement age in the exact same job for which they were originally hired.

On all these counts, therefore, we can see nothing but good emanating from the corporation, and we urge quick Congressional passage of the President's bill.

THE MANPOWER AMENDMENT

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. ESCH. Mr. Speaker, tomorrow the House will consider an amendment which I will introduce to cut back on the total military manpower by the number of troops withdrawn from Vietnam. I view this as one of the most significant amendments to come before the House in its debate on military procurement. Passage of this amendment would assert, at long last, congressional authority over the constant and seemingly inevitable expansion of the military. Ever since the Korean war, the Congress has abdicated its constitutional role over the raising of armies and has simply put its rubber stamp on the requests made by the Pentagon. By limiting the number of men in uniform, the Congress will serve notice that it believes that military expansionism must be brought under control.

The failure of the House of Representatives to scrutinize Defense budgets has been of great concern to me since I first took my seat here 3 years ago. There is no excuse for waste, inefficiency, and empire-building in the Defense Department than there is in any other department or agency in the Government. I believe this amendment is a small, but meaningful, first step in gaining control over the gigantic defense budget which eats up 50 percent of the taxpayer's dollar. Our strength can be maintained without waste and inefficiency in military spending.

This amendment guarantees that troops withdrawn from Vietnam will not be redeployed elsewhere, but will be deactivated. It would serve as a measure to assure that American boys withdrawn from Vietnam are not involved in another military action elsewhere in the world. It would serve as a check against the United States becoming involved in another Vietnam, without the full consultation of the Congress by the administration.

Mr. Speaker, I joined with four colleagues in a letter describing the details of the manpower amendment which we will consider tomorrow. I include the letter at this point in the RECORD:

CONGRESS OF THE UNITED STATES,
Washington, D.C., September 29, 1969.

Re Manpower Amendment to Military Procurement Authorization Bill.

DEAR COLLEAGUE: What should happen to the troops activated for Vietnam duty as they are withdrawn from Vietnam?

The Senate answered this question by passing overwhelmingly (71–10) an amendment to the military procurement authorization bill proposed by Senators Cook (R-Ky) and Bayh (D-Ind). The Cook-Bayh formula effectively requires that the overall strength of the Armed Forces be reduced by the number of men withdrawn from South Vietnam. Actually, it deals with the deactivation problem conservatively since it is estimated that about 800,000 troops are engaged directly or indirectly in Vietnam support operations. The amendment requires reduction in manpower equal to only the approximately 540,000 men *directly involved* in Vietnam.

The Cook-Bayh formula was accepted by both the Pentagon and by Senator Stennis on the floor of the Senate. See pages 25802–08, Cong. Rec. for Sept. 17, 1969.

We intend to offer an amendment when the House considers the military procurement authorization this week which is *similar in principle to the Cook-Bayh amendment*. The Commitee bill reduces the strength of the Armed Forces by 175,000. But this just barely covers the 175,000 in troop cuts *already announced* by the Administration; it says nothing about what will happen to the additional Vietnam troops to be withdrawn.

We believe that our amendment is a reasonable and responsible approach to the question of what will happen to troops withdrawn from Vietnam. We believe it deserves widespread, bi-partisan support such as it received in the Senate because:

It guarantees that troops withdrawn from Vietnam will not be redeployed elsewhere but will be deactivated.

It does not involve the question of a withdrawal timetable from Vietnam. The amendment simply says that as troops are withdrawn from Vietnam, they are to be deactivated rather than redeployed elsewhere—such as Laos.

It would not tie the President's hand in the future. The amendment specifically provides that the manpower ceilings it enacts will not apply if a future national emergency is declared by the President or Congress.

It would not require any service to be reduced below its present statutory ceiling. Thus the Marine Corps, which is already at a level below its statutorily authorized strength (unlike the other three services), would not have to be reduced further under the amendment.

It would bring our post-Vietnam troop levels in line with what the Pentagon was planning before Vietnam. In 1964, military planners projected force levels of 2.7 to 2.8 million men. The 175,000 Committee reduction plus an eventual reduction of another 475,000 as troops are withdrawn from Vietnam would reduce overall U.S. troop strength from its present 3.46 million (the largest in the world) to about 2.8 million men. The amendment is also consistent with the MCPL report endorsed by 80 members of the House and Senate. Finally, Senator Stennis said on August 11 that he favored reducing military manpower "as soon as the shooting stops at least to the level it was before the war started." (Cong. Rec. at 23226).

It would save between $3.2 and $5.5 billion annually to the American taxpayer when troop withdrawals are completed. These estimates do not include related costs of operating and maintenance which would also be reduced.

It would restore Congress to its proper constitutional role of determining the size of U.S. military forces. The existing statutory limits on military manpower have been continuously suspended since 1950. This has meant that for all practical purposes the Pentagon, not Congress, set military manpower levels. The amendment would remedy this constitutional imbalance.

We would welcome you as a cosponsor of the manpower amendment or as a speaker in support of it on the House floor. Most important, we hope you will vote for this amendment for the reasons outlined above. If you would like to act as cosponsor, or would like more information on the whole problem of military manpower, call Joe Lundy, X4835, or speak to any of us on the floor.

A copy of the amendment which will be proposed to section 407 of the Committee bill is attached.

ABNER J. MIKVA,
WILLIAM F. RYAN,
OGDEN R. REID,
MARVIN L. ESCH,
DONALD M. FRASER,
Members of Congress.

PROPOSED MANPOWER AMENDMENT TO MILITARY PROCUREMENT AUTHORIZATION BILL

In addition, whenever the total number of persons serving on active duty in Vietnam is reduced on or after December 1, 1969, this limitation of 3,285,000 shall within 180 days thereafter be reduced by a like number. Nothing in this section shall be construed as requiring the reduction of the active duty personnel strength of any component of the Armed Forces below the level for such component prescribed by law.*

---

*NOTE.—Section 407 of the Committee bill already makes these ceilings inapplicable if the President determines that they "will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination."

WE NEED AN INFORMED PUBLIC MORE THAN AN ENTERTAINED PUBLIC

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. COLLIER. Mr. Speaker, we are fortunate as citizens of a free nation to have the constitutional right of petition and freedom of speech among other basic privileges which are not allowed under a totalitarian system. Every citizen, however, has the same right to protection under the law to pursue his daily activities without molestation or infringement of his own liberties.

Each of us is responsible to abide by the laws which are established under a democratic system for our mutual protection. The right of petition does not carry with it the right to infringe upon the rights of our fellow men in a civilized society.

We may appeal the decision of a court, but no individual or group of citizens can be permitted to wantonly defy the courts and the laws of this land at their whim. Laxity in enforcing laws and indifference to flagrant violations have been too frequent in recent years, and we must not assume that the use of force or coercion through mass action can be justified or condoned regardless of the cause.

Because there are wrongs and inadequacies in every system and because there are disagreements between men of good will, we provide laws, enforcement agencies and courts to deal with these things in an orderly manner. To even suggest that any individual or group of individuals has the right to pick and choose the laws they wish to obey or disobey flaunts the principles of our civilized society. Carried to any extreme, this can only result in anarchy and its totally destructive aftermath.

In a recent speech before the Catholic Lawyers Guild, Mayor Richard J. Daley of Chicago summarized the problem which has plagued many of our cities and institutions of higher learning in recent times.

Mr. Speaker, I quote from that part of his address which provides food for thought in appraising the situation. Indeed, it is high time for reappraisal. Said Mayor Daley:

> We can applaud the idealism of the younger generation even if we fail to see how tearing down existing institutions and rejecting established values must of necessity lead to an immediate better world.
>
> While we of the older generation can acknowledge our weaknesses, we feel we can also take credit for some of our strengths.
>
> We developed an economic and technological revolution which has increased the standard of living for millions in this nation. We made it possible to distribute political and economic power more widely than in any nation in history.
>
> Our generation fought two wars to preserve liberty. We were the architects of the most generous programs of a victorious nation helping other lands. We have made friends of our former enemies and helped them bind their wounds, till their lands, and rebuild their factories. At home, we have stricken from the books those laws which discriminated amongst our citizens—an important step toward providing equal opportunity. We have launched massive programs to help the most impoverished segment of our population. All this our generation has done—and we agree with the younger generation that much more needs to be done.
>
> Another essential change affecting both generations is the impact of instantaneous communication.
>
> Television, as no other method of communication, influences greatly not only the public which views that event but also the event being photographed.
>
> Television has proved time and time again its great potential for bringing events into the home as they occur, often at the expense of editorial judgment. It presents fragments of events as the whole. The law would not permit in a court room a statement taken out of context to be entered into evidence—even though the fragment is true.
>
> One of the primary ways that television and radio have sought to be objective is to present opposite sides of an issue. Often, however, these views are voices of extremes. For example, one may wonder at the balance or the wisdom of a discussion on a moratorium of the death penalty when one of the participants is situated in death row.
>
> The extreme, the bizarre, the violent, the most theatrical presentations are offered to viewers and readers because they are moving and dramatic. This stress on the emotional content of issues adds to the polarization of attitudes.
>
> Thomas Jefferson advised us of the necessity for an informed public—not an entertained public.
>
> There is a blatant attempt at the trial of eight persons charged with creating a riot at the convention in Chicago last year to focus attention outside the courtroom and onto the streets.
>
> As lawyers and judges, we hold sacred the right to a fair and impartial trial and we lend our total effort to the end that any man, no matter what the charge, may be tried fairly on the charge, and not on extraneous matters.
>
> The courts are society's instrument to balance and resolve legitimate differences, conflicting rights and competing principles. This is fundamental to a nation of law. This all of us must defend regardless of individual views on the issues.
>
> We have been discussing some of the basic stresses in our society which are behind the headlines and pictures we see in our media today. We can resolve these conflicts first of all by being men of good will and then by acting on the basis of principle. This responsibility is especially ours.
>
> Many of you sit on the boards of great commercial enterprises, on the governing bodies of universities and colleges, and as directors of charitable, civic and religious organizations. And as lawyers, you advise clients.
>
> You cannot stay on the sidelines. You can bring to any conflict the essential approach of the judicial process. To act on facts, not emotion—to demand the evidence be weighed—and to seek justice.
>
> Above all, I would like to recall the words of St. Thomas More—what you cannot turn to good you must make as little bad as you can.

INTEREST RATE CRISIS APPEAL HAS BROAD SUPPORT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. MIKVA. Mr. Speaker, in early August representatives of many organizations attended an emergency meeting on the high interest crisis. At that meeting a broad consensus developed about what action the administration must take to fight the present outrageous level of bank interest rates. After the meeting, the statement which had been adopted there was circulated to the organizations represented at it. I believe it will be of interest to my colleagues to see the statement and to know the organizations which have endorsed it.

It is significant, Mr. Speaker, that the organizations endorsing the high interest rate crisis statement cover a broad spectrum of American life. There are labor organizations, there are organizations of Government employees, of teachers, senior citizen groups, farm groups, the homebuilding industry, the U.S. Conference of Mayors, and many, many more. The point is that the call for swift and decisive Government action to end the credit squeeze has broad, nationwide support. With this kind of consensus existing within the country, we are certainly entitled to ask "When will the President act"?

The statement referred to follows:

STATEMENT FOR EMERGENCY MEETING ON HIGH INTEREST CRISIS

Interest rates in the United States have risen to the highest level in 100 years. The prime interest rate charged by banks has climbed to an astounding 8½ percent. The discount rate paid by banks for loans from the Federal Reserve has skyrocketed to 6 per cent, the highest rate since 1929.

The bitter fact is that the country is in the grip of a high interest rate crisis that portends grave consequences for the American people. Already the ordinary citizen is priced out of the home buying market. Even middle-income families cannot afford the 8½ to 10 per cent interest cost which inflates the price of new housing. This is especially true of lower wage earners.

The Federal government is also forced to spend more of its income on interest. Whereas the interest on the Federal debt was $14 billion in 1968, it is estimated to reach $16 billion for 1970. The obvious result of this interest rate escalation is that the Federal government will have $2 billion less in 1970 to spend on needed services than in 1968.

The proponents of high interest insist that a high interest rate policy is necessary to take the steam out of inflation. During the 1950s, increases in the prime rate were followed by recession—the recessions of 1954, 1958 and 1960 all were preceded by an upswing in interest rates. Instead of achieving economic stability, recession and unemployment followed. The social and economic costs of the high interest rate policy are too great—especially since there are other, more direct ways, to control inflation.

High interest rates are not ordained by nature. They are man-made—made by bankers seeking greater profits and government unwilling to take positive action in favor of the borrower and the public generally. The time to drive down interest rates is now, before the grim toll of economic recession is again exacted from the American people.

Therefore this Emergency Meeting on High Interest Crisis, representing millions of people on every level of American life:

1. Calls upon the Administration, through the Department of Justice, to investigate possible antitrust violations by banks in connection with the recent prime interest rate increases. The virtual unanimity of banks in adopting the higher rates strongly suggest the possibility of a conspiracy.

2. Urges the President to publicly declare

XUM

his opposition to the high interest policy of the Federal Reserve Board and use his great influence and power to bring about a rollback in interest rates.

3. Asks the President to withdraw tax and loan accounts, on which no interest is paid to the government, from those banks which refuse to cooperate and continue to raise interest rates.

4. Calls upon Congress to pass legislation that will curb interest rates, and direct the Federal Reserve Board to sharply reduce the current exorbitant cost of credit.

Finally, it is becoming increasingly clear that the nation's social needs have a low priority on the agenda of commercial banks and the Federal Reserve System. The backlog of desperately needed housing, schools, hospitals, natural resources development, transit, pollution abatement, and other public facilities, bears with crushing weight on our society. Our failures in these fundamental areas of human need will be gravely aggravated if the present high interest rate crisis is allowed to persist. The tools to reverse the upward trend of interest rates exist; we call for their use.

We suggest to the Administration, to Congress, to the Federal Reserve System, and to the banks that the American people will expect prompt and meaningful action if a disaster is to be avoided.

Organizations agreeing to the high interest statement adopted by individuals assembled at the New Senate Office Building Auditorium, August 5, 1969:

Amalgamated Meat Cutters & Butchers Workmen.

American Federation of State, County and Municipal Employees.

American Federation of Teachers.

American Flint Glass Workers Union of North America.

American Public Power Association.

American Association of Retired Persons.

Basin Electric Power Cooperative.

Brotherhood of Painters, Decorators and Paperhangers of America.

Consumer Federation of America.

East River Electric Power Cooperative.

Glass Bottle Blowers' Association of U.S. and Canada.

Group Health Association of America.

Industrial Union Department, AFL–CIO.

International Association of Fire Fighters.

International Association of Machinists and Aerospace Workers.

International Brotherhood of Electrical Workers.

International Brotherhood of Operative Potters.

National Association of Counties.

National Association of Home Builders.

National Association of Housing & Redevelopment Officials.

National Association of Retired Civil Service Employees.

National Consumer League.

National Council of Senior Citizens.

National Farmers Union.

National Grange.

National Institute of Governmental Purchasing.

National League of Cities.

National Retired Teachers Association.

National Rural Electric Cooperative Association.

National Telephone Cooperative Association.

South Dakota Consumers League.

United Cement, Lime and Gypsum Workers International Union.

United Glass and Ceramic Workers of North America.

United Housing Foundation.

United Steelworkers of America.

United Stone and Allied Products Workers of America.

U.S. Conference of Mayors.

Window Glass Cutters League of America.

NATION'S CHILDREN NEED CARE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, I would like to include in the RECORD a statement of Thomas P. O'Hearn to the Senate Subcommittee on Agriculture and Forestry.

Tom O'Hearn is a close and dear friend, a man who is very concerned with the welfare of our Nation's children. At the present time, he is serving as the chairman of the legislative committee, American School Food Service Association; and as the director of food services for the department of education in the archdiocese of Boston.

When one considers the vast wealth and resources of this country, it seems rather absurd that our children are unable to receive adequate nourishment; nourishment which would most certainly result in an increased interest in study and the pursuit of knowledge. How can a child learn when he has not had sufficient food to keep himself alert and active? As Mr. O'Hearn points out, the cost of food is rising, and it seems only logical to provide for an increased allocation of funds to be used to purchase food for our schoolchildren.

I commend Tom O'Hearn's statement to my fellow colleagues. He is a compassionate man; his statement is eminently reasonable and reflects his concern for the welfare of America's children.

The statement follows:

STATEMENT OF THOMAS P. O'HEARN

I am most grateful for the opportunity of appearing before you and your Committee. My panel associates are most distinguished and I am proud to be associated with them in a common effort to alleviate the physical plight of an estimated 7,000,000 of our nation's school children. Well documented nutritional evidence is available indicating this estimate to be reasonably accurate. I would also like to thank Dr. Perryman for his efforts in arranging for our appearance here today.

For quite some time now various news media have been reporting these estimates under a variety of distressing headlines such as "Hunger U.S.A.", "The Hungry Americans" and "Poor Children Can't Have School Lunches". Unfortunately public opinion seems to be placing the blame on the Congress for not having succeeded by now in closing this apparent nutrition gap. This disturbs me, because realistically the Congress should not be expected to bear this responsibility alone.

I do not take this position in a patronizing way, but because of a strong feeling that a majority of us responsible for school food services should have, long before now, communicated to the Congress in a more dramatic way the inevitability of our present crisis. We all have been attempting to solve problems by small measures when a full measure of assistance would have been the ounce of prevention initially needed, rather than the pound of cure essential now, in the fight to alleviate the plight of all of our undernourished children.

During the past school year the Congress provided a small measure of assistance in appropriating an additional $43,000,000 for use by the States in initial attempts to feed the most needy children. Within the limitations imposed by the amount of the appropriation only limited progress was made. Greater advances must be made and we have a responsibility here today, Mr. Chairman and Members of the Committee, to acquaint you not only with what has been done, but, as well, with some idea as to what additional financial assistance is needed to complete the job.

Prior to the availability of the additional $43,000,000 only about 2.5 million needy children had been receiving free or reduced priced lunches each day. During the latter part of the 1968–69 school year this number increased to 4 million children per day. Had these additional children been receiving lunches during the first part of the last school year an appropriation of $77,000,000 would have been necessary.

Approximately 3,000,000 additional children must be served each day, if our common objectives are to be reached. Many of these deprived children reside in large urban areas and are being educated in antiquated school buildings. Problems relating to building replacement, redistricting and the locating of central kitchen facilities contribute to an unavoidable slow rate of progress in the extension of essential food services in most of these areas.

The Commonwealth of Massachusetts for example still has at least 600 public and parochial schools in 29 cities and towns in which school lunches are not available. Although authorities in these areas may be interested in installing necessary facilities they are unable to do so due to a lack of funds. Inflated general education costs appear to be exhausting available local tax dollars. An estimated $4,000,000 would be needed to install food service equipment in these schools.

During the past school year Massachusetts received an allocation of $717,292 out of the $43,000,000 appropriated on an emergency basis. To reach all visible needy children during the present school year a minimum allocation of $1,800,000 will be needed. An increased allocation of equipment monies for distribution by the Commonwealth to needy cities and towns is also essential on an equitable matching basis. Although these statistics apply only to Massachusetts, I am confident that they reflect the situation as it exists, with slight variations, in all other States. It is only with this thought in mind that they have been presented.

We have been invited here today, Mr. Chairman and Members of the Committee, to express our views on the provisions of S 2548 introduced by Senator Talmadge. This legislation in providing for increased appropriations and calling for greater contributions by the States basically represents an enlightened approach and, if enacted, would provide the nation temporarily with a most formidable weapon to use in its fight to eliminate malnutrition among children. My temporary qualification is premised on a conclusion that monies in addition to those called for in this bill will ultimately become necessary, if the Congress should decide to provide a full measure of assistance.

Since 1946 a provision of the regulations issued under the National School Lunch Act has established a maximum reimbursement rate of .09 cents on a Type A lunch. In compliance with the intent of the matching provisions of the Act a few States such as New York, Massachusetts, Utah, Louisiana, Vermont and New Jersey are presently appropriating monies for School Lunch Program purposes. New York and Massachusetts laws stipulate that monies appropriated may not exceed amounts needed to maintain reimbursement rates at the present maximum allowable rate of .09 cents per lunch. It is very difficult for many of us to understand why this maximum rate has not been periodically adjusted to compensate for the significant food cost increases which have taken place since 1946. To correct this inequity, I strong-

XUM

ly recommend that the following amendment be inserted in Section 7 of S. 2548 as Item (b) and that the succeeding items in this section be re-lettered: (See Appendix)

In my opinion failure to adopt this Amendment will result in hundreds of thousands of children being deprived of needed lunches unless they become an additional Section 11 responsibility. Approximately 16% of our needy children presently are being provided for under this program. It is evident that the indicated funding provisions of S. 2548 are not intended to assume this additional burden. In addition, if States continue to be restricted by this unrealistic maximum rate, many more worthy children may well be priced out of the program.

It should be pointed out at this time that this suggested formula for establishing a realistic maximum rate would not in any way commit the Congress to an additional Section 4 appropriation. It would, however, permit the States to appropriate voluntarily additional monies to the program in conformity with the suggested matching provisions of S. 2548.

Mr. Chairman and Members of the Committee, I urge you to recommend favorably the passage of S. 2548 subject to the Amendment which I have recommended. The enactment of this legislation by the Congress would contribute immensely to the future good health of millions of our nation's children. We cannot afford to gamble with the future for too soon it will be the past. Thank you very much.

APPENDIX

Section 8 of the National School Lunch Act is hereby amended by inserting the following sentences immediately after the first sentence in this Section.

The Secretary in establishing the maximum rate of reimbursement which states may pay schools for meeting the prescribed minimum nutritional requirements shall take into consideration the actual national average purchase cost of food necessary to provide such meals. However, in no event shall the Secretary set the maximum rate of reimbursement at less than 50% of the current national average cost of food per meal in each fiscal year. Nor may the states or USDADO wherever applicable reimburse schools in an amount which is in excess of this rate times the number of meals served or the actual cost of food purchased whichever is the lesser. Except that in schools meeting the established criteria for need the Secretary may establish a rate in excess of 50% of the national average cost of obtaining food.

SOUTHERN UNIVERSITIES STUDENT GOVERNMENT ASSOCIATION

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. GRIFFIN. Mr. Speaker, at a time when daily headlines draw our attention to continued campus unrest and violence, it is refreshing to note the organization of a responsible student voice—Southern Universities Student Government Association.

SUSGA rejects revolution as the primary vehicle for social change. Instead, it appeals to the rational student seriously concerned over our Nation's problems and ills who want changes within a lawful and stable environment.

Unlike the SDS, and other Marxist-oriented groups, SUSGA makes no attempt to dictate college or university policies or to function as a political organization. Nor does it villify or denounce national leaders or agencies. By the free exchange of ideas and experiences, SUSGA intends to provide for effective, responsible student governments—the basis for future leadership and sound citizenship.

I commend the following article which appeared in the Jackson, Miss., Clarion-Ledger on August 10; 1969:

[From the Jackson (Miss.) Clarion-Ledger Daily News, Aug 10, 1969]

SUSGA ON CAMPUSES: SOUTHERN COLLEGIANS LEAD IN "RESPONSIBLE" MOVEMENT

(By Bill Marble)

Construction instead of destruction, unity rather than disunity, is the goal of a student organization with deep Mississippi roots that seeks to provide a responsible student voice on the national level.

The organization, Southern Universities Student Government Association, or SUSGA, presently claims membership in only a dozen states. But through a program of regeneration backed by nationally prominent persons, it hopes to change all that.

Included among those who have expressed an interest in and support of the association in its task of achieving national status are former Secretary of Agriculture Orville Freeman, syndicated columnists Jack Anderson and Paul Scott. CBS newscaster Roger Mudd and former Vice President Hubert H. Humphrey.

SUSGA, its leaders say, exists to serve the students of its member schools in building effective representative governments on their campuses. Its ultimate goal is to help produce individuals who are not only campus leaders, but who also will carry their leadership characteristics into society when they graduate.

The South quietly has taken a leading role in meeting the changes of this era. SUSGA, the second largest student government association in the United States, has been a key factor both in keeping Southern colleges and universities abreast of the trends in student opinion and in averting the violence which has disrupted schools throughout parts of the nation.

Unlike any other regional or national student association, SUSGA does not attempt to serve as a policy-making or political organization. Nor does it condemn or ridicule government leaders, agencies or policies or other individuals of this country.

The association enables student leaders to exchange ideas and experiences in order to provide more effective student governments—the basis for leadership, service and citizenship.

STUDENT AWARENESS

Through SUSGA conferences and publications, student leaders are made aware of the wide range of programs and activities suitable for their individual campuses.

SUSGA is not stagnant. It deals with topics relevant to today's campuses. The annual conference is geared toward exploration of every area of student government—academic involvement, human relations, the relationships between students and administrators and the services student governments can provide on their campuses.

Officers of SUSGA are students elected each year at the annual conference. They serve one year and work with the advisers selected to coordinate activities.

Although SUSGA has come a long way in the less than two decades of its existence, the future yet holds many gray areas—problems which lurk in the background for student governments or new ones which arise as old problems are solved.

SUSGA serves a changing climate in Southern higher education. It has proved itself to be an effective sounding board for new ideas and a dynamic force challenging students toward leadership and self-realization, despite the pitfalls inherent in such a program.

REAL DEMOCRACY

SUSGA, declared one officer, is "democracy in practice."

The SUSGA influence within the state of Mississippi is a profound one. Its local affiliate, the Mississippi Intercollegiate Council (MIC), was founded in 1947.

MIC, the first statewide student government organization in the United States and one of the oldest of any kind in existence, traditionally has rejected affiliation with what its president Bill Cole termed "the more irresponsible elements of the nation's students."

MIC meets twice annually with membership having grown from the original four schools to almost 30 junior and senior colleges.

Student representatives of the member schools converge to discuss common campus problems and to establish channels of communication and understanding among all segments of the college community.

POSITIVE PLAN

According to Cole, a senior at the University of Mississippi who also serves on the SUSGA board of directors, said both MIC and SUSGA felt it was time for the establishment of a body to present a positive alternative to "the extremism of Students for a Democratic Society and the National Student Association."

"We are trying to combat the SDS–NSA image by providing a sounding board to discuss all issues—while refraining from endorsing political philosophies, candidates or legislation—as a better way to resolve problems and prevent confrontations on campuses and in the streets," Cole said.

"Through MIC, we have shown how this has been accomplished within the state," Cole added.

RHODESIA—IT IS HERE TO STAY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 1969

Mr. RARICK. Mr. Speaker, in less than 2 months from today Rhodesia will be celebrating the fourth anniversary of its independence from British rule.

Mr. Ray Vicker recently has prepared two reports covering the progress in Rhodesia under self-government.

From his reports we learn:

First. Rhodesia is booming despite U.N.O. sanctions and expects a 10-percent increase in gross domestic product in 1969.

Second. African nationalist guerrillas pose no problem, though evidence indicates they are getting strong Communist backing.

Third. Many countries are winking at sanctions, including black-ruled countries in Africa that officially are waging economic war with Rhodesia.

Fourth. The United States enthusiastically cooperates in the boycott, although it is forcing American chrome buyers to deal with Communist Russia at prices 50 percent higher—actually more—than Rhodesian chrome.

Fifth. Sanctions are not affecting Rhodesia's survival but are damaging to the prospects of expanding opportunities for black employment.

It has come time for the United States to come to terms with the realities of the situation in Rhodesia. Our Government has no alternative but to recognize progress, even under the most difficult conditions. Rhodesia is there. It will not go away.

I call on the President to use the prestige of his good office to see that the sanctions are dropped and further that the United States officially recognize the Government of Rhodesia.

The two articles by Ray Vicker from the Wall Street Journal follow:

[From the Wall Street Journal, Sept. 22, 1969]

In Africa, a Shift in Political Winds

(By Ray Vicker)

Victoria Falls, Rhodesia.—In London, representatives of an African guerrilla organization had contended that this part of the Zambezi River Valley formed Africa's newest battleground between blacks and whites in Southern Africa. Now, as the rented Datsun follows the curves of the river road, nothing stirs.

On the far Zambia side of the island-studded Zambezi, a cluster of Tonga huts squats on the bank, inhabitants either elsewhere or enjoying a siesta. A crocodile suns itself on a glittering, white sand bar, while somewhere an unseen hippo snorts like an annoyed pig. Softball sized elephant droppings stud the winding road. The elusive elephants are nowhere in sight. Neither are any African Guerrillas.

In fact, a 50-mile drive from Victoria Falls to Kazungula fails to produce anymore action than a few Rhodesian fishermen and picnickers along the river. And at Kazungula, where South Africa's Caprivi Strip, Zambia, Rhodesia and Botswana rub shoulders uneasily, a South African border guard contemptuously says: "African guerrillas? They're all up in Dar-Es-Salaam driving their Mercedes sedans, occupying their seaside villas, and printing statements about imaginary battles along the Zambezi."

Indeed, along the Zambezi and elsewhere in Africa's "guerrilla country" it soon is evident that African nationalism is making little progress against entrenched white Africa. Moreover, the political winds of change may no longer favor the nationalists.

After March, 1957, when Ghana won its independence, it had seemed as if the forces of change were irresistible. One colonial regime after another was swept way, to be followed by independent African rule. An atmosphere of romance and radicalism hung over African nationalist leaders. They attracted liberal support from around the globe.

It became popular to predict that the wind of change would blow white Africans from control pedestals everywhere, leaving Rousseauesque black African states behind. It was also popular to claim that "South Africa is living on a volcano," about to explode, that "Portugal is too poor to hold African territories for long," and more recently that "Rhodesia can't maintain independence" in the face of United Nations sanctions.

MYTH AND FACT

Today, there are 42 independent nations on the African continent, including Rhodesia. And those statements about the white-controlled nations sound more and more like the wild claims of African nationalists regarding mythical guerrilla victories in Southern Africa.

Only a handful of Africa's peoples have won independence since Rhodesia declared its Unilateral Declaration of Independence in November, 1965. Botswana and Lesotho, two geographical appendages of South Africa, obtained independence from British rule in 1966. Swaziland, another such state, followed in 1968, along with Equatorial Guinea and Mauritius. (The Mauritius might more rightly be classified as an Indian Ocean state. But it is looking to Africa for economic ties.)

Meanwhile, South Africa, Rhodesia and the Portuguese territories of Portuguese Guinea, Mozambique and Angola remain under white rule. And only the most fervent optimist believes the situation will change at any time in the foresseable future.

"African nationalism has reached the Zambezi river. It will come no further," says Balthazar Johannes (John) Vorster, South Africa's Prime Minister.

Charles E. Bedaux, an American management consultant with offices in Johannesburg, says: "When companies interested in locating here ask me how long this country can go on before the racial explosion occurs, I tell them: 'Whites will be in control here for at least another fifty years. What happens after that doesn't matter, now.'"

That's only an opinion, of course. Nevertheless, it now is evident here that African nationalists have woefully misjudged two factors on this continent: The strength of Southern white Africa; and the strength of tribalism in all Africa.

African nationalism never was a widespread yearning for liberty from black Africa's 230 million people. Rather it was the creation of Africa's thin stratum of Western educated intellectuals, a group never more than a tiny fraction of the total population.

Admittedly, in the right climate, this nationalism can stimulate a following. Britain, Belgium and France, and to a lesser extent Spain, provided such climate in the post World War II period. They decided to decolonize, come what may, making it relatively easy for the nationalist intellectuals to lead their nations to independence. But these bloodless separations created a false picture of nationalist strength. Only two nations of black Africa—Kenya and Madagascar—actually fought for independence. Other murderous upheavals in black Africa came after independence was achieved, whether in the Congo, in Burundi, Rwanda, the Sudan, Zanzibar (now part of Tanzania) or Nigeria.

Only in white Southern Africa did the nationalists meet real resistance.

There, they turned to violence. Russian and Red Chinese training and weapons have helped to forge guerrilla armies which seek to wage war against Angola, Portuguese Guinea, Mozambique, Rhodesia and South Africa.

But after eight years of trying, Angola still is as Portuguese as it was in 1961. Only a small part of Northern Mozambique is affected by the five-year-old war there.

Guinea, a hot, swampy country of throbbing drums and drenching rain, is wedged between two African nationalist nations which provide support for guerrillas. But even with that help, guerrillas are stalemated after seven years of war.

South Africa is virtually unaffected. Rhodesia proves far stronger than nationalists figured. In Salisbury, one Rhodesian government official grimly relates the story of a guerrilla attack in force across the Zambezi about 18 months ago: "Our forces cut them to pieces," says this official.

Then he explains that about a year ago, another buildup of guerrillas was noted on the Zambian side. Rhodesian helicopters hovered over the river while loud speakers carried taped messages which said in effect: "Come on across the river. We're waiting for you." Guerrillas faded into the bush, and haven't been seen here since.

Today it is doubtful that any of the various guerrilla groups in the field can mount more than a few hundred men at any one time. Moreover, units suffer from the fact that "everybody wants to be chief," as one Rhodesian phrases it. So groups splinter, then splinter some more as victory seems further and further away.

Meanwhile, tribal splits have become evident all through Africa. The splits suggest that there is no black-white confrontation in Africa, simply because there is no black front in Africa. An African in South Africa regards himself as a Zulu, or Xhosa or Basuto, or something else, not as a member of a black race where everybody shares common grievances. In Rhodesia the African sees himself as a Matabele or Mashona. In Zambia there are the Bemba, the Lozi, the Tonga and scores of other tribes.

There is no more political unity among most of these tribes than there is between white Swedes, Italians, Poles and Englishmen. There also is a good deal less cultural unity.

Tribal conflict is more evident in the current attempt of the Ibo tribe to carve the new nation of Biafra from Nigeria. It has been a factor in black versus black wars which have cost the lives of 3.5 million Africans since nationalism became a factor in African politics, according to one North Atlantic Treaty Organization source.

ALIEN TRIBES

Often a guerrilla group can wield a sizable force from one tribe as is the case with Frelimo, the nationalist movement in Mozambique. It has sizable support in the Makonde tribe which straddles the Tanzania-Mozambique border. But when the Makonde guerrillas move into another tribal area, they are viewed as the alien enemy. Local Africans betray them to the Portuguese.

This is true in many other places in Africa, too. Rhodesia, for instance, has only two main tribes, the Mashona and the Matabele. "They get along now because whites still are in control," says C. G. Tracey, a Salisbury businessman who was born and raised in Rhodesia. "If we weren't in control, these two tribes would be at each others' throats, as they were when the first settlers came to this country."

This is not a pleasant picture, of course, for the African nationalists. But too often they have substituted wishful thinking for ingenuity in facing problems. For example, they like to avert that history and sheer numbers alone will decide issues in this part of the world.

"This ignores the fact that 40,000 Romans were able to keep a million and a half Britons in subjection for 400 years," says another Rhodesian businessman. And that was before modern technology added a new dimension to the power of industrialized peoples.

Rhodesia, Portugal and South Africa have jet air forces. Portugal has some of the best weaponry NATO can provide, as African nationalists like to emphasize from time to time. South Africa is advanced enough to build its own missiles, and perhaps atomic bombs, too, were they considered necessary. Rhodesia and South Africa have developed economies which produce everything from complex electronic equipment to automobiles. And all three countries have manpower capable of handling the intricate gadgets and weaponry which provide heavy firepower to a comparative few.

If numbers alone decided political fates, little Israel with its two million people would have been beaten long ago by the 100 million Arabs from Morocco to the Persian Gulf. Those 50 to one odds, of course, are longer than the 20 to one odds faced here by 228,000 Rhodesians if all the blacks in the country had one united opposition voice, which they do not.

This is one reason why a visitor can drive along the Zambezi river by himself without much chance of encountering any African guerrillas. That situation could always change if pressure from southern Africa continues and starts to accelerate.

XUM

But there's nothing right now which indicates that, even with massive Communist help, much progress is being made.

RHODESIA: BOOMING DESPITE SANCTIONS

(By Ray Vicker)

SALISBURY, RHODESIA.—What happens when the United Nations leads a world-wide economic boycott of a little country with only 4.8 million people?

If the country is Rhodesia, it has the biggest boom in its history, with a net inflow of new settlers, an economic revolution that launches dozens of new industries, sets off a boisterous stock market advance, and strengthens wills all around. That's the picture that emerges after talks with dozens of government figures, businessmen, bankers, farmers and ordinary citizens in this ruggedly individualistic land.

Prime Minister Ian Smith, in an interview, underscores the picture of a country on the go. After estimating that the country's gross domestic product will rise 10% this year over last he adds, "This is happening despite the fact that we sometimes must discount prices of our products to sell them on world markets, while paying premium prices for the goods we buy."

That 10% figure comes after deducting a 2½% inflationary factor from an estimated upsurge of nearly 13% this year. Moreover, the estimate is backed by solid figures of exports, interviews with numerous company officials here and first-hand observation.

All this expansion makes for a growth rate matched by few countries on earth, none in black Africa. It's enough to give Rhodesia a GNP of $1.2 billion this year, well above the $986 million level of 1965, the year of Rhodesia's unilateral declaration of independence, or UDI as it is known here.

The Rhodesian leader sits in his parliament building office beneath a drawing of Cecil Rhodes, pioneer empire-builder of Africa. He also voices a racial theme akin to that of Rhodes. "Equal opportunity for all civilized men." He emphasizes that Negroes are getting and will continue to get the vote as they measure up to earnings and educational standards. And he hopes the vote will be expressed in a multiracial society. "Apartheid along South African lines is a practical impossibility here," he says.

In jaunty mood he also outlines developments in this California-sized country. The economic sanctions are being circumvented. African nationalist guerrillas pose no problem, though evidence indicates they are getting strong Communist backing. A new constitution is being prepared that will allow further gradual expansion of the African vote. The country is to become a republic when that constitution is introduced "probably next March, April or May," depending on the mechanics of implementation. Several nations are expected to recognize Rhodesia then, and the sanctions will probably fade away. Indeed many of them seem to have faded already.

LONDON VS. SALISBURY

The UN sanctions were initiated at British instigation after UDI. Britain refused to certify the independence of its colony, contending that more political rights must be accorded the nation's 4.5 million blacks by its 228,000 whites. Prime Minister Smith led Rhodesians in insisting that the pace of Negro political development would be set here, not in London.

The sanctions program, which began with all the elements of a spy novel, may be degenerating into a gumshoe comedy. Initially, British secret agents poured into Beira and Lourenco Marques, key Mozambique ports through which Rhodesian goods had moved. Agents snooped into cargo manifests, investigated ship loadings, warned the UN about suspicious ships with Rhodesian cargoes. The British foreign office applied pressure on governments suspected of allowing their citizens to trade with Rhodesia.

But Rhodesians are evading the boycott. In Addis Ababa, Diallo Telli, secretary-general of the Organization of African Unity, complains that "the UN sanctions policy against Rhodesia is an utter failure." Instead of looking like a besieged city, Salisbury is prosperous. It is an antiseptic city of broad walks, green parks and high-rise buildings. Its outer circle contains an array of ranch-type homes set on spacious lawns, most with swimming pools.

The O. K. Bazaar, like other of the city's department stores, teems with shoppers. Appliance stores display Grundig and Zenith radios, Sony and Akai tape recorders and various other electronic gadgets from major nations of the world. New French-made Citroen and Peugot automobiles vie with German-made BMW cars. There are so many automobiles on streets that parking is a problem. A gasoline station attendant scoffs at suggestions of the world. New French-made Citroen gives you 100 gallons if you can pay for it, he says. Meikles Hotel, one of the best in town, offers French wines on its ample menu in the chic La Fontaine Room. American films such as "The Prime of Miss Jean Brodie" and "MacKenna's Gold" are featured at theaters.

Jan Brinker, a long-legged and elegant blonde from San Francisco, packs them in nightly at "La Boheme" nightclub where she is the singing attraction. Also on the program is Nadjia, "The Nymph of the Nile," a stripper. Her special 5:30 p.m. show catches numerous tired businessmen on their way home. None seem to be thinking about sanctions when Nadjia reaches the climax of her act.

D&M Williams travel agency is advertising 34-day Caribbean cruises at fares of from $1,236 to $1,736. Yerman quality footwear is plugging a new shipment of ladies' shoes from Italy, while the Salisbury Jaycees are holding stock exchange investment courses aimed at explaining market operations to potential investors.

The Salisbury stock exchange reflects the boom. Early this month the industrial shares index kept by L. Waugh & Co., a Salisbury stock brokerage, stood at 356.9 (January 1963 equals 100). In October, 1965, just before UDI, it was 171.3. Moreover, the current level is down from the peak attained May 9, 1969 of 434.2.

Rhodesia's diversified economy is a big reason for the country's success in surmounting sanctions. "If we had a single-crop economy, things might have been awkward," says Prime Minister Smith. "But we make hundreds of different things and it is difficult to enforce sanctions in such a situation."

Rhodesian tobacco production, 132 million pounds annually, now is just about in balance with the country's ability to sell the crop. Of course that total is only half the 260 million pounds produced in the UDI year of 1965. Farmers have shifted to production of cotton, corn, wheat and other crops, which helps conserve foreign exchange.

In manufacturing, too, Rhodesia is becoming self-sufficient in scores of fields, becoming an exporter in others. "We've gone into the manufacture of simple farm tools such as disc plows, harrows, graders and peanut shellers," says John D. Cameron, managing director Bain & Co., Rhodesia Pty Ltd., Salisbury. This farm implement dealership has a volume of around $2.5 million annually and has the International Harvester agency in Rhodesia. Proudly Mr. Cameron says: "We can produce and sell the items we're now making 10% cheaper than the imports."

Rhodesians now are even manufacturing Dumbartin brand "Scotch" whisky, using sugar alcohol as a base. "The first two drinks are bloody awful. Then it goes down all right for your throat is numb," says one booster of this local Scotch. Rhodesian manufacturing ingenuity is found in scores of other areas from quality textiles to electronic equipment.

Tourism has rallied, too, after falling immediately after UDI. A record 266,421 visitors entered Rhodesia last year, and the total so far this year is 6% higher. The Victoria Falls Hotel had a full house on a recent weekend. The nearby casino does a brisk business at tables. On Lake Kariba, a yatching regatta attracts a crowd, while the Zimbabwe ruins draws busloads of tourists. Earnings from tourism will amount to more than $20 million this year.

Mine production is booming. Union Carbide Corp. operates the world's largest chrome mine, under government aegis. This and another big mine account for about 5,800 tons of ferro-chrome alloys annually. Nickel production is being expanded sharply by the Anglo-American group of South Africa and the RTZ group of Britain. Estimates are that both groups together will be producing at a rate of 28 million pounds of nickel annually next year. This would be equivalent to $84 million at today's prices says one mining source—a substantial addition to Rhodesia's foreign exchange earnings.

Rhodesia is a gold producer too, and this is a valuable product, with the free market offering more than $40 an ounce. Like many other things, the rate of output is secret. Evidence indicates, however, that about 455,000 ounces will be produced this year, about $15.8 million at $35 an ounce, or about $18.2 million at $40 an ounce. The latter price is the likelier for Rhodesian sales.

ALMOST A FIASCO

The sanctions are also failing because few nations support them vigorously. South Africa and Portugal rejected the sanctions outright. Both nations have solid reasons: If sanctions worked against Rhodesia, the UN might well apply them next to these two nations, under pressure from black Africa. So many Rhodesian products can be expected or imported through South Africa or Mozambique that the sanctions have become almost a fiasco. Rhodesian citrus fruits reach markets under a South African label.

Many other countries are winking at the sanctions. Officially, black-ruled Zambia is waging an economic war with white-ruled Rhodesia. Nevertheless, a Zambian National Tourist Bureau bus carries travelers from Livingstone airport in Zambia to the Victoria Falls Hotel in Rhodesia. The bus crosses the Zambezi on the joint road-rail bridge just below the mighty falls discovered by David Livingstone. A Rhodesian Railways freight train trundles northward on the single track, toting about two dozen carloads of South African products plus a half dozen cars of Rhodesian coal for Zambia.

Like Rhodesia, Malawi and Zambia export tobacco. So Rhodesian bills of lading can sometimes be doctored to make it appear as if the tobacco originated in neighboring countries. Rhodesia is paying its farmers about 29 cents a pound for top grade tobacco, though comparable tobaccos sell at 55 to 58 cents a pound on world markets. This gives the government plenty of leeway for discounting. Discounts attract buyers from Continental Europe or elsewhere.

Britain, of course, is supposed to be leading the sanctions drive, and British Overseas Airways Corp., is a government-owned company. Still, the Rhodesian Herald here contains a quarter-page BOAC ad offering to fly Rhodesians to Paris, London Rome and elsewhere.

BOAC planes no longer land here, but South African Airways does, and BOAC has a cooperative arrangement. After passengers have been whisked away from Salisbury on SAA, they can switch to BOAC at the closest transfer point. To expedite this business, BOAC still maintains an office in Salisbury.

U.S. SUPPORT OF BOYCOTT

The U.S. enthusiastically cooperates in the boycott. "America is one of the worst in trying to make sanctions hurt us," says Prime Minister Smith. The U.S. is even forcing American chrome buyers to deal with Communist Russia at prices 50% higher than Rhodesian chrome.

Still, says the prime minister, "Sanctions have drawn our people closer together. Overnight we have developed into a young nation." He cites the fact that 72% of the voting population voted for the new constitution, while 81% favored creation of a republic. That voting population is primarily white, it is true. Mr. Smith points out, though, that nearly a quarter of the members of parliament are blacks, a fact often overlooked in discussions of white domination here.

Foot on desk, he leans back in his swivel chair to add: "As far as sanctions are concerned, we expect that they will gradually erode away." He shakes his head as he adds, "Unfortunately, it is the African who is suffering most because of sanctions. We employ the same number of Africans now as at UDI. But the African population is increasing and we should be increasing the total number employed. Sanctions keep us from doing that."

Then he expresses puzzlement about the American position in Africa. "Why is America persecuting us?" he asks. "The United States is one of the most active countries in enforcing sanctions against us. Yet we are holding the line here against Communist encroachment in Africa through Zambia and Tanzania."

Shaking his head again, he says, "We've fought alongside Americans in World War II. Now we've found the same weapons on Communist armed guerrillas here as are killing American boys in Vietnam. We aren't asking for a single dollar or a single American life or a single gun to help us. All we ask is that you leave us alone."

SENATE—*Friday, October 3, 1969*

The Senate met at 11 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who hast promised that they that wait upon the Lord shall renew their strength, teach us in holy silences how to wait and how to listen that we may be strengthened by Thee, and, strengthened by Thee, we may love and serve Thee. May the drive of daily duties never crowd Thee from our inner being, but keep us so aware of Thy presence that our work may be our worship. Be in and with all who are in the service of this Nation that we may forward the day of Thy coming kingdom, the law of which is love, and the ruler of which is the Eternal God.

In His Name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 3, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 2, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on Commerce.

(For the nomination this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Acting President pro tempore:

S. 2068. An act to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provde employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees; and

S.J. Res. 46. Joint resolution to authorize the President to designate the period beginning November 16, 1969, and ending November 22, 1969, as "National Family Health Week".

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the speech to be delivered by the distinguished Senator from Nebraska (Mr. CURTIS), there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR CURTIS

The ACTING PRESIDENT pro tempore. Under the order of yesterday, the Senator from Nebraska is recognized for not to exceed 1 hour, after which the morning business will be taken up.

TAX REFORM ACT OF 1969

Mr. CURTIS. Mr. President, I am opposed to changing the tax-exempt status of State and municipal bonds in any manner. Likewise, I am opposed to the provisions of the tax bill now under consideration by the Senate Committee on Finance relating to foundations and the giving of property of appreciated value. These are but parts of H.R. 13270, referred to by some as the "Tax Reform Act of 1969."

This measure, now before our committee, is potentially one of the most significant revenue bills ever to come before the Congress of the United States. I commend the Nixon administration, particularly Secretary Kennedy and the Assistant Secretary of Treasury for Tax Policy Cohen, the House Ways and Means Committee, particularly my good friends, the distinguished chairman of the committee, WILBUR MILLS, of Arkansas, and the very able ranking minority member, JOHN BYRNES, of Wisconsin, for the efforts they collectively have made in connection with tax reform. I served on the Ways and Means Committee for 10 years, and I speak with some appreciation of the tremendous amount of work that went into the House passage of H.R. 13270.

However, a good many basic public policy issues as well as public revenue issues are raised by many of the House tax reform proposals, and I am deeply disturbed that several provisions, if enacted, will be completely counterproductive in the terms of advancing what I consider to be the clearly defined national interest.

I refer, first, to the vehement opposition of State and local government officials to the House-passed provisions relating to the tax treatment of State and local bonds. The protests of those who oppose these provisions carry a conviction more compelling than the hollow ring of self-serving declarations of those who simply seek to avoid higher taxes. Their arguments as to the undesirable policy implications of these provisions have impressed me. While I am for tax reform, I also favor decentralization of governmental authority, and any tax provision which would weaken State and local governments and make them more dependent upon the Federal Government is questionable in my mind.

As a practical matter, I also am concerned about another possible side effect of the House-passed provisions relating to State and local bonds—the possible increase in the property tax burden of property owners in this country. The demand for services and physical facilities at the State and local level is almost incomprehensible. The cost of State and local government is skyrocketing. In the last 2½ years the State and local expenditure rate on goods and services has risen to $111.9 billion, an increase of 25.3 percent, as compared with a Federal increase of 10.9 percent. If, as State and local government officials contend, the impact of the House provisions relating to State and local bonds will be to increase the borrowing costs of such governmental entities, it is inevitable that these increased costs will have to be raised through the imposition of additional taxes since only the Federal Government can continue to operate with large deficits. Local governments are heavily dependent upon the property tax as a source of revenue. I need not remind my colleagues of the tremendous constituent concern existing about high property taxes on homeowners. I do not wish to have to answer the charge that I am partially responsible as a member of the Senate Finance Committee and as a Member of the Senate for an increase in the tax cost of homeownership in cities and counties across Nebraska. If property taxes will thereby be increased, enactment of the House provisions regarding State and local bonds will not only be bad policy but also bad politics.

Second, I am deeply disturbed that other provisions of the bill will, if enacted, deal a crippling blow to our schools, colleges, hospitals, and other similar organizations which depend on private philanthropy to survive in today's world of soaring costs. One needs only to look at the burgeoning enrollments in our schools, colleges, and universities and the ever-mounting numbers of patients in our hospitals, the demands for increased salaries, and the skyrocketing costs of construction, to realize that these organizations are in grave financial danger. The Federal Government, already commendably committed to minimizing increased expenditures in order to fight inflation—the most unfair tax of all—cannot provide additional massive assistance to these organizations. Truly, this is a time when private philanthropy should be encouraged, rather than discouraged. Yet, many of the provisions of the tax reform bill affecting private foundations and charitable contributions must be viewed as lessening if not eliminating the incentive for private philanthropy.

Mr. President, I wholeheartedly agree that private foundations should not be used merely as a tax shelter. Accordingly, I vigorously support those provisions of the bill which prohibit self-dealing and require foundations to distribute all of their income on a current basis.

What concerns me, however, is that the House did not stop at acting to prevent these abuses but went on to pass other provisions which can only be characterized as punitive in nature. The potential for disruption contained in these provisions is staggering. For example, the proposed 7½-percent income tax on private foundations is a radical departure from our historic public policy of encouraging private philanthropy, which has so clearly contributed so much to our society. As the Treasury Department itself has recognized, the burden of this tax would ultimately be borne by those schools, colleges, and hospitals which are so dependent on foundation funds. For example, in my own State of Nebraska, private colleges carry 30 percent of the cost of higher education. I doubt that a single one of them could meet the needs of the times without the aid of foundations. Curiously, under the House bill, those foundations which produce the greatest amount of income and thus provide the greatest support for our schools and colleges would pay a greater tax than those organizations who abuse the privilege of tax exemption by investing in assets which produce little or no income for charity.

Mr. President, taxing the income of foundations is in reality taxing those organizations, such as schools and hospitals, which provide services and facilities that the Government would be forced to provide if these organizations are crippled. During the past few weeks I have listened to college presidents, church officials, and representatives of similar organizations urge the Committee on Finance to carefully consider what they, the experts in this field, view as the potentially disastrous effects of this bill. To them, the tax on foundations represents nothing less than a dollar for dollar reduction in their financial resources, resources they so vitally need to educate our future leaders. These are men who have no other interest than to insure the continued high quality of American education.

Mr. President, their fears are not illusory. In a recent year, 20 universities received nearly 80 percent of all Federal aid to higher education. Other educational institutions—private and public—obviously must depend heavily on State and private sources of funds. Mr. President, privately supported colleges which bear a great portion of the public burden of educating our young, simply cannot afford to lose the support of American philanthropy, support which we, the Congress, have committed ourselves to encourage since the earliest days of our income tax laws. Even our great State universities must, of necessity, rely heavily on grants from private foundations and private philanthropy.

I realize, of course, that the Government will need funds for a vigorous enforcement program by the Internal Revenue Service so that past abuses of the tax exempt privilege will not be repeated in the future. There is merit in this view that this cost should not be borne by taxpayers generally. Accordingly, I approve the proposal that private foundations be required to provide funds for such compliance activities through an annual fee measured by the value of their assets.

Other provisions of the tax reform bill respecting private foundations greatly disturbs me. For example, under the House bill, a foundation could not own more than a specified percentage of the stock in a business corporation. Although the stated purpose of this provision—to insure that foundations are operated exclusively for charitable purposes—is laudatory, there is simply no proof that every foundation whose assets consist of controlling interests in other corporations operates any less in the public interest than a private foundation which does not so control a business. Indeed, the major abuse at which this provision is aimed would clearly be eliminated by the provision in the House bill requiring a foundation to have a minimum current yield on its investment assets and requiring its current distribution to charity. I find it hard to see why the proposed limitation on stockownership is necessary. So long as a private foundation earns a reasonable amount of current income and distributes all of its current income to charity, the privilege of tax exemption is not abused regardless of the type of assets held by the foundation. The enactment of this provision will provide no revenue whatever.

Mr. President, we are considering a tax bill to do justice, to equalize the burden on taxpayers. In this particular instance, there is inserted in the bill a provision totally unsupported by any evidence as to its necessity which will not bring in one dime of revenue.

Finally, I think it is clear that the penalties which the House bill would impose on both the private foundation and its managers for violation of its provisions are much too harsh, foreseeably involving civil fines far exceeding any fine which could be imposed in a Federal criminal case. In short, in many of these cases, the punishment simply does not fit the "crime."

In short, Mr. President, I regard even the most private of private foundations as a public institution. I vigorously support the purpose of those provisions of the bill which are intended to prevent future abuses of the privilege of tax exemption and abuses in charitable giving. But I am deeply concerned lest, under the banner of tax reform, we do not stop at alleviating these abuses but rush on in an effort to meet a deadline to enact ill-conceived legislation which will be disastrous in its impact upon schools, colleges, hospitals, and other similar organizations.

These provisions give me serious concern even apart from their potential for disruption. They represent nothing short of an all-out assault on the concept of pluralism under which this country has prospered since its inception. By discouraging American philanthropy, as these provisions would surely do, those organizations who depend on private funding will be forced to turn in ever increasing numbers to Washington. If Federal assistance is forthcoming, not only will the battle against inflation be set back as the result of budgetary deficits, but collective national judgments will be substituted for local and individual choices. To those of us who believe in the continuing vitality of the theory Tocqueville remarked:

> The success of a democracy may be measured by the quality of functions performed by private citizens.

The role of private philanthropy in America is far too important to permit it to be undercut by ill-conceived and hasty legislation.

Mr. President, the Senate has often prided itself on being the greatest deliberative body in the world. In that tradition, let us take the time to enact carefully considered legislation which deals with recognized abuses without destroying private philanthropy. This goal can be accomplished if we have the will, and take the time, to do it.

I want to say something now about the importance of this proposed tax bill to our libraries, our museums, our colleges, our churches, our children's camps, our hospitals, our research centers, and other such institutions. Those provisions of law which create incentives for individuals to give their property away to good causes should not be altered.

If an individual has owned a piece of property for some time and he gives it to one of these excellent institutions, he should not be required to pay a capital gains tax. The reason is simple. He has not gained financially. He has given something valuable away. Second, the current value of the gift is the right value to measure the donor's charitable deduction. This is a proper incentive. It is an incentive that materially helps to support our finest institutions.

Mr. President, if a taxpayer has a property that has increased in value, and he gives it away, it is no longer his. He could have sold it and reinvested the money and created more wealth for himself. He could have spent it for his own pleasure. He could have hoarded it. Why should there not be a tax incentive for him to give it to a most worthy cause that helps everyone?

If we are to have a tax reform bill, Mr. President, it must not alter in any manner the tax-exempt status of the bonds of State and local governments. It must not contain the provisions of the House bill with respect to foundations and charitable giving.

There are many, many far-reaching changes in this bill. H.R. 13270. I shall have something to say about some of the proposed changes at a later time.

Mr. President, I yield the floor.

Mr. PEARSON. Mr. President, I would like to commend the Senator from Nebraska for the very excellent statement and well reasoned argument in regard to foundations and charitable institutions. I would amplify the record he has made by indicating that we have an enormous number of church-affiliated colleges in Kansas, as there are in the State of the Senator from Nebraska. I have some intimate knowledge of what the financial conditions are in those institutions. I have been called upon on a number of occasions to help raise money and solicit funds, particularly for church-affiliated schools. I do not know how they are hanging on. The presidents of those institutions spend practically all their time in fundraising efforts. The Senator makes an excellent point in his concern with regard to funds for such institutions.

Indeed, it applies to State universities. Kansas State and the University of Kansas rely heavily on gifts and grants and foundations. If such sources of funds dried up, the call upon Federal funds will be that much greater in the years ahead.

I recognize some of the evils that have been brought to the attention of the Congress in regard to foundations, but it would be a mistake to overreact, particularly in the vital field of education, where we have such a great need for funds.

I again commend the Senator.

Mr. CURTIS. I thank the distinguished Senator from Kansas. I appreciate his words very much.

I would like to call attention to the fact that there are perhaps as many as 22,000 private foundations, and there may be more, in the country. Individuals and groups that are against foundations, and which have particularly sought to investigate them and get the facts, have never touched as many as 500 foundations. Many of those foundations have had no fault found against them.

Here is what can well be done: There are some clearly defined abuses against which Congress can enact provisions of law. There could be a requirement that a foundation must pay the money out for the purposes designated as charity. Then, if we require adequate information, and there is a small tax—not the one proposed by the House, but a small tax—arrived at in a different manner, so the Internal Revenue Service can audit the records of these organizations, after a few years we can intelligently legislate and prohibit practices that should be prohibited. We can provide for punishment where punishment is deserved. But if we act on the House version, or if we ourselves attempt to cover the same ground and reach the same purposes under a deadline of performance, we will have rendered an all-time injury to colleges, universities, research centers, camps for underprivileged children, and for all the wonderful activities that private philanthropy carries on.

I would also like to mention something that may come as a shock. Under the House bill, some foundations are taxed at the regular corporate rate. I will illustrate: If a corporation owns all of another corporation, and that corporation pays dividends to the parent corporation, there is an 85-percent dividend credit for the parent corporation with respect to taxes, so it pays on the 15 percent, or 7½ percent. The House version would require an income tax on foundations of 7½ percent.

Let me illustrate what the House has provided. Here is a foundation that owns a business. It is the sole owner. The business pays a tax, as does any other business, but it transmits its earnings to the foundation. The House proposes to tax the foundation's income at 7½ percent. That is exactly the same as if a private corporation received an 85 percent dividend credit and paid a tax on 15 percent of its earnings, at a rate of 50 percent.

The bill just should not be passed as it is written. We should limit our action to clearly defined abuses and provide the Treasury Department and the Internal Revenue Service with the tools and the funds—and we would do that with a special act—to ascertain what the problems are. Then we could act for the public good, without doing great damage, not only to some wonderful institutions, but to our way of life.

Mr. PEARSON. Mr. President, I want to ask the Senator just one more question. I do not know how many international foundations we have, but I am familiar with one or two foundations which are designed to promote Anglo-American friendship. I refer to American-British foundations. I think we have a number of international foundations. I am concerned about that, and I make inquiry as to what effect the proposed legislation would have on that type of foundation.

Mr. CURTIS. The junior Senator from Nebraska is not prepared at this moment to answer the question of the Senator. I would say that the Senate cannot go wrong in following a procedure of getting the facts and then legislating. The only way we can do that is in the manner I have outlined—to have a nominal tax—not an income tax, but a nominal tax—so the foundations pay the full cost of supervision and policing and auditing. After a little while we will know just where there are abuses and where there are practices, regardless of how well intentioned they are, that are not in the public interest.

Again I thank the distinguished Senator.

Mr. SCOTT subsequently said: Mr. President, the distinguished Senator from Nebraska (Mr. CURTIS) has made a very helpful and useful contribution to the discussion on the tax bill. I am very much in sympathy with the points he makes, particularly with reference to the harm which the bill in its present form, as now before the committee, would do to our museums, colleges, and universities, particularly to our private colleges, through the new regulation which forbids donations at appreciated value. I believe there is much reason for very careful thought and review with regard to the foundations and with regard to the taxation on hitherto exempt muncipals and educational securities.

Therefore, I commend the distinguished Senator, who is one of our recognized experts on tax policy.

AMERICAN TROOP STRENGTH IN VIETNAM

Mr. GRIFFIN. Mr. President, on yesterday the distinguished Senator from

XUM

Tennessee (Mr. GORE) took the floor and put into the RECORD some statistics concerning troop levels in Vietnam. He has regularly provided these figures, which he indicated he received from the Pentagon.

I would like to set the RECORD straight in the matter of our troop strength in Vietnam by including in the RECORD these facts:

First. In January 1969, when the Nixon administration took office, the authorized strength ceiling in Vietnam was 549,500.

Second, this authorized strength ceiling was reduced by 25,000 by the President's decision announced at Midway Island on June 8. The President said at that time that the matter of troop level strength would be kept under continuing review, and this is precisely what has happened.

Third. Subsequently, it was announced that the new authorized ceiling of 524,500 would be further reduced to an authorized strength of 484,000, to be attained in an orderly basis by December 15, 1969.

Fourth. Thus, action has been taken to reduce the authorized strength through December 15 by 65,500.

Fifth. The Department of Defense has acknowledged and emphasized repeatedly, and the Military Assistance Command, Vietnam has stated repeatedly, that there will be some fluctuation in strength totals from week to week as a result of the understandable pipeline requirements—that is, the movement and arrival of replacement troops in Vietnam who are there before those they are to replace leave Vietnam.

However, the essential point which the American public should know is that whereas military manpower totals in Vietnam were on a steadily increasing basis through the beginning of this year, there has now been an emphatic turnaround and U.S. military strength is going down.

As has often been mentioned, three factors have been taken into consideration in this reduction of U.S. military manpower in Vietnam:

First. The progress in the Paris peace talks.

Second. The progress in Vietnamization.

Third. The level of enemy activity.

The troop reductions which have been made to date are based primarily on progress in Vietnamization and the turnover to the South Vietnamese of increased combat responsibility.

Members of the Senate should know, and indeed the entire American public should know, that whatever the fluctuations on strength totals for a particular week, the movement clearly is down.

Based on previous experience where actual strength has been below authorized strength, it would be reasonable to forecast that as of December 15, there will actually be fewer American military personnel in Vietnam than the authorized total of 484,000—which again I want to emphasize, is to be compared with the authorized total of 549,500 at the start of 1969.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. GRIFFIN. Mr. President, I make the point of order that a quorum is not present.

Mr. BYRD of West Virginia. Will the Senator withhold that?

The ACTING PRESIDENT pro tempore. Will the Senator withhold his point of order?

Mr. GRIFFIN. I withdraw it.

FEDERAL COMPENSATION FOR DISABILITY RESULTING FROM PULMONARY DISEASES CONTRACTED THROUGH EMPLOYMENT IN COAL MINES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared for radio concerning Federal compensation for disability resulting from pulmonary diseases contracted through employment in the coal mines.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

RADIO BROADCAST ON BLACK LUNG COMPENSATION

(By Senator BYRD, of West Virginia)

My fellow West Virginians, earlier this year I proposed legislation to provide disability benefits to disabled coal miners suffering from black lung, pneumoconiosis, and other pulmonary diseases contracted while working in the coal mines. My proposal would reach those miners who are not eligible for benefits under State statutes, and would be funded through Federal and State appropriations without any additional cost to the mine operators.

My foster father was a coal miner, and I recognize the need for a program to benefit disabled miners and the widows of such miners in those instances where State statutes, not being retroactive, leave such disabled miners and their families without any means of support. Many of these old and disabled miners have been forced to retire without anything other than unemployment compensation benefits, which cover only a period of a few months, after which the disabled miner is forced to go on relief or be supported by his children. I feel that the Federal Government and the governments of mining states have a responsibility to help these disabled miners, and I believe that this assistance should be given without additional cost to the coal industry. The mining industry is already heavily burdened with overhead expenses and I believe that we should do everything possible to avoid adding any expense to the industry which would only serve to drive up the price of coal and jeopardize its competitive position in the energy market.

During the debate in the Senate this past week on the Federal Coal Mine Health and Safety Act of 1969, Senator Randolph and I sponsored an amendment, in which other Senators joined, to provide such relief to disabled miners. The amendment was adopted by a vote of 91 to 0. I hope that the conferees from the House of Representatives will accept the amendment when the bill goes to conference.

The amendment provides that the Secretary of Health, Education, and Welfare shall enter into agreements with mining states to provide financial assistance to eligible persons on the basis of disability benefit standards developed by the Secretary. This will be an interim disability benefit program, with the Federal Government paying all benefits through June 30, 1971, and one-half of the benefits during the fiscal years ending June 30, 1972, and June 30, 1973, the states paying the other half. An eligible widow will be paid benefits where the death of her husband resulted from pneumoconiosis arising out of coal mine employment.

Our amendment also provides that the Secretary of HEW shall immediately undertake a study to determine the extent to which states provide disability benefits in cases of pneumoconiosis, the adequacy of such benefits, and the desirability of providing Federal or State or private assistance for such disability. The Secretary is to submit the results of this study, together with his legislative recommendations, to the Congress not later than October 1, 1970.

Our amendment authorizes the appropriation of moneys to carry out the necessary provisions.

The maximum benefits payable under this amendment are according to a formula which would provide: to the miner without dependents, $1,635 annually; to the miner with a single dependent, $2,496 annually; to the miner with two dependents, $2,904 annually; and to the miner with three or more dependents, $3,264 annually.

As I have already stated, the Secretary of Health, Education, and Welfare will develop the interim disability benefit standards which will govern the determination of persons eligible to receive emergency coal mine health disability benefits under this legislation, and he will also develop the methods to be used in disbursing such benefits to such persons.

This amendment is, in my judgment, a very necessary and humanitarian proposal. It constitutes a sincere effort to give some assistance to disabled miners who are in need of help and to widows of miners whose deaths have been caused by disabling pulmonary diseases contracted through employment in the coal mines. The legislation does not seek to substitute Federal assistance for State assistance, but it does seek to provide disability benefits where State statutes fail to do so.

As one who grew up in the coal mining communities of Southern West Virginia, I am glad the Senate has taken this action, and I am also glad that I have been privileged to play some part in the passage of the amendment.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

"DAY OF BREAD" AND "HARVEST FESTIVAL"

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 442, House Joint Resolution 851.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A joint resolution (H.J. Res. 851) to request the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival."

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to its consideration.

Mr. DOLE. Mr. President, on July 23, 1969, I introduced Senate Joint Resolution 139 with 21 other cosponsors requesting the President designate October 28, 1969, a "Day of Bread," and asking all Americans to join with other nations in the observance of these occasions with appropriate ceremonies and activities. A companion measure, House Joint Resolution 851, was introduced and passed the House of Representatives. The House-passed version was referred to the Senate Judiciary Committee which yesterday reported it out favorably.

Mr. President, I am gratified the Judiciary Committee acted expeditiously on this measure. Designation of a "Day of Bread" and a "Harvest Festival" week would be proper recognition of the essential role that wheat and the products of wheat play in our daily lives. Wheat provides more nourishment for people of the world than any other food. Increased consumption of enriched wheat products would alleviate much of the malnutrition that exists in our country and throughout the world.

The fact that our "Day of Bread" is being coordinated with other countries is evidence that the role of wheat in meeting man's needs transcends national boundaries. This is an important effort in the promotion of greater international cooperation and understanding.

I urge my colleagues to support this measure.

Mr. YOUNG of North Dakota. Mr. President, it is a pleasure for me to take this opportunity to express my wholehearted support for House Joint Resolution 851. This legislation, which is identical to a proposal introduced by the distinguished Senator from Kansas (Mr. DOLE), myself, and others, would provide for the designation of a "Day of Bread" and a "Harvest Festival."

This recognition of the importance of one of the most, if not the most basic, of our foods is most fitting. Such an observance will provide an important opportunity to call attention to the advances being made in human nutrition and to the importance of adequate nutrition in the development of the individual.

This proposal has been enthusiastically received by agricultural groups throughout the Nation and is supported by processors, producers, trade groups, and governmental units across the country.

The history of mankind is replete with references to the role of the "staff of life." A central concern of all great and powerful nations has always been an adequate supply of the basic foods for their people.

Too often, we are prone to take for granted the great blessings we have because of our agricultural abundance. I feel that the observance called for by this resolution will provide a most fitting occasion for all Americans to reflect on the benefits we enjoy.

No nation in the history of man has ever achieved greatness without a strong and stable agriculture. It is worth noting as well, that the decline of most of the great civilizations has been preceded or accompanied by a decline in their agricultural industries. Americans of every walk of life have reason to be thankful for the bounty of our farms. This has made possible a standard of living unrivaled in the history of mankind.

Passage of this resolution will open the way to a group of activities aimed at recognizing the great benefits we enjoy and, at the same time, seeking to bring these benefits to others.

Mr. President, I am happy that this legislation is being considered today and I cannot urge too strongly that it be enacted.

Mr. HRUSKA. Mr. President, the joint resolution pending before the Senate, Senate Joint Resolution 139, is of great significance to my home State of Nebraska, and to the entire Midwest. This resolution would establish an annual "Day of Bread" and an annual "Week of Harvest" festival. The event would express man's gratitude for the bounty of nature and the annual harvest of farm and field, and would recognize bread as the symbol of all foods.

Mr. President, agriculture is the mother of us all. Not so many generations ago, almost all of our forebears were farmers. Today, agriculture still supplies us with the great part of our most basic necessities—food and clothing.

Although diminishing as the Nation's largest work force, our farmers remain our most productive work force, and our most important consumers for the output of our implement industry, our electric industry, our chemical industry, and others. Although vital to the economic growth of our largest industries, our farmers are also vital to the well-being and happiness of our urban dwellers. The American farmer produces food and fiber for the American consumer at a cost to the consumer of about 17 percent of his income, which is the lowest in the world.

Of all the staples produced on the farm, bread has universal acceptance as one of the most basic. It has been said that man has been born with both a thirst for water and a taste for bread.

Not only has the bounty of our wheat farmers provided bread in ample quantities for our people, but through the food for peace program, our wheat farmers have helped feed hungry people in many nations of the world—most notably India and Pakistan.

For this reason, it is significant that the observance of a "Day of Bread" has already been, or is being, introduced in West Germany, the United Kingdom, Central and South America, the Orient, Sweden, Switzerland, and other European nations.

The full head of wheat, and the waving fields of grain in the Midwest have become symbols for many people of many tongues of the difference between starvation and survival. Forty-three countries with a third of the world's population—almost a billion people—use wheat as a staple, so this world recognition is well-deserved.

The resolution will mark October 28 as the annual celebration of a "Day of Bread" and that week will be known as "Harvest Festival Week." Mr. President, I ask my colleagues to give their consent to this joint resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–446), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the joint resolution is to provide that Tuesday, October 28, 1969, be designated as a "Day of Bread" and the last week of October within which it falls be designated as a period of "Harvest Festival" and the President is requested to issue a proclamation calling for such observance.

STATEMENT

Since the beginning, men of all peoples and places have been compelled by some inner force to pause each autumn to express their gratitude for the annual bounty of Nature—in formal ceremony acknowledging the harvest of garden, field, farm, forests, pasture, lakes, streams, and seas.

Among reverent peoples, the custom of marking a period of harvest festival has become embedded in family, tribal or religious ritual, in local or regional custom, in national and international holidays. The celebration of a harvest festival—be it for grapes that make wine, grains for bread, or fish or meat for the table—symbolized joy in the security of plenty together with a solemn expression of gratitude. The fields lay clean and bare, ready for a new crop next spring; the graneries held food for the winter and seed for new planting; the larders were full; the long work done.

The symbolism whereby bread stands for appreciation of and pleasure in the harvest is not without reason. Wheat and the products of wheat, most commonly bread, are perhaps man's oldest crop and cultivated food. Wheat provides more nourishment for peoples of the world today than any other food; serving as a staple in 43 countries with 35.6 percent of the population—almost a billion people. The wheat crop is the world's largest. Bread assumes ever greater importance—economically, culturally, and as nourishment for millions—when one considers those loaves made with proportions of cereals other than wheat.

The word "bread" gains greater meaning every day in growing awareness around the world of governments increasingly concerned with the problems of feeding the hungry and malnourished, domestically and abroad.

In recognition of these values, the inheritance of the past merges with the custom of the present throughout the world. Since 1953, the people of West Germany have celebrated a Day of Bread as part of a harvest festival on a commonly accepted date in October. The observance has spread to Austria. In the United Kingdom, the English church annually joins in a similar occasion marked by a display of different breads and ecclesiastical mention of their significance.

The practice of marking a Day of Bread each year is being introduced in Central and South America and the Orient. Consideration of an international observance has also been indicated by the Bread Institute of Sweden and millers' associations of Switzerland and other European nations.

From such tradition, cooperation, and potential participation, the conclusion is ap-

XUM

parent that the harvest festival and Day of Bread transcend national consideration. They represent a device of unchallenged integrity contributing to a greater international communication and understanding among the nations of the world. The observance involves not only those concerned with agriculture, but those concerned with international relations and policy as well.

Accordingly the committee is of the opinion that this resolution has a meritorious purpose and accordingly recommends favorable consideration of House Joint Resolution 851, without amendment.

The joint resolution (H.J. Res. 851) was ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session, for action on nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF JUSTICE

The assistant legislative clerk proceeded to read the nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. DOLE subsequently said: Mr. President, the Senate has demonstrated sound judgment by confirming the nomination of Salina, Kans., Police Chief Jack Richardson to be U.S. Marshal for the District of Kansas.

Chief Richardson brings to his new position a thorough, practical understanding of law enforcement, having begun his career as a patrolman with the Salina Police Department and risen through the ranks to his present position.

He has demonstrated a creative and civic-minded approach to the police department's role in the community.

Under his leadership, the Salina police force has modernized its facilities and equipment and improved departmental organization through the employment of up-to-date management techniques. He has also instituted a broad community relations-crime detection program.

Jack Richardson is a modern peace officer in all respects. I am confident that he will serve as U.S. marshal with the same dedication and integrity which he has demonstrated throughout his career.

FEDERAL MARITIME COMMISSION

The assistant legislative clerk read the nomination of Helen D. Bentley, of Maryland, to be a Federal Maritime Commissioner.

Mr. MANSFIELD. Mr. President, I think this is an outstanding appointment, and that the new Federal Maritime Commissioner will bring to her new position a wealth of knowledge, a great deal of courage, and a lot of determination, and obstinacy. She is one of the foremost maritime writers in the Nation. She has had a keen personal interest in this field, not for years but for decades. The appointment is extremely well merited, and I hope there will be names of other women of like capability submitted for appointments of this nature, and better, if capable.

Mr. MATHIAS subsequently said: Mr. President, I associate myself with the remarks made by the distinguished majority leader with respect to President Nixon's nomination of Mrs. Bentley, of Maryland, to be Chairman of the Federal Maritime Commission.

I think the majority leader has been generous, but entirely accurate in his praise of Mrs. Bentley. She deserves every word of it. She has made the maritime section of the Baltimore Sun the most authoritative word on maritime affairs in the whole Nation. She will do great credit to the Nixon administration as she has to the State of Maryland by her remarkable achievement in mastering the complex and fascinating world of ships, cargoes, and oceans.

She will be the key figure in helping the President fulfill his pledge of a revived and renewed maritime industry for America. In this respect, she will be of enormous importance to the economy of America in the future as well as in the present.

I am delighted to report that I am heartily in favor of the appointment of Mrs. Bentley.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. TYDINGS subsequently said: Mr. President, yesterday morning, when the chairman of the Subcommittee on the Merchant Marine, the Senator from Louisiana (Mr. LONG), had to leave the chair to preside over the Committee on Finance hearings on taxation and reform, it was my pleasure to preside during the confirmation hearings of a Marylander of whom we are all very proud. She is Mrs. Helen D. Bentley, who was nominated by the President to be the Chairman of the Federal Maritime Commission.

Mrs. Bentley was presented to the committee by the Honorable EDWARD A. GARMATZ, the distinguished Representative from Maryland who is chairman of the House Committee on the Merchant Marine and Fisheries, the Honorable GEORGE FALLON, another distinguished Representative from Maryland, who is the chairman of the House Committee on Public Works, the distinguished junior Senator from Maryland (Mr. MATHIAS), and by me. The Maryland delegation was unanimous in its approval of the President's nomination of Mrs. Bentley.

Mrs. Bentley is a very unusual lady. She was born in Nevada and reared in the Midwest. She has made a great name for herself as a premier writer on the maritime industry in the United States. Her column which is published in the Baltimore Sun, is read assiduously by all leaders of the maritime industry who wish to be kept current on the day-to-day problems and events of importance to the maritime industry.

As recently as this past month she was aboard the *Manhattan* on its historic voyage across the Northwest Passage from the east coast of the United States to Alaska.

I know of no one in or out of the maritime industry in the United States who is more knowledgeable on every facet of this vital phase of our national economy than Mrs. Bentley. Her appointment by the President does great credit to the administration as well as to herself.

Mr. President, as one of the two Senators privileged to represent the State of Maryland, I am delighted that today the Senate has unanimously confirmed the nomination of Mrs. Helen D. Bentley to be the Chairman of the Federal Maritime Commission.

CIVIL AERONAUTICS BOARD

The assistant legislative clerk read the nomination of Secor D. Browne, of Massachusetts, to be a member of the Civil Aeronautics Board.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

NATIONAL TRANSPORTATION SAFETY BOARD

The assistant legislative clerk read the nomination of Isabel A. Burgess, of Arizona, to be a member of the National Transportation Safety Board.

Mr. MANSFIELD. Mr. President, this is another appointment of a lady of intelligence, capacity and capability. There is a pretty good score for the women today.

Mr. GOLDWATER. Mr. President, I am very happy to recommend for confirmation as a member of the National Transportation Safety Board, Mrs. Isabell Burgess from Arizona.

Mrs. Burgess is an outstanding woman, having served as a member of our State house of representatives for 6 years and a member of our State senate for the past 3 years. Incidentally, she has represented my legislative district and I have been one of her precinct committeemen.

She brings to this job outstanding qualities of leadership, and I am sure she will prove to be a hard-working, industrious member in this very important field.

As chairman of the State Highway Committee in the Arizona State Senate, she has been very active both regionally and nationally in highway and transportation matters and so she also brings a great deal of expertise and knowledge to this important job.

XUM

It is with a great deal of pride that I congratulate Mrs. Burgess on her nomination to this post and thank President Nixon for nominating her. I am sure that her confirmation here today will add a considerable deal to the stature and expertise already on the Board.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

ANOTHER EXAMPLE OF MISPLACED PRIORITIES

Mr. PROXMIRE. Mr. President, today's New York Times carried a story about the closing down of a major study program of the National Heart Institute. The program has been in existence for the past 20 years, and has developed significant new data on high blood pressure, cigarette smoking, obesity, and cholesterol as risk factors which contribute to heart disease.

Now, because some $400,000 and about 20 staff positions have been cut from the Institute's budget, the program will have to shut down, with its work only partially completed. Officials at the Heart Institute confirm that all work on the study is to be phased out by June 30, 1970.

Mr. President, this makes absolutely no sense to me. How can this country in one breath announce that it lacks the resources to find ways to save hundreds of thousands of lives—heart disease is the Nation's No. 1 killer—and in another breath signal the go-ahead for a supersonic transport plane? We cannot find $400,000 for research on heart disease. But somehow we have no trouble raising $1,200,000,000—3,000 times as much—for the SST.

Mr. President, what has happened to our sense of priorities?

I ask unanimous consent that the New York Times article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Oct. 3, 1969]

Big Study Program on Heart Attacks To Close Because of Fund Shortage

(By Harold M. Schmeck, Jr.)

Washington, October 2.—A major study program of the National Heart Institute, which has collected invaluable data on heart attack tests for almost 20 years, is being closed down for lack of about $400,000 and about 20 staff positions.

The program, the Framingham heart disease epidemiology study in Framingham, Mass., is internationally known for its work. Stringent budget and manpower limits are forcing the institute to close it down, a spokesman confirmed today.

The decision was made recently in the course of budget reviews.

Since 1949 the program's scientists have been collecting data on about 5,000 men and women in their 30's, 40's and 50's who live in Framingham.

It is believed there is no comparable study population in the United States on which a like amount of data has been collected. There are other community studies of heart disease, but most of them concentrate on men in specific occupation groups.

The Framingham study has provided important data on such factors as high blood pressure, cigarette smoking, obesity and the concentration of cholesterol in the blood as indexes of the risk of serious heart disease.

DATA HELPFUL TO DOCTORS

Generally speaking, the risk of heart attack and death from coronary heart disease rises with factors and with combinations of them. This kind of information has helped doctors identify high-risk patients early so that corrective measures can be taken.

For example, if a middle-age patient smokes heavily, has high blood pressure and is seriously overweight, the doctor can tell what the odds of a heart attack are and how they may be improved.

Much of the data that could be expected on heart disease have been obtained by now. In recent years, data of the same sort have been accumulating on stroke and other circulatory problems because strokes tend to occur later in life than heart attacks.

The Framingham program is scheduled to be phased out by June 30, 1970.

After that, a small staff will be maintained to compile records on members of the study population who die or are hospitalized, but it will not be possible to collect the thorough data obtained in the past.

Since 1949 each person in the group of Framingham residents has been given a thorough physical examination every two years so that the scientists can observe the progression of health and disease as the individual grows older.

The study staff is working through the 11th round of these examinations now in the hope of completing them before the program has to end next year.

STROKE DATA CURB

The closing seems to prelude the possibility of collecting data on stroke comparable to those collected on heart disease since 1949.

Dr. Robert L. Ringler, deputy director of the Heart Institute said today that the study would be a source of valuable information on strokes, which kill an estimated total of 200,000 Americans every year.

"Our position is that we recognize this," he said in answer to a query, "but we also recognize the dollar and personnel constraints."

Dr. Ringler said it cost roughly $400,000 a year to operate the program, which has a staff of about 27. He said the Federal ceiling on manpower was at least as important in the institute's decision as the limit on funds.

The original plans for the study called for its completion in 20 years—about the time it is actually being closed, but scientific review panels have repeatedly recommended that it be continued beyond the 20-year point.

By phasing out the study, the institute will cut about 20 staff and support positions from its rolls.

The institute has a total staff of 569, Dr. Ringler said, and the 27 positions represented by the Framingham study group are of great importance.

The plan to close the program was not announced formally, but was noted briefly today in a newsletter called American Patient, published by the American Patients Association, a consumer group. Officials at the Heart Institute confirmed the report.

THE TROUBLED AMERICAN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record two very interesting, informative, and enlightened articles published in the Newsweek magazine of October 6, 1969.

There being no objection, the articles were ordered to be printed in the Record, as follows:

The Troubled American: A Special Report on the White Majority

All through the skittish 1960s, America has been almost obsessed with its alienated minorities—the incendiary black militant and the welfare mother, the hedonistic hippie and the campus revolutionary. But now the pendulum of public attention is in the midst of one of those great swings that profoundly change the way the nation thinks about itself. Suddenly, the focus is on the citizen who outnumbers, outvotes and could, if he chose to, outgun the fringe rebel. After years of feeling himself a besieged minority, the man in the middle—representing America's vast white middle-class majority—is giving vent to his frustration, his disillusionment—and his anger.

"You better watch out," barks Eric Hoffer, San Francisco's bare-knuckle philosopher. "The common man is standing up and someday he's going to elect a policeman President of the United States."

How fed up is the little guy, the average white citizen who has been dubbed "the Middle American"? Is the country sliding inexorably toward an apocalyptic spasm—perhaps racial or class warfare or a turn to a grass-roots dictator who would promise to restore domestic tranquillity by suppressing all dissent and unrest? To get a definitive reading on the mood of the American majority. Newsweek commissioned The Gallup Organization to survey the white population with special attention to the middle-income group—the blue- and white-collar families who make up three-fifths of U.S. whites.

The survey, bolstered by reports from Newsweek correspondents around the country suggests that the average American is more deeply troubled about his country's future than at any time since the Great Depression. The surface concerns are easy to catalogue: a futile war abroad and a malignant racial atmosphere at home, unnerving inflation and scarifying crime rates, the implacable hostility of much of the young. But the Middle American malaise cuts much deeper—right to those fundamental questions of the sanctity of work and the stability of the family, of whether a rewarding middle-class life is still possible in modern America.

America has always been the most middle-class of nations, the most generous and the most optimistic. But the pressures of the times have produced confused and contradictory impulses among the people Richard Nixon likes to call "the forgotten Americans." Himself a prototypical expression of the middle-class majority ("These are my people," he says. "We speak the same language"), the President presides over a nation nervously edging rightward in a desperate try to catch its balance after years of upheaval.

The reassertion of traditional values has festooned millions of automobile windows with American-flag decals, generated nation-

XUM

wide crusades to restore prayers to the schoolroom, to ban sex education, to curb pornography. The uneasy new mood has also spawned a coast-to-coast surge to law-and-order politicians—one of them a roly-poly Malaprop named Mario Procaccino, who may oust America's most outspokenly progressive mayor, John V. Lindsay, in New York City, once the Athens of American liberalism.

"YOU BETTER WATCH OUT—THE COMMON MAN IS STANDING UP"

For the Negro, the turn in the tide can have the most momentous consequences. More and more American institutions are opening their doors to Negroes—mostly as a result of the social momentum generated in the Kennedy-Johnson years. Still, with the Nixon Administration setting the tone, the country seems to be retreating from active concern with its black minority—as the nation did nearly a century ago with the demise of Reconstruction. Self-reliant or self-delusive, the trend to separatism among younger blacks only intensifies the withdrawal. More ominous, even well-educated liberal whites have begun once more to speak openly of genetic differences between the races, an intellectual vogue before the turn of the century. "One has to consider the evidence that the Negro may be inherently inferior to the white and incapable of competing with him," says an MIT professor. "Look at the ones who have succeeded—they're almost all light-colored."

Such talk is only the tip of the iceberg. All around the country—especially among blue-collar workers—whites feel increasingly free to voice their prejudices and their hostility. "Everybody wants a gun," reports a community worker in a Slavic neighborhood in Milwaukee. "They think they've heard from black power, wait till they hear from white power—the little slob, GI Joe, the guy who breaks his ass and makes this country go. Boy, he's getting sick and tired of all this mess. One day he'll get fed up and when he does, look out!" A sign of the times: near-violent demonstrations by white construction workers enraged by Negro job demands in Pittsburgh last month and again last week in Chicago (page 105).

Newsweek's survey yielded provocative evidence of a deep crisis of the spirit in Middle America—but so far, at least, no real indication of outright rebellion. The average white American feels relatively optimistic about his own personal prospects, but he fears that the country itself has changed for the worse, that it will deteriorate further in years to come, that his government is not coping with its problems, that America's troubles may be so overwhelming that the nation may not be able to solve them at all. He thinks the war in Vietnam is America's most pressing concern right now, feels it was probably a mistake to send American troops to fight it, but has no clear idea how to get them home with honor. He gives President Nixon a generally favorable rating (highest in the South) and is inclined to prolong the new President's honeymoon, but he shows no deep enthusiasm for Mr. Nixon.

He bitterly opposes much of what is happening in the country. The Middle American complains that standards of morality have declined and that the exploitation of sex and nudity in the mass media erodes morals further every passing day. He is relentlessly opposed to violent tactics by blacks and campus radicals and believes that the police should have more power to curb crime and unrest. Out of perversity or ignorance, he is convinced that Negroes actually have a better chance to get ahead in America than he does and that any troubles blacks suffer are probably their own fault. Yet he does not reject black aspirations altogether. And, despite his rejection of campus revolutionaries, the average white has a favorable attitude about young people and thinks much of their criticism of the society is warranted. Perhaps most encouraging of all, the middle-class American wants the government to start moving on the nation's domestic ills. Even though he grumbles that taxes are too high, he would favor spending money on such programs as training for the unemployed and housing for the ghetto poor.

The statistics flesh out only one dimension of the story, of course. For all the essential stability the numbers indicate, the people of Middle America talk with eloquent bitterness or forlorn resignation about the state of the nation. There is a strong strain of fear in their conversation. "The honest person doesn't stand a chance because of what the Supreme Court has done," a Boston cabbie complained to a NEWSWEEK correspondent. "People are scared and they've changed. Ten years ago if you were getting beaten up you could epect some help. Now people just walk by—they're afraid for their lives." In Inglewood, Calif., a dentist wonderingly recalls a confrontation with a booted band of motorcyclists: "When the light changed they didn't move off so I blew my horn. One of them yelled, 'What do you want, you old son of a bitch?' I was so scared and nervous I didn't even get their license numbers."

There is a pervasive feeling of being cheated by the affluent society. "Why, I can't even afford a color TV set!" explodes a Los Angeles plumber. And there is the conviction that the government has its priorities wrong. "They spend $50 million to send a ——— monkey around the moon and there are people starving at home," growls a Milwaukee garage man.

But most of all there is a sense of loss and neglect. No hero to millions of Americans in life, John F. Kennedy has been elevated in death to an almost magical place in the hearts of his countrymen. "Kennedy put the spirit back in people," says a factory hand in Tyler, Texas. "He would have done some good if they would of gave him some time and hadn't killed him." And, feeling himself the spokesman of the oppressed majority, a hard-hatted San Francisco construction worker gripes: "The niggers are all organized. So are the Mexicans, even the Indians. But who the hell speaks for me?" Adds Paul Deac, head of the National Confederation of American Ethnic Groups: "We spend millions and the Negroes get everything and we get nothing."

Resentment over compensatory programs for blacks feeds the Middle American's sense of himself as the ultimate victim. The experts typically disagree over whether the middle-class white is as victimized by the society as he feels himself to be. Some contend that the white reaction is a rational response to the squeeze of taxes and inflation (despite big wage increases the average factory worker's real income has declined $1.09 per week in the past year) and the authentic danger of rising crime. Others point out that Middle Americans tend to ignore the large government subsidies they get in such benefits as tax write-offs for mortgage interest payments; still others say unrealistic expectations are bred by the myth of affluence. "Middle-class people," says University of Michigan philosopher Abraham Kaplan, "look around and say, 'We've entered paradise and it looks like the place we just left. And if this is paradise why am I so miserable?'" Then, says Kaplan, they look for scapegoats among those who are attacking middle-class values.

"WE'VE ENTERED PARADISE—AND IT LOOKS LIKE THE PLACE WE JUST LEFT"

Indeed, the most deeply rooted source of the white American malaise is the plain fact that middle-class values are under more obdurate attack today than ever before. "The values that we held so dear are being shot to hell," says George Culberson of the government's Community Relations Service. "Everything is being attacked—what you believed in, what you learned in school, in church, from your parents. So the middle class is sort of losing heart. They had their eye on where they were going and suddenly it's all shifting sands."

The sands are shifting beneath all the familiar totems—the work ethic, premarital chastity, the notion of postponing gratification, and filial gratitude for parental sacrifice. Middle-class folk, says philosopher Kaplan, are infuriated by college demonstrations because they "upset their image of what college is—a place where there are trees, where the kids drink cocoa, eat marshmallows, read Shakespeare and once in the spring the boys can look at the girls' underthings." Says radical writer Paul Jacobs, once a union organizer: "The notion of work that they had been brought up to deify is being undermined by the young people. The hippies, Woodstock, all those broads walking around with their boobs bouncing. Not only do young people do it, but the media seem to approve it and the upper class does these things, too." Television is the most subversive enemy of the old ways. "Through television," says Anthony Downs, a consultant to LBJ's riot commission, "we are encouraging, on the consumption side, things which are entirely inconsistent with the disciplines necessary for our production side. Look at what television advertising encourages: immediate gratification, do it now, buy it now, pay later, leisure time, hedonism."

Beyond that, TV enhances the Middle American's feeling that he is enveloped in a chaotic world he never made and cannot control. "You have violence and sex and drugs on television," says Chicago psychiatrist Dr. Jarl Dyrud, whose patients are mostly drawn from the middle class. "You have the news about the Vietnam war, the protests of the kids on campus, the protests of the blacks. It's hard to escape any more." "Every time you turn around, there's a crisis of some sort," says community organizer Saul Alinsky, a brassy anti-Establishmentarian now concentrating his efforts on white communities. "You have the black crisis, the urban crisis—it's just one ——— crisis after another. It's just too much for the average middle-class Joe to take. There's always something else to worry about. But the worst thing about it for the middle class is that they feel powerless to do anything about anything."

The more precarious a family's hold on economic security, the more menaced it feels by the pressures of black militancy and inflation. The government estimates that it costs at least $10,000 a year for a family of four to maintain a moderate standard of living—yet 26.3 million white families fall below that level. And, despite nine consecutive years of prosperity, many a breadwinner can't forget the specter of the wolf in the carport. "Blue collar and white collar alike still live too near 'layoffs,' 'reductions,' 'strikes,' 'plant relocations' to be personally secure," says former HUD Under Secretary Robert Wood, now head of the Harvard-MIT Joint Center for Urban Studies.

With little equity but his mortgaged home and his union card, the white worker is especially resistant to integration efforts that appear to threaten his small stake in the world. "I believe that an apprenticeship in my union is no more a public trust to be shared by all, than a millionaire's money is a public trust," one worker wrote to The New York Times. "Why should the government . . . have any more right to decide how I dispose of my heritage than it does how the corner grocer disposes of his?" "Second-generation people inherit from their parents a reverence for their own home," says Rep. Roman Pucinski, a Chicago Democrat who takes the pulse of his district each Saturday. "The Polish have a word, *grunt*—a base, a foundation. They know integration has to

XUM

come, but their big concern is property values."

The hunt for scapegoats goes beyond the blacks to their allies: the liberal white elite. Many lower-middle-class whites feel that an unholy alliance has grown up between the liberal Establishment and Negro militants to reshape American life at their expense. School busing to achieve integration, for example, is probably the least popular social nostrum of the 1960s. And the Kerner commission's well-publicized conclusion that "white racism" is the basic cause of black riots touched off howls of indignation. "They resent their leaders' hypocrisy," says Paul Jacobs, "—especially the rich liberal politicians who send their own kids to private school."

There has always been a streak of anti-intellectualism in Middle America. It bubbles to the surface when the country feels itself betrayed—as it did in the days before Joe McCarthy's rampages. All through the late 1960s, liberals and radicals have been predicting a revival of know-nothingism. So far, it has failed to materialize to any great degree—although George Wallace did his best last year with his diatribes against "pointy heads" and such enemies of the common man. Today, a growing sense of betrayal undoubtedly is percolating in many middle-class hearts. The anti-middle-class bias of college radicals contributes to the problem. "Many of the young people see middle-class people as nothing but a bunch of big-bosomed, beer-drinking, drum-and-bugle-corps types," says Rep. Allard Lowenstein, who tries to keep up his contacts both on the campus and in his middle-class Long Island district.

S. I. Hayakawa, who became something of a Middle American folk hero by suppressing demonstrations at San Francisco State College last year, thinks the educated elite is dangerously out of touch with the middle-class masses. "You and I," he tells a visitor, "can live in the suburbs and demand integration in the schools downtown. We can make the moral demands and someone else has to live with them. We can say the war in Vietnam is a dirty, immoral act while our children are in college, exempt from the draft. The working people's children are in Vietnam and they're praying for victory. They want to believe America is right."

More bluntly, Eric Hoffer rages: "We are told we have to feel guilty. We've been poor all our lives and now we're being preached to by every son of a bitch who comes along. The ethnics are discovering that you can't trust those Mayflower boys."

Hoffer's observation is symptomatic of the new mood of ethnic chauvinism taking hold in Middle America. "The rise of Negro militancy," says Congressman Pucinski, "has brought a revival of ethnic orientation in all the other groups." The hard truth is that the celebrated American melting pot has never worked quite so well in life as in nostalgic myth. As Nathan Glazer and Daniel P. Moynihan pointed out six years ago in "Beyond the Melting Pot," Americans tend to maintain their sense of ethnic identity far more tenaciously than was once supposed. One result of the new white nationalism is a greater willingness to express anti-black feelings—intensified by Negro job competition. "They've always been anti-Negro," says one old union hand. "But they've never been pressured to say it publicly before."

THE MELTING POT NEVER WORKED SO WELL IN LIFE AS IN MYTH

In the current atmosphere, liberal groups are devoting new attention to the hyphenated American. The American Jewish Committee has conducted substantial research on the subject, and Americans for Democratic Action is making a major thrust to try to keep ethnic voters in the Democratic coalition. "Any politician who ignores 40 million ethnics is a fool," says Leon Shull, executive director of the ADA. Paul Deac, of the Washington-based ethnic lobby, is trying to pry anti-poverty money and other considerations for his people from the Administration. "Right now, the ethnic vote is up for grabs," insists Deac. "Our people are as gun-shy of the Republicans as of the liberal Democrats. If the Republicans grab the opportunity they can forge an alliance with ethnics and remain in power for a long time."

Except for the Italians, few of the nation's later immigrant groups have had much use for the Republican Party. And no one can say for certain how successful Richard Nixon will be if he tries to entice ethnic voters into his new centrist coalition. The President's strong anti-Communist stand over the years—and his recent trip to Rumania—are likely to enhance Mr. Nixon's appeal. Just such a thrust is at the heart of a GOP battle plan devised by Kevin P. Phillips, a 28-year-old Justice Department aide, in a much-discussed book called "The Emerging Republican Majority." As Phillips envisages it, the Republicans could cement their hold by building an alliance based on the South and the traditional heartland, and whites disgruntled by Democratic "social engineering." The President professed last week not to have read the book. And, basically, Mr. Nixon will stand or fall on his over-all ability to convince America that he can end the war, reorder priorities and bring greater stability to the U.S.

On that score, the President seems to have a number of advantages. "Nixon is tremendously reassuring to middle-class Americans," says sociologist Robert Nisbet of the University of California at Riverside. "If you started out to design a human being who would be an answer for this kind of person in this kind of time, you couldn't design a better one than Nixon. His kind of corny, square, ketchup-on-cottage-cheese image is very reassuring to these people." What's more, says Brandeis University historian John Roche, who was once LBJ's intellectual-in-residence, government—Nixon style—has reduced the level of disorder in America. "The edge is already off," says Roche, "because the election of Nixon put into office people who are not going to be responsible for demonstrations. There will be no great riots—you don't riot against your enemies but against your friends, because you know your friends don't shoot. [Attorney General John] Mitchell means business."

Even if he should end the war and further cool the ghettos and campuses, the President faces the more fundamental problem of giving the white majority a greater sense of participation and reward in the life of the society. And he must somehow accomplish this while maintaining the nation's commitments to its non-white minorities, especially the Negroes. "The ethnic groups, the Irish and the Jews don't want to penalize the Negro but they feel strongly that the rules they came up with should apply," says Roche. "To change rules now is basically unfair."

"WE NEED MORE PROGRAMS FOR MR. FORGOTTEN AMERICAN"

"We need more programs for Mr. Forgotten American," says a Washington liberal. The fact is, however, that very little thought has gone into the problems of the white middle class. Foundations and think tanks have primarily been concerned with the plight of the minorities. A turnabout of sorts is under way. The Harvard-MIT Joint Center for Urban Studies has made Middle America its target subject for the new year, and the Ford Foundation plans to focus some of its attention on the middle class. Concrete ideas are sparse. Mitchell Sviridoff, Ford's vice president for national affairs, speaks rather vaguely of expanding medicaid programs and of retraining the middle-aged white worker trapped in a dead-end assembly-line job.

But the underlying necessity is to find the national resources to help both the majority white and his non-white counterpart. "We've stimulated the minorities to believe that something is going to happen for them. If we slow down, as we have, their frustrations will be so seriously exacerbated that they will be pushed to more militant behavior," argues Sviridoff. "Then the majority will be pushed to more repressive behavior and we will have an absolutely impossible situation on our hands."

Some think that the problem goes far beyond the reach of even the most imaginative government. "When the hippies go to the Woodstock," says Paul Jacobs," they are building a new community of their own. The worker's community is disintegrating. He doesn't know where to find a new one. So he keeps harking back to the old days and the old values. But it is not possible to go back. And there is no new community to replace the old."

Can Middle America somehow create a new pluralist community to satisfy its new needs? On the answer to that question rest much of the destiny of the nation in the years ahead.

HOW IT FEELS TO BE CAUGHT IN THE MIDDLE

In this harvest season of 1969, that is the voice of Middle America—the white middle class, the backbone of the country, the people who have taken to thinking of themselves as "forgotten."

Newsweek's special poll of white Americans, conducted by The Gallup Organization in an unusually wide sampling of public opinion, found the white majority profoundly troubled—but not, as some have suggested, on the bring of violent rebellion. There is a heavy undertone of resentment—a dark suspicion that the rules are being changed in the middle of the game, that the dice are loaded in somebody else's favor. But at bottom, the mood adds up to a nagging sense that life is going sour—that, whatever is wrong, the whole society somehow has lost its way.

This new pessimism has serious implications for the nation, because Middle America, in a real sense, *is* America. For the Newsweek survey, Gallup interviewers talked to 2,165 adults comprising a cross-section of the entire white population (which, in turn, is almost 90 per cent of the total population). The sample included a middle-class group large enough for detailed analysis: 1,321 Americans with household incomes ranging from $5,000 to $15,000, representing 61 per cent of the white population.

By themselves, the Middle Americans are a majority of the nation—and the strength of their opinions outweighs their numbers. In the Newsweek Poll, the attitudes of the middle-income group showed hardly any significant variation from those of the total white group on any question.

As the Middle American sees it, his country is beset by a sea of troubles. The war in Vietnam oppresses the nation—nearly two out of three of those polled cite it as one of America's top problems. "I don't like a war where there couldn't be a winner," complains an electrician in Mineral Wells, Texas. There is the endless, abrasive racial crisis, mentioned by 41 per cent. "We could have a civil war," warns a county employee in Stanwood, Wash. There are the nagging pocketbook issues: inflation erodes everybody's paycheck, and 78 per cent think Federal taxes are just plain too high. There is crime and deliquency and a gnawing feeling of powerlessness. The government, says a Chicago truck driver, "doesn't know I exist—or care." And there is a sense that solid old values are crumbling. "Seems like we have lost respect for ourselves," says a housewife in Bellefontaine Neighbors, Mo.

Save for the war, the nation's brooding is almost exclusively inward. Only 2 per cent of the sampling thought to mention nuclear war as a problem facing the country; fewer

XUM

than 1 per cent listed Russia or Red China. But the internal discontents are as varied as they are pervasive. "This sex education shouldn't be in the small grades, like I heard they're going to have," said the wife of a laborer in South Bend, Ind.

For all that, most middle-class Americans expect to prosper in coming years. Nearly two-thirds of the sampling feel that five years from now they will be at least as well off as they are today—or better off. But they are afraid they will enjoy it less. Fully 46 per cent agree that the nation has changed for the worse in the past ten years. Opinion splits on whether the United States can solve its problems at all. Fifty-nine per cent believe that the danger of racial conflict is on the rise—and 58 per cent feel that the United States, on the whole, is likely to change for the worse in the years ahead.

"I DON'T LIKE A WAR WHERE THERE COULDN'T BE A WINNER"

Middle America itself is hardly monolithic; its over-all statistical unity conceals many shadings of opinions. The biggest differences match educational levels. Thus, people who went to college tend to have better jobs, earn more money and be more tolerant on racial issues and less disturbed by youth protests. Those whose education ended in grade school tend to hold blue-collar jobs—and to be financially insecure and angry over the accelerating pace of social change. The educational split was neatly shown by a question asking whether the United States is becoming two materialistic. Some 54 per cent of those who had gone to college agreed—but only 36 per cent of the grade-school group would go along.

Other significant divisions of opinion stem from age, sex and region of the country. Women, for instance, tend to be less hawkish than men on Vietnam. Westerners worry most about drugs and air pollution. And surprisingly, adults under 30 tend to disapprove of modern youth more vehemently than do people aged 30 to 55.

Despite these internal differences, however, Middle America is united in its discontent—and, increasingly, sees itself as an oppressed majority. "I think the middle class is getting the short end of the stick on everything," says a computer technician from Brooklyn. "The welfare people get out of taxes, and so do the rich," says a construction foreman in Baltimore. "The middle-class family is just forgotten."

The worst frustration is the war in Vietnam. It is, by now, a war that has come very close to home; 55 per cent of the Newsweek Middle American sampling said they were personally acquainted with someone who had been killed or wounded in Vietnam. Yet people are frankly and bitterly confused as to the conduct of the war, the reasons for American involvement and what should be done next.

There is general agreement on only one thing: that the war is not going well. Only 8 per cent believe that the U.S. and South Vietnam are winning. One in five said the war was being lost, and two-thirds of the sampling opted for the euphemistic "holding our own." Nearly three in five said the U.S. was justified in intervening in the war—but 70 per cent argued that, justified or not, the nation should have kept its sons at home.

At the extremes, hawks and doves were almost evenly divided. Approximately one in five said that the U.S. had "no right or reason" to fight in Vietnam; one in four said it was "our right and duty." In volunteered opinions, however, the stronger expressions were hawkish, with 21 per cent urging a more aggressive, fight-to-win policy. "I can't figure it out" complained a retired sand-and-gravel dealer in Fort Loramie, Ohio. "If you can't go into North Vietnam, what's the use of fighting? If you hit me and go into the next room and I can't follow, what the hell's the use?" "Don't bomb here, don't bomb there—it's a cuddly war," snapped a nurse who lives in East Keansburg, N.J. "They should blast them all and come home."

In contrast, the dovish opinions sounded oddly uncertain; opponents of the war cited passionless arguments on the theme that the U.S. should not have been involved in the first place, or that it was time for the war to end. "I can't remember when we started fighting there," said 22-year-old William H. Neumann Jr., manager of a restaurant in Sarasota, Fla., "but I do think we should have been out a long time ago." One of the most curious findings of the survey was the almost total absence of moral arguments against the war. Despite the clamor of the most vocal doves over the past four years, only a handful of the sampling argued that the war was simply wrong. Instead, opinions both pro and con were thoroughly pragmatic; as a New York City housewife phrased her case, "There's nothing to be gained."

On issues closer to home, the Middle American is considerably more emotional. He is in a financial vise, with inflation and rising taxes threatening what precarious security he has—and to make this threat worse, black Americans are demanding an ever-greater economic share.

Resentment of Negroes is at once the most obvious and the most complex note in the new mood of Middle America. It is not outright racism, in the sense that Negroes are hated because they are black. As recently as 1966, a Newsweek survey found white Americans agreeing, by more than 2 to 1, that Negroes were discriminated against and deserved better. Fully 70 per cent of whites then said that, like it or not, they would probably be living in integrated housing in five years' time—and there was a similarly grudging acceptance of black gains in jobs and education. But with this acceptance went a strong feeling among whites that Negroes were trying to win too much, too fast—and this attitude is as strong as ever.

Recent progress for Negroes—particularly in jobs, education and housing—has come partly at the expense of the middle class. What's worse, some black demands and white-liberal rhetoric have focused on the concept of reparations for years in discrimination—an idea that Middle Americans see simply as a new form of reverse discrimination. "I see the Negro stepping on my rights," said a finance manager in Los Angeles. "He is asking for more than is justifiably his."

Whatever the facts of the case, a substantial minority of white America professes to believe that the black man already has the advantage. More than four out of ten in the sampling said Negroes actually have a better chance than whites to get a good job or a good education for their children, and nearly two-thirds said Negroes got preference in unemployment benefits from the government. "The Negroes think they are having a disadvantage, which is not true," said Mrs. John Tiedje, in Clarksville, N.Y. Ludicrous as the idea sounds to Negroes, many Middle Americans are convinced that police and the courts give blacks especially lenient treatment. "It looks," said an oil-refinery worker in Galena Park, Texas, "like whites don't have the rights that Negoes do."

MANY THINK THE BLACKS LIVE BY THEIR OWN SET OF RULES

Blacks are also perceived by many as morally different from whites: they don't seem to live by the rules of the basically Puritan white middle class. "They are given jobs by good companies and they don't work," says a New York policeman. "The backers of the Negro are making them think that we owe them jobs, and we owe them housing, food, money, for nothing." This attitude is astonishingly widespread; 73 per cent of the Newsweek sampling agreed that blacks "could have done something" about slum conditions, and 55 per cent thought Negroes were similarly to blame for their unemployment rate. What's more, nearly four out of five declared that half or more of the nation's welfare recipients—who tend to be thought of mainly as Negroes—could earn their own way if they tried.

With such basic attitudes, it is hardly surprising that Middle America shows little enthusiasm for what it thinks of as sacrifice to advance the black cause. In education, for instance, only 2 per cent of those polled favored busing to improve racial balance in the schools. In fact, only one out of four favored further integration at all. Given their choice, nearly two-thirds would either improve Negro schools or let blacks run their own schools.

Even this attitude is not unalloyed bigotry. Unfashionable as it is to credit racial rationalization at face value, much white middle-class opposition to integration reflects a genuine fear that the quality of education may deteriorate. And for all his resentment at black activism, the Middle American still has a basic sympathy for the Negro's aspirations, Significantly, nearly seven out of ten agreed that at least some of the demands presented by Negro leaders were justified. Equally to the point, the same proportion also agreed that "it will take some time" to meet the demands.

White America's prejudice is most obvious when it comes to the crime problem—which large numbers automatically associate with Negroes. "We are really afraid," said a North Carolina woman, "with the colored right in our backyard." Asked to define "law and order," an investment adviser in King of Prussia, Pa., said, "Get the niggers, Nothing else."

Crime, the survey showed, is considered one of the nation's most serious problems—but oddly enough, it is generally thought to be worse in somebody else's backyard. Only 10 per cent of the sampling volunteered crime in their own listing of the nation's problems, and fewer than half considered it a serious issue in their own communities. Yet nearly two-thirds checked it off as one of the worst problems facing the cities—and suburbanites were more likely to think so than city dwellers themselves.

Despite the furor over crime in recent months, only three in ten said they had changed their habits to protect themselves; those few were mainly locking doors and windows formerly left unlatched. And despite widespread reports of an arms buildup, only 4 per cent volunteered that they kept guns to protect themselves, and fewer than 1 per cent said they had installed burglar alarms. Others mentioned teargas guns and judo lessons. "We've started feeding an ugly dog," reported David Ingraham, owner of a service station in Clarksville, N.Y.

DESPITE EVERYTHING, A VOTE FOR YOUTH

Nearly four out of five are satisfied with their local police, reporting that the officers do a good job of preventing local crime. Nonetheless, 63 per cent of the sampling said police didn't have enough power in dealing with suspected criminals, and more than two-thirds agreed that judges should have the right to deny pretrial bail to suspects considered likely to commit a crime while on the loose—a crime-fighting step of dubious constitutionality.

A significant minority worried that more police power could bring on a police state—"Hitler had law and order," observed Mrs. Marjorie Runner, a San Francisco housewife. But the majority of those polled were convinced that thugs were getting too many breaks. To most people, the possibility of added police powers offers no conceivable threat to anyone but wrongdoers. "Behave yourself and there's no problem," declared a construction worker in Wichita, Kans. "I think of law and order as what I do."

If crime is a threat to the Middle American's safety, the much-publicized youth re-

XUM

bellion is an equally real challenge to his self-esteem. Whether picketing on campus or parading barefoot in hippie regalia, the younger generation seems to be telling him that his way of life is corrupt, his goals worthless and his treasured institutions doomed. Logically enough, a good many middle-class citizens tend to resent the message. "It's horrible. They are going to the dogs," said Mrs. Cecil L. Davis of Wichita Falls, Texas. The overwhelming majority in the poll made it clear that they had little sympathy for the outright rebels among the younger generation; 84 per cent said campus demonstrators had been treated too leniently, and nearly three out of five said the demonstrators had little or no justification for their actions.

Nonetheless, most Middle Americans make a clear distinction between youthful rebels and the greater number of what they think of as normal youngsters. "These college rioters should be put in concentration camps," said Herbert R. Parsons Jr., a furniture store manager of Peru, Ind. "But by and large, the majority are fine young people." Some 59 per cent of those polled agreed that their impression of most young people was favorable.

And in his heart, the Middle American isn't all that sure that even the rebels are altogether wrong. Some 54 per cent of those polled, in fact, agreed that young people were not unduly critical of their country, and that criticism was actually needed. But this sentiment reflects not so much tolerance of the young as a deep-seated fear that the whole system is somehow failing, that the quality of life is declining and that the middle-class citizen's own place is no longer secure.

This painful awareness that things just aren't what they used to be is at the bottom of the nation's new discontent. "Conditions are changing for the worse," mused a farmer from Bald Knob, Ark. "Conditions are unstable, and getting worse." Solid old values seem to be deteriorating; seven-tenths of the sampling agreed that people now were less religious than they were five years ago, and 86 per cent said sexual permissiveness was undermining the nation's morals. "I really worry sometimes about this country, if we don't change our ways and return to religion," said another farmer in Timmonsville, S.C.

And this erosion of values extends to the interpersonal links that foster security and stability in any society. Only 39 per cent of those polled feel most people "really care" what happens to strangers. About the same percentage said it wasn't likely that anyone would help them if they were robbed on the street in their own neighborhoods. More than half said they put only "some" trust in the news media and the Federal government to tell the truth about what was going on; some 30 per cent said they had little trust or none at all. But however skeptical, Middle Americans feel increasingly powerless to shape their own destiny. In the face of the complexity of the modern world, a bare half of the sampling thought they should have any say in their country's defense and foreign policy. "We are not well-informed enough to give solutions," said a Chicago accountant.

What the middle class does want is stability—or at least the illusion of stability. If change is inevitable, in race relations, for example, it should come without upheaval. "I think Negroes have justified reasons," said the wife of a utility serviceman in St. Paul, Minn., "but they are going about it in the wrong way with the wrong leaders."

"I REALLY WORRY ABOUT THIS COUNTRY"

In such a national dilemma, it would be natural for people to turn on their leaders—and there is, to be sure, no lack of grumbling in Middle America about the government. Only 24 per cent of the sampling said the government was doing a "good" or "excellent" job of dealing with the nation's problems; two-thirds said "fair" or "poor."

The grumbling is loudest, of course, over the pocketbook issues of taxes and inflation. Despite the vaunted prosperity of the nation during the 1960s, one out of every four middle-class American said the rising cost of living had forced a cutback on purchases; another 44 per cent said they were just managing to stay even. Nearly eight out of ten said Federal taxes were too steep, and 59 per cent thought local taxes excessive. "We had to sell our home because our taxes were too high," said G. W. Loenstein, a retired grocer in Oakland, Calif.

For the most part, however, the middle class has a weary sort of tolerance for their elected representatives. "It's not really the government's fault," said Thomas Silevitch, a Christmas-tree bulk maker in Dorchester, Mass. "The government can't solve everyone's problems." Asked to rate President Nixon's performance in office, nearly half of the sampling—49 per cent—gave him favorable marks, with 31 percent less enthusiastic and only 15 per cent downright critical. There was no great yearning for another leader; only 12 per cent thought the country would be better off with George Wallace at the helm, and a bare 10 per cent thought Hubert Humphrey would do better. But there was little enthusiasm for Mr. Nixon. In fact, people had a tendency to praise him with faint damns, explaining their ratings by saying that he had done all right so far, or seemed to be working for peace. "He is doing the best he can with the ability he has, which I don't think is too much," said a housewife in Jacksonville, Fla.

MALAISE GOES AGAINST THE MIDDLE AMERICAN GRAIN

Whatever its resentments and frustrations, then, Middle America is not about to take to the barricades—or even to slump into mulish apathy. Indeed, the most encouraging finding of the NEWSWEEK Poll is the extent to which people are willing to seek fresh solutions; a clear plurality of 48 per cent agreed that "we need to experiment with new ways of dealing with the nation's problems." Even the celebrated tax revolt turns out, on close scrutiny, to be a paper dragon. The chief complaint is not so much the level of taxation but rather that the government has its priorities wrong. "Nobody has the right to take a hard-working man's money and waste it, but they all do," said Mrs. Margaret Donovan, a housewife in Albany, N.Y. "Our money just isn't used right."

By a clear margin, the middle class is more concerned with solving problems than with governmental economies. Asked how the government should use any unexpected surplus in revenues, fully 48 per cent said the money should go to improve conditions in the country; only one in three favored a tax cut, and 16 per cent wanted to reduce the national debt. In specific terms, the sampling favored added spending for such programs as job training, pollution control, medicare, slum housing and crime control. But a good many thought money was being wasted in foreign aid and defense spending—and even in the afterglow of the moon landing, fully 56 per cent thought the government should spend less on space.

In the end, this willingness to tackle the nation's problems tempers Middle America's pessimism. "Change is not bad," said John King, a Mississippi cattle raiser. "But there may be a period of time when things worsen before we settle on a course again." In the long run, said the owner of a printing shop in Cleveland, "I have great confidence in our ability to find the right answers. We're great opportunists and improvisers." A touch of malaise may be fashionable, and all very well for a while, but it goes against the Middle American grain. If something has gone wrong, it will simply have to be fixed; after all, says a San Diego aircraft inspector, "We won't just sit around and let the country go down the drain." And in this troubled harvest season, the hope is that his is the real voice of the country.

LOOKING AHEAD: PESSIMISM

[In percent]

	Agree	Disagree	No change
The United States has changed for the worse over the past decade	46	36	13
The danger of racial violence is increasing	59	26	12
The United States is likely to change for the worse over the next decade	58	19	14
The United States is less able to solve its problems than it was 5 years ago	40	40	16

Note. Undecided omitted.

WANTED: LAW AND ORDER

[In percent]

	Yes	No
Local police do a good job of preventing crime	78	16
Police should have more power	63	35
Suspects who might commit another crime before they come to trial should be held without bail	68	23
Black militants have been treated too leniently	85	8
College demonstrators have been treated too leniently	84	11

Note. Undecided omitted.

THE BLACKS: TOO MUCH, TOO SOON?

[In percent]

	Better	Worse	Same
Do Negroes today have a better chance or worse chance than people like yourself—			
To get well-paying jobs?	44	21	31
To get a good education for their children?	41	16	41
To get good housing at a reasonable cost?	35	30	27
To get financial help from the Government when they're out of work?	65	4	22

Note. Undecided omitted.

BLACK SCHOOLS—OR MIXED? WHAT SHOULD BE DONE ABOUT NEGRO DEMANDS FOR BETTER EDUCATION

[Undecided omitted]

	Percent
Improve schools where Negro children go	40
Move toward integration	35
Let Negroes run their own schools	24
Integrate schools by busing children	2
Ignore demands because they are not justified	3

THE SITUATION AT THE DISTRICT OF COLUMBIA GENERAL HOSPITAL

Mr. MATHIAS. Mr. President, I am deeply troubled by the crisis at the District of Columbia General Hospital.

Wednesday, a member of my staff visited the hospital. His description heightens my indignation.

At 3 p.m. yesterday afternoon, the emergency room was filled with more than 60 persons. At the same time 3 days ago, a hundred sick and injured sat in that room. Some of them had been there since 8 in the morning.

One day last week a doctor found himself alone in the emergency room. Nine people, choking and gagging from asthma attacks, were led in. The doctor

XUM

had to treat them himself, one at a time. There are 12 examination booths in the emergency ward, and it is not unusual to find one doctor trying to treat patients in all of them.

On Wednesday, a child of 8 was seen carrying his own X-rays to the pediatrics ward for diagnosis. Yesterday, halls were strewn with beds holding sick, sleeping patients—at least, trying to sleep.

The District of Columbia General is one of two hospitals in Washington that treats the indigent not covered by medicaid. There are 120,000 people in the District with medicaid, and at least as many without it.

The doctors at District of Columbia General ask themselves two questions every time a patient comes before them. They ask, "Does he need hospitalization?" and if he does, they ask, "Is there room in the hospital?" The answer to the second question must sometimes be, "No." The doctors cannot estimate how many patients with colds and incipient illnesses have been sent home. They have done the best they can for as many as they can.

Mayor Washington visited the District of Columbia General yesterday. The tour is a response to a recommendation by a subcommittee of the Mayor's task force on public health, which recommended that $6 million in emergency funds be requested from Congress immediately. The Mayor said he will decide, on the basis of his inspection, whether to ask Congress for the money.

The appropriation for the hospital for the fiscal year of 1970, approved by the Mayor and before Congress now, is $18,760,276. This is $1,756,000 more than the appropriation for last year. The District of Columbia General had requested an increase of $2,452,000. All these figures disturb me.

The staff at the District of Columbia General has not asked for more money because long ago it despaired of receiving it, and, as one doctor puts it, everyone is too busy sustaining the activity at the hospital to take time to construct a new budget. But the staff at the District of Columbia General agrees that to raise the hospital to the efficiency of Washington's other hospitals, an additional $8 to $10 million is imperative.

Day before yesterday, Dr. John P. Nasou, medical director at the District of Columbia General, received a letter from the Public Health Service. On August 29 an inspector from the Health Service examined the laboratories at the hospital and found substandard administration in eight of 13 categories of laboratory work. These categories are below standard because there are not enough people to run them. If the failing categories are not brought up to standard, they will be closed, and that service will not be available.

I want to encourage Mayor Washington and his health task force in their efforts to obtain more money for the District of Columbia General. If necessary, the hearings of the District of Columbia Subcommittee of the Appropriations Committee should be reopened to gather evidence on the current situation. We should consider this year not only the additional $6 million recommended by the task force subcommittee, but also the $8 million to $10 million more which is needed to make the District of Columbia General a decent, adequate public hospital.

Mr. President, I pledge myself to do everything I can to improve this situation.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

The PRESIDING OFFICER (Mr. SPONG in the chair.) The time of the Senator has expired.

Mr. MATHIAS. I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Would the able Senator enlighten the Senate as to the percentage of patients who do not pay?

Mr. MATHIAS. As I alluded earlier, and as the distinguished Senator from West Virginia, who has such extensive knowledge in this area, knows, this hospital services the indigent who are not covered by medicaid and who are unable, in very many cases, to pay. I cannot provide for him at this moment the precise figure, but I can say to the Senator that it must be a very large percentage of all the patients who are treated there, and that is the nub of our problem.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield further?

Mr. MATHIAS. I am happy to yield.

Mr. BYRD of West Virginia. Would the Senator provide for the RECORD the amount of money not collected in the last fiscal year for services rendered to patients at the District of Columbia General Hospital, and also the percentage of patients who do not pay for such service?

Mr. MATHIAS. Not only will I provide for the Senator those figures, insofar as they become available to me, but also, I want to thank him for raising this question; because I think his own familiarity with the subject is such that he well knows that this is a critical question, and it does reflect what the measure of public responsibility is for the District of Columbia General. It will help to bring into focus the whole area of congressional responsibility for this phase of health service in the Nation's Capital, where Congress has not only the ultimate authority, but also the ultimate responsibility.

I will provide those figures as expeditiously as possible.

Mr. BYRD of West Virginia. Mr. President, would the Senator also provide for the RECORD the percentage of total costs for hospital construction in the District of Columbia that has been provided by the Federal Government through Hill-Burton appropriations, and so forth, by Congress, and also the percentage that has been provided by the District of Columbia?

Mr. MATHIAS. I will attempt to do so. I may have to seek the Senator's cooperation in securing those figures for the RECORD. I know I shall have them.

Again, I think the Senator's question is very pointed. It could be very helpful, because, as many private institutions find, the initial investment in a philanthropic and eleemosynary institution is only the first bite, and the ongoing, continuing maintenance of the institution is a totally different proposition, and is one that sometimes involves even greater effort than the initial input.

Mr. BYRD of West Virginia. I am sure the Senator will have no difficulty in securing the statistics I have asked for, and I hope he will also include statistics along the same general lines for the other general hospitals in the District of Columbia.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON WILLIAM L. PAUL AGAINST THE UNITED STATES, BEFORE THE INDIAN CLAIMS COMMISSION

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, an order dismissing Docket No. 171, William L. Paul, Sr., on the relation of the Tee-Hit-Ton Indians, a tribe, band or group, Petitioner *v.* The United States of America, Defendant, before the Indian Claims Commission (with accompanying papers); to the Committee on Appropriations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to improve and relocate internal audit activities at the Veterans' Administration, October 3, 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED ST. CROIX NATIONAL SCENIC RIVERWAY COOPERATIVE AGREEMENT

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed cooperative agreement between the United States, Northern States Power Co., United Power & Land Co., the State of Minnesota, and the State of Wisconsin, for the establishment of the St. Croix National Scenic Riverway (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON CLASSIFYING THE WOLF RIVER

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, documents classifying the Wolf River, establishing boundaries, and setting forth development plans (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON RIVER PLAN, ROGUE RIVER IN OREGON

A letter from the Forest Service, U.S. Department of Agriculture, transmitting, pursuant to law, a copy of the River Plan for a segment of the Rogue River in Oregon (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT ON RIVER PLAN, CLEARWATER RIVER IN OREGON

A letter from the Forest Service, U.S. Department of Agriculture, transmitting, pursuant to law, a copy of the River Plan for the Middle Fork of the Clearwater River, including the Lochsa and Selway Rivers in Idaho (with an accompanying report); to the Committee on Interior and Insular Affairs.

RIVER PLAN, SALMON RIVER IN IDAHO

A letter from the Forest Service, U.S. Department of Agriculture, transmitting, pursuant to law, a copy of the River Plan for the Middle Fork of the Salmon River (with an accompanying report); to the Committee on Interior and Insular Affairs.

RIVER PLAN, ELEVEN POINT RIVER, MISSOURI

A letter from the Forest Service, U.S. Department of Agriculture, transmitting, pursuant to law, a copy of the River Plan for the Eleven Point River, Missouri (with an accompanying report); to the Committee on Interior and Insular Affairs.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Ollie L. Canion, of Louisiana to be U.S. marshal for the eastern district of Louisiana.

By Mr. CANNON, from the Committee on Commerce:

Isabel A. Burgess, of Arizona, to be a member of the National Transportation Safety Board.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RIBICOFF, from the Committee on Government Operations, with amendments:

H.R. 337. An act to increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes (Rept. No. 91–450).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. YARBOROUGH:

S. 2990. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

(The remarks of Mr. YARBOROUGH when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. ELLENDER (by request):

S. 2991. A bill to extend the act establishing Federal agricultural services to Guam; to the Committee on Agriculture and Forestry.

By Mr. GOODELL:

S. 2992. A bill to amend the Internal Revenue Code of 1954; to the Committee on Finance.

S. 2990—INTRODUCTION OF THE PREVAILING WAGE RATE DETERMINATION ACT OF 1969

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill entitled "Prevailing Wage Rate Determination Act of 1969," whose purpose is to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees.

Because the number of wage board employees exceeds 765,000, this bill is of vital concern to one-fourth of all employees of the Federal Government, and to many thousands of my fellow Texans. It directly affects their wages, their own rights and obligations, as well as the rights and obligations of their union representatives who are bargaining for them and who represent them on the various wage board committees established by this bill.

Basically, my bill is intended to bring order and system out of the chaotic situation which now exists in the Federal Government's procedures for fixing the rates of pay of employees working under the so-called prevailing wage rate system, as wage board employees. The information which I have been receiving for some time showed such a great discrepancy between rates of pay for wage board employees performing the identical functions and working in the same community that I found that the presumption of serious inequity and injustice could not be excluded, and this situation is not getting any better in spite of the efforts being made at the present time.

This bill would reduce inequities that now exist in this system.

While remedying abuses, the bill will preserve, nonetheless, the concept and procedures of the "prevailing wage" system. It thus is not a modification of the wage board system itself but simply a measure to eliminate injustice and inequity by providing new mechanisms to establish basic regulations, to conduct wage surveys and to adjudicate or arbitrate differences.

The most important single improvement in my bill over the present arrangement is that it will give a statutory foundation to improved procedures for wage board rate determinations. The principal instrumentality provided by the bill to assure that such a policy is pursued is a newly created standing committee within the Civil Service Commission, to be known as the National Wage Policy Committee.

Composed of 11 members, the National Wage Policy Committee will have as its Chairman a person who shall be from outside the Federal service and who shall be appointed directly by the President and shall hold no other office in the Federal service during his tenure as Chairman.

My bill provides that the Chairman will serve at the pleasure of the President of the United States and that his compensation will be $75 for each day spent in the work of the Policy Committee.

In addition, the Policy Committee will have five Federal employee union representatives and five management representatives.

The Federal employee union representatives will be appointed as follows:

Two by the president of the AFL–CIO; and one each appointed respectively by the president of the Federal employee union representing the first largest, the second largest and the third largest number of Federal employees subject to this act.

The five employer representatives shall be appointed to the National Wage Policy Committee as follows:

Two management representatives will be appointed by the Secretary of Defense, at least one of whom shall be appointed on a rotational basis for a period of 2 years from the Department of the Army, the Department of the Navy, and the Department of the Air Force;

One management representative from the Veterans' Administration will be appointed by the Administrator of Veterans' Affairs;

One management representative from the Civil Service Commission will be appointed by the Chairman of the Civil Service Commission; and

One management representative will be appointed, on a rotational basis for a period of 2 years, by the Chairman of the Civil Service Commission from Federal agencies which are leading employers of employees subject to this act.

In addition to establishing the National Wage Policy Committee, my bill will require each Federal Department or independent agency designated by the National Wage Policy Committee to establish an Agency Wage Committee, composed of five members. The role of the Agency Wage Committee will be to assure the implementation within the agency of the wage surveys through the functioning of the local wage survey committees.

An important feature of my bill is the inclusion under its wage rate system of all employees who are now paid from so-called nonappropriated funds. These employees will no longer be considered outsiders to the wage board, or prevailing wage rate system. They will be assured equity and justice in the same manner as if they were receiving their pay from appropriated funds. Certainly, it is improper that an employee should receive less money for his work simply because his employer or manager draws his checks on a different bank account. This provision will apply to military service post exchanges, whose employees would thus be assured fairer treatment.

On the basis of my experience, I am hopeful that whatever final statute emerges from this bill, will not be very much different in its essentials from the bill which I introduced today.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2990), to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees, introduced by Mr. YARBOROUGH, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

ADDITIONAL COSPONSORS OF BILLS

S. 500

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Montana (Mr. METCALF), I ask unanimous consent that, at the next printing, the name of the junior Senator from Hawaii (Mr. INOUYE) be added as a co-

XUM

sponsor of S. 500, to amend the Internal Revenue Code of 1954 so as to limit the amount of deductions attributable to the business of farming which may be used to offset nonfarm income.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2890

Mr. CHURCH. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Nebraska (Mr. HRUSKA), the Senator from Maryland (Mr. MATHIAS), the Senator from Texas (Mr. TOWER), the Senator from Iowa (Mr. MILLER), and the Senator from New Jersey (Mr. WILLIAMS) be added as cosponsors of S. 2890, to amend title 38 to the United States Code to permit certain active duty for training to be counted on active duty for purposes of entitlement to educational benefits under chapter 34 of such title.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2893

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Utah (Mr. MOSS), I ask unanimous consent that, at the next printing, the name of the Senator from Indiana (Mr. BAYH) be added as a cosponsor of S. 2893, to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2986

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that, at the next printing, the names of the Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG), and the Senator from Idaho (Mr. JORDAN) be added as cosponsors of S. 2986, to authorize a family assistance plan providing basic benefits to low-incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 243

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Indiana (Mr. BAYH), I ask unanimous consent that, at the next printing, the names of the Senator from Delaware (Mr. BOGGS), the Senator from Connecticut (Mr. DODD), and the Senator from New Hampshire (Mr. MCINTYRE) as cosponsors of Senate Resolution 243, to make it the sense of the Senate that the President should request the United Nations to take such steps as may be appropriate to bring about compliance by the Government of North Vietnam with its obligations under the Geneva Convention of August 12, 1949, relative to the treatment of prisoners of war.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCOME TAX LAW REFORM—AMENDMENT

AMENDMENT NO. 222

Mr. MILLER submitted an amendment, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which was referred to the Committee on Finance and ordered to be printed.

On page 27, strike out line 21 and all that follows through line 8 on page 28 and substitute in lieu thereof the following:

"(3) APPLICABLE PERCENTAGE.—(A) For purposes of paragraph (1)(B), the applicable percentage in the case of a private foundation with 'excess business holdings', as defined in section 4943(c)(1), for taxable years beginning in 1970 is 5 percent. The applicable percentage for any taxable year beginning after 1970 shall be determined and proclaimed by the Secretary or his delegate and shall bear a relationship to 5 percent which the Secretary or his delegate determines to be comparable to the relationship which the money rates and investment yields for the calendar year immediately preceding the beginning of the taxable year bear to the money rates and investment yields for the calendar year 1969.

"(B) In the case of a private foundation with 'permitted holdings', as defined in section 4943(c)(2) and 4943(c)(3), the applicable percentage for such taxable year shall be reasonable, as determined and proclaimed by the Secretary or his delegate pursuant to regulations, taking into account an average rate of return from investments in common stocks traded on a public stock exchange. Such applicable percentage shall apply to the aggregate fair market value of all assets of such foundation as defined in section 4942(e)(1)(A)."

On page 34, line 17, strike out all that appears thereon and all that follows through page 42, line 21 and substitute in lieu thereof the following new section 4943:

"SEC. 4943. TAXES ON EXCESS BUSINESS HOLDINGS

"(a) INITIAL TAX.—

"(1) IMPOSITION.—There is hereby imposed on the excess business holdings of any private foundation in a corporation or business enterprise which is not incorporated during any calendar year which ends during the taxable period a tax equal to 5 percent of the value of such excess holdings.

"(2) SPECIAL RULES.—The tax imposed by paragraph (1)—

"(A) shall be imposed on the last day of the calendar year, but

"(B) with respect to the private foundation's holdings in any corporation or business enterprise which is not incorporated, shall be determined as of that day during the year when the foundation's excess holdings in such corporation or business enterprise which is not incorporated were the greatest.

"(b) ADDITIONAL TAX.—In any case in which an initial tax is imposed under subsection (a) with respect to the holdings of a private foundation in any corporation or business enterprise which is not incorporated if, at the close of the correction period with respect to such holdings, the foundation still has excess business holdings in such corporation or business enterprise which is not incorporated, there is hereby imposed a tax equal to 200 percent of such excess business holdings.

"(c) EXCESS BUSINESS HOLDINGS.—For purposes of this section—

"(1) IN GENERAL.—The term 'excess business holdings' means the amount of voting stock in a corporation or the interest in any business enterprise which is not incorporated which the foundation, its officers, directors, trustees or related foundation would have to dispose of in order for the remaining holdings of the foundation, its officers, directors, trustees, and related foundation in such corporation or business enterprise which is not incorporated to be permitted holdings.

"(2) PERMITTED HOLDINGS IN A CORPORATION.—The permitted holdings of any private foundation, its officers, directors, trustees, and related foundation in an incorporated business shall be less than 50 percent of the voting stock.

"(3) PERMITTED HOLDINGS IN PARTNERSHIPS, ETC.—The permitted holdings of a private foundation, its officers, directors, trustees, and related foundation in any business enterprise which is not incorporated shall be less than 50 percent of the net capital interest.

"(4) RELATED FOUNDATION DEFINED.—Only for purposes of this section, a 'related foundation' means a foundation which is effectively controlled (directly or indirectly) by the same officers, directors, or trustees who control the private foundation in question.

"(5) 10-YEAR PERIOD TO DISPOSE OF PRESENT HOLDINGS.—

"(A) In applying this section, any interest in a corporation or busines enterprise which is not incorporated which a private foundation, its officers, directors, trustees, and related foundation hold on May 26, 1969, if the private foundation, its officers, directors, trustees, and related foundation have on such date excess business holdings, shall while held by them be treated as permitted holdings during the 10-year period beginning on such date."

"(B) Subparagraph (A) shall cease to apply with respect to such excess business holdings unless, at the close of the 2-year period beginning on May 26, 1969, the private foundation, its officers, directors, trustees, or related foundation have disposed of at least one-tenth of such excess business holdings to a person other than the foundation. Its officers, directors, trustees, or related foundation. The preceding sentence shall not apply if—

"(i) such disposition would create severe hardship for the foundation, its officers, directors, trustees or related foundation, or such corporation or business enterprises which is not incorporated (including a severe depressive effect on the value of any interest in such corporation or business enterprise which is not incorporated), and

"(ii) it is established to the satisfaction of the Secretary or his delegate that, during the retention of such one-tenth interest, control of such interest will be exercised by persons other than the foundation, its officers, directors, trustees or related foundation, or a plan has been adopted to assure that the value of any interest in such corporation or business enterprise which is not incorporated will not be jeopardized.

"(C) Subparagraph (A) shall cease to apply with respect to such business holdings unless, at the close of the 5-year period beginning on May 26, 1969 the private foundation, its officers, directors, trustees, or related foundation have disposed of at least one-third of such excess business holdings to a person other than the foundation, its officers, directors, trustees or related foundation. The preceding sentence shall not apply if—

"(i) such disposition would create severe hardship for the foundation, its officers, directors, trustees or related foundation, or such corporation or business enterprise which is not incorporated (including a severe depressive effect on the value of any interest in such corporation or business enterprise which is not incorporated) and

XUM

"(ii) it is established to the satisfaction of the Secretary or his delegate that, during the retention of such one-third interest, control of such interest will be exercised by persons other than the foundation, its officers, directors, trustees, or related foundation, or a plan has been adopted to assure that the value of any interest in such corporation or business enterprise which is not incorporated will not be jeopardized.

"(D) Any period prescribed in subparagraph (A), (B), or (C) for the disposition of excess business holdings shall be suspended during the pendency of any judicial proceeding by the private foundation which is necessary to reform its governing instrument to allow disposition of such holdings.

"(6) 10-YEAR PERIOD TO DISPOSE OF HOLDINGS (ACQUIRED) BY WILL.—Paragraph (5) shall apply to any interest in a corporation or business enterprise which is not incorporated which a private foundation acquires under the terms of a will executed on or before July 28, 1969, which are in effect on such date and at all times thereafter, except that 'the date of acquisition by will' shall be substituted for 'May 26, 1969' wherever it appears in paragraph (5).

"(7) 5-YEAR PERIOD TO DISPOSE OF GIFTS, BEQUESTS, ETC.—Except as provided in paragraph (6), if, after May 26, 1969, there is a change in the holdings in a corporation or business enterprise which is not incorporated (other than by purchase by the private foundation or its officers, directors, trustees or related foundation) which causes the private foundation or its officers, directors, trustees or related foundation to have excess business holdings in such corporation or business enterprise which is not incorporated, the interest (immediately after such change) of the foundation, its officers, directors, trustees, or related foundation, in such corporation or business enterprise which is not incorporated shall (while held by the foundation, its officers, directors, trustees or related foundation) be treated as permitted holdings during the 5-year period beginning on the date of such change in holdings.

(d) DEFINITIONS; SPECIAL RULES.—For purposes of this section—

(1) ATTRIBUTION RULE.—In computing the holdings of a private foundation or the officers, directors, trustees, or related foundation, in any corporation or business enterprise which is not incorporated, any stock or other interest owned, directly or indirectly, by or for a corporation, partnership, estate, or trust shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries.

"TAXABLE PERIOD.—The term 'taxable period' means, with respect to any excess business holdings of a private foundation, its officers, directors, trustees or related foundation in a corporation or business enterprise which is not incorporated, the period beginning on the first day on which there are such excess holdings and ending on the date of mailing of a notice of deficiency with respect to the tax imposed by subsection (a) under section 6212 in respect of such holdings.

"(3) CORRECTION PERIOD.—The term 'correction period' means, with respect to excess business holdings of a private foundation, its officers, directors, trustees or related foundation in a corporation or business enterprise which is not incorporated, the period ending 90 days after the date of mailing of a notice of deficiency (with respect to the tax imposed by subsection (b)) under section 6212, extended by—

"(A) any period in which a deficiency cannot be assessed under section 6213(a), and

"(B) any other period which the Secretary or his delegate determines is reasonable and necessary to permit orderly disposition of such excess business holdings.

"(4) FUNCTIONALLY RELATED BUSINESS.—The term 'corporation or business enterprise which is not incorporated' does not include a trade or business—

"(A) which is not an unrelated trade or business as defined in section 513, or

"(B) which is carried on within a larger aggregate of similar activities or within a larger complex of other endeavors which is related (aside from the need of such organization for income or funds or the use it makes of the profits derived) to the exempt purposes of the organization."

JOHN F. KENNEDY CENTER—AMENDMENT

AMENDMENT NO. 223

Mrs. SMITH of Maine (for herself and Mr. GOLDWATER) proposed an amendment to the bill (H.R. 11249) to amend the John F. Kennedy Center Act to authorize additional funds for such Center, which was ordered to be printed.

(The remarks of Mrs. SMITH of Maine when she offered the amendment appear later in the RECORD under the appropriate heading.)

INCOME TAX LAW REFORM—AMENDMENT

AMENDMENT NO. 224

Mr. COOPER submitted an amendment, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which was referred to the Committee on Finance and ordered to be printed.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, October 3, 1969, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 2068. An act to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees; and

S.J. Res. 46. Joint resolution to authorize the President to designate the period beginning November 16, 1969, and ending November 22, 1969, as "National Family Health Week."

NOTICE OF HEARINGS BY THE AD HOC SUBCOMMITTEE ON SURPLUS PROPERTY LEGISLATION

Mr. ALLEN. Mr. President, I wish to announce that the Ad Hoc Subcommittee on Surplus Property Legislation will hold hearings on Thursday, October 9, at 10 a.m., in room 3110, New Senate Office Building, on a number of bills which have been referred to the subcommittee. They are as follows:

S. 2583. Mr. McGEE, to convey to the county of Washakie, Wyo., certain real property of the United States.

S. 2584. Mr. McGEE, to authorize the donation of surplus real and personal property to States and political subdivisions for use in establishing and maintaining public museums.

S. 2591. Mr. GURNEY, to authorize the donation of surplus personal property to State and local police organizations.

S. 2563. Mr. HART, to amend the Federal Property Act, to permit the disposal of surplus real property to public housing agencies for public housing purposes.

Anyone wishing to testify or submit a statement for the record on any of the bills should contact Mr. Glenn K. Shriver, room 3308, New Senate Office Building, telephone extension 7464, as soon as possible.

NOTICE OF HEARINGS ON S. 2821

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking and Currency will hold hearings on S. 2821, a bill to provide long-term financing for expanded urban public transportation programs, and for other purposes, and any pending amendments thereto.

The hearings will be held on October 14, 15, and 16, 1969, in room 5302, New Senate Office Building, and will commence at 10 a.m. each day.

COAL MINE SAFETY

Mr. WILLIAMS of New Jersey. Mr. President, the Senate yesterday, without a dissenting vote, voted to pass S. 2917, the most comprehensive coal mine health and safety legislation ever written. With one resounding vote, the Senate has told all of the Nation's miners, both active and retired, that their great contribution to American life, at great risk to their own lives, has now been commemorated and honored by their fellow citizens. The Senate has demonstrated its great concern for the vital daily problems of life and death to the miners.

I, for one, am grateful, for the opportunity I have had, as Labor Subcommittee chairman, to be the chief sponsor and floor manager of the bill. I am grateful also to have been a Member of the Senate which, in one session, has already enacted a Construction Workers Health and Safety Act, has just passed a Coal Mine Health and Safety Act, and, I am confident, will soon enact an Omnibus General Occupational Health and Safety Act. My colleagues should know that we began hearings on that bill just this week.

This historical measure requires urgently needed improvements in health and safety at all coal mines in the United States. It is an act which should be known as an act to reduce the cost of coal; not the cost in dollars and cents to the corporate operators of our coal mines, but the infinitely greater cost that does not appear on profit and loss records: the cost in human pain and suffering to our Nation's coal miners and to their families.

The purpose of this Coal Mine Health and Safety Act of 1969 is to insure that both the industry and the Government do, in fact, give first priority to the health and safety of the miner; to insure an end to the annual carnage in our Nation's coal mines; and to insure that new generations of coal miners are not ravaged by black lung.

XUM

The act is a major comprehensive measure which offers our Nation's coal miners the promise of a lifetime of productive work free from the hazards that have depleted this work force. It offers the families of our coal miners the hope of relief from the daily fears that permeate their lives.

The act not only provides the means to improve the health and safety conditions and practices at all underground coal mines; it encompasses all other coal mines including strip mines, not now covered by the Federal Coal Mine Safety Act.

It is the first Federal action aimed at meeting the demand for better health and safety in the coal mines. There must, however, be others if we expect to accomplish the goals of this legislation. The officials and employees of the Interior Department and the Bureau of Mines must reorient their attitudes toward the miner. Business as usual is no longer acceptable. They must develop the role of the "advocate" for the miner. They must vigorously seek sufficient manpower and funds to do the job. They must accelerate their health and safety research, always looking for new ways to save a life. They must institute a broad program of education of the operators and the miners to be safety and health conscious at all times. Time is no longer on their side. The Nation is demanding action. Any delay may well be disastrous.

A fatalistic attitude has permeated this industry for years. However, the unanimous passage of this act demonstrates that the Nation's miners, the public, and Congress will no longer accept this attitude. Men's lives are at stake and those of their families who are dependent on them.

I am most grateful for the constant and dedicated bipartisan support the act has had during its development and passage. Without the assistance, guidance, and resolve of all of the members of the Subcommittee on Labor and the full Labor and Public Welfare Committee, whether from coal-producing States or not, this bill would not have been passed yesterday.

I express my great appreciation to the ranking majority and minority members of our committee, Senators RANDOLPH and JAVITS, who have labored so tirelessly to produce the most effective legislation and to assure the unanimous support it has had throughout the legislative process. I also thank the senior members of the committee, Senators PELL, KENNEDY, NELSON, MONDALE, PROUTY, DOMINICK, and MURPHY, for the valuable, constant efforts to keep this legislation on the right track. Newly elected members of our committee have demonstrated a full acceptance of their legislative responsibilities. Each of them, Senators EAGLETON, CRANSTON, HUGHES, SCHWEIKER, BELLMON, and SAXBE, have contributed their unique talent to making this legislation possible.

A special word is in order about our committee chairman. Senator YARBOROUGH chairs one of the most active committees in the Senate. With many subcommittees vying for time in committee executive session, he set aside 10 days, during the month of July, so that this legislation could be reported out. His assistance and cooperation have enabled us, this session alone, to obtain Senate passage of all three pieces of legislation reported out of my Labor Subcommittee this year. Indeed, one of these bills, construction safety, has already been signed into law; the other, the day care bill, is on its way to the President right now.

Mr. President, this is a proud moment for the Senate. It is a proud moment for all America. We have recognized and accepted our responsibilities to our men who go down into the mines. I know that this moment is to them and to all workingmen in America a moment of well-deserved triumph.

RESOLUTION OF INTERNATIONAL CONFERENCE OF RED CROSS ON PRISONERS OF WAR

Mr. FULBRIGHT. Mr. President, I am informed that the International Conference of the Red Cross conducted in Istanbul during the period September 8–13, 1969, was attended by representatives of 77 governments and 91 national Red Cross societies or their counterparts. Each of the governments represented is a party to the so-called Geneva convention, or Red Cross Treaty. Under its rules, the Conference is forbidden to deal with political matters or to serve as a forum for political debate. Among the subjects examined by the Conference was the recognized failure of parties to armed conflicts that are being waged in several parts of the world to respect the humanitarian terms and principles of the Geneva conventions. In particular, the Conference took note of the failure of some parties to these conflicts to observe the terms and principles of the Prisoner-of-War Convention to which each of the governments represented at the conference had formally adhered.

The Conference adopted a resolution calling upon all parties to these conflicts to abide by the terms of the convention and to afford prisoners of war the full measure of protection the adhering governments are obligated to extend. I understand that the conference was careful not to suggest in any manner an opinion as to the merits of particular hostilities but confined its concern strictly to the subject of humane treatment of prisoners of war "without regard to how the conflict—resulting in their capture—may be characterized."

It is my understanding that the resolution was adopted without dissent and that governments from all segments of the political and ideological spectrum voted for the resolution. Unfortunately, neither the Government of North Vietnam, which is a party to the convention, nor its Red Cross Society attended the Conference but I am advised that attending countries that have supported that government in the current conflict supported the resolution. Mr. President, I ask unanimous consent that the resolution be printed at this point in my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

PROTECTION OF PRISONERS OF WAR

The XXIst International Conference of the Red Cross.

Recalling the Geneva Convention of 1949 on the protection of prisoners of war, and the historic role of the Red Cross as a protector of victims of war.

Considering that the Convention applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized.

Recognizing that, even apart from the Convention, the International community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick and wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals.

Requests each party to the Convention to take all appropriate measures to ensure humane treatment and prevent violations of the Convention.

Calls upon all parties to abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Convention; and further calls upon all parties to provide free access to the prisoners of war and to all places of their detention by a protecting Power or by the International Committee of the Red Cross.

Mr. FULBRIGHT. Mr. President, the American Red Cross, concerned with the plight of American servicemen detained as prisoners of war by the Government of North Vietnam, has urged its sister Red Cross societies in all parts of the world to appeal to the Red Cross Society in North Vietnam and to take such other action as may be appropriate to insure that these prisoners are afforded the humane treatment prescribed by the convention. The text of the American Red Cross message, dispatched by cable on September 26, is in the following terms:

Recognizing that International Red Cross Conference Resolution 3 calling for treatment of prisoners of war in accordance with the convention is concerned exclusively with humanitarian considerations without regard to political viewpoints or how particular armed conflict is characterized, press in many parts world has commented favorably upon principle embodied in resolution. Public concern this country about American servicemen interned by Government North Vietnam for periods up to five years reflects deep anxiety parents, wives and children regarding health servicemen and whether they are in fact alive.

Sincerely urge your society to appeal directly to North Vietnamese Red Cross and seek similar appeals from your Government to the Government of North Vietnam for compliance with the intent and content of resolution. We informed that recently an official of Hanoi delegation in Paris stated they would welcome anyone seeking information about prisoners provided such inquires made without United States Government sponsorship. We immediately appealed to the ICRC to endeavor to talk to Hanoi delegates in Paris. Based upon both this statement and uncontroverted sentiment of the International Red Cross as shown by adoption of resolution without single dissenting vote we ask for your sympathetic

XUM

> understanding and your prompt effort in response to above suggestion. Earnestly believe effective action this matter is of utmost urgency not only families involved but survival of world-wide confidence in Red Cross.

The actions of the International Red Cross Conference and the American Red Cross seem to me to be entirely appropriate and should command the support of all men of good will. Surely the lot of a prisoner of war is at best an unhappy one and all governments should be persuaded that the mistreatment of prisoners of war lends no support to the political and military causes those governments espouse. Irrespective of the nature of the conflict which gives rise to his imprisonment a captor should be mindful, in the words of the convention, that a prisoner is in the hands of a detaining power "as a result of circumstances independent of his own will." He should, as recited in the International Red Cross Conference resolution, be promptly identified; afforded an adequate diet and medical care; permitted to communicate with other prisoners and with the exterior; promptly repatriated if seriously sick or wounded; and at all times be protected from abuse or reprisals. And, as specifically prescribed in the convention, a neutral intermediary such as the International Committee of the Red Cross should be afforded free access to prisoners of war and their places of detention. I ask unanimous consent that there be printed in the RECORD a list of the countries to which the American Red Cross cable was sent.

I trust that the Red Cross will be successful in its efforts and I am glad to associate myself with its appeal.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

> Cable of Prisoners of War has been sent to Red Cross Societies of:
>
> Australia, Belgium, Brazil, Cambodia, Canada, Denmark, Finland, France, Federal Republic of Germany, Great Britain, Greece, Hungary, India, and Italy.
>
> Japan, Republic of Korea, Liberia, Netherlands, New Zealand, Norway, Pakistan, Philippines, Poland, Senegal, Spain, Sweden, Switzerland, Turkey, U.S.S.R., and Yugoslavia.
>
> League of Red Cross Societies.

PRESIDENT NIXON'S WELFARE REFORM PROGRAM

Mr. PERCY. Mr. President, I commend President Nixon for his initiative in grappling with the complex problems of welfare reform. His family assistance proposal, introduced by the Senator from Pennsylvania (Mr. SCOTT) yesterday represents an innovative step in the structural reform of a system now characterized by inequities. I am pleased to be a cosponsor of the bill.

While I do favor the principle behind the family assistance program and many of its provisions, I think that hearings and further analysis may reveal areas in which some modifications are necessary. Should it become evident that some changes are needed, my cosponsorship of the bill would not preclude my support of them.

A 15 PERCENT SOCIAL SECURITY INCREASE IS NEEDED

Mr. MOSS. Mr. President, I noted with great joy last Thursday that President Nixon has apparently overcome the traditional Republican myopia and has begun to focus on the problems of the working and older Americans. The President has taken executive notice of the severe damage that results when accelerated inflation rips into fixed incomes and has proposed the solution of a 10 percent across-the-board boost in social security payments.

While I commend the President for his stand, I hasten to point out that his vision is not quite 20/20 yet. From my perspective, the proposed 10-percent increase precisely equals the rise in the cost-of-living index from February 1968, when the last social security increase took effect through December of this year. This being true, the administration's proposal can only be viewed as a stopgap measure.

It is widely recognized that older Americans make up 75 percent of the 25 million who are receiving social security payments. It is recognized that social security is the greater part of the total income for these people. What apparently is not recognized is that these old-age benefits are patently inadequate. This would appear to be an obvious fact to those who observe the standard of living of social security recipients.

One can make the point with statistics as well as through common observation. The Bureau of Labor Statistics has indulged in extensive research to arrive at a dollar figure which represents what would be needed by a retired couple living in an urban area for a moderate standard of living. The figure that I have is for the year 1966, and it amounts to $3,869. This is the figure I want to work with, but I want to emphasize that, given the rises in prices over the last 3 years, the projected dollar amount for the year 1970 would be much larger than $3,869.

If we can take the average family benefit for an aged couple, both receiving social security benefits, the present figure is $170 per month. With President Nixon's 10-percent increase, the figure goes up to $188 per month which, multiplied by 12, provides an annual income of $2,256. Thus, even when using the average annual payment that a family would receive if the President's proposal were passed, this dollar amount is still woefully below the $3,869 that the Bureau of Labor Statistics established as what a retired couple would need to live moderately in 1966.

It is, of course, true that many of our elderly have other sources of income. But more do not. Again turning to statistics, I note that income from outside sources has decreased rapidly since 1956. The median income from sources other than social security benefits has decreased 23 percent for married couples, 19 percent for retired men, 34 percent for retired women, and by as much as 33 percent for aged widows.

I have also been disturbed to learn that the gap between the median income of those over age 65 and the median income of those less than 65 continues to widen. The Special Committee on Aging, of which I am a member, reports that in 1962 a family that had a senior citizen at its head could expect to receive one half of the income of a family headed by an adult less than 65. By 1967, the family headed by a senior citizen could expect only 46 percent of the median income of younger families. And the gap continues to grow.

My proposal is tempered by the realities of a tortured budget. I believe a 15-percent raise across-the-board is necessary and consistent with our fiscal responsibilities. My proposal is only a minimal attempt to direct a little more of our rising national product to our older people. I also stand by my bill, introduced earlier this year, that would raise the limitation on earnings for a person receiving social security from the present $1,680 a year to $2,520 a year, or $210 a month. This change should be adopted as a matter of basic equity.

A SPEECH THAT DESERVES ATTENTION

Mr. DODD. Mr. President, recently there came to my attention the text of a speech by Gen. Leonard F. Chapman, Jr., Commandant of the U.S. Marine Corps, which he made in Chicago before the Combat Correspondents' Association on September 20. It was a remarkable speech, in my opinion. But even more remarkable was the fact that it received just about zero attention from the major eastern newspapers.

This is one of the many incidents which suggests the existence of a pattern, under which any criticisim of the Vietnam war is considered news no matter how disreputable the critic, whereas any defense of our Vietnam commitment is considered non-news, even when the speakers are men of national stature.

General Chapman, who had just returned from another trip to South Vietnam, paid a glowing tribute to the morale and heroism of the young Americans who continue to serve in Vietnam. Said General Chapman:

> The debate here at home over the purpose and morality of our being in the Republic of Vietnam, has made little impression on those young men. The individual Marine knows why he is there. He sees countless reasons every day. He sees it in the people, as more and more they turn to a strengthened government of the Republic of Vietnam in their escape from enemy terror. He sees it as the armed forces of that republic grow stronger, steadier, and take on more of the commitments.

There is another passage in General Chapman's speech which I would like in particular to call to the attention of the Senate. Speaking of the anti-war demonstrations in this country, General Chapman issued this warning:

> The well-intentioned Americans who think they can stop war and tyranny by destroying their own strength are unknowing allies of the enemy. The enemy has another ally in this country. This one is not a dove—or a peacenik, though he has made some success in identifying with the sincere antiwar groups. He is a veteran fighter, and a veteran hater. He is not tired of war. In fact he

XUM

preaches war, and he waves the flag of the Viet Cong. He is against this war only because he is in accord with the principles of the enemy. He employs the weapons of words in mass. His proven theory is: if something is said loud enough, and often enough, some of it will be accepted as truth. It has worked, now some of their words and phrases have found their way into the national vocabulary: "imperialism," "militarism," "the American military machine." Is it necessary to deny that this country is not imperialistic? Must it be said that Americans are not a militaristic people?

How many seek victory for the enemy? I don't know. I know they are a minority. But because this noisy minority effects a bizarre appearance, because they offer instant and theatrical violence, they are news. Their images march across television screens throughout the nation. Their slogans and actions are chronicled in every newspaper and magazine. They have identified with youth, but they are not young because their ideas are old: Destroy the nation's defenses, destroy the nation's educational institutions, polarize the races.

Mr. President, I ask unanimous consent that the complete text of General Chapman's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY GEN. LEONARD F. CHAPMAN, JR.

Thank you, Ed.

You know, I understand that when Ed McMahon was flying an OE for VMO–6 in Korea, they had to revise their standard commands. While Ed was there, instead of passing the word "all pilots, man your planes," the order was changed to "all pilots, man your planes—Captain McMahon, put yours on."

Well, Ed, you'd be happy to know we've finally developed larger aircraft for observation work.

You might even be able to get an observer in there with you.

Fellow Marines and fellow members of the Marine Corps Combat Correspondents' Association, it's good to be here. This is a good time to be with old friends—old comrades. This is a good time to talk to you, and to hear *your* talk, especially you. Certainly, there isn't a group of Marines anywhere who would listen as carefully as you, to new words about our Corps—or who can speak as eloquently as you, in furthering the story of our Corps. You have proven this in three wars. You have always listened and observed with great care, and reported what you saw and heard with accuracy and warmth. The service you have performed for the Corps in chronicling our most important element the individual Marine—is a duty well done.

But even more important is the service you have rendered the American people. You have told them of *their* Marines, and you have told that story the only way it could be told in depth. You reported *as* Marines.

From the very beginning our Corps has enjoyed a good rapport with the American public. Our history, and promise have always been of faithful and good service. Since 1775 the very word Marine has meant strength. But until World War II we were not only strong, we were silent—a strong, silent servant of our country. The American people wanted to know more about us, but we didn't know how to tell them.

In 1941, the Major General-Commandant, General Thomas Holcomb, assigned Brigadier General Robert L. Denig the task of making sure the Marine Corps story *was* told. Well, General Denig wasn't sure how the story should be told—nor was his Sergeant Major, Walter Shipman—but they were both sure of who *did* know how to tell the story—and they sought your service. You came to us, you became Marines, and as Marines you told our story. It was a new idea, and not all of the old hands liked it, but it was a new time—a new era.

There were other new ideas that were entering our Corps then: new equipment, new weapons, new tactics, and new Marines. The old hands looked askance at all of them. The new equipment they tolerated, the new weapons looked like an improvement, they learned the new tactics—but the new Marines?

New Marines, models 1941 through 45. Gum-chewing jitterbugs. Gunnery sergeants of long and faithful service scratched their heads and grumbled. They had never seen Marines like this crop—and it was true. The young men who came to wear the emblem then, *didn't* look like the men who had worn tight fitting khaki in the Caribbean—or wrap leggings in France. No, they didn't look like those Marines anymore than those Marines had looked like the Marines of the Spanish American War, or the Civil War, or the War of 1812. These new Marines listened to jive on portable radios, jitterbugged in the USOs, and impressed a new life-style on the old Corps. They were hot stuff, but they were Marines. They saluted the flag, trained hard, wore their uniforms with pride (even though a close check had to be made at liberty call to ensure that no one went ashore in white socks), and boldly assaulted the bristling islands of the Pacific with a determination that could leave no doubt—they were Marines. And they were magnificent Marines.

Those same men, minus chewing gum and wearing hashmarks, then wondered what we could do with the Marine of the 50s. Well, the 1950 model didn't want to be hot stuff, his main social ambition was to be forever cool. And so he was, in the snow covered mountains of Korea. The men wearing our emblem in that time fought their way north, became surrounded, fought their way back out, then turned and fought north again with a spirit that could leave no doubt—they were Marines. And *they* were magnificent Marines.

This is a new time, a new era. We again have a new model wearing the emblem. White, black, or whatever the color of his skin—he is the young American, he is the new Marine. He has new ideas, new desires, and a new life-style that no more resemble those of the Korean War or World War II—than those styles matched the ones before them.

But don't confuse style with character.

These young Americans come to us with a new set of social ideals, but they also come to us seeking the good traditions of our Corps. They have no desire to change those traditions, they want to be a part of them, and they want to add their own dedication and deeds to those traditions. They fight for a better world, aren't they entitled to see it improved? Don't confuse the hatred and violence of a small minority for the new ideals. That hatred is not new, it is as old as it is senseless. It is really what these new Marines are fighting against—what all of us have always fought against. Because the style has changed again does not mean our traditions of service have changed. Those traditions are granite hard, they will not change.

Last month I made a trip to the Republic of Vietnam, so I report to you with a fresh memory of the young Americans fighting this war. Young Americans who continue to serve with energy and courage. The debate, here at home, over the purpose and morality of our being in the Republic of Vietnam has made little impression on those young men. The individual Marine knows why he is there. He sees countless reasons every day. He sees it in the people, as more and more they turn to a strengthened government of the Republic of Vietnam in their escape from enemy terror. He sees it as the armed forces of that republic grow stronger, steadier, and take on more of the commitments.

That same individual Marine doesn't like being referred to as a tool of imperialist aggression—especially when the words are delivered in American accents—but he doesn't pay too much attention to it. He doesn't have time. He's too busy searching for mines set by North Vietnamese soldiers. Mines that have killed and injured more South Vietnamese civilians than they have American troops.

The young Marine knows he is fighting a guerrilla war. He knows from hard experience that there are no lines of battle, and key terrain is a matter of who holds a piece of ground at a given time. He also knows that this is a limited war, but only our prosecution of the war is limited, not the enemy's. The enemy has a distinct advantage. He moves to and from the sanctuary of his homeland as he chooses. It is clearly up to him if there will be a war at all. To stop the war, the enemy merely removes himself from the contested area, while the Marine knows that his only means to stop the war is to destroy the enemy in the areas in which we have limited our operations. And this he does, when and where he finds the enemy.

The young Marine is well aware of the strategic situation in Vietnam. He knows the enemy can maintain his advantage of free movement, and a stable rear, only because we choose to remain out of his country. He knows, too, that if the situation were reversed, North Vietnam would not be able to withstand guerrilla warfare within her borders—without outside help—anymore than the Republic of Vietnam.

But our country and our allies did not choose the destruction of North Vietnam. Rather, our forces have been committed to deny the North Vietnamese the destruction and conquest of the Republic of Vietnam. And we are attempting to do this by limiting our action to the area of contention: South Vietnam.

This is a test, a severe test, to determine the feasibility of halting aggression without the destruction of the aggressor nation. We have no desire to destroy a country, we only intend that another country be left to its own determination. Our part in this war has been an effort to reestablish peace and order, by making it unprofitable for one nation to impose its will on a neighbor. But it takes great restraint, and an extremely temperate application of power. This country, in the past four and a half years, has shown an unprecedented ability to do just that. But restraint demands a high price. It demands time, and time demands patience.

You know, this war has two areas of combat. One in Vietnam where the enemy attacks with bullets—and the other, right here in this country, where his allies attack with words. The enemy has never achieved a meaningful gain on the battleground in Vietnam—but he has scored heavily here, in this country.

Yes, there is a Defense establishment in the United States, and there is a military industrial complex. There is nothing wrong with those terms, they are not sinister. Only editorial inflections used in their delivery make them evil. This is not a conquered country. The military industrial complex does not nurture, nor does the Defense establishment control an army of occupation. It is the threat of other men in other countries that has made them necessary. It is that continued threat that is evil.

Since June of 1940, more than 29 years, Americans have been preoccupied with war. Three different times in that period young Americans have had to fight on foreign

XUM

shores. Eleven of those 29 years have been spent in actual conflict, and the years in between have been periods of increasing defense preparedness.

So good Americans, gentle people, who have never seen tyranny, war, or terror, call themselves doves. Americans who have never known the shock of violent death at close quarters, or the heavy foot of an invader, call themselves peaceniks. And somehow, in this one-sided monologue, those who fight tyranny, who seek to eliminate terror—are war-hawks.

Gentlemen, I think the true dove, the real peacenik, is made in battle. No one wants peace more than the Marine rifleman on his 50th patrol—or the Marine artilleryman returning counter-mortar fire from an open gun pit—or the Marine aviator flying his third medical evacuation mission in one day. I think you'll agree with me, that is the real school for doves. But it is a school convened in an environment of object lessons in the loss of freedom. These young Americans who fight this war truly learn the value of peace, and they learn the value of peace as free men. And because they are willing to fight for it they will remain free men.

But the well-intentioned Americans who think they can stop war and tyranny by destroying their own strength are unknowing allies of the enemy. The enemy has another ally in this country. This one is not a dove—or a peacenik, though he has made some success in identifying with the sincere antiwar groups. He is a veteran fighter, and a veteran hater. He is not tired of war. In fact he preaches war, and he waves the flag of the Viet Cong. He is against *this* war only because he is in accord with the principles of the enemy. He employs the weapons of words in mass. His proven theory is: if something is said loud enough, and often enough, some of it will be accepted as truth. It has worked, now some of their words and phrases have found their way into the national vocabulary: "imperialism," "militarism," "the American military machine." Is it necessary to deny that this country is not imperialistic? Must it be said that Americans are not a militaristic people?

How many seek victory for the enemy? I don't know. I know they are a minority. But because this noisy minority affects a bizarre appearance, because they offer instant and theatrical violence, they are news. Their images march across television screens throughout the nation. Their slogans and actions are chronicled in every newspaper and magazine. They have identified with youth, but they are not young because their ideas are old: Destroy the nation's defenses, destroy the nation's educational institutions, polarize the races.

This group has hurt us in recruiting qualified college graduates for our officer programs. For years we have depended upon recruiting on college campuses to provide nearly 85 per cent of all new Marine officers. Now, through violence and the threat of violence, this group has intimidated some college administrators into either blocking our recruiting efforts, or placing our selection teams in positions where it will be assured that qualified students do not know of their presence.

In spite of these efforts young Americans from every part of this country—from every educational level—and from every ethnic origin, still offer their services as Marines, officer and enlisted. And because of their choice to serve in the face of the dialogue of hate, they have found a new cohesion, a new comradeship.

I attended the State Dinner for the Astronauts in Los Angeles last month. It was but one of the many tributes to the bravery and skill of those incredible men. I also thought of the bravery and skill of the young Marines in Vietnam. But there is one great difference. Our Astronauts were cheered by all the American people, and greeted enthusiastically when they returned. Can we say this of our brave young Marine? Obviously not. Many Americans do not support him—many reject him when he returns. But his bravery and dedication do not diminish. They are of a quality that persist.

I have told you what a dedicated man the modern Marine is. I have told you that he believes in this war, and that he offers his service as an individual, not a conformist. But what does he really think of the war and his service? Well, since the first Marines became eligible for rotation home from Vietnam in the spring of 1966, a total of 38,000 have extended for six months or more in that country—in that war. That's almost a battalion a month. I want to point out that the number of career regulars in that figure is minimal. The career Marine knows he'll go back eventually anyway, very few extend.

Another statistic is important in looking at the character of the young Marine of today. Of all Marines eligible, 74.5 per cent actually cast their ballots in the last national election. That's against a national average of 60 per cent. Does the young Marine value his position as a citizen of this country?

But our young Marines are really only parts of the overall fabric of American life. And back here, at home, the stresses and strains of today sometimes have their effect. I am sure you are aware of the two separate disturbances—racial in nature—that have occurred in the Corps. One at Kaneohe Bay, in Hawaii, the other at Camp Lejeune, North Carolina. Because of these I have clearly outlined specific policies, and I have strongly reminded all commanders that under no circumstances will the Corps tolerate either discrimination or a breakdown in discipline resulting in violence.

Within the Corps there is no color gradiation. All Marines are green, khaki, or blue—depending on the prescribed uniform of the day. My troop commanders will see to it.

I want to assure you that those incidents involving only a few men in Marine uniform are not typical of today's Corps. They are surely not representatives of our young Marine of today—the young American without protest sign. He's truly as fine as we've ever had. For those two occurrences I could describe thousands of other incidents of bravery and compassion. But it is really the small events that make up the good esprit of our Corps—and all of our Armed Forces.

A few days ago a young Marine, after a total of 19 months in Vietnam—13 months assigned, and 6 months voluntary extension—stopped by Headquarters Marine Corps to see one of the officers he had served under in Vietnam. The young Marine, wounded twice and decorated once, was still on his rotation leave. Naturally the officer was anxious to hear how everything was with the old outfit. "How's the contact with the enemy?" he asked the youngster.

"Oh, it picked up quite a lot, sir, especially just before I left."

The officer gave it some thought, and then asked another question. "How's the morale?"

The Marine didn't hesitate, "Terrible," he said.

The officer didn't like the answer, but at least it was straight forward. He asked the Marine what the problem was.

"Well, my girl got engaged to another guy, I got a ticket for speeding, and I can't get a barber to give me a decent haircut for less than three bucks. It's pretty rotten, sir."

The officer laughed with some relief. "No, no, not your morale. I mean in Vietnam."

"Oh, it's okay there, sir. That's why I came by to see you. Do you think you could fix it up so I could get another six months out there, with six days in Australia on my way back?"

We have some problems, gentlemen, but they are not centered in the young Marine. He is doing everything he can. I ask the CCs to help. Know he is a Marine, recognize that fact. Support him, make him feel your support. And as it is your tradition, help him—tell it like it is.

OPPOSITION TO A GUARANTEED ANNUAL WAGE

Mr. YOUNG of North Dakota. Mr. President, one of the very best arguments in opposition to the proposal for a guaranteed annual wage is contained in an article written by Mr. Lawrence Welk and published in Christian Economics for August 5, 1969.

Mr. Welk makes a persuasive case against this proposal in a way that most Americans will easily understand. Lawrence Welk understands better than most people what it really takes for a young person to succeed. He is one of the best known and best liked of all Americans. He had a humble beginning with very limited means, but because of his strong Christian spirit, his patriotic attitude, and his stanch belief in our system of government, coupled with his natural talents and hard work, he has become a great success and risen to the top of his profession. Needless to say, like all North Dakotans, I am very proud of this outstanding American.

Mr. President, because the article presents such a persuasive argument against a guaranteed wage, I believe that everyone—whether or not he believes in such a program—would be interested in it. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GUARANTEED WAGE AND HUMAN DIGNITY

(By Lawrence Welk)

Numerous spokesmen today are advancing the theory that a guaranteed annual wage plan for every person in the United States would solve our hard-core unemployment problem and dramatically alleviate the suffering of our poor. I share very deeply the common concern we all feel for these terrible conditions . . . but I believe there is a better solution than a guaranteed annual wage.

I speak not as a politician or a statesman . . . but simply as a father, a business man, an orchestra leader and a concerned citizen of this country which I love so very much. I have known extreme poverty in my lifetime, and I have been blessed with a measure of success, and I have had an unique opportunity during these past forty-five years in show business to observe human nature at work. I base most of my objections to the wage plan on the lessons I have been able to learn through practical experience and observation.

A guaranteed annual income would pay each person in the United States a fixed sum of money every year. Four thousand dollars has been suggested as the minimum amount for a family of four. If the head of the household earns part of that sum, the government will make up the difference. If, however, he earns nothing at all . . . the government will pay him the full amount.

To my way of thinking this is a negative approach which does not solve the basic problem. Instead of inspiring and helping a man fulfill his potential by working to support himself and his family, it actually encourages him to sit back and do nothing, secure in the knowledge that the government will take care of him. This destroys his initiative and his will to succeed. It robs him of his natural human dignity, and even the right to direct his own life.

XUM

I am also concerned about the effect such a guaranteed wage plan would have on our children. A child raised in an atmosphere of defeat and apathy, and taught to expect that his every need will be taken care of whether he works or not, stands little chance of developing a strong character. His own natural eagerness to learn and to grow and to excel is cut off at the very beginning of his life, and he may never know the thrill of achievement on his own. A child who is encouraged early to earn extra pennies by shining shoes or selling newspapers or doing household tasks, stands a much better chance of reaching them than a child who is taught to do nothing.

The most destructive aspect of the guaranteed wage plan, it seems to me, is the fact that it endangers our free-enterprise system . . . and I believe with all my heart that this is the best system the world has ever known.

We have achieved a higher standard of living, given more, helped more, and been more alert to the needs of our citizens than any people, under any other form of government in the history of the world . . . and I, for one, do not want to lose it. I believe one of the reasons our country has been able to accomplish so much is that our founding fathers and early immigrants had the freedom to dream great dreams and work hard to achieve them. We must not lose this right.

My own parents came halfway around the world in search of the freedom this country offered . . . and they found it. They started with nothing but boundless hope and optimism, and through sheer hard work managed to acquire their own farm. Thousands of others did the same thing. Their achievement was limited only by their energy and initiative. Nobody tried to stop them, or tell them what to believe or how much they could earn or whether they could pray to their God or not. The Constitution of this country guaranteed them their basic freedoms. They taught their children what a priceless gift that was and what a great nation this is. To lose our liberties now would be tragic and senseless, but I'm afraid we stand a very real danger of doing just that if we continue to trade off our personal freedoms for more and more government paternalism. The bigger the government . . . the smaller the people.

I grew up on a small farm in Strasburg, North Dakota, along with seven brothers and sisters, and my parents taught all of us children the value and joy of work. They will never know how grateful I have been all my life for their example and their teachings! Our parents taught us that nothing good is ever achieved without work, and that there is a kind of joy in work itself which contributes to one's peace of mind and inner tranquility.

And the work should be quality work! A few years ago American children were taught routinely that a job worth doing was worth doing well, but somewhere along the line that idea seems to have vanished. Today . . . in talking with various businessmen . . . I have learned that it is becoming more and more difficult to find competent workmen . . . men who take real pride in performing their craft. In my own profession, I have found it next to impossible to find a well-trained young musician. I have been looking for almost two years for an experienced young violinist, and have not been able to find one who combines talent with the training and self-discipline necessary to do the job. True competence in any field takes time, perseverance, infinite patience . . . and hard work.

Rather than give a man money, simply because he exists . . . let us educate him to the glory that can be found in work . . . and then bend every effort towards helping him find and hold a job. I do not think it is ever too late to help a man accomplish this, no matter what his condition in life. We can start right now by educating our people to the fact that this is still the land of opportunity, and that any job . . . no matter how lowly . . . can lead to a successful and happy life if it is performed with spirit and enthusiasm. Our primary goal should be to build the character of the man who is doing the job, for in this way we will build the character of the nation as well.

One of the deepest joys of my own life has been to recognize the potential in other people and help them try to achieve it. It is a wonderful experience to watch any man or woman develop his talents to the fullest and I have noticed that the happiest people in our orchestra are always those who work the hardest.

Many examples come to mind. . . . Years ago I suspected that Larry Hooper, our pianist, could also be a singer, because of the exceptionally deep resonance of his speaking voice. When I encouraged him to try, he found to his surprise that he really could sing, and he not only developed into a popular singer, but his whole personality improved! Jack Imel, who was a drummer and dancer on our show, came to me with ideas for production sketches, and the more he worked, the better his ideas became, until today he is the assistant to our brilliant producer, Jim Hobson.

Myron Floren overcame the twin handicaps of poverty and serious illness. Myron was stricken with rheumatic fever as a youngster, but he turned all of his energy and willpower into making a full recovery, and was able to regain his health completely. His fortitude, dependability and complete devotion to whatever task he undertakes have become almost legendary in our band. He has developed the inner strength and self-confidence necessary to handle whatever new responsibilities come his way. He has today reached goals no one would have thought possible for him when he was a young boy growing up in poverty on an obscure farm.

You cannot build character and courage in an able-bodied man by taking away his initiative and spirit of independence. You cannot buy happiness for a man. He must earn that for himself. That is one of my basic objections to the Guaranteed Annual Wage Plan. It does not really help a man to grow.

We have made tremendous progress in the fields of science and technology. We have learned how to send a man to the moon and probe the underside of the sea. We have learned how to split the atom and harness the energy of the sun. We have built giant computers that do incredibly complex jobs for us. But we have neglected our most important obligation. We have neglected our primary duty to build men.

I think we began to get into serious trouble when we took God out of our schools and out of our hearts. We need to re-introduce basic moral values into our lives. We need to affirm again those American verities of hope and courage and faith . . . the principles of fair play and integrity, and an honest day's work for a day's pay.

Somehow I feel that the real answer to our difficult problems can best be found in the teachings of Christ. He spoke of the dignity of the individual human being. He demonstrated through the love and compassion of His own life just how valuable each human soul is.

A human being is far too valuable to be paid off in money. A human being grows and prospers through the dignity of work.

HUMAN RIGHTS CONVENTION ON POLITICAL RIGHTS OF WOMEN—NO EXCUSE FOR SENATE'S FAILURE TO RATIFY

Mr. PROXMIRE. Mr. President, the Human Rights Convention on the Political Rights of Women was adopted by the General Assembly of the United Nations in December of 1952.

It was opened for signature in March of 1953, 16 years ago. As in the case of the Genocide Convention and Forced Labor, the Senate has failed to ratify the Convention on Political Rights of Women. President Kennedy sent this convention to the Senate 6 full years ago.

Why has the Senate failed to ratify this convention? Certainly the 19th amendment to the Constitution clearly defines and protects the political rights of women in the United States. All that this convention establishes and guarantees are the rights of women: first, to vote; second, to be candidates for office; and third, to hold office.

The National Council of Women of the United States strongly supports Senate ratification. While recognizing that it is less than a half century since women in the United States have gained full political equality, the council has pointed out that its affiliate organizations in 60 countries face a far different situation. The council urges Senate ratification so that women, the world over, may point proudly to the United States as they wage their own fight for political equality.

Of the 60 affiliates of the International Council of Women, 18 are in nations less than 25 years old. How can the young governments of Burma, Cameroon, and Gambia—to name a few—be expected to change centuries-old traditions without encouragement, example, and prodding?

Any nation which denies full political equality to women denies itself the benefit of a full one-half of its human resources. Let us help the younger countries to a quicker awareness of this truth by ratifying the Human Rights Convention on Political Rights of Women.

UPGRADING PROFESSIONAL STANDARDS FOR POLICEMEN

Mr. NELSON. Mr. President, Appleton, Wis., is doing its part to see to it that great strides are made in bettering the overall conditions for policemen. The citizens of Appleton have been working for 3 years to upgrade professional standards for policemen. Only through a higher degree of professionalism, they agree, can the police maintain the respect of the community while effectively enforcing the law.

The professionalizing process involves education and training. One of the best ways to achieve this, according to Mr. Gordon Myse, an Appleton citizen who is in the forefront of the leadership, "is for the city to provide educational incentive pay for policemen who take credit courses in police science at the college or vocational school level. Sending a policeman into the street without a proper education is like sending him out without his badge and gun."

I ask unanimous consent to have printed in the Record an article published in the Appleton Post-Crescent which profiles the important work being done in this community.

There being no objection, the article was ordered to be printed in the Record, as follows:

XUM

"PROFESSIONAL" POLICE NEEDED

It might make his job in the courtroom more difficult, but Appleton Attorney Gordon Myse would, nevertheless, like to see every policeman become a "professional."

And he's doing his part to see that it happens in the Fox River Valley.

Myse, three years ago, began representing Appleton police in wage negotiations. He started shortly after Appleton became one of the first Wisconsin cities to see collective bargaining used in setting police wages.

Today police departments in Appleton, Oshkosh, Green Bay, Fond du Lac, Winnebago County, Neenah, New London, and Clintonville are using Myse's services to get better wages, working conditions, and other job benefits.

He has contracts with some of the police associations. Others he serves on retainer or hourly-rate bases.

The young attorney assists some police agencies only with their collective bargaining. He does all the legal work for others.

CUP OF COFFEE

Myse started his move into the previously unexplored police negotiations field over a cup of coffee three years ago.

For years, Appleton, like most other cities, negotiated police contracts through their police chiefs. He was the middle man between his men and the city administration. The system had many shortcomings.

In 1966, Appleton officially recognized a five-man employer-employee relations committee of the Appleton Professional Policemen's association as the police-city bargaining unit for 1967.

Detective Richard Jirschele headed the committee. He and Myse were having coffee one day when he asked the attorney if he knew anything about labor law. Myse didn't, but he was willing to learn. The association hired him, and he became one of the first attorneys to represent a Fox Valley police agency in negotiations.

NEW RULE

Myse started learning his new role, by attending, with Jirschele, a University of Wisconsin police bargaining school in July 1966. He said he has been learning ever since.

The attorney sees himself as the "vehicle" providing an "orderly adjustment" between police and their employing municipality at contract time. Orderly adjustments, Myse said, prevent strikes which, although often used, are not legal as far as police are concerned.

Collective bargaining, Myse explained, is a skill that must be learned. Police departments without that skill and knowledge will find themselves at a disadvantage during bargaining.

Myse can "say things" during wage talks that the policeman cannot. The policeman who has arrested a city councilman for speeding and then has to sit across from him at the bargaining table is at a distinct disadvantage—as is the entire police department—Jirschele explained.

SHORT ON RATE

There are many areas of his law practice that provide greater financial returns than does collective bargaining work, Myse said. When he balances the time spent with the money earned, he said he often finds himself short of the hourly minimum bar rate.

He has both lost and gained clients in his criminal law practice because of his affiliation with police. "Any time I represent a defendant in a criminal case, I immediately disclose my relationship with police," Myse said.

He says he will fight as hard for a defendant as for police, thus he feels his police relationship does not interfere with his criminal court work.

Said Myse, "If police make a mistake by which the defendant can profit, then police must be trained so they don't make those mistakes.

GREAT STRIDES

The attorney said that although great strides have been made in bettering overall coordinations for policemen in general, much remains to be done, and the Fox Valley is no exception.

"Police have lost the respect of their community," Myse declared. They must recapture that respect.

They can do it only if a higher degree of professionalism is brought to law enforcement. And that can be possible, according to Myse, only if police wages first are hiked to a point where more qualified people are attracted.

Better wages constitute one of the most pressing needs in law enforcement, Myse said. He would like to see a $10,000 maximum salary for patrolmen. The ceiling in the Fox Valley is now about $7,500.

PRESSING NEED

Another pressing need is what Myse terms "a professionalizing process" involving education and training.

One of the best ways to accomplish this, he said, is for the city to provide education incentive pay for policemen who take credit courses in police science at the college or vocational school level.

Appleton city officials have balked at the plan which Myse said has worked well in Oshkosh, Fond du Lac, and the Winnebago County Sheriff's Department.

"Sending a policeman into the street without a proper education is like sending him out without his badge and gun," Myse explained. He terms law enforcement one of the most "complex demanding and difficult" of all fields of work.

It angers him that "some people" group police with other municipal services. They will not recognize, Myse emphasized, that law enforcement has its "special problems, special challenges and particular needs, and must be treated accordingly."

SOME DISAGREE

Some policemen in some departments do not agree with some things Myse proposes for them. He expects it. Senior officers have different ideas and goals than the younger men, but generally they all want to improve themselves, their department, and their community, Myse said. He must first attempt to establish a common ground and a united approach within the department before he can take the policeman's case to the city.

Nor do city administrations always agree with what Myse proposes. There have been problems, disagreements, and even crises. There have been no strikes in Fox Valley police departments, but there have been fact finding and mediation sessions.

But, as Myse explains it, ". . . the negotiation process is one of debate and exchange. It has to be."

And, although there has been much disagreement in the police-negotiator-administration triangle, Myse said he has seen enough agreement to give him the satisfaction of having helped law enforcement in the Fox Valley make significant gains in the past couple of years.

HO CHI MINH AND GEORGE WASHINGTON

Mr. DODD. Mr. President, the recent death of Ho Chi Minh touched off countless eulogies to him in the American press. There were some who considered him a benevolent and dedicated despot, whose virtues somehow outweighed the fact that he was a Communist dictator. Others went further and described him as the Vietnamese equivalent of George Washington and Abraham Lincoln.

Prof. John P. Roche, of Brandeis University, a former president of Americans for Democratic Action, has written a newspaper column which helps to set the record straight on the real Ho Chi Minh. Let me quote one paragraph from this column:

> If George Washington operated differently, he might have been a model for Ho. If, for example, in 1765 Patrick Henry had been found dead in a ditch with a bullet hole in the back of his neck; and in 1767 Thomas Jefferson had been found hanging from a barn rafter, an apparent suicide; and in 1771, John Adams had been found drowned in Boston harbor; and in 1775, Alexander Hamilton and James Madison—on their way to a secret meeting at Mt. Vernon—had been captured by the British—if our colonial history had been highlighted by such incidents, George Washington could have been an excellent preceptor for Ho Chi Minh.

There was a Vietnamese nationalist leader who, perhaps, deserves to be ranked with George Washington and Sun Yat-sen. But his name was not Ho Chi Minh. It was Phan Boi Chau.

According to the noted Vietnamese historian, Joseph Buttinger, Phan Boi Chau was "regarded by the French as the most dangerous among the nationalist revolutionaries."

Ho Chi Minh, whose name at the time was Nguyen Ai Quoc, got Phan Boi Chau out of the way by the simple device of betraying him to the French colonial regime. He justified this betrayal on the grounds that, first, the reward of 150,000 piasters could be put to good use by the Communist cause, and, second, that the execution of Chau by the French would create shock and resentment which the Communists could then exploit for their own purposes.

This betrayal was not an isolated incident. It was, on the contrary, part of a systematic policy of eliminating the real nationalist leadership, either by assassinating them or by betraying them to the French.

The Vietnamese scholar, Hoang Van Chi, who held several important posts in the North Vietnamese Government under Ho Chi Minh before he chose freedom, writes:

> Those who, during their stay in China, had been attracted by Nguyen Ai Quoc's propaganda and had joined his Youth League, were allowed to go home in secrecy. The rest who remain faithful . . . to the nationalist cause always found a French agent waiting for them near the Sino-Vietnamese border, armed with copies of their photographs.

The facts about Nguyen Ai Quoc's betrayal of the revered nationalist leader, Phan Boi Chau, were so well known in Vietnam that the Communist movement decided that Nguyen Ai Quoc had better disappear from the scene. The story was accordingly put out that Nguyen Ai Quoc had died, and to further the pretense there were even elaborate mourning rituals by his family.

For years after he had assumed the name of Ho Chi Minh, the fact that Nguyen Ai Quoc and Ho Chi Minh were

XUM

one and the same person was not admitted.

And when the question was raised on several occasions by people who suspected an identity between the two, Ho Chi Minh flatly denied that he was Nguyen Ai Quoc. It was only after the French had been driven from Vietnam that the Communists admitted for the first time that Ho Chi Minh was, in fact, the same person as the supposedly dead Nguyen Ai Quoc.

Ho Chi Minh, in short, had about as much in common with George Washington as Benedict Arnold did. Indeed, this is an understatement, because Benedict Arnold, prior to his final act of treason, was apparently a competent and conscientious officer, whereas Ho Chi Minh was an agent of international communism rather than a Vietamese nationalist from the very first days of his political activity.

He destroyed the nationalist opposition to the Communist Party by systematically betraying nationalist leaders to the French.

When he took power, he brutally suppressed a peasant revolt in his native province. The number of victims of this single act of repression ran into scores of thousands.

He masterminded the attack on South Vietnam which got underway in 1960; he sought to subvert the government of Laos and then openly invaded Laos; and he used the Vietcong insurrection as a training ground for terrorists and guerrillas from all over the world.

He not merely gave his stamp of approval to the inhuman terror practiced by the Vietcong against the civilian population of South Vietnam, but he personally selected the political cadres who were responsible for the application of this terror.

It is a tribute to the effectiveness of the international Communist propaganda apparatus that, in the face of all these facts, it has been able to persuade so many people in the free world to regard Ho Chi Minh as old Uncle Ho, a kindly, childloving, nationalist leader who is supposed to have been revered by his own people.

Mr. President, I ask unanimous consent to have printed in the RECORD the column entitled "Ho Had a Way of Doing His Job," written by John P. Roche.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HO HAD A WAY OF DOING HIS JOB

(By John P. Roche)

The death of Ho Chi Minh has touched off a lot of absurd rhetoric. One Congressman suggested he was the Vietnamese equivalent of George Washington and Abraham Lincoln, while a favorite description leaned heavily on the word "mystic."

As far as Ho's mysticism was concerned, I am not prepared to argue—provided those who use the term also would apply to Adolph Hitler, Sirhan Sirhan, and the organizers of the Spanish Inquisition.

However, I do find the analogy with George Washington and Abraham Lincoln too much to take.

Without for a second denying Ho Chi Minh's dedication, courage, and strategic genius, the stark fact is that he became the "Father of His Country" by murdering the other candidates.

The Stalinists pre-empted the cause of Vietnamese nationalism by their ruthless willingness to destroy non-Communist competition, particularly Marxist revolutionaries who rejected Moscow.

If George Washington operated differently, he might have been a model for Ho. If, for example, in 1765 Patrick Henry had been found dead in a ditch with a bullet hole in the back of his neck; and in 1767 Thomas Jefferson had been found hanging from a barn rafter, an apparent suicide; and in 1771, John Adams had been found drowned in Boston harbor; and in 1775, Alexander Hamilton and James Madison—on their way to a secret meeting at Mt. Vernon—had been captured by the British—if our colonial history had been highlighted by such incidents, George Washington could have been an excellent preceptor of Ho Chi Minh.

For this was the basis of Ho's "mystical" commitment to Vietnamese nationalism. It was brought home vividly to me a few years ago when a friend introduced me to a Vietnamese who was on the lam from everybody. At that point in time, both Ho Chi Minh and President Diem had a price on this man's head. He was an authentic Vietnamese nationalist, a one-time leader of the Cao Dai reistance to the French in the Mekong Delta. His story was incredible—but verifiably true.

In early 1947, after Ho broke with the French, the top leadership of the Viet Minh (which then had substantial non-Communist forces) allegedly was called to a meeting near Hanoi.

The word came to Dr. Xuan (a pseudonym) and he set out on the long, dangerous journey. Shortly before he reached the secret meeting place, French security agents seized him. French intelligence officers told him he had been betrayed by the Communists and tried to get him to sing. He thought it was a trick, refused to reveal anything even under torture, and was sentenced to death.

On the day of his execution, a French officer appeared with a squad of Senegalese. The French officer looked at him and suddenly called him by his real name. They had been classmates and friends at the famed Ecole Polytechnique in Paris!

The officer instructed him quickly: "Everything is chaotic around here; we will march you down towards the place of execution. When we reach a certain corner I will distract the soldiers and you take off. Good luck."

To make a long story short, he escaped, and keeping what the French intelligence officers had told him in mind, made no contact with the Viet Minh. Later in Paris he met others who told him there had been no meeting, that he had been deliberately led into a trap.

One of those who had set the stage now was himself a refugee from General Giap's secret police (Giap was then Minister of the Interior); he had been denounced as a "Trotskyite."

The best estimates are that in 1946–47 about 10,000 key non-Stalinist Vietnamese nationalists were murdered. When it came to being the Father of His Country, Ho Chi Minh took no chances on paternity suits.

And what makes the New Left acclaim for "Uncle Ho" savagely ironic is that they are precisely the sort of undisciplined, unreliable, talky types who were featured on the execution lists as "Trotskyites."

In pragmatic terms, however, one has to hand it to Ho: after 1947, he had very little trouble with his intellectuals.

PUBLIC HEARINGS, TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today the Senate Finance Committee received testimony concerning those provisions in the House-passed tax reform which amend the tax treatment of physically handicapped people, treble damage awards, the foreign tax credit, and foundations. Additionally, testimony was received by a number of distinguished individuals on the bill in general.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that the attached summary of the testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

WITNESSES

HONORABLE TED STEVENS, UNITED STATES SENATOR, STATE OF ALASKA

General

States that the House bill does not deal with several important inequities, and that he has introduced several bills that would help to correct these deficiencies. Proposes that the personal exemption be raised from $600 to $1,000, that it be increased in those areas of the country where the cost of living exceeds the national index.

Proposes a deduction for funeral and burial expenses to the extent that they exceed 3 percent of adjusted gross income.

Proposes the removal of the restriction which presently limits deductions for care of dependents of working mothers to taxpayers whose combined husband-and-wife earnings are less than $6,500.

Believes that provision should be made for the employee whose employer does not provide a qualified pension plan, so that the employee may be treated as a self-employed person. Suggests, also, alteration of the tax treatment of lump-sum distributions from retirement funds.

Points out an equity in present Revenue Service practices whereby the Service is not required, and does not in practice, notify the county or burrough recorder to remove a lien (after the taxpayer has paid the taxes which resulted in the lien) which it has recorded.

Favors present tax treatment for the oil and gas industry, and states that we are at a time when the reduction of these incentives could do irreparable harm not only to Alaska—which would most certainly suffer severely if the House proposed changes in this treatment were enacted—but also the entire nation.

HONORABLE WRIGHT PATMAN, UNITED STATES REPRESENTATIVE, STATE OF TEXAS

Private tax-exempt foundation

Strongly endorses provisions of H.R. 13270. Requests that provisions affecting private foundations not be weakened.

Questions why so many private foundations are established. Indicates that many huge family fortunes have been continued in perpetuity through private foundation control of businesses. States that it is not known how much tax revenue is lost by tax avoidance through private foundations. Points out that there is a need for more public information on the operations and activities of these foundations.

Makes the following recommendations derived from the study conducted by the Subcommittee on Foundations:

(1) Consideration should be given to a limitation of 25 years on the life of foundations.

(2) Prohibit engagement in business directly or indirectly.

(3) Ban commercial money lending and borrowing by foundations.

(4) Prohibit self-dealing.

(5) Prohibit foundation or donor solicitation of acceptance of contributions from suppliers or users of goods or services.

XUM

(6) Limit foundation ownership of a business to 3 percent of the stock of a corporation and not allow a vote of the stock.

(7) Establish standards with respect to foundation behavior in a proxy fight.

(8) Regulate trading and speculation in securities.

(9) If the donor controls the foundation, disallow the deduction until the foundation actually uses the money for charity. Income earned by the foundation should be taxable to the controlling contributor until used for charity.

(10) Exemption be denied if a foundation is formed for tax avoidance purposes or for financial benefits for the contributor. Disallow a contribution by a controlled corporation.

(11) Treat gifts to private foundations at the cost or value, whichever as lower.

(12) Provide that contributions made by subchapter S corporations be attributable to the shareholders so that an extra 5 percent deduction is not allowed.

(13) For the purpose of figuring the accumulation of income, all contributions and capital gains of the foundation should be considered as income, not capital.

(14) For the purpose of computing the accumulation of income, amounts unreasonably accumulated in corporations controlled by a foundation should be added to the foundation's direct accumulation as if the two were one.

(15) Corporations controlled by foundations should be subject to the unreasonable accumulation earnings tax.

(16) With regard to gift and estate taxes: (a) exclude from the base for the marital deduction amounts left to foundations that are untaxed and (b) the gift and estate tax rate brackets to be applied to taxable amounts should be the same as if the foundation amounts were part of the taxable gifts or estate.

(17) Consideration should be given to a regulatory agency for supervision of tax-exempt foundations.

(18) Review extensively every application for tax exemption.

(19) Make public all matters relating to the granting or denial of tax exemption, foundation tax returns, and provide a registry of all foundations.

(20) Require disclosure of foundation expenditures for instigating or promoting legislation or political activities (or paid to other organizations) and to TV, radio, and newspaper advertising.

(21) Require description of all activities of foundation.

(22) Expand program for auditing returns of foundations.

(23) Impose stiff penalties and revoke tax exemption for improper or insufficient reporting.

(24) Assess a reasonable tax on foundation income.

Indicates that from 1951–1967 about 50 percent of foundation receipts were distributed for contributions, gifts, and grants. Contends that proposed 7½ percent tax on net investment income will not impair philanthropic activity.

Suggests that foundations could be more efficient in their operations to reduce administrative expenses. States that there are problems other than tax matters which require scrutiny, e.g., SEC, anti-trust, conflict of interest, etc.

HONORABLE CHARLES A. VANIK, U.S. REPRESENTATIVE, STATE OF OHIO

General

Endorses the principal provisions of the House bill. Indicates that decisions of the House Ways and Means Committee were made calmly and deliberately and in substantial response to the overwhelming mandate which each member of the Committee received from their constituencies. States that the House bill is in many cases only a soft touch on tax privilege instead of the heavy hand that he would like to see. Indicates that those who criticize the efforts to impose a minimum tax on the wealthy must find another way of accomplishing this goal.

Tax treatment of natural resources

Indicates that the small reduction in the depletion allowance enacted by the House was the minimum the taxpayer would accept. Believes that there can be no tax reform without some reduction of oil tax privileges. Points out that nothing was done about intangible drilling costs, accounting proceeds, and several other devices to spare oil taxation. Believes that the oil industry should be able to assume this taxation without threats to increase consumer prices.

Supports the provision in the House bill removing foreign oil depletion. States that there is no rational legislative reason for extending the privilege of the depletion allowance to foreign produced oil.

Personal exemptions

Suggests that from projections of tax receipts which he has seen, that it would seem feasible to increase the personal exemption at the rate of $100 per year per dependent for the next 4 years until the dependency allowance reaches $1,000 per dependent.

Simplification of tax return and payment procedures

Points out that one major objective of tax reform in the House bill which was not achieved is the critical need for simplification of tax returns and payment procedures. Believes that for the individual taxpayer there is a need for a simplified appeal provision.

HON. GEORGE A. SMATHERS, ON BEHALF OF MANUFACTURERS HANOVER TRUST COMPANY AND MORGAN GUARANTY TRUST COMPANY OF NEW YORK

Debt securities held by banks

Opposes provision to tax net gain on bonds as ordinary income. States that it is not in the public interest at this time to discourage financial institutions from acquiring bonds. Feels that the pendency of the House bill already has had an adverse impact on the demand for long-term issues and has had the effect of reducing the already low liquidity of the banking system.

States that modification of the present treatment of gains realized by banks on debt securities will increase the difficulty of the Treasury and state and local governments in issuing securities and consequently will tend to increase the cost of such financing. Feels that there continue to be valid public policy objectives for maintaining the present nonparallel treatment of gains and losses.

If, despite the above considerations, the Congress sees fit to adopt the proposal embodied in the House bill, submits that such change should be made effective only with respect to bonds or debt securities purchased after the effective date. States that the present treatment was designed to encourage banks to perform the important functions of providing a market for governmental and corporate securities, therefore, it is inequitable that the current holdings of debt securities of banks which were purchased in the light of this favored tax treatment should not continue to enjoy such favored treatment.

Bad debt reserves

Believes it is not wise to limit bad debt reserves to relatively recent experience and thus ignore the impact of a possible future decline in the economy. If such change is to be adopted, then it seems inequitable to freeze the base year balances, as proposed under section 441 of the bill, in the case of banks who have not yet reached the 2.4 percent limit currently permitted and who are in mid-stream in a catch-up formula provided for by Internal Revenue Service rules currently in effect.

Lump sum distribution from profit sharing funds

Opposes the provision which would eliminate capital gains treatment of lump sum distributions from profit sharing funds. Contends that the proposed averaging treatment is too complex requiring recomputation and refund claims by small taxpayers. Submits that the fairest and simplest method for averaging lump sum distributions from funds that have been built up over many years is the present capital gains treatment long permitted by the tax law.

GENERAL

SCOTT P. CRAMPTON, CHAIRMAN, SECTION OF TAXATION, AMERICAN BAR ASSOCIATION

General

States that the tax section believes that the bill makes many desirable reforms in the Internal Revenue Code. Points out, though, that to conserve time the report is limited to comments on problems of statutory draftsmanship, undue complexity in the structure of the tax law, and alternative methods of accomplishing the same general objectives.

Since this statement is of a very technical nature, the following summary will highlight the major points.

Retroactivity

States that retroactivity is determined with reference to the date upon which the amendment becomes law. Points out that it is recognized that in some cases publicity of a proposed amendment may induce taxpayers to take advantage of an existing loophole. Believes that the foreclosure of such last-minute tax avoidance is considered less important than the preservation of the principle that a taxpayer may rely upon an existing statute in planning his affairs. Urges that the principles be applied to the fullest extent possible in this bill.

Private foundations

Recommends that the 7.5 percent tax on investment income be replaced by a tax which would raise only the amount necessary to administer an audit program for private foundations. Recommends that the tax be an excise tax on receipts from all sources instead of an income tax on net investment income.

Maintains that the tax on termination of private foundation status is highly complex and contains serious procedural difficulties. Requests consideration of provisions permitting a foundation to terminate its exempt status by transferring its assets to an exempt public charity. Recommends that if termination is required by the Treasury, the tax be abated pending action by the State to transfer the assets to a charity. Proposes a penalty of 100 percent of the assets if the State does not act.

States that the requirements of section 508(g) that the governing instrument of a foundation contain certain provisions is unnecessary and would impose undue hardship on many foundations.

Argues that the 5 percent current minimum pay-out requirement should be reduced because of the tax on investment income, or the tax should be included as a qualifying distribution.

Contends that section 4942 (the minimum pay-out provision) requires too many determinations to be made by the Secretary or his delegate, and suggests that the statute be more specific.

Recommends consideration be given to deleting the 2- and 5-year requirements for disposition of excess business holdings. Argues that they serve only to evidence the good faith of the foundation in commencing disposition, and in the case of closely held stock it may not be possible to dispose of a small part of the excess holdings.

States that the 100 percent penalty imposed on investing assets in such a manner

XUM

as to jeopardize the carrying out of the foundation's exempt purposes may be unduly harsh. Implies that the penalty should only be imposed to the extent of the loss resulting from such investment. States that consideration should be given to excluding from the term "substantial contributor" persons related to the substantial contributor if the contribution was made more than ten years earlier. Also, recommends considering, for purposes of self-dealing, elimination of substantial contributor status after ten years.

States that the penalty imposed for repeated, willful or flagrant acts seem too onerous both in circumstances of its application and in amount.

Contends that the amendment to section 6033(b)(5) is an unnecessary invasion of the privacy of charitably inclined individuals and might cause donations to be curtailed, although it appears to serve no substantial tax purpose.

Other tax exempt organizations

Suggests that there be a parity in the rate of tax imposed on unrelated business income of exempt corporations and exempt trusts. Recommends that the rate applicable to trusts be imposed on corporations also.

Recommends that gains from the sale or exchange of property used to carry out exempt functions should not be taxed to social clubs and certain other membership organizations under the proposal taxing the investment income of these organizations in certain circumstances.

Contributions of income interests to charities

States that where a donor transfers his entire interest in property irrevocably and retains no reversionary interest, there is no sound reason for disallowing a deduction for a gift of an income interest to charity.

Contributions of a partial interest in property

States that the House provisions with respect to such contributions appears broader than intended, and suggests the effect of provision may be to deny contribution deductions for outright gifts of undivided interest in property as well as of legal life estates or remainders unless all other interests in the property also are contributed.

Contributions of appreciated property

States that if the abuse sought to be corrected by the House provisions occurs primarily in connection with charitable contributions of ordinary income property, such as inventory, then it should be noted that the House bill requires recognition of gain in a number of situations not falling within the area of such abuse.

Bargain sales to charities

States that there seems to be no valid reason to differentiate between bargain sales to charities and bargain sales to other donees—believes where the donor is willing to make a gift to charity of the difference between the fair-market value of the purchase price, he should receive the full tax benefit.

Charitable remainder trusts

States that the basis for the House provisions dealing with such trusts is that the value of the remainder can be wiped out, and suggests this is questionable because trustees are bound by State law to protect the remainderman's interest, State attorneys-general increasingly exercise supervision, the remainderman itself can protect its interest, and even with a unitrust or annuity the remainder could be destroyed by bad investment.

Estate and gift tax deductions for income interest, charitable remainders, or other partial interests in property

Sees no reason why either a charitable income interest or a charitable remainder after a normal life estate should not continue to be allowed as an estate or gift tax deduction. States that aside from an outright transfer, such a remainder is the most common form of charitable bequest or gift. Believes Congress should not arbitrarily restrict the estate and gift tax to two limited and novel forms of charitable remainder trusts—it would be unreasonable to force testators and settlors into the defined annuity or unitrust arrangement.

Farm loss provisions

Indicates they are not convinced that the problem which the House provision seeks to correct with respect to farm losses is sufficiently greater to justify such complex legislation. Adds, however, if it is, then the House approach is more acceptable than attempts to deal with and by other means, such as tampering with the timing of losses and gains as proposed in earlier legislative drafts in this area.

Hobby losses

States that the House proposal appears to contain so many technical deficiencies that they suggest consideration be given to a complete redraft. As an example, notes that the present provision would apply not only to the traditional "hobby" but also to the normal profit-seeking business and investment activities, including all estate operations, equipment leasing, and oil and gas development and exploration.

Limitations of interest and investment indebtedness

States that the House bill is not clear as to the order in which the $25,000 limitation, and the net investment income and the long-term capital gains provisions are applied against the investment interest. Believes the order of application is important since it affects the amount of the deduction and the consequent amount of the tax.

Limit on tax preferences—Charitable contribution of appreciated property

Suggests that the term "excess of fair market value over basis" be used in place of "appreciation in value of property" since it is more precise and would avoid introducing a new and undefined term into the Code.

Limit on tax preferences—Accelerated depreciation

Questions whether this item continues to constitute a tax preference in view of the revisions made in accelerated depreciation recapture. States that if accelerated depreciation is retained as an item of tax preference, the recapture rule under the House bill should be changed to provide for a correlative reduction of the amount of recapture as ordinary income on disposition. Argues that the treatment of these items as tax preferences will extensively complicate both the preparation and the audit of tax returns.

Adjustments for disallowed tax preferences

States that under present tax rates, it will be possible for a tax payer to realize a greater tax reduction in one or more of the five carryover years than the increase in tax attributable to inclusion of dissallowed tax preferences in gross income in the earlier taxpayer year. Conversely, a taxpayer having an amount of other taxable income in the later year less than the disallowed tax preference carried forward would receive a tax reduction in the later year significantly lower than the effective tax cost of the disallowed tax preference. Points out that in some cases the income averaging provisions of the Code would reduce the effective rate of the tax reduction attributable to the carryover adjustment below the effective tax cost of the disallowed tax preference in the earlier taxable year, but this would not be true in all situations.

Suggests that this problem could be avoided in large part by providing that the carryover, instead of giving rise to a reduction, would give rise to a credit for taxes paid in the later year equivalent to the amount by which the preference year's tax was increased by reason of the amount for which the bill now would allow a deduction.

Allocations of deductions

Maintains that the enactment of the House bill would adversely affect thousands of taxpayers since the time consuming adjustments called for by this section would apply, or figures would have to be assembled to determine whether they would apply, every year. Suggests that in view of the universal desire for *simplification* of the tax laws, the desirability of a provision which will substantially complicate the return and record-keeping requirements of a large number of taxpayers appears to be open to question.

Allocations of deductions—Application to estates and trusts

Suggests that the application of the allocation provisions to estates and trusts is not clear and that further clarification of the impact of this provision on present law would appear to be desirable.

Allocable expenses—interest

States that it seems improper to disallow deduction of interest payments under section 265 of the code because they are related to tax-exempt interest received and at the same time to allocate some of the taxpayer's *other* interest payments in part to the same taxexempt interest. Furthermore interest that is specifically attributable to carrying income producing property should be excluded from the numerator of the "section 277 fraction" just as interest paid or incurred in the conduct of a trade or business is excluded under the proposed section of the House bill.

Allocable expenses—taxes

Believes it is improper to allocate any taxes which are incurred on taxable income, such as compensation or taxable investment income, of which are imposed on income producing property, between taxable and tax-exempt income.

Allocable expenses—charitable contributions

Maintains that the inclusion of charitable contributions in the list of allocable expenses presents a serious policy question. Points out that under this provision an individual who has tax-exempt income would receive a lesser tax benefit from an identical charitable contribution than an individual who has no tax-exempt income. States that the inclusion of charitable deductions in "allocable expenses" will undoubtedly cause many individuals who have previously made substantial gifts of appreciated property to stop making such gifts.

Interest on certain governmental obligations

Recommends that the change takes into account tax exempt interest for purpose of allocation of deductions should apply only to obligations issued after the date of enactment.

Depletion and intangible drilling and development costs

States that computation of cost depletion requires an estimate of recoverable reserves and that this section will require individual taxpayers claiming percentage depletion to compute cost depletion with the attendant engineering expenses.

Suggests that this burden be removed by giving the taxpayer an option to compute cost depletion or amortize his cost over a 10-year period. Maintains that this procedure would achieve the objective of the House bill while relieving the taxpayer of an expensive cost depletion computation.

Income averaging

Suggests that consideration might be given to permitting averaging the excess over 100 percent of the average base period taxable income, provided the $3,000 test is met.

Restricted property

States that this provision of the House bill raises serious problems for a closely held corporation. Points out that such a corporation must offer one or more key employees a greater equity interest than may be made available through a qualified stock option plan. But because of the practical problems involved in the disposition of stock by minority stockholders can do so only with substantial restrictions on transferability of the stock. Indicates that this provision in the bill will expose such employees to the receipt of substantial amounts of ordinary income in one year.

Accumulation trusts, multiple trusts, etc.

States that in an attempt to remedy the tax avoidance that results from multiple trusts, this provision in the bill extends much further and covers all accumulation trusts. Points out that the administration of the statute would be a tremendous burden. Suggests the retention of the $2,000 exemption to greatly alleviate administrative problems.

Debt-financed corporate acquisitions and related problems

Believes that section 411 (interest on indebtedness incurred by corporations to acquire stock or assets of another corporation) would represent an unwise addition to the tax law because of the section's limited coverage, the likelihood that it would contribute little toward accomplishment of its major purpose, its lack of coordination with other provisions of the code, the possible implications which might arise from the provision with respect to situations not covered, and its bewildering complexity, appear to outweigh the limited benefits likely to result from it in correcting a few cases of abuse.

Doubts that there is any significant abuse of the installment method which the amendments would correct. Recommends that if these provisions are adopted, the effective date should be changed to exclude sales made prior to the date of enactment of the bill or pursuant to contracts made prior thereto.

Feels that the revenue considerations involved would not seem to justify the hardships that the proposals on bonds and other evidences of indebtedness would create for bondholders and issuers or the considerable additional complexity introduced into the Code.

Stock dividends

Recommends that modification of section 305 be deferred and be made a part of and integrated with a more comprehensive technical revision of subchapter C of the Code.

Foreign tax credit

Feels that it is questionable whether in light of the general purpose of the foreign tax credit provisions to relieve the international double taxation on a unilateral basis, it is an appropriate implementation of this intent to limit the foreign tax credit in cases where the foreign loss is not taken into account in computing the foreign tax in later years.

States that the special provision permitting a U.S. taxpayer to elect to return to the per country limitation without consent of the Secretary or his delegate seems unduly restrictive in that the election must be made with respect to the first taxable year beginning after the date of enactment of the bill, whether or not the taxpayer in fact has foreign mineral income in that year. Feels that authorization to make such an election without consent, could equitably be extended to the first year, after enactment of the bill, in which the taxpayer receives any "foreign mineral income."

Depreciation allowed regulated industries; earnings and profits adjustment for depreciation

Recommends that the ambiguity regarding what constitutes earnings and profits should be resolved by either a change in the language of the provision or an appropriate statement in a committee report. Recommends that the "income tax basis" rather than the "earnings and profits basis" should continue to be used for corporate distributions under section 301(b) (1) (B) (ii) and the other provisions of section 301. Suggests that the purposes of section 312(m) would be adequately accomplished by providing that the straight line depreciation shall be calculated without regard to salvage value.

States that if computations of the earnings and profits of a foreign corporation required to be made under section 902 are to be affected by the proposed amendments to section 312, this will effect a dramatic change in the amount of foreign taxes allowed as a credit. Points out that foreign countries allow depreciation to be taken into account for tax purposes at accelerated rates; if the foreign corporation's earnings and profits are to be determined by taking depreciation only on a straight line basis, the effect will be to increase markedly the earnings and profits of the foreign corporation and thus increase the denominator of the portion of the foreign taxes available for credit resulting in a marked decrease in the available foreign tax credit under section 902.

Percentage depletion

Indicates that the disallowance of percentage depletion on foreign oil and gas is inconsistent with treatment allowed other minerals.

Suggests definitions for "economic interest" and "mineral production payment."

Repeal of alternative capital gains tax

Argues that the effective date is unfair for those with bona fide transactions which were not completed until after the effective date.

Distributions from pension plans

Suggests clarification of the term "benefits accrued" in the bill. Proposes that the effective date of the repeal of the alternative capital gains rate not apply to lump-sum distributions with respect to benefits accrued prior to 1970.

Real estate depreciation

States that the definition of "low-cost rental housing" is inadequate.

Subchapter S corporations

Recommends that the $2,500 limitation under H.R. 10 be removed, thus it should not be included for subchapter S corporations. Argues that the proposal to limit subchapter S owner-employee contributions to pension plans to the present H.R. 10 limitations adds further complexity to the difference between partnership and subchapter S corporations, and that it would require extensive revision of existing plans of subchapter S corporations. Notes that the proposed 5-percent stockholder rule appears inconsistent with the 10-percent limitation in H.R. 10.

Amortization of pollution control facilities

Doubts that the language of the bill would allow the additional first year depreciation under section 179 of the Code even though the facility is amortized under section 168 of the Code.

States that pollution control facilities should more properly be classified as "section 1250" property rather than "section 1245" property. Feels that investment in pollution control facilities in existing plants should also be given the tax incentive. Indicates that new section 168 neither defines "adjusted basis" nor specifies the treatment to be accorded to capital additions to qualifying property.

Fifty-percent maximum rate on earned income

Indicates that the definition of "earned income" excludes deferred compensation, and that this seems to be an unwarranted discrimination against deferred compensation.

DONALD GLEASON, NATIONAL ASSOCIATION OF MANUFACTURERS

General

Criticizes the adverse effect of the bill on capital formation, particularly the combination of the repeal of the investment credit with the changes in the capital gains taxation, restriction of depletion on real estate, and changes in the tax treatment of natural resources.

Tax rates

Recommends cutting the corporate tax rate at least 5 percentage points over a five-year period ending in 1976.

Capital gains

Opposes the increase in the corporate capital gain rate, arguing that it would raise the rate to substantially more than half of the regular 48 percent corporate rate.

Opposes the elimination of the 25 percent ceiling on the individual capital gain rate.

Recommends a reduction in the capital gain rate for assets held for long periods, such as ten years.

Lump sum pension plan distributions

Opposes the provisions of the bill dealing with lump sum pension distributions. Contends that the present law works well in reflecting the long period of accumulation of benefits under qualified plans. States that no showing has been made that present law has been abused. Argues that the proposal is extremely complex, and that the five-year averaging device is inadequate.

Recommends that lump sum distributions be included in the 50 percent ceiling on earned income.

Deferred compensation

Opposes the deferred compensation provisions, contending that they will be extremely complex and difficult to administer, and that they do not recognize the legitimate uses of deferred compensation plans.

Proposes inclusion of deferred compensation in the 50 percent ceiling on earned income.

Real estate depreciation

Urges rejection of section 521(a) to insure that accelerated depreciation methods will continue to apply to industrial real estate.

Natural resources

Opposes reduction in depletion rate for oil and gas and other minerals, contending that the existing rates, as well as current deductions for research, development, and exploration, are necessary for the discovery and development of new mineral deposits.

Foreign tax credit

Opposes the limitations on the foreign tax credit imposed by sections 431 and 432. Recommends liberalizing the requirements for the indirect credit, and revision of the treatment of the surcharge in computing the foreign tax credit limitation.

Moving expenses

Approves the inclusion of "indirect" expenses as deductible moving expenses, but recommends further liberalization, including the elimination of the dollar limitations. Argues that all reimbursements and allowances for reasonabe expenses and losses actually incurred should be excluded from income and to the extent not reimbursed should be be allowed as deductions. Opposes extension of the 20-mile test to 50 miles.

Cooperatives

Approves the 50 percent pay-out requirement for cooperatives, but feels that the phase-in period is too long. Approves the 15-year pay-out requirement but recommends reducing the period at least to five years.

Pollution control

Advocates accelerated amortization of air and water pollution control equipment, up to and including immediate write off, plus a liberal tax credit. Approves the provision in the bill as a step in the right direction. Recommends deletion of the dual certification requirement and of the provision giving the Federal Government authority to promulgate minimum performance standards.

Corporate mergers

Recommends that the provision disallowing deduction of interest on certain bonds issued in connection with the acquisition of a corporation not be applied where there is a binding commitment prior to May 27, 1969, the effective date of the provision.

Transfers of franchises

Recommends that secret processes be treated like patents, trademarks, or tradenames.

Treble damages in antitrust actions

Opposes S. 2156 and S. 2631, which would overturn Rev. Rul. 64–224, holding that amounts paid in satisfaction of treble damage damage claims are deductible as ordinary and necessary business expenses.

WALKER WINTER, VICE PRESIDENT, CHAMBER OF COMMERCE OF THE UNITED STATES

General comments on the bill

Supports the following provisions:

(1) Increase in the standard deduction, as providing a degree of simplification for a large number of taxpayers.

(2) Reductions in tax rates of individuals. Recommends reduction in corporate tax rates to avoid shifting the burden of taxation.

(3) The 50 percent maximum tax rate on earned income. Recommends applying this rate to all personal income.

(4) Liberalization of moving expense deductions. Recommends elimination of the dollar limitations, and reconsideration of the 50-mile limitation.

(5) Repeal of the unlimited charitable contribution deduction.

(6) The *Clay Brown* provision extending the unrelated business income tax.

(7) Liberalization of the income averaging provisions.

Opposes the following provisions:

(1) Extending the capital gains holding period and increasing the rate, as seriously impairing the flow of needed investment capital.

(2) Limiting the use of accelerated depreciation on real estate, as harmful to an industry vital to our economy.

(3) The interest subsidy option for State and municipal bonds, as the first step towards dependence on Federal subsidy.

(4) The provisions of the bill relating to deferred compensation, restricted stock, and lump sum distributions.

(5) Taxing the advertising income of exempt organizations.

(6) The excess deductions account. Argues that it is too complicated an approach to the problem of farm losses.

(7) The limit on tax preferences and allocation of deductions. Argues that these provisions are exceedingly complex and that the problems dealt with indirectly in these provisions should be dealt with directly, if necessary.

Makes the following additional proposals:

(1) Depreciation reform, including the incorporaiton of depreciation rates and allowances into the law, and elimination of the reserve ratio test.

(2) Rejection of efforts to make anti-trust treble damage payments nondeductible.

(3) Rejection of recommendation that nonbusiness state gasoline taxes be made nondeductible.

SAUL PEARL, PRESIDENT, MACHINERY DEALERS NATIONAL ASSOCIATION

Incentives for small business

Concerned with the failure of H.R. 13270 to include tax revisions which would assist small businesses. Recommends that the bill be amended to either provide direct incentives for small businesses or in the alternative to include reforms of the depreciation tax structure.

Recommends that direct incentives include:

(1) Limited reinstatement of the investment credit applicable to the first $100,000 of purchases of both new and used equipment.

(2) A reduction in the normal corporate tax rate from 22 percent to 20 percent on the first $25,000 of taxable income.

Suggests that depreciation reforms should inolude:

(1) Elimination of the reserve ratio test.

(2) Elimination of the requirement that the taxpayer's annual deduction for depreciation be limited by the salvage value of the asset.

(3) An increase in additional first year depreciation allowance provided by section 179 for small businesses from the present $10,000 ceiling to a more realistic level of at least $25,000.

(4) More rapid write offs for new and used equipment.

HAROLD KETELHUT, FREEPORT, ILL.

Tax-exempt organizations

States that political activities of all tax-exempt organizations should be curbed—including the political activities of tax-exempt labor unions. Resents the fact that the United Auto Workers uses his dues money in efforts to defeat political candidates that he supports. Believes that the preservation of tax loopholes for unions that spend their members' dues for political action would be a great injustice to the working people of this country. Believes that it is unfair to deny a tax exemption to one organization on the basis of its political activities and allow the political activities of another tax-exempt organization. Urges that a tax exemption be denied to all organizations which use any part of their income for any kind of political activity.

MRS. J. M. FORD, LAWRENCE, KANS.

Tax on unrelated business income

Objects to the failure of the House bill to propose a tax on the unrelated income of labor unions.

Also objects to the favored treatment unions receive with regard to political activities. Points out that the bill will impose a severe tax on tax-exempt foundations if any of their money is used for any kind of political program—including voter registration campaigns. However, the bill does not tax labor unions if they spend money for voter registration drives or other political activities.

Questions the validity of the national AFL–CIO president's request for "tax justice," when workers are required to pay dues to a tax-exempt union that spends this money to elect political candidates the workers are against.

Objects to union dues being used to elect politicians who are favored by the union officials against the members' wishes.

TAX TREATMENT OF PHYSICALLY HANDICAPPED

EDNA ANISH, EXECUTIVE SECRETARY, OPEN DOORS FOR THE HANDICAPPED

Tax treatment of the physically handicapped

Urges enactment of an additional $600 exemption for the orthopedically handicapped. Maintains that the average income of the orthopedically handicapped person is $3,400 annually, only slightly above the poverty level. Argues that special employment and personal expenses, such as the additional cost of transportation, housing, domestic help, special equipment and custom-made clothing reduces his income to the poverty level, yet he must pay substantial taxes.

MAX LUPKIN, EXECUTIVE SECRETARY, THE JOINT HANDICAPPED COUNCIL

Additional exemption for the handicapped

Urges the enactment of H.R. 424 (Mills) and S. 1069 (Javits) which provide a $600 tax exemption for income tax purposes in the case of a severely orthopedically handicapped taxpayer suffering from a 40 percent or more loss, or loss of use of one or more extremities. Indicates that these bills also allow deductions of up to $600 for special transportation expenses in going to and from work.

Believes that the enactment of these bills will enable hundreds of thousands of rehabilitated, employable handicapped to go to work and pay taxes instead of remaining on the welfare rolls. Indicates that these bills are intended to include severely disabled employable veterans of present and past wars as well as those employed and employables who have been severely handicapped by disease, amputation and other causes.

TAX TREATMENT OF TREBLE DAMAGES

H. FRANCIS DELONE, CHAIRMAN, CLAYTON ACT COMMITTEE, SECTION OF ANTITRUST LAW, AMERICAN BAR ASSOCIATION

Deductibility of treble-damage payments

Opposes legislation to make nondeductible payments in satisfaction of private antitrust treble-damage claims or actions because:

(1) Such claims or actions are remedial, not punitive. Payments to satisfy them are "ordinary and necessary expenses" deduction for which should be allowed since such deduction does not "frustrate sharply defined national" policy.

(2) The tax laws should not be manipulated to achieve, indirectly, antitrust goals which can and should be achieved directly through the antitrust laws and amendments to them.

(3) Similar payments are deductible.

(4) The antitrust laws are necessarily imprecise; their interpretation depends on complex and difficult economic analysis, allowing a wide range of culpability, so that inequities will result from any blanket rule of nondeductibility of such payments.

(5) The proposed legislation creates possibilities of double taxation and, perhaps, windfall tax treatment, and would contribute to further court congestion.

(6) The proposed legislation raises problems of retroactivity and ex post facto application which cannot be justified on the basis of any claimed deterrent effect.

Opposes any amendment of the Internal Revenue Code which would disallow in whole or in part the deductibility of treble-damage payments. Concludes that such payments, arising as they do in the context of a civil action based on business conduct, should continue to be deductible in their entirety as ordinary and necessary business expenses under section 162 of the Internal Revenue Code.

FOREIGN TAX CREDIT

DR. N. R. DANIELIAN, PRESIDENT, INTERNATIONAL ECONOMIC POLICY ASSOCIATION

General

States that the current controversy over tax reform started with the proposal to extend the 10 percent surcharge and that one of the primary purposes for the surcharge was to reestablish confidence abroad in the U.S. dollar. Believes that it is important to suggest ways in which the balance of payments of the United States may be improved by means of appropriate tax treatment of foreign trade and investment. States that it is necessary to encourage rather than discourage profitable investments abroad, because the United States will ultimately become the beneficiary of the earnings and such benefits. Suggests the elimination of unnecessary hindrances to the expansion of this most important source of income.

States that a number of specific suggestions on this matter are to be submitted for the record.

ROBERT T. SCOTT, VICE PRESIDENT, NATIONAL FOREIGN TRADE COUNCIL, INC.

General

Opposes all of the provisions in the House bill relating to foreign source income. Indicates that alleged loopholes in the present foreign tax credit provisions do not exist. Believes that the enactment of the provisions in the House bill relating to foreign source income would create undesirable precedents for the future. Points out that it has been a long-standing principle of the United States that its nationals are taxed on worldwide income. Indicates that the credit for foreign income taxes imposed on foreign source income has worked well in the past to prevent double taxation and to protect the United States tax property payable on U.S. source income. Believes that the foreign tax credit provisions should not be further restricted by adding complex sections which will only add to the growing uncertainty of the tax burden that must be undertaken by our nationals willing to venture abroad.

Per country limitation restrictions

Recommends that this section be deleted from the House bill. States that this provision would depart from the principles of tax neutrality and would complicate the conduct of foreign operations. Indicates that this recapture provision would penalize nationals conducting operations in underdeveloped nations or risk areas where the possibility of loss from nationalization or expropriation is greatest. States that a loss is a loss whether it is incurred in the United States or in a foreign country and a national, taxable on worldwide income, should not be deprived of the tax effect of such an allowable deduction.

Separate mineral income limitation

Points out that the Treasury has proposed that the provision as contained in the House bill should not be adopted, and recommends that excess foreign tax credits resulting from the allowance of percentage depletion by the United States should not be available against other foreign income.

Concurs with the Treasury recommendation that this provision not be enacted, but opposes the Treasury's alternative.

Points out that this provision would segregate and fragmentize income from foreign operations and apply United States tax on a per item basis rather than treat such income either worldwide or from a particular country, as a unit. States that this provision and the Treasury recommendations complicate already complex tax laws without justification for such a departure in the taxation of foreign source income.

Percentage depletion on foreign oil and gas production

Recommends that this provision in the House bill which eliminates percentage depletion on foreign oil and gas production be deleted from the bill. Indicates that this provision discriminates more heavily against the foreign operations of one particular industry than it does from the domestic operations of the same industry.

Agrees with the Treasury recommendation that this provision should not be enacted with respect to foreign oil and gas production but does not believe that the Treasury's alternative to limit foreign tax credits allowable on a specific type of foreign business income is sound or equitable.

Tax status of the Continental Shelf

Recommends that the tax status of the Continental Shelf be clarified along the lines of the Treasury proposal. Believes that the definition of the Continental Shelf adjacent to a foreign country should clearly include any portion over which the foreign country exercises jurisdiction to grant licenses or permits to conduct operations.

Earnings and profits of corporations

Opposes the enactment of this provision in the House bill. States that if it is enacted, its application should be limited to the distribution of tax-free dividends. Indicates that, in any event, this provision should not apply to the determination of earnings and profits for purposes of computing foreign tax credits, minimum distributions, or when such determination is otherwise required under section 964 of the Code.

Moving expenses

States that this provision in the House bill should be liberalized to eliminate the $2,500 limitation with respect to moving expenses incurred in connection with overseas assignments.

Foreign deposits in U.S. banks

Opposes the enactment of this provision, but suggests that the favorable treatment afforded foreign deposits in U.S. banks should be made permanent and not merely extended throughout 1975 to avoid the continual threat of withdrawal of foreign funds from U.S. banks.

WILLIAM J. NOLAN, JR., UNITED STATES COUNCIL OF THE INTERNATIONAL CHAMBER OF COMMERCE

Foreign income

Recommends a full-scale review of U.S. tax policy with regard to international activities of U.S. corporations. Believes that taxation should be based on the premise that the jurisdiction where the income is produced has the exclusive right of taxation. Urges that pending reexamination of policy, any legislation in the foreign tax area be deferred.

Recommends that if there is legislation affecting foreign source income, the following proposals be considered:

(*a*) An extension of the deemed foreign tax credit to "third tier" foreign corporations;

(*b*) A broadened definition of what foreign taxes may be creditable where a foreign jurisdiction does not rely to the same extent as the United States on an income tax as the major source of revenue;

(*c*) Restraint by the United States in taxing foreign income where the foreign jurisdiction engages in tax sparing to encourage foreign investment;

(*d*) An adjustment in the foreign tax credit computation to prevent distortions in the case of abnormal losses;

(*e*) The elimination of the advance ruling requirements under section 367 for transactions involving foreign corporations;

(*f*) Tolling of the one-year period under section 1034 (for deferral of taxation of gain because of the reinvestment of proceeds from the sale of the taxpayer's principal residence) while the taxpayer is resident abroad on assignment by his employer.

Foreign tax credit

Opposes sections 431 and 432 of the bill as injurious to foreign business and to the development of foreign resources by U.S. nationals.

Opposes singling out the mining industry for restrictive legislation with respect to its foreign income. Argues that if foreign income is to be taxed by the United States, it should not be treated for purposes of depletion or otherwise differently than similar domestic income.

PAUL D. SEGHERS, PRESIDENT, INSTITUTE ON U.S. TAXATION OF FOREIGN INCOME, INC.

Foreign income

Contends that the "per country" method of computing the limitation on the allowable foreign tax credit does not result in any double deduction or any double credit, and proposes the elimination of the provision in the House bill which would deny U.S. manufacturers the use of this provision.

States that requiring a corporation to use the straightline method of computing depreciation for purposes of determining its earnings and profits would create substantial and apparently unintended hardship by reducing the allowable amount of the foreign tax credit.

Proposes elimination of the provision in the Code dealing with income earned abroad from the sale abroad of U.S. products—states that the provisions of the Code of which this provision is a part prevents many smaller U.S. manufacturers from entering the export field.

Suggests the elimination of the "gross-up" provisions of the Code and states that in many cases they reduce the benefit of the foreign tax credit. Believes that foreign "added value" and similar "indirect" taxes be treated as income for the purpose of the foreign tax credit. Suggests allowance of a foreign tax credit for foreign taxes paid on the income of subsidiaries below the second tier when received as a dividend by a U.S. taxpayer having an interest of 10 percent or more in such subsidiary. Also, the allowance of a "tax sparing" credit for foreign income taxes waived ("forgiven") by a foreign government as an incentive for foreign investment.

Surcharge computation

Contends that the "tricky methods" of computing the 10 percent surcharge should be eliminated so that the amount of surtax would not be more than 10 percent of the amount of U.S. tax which the taxpayer would have paid on the same income in the absence of the surtax. States, for example, that such methods impose a surcharge of 14 percent on Western Hemisphere Trade Corporations.

General

Proposes the elimination or amendment of section 367 of the Code, restoration of the 7 percent investment credit, limiting the allocation of the "conglomerate" provisions to acquisitions by domestic (U.S.) corporations, and the adoption of a substantial "Tax on Value Added" to replace in whole or in part the corporate income tax, and its use as a "border tax" as an incentive for U.S. exports.

FOUNDATIONS

DR. JOHN A. PERKINS, PRESIDENT, WILMINGTON MEDICAL CENTER, WILMINGTON, DELAWARE

Tax on investment income on private foundations

Opposes tax on investment income of private foundations, however, not opposed to sanctions to prevent past abuses. Feels that the tax on investment income goes too far—is the same as placing a tax of the same amount on charities since it will have the effect of reducing their receipts by the amount of the tax. States that tax on investment income may increase costs of government.

Tax on failure to distribute income—private foundations

Opposes tax on failure to distribute income. States that foundations must be allowed to accumulate funds for specific projects without Internal Revenue Service approval. Feels that it is wrong to leave private foundations at the mercy of a subjective determination by an Internal Revenue Agent rather than with individuals responsible for and knowledgeable of the intents and purposes for which the foundations were created.

Charitable contributions of appreciated property

Opposes section 201(a) of H.R. 13270 to the extent that it does not permit deduction of contributions of appreciated property up to the increased limitation of 50 percent of adjusted gross income.

States that the provision of section 201(c) of the bill dealing with the donors of certain types of appreciated property to private foundations tends to do nothing more than inhibit charitable contributions and thus, reduce the source of funds for such eleemosynary institutions as the Wilmington Medical Center.

Charitable contributions

Opposes the following provisions of H.R. 13270 which would inhibit rather than encourage charitable contributions.

(1) Section 201(a)—disallowance of charitable deduction for gift of use of property.

(2) Section 201(f)—elimination of the set aside deduction presently allowed estates and trusts.

(3) Section 201(g)—repeal of the two-year charitable trust rule.

(4) Sections 201(e), (f), (h) and (i)—requiring that charitable remainder trusts be either an annuity trust or a unitrust.

(5) Sections 201 (a) and (h)—requiring that charitable income trusts provide an annuity to charity or a fixed percentage of annual fair market value and requiring that the grantor is taxable on the income unless all the interests in the trust are given to charity.

(6) Sections 301 and 302 to the extent that such sections have the effect of reducing the benefit received by a donor from a charitable contribution of appreciated property and require the donor to allocate a portion of the charitable contribution deduction to nontaxable income thus reducing the amount of the deduction.

Concludes that Federal and State governments should adopt legislation which encourages rather than discourages charitable contributions to such institutions, otherwise, governmental bodies will need to provide the services themselves at a cost much greater than the revenue dollars lost by granting incentives to give to charity.

THE PESTICIDE PERIL—LXI

Mr. NELSON. Mr. President, while the problem of the persistency of pesticides is severe, one cannot overlook the basic toxicity of these chemical compounds.

Pesticides are poisons specifically manufactured to kill pests.

A recent issue of Park Maintenance magazine outlines the manner in which the toxicity of pesticides is measured. While the article basically contains technical information, it would be of value to anyone who is interested in more details on pesticides.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEASURING TOXICITY OF PESTICIDES

(By Stanley Rachesky, Extension Entomologist, University of Illinois)

Why are some insecticides more toxic than others? How is toxicity measured?

Let's look at a few of the insecticides that are used and find the how and why of toxic insecticides.

The University of Illinois recommends five basic insecticides. These chemicals will control just about all insect problems. They are:

Sevin (carbaryl LD–50—acute oral 500–850 mg/kg; acute dermal 4,000+.

Chlordane LD–50—acute oral 335–430 mg/kg; acute dermal 690–840.

Diazinon LD–50—acute oral 76–108 mg/kg; acute dermal 455–900.

Malathion LD–50—acute oral 1000–1375 mg/kg; acute dermal 4444+.

Pyrethrin LD–50—acute oral 820–1870 mg/kg; acute dermal 1880+.

The simplest way of expressing the toxicity of a compound is by means of an LD–50 value. Such a value is a statistical estimate of the lethal dosage (LD) necessary to kill 50 percent of a very large population of test animals. Acute oral toxicity ratings are usually obtained by feeding white rats and acute dermal ratings by skin absorption tests in rats or rabbits LD–50 is expressed in terms of mg/kg. This is the number of milligrams of actual insecticide per kilogram of body weight of the test animal.

To express toxicity in practical terms the factor 0.003 times the LD–50 value will give the ounces of actual insecticide required to be lethal to one of every two 187 pound men or other warm-blooded animals. As an example, the oral LD–50 value for malathion is 1200 mg/kg, therefore, if a group of men each weighing 187 pounds at 3.6 ounces (1200 x 0.003) of actual malathion per man 50 percent of them would die. The dermal toxicity LD–50 value of malathion is approximately 4000 mg/kg or for a 187 pound man (4000 x 0.003), 12 ounces.

By comparison, the oral LD–50 value of aspirin is 1200 mg/kg or (1200 x 0.003) 3.6 ounces per 187 pound man, the equivalent of malathion. To give a further comparison, the oral LD–50 value of ethyl alcohol (95 percent or 190 proof) is 450 mg/kg or (4500 x 0.003) 13.5 ounces. If a group of 187 pound men each consumed somewhat more than one quart of 80 proof whiskey in 45 minutes they would not only be intoxicated but 50 percent of them might die.

Toxicity varies with sex, age, weight, health, etc. Therefore, the LD–50 values presented here must be applied with caution. However, LD–50 values are useful in making an objective comparison.

A good general guide to follow:

Acute oral LD–50:	LD–50 for a human adult:
50 to 500	1 teaspoon to 2 tablespoons
500 to 5,000	1 ounce to 1 pint
5,000 to 15,000	1 pint to 1 quart

Let us not lose the proper perspective. These LD–50 values are for 100 percent strength materials. The LD–50 values for the commercial products can be anywhere from ¾ as toxic to almost 100 times less toxic. For example, chlordane is sold anywhere from 10 percent dust to a 74 percent emulsifiable concentrate. Sevin is available as a 50 percent or 80 percent wettable powder, diazinon is a 25 percent emulsifiable concentrate, malathion as a 50–57 percent emulsifiable concentrate and pyrethrin as a ⅓ percent space spray.

Let's take Sevin sold at 50 percent wettable powder. The acute oral LD–50 for the 100 percent strength material is 500–850 mg/kg. As a 50 percent wettable powder the acute oral LD–50 would then be 1000–1700 mg-kg or ½ as toxic and require twice as much material to cause concern.

THINK PESTICIDE SAFETY

1. Read the label. The most important 4 minutes in pest control is the time it takes you to read the label.

2. Do not smoke while handling pesticides. Some are quite flammable.

3. Apply correctly to label specifications and only when necessary. Don't over apply.

4. Avoid inhaling fumes, mists, dusts.

5. Wash off contaminated skin with soap and water. Many insecticides are contact poisons and can be easily absorbed through the skin, especially the eyes.

6. Store pesticides in the original containers and under lock and key. It is better to be safe than sorry especially with all the children roaming around.

7. Destroy empty containers. Break bottles and punch holes in cans to prevent reuse. Paper containers should be burned, being careful not to inhale the fumes while doing so. *Reprinted from the Bullsheet, Vol. 21, No. 11, 1968.*

ENVIRONMENTAL QUALITY: POPULATION AND POLLUTION

Mr. TYDINGS. Mr. President, two of the major problems today confronting our country and the entire world are overpopulation and the pollution of our natural resources.

Thirty-one years from now, in the year 2000, the population of this Nation will swell to 300 million. This presents roughly a 50-percent increase from the 1950 figure of 202 million and is in effect a doubling of people in the last half of the 20th century.

During the middle years of this century, we have managed to pollute our rivers, dump 142 million tons of toxic matter into our air each year, and persist in poisoning our soils and water by the indiscriminate use of certain pesticides.

The result of all this activity is a striking deterioration in the quality of our environment. I think it fair to say that as a nation and as a society we have treated the ecology of our world with less than sufficient respect and care.

These two major problems of population and pollution are, of course, closely related. A part of the latter stems from the increasing demand on our resources placed by an over growing tide of people.

I say a part of the pollution problem only because some of it is the result, quite frankly, not of people but of carelessness, greed, insensitivity, and our heritage of improper land use.

A growing population means more industries, roads, and buildings, towns and cities all of which place a heavy burden on our limited supply of water, air, and land.

A graphic example of this is Washington, D.C., where the tremendous increase in population has overrun our efforts to prevent pollution of the Potomac. This great river is now polluted to a degree as if Washington were a city of 800,000 and had no water quality treatment facilities at all.

The related nature of the population and pollution problems is increasingly being recognized by the public. The two really are inseparable and if we are to succeed in resolving one of them, we shall have to resolve the other as well.

This week a significant meeting took place between representatives of the conservation community and several population groups. They discussed a matter of great interest to all of us, the decline in the quality of our environment, and established what I hope will be a common link.

The primary issue was succinctly

stated by Dr. Hudson Hoagland of the Worchester Foundation for Experimental Biology when he said:

So serious is the question of pollution of land, air and water, the consumption of irreplaceable metals, fuel and natural resources that competent scientists believe the world cannot indefinitely support the 3.5 billion people we have on earth today, let alone the horrendous numbers anticipated in the relatively near future.

I invite the attention of the Senate to this meeting and ask unanimous consent that an article by Bayard Webster, published in the New York Times of October 2, 1969, briefly describing the meeting, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OVERPOPULATION UNITES TWO GROUPS

(By Bayard Webster)

Representatives of leading conservation groups met yesterday with chief proponents of birth control and voluntary sterilization to discuss the problems of overpopulation and the deterioration of the earth's surface.

The meeting, the National Conference on Conservation and Voluntary Sterilization, was the first to bring together conservation and birth control groups to seek solutions to population problems.

Conservation groups, seeking broad-based support for their individual projects, have often been reluctant in the past to enlist the aid of most birth control organizations, which are opposed by many religious groups. Yesterday's meeting was regarded as evidence that almost all conservation groups now accept the population explosion as being close to the roots of their problems.

The relationship of the population explosion to pollution, overcrowding, urban deterioration and environmental destruction was the theme sounded by the scientists who addressed the one-day meeting, sponsored by the Association for Voluntary Sterilization.

The problem of how to support and control a rapidly growing world population was emphasized by Dr. Hudson Hoagland, of the Worchester Foundation for Experimental Biology, when he told the conference:

"So serious is the question of pollution of land, air and water, the consumption of irreplaceable metals, fuel and natural resources that competent scientists believe the world cannot indefinitely support the 3.5 billion people we have on earth today, let alone the horrendous numbers anticipated in the relatively near future."

PROBLEM CALLED DIFFICULT

Dr. Paul R. Ehrlich, author of "The Population Bomb" and Stanford University biologist who had a sterilizaztion operation after fathering one child, said the task of solving the population problem "makes going to the moon a childish prank by comparison."

"Every year there are 70 million more people to feed and house," he continued, "and that yearly number will increase during the next decades. Only a fool would think that we are going to be able to supply food and the other amenities for a population increase of 70 to 100 million people each year for the next 30 years."

Another facet of the problem—the national commitment to growth, both economic and human—was cited by Roland C. Clement, vice president of the National Audubon Society.

"We have fallen prey to the error that production for the sake of production is good," he said. "We must become aware that our growing numbers and the repercussions of our new technology are jeopardizing our future."

The conservation scientists were in agreement on the value of fertility control. The Association for Voluntary Sterilization announced that it had adopted a resolution urging that American parents "adopt as a social and family ideal the principle of the two-child family."

Population experts have often reported that to stabilize population growth in the United States the average number of children a family must drop to two.

Among those who also addressed the conference, held at the Carnegie Endowment International Center, 345 East 46th Street, were Dr. Donald J. Zinn, president of the National Wildlife Federation; Dr. Ivan L. Bennett, Jr., director of the New York University Medical Center; Richard H. Goodwin, president of the Conservation and Research Foundation, and Reward A. Ames, program officer, Division of National Affairs, Resources and Environment, Ford Foundation.

The Association for Voluntary Sterilization, a national organization with headquarters here, conducts a program of education, research and service on voluntary sterilization as a major solution to family and population problems.

TO SAVE THE LAND: ADDRESS BY SENATOR CHARLES McC. MATHIAS

Mr. MATHIAS. Mr. President, on Wednesday evening, October 1, I had the privilege of addressing the banquet which concluded the urban conservation tour sponsored by the Howard Soil Conservation District in Howard County, Md.

I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

You have spent the day as many of you spend your careers: considering the land. I wish I could have joined you for your tour through this beautiful county. As you have seen, Howard County is one of Maryland's most pleasant areas. But, like so many other historically rural counties in Maryland and elsewhere, Howard County is now entering a period of rapid—almost explosive—growth. It is sandwiched between the surging metropolitan areas of Baltimore and Washington. It is the home of the new city of Columbia. It has already become one of our State's crucial arenas for all the forces of growth—and for the cause of conservation.

In many places, the advance of population across the countryside has been as tragic and devastating as Sherman's march across Georgia to the sea. Forests and farms have been torn up with no regard for conservation, beauty or open space. All too often it seems that as the price of acreage soars, pride in the land diminishes, until it has become simply property to be marketed, rather than a natural resource to be preserved.

As a result, too many of our "amber waves of grain" have been replaced by crowded rows of homes. As a result, much of the best topsoil in Maryland is now at the bottom of the Chesapeake Bay. As a result, public officials and concerned citizens in many suburbs must now make yeoman efforts to restore open space to the health it enjoyed when only scattered yeomen lived on it.

Here in Howard County, though, there is still a good chance to channel growth, to anticipate problems and to practice preventive medicine. You have seen today many of the progressive and important efforts underway here, and have met many of the people engaged in this campaign—a campaign not to halt the bulldozers of progress, but to temper their blades and their bite.

It is far easier to prevent environmental blight than to defeat it after it has taken root. We are now learning, to our personal sorrow and national concern, that the cost of decades of national carelessness is huge and that the price of recovery is going to be extremely high. As Alice found behind the looking glass, we have to run as fast as we can to stay in the same place. We are going to have to run twice that fast to make any gains at all.

Consider for example the Potomac River estuary which ebbs and flows in front of Washington, the Nation's Capital. In 1932, before the District of Columbia built its present sewage treatment plant, the Potomac estuary was receiving the raw sewage from 575,000 persons. Now, 37 years and millions of dollars later, the estuary is receiving the equivalent of raw sewage from 674,000 people—a load of pollution one-sixth more than before we started to fight it at all.

The villain of the piece is population growth, aided and abetted by our miraculous technology. Here in Maryland, for example, we are welcoming an average of 222 more people every single day, through natural increase and migration from less favored States—a total growth of some 800,000 during this decade.

Each of those people imposes new demands on our public facilities—our schools, our hospitals, our roads and trains, our water systems. Each new person puts new pressures upon our parks, our open space, our waterways, so that the traffic jams of boats on Chesapeake Bay become dangerous, and the campgrounds at Assateague Island National Seashore have become overcrowded even while this new park is still being shaped.

It has been estimated that for each new person, the urbanized area of Maryland expands by about two-fifths of an acre. In 1960, 550,000 acres of Maryland were in urban use. By 1980, this intensively developed land will have expanded by one-fifth—and it has been estimated that construction activities generate silt which piles up to 3.7 tons per capita.

Technology has compounded our problems. In this consumer-oriented age, every person and the industries and commerce which attend him generate some 9.7 pounds of solid wastes per day—bottles, packages, papers, plastics which are often so ingenious that they are virtually impossible to dispose of. Chemists used to joke about creating the perfect solvent, and having nothing to keep it in. Our problem now is that we have created almost perfect packaging—and have no proper place to throw it away.

So the land must collect all of the refuse of our disposable culture. Along many of our roadsides, we can't see the erosion for the trash. At the bottom of many of our streams, where once we found the geologic strata of the ages, we now find inches of muck and the typical fossils of our age, rusty beer cans.

As Walt Kelly's character, Pogo, says, "we have met the enemy and they are us."

What can we do? The threats to our environment are so various and pervasive that we hardly know where to start. Do we abandon our grubby cities to their ills, and try to preserve what countryside is left? Do we try to protect the land, and let the clouds of air pollution drift across it? Do we clean up our rivers, and forget their shores? Do we command progress to halt until we can catch up with it?

The first encouraging note is that conservation is no longer a lonely cause. It is no longer the career of a few specialists or the crusade of a few outraged idealists. Don Quixote and Sancho Panza have been joined by thousands of public officials and millions of ordinary citizens, and the once-impossible dream of a clean environment—while still a distant goal—has begun to seem plausible. More important, the public interest in saving our environment has every sign of being a lasting commitment.

At the moment, though, we run the danger

XUM

of having too many armies in too many separate fields. Fighting too many skirmishes without any overall leadership or a strategic plan. For example, the Baltimore Evening Sun recently found that Chesapeake Bay has been subjected to more than 1,450 separate studies—more than 800 by the Army Corps of Engineers, and over 650 by other Governmental agencies, scientists and laymen. Yet the Sun concluded, "There are so many studies of bits and pieces of the bay that no one man or group of men knows what all of the reports do or do not say."

Similarly, there have been so many studies of the Potomac River that we could build the Bloomington Dam of books.

Yet somehow research does not always lead to action—and even action by Congress or the states does not lead to results. In 1966, for example, the Congress passed the clean waters restoration act, which made a new national commitment to helping states and cities build adequate sewage treatment plants. Yet, having made this billion-dollar pledge, two administrations and the Congress have somehow failed to follow through and appropriate the funds. As a result, the Federal Government now owes Maryland alone over $89 million, and inadequately treated sewage is still pouring into our rivers and the bay.

There are heartening signs that Congress will approve far more money for this one program this year than in the past. Certainly I intend to fight for it.

There is an important bill now awaiting Senate floor debate. This measure, S. 7, is aimed at three growing environmental problems—oil spills, pollution from boats, and thermal pollution. It would also put new Federal sanctions behind state water quality standards, by requiring that no Federal agency may issue any license or permit for any construction or activity affecting a waterway until the State concerned has certified that water quality standards will be met.

I am sponsoring an amendment to this measure to insure that the concerned public will have a real voice in reviewing such cases, which would include new power plants, dredging and filling, and laying pipes.

But far more important than any isolated piece of legislation, aimed at any one particular ill, is the new trend toward looking at our environment as a whole—toward bringing together for example, all the knowledge contained in those 1,450 studies of the bay, and developing not 1,450 small, separate efforts, but one orchestrated campaign.

The President took a major step this May when he created the Environmental Quality Council, a committee responsible directly to him and charged with overseeing and coordinating all of the Federal Government's myriad efforts which affect the environment. At the same time, the President named a Citizens' Advisory Committee on Environmental Quality to bring to bear the best thinking and broadest perspectives in the Nation.

There are now not one but two separate bills before the Senate to give congressional sanction to this comprehensive approach and to provide the staff and funds required to make such an office a really vigorous, effective advocate for conservation. Somewhat typically, however, these bills have been temporarily snarled in a dispute over Senatorial committee jurisdiction—but the field is certainly large enough for all, and I am confident that such legislation will be enacted this year.

Throughout the country, as on the Federal level, agencies and groups committed to conservation have discovered that they can work best when they can work together. As the dangers to our environment multiply, as public concern increases, more and more are abandoning competition and starting to cooperate. Maryland's natural resources agencies have just been pulled together, for example. Many conservation and sporting groups are forming area councils and designing umbrella organizations broad enough to cover many specific interests with a common goal.

I ask you to consider, therefore, whether the time has come to creat regional councils on the environment—permanent advisory groups which would embrace all of the concerned citizens of a region—organized and un-organized—and all of the levels of government involved. This would include the local officials whose powers and decisions often mean the difference between sound development and chaotic growth.

Such a council, as I envision it, would be more than another organization in the crowd of groups, associations, and emergency committees to save this tree or that watershed. A truly effective regional council could be, first, a clearinghouse for information, the fruits of research and the proposals being debated by state legislatures and local boards.

It could be, second, a forum for debate, and a crucible in which priorities and programs could be hammered out across state lines and organizational charts.

It could be, third, a watchdog, prodding agencies to follow through and citizens to continue their work.

It seems to me that the Chesapeake Bay region, broadly defined and including at least the lower Potomac Basin, could profit from the creation of such a regional, citizen-led council. But an effective body cannot be established by the fiat of any legislator or public official. It must emerge from the people themselves, from their desire to come together to do the conservation job which is far too vast and too urgent for anyone to complete alone.

I urge you, as you continue your specific tasks not to lose sight of the real proportions of the challenge we face. For the job is far more than to protect any single acre of soil: it is to save the land itself.

MINNESOTA EXPERIMENTAL CITY PROJECT

Mr. MONDALE. Mr. President, in the aftermath of our walk on the moon, many people have renewed their calls for a reassessment of our national priorities and a reallocation of our resources to the solution of human problems on this earth. The recent progress report of the Minnesota Experimental City project—MXC—provides, I believe, an opportunity comparable in scope to manned space flight, to focus our almost unlimited technological capacity and business skill in this new direction.

For the past 2 years, a group of scientific, educational, governmental, and business leaders has been engaged in defining the concepts that would underlie the creation of an experimental, new city where men can live in a better, healthier, more rewarding environment, and where technology is really harnessed to serve the needs of all the people.

The MXC progress report details the conclusions of hundreds of participants in a series of workshops and seminars that considered both sociocultural and economic and physical aspects of building a completely new city of 250,000 people by the year 1976.

I have worked closely with this group, and I am proud that such a significant program has been undertaken in my State. I commend this timely and thoughtful report to the Senate and ask unanimous consent that selected parts of chapter one be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

CHAPTER I

THE CONCEPT

Envision the Minnesota Experimental City as a national proving ground for demonstrating the social, economic, and physical capabilities for building cities which will be responsive to changing human needs. Since these capabilities have yet to be demonstrated, a needed focus, as the United States enters its third century, is upon the future relationships of people in urban environments. An experimental city could be a testing ground for new living patterns. These patterns, if their practicability and viability be demonstrated, might enable existing cities to accommodate themselves more readily to the new urban situations.

More than assembling bits and pieces of the present urban structure (as in existing cities), the Minnesota Experimental City seeks to achieve an *overleap*—at once an advance into future possibilities and a break with past constraints—in man's ability to shape his environment and the quality of his life. The City has as its premise that: (1) man can creatively mold his environment; (2) that he can, in a positive and constructive way, unite the resources of private technology with public authority; and that (3) he can reorient social, economic, and physical forces to serve people.

The Minnesota Experimental City (MXC) is conceived as a coordination of relevant technologies into an exhibition of the best of what is now known and an establishment of appropriate relationships within the total urban order. It is conceived as a live laboratory in which innovations can be demonstrated and evaluated, a laboratory concerned with the relationships of urban people and the ease and flexibility of living which might be afforded them. The task confronting MXC is not so much that of overcoming technical difficulties as it is that of defining, at least on an interim basis, the relationships between people and the social and physical systems which are necessary to support them.

The Minnesota Experimental City proposes to create, at a point in time and space (at the geographic center of the North American continent), a new city which will serve in 1976 as a symbol of two hundred years of evolving democratic society—its people, its institutions, and its technology.

A. Goals of the city

Goal formulation was centered on the assumption that the City, like any other modern American city, would respond to basic goals of health, safety, education, and welfare. Beyond this, workshop participants believed it important that the City subscribe to a set of community and human values based on several general assumptions:

The City will encourage citizen participation in evaluation and change and will develop mechanisms for achieving results;

The City will foster social interaction within the various age groups and between groups of different ages, as well as between religious, racial, and ethnic subgroups;

The City will support personal integrity, individuality, and choice;

The City will meet not only the common needs of individuals and groups but also the special needs of subgroups such as the very old and the very young;

The City will provide protection and security; and

The City will foster creative and renewing experiences.

Although how to resolve conflicts between goals is still a major uncertainty, the City

XUM

provides a unique opportunity to anticipate, study, and resolve goal conflicts. It also provides an opportunity to redefine goals over time, to reflect changes in community attitudes, and to pioneer in the field of individual goal achievement.

A set of operational premises, which appear to be at the heart of the Experimental City concept, were derived from workshop discussions:

1. *An open society in an open city.*—Basically, the City hopes to demonstrate that people of different races, incomes, and backgrounds can productively and compatibly inhabit a city. Such a premise immediately raises questions: What would be the criteria for a feasible population balance? How are the people to be oriented? How are criteria to be adjusted in subsequent years? And, How could freedom to move "vertically" as well as "horizontally" be assured in the City?

2. *Technology—social and economic as well as physical—should serve people.*—A given technology of prefabricated structures or of social services can, by itself, serve either a social or an anti-social purpose. The primary concern is whether or not that technology in context serves the human and community goals.

3. *Continuing experimental investigations structured around the growth and development of man and his institutions.*—The Minnesota Experimental City is conceived as an experimental entity primarily concerned with research for future benefits, yet providing information that will be of benefit to existing cities. It would be expected to shape and test new social goals developed on the basis of what can exist in *physically new situations*. The City would be concerned with testing components, plans and ideas in a variety of areas and situations.

The City must be able to change those things that do not work. Its aim would be to learn how to build better cities.—In some cases findings might be generalized to existing urban settings, either in part or in whole; in other cases not.

Already identified by the workshops are numerous studies and experimental projects. [(See Section III, page 16; also Appendix C.)] Many of the proposed projects can probably be sited in existing urban communities; some others will have to be conducted in the laboratory using simulation, gaming, and model building; and still others will be designed to be instituted in the new City itself. The end goal, of course, would be a set of related experiments analyzing and contributing to the realization of an ongoing, viable city.

An intriguing possibility frequently suggested in workshops is delineated in Section IV of this report: the development of close ties between the experiments of the City and those of technology-oriented industries and the advanced social and behavioral science functions in and out of government.

4. *Institutions in the city should develop in an organic response to urban life and change.*—Not all social or physical systems need be frozen before the arrival of the residents. Desirably, those actions which are taken in advance of arrival would present situations in which development might occur most easily and naturally as a response to expressed needs; desirably they would provide frameworks within which human possibilities would be maximized.

5. *The City should be an Information Center*, a center concerned with the handling of information—the gathering, processing, storing, and interpretation of data. Innovative telecommunications network envisioned for the City, a proposed public microfiche library, and an advanced center for learning should attract other activities oriented around information handling.

6. *The City's experimental findings and procedures should reach a wide audience.*—A coordinated information base would be established to serve not only the interests of the Experimental City but also a broad public. Hopefully, the City would become a mecca for students of urban futures and an information source for developers, industrialists and an interested lay public.

B. The city should be a "new" city

A new city is essential because only there would a total systems experiment be possible.—Urban systems are complex and interacting; the bits and pieces of experiments possible in existing communities are no substitute for a total systems experiment. Inhabitants of existing cities and their institutions are deeply committed to the traditional, the status quo; even if it were possible to test some of the subsystems in existing cities, the experiment would fall short of the mark because each system affects the others. Two examples: The level of communications technology affects the necessity for travel, the availability of educational opportunities at home, and the need for a strong concentration of activities downtown. The level of transportation technology affects the demand for communications, the accessibility of educational and other activities, and the need for a strong concentration of activities downtown.

In a new city it is possible to experiment in a coordinated way with a variety of factors:

1. Study and development of the Experimental City and its environs as a complex ecological system could be undertaken. Of concern would be: the "natural" and the "man-made" environment; the areas of population concentration versus the woodlands, lakes and streams and the conservation of land, air, and water; the long-term use of land and its development (if at all), its use in years immediately ahead, and the ways in which long range development goals might be served. Appropriate relationships need to be studied between urban and rural populations and the use of open space, taking into account the increasing public concern for an aesthetic environment and a range of amenities not usually available.

2. New techniques for planning and development could be utilized from which a more efficient urban environment would emerge with orderly growth at a prescribed location and time. Public investment could be scaled to the actual growth pattern and future needs. More efficient relationships could be achieved between work and residential locations, and commercial and public buildings could be more directly related to their functions and the concentrations of people which they serve.

By its very nature, a new city there would have many inherent advantages. Some principal factors are:

1. Land cost would be lower in a new city—particularly if the site were removed from an area currently under development or if it were already in the public domain. Such savings might be used to offset costs of innovation and experimentation.

2. Communities with diverse housing types and sizes could be achieved which might accommodate, more equitably than at present, the full life cycle. It would also be possible to plan and test intermixes of different income and age groups—experimenting with ratios of low, moderate, and upper income residents, and older as well as young and middle-aged householders.

3. Innovation in construction technology might encounter fewer deterrents in the form of customary building codes, ordinances, and regulatory controls. In their stead, a new city might experiment with performance approaches—relying on expert analysis and evaluation of promising materials, equipment, techniques and methods. Important would be development of ways of viewing innovations in their total context or system. Major gains for existing cities might be not only in the published evaluations, but, more important, in more effective techniques for safeguarding public health, welfare and safety.

4. There might be less resistance to change in a *new* city because the population would have been aware of its innovative dimensions in advance of having moved there; they would have fewer established commitments of an economic or socio-psychological nature.

C. The city should be an "instant" city

The Experimental City should be regarded, and perhaps is only possible as an *instant city* in which *a coordinated application of social and physical know-how can be brought to bear* and a *total* city realized as a working demonstration. (*Instant* in this context is interpreted to mean a ten-year period from start to substantial completion.)

The instant aspect of the planning and development of the city is urgent lest new technology make the overleap of today no leap at all tomorrow. For example, a ten-year development period could provide a fair test of current transportation systems; but a thirty to forty year time interval would undoubtedly mean obsolescence of the system before the City achieved totality.

The instant aspect is required to achieve a population level and an economic viability necessary to support initial infrastructure and superstructure costs.

Early returns on the *new* city idea, especially on a city removed from existing population centers, are urgently needed for decisions about future development of the United States. Demonstrated capability for rapid city building is urgently needed to provide the volume of houses, schools, factories and parks necessary for the impending population increases.

D. Functions of the city

Project members conceive the City as an *Information Center* concerned with the handling of information—the gathering, processing, storing, retrieval, and interpretation of data—broader in scope than that usually associated with research and formal education.

Beyond the information center idea, conceptualization is difficult as this City and others will be influenced by current trends as well as changes to become apparent only during the coming decade. Some general trends can be anticipated, such as a reduced role for manufacturing production, a growth of service industries, and increases in technical and professional endeavors. These, when considered in conjunction with the information center, indicate a set of supportive activities in the City to include: education for all ages; entertainment, recreation and cultural components; convention and resort accommodations; governmental service functions; finance; air transport; and merchandising.

After a reasonable take-off period, the City would aspire to economic viability. Such a notion does not preclude the City functioning as a national experimental facility with the periodic infusion of public funds which they might imply. The City would not be overly dependent on any single economic function. Its residents would be able to find opportunities for choice of employment; the City would be no more dependent on public funds than the average city of its size.

E. Location of the city

With modern communications and transportation systems, the City need not be especially close to natural resources or to other population centers. However, to be viable, the new City must assume a natural

XUM

role in its environment, interfacing compatibly with the changing world around it.

Within the context of the urban system (as Borchert and Lukerman point out in their paper on The Setting of Anomalous Places, Appendix B, page 248) there are large degrees of freedom of options, but they are not unlimited.

To assure economic balance and a fresh start the Experimental City should be located outside the commuting range of existing cities. At the same time, economic balance can only be achieved if the location permits the ultimate development of strong social and economic links with the regional network of cities to which it belongs.

During workshop discussions, it was repeatedly suggested that less importance should be given to the geographic distance (initially assumed to be 100-miles) and more value attached to the "time distance" from major population centers. "Time distances" ranging from 45 to 90 minutes travel time to the nearest major population center were suggested. Such a "time distance" should take into account the need—initially and subsequently—for services and amenities, while permitting the City to develop as an integrated unit.

An optimum location (as is noted in the Darwent paper: Towards Criteria for evaluation of Alternative Locations, Appendix B, pages 127–129), is more than that which will maximize the probability of achieving City goals; it should also satisfy the exogenous and endogenous requirements at the lowest cost possible. Such a definition cannot by itself yield an unambiguous, single location. One must raise the additional questions: What are the goals, which interest groups hold these goals, and do they conflict? What are the constraints, and are the endogenous ones justifiable? And once we understand the relationship between goals, can we develop measurements of the degree to which the goals can be, or have been, achieved?

SIZE OF SITE

Two aspects of *size of site* were considered critical in terms of the location of the City and its concept:

1. The size of site necessary for the *City urbanized areas* should be determined by the functions to be accommodated in the City, the nature of the city's technologies, and the desired density and character of residential areas.

2. In terms of the hinterlands of the City, site requirements should be a function of (1) the need to guard against undesired encroachments and (2) the needs of the rural/agricultural environment. A part of the desired balance between rural and urban life will probably be found in the continuing social relationships of the populations and their cultural interchange.

One possibility is that the new City depart from the present practice of ever-extending suburban accretions in favor of open space for recreation, for agriculture, for beauty and for ease of living. Related to this possibility would be the critical issue of whether lands currently in the public domain (park, conservation, forests, etc.) could be maintained in such use—assuring against undesirable and wasteful use of land and water. Man cannot improve the quality of life and simultaneously destroy his environment.

F. Intervention[*]

The obligations implicit in the above objectives are formidable. The tasks are attainable, even though they are of a high order of magnitude. Further, except for an Oak Ridge, or a Los Alamos (both built with priority directives during a national emergency), the blueprint for building a city *de novo* is virtually uncharted. No earlier day river-rail-and-turnpike-junction is going to catapult the new City into fulfillment; rather, only through intervention of the highest order is it likely to be achieved.

A basic premise of the study, then, is that a cooperative, coordinated intervention will be brought to bear, that it will involve business and industry, academic institutions, and State and Federal governments.

The project team envisions a unique partnership in which the social, economic, and physical concerns of both the private and public sector are involved; a partnership through which private technology is united with the broad resources of public authority toward a common goal, human betterment in a new city.

H. Objectives of national significance

The laboratory aspect of the Minnesota Experimental City has particular meaning for a number of *national* objectives, both now and in the future:

1. Demonstration that a city could be undertaken *de novo* and brought to realization within a five- to ten-year period would open up new alternatives for accommodating the increasing populations of the nation—alternatives to the current trend of increasing densities and of burgeoning megalopolitan growths. Dispersal of the population and urban settlements would be brought a step closer with the demonstration that one can open up new areas of the countryside and can find ways to establish a reasonably self-contained community at a distance from the existing megalopolis. New economic opportunities could be brought to the countryside and a more balanced national economic development achieved.

2. The benefits of technological innovation beckon, but cities across the nation are wary of the costs involved and the accelerated obsolescence of existing public and private investments. Further guarantees of successful application are lacking or insufficient. If social, economic, and physical models of the city were to be continuously updated, tests could be run and impact studies could be made on a variety of innovations with a view toward exporting the more promising ones to existing cities.

3. Conservation of land, water, and air has become a matter of increasing national concern as urban and suburban development has taken its toll of farmlands and woodlands.

A desirable policy would be concerned with land reserves for future development and the management of such lands in the intervening years in the interest of the people. The technique of designating and acquiring land is obviously a knotty problem. A related concern is the protection of urban hinterlands and the rural countryside from spoliation in the urbanization process.

Several features of the Minnesota Experimental City effort make it peculiarly suitable for investigating some of these very problems: The City would be established in the public interests, not in narrowly defined real estate or builder interests; its separation from existing urban concentrations would isolate it from many vested interests and permit it to gain control over the future use of its hinterland; there are large areas of publicly held (mostly State) lands, many of which might satisfy criteria for site selection; still other public lands (existing State and Federal forests, preserves, wild rivers, and recreation parks) not only provide a high level of amenities for future residents, but suggest ready techniques for management of the City's hinterlands.

4. Within present cities, land use and redevelopment controls frequently do not work for acknowledged objectives; it is essential to overhaul them in the light of new patterns of living and working, and new organizational relationships. In a new city, one might find ways of getting at land use policies—ways which, for instance, would be more concerned with three-dimensional relationships and uses, and less pre-occupied with two-dimensional geographic delineations of segregated uses.

5. The population mix and the grain of residential communities can be readily experimented with in a new city, and a new basis for ordering community life and residence could be derived.

6. Construction techniques, including industrialization, could be developed and tested in a new city.

One area for experimentation would be the much discussed but seldom tried concept of building housing and other structures for a limited life span. Housing for the 15,000- to 20,000-man construction force, for instance, might be put in place for an expected life of 10 years; other housing, for an intended use of 20 years, with specific provisions made for evaluation, future demolition, and replacement. Limited-life housing would provide built-in flexibility in the city's framework and allow changes as new concepts and technologies become available.

I. international significance

Problems of population growth and press in towns and cities are worldwide. Increasingly, there is a commonality of concern for the urban situation and for understanding the deterrents to creating truly gracious living for all men.

The Experimental City would not only be an exhibition of physical things, but also a model for our democratic society. The City would not gloss over the social issues with which the nation is confronted, but it would endeavor to demonstrate the dimensions of social problems and some realistic measures being tried to obviate or alleviate those problems.

SENATOR HART PROBES IMPACT OF PESTICIDES

Mr. NELSON. Mr. President, the chairman of the Subcommittee on Energy, Natural Resources, and the Environment of the Committee on Commerce, Mr. HART, has been conducting a series of significant hearings on the effects of pesticides on sports and commercial fisheries.

With increasing national concern about the effects on our environment from the continued use of persistent pesticides, I am sure that Senator HART's investigation will contribute a great deal toward developing a better understanding of the nature and scope of the pesticide problem.

When the subcommittee opened its hearings in Washington last May, I was privileged to testify in favor of improved controls of DDT and other persistent pesticides. Now the investigation has moved to the Great Lakes region, where the problem of pesticide pollution is endangering the future of sport and commercial fishing on Lake Michigan.

During hearings earlier this week in Lansing, Mich., Dr. Joseph Hickey, of the University of Wisconsin, linked the potential extinction of the American bald eagle, the pelican, and the peregrine falcon to persistent pesticides.

Other testimony cited the impact of DDT on the water quality of Lake Michigan and outlined steps that the State of Michigan has taken to cope with the growing problem.

---

[*] Intervention is used here to mean those actions which are necessary to alter the social and economic as well as the physical environments to achieve otherwise unattainable goals.

I ask unanimous consent that a report of the Michigan hearings, published in the Stevens Point, Wis., Daily Journal, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESS URGED TO OUTLAW HARD PESTICIDES

LANSING (AP).—Citing evidence that hard pesticides are hazardous to North America's bird population, a University of Wisconsin ecologist Monday urged Congress to outlaw DDT.

Appearing before the Senate Subcommittee on Energy, Natural Resources and the Environment, Joseph J. Hickey said:

"We have lost the brown pelican on the west side of the Gulf of Mexico, and we will lose it on the coast of California. We have lost at least 95 per cent of our nesting peregrine falcons—perhaps the supreme example of avian evolution—in the United States south of Canada. We are going to lose our national bird, the bald eagle, as a nesting species on the shores of the Great Lakes.

"These are pollution effects of DDE (formed by the breakdown of DDT in the environment). Unless the Congress is prepared to outlaw the use of DDT in this country, this process of environmental degradation will continue—and we will turn over to our children an impoverished environment which will require centuries for its restoration," Hickey stated.

While Hickey concentrated his testimony on the effects of DDT on birds, W. F. Carbine, regional director of the U.S. Bureau of Commercial Fisheries at Ann Arbor, told the subcommittee that it is essential to outlaw hard pesticides if commercial and sport fishing is to be maintained in the Great Lakes.

Already, Carbine noted, there are sufficient concentrations of DDT in the Great Lakes to "affect the reproduction of certain species," including the Coho salmon.

Dr. Harold Tanner, who was responsible for the introduction of Coho salmon in the Great Lakes, added that the pesticide problem is "much worse than we're aware of."

A. Gene Gazlay, assistant director of the Michigan Department of Natural Resources, urged the committee to amend the Federal Water Pollution Control Act to include pesticide levels as a means of determining water purity.

Gazlay suggested that the best means of determining the level of pesticides in interstate waters would be to measure residues in fish.

"Limits of contamination are given for fish rather than water because the permissible concentration in the water is not known," Gazlay said, adding that the permissible water level might be as low as one part per trillion.

Following the recommendations of a Lake Michigan Pollution Enforcement Conference, Gazlay suggested that "the concentration of DDT in the fish should not exceed one part per million (ppm), DDD should not exceed 0.5 ppm, Dieldrin should not exceed 0.1 ppm, and all other chlorinated hydrocarbons, singly or combined, should not exceed 0.1 ppm."

"The above values for DDT and DDD are based on evidence that Lake Michigan fish apparently exceed these levels, while fish of the other Great Lakes and inland waters do not," Gazlay said.

Michigan recently denied the registration of DDT in Michigan for all but a few public health uses.

"When research supplies scientific solutions with regard to other pesticides, we will take similar action under our present laws," declared John Calkins of the Michigan Department of Agriculture.

INVALIDATION OF UTAH'S CALL FOR CONSTITUTIONAL CONVENTION

Mr. TYDINGS. Mr. President, an editorial published in the Baltimore Sun comments upon the recent Utah Federal Court decision invalidating Utah's call for a constitutional convention. I agree with the Sun that—

> The one-man, one-vote mandate should not be open to successful attack by those who unfairly benefited from the former malapportionment.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONVENTION CALL

Those who have been seeking to petition Congress to call a federal constitutional convention to overturn in part the results of the Supreme Court's one-man, one-vote decision had seemed quite recently to be on the verge of success. Thirty-three states had petitioned for a convention—only one more was needed. Now the tide has apparently turned.

Last week, in a statement to the Senate, Senator Tydings drew attention to two possibly decisive actions. First, a federal district court invalidated Utah's petition for a constitutional convention because it was adopted by a malapportioned legislature. Second, the attorney general of Oklahoma ruled that his state's petition had expired.

An appeal can be taken in the Utah case, of course, and court action can be brought in the Oklahoma case. But the two have opened the door for court proceedings against a possible 20 of the state petitions that have been filed for a convention call. Maryland could be among the 20—the Maryland petition for a convention was adopted in 1965 but the Legislature was not brought fully into line with one-man, one-vote until 1967.

For years many state legislatures refused to take steps to end the malapportionment of the voting strength in their respective bodies. The Supreme Court finally took the matter in hand. But before the court's order's were put into effect, some of the malapportioned legislatures adopted petitions for a convention call, at the behest of rural areas which held majority votes but not population majorities.

It is that situation to which the Utah case was directed, and properly so. The one-man, one-vote mandate should not be open to successful attack by those who unfairly benefited from the former malapportionment.

NEIGHBORHOOD DEVELOPMENT PROGRAM

Mr. MONDALE. Mr. President, on September 25, 1969, several Members of the House circulated a letter and discussion paper to their colleagues in which they pointed out the importance of the neighborhood development program. These Members expressed concern over proposed restrictions on this program which the administration is reportedly considering.

I share these concerns, and I have sent a telegram to Secretary Romney urging HUD to do nothing which would restrict the operation of the NDP.

HUD maintains that the basic problem with NDP is that it has generated a demand for funds which far exceeds the money available to the program. Yet, despite the fact that there is an available authorization for urban renewal of $1.4 billion which could be appropriated for fiscal year 1970, the administration only requested an appropriation of $1 billion. Since Congress appropriated $750 million in advance for fiscal year 1970 last year, the administration's request amounts only to $250 million in new appropriations.

I recognize that it will not be possible to meet all the requests for conventional urban renewal and NDP, even if Congress appropriated the full amount authorized. However, with this type of appropriation, it would be possible to take care of a sizable portion of the total demand.

What the administration should do, then, is to push for full funding of these programs, rather than seeking to curtail NDP as a means of solving the problem. I will, of course, do what I can to convince the Senate of the importance of passing an appropriations bill which contains full funding in fiscal year 1970 for urban renewal and NDP.

In the meantime, it is essential that HUD do nothing to restrict the NDP program by issuing new guidelines.

Mr. President, I ask unanimous consent that my telegram to Secretary Romney and the letter and discussion paper prepared by Members of the House be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

OCTOBER 3, 1969.

Hon. GEORGE W. ROMNEY,
Secretary of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: I am most concerned by reports that guidelines for the neighborhood development program are in the process of being changed by your department.

It is my understanding that the proposed changes would restrict the funding, size, and execution time for NDP, which could impair the operation of NDP as well as the Model Cities program.

I urge you not to implement these changes. If the administration would seek full funding for all urban renewal programs in FY 1970, much of the pressure on NDP would be relieved. I will strongly support such a request for additional funds for these programs.

Sincerely,

WALTER F. MONDALE,
U.S. Senate.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 25, 1969.

DEAR COLLEAGUE: As you know, Mr. Lawrence M. Cox, Assistant Secretary for Renewal and Housing Assistance, postponed his appearance at a Department of Housing and Urban Development Congressional briefing, which was to have been held at 9:00 a.m., Thursday, September 25, Room 135, Cannon House Office Building. Assistant Secretary Cox had planned to discuss *Urban Renewal Problems*, such as conventional urban renewal, the Neighborhood Development Program, code enforcement, demolition, interim assistance, and community renewal programs. We are told, however, that Assistant Secretary Cox will appear at a HUD Congressional briefing "sometime in the near future."

Because of the grave concern expressed by many of us, mayors, and citizens of hundreds of cities throughout the Nation, over the status and implementation of some of these programs, we urge two things: (1) that you, or a member of your staff, attend this important meeting when Assistant Secretary Cox is rescheduled to appear; (2) that you make your views known on the Urban Renewal problem to Secretary George W. Romney and Assistant Secretary Cox, as soon as possible.

We make this suggestion for the following reasons:

1. Urban renewal, which is so vital to improvement of our cities, is in serious financial trouble with application backlogs for all types of renewal far in excess of what can be satisfied by current requested appropriations.

2. The Housing and Urban Development Act of 1968 created the Neighborhood Development Program (NDP) under which cities at their own expense and pursuant to certain guidelines promulgated by HUD, were encouraged to prepare applications for funding. The NDP was designed to accelerate the renewal process. This program now faces the possibility of being scrapped.

3. Because HUD is undertaking a major management review of NDP and regular urban renewal, it is certain that the guidelines formerly set forth by HUD, and which were relied upon by many cities, are in the process of change. This would result in further delay, cost, and confusion to the city applicants, defeating the original promise of the NDP.

4. More than the future of NDP is at stake. If NDP guidelines are changed at this time, the result will be a deleterious effect on other programs, such as Model Cities. HUD's proposed guideline changes would play havoc with many model city programs that have adopted NDP as a major component. Sharp restrictions on the funding, size, and execution time for NDP could upset the balance of federally assisted and innovative local programs on which the success of model cities depends.

We feel that there should be a thorough airing of the entire NDP concept and how it is being handled before any proposed restrictive changes by HUD be put into effect. Thus, we have prepared, for your review, a discussion paper (attached), covering in detail: What is NDP? Why did the 90th Congress find NDP attractive? What has HUD done, and is about to do, and What are the alternatives?

Since every Member of Congress is in some way directly affected by the problems of our cities, we hope you will attend the planned HUD briefing on Urban Renewal Problems, to hear what Assistant Secretary Cox has to say, and make your views known to him and Secretary Romney in the meantime.

Sincerely,

JOHN BRADEMAS,
DANIEL E. BUTTON,
DONALD M. FRASER,
CHARLES W. WHALEN, Jr.

MEMORANDUM

To: Members of Congress.
Re: Discussion paper on the neighborhood development program.

I. WHAT IS NDP?

The Neighborhood Development Program (NDP) is a new set of rules for carrying out urban renewal enacted in the Housing and Urban Development Act of 1968. It is a method of placing a premium on action, and, if fully implemented, will cure the phenomenon so prevalent in many communities, where urban renewal activities, due to their slowness, have at times compounded the problems they were supposed to solve.

Unlike the conventional urban renewal program, NDP does not require a lengthy period to develop elaborate plans before renewal activities can begin. Rehabilitation and rebuilding activities in areas of severe dilapidation are permitted and encouraged concurrently with the development of a longer range plan.

Since NDP provides for annual funding (or biennial as proposed by the House Banking and Currency Committee in the Housing and Urban Development Amendments of 1969), this puts a real premium on localities, using the funds approved for their program each year.

In communities where renewal progress is impaired for any reason, the funding for the next incremental funding cycle can be scaled to what the new level of activity requires. In communities experiencing better than expected success, their next funding increment can be adjusted upward. Hence, the new rule for urban renewal funding from the localities' point of view is "use it or lose it"—do well and be rewarded.

II. WHY DID THE 90TH CONGRESS FIND NDP ATTRACTIVE?

Some of the features of NDP which the 90th Congress found particularly attractive are the following:

1. NDP returns control of the physical development of cities to local residents and elected officials. Under traditional urban renewal, once citizens and their mayors and councils approved a project they turned over control to their local renewal authority and, in effect, surrendered any right to give continuing direction to the project during its lifetime, which might be 10 to 15 years. In contrast, NDP requires an annual (or perhaps two-year) action program which is subject to approval by local elected officials.

2. NDP projects are funded on an annual basis. This point is responsive to our grave concern over the fact that traditional urban renewal funding is based on a grant reservation system under which HUD reserves out of appropriated funds all the federal cost of a 10–15 year project in the year the project begins. This grant reservation system has resulted in the tying up of vast reserves of funds, which now total $4–$5 billion. This fact has often been used as a reason for opposing budget requests for annual appropriations.

3. An integral part of the NDP approach is the option given localities of converting unspent funds from traditional urban renewal projects and applying them to the cost of new NDP projects. This enables communities, in effect, to finance the first few years of new projects out of their existing grant reservation for an older project. This is done in lieu of submitting an application for a new conventional project which would have to take its place at the end of a $2 billion backlog of applications. The conversion process should also begin to reduce the large unspent reserve which is of such great concern to us.

III. WHAT HAS HUD DONE, AND IS ABOUT TO DO

To date approximately 300 communities have indicated their desire to start a new NDP project and/or transfer existing projects over to the new NDP system. Only 35 communities receiving NDP approvals during FY 1969.

Since April there has been a virtual halt in approvals. In addition, in an effort not to further compound the demand for scarce funds, HUD regional offices have been instructed not to accept additional NDP applications beyond those known to be in preparation.

The Bureau of the Budget has reportedly told HUD that it may spend a maximum of $150 million for new NDPs and $175 million for the 35 cities already in the program from its total FY 1970 urban renewal appropriation.

HUD has been conducting a major management review of NDP and regular urban renewal in an attempt to find a way to meet the demands of all current and proposed projects with the limited funds available. Examples of elements proposed for inclusion in HUD's management plan are the following:

For new NDP cities—

1. Limit NDP funds in this fiscal year to no more than $1 million per city.

2. Restrict the size of an NDP area to no more than 20 acres.

3. Permit no more conversions of conventional renewal projects to NDP.

4. Require that execution of a project be completed within two years, except for unusual circumstances.

5. Require that 80% of the funds for a project be committed in its first year.

6. Limit expenditures for public works to not more than 20% of the federal share of of project, plus an additional amount equal to the portion of the local share which is paid in cash. In a project which is made up of ⅔ federal and ⅓ local shares, the public works spending could range from a low of 13% (20% of the federal ⅔ share) to a high of 46% (13% plus the entire local ⅓ share in cash).

7. Restrict action within an NDP project to activities which might be completed within one year, such as code enforcement and rehabilitation.

8. Treat any proposal which spends more than $1 million, involves more than 20 acres, and/or requires more than two years in execution as an application for a conventional renewal project, thus placing it in the pipeline of some $2 billion in unfunded requests.

For the 35 existing NDP cities—

1. Limit existing NDP projects to less than half of their first-year expenditures, regardless of need.

The ultimate outline of HUD's plan is not known. However, unless substantially more funds are secured for urban renewal, it is likely that many of the provisions listed above will be included.

Many of the approximately 300 pending NDP applications propose to treat project areas of several hundred acres and to spend several million dollars during the first action year. If HUD enforces its proposed management plan, it would take these localities many years to do what they now count on doing this year.

IV. WHAT ARE THE ALTERNATIVES?

It is clear that renewal programs, including NDP, will be short of funds in FY 1970. HUD did not request adequate funding for them. HUD did not adequately explain or vigorously defend what it did request prior to action on the House Floor. Consequently, the House voted $100 million to go with $750 million of advance appropriation carried over from last year for a total of $850 million for all urban renewal programs (old-style renewal, code enforcement, CRP planning, etc. *plus* NDP.)

If subsequent action does not increase the appropriation for all renewal activities, HUD reportedly plans to allocate less than $300 million (of the $850 million) for NDP for FY 1970. This represents only about ¼ of the NDP demand for FY 1970.

Cutting back new NDP funds to ¼ of demand is serious, but to do it by implementing the HUD management plan described in III above is far more so. In fact, such provisions of that management plan as a 20-acre-per-project limit and an embargo on conversion of grant reservations would remove the very features of NDP which most appealed to the 90th Congress. If HUD implements this management plan the program would no longer be NDP, and HUD should cease calling it such. What would be left might properly be called "first aid" or "emergency relief", but not NDP.

A number of steps could be taken to bring funding and demand more into balance without altering the concepts of NDP:

1. Obviously a larger FY 1970 appropriation would help. The Senate is being urged to increase the House figure of $100 million to $837.5 million, which, when added to the

XUM

$750 million advance appropriation, would give a total of $1,587.5 billion.

2. HUD could administratively increase the percentage of the total urban renewal appropriation which it allocates to NDP.

3. HUD could permit cities to convert grant reservations from traditional renewal projects to NDP projects. (The 35 cities already in the program have used $2 of such conversions for every $1 from FY 1969 appropriations.)

4. Utilizing all the above to increase funds, HUD could then approve as many pending NDP applications as funds would allow and hold the remainder for nine months till FY 1971. (This would be painful for those who had to wait, but at least they would be getting into the program they applied for; and they would lose part of that nine months anyway in revising their application if the HUD management plan is imposed on them.)

If after maximum feasible utilization of the above it was still necessary to change regulations applicable to NDP, three things should be made clear: (1) such changes were temporary; (2) in FY 1971 HUD would be returning to the program as passed by the 90th Congress; (3) HUD would request and fully justify a $2 billion level for urban renewal, of which at least $700 million would be for NDP.

NOTE

H.R. 13827, as reported by the Housing Subcommittee would point HUD toward some of the alternatives discussed here. It provides for:

1. $2 billion in added authorization for urban renewal available July 1, 1970.

2. A definite minimum percentage of total urban renewal funds earmarked for NDP.

3. Local project funding periods for two years rather than one.

We feel these provisions of H.R. 13827 particularly deserve your support.

PRIVATE ENTERPRISE AND HOUSING REHABILITATION

Mr. JAVITS. Mr. President, an article published recently in the Harvard Business Review discusses with great insight the challenge to private enterprise of rehabilitation in our urban centers. Eli Goldston, the author of this article on the Boston urban rehabilitation project and president of Eastern Gas and Fuel Associates, explains in great detail how the company he heads took a leading role in an outstanding example of rehabilitating decaying inner-city apartment structures.

As Mr. Goldston indicates, there is an important role for a private company willing to serve in the public interest in its community. Housing rehabilitation, in particular, offers a unique opportunity for business know-how and investment. It is crucial, of course, that any corporation which enters this field be particularly sensitive to the community in which it is operating and must view the effort as a "joint venture" with the residents. Within that context there is almost unlimited opportunity for jobs and entrepreneurship for minority persons who live in the area. For the investing corporation there is the chance for developing new markets for their products—as Boston Gas did—and for substantial tax benefits.

It is important that Mr. Goldston should emphasize the role of the real estate "tax shelter" as an incentive to this sort of private investment in innercity rehabilitation. At present, the Committee on Finance is considering the House-passed tax reform bill, which would make substantial changes in those provisions of the Internal Revenue Code. As I testified to that committee, I believe it essential that we should not eliminate present tax incentives for housing without the enactment of alternative incentives for increasing the supply of housing for low- and moderate-income persons. At this time the housing industry is in a period of serious recession, and we are farther from our national housing goal than we were when the 1968 Housing Act was passed.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Harvard Business Review,
September–October, 1969]

BURP AND MAKE MONEY

(By Eli Goldston)

(NOTE.—BURP may not be the most dignified of acronyms, but it holds its figurative head up high as easily the outstanding example in this country of rehabilitating decaying inner-city apartment structures. Eastern Gas and Fuel Associates, which took the leading private role in the Boston Urban Rehabilitation Program, has been besieged with requests for information on how it can be done. This article gives the answers.

(Mr. Goldston is President of Eastern Gas and Fuel Associates. While practicing law in Cleveland, he became associated with Midland Enterprises Inc., and he was President of that river barging company when it was acquired by Eastern in 1961. Mr. Goldston was named President of the parent company (which is also engaged in ocean shipping, coal mining, and gas distribution) in 1962 and Chief Executive Officer in 1963. He has served on the boards of many companies, social agencies, and cultural enterprises.)

The delegation comes in—typically consisting of a financial expert, an administrator, and an engineering-operating man—asking us the standard business questions of men in their specialties. They represent a company whose corporate conscience is being nagged about social involvement, and they have heard that we have some expertise to share in the field of large-scale, low-income urban housing rehabilitation.

We have made this date with them; we have assembled in a conference room; and now the questions begin:

The financial man wants to know how we arrived at the value of the equity, what the problems are in getting interim financing, what the interest rate is likely to be, whether any difficulties with bonding or insurance are expected, what a pro forma P&L statement looks like, and how the spillover tax shelter works.

The administrator asks us to take him through the intricacies of the National Housing Act, to differentiate between Sections 221(d)(3) and 236, to show him the forms necessary for initial endorsement, to tell him what happens at the time of commitment, to describe the advantages of a limited partnership over a general partnership, and to offer an opinion on whether it is better to work directly or through a specially organized subsidiary.

The engineering-operating man is naturally concerned with the actual work on the structures, invariably probing for information on new techniques or materials in housing rehabilitation which he has heard can achieve dramatic economies of time and money. He asks about mass production approaches, prefabrication, the durability of materials, and the quality of workmanship.

These are important questions, and we answer them as well as we can, digging into our memories and files for information. When we have done our best with their questions, we ask some of our own:

What has been the ethnic succession pattern in the neighborhood you're talking about?

Can you tell us anything of family sizes, their economic levels, and the scope of the possible program with relation to the total community?

Is your mayor on speaking terms with not only the municipal renewal agency but also the regional FHA and HUD officials?

Is the city flexible and progressive with respect to its building code?

Are you acquainted with some local community (which usually means black) contractors, real estate operators, lawyers, and construction workers?

What are the attitudes and effectiveness of the neighborhood institutions, particularly any weekly newspapers?

This is when their education in the realities of urban housing rehabilitation begins to begin. It continues as we put on a side show of the successes and mistakes of our project, the Boston Urban Rehabilitation Program (BURP).

Often they fail to grasp our point until later, perhaps at lunch, when the head of an all-black development team, invited to meet the visitors, instructs them on the benefits of double declining balance depreciation, and the black real estate manager describes his method of keeping tenants advised about the progress of the work.

Our most important message for visitors is that an understanding of the sociopolitical factors—particularly recognition of the ghetto's "do-it-ourselves" requirement—must come first, and the financial and legal questions come last.

Front-line experience in urban housing rehabilitation is clearly a sought-after commodity today. Since the announcement nearly two years ago of the participation by Eastern Gas and Fuel Associates and its subsidiary, Boston Gas Company, in BURP, nearly every day has brought a call or a letter asking for information, seeking an opportunity to come, hear, and see, or pleading for someone to fill a speaking engagement.

These inquirers want to learn about this first involvement of a major business organization in a joint housing venture with a number of small real estate developers and the federal government, where the motivations of both private profit and social good seem to have been merged successfully.

We say our participation in BURP demonstrates that it is possible to do well by doing good. We have done "well" by combining the tax benefits afforded to the parent by real estate investment with increased gas sales made by the subsidiary. We have done "good" by helping significantly in the effort to rehouse a major segment of Boston's black community.

OPPORTUNITY KNOCKING

These days, almost every publicly held U.S. company feels some unease concerning its role in the problem areas of our society. Thoughtful businessmen increasingly are examining corporate actions that may have contributed to the problems, and at the same time they are searching for ways for the corporation to serve—preferably highly visible ways.

More recently there has developed an equally vague awareness that in the problems lie opportunities. More and more businessmen accept the notion that no one really benefits from squalor and poverty. They believe that the deprived segments of our society present untapped markets—if only these segments could be helped to join the buying throng!

And if this questioning had not been self-generating, it would have been stimulated by the shared and expressed convictions of both major political parties that business must become more directly involved in the solution of social problems. Augmenting these expressions of conviction are the federal government's many direct and subtle ways of exerting pressure and the demands of the more outspoken blacks.

Businessmen and public officials alike, for reasons that are almost self-evident, have settled on inner-city housing—especially the rehabilitation of substandard housing—as one of the first areas where the muscle and money of business can very effectively assist. Such diverse political figures as President Nixon and the late Senator Robert Kennedy have reached the same conclusion: corporate involvement in inner-city housing must be generated if we are to attack our urban problems effectively.

This is truly a task of great urgency and magnitude. According to a study by the Kaiser Committee in 1968, "about 7.8 million U.S. families—one in every eight—cannot afford to pay the market price for standard housing." The report also estimated that "6.7 million occupied units are substandard dwellings—4.0 million lacking indoor plumbing and 2.7 million in dilapidated condition."[1] Most informed persons agree that there are certainly 3.4 million units in our cities which need rehabilitation.

While the employment drive of the government-business alliance has set a target of hiring 600,000 hard-core unemployed over the next 10 years, the housing goal has been set at 26 million standard dwelling units over the same period—a rate astronomically beyond the present construction rates. This housing gap obviously is too wide for government alone to close.

The vague notion of market opportunity has crystallized for many companies in estimates of the need for new bathroom fixtures and kitchen appliances, wallboard, glass, hardware, and the whole range of building materials except for heavy framework essentials. The F. W. Dodge Company states that the current rehabilitation market represents a $12 billion opportunity (including the market for new and increased utility services in areas where the basic piping and wiring already has been installed).[2]

Rationale for rehabilitation

While the lure of involvement in new housing construction has been tempting, there is a powerful rationale for rehabilitation that seems particularly appealing to big business. Malting deterioration, preserving the preservable, and salvaging the structurally sound are concepts satisfying to the prudent businessman. He may be quite willing to destroy the dilapidated and build anew, but he likes to think that more can be accomplished for less by rehabilitation.

It also seems to be a speedier solution. With no need for site acquisition or clearance, installation of utilities, or major planning, design, and construction, the inventory of standard housing units could be rapidly swelled by refurbishing the old.

Finally, there is the argument that rehabilitation avoids displacement or dispersal of residents and preserves whole communities with their existing services.

Inasmuch as rehabilitation historically has been carried out by small contractors, big businesses have been encouraged to believe that they could effect vast economies by bringing to bear their know-how and technology. The convergence of all these pressures, lures, and changes in attitudes has resulted in the persuasion of a fair number of large companies to venture into the rehabilitation of middle- and lower-income housing. The best-known projects have been these:

Warner & Swasey Company rehabilitated a 40-year-old apartment building in the Hough area of Cleveland into 13 living units with three bedrooms each.

Smith, Kline & French Laboratories assisted the developer who rehabilitated 210 living units in 70 structures near the SKF factory and administration building in Philadelphhia.

Allegheny Housing Rehabilitation Corporation, financed by a number of Pittsburgh's major corporations, as a demonstration of financial feasibility rehabilitated 22 substandard row houses and provided 22 families with decent housing at rents only slightly higher than before.

United States Gypsum Company, in a demonstration of modular prefabrication, rehabilitated in 48 hours a New York City tenement building containing 32 units by dropping preassembled kitchen and bathroom modules through a hole cut in the roof.

None of these early efforts, or others (to the extent that details have been made available), seem to have been profitable. Of course, several were only demonstrations, but even their costs appear to have run very substantially over estimates. All of them also have been quite small in relation to the needs of their respective cities.

Beyond the marketing, operational, and social attractions of rehabilitation, however, there is the more sophisticated financial consideration of the "spillover" tax shelter in real estate investment which industrial companies have hitherto seldom considered in their analyses of profitability.

They are just now learning about this dynamic, which has motivated private investors in commercial and upper-income residential development for many years. They are discovering the relation of land values to cash flow, the leverage achieved by esoteric ways of financing (like "bobtailed mortgage debt"), and the benefits of capital gains at disposition.

The only major program of ghetto housing rehabilitation where all these considerations played a significant part in producing a profitable project is BURP. Since we encountered a wide range of the problems inherent in each facet of such involvement, made every possible mistake, and emerged with some solutions and many judgments, it is not surprising that companies contemplating ventures in housing want to hear about BURP.

Large demonstration

What has come to be known as the Boston Urban Rehabilitation Program (BURP) had its genesis in the early fall of 1967, when the Department of Housing and Urban Development (HUD) decided to conduct a large demonstration of rehabilitation in the Roxbury-Dorchester section of Boston under Section 221(d)(3) of the National Housing Act of 1961.

The BURP designation was originally limited to describing the allocation of $24.5 million in federal funds to five private developer-sponsors to rehabilitate 2,000 apartment units in 101 buildings. It has since been extended by common usage to cover an almost contemporaneous rent supplement program involving 731 units in 30 buildings, with an allocation of $7.5 million, and two subsequent projects covering 217 units at a cost of $2.7 million. (Although rent supplement financing varies slightly, all other elements of the program are virtually identical.)

The central 2,000-unit award still is far and away the largest single allocation for rehabilitation the Federal Housing Administration has ever made. In the eight years since the FHA has had authority under Section 221(d)(3), only 9,000 dwelling units (including the 3,000 BURP units) have been rehabilitated under it in the entire nation. In that perspective BURP constitutes a very significant prototype.

"A controlled experiment" was how the then Secretary of HUD, Robert C. Weaver, described it. "What we seek here," he said, "is not only good dwelling units but the knowledge of how to produce them more quickly than ever before. . . . What are the human resources, the leadership ingredients, the building techniques—and perhaps as much as anything, what are the processing techniques that will reduce nine pieces of paper to one piece of paper."[3]

Our companies became involved initially because of the marketing interest of Boston Gas in the sales opportunities of such a vast rehabilitation program. [The inelegant acronym of the program name provided our subsidiary with the lighthearted slogan, "When you BURP, think gas!" It also led a housing expert, Charles Abrams, to challenge our electric utility competitor to match us in social responsibility with BELCH—Boston Edison Low-Cost Housing.]

Inquiries revealed the developers' need for equity cash to make their projects go. After extensive negotiation with the developers and discussions with FHA officials, Eastern Gas and Fuel Association provided this money by the purchase of equity interests in limited partnerships in a majority of the units. Boston Gas received the fuel commitment by extending its low public housing rates to the buildings, thus meeting competitive fuel costs.

Boston Gas gained its largest single addition to gas load in recent years, while Eastern received the spillover tax shelter benefit. Neither return by itself would have justified our involvement commercially, but together the two showed a respectable profit.

With all its difficulties, BURP was successful by many standards. In 18 months, one seventh of the black population of Boston was rehoused in renovated units, with no increase in shelter cost. More than 400 black construction workers were employed at one time or another, and the majority of them were given some craft training. Two all-black development teams—contractors, lawyers, developer-sponsors, managers, and a majority of the investors—emerged to receive about 10% of the total BURP program.

LESSONS WE HAVE LEARNED

The challenge for us and HUD, as it is for the corporate teams that visit us, is to find the lessons of the BURP experience and determine what elements are transferable to other locations and other circumstances. In the jargon of housing specialists, to what extent is BURP replicatable? It is important that, when the inevitable national housing effort finally gathers force, the alliance of public direction and private execution functions to the benefit of our whole society.

We have thought deeply about the lessons of BURP, and we have learned from our mistakes. From the questions asked of us about our experience, we have an understanding of what corporate newcomers to this field need to know. Here are the key elements to consider and the advice we give our visitors.

Test your attitude

We tell our visitors first to examine most carefully their own approach and attitude to the problems in our cities, of which lack of housing is, after all, just one.

Astute urbanologists early in the renewal effort suggested that more important than all the particulars of a single program is the business community's recognition that it must, like Chaucer's clerk, be willing to "gladly . . . lerne and gladly teche" when it assumes a role in social action. As one of them, Webb S. Fiser, has written:

---

[1] President's Committee on Urban Housing, *A Decent Home*, report submitted December 11, 1968, pp. 7–8.

[2] Ibid., p. 21.

[3] Robert C. Weaver, "Preserving Neighborhoods," an address at Freedom House, Boston, December 4, 1967.

"The interests included must contain all the different business and industrial interests, labor, religious groups, professional groups, civic associations and minority interests, social agencies and educational institutions.

"Many businessmen have a natural repugnance toward this procedure. First of all, they are not accustomed to meeting with representatives of many of these groups and therefore feel uncomfortable. Also the perspective of many of these people will seem strange to business leaders; yet it is precisely the accommodation of these perspectives that is required for community consensus . . .

"Second, businessmen will often want action and insist upon getting down to work. Bringing in a lot of other people creates the danger of delay. However, too great an emphasis upon action may get short-term results but is apt to build up opposition over the long haul. The only secure basis for community development is full consideration of all the important concerns of the community." [4]

As Fiser suggests, businessmen often assume that their economic power should automatically validate their ideas about the future of the community. This attitude offends the nonbusiness people, and in many community issues businessmen have demonstrated that they do not even perceive what their own long-run interests require, let alone what the public interest is.

A primary lesson of our experience was that involvement in housing-rehabilitation means a long, slow, often frustrating and time-consuming process of give and take. It is a path that requires much listening and much adjusting, and is as likely to bring abuse and noisy public criticism as praise. The company president should not be surprised if, just at the time when he thinks he deserves community acclaim for helping to bring a vast rehabilitation program to the area, he is burned in effigy. I was—and (to make things worse, since I'm in the gas utility business) in oil!

But he must not let this deter him from the effort. The alternative could be an accelerating plunge of our cities into decay and violence and an ever-widening gulf between great segments of our population and the business-based economy that has accomplished so much.

FIND "GOOD EGGS"

A good omelet means starting with good eggs. Similarly, the starting point in rehabilitation is suitable structures to rehabilitate, and any company thinking of involvement in rehabilitation should first be sure that it has "good eggs." We therefore tell our visitors to look carefully at the neighborhoods under consideration to see if the pattern of population progression and sociological development seems to have left structures suitable for rebuilding.

The Roxbury-Dorchester section of Boston was originally a community of Yankee farmers. They were displaced in the early 1900's by Irish and Canadian immigrants. These in turn were succeeded by middle-class Jewish families, who moved to the "streetcar suburb" from downtown West End Boston as that area became Italian. Beginning in the late 1940's the black population of Boston expanded into Roxbury-Dorchester, which now is predominantly black.

The buildings are generally three-story brick apartment houses, with each entry serving six walk-up units. They were built in the mid-1920's, many of them as investments by families who then lived in one of the apartments. This meant that the structures were well-built and well-kept as long as the sociological pattern prevailed.

The pattern began to change in the 1950's, and it changed more precipitously in the 1960's as the black population increased. Overcrowding and undermaintenance produced a dramatically rapid deterioration in condition. Since these properties were mostly owned by the original builder-owners' children, who had moved away from the neighborhood or even from the city, real estate managers, acting for absentee landlords, bled the properties. When tenants left, taking lighting fixtures, hardware, and even doors, the properties were boarded up rather than rehabilitated.

Among these apartment buildings there often stood wooden single- or multiple-family dwellings of about the same vintage, usually still owner-occupied and only beginning to show the neglect that comes from despair that the area is doomed to decay. The government hoped that if the apartment structures were renewed, the owners of these smaller dwellings would be encouraged to keep them up, and in this way the neighborhood would be saved.

The characteristics of the buildings in BURP make them more suitable for rehabilitation than most of the millions of "deteriorated" or "dilapidated" buildings that abound in our nation's cities. They were built as multiunit structures; their rooms are large enough to permit rehabilitation by installing "a box within a box"; their foundations and bearing walls are still sound; and they also have adequate stairways and fire escapes.

Too often the inexperienced developer is tempted to try to convert large single-family town houses into apartments, or to try refurbishing buildings such as the so-called "old law" tenements in New York. In the first case, the large rooms, high ceilings, inadequate stairs, and so on, require too much rebuilding to be economic. In the other case, the tiny rooms neither meet present-day building code requirements nor permit the box-within-a-box technique that seems to be the best approach to rehabilitation.

It is cheaper by far, for instance, to "fur" over a cracked plaster wall and install gypsum board than to haul away the old plaster; the disposal of construction waste is a significant cost in a project. Similar handling of ceilings and floors provides a quick overhaul and a new appearance, and permits easy and inexpensive installation of new wiring and plumbing. The rule of thumb is to nail down and then cover up anything that doesn't smell, doesn't spontaneously combust, or doesn't contain live vermin.

There is a continuing debate among those experienced in rehabilitation as to how much to preserve and how much to renew. The answer must be an individual one, varying with the company and the project.

No nationwide survey seems to be at hand to spot the availability of potential rehabilitation structures. In some cities, such as Milwaukee, most of the lower-income residential properties are of a type that probably should be demolished or only modestly rehabilitated. The area of Boston selected for BURP offered residential housing almost ideal for rehabilitation. Out of the vast pool of "deteriorated" and "dilapidated" residential buildings (using the latest dual classification of substandard dwellings) there must be great numbers that would meet the test of economics that BURP has demonstrated. Without them, forget it.

Know your government

Any rehabilitation program of substance inevitably becomes the concern of the city's political structure. Its success or failure can easily affect the political fortunes of an administration or at least of certain elected officials. It must, in short, be welcomed or at least tolerated, by officialdom.

Any business contemplating rehabilitation involvement on a large scale should carefully consider the attitude of the city government. For example:

Is it a project the mayor will endorse?

Will the city council favor or oppose it?

Are the assessors sympathetic to the idea of providing a greater supply of low-income housing through the salvage of properties to which the city now holds tax title?

What is the approach of the city's building code enforcement agency to the use of new materials, new techniques, and new construction methods?

That last question is particularly crucial because building restrictions can be a serious impediment. It is important, for instance, to check out at an early stage whether the rehabilitated properties will be subject to current building code requirements or recognized as falling within a "grandfather" clause.

Many zoning, building code, and setback restrictions were developed in the 1940's and early 1950's, when the threat of urban blight was unknown or unappreciated. Their goal was the gradual elimination of existing nonconforming structures. In today's situation such restrictions are unrealistic if applied to the rehabilitation of 40-year-old buildings.

At least two favorable preconditions for rapid, economic implementation of a large housing program were present in Boston. Urban renewal in the city was lodged in a single agency, the Boston Redevelopment Authority (BRA), with centralized power and control that helped to cut red tape. Moreover, the city government had established a precedent for tax treatment of commercial property that would not impose a crippling hardship on rehabilitation. Such preconditions may not prevail in other cities.

Even so, BURP needed a sympathetic city administration to prevail over a difficult interregnum situation in the early days of the project. BURP was put together in the fall of 1967, shortly before city elections were to bring about a change of administration that included both the mayor and his urban renewal administrator. Fortunately the new mayor, Kevin H. White, moved quickly to name a new head of the BRA, Hale Champion, who joined with the mayor in action to overcome the program's birth pangs.

Federal agencies: Valuable attributes are knowledge of and patience with the staffs and procedures of federal agencies involved in inner-city housing. Too often a businessman approaches these agencies belligerently with demands for instant action, then retreats in furor and frustration when they are not immediately met. Such an approach to a normal business transaction might very well produce negative results.

More important are a perspective on the procedures and a personal relationship with those handling the government's part of the processing. This can range from a first-name acquaintance with secretaries checking entries on forms to a top-level friendship that permits clearance of important policy points by telephone.

In the case of BURP one of the primary objectives set by HUD Secretary Weaver was to try to cut through lengthy procedures and greatly reduce the time required to process applications for FHA mortgage insurance commitments. This was achieved to the extent that paperwork which had taken other developers 18 months to move through the steps from application to commitment was now completed within two months.

With this evidence that it can be done, we suggest to businessmen approaching us for

---

[4] *Mastery of the Metropolis* (Englewood Cliffs, New Jersey, Prentice-Hall, Inc., 1962), pp. 148–149.

XUM

advice that they first try to get "BURP processing" for their projects, using whatever persuasive powers they can muster through the local government and local agencies (which are usually just as eager to move ahead quickly). The applicant must be willing to move as fast as he is asking the agencies to do, and to respond with dispatch to any request they may make.

Work with the community

Nowhere is the businessman less sure of himself or more apprehensive than in dealing with a community of blacks (or other minorities). And no aspect of involvement in inner-city housing rehabilitation is more important. Experience in dealing with minority groups on nonhousing issues is a far more valuable asset than knowledge of rehabilitation techniques or the ability to understand sophisticated real estate financing.

The businessman seeking involvement in inner-city work must not naively assume, as many have done, that his company's arrival with a completely developed program will be greeted with open arms. The corporation must understand that black communities today are no longer docile and complacent, but are outspoken and demanding in their aims and goals. They are protective of their neighborhoods ("our turf") and will no longer allow decisions that impinge on their destiny to be made without their representation and participation. White businesses must accept the fact that they will most likely be regarded as intruders.

Here the lesson of BURP is certainly instructive. Its twin goals of speed and size led to early oversights and mistakes that caused problems with many elements of the black community. To assemble almost 3,000 dwelling units without undue real estate speculation and complete the rehabilitation in record time, it seemed to be advisable for the FHA to move quietly in the beginning and to select established and experienced real estate and rehabilitation firms as private developers.

Furthermore, to heighten the impact of the program, it was determined that the announcement should be made with a splash and a show. Little did we know, but danger was waiting.

At the announcement luncheon, held in a black settlement house which represented the social work approach of an earlier generation, Secretary Weaver—himself a black—was interrupted and challenged by black militants as he tried to explain the program. They denounced BURP as another effort of slumlords, undertaken without consulting or considering tenants or the community, to profiteer in the ghetto.

In succeeding days an extreme cold wave, coinciding with eviction notices, brought an avalanche of public complaints of hardship. A glorious experiment appeared doomed before it started.

We tell our businessmen visitors, therefore, that their principal concern, if suitable rehabilitation structures are available, should be to find the way of genuine community acceptance. To this end, they need the best possible advice from the community itself.

This means competent black advisers with whom mutual confidence has been established by previous business relationships. Sometimes they are employees, sometimes customers, sometimes community leaders whose causes the company has aided. From them it is possible to get guidance about the groups and persons who are the focal points of persuasion in the community.

It is not easy to determine the power structure or to estimate how long it may prevail. While there is a more-or-less recognized leadership, there is also, as in all other communities—but perhaps more so in the black ghettos—significant new leadership appearing within short periods of time. A company must realize that its friends of today may be the *ancien régime* of tomorrow. Plans for Columbia University's gymnasium and Governor Nelson Rockefeller's state office building originally received support from the Harlem community but were later blocked after a turnover in community leadership.

In the case of BURP, where it was necessary to counter community opposition promptly, we found that established company relationships with the NAACP, various youth and employment groups, a community social service center, and especially the widely respected black operator of a school of fine arts were invaluable resources.

Local partners: A search for allies or partners acceptable in the ghetto community may turn a company toward nonprofit organizations. This direction, however tempting, can bring the frustrations of inexpert, sparetime participation. Or it could result in a more radical step, a kind of black socialism. Either outcome makes real accomplishment very difficult to achieve, though there is a valid role for nonprofit organizations in eventual ownership of properties rehabilitated by business.

The best solution is to find black entrepreneurs with commercial talent (if not scope of experience) and help them perform as much of the ghetto operation as possible, not as fronts for the company, but as principals or at least equal partners in a rehabilitation enterprise.

Such persons can be located; through black employees and friends, we were able to identify a number of local people with the instinct for commercial enterprise. Black sports figures or entertainers need tax shelter, and successful black contractors and real estate operators can be found—though their businesses may be small.

The danger is that the white businessman who is unacquainted with his black community will team up with the very sort of glib, politically or spiritually motivated, impractical black person whom he would instantly identify and avoid if the person were white.

Real estate rehabilitation is one of the most promising fields for black entrepreneurs. The cash needs in FHA programs are modest, so large pieces of property can be put in the hands of black owners with small cash payments. The work can be broken down into easily managed portions, and the economies of scale that make some projects move amenable to the large corporate approach do not apply here.

Moreover, big business can be the most help precisely in the aspects of the program where black businessmen are the most limited. The construction work can be subcontracted so that white companies can be brought in for more sophisticated parts of the job until black firms develop expertise. Because most black firms are too small to afford accountants, the black entrepreneur can use help in keeping adequate records.

Bonding in the usual way will be a special problem, but, again, big business can fill the gap, either by endorsement or by itself guaranteeing the construction performance of the entrepreneurs. Of course, the FHA is likely to be reasonably flexible on a mortgage increase to cover overruns based on improvements and additions beyond the minimum contract specifications.

The benefits of bringing along capable, though inexperienced, black entrepreneurs and helping them take on the projects themselves are incalculable. Here is the "piece of the action" that the black community now insists on having. Here is the best chance of community acceptance. Here is the hope for mutually respectful employee and tenant-landlord relationships. Here opens the possibility of the ghetto reclaiming itself. And, with confidence established in their own business ability, the black developer-sponsors can impartially consider the commercial interests of their tutors.

We have worked with several black developer-sponsor teams in Boston, helping them get organized, leading them through the paperwork, giving them legal, financial, and technical advice, and using our knowledge of city and federal agencies for their benefit. These black groups either have completed or are carrying out more than $5.5 million worth of rehabilitation projects in Boston, involving nearly 450 apartment units—far more than a token share of the rehabilitation work being done in the area. And they have chosen gas heat for all of these units.

Consider your tenants

An early concern of the developer should be a tenant audit, including, when possible, data on both family size and income level. With this information he can make adequate provision in his planning for size of families. Otherwise, he may find out after the job is finished that he underestimated the number of four-bedroom apartments that would be needed, giving him a severe relocation problem.

This happened with BURP. We failed to insist on a tenant audit, not realizing this was important even at the expense of speed of completion of the work. The result was that a number of so-called "oversized" families, previously permitted to crowd into inadequate quarters in unregulated structures, could not qualify under FHA regulations—either by size or income level—for the refurbished units. (I should add here that, by means of rent supplement contracts with HUD and of leased public housing contracts with the local housing authority, tenants with inadequate incomes can be accommodated.)

We also tell our business visitors to try their best to make sure that the structures to be rehabilitated follow FHA regulations on filling the needs of the present tenants. (This is conditioned to some extent by the necessity for secrecy in assembling the real estate, to avoid driving up prices.)

In planning for tenant occupancy, by the way, the sponsor may wish to weed out families who are chronically delinquent in paying their rent or have other undesirable characteristics. But it is unrealistic to expect that such tenant selection can be accomplished unilaterally. Tenant organizations, probably supported by community leaders, will insist on the right of first refusal for present occupants to return to the rehabilitated apartments.

If the sponsor decides to relocate many large families without first making suitable provision for them, he is headed for trouble. The public clamor, based on a claim of undeniable injustice, will undo any gains in bricks and mortar. A good relocation plan is a must.

Prepare yourself, we say too, for a great deal of negotiating and consulting with tenants. A tenants' council most likely will be organized, but our experience is that you can live with it comfortably, and perhaps it may even come to provide the self-regulation and control lacking in typical low-income rental situations. The sponsor may be surprised to discover a spirit of cooperation in the leaders of tenant groups—except on the subject of ability to pay rent. They usually recognize that it is in the tenants' interest to eliminate troublesome occupants and keep the buildings well maintained. So, tenant organizations, often headed by officious matriarchs, will support landlords who insist on cleanliness and good housekeeping.

In our case, the regular weekly meetings of the BURP tenants' council became in part a forum for educating tenants in landlords' problems. As tenants saw the damage to their own self-interest caused by recalcitrant neighbors, the council became useful as a final arbitrator of disputes.

In any event, a hard look at the tenant situation is a basic social precondition of business involvement in housing rehabilitation. And if trouble develops, the developer cannot necessarily depend on the courts to sustain what he considers to be a landlord's rights. As two experts on urban law and I recently wrote in the *Columbia Law Review*:

"With black militancy, community control, advocacy planning and all of the other social tides surging back and forth in low income communities, large scale undertakings of any sort cannot be successfully operated on the assumption that traditional legal rights, obligations and enforcement procedures will be heeded by anyone—even the courts."[5]

Watch for labor problems

As part of their understandable claims for a piece of the action, the ghetto residents will want some of the jobs created by the project. Here, again, the position of the black development team gives it a natural advantage over white developers; but to get the ghetto housing job done, the general contractors probably will require a majority of whites in some building trades for a long time to come.

In the meantime, as a partner of a black developer, the sponsor should prepare for confrontations with building trades unions and for the uncontrolled costs that result from use of pathetically unskilled black workers. Vandalism, at the least, will be the consequence if a satisfactory accommodation is not reached.

As for labor union problems, we can say that on the projects in which BURP was involved they were faced with firmness. When the union demanded the dismissal of nonunion blacks, it was refused, but the union was offered the opportunity to try to organize the workers. This offer was not immediately accepted, nor was our suggestion that they try to put white pickets at the job sites in the black community.

While it is likely that the situation in the building trades unions will gradually improve, it is nevertheless important to lose no time in building up a pool of capable, responsible black construction workers. One way in which the FHA can promote this effort is to take the lower productivity of unskilled workers into account in calculating mortgage commitments, perhaps with a productivity scale. Or else the government should provide training funds from other sources. To illustrate:

One of the principal white developer-sponsors in BURP attempted to satisfy community demands by employing a considerable number of blacks. Under FHA requirements, "prevailing wages" had to be paid. The result was almost catastrophic financially. Productivity was about one third that of skilled white workers. Expenses mounted while projects lagged.

Eventually the developer's training and apprenticeship programs began paying off in improved work performance. But project costs substantially exceeded mortgage limits, and efforts are even now being made to have these limits raised accordingly.

When contemplating a ghetto project of any size, the prudent businessman should remember that the social requirement of hiring substantial numbers of unskilled black construction workers will cost him extra money.

Take care in staffing

The range of these socioeconomic questions leads us naturally to ask our visitors if they have considered the staff necessary to handle the enterprise.

A fund of legal, financial, planning, and production expertise is necessary to interpret the National Housing Act, FHA regulations, and the Internal Revenue Code; to translate the titles and paragraphs into a housing package that makes financial sense; to lay out and oversee a program; to create a partnership of investors; to locate and acquire suitable properties; to find contractors; and finally to obtain the necessary money to launch the project. Only an organization with a strong profit motivation is likely to persist through this maze.

The missing element in most corporations that undertake these ventures is an urban affairs officer with enough experience to guide the company through the tangled and complex communty problems and enough authority in the corporation to see that the right things are done in the right way. We say, be sure you have such a man.

Analyze the "$ and sense"

By this circuitous route we bring our visitors back to some of their original questions, particularly concerning the profit possibilities in urban housing rehabilitation. Now we are on ground familiar to them—profit and loss statements, balance sheets, tax returns, and so on—but even here, real estate financing is apt to be an unknown quantity.

Until recently, few of the larger, publicly held U.S. companies have taken much interest in real estate, particularly residential real estate. Most real estate owners have been individuals, partnerships, or smaller publicly owned syndications. Usually the tax shelter from real estate is more significant than the cash earnings or book earnings. Because of the relatively low book earnings, publicly held companies conscious of their earnings per share have shied from real estate investing.

In the early days of urban renewal a number of major corporations did show an interest in the program, but largely for the purpose of exploring the possibilities of expanding the use of their products in the construction industry or the markets for their consumer goods. In the early 1960's, for example, the Aluminum Company of America and Reynolds Metals Company competed vigorously for urban renewal projects, and Westinghouse and General Electric also participated.

Concern remained, however, as to the impact of equity ownership on book earnings, the effect on traditional balance-sheet ratios of showing large mortgages in consolidated statements, the problems arising from rent controls, demands for open occupancy, and so on. Several major insurance companies, in fact, sold out large residential developments because they concluded that the public relations headaches exceeded the benefits to themselves.

Many of these objections can be overcome by investing in rehabilitation projects as a limited partner. With an interest of less than 50%, the investor is not required, under present accounting practices, to consolidate mortgages in his balance sheet or operating losses in his earnings statement. Also, he can remain anonymous to the tenants.

The principal factor in most speculative real estate developments is the spillover tax shelter, by which tax losses on cash-producing real estate can be used to reduce the taxes paid on income from other sources. The tax loss write-offs (rather large in comparison to the size of the equity investment) result from the interplay of two sets of legislation, the National Housing Act and income tax laws:

The Housing Act makes mortgage financing available on very favorable terms for a high percentage of the cost of acquiring and rehabilitating properties. As a result, relatively little in the way of cash equity investment is required. Offsetting this are rather strict legal restrictions on the distribution of cash earnings from these projects.

Section 167 of the Internal Revenue Code allows equity investors to take rapid depreciation on real state improvements, whether paid for out of equity investment or out of mortgage borrowing. This write-off, in turn, creates substantial tax losses for projects during their early years of operation. High tax-bracket investors, including corporations, who are limited partners in such projects may carry these losses into their tax returns as offsets to taxable income from other sources.

221(d)(3) 236: Among the several sections of the National Housing Act concerning the financing of real estate projects, 221(d)(3) was the basis for underwriting the BURP projects. It provides among other things that, in the case of "for profit" sponsors, the FHA will insure mortgage financing for up to 90% of the total cost of a rehabilitation project. It is also enables federal funds to be lent for this purpose at a 3% interest rate, repayable on a level debt service basis over 40 years.

The reader who is interested in the financial details of a typical BURP project can find them in the Appendix to this article (page 96).

In 1968 Congress amended the National Housing Act by the addition of Section 236 relating to low-income housing. It is similar in many respects to 221(d)(3). Under both programs 90% mortgage financing for limited dividend partners and 100% financing for nonprofit sponsors are authorized. Both sections limit the cash distributions to limited dividend developers to an amount that approximates 6% of the equity investment. Both are also subject to the HUD regulation that no more than 20% of the units in a given project may be leased to local housing authorities who, in turn, further subsidize rentals.

The two sections differ mainly in the form of the financing subsidy. Under 221(d)(3), mortgages are available either at or below market interest rates, with the latter salable to Ginnie Mae (Government National Mortgage Association). Section 236, on the other hand, permits developers to negotiate mortgages directly with lending institutions at market interest rates.

To cover the gap between tenant capacity to pay and interest expense at market rates, HUD pays a subsidy. Thus, the debt service paid by the mortgagor will vary from a minimum of 1% for the lowest income housing to 6%, depending on the tenants' income formula. Any balance between that figure and the market interest rate is made up by HUD in the form of an interest subsidy.

Section 236 also provides that on completion of rehabilitation the developers may sell to a nonprofit or cooperative entity, which can finance the purchase with a new mortgage at the then fair value of the project. This could permit a large enough mortgage to reimburse the seller for his entire investment, plus any taxes he incurs on the sale.

It is possible that, depending on treatment for tax purposes of the interest subsidy in the partnership accounts, the tax shelter created by a 236 project could be more favorable than a similar 221(d)(3) venture. The IRS has not yet clarified this.

'Jumping' partnership: Even without the opportunity to form a partnership with black athletes or entertainers who can use the tax shelter, a developer can still make a piece of the action available to the community through a so-called "jumping" partnership. Here is how it would work:

The partnership might include ghetto residents of modest means, who would be given a nominal interest—say, 10%. Since most of the tax shelter advantages will be realized by about the tenth year—and at that point certain tax recapture provisions will have run out—the partnership agreement would provide for automatic transfer of all or a large portion of the high tax-bracket

---

[5] Curtis Berger, Eli Goldston, and Guido A. Rothrauff, Jr., "Slum Area Rehabilitation by Private Enterprise," *Columbia Law Review*, May 1969, p. 739.

XUM

partners' interest to the 10% partner early in the eleventh year.

Such a transfer would of course occur without payment to the 90% partner. However, this probably does not represent much of a sacrifice in terms of capital gains, since it is difficult at the outset to place a high residual value 10 years in the future on partnership interests in rehabilitation projects. (Section 236 allows limited dividend projects to be sold to nonprofit entities with enough increase in the mortgage to provide the sellers with much of the cost required to pay their taxes.)

The financing available under the National Housing Act provides other advantages. For one, only property in the project itself is subject to the mortgage lien; it does not extend to the general or limited partners beyond their initial investment. Therefore the equity in one project cannot be pledged to support the indebtedness of another project. This prevents pyramiding of the type that led to the downfall of at least one major real estate enterprise in the past decade.

RATIONALE FOR INVOLVEMENT

Over drinks at the club or on the way to the airport at the day's end, after a tour of the rehabilitated apartments, we turn our visitors back to the motivation for their visit. It came, they say, from a nagging feeling that their company ought to be tackling some of the problems of our society, and the sneaking suspicion that perhaps they might also make money at it.

It is true that there is a great need for business to establish its legitimacy as an influential social institution in a society that has begun reexamining all of its perceived premises and challenging all of its conventional wisdom. A well-conceived program of residential property rehabilitation seems to offer a company a highly visible opportunity to express its compassion while demonstrating its business competence.

In our own instance, since the time we finally got BURP back on track, our efforts have drawn extensive and continuing favorable publicity and also have shown a reasonable profit. They have not only helped to rehouse one seventh of the black citizens in our franchised territory, but they have also brought considerable pride and satisfaction to many of our employees and helped greatly in attracting an unusually high quality of young executive recruits. The project has even brought some investment in both our equity and debt securities by colleges which feared, perhaps, that their portfolios might be challenged by their students "in this increasingly questioning age," as one college treasurer put it.

What, then, out of all our studies of other projects and our experience in BURP, do we recommend to these visitors? We arm all of them with a barely portable library on BURP and on housing, but the advice we give is explicit: Stay out of it unless you're willing to work as hard and tenaciously at it as at any important business problem. Stay out of it unless you can answer the hard questions we've asked and unless you're prepared to provide enough of the right kind of staff for it.

Under existing social conditions, rehabilitating occupied lower-income residential property can be likened to performing a major operation without being able to anesthetize the patient. It is no game for amateurs, and anyone who approaches the operating table with warm compassion but without trained competence will soon prove to be both a quack and a failure.

Nevertheless, it has become increasingly clear that large companies which make the same preparations that they would for a venture into a new territory or with a new product can succeed in the once-unknown terrain of the low-income areas of our central cities. The successful ones are pragmatic in facing the social issues that inevitably tangle and can destroy the best-intentioned efforts.

Companies willing to take some financial and public relations risks, willing to train their own staffs to participate in the problem solving, and willing to depend on outside consultation for sensitizing themselves to the problems—those companies, and only those, are ready to plunge into residential rehabilitation on a scale commensurate with their resources.

Companies unwilling to do these things but concerned about the crisis of the cities should just send money. But such money won't buy what most of the bright young people you are hoping to recruit are seeking: a sense of belonging to an organization that has the compassion to direct its capacities toward the crisis of our cities and that also has the intelligence and energy to do it within the framework of the free enterprise system.

The real challenge is to do good for society while doing well for your business. You can concentrate on increasing your sales and earnings; you can build your plants in relatively remote suburban areas inaccessible to the black ghetto. Thus for a while you may divorce yourself from a chance to help your country in a time of grave crisis and, indeed, from a chance to participate in one of the most challenging business adventures in the world today.

Justice Oliver Wendell Holmes, Jr. put the issue accurately when he said: "Life is action and passion. I think it is required of a man that he should share the action and passion of his time at peril of being judged not to have lived."

SHORELINE EROSION

Mr. NELSON. Mr. President, the Green Bay, Wis., Press Gazette recently published an article concerning damage done by the high water level on the Great Lakes. In spite of the serious erosion and destruction of property that occurred this year, the Great Lakes are expected to cause even more trouble along 10,000 miles of shoreline in 1970. Unfortunately, as the article points out, there is not much control that man has over these levels.

The only two feasible alternatives are adequate prevention measures such as seawalls and jetties, or massive Federal aid after the destruction has become so widespread as to warrant the area's being declared a disaster area.

Clearly, the first alternative, preventative measures, would be the reasonable and economic choice. Because much of our shoreline is owned by private citizens who are unable to finance the necessary precautionary steps without some aid, I introduced S. 2662 on August 18, 1969, to allow private citizens to receive up to 50 percent aid for such projects where there is a coordinated effort. This is the same figure that public institutions are able to apply for.

An identical bill has been introduced in the House by Representative SCHADEBERG and other Representatives.

The fact that the danger remains, as the article points out, is a clear indication that Congress should enact this type of legislation.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIGH WATER CENTERS DAMAGE ON MICHIGAN'S EASTERN SHORE

(By A. F. Mahan)

DETROIT.—With damages mounting and levels already near or surpassing high-water records for this century, the Great Lakes are expected to wreak more havoc along their 10,000 miles of shoreline in 1970.

Waves eating away embankments, particularly the high bluffs along eastern shores of lower Lake Michigan, are threatening to topple scores of homes and vacation cottages, whose front or back yards have already vanished.

Although there has been some damage from high water in parts of Sheboygan County, little damage has been reported in Northeastern Wisconsin, including the counties of Manitowoc, Kewaunee, Door, Brown, Oconto or Marinette.

Only a few years ago complaints were registered over the low water level and the fact that lakeshore property owners had to dredge canals to get boats to their docks.

Once high and dry private docks now are awash, waiting for a storm to carry them away. Where sandy beaches once stretched outward there now is water. Nearby low-lying areas once above water level now are marshes.

CUTS BRIDGE CLEARANCE

Some cruiser owners have found themselves unable to get their pleasure craft out of boathouses—rising water having shortened door-top clearance too much. Still others have found themselves cut off from the lakes, unable to get under canal bridges because higher water has given them no clearance.

No figures are available for 1969 damages, but the Lakes Survey District of the Army's Corps of Engineers estimated somewhat similar high waters did $61.2 million damages in the springs of 1951 and 1952.

And the three lakes over which man has virtually no control—Michigan, Huron and Erie—are expected to start their annual spring rises next year at levels considerably higher than they did this year.

EXPECT GREATER DAMAGE

Experts attribute the high waters to above normal precipitation in all of the five lake basins this year and last.

Speaking before the Great Lakes Commission, made up of representatives from the eight states bordering the lakes, Atty. Gen. Frank Kelley of Michigan said last month that "today's damages could be much higher than those of 1951–52 because of increased development along the shorelines."

Pointing to serious problems occasioned by low water in the early 1960s, Kelly said that "methods must be found to keep our lake levels within reasonable bounds."

Lake Erie's average July level was the highest for any July since the Lakes Survey District began keeping tabs on the inland seas in 1890. It was only 2¾ inches below the alltime one-month record set in May 1952.

Last month, Michigan, Huron and Erie were less than an inch and a half below their highest levels for this century.

PRECIPITATION IS KEY

The key to the problem is, of course, precipitation.

In the first six months of this year, the Lake Superior basin received 16.67 inches, against an average of 16.08 inches. In Michigan's basin it measured 21.33 this year, against an average of 17.72. The 1969 precipitation against the average for Huron was 19.51–17.56; Erie, 23.17–19.57; Ontario, 19.71–19.63.

Many things figure into just how much rainfall went into the lakes: Whether the rainfall was on frozen ground and ran off

XUM

quickly; whether it fell on dry or already wet grounds; whether it was in the fall or spring when trees, plants and other vegetation were absorbing large amounts; whether the weather was hot and evaporation high; whether lake-feeding streams were high or low, etc.

COMPARED TO SUPERIOR

The Great Lakes are tremendous bodies of water. If the contiguous 48 states were level, had a rim around them and all the water in the Great Lakes were dumped over them it would make a lake nine feet deep from the Atlantic to Pacific and Gulf of Mexico to Canada, according to Lakes Survey engineers.

Lake Superior is 350 miles long, 160 miles at its widest point and ranges up to 1,333 feet deep, Lake Ontario, smallest of the five, is 193 miles long and 53 miles wide.

High water is not unwelcome by all who use the lakes. It means money to ship operators. For each inch of water above the so-called low-water datum line or guaranteed channel depth a freighter can take on an additional 100 tons of cargo.

Last month, the lakes ranged up to 47 inches above the low-water datum line, and all were above both their average levels for the past 10 years and for the 1860–1968 period.

And the Lakes Survey forecasts all except Ontario will exceed their 10-year and long-term average levels for the next six months. Ontario is expected to dip below in December but turn upward in January.

TO BUILD SEAWALL

The Michigan Highway Department has announced plans to build a 3,900-foot seawall at a cost of $10 million to protect a section of the Interstate 94 business route through St. Joseph.

The Corps of Engineers can partly control the outflow of Superior and Ontario by dams with gates. But there's no control anywhere else.

Some have suggested widening of the Detroit and St. Clair Rivers and possibly some control works on Lake St. Clair would provide the answer. It might, engineers agree, but it would be too costly to undertake, with the river having to be pushed several blocks into downtown Detroit and into Windsor, Ont., on the other side.

NOMINATION OF HON. CLEMENT F. HAYNSWORTH TO SUPREME COURT

Mr. WILLIAMS of New Jersey. Mr. President, the Committee on the Judiciary is now considering President Nixon's second nomination to the U.S. Supreme Court. As we all must realize the nomination of Justices to the Supreme Court is one of the most important decisions a President must make. The Senate, in confirming those nominations is making judgments which affect the very fabric and fiber of our society for years to come. With these thoughts in mind we approach the nomination of Clement F. Haynsworth, Jr., to assume the Supreme Court seat recently vacated by the resignation of Abe Fortas.

The Supreme Court, and the entire judiciary, for that matter, is an institution which most Americans view with awe and reverence. It is the final arbiter of some of the most basic decision concerning each American's relationship to his fellow man and concerning his relationship to society. It is also the final protector of man's rights to be free from governmental restraint.

Several times in the history of our Nation, Presidents have set for themselves the task of changing the complexion of the Supreme Court. They have done this by nominating Justices whose policy inclinations accorded with their own. Most Presidents, however, have only had the opportunity to nominate one or two Justices and so the policy directions of the Court have changed very slowly. On rare occasions, however, a President may have the opportunity to make several nominations and thereby cause an immediate, almost cataclysmic change in policy direction. So, for example, President Roosevelt named nine Justices to the Supreme Court. In the process, he converted the Court from one which vetoed Presidential and congressional efforts to take this country out of the depression to a Court which was attuned to the needs of America's workingmen, to the needs of the oppressed in our society.

President Nixon, in less than 1 year in office has nominated two Justices. It is likely that in his remaining 3 years in office he will nominate at least one, perhaps even three more Justices. In one 4-year term he may be able to name a majority of the Court.

And what does this nomination represent? Clement Haynsworth's record is clear. As a sitting judge he has demonstrated some of the most regressive judicial thinking in at least two areas vital to the majority of America—the areas of labor and race relations. One perhaps could not quarrel if Judge Haynsworth's dissenting opinions were in landmark precedent-setting cases. But his dissents come in even the most obvious cases, cases raising the basic issue of workingmen's right to organize into a labor union in southern textile mills, mills where the basic salary for a full week's work is not much more than the minimum wage of $64 for a 40-hour week, cases raising the basic issue of a black man's right in the Southern United States to be free from legally imposed and fostered segregation.

If this is the kind of judicial temperament President Nixon wants on the Supreme Court, there is very little that can be done to prevent him from achieving his goal. The President can find other nominees who will vote against any effort to break the yoke of racial separatism, who will vote against even the most limited struggle of workingmen to improve their lot in life.

But the President not only has selected a man who rejects the strivings of the great majority of our society, he has selected a man who is insensitive to the needs for propriety in judicial conduct. Clement Haynsworth, admittedly, voted in favor of a textile company which was doing thousands of dollars worth of business with a company partially owned by Judge Haynsworth.

The judge has now also admitted purchasing $16,000 worth of stock in a company which, at the time of the purchase, was a party in a case before him. There has been considerable argument over the timing of this purchase of stock. It is now recognized that the judge bought the stock after he and his colleagues had reached their decision, in favor of the company, but before the opinion was written and before the decision was announced.

In my judgment, this appears to be as unconscionable as the "insider trading" prohibited by the Securities Exchange Act.

Both of these business transactions would be illegal if committed by an ordinary citizen and the wrong is certainly compounded by the fact that he was a judge. A judge should not permit himself to participate in this kind of conduct.

Whether or not Judge Haynsworth's conduct is unethical, is in my judgment, a question which need not be resolved. He has demonstrated a complete lack of judicious sensitivity. He has not sufficiently demonstrated sensitivity to the need for a judge to maintain both the appearance and substance of unimpeachable propriety that American people have a right to expect in all the judges in the land; certainly in the members of the Supreme Court of the United States.

If the nomination of Judge Haynsworth is not withdrawn, I shall vote against its confirmation.

STATEMENT OF POSITION ON TAX REFORM ACT BY 70 PENNSYLVANIA COLLEGES AND UNIVERSITIES

Mr. SCHWEIKER. Mr. President, on Wednesday, October 1, the minority leader, the distinguished Senator from Pennsylvania (Mr. Scott), and I had the distinct pleasure of meeting with Gaylord P. Harnwell, president, University of Pennsylvania; William W. Hagerty, president, Drexel Institute of Technology; Clarence Moll, president, Pennsylvania Military College; Rev. Robert J. Welsh, president, Villanova University; and Donald L. Helfferich, president, Ursinus College, who provided us on behalf of 70 independent institutions of higher education in the Commonwealth of Pennsylvania, attended by more than 128,000 students, a statement of position on the Tax Reform Act of 1969.

I ask unanimous consent that the statement of position by the Pennsylvania colleges and universities be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

A Statement of Position on the Tax Reform Act of 1969 (H.R. 13270) by the Following 70 Pennsylvania Colleges and Universities, September 29, 1969

Albright College, Reading; Beaver College, Glenside; Bryn Mawr College, Bryn Mawr; Bucknell University, Lewisburg; Cabrini College, Radnor; Carnegie-Mellon University, Pittsburgh; Cedarcrest College, Allentown; Chatham College, Pittsburgh; Chestnut Hill College, Chestnut Hill; College Misericordia, Dallas; Dickinson College, Carlisle; Drexel Institute of Technology, Philadelphia.

Eastern Baptist College, St. Davids; Franklin and Marshall College, Lancaster; Gettysburg College, Gettysburg; Gwynedd Mercy College, Gwynedd Valley; Haverford College, Haverford; Immaculata College, Immaculata; Juniata College, Huntingdon; Keystone Junior College, La Plume; King's College, Wilkes-Barre.

Lafayette College, Easton; La Salle College, Philadelphia; Lebanon Valley College, Annville; Lehigh University, Bethlehem; Lincoln University, Lincoln University; Marywood College, Scranton; Moravian College, Bethlehem; Muhlenberg College, Allentown; Pennsylvania Military College, Chester; Philadelphia College of Pharmacy and Science, Philadelphia; Philadelphia College of Textile and Science, Philadelphia; Rosemont College, Rosemont.

Saint Joseph's College, Philadelphia; Susquehanna University, Selinsgrove; Swarthmore College, Swarthmore; University of Pennsylvania, Philadelphia; University of Scranton, Scranton; Ursinus College, Collegeville; Villanova University, Villanova; Washington and Jefferson College, Washington; Westminster College, New Wilmington; Wilkes College, Wilkes-Barre.

Twenty-seven additional independent colleges and universities are listed in Appendix C annexed hereto.

Believing that tax reform need not and should not be achieved at the expense of the long-range national interest, we join the American Council on Education and its 1538 institutional members in opposing certain provisions of H.R. 13270 that would adversely affect higher education by weakening some of the most effective incentives to its voluntary financial support.

Higher education in the United States has produced the men and women who have put Americans on the moon, banished many killing diseases, developed our economy, and made our system of government work. It holds our ultimate hope of rising to such critical challenge as the social and environmental ills of our cities. Clearly, funds contributed to colleges and universities go to the heart of our national welfare.

Today, the resources of our institutions are severely strained by the burgeoning demands on our services in the face of inflation and cutbacks in Federal aid. We need more money, not less. Any discouragement of personal philanthropy from our accustomed benefactors would, it is submitted, increase rather than lessen the burden on the Federal government for the support of our institutions and indeed for our survival.

A gift to an educational institution has these characteristics that we believe pertinent to any consideration of its tax treatment:

It is a wholly discretionary expenditure.

It is an act of constructive citizenship, facilitated by favorable tax policy but motivated by a concern for human good.

It is essentially an unselfish act; whatever the tax consequences, it reduces the donor's net worth.

With these insights into the nature of educational philanthrophy and its importance to the vitality of our institutions, we have examined H.R. 13270 and assessed its implications in the broad context of the stated purposes of the Bill.

We concur in the purposes and general thrust of the Bill. We also concur in the principle that no individual should be able to "profit," that is, increase his net worth, by reason of donations to our institutions. The enactment of some of the provisions supported below, it should be pointed out, will close meaningful avenues of past support for our institutions.

Acceptable provisions of H.R. 13270

(1) Repeal of the Clay Brown transaction (pps. 25–26).*

The taxation of "unrelated debt financed income" of a charity where it acquires a business or investment property is justified. However, as written, it is possible that by reason of the definition of "obligation" in the statute, a promise to pay a life income or annuity in return for a gift of property will give rise to taxation. The life income contract and annuity agreement as used by our institutions is wholly distinct from the Clay Brown situation and the statute must be clarified if this unintended and unjustified side effect is to be avoided.

(2) Extension of the unrelated business income tax to activities which are not within the "function" of educational institutions and do constitute unfair competition to private enterprises (pps. 26–28).

(3) The increase in the annual limitation of deductibility of contributions to colleges and universities from 30% to 50% (pps. 31–32).

(4) Repeal of the unlimited deduction (pps. 32–33).

(5) Taking gain or income into account for tax purposes in the case of appreciated gifts to our institutions involving short term capital gain or ordinary income had the donated property been sold (pps. 33–35).

(6) Repeal of the Two Year Charitable Trust Rule (pps. 35–36).

(7) Allocation of basis in the case of a bargain sale of appreciated property to our institutions (pps. 33–35).

(8) Repeal of deduction for the charitable income trust with non-charitable remainders (pps. 38–39).

(9) Increase in the standard deduction (pps. 100–101).

(10) *Most important*, the continued deductibility at fair market value of the vital gifts to our institutions of long term appreciated securities and real estate.

Objectionable provisions of H.R. 13270

We feel impelled to oppose with the deepest conviction the following provisions, the enactment of which we believe would critically impair the voluntary support and financial viability of our institutions:

(1) Inclusion of the long term appreciation in donated securities and real estate in tax preference income for purposes of limited tax preference and allocation of deductions (pps. 47–50).

Gifts from individuals are the greatest single source of voluntary support for our colleges and universities; the largest of these gifts are commonly made in the form of appreciated property. In a sampling of Pennsylvania colleges and universities, a majority reported that from 30% to 70% of their total gift income from individual donors during 1968–69 was received in this form. (See Appendix A annexed hereto). Over the past three years, an average of 40.6% of outright gifts received by 18 of our institutions from individuals amounting to $43,415,000 consisted of securities.

The Ways and Means Committee deliberately chose to continue the deductibility of long term appreciated gifts at fair market value; the Bill's inclusion of the appreciation in tax preference income and in allocation of deductions is inconsistent with the principle which the Committee studied and upheld. Adoption of this provision would be severely damaging to our institutions; it would discourage precisely the very large gifts that make or break our programs of voluntary support. The deductibility of such gifts of appreciated property produces a benefit to society wholly distinctive from the other stated tax preference items. The unfortunate consequences of this provision would, in our judgment, discourage such vitally needed philanthropy at great cost to our future welfare and for relatively little revenue to the federal government.

(2) Inclusion of gifts of "a future interest in property" among those appreciated gifts that would be disqualified for deduction on the basis of fair market value (p. 34).

The adverse effect of this provision would appear unintended. The stated reasons for denying deduction for such gifts are (a) difficulty in evaluation and (b) over-valued claims for deduction. Although abuses infrequently arise in the valuation of gifts of tangible personal property, they do not occur in gifts of future interest. For colleges and universities, the provision would virtually eliminate gifts subject to life income. These gifts are usually made by donors of limited means who wish to contribute substantially to their college or university, but who must safeguard their personal lifetime security by retaining the income from their gifts. Upon the death of the income beneficiaries, the gift passes irrevocably to the institution.

The value of the tax deduction on such a gift is exactly ascertainable by mathematical computation; under existing law, it is determined by reference to U.S. Treasury issued actuarial tables.

The experience of representative Pennsylvania colleges and universities during 1968–69 (See Appendix B attached hereto) shows that gifts subject to life income are preponderantly in the form of securities. Such gifts would be markedly discouraged, if not altogether precluded, by the loss of fair market value deductibility.

(3) The assorted effective dates of various provisions of H.R. 13270 and the prospective application of new rules to past established contracts or trusts between donors and our institutions are not only confusing, but are inequitable. Such arrangements entered into with *bona fide* reliance on existing statutes or regulations should not, we submit, be upset.

Other provisions of H.R. 13270 to which we respectfully call attention are:

(1) Charitable Remainder Trusts (pps. 37–38).

Tied in with gifts of "future interest," previously discussed, these provisions designed to prevent a life tenant from benefiting at the expense of the remainder interest passing to our institutions, fail to distinguish between situations where control of the assets is in the hands of the educational institutions and where it is not. Where an educational institution is Trustee, the possibility of abuse is eliminated, for, realistically, no reputable college or university would countenance tax mischief on the part of a donor. Similarly, trust law concepts of every state impose fiduciary responsibilities upon Trustees, which make improper administration punishable by surcharge. The Bill provisions would eliminate deduction for the traditional life income gift, namely, a reservation of a life estate in real property with the property passing outright at the death of the life tenants to a college or university. Again, in such a situation, deduction abuse is not possible and the basis for this restriction is without merit.

(2) Charitable contributions of estates and trusts (pps. 36–37).

The one-year "set aside" limitation is insufficient where circumstances beyond the control of a Trustee or an Executor (e.g., tax audits, litigation, appraisals) prevent a distribution to a charity within that period.

(3) Gifts of tangible property (pps. 33–36).

Other than a gift of one's own work by an artist, author, or other creative person, gifts of tangible property are now capable of fair evaluation by Treasury procedures, which prevent an excessive deduction. The fair market value deduction has encouaged gifts of unique manuscripts and great works of art to our institutions that might otherwise not be made available to students, scholars and the public.

(4) Gifts of use of property (p. 37).

This provision requires a clarification of definition. As written, a donor might be denied a charitable deduction for a gift of 50 acres of a 100-acre tract of land, or a remainder interest subject to a life estate. As intended, the provision was to deny a deduction for the fair rental value where a gift of use of property was made—a principle we do not oppose.

(5) Filing information returns (pps. 18–19).

While none of our institutions objects to disclosure to the Treasury of its income and expenses, or its donors or highly compensated employees, the extraordinary proposal to expose this latter information by name and

---

*References are to August 18, 1969 *Summary of H.R. 13270* prepared by the Staffs of Joint Committee on Internal Revenue Taxation and Committee on Finance.

address to the public record could have serious adverse consequences in the day-to-day operations of our institutions. The rationale for their rule with respect to "private foundations," namely policing their exempt status, is inapplicable, we submit, to educational institutions such as ours. Our purpose is in evidence on our campuses at all times.

In addition, we question the logic of taxing foundations at a revenue-producing rate. Foundations are an important source of support for higher education and a stimulant to innovative solutions to society's problems. To supervise foundations and require them to bear the cost of supervision is eminently fair; to impose a tax upon them ostensibly to raise revenue would be a denial of the function for which this type of organization was permitted by Congress.

Regulation of foundation expenditures through penalty must not be an excuse for control; if this happens, their distinctive contribution to society will be largely lost, and contemporary problems, often requiring legislative cures, will ultimately lose the benefit of the research which Foundations have supported with increasing effectiveness.

Conclusion

Tax reform, once enacted, will influence national priorities for years to come. We believe the Congress would agree that the development of our capabilities in higher education must have a basic place among these priorities.

Speaking for 70 colleges and universities in the Commonwealth of Pennsylvania that are educating approximately 128,600 students each year and whose expenditures for that purpose aggregated over $348,000,000 in 1968, we urge that while tax reform is needed and timely, remedial legislation must not impede the fulfillment of national expectations vested in our country's colleges and universities. If we are to continue to provide knowledge, education, and understanding as wellsprings of our nation's strength, critical incentives to private support require the endorsement of our nation's leaders.

APPENDIX A.—GIFTS OF SECURITIES OR REAL ESTATE TO REPRESENTATIVE PENNSYLVANIA COLLEGES AND UNIVERSITIES FROM INDIVIDUAL DONORS IN FISCAL YEAR ENDING JUNE 30, 1969

Institution	Value of gifts of securities or real estate from individuals	Percentages of such gifts to total gifts from individuals
Haverford	$1,214,000	70
Pennsylvania	6,909,000	61
Juniata	243,000	53
Lehigh	2,022,000	52
Chatham	5,000,000	50
Carnegie Mellon	6,573,000	48
Lafayette	674,000	44

APPENDIX A.—GIFTS OF SECURITIES OR REAL ESTATE TO REPRESENTATIVE PENNSYLVANIA COLLEGES AND UNIVERSITIES FROM INDIVIDUAL DONORS IN FISCAL YEAR ENDING JUNE 30, 1969—Continued

Institution	Value of gifts of securities or real estate from individuals	Percentages of such gifts to total gifts from individuals
Bryn Mawr	$1,536,000	44
Pennsylvania Military College	561,000	40
Moravian	244,000	34
Rosemont	271,000	34
Washington & Jefferson	418,000	33
Drexel	327,000	32
Gettysburg	352,000	27
St. Joseph's	350,000	26
Bucknell	441,000	24
Lebanon Valley	58,000	23
Westminister	280,000	22
Villanova	89,000	15

APPENDIX B.—ILLUSTRATIVE GIFTS SUBJECT TO RESERVATION OF LIFE INCOME MADE IN THE FORM OF SECURITIES

Institutions	Total value of gifts subject to life income	Percentage of such gifts made in securities
Philadelphia College of Pharmacy and Science	$150,000	100
Drexel	300,000	100
Lehigh	1,480,000	95
Carnegie Mellon	621,000	91
Pennsylvania	2,597,000	87
Bryn Mawr	750,000	85
Gettysburg	293,000	60
Bucknell	623,000	41

APPENDIX C

Additional endorsing institutions of Pennsylvania Commission for Independent Colleges and Universities

Allegheny College, Meadville; Alliance College, Cambridge Springs; Carlow College, Pittsburgh; Delaware Valley College of Science & Agriculture, Doylestown; Dropsie College, Philadalphia; Duquesne University, Pittsburgh; Elizabethtown College, Elizabethtown; Gannon College, Erie; Geneva College, Beaver Falls; Grove City College, Grove City; Holy Family College, Philadelphia; Lycoming College, Williamsport; Mercyhurst College, Erie; Messiah College, Grantham; Moore College of Art, Philadelphia.

Mt. Aloysius Junior College, Cresson; Philadelphia College of Art, Philadelphia; St. Charles Borromeo Seminary, Philadelphia; St. Francis College, Loretto; St. Vincent College, Latrobe; Seton Hill College, Greensburg; Thiel College, Greenville; Valley Forge Military Junior College, Wayne; Villa Maria College, Erie; Waynesburg College, Waynesburg; Wilson College, Chambersburg; York College of Pennsylvania, York.

THE WATER POLLUTION CONTROL FUNDING GAP

Mr. YARBOROUGH. Mr. President, a clean and healthful environment is emerging as one of the most discussed public issues. Population experts remind us that we can expect the United States to have a population of 300 million by the end of the century. Resource experts remind us that although populations are variable, resources are fixed. No matter how many people there are, the supply of air, water, and land remains the same.

These facts can only mean that greater care must be taken to use resources wisely, and to leave them in a condition that permits them to be reused over and over.

We are all aware by now that this is especially true of water. Ever since 1956, when Congress first enacted water pollution control legislation, the public has been aware that pollution of the national water supply is the most critical of all environmental pollution. But it is also a condition we know how to control. We know what is necessary to have pure water, and still use it for industry, transportation, recreation, and public supply.

We are not waiting for a technological breakthrough; we are waiting for a budgetary breakthrough. The figures speak for themselves. The September issue of Nation's Cities contains a documentation of the water pollution control funding gap. It shows that 71 percent of the need for funds will go unmet in the budget. Of $1 billion authorized, only $214 million is requested for the Clean Waters Restoration Act for fiscal year 1970.

For Texas, $51 million is allocated under the 1970 authorization, but only $9.6 million would be available under the budget request. We are not going to control the Nation's growing pollution problem at that rate. I ask unanimous consent that the table and an article entitled "Are the Cities Trapped in the Water Pollution Control Funding Gap?" be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE WATER POLLUTION CONTROL FUNDING GAP

AUTHORIZATIONS VS. ALLOCATIONS UNDER THE 1966 CLEAN WATERS RESTORATION ACT

[In millions]

States	1968		1969		1970		1968–70 funding gap total [1]			
	Authorized	Allocated	Authorized	Allocated	Authorized	Allocated [1]	Total authorized	Total allocated	Total gap	Not funded (percent)
Totals	$450.0	$203.0	$700.0	$214.0	$1,000.0	$214.0	$2,150.0	$631.0	$1,519.0	70.7
Alabama	8.4	4.1	12.9	4.1	18.3	4.1	39.6	12.3	27.3	68.9
Alaska	1.2	.9	1.5	.9	1.9	.9	4.6	2.7	1.9	41.3
Arizona	3.8	2.0	5.6	2.1	7.8	2.1	17.2	6.2	11.0	64.0
Arkansas	5.2	2.9	7.6	2.8	10.6	2.8	23.4	8.5	14.9	63.7
California	35.3	14.6	56.9	14.9	82.8	14.9	175.0	44.4	130.6	74.6
Colorado	4.7	2.4	7.1	2.4	10.0	2.4	21.8	7.2	14.6	67.0
Connecticut	6.2	2.9	9.7	2.9	13.9	2.9	29.8	8.7	21.1	70.8
Delaware	1.6	1.1	2.3	1.1	3.0	1.1	6.9	3.3	3.6	52.2
District of Columbia	2.3	1.3	3.3	1.3	4.6	1.3	10.2	3.9	6.3	61.8
Florida	11.8	5.3	18.6	5.4	26.8	5.4	57.2	16.1	41.1	71.9
Georgia	9.8	4.6	15.1	4.6	21.6	4.6	46.5	13.8	32.7	70.3
Hawaii	2.2	1.4	3.0	1.3	4.1	1.4	9.3	4.1	5.2	55.9

Footnotes at end of table.

THE WATER POLLUTION CONTROL FUNDING GAP—Continued

AUTHORIZATIONS VS. ALLOCATIONS UNDER THE 1966 CLEAN WATERS RESTORATION ACT—Continued

[In millions]

States	1968		1969		1970		1968–70 funding gap total[1]			
	Authorized	Allocated	Authorized	Allocated	Authorized	Allocated[1]	Total authorized	Total allocated	Total gap	Not funded (percent)
Idaho	$2.5	$0.5	$3.4	$1.6	$4.5	$1.6	$10.4	$3.7	$6.7	$64.4
Illinois	22.9	9.6	36.7	9.8	53.4	9.8	113.0	29.2	83.8	74.2
Indiana	11.1	4.9	17.5	5.0	25.2	5.0	53.8	14.9	38.9	72.3
Iowa	6.9	3.3	10.7	3.3	15.3	3.3	32.9	9.9	23.0	69.9
Kansas	5.7	2.8	9.6	2.8	12.2	2.8	26.5	8.4	18.1	68.3
Kentucky	7.8	3.7	12.0	3.8	17.0	3.8	36.8	11.3	25.5	69.3
Louisiana	8.3	4.0	12.7	4.0	18.1	4.0	39.1	12.0	27.1	69.3
Maine	3.1	1.9	4.5	1.9	6.1	1.9	13.7	5.7	8.0	58.4
Maryland	7.5	3.5	11.8	3.6	17.0	3.6	36.3	10.7	25.6	70.5
Massachusetts	12.0	5.3	19.1	5.4	27.6	5.4	58.7	16.1	42.6	72.6
Michigan	18.0	7.7	28.7	7.8	41.6	7.8	88.3	23.3	65.0	73.6
Minnesota	8.4	3.9	13.1	3.9	18.7	3.9	40.2	11.7	28.5	70.9
Mississippi	6.2	3.4	9.2	3.4	12.8	3.4	28.2	10.2	18.0	63.8
Missouri	10.3	4.7	16.3	4.8	23.4	4.8	50.0	14.3	35.7	71.4
Montana	2.4	[2].7	3.3	1.5	4.5	1.5	10.2	3.7	6.5	63.7
Nebraska	4.0	2.2	5.9	2.1	8.2	2.1	18.1	6.4	11.7	64.6
Nevada	1.2	.9	1.7	.9	2.2	1.0	5.1	2.8	2.3	45.1
New Hampshire	2.2	1.4	3.0	1.4	4.0	1.4	9.2	4.2	5.0	54.3
New Jersey	14.0	6.1	22.4	6.2	32.4	6.2	68.8	18.5	50.3	73.1
New Mexico	3.1	[2].7	4.4	1.9	6.0	2.1	13.5	4.7	8.8	65.2
New York	37.6	15.5	60.7	15.8	88.4	15.8	186.7	47.1	139.6	74.8
North Carolina	11.1	5.2	17.4	5.2	24.9	5.1	53.4	15.5	37.9	71.0
North Dakota	2.3	[2].3	3.3	1.6	4.3	1.6	9.9	3.5	6.4	64.6
Ohio	22.1	9.4	35.5	9.6	51.5	9.6	109.1	28.6	80.5	73.8
Oklahoma	6.1	3.1	9.3	3.1	13.2	3.1	28.6	9.3	19.3	67.5
Oregon	4.7	2.4	7.1	2.4	10.1	2.4	21.9	7.2	14.7	67.1
Pennsylvania	25.7	10.8	41.3	11.0	60.0	11.0	127.0	32.8	94.2	74.2
Rhode Island	2.7	1.6	3.9	1.6	5.3	1.6	11.9	4.8	7.1	59.7
South Carolina	6.5	3.4	9.7	3.4	13.7	3.3	29.9	10.1	19.8	66.2
South Dakota	2.5	[2].3	3.5	1.7	4.6	1.8	10.6	3.8	6.8	64.2
Tennessee	9.0	4.3	13.9	4.3	19.8	4.3	42.7	12.9	29.8	69.8
Texas	22.0	9.4	35.2	9.6	51.0	9.6	108.2	28.6	79.6	73.6
Utah	2.9	[2].7	41.1	1.8	5.6	1.8	12.6	4.3	8.3	65.9
Vermont	1.8	1.4	2.4	1.3	3.0	1.3	7.2	4.0	3.2	44.4
Virginia	9.7	4.5	15.1	4.5	21.7	4.5	46.5	13.5	33.0	71.0
Washington	7.0	3.3	11.0	3.3	15.7	3.3	33.7	9.9	23.8	70.6
West Virginia	5.2	2.7	7.8	2.8	10.8	2.8	23.8	8.3	15.5	65.1
Wisconsin	9.5	4.4	15.0	4.4	21.5	4.4	46.0	13.2	32.8	71.3
Wyoming	1.5	[2].005	2.1	1.2	2.6	1.2	6.2	2.4	3.8	61.3
Guam	1.6	[2].8	1.6	1.5	1.7	1.4	4.9	3.7	1.2	24.5
Puerto Rico	6.6	3.5	9.8	3.5	13.7	3.5	30.1	10.5	19.6	65.1
Virgin Islands	1.5	1.5	1.5	1.4	1.6	1.4	4.6	4.3	.3	6.5

[1] 1970 appropriations still pending.

[2] Actual amounts used by these 8 States although they were entitled to use more. Unused amount totaling $8.3 million from these 8 reallocated to other states.

Source: Federal Water Pollution Control Administration.

ARE THE CITIES TRAPPED IN THE WATER POLLUTION CONTROL FUNDING GAP?

(By Raymond L. Bancroft)

Hopes were high back in 1966 when the Congress approved the Clean Waters Restoration Act. NATION'S CITIES called it "one of the 89th Congress' most sweeping accomplishments."

And indeed it was. The act called for a steady and steep rise in federal assistance for sewage treatment facility construction—from $150 million in fiscal 1967 to $450 million in 1968, $700 million in 1969, $1 billion in 1970, and $1.25 billion in 1971. Financially hard-pressed cities and counties were enthusiastic about the prospects of really being able—with increased federal help—to meet the water quality standards then being drafted by state water agencies under the Water Quality Act of 1965.

While the lofty money authorization levels set in the 1966 act remain intact, however, the appropriations to match them have not been made by Congress. In fact, as the table on page 8 shows, the appropriations from fiscal year 1967 through 1970 (including $214 million asked for '70) total $781 million, only a third of the $2.3 *billion* authorized. Construction grant officials in the Federal Water Pollution Control Administration said in July that applications for non-existent funds continue to pile up. A total of 4,646 applications for construction grants are now languishing in FWPCA regional offices or in state water pollution bureaus.

The result of the lag in federal funds for wastewater construction projects naturally has "put the burden back on the localities" to pay for needed projects, says Robert Canham, acting executive secretary of the Water Pollution Control Federation, a national association representing both industry and government.

"This whole situation has tended to lead to a lack of confidence by local and state officials in what federal aid levels will be," Canham adds. "The states are recognizing the problem where it counts . . . through their taxpayers with the expectation of federal assistance later."

The fact that municipalities and states are taking up the slack in waste treatment facility building left by inadequate federal assistance is borne out in a new WPCF publication, *Water Pollution Control Facts.*

"The influence of the federal grants program for the construction of wastewater treatment facilities, even at its $214-million per year level, assures the proper encouragement of construction by municipalities," the report states. "Witness the 1968 increase over 1967; it showed a 20 percent increase for a total of $1.35 billion, despite the fact that the level of federal grants funds did not increase. Fiscal 1970 continues at the $214 million level, the same as fiscal 1969. At least this will keep up the momentum."

Canham, however, wonders what will happen to the fight against water pollution when the 1966 act's current authorization expires in fiscal 1971, particularly if increased federal appropriations aren't forthcoming.

"The whole effort is bound to suffer," he says.

In advocating that Congress appropriate the full $1 billion authorized for fiscal 1970 construction grants, the National League of Cities has pointed out the bind in which many cities will find themselves if they cannot get federal assistance.

"Local improvements must be made since the act provides for enforcement through the courts," said NLC President C. Beverly Briley, Mayor of Nashville, in a letter to President Nixon urging his support of the full appropriation.

"Local units will be compelled to proceed with major improvements and expenditures whether or not the federal government meets its obligations. The sad product will be that cities will be forced to clean up the waterways but will do so at the expense of improving housing, education, and other critical local needs which draw upon the same resource base."

Already communities in Pennsylvania, Missouri, Florida, California, and New Jersey have faced state-imposed restrictions on future residential and commercial construction because of water pollution problems.

But many observers, including the NLC, feel it is unfair for cities to be forced to comply with water quality standards while many are not able to financially meet them because Congress has failed to appropriate funds already authorized.

Mayor Briley urged the Administration to either support efforts to get full appropriations or, if this is not possible, to modify the schedule of compliance to permit cities a longer period of time in which to meet water quality standards.

The primary reason for lack of adequate federal financing of the 1966 Clean Waters Restoration Act is the same given for other domestic program appropriation lags: the Vietnam War. Under prodding from the budget cutters, the Administration has sent Congress an alternative plan for financing waste treatment plant construction. Under the plan, the Secretary of the Interior could enter into contracts up to 30 years in length with a local or state government to pay the federal share of the costs of treatment plants.

This means larger bond issues would have to be floated and the locality or state would have to pick up the interest on the federal share. Federal payments to the state or local government would be made up to 30 years to cover that U.S. share. The National League of Cities and other groups representing local governments are opposed to the plan. "We think it stinks," said one NLC staffer.

1968 MUNICIPAL WASTE INVENTORY [1]

Size of place 1960 census	Primary treatment: Total plants	Primary treatment: Communities identifiable	Primary treatment: Population served	Secondary treatment: Total plants	Secondary treatment: Communities identifiable	Secondary treatment: Population served	No treatment: Communities	No treatment: Population served
Unknown	112	65	6,284,805	643	302	8,049,603	15	271,725
Under 500	261	239	587,361	1,231	1,117	1,820,942	252	79,640
500-1,000	355	338	249,101	1,422	1,334	1,322,214	333	228,444
1,000-2,500	623	550	980,302	2,160	1,945	3,422,129	491	685,556
2,500-5,000	368	318	1,110,813	1,329	1,103	4,325,341	215	704,898
5,000-10,000	279	239	2,532,269	961	781	5,763,512	143	1,649,878
10,000-25,000	242	211	3,453,900	771	519	8,875,655	82	1,354,855
25,000-50,000	106	83	3,063,100	258	166	6,588,635	25	839,075
50,000-100,000	48	41	3,374,220	158	74	6,192,422	14	1,071,710
100,000-250,000	35	18	3,419,215	97	39	6,604,168	8	1,224,070
250,000-500,000	17	9	3,307,525	76	10	4,200,285	2	858,905
Over 500,000	22	6	15,372,410	77	9	18,620,880	2	2,305,900
Total	2,468	2,117	43,735,021	9,183	7,399	75,785,788	1,582	11,274,656

[1] Includes 1962 rather than 1968 conditions for the States of New York, New Jersey, Pennsylvania, Iowa and Arkansas.

Source: "The Cost of Clean Water and Its Economic Impact," Vol. 1, 1969 (preliminary data). Federal Water Pollution Control Administration.

As Joe G. Moore, Jr., the former commissioner of the Federal Water Pollution Control Administration, expressed it at a conference earlier this year:

"Congress . . . will again this year wrestle with the problem of how to provide additional funds for the construction of waste treatment facilities without appropriating money."

David D. Dominick, Moore's successor, expresses disappointment at the length of time it took to get the alternate financing proposal to Congress. But, he adds, "we must make the best of a tight budget situation because right now we are lagging in the fight for clean water."

Dominick's FWPCA is caught in the middle of the financing dilemma. It pushed hard for an appropriation of $600 million for construction grants in the proposed 1970 budget but the Bureau of the Budget chopped that request to $214 million, the same as that appropriated in 1969.

"It is most important that we make every effort in Washington to keep faith with the states that have already begun construction on their own," Dominick says. "We must keep faith with the municipalities which need additional financial assistance in order to meet the water quality standards to which they have agreed."

FWPCA officials in the field also feel the pinch of congressional promises in the light of funding realities. Richard A. Vanderhoof, director of FWPCA's Ohio Basin Region, notes the "clearly incompatible" nature of water quality standards and the funds available to meet them.

"We're making progress in water pollution control if everyone would stand still," Vanderhoof says. "But we must run faster. The combination of industrial growth and municipal growth almost puts us in a position of status quo, particularly with the level of funds we have available."

Although it is generally agreed that there is a whopping backlog of unmet sewage treatment needs in the U.S. (a 1967 FWPCA estimate put the total at $8 billion to provide secondary treatment for most of the urban population), the 1969 edition of FWPCA's *The Cost of Clean Water and Its Economic Impact* comes up with a much smaller backlog estimate of less than $2 billion.

"Only a fault in basic assumptions or a significant change in circumstances can account for the variation found to exist between various estimates of the cost of water pollution and control," the agency report says.

"It may be argued," the report continues, "that the concept underlying almost every cost estimate that has been made—that is, the idea of a fixed backlog—is no longer a valid assumption in light of the current status of waste treatment as reflected in the 1968 Municipal Waste Inventory.

"Water pollution is a process as well as a condition. It is dynamic in its occurrence; fluctuating in its circumstances. So water pollution control must be flexible in its approaches; and time forms an essential element in estimates of its cost.

"This document [the report], then, views the municipal costs of water pollution control within a context of dynamism. It gropes with the question of determining an *appropriate rate of investment* rather than establishing a final cost of water pollution control. In substituting the dynamic view for the static one, it recognizes the disagreeable fact that pollution control will continue to require expenditures, that pollution cannot be ended by spending any single sum. It loses something in apparent precision. It is felt, however, that the view compensates for any lack of definition by bringing us closer to a manageable statement of real conditions.

"The changed way of looking at things imposes a broader view and forces recognition of problems in relating federal programs to events in such a way that the programs will not be out of date or mis-scaled by the time they are initiated. While all the ramifications of the approach are not understood, analyses now being undertaken can be expected to yield some insights over the coming year. These may be useful in recasting legislation after the expiration of current authorization in fiscal year 1971."

The FWPCA report also points out that new treatment plant investments are fairly close to the estimated need for construction and that rates of investment for interceptors and outfalls are very close to the level of indicated requirement. "But sewer, replacement, and expansion shortcomings seem to be developing," it adds. "Since 1963 the construction of new waste treatment plants has been declining relative to the other major categories of investment that qualify for FWPCA construction grants—replacements, additions, and installation of interceptor sewers."

But the FWPCA notes that the decline in new treatment project should not be a surprise. An "enormous number" of new plants—more than 7,500—have been built between 1952 and 1967 and the great majority of the population with sewers now receives some sort of waste treatment.

Since only four cities over 250,00 population (Honolulu, New Orleans, Memphis, and parts of New York City) remain available for *initial* waste treatment investments, the coming investment in new plants is concentrated in small towns. The FWPCA report says communities under 10,000 population now account for almost half of the dollar value of investment for new waste treatment plants, up from slightly more than a third during the 1952–55 period.

Estimates from the states in their program plans indicate that municipal waste handling investments over the 1969 through 1973 period will amount to about $6 billion, roughly equal to that spent over the past five years, the FWPCA report says. It is very likely that spending for upgrading, expansion, and replacement needs in 1969 will exceed the outlays for new plant investments. "There seem to be great expansion and replacement needs in cities of all sizes," the report notes.

Adding to this trend will be the need for advanced waste treatment to meet the stricter state water quality control standards. Tertiary or advanced waste treatment is a state goal for many Indiana communities by 1977, is contemplated for some Ohio towns, is being phased into the Chicago system, and is planned for part of Long Island. Construction costs zoom upward for advanced treatment facilities.

The need for advanced treatment, the increased emphasis on upgrading operational efficiency, and the need to raise operator wages will increase operating and maintenance costs of municipal waste treatment plants "very sharply in the immediate future," the FWPCA report notes. Already these operating and maintenance costs total $150 million to $200 million a year, a doubling in the last decade.

In summarizing its findings, the FWPCA concludes:

"It would appear, then, that there may be a substantial gap opening between the amount the nation expects to spend—as measured by state program plans and by the level of federal construction grant appropriations—and the amount that will be required to complete the connection of all sewered places to waste treatment plants and to expand, replace, and upgrade treatment where it now exists.

"The fact that the states as a group anticipate programs that will involve a level of spending very close to that of the last six years is a cause for major concern, despite the major accomplishments of the last six years.

"The findings of this report show that investment requirements imposed by new plant construction, expansion, replacement and upgrading of plants, accelerating acceptance of industrial wastes in the municipal plant, increasing levels of waste reduction being required, and the fact that a very significant portion of needed new investment occurs in precisely those places where cost experience in the past has been highest, will all result in pressing capital requirements upward significantly for many years."

INVITATION TO ATTEND WENDELL WILLKIE MEMORIAL BREAKFAST

Mr. SCOTT. Mr. President, I am most pleased to invite all Members of the Senate and House to participate in a memorial breakfast to commemorate the 25th anniversary of the death of the late Wendell Willkie.

Born and raised in Elwood, Ind., Wendell Willkie was a leader, statesman, and the nominee of his party for the Presidency. He exercised in his time, and continues to exercise a profound influence on the destiny of our Nation.

It will be my honor to preside at this breakfast. Senator JOHN SPARKMAN will join me in addressing the gathering, and

XUM

Rev. Edward L. R. Elson, Chaplain of the Senate, will deliver a memorial prayer.

The breakfast will be held in room S-207 of the Capitol at 8:30 a.m. on Wednesday, October 8. If you plan to attend, please contact Mrs. Lamar Toole of my staff at extension 6324 at your earliest convenience since there is a limited seating capacity in S-207. Individual invitations to this effect have already been extended to all Members of the Senate and House, but I believe the nature of the occasion makes this formal announcement in the Senate most appropriate.

I look forward to seeing you on Wednesday.

TESTIMONY OF SENATOR GOODELL BEFORE THE COMMITTEE ON FINANCE ON THE TAX REFORM ACT OF 1969

Mr. GOODELL. Mr. President, this morning I testified before the Committee on Finance on the Tax Reform Act of 1969 (H.R. 13270). The swift enactment of legislation to reform our tax structure is a matter of great concern to me.

I discussed with the committee the provisions of a bill which I am introducing today to provide two new selective tax relief measures in lieu of the blanket rate reductions in the House-passed bill: A 25 percent tax credit for medical expenses and a graduated tax credit for higher education expenses.

I also made recommendations to the committee on other provisions in H.R. 13270: The investment tax credit, capital gains tax, tax exemption of municipal bonds, donations of appreciated property, and the tax treatment of foundations.

Mr. President, I ask unanimous consent that the text of my statement to the committee, a summary of my testimony, and the text of my bill be printed in the RECORD.

There being no objection, the summary and text of the bill were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR GOODELL TO THE SENATE FINANCE COMMITTEE ON THE TAX REFORM ACT OF 1969, OCTOBER 3, 1969

Last month, the House of Representatives passed a tax reform measure of comprehensive scope. That fact alone has provoked widespread interest in Congress and throughout the nation. Comprehensive tax reform is so long overdue that we are all grateful for a measure which does, in fact, address itself to correction of many of the inequities in our tax laws—inequities that over the years have transformed the democratic ideal of our graduated system of income taxation into a haven for special privilege.

Like a child who has taken his first few steps, we're a little awed by our own courage but delighted to discover that we do have, after all, the ability to go where we want to go. In our enthusiasm, however, let us not lose sight of where it is we want to go.

REVENUE-PRODUCING REFORMS

The House bill does represent a first step—some see it as a somewhat shaky and uncertain step—toward elimination of special tax privileges which do not serve the national interest. The Treasury estimated that this loop-hole plugging function of the bill will eventually bring in $4 billion per year in additional revenue collections. A feature of the bill designed primarily to fight inflation—repeal of the investment credit—is expected to bring in an additional $3.3 billion per year.

These revenue-producing provisions make possible for the first time in many years a responsible and creative reexamination of the ways in which the taxpayer's burden may be lightened—not just to serve the individual's narrow interest in decreasing his own taxes but to serve the national interest.

BLANKET RATE.RELUCTION

I do not think the across-the-board reduction in tax rates included in the House bill are in the national interest.

The tax reform and anti-inflationary provisions in the House bill will in the long-term raise an additional $8.1 billion per year. The blanket rate reductions and other relief measures in the bill would cost $10.5 billion per year. This leaves a net loss of $2.4 billion per year.

This loss—unless it is offset by reductions in Federal spending—will simply add to inflationary pressures. The inflationary effect will be particularly strong because blanket rate reductions *directly* feed consumer spending.

If we really are concerned with fighting inflation—as I think we have to be—we simply cannot afford the fiscal luxury of this sort of wholesale rate reduction.

It is surely apparent that the last general reduction in tax rates which took effect in 1964 and 1965 has contributed materially to our present overheated economy. It may be appropriate in the future to consider another general reduction of the magnitude proposed in the House bill. This is not the time, however. Let us first give our unpleasant fiscal and monetary medicine a chance to bring the present bout of inflation under control before risking renewed infection.

It is, moreover, difficult enough to solve the pressing social problems facing the country in the present stringent budgetary situation. Passing a tax bill in which tax cuts exceed revenue-raising measures will only aggravate the situation.

For these reasons, and for other reasons detailed in the testimony of Secretary Kennedy before the Senate Finance Committee, I prefer the Administration proposals on the low income allowance, on the standard deduction and on the rates for single taxpayers to the analagous provisions of the House bill. I also prefer the Administration's proposal to eliminate the gasoline tax deduction.

I would, however, go further—and oppose the blanket rate reductions contained in the House bill.

SELECTIVE TAX RELIEF

It makes much more sense, in lieu of blanket rate reductions, to adopt a rational choice among our high-priority goals which may most effectively be served by tax relief. Let me suggest two national assets which are fundamental to the quality of American life and which may be served effectively by carefully directed tax-relief innovations: the health of the body and the development of the mind.

I propose the use of income tax credits to lighten the burden of the lower- and middle-income citizens who incur expenses for medical care or for higher education. These tax relief provisions will inevitably extend the scope and improve the quality of modern techniques devoted to health care and higher education.

A recent Harris survey has shown that 33% of American families consider medical and educational costs as the major financial problems they are facing. The tax relief measures I am proposing will help reduce the impact of these costs on family budgets.

These two tax relief proposals—the credit for medical expenses and the credit for higher education expenses—are set forth in a bill which I am introducing today and which I would like to submit to this Committee with my statement. I respectfully suggest the Chairman consider the substance of this bill as an amendment to the Tax Reform Act this Committee is now considering.

CREDIT FOR MEDICAL EXPENSES

I propose a 25% credit against income tax for all reasonable, uninsured medical expenses—including hospitalization, professional fees, medicine, and related insurance premiums. This credit would be subject to a maximum annual limitation of from $500 to $800 (depending on the number of the taxpayer's dependents) and subject to gradual reduction in higher tax brackets.

Under existing law, a deduction is available for that portion of general medical expenses which exceeds 3% of the taxpayer's adjusted gross income. And only that portion of the cost of medicine which exceeds 1% of adjusted gross income may be taken into account for purposes of calculating the deduction.

EFFECT OF STANDARD DEDUCTION

These existing provisions are of limited significance. One reason for this is that no relief is available to the broad category of taxpayers who elect the standard deduction. And more often than not it is these taxpayers who are most in need of relief. The enlargement of the standard deduction proposed in the House bill serves to underline this objection.

Under the provisions I propose, relief would be available by way of direct credit against the tax due, whether or not the taxpayer uses the standard deduction.

NEED FOR RELIEF

In the cases when the existing deduction does become available, another defect is apparent: the amount of tax relief increases with the taxpayer's bracket. A medical expense deduction is worth roughly twice as much to the taxpayer in the 50% bracket as it is to the taxpayer in the 25% bracket.

The tax credit provisions I am proposing would provide direct tax relief (up to the $500 to $800 limit), rather than a percentage relief based on the tax bracket. It thus provides real benefits to low- and middle-income taxpayers.

Furthermore, the credit would be decreased on a percentage scale as the taxpayer's income rises over $25,000. No credit at all would be available for the very wealthy—those taxpayers with incomes over $65,000.

OPTIONAL MEDICAL EXPENSE DEDUCTION

Because the credit is limited to a maximum of $500 to $800, taxpayers with unusually high medical expenses should continue to have the option to utilize the existing medical expense deduction. Accordingly, my proposal will retain this option.

PREVENTIVE MEDICINE

An undesirable feature of the present law is, in my opinion, its reinforcement of the economic barrier to periodic medical checkups and to early professional consultation when the first symptoms of illness appear. The barrier is reinforced because the initial medical expenses in any year up to the threshold of 3% of adjusted gross income are not deductible. If the taxpayer's annual income is $10,000, that threshold is $300.

It is my hope that the credit I propose for these initial expenses will encourage periodic physical examinations and early professional consultation. The key to good health lies in recognizing and overcoming the incipient threat of disease before it develops. The cost to us of failing to encourage the practice of preventive medicine, in terms both of human and monetary loss, is beyond measure. The tax credit I propose will fulfill this essential function.

LIMITATION TO REASONABLE EXPENSES

There must, of course, be safeguards to assure that the medical expenses incurred

XUM

and sought to be credited are reasonable. The Secretary of the Treasury should be given authority to establish and adjust by regulation a schedule of maximum creditable charges for such items as hospitalization expenditures and consultation fees.

CREDIT FOR EXPENSES OF HIGHER EDUCATION

I propose a credit against income tax for a portion of expenses incurred for undergraduate and post-graduate education. The costs of expenses such as tuition, books and supplies would be covered, subject to a maximum annual limitation of $325 per student and a gradual reduction of the available credit in higher tax brackets.

Like the credit for medical expenses, the credit for expenses of higher education would be available whether or not the taxpayer uses the standard deduction. And reduction of the credit in higher brackets would assure that lower- and middle-income taxpayers receive the primary benefits.

SLIDING SCALE

The amount of the credit would be reduced on a sliding scale as the expense increases. This would equalize benefits between low-tuition and high-tuition institutions. Proportionately greater tax relief would be available for payment of low tuitions.

The sliding scale would operate in the following way. Of the first $200 in expenses for any one student, 75% would be creditable; of the next $300, 25% would be creditable; of the next $1,000, 10% would be creditable. Expenses for any one student in excess of $1,500 would be ineligible for credit in any year, and the maximum annual credit would be limited to $325.

PREVIOUS PROPOSALS

A sliding-scale credit for expenses of higher education is not a new idea. I sponsored legislation providing for such a credit while serving in the House of Representatives. In 1967 the Senate approved legislation similar to that which I now propose, but the credit, vigorously opposed by the Johnson Administration, was eliminated in conference.

In two respects, however, my proposal differs from the measure approved by the Senate in 1967.

LIMITATION ON BENEFICIARIES

Under my proposal, relief would be limited to expenses for education of the taxpayer himself, of his spouse or of his dependents. The 1967 measure would have provided multiple credits for the education of anyone whose expenses the taxpayer chose to pay.

THE STUDENT PAYING HIS OWN WAY

One shortcoming of the 1967 measure was the likelihood that little or no assistance would become available to the student working his way through college. For at the time his expenses were incurred, his income would normally be so low that little or no tax would be payable against which his credit may be taken. This likelihood would be increased by provisions of the present House bill which enlarge the standard deduction and low-income allowances.

I propose, therefore, that to the extent any credit for the taxpayer's own educational expenses may not currently be used due to low tax liability, it be carried forward for use in any of the next ten years. This is appropriate since the training and skills acquired in the educational process contribute materially to the production of income in later years, and I believe this to be true not just of specialized vocational training but of general curricula at both undergraduate and graduate levels.

IMPROVING AND BROADENING EDUCATIONAL OPPORTUNITIES

The general arguments for and against a tax credit for educational expenses are well known and have been developed at length in recent years.

What most impresses me is the impetus such a measure will inevitably give to (1) improving our educational system at both public and private institutions and (2) broadening the opportunities available to the public for higher educational training.

The legislation I propose will encourage the widest possible attendance at colleges and universities and help spread the benefits of higher educational training throughout our population.

In some ways, carefully directed use of tax relief is the most effective form of government assistance to higher education. It does not require the creation of cumbersome and costly bureaucratic machinery. And it avoids controversy over government determinations as to the institutional beneficiaries of federal support.

There can be no charge that, by government fiat, church-sponsored institutions are being favored, that secular institutions are being favored, that public institutions are being favored, or that private institutions are being favored. Institutions will benefit from the indirect support of the proposed tax credit solely to the extent they attract students. And the attraction for students will increase as educational opportunities improve.

FISCAL EFFECT OF TAX CREDIT PROPOSALS

The Treasury estimates that the annual cost of the credit for medical expenses I have proposed would be about $3 billion; and that the annual cost of the credit for educational expenses would be less than $2 billion. I would propose that both credits become effective for the 1972 fiscal year.

The total annual cost of both tax relief measures would be approximately equal to the annual increase in revenue expected to result by 1979 from the reform and anti-inflationary provisions of the House bill (other than the reform provisions which I oppose for reasons set forth elsewhere in this statement).

The enactment of these two tax credits would not have the same inflationary effects as the across-the-board cuts in the House bill. This is because their inclusion in the House bill—in lieu of the across-the-board reductions—would create a situation where the revenue-reducing measures in the bill would not exceed the revenue-producing measures in it by a large amount. In addition, these tax-credits would not directly feed consumer spending to the same extent as blanket rate cuts.

THE INVESTMENT TAX CREDIT

I have serious reservations about the advisability of repealing the investment tax credit.

Vigorous fiscal measures are clearly needed to combat the inflation that now threatens our economy. We must accept the fact that these measures, to be effective, cannot be painless.

We must be equally aware, however, of the risks of putting all the fiscal and monetary brakes on at once. The anti-inflationary measures we are invoking now may take a substantial period of time before they are fully felt—and then may "grab" all at once.

This problem of a long "lead" time is particularly serious in the case of the investment tax credit. The credit does not primarily affect consumer spending now; it affects capital expenditures 6 months to 2 years from now. Removing the credit now may "take hold" at a future time when we are no longer so much concerned with inflation as with recession.

The experience of a few years ago—when Congress repealed the credit only to restore it—suggests the inadvisability of trying to turn the credit on and off to offset swings in the economy. Congress repealed the credit to halt the inflation—only to find that this action took effect in the economy when inflation was no longer the problem, and then hurried to restore it. I opposed repeal at that time.

I think it is essential to have a permanent tax incentive for long-run economic growth. The investment tax credit serves this function.

I am aware, however, that repeal of the credit has broad support in both Houses of Congress and the Administration, and thus is almost certain to pass. Accordingly, in the calculations upon which my other proposals are based, I assume the credit would be repealed.

TAXATION OF CAPITAL GAINS

The Tax Reform Act proposes sweeping changes in the treatment of capital gains—including an increase in the rates and extension of the holding period necessary to qualify for long-term gains status.

In my opinion, inadequate study has been given to these changes.

These are some of the hard questions which will have to be fully explored in deciding whether to alter the existing system of capital gains taxation:

How will elimination of the 25% alternative tax on gains and application of a "minimum tax" to gains affect the availability of high-risk capital to finance new ideas, new technology, new businesses, new industries?

How will the expansion of the holding period to one year affect the essential liquidity of our securities markets?

How will the opportunity of lower- and middle-income families to build private capital for their future be affected?

The special treatment now accorded to capital gains is not just a loophole. It is a way of stimulating investment. Any change in this treatment must be considered, therefore, not in the loophole-plugging spirit merited by special privilege provisions of the tax code, but in the spirit of inquiry into all factors affecting capital formation and economic growth in this nation.

It may well be that changes of the present rules are desirable. But the effect of those changes on the economy, on markets, and on individuals must first be thoroughly understood. The haste with which action was taken on these changes in the House of Representatives did not permit adequate investigation of the consequences.

TAX TREATMENT OF INTEREST ON MUNICIPAL BONDS

I feel this is not the time to promote radical changes in the form of support extended by the Federal government for the financing undertaken by state and local governments.

This support now takes the form of a Federal tax exemption for municipal bonds.

The Tax Reform Act now before this Committee would partially nullify this exemption by subjecting interest from tax exempt municipal bonds to a "minimum tax" and to a rule of allocation of deductions.

I do not think these measures are well advised. The limited revenues these changes would bring to the Treasury would be more than offset by increased costs and difficulties which states and municipalities would encounter in marketing their bonds.

Our Federal system of government now faces a crisis of fiscal imbalance. The revenue-raising capacity of the Federal government is simply not matched by that of state and local governments.

President Nixon has been the first President to recognize fully the gravity of their crisis and to propose a bold "New Federalism" to help rectify it. Among the President's proposed reforms is one I have long supported—Federal revenue sharing with state and local governments. With this important initiative, the President for the first time has created a realistic hope that revenue sharing will become a reality in the near future.

If revitalizing our Federal system is, indeed, our aim, we certainly cannot afford to take any action that hinders states and localities in marketing their obligations to finance their capital requirements.

TAXATION OF FOUNDATIONS

One of the most significant aspects of the House bill is its proposed changes in the tax treatment of private foundations.

Private philanthropic institutions have made incalculable contributions to the development of this nation. These contributions resulted from foundation innovation, creativity and support for new ideas. The possibility for innovation must be protected and nurtured if we are to continue to reap benefits in the future. Therefore, any far-reaching changes made in the tax treatment of foundations must be considered with great care.

No one can argue that there have not been abuses by foundations in the past which require correction. Self-dealing between a foundation and its donors must be prohibited. The misuse of tax exemption for private influence or gain should be curtailed. Greater public disclosure of foundation activities is in the public interest.

Nonetheless, curtailing existing abuses should not be a vehicle for a punitive attack upon the very essence of private philanthropic activities in this country. It is for this reason that I recommend that the Committee consider the following changes in the bill as it passed the House.

THE 7½ PERCENT TAX ON PRIVATE FOUNDATION INCOME

I am strongly opposed to the imposition of the proposed tax on foundation income.

In my judgment, this tax is an unwarranted departure from the principle that non-profit organizations organized for charitable purposes should be free from taxation.

It is discriminatory in that it would only be levied against foundations and not against other nonprofit charities such as schools, universities, churches, and hospitals.

It would hit not the donors or officers of foundations, but the whole range of educational, scientific, medical, cultural and social activities they finance. Any tax on foundations means an automatic corresponding loss of funds for these activities. To the extent that foundations aid the public, the public is hurt by a tax on their investment income.

Foundations have a commendable record of success in developing institutions overseas. Many foundations which operate in foreign countries receive the benefits of tax free status in those countries because of their exemption in the United States. Should a tax of any kind be imposed, this could result in a loss of their foreign exemption as well.

Finally, the tax creates a dangerous precedent. If it is appropriate to tax foundation income now at the rate of 7½ percent, then why not at 10 percent, or 25 percent next year or the year after? If the Federal government can tax foundations, why should State and local governments not do so? Should a tax be imposed, the road ahead is only too clear: government will take a larger and larger bite from foundation income, and a smaller and smaller portion will be left over to fulfill charitable and social purposes.

In my opinion, there are no advantages to be derived from imposing this 7½ percent tax. It would not be a revenue raising device of any significance, as it will bring in only about $65 million in the first year and $100 million by the tenth year. It would not aid in reforming known abuses, for these are dealt with in other sections of the bill.

In my opinion, the only rationale for collecting any revenue from foundations should be to encourage more effective supervision of their activities. For this reason, I would strongly recommend that the Committee substitute the requirement of an annual *filing fee* in place of the 7½ percent tax. This fee should be collected only to cover the costs of an increased program of supervision and audit by the Internal Revenue Service. This could be accomplished by charging each foundation either an amount proportional to its assets or a specified percentage—with an upper limit clearly set—of its income.

FOUNDATION PROGRAM ACTIVITIES

The bill would bar foundations from attempting to influence legislation through (1) attempting to affect the opinion of the general public or any segment thereof or (2) privately communicating with any member or employee of a legislative body or with any person who may participate in the formulation of legislation other than through making available the results of non-partisan analysis and research.

Foundations are engaged in studies or projects on almost every topic of public concern, be it drug abuse, air pollution, or international satellite communications. We as legislators have benefitted from this expertise. The public interest has been served by these activities. Does it make any sense to prohibit foundations from taking a public stand on vital issues or from discussing them with legislators? Does it make any sense to limit their treatment of such issues to a vaguely defined term, "nonpartisan research," and to prohibit them from making definitive recommendations or taking definitive action?

Surely, this is self-defeating.

Existing law prohibits foundations from *substantially* carrying on propaganda or otherwise attempting to influence legislation or supporting political parties and individual candidates. It is generally agreed that more effective enforcement procedures would substantially reduce violations of the existing statutory standard. Allowing the existing law to remain as it now is, with increased enforcement and supervision, should be adequate protection both for the public and the foundations themselves.

EXCESSIVE SANCTIONS

The bill now imposes heavy tax liabilities on foundations and foundation managers for violations of the programmatic and financial provisions of the bill. In my view, these penalties are excessive and should be scaled down.

I submit to the Committee that the present sanctions far exceed the reasonable limits of enforcing these violations. With this club hanging over the head of foundations and their officers, the result will no doubt be to inhibit their support for innovative and creative projects.

Consider, for example, the penalties for violating the provision regarding an attempt to influence legislation discussed above. The foundation would be taxed at the rate of 100% of the amount of the program expenditure paid for the improper purpose. In addition, foundation officials who knowingly made this expenditure would be taxed at the rate of 50% of the amount spent.

Many medium-sized foundations make grants of $50,000 and more—and the large foundations often make multi-million dollar grants. The imposition upon a foundation officer of a fine of 50% of these large amounts could ruin him financially. I submit to the Committee that this is neither rational nor justified. I fear that this will be an effective bar to people seeking jobs in foundations.

Any penalties for violations of the bill must be reasonable. Moreover, there should be a period in which violations can be corrected before the penalty is imposed.

THE DEFINITION OF FOUNDATIONS AND RESTRICTIONS ON GRANTS APPROVED AS "QUALIFYING DISTRIBUTIONS"

The bill creates a broad definition of private foundations which describes them from a totally new vantage point. The public has traditionally viewed foundations as private, nonprofit organizations with a principal fund of their own, established primarily to make grants in support of charitable, educational, scientific and civic purposes serving the public welfare.

The provisions of the bill would expand this traditional definition to such an extent that a wide range of other institutions would now be classified as "private foundations."

Some of these institutions are primarily engaged in research or conduct studies on educational, medical, scientific and social issues. They have never been considerd foundations in the past. Others are public service organizations working with the community on health, welfare and other programs. Many of them are heavily dependent upon foundation grants for their very existence. Newly classified as foundations under the bill, they would be subject to the supervisory tax or filing fee—thereby having less money available to conduct their activities. They would also be subject to the House bill's program limitations upon foundations.

In addition, the bill requires that foundations annually allocate at least 5% of their investment assets in order to insure prompt charitable distribution of annual foundation income. Grants from one foundation to another foundation would not qualify as approved distributions under this provision, except in the case of those organizations classified as "private operating foundations."

It is reasonable to expect that because of this provision foundations would make grants with an eye toward meeting their qualifying distribution requirements. This could have an extremely damaging effect upon a large number of institutions—those not classifiable as "operating" foundations—which currently depend upon foundation grants for their very existence. Overseas organizations established under U.S. foundation grants would also be so affected.

I would recommend to the Committee that it redraft the present definition of a foundation now in the bill to reflect the traditional public view of foundations as funded nonprofit, private, grant-making organizations.

FOUNDATION RESPONSIBILITY FOR THE EXPENDITURES OF GRANTEES

I would agree that foundations should exercise responsibility for the grants which they make. However, this standard of responsibility should be one of reasonable care and diligence. It should not be absolute liability.

The bill—unrealistically, in my view—imposes a standard of absolute liability. Foundations are required to exercise "full" expenditure responsibility over the grants they make to all beneficiaries except for grants to publicly supported or other "30 percent" charities. Foundations would have to make absolutely sure that the funds are spent for the purposes for which the grant was made.

In order to comply with this requirement, foundations would probably have to increase greatly their auditing and monitoring staff. It can be argued that an unintended result of the bill would be domination by the parent foundation over the program of its grantee. This is neither necessary nor desirable.

The requirement could have other effects. Foundations might tend to limit their grants to those charities exempted from it. New organizations, in the process of building a program, might suffer from lack of support. Once again, we would be discouraging innovation and pioneering.

Therefore, I would recommend that the Committee replace the standard of "full" responsibility with a standard of "reasonable care and diligence".

XUM

GRANTS TO INDIVIDUALS

Under the provisions of the bill, grants by foundations directly to individuals must be made according to "objective" standards. The Ways and Means Committee report states that the grants must be "directed toward the production of a tangible product (a book, paper, or other study, or a scientific development or useful process), the achievement of a specific objective, or the improvement or enhancement of a literary, artistic musical, scientific, or other similar capacity talent, or skill."

These requirements would have the undesirable effect of barring the continuation of certain respected grant programs which are conducted simply to recognize excellence in a profession. There is also an implication here that the federal government would in some way have to approve the standards by which foundations make grants. The dangers of this need no further discussion.

I personally feel that we have already suffered too much from the effects of the "publish or perish" syndrome affecting the academic community. Why encourage this further?

DONATIONS OF APPRECIATED PROPERTY

I do not favor the proposals in the House bill concerning the tax treatment of gifts of appreciated property for charitable purposes. Colleges, universities, hospitals, and churches now receive gifts of appreciated property in heavy volume, and depend upon such gifts for nearly one-half of their philanthropic support. The House bill imposes new limits upon the degree to which such gifts can be deducted from taxable income, and exempted from a capital gains tax. The quantitative impact of these provisions is very damaging.

As James Reston pointed out in an article in the New York Times on August 31, 1969, "In the opinion of university administrators and fund-raisers, it is precisely this tax incentive of deducting the full market value of appreciated securities that is responsible for the immense flow of private giving in recent years. For example, in the years 1965–68, the market value of securities donated by individuals to Yale University amounted to $33,007,690 or 65 per cent of the total gifts from individuals during this period. In 1968–69, Harvard received $15,900,000 or 68 percent, and M.I.T. in 1968–69, $2,170,000 or 70 percent. Columbia University, which is now in the midst of a major fund-raising drive to deal with its serious financial problems, received $2,658,000 in security donations in 1966, $3,178,000 in 1967, and $6,038,000 in 1968, and it is still in deep trouble."

Of great concern to me is the provision in the bill which would prohibit the deduction of the value of works of art unless the appreciation is included in ordinary income. Assistant Secretary of the Treasury for Tax Policy Edwin Cohen pointed out that, "Our finest museums and art galleries are dependent on such gifts, and their contribution to the good of our society is universally acknowledged. We see no sufficient reason to distinguish such gifts from gifts of appreciated securities to other charities."

REALIZING THE FULL POTENTIAL OF TAX REFORM

In most other respects, the reform features of the House bill deserve support, even those which fall short of expectations. Taken together, these reforms represent a creditable first step toward elimination of inequity in the tax system.

Even more important, these reforms now permit *selective* tax relief innovations which will serve fundamental national interests, such as the two I have singled out: the preservation of health and the development of intellect.

Lower taxes for all may appeal to the voter today. The higher prices which result tomorrow will not.

Higher standards of national health and education could constitute a lasting heritage which this Congress now has power to dedicate to future generations.

Another opportunity may not come, if history is a guide, for another decade. Let us, therefore, make the most of today's reforms so that our children can make the most of theirs. They will need all the health and education we can give them to solve the other problems we will leave them.

Summary of Statement by Senator Charles E. Gooddell

BLANKET RATE REDUCTION

Opposes the blanket tax rate reductions because of their inflationary effects. Supports the Administration proposals on low-income allowance, on the standard deduction and on rates for single taxpayers.

Proposes selective tax relief in lieu of blanket rates reductions.

CREDIT FOR MEDICAL EXPENSES

Proposes a 25% credit for medical expenses. This credit would be subject to a maximum annual limitation of $500 to $800 (depending on the number of the taxpayer's dependents) and subject to gradual reduction in the higher brackets. Taxpayers would be permitted the option of taking the existing medical deduction in lieu of the credit. The credit would take effect in 1972.

The existing medical deduction is of limited significance to low- and middle-income taxpayers because (1) it is not available for taxpayers who elect the standard deduction, (2) it is not available for taxpayers whose medical expenses are below 3% of their adjusted gross income, and (3) the value of the deduction goes down as the taxpayer's income goes down. The proposed credit has none of these defects, would provide real benefits to low-income taxpayers, and would encourage taxpayers to undertake the preventive medicine of regular medical check-ups and early professional consultation.

The estimated cost of the credit is $3 billion per year.

CREDIT FOR EXPENSES OF HIGHER EDUCATION

Proposes a credit for a portion of expenses incurred for undergraduate and post-graduate education. The costs of expenses such as tuition, books and supplies would be covered, subject to a maximum annual limitation of $325 per student and a gradual reduction of the available credit in higher tax brackets. For students working their way through college, the credit could be carried forward over a 10-year period. The credit would take effect in 1972.

The credit will constitute a major impetus to (1) improving our educational system at both public and private institutions and (2) broadening the opportunities available to the public for higher educational training.

The estimated cost of the credit is $2 billion per year.

INVESTMENT TAX CREDIT

Questions the wisdom of repealing the 7% investment tax credit.

CAPITAL GAINS TAX

Opposes the changes in the treatment of capital gains proposed in the House bill, because insufficient study has been given to the effect of these changes upon investment and long-term national growth.

MUNICIPAL BONDS

Opposes the changes in the tax exemption for municipal bonds proposed in the House bill, because they would interfere with the ability of states and municipalities to finance capital construction.

TAXATION OF FOUNDATIONS

Opposes 7½% tax on foundation income because it is an unwarranted departure from established principles; is discriminatory; would adversely affect the educational, scientific, medical, cultural and social activities of foundations; and would create a dangerous precedent. Sees no advantages in this tax either as a revenue raising device or as a measure to reform abuses.

Recommends substituting an annual filing fee to cover the costs of increased auditing and supervision by the IRS. This fee should be charged either as an amount proportional to the assets of each foundation or a specified percentage—with an upper limit clearly set—of income.

FOUNDATION PROGRAM ACTIVITIES

Regards provision in bill prohibiting foundations from formulating positions of issues as too sweeping, ambiguous, and self-defeating.

Recommends this provision be dropped.

Maintains that more effective enforcement of existing law—which prohibits foundations from substantially carrying on lobbying activities—should be adequate protection for the public and the foundations.

EXCESSIVE SANCTIONS

Opposes House bill's tax penalties on foundations and foundation managers. Considers these proposals excessive and a threat to support for innovative programs. Recommends proposed penalties be scaled down to reasonable levels, and recommends a period for correction of violations before penalty is imposed.

DEFINITIONS OF FOUNDATIONS AND RESTRICTIONS ON GRANTS MADE ELIGIBLE AS "QUALIFYING DISTRIBUTIONS"

Opposes new definition of private foundation as excessively broad. Notes that the House bill's definition, combined with the qualifying distributions requirement, will bar many organizations from receiving essential foundation support. Recommends that definition be redrafted to reflect the public's traditional view of foundations as funded non-profit, private, grant-making organizations.

FOUNDATIONS' RESPONSIBILITY FOR THE EXPENDITURES OF GRANTEES

Recommends that foundations be required to exercise "reasonable" responsibility over the use of their grants by recipients.

GRANTS TO INDIVIDUALS

Maintains that requirement for a concrete result from grants to individuals implies government approval and encourages undesirable "publish or perish" syndrome.

DONATIONS OF APPRECIATED PROPERTY

Opposes limits upon deduction of gifts of appreciated property to colleges, universities, hospitals, churches, schools, and museums.

S. 2992

A bill to amend the Internal Revenue Code of 1954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Tax Relief Act of 1969."

Sec. 2. Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 42, and by inserting after section 39 the following new sections 40 and 41:

"MEDICAL EXPENSES

"Sec. 40. (a) General Rule.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, 25 percent of the amount of expenses paid by him during such taxable year for medical care of the taxpayer, his spouse and dependents (as defined in section 152) and not compensated for by insurance or otherwise.

"(b) Limitations—

"(1) Dollar limit.—The credit under subsection (a) shall not exceed $500 for any taxable year. Such $500 limit shall, however, be increased (to an amount not above $800)

XUM

by $100 for each dependent of the taxpayer other than his spouse during such year.

"(2) Schedule of maximum creditable charges: regulations.—The Secretary or his delegate shall prescribe regulations setting forth a schedule of maximum charges eligible for credit under subsection (a) in such defined categories of expenses for medical care as may be necessary to assure credit only of reasonable expenses pursuant to this section. The secretary or his delegate shall also prescribe such additional regulations as may be necessary to carry out the provisions of this section.

"(3) Reduction of credit.—The credit under subsection (a) as limited by paragraphs (1) and (2) of this subsection shall be reduced by an amount equal to 1 percent of the amount by which the adjusted gross income of the taxpayer for the taxable year exceeds $25,000.

"(c) Definitions.—For purposes of this section—

"(1) The term "expenses" for "medical care" means amounts paid—

"(A) for the diagnosis, cure, mitigation, treatment, or prevention of disease, or for the purpose of affecting any structure or function of the body,

"(B) for transportation primarily for and essential to medical care referred to in subparagraph (A), or

"(C) for insurance (including amounts paid as premiums under part B of title XVIII of the Social Security Act, relating to supplementary medical insurance for the aged) covering medical care referred to in subparagraphs (A) and (B).

"(2) In the case of an insurance contract under which amounts are payable for other than medical care referred to in subparagraphs (A) and (B) of paragraph (1)—

"(A) no amount shall be treated as paid for insurance to which paragraph (1)(C) applies unless the charge for such insurance is either separately stated in the contract, or furnished to the policyholder by the insurance company in a separate statement,

"(B) the amount taken into account as the amount paid for such insurance shall not exceed such charge, and

"(C) no amount shall be treated as paid for such insurance if the amount specified in the contract (or furnished to the policyholder by the insurance company in a separate statement) as the charge for such insurance is unreasonably large in relation to the total charges under the contract.

"(3) Subject to the limitations of paragraph (2), premiums paid during the taxable year by a taxpayer before he attains the age of 65 for insurance covering medical care (within the meaning of subparagraphs (A) and (B) of paragraph (1)) for the taxpayer, his spouse, or a dependent after the taxpayer attains the age of 65 shall be treated as expenses paid during the taxable year for insurance which constitutes medical care if premiums for such insurance are payable (on a level payment basis) under the contract for a period of 10 years or more or until the year in which the taxpayer attains the age of 65 (but in no case for a period of less than 5 years).

"(4) The determination of whether an individual is married at any time during the taxable year shall be made in accordance with the provisions of section 6013(d) (relating to determination of status as husband and wife).

"(d) Special Rules—

"(1) Treatment of expenses paid after death.—For purposes of subsection (a), expenses for the medical care of the taxpayer which are paid out of his estate during the 1-year period beginning with the day after the date of his death shall be treated as paid by the taxpayer at the time incurred. The preceding sentence shall not apply if the amount paid is allowable under section 2053 as a deduction in computing the taxable estate of the decedent, but this paragraph shall not apply if (within the time and in the manner and form prescribed by the Secretary or his delegate) there is filed—

"(A) a statement that such amount has not been allowed as a deduction under section 2053, and

"(B) a waiver of the right to have such amount allowed at any time as a deduction under section 2053.

"(2) Application with other credits.—The credit allowed by subsection (a) to the taxpayer shall not exceed the amount of the tax imposed on the taxpayer for the taxable year by this chapter, reduced by the sum of the credits allowable under this subpart (other than under this section and sections 37, 39 and 41).

"(e) Disallowance of Expenses as Deduction.—No deduction shall be allowed under section 213 (relating to medical, dental, etc., expenses) or section 214 (relating to expenses for care of certain dependents) for any expense of medical care which (after the application of subsection (b)) is taken into account in determining the amount of any credit allowed under subsection (a). The preceding sentence shall not apply to expenses of medical care paid by any taxpayer who, under regulations prescribed by the Secretary or his delegate, elects not to apply the provisions of this section with respect to such expenses for the taxable year.

"EXPENSES OF HIGHER EDUCATION

"Sec. 41. (a) General Rule.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount, determined under subsection (b), of the expenses of higher education paid by him during the taxable year to one or more institutions of higher education in providing an education above the twelfth grade for any family member.

"(b) Limitations—

"(1) Amount per family member.—The credit under subsection (a) for expenses of higher education of any family member paid during the taxable year shall be an amount equal to the sum of—

"(A) 75 percent of so much of such expenses as does not exceed $200,

"(B) 25 percent of so much of such expenses as exceeds $200 but does not exceed $500, and

"(C) 10 percent of so much of such expenses as exceeds $500 but does not exceed $1,500.

"(2) Reduction of credit.—The credit under subsection (a) for expenses of higher education of any family member paid during the taxable year as determined under paragraph (1) of this subsection shall be reduced by an amount equal to 1 percent of the amount by which the adjusted gross income of the taxpayer for the taxable year exceeds $25,000.

"(C) Definitions.—For purposes of this section—

"(1) Expenses of higher education.—The term 'expenses of higher education' means—

"(A) tuition and fees required for the enrollment or attendance of a student at a level above the twelfth grade at an institution of higher education, and

"(B) fees, books, supplies, and equipment required for courses of instruction above the twelfth grade at an institution of higher education.

Such term does not include any amount paid, directly or indirectly, for meals, lodging, or similar personal, living, or family expenses. In the event an amount paid for tuition or fees includes an amount for meals, lodging, or similar expenses which is not separately stated, the portion of such amount which is attributable to meals, lodging, or similar expenses shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) Institution of higher education.—The term 'institution of higher education' means—

"(A) an educational institution (as defined in section 151(e)(4))—

"(i) which regularly offers education at a level above the twelfth grade; and

"(ii) contributions to or for the use of which constitute charitable contributions within the meaning of section 170 (c); or

"(B) a business or trade school, or technical institution or other technical or vocational school in any State, which (i) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; and (ii) is accredited by a nationally recognized accrediting agency or association listed by the United States Commissioner of Education; and (iii) has been in existence for two years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subparagraph.

"(3) State.—The term 'State' includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(4) Family member.—The term 'family member' means the taxpayer, his spouse or any of his dependents (as defined in section 152).

"(d) Special Rules—

"(1) Adjustment for certain scholarships and veterans' benefits.—The amounts otherwise taken into account under subsection (a) as expenses of higher education of any individual during any period shall be reduced (before the application of subsection (b)) by any amounts received by such individual during such period as—

"(A) a scholarship or fellowship grant (within the meaning of section 117(a)(1)) which under section 117 is not includible in gross income, and

"(B) educational assistance allowance under chapter 34 or 35 of title 38 of the United States Code.

"(2) Noncredit and recreational, etc., courses.—Amounts paid for expenses of higher education of any individual shall be taken into account under subsection (a)—

"(A) in the case of an individual who is a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction for which credit is allowed toward a baccalaureate or higher degree, and

"(B) in the case of an individual who is not a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction necessary to fulfill requirements for the attainment of a predetermined and identified education, professional, or vocational objective.

"(3) Application with other credits.—The credit allowed by subsection (a) to the taxpayer shall not exceed the amount of the tax imposed on the taxpayer for the taxable year by this chapter reduced by the sum of the credits allowable under this subpart (other than under this section and sections 37 and 39).

"(e) Disallowance of Expenses as Deduction.—No deduction shall be allowed under section 162 (relating to trade or business expenses) for any expense of higher education which (after the application of subsection (b)) is taken into account in determining the amount of any credit allowed under subsection (a). The preceding sentence shall not apply to the expenses of higher education of any taxpayer who, under regulations prescribed by the Secretary or his delegate, elects not to apply the provisions of this section with respect to such expenses for the taxable year.

XUM

"(f) Carryover of Excess Credit—Any amount by which the credit otherwise allowable under this section for the expenses of higher education of the taxpayer paid during the taxable year exceeds the tax which would be imposed on the taxpayer for such taxable year by this chapter in the absence of this section reduced by the amount of credit allowed for expenses of higher education of any other family member paid during such taxable year shall be allowed as a credit for expenses of higher education of the taxpayer deemed to be paid during the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, or tenth succeeding taxable years, in that order and to the extent such expenses were not deemed paid in a prior taxable year, in the amount by which the tax which would be imposed on the taxpayer for such succeeding taxable year by this chapter in the absence of this section reduced by the amount of credit allowed for expenses of higher education of any other family member paid during such succeeding taxable year exceeds the amount of credit allowable under this section for the expenses of higher education of the taxpayer paid during such succeeding taxable year plus the amount of credit allowable under this section for such expenses paid during any taxable year earlier than the current taxable year but deemed to have been paid during such succeeding taxable year, subject, however, to all limitations imposed by this section on the amount of credit allowable for such succeeding taxable year.

"(g) Regulations—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

Sec. 3. The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Medical Expenses.
"Sec. 41. Expenses of Higher Education.
"Sec. 42. Overpayments of Tax."

Sec. 4. The amendments made by section 2 and 3 of this Act shall apply to taxable years beginning after December 31, 1971.

PRESIDENT NIXON STEADFASTLY SUPPORTS HAYNSWORTH NOMINATION

Mr. HRUSKA. Mr. President, at the request of the minority leader, with whom I have discussed the matter, I wish to have inserted in the Congressional Record a letter which he, Chairman Eastland of the Judiciary Committee, and I have received from President Nixon this afternoon.

The letter deals with the President's nomination of Judge Haynsworth to be an Associate Justice of the Supreme Court and it states flatly and unequivocally the President's steadfast support of the nomination.

In view of the false and completely unfounded rumors concerning Mr. Nixon's position in this matter, I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, October 2, 1969.

Hon. Hugh Scott,
Minority Leader,
U.S. Senate,
Washington, D.C.

Dear Hugh: I have noted speculations as to my intentions respecting the nomination of Judge Haynsworth to the Supreme Court. In order that there be no misunderstanding on the part of anyone, I send this letter to confirm that I steadfastly support this nomination and earnestly hope and trust that the Senate Judiciary Committee and the Senate will proceed with dispatch to approve the nomination.

I am conversant with the various allegations that have attended this nomination. I have most carefully examined the record. There is nothing whatsoever that impeaches the integrity of Judge Haynsworth. There is no question as to his competence as a Judge. There is no proper faulting of his posture vis-a-vis Civil Rights or Labor.

It would be very wrong to allow unfounded allegations to deny this country of the distinguished service of Judge Haynsworth on the Supreme Court. I intend to do all that I can to secure his confirmation.

I hope you will make the contents of this letter known to your colleagues. I have sent a copy to Chairman Eastland and to Senator Hruska, ranking Republican member of the Committee, where this nomination is presently lodged.

Sincerely,

Richard M. Nixon.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY, OCTOBER 6, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time not to be taken from either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

CIVIL SERVICE RETIREMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (S. 2754) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time not to be taken from either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. Is the Senate now operating on limited time?

The PRESIDING OFFICER. The Senator from Montana is correct. The Senate is operating on limited time of 30 minutes, with 15 minutes to a side.

Mr. HOLLAND. The pending business is S. 2754 and the pending question is the point of order on section 207 of the bill, the point of order having been raised by the Senator from Delaware (Mr. Williams) in which he stated that the matter is a revenue measure and should therefore originate in the House.

Mr. McGEE. May the Senator from Wyoming state that it was his understanding, when that ruling was requested last evening, the Presiding Officer ruled, on advice of the Parliamentarian, that there would be no ruling on that matter, that it was a constitutional question, not a jurisdictional question.

The PRESIDING OFFICER. The Chair ruled, when the point of order was raised, that it was a constitutional question and the Chair would refer it to the Senate. That is the matter now before the Senate.

Mr. McGEE. That is the pending matter, not the jurisdictional question whether the bill belongs in committee, but——

The PRESIDING OFFICER. The point of order is the question. The Chair has no authority to rule on a constitutional question.

Mr. McGEE. So the decision now is on the constitutional issue of whether this is a tax measure not originating in the House. Is that the thrust of the constitutional question?

The PRESIDING OFFICER. The Senator is exactly correct.

Mr. McGEE. I thank the Presiding Officer.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLAND. Mr. President, will the Senator yield to me for 1 minute in order to address a parliamentary inquiry to the Chair?

Mr. McGEE. I yield.

The PRESIDING OFFICER. The Senator from Florida will state the inquiry.

Mr. HOLLAND. It is my understanding that this is a point of order based on the constitutional question, and as such has to be submitted to the Senate as a whole for a ruling.

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLAND. It is a point of order based on the constitutional question.

The PRESIDING OFFICER. The Senator from Florida is correct.

Mr. HOLLAND. I thank the Presiding Officer.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 3 minutes.

Mr. WILLIAMS of Delaware. Mr. President, when the Senate adjourned last night, the question before us was whether S. 2754 was subject to a point of order on the ground that it included a tax amendment originating in the Senate.

In my judgment there is no question about it. The bill excludes the first $3,000 of civil service pension from Federal income tax calculation for every individual retired under the civil service program. They would pay a lower tax because of the committee amendment and the Federal revenues would be reduced because of it. To my way of thinking that is a revenue measure pure and simple.

The existing tax law contains provisions designed to relieve the tax burden on retired persons. The principal provision is the retirement income credit. It applies to everyone living on retirement income whether it consists of a civil service pension, a teacher's, policemen's, or firemen's pension, or a pension received under a private pension plan. It treats all retirees alike. It gives them the equivalent of tax exemption on $1,524 of retirement income if they are single, and $2,276 if they are married and the spouse is also age 65. These figures are equivalent to the maximum social security benefit which was payable in 1964. It was calculated roughly to equate the tax treatment of those living on taxable retirement benefits with the tax treatment of those receiving tax-free social security payments.

Under present law a married couple living off a civil service pension could receive $6,047 per year—more than $500 per month—and be absolutely tax free under the retirement income credit. That is present law. If they have dividend income of $200 they could be wholly tax exempt on $6,247. The House bill, now pending before the Senate Finance Committee, would make the existing law even more attractive to them. Under it a married couple over age 65 would be tax exempt on retirement income of $6,732.50 plus another $200 of dividend income, if they have it, for tax exemption for a gross amount of $6,932.50.

S. 2754, under section 207, would create a third instance of special tax treatment for a single group of retired persons. It would complicate the law and create new discriminations. It added another $3,000 tax exemption, Mr. President, to bring it up close to the $10,000 exemption for one group of retired people only, not all employees, but only those fortunate enough to have been employees of the U.S. Government.

The Senate Finance Committee is now engaged in consideration of the Tax Reform Act of 1962. Yesterday we took testimony from representatives of the Retired Civil Employees. Among the suggestions we received was one to increase the amount of income eligible for the retirement income credit. This thought was expressed by Mr. Ernest Giddings speaking for the American Association of Retired Persons and the National Retired Teachers Association. An amendment to the tax reform bill reflecting this suggestion is already pending before the Committee on Finance.

The proper way to go about changing the tax treatment of retired persons is to let that matter be considered by the committee which has jurisdiction over the tax system. That committee is the Committee on Finance, not the Committee on Post Office and Civil Service.

Section 207 of S. 2754 is a tax provision originating in the Senate. In my opinion the point of order against it must be sustained. By all means, whatever tax consideration we give to those living on pensions should be extended to all American citizens, regardless of the source from which their pensions are derived. They should be given equal treatment.

Mr. President, I yield 5 minutes to the Senator from Louisiana.

Mr. LONG. Mr. President, there is no doubt in the mind of the Senator from Louisiana that this proposal is an effort to originate a revenue bill in the Senate of the United States, and as such, is clearly unconstitutional. There is a question of committee jurisdiction, but that does not concern the Senator from Louisiana in view of the fact that the Constitution provides that all revenue bills must originate in the House. That means it must be a revenue bill when it originated there. It cannot be made into a revenue bill in the Senate. Therefore, the House should, and I am confident would, insist that this provision of the bill violates the Constitution and send it back to us. But the Senate should not put itself in the position of sending such a bill to the House.

As the Senator from Delaware has pointed out, if this provision were enacted, it would discriminate against other retired persons, such as schoolteachers, policemen, firemen, and others retired on private plans.

We are trying to work out an arrangement in the Finance Committee whereby all retired people are treated the same. In that way we will not have to have other groups come before us saying that we must provide the same benefits for them as we have provided Government employees, because we have discriminated in favor of ourselves and Government employees.

By approaching this problem in the way the Finance Committee is approaching it—and we are conducting hearings—we would hope to reduce taxes for all retired people and achieve justice for all of them.

There is legislation before us, the Tax Reform Act of 1969, which we hope would contain equitable and just tax treatment for all retired persons, and would not select one particular group.

No one who would be supporting the measure that has come from the Post Office and Civil Service Committee could hope to know what the cost would be, because he is in a position to know only what the cost would be for one class; namely, Federal employees. It should be our concern to know what the cost would be when applied to all retired persons, whether they worked for a State government or the Federal Government, or were retired under private pension plans.

That being the case, I think the Senator from Delaware is right. The Senate would be doing a futile thing in originating revenue legislation. I do not think the House would go along with it, and I think we would be wise to strike that section from the bill.

Mr. COOPER. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. COOPER. If the amendment should be constitutional—and I do not believe it is; I agree with the Senator—and it should be enacted, would Members of the Senate have the privilege of deducting an additional $3,000 as a tax exemption?

Mr. WILLIAMS of Delaware. Yes, if the bill is enacted as it is at present. Any Member of the U.S. Senate as well as other Government employees would be entitled to another $3,000 tax exemption, which would not apply to other retired persons.

Mr. COOPER. Municipal and State and private pensioners would not have the same privilege?

Mr. WILLIAMS of Delaware. That is right. The argument I have made is that to the extent that we can afford to liberalize retirement tax credit, it should be done for all American citizens and not for any one group.

Mr. COOPER. I agree with the Senator on the merits and on the constitutional issue. The section should be defeated.

Mr. WILLIAMS of Delaware. I think the merits overshadow the constitutional question. Yet they are both involved. But to get to the issue, we are raising it on the constitutional question.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, has the Senator from Delaware given up the floor?

Mr. WILLIAMS of Delaware. Yes.

Mr. McGEE. Mr. President, I would like to make two observations in regard to the comments which have been made. It has been suggested that this is discriminatory legislation inasmuch as it favors Government employees and leaves out schoolteachers, State employees, and other retired people. I think that argument needs to be compared to another discrimination. In the social security program and in the railroad retirement program the retirees already have the benefit of such a tax exemption, because it already exists. Federal employees have been discriminated against and "selected out" for this special consideration.

This provision is submitted in this particular piece of legislation simply as a matter of long overdue, equitable treatment, in light of the record that has already been written.

But there are basically two fundamental issues here. One is the constitutional one—whether this is a revenue bill in the terms of the Constitution. I have been advised that, as one examines the pertinent section of the Constitution, he

XUM

finds that there shall be no bills for the raising of revenue except those originating in the House. This bill does not raise any revenue. And in a decision in 1897, in the case of Twin City Bank against Nebeker, that point was sustained. Therefore, it is at least open to controversy whether there is a constitutional basis for objection.

But objection has been raised on a second ground as well, and that is the point in regard to the legitimate jurisdiction of the committee over this bill—whether it belongs in the Committee on Post Office and Civil Service or whether it properly belongs in the Committee on Finance.

On this point, an identical bill was introduced by me earlier this year. That bill was referred by the parliamentarian to the Committee on Post Office and Civil Service. So this is not a onesided case.

We have been waiting now for 100 years for some action on this matter. We have had no action coming. Our responsibility in the Committee on Post Office and Civil Service is to see to the welfare of those in the civil service, to try to achieve some kind of equity, if it is reasonable. We believe this proposal is reasonable. It is our responsibility. It has been "bucked" back to us several times. So I would raise serious question about the onesidedness of the issue at stake here.

I would only say that the time is long past when the benefit of this kind of legislation properly ought to be given to all of the Federal Civil Service retirees in this country.

I have been in consultation with the parliamentarian and with some constitutional lawyers. I realize the controversy in the case, but I wanted to make sure the record was clear that the controversy is not an open-and-shut case, as it has been represented as being by the raising of the point of order.

In the interest of moving ahead on this matter, I would like to ask, if I may, the chairman of the Finance Committee if he could recommend to us any way in which we could move with dispatch in behalf of the Federal civil service annuitants in this regard.

Mr. COTTON. Mr. President, before that, will the Senator yield for a quick question, for information?

Mr. McGEE. Yes.

Mr. COTTON. I have been reading the report. I want to make sure that this $3,000 exemption comes after, that it does not take the place of, the exemption we already have for the money that has been paid in.

Mr. McGEE. That is right. It comes after the exemption already existing. This provision is not intended to benefit the Senate or Senators or any others who happen to be well off in the retirement system. It is addressed to the 900,000 Federal retirees who are trying to exist on $3,000, $4,000, or $5,000.

Mr. COTTON. Was any consideration given in committee to leaving out Members of Congress from this provision in view of the fact that we recently voted ourselves what seemed to be quite an adequate increase?

Mr. McGEE. Yes, there was serious consideration given to that, and it was thought that we would then open up another can of worms. It was felt that the complications outweighed the advantages of that selecting out process.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. LONG. Mr. President, the Senator asked me a question, if he will yield to me to respond.

Mr. McGEE. Yes.

Mr. LONG. I was merely going to say that we intended to have legislation on this subject in the Tax Reform Act of 1969, H.R. 12370, and when that bill is before us in December, the Senator could quite appropriately move to do exactly what he is seeking to do here; and, for all I know, we might decide to do what the Senator is recommending when we get into executive session on that measure.

As I say, the committee has taken testimony on it, and the Senator would have no problem, at that point, about revenue measures originating in the House of Representatives, because the Tax Reform Act, of course, is a revenue bill that did originate in the House of Representatives. Thus the Senator's amendment, of course, would be appropriate to it, and it could be considered at that time.

Mr. McGEE. As the chairman of the Committee on Finance has stated, he and I have discussed this matter privately. We have no intention of trying to invade someone else's territory, and I should like at this point to pose a question to the Senator from Delaware: If we were to agree to withdraw the provision, because of the various judgments that have been rendered and our further study of it overnight, is he willing to withdraw his point of order on this particular section?

Mr. WILLIAMS of Delaware. If the Senator himself wishes to move to strike that provision, section 207, from his bill I would withdraw the point of order so that he could do it.

But, Mr. President, I do wish to make just this point in relation to the question asked by the Senator from New Hampshire: I believe the Senator from Wyoming said that his principal concern was for those hundreds of thousands of civil service retired employees in the $3,000, $4,000, and $5,000 brackets. I call his attention to the remarks I made earlier, pointing out that under existing law a civil service retired employee drawing a pension of around $500 per month, or $6,000 per year, is not paying any income tax at all and is not affected one iota by this provision of the bill. It is only those who are above that bracket who would gain some benefit.

So, as we talk about this bill let us be sure we know what we are talking about. We are not talking about tax relief for those who are drawing pensions below $500 per month or even, under the House bill as it is reported, those drawing pensions as high as $7,200 a year, or $600 a month, for they are already exempted from tax under H.R. 13270 as it came from the House of Representatives. This is a $3,000 exemption over and beyond that, for only those who are on the Government payroll, including Members of Congress.

On what basis did the members of the Senate Civil Service Committee think that Members of Congress are entitled to a $3,000 tax exemption on their pensions above that allowed private citizens?

That is the reason I say that even on its merits this should not be done, and that if Congress is going to establish any such exemption as that, by all means it should be afforded to all retired employees alike.

I think it should be pointed out clearly that we are not dealing just with those in the lower-income groups, because they are not affected one iota. Under existing law, even without the House bill, married couples are not paying any tax at all if they are drawing pensions of $5,000 to $6,000. So let us keep the record straight.

Mr. McGEE. I thank the Senator from Delaware for his comments. I yield now to the Senator from Hawaii.

Mr. FONG. Mr. President, before the distinguished Senator from Wyoming asks to withdraw this provision from the bill, I should like to ask him a few questions.

Is it not true that all payments under social security, to recipients of social security pensions, are exempt from the income tax?

Mr. McGEE. That is correct.

Mr. FONG. And the maximum amount that could be paid to a recipient would be $218, under the new law?

Mr. McGEE. That is correct.

Mr. FONG. If a recipient receives social security payments, and if his wife should be of a certain age, she would also receive a certain amount, which would be about $105?

Mr. McGEE. $105, that is correct.

Mr. FONG. So when we combine the two, $218 and $105, the couple would receive $323 from the Federal Government as a payment under social security, which would be entirely exempt from income tax?

Mr. McGEE. That is correct.

The PRESIDING OFFICER. All time of the Senator from Wyoming under the unanimous-consent agreement has expired.

Mr. McGEE. Mr. President, may I ask my colleague from Delaware if he will yield me 2 minutes, so that the Senator from Hawaii may finish his statement? I yielded to him on my time.

Mr. WILLIAMS of Delaware. Yes, if I have it.

Mr. FONG. I ask the Senator from Wyoming if it is not true that, instead of giving preferential treatment to the Federal retiree, we are trying to put him on an equal basis with retirees under social security.

Mr. McGEE. That is the purpose of this legislation.

Mr. FONG. The person who works for the Federal Government does not have social security. Is that correct?

Mr. McGEE. That is correct.

Mr. FONG. All others who work for private enterprise do receive social security benefits?

Mr. McGEE. That is correct.

XUM

Mr. FONG. So when they retire, they are paid under social security, and the amount they receive will be exempted from taxation?

Mr. McGEE. That is correct.

Mr. FONG. So what we are trying to do now is put them on an equitable basis with that of the social security retirees?

Mr. McGEE. That is correct.

Mr. FONG. I thank the Senator.

Mr. McGEE. I thank my friend for his contribution and his exercise of wisdom in helping to guide this matter through our days of hearings.

I should just like to stress, in the little time left, that we have been genuinely trying to achieve equity for a group that has been left out.

Mr. President, I send to the desk an amendment that would withdraw section 207 from the bill, in accordance with the dialog we have just had.

The PRESIDING OFFICER. The Chair advises the Senator from Wyoming that prior to the consideration of this amendment, it will be necessary for the Senator from Delaware to withdraw his point of order.

Mr. WILLIAMS of Delaware. Mr. President, I withdraw the point of order in order that the Senator may offer his amendment.

The PRESIDING OFFICER. Without objection, the point of order is withdrawn, and the clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed, beginning on page 13, line 8, strike out all of section 207, and renumber succeeding sections.

(The language proposed to be stricken is as follows:)

SEC. 207. Section 8345 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) An amount, not to exceed $3,000 each year, which is received by an annuitant or a survivor annuitant under this subchapter and, except for this subsection, which would be included as gross income for purposes of the Federal income tax laws, shall not be included as gross income under such laws."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

Mr. WILLIAMS of Delaware. Mr. President, I certainly support the deletion of this section. I simply wish to make one comment in answer to a point that was raised; namely, that all section 207 proposed to do was extend to civil service employees the same benefits that have been extended to recipients of social security pensions. I call to the attention of the Senate that that is not quite the situation.

Social security pensions are tax exempt, that is true; but there is an additional clause in the social security law which says the man drawing social security must pass an earnings test. He cannot freely supplement his income on the outside beyond, I believe it is $1,680, except as his pension is reduced accordingly, and if he goes beyond a certain amount he loses his social security benefits entirely.

There is no such restriction in connection with civil service pensions. A member of the executive branch or a Member of Congress can go out of here today with a $20,000 pension if he has served long enough, get a job in private industry, and draw his pension at the same time he is working.

There are advantages and disadvantages under each, but let us not try to point out that this is simply to correct an inequity under existing law. If anything, the inequity is directed toward the beneficiaries of social security, who are even more handicapped than beneficiaries of the Civil Service Retirement Act.

I shall not debate the matter further. I support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. WILLIAMS of Delaware. Mr. President, there are one or two more points that I think should be called to the attention of the Senate in connection with this bill.

Earlier this year, not as a part of this bill, Congress raised the salaries for Members of Congress around 40 percent. I opposed that action, but that raising of our salaries automatically had the indirect effect of raising the pensions also. There are provisions in title 2 of the pending bill which increase the pension benefits of all Government employees, including our own, by approximately another 10 percent. I question whether or not that can be justified in the light of the existing circumstances involving the solvency of the civil service retirement fund.

As far as title I of the pending bill is concerned, I support that provision. It provides a new method of restoring some degree of financial responsibility. Title II of the pending bill, however, provides for these increased pensions.

First: It provides that instead of computing our pensions based upon the highest 5 years we compute them upon the highest 3 years. This is the mathematical equivalent of an approximate 10-percent increase in the retirement benefits of many Government employees who will be retiring in the next 2 years.

Second: another provision adds 1 percent to the cost-of-living-increase formula now in the law for annuitants. Under the existing law as the cost of living increases those annuitants who have retired under existing law receive by Executive order an automatic increase in their pensions to offset the increase in cost of living. For example, if the cost of living increases 3 percentage points for 3 consecutive months during the year the pensions of Government employees is increased proportionately.

As a result we have had, I think, three 3.9 percent increases that have been approved or are about to be approved up to this point. I think the previous increases averaged about 3.9 percent.

Under the pending bill, in addition to this escalator clause which would guarantee Government retirees protection against any of the ravages of inflation, the bill would add an additional 1 percent each time this 3-percent increase occurs. Mathematically this means that if the cost of living from now on increases 3 percent a year the pensions will be increased by 4 percent. If we were to have three more consecutive increases in the next 3 years it would mean that instead of raising the pensions 9 percent to offset the increase in the cost of living over the 3 years we would be raising them by 12 percent.

In other words, retired Government employees would get an additional 25 percent above the normal increase in the cost of living.

Under this bill we would be guaranteeing to ourselves in Congress, along with all of the Government employees, that from now on, not only would we, through our own pensions be guaranteed against the ravages of inflation but also we would be making a 25-percent profit in our retirement pay as the result of future increased cost of living.

It does not make any sense to me that we in Government, who to a large extent are responsible for the inflation, would consider a bill where we actually make money on inflation. Other retirees under private, State, teachers, and firemen pension funds are not guaranteed that protection against inflation. Certainly in social security they have no such guarantee. However, under this bill it is proposed that we guarantee not only that we will receive a perpetual escalator clause against the ravages of inflation but also that we will make 25 percent more than the increase in the cost of living itself. That means, as far as we are concerned, that if we can create a little more inflation we will collect a premium on it.

This is an outrageous proposal. I do not think it can be justified. Certainly that if we are going to put in an escalator clause the first place to consider putting it would be on social security, for the benefit of those with lower pensions.

I think that all of the so-called increases intended for the benefit only of those of us who are fortunate enough to have been working for the Government should be deleted and that we should confine the pending bill solely to the purpose for which it was intended; and that is, to restore some degree of financial responsibility to the retirement fund.

The fund already has an actuarial deficit in excess of $50 billion, and title I of the pending bill proposes to reduce that deficit somewhat by starting out with approximately a $275 million appropriation from general revenue, not this fiscal year but next fiscal year, then with graduating increases for about 10 years when, as I understand it, it will approach an annual appropriation of $2 billion that will be restored to the fund.

We are dealing with a program here that will cost a great deal of money anyway, and I think that we ought at least not make it a necessary part of the pending bill that we have to extend additional benefits to ourselves. I think they should be separated in their entirety and that we should let title I of the bill go to the President.

I do not think Congress can justify these increases.

Mr. President, for that reason, I move to strike from the bill beginning on page 8 that part of title II beginning with line 5 down to and including line 14 on page 14.

XUM

(The language proposed to be stricken is as follows:)

TITLE II—CIVIL SERVICE RETIREMENT BENEFITS

SEC. 201. Paragraph (4)(A) of section 8331 of title 5, United States Code, is amended to read as follows:

"(A) over any 3 consecutive years of creditable service or, in the case of an annuity under subsection (d) or (e)(1) of section 8341 of this title based on service of less than 3 years, over the period of service; or".

SEC. 202. Subsection (g) of section 8334 of title 5, United States Code, is amended—

(1) by striking out the word "or" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding the following new paragraph immediately below paragraph (4):

"(5) days of unused sick leave credited under section 8339(m) of this title.".

SEC. 203. Section 8339 of title 5, United States Code, is amended—

(1) by striking out of subsection (b) the words "so much of his service as a Congressional employee and his military service as does not exceed a total of 15 years" and inserting in lieu thereof "his service as a Congressional employee, his military service not exceeding 5 years,";

(2) by amending subsection (c)(2) to read as follows:

"(2) his Congressional employee service;";

(3) by striking out the last full sentence of subsection (f);

(4) by striking out "(excluding any increase because of retirement under section 8337 of this title)" in subsection (i); and

(5) by adding at the end thereof the following new subsection:

"(m) In computing any annuity under subsections (a)-(d) of this section, the total service of an employee who retires on an immediate annuity or dies leaving a survivor or survivors entitled to annuity includes, without regard to the limitations imposed by subsection (e) of this section, the days of unused sick leave to his credit under a formal leave system, except that these days will not be counted in determining average pay or annuity eligibility under this subchaper.".

SEC. 204. (a) Subsection (b) of section 8340 of title 5, United States Code, is amended by inserting "1 percent plus" immediately after the word "by."

(b) Subsection (c)(2) of such section is amended to read as follows:

"(2) For the purpose of computing the annuity of a child under section 8341(e) of this title that commences on or after the first day of the first month that begins on or after the date of enactment of the Civil Service Retirement Amendments of 1969, the items $900, $1,080, $2,700, and $3,240 appearing in section 8341(e) of this title shall be increased by the total percent increases allowed and in force under this section on or after such day and, in case of a deceased annuitant, the items 60 percent and 75 percent appearing in section 8341(e) of this title shall be increased by the total percent allowed and in force to the annuitant under this section on or after such day."

SEC. 205. The provisions of subsections (b)(1), (d)(3), and (g) of section 8341 of title 5, United States Code, also shall apply in the case of any widow or widower—

(1) of an employee who died, retired, or was otherwise finally separated before July 18, 1966;

(2) who shall have remarried on or after such date; and

(3) who, immediately before such remarriage, was receiving annuity from the Civil Service Retirement and Disability Fund;

except that no annuity shall be paid by reason of this section for any period prior to the enactment of this section. No annuity shall be terminated solely by reason of the enactment of this section. Notwithstanding the prohibition contained in the first sentence of this section on the payment of annuity for any period prior to the enactment of this section, in any case in which the Civil Service Commission determines that—

(1) the remarriage of any widow or widower described in such sentence was entered into by the widow or widower in good faith and in reliance on erroneous information provided by Government authority prior to that remarriage that the then existing survivor annuity of the widow or widower would not be terminated because of the remarriage; and

(2) such annuity was terminated by law because of that remarriage;

then payment of annuity may be made by reason of this section in such case, beginning as of the effective date of the termination because of the remarriage.

SEC. 206. (a) The first sentence of subsection (d) of section 8341 of title 5, United States Code, is amended to read as follows: "If an employee or Member dies after completing at least 18 consecutive months of civilian service, the widow or dependent widower of the employee or Member is entitled to an annuity equal to 55 percent of an annuity computed under section 8339 (a)-(e) and (h) of this title as may apply with respect to the employee or Member, except that in the computation of the annuity under such section, the annuity of the employee or Member shall be at least the smaller of (i) 40 percent of his average pay, or (ii) the sum obtained under such section after increasing his service of the type last performed by the period elapsing between the date of death and the date he would have become 60 years of age."

(b) Subsection (e)(1) of such section is amended to read as follows:

"(e)(1) If an employee or Member dies after completing at least 18 consecutive months of civilian service, or an employee or Member dies after retiring under this subchapter, and is survived by a spouse, each surviving child is entitled to an annuity equal to the smallest of—

"(A) 60 percent of the average pay of the employee or Member divided by the number of children;

"(B) $900; or

"(C) $2,700 divided by the number of children; subject to section 8340 of this title. If the employee or Member is not survived by a spouse, each surviving child is entitled to an annuity equal to the smallest of—

"(i) 75 percent of the average pay of the employee or Member divided by the number of children;

"(ii) $1,080; or

"(iii) $3,240 divided by the number of children; subject to section 8340 of this title."

SEC. 207. Section 8345 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) An amount, not to exceed $3,000 each year, which is received by an annuitant or a survivor annuitant under this subchapter and, except for this subsection, which would be included as gross income for purposes of the Federal income tax laws, shall not be included as gross income under such laws."

SEC. 208. (a) The amendments made by sections 201, 202, 203, and 206(a) of this Act shall not apply in the cases of persons retired or otherwise separated prior to the date of enactment of this Act, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such sections had not been enacted.

(b) The amendments made by section 204 (a) of this Act to section 8340 of title 5, United States Code, shall apply only to annuity increases which become effective under such section 8340 after the date of enactment of this Act.

(c)(1) The amendment made by section 206(b) of this Act shall become effective on the first day of this first month which begins on or after the date of enactment of this Act.

(2) The annuity of each surviving child receiving an annuity under section 8341(e) of title 5, United States Code, or comparable provision of a prior law, immediately prior to the effective date of such amendment shall be recomputed, effective on such date, in accordance with such amendment. No increase allowed and in force prior to such date under section 8340 of such title shall be included in the recomputation of any such annuity, and this paragraph shall not operate to reduce any annuity.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. COTTON. Mr. President, if I correctly understand what the Senator from Delaware has just said, his chief objection is to changing the 5-year period to 3 years in the calculation of the pension.

Mr. WILLIAMS of Delaware. And I also object to the 1-percent escalation clause.

Mr. COTTON. Referring to the first subject first, I might have a good deal of sympathy with the Senator's opposition as far as Members of the Senate and House of Representatives are concerned. However, there are others to be considered.

I think one of the tragedies of our situation here is the fact that when a Member of Congress dies, retires, or is defeated for reelection and his service suddenly terminates, the impact falls on his staff and employees.

We have all seen that while many of the staff members and employees readily find new employment with other Members, there have been many instances of hardship worked through the years on our faithful staff members who find themselves out of employment and unable to make new arrangements. At least, they are not able to make them without a lapse of time between their periods of employment. That seriously affects the continuity of their service and their retirement benefits.

It would seem to me that there is certainly a big distinction between the three-year period—and that is all I am addressing myself to here—for members as against staff and other employees who are subject to the hazards of a sudden severance from their jobs by reason of the death, retirement, or other ending of the service of the Member whom they are serving.

I cannot see my way clear to supporting the Senator's motion for that main reason. If the Senator's motion affected only Members of Congress, I might have sympathy with it and I might be able to support it. However, I think we owe something to those faithful people who have served us through the years.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from New Hampshire makes a point, and I appreciate his position. He is correct. There is insecurity involved for the staff members of Members of Congress; however, on the the other hand, that is somewhat offset by virtue of the fact that employees of Congress traditionally draw higher salaries for comparable jobs than is the case in other branches of the Government civil service or in private industry.

That is necessary if we are to get competent help. When the employees come here they know there is no security involved in their jobs.

Mr. COTTON. And they work much longer hours than the people downtown. I think they earn what they get.

Mr. WILLIAMS of Delaware. I am not questioning that. I agree fully. As one who has been very fortunate in having as competent a staff as any other Member of the Senate I certainly join the Senator in paying tribute to our staffs. However, on the other hand, we are dealing with a bill that not only affects staff members and Members of Congress but also affects the executive branch as well. I think we should handle it all in one related term.

I would have no objection if we could stop on page 10, line 3, and leave in the bill all the modifications they made on the survivorship benefits.

But so far as the first part of it, dealing with the 3-year formula, which raises pensions by nearly 10 percent, and the escalating clause where retirees would actually make money on inflation, I think that certainly should be deleted. I would want to make it clear to the Senator from New Hampshire that this change still would not correct the point that he raised, because the point dealing with legislative employees, which he raised, would be in the part I would still be deleting.

Mr. President, in order to condense this issue to just these two major increases I am going to change my motion to strike out beginning on page 8, line 5, down to and including line 17 on page 10.

The ACTING PRESIDENT pro tempore. The clerk will state the proposed amendment.

The Assistant Legislative Clerk. The Senator from Delaware proposes to strike the language beginning at page 8, line 5, down through line 17, on page 10.

The language proposed to be stricken is as follows:

Title II—Civil Service Retirement Benefits

Sec. 201. Paragraph (4)(A) of section 8331 of title 5, United States Code, is amended to read as follows:

"(A) over any 3 consecutive years of creditable service or, in the case of an annuity under subsection (d) or (e)(1) of section 8341 of this title based on service of less than 3 years, over the period of service; or".

Sec. 202. Subsection (g) of section 8334 of title 5, United States Code, is amended—

(1) by striking out the word "or" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding the following new paragraph immediately below paragraph (4):

"(5) days of unused sick leave credited under section 8339(m) of this title.".

Sec. 203. Section 8339 of title 5, United States Code, is amended—

(1) by striking out of subsection (b) the words "so much of his service as a Congressional employee and his military service as does not exceed a total of 15 years" and inserting in lieu thereof "his service as a Congressional employee, his military service not exceeding 5 years,";

(2) by amending subsection (c)(2) to read as follows:

"(2) his Congressional employee service;";

(3) by striking out the last full sentence of subsection (f);

(4) by striking out "(excluding any increase because of retirement under section 8337 of this title)" in subsection (i); and

(5) by adding at the end thereof the following new subsection:

"(m) In computing any annuity under subsections (a)–(d) of this section, the total service of an employee who retires on an immediate annuity or dies leaving a survivor or survivors entitled to annuity includes, without regard to the limitations imposed by subsection (e) of this section, the days of unused sick leave to his credit under a formal leave system, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter.".

Sec. 204. (a) Subsection (b) of section 8340 of title 5, United States Code, is amended by inserting "1 percent plus" immediately after the word "by".

(b) Subsection (c)(2) of such section is amended to read as follows:

"(2) For the purpose of computing the annuity of a child under section 8341(e) of this title that commences on or after the first day of the first month that begins on or after the date of enactment of the Civil Service Reirement Amendments of 1969, the items $900, $1,080, $2,700, and $3,240 appearing in section 8341(e) of this title shall be increased by the total percent increases allowed and in force under this section on or after such day and, in case of a deceased annuitant, the items 60 percent and 75 percent appearing in section 8341(e) of this title shall be increased by the total percent allowed and in force to the annuitant under this section on or after such day."

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. In looking at this amendment, it seems to me that it cuts two provisions which I think are quite sound, and I want to ask the distinguished Senator if this is not true.

First, it cuts the provision that allows credit for days of unused sick leave. Am I correct?

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. HOLLAND. What is the justification for cutting that out?

Mr. WILLIAMS of Delaware. I just said that the main purpose of this bill, as I see it, was to restore some semblance of fiscal responsibility to the retirement fund. Title I does that. I have eliminated those changes dealing with proposed pension increases in sections 205 and 206, and of course we have already stricken 207. Perhaps each one of these could be debated, but I think we should not consider the liberalization of these pensions as proposed in this bill.

I understand that the increased benefits under this section which we are dealing with here involve approximately a billion-dollar difference in the actuarial deficiency of the retirement fund. I do not think this is the time to approve a billion-dollar increase in retirement benefits. Congress this year has already enacted salary increases for top executives and Members of Congress, ranging from 40 to 60 percent. That was wrong; but now why increase pensions as proposed in this bill?

That is my personal position, and I will ask, Mr. President, at the appropriate time for a record vote.

I respect the views of the various Members. As I pointed out to the Senator from New Hampshire, I do not want to leave this misunderstood. The points he raised are not taken care of in this modification of my amendment.

Mr. COTTON. I thank the Senator.

Mr. HOLLAND. I notice that included in the parts to be stricken is one part that is not a liberalization. It begins on line 1, page 9, and goes down through line 6. It has to do with how much of the military service an employee or a member shall be allowed in the computation. As I understand the provision, it proposes to reduce the number of years of military service allowed—from 15 to 5 years. That certainly is not a liberalization. Quite the contrary, it is an economy measure.

May I ask whether the Senator has considered the fact that his amendment also covers that particular feature?

Mr. WILLIAMS of Delaware. I have. As I pointed out in answer to the question with respect to the unused leave, I do not think we should deal with any of those factors so far as this bill is concerned. I intentionally included the ones which the Senator refers to, and I realize that he is correct in his analysis of that, too.

Mr. HOLLAND. I thank the Senator for his frankness. It seems to me that his amendment goes a good deal further than his intention, and I could not vote for it in the form that it is presented.

Mr. WILLIAMS of Delaware. I appreciate it. It is not further than I intended. Perhaps it does go further than some would think it should. But the basic 90 percent, or more than 90 percent, of what is involved in this motion, in dollar volume, is all in the change in the formula with respect to the computation of the annuities or the escalating clauses as a result of inflation.

My feeling is that at a time when we are dealing with the problem of inflation, it is not a time when we can afford to liberalize pensions. Unless we take prompt action the entire fund itself will be insolvent in a matter of a few years.

I support the provisions of title I. On the other hand, I do not think these large increases in pensions for Members of Congress and others can be justified. For that reason, I hope this amendment will be agreed to.

Mr. McGEE. Mr. President, I hope the Senate will not accept the pending amendment, and I would like to suggest why I feel that way.

The Committee on Post Office and Civil Service was also very conscious of the cost factor and was even hesitant about the cost of putting the fund on a sound financial basis. But we believe you have to start being honest sometime with the established fund for civil service retirement and that the time to begin is now. It was not an easy decision; it was not a happy decision; but we would like to think it was a little bit statesmanlike.

We likewise believe that in that process, as we make that fund solvent, we also ought to assist the annuitants themselves in remaining solvent, and that this, too, is a good reason for that program. Our very modest adjustments and modifications and changes in policy in regard to civil service retirees fall into that category.

I would say to my friend the Senator from Delaware that in arriving at this decision, the committee raised the contributions in each category to more than pay for the accruing benefits. It comes out to a 14-percent increase in the contribution and 13.9-plus percent of new funds that are required under the benefits that were added in the bill. We were very conscious of this point.

So I think we would do well to weigh very carefully the elements in title II that the Senator is proposing to strike, the high three; the sick leave allowance toward retirement; the annuities for children that we are proposing to raise from $61 to $75 a month, so that they can live it up in great affluence; and the 1 percent that we add to the 3 percent cost-of-living adjustment—that is already the law—which is only aimed at atoning for the remaining inequity there. That remaining inequity is that by the time the annuitant gets the 3 percent, it is already 5 or 6 months later, after the reading was taken. It was felt that it was only fair and just to add that 1 percent, so that by the time he got it, in the direction that things are now moving, he would almost be catching up with the cost of living.

I say it is unusual language for the Senate to suggest that we want to ignore the needs of the one group that suffers first and most from inflationary forces. Here is the group which has no other recourse except for the endeavors in this body. They have no other place to turn. They cannot receive a salary increase or a salary adjustment without us. We are trying to make it possible for them to survive these rising costs. In an extremely modest way, this is what we have tried to do with this 1 percent.

With regard to Members of Congress, it becomes picayunish when we single out Members of Congress every time one of these measures comes up. We are Federal employees and the moment one group is selected over another group the stage is being set for the next group, the next, and the next. It is far more simple in terms of total money, it was far more equitable, and more fundamental to quit trying to nitpick with respect to groups. We explored this possibility and decided that was not wise legislation.

I do not want the Senator from Delaware to leave the impression here that the committee did not worry about these matters at all. In our collective judgment, which was unanimous, we felt this was the most reasonable balance we could achieve, and it is a good balance, and still stay within the confines of our determination to be responsible about it in terms of fiscal responsibility.

I hope this body will reject the pending amendment of the Senator from Delaware.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. FONG. Is it not true that if we adopt the amendment of the distinguished Senator from Delaware we would be forcing the employee to add one-half percent to his retirement without giving him any more benefits?

Mr. McGEE. Indeed, the Senator is correct. That would be the net effect. They would get nothing for that increase.

Mr. FONG. And for congressional employees, we are raising them 1 percent, from 6.5 to 7.5 percent, and they would not get anything.

Mr. McGEE. The Senator is correct.

Mr. FONG. Members of Congress would be increased to 8 percent. Is that correct?

Mr. McGEE. This measure proposes to raise Members of Congress to 8 percent.

Mr. FONG. The reason for raising these percentages is to cover a sufficient amount of money so we can give them the added benefits the Senator from Delaware would knock out. Is that correct?

Mr. McGEE. The Senator is correct.

Mr. FONG. And even with these increases we are 0.02 percent below the total amount that will be contributed by the employee and the employer.

Mr. McGEE. That is correct. This is right to the point on the issue raised by the Senator from Delaware, who has an understandable and legitimate concern about fiscal responsibility in our country, and rising costs. That is why the committee did what it did.

Mr. FONG. The committee also raised the contribution and that is why we raised it.

Mr. McGEE. We raised the contribution to just a bit more than to cover benefits.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. HOLLAND. Assuming that when we raised the level of pay for employees of the Government we did so because of increased living costs, is it not practical to base the amount upon which the retirement is figured upon the greatest 3 years, which would be the last 3 years, rather than on 5 years, which takes the period back to a time of much lower living costs?

Mr. McGEE. That is correct.

Mr. HOLLAND. In other words, putting it on a 3-year basis, retirement is figured more nearly on the current living costs. Is that correct?

Mr. McGEE. The Senator is correct.

Mr. HOLLAND. It is more nearly up with present living costs than on a 5-year base?

Mr. McGEE. The Senator is correct.

Mr. HOLLAND. I congratulate the Senator and the committee for recognizing that fact which to me seems entirely practical and just.

Mr. McGEE. I thank the Senator for his comments. I yield the floor.

Mr. President, I am ready to vote.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, I am willing to proceed to a vote in just a moment.

The Senator from Wyoming pointed out that raising the one-half percent contribution by employees finances the increased benefits under the pending bill. The Senator is correct to that extent. Title I of the bill does raise the cost of the retirement system to those who are now civil service employees by, I would guess, approximately the amount of the benefits.

However, the point I make is that this increase in the deductions from the payroll checks of the employees for the retirement system was intended to offset some of the benefits Congress has been passing in years heretofore. For years Congress has been liberalizing the retirement benefits without providing methods of financing. I have raised this point many times when we were acting on such legislation in the past. Let us not forget, pensions have already had one increase as the result of the salary increases earlier this year.

Congress has enacted several increases in the benefits in the retirement system which were not financed over the years. That is the reason the retirement fund is not solvent. The deficiency is around $50 billion to $55 billion.

Let no one be disillusioned. The deficiency created in the liberalizations enacted by previous Congresses is at the expense of the American taxpayers.

Under title I of this bill, beginning next year, we start with $275 million, and that graduates up to a couple billion dollars that will be paid into the fund annually. These will be appropriated funds that will be paid by taxpayers, so we are not dealing with increased pensions which will be financed by employees themselves. It will not be financed on the formula which was recognized first where the employees' contribution would be 6.5 percent and the Government, as the employer, would match it with 6.5 percent. This bill goes far beyond the matching provision, and the ultimate end is that taxpayers will be financing the appropriations—about $2 billion from general revenue.

Financing Government pensions from general revenue is a drastic change from what was intended when this retirement system was first established.

I question whether we have any right at this time to saddle the American taxpayers with this extra $2 billion annual cost to finance a retirement system which will extend to Government employees and Government employees alone a guarantee that once they retire not only will their pensions be guaranteed against any ravages of future inflation, but also they will actually make a 25-percent profit on all inflation that develops after retirement. I do not think such a provision can be justified any more than we can justify the other section of the bill which grants a 10-percent increase in retirement benefits.

For that reason I hope the section is deleted from the bill.

Mr. SPONG. Mr. President, the findings and conclusions of the Committee on Post Office and Civil Service with respect to the $3,000 income tax exemption are basically logical and fair. Neither social security nor railroad retirement is subject to the Federal income tax, and since many of those annuitants are among those 65 years old and older and already are receiving a double exemption, it seems clearly equitable to exempt a reasonable portion of the civil service retirement annuities from Federal taxation.

It is my hope that such an exemption will be brought before the Senate in an acceptable form as soon as possible.

Mr. President, I have shared the concern of many Federal employees with respect to the financing of the civil service retirement fund. It has been my feeling that Congress should face up to this problem and take no further actions to deplete the fund until some method has been devised to stabilize it.

I commend the members of the Post Office and Civil Service Committee for their efforts to provide a solution to the problems which have resulted from increased retirement benefits and other actions in the past that have created an unfunded liability without any method of payment into the fund for these liabilities.

The provisions of title I, which provide for annual payments to the fund and for increased contributions, should be helpful in our efforts to stabilize the fund.

The older citizens of our country have a difficult time making ends meet. As a group, those over 65 have a higher poverty rate than any other age group. Low income is a major concern to them, and their savings, pensions, and similar assets are eroded swiftly by inflation and the rising cost of living. Retired employees of the Federal Government are not exempt from these acute economic problems that affect the elderly, and I think the Government has a responsibility to its employees who have labored long and faithfully in its service.

I am glad to support the bill.

Mr. COOK. Mr. President, there was a provision of the bill which puzzled me—one adding 1 percent to the 3 percent cost-of-living increases—although I supported the benefits and cost-of-living increases.

I heartily support the bill and announce that I shall vote "yea."

Mr. WILLIAMS of Delaware. Mr. President, I am ready to vote.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Delaware (Mr. WILLIAMS). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from North Carolina (Mr. JORDAN), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), and the Senator from Washington (Mr. JACKSON) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from California (Mr. CRANSTON), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Nevada (Mr. CANNON), and the Senator from Iowa (Mr. HUGHES) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. SAXBE), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Texas (Mr. TOWER) is detained on official business.

If present and voting, the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Alaska (Mr. STEVENS), the Senator from Ohio (Mr. SAXBE), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 8, nays 56, as follows:

[No. 111 Leg.]

YEAS—8

Aiken
Baker
Cook
Curtis
Hansen
Packwood
Williams, Del.
Young, Ohio

NAYS—56

Allen
Allott
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Case
Church
Cooper
Cotton
Dodd
Dole
Eagleton
Eastland
Ellender
Fong
Fulbright
Goldwater
Goodell
Griffin
Gurney
Hartke
Holland
Hollings
Hruska
Javits
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McGee
McGovern
Metcalf
Miller
Mondale
Mundt
Nelson
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Ribicoff
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Symington
Talmadge
Williams, N.J.
Young, N. Dak.

NOT VOTING—36

Anderson
Bayh
Bellmon
Bennett
Burdick
Cannon
Cranston
Dominick
Ervin
Fannin
Gore
Gravel
Harris
Hart
Hatfield
Hughes
Inouye
Jackson
Jordan, N.C.
Magnuson
McCarthy
McClellan
McIntyre
Montoya
Moss
Murphy
Muskie
Randolph
Russell
Saxbe
Smith, Ill.
Stevens
Thurmond
Tower
Tydings
Yarborough

So the amendment of Mr. WILLIAMS of Delaware was rejected.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

If there be no further amendment, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The bill was read the third time.

Mr. McGEE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 334, H.R. 9825.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 9825) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McGEE. Mr. President, I move to strike out all after the enacting clause and insert in lieu thereof the text of S. 2754, as amended.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I shall vote against the bill. As I stated earlier, I think title I, restoring some degree of solvency to the retirement fund, was necessary, and I would like to support it; however, I do not think that we should at this time increase retirement benefits for all Government employees an average of about 10 percent, as is done under the bill as a result of the change in the formula.

The second point is that under the bill it is guaranteed to all retired Government employees that, from this day forward, not only will their pensions be protected against the ravages of inflation but also that Government employees will actually make 25 percent on the inflation that develops from the day they retire. That is, as the cost of living goes up 3 percent, the retirement benefits will increase 3 percent plus 1 percent, which means the benefits will increase 4 percent for every 3-percent increase in the cost of living. It is an escalation clause which means that from now on Government employees—including ourselves and those in the executive department who are responsible for inflation—will actually make money. The more inflation we have the more retirement benefits we will get because the bill guarantees that never again, as we retire from this day forward, will we have to worry about the ravages of inflation.

Government employees, alone of all the American people, will now be guaranteed that their pensions will never be

XUM

adversely affected by inflation. Not only that, they will make 25 percent on inflation because the pensions of Government employees will increase 25 percent faster than the cost of living.

I think it is an outrage that the Congress would adopt such a provision and ask it be supported, as it does, by the American taxpayer to the tune of $2 billion a year from general revenue. That will be the cost to the taxpayers.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question now is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 9825) was read the third time.

Mr. GOLDWATER. Mr. President, I would like to ask the Senator from Delaware a question. If it is in the hearings, the Senator can tell me, and I will look it up, but I have not found it.

It was my understanding a few years ago that the civil service retirement fund was not in good shape.

Mr. WILLIAMS of Delaware. That is correct. There is an actuarial deficiency in excess of $50 billion.

Mr. GOLDWATER. $50 billion?

Mr. WILLIAMS of Delaware. Yes; and that is due to the fact that over the years since Congress established the rate of deductions from the employees, back about 20 years ago, Congress has liberalized the benefits for civil service retirees without increasing the deductions or the payments into the fund

A part of the deficiency has also resulted from the fact that for a number of years the Government itself did not put into the fund the matching money against the deductions of the employees, and to that extent the deficiency is, in my opinion, an obligation of the U.S. Government.

But on a matching basis of 6.5 percent from the employees and 6.5 percent from the Government as the employer, that 13 percent will pay only about one-half of the benefits that are now provided under the civil service retirement system, which means that this bill, recognizing that fact, provides for direct appropriations from general revenue in addition to the deductions beginning with $278 million a year next year, and the figure will escalate until it reaches an annual total of $2 billion a year. From then on it remains at approximately that figure of direct taxes paid into the fund under the provisions of this bill. It could even grow somewhat higher so that each year the taxpayers will be called upon to pay taxes to the extent of about $2 billion a year to support benefits under the civil service retirement system which are not being paid for by the employees and the Government on a matching basis.

I do not think that was right. I support the sections of title I which would provide the method of financing this fund by increased deductions. I think that was a long overdue recognition of the situation that exists, but I do not agree that at the same time we should increase the benefits further. According to the estimate that was given to me, the increased benefits that the committee would provide under this bill will add another $1 billion to the actuarial deficiency.

The Senator from Wyoming very properly pointed out that the increased benefits under this measure, for the first time under a civil service retirement bill, are being financed by increased deductions from the payroll checks of the employees. But the point I made was that these new increases in deductions should be used, not to pay new benefits such as are before the Senate today, but to cover the cost of benefits which have been approved by preceding Congresses in the past 15 years and which were not properly financed at the time.

Now we are starting all over again to create another deficiency in the civil service retirement fund.

Mr. GOLDWATER. In view of that statement, I should like to ask the Senator another question. If we follow the procedures outlined or suggested in this bill, we offset the attempt to bring the retirement fund into actuarial soundness and continue the same problem; am I correct in that?

Mr. WILLIAMS of Delaware. That is correct, except that they propose to correct that problem in this manner: by tapping the Federal Treasury to the extent of $2 billion a year. I just do not think that we have a right at this time to call on the American taxpayers, who are having enough to do to pay their taxes and to provide for their own retirement, to pay another $2 billion per year to support the retirement benefits of Government employees.

I believe in a sound retirement system. I was on the committee the first few years after I came here and had something to do with writing the present retirement system. We are proud of it. I remember the then Senator from Maryland, Mr. O'Conor, took a very active part at that time, and we worked out and finally reported a bill which was reasonably actuarially solvent in that the contributions of the employees when matched by those of the Government would keep it on a solvent basis.

Unfortunately over the years, year by year, Congress has liberalized the benefits without increasing the employee contributions, with the result that we have built up this tremendous deficiency in the retirement fund, such that if no action were taken at all it is estimated that within about 10 or 12 years the fund would be bankrupt.

Certainly we cannot allow that. But I felt that the provisions that would provide for increasing the contributions to make the fund solvent should have been kept and used for that purpose, rather than to start this same "escalation clause" of increasing our benefits all over again. I do not think we can justify by any means here today raising the retirement benefits for Government employees by about 10 percent by changing the formula from the 5-year to the 3-year formula. Nor can we justify adding another section to guarantee that, in perpetuity, a retired Government official will never again have to worry about the ravages of inflation by actually getting a 25-percent increase over the degree of inflation as it goes along. In other words, we would collect a 25-percent premium on inflation. I think it is outrageous that Congress would ever propose such a measure. It was for that reason I tried to delete those provisions from the bill. I was unsuccessful, and I shall vote against the bill.

Mr. GOLDWATER. One further question, and then the Senator will have satisfied my lack of knowledge.

The Senator says the fund is now $50 billion in the red, and that, if we had not provided in section 1 means to offset that, it would have meant bankruptcy of the fund, probably, in 10 years.

My question is, in view of the fact that the increases in benefits offset some of the other increases, have we absolutely guaranteed that there will never be a time when the fund is bankrupt?

Mr. WILLIAMS of Delaware. To a large extent this bill does that in this manner; the bill provides unlimited authority to tap the Federal Treasury and let the taxpayers keep it solvent.

Mr. GOLDWATER. I thank the Senator.

Mr. WILLIAMS of Delaware. The committee frankly admits in its estimate that such contributions from the Treasury will be at the rate of $2 billion a year when it becomes fully operative.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. I should like to state that the junior Senator from Nebraska is of the opinion that there are probably many individual cases where the record is such that they merit and deserve the provisions of this bill. There is another matter that disturbs me, however, and that is the total impact of the bill, and the total cost of it is, at a time when our budget, as far as general funds are concerned, is at a deficit, and it appears that it will be that way for some time.

I am also mindful of the restraints placed upon the people who are not associated with the Federal Government. They are asked to hold the line. I do not believe that private pensioners, in the main, have the liberality that we extend to Government pensioners. I believe that the social security program has fallen behind the overall benefits of the civil service.

Would the Senator agree that while many provisions in the bill may be desirous, or many provisions that certain individuals or groups merit and deserve, now is a bad time to make a sizable financial commitment that will run for all time and from which there can be no retreat?

Mr. WILLIAMS of Delaware. I certainly would. I think that to take this step now is poorly advised. That is why I cannot support the bill in its present form. I want the RECORD to show that I do not support this provision. It was for that reason that I tried to delete these liberalization provisions from the bill, but that amendment was overwhelmingly defeated.

Mr. COOPER. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. COOPER. The Senator stated that in the future the liberalized benefits would be paid by increased deductions from the compensation of employees. Is that correct?

Mr. WILLIAMS of Delaware. There are increased deductions from the employees provided for in this bill which would about offset the liberalized features of the bill; that is true. But I take the position that the increased contributions should have been directed toward correcting some of the present insolvency of the retirement fund rather than unloading that burden on the taxpayers. That is the point I make. To call upon the taxpayers to shoulder this burden cannot be justified.

Mr. COOPER. The Senator spoke about an automatic cost-of-living increase. Would that be provided by increased deductions from employees' pay?

Mr. WILLIAMS of Delaware. No; future increases would be financed automatically out of the Federal Treasury. The bill provides that as the increases become effective the obligations of the Federal Treasury will be increased in proportion. So to that extent it could be said that future increases will be financed by the taxpayers.

Mr. COOPER. The Senator said, as I understood him, that the actuarial deficit would reach about $50 billion in 10 years.

Mr. WILLIAMS of Delaware. That is the deficit now.

Mr. COOPER. As I remember, in previous years the Senator from Delaware urged that the deficit should be corrected. What would happen with respect to the thousands of employees who have retired and whose deductions were of the amounts required of them during their service? I think it is obvious that they could not live on those amounts now. Am I correct?

Mr. WILLIAMS of Delaware. The Senator is correct. I would support title I of the pending bill under which that deficiency is corrected and a guarantee extended to those who have retired that the pension fund will be solvent for the remainder of their lives.

I think the committee should be commended on that point. It is a long overdue recognition of the insolvency of this retirement fund. Sooner or later Congress will have to face up to the fact that the fund is approaching the day of insolvency.

I support the committee's action under title I wherein it raises the contribution rates for both employees and the Federal Government as the employer.

Mr. COOPER. Mr. President, will the Senator state whether from this time forward, if the bill should be enacted into law, the deductions would be sufficient—and no one can tell, but I mean from an estimate standpoint—to pay the benefits that must be paid. Assuming that there had been do deficit in the past and looking at the matter as if we were starting on it now, would the fund be solvent without the help of the taxpayers funds?

Mr. WILLIAMS of Delaware. It would not under this pending bill. Assuming that the 6.5 percent contributed by the employee is matched by the employer, for a total of 13 percent, that 13 percent would not be sufficient to pay the benefits from this time forward. It would require an additional contribution of around $2 billion per year from general revenue. There would be a deficiency of about 9 percent of the Federal payroll. In other words, the Government would have to put in about $2 billion per year.

Mr. McGEE. Mr. President, would it not be to the point of the Senator's question to say that the pending bill does address itself to staying ahead, so that the fund will be solvent when our due date is arrived at? We have provided in the bill for keeping the fund solvent.

Mr. WILLIAMS of Delaware. The Senator is correct. As I pointed out, it does it in this manner.

There are automatic clauses that could trigger an increased Government contribution out of general revenue in order to keep it solvent.

Under that escalator clause the committee estimated the cost to the taxpayers would be about $2 billion a year 10 years from now. And if in the future other benefits are approved and the new financing is not provided for by increased deductions then the $2 billion figure would rise proportionately.

Mr. McGEE. The committee did provide for an increase in the deductions to pay for these particular benefits. However, the important point is that the deficiency is not due to the failure of the employees to contribute, but to the failure of the U.S. Government to set aside its proportionate share each year. This is the matter that we are seeking to correct.

Mr. WILLIAMS of Delaware. The statement is partly correct. There was a period of years when the Government did not put in the matching contribution. Those matching contributions of the Federal Government plus interest would amount to about $5 billion or $6 billion and would take care of about one-tenth of the present actuarial deficiency. That arises from the fact that even though the Government was on an equal matching basis, if the Government had made all its payments plus interest there would still be $40 billion deficiency remaining which would have to be taken care of either by increased contributions or by tapping the Federal Treasury, as the committee decided to do.

This deficiency in the funds is the result of past Congresses voting increased retirement benefits without making provisions to raise the money to pay them.

So while it is partly true to say that some of the deficiency results from the failure of the Government to have matched the contributions of the employees that is only about 10 percent of the deficiency.

Mr. COOPER. Mr. President, as I understand it, the chief portion of the actuarial deficit results from the fact that Congress did not first require sufficient deductions from the employees.

Mr. WILLIAMS of Delaware. At first it did require deductions in a sufficient amount when the Federal Government matched them. However, Congress over the years has been liberalizing the pension funds, but it did not at the same time increase the deductions to provide for a method of financing.

One of the points that the former Senator from Maryland, Senator O'Conor, and I made 20 years ago when we dealt with the matter was that we should incorporate a requirement in the law to the effect that every time Congress raised the benefits it would have to raise the deductions on the part of both the employees and the Government at the same time.

Had we been successful then we would not be here today with a $50 billion deficit. Over the last 15 years Congress has been raising retirement benefits practically every year for the employees and at the same time making no provisions at all for the financing of these benefits. It has been the same old story. Members of Congress scramble for a chance to spend money, but they are very bashful when it comes to imposing the tax to pay for the programs.

Even here today, while the committee authorizes that the Federal Treasury can be tapped for an extra $2 billion annually to pay for the cost of these retirements increases, they defer the date of this new tax until after next year's election.

The committee had to provide financing in the pending bill to pay for the benefit increases that had been granted for the past 15 years, but why start this parade all over again by authorizing a new round of increases? If the money provided under title I were intended to pay for the past benefits that have been voted my contention is that we should have kept it to that point and not started another round of escalation.

Mr. COOPER. Does one-half of the deficit, or a great part of the deficit, result from the fact that in the past Congress did not appropriate sufficient funds to pay the Government's share, the employer's share, of the fund?

Mr. WILLIAMS of Delaware. That would only account for about 10 percent of the deficiency. The other 90 percent is accounted for by the fact that Congress in the past approved benefits that were not matched by the increased contributions on the part of the employees and the Government.

Mr. COOPER. Mr. President, it is not likely that we could levy upon the employees who have already retired increased deductions to make up for the past deficit.

Mr. WILLIAMS of Delaware. No, that could not be done. I would not support such a move, and I do not think it could be done.

As these employees retire it is a contract they have with the Government, and I do not think you can go back and rescind it.

I have always taken the position that what the retired employees of the Government want most, No. 1, is the assurance that, no matter how long they live, this fund will be solvent and their payments will continue. They do not want to figure that they have to die by a certain date or they will not have anything on which to live. They want assurance that the pension will be paid as long as they

XUM

live, and that is one point we have to be sure to protect. I think we should consider that point as No. 1.

The second point is, to what extent can it be liberalized? That is equally important to them.

But the major point is that once an employee retires and is dependent upon the pension he wants the assurance that he does not have to die early in life in order to keep from going to the poorhouse. I think we in Congress have been negligent in giving him that assurance.

Mr. COOPER. The social security trust fund is not actuarially solvent, is it?

Mr. WILLIAMS of Delaware. Not from the standpoint of insurance. But it is actuarially solvent—or was—on the premise the workers under the law have to come under it; therefore, the Government is assured of continued contributors and policyholders for life.

For years it has been a policy accepted and recognized by the Ways and Means Commitee and the Finance Committee that they would consider no increased benefits in social security if there were not in the same bill provisions for an increased contribution or tax to pay for it. That has been the policy, and we have mentioned it on the floor of the Senate when various Members have proposed increased social security benefits. Members were told there was no use in approving increased benefits unless there were a tax in the same bill to provide the financing.

Had that rule been in effect in the Civil Service Retirement Act 20 years ago we would not be in this dilemma today, and I wish it were a part of this bill. Then we would have the situation that Members of Congress as they vote for increased benefits, which is always popular, would also vote to raise the contributing rates for the employees.

The unfortunate point is that after next year Congress will be required to raise the taxes of the American taxpayers to the extent of $2 billion a year to pay for the benefits that are being approved under this bill today.

Mr. COOPER. If the social security trust fund should be threatened, its real solvency rests upon the credit of the United States and the taxes and appropriations to keep it solvent.

Mr. WILLIAMS of Delaware. Morally, yes; that is the answer. Legally the social security pension fund is not anchored to the Federal Treasury. The civil service retirement fund will be anchored to the Federal Treasury under this bill.

Government employees under this bill are being placed in a special class with benefits that are not available to any other type of citizens and these benefits are being financed directly out of general revenue. I trust that those who have voted for this bill here today will explain this to their taxpaying constituents.

Mr. COOPER. I am glad to have the explanation of the Senator from Delaware. I think it a mistake to add the 1 percent to the cost of living increase, and am sorry that is in the bill. But, on the whole, I think this bill does move toward protecting the trust fund and protecting the retirees.

Mr. DOLE. Mr. President, I support S. 2754. Upon reading the report, I was impressed by the committee's approach taken to resolve problems presently confronting our civil service retirement and disability system. The committee has recommended an extension of benefits and also a realistic concern about financing the benefits.

I have long been sympathetic to the needs of our retired citizens who must live on a fixed income. During periods of inflation, as now, senior citizens bear an unfair share of the problems caused by the decreasing purchasing power of our dollar. Many who gave years of dedicated service find themselves unable to exist on the retirement pay they had anticipated would allow them to live comfortably in their later years.

Several provisions in S. 2754 are particularly noteworthy. Section 204(a) will provide for an additional 1-percent adjustment with each cost-of-living increase. Existing law provides for an adjustment whenever the Consumer Price Index shows a 3-percent increase for each of 3 consecutive months. The 1-percent increase will allow our retired civil servants to live more realistically with an inflation rate that has been averaging 6.4 percent.

Section 201 of S. 2754 will more fully reward the civil service employee by use of his highest 3 years of earnings as a base period for computing annuities rather than the highest 5 under existing law.

There are other provisions, including those for financing the civil service retirement and disability system, extension of credit for military service and improvements in the survivor benefits for employees who die with little Federal service, for employees who die after retiring upon a disability annuity, and for surviving children of Federal employees. All are needed additions to our civil service retirement and disability system.

I urge the Senate to pass S. 2754 as a reasonable approach to the problems of those retired from Federal services.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 9825) was passed.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

Mr. FONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McGEE. Mr. President, I ask unanimous consent that, in the engrossment of the Senate amendment to H.R. 9825, the Secretary of the Senate be authorized to make the necessary clerical and technical adjustments in the language of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I move that the Senate insist on its amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. McGee, Mr. Yarborough, Mr. Randolph, Mr. Hartke, Mr. Fong, Mr. Boggs, and Mr. Fannin conferees on the part of the Senate.

Mr. McGEE. Mr. President, I ask unanimous consent that S. 2754 be indefinitely postponed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that in the engrossment of the Senate amendment to H.R. 9825 the Secretary of the Senate be authorized to eliminate the last four lines of the amendment since it refers back to section 207 of the amendment which was stricken out and therefore no longer has an significance.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the Senate's thorough, expeditious, and overwhelming acceptance of the civil service retirment measure is due primarily to its expert handling by the distinguished chairman of the Senate Post Office and Civil Service Committee, the Senator from Wyoming (Mr. McGee). Senator McGee, along with the members of his committee, worked diligently to report out a bill that means so much to those who serve the Government and one that is designed to stabilize the retirement fund. The Senate appreciates his knowledge of this area and the strong advocacy with which he presented its features.

We are also indebted to the senior Senator from Delaware (Mr. Williams) for his thought-provoking contributions to the discussion and appreciate very much the cooperation he exhibited.

The Senate as a whole is to be complimented for the efficient disposition of this measure today.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that Mr. Mailliard had been appointed as a conferee in the conference on the bill (S. 1075) to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers, vice Mr. Pelly of Washington, excused.

PEACE CORPS ACT AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the motion of the Senator from New York (Mr. Javits) of September 19, 1969, to reconsider the passage of H.R. 11039.

The PRESIDING OFFICER (Mr. McGovern in the chair). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the action of the Senate in appointing conferees on H.R. 11039 be reconsidered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate reconsider the votes by which H.R. 11039 was read the third time and passed.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11039) to amend the Peace Corps Act (75 Stat. 612) as amended.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read as follows:

On page 1, line 7, delete "$92,800,000" and insert in lieu thereof the following: "$95,800,000".

Mr. JAVITS. Mr. President, the Senate, in the Committee on Foreign Relations, cut $10 million from this appropriation. At the time I indicated I thought it was cutting too deeply. There are very strong reasons why the Senate took this position, not indivious to the Peace Corps, but based on a certain depth of judgment Senators had about other provisions in the bill. The bill will go to conference.

Mr. President, I felt the cut was too steep. When the bill went through on the Consent Calendar I asked the distinguished majority leader if he would be kind enough to allow me to try to restore some of the cut. He did. I have come to an agreement with the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Vermont (Mr. AIKEN), and the Senator from Kentucky (Mr. COOPER), because they are the principal Senators interested, that the cut should be reduced to $7 million.

I believe the matter can be properly concluded in the Senate in that way. I wish to express gratitude to the chairman of the committee (Mr. FULBRIGHT) who has strong feelings about this matter and who has made a signal contribution to the Peace Corps.

There is nothing further for me to say except to express my deep appreciation that this kind of statesmanship is present in the Senate, regardless of the parliamentary situation.

Mr. FULBRIGHT. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. The Senator has correctly stated the situation. It is my understanding that the principal sponsors of the amendment in the committee, the Senator from Delaware and the Senator from Kentucky, are agreeable to the change. I certainly have no objection. I shall offer no objection to the Senator's amendment.

Mr. JAVITS. I thank my colleague. I meant to include the Senator from Kentucky.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JAVITS. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD and Mr. FULBRIGHT moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. FULBRIGHT. Mr. President, I move that the Senate insist on its amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Chair appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. GORE, Mr. AIKEN, and Mr. MUNDT as conferees on the part of the Senate.

THE JOHN F. KENNEDY CENTER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 316, H.R. 11249. I do this so that the bill will become the pending business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11249) to amend the John F. Kennedy Center Act, to authorize additional funds for such Center.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I had not intended to take the lead in speaking in behalf of the measure now pending, but because of a set of circumstances which arose, it seems that I have been delegated to do so.

Mr. President, the Senate is considering H.R. 11249 as reported from the Committee on Public Works.

The purpose of this bill is to amend section 8 of the John F. Kennedy Center Act by striking out $15,500,000 and inserting in lieu thereof $23,000,000, thus increasing the authorization for appropriation by $7,500,000, and to amend section 9 of the act by striking out $15,400,000 and inserting in lieu thereof $20,400,000, thus increasing the authority to borrow from the U.S. Treasury by $5,000,000.

The John F. Kennedy Center Act authorized the appropriation of $15,500,000 to be used for the matching of gifts for the construction of the Center and further authorized the Board of Trustees of the Center to issue bonds for the purpose of borrowing from the U.S. Treasury $15,400,000 for the construction of the parking facilities. At the time this act was passed, it was estimated that the total cost of the building, with parking facilities, would be approximately $46,400,000. However, since that time, due to inaccurate estimating, changes in design, strikes, and the increased cost of construction, the estimated cost of completing the facility has risen to $66,200,000, and there are insufficient funds available from private contributions to complete the work.

The Center is approximately 50 percent completed, and without an additional appropriation of funds to match private gifts, and without additional borrowing authority to obtain funds for the parking facility, the work cannot be completed. The Chairman of the Board of Trustees of the John F. Kennedy Center has stated that, in his opinion, it would be impossible to raise all of the additional funds required for the completion of the Center at this time, and if it becomes necessary to interrupt the work and delay completion for any length of time, it would probably cost an additional $10 million to complete construction at a later date.

To interrupt construction of the facility at this time would jeopardize the $15,500,000 which the Federal Government has already invested in the project and would deny the use of this long desired cultural center to the many people who visit and live in the Nation's Capital. At the rate that construction costs are rising, there is little doubt that this facility will cost at least an additional $10 million to complete at a later date if construction is interrupted at this time.

Mr. President, the House passed H.R. 11249 on July 8, 1969, and the Committee on Public Works of the Senate recommends its passage.

Mr. President, I ask unanimous consent to have printed in the RECORD certain excerpts from the report of the Committee on Public Works in relation to H.R. 11249.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

SUMMARY OF THE BILL

H.R. 11249 would amend section 8 of the John F. Kennedy Center Act (Public Law 88-260), by striking out $15,500,000 and inserting in lieu thereof $23 million, thus increasing the authorization for appropriation by $7,500,000. It would also amend section 9 of the John F. Kennedy Center Act by striking out $15,400,000 and inserting in lieu thereof $20,400,000, thus increasing the authority to borrow from the U.S. Treasury by $5 million.

THE NEED

The John F. Kennedy Center Act authorized the appropriation of $15,500,000 to be used for the matching of gifts for the construction of the Center and further authorized the Board of Trustees of the Center to issue bonds for the purpose of borrowing from the U.S. Treasury $15,400,000 for the construction of the parking facilities. At the time this act was passed it was estimated that the total cost of the building, with parking facilities, would be approximately $46,400,000. However, since that time, due to inaccurate estimating, changes in design, strikes, and the increased cost of construction, the estimated cost of completing the facility has risen to $66,200,000 and there are insufficient funds available from private contributions to complete the work.

The Center is approximately 50 percent completed, and without an additional appropriation of funds to match private gifts, and without additional borrowing authority to obtain funds for the parking facility, the work cannot be completed. The Chairman of

XUM

the Board of Trustees of the John F. Kennedy Center has stated that, in his opinion, it would be impossible to raise all of the additional funds required for the completion of the Center at this time, and if it becomes necessary to interrupt the work and delay completion for any length of time, it would probably cost an additional $10 million to complete construction at a later date.

GENERAL STATEMENT

In September 1958, President Eisenhower signed into law Public Law 85–784 authorizing the construction of a National Cultural Center in the Nation's Capital. The tragic death of President Kennedy resulted in early action by the Congress to reconsider the status of the Center and to adopt it as the principal memorial to the late President in the Greater Washington area. Senate Joint Resolution 136 was enacted and signed as Public Law 88–260 on January 23, 1964, naming the Center the John F. Kennedy Center for the Performing Arts.

Public Law 874, 85th Congress, authorized the establishment in the Smithsonian Institution of a Board of Trustees of the National Cultural Center, composed of 15 specified Federal officials, members ex officio, and 15 general trustees appointed by the President, to cause to be constructed for the Institution, with funds raised by voluntary contributions, a building to be designated as the National Cultural Center on a site in the District of Columbia bounded by Rock Creek Parkway, New Hampshire Avenue, the proposed Inner Loop Freeway, and the approaches to the Theodore Roosevelt Bridge.

The Board would maintain and administer the National Cultural Center and site thereof, present programs of the performing arts, lectures, and other programs, and provide facilities for other civic activities. There would also be established an Advisory Committee on the Arts, designated by the President, to advise and consult with the Board and make recommendations regarding cultural activities to be carried on in the Center. The lands for the National Cultural Center and related activities would be acquired by the National Capital Planning Commission, with plans and specifications for the building approved by the Commission of Fine Arts.

The act provided that it would expire if, within 5 years after the date of its approval, in the opinion of the Board of Regents of the Smithsonian Institution, sufficient funds to construct the National Cultural Center had not been received by the Trustees. Any funds and property (real and personal) received by the Trustees during this period, and income therefrom, in event of the termination of the offices of such Trustees, would vest in the Board of Regents of the Smithsonian Institution and be used by the Board to carry out the purposes of Public Law 357, approved March 28, 1958, which provides for the transfer of the Civil Service Commission Building in the District of Columbia, to the Smithsonian Institution to house certain art collections, and for the acquisition of works of art to be housed in such building, except that such funds or property may be vested in an organization designated by the donor at the time of making the donation, if a contribution to such organization is tax deductible under the internal revenue laws.

Public Law 100, 88th Congress (77 Stat. 128), approved August 19, 1963, authorized an increase in the number of general Trustees appointed by the President from 15 to 30, to hold office as a member of the Board for a term of 10 years. The terms of any members appointed prior to the date of approval of the act would expire as designated by the President at the time of appointment; and the terms of the first 15 members appointed under the provisions of the act would expire at staggered intervals, three on each of the dates September 1, 1964, 1966, 1968, 1970, and 1972. The act also increased the membership of the Board constituting a quorum required for the transaction of business from 8 to 12. The authorized period for the Trustees to solicit funds for construction of the National Cultural Center was extended for a period of 3 years, until September 2, 1966, in order to give the Trustees additional time in which to complete their fund-raising campaign.

Public Law 88–260 renamed the National Cultural Center as the John F. Kennedy Center for the Performing Arts, in honor of the late President of the United States, John Fitzgerald Kennedy; directed the Board to provide within such Center a suitable memorial in his honor; authorized appropriations in an aggregate amount equal to the gifts, bequests, and devises held by the Board of Trustees, but not in excess of $15,500,000; provided borrowing authority by issuance of revenue bonds in an amount not to exceed $15,400,000 to the Secretary of the Treasury to finance necessary parking facilities for the Center; authorized the Secretary of the Treasury to accept on behalf of the United States any gift in honor of or in the memory of the late President; and provided that the John F. Kennedy Center for the Performing Arts designated by this act shall be the sole national memorial to the late John Fitzgerald Kennedy within the city of Washington and its environs.

When the 88th Congress enacted Public Law 88–260 it intended that this memorial to the late John F. Kennedy would be built in the city of Washington for a total cost of $46.4 million. Based upon this $46.4 million estimate, the Board of Regents of the Smithsonian Institution, at its meeting on January 27, 1966, found that sufficient funds to construct the Center had been received by the Trustees of the John F. Kennedy Center for the Performing Arts and construction was initiated.

PRESENT PHYSICAL CONDITION OF KENNEDY CENTER

The overall construction of the Kennedy Center is more than 50 percent complete. The exterior marble panels have been erected on the three exterior walls of the concert hall, completely enclosing the southernmost third of the building. The exterior marble has also been erected on the river side of the opera. It is planned to complete the exterior marble panels for the entire building by the fall of this year.

Concrete work has been completed in the concert hall area, in practically all of the garage area, and is well underway in the opera. Unfortunately, a carpenters' strike commenced on the first day of May, and this stopped all further work of pouring concrete. About 30 percent of the total concrete remains to be put in place.

A large amount of masonry, plumbing, air conditioning, elevator, and electrical work has been accomplished. The concert hall, the hall of nations, the grand foyer, the river terrace, and the entrance plaza are all taking shape and their ultimate appearance, insofar as form is concerned, can be readily visualized.

Major work still to be contracted includes tile, terrazzo, wood floors, interior glass, approaches, landscaping, interior painting, and the finishing of administrative and rehearsal spaces. A program for procurement of all furnishings, furniture, landscaping, and sound equipment will have to be initiated in the immediate future in order to be coordinated with the completion of the building.

FINANCING PROBLEMS INVOLVED WITH CONSTRUCTION

The Board of Trustees of the John F. Kennedy Center arranged with General Services Administration to act as design and construction agents for the Center and this responsibility presently rests with the Public Buildings Service of the General Services Administration.

The architect was first retained by the Trustees in June 1959 for preliminary site investigation. Throughout 1959, 1960, and 1961 he was periodically asked to do design studies, planning studies, and investigation work which led, by September 1962, to outline plans which established the seating capacities of the auditoriums at approximately their current size, 2,759 in the symphony hall, 2,317 in the opera, and 1,142 in the Eisenhower theater, and 505 in the film theater.

The contacts and consultation with GSA beginning in 1963 led to their involvement in 1963–64 in discussions with the architect on design matters and on details of a definitive professional services contract. Two important documents were executed in July–August 1964; (*a*) an agreement between the Trustees and GSA under which the latter would become agent for the Trustees in supervising design and construction and (*b*) a professional services design contract with the architect.

The milestone dates in development of the drawings and specifications are as follows: Program development, 1962–63; preliminary drawings, November 1963; tentative drawings, October 1964; intermediate drawings, February 1965; final drawings, November 1965; program review and changes, February 1966; revised finals, July 1966; and completed working drawings, September 1966.

Although it is usual practice of GSA to award construction contracts on a lump-sum basis after open competitive bidding, and it was earlier intended to so award the Kennedy Center contract, there are projects where exceptions are necessary and allowable under procurement regulations and the Federal Property and Administrative Services Act of 1949. The Kennedy Center is such a project. Among its distinctive features is the fact that it has received approximately $3 million in gifts of equipment, materials, and fittings; many have been rceived since construction started; others may still be received. It is easier to allow for such gifts in a cost-plus-fixed-fee contract with competition as to the fee amount.

The reasons for the almost inexorable growth of the project cost and the resultant need for additional funding are not clean cut and unanimously agreed upon. Some of the increase is due to error on the part of the General Services Administration and on the part of the architect. Some is due to changes in the program of requirements after work had started. Some is due to inefficient sequencing of subcontract awards. Some is due to strikes and other acts beyond anyone's control. And some—a sizable amount—is due to the meteoric rise in construction costs.

Between the month of January 1964, when the Congress accepted an estimate of $46.4 million, and January 1969, the cost of building construction increased almost 30 percent. Thus, up to $14 million of the increase could be charged to cost escalation. However, since some of the work was accomplished before this total increase was experienced, it is estimated conservatively that about $9 million of the increase is due solely to escalation.

Careful control of the timing of subcontract awards to avoid overcommitment of funds has probably added about $1.5 million to the cost of the work. Not all awards could be made when prudent construction practice dictated.

There has been $1.2 million added to the cost of work by approved change orders. Most of these were due to job conditions, though about one-third of the amount is due to changes made by the trustees and about $200,000 by design corrections.

Acts such as a strike of longshoremen which prevented timely receipt of marble from Italy and the advent of jet aircraft at Washington National Airport added to the

XUM

cost. The latter increased costs of glazing and insulation of the Center so as to insure jet noise attenuation. These sorts of problems added $0.6 million.

The remainder of the $15.8 million increase in cost since January 1964 is due to underestimating. This has principally involved structural steel and concrete form work. The tonnage of structural steel was underestimated by about one-third. The cost of concrete form work, although still not final, apparently will run about 20 percent over the original budget estimate. There have been, of course, other minor budget adjustments, some up, some down, but the total effect of estimating inaccuracies amounts to about $3.5 million, or about 5½ percent of the budget cost; $2.7 million of this is due to structural steel alone.

The General Services Administration now estimates that the total cost of the building and parking facility will be approximately $66,200,000.

COMMITTEE VIEWS

In reporting H.R. 11249 the committee recognizes the need for completing the construction of the John F. Kennedy Center at the earliest possible date. To interrupt construction of the facility at this time would jeopardize the $15,500,000 which the Federal Government has already invested in the project, would deny the use of this long desired cultural center to the many people who visit and live in the Nation's Capital, and would probably cost an additional $10 million to complete at a later date. However, the committee wants it clearly understood that the Center must be completed within the proposed cost of $66,400,000 and if, by any chance, this figure has been underestimated any additional funds required must be raised by the Board of Trustees through private subscription. The need to complete the Center is urgent and the committee recommends the enactment of H.R. 11249.

COST

This legislation authorizes the appropriation of an additional $7,500,000 for construction of the Center and authorizes borrowing authority from the U.S. Treasury for an additional $5 million for the parking facility.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ELLENDER. Mr. President, as I recall, this building is to be constructed on a 50–50 basis; that is, the Government would put up 50 percent and the public would put up 50 percent. Is that correct?

Mr. MANSFIELD. The Senator is correct.

Mr. ELLENDER. Will the additional amount the Senator now refers to be covered by subscription?

Mr. MANSFIELD. Yes.

Mr. ELLENDER. The subscriptions would come from the public?

Mr. MANSFIELD. Yes. The Senator is correct.

Mr. ELLENDER. What about the loan to which the Senator referred? I notice there is a clause that refers to borrowing.

Mr. MANSFIELD. Yes. The reason, as I understand it, is that they have to dip into other funds and pay an extremely high rate of interest; and even on that basis they will not be able to continue for too long. Therefore, they are asking for help of this nature at this time so that the work can continue.

Mr. ELLENDER. I notice that quite a lot of money is being spent for space to park cars. Is that extra money, or was it included in the original program?

Mr. MANSFIELD. It was included in the original program; this aspect is supposed to be self-liquidating.

Mr. ELLENDER. I further understood that this entire program would be self-liquidating. Is that the contention of the Senator from Montana?

Mr. MANSFIELD. No. As I understand it only the parking facilities would be self-liquidating.

Mr. ELLENDER. How about the management of the building after it is completed. Have we any evidence to show that it will be self-sustaining in that respect?

Mr. MANSFIELD. It is anticipated that that will be the case. I wish there were someone from the committee present in the Chamber to supply more detail to the distinguished Senator.

Mr. ELLENDER. We have a similar situation with the RFK Stadium.

Mr. MANSFIELD. I have an idea that the cultural center, which incidentally was started under the Eisenhower administration, will be built in a much more solvent manner than the stadium.

Mr. ELLENDER. I presume so; and also in its maintenance and operation. When we furnished money to build the stadium, we were told it would be self-sustaining, but up to now I understand they have not earned enough to pay the interest on the bonds which were issued against the backing of the U.S. Treasury. We are forced to appropriate almost $1 million annually so that the District of Columbia can meet the interest payments.

Mr. MANSFIELD. As I understand the proposal, only the parking facilities will be self-liquidating and the other facilities will have to be taken care of in some other manner. I assume a proposal will be made to bring in some revenue to help alleviate that problem, at least to some extent, if necessary.

Mr. ELLENDER. I had gathered the impression that it would be self-liquidating. I hope it works out that way. The bonds issued to finance the construction of RFK Memorial Stadium fall due in 1980. As it looks now, the Treasury will be forced to make good their redemption.

Mr. MANSFIELD. I hope so, too.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. BYRD of Virginia. Mr. President, I was impressed with the comments made by the distinguished senior Senator from Louisiana (Mr. ELLENDER) in regard to the possible cost of this cultural center.

I want to say that I favor a national cultural center located in the city of Washington. I have been a supporter of this project and I want this Capital City of our country to have a national cultural center.

I am concerned in regard to the cost of this new center. The distinguished majority leader pointed out that it is not possible today for members of the committee handling this matter to be in the Chamber at this time.

I think there are many facts that must be brought out so that the Senate can fully understand just what the ultimate cost will be. I wish to say to the Senator from Montana that since it is impossible for members of the committee to be here at this time——

Mr. MANSFIELD. There are members here, but they are engaged in official business.

Mr. BYRD of Virginia. They are engaged in official business. The Senator is correct. We have so many matters going on in connection with the Senate that it is not possible for them to be in the Chamber at this time. It is also the middle of Friday afternoon. I wonder if the distinguished majority leader would be willing to make this legislation the first order of business when the Senate convenes on Monday.

Mr. MANSFIELD. I think that is a reasonable request. I think it can be worked out if the Senator from Virginia will trust the Senator from Montana to make arrangements along that line. The position is well taken and it would give the Senator and others more time in connection with the matter.

Mr. BYRD of Virginia. I thank the Senator.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. Mr. President, do I understand by that that the majority leader will seek a unanimous-consent agreement to vote at a certain time on Monday?

Mr. MANSFIELD. That is the Senator's intention and I shall do so if there is no objection.

Mr. FULBRIGHT. I do not object. I will be pleased to agree to such a request.

AMENDMENT NO. 223

Mrs. SMITH of Maine. Mr. President, I send an amendment to the desk on behalf of myself and the Senator from Arizona (Mr. GOLDWATER), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Maine (Mrs. SMITH) proposes an amendment, at the end of the bill insert the following new section:

> SEC. 2. (a) No part of the increased amount of funds authorized to be appropriated by subsection (a) of the first section may be expended, and no part of the increase in the authority to borrow from the Treasury under subsection (b) of such section may be used, until after the Comptroller General of the United States (1) has completed a comprehensive investigation of the past and projected costs of constructing the John F. Kennedy Center for the Performing Arts and its parking facilities, and (2) has submitted a report, together with his recommendations, of such investigation to the Congress,
>
> (b) The Comptroller General shall submit his report to the Congress not later than sixty days after the date of enactment of this Act.

Mrs. SMITH of Maine. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. SMITH of Maine. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SMITH of Maine. Mr. President,

I ask for the yeas and nays on my amendment.

Mr. ALLEN. Mr. President, will the able and gracious Senator from Maine yield to me for just a moment?

Mrs. SMITH of Maine. I yield.

Mr. ALLEN. If the Senator will withhold asking for the yeas an nays on her amendment for a moment, I should like, in all likelihood, to ask the distinguished senior Senator from Maine if she will accept a modification of her amendment on Monday. As I understand the parliamentary procedure, if the yeas and nays are ordered, I would not be able to make that request.

Mr. WILLIAMS of Delaware. That can be done by unanimous consent.

The PRESIDING OFFICER. That is correct; only through unanimous consent.

Mrs. SMITH of Maine. If the modification is in order, I would be glad to accept it. I should like to read it first. Will the Senator offer it now?

Mr. ALLEN. I am ready to do that now, yes; and then the Senator can ask for the yeas and nays.

Mr. President, I send to the desk a modification of the amendment offered by the Senator from Maine, and I ask that it be stated.

The PRESIDING OFFICER. The modification will be stated.

The BILL CLERK. The Senator from Alabama proposes a modification to amendment No. 204, by deleting the period at the end of section 2(a) and adding a comma in lieu thereof and by adding thereafter the following: "and (3) such report states that the Center and parking facilities can be completed as provided by the plans and specifications with the funds made available by this Act together with other funds or materials in the possession of the trustees."

Mrs. SMITH of Maine. Mr. President, I am pleased to accept the modification.

I now ask for the yeas and nays on my amendment as modified.

The PRESIDING OFFICER. The amendment of the Senator from Maine is modified as requested.

Is there a sufficient second for the yeas and nays?

The yeas and nays were ordered.

Mrs. SMITH of Maine. Mr. President, I want to call the attention of the Members of the Senate and the attention of the American people—especially the American taxpayers—to the scandalous record in this case, in which it was originally promised that no request for Government funds would be made for this project.

In 1963, when Congress was considering the John F. Kennedy Center Act, the total estimated cost of the project was $46,400,000. According to the Senate Public Works Committee Report No. 91-327, the current "proposed" cost is $66,400,000 or 43.1 percent higher than the 1963 estimate—$20 million higher.

The reasons for this huge growth, the report states, "are not clean cut or unanimously agreed upon." Error is attributed to the General Services Administration and the architect. Other factors cited are increased building costs of about $9 million, change orders of $1.2 million, a strike of longshoremen preventing timely receipt of marble from Italy, and something euphemistically described as "underestimating" to the amount of $15.8 million.

For example, the amount of structural steel needed was underestimated by one-third for an added cost of $2.7 million. When compared to the proposed 1963 cost of $46,400,000, underestimating alone amounts to 34.05 percent.

On August 19, 1963, President Kennedy signed into law a 3-year extension of the National Cultural Center Act to give the trustees more time to raise funds. In a memorandum to heads of executive departments at that time, President Kennedy remarked:

> To secure the necessary funds to build the center, which will be a $30 million structure of theater and concert halls, a nationwide fund-raising program was authorized through which the American people are given an opportunity to demonstrate their voluntary support for the creation of this type of national institution.

Taking President Kennedy's cost figure of $30 million, the current proposed cost of $66,400,000 is $36.4 million higher or a shocking 121.3 percent higher. Similarly, underestimating in the amount of $15.8 million alone amounts to 52.66 percent of President Kennedy's cost figure.

Another aspect of this matter might be termed cost overrun to the American taxpayer. When President Kennedy signed the 3-year extension, all of the proposed $30 million construction cost was to have been borne by private subscription.

The John F. Kennedy Center Act of 1963 authorized to be appropriated $15,500,000 in tax money for construction on the condition that this sum would be matched by private donations. This year, H.R. 11249 increases the construction authorization to $23 million. Here the increase amounts to $7.5 million, resulting in what might be termed a cost overrun to the American taxpayer of 48.3 percent.

The form and purpose of the amendment I have proposed is similar to amendments offered to the defense procurement bill that the Senate recently debated at length for 2 months.

However, it does differ in one important respect in that it does not propose to have the Comptroller General and the Government Accounting Office become a substitute evaluator on a subject on which they are without appropriate knowledge and experience.

Like the revised Mondale-Case amendment on the nuclear carrier—the revised version that scaled down the original 14 proposed points of evaluation by the Comptroller General on the nuclear carrier down to only two points of evaluation, and those two points being limited to cost determinations—this amendment is limited to cost determinations.

This amendment proposes that the Comptroller General make an investigation and report on costs of the John F. Kennedy Center for the Performing Arts. It does not propose that he make any evaluation in the field of the performing arts.

It is similar in purpose to amendment No. 108, offered by Senator PROXMIRE to the defense procurement bill and which related to the cost overruns on the C-5A aircraft.

This amendment is concerned with the cost overruns on the Kennedy Center and the mounting cost to the taxpayers on a project Congress was originally promised would be financed by private contributions and funding and at no cost to the Federal Government and the taxpayers.

The expenditures on the Kennedy Center of taxpayers' funds represents percentagewise on cost overruns one of the greatest fiscal disasters in the history of Federal expenditures. The purpose of my amendment is to make the best of a bad situation, to suspend pouring good money after bad, to permit an investigation of past and projected costs.

There is some semblance of the past referred-to-concept of the ' buy in" in that original legislation on this subject began with the very firm representations and promises that no Federal financing at taxpayers' expense would be entailed. Those promises have been broken.

It is a situation in which the target cost has been greatly exceeded.

It is a situation in which the original promises have been broken.

It is a situation in which the current proposed cost of $66,400,000 is $36,400,000 higher or 121.3 percent higher than the cost figure set by the late President Kennedy in a statement he made on August 19, 1963, when he said the Center would obtain funds through a nationwide fund-raising program through which the American people would be given an opportunity to demonstrate their voluntary support.

The Federal Government investment in this matter continues to grow despite the original promise that there would be no Federal Government investment in it and that it would not be be at cost to the taxpayers.

It is a situation in which there appears to be a "reverse incentive" in view of the tolerance of indicated excessive costs and inefficiencies.

It is a situation in which there is already disturbing delay.

It is a situation in which there have been grave errors and gaps on specifications.

What all this adds up to, in my judgment, is that the Congress must call a halt to these shenanigans on this Center. The Kennedy Center case symbolizes some of the worst aspects of procurement management that has utterly failed to do a good job. From reading the hearings I think that we can expect the Center people to come back at a later date and ask for even more money for the Center.

The American people deserve a better accounting of their tax money with respect to the Kennedy Center for the Performing Arts than we can now give. My amendment will at least place the Congress in a position of knowing what the real requirements for the Kennedy Center are and the justification for them and for spending more taxpayer dollars on this project on which it was originally represented that no taxpayer dollars would be spent. The amendment asks the General Accounting Office for an investigation of the facts and to submit its findings with recommendations to the Congress within 60 days.

Clearly it is not unreasonable to refuse to authorize any additional Kennedy Center funds until we know more about this program. I believe we ought to know what the projected costs are as well as the past costs so that we can anticipate repeated requests in each year for more funds from the Kennedy Center people. I therefore urge the adoption of the amendment.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mrs. SMITH of Maine. I yield.

Mr. GOLDWATER. I am very happy the Senator from Maine has spoken as she has. It is typical of her, with her honesty and her dedication to the duties of this body. I am very happy to have joined in the amendment that has been offered to this particular piece of legislation.

I can recall during the extended debate on the military authorization bill that we heard a lot about overruns. If I remember correctly, the Senate at one time debated an amendment that would send a particular weapon—I think it was the tank—back to the GAO for study. I remarked at the time that the GAO was not equipped to study deployment or strategy or tactics. Now we have an excellent opportunity to test the principle of referring the matter to the GAO, because this is entirely within their field.

Does the Senator agree?

Mrs. SMITH of Maine. The Senator is correct.

Mr. GOLDWATER. I know the cost of building is going up. I know it is going up faster than any other cost. I know they have been beset by a carpenters' strike, by poor design, and, I am convinced, poor bidding and poor planning; but now we are asked to give $23 million instead of $15.5 million and to strike out $15.4 million and substitute in lieu thereof $20.4 million, to increase the authority to borrow from the U.S. Treasury. This is another $5 million.

But the thing that concerns me is that in the very short time that the bill has been under consideration, the cost has gone from $46.4 million to $66.2 million. I think the Senator used these figures when she presented the amendment. But am I correct in remembering that this is an overrun of about 43.1 percent?

Mrs. SMITH of Maine. The Senator is correct.

Mr. GOLDWATER. If I remember correctly, the overrun on the C-5A amounted to 40 percent.

Mrs. SMITH of Maine. As I recall.

Mr. GOLDWATER. I see no reason in the world, Mr. President, why this amendment should not be adopted before we further consider this bill. I do not want to be put in the position of a person who wants to stop the development of the Kennedy Center. I think the community is badly in need of such a center. But I think before we bite off any more, we had better know how big the bite is. The way it has been increasing, we could very easily wind up with a $100 million bill. I am not sure we need it that badly.

I think the amendment offered by the Senator from Maine, which I cosponsored, to which I understand there has been a subsequent modification and to which the Senator from Maine has agreed—and to which I certainly would agree—that we have a GAO study of this project made in depth, is reasonable and proper. That is not a difficult thing to do. Business goes through this sort of process day after day, in view of increasing costs. For example, we are in the process of building a new building in Arizona. The estimated cost has already gone up, and we have not even put together all of the money. I can understand that. But we turned the problem over to accountants, to tell us where we can save money, and what we can expect in the future if we do not go ahead with it now, or what we might do to put it off and eventually save money.

I think the Senator from Maine is eminently correct in asking that the passage of this bill be held back until we all have time to understand it. This is not in opposition to the John F. Kennedy Center for the Cultural Arts. That is just one item. I think we ought to have a study of everything that involves cost overruns. If it was such a good idea for military authorization—and I have to agree that it certainly made sense in some instances, though not all the time—we ought to have it on every bill that goes through here.

I again compliment my distinguished colleague, the Senator from Maine, for doing a very fine job.

Mrs. SMITH of Maine. Mr. President, I express my appreciation to the Senator from Arizona. I am sure that, with his legislative and military experience and his recent experience with overruns, few Senators could speak more authoritatively.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mrs. SMITH of Maine. I yield.

Mr. WILLIAMS of Delaware. I join the Senator from Arizona in paying respects to the Senator from Maine. I agree that a study by the General Accounting Office, particularly in this case, is fully justified.

I am sure one point which could be closely examined by the General Accounting Office is the matter of underestimating the requirements for structural steel in the amount of about $2.7 million. This accounts for some of the overrun. I can understand the escalation in the costs as a result of inflation. Perhaps they were unable to take all that item fully into consideration, but I am at a loss to understand how any architect or designer can underestimate the tonnage amount of steel that will be required for a building of certain specifications by any such amount as that.

I am particularly disturbed in that, as I understand, there has been no change in personnel, but the same group of supervisors are involved on this proposal. A question has been raised as to whether or not someone could be held liable for such a gross error in underestimating the tonnage of structural steel.

Surely this is a point the Comptroller General should report back to Congress on, showing not only the reasons for the overrun but also what has happened in the past. Let us fix some responsibility on those who made this indefensible error in the original estimate.

I again compliment the Senator from Maine. I hope her amendment will be overwhelmingly agreed to.

Mrs. SMITH of Maine. Mr. President, I express my appreciation and thanks to the distinguished Senator from Delaware for being so helpful, as he always is in matters involving costs and expenditures.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mrs. SMITH of Maine. I am happy to yield to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I concur in the amendment offered by the distinguished senior Senator from Maine. It seems to me it is a very appropriate amendment. It merely seeks information as to what will be the contemplated ultimate cost of this new Cultural Center.

The Senator from Maine pointed out that in 1963 it was estimated that it would cost $30 million, and that all of those funds would be obtained from private sources. Since that time, the cost has increased to $66 million, according to my recollection, and a great amount of that will have been from public funds, assuming this proposal for additional funds is approved.

I think it is very appropriate that the amendment offered by the distinguished Senator from Maine be approved. The Senator from Arizona mentioned cost overruns in the military field. I was one of the Senators who were very critical of the cost overruns on the C-5A. By the same token, I want to examine very carefully the cost overruns in other phases of Government. This National Cultural Center is one project where there have been very substantial increases in costs, and before the Government proceeds further, it seems to me we should have more information as to how much, in the end, this new Cultural Center will cost the taxpayers of the United States.

I speak as one who favors a national cultural center, located here in the city of Washington. I want to see a cultural center built here, and I want to see it completed. But I do want to know, insofar as the use of tax money is concerned, what it will cost the taxpayers.

I think we must bear in mind also that this request for additional funds comes at a time when we are heavily involved in a steadily increasing inflationary spiral, which is hitting very hard the wage earners and the taxpayers throughout our Nation.

So when the roll is called on the amendment offered by the distinguished Senator from Maine, I shall vote in the affirmative.

Mrs. SMITH of Maine. I thank my distinguished colleague, the Senator from Virginia, and I am grateful for his support.

Mr. ALLOTT. Mr. President, will the Senator yield?

XUM

Mrs. SMITH of Maine. I yield.

Mr. ALLOTT. I join my colleagues in thanking the Senator from Maine for bringing this matter to the attention of the Senate.

I do not know why it seems to be true that in private business, people can enter into contracts for the construction of buildings and get performance without cost overruns, when the Government cannot. I am reminded of the cost overruns, for example, on the building of the New Senate Office Building, and the shameful cost overruns on the building of the Rayburn House Office Building. I am reminded also that for some 5 years, I called to the attention of the Senate the fantastic escalation in the cost of Project Mohole, which started out as a $15 million to $20 million research project, and when finally Congress awoke to the situation and called a halt to it, it had already reached the sum of $127 million and was jumping month by month.

Fortunately, we got that project closed out, and it cost the Government only $35 million for the foolishness of the people involved in it.

I do not accept the proposition that, because the people are dealing with a board here, or a government, these building and construction projects cannot be completed upon a contract basis. There is not a corporation or a good businessman in this country who would not, in making a contract, see that the contract was enforceable, and that it would be completed by a certain time.

I am not opposed to the cultural center as such, either. But it is, in its present condition, an eyesore of the worst possible kind. In fact, the situation that exists down there is a shame for this city and for the entire country.

What the Senator from Maine has here so valuably brought to the attention of the Senate is directly in line with the work that Congress created the General Accounting Office to do. It is directly in their line to go into the accounting for costs, and the waste or the shortcomings in contracts that permit such a shameful situation to exist.

I support the Senator's amendment, of course, and I hope that not only will it help straighten out this matter, but, most important, that the Senators' amendment will at least result in bringing some of the Government officials to the place that they can write a contract and get performance on that contract when we construct public buildings because the overrun on some of these—and I have referred only to two, three, or four that have occurred to me—are, I think, frightful and unconscionable as far as we are concerned as custodians and guardians of the taxpayers' money.

The Senator from Maine has done a very wonderful thing here. I hope this effort continues so that in future construction, not by a board, but by the Government, we will look at the matter as hard as we can and see that the contracts are firm.

As I understood the statement of the Senator, this was originally to have been built at no expense to the Government.

Mrs. SMITH of Maine. The Senator is correct, except that the land was to be provided.

Mr. ALLOTT. As the Senator so well points out—and I am sure, having watched these things myself—$66 million will probably not be the limit of the expenditure for this purpose at all. I think we would be providing, if Congress were to vote for this measure, for a stopgap.

Perhaps if the Comptroller General gets into the matter, we will at least provide a limit on the amount that will be spent on this matter.

I thank the Senator.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mrs. SMITH of Maine. I yield.

Mr. GOLDWATER. On the question of the building being constructed with private contributions, I remind the Senate that in 1963 then President Kennedy expressed his desire that the Center be paid for entirely out of private donations and moneys. He was aware at that time this would be a meaningful expression of the heartfelt sentiments of people across the land.

In a memorandum to the heads of the executive departments and agencies, he said:

> To secure the necessary funds to build the center, which will be a $30 million structure of theater and concert halls, a nationwide fund-raising program was authorized through which the American people are given an opportunity to demonstrate their voluntary support for the creation of this type of national institution.

Mr. ALLOTT. I thank the Senator very much. That was my information.

Mrs. SMITH of Maine. Mr. President, I thank the distinguished and able senior Senator from Colorado (Mr. ALLOTT) for his very generous and worthwhile contribution to the discussion. I also thank the able and distinguished Senator from Arizona (Mr. GOLDWATER) for joining me in proposing the amendment.

Mr. COOPER. Mr. President, I am not the chairman of the Public Works Committee, and I am not the Senator in charge of the bill. Both are unavoidably absent on business of the Senate. However, I am a member of the Committee on Public Works. I desire to make a statement concerning the action of the committee in considering and reporting the bill.

In doing so, I point out to the distinguished Senator from Maine that, as she knows, I have the highest respect for her. I cannot contradict any of the facts she has given.

I will review briefly the history of the cultural center.

The facts have been correctly stated by the Senator from Maine and by the Senator from Arizona. In 1958 President Eisenhower signed the act creating the National Cultural Center. That was to be its name. It is correct that it was to be paid for by private contributions.

The act authorized a board of trustees of 30 members to administer the funds and develop the Center.

After the untimely and tragic death of President Kennedy, resolutions were introduced in the Congress proposing that the name of the center be the John F. Kennedy Center for the Performing Arts.

We remember the sadness of the people of our country and the desire to create an appropriate memorial for President Kennedy. It was thought by many that the construction of the center would be an appropriate memorial, considering his interest in this city and in the arts.

I was present as the ranking minority member of the Senate Committee on Public Works at a joint hearing of the Senate and House Committees on Public Works. It was decided to name the center for President John F. Kennedy.

It was then agreed that the construction be financed in this manner: Congress would appropriate $15,500,000 to be matched by gifts to be received by the Board of Trustees. The total would amount to $31 million.

Congress also authorized the trustees to borrow $15,400,000. Appropriation by the Congress, gifts and loans provided $46,400,000 which it was estimated at that time, would cover the total construction of the center.

As I recall the measure was passed unanimously by both Houses, and signed by President Johnson.

The Board of Trustees constituted the General Services Administration its agent for the construction of the building. The General Services Administration and I assume, with the agreement of the Board, secured as the architect for the center Edward Durell Stone, a very distinguished architect. Gifts were received, and work was commenced.

During this session the Board of Trustees came to the Public Works Committee and reported that the estimated cost had increased from $46,400,000 to $66,400,000. They asked Congress to authorize increased appropriations of $7,500,000, to be matched by gifts, and an additional borrowing authorization of $5 million.

If this is done, the breakdown of the $66.4 million would be as follows. $23 million appropriated by Congress, matched by $23 million in gifts, and loan authority of $20.4 million. These three categories would total $66.4 million.

We asked for an explanation of the cause of the overruns. The report indicates the answers we received from the General Services Administration and the trustees.

I must say that they were quite frank in their answers, these statements correspond with the statements of the Senator from Maine and the Senator from Arizona, and the Senator from Colorado, Senator ALLOTT.

The evidence admitted a cost overrun of at least—I forget the exact percentage, but as I recall—30 percent. It could be larger.

Mrs. SMITH of Maine. Forty-three percent.

Mr. COOPER. The Senator is correct. The overruns were explained, as shown in the report. Thirty percent was charged to inflation, a $14 million increase; $1.5 million was charged to the fact that with the lack of assurance of enough money available to let one contract or large contracts at one time, they were required to let contracts for particular work over a period of time, causing the estimates to increase by $1.5 million.

An additional cost of $1.2 million was chargeable to changes in design.

A cost of $600,000 attributed to a

XUM

strike. Unable to secure the materials, the contractors could not proceed with construction.

It was admitted, without hesitation, that the remainder of the $15.8 million increased cost was a result of underestimating. This was attributed to certain prices and amounts of steel and concrete upon which errors were made, and as I have noted the fact that, being unable to let a contract for the center or substantial parts, they were forced to let a number of contracts.

That was the situation the committee faced. We considered the situation in this way: First, the building is 50 percent constructed, according to the evidence. Second, the completion of the building rests not alone upon the appropriations by Congress, but also upon matching gifts, and if the construction is halted, the ability to secure gifts diminishes. Third—and this could be said about any contract, so I do not argue it particularly—the cost will be increased if it is delayed. We made the decision that it was proper to authorize an additional $7.5 million in appropriations, to be matched, and borrowing authority of $5 million.

So far as I am concerned, I have no objection to the General Accounting Office being instructed to report to the Congress, but the GSA is the agent; and it will continue, I assume, with the construction of this project.

It is upon these grounds that we decided to authorize funds and that there should be no halt in construction. Also—I will be perfectly frank—the center is a memorial to the late President Kennedy and that has bearing, without question.

After President John F. Kennedy's death, the American people were moved to designate memorials to him throughout the United States, as people did throughout the world. Knowing him as many of us did who served with him, I am certain that he would not have been happy that all the memorials should be named for him. He was a confident but modest man, a man of great humor, who laughed at himself. But the center was chosen to be a national institution appropriate for his memorial. In addition to the other reasons I have given this afternoon, we were moved by the desire to see this memorial to John F. Kennedy completed as quickly as possible. I appreciate the statement of the Senator from Maine. I do not object to the GAO study, but the bill should be passed now and construction go forward.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. ALLOTT. Mr. President, I agree with many things the Senator has said. It is a memorial to our late President now. Of course, at the time it was started it was not a memorial; it was a national cultural center. I am sure that if President Kennedy were here, he would be as chagrined at the situation as any of the rest of us.

But I think we are particularly indebted to, and I want to express my thanks to, the distinguished Senator from Kentucky for the discourse upon this matter for being the one member of the Committee on Public Works on the floor to explain it to us, and we are very grateful to him. I also think we are indebted to the Senator from Maine for her brilliant speech.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. FULBRIGHT. Mr. President, I wish to join the Senator from Kentucky in saying a few words about this matter. He has correctly stated—I will not repeat all the basic facts—that this matter did begin back in the administration of President Eisenhower. As a matter of fact, I introduced the original bill which authorized the dedication of certain lands belonging to the Government for this purpose—that is, the purpose of a Center for the Performing Arts.

At that time, as a result of a number of hearings in the Committee on Foreign Relations and elsewhere, it became quite evident that Washington was the only capital of any nation of any consequence without adequate facilities for the performing arts. When the foreign operas or ballets came to Washington, they had nothing but movie houses in which to perform, and, of course, those buildings were utterly inadequate for the purpose; and there was general interest in the establishment of a center that was adequate for the performing arts.

I do not want to leave the impression that the bill I introduced was the first one. Actually, prior to that time, under the leadership, I believe, of Mrs. Agnes Meyer, who was and still is the principal owner—she and her family—of the Washington Post and other properties, an effort was made to get the land which was at that time covered by a brewery which is near the present site; and an effort had been made to interest the Government and other people in trying to find a way to provide a reasonably adequate building for the performing arts. I have forgotten the details as to why, in any case this effort was abandoned. The thought then arose that if the Government would provide the land, which it already owned—most of it, at least—perhaps private people could put up some of the money for the building.

As the Senator from Maine has correctly said, that was the original concept. There was no idea at that time of how large the project would be. I do not recall that any estimates were made. It was simply to try to get underway some movement to provide some kind of facilities for this purpose.

A Mr. Strong, who was a very prominent local man, with substantial means, became the angel of it in the beginning and virtually kept the movement alive with his private funds. I forget the amount, but he donated several hundred thousand dollars to getting the organization and getting personnel and getting estimates and laying the plans for this. There were substantial amounts of funds, but not nearly enough to build a building.

Between that time and the assassination of President Kennedy, something in the neighborhood of $5 to $7 million had been raised or pledged. Mr. Strong, who was a prominent citizen, had been the largest donor of those funds.

Then, President Kennedy was assassinated. Incidentlly, he had taken a very special interest in this activity. He and his wife were both inclined to an interest in this type of activity. There were many other people also. I do not think they were alone. They had given it a boost and they talked about it. There were plans during that period for mounting a nationwide campaign to raise funds for this particular project.

I am reminded that in a country like Australia a somewhat similar project has been underway for 10 years. They have a beautiful opera house underway on the bay at the city of Sydney. They had a worldwide competition for design. It is near completion. They started out with an estimated cost for the opera house of $10 million. I think they have already spent $57 million and it still is not quite completed. It was financed to a great extent by a special lottery and also, I think, through private gifts. Construction has proceeded from year to year; it has been suspended from time to time; and the building is now much more expensive than it had been estimated.

I do not wish to excuse the fact that there were some overestimates in this connection. I only wish to point out that the trustees, after enactment of the legislation already discussed—and I shall not repeat it—did employ the General Services Administration, which is the agency of Government charged with supervision of all Government buildings. That is the agency which supervises the letting of contracts and so forth. They supervise these great office buildings with which we are all familiar up and down the mall. The General Services Administration, and not the General Accounting Office, was employed to be the agent. In other words, they were the agent for the trustees in seeing that contracts were properly let and supervised and the money properly spent. I do not know how much more carefully one would expect the trustees to be because that would be the normal thing to do. If they had not done that and proceeded without the General Services Administration, they would be subject to criticism. They followed the procedure the Government follows in these large projects in this city and throughout the country in connection with post offices, and Federal buildings of all kinds.

The one substantial criticism, it seems to me, is the underestimate for steel. I do not understand that myself. I never have understood why a mistake of $2.7 million in structural steel occurred. All the other items that make up the deficiency it seems to me are more or less common at the present time.

To make comparisons between this so-called overrun of some $15 million with the $2 billion overrun on the C–5A seems to me to be without any real merit. The amounts involved in the C–5A are not comparable with this amount. This is an overrun attributable to the unprecedented inflation, to a great extent as a result of the war, which has happened to all kinds of construction at this time. It is not unique with regard to this project.

I think in all fairness the facts set

XUM

forth in the report of the Committee on Public Works makes it very clear that outside of that one item of $2.7 million, which I do not understand and for which there is no explanation other than that it was simply a mistake in the estimate of the amount of steel to be used, this is a technical matter that only the General Services Administration and/or the architect can explain. My guess is that it is simply a mistake in the estimate which will occur on matters of this kind.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CHURCH. Mr. President, I simply wish to compliment the distinguished Senator from Arkansas for the argument he is making in behalf of the bill.

A few months ago, it was my pleasure to visit Ottawa, where I traveled as a delegate to the parliamentary conference between the United States and Canada. The first evening of our visit we were the guests of the Canadian Parliamentarians at the new Center for Cultural Arts that has been constructed in the Canadian national capital. I must say that this is a perfectly beautiful center. It has greatly enriched the life of the city even as the Kennedy Center would add a whole new dimension to the life of the Capital.

I think we would make a grave mistake if we were not to continue the work on the Kennedy Center which is now so well advanced. I know the Senator shares those feelings and I want to express my full support for the position he has taken this afternoon in speaking up for the pending bill.

Mr. FULBRIGHT. I thank the Senator.

ORDER OF BUSINESS

Mr. FULBRIGHT. Mr. President, I yield to the Senator from Alabama (Mr. Sparkman) without losing my right to the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

VISIT TO THE SENATE BY A MEMBER OF THE CEYLON HOUSE OF REPRESENTATIVES

Mr. SPARKMAN. Mr. President, we have the pleasure of having a distinguished visitor with us today, a parliamentarian of high standing in his own country. I refer to the Finance Minister of Ceylon, the Honorable Ukku Banda Wanninayake. We are glad to have him here. He has been attending the World Bank and the International Monetary Fund. We are very pleased that he has come to Capitol Hill to visit with us briefly. I hope Senators may find time while the debate continues to go to the rear of the Chamber to greet our visitor. [Applause, Senators rising.]

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the Record a brief biographical note on our distinguished visitor.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Honorable Ukku Banda Wanninayake, M.P.

Mr. Wanninayake is a Member of the Ceylon House of Representatives and has been a Cabinet Minister in charge of the portfolio of Finance since 1965. He was Chairman of the Board of Governors of the International Bank for Reconstruction and Development and the International Monetary Fund in 1968.

THE JOHN F. KENNEDY CENTER

The Senate resumed the consideration of the bill (H.R. 11249) to amend the John F. Kennedy Center Act to authorize additional funds for such Center.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may yield to the Senator from Rhode Island (Mr. Pell) without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I was fortunate enough to hear the words of the Senator from Kentucky and the Senator from Arkansas and rise to support them in their encouragement of the ongoing work of the John F. Kennedy Center.

Speaking on behalf of this work, I would not want it to be thought that there is any conflict of interest because my daughter worked there for several weeks this summer, but my interest in and support of the John F. Kennedy Center has been extant for some years, and I hope it will go on.

I regret as much as anyone the mistakes which have been made in the estimates in regard to the figures and the overruns. Living somewhat in the same neighborhood of the jet airplane noise, I know that that will increase expenses, as well as the other unpredictable events which have occurred.

To a great extent, I am sure we all agree that it would be a most inefficient Government if errors of this kind were not checked. But in this particular case, where we are going ahead with unknown quantities, I would think that the best procedure would be to move ahead.

I recognize that the thought to have another study made has merit, but being one of those who, in the past, have supported such proposals, I have found that when one usually supports them, and when someone is against the basic project, and in this case being for the project, I find myself opposing the amendment.

It seems to me that a city such as Washington is in real need of a center of this kind for the performing arts, one not like a retired movie theater or the DAR hall, so that we should move ahead at this time and complete the center.

I recognize that even when it is built, there can be some doubt whether performances will take place every day on each of its stages. There may be criticism that it is not fulfilling its original intent. But the time will come, not too long after its completion, when these stages will be filled and when there will be competition from the various troupes around the country to come to Washington and appear here.

Thus, in supporting the bill and opposing the amendment, I do so in the full knowledge that in the period immediately after the opening of the John F. Kennedy Center, there may be a bleak period when it will not be used to capacity. But, over the long haul, I am sure that it will be used to more than capacity, and that our successors in this Chamber and throughout the city of Washington will be very glad and very grateful to us in the years to come that we moved ahead at this time.

Mr. GOLDWATER. Mr. President, will the Senator from Montana yield to me for a question?

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. I am wondering whether the distinguished majority leader can give us assurance on Monday next that there will be some members of the Committee on Public Works in the Chamber. I do not say this facetiously. I have a suggestion to make which I feel cannot be made without some members of the Committee on Public Works being in the Chamber on Monday in order to give me an answer.

Can the Senator from Montana fairly well guarantee attendance in the Chamber of members of that committee on Monday next?

Mr. MANSFIELD. Pretty well. If not 100 percent, very close to it.

Mr. GOLDWATER. I thank the Senator from Montana.

The suggestion I want to make is that we allow the GAO to review this and then give us an estimate of what the entire cost will be, so that we can change the appropriation to that amount so that we can assure the contractors that their currrent bids will be met.

Perhaps the Senator from Montana can mull that over and then on Monday I will ask that question of members of the Public Works Committee.

Mr. MANSFIELD. I shall be delighted to do that.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, after consultation with the interested parties, including the acting minority leader, I should like to make the following unanimous-consent request:

I ask unanimous consent that at the conclusion of morning business on Monday next, 2 hours of debate be allowed on the pending Smith amendment, the time to be equally divided between the distinguished Senator from Maine (Mrs. Smith) and the distinguished Senator from North Carolina (Mr. Jordan), who will manage the bill; that on all other amendments, there be a 1-hour limitation, the time to be equally divided between the Senator in charge of the bill and the sponsor of the amendment; and that 1 hour be allowed on the bill as a whole.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, it goes without saying that if extra time is needed, it will be forthcoming.

The unanimous-consent agreement reduced to writing is as follows:

Ordered, That, effective on Monday, October 6, 1969, at the conclusion of routine morning business, during the further consideration of the bill H.R. 11249, John F. Kennedy Center bill, debated on any amendment except the pending amendment, as

XUM

modified, offered by the Senator from Maine (Mrs. Smith) on which debate shall be limited to 2 hours, to be equally divided and controlled by the Senator from Maine and the Senator from North Carolina (Mr. Jordan), shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from North Carolina (Mr. Jordan).

Ordered further, That on the question of the final passage of the said bill debate shall be liimted to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders: Provided, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, may I address a question to the distinguished majority leader who, I understand, is handling this bill?

Mr. MANSFIELD. Temporarily, yes. I yield.

Mr. HOLLAND. Would the 60-day delay, while this study is being made by the GAO and its report, delay or cause any stoppage in construction, or otherwise handicap completion of the building?

I think that every Senator wants to see the building completed. We are certainly committed to it. The Nation is also committed to it. The real question we will want answered is: Will this amendment cause any delay, in order to get a clearer picture of what the situation is, in construction of the building?

Mr. MANSFIELD. In my judgment, without question, it would delay construction. It would increase costs. It would make a difficult financial situation that much more difficult.

Mr. FULBRIGHT. Mr. President, could I comment on that same subject? I attended a meeting of the trustees, on Tuesday last. This question, of course, was brought up. I believe that I can say I am authorized to speak for them——

Mr. HOLLAND. Is the distinguished Senator one of the trustees?

Mr. FULBRIGHT. That is correct.

Mr. HOLLAND. Then he can certainly report on this question.

Mr. FULBRIGHT. That is correct.

The GSA, as I have already stated, is serving as agent for, as they say, the project by agreement with the trustees. The last time I heard, they have been paid some $500,000 or $600,000 for their services in overseeing the project. They are thoroughly familiar with it.

Unless a Senator has no confidence in the GSA, I do not know why it would be advantageous to bring the GAO in. They are both reputable organizations. The GSA is the special agency charged with supervision of Government buildings. They are already in here. They have estimated, I think it is fair to say, that if we stop construction of the building, meaning cancellation of existing contracts which would have to be suspended for 90 days, we could not have the employees, that is the carpenters, and so forth, lying around for 90 days.

Let me read from a memorandum—this was prepared, I may say, based upon the meeting on Tuesday:

> When it became apparent to the Trustees that additional funds would be needed to complete the building, the alternative of stopping construction was investigated. The Center and the GSA were advised by the prime contractor and major subcontractors that adoption of these alternatives would add at least $10 million to the cost of the building, not including construction price rises in the interim. Adoption of the amendment, therefore, far from effecting any saving, would have the direct opposite result of adding to the cost.

That is the conclusion of the GSA. That was made this week.

The GSA, for better or worse, is the agency which is charged with supervision of it, from a business and architectural point of view. It is already engaged in the subject. It is the one that made the estimate which is contained in the report of the Public Works Committee as to the explanation of why this cost is above the estimate in 1964.

To me, it all makes perfect sense, except I do not understand the one item of why they were off on the structural steel—the amount of structural steel, not just the price. This is a puzzle to me. At the meeting I inquired why that was true. I confess I did not get a very good explanation. It was just a mistake, they said.

The other items are understandable and afflict all public buildings under construction nearly everywhere in the United States.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. May I reinforce what the distinguished Senator from Arkansas has just said? The chairman of the Board of Trustees for the Kennedy Center, Roger L. Stevens, says he has only enough money to continue construction into the early part of October. If additional funds do not become available, it will be necessary to stop construction, which will be very costly.

Construction costs are going up at the rate of 10 percent a year.

Mr. FULBRIGHT. May I point out to the Senator from Florida one or two other aspects of this matter? I have in my hand a statement showing funds available for construction of the Kennedy Center as of September 15, 1969. It shows the total amount of private funds anticipated and available for construction to be $24 million-plus. Of that amount over $2,230,000 has been given by foreign governments. Furniture from Denmark, $155,000. Doors from Germany, $250,000. Marble from Italy, $1,132,000. Curtains from Japan, $140,000. Chandeliers from Norway, $180,000. Chandeliers from Ireland, $35,000. Chandeliers from Sweden, $120,000. An organ—it is not clear where from—$136,000.

Imagine the embarrassment to this country if we abandon the project and let it sit there for an indeterminate time pending this kind of reexamination. Then we will still have the problem of getting the money sometime, as was done on the construction of the Washington Monument, although I do not recall that foreign governments were requested to contribute, nor did they contribute, money for the construction of the Washington Monument. But it would seem to me a very unseemly thing, in view of the private contributions both by American citizens and foreign governments, to say we cannot proceed.

After all, $66 million is a large amount, but how much of that is a grant of Federal funds? $23 million. The appropriated funds are $23 million. It is not an unseemly sum for a country as large as this, when we consider there is absolutely nothing in this city that is usable for the purposes for which this Center is being constructed. It is the only country, as I have said, with a capital city that does not have some form of center for the performing arts. One of the most famous is in Moscow. They are also found in Paris and London and Italy.

It is true, perhaps, that we do not have to emphasize the arts as much as they do, but, surely, we ought to give some attention, as a community, to the performing arts; and I think $23 million of appropriated funds is not too much. The balance is provided by contributions both foreign and domestic.

I do not think we have to try to compare it with the C–5A or the ABM, for the latter of which we will have voted billions, or any number of other items. We have fought that out. I am not trying to reopen it on the merits, but all I am citing is that it is a relative matter. It is not too much for a country of 200 million people to devote $23 million to the only national center for the performing arts.

For the information of the Senate, I think I should put that whole statement in the RECORD. I thought people did not seem to be too interested in it. I am glad they are.

I ask unanimous consent to place in the RECORD a statement showing the funds available for the project.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS FUNDS AVAILABLE FOR CONSTRUCTION AS OF SEPT. 15, 1969

(Preliminary not audited)

Current assets:	
Cash in banks and investment items	$11,497,614
Accounts receivable	29,387
Accrued interest receivable as of Aug. 31, 1969	272,820
Bonds—canteen corporation	250,000
Bonds and other property	30,302
Miscellaneous funds	2,350
Building materials:	
Aluminum	73,500
Cement	50,050
Capitalized construction costs	4,072,815
Total current assets	16,278,838

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS FUNDS AVAILABLE FOR CONSTRUCTION AS OF SEPT. 15, 1969—Continued

(Preliminary not audited)

Pledges receivable	$718,708
Other tangible property:	
Furniture, Denmark	155,000
Doors, Germany	250,000
Marble, Italy	1,132,000
Curtain, Japan	140,000
Chandeliers, Norway	180,000
Chandeliers, Ireland	35,000
Chandeliers, Sweden	210,000
Organ	136,094
Total other tangible property	2,238,094
Assets not recorded as of Sept. 15, 1969:	
Canteen corporation—construction costs ($495,000 less $250,000 received in bonds above)[1]	245,000
Canteen corporation—restaurant furniture and equipment[1]	755,000
APCOA-Washington, Inc., advance under concession agreement[1]	3,500,000
Anticipated interest income to June 30, 1970	650,000
Less estimated operating expenses to June 30, 1970	370,000
	280,000
Total private funds anticipated and available for construction	24,015,640
Appropriated funds	15,500,000
Borrowing authority	15,400,000
Total funds available for construction	54,915,640

[1] Assets available in accordance with the terms and conditions of concession agreements.

Mr. HOLLAND. Mr. President, I want to make my position completely clear. I was a Member of the Senate at the time the original program for the construction of a cultural center was approved, and I supported it. I supported the effort to name the project and slightly change it for the late President Kennedy. I think I have supported every project in connection with it, and I stand ready to support making available sufficient funds to complete the project.

The reason for my question is that I want to know, and I want the RECORD, by Monday, to be completely clear on the question of whether or not the failure to pass this bill promptly, without a delay of 90 days or 60 days—and I understand now the amendment has been modified to call for a 60-day delay—will enable the project to be continued without any delay.

Are there provisions in the measure under which, without awaiting an appropriation, funds can be made available from the Treasury so as to immediately go ahead with the construction and have no hiatus?

Mr. FULBRIGHT. At the meeting on Tuesday I asked Mr. Stevens if he had any objection to the GSA doing this if the Congress wishes to have it do so. He said, "Absolutely not." The question here is solely one of having funds available so that the existing contracts can proceed without loss.

Mr. HOLLAND. That is exactly the question I am trying to raise.

Mr. FULBRIGHT. If the distinguished Senator from Maine would accept an amendment which would, in effect, allow for a continuing resolution, so that all work in being and all contracts that are contemplated can proceed while this audit is being made, I would accept it, and I think Mr. Stevens would. I asked him that. He said:

> We have no objection to any further audit, but it would be an unacceptable financial loss to us to shut down the building that is proceeding.

We went down there and the trustees were all asked to look at the building. I think there are 150 carpenters at work on the building. It is a very busy place at the moment, if anyone wishes to go there to see it. It is proceeding at full tilt. I am sure the Senator from Florida will agree that it would be a great waste to interrupt its construction. If the amendment could be changed to provide the funds necessary to continue construction on the regular basis at which it is anticipated it would proceed, I do not think there would be any objection.

Mrs. SMITH of Maine. Mr. President, will the Senator from Florida yield, so that I may answer his question concerning the delay?

Mr. HOLLAND. If the Senator from Maine would permit me to finish my statement, then I should be happy to have her answer, for that is what I want.

It seems to me that if there were to be a shutdown, as the Senator from Arkansas has indicated, it would cause a rather tragic blow to our prestige and national pride. The building is named for our late associate who sat in this Chamber where the distinguished Senator from West Virginia (Mr. BYRD) is now sitting. He served here for several years, was later elected our President, and was so serving when he came to his tragic death. The project bears his name and reflects accurately his own interests in culture, education, the arts, and the like. Aside from the question of financial loss, which I am certain is an important question, it is important to the Senator from Florida.

But I think the other question is of equal importance. I would not want to see a stoppage of work and have that great half-completed building stand idle as a monument to the fact that we did not know how to complete a memorial to our late President.

Now I am very glad to yield to the Senator from Maine.

Mrs. SMITH of Maine. Mr. President, in response to the question asked by the distinguished Senator from Florida, there is no provision in the Department of the Interior appropriation bill, now in conference, for this $7.5 million proposal. Consequently, there is no holdup of funds for the current construction of the project in my amendment.

If the Kennedy Center authorization bill is passed next week and sent to the President, it will probably be signed into law by the President within a very short time.

The money the bill would authorize cannot possibly be realized until appropriations are made for it. Since no appropriations for it are provided in the current Department of the Interior appropriation bill now in conference, it will be necessary to have future appropriation legislation enacted before the $7.5 million proposed to be authorized in this bill could be available.

Such an appropriation would have to come in a supplemental appropriation bill. At the rate of progress of the legislative schedule thus far this year, and on the basis of time schedules on supplemental appropriations in the past, it is most unlikely that a supplemental appropriation of $7.5 million would be passed by Congress prior to the end of this year or before January or February of next year; and surely the Comptroller General and the General Accounting Office could complete the study and make the report proposed by the amendment before that time, which in no way would interfere with the construction schedule of the Kennedy Center or result in any costly delays, as the junior Senator from Arkansas fears.

I assure the Senate that I am not trying to hold this project up. I am for a cultural center, as my votes have indicated in the past. But I do believe we should take time at this time, before we go any farther, and find out just where we are going.

I cannot see, I would say to the Senator from Florida, how this 60 days would be detrimental because he, as a prominent member of the Appropriations Committee, knows very well the time that it takes to get a supplemental bill through.

Mr. HOLLAND. Mr. President, I certainly appreciate the statement of our distinguished colleague from Maine. I hope that before the Senate meets on Monday, those who are handling this bill may explore the possibility as to whether or not a joint resolution permitting this particular agency to go to the Treasury for an advance against an appropriation should be added to this bill, so as to avoid any prospect of a holdup.

I completely agree with the Senator from Maine that the procuring of a supplemental appropriation bill is no small task. We have both struggled through that task a good many times. But I do recall some instances when resolutions have been passed permitting a credit at the Treasury for immediate advances that might solve a situation, a credit as against an appropriation to be made later.

Mr. FULBRIGHT. I would certainly go along with the Senator's suggestion.

Mr. HOLLAND. I suggest this matter be gone into carefully and reported to the Senate on Monday, because I believe every Senator will be deeply concerned over this question.

Mr. FULBRIGHT. I certainly think we should look into that, and that may be the best way to solve it.

Mr. ALLEN. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. I yield.

Mr. ALLEN. I should like to ask the

XUM

distinguished Senator from Arkansas why the urgency and why the haste, when the financial report that he has inserted in the Record, as of September 15, 1969, shows that the center has on hand as of that date cash in banks and invested items totaling $11,497,000, and further, that it has on hand accrued interest receivable as of August 31, 1969, of $272,000, and bonds in the Canteen Corp. of $250,000, making it a total of $12 million on hand for the center. Why the urgency in pushing through this appropriation?

Mr. FULBRIGHT. The best explanation that I can think of is that these funds are not free to be used for payrolls and current operations as the building proceeds. For this building, contracts are made and funds are set aside for them. Although moneys are still in the bank, they are not available for use in carrying forward the immediate construction and meeting the payrolls.

What is most critical here, even more than the appropriation, is the borrowing authority of $5 million. That could meet the immediate emergency, if the bill is passed. I think they might get by if the borrowing authority became immediate, which would not, I assume, require appropriated funds. That I shall look into in response to the question of the Senator from Florida.

I might say I did not anticipate that I would be so prominent in the debate on this matter, because the Public Works Committee had the bill. I only volunteered these comments because I had, for a long time, been interested in the project, and I did attend the meeting last Tuesday.

But I think the explanation of what the Senator asks about is that those funds, while they are invested and in the bank, are allocated as a reserve against contracts which are let.

This is a very complicated building. There is nothing quite like it anywhere else in the world, with three different houses in one—that is, an opera house, a concert hall, and a theater. As they proceed, there are contracts let for various aspects of it, and then there are also the daily payrolls of the workers who are engaged in different parts of the construction.

All I can tell the Senator is that Mr. Stevens, on Tuesday, said that if they did not have available funds which they could commit, they would have to begin to adjust their program, which meant a shutdown of the operation, within a few days. That is what he told me.

Mr. ALLEN. I should like to ask the distinguished Senator a further question. This table is headed "Funds Available for Construction as of September 15, 1969," and it shows the appropriated funds as $15,500,000, apparently untouched.

Mr. FULBRIGHT. Oh, no, they have not been untouched. This is a résumé of all that has been made available, including that which has been spent.

Mr. ALLEN. It does not show what has been spent.

Mr. FULBRIGHT. This is simply a table to show all of the money, and its origin, for the total period. This is the item which the Senator read, I thought, which was assets. But I do not think he will find this is available for application on the current accounts.

Mr. ALLEN. This, then, would be what the Center has received, and not what it has spent; is that correct?

Mr. FULBRIGHT. Yes, that is correct. This is the total of funds which have been made available—or some of it is pledges—from private sources. It is not all yet due. But this is what I reported a while ago.

Mr. PERCY. Mr. President, will the Senator yield for one comment on that point?

Mr. ALLEN. I have one further question to ask first. The Senator from Illinois can perhaps answer this question. I wonder if by next Monday the Senator could bring in a statement showing how much of the $54,915,000 has been expended. I believe that the Senate would like to know that.

Mr. FULBRIGHT. That is expended and committed. Much of it is allocated to contracts which have been made.

Mr. ALLEN. From the statement of the Senator, the Center has received $54 million up to this time.

Mr. FULBRIGHT. It is the difference between that amount and the $66 million that we have been talking about.

Mr. ALLEN. No showing is made as to how much has been spent. However, the Senator will be able to furnish that by Monday.

Mr. FULBRIGHT. The Senator is correct.

Mr. PERCY. Mr. President, about half of the total amount of the public funds available for construction has been expended. The Center is down to a few thousand dollars.

This is what caused the GSA to notify the contractor on behalf of the Center to notify the Center that they would be required to cut down on some contracts and cancel some contracts unless additional funds were made available.

The distinguished Senator from Maine mentioned the funds as being authorized, but did not mention the request of $5 million for additional borrowing.

It is my understanding that the authorized funds would have to be acted on by the Appropriations Committee and that with the authorized borrowings the Treasury would be able to go ahead and pledge these funds against the contracts already placed and not require that they be renegotiated.

I have one further point that may be of interest to the Senator from Florida. I feel quite confident that if we, by our action, delay the carrying on of this work, some of the contractors would not want to be held bound to prices established in 1964. We are now at a level where building costs are increasing 1 percent a month. There has been a 12-percent increase in building costs in the last 12 months.

Many of the contractors would like to have those contracts renegotiated after they have been terminated by us and not by them and established at new prices.

We are talking about millions of dollars of additional cost unless we are able to proceed next week with due diligence.

Mr. ALLEN. Mr. President, either the Senator from Illinois or the Senator from Arkansas will then bring in a statement by Monday of the expenditures to date.

Mr. FULBRIGHT. The Senator is correct.

Mr. President, I ask unanimous consent to have printed in the Record a little more than a paragraph from page 6 of the report. This is an explanation relative to the question raised by the Senator from Florida.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

To interrupt construction of the facility at this time would jeopardize the $15,500,000 which the Federal Government has already invested in the project, would deny the use of this long desired cultural center to the many people who visit and live in the Nation's Capital, and would probably cost an additional $10 million to complete at a later date. However, the committee wants it clearly understood that the Center must be completed within the proposed cost of $66,400,000 and if, by any chance, this figure has been underestimated any additional funds required must be raised by the Board of Trustees through private subscription. The need to complete the Center is urgent and the committee recommends the enactment of H.R. 11249.

COST

This legislation authorizes the appropriation of an additional $7,500,000 for construction of the Center and authorizes borrowing authority from the U.S. Treasury for an additional $5 million for the parking facility.

Mrs. SMITH of Maine. Mr. President, in line with the last discussion, the House passed the bill in July. The Senator from Delaware (Mr. Williams), first put a hold on the bill back in July until it could be taken up for a record vote. He did this long before I intervened on the bill.

It is hard for me to understand the sudden urgency of this bill and why action was not sought on it until 2 weeks ago.

So if there is a fear of delay in the minds of some, I do not understand why it should be blamed on the amendment I offer when the bill was not brought up until 2 months after it came to the Senate floor for consideration for action.

THE 91ST CONGRESS TO DATE

Mr. MANSFIELD. Mr. President, more than one-half of the first session of the 91st Congress has passed. If any one word can characterize our record so far—and I speak for the Senate—it is that of "initiative." For what has been done, by and large has been done by the Congress—proceeding on its own, working on its own, succeeding on its own.

Of course, there were the usual matters that face any new Congress in its opening session. And there was a change of administration. What is clear is that this Congress has asserted a responsibility and an initiative as an independent coequal branch of our Government to a greater extent perhaps than ever before. Asserting ourselves in such a manner at this particular time, I think, is not only necessary but has been welcomed, I am sure, by the American people.

Going back, the 91st Congress opened its doors on January 3 to the internal

XUM

organization matters that customarily occupy a new Congress. The Senate leadership was elected and the composition of committees decided. Thereafter, as has also become customary for new Congresses in recent years—the Senate debated rule 22 and that debate lasted through January 28.

This year marked of course the advent of a new administration; an administration as new to the procedures and ways of the Congress as was the Congress to the administration. An item of early business concerned even a challenge to the electoral college and to the way we elect a President—a challenge which the Congress undertook to consider and resolve.

To be sure, adjustments were made at the outset; adjustments that provided for the consideration of the legislative views of both an outgoing President and a new President of a different party.

In this connection, it will be recalled, that on January 14 President Johnson delivered a farewell state of the Union address presenting a legislative program to which he thought we should give priority. After the inauguration of President Nixon on January 20, the Congress in turn gave the new administration an opportunity to examine and review the Johnson program and to present any new legislative proposals it so desired.

In time, President Nixon decided not to appear before Congress with a state of the Union message proposing a comprehensive legislative program of his own. Instead, he decided to deal with legislative items as they arose. The Johnson administration budget estimates were reviewed and revisions were suggested. Regrettably, the time consumed by the new administration in reviewing the budget so delayed the appropriations process of the Congress that it is just now beginning to catch up.

In any event, the legislative record of this Congress is taking shape. It is a record that demonstrates clearly our initiative and our willingness to work and cooperate with a President of a different party.

Indeed, to enable this administration to lay the groundwork for structuring the Government to meet its tasks in the years ahead, the Senate with early dispatch, cooperated favorably with the President and gave him the authority to submit plans to the Congress proposing executive reorganizations.

Next the Senate undertook, after searching debate, to give its advice and consent to the ratification of the Nuclear Nonproliferation Treaty, which, though it had been signed and sent to Congress by the prior administration, was endorsed by President Nixon.

The Senate then took a major step in foreign affairs; a step that clearly emphasizes our initiative and the responsibility we have assumed. I refer, of course, to the resolution on national commitments which we adopted overwhelmingly to reassert our constitutional role in deciding the use of this Nation's resources abroad.

Going on, our legislative achievement to date in this first session of the 91st has been significant. The Senate asserted itself in the economic field, completing action on measures that provided for a permanent and temporary debt limit suggested by the administration; that moved in the direction of mutual fund reforms; that revised and extended the Appalachian Regional Development Act.

Of note in the education and health fields has been the Senate's action authorizing an emergency insured student loan program; establishing a National Center on Educational Media and Materials for the Handicapped; formulating a National Commission on Libraries and Information Sciences to develop and carry out a national policy; recognizing the important role of the National Science Foundation by providing additional funds to bring its total authorization for fiscal 1970 over $500 million; banning hazardous toys from the marketplace; and promulgating health and safety standards in the construction industry.

The Senate has faced up as well to the problems that exist in the all-important areas of conservation and environment.

We extended the funds for Clean Air Act research at the current spending level of $90 million;

We proposed an independent high-level Board of Environmental Quality Advisers to aid the Nation's social, economic, health and conservation goals;

We set out a national mining and minerals policy; and

Initiated a pilot Youth Conservation Corps for summer work and educational pursuits in our national parks, and acted to expand the scope of our Nation's wilderness areas.

Of note in the direction of further efforts toward crime control has been the Senate's action to reorganize the District of Columbia courts and reform the District of Columbia Bail Agency to require more supervision of defendants released under the act.

Of note, too, is legislation to prohibit political patronage in the appointment of postmasters—a reform the Senate also recommended last year.

The Senate also authorized up to $1.1 billion as the Federal contribution for a rapid transit system toward solving the transportation problem in the District of Columbia and nearby areas.

Our new initiative was exhibited again in the area of national defense with the Senate's painstaking examination of the $20 billion military procurement authorization for fiscal year 1970. The lengthy, careful and thorough debate on the measure that included the decision to deploy the Safeguard anti-ballistic-missile system program was one of the most thoughtful and constructive dialogs that has ever occurred in the Senate. The Senate demanded an independent determination of the facts—prior to making its decision. It signaled the end of an era when the Executive would be the only source of data in the field of national defense and security.

Moreover, the Senate has passed a number of measures to assist our veterans such as increasing Government insurance for servicemen and extending its coverage to Vietnam-era veterans.

And, after completing its consideration of the military procurement bill, the Senate endorsed a continuation of our space program through assent to a $3.7 billion authorization.

Last week, the Senate completed action on an omnibus Housing Act and an expansion of the food stamp program, the Maritime authorization and the Interior Appropriations measure. We completed action on the Recognition of Foreign Governments Resolution and yesterday passed the far-reaching Mine Safety Act.

Today's accomplishments include the Civil Service Retirement Act; hopefully, the John F. Kennedy Center authorization and the revenue measure for the District of Columbia will be ready for the President's signature within the near future. The Water Pollution Control Act will soon be taken up and we may look to many more legislative achievements through the remainder of this month and the rest of the first session.

I should say that in some cases, efforts to expedite the legislative matters have been obstructed beyond the leadership's control. In this respect, reconsideration motions, special requests to put off debate because of inconvenience and slowdown tactics do not help expedite the business in the Senate. There is no question that although legislative achievement may be a bipartisan benefit, legislative obstructionism is a bipartisan liability.

On the whole, though, I fail to see the cause for any label—other than a label of initiative and responsibility—to be pinned on the actions of the Senate this year. We have reflected, we have accomplished much, and we have responded, and we will continue to respond, to our own assessment of the Nation's needs and to the assessment by the present administration.

The leadership had a luncheon meeting last week with committee chairmen; we discussed the remaining months of this first session of the 91st Congress and coordinated our efforts to expedite the legislation and appropriations bills that remain to be completed.

The Senate has thus far acted upon three appropriations bills with 10 remaining to be acted upon. As I have already stated, we are only now beginning to catch up after the delay occasioned by the budget revisions earlier this year. Four of the remaining 10 appropriations bills have passed the House—of those four, the Senate committee has completed its hearings on two. I am certain also that the late start of the appropriations process will not occur in the second session of this Congress.

During the remainder of the session we must dispose of these funding measures, the foreign aid authorization and tax reform and hopefully the increase in social security benefits and the draft legislation. On this latter bill, the Senate committee will await the initial action of the House.

The final judgment of the 91st Congress cannot be arrived at statistically or quantitatively; this Congress I hope will distinguish itself by the quality of its work. Much initiative has been assumed by the Congress on the major proposals enacted to date. The impact of

XUM

this shift in initiative and emphasis may mark the long term significance of the 91st Congress. It is being interpreted that way already I might say and the assessment is correct in my judgment. Last Sunday's Washington Post carried a report by Richard Lyons to this effect, and I ask unanimous consent that this perceptive analysis of the 91st Congress to date appear at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Restless Congress Takes the Initiative

(By Richard L. Lyons)

Talk of a "do-nothing" Congress has begun, but in fact a restless, impatient Congress has grabbed the initiative from the President all along the line.

It is true that as the year moves into the last quarter much of the legislative work remains to be done. The appropriation bills are caught in the worst logjam in memory and the government is operating under an unsatisfactory stopgap continuing resolution based on last year's spending levels.

But the delay has been due in good part to the Senate's exhaustive scrutiny of military policy and spending—the first searching challenge of the military since it became a massive institution in World War Two. The delay has been caused also by the unusual slowness with which the administration got its program to Congress.

Who would have thought that the House Ways and Means Committee, carefully shaped over the years by Sam Rayburn to protect the oil depletion allowance, would write the most comprehensive tax reform bill in history and cut the oil men's tax saving by 25 percent?

If this Congress did nothing more than mark an end to accepting military budgets on faith and produce a more equitable tax structure it would earn a place in history and the slow pace on relatively routine appropriation bills would be soon forgotten.

Consider some other recent events:

While President Nixon vacillated on electoral reform, Republican and Democratic leaders combined to push a constitutional amendment for direct election of the President through the House. If it gets by the Senate and state legislatures, still questionable, this would be the most basic change ever made in the process of electing the President.

The Senate last week converted a routine housing bill extending programs into a $6 billion measure containing new ideas, including a plan offered by Sen. Edward W. Brooke (R-Mass.) to help more poor people get into public housing.

After pressuring the administration to come up with a major food stamp program last spring, a bipartisan group of senators expanded it even further on the Senate floor last week. The revolt was led by Sens. George McGovern (D-S.D.) and Jacob K. Javits (R-N.Y.) who made hunger a national issue with their special investigating committee.

The undefeated civil rights team of Reps. Emanuel Celler (D-N.Y.) and William M. McCulloch (R-Ohio) gave short shrift to the administration's voting rights bill and pushed through the House Judiciary Committee a simple extension of the existing law to help southern Negroes register. It is expected to pass the House next month.

The administration had little to offer in the way of tax reform proposals last spring so the House Ways and Means Committee wrote its own bill. It sailed through the House and is now in the Senate. The administration seems to have at least two positions on the oil depletion allowance. It was Reps. Wilbur D. Mills (D-Ark.) and Hale Boggs (D-La.), the top two Democrats on the Ways and Means Committee and both from oil and gas states, who insisted that a reduction in the allowance must be part of the reform bill.

After talking earlier of a 7 per cent increase in Social Security benefits, the President upped it last week to 10 per cent effective next April 1. House leaders of both parties fell over each other to up the ante. They also agreed it should be made effective by the first of January at the latest. Rep. William C. Cramer (R-Fla.), a junior member of the House GOP leadership and a candidate for the Senate from a state full of pensioners, wants a 15 per cent increase retroactive to last Jan. 1.

House Democrats, tired of seeing the big education programs they had authorized only half funded, added $1 billion to the education appropriation bill and were scolded by the President for inflationary budget-busting.

The House may give the President another billion-dollar headache when the public works appropriation bill hits the floor soon. A drive to appropriate the full $1 billion authorized to fight water pollution, instead of $214 million requested by the administration, claims to have 219 firm votes including about 45 Republicans. This is a clear majority of the House.

Not all of these bills will pass both houses this year and some may not make it next year. The food stamp program faces delay in the House and voting rights in the Senate. Congress is dragging its feet on the President's plan to reform the military draft and postal reform. Neither house is expected to act this year on his most innovative proposal, welfare reform.

But this Democratic Congress, which has lost the cohesive, prodding White House leadership exercised for the last eight years and operating under loose congressional leadership, is showing an unexpected amount of self-starting energy. And this initiative has come more through bipartisan efforts at the Capitol than by teamwork between Congress and the White House.

WASHINGTON WINDOW

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a transcript of a radio interview with the United Press International Network in which the participants were George Marder and Steve Gerstel, both reporters for UPI. William Greenwood of UPI Audio Network was in charge of the program.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

Washington Window

Guest: Sen. Mike Mansfield, Democrat of Mont., Senate Majority Leader and ranking member of the Senate Foreign Relations Committee.

Panel: George Marder, Steve Gerstel.

Q. Senator, the new Senate Republican leader Hugh Scott has asked for a sixty day moratorium on criticism of President Nixon's conduct of the war. How do you react to this?

A. I don't think that a moratorium of a lesser or greater amount of time would have any effect, as a matter of fact it might well be counterproductive. The question of criticism is one which is guaranteed to all Americans under the constitution. Certainly it is one of the inherent rights of a Senator to express his views as he sees fit on questions which effect the welfare, the security of the country. So I don't think too much of that particular proposal because I don't see what could be accomplished within sixty days.

Q. Do you think there should be some kind of coordination between members of the congress and the people sponsoring the moratorium day on October 15th?

A. No, I do not. We have our responsibilities; we should face up to being Senators, attend to the Senate's business, and, what we have to say, say on the floor, and say on the basis of our own right but not as the result of tieing up with some other group.

Q. Then you would oppose the suggestion that has been put forth that Congress recess for that day.

A. I would. The business of the Senate will be conducted as usual on that day.

Q. But how do you feel about the demonstrations themselves?

A. People have the right to demonstrate, to criticize, to oppose, to make their views known. As I've said earlier, that is one of the rights guaranteed under the constitution. I would only hope it would be constructive and worthwhile.

Q. Do you intend to participate in these protest demonstrations in any way? Sympathize with them? Encourage them?

A. I do not.

Q. I wonder Senator what you meant by counterproductive—that if Senators exercise restraint now in criticizing the war it might be counterproductive? What did you have in mind in that?

A. That there's no objective in mind as to what could be achieved within sixty days. By making such proposals, I think you create more opposition rather than more unity.

Q. How do you feel about these resolutions that are going to be introduced on October 8th by Republican and Democratic Senators calling for withdrawal of troops from Vietnam?

A. That is their prerogative, their right; they have that privilege, any time they see fit. I'm sure that any resolutions of that nature will be given the appropriate consideration by the appropriate committees.

Q. Are you joining in any of these resolutions?

A. No, I am not.

Q. Are you joining in any of the criticism of the President's conduct of the war?

A. Well, I'm trying to understand the President's position because I ask myself what would I do if I were in his shoes. And it's kind of hard to answer because he has the final responsibility. I think we ought to recognize that point and be aware of the fact that if anything is to be done in Vietnam, it's going to be done by him because of his Constitutional authority and responsibility. I think he's been moving in the right direction through a reduction in troops, though not fast enough, through advocating a change in the draft, and in other ways. I do not think that he has too much more time to arrive at a decision concerning Vietnam because this is the burning question, the vital question, and it's tied to everything, directly or indirectly, which is occurring in this country today.

Q. When you say not too much more time, could you spell that out in terms of months and what you feel might happen at the end of this time period?

A. No, not in terms of months. But his time began to run out on the day that he took office. And the longer that time ran out on him, the fewer options and alternatives he had open to him. In other words, he could have done a great deal more in the first days of his Administration than he can do now and, in a sense, get away with it.

Q. Word has come through Republican leaders that one of the reasons he wants this moratorium is because of the new leadership in Hanoi . . . that there is a need for some time to appraise this new leadership and what their reactions might be.

XUM

A. Well, it's a reasonable, logical argument, but it appears as of now that the joint leadership which replaced Ho Chi Minh has no designs for changing the course of the war. I would point out though that since March there has been a decidely strong decrease in infiltration on the part of the North Vietnamese into South Vietnam. I look upon that as a hopeful sign. I would suggest, as long as you're leading with your questions to this particular point, that what we ought to consider seriously is a cease fire and stand fast. In other words, fall back into the Gavin enclave theory and do what we can by actions as well as by words to try and bring this dreadful and tragic war to a conclusion.

Q. The action you are talking about is that we announce to the world and to Hanoi particularly that we cease-fire and we will not fire again unless fired upon?

A. That's right. If we're fired on we will, of course, fire in return. But we can try and see if we can't put into effect some sort of a de facto termination of hostilities on that basis.

Q. And that we do it unilaterally . . . we do it ourselves?

A. That's right. Furthermore I would hope that we would fall away from the dependence on the South Vietnamese government which is becoming more apparent every day. President Thieu seems to be the tail always wagging the American body. I would like to see in South Vietnam a coalition government based on elections which could take place within weeks or months rather than after the end of hostilities, to the end that a government representing all South Vietnamese, the Viet Cong, Cao Dai, the Hua Hoa, the neutralists and all the others be established.

Q. Is it your feeling that there cannot be a negotiated settlement to the war unless there is shared control of the government by all the elements?

A. That is the main thesis, I think, on both sides. Insofar as Hanoi is concerned, they have said they would not treat with the present government. As far as we are concerned, we have stated that the one point we would not back down on was the right of the South Vietnamese to decide themselves what their own future will be.

Q. What can the United States do to force the Saigon regime into holding these kinds of elections so there is a government with total representation?

A. Speed up the withdrawals.

Q. You mean scare them into doing it?

A. Not scare them, just make them face the facts of life instead of kowtowing to them, think of our own people for a change instead of the South Vietnamese government.

Q. You feel that they would do that if we started withdrawing more troops?

A. They'd do it, or they'd fall.

Q. Senator, have you seen a similar deescalation of the level of activity in Laos, or the level of our involvement in Laos as . . .

A. Quite the contrary.

Q. We have been increasing our involvement there.

A. That's right. I know of no combat troops on the ground, but the sorties into Laos number in the hundreds every day, and that is a matter of public knowledge.

Q. And you oppose these, do you not?

A. I do not oppose them, but I do think that it ought to be brought home to the American people in that there is a possibility of another Vietnam being created in Laos because of our re-involvement. Now, I must in all candor say that on the basis of the Geneva accords of 1962 by means of which all foreign troops were supposed to leave Laos that we did so at that time. The North Vietnamese did not. As a matter of fact, they had increased their personnel capacity so that today it numbers somewhere in the neighborhood of 50 thousand. But there's no question about the stepped-up air activity in Laos and it is my understanding that more bombs are being dropped there than were being dropped on North Vietnam prior to the conclusion of the bombing strafing up there.

Q. How do we counter this military activity by the other side in violation of the Geneva convention if we don't do it through areal military activity? How do we oppose them? How do we stop them?

A. That's a hard question to answer. I don't know the answer, but I do not think the answer is stepped up activity on our part in support of the Royal Loatian troops and the Meo and other tribesmen in the northern part of Laos itself. We ought to do our best I would think to try and bring about a coordination between the various groups in Laos to the end that the neutralist agreement achieved in 1962 could be put into effect. It is still technically in being but it is not in fact.

Q. Does the Senate Foreign Relations Committee intend to hold some hearings that delve into this, to bring it out to the public, so that the American public will know what is going on there?

A. Yes. The Symington Subcommittee intends to do that later this month around the 13th or the 14th of October. Although I think the press has carried a pretty good coverage on Laos over the past three or four years and most especially in the past two or three weeks.

Q. Senator, on a different subject, as the session of the Congress is starting to come to a close, there are accusations from Republicans that this is a do-nothing Congress and they are blaming it on the Democrats.

A. Well, the Republicans are part of the Congress too, and if they want to reconsider legislation and debate at length on various bills, they'll have to bear their share of the burden. Personally, I think that we should not be judged on the basis of the quantity of legislation we pass but on the quality of the legislation and the type of debate which we conduct. We spent two months on the military authorization bill. I think it was an exercise conducted in good faith; that it was educational in nature, and that it will be conducive to better results from the Department of Defense, the Administration, and the Senate and the appropriate committees and also that it will continue to mean that more scrutiny will be placed on these requests which take up so much of our budget by the Department of Defense.

Q. Nevertheless, Senator, to the layman who sees Congress acting these days, the Senate is busy. You have great difficulty making an appointment with a Senator to see him and talk to him. He's always going from one committee to another. And the wheels are turning and turning, but nothing seems to be coming out. Is this something like a Rube Goldberg machine is just turning?

A. No. There's plenty coming out. There you get back again to the question of quantity. I'm not interested in quantity. I'm interested in quality. And the record of the Senate has been pretty good to date. We have a lot of appropriation bills but the great majority of them cannot be acted upon until they pass the House. The calendar is pretty clean. And I'm not at all adverse to the way the Senate has been operating. As a matter of fact, I'm in favor of it.

Q. About the appropriation bills, could any business, any firm in the United States operate the way Congress operates that you are now some four months into a new fiscal year and the departments still don't know what money they've got to spend for the current year?

A. No, I don't think they could, would, or should, and I think the Congress ought to reform itself in that respect. I've advocated that we ought to have two sessions within each session. The first part for legislative matters and the second part for appropriation matters. It's been the mode for far too long to sandwich appropriation bills in between other legislation and do not give them the necessary consideration. I would also like to see the fiscal year done away with and the calendar year substituted.

Q. What are the chances of either of those coming about?

A. In the immediate future, dim. In the long run, I would hope good.

Q. Is it a fact of life now that Congress will always stay in session year round . . . the old days when Congress adjourned early in the fall or late in the summer are they over now?

A. Yes, and it has been a fact of life for at least a decade, probably longer and it will be the way we proceed in the future.

Q. What would you say are the chances of the tax reform bill passing this year?

A. I anticipate that the Finance Committee will report out a tax reform and tax relief measure by October 31st and it is my intention to call it up and to try and get action on it this year.

Q. And if it doesn't pass this year, will the surtax bill be taken up in the Senate?

A. No.

Q. Nor, the investment tax credit?

A. No.

Q. What about this argument . . . Senator Allott made it last week . . . that you really haven't given the Finance Committee enough time to write a good bill . . . that if they have to report it at the end of October, as you've asked or suggested, that means that a good bit of the bill will have to be written on the floor which will mean a long and extended debate.

A. It would be anyway. You could give them years to write a bill and it would still have to be debated, and changed, and considered, on the floor, so I see no validity to that argument.

Q. Senator, could I go back to the Vietnam issue for just a moment? The Democrats held a meeting on this called by Sen. Harris, I believe a few days ago. There's been some criticism from the Administration particularly that the Democrats are seeking political advantage now because of the way the war is going. How do you react to that?

A. I think that's the worst thing we could do. This is not a partisan matter. As Democrats we cannot forgo our share of the blame in the Vietnamese War. After all, the President inherited this. He will get more and more blame unfortunately, as time goes on because the final responsibilities, as I have indicated earlier, rest with him. But as far as it becoming a partisan political issue is concerned, I think that is the worst thing that could happen. This is not a partisan or political issue. This is an all American issue.

Q. Well, do you see it as a tactical error, then, for the Democrats to have met alone and for Senator Harris to come out and make some remarks about it that we ought to take off the gloves now on the Vietnam war, or should've this in the beginning been a bipartisan meeting and bringing some of the Republican doves like Hatfield, and Case and Cooper?

A. I can't speak for the meeting because I know nothing about it. I did, of course, read the reports in the newspaper, but I can only say that matters of this kind transcend partisan politics and should be considered by both parties on a non-partisan basis because it's the welfare and security of the nation, internally and outside, which is of prime importance.

Q. What is your personal opinion of the bill that Sen. Goodell introduced which would, in effect, bar funds to maintain troops in Vietnam after December of 1970?

A. I do not look upon it with too much favor, though I am not at all adverse to the bill being introduced because I would like to see us get out before the end of 1970. And

I was pleased to note that the President in response to a question concerning Sen. Goodell's measure, indicated that he would like to get out before the end of 1970, but he figures that setting a timetable . . . a time limit . . . would hamstring him, so to speak, in achieving that objective.

Q. But by saying that he'd like to get out before that date, isn't he setting a timetable himself?

A. Yes, but it's an indefinite timetable rather than a put down, hard and fast time table as Sen. Goodell has indicated.

Q. Wasn't more of a hope that he expressed such as he did express when former Defense Secretary Clark Clifford suggested getting 100,000 out by the end of this year?

A. That is correct, but then when President's hope, it's usually taken for something more substantive.

Q. I gather that you believe there should be a timetable set for total withdrawal?

A. No, I'd like to see that timetable which is now, of course, open knowledge beaten by getting our people out before that time if at all possible.

Q. Wouldn't an announced time table put the pressure on the Saigon government that you were talking about before so that they would reform?

A. An unannounced timetable with substantial withdrawals would put the pressure on just as much.

Q. I'm sorry, I didn't quite follow you when you said public knowledge of a withdrawal. There has been some talk from Saigon from Vice President Ky mentioning a withdrawal of up to possibly 200,000 by the end of the year. Now this has been denied by the White House. What figure did you have in mind that is public knowledge?

A. I was referring to Goodell's date.

Q. Oh, I see. Senator, when the Vietnamese debate renewed recently, one of the immediate administration pleas was the fact that they said the Democrats had six years to handle the war. We've had eight or nine months. Give us more time. As a Democrat, how do you feel about that argument?

A. Well, as I said earlier, that has some validity because it was a war which started under Democratic Administrations. It's true that the present administration has had only eight months and that President Nixon is trying to move in the right direction . . . not fast enough to suit many of us . . . but at least making moves which indicate that he is just as desirous as anyone to bring this war to a conclusion.

Q. You oppose a moratorium on criticism but actually . . .

A. Anybody can speak as they see fit on this and I think that's part of our responsibility.

Q. That's what I meant . . . you're not in favor of a moratorium on criticism.

A. No.

Q. But for general purposes, the criticism so far of President Nixon has been fairly mild. Now there are indications that it's becoming a little harsher. Do you favor an escalation of the criticism at this point? Or it goes back to this theory of how much time you give a new president before you criticize.

A. No, I don't favor an escalation of criticism any more than I favor an escalation of the war. What each individual Senator does is his own responsibility. All I would hope is that the criticism would be constructive; that wherever possible alternatives would come forth which would be of assistance to the President, in speeding up the withdrawal of troops and ending this tragic war.

Q. How about the alternative that has been suggested that we resume the bombing if we don't hear from or get some concession from Hanoi?

A. I think that's insanity.

Q. Sir, that was made by a Senate colleague. We'll pass over to another question.

A. I don't think the American people would stand for it. I don't think the Administration would stand for it and what it calls for is escalation of the war instead of withdrawal . . . the input of tens if not hundreds of thousands of additional American troops. That argument goes in the wrong direction.

Q. Senator, the President has said that he would pay no heed to the Vietnam dissent on the campus. I wonder what your reaction to that is?

A. Well, I admire his candor but question his judgment.

Q. You feel the dissent does have an effect on the President's conduct of the war?

A. Yes. I think it has a decided effect because it's spreading far beyond its former confines and taking in all aspects of the population. And I think that it played a part in the withdrawal of President Johnson from seeking re-election last year.

Q. Some people have said that if Mr. Nixon can't end the war, substantially reduce our troops in Vietnam by the end of his first term, he won't have a second. Do you feel this is perhaps a reason for his withdrawals and intense concern over the way things are going?

A. No, I don't think he's considering the political consequences. I think that he is fed up to here on the war too and he's doing everything in his power which he can do responsibly, to bring this way to a conclusion.

Q. Senator, are there any other major pieces of legislation beyond the tax reform bill that you see passing through Congress this year?

A. Well, there's an education bill of consequence . . .

Q. Isn't that stymied in the house?

A. No, it passed the House. It's in the Senate Labor Committee. And then, of course, we have air and water pollution bills and other measures such as foreign aid . . . a tax bill . . . all these are bits of legislation which are of tremendous significance.

Q. Some Republicans have been asking that President Nixon withdraw the nomination of Justice Haynsworth to the Supreme Court? How do you feel about that?

A. I haven't read the record. I have read the press accounts. I would like to see just what the record of the hearings of the committee shows. Then I will make my own judgment. There are some questions which raise questions and therefore I want to find some answers.

Q. Do you feel that this is an excellent appointment?

A. I will still have to read the record.

Q. Would you call up the nomination as soon as the Committee reports it in light of the fact that court begins its term next week?

A. Not on that basis. I would call it up if it's reported out by the committee at the first appropriate time because there's other legislation we have to consider as well as individual nominations and I would look for a time when there could be extended debate because from what I read in the paper so far and heard from my colleagues, it does appear that there may be some days of talking ahead.

Q. Senator, some people say there might be as many as 30 or 40 votes against Judge Haynsworth if the nomination reaches the floor. Doesn't this . . . Isn't this really almost like sending a justice to the court with one arm tied?

A. Not necessarily. Those matters have happened before and on many occasions the justices turn out to be a pleasant surprise. I'm not saying this in the case of Haynsworth but on the question of previous justices against whom there was a great deal of opposition.

Q. Will there be a Democratic party meeting in the Senate on the Haynsworth nomination? Will there be a Democratic party position on it too?

A. No, there will not. Each Senator will have to make up his own mind.

Q. Will it be taken up at the policy committee?

A. It will not.

Q. Speaking of policy committee, George, let me mention the policy council also which the Democratic party has just formed. With the Presidency lost for the time being, and the Democrats not able to use that as a forum, Sen. Mansfield, do you see this policy council as emerging as a viable force for directing Democrats in this country?

A. Yes, I think it could be helpful to the Democratic National Committee and to the Democratic Party nationally because we do have a platform from which we can operate. We can consider measures of transcendent importance and establish a party position and I think it's a step in the right direction in making the policy committee a policy committee at long last.

Q. There's been some concern over the representation on the policy council. Some democrats have been noticeably omitted, such as yourself, I believe.

A. Are we talking about the policy committee in the Senate or the . . .

Q. No, sir, we're talking about the policy council.

A. Oh, I was talking about the policy committee in the Senate. As far as the policy committee in the council is concerned, I think it's a good thing and frankly, I could have been on that council, had I desired. I didn't desire to be on it. I think that the Democratic policy committee in the Senate can work with the council. Together we can do a great deal of good in establishing Democratic party positions.

Q. Why did you prefer to stay off?

A. Because I have enough to do up here in the Senate and besides, the policy committee is, as I have indicated, trying to set Democratic policy.

Q. Senator, would you like to say what the chances of a tax reform bill passing this session are?

A. I would say good. As far as I am concerned personally, I intend to keep my word to the Senate and do everything I possibly can to pass a tax reform and tax relief bill.

OPPOSITION TO ADDING BENNETT AMMUNITION AMENDMENT TO THE INTEREST EQUALIZATION TAX BILL

Mr. JAVITS. Mr. President, the Senate will soon consider the interest equalization tax bill, H.R. 12829. An amendment to that Finance Committee bill would propose important changes in the Gun Control Act of 1968.

In my judgment these changes, if enacted, would weaken, rather than strengthen, the control of guns.

I can appreciate the concerns of the sportsmen of our country. However, gun control legislation is certainly reasonable. The Gun Control Act is a reasonable effort to meet the grave problems of violent urban crime.

Mr. President, I think it is important that we record ourselves on this issue. I shall oppose the provision, attached as a rider on a bill from the Finance Committee, which would exempt long-arm ammunition from present gun control provisions.

Passage of this provision would be most unwise. We would be moving in the wrong direction at the wrong time. Greater gun controls are demanded, not less. The provisions of the Gun Control Act of 1968 should be strengthened, not weakened. I have joined other Senators in sponsoring bills for registering and licensing, and with Senator Brooke, I have introduced a bill which would condition law-enforcement assistance grants to States on their establishment of information systems at that level.

Present Federal gun-control legislation is inadequate to meet a growing problem of urban violent crime—a trend which has turned many of our cities at night into prisons of fear. Guns and ammunition are easily available, and the past few years have witnessed a tremendous increase in the presence of firearms in our midst. As the National Commission on the Causes and Prevention of Violence reported, the "urban arms buildup" has not eliminated crime and violence nor has it checked the rising wave of urban fear. In fact, the increased availability of firearms and firearms ammunition has brought in its wake a tremendous increase in violent crime.

As the Senator form Connecticut (Mr. Dodd) indicated, with 90 million firearms already in private hands in the United States, ammunition control is the only way in which the Gun Control Act can affect those firearms. The provisions of the Gun Control Act which relate to ammunition are not rigorous and they do not interfere with legitimate sportsmen—but they are of assistance in the prevention and investigation of violent crime.

Unquestionably, handguns are the most serious element in violent urban crime, and, technically, according to its sponsor, this provision would not deal with handgun ammunition. However, the amendment does remove .22-caliber rimfire ammunition from the provisions of the Gun Control Act, and this ammunition can be and is used in handguns as well as rifles. It has already been noted—but it must be emphasized—that 30 percent of all murders committed by handguns in this country involve the use of .22-caliber ammunition. Some 60 percent of murders committed by rifle use .22-caliber ammunition. Thirty-seven percent of all gun murders involve .22-caliber ammunition. And this amendment would exempt this ammunition from control.

Mr. President, this is not the time to deal this devastating blow to gun control legislation and to the cause of meaningful law enforcement. I urge the Senate to reject the amendment contained in this bill.

DISTRICT OF COLUMBIA REVENUE ACT OF 1969

Mr. MANSFIELD. Mr. President, in view of the fact we have reached an agreement as to the debate on the pending Kennedy Center measure, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 427, H.R. 12982.

The **PRESIDING OFFICER.** Without objection, it is so ordered. The bill will be stated by title.

The **Legislative Clerk.** A bill (H.R. 12982) to provide additional revenue for the District of Columbia, and for other purposes.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "District of Columbia Revenue Act of 1969".

TITLE I—AMENDMENTS TO THE DISTRICT OF COLUMBIA SALES AND USE TAX ACTS

Sec. 101. Subsection (a) of section 114 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2601, par. 14(a)) is amended as follows:

(1) Paragraph (5) of that subsection is amended by striking out the period at the end thereof and inserting a comma in lieu thereof, and the following: "and regardless of whether the owner of such real property is otherwise exempt from the taxes imposed by this title, except that in the case of any such exempt owner, materials furnished pursuant to a bona fide written contract entered into prior to the effective date of the amendments made by title IV of the District of Columbia Revenue Act of 1969, which contract provides for the furnishing of materials to be used in the construction, repair, or alteration of real property, which materials, upon completion of such construction, alteration, or repair, become real property, shall not be subject to the taxes imposed by this title."

(2) That subsection is amended by adding at the end thereof the following new paragraphs:

"(8) The sale of or charges for admission to public events, including movies, musical performances, exhibitions, circuses, sporting events, and other shows or performances of any type or nature, except that such sale of or charge for admission made by a semipublic institution holding a Certificate of Exemption issued by the Commissioner shall not be considered a retail sale or sale at retail.

"(9) The sale of or charges for the service of repairing, altering, mending, or fitting tangible personal property, or applying or installing tangible personal property as a repair or replacement part of other tangible personal property, whether or not such service is performed by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction with such services.

"(10) The sale of or charges for copying, photocopying, reproducing, duplicating, addressing, and mailing services and for public stenographic services.

"(11) The sale of or charges for the service of washing, polishing, or waxing motor vehicles.

"(12) The sale of or charges for the service of laundering, dry cleaning, or pressing of any kind of tangible personal property, except when such service is performed by means of self-service, coin-operated equipment."

Sec. 102. Subsection (b) of section 114 is amended—

(1) by striking out paragraph (1),

(2) by redesignating paragraph (2) as paragraph (1),

(3) by redesignating paragraph (3) as paragraph (2) and by inserting before the period at the end of that paragraph a comma and the following: "except as otherwise provided in subsection (a) of this section", and

(4) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

Sec. 103. Subsection (b)(3) of section 116 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2601, par. 16(b)(3)) is amended to read as follows:

"(3) The amount separately charged for labor or services rendered in installing or applying the property sold except as provided in section 114(a) of this title."

Sec. 104. Section 125 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602) is amended to read as follows:

"Sec. 125. A tax is imposed upon all vendors for the privilege of selling at retail certain tangible personal property and for the privilege of selling certain selected services (defined as 'retail sale' and 'sale at retail' in this title). The rate of tax shall be as follows:

"(1) 1 per centum of the gross receipts from sales of food for human consumption off the premises where such food is sold.

"(2) 5 per centum of the gross receipts from sales of or charges for any room or rooms, lodgings, or accommodations, furnished to transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients.

"(3) 5 per centum of the gross receipts from sales of or charges for spiritous or malt liquors, beer, and wines, and food for human consumption other than off the premises where such food is sold.

"(4) 4 per centum of the gross receipts from sales of tangible personal property and from sales of and charges for services, except as otherwise provided in this section."

Sec. 105. (a) Paragraph (a) of section 127 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2604(a)) is amended to read as follows:

"(a) On each sale or charge, other than sales of food for human consumption off the premises where such food is sold, such amounts as may be prescribed by the District of Columbia Council to carry out the purposes of this section."

(b) Paragraph (c) of such section 127 is repealed.

Sec. 106. (a) Subsection (a) of section 147 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2624 (a)) is amended to read as follows:

"Sec. 147. (a) Any person who fails to file a return, who files a false or incorrect return or who fails to pay the tax to the District within the time required by this title shall be subject to a penalty of 5 per centum of the amount of tax due if the failure is for not more than one month, with an additional 5 per centum for each addtional month or fraction thereof during which such failure continues, not to exceed 25 per centum in the aggregate; plus interest at the rate of 1 per centum of such tax for each month or fraction thereof during which such failure continues; but the Commissioner may, if he is satisfied that the delay was excusable, waive all or any part of the penalty. Unpaid penalties and interest may be collected in the same manner as the tax imposed by this title. The penalty and interest provided for in this section shall be applicable to any tax determined as a deficiency."

(b) Subsection (b) of such section is amended by striking out "The certificate of the Collector or Assessor, as the case may be," and inserting in lieu thereof "The certificate of the Commissioner".

Sec. 108. Subsection (a) of section 201 of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2701(a)) is amended as follows:

(1) Paragraph (3) of that subsection is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and regardless of whether the owner of such real property is otherwise exempt from the taxes imposed by this title, except that in the case of any such exempt owner, materials furnished pursuant to a bona fide written contract entered into prior to the effective date of the amendments made by title IV of the District of Columbia Revenue Act of 1969, which contract provides for the furnishing of materials to be used in

XUM

the construction, repair, or alteration of real property, which materials upon completion of such construction, alteration, or repair, become real property, shall not be subject to the taxes imposed by this title."

(2) That subsection is amended by adding at the end thereof the following new paragraphs:

"(6) The sale of or charges for admission to public events, including movies, musical performances, exhibitions, circuses, sporting events, and other shows or performances of any type or nature, except that such sale of or charge for admission made by a semipublic institution holding a certificate of exemption issued by the Commissioner shall not be considered a retail sale or sale at retail.

"(7) The sale of or charges for the service of repairing, altering, mending, or fitting tangible personal property, or applying or installing tangible personal property as a repair or replacement part of other tangible personal property, whether or not such service is performed by means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction with such service.

"(8) The sale of or charges for copying, photocopying, reproducing, duplicating, addressing, and mailing services and for public stenographic services.

"(9) The sale of or charges for the service of washing, polishing, or waxing motor vehicles.

"(10) The sale of or charges for the service of laundering, dry cleaning, or pressing of any kind of tangible personal property, except when such service is performed by means of self-service, coin-operated equipment."

Sec. 109. Subsection (b) of section 201 of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2701(1)(b)) is amended—

(1) by striking out paragraph (1),

(2) by redesignating paragraph (2) as paragraph (1),

(3) by redesignating paragraph (3) as paragraph (2) and by inserting before the period at the end of that paragraph a comma and the following: "except as otherwise provided in subsection (a) of this section", and

(4) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

Sec. 110. Section 212 of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2702) is amended by striking out the last sentence and inserting in lieu thereof the following: "The rate of tax imposed by this section shall be 4 per centum of the sales price of the tangible personal property or services rendered or sold, except that (1) the rate of tax with respect to sales of spiritous or malt liquors, beer, and wines, and sales of food for human consumption, other than off the premises where such food is sold, shall be 5 per centum of the sales price of such sales, and (2) the rate of tax with respect to sales of food for human consumption off the premises where such food is sold shall be 1 per centum of the sales price of such sales."

Sec. 111. The amendments made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

TITLE II—MOTOR VEHICLE EXCISE TAX

Sec. 201. Subsection (j) of section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-603(j)), is amended by striking out "3 per centum" and inserting in lieu thereof "4 per centum".

Sec. 202. The amendment made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

TITLE III—AMENDMENTS TO DISTRICT OF COLUMBIA CIGARETTE TAX ACT

Sec. 301. Subsection (a) of section 603 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47-2802(a)) is amended by striking out "3 cents" and inserting in lieu thereof "6 cents".

Sec. 302. (a) Except as otherwise provided the amendment made by section 301 shall apply with respect to cigarette tax stamps purchased on or after the effective date of this title, which shall be the first day of the first month which begins on or after the thirtieth day after the date of the enactment of this Act.

(b) In the case of cigarette tax stamps which have been purchased prior to the effective date of this title and which on such date are held (affixed to a cigarette package or otherwise) by a wholesaler, retailer, or vending machine operator, licensed under the District of Columbia Cigarette Tax Act, such licensee shall pay to the Commissioner (in accordance with subsection (c)) an amount equal to the difference between the amount of tax represented by such tax stamps on the date of their purchase and the amount of tax which an equal number of cigarette tax stamps would represent if purchased on the effective date of this title.

(c) Within twenty days after the effective date of this title, each such licensee (1) shall file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the number of such cigarette tax stamps held by him as of the beginning of the day on which this title becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (2) shall pay to the Commissioner the amount specified in subsection (b).

(d) Each such licensee shall keep and preserve for the twelve-month period immediately following the effective date of this title the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this section.

(e) For purposes of this section, a tax stamp shall be considered as held by a wholesaler, retailer, or vending machine operator if title thereto has passed to such wholesaler, retailer, or operator (whether or not delivery to him has been made) and if title to such stamp has not at any time been transferred to any person other than such wholesaler, retailer, or operator.

(f) A violation of the provisions of subsection (b), (c), or (d) of this section shall be punishable as provided in section 611 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47-2810).

TITLE IV—FEES FOR MOTOR VEHICLE REGISTRATION AND INSPECTION AND FOR MOTOR VEHICLE OPERATORS' PERMITS

Sec. 401. Section 2 of title IV of the District of Columbia Revenue Act of 1937 (D.C. Code, sec. 40-102) is amended—

(1) by striking out "$1" and "50 cents" in paragraph (3) of subsection (b) (relating to fees for duplicate registration certificates and identification tags) and inserting in lieu thereof "$2" and "$1", respectively;

(2) by striking out "$1" in paragraph (4) of subsection (b) (relating to fees for special use certificates and identification tags) and inserting in lieu thereof "$3";

(3) by striking out "ten days" in such paragraph (4) and inserting in lieu thereof "twenty days";

(4) by inserting immediately after "Commissioners" in such paragraph (4) the following: ", except that in the event such certificate and tags are necessary for use in complying with vehicle inspection regulations made pursuant to the authority contained in section 7 of the Act approved February 18, 1938 (D.C. Code, sec. 40-207), prior to completion of the registration of such vehicle or trailer, the fee shall be $2"; and

(5) by striking out "$1" each place it appears in subsection (d) (relating to fee for transfer of registration) and inserting in lieu thereof in each such place "$2".

Sec. 402. Section 3 of title IV of such Act (D.C. Code, sec. 40-103) is amended—

(1) by inserting immediately before the period at the end of subsection (a) (relating to registration fees) the following: ", and in the event the markings on any such tag are specially ordered by the person to whom the tag is to be issued and such markings are other than those in a regular series, a reservation fee of $25 and an annual fee of $10, in addition to all other fees which may be required, shall be charged for such specially ordered tag";

(2) by striking out "three thousand five hundred" in the paragraph designated "Class A" of subsection (b) (relating to registration fees for passenger motor vehicles) each place it appears and inserting in lieu thereof in each such place "three thousand four hundred", and by striking out "$22" and "$32" and inserting in lieu thereof "$30" and "$50", respectively;

(3) by striking out, in the paragraph designated "Class B" of subsection (b) (relating to registration fees for trucks, tractors, and certain commercial automobiles) "$40", "$44", "$52", "$60", "$68", "$74", "$84", "$96", "$122", "$142", "$172", and "$202", and inserting in lieu thereof "$53", "$59", "$69", "$80", "$91", "$99", "$112", "$128", "$163", "$191", "$229", and "$269", respectively;

(4) by striking out, in the paragraph designated "Class C" of subsection (b) (relating to registration fees for trailers), "$8", "$12", "$20", "$32", "$46", "$60", "$74", "$92", "$122", "$152", and "$182", and inserting in lieu thereof "$11", "$16", "$27", "$43", "$61", "$80", "$99", "$123", "$163", "$203", and "$243", respectively; and

(5) by striking out in subsection (d) (relating to division of registration fees between Highway Fund and General Fund) "sixty-four" and "seventy-four" and inserting in lieu thereof "forty-two" and "forty-seven", respectively.

Sec. 403. The first section of the Act entitled "An Act to provide for the annual inspection of all motor vehicles in the District of Columbia", approved February 18, 1938 (D.C. Code, sec. 40-201), is amended by striking out "$1" and inserting in lieu thereof "$3".

Sec. 404. Section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-603), is amended (1) by striking out "$5" in subsection (a) (relating to fee for restoration of suspended or revoked permits and privileges) and inserting in lieu "$10", and (2) by striking out "$1" in subsection (d) (relating to fees for titling and retitling) and inserting in lieu thereof "$5".

Sec. 405. Subsection (a) of section 7 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-301(a)), is amended (1) by striking out "$3" in paragraph (1) (relating to fee for operator's permit) and inserting in lieu thereof "$12", and by striking out in such paragraph "three years" and inserting in lieu thereof "four years"; and (2) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) In the event an operator's permit or a learner's permit issued under the authority of this section is lost or destroyed, or requires replacement for any reason other than through error or other act of the Commissioners not caused by the person to whom such permit was issued, such person may obtain a duplicate or replacement permit upon payment of a fee of $2."

Sec. 406. Section 3 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (D.C. Code, sec. 40-419) is amended by inserting immediately before the period at the end of subsection (a) the following:

XUM

", including rules and regulations assessing reasonable fees to reimburse the District of Columbia for the cost of reinstating licenses and registrations suspended under the authority of this Act, such fees not to exceed the amount of $10 for the reinstatement of a license or registration, or both a license and registration".

SEC. 407. The amendments made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

TITLE V—AMENDMENTS TO THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT

SEC. 501. (a) Clause (1) of section 23(a) of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–124(a)) is amended by striking out "15" and inserting in lieu thereof "20".

(b) Clause (2) of section 23(a) of such Act (D.C. Code, sec. 25–124 (a)) is amended by striking out "33" and inserting in lieu thereof "45".

(c) Clause (3) of section 23(a) of such Act (D.C. Code, sec. 25–124(a)) is amended by striking out "45" and inserting in lieu thereof "60".

(d) Clauses (4) and (5) of section 23(a) of such Act (D.C. Code, sec. 25–124(a)) are each amended by striking out "$1.75" and inserting in lieu thereof "$2.00".

(e) Section 23(c)(1) of such Act (D.C. Code, sec. 25–124(c)(1)) is amended by striking out the word "tenth" and inserting in lieu thereof the word "fifteenth."

(f) Section 40(a) of such Act (D.C. Code, sec. 25–138(a)) is amended by striking out "$2.00" and inserting in lieu thereof "$2.24."

(g) Section 40(a)(1) of such Act (D.C. Code sec. 25–138(a)(1)) is amended by striking the word "tenth" and inserting in lieu thereof the word "fifteenth".

SEC. 502. (a) Except as otherwise provided in this title, the amendments made by section 501 shall apply with respect to—

(1) wines, alcohol, and spirits imported or brought into the District of Columbia or manufactured, and

(2) beer sold or purchased for resale, on and after the effective date of this title, which shall be the first day of the first month which begins on or after the thirtieth day after the date of the enactment of this Act.

(b) In the case of alcohol, spirits, wines, and beer which have been purchased prior to the effective date of this title and which on such date are held by a holder of a retailer's license, issued under the District of Columbia Alcoholic Beverage Control Act, such licensee shall pay to the Commissioner (in accordance with subsection (c)) an amount equal to the difference between the amount of tax imposed by such Act immediately prior to the effective date of this title on the amount of alcohol, spirits, wines, and beer so held by him, and the amount of tax which would be imposed by the District of Columbia Alcoholic Beverage Control Act on such effective date on an equivalent amount of alcohol, spirits, wines, and beer.

(c) Within twenty days after the effective date of this title, each such licensee (1) shall file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the quantity of alcohol, spirits, wines, and beer held by him as of the beginning of the day on which this title becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (2) shall pay to the Commissioner the amount specified in subsection (b).

(d) Each such licensee shall keep and preserve for the twelve-month period immediately following the effective date of this title the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this section.

(e) For purposes of this section, alcohol, spirits, wines, and beer shall be considered as held by a holder of a retailer's license if title thereto has passed to such holder (whether or not delivery to him has been made) and if title has not at any time been transferred to any person other than such holder.

(f) A violation of the provisions of subsection (b), (c), or (d) of this section shall be punishable as provided in section 33 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–132).

TITLE VI—AMENDMENTS TO THE DISTRICT OF COLUMBIA INCOME AND FRANCHISE TAX ACT OF 1947

SEC. 601. Section 4 of title I of article I of the District of Columbia Income and Franchise Tax Act of 1947, as amended (61 Stat. 328, ch. 258; D.C. Code, sec. 47–1551c), is amended as follows:

(a) Paragraph (l) of said section is amended to read as follows:

"(l)(1) The words 'capital assets' mean property defined as a 'capital asset' under the Internal Revenue Code of 1954.

"(2) For the purpose of determining gain or loss from the sale or exchange of a capital asset all of the terms, definitions, rules, requirements, and limitations contained in the Internal Revenue Code of 1954 relating or applicable to the determination for any taxable year of a capital gain or capital loss for Federal income tax purposes shall be applicable for the purpose of computing for the same taxable year the tax imposed under this article."

(b) Paragraph (m) of said section is amended by striking the colon immediately preceding the first proviso of said paragraph, by inserting a comma in lieu thereof, and by adding after said comma the following: "except that in the case of any such distribution any part of which for purposes of the income tax imposed under the Internal Revenue Code of 1954 is deemed to constitute a capital gain, such part shall be deemed to constitute a capital gain for purposes of the tax imposed by this article."

(c) Paragraph (aa) of said section is hereby repealed.

(d) Said section is further amended by adding at the end thereof the following new paragraph:

"(a) The words 'Internal Revenue Code of 1954' mean the Internal Revenue Code of 1954, as amended, or as hereafter amended or revised."

SEC. 602. Title III of article I of the District of Columbia Income and Franchise Tax Act of 1947 is amended as follows:

(a) Section 2 of said title is amended as follows:

(A) Subsection (a) of said section (D.C. Code, sec. 47–1557a(a)) is amended by striking the words "other than capital assets as defined in this article", and inserting in lieu thereof the words "including capital assets as defined in this article".

(B) Subsection (b) of said section is amended as follows:

Paragraph (5) of said subsection is amended to read as follows:

"(5) COMPENSATION FOR INJURIES OR SICKNESS.—To the extent not otherwise specifically excluded from gross income under this title, amounts excluded from gross income under sections 104 and 105 of the Internal Revenue Code of 1954."

(C) Paragraph (11) is repealed.

(D) Paragraphs numbered (12), (13), (14), (15), (16), and (17), respectively, are renumbered as paragraphs (11), (12), (13), (14), (15), and (16), respectively.

(b) Section 3 of said title is amended as follows:

(A) Subparagraph (C) of paragraph (4) of subsection (a) of said section (D.C. Code, sec. 47–1557b(a)(4)(C)) is amended by striking the clause reading "That this subsection shall not be construed to permit the deduction of a loss of any capital asset as defined in this article.", and by inserting in lieu thereof the following:

"That, in the case of an individual, a loss described in this subsection shall be allowed only to the extent that the amount of loss to such individual arising from each casualty, or from each theft, exceeds $100. For purposes of the $100 limitation, a husband and wife making a joint return for the taxable year in which the loss is allowed as a deduction shall be treated as one individual."

(B) Paragraph (6) of subsection (b) of said section (D.C. Code, sec. 47–1557b(b)(6)) is repealed.

SEC. 603. Section 2 of title VII of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1571a) is amended by adding at the end thereof the following new sentence: "The minimum tax payable shall be $25.00."

SEC. 604. Section 3 of title VIII of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1574b) is amended by adding at the end thereof the following new sentence: "The minimum tax payable shall be $25.00."

SEC. 605. Title XI of article I of the District of Columbia Income and Franchise Tax Act of 1947 is amended as follows:

(a) Section 1 of said title is amended to read as follows:

"SECTION 1. BASIS FOR DETERMING GAIN OR LOSS.—The basis for determining the gain or loss from the sale or exchange or other disposition of property shall be the same basis as that provided for determining gain or loss under the Internal Revenue Code of 1954, except that where property having a proper higher or lower adjusted basis for District income or franchise tax purposes than for Federal income tax purposes prior to January 1, 1969, is sold or exchanged after January 1, 1969, the gain or loss from the sale or exchange of such property shall be computed on the basis of such higher or lower adjusted basis, increased or decreased by adjustments to basis properly allowable on and after January 1, 1969."

(b) Section 2 of said title is amended to read as follows:

"SEC. 2. COMPUTATION OF GAIN OR LOSS.—The gain or loss, as the case may be, from the sale or other disposition of property shall be determined in the same manner provided for the determination of gain or loss for Federal income tax purposes under the Internal Revenue Code of 1954, including the recognition of gain or loss."

(c) Section 3 of said title is repealed.

(d) Section 4 of said title is renumbered as section 3.

(e) Section 5 of said title is repealed.

(f) Section 6 of said title is renumbered as section 5, and as renumbered is amended to read as follows:

"SEC. 5. DEPRECIATION.—The basis used in determining the amount allowable as a deduction from gross income under the provisions of section 3(a)(7) of title III of this article shall be the same basis as that provided for determining the gain from the sale or other disposition of property for Federal income tax purposes under the Internal Revenue Code of 1954, except that this section shall not be construed to permit a deduction from gross income for taxable years commencing on and after January 1, 1969, of any amounts which, when added to amounts deducted or deductible (whether or not deducted) as depreciation for taxable years prior to January 1, 1969, would exceed the total amount which could be deducted from the basis of the property for Federal income tax purposes."

SEC. 606. (a) Title XII of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47–1586—47–1586n) is amended (1) by redesignating sections 14 and 15 as sections 15 and 16, respectively, and (2) by inserting after section 13 the following new section:

XUM

"Sec. 14. Declarations of Estimated Tax by Corporations and Unincorporated Businesses.—(a) Declaration of Estimated Tax.—Every corporation and unincorporated business required to make and file a tax return under this article shall make and file a declaration of estimated tax at such time or times and under such conditions, and shall make payments of such tax during its taxable year in such amounts and under such conditions, as the District of Columbia Council shall by regulation prescribe.

"(b) Failure by Corporation or Unincorporated Business To Pay Estimated Tax.—(1) Addition to the Tax.—In case of any underpayment of estimated tax by a corporation or an unincorprated business, there shall be added to the tax for the taxable year an amount determined at the rate of 6 per centum per annum upon the amount of the underpayment (determined under paragraph (2) for the period of the underpayment (determined under paragraph (3))).

"(2) Amount of Underpayment.—For purposes of paragraph (1), the amount of the underpayment shall be the excess of—

"(A) the amount of the installment which would be required to be paid if the estimated tax were equal to 80 per centum of the tax shown on the return for the taxable year or, if no return was filed, 80 per centum of the tax for such year, over

"(B) the amount, if any, of the installment paid on or before the last date prescribed for payment.

"(3) Period of Underpayment.—The period of the underpayment shall run from the date the installment was required to be paid to whichever of the following dates is the earlier—

"(A) the 15th day of the fourth month following the close of the taxable year; or

"(B) with respect to any portion of the underpayment, the date on which such portion is paid.

For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under paragraph (2) (A) for such installment date.

"(c) Overpayment; Credit of Tax.—Overpayment resulting from the payment of estimated tax for a taxable year in excess of the amount determined to be due upon the filing of a tax return for such taxable year may be credited against the amount of estimated tax determined to be due on any declaration filed for the next succeeding taxable year or for any deficiency or nonpayment of tax for any previous taxable year. No refund shall be made of any estimated tax paid unless a complete return is filed."

(b) That part of the table of contents of such article relating to title XII is amended—

(1) by inserting after the item relating to section 13 the following:

"Sec. 14. Declarations of estimated tax by corporations and unincorporated businesses.

"(a) Declaration of estimated tax.

"(b) Failure by corporation or unincorporated business to pay estimated tax.

"(1) Addition to the tax.

"(2) Amount of the underpayment.

"(3) Period of underpayment.

"(c) Overpayment; credit of tax.";

(2) by striking out "Sec. 14" and inserting in lieu thereof "Sec. 15"; and

(3) by striking out "Sec. 15" and inserting in lieu thereof "Sec. 16".

Sec. 607. Title XIV of said Act is amended as follows:

(a) Section 1 of said title is amended by repealing subsection (a) in its entirety, and by striking designation "(b)" in the following subsection.

(b) Section 7 of said title is amended to read as follows:

"Sec. 7. Penalty for Failure To Obtain License.—Any person engaged in or conducting a trade, business, or profession in the District of Columbia within the meaning of section 1 of this title without having obtained a license so to do, within the time prescribed by said section 1, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $300 for each and every failure, refusal, or violation, and each and every day that such failure, refusal, or violation continues shall constitute a separate and distinct offense. All prosecutions under this section shall be brought in the District of Columbia Court of General Sessions on information by the Corporation Counsel or any of his assistants in the name of the District."

Sec. 608. The amendments made by sections 601, 602, 603, 604, and 605 of this title shall apply with respect to all taxable years beginning after December 31, 1968. The amendments made by section 606 of this title shall be effective with respect to taxable years beginning after December 31, 1969. The amendments made by section 607 of this title shall apply with respect to calendar years beginning after December 31, 1969.

Sec. 609. Nothing contained in this title shall be construed to have the effect—

(1) of increasing or decreasing the amount of District of Columbia income or franchise tax determined for any taxable year prior to January 1, 1969, or

(2) authorizing or requiring in the determination of District of Columbia income or franchise tax for any taxable year subsequent to January 1, 1969, the inclusion in gross income of any gain, or the deduction from gross income of any loss, from the sale or exchange prior to January 1, 1969, of any capital asset as defined in the District of Columbia Income and Franchise Tax Act of 1947 prior to the amendments made by this title.

TITLE VII—FEDERAL PAYMENT AUTHORIZATION

Sec. 701. Article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47–2501a and 47–2501b) is amended to read as follows:

"Article VI—Federal Payment

"Section 1. A regular annual payment (hereafter in this article referred to as the 'Federal payment') is authorized to be appropriated from revenues of the United States to cover the proper Federal share of the expenses of the government of the District of Columbia. The Federal payment, when appropriated, shall be paid into the General Fund. Subject to any adjustments required under section 3 for overpayments or underpayments, the Federal payment authorized by this article for each of the five fiscal years ending June 30, 1970, June 30, 1971, June 30, 1972, June 30, 1973, and June 30, 1974, shall be an amount equal to 30 per centum of the amount of District of Columbia fees, miscellaneous receipts, and tax revenues which the Commissioner estimates will be credited to the General Fund during such fiscal year and which is approved under section 2; except that for fiscal year 1970 such payment shall not exceed $120,000,000. Subject to any adjustments required under section 3 for overpayments or underpayments, the Federal payment authorized by this article for the fiscal year ending June 30, 1975, and each fiscal year thereafter shall be an amount equal to 30 per centum of the amount of District of Columbia fees, miscellaneous receipts, and tax revenues credited to the General Fund during the fiscal year ending June 30, 1974.

"Sec. 2. For each of the five fiscal years ending June 30, 1970, June 30, 1971, June 30, 1972, June 30, 1973, and June 30, 1974, the Commissioner shall estimate the amount of District of Columbia fees, miscellaneous receipts, and tax revenues that will be credited to the General Fund during such fiscal year. He shall submit such amount to the Bureau of the Budget with the regular budget of the District of Columbia for such fiscal years. The amount of such revenues and fees which is approved by the Director of the Bureau of the Budget shall be submitted to the Congress.

"Sec. 3. If the amount of the Federal payment appropriated in any of the five fiscal years ending June 30, 1970, June 30, 1971, June 30, 1972, June 30, 1973, or June 30, 1974, does not equal 30 per centum of the amount of District of Columbia fees, miscellaneous receipts, and tax revenues credited to the General Fund during such fiscal year, increased or decreased as may be necessary to reflect the amount of the adjustment made under this section to the Federal payment authorization for such fiscal year, the amount of the Federal payment authorization for the second fiscal year beginning after such fiscal year shall—

"(1) if such Federal payment appropriation exceeded 30 per centum of such fees, miscellaneous receipts, and tax revenues (so increased or decreased), be reduced by the amount of such excess; or

"(2) if such Federal payment appropriation was less than 30 per centum of such fees, miscellaneous receipts, and tax revenues (so increased or decreased), be increased by the amount by which such appropriation was lower.

"Sec. 4. For purposes of this article—

"(1) The term 'Commissioner' means the Commissioner of the District of Columbia.

"(2) The term 'General Fund' means the General Fund of the District of Columbia in the Treasury of the United States.

"(3) The term 'miscellaneous receipts' does not include any amounts derived from grants or loans from the Federal Government to the District of Columbia."

Sec. 702. This title may be cited as the "District of Columbia Federal Payment Authorization Act of 1969".

Sec. 703. For the purpose of reimbursing the District of Columbia for revenues lost by it during that part of fiscal year 1970 preceding the date of the enactment of this Act, there is authorized to be appropriated, in addition to any other amounts authorized by this title for such fiscal year, to the District of Columbia government the sum of $8,500,000 which shall be credited to the general fund of the District of Columbia. The payment authorized by this section shall not be considered for purposes of determining the amount of the Federal payment for such fiscal year authorized by article VI of the District of Columbia Revenue Act of 1947.

TITLE VIII—GENERAL PROVISIONS

Sec. 801. No funds may be appropriated for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47–2051a—47–2501b) until the President of the United States has reported to the Congress that (1) the District of Columbia government has begun work on each of the projects listed in section 23(b) of the Federal-Aid Highway Act of 1968 and has committed itself to complete those projects, or (2) the District of Columbia government has not begun work on each of those projects, or made or carried out that commitment, solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

Sec. 802. Section 401(2) of the District of Columbia Revenue Act of 1968 (D.C. Code, sec. 31–1118) is amended (1) by striking out "and (B)" and inserting in lieu thereof ", (B)", and (2) by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and (C) any individual who, as part of a program approved by an educational agency having jurisdiction over an elementary or secondary school located outside the District of Columbia, is voluntarily enrolled in such school.".

SEC. 803. Except as otherwise provided in this title, nothing in this Act, or any amendments made by this Act, shall be construed to affect the authority vested in the Commissioner of the District of Columbia or the authority vested in the District of Columbia Councl by Reorganization Plan Numbered 3 of 1967. The performance of any function vested by this Act in the Commissioner of the District of Columbia or in any office or agency under his jurisdiction and control, or in the District of Columbia Council, may be delegated by the Commissioner or by the Council, as the case may be, in accordance with the provisions of such Plan.

SEC. 805. (a) The repeal or amendment by this Act of any provision of law shall not affect any other provision of law, or any act done or any right accrued or accruing under such repealed or amended law, or any suit or proceeding had or commenced in any civil cause before repeal or amendment of such law; but all rights and liabilities under such repealed or amended law shall continue, and may be enforced in the same manner and to the same extent, as if such repeal or amendment had not been made.

(b) All offenses committed, and all penalties incurred, under any provision of law repealed or amended by this Act, may be prosecuted and punished in the same manner and with the same effect as if this Act had not been enacted.

Mr. EAGLETON. Mr. President, the bill before the Senate today would provide an estimated $61.6 million in additional revenue for the District of Columbia Government to help finance increased costs and workloads of existing programs and enable the District to develop urgently needed new services. More than half of the total—$32.5 million—would be derived from expanded local taxes and fees. The bill also calls for a $30 million increase in the Federal payment to the District to help defray costs associated with the Federal presence in the District.

Like all major cities in this country, the District is caught in a squeeze between rising costs and expanding needs. About 75 percent of what is recommended in this bill is required to maintain existing levels of Government service. That leaves only a small fraction to apply against the enormous demands for new programs which must be met if we are to have any hope of rejuvenating the city.

The Nation's Capital occupies a special place among American cities not only because it is the political center of the Nation, but also because it is the showcase of our determination to begin doing something about the urban crisis. If we are unwilling or unable to meet the challenge here, then it may be fairly asked what hope is there for the rest of the Nation.

The Senate District of Columbia Committee recognizes the need to economize and to eliminate inefficiencies and waste in the District government. We cannot afford to squander our resources when the task before us is so great and so urgent. But, by the same token, the committee believes it would be a tragic mistake to spend millions of dollars for a war on crime and fail to support the city in its efforts to eliminate the conditions which breed crime and unrest. An anticrime program which puts more policemen on the streets but which does little to improve the court and correctional systems to provide drug prevention and treatment facilities, or to make available new educational opportunities, is unlikely to have more than temporary results.

It is the committee's purpose in this bill to provide the District of Columbia Government with revenue sources adequate to finance the kind of broad-range approach to these problems that is so clearly called for.

The committee's report contains a comparative summary of District of Columbia requests and House and Senate bills. Briefly, however, the Senate has reduced District of Columbia requests by some 10 percent or $6.4 million, but it substantially increases the House-passed figure—by more than $22 million.

Other major differences between House and Senate bills include the following:

First. As it has many times in the past, the committee is recommending that the Federal payment authorization be fixed at 30 percent of local tax revenues which is credited to the District general fund. It is the committee's view that a normal payment of this kind would provide a more equitable Federal contribution to the District than is now the case. It would allow the payment to grow proportionately with local tax revenues and enable the District Government to plan its programs in a more reasonable and orderly fashion. This does not mean, however, that the District would receive an automatic Federal payment each year. The payment would still have to be acted upon by the appropriations committees of the House and Senate and approved by Congress.

Second. In addition to this annual payment, the committee is recommending a special payment of $8.5 million to avoid an unintended reduction of District revenues because the District will not be able to collect the taxes authorized in the bill on an annual basis. A figure of $8.5 million represents what will be lost in local revenues plus what would be lost in the Federal payment based on a 30 percent summary, assuming the bill passed by September 30, this of course, was not the case, so the figure in this bill was roughly $2 million lower than it should be.

Third. The committee has deleted from the House-passed bill a restriction which would have held employment to June 30, 1969 levels and allowed the District Government to fill only 3 out of 4 future vacancies. The committee notes that a similar restriction on Federal employment was rescinded by Congress this year on grounds that it would not achieve its purpose and that it led to administrative confusion. The same would appear to be true of this personnel freeze. It is the committee's view that the proper and most effective way of limiting employment is through the appropriations process. Without appropriation funds to pay additional personnel, they cannot be hired.

Fourth. In accepting unchanged the House-passed freeze on the Federal payment until the District of Columbia has committed itself to full compliance with the Federal-Aid Highway Act of 1968, the committee believes that it has taken every reasonable step to remove obstacles to the release of authorized subway funds.

Section 801 of title VII would withhold the appropriation of any part of the authorized Federal payment to the District until the President has reported to Congress that the city has committed itself irrevocably to full compliance with the provisions of section 23(b) of the Federal-Aid Highway Act of 1968. This section directs the District to construct four elements of the Federal Interstate Highway System: First, the Three Sisters Bridge, part of Interstate 66; second, Potomac River Freeway, part of Interstate 66; third, the center leg of the inner loop, part of Interstate 95; and fourth, the east leg of the inner loop, part of Interstate 295. The District government is also required by the act to conduct a study of the proposed North Central Freeway.

The provision makes clear, however, that the Federal payment shall not be withheld if the District is prevented from carrying out its commitment solely because of a court injunction resulting from a suit filed by persons other than the District of Columbia or Federal Government. The committee feels strongly that governmental policy should not be hamstrung by the actions of persons who, for reasons of their own, may choose to file suit to block construction of highways or subways. Transportation policy in the Nation's Capital is too vital a matter to be left to such chance and possibly irresponsible actions.

The committee believes that enactment of this provision, will make it possible to begin construction this year of the long-delayed rapid rail transit system. We believe that both highways and subways will be required to meet the transportation needs of the Washington area and that construction of both should proceed as rapidly as possible.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. BIBLE. Mr. President, I rise to compliment the Senator from Missouri for the excellent and painstaking work he has done on this revenue bill.

At one time, some years ago, I had the honor of being the chairman of the Subcommittee on Fiscal Affairs of the Committee on the District of Columbia, and I am familiar with the work and problems it entails. It is not an easy matter to work out the taxes. No one likes taxes, and they are all for them so long as their own bailiwick is not being taxed. In coming out with a bill which it seems to me comes closer to meeting the actual requirements of the District of Columbia than the House bill is a real task in itself.

I know there were long extended hearings. I know that the Senator from Missouri was very fair. His subcommittee heard all sides—those who were opposed, those who wanted to increase, and those who wanted to decrease various revenue features.

I commend him for the fine report he has brought in. I am in full accord with it. I believe the bill is reported unanimously by the Committee on the District of Columbia. Am I correct?

Mr. EAGLETON. The Senator is correct.

Mr. BIBLE. It is a real tribute to have a revenue bill, which is a tax bill, unanimously reported.

I thoroughly concur in the recommendation that the Senator from Missouri has made insofar as it concerns the long struggle between the highways, freeways, and subways. I think he has come up with the only practical conclusion that could be made in this field. In that area I likewise wish to compliment the chairman of the full committee, the Senator from Maryland (Mr. TYDINGS) who gave his strong influence and strong voice in bringing these particular parties together in the hope that we can get something done and get on with the transit system. I feel sure this measure will get us started.

Mr. President, I compliment the Senator from Missouri.

Mr. EAGLETON. I appreciate the kind comments of the Senator from Nevada (Mr. BIBLE) who perhaps is more knowledgeable and more concerned with the problems of the District of Columbia than anyone else in this body and who has labored at great length in trying to alleviate the problems of the city. I appreciate his comments.

Mr. TYDINGS. Mr. President (Mr. ALLEN in the chair), will the Senator yield?

Mr. EAGLETON. I yield.

Mr. TYDINGS. Mr. President, I would like to associate myself with the remarks of the distinguished Senator from Nevada. I might say it is a great consolation for those of us on the Committee on the District of Columbia that the Senator from Nevada still consents to serve on that committee, because his experience and wisdom are a great asset when we take up matters of such importance as the Revenue Act of the District of Columbia.

This particular legislation—which I believe is the second major piece of legislation the distinguished senior Senator from Missouri has managed on the floor of the Senate in the last 2 weeks—is a major achievement for the Senator from Missouri. He had a number of difficult areas to tackle in connection with the bill. This is one of the most comprehensive pieces of revenue legislation which has been presented to Congress by any committee. As the Senator from Nevada stated, it will come closer to dealing with the problems of the District than any other piece of District of Columbia revenue legislation on which I have been called upon to vote.

The Senator from Missouri has taken a very difficult, and I might say highly volatile issue, working out the disagreements between those who are willing to sacrifice the subway if they can stop roads and those who, for one reason or another, have almost intractable positions on the issue of roads and subway. I think he has worked out a piece of legislation which will move construction of the Washington metropolitan area subway system forward and insure continuation of a balanced transportation system for the Washington metropolitan region.

Of course, I think this is the vital move if we do not wish the District of Columbia, our National Capital, to become another Los Angeles.

I would like to join with the Senator from Nevada in commending the Senator from Missouri on the splendid job he did as chairman of the Subcommittee on Finance of the District of Columbia in holding the hearings, listening to the witnesses, resolving the problems and the differences, and reporting what I think is a very fine revenue bill.

Mr. EAGLETON. Mr. President, I thank the Senator.

I have had a great deal to say on this matter. I am pleased now to yield to the Senator from Kentucky. I think he has an observation to make.

Mr. COOPER. Mr. President, I am not so familiar with the problems and operations of the District of Columbia, certainly, as are the members of the Senate Committee on the District of Columbia. From what I have heard here today I commend the Senator from Missouri (Mr. EAGLETON), the Senator from Maryland (Mr. TYDINGS), and, of course, the Senator from Nevada (Mr. BIBLE). They have worked with these matters for a long time.

I had intended to offer an amendment to strike section 801 from the bill now before the Senate, H.R. 12982, the District of Columbia Revenue Act of 1969. I will not do so, because the Senate committee has approved the provision and I think it would probably be useless at this time, late on a Friday afternoon, to attempt to strike out section 801. And I will not do so, frankly, because such concern has been expressed that striking section 801 might cause difficulties with the House of Representatives in the conference, which conceivably could affect the decision that has been made to release funds for the rapid transit system. As I said, I do not have detailed information about the needs of this great capital, the District of Columbia, but I am sure that it does need a rapid transit system.

However, I would not be honest with myself, or with other Senators who feel as I do, if I did not question section 801. That section was placed in the bill, as I understand, by the House of Representatives; it was not the work of the Senate District Committee. Although it will be approved by the Senate as a part of this bill, we should question its effect and the precedent which it could establish.

My interest in this question grew out of our consideration of the Federal-Aid Highway Act of 1968. That was a very broad and comprehensive measure, containing the biennial highway authorizations for every State in the Nation. It was developed in chief by the Committee on Public Works, under the leadership of the distinguished Senator from West Virginia (Mr. RANDOLPH). It included also a number of new provisions, such as the "topics" program to improve traffic flow and safety within cities, a section for relocation payments and assistance, and other provisions that will be helpful within cities and throughout our country.

We then went to conference with the House Committee on Public Works, and to our amazement found a section in the House bill in which the House of Representatives, and the Committee on Public Works of that body, arrogated to themselves the position of engineers and asserted an authority to take over the functions of the Bureau of Public Roads and of the local government of the city of Washington.

There has been a great deal of discussion and controversy about the highway system in the District of Columbia. I am not familiar with all the details or all the merits of these highway proposals. But under our system, the States and the local communities plan and lay out a system of roads, following public hearings; then the Federal Bureau of Public Roads examines that plan and system to determine if it meets the Federal law and regulations. But initially, the determination must be made by the local government, whether it be a State or the District of Columbia. That is the law. Title 23 of the United States Code, dealing with Federal aid to highways, makes that clear. It is also the law of the District of Columbia.

For the first time, in the House bill last year, we had Congress arrogating to itself the authority to determine where roads and streets should be laid down by a local government. If that had been proposed for the State of Kentucky, the State of Montana, or the State of Missouri, of course, the Congress would not accept it.

All that is past now, and as we know the appropriate authorities evidently decided that this highway system must be commenced before funds would be released for the transit system. One is my good friend and colleague from Kentucky, Representative NATCHER. Although we are on opposite sides politically, I have found him throughout my experience to be an honorable man and an able man. I have no criticism to make of him, because I am sure that he was working, the best way he could, the will of the House of Representatives.

That has passed. As I understand, an agreement has been reached that the subway funds will be released. The highway construction is going forward. There may be court proceedings, but the political decision has been made.

Mr. President, I now turn to the pending bill and I note, under title VIII—general provisions, section 801 beginning on page 55 at line 16. The section provides:

> No funds may be appropriated for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, secs. 47-2051a—47-2501b) until the President of the United States has reported to the Congress that (1) the District of Columbia government has begun work on each of the projects listed in section 23(b) of the Federal-Aid Highway Act of 1968 and has committed itself to complete those projects, or (2) the District of Columbia government has not begun work on each of those projects, or made or carried out that commitment, solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

I do not think it necessary for me to describe those projects listed in section 23(b) of the Federal-Aid Highway Act

XUM

of 1968, but it does refer to the Three Sisters Bridge, the Potomac River Freeway, and the center and east legs of the inner loop.

Mr. President, what I object to is this second act of coercion on the part of the House. Last year, after having usurped in section 23 the authority of local government—as they can do, if they want to do it that way, because of the nature of the Highway Act embracing all the Federal-aid highway projects in the United States—they imposed their will upon the conference, and upon the Senate and the House, by force, in effect, laying down the assertion that the Congress can impose highways upon a local body.

Then having been successful in that venture, and having been able to secure commencement of the highway projects by withholding the rapid transit funds, now the House comes again to the Senate and says, "We will appropriate no Federal payment to the District of Columbia until the President of the United States certifies that these roads are begun and will be completed."

I think that is going too far. It is coercion. I understand the difficult circumstances under which the Senate committee has had to labor, but I want to register my opposition, as I did last year, to one body or both bodies coercing a local government in a direct way, as it evidently did in the bill last year, or in an indirect way, as is attempted here, by threat of withholding the Federal payment to the District of Columbia.

It is improper. I have stated my views about it—last year, last Friday in a colloquy with the Senator from Wisconsin (Mr. Proxmire), on Monday when I introduced the amendment to strike section 801 from this bill, and on other occasions. I will not belabor the point now.

I would hope that the committee would consider accepting a small amendment. As I said in the Senate on September 29, I think it demeaning to the District of Columbia government and offensive to the ideal of home rule to require the President of the United States to become a party to this threat.

Mr. President, I send to the desk an amendment, which reads, "On page 55, line 19, strike out the words 'President of the United States' and insert in lieu thereof 'Secretary of Transportation.'"

The PRESIDING OFFICER. The amendment will be stated by title.

The Legislative Clerk. The Senator from Kentucky proposes an amendment, on page 55, line 19, strike out the words "President of the United States" and insert in lieu thereof, "Secretary of Transportation."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

Mr. EAGLETON. Mr. President, if I may respond briefly to the Senator from Kentucky, first of all, let me say that in his usual and customary way, the senior Senator from Kentucky is a man of complete fairness and complete candor. He has a sympathetic feel for problems and issues that go far beyond the State he represents. I think that the District of Columbia should be proud that the senior Senator from Kentucky (Mr. Cooper) has interested himself in the vital affairs of this community.

Mr. MANSFIELD. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. MANSFIELD. Mr. President, I want to say that I am in full accord with what the distinguished senior Senator from Kentucky has just said. Like him, I am hopeful that no move will be undertaken this afternoon by way of not realizing the reality and practicality of the situation. It appears that the net result would be to make a difficult situation worse. That is one thing which we do not want to do.

I want the Record to show that I am in wholehearted accord with what the distinguished senior Senator from Kentucky has said this afternoon. I wish to emphasize the fact that had methods been used against our respective States which have been used against the District of Columbia, the roof of the Capitol would probably blow off and we would find a great many Senators working hand in glove with their colleagues to make sure that the rights of their States were protected, and that the Federal Government is not dictating to us. That is all I have to say.

Mr. TYDINGS. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. TYDINGS. Mr. President, although I do not agree in every particular with the distinguished senior Senator from Kentucky on this matter, I should like to take this occasion to commend him for his interest, his vigilance, and his diligence in matters which, as the Senator from Missouri just indicated, extend far beyond the great State of Kentucky.

I appreciate his patience and cooperation in understanding the problems of the District of Columbia Committee, and assure him of my high esteem, which I have stated many times before.

Mr. EAGLETON. Mr. President, I was in the process of responding to the Senator from Kentucky. Now I wish to complete that response.

I also make reference to what the majority leader said. I think that both these fine Senators express their interest in matters which are of concern not only to them but also to the seven Senators who are on the District of Columbia Committee.

Had this bill originated in the Senate, perhaps the methodology, the phraseology, and the manner of approaching this matter of transit and transportation in the District of Columbia might not have been approached in somewhat this manner. But that was not the case. The bill was before our committee and is now before the Senate as it came over from the House. Regardless of the phraseology, regardless of the end result, at present it appears that we are going ahead with both the transit system and the accelerated highway program.

To me, as one who is not an expert on District of Columbia affairs, but as one who has spent his entire life in an urban center comparable to the District of Columbia, comparable in location as far as suburbia is concerned, and so on—namely, the city of St. Louis—it seems to me we will need both an adequate and safe highway system and a functional and meaningful transit system as well. That is apparently going to be the end result. Thus, looking to that result and passing over the method by which it was achieved and the lines in a particular bill, to me it is the result that counts in this instance, and I am glad of that result.

Now speaking directly to the amendment offered by the Senator from Kentucky, the President of the United States has been and continues to be part of this matter. I have before me, and I shall insert in the Record by unanimous consent, if I may, a letter dated August 12, 1969, from the White House, which is addressed to the chairman of the District of Columbia Subcommittee of the House Appropriations Committee, in which the President points out his awareness of this problem, and indeed his support of the concept of building both the transit system and the highway system and, in essence, his support for the language the Senator from Kentucky referred to in section 801.

So I would say to the Senator from Kentucky that, since the President has already played a role in this matter, since he has already been directly consulted, since he has already, both orally and in writing, expressed his sentiment with respect thereto, I deem that it would come as no shock to him, nor would it be demeaning to him, that he lend some further approving assistance, which is all that the section calls upon him to do.

Mr. President, reluctantly, but respectfully, I oppose the amendment offered by the Senator from Kentucky.

I ask unanimous consent that the letter to which I have referred be incorporated in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, August 12, 1969.

Dear Bill: Your diligent efforts through the years to ensure that the District of Columbia will enjoy a balanced transportation system are very much appreciated by all of us who are concerned with the welfare of our Capital City. As you know, I have previously expressed my desire that a fair and effective settlement of the issues involved in the transportation controversy be reached to serve the interests of all those concerned—central city dwellers, suburbanites, shoppers, employees and visitors. It is my conviction that those steps necessary for a fair and effective settlement have been taken.

The City Council of the District of Columbia has now voted in favor of a resolution to complete the requirements of a Federal Aid Highway Act of 1968. Immediately thereafter, the Commissioner of the District of Columbia directed the Department of Highways to implement immediately the requirements of the Act. The Secretary of Transportation has directed the Federal Highway Administrator to rescind the letter of his predecessor dated January 17, 1969, thus placing these projects back into the Interstate System. Furthermore, the Federal Highway Administrator has been directed to work closely with the Highway Department of the District of Columbia in order to continue work until completion of all projects and the study called for in the Federal Aid Highway Act of 1968. I trust that these actions will fulfill the criteria

XUM

which you set forth in your statement of August 11, 1969.

The District of Columbia Government is firmly committed to completion of these projects as the Federal Aid Highway Act of 1968 provides. I join the District of Columbia Government in that commitment, and I have directed the Attorney General and the Secretary of Transportation to provide assistance to the Corporation Counsel of the District of Columbia to vigorously defend any lawsuits which may be filed to thwart the continuation of the projects called for by the Act.

A balanced transportation system is essential for the proper growth and development of the District of Columbia. I hope that this evidence of tangible progress would permit us to assure the citizens of the District of Columbia that your Subcommittee will be in a position to approve the $18,737,000 deleted from the Supplemental Appropriation bill together with the $21,586,000 in the Regular Appropriation bill for the District of Columbia for Fiscal Year 1970.

With cordial regards.

Sincerely,

Richard Nixon.

Mr. COOPER. Mr. President, I shall not press the amendment, nor shall I call for a vote on it.

I do not wish to appear to be meddling in this situation. My interest in it grew from a very legitimate responsibility. I serve on the Public Works Committee. I am the ranking Republican member of that Senate committee. I help develop the Federal-Aid Highway Acts, which have been passed every 2 years. I resented very much, and I opposed very strongly, the proposition that in the case of the District of Columbia, the established procedures and uniform application of law could be bypassed.

The Federal-aid highway law provides, with respect to every State, that it shall lay out and determine its road system in accordance with local comprehensive planning, following public hearings. In my State, and I assume in every other State, there is a State highway department. The State highway department lays out a proposed road system. It holds hearings before which the people appear. It consults with local people. Then it submits for approval a road system. The function of the Bureau of Public Roads is to see that these roads meet Federal standards.

What I objected to last year, and the reason I voted against the conference report on the Federal-Aid Highway Act of 1968, and spoke against it in the Senate, was that the regular procedures required by Federal law and the procedures required under District of Columbia law were being completely ignored. This city had not approved that road system. The then Secretary of Transportation, Mr. Alan S. Boyd, said before our committee that he opposed it. He pointed out the evils that would result if the system were completed. That was the judgment of the people and officials of the District of Columbia.

But then, the House and the Congress, as can be seen from reading the statement of the managers on the part of the House in the conference report, thrust this highway system down the throats of the people of the city of Washington.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. COOPER. Let me finish first. Then I will yield.

That result seemed to have considerable support. The great metropolitan newspapers here did not oppose that action. So it was accepted, and now we are faced with the consequences.

I am not now trying to reopen what is past. I simply say it is a specter which could haunt us in the future. It upsets every ideal of the home rule concept—a concept upon which the Senate acted only yesterday. It upsets every concept of responsible local government, whether in the District of Columbia or throughout the Nation.

After the issue has been apparently settled, we now have this second offensive provision, which says, "If you do not go ahead with this road system, we will withhold all Federal funds from the District of Columbia, not only in this bill but hereafter." It is coercion. It is a club over the heads of the government of this city.

I certainly would not want such a thing to happen in my State. As I have said, I am a member of the Public Works Committee. I do not want to see such a provision in any bill that comes before us. That is the reason I have spoken.

I do not press my amendment. I think Senators understand the situation. I thank the Senator.

Mr. EAGLETON. I thank the Senator from Kentucky.

Mr. COOPER. Mr. President, I ask unanimous consent that the remarks I made in the Senate on this subject last year, on July 29, which include the letters from Secretary Boyd and Mayor Washington, be placed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

[Excerpt from debate on Senate passage of conference report: S. 3418, Federal-Aid Highway Act of 1968, Congressional Record, volume 114, part 18, pages 24033 through 24036.]

Mr. President, my final objection to the action of the conference is to that section which deals with the District of Columbia highway system.

In effect, the section directs the District of Columbia government and the Department of Transportation to construct within the District of Columbia certain projects on the Interstate Highway System.

We must get this matter clear. These are projects on the Interstate and Defense Highway System. They are multilane freeways within this city, massive and wide, with interchanges and access and exit ramps, and of limited access—which means they must be elevated or have overpasses to accommodate intersecting streets.

The first project is the Three Sisters Bridge across the Potomac River. Second, is the Potomac River Freeway, which I understand would be the leg from the Three Sisters Bridge, driving down into Georgetown and along the Georgetown waterfront. Third, is the east leg which, as I recall, continues the Southeast Freeway—already completed from the 14th Street Bridge eastward to a point south of the Capitol—east to and along the Anacostia River up to the East Capitol Street Bridge at the District of Columbia Stadium.

The conference directs that one east leg shall be constructed to the East Capitol Street Bridge, then beyond it past the Benning Road Bridge to Bladensburg Road. It also provides for what is known as the center leg in front of the Capitol, which shall be completed to New York Avenue.

First, on the merits, this section of the House bill is opposed by Mr. Boyd, the Secretary of Transportation. In response to my inquiry, I have a copy of his letter, addressed to the chairman of the committee which opposes construction of this system with the exception of the center leg to New York Avenue and of the east leg as far as the East Capitol Street Bridge. He particularly cites reasons against the construction of the Three Sisters Bridge.

In his testimony before the House committee, Secretary Boyd pointed out the fact that construction of the Three Sisters Bridge and the Potomac Freeway leads to nowhere, and if the tunnel should be built under the Lincoln Memorial, the Mall and the Tidal Basin it would be like a cannon shooting traffic into the Southwest Expressway, which is already trafficbound.

Mr. President, I ask unanimous consent that the letter from Secretary Boyd be included in the Record at this point. I ask also that a copy of the letter from the government of the District of Columbia, dated July 6, 1968, be included in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

"Office of the Secretary
of Transportation,
"Washington, D.C., July 19, 1968.

"Hon. Jennings Randolph,
"Chairman, Senate Public Works Committee,
U.S. Senate, Washington, D.C.

"Dear Mr. Chairman: Senator John Sherman Cooper called me early this week and asked me for information and my views upon the Interstate Highway System within the District of Columbia proposed to be constructed in the House version of the Federal Aid Highway Act of 1968.

"I testified on this subject before the House Roads Subcommittee and as I am answering Senator Cooper, I feel it is my responsibility to give you, as Chairman of the Senate Committee, my views.

"Senator Cooper asked me particularly for my views as to whether or not major problems would be encountered in the construction of the East Leg and the Center Leg.

"As regards the East Leg it is my understanding that no major problems would be encountered in its construction northward as far as the East Capitol Street Bridge.

"With respect to the Center Leg, there are important reasons why construction, cannot, at this time, proceed beyond New York Avenue. It is true that completion of the highway to Brentwood Road, N.E. would provide a usable road segment extending from the Southwest Expressway to Brentwood Road which would not prejudice future decisions to construct either a North Central Expressway or an expressway along New York Avenue. At some point along the Center Leg, however, an interchange will be required with the proposed North Leg. I have been advised by the District of Columbia Government that, because of the interchange problem, until a decision is made as to the location and design of the North Leg, construction of the Center Leg north of New York Avenue is not feasible. Accordingly, the District Government believes, and I concur in its position, that it would not be desirable, at this time, to legislate construction of the Center Leg beyond New York Avenue.

"With respect to the remaining elements of the Interstate System in the District, I do not think I should comment in detail on each project. In fact, during our investigation into the District highway program it has become obvious to us in the Department that it is not possible to make useful summary judgments about any of the projects individually. They must be viewed as parts of a system, the entirety of which—and not its individual components—must be designed so as to best meet the requirements of the city and the region. My position on two of the more controversial proposed projects illustrates, I think, the difficulties of viewing each project in isolation.

"The proposed South Leg tunnel is a case in point. As you know, this facility would funnel its traffic onto the Southwest Expressway, which is already overcrowded at peak hours and which was not designed with a South leg in mind. Because of this, and in view of the complexity of the interchanges would require in the Fourteenth Street area, I continue to believe that the South Leg is inordinately expensive relative to the benefits that would be realized from it. Attempting to graft it into the system would create more problems than it would solve, and I do not think it is a wise use of Federal funds.

"It appears to me that on no issue is the record more misinterpreted than in the case of the Three Sisters Bridge. There is no doubt that the construction of that facility poses serious questions with respect to its impact upon the environment. Leaving that aside, however, I think too little attention has been paid to its role as a link in the highway network of the metropolitan area. As I have said before, to construct the Three Sisters Bridge without at the same time making provisions for a North Leg, and an adequate downtown distribution system is to transfer a traffic jam from one side of the Potomac to the other. Construction of the Three Sisters Bridge as an isolated project will serve little purpose. It is for this reason that I maintain that the District Government must be allowed the flexibility to design and construct, as a package, a system for movement across the Potomac and along the waterfront and for both through movement and circulation in the downtown business district. I do not, therefore, think it would be desirable to require by statute construction of the Three Sisters Bridge.

"Finally, Senator Cooper asked about the assumptions made with respect to Potomac River crossings in the planning for Dulles Airport. I am enclosing a summary report on the assumptions that were made with respect to access from the District of Columbia to the airport. This summary is the result of a thorough investigation of the record of the public hearings held in 1958 on the airport and other relevant documents prepared during the planning process. It indicates conclusively that location of Dulles Airport at its present site was in no way based upon an assumption the Three Sisters Bridge would be constructed.

"If there is any further information that I can supply, please let me know.

"Sincerely,

"ALAN S. BOYD.

"Enclosure.

"GOVERNMENT OF THE DISTRICT OF COLUMBIA, EXECUTIVE OFFICE,
"Washington, D.C., July 6, 1968.

"Hon. JENNINGS RANDOLPH,
"Chairman, Senate Public Works Committee,
U.S. Senate, Washington, D.C.

"DEAR MR. CHAIRMAN: It was a great disappointment to the Mayor-Commissioner and the members of the City Council to learn that the House of Representatives, on July 3, passed H.R. 17134, including a section which requires the District of Columbia to build a freeway system in accordance with a predetermined master plan. It is our feeling that the transportation system within an urban community, especially the Nation's Capital, should be decided by the local government after an expression by the citizens of the community.

"The Mayor-Commissioner and City Council submitted, as the official position of the District Government, a provision which would have permitted the City Council, with the approval of the Mayor-Commissioner, to determine the highway pattern within our city. The language in the submittal of April 18 to the Honorable George H. Fallon, Chairman of the House Committee on Public Works, in part, provided:

"The Government of the District of Columbia believes that any legislation designed to overcome the effects of the court decision referred to above should include provisions to assure more meaningful citizen participation in the planning of Federal aid highways. Such citizen participation can best be assured if the final authority to determine the highway system to be built within the city rests with the District of Columbia Council as the body most responsive to the wishes and needs of the community. The deliberations and actions of the Council must, of course, adequately consider the views of the people who live in the city, as well as the professional expertise of the highway planners, and the recommendations of the National Capital Planning Commission. Accordingly, the Government of the District of Columbia believes that the final responsibility for the plan and general design of the city's highways should rest with the Council.

"In order to be free to exercise such responsibility the District Government must recommend against the enactment of H.R. 1600. Rather, we believe, the Council should be able to adopt a plan for the location, character, and extent of the District's highway system as well as approve individual highway project plans concerning alignment and design. Since much work has already been completed concerning alternative designs for various highway projects, the Council should be able, if it chooses, to consider various individual project designs at the same time it adopts an overall plan. Such simultaneous consideration on portions of the system could, in fact, facilitate more meaningful citizen participation and provide an effective solution to the city's transportation problems.

"The action of the House of Representatives would remove self-determination from our city government's authority. It is also regrettable that Congress would direct that a specific freeway system be built in *any* of the urban centers of our country.

"We respectfully urge that the House of Representatives and the Senate review this provision in conference and *remove* the mandate for a specific system in the District of Columbia.

"An identical letter has been sent to The Honorable George H. Fallon, Chairman, House Public Works Committee.

"Sincerely yours,
"WALTER E. WASHINGTON,
"Mayor-Commissioner.
"JOHN W. HECHINGER,
"Chairman, D.C. City Council."

Mr. COOPER. On the merits, the Department of Transportation and the Bureau of Public Roads opposed the construction of these legs.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. RANDOLPH. Mr. President, I wish to correct my friend. The Bureau of Public Roads does not oppose it. That was the Secretary of Transportation.

Mr. COOPER. I must disagree with my distinguished friend, because in the hearings there was testimony given against the construction of these legs from the Bureau of Public Roads. In fact, Secretary Boyd stated that Mr. Turner, the Director of the Bureau of Public Roads, used the expression, referring to the proposed south leg tunnel expressway, that it would "literally fire three lanes of traffic at three lanes which are already on the expressway."

Mr. RANDOLPH. That statement was in reference to the south leg, I believe, which is not in this conference report.

Mr. COOPER. That is correct. But they are all connected. If the Three Sisters Bridge and the Potomac Freeway are built, they must lead to some place. When they are built, it must be considered whether to tunnel under the Lincoln Memorial or in that area, and under the Mall and the Tidal Basin. The location of the proposed north leg, or the proposed K Street tunnel, must also be considered. Secretary Boyd's point was that all of this had to be considered as a whole. To construct the Three Sisters Bridge or several legs, without knowing what the total system should be, would be an improper way to proceed with the job. It could be very wasteful, and possibly not accomplish even the traffic objectives.

The city of Washington, through its Mayor-Commissioner and the Chairman of the District of Columbia City Council, in a letter dated July 6, 1968, given to the committee, opposes this program. The opposition is on the merits.

I do not believe the Committee on Public Works in the House, or the Committee on Public Works in the Senate—and I have great regard for the membership—has the technical or engineering expertise to lay out a system of roads in the District of Columbia. However, that is exactly what has been done. If one reads the report of the managers on the House side, it sounds as if it is an order given by a great construction firm as to the way these roads should be built.

My second reason for opposing this section is that I think it a bad precedent. Congress would be attempting to tell a local government how to plan its highway system. Briefly, it would direct the State highway department or, in the case of the District of Columbia, its Department of Highways, how to lay out projects and additions to its system.

The proper procedure, and one established procedure, is that public hearings are held to secure the advice of the people of the city or State, and then the decisions are made by the State and those decisions are submitted to the Bureau of Public Roads and the Department of Transportation. Usually without exception, the function of the Department of Transportation is to see that the highway system laid out meets Federal standards. There is more flexibility in the Department with respect to the Interstate System, because it is intended to have a national purpose and because 90 percent of the funds are paid by the Federal Government.

I oppose the section on District of Columbia freeways for one other reason. The people of the community should have the opportunity to voice their judgments as to the economic, social, and environmental impacts of the system, under a democratic process.

In this case, the U.S. Court of Appeals for the District of Columbia gave its judgment that the procedures provided by Congress with respect to the additions to the Interstate System within the District of Columbia had not been followed, and they enjoined any action under that proposal. The court said hearings should be held to give the people of the District of Columbia an opportunity to be heard.

The language which was proposed by the House simply states, in effect, that notwithstanding any law, and notwithstanding the decision of any court, "We direct you, Secretary of the Department of Transportation and the city government, to go ahead and build these roads as we want them built—no matter whether it be dangerous to the character of the city; no matter whether this is what the people want, the poor as well as the rich—go ahead and build them, as a few people sitting in Congress want them built."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. MANSFIELD. What special qualifications do the members of the Committee on Public

Works in the House have to entitle them to lay down dictum of that nature?

Mr. Cooper. There may be an engineer among them, but they do not have the expertise. They had hearings, and they heard testimony of a great many people opposing the system as well as those supporting the system, but still I do not think they have the expertise, nor do we. That is the reason Congress provided that the States lay out their State highway systems, and provided a way for the District of Columbia to make additions to its system. That procedure has not been followed on these highways.

Mr. Mansfield. On the basis of this precedent, if approved, does that mean that what has been directed toward the District of Columbia to accomplish could, by the same token, by appropriate committees of the House and Senate—in this instance, the House—be directed against the States as well?

Mr. Cooper. Certainly, because it is a precedent. I doubt whether they would. Perhaps, but I doubt they would tamper with the States. But the Federal Aid Highway Act provides that the District of Columbia shall be defined as a State, and therefore it comes under the same provision as any State.

Mr. Mansfield. Then the precedent would hold.

Mr. Cooper. It would.

Mr. Mansfield. If this committee wanted to say to the District of Columbia that the parkway given by the Glover-Archbold families is to be used for the purposes of getting through a line of concrete, would they have that authority?

Mr. Cooper. Yes; because there is the inherent power of Congress to override.

Mr. Mansfield. Then, as my distinguished colleague from Montana stated, what is the use of a private group such as the Glover-Archbold families, as an illustration, bequeathing to the District of Columbia, for use in perpetuity, a certain amount of acreage for recreational and other purposes? Is there no guarantee?

Mr. Cooper. No, there is no guarantee except Congress——

Mr. Randolph. Let me interject there to say that the Glover-Archbold Park is deeded to the District of Columbia for a specific purpose. If it were not used for that specific purpose, we would lose it.

Mr. Mansfield. But it is being used for that specific purpose.

Mr. Randolph. Nor would that use be violated by the recommendation of the conference report.

Mr. Mansfield. It is used as a recreational area, as I understand it, as it was intended. That use was not to be disturbed.

Mr. Randolph. It will not be disturbed.

Mr. Mansfield. It was to be given to the people of the District of Columbia in perpetuity. Some groups in this city, and in the Government, seem interested in building a freeway through that park.

Mr. Randolph. The Senator is correct. They were interested. We are not allowing it.

Mr. Mansfield. I am delighted again to have that assurance from the chairman.

Mr. Metcalf. Will my colleague yield to me?

Mr. Mansfield. I do not have the floor.

Mr. Cooper. I yield.

Mr. Metcalf. If the Senator will pardon the expression, it is just like a rider, the Glover-Archbold Park.

Mr. Randolph. Let me read the language. I have read it once before. I shall read it again:

"Immediately upon completion of construction of the bridge, the District of Columbia shall relinquish to the National Park Service the right-of-way through Glover-Archibold Park that it presently holds. The design of the bridge does not require intrusion on the park and the Congress directs that no intrusion of the park take place."

Mr. Cooper. Let me say, with knowledge and in frankness, that is why I am against the conference report, and shall vote against the conference report. In that section, we are saying—the Congress is saying—notwithstanding any other provisions of law, or notwithstanding any court decision or administrative action, we direct them to do this. We have the power to do it now, against the decision of the court, and against our own statutes.

Then, of course, in the future, Congress could direct them to run the highway through this park, or any other. I am saying that this part of the language is not law.

Mr. Mansfield. This is a dictum laid down by the House committee. Is this also the intent of the Senate?

Mr. Randolph. No, it is not. I have explained that on many occasions. We have an agreement on this matter.

Mr. Mansfield. We have this written report by the Senate. What we are quoting from is the House report.

Mr. Cooper. We will both agree that it was told to us, so far as it says now, as to laying down the proposal.

Mr. Randolph. What is proposed to be laid down will not go through the park.

Mr. Cooper. What I am saying is——

Mr. Randolph. It will be carried out in accordance with the application of the provisions of title XXIII of the United States Code.

Mr. Cooper. These actions are dangerous because they create precedents.

Mr. President, I am going to close by saying that not only does this section 23 prescribe certain directions with respect to the legs I mentioned, but it also goes ahead in the next paragraph, and directs the District of Columbia and the Department of Transportation to formulate plans regarding other segments of the road system spelled out in House Document 199 in the District of Columbia, and to report to Congress within 18 months. If they do not come back in 18 months, Congress will do with the remaining portions of the road system in the District of Columbia, contained in the document, what it does with the four segments designated in this act.

I do not pretend to know about the merits of these legs. If the proper procedure is followed, the bodies concerned might come up with the same project, even though the Department of Transportation has indicated to the contrary at this point. But I oppose the idea of Congress abrogating to itself the wisdom or the authority to attempt to lay down a road system in the District of Columbia, in any other State, or in any other city in the United States. I think it is a local matter.

In the Senate-House conference, I submitted an amendment, in which I was joined by Senator Jordan of Idaho, as a substitute for the language of the House bill. My amendment would have required that the Secretary of Transportation and the government of the District of Columbia designate necessary additions and modifications of the Interstate and Defense Highways System within the District of Columbia and proceed with their construction as soon as possible—but in accordance with the provisions of the Federal-Aid Highway Act, and of title 7 of the District of Columbia Code. But the House conferees insisted upon their own position, which resulted in the language now contained in the conference report.

I would say again to the Senate that the distinguished Senator from West Virginia, with the responsibility of being the chairman, worked to produce a bill which represented the best that could be done. I have said that many sections of the bill are innovative and valuable, and come before the country and the people for the first time. It is a matter of regret to me, that other provisions—one to add 1,500 miles, and particularly the imposition of a system on the District of Columbia—require that I oppose the conference report. Also, I do not like this attitude—and I speak with respect for the House—of attempting to amend basic acts dealing with conservation and beauty by bringing them to a conference, where the Senate conferees are not able to consult or seek the judgment of other members of the Public Works Committee, and where other Members of Senate have no opportunity to work their will.

I do not like the attitude that, because there is so much embodied in the bill, there might be an opportunity to thrust down our throats amendments which, had we surrendered wholly, would have repealed two great legislative conservation acts.

So, for these reasons, Mr. President, I reluctantly—and yet I am not reluctant about it, either, because I opposed these matters in conference—I shall vote against the conference report.

In closing, I do wish to speak again of the leadership of our chairman, Senator Randolph, in sustaining the Senate provisions wherever possible and in many important areas, and of the strong support I received and we both received Senator Jordan of Idaho, and Senator Fong, my Republican colleague, and all the Senate conferees.

Mr. Randolph. Mr. President, will the Senator from Kentucky yield to me, because that is the only way I can have the floor?

Mr. Cooper. I yield.

Mr. Randolph. I shall speak for only 1 or 2 minutes, Mr. President, I do not want to pass judgment. The Senator from Kentucky or the Senator from West Virginia may disagree on the solution of the conference report. I have high respect for my colleague, even though we disagree in this instance. It is a privilege to serve with him. I have been helped many times by his legal mind and his guidance in these matters.

I think the Senator knows that this was not an easy conference.

Mr. Cooper. No, it was not.

Mr. Randolph. I believe it was the most difficult one on which I have as yet served——

Mr. Cooper. I agree with the Senator.

Mr. Randolph. It was the most difficult one I have ever served in, and I have served in the Capitol for 24 years, 14 years in the House, with House conferees, and 10 years in the Senate, with Senate conferees. We brought out a bill which certainly the Senator from Kentucky did not want. I am sorry he will vote against the conference report. I did not want all aspects of it, either. But we will have lost much in these necessary programs if we do not vote this conference report favorably.

The PRESIDING OFFICER. Does the Senator withdraw his amendment?

Mr. COOPER. Yes; I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn, and the committee amendment is open to further amendment.

Mr. EAGLETON. Mr. President, I have an amendment, which I sent to the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from Missouri will be stated.

The Legislative Clerk. It is proposed, on page 55, lines 8 and 9, to strike the figure "$8,500,000" and insert in lieu thereof "$10,500,000".

Mr. EAGLETON. Mr. President, this is in the nature of a perfecting or housekeeping amendment. Pursuant to my original remarks, I pointed out that this delayed payment item was computed, based on the anticipated, but unrealized, goal that this bill would be decided and resolved and finally acted upon by September 30, 1969.

Having already passed that date, realizing that perhaps some days are ahead in conference and other legislative chores, we are anticipating now by this amendment that the bill will not become operative until October 30, 1969, a month longer than originally planned.

That being the case, based on the formula previously enunciated, to comply therewith the figure should be $10,500,000. That is the purpose of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. PROXMIRE. Mr. President, first I wish to congratulate from the heart the distinguished Senator from Maryland (Mr. TYDINGS), who is chairman of the Committee on the District of Columbia, which brought this bill to the floor of the Senate, and the distinguished Senator from Missouri (Mr. EAGLETON), who is chairman of the subcommittee and is handling the bill on the floor, for an excellent job and a very fine report.

Mr. President, one of the things that happen in this body is that usually new and young Senators are put on the District of Columbia Committee. I think that is a real favor to the District of Columbia, as exemplified here in the excellent ability and understanding of these two Senators. They have done a splendid job, and I think it should be recognized.

For some reason, the Committee on the District of Columbia is not considered to be exactly the most cherished committee of the Senate, but I think, because we have young Senators and new Senators on it, and those young and new Senators are men of extraordinary ability, the District is very well served, indeed. Certainly I congratulate both the Senator from Maryland and the Senator from Missouri on several things in the bill, but one which I would like especially to single out is the fact that the cigarette tax has been increased. The House of Representatives increased it from 3 to 4 cents, and, as I understand, the Senate Committee on the District of Columbia has doubled it from 3 to 6 cents.

I think this is good from the standpoint of public health as well as from the standpoint of increased revenues. As I understand, this tax will bring in an additional $2.5 million, whereas the House bill would bring in only a little more than $1 million. This is certainly a useful contribution.

The District of Columbia is about to embark on what may be the largest public works program any community in the United States has ever built. It proposes to do this at a time when inflationary pressures are extremely strong. It proposes to do this in the clear knowledge that the proposed subway and highway programs will bid up the price of skilled labor, of building materials, and of construction costs.

The proposed subway will cost at least $2.5 billion. Few people realize how much is involved and the enormity of that sum. Almost half of those funds, or 46 percent, are to be provided by the Federal Government. In San Francisco, the Federal proportion, by contrast, was only 8 percent.

It is now proposed that there be a first-year obligational authority here of about $240 million, or double what was originally contemplated. How inflationary an increase this represents can best be understood when it is recognized that this year's amount obligated for the subway is $14 million. So we are asked to explode our subway spending seventeenfold this coming year.

The subway is a good project. It is needed. But no one should fail to realize the tremendous costs involved. This is a public works project which will generate $3 to $4 of new spending for each $1 actually spent. Its impact comes when the orders are placed. Then contracts are let. Companies order new machinery and make new investments. Workers are hired. Concrete is poured, and the added funds work their way through the economy.

The subway, as badly as it is needed and as meritorious as it is, will nonetheless have an enormous inflationary impact.

This will come at the very time the President has directed all agencies of the Federal Government to effect a 75-percent reduction in new contracts for Government construction.

It comes at a time when the President has strongly urged State and local governments to follow the example of the Federal Government by cutting back temporarily on their own construction funds. Just this morning the Wall Street Journal reported that cities throughout the country expect to be hit and hit hard by the Federal cutback.

But here, in the District of Columbia, it is now proposed that both the first and second year funds for the subway be obligated in the first year. It is proposed that we obligate not $120 million, but $240 million.

But this is not all. We are now told by the distinguished Senator from Maryland and his committee, as we are told by the other body, by some of the city fathers, and by the local establishment, that we should also and simultaneously build a gigantic network of highway and freeway and bridge projects which have repeatedly been turned down by the citizens of this community and by the courts of the land.

We are told by the supporters of the praiseworthy subway system, the huge expenditures for which are very difficult to justify at this time, that we must add at least $370 million more in highway and bridge projects to the total. And the estimates for those funds are, in fact, low. For example, in the estimate the funds for the Three Sisters Bridge are given as $10.8 million. But as long ago as 1964, the estimated cost of that bridge project, including the land acquisition and the approaches on both sides of the river, were $60 million. The cost must now be at least $100 to $120 million for that project alone.

In addition, the building of these projects will generate even more road and highways in the District of Columbia. The Florida Avenue-U Street spur will be next, or there could be a fantastically expensive tunnel under K Street.

When these projected costs are added up, and when contingencies, rights-of-way costs, relocation costs, and other items are added to them, there are at least another half a billion in highway programs involved.

It is possible to justify the expenditures of $2.5 billion for the Metro. It is impossible to justify another half billion or more for unneeded and unwanted highway projects.

All of this directly contradicts the President's message. But, even more, it makes the Congress and the community both selfish and hypocritical. While we urge others to cut back, and indeed do cut back funds for projects elsewhere, funds for this community are vastly enlarged. We are talking about public works spending which will increase by 10 to 15 fold. We are not talking about a 5- or 10-percent increase. We are talking, for Metro, about increases of 17 times what has recently been spent.

Congress and this community are now justifying what may be the biggest and most grandiose public works projects ever built in any city in this country at the same time other communities are cut back. Congress and the community justify this for themselves, their friends, and their employees who live here, and yet expect the rest of the country to postpone their projects.

Such a double standard has seldom been seen before.

However, let me give a warning. This Senator serves notice that he will not take part in such a hypocritical undertaking.

To the degree that my subcommittee, the Subcommittee of the Appropriations Committee on the District of Columbia, can do so, it will be my intention to urge my colleagues to slow down and stretch out the subway program. I favor getting it started and off the ground. But I shall do everything in my power to help dampen down its inflationary effects. And the way to do that is to slow down the rate of spending.

In addition, to the degree that it is possible to do so, I intend to slow down the spending for those highway programs which are wasteful and which may well destroy the fabric of the Capital city of the United States. As Russell Baker wrote in the New York Times, on September 21:

> Great progress has been made on the long-range project for eventually covering (the) entire city with asphalt. A grotesque freeway of ineffable ugliness is being rapidly constructed right across Capitol Hill, and yet another bridge to carry yet another freeway into the heart of the city is about to be thrown across the Potomac.

At this time I call upon the District of Columbia Highway Department, as I have called upon the officers of the Metro, to come in with specific plans to cut back on the tremendous highway obligations in accordance with the spirit of the President's message. The Nation's Capital must do its part.

Let me turn to one other item. This is the second occasion when Congress has attempted to direct the building of certain freeways and bridges. I think the attempt in this bill is no more binding than those of the past. The fact is that these freeways and bridges cannot be built until certain specific requirements of the law are complied with. And those requirements are to be found in the court order of early 1968, in title 7 of the District of Columbia Code, and in title 23 of the National Highway Act itself.

The highway projects in this bill were the subject of a court decision. Essentially the court said that procedures which were required by the District of Columbia Code had not been followed. The court stopped the projects.

Later, last year, the 1968 Federal Aid Highway Act was passed. The bill contained a rider which directed the District of Columbia to commence work on the four highway projects also mentioned in this bill, within 30 days.

When the President signed the bill he pointed out that these roads should "be constructed in accordance with proper planning and engineering concepts and with minimum disruption of the lives of the District citizens."

He called the provision added by the House, "the most objectionable feature" in the bill. But, the President pointed out:

> Fortunately, the Congress has called for construction only in accordance with the applicable provisions of the Federal Highway law.

The President further wrote:

> If the authority of the Executive Branch were not so preserved, I would have no choice but to veto this bill as an infringement of basic principles of good government and Executive responsibility.

And he further went on that he had been advised that under the Federal highway law the Secretary of Transportation is required to approve construction only when certain conditions were met. Among these was the proviso that "These projects are shown to be appropriate links in a comprehensive transportation plan for the District."

Of course, that showing had never been made. As my hearings brought out only this week, no comprehensive plan for the District highways had ever included these four projects.

As a result the President directed the Secretary of Transportation and others to develop a comprehensive plan for a D.C. highway system. This was a condition of the President and which the law required.

A plan was developed. It was developed in December of 1968. But it excluded the Three Sisters Bridge. It excluded the North Central Freeway. And it considerably modified the two other projects.

As a consequence, the roads this bill mentions cannot be built until the clear requirements of the law have been met.

They certainly have not been met to date.

When further funds for these projects are requested—and sufficient funds have not yet been appropriated to carry them out—I intend to insist that all the provisions of the law and procedures be carried out before additional funds are appropriated.

Mr. President, I also find these sections an affront to the judicial system of the United States. Because of their inexact language, I doubt if they can have the effect of overcoming a judicial decree. But it is indeed ironic that many of those who have been calling for law and order are supporting the provision in this bill which attempts to tell the District of Columbia that it should disregard a proper judicial decree. In my judgment it fails in that purpose for an enormous number of legal and procedural reasons. But the rider in this bill, to say the least, is an affront to the judicial system, a travesty on proper planning concepts, and a hypocritical act by Congress.

Let me make one final point.

Today the District of Columbia proposed to raise the rent on 7,000 public housing units here by $10 per month or $120 per year. That act would raise $840,000 from the weakest, the poorest, and the least prosperous of all groups in the community.

This community needs 102,000 new housing units just to meet the terrible deficiencies which exist.

D.C. General Hospital is without proper facilities, adequate personnel, or buildings, investment or equipment. The Mayor's Economic Development Committee states that the city needs 1,500 additional hospital beds. It needs to add 7,900 persons to the hospital staffs. Major health centers and neighborhood clinics are desperately needed.

The Mayor's committee stated that 5,100 classrooms should be constructed.

Mr. President, all of these needs could be met for a fraction of the money in the Metro and highway program. Under section 235 of the Housing Act, a needy family can be housed for about $600 per year. For $60 million, or one quarter of the first year funds for the Metro, 100,000 needy families in the District of Columbia could be housed for an entire year. Yet, we have been providing new housing at the rate of only 3,000 units a year.

For a little more than half the first year funds of the Metro, or for the additional funds we are asked to give in the first year, all the classrooms needed in the community could be built.

The Mayor said yesterday that the horrible conditions at D.C. General Hospital could be remedied in the short run for about $4 to $6 million. Yet, it is questionable whether even those small amounts will be made available.

I say it is a travesty on our system of values and priorities to spend $240 million on the subway system this year and also insist that hundreds of millions of additional funds be spent on unneeded highways and bridges, while the much smaller needs for housing and schools and hospital beds go unmet.

This Senator, for one, will not be a party to such a flagrant act of misplaced values.

As the old saying goes—I believe Sam Goldwyn said it—"Include me out."

I yield the floor.

Mr. TYDINGS. Mr. President, we have now in Congress, because of our actions, delayed the beginning of the subway for almost 3 years. Every day we delay the beginning of the construction costs $250,000. Every year that we delay in going forward costs roughly $90 million.

Tens of thousands of the people who live in the District of Columbia and travel to work do not own automobiles. It is estimated that the first year the subway is in operation locally, at least one out of five of the District of Columbia job holders will use the subway to get to jobs in the suburbs alone.

Particularly in view of the increasing decentralization of the local economy, there is no more single important factor on improving the employment opportunities of persons who live in the inner city of Washington than a good regional mass transportation system.

A subway is indispensable. Regrettably some of the antihighway lobbyists in the last few years have been so zealous and sometimes unreasonable in their attacks upon any road program that they are and would be willing to scuttle perhaps the most vital single link in the transportation system, the Metro rapid transit system in order to stop a highway project they do not agree with.

My purpose is not to discuss the 25 miles of roads for the Washington, D.C., city area. It happens that these roads have been agreed upon by the City Council and by the National Capital Planning Commission. They will be financed by gasoline user taxes. It would not make any difference what the Appropriations Committee did so far as gasoline taxes are concerned. They are mandated to be used in this direction. However, what the Appropriations Committee does in the field of subway is vital.

If the Metro system does not begin this year, within a very few months in my judgment the mass transit system will collapse under its present financing plans because of inflation.

All of the essential referendums which have been approved by the local subdivisions in the area will have gone for naught. I remind the Senate that last year in cities all across the country, the local electorate turned down referendums for mass transit systems.

If the Metro financial plan collapses, all the Federal legislation and authorizations and the work of almost 10 years will have gone for naught.

I do not think we can run the risk of delaying this vital part of the Washington area transportation system.

All one has to do is to spend a little time in Los Angeles County—and I do not wish to make any derogatory comments about the great State of California or city of Los Angeles—to see what happens when government delays and delays and never goes ahead with a rapid transit system. Finally, the authorities find themselves with concrete on all sides and with massive parts of the city in concrete.

We have an opportunity now to go ahead with the rapid transit system for the Capital of the United States.

In respect to the financing proposal, the two-thirds local and one-third Federal formula, for financing the metropolitan rapid transit system for the Wash-

XUM

ington, D.C. area is the same formula for the National Mass Transportation Act.

The only difference is that the National Metro Act has not been adequately funded. As a matter of fact, the one involved here has not been funded either. However, we hope that will change this year.

Congress itself has caused the delay. Meanwhile the built-in factor in the Metro financial plan to account for inflation, will be, I think severely eroded by this year end.

I think it would be tragically penny wise, but dollar foolish not to go ahead with the transit system now.

With reference to the highway program it is interesting to note that in the two opinion polls taken this year, one by the chairman of the City Council, who opposes the Three Sisters Bridge, and one by the Oliver Quayle organization, the residents of the District of Columbia voted 3 to 2 in support of the Three Sisters Bridge.

But, without regard to that, my concern is not with the road program. My concern is with the building of a balanced transportation system. And the vital, integral unit in it is the subway system.

Mr. President, section 801 of H.R. 12982, the pending District of Columbia revenue bill, was agreed to by unanimous vote of the entire Senate District of Columbia Committee. The committee believes that retention of section 801 is essential to save the Metro mass transit system. We believe inclusion of section 801 by the Senate in this bill is an indispensable prerequisite to agreement by the House of Representatives to appropriate funds to construct the Metro transit system.

It has been my privilege to be associated with the Metro mass transit system for as long as I have been in the Senate. I chaired the hearings in 1966 on the interstate compact which created Metro and in 1969 on the separate legislation to authorize the Federal share of Metro's cost. I sponsored and floor managed both bills.

The Metro system is the well-planned, hard-won, critically important end product of effort begun in the Senate a decade ago by Senator ALAN BIBLE. Four times, in four separate laws, Congress has expressly endorsed the concept of the Metro system.

Now, the fate of the entire Metro mass transit plan hangs by a slender thread. Within a very few months, inflation will collapse the financial plan under which Congress and all the local jurisdictions have consented to the Metro system. All the years of planning, all the essential referenda in surrounding jurisdictions, and all the State, local, and Federal legislation to authorize and finance it will be invalidated.

A new financial plan will have to be drawn and agreed to by all the jurisdictions.

New referenda with uncertain results will have to be held in almost every suburban jurisdiction in order to approve more bonds to meet the new cost estimates.

The Federal financial assistance authorized by the Senate this year will have to be rewritten, reheard, and reenacted.

Many years will pass.

Meanwhile, the pressures for more and more highways will build inexorably. The Washington area's population will increase up to 30 percent by 1975, 60 percent by 1980, and more than 230 percent by 1990. If Metro construction starts today, the Metro service area's population will be as high as 4.4 million people by 1980, the year of Metro's completion, compared to 2.8 million today.

For every month Metro is delayed, thousands more area residents will jam existing highways and demand new ones.

If we lose the Metro, we will be condemned to total, choking reliance on the private auto. The question then will be not whether a bridge should be built, but how many.

The Three Sisters Bridge, of course, has been the primary sticking point which has blocked starting Metro construction. The House of Representatives has refused to appropriate Metro construction funds until that bridge and certain other highway projects are undertaken.

The House commitment to construction of the bridge is evidenced in the 3-year delay in the Metro start. It is also clear in the specific language of section 23(b) of the 1968 Federal-Aid Highway Act, which mandates the District of Columbia government to construct the bridge, to construct some relatively noncontroversial highway projects, and to study a portion of the proposed District of Columbia highway system known as the North Central Freeway.

Most recently, in the District of Columbia revenue bill, the House reaffirmed its intention to mandate bridge construction when it provided that no Federal payment can be made to the city until the bridge is undertaken.

So, the House refuses to fund the Metro until the Three Sisters Bridge is begun. And the Metro plan will be crushed by inflation within months.

If the Senate blocks the bridge, the Metro will be destroyed.

The committee faced this choice 2 weeks ago. We had to decide what to do about a provision in the House-passed version of the District of Columbia revenue bill. That provision, known as the Adams-Broyhill rider, requires execution of the District of Columbia highway plans contained in the 1968 Highway Act.

The Adams-Broyhill rider was inserted to assure proponents of the 1968 Highway Act in the House that the Metro money need no longer be held up to insure construction of the bridge or fulfillment of the remainder of the District of Columbia highway plan.

I can assure the Senate that members of the Senate District of Columbia Committee grappled with this particular provision and all its ramifications. At length, the committee voted unanimously to retain this provision of the House bill and so reported it to the Senate. Speaking for myself, I made my decision as chairman of the committee on these principal factors:

First, my own extensive conversations with the administration, with officials of the District of Columbia Government, and with Members of the House of Representatives convinced me that the House is prepared to insist on the highway plans even if it means losing the Metro.

Second, if we lose the Metro, or if it is delayed, we face an enormously greater demand for highways than anyone presently contemplates. Taking into account the geometrically increasing Washington area population, loss or delay of the Metro means more roads, more bridges, more displacement and infinitely more highway costs.

Third, public opinion polls indicate a substantial majority of District of Columbia residents will accept the bridge and the highway plan in order to get the Metro. These surveys include one taken by the Chairman of the District of Columbia City Council, who is himself a critic of the Three Sisters Bridge, and the North Central Freeway.

In fact, one of those polls, taken by the Oliver Quayle organization, indicates that a majority of District of Columbia residents favor the highway plan mandated by the 1968 Federal-Aid Highway Act and the Broyhill-Adams rider.

Fourth, the city government is complying with the Adams-Broyhill rider and moving ahead at full speed to construct the Three Sisters Bridge and to carry out the other provisions of the 1968 Highway Act.

Fifth, the Adams-Broyhill rider provides a continuing assurance to concerned Members of Congress that the city will pursue the 1968 Highway Act in good faith. Thus, the Metro funds, which were heretofore embargoed by the House to assure bridge and highway construction, could be released.

Sixth, the committee was assured by the District of Columbia government that the bridge will not intrude on Glover-Archbold Park or produce an added traffic burden in Georgetown.

I ask unanimous consent that a copy of the letter from the District of Columbia Department of Highways and Traffic containing these assurances be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. TYDINGS. Seventh, the committee recognized that the strongly held and frequently affirmed views of the House of Representatives assured a continued deadlock over the Metro unless the bridge is built and the north central freeway studied, as required by the 1968 Highway Act. The committee received indications from several sources that release of the Metro funds would follow our agreement to the Adams-Broyhill rider. The committee further believed that any other course, including proposed substitute amendments, would in the present circumstances destroy the Metro.

The Senate Committee voted to accept the Adams-Broyhill rider and to report the bill on Thursday, September 18. The committee report was filed in the Senate on Tuesday, September 23. On September 24, the chairman of the House District of Columbia Appropriations Subcommittee announced he would recommend release of the Metro funds.

Eighth, while individual members of the committee may have serious reservations about certain of the projects mandated by the 1968 Highway Act, all the members recognized the reality that the other House has strong feelings of its own on this issue which had to be taken into account. The committee believes that the vote for the Adams-Broyhill rider is an indispensable vote for the Metro system, a vote without which the Metro system will collapse.

Mr. President, the Metro system is incomparably important to the Washington area. The inner city resident will not be able to get a job without it, or the commuter will be condemned to costly traffic jams if it is not built. Downtown Washington will decay and the economic and social development of this area will be severely constricted if the Metro plan collapses.

Mr. President, on the basis of my 5 years' experience with the Metro, I must say that in my view, delay or loss of the Metro would be a tragedy without equal in the history of Washington, a disaster from which this entire urban area might never recover.

EXHIBIT 1

TEXT OF D.C. DEPARTMENT OF HIGHWAYS AND TRAFFIC LETTER

DEAR SENATOR TYDINGS: This is in response to your letter of September 23, 1969, requesting confirmation that construction of the Three Sisters Bridge will "not result in any direct inflow of traffic into the Georgetown area or in any incursion on Glover Archbold Park."

We confirm this statement. A description of the D.C. approaches and access points to the bridge is contained in the Conference Report accompanying the 1968 Federal-Aid Highway Act.

It is reproduced as follows:

"The westbound roadway will proceed as an elevated structure from 31st Street along the present Whitehurst Freeway to a point just west of Key Bridge where it will proceed under the existing C. & O. Canal to an alinement between the present Canal Road and Georgetown University. It will then proceed past the vicinity of the intersection of Foxhall Road and MacArthur Boulevard to join the westbound lane of the Three Sisters Bridge.

"The eastbound roadway shall proceed from the terminus of the existing completed elevated section of the Potomac River Freeway at 31st Street dropping as soon as possible, consistent with interstate standards, into a tunnel section under the Georgetown waterfront and proceeding westward under the C. & O. Canal to an alinement immediately parallel to the westbound roadway between the existing Canal Road and Georgetown University. The alinement will then proceed westerly to the eastbound roadway of the Three Sisters Bridge.

"In the vicinity of the Three Sisters Bridge there will be provided ramp connections to the proposed Palisades Parkway which is the extension of the already completed section of the George Washington Memorial Parkway. Provision shall be made for connections from the Palisades Parkway to the intersection of Foxhall Road and MacArthur Boulevard.

You will note that the above description makes no provision for connections between the bridge or freeway facilities and the streets of Georgetown.

"Canal Road which presently follows directly adjacent to the C. & O. Canal shall be relocated from Key Bridge to the intersection of Foxhall Road and MacArthur Boulevard by placing it between the Potomac River Freeway and Georgetown University on a high level which will overlook the beauty and splendor of the C. & O. Canal and this reach of the Potomac River."

The Canal Road alinement as described above generally follows the existing alinement of the D.C. transit car tracks now out of service. The car tracks are outside of the limits of Glover Archbold Park.

This project is now under design and the consultant will prepare plans and specification in strict accordance with this description.

Sincerely yours,

T. F. AIRIS,
Director.

Mr. PROXMIRE. Mr. President, once again I want to make it clear that I am not opposed to the subway. I am for the subway. But I think we have to recognize our obligation, just as every State and every city in America should, and we should recognize our obligation first.

The President has asked that public works construction be cut back 75 percent. This was a Presidential request. And it is effective in a number of cities. It is going to be more effective as time goes on.

Does the District of Columbia belong to the United States of America or does it not? This is one place where we really can determine whether or not construction expenditures and construction obligations are cut back.

My argument is that we should not start the biggest public works program in the history of the country, start it here, start it now, start it in such a whole-hog way that we take all the 1969 appropriations and all the 1970 appropriations and spend them now on a project in an area where there is a tight employment situation, where it is clear that this kind of expenditure is bound to result in bidding up prices of labor and prices of material. Much more important is the example that this gives the rest of the country.

How can we expect the Governor of Wisconsin or the mayor of the city of Milwaukee or of any other city in the country to take this Government seriously, that it means business about cutting back expenditures, when we go ahead with the biggest public works project ever and are unwilling even to slow it down?

I am not saying that we cannot have the subway program. I agree that we should start it this year. We should make it clear that we are going ahead. We should start construction expenditures this year, but I think it is a matter of degree and a matter of recognizing our own responsibility. If we do that, I think there can be a meeting of minds on this kind of action. But certainly it is not responsible, it is not fair, it is not honest, and it is hypocritical for us to say that we need this subway here—to say that we are going to use it, our employees and friends are going to use it, all the newspapers support it overwhelmingly, and so we are for it.

There is no logic behind that kind of argument when we recognize that inflation is our No. 1 economic problem.

First, of course, it is going to cost more if it is postponed indefinitely. I am not proposing to do that.

Second, every city council in America can make exactly the same argument: They should not postpone, because if they do, construction costs will go up 5 percent a year or 7 percent a year; it is going to cost more next year.

So if we mean anything about combating inflation by slowing down Federal spending, and that Federal spending is within our control, my argument is that we should slow it down on this particular kind of project.

Mr. TYDINGS. Mr. President, I might add that the President of the United States twice this year has put this item in his budget and it has been endorsed by the Bureau of the Budget since the President's anti-inflation message of September 4. The President has exempted the Metro from his 75-percent construction cutback request.

I might point out that we are merely trying to catch up and to provide the funding which Congress has not appropriated for the past 2 years.

This is not just another city. This is the Capital of the United States. Upward of 11 million citizens of the United States come here every year to visit Congress and to visit their Capital of the United States. So far as I know, with possibly two exceptions, this is the only national capital in the western world that does not have a rapid transit system.

I would hope that the Appropriations Committee would follow the recommendations of the President of the United States in this matter.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 12982) was passed.

Mr. EAGLETON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. TYDINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TYDINGS. Mr. President, I move that the Senate insist upon its amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon; and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. TYDINGS, Mr. BIBLE, Mr. SPONG, Mr. EAGLETON, Mr. PROUTY, Mr. GOODELL, and Mr. MATHIAS conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Missouri (Mr. EAGLETON), managed the District of Columbia revenue measure with the skill and ability of a Senator well seasoned in the legislative processes of the Congress. His articulate presentation and persuasive advocacy assured the passage of the measure with great efficiency and dispatch even in the face of some question concerning certain features of the proposal. Senator EAGLETON deserves our highest commendation.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Allen in the chair). On behalf of the Vice President, the Chair, under the provisions of Public Law 84–689, appoints the Senator from Illinois (Mr. PERCY) to attend the North Atlantic Assembly, to be held at Brussels, Belgium, on October 16–21, 1969.

The Chair also appoints the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Ohio (Mr. YOUNG), vice the Senator from West Virginia (Mr. BYRD) and the Senator from New Hampshire (Mr. MCINTYRE), to the North Atlantic Assembly.

ADJOURNMENT TO MONDAY

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 7 minutes p.m.) the Senate adjourned until Monday, October 6, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate October 3, 1969:

FEDERAL TRADE COMMISSION

Casper W. Weinberger, of California, to be a Federal Trade Commissioner for the term of 7 years from September 26, 1969, vice James M. Nicholson, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 3, 1969:

DEPARTMENT OF JUSTICE

Harry D. Steward, of California, to be U.S. attorney for the southern district of California for the term of 4 years.

Jack V. Richardson, of Kansas, to be U.S. marshal for the district of Kansas for the term of 4 years.

FEDERAL MARITIME COMMISSION

Helen D. Bentley, of Maryland, to be a Federal Maritime Commissioner for the remainder of the term expiring June 30, 1970.

CIVIL AERONAUTICS BOARD

Secor D. Browne, of Massachusetts, to be a member of the Civil Aeronautics Board for the term expiring December 31, 1974.

NATIONAL TRANSPORTATION SAFETY BOARD

Isabel A. Burgess, of Arizona, to be a member of the National Transportation Safety Board for the term expiring December 31, 1974.

HOUSE OF REPRESENTATIVES—*Friday, October 4, 1969*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God is love and he who abides in love abides in God, and God abides in him.—I John 4: 16.

O God, our Father, we, the Representatives of the people of this Nation, bow before Thee seeking strength for this day and guidance for these hours. Make this moment of prayer a moment when we are aware of Thy presence, a moment when we hear Thy voice calling us to lead our people in the ways of justice, peace, and good will.

Give to us a higher faith and a greater courage to seek to lift the lowly, to strengthen the weak, to encourage the discouraged, and to make this Nation a nation in which men are concerned about their fellow men.

God bless this America of ours and help us to live together with respect for each other and with love in our hearts: through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

LIMITATION OF DEBATE

(Mr. ECKHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Speaker, I rise here at this time to express a reaction to the debate on yesterday and to express a hope that in the debate today it will be possible for an individual to be permitted at least a 1-minute extension in order to answer questions. In this connection I wish to praise the gentleman from Michigan in withdrawing an objection that he made yesterday that I suppose was directed as a rebuke to the efforts to stop such debate. If debate on this floor is to be effective, it is going to be necessary to permit a dialog as well as an intermittent monolog. It seems to me as though the rules of the House do permit a man in the position of the gentleman from Michigan to make the objection he made, just as clearly as they permitted the other gentleman to frustrate debate and dialog by objecting to all extensions of time to permit questions and answers. Unless there is some restraint by the Member in exercising his power to object to the fullest extent, effective debate on this floor is frustrated, and this may be done at the will of a single Member of this House.

INCREASE IN AIR FARES

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, after a 3-percent increase in air fares earlier this year and a 6½-percent increase in air fares effective several days ago, I was appalled to learn that Secor D. Browne, President Nixon's nominee for the Civil Aeronautics Board Chairman, thinks that higher passenger fare boosts may be in order.

Mr. Browne said the Civil Aeronautics Board needs to help the airlines industry portray a "healthy picture" to the investment community to attract funds to pay for major equipment purchases.

This statement of Mr. Browne puts him squarely on the side of the investors rather than the air passengers he is supposed to represent.

The 3-percent increase earlier this year, the 6½-percent rate increase effective October 1, and the proposed 3-percent increase in the commercial air travel tax, coupled with the additional air travel increases suggested by Mr. Browne, will soon reverse the trend toward increased air travel.

Mr. Browne may achieve the distinction of being the first Civil Aeronautics Board Chairman to encourage the return to surface transportation. The appointment of Mr. Browne certainly does not appear to be in the best public interest. He has compromised his position as an impartial Chairman by clearly indicating his support of rate increases even before having assumed office.

I plan to protest Mr. Browne's nomination before the Senate Commerce Committee.

SWEDISH SUPPORT OF HANOI

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, the many fine American military personnel of Swedish descent serving valiantly in Vietnam must be tragically disappointed by the ungrateful and morale-defeating attitude of the mother country to which they bear close ethnic and emotional ties in her harsh snub to the United States. Sweden, the European haven for American deserters and draft dodgers, has just announced plans to support Hanoi to the tune of $40 million in loans and grants over a 3-year period. State Department information indicates that these are scheduled to begin next July 1. In other words "Sweden will roll the spit balls while Hanoi throws them."

Before Sweden can give these millions to an avowed enemy of the United States we should insist this "professionally neutral" country repay the balance of the $79.1 million borrowed from the Export-Import Bank which is wholly American supported. Even though amendments to the Export-Import Bank legislation demand a complete credit cutoff to any country aiding North Vietnam, those provisions do not go into effect before the fact, and Sweden could continue to borrow hard-earned American dollars until next July. Furthermore, Swedish Foreign Minister Torsten Nilson said that after North Vietnam Sweden would greatly increase its aid to Cuba.

The United States has always considered Sweden a friend worth aiding both financially and with favorable trade agreements, but it is the height of folly for this country to support those who give aid and cash comfort to our enemies.

Apparently this friendship is a one-way street.

A FREE-TALKING NONVOTING SENATOR FOR THE DISTRICT OF COLUMBIA

(Mr. ABERNETHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERNETHY. Mr. Speaker, while en route home last night I had the radio of my car on. I heard from a newscaster that the other body had on the day before taken the very unusual and presumptious step of passing a bill to enlarge the House of Representatives. If any Member of the other body consulted with Members of this body about the enlargement of the House then I know nothing about it. On inquiry made of several this morning I found that they knew nothing about such a move.

In any event, on reaching the office this morning I checked the Record and found that, just as the radio man said, a bill had passed the other body to place a free-talking, nonvoting delegate in the House of Representatives for and on behalf of the District of Columbia.

I also noticed that Members of the other body were so impressed with this measure that they passed it without any debate or any discussion whatsoever. It was merely called up, read a third time, and passed; and that was that.

A delegate for the District might be a good thing. On the contrary such might be a nuisance, as many over this way feel. If, however, the District is to have a delegate in the Congress, I am sure our friends in the other body would want the District to have the very best. This gentleman would represent approximately 850,000 people, a number equal to more than the population of several States of the Union which have two Senators.

The other end of the Capitol has so much more to offer a free-talking, nonvoting delegate. Office space over there is considerably more commodious. Their office staffs are much larger. I went over and took a fresh look at their Chamber this morning. They have a considerable amount of space that is not being utilized. They have excellent floor desks, while we have only simple seats in this Chamber. A free-talking, nonvoting delegate would fit so nicely into that vacant space and one of those fine desks. Furthermore the opportunity to talk over there is greater than the opportunity for such in the House. Debate is not limited and once the delegate gets the floor he can talk, and talk, and talk. It is also to be noted that the acoustics over there are much better than in the House. Thus, in that body the delegate would have a much better opportunity of being heard. It is also worthy of note that committee meetings are frequently televised. This would offer the delegate a greater opportunity for publicity.

If a District delegate were authorized for the other body he would have a 6-year term, whereas in the House he would have to run every other year, which I think would be a bit degrading for one who represents such a large and enlightened constituency as the District of Columbia.

So in order that the District of Columbia may have the best, I am introducing a bill this morning to place a free-talking, nonvoting delegate in the other body, who shall take his seat over there for a 6-year term on being so elected by the citizens of the District of Columbia.

But before this measure is considered by the Members of the House of Representatives, I would recommend that Members of the other body be accorded an opportunity to express their views thereon in appropriate hearings before the House District Committee. And I would certainly recommend that the bill not be called up and considered in the House until the other body had first passed such a measure.

AUTHORIZING APPROPRIATIONS FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, 1970, AND RESERVE STRENGTH

Mr. RIVERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14000) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 14000, with Mr. Rostenkowski in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, it had agreed that title II of the bill would be considered as read and open to amendment at any point.

Mr. LEGGETT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 197]

Alexander
Annunzio
Ashbrook
Aspinall
Barrett
Belcher
Bell, Calif.
Berry
Bolling
Brock
Brooks
Brown, Calif.
Bush
Cahill
Casey
Celler
Clark
Clawson, Del
Clay
Colmer
Cowger
Cramer
Daddario
Davis, Ga.
Davis, Wis.
Dawson
Delaney
Dent
Dingell
Dulski
Edwards, La.
Erlenborn
Fallon
Flowers
Ford,
William D.
Fuqua
Gallagher
Gibbons
Gray
Green, Oreg.
Hagan
Harvey
Hathaway
Hays
Henderson
Holifield
Hull
Jacobs
Kirwan
Kyros
Lipscomb
McClure
Marsh
Martin
Mathias
Mills
Mink
Minshall
Morse
Morton
Mosher
Murphy, N.Y.
Obey
Pelly
Pepper
Pickle
Pollock
Powell
Quillen
Reid, N.Y.
Rhodes
St. Onge
Saylor
Snyder
Staggers
Sullivan
Talcott
Teague, Tex.
Tunney
Whitten
Winn
Young

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Rostenkowski, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14000, and finding itself without a quorum, he had directed the roll to be called, when 348 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. KING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to pay tribute to the distinguished chairman of the Armed Services Committee, the Honorable L. Mendel Rivers, of South Carolina.

During my service on this committee, I have spent literally hundreds of hours in committee sessions, thus giving me an opportunity to closely examine his stewardship. Fairness has always prevailed. Every member, without exception, has been allocated time not only to question witnesses but to express his basic personal philosophy in regard to the various elements of national defense. As one who sits on the minority side, I am pleased to say that in the committee there is never an element of partisanship. He works under the assumption that national defense transcends politics. It has been my pleasure to serve on the committee during both Republican and Democratic administrations, and to watch the response of the chairman to the requests from both administrations. Under his leadership, the committee has challenged basic premises forwarded to us by both administrations. Contrary to the expressed statements of some, this committee is not and has never been a rubberstamp for the Pentagon. The only thing that we try to insure is the best security posture available for our national defense.

To achieve this nonpartisan spirit is due in large part to the leadership of our chairman, whom I consider one of the hardest working and most dedicated men in Congress.

During these last few days, we have seen his immense knowledge of national defense matters. This is based upon his many years of specialization while a member and, later, chairman of the Armed Services Committee. Not only does he understand the past and the current situations but he also has an insight into the national defense required for the future.

This bill that we are considering reflects his view as well as the view of the majority of our committee as to the defense needs in the middle and late 1970's.

I, for one, commend his leadership and publicly acclaim that I am happy to be a part of a committee of which he is the chairman.

Mr. LANDRUM. Mr. Chairman, I

move to strike the requisite number of words.

Mr. Chairman, it is a great pleasure to join the distinguished Member from New York, a member of the Armed Services Committee, in paying tribute to the fine leadership Mendel Rivers provides for the Armed Services Committee of this House.

Down through the years of its life the Armed Services Committee has enjoyed distinguished, effective and forceful leadership. The illustrious predecessor of the present occupant of the chairmanship of the Committee on Armed Services was a Georgian who served in this House longer than any other man, 50 years.

Carl Vinson, still alive, active, keenly alert to all of the problems of the day, and everyday thinking in terms of what his beloved Armed Services Committee is doing, is basking in the sunlight of the success of its distinguished chairman, for Mendel Rivers was one of Carl Vinson's most beloved associates and one of his really effective Members.

I am glad to see this committee, at this critical time in our history, continue to have the constructive leadership it has had over the years of its history. I am glad to join the gentleman from New York in publicly acclaiming my respect for his achievements as chairman, for the candor with which he presents the facts to this House, and for the effectiveness which he continues to bring to this important committee.

If I might add, in a facetious way, perhaps, the one thing I see lacking in the present chairman's leadership of the committee is his not taking advantage of the lesson he should have learned from his predecessor, Mr. Vinson. It was said that Mr. Vinson often had trouble with some of his Members, and that when he did he just issued a travel authorization and put them in orbit around to various points over the globe. The story is told that one day, up in the Rules Committee, when the distinguished former Member, Howard Smith, its chairman, said, "Now, Mr. Vinson, I understand you rule your committee with an iron hand," he replied, "No. No. I do not do any such thing." "But," said Judge Smith, "Mr. Vinson, I understand that when one of your committee members gets a little out of line, a little obstreperous, you just send him around the world some place and get him out of the way." And Vinson replied, "That is right. That is right. I have got three in the air right now."

Mr. BRAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at times in debate it is only natural that we should become irritated and say things that we should not. There have been things said on this floor in this debate that should never have been said. There have been Members who in debate have made remarks alleging that they were unfairly treated in the Armed Services Committee. Their statements should never have been made for these statements are not factual. I want to say that I have been on that committee for about 17 years, and I have served under three chairmen, each of whom were great and dedicated Americans. I further want to say also I have never seen a member treated unfairly on that committee. As for this legislation, if anyone wants to look over the hearings, they will see that the members who are alleging unfair treatment, as to the lack of time they were given, the record will describe that these members actually took up more of the committee time than anyone else did on that committee. I do not want to be critical of them. They are fine gentlemen and friends of mine. But I believe in all fairness to themselves, to the Armed Services Committee and to this body, that they should admit the error before this debate finishes. I have not always agreed with the chairman of this committee, the gentleman from South Carolina (Mr. Rivers), but I want to say that at times I have disagreed with him but I have always been treated fairly. I am proud to be a member of that committee and I am deeply proud to serve under his leadership. He is a great American and a capable, fair dedicated leader. Further than that I want to say—and perhaps all of you are not aware of this—that there is no such thing as minority and majority counsel on the Armed Services Committee and there never has been. When we go into that committee we try to set aside partisan politics. We may have made mistakes, but I assure you it has not been mistakes from the heart. I thought maybe it would be a good idea to pour a little oil on the troubled waters before any unfair remarks are made in this body about a committee which I am deeply proud to serve on and I am deeply proud to serve under those three chairmen.

Mr. SATTERFIELD. Mr. Chairman, near the close of business yesterday there was an interesting colloquy between the gentleman from Washington and the gentleman from New York. Since it raised a question as to the justification for the F–14 it indirectly raised a question as to the need for our naval attack carrier forces.

I have listened to this debate and I have read during the past several months the arguments of those who seek to prevent or to delay the construction of two nuclear aircraft carriers of the *Nimitz* class.

It seems to me that these arguments, by and large, reflect a failure to comprehend or to appreciate the task and the effectiveness of our attack carrier forces. Moreover, they seem to reflect a natural reaction of those who are land oriented with the result there is a fatal failure to properly consider the strategy required to protect our national interest in our world, the area of which is 75 percent water. These arguments seem to ignore the fact that our Nation is in essence an island in these seas. They seem to ignore the fact that unlike the Soviet Union, mainland China, or Germany in World Wars I and II, we have no contiguous land mass over which we can move to protect our national interest and over which we can transport our supplies.

The incontrovertible fact is that the United States is forced to rely upon a free use of the seas for the importation of vital resources and the implementation of its international policies. Our current experience in Vietnam offers a sterling example of this latter fact where, despite our tremendous technological developments in airlift capabilities, 98 percent of all of the men and material delivered to that area have been transported there by sea.

This Nation, if it is to be strong, has no choice but to keep world sea lanes free and open to its use. I fail to see where there is any realistic argument to the fact that the primary means of providing the offensive and defensive power essential to achieving and maintaining that use is the naval attack carrier force.

I am frankly amazed at some of the arguments we have heard during this debate which reflect a complete lack of understanding of the operations of an attack carrier force and its flexibility. One example of this occurred yesterday during discussion of the F–14 aircraft for the fleet. At one point a serious inquiry was made, obviously questioning the need for an up-to-date fighter plane for the fleet, as to what potential carrier threats do we face and what potential enemy fleet is there against which we would use a new fighter aircraft. Obviously this question deals with but a small part of the issue. It ignores completely the multiuses to which a carrier based fighter aircraft can be put. They are fighter planes, yes, because they possess the capability to engage enemy aircraft in aerial combat, but they are also available for air and sea search and reconnaissance, for defense of the fleet whether attacked by sea or air, as delivery vehicles for bomb, rocket, and strafing attacks as well as a vehicle for the close air support of ground forces.

Furthermore, it should be clearly understood that preparation for engagement with an enemy fleet is only part of the task of our attack carrier forces. They must be able to successfully engage and dominate land based aircraft of a potential enemy not only to properly defend itself but to establish air superiority in hostile areas when needed so as to permit amphibious operations, debarkation of troops and material on foreign soil and to permit the development of land based airfields for use by the Air Force.

I do not intend to depreciate the need for or the effectiveness of submarines, the Air Force, the Army or the Marines or our amphibious forces. If we are to remain strong we need them all. What I do say, however, is that unless we insure the use of the seas and unless we maintain an effective attack carrier force necessary to that objective, the full effectiveness and deployment of all the rest of our Armed Forces will be dangerously crippled.

Isolated as we are by oceans and seas, we have no realistic alternative to the attack carrier forces in terms of mobility and flexibility. It is a fact that aircraft based aboard an attack carrier force can reach those areas on our globe which are inhabitated by 95 percent of the earth's population and which include 85 percent of the areas included in our contingency plans. There is no alternative force which can perform a similar task.

Our attack carrier forces afford this Nation with a full range of options running from the mere establishment of presence or show of force to engagement in conventional warfare and to participation in nuclear holocaust. There is no alternative force or system which will afford a similar range of options.

The attack carrier force is free to move without the necessity of international agreement or contention with local political threats. No other force or system has this capability.

The nuclear attack carrier force has the ability to move to any area of the world to carry out national policy while maintaining the capability to defend itself by its mobility, its weapons systems and its aircraft. No other force or system possesses the same capability.

Construction of CVAN–69 and CVAN–70 is vital to our future ability to utilize the sea because each of them is scheduled to replace smaller aircraft carriers which primarily due to their advanced age are less effective than their replacements will be. Indeed the deficiencies that flow from the aging of our current attack carrier force is more than evident in the fact that of the 15 carriers now assigned to that service, seven are of World War II vintage and five will be unable to utilize the aircraft needed in the 1970's to assure us superiority of our potential enemies.

We cannot afford to permit our attack carrier force to continue to age without replacement nor should we refuse to employ new technology which will modernize that force commensurate with modern military requirements.

The best assurance we have against war, particularly general war, lies in maintaining that high degree of strength which will deter our potential enemies from attacking us. If we fail to maintain, as an integral part of that strength, an effective modern attack carrier force then all of our other efforts in this direction will no longer be credible.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEGGETT: On page 4, line 5, after the words "Air Force," strike "$3,241,200,000" and insert "$3,218,200,000".

Mr. LEGGETT. Mr. Chairman, I do not think I am going to take 5 minutes to explain this amendment. I think this debate is almost all over but the shouting. In this last research and development title we have only amendments amounting to less than $100 million left in the $21.5 billion bill. My effort in this amendment is to strike $23 million for the AMSA research and development aircraft. I am not against an advanced manned supersonic attack aircraft. I think we should have a bomber capability and a good bomber capability into the indefinite future. I support a manned capability to complement our ICBM system and similar other capabilities. However, the $23 million for this program was added as an afterthought by the DOD. The original budget item in the beginning of the year was $77 million. I think that the House should understand that we are sowing the seeds in this amendment here and in this particular provision for a rather phenomenal expenditure in the foreseeable future.

The advanced manned supersonic bomber really is urged, I guess, or the acceleration is urged by a lot of people who are disappointed that we abandoned the B–70 bomber some years ago. It seems very sensible to me. The fact is that on the B–70, unfortunately, we missed the true concept, and we spent $3 billion on the airplane. We built three of them, one crashed, and one is in a museum. But this was a big airplane. It was valueless because it could not go supersonic at a very low altitude, and we felt it would be a sitting duck in the middle 1970's or 1980's when we needed this kind of capability.

So now we are moving ahead again, trying to rectify that error, and I think we should. But when we move too fast, as we did, I believe, with the C–5A aircraft—and you look at the majority report and at their explanation on why we spent $1.5 billion overrun on the C–5A development, and they say it is because of the fact that we moved too fast; we moved too fast in the development program, and we did not wait for all of the tests.

I would say that if you accept my amendment we are still left with $77 million to develop the AMSA aircraft.

I am not making the same amendments that have been made in the Senate against any manned bombers in the seventies. But I think we to go slow, because when you build a 400,000-pound aircraft and you try to make it go supersonic on the deck—I would anticipate that the total cost for this airplane, which is going to be at least five times the size of the $15 million F–111 bomber, that we now have coming into inventory, we are going to run up a cost of between $50 to $80 million a unit. We need 250 of these, if we need any, so we are talking about an expenditure in the next 5 or 6 years around the order of $15 to $20 billion. I do not believe we should rush headlong into this expenditure, because it is going to hypothecate the taxes of our children for a very long period in the future.

I believe also if anybody on this floor is interested in economy, this is the place to economize.

I know it has been said that the Soviets have miscellaneous types of bombers, and the doctor—Dr. HALL— is quite right in talking about the things that they have, but they are all one-way bombers, if they want to bomb the United States, and I do not think they are going to do that, they do not have the 6,000-mile-range bombers we have at the present time.

I think we need it, but I do not think we need it quite as fast as some think we do.

Mr. CONYERS. Mr. Chairman, will the gentleman yield for a question?

Mr. LEGGETT. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, can the gentleman advise the Members if the Russians are going ahead with any modern strategic bombers? Does the gentleman have any information on that?

Mr. LEGGETT. I understand the Soviets do not have long-range strategic bombers at the present time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RIVERS. Mr. Chairman, we oppose the amendment. I said before the Committee on Rules that the Russians do have a bomber.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment close at this time.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CHARLES H. WILSON. Mr. Chairman, I want to commend our chairman for the inclusion of authorization for development of a modern, inexpensive free world fighter. For many years we have supplied fighter aircraft to a number of free world countries under the military assistance program. Many of these aircraft were older U.S. types which are not obsolete and which would be no match for the Russian Mig in an air-to-air encounter.

It is estimated that there are now over 3,000 Mig fighters of various models in the hands of Communist countries, including Southeast Asia. Any Mig over its home grounds, under ground intercept control, is a formidable defensive fighter. It has given a good account of itself against our first-line fighters in Southeast Asia. On the other hand we do not consider the Mig's to be offensive aircraft since they don't carry much of a bomb load very far.

It is now necessary to modernize the free world forces so they may execute their defense responsibilities in the interest of their own national security.

It is also in our national interest and in support of our national policy, as part of the modernization of the free world forces, that a tactical fighter aircraft be provided to them that is capable of doing the job against the Mig. It must also be easy to maintain and be within the overall means of all of our allies to own and to operate. It must be an aircraft whose very presence is a deterrent and should this deterrent fail posses capabilities sufficient to handle any intruder. It must be a competitor to foreign-developed aircraft which are now being sold to those allied countries who can pay for their own defense requirements. But many free world nations, now equipped with old and operationally deficient tactical fighter aircraft are facing Communist bloc air forces equipped with significantly greater numbers of modern Soviet aircraft.

While there has been some modernization of friendly air forces, the Soviet bloc is already far ahead in this area. Over 500 MIG's were in North Korea at the time of the *Pueblo* incident. Moreover, the Russians have followed a continuing policy of increasing the quality and quantity of the tactical aircraft provided to the nations they support. They have done this because they recognize that it is far more effective and cheaper than deploying their regular air force units to their satellite countries. This is clear evidence of a worldwide plan to use fighter aircraft to support their political objectives.

In 1952 the Congress voted $6 billion for military assistance. The fiscal year 1970 budget request is for $375 million, for which only $98 million is for air force. Many of us are gravely concerned by this drastic curtailment in our military assistance funding. For us to diminish our presence in Asia without concern for the ability of the free nations of Asia to defend themselves is unthinkable. This is especially true now at this important point in history when a relatively small investment by us in assistance to them to strengthen themselves can yield so much.

A fighter intended for home air defense can be fairly small and simple. It does not need complex radar aboard, for it can depend on instructions from ground-based radar—GCI—to direct it toward the intruding aircraft. An offensive fighter, on the other hand, must be capable of operating deep into enemy territory outside the range of its ground radar control; to do this at night or in foul weather, requiring it to have complex avionics on board. It must also have a large fuel capacity for long range, thus making it a heavy and more expensive aircraft. I do not propose this type of fighter for South Vietnam.

The Department of Defense has informed me of the need to procure a new fighter suitable for the tasks I have described. It is the Department of Defense estimate that such a fighter could be available for service operations within 2½ to 3 years given early authorization to proceed.

To expedite this program the committee proposes in the bill before you $48 million for R.D.T. & E. and $4 million long lead procurement for a new free world fighter. This will lead to availability of a fighter that will have excellent performance and economy of operation and maintenance. If we do not produce an inexpensive fighter for the tasks mentioned above, we will find it necessary to furnish very expensive, sophisticated aircraft such as F–4 or F–15 types to the free world countries needing assistance.

The ultimate quantity to be needed is considered sufficient to assure relatively low unit cost, on the order of half of what the United States is now paying for its sophisticated air-to-air fighters. If we do not have a modern but relatively inexpensive fighter available for sale to our allies who can afford to upgrade their own air defense capabilities they will turn to aircraft designed in other countries.

I strongly urge the approval of this authorization for a new free world fighter. Our allies have some modern aircraft but it must be recognized that the bulk of their tactical aircraft inventory is made up of aircraft which cannot operate in an active Mig environment. There is a need now to provide our allies with a tactical aircraft inventory capable of neutralizing the Mig–21. Our aim and theirs should be to increase their capability, individually and collectively, to contain their own local threats and to make permanent deployment and involvement of U.S. Air Force unnecessary. If we in the future are able to reduce the expensive deployment of our own air forces around the world, it will only be because we equip those nations showing a will to defend themselves with tactical equipment having performance adequate to the need and within the resources available them.

If we are to achieve this objective of reducing deployment of U.S. military forces in Asia it is essential that the provisions of this bill be passed. And that the proposed amendment be defeated.

Mr. FRASER. Mr. Chairman, I demand a division.

PARLIAMENTARY INQUIRY

Mr. LEGGETT. Mr. Chairman, a parliamentary inquiry. Is the Chair counting Members now who are opposed to or in favor of the amendment?

The CHAIRMAN. The Chair is counting Members who are in favor of the motion of the gentleman from South Carolina that debate now close on the amendment.

The question was taken; and on a division (demanded by Mr. Fraser), there were—ayes 53, noes 21.

So the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Leggett).

The amendment was rejected.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Leggett: On page 4, line 5, after the words "Air Force," strike "$3,241,200,000" and insert "$3,189,000,000".

Mr. LEGGETT. Mr. Chairman, this is the Freedom Fighter amendment which would cut out $52,000,000 apportioned for the alleged world Freedom Fighter.

(Mr. SIKES asked and was given permission to extend his remarks at this point.)

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment. The addition of $52 million by the Armed Services Committee is for the development of an inexpensive aircraft that we can furnish our allies around the world through sales and the military assistance program. This is, in my judgment, a wise move, and one which should be applauded—not criticized.

The committee can see the handwriting on the wall just as we all should see it. If we do not develop a free world fighter that can be economically produced, economically maintained, and yet will give the defense necessary to our allies, we will have to furnish them with the very expensive, very sophisticated types such as the F–4, or the new F–15. This would not be sound economy even if we and our allies could afford it.

Recently, the United States has lost foreign sales to competition from France, Sweden, and Russia. The development program supported by the committee's add-on will improve our ability to compete favorably with aircraft produced abroad. For example, the French Mirage has been sold to several countries in South America. Russian Migs have been made available to nations which once looked to us for weapons.

The Deputy Secretary of Defense wrote Chairman Rivers on September 24 setting forth the need for the development of this type of aircraft. Secretary Packard said:

> We believe this is an important program and we hope your Committee will approve this program in connection with its action on the bill.

The Air Force has been assigned the responsibility for the development of this free world fighter. It is necessary that this committee add-on be approved so that they—Air Force—can proceed expeditiously with the program. They cannot be expected to take the development money "out of their hide." It just is not to be found in today's tight budget.

By the development of a modern, high-performance aircraft with a reasonable price tag, the United States will have the opportunity of reclaiming, or at least competing for, a substantial portion of the foreign military sales market which recently has decreased considerably. Not only will this have a favorable impact on the balance-of-payments problem, it would hasten the modernization of the free world air forces, particularly those countries to which we have a heavy commitment such as Korea, Taiwan, and South Vietnam. We will help to keep nations on our side. The authorization proposed by the Armed Services Committee does not call for any particular aircraft or aircraft manufacturer to be considered. It does not give prior approval to any aircraft design, but would leave the Air Force completely free to develop competition for this badly needed fighter.

Modernization of U.S. and allied forces is the great need of the hour. This is a step toward that modernization.

Mr. RYAN. Mr. Chairman, the amendment offered by the able gentleman from California (Mr. Leggett) to delete funds for the so-called Freedom Fighter deserves the support of every Member of this body who is concerned about the overreaching power of the military-industrial complex. The $52 million included by the committee at the last minute for a plane, which the Air Force does not plan to use, is a blatant example of that power. It is an outright subsidy to a defense contractor—Northrup Aviation—to build a modified F–5 fighter plane for sale abroad.

The Defense Department did not request any funds for this plane in its budget. However, when DOD decided not to seek a fifth squadron of C–5A's, $52 million became available. After a telephone conversation between Secretary Packard and the chairman, the Armed Services Committee transferred the C–5A moneys to the F–5 Freedom Fighter. Although Secretary of Defense Packard backed this conversation up with a letter to the chairman in which he said in order to develop this plane between $40 and $60 million would be needed "depending upon when appropriations are available to us," but only "$4 million for long-leadtime items for fiscal year 1970."

Thus, $52 million have been added to the bill for the F–5–21. However, the commitee has been given no written explanation of costs for the plane.

In March the committee supported a similar subsidy to Northrop Aviation. At that time, the committee added $14 million in the supplemental military procurement authorization bill for fiscal year 1969. The Department of Defense has neither requested the funds in the budget nor asked the committee for them. Since the Senate did not act on that proposal, it is before us again in a larger sum.

In the hearings on the fiscal year 1969 supplemental procurement authorization at page 535, Gen. Durward Crow, the director of the budget for the Air Force, said concerning this plane:

> We are not asking for authorization, sir.

At that time the impetus for the request for the additional $14 million authorization apparently came primarily from the chairman of the Armed Services Committee.

The money in that supplemental was to be used, in Chief Counsel Blandford's words, as an "initial increment for the retooling of the Northrup Aviation plant to go from the production of F–5's to the production of F–5–21" which entails, among other things, a new engine, better radar coverage, and the installation of two machineguns.

The Department of the Air Force, according to the testimony of General Crow, has no plans for utilizing this plane in our own aircraft inventories. In response to a question from our colleague, Congressman PIKE, as to whether the Air Force intended to acquire this plane itself, General Crow replied:

> We do not have an approved program for this aircraft in our inventory.

The gentleman from New York (Mr. PIKE) went on:

> So the purpose of this expenditure is to build a plane which we can sell to other countries, under our military-assistance program.

General Crow affirmed that "that is the primary purpose"—hearings, page 535.

Mr. Chairman, the Air Force will never use this plane. Why should it subsidize a plane which it is not going to use?

I raised some questions on March 27 about the F–5–21 which are still pertinent today:

Has the Armed Services Committee taken over the authority for the military assistance program from the Foreign Affairs Committee?

Is this authorization in conflict with the provisions of the Conte-Long amendment designed to discourage the sale of sophisticated weaponry to underdeveloped countries?

And, most important, is this not another example of our tragic imbalance in spending priorities?

Our cities are rotting, our air is polluted, children are starving, millions suffer from inadequate educational and economic opportunities, and others live in inadequate housing. But do we allocate sufficient resources to alleviate these problems? No. Instead, we use our money to subsidize an already successful aircraft corporation. It is inexcusable to ask the American taxpayers to finance foreign military sales by defense contractors.

This $52 million should be turned to the desperate domestic needs of this country.

I include at this point in the RECORD the very-well-reasoned and pertinent supplemental views on the Freedom Fighter submitted by our colleague the gentleman from California (Mr. LEGGETT) who is to be commended for the leadership he has shown throughout this debate:

SUPPLEMENTAL VIEWS OF REPRESENTATIVE ROBERT L. LEGGETT, DEMOCRAT OF CALIFORNIA ON THE FREEDOM FIGHTER AIRCRAFT

In committee I moved to strike $36 million from a $52 million item not in the committee print, the budget or in any formal Air Force communication for an alleged World Freedom Fighter Aircraft. The $52 million surplus arose the day of our committee mark-up as a result of DOD determination not to go ahead with a 5th C–5A squadron. The funds were for long leadtime procurement.

It was stated at the time this item was voted on that the World Freedom Fighter plane was not necessarily the F–5–21 Freedom Fighter Aircraft of Northrop Aviation, but could be any airplane of any company. This has got to be the most bizarre $52 million authorization to ever come out of a congressional committee.

If the United States needs a cheap jet airplane to sell only to foreign governments, let's ask the foreign governments to foot the bill. We've never paid Air Force money in the past to develop a new airplane the Air Force could not use!

Moreover, the project has escalated fourfold since it was last presented to this House.

If you will refer to the Record of March 27, last, at page 7896, you will see that the cost of the more definitive F–5–21 Freedom Fighter only cost $14 million at that time to modify the F–5A's and F–5B's now selling like hotcakes worldwide. *Neither the Air Force nor the Department of Defense has ever asked for these development funds.* My chairman stated last March as follows:

"You will notice in the report that the committee added $14 million to the authorization bill for modifying the F–5 Freedom Fighters—aircraft into an improved version which will be called the F–5–21. By taking advantage of the several improvements that have been funded by Canada, Norway, and the Netherlands, at a cost of more than $50 million, and by installing the increased thrust J85–21 engines, a significant increase in military effectiveness will be attained while retaining the desirable low-cost, high-utilization rates and excellent maneuverable qualities of the F–5 aircraft."

As Representative Arends stated on page 7897:

"First. Why should the United States invest $14 million at this time in an aircraft not in the U.S. inventory? * * * *By minor United States investment* we can take advantage of these and other advances now available to modify the F–5 into an improved production version."

The September *Air Force Space Digest* describes the F–5 as follows:

"F–5A, B FREEDOM FIGHTER

"Lightweight supersonic all-purpose fighter, being furnished U.S. allies under military assistance program, including South Vietnamese AF, and more than a dozen others. Canadair is producing improved versions, 115 for RCAF and 105 for Royal Netherlands Air Force. None is operational in U.S. Air Force, except in training foreign pilots at Williams AFB, Ariz. F–5A is single-seater; F–5B accommodates 2-man crew for training or combat missions. It carries up to 6,200 pounds external stores—armament or fuel—and can take off or land from sod field. Freedom Fighter evolved from USAF T–38 Talon jet trainer. Contractor: Northrop Corp., Norair Div. Powerplant: 2 General Electric J85–13 turbojets, 4,080-pound thrust with afterburner. Later version, including Canada's CF–5, employs J85–15 engine with 4,300 pound thrust. Dimensions: span 26 feet, 5 inches, length 45 feet, 11 inches, height 13 feet. Speed: 1,000 miles per hour. Ceiling: over 50,000 feet. Range: combat, 400 miles; ferry, 2,100 miles with external tanks. Armaments, 2 M39 20-millimeter cannons in nose. Can carry Sidewinder missiles or 2,000-pound bomb, or rockets in combination. Crew: F–5A, one; F–5B, two. Maximum gross takeoff weight: over 20,000 pounds. Primary using commands: U.S. allies.

I say there's no need for the United States to spend this $52 million at all.

The Air Force is strangely silent on the airplane. Under date of June 6, I sent the following letter to Air Force Secretary Robert C. Seamans, Jr.:

JUNE 6, 1969.

Hon. ROBERT C. SEAMANS, Jr.,
Secretary of the Air Force,
Department of the Air Force,
Washington, D.C.

DEAR MR. SECRETARY: There was presented before my House Armed Services Committee an amendment to the supplemental authorization bill to provide funds for the construction of F521 arcraft.

At your earliest convenience, I would appreciate having a complete analysis of this subject—past costs of F5 aircraft for foreign nations sales that have been made; original funding which was used; history of the proposed new funding; location where the aircraft will be constructed; proposed customers for the new aircraft; and position of the Department of the Air Force on this proposed contract and justification therefor.

Your many courtesies are appreciated.

Very sincerely,

ROBERT L. LEGGETT,
Member of Congress.

To date, I am still waiting for a reply.

As I understand the current state of the record, the Air Force has orally requested $52 million for development of a World Freedom Fighter aircraft, which may or may not be the Northrop Freedom Fighter and moreover, the Air Force to this date has presented no written justification or the method whereby they will spend $52 million of our American tax dollars.

Mr. COUGHLIN. Mr. Chairman, I would like to associate myself with the remarks of my distinguished colleague from California in support of this amendment.

The F–5 procurement authorization is truly an amazing item.

It is for a program that was never requested. It is for a plane that is not for our Armed Forces. Not a penny will go for our defense.

This is a foreign aid plane for us to sell to other countries—or to give away.

It is bad enough when we willy-nilly sell and give away our obsolete weaponry. Now we are going to make a special weapon to sell or give away.

It is indicated that we need 325 of these planes for Korea, Taiwan, South Vietnam, and other nations.

May I point out that South Vietnam already has 15 freedom fighters, South Korea has 54, and Taiwan has 70.

May I suggest that the most likely candidates for the other planes are Peru, Brazil, Argentina, Chile, and Venezuela.

Let me tell you about the last time we sold F–5 Freedom Fighters abroad.

In 1966, Libya suddenly became rich with the discovery of oil. Between 1966

XUM

and 1969, the United States and Britain pumped $500 million worth of weaponry into the country—nearly 36 times its entire defense budget for 1966. This included F–5's.

Only a few weeks ago, these very weapons were used against our own interests. A puffed-up military junta which is becoming increasingly unfriendly toward the West overthrew with our weapons a progressive regime that was friendly to the West.

We need less, not more, international trade in arms and certainly do not need a special plane for sale to foreign powers. We are developing plenty of obsolete equipment.

Those who made the sale of F–5's to Libya never asked: Where is the war? Where is Libya's enemy? Where is the threat? Just sell them all the arms you can, take the money, and then show surprise when a group of radical Libyan Air Force officers, puffed up by the very weapons we sold them, overthrows a pro-West government.

If the situation were not so serious, it would be ludicrous. Was there ever any question that this was inevitable, and that it will happen again and again unless we put a stop to this kind of thing?

Secretary Packard notes on page 58 of the report of H.R. 14000 that "other countries" will need these planes. The most likely candidates for these planes are Peru, Brazil, Argentina, Chile, and Venezuela.

In October 1967 our Government promised to supply these and other nations in Latin America with F–5's if they were prepared to wait 20 months for delivery. Coincidentally, the 20 months were up last spring. It also occurs to me that the first three of these countries—Peru, Brazil, and Argentina—are run by military dictatorships, and the last two—Chile and Venezuela—are democracies currently going through difficult times, one trying to stave off a Communist bid for power and the other seeking to appease its restless military. Is it in our interests to encourage these nations to seek such advanced and expensive equipment as the F–5 Freedom Fighter, or any other plane of this caliber?

Because we have no agreement with our allies or the Communist bloc countries to limit the sale of advanced weaponry in Latin America—or, for that fact, anywhere else in the world—we are pushing the sale of the F–5 in order to beat the competition to the punch. Our rationale, never expressed in writing but still just as real, has been to get in there first with an arms sale before the business goes to Britain, France, the Soviet Union, Italy, Sweden or any of two dozen other arms producing countries that sell arms abroad.

Yet, as in Libya, these arms may well end up being used against our best interests.

The continued promotion of a policy that encourages the sale abroad of equipment like the F–5 is sheer madness, particularly in the absence of any arms control agreements at all. This is why I oppose the spending of $52 million on the F–5 program, and why I support this amendment.

Mr. LEGGETT. Mr. Chairman, I move that all debate on this amendment do now close.

The CHAIRMAN. The question is on the motion offered by the gentleman from California (Mr. LEGGETT).

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEGGETT).

The amendment was rejected.

Mr. FRASER. Mr. Chairman, I move to strike out the last word.

Mr. FRASER. Mr. Chairman, I take this time to again express my concern that the chairman of the Armed Services Committee apparently did not want any debate to take place on the advanced manned strategic bomber. I am sorry we only had one Member who was permitted to discuss that important question.

I am sure the chairman of the committee is a very learned man whose guidance we all seek. But I assume perhaps that like some of the rest of us he does not consider his judgment infallible. I know that within the defense community itself, among those who have professionally had responsibility for defense planning in the United States, there are serious questions about whether the United States ought to go ahead with this kind of bomber.

Now is it that we do not want to hear what kind of questions have been raised on this issue? For example, the chairman tells us that there is some kind of threat of the Soviet Union, I gather by some new strategic bomber force. To my knowledge this was not developed before his committee. But I may be wrong. But this is a matter of grave importance. Is it true that the Soviets today have a very limited bomber force and that the number of their planes is one-fourth our number, and that none of them has any real capability to mount a sustained attack on the United States? Is that the case, and do we have any knowledge that they are planning to build a new strategic bomber force? To the best of my knowledge, they are not.

Why is it, then, that the United States believes it ought to spend billions and billions and billions of dollars for a new, more sophisticated supersonic bomber when the Soviet Union is not making any move in that direction itself? The fact of the matter is that if the SALT talks should make any progress—and I pray that they will—we will have adequate deterrent force that would render the AMSA bomber totally unnecessary.

But my point in getting up is not so much to argue the merits of AMSA. It is to argue the desirability of having some floor discussion on a matter of this importance.

If it is the case that the House will say, "We do not care, the Armed Services Committee has come out with a report and we are tired of talking about these issues," then I think the voters will truly be justified in responding appropriately at the polls in 1970.

But I happen to think that these matters are too important, too important to the people in our cities, too important to the world, and too important for our future to be run roughshod over in the manner we just saw when the chairman moved to cut off debate after just one speaker, and when we had a commitment from the chairman that he was not going to do that. But I guess that commitment did not last very long.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the chairman.

Mr. RIVERS. We did not have any such commitment.

Mr. FRASER. I am sorry, Mr. Chairman, I misunderstood you.

Mr. RIVERS. You should apologize, because the Chairman said he had a commitment on the ABM. That is as far as he committed himself. I will not discuss the AMSA. I will not discuss with you what the Russians have. On my own responsibility I tell you the Russians are building a bomber. You can take it or leave it. I defy anybody in the United States, including the gentleman from Minnesota, to prove that statement false. And this goes for anyone in the United States.

Our responsibility is clear. For 5 years we have been trying to build an AMSA. McNamara tried to build an AMSA. We need an AMSA whether the Russians have it or not. It just so happens that they are well on the way, and I shall not discuss it further.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CONYERS. Mr. Chairman, I rise to move to strike the last word.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Minnesota.

Mr. FRASER. I just want to say to the chairman, since he would not let me finish my statement, that I misunderstood his remarks about the debate on amendments to this bill. I am sorry. If he reserved the right to cut off debate without any discussion, I am sorry I misunderstood him. It is apparent that I did misunderstand him, because he did move to cut off debate. So I apologize for my misstatement or misunderstanding of what the gentleman said.

If I may say just one more thing, I am surprised that nobody else on your committee seems to be aware of the knowledge that you have about the bomber threat of the Soviets. Maybe they do. I have asked one or two members and they do not seem to have heard about it.

Mr. Chairman, I think we can all agree that manned bombers are considerably less important to our deterrent posture than are land-based and sea-based ballistic missiles. But it is startling to realize just how marginal the utility of the manned bomber has become. Consider that every one of the following conditions would have to be satisfied before the manned bomber would become essential to our deterrent.

First, the coming strategic arms limitation talks must fail to limit MIRV, for if there is no MIRV our ICBM's will not be in jeopardy.

Second, the Safeguard ABM must fail to safeguard our ICBM's. It is striking to note that many of those who a few hours ago were expressing great confidence in Safeguard are now expressing no confidence in it by supporting AMSA.

Third, the Soviet Union must find some means of detecting, tracking, and destroying our missile submarines. While anything is possible, at this time no one has the remotest idea of how this could be done. We have every expectation that a large majority of our SSBN fleet will remain undetectible for many decades to come.

Fourth, this attack on our missile submarines would have to occur at exactly the same time as the attack on our ICBM's.

Fifth, our ICBM's would not be launched on warning of attack.

Sixth, the Soviet planners must have absolute confidence in their ability to destroy our SSBN's and ICBM's. They would know that any miscalculation on their part, any significant mechanical or electronic failure, would result in the total destruction of their society. And they would have to have this absolute confidence that their offense would work the first time it was used.

Seventh, it must be assumed that, even though they will have been able to solve these fantastic technical problems, the Soviets will not have been able to build an effective air defense.

And in order to rationalize the construction of AMSA, an eighth condition would have to be met: While the Soviets would have to be unable to build an air defense that could stop AMSA, they would have to be able to build one that could stop the B-52 and the FB-111.

It does not seem to me that we have $12 billion worth of probability that these conditions will be met.

There are other arguments that can be made in favor of AMSA regarding its secondary missions—reconnaissance, utility in conventional warfare, and so forth. Here, as with the primary mission, the question is not whether AMSA would work better than existing equipment. I do not doubt that it would, assuming it turns out to be reliable. The question is whether the improvement is worth $12 billion and up. To my mind, it is not.

I do not think the program should be continued, and I am certain it should not be accelerated. No one has yet explained why we must have this plane by 1977 rather than 1978.

For these reasons, I shall vote to support the Leggett amendment.

Mr. CONYERS. Mr. Chairman, I join in the observations about procedure made by our colleague in the well. I do not pretend to be an expert in this matter under discussion. The information, as one Member of this body, that has come to me about the advanced manned strategic aircraft was that, to our knowledge, there was no informed opinion about Soviet development in this area.

As the gentleman from Minnesota indicated, we might be wrong. But I do not think that all 434 Members should have to proceed in this debate on the good faith or opinion of the chairman of any one committee. I thought that we were going to develop the arguments before the Nation so that everyone could appreciate why we are or are not supporting these amendments.

ADVANCED MANNED STRATEGIC AIRCRAFT

It is universally acknowledged that land-based and undersea-based ballistic missiles constitute a far more effective nuclear deterrent than do manned bombers.

All the argument for ABM notwithstanding, it is impossible to defend against a heavy missile attack, but there is considerable possibility of defense against a manned bomber, no matter how sophisticated.

A bomber requires perhaps 5 hours to reach a target deep in the Soviet Union. A missile requires at most 30 minutes.

A bomber is fragile, and easy to destroy on the ground in a sneak attack from the sea or from orbit. A land-based ICBM in a hardened silo cannot be destroyed by anything less than a direct hit or very near miss by a thermonuclear warhead. A submarine-based missile is even more invulnerable because it is virtually undetectable. Moreover, submarine-based missiles have achieved a degree of reliability far above that of any other strategic system.

Yet we are asked to authorize funds for a new manned bomber. We are asked to authorize $100 million for the coming fiscal year; ultimately the AMSA will cost billions. This is something we need to examine very carefully.

As I understand it, the basic theory upon which we have based our retention of manned bombers holds that the United States is best protected when we are able to destroy a potential enemy in three different ways: With bombers, with ICBM's, and the SLBM's. It is argued that each system complements the others by assuring that it will be available as a full deterrent or strike force if the other systems fail or are degraded by defensive developments on the other side.

But if SLBM's and ICBM's are preferred, it seems to me that we must have at least some indication that they will be inadequate before we invest billions in a third force. Obviously, deterrence will work with just one force—large, visible, and effective enough to convince the Soviet Union that we could retaliate with a society-destroying blow if they should attack. Surely they will not be the less deterred if we cannot destroy them three ways or even two. If we have a system that will work, why is it necessary to convince a potential aggressor that we can kill him three different times with three different weapons systems?

Why have the Russians not built a modern strategic bomber? Why is their only heavy bomber an obsolete propeller-driven type? And why did they build only 150 of those?

Mr. Chairman, I for one feel that we do not need a new manned bomber when we have the enormous destructive power of 1,050 ICBM's and 656 SLBM's, any one of which is capable of destroying a major city. I feel that three deterrents are more than enough, that we probably do not need a manned bomber at all, and that we certainly do not need a new bomber at upward of $30 million per copy. We need this money for our people.

A very unusual thing happened yesterday to me. I was called off the floor.

It so happened that there were approximately 300 students from Eastern High School in the District of Columbia who were petitioning to talk to any Member of Congress. They were on the steps of the Capitol, and they were asking if any Member would come out to speak to them, come and visit their schools and see that they do not have the textbooks, and see that the schools are in a very serious state of disrepair.

The question I bring to this body at this time is this: Is there any relationship between the crying needs of the poor and the left out in this country and in this Capital and our reluctance to vote out the kinds of moneys we need at this time for the domestic programs in the areas of neglect; is there any connection between that and the way we proceed to disburse approximately $21 billion for our military necessities?

I am not saying we should eliminate this authorization, but I do say that there is some connection, in my judgment, between the way we cannot even inquire or deliberate and consider democratically this measure before us and the fact that there are black youngsters begging the Congress of the United States for some schoolbooks.

Mr. RIVERS. Mr. Chairman, I move to strike the last word. Mr. Chairman, when one makes a motion to cut off debate, it has to be voted on by the House. Any time the House wants to debate, the House can.

I just do not think we should get out here at this time and discuss AMSA. For years we have been trying to get it. For years Mr. McNamara denied it. As the gentleman from Louisiana (Mr. HÉBERT) who was for years the head of a special subcommittee. Now we wake up and see that we have not even started it. We have not even started.

If we are going to fashion our defense on what Russia has or does not have may God save America. We need this and we need a great many other things.

We had better get on with the business of approving this bill. Are we going to discuss the dotting of every "i" and the crossing of every "t"?

Mr. PIRNIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to call attention to something we should remember in this House; namely, that on many occasions we have expressed our conviction that progress in providing this advanced manned strategic bomber was required in the interests of this country. The amount of money we have authorized for this development has been predicated on the state of the art. The addition to which reference has been made by this amendment was brought about by the reexamination of the current Secretary of Defense when he came into office. This recommendation is for the purpose of doing the requisite engineering in order to advance this study, so that we can reach a decision in a timely manner on production of this advanced bomber.

I am sure if the examination is made into the detail of this request, it will be determined that it is not a waste of money, that it is an effort to provide this bomber by the time we will need it.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I want to add briefly to what the gentleman from New York has said. I believe

XUM

everyone in this Chamber has at one time flown in commercial aircraft, no doubt across the country.

They must surely realize that the enjoyable flights you all make across this country are due to the advanced state of the art and the technological capacity of the aircraft manufacturers and the aeronautical engineers in this Nation. So I believe what the gentleman from New York has said relates to this particular amendment. Certainly it is cogent.

I believe the same remark is going to be made and should be considered as we move toward ultimate development of the SST.

One of these days people are going to have to realize the technological capability and development for the military and defense units of this country certainly serve, ultimately the civilian purpose in the aviation field, and it is true not only in this field of transportation but also in the field of satellite communication.

The bulk of our progress, in the aerospace and aviation fields of this Nation, has come as a result of technological data developed through defense research, development, and deployment.

Many of the utensils and household appliances that are serving to lighten the load of housewives in the kitchens of America, are the direct result of technological data developed in the aerospace industry.

For a number of years, particularly during the Kennedy, Johnson, Secretary of Defense McNamara administration era, I believe the United States placed far too much emphasis on the type of defense strategy, that put intercontinental ballistic missiles and overkill through nuclear weapons as our major defense.

As a result we have lost a great deal of time and flexibility in developing the kind of deterrent system that I personally feel would be more effective than total dependence on a nuclear land-based missile system.

This is not to say that we should defer safeguarding this nuclear deterrent system.

However, I believe strongly that a more flexible response system, coordinating the naval Polaris and/or Poseidon system with strategic aircraft will serve our defense purposes much more effectively.

The mobility and flexibility factors involved certainly lend themselves toward a more effective defense strategy as we move toward strengthening our alliances with free world nations.

Certainly the aeronautical expertise we develop will serve both our defense and civil aviation objectives. The competency in the U.S. aeronautical engineering field is being challenged more and more with each passing day. The Soviet Union, France, and England are highly competitive in advanced aeronautical engineering. In addition to defense requirements, our future security will, in my judgment, require economic, diplomatic, psychological, and technological offensives as we move toward economic and political integration with our free world friends.

The knowledge, competence, and expertise we develop in the aerospace-aviation technological field will ultimately determine our strength as a nation. We cannot relinquish our lead in the aviation field. If we are to avoid getting bogged down in future Vietnams, I admonish America and this Congress to stay first in both civil and military aviation. They are totally interdependent and will serve to benefit future American generations and the peoples of developing free nations looking to us for hope and leadership.

Mr. PIRNIE. I thank the gentleman from California. He is one of the most knowledgeable Members of the House in this field of aviation. I know his interest in this subject is deep and sincere.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. PIRNIE. I yield to the gentleman from Colorado (Mr. EVANS), a former member of the committee.

Mr. EVANS of Colorado. I appreciate the gentleman's yielding.

I should like to say, along with the comments of my colleague, the gentleman from Minnesota (Mr. FRASER), that it was also my understanding that this bill would be discussed without time limitations.

I am not going to blame our chairman entirely, although I would certainly place a good deal of the blame on his shoulders. We are in the process of discussing the expenditure of $21 billion, and if we can discuss the C-5A and all the intricacies of these other programs, and if we can read in the newspapers and periodicals and military magazines more about the AMSA than has been allowed to be discussed on this floor now, then in addition to blaming the chairman, and I do, for closing off debate, we must blame those who vote to close off debate.

Mr. HICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to go on record as saying that I get a number of letters from my constituents stirred up by certain columnists, or who were stirred up by certain columnists. These letters complain about the seniority system and complain about the chairman of the Armed Services Committee in particular.

If we did not have the seniority system, knowing what I know after having served on this committee for four and a half years. If I were asked to cast my vote I would vote for the present chairman of the Armed Services Committee.

That does not mean I do not disagree with him from time to time. I disagree with him on this matter of cutting off debate.

Certainly the House rules. Certainly the House does act. If it wants to continue the debate it can. But it follows the gentleman from South Carolina's leadership in this particular instance, and I do believe the gentleman should let the debate continue a little further.

So far as this whole procurement program is concerned, many of my liberal friends have been talking about cut, cut, cut. Well, if we are going to cut our military expenditures, the best way to cut them is to reduce personnel. The finest way I know of to safely cut personnel is to give our military the best weapons possible. We do not have to replace the weapons we have now with the new systems we are talking about on a 1-to-1 basis. If we bring new systems into the inventory we are going to be able in the future to reduce the amount of manpower needed to operate those systems.

It takes a lot of years to develop a weapons system. We do not do it overnight, and we do not do it in 1 or 2 years. All Members know that. Consequently, when there is an attack on research and development when Members successfully reduce these needed funds, all that results is delay, and it is going to put the acquisition of new weapons systems a long way down the road.

We can train men in a year or two. We know that. We have done it time and again. We can save from $8,500 to $15,000 a year per man, depending upon whose figure we want to take, when we reduce personnel.

We do have a cut in personnel in this bill. We could cut it further. So far as I am concerned, if any Member wants to offer such an amendment I will support it.

But I do not believe we should be cutting back on new weapons systems which the men we do have left will operate in the years ahead. We have not cut this bill as we have gone along. I believe this House has been very wise in its action taken in this regard.

At the same time, I want to commend the people who have brought forth amendments, because I believe it is healthy for this country to continue to discuss these programs. If a program is a good one, it is a good one after we talk about it 2 or 3 days in this body. We do not have to depend on all the discussion coming from the other body.

Mr. PATTEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to direct my remarks to the gentleman from Michigan (Mr. CONYERS).

I am on the District of Columbia Appropriations Committee, and the schoolchildren of the District never had a better friend than ED PATTEN. I have attended every meeting. We started in January and continued through February and March. The school budget should have been passed by April or May, but it was not even brought to the floor. We held special hearings in the caucus room of the Cannon Building and have invited all of the organizations and people of the District of Columbia to attend. I have been in contact with them ever since then. I have had many appointments with the chairmen of these various local committees. However, I am sick and tired of reading in the papers that the Congress is doing nothing. I am going to ask the chairman of the full committee to take me off the District of Columbia Committee on Appropriations because I do not like the publicity that the Congress receives.

I want to be specific about textbooks. As a general statement, I will tell you that the per capita cost of high school students in the District of Columbia schools is the highest in the United States.

Now, Mr. Chairman, what administration problems they have about textbooks, I do not know, but speaking for one Member, I have given the District of Columbia schools every dime that I could give them under the law and I would like to give them more. I would not want word to go out that our District of Columbia Appropriations Committee was not a friend of the local schools. We want them to be the best schools in the country. We are with the students. And I tell you that I for one do not think that the little remarks here about no textbooks is a very correct impression. Our District of Columbia schools are wonderful and they are going to become better with my help as long as I am on the committee.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. PATTEN. I yield to the gentleman.

Mr. CONYERS. I thank the gentleman for yielding.

I reported the incident because to me I am beginning to wonder, after being in this body for 5 years, whether or not we are really attuned to the problems that are really affecting the District of Columbia. I hope that the gentleman, if he proclaims himself to be a friend of the citizens and the students of the District of Columbia, does not get off that committee. I hope he will join me in one request that these students made to me—and I am merely relaying it to you and to the body—let us take a visit to Eastern High School. That was the challenge put to me. They said not one Member of Congress had ever been out there really to see about the shortages that exist there.

What I want to say to the gentleman is, maybe he is right. I would sure like to take those arguments back to those gentlemen. But join me, if you will, in paying a much overdue visit to that high school.

Mr. PATTEN. We would have been glad to talk to the 300 students. We would have enjoyed it.

Mr. CONYERS. Thank you. But what about the trip?

Mr. PATTEN. For the 4 years I have been on the committee I want to tell you I have been in Eastern, and looked at other school buildings. I think other members of the committee have done the same thing.

Mr. CONYERS. Then I will make a trip there and report back to you.

Mr. PATTEN. Don Fraser is on the authorization committee, and he can give a good account of himself, and so can others. The gentleman from Michigan (Mr. Riegle) is on the committee and is very close to the matter. Bob Giaimo, the gentleman from Connecticut, is on it, also. They have been in many schools and talked with the principals and the teachers.

We have a good system in the District of Columbia, and we will make it better. They are not so poor that they cannot have adequate textbooks.

Mr. HÉBERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had not intended to take the well on this subject. The question of the AMSA, as usual, has wound up in a mass of distortion, ignorance, misrepresentation, and lack of knowledge. I think I know as much about the AMSA situation as anybody in this Congress. This is not an immodest statement. Under the direction of our chairman, the gentleman from South Carolina, I headed a committee which had as its charter the investigation of the advanced manned bomber.

Now, this did not start today. This started years ago. We held extensive hearings on the subject matter, and I am just wondering if those gentlemen who want to know all about the AMSA have looked at one page of those hearings and read them, and examined the full discussion? If they have, I would be delighted to see them raise their hands so I know I could discuss this with somebody who knows at least what they have read.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I am not yielding. I am merely asking them to raise their hands—anybody who has read that.

Has the gentleman read all the hearings on the AMSA? The gentleman nods assent. And the gentleman wants more discussion after reading all those pages, and everything was brought out?

Mr. SCHEUER. Mr. Chairman, will my colleague yield?

Mr. HÉBERT. I refuse to yield.

Let me get down to what we are talking about: to the nuts and bolts.

If we do not have an AMSA this country does not have a follow-on bomber to the B-52. I care not what Russia has. I care what America should have.

What we are talking about here is a definition contract.

From the time that Curtis LeMay was Chief of Staff of the Air Force, the military and the Joint Chiefs of Staff—General McConnell, who was Chief of Staff of the Air Force after LeMay—all have strongly recommended the development of a follow-on bomber.

On the day that this bomber is put on the production line, it will take from 5 to 6 years before it is put in the inventory. That is what we are talking about. We are talking about that the B-52's will be repaired and re-repaired and re-re-repaired after 1973 and 1974, and that is the most optimistic date that we could replace the B-52 bombers, and that would be when the last B-52 bomber off the production line is 14 years old.

An attempt was made by the former Secretary of Defense to block this despite the advice of the military. And, I may parenthetically state, blame the military. Yes, blame them. When the civilian leadership makes the decision a good military man, the soldier, follows that civilian leadership.

Mr. McNamara defied the Congress He resorted to every trick in the book to circumvent our intentions.

And let me say this, let me just pause here to say to this Congress that when the chairman of the Committee on Armed Services tells you that the Russians have a bomber, he is telling you the truth, and he knows what he is talking about, and I share his remarks.

You would not want us to come here and discuss all of our military strategy and give away all our secrets and sensitive knowledge that we have—what a day that would be in this country. We do not intend to do it, and never have intended to do it. We have executive meetings, and we receive knowledge that we cannot possibly discuss publicly.

At a matter of fact, in recent years, too much has leaked out of the Committee on Armed Services which never prevailed heretofore. It has almost become a fact to see and to read it in the news columns, things that we treated in confidence, and never intended to be public.

If you tell me that we do not need the follow-on bombers to keep our inventory up, then I will say that we have lost our sense of priority, and our sense of judgment.

This is vital to America's future. This is the successor to the B-52. The F-111, the ill-fated TFX was never even advanced by Mr. McNamara as being a bomber to replace the B-52. So please do not let us get confused with a lot of semantics and irrelevant talk.

MOTION OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we are now on title II of the bill. We have three remaining titles of the bill after title II.

We have had an interesting discussion on the school problem in the District of Columbia.

Mr. Chairman, I move that all debate on title II and, all amendments thereto, close at 1:15 p.m. with the last 5 minutes to be reserved for the chairman of the committee.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York (Mr. Stratton) that all debate on title II and all amendments thereto close at 1:15 p.m.

The question was taken; and on a division (demanded by Mr. Reuss); there were—ayes 65, noes 47.

Mr. REUSS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Stratton and Mr. Reuss.

The Committee again divided, and the tellers reported that there were—ayes 84, noes 57.

So the motion was agreed to.

PARLIAMENTARY INQUIRIES

Mr. REUSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. REUSS. How many amendments to title II are pending, and what will be the division of time?

The CHAIRMAN. The Clerk has two amendments at the desk.

Mr. REUSS. What will be the division of time between them under the motion?

The CHAIRMAN. The Chair will state that each Member will be allocated 45 seconds.

Mr. VANIK. Mr. Chairman, I yield back the time allotted to me.

Mr. GUBSER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

XUM

Mr. GUBSER. Will all amendments to title II pending at the desk be read and considered at the same time?

The CHAIRMAN. The Chair does not know whether either amendment will be offered.

The Chair recognizes the gentleman from Wisconsin (Mr. Reuss).

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Reuss: On page 4, line 5, strike out "$3,241,200,000" and insert "$3,200,200,000"; on line 9, strike out "$18,500,000" and insert "not more than $2,500,000"; and on lines 13 and 14, strike out "$40,000,000" and insert "not more than $15,000,000".

PARLIAMENTARY INQUIRY

Mr. RIVERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIVERS. Do I have 5 minutes?

The CHAIRMAN. No, the gentleman will have 45 seconds.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that my time be allocated to the gentleman from Wisconsin.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. HALL. I object.

The CHAIRMAN. Objection is heard.

Mr. REUSS. Mr. Chairman, I ask unanimous consent that the 45 seconds deliberation hitherto allotted to the gentleman from Texas (Mr. Eckhardt), the gentleman from California (Mr. Leggett), the gentleman from Michigan (Mr. Nedzi), and the gentleman from New York (Mr. Ottinger), by agreement with those gentlemen, be made available to me.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin, Mr. Reuss?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The gentleman from Wisconsin is recognized for 45 seconds.

Mr. REUSS. Mr. Chairman, doing the best I can with an amendment that affects many billions of dollars, this amendment would cut back to the level authorized by the Senate the programs for the AWACS and the CONUS air defense interceptor. The provisions in question are designed against a Soviet bomber threat in the late 1970's.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The Chair recognizes the gentleman from New York (Mr. Ottinger).

Mr. OTTINGER. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. Mr. Chairman, the distinguished Senator from Mississippi, Senator Stennis, has said.

> It looks to me as if the Soviet bomber threat is getting thinner and thinner every year.

A high level Pentagon briefing I have just received entirely bears out the judgment of Senator Stennis.

I know the distinguished chairman of the Armed Services Committee, the gentleman from South Carolina (Mr. Rivers), has said that the Soviets have under way an Advanced Strategic Bomber. If that is so, I think the Pentagon is entitled to know it, and the Members of this House are entitled to know it.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from Texas (Mr. Eckhardt).

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. Mr. Chairman, I thank the gentleman from Texas.

Mr. Chairman, as a sort of afterthought, the argument is made that AWACS would be useful in a tactical way in a major war in Europe or in brushfire wars around the world. This collides with the decision of the Defense Department to make a 1-year review of the Soviet bomber threat. If that review is made and it is decided that the Soviet bomber threat which is now based on the 1955 Bear bombers is not an immediate threat, then this money is much better spent in more fruitful ways.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The Chair recognizes the gentleman from California (Mr. Leggett).

Mr. LEGGETT. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Wisconsin.

Mr. GROSS. Mr. Chairman, a point of order. A Member cannot strike the last word under the limitation of time.

The CHAIRMAN. The gentleman from California was recognized. The gentleman from California yields to the gentleman from Wisconsin?

Mr. LEGGETT. I yield to the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. Mr. Chairman, I thank the gentleman from California for yielding.

I would say the pitiful little 45-second driblets being allotted to this vital question are simply not orderly debate. The members of this Committee deserve better than that. I have information which I think Members would have liked to have heard on the exact nature of the Soviet bomber threat against which it is proposed to divert billions and billions of dollars that might have been better elsewhere, including in the defense program. It is vitally important that this body act responsibly.

The CHAIRMAN. The time of the gentleman from California has expired.

The Chair recognizes the gentleman from Michigan (Mr. Nedzi).

Mr. NEDZI. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. Mr. Chairman, I thank the gentleman from Michigan.

Mr. Chairman, the first of my two amendments would reduce the CONUS interceptor program from $18.2 to $2.5 million.

The trouble with the CONUS interceptor program is that the Air Force has not yet selected an interceptor plane for this radar and missile system. Until the Air Force does make its selection, going ahead full steam means that we will be developing the radar and missile system, but lacking a plane to carry it, and there will be very costly overruns while we redevelop the radar and missile system to fit the plane the Air Force has finally selected.

The amendment which was approved by the Senate should be passed.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The Chair recognizes the gentleman from Michigan (Mr. Conyers).

Mr. CONYERS. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. REUSS. I thank the gentleman from Michigan for yielding.

The AWACS amendment would reduce the $40 million to $15 million, as the Senate did.

AWACS is an airborne radar and control system likewise designed to detect low-flying Soviet bombers. The reduction would allow the Air Force to continue its research. All it would do is to slow down for 1 year the actual loading of the system into a jet cargo plane for a dry run. Three-fourths of these AWACS units are apparently destined for use against Soviet bombers over the United States, a threat which is infinitely less immediate than the Soviet missile threat.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The Chair recognizes the gentleman from New York (Mr. Ryan).

Mr. RYAN. Mr. Chairman, I yield my 45 seconds to the gentleman from Wisconsin.

Mr. REUSS. I thank the gentleman from New York.

A number of changes are likely to be considered in the AWACS system after the Secretary of Defense has completed his 1-year review of the Soviet bomber threat. If, for example, the Secretary of Defense sticks to his intelligence estimate and does not accept the intelligence estimate of the gentleman from South Carolina (Mr. Rivers), it may well be that there is a firmer and more sensible use of these funds than to build up the continental air defense against a threat of very minor proportions.

The AWACS, for example, could be put in a different airplane.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from Missouri (Mr. Randall).

Mr. RANDALL. Mr. Chairman, without agreeing with the gentleman in the well, I yield my time to him to let him complete his statement.

Mr. REUSS. I appreciate that statement by the gentleman from Missouri.

The present Soviet bomber threat, according to the best intelligence estimates we can get, is much less than formidable. The main portion of their force is made up of 100 or so propeller-driven Bear bombers dating back to the mid-1950's. Former Defense Secretary Clark Clifford earlier this year in his testimony characterized them as "distinctly inferior" to our own B-52's.

These programs can be diminished. They can be postponed. The Senate decided to do so. We should do so also.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The Chair recognizes the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I want to yield to my colleague from Wisconsin, but first I will ask him this: In view of the statement of the chairman of the committee that the AMSA is not postulated on any intelligence estimate of what offensive capability the Russians are developing, and he prayed we never postulate our defense program on an intelligence estimate or knowledge of what they are doing, of Soviet development intentions—or the actual military threat they present—whom are we arming against? Are we arming against Switzerland or Uruguay or Nicaragua?

Mr. REUSS. I wish the chairman of the committee would share his intelligence with the intelligence gathering forces of the Pentagon, who tell me, in a document handed me 10 minutes ago, there is not an augmented Soviet bomber threat, that indeed the information which I have given is the correct information. If that is so, we should not waste our money on this.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. REUSS. I thank the gentleman from Minnesota.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield for a question?

Mr. REUSS. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Is the amount of the reduction the gentleman is recommending in his amendment the precise action that was taken in the other body on this request?

Mr. REUSS. It is the precise action that was taken in the other body. It maintains funds in the authorization for both the AWACS and the CONUS interceptor program. It simply asks that they be settled down for a year until the Secretary of Defense, Mr. Laird, can come in and give us the considered judgment of the intelligence-gathering systems of the United States as to whether the Soviet bomber threat is something new.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. I thank the gentleman from Washington for yielding to me.

I should point out that an AWAC designed solely for tactical use over the battlefields of Europe or in those brushfire wars which President Nixon at Guam told us we were going to avoid in the future would be a good deal different from one which has to deal with Soviet bombers attacking the United States. The DOD may well decide after its 1-year review of the Soviet bomber threat that we should not go ahead with the AWAC for bomber defense in the United States. If that is true, we will need to change it.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I would like to thank the gentleman from Wisconsin, the gentleman in the well, as well as the gentleman from Minnesota (Mr. FRASER), for framing these questions and issues on a system about which we have to make a decision here. I regret the shortness of the debate, but I do hope that they can find some consolation in the words of the Apostle Paul,

> It is better to speak five words that are understood than 10,000 that are in an unknown tongue.

I now yield to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, I thank the gentleman for yielding to me.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The Chair now recognizes the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, I, too, regret that we do not have sufficient time to discuss this amendment, not because I intended to participate in the debate but I think that it should be discussed, and I did vote against the motion to limit debate.

My good friend, the gentleman from Wisconsin, could not have chosen a poorer project in the bill where he could save money by reducing the authorization. As a matter of fact, the amendment of the distinguished gentleman would probably cost the Government more money in the long run. This is true because the committee has already reduced the program to an amount which would provide for putting the brassboard of the AWACS system on board either the DC-8 or the Boeing 707 which will be the vehicle to carry the system. The amendment of the gentleman from Wisconsin would just serve to keep the contractors interested and would not give us the brassboard which we need to have in order to make an assessment as to whether we really want to adopt the system. The amendment insofar as AWACS is concerned would merely delay the system and would result in the inefficient expenditure of money.

As has been previously pointed out, the Committee on Armed Services approved funds for the AWACS development in the amount of $40 million. This is $20 million less than the Department of Defense requested. This is a 33⅓ percent reduction on this one item. The committee also approved the full amount, $18.5 million, for the continental air defense interceptor. The Senate reduced this amount by $16 million leaving in their authorization bill $2.5 million to be used to complete studies aimed at identifying the specific airframe to be used for the mission.

The rationale for the reduction in AWAC funds to $15 million was that there were additional carryover funds of $40 million in the fiscal year 1969 appropriation. This is not true. In fact, all of the fiscal year 1969 funds were obligated prior to July 31, 1969. The largest portion, $27 million, went to contractors for system engineering proposals; $9.5 million was used to develop radar components, and $3.3 million for engineering support. In fact, over $5 million of the fiscal year 1970 funds will have to be used to complete work started in prior years. This leaves $10 million of the $15 million authorized by the Senate. This amount is not sufficient to continue this program.

The $10 million can only be used to maintain the best possible holding position to keep key contractors on the program in anticipation of a more substantial portion in fiscal year 1971. The minimum funds required for the radar development is $40 million; $15.7 million will be required to complete efforts contracted during fiscal year 1969 and $24.3 million will be required for radar program permitting a test flight of one radar within a 24- to 30-month period following initiation of the program.

A reduction of these funds to the Senate level will almost destroy the AWACS program. If these funds, as recommended by the Armed Services Committee, are not approved, both the Air Force and industry will have to sharply reduce their current level of effort at a time when normal program progress would call for an increased level of effort. This will increase both direct and indirect costs. Time phasing with respect to the airframe contractors' facilities may result in very substantial increases in airframe cost.

The initial operational capability for both TAC and ADC will be delayed for more than 1 year. This not only delays improvement in operational capability but also indirectly increases costs since certain tactical and air defense systems will have to be retained that otherwise would have been phased out. The delay in availability of an effective demonstrated radar for TAC may result in the procurement of yet another interim system for TAC with a radar of marginal performance.

The $2.5 million contained in the Senate authorization bill provides for no funds to develop the most important element of the improved manned interceptor; that is, the look-down radar and shoot-down missile. This work must be completed regardless of whether an airframe has been selected for the future interceptor. There are several airframes which have been considered in the past and are presently under consideration, all of which, with some modification, can be utilized with the fire control and missile system planned for development.

The minimum requirement to insure a modernized interceptor and an initial operational capability in the mid-1970's requires the entire $18.5 million recommended by the Armed Services Committee. This contains $2.5 million for interceptor design studies and analysis—and $16 million is dedicated to the long lead effort in the fire control system development and missile development which can be pursued at this time without regard to the choice of an interceptor.

The committee thoroughly reviewed the request submitted by the Department of Defense and is convinced that the funds contained in the bill for AWACS and CONUS air defense interceptor are the minimum necessary to pursue this program without seriously endangering the AWAC concept.

Personally, I am skeptical as to whether the AWACS will do everything the military says it will do in regard to air

XUM

defense, but I can forsee a use in the tactical field of great and practically inestimable value. I strongly urge the defeat of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, I listened intently to the remarks offered by the gentleman from Wisconsin. With all due deference to him, I must say his argument is premised on a mistake. He has assumed that the AWAC is designed only as a defense against a bomber threat. That is absolutely false. It is designed as an airborne warning and control system for the purpose of controlling any kind of an air battle. It is an airborne command system.

Just a few months ago, our pilots were flying over North Vietnam. Today 840 of them are either dead or are in North Vietnamese prisons because of air action over North Vietnam.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Chairman, I yield my time to my colleague from California.

Mr. GUBSER. I thank the gentleman for yielding.

This system is also for the kind of air battle fought over Vietnam. It is not just a matter of a bomber threat. It is to provide command control of air battles like those which were fought over North Vietnam, to warn of SAM and fighter attacks against our pilots. I say hundreds of pilots today would not be imprisoned in North Vietnam and would not be dead if we had had such a system.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, I yield to the gentleman from California.

Mr. GUBSER. I thank the gentleman for yielding.

When you vote on this amendment do not forget that American pilots now dead or in the prisons of North Vietnam would be alive today if we had had an AWACS. I swear to God it is the truth.

Point No. 2: This system will either go into a DC–8 or a Boeing 707 aircraft. Those two production lines, at Boeing and at Long Beach, are going out of existence next year. If you cut this money out for the AWAC, you will upset the timing of the whole operation. To start up a production line once it is stopped is prohibitively expensive.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. WATSON).

Mr. WATSON. I yield to the gentleman from California.

Mr. GUBSER. I thank the gentleman for yielding.

Mr. Chairman, if you pass this amendment you will not have an off-the-shelf aircraft available. If you want to scuttle the chance to effectively control an air battle from an airborne command system, then vote for the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I would ask the gentleman if it is not true it also gives a standoff capability of air control?

Mr. GUBSER. Absolutely. I am glad the gentleman reminded me of that. This is not just the answer to a manned bomber threat; this is required for every facet of air warfare, and we must have it.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, I yield to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, I thank the gentleman for yielding. I shall recap my arguments and also discuss the CONUS air defense interceptor.

The AWACS will combine an airborne surveillance capability along with associated command, control, and communications equipment in a commercially available jet airframe. The radar on the AWACS will permit it to detect and track aircraft operating at either high altitude or low altitude over land. Thus, it will provide an integral part of any modernized air defense system.

However, I would like to emphasize that AWACS for strategic defense is not the only use for the equipment—and I fear that our evaluation of the program may be largely overlooking some equally important applications. In fact, I would judge that these other uses might form an even stronger justification for the program, particularly in the international environment envisioned for the future. I refer to the considerable flexibilities of AWACS in what is called the tactical application. The AWACS aircraft will function the same way—that is, it will act as a surveillance station and command post. The differences lie only in the situation being watched and the uses made of the data collected. The Air Force is understandably thinking primarily of AWACS capabilities in conflicts in which our forces participate directly. An airborne command post that was able to track enemy aircraft and direct our own fighters in combat during the Korean war would have had tremendous favorable payoff. A graphic example of the benefits of "seeing eye" air combat control comes from North Vietnam. There our aircraft suffered unnecessary losses by operating without the visibility an AWACS would have provided. Our best airborne control in Southeast Asia has been the specially equipped EC–121 aircraft which is the old Lockheed Constellation. It can identify our fighters, and this has been useful, but hardly adequate for the multiple demands of controlling close air support, airlift, and air rescue aircraft.

These are examples of tactical air battle uses. I am at least equally intrigued by possible AWACS uses which are a bit further removed from the battlefield; namely, in an informational, or even a peace-keeping role. Consider for instance the diplomatic advantages of keeping tabs—from an AWACS vantage point—on air traffic like the operations into Czechoslovakia before and during the recent Soviet intervention. There may be value also in on-the-spot monitoring of the air actions such as those during the 6-day Arab-Israeli war. I am sure we all hope, and are confident, that all-out strategic war can be avoided; but most of us see the future as patches of peace, political tensions, small and not-so-small conflicts among our earthly neighbors. In such a future, instant surveillance and instant communication can provide invaluable defusing opportunities before hostilities start. AWACS can even provide an instant source of air traffic control for mercy missions in case of natural disasters such as earthquakes, floods, and famine. These potential uses cannot be overlooked or played down in our judgment of the AWACS program.

Mr. Chairman, I think it would be worthwhile to briefly discuss the funding situation of the program. Some discussions of the AWACS program have led to the belief that the funds authorized and appropriated during fiscal year 1969, are available to support the fiscal year 1970 program. I have been assured by the Air Force that this is not the case. This misconception grew from an analysis of the program's fiscal year 1970 funding needs based on the financial situation as of March 1969.

The Air Force has also assured me that all of the fiscal year 1969 funds for AWACS were placed on contract before the end of the last fiscal year. Due to the continuing resolution, there are some fiscal year 1970 funds available. However, these will only support the AWACS effort through December of this year.

Personally, I will not support a position that either kills or maims AWACS. I think it should be built, and we can demand that it be built effectively and economically. The Defense Department has done a good job of bringing along the basic technology, and there appears to be small risk of program failure. AWACS is a good investment for the type of international future we'll be up against, and I believe it is worthy of our support.

The Soviet Union bomber forces have capitalized on the deficiencies in our present ground based radar and interceptor radars by adopting the tactic of approaching targets at very low altitude. This hides the bomber radar return in the clutter of radar returns from the ground near it. Bombers penetrating at low altitudes are thus hidden and cannot be observed. The radar in the airborne warning and control system will solve this problem by eliminating ground clutter.

Any new interceptor that we select must have a similar capability if the interceptor's radar is to detect and track incoming bombers. A radar capable of the necessary clutter rejection has been developed, produced and flown, and has successfully demonstrated the capability to detect, track, and launch armament against incoming targets at very low altitude over land.

Continued development is necessary now to refine this developmental system into a production design. We also need to work on the various components to improve their reliability, reduce the cost of manufacture and maintenance, and blend the radar and the missile into an integrated armament system suitable for an advanced interceptor.

Oddly enough, the longest leadtime work in achieving this new interceptor is not involved with the engine or the airframe. These represent relatively straightforward developmental efforts in which we have a great deal of experience. The technological challenge is in the complex electronics of the radar and the missile fire control systems. This is where urgent effort must begin at once if we are to hope for an initial operating capability by fiscal year 1975. Hopefully, the remaining elements of a modernized air defense system will be ready at that time.

The principles and techniques to produce the missile fire control system are well in hand. Funds are needed for the development and testing required to insure an economical, reliable and effective kill capability that will function in an advanced interceptor. The Air Force is studying a number of candidates prior to selecting the interceptor. However, it must proceed with the development of the armament system if the airplane and its radar/missile components are to be wedded at the proper time in the future.

The Air Force has requested $18.5 million for this effort. A major portion of these funds will be used for the fire control system development—chiefly a new, powerful radar transmitter, electronic counter-countermeasure circuits, and digital data processing equpiment. Another large portion is earmarked for work on the missile. Specifically, it will do the following: First, the development of folding wings and a control system which will permit internal stowage of greater numbers of missiles in each interceptor; second, improvement of current state of the art components to capitalize on recent developments in the receiver; and third, improvement of the fusing to increase the missile's kill probability.

The Air Force intends to use some of these funds for designs and analyses to lead toward the selection of the appropriate interceptor. Another portion of the $18.5 million will insure that all radar and fire control system developments which grow out of other development programs are incorporated into the design and development of the interceptor armament system.

These are sensible development efforts and will help us obtain a badly needed modern air defense interceptor for the mid-1970's.

I strongly urge that this body favorably consider funds requested for these programs, and reject the amendment now under consideration.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Pike).

Mr. PIKE. Mr. Chairman, I do not want to be heard on this particular amendment. I do have, however, an amendment of my own at the desk, and I wonder if we could vote on this amendment first?

The CHAIRMAN. Does any other Member desire to speak on the amendment offered by the gentleman from Wisconsin (Mr. Reuss)?

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. Mr. Chairman, if the gentleman from New York has an amendment at the desk it must either be an amendment to the amendment, or a substitute for the amendment.

The CHAIRMAN. The Chair will state that the pending amendment will be disposed of in the time allotted.

The Chair recognizes the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. Mr. Chairman, in 45 seconds I have time only to say that, embodied in title II we have authorizations for the Army, Navy, and Air Force, of $7,421,400,000, and to restrict the Members of this body, which is supposed to be the greatest deliberative body in the world, to 45 seconds on an amendment of this importance I consider outrageous.

This is nothing but gag rule.

My constituents in Illinois are going to have to pay their share, and fair share, of the $21,367,000,000 represented in this bill, and I want to hear a discussion of this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Jacobs).

Mr. JACOBS. Mr. Chairman, 4½ years ago when I came to this body some on my own side cut off debate on the social programs that were before this body. I voted against it, and I voted against it just now.

The role of a majority, in a democracy, is to make a decision; not to silence the minority in debating what that decision should be. A civilized society does not silence opposition, it answers opposition.

For shame. For shame.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. Bennett).

Mr. BENNETT. Mr. Chairman, even though it now appears improbable that an attack will be made on the new attack carrier, I would like to make some remarks on this carrier. The proposed Moorhead amendment would delete the funds in this procurement authorization bill for the CVAN–69, the second *Nimitz* class nuclear powered attack carrier.

The Navy needs this carrier, and it is needed now, and in any reasonable carrier force level. It is required to maintain the modernity and capability of our attack carrier force. When the CVAN–69 joins the fleet in 1974, it is scheduled to replace one of the aging World War II *Essex* class carriers still in the active attack carrier inventory. These *Essex* class ships are obsolescent today. They have been extensively modified over the years since they first joined the fleet during the Second World War, fitted with angled decks and steam catapults, but they have now simply run out of potential for future growth. Today, because of limited flight deck size and catapult capacity, the *Essex* class attack carriers cannot operate the most advanced fighters, attack planes, reconnaissance or radar aircraft now being delivered to fleet squadrons. It is not feasible to further modernize these older ships. As a consequence, they must be equipped with second line aircraft. In the mid-seventies, these obsolescent aircraft will not be able to survive in the environment of advanced Soviet weapons technology. It is not only in a war with the U.S.S.R. that our military forces will face Soviet arms. The Russians have not been reluctant to provide their satellites with modern, first line weapons. We can expect, and we must be prepared to encounter advanced Soviet weapons technology at all levels of military confrontation.

The Navy's attack carrier force must be kept modern. It is the backbone of our surface fleet. The attack carrier is the principal ship through which the United States is assured continued free use of the seas. Our carrier force is the measure of difference which makes our Navy superior to that of the U.S.S.R.

Carriers provide air power at sea, and World War II conclusively demonstrated that no naval force can survive without local air superiority. The mission of the attack carrier is to provide air superiority for control of the seas and of the airlanes over the high seas, and then to exploit this control of the seas by projecting tactical air power over land to the extent of the range of the carrier's aircraft.

The U.S. Navy developed its carrier forces during World War II. They were essential to our victory in the Pacific. The turning point in the war with the Japanese occurred at the Battle of Midway when the bulk of the Japanese carrier fleet was destroyed by our own carrier-based planes. From this point on, the American Navy was able to maintain local air superiority, and provide the protective cover under which the flow of troops and war material crossed the Pacific to the ultimate defeat of Japan.

By the end of the Second World War, the U.S. Navy had more than 100 carriers of all kinds. The value of the carrier had been proven, its need within our national strategy had been established. An examination of events since World War II will clearly demonstrate the continued requirement for a strong carrier force.

In July 1950, when the North Korean armies crossed the DMZ to invade South Korea, our carrier fleet had been permitted to dwindle to a force of only seven attack carriers. In the first few days of that war, the Communists overran and captured every tactical airfield in South Korea. All of the effective air support for our hard-pressed ground forces had to come from carriers. The lesson having been learned, attack carrier force levels were increased to 17 by the end of the Korean war, and the first post World War II carrier construction program was started. Beginning in 1952 the Congress authorized the construction of one new attack carrier every year, culminating with our first and only nuclear powered attack carrier, the U.S.S. *Enterprise* in 1958.

The parallel of today's carrier construction program is strikingly similar. From 1958 until 1967, only two attack carriers were authorized, both of them conventionally powered. Then with our increasing involvement in Southeast Asia, the pressing requirement for carriers was again demonstrated. The first strikes against North Vietnam were flown from attack carriers in the Gulf of Tonkin in August of 1964. With the commitment of U.S. troops to Vietnam came the need for tactical air power for their support. While air bases were being constructed in Thailand and South Vietnam, carrier-based air support filled the gap. By 1965, there were five attack carriers in the 7th Fleet conducting combat air operations in Vietnam.

In 1966 the Secretary of Defense informed the Congress of Department of Defense's plans to construct three nuclear-powered attack carriers, the first of which would be the CVAN–68, the *Nimitz*, in the fiscal year 1967 shipbuilding program. Although this plan was approved only after extensive analytical studies which had established the need for attack carriers on a cost effectiveness basis, the demonstrated usefulness of carriers in the Vietnam war had been the deciding factor in the Secretary of Defense's decision. Subsequent history continues to support the validity of the carrier concept. At the time of the cessation of bombing into the North, carrier-based aircraft had flown about half of all of the combat sorties into North Vietnam. In spite of the buildup of air base facilities on land in Southeast Asia, four attack carriers still remain in the 7th Fleet off Vietnam for no other reason but that their tactical air power is needed for support of the troops ashore. It is more effective and vastly less expensive to use these carriers than to attempt to build the additional fields, supply dumps, roads, fuel pipelines, and other logistical facilities required to support the land-based squadrons which would be needed to replace the carriers. Aside from the expense and the feasibility of such a replacement program, it is our objective to take our people out of Vietnam, not put more in.

A fact sheet has been prepared and circulated to support the Moorhead carrier amendment. A line by line examination of this sheet will reveal that it is not particularly factual, and that its conclusions are not supported by any sort of logic or rational reasoning.

The fact sheet starts out by proving U.S. superiority in attack carriers is 15 to zero over the Communist nations. But in the supporting paragraph, only the first sentence is a fact. The rest of the paragraph is simply unsupportable conjecture and illogical reasoning. I quote:

> The Soviet Union does not now have a single attack carrier in their entire fleet. In their modernization program there is no indication that they intend to construct anything but light helicopter carriers. This is not the result of an oversight on the part of their military planners, nor is it, as has been charged, the result of their contiguous land mass. Their sphere of influence extends to a number of countries not adjacent to their home land. They appear to recognize what this country apparently does not—large attack carriers are becoming increasingly obsolete.

As to the reasons why the Soviets do not today have a single attack carrier, I must subscribe to the rationale advanced by the Chief of Naval Operations, the individual who by law is the principal naval adviser to the President of the United States. In his view, it is a case of relative priorities within two different national strategies. The national strategy of the United States is overseas oriented. We have only two international borders. More than 99 percent of our overseas commerce travels by ship. Our military strategy depends upon overseas alliances. Witness the fact that 43 of the 45 nations with which we have treaties are overseas. The bulk of material support for these allies must still travel on the seas. Despite spectacular advances in air travel in recent years, 98 percent of all of the support for Vietnam has gone by ship. It is clearly evident that both our commerce and our security depend upon the continued free use of the seas. Thus our Navy is structured around the aircraft carrier, for air supremacy is essential to control of the seas.

The U.S.S.R., on the other hand, centered in the Eurasian land mass, is surrounded by her allies. In fact Russia has military treaties with only two nations not sharing a common border with her. Russia's naval strategy therefore is primarily designed to interdict the vital overseas lifelines of the Western Powers, the links between the United States and the rest of NATO. Although previous Soviet Navy commanders in chief have stated that the Soviet Union intended to construct a carrier fleet, the first priority has gone to the construction of a massive force of submarines and guided-missile ships, the stated mission of which is to oppose the U.S. Navy's attack carrier fleet. From this fact alone, it should be an obvious and logical deduction that the men in the Kremlin do not consider the attack carriers of the U.S. Navy an obsolescent force.

The fact remains that the Russians are building carriers, relatively small but very modern. At the time of the Cuban missile crisis they learned the need for sea-based air. Without air cover, their fleet and their supply lines were completely vulnerable. Now they are learning the technology of carriers. Large attack carriers are extremely complex. There is only one shipyard in the world today which can construct a nuclear-powered attack carrier. The Russians are becoming knowledgeable in carrier operation and are developing their industrial capacity for carrier construction.

The carrier amendment paper points out:

> Surface vessels are becoming increasingly vulnerable to attacks by submarines and the various missiles that already have been developed. The sinking of the Israeli ship *Elath* by an Egyptian-fired Soviet Styx missile clearly demonstrated this.

It is true that with the advent of the anti-ship-missile and the nuclear powered submarine, surface ships are becoming more vulnerable. The most vulnerable of our vessels are those of the merchant marine which carry our overseas commerce, and the troopships, ammunition ships, and tankers upon which our own overseas forces and those of our allies must completely rely. We cannot abandon our foreign trade or our foreign policy just because ships are vulnerable. Quite the contrary, we must make them less vulnerable by providing the protection a strong, carrier-oriented Navy will afford. Of all the surface ships, the carrier is the least vulnerable. It is a powerful warship designed to survive in a combat environment. More importantly, the carrier's aircraft are the most effective counter to the anti-ship-missile threat, whether ship, submarine, or air launched. The range of the most advanced Soviet anti-ship-missile is about 400 miles. This vastly outranges the guns on our cruisers and destroyers. But the carrier's aircraft, with a combat radius of more than 600 miles, can attack the hostile missile launcher before it can come within range of the carrier. Bombers can sink the guided missile ships. Fighters can destroy the missile-carrying aircraft. Even after the anti-ship-missiles are launched, the carrier's fighters can shoot them down in flight.

The paper goes on to say:

> With more and more nations becoming advanced to the point of having similar missiles within their defensive capabilities, there are fewer and fewer nations against which the carrier becomes part of an effective tactical weapon system.

It is true that the Soviets have provided the Styx missile to the Egyptians. It should be remembered, however, that the missiles which sank the *Elath* were not launched in an attack conducted upon the high seas, but were fired from PT boats hidden inside Port Said.

It is certainly possible that similar missiles could be furnished to the North Vietnamese. Such a possibility has been of concern to our naval commanders in the Gulf of Tonkin. It is of utmost significance to realize, however, that the carriers in the Gulf of Tonkin have operated beyond the range of land-based Styx missiles, and no potential North Vietnamese anti-ship-missile launching platform such as a PT boat or jet aircraft has ever penetrated the U.S. naval defenses in the Gulf of Tonkin to within effective missile range of our carriers. Whenever North Vietnamese PT boats have sortied from their bases into the Gulf of Tonkin, they have been taken under attack, destroyed, or driven back by the combined offensive actions of our carrier planes and surface ships. The point I am making here is that for a nation merely to have the Styx missile is not enough. It must also have a naval or air force capable of gaining local tactical superiority in order to permit the missile launching vehicles to penetrate to within striking range of their seagoing targets.

At this point the paper draws the following conclusion:

> In effect, the carrier serves at the pleasure of any potential enemies who have or are likely to have modern defensive capabilities (i.e. submarines and/or missiles). Under war time conditions, it is highly likely that any carriers that pose a threat to enemies such as these would be quickly destroyed or incapacitated.
>
> The carrier's role, then, is rapidly being limited to:
>
> (a) Tactical air support in wars against nations with unsophisticated defenses.

> (b) Tactical air support in wars of counter-insurgency (when the insurgents are not adequately armed).
>
> (c) A deterrent "presence" in times of near war.

I have pointed out that of the Communist nations which have an anti-ship-missile, the Egyptians were able to sink a small Israeli destroyer when this ship ventured into range of Egyptian PT boats hidden in inland waters. The Egyptians have significantly enough been unable to duplicate this feat on the open seas.

Some nations such as Albania, Egypt, North Korea, and China do have Soviet-supplied submarines in their navies, but, except in the case of China, these are generally training vessels, without any realistic combat potential against a first-line naval force. The greatest underwater threat to navies today is the nuclear-powered submarine and the submarine-launched antiship guided missile. The Chinese Communists have neither of these.

The real truths are these: No attack carrier built during World War II or subsequently has ever been lost to enemy action. Yet many of these carriers, including some in our active fleet today, have been subjected to the most intensive attacks by guided missiles that history has known. In World War II, the Japanese launched 2,314 aircraft in Kamikaze attacks against the U.S. fleet, with the carriers as the principal target. Despite the fact that the Kamikaze was a guided missile with the most sophisticated guidance system possible, not a single attack carrier was lost to them.

Since World War II, not a single carrier has even been damaged by enemy action, despite their active participation in two major conflicts since that time. In contrast, all of the tactical airbases in South Korea were overrun by enemy ground forces in the Korean war. In South Vietnam, over 300 helicopters and fixed-wing aircraft have been destroyed and over 3,000 more damaged on the ground by enemy attacks.

The paper goes on to state that the carrier's role is rapidly being limited to first:

> Tactical air support in wars against nations with unsophisticated defenses.

In comment, let me initially say that this is the only kind of war I would hope we will fight. Nobody wants wars, but if we must fight to preserve our national security, let us fight to win at the lowest level of intensity. Let us successfully conclude the small wars before they become big ones. Let us demonstrate by our resolve and strength that we are willing to protect ourselves by force of arms. Then we will avoid the big war against a sophisticated enemy such as Russia, China, or the Warsaw Pact.

But I would like to further point out a lack of validity to this fact-sheet statement. The carriers provided about half of all the combat sorties flown into North Vietnam, against defenses so sophisticated that the North Vietnam airspace was effectively denied to a major segment of our airpower—our B–52's. Has it been forgotten that the B–52's never intentionally flew into North Vietnam? It has been estimated that the surface-to-air missiles, radar-directed guns, and modern fighters which constituted the air defense of North Vietnam would have caused losses of 50 percent or more of the B–52's in a single raid.

The second point made in the fact sheet is that the carrier's role is rapidly being limited to tactical air support in wars of counterinsurgency—when the insurgents are not adequately armed. This statement is redundant. The sense of this allegation has already been made in the previous sentence. It would seem as if the intent here is to give the appearance of providing additional arguments, but in reality only repeating the same faulty conclusions.

The final point in this paragraph is that the carrier's role is rapidly being limited to "a deterrent presence in times of near war."

Right here, the authors of this fact paper have scored a major point in favor of the carrier. Any weapon system which would deter war would be worth every penny we could spend on it. Deterrence of war is, after all, the first object of our military posture. To be a "credible deterrent" a force must have the capability to prevail. No enemy will start a war he knows he will lose. The attack carrier is a deterrent because its power is known. It is being demonstrated daily in Vietnam. But more importantly, the carrier is a mobile deterrent, ready on arrival. What other credible deterrent could have been used in place of the carrier providing U.S. presence at the time of the Cyprus crisis? Certainly we could not have landed troops or overflown the island without inflaming, rather than easing the tension. When President Chamoun asked for the presence of U.S. forces in Lebanon to deter a civil strife fomented by other Arab nations, who was the first on the scene: the Marines crossing the beach under cover of carrier aircraft.

The fact sheet then says:

> It has not been demonstrated how many carriers are needed to fulfill this somewhat limited role, now, or how much less this role will be ten years from now.

My response to this statement must be that it is simply untrue. The need for a certain number of attack carriers has not been demonstrated perhaps to Congressman MOORHEAD's satisfaction, but the justification for attack carrier force levels is a detailed and complex analysis which is accomplished on an annual basis. These force levels are determined by the Department of Defense, based upon the requirements of our overall national strategy and in consideration of the capabilities of all the services.

As far as their role being a limited one, facts prove just the reverse. The Chief of Naval Operations has pointed out in a recent memorandum to the Secretary of the Navy:

> There is no valid plan for overseas military operations of the Army, Air Force, or amphibious forces with embarked Marines which does not depend upon our free use of the seas.

Surface forces cannot survive in the face of a strong air threat without air superiority. The carrier must guarantee this air superiority. The requirements for numbers of carriers is generated by the joint strategic objectives plan which summarizes the forces which the unified commanders require to carry out the contingency plans designed to implement our national strategy. Although this plan cannot attempt to accurately forecast future history, it is a painstaking effort on the part of those charged with the security of this country to provide the best estimate of the forces necessary to afford this protection. The attack carrier remains a major force in this plan to the limit of its future projection.

The fact sheet goes on to say:

> Without this information, the Congress is being asked to approve another carrier, the CVAN–69, without knowing whether we may have too many already.

The information is available to those Members of Congress who are willing to study the joint strategic objectives plan. Because this document is top secret, it obviously cannot be publicly distributed. On the other hand, the Congress has been willing to accept studies and justifications for other programs, welfare or urban renewal for example, prepared by people with no demonstrable expertise in this field in comparison to the credentials of our professional military planners in the Joint Chiefs of Staff.

I fully recognize that it now seems to be in style to criticize the military. I also fully agree that penetrating analysis and detailed review of all of our programs is a necessary function of government, but only when it is used to attain constructive ends.

To discredit the military on the basis of dissent on the war in Southeast Asia, is not only unsound, it is highly unfair. We all are aware of the stringent civilian and political constraints under which the military has had to operate. In Southeast Asia our country is attempting to achieve a political solution by military means. Too often I have heard the phrase "wars are too important to be left to the generals," to permit me to accept the thesis that professional military men should be scapegoats of the Vietnamese war. They did not request the war; nor have they urged that they not be allowed to win the war. The politics of the situation are not in the area of their determination.

Then the paper alleges that:

> Attack carriers are an expensive way to provide air support even in limited situations.
>
> Considering the limited role to which the carrier is being relegated by advances in weaponry, it is a fantastically expensive weapon. Each carrier travels with an escort of four destroyers. Together, these ships cost $1.4 billion—not including airplane costs and operating costs.

First, I think I have made it clear that the carrier's role is not limited. Second, the carrier force is not fantastically expensive in view of the fact that the alternative to carriers is an inability to defend our shores without recourse to nuclear weapons. At the time of the Cuban missile crisis, there were plans to invade Cuba in order to destroy the Soviet missile bases posing a threat to our national survival. These plans included the use of three attack carriers. There

XUM

were not enough air bases in the United States within range of Cuban targets to provide the level of tactical air required to support our ground forces in the assault phase of this operation. Furthermore, the figures provided in the fact sheet are not accurate. It is not true that each carrier travels with an escort of four destroyers. Carrier task forces are constituted of a mix of ships, operating together to afford mutual support. The number of destroyers included vary with the task and the threat. Also the mission of the destroyers is protective only in the sense that the destruction of hostile ships, planes, and submarines can be considered protective. When enemy naval forces have been eliminated and local control of the seas assured, the destroyers go on to other tasks. In Vietnam, only one or two destroyers have accompanied the carriers, as other destroyers provided gunfire support for our troops and interdicted the enemy's supply lines ashore.

Finally the fact paper states:

> In addition to the air support provided from the existing 15 carriers, tactical air support can be provided, and more economically, by land-based aircraft. There are 685 airfields outside the United States with runways longer than 8,000 feet. There are an additional 1,036 airfields whose runways are between 5,000 and 8,000 feet. If none of these 1,700 land airbases are adequate, the Air Force can quickly build one at a cost of $50 to $60 million, instead of shipping in a $1.4 billion mobile airbase.

This argument is completely unrealistic and has no factual basis.

The area of the world covered by our overseas land base system is constantly shrinking. For example, at the end of the Korean war, this country had 551 overseas bases. Today we have fewer than 173. Operational U.S. overseas land airbases have declined in number from 105 in 1957 to 35.

Land bases can be used effectively only when they are within range of the trouble spot. An extensive network of overseas bases would be required to cover the potential crisis areas of the world covered by the contingency plans of our military strategy. Who could decide where we should construct these bases. It is impossible to conceive of where the enemy might strike next. One thing is sure, since the Communists are the aggressors, the time and place will be of their own choosing. They will certainly try to avoid an area in which we are already installed in strength. Even if we could construct enough bases to cover the world, the cost would be astronomical in dollars and in people.

Clearly such an approach is not realistic. Even if we could afford it, there would be no guarantee that we could use these bases when the need arose. Land bases on foreign soil are vulnerable to political action. Regardless of pacts or base agreements, one nation can, and has been demonstrated repeatedly in recent years, unilaterally cancel a treaty, and our bases in that nation are lost to us. This has occurred in Morocco and France. The case of France is particularly disappointing. Throughout the history of the United States, France has been our stanchest ally. Not many people realize that the French suffered more casualties at Yorktown than did our own troops in the Continental Army. If our longtime friends must abrogate base rights because of temporal political considerations we must consider our entire overseas basing system tenuous indeed.

Even when our bases are not taken from us outright, their use can be temporarily denied to us for political reasons. This occurred during the Lebanon incident in 1958, when the Greek Government denied landing and even overflight permission to our land based tactical air forces deploying to the Near East.

Carrier aircraft, on the other hand, with a radius of action of more than 600 nautical miles can reach 85 percent of the earth's land mass covered by our contingency planning.

The conversion of existing airstrips into military bases is not a simple task. To establish one tactical air wing—the approximate equivalent of one carrier air wing—on a bare airstrip involves the movement of over 6,000 people, 7,000 tons of cargo, and 1,500 vehicles in its initial lift. It must be maintained in combat by a daily logistic flow of 3,200 tons of consumables. This daily resupply, if provided by airlift, would require more than 100 C–5A transport aircraft. Since this is obviously impractical, overseas land bases are dependent on keeping the sealanes open for logistic support. Ninety-eight percent of supplies, material, and equipment to Vietnam have been sent by sealift. In many areas adequate air defense of our sealanes, and airlanes over the sea, can only be provided by carrier aircraft.

Nor does the plan to construct bases after the crisis develops eliminate the requirement for carriers. Carriers were required in Korea, Lebanon, and Vietnam to provide the initial tactical air cover while land bases were being established and readied for operations. Today in Southeast Asia, land-based construction has not progressed to the point where the carriers are no longer needed. Four attack carriers are still assigned to support tactical air requirements in Vietnam:

In its final paragraph, the fact sheet summarizes the effects of the amendment to say:

> 1. This amendment would delete only funds for the CVAN–69, the second of the nuclear attack carriers.
>
> 2. This amendment does not curtail construction of the first *Nimitz* class nuclear attack carrier—the CVAN–68.

With these statements I am forced to agree. But with the rest of these conclusions which state:

> 3. Including the *Nimitz*, this country will have 13 attack carriers which have the capability of handling the most modern naval tactical aircraft. In view of the diminution of the role of the attack carrier in the future, the Department of Defense and the Navy, as yet, have not adequately justified the necessity for another attack carrier.
>
> 4. Without the need for this additional carrier being justified by the Department of Defense, the expenditure of public funds for its acquisition must be considered a wasteful extravagance.

I am forced to disagree in most emphatic terms. Without the CVAN–69, the 13 attack carriers in 1974 (when the CVAN–69 is scheduled to join the fleet) will include only two nuclear powered ships. The average age of the carrier force will be more than 15 years. The oldest ship will be 29. Three of the carriers will be World War II designs, with a combat effectiveness of only one-third to one-fourth the *Nimitz* capability. As long as we have a Navy, it must be a strong and capable one. Geography will not change. We will always be essentially an island nation, depending upon the sea and the airspace over the seas for the bulk of our international commerce, and in our foreign relations. The professional judgment upon which we have placed the responsibility for our national security, sees no diminution in the role of the attack carrier in our military posture for the immediate future.

Without carriers, our defense establishment would have a void which would have to be filled by more expensive, less effective, and more provocative systems.

Rather than consider the appropriation of funds for the CVAN–69 as a wasteful extravagance, I consider that the authorization for the funds to complete the construction of this ship, an obligation to the future generation of Americans in the preservation of security of this Nation.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Stratton).

Mr. STRATTON. Mr. Chairman, I believe the gentleman from California (Mr. Gubser), made the point clearly that what we need and what this bill provides is an airborne early warning and command and control system. We have a great installation out in Colorado, the North American Air Defense System. Surely if we do not provide this air defense system, which we have created to protect our country not only from air attacks but also missile attacks from abroad, if we do not provide them with modern interceptor aircraft, which are contained in this title and with the modern airborne command and control center the gentleman's amendment would strike out, if we are not willing to keep our air defenses up to date we might as well tell them to close up shop at Cheyenne Mountain in Colorado.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. Rivers).

Mr. RIVERS. Mr. Chairman, I regret that we do not have more time to discuss this amendment. We have a need for a beefing up in our Air Force, and we have a need for the AWAC's, and we do not have one. Our forces cannot see beyond the horizon. If you want to defend our country, then we need this kind of capability, and this kind of control mechanism so that we can preserve the freedom of the skies.

That is all I have to say.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. Reuss).

The question was taken; and on a division (demanded by Mr. Reuss), there were—ayes 41, noes 42.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments to title II?

XUM

Mr. PIKE. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will report the amendment.

Mr. PIKE. Mr. Chairman, I ask for the Clerk not to report the amendment, considering the length of time I would have to explain it.

The CHAIRMAN. All time for debate on title II has expired. Is the gentleman from New York addressing himself to title II?

Mr. PIKE. I was addressing myself to title II, Mr. Chairman. I thought I had some time left which I had reserved.

The CHAIRMAN. The Chair had recognized the gentleman.

Mr. PIKE. I thought I had 45 seconds to explain my amendment.

The CHAIRMAN. The Chair recognized the gentleman for 45 seconds and at that time the gentleman did not care to take the time.

All time has expired.

The Clerk will read.

The Clerk read as follows:

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1969, and ending June 30, 1970, the Selected Reserve of each reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 393,298.

(2) The Army Reserve, 255,591.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 49,489.

(5) The Air National Guard of the United States, 86,624.

(6) The Air Force Reserve, 50,775.

(7) The Coast Guard Reserve, 17,500.

SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 303. Section 264 of title 10, United States Code, is amended by deleting subsection (b) and substituting the following in lieu thereof:

"(b) The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Selected Reserve of the Reserve components under this jurisdiction to satisfy the mobilization readiness requirements established for those units and Reserves in the contingency and war plans approved by the Joint Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy. He shall, when a unit in the Selected Reserve is established and designated, expeditiously procure, issue, and maintain supplies and equipment of combat standard quality in amounts required for the training of each unit and shall store and maintain such additional supplies and equipment of that quality that are required by those units upon mobilization. However, if the Secretary concerned determines that compliance with the preceding provisions of this subsection will jeopardize the national security interests of the United States, he may temporarily waive compliance with these requirements after he has notified Congress in writing, setting forth the specific facts and circumstances upon which he made such a determination. Unless specifically authorized by law enacted after the effective date of this section, funds authorized for personnel, supplies, equipment and facilities for a Reserve component may not be transferred or expended for any other purpose."

SEC. 304. Subsection (c) of section 264 of title 10, United States Code, is amended as follows:

In the last line of the last sentence of subsection (c) after the word "within", change the figures "60" to "90".

Mr. LEGGETT (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAGGONNER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, a situation has developed here which is really not conducive to the consideration of legislation of this magnitude.

A number of people are upset. I suppose it depends on which foot the shoe is on, and which piece of legislation you might be considering or whose ox is being gored.

Mr. Chairman, it would indeed be better if we could give a little more consideration to some of these amendments. But I want to say, Mr. Chairman, that it is a little inconsistent on the part of some who talk about a gag rule on legislation of this sort when you will recall just a few weeks ago, before the August recess, we had 2 days of debate under a closed rule on a piece of tax reform legislation that is more far-reaching than any tax legislation that we have ever had since the imposition of the graduated income tax itself. The Committee on Rules sent to this House under a closed rule that tax proposal wherein those of us who had some opposition did not even have a chance to offer an amendment, with even 45 seconds to discuss the amendment. We had to vote for or against the entire 368-page package.

So the thing you have to remember and consider is that eventually every road turns and you will be faced with that situation yourself. If you are not willing to face it when the time comes, do not invite it in the first place. You are faced with it now. Too often, and remember this, when you dig a grave for someone else you wind up in it yourself.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to the gentleman.

Mr. MOORHEAD. I think this is water over the dam now. We have this. But I would hope that we would learn from this and that in the future we would program bills of this magnitude early in the week so we would not have this pressure late on a Friday, when Members want to close up.

Mr. WAGGONNER. The gentleman is engaging in wishful thinking, because, since we have a Tuesday-to-Thursday operation, this cannot be done.

Mr. MOORHEAD. Maybe next year similar legislation will be programed differently. I would hope it would be programed for the beginning of the week so we would not have this pressure on us to finish up in haste late Friday afternoon.

Mr. WAGGONNER. It is pressure when you have serious legislation, whether it is scheduled for Monday or Friday. It does not make any difference.

Mr. WRIGHT. Mr. Chairman, I move to strike the requisite number of words.

This has been in large part a very enlightening and a very enlightened debate for these past 3 days. Honest dissent there has been. It has been vigorous. It has involved fundamental assumptions and basic matters of policy. This has been proper and useful. I earnestly hope that what dissent has arisen will not be misinterpreted as discordant dissension. I for one am willing to remain for the rest of the day, tomorrow, or however long it is necessary that there may be ample discussion of any amendment seriously offered.

But I earnestly hope—and this is the reason I take this time—that argument and even acrimony shall not obscure the larger meaning of what we are doing here, as a part of the larger debate that is going on in this Nation.

Even though some Members of the Congress in both Houses—yes, and in both parties—are publicly unwilling to embrace a moratorium on criticism of the President in his conduct of foreign affairs, still what is happening here shows that a majority in both Houses and in both parties is fully willing to give the President the backing and support that he requires if he is to supply leadership to the country. And that is the profound and basic meaning of what we are doing.

May none, therefore, misread what is happening in America. May it be clear to the leaders in Hanoi that although some Americans do delight in criticism, and a vocal minority in its eagerness to abandon the fight may even be willing to abandon President Nixon's insistence on the right of peaceful self-determination for the people of South Vietnam, those people do not represent a majority. They do not speak for America.

Let the leaders of North Vietnam not draw the erroneous conclusion that if they will simply persist long enough in unyielding obstinacy, America will fall to pieces, so dismembered by the bitterness of internal disaffection as to lose its will, and let them have their way entirely.

Mr. Nixon has made overtures to peace. He has declared his willingness to consider any reasonable overture from the other side, and none has come.

President Nixon has stated clearly, and I think forcefully, that we as a na-

XUM

tion have only one nonnegotiable purpose, and this is that the future of South Vietnam be determined by ballots rather than by bullets. Most Americans support that purpose. Clearly it is time for some movement from the other side. It is time for some concessions from Hanoi, some suggestion of a basis for settlement, some evidence or indication that the North Vietnam Government is willing to negotiate.

May there be no misunderstanding in Moscow. Let those in the Kremlin see in our actions here that we truly do want peace, that we are anxious to negotiate with them a general reduction in armaments, and toward that end are willing to authorize public moneys for implements which we would greatly prefer to reduce whenever they are willing to join us in that course.

Walter Lippmann, who celebrated his 80th birthday last week, wrote some words in 1914 that have a meaning today. These lines appeared on November 7, 1914, in the first issue of the New Republic magazine. Mr. Lippmann said at that time:

> It is not enough to hate war and waste, to launch one unanalyzed passion against another, to make the world a vast debating ground in which tremendous accusations are directed against the Kaiser and the financiers, the diplomatists and the great manufacturers. The guilt is wider and deeper than that. It comes home finally to all those who live carelessly, too lazy to think, to preoccupied to care, afraid to move, afraid to change, eager for a false peace, unwilling to pay the daily costs of sanity.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. EDMONDSON. Mr. Chairman, I move to strike the requisite number of words and yield to the gentleman from Texas so he may complete what I think is a very timely and very useful message on behalf of a very thoughtful and conscientious Member of this House.

Mr. WRIGHT. Mr. Chairman, I thank the gentleman from Oklahoma both for his thoughtfulness in yielding and for his comment.

I simply want all of us on both sides of the aisle and on both sides of these discussions to ponder, as I said, the words of Mr. Lippmann, which he wrote many years ago when he was a very young man. I will repeat in part:

> The guilt . . . comes home finally to all those who live carelessly, too lazy to think, too preoccupied to care, afraid to move, afraid to change, eager for a false peace, unwilling to pay the daily costs of sanity.

It seems to me what all of us on both sides of the aisle need to make clear in these debates underway here today, so that it may be understood by all, is that just as we do ardently desire peace and actively pursue it, we are not so eager for a "false peace" as to be unwilling to pay "the daily costs of sanity."

Mr. EDMONDSON. Mr. Chairman, if the gentleman will yield the remainder of the time back to me, I commend the gentleman from Texas for his remarks and commend him for sounding, in the midst of what undoubtedly is being recorded as a divisive debate on many issues, a note of unity and purpose among the American people. It seems to me even though many of us may have disagreements as to the level of activity that should be followed in certain categories of our Armed Forces, even though those disagreements are strongly felt among many of us, this debate and the votes that have been taken have demonstrated very, very decisively the will of the overwhelming majority of this body, that this Nation continue to negotiate from strength and that it continue to prepare adequately for all eventualities that might threaten the security and safety of our country. It has been demonstrated conclusively thus far that this is a majority sentiment felt on both sides of the aisle of this House.

I thank the gentleman for his remarks which put in perspective the sense of unity that does pervade these halls at this time on the major issue of the survival and security of our country—an issue which is directly affected by our actions on this important bill.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first let me say I come to the well to join my colleague, the gentleman from Oklahoma (Mr. EDMONDSON) in praising the gentleman from Texas (Mr. WRIGHT) for the statement he has just made. It was eloquent. It was thoughtful. It was the kind of statement I think does demonstrate, despite some of the statements that are made, that there is a greater degree of unity in this country than the Communist world sometimes realizes.

Frankly, some of us were deeply disturbed several days ago when the senior Senator from Oklahoma, acting in his capacity as chairman of the Democratic National Committee, said that the time had come to take the gloves off on the issue of Vietnam, and he seemed to be bringing that issue into the partisan arena, in the attempt to make this a Republican war. I have never said it was a Democratic war, nor will I ever make that charge, and it certainly is not a Republican war; it is an American war. I think the gentleman from Texas speaks the sentiments of many of us on both sides of the aisle in counseling the kind of moderation he does.

Mr. Chairman, the statement I quoted earlier seemed to indicate that Senator HARRIS somehow views the Vietnam war as nothing more than an arena for a political sparring match that should not be turned into a street brawl. To my mind, Mr. Chairman, this is both a reckless and irresponsible statement. This is no time to play partisan politics with an issue as grave and as delicate as the Vietnam war. I have always favored responsible dissent and open debate on the war, but I will always oppose any attempts to make a political football out of that issue. We have traditionally observed a nonpartisan approach to the Vietnam debate, and I would hate to see that debate deteriorate into partisanship at this crucial juncture in the war and in the negotiations.

And I am not alone in my concern and my belief that Senator HARRIS is trying to make political hay out of the Vietnam war issue. Senator FRANK CHURCH, who is both a Democrat and a war critic, had this to say after his meeting with Senator HARRIS and other Democrats:

> I want no part in any strategem to convert the Vietnam war into a political club for Democrats to use against Republicans.

Senator CHURCH, in remarks before that other body on Monday of this week, went on to make the following statement:

> I object also because it is plainly too soon for Democrats to use Vietnam as a legitimate issue against the Republican Administration. After all, Democrats in the White House led this country into Vietnam. If President Nixon fails to lead us out, it may become his war. But it is not Nixon's war yet. For 8 years, we Democrats bore the responsibility. Now we must wear the hair short longer than 8 months. Quite apart from what our personal positions may have been, we are not yet entitled as a party to hold the Republicans to account.

Mr. Chairman, I commend Senator CHURCH on his statesmanlike remarks. This is neither a Democratic war nor a Republican war; it is an American war. And the President of the American people has pledged himself to achieving an honorable settlement of that war. And the President has already taken a number of positive steps in that direction.

It therefore baffles me that Mr. HARRIS should suggest that the President has "no plan" for ending the war and that he is taking no constructive measures to insure a peaceful and honorable settlement of that war. This criticism is especially baffling in light of remarks made earlier this year by Senator HARRIS. Speaking before the National Press Club here in Washington on April 16 of this year, Mr. HARRIS said the Democratic Party will not make partisan capital out of the solemn cause of Vietnam. On April 29, in a Philadelphia speech, Mr. HARRIS said, and I quote:

> We've got to begin a step-by-step de-Americanization of the war. We've got to bring some boys home, even if it's only a symbolic number.

And on May 25 of this year, in Burlington, Vt., Mr. HARRIS said, and I again quote:

> The level of violence should be reduced by bringing home at least 50,000 American boys in 1969.

Mr. Chairman, I would like to point out that President Nixon is more than following the Harris plan for the de-Americanization of the Vietnam war; that he has pledged to bring home not 50,000 but 60,000 American troops by the end of this year. It is therefore difficult for me to understand how Mr. HARRIS can attack this administration for having no plan, when, in fact, the administration is doing more than Senator HARRIS indicated should be done.

One can only conclude that these irresponsible attacks are based on partisan considerations rather than on rational and responsible alternatives to our current Vietnam policy. We have, in Senator HARRIS' words, begun "a step-by-step de-Americanization of the war," and we are withdrawing more than his suggested "symbolic number" of troops.

Mr. Chairman, I am convinced that this administration is on the right course with regard to Vietnam. I support the

XUM

President in his efforts to both increase the capabilities of the South Vietnamese to fend for themselves and to arrive at a negotiated settlement of the war in Paris. This administration deserves our support in its efforts to achieve these honorable objectives.

I also take the well to answer the implication—and I think there was an implied rebuke in what my friend, and he is my friend, the gentleman from Louisiana (Mr. WAGGONNER) said a moment ago—when he spoke of the wrath of some of us in describing the procedure this afternoon as embracing a gag rule.

If I betrayed anger in my voice, I apologize. I am not angry at anyone in this Chamber, I can assure the Members. I have a great deal of difficulty with the closed rule, although I have supported such a rule on bills coming from the Ways and Means Committee. Maybe as a result of what the gentleman said, I will not be as quick the next time to vote, at the suggestion and even urging of the distinguished chairman of that committee, the gentleman from Arkansas (Mr. MILLS) to grant that kind of rule on a tax bill.

But I do not believe I have ever stood in this well, nor have I stood to support a motion, to shut off debate under the 5-minute rule. That is what I have objected to here this afternoon, because I believe this is the one valuable means of debate we have when we are in the Committee of the Whole House in the House of Representatives; to use the 5-minute rule not to filibuster but to bring out some of the important points which ought to be brought out in this debate.

I do not believe the gentleman from California (Mr. GUBSER) should have literally had to spit out his words to try to explain his argument that we ought to support the authorization for the airborne defense system. I do not believe that is conducive to the level of debate we have come to expect in this Chamber.

I do not believe it is irrelevant for those who are not members of the Armed Services Committee to ask whether or not we have a right to challenge some of the underlying strategic assumptions, some of which have gone unchallenged pretty much since World War II. Is the threat today the same as it was immediately after World War II, or has it changed?

I believe we can make a contribution in this chamber in the kind of debate and the kind of examination we make of that question.

I read in the article I referred to when I spoke on the bill the other day, an article by Juan Cameron on "The Case for Cutting Defense Spending," this statement:

> The Nixon Administration has already initiated what promises to be the most profound and basic reappraisal ever undertaken of the political-military threat facing the United States and of the defense structure needed to cope with it. The first results of this review, being carried on jointly by a National Security Council staff under Lawrence Lynn and the Department of Defense under Deputy Secretary of Defense David Packard, should be reflected in next year's defense budget.

If those in the executive branch find it necessary to make that kind of basic and profound review and reappraisal of the whole nature of the political-military threat, then I believe we have a duty to make some contribution in this branch of Government to that analysis and to that reexamination.

I certainly hope that we do not come to the point in the history of this Chamber where we regard as in the context of irrelevancies the comments which are made by those who are not on the Committee on Armed Services. I respect their expertise. I have not read the AMSA hearings in full. I wish I had.

And now I speak to the gentleman from Louisiana (Mr. HÉBERT). I would be very interested to know how much of those hearings is devoted to the purely technological and how much is devoted to the underlying basic rational for the employment of AMSA in a strategic capacity.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from South Carolina is recognized for 5 minutes.

Mr. RIVERS. Mr. Chairman, I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. I appreciate the courtesy of the chairman of the committee in yielding to me.

Mr. RIVERS. Let me ask the gentleman one question.

Mr. ANDERSON of Illinois. Surely. I yield to the gentleman from South Carolina.

Mr. RIVERS. The fact that the gentleman is now talking indicates that people who have anything to say have not been cut off. We have spent over 2 hours on the last title. So far as I am concerned, we can spend another 2 hours on this.

The fact is the gentleman is talking. He makes an eloquent speech, and I am delighted to yield to him.

Mr. ANDERSON of Illinois. I thank the gentleman.

Mr. RIVERS. The gentleman will remember that before the Rules Committee I said:

> I will take whatever time you give me. If you want me to have four hours give it to me. If you want me to have ten hours and you think I deserve ten hours and need ten hours, give it to me.

Am I right or wrong?

Mr. ANDERSON of Illinois. The gentleman is eminently correct. He did not ask the Rules Committee to grant only 4 hours.

As I believe I told the House the other day, I was in favor of granting more time under general debate.

I would take this opportunity, Mr. Chairman, to express the hope that as additional amendments are offered to this bill we will listen patiently and carefully to the arguments that are advanced on both sides so that those of us who are not on the committee, who desperately are seeking further information and knowledge that we need, can at least go home on the weekend and feel that we have been exposed to as much information and material here on the floor as we could be.

Now, if I may, in the brief time I have remaining, I want to point out something else that I think is relevant to the theme that I was trying to develop. This goes back to a statement I read or heard made by the former Director of Defense Research and Engineering, Dr. Herbert York. In an article I believe he wrote in Scientific American a couple of months ago he said that if we want to see an end to the rising crescendo of costs and uncertainties in this whole developing arms race which has gripped the world, we will have to rely not just on technological decisions but on political decisions.

Mr. Chairman, that is why I think it is important, to have full debate on all decisions to bring new weapons systems into our national inventory. Yesterday we had under consideration the F–14. I supported the position of your committee, Mr. Chairman, and I voted against the amendment that would have struck $275 million from this bill, because I listened to the arguments you advanced. We were told here that the Soviets have been developing a new model or a variant of a plane in this category every 2 years since 1961. So I went along with the committee. But I left that debate and went home and wrote down some of these thoughts last night because I wished I had a little more of the basic underlying rationale on why these planes are necessary.

Mr. Chairman, I heard the press conference of the President in Guam where he said that our policy in Asia is taking a new direction, and the clear indication was that we were not going to play the same kind of interventionist role that we have played ever since the post-World War II period. I believe the President when he said that there is a change and I believe that he will make the kind of basic review of our whole politico-military position vis-a-vis the Soviets that can contribute to a more rational defense posture. I think it will be reflected in the budget that is sent to Capitol Hill in January of next year. In the meantime I hope we will be listening to those who have taken the time to study this program—AMSA—or this whole question of strategic arms, not just from the technological standpoint but from the other underlying bases I have mentioned as to whether or not we are really responding to the threat that is surely there.

I have heard and I believe that the Soviet is testing new missiles and week by week they are seeking to increase their offensive strength. However, I want to be sure we are responding to that threat and particularly because of the long leadtimes necessary on many of these programs that we are making a prudent use of our resources. The gentleman from Louisiana (Mr. HÉBERT) told us on the AMSA that it would be 8 years before we could put that plane into our inventory to replace the B–52. I want to be sure before we install this new weapons system as a part of our defense that we are responding to the kind of situation in the world that we will be facing in the 1970's.

The ultimate cost of the program carries various estimates ranging from $8 to $23 billion. The rationale by the Pentagon is that we need a mix of bombers,

XUM

land-based, and sea-based missiles. However, since we are not planning a first-strike capability and desire only to maintain our assured destruction, or second-strike capability, are not strategic missiles more advantageous from a cost standpoint?

It is difficult to see that a new bomber is really needed to maintain the credibility of our nuclear deterrent. I know of no realistic claim that it would be employed in the context of a conventional war. Therefore, what are the strategic exigencies that necessitate this project during the decade of the 1970's? In essence, what we seem to be arguing in opting for this particular weapons system is that we are planning for future unknown eventualities.

Again there seems to be a developing vacuum between the policy decisions which are essentially political in nature and military planning decisions. I wonder if there are adequate coordinating mechanisms between the policy planners in the executive branch, primarily in the Department of State, and the Defense planners, who project future force structures and force levels. Somehow we have failed, I believe, to mesh these two elements of overall government planning in such a way as to give us a balanced military force, which is related to the goals which we seek to achieve and maintain as a world power. Until we bridge that gap, defense will continue to extract more of our annual gross national product than is necessary.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the pro forma amendment. I had wanted to yield my time to the gentleman from Illinois (Mr. ANDERSON) if he desired additional time to complete his statement. If not, let me just add this additional comment on the point raised by the gentleman from South Carolina as well as by the gentleman from Illinois. I had thought we were meeting here this afternoon to consider amendments to this important legislation. I have nowhere to go tonight or tomorrow and I can stay here as long as anybody else, but there are Members who would like to try to get this bill considered and debated and amended, if possible, and then vote it either up or down. The reason I suggested that we bring debate on title II to an end within some reasonable fixed time was that we were having no amendments offered to it. We were discussing the condition of schoolchildren in the District of Columbia. As the gentleman from South Carolina (Mr. RIVERS) pointed out a moment ago, we have had no amendments offered so far to this title, although we have already been debating for a half hour. I think in fairness to Members who may have commitments, we should get on with whatever amendments are to be offered and consider them in whatever time is necessary and then vote them up or down. It is already well into the second hour past noontime.

Mr. PIKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentleman from Illinois (Mr. ANDERSON) for his magnificent and eloquent speech here today. I would like to associate myself with it as closely as I can cuddle up to it.

I think that it is an absolute travesty that a member of the committee could not get 10 seconds to explain that he was not asking that his amendment to title II be read, simply because it would have been a travesty to try to explain the amendment in 45 seconds. And I was going to withdraw my amendment simply because I did not do very well yesterday trying to explain amendments in 5 minutes, and I know very well it would have made no sense to try to explain my amendment to title II in 45 seconds.

But, Mr. Chairman, I do think that we demean the operation of this House when we pretend it is adequate to devote 2 hours to title II. That happens to come down to $3,700,-and-some-odd millions per hour, and I do not believe that that is an adequate way to debate title II.

We have seen this situation arise again and again and again, and I believe that we hurt ourselves. I believe we hurt our committee. I think we hurt our Congress. I believe we demean our Nation. I think it is a very sad day.

Mr. Chairman, I yield back the balance of my time.

Mr. ARENDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just to be certain, I stopped by the doctor's office this morning and had him take my blood pressure. I am pleased it is normal. So I am not going to get excited like others are doing. I am not mad at anyone, and I do not propose to be.

But I wonder how the Members of this House can forget so quickly—so very quickly—what has happened and transpired over past years?

I was in this House one day when 12 amendments were on that desk—Republican amendments were on that desk—and we were overwhelmingly denied the opportunity to even read any one of them, leave alone speaking on them.

So let us today attempt to be fair. Let us be honorable and just about all of this business, and our remarks as to one another.

What is happening here today, has been happening over the years, and it is going to continue to happen, because in this House we have 435 prima donnas, and you cannot do anything about that—and neither can I.

I, on occasion, go home at night pretty mad about the day's happenings on this floor, but I get over it. So will you.

Those on our side of the aisle have been repeatedly overwhelmed, slugged, tramped on, and almost demolished time and time again with the overwhelming majority you have had on that side of the aisle. That is the way you wanted it. So we have just taken it. Yet I am still not mad at anyone on that side of the aisle, and never have been, and do not plan to be.

So please look at things the way they are when they happen, and repeatedly happen, because you must know they will continue to happen so long as you and I are here.

So let us make the best of the situation, forget the little innuendos and the little digs, and all the little things that go with it. My colleagues, we cannot have everything we want all the time. This is a give-and-take business.

Mr. REUSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in this Committee of the Whole House on the State of the Union, where the king's men cannot penetrate, let us look at what has just happened.

I am glad that the blood pressure of the distinguished gentleman from Illinois (Mr. ARENDS) is OK. So is mine. And my cholesterol count is fine, too.

But my sense of fairplay is outraged. It is outraged because we have just completed a span of 20 minutes, with 45 seconds allotted to Members who had a message to tell on a vitally important amendment, and we did it without getting the facts on the table.

Three days ago I put on the Clerk's desk, and on the desk of the majority and minority of the Armed Services Committee, my amendment. They knew what it was. It was also quite clear to those who brought forward the motion to restrict Members to 45 seconds that I had that amendment and wished to press it.

It is a source of great sadness to me, because I respect the leading members of the Committee on Armed Services on both sides of the aisle and our great Speaker, that they saw fit to restrict Members to 45 seconds.

So I ask, Mr. Chairman, is this a just and fair way to conduct the affairs of this deliberative body? Does it keep faith with the American people who sent us here to use our best and most honest efforts so that truth might prevail?

Mr. DENNIS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, speaking from this side of the aisle, I merely want to say very briefly that I would like to associate myself with the remarks of the gentleman fom Illinois (Mr. ANDERSON) on the subject of the limitation of debate. I will add also with the remarks of my colleague, the gentleman from Wisconsin (Mr. REUSS).

In fact, these two gentlemen have stated it so eloquently that there is really nothing for me to add on that subject. But I would just like to say this. I consider myself a conservative, and I am in favor of a strong national defense. I have sat here for 2 days voting with the committee and against the amendments. I will probably continue to do so. But I do not want it to be said that only these flaming liberals over here are in favor of free speech and debate because I am, too.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the pending amendment to the naval, Army, aircraft procurement bill is a continuation of series of amendments offered yesterday, and no doubt a considerable number of amendments will be offered to this bill today. I gathered from some of the speeches made on the floor of the House yesterday that the proponents of some of the amendments were not convinced that the Defense Department needed certain items but they had some concern about our middle and lower bracket taxpayers. As a one-time member of the Naval Affairs Committee, and my observation over the last 20-odd years pertaining to the military budgets, I am fully convinced that the military brass hats, more than any branch of our Government, are not the least bit backward about budgeting in the military by billions for projects, and do not possess too much concern as to the difficulties the Congress has in getting money to finance these $100 billion annual budgets.

It is remarkable that during the dark days of World War II our military budget was around $10 to $15 billion annually, which was during a highly involved international war. During the Korean war, our military budget was around $9 to $10 billion. A few years later it kept going up and up until about 10 years ago it approximated $50 billion and today we find the stupendous figure for the 1969 military budget approaching $80 billion.

Older Members of this House remember a distinguished Pennsylvania colleague, Congressman Bob Rich, who daily would cry out, "Where are you going to get the money?"

I want it strictly understood that I have supported and will continue to support necessary funds for the best defense that our Nation can afford to buy for the money available.

But the picture I would like to place on the minds of my colleagues that it was only in the first part of August of this year when we debated the tax reform bill that we heard from very few of the leaders on both sides of the House, and certainly not from the well of the House, recommendations that all segments of our taxpaying public be required to finance these annual budgets of over $100 billion, of which approximately three-fourths is for the Defense Department.

Ample funds to finance education and schools in the urban areas of America are nonexistent. In my industrial area of the Calumet region thousands of children are jammed in crowded schools and school boards are renting warehouses and garages to accommodate the overflow of children. The same situation exists in New York, Pittsburgh, Los Angeles, and all congested areas of the United States.

We have word from the White House that the education budget must be reduced for next year. In yesterday's paper, which I hold in my hand, headlines state, "Model Cities Fund Slash Amounts to 42 Percent." It was only 2 weeks ago that the White House sent out word that the $1 billion for funds necessary for the purification of water in our urban areas must be slashed from $1 billion to $214 million. This budget reduction will jeopardize the health of millions of our citizens in the urban areas.

The administration recommended the federally impacted area funds be cut from $521 million to $202 million for 1970.

The administration also recommended that the library funds budget for the elementary and secondary education be cut from $405 million down to $70 million.

Also that equipment and minor remodeling for our schools be reduced by $40 million.

Word from the White House is that the poverty program for the unemployed and needy in our ghettos must be reduced by almost one-third.

I can continue other items of reduction which will be cut from millions of Americans who need help and need Government assistance in this exploding population which is now over 200 million.

During the tax reform bill which was debated on this floor over 2 months ago, the Members of this body had the opportunity to close a great number of fabulous, and in most cases fraudulent, loopholes of mammoth corporations making fabulous profits, but our Federal Treasury will profit very little from the so-called tax reform bill. Most Members paid little attention to the fact that over $12 billion could have been brought into the Federal Treasury for 1970 on our tax reform bill if only they could have resisted some of the powerful lobbyists that infested Washington like bees in a honey patch, to protect their tax-free profits. Do most of the Members realize that this stupendous amount is $21 billion and the rest of the defense budget will total, in all, about $80 billion; two thirds will be paid by salaried and wage earners of America.

I hold in my hand a breakdown estimated by the U.S. Treasury that there was a 1968 revenue loss as a result of major tax loopholes, which I will ask unanimous consent to incorporate with my remarks. This includes oil depletion, intangible drilling deductions, travel and entertainment deductions, capital gains not reported on tax returns, capital gains that escape tax at death and unreported dividends and interest. These are just some of the major loopholes that escaped the Congress 2 months ago.

1968 revenue loss as a result of major tax loopholes (estimated by U.S. Treasury)

	Millions
Nontaxed interests on tax-free bonds	$1,800
Depletion deductions (corporations included)	1,500
Intangible drilling deductions (oil and gas)	750
Travel and entertainment deductions (estimated excesses)	400
The 50 percent of capital gains not reported on tax returns	5,000
Capital gains that escape tax at death	2,000
Unreported dividends and interest	1,000
Total loophole revenue loss in 1968	12,450

Also I wish to give you a couple of examples of how big oil escaped defense taxes, along with other necessary taxes to keep our Government operating.

From 1962 through 1966 the Atlantic-Richfield Oil Co. had profits of $411,621,000. But after deducting its 27½-percent oil depletion allowance, "intangible drilling costs" and other items it came up with a whole string of goose eggs. Its total income tax obligation for those 5 years was zero.

In 1962 the Marathon Oil Co. had a net profit of $36 million. After deducting its depletion allowance and other items, Marathon not only paid no income tax but received a tax credit of $2.2 million.

Let us consider the tax "bonanza" enjoyed by the 27½-percent exemptions under the oil depletion allowance. In this case you determine your income from a producing well and deduct 27½ percent of that amount before beginning to calculate your income tax. You do the same next year, and the year after that, and every year as long as that well produces. You don't stop when you have retrieved your investment; in fact, the average well is "depleted" 12 times over. If your drilling cost was $50,000, your total income tax deductions on its production might be $600,000. This bill reduces the depletion loophole 7½ percent and most Members feel that it should be repealed entirely.

Mr. JONAS. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, it has repeatedly been charged during the course of the debate that we are neglecting certain social programs and falling over and playing dead when the Defense Department asks for funds. I think it would be helpful before the debate ends if some facts on this subject should be placed in the RECORD.

In 1961, the administrative budget of the United States was $81 billion. Of that sum national defense came in for $47 billion, or 58 percent. Housing, health and education had only $5.5 billion in that budget, or 6.7 percent.

In 1969, let me show you how the percentage of the funds in the administrative budget for national defense has gone down and the percentage of funds for the social programs has gone up. The record shows that in 1969 the administrative budget was $148.6 billion, of which national defense accounted for $80 billion, or only 54 percent, as contrasted with 58 percent in 1961, whereas that part of the budget for housing, health and education had gone up to $20 billion, or an increase from 6.7 percent to 13.6 percent.

May I say also that since 1956 while the budget for national defense was going up 100 percent, the budget for the social welfare programs has gone up 700 percent. So I do not think the argument can be sustained that we are increasing funds for national defense and decreasing funds for social programs. However, there will not be any social programs to support if we fail in the national defense of our country.

The funds devoted to national defense are provided to protect the security of the people of the United States.

May I make one other statement which has not been emphasized during the course of the debate. We are not spending any money here today when we vote. When we vote on this bill we are not spending one dime. I have heard it said repeatedly during the course of the debate that a vote for this bill is a vote to spend so many billions of dollars for this program and so many billions of dollars for that. Those who have made these statements would not, I am sure, deliberately mislead those who read the RECORD, but unless the RECORD is corrected many will be misled. The fact is, as all Members know, this is not an appropriation bill but merely an authorization one. Another committee of the House will have to review what is authorized here today and decide on a spending level to be recommended to the House, and you will have another chance, another day, to decide what sums will be appropriated. What the Defense Department will have to spend will depend upon what we later appropriate and not what we authorize today.

All we are doing in this bill is providing a ceiling about which the Committee on Appropriations cannot go.

Now some may say the Appropriations Committee just goes along and rubberstamps what the Defense Department asks. That is not the case. Let me remind Members that last year in the Defense Department Appropriation Act the House Committee on Appropriations reduced the budget by $4.8 billion in the Military Construction Appropriation Act the budget for military construction was reduced from $2,031,500,000 to $1,765,019,000 or by $266,481,000.

So we are not deciding today how much will be spent on these programs. What we are doing is fixing as I have said, a ceiling beyond which the Committee on Appropriations cannot go in recommending future appropriations.

I yield now to my friend the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding.

I certainly appreciate the comments made by the gentleman from North Carolina. I think it puts this in the proper frame of reference and context.

Apropos of what the last gentleman in the well, before the gentleman from North Carolina, said, is it not true the executive branch of this government in this fiscal year is operating under a continuing resolution?

Mr. JONAS. The gentleman is quite correct.

Mr. HALL. Secondly, is it not furthermore true that when the Congress exceeds the budget request by, say, $2.3 billion on the Department of Labor-HEW Appropriations Act, there is nothing left under the function of a continuing resolution for the Chief Executive to do than to put on embargoes such as have been pointed out, until all appropriation bills are completed, so the President can best expend and pro-rate the funds appropriated by the duly elected Congress according to proper priorities?

Mr. JONAS. The gentleman is correct, and the President started off that program by announcing through the Secretary of Defense that projected spending by the Defense Department would be cut by $3 billion.

Mr. Chairman, I am for economy in the Defense Department, as much as any other Member of this Congress, but I am also for protecting the security of the United States.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—GENERAL PROVISIONS

SEC. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37) as amended, is hereby amended to read as follows:

"Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other Free World Forces in Vietnam (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine."

SEC. 402. After January 1, 1970, no contract or grant for Research and Development projects shall be awarded by the Department of Defense or any of the Armed Forces to any school, college or university or to any affiliated organization of such school, college or university, or to an individual in the employment of such school, college or university or its affiliated organization until sixty days after a full disclosure of the purposes, cost, and duration of such contract together with a statement setting forth in detail the number of research and development projects already awarded to that institution but not yet completed; the dollar amount of each said contract; the purpose of each of the contracts previously awarded; and for the contract or grant for which the notice is being given, a description of the facilities required to perform the research project, the cost of such facilities, a statement of whether such facilities are in existence and if so, a description of the ownership of such facilities, is made to the President of the Senate and Speaker of the House of Representatives. In addition, such notification will include a statement summarizing the record of the school, college or university with regard to cooperation on military matters such as the Reserve Officer Training Corps and military recruiting on its campus.

SEC. 403. Title 10, United States Code, is amended as follows:

(1) Section 3015(c) is amended to read as follows:

"(c) The Chief of the National Guard Bureau holds office for four years, but may be removed for cause at any time and may not hold that office after he becomes sixty-four years of age. He is eligible to succeed himself. An officer now or hereafter serving as Chief of the National Guard Bureau shall be appointed as a Reserve in his armed force in the grade of lieutenant general for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, while serving as the Chief of the National Guard Bureau. The position of Chief of the National Guard Bureau is in addition to the number of lieutenant general positions authorized by section 3066, 3202, 8066, or 8202 of this title, or any other provision of law."

(2) Section 3692 is amended by adding the following new subsection:

"(d) Upon retirement or being granted retired pay, a reserve commissioned officer of the Army who has served as Chief of the National Guard Bureau in the grade of lieutenant general may, in the discretion of the President, by and with the advice and consent of the Senate, be retired in, and granted retired pay based on, that grade."

(3) Section 8962 is amended by adding the following new subsection:

"(c) Upon retirement or being granted retired pay, a reserve commissioned officer of the Air Force who has served as Chief of the National Guard Bureau in the grade of lieutenant general may, in the discretion of the President, by and with the advice and consent of the Senate, be retired in, and granted retired pay based on, that grade."

(4) The catchlines of sections 3962 and 8962 are each amended by deleting ": regular commissioned officers."

(5) The analysis of chapter 369 is amended by striking out "regular commissioned officers" in item 3962.

(6) The analysis of chapter 869 is amended by striking out "regular commissioned officers" in item 8962.

SEC. 404. (a) Section 136 of title 10, United States Code, is amended—

(1) by inserting after the first sentence in subsection (b) the following new sentences: "One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Health Affairs. He shall have as his principal duty the overall supervision of health affairs of the Department of Defense.", and

(2) by adding at the end thereof the following new subsection:

"(g) Within the Office of the Assistant Secretary of Defense for Health Affairs there shall be a Deputy Assistant Secretary of Defense for Dental Affairs who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. Subject to the supervision and control of the Assistant Secretary of Defense for Health Affairs, the Deputy Assistant Secretary shall be responsible for all matters relating to dental affairs within the Office of the Assistant Secretary of Defense for Health Affairs."

(b) Until otherwise provided by operation of law, the individual holding office as the Deputy Assistant Secretary of Defense (Health and Medical) on the effective date of this section shall perform the duties of the Office of the Assistant Secretary of Defense for Health Affairs established by this section.

SEC. 405. Section 412(b) of Public Law 86–149, as amended, is amended to read as follows:

"(b) No funds may be appropriated after December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft, missiles, or naval vessels, or after December 31, 1962, to or for the use of any armed force of the United States for the research, development, test, or evaluation of aircraft, missiles, or naval vessels, or after December 31, 1963, to or for the use of any armed force of the United States for any research, development, test, or evaluation, or after December 31, 1965, to or for the use of any armed force of the United States for the procurement of tracked combat vehicles, or after December 31, 1969, to or for the use of any armed force of the United States for the procurement of other vehicles, weapons, and munitions, unless the appropriation of such funds has been authorized by legislation enacted after such dates."

SEC. 406. (1) Chapter 7 of title 37, United States Code is amended as follows:

(a) The following new section is inserted after section 427:

"§ 428. Travel and transportation allowances: dependents at permanent station outside United States

"Under regulations prescribed by the Secretaries concerned, which shall be, as far as practicable, uniform for all of the uniformed services, a member of a uniformed service who is on duty outside the United States at a permanent station, and when such benefits are not made available in kind by the United States, is entitled to a travel and transportation allowance, to assist in providing transportation for his dependents who are authorized to accompany him, as follows:

"(1) A travel and transportation allowance is authorized to meet the travel expenses of the dependents of a member to and from a school in the United States to obtain an undergraduate college education, not to exceed one round trip each school year for each dependent for the purpose of obtaining such type of education. All or any portion of the travel for which a transportation allowance is authorized by this section will be performed wherever possible by the Military Airlift Command on a space-required basis. Notwithstanding the area limitations in this section, a travel and transportation allowance for the purpose of obtaining undergraduate college education may be authorized under this clause for dependents of members stationed in the Canal Zone.

"(2) The term 'United States' shall, for the purpose of this section, mean the several States, the District of Columbia, Puerto Rico, and the Canal Zone.

"(3) The words 'permanent station' shall, for the purpose of this section, include the home yard or home port of a vessel to which a member of a uniformed service may be assigned.

"(4) Notwithstanding section 401(2)(A) of this title, 'dependent' in this section may include an unmarried child over twenty-one years of age who is in fact dependent and is obtaining an undergraduate college education."

(b) The analysis is amended by inserting the following item:

"Sec. 428. Travel and transportation allowances: dependents at permanent station outside the United States."

(2) Section 912 of title 26, United States Code, is amended by adding the following new paragraph at the end thereof:

"(4) Education Transportation Allowance.—In case of a member of a uniformed service, amounts received under section 428 of title 37, United States Code."

Sec. 407. Section 2 of the Act of August 3, 1950 (64 Stat. 408), as amended, is further amended to read as follows:

"Sec. 2. After July 1, 1970, the active duty personnel strength of the Armed Forces, exclusive of personnel of the Coast Guard, personnel of the Reserve components on active duty for training purposes only, and personnel of the Armed Forces employed in the Selective Service System, shall not exceed a total of 3,285,000 persons at any time during the period of suspension prescribed in the first section of this Act except when the President of the United States determines that the application of this ceiling will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination."

Sec. 408. (a) After December 31, 1969, none of the funds authorized for appropriation by this or any other Act for the use of the Armed Forces shall be used for payments out of such funds under contracts or agreements with Federal contract research centers if the annual compensation of any officer or employee of such center paid out of such funds exceeds $45,000 except with the approval of the Secretary of Defense under regulations prescribed by the President.

(b) The Secretary of Defense shall notify the President of the Senate and the Speaker of the House of Representatives promptly of any approvals authorized under subsection (a), together with a detailed statement of the reasons therefor.

Sec. 409. Notwithstanding any other provision of law, an officer of an armed force who—

(1) served as Chairman of the Joint Chiefs of Staff;

(2) after he was retired, but before October 1, 1963, was ordered to active duty; and

(3) was released from that active duty after July 31, 1969;

shall, effective as of the date he was released from that active duty, be entitled to retired pay computed under the formula set forth in the table in section 1402(a) of title 10, United States Code, but using the monthly basic pay prescribed at the time of his release from that active duty for an officer serving in pay grade O-10. The provisions of this paragraph do not affect or modify any prior commitment made by such officer in regard to participation in the Retired Serviceman's Family Protection Plan.

Mr. RIVERS (during the reading). Mr. Chairman, I ask unanimous consent that this title IV be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

AMENDMENT OFFERED BY MR. NEDZI

Mr. NEDZI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Nedzi: On page 16, after line 8, insert a new section, as follows:

"CHEMICAL AND BIOLOGICAL AGENTS

"Sec. 410 (a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the purposes of and the amounts spent during the preceding six-month period for research, development, test, evaluation, and procurement of lethal and nonlethal chemical and biological agents. The Secretary shall include in such reports an explanation of such expenditures including the necessity therefor.

"(b) None of the funds authorized to be appropriated by this or any other Act may be used for the procurement of delivery systems specifically designed to disseminate lethal chemical agents or any biological agents or for the procurement of any part or component of such delivery system.

"(c) None of the funds authorized to be appropriated by this or any other Act may be used for deployment and/or storage, initiated after the effective date of this Act, of lethal chemical agents or any biological agents at any place outside the United States, or for the deployment, initiated after the effective date of this Act, at any place outside the United States of delivery systems specifically designed to disseminate any such agents unless the country exercising jurisdiction over such place has prior notice of such action. In the case of any place outside the United States which is under the jurisdiction or control of the Government of the United States, no such action may be taken unless prior notice of such action has been given to the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations and, when appropriate, the Committee on Interior and Insular Affairs of the Senate, and the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations and, when appropriate, the Committee on Interior and Insular Affairs of the House of Representatives. As used in this section, the term "United States" means the several States and the District of Columbia.

"(d)(1) None of the funds authorized to be appropriated by this Act or any other Act shall be used for the transportation of any lethal chemical or biological agents to or from any military installation in the United States, its territories or possessions, except upon a determination by the Secretary of Defense after consideration of the advice of the Secretary of Health, Education, and Welfare as to the hazards to the public health involved and the measures reasonably necessary to be taken to protect the public health in the light thereof, that such transportation is necessary for the national security. Nothing in this subsection shall be construed so as to affect in any way the applicability of the provisions of 18 U.S.C. 831-835 and 46 U.S.C. 170.

"(d)(2) The Secretary of Defense shall provide written notification to the Congress, to the Secretary of Transportation, to the Secretary of Health, Education, and Welfare and to the Interstate Commerce Commission at least thirty days in advance of any operation involving the transportation of lethal chemical or biological agents to or from any military installation in the United States, its territories or possessions. The Secretary of Defense shall provide appropriate notification to the Governor of any State through which such agents will be transported.

"(d)(3) The Department of Defense shall detoxify all lethal chemical or biological agents before their transportation for disposal as provided in subsections (d)(1) and (d)(2) of this section whenever it is practical to do so.

"(e) None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, storage, or disposal, initiated after the effective date of this Act, of any lethal chemical agents or any biological agents outside of the continental limits of the United States if the Secretary of State determines that such testing, development, transportation, storage, or disposal will violate international law. The Secretary of Defense shall notify the Secretary of State prior to any such testing, development, transportation, storage, or disposal and the Secretary of State shall report all his determinations with respect to such activities to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and to the appropriate international organizations, or organs thereof, whenever required by treaty or other international agreement.

"(f) None of the funds authorized to be appropriated by this or any other Act shall be used for the open air testing of lethal chemical agents or disease-producing biological agents except upon a determination by the Secretary of Defense, under guideline provided by the President of the United States, that an open air test is necessary for the national security, and then only after consideration of the advice of the Secretary of Health, Education, and Welfare as to the hazards to the public health involved and the measures reasonably necessary to be taken to protect the public health in the light thereof. The Secretary of Defense shall report his determination and the advice of the Secretary of Health, Education, and Welfare, to the Committee on Armed Services, the Committee on Labor and Public Welfare, and the Committee on Appropriations of the Senate and to the Committee on Armed Services, the Committee on Interstate and Foreign Commerce, and the Committee on Appropriations of the House of Representatives at least thirty days prior to any actual test. The Secretary of Defense shall set forth in his report the name of the agents to be tested, the time and place of any test, and the reasons therefor.

"(g) The provisions of this section shall not apply during a war declared by Congress or the President, after the effective date of this Act. As used in this section, the terms "chemical agents" and "biological agents" mean agents designed specifically for the conduct of warfare and nothing contained in this section dealing with chemical and biological agents shall be deemed to preclude, limit or restrict in any way the research, development, test, evaluation, procurement, transportation, storage or use of any chemical or biological agent or material for the purpose of medical diagnoses, evaluation, research or treatment of any illness, disease, injury or other physical or mental condition or for purposes of public health disease control."

Mr. NEDZI (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. NEDZI. Mr. Chairman, unlike the previous amendments which we have offered for the consideration of Members here in the Committee of the Whole, this amendment does not cost any money. It is an amendment that in essence was passed by the Senate 91-to-0. It is an amendment that has the approval of the Department of Defense. I am at a total loss to find a rational explanation as to why the Committee on Armed Services failed to approve this amendment, and I am prsenting it to Members at this time. Let me try to summarize as briefly as I can what the amendment is and what the essentials of it are.

In the first place, the Secretary of Defense shall submit semiannual reports to Congress setting forth the purposes and the amounts spent on chemical and biological warfare in the preceding six months for research and development, testing, evaluation, and procurement. This is to provide Congress an opportunity of knowing that precisly what is taking place in this very controversial area which so little has been known about until our colleague, the gentleman from New York (Mr. McCarthy) brought to the attention of the country some of the problems that exist.

In the second place, no funds authorized by this Act may be used for delivery systems specifically designed for dissemination of chemical and biological agents.

It has to be emphasized that this is for delivery systems specifically designed for this purpose.

Third, no funds authorized by this act may be used for deployment or storage of chemical and biological agents outside of the United States or for deployment of delivery systems abroad without prior notice to the country in question. In the case of any place outside of the United States but under U.S. control proper notice is to be given to the appropriate congressional committees by the Defense Department.

Fourth, no funds authorized by this act shall be used for the transportation of chemical and biological agents to and from military installations in the United States or its territories except upon a determination by the Secretary of Defense, after consideration of the advice of the Secretary of Health, Education, and Welfare as to the hazards to public health and the protective measures taken, that such transportation is necessary for the national security.

Fifth, the amendment provides for written notification by the Secretary of Defense to Congress, the Secretary of Transportation, the Secretary of Health, Education, and Welfare, and to the Interstate Commerce Commission at least 30 days in advance of transportation of lethal chemical and biological agents. Appropriate notification to the governors of the States to be transversed is also required.

Sixth, detoxification of all chemical and biological agents before their transportation for disposal is required whenever practical.

Seventh, testing outside the continental limits of the United States is barred if the Secretary of State determines that such testing, development, transportation or disposal violates international law.

Finally, open-air testing of chemical and biological agents may take place only when "necessary for the national security" and "after consideration of the advice of the Secretary of Health, Education, and Welfare as to the hazards."

Now, since the passage of the amendment by the Senate certain changes were suggested by the Department of Defense which would make this amendment more acceptable.

The changes, in my judgment, Mr. Chairman, are minor and are acceptable.

Very briefly they are as follows:

The Secretary of Health, Education, and Welfare is substituted for the Surgeon General, not to make a positive finding of no hazards but to be consulted in the matter.

The Secretary of State is no longer required to make a positive finding that international law will not be violated; instead, he is to be notified, and should he determine the violation of international law will occur, CBW activities will not be permitted outside the continental limits of the United States.

Finally, chemical and biological agents are defined so as to exempt any agents which are not designed for use in the conduct of war.

We have been very fortunate that no major disaster has befallen us in the development of our CBW capability, and it is time to enact further safeguards and to tighten up, and for Congress to be assigned a necessary role in the entire process.

We regard ourselves, justifiably, as a humane nation. We want to survive as a nation without doing damage to our ideals, traditions, and well-being. This amendment is framed with these ideas in mind. I move its adoption.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WAGGONNER. Mr. Chairman, I move to strike the last word, and before the gentleman from Michigan leaves the well I should like to ask a question.

I should like to ask the gentleman from Michigan this: In offering this amendment, is it his intention, in requiring reports on moneys expended for chemical and biological warfare research and procurement, that those reports include classified information with regard to, for example, the details of formulas and that sort of thing?

Mr. NEDZI. I would assume that classified information would be submitted to the appropriate committees by the Secretary of Defense if it would be essential to describe precisely what we are doing in the area of CBW.

Mr. WAGGONNER. Would it be correct to interpret it to the gentleman's intent that classified information ever be released as provided in these reports to the general public?

Mr. NEDZI. Certainly not.

Mr. WAGGONNER. I thank the gentleman for those answers, Mr. Chairman.

Mr. PHILBIN. Mr. Chairman, will the gentleman yield?

Mr. NEDZI. The gentleman from Louisiana has the time.

Mr. WAGGONNER. I now yield to the gentleman from New Jersey (Mr. Howard).

Mr. HOWARD. Mr. Chairman, I thank the gentleman from Louisiana for yielding to me.

I support the amendment and congratulate the gentleman from Michigan for his amendment and the gentleman from New York for his efforts in this area.

Mr. Chairman, I rise in support of the amendment offered by Representative Nedzi to establish a semi-annual reporting procedures on expenditures and programs for chemical and biological warfare, and to prohibit development of delivery vehicles for lethal agents.

As the Members of this House know, a slightly more restrictive amendment has already been approved by the Senate on a 91-to-0 vote, and I feel that we, too, should overwhelmingly approve this important amendment.

Mr. Chairman, 1 ounce of botullinus toxin, effectively spread, could kill all of the people in the United States and Canada. We have that toxin on hand now. We have now available enough chemicals, if evenly distributed, to kill everyone in the world.

Knowing the terrible possibilities of this material; knowing that shipping, testing, storage, and research programs in this field have repeatedly proved unsafe in recent years, I do not see how this Congress can reject this amendment, which would provide some measure of protection for all our citizens. This amendment, while not cutting funds from the program, would add a responsible approach to the entire question of chemical-biological warfare.

This amendment would require a semiannual report to the Congress on expenditures and programs for CBW. The Congress needs to have this information, as it affects every one of the citizens we are here to represent. This amendment would also prohibit secrecy in foreign and domestic shipping and storage of materials, thereby improving U.S. compliance with international treaty commitments. It would put a ceiling on stockpiles of CBW agents as of June 30, 1970. I think, Mr. Chairman, that having enough of this material to kill everyone in the world should constitute a sufficient stockpile—we need not kill them all twice or three times.

The Department of Defense has conducted these development programs in such secrecy that neither the Congress nor the electorate can review or even be aware of the costs and dangers involved. I think both the Congress and the electorate should be aware of matters which affect them so deeply. I think these programs should be thoroughly reviewed in order to insure the safety of our citizens from mass contamination. Secretary of Defense Laird has agreed that this would be consistent with national security, as well as public safety.

Mr. Chairman, I would be remiss if I failed to again pay tribute to the gentleman from New York (Mr. McCarthy) for the outstanding contribution he has made to the people of this country by calling attention to just how involved we are in chemical warfare research and development. And I would urge all of my colleagues to support this amendment, in order that we may continue to be aware of the activities of our country in this field.

Mr. WAGGONNER. I yield to the gentleman from Massachusetts (Mr. PHILBIN).

Mr. PHILBIN. Can the distinguished gentleman in the well advise me as to whether or not there is in his amendment a provision that would provide that none of the funds authorized to be appropriated by this or any other act may be used for procurement of delivery systems of chemically related biological and lethal, warfare agents to be used in any delivery system?

Mr. NEDZI. Mr. Chairman, in response to the gentleman, that is subsection (b) of my amendment, but I might say to the gentleman that this is language that has the approval of the DOD.

Mr. PHILBIN. Has the DOD approved this amendment?

Mr. NEDZI. Yes. The DOD approved this language.

Mr. PHILBIN. Otherwise, generally the gentleman's amendment is similar to that adopted by the Senate?

Mr. NEDZI. In substance it is identical. As a matter of fact, in my judgment, it is somewhat milder than the Senate amendment. This was because the DOD suggested certain language changes which I have introduced today.

Mr. PHILBIN. As I understand it, they require reports from various officials of the Government, and certain agencies, to the DOD concerning the feasibility of procedures required under the bill.

Mr. NEDZI. The Surgeon General is no longer involved in the DOD amendment. There was some concern on the part of the DOD that it would forbid experimentation with certain biological agents for medical purposes. Consequently a definition has been included to prevent this from happening.

Mr. PHILBIN. Otherwise, with the exception of the amendment that I have referred to, and which the gentleman says was approved, by DOD, this amendment is largely the Senate amendment. Is that correct?

Mr. NEDZI. It is virtually identical.

Mr. WAGGONNER. Mr. Chairman, I yield to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. I thank the gentleman from Louisiana for yielding to me, and through him I would like to ask the gentleman from Michigan for a recapitulation of paragraphs (d) and (e) of his amendment. In a nutshell, could you give us the essence of them? Does the fourth proposal actually prevent the shipment of chemical and biological warfare materials within the United States?

Mr. NEDZI. The question is whether my amendment would forbid the transportation of chemical and biological agents. It would not forbid it. It would require consultation with the Secretary of Health, Education, and Welfare to determine the extent of the hazards involved and then, if it is determined that it is in the interests of national security to transport or deploy them—it would be done.

Mr. GUBSER. The gentleman is aware of the fact that that is currently the case, is he not?

Mr. NEDZI. To some extent. Notice is not required.

Mr. GUBSER. I think it is 100 percent.

Mr. NEDZI. Notice is not required to the Secretary of Health, Education, and Welfare. There are other agencies.

Mr. WAGGONNER. Mr. Chairman, while I still have the time, let me say that I object very strenuously to turning any authority of the Department of Defense over to the Secretary of Health, Education, and Welfare.

Mr. BRAY. Mr. Chairman, I move to strike the requisite number of words.

Would the author of this amendment give me his attention? As the bill now stands there are no funds for the procurement of biological lethal chemical agents. I believe that is correct. And this would not change it in any way. Is that correct?

Mr. NEDZI. As I understand, there is no such money in the bill.

Mr. BRAY. I wanted to clarify this. I wish I had a copy of your amendment. I know generally what is in it, but I do want to ask certain questions.

There is $88 million in the bill for research, but only one-seventh of that refers to any lethal program. Six-sevenths is the authorization for warning devices and defense equipment.

There is in your part no contemplation of eliminating the warning devices of defensive equipment in any way; is that correct?

Mr. NEDZI. That is correct.

Mr. BRAY. Mr. Chairman, the reason I am asking this is that I do know that in World War II the enemy did not resort to chemical warfare; that is, no chemical agents were used by the enemy against American troops. I understand that the Japanese did use some against the Chinese troops. The Germans and the Japanese, however, did not use any chemical and biological agents against the American Army.

The reason that the Japanese or the Germans did not use chemical agents against the American troops was because they knew we were ready to respond in kind if they did. I am certain that the gentleman does not want to cripple America in matters of meeting enemy aggression in this field if it is necessary for this country to do so.

Mr. NEDZI. That is absolutely correct. That is not the purpose of this amendment.

Mr. BRAY. I have discussed this with the gentleman earlier, and I certainly am a little more than casually familiar with the subject because, during part of World War II I was located near a large storage of poisonous gas which our country had in the Pacific. I would not want the amendment the gentleman has offered—and I know he does not want it, either—to cripple our defensive capacity and injure our ability to protect ourselves in the future. Is that correct?

Mr. NEDZI. That is correct.

Mr. McCARTHY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, thus far virtually all the amendments we have considered have dealt with hardware. This amendment deals with human beings. Its main thrust is to protect American citizens and, indeed, the citizens of allied countries.

Now, this whole program—of recent years—at any rate—has been marred and marked with a series of mishaps and accidents which this amendment is designed to correct. Let me cite a few instances:

A few years ago at the Rocky Mountain Arsenal they dumped their waste into ponds of the arsenal property. This found its way out, and killed off 6 square miles of sugar beets and some livestock.

The Army then spent half a million dollars to disprove that they killed the sugar beets. Then they felt that they had better get a better spot, so some fellow came up with the idea, and they dug a deep well and they pumped it all down there. They set off 1,500 earthquakes in the Denver area.

Now, of late the surplus material has been stored near the end of the Denver runway in the path of airplanes, or near the path, with the threat of an airplane accident, or even a lightning bolt which could send this lethal material—one-fiftieth of a drop of which will kill you in a matter of minutes—out into possibly the Denver atmosphere.

Then they decided to get rid of that out near the airport, and they said we will put it in 800 railroad cars and send it clear across the United States through Indianapolis, Dayton, Elizabeth, and Philadelphia, and we will put it into four Liberty ships and sink them out at sea.

The National Academy of Sciences reviewed that plan. They said that is extremely hazardous. A railroad accident—and they have doubled in the last 7 years—could create a disastrous situation in any metropolitan area through which this train would pass.

They further noted that if this material were dumped into the Atlantic Ocean and it exploded, as previous of these operations had done, it could kill all marine life in 600 cubic miles of the Atlantic Ocean.

Then of course there was the famous incident in Utah where an Air Force jet was testing this deadly nerve gas. It came in over the target, sprayed out the nerve gas, and the pilot turned off the jets that were spraying out the nerve gas, but they did not turn off; they continued to pour out of this airplane.

The wind picked it up and carried it almost 50 miles away killing in the process 6,400 sheep. Some human beings said that they were affected.

Fortunately, it snowed that night and most people were inside. But Salt Lake City was only 80 miles away and this nerve gas was carried for 50 miles.

Then we had an incident that was revealed on an Air Force map. The Army tested a deadly disease known as anthrax in the atmosphere over Utah and had so contaminated an area that will probably remain that way for 100 years because the anthrax spores live for a century.

Then there was the revelation that Venezuelan equine encephalitis had been tested there and has escaped outside the arsenal. Tests on wildlife disclosed signs that animals outside the Dugway Proving Ground had been exposed to this disease.

This amendment passed by a vote of 91 to 0 in the other body with the en-

XUM

dorsement of our former colleague, the gentleman from Wisconsin, now Secretary Laird.

Since then, as the gentleman from Michigan pointed out, the Pentagon has rewritten certain sections of the amendment.

I do not know how we can explain to the people of Denver and Salt Lake City and Indianapolis and Dayton and Elizabeth and Philadelphia how we happen to turn this amendment down.

The distinguished chairman of the Committee on Armed Services has prevailed on every amendment thus far. Those amendments dealt with hardware. This amendment deals with software; that is, human beings principally, American citizens.

Mr. Chairman, I think this is a good amendment. As I said, it passed the other body unanimously. I think we should prevail at least on this amendment that deals with the safety of American citizens rather than with military hardware.

The amendment concerning chemical and biological warfare introduced by the gentleman from Michigan (Mr. NEDZI) is a limited amendment. It does not deal with the fundamental policy questions concerning CBW. Rather, it directs itself to the questions of information, some limitations on further procurement, and public safety in transportation and testing operations. As a number of you are aware, President Nixon ordered a full-scale executive branch review of our policies governing chemical and biological warfare last June. This review is still underway and will not be completed until the middle of October at the earliest. It would be premature, therefore, to introduce an amendment to the fiscal year 1970 military procurement bill that deals with the basic policy questions. Amendments to basic policy should more appropriately be introduced following President Nixon's recommendations on CBW policy that will follow the executive branch review and subsequent congressional consideration of his recommendations.

Mr. NEDZI's amendment on chemical and biological warfare deals with the questions that have been of concern to the public this year. These questions are:

Are the elected Members of Congress informed about the chemical and biological warfare activities of the Department of Defense? Is there an unnecessary cloak of secrecy around CBW activities that keeps even Members of Congress uninformed about the nature of this activity?

Are CBW agents tested with sufficient safety precautions to insure that the public is protected against an accident?

Are CBW agents transported in a manner that insure that there will be no significant danger to the public?

Are the appropriate congressional committees and executive branch agencies informed when CBW agents are to be taken outside the United States?

The information on these aspects of our CBW activities that has become available this year indicates that the public is legitimately concerned and that it would be useful for the Congress to express its views on these areas of concern.

The amendment to the fiscal year 1970 military procurement authorization bill is divided into seven sections; they are designated section 402.

Section 402(a): This section requires that the Secretary of Defense submit a semiannual report to Congress on research, development, test, evaluation, and procurement of chemical and biological agents during the previous 6 months, including an explanation of the reasons for procurement.

Comment: This section of the amendment meets the needs of Members of Congress for information about the CBW activities of the Department of Defense. During the course of my review of CBW this year, I learned from the distinguished Member of the House of Representatives, CLAUDE PEPPER, that in his service in the Congress during the past 30 years he had never been informed about our CBW activities. He attended the briefing held by the U.S. Army at my request on March 4, 1969, and learned for the first time some of the facts about our activities in this field.

Senator ALLEN J. ELLENDER, a member of the Senate Defense Appropriations Subcommittee for 20 years, said on July 26, 1969, that in the period of his service he had never come across a line item for the production of nerve gas, the principal lethal chemical agent in our CBW arsenal.

Section 402(b): This section states that none of the funds authorized by this bill may be used for the procurement of offensive lethal chemical or biological warfare agents. It is designed to temporarily stop further procurement of weapons for offensive use until the outline of our policy governing the use of CBW weapons has been developed by President Nixon and approved by Congress.

Comment: It has become clear this year that the Department of Defense has a sufficient stockpile of CBW weapons to meet current planning needs. The disposal of the nerve gas GB indicates that we have sufficient stocks of weapons in the chemical and biological warfare category on hand. In as much as Dr. John Foster, Director of Defense Research and Engineering, indicated in his letter on CBW policy of April 15, 1969, that nerve gas was not considered a strategic weapon, it would not seem necessary to use funds for procurement of further weapons in this category until we know what our policy will be.

Section 402(c): This section requires that we notify other countries when we place lethal chemical and biological warfare weapons within their territory. It also requires that the appropriate congressional committees will be informed when such weapons are placed in territory outside of the United States yet under our control.

Comment: This section of the amendment will prevent a repetition of the very embarrassing incident that occurred this summer when the Japanese Government learned for the first time that the United States was storing nerve gas on its territory, Okinawa. Information available on that incident also revealed that President Nixon and Secretary of State Rogers were apparently unaware that we had these weapons on Okinawa and in West Germany. The amendment would also insure that the appropriate congressional committees are aware of storage of such weapons in areas outside the United States, such as the Trust Territory of the Pacific, where we have certain international obligations concerning the use of these territories.

Section 402(d): This section requires that the Secretary of Defense and the Secretary of Health, Education, and Welfare insure that any transportation of chemical and biological agents by the Department of Defense is conducted with adequate safety precautions.

Comment: This section of the amendment is designed to insure that the shipment of chemical and biological agents by the Department of Defense is done in such a manner that it will not result in danger to the public. It would prevent a repetition of the planned movement of large quantities of deadly gas by train last spring. That plan was found by the National Academy of Science committee headed by President Eisenhower's Science Adviser, Dr. Kistiakowsky, to have a potential for disaster. As a result, the committee recommended that the Army's surplus gas be disposed of at the arsenals where it is stored. We also learned that the ships of the type in which the gas was to be placed for subsequent sinking had been involved in previous accidents where one had blown up only 5 minutes after sinking and another had broken loose from its tugs and had bounced around on the high seas for 6 hours. We also found that the Department of Defense has no safety regulations for the transportation of hazardous materials other than those imposed by the Interstate Commerce Commission which are admitted by the Department of Transportation to be weak.

Section 402(d)2: This section of the amendment requires that the Secretary of Defense notify the Secretary of Health, Education, and Welfare and the Governors of the appropriate States at least 30 days in advance of the movement of chemical and biological warfare agents.

Comment: This section is basic to the protection of public safety in the movement of CBW agents or weapons. Although the Secretary of Health, Education, and Welfare already has responsibility for civil defense procedures that might be used if there were an accident involving the transportation of gas or biological agents, he currently does not have information on the movements of CBW agents or weapons.

As a result, the Department of Health, Education, and Welfare could not promptly respond to a request for help from a State or community. Similarly, the Governors of the States have not been provided with the necessary information to allow them to protect the safety of the residents of their States when dangerous poisonous gases are moved through their States. Both Governors Ray of Iowa and Hughes of New Jersey made it clear this year that they needed this information if they were to meet their responsibilities and stated that they would raise legal obstacles to the shipment of such materials through

XUM

their States if adequate information was not available.

The remarks of Mr. James Burke, civil defense director of Webster, Mass., regarding what could be done in the event of an accident involving poison gas are illustrative of the problem that we face in not notifying appropriate State officials of movements of dangerous CBW agents.

In answer to those who say that notification of gas or biological agents will reveal our intentions to an enemy even to American dissidents who might wish to sabotage shipments of this type, it should be pointed out that the Atomic Energy Commission and its contractors are currently required to notify a number of local authorities before they move nuclear materials through tunnels, over bridges, or long turnpikes. The Department of Transportation's regulations found in 49 CFR 170 through 190—Code of Federal Regulations—applies to the shipments of these potentially dangerous materials. These materials must be packed in a certain way, must not be mixed with certain types of cargo, and must have placards posted on the outside of the truck or train showing exactly what is inside the carrier. Current regulations thus insure that the public will know what is in a carrier when they see it—the exception being when the carrier has been in an accident and the placards have been burned off as occurred in the Dunreith, Ind., train wreck. Local authorities also require notification. The Port of New York Authority requires notification and permits only the use of certain bridges in the city. Explosives are not permitted in its tunnels. The Massachusetts Turnpike and other turnpikes require prior notification before these materials can be moved and in some cases they provide an escort with the State patrol for the shipment. In asking the AEC about these requirements, Mr. Barker of the AEC stated that notification and the use of escorts actually provided more protection against possible sabotage of shipments than was available without notification because the required placards made it clear what was in the trucks.

Section 402(d) 3: This amendment requires the Department of Defense to render harmless deadly gases or biological agents before their disposal insofar as it is practical.

Comment: This section insures that adequate plans are made for the disposal of CBW agents before we are faced with the problem of getting rid of vast quantities of material that may do serious damage to our environment or have the potential for disaster in transportation. The National Academy of Science committee recommended that the Department of Defense take into consideration adequate disposal facilities and plans in the future. The committee also pointed out the dangers that disposal of mustard gas in the ocean posed. This amendment would insure that CBW agents do not become a disposal problem after they have been manufactured.

Section 402(e): This section requires that any testing, development, transportation, storage or disposal of CBW agents outside of the United States shall be done in conformation with the requirements of international law. It requires that the Secretary of State determine that the provisions of international law have been met and it requires that he so inform the appropriate committees of the Congress.

Comment: This section would correct the situation now existing where the Secretary of State first learned of our plans to dispose of chemical agents in international waters after a number of such operations had taken place and just before the massive dumping operation was to take place in spring. It would also prevent a repetition of the incident that occurred on Okinawa where the Department of State apparently did not know that we stored nerve gas there. It would also correct the current situation where a number of agreements have been reached by members of our Armed Forces with members of the armed forces of other nations to store CBW agents in their countries without notifying our policy level civilian officials outside of the Department of Defense.

Section 402(f): This section of the amendment requires that the utmost care be taken in the open air testing of chemical and biological warfare agents. The Secretary of Defense is required to determine that such tests are needed and are to be conducted with sufficient safety, under guidelines established by the President and with the advice of the Secretary of Health, Education, and Welfare. It also requires that the appropriate committees of the Congress be informed of such tests.

Comment: This section is designed to prevent a repetition of the Skull Valley sheep-kill that occurred in March 1968, as the result of an Army nerve gas test at the Dugway Proving Grounds. It is also designed to insure that we do not suddenly find ourselves faced with an epidemic caused by one of the diseases that the Department of Defense is testing. It cannot be left up to the Department of Defense to solely determine whether these tests are needed and whether adequate safety precautions have been taken. The potential for disaster is too great. The nerve gas cloud from Dugway might well have dropped on Salt Lake City, Utah.

Although I personally believe the dangers of testing disease in the open air are too great to warrant their continuation, this amendment would at least insure that better safety precautions are taken.

Section 402(h): This section of the amendment states that the amendment will not apply during time of war or national emergency.

Comment: It is presumed that this section would only be used when necessary during the time of war or national emergency. It is assumed that the provisions of the amendment would have been in force throughout the Vietnamese conflict.

In summary, this amendment was endorsed by Secretary of Defense Melvin Laird just before it was brought up for Senate action. The Senate passed this amendment by a unanimous vote of 91 to 0 on August 11, 1969. The amendment as introduced today contains some further modifications recommended by the Department of Defense so we are discussing an amendment that is fully accepted by our military leaders. I urge that you vote for this amendment.

Regarding Civil Defense Director Burke, I cite the following article:

[From the Worcester (Mass.) Sunday Telegram, Aug. 31, 1969]

POISON GAS ON RAILS: WHAT PROTECTION?

(NOTE.—The Bureau of Safety of the Federal Railroad Administration reports that 4,470 trains were derailed in the nation in 1967. In Western Massachusetts, 24 Boston & Maine and 12 Penn Central trains have gone off the tracks in the last few months. Mrs. Katherine E. Baumeister, Telegram correspondent in Dudley, asked officials in neighboring Webster what would happen in that town if a train carrying poison gas went off the tracks there. Here is the answer.)

WEBSTER.—This question was put to James Burke, Webster civil defense director: "If a train carrying phosgene or other lethal gases were wrecked passing through town, releasing the deadly gas into the air, what emergency measures would civil defense take to protect the population?"

Burke at first was silent. Then he said, "It's incredible, but I have to say I just don't know. We're prepared here for just about any other kind of disaster you can think of, including atomic war; but I've never even heard of any chemical or biological warfare disaster training."

NOT A THING

Some days later, Burke called back. "I have the answer for you," he said. "In the event of such a disaster, we couldn't do a darn thing. What's more, neither could anyone else. I've asked everyone, police, board of health, National Guard. No one knows anything about it. No one has been given any information about it."

There are many other gases whose effects differ. In any case, experts are needed to identify the lethal agent and treat the victim. In the event of accidental release of lethal gases into the community, the job of neutralizing areas where the persistent blister gases or vesicants have spattered, is beyond the power of the ordinary person. This requires the services of specially trained and equipped decontaminating squads, according to the U.S. Office of Civil Defense and the Chemical Warfare Service, U.S. Army.

Emergency preparedness functions were assigned to HEW by presidential executive order 11001 on Feb. 16, 1962. This preparedness includes "development of medical means for the prevention and care of casualties, (including those from . . . biological and chemical warfare.)

"Emergency plans and programs, and emergency organization structure required thereby shall be developed as an integral part of the continuing activities of the Department (HEW) on the basis that it will have the responsibility for carrying out such emergency. . . ."

"But there is no emergency organization structure that I know of for this aspect of defense" Burke said. "It's puzzling that HEW doesn't have information channeled down to the local level telling us who, what, when and where. I've been in rescue work too long to discount the possibility of such an accident. And, how would we know if that gas were being shipped through here? What I want to know is, what do we do if such an accident occurs? Who do we turn to?"

Mr. SIKES. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I would hope that we could talk about the amendment and its effects because that is what we have to consider now; not horror stories.

I have some serious misgivings about the amendment. First, it would place a very serious administrative burden on the Department of Defense and on the services in coordinating and reporting chemical and biological defense activities. It would require more paperwork and redtape than any amendment that has been considered by the House of Representatives in a long, long time.

This amendment would bring into the picture in addition to the Department of Defense, the Department of Health, Education, and Welfare, the Department of Transportation, the Interstate Commerce Commission, and a very large number of the committees of Congress. It would require voluminous, frequent, and regular reporting.

It is obvious that it would place a major administrative burden on the Department of Defense and the Services in coordinating and reporting chemical and biological defense activities. Possibly these administrative reporting requirements can be met, but the total administrative impact is not yet assessed, nor do we know the costs involved. We do know the operational details to be imposed would be enormous in scope and apparently totally unnecessary.

Mr. Chairman, I am quite concerned about the prohibition of procurement of delivery systems, specifically designed for delivery of chemical lethal weapons. We have had a trying experience in this field in very recent years.

When we undertook the use of chemical weapons—tear gas and defoliants—in Vietnam—we found that all of our delivery systems were outdated and could not be used on present-day aircraft. Our forces were subjected to long delays, which limited the effectiveness of the weapons, while new delivery systems were developed.

This prohibition could be a major problem in future years. Probably it would not be serious in fiscal year 1970, but it certainly could be a problem in future years.

I do not think it is clear just what this would do to our future ability for procurement.

Certainly an area of major impact is the prohibition of procurement of delivery systems specifically designed to disseminate chemical lethal agents. This could be a major problem in future years. Without procurement, our current chemical deterrent capability will erode and the stockpile will be neither adequate to deter enemy use of chemical weapons nor to retaliate if an enemy uses these weapons against U.S. forces. Development and future procurement are required if we are to modernize our deterrent capability and defense preparedness by introducing the munitions which are designed for improved protection and safety in handling, transport and storage.

Please remember—and this has never been disputed—the Russians have eight to 10 times our capability in chemical and biological weapons, and there is no agitation to restrict their capability to develop and procure these weapons. Development and future programing are required if we are going to stay modern and to retain a capability in this field.

The distinguished sponsor of the amendment has said—and I know he does so in good faith—that his amendment is addressed to defense only. But the language of the amendment leaves a serious question in my mind. I do not think the amendment does clearly distinguish, and I am afraid that it does preclude research, development, test and evaluation in use of chemical or biological agents or materials for medical diagnosis, evaluation, research, treatment of disease, illness, injury, of any physical or mental condition for the purpose of public health and disease control.

Our defense activities in biological research have cooperated for many years with public and private medical research programs and have contributed significantly to National, State, and local public health and medical research institutions. I do not think we ought to risk unduly restricting those valuable contributions to health. But I am afraid we would in this amendment. I think it is very important that this point be clarified, and I do not think it can be clarified at this time. But I am afraid the adoption of the amendment would limit continuation of medical research now done in this area.

There has been intense adverse reaction to the Defense transportation of chemical material, but I beg the Committee to remember that this is similar, in large respect, to thousands of commercial shipments of chlorine, phosgene, and similar materials that are used in industry.

I raise this question: Do you propose by this amendment to stop those commercial chemicals from being transported? These may offer a more serious threat than anything now being done in the military program. But what is the possible effect of the amendment on transportation of commercial chemicals? Should they not have the same safeguards as defense shipments?

Some of those who are opposed to the use of chemical and biological defense activities apparently are willing to limit and even to prevent the present-day use of chemical weapons in Vietnam. Before the House goes overboard in the scramble to prohibit the use of chemical and biological weapons, let me point to the fact that every U.S. field commander has enthusiastically approved the use of tear gas and defoliants in Vietnam. These are the only chemicals used there, but their use could definitely be limited or even prohibited by amendments of this type. These weapons in Vietnam have saved American lives and the lives of Vietnamese nationals time and again. They have made it possible to seize enemy strongholds which could not be taken through the use of other conventional weapons. They have forced the surrender of enemy troops without the danger to allied forces which would have come from attempts to overrun these strong points or to overcome them by rifle and artillery fire or bombardment. They have helped to avoid needless killing and maiming of civilians who were held as hostages by Communist forces. These mercy aspects are totally ignored by some who simply want to do away with all chemical and biological weapons. It is strange reasoning.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I rise in support of these amendments to restrict the large-scale production and distribution of lethal chemical or biological items of warfare.

It is shocking that this Nation in recent decades has deliberately and secretly constructed an awesome arsenal of offensive, as well as defensive, chemical and biological agents. Recent accidents in Utah and Okinawa, diplomatic incidents in Japan and Germany, controversies over transporting toxic materials across land, and revelations about testing in Maryland and Alabama have deeply disturbed many Americans.

A complete investigation of our Government's program of testing, developing, producing, and stockpiling of all forms of chemical and biological items should be undertaken as an urgent priority. Searching questions must be posed about the role of these weapons in our strategic military and foreign policies and concerning our international legal obligations. Public confidence and scrutiny must be restored. Congressional responsibility must be reasserted.

Certain facts emerge out of the present situation with regard to this complex problem:

First. Public information has been absent while the Government, according to the General Accounting Office, has spent over $1.7 billion since 1963 on research, development, and procurement of chemical biological warfare weapons.

Second. Large-scale back-door expenditures are reported to be involved, as well as substantial maintenance costs.

Third. Procurement of these weapons has increased dramatically with our involvement in Vietnam.

Fourth. Recent events call into question the safety regulations applicable to all phases of chemical biological warfare, from testing to stockpiling to disposal, and suggest that the very existence of these weapons constitutes an alarming public health hazard.

Fifth. The consequences of employing these unreliable weapons are potentially disastrous to all sides in a conflict.

Sixth. The Government acknowledges that there is no effective protection or even detection for civilian populations.

Seventh. Strategic reliance on the deterrent capability of chemical and biological warfare weapons is unsound and unethical: nuclear weapons provide this country with the best deterrent to any kind of attack.

Although it is in the interest of the United States to secure the necessary means to protect this country from all forms of aggression, we must rigidly control the accumulation of offensive lethal chemical agents, disease-producing biological organisms or biological toxins.

The paramount interest of America, and of all civilized nations, is to achieve the eradication of existing arsenals of chemical and germ-warfare capabilities.

The United States is founded on principles which affirm the dignity, freedom and decency of man. This country has declared, though it never ratified the

Geneva protocol of 1925, that it would never be the first to use these instruments of doom. America must put its emphasis on the preservation of life and life-preserving environment.

The President has ordered a National Security Council study of our whole program. Its results will be welcomed as a major contribution to the review I recommend. I am a cosponsor of a resolution in this chamber urging the President to resubmit the Geneva protocol to the Senate for ratification. The Secretary General of the United Nations has recently released a comprehensive report on all aspects of chemical biological warfare, compiled with worldwide assistance, which calls for dramatic steps to curb these systems. Currently, the 18-Nation Geneva Disarmament Conference is considering a draft convention with a prohibition of all development, testing, and production of biological agents.

The amendments adopted by the Senate mandate periodic reports setting forth the purposes and the amounts spent during every 6-month period for research, development, tests, evaluation and procurement of lethal and nonlethal chemical and biological agents. The Senate amendments restricting deployment and storage are a step in the right direction.

The House of Representatives has a chance to act rationally and decisively today on the issue of chemical and biological warfare.

The preservation of life and the life-sustaining environment should be the paramount goals of American policy, foreign, domestic and military. Democracy and the preservation of life are synonymous. We should invoke every reasonable restraint we can devise on offensive biological and chemical warfare. Our good judgment in such policy might become a contagious thing.

Mr. STRATTON. Mr. Chairman, this is a subject, the subject of chemical warfare, on which I think we have seen already too much demagoguery in this past year, and I think that before we begin to incorporate an amendment on this subject, we get away from some of this demagoguery and headline-hunting we have been seeing and talk a little hard sense about the defense of our country.

I do not imagine that anybody likes chemical warfare or biological warfare. But I do not think anybody likes the other kind of warfare either. And I do not think it is worse to be killed by a chemical agent than it is to be killed by a bit of shrapnel or by a bomb.

The fact of the matter is we do have a chemical and bacteriological warfare capability for exactly the same reason that we have long-range missiles. We have them because we hope that capacity will deter the enemy from using his capability, and that we will never have to use them. We have so far succeeded very largely in that regard both with respect to our long-range missiles and with respect to our chemical and biological warfare. Obviously we cannot have a deterrent effect unless these weapons are available where they are likely to be needed and in the theaters of warfare where they may be needed to deter possible enemy action. I think most of us are aware of the fact—and some of these incidents may be classified—that the Germans had this capability in World War II and on two specific occasions would have used it except that they understood that we also had a capability in that field and that we were ready and well equipped to retaliate.

Before we are too overwhelmed by what has happened at the other end of the Capitol with respect to the action of the Senate, let me just point out that, first of all, there were no hearings on the subject of CBW in the Senate or in the committee.

Second, this amendment, according to my understanding, was really the result of a shotgun marriage.

There was a great deal of uncertainty in the other body, you will recall, when the defense authorization bill was up, as to whether they were going to be able to pass that bill, whether the ABM was going to remain in it, and whether some of these other items that were under attack there were going to be eliminated.

In order to win the votes of some of the wavering Senators, according to my information, it was agreed in the cloakrooms to accept this particular CBW amendment. There was no deliberation on the part of the Department of Defense, and our distinguished former colleague who is now the Secretary of Defense, as I understand, tried to get the best of a very bad bargain. But that should be no excuse for us today to accept this amendment adopted in haste in the other body.

Let me point out just what is in this amendment. I think the gentleman from Florida has already indicated that if we pass this amendment, we are not just putting in a few restrictions on the testing of stuff in Utah, to prevent the killing of a few sheep, as the gentleman from New York (Mr. McCARTHY) has suggested. We are not just trying to prevent the dispatch of a few dangerous chemicals to Lockport, N.Y.

First of all, section B says that none of these funds shall be used for the procurement of delivery systems. In other words, if this passes, we are not going to stay in this CBW business at all. If you cannot deliver it, you have no capability. This is a unilateral disarmament amendment in the field of chemical and biological warfare. If that is what the Members want, then vote for it.

The second section has another strange provision, that none of the funds shall be used for future deployment to any foreign country unless somebody advises the Committee on Armed Services, the Interior and Insular Affairs Committee, the Foreign Relations Committee, the Appropriations Committee, and the Interior, and Insular Affairs Committee of the Senate.

Maybe this information will be classified when it is sent, but I do not believe if we are going to transport some of our critical weapons we ought to advertise it to all these committees and to their staffs and then to the world. We do not do it with other weapons. Why should we write this into the law, that we must advise the world any time we want to move these weapons?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RIVERS. Mr. Chairman, I rise in opposition to the amendment, and I will yield to the gentleman from New York, but before I do I will say I am a realist. I see the purpose of this amendment. I am positive the other body did not go into it. If the gentleman will give us the opportunity, we will positively try to work out something in this field. The way we can do it is when we will be in conference with the Senate. This is all we can do. This reporting could be a very dangerous thing.

It took us forever to find out what came from the Senate.

Members can vote in this amendment if they want to, but I think it is very dangerous. If the Members will give us the opportunity, we will try very hard to work out something in the conference, because we will have people in the conference who will be knowledgeable.

I cannot help the mistakes the U.S. Army made. They woke up in the morning and found out what sort of foolish mistake had happened in the day. I do not want sugar beets killed. I do not want sheep killed, but I cannot help those things. We cannot judge total needs on the basis of one or two incidents.

Mr. Chairman, I ask Members to defeat the amendment and give us a chance to work on it in conference.

Mr. Chairman, I yield now to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I thank the chairman for yielding.

I want to point out that we do not have copies of this amendment available, but it is a modification of the Senate language. The next section provides that when it comes to transportation within the United States, these notifications have to go to the Secretary of Transportation, the Secretary of Health, Education, and Welfare, and the Interstate Commerce Commission. We might as well publish these things in the Washington Post and the New York Times. If we announce that these items are going to pass the Lockport Bridge at 12 o'clock, for example, that amounts to notification to any possible saboteur to be there at that time to blow it up.

Not only that, but let me point out still another item, that when we send these weapons abroad, under this amendment the Secretary of State would be required to inform not only the Foreign Affairs Committee of the House of Representatives, but also the appropriate international organizations. So we are going to have to tell the U.N. where all of our chemical agents are stored and where they are transported. I think this is ridiculous in this kind of legislation.

As the chairman said, let us reject this amendment. Let us take it over to the conference committee instead. If there is anything in it to prevent the kinds of tragedies which have happened in the past, let us act to eliminate those. But let us not conduct unilateral disarmament here today on the floor of this House.

Mr. RIVERS. Mr. Chairman, I yield back the remainder of my time.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I am happy to yield to the gentleman from South Carolina.

Mr. RIVERS. We do not even have a copy of this amendment; all I have is a yellow sheet.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I am happy to yield to the gentleman from Michigan.

Mr. NEDZI. This is the same amendment which was offered in the committee. This is the same amendment which I discussed with one of the staff people who is employed by the chairman. This is precisely the language that we concluded to be acceptable to the Department of Defense.

I think it is unfair and I think it is disgraceful we do not have an objective exchange of views on the subject.

The gentleman from New York talks about demagoguery, and gets in the well and refuses to yield so that we can point out the fallacies and misconceptions he has created with respect to this amendment.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I am happy to yield to the gentleman from South Carolina.

Mr. RIVERS. This amendment was taken up in the committee. Why were we not given a copy of it here? The amendment was taken up in the committee and was badly defeated. It was defeated by a record vote, if my memory serves me correctly.

Mr. GUBSER. Mr. Chairman, I believe it is important to point out that neither the philosophy nor the morality of chemical and biological weapons is at issue in the consideration of this amendment, because this is only a limitation on the shipment and the control of these weapons. The weapons will continue to exist. So I do not believe anyone who rises in opposition to this amendment is inhumane, and he should not be charged as being inhumane.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I cannot yield further. I have given up most of my time already. I am sorry.

I was inclined to be for the gentleman's amendment. I believe it is well intentioned. I commend him for the spirit in which he has offered it. But I do believe he has raised some questions which are administratively impossible to handle.

I am concerned about the restrictions in part (d) regarding transportation. He is going to bring in the Foreign Relations Committee, to bring in the Foreign Affairs Committee, to bring in the Secretary of HEW, and to bring in the Secretary of Transportation, and the Secretary of Defense, on a decision regarding the shipment of biological weapons. One might as well have a Chautauqua-type convention, to make that kind of decision. It is administratively impossible.

May I point out that in the year 1967 private industry, not the Defense Department, shipped three million tons of ammonia, a poisonous gas; shipped four million tons of chlorine, a poisonous gas used in warfare; shipped 6,200 tons of phosgene, a poisonous gas used in warfare; and shipped 13,000 tons of hydrogen cyanide, also used in warfare.

At that time the ratio of civilian shipments of toxic gases and lethal chemicals to Army shipments was 1,000 to 1. Private industry shipped 1,000 times more than the military.

Of course, that is a moot question today because the Army has now agreed, through regulation, to submit to controls of the Department of Transportation and the Secretary of HEW. Containerization requirements must be met, and all types of shipping requirements of the Department of Transportation and the Interstate Commerce Commission imposed on private industry must also be met by the services.

So, Mr. Chairman, I point out that though this is a well-intentioned amendment we should go to conference and try to work out a reasonable restriction which is administratively sensible. I am afraid this amendment, well-intentioned though it may be, will create an administrative jungle that will cause more trouble than it will do good.

Mr. PIKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would simply like to say that I find it very difficult to believe that the DOD would endorse a proposal that they felt was administratively impossible. I find it equally difficult to believe that the Members of the other body, no matter what we think of them, simply passed this amendment unanimously as a part of some machinations to get votes on some other subject.

I am now happy to yield to the gentleman from Michigan (Mr. NEDZI) and congratulate him for offering this amendment.

Mr. NEDZI. I thank the gentleman from New York for yielding to me.

I will try, in the brief time I have here, to set the record straight with respect to some of the allegations that have been made with respect to this amendment.

The chairman or the opponents of this amendment suggested that sufficient deliberation did not take place with respect to this amendment. Let me point out that on August 9 of this year Secretary Laird issued a press release in which he stated the following:

> Members of my staff, principally Dr. John S. Foster, the Director of Research and Engineering, have been working with Senator THOMAS McINTYRE, of New Hampshire, and other members of the Senate Armed Services Committee on a revised amendment to the pending Defense authorization bill. I am in agreement with the goals of the new amendment which the Senate is scheduled to consider on Monday, August 11. I believe this revised amendment will allow us to maintain our chemical warfare deterrent and our biological research program, both of which are essential to national security.

Since that time the Department of Defense has had this matter under review up until last week when they suggested minor changes in language which I described to the committee in making my initial presentation.

Now, let me make clear that there is nothing in this amendment which forbids the production or the research or the test and evaluation of chemical warfare weapons. It is strictly a reporting amendment that would require the DOD to make reports to the interested agencies in his regard.

I echo the sentiments of the gentleman from New York when he said that he doubts the DOD would approve any amendment which was impossible to administer. They have had this amendment under consideration for over 2 months, and it still meets with their approval. Consequently I am at a total loss to understand why the members of the House Committee on Armed Services by and large refuse to support this amendment.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I am happy to yield to the gentleman.

Mr. McCARTHY. I think it is relevant to point out here that the text of the Presidential Order No. 11001, on February 1962, requires the Secretary of Health, Education, and Welfare to develop plans for contingencies where biological and chemical warfare agents created a disaster in a community. The director of civil defense in Webster, Mass., was asked what he would do if one had occurred in his community. He said, We would not do "a darn thing," because we do not know what to do. HEW has not advised us. What the amendment would require is that the Secretary of Health, Education, and Welfare would be advised so that his Department could prepare disaster plans and assist communities like Webster.

The gentleman from New York makes a big point about sobatage. But you could have a half blind Russian spy and he could still spot a sign like this which says in bold, red letters: "Poison Gas" and which are now posted on rail cars carrying chemical agents. But the Governor of Iowa did not know it was coming through his State or the Governor of New Jersey. I quoted what the civil defense director, Mr. Burke, of Webster, Mass., said. Mr. Burke says it would be "incredible." To paraphrase him: "If that happened, we would not do a darn thing, because we would not know what to do."

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I would like to congratulate the gentleman from Michigan on his excellent amendment, and particularly my colleague from New York, for the very wonderful job he has done in developing information for this Congress with regard to the dangers in the shipment and storage of these chemical agents.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, I want to associate myself with the amendment offered by the gentleman from Michigan (Mr. NEDZI) and I also particularly want to thank our colleague from New York (Mr. McCARTHY) for having alerted the country to this problem.

I think we are all in his debt.

Mr. Chairman, I would like to give my reasons for my supporting the amendment on chemical and biological warfare introduced by Mr. NEDZI. This amendment is designed to provide protection of the public from the dangers associated with the transportation and testing of CBW material. It is also designed to provide Members of Congress with the basic information on all CBW activities.

The information that has been revealed in hearings held by both the Senate and House of Representatives this year shows that inadequate consideration has been given to the protection of our citizens. It also shows that there is a lack of information on CBW at this policy level in both the executive branch and in Congress. This has been perhaps as much the fault of Congress as it has of the executive branch, because Congress has not required that knowledge of the basic CBW operations be made available to its Members. This amendment will correct those faults.

The protest of a number of Governors, including Governor Ray of Iowa and Governor Hughes of New Jersey, shows that local authorities have not been given sufficient warning when extremely hazardous CBW materials are moved through the States. I believe that it is a basic responsibility of the Federal Government to make information on transportation of CBW materials available to the Governors of the appropriate States. We already do this for a number of local authorities in the case of nuclear materials; certainly we should do the same for CBW materials.

However, although I support this amendment it does not deal with many of the broader public policy questions of concern to Congress and the public. The question of whether the United States should ratify the Geneva Protocol of 1925, banning of first use of chemical and biological materials is not covered in this amendment. The highly important question of whether we should use anticrop and antifoliage weapons in war is also not covered. These are the policy questions that are currently being debated by the executive branch and must be debated by Congress.

In introducing House Joint Resolution 691 calling for an international study of the effect of defoliants, I pointed out that we do not know what we are doing to the environment of Vietnam when we engage in widespread application of herbicides and defoliants. We may be permanently altering the ecology of that nation. One of the questions then, that must be asked in any basic review of CBW policy is whether all nations should join together in a ban on defoliants. Although further information is needed before a final conclusion can be reached on this question, it is clear that there can be no delay in obtaining that information and there can be no delay in considering that question.

I urge that my colleagues vote in favor of Mr. NEDZI's amendment relating to chemical and biological warfare. This is a limited but useful first step toward better protection of the public and points toward a more rational CBW policy.

Mr. EILBERG. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Chairman, I rise today in support of the amendment offered by my distinguished colleague from Michigan to require certain safeguards in the Pentagon chemical and biological warfare program and a policy of open and honest reporting of this program.

In the last 6 months we all have witnessed the lengths to which the Defense Department has gone to conceal these activities, showing what I must consider a too casual disregard for both the risks to our population and our environment.

Because of the serious interest of Members of this body, it was learned in late spring that the Army planned to ship lethal gases from Rocky Mountain Arsenal in Denver across country and similar gases from the Edgewood Arsenal north of Baltimore through Philadelphia. The eventual destination of these gases was a depot on the northern New Jersey coast from which the gases were to be taken to sea and dumped. The Army argued that this was the most economical means of disposal. Members of Congress, myself included, questioned the feasibility of this plan, contending that rail shipments were unsafe and represented a needless hazard to millions of Americans, including the 6 million residents of the Philadelphia metropolitan area. We also contended that dumping the gas in the ocean raised the specter of potentially catastrophic pollution of the ocean environment. The National Academy of Sciences was asked to study the problem and its report agreed essentially with the objections raised in Congress. It recommended that the gases be disposed on site.

Early in the summer, congressional vigilance disclosed that the Army was testing lethal gases in the open air at Edgewood, Md., a location squarely in the middle of the crowded eastern metropolitan corridor. Despite the Army's announcement that the testing was done close to ground level, unlike the high altitude tests conducted at Dugway some years ago in the West, it nevertheless, under congressional pressure, agreed to suspend the open air testing. More recently, it was disclosed that a collision had occurred in Buffalo, N.Y., involving a train carrying phosgene gas sold by the Army to a private firm. We all have seen the reports of the gas train accident in Mississippi, which routed Senator EASTLAND from his home.

The events of the last 6 months have made one thing perfectly clear: the Defense Department and the Army, if they could, would prefer to conduct the testing and transportation of poisonous gas secretly and without public oversight. While I dispute the military's contention that a poisonous gas program is necessary in the nuclear age because potential enemies will develop the same capacity, that is not the question here today.

The question this amendment raises, gentlemen, is simply: What are the rights of the American people living in an open society when confronted by hazards to their life and environment over which they seemingly have no control?

Should the public know that chemical and biological warfare agents are being stored near their homes?

I think American people have the right to know this.

Should the public know when hazardous and lethal gases are being shipped by train through their communities?

Considering that the Transportation Safety Board reported more than 5,000 derailments in the United States in 1968, I think the people should have this information.

Should the public know that germ and gas weapons are being tested in the open atmosphere?

In a time when we are increasingly aware of the poison spilling into the air we breathe everyday, I think the public has the right to know this.

And finally, is it unreasonable to ask that the Defense Department report twice yearly what chemical and biological warfare programs are underway and what these programs are costing?

I think the public has the right to know how its money is being spent and on what programs and, since the Defense Department has demonstrated a sedulous reluctance to openly report its activities in this area, I believe that Congress has the responsibility to require the open and full disclosure of this activity. Therefore, I applaud the wisdom of my colleague from Michigan in offering this amendment and I urge all Members of this body to support it.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, I rise in support of this amendment offered by the gentleman from Michigan (Mr. NEDZI) and I want to add my words of commendation to our colleague, the gentleman from New York (Mr. McCARTHY), for the public attention he has drawn to this very vital issue.

Mr. Chairman, this amendment is an amendment which would do no harm to our national security, and I suggest that the charge of demagoguery is quite out of place in this debate.

This amendment with minor changes recommended by the Department of Defense is similar to the amendment which passed the Senate unanimously. It would create guidelines and controls over the procurement, storage, transportation, disposal, maintenance, and testing of chemical and biological warfare agents.

Not until March of 1968 did the CBW program come to the surface. At that time, accidental release of nerve gas at a Utah proving grounds occurred, killing 6,000 sheep.

Since the Utah incident, other accidents and injuries caused by the chemical and biological warfare program have come to light. In addition, public concern has been increasing steadily about the transportation of lethal gas across the country, and the possibility that the release of these substances could cause public contamination.

The CBW program has been going on

with little notice for many years. It has used $300 to $350 million a year scattered throughout the Defense budget.

The nature and the extent of the CBW program has been deliberately hidden from most Members of Congress. Several years ago I called for a full investigation of this program which the Department of Defense has been allowed to carry on for too long without proper scrutiny and supervision.

The amendment calls for a full and complete semiannual report by the Secretary of Defense to the Congress setting forth in detail the total CBW research, development, test evaluation, and procurement program.

This would provide Congress with the kind of detailed information Congress and the public need in order to understand the programs and to determine future direction.

It provides for a full range of reports to the interested congressional committees, and will also insure consultation with foreign nations before CBW agents are deployed on their soil.

It requires advance notice to the Congress and executive agencies of rail shipments of lethal CBW agents.

Chemical and biological warfare is alien to our concepts of the conduct of war, and the amendment makes clear that CBW agents should not be used as offensive weapons and prohibits expenditure of funds for any device designed to deliver these agents.

Finally, the amendment would eliminate open air testing except in those instances when the Secretary of Defense, under the direction of the President of the United States, declares that our national security requires such testing, and the Secretary of Health, Education, and Welfare would give his advice as to the hazards presented.

Furthermore, the appropriate committees of the Congress would be informed of all proposed open air tests at least 30 days in advance.

Mr. Chairman, to dismiss as demagoguery serious questions relating to the CBW program and the potential effects of testing, storing, and transporting CBW agents upon our environment and our population does a disservice to the principle of open debate and is an attempt to foreclose further public discussion of a matter of major public importance which can no longer be ignored.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. PIKE. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, I am in support of this amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RANDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time with the idea of seeking, or trying to seek some information. I tried to take notes during the discussion of the amendment. It has been agreed that copies of the amendment were not distributed. I did not even receive the buff-colored sheet distributed by the DSG. I can find no answers to some questions I would like to have answered. So I am taking this time to try to find out some answers from the gentleman from Michigan.

One of my questions is about reporting. I am wondering to whom is the reporting to be made? Then I thought I heard the gentleman say his amendment required suspension of further evaluation of CB weapons? I could not tell whether his amendment covered both testing and evaluation. I thought I heard the gentleman say that testing outside of the United States is barred, if the Secretary of State believes such is contrary to international law. I certainly would be for such a provision.

Then I listened and I thought I heard the gentleman from New York (Mr. STRATTON) say he believed the amendment might require the revelation of some of our classified information. If this is true of course there is reason to be disturbed about the amendment, if it is proposed we reveal classified material.

So, Mr. Chairman, I want to ask the sponsor of the amendment to respond to some inquiries. First, can he tell us to whom these reports are to be made? Then how often? Then whether the reports will include classified information?

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Michigan.

Mr. NEDZI. Mr. Chairman, I thank the gentleman for yielding.

> The first section of my amendment provides the following: The Secretary of Defense shall transmit semiannual reports to the Congress on or before January 31st, and on or before July 31st of each year, setting forth the purposes of and the amount spent during the preceding six-month period for research and development, test, evaluation and procurement of lethal and non-lethal chemical and biological agents. The Secretary shall include in such reports an explanation of such expenditures, including the necessity therefor.

This is language that the Defense Department did not see fit to amend in any wise, and it is the identical provision that passed the Senate 91 to nothing.

Mr. STRATTON. Mr. Chairman, would the gentleman read the section after that?

Mr. RANDALL. Mr. Chairman, I have control of the time.

Mr. NEDZI. If the gentleman will yield further, I might add that there is nothing in this amendment which provides for the suspension of any kind of tests of research and development. The problem is—and if I may here try to answer the gentleman from New York on his question—in section (b) it says that none of the funds appropriated may be used for the procurement of delivery systems specifically designed to disseminate lethal chemical agents or any biological agents.

Now, when we talk about delivery systems specifically designed, we are narrowing this amendment down to almost nothing, in my judgment, because obviously an airplane is not specifically designed to disseminate lethal agents, nor is an artillery shell, nor is a mortar, nor many others delivery systems.

Mr. RANDALL. I would like to ask the gentleman a question.

I am grateful to find out the Secretary of Defense must make semiannual reports. Now I am still wondering to whom are these reports to be directed and delivered.

Mr. NEDZI. The reports are directed to the Congress, as are other departmental reports.

Mr. RANDALL. To the Speaker and to the President of the Senate?

Mr. NEDZI. That is correct.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman.

Mr. STRATTON. Does the gentleman from Michigan, since he has not had the courtesy to supply us with copies of his amendment, maintain that section 3(e) of the Senate bill, which is almost identical with the gentleman's amendment, is not in his amendment, which section 3(e) says:

> (e) None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, storage, or disposal of any chemical or biological weapon outside of the continental limits of the United States unless the Secretary of State determines that such testing, development, transportation, storage, or disposal will not violate international law and reports such determination to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and to the appropriate international organizations, or organs thereof, whenever required by treaty or other international agreement.

Mr. RANDALL. I am grateful to both gentlemen for their answers. I am sure the answers have been beneficial to all Members.

Mr. GUDE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by Mr. NEDZI. It differs from the Senate amendment and it therefore must be considered in conference. It would certainly be better that when going to that conference this House go as being in favor of some measure of control and logic in the testing, storing, and shipping of these chemical and biological warfare agents.

There has been talk that measures which could save lives might involve paperwork. When you consider the toxicity of some of these agents and what is involved, I do not believe we want to oppose some lifesaving paperwork. I want you to bear in mind that we are not just discussing agents like ammonia gas which are relatively mild, but agents like the nerve gas GB. One ounce of GB nerve gas has the potential, gentlemen, when inhaled, to kill 14,000 people.

The VX nerve gas which was tested at Dugway, Utah, and which was responsible for the 6,000 sheep killed on ranges outside of Dugway grounds, is also fantastically toxic and far more persistent than GB.

Biological and chemical warfare agents are not only being tested in the so-called open spaces where sheep seem to be the only victims. We have Fort Detrick in Frederick, Md., and Aberdeen Proving Grounds in Harford County, Md., where chemical and biological agents are being tested—some in open air tests.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. GUDE. I yield to the gentleman.

Mr. McCARTHY. I thank the gentleman. I think what the gentleman is saying is quite relevant.

The gentleman from Florida (Mr. SIKES) said that the Soviets have the capability of carrying on chemical and biological warfare. I believe he said it was seven to eight times that of the United States. I believe that is false and I would quote from the hearings the statement of General Stone, head of CBR and nuclear operations with the Army:

> There is no clear evidence that any foreign country is presently testing biological weapons, in the sense that an operational delivery means is being used to disseminate either live microorganisms or stimulants.

I was intrigued by a report in the New York Times recently that the United States has no hard evidence of any Soviet capability in offensive biological warfare. I must say nothing I have encountered would dispute that statement.

I do not believe the United States has any hard evidence of any Soviet biological offensive capability. They have plenty of defensive capability, but there is no hard evidence of any Soviet capability—much less capability seven or eight times that of the United States.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. GUDE. I yield to the gentleman.

Mr. RIVERS. We have positive intelligence that they are carrying on a very intensive R. & D. program. We have estimates that their stockpiles are not seven times ours but approximately 10 or 12 times what we have.

Mr. GUDE. We have a tremendous potential in the United States, too—enough to kill the population of the entire earth and then some.

I would like to give you an idea of why we should have HEW, Interior, and other agencies involved. In regard to the sheep kill in Utah, at first the Army denied that there had been any testing of the agent which was suspect in the sheep kill. Then when they finally did agree that they had released the VX nervegas, a Utah veterinarian was assured by an Army doctor that VX nervegas would be rendered harmless in 4 days of open-air exposure. The subsequent investigation which had to be carried on by the Department of Agriculture showed that VX retained its lethal toxicity in the open air for 3 weeks, and the harmful effects continued for 3 months.

And this is one of the reasons that I rise in support of this amendment which would provide guidelines and regulations for military work with chemical and biological warfare agents.

As in the case of this amendment and others offered, dealing with the C–5A, ABM, advanced manned strategic aircraft, the short-range attack missile, the Cobra, and the continental air defense, it is a serious mistake to categorize them as pacificistic or designed to destroy adequate national security for our citizens.

These amendments and the debate of the last 3 days strike to the very heart of the question as to whether the taxpayer is getting his tax dollars worth in military preparedness. There is also the important question whether the programs which are established by the appropriation bill correspond to the foreign policy of the Executive. For example, the Manila policy recently set forth by the President, to me, calls for a careful scrutiny of our Military Establishment in the Orient and whether it corresponds to our foreign policy posture.

In the above context the program for chemical and biological warfare needs to be scrutinized by the Congress and by the Executive.

This spring the Conservation and Natural Resources Subcommittee of the Government Operations Committeee, of which I am a member, conducted extensive hearings on the environmental dangers of open-air testing of lethal chemicals.

As you well know open air tests of VX nerve gas at Dugway, Utah, caused death and injury to more than 6,000 sheep and contaminated thousands of acres of rangeland outside the proving grounds for months.

Testimony offered at our hearings gave me the strict impression that lack of knowledge of the agents utilized and the conditions of open air testing can lead to catastrophies involving the lives of American citizens as well as prolonged or even permanent contamination of segments of our environment.

As I stated these agents have a fantastic toxicity and the Army evidently is not cognizant of some of the crucial qualities of some of the material being tested in the open air.

Testimony, in part by Surgeon General Stewart, has brought me to the conclusion that open-air testing is not only fraught with dangers but can be a real waste of the taxpayers' money. To the extent that we should continue our military work with chemical and biological agents, closed laboratory testing would not only yield reliable data from which scientists could draw sound conclusions, but would eliminate deadly dangers to American citizens and to polluting segments of our environment.

Testimony also demonstrated that harmless stimulants could well be used in place of lethal materials for open-air testing purposes.

Further testimony at our hearings demonstrated that Army scientists did not adequately consider the many atmospheric variables at Dugway. It raised the question whether the open-air testing conducted was really befitting of the term "scientific research."

In the above context our amendment to establish guidelines for control of chemical and biological warfare are modest.

They would in no way jeopardize our national security but would guarantee our citizens some measure of safety and economy in just one area of our military operations.

Mr. ANDERSON of California. Mr. Chairman, I move to strike the last word.

I rise in support of Mr. NEDZI's amendment, which I believe to be reasonable, moderate, and responsible.

No longer can we tolerate the lack of attention which has been the case with our Nation's chemical and biological warfare program. We must tighten procedures in this extremely sensitive and hazardous area and, in doing so, not endanger our national security.

We are fortunate that no major disaster has occurred, although there have been incidents and causes for alarm with our CBW program. Therefore, it is time that the Congress spell out, tighten up, and enact real safeguards. We owe this to ourselves as a nation, and I see no reason why this cannot be done, with both the Nation's health and the Nation's security fully in mind.

We also need this in the interest of our posture with other nations of the world.

I wish to compliment the gentleman from Michigan for bringing this amendment before us at this time.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from New York.

Mr. BINGHAM. I would like to associate myself with the remarks of the gentleman in the well and to commend the proponent of the amendment particularly, my colleague from New York (Mr. MCCARTHY) for his great work in alerting the Nation to the dangers involved.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from Michigan.

Mr. NEDZI. I thank the gentleman for yielding very much, because I want to clarify the record and apologize to the House and to the gentleman from New York if I have misled him. We had an exchange earlier in the debate with respect to sending notice to appropriate international organizations. That requirement is still in the amendment. However, the qualifying language is as follows: "whenever required by treaty or other international agreements."

I, as a lawyer, believe that to mean that all the amendment asks is that the Secretary of State abide by international law.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from New York.

Mr. STRATTON. I appreciate the gentleman from Michigan acknowledging that he gave the House inaccurate information. This is one of the problems of this amendment. It is a very sweeping amendment. The gentleman himself apparently is not entirely familiar with all that is included in it, and since it does contain a reporting requirement to the U.N. or other international organizations, it will take a Philadelphia lawyer to decide whether it should not go, and I do not think this is the place where classified information should be disseminated.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from New York.

Mr. McCARTHY. I think it is important in answering my distinguished friend from New York to point out that so far as notification is concerned, the Atomic Energy Commission and its contractors are required to notify a number of local authorities before they move nuclear weapons or nuclear materials through bridges, tunnels, and what have you. Right where we are sitting, in the District of Columbia, there are restrictions. They cannot move nuclear materials during peak hours. They have to have escorts. The State of Maryland has a similar restriction. The Port of New York has, also. You cannot move any nuclear materials through tunnels. They must be notified.

The Massachusetts Turnpike Authority: Mr. Burger of the AEC told my office that notification and escorts actually provided more protection against sabotage than if they were not notified.

Mrs. MINK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. Our recent experience in the State of Hawaii on this issue prompts me to express my deep and firm conviction that this Congress must set policy guidelines to assure Members of Congress and the American people full and complete information on all testing of chemical and biological warfare agents in this country.

In 1966, the Army entered into a 5-year lease with the State of Hawaii for 1,145 acres of land on the big island of Hawaii. The lease provided that the purpose was for "meteorological" and related tests.

Early in 1969, I received information that the deadly nerve gas GB had been tested on the big island. Inquiries began, with no success. In July 1969, Seymour M. Hersh in an article in the Washington Post stated that these tests did take place in Hawaii. Inquiries again were made with a flat denial from the Army.

On July 19, I wrote to the Secretary of the Army asking for a complete list of all test sites used in the last 20 years for testing of all CBW substances, offensive and defensive.

On August 4, I sent a series of questions to Secretary Laird for reply. One of these questions was "Has the Army ever tested either chemical or biological warfare weapons or agents in Hawaii?"

The reply dated August 11 to this question was "No. The Army has not tested either chemical or biological munitions in Hawaii. The Army has conducted limited chemical tests under strict safety precautions to obtain defensive information."

On September 11, I received another letter from the Army responding to my earlier inquiry of July 19. The letter said:

> The Secretary of the Army has asked me to reply to your inquiry concerning the nerve gas testing in Hawaii. To the best of our knowledge, the Army has not denied that nerve agent tests have been conducted in the past in Hawaii. For reasons of national security, the Army cannot release lists of all test sites used in the past. Limited small-scale testing of chemical nerve agent and incapacitating agent has been conducted in Hawaii. This was done with the concurrence and knowledge of State officials.
>
> Four chemical tests were conducted on the Island of Hawaii at an Army jungle environment test site in the Waiakea forest reserve. Three of the tests involved the non-persistent nerve agent GB and were conducted during April–June 1966, March–April 1967, and April–May 1967. One test involved the non-persistent chemical incapacitating agent BZ and was conducted during May–June 1966. All of the testing was open-air and was conducted in a 1.5 square mile area.
>
> There has been no testing of biological research agents in the State of Hawaii in the past nor are there any plans to do so.

I wrote to the Secretary of the Army again on September 16 requesting information on who in the State was informed and concurred. I challenge his statement that there had been no denials.

On September 20, the Secretary replied: First, yes; the Army had lied and that the denials of these tests when they in fact did take place was regretted; second, that the statement that the Army is not conducting tests of munitions is also unfortunately inaccurate; third, that chemical munitions were in fact exploded; fourth, that due to an administrative error Members of Congress had been supplied misleading information; fifth, that it was a lie that the State knew about the tests and concurred—the Governor of Hawaii was not informed of the mission of this test facility; and sixth, it was not true that biological research had not been done in the past because in fact biological and chemical simulants in addition had also been tested on Oahu as well as on the big island of Hawaii.

The credibility of the Army has been irrevocably damaged as a result of this incredible series of letters. Passage of the pending amendment will prevent a repeat of this kind of deception which could just as easily have occurred in any one of your districts. I urge your support of this amendment, for the protection of the public safety, for the sake of a free society, and for the sake of humanity.

Mr. COHELAN. Mr. Chairman, I rise in support of this amendment. This amendment is a very small addition to this procurement bill, but its consequences are far reaching. Although this amendment provides no reduction in funds, it requires the Department of Defense to alter its reporting and handling of chemical and biological weapons.

This amendment is necessary as the incidents of the last year have demonstrated. The Dugway episode in which numerous sheep were accidentally killed by a shift in the wind carrying nerve gas, incredible decisions to ship dangerous gases all over the country and finally "dump" them off shore, and reported inadequate safety provisions in the shipment of dangerous gases suggest the need for continual Congressional supervision. This is what the amendment does. It requires the Department of Defense to provide, semiannually, more and complete information on the expenditures and programs of Chemical Biological Weapons. It also stipulates that there will be adequate notice of open air testing so that the Dugway experience will not be repeated with more disastrous consequences.

Another feature of the amendment would prohibit secrecy in domestic and foreign shipment and storage of CBW agents. This provision has important implications. First it enables the American public and more important local authorities to be aware of these shipments so that adequate safety measures can be instituted. It also has foreign policy implications because this provision will bring U.S. behavior more in compliance with international treaty commitments.

It is incredible, Mr. Chairman, that most Members of Congress were not informed of the extent of our CBW effort. It has been through the untiring efforts of some of my colleagues that the extent of this program and its implications have reached the public arena. By passing this amendment we can assist in the efforts to keep the problems of CBW before the Congress. By insisting on full and complete reports, Congress can oversee an area that is necessary for national security, but is potentially dangerous to those same citizens it is designed to protect.

I urge support of the amendment.

Mr. LLOYD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, much has been said here today about the chemical tests out in Utah, which is in my congressional district, where approximately 6,000 sheep were killed as a result of one of these tests.

My purpose here today is not to defend the Army or the military, because I believe many mistakes were made. However, I believe it is very important in a debate such as this pertaining to the Nation's preparedness and national security for the facts to be kept straight.

One of the things which has disturbed me about the report throughout the country concerning the sheep deaths has been the fact that there have been exaggerations approaching distortion. For example, the Washington Post and Newsweek issued reports of allegations that as a result of the Utah tests, in addition to the deaths of the sheep, there were also destroyed, 1,700 head of cattle; further, that 100 square miles of pastureland were contaminated outside of the proving ground for 2 to 3 years.

The thing which disturbed me was that it was definitely disproved: there were no cattle deaths. And it was definitely disproved: no 100-square-mile area had been contaminated permanently as a result of these chemical tests. But the media did not see fit to correct this misinformation which had been distributed throughout the country.

I have been a little disturbed today also to hear one of the sponsors of the amendment state that this information which would be reported to the various congressional committees and their staffs would be officially designated as classified; in other words, the information would not be distributed to the general public. But there are so many committees and so many staff members who would receive this information it would seem to me to be extremely difficult for this to remain in a classified state.

I should like to say also, not so much in defense of the military but again to report what actually happened in Utah, a year ago last March when this test was made, the military was first asked, "Has there been a test for biologicals here?"

XUM

The answer was "no." Of course, that is not full disclosure. I say they should have said there had been chemical tests, but they did not.

The claim was made there was a denial of chemical tests. I went out there a few days later, as soon as I could leave my responsibilities here in the House. I found no effort on the part of the military to hide anything. As a matter of fact, the land company, owners of the sheep, employed attorneys to present its case, and they asked me if I could persuade the military to allow their attorney to go out to participate in the investigation. I did ask the military. I expected to be denied this, but they said, "Surely, come on."

It seems to me there is a proper legal distinction between denying something and a failure to admit. It is true the Army failed to admit. They refused to admit. It seems to me, however, in a sensitive area involving national security they very properly refused to admit something they could not then prove was the direct result of the chemical test at Dugway, Utah.

I saw nothing particularly immoral about the position that they took. I did find great reassurance in the fact that they did say to me, "Yes, the lawyer representing the owner of the dead sheep may come out and participate in our examination."

The chemical tests in Utah have been going on since 1952. In all that time there has never been a single case of a proved fatality or casualty to a human being.

This does not mean it cannot happen.

My own great criticism of this program has been there has not been sufficient disclosure. I believe the military has been remiss in not having that full disclosure. But I do consider it essential that when we here debate matters of sensitive national security, we keep the facts straight and not surrender to excessive alarm not warranted by fact.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. LLOYD. I yield to the gentleman from New York.

Mr. McCARTHY. I thank the gentleman from Utah.

The gentleman from Utah is aware of the fact that there have been fatalities from germ testing right out here at Fort Detrick. There were at least three cases of death in recent years, and one other case where a lifeguard caught the plague.

Mr. LLOYD. I say to the gentleman, that may well be so. I am here to speak of my own district, where so much of this national publicity and advertising has taken place. There has never been a fatality or a case of a human casualty in all that time of testing since 1952.

I believe that we must be very careful that we do not allow exaggerations to discolor the evenhanded attitude which we should take in the consideration of this issue.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. ARENDS. Mr. Chairman, will the gentleman from Missouri yield?

Mr. HALL. I am glad to yield to the gentleman from Illinois.

Mr. ARENDS. I just take this time to inform the House that I am going to object to any request to come in early tomorrow.

Mr. HALL. Mr. Chairman, I would hope that we could wind up the debate on this particular subject and that we might reduce it to the context in which I presume it was presented, to the essentials that should be considered by this House.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HALL. I am glad to yield to the distinguished chairman.

Mr. RIVERS. This is very poorly worded. Listen to this:

> The provisions of this section shall not apply during a war declared by the Congress or the President after the date of this Act.

When can the President declare war?

Mr. HALL. Mr. Chairman, I think the distinguished chairman of the Committee on Armed Services has made a very good point. I know this is a popular discussion topic due to mishaps that have occurred. I have had one such mishap in the district that I am privileged to represent, not from CBR products being moved under MTMSA—the Management and Traffic Agency of the Department of Defense of the United States—but from dehydrated alfalfa being transported, along with basics for explosives.

Mr. Chairman, I am happy to say that we have made some improvement in our means of transportation, including undercoating and the proper shodding of our brakes, as well as other means of correcting transportation difficulties. I believe more of that can be done. I do not think because we have over 50,000 people killed per year in our highway accidents that we are going to do away with our highway system or do away with automobiles. We try hard to improve them, as we have indeed done in this House.

Mr. Chairman, at this time I rise because I have had probably as much or more experience with chemical and biological and radiological warfare agents than anyone in this room. I had experience with them during World War II. In fact, I staffed the teams that investigated the biological warfare attacks on the United States, especially in the Great Northwest. I supplied the medical personnel in my capacity during World War II to Fort Detrick and Edgewood Arsenal and other testing stations in Maryland. I am basically a scientist and physician as you know.

I am concerned about this amendment and oppose it with all of the vigor that I have, because it affects our ability to act in case of a contingency and removes our deterrent. It has a bad effect on our further development of delivery systems. We recognize it is a motherhood amendment, but I plead with you because movements are controlled and are being improved by MTMSA, including the Central District, which happens to be headquartered in St. Louis, Mo., for the entire United States, including these weapons of deterrent warfare as well as explosives, and all barge traffic; because it affects storage and transportation and because it affects the use of medically active radioisotopes, if you please—I plead that we should vote it down, because we need hearings to work out language on a bill like this. I believe it should be voted down overwhelmingly. Finally, I think we must have the current capability in our stockpile, as we did, to my personal knowledge, in World War II, and as the United Arab Republic did in Yemen in 1967, and as the Italians did in Ethiopia when they attacked with "mustard" and other gases. Believe me, noxious gases are many times worse now in their reactions. We do not want to be hobbled by an amendment that was not considered and on which hearings were not held, and on which the details have not been worked out. I recommend for all of these reasons and even in the interests of humanity, based on the concept that gas warfare may be immobilizing rather than maiming or wounding or killing, that we support our Nation's capability to deter. I wonder how many know of our protoplasmic tests, reactions, and studies under the various nuclear reactors and accelerators, in an effort to prepare humanity in the sad event of nuclear attack by the aggressor.

I repeat and beseech, Mr. Chairman, that we allow this amendment to go to conference, work out what we may, but better still, to hold hearings so that the Committee on Armed Services, which has the benefit of information that is distilled into intelligence and presented regularly, can be properly utilized.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. HOWARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am in favor of the amendment. However, I believe it reprehensible that a few minutes ago, the gentleman from New York (Mr. STRATTON) labeled anyone who is concerned about nerve gas in this country, about the transportation of nerve gas and the behavior of the Department of Defense in connection with the distribution and movement of nerve gas, as indulging in demogoguery, and in headline hunting.

I do not believe that is a fact, and I feel very badly that the gentleman from New York made that statement.

It was not very long ago—that anyone who asked anything of the Committee on Armed Services or the Defense Department, or the Department of State, or had any question about what they were doing, were labeled "Communist." A little while later anyone who had any objections or any differences were called "un-American." And the day before yesterday, when some Members felt that we needed more than 4 hours of debate to handle a bill of this magnitude, the chairman of the Committee on Armed Services was talking about "bleeding hearts" in this Chamber.

I might remind the Chamber that most bleeding hearts and bleeding heads, and arms, and legs, are not in this Chamber, but they are over in Vietnam in the front lines, and they are bleeding American blood.

As to this amendment, and the demagoguery that may be involved, I believe when the Department of Defense determines that it will move 27,000 tons of poison gas across the country through places like Elizabeth, N.J., where a train

XUM

wreck sent seven railroad cars into Newark Bay a few years back, just think what might have happened if those 7 railroad cars had contained nerve gas; or in Woodbridge, N.J., where a tremendous train wreck occurred a few years back, with many, many deaths; to a Member's congressional district where they want to take these old train cars full of poison gas and put them in World War II ships to be hauled out through the harbor a short way off the shore and dumped in the ocean—without having the faintest idea of what they are going to do to the fish and wildlife, or the people who live on that shore, I think that if the Member is concerned it is not demagoguery. I think also——

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I will yield in a minute. I believe also that when the Governor of the State of New Jersey, a State of 7 million people, is not informed about this operation until he reads about it in the paper, and when he sends a telegram to Secretary of Defense Laird, and 6 days later, when the committee is going to hold hearings, the Governor of New Jersey has not even had an acknowledgment of receipt of his request for information, much less an explanation—then I think the people who are concerned at that time are representing their districts. And if the gentleman from New York wishes to call them demagogs, he may, but I think they ought to continue what they are doing, and concern themselves with what happens in their congressional areas because they are the only representatives that the half million people in those districts have.

I hope this amendment is agreed to. Now, I will be happy to yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, putting aside the question of demagoguery from what we are talking about, is it not true that the Army has been conducting this testing and this production and storage for certainly 20 or 25 years?

We have had this transportation going on for that length of time.

As the gentleman from Utah quite properly pointed out, and made a very down-to-earth statement, there have been no fatalities in his area.

Who was protecting the country before the gentleman from New York happened to look at the television? I think we are exaggerating the problem because there happens to be an antimilitary hysteria sweeping the country, and this kind of thing suddenly is front-page news.

Mr. HOWARD. Mr. Chairman, this dumping has been done. It has been going on for quite some time. There have been two dumpings off the New Jersey coast and until those dumpings occurred, we never had a case of red tide. It is very serious and the scientists could not tell whether this poison gas was or was not the cause and the Department of Defense did not even talk to the Department of the Interior about it beforehand.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman.

Mr. RIVERS. Sometime ago the gentleman came to me with a problem concerning Monmouth, N.J.

Mr. HOWARD. I hope the chairman will not hold that against me.

Mr. RIVERS. Did I call the gentleman a Communist, or did I help the gentleman?

Mr. HOWARD. You helped the people who work at Fort Monmouth because they had a justifiable claim. I am certain the Chairman would not want to give favors to favored people. The gentleman was very helpful and I am grateful that he was fair in this instance.

SUBSTITUTE AMENDMENT OFFERED BY MR. PHILBIN

Mr. PHILBIN. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. Philbin as a substitute for the amendment offered by Mr. Nedzi: On page 16, after line 8, insert a new section 410 as follows:

"(a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the amounts spent during the preceding six month period for Research, Development, Test and Evaluation and procurement of all lethal and nonlethal chemical and biological agents. The Secretary shall include in each report a full explanation of each expenditure, including the purpose and the necessity therefor.

"(b) None of the funds authorized to be appropriated by this Act or any other Act may be used for (1) the transportation of any lethal chemical or biological warfare agent to or from any military installation in the United States, or (2) the open air testing of any such agent within the United States, unless—

"(A) the Secretary of Defense (hereafter referred to in this section as the 'Secretary') considers that the transportation or testing proposed to be made is necessary in the interests of national security;

"(B) the Secretary advises the Secretary of Health, Education, and Welfare of the particulars regarding the proposed transportation or testing.

"(C) the Secretary of Health, Education, and Welfare reviews such particulars with respect to any hazards to health and safety which such transportation or testing may pose, and reports his findings, together with any precautionary measures that he recommends be taken to avoid or minimize such hazards, to the Secretary;

"(D) the Secretary considers the findings and recommendations made by the Secretary of Health, Education, and Welfare under paragraph (C) and takes such action consonant therewith as he deems appropriate (including, where practical, the detaxification of any such agent, if such agent is to be transported to or from a military installation for disposal); and

"(E) the Secretary provides notification that such transportation or testing will be made to the Armed Services Committees of the Senate and House of Representatives at least ten days before the date on which such transportation or testing will be commenced.

"(c)(1) None of the funds authorized to be appropriated by this Act or any other Act may be used for the deployment, or storage, or both, at any place outside of the United States of——

"(A) any lethal chemical or biological warfare agent, or

"(B) any delivery system specifically designed to disseminate any such lethal agent, unless the Secretary gives prior notice of such deployment or storage to the country exercising jurisdiction over such place. In the case of any place outside the United States which is under the jurisdiction or control of the United States Government, no such action may be taken unless the Secretary gives prior notice of such action to the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives. As used in this paragraph, the term "United States" means the several States and the District of Columbia.

"(2) None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, storage, or disposal of any lethal chemical or biological warfare agent outside the United States if the Secretary of State, after being notified by the Secretary that such action is contemplated, determines that such testing, development, transportation, storage, or disposal will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives, and to all appropriate international organizations, or organs thereof, whenever so required by treaty or other international agreement.

"(d) Unless otherwise indicated, as used in this section the term "United States" means the several States, the District of Columbia, and the territories and possessions of the United States.

"(e) After the effective date of this bill, the operation of this section, or any portion thereof, may be suspended during the period of any war declared by Congress and during the period of any national emergency declared by Congress or by the President."

Mr. PHILBIN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. ECKHARDT. Mr. Chairman, I object.

The Clerk continued the reading of the amendment.

Mr. RIVERS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record, and that the gentleman from Massachusetts be given an opportunity to explain it. It is possible that we might get some kind of substitute on which we can get our teeth into, and we can arrive at some language which we can vote on affirmatively. I am not infallible. If you do not know that, get in touch with me and I will tell you later. I will try to work out something.

Mr. NEDZI. Reserving the right to object, Mr. Chairman, may I have a copy of the amendment?

Mr. PHILBIN. The gentleman will be provided with a copy of the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts will be recognized in support of his amendment.

Mr. PHILBIN. Mr. Chairman, this amendment would in essence be very similar to the provisions on chemical warfare in the bill passed by the other body. However, I think it includes some language not in the bill of the other body, and also some excisions of amendments or language of the other body.

It may be very helpful in trying to resolve this question, not only here before this House, but also in the conference which we are looking forward to with the Senate on this very important bill. Moreover, I think we all are agreed that the ruthless destruction of life by the deadly and lethal substances involved in possible chemical and biological warfare is revolting and abhorrent to all of us.

I do not think there is any disagreement in the House on that question. We all have a built-in aversion and detestation of chemical and biological and lethal warfare, and I doubt very much that we would ever use them.

It is true that other nations do not entirely share our humane feelings, or our unyielding opposition to the use of these destructive agents, the use of which would be violative of the Geneva protocol covering chemical and biological warfare. These nations are known—and I say that advisedly—they are known to be vigorously and ably conducting research programs in both lethal and nonlethal areas in this field.

They have active, and operational, military capabilities and large stockpiles. Make no mistake about that.

Under the circumstances it would be foolhardy for us to ignore or overlook these facts. Obviously, we must keep abreast of the developments of weaponry and the lethal substances and their accessories that are in the hands of potential enemies, who in some conceivable situations may not have the same hesitancy and unwillingness that we would have about using these horrible, awesome agents of destruction.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. PHILBIN. I yield to the very able, distinguished gentleman from New York, who has made such a great contribution to the study and public exposure of this subject in its profound and widespread ramifications.

Mr. McCARTHY. I thank my dear friend from Massachusetts. I wonder if you could give us briefly an idea of how your amendment varies from the Nedzi amendment.

Mr. PHILBIN. Briefly, it removes the reference to delivery systems and cuts down somewhat the extensive reporting requirements of the Senate bill. In my colloquy with my good friend and valued colleague, the gentleman from Michigan (Mr. NEDZI), I pointed out that my amendment takes out a number of the provisions requiring agency reports and notifications which are contained in the language of the other body.

Mr. McCARTHY. What report would you leave in?

Mr. PHILBIN. We would leave in those that we think are helpful. We would include those which would refer to advising the concerned Government agencies. Our own Government agencies are involved. The revelant committees of Congress also would be advised. HEW will be advised.

Mr. McCARTHY. HEW would be kept advised?

Mr. PHILBIN. Yes, and the Surgeon General. There is very little difference between my amendment and the gentleman's from Michigan except that mine cuts down the rather extensive reporting requirements of the Senate bill and also takes out the reference made to the delivery systems, which would be academic at this time for lack of funds available.

Mr. McCARTHY. Does the gentleman's amendment require that Governors be notified?

Mr. PHILBIN. That provision is retained in my amendment.

Mr. McCARTHY. How about Civil Defense? Would they be covered under the gentleman's amendment? Would they be notified through the executive branch?

Mr. PHILBIN. Yes; they would be. They are on our list of those officials and agencies.

Mr. McCARTHY. They would?

Mr. PHILBIN. Yes; they would be.

Now, unfortunately, until the time comes that we have clear, definite assurance that other nations will not use these terrible agents to destroy life we cannot allow ourselves to fall behind. I want to stress that very much. We cannot allow ourselves to be at the mercy of ruthless, reckless, irresponsible leaders of any nation.

I have the greatest respect for the distinguished gentleman who offered this amendment. He is a very able and distinguished colleague, and a very useful member of our committee. The gentleman has made a great contribution to our work, and in a sense, I am sorry indeed that I feel constrained at this time to oppose the gentleman's proposal and substitute my own.

But I do feel that the amendment I present would be probably more helpful, a more viable vehicle in enabling us to hurdle the obstacles that remain and also give us a better opportunity and more favorable prospects of a successful, economical and beneficial conference with the other body.

I ask most respectfully that the House very carefully consider and approve the constructive substitute amendment that I have offered and is pending before you now.

Mr. ARENDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in the interest of time I am not going to use my 5 minutes. I have been listening as attentively as I could to the substitute offered by the gentleman from Massachusetts. Since it is in agreement with what probably the Department of Defense would be willing to live with, I would suggest we accept the substitute amendment offered by the gentleman, which will give us the opportunity of going into the conference committee and working out some language which I think will be acceptable to everyone in this House. I trust that would be the case.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from New York.

Mr. McCARTHY. Mr. Chairman, I discussed this in general with the gentleman from Massachusetts. I must say the substitute is not as strong as the Nedzi amendment, but then the Nedzi amendment was not as strong as I wanted. Facing the realities of the situation, I support the substitute amendment offered by the very distinguished gentleman from Massachusetts.

Mr. Chairman, the amendments concerning chemical and biological warfare offered today to the 1970 military authorization bill have now been considered. The Members of the House of Representatives have had a chance to indicate their position on these proposals to provide basic information on our chemical and biological warfare activities to Congress, to insure that weapons and materials of this type are tested and transported in safety.

I supported the first amendment, similar to that passed by the Senate, today because I believed it to be a useful first step in reestablishing a sound U.S. policy concerning chemical and biological warfare. This amendment recognizes the responsibility of the Department of Defense to insure that its activities do not endanger the public. Also, it recognizes the right of the elected representatives of the public to information about the activities in this area.

Action on this first amendment may be more symbolic of the concern of many Members of Congress about the problems in this area than specific in supplying remedies unless the Department of Defense interprets this amendment in the spirit in which it was offered. My colleagues have shared the concern of the public about the dangers involved in storage, transportation and testing of gas and biological agents whether they be the deadly nerve gas, GB, or whether they be the mindshattering LSD-like hallucinatory gas, BZ, or whether they be the sometimes deadly but usually incapacitating diseases like Venezuelan equine encephalitis. The requirements for reporting, safety in transportation and testing, and the ban on procurement of offensive weapons should apply to the complete range of chemical and biological weapons and agents with the exception of the tear gases CN and CS and flame, smoke and pyrotechnic munitions. Members of Congress are as much concerned about 155-mm. shells or 4.2-inch mortar shells to be filled with gas or bacteria as they are with specialized spray tanks. And they are as much concerned about the testing of tularemia in the open air as they are with the testing of incapacitating or deadly toxins. If we find that the greater part of the chemical and biological warfare activities of the Department of Defense are not covered by this amendment when carried out, then Congress probably will demand that the requirements be made more specific. I trust that any limitations in wording or any changes in the Military Procurement Act when it is finally passed will be remedied by the Department of Defense in its administration of this act.

I welcomed the passage of this first CBW amendment by the Senate on August 11, 1969. The unanimous vote of 91 to 0 was an encouragement to those who

XUM

have sought a policy of reason in this field. The support of many Members of the House of Representatives is a reflection of their concern.

The first amendment, however, did not deal with the basic public policy questions concerning the use of or nonuse of chemical and biological weapons. In one sense an amendment relating to these questions should not be offered now because our basic policies concerning chemical and biological warfare are being reviewed by the executive branch. Public interest and the requests of Members of Congress led to the first such comprehensive review in more than a decade. The positions of the various executive departments will be discussed in a National Security Council meeting that will occur either at the end of this month or early in November. Following that meeting the executive branch should adopt a policy for chemical and biological warfare that can be considered by Congress. At that time, I believe that Congress should carefully consider the recommended policies and incorporate any changes in the appropriate military and foreign policy measures that come before the Congress at that time.

At this point, I should summarize the fundamental policy issues that underlie a rational national position on chemical and biological warfare. The executive branch and Congress must decide whether:

We should ratify the Geneva Protocol of 1925 that bans the first-use of chemical and biological weapons;

We should stockpile chemical and biological weapons in our arsenal and in what quantities;

We should ban the use of tear gas for other than humanitarian purposes;

We should use antifood and antifoliage chemicals on a massive scale, especially when we do not know what the effects of this use will be;

We should or should not use disease as a weapon of war.

These are some of the questions that every thoughtful American should consider at this time. They should be considered because, in my opinion, the United States has drifted far off the correct course in the practices that we employ in Vietnam and in the policies gradually creeping into our military guidelines and training manuals.

It takes no great genius to see that our traditional policies in the areas of chemical and biological warfare have been gradually eroded. We have changed from the nation that introduced and signed the ban on chemical warfare at the Geneva Convention of 1925, from the nation whose Presidents spoke out in the name of humanity against the use of these weapons, to a nation that uses gas—even though it is tear gas—as an aid in killing the enemy. We are breaking down the traditional barriers against the use of chemical warfare rather than upholding one of the few international agreements that have limited man's inhumanity to man. There have been only a few minor uses of gas in the world following the signing of the Geneva Protocol. Yet we have added to that list with our massive use of an advanced form of tear gas, CS-2, as an aid in killing in Vietnam.

The use of tear gas in Vietnam always opens the path to further escalation. If we use tear gas, might not the enemy use mustard gas? It was in this fashion that gas was first used in World War I. Both the Germans and the French used tear gas in the early stages of the war. It was only one short step from the use of tear gas to the use of deadly chlorine, phosgene and mustard gas. By the end of that war more than 1 million casualties had been caused by gas. It was the horror and revulsion to these casualties that were responsible for the Geneva protocol. Yet we appear to be willing to risk the same escalation in Vietnam or in future conflicts.

We also have abandoned our traditional policy of no first-use of these weapons—a policy that led us to decide not to use blight against the rice crop of the Japanese during World War II —to a policy that employs antifood and antifoliage chemicals on a massive scale in Vietnam. Our planes in Vietnam spray herbicides on the rice and vegetable crops of the Vietnamese in an antifood campaign. We do this despite the knowledge that this type of campaign hits the old and the young, the sick and the feeble, hardest. Dr. Jean Mayer, President Nixon's nutrition adviser, studied the effects of starvation on Biafrans and Nigerians as well as information on other occasions on which a people have been deprived of food. He found that the men in military service were the last to feel the effects of a food shortage. Yet we continue to destroy rice and vegetables with chemicals sprayed from our aircraft.

We also have engaged in a vast antifoliage campaign using defoliants on thousands of acres of Vietnamese countryside. A number of these defoliants are long lasting and do not decay readily. Just what the effects of repeated spraying of these chemicals will be on the Vietnamese ecology is hard to tell. Even the Department of Agriculture's expert on defoliation, Dr. Fred Tchirley, admits that we do not know what the effect of this massive chemical warfare operation will be. Although defoliants and herbicides are not specifically banned by the Geneva Protocol of 1925, I believe that we should know considerably more about their use. And I do not believe that we should use antifood chemicals at all.

In an even more disturbing erosion of our traditional policy in this area, I understand that the United States seriously considered using disease as a weapon against Cuba during the missile crisis. Although I have been unable to confirm this information from official sources, I do know that a number of military advocates of CBW believe that we should use both deadly and the so-called incapacitating diseases as weapons of war. Gen. William Stone, in testifying before the House Armed Services Committee, expressed reservations about the use of a deadly plague that might spread from man to man. But he expressed no such reservations about the use of a disease that might not spread or the use of the so-called incapacitating diseases that are supposed to only make a person sick.

I find a policy that would use disease as a weapon abhorrent. I did not learn in the American history textbooks that I studied that the United States found it necessary to rely on a weapon of such repugnance. Rather, I learned of Clara Barton and the Red Cross bringing aid to the sick and wounded on the battlefield. I learned of Dr. Walter Reed, an Army doctor who found the cure for yellow fever. I learned about the invention of wonder drugs to cure diseases. How far from this tradition have we moved?

Aside from the question of ethical principle, it has been made clear by both a number of highly competent biologists and biological warfare experts who prepared the U.N. report on the subject that disease as a weapon is too uncertain a weapon to have a place in our arsenal. In using such a weapon a country would risk starting an epidemic that might spread around the world—what Nobel Laureate Dr. Joshua Lederberg calls a pandemic. Also, in using such a weapon, a country might find that the disease that it used traveled around the world and came back to its own citizens in a form that could not be cured. We have enough difficulty controlling such common diseases as the Asian flu. Each year we must prepare a new vaccine against the latest version of this virus. Yet we claim that we would use disease as a deterrent.

The recent report on chemical and biological warfare released by Secretary General U Thant pointed out that a country using disease against one nation might find that because of meteorological conditions that it had infected a neighboring country. We also learn that if we were attacked with biological weapons that we probably wouldn't know which country had done so. Toxins or bacteria released by covert agents would not be traceable to any one country. We also know that at present there is no way of detecting whether we have been attacked until people become ill and it is too late to take effective countermeasures. Disease also strikes with varying speed so that if a nation suddenly found many of its people becoming ill, it might launch its nuclear weapons in fear that the crews manning those weapons might become ill. Unplanned chaos of this type is not wanted by any military strategist. Knowing these limitations on this weapon, I do not think that disease is either a credible or a practical deterrent.

In 1943, during the height of World War II when we had more than 12 million men under arms, President Roosevelt said that we would under no circumstances be the first to use either chemical or biological weapons. Our military leaders, such as Admiral Leahy, Admiral Nimitz and General MacArthur also believed that we should refrain from using these weapons. If during a time of trial we find that we do not need to use these weapons, why do we need to adopt them now? I believe that the United States should back up its announced support of the Geneva protocol of 1925 by ratifying it. I have urged President Nixon to resubmit the protocol to the Senate for ratification and almost 100 Members of the House have joined me in sponsoring a resolution for this purpose. More than 20 Members of the Senate have joined Senator VANCE HARTKE in sponsoring a similar resolution in the Senate. Let our actions speak as loud as our words. Let us adopt the protocol that we introduced.

Going beyond the Geneva protocol of 1925, I believe that the United States should support the resolution that has been introduced in this session of the Geneva Disarmament Conference that would ban the development, production, stockpiling or use of biological weapons. This resolution would go into effect when the 12 or so nations that have a significant capability in this field agreed to it. It would not require stringent inspection or verification because the weapons it bans are not as effective as either our conventional or nuclear ones. I was informed by the White House staff that we support this resolution in principle. I urge that we go beyond this and agree to wording toward which we can actively work.

A number of compromises to the principal CBW amendment were accepted on the floor of the House of Representatives today. In the interests of passing the amendment I supported these changes. I do believe however, that the Senate version more accurately meets our needs for safety and information. It is my belief that the Senate version should be adopted in conference.

The House has expressed its concern about the problems of chemical and biological warfare today. I know that this concern will also extend to the executive branch review and subsequent consideration by Congress. During the review by Congress I believe that we can reassert a basic policy of humanity. Nothing less is acceptable in the light of America's highest principles and tenets.

Mr. RIVERS. Mr. Chairman, in an effort to try to get something done in this area, certainly I will say the efforts of the gentleman from New York cannot go unrecognized and I think he should be applauded.

I will be very glad to accept the substitute amendment offered by the gentleman from Massachusetts. The gentleman has rendered us a great service and has gotten us to this point. As far as I am concerned, we will accept the amendment as amended.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Massachusetts (Mr. PHILBIN) for the amendment offered by the gentleman from Michigan (Mr. NEDZI).

The substitute amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Michigan, as amended by the substitute amendment offered by the gentleman from Massachusetts.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. WHALEN

Mr. WHALEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHALEN: Add a new section to title IV:

"SEC. 410. (a) After January 1, 1970, the Secretary of Defense, in cooperation with the Comptroller General, shall develop a reporting system for major acquisition programs managed by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the acquisition of any weapons system or other need of the United States.

"(b) The Secretary of Defense shall cause a review to be made of each major acquisition program as specified in subsection (a) during each period of three calendar months and shall make a finding with respect to each program as to—

"(1) the estimates at the time of the original plan as to the total cost of the program, with separate estimates for (a) research, development, testing and engineering, and for (b) production;

"(2) the department's subsequent estimates of cost for completion of the program up to the time of review;

"(3) the reasons for any significant rise or decline from prior cost estimates;

"(4) the options available for additional procurement, whether the department intends to exercise such options, and the expected cost of exercising such options;

"(5) significant milestone events associated with the acquisition and operational deployment of the weapon system or item as contained in the plan initially approved by the Secretary of Defense, actual or estimated dates for accomplishment of such milestones, and the reasons for any significant variances therein;

"(6) the estimates of the department as to performance capabilities of the subject matter of the program, and the reasons for any significant actual or estimated variances therein compared to the performance capabilities called for under the original plan and as currently approved; and

"(7) such other information as the Secretary of Defense shall determine to be pertinent in the evaluation of costs incurred and expected to be incurred and the effectiveness of performance achieved and anticipated under the program.

"(c) The Secretary of Defense after consultation with the Comptroller General and with the chairman of the Committee on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives shall prescribe criteria for the determination of major acquisition programs under subsection (a).

"(d) The Secretary of Defense shall transmit quarterly to the Congress and to the Committees on Armed Services and to the Committees on Appropriations of the Senate and the House of Representatives reports made pursuant to subsection (b), which shall include a full and complete statement of the findings made as a result of each program review.

"(e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary of Defense and shall furnish to the Congress and to the Committees on Armed Services and the Committees on Appropriations not less than once each year a report as to the adequacy of the reporting system, and any recommended improvements.

"(f) The Comptroller General shall make independent audits of major acquisition programs and related contracts where, in his opinion, the costs incurred or to be incurred, the delivery schedules, and the effectiveness of performance achieved or anticipated are such as to warrant such audits and he shall report his findings to the Congress and to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.

"(g) Procuring agencies and contractors holding contracts selected by the Comptroller General for audit under subsection (f) shall file with the General Accounting Office such data, in such form and detail as may be prescribed by the Comptroller General, as the Comptroller General deems necessary or appropriate to assist him in carrying out his duties. The Comptroller General and any authorized representative of the General Accounting Office is entitled, until three years after the final payment under the contract or subcontract as the case may be, by subpoena, inspection, authorization, or otherwise, to audit, obtain such information from, make such inspection and copies of, the books, records, and other writings of the procuring agency, the contractor, and subcontractors, and to take the sworn statement of any contractor or subcontractor or officers or employee of any contractor or subcontractor, as may be necessary or appropriate in the discretion of the Comptroller General, relating to contracts selected for audit.

"(h) The United States district court for any district in which the contractor or subcontractor or his officer or employee is found or resides or in which the contractor or subcontractor transacts business shall have jurisdiction to issue an order requiring such contractor, subcontractor, officer, or employee to furnish such information, or to permit the inspection and copying of such records, as may be requested by the Comptroller General under this section. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(i) There are hereby authorized to be appropriated such sums as may be required to carry this section into effect."

Mr. WHALEN (during the reading). Mr. Chairman, I ask unanimous consent that this amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. RIVERS. Mr. Chairman, I make a point of order that the amendment is not germane to title IV and therefore it is out of order.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. WHALEN. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Ohio on the point of order.

Mr. WHALEN. Mr. Chairman, first I should like to make a very general observation. This is, of course, an authorization bill. It authorizes funds for military procurement. Certainly the Congress of the United States has the authority to prescribe certain procurement procedures.

I should like to make three specific observations with respect to the point of order made by the gentleman from South Carolina.

First, as I suggested previously, this bill deals with military procurement. The proposed amendment likewise deals with military procurement.

Second, the committee in drafting and approving this bill and bringing it to the House floor provided title IV, general provisions. Since the amendment does not deal with specific dollar authorizations it certainly is in order to come within the general provisions area, title IV.

Third and most important: section 402 of the bill provides certain contracting limitations. It also provides for certain contract reporting. This new section, now 411, would provide the same thing. There are certain restrictions imposed. It does also call for reporting on contracts.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Ohio (Mr. Whalen) has offered an amendment inserting a new section in title IV of the bill. The amendment would require the Secretary of Defense, in cooperation with the Comptroller General, to develop a reporting system for major acquisition programs managed by the Department of Defense. The Secretary of Defense would be required to submit quarterly reports to the Congress, including his findings with respect to estimated program costs, cost overruns, program performance, and other information pertinent to the evaluation of costs incurred and expected with respect to any weapons program. The amendment would give the Comptroller General authority to make independent audits of the reporting system developed by the Secretary, as well as authority to obtain records from the defense contractors involved.

Nothing in this title involves the General Accounting Office or the Comptroller General.

The Chair has reviewed several precedents in connection with this amendment. In the 75th Congress, an almost identical situation was presented. There the Committee of the Whole had under consideration the naval authorization bill, which contained a provision relating to the allocation of contracts for construction of the vessels herein authorized, as well as for the procurement and construction of airplanes. An amendment was offered by Mr. Dirksen, of Illinois, which provided in essence that the Comptroller General of the United States was authorized and directed to make an investigation of the accounting system employed by the Navy Department and requiring him to report his findings to the Congress. The Chairman of the Committee of the Whole on that occasion, Mr. O'Conner, of New York, ruled that the amendment introduced into the bill another branch of Government other than the Navy Department, and directed that agency to perform certain duties. He held the amendment not germane.

The Chair feels this precedent is decisive in the pending situation. The amendment is not germane to this title and The Chair sustains the point of order.

AMENDMENT OFFERED BY MR. SIKES

Mr. SIKES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Sikes: On Page 10, after line 18, add a new section 403B as follows:

"Section 3019, Title 10, United States Code is amended to read as follows:

" '(c) The Chief, Office of Army Reserve, holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. An officer now or hereafter serving as Chief, Office of Army Reserve, shall be appointed in the grade of lieutenant general for service in the Army Reserve while serving as the Chief, Office of Army Reserve. The position of Chief, Office of Army Reserve is in addition to the number of lieutenant general positions authorized by section 3066 or 3202 of this title, or any other provision of law.'

"Section 8019, Title 10, United States Code is amended to read as follows:

" '(c) The Chief, Office of Air Force Reserve, holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. An officer now or hereafter serving as Chief, Office of Air Force Reserve, shall be appointed in the grade of lieutenant general for service in the Air Force Reserve while serving as the Chief, Office of Air Force Reserve. The position of Chief, Office of Air Force Reserve is in addition to the number of lieutenant general positions authorized by section 8066 or 8202 of this title, or any other provision of law.' "

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. Sikes) in support of his amendment.

Mr. SIKES. Mr. Chairman, I would hope this is an amendment on which there is no disagreement and which will be accepted by the committee. I propose to keep on an equal basis the leadership of the Army Reserve, the Air Force Reserve, and the Chief of the National Guard Bureau. I believe the membership of this body will recognize the desirability of the proposal, plus the implications of justice, fairplay, and merit which it embodies.

I endorse the legislative proposal of the committee to improve the statutory position and authority of the Chief of the National Guard Bureau. The Chief of the Bureau, at the present time, for the first time in the history of the Bureau, is an Air Force officer and commands both the Army National Guard and the Air National Guard of the United States.

Now let me get down to the simple facts in the case. The Army National Guard has a strength authorized in the pending bill of 393,298, and the Air National Guard 86,624. The officer responsible for the fitness and readiness of these large organizations should have three-star rank. The Army Reserve in this bill is provided a paid drill strength of 255,591. However, there is in addition in the Army Reserve, subject to callup for Federal duty at the will of the President, a total of 1½ million reservists. To maintain this entire organization in a state of fitness and readiness is the responsibility of the Chief of the Army Reserve, along with the Secretary of the service to whom he is responsible. The maintenance of an Army Reserve is specified by law which we passed last year. It is as permanent as the National Guard, or for that matter, the Regular Army. There is no prospect in the foreseeable future that it will be abolished, or even reduced. For a fact, there is every indication that our national policy must be to increase the strength, support, and hence the importance of the Reserves in the future, and thus to place upon the Army Reserve Chief a far greater responsibility than even today taxes the incumbent in that office.

The Chief of the Air Force Reserve, also a statutory position, is under present law, responsible to his Chief of Staff and the Secretary of the Air Force for the total complement in his service. The bill before us provides a paid drill strength of the Air Force Reserve at 50,775. However, the total strength of officers and enlisted men in the Air Force Reserve, the vast majority of whom train without pay and yet are subject to callup for service, number nearly one-half million. The fact that most of them do serve without pay and yet must be encouraged to maintain a state of readiness and efficiency imposes an even greater leadership responsibility on the Chief of the Air Force Reserve. The service given by the Air Force Reserves during the Vietnamese conflict has been outstanding, and readiness for this contribution, too, is a part of the responsibility of the Chief of the Air Force Reserve.

Now let me call to your attention the fact that there are dozens of lieutenant generals in the service; the Army has 46, and the Air Force 42. None of these exercise a command responsibility over numbers that even remotely approach the number in the Army Reserve or the Air Reserve. These are major commands of great responsibility and importance to America's defense.

I do not believe it necessary to belabor the issue. I think the picture is very clear.

Most of the Members of this body were here during the critical days from 1962 to 1968 when we participated in a national debate about what to do about the Reserve Forces, including the National Guard and Reserves. You remember, that after going tediously, laboriously, and meticulously into every aspect of the issues raised, the Congress by an almost unanimous vote—in both bodies of the Congress—reached the conclusion that for the safety of this country both the National Guard and the Reserves, comprising the Reserve components of the Army and Air Force, and the Reserves of the Navy, Marine Corps, and Coast Guard, must be maintained as separate entities; that they must be given better management and support; and that the chiefs of these components should occupy positions created by law and filled by appointment by the President of the United States and confirmed by the Senate. All of us are familiar with the legislative history of Public Law 90-168. I do not recall any law ever considered and enacted which had more deliberate, careful and statesmanlike handling. The chairman of the Committee on Armed Services, Mr. Rivers, and the chairman of the subcommittee which actually drafted this bill, Mr. Hébert, received and merited in this body the respect and acclamation of every Member for the hundreds of hours they spent in objective and selfless dedication to the problem—this issue involving the current and long-range legal status of the Reserves.

Their work and that of the members of the great Committee on Armed Services has been splendid and inspired. We honor them for it. The amendment which I offer is fully in consonance with the philosophy and the actions which have contributed to the security and safety this Nation enjoys today.

Mr. Chairman, I would not consider it appropriate at this time to ask the House to consider the relative standing, competence, and leadership qualifications of the three officers involved and who would be affected at this time.

Each of them is outstanding in his field and are recognized for their sterling gifts in leadership and management. I believe that the military services and the President of the United States were honored by their choices in filling these positions. I believe it is fair to say that they are considered to occupy relative or comparable military positions and to share relative or comparable responsibility.

This is completely aside from the personalities involved, because what we are talking about are three military positions, which will be filled in the years to come by others. Each position will be filled, under law, by appointment by the President of the United States. Each officer selected will have tremendous responsibility, not only to the President who will appoint him and the Congress who must confirm him and who will review his performance as it is required of us to do by law, but to the people of the United States.

In any war or national emergency the safety of this country rests upon its citizens. In all of our history the ranks of our military forces have been drawn in a large part from our civilian population. The citizens of this country, from all walks of life, must continue to protect this Nation, to keep it safe and secure.

They are our reserves. They are entitled to the best leadership we can provide them. My amendment will recognize the importance of this leadership. It will insure that for the future that we can attract outstanding leaders to these positions.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I am happy to yield to the distinguished gentleman from Louisiana who has been very helpful to me in developing this amendment.

Mr. WAGGONNER. Mr. Chairman, I want to thank the gentleman from Florida for yielding to me. He is a great man to work with. He is a great Member of this Congress.

I wish to associate myself with his remarks and the position he has taken in this matter. I do support fully what the bill provides for the Chief of the Guard Bureau. I do believe, as he does, that it is a matter of equity to provide this same language and thereby the same rank for the Chiefs of the Air Force Reserve and the Army Reserve.

I am happy to support this amendment. We have been working on it together.

Mr. SIKES. Now let me say to the distinguished chairman of the great Committee on Armed Services, if you are on my side, as I think you are, I want to yield to you.

Mr. RIVERS. If the gentleman will yield, I did not know that there was anything but your side. Of course, the gentleman is so persuasive I do not know of anything to do but accept his amendment. I do think, though, we will have to work out something in conference to take care of the other Reserve components, such as the Navy and the Marines.

I do want the gentleman to know that as far as I can I certainly am persuaded by his excellent argument, and as far as I am concerned I will accept his amendment.

Mr. SIKES. I am most grateful to the distinguished chairman for his comments.

I recall very well the gentleman's great contributions to the development of the comprehensive and effective reserve legislation that we now have in the statutes.

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the distinguished gentleman from Texas. He has always shown a commendable interest in the Reserves.

Mr. CABELL. Mr. Chairman, I thank the gentleman for yielding, and I wish to commend the distinguished gentleman from Florida for bringing this inequity to the attention of the committee, and I rise to associate myself with the remarks made by the gentleman from Florida.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. SIKES).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendement.

The Clerk read as follows:

Amendment offered by Mr. MIKVA: On page 15, line 2, insert immediately after the period and before the quotation mark the following: "In addition, whenever the total number of persons serving on active duty in Vietnam is reduced on or after December 31, 1969, this limitation of 3,285,000 shall within 180 days thereafter be reduced by a like number. Nothing in this section shall be construed as requiring the reduction of the permanent active duty personnel strength of any component of the Armed Forces below the level for such component prescribed by law."

Mr. MIKVA. Mr. Chairman, I must confess that I am one of those "instant experts" about whom you have been hearing so much sneering. I must confess that until I came to the Congress not too long ago, I was not aware that we had the largest standing Armed Forces in thew orld. That figure is true numberwise, percentagewise, dollarwise, everywise.

Nor was I aware that Congress had in all effect abdicated its responsibility for setting the overall size of our Armed Forces in terms of manpower.

Until this year, Congress had at regular intervals completely suspended the statutory ceilings on the size of our Armed Forces to the extent that the Department of Defense had a blank check for 5 million men. The bill that has been reported out by the committee removes those blank check aspects to the extent that it reduces authorized personnel to the number that actually were in uniform at the close of last fiscal year. Indeed, it reduces it by 176,000 below that figure. This is commendable action and I would like to think that it has something to do with the spotlight of attention that has been focused on the world's largest Armed Forces.

Let me say one other thing. The amendment that the Clerk has read, if adopted, cannot have any of the afterbirth that has been used as a basis for attacking the other amendments. Your constituents can only cheer if this amendment is adopted and is effective, because the commodity involved is the children of your constituency. What this amendment would do is to require that the authorized active duty military strength of the United States be reduced by one man for every man withdrawn from South Vietnam after the end of this year. The committee has set the strength of the Armed Forces at 3,285,000 as of July 1, 1979. The amendment would reduce that overall ceiling on active duty strength on a one-for-one basis as men are withdrawn from South Vietnam after December 31, 1969. The cosponsors of the amendment believe that it is a responsible and conservative solution to the problem of what should happen to the extra men who were brought to duty for the war in Vietnam. I would like to make four points very quickly in support of the amendment.

First, it does not in any way involve a timetable for U.S. withdrawal from Vietnam. For this reason I believe that it can be supported by hawks and doves, and falcons, and even pigeons—by those who advocate slower withdrawal and those who advocate faster withdrawal. In short, the amendment deals with what happens only after withdrawal of troops from Vietnam. It does nothing to force the President's hand on the war. The committee report says at page 115 that the 176,000-man reduction which the committee has written into the bill "will not adversely affect our military combat capability in Vietnam." Since this is true, and since the amendment under consideration here concerns only what happens after withdrawal of troops from Vietnam, the question of withdrawal timetables or quotas is simply not involved.

Let me also state that the reduction required by the amendment that I have offered in no way overlaps the reduction made by the committee. This amendment would apply to troops withdrawn after December 31, 1969. Any withdrawal of troops prior to that point that may, in fact, have been included in the 176,000 reduction proposed by the committee would not require any reductions in authorized strength under this amendment.

Second, some Members who favor faster withdrawal of American forces from Vietnam fear that linking troop withdrawals to reduction in overall strength ceilings will have an adverse effect on the pace of American disengagement. They believe that if troop withdrawals will lead to automatic reductions in overall strength, then military leaders will have strong arguments against such withdrawals, since they will require proportionate reductions in overall U.S. military manpower. Thus the generals can argue, it is said, that troops could not be withdrawn from Vietnam and stationed nearby for use if needed in Vietnam, because once withdrawn they would have to be deactivated. I would suggest three answers to this contention.

In the first place, it is sheer speculation. Of course the generals might argue this way to the President. But there is no way to know this now. It appears from the last few days as if U.S. troop withdrawal will be well enough discussed and debated that there will be plenty of other, more important considerations for the President to take into account. He will not have to worry about the generals' arguments about the effect that withdrawals will have on overall troop strength.

Some Members are dubious about how many more men will be withdrawn from Vietnam in the next year. Others are very optimistic. This amendment will not aid or abet either side of that dispute. But it will much such a withdrawal a meaningful event to our entire posture as a nation, moving us away from our militaristic expenses and adventures. This amendment will neither hurt nor help to find a solution to the quagmire of Vietnam. But it can help to prevent further Vietnams.

An equally plausible scenario, I think, is that the President may decide to withdraw troops for strategic reasons or for the purpose of spurring the Paris talks. He has already stated, in his Manila press conference, that he foresees and desires a decreasing U.S. military presence in Asia. Thus when the President withdraws troops for reasons of strategy or the peace talks, he will want to remove them from the area. We may very well be giving the President a very effective argument against keeping the Vietnam troops elsewhere in Asia. The President can simply respond, if we pass this amendment, "No, the Congress has spoken. As soon as troops are withdrawn, troop strength must be decreased. These troops cannot be stationed elsewhere in Asia." Thus we may be strengthening the President's hand against the generals with this amendment.

An amendment almost identical to this amendment was approved by the other body by a vote of 71 to 10. The debate and approval of that amendment are at pages 25802 to 25808 of the September 17 CONGRESSIONAL RECORD. The chairman of the Senate Armed Services Committee, Senator STENNIS, supported the amendment. More important, the Department of Defense accepted the amendment. One has to have a very cynical view of the Machiavellian nature of the Department of Defense if we are to believe that the formula involved in this amendment could be used as a ploy to persuade the President not to cut our troop presence in Vietnam.

We added an additional 800,000 men to the size of our Armed Forces because of Vietnam. Of that number, only 475,000 will be left in Vietnam after the announced withdrawals are completed; only these forces would be affected by this amendment. Parkinson's law applies to military forces just as it does to every other kind of personnel. This amendment would see to it that once the purpose for which the extra manpower was added to our Armed Forces; namely Vietnam, becomes moot, most of the ill effects of Parkinson's law would be averted and the manpower would not be diverted to other purposes. Put another way, our Military Establishment would be given a Parkinson's law dividend of 300,000 men rather than 800,000 men. What a modest first step indeed for Congress to again claim its constitutional prerogative to decide the size of the Armed Forces that it is supposed to raise and support.

Only by such an amendment as this will the American people get the full economic benefit of troop withdrawals from Vietnam. If troops are withdrawn from Vietnam and stationed next door in Thailand, or in Okinawa, or elsewhere in Asia, they will cost the American taxpayer almost as much as they do now. We may have withdrawn the troops from Vietnam, but still be paying for them. Thus, in order to get the full economic benefit of the Vietnam disengagement—which will be far more than the $2 billion saved by the committee's cuts—we must provide deactivation of troops proportionate to the Vietnam withdrawals. This amendment would do just that.

To illustrate this last point, I refer to page 3757 of the hearings on this bill. In discussing the first 25,000-man withdrawal of troops from Vietnam, General Westmoreland said that of the 15,000 Army personnel included in the withdrawal, 7,000 were going to Hawaii and only 8,000 were being deactivated. The taxpayers will still be supporting these 7,000 men who were theoretically brought to service only for the Vietnam war. We will be supporting them next year, the year after that, and who knows how long after that. This is exactly what happened after the Korean war. We had a statutory ceiling of 2.3 million men. We have not been close to that ceiling since the buildup for Korea began. In order for the American taxpayer to get the full benefit of our troop withdrawals from Vietnam, we must have a formula for proportionately reducing overall manpower—such as contained in this amendment.

Finally, the reason that this amendment would have no adverse effect on the withdrawal schedule is that the President, in the last analysis, has the discretion to inform Congress that the ceilings imposed by this amendment—and by the committee—will jeopardize national security interests. When the President does this and state the basis for his determination, the ceilings will no longer apply. Thus, if the President wants to withdraw troops and not have a proportionate reduction in overall active duty troop strength, he need only make the required finding and inform Congress of the basis for it.

Third, I believe that we should adopt this amendment because it is the quickest and simplest way to reduce the enormous size of the defense budget. Complex weapons systems take years of leadtime and R. & D. money. Once the investment is made, we are naturally loath to abandon our investment. But there is no such restriction on troop strength. We can cut overall troop strength now—as I believe the American people would like us to do—and if it is necessary to increase it later, we can increase it. This can be done on a fiscal-year-by-fiscal-year basis. Short-term cuts can be immediately translated into cuts in the defense budget and savings to the taxpayers. There is really no other area of the defense budget which is so directly amenable to congressional control.

And yet important as manpower ceilings are as a means of congressional control of the Armed Forces and the defense budget, there is almost nothing in the hearings about overall manpower levels. Aside from my own statement to the committee, there is no discussion in the hearings of reducing military strength levels—no discussion even of the 176,000-man cut which the Armed Services Committee made. The general debate yesterday did not even touch this important area. I believe it is time for Congress to begin thinking about military manpower levels, and doing something about them. This is where the real savings lie. This is the subject which goes to the very heart of issues like our overseas commitments, the size of the defense budget, and national priorities.

In economic terms, moreover, cuts in troop strength inevitably mean cuts in operations and maintenance—savings which are almost impossible to estimate in advance. They will probably be much greater than the estimates which we and the committee are using. How much greater we will not know until we try. Over 15 years ago the House Armed Services Committee said we could save $10,000 for every man taken out of uniform. The committee's report indicates a saving of about $11,400 per man. I believe that $15,000 per man would be a conservative minimum when we include related costs of operations and maintenance, family housing, and so on, which would all be reduced.

Finally, and I believe most important for this body and this Nation, the heart of this amendment is that it puts Congress back in the role which the Founders intended that we should play—raiser, supporter and limiter of the size of the Armed Forces. Mr. Chairman, it is difficult to think of any responsibility of the Congress which is more clearly defined in the Constitution than its duty to set the size of the Armed Forces. And yet for almost 20 years, ever since the statutory ceilings were first suspended before the Korean war, Congress has not set any meaningful ceiling on the Armed Forces. The committee's amendment this year is the first attempt in 18 years to lower that ceiling to something close to what our real security interests require.

But even the committee cut only reflects decisions already made by military planners at the Pentagon. The committee report says on page 114: "Thus, the committee amendment would reduce the temporary strength ceiling to reflect the proposed end strengths planned by the Department of Defense." The committee's cut is not a cut made by Congress, it is a cut which was made, and has already been announced, by the Secretary of Defense. The real issue on this amendment is whether Congress will begin to take back the authority to set military manpower levels—its constitutional authority—from the Pentagon which has exercised it for almost 20 years. I believe that the American people want and expect Congress to begin to exercise its powers over U.S. troop strength. I believe that this is an opportunity, a rare opportunity, for Congress to retrieve some of its prerogatives from the executive branch. I hope that my colleagues will seize that opportunity and assert that prerogative by voting for this amendment.

Mr. BENNETT. Mr. Chairman, I rise in opposition to the amendment.

In my view this amendment is shortsighted. Reference was made to the acceptance of an amendment by the Department of Defense. But, of course, that is not the amendment suggested by the gentleman here today, but an amendment which came out of the other body. That was quite a different amendment, because it had a different base of the numbers of people involved.

The Department of Defense has, in fact, said what they could live with, and the amendment offered by the gentleman from Illinois cuts it very much underneath that figure.

Under the proposed amendment, the authorized strength ceiling for military personnel on active duty would be reduced by the total number of persons withdrawn from Vietnam on or December 1, 1969. However, these reductions in the numbers of personnel withdrawn from Vietnam would further reduce the end strength proposed by the committee language of 3,285,000.

Stated another way, despite the fact that the Department of Defense has already included possible personnel reductions from Vietnam in its overall strength reduction of 176,000, to be effected within fiscal year 1970, the proponents of this amendment would conveniently ignore this fact and require further reductions in the personnel ceiling.

Let me point out that the strength ceiling of 3,285,000 is an end-strength to be achieved by the Department by the end of fiscal year 1970, or July 1 of calendar year 1970.

The language of the proposed amendment would, for practical purposes, make this end strength ceiling of 3,285,000 become effective on December 1, 1969. This result obtains since all reductions in the number of persons serving on active duty in Vietnam which occur on or after December 1, 1969, would further reduce the strength limitation of 3,285,000. This is so because the Department of Defense has found 3,285,000 to be the minimum safe level reachable by July 1, 1970; and therefore, for the first 6 months of calendar year 1970 any reduction in Vietnam would reduce our worldwide minimum below the minimum safety level set by our defense authorities.

The effect of this amendment therefore is to push the President, as Commander in Chief of our Armed Forces, into the position of being required to cut military manpower below the level which, in his judgment, and those of responsible officials in Government, is absolutely required to meet our national security requirements.

Now the proponents of this amendment would reply that the President could, under the language in the committee bill, avoid this result by making a finding that the national security interests of the United States require a larger manpower force and so informs the Congress "of the basis for such determination."

Obviously, the President of the United States, for practical and apparent reasons, would be most reluctant to take this step. Consequently, the end result of this amendment would be to deter the President of the United States from making any further troop withdrawals from Vietnam—a result which I am sure the proponents of this amendment never contemplated.

The long and short of this question is that we are playing politics with the national security.

The language of this amendment offered by the gentleman from Illinois is identical to that included in section 407 of S. 2546, the Senate bill on this subject. However, the reduction-in-strength ceilings on personnel withdrawn from Vietnam in the Senate bill apply to a figure of 3,461,000, which was the estimated end strength of our Armed Forces on June 30, 1969.

Thus, the amendment offered here today, since it applies against an end strength of 3,285,000, goes much further in cutting authorized military personnel ceilings than either the Senate bill or the House bill as reported out of committee.

I think it important to point out that the temporary manpower strength ceiling in existing law is 5 million. The committee bill will reduce this to 3,285,000. The action taken by the committee reflects long-range planning in the Department of Defense and incorporates the personnel reductions announced by the Department as proposed to be effected during fiscal year 1970.

It is also significant that this strength ceiling is far lower than that which would be imposed by the Senate bill.

The Senate bill establishes a manpower ceiling of 3,461,000 to be achieved by the end of fiscal year 1970 with a proviso that this number would be further reduced by future reductions in our Vietnam forces.

To place this matter in better perspective, under the Senate language 176,000 men would have to be returned from Vietnam by June 30, 1970, in order to achieve the same strength ceilings provided in the House committee bill.

The action taken by your House Committee on Armed Services represents, in our collective judgment, the deepest cut that we can make in authorized military strengths without creating greater difficulties for our Commander in Chief in meeting our national security requirements.

The action proposed by this amendment is therefore, in my view, capricious and arbitrary. It conveniently ignores the facts.

Finally, let me point out that the placing of this proposed additional reduction on our manpower ceilings as offered in this amendment could only be construed by the North Vietnamese and the so-called peace negotiators in Paris as proof positive that we have given up our intention to reach an honorable conclusion to the Vietnam war.

I, therefore, trust that this amendment will be resoundingly rejected by the Members of this body.

Mr. Chairman, I would like to make one further observation. It was I in the committee who tried by amendment not to reduce to the 3,285,000 figure. I believe that the President of the United States, when he is Commander in Chief of the Armed Forces and when we are at war as we are today, should have the right and power in that capacity to defend our country as best he can with the end strength we have given him before, which is 5 million, not 3 million. Therefore, I opposed the reduction in the committee, and many of the members of the committee backed me. In fact, the vote in the committee was the largest vote cast for any amendment. I sought not to set a 3,285,000 figure at all, but to allow the flexibility to the President that we have under the existing statute.

So as I come here today, I am not speaking for myself personally in support of the 3,285,000 figure, because I think this figure should be more than that. It is dangerous indeed to cut it below what the Department and the Joint Chiefs of Staff have said is the absolute minimum they can live with, under the circumstances. It is dangerous both in Paris and Vietnam. It is a negative approach to the whole matter.

Mr. **MIKVA**. Mr. Chairman, will the gentleman yield?

Mr. **BENNETT**. I yield to the gentleman from Illinois.

Mr. **MIKVA**. Did I understand the gentleman to say that the troop strength approved by the committee involved some of the cuts already made in Vietnam? Was that what the gentleman said?

Mr. **BENNETT**. I said the figure that you apply your formula to was a figure much smaller than the figure in the Senate bill. Therefore, your amendment would make an end figure much lower than the figure the Department of Defense says is safe.

Mr. **GERALD R. FORD**. Mr. Chairman, I move to strike the requisite number of words and oppose the amendment.

The **CHAIRMAN**. The gentleman from Michigan is recognized.

Mr. **GERALD R. FORD**. Mr. Chairman, I applaud the action of the President in withdrawing, by the end of the year, over 60,000 U.S. military personnel from South Vietnam and applaud the action of the Secretary of Defense in making meaningful reductions in our overall manpower active duty strength. But I think there are some things about this amendment that, if approved, would be harmful in case of any subsequent emergency that might develop.

First, let me say that I firmly believe that the Congress of the United States has the right as well as the obligation to set manpower ceilings or limits or strengths. That is part of our responsibility under the Constitution. On the other hand, I do not think we should tie the hands of the President and the Secretary of Defense arbitrarily in the event some critical emergency might arise.

Let me present to the gentleman from Illinois a hypothetical contingency that might happen. I trust it will not. But supposing the President is able, as I hope he will be, to make further manpower withdrawals from Vietnam. Then under his amendment there would be an arbitrary reduction in the active-duty military personnel. Supposing in the process or in this time frame there should be some critical development; for example, in Europe or in the Middle East where it might be essential for immediate action. If the requirements of the

XUM

gentleman's amendment were law, the hands of the Secretary of Defense and the President could be tied in such an emergency.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman from Illinois.

Mr. MIKVA. I am glad the gentleman asked that question, because I call his attention to page 14, line 21 of the bill, which I have not changed by the amendment. That language states: "except when the President of the United States determines that the application of this ceiling will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination."

Then the ceiling is off. I think that would be in answer to the point made by the gentleman from Michigan that we would tie the President's hands in the case of an emergency.

This is merely to begin to restore that prerogative of which he spoke so highly, and that is, the Congress ought to set troop ceilings.

Mr. GERALD R. FORD. Mr. Chairman, let me add, if the gentleman's observation is accurate, I see little or no need for the amendment offered by the gentleman from Illinois. May I add this observation? If the Defense Department approved the amendment in the other body, which to a degree is somewhat similar to the amendment suggested by the gentleman from Illinois, I do not see why the gentleman from Illinois did not subscribe wholeheartedly to the amendment of the other body. Then there would have been no problem. But apparently there is a distinct and serious difference between the amendment in the other body and the amendment the gentleman from Illinois is offering.

If that is the case, the gentleman's amendment is arbitrary and inflexible. On the other hand, if the proviso remains in the bill which the gentleman has cited, it is really meaningless and altogether unnecessary.

Mr. FRASER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I will take a minute to say, first of all, that I commend the committee for its action in reducing the manpower ceiling by 185,000, I think it was. As the gentleman from Washington (Mr. HICKS) made clear, if we are really going to save any money in the defense budget, it has to come in the manpower area. I think that is eminently true. That is why I appreciate what the committee has done. I do think reducing the authorized ceiling as we withdraw troops from Vietnam makes sense. This is why I support the amendment.

Mr. Chairman, I would like to direct the House's attention to page 4298 of the hearings which the Armed Services Committee held on this bill. On that page and the pages following, there is a report on military manpower. Forty-eight Senators and Representatives, listed on page 4228 of the hearings, endorsed this report. I recommend it to all Representatives, for this report illustrates how 1,200,000 troops could be returned to civilian life after the Vietnam war is over, at an estimated saving of $12 billion.

It is the last section of this report, which starts on page 4304, to which I would like to address my remarks at this point. That section discusses the possibilities for more efficiency and economy in military manpower management. These efficiencies could take place without diminishing the combat strength of U.S. forces in any way, but with a considerable saving in money and in the number of troops required to do essential military jobs. The annual savings possible have been estimated in the billions of dollars. I would like to mention some of the possible management improvements and urge that they be studied and adopted so that the money now wasted for inefficient defense manpower can be diverted to our domestic problems.

Congressman MIKVA has already mentioned the dizzying pace of reassignments and the lack of specialization which lower the quality of management in the armed services and result in such things as major procurement programs being managed by officers who lack the necessary skills to safeguard the Public Treasury. He has also described how the military bureaucracy, and low salaries, make military careers less attractive to qualified men, resulting in the massive "brain-drain" of the most talented men out of the services—including a large percentage of the graduates of military academies.

I will discuss three additional subjects. First, the way the Defense Department plans for manpower needs; second, the way the Department keeps track of its millions of men; and third, the way it budgets for all this manpower. Major reforms are necessary in each area, reforms which could save billions of dollars from the defense budget.

First, the way the Defense Department plans for its manpower needs. For years, the services have maintained total strengths which have rarely changed except in time of war, these total strengths are largely unrelated to the amount of military force required; they are just arbitrary quotas which the service department headquarters divided up and apportioned among their combat and support commands. In the last few years, the Secretary of Defense has made some progress toward relating total strength to the combat forces planned to be on duty—the programed forces. Congress should require that troop strengths be clearly relatable to the programed forces, and require the Defense Department to explain the relationships between the forces and the huge domestic military establishment, the vast overseas support commands. Congress should look into the opportunities to deactivate support and troop units which have no clear relation to the combat forces deployed. I am told that at the present time the planning procedures used for manpower are so confused that when Secretary Packard tells the services that they must cut their support establishments by a few thousand men each, it is impossible to prove whether these cuts have been made or not, because such small cuts get lost in all the paperwork of the planning procedures.

This brings up my second point—that the way the military services keep information on their personnel are inefficient. Most Members have heard stories of hundreds of court-martial cases being thrown out of court because the morning reports were hopelessly wrong, of statements of troop strength in Vietnam being wrong by thousands of men, of Ph. D's put in warehouses and laborers assigned to technical units, and of the story that five men have to be put on orders to Vietnam in order to get four there. Most of us have probably assumed that such things were inevitable in a large bureaucracy. This is not as inevitable as it might seem. Fifteen years ago, the same stories were told about supplies—but those stories are not as common any more. The reason for the improvement is that Secretary McNamara took a look at all the different forms, systems, and procedures for handling supplies, and combined them into modern, standardized, streamlined systems—almost 10 years ago. I feel that we should have the same things for personnel now—we should have standardized, automated "information systems" for personnel in all the services. All this means is consolidating the proliferation of archaic regulations and paper forms into a modern, simpler system. This reform is 10 years overdue.

Finally there is the matter of budgeting for personnel. I am not talking about budgeting at the Defense Department level—I am talking about economizing on personnel out in the military installations around the world, except in combat units. We do it for supplies—why can we not do it for personnel? The average installation or base commander around the world has a fixed budget for supplies, and within that budget he must run an efficient operation. But personnel are free, for all practical purposes. Even small bases often have hundreds of extra men assigned to them, troops that are not needed for anything. If a commander had a fixed budget for personnel, related to his missions, then extra manpower would eat into his budget, and there would be healthy pressure for those men to be reassigned to another base where they were needed and where the missions had resulted in a budget which provided for the extra men.

This proposal has been made time and time again, but there is no determination on the part of the Secretary of Defense to implement the plan. The name of this proposal is Project Prime. This proposal has been languishing for several years now. Project Prime is a new accounting system which focuses on the possibilities of middle-level management in the Defense Establishment to operate more efficiently. It could save millions of dollars.

When it was first introduced, it might have been premature; but now, its implementation would be salutary. It would be symbolic of Secretary Laird's intent to reduce Defense waste.

I hope these proposals are not too detailed to interest the Congress. Congress was instrumental in spotlighting possible improvements in the Defense Establishment in the last 1950's; if Secretary McNamara's changes really did save as much money as we are told, then Congress should get much of the credit for these reforms. Similar reforms are possible in manpower management now, and I recommend the subject to the distinguished Committee on Armed Services.

Mr. ESCH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I will not take my full time, but with due respect to my distinguished minority leader, the point is that this House has the responsibility to give direction to the Department of Defense. That is the purpose of this amendment: to indicate to the Pentagon that we wish to reduce the size of military personnel in direct proportion to which troops are withdrawn from Vietnam. Now it has been made very explicit the Commander in Chief, if another emergency occurs, will have the opportunity to increase the size of our forces, so that is not the issue here.

If we believe that this body has the responsibility to determine the size of the military, and if we believe that we do not want young men who are withdrawn from Vietnam to be sent elsewhere, then we will vote for this amendment.

Let us make it clear, then, if we vote for this amendment we are in no way tying the hands of the Commander in Chief.

Let us make it clear if we vote for this amendment we will be attempting to decrease the size of the military in direct proportion to which the President is going to withdraw troops from Vietnam.

Let us make it clear we are not in any way attempting to tell the President when and how he will withdraw troops from Vietnam.

What we will do by this amendment is simply this: cut responsibly this military budget and maintain the size of the military personnel at a pre-Vietnam level.

Mr. Chairman, that is why I ask the Members to support the amendment offered by the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I support the gentleman. It has been alleged that the amendment which the gentleman is offering differs substantially from the amendment offered in the other body, which was accepted by a vote apparently of 72 to 11. I wonder whether the gentleman who is the author of the amendment can enlighten us on that particular point, as to what extent this amendment does differ from the Senate amendment.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Illinois, (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, in answer to the gentleman from Illinois (Mr. ANDERSON), I will say the only difference between the amendment that was adopted in the Senate and the amendment I offer is that a portion of the Senate amendment was adopted by the committee; namely, to reduce the authorized strength down to the number of men who were in service as of July 1, 1969; so this amendment builds on the action of the committee. In other respects it is exactly identical to what was done in the Senate.

Mr. HICKS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I shall not take 5 minutes, but I rise in support of the amendment. As I stated earlier, the only justification I can see for the military hardware bill that we have supported, and that I support wholeheartedly with the exception of the anti-ballistic-missile system, is the fact that we are going to provide our men with the very best weapons and we do not need as many men to run them.

The way to start, so far as I am concerned, is to start reducing personnel. This is a good way to start.

As has been pointed out very adequately, there will not be any time limit on the President's hands. There will be no timetable to say when the troops shall be withdrawn, but as they are withdrawn the total strength of the Armed Forces shall be reduced.

Members all remember when we were debating the C-5A, the value of a remote presence was discussed. One of those values is the speed in which we can get troops around the world. When we can do that we do not need as many men. For that reason I suggest the gentleman's amendment should be adopted, though I have no illusions it will be.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman from California.

Mr. HOSMER. This proposed amendment seems to assume some kind of symmetry between the number of people withdrawn from Vietnam and the general overall need for forces in the U.S. military services. As I understand the amendment, if the President wanted to reduce and had reason to reduce the total Armed Forces at a higher rate than he withdraws people from Vietnam he would be prohibited by the amendment from doing so. Therefore, I cannot see any reason or rhyme in such a proposal.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. HICKS. I yield to the gentleman from Texas.

Mr. ECKHARDT. I support the amendment.

Mr. RYAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I wish to commend our colleague, the gentleman from Illinois (Mr. MIKVA), for his efforts in the area of military manpower. This amendment strikes at the very crux of the alienation and unrest which pervades our Nation today.

Military manpower represents almost half—$35 billion to be exact—of the almost $80 billion military budget. The sum of $21 billion of that $35 billion is allocated for salaries and allowances, and the remaining $14 billion is earmarked for manpower operation and maintenance costs. If substantial money is to be saved in the military budget, certainly, the manpower area is a place to start.

The United States spends more maintaining its Armed Forces than it does providing for the health, education, and welfare of its citizens.

Although our gross national product is the highest in the world, the United States spends a greater percentage of our gross national product on military pursuits than does any other country in the world today, including those nations who are actually fighting for their very existence.

The United States maintains the largest standing Armed Forces in the world today—larger than all the Warsaw Pact nations, including the Soviet Union.

As of July 1, 1969, there were 3.46 million persons serving in the armed services. This does not include the Coast Guard, the Reserves on active duty, the military academies, or the ROTC.

The statutory ceiling limiting force size is set at 2.3 million. Therefore, there are 1.1 million persons over that ceiling.

Thirty-three percent of all our active duty forces are permanently stationed on foreign soil. We have 750,000 serving in Asia—three-quarters of a million men—with some 511,500 in Vietnam and 45,000 in Thailand alone. We have 23,000 stationed in Latin America, 10,000 in North America—Canada, Greenland, and Iceland—10,000 in North Africa and the Middle East, and a total of 320,000 men stationed in Western Europe. There are 1,113,000 men permanently stationed outside the United States, and on foreign soil.

At the present time we are committed by treaties and agreements to defend 42 nations. In addition, there are another 30 nations with which we have some type of agreement involving their defense or military installations.

It is time that we analyzed our commitments. It is time that we analyzed our manpower requirements in relation to those commitments.

As of 6 months ago we were maintaining 395 major overseas bases. We were also maintaining 2,809 minor overseas bases. That makes a total of 3,204 overseas bases being maintained by the United States.

Article I, section 8, of the Constitution gives Congress the full responsibility for raising and supporting an army. To my knowledge there has been no recent congressional review of our manpower commitment.

The last study was conducted in the 86th Congress—1960-61—by a special Subcommittee on the Use of Military Manpower. One would think that, due to the vast deployment of our troops, and the continuing extension of the statutory ceiling limiting force size, there would have been a thorough review of the military manpower situation.

Somewhere Congress lost control over the military—controls delegated to Congress.

Vietnam, Thailand, Laos—commitments made, 40,000 American lives sacrificed, billions of dollars spent. Has the right to make agreements, the right to set policy, and the right to spend money on new weapons systems been usurped by the Department of Defense?

If our "excessive military presence abroad" has raised serious questions about our international position, I am sure I do not have to remind you of the catastrophic consequences at home. One in every 16 males—ages 19 to 65—are presently serving in the Armed Forces.

The pressures of our overseas commitments have thrust them into the Armed

Forces. Many young Americans have conscientiously refused to serve in a war deemed immoral. It should give us pause to realize that Americans, who have traditionally been ready to fight for the cause of freedom, whether it be here or abroad, are electing to go to prison or into exile rather than serve in the Armed Forces. Many have accepted the lifetime stigma of a dishonorable discharge rather than be sent to Vietnam, as recently happened at Camp Pendleton in California.

In June we considered appropriations for the Department of Housing and Urban Development and then in late July we deliberated upon the Health, Education, and Welfare budgets. At those times, the tone in this Chamber was one of economy. These budgets were to provide decent homes and adequate educational and health facilities for our citizens.

Today we are considering the Department of Defense procurement authorization bill, and the committee from which this bill emanated not only met the Department's requests nearly line item for line item, but it also in several instances gave the Department more than it had actually requested. This is no tone of economy.

The military budget must be brought into line and under the control of the Congress, for until such time as it is in line, there is little hope to correct our domestic ills.

There has to be a more efficient method of manpower management established. For example, there should be an integrated manpower management program created, thereby relieving the inefficient method of manpower management by the separate services.

There should be a 5-year plan as the basis of detailed plans for manpower requirements. Training, recruiting, inductions, and promotions should all be programed on this basis.

Manpower costs should be charged to a fixed operating budget of the unit to which they are assigned. Idle troops would then cut into budget allocations and efficient deployment would be encouraged.

These are but a few of the many avenues open to the military in bringing about more efficient management of manpower.

This amendment leads to a slow but sure deescalation of the military controlled economy and the release of members of the Armed Forces in numbers equivalent to withdrawals from Vietnam.

It has been argued that this amendment would tie the hands of the President. This is simply not so. The President would be permitted to exceed the ceiling if he determines it is in the interest of national security and so informs Congress.

This amendment is only a modest step, reducing the overall military manpower ceiling to the extent that members of the armed services are withdrawn from Vietnam. What it will do is signal to the country that we are prepared to recognize the necessity for a reassessment of our use of military power in international politics and a reappraisal of the foreign policy assumptions which led us into the quagmire in Vietnam in the first place.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I am happy to yield to my colleague from New York.

Mr. SCHEUER. Mr. Chairman, there has been much talk this year about saving money through manpower cuts. I think that once the Vietnam war ends, we should cut our forces by a million men; Senator STENNIS has called for such a reduction.

But troop cuts can only go so far, and I question whether Congress should try to determine exactly how many troops we should have, other than to impose ceilings.

There is, however, one aspect to the problem well within the concern of the Congress: I refer to economy and efficiency in the use of defense manpower.

Most Members have served in the Armed Forces and have seen the military's tremendous waste of human talent. In an effort to make every officer a jack-of-all-trades, the Pentagon reassigns officers so often that these officers spend almost half of their career either adjusting to a new organization, adjusting to a new job, or both. Enlisted men specialize somewhat more, but rotate just as often. The Pentagon estimates the transportation and shipping costs alone at $2 billion per year. It is legendary that high-ranking military officers are given responsibilities for operations about which they know comparatively little. This is especially true right here in Washington; it is particularly true in the administrative, managerial, and procurement activities of the Department of Defense—the very operations that have had the huge cost overruns and long delays. A military man spends the first half of each tour learning his new job, and the second half getting ready for his next one. In effect, the services deprive most of their junior officers of the challenge really to become an expert in a field or to make a significant impact on an organization. The Military Establishment is full of men who, instead of being leaders, are mere followers of regulations. This was brought out with frightening clarity in the investigations of the *Pueblo* and EC–121 incidents.

The military bureaucracy is overcentralized, faceless, and unresponsive. Longer tours for military personnel, and end to rotation between career fields, and some creative thinking about decentralization in the Military Establishment, would go a long way to make more effective use of our military manpower.

With less rotation, more specialization, and the resultant higher quality of personnel, commanders, and managers, the possible annual savings can be counted in the billions.

These reforms alone would not do the job. Although important strides have been made in military salaries, not enough has been done to equate the salaries of military jobs with comparable civilian jobs. The direct result is the "brain-drain" from the military into civilian life. All too often the less-talented men remain in the services and become available for promotion to high rank.

Of course, our military leaders do not serve for salaries alone; but if specific jobs earned specific salaries—so as to be competitive with private industry—the military would be better able to retain more of the young men lost each year to well paying industry positions.

Though some of the money saved by modern manpower management would go to these higher military salaries, the country would still be getting more for its military manpower dollar. The Pentagon spent hundreds of thousands of dollars on a similar proposal last year, called the Hubbell Report. Despite the Nixon administration's apparent indifference to this study, the Hubbell Report should be a beginning. It should be promptly implemented.

These proposals by no means exhaust the list of improvements the Pentagon could make in manpower management. Other possibilities are:

First. The 5-year defense program should be made the basis for detailed plans for manpower requirements. Recruiting, draft calls, training, promotions, rotation, and mustering-out should all be based on the 5-year program.

Second. Standardized personnel and manpower information systems—including cost information—should be developed. Present systems are archaic, error-prone, and frequently inconsistent and in conflict with each other. Such improved systems were adopted for inventory and supplies almost a decade ago.

Third. Manpower costs should be charged to a fixed operating budget of the organization which uses the manpower. Idle troops would then be assigned to live item budget programs, thus encouraging efficiency.

Fourth. New, more efficient forms of organization should be developed, both for combat and noncombat units.

Present obsolete manpower policies waste billions of dollars of the taxpayers' money annually. But more important than dollars are the wasted careers in the bureaucracy and wasted years of young men's lives. The Congress should conduct a detailed investigation of the possible savings of manpower and tax dollars.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I am happy to yield to my colleague from New York.

Mr. BIAGGI. Mr. Chairman, I commend the Congressman from Illinois for his amendment which would guarantee that troops withdrawn from Vietnam will not be redeployed elsewhere but will be deactivated and permitted to rejoin their families. Since the bill reported by the committee endorses troop cuts only to the approximate figure already announced by the administration, it is logical to ask the question, What is planned for additional Vietnam troops which are withdrawn exceeding the 175,000 troop cut?

This amendment to the bill warrants the full support of every Member of the Congress in behalf of our American boys who are fighting in Vietnam. This is not a question of national security since the President still retains his prerogative in the event of a national emergency. It does not prescribe a schedule for the Defense Department to follow in the case of troop withdrawals, and it would not prevent any one of the military services from operating at less than its present statutory ceiling. This amendment, in fact, reasserts the constitutional authority granted to the Congress.

There is no question that if the Defense Department can operate under the terms of this amendment why would anyone persist in objecting to it?

I urge passage of this amendment. Yet, I would like to make it clear that this in no way reflects a decrease to support our boys who continue to fight the battle in Vietnam.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I am happy to yield to my colleague from New York.

Mr. LOWENSTEIN. Mr. Chairman, I thank the distinguished gentleman from New York for yielding, and join my colleagues in supporting the amendment proposed by the gentleman from Illinois.

The other day I suggested that each of these proposed amendments be weighed on its merits, not judged by rote.

I wonder if it can be said that that is what is occurring, when proposals adopted overwhelmingly, and even unanimously, by the Senate, are rejected here, sometimes after what might gently be called rather limited discussion.

Have large numbers of Senators suddenly turned indifferent to national security? Do members of the House committee have access to important data denied to Senators—and in some instances, apparently, to the Department of Defense and the President as well?

We are always indebted to the gentleman from Illinois (Mr. Mikva) for the great energy with which he applies his remarkable intelligence to the affairs of this body, but never more so than now. I wish the Members of the House would listen carefully to his proposal, and to his argument in support of that proposal. If they did so, I cannot believe it would carry here by any less lopsided a majority than it did in the Senate.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Reid).

Mr. REID of New York. Mr. Chairman, I rise in strong support of this amendment, which would reduce the overall manpower in the military—now set in the bill at 3,285,000—as our involvement in Vietnam decreases in direct relation thereto.

The gentleman from Illinois (Mr. Mikva) has already spoken at length on several points, and I concur with his arguments. I would like to add just a few others.

First of all, as we all know, on June 25 the Senate voted 70 to 16 to adopt the national commitments resolution, on the grounds that our military commitments overseas were excessive. According to the State Department, we are definitely committed to defend 42 nations; Pentagon figures reveal that we have a total of 3,204 military bases overseas, with the total cost of retaining this force level estimated at $35 billion annually. They enable us, in short, to plunge into local conflicts on a moment's notice.

I think it is more than time to reevaluate this aspect of our foreign policy which with some accuracy was noted as the 20th century equivalent of the Roman Legions—in the excellent August 1 article in Fortune magazine. I think, for instance, that Vietnam has proven to us that straight military force is a weak weapon to effect political change and that if a country lacks the will to reform or to permit free elections it is not likely to meet the future.

This amendment in itself would not force the President's hand in reducing our troops overseas; as we know, the President and the Secretary of Defense have already begun to question the value of a large standing Army for our needs today. I applaud their decision to reduce the troop level at present by approximately 175,000 men, and I applaud the Committee for incorporating this. It is a good first step, both for the economy of our Nation and for the conduct of our foreign policy. When estimates for the cost for one man in the military service per year range from $6,000—which counts only salary and allowances—to between $13,000 and $14,000—which includes operations and maintenance—I think we should attempt to reduce the number in that service.

Finally, I think it important that the House of Representatives consider their role in the making of foreign policy. The power to raise and support armies is specifically attributed to the Congress in the Constitution, and yet we have as a body abdicated these responsibilities for at least the last 20 years. In 1947 statutory ceilings were set for each branch of the service, which totaled 2.3 million men. The ceilings were suspended shortly thereafter, and in the early 1950's an overall ceiling on the Armed Forces was set at 5 million. These have not been challenged; we have offered our constitutional powers to the Pentagon, and I believe we should reassert them.

The Cook-Bayh amendment in the Senate, similar in principle though not in exact detail, was passed by that body by a vote of 71 to 10, with the support of both the chairman and the ranking minority member of the Senate Armed Services Committee. Furthermore, the Department of Defense indicated no objection to the principles involved.

Mr. Chairman, I think the debate is clear, and I strongly urge my colleagues to accept this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Leggett).

Mr. LEGGETT. Mr. Chairman, I rise in support of the amendment.

If the President is correct, he wants a new direction in Asia and does not want to follow the follies of some of the past administrations. We should help him to burn those bridges and as we bring back the kids from Vietnam we should discharge them properly.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina to close debate.

Mr. RIVERS. Mr. Chairman, I oppose the amendment, and I ask that we vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Mikva).

The question was taken; and on a division (demanded by Mr. Mikva) there were—ayes 38, noes 85.

So the amendment was rejected.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise just for the purpose of asking a question of the chairman of the committee on one section of the bill; namely, section 402, in which it is required that before any contract goes to a university certain information must be filed with the Congress about the nature of the contract and the competence of the university to perform the contract and so on. At the end of that section there is included in the required information the following requirement: "a statement summarizing the record of the school, college, or university with regard to cooperation on military matters such as the Reserve Officer Training Corps and military recruiting on its campus."

M. Chairman, I have only one question to ask the gentleman from South Carolina (Mr. Rivers). Is it your idea that in the awarding of contracts to universities and colleges for research on the Nation's defense that the granting or withholding of those contracts should be influenced by the decisions that the colleges or universities may have made on ROTC training and military recruiting?

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the distinguished chairman.

Mr. RIVERS. I would not think we would go out and reward a college who had the same sort of facilities another college had for not supporting our military. If I were our Secretary of Defense, I would not do that. We just want the report on it. We will cross the other bridge when we get to it.

Mr. FRASER. I thank the chairman.

I would only call attention, as I will when I extend my remarks in the Record, that there is a relation between the policy of the university with the ROTC being rewarded or granted a contract or the withholding of a contract.

I might add for your information, Mr. Chairman, that I got into the Navy through the Naval ROTC program, so I myself do not have the problem that some universities have with them. But I strongly disagree with the implication that if the university in its own judgment thinks it is not wise to have an ROTC program that they will, therefore, be penalized from receiving some of the flow of funds which pours forth for research for the Department of Defense.

Mr. RIVERS. Mr. Chairman, if the gentleman will yield further, I would not reflect on the service record of the gentleman. I know he has a distinguished

XUM

record. But I am sure the gentleman would not want me or anybody else to, if we had two colleges, one that permitted the Marines to be painted like I saw them up at a certain place the other day by somebody, to give them $100 million in contracts, or whatever they have, and give another college nothing. I know the gentleman would not want anything like that done.

This is just to get the information, then we will be better able to make whatever recommendations are necessary when we present the bill next year to the committee.

Mr. FRASER. Mr. Chairman, I appreciate the gentleman's statement. I think it reflects our difference in philosophies.

I am going to vote against this bill finally for several reasons, but the mere existence of this provision would be enough, because it is one of the most unwarranted invasions by the Congress on the academic freedom of universities in the United States that I have ever seen come out in a bill from the Committee on Armed Services.

Finally, Mr. Chairman, if I may have the attention of the Chamber, we are told that there will be a motion to recommit likely offered by the gentleman from Wisconsin (Mr. O'Konski). The motion to recommit will be to strike the ABM, not just procurement, but research and development as well. I know of no one who holds that position in the House, and it appears clear that this kind of a motion to recommit is aimed at avoiding a clear vote on the issue.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. FRASER. If the gentleman will be relating to that subject, then I will be glad to yield to the gentleman, if he can enlighten us.

Mr. GUBSER. Mr. Chairman, I shall endeavor to enlighten the gentleman on this, but I would first like to ask a question: If a person is for research and development of the antiballistic missile system, is this not a fair assumption of his position, that he is for deployment when it is proven that it will work?

Mr. FRASER. Oh, I think that is quite a different matter. I am in favor, as a matter of fact, of a number of research and development programs, but I recognize that once you get to that stage it is an entirely different question whether to actually deploy the weapon. That will depend on the effectiveness of the weapon, the projected cost of deploying it and the changed world scene since research funds were authorized.

The **CHAIRMAN.** The time of the gentleman has expired.

Mr. BINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the first congressional sponsor of a resolution calling on the President to halt further flight testing of multiple independently-targetable reentry vehicles—MIRV's—so long as the Soviet Union does likewise, I wish to comment on the funds for MIRV development and procurement contained in the legislation currently before the House—the fiscal year 1970 military procurement authorization.

I have prepared an amendment to this legislation which would prevent funds in this bill from being used for further MIRV flight tests so long as, from date of passage of this act, the Soviets refrain from flight testing their MIRV's. However, after careful consideration, I have decided that it would serve no good purpose for me to offer this amendment.

My concern has been that testing be halted prior to the projected SALT talks so that such testing would not subvert the talks entirely or reduce the chances of reaching agreement with the Soviets on a mutual moratorium on MIRV's. This would require, and I have proposed, that testing be stopped immediately. Funds for the present testing program, however, are apparently already available from previous authorizations and appropriations. To restrict the use of the funds for MIRV flight tests in the fiscal year 1970 military procurement authorization would presumably not affect testing soon enough to achieve the intended effect on the climate for SALT talks.

In addition, soundings indicated that the vote for such an amendment would not fairly reflect House sentiment in opposition to MIRV testing.

Hearings were conducted on my resolution, and similar resolutions offered by other members, by the Subcommittee on National Security Policy and Scientific Affairs. Those hearings were most enlightening and useful, and the chairman of that subcommittee, the gentleman from Wisconsin (Mr. Zablocki) and the members of the subcommittee should be congratulated for their penetrating examination of the important issue at stake here.

I am hopeful that the subcommittee and the full Foreign Affairs Committee wil report out a resolution for floor action. Whether or not they do, the very fact that hearings were conducted has achieved many of the purposes of the resolution. One of the significant facts that emerged from the hearings, for example, is that there is uncertainty and disagreement over the extent of our intelligence capacity to distinguish MRV and MIRV tests conducted by the Soviet Union. I was interested to read, therefore, in yesterday's New York Times, an article by William Beecher announcing a White House level review of all our intelligence capabilities "to determine what types of accords that Nation can live with if on-site inspection cannot be negotiated" in the upcoming strategic arms limitation talks. I certainly welcome that review, and hope that the White House will report at least the essence of its findings to the appropriate committees and officers of the Congress. I have no doubt that the hearings on MIRV testing conducted in the House helped illustrate the pressing need for this review.

In addition, several of President Nixon's recent statements on the SALT talks indicate acute awareness on his part of the significance of MIRV development as an escalating influence on the arms race, and his intention to place that issue high on the agenda of the arms limitation talks if and when they get underway. I believe that several congressional resolutions on MIRV signed by over 130 Members and the hearings on them, were helpful in bringing the full nature of this matter to the prominent attention of the President.

Let there be no mistake about it, I am disappointed that the President has failed to act to halt testing, so long as the Soviets refrain from testing, as a means of improving the climate for the SALT talks and avoiding the possibility of a misunderstanding about our MIRV capability that might make it impossible for the Soviets to enter into a permanent MIRV moratorium. In failing to take such action, I feel that the President has needlessly and callously risked the success of the SALT talks before they are even started, with no reason or benefit for the United States or U.S. security. With no realistic means of forcing a halt to U.S. testing within the time frame that is crucial to the SALT talks, I can only renew my call upon the President to go beyond his commendable review of our intelligence capabilities and recognition of the importance of the MIRV issue as an item for the SALT agenda. I again urge him to halt U.S. testing now, so long as the Soviets do likewise. To fail to do so may well mean that our intelligence capabilities as they relate to arms control agreements may become irrelevant because there will be no SALT talks and no agreements.

As I said yesterday, we must ponder the failure of the Soviets to set a date for the SALT talks to begin. It may well be that, as their own press has suggested, the Soviets are nervous about the United States going ahead with a combined ABM-MIRV program. If this is so, for the United States to hold back on deployment of ABM and on testing of MIRV's would greatly improve the atmosphere and increase the likelihood of successful SALT talks.

Turning to the motion to recommit which I understand will be offered, to strike not only the funds for deployment of ABM but also the funds for continuing research and development, I consider the decision of the minority leader that this should be the form of the motion an outrageous example of the use of arbitrary power. The position stated in the motion to recommit is not a position that has been advocated by any Member of the House during the course of debate. To word the motion to recommit in this way represents a crude effort to reduce the number of votes on record against the Safeguard system.

I will vote against the "previous question" motion I understand will be offered on the recommital to register my opposition to the form in which the recommital has been put and my opposition to deployment of the ABM system. Should the "previous question" fail to pass, I would welcome the chance to vote for the 10-percent across-the-board cut in this authorization several Members hope to offer as an alternative recommital motion. Should the "previous question" motion pass, I will still vote for the recommital motion, but I want it clearly understood that I am not and never have been against continuing research and development for antiballistic missiles. Finally, I shall vote against the bill as a whole for a number of reasons, including the fact that it authorizes deployment of the ABM and continued testing and deployment of MIRV's, the fact that it contains dangerous provisions interfering with academic freedom, the fact that almost a billion dollars was added to the bill for the naval shipbuilding program, and that overall it represents a continuation of luxury spending for military purposes at a time when we are not doing the necessary minimum to meet our homefront needs.

Mr. BOLLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time only to ask the chairman of the Committee on Armed Services a couple of questions about two sections that have not yet been read, and I take this time now so that I will have the opportunity to have 5 minutes, rather than having my time cut off.

The two sections are section 502 in the next title, and section 503.

Section 502 reads:

> SEC. 502. The Committees on Armed Services are authorized to utilize the services, information, facilities and personnel of any Government agency.

I really would like to know what that means.

I have not been here, and I have not participated in this debate before, and that seems to me to be remarkable language. If we have not been doing that before, why not?

What additional duties does this place on any Government agency that it does not now have?

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I am delighted to yield to the gentleman from Illinois.

Mr. PRICE of Illinois. That language was taken from the Atomic Energy Act. It is already in the existing law. However, our committee decided, because of the concern on the part of many of our colleagues, that we would ask that it be deleted. By taking this currently and fully informed provision out of the Atomic Energy Act, we took all of the provisions that were included in the act in connection with it.

Mr. BOLLING. Section 503 says:

> The Committees on Armed Services may classify information originating within the committees in accordance with standards used generally by the executive branch for classifying defense information or restricted data.

Did I understand the gentleman from Illinois to indicate that this language was going to be stricken out by the committee?

Mr. PRICE of Illinois. That particular language was in the committee amendment. I do not know whether it will be now, but probably there will be an amendment to delete that language from the bill.

Mr. RIVERS. Mr. Chairman, will the gentleman yield so that I may answer the gentleman's question?

Mr. BOLLING. I am delighted to yield to the gentleman so that I may get an answer.

Mr. RIVERS. We found later that it conflicted with the jurisdiction of the committee chaired by the gentleman from Maryland (Mr. FRIEDEL) and no one—but no one—wants to take on Mr. FRIEDEL and we are still going to knock out that language if we can.

Mr. BOLLING. I would still like to repeat my question. What is the purpose? You are going to vote to strike this out—that is fine. What was the purpose of putting it in in the first place?

Mr. RIVERS. Because the gentleman from Maryland (Mr. FRIEDEL) says, "You can do that by coming to our committee anyway." We thought we could copy the AEC Act and the Joint Atomic Energy Act and so wipe out the conflict of jurisdiction. So far as I am concerned, we will strike it out.

Mr. BOLLING. Mr. Chairman, I do not want to be the least bit difficult, but I just want to know why the committee put it in in the first place? What has happened in this year, 1969, to make the committee decide that it needed this law when it has not had it before? What was the thinking of the committee?

Mr. PRICE of Illinois. If the gentleman will yield, I can tell the gentleman why the individual paragraph or provisions were put in there.

We have been concerned for a long time. Sometimes we are advised of things after they happen. We think we should be currently and fully informed just as the Joint Committee on Atomic Energy is. When the Atomic Energy Commission has a desire for anything, they usually come up and advise the Congress beforehand. In other words, under the present situation, sometimes we get advance information, but a great many times we get it after the fact.

Mr. BOLLING. All I can say is that I consider this a most extraordinary situation.

Mr. CONTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like at this time to make an observation about the implications of the action this body may decide to take. I refer, of course, to the discussion by the gentleman from Minnesota (Mr. FRASER) about what might very well happen on the motion to recommit. I certainly hope that what he warned us to beware of will not be the case and will not come back to haunt us.

I want, however, to go back to what the gentleman from Minnesota said at the outset of his statement. He indicated that the gentleman from Wisconsin (Mr. O'KONSKI) will offer the motion to recommit and that this motion will contain instructions to delete all money for the ABM. And by all money, I mean both money for deployment and money for research and development.

I want to make it clear to this Committee and to the people of the United States that this motion, deleting all funds for the ABM, will not—I repeat—will not be a test vote of the question we have been debating. This motion was defeated in the Senate by a vote of 89 to 11.

Now, as my colleagues very well know, we have been debating the question of whether to deploy the ABM, not the question of whether to continue research and development on it. No one in this body has addressed himself to or spoken against research and development on the ABM.

The issue, as I have already said, is whether to deploy the ABM. This specific question was defeated by a very close vote of 50 to 50 in the Senate. And it is that specific question to which we must now direct our attention.

Since that is the real issue—and I doubt that anyone would disagree with me that it is—we must have it presented to this body and to the people in a clear and precise way. The people have every right to know just what the sentiment of the House is on deploying the ABM.

For this reason, the motion to recommit should contain instructions to merely stop the deployment of the ABM. It should not—I repeat—it should and must not contain instructions to stop research and development on the ABM because this is not the question and because this would give a highly inaccurate and unfair picture of what we in this body sincerely feel.

It is pretty obvious to me why this is being done. Some of my colleagues, I regret to say, want a massive vote in favor of the ABM. But this is the wrong way to do it. As I have said, it is not only an inaccurate barometer of House sentiment, but it is also unfair. And we will be highly criticized for it for all the reasons I have stated.

As if this were not bad enough, I also understand that the gentleman who will offer the motion on the ABM, the gentleman from Wisconsin (Mr. O'KONSKI), which motion will cover both research and development and deployment of the system, voted for the bill by proxy. In other words, he voted for the ABM, but he is now introducing a motion against the ABM. This is one of the clearest cases of inconsistency that I have ever seen. I want the record to be clear on this and I want the people of this country to understand what is being done.

Now the only one present on the minority side, the gentleman from Ohio (Mr. WHALEN), voted against the bill in committee. Therefore, and this seems clear to me, he should be the one offering the motion with his instructions attached to it.

I would, at this time, like to make it crystal clear to all of my colleagues how, under the rules of the House, we can face the real issue—deployment of the ABM—and face it squarely.

The only way the motion to recommit can be amended is when the previous question is ordered, defeat it. Therefore, on that motion, I will ask for a rollcall vote on the previous question. The previous question, as I have just said, must be defeated. This defeat will then open up the motion to recommit to amendment. I would hope that in these new amendments, after the previous question is out of the picture, we could face deployment of the ABM squarely for all the people to see.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from California.

Mr. COHELAN. Mr. Chairman, I

XUM

thank the gentleman for yielding. I congratulate the gentleman for the courage he has shown in making this statement. I am proud to associate myself with his remarks.

Mr. CONTE. Mr. Chairman, I thank the gentleman from California.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New York (Mr. Reid).

Mr. REID of New York. Mr. Chairman, I thank the gentleman for yielding. I commend my able colleague, the gentleman from Massachusetts (Mr. Conte), for the point he has made. I think it is highly unfortunate that in this House the debate on the ABM was curtailed to something under 4 hours, when it went on for a number of months in the Senate. I think cutting off the debate further characterizes this Congress as not being responsive and relevant to the public will.

I would hope, as the gentleman in the well hopes, that this motion to recommit would not be offered, because it would not represent a fair rollcall vote. If we are to vote on the ABM, it should be on the question of deployment and not on the question of research, which most Members, I believe, want to continue.

So I hope the gentleman's point will register, and, if there is a motion to recommit, that it will fairly represent the thinking the American people are entitled to and be a fair vote for or against ABM deployment.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I share the sentiment of the gentleman in the well. I hope whoever offers the motion to recommit will so phrase the question as to fairly reflect the issues involved. That is, whether we should deploy an ABM system or simply provide funds for research and development for such a system. I hope the motion to recommit will permit us fairly to express our sentiment on that. My sentiment is that because of the cost, the questionable effectiveness and because of our national domestic needs, that we should limit our authorization to funds for research and development.

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Ohio.

Mr. WHALEN. Mr. Chairman, I thank the gentleman from Massachusetts for yielding.

Mr. Chairman, I have been somewhat embarrassed by the fact that on my side of the aisle Members have come to me, recognizing I was the only one on the minority side to vote against this bill, and saying to me they understand I am going to be offering a recommittal motion which will strike all funds for research and development and deployment of the ABM.

Mr. Chairman, if I am recognized to offer the motion to recommit, I intend to submit this motion:

> Mr. Whalen moves to recommit the bill H.R. 14000 to the Committee on Armed Services with instructions to report the bill back forthwith to the House with the following amendment: On page 16, after line 8, insert the following new section:
>
> "Sec. 410. Notwithstanding the respective separate authorizations of appropriations contained in the preceding provisions of this Act, the total amount appropriated pursuant to all such authorizations shall not exceed $19,988,886,000."

Mr. Chairman, this would do two things. This would reduce the authorization in the bill by $1.34 billion, and the decision as to how this reduction would be made would be determined by the Defense Department.

Mr. CONTE. Mr. Chairman, is the gentleman asking for a 10-percent reduction?

Mr. WHALEN. No, this is a dollar reduction of $1.34 billion.

Second, it would make the House version of this procurement bill exactly the same in terms of dollars as that approved on the Senate floor.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, R. & D. expenditure has been $4 billion on the ABM. In this bill we cut around $801 million on R. & D. generally. We have spent a ton of money on R. & D. They have laid very few eggs. I would think if we are going to continue to put money into the till and never get any eggs, God help R. & D.

Mr. GUBSER. Mr. Chairman, I refer to the statement made in the well by the gentleman from Massachusetts (Mr. Conte). I would remind the gentleman this Congress is a continuing body and it will be in session next year.

If, after 1 year of experience, after saving 1 year of the precious commodity, time, it is determined that the ABM should not go forward we could stop it then.

To ask for a separation of R. & D. and deployment at this point in time is to ask for a haven and ask for a point of retreat. If one is for it, vote for it, and if against it vote against the whole thing. If you vote for research and development you are in effect saying, "I am for deployment of an ABM when it is proved that it will work."

We can do that next year. In the meantime, we will have saved 1 year. So let us not be "chicken". If you are for it, vote for it. If you are against it, vote against the whole thing.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at a later time I had planned to announce what the motion to recommit would be, but in light of the observations of the gentleman from Minnesota (Mr. Fraser) and the comment by the gentleman from Ohio (Mr. Whalen), I believe it is appropriate I do it now.

First let me say the motion to recommit will be to strike all of the ABM authorizations, $746.4 million. It will not be the amendment offered by the gentleman from California (Mr. Charles H. Wilson) which was defeated yesterday by a vote of 219 to 105.

Let me speak, if I may, to the gentleman from Ohio. About last Tuesday, I went over to the gentleman from Ohio and said we wanted a vote on the ABM on the motion to recommit. I offered to him the motion to recommit on the ABM. I said he had 24 hours to discuss it, to think about it, but I would appreciate within 24 hours his answer. The next day the gentleman from Ohio came back and said that he did not want the motion to recommit on those terms, he wanted to offer a motion to cut dollars out of the authorization bill.

Am I correct or incorrect?

Mr. WHALEN. The gentleman is exactly correct. I would hasten to add one other comment he made. The gentleman indicated to me—and I am sure I am correct on this—if I did not offer this recommital motion he would get someone who would.

Mr. GERALD R. FORD. That is perfectly true. That is my responsibility, and I intend to carry it out, and we are going to carry it out this way, subject, of course, to the will of the House.

Now, may I proceed.

The defeat yesterday by a vote of 219 to 105 I believe laid to rest the denial of the deployment of the ABM. A rollcall on that issue in motion to recommit at this time would be totally repetitious. Therefore, I believe the time has come that we actually have a vote on the basic issue, which is whether or not we are going to have an ABM system.

We have been appropriating money for research, development, test, and engineering for some 15 to 16 years, and now the time has come to lay the matter to rest, to fish or cut bait.

So far as I am concerned, the vote today will be on that basis.

Under the parliamentary situation, of course, Members can try to get a vote on the previous question, open it up, and then we will see what happens, but from my point of view a 1-year delay in the authorization will bring about the dire result the committee points out.

Let me read that. On page 23 of the committee report it is stated:

> A 1-year delay in authorization would mean at least a 2-year delay in deployment because of requirements to reopen development production lines, reassemble the technical teams, recommence site acquisition and on-site engineering, and retrain necessary personnel.

Let me say right here and now that the time has come where the issue ought to be settled fundamentally. I believe I exercised good sense and good judgment in offering to the gentleman from Ohio (Mr. Whalen) an opportunity. He did not accept it. We have made other plans, and I hope that the House as a whole backs up this decision to make the basic decision one way or the other on the ABM.

May I add one other thing. I point out, as has been said many times here in the last 3 days, bear in mind that the Soviet Union is proceeding not with a first generation, not with a second generation, but a third generation anti-ballistic-missile system, and I do not think we should fiddle under these circumstances.

Further let me state that we know very well the Soviet Union is proceeding

XUM

with more advanced offensive capability testing. If we have one grain of sense here today, we ought to take the affirmative position and do what we can to make sure that the United States is prepared defensively to meet that challenge.

Mr. RIVERS. Mr. Chairman, I wonder if we cannot now come to the point where we can at least dispose of title IV and get on to another title.

The CHAIRMAN. Are there any further amendments to title IV?

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on title IV come to a close at this point.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

The CHAIRMAN. The Clerk will read title V.

The Clerk read as follows:

TITLE V—COMMITTEES OF CONGRESS

Sec. 501. The Department of Defense shall keep the Committees on Armed Services of the Senate and of the House of Representatives fully and currently informed with respect to all of the Department's activities. Any Government agency shall furnish any information requested by either Committee on Armed Services with respect to the activities or responsibilities of that agency in the field of national security.

Mr. STRATTON (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read and printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FRASER. Mr. Chairman, reserving the right to object, I would like to ask whether or not there will be opportunity to pursue some of the issues that have been developed before we entertain a motion to close debate.

Mr. RIVERS. We are not going to cut off debate.

The CHAIRMAN. Is there objection to the request of the gentleman from New York to dispense with the further reading of title V?

Mr. THOMPSON of New Jersey. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will continue to read title V.

The Clerk read as follows:

Sec. 502. The Committees on Armed Services are authorized to utilize the services, information, facilities and personnel of any Government agency.

Sec. 503. The Committees on Armed Services may classify information originating within the committees in accordance with standards used generally by the executive branch for classifying defense information or restricted data.

Sec. 504. As used in this Act—

(a) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States, or any board, bureau, division, service, office, officer, authority, administration or other establishment in the executive branch of the Government.

(b) "Defense information" means any information in any category determined by any Government agency authorized to classify information, as being information respecting, relating to or affecting the national defense.

(c) "Restricted data" means data classified as "Restricted data," in accordance with the provisions of the Atomic Energy Act of 1954, as amended.

MOTION OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. Stratton: On page 16, line 9, strike all of Title V.

Mr. STRATTON. Mr. Chairman, this is the amendment that was referred to earlier by the gentleman from Illinois (Mr. Price) and by the chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. Rivers) in the colloquy with the gentleman from Missouri (Mr. Bolling) and the gentleman from New Jersey (Mr. Thompson).

Because of the problem of the overlap with the Committee on House Administration that is involved in section 502, and because of the controversy arising also with respect to section 503, the committee has felt that it would be better to delete the title in its entirety.

I therefore urge the adoption of the amendment. This will eliminate the disputes that are involved with these sections.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from New York (Mr. Stratton) is proposing to strike the entire title V. However, I understood in the explanation offered previously in response to the question propounded by the gentleman from Missouri (Mr. Bolling) that his objections related to sections 502 and 503. What could possibly be objectionable in section 501 wherein it provides that the Department of Defense shall keep the Committees on Armed Services of the Senate and of the House fully and currently informed? I would think this would be very excellent language to keep in this bill. I would suppose that the purpose of striking title V is really to prevent the offering of amendments to that title. I frankly had planned to offer an amendment to add a new section to this title, to provide for a program reporting system to formalize to the system that the Secretary of Defense has already set up.

Mr. STRATTON. In view of the lateness of the hour and the controversy that has arisen over sections of this title, it was our feeling that in the interest of time and speed it would be simpler to strike the entire title.

Mr. ANDERSON of Illinois. Is our interest in saving time so great that it outweighs the interest that the committee formerly had in making sure that they were kept fully informed?

Mr. STRATTON. I am delighted that the gentleman from Illinois is so enamored with some of the language that we have put in the bill.

Mr. ANDERSON of Illinois. I like it very much.

Mr. STRATTON. It seems to me there is indeed something to be said for that particular section, but we have in fact been kept well informed, and I think perhaps even without this particular section we will continue to be kept informed. I believe that I speak for the entire committee, that it was our feeling that it would be better to delete the entire title, and that is the amendment I have offered.

Mr. RYAN. Mr. Chairman, would the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, I share the concern of the gentleman from Illinois about striking section 501. This requires the Department of Defense to keep the Committees on Armed Services of the Senate and the House fully and currently informed with respect to all Department activities.

For many years this kind of clause did not appear in the National Aeronautics and Space Administration authorization bills, and I know from experience the great difficulty we had in receiving specific information from that agency. We finally wrote into the authorization bill, over the strenuous objections of the agency, language similar to the language which is now in the bill that has been brought to the floor.

I would hope that the chairman of the Committee on Armed Services would insist that this language be retained so that all Members of this House can then ask and find out from the chairman what information the committee has obtained on a particular issue from the Department of Defense.

Mr. STRATTON. I believe the members of our committee certainly appreciate the gentleman's concern, and we will take the gentleman's comments into consideration. However, my amendment still stands.

AMENDMENT TO TITLE V OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment to title V.

The Clerk read as follows:

Amendment offered by Mr. Jacobs to title V: On page 17, immediately after line 13 insert the following:

"Sec. 505. (a) The Comptroller General of the United States (hereinafter in this section referred to as the "Comptroller General") is authorized and directed, as soon as practicable after the date of enactment of this section, to conduct a study and review on a selective basis of the profits made by contractors and subcontractors on contracts on which there is no formally advertised competitive bidding entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration under the authority of chapter 137 of title 10, United States Code, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense. The results of such study and review shall be submitted to the Congress as soon as practicable, but in no event later than December 31, 1970. The Comptroller General is further authorized, upon request of the Committee on Armed Services of the Senate for the Committee on Armed Services of the House of Representatives, to conduct a study and review regarding the amount of profit which has been or may be realized under any contract referred to in the first sentence of this subsection. The Comptroller General shall submit to the committee which requested such study and review a written report of the results of such study and review as soon as practicable.

"(b) Any contractor or subcontractor referred to in subsection (a) of this section shall, upon the request of the Comptroller General, prepare and submit to the General Accounting Office such information as the Comptroller General determines necessary or appropriate in conducting any study and review authorized by subsection (a) of this section. Information required under this subsection shall be submitted by a contractor or subcontractor in response to a written request made by the Comptroller General and shall be submitted in such form and detail as the Comptroller General may prescribe and shall be submitted within a reasonable period of time.

"(c) In order to determine the costs, including all types of direct and indirect costs, of performing any contract or subcontract referred to in subsection (a) of this section, and to determine the profit, if any, realized under any such contract or subcontract, either on a percentage of cost basis or a return on private capital employed basis, the Comptroller General and authorized representatives of the General Accounting Office are authorized to audit and inspect and to make copies of any books, accounts, or other records of any such contractor or subcontractor.

"(d)(1) The Comptroller General, or any officer or employee designated by him for such purpose, may sign and issue subpenas requiring the production of such books, accounts or other records as may be material to the study and review carried out by the Comptroller General under this section.

"(2) Within five days after the service upon any person of any subpena issued under this subsection relating to any contract or subcontract, such person may file in the district court of the United States for the judicial district in which such person transacts or has transacted business relating to that contract or subcontract, and serve upon the Comptroller General, a petition for an order of such court modifying or setting aside that subpena or demand. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any constitutional or other legal right or privilege of such person. Such court shall have jurisdiction to hear and determine any matter presented by such petition and to enter thereon such order or orders as it shall determine to be just and proper.

"(e) In case of disobedience to a subpena, the Comptroller General or his designee may invoke the aid of any district court of the United States in requiring the production of books, accounts, or other records. Any district court of the United States within the jurisdiction in which the contractor or subcontractor is found or resides or in which the contractor or subcontractor transacts business may, in case of contumacy or refusal to obey a subpena issued by the Comptroller General, issue an order requiring the contractor or subcontractor to produce books, accounts, and other records; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

"(f) No book, account, or other record, or copy of any book, account, or record, of any contractor or subcontractor obtained by the Comptroller General under authority of this section which is not necessary for determining the profitability on any contract between such contractor or subcontractor and the Department of Defense shall be available for examination, without the consent of such contractor or subcontractor, by any individual other than a duly authorized officer or employee of the General Accounting Office; and no officer or employee of the General Accounting Office shall disclose, to any person not authorized by the Comptroller General to receive such information, any information obtained under authority of this section relating to cost, expense, or profitability on any nondefense business transaction of any contractor or subcontractor.

"(g) The Comptroller General shall not disclose in any report made by him to the Congress or to either Committee on Armed Services under authority of this section any confidential information relating to the cost, expense, or profit of any contractor or subcontractor on any nondefense business transaction of such contractor or subcontractor."

Mr. JACOBS (during the reading of the amendment). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. RIVERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIVERS. Mr. Chairman, is this an amendment to the amendment or is this another amendment?

The CHAIRMAN. The Chair will state that this is an amendment offered by the gentleman from Indiana to title V.

Mr. RIVERS. Mr. Chairman, I submit that this amendment is not germane because the amendment before embodied is to strike the section. How can you have an amendment to a section that is to be stricken?

So, Mr Chairman, I make the point of order that the amendment is not in order and is not germane to the section.

The CHAIRMAN. The Chair is ready to rule.

The Chair has gone through the precedents and has found that where the Committee of the Whole has agreed that the further reading of a title of a bill is dispensed with and open to amendment at any point, a perfecting amendment adding a new section may be offered notwithstanding the fact that an amendment proposing to strike out the title is pending. Perfecting amendments to a title in a bill may be offered while there is pending a motion to strike out such title.

This is a ruling of Chairman Harris of Arkansas on March 31, 1950.

With regard to section 502, the part acting amendment would be germane to the bill. Therefore, the Chair overrules the point of order.

Mr. SKUBITZ. Mr. Chairman, I make a point of order.

I make the point of order that the pending amendment offered by the gentleman from New York (Mr. Stratton) is before the House and that the gentleman from Indiana should be offering an amendment to the Stratton amendment, and that this amendment just offered is not germane to that amendment.

The CHAIRMAN. The Stratton motion was to strike out. The Chair has just read the precedent rendered by Mr. Harris on March 31, 1950 and ruled on the point of order.

The Clerk will continue the reading of the amendment offered by the gentleman from Indiana.

Mr. JACOBS. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and be printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. RIVERS. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIVERS. Mr. Chairman, is the Chair ruling irrespective of the pending motion that the amendment automatically is regarded as a perfecting amendment?

The CHAIRMAN. The Chair will state that the amendment offered by the gentleman from Indiana is to title V; a perfecting amendment, and it is in order to offer perfecting amendments when a motion to strike is pending.

Mr. EVANS of Colorado. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. EVANS of Colorado. Mr. Chairman, if the amendment of the gentleman from Indiana passes, and thereafter the motion of the gentleman from New York passes, what is the status of the amendment of the gentleman from Indiana?

The CHAIRMAN. If the amendment offered by the gentleman from Indiana is agreed to and the motion offered by the gentleman from New York to strike the whole title is agreed to, then the amendment will be stricken.

Mr. RIVERS. Mr. Chairman, may I ask a hypothetical parliamentary inquiry? If I had gotten the floor and moved the previous question, I would have had a better chance; is that correct?

The CHAIRMAN. In the Committee of the Whole the previous question is not in order.

Mr. STRATTON. Mr. Chairman, a point of order. My recollection is that on a previous amendment, the Chair ruled it out of order because it brought in another agency.

The CHAIRMAN. That was because the Whalen amendment was not germane to that title or section of the bill.

Mr. STRATTON. Does not that same point lie against this amendment?

The CHAIRMAN. The Chair has ruled that the Jacobs amendment is germane to title V.

Is there objection to the request of the gentleman from Indiana (Mr. Jacobs) to dispense with further reading of his amendment?

There was no objection.

Mr. JACOBS. Mr. Chairman, my, my, my. How badly, how badly, how badly some do not want to talk about studying the profits of defense contractors. I never heard so many points of order and parliamentary inquiries made since I have been a Member of this body. I wonder why some do not want to talk about studying the profits of defense contractors.

Let me explain briefly what this amendment does. It does not provide for a study of the profits of all defense contractors. It provides for a study of only those who are given the monopoly of the negotiated contract, not the competitive-bid contract. I am not going to demagog and say that every contract in the Defense Department should be a competitive-bid contract. I know better than that. There are some things that only one fellow sells, just as when you need a telephone. You have your choice between going to the telephone company or using a Dixie cup and a thread. So I know that there must be certain kinds of monopolistic relationships in this area, just as there are in the utility area.

But in the public utility area, once we grant that kind of monopoly, we give Government agencies, quite rightly, the power to determine whether the price is right in lieu of competitive bidding.

That, my dear friends, is all in God's world this amendment does.

Everyone here has played chess. You are familiar with the concept of the checkmate. We have all heard about not being able to have your cake and eat it, too. I can predict with absolute certainty that my amendment will either be defeated or, if passed, struck dead in its cradle by the motion to strike. But I am going to stand before my colleagues and take credit for the first success in this entire debate in getting something changed around that this committee has brought to the floor, because this committee had no intention of striking any of the provisions of the bill until my amendment showed up, and it was clearly germane to title V. Then suddenly they were faced with the choice of "having your cake and eating it, too." They know if they keep title V, my amendment comes with it. And they really, really do not want this amendment.

Now, I do not know how much cake the defense contractors have. Secretary McNamara said that they do not have enough. He said that profits are not sufficient. Others have said that they are unconscionable. This Member of this body does not know, and this Member of this body is old fashioned. He would like to know the facts before he makes a judgment of that kind one way or the other. If the facts show that the defense contractors merit more profits, I would cheerfully support more profits. And if the facts would show that the defense contractor merits less profits by his privately negotiated contract, I would call upon all fairminded Americans and their Representatives in this body cheerfully to oppose unconscionable profits. So there is where the matter stands.

I ask my colleagues not to judge this amendment by its author. And for those who cannot even judge it by its merits, I ask you to judge this amendment by its support in the other body. Senator STENNIS supported this amendment. Senator THURMOND supported this amendment. Senator JACKSON supported this amendment. Senator GOLDWATER supported this amendment. Let not history tell, "but not the House of Representatives."

I yield back the balance of my time.

Mr. LEGGETT. Mr. Chairman, I move to strike the last word.

I take this time to comment briefly on the motion to recommit. There has been some colloquy on the floor as to what diabolical course of events may occur here very shortly, and there seems to be some concern on behalf of some of those that are very strongly committed for the deployment that we not proceed just with research and development for the antiballistic-missile program.

I say that the $4 billion we have spent for research and development for the ABM is peanuts compared to the possible $400 billion that this bill is possibly going to commit us for. I do not think it is inconsistent at all to be for research and development, but not to be for deployment. Former Secretary McNamara has testified if we had spent the money for the Nike-Zeus system we would have wasted $5 billion or $10 billion or even $15 billion in that deployment.

I say if the rules of this House are dumb enough to allow somebody to come to the floor of this House who has voted against the bill in committee and then presents himself to the House as now being against the bill and we are aware all the utterances made by that individual are in favor of the ABM system, and now he comes forward and says he is against an ABM system, and if a vote is taken then on that course of events and state of the record, and if the President of the United States is dumb enough to make anything out of this dumb vote, I say God save the United States.

I intend to vote "present" if this is the state of events and the record.

It is too bad we cannot have an honest vote on recommittal and at least have some kind of fair showing or display of the sentiment of this House on some of the important things that are before this Congress and the Nation.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, since amendment after amendment designed to reduce the military procurement authorization have been defeated and since I am unable under the proposed restrictive recommittal motion that gives me no opportunity to exercise my right to vote against deployment of the ABM I shall vote present to indicate my disapproval of this motion and I am convinced of an obligation to vote against this authorization so that it can be full reconsidered in committee and returned with its many flaws corrected.

The legislation, I consider, an excessive authorization that unjustifiably invokes our national security as the reason to give the go-ahead for many unnecessary projects.

Certainly our national security must be preeminent in our minds. Only yesterday, when speaking here on a different matter, I pointed out that "without that security our national ideals and goals are immediately in danger."

But the simple fact is that we are being asked to authorize many programs and expenditures that will not enhance our national security. We are being asked to spend unnecessary billions at a time of great economic stress and when inflation threatens our entire economy. We are being asked to authorize excessive sums for projects unrelated to our security when there are vital priorities for which we are told money is unavailable.

Thus, I am prepared to vote against this authorization, not because of an invalid, blind objection to military spending, but because I believe strongly that at a time when America's economy is overheated and her peoples' needs unmet, we cannot indulge ourselves with wasteful programs.

The reasons that I oppose this bill include, but are not limited to, the following:

Permission to go ahead with the deployment of the Safeguard antiballistic system that substantial scientific evidence indicates will not work. Authorization of this system could well open the door for the expenditure in future years of up to $100 billion without any appreciable benefit to our security. I would encourage further research and development on antiballistic systems, but strongly feel that deployment should be postponed until a workable system can be devised.

Authorization for the Navy to go ahead in purchasing a billion dollars' worth of ships not requested by the Department of Defense. I feel certain that the Secretary of Defense and President would have requested these funds if they were essential to our security, for that is the constitutional responsibility of the executive branch. In a time of great economic stress and severe inflation that plays havoc with our economy this unnecessary excess expenditure of a billion dollars in the current fiscal year would be clearly contrary to our national interests.

Purchase of a fourth squadron of the C–5A aircraft. Inclusion of almost half a billion dollars for this project in this year's budget is sheer folly since the currently authorized purchases are 6 months behind schedules and serious structural flaws have been discovered in aircraft already built. Since these planes could not be delivered this year the authorization could be postponed without any impact on our defense strength.

Other programs authorized above original requests from the Department of Defense and at levels higher than those approved by the Senate. I do not take exception to necessary research and development of advanced weapons systems that could some day improve our defensive posture, but I do take serious exception to the procurement of systems whose effectiveness has not been demonstrated and on which the cost has not been established. I also take exception to the authorization of funds not requested by the civilian authorities whose responsibility it is to oversee our Military Establishment.

I wish to reiterate, lest I be misunderstood, that I have always and shall continue to support sufficient military appropriations to insure that our defenses are adequate for our security.

But we are in a period of great economic stress and our "security" has become the guise for further inflationary spending that will continue to erode the savings of millions of Americans. This is not the way to save our country; it is certain invitation to greater fiscal havoc and excessive taxation.

Moreover to permit the unnecessary expenditure of billions of dollars is unacceptable when there are necessary programs starved of funds. Even a cursory list of our domestic problems dramatizes our needs: education, housing, environmental pollution, urban and rural poverty, hunger, deteriorating cities, and so forth.

What we have here, then, is a confrontation with the much discussed question of priorities. There are priorities of a civilian nature that preclude, on humanitarian, practical, and fiscal bases, the authorization of military projects not associated with our security.

To summarize my position: I believe we have a clear responsibility to authorize military systems associated with our security and I see as clear a responsibility to oppose military systems not associated with our security that will, by wasting billions, creating greater inflation, and diverting our resources, prevent us from addressing ourselves to the legitimate needs of the American people.

I do not regard lightly my vote in opposition to this authorization; but then I do not regard lightly my responsibility to my constituents and all Americans to do what my conscience and mind tell me is best for the people of this Nation.

Mr. FISHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is quite stylish these days to criticize the defense contractors and to insist upon more accurate reporting, and of course, everyone is interested in more accurate reporting being accomplished. But let us just see what kind of reporting and what kind of policing is required to be carried out in this respect.

The Defense Contract Audit Agency has more than 3,500 resident auditors assigned to defense contractors' plants now. The Defense Contract Administrative Services Office has 24,000 contract administrators and inspectors assigned to defense contractors' plants now. These 27,500 auditors and inspectors are in addition to the large GAO staff of auditors assigned to defense contract auditing, a force sufficient to accomplish all the auditing that may be necessary.

On August 1 the GAO wrote to the chairman of the Armed Services Committee as follows:

> Before legislation of this type is enacted it would be our recommendation that the most careful consideration be given to it by the Congress.

Mr. Chairman, this refers particularly to the Schweiker amendment, which also involves GAO.

> The type of reviews made by this office and the needs of the interested committees of Congress need further development and exploration . . . For these reasons we believe legislation describing a particular form of reporting at this time would be unwise. In general we believe the basic authority of the GAO is adequate to carry out the program which we have outlined.

This amendment is somewhat comparable to the so-called Schweiker amendment which was adopted by a one-vote margin in the Senate. The author of that amendment admitted during debate it would require 200 additional employees to be added to the staff of the GAO at a cost of $4 million per year. I understand this is not the Schweiker amendment, but it does involve the GAO, and it does involve a further recruitment of auditors that would undertake this massive procedure that would be required if this amendment were adopted.

This amendment is unnecessary. The Comptroller General can now make independent audits of negotiated defense contracts under authority provided by 10 United States Code, section 2313, and Congress can presently obtain all necessary cost information and progress reports on contracts upon request to the Department of Defense.

Mr. JACOBS. Mr. Chairman, will the gentleman yield for a correction?

Mr. FISHER. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Chairman, as a matter of fact, this is the so-called Proxmire amendment, which passed the Senate by a vote unopposed by anyone. It passed unanimously.

Mr. FISHER. I understand, but it invokes the services of the GAO. This amendment would be an invitation to confusion and harassment of contractors. Its adoption would not be in the public interest.

Mr. FULTON of Tennessee. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment to the military procurement authorization offered by the gentleman from Indiana to authorize the Comptroller General to make a select study of defense contractor profits will have no effect on the authorization we vote today but may save the Government and taxpayers billions of dollars in the future.

It will, at the same time, give the Congress and the public a clearer view of the scandalous picture of the extravagant waste in Defense procurement, this picture has been painted nowhere more clearly than by the Joint Economic Committee's Subcommittee on Economy in Government in its report of May 1969, "The Economics of Military Procurement."

The report documents on a case-by-case and item-by-item basis the fact that there is extravagant waste in the Defense Department, there is shocking mismanagement and lack of concern for tax dollars by certain contracting officers, and that there is no guaranteed procedure available to the Department of Defense or the Congress to require Defense contractors to reveal, explain or justify their costs and profits.

The report asserts:

> The extensive and pervasive economic inefficiency and waste that occurs in the military procurement program has been well documented by the investigations of this subcommittee, by other committees of the House and Senate, and by the General Accounting Office. The absence of effective inventory controls and effective management practices over Government-owned property is well known. In the past, literally billions of dollars have been wasted on weapons systems that have had to be canceled because they did not work. Other systems have performed far below contract specifications.
>
> Actual costs of expensive programs frequently overrun estimated costs by several hundred percent. Assistant Secretary of the Air Force Robert H. Charles testified that "The procurement of our major weapons systems has in the past been characterized by enormous cost overruns—several hundred percent—and by technical performance that did not come up to promise."

The report was particularly sharp in its criticisms of cost overrun in new weapons systems. This is of particular significance, therefore, to this bill because in this authorization we are being asked to approve $345.5 million for procurement of the President's Safeguard anti-ballistic-missile system, a new weapons system.

Inherent in the authorization of this new system are all the potential dangers and evils which the report has revealed in connection with other new weapons systems: a system of exorbitant cost overrun potential, a system whose need is still questionable, a system of doubtful performance capability, and a system for which there is no guaranteed oversight procedure.

The Safeguard ABM system, without meaningful oversight guarantee, is as tempting a morsel of potential abuse as an apple in the Garden of Eden.

This amendment would provide the guarantee against abuse by granting subpena power to the General Accounting Office.

The need for this power was clearly demonstrated in the report, "The Economics of Military Procurement." The report illustrated that obtaining from Defense contractors information on costs and accounting is difficult at best. According to the report, in some instances contractors will simply refuse to sell to the Government if this information is required, adopting a "take-it-or-leave-it" attitude. In a free market competition could overcome this problem. But in Defense procurement we do not find a free market situation. We find a situation of low competition and high concentration coupled with an insensitivity by certain contract officers to cost overrun. This leads not only to waste but, too often, inferior product.

Giving the General Accounting Office the power to subpena will provide incentive to the Defense Department, its contracting officers and its contractors to more conservatively estimate and accurately judge costs and profits.

Finally, the information which would be supplied the Congress through the adoption of this amendment is vital to its Members. Today, more than ever before, the cost of our Defense Establishment and concern that our defense investment is made efficiently, economically and prudently, is a growing concern to our people, our taxpayers and the Congress. We cannot know too much about the quality of product from Defense spending when that spending is costing the taxpayers $80 billion a year.

Mr. Speaker, this amendment will not effect one cent of the funding requested in this bill. It will not weaken our defense posture or potential. It will provide us with information which we need today and will need in the future to form judgments and make decisions as we determine how we should most wisely spend in providing for the defense of this Nation.

I urge adoption of the amendment.

Mr. FULTON of Tennessee. Mr. Chairman, I yield to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, with reference to the point made by the gentleman from the Armed Services Committee, there is a letter in the CONGRESSIONAL RECORD from the Comptroller General of the United States under date of September 15 which avers that the study contemplated in this amendment, which unanimously passed the Senate, can be carried forward by the GAO without adding any personnel whatsoever.

I might add that the Logistics Management Institute in the Department of Defense has conducted a study of this nature, but it was a study based on voluntary information, and 42 percent of the contractors asked did not volunteer, even on request, would not give the information.

Also, the Renegotiation Board has only 200 employees today whereas during the Korean war it had 700 employees, and the Board in its own report has cautioned against any other than generalized conclusions from its reports.

So I repeat, Mr. Chairman, obviously this is a unique amendment. Obviously it is a more effective way to study the defense profits, also we would not have had all these points of order and all these attempts to keep me from saying anything in the first place about it.

It is a little bit like what used to be said of the Russian foreign trade policy; they exported the things they needed and they imported the things they needed worse.

The Armed Services Committee thought they needed section 502 and 503 under title V, but they decided they needed worse not to have this amendment in the bill whereby this objective study of profits would take place. Therefore, they are exporting sections 502 and 503 in order to erect a huge tariff wall and not import this impartial study of defense profits in negotiated contracts.

I thank the gentleman for yielding.

The CHAIRMAN. For what purpose does the gentleman from South Carolina (Mr. RIVERS) rise?

Mr. RIVERS. Mr. Chairman, I wonder if we can arrive at some time to vote on this perfecting amendment? We will be here until one day next Tuesday.

I wonder if we could close debate on this in 10 minutes?

I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. GUBSER. Mr. Chairman, reserving the right to object—Mr. Chairman, I withdraw my reservation.

Mr. ANDERSON of Illinois. Mr. Chairman, reserving the right to object, I have an inquiry of the chairman of the committee. I had intended to offer an amendment in the nature of a substitute for the amendment offered by the gentleman from New York (Mr. STRATTON).

Mr. RIVERS. Mr. Chairman, I withdraw my request.

PARLIAMENTARY INQUIRY

Mr. KEITH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEITH. Mr. Chairman, it is my understanding, if we should act favorably on this amendment to the amendment now pending, we would still have before us the entire section.

The CHAIRMAN. The Chair will clarify the position.

First, there is no amendment to an amendment pending. There is a motion to strike the title, and there is an amendment pending to perfect the language.

Mr. KEITH. My parliamentary inquiry, then, is should we act favorably on the motion that is now being discussed or debated, then the pending amendment would be on the amendment offered by the gentleman from New York and would still have within it sections 502 and 503 to which reference has been made earlier.

The CHAIRMAN. The Chair will state that sections 502 and 503 will be stricken out of the bill if the motion to strike is agreed to.

Mr. KEITH. Yes. If the motion to strike is agreed to.

The CHAIRMAN. That is correct.

Mr. KEITH. So you are going to throw out the baby with the bath if we do not at some point entertain a motion to amend the amendment to strike the entire section so that it only pertains to the objectionable part, sections 502 and 503.

The CHAIRMAN. An amendment to a motion to strike is not in order. The pending amendment is to perfect title V.

Mr. GUBSER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I hope that the House will not look upon this amendment as an endorsement of motherhood or a renouncement of sin. I hope you will look deeply into it, because I honestly believe there is much more to it than meets the eye. I hope we will not say that because the Senate, during the course of a debate which it was anxious to conclude and when it was probably in the same frame of mind as each of us are at the moment, passed what appeared to be an endorsement of motherhood by an overwhelming vote. This is a matter that concerns a very important item that affects the industrial segment of our Nation.

It was brought up on the floor of the Senate and brought up here, and in both instances discussed rather hurriedly. Not one single witness from our industrial community had the opportunity to come before a committee of the Congress and state his views. I can assure you, had that opportunity, to which they should be entitled in a democracy, you would have found that there are serious objections to this amendment.

When the gentleman from Indiana sent around his little brochure he had one question and answer which excited my attention. The question was "Would not the General Accounting Office also study profits in private and commercial business conducted by a defense contractor." The answer was that the General Accounting Office will necessarily have to study the private commercial aspects of the defense contractor in order to make an honest differentiation between commercial and defense work. However, the amendment prohibits the Comptroller General from disclosing this as business information.

I am not going to talk about Lockheed and General Dynamics, and Boeing, Ling-Temco-Vought, and big companies like that. This will not hurt them. They will just hire 50 more accountants to comply with the amendment, and the cost will be allowed and added to the price of the hardware we buy. They will not be harmed. But for the moment let us consider the little businessman in this country who has a mix of commercial and defense business, who sells a standard catalog item to customers in the trade and also sells it to the U.S. Government. This company in a private enterprise system has a right to corporate privacy. It is essential to its existence in the competition of modern industry. To safeguard corporation confidential information, is a long-established tradition in this country.

In a purely commercial or private transaction I do not think the GAO should have a right to subpena records. There are many businesses which intermingle commercial with defense production, and it is impossible to separate out the nondefense business transactions. Thus, despite allegations to the contrary, it is inevitable that cost data of commercial businesses will be disclosed, and it is my experience that such disclosure inevitably results in price fixing, which can only work to the disadvantage of the Government in the long run.

Mr. Chairman, this legislation is not necessary. We have Public Law 87–653, with the strengthening amendments passed in the last Congress. Every negotiated contract between the Defense Department and private industry requires that full disclosure on costs or pricing data must be made. The General Accounting Office has every device that it needs in order to investigate these transactions and determine whether the Government is getting a fair deal.

On top of that, we have the Renegotiation Act and the Renegotiation Board, which is admittedly understaffed, and behind in its work. But if you want to attack the question of unreasonable defense profits, there is the way to attack it; you should not add another harassment and burdensome requirement to business when it already has too much. These harassments are contributing to the trend whereby small businesses is getting out of the defense business and making the determination to concentrate future growth on commercial business instead of defense work. If this trend continues all you will have left will be a few General Dynamics, and Ling-Temco-Vought's. You will have only a few big corporate structures that will do all of the business with the Defense Department in this country. A sound defense industry cannot be based on a cartel system of the Middle Ages. It must be broadly based to include small as well as big business.

If you want our national defense and our national safety to be broadly based and to employ a broad spectrum of our national expertise, then vote "No" on this amendment.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the Record should be put straight on the motivation for striking title V. I must assume some responsibility for conferring with the chairman of the Committee on Armed Services because of language in section 503.

The gentleman from Maryland also discussed the matter with him because of other language, and we were treated graciously in the matter. I think it had no bearing upon the amendment pending before this body at this time.

Mr. RIVERS. Mr. Chairman, if the gentleman will yield, as a matter of fact, if the gentleman will recall, it has been something like that, that we have done in the past. And we have had no trouble getting information and could always through a public hearing get anything we could not get otherwise. Is that correct?

Mr. MOSS. That is quite correct.

Mr. RIVERS. I thank the gentleman for yielding.

Mr. MOSS. Now, Mr. Chairman, I want to speak very briefly about the motion to recommit. I was amazed to learn that the motion to recommit is not a matter of right under the rules of the House, but rather a matter of grace from the minority leader. This to me was a shocking thing, because I, during my 17 years here was so naive as to believe that the rules spelled out the method of arriving at who would have the right to offer a motion to recommit.

Now, the strategy is to fashion a bomb here, at least, that is the prayerful hope; you are going to strike out all of the antiballistic missile money. I do not believe anyone spoke on the floor yesterday or the day before urging to strike the research and development money. But to the distinguished minority leader I say I am willing and ready to fish and cut bait. And I believe I qualify as having a grain of sense, and I know when I am being blackmailed, and I am perfectly willing to vote precisely for the motion to recommit because I know that in conference the research and development, at least, would be put back.

And it gives me the opportunity to carry out fully a commitment that I made during the course of my campaign for election to this House of Representatives last fall.

I think it would have been wiser and a greater reinforcement to the President, if that is what is sought, to offer a motion reflective of the will of the House. But then judgments are made by people on the basis of their own convictions and their own experience. The gentleman certainly qualifies as an experienced and able Member of this body—of course, I do not challenge that. But I say in this instance in my judgment he outfoxed himself.

So I would strongly urge no one to be cowed by this marriage which was never proposed on the floor and which only will appear in the motion to recommit.

Vote on the major issue. Give the public some feeling of the response of this House and fear not—the research and development money will be there before the House adjourns the first session of the 91st Congress.

Mr. COHELAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, first of all I want to comemnd my colleague from Indiana (Mr. Jacobs). I warmly support his amendment.

I want to express my own regret that the Committee cannot see fit to accept this amendment which is so obviously needed.

It is something, however, that may well come back in any event in the conference as similar language is contained in the Senate bill.

Now I want to say something about the motion to recommit. I want to plead with the minority leadership, if I may, from the floor of this House. I think when you reflect on the problems that we are having in this country with student unrest, the attitudes and legitimate concerns of our young people, the doubts they have about their political institutions, it seems to me we are setting a poor example. In fact, today we find a priceless illustration of some of their complaints. The proposed parliamentary maneuver is a transparent piece of political gamemanship where we find a Member capturing the motion to recommit with the clear purpose of confusing the issue in respect to voting on a proposition that greatly concerns millions of citizens in this country as well as the rest of the world. It will indeed be hard for some of us who come from university communities to explain it to them.

I want to announce, with the gentleman from California (Mr. Moss), that I am going to vote for the motion to recommit. I am going to do it unashamedly because I am on record on this issue. There has not been a time since I had the honor to serve on the great Committee on Armed Services until this very moment that people have not understood where I stand on this issue, especially on R. & D. and deployment.

May I say that all of the authorities, whether they are for or against the ABM, say that we should continue research and development in this area.

I am one who feels that we should exploit and understand our technology. Whether or not we can control our destiny is a separate question. I therefore plead with the minority side, controlling the motion to recommit, to give the country an opportunity to maintain full confidence in its institutions. I think you have the votes—what is wrong with that? Why can we not get a clear cut vote on it?

I invite Members on both sides of the aisle who oppose deployment of ABM and want to take a position on this, to vote for the motion to recommit. I personally consider this move by the minority leadership to be a bit of political gamesmanship and I submit that this is a poor time in our national history not to provide an opportunity to express the clear will of the House.

If you are in the majority, and indeed I believe you are, it would seem to me that this would constitute a clear cut disposition of the issue. You are then going to have your mandate and whatever is going to happen so far as the ABM is concerned is going to be decided by the Executive.

So in conclusion I urge the distinguished minority leader from Michigan, to reconsider and give the House the opportunity to have a clear-cut vote on this issue.

Mr. RIVERS. Mr. Chairman, I would like to find out how many Members wish to speak on title V. Then I think we can get to the other subject later on. Can we determine how many Members wish to speak on title V and dispose of that title, and then we can get to the motion which is coming up? Is there anyway that we can make that determination?

The CHAIRMAN. The Chair observes 16 Members standing.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on title V and all amendments thereto close in 15 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Chairman, I will simply say that I support my Democratic colleague from Indiana. This is one amendment I am going to vote for. I cannot see any reason why we should not study profits. That is all this asks us to do. We are not accusing anybody of anything. We are studying profits, by the use of a governmental organization to conduct that study, and I think the people we represent, who pay the taxes, are for that, and I am for it.

SUBSTITUTE AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS FOR THE AMENDMENT TO TITLE V OFFERED BY MR. JACOBS

Mr. ANDERSON of Illinois. Mr. Chairman, I offer a perfecting amendment to title V.

The Clerk read as follows:

Amendment offered by Mr. Anderson of Illinois: On page 16, line 13, after the period, strike out the balance of the language of title V which appears on pages 16 down to the period on line 24, and add a new section 502 which reads as follows:

"Sec. 502 (a) The Secretary of Defense, in cooperation with the Comptroller General, shall develop a reporting system for major acquisition programs managed by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the acquisition of any weapons system or other need of the United States.

"(b) The Secretary of Defense shall cause a review to be made of each major acquisition program as specified in subsection (a) during each period of three calendar months and shall make a finding with respect to each program as to—

"(1) the estimates at the time of the original plan as to the total cost of the program, with separate estimates for (a) research, development, testing and engineering, and for (b) production;

"(2) the department's subsequent estimates of cost for completion of the program up to the time of review;

"(3) the reasons for any significant rise or decline from prior cost estimates;

"(4) the options available for additional procurement, whether the department intends to exercise such options, and the expected cost of exercising such options;

"(5) significant milestone events associated with the acquisition and operational deployment of the weapon system or item as contained in the plan initially approved by the Secretary of Defense, actual or estimated dates for accomplishment of such milestones, and the reasons for any significant variances therein.

"(6) the estimates of the department as to performance capabilities of the subject matter of the program, and the reasons for any significant actual or estimated variances therein compared to the performance capabilities called for under the original plan and as currently approved; and

"(7) such other information as the Secretary of Defense shall determine to be pertinent in the evaluation of costs incurred and expected to be incurred and the effectiveness of performance achieved and anticipated under the program.

"(c) The Secretary of Defense after consultation with the Comptroller General and with the chairmen of the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives shall prescribe criteria for the determination of major acquisition programs under subsection (a).

"(d) The Secretary of Defense shall transmit quarterly to the Congress and to the Committees on Armed Services and to the Committees on Appropriations of the Senate and the House of Representatives reports made pursuant to subsection (b), which shall include a full and complete statement of the findings made as a result of each program review.

"(e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary of Defense and shall furnish to the Congress and to the Committees on Armed Services and the Committees on Appropriations not less than once each year a report as to the adequacy of the reporting system, and any recommended improvements.

"(f) The Comptroller General shall make independent audits of major acquisition programs and related contracts where, in his opinion, the costs incurred or to be incurred, the delivery schedules, and the effectiveness of performance achieved or anticipated are such as to warrant such audits and he shall report his findings to the Congress and to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.

"(g) Procuring agencies and contractors holding contracts selected by the Comptroller General for audit under subsection (f) shall file with the General Accounting Office such data, in such form and detail as may be prescribed by the Comptroller General, as the Comptroller General deems necessary or appropriate to assist him in carrying out his audits. The Comptroller General and any authorized representative of the General Accounting Office is entitled, until three years after the final payment under the contract or subcontract as the case may be, by subpoena, inspection, authorization, or otherwise, to audit, obtain such information from, make such inspection and copies of, the books, records, and other writings of the procuring agency, the contractors, and subcontractors, and to take the sworn statement of any contractor or subcontractor or officer or employee of any contractor or subcontractor, as may be necessary of appropriate in the discretion of the Comptroller General, relating to contracts selected for audit.

"(h) The United States district court for any district in which the contractor or subcontractor or his officer or employee is found or resides or in which the contractor or subcontractor transacts business shall have jurisdiction to issue an order requiring such contractor, subcontractor, officer, or employee to furnish such information, or to permit the inspection and copying of such records, as may be requested by the Comptroller General under this section. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(i) There are hereby authorized to be appropriated such sums as may be required to carry this section into effect."

PARLIAMENTARY INQUIRY

Mr. COLLIER (during the reading). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLLIER. Mr. Chairman, I would like to know whether the reading of this amendment is charged against the limited time allotment.

The CHAIRMAN. It is not charged against the limited time.

Does the gentleman from Illinois offer this amendment as a substitute for the amendment offered by the gentleman from Indiana (Mr. JACOBS)?

Mr. ANDERSON of Illinois. Yes.

The Clerk proceeded to read the amendment.

Mr. OTTINGER (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment offered by the gentleman from Illinois (Mr. ANDERSON) be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ANDERSON of Illinois. Mr. Chairman, what this amendment does is take section 501, which I indicated is a good section, and says the Defense Department shall keep the committees currently and fully informed, and it deletes the language on lines 13 through 17, and eliminates the offending sections 502 and 503, and adds a new subsection which is substantially the Schweiker amendment adopted in the other body, with certain improvements. Instead of referring to contracts, it refers to major new programs. It says the reports will be made on a program rather than on a contract basis.

If I had the time, I would refer to this correspondence I have had with the Secretary of Defense and the Comptroller General in which they indicate their approval of this changed language. I am not suggesting they have endorsed the amendment per se, but they do feel this is a better amendment than the one passed by the Senate. I take my stand alongside such stalwart conservatives as the senior Senator from Mississippi and the junior Senator from Arizona.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The Chair recognizes the gentleman from New York.

(By unanimous consent, Mr. OTTINGER yielded his time to Mr. ANDERSON of Illinois.)

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the chairman of the committee.

Mr. RIVERS. Mr. Chairman, is this the Schweiker amendment?

Mr. ANDERSON of Illinois. Yes, this is the Schweiker amendment with the exception that we have changed the language to provide these program status quarterly reports—that are to be worked out by the Secretary of Defense in cooperation with the Comptroller General and made available to the House Committee and the committee on the other side of the Capitol as well as to Members of Congress—will be made on the basis not of contracts, but on the basis of major programs.

Let me quote very briefly from the letter I received from the Comptroller General:

> We visualize no problems arising from your proposed changes in the Schweiker amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LEGGETT. Mr. Chairman——

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

I continue:

> We especially favor your proposed change from "major contract" to a broader concept. In this connection we note that under the amendment intended to be proposed to H.R. 14000 by Congressman Whalen, the term "major acquisition program" is used, which we favor in lieu of "major contracts."

That is the language. It refers to a quarterly report on major acquisition programs. I do not believe it will impose any impossible burden on the General Accounting Office.

I believe it will give your committee, Mr. Chairman, and the Members of the House the kind of information we need.

I would point out that the Director of Research and Engineering himself, Dr. Foster, said recently in a speech——

The CHAIRMAN. The time of the gentleman from California has expired.

The Chair recognizes the gentleman from Maryland (Mr. FRIEDEL).

Mr. FRIEDEL. Mr. Chairman, I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Dr. Foster, in a speech he made before the Armed Forces Management Association Conference, put it this way:

> The hard truth is this: Our past and present methods of acquiring weapons have lost us the confidence of the public and are threatening our country's future security.

This amendment is offered in the hope we can restore public confidence.

Mr. FRIEDEL. Mr. Chairman, I now yield to the gentleman from South Carolina (Mr. RIVERS).

The CHAIRMAN. The gentleman from Maryland declines to yield further to the gentleman from Illinois. The gentleman from Maryland now yields to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, I hope the gentleman is correctly stating the information. According to what I have received, the Comptroller General is opposed to the Schweiker amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I am glad to yield.

Mr. ANDERSON of Illinois. I have in my file a letter which was a reply to the letter I sent to the Comptroller General. I can assure the gentleman he is not in violent opposition. He believes the language is substantially improved.

I support this amendment because I think it will help to restore the confidence of the American people in their Government. And let there be no mistake about it, that confidence has been badly shaken by reports of waste and inefficiency in Government spending.

The Defense Department's Director of Research and Engineering, Dr. John Foster, Jr., in a speech before the Armed Forces Management Association Conference, put it this way, and I quote:

> The hard truth is this: Our past and present methods of acquiring weapons have lost us the confidence of the public and are threatening our country's future security. Unless we change our practices drastically, our future ability to deter war and to fight can be seriously jeopardized.

Mr. Chairman, I am as concerned as Dr. Foster that we regain the public confidence and that we do not jeopardize our future ability to deter war. The amendment that is being offered today would help to insure the changes in procurement practices which Dr. Foster feels we so drastically need.

There is really little that is new in this amendment. The program status reports system and GAO audits called for in this amendment are already operational. This system was established earlier this year at the request of the Senate Armed Services Preparedness Subcommittee, and the quarterly reports on some 34 major acquisition programs are being made to the House and Senate committees concerned with defense. This amendment would simply require as a matter of law that this reporting system be conducted on a continuing basis and that the reports be made available to all Members of Congress. In addition, it gives the Comptroller General the subpena power, something which he has personally pleaded for and something which the Congress has already granted to 40 some executive agencies.

Mr. Chairman, I do not think it will be necessary for me to deal at length on the need for the reporting system envisaged in this amendment; that need has been amply attested to by the fact that the system has already been established at the request of Senator STENNIS, the distinguished chairman of the Senate Armed Services Committee. It was recognized, after the disclosures of huge cost overruns in certain major weapons programs, that the Congress is not adequately equipped to exercise proper control over the programs it has authorized. We had no systematic means of identifying contract abuses at an early stage. We consequently learned of cost overruns and other abuses, too late to correct them.

The program status reporting system goes to the heart of the problem by requiring quarterly reports from the Secretary of Defense, on the status of major acquisition programs. These reports will alert the Congress as to any changes from the original plan in terms of cost, performance, or schedule. And the General Accounting Office, as an arm of the Congress, will conduct its own audits on both the reporting system, and on those programs which do begin to deviate from the original plan.

Mr. Chairman, I think it is significant to note that the improvements which have been made in this amendment over its counterpart in the other body have the endorsement of both the Comptroller General and the Secretary of Defense. In a letter dated September 27, from Deputy Defense Secretary David Packard, on behalf of himself and Secretary Laird, the following comment is made:

> Secretary Laird and I believe the proposed changes, particularly the notion of reports to Congress on a program rather than a contract basis, which you are considering to the Schweiker amendment, are clearly beneficial and improve that amendment substantially.

And Comptroller General Elmer Staats has also endorsed these changes in a letter to me dated September 30, and I quote:

> "We visualize no problems arising from your proposed changes in the Schweiker amendment. We especially favor your proposed change from "major contract" to a broader concept. In this connection we note that under the amendment intended to be proposed to H.R. 14000 by Congressman Whalen, the term "major acquisition program" is used, which we favor in lieu of "major contracts".

Mr. Chairman, the improvements which have been made in the language of this amendment bring it more into line with the existing reporting system and makes it more suited to the needs and requirements of the committees, the GAO, and the Department of Defense.

The only concern expressed by the Comptroller General and the Secretary of Defense in their letters, is that legislation at this time might prohibit the flexibility that is needed to improve upon the reporting system and make it fully responsive to the needs of the Congress.

Mr. Chairman, let me allay that concern by pointing to the fact that flexibility is a built-in feature of this amendment. This amendment will in no way interfere with attempts to improve the reporting system.

The fact of the matter is, this amendment both encourages and requires an ongoing review of the reporting system with a view to improving it. This amendment in no way prescribes in detail the form and content of the reporting system other than to require the inclusion of current information on cost, performance and schedule. You will note that section 505(a) leaves it to the Secretary of Defense, in cooperation with the Comptroller General to develop the reporting system. Section 505(e) requires that the Comptroller General conduct an audit on the reporting system and report to the Congress at least once a year as to its adequacy and make recommendations for its improvement.

Another flexible feature of this amendment is that it does not prescribe criteria for which major acquisition programs shall be reported on. Instead, this is left to the Secretary of Defense in consultation with the Comptroller General and the chairmen of the Armed Services Committees and Defense Appropriations Subcommittees of the House and Senate. This provision is contained in section 505(c) of the amendment and thus insures that the reporting system will always be fully responsive to the needs of the committees.

The passage of this amendment will therefore in no way hinder the Secretary of Defense, the Comptroller General, or the respective committees in their attempts to arrive at a responsive and responsible reporting system. Quite to the contrary, it will, by the force of law, insure the perpetuation of a systematic and flexible reporting system for the benefit of the entire Congress and the American people.

Mr. Chairman, I urge adoption of this amendment because I think it offers the only fiscally sound approach to dealing with the problems of procurement which we have encountered. We owe this both to ourselves and the American taxpayer who deserves a dollar's worth of defense for every tax dollar allocated to defense.

Mr. OTTINGER. Mr. Chairman, I am very pleased to be joining with our distinguished colleague from Illinois (Mr. ANDERSON) and others, in amending the fiscal year 1970 military procurement bill, to provide for a standard auditing and congressional reporting system on major defense contracts.

Defense spending accounts for 41 percent, or about $80 billion, of our national budget and military expenditures have increased $37 billion over the past 10 years. Yet, there is a very disturbing lack of accurate and current military procurement information which is available to us in the Congress.

There has been considerable discussion and, I believe, misunderstanding over the provision of this amendment which grants the Comptroller General with subpena power. Some claim that the present "examination of records" clause contained in all negotiated contracts, as required by the Armed Services Procurement Act, is sufficient. However, the simple fact of the matter is that this often involves time consuming litigation. As the Comptroller General himself stated only a little over 2 weeks ago in testimony before the Senate Government Operations Subcommittee on Executive Reorganization:

> Experience indicates that several years' loss of time and much effort on our part and on the part of the Department of Justice were required to settle a dispute of this kind in the courts.

If the audits of the Comptroller General are to have any effect in correcting contract abuses before they get out of hand, then time is an essential factor.

I am aware of the September 12, 1969, letter from Comptroller General Elmer Staats to Chairman RIVERS but I believe he fully clarified the GAO's position in testifying before the Senate subcommittee 4 days later:

> We could avoid the loss of much time if the Congress were to grant to the Comptroller General the authority to compel by judicially enforceable subpoena the production of those books, accounts and other contractor records covered under the examination of records.

In addition, Mr. Chairman, by granting the GAO subpena power, the hand of Defense Department contracting and procurement officials would be strengthened. The prospective contractor would be on notice that his records would be susceptible to the scrutiny of the Comptroller General and the Congress, without his being able to employ delaying

XUM

tactics. The mere fact of the existence of subpena power will, without its exercise, have a salutary effect on contractor practices.

We must also realize, Mr. Chairman, that the Congress has granted the power of subpena—the power to secure records—to over 40 executive agencies, including the Civil Aeronautics Board, the Federal Communications Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Securities and Exchange Commission, the Small Business Administration, the Departments of Defense, Agriculture, and Labor, the Federal Deposit Insurance Corporation, the National Labor Relations Board, and the Internal Revenue Service. Nevertheless, we deny this basic investigative tool to the one major arm of the Congress—the one agency totally independent of the executive branch. By denying the subpena to the GAO, we are certainly limiting its effectiveness.

I believe the outstanding performance of our present and past Comptrollers General should allay any fears that the subpena powers will be abused. In discussing the matter before the Senate committee last month, Mr. Staats noted:

> I would not even imply that we would have to use it a great deal, but instead of having a controversy with respect to records being so long and go on for literally months, I feel that having this authority available to us would make it easier to come into agreement with the contractors on what records should be made available to us.

It seems perfectly clear to me, Mr. Chairman, that the GAO must have the power of subpena in order to effectively fulfill its duties. The Congress has given the GAO a mandate to account for defense spending and we must also provide it with the authority—the muscle if you will—to back it up.

Mr. FRIEDEL. Mr. Chairman, I am glad to note the amendment to H.R. 14000, title V, section 502 eliminating the authority for the Committee on Armed Services to utilize personnel on a loan basis from any Government agency. Under the Rules of the House of Representatives and present law, approval for the loan of personnel from any Government agency is vested in the Committee on House Administration.

In the rules of the House, rule XI, paragraph 29(e), page 370, it is stated:

> No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on House Administration.

In connection with the jurisdiction of the House Administration Committee over committee personnel, rule XI, paragraph 9(c), page 339, gives jurisdiction to the House Administration Committee by stating: "Employment of persons by the House, including clerks for Members and committees."

Title 2, United States Code, section 72 (f) states:

> No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, as the case may be.

The basic purpose in vesting authority for the approval of loan personnel from Government agencies in the Committee on House Administration is to recognize officially for recordkeeping and financial purposes an appropriate connection between the person on loan and the committee utilizing his services. Should the person on loan incur any expenses in carrying out his duties with the committee, he would be eligible for reimbursement of such expenses only if employed officially by the committee. When the Committee on House Administration approves loan personnel, all affected House departments are notified.

I wish to emphasize that the House Administration Committee has approved requests from committees for the loan of personnel with a minimum of delay. I cannot recall a single instance where a request has been delayed. This policy of expeditious approval is expected to continue.

The CHAIRMAN. Do any of the Members whose names the Chair has read care to speak to the substitute amendment offered by the gentleman from Illinois (Mr. ANDERSON)?

Mr. TAFT. Mr. Chairman, I wish to speak to the substitute and to the original amendment offered by the gentleman from Indiana.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. TAFT).

Mr. TAFT. Mr. Chairman, it was said earlier today that none of the major defense contractors opposes these provisions.

I have a telegram from one of the most important and responsible defense contractors, which I should like to read in part. It states:

> I respectfully request that during the House consideration of the Defense authorization bill you consider rejecting the Proxmire and Schweiker floor amendment to the Senate Defense authorization bill. * * * In view of their complexity, it would be preferable that they be handled by the Government Procurement Commission just recently authorized by H.R. 474. The burdensome reporting requirements * * * are unnecessary in view of present reports and restrictions. Competition in bids and proposals and growth in technology will be stifled by the arbitrary limitations of money for such purposes contained in this amendment.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The Chair would again inquire as to whether any Member would like to speak on the substitute amendment offered by the gentleman from Illinois (Mr. ANDERSON)?

The Chair recognizes the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. I thank the Chairman.

Mr. Chairman, I yield to my colleague from Ohio (Mr. TAFT).

Mr. TAFT. I thank the gentleman for yielding.

The telegram goes on to say:

> The studies called for unduly emphasize one aspect of the contract without consideration of others. In light of the present powers of audit and supervision, the sections are unnecessary.

I go on to point out that obviously it would be a futile exercise if we passed the amendment of the gentleman from Indiana (Mr. JACOBS) and the amendment of the gentleman from Illinois (Mr. ANDERSON). It is going to conference, anyway. I hope they can come out of the conference with a workable provision.

Members should vote against both these amendments, and the Senate provision will go to conference and, hopefully, we will get a reasonable substitute that will work and provide any needed protection.

The CHAIRMAN. Does any other Member desire to speak on the substitute amendment offered by the gentleman from Illinois (Mr. ANDERSON).

The Chair recognizes the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, I heartily support the substitute amendment offered by the gentleman from Illinois (Mr. ANDERSON). It is a good amendment.

If there is any idea whose time has come, it is to provide responsibility to the taxpayers for our defense expenditures. Certainly I, as one Congressman, would like to know how 40 percent of our entire national budget is being spent.

Mr. Chairman, as a new Member of this body and a nonmember of the committee, I rise with some temerity, but the amendment proposed by the distinguished Member from Illinois is a good amendment.

Different from other amendments proposed so far in this debate, it is a "responsibility to the taxpayers" amendment and was passed by the other body under the sponsorship of my predecessor and your former colleague and member of the Armed Services Committee, DICK SCHWEIKER.

It does not strike at programs proposed by the committee. Rather, it is a matter of giving us in Congress the tools to exercise our prerogative of oversight of defense programs. This is demanded by the taxpayer.

In recent months it has become increasingly clear not only that billions of extra dollars are being wasted in defense procurement, but also that Congress learns of this after the fact and does not have the tools to exercise its oversight to assure the American taxpayer that his dollar is well spent.

We have witnessed estimated overruns of $2 billion for the C–5A transport plane, $4 billion in the Minuteman contract, and many others. It is appalling with how little information we make key spending decisions.

Under the provisions of this amendment, the Department of Defense would be required to provide the Congress with quarterly reports on the cost, performance and schedule for major acquisition programs. The Comptroller General would be given the necessary authority to audit the reporting system established by the Secretary of Defense and would report his findings annually to the Congress.

We are told that the proposed reporting and auditing system is unnecessary because the Department of Defense is already providing this kind of information and the distinguished chairman has received a letter from the Comptroller General indicating his current ability to perform this function. There are, however, three significant differences between the amendment and the proposal made to the distinguished chairman by the Comptroller General.

First, by enacting the amendment we can assure continuation of the review and auditing of major acquisition programs. Under the existing informal arrangement, nothing assures us that this will not be discontinued once the current tumult and shouting dies.

Second, the amendment calls for a reporting program by the Secretary of Defense in cooperation with the Comptroller General. The present informal arrangement leaves the matter entirely up to the Secretary of Defense and Congress' own agent, the Comptroller General, has no real authority.

Third, the amendment provides that information on major acquisition programs be provided not just to committees, but to all Congressmen. Should we not require this by statute on what amounts to 40 percent of our entire national budget?

We also hear that the Comptroller General should not be given the power of subpena to audit defense contracts effectively. If that is the case, why have a General Accounting Office? The GAO was established for this very purpose—to enable the Congress to fulfill its responsibilities as fiscal watchdog over the executive departments and agencies. We give the subpena power to almost every other agency, why not to our own agent, the GAO?

Mr. Chairman, if ever there was an idea whose time has come, it is this proposal to establish a reporting and auditing system which would enforce fiscal responsibility in defense procurement. With the evidence of recent events, is there anyone who doubts the need for immediate action?

The Secretary of Defense has recognized the need in the terms of reference established for the so-called blue ribbon commission inquiry into the Defense Department. And we in the Congress are taking steps to establish a commission for the purpose of looking into the whole question of Government procurement.

But we cannot wait upon the reports of these commissions. Where the need for action is so clear and present, as in the case of defense procurement, we must act without further delay.

We are all concerned with providing the essential requirements for national security. By adopting this amendment, we can serve this end by insuring that the moneys authorized and appropriated for defense purposes are utilized in the most efficient manner possible.

The reporting and auditing system required by this amendment can go far to enforce better management in the development and procurement of major weapons systems. Through better management, substantial cost reductions can be achieved, thus freeing resources for other essential purposes.

The amendment provides that cost, performance and scheduling information on major acquisition programs be provided not just to committees, but to all Congressmen. I, for one, would like the right to know how 40 percent of our entire national budget is being spent.

Mr. KEITH. Mr. Chairman, I rise in support of the Anderson of Illinois substitute.

Mr. MELCHER. Mr. Chairman, I have voted on the teller vote, Mr. Chairman, with the minority which wished to limit expenditures on anti-ballistic-missile weaponry to research, development and procurement, eliminating funds for use of this terrible weapon at this time.

I believe that we must do research and development work on any system of weapons which potential enemies are developing; we must always match or exceed them in knowledge about weapons systems, even though we forgo immediate deployment for use in the interests of encouraging disarmament, or a termination of the arms race. We cannot at anytime forgo the acquisition of the knowledge necessary to match any weapons system which might be turned upon us.

In the Senate, where this matter was thoroughly and extensively debated, a proposal to terminate all activity in relation to the ABM—research, development, procurement and deployment—was defeated by a one-sided vote of 89 to 11.

An amendment to limit work on the ABM to research, development and procurement, without deployment, was defeated by a very close vote of just 51 to 49. Many Senators took the position which I support: the development of necessary knowledge and know-how must go on. Actual deployment for use should not proceed at this time.

If the motion to recommit this bill to committee takes the form of a motion to eliminate all work on ABM—research and development included, then I shall have to vote against it, Mr. Chairman.

This Nation cannot forgo the acquisition of the knowledge necessary to match any opponent's weapons. To do so would undermine the basic concepts of a sound defense policy.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Illinois (Mr. ANDERSON) for the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The question was taken; and on a division (demanded by Mr. ANDERSON of Illinois) there were—ayes 70, noes 77.

Mr. ANDERSON of Illinois. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. ANDERSON of Illinois, and Mr. RIVERS.

The Committee again divided, and the tellers reported that there were ayes 97, noes 100.

So the substitute amendment was rejected.

The CHAIRMAN. The Chair recognizes, to continue the debate on the amendment offered by the gentleman from Indiana (Mr. JACOBS), the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Chairman, I simply want to call to the attention of the Members of the House one sentence in title V commencing on line 13:

> Any Government agency shall furnish any information requested by either Committee on Armed Services with respect to the activities or responsibilities of that agency in the field of national security.

Mr. Chairman, I think the House would be very foolish to leave that sentence in, and I am simply mentioning it because someplace along the line I want to get that sentence out because our national security has to do with the CIA, with the FBI, espionage, sabotage, and all national security. We would not want to make that information available.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I am for the amendment offered by the gentleman from Indiana (Mr. JACOBS).

I should like also to say that I have voted for every military authorization of this type that has come up in my time in the Congress. But I am forced to vote against this one and one of the reasons for that is the procedure that has been adopted here.

When I first came to the Congress, one of the first things I heard was the Speaker asking a person who was moving to recommit a bill to the committee with instructions: Are you against the bill? The gentleman said, "I am against it."

I have thought when a man said he was against a bill he was expected to tell the truth.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, I suspect the Committee is going to rule today that the "proper study of mankind" is not defense profits.

But I urge you, since this matter will go to conference, at least to vote for this amendment. Of course, the motion to strike will probably carry but at least vote for this amendment so that when this matter does go to conference we can tell the United States of America whom we represent that when it comes to Government business, everybody's business is everybody's business rather than the assumption so callously made by so many people in this land that everybody's businss is nobody's business.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Indiana (Mr. JACOBS).

Mr. Chairman, I want the closest possible scrutiny of defense contracts. I have not forgotten the TFX aircraft scandal. I have not forgotten that the Comptroller General testified under oath before the Senate investigating committee that he could not obtain the information from Secretary of Defense McNamara that might have saved the taxpayers of this country hundreds of millions of dollars.

Mr. Chairman, I rise in support of the amendment and against the motion to strike title V.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Chairman, you have heard a lot of misinformation on this amendment.

If you want to have a ton of trouble, go ahead and vote for it. I never heard anybody so wrong as my dear friend, the gentleman from Iowa.

The General Accounting Office does not want this thing.

We have many who want to dip into the defense contractors. We tried to strike out this section because we do not want to get in something that we could not be sure of.

We will try to work out something in conference. But irrespective of the fact that the other body had a vote on this of 85 to 0, you will not see me standing up and voting for something that I fear will bring everlasting consternation and confusion to the Government.

Mr. RYAN. Mr. Chairman, I support the amendment to authorize the General Accounting Office to make a study of profits made by contractors on Army, Navy, Air Force, and Coast Guard contracts. It would also include profits made on NASA and AEC contracts which fall under Department of Defense requirements.

The results of the study would be presented to the Congress at the soonest possible date, but it could not be submitted any later than December 31, 1970.

The amendment would provide the General Accounting Office with subpena power. This study would be conducted on a selective basis in an attempt to get a representative group of companies that do business with the Defense Department.

There is a great need for an objective and comprehensive study of the profits made by defense contractors. In the past there have been studies, but they have come up with differing figures. One study, supported by the Defense Department, indicated that the profits are low. Another study, however, made by the recently appointed Assistant Secretary of the Treasury, has indicated that profits were at an industry average of 155 percent.

This amendment has been widely supported. It has been given the endorsement of the Comptroller General.

In addition, a similar amendment, which was introduced by Senator PROXMIRE, was given the support of Senate Armed Services Committee Chairman JOHN STENNIS. It passed the Senate by an 85 to 0 vote.

Mr. Chairman, I am a sponsor of H.R. 11762, which would provide for annual reports to the Congress by the Comptroller General on each Government contract in which the price was increased by 10 percent in excess of the original estimate or which was delayed in completion by more than 6 months beyond the estimated completion date.

It is time for Congress to assert its authority over military contracts in order to attempt to reduce costly overruns and slippages in schedules.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

Mr. FRASER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. JACOBS and Mr. RIVERS.

The Committee divided, and the tellers reported that there were—ayes 89, noes 109.

So the amendment was rejected.

PERFECTING AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Amendment offered by Mr. RYAN: On page 16, after the period on line 13, strike out the remainder of line 13 and lines 14 through 25, and on page 17, strike out lines 1 through 13.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. RYAN. Mr. Chairman, I find it most strange and curious that the committee has advocated deleting that part of section 501 which requires the Department of Defense to keep the Senate and House Committees on Armed Services fully and currently informed with respect to the Department's activities. What my amendment does is to restore that language. The committee must have had a reason for including it. There must have been a necessity or it would not have been here. I know from experience the lengths that some executive agencies will go to avoid responding to congressional committees. To strike out the language which makes it clear that the Department of Defense must be responsive to Congress is to deny Congress a means to exercise its responsibility and to require the disclosure of information which might otherwise be withheld. It is a very strange position, it seems to me, for the sponsor of the amendment to take. I am sure there will be rejoicing in the Pentagon if his amendment to strike section 501 is adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was rejected.

The CHAIRMAN. Are there any further amendments to title V?

The question is on the motion to strike offered by the gentlemen from New York (Mr. STRATTON).

The motion was agreed to.

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 17, immediately after line 13 insert the following:

"TITLE V.

"LIMITATION ON APPROPRIATIONS

"SEC. 501. Notwithstanding any other provision of this Act, the aggregate amount which may be appropriated under this Act may not exceed $19,213,074,000."

Mr. OTTINGER. Mr. Chairman, we are coming to the end of this debate. I am pleased to be the anchorman for those who think the authorization in this bill should be cut.

Those of us who feel very strongly as a matter of national priorities that some thing has to be cut in this bill to appropriate funds for the military procurement have tried to do it in the way the experts have told us would be the wise way—to become informed upon the individual items of this bill and to try to strike them one by one or to cut from them. We have experienced that we have not been able to cut one penny from the bill that way—from the ABM, or the shipbuilding that was added by the Armed Services Committee, or the C–5A, or the Cobra, or the AWAC, or the SRAM or the advanced manned strategic bomber, or the manpower limitations under this bill. We even incredibly failed to get a better system of accounting so that we could better avoid waste within the Defense Department.

But this still leaves us at the bottom line with that gnawing question of priorities, as to whether we should really be spending about $80 billion on the Defense Department, some 41 percent of our budget, some 60 percent of the free funds within our budget.

Defense appropriations now amount to 250 times what we spend to alleviate hunger within the United States. They amount to almost five times what we spend in its entirety on health and education and welfare within this country.

We are told we have to authorize all this money for defense as a matter of national security. There are many of us who believe that the national security is more threatened by internal explosion within this country than it is from any external invasion.

We are told that if we do not give the military everything it wants, there are not going to be any cities left for us to rebuild and there are not going to be any children left for us to educate. I believe that statement can just as well be turned around to say that if we do not do something for the cities of this country and if we do not do something for the impoverished who suffer amidst plenty in this country, there are not going to be any cities left for the military to defend. How quickly we forget the lessons of Watts and Newark and Detroit and the other cities that were devastated last year.

We have just experienced in these past weeks severe cuts in the model cities program, in the neighborhood development program, in health research, in education, in libraries, and in the Job Corps and other poverty and employment programs.

This very morning we read that the internationally acclaimed heart attack study in Framingham, Mass., which could save the life of any one of us here is having to be discontinued because of lack of funds.

This amendment would cut 10 percent from the funds authorized by the committee. It seeks to restore at least some sanity to the overall budget priorities.

Congressional Quarterly estimated, after a thorough examination of our defense expenditures, that $10.8 billion could be cut from our defense budget without impairing our defense.

The Brookings Institute, after similar thorough research and study, concluded even more could be cut, down to $50 billion or $60 billion.

This amendment would cut a mere $2.1 billion from our budget. We have spent since World War II $19 billion on missiles that were never put into place because they were either obsolete or did not work by the time they were to be deployed.

You will never convince me we cannot save 10 percent on this budget, $2.1 billion, and still have an adequate defense.

In the past Congress there were many motions offered by the gentlemen on the other side of the aisle to cut 10 percent from various budgets in the Congress. I was privileged to support some of them in areas where I thought the expenditure was wasteful and inflated. Some succeeded.

I submit, in the name of economy, to fight inflation, to permit sensible priorities, you should support this amendment.

There is no place within the budget where more waste has been disclosed than in the defense budget, from the C–5A to the B–70 bomber and 100 different places. The history of military procurement is replete with examples of huge cost overruns, payment of exaggerated prices and profits, and procurement of unused and unusable equipment. The $2.1 billion could probably be squeezed out of waste alone.

But there is another reason to support this amendment—to fight inflation. The greatest single cause of inflation is exaggerated Federal spending, and the greatest bulge in Federal spending is in the military.

Indeed, if the President delivers on his promises to end the Vietnam war this year, this cut may not be nearly deep enough. The savings on the $25 to $30 billion a year we are spending in Vietnam would surely produce more than this $2.1 billion cut.

I urge support of the amendment.

Mr. RIVERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is always easy to say that the military is wasteful. They cannot talk back. Hit them with a meat ax. We do not need them until the bands begin to play.

As Churchill liked to quote:

God and the soldier we adore,
In time of crisis, not before;
Crisis past and all things righted,
God is forgotten and the soldier slighted.

Mr. Chairman, this amendment should be defeated.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, I think we have had enough debate on the amendment offered by the gentleman from New York (Mr. OTTINGER). We have now been engaged on this bill for 3 days. There has been extended debate on all of these items. The House has worked its will on the numerical figures, and I do not believe we can really attempt to try to do now what we did not do earlier, and I ask for an immediate vote on the pending amendment.

Mr. ARENDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York (Mr. OTTINGER).

I shall not take much time, due to the lateness of the hour, but I have something on my heart which I think I must say at this particular time.

Mr. Chairman, most of us who serve in the Congress, and I think the vast majority of the American people, are very much distressed that there are those in high places on both sides of the political aisle who would seek to advance their own political ambitions at the expense of our country's international status.

I am sure that most of us deplore the unjustified criticism being made of our President's efforts to bring the Vietnam war to an honorable settlement. Last week former Secretary of State Dean Acheson, a distinguished Democrat, in a speech here in Washington before the Women's Democratic Club lamented the growing criticism of our President's efforts and our apparent decline in unity. He urged support for the President and not criticism for every step he is taking to end this unfortunate conflict. In saying what he did, Secretary Acheson proved himself a true patriot who places country above party.

Surely we are not unmindful that under our Constitution the President of the United States has primary responsibility for the conduct of foreign relations. In the Truman administration the then Republican Senator from Michigan and chairman of the Foreign Relations Committee in the 80th Congress, Senator Vandenburg, established the principle followed by the Congress that "politics ended at the water's edge." This should continue to be our policy.

President Nixon is the President of all the people. He, no less than anyone else, strives for an end to the Vietnam war. The surest and quickest way to achieve an honorable settlement of this unfortunate war is to unite behind him in his efforts. Those who criticize his efforts, be they Democrats or be they Republicans are merely obstructing the realization of a final settlement. Those who advocate a fixed date for the complete withdrawal of our troops are actually advocating a surrender date. They advocate "cut and run," bug out, or call it what you will.

We daily look for some sign or signal from Hanoi to show the way for a settlement. To even the most anemic signs or signals we have affirmatively responded, but without a comparable response from Hanoi.

Those who persist in criticizing our President's efforts and who persist in a specific plan for our withdrawal are simply saying, unwittingly or not, to Hanoi that there is no need to negotiate—in due course the United States will capitulate. This we must never do. At no time in our history has this great country of ours, set upon an honorable course, hauled down its flag and surrendered.

Gentlemen—stop, look, and listen. Your country's future is at stake.

Mr. BOB WILSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, during this worthwhile and enlightening debate, we have heard numerous references to the importance of maintaining a strong industrial base, both for military security and to insure our Nation's continued prosperity. We have heard references to the necessity of taking advantage of modern technology in today's building programs. In this body, we are aware of the great technological strides being made by science and industry in the fields of propulsion, not only in space but on land and sea. Some of the technology which made it possible for man to explore the moon can be used by man on the earth. Some of the industrial planning for space achievement can be applied to one of the most difficult and practical problems facing the Nation: How to revitalize and rebuild our merchant marine. It is quite obvious if military craft, capable of skimming the earth's surface at 100 knots, can be built and utilized, those same craft will have commercial application.

I am told that the technology now exists to build air cushion vehicles capable of speeds up to 100 knots. Air cushion ships of comparatively short range are now in use commercially in Europe. I am told these ships could go great distances across the oceans and that they would have vast commercial, as well as military potential.

In this connection, I was most interested in Resolution 370, which was passed by the Veterans of Foreign Wars of the United States at their 70th national convention.

The resolution states:

MOON TECHNOLOGY FOR A NEW AGE OF CLIPPER SHIPS

Whereas, the Veterans of Foreign Wars is deeply concerned with the dwindling strength of the American Merchant Marine; and

Whereas, this fleet is a vital component of the nation's defense force, as well as a vital factor in America's trade and balance of payments position; and

Whereas, efforts to rebuild the Merchant Marine in recent years have been plagued by mounting costs, foreign competition and limited federal subsidies; now, therefore,

Be it resolved, by the 70th National Convention of the Veterans of Foreign Wars of the United States, that we take the lead in urging radical steps to apply the new technology of the Moon Age to a new fleet of clipper ships that can recapture the eminence on the sea that was the mark of this nation's rise to global leadership; and

Be it further resolved, that United States Navy and private shipbuilding interests be encouraged and directed to explore the feasibility of air-cushion ships and other radical designs that can move vessels at speeds up to 100 miles an hour, and engage in intensified research into nuclear power and other revolutionary forms of propulsion for both ships of war and merchantmen. A point in history is that when the war ships and merchantmen that won World War II have reached obsolescence the time has come to encourage new ideas.

I commend the VFW and their leadership for looking beyond today's horizons; both for our military security and our economic prosperity.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The amendment was rejected.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

I am merely going to take a moment or two to make clear what will happen to the motion to recommit. It appears that our fears were well founded. The minority leader has found someone who, though having voted for the bill, will make the motion to recommit and that will be, as we understand it, as we have been told, to strike all the procurement money and all the research and development money for the ABM.

I just want to say this: When the motion is made to order the previous question, I hope that those who do not think that this is the right procedure will vote "no" as well as those who would like to have an opportunity to vote on the question of whether or not there should be a reduction in the overall authorization.

If the previous question is voted down, then there will be a motion made to amend by way of a substitute to provide, instead, for a recommit with instructions to reduce the total authorization by 10 percent.

So I urge this body to consider carefully what has happened with respect to this motion to recommit, and I urge this body to make clear that the procedure that is being followed in this regard is not really in accord with the spirit of the rules. The recommit motion is not being formulated by a person who has expressed his opposition to the bill by his vote in the committee but, instead, by the minority leader by his own admission. This is the position of the minority leader, who favors the bill and favors the ABM while he has gone around carrying in his hand the recommit motion. So the choice would be between a sham in the sense that the ABM position put forward is not really anybody's point of view, and we can either go for that, or we can go for a realistic, honest chance to express our views on the question of whether there should not be a modest reduction of 10 percent in the total authorization in order to help fight inflation, to effect some economy, and to try to get some of our national priorities reordered.

Mr. COLLIER. Mr. Chairman, I move to strike the requisite number of words. As long as the gentleman from Minnesota took the well at this time and imposed upon the time of the body at this late hour, I think it is apropos that I allude to a statement that he made earlier today, which I believe demands a response. Earlier he bemoaned the transgression upon academic freedom because of a provision in this bill which is discretionary as it deals with the award of our R. & D. contracts to colleges and universities.

As is so often the case, it was again a matter of interpreting academic freedom on a one-way street basis. As I recall the gentleman's words, he said that provision was the most flagrant attack upon academic freedom included in any bill that has come before this House in the time he has been here.

But I would remind the gentleman from Minnesota, that where any college or university by an arbitrary action of a board, frequently prompted by coercion, deprives any young man of the right to benefit from the Reserve officer training program, it constitutes an attack upon his academic freedom. The ROTC program over the years has been successful and we should be thankful we had it before the last two wars. Since it is a voluntary program, authorized by Federal law, depriving any young man of his choice to avail himself of the benefits of it, is an arbitrary denial of his academic freedom. And I repeat that academic freedom is meaningful only if it is a two-way street.

Mr. WAGGONNER. Mr. Chairman, I move to strike the last word.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, I think one thing should be explained to this House. A moment ago the gentleman from Minnesota, if I understood him correctly, stated the individual who would make the motion to recommit voted for the bill out of committee.

May I simply inform the House he did no such thing. I happened to have his proxy. Without his instructing me one way or the other, I voted his proxy, because like many other dedicated Members of the House, I thought the bill should come to the House for consideration.

That ought to set the record straight.

Mr. WAGGONNER. Mr. Chairman, we are at the close of this debate, and I want to urge the Members to vote "aye" on the previous question.

Mr. Chairman, during the course of these 3 days we have had amendment after amendment offered to strike and to take from this procurement bill money for every weapon that the Department of Defense has in every branch of our military service. There might be some argument for reducing the number of weapons we have in our Defense Department, but is there a logical excuse for denying the people of this country a defense weapon such as the ABM system?

First, they wanted to strike procurement money, and now they want to strike ABM, purely defense money. I personally think the motion to recommit is a logical motion, because, as the distinguished minority leader has said, once and for all we will have the opportunity to make a decision whether or not the U.S. Congress favors or opposes an ABM system; not whether we favor research money, not whether we favor deployment money, but whether we can have our cake and eat it too. So we are going to get the chance to vote for or against, in a clear-cut way, on the question of the ABM system. I am going to vote against the motion to recommit, because I am for that ABM system.

Mr. LOWENSTEIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, many of us have sat through this debate in increasing sadness and disbelief.

We are dealing with huge sums of money, with the security of the country, with the future of the planet. All of us were elected to deal with these matters by similar numbers of citizens, in procedures designed to give an effective voice to the voters and to gain respect for representative government as the way that a free people should conduct their business.

I am sorry the debate has been punctuated by explosions of personal animus among Members, for I am one of those who has come to have great respect and affection for all the Members involved, including the chairman of the Armed Services Committee, who has always treated me with consideration and fairness.

It is my view that what has been wrong during these past few days is what is wrong generally with the way the House operates, and that is not something that can be blamed on individuals or cured by expressions of personal hostility. The fault is in the way we view ourselves, the way we take our responsibilities. This ought to be a place of high debate. There ought to be a clear record of how elected representatives voted on great issues. The proceedings ought to be relevant to the pulse of the Nation, ought to reflect some of the mood and concern of the world around us. Sometimes these things happen here, but more often they do not. I love this place. To be elected to it is as high an honor as I expect to attain. But we demean this place—and ourselves—when we allow procedural tricks to throttle debate on the greatest issues facing the country and to prevent our votes being recorded on these questions. I think it is fair to say that for many Members the last few days have reinforced the determination to begin soon to correct the rules that produce situations like the one we are in now.

Can anyone justify rules that make it impossible for us to have a record vote now on whether or not the ABM should be deployed? Does anyone think it adds to the prestige or effectiveness of the House of Representatives when we are literally not permitted to vote on proposals that are supported by half the Members of the United States Senate? Does it add to our prestige or effectiveness when men elected to represent millions of Americans are not allowed to speak at all, or are told to confine their remarks to 45 seconds?

What it does do when these things occur is to deny the House the opportunity to hear the views of millions of Americans in even remote proportion to their strength outside this House. So the House deludes itself that it reflects the feelings of the public, and increasing numbers of citizens doubt that representative democracy is functioning in this country. This does little to weaken the efforts of those who prefer government by decree, or government by confrontation, for government by democratic legislative process.

We have heard speech after speech today supporting the national policy in Vietnam. But to conclude from these speeches that the American people are united behind this policy, one would have to be oblivious of what is going on in the country. I do not rise at this moment to discuss whether there should be unity behind this policy. I simply want to observe that we fool no one but ourselves when we allow this sort of discussion to create that sort of illusion.

Similarly it is not primarily the merits of deploying the ABM that are in question in this situation. What is in question is a procedure that says we cannot vote on deploying the ABM so the people who elected us will know where we stood on this issue. Can anyone suggest that

XUM

doing business this way will increase faith in, or respect for, either this House or the concept of representative democracy?

What, in fact, is wrong with letting the American people know where we stand? The ABM was an issue in many of our campaigns. We have a new Member from Massachusetts, just elected, and his opposition to deploying the ABM was a part of what he won. Can it be that the people who favor deploying the ABM are afraid of a rollcall, or because they are afraid of being on record for deployment when they come up for reelection? And in any case should their fears—whatever they may be—be determinative of our procedures?

Surely we can find ways to protect the public from this kind of transgression of democratic process, even if we do not respect ourselves enough to protect ourselves from it.

Too much that happens here simply reminds everyone that we are not conducting ourselves as we should, that we are not conducting the necessary business as this decade, this period of trauma for the American people, requires us to do. We have greater obligations than we have met by our behavior today, or during this session generally, for that matter. Everything in our rules and traditions that impedes the efficient operation of democratic process—everything in committees and on the floor, everything from minority rights and seniority to how we determine if a quorum is present and how we record what occurs—all these things ought to be reexamined and overhauled soon.

The House of Representatives need not continue in its present condition. It dare not. I hope that if nothing else constructive comes of all the frustration and irritation of the past few days, a greater incentive—and resolve—to revise our procedures will survive. That would be an important gain, much more useful than acrimonious personal attacks.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I yield to the gentleman from Kentucky.

Mr. CARTER. I would say at this time, with charity for all and malice toward none, now is the time for us to proceed with the business of the day and to have no more of the recrimination which we have had.

We have a great body here of distinguished people. Let us get down to our business. After all, we have work to do.

Mr. LOWENSTEIN. With all deference to the gentleman, I will conclude by saying I believe that was what I was trying to do.

I hope there will be a sense not of recrimination but of reexamination of procedures and tactics, so we can say to the country that those things democracy requires of an elected body are in fact possible here. Sometimes as one watches these procedures one wonders if they have been concocted primarily to shatter the illusions of those who study civics in school or to minimize the relevance of those who are elected to serve here.

Mr. O'NEILL of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I yield to the gentleman from Massachusetts.

Mr. O'NEILL of Massachusetts. I want to concur in the remarks of the gentleman from New York. In the last 2 days we heard the minority leader and we heard the minority whip quote Dean Acheson and ask us to keep the war out of politics.

We will be having a vote in a minute. Let us keep the vote out of politics. Let us have an opportunity to really vote on the real issue—not the issue of research and development but on the issue of the ABM. That is the issue. Let us take politics out of it. In the Senate the motion as proposed to us was defeated 87 to 12 but on the true issue, deployment of ABM, the vote was 51 to 49. This is the issue we should be voting on. The people are entitled to a vote on this matter.

Mr. DANIEL of Virginia. Mr. Chairman, section 402 relates to programs of the Department of Defense and the Armed Forces and the university community. It ties together the attitudes of colleges and universities and their record of cooperation with the Department of Defense and the Armed Forces in the areas of the Reserve Officer Training Corps and the military recruiting on the campus with contract and grants for research and development to the school and to individuals on the faculty and staff of that school. While it does not preclude a contract or grant, it requires a 60-day notice to the Congress before such an award can be made. In the report to the Congress, a full disclosure of the purposes, cost, and duration of such a contract or grant is required together with a summarization of the record of the school, college, or university with regard to cooperation on military matters such as the Reserve Officer Training Corps and military recruiting on its campus.

Included in the research and development request is approximately $291 million for research projects at universities. While the committee strongly believes that national security depends critically upon first rank science and technology, and, further, that certain skills both in basic and applied research is often found only at our Nation's universities, we also believe that when the scientific efforts are believed to be equal at several institutions, such research projects should be placed in universities which are cooperating fully with the Department of Defense in the national defense efforts.

The second major reason for including this reporting provision is to allow the Congress to ascertain the validity of such contracts and grants.

The amount authorized and funded for such research has been given on a lump-sum basis and Congress was never apprised until after the fact how such funds were spent. By the prior reporting, the Congress will be able to enter a more complete partnership arrangement concerning the direction and utilization of such funds for research and development purposes.

The committee is concerned about an overconcentration of research projects at any one school, college, or university. By requiring this type of report, it believes that it will pinpoint this issue, thus requiring Department of Defense personnel to face the problem of overconcentration. It will also furnish to the Congress sufficient information so that, if diversification is not achieved voluntarily by the military, Congress will possess sufficient information to consider legislation to achieve that goal.

There are 5,000 separate research and development contracts involving 260 universities and colleges. For practical purposes, the Congress knows nothing about them. The Congress is responsible for the funds for these contracts. This section requires that a greater amount of information be made available to the Congress before any additional contracts can be awarded.

Mr. BOLAND. Mr. Chairman, I voted yesterday for the amendment to strike the $345.5 million sought in this fiscal 1970 military authorization bill for President Nixon's Safeguard anti-ballistic-missile system.

The amendment, as you know, was defeated—defeated soundly in a vote that threatens national security rather than strengthens it. By rejecting yesterday's amendment the House has voted to make a downpayment on a $11 billion military weapons system whose workability is in doubt and whose escalatory impact in the arms race will be staggering. Even if the system will work—and mounting evidence indicates it will not—the Safeguard ABM would not provide meaningful protection for our land-based, fixed-site Minuteman ICBM silos. Studies have demonstrated that the Soviet Union could easily neutralize Safeguard ABM and overwhelm it—merely through the use of simple penetration aids. Nor would ABM protect us from a full scale Chinese missile attack.

The Safeguard ABM system is primarily intended to shield the U.S. land-based missile force against a Soviet attack. Yet there is no hard evidence from the White House—nor from the Pentagon, for that matter—that the Soviets would be able to challenge, destroy or seriously damage our diverse and dispersed nuclear retaliatory forces of Minuteman, Titan, and Polaris missiles and manned bombers in the next decade.

I am not opposed to continuing research and development on an anti-ballistic-missile system. The Pentagon will have a half billion dollars in fiscal year 1970 for the continuation of research, development, testing, and evaluation of the whole variety of defenses against a future missile attack on this country.

The $11 billion in taxpayers money we would save on the deployment of the Safeguard ABM system could be diverted to urgently needed domestic programs—programs for the poor, for the aged, for the burgeoning student population, for education, for our urban rebuilding and transportation programs, for water and air pollution abatement, for the health of our citizens and for a measure of relief for our overburdened middle-income taxpayers.

Mr. Chairman, I also support the amendments to delete $36 million in research and development funds for the

F-5 Freedom Fighter plane; to cut $86 million sought for Cobra helicopter procurement; to cut $17 million for research and development and $60.4 million for procurement in the SRAM air-ground strategic nuclear missile program—a program that lags 2 years behind schedule, that shows a cost overrun of 194 percent over the original estimate, and that has yet to produce a successful series of flight tests.

I support, moreover, the amendments to defer the $481 million requested for procurement of the fourth C-5A giant transport aircraft squadron; to defer $483 million earmarked for two more nuclear aircraft carriers; to delete $45 million for the new AWACS airborne radar system, $16 million for an improved CONUS interceptor, and $75 million for the new SAM-D missile.

Only through the diligent and persistent investigations by Members of Congress in the past year did the Nation become aware of the startling—indeed scandalous—Pentagon mismanagement, of lack-of management, in defense procurement programs—mismanagement that led to staggering cost-overruns for hardware and exorbitant profits by contractors.

I support the amendment that would require the Department of Defense to submit quarterly reports on major weapons systems and projects in research and development—or in production—the reports would be audited by the General Accounting Office and transmitted to the Congress. The GAO would be empowered to conduct independent audits of the projects and to subpena books which defense contractors have in the past refused to supply.

I support, still further, the amendment to require the General Accounting Office to provide the House and Senate Armed Services Committees by December 31, 1970, with a study of the profits made by contractors and subcontractors on negotiated contracts with the Department of Defense. This amendment also provides GAO with subpena power to obtain needed information.

And I support the very critical amendment seeking to establish a semiannual reporting procedure on expenditures and programs for chemical and biological warfare, and to prohibit development of delivery vehicles for lethal agents. This amendment would also prohibit secrecy in foreign and domestic shipping and storage of CBW material, thereby improving U.S. compliance with international treaty commitments; insure notice of open-air testing, and put a ceiling on stockpiles as of June 30, 1970.

Mr. HALPERN. Mr. Chairman, life in America is beset by problems today—rich and poor, it does not matter who or where you are. Crime, inflation, taxes, and pollution affect everyone. Indeed, there is a feeling Americans are being cheated despite our material affluence.

For what has happened is that while national wealth has increased, the lion's share of it has gone into fueling America's military machine, a staggering monolith that has come to have its own life—free of public approval or congressional review.

What this means is that we have allowed our tax dollar to be wasted on costly weapons systems that do not really increase America's defense, while our domestic needs wallow in perpetual fiscal crisis.

And if we have been guilty of procuring useless new weapons, the Military Establishment is also guilty of violating our trust—indulging in wasteful practices costing billions and allowing contractors to earn excessive profits.

Indeed, although the threat to our national security has not increased in recent years, and we continue to have the world's most powerful military machine, defense spending continues to escalate, while our real national priorities are ignored.

The latest Harris survey indicates that over half of the American people place defense expenditures on the bottom of their list of spending priorities. What Americans want is more money for job training, the fight to curb crime, medical care, improved schools and better housing, and the battle against pollution.

The facts are that, in fiscal 1970, health, education, and welfare spending totals only $3.2 billion, while the swollen defense budget is peaking $82 billion.

Social spending will equal about 1½ percent of the Federal budget. Defense, combined with the $16.5 billion interest for postwar debts, will account for over 60 percent of the budget.

So when Americans complain they are not getting their fair share of America's wealth, they need only look to the defense budget. For Congress recognized its commitment to help create a decent life at home, but we have allowed ourselves to be bled for wasteful armaments.

The gap between amounts Congress authorized and what was actually appropriated for domestic social programs this year totals some $6 billion. And it is estimated that over $30 billion would be needed to meet the full cost of domestic programs within the next 3 years.

However, the funds for combating crime, aiding education, and improving the environment have been absorbed by the military machine, with procurement rising $37 billion in a decade, to say nothing about the multibillion-dollar cost of fighting in Vietnam.

But let me make it very clear: criticizing military spending does not mean the United States should compromise its defenses. The fact is, our military superiority over the Soviet Union has reached the stage of overkill, and alleged stories of Russian buildups are pure fantasy, which if believed, could only lead us to escalating the arms race to doomsday proportions.

The U.S. Polaris nuclear submarine fleet is unmatched; we have three times as many ships as the Russians do; we have the only intercontinental bomber force, as well as numerous advanced strategic armament systems unknown to Communist Russia, and we have the world's largest Army, 3.5 million soldiers.

Is there any chance of our defenses being depleted or our security slackened? Obviously not, but there's an awful lot of waste, inefficiency and false assumptions in that defense budget that should be eliminated.

The review of defense spending should start with H.R. 14000, the $21.4 billion military research and development and procurement authorization before us.

What is involved is our efforts to assure more efficient and economical allocation of funds for defense programs that are essential to the national security. Probably about $10 billion is at stake.

We are also concerned about the post-Vietnam division of the $30 billion being spent on the war. The needs of the poor, the environment, and the oppressed taxpayer must be met. Yet defense industries are pressing for new weapons to avoid problems of economic conversion such as lower corporate earnings.

But behind the public debate at issue over defense spending is the nature of our future defense postures. From an isolationist fortress America to a global pax Americana—the administration is hard at work designing post-Vietnam foreign policies and assigning defense dollar costs to each, which could create defense budgets ranging from $35 to $115 billion for the 1970's.

If many of the dubious strategic systems incorporated into this hastily, ill-conceived procurement authorization before us are approved, ultimately they will cost the Nation billions and threaten to accelerate the nuclear arms race.

Mr. Chairman, I lend my support to prudent efforts to curtail the senseless escalation of America's military machine and the dangerous staging of global confrontations inherent in these unilateral, defense buildups.

Simply stated, the Defense Department has not presented Congress with sufficient rational explanations for why we should siphon off billions needed to meet the aspirations of Americans at home. The Safeguard ABM, the C-5A transport, the legally questionable chemical and biological warfare program; the reliability of the advance manned strategic aircraft; the credibility of the short-range attack missiles and the necessity of new naval buildups—all of them are vulnerable to the reasoning of sane men, suggesting that for too long, Congress has given the Pentagon carte blanche to do as it pleases.

If the problems plaguing us are going to be solved, then, I believe we better justify every tax dollar allocated for defense spending to the American taxpayer if we want to restore trust in the Defense Department, and more importantly, in the belief that we have the resources to secure the promise of America.

Mr. PREYER of North Carolina. Mr. Chairman, if there is one lesson we have learned well in this country, it is that the leaders of the Soviet Union respect military power and understand resolve. The Cuban missile crisis is the most recent example. We must keep our country strong, at whatever cost.

It also seems probable—even if it is not absolutely clear—that the Soviets are determined to destroy our American deterrent power. All signs indicate that this is why they are continuing the development of the SS-9 missile—to take out our ICBM's even in their hardened sites—their attack submarines—to take out our Polaris subs—their nuclear Polaris-type submarines—to catch air manned bombers on the ground. Thus, they could destroy the delivery systems of our three deterent systems—the ICBM, the Polaris submarine, and the B-52 bombers and we would be helpless, no matter how many nuclear bombs and missiles we might have. This frightening possibility—even probability—must be met. And this is why I am in favor of the deployment of the ABM system. It would serve to protect two of our three weapons systems—the ICBM and the B-52 bomber.

Thus, the immediate reason for the ABM—to make sure our deterrent power is invulnerable.

But there is a long range benefit that accrues from emphasizing the ABM: this is because of the role that purely defensive systems can play in a cutback in offensive nuclear weapon systems. Undefended offensive weapons invite a "hair-trigger" posture and lead to dangerous talk of "launch on warning" and "preemptive strikes." Defensive weapon systems on the contrary are a stabilizing influence; they do not constitute a threat of immediate destruction and so improve the chances for a negotiated arms agreement with the Soviet Union.

Finally, defensive weapons systems are in the humane American tradition. Their purpose is to save lives, not destroy lives. An emphasis on defense, rather than solely on offensive weapons, can help destroy the false image of America, as an aggressive "imperialistic" nation and make clear the true America that seeks peace—to all the world and to ourselves.

Mr. CONYERS. Mr. Chairman, I voted for every one of the amendments to reduce the 1970 military procurement authorization bill. I did not do so on a reflex basis, nor out of paranoid feeling toward the military-industrial complex. Rather, I did so because I found upon careful examination that each amendment could have been accepted without impairing our national security. Furthermore, I am convinced that some of the amendments, such as that offered by the gentleman from California (Mr. LEGGETT) to delay deployment of the Safeguard ABM, would have increased national security.

It is time to examine our long-held assumption that the road to safety and prosperity is paved with ever-increasing military appropriations. It is time to face up to the fact that our obsessions with communism and with the arms race have caused us grieviously to neglect our own people. It is time to acknowledge, and I say this with no personal rancor toward the chairmen of the military committees, that what is good for Charleston, S.C., for the State of Georgia, or for the State of Mississippi may be very bad for the country.

If I were to make a general criticism of the amendments offered to this bill, I would say they do not go nearly far enough. The state of our Nation requires that broader and deeper cuts be made in our military spending. In my view the bulk of our military establishment does not contribute to national security. Much of it exists to serve outmoded and discredited concepts of foreign policy. Much of the rest exists to serve nothing but itself.

If we were to examine our defense budget with the same zero-base attitude we attempt to apply to other Government programs, the results would be startling.

Why do we spend billions to prepare for further Vietnam-type wars, when the events of the past decade conclusively demonstrate that our national interest requires us not to win these wars but to steer clear of them? Why do we spend billions to prepare for naval warfare with the Soviet Union, when we know any such conflict would quickly escalate to global nuclear war and the fate of our fleet would be of no importance? Why do we spend billions to prepare for a major land war in Europe, when we know we will not risk nuclear conflict with the Soviet Union for anything less than a direct attack on our own soil? Why do we spend billions on deployment of air defense and missile defense, when at the present state of technological development we know these efforts to be futile?

We cannot go on this way. We must preserve national security, but we cannot afford military make-work projects. We cannot afford to rush mindlessly into a new strategic arms race that will increase international tension and with it the probability of nuclear war. And we cannot afford to continue to neglect the needs of our own society.

Let there be no doubt that these needs are urgent. Health, housing, education, employment—every one of these is a national disgrace.

The United States ranks first in military strength, but we are not even in the top 10 in life expectancy or infant survival. This is not because good food and medicine are not available; it is because many Americans simply cannot afford to pay for them. Infant mortality in the black ghettos is twice the national average. Life expectancy on the Indian reservations is 42. Twenty-five million Americans are presently unable to afford adequate diets.

Similarly, American education is fine—for those who can afford it. But a child born in an urban ghetto has only a 30-percent chance of graduating from high school, and if he graduates he will have only a 50-percent chance of having received what is normally considered an eighth grade education.

Unemployment in our ghettos, Indian reservations, and depressed rural areas now exceeds the national average sustained during the Great Depression, and it is going up. The Russians never tire of telling us how there is no unemployment in their country. There should not be any in ours either.

These problems can be cured, but not without the infusion of large amounts of money. This money is not available. It is being spent on such Edsels as the F-14A fleet defense plane, which is designed to launch a missile that probably would not work in an attempt to defend an aircraft carrier we do not need against a supersonic bomber threat that does not exist in a war in which none but the most incompetent foreign policy would ever involve us.

It is said that America has the resources to maintain an inflated military budget and to deal with its domestic programs at the same time. This may be true in theory, but the practical political fact is that we have an either-or situation. As our shining supersonic war machines roar over our stinking cockroach-infested ghettos, let there be no doubt that the former are prime contributors to the condition of the latter.

The advanced manned strategic aircraft program will cost at least $12 billion and the F-14 will cost even more, yet the need for either is most dubious. How many teachers could we train with this money? How many doctors could we send into the ghettos? How many children could we save from the irreversible mental retardation that results from early protein deprivation? For the cost of the advanced manned strategic aircraft, we could build more than 1,200 public schools, each capable of educating 1,000 people per year for 30 years. It staggers the imagination. In order to finance these unnecessary weapons systems, the President is actually cutting back on such essential programs as job training, aid to medical research, and aid to education.

This is madness. We must choose between the needs of our people and the needs of the military-industrial complex, and we must choose the former.

Before closing, Mr. Chairman, I must comment on the debate that accompanied this bill. I for one feel that the conduct of this debate has called into question the very adequacy of our traditional procedures. Except in the case of the ABM amendment, we were forced to operate under gag-rule conditions so severe as to be almost comical. The author of the amendment to reduce the air defense authorization was forced to spit out his case in 45-second segments. Proponents of the amendment to reduce the new manned bomber authorization were limited to a single 5-minute speech because the committee chairman felt the matter just should not be discussed; one wonders how the other body was able to discuss it for the better part of 3 days without giving away vital national secrets. In a crowning act of high-handedness, the leadership denied us the opportunity for a record vote on even a single one of the amendments we supported.

Mr. Chairman, the days of the sacred military budget are over. It will not be easy to cut such a powerful and resourceful bureaucracy as the military-industrial complex down to size, but it must be done. The danger of nuclear war and the needs of our people demand that it be done. Some of us have made a small start this year. There is little doubt in my mind that our numbers will grow steadily, and that eventually we will succeed. I hope we will be in time.

In my view, the bill before us represents a distorted sense of priorities and wastes a great deal of money. It provides authority for weapons that would not work, weapons we do not need, and weapons we are better off without. It contributes significantly to locking millions of Americans into the vicious cycle of poverty. And it has been railroaded through the House by procedures which do no credit to this body. For these reasons, I shall vote against it on final passage.

Mr. CLAY. Mr. Chairman, I rise to support the amendment which relates not just to military money—but to military manpower. If peace in Vietnam is a real and sincere commitment of this Nation, then steps should be taken to reduce our military manpower to a peacetime level.

The Pentagon has taken the same liberties with congressional responsibilities for determining the size of U.S. military forces—as they have with congressional responsibilities for appropriating the money for military activities. Their requests are based on their assumption of our benevolence in the name of security and on our inability to question military-made policies. I am the first to concede that the Congress and the public are in the dark so far as military analysis of policy is concerned. We are not given to understand their true reasoning—due to past negligence in congressional scrutiny of military policy—we have lost touch with the military view of its responsibility for policy.

We are maintaining a force of 3.5 million men in our armed services. At least 800,000 of those men were added as a direct result of the war in Vietnam. Our President has stated his intent to withdraw certain troops from Vietnam and should, therefore, not object to the deactivation of these troops as they are withdrawn.

The present strength of our military manpower is determined by a scale little known to the American public. A study group at Columbia University, under the direction of Prof. Seymour Melman, notes that present force levels assume we must be prepared to fight three wars simultaneously—a major nuclear war in Europe, a major conventional war in the China area, and a small war elsewhere. Only recently I learned the acknowledged fact that we are maintaining military forces in accordance with what military minds believe would be necessary should we fight a land war in China.

I daresay the American people would find little security in these calculations on which military manpower is based.

It is this sort of view of our defense responsibilities which has given the State Department its long third arm for making foreign policy. We have military installations all over the world—including 429 major and 2,972 minor overseas military bases staffed by over a million men. Our very presence in these large numbers in these faraway countries leaves the crucial determination of our commitments to the discretion and interests of the State Department and to the foreign powers affected. The State Department freely relies upon and influences military placement of our forces as a main determinant of foreign policy agreements and relations—which are clearly beyond the reach of the Senate. When it becomes clear that we have been committed to certain questionable policies and activities, the American public and, indeed, the Congress—is left to wonder why or how it all came about.

We are left to wonder or to speculate why we maintain such numbers of men all over the world. We are left to speculate why there are 1,400,000 American soldiers on foreign soil—and 500,000 tax-supported dependents. Secretary Laird told us recently that he would cut back 100,000 troops, but he did not tell us that in West Germany alone, we maintain 228,000 men and their dependents—not for defense, but to boost the German domestic economy which buys support and instigation of American policy.

At present, not the Congress nor the American public has any working knowledge or control over the determination of the strength of our Armed forces. It is determined by the generals who flout their trumped up notions of security and war over the heads of the public interest and welfare. With the present military establishment to protect us, we do not need foreign enemies. They will, given the authority they presently wield, protect us right into holocaust.

It is, therefore, with deep and sincere concern that I give my support to the Mikva amendment to this military procurement authorization before us—that we must deactivate troops withdrawn from Vietnam rather than reassign them and in this way, reduce the numbers of men to a level more consistent with a peacetime level.

Hopefully, the Congress will, in the near future, be given an opportunity to determine exactly what basis should determine that peacetime level. By adopting this amendment, we can reduce U.S. troop strength from its present 3.5 million to about 2.8 million. It is a step and a start for reinstigating congressional authority over military manpower policy.

I rise, also, to make the point that the excessive money outlay for this proposed research and new weaponry to wage war and to flex our military muscle—does not fall within my interpretation of this Government's responsibility for the defense and security of this Nation.

It is not in the interest of this country that defense has become our No. 1 industry. It is not in the interest of this country that almost 50 percent of all Federal Government outlays goes to defense. It is not in the interest of American people that we lay victim to Pentagon powers and their ability to wield their militaristic views upon American commitments. We cannot tolerate much longer the domination of our welfare by the warfare notions of Pentagon elite and profit-driven industries.

Mr. BRASCO. Mr. Chairman, I have listened intently to the debate on the military procurement bill for the past three days. I had hoped that my own research, embellished by debate here in the House Chamber, would answer many questions, not only on my mind, but on the minds of millions of Americans.

I was deeply distressed when debate was severely limited, and the national question of "How much should we spend on defense programs?" was just superficially touched. Like the majority of Members of the House, and the overwhelming majority of Americans, I believe that America must be strong militarily; and, to that end, we must expend the necessary funds.

However, I believe that a strong America also needs well-educated, well-fed, well-clothed, well-housed, and medically attended people with a real opportunity to grow with their country. We must show our countrymen that we are willing to spend some small portion of our national budget on them, as well as billions for the military, when the question of need in the latter category is in doubt, and while questions as to whether or not some of these programs are just excess fat given to the defense industry go unanswered.

My own conscience is deeply moved when the Armed Services Committee rejects an amendment to delete $1 billion from this bill that was not requested by the Defense Department or the Chief Executive, and which they gratuitously added to the budget of the Department of the Navy.

Overall expenditures in this bill exceed $21 billion. I cannot believe that we cannot prudently trim this and use the excess to begin to fight our domestic problems.

Mr. Chairman, not too long ago, the House was locked in a bitter fight to increase our education budget by $900 million. The argument then was that we could not afford it. I find that totally inconsistent with what is going on in this Chamber today. I could cite case after case in which our reasoning followed along the same lines—shortchanging the taxpayer, as well as those in need. The balance we seek to strike here today is one that I personally find I am unable to agree with. Therefore, I have no alternative but to vote against this bill.

Mr. DOWNING. Mr. Chairman, yesterday, some of my friends were chiding me saying that my opposition to the Pike amendment was due to the fact that the Newport News shipyard was in my constituency. It is, of course, but in that particular case the amendment did not materially affect the carriers abuilding there. Today, I was prepared to oppose a proposed amendment which would have deleted the construction funds for the CVAN-69, the second *Nimitz*-type carrier. My opposition to these drastic proposals was not entirely parochial. Regardless of where these ships were to be built, I would have felt the same way. My opposition is sincere.

I am most pleased that a decision has been made by the proponents not to offer the amendment which would have cut out one of our carriers. Had it carried it would have, in my opinion, been detrimental to the best interest of this Nation.

Mr. Chairman, aircraft carriers—particularly nuclear carriers—are the very backbone of our naval seapower. Naval experts have told us that we need a minimum of 15 such carriers to provide for our national defense.

They are used to provide bases for tactical aircraft operations on short notice in places where land bases cannot be used. They also give this Nation an "extra out" when land bases in foreign countries are denied us.

These floating bases are, fast, maneuverable, and difficult to pinpoint on any enemy's target. But in truth, attack carriers are relatively the least vulnerable of our major weapons systems. They cannot be pretargeted because of their mobility. Unlike land bases, the carrier cannot be preplanned for a ballistic missile attack. A fleet of 15 such carriers places 95 percent of the world's population within range of the aircraft she carries.

Admiral Rickover says:

> We no longer have friendly oceans to protect us. The Atlantic and Pacific, once our shield and our protection, are now broad highways for launching attacks against us on, above and beneath the surface of the seas. From our island position, the only way by which we can project our national power beyond the range of our land bases is through the Navy. For this, other than by all out nuclear war, we must depend primarily on our attack carriers.

There is no question in my mind that this country has to have, at all times in the foreseeable future, an adequate fleet of up-to-date aircraft carriers.

The big question is time. To build and equip a modern aircraft carrier takes 5 years. If we do not have enough of them when war erupts, it will be too late—no matter what effort and money, we may then be willing to expend.

The Navy has presented us with a package program giving expert consideration to the mix of the various type of vessel needed.

The CVAN–69 is the second nuclear-powered attack carrier of the *Nimitz* class. This ship and a third planned in fiscal year 1971 will be procured on a multiyear contract from a single shipbuilder in order to acquire them at the least cost.

This ship is authorized in order to maintain our carrier force capabilty. She is scheduled to replace the *Bon Homme Richard* which will be 30 years old on her replacement date in 1974.

The third carrier CVAN–70 is scheduled for delivery in 1976 replacing the *Oriskany* which at that time will be 30 years old.

Secretaries McNamara, Clifford, and Laird have confirmed the need for this program.

I understand the gentleman's amendment would have deleted the funds for the CVAN–69, the second of the nuclear carriers in this program. We have already contracted $133 million in lead-time items. Delay in completing the funding of this vessel would only have increased its cost. But all of this is academic because we have to have it now.

For the sake of the adequate defense of this Nation, I am pleased the amendment was not offered.

Mr. HANLEY. Mr. Chairman, for the past 3 days, the House of Representatives has been debating one of the most important and indeed costliest bills ever presented to it for consideration. The military procurement bill for fiscal 1970 is unique in that it is the first one truly dissected by this body. For the first time, at least since I have been a Member of the House, the military procurement bill has been subjected to fine-toothed scrutiny. In this connection, I feel I have had two principal responsibilities during this consideration. The first involves supporting an adequate defense posture, as I have always done. The second involves examining in detail the variety of expenditures in this bill to establish to the best of my judgment and conscience where responsible cuts and deferrals could be made without impairing our national security. I feel I am meeting this latter responsibility by my votes on the individual amendments which we are presently considering and which have been considered. I feel I shall meet the former responsibility by voting for the passage of the final version of this bill.

Like my colleagues, Mr. Chairman, I have spent a good deal of time studying the issues at hand. I have followed the hearings before both the House and Senate Armed Services Committees and I have paid particular attention to the debate on the bill in the Senate. It was my considered, conscientious opinion that the Senate version contained a number of provisions which are not essential to an adequate defense posture, either present or in the near future, that are of questioned and questionable value to that pasture, and whose deferral or cutback would not upset the balance of our national security. After lengthy consideration, I reached the decision that we did not need the entire complement of the controversial C–5A being sought by the Air Force, a project which in my estimation has been grossly inflated and horribly mismanaged, and so I supported that cutback. After lengthy consideration and study, I reached the conclusion that more research and development were needed on the Safeguard ABM system and so supported the amendment to continue funding for R. & D. but to defer actual deployment at this time. I also supported the amendment to require the Defense Department to submit quarterly reports to the General Accounting Office on all major systems and research and development projects. A rash of reports on cost overruns of these programs prompted me to the belief that this sort of requirement was long overdue. I also supported the CBW amendment, which I felt was a needed improvement in the committee passed bill.

There is another element in this measure, however, Mr. Chairman, which deserves a comment also. We have a responsibility to provide for the national security of our country; we have also a responsibility to establish priorities which will afford us both adequate security on the international scene and proper progress on the domestic front. Just yesterday there were ominous rumors making the rounds about a cutback in model cities funds. We are already far behind in our battle against water and air pollution, and unless adequate funding is provided soon our educational system will be in shambles within a few years.

I shall support the bill on final passage, but I want the record to show that I felt it could and should have included cuts which would not have impaired our national security and which would have allowed us to move forward with our badly needed domestic programs.

Mr. KARTH. Mr. Chairman, I have listened to nearly every aspect of this debate. In fact, I am impressed that so many Members of the House have done likewise. As I expected, everyone desiring to speak has had an opportunity to do so. They have been afforded that opportunity during general debate or during the past 2 days under the 5-minute rule. The debate has been healthy. A record has been made that can be studied in the libraries and the schools of our land; the pros and cons of each amendment have been set forth so they can be read and a judgment formed by those who are desirous of doing so. Let us hope the public will.

My personal study of this bill prior to the debate led me to certain conclusions. After listening to the debate, I must say my judgment has not changed.

I have often said and I say again: there is nothing that can contribute to a weakening of our national security more quickly and more completely than wasteful duplication, unnecessary and unwise expenditures of funds, and the demand to go beyond an intelligent appraisal of our need. Whether the need is for the military or civilian sectors of our Nation is not the question; the question is going beyond that need. The question is, Is there waste? Is there duplication and redundancy? Will certain actions on our part further accelerate the arms and armaments race between nations?

I am one who disagrees strongly with those who insist that our Nation is the lone culprit; that, if our country refrained from providing for a national defense, all other nations would do likewise; that our leaders are the rascals and the Hos and the Maos, and others, are nice guys. Please be assured, that is hogwash, pure and simple.

However, as I have studied each of the questions I have raised—and I have studied them often and long—I have come to the same conclusion.

We have gone beyond an intelligent appraisal of our need.

We have indulged in unnecessary duplication.

We are guilty, I think, of unnecessary, costly, and unwanted redundancy. In other words, our defense expenditures are too large.

Yes, I believe strongly that we must maintain a viable national defense posture.

But any time we spend unjustifiably—in or out of defense—we weaken, not strengthen, our national security.

For these reasons I have voted for amendments to reduce this authorizing request. I hope a reasonable figure can finally be arrived at.

Mr. HOSMER. Mr. Chairman, those who have disparaged U.S. naval aircraft carriers during this debate seem to base their case primarily on two highly tenuous claims: First, that surface ships are overly vulnerable to enemy attack in the missile age; and second, that they are too expensive in comparison to overseas tactical air bases.

Neither of these arguments makes much sense to me. The carrier today is less vulnerable and less expensive by a considerable factor than the available alternatives. Indeed, the carrier is one of this Nation's most valuable weapons. Without it, I am afraid that our Navy would be less than superior to the Soviet Navy.

I would like to address myself to these two points—vulnerability and cost—which seem to be the issues at hand.

XUM

For decades, the Congress has heard charges that the carrier is too vulnerable—sitting there high on the water like a duck. I would point out that these arguments were heard in this Chamber long before the advent of tactical air missiles and even before this Nation built its first carrier. And despite the lessons of the past 30 years, we are now suddenly asked to start taking this canard seriously.

Why, for example, should we believe that a high-speed, unlimited endurance, nuclear-powered, attack carrier, operating without restriction over 70 percent of the earth's surface, is more vulnerable than an unmoving tactical airstrip planted on foreign soil? If surface vessels are becoming increasingly vulnerable to attacks by submarines and missiles, then I would point out that this is doubly or triply so for land-located overseas airbases.

A carrier, because of its mobility and toughness, is at least as survivable in a general war as a foreign land base, which is a fixed point, easily targetable by missiles as well as aircraft. On the other hand, the carrier is less vulnerable in other limited kinds of wars, since it is neither subject to ground attack, as in Vietnam where hundreds of land-based planes have been destroyed or damaged by mortars, nor capture as in Korea.

Vulnerability is often cited as a general criticism of the carrier without consideration of the alternatives. All military forces are vulnerable in time of war. Our job is to provide the least vulnerable forces we can afford.

Which brings me to the subject of cost. Carriers are not more expensive than overseas land bases, even if we had sufficient overseas airbases, which we do not. In 1953, the United States had rights to over 551 bases abroad, 120 of which were air bases. Today, the total is down to 173, including only 35 airbases, the use of some of which is highly restricted by agreements with the host countries. And I think it is safe to assume that our already shrinking number of overseas bases will continue to diminish, either through our own decisions to cut back forces or political eviction.

It is imperative that this Nation maintain a strong forward posture in the strategic areas of the world. If we cannot do this by land bases and carriers, then we must do it by carriers alone. And if we are to maintain our control of the seas and the air over the seas; if we are to cover our own and friendly warships and merchant ships; if we are to maintain our sealines of communication; and if we are to cover and support ground forces and amphibious operations, then we must have an assured base structure on which to deploy our aircraft.

We have recently been evicted from our extensive, carefully constructed, and very expensive base network in France. This resulted in further crowding of base and support facilities in Germany and England. Our presence in Spain, Libya, Japan, Okinawa, the Philippines, and Thailand, is tenuous at best. When the Vietnam war is concluded, we will abandon most, if not all, of our airbases there.

In the 1970's, we would be reduced to an assured foreign-base structure in Europe with sufficient capacity to support about five tactical air wings at the most, and in the Far East about three air wings. My point is that, short of an actual combat situation, the maximum assured buildup capacity of available land bases would total only seven to eight air wings.

As a further complication, other nations are becoming increasingly unwilling to permit flights of military aircraft over their sovereign territories. Only on the oceans does freedom of overflight parallel the freedom of the seas.

I think, therefore, we could make a case for continued construction of aircraft carriers even if they were more expensive than overseas land bases. However, on a weapons system basis, carriers are not more expensive.

The kind of quick-response tactical air deployment capability the Air Force needs for just one air wing would cost about three to four times as much as buying and sending an aircraft carrier with its air wing to the same crisis area. And this is just the mobility costs, not the costs of ferrying the land-based aircraft to the scene, not the costs for base rights nor for many other things. The higher costs for land bases are due to the fact that such a quick-response would require assigned airlift which must be charged to that response capability.

If we look at these costs from the standpoint of mobility readiness for 10 years to respond to just that one crisis—that one crisis where prompt action might deter aggression or stop it in its tracks—the cost of a *Nimitz*-class carrier and its 10-year operating expenses would be over $900 million. Similar mobility costs just for the new airlift aircraft necessary to deliver all of the required operation and maintenance supplies to the same place would be over $3 billion.

Carriers are expensive, but it is absurb to compare the cost of a carrier with the cost of paving an airstrip in some foreign country. We must compare all the costs.

Each land-based tactical air wing and its basing system costs about the same as a carrier air wing and its basing system. This year, the cost is about $500 million per wing in average overall procurement, operation, maintenance, direct and indirect support costs. Thus, when we apply a unit cost of production formula, we can avoid the tunnel-vision errors of comparing only one piece of equipment with another.

But cost and vulnerability aside, the carrier has and will always have one major advantage over land-based aircraft, and that is flexibility. There is no way we could deploy land-based aircraft to some remote trouble spot in a hurry unless we already had a base there.

A carrier can be deployed with a crisis, shifting as the situation develops. And if this applies generally to all carriers, it is especially true of nuclear-powered carriers. I am fully confident that just as nuclear power meant a quantum jump in the effectiveness of submarines, the same applies to carriers.

A nuclear-powered carrier like the *Enterprise* and the *Nimitz* now under construction can steam at full speed for unlimited duration without refueling. And since they do not have to carry propulsion fuel like fossil-fueled carriers, there is greater capacity in these vessels for aviation fuel and other consumable combat supplies. In my opinion, the advent of nuclear power makes the case for continued construction of carriers even more compelling.

And it is this kind of speed and flexibility which is necessary if we are to keep ourselves out of future Vietnam-type entanglements. Carrier task forces successfully prevented aggression in the Quemoy-Matsu crisis, and again during the Lebanon crisis. The United States was able to move quickly to the trouble spot, firmly declare its attention and prevent the outbreak of a major conflict.

It could be argued that the United States might have cooled the Vietnam situation many years ago with the deployment of 10 to 12 carriers along the Vietnam coast, with a Marine expeditionary force aboard. This awesome sight might well have dissuaded Ho Chi Minh from invading South Vietnam.

It also could be credibly argued that carriers may be our most useful future weapon for preventing future Vietnams. Swift deployment is the most effective way to change an aggressor's mind.

Carrier task forces, therefore, are one of the most useful, flexible, and effective instruments of our national power. They are mobile airbases, moving as necessary to meet the current threat, and they operate without political restriction on 70 percent of the earth's surface. This gives us airfields anywhere we need them, on any ocean, and along any coast on a few days' notice.

And we should not be lulled into thinking that we could do away with escort ships and destroyers if we did not have carriers. Those ships would still be necessary. The sea control, antiaircraft defense, assault bombardment and fire support which they provide is still vital today as a part of our overall deterrent posture.

Mr. Chairman, too many times in the past this Nation has neglected its carriers, and this has proved disastrous. I would hope that we have learned from the lessons of World War II and Korea that a strong carrier force is vital to preserving the peace. And I think we should forget the old wives' tales about their expense and vulnerability once and for all.

Mr. CASEY. Mr. Chairman, I want to commend the gentleman from South Carolina (Mr. RIVERS) the chairman, and my distinguished colleagues on the Armed Services Committee for the diligence of their work in bringing this most important bill H.R. 14000 before us.

It is, certainly, a great amount of money we are being asked to authorize for defense procurement. But I doubt if any Member of this body would have the temerity to attempt to put a price tag upon the liberty and freedom of just one of his constituents—let alone the Nation, the Western World, or perhaps

XUM

even the very survival of civilization. And make no mistake about it, this is what we are talking about here today.

I can readily understand and even sympathize with those of my colleagues here, and some of our people across the Nation, who question certain of the programs contained in this bill. The very strength of our country is that we can have such soul-searching inquiries into the advisability of proposed expenditures for the public welfare and common defense, such as the Safeguard ABM system or the C–5A aircraft procurement. But I tell you, as I have told my own constituents who questioned the advisability of this program: If we err—I would rather have it be an error of safety in having a more than adequate defense, than to wake up and find we have too little, too late. And again I say, make no mistake about it—for that is a distinct possibility we face.

Mr. Chairman, I have listened with deep interest to the debate on this measure, and I have carefully examined the provisions contained in this bill. They have my full support. I think the time is long overdue when we should begin to rebuild our aging Navy, and replace the floating relics of another era with a modern fleet armed and equipped to meet the contingencies of the dangerous years ahead.

I think it is time we arm and equip our men in all our services with the finest arms and materiel available. I also think it is long past the time when we should give them the "go-ahead" to use it to bring the bitter struggle in Vietnam to a successful conclusion—but unfortunately, that is not within the scope of the legislation before us today.

Surely all of us here yearn as deeply for that golden age of peace on earth as anyone else within our country. But fortunately for our Nation, the Western World, and all civilization, the majority of us here are not blinded to the hard practicalities of 20th century international politics and the inherent dangers which face us. And until these dangers are resolved, and that great golden age dawns for all mankind when armaments are no longer needed, I am confident that this body will continue to see that our Armed Forces are provided with the best "big stick" available to preserve our freedom and liberty from encroachment by those whose stated goal is to destroy us.

Mr. HELSTOSKI. Mr. Chairman, as we debate the military procurement authorization bill, I find many areas of the bill which are objectionable to me, and I shall support any amendment which will lessen or remove the features to which I have objection.

First of all, the total authorization is excessive. It is only $47.1 million below the revised Laird budget of $21,394,960,000. Further, it is $1.346 billion greater than the Senate-approved version.

I cannot overlook the fact that one of the most menacing dangers to the country at this time is runaway inflation. This bill could contribute to that menace, and we can ill afford the continued rise in our spending policies.

I have consistently urged that we reevaluate our priorities in spending. We urgently need to reassess the need of our people here at home and the continuing erosion of the dollar makes it imperative that this Congress reduce spending wherever we can.

I would not object to the spending of over $21 billion if it were for peaceful purposes and for curing the ills of this Nation. If this money was used to rebuild our cities, fight crime, help our aged, educate our children, promote health programs, fight poverty, permit lower taxes for the average wage earners, I could see a valid reason for accepting such a bill. But to use this inflationary amount for military purposes, some of which have not yet been thoroughly proven, is something I cannot support. I do not wish to diminish the necessity of security of the Nation, but in President Nixon's own words uttered during his campaign for the Presidency, he pointed out the necessity of a complete reappraisal of the Federal budget.

President, then candidate, Nixon said:

> It requires a reappraisal of America's commitments abroad in all areas, foreign aid, military, and in other areas. It requires also an examination of the American military establishment at home, because the military shouldn't be a sacred cow.

Second, there are several items in this authorization bill which are unnecessary to the security of our Nation. Their need, according to several members of the Armed Forces Committee, has not been proved by the Department of Defense.

Mr. Chairman, I shall support any amendment which would delete funds for the C–5A aircraft. The history of this aircraft has been one of waste and inefficiency that can hardly be matched by any other defense program of the past decade. There have been cost overruns and the craft continues to be plagued with technical problems.

I shall support the deletion of funds for the procurement of the ABM. There is a great difference of opinion among the experts as to whether the ABM Safeguard system can be made to work. Deployment of this system could compel a Soviet response that could escalate the arms race without added security. Proponents of the ABM system claim this military component to be a deterrent to Soviet attack, but none of them wish the system to be deployed in their own backyard.

Mr. Chairman, there has been much controversy generated over the proposed MIRV—multiple independently targetable reentry vehicles—system. The Defense Department explains that the American MIRV is being developed for a specific purpose, namely that of being able to penetrate a heavy Soviet defense of cities and thus maintain the credibility of the American deterrent threat. If the need disappears then the MIRV could become the subject of proper negotiations.

Mr. Chairman, if we are to develop the MIRV system just for the sake of having something that we can negotiate from, this is altogether spending too much money for just plain talks. While the committee recommends the approval of the authority sought in this bill for the continuance of the MIRV system, I contend that the expenditures involved should be completely removed.

Looking at the overall picture of the budget for all defense or military allied projects, we have set a figure totaling $105.2 billion. This, Mr. Chairman, is 70 percent of the total administrative income of $152 billion for fiscal 1970.

My calculations say that this is too much for military emphasis. Military expenditures have increased $37 billion over the past decade. Today, virtually all income taxes paid by individuals are swallowed by the military. It is high time that we reallocate our efforts toward forces of construction rather than pursue forces of destruction.

Mr. Chairman, I rise in support of the pending amendment on the subject of chemical and biological warfare.

For a long time I have been gravely concerned about the indiscriminate testing, transportation, and the development of chemical and biological weapons, commonly known as CBW.

It was not so long ago that our attention was directed to the secret world of the CBW which the Congress routinely financed as part of the military budget. In Dugway, Utah, some 6,400 sheep died when the wind shift carried a nerve gas away from the test range. Can you imagine what would have happened if the wind had blown this deadly gas toward Salt Lake City or any other nearby community?

To be sure, the Government reimbursed the farmers for the loss of their sheep, but what value of reimbursement could we have placed upon human life if it had been needlessly taken?

It has also been revealed that testing of CBW agents was being performed at Fort Detrick, the Army Biological Warfare Research Center in Maryland. This is just a short distance from the Nation's Capital.

CBW components have no such defense as that against conventional weapons, missiles, or nuclear weapons. Chemical and biological warfare is not a respecter of an enemy force against which it is directed. It does irreparable damage to all human and animal life exposed to this danger.

In a moral sense, I do not believe that the people of this Nation would ever sanction the use of deadly lethal gases and disease germs on defenseless civilian populations.

When we consider chemical and biological warfare, no release of this warfare agent is a minor one. A small particle of such a release could travel hundreds of miles and could start a devastating epidemic.

Clearly we should consider the fact that these agents can backfire and infect the forces using them.

Mr. Chairman, this amendment would let us know what is being done in the field of CBW. For too long, the Defense Department has been developing, testing, transporting, and disposing of these deadly agents without consulting Congress. We are responsible to our constituents and we want to know what the Defense Department is doing in this area. This amendment would furnish us with the information we desire to have on this problem.

We are considering today a highly complex and unpopular part of our defense structure and we are making an effort to deal with it in such a way as to achieve some congressional control and national understanding which we feel is needed.

The amendment we are presently considering is a modest step in the right direction. It strips away some of the unnecessary secrecy which surrounds our CBW program. Providing Congress with basic information on the scope of our CBW program will make any other restrictions easier to enforce and will prevent a public fear which could turn into a mass emotional issue.

Mr. Chairman, we have heard many voices recently questioning the need for chemical warfare and biological research programs as part of this country's defense. We cannot obtain this information to give the American people because of the Army's obsession with secrecy. To give the American people the facts on this type of warfare we should adopt this amendment so that a public report which would include as much information as possible can be made.

Americans have a right to expect their Government to use great caution in maintaining such an awesome set of weapons. They have a right to expect their Government to take all diligent care in eliminating any danger which could be caused by careless handling of these weapons. This amendment will enable us to meet this responsibility to our people.

Mr. ANNUNZIO. Mr. Chairman, I propose to vote in favor of H.R. 14000, as reported by the House Armed Services Committee. In the normal course of events, I would consider that vote a sufficient recording of my strong support for an adequate defense posture for this country, generally, and for the specific recommendations of the committee. But these are not normal times, and I feel impelled to voice my unqualified endorsement of the committee's report and to commend the membership and staff of the committee for their diligent and penetrating examination of the crucial issues involved.

I want particularly to record my concurrence in the committee's judgment with respect to the proposed Safeguard anti-ballistic-missile system. Little purpose would be served at this juncture by a further recital of the pros and cons of this proposal. But I would ask those who oppose even this modest initial step in deploying a ballistic missile defense system to ask themselves certain fundamental questions:

First. What if, as a consequence of our failure to initiate an ABM deployment at this time, we reach a point where the balance of strategic forces between the United States and the Soviet Union is altered in ways which produce a nuclear war which might otherwise have been averted?

Second. Or what if we lack a capacity to ward off a missile attack on some of our cities by the Chinese Communists? One need not answer the question whether the Chinese are likely to launch such an attack to welcome the kind of protection that the Safeguard system, if fully deployed, would provide. Because such a defense is feasible, we need not rest our security on assumed rationality.

Third. What if the absence of an ABM defense should so impair the credibility of our diplomacy that over the long run we find the balance of power in the world has shifted in ways which imperil our vital security interests? Then, if war should come, it might be a war risking the very survival of the Nation. Our whole purpose must be to avert such a possibility.

In sum, Mr. Chairman, the issue is not so much whether it can be demonstrably proven that a ballistic missile defense system will contribute meaningfully to our defense in the event of nuclear attack. Rather, the question is whether the absence of any defense might so alter perceptions of the strategic balance as to trigger an attack which otherwise might not have occurred, or so weaken our diplomatic posture in the world as to invite aggressions, damaging to our vital security interests, which might otherwise have been deterred.

While I know of no way to demonstrate that a failure to initiate deployment of the Safeguard missile defense system at this time would inescapably produce these consequences, the chance that they might argue conclusively for me that this is a chance we simply cannot take. Two successive Presidents—for all the differences in the specific systems proposed—have arrived at this same judgment. Considering the consequences of a misjudgment on this matter, I, for one, do not propose to withhold my support for any defensive measure that might conceivably represent the difference between the success or failure of deterrence.

Again I wish to congratulate the members of the committee for its penetrating analysis of this and other issues involved in the defense authorization bill. They deserve our unstinting gratitude, not only for their handling of the substantive questions involved but for demonstrating anew how the committee system, by which this body is able to perform its manifold tasks in a statesmanlike manner, and upon which we depend in performing our legislative duties, is still the best means of assuring that these major issues of public policy will receive the exhaustive consideration they merit.

In World War II we had enough time to arm and to defend ourselves against our enemies. Our time has run out, for today with sophisticated weapons we no longer have the opportunity to arm and to strike back. We must be in a position of retaliating now.

REVIEW OF THE TOW MISSILE

Mr. HANNA. Mr. Chairman, I would like to call the attention of my colleagues to page 44 of the committee report on H.R. 14000. On page 44, under the title of "Tow Missile," we are treated in five short paragraphs to the committee explanation for doing away with one of the Army's most important weapon systems.

It seems rather remarkable to me that while our colleagues in the Senate, after 2½ months of careful debate and consideration included the authorization for the Tow missile system in their bill that our good friends on the House Armed Services Committee dismiss this rather vital system in five paragraphs.

Obviously the explanation in the committee report is unsatisfactory. And after a careful examination of the facts, I am convinced the decision of the committee in not authorizing the Tow system is incorrect.

At this point it would be helpful if I outlined the features of the Tow system and discuss some of the arguments offered in the committee report.

WHAT IS THE TOW MISSILE SYSTEM?

The Tow missile was developed for use by the infantry and air cavalry. It is designed as an antitank defense missile that can be easily, quickly, and efficiently launched from almost anywhere on the field, or from a helicopter, jeep, or other light ground vehicles.

WHAT ARE ITS ADVANTAGES?

Its main features are that it is lightweight, portable, capable of withstanding exposure to the elements, and requires little maintenance—more than 100 missiles can be launched without even a battery charge. It is wire guided and therefore will not expose the launching position, since no energy is radiated from its guidance system.

The actual Tow launcher costs one-fifth that of a General Sheridan tank, which serves as the launcher for the Shillelagh. The Army also estimates that in future procurement the actual cost of the Tow missile will be less expensive than Shillelagh.

Let us take up, one by one, the arguments against Tow. First, the committee report suggests Shillelagh can be "repackaged with lightweight guidance and control elements" making it as easily portable for field use or use by helicopter as Tow now is.

This argument is nothing more than wishful thinking. Shillelagh was developed for, and has only been used in conjunction with, the General Sheridan tank. Exhaustive Army studies have clearly demonstrated that to repackage Shillelagh in order to make it the all-purpose missile would take 3 years at a cost exceeding $50 million. Even after this, the Army expects that procurement unit costs for Shillelagh would be more than they are for Tow, while Shillelagh would still retain many undesirable features that could not be worked out.

Argument two tells us that the present unit cost for Tow is more than twice the cost of Shillelagh.

The facts suggest something entirely different. The Tow missile has just gone into production and the costs referred to in the committee report include the development costs. The Army reports that once production is fully underway the unit cost of the Tow missile will actually be less than the unit cost of the Shillelagh.

The committee report is certainly misleading in its comparison of the unit costs of Shillelagh and Tow. It compares a missile that has been in production since 1966 to one that is just getting into production. A much better basis of comparison would have been putting the two systems initial production costs side by side. Only then would we have a fair basis on which to judge the actual unit missile costs.

One other point needs to be made at this time. The committee in considering unit costs fails to take into account the life cycle cost of each unit. By this I mean the cost of the unit, not only in production, but also once it gets into operation. In this area the Tow missile is, by far, the more economically efficient.

Tow requires almost no maintenance in the field. On the other hand the Shillelagh requires periodic maintenance. The Tow missile is almost completely immune to environmental damage. The Shillelagh missile is particularly vulnerable to damage from the battlefield environment. Once out of the protective environment of the General Sheridan the Shillelagh easily falls victim to mud, sand, water, and fungus. This vulnerability also makes it prone to damage during shipment and field handling. Tow, because of its carefully developed container, has in repeated tests shown itself resistant to damage.

If we are to be careful managers of the taxpayers' money, we most certainly have the obligation to review the entire cost analysis of a weapons system. When we put the Tow system in this perspective, its economy becomes rather evident.

In argument three the committee report alleges that the Tow missile launcher costs "nearly half the cost of a General Sheridan."

Once again we are not given any indication as to what basis was used in arriving at this statistic. Are we once again talking about a development cost versus a production cost? Most probably we are, and if we are, the committee statistic is grossly misleading.

In fact, the best information available, both from the Army and the company producing the launcher shows that the unit cost of production is less than one-fifth of the General Sheridan.

The fourth and final argument offered in the committee report suggests the Army can manage on one missile, and offers us the "sage" advice that this could undoubtedly be done by a reasonable effort to develop the indicated alternatives for Shillelagh.

It seems to me we have heard this "all-purpose system" discussed before. As a matter of fact, the last fellow who suggested an all-purpose weapon found himself engaged in the most embarrassing controversy of his prominent career. Obviously I am talking about former Secretary McNamara and the "all-purpose" TFX.

The point is the Army cannot, nor should it be required to develop one "all-purpose" missile that would not perform any function with efficiency.

Granted there are similarities between the Tow and the Shillelagh. Certainly in terms of range, accuracies, and lethalities the missile systems are comparable. But there the comparison ends. The Tow missile system, contrary to what the committee report terms a "redundency," is in fact a different concept from Shillelagh.

Tow is a mobile, lightweight, recoilless, nondetectable, and easily maneuverable missile system. Shillelagh is exactly the opposite. Tow is designed to be used by the infantry; Shillelagh must be mounted on a tank.

In terms of performance the Tow is designed as an antitank defense or attack missile which can be launched from almost anywhere. The Tow missile launcher can be placed in situations for firing that would be impossible for any other comparable system. And because its guidance mechanism radiates no energy it is virtually undetectable to the enemy.

As I previously stated, to make the Shillelagh perform the functions for which the Tow was designed would be virtually impossible. Not only would costs skyrocket well beyond present outlays, the delay in producing the "repackaged" system would be most harmful to our national interest.

Just as one example, the Departments of State and Defense have already, because of the success of Tow, brought the system to the attention of NATO and arrangements for testing Tow in allied countries is in the negotiating stages.

The U.S. Government has offered Tow as a direct sale or as a coproduction program with one or more NATO countries to counter the Russian tank threat. Several countries have shown sincere interest and are currently negotiating with the Department of Defense for service tests in Europe.

The adoption of Tow as a standard antitank weapon for NATO will satisfy important military requirements, to say nothing of the economic benefits which will accrue to the United States.

For each missile produced under the terms of this coproduction program, the foreign nation would pay the U.S. Government over $350. This would help pay a pro rata share of development and nonrecurring costs of the weapon. There are few if any U.S. military weapons that can claim a cost-sharing provision and yet meet a critical military threat to the NATO Alliance.

To delay the Tow concept, just when it is beginning to go into production, would be false economy. Especially is this true in light of the pessimistic expert opinion of our ability to "repackage" the Shillelagh.

I urge the House to restore at least the $142 million for Tow authorized by the Senate.

If the explanations offered in the committee report are the only reasons for discontinuing this system then I suggest we are proceeding on the flimsiest tissues of argument.

It is neither economically sound nor militarily wise to discontinue production of Tow missiles. If we want to demonstrate responsibility on this important matter our only course is to restore the authorization.

Mr. PODELL. Mr. Chairman, this year has marked a watershed in how the Congress treats, considers, and debates adoption of military budgets.

In past years, constantly increasing sums of money representing taxes of millions upon millions of citizens, has been appropriated for military purposes with little, if any, debate.

Closed rules have been the rule, and sums exceeding $70 billion have passed this body with a minimum of discussion or questioning.

I do not call into doubt the sincerity or devotion to our country of those gentlemen among us, past and present, who have acted in such a manner.

Yet it has become increasingly and damningly obvious that many of these funds have been abused by contractors, small segments of our Armed Forces, and employees of Government charged with enforcement of these same contracts.

These evils and abuses have shaken the entire Nation, eroding confidence of millions of citizens who are paying the bill.

The list of failures, partial disasters, incomplete successes, and cost overruns is as sad as it is long.

They are all there: Planes which do not fly. Rifles which do not fire. Vehicles which are death traps. Outrageously expensive or never delivered systems. Our list is almost endless.

The abortions of the past are just as bad as the revealed failures of today.

We must prevent further disasters which will cost the Nation prohibitive sums.

Further, we must assert congressional control over spending of such massive sums.

This House possesses power of the purse, and it must not only carefully scrutinize expenditures when they are requested, but must also ascertain how money is being spent on an ongoing basis.

By doing so, we would ensure fiscal responsibility, tighten essential civilian control over the military, ensuring that dangerous as well as unsound projects are prevented or limited.

In such a manner we can begin to control what is obviously an entire secret world replete with poison gas, bacteriological warfare, and the deployment of such horrors abroad.

Only inattention, ineptitude, and irresponsibility has allowed us to arrive at our present pass. Now we stand aghast at what we have allowed to be created and perpetrated.

Our danger is immediate. Our duty is clear, control must be exercised.

But how?

The executive branch of Government has grown constantly in power at expense of the legislative branch.

Although this has been a recurrent phenomenon throughout American history, the imbalance existing today is too severe and fraught with permanent menace to the balance of our basic institutions.

The executive branch possesses a tool for scrutinizing and criticizing government fiscal matters.

This is the Bureau of the Budget.

It cannot serve two masters.

Rather than have Congress seek influence within this arm of Government, we must seek to make another branch serve the same purpose, securing and guaranteeing fiscal responsibility.

Such a branch of Government now exists ready for the hand of Congress. I refer to the General Accounting Office, headed by the Comptroller General of the United States. In effect, he is the chief accountant of Government.

When commanded to do so by Congress, GAO has audited and brought to account any given Government contract.

Written into each such contract is a reserved right for GAO to do exactly this.

It is well known that GAO, through no fault of its own, is somewhat underutilized for the function it is so admirably fitted to perform.

We have it in our power to rectify this situation, ensuring fiscal responsibility, without creating a new Government agency.

Any added cost Government would incur through expansion of GAO, pales before massive sums already wasted on weapons projects already revealed to Congress and public.

I sponsored a measure which would have automatically commanded GAO to audit all Government contracts of any kind involving overruns exceeding original contract cost by more than 10 percent.

One hundred eighty-four of my colleagues from both parties joined me in sponsoring that measure.

I thank them for their cooperation and efforts. A direct spinoff and slight modification of my measure was introduced and passed in the Senate.

This is the so-called Schweiker amendment, applying the GAO auditing principle to major weapons systems instead of all prime Government contracts.

This brings us to today and the amendment being offered by my distinguished colleague from Ohio (Mr. WHALEN).

His amendment would require that the Secretary of Defense submit to Congress quarterly status reports on major acquisition programs. It would also empower the Comptroller General of the General Accounting Office to audit this reporting system and make independent audits on major programs which deviate from the original plan in terms of cost, performance or schedules.

It would also give the Comptroller General power of subpena.

Although this amendment is a departure from my original measure and applies only to major military acquisition programs, I have decided to support Mr. WHALEN's amendment wholeheartedly.

For it admirably fits all requirements recent events have shown must be institutionalized.

Fiscal responsibility would be a built-in guarantee on major acquisitions. An existing arm of Government immediately responsible to Congress would handle the task.

Constant scrutiny would be guaranteed.

Service personnel, contractors, and civil servants are put on immediate notice that nonperformance, nonenforcement of contracts, or deliberate evasion will be revealed almost instantly, and punished accordingly.

Above all, it is a full disclosure measure. Those who function effectively will aid the Nation's total defense effort. Those who do not, will be mercilessly exposed by the Secretary's report and the Comptroller General's auditors.

Finally, we shall, by creation of such a new check and balance, again rebalance what has become a potentially disastrous imbalance in respective powers of various branches of Government.

The legislative branch of Government shall cease to become a mere group of elected officials docilely appropriating whatever our military demands.

It shall be a body able to judge past performance before it once more becomes an appropriating instrument. With such reports sitting before us, we shall know whether or not a contract deserves further funding.

It is only elementary fiscal commonsense.

The executive branch of Government cannot do other than hold this body in far more respect than it has in the past.

If we do not guard our constitutionally guaranteed prerogatives jealously, we shall deserve to see them further eroded. The American people lose their prerogatives along with us. Therefore, enactment of the Whalen amendment to this bill rectifies constitutional imbalance, enforces fiscal responsibility, ensures full disclosure and guarantees the American taxpayer something more for his military dollar.

Mr. MORSE. Mr. Chairman, I had intended to offer an amendment to the military procurement bill similar to that passed by the Senate on the matter of social science and other research. This amendment was proposed by the junior Senator from Arkansas and was adopted in the other body by a vote of 49 to 44 on August 12.

I share a great deal of the concern Senator FULBRIGHT expressed about the direction and effect of military-sponsored research. The diversity of research projects presently funded by the Department of Defense, and the enormous complexity of these programs has not been clearly understood by the Congress or, I suspect, by the Defense Department.

The House Armed Services Committee did adopt the second part of the research amendment passed by the Senate, and the identical language may be found in section 203 of the House bill. This language specifically prohibits the funding of research projects unless they have a direct and apparent relationship to military requirements. Since part of the Fulbright amendment is included in the bill before the House, I have decided not to offer further changes. I will instead take a few minutes to share with the House a few points which my study of the amendment has revealed.

The Defense Department has been involved in programs which are clearly beyond their own direct research needs. There has been a serious lack of control over the military relatedness of these programs in the past. Recently too, defense involvement in research has become an issue in itself at the universities. It has caused problems for some dedicated and highly talented scientists who have been working under defense research contracts.

Because of the need to control military science research programs, I would strongly urge the Defense Department to follow the reduction guidelines offered by the Senate amendment. Its purpose is to make a modest cutback in funding of Federal contract research centers, other social and behavioral science research, and research in foreign institutions. More precise control must be asserted by the Department over social science studies related to foreign policy, the conduct of overseas research for Project Agile, and for basic research programs for universities participating in Project Themis. Congress is increasingly concerned about the scope of these programs, and a responsible effort to better define their direction and reduce unnecessary expenditures must be made.

The House Armed Services Committee indicated its concern over the course of the research and development program in approving section 402 of the bill which requires a full disclosure of the purposes, cost, and duration of a contract or grant made to a college or university. In a succinct statement about the lack of knowledge surrounding research and development contracts the House committee said on page 111 of its report, "for practical purposes, the Congress knows nothing about them." I fully agree with the reasoning of the committee that the requirement for prior reporting will provide the Congress with the information it needs to develop a better understanding of the utilization of research and development funds.

At the same time I am disturbed with other language at the end of this same section, 402, which indicates that such research projects should be placed in universities which are cooperating fully with the Department of Defense in national defense efforts. Support of research at a particular university and that university's position with respect to the ROTC and military recruiting are separate issues and must be dealt with separately. To link them will only exacerbate existing problems.

The Department of Defense should provide the Congress with a readable report on its current and projected research and development activities for military science research. My own study indicates that the Congress needs to continue its examination of these programs. For example, I am concerned that research directly relating to foreign policy issues may be self-serving, of dubious quality and of low utility. The report should describe in clear detail the reasons for Department of Defense supported foreign policy research at present levels, the costs and benefits of such research, an explanation as to why such research is not being sponsored primarily by the Department of State, and case studies of a substantial number of specific projects.

I would also suggest that scientists and professionals concerned with basic and social science research throughout the Government increase their efforts to broaden research undertaken by other departments. There is increasing national concern over all priorities, including research, and I feel that perhaps the Office of Science and Technology in the Executive offices could serve as the capping agency for discussion of research objectives in the Federal Government.

In relative terms the $400 million in the research, development, test, and evaluation budget is very small. It is the equivalent of one-half of 1 percent of the total defense research and development budget of $7 billion. Within that $400 million, something under $50 million is earmarked for social and behavioral

XUM

science research. However, the impact and importance of this $50 million is demonstrably greater than its monetary relation to the remainder of the research and development budget. It is precisely because of the interaction between our defense posture and policies and our research efforts that these military research programs play such an important role.

Thus, by continuing to absorb a disproportionate share of the research funds, the Department of Defense may influence the order of priorities in a manner which is not consistent with the overall national welfare. I continue to be concerned with the important and compelling need to fund research in other segments of our society for the enormous problems of housing, transportation, and pollution, to name but a few. It is my hope that the importance of imaginative, carefully considered requests for research funding by other agencies and professionals will be recognized, and that this effort to examine the military research programs will spark new interest and concern for the other areas that desperately need attention.

Mr. ROBISON. Mr. Chairman, the voting situation we will apparently face as debate on this, the 1970 military procurement authorization bill, draws to an end, has taken a sudden, unexpected—and, to my mind, unfortunate—turn.

In what is an ill-advised effort to fuzz up the only true issue involved in the longstanding national debate over our need, now, of an ABM system, I understand that the recommittal motion will be one striking out all ABM moneys as now contained in the bill—I repeat, all moneys, including not only those provided for advance deployment of the Safeguard system, but also the $400.9 million provided for further research and development into the Safeguard system or, hopefully, a better follow-on system against the day when there is clearer evidence than now of our need for the same.

My opposition to the deployment of the Safeguard system, now—or for deployment now, for that matter, of any ABM system—is a matter of longstanding record.

That opposition represents a position I have consistently held to since 1967. It is honest opposition, based on conviction and such commonsense as I can muster in the midst of all the ambiguities that have always surrounded this difficult question. And my reasons for such opposition to deploying any such system now were again fully set forth by me on yesterday, and are a part of the record on this measure.

However, I have never been opposed to further research and development in this field—and have never voted, specifically, against research and development moneys. As a matter of fact, I know of no one in this House who is opposed to research and development in this field, as against the day when, in this rapidly changing world, we might wish and need to shift to a defensive weapons system of this nature.

Accordingly, I cannot—and will not—vote for the anticipated motion to recommit.

But I believe it is crystal clear that the vote on the recommittal motion is not one on the only true issue involved in the ABM debate—which is not research and development, but deployment now of an unneeded, unreliable, counterproductive weapons system that, as I said on yesterday, will not buy us one dollar's worth more security than we now have.

If the recommittal motion fails—as it seems bound to do—under the circumstances thus forced upon me I shall have to vote against this bill on final passage.

Perhaps I would have anyway, since it contains far too much money—being $1.346 billion greater than the amount approved finally by the other body in the companion measure to which it gave such careful and detailed attention—but now, having lost all opportunity to cast a record vote against ABM's deployment, I do not believe I have any other alternative.

Mr. STOKES. Mr. Chairman, much has been said within the past few months about the military-industrial complex which stokes the flames of chauvinism and aggression in this country. Certainly there is substantial basis for this view. Nevertheless, as I examined the bill now pending before the House, I was reminded of the comment recently made by Tom Wicker of the New York Times that the actual source of the abortive spending policies currently being pursued by our Nation was not a military-industrial complex, but rather a military-congressional complex. If this measure is passed in its present form, that comment will have become—or continued to be—a reality.

Some of the authorizations contained in the bill are necessary. Many others, however, are of marginal rationality—and a few defy credibility. Taken as a whole, the policy inherent in the proposal is that if the United States has several times as many troops, bombers, aircraft carriers, attack fighters, interceptor fighters, offensive missiles, defensive missiles, destroyers, tankers, radar installations, helicopters, and assorted other weapons as any possible enemy, we have a sound deterrent force and can sleep in the refreshing peace of security.

The easiest and most accurate answer to this mentality is, of course, that such buildups merely trigger similar responses by our potential enemies; thereby only exacerbating the weapons race and providing less, not more, security. Hopefully, the world will someday understand this principle. I recognize, however, that such a day is not yet upon us. In the interim, therefore, the answer to those who would protect us via potential overkill must be that while a meaningful deterrent force is necessary, multiple deterrents are neither necessary nor desirable.

Federal spending is obviously not unlimited. This fiscal year we will spend something very close to $193 billion. This means that every cent we waste on an inflated military budget means another American without adequate food, clothing, or housing.

I am not alone in these thoughts. Several of my colleagues, a majority of them from the Armed Services Committee, offered amendments today which would have removed much of the "water" from this bill. This measure as it stands now is often overly generous to the point of immorality.

Why, for example, does the committee feel we need a new nuclear attack carrier, when we already hold a 15 to 0 superiority in attack carriers over either the Soviet Union or Communist China?

What possessed them to add $1.024 billion to the Department of Defense's request for other naval vessels?

How can we rationally spend $275 million for procurement of the F–14 fighter-bomber without adequate research and demonstration to assure us that we are not making the identical mistake we made with the F–111B?

Why should we authorize a fourth squadron of the infamous C–5A's in light of evidence showing that the 59 already in the air fleet are an adequate number, that there are many less expensive alternatives to the C–5A—such as the vast number of C–141 currently being used for the same purposes—and that this would mean adding congressional blessing to Lockheed's egregious $2 billion overrun on the C–5A contract?

Finally, and most importantly, how can we blithely launch President Nixon's $8 to $20 billion Safeguard anti-ballistic-missile system when an overwhelming majority of the scientific community questions its reliability and an equal percentage of our most respected foreign affairs advisers have grave doubts about the wisdom of adding the weapon to our nuclear arsenal? The amendment which was offered would in no way halt testing and development of the ABM. It would have, however, prevented immediate deployment.

This action was imperative. The scientific evidence against Safeguard is enough in itself to dictate extreme caution. The probability of failure of any given Spartan or Sprint missile is 34 to 59 percent. There is a 72-percent chance that one or more of the vital radar installations will be out of service at any particular time. Just yesterday, we all received a letter signed by over 400 members of the computer profession stating that the ABM's computer subsystem is not technically sound. And scientist after scientist has already stated that the Soviet Union could easily overwhelm the system with offensive missiles even if it were deployed at this very minute.

Nor does it appear that we will need the ABM to preserve a second-strike capability during the next decade. Our bomber deterrent, 40 percent of which is always on ground alert and thus invulnerable to missile attack, far outstrips that of the Soviets. Our extremely mobile Polaris—soon to be Poseidon—forces also is far greater than the almost nonexistent Soviet capability. Moreover, even assuming Soviet superiority in all weapons classes—a virtual impossibility—we would still have a second strike force which would destroy 70 percent of the industry and 30 percent of the population of the U.S.S.R. Surely that remains a deterrent by anyone's definition.

Very critical issues face the House today. Despite the desperate internal problems besetting our country, we continue to spend 70 percent of the U.S. administrative income for military and military-related items. 42 percent or $82 billion of the national budget goes directly for arms, manpower, and support. These expenditures have increased $37 billion over the past 10 years. Almost every dollar of individual income tax feeds this burgeoning appetite. Our per capita defense expenditure is 2½ times that of the Soviet Union, and 40 times that of Communist China.

The above statistics are not something to be proud of.

Yesterday afternoon I was called out of this Chamber to meet with a group of students from Eastern High School in Washington, D.C., who were protesting on the steps of the Capitol. These young people who are dependent upon Congress for school appropriations told us that they are attending school without books and paper because this Congress has not seen fit to release current funds appropriated for their school. It seems to me that we are going to be hard put to explain the necessity of this kind of expenditure in light of our desire to save the lives of the same children whom we do not see the necessity of properly educating.

A man recently stated, "America has become a militaristic and aggressive society." This man was not a "hippie," a "peacenik," a "one-worlder," a Black Panther, or even a "pointy-headed liberal." He was Gen. David M. Shoup, a hero of the battle of Tarawa, and former Commandant of the Marine Corps. He has perceived what we all must, that senseless spending for military might, and the congressionally sanctioned, chauvinistic thinking which nurtures it has to be curtailed. If not, we must then recognize that there is a great possibility that future generations of Americans will face the prospect of having less and less worth defending with their heritage of armaments.

Mr. SKUBITZ. Mr. Chairman, the vote on the authorization of $21.3 billion for military procurement is one of the most important authorizations to be before this Congress. I do not pretend to be a military expert. I have no desire to be a Monday morning armchair general.

I have spent many hours listening to the debate on the floor of the House. I have paid particular attention to those members of the House Armed Services Committee that have had a chance to question witnesses to review classified material. I have followed the Senate debate and read volumes of material from magazines, books, and newspapers discussing the merits and demerits of the various provisions of the measure.

After reviewing all the facts and reading all the material I have come to one conclusion. I shall support the authorization as reported out by the Armed Services Committee.

I would fervently hope that we would never have a need for these weapons. But my obligation to my country is to be sure that if in the event these weapons are ever needed that as a responsible Congressman I provided our Defense Establishment with what was needed.

I would like to commend Chairman RIVERS and the majority of the Armed Services Committee for placing the interest of America first when the Nation's safety is involved. How easy it would have been to play politics with this measure. I commend the majority of the members for the support they have given in behalf of America.

This bill proposes to authorize appropriations totaling $21,347,860,000. Of this total $13,926,460,000 is for the procurement of aircraft missiles, naval vessels, and tracked combat vehicles; $7,421,400,000 is for research, development, and testing. It is only a part of the $77.5 billion which the Department of Defense has requested in new obligational authority for fiscal year 1970. Mr. Chairman, $77 billion is beyond the comprehension of any Member of this body. However, when one realizes that the Johnson budget, which was presented to this body in January, totaled $80.6 billion, that in April the new administration had revised this budget downward to $77.5 billion, and that Secretary of Defense Laird since April 15, 1969, has reduced this amount by another $3 billion to $74.5 billion, it must be admitted by all that the $6 billion reduction by this administration is evidence of its determination to remove the fat and the nonessential requests that were included in the Johnson budget.

The very fact that some of the additional reductions which Secretary Laird announced since April were taken from items other than those included in this authorization should cause each of us to stop and ponder before we rush forward and apply any further cuts.

Mr. Chairman, this bill authorizes $277.9 million less than was authorized for fiscal year 1969. I need not add that because of inflation, this in fact represents a cut of $300 million. I think the administration and the Democratic-controlled Armed Services Committee has done a good job.

Where savings can be made in the military budget, they should be made. But let us not gamble with the defense of this Nation. Let us cut where cuts can be justified—but if we err, let it be on the side of safety.

As Congressmen we would be derelict in our duties if we stood idly by, leaving undone those things that could easily be done, while a potentially hostile power acquired the future capability of destroying our Nation in one stroke.

Mr. Chairman, as I review the situation the two greatest problems facing this Congress are first: How do we keep this Nation safe from a military aggressor; and second, how do we keep our country economically sound. If our solution to either of these problems is wrong—you need not worry about the problems of better housing, hospitals, roads, cities, water and air pollution.

And of these two problems, national defense must always be given top priority. We can go through depressions and still survive—but God help us should this Nation ever become dominated by another force.

I have been a Member of this body since 1963. During that time we have spent billions upon billions of dollars for national defense—and why? Defense against the spread of international communism. If we have been in error—what a waste of the taxpayers money. I do not think we were wrong.

Many of us here have seen communism come into being, grow to maturity and now threaten the whole free world. Can any of us say that world conditions today justify a relaxation of our defense posture? The answer is no. Look at the takeover of Cuba or Czechoslovakia. Trouble in South America—Southeast Asia? Where are the countries that we can really count on to stand up and be counted?

Some speak of the cost—yet, while we spend $24 billion to place the first man on the moon, the Russians develop an orbital bombardment system which can orbit the earth and drop a bomb on any chosen target. We have no such comparable system. The Soviets have expanded their nuclear fleet—58 percent of the Soviet vessels are less than 10 years old while 58 percent of our vessels are more than 20 years old. The U.S.S.R. now has 350 submarines—including 65 nuclear subs while we have 140. We have 41 Polaris missile subs with no more being constructed at the present time. It is estimated that the Soviets will surpass us in this category by 1975. The Soviets have developed an ABM system while we have those who argue that our ABM system would cause an arms race, and others say it will not work. I do not know whether it will or not. There are plenty of experts that say it will. It seems to me that the question is not whether we should or should not act, but whether we can afford to stand still?

From President Eisenhower to the present date our defense strategy has been based on the development of a nuclear force that would deter any nation from making a surprise attack. We have relied on the development of a system that would provide us with a "second strike" capable of destroying any nation which dared attack us first. The ABM is a continuation of that strategy.

The Soviets acted first to deploy an ABM system. They have been testing that system ever since. Today there are over 60 ABM's deployed on Soviet launch pads.

The Soviets acted first to develop and test a 60-megaton bomb, and they are the only nation to possess anything like that size bomb.

The Soviets acted first to develop and deploy a fractional orbital bombardment system—FOBS—a first-strike oriented weapon, and they are the only nation to have developed such a system.

The Soviets are developing another terrifying weapon—the SS–9. The SS–9 has an advanced, very precise guidance system. For a city-buster, a missile of 1 megaton can virtually destroy the largest city in the world. Yet the SS–9 can boost up to 25 megatons. The only apparent purpose for the Soviet SS–9 therefore, would seem to be to destroy our Minutemen in their silos—in other words, a first strike weapon.

I have a responsibility as a congressman to vote for those programs which in the final analysis I believe are necessary to defend this Nation. If an ABM

XUM

system is built and it deters any nation from attacking us—it is worth every cent we spend on it. If we build a system and we are attacked and it does not work—we have lost everything anyway: money, property, and lives—but at least we tried. But if we do nothing in order to save money and by our failure to act, are attacked and are destroyed. Then we have failed those who relied upon our wisdom and judgment.

And finally, Mr. Chairman, ask yourself this question. Is $1 billion too much for a defense? Compare this expense with the $24 billion we spend to put a man on the moon: an average of $4 billion for each year of foreign aid ever since its inception.

Mr. UDALL. Mr. Chairman, I regret that the motion to recommit is framed to prevent any clear or undistorted registration of my position on ABM. I have publicly opposed deployment of a full or limited ABM system, but have publicly favored continued research and development of system components.

I intend to vote for the motion to recommit and make this statement so that my position will not be misunderstood.

When the military appropriation comes before us I shall vote, if given an opportunity, to appropriate research and development funds for ABM, but against funds for procurement.

Mr. VANIK. Mr. Chairman, the debate on the $21 billion military procurement bill which took place over the past 3 days was one of the most useful and constructive discussions of this Congress. For the first time in several decades, Congress is meeting a greater share of its responsibility to review defense spending and effect economies without impairing the national security.

The days of a blank check for defense are over—and that is to the credit of this Congress.

During the consideration of amendments to this bill, I supported amendments to strike out funds for the deployment of the ABM.

I also opposed the addition of over $1 billion for the construction of an additional carrier and cruiser. These funds were not requested by the President. The extra spending authorization is a wasteful and unnecessary extension of commitment unrelated to need.

It was also my hope that the House would defer the $481 million request for the procurement of the fourth C-5A Air Force squadron. Delay would provide an opportunity for improvement in the aircraft and a more accurate determination of the need for the additional squadron.

It was also my hope that this body would take appropriate action to control the growing arsenal of lethal chemical and biological agents and weapons.

Mr. Chairman, Members of the House would do well to recall today that article I, section 8 of the Constitution says that Congress shall have power to "provide for the common defense and general welfare of the United States." It is more than symbolic that these two ideas were joined in the basic law of our land.

The war in Vietnam and the need to realize unfulfilled social goals have stimulated a spirited debate over defense spending and national priorities. As we consider the $21.3 billion military procurement bill, we should ask some fundamental questions:

What is the real nature of the external threat to this Nation?

What is and should be the extent of our commitments to intervene militarily around the world?

What are the urgent social tasks that we must accomplish?

How can the American people better contribute to informed decisions on this vital problem of national security?

Mr. Chairman, these are complex issues, but we must not shirk our constitutional obligation.

Turning to this bill, we are being asked to pass judgment on an incredibly complicated authorization in a few hours, when the other body examined it for 2 months.

We have the chance today to usher in a new era of legislative authority in the field of defense spending. I wish that we were willing to conduct an independent and searching analysis of these heretofore rubberstamped multimillion and multibillion dollar programs. I am confident that we are eminently capable of acting with wisdom in this area.

Mr. Chairman, I have made the effort to study this bill thoroughly, with a fair but critical attitude.

This bill, you will note, is $1.28 billion more than the version that passed the Senate.

Many of the programs for procurement and research and development contained in this bill deserve our earnest support.

Others raise serious questions of need, cost, duplication, waste, and inefficiency. Many of these questions can be resolved only in the context of an explicit review of the underlying strategic and foreign policy assumptions of the United States in the 1970's.

Some programs, however, are outrageously ill-conceived and should be rejected outright.

A number of amendments are being offered by my distinguished colleagues who share my concern that some of these programs ought to be cut or abandoned or continued only in the research and development stage before initiating production.

I call your attention to a few of the programs, the efforts to limit or eliminate which, I support: First, Safeguard anti-ballistic-missile system—delete $345.5 million for procurement, while continuing with research and development; second, C-5A—defer $481 million for fourth squadron; third, nuclear aircraft carrier—defer funds for fourth attack carrier; fourth, chemical and biological warfare—impose limitations on these weapons in all phases of use.

ABM: There is no authoritative evidence of a Soviet capability or intention for a first strike on our land-based missiles. Experts cannot agree that this revised system would even work. As I said in my March 1969 statement, "a modified missile system suggests an impossible compromise." No less an authority than Senator SYMINGTON, former Air Force Secretary, has estimated that the program could cost hundreds of billions of dollars. The Soviets have stopped deploying their Golash ABM, and the United States would force a Soviet response, thus speeding the arms race. The Safeguard ABM may be the beginning of a provocative thick system. In its presently conceived form it poses a hazard to the areas where it will be deployed.

Safeguard threatens to impair hope for progress at the upcoming strategic arms limitation talks, already long overdue, which offer our best hope for curbing the mad momentum of the arms race.

This amendment leaves intact $400.9 million for research and development. We should study this system and alternatives, while allowing meaningful negotiations with the Soviets for the limitation of all systems, offensive and defensive, to go forward.

C-5A: The C-5A cargo airplane is perhaps the biggest boondoggle in history, having cost the taxpayers almost $2 billion more than estimated. It typifies all the worst features of military procurement: Contractor withholding of overruns from the General Accounting Office; Air Force secrecy on costs from the Pentagon; Official protection of private company stock values; withholding of information from Congress.

On top of this phenomenal scandal, the plane has been beset by technical problems.

Cost aside, this plane is part of a strategic mobility plan that needs to be reconsidered in light of security needs and the policy of intreventionism in the 1970's.

This bill asks for funds for a fourth squadron of C-5A's—the Air Force already has contracted for 58 of the planes. There is no demonstrated need for these additional aircraft. Even if a giant transport plane is necessary, the Jumbo jets can supply this performance at a much lower cost.

In any event, there is no reason to act on the Air Force request at this moment. Because the program is already 6 months behind schedule—the 58th plane will not be delivered for almost 2 years—the Congress can decide later on additional authorization.

CVAN-70: The Navy already has two nuclear attack aircraft carriers. The United States is the only nation with a large carrier fleet. Carriers are becoming increasingly vulnerable to missiles and submarines, and they are at best a substitute, and a far more expensive one, for land bases, of which we have a tremendous number. Carriers cost $5 billion per year just to operate.

The need for a fleet of modern carriers must be patiently reexamined as part of the whole forward strategy which they help sustain. The carrier is the symbol of "America, the world policeman."

This bill adds over $1 billion for ship construction, not even requested by the Navy, to the $2.56 billion request already in the authorization. I am in favor of modernizing our Navy, but this unsolicited addition could upset the present Navy conversion and shipbuilding program, which does not require this money now.

Including funds for CVAN-69, the second *Nimitz*-type carrier, the bill authorizes $100 million—not requested—for

CVAN-70. This funding should be deferred, pending a study by the Foreign Affairs and Armed Services Committees of the role and importance of the aircraft carrier in the future.

Chemical and biological warfare: It is shocking that this Nation in recent decades has deliberately and secretly constructed an awesome arsenal of offensive, as well as defensive, chemical and biological agents and weapons. A complete investigation of our Government's program of testing, developing, producing, and stockpiling of all forms of CBW items should be undertaken as an urgent priority.

The United States has declared, though it never ratified the Geneva Protocol of 1925, that it would never be the first to use these instruments of doom. America must put its emphasis on the preservation of life and life-preserving environment.

This country has spent at least $1.7 billion since 1963 on CBW. These weapons are extremely hazardous and unreliable. Recent accidents and incidents involving transporting toxic materials have alarmed many Americans. Serious moral questions are raised by our involvement in CBW.

I support efforts to require periodic reports to the Congress, to halt the production of delivery vehicles, to limit the secret shipment and storage of these agents, and to limit open-air testing of lethal weapons.

These are reasonable steps that we can take, in anticipation of a full review of our policy regarding CBW.

Study amendments: I would also like to suggest two nonmoney amendments that merit our endorsement.

One requires that the Department of Defense submit quarterly reports, audited by the General Accounting Office, to Congress on major systems and projects.

The second directs the General Accounting Office to provide the Armed Services Committees by the end of 1970 with a study of defense contractors' profits.

Both measures are important in asserting Congressional oversight in this area.

Mr. Chairman, these are some of the major programs which we must deliberate in order to provide adequately and responsibly for our perceived security needs.

It is apparent that we must review our policy of worldwide intervention in order to gain a perspective on those security requirements.

We must insist that the Defense Department adopt the same critical attitude toward spending required of the average citizen, who must budget his income wisely and eliminate waste and inefficiency if he and his family are to survive.

Since World War II we have spent about $1 trillion for defense. We must stop offering blank checks to the military, for they have shown little inclination to go sparingly on the taxpayers' money.

Mr. Chairman, it is regrettable that in a bill of this magnitude we were denied an opportunity to deliberate and have a record vote on at least several of the items on which there was considerable difference of opinion.

In the course of these deliberations, I have placed my positions in the RECORD. When the Defense appropriation bill is submitted to the House, I expect to oppose those items which I consider wasteful and unnecessary to the proper defense of the Nation.

Mr. COHELAN. Mr. Chairman, I am voting against H.R. 14000, the authorizing bill for military procurement and other purposes for fiscal year 1970. To say that this bill is inflated is, in my judgment, a gross understatement. I consider it to be obscenely fat and far out of line with national priorities. Practically all of the amendments that were offered and which were designed to cut some of the wasteful, dangerous, and unnecessarily expensive programs failed to pass although it must be noted that the margin of failure was not so great as it was last year.

I cannot recall voting against an authorization bill before. In voting "No" I am protesting what I consider to be overfunding of the authorization bill. As I pointed out in the ABM debate earlier, our cities are decaying and our recreation areas disappearing, education is in dire need of funds, and yet we have blithely voted to authorize enormous sums for arms that, in my opinion, are not consistent with the real needs of our national security.

As this bill goes to a House-Senate conference I fully expect it to be trimmed and brought into line with some kind of economic balance. When the bill returns from conference I hope that I will be able to support it. I also fully expect that when the Defense appropriation bill finally comes to the floor the funding for the military will be far less than this authorization. I have good reason to doubt that there will be much excess fat in the appropriation bill this year. In any case, in the days ahead I know I will have ample opportunity to record my support for a defense program sufficient to the needs of our national security.

Mr. CARTER. Mr. Chairman, I have a great respect for the Armed Services Committee, particularly for its chairman, Hon. L. MENDEL RIVERS, and for these members who have worked diligently to see that our Nation directs its military research and development so as to protect and defend our country now and in the future.

Some of us know the distinguished chairman as a great lover of the poetry of Bobby Burns, who spoke so musically of the common man.

> I would some power the gift to gi us
> To see oursils as ithers see us—

And so forth. Mr. Chairman, it has been forcibly brought to my attention that we should develop more missile frigates and destroyers.

Many of our servicemen in the Mediterranean, who are in close contact with Russian vessels, are cognizant of the fact that Russia has 154 ships of the *Komar* and *Osa* classes. All are armed with Styx missiles.

This missile has a maximum trajectory of 22 miles. The optimum effective trajectory is between 12 and 4.5 miles. At a distance of 4.5 nautical miles from one of these ships, a Styx missile can be delivered on target in 30 seconds. The average reaction time of an unalerted American combat ship is 4 to 5 minutes. To shoot down or deflect such a missile, improved detection and deflection devices must be developed.

It takes many years to do this. Informed sources say that the reason for our deficiency in this area is a lack of funding. Most funds, I am told, have been diverted to carry on the war in Vietnam.

Since our Navy is deployed around the world and has a heavy concentration in the Mediterranean, it is imperative that funds be appropriated for a sufficient number of missile frigates and destroyers, equipped with detection devices and with missiles capable of shooting down the Styx.

A sudden confrontation with *Komar*- and *Osa*-type vessels would not only be hazardous, but possibly disastrous.

Further, Mr. Chairman, reports from many scientists, including Dr. Sternglass of the school of medicine at the University of Pittsburgh, indicated that large nuclear explosions are followed by an increased number of abortions, prenatal deaths and an increased death rate of younger children in proportion to the number and magnitude of preceding nuclear explosions.

In short, the conclusion reached by Dr. Ernest J. Sternglass and other scientists is that a large number of nuclear explosions may result in deaths of unborn children, with the result that in the future we may have a world devoid of life.

Mr. Chairman, I support all methods necessary for the protection of our country. However, all nuclear powers should be called together immediately to discuss and ban the use of nuclear devices. Otherwise, there will be no future for you or me, our children, or our children's children.

Mr. PETTIS. Mr. Chairman, section 408 of H.R. 14000 proposes to prohibit payment under contracts with Federal contract research centers if the annual compensation paid any officer or employee out of such funds exceeds $45,000, except with the approval of the Secretary of Defense under regulations prescribed by the President.

The corresponding section of the accompanying report—House Report 91-522—observes that the Federal contract research centers—FCRC's—are nonprofit organizations, that most if not all of their income is from their contracts with the Department of Defense, that they do not carry the business risk of normal private corporations, that their efforts are more similar to those performed within the Department of Defense, that their history indicates a fairly low risk with respect to their business activity, and that their salary levels should be more closely alined to that of the Government rather than that of private industry.

Mr. Chairman, partly from my work with the Committee on Science and Astronautics and partly because the largest of the FCRC's has a major facility in the district I have the honor to represent, I have had an opportunity over the years that others may not have had to inform myself about these organizations and their work. I would like therefore to comment on certain of the observations in the report of the Committee on Armed Services.

That the FCRC's are nonprofit organizations is no accident. It has been a prime consideration in their establishment and utilization by the Department of Defense, intended to avoid the possibility that the profit motive might interfere with the complete objectivity demanded by their special roles for defense.

That most of their income is from contracts with the Department of Defense is likewise intentional. In the case of the Aerospace Corp., located in my district, this fact derives from the deliberate policy decision of the corporation's governing board of trustees to avoid the possibility that the lure of other business might detract from its dedication to the needs of the Department of Defense. Aerospace has declined numerous opportunities to work for others.

With respect to salary policies and procedures, let me comment concerning the FCRC I know best, the Aerospace Corp. Established salary approval mechanisms exist. In the first place, all salary structures and individual salaries above a certain level are established and approved only after careful study of responsibility, comparability, and qualification, by the governing boards of trustees. I have personally met the members of the Aerospace board of trustees. Among their more widely known members are Frederick R. Kappel, former chairman and chief executive of A.T. & T.; Cyrus R. Vance, former Deputy Secretary of Defense and Presidential troubleshooter; Dr. T. Keith Glennan, first Administrator of NASA, former AEC Commissioner, and new chairman of the Aerospace board, and former Air Force Gens. Earle E. Partridge and Edwin W. Rawlings, the latter more recently chairman and chief executive of General Mills, Inc. Just this month, S. E. Skinner, former executive vice president of General Motors, and Gen. Jimmy Doolittle retired from the board after long and dedicated service as board chairman and vice chairman respectively; both, incidentally, received the Air Force's highest civilian award for their work with Aerospace. The trustees, whose integrity and dedication to the public interest is beyond question, have assured me personally that the basic premise for approval of compensation at Aerospace has been and will continue to be that of reasonableness—namely, no higher than necessary to get the job done.

Moreover, all salaries to be reimbursed by the Government are submitted as required by the armed services procurement regulation—ASPR—to the procuring agency for review of their reasonableness and their allocability to the work called for by the contract. Higher salaries are given increasingly detailed and searching review, with the highest salaries reviewed individually both by the Air Force and by the Director of Defense Research and Engineering, next in rank to the Secretary and Deputy Secretary of Defense. Only those portions of such salaries considered by the Department of Defense to be both reasonable and allocable may then be charged to Government contracts whether the source of the funds is in the Department of Defense or elsewhere.

Federal contract research centers come in a variety of forms. Some do work very much like that done in universities. Some do work very much like that done in the Government. Others, like the Aerospace Corp., perform work very much like that done by industry. In fact, the work which TRW does for the Air Force in the Minuteman or which Lockheed does for the Navy in the Polaris/Poseidon programs or which Boeing does for NASA in the Apollo program is no different that the work which Aerospace does in such programs as the Titan III booster system and a great variety of military satellite systems. If there is any distinction, it lies not in the work performed by the Aerospace Corp., but rather in its nonprofit status which was deemed essential to provide for objectivity over the broad range of related programs. In fact, the Aerospace Corp. must compete with these same companies and with others such as Northrop, Hughes Aircraft, and General Dynamics for its technical manpower and management. Aerospace has on its payroll some 1,600 scientists and engineers of whom 304 were hired directly from TRW, 94 hired from Hughes Aircraft, 143 from North American, 90 from General Dynamics, and so forth. Substantially all of the employees of the corporation have come from industry; and of those that leave, nearly all are hired by industry.

I should like to comment also on the observation that the operation of the Federal contract research centers "do not carry all the business risks of a normal private corporation," and "the history of their operations indicates a fairly low risk with respect to their business activities." The term "business risk" of a normal private corporation presumably applies to a return on investment—namely, the return to its stockholders. Since nonprofits are by nature a public trust, this argument has in itself little meaning. If, on the other hand, it applies to the individual employees of the corporation, then the statement is not true. The people at the Aerospace Corp. have all the personal, professional job-related risk that any professional employee of a defense contractor has. The company's history demonstrates a series of contract cutbacks of major magnitude which have resulted in major reductions in force—involuntary terminations of personnel. The most recent example is the cancellation of the manned orbiting laboratory program—which caused a drastic realinement and cutback of hundreds of employees.

The personal risk is magnified too by the forefront position of the Aerospace systems personnel. An Aerospace project manager is right out in front, in the spotlight. A program such as Titan III involves hundreds of millions of dollars annually in engineering and development work. On the one hand, he must provide for the overall systems engineering and coordination of the associate contractors mostly operating on price-incentive or fixed-price contracts. On the other hand, he is responsible to the Air Force and to the Government that the program will succeed on schedule and within prescribed costs. The Aerospace system manager must walk a tightrope; and his personal professional success is entirely contingent on the success of the program for which he is responsible. When difficulties arise anywhere in a program, he becomes the prime target for criticism from both the associate contractors and from the Air Force.

The Federal contract research centers were created to meet major national needs. Without exception, they are today making major contributions to our defense effort. Some, like the Aerospace Corp., are involved in the most critical programs of the country.

I hope, therefore, Mr. Chairman, that these comments will serve to illuminate some of the reasons behind the observations made in House Report No. 91-552, at least in the case of one of the so-called FCRC's.

Mr. RANDALL. Mr. Chairman, tonight we come to the end of 3 long days of debate. Now the question is whether we support H.R. 14000. There was some complaint voiced that the allotted time was not adequate and loose language was used that the Senate spent "many months" on the military procurement bill. As a matter of fact the other body debated the bill only 29 days. Several days will show the debate on the procurement bill covered only one page of the CONGRESSIONAL RECORD. During the course of many of those days the debate in the other body extended into subjects for afield from the pending business.

On our side of the Congress there will probably be over 200 pages in the CONGRESSIONAL RECORD of debate on this measure. We have stayed strictly to the subject and I feel all of the important provisions of this bill have been thoroughly debated.

Most of the sponsors of amendments have been urged adoption of their particular changes in the bill in the name of economy. It is true the bill does authorize an appropriation of $21 billion. That would seem to be an enormous amount of money to buy aircraft, missiles, vessels, combat vehicles, and all the research, development, testing, and evaluation. However, this serves to tell the world that from our resources we are willing to spend what we believe to be necessary to defend our people and to retaliate to those who would try to destroy us. The price is high. I hate to have to authorize this much money. I wish we did not have to spend it. I am deeply concerned that world conditions require we divert so much of our resources to the purposes of H.R. 14000. But the information gained in months of hearings and briefings in executive session—to be more specific about 8 months—add up to the almost inescapable conclusion that our country needs procurement provided in this bill.

I will point out that the figure of $21.3 billion is $1.8 billion less than the authorization request of January 14, 1969, or that of Secretary Clifford. It is $615.8

million under the revised authorization request submitted on April 15 by Secretary Laird.

It is true the bill is more than that passed by the Senate. The difference is almost entirely to update our badly out of date seapower. As I pointed out in the debate yesterday the C–5A was an economy and would permit reduction of our overseas troop strength. The money in this bill to increase our seapower is in my opinion also economy. The reason is it will cost much less to modernize our Navy this year than next year. If we wait beyond next year to start to modernize our Navy it is possible it could not be accomplished at any price.

During much of the debate we have spoken of things that seem to have to do with war, missiles, fighter planes, assault vehicles, and all other categories of military hardware. I submit in all of this debate we have spoken really of peace. Yesterday I pointed out that I was convinced that if my fellow townsman, Mr. Truman had followed some of his advisers and refused to deploy the H-bomb we might today be a satellite of Russia. Worse, if we had not surrendered before now, we could find ourselves in the same occupied status as Czechoslovakia today. This kind of happening could take place in the future if we do not continue to prepare for our own defense.

The argument about priorities touches a responsive chord. The argument we should solve our problems at home and not worry about the problems of the world is appealing. The proposal to reduce military expenditures is most acceptable to our overburdened taxpayers. It would be easy for many Members to buy popularity by going along with these arguments. But in my opinion it would be disastrous for our Nation or I should say the future of our Nation.

The aggressors of this world are not going to give a period of grace in which to put our domestic house in order. I know many worthwhile domestic programs that need funding. I supported the Joelson amendment for education and I will support full funding for our water pollution program. But I think we should focus our attention upon the fact if we successfully solve all of our domestic problems all will be meaningless if we are not around to enjoy them.

A decision to vote for this bill must be made on the hard realities of the offensive capabilities of our adversaries and not on the fervent hope of their intentions. I have no choice in this decision but to vote on the side of security. To do otherwise would be to let our country fall behind in maintaining defenses necessary for the strength of this Nation.

Mr. HATHAWAY. Mr. Chairman, I am concerned, with the provision on this bill which calls for a three-way division of the proposed DD963 contract. It is my fear that this provision, if passed, will seriously jeopardize the long-term benefits which can be realized if the program is allowed to go ahead according to the present plan, calling for the award of as many as 30 destroyers to a single contractor with construction occurring between now and 1978.

A three-way division would certainly increase the costs to the Navy conceivably by as much as $200 million over the total program. I believe this is an unreasonable burden to impose upon the American taxpayers if it can be avoided.

Equally as important to the Navy is the fact that failure to maintain a single prime contractor could seriously impair the stated objective of standardizing ships within a class. It is my understanding that the referenced provision to the bill would still permit a prime contractor to lead the program but quite obviously as more builders participate in the program, it becomes more difficult to maintain a standardized ship.

Any act which alters the Navy's present plan could also delay the program from months to possibly a year. We simply cannot permit any delay in the construction of these ships, which are desperately needed to replace the World War II destroyer fleet. A three-way division could create contractual problems which might delay construction of the DD963 destroyers.

A major byproduct of the DD963 program is the possibility that a new and badly needed shipyard can result from the competition, if sufficient quantities of ships are awarded to one contractor. Our shipbuilding industry badly needs such modernization if the United States is to continue as a world leader in the shipbuilding business and compete on a worldwide basis. By dividing the contract, the distinct possibility arises that no single company will develop a sufficient backlog to justify substantial modernization of its facilities and the country then stands to lose a needed national asset.

As a member of the Merchant Marine and Fisheries Committee, I am well aware of the urgent requirement to modernize our merchant fleet. New vessels in large quantities will undoubtedly be constructed over the next few years and should provide a substantial workload for many shipbuilders. It will be most unfortunate if the DD963 program is altered to the extent that significant benefits are lost, ostensibly to maintain a broad base of shipbuilding capability, only to find that other programs such as that currently proposed by Marad accomplish this goal. Marad's requests for proposals dated September 2, 1969, calling for the construction of 10, 20, and 30 ships anually is just an example of the types of procurement which will achieve the objectives of those calling for a three-way division of the DD963 program.

Lastly, the question of fairness to those companies who have competed for the award of a large number of ships cannot be easily disregarded. The competitors have invested large sums on the assumption that the contract would be awarded to a single shipbuilder. Both the competing companies and the Navy have structured the program to permit such an award to the winner. A change at this time would be most unfair to the companies who have survived the competition and made such substantial investments. It is not fair to change the ground rules after competition has advanced so far.

It appears to me, Mr. Chairman, that the best approach to this program would be to continue the present procurement concept.

Mr. OTTINGER. Mr. Chairman, I am opposing H.R. 14000, the fiscal year 1970 military procurement bill—as I opposed the second supplemental appropriation bill in May—because it carries forward what I believe to be utterly distorted priorities.

Since the end of the Second World War, we have spent $1,400,000,000,000 for defense. We are today spending at the rate of $1,000 per taxpayer per year and Government money poured into defense is greater than the profits of all American private enterprise put together.

Meanwhile, our cities are rat infested and in a state of decay, our youth are alienated by an unpopular war and the inequities they observe within our society, thousands are suffering from malnutrition, our air and rivers are polluted, inflation is rising, crime is rampant, and racial tensions are increasingly strained as we fail to fulfill our promises of equal opportunity to our minority citizens.

In 1968 the Pentagon's figures show that $72 billion was being spent for defense. However, if you include defense-related expenditures, this figure soars to almost $100 billion. At the same time, less than $500 million was appropriated for programs to feed our own undernourished children through food stamps, school lunches, and the special milk program, combined. All federally assisted housing programs in this same period, including the model cities program, received only $2 billion. Job Corps centers were closed in order to save $100 million. We are, in essence, spending more on defense than is allotted to all of the civilian programs—health, education, welfare, housing, agriculture, conservation, labor, commerce, foreign aid, law enforcement, and so on. This simple fact is bad enough alone but it becomes worse—almost criminal—when we realize that such a great proportion of the military budget is clearly wasted on defective weapons systems development—the Nike-Zeus system, the B–70 bomber and the Skybolt air-to-surface missile being just a few sterling examples.

The largest single item in the military budget is procurement—purchasing, renting, or leasing supplies and services. It is reported that the Defense Department signs agreements with some 22,000 prime contractors annually, which also involves more than 100,000 subcontractors. Since the end of the Second World War an entirely new subculture has developed in America—the military-industrial complex.

The imbalance in our budgetary allocations virtually defies description or belief and it seems clear that the priorities currently being pursued have little, if any, relation to reality. The fact that the bill before us today perpetuates these misdirected priorities, while at the same time feeding the military-industrial complex, is equally clear when we consider the procurement programs being included in it—the highly doubtful utility of additional C–5A aircraft, especially in the absence of further cost studies; the Cobra helicopter which very likely would soon be an obsolete weapon for which there would be no requirement; the construction of a $483 million aircraft carrier for which there is no strategic military requirement; and a highly inflated overall authorization—over $1 billion more than approved by the other body.

For too many years, Mr. Chairman, the military budget has been considered sacrosanct. Anyone who challenged it was accused of being soft and fuzzy headed in the face of the great military dangers we faced. We must end this tendency. Military proposals, especially those involving basic policy decisions and billions in spending, deserve the most careful and thorough scrutiny from both the House and Senate. In this regard, I am greatly encouraged by the bipartisan efforts we have witnessed this week, and earlier in the Senate, to bring the military procurement program into line with reality.

No one disputes the need to finance the legitimate defense requirements of our Nation. I, nevertheless, remain deeply troubled by the magnitude of the military budget—the largest procurement or authorization bill ever to come before the Congress presently being considered—the relationship of this budget to the budget for urgent civilian needs and the imbalance in national priorities which it represents. We must question whether or not the crucial and urgent domestic needs of our Nation will continue to play a subservient role to that of the military, whether or not we will continue to pour billions of dollars into the tragic and unfortunate war in Vietnam or use these limited resources to combat poverty, disease, illiteracy, unemployment, urban blight and pollution. When we authorize billions for weapons research, development and deployment, we initiate an irreversible chain reaction which results in heightened world tensions, an accelerated arms race and a perpetuation of discredited policies.

If there is no more convincing argument that legislation such as is before us today continues and fosters our distorted priorities, simply consider the fact that last year two-thirds of all Federal tax receipts were spent for military and war-related costs. Add to this the amounts spent on the space program and interest on the national debt and one really begins to wonder how it was possible to eke out even the very little which was allotted to domestic programs. Is our inflated military budget simply a convenient, readymade excuse to avoid facing our failure to achieve justice and equality for all our citizens and working toward the resolution of our domestic ills?

Mr. Chairman, defense expenditures are so dominant that the total economy can hardly function normally without taking its direction from the Pentagon. The very structure and fiber of our society is involved and our national budget increasingly reflects a growing militarism. I feel strongly that this trend must be curtailed and that the bill before us should be defeated as distorting further our already horrendously distorted national priorities.

Mr. TAFT. Mr. Chairman, as we approach the final votes on this bill, I hope we will all pause to reflect for a moment on the debate, on the bill's provisions, and on the amendments proposed and defeated.

There is little choice for most of us other than to accept the bill as amended, but in doing so, we should recognize that we are exercising one of the most difficult responsibilities of this session, relating as it does to the entire present international stance and the future security of the Nation.

It relates indirectly as well to the other national priorities we set such as education, opportunity, and human welfare.

It is unfortunate then that we legislate inevitably in the shadow of the Vietnam war and the feelings of Members about the decisions and course of action that led us to our present predicament there. The emotions evoked here and throughout the Nation on the subjects before us have frequently shown this. Good examples would be the amendment proposed by the gentleman from Illinois (Mr. MIKVA) to reduce authorized military personnel, on the one hand, and the language of the bill attempting to penalize non-ROTC institutions on the other, both being equally unwise.

Thus, the emotions evoked by the present Vietnam problem, whether we have approved or disapproved of those decisions, do not necessarily point toward a responsible course on the votes upcoming. The scope of the latter is far broader and I would urge the Members so to consider them.

Mr. SCHWENGEL. Mr. Chairman, I rise today to speak on the question of defense and the implications of the legislation brought before this body by the House Committee on Armed Services.

In my presentation, I will present the case in defense, of the apprehensions I have about the Department of Defense and bring to the House some observations and suggestions that I think need pondering on as we look to the future and as we plan both for defense and for the preservation, the extension and influence of the American ideal of freedom in the family of nations.

On the question of defense, permit me to say it is my conviction that we must have a system of defense; that it must be both military and spiritual and moral. We, of all nations, need to have an adequate defense. The principal reason for this admonition is that we have more to defend than any other nation in all history. First of all, we have a system of freedom to defend. We, more than any other people, have, understand, and benefit more from the basic freedoms than any other nation. Those basic freedoms are freedom from fear, freedom from want, freedom of religion, freedom of expression, and freedom of movement.

The embracing, cultivating, and extending of these freedoms within the United States has done more to bring the Biblical promise of a more abundant life to a people within a country than any other system has done for any other country, society and system.

Servan-Schriber, a writer and political scientist, in his book, "The American Challenge," written principally for Europeans, points out the material results that have come for our Nation by embracing the basic freedoms. I will point to only some highlights mentioned by him. They include the fact that all by ourselves, Americans consume one-third of the total world's production of energy and we have one-third of the world's highways. He reminds us one-half of the passenger miles flown each year are by American airlines. Two trucks out of every five on the road are American-made and American-based. Americans own three out of every five automobiles in the world, and in most instances, they are bigger and more luxurious than any others.

These few highlights point out the productive capacity of America—a nation representing only 6 percent of the world's population, making the kind of production and prosperity referred to above. All of this is made possible because, among other things, under our system of freedom, we promote and encourage education. Schriber refers to it as a grand partnership of business, government, and education.

Again, I reflect on two pertinent facts with regard to education. He points out one-third of all students in the world pursuing higher education are American students. He continues to remind us the number of students compared to total population is double that of any other country. The reading of Servan-Schriber's book, The American Challenge, will bring out more evidences of progress and prosperity that prevail in our country. So long as we support and maintain institutions that give us that prosperity, we will be the envy of the world and right now the great challenge is a system and way of life called communism.

The point I want to make and stress and have remembered is the fact that we have so much to preserve and defend. This makes what we are doing here today very important, but it is my hope that we will not put our entire reliance for the defense of the system on the military and without other supports. The other support deals with the attitude and spirit of our people. Without a feeling of purpose, a sense and feeling for the moral aspects of our position and policy, we will fail. The Army or the entire Defense Establishment with all its modern equipment and sophistication will be just another maginot line that is pregnable. Recent events in the Vietnam area where we have spent $100 billion of the taxpayer's money, where we have sacrificed the lives of over 40,000 young men have proven that the gun alone will not win the battle.

The great philosophers and political leaders in history, our own included, have reminded us in various ways that the military or material strength is not enough. England at one time would have gone under except for an indomitable spirit that would not admit defeat, a spirit led by Churchill, and the bastion of England held against the fury and power of Hitler. Lincoln spoke of it when he asked:

> What constitutes the bulwark of our own liberty and independence?

And he observed:

> It is not our frowning battlements, our bristling seacoasts, the guns of our war steamers or the strength of our gallant and disciplined army. These are not our reliance against a resumption of tyranny in our fair

XUM

> land. All of them may be turned against our liberties without making us stronger or weaker for the struggle. Our reliance is in the love of liberty which God has planted in our bosoms. Our defense is in the preservation of the spirit which prizes liberty as the heritage of *all men, in all lands everywhere*. Destroy this spirit and you have planted the seeds of despotism around your own doors.

There is another reason that moves me. It is the revelation of the past several years of the great waste, great mistakes, the evidence of poor judgment on the part of the Pentagon. These could be detailed. Time will not permit, but the press, political writers, and others have called attention to this repeatedly over the past months and years. Poor judgment on the part of military leaders is a real thing and should be studied, investigated, and reported on.

Mr. Chairman, I have supported a number of the amendments that were presented not because I want to handicap the military for I, too, want to keep it strong. So long as the people of the world have not found ways to get along, so long as there is poverty and ignorance, lack of good judgment, lack of moral base in many parts of the world, we must have an army to defend ourselves and it must be as modern and sophisticated and as adequately manned as is possible. To assure these things I mentioned requires study, research, and then evaluation of the great goals and objectives outlined for short-range and long-range defense. What we want and need requires that we debate the question including some of the military decisions of the recent past that have proven to be wrong, wasteful, and inadequate. It is worthy to note also, that our forefathers were right in declaring and providing in the Constitution that the civilians should be and remain in charge of the military. History confirms their judgment and recent evidence on the national scene and international scene reveals military mismanagement, waste, and poor judgment. "We, the People," must regain and again assert our authority, which must be based on reason and good judgment on our part.

In my opinion, the ABM calls for more long-range judgments and more adequate basic research of what are long-range goals should be attained before we adopt an inefficient system; namely, because it affects the defense system rather than the concentration of people.

Another amendment dealing with cutting back the committee's recommendation on the cost for Navy replacement is in the public interest and national defense interest. The administration is asking for almost $1 billion less than the committee report asks for. Adoption of this amendment will balance our economy and do a better job of replacement and building of the Navy and that is important. The proposition to have the Bureau of the Budget make more careful inspection of expenditures is consistent with good government practice and should also prevail in the management of national defense.

The purpose of having the Bureau of the Budget make their judgments is consistent with practice now in all aspects of Government expenditures and that could be very helpful to the Defense Department and in the process save billions of dollars of the taxpayer's money.

In addition, Mr. Chairman, it is my conviction and evidence is clear again that the Congress ought to more adequately equip itself with the acquisition of talent and ability to make studies in depth before action is taken by the committees. In this case, while I have great personal confidence in the members of the House Committee on Armed Services, I am worried about what seems to be a precedent of taking the Defense Department's word about scrutiny, without evaluation, and without clear evidence that they are also using their better judgments.

Had this committee through the years had the kind of talent and technical ability that is available to them and made the studies and evaluations that should and could have been done, billions of dollars could have been saved in waste, in detecting the carelessness and finding other and better ways to accomplish goals. So, I make this point, Mr. Chairman, in this bill as is so often the case when we deal with defense matters, we are doing it with less-than-adequate information, studies, and research.

The evidence is quite clear that those of us that are taking this position may not prevail in every instance though we have had and will have suggestions and it is my belief we are serving the national interest in calling attention to what I believe have been mistakes and of a kind that could and should be corrected.

Finally, I want to make what I believe to be a very pertinent observation philosophically. It is one that has been spoken of throughout history and recently has been noted by some important leaders. History is full of human folly. Surely one of the most foolish features that man all through history is his incurable insistence on spending more energy and wealth on waging war than in preventing it. History reveals that most of our expenditures militarily through the years have not proved to be a bargain.

In paraphrasing and in part quoting something Servan-Schriber said in the conclusion of his book entitled "The American Challenge" earlier referred to, with men as with societies there can be no growth without challenge. Progress for mankind will always remain a battle just like life for people is a struggle. We must never forget this truth.

Because of war, human history has been nearly the same as military history, today the nations in the world most advanced industrially, the United States, Soviet Union, Europe and Japan, are bringing that era to a close. To some, this is a hope. To many, it is a belief and conviction.

Military confrontation between these powers can only be hypothetical or hypernuclear and it cannot exclude the possibility of annihilation. Hopefully, we are intelligent enough to recognize the awfulness of the kind of war in prospect with thermonuclear energy. So, I contend that the point of departure for thought and action must be a plan for atomic peace. So, let the war we face be an industrial one. President Nixon referred to this in his debate when he challenged the Russians to a contest of industrial production for people.

Schriber makes the observation and I quote:

> The conflict in Vietnam, that absurd and barbarous residue of the Crusades, will inevitably come to an end. We are now beginning to discover what was concealed by 20 years of colonial wars, wars that dominated our thoughts and our behavior: the confrontation of civilizations will henceforth take place in the battlefield of technology, science and management.

It is my conviction that the American Army will leave Vietnam. It is my hope we will leave soon for there is nothing more to gain, everything to lose and we have lost too much already.

Let us then face the industrial challenge where we can both lead and win and we can make contributions while we prosper. The desire to build a more intelligent and bountiful postindustrial society is great. Let us join hands then in developing a program for everywhere that will hasten the day when "spears will be bent into pruning hooks and swords into plow shares" or in modern technology let us find peaceful uses for all our energy including atomic and thermonuclear powers. The world could be better and more peaceful if America will apply more of the intelligence in promoting peace than in promoting war.

Mr. KOCH. Mr. Chairman, we have debated this defense authorization bill for 2 long and tiring days. Sixteen amendments were offered by those of us who believe that the bill is loaded with wasteful projects. We sought in effect to reduce this monstrous defense authorization bill of $21½ billion by $2½ billion or about 10 percent. The proposed reductions were modest and only affect projects for which there was more than credible evidence indicating that they were not only unnecessary for our defense but were wasteful. Every attempt to reduce the huge budget was defeated. What is worse is that those in the majority refused even to hear the arguments of that small minority who wished to discuss these dubious projects. Almost every proposed amendment was one that had been passed by the other body when it debated the same defense authorization bill. However, rather than permit meaningful discussion, those in authority in this House shut off debate and imposed a gag rule which at times limited Members wishing to speak to a mere 45 seconds, barely enough time to cry out, "This is a hoax and not a debate." By proceeding this way we denigrate the democratic process and this House.

The Republican minority leader made it clear that he would not even permit a motion to recommit to be presented in a way which would reflect the opinion of the real minority—those who are trying to bring our military budget within reasonable bounds but instead would employ language in that motion to recommit which would make it difficult if not impossible for some Members to vote for it. The intent here is to intimidate—to prevent by threat, sometimes subtle and sometimes overt—those of us who oppose the twisted national priorities of the Nixon administration and this Congress. I have sat in this House and seen those twisted priorities enacted into legislation; student loans have been cut; housing appropriations have been reduced by more than half; funds are made available for the SST; and mass transit takes a back seat; we shuttle to the moon and our cities strangle in traffic; we provide protection for silos and reduce our model city program by 42 percent and permit our cities to decay; we reward those of our States that do the least in terms of social welfare for its citizens and ignore those others who make the effort to provide a modest minimum income.

We are prepared to engage in 2½ wars on three fronts at the same time and to spend billions on destruction when our cities seethe with unrest because basic human needs are not being met.

I will not be cowed and intimidated; I will vote for the motion to recommit, as poor a motion as it is, and when that is defeated as we know it will be, I will vote nay on the defense authorization bill. Those of us who vote nay wish to protect this country and would vote for every item of defense required to do that but we will not be browbeaten into voting billions to appease the voracious appetite of the military-industrial complex.

Mr. DONOHUE. Mr. Chairman, an unhappy and unfortunate circumstance is apparently being projected here affecting the situation of many of us who have consistently favored the funding of research and development, in the missile weaponry area, but who have just as consistently opposed the funding of the ABM deployment system as I did again yesterday in supporting the Wilson amendment.

It was anticipated and hoped, of course, that the Members of the House would be privileged and permitted to exercise their final separate voting judgment on these two different items.

In my conscientious judgment, a continuation of missile research and development is imperative to the national security interests of the American people. Until and unless the Communist powers enter an iron clad agreement with us to abandon all projected missile research and development, it would be the height of practical foolishness for us to do so unilaterally. So long as they will not make such an agreement and continue their research testing, it is obvious that we must continue to do so.

On the other hand, it is my conscientious judgment that the deployment of the ABM missile system, on the evidence thus far developed and presented, would not insure any realistic safeguard shielding of our land-based missile stations and might well be the tragically unfortunate step to influence our enemies to further reaction and expansion of their own missile systems and thereby prolong the competitive arms race that must be stopped if there is to be any hope of attaining peace in this generation.

Under these circumstances, I intend to vote against any recommittal motion that will eliminate continuation of missile research and development essential to our national safety while we seek and hope for a further opportunity to eliminate funding for the ABM deployment system.

Mr. FARBSTEIN. Mr. Chairman, to those of us who deplore the war in Vietnam, perhaps the most exciting development this year has been the growing public and congressional concern by both hawks and doves over the level and impact of defense expenditures.

Where once the word of the Chiefs of Staff was unquestionable, and defense needs were considered to be outside the sphere of the "nonexpert," we see an increasing desire by the public and its Representatives in Congress to examine the Defense budget and study strategic premises.

This questioning so far has uncovered the fact that the generals and admirals are not infallible. This year alone we have been made aware of a $3 billion cost overrun on the C–5A, that a system of manned orbiting laboratories has been developed for which there is apparently no utility, and that the M–551 tank which is destined for use in Vietnam has been improperly tested and may have to be abandoned entirely.

Begun as a skirmish over the most efficient and economic allocation of funds for programs conceded by both Congress and the DOD to be essential to the national security, this probing has escalated into a fundamental questioning of current and proposed weapons systems themselves.

For the first time in a long time Congress has insisted on answers to questions like: First, how likely or unlikely is the contingency against which the system is directed; second, how likely is it that the system will be capable of performing according to specifications; third, are there less costly means of achieving the same end; and fourth, how effective would the system be, given its cost.

The military procurement bill, H.R. 14000, before us today, unfortunately, is a throwback to the days of unquestioning acceptance of the Pentagon's word, and also of the premise that the more money we spend on defense, the safer we are.

The major justification given in the committee report for the level of expenditures contemplated by this bill is, essentially, "The committee believes that the least we can afford is that level of national defense that we cannot afford to be without."

This is hardly what I would call sufficient reason for allowing the completely free hand in defense spending that this bill permits.

The committee's handling of the bill reflects an attitude toward the Pentagon of "ask and ye shall receive." Maybe it is time we in Congress took a tip from that proverb and adopted an attitude of "seek and ye shall find" instead of standing at the doors of the Treasury and telling the Defense Department "knock and it shall be opened to you."

I am informed that members of the committee were not able to secure copies of the bill they were to vote on until 5 p.m. the night before they were to vote.

The remaining Members of the House have received the same treatment. The bill was reported out of committee on Friday, only became available on the following Monday, with the report on Tuesday and the hearings on Wednesday. Debate was set to begin on Wednesday. Thus, anyone wanting to read the hearings of the committee has had to do so on the floor or else put it off until after the bill is passed.

This country is being torn apart by a clash of opinions over the war in Vietnam and the possibility of U.S. involvement in future Vietnams. No one in Congress would question the right of this country to maintain its national security—nor begrudge it the money for doing so. The question which rises up to plague us right now is "Does more money always buy more security?" Not just more hardware and armaments, but does it actually contribute to a significant extent to our basic security?

The French spent millions on the maginot line after World War I in the firm belief that it made them secure. It took the Nazis no time at all in the next war to collapse that "security" like a dropped souffle.

We have heard the anti-ballistic-missile system touted as "the answer of answers" to the protection of American shores from nuclear attack. Brushed aside is the question that the fallout from these defensive missiles might possibly do more damage than the incoming enemy missiles themselves. And there has been testimony to the effect that this weapons system may not work altogether. Senator STENNIS, in justifying the system to the Senate, admitted this fact. His justification for supporting it? The President wanted it.

Another "system for security" is our attack aircraft carrier fleet. The justification for maintaining this fleet is that the carrier has great flexibility and has the advantage of being a moving rather than a stationary target in battle. Forgotten, or ignored, are other qualities which the carrier possess like its vulnerability to destruction by enemy PT boats 5 minutes after the start of any declared war and the open temptation its presence presents for U.S. intervention in another "small war" such as followed the Bay of Tonkin incident. If the United States is going to get involved in other Vietnams, the decision should be up to Congress and not come about because a carrier happened to be there to intervene.

If an aircraft carrier is capable of precipitating U.S. involvement in a small war, the development of MIRV can only be a temptation to major nuclear war. This country already sits on a stockpile of weapons sufficient to blow us all off the earth. Added to the materiel at the command of our fellow nuclear powers, we could manage very easily between us to blast ourselves into but a cosmic memory.

The chief justification for MIRV is that a single missile can destroy a large number of targets and such a system can insure the United States the ability to penetrate Russian missile defenses. But all that is going to do is encourage the Russians to follow suit. At the very least we will be escalating the arms race to an even higher level and really adding little to our national security.

Even more disastrous, though, is the

fact that the greater accuracy of MIRV will increase the possibility that one side or the other will be tempted to try a premature first strike.

I cannot see where these three systems: the ABM, the attack aircraft carriers, and MIRV will result in greater security. Authority and funding for these systems should be stricken from the bill.

The underlying implications for much of this debate is, however, not a clash of opinions over the defense needs of our country, but a clash of massive public constituencies over the post-Vietnam division of the national economic pie. On one side the poor, the environment, and the oppressed taxpayer plead for attention. On the other side, defense industries press for new weapons to avoid problems that economic conversion will cause whether they be unemployment or lower corporate earnings.

H.R. 14000 contains authorization for over $1 billion in new ships above that requested by the Department of Defense; a bonanza indeed for the shipbuilding industry.

The bill contains authorization for a fourth squad of C–5A's despite the $3 billion costovers which we have had, the availability of alternative systems to perform the same tasks, and the absence of any way of calculating what the ultimate cost of this additional squadron will be.

The military procurement bill contains authorization as well for a doubling of research and development funds for long obsolete—but if ever built, extremely lucrative—manned bombers.

At the same time the bill dropped the Senate requirements for first quarterly reports by the GAO on Defense contracts, and second, a study of excess profits derived by manufacturers of weapons systems. Particularly in view of the financial problems already cited, this is an outrageous slap at the public which has a right to know where its money is going.

There is something wrong with the priorities of a society which can spend so little to meet the domestic problems which are tearing this country apart internally at the same time it is appropriating huge amounts of money for weapons systems which will make us less secure externally.

It is time for a thorough reevaluation of our entire strategic and defense thinking. We need to go beyond the one-by-one muckraking exposure of excessive costs and flagrant abuses in procurement and contracting, beyond even the examination of the effectiveness and utility of individual weapons systems. We need to reexamine the fundamental premises upon which our defense policy is based: to look at the weapons systems we propose in their world context.

Such a review in 1961 behind closed doors produced the so-called 2½ war concept upon which American defense policy theoretically has been based since. The rethinking that takes place should be done more openly—involving Congress—and Congress should be brought into the original decisionmaking process to a much greater degree. It is difficult to assess the value or need for weapons when it is virtually impossible to find out the total cost of the weapons or even what it will cost to operate for the next 5 years.

Mr. GILBERT. Mr. Chairman, I am voting today against the military procurement authorization, but let those who favor this measure not argue that they are for a strong America and we are for a weak one.

I strongly favor making our country strong, not only to defend itself against aggression but to deter any potential aggressor from contemplating attack. But I believe we must have balance in our national expenditures and I am convinced that the authorization before us is far too large, and substantially in excess of what our national security requires.

I am a cosponsor of legislation to create a Joint Congressional Committee on National Priorities and to establish a Temporary National Security Commission, precisely to bring new perspective to the question of national priorities and to reassert congressional control over the Nation's military-industrial establishment. I feel that the Vietnam war, which I have long opposed, has provided the opening for a military budget which is no longer related to our military needs. I suspect that the Pentagon has, to put it in simple terms, acquired the bad habit of wanting to buy whatever suits its whimsy. We cannot afford such luxury, and I believe that a major study, by a commission such as I propose, will confirm this judgment.

Mr. Chairman, we are suffering at home from inflation. We are also suffering from a civilian sector of our national budget which I consider seriously deprived. We need more help for schools, for housing, for the fight against pollution, for transit and for our cities. We cannot accept the premise that our national security depends only upon the military expenditures we make. We need more understanding of what we, as a nation, are buying for our money. Therefore, I vote against this bill, in the interest of a more rational national budget—and as a warning that the military does not have the solution to our most pressing national problems.

Mr. MIKVA. Mr. Chairman, no one can be sanguine about voting "no" on an authorization bill designed to provision our Armed Forces for the next 2 years. Unfortunately, the world is not yet ready to beat its sword into plowshares and no one can deny that there are external dangers to this country's security. I am opposed to the bill in its final form because it represents a painful distortion of our real national security requirements and robs us of the capacity to treat with equally frightening and urgent domestic problems.

The presence in this authorization bill of over $746 million for procurement and deployment on the safeguard anti-ballistic-missile system—the ABM—alone is enough to convince me to vote against it. The need for the ABM has not been demonstrated, there has been no convincing evidence that it will actually work, and it is outrageously expensive even if it does. It is, as someone has said, "too much to pay for a system we do not know will work against a threat we are not sure exists." Perhaps most important, the further fueling of the nuclear arms race is an inescapable consequence of the deployment of the ABM. We go back to the armaments bar for one more round when both we and our adversary instead should be seeking ways to sober up from the wildest arms binge in world history.

Another compelling reason for voting against this bill is its failure to limit sufficiently the bloated size of our armed forces by imposing meaningful ceilings on military manpower. For almost 20 years Congress has abdicated its clear constitutional responsibility to determine the size of the Armed Forces. Statutory limits on the armed services have been continuously suspended since 1950, leaving the Pentagon virtually free rein in setting the size of our military forces. The committee action lowers those ceilings only to reflect the manpower cuts which have already been decided upon and announced by the Department of Defense. This is no assertion of congressional prerogative or fulfillment of Congressional responsibility; most important it does nothing to prod the Department of Defense to worry about Parkinson's law and its effects on swelling the manpower in our Armed Forces.

During consideration of the bill I offered an amendment which would have lowered the committee's 3.285-million-man ceiling on military manpower by one man for every man withdrawn from Vietnam after the end of this year. This amendment would have brought the overall strength of the Armed Forces down to a level of 2.8 million by the time Vietnam withdrawals were completed. This itself is half a million more men than prescribed by the permanent statutory ceilings, which have been suspended since the Korean war. Without some meaningful assertion of congressional control over the size of the Armed Forces, this bill constitutes a continuing blankcheck to the Pentagon to set manpower levels far in excess of our real national security needs. I cannot endorse such a blankcheck.

Finally, I cannot vote for this bill because it represents—perhaps more clearly than any other piece of legislation which will come before this session of Congress—the ghastly distortion in our national priorities. The gentleman from California, Congressman ROBERT LEGGETT, a member of the Armed Services Committee, put the problem in perspective. He noted that defense expenditures now account for about 70 percent of the administrative budget of the Federal Government. When the $7.8 billion for Veterans' benefits and $16½ billion interest on previous war debts are added to the $82 billion defense budget, we are spending over $100 billion a year on defense and defense-related subjects. This is more in 1 year than we have spent on Federal aid to education or protection of our environment in all the years those programs have been in existence.

Somewhere this madness must stop. Somewhere we must begin to change our image of ourselves from that of worldwide warrior to that of teacher, healer and builder here at home. For me, the place to begin is in voting against a bill which commits us to another $21.3 billion for military procurement in fiscal year 1970.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on the bill and all amendments thereto do now close.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Rostenkowski, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14000) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the selected reserve of each Reserve component of the Armed Forces, and for other purposes, pursuant to House Resolution 561, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2917. An act to improve the health and safety conditions of persons working in the coal mining industry of the United States.

SWEARING IN OF MEMBER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts, Mr. Michael J. Harrington, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HARRINGTON appeared at the bar of the House and took the oath of office.

AUTHORIZING APPROPRIATIONS FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, 1970, AND RESERVE STRENGTH

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. O'KONSKI

Mr. O'KONSKI. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. O'KONSKI. In its present form, emphatically yes.

Mr. PIKE. Mr. Speaker, a point of order.

POINT OF ORDER

The SPEAKER. The gentleman will state his point of order.

Mr. PIKE. Mr. Speaker, Cannon's Precedents of the House of Representatives, volume 8, section 2731, says:

> Recognition to move recommitment is governed by the attitude of the Member toward the bill, and a Member opposed to the bill as a whole is entitled to prior recognition over a Member opposed to a portion of the bill.

Mr. Speaker, I submit that there were two gentlemen on their feet on the other side, one of whom has voted against the bill as a whole, both seeking recognition for the privilege of offering the motion to recommit. I would submit that under that rule of the House the gentleman who stated that he was opposed to it only in its present form should yield to the gentleman who has voted against the entire bill.

The SPEAKER. The Chair will state that the gentleman from Wisconsin (Mr. O'Konski) has stated he is opposed to the bill in its present form, and the only bill in its present form before the House is the bill H.R. 14000, as amended, and therefore the gentleman qualifies.

Therefore the point of order is overruled.

The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. O'Konski moves to recommit the bill H.R. 14000 to the Committee on Armed Services with instructions to report it back forthwith with the following amendments:
>
> On page 2, line 6, delete the figure "$780,460,000" and substitute "$434,960,000";
>
> On page 3, line 7, delete the figure "$1,664,500,000" and substitute "$1,263,600,000".

Mr. RIVERS. Mr. Speaker, on that I move the previous question.

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The Chair will state to the gentleman from Massachusetts that he should wait to demand the yeas and nays until the Chair puts the question.

The gentleman from South Carolina moves the previous question on the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. FRASER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Minnesota will state his parliamentary inquiry.

Mr. FRASER. Mr. Speaker, in order to be able to amend the pending motion to recommit, is it necessary that the previous question be voted down?

The SPEAKER. The Chair will state the answer to the question is "yes."

The question is on ordering the previous question, and on that the gentleman from Massachusetts demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 223, nays 141, not voting 67, as follows:

[Roll No. 198]

YEAS—223

Abbitt
Abernethy
Adair
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ayres
Baring
Beall, Md.
Belcher
Bennett
Betts
Bevill
Blackburn
Blanton
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins
Cramer
Cunningham
Daniel, Va.
Davis, Ga.
de la Garza
Denney
Dennis
Derwinski
Devine
Dickinson
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eshleman
Evins, Tenn.
Fascell
Fisher
Flood
Flynt
Ford, Gerald R.
Foreman
Fountain
Frelinghuysen
Frey
Galifianakis
Garmatz
Gettys
Goldwater
Gonzalez
Goodling
Gray
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Hébert
Hogan
Hosmer
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Lujan
Lukens
McClory
McCulloch
McEwen
McFall
McKneally
McMillan
MacGregor
Mahon
Mailliard
Mann
Marsh
Martin
May
Mayne
Meskill
Michel
Miller, Calif.
Miller, Ohio
Minshall
Mize
Mizell
Mollohan
Montgomery
Morgan
Morton
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Konski
O'Neal, Ga.
Passman
Patman
Perkins
Pettis
Philbin
Pirnie
Poff
Price, Ill.
Price, Tex.
Pryor, Ark.
Randall
Rarick
Reid, Ill.
Reifel
Rivers
Roberts
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rostenkowski
Roth
Roudebush
Ruth
Sandman
Satterfield
Schadeberg
Scherle
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Springer
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Taft
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Utt
Waggonner
Wampler
Watkins
Watson
Watts
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wold
Wright
Wyatt
Wylie
Wyman
Zablocki
Zion
Zwach

NAYS—141

Adams
Addabbo
Anderson, Calif.
Ashley
Barrett
Biaggi
Biester
Bingham
Blatnik
Boland
Bolling
Brademas
Brasco
Brown, Mich.
Burlison, Mo.
Burton, Calif.
Button
Byrne, Pa.
Cahill
Carey
Chisholm
Clay
Cohelan
Conte
Conyers
Corbett
Corman
Coughlin
Culver
Daniels, N.J.
Dellenback
Diggs
Dingell
Donohue
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Farbstein
Feighan
Findley
Fish
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gaydos
Giaimo
Gilbert
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Howard
Jacobs
Johnson, Calif.

XUM

Karth
Kastenmeier
Koch
Kyros
Leggett
Long, Md.
Lowenstein
McCarthy
McCloskey
McDade
McDonald, Mich.
Macdonald, Mass.
Madden
Matsunaga
Meeds
Melcher
Mikva
Minish
Mink
Monagan
Moorhead
Morse
Moss
Nedzi
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patten
Pepper
Pike
Podell
Quie
Railsback
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Rooney, Pa.
Rosenthal
Roybal
Ruppe
Ryan
St Germain
St. Onge
Scheuer
Schneebeli
Schwengel
Smith, Iowa
Stafford
Stokes
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Weicker
Whalen
Wolff
Wydler
Yates
Yatron

NOT VOTING—67

Annunzio
Ashbrook
Aspinall
Bell, Calif.
Berry
Boggs
Brock
Brooks
Brown, Calif.
Burton, Utah
Bush
Casey
Clark
Clawson, Del
Colmer
Conable
Cowger
Daddario
Davis, Wis.
Dawson
Delaney
Dent
Erlenborn
Fallon
Flowers
Fuqua
Gallagher
Gibbons
Green, Oreg.
Griffiths
Harvey
Hastings
Hays
Henderson
Holifield
Hull
Hungate
Jones, Tenn.
Kirwan
Lipscomb
McClure
Mathias
Mills
Mosher
Pelly
Pickle
Poage
Pollock
Powell
Preyer, N.C.
Pucinski
Purcell
Quillen
Rhodes
Saylor
Sebelius
Smith, N.Y.
Snyder
Staggers
Stephens
Sullivan
Talcott
Teague, Tex.
Tunney
Whitten
Winn
Young

So the previous question was ordered.

The Clerk announced the following pairs:

Mr. Hays with Mr. Rhodes.
Mr. Annunzio with Mr. Mosher.
Mr. Dent with Mr. Lipscomb.
Mr. Delaney with Mr. Conable.
Mr. Teague of Texas with Mr. Ashbrook.
Mr. Holifield with Mr. Bell of California.
Mr. Aspinall with Mr. Berry.
Mr. Casey with Mr. Hastings.
Mr. Whitten with Mr. Davis of Wisconsin.
Mr. Staggers with Mr. Brock.
Mr. Fuqua with Mr. Harvey.
Mr. Fallon with Mr. Cowger.
Mr. Pickle with Mr. Bush.
Mr. Preyer of North Carolina with Mr. McClure.
Mr. Hungate with Mr. Burton of Utah.
Mr. Boggs with Mr. Del Clawson.
Mr. Pucinski with Mr. Erlenborn.
Mrs. Sullivan with Mr. Mathias.
Mr. Daddario with Mr. Pelly.
Mr. Hull with Mr. Winn.
Mr. Mills with Mr. Pollock.
Mr. Flowers with Mr. Sebelius.
Mr. Henderson with Mr. Quillen.
Mr. Purcell with Mr. Snyder.
Mr. Kirwan with Mr. Saylor.
Mr. Tunney with Mr. Talcott.
Mr. Gallagher with Mr. Smith of New York.
Mr. Brown of California with Mr. Dawson.
Mrs. Green of Oregon with Mr. Gibbons.
Mrs. Griffiths with Mr. Stephens.
Mr. Brooks with Mr. Colmer.
Mr. Clark with Mr. Powell.
Mr. Jones of Tennessee with Mr. Young.

Mr. CELLER and Mr. ABERNETHY changed their votes from "nay" to "yea."

Mr. DELLENBACK changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 92, nays 271, answered "present" 2, not voting 66, as follows:

[Roll No. 199]

YEAS—92

Adams
Addabbo
Anderson, Calif.
Ashley
Barrett
Bingham
Blatnik
Boland
Brademas
Brasco
Burlison, Mo.
Burton, Calif.
Button
Byrne, Pa.
Carey
Chisholm
Clay
Cohelan
Conte
Conyers
Corman
Coughlin
Culver
Daniels, N.J.
Diggs
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Farbstein
Fascell
Ford, William D.
Fraser
Gaydos
Gilbert
Green, Pa.
Gude
Halpern
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Howard
Kastenmeier
Koch
Lowenstein
McCarthy
McCloskey
Macdonald, Mass.
Madden
Matsunaga
Meeds
Mikva
Minish
Mink
Moorhead
Morse
Moss
Nix
Obey
O'Konski
O'Neill, Mass.
Ottinger
Podell
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Rooney, Pa.
Rosenthal
Roybal
Ryan
St Germain
St. Onge
Scheuer
Stokes
Thompson, N.J.
Tiernan
Udall
Vanik
Waldie
Weicker
Whalen
Yates
Yatron

NAYS—271

Abbitt
Abernethy
Adair
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ayres
Baring
Beall, Md.
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Bolling
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton, Utah
Byrnes, Wis.
Cabell
Caffery
Cahill
Camp
Carter
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins
Corbett
Cramer
Cunningham
Daniel, Va.
Davis, Ga.
de la Garza
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Feighan
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Foreman
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Gray
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Hébert
Hogan
Hosmer
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
Lukens
McClory
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
MacGregor
Mahon
Mailliard
Mann
Marsh
Martin
May
Mayne
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morton
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara
Olsen
O'Neal, Ga.
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pike
Pirnie
Poff
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Rivers
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rostenkowski
Roth
Roudebush
Ruppe
Ruth
Sandman
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Symington
Taft
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Ullman
Utt
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Wampler
Watkins
Watson
Watts
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wold
Wright
Wyatt
Wydler
Wylie
Wyman
Zablocki
Zion
Zwach

ANSWERED "PRESENT"—2

Leggett
Wolff

NOT VOTING—66

Annunzio
Ashbrook
Aspinall
Bell, Calif.
Berry
Boggs
Brock
Brooks
Brown, Calif.
Bush
Casey
Clark
Clawson, Del
Colmer
Conable
Cowger
Daddario
Davis, Wis.
Dawson
Delaney
Dent
Erlenborn
Fallon
Flowers
Fuqua
Gallagher
Gibbons
Green, Oreg.
Griffiths
Harvey
Hastings
Hays
Henderson
Holifield
Hull
Hungate
Jones, Tenn.
Kirwan
Lipscomb
McClure
Mathias
Mills
Mosher
Pelly
Pickle
Poage
Pollock
Powell
Preyer, N.C.
Pucinski
Purcell
Quillen
Rhodes
Saylor
Sebelius
Smith, N.Y.
Snyder
Staggers
Stephens
Sullivan
Talcott
Teague, Tex.
Tunney
Whitten
Winn
Young

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Mosher for, with Mr. Erlenborn against.

Until further notice:

Mr. Hays with Mr. Ashbrook.
Mr. Annunzio with Mr. Pelly.
Mr. Dent with Mr. Harvey.
Mr. Delaney with Mr. Conable.
Mr. Teague of Texas with Mr. Saylor.
Mr. Holifield with Mr. Lipscomb.
Mr. Aspinall with Mr. Rhodes.
Mr. Casey with Mr. Talcott.
Mr. Whitten with Mr. Quillen.
Mr. Staggers with Mr. Pollock.
Mr. Fuqua with Mr. Snyder.
Mr. Pickle with Mr. McClure.
Mr. Preyer of North Carolina with Mr. Brock.
Mr. Hungate with Mr. Sebelius.
Mr. Boggs with Mr. Del Clawson.
Mr. Pucinski with Mr. Bell of California.
Mrs. Sullivan with Mr. Berry.
Mr. Daddario with Mr. Hastings.
Mr. Hull with Mr. Winn.
Mr. Mills with Mr. Mathias.
Mr. Fallon with Mr. Smith of New York.
Mr. Henderson with Mr. Cowger.
Mr Purcell with Mr. Davis of Wisconsin.
Mr. Kirwan with Mr. Bush.
Mr. Brown of California with Mr. Stephens.
Mrs. Green of Oregon with Mr. Young.
Mr. Flowers with Mr. Tunney.
Mr. Gallagher with Mr. Powell.
Mr. Jones of Tennessee with Mrs. Griffiths.
Mr. Brooks with Mr. Gibbons.
Mr. Clark with Mr. Colmer.

Mr. DAVIS of Georgia and Mr. SCHWENGEL changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. RIVERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 311, nays 44, answered "present" 1, not voting 75, as follows:

[Roll No. 200]

YEAS—311

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashley
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boland
Bow
Brademas
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Cahill
Camp
Carey
Carter
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Collier
Collins
Conte
Corbett
Corman
Coughlin
Cramer
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
de la Garza
Dellenback
Denney
Dennis
Derwinski
Devine
Dickinson
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Gray
Griffin
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Hathaway
Hébert
Heckler, Mass.
Hicks
Hogan
Horton
Hosmer
Howard
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kazen
Kee
Keith
King
Kleppe
Kyl
Kyros
Landgrebe
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
Lukens
McCarthy
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Obey
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Perkins
Pettis
Philbin
Pirnie
Poff
Price, Ill.
Price, Tex.
Pryor, Ark.
Quie
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Riegle
Rivers
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Ruppe
Ruth
St Germain
St. Onge
Sandman
Satterfield
Schadeberg
Scherle
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Symington
Taft
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wold
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Zablocki
Zion
Zwach

NAYS—44

Bingham
Bolling
Brasco
Burton, Calif.
Chisholm
Clay
Cohelan
Conyers
Diggs
Dingell
Eckhardt
Edwards, Calif.
Farbstein
Fraser
Gilbert
Green, Pa.
Harrington
Hawkins
Hechler, W. Va.
Helstoski
Kastenmeier
Koch
Lowenstein
Nedzi
Nix
O'Hara
O'Konski
Ottinger
Pike
Podell
Rees
Reid, N.Y.
Reuss
Robison
Rosenthal
Roybal
Ryan
Scheuer
Schneebeli
Stokes
Thompson, N.J.
Whalen
Wolff
Yates

ANSWERED "PRESENT"—1

Mikva

NOT VOTING—75

Anderson, Tenn.
Annunzio
Ashbrook
Aspinall
Bell, Calif.
Berry
Boggs
Brock
Brooks
Brown, Calif.
Bush
Casey
Clark
Clawson, Del
Colmer
Conable
Cowger
Cunningham
Daddario
Davis, Wis.
Dawson
Delaney
Dent
Erlenborn
Fallon
Flowers
Fuqua
Gallagher
Gibbons
Green, Oreg.
Griffiths
Harvey
Hastings
Hays
Henderson
Holifield
Hull
Hungate
Jones, Tenn.
Kirwan
Kluczynski
Kuykendall
Landrum
Lipscomb
McClure
Mathias
Mills
Mosher
Moss
Pelly
Pepper
Pickle
Poage
Pollock
Powell
Preyer, N.C.
Pucinski
Purcell
Quillen
Rhodes
Saylor
Sebelius
Smith, N.Y.
Snyder
Staggers
Stephens
Stuckey
Sullivan
Talcott
Teague, Tex.
Tunney
Vander Jagt
Whitten
Winn
Young

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Pucinski for, with Mr. Mikva against.

Mr. Delaney for, with Mr. Brown of California against.

Mr. Rhodes for, with Mr. Mosher against.

Until further notice:

Mr. Hays with Mr. Ashbrook.
Mr. Annunzio with Mr. Erlenborn.
Mr. Dent with Mr. Saylor.
Mr. Boggs with Mr. Conable.
Mr. Teague of Texas with Mr. Del Clawson.
Mr. Holifield with Mr. Mathias.
Mr. Aspinall with Mr. Berry.
Mr. Casey with Mr. Sebelius.
Mr. Whitten with Mr. Snyder.
Mr. Staggers with Mr. Bell of California.
Mr. Fuqua with Mr. Talcott.
Mr. Fallon with Mr. Harvey.
Mr. Pickle with Mr. Cowger.
Mr. Preyer of North Carolina with Mr. Vander Jagt.
Mr. Hungate with Mr. Brock.
Mr. Mills with Mr. Lipscomb.
Mr. Brooks with Mr. Kuykendall.
Mr. Kirwan with Mr. Cunningham.
Mr. Hull with Mr. McClure.
Mr. Henderson with Mr. Quillen.
Mr. Kluczynski with Mr. Winn.
Mr. Clark with Mr. Pollock.
Mr. Daddario with Mr. Hastings.
Mr. Gallagher with Mr. Powell.
Mrs. Sullivan with Mr. Davis of Wisconsin.
Mr. Purcell with Mr. Bush.
Mrs. Griffiths with Mr. Smith of New York.
Mr. Moss with Mr. Pelly.
Mr. Tunney with Mr. Pepper.
Mr. Jones of Tennessee with Mr. Flowers.
Mr. Colmer with Mr. Anderson of Tennessee.
Mrs. Green of Oregon with Mr. Stephens.
Mr. Landrum with Mr. Young.
Mr. Gibbons with Mr. Stuckey.

Mr. MIKVA. Mr. Speaker, I have a live pair with the gentleman from Illinois, Mr. PUCINSKI. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. RIVERS. Mr. Speaker, pursuant to the provisions of House Resolution 561, I call up from the Speaker's table for immediate consideration the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 2546

An act to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $484,400,000; for the Navy and the Marine Corps, $2,287,200,000; for the Air Force, $3,965,700,000 of which $400,400,000 is authorized only for procurement of F–4 aircraft: *Provided*, That none of the funds herein authorized shall be used for the procurement of A–7 aircraft.

MISSILES

For missiles: for the Army, $922,500,000; for the Navy, $851,300,000; for the Marine Corps, $20,100,000; for the Air Force, $1,466,000,000.

NAVAL VESSELS

For naval vessels: for the Navy, $2,568,200,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $276,900,000; for the Marine Corps, $37,700,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for research, development, test and evaluation, as authorized by law, in amounts as follows:

for the Army, $1,626,707,000;

for the Navy (including the Marine Corps), $1,911,343,000;

for the Air Force, $3,041,211,000; and

for the Defense Agencies, $454,625,000.

Sec. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1970 for use as an emergency fund for research, development, test and evaluation or procurement or production related thereto, $75,000,000.

Sec. 203. Construction of research, development, and test facilities at the Kwajalein Missile Range is authorized in the amount of $12,700,000, and funds are hereby authorized to be appropriated for this purpose.

Sec. 204. (a) After December 31, 1969, none of the funds authorized for appropriation by this or any other Act for the use of the Armed Forces shall be used for payments under a contract or agreement with any Federal Contract Research Center if the annual compensation of any officer or employee of such center exeeds $45,000, except with the approval of the President of the United States.

(b) The President shall notify the Committees on Armed Services of the Senate and the House of Representatives promptly of any approvals authorized under subsection (a), together with a detailed statement of the reasons therefor.

Sec. 205. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

TITLE III—RESERVE FORCES

Sec. 301. For the fiscal year beginning July 1, 1969, and ending June 30, 1970, the Selected Reserve of each reserve component of the Armed Forces will be programmed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 395,291.

(2) The Army Reserve, 256,264.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 49,489.

(5) The Air National Guard of the United States, 86,999.

(6) The Air Force Reserve, 50,775.

(7) The Coast Guard Reserve, 17,500.

Sec. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are ordered to active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are ordered to active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes (1) to support Vietnamese and other free world forces in Vietnam, (2) to support local forces in Laos and Thailand, but support to such local forces shall be limited, except where protection of United States personnel is directly concerned, to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces, and (3) for related costs, during the fiscal year 1970 on such terms and conditions under Presidential regulations as the Secretary of Defense may determine."

CHEMICAL AND BIOLOGICAL WARFARE

Sec. 402. (a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the purposes of and the amounts spent during the preceding six-month period for research, development, test, evaluation, and procurement of lethal and nonlethal chemical and biological agents. The Secretary shall include in such reports an explanation of such expenditures including the necessary therefor.

(b) None of the funds authorized to be appropriated by this or any other Act may be used for the procurement of delivery systems specifically designed to disseminate lethal chemical agents, or any disease-producing biological micro-organisms or biological toxins, or for the procurement of any part or component of such delivery system.

(c) None of the funds authorized to be appropriated by this or any other Act may be used for future deployment and storage of any lethal chemical agent or any disease-producing biological micro-organisms or any biological toxin at any place outside the United States, or for the deployment at any place outside the United States of delivery systems designed to disseminate any such agent or micro-organism or toxin unless the country exercising jurisdiction over such place has prior notice of such action. In the case of any place outside the United States which is under the jurisdiction or control of the Government of the United States, no such action may be taken unless prior notice of such action has been given to the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations and, when appropriate, the Committee on Interior and Insular Affairs of the Senate, and the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations and, when appropriate, the Committee on Interior and Insular Affairs of the House of Representatives. As used in this section, the term "United States" means the several States and the District of Columbia.

(d) (1) None of the funds authorized to be appropriated by this Act or any other Act shall be used for the transportation of any lethal chemical or biological agents to or from any military installation in the United States, its territories or possessions, unless the Surgeon General of the Public Health Service has determined that such transportation will not present a hazard to the public health.

(2) The Secretary of Defense, except during a war declared by Congress or during a national emergency declared by Congress or the President after the enactment of this legislation, shall provide written notification to the Congress, to the Secretary of Transportation, to the Secretary of Health, Education, and Welfare, and to the Interstate Commerce Commission at least thirty days in advance of any operation involving the transportation of lethal chemical or biological agents to or from any military installation in the United States, its territories or possessions. The Secretary of Defense shall provide appropriate notification to the Governor of any State through which such agents will be transported.

(3) The Department of Defense shall detoxify all lethal chemical or biological agents before their transportation for disposal as provided for in subsections (d) (1) and (d) (2) of this section whenever it is practical to do so.

(e) None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, storage, or disposal of any chemical or biological weapon outside of the continental limits of the United States unless the Secretary of State determines that such testing, development, transportation, storage, or disposal will not violate international law and reports such determination to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and to the appropriate international organizations, or organs thereof, whenever required by treaty or other international agreement.

(f) None of the funds authorized to be appropriated by this or any other Act shall be used for the open air testing of lethal chemical agents, or any disease-producing biological micro-organisms, or biological toxins except upon a determination by the Secretary of Defense, under guidelines provided by the President of the United States, that an open air test is necessary for the national security, and then only after a separate determination by the Surgeon General of the Public Health Service, within thirty days of the determination of the Secretary of Defense, that the test proposed will not present a hazard to the public health. The Secretary of Defense shall report his determination and that of the Surgeon General, to the Committee on Armed Services, the Committee on Labor and Public Welfare, and the Committee on Appropriations of the Senate and to the Committee on Armed Services, the Committee on Interstate and Foreign Commerce, and the Committee on Appropriations of the House of Representatives at least thirty days prior to any actual test. The Secretary of Defense shall set forth in his report the name of the agents, micro-organisms, or toxins to be tested, the time and place of any test, and the reasons therefor.

(g) (1) Except as provided in subsection (g) (2) of this section, no funds authorized to be appropriated by this, or any other latter enacted Act may be expended for research, development, test, evaluation, or procurement of any chemical or biological weapon, including any such weapon used for incapacitation, defoliation, or other military operations.

(g) (2) The prohibition contained in subsection (g) (1) of this section shall not apply with respect to funds authorized to be appropriated by this Act.

Sec. 403. (a) As used in this section—

(1) The term "former military officer" means a former or retired commissioned officer of the Armed Forces of the United States who—

(A) served on active duty for any period of time as a member of a regular component of the Armed Forces in the grade of colonel (or equivalent) or above.

(B) served on active duty for a period of ten years or more and, at any time during the five-year period immediately preceding his last discharge or release from active duty, was directly engaged in the procurement of any weapon system or directly engaged in the negotiation, renegotiation, approval, or disapproval of any contract for the procurement of services or materials for or in connection with any weapon system, or

(C) served, for any period of time during the five-year period immediately preceding his last discharge or release from active duty, as a representative of the Department of Defense at the factory or plant of a defense contractor in connection with work being performed by such contractor on any weapon system.

(2) The term "former civilian employee" means any former civilian officer or employee of the Department of Defense—

(A) whose annual salary at any time during the five-year period immediately preceding the termination of his last employment with the Department of Defense was equal to or greater than the minimum annual salary rate at such time for positions in GS–15,

(B) who was directly engaged, at any time during the five-year period immediately preceding the termination of his last employment with the Department of Defense, in the procurement of any weapon system or directly engaged in the negotiation, renegotiation, approval, or disapproval of any contract for the procurement of services or materials for or in connection with any weapon system, or

(C) who served, for any period of time during the five-year period immediately preceding the termination of his last employment with the Department of Defense as a representative of the Department of Defense at the factory or plant of a defense contractor in connection with work being performed by such contractor or any weapon system.

(3) The term "defense contractor" means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to or for the Department of Defense in connection with any weapon system.

(4) The term "services and materials" means either services or materials or services and materials which are provided as a part of or in connection with any weapon system.

(5) The term "weapon system" means any aircraft, vessel, tracked combat vehicle, or missile, or any part or component thereof.

(6) The term "Department of Defense" includes any military department thereof.

(b) Any former military officer or former civilian employee who—

(1) was employed for any period of time during any calendar year by a defense contractor,

(2) represented any defense contractor during any calendar year at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and materials provided or to be provided to the United States by such contractor, or

(3) represented any such contractor in any transaction with the Department of Defense involving services or materials provided or to be provided by such contractor to the Department of Defense,

shall file with the Secretary of Defense, in such form and manner as the Secretary may prescribe, not later than March 1 of the next succeeding calendar year, a report containing the following information:

(1) His name and address.

(2) The name and address of the defense contractor by whom he was employed or whom he represented.

(3) The title of the position held by him with the defense contractor.

(4) A brief description of his duties with the defense contractor.

(5) His military grade while on active duty or his gross annual salary while employed by the Department of Defense, as the case may be.

(6) A brief description of his military duties while on active duty or while employed by the Department of Defense during the three-year period immediately preceding his release from active duty or the termination of his civilian employment, as the case may be.

(7) A description of any work performed by him in connection with any weapon system while serving on active duty or while employed by the Department of Defense, as the case may be, if the defense contractor by whom he is employed is providing substantial services or materials for such weapon system, or is negotiating or bidding to provide substantial services or materials for such weapon system.

(8) The date on which he was released from active duty or the termination of his civilian employment with the Department of Defense, as the case may be, and the date on which his employment with the defense contractor began and, if no longer employed by such defense contractor, the date on which his employment with such defense contractor terminated.

(9) Such other pertinent information as the Secretary of Defense may require.

(c) Any employee of the Department of Defense who was previously employed by a defense contractor in any calendar year and—

(1) whose annual salary in the Department of Defense is equal to or greater than the minimum annual salary rate for positions in GS–15,

(2) who is directly engaged in the procurement of any weapon system or is directly engaged in the negotiation, renegotiation, approval, or disapproval of any contract for the procurement of services or materials for or in connection with any weapon system, or

(3) who is serving or has served as a representative of the Department of Defense at the factory or plant of a defense contractor in connection with work being performed by such contractor on any weapon system, shall file with the Secretary of Defense, in such form and manner as the Secretary may prescribe, not later than March 1 of the next succeeding calendar year, a report containing the following information:

(1) His name and address.

(2) The title of his position with the Department of Defense.

(3) A brief description of his duties with the Department of Defense.

(4) The name and address of the defense contractors by whom he was employed.

(5) The title of his position with such defense contractor.

(6) A brief description of his duties at the time he was employed by such defense contractor.

(7) A description of any work performed by him in connection with any weapon system while he was employed by the defense contractor or while performing any legal services for such contractor, if such contractor is providing substantial services or materials for such weapon system or is negotiating or bidding to provide substantial services or materials for such weapon system.

(8) The date on which his employment with such contractor terminated and the date on which his employment with the Department of Defense began thereafter.

(9) Such other pertinent information as the Secretary of Defense may require.

(d)(1) No former military officer or former civilian employee shall be required to file a report under this section for any year in which he was employed by a defense contractor if the total cost to the United States of services and materials provided the United States by such contractor during such year was less than $10,000,000; and no employee of the Department of Defense shall be required to file a report under this section if the total cost to the United States of services and materials provided the United States by the defense contractor by whom such employee was employed was less than $10,000,000 in each of the applicable calendar years that he was employed by such contractor.

(2) No former or retired military officer or former civilian employee shall be required to file a report under this section for any calendar year on account of active duty performed or employment with the Department of Defense if such active duty or employment was terminated three years or more prior to the beginning of such calendar year; and no employee of the Department of Defense shall be required to file a report under this section for any calendar year on account of employment with or services performed for a defense contractor if such employment was terminated or such services were performed three years or more prior to the beginning of such calendar year.

(e) The Secretary of Defense shall, not later than May 1 of each year, file with the President of the Senate and the Speaker of the House of Representatives a report containing a list of the names of persons who have filed reports with him for the preceding calendar year pursuant to subsections (b) and (c) of this section. The Secretary shall include after each name so much information as he deems appropriate, and shall list the names of such persons under the defense contractor for whom they worked or for whom they performed services.

(f) Any former military officer or former civilian employee whose employment with a defense contractor terminated during any calendar year shall be required to file a report pursuant to subsection (b) of this section for such year if he would otherwise be required to file under such subsection; and any person whose employment with the Department of Defense terminated during any calendar year shall be required to file a report pursuant to subsection (c) of this section for such year if he would otherwise be required to file under such subsection.

(g) The Secretary shall maintain a file containing the information filed with him pursuant to subsections (b) and (c) of this section and such file shall be open for public inspection at all times during the regular workday.

(h) Any person who fails to comply with the filing requirements of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by not more than six months in prison or a fine of not more than $1,000, or both.

(i) No person shall be required to file a report pursuant to this section for any year prior to the calendar year 1970.

Sec. 404. (a) Prior to April 30, 1970, Congress shall complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. The results of this comprehensive study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated as CVAN–70.

(b) The committee shall call on all Government agencies and such outside consultants as the committee may deem necessary.

Sec. 405. Funds authorized for appropriations under the provisions of this Act shall not be available for payment of independent research and development, bid and proposal, and other technical effort costs in a total amount in excess of $468,000,000. The foregoing limitation shall not apply in the case of formally advertised contracts or to other firmly fixed price contracts competitively awarded.

Sec. 406. (a) The Comptroller General of the United States (hereinafter in this section referred to as the "Comptroller General") is authorized and directed, as soon as practicable after the date of enactment of this section, to conduct a study and review on a selective basis of the profits made by contractors and subcontractors on contracts on which there is no formally advertised competitive bidding entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration under the authority of chapter 137 of title 10, United States Code, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense. The results of such study and review shall be submitted to the Congress as soon as practicable, but in no event later than December 31, 1970. The Comptroller General is further authorized, upon request of the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives, to conduct a study and review regarding the amount of profit which has been or may be realized under any contract referred to in the first sentence of this subsection. The Comptroller General shall submit to the committee which requested such study and review a written report of the results of such study and review as soon as practicable.

(b) Any contractor or subcontractor referred to in subsection (a) of this section shall, upon the request of the Comptroller General, prepare and submit to the General Accounting Office such information as the Comptroller General determines necessary or appropriate in conducting any study and review authorized by subsection (a) of this section. Information required under this subsection shall be submitted by a contractor or subcontractor in response to a written request made by the Comptroller General and shall be submitted in such form and detail as the Comptroller General may prescribe and shall be submitted within a reasonable period of time.

(c) In order to determine the costs, including all types of direct and indirect costs, of performing any contract or subcontract referred to in subsection (a) of this section, and to determine the profit, if any, realized under any such contract or subcontract, either on a percentage of cost basis or a return on private capital employed basis, the Comptroller General and authorized representatives of the General Accounting Office are authorized to audit and inspect and to make copies of any books, accounts, or other records of any such contractor or subcontractor.

(d) (1) The Comptroller General, or any officer or employee designated by him for such purpose, may sign and issue subpenas requiring the production of such books, accounts, or other records as may be material to the study and review carried out by the Comptroller General under this section.

(2) Within five days after the service upon any person of any subpena issued under this subsection relating to any contract or subcontract, such person may file in the district court of the United States for the judicial district in which such person transacts or has transacted business relating to that contract or subcontract, and serve upon the Comptroller General, a petition for an order of such court modifying or setting aside that subpena or demand. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any constitutional or other legal right or privilege of such person. Such court shall have jurisdiction to hear and determine any matter presented by such petition and to enter thereon such order or orders as it shall determine to be just and proper.

(e) In case of disobedience to subpena, the Comptroller General or his designee may invoke the aid of any district court of the United States in requiring the production of books, acounts, or other records. Any district court of the United States within the jurisdiction in which the contractor or subcontractor is found or resides or in which the contractor or subcontractor transact business may, in case of contumacy or refusal to obey a subpena issued by the Comptroller General, issue an order requiring the contractor or subcontractor to produce books, accounts, and other records: and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

(f) No book, account, or other record, or copy of any book, account, or record, of any contractor or subcontractor obtained by the Comptroller General under authority of this section which is not necessary for determining the profitability on any contract between such contractor or subcontractor and the Department of Defense shall be available for examination, without the consent of such contractor or subcontractor, by any individual other than a duly authorized officer or employee of the General Accounting Office; and no officer or employee of the General Accounting Office shall disclose, to any person not authorized by the Comptroller General to receive such information, any information obtained under authority of this section relating to cost, expense, or profitability on any nondefense business transaction of any contractor or subcontractor.

(g) The Comptroller General shall not disclose in any report made by him to the Congress or to either Committee on Armed Services under authority of this section any confidential information relating to the cost, expense, or profit of any contractor or subcontractor on any nondefense business transaction of such contractor or subcontractor.

SEC. 407. Notwithstanding the provisions of the Act entitled "An Act to suspend restrictions on the authorized personnel strength of the Armed Forces, and for other purposes", approved August 3, 1950 (64 Stat. 408), or any other provision of law, the total actual active duty personnel strength of the Armed Forces of the United States exclusive of personnel of the Coast Guard, personnel of reserve components on active duty for training purposes only and personnel of the Armed Forces employed in the Selective Service System shall not exceed 3,461,000 on the last day of the fiscal year 1970. In addition, whenever the total number of persons serving on active duty in Vietnam is reduced on or after July 1, 1969, this limitation of 3,461,000 shall be reduced by a like number. Nothing in this section shall be construed as requiring the reduction of the active duty personnel strength of any component of the Armed Forces below the level for such component prescribed by law. The foregoing provisions of this section shall not apply during any national emergency declared by the President or the Congress after the date of enactment of this section.

TITLE V—QUARTERLY CONTRACT REPORTING AND GAO AUDITS

SEC. 501. (a) The Secretary of Defense, in cooperation with the Comptroller General, shall develop a reporting system for major contracts entered into by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the development or procurement of any weapons system or other need of the United States.

(b) The Secretary of Defense shall cause a review to be made of each major contract as specified in subsection (a) during each period of three calendar months and shall make a finding with respect to each such contract as to—

(1) the estimates at the time the contract was entered into of the contractor and the procuring agency as to the cost of the contract, with separate estimates for (a) research, development, testing, and engineering, and for (b) production;

(2) the contractor's and agency's subsequent estimates of cost for completion of the contract up to the time of the review;

(3) the reasons for any significant rise or decline from prior cost estimates;

(4) the options available for additional procurement, whether the agency intends to exercise such options, and the expected cost of exercising such options;

(5) the estimates of the contractor and the procuring agency, at the time the contract was entered into, of the time for completion of the contract, any subsequent estimates of both as to the time for completion, and the reasons for any significant increases therein;

(6) the estimates of the contractor and procuring agency as to performance capabilities of the subject matter of the contract, and the reasons for any significant actual or estimated shortcomings therein compared to the performance capabilities called for under the original contract or subsequent estimates; and

(7) such other information as the Secretary of Defense shall determine to be pertinent in the evaluation of costs incurred and expected to be incurred and the effectiveness of performance achieved and anticipated under the contract.

(c) The Secretary of Defense after consultation with the Comptroller General and with the chairman of the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives shall prescribe criteria for the determination of major contracts under subsection (a).

(d) The Secretary of Defense shall transmit quarterly to the Congress and to the Committees on Armed Services and to the Committees on Appropriations of the Senate and the House of Representatives reports made pursuant to subsection (b), which shall include a full and complete statement of the findings made as a result of each contract review.

(e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary of Defense and shall furnish to the Congress and to the Committees on Armed Services and the Committees on Appropriations not less than once each year a report as to the adequacy of the reporting system, and any recommended improvements.

(f) The Comptroller General shall make independent audits of major contracts where in his opinion the costs incurred and to be incurred, the delivery schedules, and the effectiveness of performance achieved and anticipated are such as to warrant such audits and he shall report his findings to the Congress and to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives.

(g) Procuring agencies and contractors holding contracts selected by the Comptroller General for audit under subsection (f) shall file with the General Accounting Office such data, in such form and detail as may be prescribed by the Comptroller General, as the Comptroller General deems necessary or appropriate to assist him in carrying out his audits. The Comptroller General and any authorized representative of the General Accounting Office is entitled, until three years after final payment under the contract or subcontract, as the case may be, by subpena, inspection, authorization, or otherwise, to audit, obtain such information from, make such inspection and copies of, the books, records, and other writings of the procuring agency, the contractor, and subcontractors, and to take the sworn statement of any contractor or subcontractor or officer or employee of any contractor or subcontractor, as may be necessary or appropriate in the discretion of the Comptroller General, relating to contracts selected for audit.

(h) The United States district court for any district in which the contractor or subcontractor or his officer or employee is found or resides or in which the contractor or subcontractor transacts business shall have jurisdiction to issue an order requiring such contractor, subcontractor, officer, or employee to furnish such information, or to permit the inspection and copying of such records, as may be requested by the Comptroller General under this section. Any failure to obey such order of the court may be punished by such courts as a contempt thereof.

(i) There are hereby authorized to be approriated such sums as may be required to carry this section into effect.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rivers moves to strike out all after the enacting clause of S. 2546 and to insert in lieu thereof the provisions contained in H.R. 14000, as passed, as follows:

"TITLE I—PROCUREMENT

"Sec. 101. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

"AIRCRAFT

"For aircraft: for the Army, $570,400,000; for the Navy and the Marine Corps, $2,391,200,000; for the Air Force, $4,002,200,000.

"MISSILES

"For missiles: for the Army, $780,460,000; for the Navy, $851,300,000; for the Marine Corps, $20,100,000; for the Air Force, $1,486-400,000.

"NAVAL VESSELS

"For naval vessels: for the Navy, $3,591,500,000: *Provided,* That no funds authorized to be appropriated by this Act for the use of the Armed Forces of the United States shall be expended after January 1, 1970, for the contract procurement of DD 963 class destroyers unless the procurement planned for such vessels makes provision that the vessels in that plan shall be constructed at the facilities of at least three different United States shipbuilders.

"TRACKED COMBAT VEHICLES

"For tracked combat vehicles: for the Army, $195,200,000; for the Marine Corps, $37,700,000: *Provided,* That none of the funds authorized herein shall be utilized for the procurement of Sheridan assault vehicles (M–551) under any new or additional contract.

"TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

"Sec. 201. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

"For the Army, $1,664,500,000, of which (a) $10,000,000 is authorized to be appropriated only for the development of the Heavy Lift Helicopter and (b) $75,000,000 is authorized to be appropriated only for the development of the SAM–D system: *Provided,* That none of the funds herein authorized shall be expended for research, development, test, and evaluation of the Cheyenne helicopter;

"For the Navy (including the Marine Corps), $1,990,500,000, of which (a) $66,091,000 is authorized to be appropriated only for the development of the E–2C aircraft, (b) $165,400,000 is authorized to be appropriated only for the development of the S–3A aircraft, (c) $20,000,000 is authorized to be appropriated only for the development of the Undersea-Long-range Missile System, (d) $67,900,000 is authorized to be appropriated only for the development of the Advanced Surface Missile System, and (e) $517,300,000 is authorized to be appropriated only for the research and development of Anti-Submarine Warfare Systems;

"For the Air Force, $3,241,200,000, of which (a) $15,000,000 is authorized to be appropriated only for the development of the RF–111D aircraft, (b) $1,000,000 is authorized to be appropriated only for the development of the Light Intratheater Transport aircraft, (c) $18,500,000 is authorized to be appropriated only for the development of the CONUS Air Defense Interceptor, (d) $84,700,000 is authorized to be appropriated only for the development of the Short Range Attack Missile (SRAM), and (e) $40,000,000 is authorized to be appropriated only for the development of the Airborne Warning and Control System (AWACS): *Provided,* That none of the funds herein authorized shall be expended for research, development, test, and evaluation of the A–X aircraft; and

"For the Defense Agencies, $450,200,000.

"Sec. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1970 for use as an emergency fund for research, development, test, and evaluation of procurement or production related thereto, $75,000,000.

"Sec. 203. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

TITLE III—RESERVE FORCES

"Sec. 301. For the fiscal year beginning July 1, 1969, and ending June 30, 1970, the Selected Reserve of each reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

"(1) The Army National Guard of the United States, 393,298.

"(2) The Army Reserve, 255,591.

"(3) The Naval Reserve, 129,000.

"(4) The Marine Corps Reserve, 49,489.

"(5) The Air National Guard of the United States, 86,624.

"(6) The Air Force Reserve, 50,775.

"(7) The Coast Guard Reserve, 17,500.

"Sec. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units by the total number of such individual members.

"Sec. 303. Section 264 of title 10, United States Code, is amended by deleting subsection (b) and substituting the following in lieu thereof:

"'(b) The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Selected Reserve of the Reserve components under this jurisdiction to satisfy the mobilization readiness requirements established for those units and Reserves in the contingency and war plans approved by the Joint Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy. He shall, when a unit in the Selected Reserve is established and designated, expeditiously procure, issue, and maintain supplies and equipment of combat standard quality in amounts required for the training of each unit and shall store and maintain such additional supplies and equipment of that quality that are required by those units upon mobilization. However, if the Secretary concerned determines that compliance with the preceding provisions of this subsection will jeopardize the national security interests of the United States, he may temporarily waive compliance with these requirements after he has notified Congress in writing, setting forth the specific facts and circumstances upon which he made such a determination. Unless specifically authorized by law enacted after the effective date of this section, funds authorized for personnel, supplies, equipment and facilities for a Reserve component may not be transferred or expended for any other purpose.'

"Sec. 304. Subsection (c) of section 264 of title 10, United States Code, is amended as follows:

"In the last line of the last sentence of subsection (c) after the word 'within', change the figures '60' to '90'.

"TITLE IV—GENERAL PROVISIONS

"Sec. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37) as amended, is hereby amended to read as follows:

"'Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other Free World Forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine.'

"Sec. 402. After January 1, 1970, no contract or grant for Research and Development projects shall be awarded by the Department of Defense or any of the Armed Forces to any school, college or university or to any affiliated organization of such school, college or university, or to an individual in the employment of such school, college or university or its affiliated organization until sixty days after a full disclosure of the purposes, cost, and duration of such contract together with a statement setting forth in detail the number of research and development projects already awarded to that institution but not yet completed; the dollar amount of each said contract; the purpose of each of the contracts previously awarded; and for the contract or grant for which the notice is being given, a description of the facilities required to perform the research project, the cost of such facilities, a statement of whether such facilities are in existence and if so, a description of the ownership of such facilities, is made to the President of the Senate and Speaker of the House of Representatives. In addition, such notification will include a statement summarizing the record of the school, college or university with regard to cooperation on military matters such as the Reserve Officer Training Corps and military recruiting on its campus.

"Sec. 403. Title 10, United States Code, is amended as follows:

"(1) Section 3015(c) is amended to read as follows:

"'(c) The Chief of the National Guard Bureau holds office for four years, but may be removed for cause at any time and may not hold that office after he becomes sixty-four years of age. He is eligible to succeed himself. An officer now or hereafter serving as Chief of the National Guard Bureau shall be appointed as a Reserve in his armed force in the grade of lieutenant general for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, while serving as the Chief of the National Guard

Bureau. The position of Chief of the National Guard Bureau is in addition to the number of lieutenant general positions authorized by section 3066, 3202, 8066, or 8202 of this title, or any other provision of law.'

"(2) Section 3962 is amended by adding the following new subsection:

"'(d) Upon retirment or being granted retired pay, a reserve commissioned officer of the Army who has served as Chief of the National Guard Bureau in the grade of lieutenant general may, in the discretion of the President, by and with the advice and consent of the Senate, be retired in, and granted retired pay based on, that grade.'

"(3) Section 8962 is amended by adding the following new subsection:

"'(c) Upon retirement or being granted retired pay, a reserve commissioned officer of the Air Force who has served as Chief of the National Guard Bureau in the grade of lieutenant general may, in the discretion of the President, by and with the advice and consent of the Senate, be retired in, and granted retired pay based on, that grade.'

"(4) The catchlines of sections 3962 and 8962 are each amended by deleting ': regular commissioned officers.'

"(5) The analysis of chapter 369 is amended by striking out 'regular commissioned officers' in item 3962.

"(6) The analysis of chapter 869 is amended by striking out 'regular commissioned officers' in item 8962.

"Section 3019, title 10, United States Code is amended to read as follows:

"'(c) The Chief, Office of Army Reserve, holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. An officer now or hereafter serving as Chief, Office of Army Reserve, shall be appointed in the grade of lieutenant general for service in the Army Reserve while serving as the Chief, Office of Army Reserve. The position of Chief, Office of Army Reserve is in addition to the number of lieutenant general positions authorized by section 3066 or 3202 of this title, or any other provision of law.'

"Section 8019, title 10, United States Code is amended to read as follows:

"'(c) The Chief, Office of Air Force Reserve, holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. An officer now or hereafter serving as Chief, Office of Air Force Reserve, shall be appointed in the grade of lieutenant general for service in the Air Force Reserve while serving as the Chief, Office of Air Force Reserve. The position of Chief, Office of Air Force Reserve is in addition to the number of lieutenant general positions authorized by section 8066 or 8202 of this title, or any other provision of law.'

"Sec. 404. (a) Section 136 of title 10, United States Code, is amended—

"(1) by inserting after the first sentence in subsection (b) the following new sentences: 'One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Health Affairs. He shall have as his principal duty the overall supervision of health affairs of the Department of Defense.', and

"(2) by adding at the end thereof the following new subsection:

"'(g) Within the Office of the Assistant Secretary of Defense for Health Affairs there shall be a Deputy Assistant Secretary of Defense for Dental Affairs who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. Subject to the supervision and control of the Assistant Secretary of Defense for Health Affairs, the Deputy Assistant Secretary shall be responsible for all matters relating to dental affairs within the Office of the Assistant Secretary of Defense for Health Affairs.'

"(b) Until otherwise provided by operation of law, the individual holding office as the Deputy Assistant Secretary of Defense (Health and Medical) on the effective date of this section shall perform the duties of the Office of the Assistant Secretary of Defense for Health Affairs established by this section.

"Sec. 405. Section 412(b) of Public Law 86–149, as amended, is amended to read as follows:

"'(b) No funds may be appropriated afer December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft, missiles, or naval vessels, or after December 31, 1962, to or for the use of any armed force of the United States for the research, development, test, or evaluation of aircraft, missiles, or naval vessels, or after December 31, 1963, to or for the use of any armed force of the United States for any research, development, test, or evaluation, or after December 31, 1965, to or for the use of any armed force of the United States for the procurement of tracked combat vehicles, or after December 31, 1969, to or for the use of any armed force of the United States for the procurement of other vehicles, weapons, and munitions, unless the appropriation of such funds has been authorized by legislation enacted after such dates.'

"Sec. 406. (1) Chapter 7 of title 37, United States Code is amended as follows:

"(a) The following new section is inserted after section 427:

"'§ 428. Travel and transportation allowances: dependents at permanent station outside United States

"'Under regulations prescribed by the Secretaries concerned, which shall be, as far as practicable, uniform for all of the uniformed services, a member of a uniformed service who is on duty outside the United States at a permanent station, and when such benefits are not made available in kind by the United States, is entitled to a travel and transportation allowance, to assist in providing transportation for his dependents who are authorized to accompany him, as follows:

"'(1) A travel and transportation allowance is authorized to meet the travel expenses of the dependents of a member to and from a school in the United States to obtain an undergraduate college education, not to exceed one round trip each school year for each dependent for the purpose of obtaining such type of education. All or any portion of the travel for which a transportation allowance is authorized by this section will be performed wherever possible by the Military Airlift Command on a space-required basis. Notwithstanding the area limitations in this section, a travel and transportation allowance for the purpose of obtaining undergraduate college education may be authorized under this clause for dependents of members stationed in the Canal Zone.

"'(2) The term "United States" shall, for the purpose of this section, mean the several States, the District of Columbia, Puerto Rico, and the Canal Zone.

"'(3) The words "permanent station" shall, for the purpose of this section, include home yard or home port of a vessel to which a member of a uniformed service may be assigned.

"'(4) Notwithstanding section 401(2)(A) of this title, "dependent" in this section may include an unmarried child over twenty-one years of age who is in fact dependent and is obtaining an undergraduate college education.'

"(b) The analysis is amended by inserting the following item:

"'Sec. 428. Travel and transportation allowances: dependents at permanent station outside the United States.'

"(2) Section 912 of title 26, United States Code, is amended by adding the following new paragraph at the end thereof:

"'(4) Education Transportation Allowance.—In case of a member of a uniformed service, amounts received under section 428 of title 37, United States Code.'

"Sec. 407. Section 2 of the Act of August 3, 1950 (64 Stat. 408), as amended, is further amended to read as follows:

"'Sec. 2. After July 1, 1970, the active duty personnel strength of the Armed Forces, exclusive of personnel of the Coast Guard, personnel of the Reserve components on active duty for training purposes only, and personnel of the Armed Forces employed in the Selective Service System, shall not exceed a total of 3,285,000 persons at any time during the period of suspension prescribed in the first section of this Act except when the President of the United States determines that the application of this ceiling will seriously jeopardize the national security interests of the United States and informs the Congress of the basis of such determination.'

"Sec. 408. (a) After December 31, 1969, none of the funds authorized for appropriation by this or any other Act for the use of the Armed Forces shall be used for payments out of such funds under contracts or agreements with Federal contract research centers if the annual compensation of any officer or employee of such center paid out of such funds exceeds $45,000 except with the approval of the Secretary of Defense under regulations prescribed by the President.

"(b) The Secretary of Defense shall notify the President of the Senate and the Speaker of the House of Representatives promptly of any approvals authorized under subsection (a), together with a detailed statement of the reasons therefor.

"Sec. 409. Notwithstanding any other provision of law, an officer of an armed force who—

"(1) served as Chairman of the Joint Chiefs of Staff;

"(2) after he was retired, but before October 1, 1963, was ordered to active duty; and

"(3) was released from that active duty after July 31, 1969;

shall, effective as of the date he was released from that active duty, be entitled to retired pay computed under the formula set forth in the table in section 1402(a) of title 10, United States Code, but using the monthly basic pay prescribed at the time of his release from that active duty for an officer serving in pay grade O–10. The provisions of this paragraph do not affect or modify any prior commitment made by such officer in regard to participation in the Retired Serviceman's Family Protection Plan.

"(a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the amounts spent during the preceding six month period for Research, Development, Test and Evaluation and procurement of all lethal and nonlethal chemical and biological agents. The Secretary shall include in each report a full explanation of each expenditure, including the purpose and the necessity therefor.

"(b) None of the funds authorized to be appropriated by this Act or any other Act may be used for (1) the transportation of any lethal chemical or biological warfare agent to or from any military installation in the United States, or (2) the open air testing of any such agent within the United States, unless—

"(A) the Secretary of Defense (hereafter referred to in this section as the 'Secretary') considers that the transportation or testing proposed to be made is necessary in the interests of national security;

"(B) the Secretary advises the Secretary of Health, Education and Welfare of the particulars regarding the proposed transportation or testing,

"(C) the Secretary of Health, Education, and Welfare reviews such particulars with respect to any hazards to health and safety which such transportation or testing may pose, and reports his findings, together with any precautionary measures that he recommends be taken to avoid or minimize such hazards, to the Secretary;

"(D) the Secretary considers the findings and recommendations made by the Secretary of Health, Education, and Welfare under paragraph (C) and takes such action consenant therewith as he deems appropriate (including, where practical, the detoxification of any such agent, if such agent is to be transported to or from a military installation for disposal); and

"(E) The Secretary provides notification that such transportation or testing will be made to the Armed Services Committees of the Senate and House of Representatives at least ten days before the date on which such transportation or testing will be commenced.

"(c) (1) None of the funds authorized to be appropriated by this Act or any other Act may be used for the deployment, or storage, or both, at any place outside of the United States of—

"(A) any lethal chemical or biological warfare agent, or

"(B) any delivery system specifically designed to disseminate any such lethal agent, unless the Secretary gives prior notice of such deployment or storage to the country exercising jurisdiction over such place. In the case of any place outside the United States which is under the jurisdiction or control of the United States Government, no such action may be taken unless the Secretary gives prior notice of such action to the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives. As used in this paragraph, the term 'United States' means the several States and the District of Columbia.

"(2) None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, storage, or disposal of any lethal chemical or biological warfare agent outside the United States if the Secretary of State, after being notified by the Secretary that such action is contemplated, determines that such testing, development, transportation, storage, or disposal will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives, and to all appropriate international organizations, or organs thereof, whenever so required by treaty or other international agreement.

"(d) Unless otherwise indicated, as used in this section the term 'United States' means the several States, the District of Columbia, and the territories and possessions of the United States.

"(e) After the effective date of this bill, the operation of this section, or any portion thereof, may be suspended during the period of any war declared by Congress and during the period of any national emergency declared by Congress or by the President."

The **SPEAKER**. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 14000) was laid on the table.

GENERAL LEAVE

Mr. **RIVERS**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just passed.

The **SPEAKER** pro tempore (Mr. GRAY). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. **RIVERS**. Mr. Speaker, a little while ago I referred to the gentleman from California (Mr. LEGGETT) in my remarks on the floor. I am removing all reference from the temporary and permanent RECORD to Mr. LEGGETT. I ask unanimous consent to do so.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PERSONAL ANNOUNCEMENT

(Mr. **LANDRUM** asked and was given permission to address the house for 1 minute.)

Mr. **LANDRUM**. Mr. Speaker, at the time my name was called to vote on the motion to recommit, I voted. I thought there would be sufficient time to go to my office and attend to a matter that needed to be attended to before I go home. So I went to my office and came back here at the time the call for final passage was being made. It was faster than I could travel so I was not recorded on the vote for final passage.

Mr. Speaker, had I been here I would have voted for final passage unquestionably as my record in the debate on the bill under consideration today for military procurement would have shown.

I make this statement, Mr. Speaker, so the RECORD will show this.

The **SPEAKER** pro tempore. The time of the gentleman has expired.

PERSONAL ANNOUNCEMENT

(Mr. **PEPPER** asked and was given permission to address the House for 1 minute.)

Mr. **PEPPER**. Mr. Speaker, except for the first quorum call today, I was on the floor all of today voting on all of the amendments including the teller votes and as well as being on record as voting on the motion to recommit.

But I had some matters pressing in my office just before the final rollcall began and I thought I could get back before the rollcall was concluded. The announcement of the vote was being made as I rushed through the door. Unfortunately, the announcement had been made when I actually got on the floor and, therefore, I could not be recorded as voting.

Mr. Speaker, had I been here, of course, I would have voted "yea".

Mr. Speaker, I ask unanimous consent that my statement will appear in the RECORD immediately following the announcement of the vote.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

PERSONAL ANNOUNCEMENT

(Mr. **STUCKEY** asked and was given permission to address the House for 1 minute.)

Mr. **STUCKEY**. Mr. Speaker, I would like to associate my remarks with the dean of our delegation, the gentleman from Georgia (Mr. LANDRUM).

We were both in his office at the time on a pressing matter.

Mr. Speaker, I would like the RECORD to show that I did vote on the recommittal and that I was in favor of the passage of the bill. I would like the permanent RECORD to show that if I had been present, I would have voted for it.

PERSONAL ANNOUNCEMENT

(Mr. **VANDER JAGT** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **VANDER JAGT**. Mr. Speaker, I would like to associate my remarks with the remarks that have gone on earlier.

Mr. Speaker, I too missed the vote on final passage of the military procurement bill. I voted on all of the matters earlier in the day. Had I been present, I would have voted "yea" and I would like the RECORD to so indicate.

LEGISLATIVE PROGRAM

(Mr. **ARENDS** asked and was given permission to address the House for 1 minute.)

Mr. **ARENDS**. Mr. Speaker, I take this time to inquire of the distinguished majority leader the program for next week.

Mr. **ALBERT**. Mr. Speaker, will the gentleman yield?

Mr. **ARENDS**. I yield to the distinguished majority leader.

Mr. **ALBERT**. The program for next week is as follows:

Monday is Consent Calendar day, and there are seven suspensions, as follows:

H.R. 14127, to carry out the recommendations of the Joint Commission on the Coinage;

H.R. 13304, Gifted and Talented Children Educational Assistance Act;

H.R. 13310, to provide for special programs for children with special learning disabilities;

H.R. 13576, to increase the rates of dependency and indemnity compensation to widows of veterans;

H.R. 372, amendments to the non-service-connected pension program for veterans;

S. 1836, to amend the Federal Seed Act; and

H.R. 9857, to amend the Perishable Agricultural Commodities Act.

Tuesday is Private Calendar day.

There is also scheduled for consideration H.R. 10878, to authorize appropriations for activities of the National Science Foundation under an open rule with 1 hour of debate.

For Wednesday and the balance of the week:

Calendar Wednesday:

H.R. 14159, public works for water, pollution control, and power development, and Atomic Energy Commission Appropriation Act, 1970;

H.R. 8449, Hours of Service Act amendments under an open rule, with 1 hour of debate; and

H.R. 7737, Educational Television and Radio Amendments of 1969 under an open rule with 1 hour of debate.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time, and any further program will be announced later.

Mr. Speaker, it may well be we will have additions to the program before the end of next week and, if so, we will announce them at the time.

ADJOURNMENT TO MONDAY, OCTOBER 6

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, on the assumption that we will be here Thanksgiving and Christmas in Washington, would I be safe at this time in putting in an order for a turkey and a Christmas tree?

Mr. ALBERT. Mr. Speaker, I think the gentleman might take that up with the body across the Capitol.

Mr. GROSS. Which body? Oh, the gentleman means the other body?

Mr. ALBERT. The gentleman is right.

Mr. GROSS. I see. I thank the gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. UDALL. Mr. Speaker, reserving the right to object, I have never objected to the leadership's request of this kind, and I take the floor tonight with considerable reluctance. But for the last month the bill H.R. 13000, dealing with the paying of benefits and compensation of nearly 2 million Federal employees, has been languishing in the Committee on Rules.

I have believed that it was languishing there because of the backlog left over from our August recess and other business. I now discover, and I am led to believe, that the bill is being held there in part through efforts of those in the administration, and those who are anxious to hold it in ransom for the so-called postal corporation bill.

It is kind of ironic, because I am the principal sponsor of the proposal for the postal service corporation bill, and have been trying in the last several weeks with the administration to see if we can move this proposal along this year.

But if this is the way the game is to be played, and if I am to keep the commitments I have made in our committee, and that I have made to the Federal employees that we would give them some answers to the serious questions they have raised, and with the possibility of strikes, and that we would have disruptions if they do not receive some action on the Federal pay bills this year, then I can no longer sit back and wait.

Calendar Wednesday is one of the few devices by which a committee can get consideration of legislation that it has approved. This legislation is supported by a vast majority of the Members of the House, so I am constrained tonight, Mr. Speaker, to object, but if I do object—and I think I shall—I would ask the leadership to renew the request on Monday, and maybe we can get a little better indication as to the reasons that are holding this up.

So, Mr. Speaker, under the circumstances I do object.

The SPEAKER pro tempore. Objection is heard.

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSEN. Mr. Speaker, had I been present, I would have joined the gentleman from Arizona (Mr. UDALL) in objecting to the waiver of Calendar Wednesday.

I ask unanimous consent that I may have my remarks follow those of the gentleman from Arizona (Mr. UDALL) when he made that objection.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO HAVE UNTIL MIDNIGHT SATURDAY, OCTOBER 4, TO FILE REPORT ON H.R. 14127

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the House Committee on Banking and Currency have until midnight Saturday, October 4, to file its report on H.R. 14127, to carry out the recommendations of the Joint Commission on the Coinage, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire if the committee has met, and if the action has been channeled in both the subcommittee and the full committee, and if the report has been completed, and is ready for filing?

Mr. PATMAN. I would say to the gentleman from Missouri that it will be filed by tomorrow night. That is the request that I have made.

The vote was unanimous. It is a bill on coinage, and it includes a dollar for the late General Eisenhower.

Mr. HALL. I am not sure that he would be honored with what you are going to put in it. But I want to be sure that this is not another one of those star chamber proceedings that have been reported in the various news media on the gentleman's committee.

Mr. PATMAN. We had 35 members there, and they all voted, and voted for it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Is it proposed to file a report on this bill on tomorrow night, and then to take it up under suspension on Monday?

Mr. PATMAN. That is correct.

Mr. GROSS. When are we supposed to get some information or be able to get some information on the bill?

Mr. PATMAN. You will have it Monday noon.

There again, President Nixon wrote the Speaker of the House and wrote to me, and to others, indicating that President Eisenhower's birthday is October 14, and that it would be very nice if this bill were to be passed before that time so that the President could make certain announcements that would be important.

Mr. HALL. Mr. Speaker, I would say I have no particular objection to this, although I may reserve the right to vote against the coinage if it does not have any of the metal of the realm in it.

Be that as it may, perhaps we should have had the bill out on time, and ready to have been examined by the Members, instead of filing it over the weekend, if we had not had these star chamber proceedings going on.

Mr. PATMAN. May I say to the gentleman, there have been no star chamber proceedings at all.

Mr. HALL. The gentleman does not deny but what they have been going on, or that the reports as printed on the editorial page of the Wall Street Journal being an exact transcript, does he?

Mr. PATMAN. No; it was not an exact transcript and it was out of context and not all of it was correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. PATMAN)?

There was no objection.

TIME FOR A VICTORY IN VIETNAM DAY

(Mr. HALEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HALEY. Mr. Speaker, when I visited my congressional district during the brief recess of the Congress, many of my constituents discussed with me the war in Vietnam. Each expressed the desire that it soon be ended, although many had different theories about how this should be accomplished.

On September 30, 1969, one of my hometown newspapers, the Sarasota Journal, expressed an idea that deserves wide audience, when it published an editorial entitled, "Time for 'VV' Day." I hope all readers of the RECORD will consider the editorial writer's thoughts. It is time that we chart a specific course to lead us to an early "Victory in Vietnam Day." The editorial follows:

TIME FOR "VV" DAY

President Nixon says the time has come to end the Vietnam war. We agree. The nation agrees. So, let's end it.

Let's don't get hung upon details. Just proclaim VV Day (Victory in Vietnam) and bring our troops home.

The President, in such a proclamation, could point out that we have achieved all our stated objectives in South Vietnam. We have defeated and turned back invaders from the North. We have, at a high cost in American lives, bought time for the South Vietnamese to establish a viable government.

The proclamation need not go into the question of how that time has been used. But it should affirm that the United States has no desire to hold any Vietnamese territory, that we have never wanted to impose our will upon another people, that all we ever intended was to repeal aggression, to give the people of South Vietnam a chance to determine their own future, and that this we have done.

The proclamation should express the nation's gratitude to the million or more men who have followed the colors into America's least-understood and most unpopular war. It should accord special honor to the 40,000 who gave their last full measure of devotion because they were told that the cause was just.

VV Day should be declared, not a day for unrestrained rejoicing, but a day for prayer and reflection and for re-dedication to freedom and justice for all men and all nations.

Naturally, a Presidential proclamation would need a lot of "Whereases" and "Therefores" and more flourish and styles than we can put in these few word. But we have touched upon the essentials of the instrument.

There would remain the matter of picking a date for VV Day. We suggest only that it should be soon. Very soon.

FRESHMAN ECONOMICS LESSON NO. 6

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, the Nixon administration is riding piggyback on an economic buzz saw which it created and accelerated the pace of. This is inevitably resulting in the rupture of our hard-won prosperity in the name of ending inflation. Already the economy is careening wildly, yawing right and left under the influence of a commander and officers who do not know where we have been, have no idea of where we are, and are completely in the dark as to where we are heading. All we do know is that matters are worsening, people are losing their jobs, buying power decreases, and interest rates and prices are high and going higher. Further instruction in freshman elementary economics is therefore in order. Let us commence.

First there is the elementary choice facing the administration. Shall they halt corporate price hikes or destroy the average person's buying power? Obviously they have opted for the latter. As buying power is ordered, the various corporations which have raised prices blithely continue mass production on items workers can no longer afford or will now hesitate to purchase. Inventories pyramid, as recent news has informed us is the case. Disaster stands poised in the wings, delighted at the prospect of repeating its 1929 triumph.

If the President seeks to reduce the cause of inflation, I am more than happy to offer him a case in point which is the inflationary cycle in microcosm. For the second time in 3 weeks, the Maxwell House Division of General Foods Corp. is raising wholesale coffee prices. They are immediately going up 3 cents a pound, a 3.8-percent increase. On September 11, it announced increases of 5 percent.

General Electric's Hotpoint appliance prices are going up 3 percent. Standard Oil of New Jersey raises prices for polyethylene film. Riegle Paper Corp. announces a 4-percent increase in glassine and grease-proof products. International Paper Sales Co. raises newsprint prices $5 per ton. Pratt and Whitney Aircraft increases jet engine prices by 5 to 10 percent, and the administration cannot understand why there is inflation.

The auto industry is another case in point. We left these heroes of the corporate world after Ford had followed the General Motors price hike with one of its own. Chrysler followed with a price hike of $107 per car. Now that is what I call competition. Sugar prices then hit their highest point since 1964. In both cases, the Government maintained a bleak silence. Bowater Paper Corp., one of the majors, increased its newsprint prices to $152 per ton. If other companies follow their lead, it will be the third general rise in newsprint cost in 2 years. The other day General Motors added insult to injury by raising prices on auto accessories for cars and trucks. So when you and I need a battery or one of those thousand and one items which a car or truck requires, we shall pay more; 3.9 percent is the amount of the increase. Toyota and Nissan, the two major auto companies in Japan which sell significant numbers of cars in the United States, are contemplating a price hike. Sure. Why not get on the bandwagon.

Meanwhile, we must lift up our eyes to see what is transpiring in the background, where the massive forces of the economy are realining themselves as a result of these economic policies of the Government and the accompanying actions of various corporations.

In August there was no increase in savings, a month when there is usually a large inflow. Last year, savings gained $366 million in August. The Federal Home Loan Bank Board also reported that interest rates on conventional mortgages rose again in August to an average of 7.99 percent for new homes, compared with 7.91 percent in July. This simply means that the average prospective home purchaser will have to pay more for his mortgaged home. No problem to the average corporation president, but a major one to the average worker. Lending volume is plummeting, and the decline is accelerating. Industrial output in August declined for the first time in a year as the Federal Reserve Board production index showed a 0.2-percent drop. Housing construction declined in August for the seventh consecutive month. Corporate profits meanwhile, hit an alltime high. Durable goods orders declined $700 million, or 2.4 percent in August. Orders for machinery and equipment decreased by $200 million.

All over the Nation unemployment is spreading like a pox, as thousands and now tens of thousands of American workers are being laid off or released outright. Unemployment lines are beginning to lengthen and real deprivation is making its appearance in places where it had been merely a spectre of the bad old days. Cheer up folks, you have the President and his advisers to thank for all this largesse. How generous of them to bring us a recession, and perhaps a recession, all in the name of halting inflation.

Our leaders live in the clouds, navigating a balloon made of an immense and empty bologna skin. Down below we mere mortals groan in increasing economic agony. Recently it was announced that the President may use sweet reason, moral suasion, and an eloquent plea for price and wage restraint. Emptying out the ocean with a thimble makes more sense. Double doses of ipecac and field artillery will have to be employed on the Nation's major corporations to end their power and profit mad price-raising spree. The President must act rather than talk. This is not the campaign and oratory will fail. This is the crunch. This is what he was elected for. Now is when we shall find out whether there is granite and hard bone in his spine or whipped cream.

THE HOMETOWN ANGLE

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, I recently had the privilege of reading an article entitled "The Hometown Angle," which appeared in the publication Television Age, by Mr. Robert F. Foster, Washington news bureau chief for WGN Continental Broadcasting Co., located at 2501 W. Bradley Place in Chicago, Ill.

In this critique, Mr. Foster highlights his observations regarding the role of WGN in reporting the days' events. I found his remarks to be not only concisive, but of great personal interest because this report underscores the distinguished service that WGN has provided to the residents of my congressional district, the city of Chicago, and the entire Midwest.

I feel confident that this article will also be of great interest to my colleagues as well, and I am, therefore, enclosing a copy of the article, as follows:

THE HOMETOWN ANGLE

Finding the local angle to a Washington story is not as hard as it sounds. Perhaps one of the best examples of localizing Congressional news is the obvious one—the House and Senate Appropriations Committees. Defense spending will affect military installations throughout the country. And the public works appropriations bill touches on every state in the Union.

Another example: The President's Office of Emergency Preparedness recently gave our news bureau a chance to localize the tragedy of hurricane "Camille."

We set up an interview with the director, Brig. Gen. George A. Lincoln (ret.), who was in charge of coordinating federal and state evacuation and clean-up operations following the hurricane's assault on the Mississippi and Louisiana coasts.

Localizing the story for Chicago was relatively simple, as the plane-loads of medicines, clothing and shelter supplies were being sent from Illinois to the disaster sites. A two-minute interview wrapped up the Illinois and Chicago participation in a nutshell.

Localizing the story for KWGN–TV Denver, we thought, might pose a more difficult problem. But we learned the general had married a woman from Denver, has a ranch near there and has children in Colorado colleges. Our "localized" interview was complete when the general told us he was in the Denver area when he first learned of Camille's devastation and was called to mobilize his disaster units.

Ordinarily, in interviewing a Congressman, some kind of reaction is sought. What does a given Congressman think of a certain Congressional development? What does he think should have been done, and what does he propose should be done in the future regarding the topic?

The Midwest is fortunate in having five of the top Congressional leaders from its area. In the Senate, there was, until recently, Illinois' Everett Dirksen, minority leader. In the House, the Midwest has minority leader Gerald Ford of Michigan, minority whip Leslie Arends of Illinois, the Chairman of the House Republican Conference, John Anderson of Illinois and Daniel Rostenkowski, Chairman of the House Democratic Caucus. The Denver area has its leadership representative in Sen. Gordon Allott, Senate Republican policy chairman. And Duluth-Superior has national recognition in such members as Minnesota Sen. Eugene McCarthy and Wisconsin Sen. William Proxmire.

The first thing one has to understand when covering the Capitol is the committee assignment of members. For instance, if there is a dispute between this country and France one doesn't go to a member who, although from your regional area, serves on the House Post Office and Civil Service Committee. He looks for a member from the House Foreign Affairs Committee. With the Chicago area, it is not difficult to find members on all committees of both Houses.

Congressmen as a group are no different than lawyers, doctors or bricklayers. Each member is an individual and each has his own traits.

Some members are more than willing to be interviewed—some, in fact, are over-eager to be seen by the constituency back home.

Others are willing, but there is difficulty in setting up the time because of their heavy committee work. This is especially true of members with high seniority on committees. They certainly want to cooperate, but you have to do your share of cooperating, too.

For some members, it's a matter of their disposition on a given day. Congressmen have difficulties with their wives, for instance, just as much as men in other fields. You'll find a member one day throwing out his hand in greeting, and the next day he'll walk right by you with his mind miles away.

There is a group of members who want to talk only if the topic is relatively non-controversial. The example which always comes to mind on this subject, was the release of the Warren Report.

We asked one member if he would comment on it, immediately after its release. "Let's skip this one, Bob," he replied. "It's a little sticky." Granted, time proved him correct with the disputes that eventually came up on the Warren Report, but there was certainly nothing controversial at the time of its publication, nor any indication whatsoever that there would be.

And then there is a small group which under no circumstances wants to do an interview. One can only summarize this very, very small group as coming from the school that believes that if you don't say anything, you'll never have to regret saying the wrong thing.

But the great majority of members and those holding other high governmental positions are willing to talk if they have the time. If they don't want to be interviewed they will almost always tell you off the record why they want to pass it up. You will find in Washington, as in other cities, that it is one thing to have a person talk for newsmen from the wire services or newspapers, and it is another thing to have them talk for radio or television.

As a rule members are easy to contact, either directly or through their press aides. Committee work of the members makes it necessary to go through the press aides quite often. Senators have more committee assignments than do members of the House and as a result it is often more difficult to set a time for an interview with a member of the Senate.

The stations in Chicago, Denver and Duluth leave the day-to-day assignments to the Washington News Bureau—with exceptions, of course.

They certainly alert us if a mayor or governor is due in the Capitol or they will point out if there is high interest locally in an upcoming committee hearing.

TELEVISION COVERAGE

Speaking of committees, the Houses are divided on the subject of coverage by television. The Senate leaves the matter up to the individual committee chairman, and the subcommittee chairman, as to whether sound-on-film (SOF) shooting will be allowed during testimony and discussion. In most cases, where no SOF filming is allowed, the committee chairman will allow some silent footage until the gavel is brought into use.

The House, on the other hand, allows no SOF shooting of committee sessions. In these instances, silent film is shot prior to the committee going into session. However, in the event committee work is not shot SOF, permission is almost always granted to set-up in the hallway outside of the committee chamber for interviews with the parties interested in the proceedings, including, of course, those who testified.

If a member has a speech impediment, he is naturally going to be hesitant about doing an interview. If, in the rare event his grammar is bad, this usually will not stop him from doing an interview. Why? Because he's been talking that way for a long time and sees nothing wrong with his delivery.

If someone is camera-shy, or is afraid of becoming panic stricken or speechless, a little bit of encouragement will usually work. The best line I have heard in a case like this, and I have used it, is to explain that it's as if we were sitting in a living room at home and just casually talking. He has to be convinced that a camera has never bitten anyone and there is no reason why it will happen today. But realizing that a person is following the line of public life and politics makes you understand that there is a degree—no matter how small—of extrovert in that person.

If you are particularly concerned that an interview will go on too long—based upon experience—it doesn't hurt to say you've only got 100 feet left in the magazine, you are fighting a deadline, and the subject has to be wrapped up rather quickly.

There is no more a set formula for questioning people in Washington as there is elsewhere. The first reaction question is usually. "Why?" Somewhere along the line, another question is bound to be, "What do you think will happen next?"

Occasionally, you have to call a member off the floor to ask about a subject he is unaware of. An example of this would be to approach a member of the House Armed Services Committee, and inform him about a story which has just broken on fighting in South Viet Nam. You obviously have to fill him in on the report before he can analyze or comment.

The House of Representatives provides the best facilities for filming. In the House Radio-TV Gallery, located almost directly above the chamber, three studios are available for cameras. Two are small, but the third is quite large, and as many as twelve cameras were in use on at least one occasion for a news conference in this studio. While the small studios provide for only a curtain or wall background, at least five backgrounds can be used in the big studio, including a desk with books behind it, a large colored map of the world, and large doors. There is also a large, attractive studio available in the Sam Rayburn House Office Building.

The Senate Radio-TV Gallery, on the other hand, is very small, although efforts have been underway for some time to increase the size of this facility. If necessary, more than six crews can be jammed into this small space; but it's a very, very tight squeeze. Two backgrounds are available.

SHOOTING AT WHITE HOUSE

Cameras crews at the White House find things more confining, with one asphalt-paved center outside the West Wing set aside for interviews and "stand-up" work. The East Room and the Fish Room are used for Presidential news conferences. However, since almost all stations have network or UPI Films affiliations, the Presidential news conferences almost always are left to these organizations.

On occasion, there will be addresses by the President to groups in the Rose Garden, and ceremonies on the South Lawn. Here, of course, the space is not limited, and a good deal of silent coverage is given by regional bureaus.

Most Federal agencies are not equipped for film coverage of news conferences, but there are exceptions.

One executive agency geared for filming interviews is the Department of Defense. Pentagon coverage, usually, for obvious reasons, is confined to one area, and the subject involved in the news briefings is brought to the reporters. The Pentagon studio is large enough to accommodate a dozen cameras, and some 100 people. It is adequate now, but with the sudden influx of independent bureaus, it may be outmoded in the near future. Setups are permitted for feature interviews.

WGN-Continental, like the other regional bureaus, prefers to use the facilities of the House of Representatives. When in session, the House almost always convenes at Noon. As a consequence, it is more convenient for the members to be interivewed either just prior to the session, during the session—especially during a quorum call—immediately after an important vote is tallied, or when the House adjourns. With few exceptions, members of the Senate understand the reasons for our preferring to set-up in the House, and are willing to come over to the other side of the Capitol for an interview.

A regional bureau just doesn't have the staff to do investigative work, so the emphasis, after top priorities are given to Congress and the Executive branch, is directed at features.

Our list of photographic equipment is

XUM

short. For silent film coverage we use the Bell & Howell 70–DR 16 mm camera equipped with 10 mm, 25 mm and 50 mm lenses.

Our sound work is done with the Auricon pro-600, equipped with the Angenieux 12–120 zoom lens. We use both 400-foot and 1200-foot Auricon magazines, with either core or 100-foot reel takeups. Sound is handled by the standard Auricon amplifier, and magnetic sound heads.

Our film stock is Kodak-EF-B Ektachrome color film, with magnetic stripping. All film shot by the bureau is shot raw and processed in Chicago, Denver and Duluth.

One problem you don't have with a Washington News Bureau is makeup. With one, or possibly two, exceptions over a five and a half year period, no member of either House has requested to use makeup.

The ever-present problem of the regional bureau is shipment of film. You are forever at the mercy of the weather, as the regional bureau must rely on air shipment to the station. Film must be at the airport well ahead of flight time, and then there is a delay at the destination until the film has been taken to and sorted out by air express.

The following on how Washington coverage looks from the local station point of view was written by Robert D. Manewith, director of news of WGN–TV–AM *Chicago.*

There are many fast breaking local stories where we need comment from Washington authorities. Frequently Mayor Daley and Governor Ogilvie take newsmaking trips to Washington. We always tip off the Washington Bureau, and a WGN Bureau man is usually the first to greet these officials at the airport.

The Bureau also gets local requests from Wayne Vriesman of KWGN–TV Denver and Bill Krueger of KDAL–TV Duluth.

THE TIME ELEMENT

The basic problem for our home office, in dealing with its own Washington material, is getting the material to Chicago in a timely manner. We are at the mercy of traffic jams around two of the five most congested airport areas in the country. We are also at the mercy of the airline schedules, which in their turn, are at the mercy of the air congestion around these two airports, and the weather.

A courier must *get* from Capitol Hill to National Airport and place our package in the hands of an Air Express agent before lockout, one hour prior to flight time. Another courier must be waiting at the Air-Ex office in Chicago when the plane lands, at which time an agent, hopefully cajoled or rewarded, will actually go to the plane for our package, rather than forcing us to wait for routine unloading. Then, the courier has to get away from O'Hara Field and get into the city with the film.

The distance between the two cities is almost insignificant, in comparison with the time it takes for the couriers and express agents to complete their tasks.

Oh, for the days of the picture-phone and the miniature TV, when we can get *sound* and picture from Washington as easily as we do sound alone for WGN Radio. With a combined news operation, our Washington Bureau covers for radio as well as television, phone-feeding its tape. And, therein lies a story.

It was a rainy day in Washington. Bob Foster had walked out of the office and crossed the street, to cut through the lobby of the Mayflower Hotel, a rainy-day, sheltered route to the cab stand and a taxi to Capitol Hill. Like many another reporter, Bob got his start in sports. He worked with the WGN–TV crew handling White Sox games when Paul Richards was with our South Side heroes in the early '50s.

Now, it's maybe 15 years later. Bob Foster has left sports reporting, spent a few years covering Springfield, the state capital, for WGN, and has been assigned to open and operate our Washington Bureau.

A BASEBALL SCOOP

Paul Richards is long gone from the White Sox. In fact, he was just gone from Baltimore Orioles. Foster spotted Richards as he came out of a phone booth in the lobby. Old friends . . . a chance meeting. "Sorry to hear you're out of work, Paul," Bob says. "Got anything in mind yet?" Just so happens Richards was talking to Judge Roy Hofheinz down Houston way, and had just agreed to take over the Astros. Foster reached down for the switch on his tape recorder. "Could you tell me that again, Paul? Your friends and fans in Chicago would be interested."

A rainy day, a short-cut to keep dry, and a chance meeting in a hotel lobby. Perhaps it wasn't the sports story of the year, but it was a scoop—and for a Washington correspondent. That is, a "Washington reporter" who was a reporter first, merely assigned to cover Washington instead of Waukegan or the World Series . . . always a reporter.

CHIEF OF THE BUREAU FAHY RETIRES: LONG LIVE KING SONENSHEIN

(Mr. LEGGETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, a few weeks ago, it was my pleasure to be present in the Main Navy Building here in Washington when Adm. I. J. Pete Galantin presided over the change of command of the Chief of Navy Ship Systems.

My good friend, Adm. Ed Fahy, retired after serving the past 3 years with outstanding distinction as the first Chief of the new Department of Naval Ship Systems Command. He perhaps had been Chief of the Bureau of Ships—the predecessor organization—shorter than any officer in history.

Ed and his successor, Adm. Nathen Sonenshein, were both properly eulogized at the ceremony and the admirals made appropriate remarks. I include at this point in the Record a portion of a copy of the transcript of the change of command. I wish them both success in their further efforts to redevelop the U.S. Navy:

Adm. I. J. Galantin, Chief of Naval Material. Those of us who take part in these Change of Command Ceremonies at sea, of course, are used to quite a bit of pomp and circumstance. We realize the significance when one man hauls down his flag and another breaks his. And although that event generally attracts more attention, this one is no less significant. In many ways this is more significant because here we are seeing and taking part in the culmination of a highly successful career of one distinguished officer and helping push on to his next step another distinguished officer.

But really the significance is deeper than just personal. It is a very significant event for the Navy because the work that Admiral Fahy has done, and which Admiral Sonenshein will do, supported by the many people I see here and the people you represent, is of very great importance to me. It is of tremendous importance to our nation. We know we are trying to revitalize our sea power, shipbuilding in general, and although the work of those in this business is often undramatic it goes without question that I think we are influencing the Navy of the future more than we could in equivalent positions elsewhere. . . .

Admiral Fahy's career has been marked by leadership. I think from his earliest days up in New York City in high school he marked himself as a man who would take charge. . . . But really, to indicate what I say about his leadership, he was the Regimental Commander at the Naval Academy. Those of us who came through that school know what that means.

After graduation he went to sea and served on the Cruiser *Tuscaloosa*. A few years later he went to Submarine School. . . . He commanded the *Plunger* with great distinction and then found that this bent of his of being distinguished in academies as well as in leadership could be applied to the Navy's benefit in another field. He transferred to the restricted line, the Engineering Duty Officer community. He took post-graduate training in electronics both at the Naval Academy and at M.I.T.

So, with that background, it was only natural that in 1965 when I was looking for leadership of the 1400 community, Engineer Duty Officers, it was completely natural that I should turn to Admiral Fahy.

. . . Let me run down some of the accomplishments and some of the problems that Eddy has faced with us. We all know that the affair in Southeast Asia has put tremendous burdens on the Navy, particularly in its shipbuilding effort and ship repair effort. He took that as well in stride as we all did. There were numerous emergencies at sea that we had to respond to, and again very largely in the shipbuilding area. We have only to remind ourselves that wars are difficult and dangerous and that intense operations at sea lead to problems. We can tick those off, all of which had an impact on us: the *Oriskany*, the *Forrestal*, the *Enterprise*, the *Scorpion*, the *Frank Knox*, the *Bache*. A number of these resulted in unplanned, unbudgeted efforts, and Eddy Fahy had the job of directing his resources and personnel to take those aboard as well as the routine work.

This routine work itself amounted to about a $10 billion effort during his four years, made up of new construction and conversion of some $6½ billion; over a billion dollars went into the alteration of ships; the overhaul of the ships ran about $1½ billion; restricted availabilities another $700 million. So, in anybody's language, this is truly big business.

He pioneered certain other efforts which will long be remembered after many of us are forgotten. Among them are such things as the Shipbuilding Industry Advisory Committee. This was a new effort which Eddy initiated to get better understanding between the civilian shipbuilding community and the Navy. They have contributed good ideas. They have gotten better understanding of our problems. We understand theirs better. Each knows what we can expect from the other. This was a fruitful bit of innovation that is just beginning to pay dividends. . . .

Many of his accomplishments have been unpublicized. I am aware of them. I think others will be increasingly as time goes on.

We should also, of course, mention the improvement in the planning and accomplishment of complex ship overhauls, typified by *Saratoga*—and what a successful job that has been. Later, the *FDR* under Rear Admiral "Moose" Brown was even more successful by building on that concept, and the PERA concept, the Planning for Engineering Repairs and Alterations, which Eddy has instituted in our shipyards. These will pay continuing dividends as time goes on. . . .

To wrap this up I can simply say that Eddy's contribution is going to outlast every one of us. There is recognition that as time marches on the Navy is increasingly dependent on advanced technology. The only way you can cope with that in the Navy is recruit good people, hold good people, train good people, use good people. Knowing that, he has succeeded in selling the need for more engineering duty officers and more top civilians. . . . This is, in my judgment, the very great contribution that Admiral Fahy has made, and I know that it will be a lasting contribution.

CLEAN WATER NOW

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, debate on the funding of the Clean Water Restoration Act is scheduled to begin next Tuesday. It is imperative that we appropriate the full $1 billion for pollution control as authorized by the Clean Water Restoration Act of 1966. We can no longer afford to compromise as the condition of our Nation's waterways continues to deteriorate.

The following editorial which appeared in the Cleveland Plain Dealer of September 30, 1969, echoes the sentiment of concerned citizens throughout our country:

Clean Water Money

There is good news from Washington in the fight against water pollution.

A majority of Congressmen—219 so far—have pledged to fight for an appropriation of $1 billion in fiscal 1970 to help cities and states build wastewater treatment plants.

The pledges were lined up by Rep. John D. Dingell, D.–Mich., Rep. Michael A. Feighan, D.–Ohio, of Cleveland and five colleagues in the House who formed an ad hoc committee to attain a higher priority for the long-neglected battle for pollution control.

Like other domestic programs, the cleanup effort initiated by the Clean Water Act of 1966 was pushed into the background because of spending on the Vietnam war. From the beginning, appropriations fell short of the authorizations. Both the Johnson and Nixon administrations, for example, budgeted only $214 million for sewage plant grants in fiscal 1970, although Congress had authorized $1 billion.

Now Congress is saying that regardless of the war and in spite of a general desire to reduce federal spending, water pollution must be attacked. The battle can be put off no longer.

We like that sentiment. We have argued for it a good many months. We believe Congress should appropriate the full $1 billion. It will be the best $1 billion ever spent, helping hundreds of communities across the country to build treatment plants that simply must be built to protect a precious resource from ruin.

FAMILY ASSISTANCE ACT OF 1969

(Mr. BYRNES of Wisconsin asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BYRNES of Wisconsin. Mr. Speaker, I have today introduced H.R. 14173—the Family Assistance Act of 1969—which incorporates the administration's recommendations for comprehensive reform of our welfare laws. I will include at the end of my remarks an analysis of the bill.

Our present welfare system is a failure—marked by inequities and abuses, encouraging family breakups, and perpetuating dependence on welfare payments. The President's proposal constitutes the first major attempt to overhaul our Federal-State welfare system during the 30-year history of the program. The need to find workable solutions to the problems we face in this field must be given a high priority.

The growing costs of this welfare system to our society—both human and financial—require that new initiatives be developed to insure that all citizens have both the opportunity and responsibility to participate in our economy. The President's proposal provides new initiatives that are intended to break the cyclical heritage of poverty and dependency that has become an all too prevalent characteristic of our Federal-State-local welfare system.

The new approach incorporated in this bill is deserving of the most careful consideration by the Ways and Means Committee in connection with the hearings on welfare that will begin in the latter part of October.

The analysis of the bill follows:

Summary of Family Assistance Act of 1969; Title I—Family Assistance Plan

ESTABLISHMENT OF PLAN

Section 101 of the bill adds new parts D, E, and F to title IV of the Social Security Act, establishing a new Family Assistance Plan providing for payment of family assistance benefits by the Secretary of Health, Education, and Welfare and supplementary payments by the States.

Eligibility and amount

The new part D of title IV of the Social Security Act authorizes benefits to families with children payable at the rate of $500 per year for each of the first two members of a family plus $300 for each additional member.

The family assistance benefit would be reduced by non-excluded income, so that families with more non-excludable income than these benefits ($1600 for a family of four) would not be eligible for any benefits.

A family with more than $1500 in resources, other than the home, household goods, personal effects, and other property essential to the family's capacity for self-support, would also not be eligible.

Countable income would include both earned income (remuneration for employment and net earnings from self-employment) and unearned income.

In determining income the following would be excluded (subject, in some cases, to limitations by the Secretary):

(1) All income of a student;

(2) Inconsequential or infrequent or irregular income;

(3) Income needed to offset necessary child care costs while in training or working;

(4) Earned income of the family at the rate of $720 per year plus ½ the remainder;

(5) Food stamps and other public assistance or private charity;

(6) Special training incentives and allowances;

(7) The tuition portion of scholarships and fellowships;

(8) Home produced and consumed produce;

(9) One half of other unearned income.

Veterans pensions, farm price supports, and soil bank payments would not be excludable income to any extent and would, therefore, result in reduction of benefits on a dollar for dollar basis.

Eligibility for and amount of benefits would be determined quarterly on the basis of estimates of income for the quarter, made in the light of the preceding period's income as modified in the light of changes in circumstances and conditions.

Definition of family and child

To qualify for Family Assistance Plan benefits a family must consist of two or more related individuals living in their own home and residing in the United States and one must be an unmarried child (i.e., under the age of 18, or under the age of 21 and regularly attending school).

Payment of benefits

Payment may be made to any one or more members of the qualified family. The Secretary would prescribe regulations regarding the filing of applications and supplying of data to determine eligibility of a family and the amounts for which the family is eligible. Beneficiaries would be required to report events or changes of circumstances affecting eligibility or the amount of benefits.

When reports by beneficiaries are delayed too long or are too inaccurate, part or all of the resulting benefit payments could be treated as recoverable overpayments.

Registration for work and referral for training

Eligible adult family members would be required to register with public employment officers for manpower services and training or employment unless they belong to specified excepted groups. However, a person in an excepted group may register if he wishes.

The exceptions are: (1) ill, incapacitated, or aged persons; (2) the caretaker relative (usually the mother) of a child under 6; (3) the mother or other female caretaker of the child if an adult male (usually the father) who have to register is there; (4) the caretaker for an ill household member; and (5) full-time workers.

Where the individual is disabled, referral for rehabilitation services would be made. Provision is also made for child care services to the extent the Secretary finds necessary in case of participation in manpower services, training, or employment.

Denial of benefits

Family Assistance benefits would be denied with respect to any member of a family who refuses without good cause to register or to participate in suitable manpower services, training, or employment. If the member is the only adult, he would be included as a family member but only for purposes of determining eligibility of the family. Also, in appropriate cases, the remaining portion of the Family Assistance benefit would be paid to an interested person outside the family.

On-the-job training

The Secretary would transfer to the Department of Labor funds which would otherwise be paid to families participating in employer-compensated on-the-job training if they were not participating. These funds would be available to pay the training costs involved.

STATE SUPPLEMENTATION OF FAMILY ASSISTANCE BENEFITS

Required supplementation

The individual States would have to agree to supplement the family assistance benefits under a new part E of title IV of the Social Security Act wherever the family assistance benefit level is below the previously existing Aid to Families With Dependent Children (AFDC) payment level. This supplementation is a condition which the State must meet in order to continue to receive Federal payments with respect to maternal and child health and crippled children's services (title V) and with respect to their State plans for aid to the aged, blind, and disabled (title XVI), medical assistance (title XIX), and services to needy families with children (part A of title IV). Such "supplementation" would be required to families eligible for family assistance benefits other than families where parents are present, neither is incapacitated, or the father is not unemployed. The States would thus be required to supplement in the case of individuals eligible under the old AFDC and AFDC–UF provisions; they would not have to supplement in case of the working poor.

Amount of supplementation

Except as indicated below and, except for use of the State standard of need and payment maximums, eligibility for and amount of supplementary payments would be determined by use of the rules applicable for Family Assistance Benefits.

In applying the family assistance rules to the disregarding of income under the supplementary payment program—

(1) In the case of earned income of the family, the State would first disregard income at the rate of $720 per year, and would then be permitted to reduce its supplementary payment by 16⅔ cents for every dollar of earnings over the range of earnings between $720 per year and the cutoff point for family assistance (i.e., $3920 for a family of four), and could further reduce its supplementary payments by an amount equal to not more than 80 cents for every dollar of earnings beyond that family assistance cutoff point.

(2) In the case of unearned income, these same percentage reductions would apply, although the initial $720 exclusion would not apply.

Requirements for agreements

Some of the State plan requirements now applicable in the case of Aid and Services to Needy Families with Children would be made applicable to the agreement. These include the requirements relating to:

(1) Statewideness;

(2) Administration by a single State agency;

(3) Fair hearing to dissatisfied claimants;

(4) Methods of administration needed for proper and efficient operation, including personnel standards, training, and effective use of subprofessional staff;

(5) Reporting to Secretary as required;

(6) Confidentiality of information relating to applicants and recipients;

(7) Opportunity to apply for and prompt furnishing of supplementary payments.

Payments to States

A State agreeing to make the supplementary payments would be guaranteed that its expenditures for the first five full fiscal years after enactment would be no more than 90 per cent of the amount they would have been if the Family Assistance Plan amendments not been enacted. This would be accompanied by Federal payment to each State, for each year, of the excess of—

(1) The total of its supplementary payments for the year plus the State share of its expenditures called for under its existing State plan approved under title XVI plus the additional expenditures required by the new title XVI, over

(2) Ninety percent of the State share of what its expenditures would have been in the form of maintenance payments for such year if the State's approved plans under titles I, IV(A), X, XIV, and XVI had continued in effect (assuming in the case of the part A of title IV plan, payments for dependent children of unemployed fathers).

On the other hand, any State spending less than 50 per cent of the State share, referred to in clause (2) above, for supplementary payments and its title XVI plan would be required to pay the amount of the deficiency to the Federal treasury.

A State would also receive ½ of its cost of administration under its agreement.

ADMINISTRATION

Agreements with States

Sufficient latitude is provided to deal with the individual administrative characteristics of the States. Provision is made under which the Secretary can agree to administer and disburse the supplementary payments on behalf of the States. Similarly the States can agree to administer portions of the family assistance plan on behalf of the Secretary, with respect to all or specified families in the States.

Evaluation, research, training

The Secretary would make an annual report to Congress on the new Family Assistance Plan, including an evaluation of its operation. He would also have authority to make periodic evaluations of its operation and to use part of the program funds for this purpose.

Research into and demonstrations of better ways of carrying out the purposes of the new Plan, as well as technical assistance to the States and training of their personnel who are involved in making supplementary payments, would also be authorized.

Special provisions for Puerto Rico, the Virgin Islands, and Guam

There are special provisions for these areas under which the amount of family assistance benefits, the $720 of earned income to be disregarded, and several other amounts under the Family Assistance Plan and the new title XVI of the Social Security Act (aid to the aged, blind, and disabled) would be reduced to the extent that the per capita income of these areas is below that of that one of the 50 States which had the lowest per capita income.

TRAINING, EMPLOYMENT, AND DAY CARE PROGRAMS

Section 102 of the Administration bill would replace part C of title IV of the Social Security Act in its entirety.

Purpose

The purpose of the revised part C is to provide manpower services, training, and employment, and child care and related services for individuals eligible for the new Family Assistance Plan benefits (new part D) or State supplementary payments (new part E) to help them secure or retain employment or advancement in employment. The intent is to do this in a manner which will restore families with dependent children to self-supporting, independent, and useful roles in the community.

Operation

The Secretary of Labor is required to develop an employability plan for each individual required to register under the new part D or receiving supplementary payments pursuant to the new part E. The plan would describe the manpower services, training, and employment to be provided and needed to enable the individual to become self-supporting or attain advancement in employment.

Allowances

The Secretary of Labor would pay an incentive training allowance of $30 per month to each member of a family participating in manpower training. Where training allowances for a family under another program would be larger than their benefits under the Family Assistance Plan and supplementary State payments, the incentive allowances for the family would be equal to the difference, or $30 per member, whichever is larger.

Allowances for transportation and other expenses would also be authorized.

These incentive and other allowances would be in lieu of allowances under other manpower training programs.

Allowances would not be payable to individuals praticipating in employer compensated on-the-job training.

Denial of allowances

Allowances would not be payable to an individual who refuses to accept manpower training without good cause. The individual would receive reasonable notice and have an opportunity for a hearing if dissatisfied with the denial.

Utilization of other programs

In order to avoid the creation of duplicative programs, maximum use of authorities under other acts would be made by the Secretary of Labor in providing the manpower training and related services under the revised part C, but subject to all duties and responsibilities under such other programs. Part C appropriations could be used to pay the cost of services provided by other programs and to reimburse other public agencies for services they provided to persons under part C. The emphasis is on an integrated and comprehensive manpower training program involving all sectors of the economy and all levels of government to make maximum use of existing manpower and manpower related programs.

Appropriations and administration

Appropriations to the Secretary of Labor would be authorized for carrying out the revised part C, including payment of up to 90 percent of the cost of training and employment services provided individuals registered under the Family Assistance Plan. The Secretary would seek to achieve equitable geographical distribution of these funds.

In developing policies and programs for manpower services, training and employment for individuals registered under the Family Assistance Plan, the Secretary of Labor would have to first obtain the concurrence of the Secretary of Health, Education, and Welfare with regard to all programs under the usual and traditional authority of the Department of Health, Education, and Welfare.

Child care and support services

Appropriations to the Secretary of Health, Education, and Welfare would be authorized for grants and contracts for up to 90 per cent of the cost of projects for child care and related services for persons registered under the Family Assistance Plan and in manpower training or employment. The grants would go to any public or non-profit private agency or organization, and the contracts could be with any public or private agency or organization. The cost of these services could include alteration, remodeling, and renovation of facilities, but no provision is made for wholly new construction. The Secretary of Health, Education, and Welfare could allow the non-federal share of the cost to be provided in the form of services or facilities.

These provisions (unlike other provisions of the bill) would become effective on enactment of the bill.

Advance funding

To afford adequate notice of available funds, appropriations for one year to pay the cost of the program during the next year would be authorized.

Evaluation and research

A continuing evaluation of the program under part C and research for improving it are authorized.

Annual report and advisory council

The Secretary of Labor is required to report annually to Congress on the manpower training and related services.

ELIMINATION OF PRESENT PROVISIONS ON CASH ASSISTANCE FOR FAMILIES WITH DEPENDENT CHILDREN

Section 103 of the bill revises part A of title IV of the Social Security Act which relates to cash assistance and services for needy families with children. The new part A is called Services to Needy Families with Children, reflecting the elimination of the provisions on cash assistance. The cash assistance part is no longer necessary because of the Family Assistance Plan in the new part D of title IV.

The revised part A provides for continuation of the present program of services for these families. Foster care for children and emergency assistance, as included under existing law, are also continued.

Requirements for State plans

Section 402 of the Social Security Act which sets forth the requirements to be met by State plans before they are approved and qualify the State for federal financial participation in expenditures, would be revised as appropriate in the light of the elimination of the cash assistance provisions.

Payments to States

The provisions on payments to States for expenditures under approved State plans remain the same as existing law with respect to services, emergency assistance, and foster care. The matching formulas continue to vary, as in existing law, according to the kinds of services involved.

Definitions

The definitions of "family services" and "emergency assistance to needy families with children" have not been substantially changed.

The definitions of "dependent child," "aid to families with dependent children," and "relative with whom any dependent child is living" have been replaced (as no longer applicable) by definitions of

(1) "child"—which refers to the definition in the new part D, establishing the Family Assistance Plan; this in effect substitutes a requirement that the child be a member of a "family" (as defined in the new part D) instead of having to live with particularly designated relatives;

(2) "needy families with children" (and "assistance to such families")—this being defined as families receiving family assistance benefits under the new part D, if they are also receiving supplementary State payments pursuant to the new part E or would have been eligible for aid under the existing State plan for aid to needy families with children if it had continued in effect.

Foster care and emergency assistance

The provisions on payments for foster care of children and emergency assistance remain virtually the same as under existing law.

Assistance by Internal Revenue Service in locating parents

The provision on this subject remains the same and allows use of the master files of the Internal Revenue Service to locate missing parents in certain cases.

TITLE II—AID TO THE AGED, BLIND, AND DISABLED

This title revises the current title XVI of the Social Security Act and sets forth the revised title XVI in its entirety. One of the major changes is the removal of the provisions relating to medical assistance for the aged which, under existing law, would terminate at the end of calendar 1969. All medical assistance for which the Federal government shares costs will now be provided under approved title XIX State plans.

Requirements for State plans

Few changes are made in this section (sec. 1602), aside from deleting the provisions relating to medical assistance for the aged. The section retains, without substantial change, the requirements relating to:

(1) Administration by a single State agency (except where a separate agency is permitted for the blind as under existing law);

(2) Financial participation by the State;

(3) Statewideness;

(4) Opportunity for fair hearing;

(5) Methods of administration, including personnel standards, training, and effective use of subprofessional staff;

(6) Reporting to the Secretary as required;

(7) Confidentiality of information relating to recipients;

(8) Opportunity for application and furnishing of assistance with reasonable promptness;

(9) Establishment and maintenance by the State of standards for institutions in which there are individuals receiving aid;

(10) Description of services provided for self-support or self-care; and

(11) Determination of blindness by an ophthalmologist or an optometrist.

The present prohibition against payment to persons in receipt of assistance under title I, IV, X, or XIV would be applicable instead to cases of receipt of family security benefits under the new part D of title IV.

The provision on inclusion of reasonable standards for determining eligibility and amount of aid would be replaced by one requiring a minimum benefit of $90 per month, less any other income, and by another requiring that the standard of need not be lower than the standard applied under the State plan approved under the existing title XVI or (in case the State had not had such a plan) the appropriate one of the standards of need applied under the plans approved under titles I, X, and XIV.

While the requirement relating to the determination of need and disregarding of certain income in connection therewith has been continued (although without the authorization to disregard $7.50 per month of any income, in addition to other income which may or must be disregarded), it has been expanded in a manner parallel to family assistance benefits to include disregarding as resources the home, household goods, personal effects, other property which might help to increase the family's ability for self-support, and, finally, any other personal or real property the total value of which does not exceed $1500. There would also be a new requirement for not considering the financial responsibility of any other individual for the applicant or recipient unless the applicant is the individual's spouse or child under the age of 21 or blind or severely disabled, and a prohibition against imposition of liens on account of benefits correctly paid to recipients.

Other new requirements relate to provision for the training and effective use of social service personnel, provision of technical assistance to State agencies and local subdivisions furnishing assistance or services, and provision for the development, through research or demonstrations, of new or improved methods of furnishing assistance or services. Also added is a requirement for use of a simplified statement for establishing eligibility and for adequate and effective methods of verification thereof. Finally, there are new requirements for periodic evaluation of the State plan at least annually, with reports thereof being submitted to the Secretary together with any necessary modifications of the State plan; for establishment of advisory committees, including recipients as members; and for observing priorities and performance standards set by the Secretary in the administration of the State plan and in providing services thereunder.

The present prohibitions against any age requirement of more than 65 years and against any citizenship requirement excluding U.S. citizens would be continued.

In place of the present provision on residency, there is a new one which prohibits any residency requirement excluding any resident of the State. Also there would be new prohibitions against any disability or age requirement which excludes a severely disabled individual aged 18 or older, and any blindness or age requirement which excludes any person who is blind (determined under criteria by the Secretary).

PAYMENTS

In place of the present provision on the Federal share of expenditures under the approved State plan there is a new formula which provides for payment as follows with respect to expenditures under State plans for aid to the aged, blind, and disabled approved under the net title XVI:

With respect to cash assistance, the Federal Government will pay (1) 100 per cent of the first $50 per recipient, plus (2) 50 per cent of the next $15 per recipient, plus (3) 25 per cent of the balance of the payment per recipient which does not exceed the maximum permissible level of assistance per person by the Secretary (which may be lower in the case of Puerto Rico, the Virgin Islands, and Guam than for other jurisdictions).

With respect to services for which expenditures are made under the approved State plan, the Federal Government would pay the same percentages as are provided under existing law, that is, 75 per cent in the case of certain specified services and training of personnel and 50 per cent in the case of the remainder of the cost of administration of the State plan.

Payment by Federal Government to individuals

The revised title XVI includes authority for the Secretary to enter into agreements with any State under which the Secretary will make the payments of aid to the aged, blind, and disabled directly to individuals in the State who are eligible therefor. In that case, the State would reimburse the Federal Government for the State's share of those payments and for ½ the additional cost to the Secretary of carrying out the agreement, other than the cost of making the payments themselves.

Definition

The new title XVI defines aid to the aged, blind, and disabled as money payments to needy individuals who are 65 or older or are blind or are severely disabled.

Transitional and related provisions

Titles I, X, and XIV of the Social Security Act would be repealed.

Provision is made for making adjustments under the new title XVI on account of overpayments and underpayments under the existing public assistance titles.

Provision is also made for according States a grace period during which they can be eligible to participate in the new title XVI without changing their tests of disability or blindness. The grace period would end for any State with the June 30 following the close of the first regular session of its State legislature beginning after enactment of the bill.

Conforming amendments

The bill also contains a number of conforming amendments in other provisions of the Social Security Act in order to take account of the substantive changes made by the bill. Thus, the changes in the medicaid program (title XIX of the Social Security Act) would require the States to cover individuals eligible for supplementary State payments pursuant to the new part E of title IV or who would be eligible for cash assistance under an existing State plan for aid to families with dependent children if it continued in effect and included dependent children of unemployed fathers.

Effective date

The amendments made by the bill would become effective on the first January 1 following the fiscal year in which the bill is enacted. However, if a State is prevented by statute from making the supplementary payments provided for under the new part E of title IV of the Social Security Act, the amendments would not apply to individuals in that State until the first July 1 which follows the end of the State's first regular session of its legislature beginning after the enactment of the bill—unless the State certified before this date that it is no longer prevented by State statute from making the payments. In the latter case the amendments would become effective at the beginning of the first calendar quarter following the certification.

Also, in the case of a State which is prevented by statute from meeting the requirements in the revised section 1602 of the Social Security Act, the amendments made in that title would not apply until the first July 1 following the close of the State's first regular session of its legislature beginning

XUM

after the enactment of the bill—unless the State submitted before this date a State plan meeting these requirements. In the latter case the amendments would become effective on the date of submission of the plan.

Another exception to this effective date provision is made in the case of the new authorization, in the revised part C of title IV of the Social Security Act, for provision of child care services for persons undergoing training or employment—which would be effective on enactment of the bill.

JAPANESE TEXTILE DELEGATION FRAUD

(Mr. **DORN** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **DORN.** Mr. Speaker, the recent Japanese textile delegation's "factfinding" visit to the United States was a fraud and a humbug. I was shocked and amazed that this delegation refused to even see and talk to those who are best acquainted with the textile situation.

It is incredible that the Japanese Government would permit such an arrogant and insulting approach to a very real threat to the American textile industry, an unfavorable trade balance with Japan, and our entire future relationship with the second largest industrial power in the free world.

Since 1961, the House of Representatives has had an informal textile committee which has dealt exclusively with the growing threat of foreign low-wage textile imports. This Japanese delegation boycotted the Members of Congress on this committee and refused to visit those plants and areas affected by textile imports. It made no attempt to visit the American mills closed. It made no attempt to visit those mills that have been curtailed with only partial employment. It made no attempt to inform itself of the real problem.

The Members of Congress have been extremely patient in their hope that Japan would enter into a discussion which would lead to voluntary controls of imports. We urge the Japanese Government to show good faith and enter into negotiations in earnest. Time is running out. Prime Minister Eisaku Sato and Foreign Minister Kiichi Aichi will soon visit the United States. They should bring with them assurance that negotiations will begin for voluntary controls of textile imports. If not, we will definitely proceed with legislation and will have even more support than before.

Mr. Speaker, I include in my remarks the following story from the Daily News Record:

[From the Daily News Record, Sept. 29, 1969]

STANS SAYS JAPAN TALKS "INADEQUATE"

WASHINGTON.—The United States will ask Japan for another meeting soon on the wool and synthetic textile import problem, if the Japanese delay their response "to any significant extent."

That word comes from Commerce Secretary Maurice Stans who considers the recent meeting between United States and Japanese representatives on the subject "generally inadequate."

Stans, who submitted to an interview with Tokyo reporters, said the Japanese on their recent mission "refused to discuss our ideas for a solution of this problem at this time." The Commerce Department released a transcript of the interview.

Stans also said the Japanese refused to give American textile industry an opportunity for a full-scale presentation of the problem from its point of view.

In addition, Stans said the Japanese refused to give United States labor organizations in the textile industry an opportunity for a full-scale discussion of the subject.

The Japanese also refused to meet with more than one representative of Congress.

Stans said that if the Japanese think the United States presentation was "unreasonable," as some reports have it, "it is regrettable."

Such a conclusion, Stans said, "can only be based upon a preconceived conclusion before the analysis was made, or an utterly inadequate evaluation of the evidence that was presented."

Stans estimated that the imbalance in United States textile trade with Japan this year would be $1.1 billion, a $300 million increase over 1968.

"It is utterly inconceivable that anyone would come to the conclusion that this rate of growth could not do harm to American industry and to American labor, or that this evidence is not a reasonable basis for negotiations for some kind of voluntary adjustment," Stans said.

He said it is not the Nixon Administration's intention at this time to seek restraints for any other commodity than textiles.

A DAY OF PRAYER

The **SPEAKER** pro tempore (Mr. GRAY). Under previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 30 minutes.

Mr. **EDWARDS** of Alabama. Mr. Speaker, every day several columns of the front pages of our daily papers are filled with news from Vietnam. Every day our radio and television broadcasts spend many minutes with reports of the war's progress. Every day on the floor of this Chamber some Member rises to speak about the war or a related topic. And every day the news is what I call bad news, because more American boys have been killed or wounded.

This topic, which is on everybody's lips regardless of what they do, has buried itself deep in the minds and hearts of the people of this country. Whether it is at the lunch counter or from the minister's podium or on the placard of the peace demonstrator, the subject is the same: How do we best find peace in Vietnam?

But it does nobody any good—not Members of Congress, not the President, nor the American people—to continually berate each other about what should and should not be done about the war.

But, what should we do? Say nothing and wait to see what happens? Or should we take to the streets and march on the White House? These seem to be two alternatives toward which the people are gravitating. But are they the only alternatives? I think not. There is a more rational approach to our present predicament—an approach that will help bring together the entire American people and unite them behind the President in the face of a common foe. Yet, it will not stifle dissent or discussion.

All people—both protestor and military general alike—want to bring the war to a swift conclusion. All of us want to see the Vietnamese people free to determine their own proper form of government.

All of us want to see our boys returned home and to put an end to the death and the destruction. But if you read the papers or watch television, we appear to be a country divided and the appearance of this division is feeding the morale of the enemy. There seems to be those among us who hold the view that they want peace more than anyone else; that those in authority are not really interested in an early peace; that the President is dragging his feet in trying to find peace. Their easy answer is to just walk away from the war. That is it—just pick up and leave and somehow this is supposed to bring instant peace.

On October 15, students across the country have been called upon to join in a moratorium to demonstrate their desire for an end to the war. They are to stop their normal routine of attending classes to dramatize their collective hopes for peace. Why will a great number of people join in? Because they genuinely want peace. But the leaders of this movement have not called for this demonstration in support of our President and our national effort to find a just peace. Rather, as is the case with many protests of this type, the effort will end up giving more support to Hanoi than to Washington. Somehow it just seems easier for them to cast all the blame on our own people rather than on the enemy.

Unfortunately, many who crave peace just as much as we do will join in and lend support to the peace-at-any-cost boys and swell their ranks to the point that the world will misunderstand what is being said. Even in the high schools and junior high schools pamphlets are being passed around urging the younger people to leave school on October 15 to demonstrate for peace. My God, who does not want peace? But short of just picking up our troops and walking away—a solution which is completely unacceptable—the only answer is to rally behind the first President who has really done something about trying to get our boys home.

Individual Americans may have different opinions—and thank God that we are able to vocally express these differences—but we simply must stand united behind our President in the national goal of peace. There is not one American who wants war at any cost, just as there should not be one American who wants peace at any cost. An unjust peace is just as bad as—if not worse than—an unjust war.

Yes, our young people in the colleges and universities—and even in the junior and senior high schools—want an outlet to express their sincere desires for an end to the Vietnamese war and for a continued and lasting peace in the world. Let us give them a proper outlet. Let us join with them in this search for peace. Let us declare October 15 a National Day of Prayer for Peace. A day to rededicate ourselves in support of the President in his effort to find an honor-

XUM

able peace so that our boys can come home. Let us not leave them in the hands of the peaceniks. Let us show them that the entire Nation wants peace—a lasting peace.

I urge the President to call for such a National Day of Prayer and I urge the people of this Nation to support it. We need a day where the true American spirit can be made manifest to the world. Everyone of us—students, politicians, and President—can let the world know that the American people want an end to war in Vietnam; that the American people are ready to stop the continued battles and loss of lives. These things the President has so often said in his own statements and through the American peace negotiators in Paris. We all share this singular desire and unity of purpose. Let us get the message through to the rest of the world that America wants peace. America is and has been ready to negotiate a settlement. Let us make this one thing clear to the leaders of North Vietnam: No amount of waiting for America to become divided will give them victory. This just will not happen. The enemy has misread the healthy discussion of differing viewpoints as being a sign of division.

Let us set aside the day of October 15 with special services in our houses of prayer. Let the civic leaders join with their people in a demonstration of American solidarity for peace in the world. Let the national leaders here in Washington stage their own demonstration—a demonstration to the whole world that the American people want a just and speedy peace in Vietnam.

All Americans on October 15 should let the world know that they are behind their President 100 percent in the common quest for peace. Let us have a National Day of Prayer and quit following these false prophets.

THE DISTRICT OF COLUMBIA COURTS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, the President in his message on January 31, 1969, on crime in the District of Columbia once again exhibited those qualities of statesmanship and leadership which are characteristic of him. In that message he outlined for us some of the basic problems which plague the Nation's Capital and hinder effective law enforcement. He sketched in broad terms the approach he planned to take in solving these problems.

The Attorney General of the United States submitted for our consideration various legislative proposals which will have the effect of converting the President's overall approach into a concrete and coordinated plan of action. The Attorney General and his assistants are to be commended for their conscientious effort in this matter. These bills, which I was pleased to cosponsor, comprise a carefully thought out and effective legislative attack on the District of Columbia's crime problem and deserve our wholehearted support. There is probably no one in this Chamber who does not agree that crime in Washington is an appalling problem.

These bills, which were introduced July 15, 1969, are now the subject of hearings before Subcommittee No. 1, under the chairmanship of our distinguished colleague, the gentleman from Mississippi (Mr. ABERNETHY), on which I am privileged to serve. I am hopeful that they will be promptly approved by the subcommittee, full committee, and the House.

Certainly one of the most complicated problems facing our legal system today in the District of Columbia is the problem presented by the multiplicity of courts with overlapping jurisdictions. This results in considerable case backlogs and frequent collisions in the judicial process. To many people, the roles played by the various Federal and District of Columbia courts are vague and unclear at best. The Federal courts are forced to deal with many cases of a strictly local nature—cases which normally do not come within the cognizance of a Federal court but rather are handled in the several States by local courts. At the same time, the local courts here in the District—the court of general sessions and the District of Columbia Court of Appeals—are unnaturally limited in the types of cases they can deal with, limited in a manner not true of their sister courts in the various States. The decisions reached in these courts also lack the finality which is characteristic of State court decisions, because of the appellate role played here by the U.S. Court of Appeals.

H.R. 12854 would eliminate the present jurisdictional problems and other difficulties which frequently make the courts in the District of Columbia the object of misunderstanding and distrust, and would ensure greater fairness in the handling of each case. The importance of this measure cannot be stressed too greatly.

H.R. 10083, which I introduced on April 15, would provide some much needed strengthening in the area of bail and pretrial release. It complements the constructive provisions set forth in the Bail Reform Act of 1966 by permitting the courts to take cognizance of a particular individual's dangerousness to the community before releasing him on bail, by refusing to allow bail at all in certain cases, and by providing sanctions in the event that bail conditions are violated. These new provisions will be extremely valuable in dealing with the increasingly more serious problem presented by those who commit crimes while on bail, while preserving the beneficial purposes behind the original Bail Reform Act. This proposal should be supported strongly by all of us who are concerned about crime in Washington.

At the same time, H.R. 12855 recognizes the need to provide for accurate analysis of bail applicants and effective supervision of persons on bail. By providing more funds for adequate salaries for personnel and by giving the bail agency more complete authority to recommend in all cases and achieve more thorough control of the bail system, we can enable the system to operate much more efficiently.

Another aspect of Washington crime demands attention: Legal defense of the accused. It is clear that a more effective system for assisting in the defense of those accused of crimes must be provided. This need is met in the administration's proposal, H.R. 12856. There is no question that the Legal Aid Agency, together with many private attorneys, have rendered outstanding service in the past. However, the Agency has been prevented from doing the best job it can because of financial and organizational limitations. H.R. 12856 will convert the Agency into a full-fledged public defender service, allowing it to handle a great many more cases more effectively. This will ease the burden on the private bar brought about by the dramatic rise in the number of criminal cases in recent years, and will provide capable, specialized help to many more accused persons than has been possible previously. This proposal also deserves our wholehearted support.

Now today, Mr. Speaker, a number of us are introducing another bill related to those I have just discussed. It is the President's proposal for a new code of juvenile procedure for the District of Columbia. I am very pleased to enthusiastically sponsor this bill with my esteemed colleague, the gentleman from Minnesota (Mr. NELSEN), and others.

This bill is another part of the President's program to reorganize and modernize the court system in the District of Columbia. It is an important step toward the goal, shared by all of us, to make the administration of justice in the District of Columbia a model for the rest of the Nation and to curtail our staggering crime problem.

In recent years, juveniles have been committing a substantial number of serious and violent crimes. Available statistics on juvenile crime in the District of Columbia indicate frightening increases. For example, in the last 6 years, the number of juveniles referred to juvenile court for rape has increased from seven in fiscal 1963 to 37 in fiscal 1969, and the number of juveniles referred to juvenile court for armed robbery has increased from 18 in fiscal 1963 to 261 in fiscal 1969. Thus, there were 298 juveniles referred to juvenile court for rape and armed robbery in fiscal 1969; of these 298 juveniles, 209 were 16- and 17-year-olds.

In my view, these alarming increases in juvenile crime can in substantial part be explained by the attitude of our modern, sophisticated juvenile that, if he commits a crime, nothing will happen to him because he is under 18 years of age. This attitude has been encouraged by the ineffectiveness of the present District of Columbia juvenile court system, and the restrictions placed on the juvenile court by the U.S. Court of Appeals for the District of Columbia Circuit. Only 10 juveniles were transferred for adult prosecution in the District of Columbia in fiscal 1969.

Something must be done to make it clear to the sophisticated 16- and 17-

year-olds in the District of Columbia that they will not be permitted to pick up a pistol to rob a liquor store or participate in a gang rape of an innocent woman walking home from work. The proposed new juvenile code for the District would remove from the juvenile court system 16- and 17-year-olds who commit serious and violent crimes such as murder, rape, robbery, burglary, and kidnapping. These individuals would be treated as adult offenders, thus, removing from the juvenile system the most hardened youths who frequently interfere with the potential rehabilitation of other, less mature juveniles. However, if convicted in adult court, these individuals may receive, in the discretion of the sentencing judge, the treatment and supervision afforded by the Federal Youth Corrections Act, including the potential expungement of the record of conviction.

The proposed new juvenile code for the District of Columbia would replace outdated and incomplete methods for processing juvenile cases with modern and detailed procedures. These provisions will substantially enhance the juvenile court's ability to provide the District with expeditious and efficient handling of juvenile cases. The legislation provides for a factfinding hearing in delinquent cases, after prompt and clear notice. The District of Columbia Corporation Counsel will be the representative of the community at these hearings and will be required to establish the case by clear and convincing evidence to the court. Jury trials will be eliminated; thus, materially aiding the reduction of the present overwhelming backlog in the juvenile court.

At the same time, the proposed new juvenile code provides numerous safeguards for the child. The right to counsel is provided for at all critical stages of the proceedings. All children taken into custody receive a prompt detention hearing not later than the close of business of the next day. And prior to an adjudication at a factfinding hearing, a consent decree may be ordered which would provide the child with a method of avoiding an adjudication of involvement yet allow him to receive necessary supervision. In addition, necessary safeguards are provided for to protect the identity of the child.

The drafting of this legislation by the administration represents an expert effort to provide the District with a juvenile system that can effectively deal with the problems of the city's children. I support the enactment of the administration's code of juvenile procedure for the District of Columbia as an important part of an overall plan to improve the administration of justice in the District.

I was pleased to cosponsor with the gentleman from Maryland (Mr. GUDE) and the gentleman from Virginia (Mr. BROYHILL), a bill, H.R. 8868, which authorizes the District of Columbia to enter into the interstate compact on juveniles. The promptness with which the House passed this bill is indeed gratifying and I hope the other anticrime bills I have discussed today will also receive expeditious attention.

These proposals which I have discussed today, taken together, will greatly streamline the legal system in the District of Columbia and will permit the great number of cases passing through our courts to be handled more quickly, easily, and most important, more competently and fairly. They also represent a tangible, positive way for the House of Representatives to express its concern over the mounting crime problem in our Nation's Capital.

I hope the House will move to bring these laudable proposals into law.

WATSON DEFENDS JUDGE HAYNSWORTH IN SPEECH ON HOUSE FLOOR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from South Carolina (Mr. WATSON) is recognized for 10 minutes.

Mr. WATSON. Mr. Speaker, a number of people were all aglow yesterday when rumors began to dance about like Daphnis and Chloe in the forest to the effect that Judge Clement Haynsworth had requested the President to withdraw his nomination to the U.S. Supreme Court. Of course, subsequent events proved these deliberately planted rumors to be absolutely false much to the annoyance of those who delighted in perpetrating them.

But, Mr. Speaker, these malicious and totally unfounded rumors served to point up the shocking depths that some people will go to malign the character of an extremely able, conscientious, dedicated, patriotic and honest American, who happens to espouse a philosophy of government consistent with the most noble principles our democracy can offer.

Let us make no mistake about this whole sordid business. I will not mince words, not in my remarks here or later. The opposition to Judge Haynsworth is the most vitriolic, the most obstreperous, the most ill intentioned, and the most diabolic that I have ever encountered in my career of public service.

The chief perpetrators of this smear campaign are the same liberals and other assortment of malefactors who got caught with their pants down in the Fortas affair. There is no doubt in my mind that they will stop at nothing to assassinate the character of an honorable jurist to compensate for the terrible embarrassment that Fortas cost them. Let us bring it out in the open—the fact that Judge Haynsworth happens to be a southerner makes him the ideal scapegoat for their revenge. With the able assistance of a generally hostile press, they seem to be succeeding. A case in point is the infamous Huntley-Brinkley report last evening. These disciples of the innuendo and half truth as usual gave only one side of the story. They pointed out the so-called mounting opposition to Judge Haynsworth as well as all the rumors, but was there just one interview, just one comment from those outstanding Americans who support the President's nomination? Why, of course not. Huntley and Brinkley would not present both sides of a matter if they were teaching a course in equity.

Mr. Speaker, Judge Haynsworth has the unequivocal support of the American Bar Association's Judiciary Committee. He is enthusiastically patronized by prominent judges and attorneys throughout the country. He is one of the greatest legal minds in this Nation, a man who will take his rightful place beside names like Marshall, Holmes, Brandeis, Hughes, and Frankfurter. He is a man of the highest moral character and integrity.

Mr. Speaker, I sympathize deeply with Judge Haynsworth and his family as they undergo this trying ordeal, but additionally, I am concerned for the American people, the great silent majority, who want a change in the Supreme Court and who support this eminently qualified jurist. I hope they are not going to be dissuaded by some of the hostile and cynical press and a handful of revengeful fringe groups and politicians. Either in or out of the courtroom, he is eminently qualified to serve as a Justice of the Supreme Court.

Finally, I do not support him because we are both South Carolinians, although of that I am profoundly proud, but I speak out for him because he is the man for the job.

DEATH OF JOHN P. WHITE, DEPUTY ASSISTANT SECRETARY OF STATE FOR CONGRESSIONAL RELATIONS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 15 minutes.

Mr. BOLAND. Mr. Speaker, I was stunned and saddened to learn of the sudden death of my dear and long-time friend, John P. White, Deputy Assistant Secretary of State for Congressional Relations.

"Skip" White, as he was affectionately known by his many friends in Massachusetts and in Washington, was an affable, astute, knowledgeable, and practical practitioner of government at all levels, whose integrity was beyond question and whose word was his bond.

I first met him in the statehouse on Beacon Hill, Boston, after my election to the Massachusetts General Court in 1934. "Skip" White was then serving as legislative attaché in the Massachusetts house to the majority leader, and late Speaker, Christian A. Herter. He graduated from the New Preparatory School, Cambridge, in 1934, and continued his education at Boston College through 1940 while working in the legislature.

A World War II veteran, he served for 5 years in the Army, enlisting as a private in the field artillery in 1940, going on to pilot training and was discharged as a captain from the Army Air Corps in 1945.

Returning to the Massachusetts Legislature after wartime service, "Skip" White served as legislative counsel until 1953, when he was named legislative secretary to the newly-elected Governor of Massachusetts, Christian A. Herter. He remained in this key post as liaison mar with the Massachusetts Legislature during Governor Herter's two terms as chief executive, from 1953 to 1957, and then came to Washington and the State Department as Special Assistant for Congressional Relations when

XUM

Governor Herter was appointed Under Secretary of State by President Eisenhower in 1957.

He continued his State Department service with Mr. Herter as Secretary of State following the death of Secretary John Foster Dulles; with Secretary Dean Rusk under our late beloved President, John Fitzgerald Kennedy, and President Lyndon B. Johnson; and with Secretary William P. Rogers under President Richard Nixon.

Mr. White had been named to the position of Deputy Assistant Secretary of State for Congressional Relations in 1964.

He was liked and admired and respected by the Members of Congress and Government officials throughout Washington, and in the American Embassies and missions throughout the world, for his loyalty and dedication and zest in the performance of his job. He has rendered a lifetime of useful and meaningful service to his State, his Nation and his fellow man.

Mr. Speaker, I know I speak for other Members of this House when I say that the warm personality and smiling countenance of "Skip" White will long be missed in the corridors of this Capitol. I wish to join with my colleagues in expressing my sincere condolences to his wife, Elaine, and his son, Scott, now a student at Princeton University, on this sad occasion.

WILLY BRANDT—ANOTHER ILLEGITIMATE GERMAN CHANCELLOR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, yesterday I pointed out to our colleagues the ludicrous posture of those who loudly bewailed the so-called constitutional crisis created by the effective candidacy of George Wallace in the United States, but can see only a commendable change in the impending Willy Brandt minority government of free Germany.

In Germany, the Christian Democrats who placed first in the election are forced out of the Government by a coalition between the second-place Social Democrats and the party who suffered the biggest loss in the election, the splinter Free Democrats.

Mr. Speaker, I include the editorial comments in today's Evening Star at this point in my remarks:

GERMAN ELECTION

> Americans would be ill-advised to take too lofty a view of the brief chaos that followed the recent national election in West Germany. Our own system of electing a President has built into it a potential for confusion and danger that would make the German result seem like a model of orderly succession by comparison. We had better defuse our own electoral bomb before pointing with too much derision at the German firecracker.
>
> Still and all, the outcome of Sunday's election was remarkable. The only immediate result was the eclipse of the ultra-right-wing National Democratic Party, which failed to muster the 5 percent of the vote needed to qualify for seats in the Bundestag and is out, for the moment at least, on its neo-Nazi ear.
>
> The positive results were harder to pin down. The big loser in the popular vote, the Free Democratic Party, emerged as the big winner in the world of realpolitik. Winning only 5.7 percent of the vote, the FDP found itself in the role of chancellor-maker. Neither of the major parties—Willy Brandt's Social Democrats or Kurt Kiesinger's Christian Democrats—won a majority. But either party, in coalition with the Free Democrats, could make the grade.
>
> Now, after a brief but intense courtship by the two powerful suitors, Free Democrat leader Walter Scheel has apparently made his choice. He has said yes to Brandt. As of October 19—barring an estrangement during the engagement period—Chancellor Kiesinger, whose party received a clear plurality of the votes, will be out of a job.
>
> So West Germany is in for a change. There will be a shift to the left as the Socialist-FDP coalition takes over. But there is no reason to suppose that the shift will be marked by an abrupt change or internal or external policy. Brandt is, after all, no wild-eyed newcomer to the scene. His years of service as mayor of West Berlin have made him keenly aware of the threat posed by the sullenly aggressive leadership of East Germany. During his present service as foreign minister, Brandt has demonstrated no inclination to alter any of Germany's postwar alliances.
>
> The makeup of the new government is still a matter of speculation. The probability is, however, that Scheel, as leader of the mini-opposition, will be rewarded with the foreign ministry in return for the 12-vote majority he can offer. This, too, should not result in any major change. The liberal leader is a pragmatist. And he will be operating under the watchful eye of the man who has held that post for the past three years.
>
> The massive effort of the German national election has, then, counted for almost nothing. The new Chancellor has been named not by the voters but by Walter Scheel. And the result, it seems, will be a new alliance, a new government and no major change of policy.

FLOATING THE MARK

> The Kiesinger government's last major decision, which permits the mark to float upward from its fixed exchange rate of four to the dollar, was a good one. For one thing, this upward adjustment was clearly needed as a way of reducing Germany's large surplus of exports over imports that has been such a destabilizing factor in the world money markets. The pound and then the franc were devalued to give Britain and France a competitive edge in international trade; the German move completes that picture.
>
> Also, the method of adjustment employed—permitting the mark to seek its natural level rather than upvaluing it straightway—represents a useful, tentative step in the direction of building more flexibility into the fixed exchange rate system. Presumably, the mark will shortly be revalued upward by the new German government. But its interim fluctuations should tell us much about the major currencies' real values. Should this modest experiment with a floating exchange rate prove successful, the central banking fraternity would be well-advised to consider seriously the adoption of such abstruse formulas for greater exchange-rate flexibility as the "wider band" and "crawling peg."

Further reference to the Star editorial calls to our attention the editor's conclusion that—

> Brandt is, after all, no wild-eyed newcomer to the scene. His years of service as mayor of West Berlin have made him keenly aware of the threat posed by the sullenly aggressive leadership of East Germany. During his present service as foreign minister, Brandt has demonstrated no inclination to alter any of Germany's postwar alliances.

On the front page of the same paper, however, is the plain report from his foreign correspondent in Bonn, stating:

> The coalition members favor overtures to normalize West Germany's relations with the Communist world in general and East Germany and Poland in particular. However, no formal recognition of East Germany is expected.

It is appropriate, Mr. Speaker, to suggest a fruitful line of inquiry for those who wish to ascertain what is really going on in Europe, and particularly in Germany, and the developing shifts important to us as Americans.

How did Herbert Karl Frahm, the illegitimate son of a shopgirl in the Baltic German Port of Lubeck, a member of the Red falcons and functionary of the far left Socialist Workers' Party, said by an old acquaintance to be "as close to Red as you can get without actually being Red" become in less than 5 years Willy Brandt, a "correspondent" with the Communist forces in the Spanish Civil War, under a forged Norwegian passport?

How did Willy Brandt, a German hiding out the war in Sweden, become a naturalized Norwegian while the government of Norway was in exile in London?

How did Brandt next surface as a Norwegian reporter at the Nuremburg trials "acting as go-between and translator for half of the foreign press corps?"

How did Brandt next appear at Allied headquarters in Berlin, not as a German, but as a Norwegian major in 1946?

Who were the "Norwegian relatives" to whom Herbert Frahm fled to become Willy Brandt, and what part does Trygve Lie play in the Norwegian, Spanish, Swedish episode?

Finally, who, and more importantly what, is Herbert Wehner?

The peace of the world may depend on early and accurate answers to these questions.

Mr. Speaker, a local news article follows:

[From the Evening Star, Oct. 3, 1969]

BONN LIBERALS BACK BRANDT IN COALITION

(By Andrew Borowiec)

> BONN.—Foreign Minister Willy Brandt today stood on the threshold of power after a coalition agreement between his Socialist Democrats and the liberal Free Democratic party (FDP).
>
> A tense post-midnight announcement ended four days of intense talks between Brandt's party (SPD) and the FDP, headed by Walter Scheel.
>
> "We have agreed on the basic lines of a joint government policy," spokesmen for the two parties said.

NEW ERA BOWS

> The announcement virtually ushered a new era in Germany's post war history, dominated by the conservative Christian Democratic Union (CDU) and the spirit of the late Konrad Adenauer.
>
> It dealt a crushing blow to the stubborn hope of Chancellor Kurt Georg Kiesinger of the outgoing government to swing the FDP into forming a coalition with the Christian Democrats after Sunday's elections that gave no clear-cut majority to any of the major parties.
>
> The SPD-FDP coalition today received the stamp of approval from parliament members of both parties.
>
> The Social Democratic deputies voted unanimously for the new coalition; a Free Democratic party spokesman said there were

no opposing votes in its caucus, but two abstentions among the 30 deputies.

Following approval the two party heads were to report to President Gustav Heinemann to announce formal intention of forming the country's next government.

FEWER MINISTERS LIKELY

According to information available at this stage, the new government with Brandt as chancellor would cut the number of ministers by four to 15. Scheel would be foreign minister and presumably vice chancellor. The bulk of ministerial posts would go to the SPD.

The two parties have agreed on the need to lower the voting age from 21 to 18 years. The plan reflects concern about increasing their support, which lies mainly among West Germany's postwar generation.

The coalition members favor overtures to normalize West Germany's relations with the Communist world in general and East Germany and Poland in particular. However, no formal recognition of East Germany is expected.

There were reports of compromise on the part of the SPD on the issue of workers' "codetermination" in industrial enterprises. The liberal party, which is backed by a number of industrialists, opposes any drastic changes in this field.

There was a broad agreement on a tax reform that would favor the lower and middle income groups.

The present government remains in power until Oct. 20.

The SPD–FDP coalition has a 12-seat edge in the Bundestag (parliament) over the CDU, which will represent a formidable opposition force with 242 seats among the 496 voting members.

A number of observers believe that Brandt's task will be extremely difficult. There are some fears that West Germany's postwar political stability may be seriously threatened.

For the time being, however, Brandt's Social Democrats were jubilant. They promised to lead the country along a new path marked by imaginative ideas and the search for new formulas.

But the new government is not likely to introduce immediately any sweeping changes.

Its first concern is the fate of the West German mark which, freed from government controls on Monday, has shot up 6 percent since.

The measure permitting the mark to float amounted to a de facto revaluation and caused a number of problems for West Germany's partners in the European Common Market.

The West German bankers now are generally agreed that formal revaluation is a necessity. The SPD favors it too. The revaluation will most likely be equal to the amount at which the deutschemark will stabilize the days to come on the free market.

The promised reforms in internal matters are not likely to be worked out before spring at the earliest. And Brandt's planned initiatives toward the Communist world are not about to bear immediate fruit, being limited by the nature of Soviet response.

The new regime will be marked, above all, by participation of younger, generally more dynamic and progressive elements. But no radical changes are expected in staid, prosperous West Germany.

NIXON DISEMBOWELS MODEL CITIES

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, it has been an ill-concealed secret that the Nixon administration has no understanding of or sympathy for the cities of our land. Particularly is this true of the cities of the Northeast, Midwest, and Middle Atlantic States. At last the mask has been completely dropped, for yesterday the President signaled a slowdown and stretchout for the entire model cities program of urban aid. He did it by cutting $215 million from planned expenditures this year. This is a 42-percent reduction in spending estimates for the fiscal year ending next June 30, and it signals utter disaster for the very segments of our urban areas requiring the most help the fastest.

In 45 States, the District of Columbia, and Puerto Rico, 150 cities are now participating in this program, originated and passed during the last administration. They are told that Presidential required budget cuts and slow starts are responsible. Forty-one of these communities have already signed contracts moving their model cities programs from planning to implementation. As the Nixon administration sinks this particular fiscal knife to the hilt in the stomachs of these cities, it smilingly insists none of them will lose any of their promised money. Logical? Believable? When you can drive nails in a snowbank and steam shovels fly like butterflies.

Mr. Speaker, this program has moved along rapidly until President Nixon laid heavy hands on it. This was the first year for implementing plans to attack all causes of poverty and blight within a slum through one integrated plan. The concept is to funnel all the renewal Federal-local money can buy into target slum neighborhoods. It was our brightest urban renewal concept about to reach fruition. It had roused many bright hopes. Now all has been destroyed by a heartless administration with no compassion for the weak, no desire to help the downtrodden, and no understanding of the malaise and ills gripping America.

All plans left by the preceding administration, which called for funding model cities programs of 65 cities, have been canceled by the Republicans. The slowdown is expected to have its heaviest impact on the 34 first-round model cities locales that have yet to sign grant contracts, and on 75 second-round choices still in the planning phase.

Yesterday the reaction of every big-city mayor was universally negative and complete with condemnation of the President's action. Yet the worst reaction is yet to come.

What has been done in the past pales before the accumulated negative actions of this Government. President Nixon is using his executive power to wipe out almost all gains we have so painfully made in solving our urban problems. The Office of Economic Opportunity has been ruined. Job Corps, VISTA, and the Peace Corps have been effectively stifled or altered. Efforts by Government to fight water and air pollution have been muted or derailed by the President. Consumerism on the part of Government is now a delusion. Medical research has been crippled and research centers are already beginning to close. Now model cities joins cuts made in education and aid to libraries. It is more than disgusting, saddening, and depressing. It is self-defeating, and no phrase better describes the policy now being followed by the Nixon administration.

If we shortchange our children, allow pollution to continue unhindered, adjourn all efforts to end poverty, or aid the consumer, cripple medical research and conservation efforts and anihilate the average worker's buying power through disastrous economic polices, what will happen to our Nation? After Nixon, we shall be left with a hamstrung economy, devastating unemployment, and a series of social problems which will be worse and far more severe because they have been ignored. Cancers do not wither when unattended. They grow larger and more dangerous.

Mr. Speaker, I am very much saddened and apprehensive over these actions. Especially because they are the death knell for the hopes of so many poorer, humble people—citizens who were counting on this help. Now the dream of millions has vanished at the hands of a leader who spoke of compassion and who now exercises the cruelest of national options. Let us remember this well.

There has not been a single compassionate act or word from this administration. Everything is harsh, with edges and surrounded by "No." It is somehow reminiscent of Herbert Hoover, who stood stolidly while America crashed in ruins around him and people starved, mouthing the economic catchwords of another era. Somehow, they did not replace food or work to the American people. The President ought to look at yesterday's Massachusetts election if he wants to find out how well he is fooling the people of this country.

TROUBLED LAOS NEEDS FRIENDS NOW

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, not long ago I visited much of Southeast Asia. There, much more is at stake than the struggle in South Vietnam which has so preoccupied the American people during the past 4 years. And regardless of the importance of that struggle, we cannot ignore other troubled areas of Southeast Asia. For instance, the American people are not as well aware, nor was I, until my recent trip, that another Southeast Asian nation is seriously threatened by Hanoi's invading troops. This nation is the small Kingdom of Laos which lies alongside of North and South Vietnam to the west.

Laos is truly ancient among the nations of the modern world. Its written history dates back, long before ours, to the mid-14th century. Yet in another sense, Laos is a young nation, having regained its independence in 1953 after several generations of French colonial rule.

Today, the freedom of Laos is menaced by a new and much harsher form of colonialism. This time the threat comes from neighboring North Vietnam, which for many years has sought to impose its domination over Laos by a clandestine campaign of military aggression. Lao Prime Minister Prince Souvanna Phouma has often called this conflict "the forgotten war" in his appeals for international support for his embattled nation. But Laos should not be forgotten. Its security is vitally important to a lasting settlement of the war in Vietnam and to the broader question of freedom and stability in Southeast Asia.

To understand the extent of North Vietnamese interference in Laos, we must go back to 1950, when a Lao Communist front group, the Pathet Lao, was formed in the mountains of Northeast Laos under North Vietnamese auspices. The ostensible leader of the Pathet Lao was, and remains Prince Souphanouvong, the half brother of Lao Prime Minister Souvanna Phouma. From the very beginning, Hanoi has controlled the Pathet Lao with an iron hand, using it as a faithful servant in its quest for hegemony in Laos. But in spite of generous North Vietnamese training, advice and supplies, the Pathet Lao have never succeeded in arousing a broad following among the Lao people. Indeed, as a tool of a hostile foreign power, they are anathema to genuine Lao nationalists. Thus, Hanoi learned, at an early date, that it would have to do much of its own dirty work in Laos to fulfill its ambitions for control there.

This meant the introduction of regular North Vietnamese troops to fight in Laos. They came for the first time in 1953 and 1954, during the first Indochinese war. And at the Geneva Conference in 1954, they used the presence of their troops in Laos to assure Pathet Lao control of two northern Lao provinces. In this way they established a military and political base in Laos from which they could launch later campaigns on Lao soil.

For the next 5 years, Hanoi postponed its efforts in Laos while it rebuilt at home. But in 1959, it was ready again to commit major forces in Laos and new North Vietnamese battalions swept into Laos that year. The Communists made major gains, and a crisis of international dimensions devloped as the United States rushed to support the Lao Government with material and advisors, while the Soviet Union did the same for the North Vietnamese and the Pathet Lao.

By 1961, it became clear to the United States and the Russians that only a neutral status for Laos would permit it to survive as a nation and help insure stability in Southeast Asia. Many other nations agreed and the result was the 1962 Geneva Conference and the 1962 Geneva accords in which 14 nations, including the United States, Red China, the Soviet Union, and North Vietnam, pledged themselves to the independence and neutrality of Laos, and its freedom from all foreign military interference. A neutral coalition government was then formed under Prime Minister Souvanna Phouma in which all Laos factions, including the Pathet Lao, were represented.

The 1962 Geneva accords neutralizing Laos appeared to be a workable solution for Laos at that time. And indeed, they would have been, if the North Vietnamese had not betrayed their signature of the agreements. Instead of withdrawing their legions from Laos, as they solemnly promised to do, they withdrew only a token force of 40 men. Cynically violating their international commitment, the North Vietnamese kept an estimated 10,000 troops in north Laos. There they waited to resume their military campaign against the Lao Government when the time was ripe.

With North Vietnamese battalions backing them up, but with little domestic political support, the Pathet Lao were afraid of open competition in the Lao political arena. In 1963 they abandoned their seats in the coalition government and returned to open rebellion against the government, with heightened North Vietnamese assistance.

The escalation of the war in Vietnam then brought new North Vietnamese depredations in Laos. In order to wage war in South Vietnam, Hanoi needed a safe transport route to carry men and material southward. So it built the Ho Chi Minh trail, a vast complex of roads and trails that winds through the mountains and jungles of south Laos toward South Vietnam.

With ever-increasing momentum, North Vietnamese troops have continued to flow into Laos both in the Ho Chi Minh trail area in the south and in the north. Despite North Vietnam's involvement in the fighting with South Vietnam, it has been estimated that by 1968 there were as many as 40,000 North Vietnamese troops committed to the Laotian conflict. Today, it is known that there has been a substantial increase in this troop strength and with the introduction of these new troops, Hanoi has stepped up its timetable for aggression in Laos. During the past 2 years, its invading armies have hurled offensives against Lao Government positions and pushed deeper and deeper into Lao territory.

Interestingly, the North Vietnamese have been scarcely aided at all, during recent campaigns, by the Pathet Lao whose ranks have grown progressively weaker and ineffectual. The conflict in Laos has thus become, quite clearly, a war between the Royal Lao Government and the forces of North Vietnam. One cannot help but be appalled by the inequality of this conflict, even though North Vietnam is heavily committed in the war in South Vietnam. Laos has a population of less than 3 million, and probably 1 million of these live in Communist-occupied and controlled areas. Yet with few people and little in the way of supplies and weapons, the Laotians maintain an army of 100,000. This is the equivalent to forces of 10 million in the United States.

Hanoi's goal in this cruel war of aggression has remained constant: to destroy the neutral, independent Government of Laos and to replace it with a puppet regime of Pathet Lao Communists, reinforced, of course, with North Vietnamese military might and political cadres.

The cost of the war to the Lao people has been truly staggering. Tens of thousands of Lao have been killed or wounded. Hundreds of thousands have fled their homes as refugees from the brutal yoke of North Vietnamese and Pathet Lao control. The war has devastated the Lao economy and frustrated the Government's hopes for economic and social development. Already a poor and underdeveloped nation, Laos has been forced to devote a vast portion of its meager resources and able-bodied manpower to defend its very existence.

The fact that Laos continues to resist North Vietnam's campaign of aggression is a tribute to the courage of this small nation and the leadership of its leader, Prime Minister Souvanna Phouma. Holding steadfast to the principle of neutrality under the 1962 Geneva Accords, Prime Minister Souvanna has never asked for foreign troops to defend his nation against Hanoi's invading troops. The Royal Lao Army and loyal irregular forces have given valiant account of themselves and the enemy has had to pay dearly for his aggression. The Royal Lao Air Force is truly one of the wonders of the modern military world. Its young pilots regularly fly three sorities a day and have been doing so day in and day out for years, some for as many as 1,000 missions. The propeller-driven aircraft—T-28's—they fly, which were provided under U.S. military assistance, are ideally suited to conditions in Laos. The enemy fears them justifiably, for without them, it is doubtful whether the loyalist forces could have successfully continued their resistance to the North Vietnamese aggressions.

Souvanna has, however, called repeatedly for diplomatic and financial support from the signatories of the 1962 Geneva Accords who are pledged to protect the sovereignty and neutrality of Laos.

I am proud to say that the United States as a signatory of the 1962 Geneva Accords, has responded to these appeals with economic aid, military supplies, and strong diplomatic support. Presidents and Secretaries of State of three successive American administrations have spoken out strongly in favor of a sovereign and neutral Laos and have condemned Hanoi's predatory war of war against the Lao people.

Our delegation at the Paris talks has emphasized time and again that a peaceful settlement in Vietnam must include new guarantees for the inviolability of Laos and the removal of all North Vietnamese troops there. One needs only to glance at a map to realize that a withdrawal of North Vietnam troops from South Vietnam would be meaningless, if they are allowed to lurk nearby in neighboring Laos, waiting to strike once again into South Vietnam.

In the larger context of Southeast Asia, it is clear that no country there will be safe if little Laos is swallowed up by an imperialist North Vietnam, nor will the cause of international law and justice be strengthened, if this small nation is abandoned to its lawless neighbor.

Let us then take notice that there is indeed a war in Laos, which is a very serious matter to the United States and to the world. And let us serve notice on the new leaders in Hanoi, whoever they may be, that the world does not intend to forget the brave people of Laos as the victims of just another "forgotten war."

CHANGE OF HOUSE RULES REGARDING APPROPRIATIONS LEGISLATION

(Mr. CEDERBERG asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CEDERBERG. Mr. Speaker, earlier this week I supported my good friend and colleague from New Hampshire (Mr. WYMAN) by cosponsoring a resolution—House Resolution 558—calling for a change in the rules of the House regarding appropriations legislation. While I believe that this is a good first step toward a resolution of our present difficulties in the area of funding legislation, it is only a first step.

In order to promote a more realistic approach to the problem of appropriations for the future, I introduced a bill yesterday which would change the fiscal year to conform to the calendar year. I believe that this is the only sure way to provide for a continuing solution to our problem. Each year we find that the Congress is in session later and later, and the appropriations bills are acted upon last. The legislation which I am introducing will greatly reduce the uncertainty which presently plagues Government agencies and will allow for a more adequate review of spending policies and needs.

It is time that we recognize that we cannot expect our Government to operate efficiently or effectively when moneys for programs are not accurately programed in advance. We are faced this year with the necessity of passing continuing resolutions in nearly all areas. This places a great burden on the various Government agencies which must plan their expenditures. We here in the Congress have complained bitterly about waste in Government and yet we do not provide one of the most necessary vehicles for the elimination of much of the waste which occurs.

A number of my colleagues have introduced legislation similar to mine. I feel that the bill which I have submitted recognizes several problems which are overlooked in other proposals. Section 2 of my bill would provide a vehicle for the orderly transition from the present system to the new one by directing that the Director of the Bureau of the Budget, in consultation with the Comptroller General, make provisions for the change so as not to adversely affect either the agencies of the Government or the collection of revenues.

Further, the bill reflects the need for conforming legislation in areas where reports and estimates are required from instrumentalities of the Government. This would bring accounting procedures into line with the new fiscal year.

I sincerely hope that the experiences of the last few years have not been lost on my colleagues and that we will be able to take some action on my proposal in the near future. It is my honest belief that the smooth functioning of government programs on both the Federal and local level is at stake.

SCHENECTADY GAZETTE CELEBRATES ITS 75TH ANNIVERSARY

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, one of the leading newspapers in upstate New York, the Schenectady Gazette of Schenectady, N.Y., celebrated its 75th anniversary on Wednesday, October 1. I have been acquainted with the Gazette since I was a boy. It has made a great contribution to effective journalism in Schenectady and the surrounding areas.

I am proud on this occasion to join in saluting Mr. John E. N. Hume, Jr., the editor of the Gazette, its fine staff, and its Washington correspondent, Alan S. Emory, for the great job they have done, and to wish them many more years of continued community service in the years ahead.

Under leave to extend my remarks I include a letter from President Nixon and an anniversary editorial, both of which appeared on the front page of the anniversary edition on October 1:

FROM THE PRESIDENT

THE WHITE HOUSE,
Washington, September 17, 1969.

Mr. JOHN HUME,
Editor, Schenectady Gazette,
Schenectady, N.Y.

DEAR MR. HUME: My warmest congratulations go out to The Schenectady Gazette on its 75th anniversary.

Your publication has been a vital factor in the progress and growth of your community. You have enriched a tradition that is among the most cherished possessions of our democracy: the freedom of the press.

As I salute your past accomplishments, I look forward with you, your staff and readers to continued success in the years ahead.

With my best wishes,
Sincerely,

RICHARD NIXON.

AN EDITORIAL

The Schenectady Gazette takes pride in announcing its 75th anniversary as a daily newspaper.

In the Daily Gazette of Oct. 1, 1894, the proprietors greeted the public as follows, in part:

"We today present to the people of our city the first issue of the Daily Gazette. We do not claim for it perfection but simply present it as the first evidence of an earnest desire on our part to give the City of Schenectady a newspaper that will seek to gather and print all the news while it is news and that it will be representative of the progressive and enterprising spirit which has so rapidly developed here . . .

"We appreciate the fact that to attain success we must deserve it. It shall be our labor to deserve it and in our efforts to that end we bespeak the hearty cooperation and kindly support of the people, whom we come to serve . . ."

The intentions of the Gazette thus were clearly outlined, and we are appreciative of the support from readers and advertisers alike that has made it possible for us to keep the faith that we expressed 75 years ago today.

The Gazette, as its first editorial in 1894 pointed out, was not launched as an "organ" and it has not been such. Its aim was to present the news from day to day as fairly and completely as it could. Our belief that it has done so is strengthened by the fact that in spite of the handicaps of various kinds faced by newspapers during the past 75 years the Gazette has risen to a position of prominence in the state. It is the only daily newspaper published in Schenectady.

Basically a news story or an advertisement is the same as it was three quarters of a century ago, but the difference between today's Gazette and the paper of 1894 is that of day and night. The four-page issues of the Gazette in the early days contained some 435 column-inches of news and roughly 110 column-inches of advertising. These days our editions carry 10 to 20 times as much. Not only the volume of news but the diversity of material has increased by leaps and bounds. Such fields as sports, women's activities, financial affairs, stage and screen, science, music, church and lodge affairs are covered far more efficiently than in former years and in addition the Gazette regularly carries a wide variety of columns of comment, analysis and instruction along with many other features of interest to young and old.

The Gazette is proud to have been in the front in the matter of physical improvements. In its early decades the Gazette was the first paper in the city to have the rotary press that made the flatbed press obsolete, the first to install linotypes that replaced most of the hand typesetting, the first to obtain stereotyping equipment, the first in the city to have the teletype machine by which the news is received from throughout the nation and the world. With each new advance, such as enlargement of our plant to include a separate building for the presses, the use of color in printing, improved picture reproduction processes, improved typography and makeup, the Gazette has been enabled to provide a more satisfying paper. Each improvement has reflected a confidence on the part of the Gazette not only in itself but in the community and the area. Time has shown that confidence to be justified.

The Gazette has endeavored not only to present the news but to offer what it believes are intelligent channels for thought on the part of the readers. It has encouraged and cooperated with organizations whose programs appear conducive to the public's welfare and advancement. We believe we have contributed significantly to the growth and advancement of Schenectady and the steadily widening area which this newspaper serves.

Twenty-five years ago today we said, on our 50th anniversary:

"We have no more idea than the next person what the next 50 years will bring, either to the Gazette, our community or the world. But on looking back over our half-century of service as a daily newspaper we cannot escape the conclusion that despite discouragements, handicaps, differences of opinion, depressions, wars, catastrophes and all the other heartbreaking events that have taken place, many forward steps have been achieved . . ."

We can say the same thing today, well aware of the fact that this area, like other parts of the nation, faces many problems, some of which did not exist 50 or 75 years ago.

We welcome the continuing challenge. We are determined to serve the people of this area to even greater degree as we head for our next big milestone, the 100-year mark.

CARROLL A. "PINK" GARDNER, A GREAT ATHLETE AND A GREAT PUBLIC SERVANT IN SCHENECTADY

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, last Sunday very suddenly one of the really great citizens of my former home city passed away, in the midst of a long and very brilliant career of public service, Carroll A. "Pink" Gardner, Schenectady County clerk since 1936.

Although we ran against each other in a primary election in 1958 which preceded my election to the House for the first time, we had been friends for a long time before that, and he remained my friend and counsellor. I knew him when I was just a boy and he was the new world's light-heavyweight wrestling champion, in the days before wrestling became more of an entertainment than a sport. He helped me get into political life for the first time in Schenectady and I have always tried to emulate his courage, his independence, and his consistent ability to put service to the community ahead of mere partisianship.

"Pink" Gardner was the greatest vote getter on either party in Schenectady. It is typical of this great and generous and energetic individual that at the time of his death he was, at the age of 75, running vigorously for reelection to his 12th consecutive term as county clerk. He did not believe in retirement; he was still young and vigorous at 75.

Carroll Gardner was the son-in-law of a former Member of this House, the late Congressman George R. Lunn, of Schenectady, and was himself three times a candidate for Congress. He would have been a credit and a great addition to this House.

Schenectady and the people of the New York State have lost a devoted and dedicated public servant whose match will not be seen for many a year to come. And I have lost a friend.

Under leave to extend by remarks, I include an article on Carroll Gardner from the Schenectady Gazette of September 29, and an editorial from the same paper of the following day:

"PINK" GARDNER DIES AT FALL OUTING AT 75

Carroll A. "Pink" Gardner, 75, running for his 12th consecutive term as Schenectady County Clerk, collapsed and died about 5 p.m. yesterday at his summer home, Fieldstone Lodge, Newfane, Vt.

Mr. Gardner and his wife, the former Eleanor Lunn, were hosting the annual fall outing of the Schenectady Old Time Football Players Inc. when he was stricken.

He reportedly entered the kitchen of the summer home and in the words of one guest, "just toppled over." A physician was summoned and pronounced the long-time county officer dead.

A medical examiner's report will be issued later, it was reported.

Survivors include his wife, and three children, Carroll A. Gardner, Jr., Ann Arbor, Mich.; George R. L. Gardner, Titusville, Fla.; and Mrs. James H. Jewell, Sinking Springs, Pa.

When Mr. Gardner, a one-time champion professional wrestler, announced his candidacy earlier this year, the Schenectady GOP was getting some bad news since the Democratic county clerk had proved the most successful vote-getter in local elections in the past three decades.

There had been speculation prior to his announcement that he would not run, but after consultations with Democratic officials, his candidacy was announced.

George V. Palmer, County Democratic chairman, called Mr. Gardner yesterday "a man of exceptional capability in many fields of endeavor. He will be deeply missed by the community as a whole and by the Democratic Party, both of which held him in such high esteem."

Mr. Gardner's first political office was attained in 1931 when he became the first Democratic sheriff in 20 years in what was described as an easy victory.

He took office as county clerk in November of 1936 (his first year was by gubernatorial appointment) and some of the staff who came with him then are still in their posts today.

Born in Poughkeepsie, he came here with his family in March, 1908, at he age of 13. His father, the late Charles N. Gardner, established a monument business which he later took over.

He went through the Schenectady Public Schools and began wrestling here as an amateur in 1911 for the Schenectady YMCA.

His amateur career led to the professional ranks two years later and he won the middleweight wrestling crown in 1922 at Boston, Mass., and the lightweight title in 1932 at Camden, N.J.

The son-in-law of the late Lt. Gov. George R. Lunn, who was also a Schenectady mayor and congressman, Mr. Gardner at times even had the support of the Republicans when he ran for the post, due to his virtual "shoo-in" vote getting.

Mr. Gardner ran unsuccessfully for Congress in 1934 and although losing in the predominantly Republican district in which he ran, managed to take the county.

He made two more unsuccessful Congressional bids, running in 1946 when he again took Schenectady County. In 1958, he was the organization nominee but lost in the primary to Representative Samuel S. Stratton.

Considered by many "the great neutral" in the local Democratic Party he had been given credit on numerous occasions for holding the party's many factions together.

Despite outstanding loyalty to the party organization, his independence had been displayed on occasion, most obviously in 1950 when he opened fire on the city Democratic administration for failure to crack down on gambling.

His statement led to a grand jury investigation, police department shakeup and collapse of the administration in the 1951 campaign.

Mr. Gardner was a difficult target for his political opponents to attack, since his office duties were so efficiently handled that the department was once chosen as a model for training of state motor vehicle district supervisors.

Besides his former career of operating the family monument business, he also operated the Gardner School of Physical Education and did public relations management for a brewery.

He unveiled his own grave mounment in 1951, which included two beaches and a reproduction of a 300 B.C. statue, "The Wrestlers."

Arrangements for funeral services for Mr. Gardner, who was active in a variety of civic, professional and political organizations, are incomplete.

"PINK" GARDNER

Schenectady County probably will never have another public office holder like Carroll A. "Pink" Gardner, county clerk who died Sunday at the age of 75 at his summer home at Newfane, Vt.

Every time Mr. Gardner ran for re-election some people said "he may have gone to the well once too often," but his popularity did not wane and he had little demolishing his Republican opponents one by one regardless of what the rest of the respective tickets accomplished.

As with any public office with which the voter-taxpayer has direct contact there were complaints about the operation of the motor vehicle bureau, which is part of the county clerk's responsibilities, yet Mr. Gardner's bureau was once chosen as a model for training of state motor vehicle district supervisors. In most cases the camplaints came from people who waited too long before applying for licenses.

Mr. Gardner was remarkable not only for his longevity in office but because of his ability to take an independent, or neutral, stance while remaining Democrat. He was, in a sense, a one-man third party, so popular that if the Democrats had wanted to reject him because of his independent attitude they would not have dared. Usually his Republican opponent was running largely to get his name before the public, knowing he had little chance of beating "Pink."

"Pink" Gardner was widely known in his younger days not as a politician but athlete. He held wrestling championships in the days before wrestling became a trumped-up show. On the side, he was a successful businessman with a monument company and a physical education school.

"Pink" Gardner continued to "go to the well" because he knew most of the voters were still with him. He died, undefeated as county clerk, after a full life, with many friends and many satisfactions.

PERSONAL ANNOUNCEMENT

(Mr. KAZEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KAZEN. Mr. Speaker, my colleague, the gentleman from Texas (Mr. PICKLE) has asked that I tell the House today of the reason for his absence. Due to a commitment made a number of months ago, he is home in his district today to attend a special ceremony in which the University of Texas at Austin is honoring the Clerk of the House, the Honorable Pat Jennings, and the gentleman from Texas (Mr. PICKLE).

FAVORABLE COMMENTS ON PRESIDENT'S RECENT PRESS CONFERENCE

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, the President's recent press conference drew much favorable comment—as well it might have. Typical is the following editoral from the New York Daily News of September 27:

NIXON LAYS IT ON THE LINE

President Richard M. Nixon—calmly, candidly and we think brilliantly—covered a lot of important ground in his televised White House news conference yesterday.

We particularly admired his booting into the middle of next week the current dove demands that a definite date be set for a complete U.S. troop pullout from Vietnam.

That, said the President with obvious truth, would only encourage the enemy to hang on until the stated day. He called such talk defeatist, and observed acidly that with less of such dove prattle in this country we could get on faster toward winding up the war.

He again refused to consider selling the South Vietnamese out to any government unwanted by them.

In the war against inflation, Mr. Nixon pointed out that the federal government now is tightening its own belt. It is not merely trying to jawbone industry and labor into keeping prices and wages down while government spending goes on unchecked. If industry and labor will cooperate, we'll get inflation under control that much sooner.

These were the highlights of the conference.

Our reaction: With every news conference, this President looks greater and greater. Let's be thankful for that.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mrs. Green of Oregon, for Friday, October 3, 1969, on account of illness.

Mr. Fallon (at the request of Mr. Garmatz), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Dellenback), to revise and extend their remarks, and to include extraneous matter:)

Mr. Edwards of Alabama, for 30 minutes, today.

Mr. Bush, for 15 minutes, on October 6.

Mr. Hogan, for 30 minutes, today.

Mr. Watson, for 10 minutes, today.

(The following Members (at the request of Mr. Mikva), to revise and extend their remarks, and to include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Boland, for 15 minutes, today.

Mr. Rarick, for 15 minutes, today.

Mr. Gonzalez, for 30 minutes, on October 6.

Mr. Conyers, for 30 minutes, on October 6.

Mr. Conyers, for 30 minutes, on October 7.

Mr. Mikva, for 60 minutes, on October 14.

Mr. Olsen, for 1 hour, on October 14.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Albert, to include with his remarks a copy of the report of the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era.

Mr. Coughlin, to follow the remarks of Mr. Ryan on the Leggett amendment.

Mr. Stubblefield, to revise and extend his remarks immediately following those of Mr. Bray this morning.

Mr. Podell, to revise and extend his remarks.

Mr. Ryan, to revise and extend his remarks prior to the vote on the Jacobs amendment.

Mr. Charles H. Wilson, to extend his remarks in Committee of the Whole following the introduction of an amendment by the gentleman from California (Mr. Leggett) on the freedom fighter.

(The following Members (at the request of Mr. Dellenback), to revise and extend their remarks and to include extraneous matter:)

Mr. Roudebush.

Mr. Gude in two instances.

Mr. Scherle.

Mr. Kyl.

Mr. Steiger of Wisconsin.

Mr. Pettis.

Mr. Wyman in two instances.

Mr. Cunningham in five instances.

Mr. Fulton of Pennsylvania in five instances.

Mr. Foreman in two instances.

Mr. Lukens in two instances.

Mr. Derwinski.

Mr. Hammerschmidt.

Mr. Nelsen.

Mr. Hosmer in two instances.

Mr. Keith.

Mr. Broyhill of Virginia.

Mr. Ruth in five instances.

Mr. Collins in five instances.

Mr. Carter.

Mr. Schwengel.

(The following Members (at the request of Mr. Mikva), and to include extraneous matter:)

Mr. O'Hara.

Mr. Matsunaga in three instances.

Mrs. Griffiths.

Mr. Helstoski in four instances.

Mr. Edwards of California.

Mr. Diggs.

Mr. Annunzio in two instances.

Mr. Gonzalez in two instances.

Mr. Rooney of New York.

Mr. Howard.

Mr. Kluczynski.

Mr. Downing.

Mr. Rarick in three instances.

Mr. Vigorito.

Mr. Conyers in five instances.

Mr. Powell in two instances.

Mr. Charles H. Wilson.

Mr. Burke of Massachusetts.

Mr. Moorhead in two instances.

Mr. Boland.

Mr. Vanik in two instances.

Mr. Patten in two instances.

Mr. Clay in six instances.

Mr. Thompson of New Jersey in two instances.

Mr. Price of Illinois in two instances.

Mr. Hagan in three instances.

ADJOURNMENT

Mr. MIKVA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until Monday, October 6, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1213. A letter from the Assistant Secretary of the Interior, transmitting documents classifying the St. Croix River, establishing boundaries, and setting forth development plans, pursuant to the provisions of Public Law 90–542, the Wild and Scenic Rivers Act (H. Doc. No. 91–165); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

1214. A letter from the Assistant Secretary of the Interior, transmitting documents classifying the Wolf River, establishing boundaries, and setting forth development plans, pursuant to the provisions of Public Law 90–542, the Wild and Scenic Rivers Act (H. Doc. No. 91–166); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

1215. A letter from the Chief, Forest Service, Department of Agriculture, transmitting documents for the classification, boundaries, and development of the Eleven Point River, Mo., pursuant to the Wild and Scenic Rivers Act (H. Doc. No. 91–167); to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations.

1216. A letter from the Chairman, Indian Claims Commission, transmitting a report that proceedings have been concluded with respect to Docket No. 171, William L. Paul, Sr., on the relation of *Tee-Hit-Ton Indians, a tribe, band or group, petitioner*, v. *The United States of America*, defendant, pursuant to the provisions of section 21 of the Indian Claims Commission Act, as amended (60 Stat. 1055; 25 U.S.C. 70t); to the Committee on Interior and Insular Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNES of Wisconsin (for himself, Mr. Gerald R. Ford, Mr. Arends, Mr. Anderson of Illinois, Mr. Cramer, Mr. Poff, Mr. Rhodes, Mr. Taft, Mr. Bob Wilson, Mr. Smith of California, Mr. Utt, Mr. Schneebeli, Mr. Broyhill of Virginia, Mr. Bush, Mr. Morton, and Mr. Chamberlain):

H.R. 14173. A bill to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. GERALD R. FORD (for himself, Mr. Beall of Maryland, Mr. Biester, Mr. Bow, Mr. Brown of Ohio, Mr. Brown of Michigan, Mr. Carter, Mr. Don H. Clausen, Mr. Coughlin, Mr. Cowger, Mr. Cunningham, Mr. Esch, Mr. Eshleman, Mr. Fish, Mr. Frelinghuysen, Mr. Grover, Mr. Gubser, Mr. Halpern, Mr. Hansen of Idaho, Mr. Horton, Mr. Kuykendall, Mr. Lujan, Mr. McClory, Mr. McCloskey, and Mr. McKneally):

H.R. 14174. A bill to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. GERALD R. FORD (for himself, Mrs. May, Mr. Meskill, Mr. Morse, Mr. Mosher, Mr. Railsback, Mr. Robison, Mr. Ruppe, Mr. Schadeberg, Mr. Scott, Mr. Steiger of Wisconsin, Mr. Weicker, Mr. Whalley, Mr. Whitehurst, Mr. Widnall, Mr. Wydler, Mr. Wylie, Mr. Zwach, Mr. Hosmer, and Mr. Brock):

H.R. 14175. A bill to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. ABERNETHY:

H.R. 14176. A bill to provide for a Delegate from the District of Columbia to the Senate; to the Committee on the District of Columbia.

By Mr. BINGHAM:

H.R. 14177. A bill, The Trade Quality and Consumer Information Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Massachusetts (for himself and Mr. Wyman):

H.R. 14178. A bill to establish an orderly trade in textiles and in leather footwear; to the Committee on Ways and Means.

By Mr. DINGELL (for himself and Mr. Moss):

H.R. 14179. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. FRASER (for himself, Mr. Karth, Mr. Rosenthal, Mr. Brown of California, and Mr. Conyers):

H.R. 14180. A bill to prohibit hiring professional strikebreakers in interstate labor disputes; to the Committee on Education and Labor.

By Mr. GROSS:

H.R. 14181. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 14182. A bill to establish a national program of assistance to the States with the goal of achieving equalized excellence in schools throughout the Nation over a 10-year period; to the Committee on Education and Labor.

H.R. 14183. A bill to provide for special programs for children with specific learning disabilities; to the Committee on Education and Labor.

H.R. 14184. A bill to designate the third Sunday in October of each year, as "Foster Parents Day," and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of Pennsylvania:

H.R. 14185. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. KEITH:

H.R. 14186. A bill to provide for the licensing of personnel on certain vessels; to the Committee on Ways and Means.

By Mr. MELCHER:

H.R. 14187. A bill to amend the act of March 29, 1956, chapter 107, 70 Stat. 62 (25 U.S.C. 483a) entitled "An act to authorize the execution of mortgages and deeds of trust on individual Indian trust or restricted land"; to the Committee on Interior and Insular Affairs.

By Mr. MILLS:

H.R. 14188. A bill to amend the Tariff Schedules of the United States to repeal the special tariff treatment accorded to articles assembled abroad with components produced in the United States; to the Committee on Ways and Means.

By Mr. NELSEN (for himself, Mr. Gerald R. Ford, Mr. Springer, Mr. O'Konski, Mr. Harsha, Mr. Broyhill of Virginia, Mr. Winn, Mr. Steiger of Arizona, Mrs. May, Mr. Hogan, Mr. Cramer, Mr. Poff, and Mr. McClory):

H.R. 14189. A bill to amend chapter 23 of title 16 of the District of Columbia Code to revise proceedings regarding juvenile delinquency and related matters, and for other purposes; to the Committee on the District of Columbia.

By Mr. O'KONSKI:

H.R. 14190. A bill to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs; to the Committee on Agriculture.

H.R. 14191. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. RUPPE:

H.R. 14192. A bill to amend the act of August 1, 1958, to authorize restrictions and prohibitions on the use of insecticides, herbicides, fungicides, and pesticides which pollute the navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITEHURST:

H.R. 14193. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. WYLIE:

H.R. 14194. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. ABBITT:

H.R. 14195. A bill to revise the law governing contests of elections of Members of the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. MICHEL:

H.J. Res. 921. Joint resolution to provide for the issuance of a special postage stamp in commemoration of Senator Everett McKinley Dirksen; to the Committee on Post Office and Civil Service.

By Mr. PEPPER (for himself, Mrs. Griffiths, Mr. Nix, Mr. Waldie, Mr. Watson, Mr. Wiggins, and Mr. Denney):

H. Con. Res. 397. Concurrent resolution expressing the sense of the Congress with respect to the Surgeon General conducting a study of the social, behavioral, medical, and pharmacological questions relating to the use of marihuana; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KEITH:

H.R. 14196. A bill for the relief of Carlota Gujmares; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 14197. A bill for the relief of Mrs. Aprus Eshoo; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 14198. A bill for the relief of Ali Samimi; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

HOUSE PASSAGE OF H.R. 14000

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. BIAGGI. Mr. Speaker, H.R. 14000, the fiscal year 1970 military procurement authorization bill, has been passed by the House. I felt compelled, out of concern for national defenses and the national interest, to support final passage, despite the fact there are many expenditures in the bill I opposed and expressed my opposition by voting on a number of amendments offered. It grieves me, and my colleagues who feel as I do, that the bill appeared in this final form. Notwithstanding the objectionable portions, my position was motivated by a sense of responsibility and concern for my country and for the hundreds of thousands of American boys who are currently serving in the military services, who require continued support until the end of the war when they can once again return to their homes.

Nonetheless, Mr. Speaker, it is incumbent upon me to etch into history a brief but vitally important footnote relating to the manner in which this bill was considered by the House of Representatives.

As reported out of the Committee on Armed Services H.R. 14000 authorized appropriations totaling $21,347,860,000. This report—No. 91–522—ran to 176 pages, and was dated September 26, 1969. The report followed extensive hearings on military procurement authorization which total thousands of pages of testimony. Yet the bill was first taken up on the House floor on October 1, 1969, which hardly gave time for due consideration of either the hearings or the report, and was passed shortly thereafter.

When all is said and done, probably the key vote in House consideration of H.R. 14000 was on House Resolution 561, by which only 4 hours of general debate were to be devoted to evaluation of the bill. This resolution passed in a rollcall vote on October 1, by 342–61. I joined 60 of my colleagues in voting "nay."

This particular vote, Mr. Speaker, raises grave questions about the propriety of the approach to basic national defense issues that this body has taken. As my colleague, Representative John E. Moss of California stated on the floor just before passage of House Resolution 561:

> We ought to know what we are doing. We ought to have adequate time to engage in meaningful debate and not be forced to compact it all into four hours. I know what is going to happen. We are going to try to get the four hours out of the way probably today and then under the pressure of avoiding a Friday session try to limit debate tomorrow. If we debated this thing for a week we would be giving it inadequate attention.

I believe that sufficient time be provided to consider every aspect of this authorization bill—to weigh all of the varied viewpoints that could well have provided substantial savings in military expenditures without endangering national security. These savings could have been designated to promote a healthier domestic economy and society. Further, such savings would assist in removing some of the inflationary pressures which are presently threatening the economy and affecting the wage-earner by reducing the value of his earnings. As a practical man, I believe it is logical to assume that it would be in the best interest of all concerned if spending more time resulted in spending less money in the area of military priorities.

What is done is done, Mr. Speaker. What is important is what will be done in the future. Never again, I submit to

XUM

this House and to both sides of the aisle, should a measure of this importance be permitted to escape the careful and detailed scrutiny that can only be made by the House of Representatives assembled in general debate. We have witnessed Members of this body being limited to a mere 45 seconds in which they could make known their views. This, Mr. Speaker, is unfair, unwise, and violates the principle of free speech.

I despair over the state of legislative affairs that I have just outlined, Mr. Speaker. But at least I have spoken out in what I hope will be a trenchant footnote to history that precedes later and more responsible episodes of congressional national defense decisionmaking.

I will continue to speak out in this vein, and I hope many other voices will joint mine in crying out "billions for defense, when necessary, but not 1 cent through hasty national defense decisionmaking."

JOUSTING—MARYLAND'S STATE SPORT

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Friday, October 3, 1969

Mr. MATHIAS. Mr. President, I wish to call public attention to an interesting and colorful sporting event, the annual Maryland State jousting tournament, which is scheduled to be held tomorrow, October 4, near Baltimore.

Jousting is a medieval contest which has become Maryland's "official" State sport, and is in the midst of a real revival in Maryland and surrounding States. It is a sport demanding real skill and horsemanship, and tournaments usually include pageantry reminiscent of the elaborate rites which accompanied jousting tournaments among medieval princes.

The Maryland State Jousting Tournament Association has sponsored an annual State tournament every year since 1950. This year many local tournaments have also been held around the State. The second annual national tournament will be held on Sunday, October 12, on the Washington Monument grounds in the Nation's Capital.

These competitions have attracted many skilled riders. Among those competing tomorrow will be Leon Enfield, of Frederick County, last year's national champion; and Phillip Clarke, the defending State champion.

I invite the public to attend the State tournament on October 4 and the national tournament on October 12. I ask unanimous consent to have printed in the Record an article on jousting written by Earl Arnett, and published in the Baltimore Sun of October 3.

There being no objection, the article was ordered to be printed in the Record, as follows:

MEDIEVAL PAGEANTRY, HORSEMANSHIP TO COLOR STATE JOUSTING TOURNAMENT

(By Earl Arnett)

Remnants of medieval pageantry and colorful horsemanship will mark the Maryland State Jousting Tournament scheduled to begin 11 A.M. tomorrow at the athletic field adjacent to the Carling Brewing Company.

Jousting, Maryland's "official" sport, dates to the earliest days of English history in the New World, when Leonard Calvert founded St. Marys City in 1634. The sport of jousting at suspended rings had evolved from older, medieval tournaments when men jousted against each other in competition for kingdoms, women and wealth.

"Jousting became a sport with the discovery of gunpowder," Miss Mary Lou Bartram said recently. Miss Bartram has won the Maryland championship three times and one day hopes to write a book on the history of the sport.

"After the Civil War, jousting flourished in this country," she continued, "particularly in the South. Tournaments were held to raise money for monuments to the war dead. Jousting flourished particularly in the South because of the interest in horses. The sport combined skill, sportsmanship and horsemanship."

The sport seems to be in the midst of a modern revival in Maryland and surrounding states. The Maryland Jousting Tournament Association was formed in 1950 and has sponsored an annual tournament in the state since that date. Miss Bartram added that since June there has been at least one jousting tournament a week in scattered sections of the state.

IN WASHINGTON

Last year, she said, the first national jousting tournament was held in Washington. The second annual tournament will be held Sunday, October 12, on the grounds of the Washington Monument in Washington.

This weekend's tournament will probably attract about 100 riders, although only 12 to 14 will be eligible to compete for the championship. In the championship event, each rider will attempt to spear rings measuring one-half-inch in diameter while atop a galloping horse.

Every contestant is permitted a total of three charges down a straight 80-yard course beneath three arches from which the rings are suspended. The rider has 9 seconds in which to complete the course and spear the three rings with his lance.

The lances are generally 6 to 7 feet long and weigh 6 to 10 pounds. There are no age or sex limits for the competitors; only skill determines the classification in which they compete. Novices aim for rings one and three-quarter inches in diameter, amateurs at one and a half inches, semi-professional at one and a quarter inches, and professionals at one inch.

Those competing for the championship must have placed in the top three in the professional class at least twice during this year's tournament season. The winner will receive a nominal prize of $35 and a challenge trophy.

All the riders compete under a title. Phillip Clarke, for example, who won last year's state championship, calls himself "The Knight of Little Red Wagon." One of his chief competitors this year is Leon Enfield, a Frederick county dairy farmer who won the national tournament last year as "The Knight of Little Woods."

FORT M'HENRY

Prior to the five-event tournament, the riders will parade around the field behind the Marine Drum and Bugle Corps which conducts summer ceremonies at Fort McHenry.

In accordance with the medieval tradition, the winner of the state championship will crown "Queen of Love and Beauty" in concluding ceremonies on the field.

The Carling Brewing Company is located just north of Exit Nine off the Baltimore Beltway. There is no admission charge; refreshments are available on the grounds; and the public has been encouraged to attend.

JAPANESE-AMERICAN PARTNERSHIP FOR PEACE IN ASIA

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. MOSS. Mr. Speaker, a bitter crisis may be in the offing between the United States and Japan over the island of Okinawa. For 25 years, Okinawa has served as a major American base in the Far Pacific and has been under complete American control even though we have acknowledged that it rightfully belongs to Japan. Over the years, political pressures have been building up within Japan demanding a return of the island to Japanese sovereignty. Now these pressures threaten to undermine popular confidence in the Sato government unless the United States takes positive steps to set forth a detailed plan for the ultimate return of Okinawa to Japan.

Some critics seem to feel that within the American Government, short-range considerations of military bases appear to be taking precedence over long-range considerations of peace and stability in Asia. They say if a shortsighted approach is taken and a determination of Japan's sovereignty over Okinawa is delayed, then a bitter crisis may develop. Not only could the Sato government fall but the long-range interest of the United States in Asia could be severely jeopardized. From my experience as chairman of the Foreign Operations and Government Information Subcommittee of the Government Operations Committee I know what a serious problem this is.

That is why I am delighted that my California colleague, Congressman John Tunney, has spoken out on this issue and offered a detailed proposal for resolving the Okinawa question within a "Japanese-American Partnership for Peace in Asia."

Congressman Tunney should be congratulated for coming to grips with this problem and presenting a proposal for our consideration. I think it deserves serious study. His statement and a news article follow:

A NEW JAPANESE-AMERICAN PARTNERSHIP FOR THE PACIFIC

(Statement by Congressman John V. Tunney, prepared for the American Assembly Conference, Shimoda, Japan, September 2 to 4, 1969)

As the new decade of the 1970's begins, we mark the passage of a quarter-century in which the United States has carried the major burden for maintaining the peace in the Pacific. Despite the tragic wars in Korea and Viet Nam, this era has, thankfully, been free of any general conflict spreading throughout Asia and involving the major nations of the region.

During these past twenty-five years, most Asian nations have been free to focus their energies on internal renewal, strengthening the fabric of their societies and developing their economies. With only a few notable exceptions—like China, Korea, Viet Nam, and Indonesia for a few years—the nations of the region have felt secure enough to have small military establishments and low defense budgets. National resources have, therefore, generally been available for the task of building strong, self-sustaining societies.

Although peace has been maintained, it

XUM

has required the counterbalancing of some serious sources of tension. They have arisen primarily from the unfortunate political divisions between the Koreans, Chinese, and Vietnamese divisions which have caused persisting conflict between each of these peoples to unify themselves as a nation. China, of course, has been the source of other tensions caused by a determination to develop its latent power into a force of worldwide significance—a determination manifested by its acquisition of nuclear weapons. Yet, despite China's apparent commitment to expand its nuclear arsenal and to build intercontinental missiles, its efforts have encountered difficulties making it unlikely that such a striking power will be developed before the mid-1970's, if not later. Whatever China's future intentions, its continuing spirit of isolation toward the nations of Asia will remain a major source of tension as well as a major reason for efforts aimed at diplomatic reconciliation.

In spite of these tensions, the peace of Asia perhaps could have been, with the exception of Viet Nam, maintained over the past quarter-century without the counterbalancing power of the United States. Lacking the American presence, most Asian nations would probably have had to devote substantially more of their resources for defense purposes, slowing their rates of economic growth and risking strains within their societies. Such circumstances would have been contrary to American interests. Promoting the growth of strong societies and prosperous economies has been the major goal of American policy in Asia and the principal justification for the presence of our military forces stationed in the Pacific. Clearly, the United States has intended that its burden of maintaining the peace should result in precisely the kind of growth of resilient societies that has in fact occurred.

Even before the war in Viet Nam, the United States had as large a force in the Pacific as it maintained for the defense of Western Europe. And even if all of the forces committed to the Southeast Asian mainland as a consequence of the Viet Nam war were withdrawn and deactivated, the United States would still have over a third of a million men deployed in the Pacific. If there were such a return to the pre-Viet Nam posture, then the major components of American power in the Pacific would again be air and naval units concentrated in northern Asia and intended primarily for deterring aggression, especially against insular areas. Though the costs of these North Asian forces have never been of the same magnitude of the approximately $120 billion expended in Viet Nam, they have been costly, particularly during the years of the Korean War.

These costs of maintaining a generally peaceful Asia are often the source of controversy in the United States. But one of the strongest arguments in their favor has been the successful results from the policies of the American presence in northern Asia. Not only has the peace been kept but the nations of the area have grown in economic strength at an unprecedented rate. Taiwan, for example, has had an economic growth rate among the very highest of the world, averaging around nine percent for the past two years. This past year, Korea's national product rose by 12 per cent and is expected to average a 10 per cent annual increase at least up to 1971. But overshadowing these accomplishments has been the breathtaking achievement of Japan, which this past year had an astounding growth rate of 14.3 per cent even after adjustments for price increases. Alongside Japan, America's growth rate is almost puny by comparison. Japan's economy is growing about three times faster than that of the United States.

Japan's spectacular achievements have caused such rapid and historic changes in the ranking of economic power in the world that many people have been slow to understand their effects. Since the speed at which Japan has been growing is not only the fastest in the world but also unprecedented for an industrialized country, this lack of understanding is not surprising. Books written about Japan in 1967 are already hopelessly out of date. In 1966, Japan ranked sixth among the world's industrial nations, yet in one year she was able to leap ahead of both Britain and France to reach fourth place as of 1967. Even though earlier projections of Japan's economy had taken account of the fantastic growth rate, it had not been expected that she would surpass West Germany and become the world's third ranking economic power until 1985. Defying conventional assessments, Japan made this astonishing jump to third place in 1968 when her national product reached $147.4 billion! Now only the Soviet Union and the United States stand ahead of her.

Having attained the position of the world's third ranking power with such startling speed, Japan now commands profound respect for its vigorous leadership in the world's economic affairs. Because of this new position of power and respect, it is natural that Japan should want to review its relationships with other nations, especially the United States. Due to America's willingness to carry the burden of maintaining the peace of Asia, Japan has never had to allocate more than 1.5 per cent of her gross national product for defense, as compared with American defense expenditures of between 9 and 10 per cent of GNP. The major question confronting Japan as the 1970's begin, therefore, is what level of defense effort she should make to insure the safety of her people, and what kind of new defense strategy should be arranged with the United States. There is no question about the need for a new relationship between Japan and America; the question is rather what this new relationship should be.

In seeking a new basis for cooperation in maintaining the peace in Asia, I believe that Japan and the United States should emphasize the obvious complementality of the power between them. Both nations have distinctively different national characteristics and forms of power and both have distinctive contributions to make in Asia. Both nations should, therefore, seek to derive maximum benefit from their complementality in order to give greater force to maintaining the peace. To establish the basis for such an effort I believe that Japan and the United States should be guided by the following principles:

First, the two nations should declare a partnership for peace in the Pacific. This partnership should be based on the complementality of power that has developed between Japan and the United States over the past quarter-century. Its purpose would be to realize the new opportunities for strengthening the prospects for peace that this complementality has created. The United States would signify its understanding of this new partnership by announcing its intention to return Okinawa to Japanese sovereignty on a schedule which would minimize the strains on the island's economy as well as on Japan's capacity to absorb the burdens of the island's public expenditures. For its part, Japan would signify an understanding of the new partnership by announcing its intention to contribute to the maintenance of peace in Asia by making available its techniques and resources for economic growth on a scale commensurate with its position as the world's third largest power.

Second, the United States would continue to carry the primary burden for maintaining peace in Asia as well as for the defense of Japan through the presence of its military forces in the Western Pacific. One of the most important aspects of this burden would continue to be the deterrent against nuclear attacks on Japan. In maintaining this deterrence, both Japan and the United States should carefully review the requirements for bases to support deterrent forces, especially on the island of Okinawa. Both countries should proclaim their interest in the continuation of the existing Treaty of Mutual Defense and their intention to effect the transfer of Okinawa to Japanese sovereignty within the general framework of the treaty. The question of the right of the United States to retain "free use" of its military bases on Okinawa would be the subject of separate diplomatic initiatives. A time table would be devised which both nations could live with, particularly in light of the United States' present efforts in Viet Nam.

Third, both nations would recognize that the peace of Asia depends not only on the short-run needs for military force, but also—and more importantly—on the long-range reconciliation of underlying tensions. While economic growth cannot by itself reduce frictions, it is the most promising task that a world power can support within an underdeveloped country. In its new partnership with the United States, Japan would take the lead in promoting economic growth in underdeveloped countries in Asia on a scale which the United States had never attained because of the use of its resources for the short-run, military requirements of keeping the peace. By undertaking to stimulate the economic growth of Asia on a scale as unprecedented as its own internal growth, Japan would be establishing a new distinctiveness for itself as a world power.

In fulfilling the promise of this new partnership in Asia, Japan would have an opportunity virtually unique in the history of world powers. By devoting the same level of resources for stimulating the economic growth of Asia which nations of comparable power now spend on armaments, Japan would gain a reputation for peace unmatched among the leading nations of the world. The moral influence in world affairs resulting from such a reputation would be certain to be of substantially greater impact than that derived by nations of comparable power from their expenditures on armaments. This influence would not only be manifested by less developed countries in seeking the techniques and products of Japan, but also by recognition of Japan's new leadership for peace through requests for her mediation and reconciliation role in international disputes. Japan's permanent membership in the Security Council of the United Nations would be an obvious example of one of the first results which could flow from Japan's new role in the leadership for peace.

In recent years an expenditure of about 4 to 5 per cent of GNP for defense has been typical of most West European countries. Japan, however, spent less than 0.8 per cent of her GNP on defense, or about $1.17 billion, a figure which reflects dramatically the benefits to Japan of her mutual Defense Treaty with the United States. Yet the savings to Japan from these low defense expenditures have not been reflected in contributions to the economies of less developed countries. In 1967, Japan ranked sixth in the world in contributions to economic developments in terms of per cent of GNP with an amazingly low 0.54 per cent. Japan's development in terms of per cent of GNP million, over half of which was in the form of private investment and private loans. In terms of absolute levels of assistance, Japan's contribution was even surpassed by Britain's $980 million, not to mention France's $1.3 billion. Clearly, these comparisons indicate that Japan continues to be more concerned about its own growth than in assuming the role and responsibilities of a world power.

Such a priority is entirely understandable. Although Japan ranks third in the world according to total size of her economy, she is still significantly behind most Western European countries in per capita income. In 1967, Japan ranked 19th in the world—behind Italy and ahead of Ireland—with a per capita income of $921. Besides the obvious

XUM

desire of Japanese to increase their personal incomes, there are also requirements for badly needed public services, such as schools, roads and housing, which have been slighted in Japan's impressive effort to rebuild her economy over the past quarter-century.

But despite these understandable domestic priorities, Japan is aware of both the changes in world power, of which her growth is a dramatic part, and of the responsibilities which confront her as a front-ranked nation of the world. Several months ago, in fact, foreign Minister Aichi acknowledged that in the aftermath of a settlement of the Viet Nam War, Japan would face increased demands to act in accordance with her status as the great economic power of Asia. He left no doubt about how he felt Japan should respond to this challenge. "We must," he said, "make a peaceful contribution to the stability of Asia by contributing as much of our economic power as we possible can." But how much of a contribution will this actually turn out to be?

If Japan's defense budget stays around 1 or 1½ percent of GNP due to the protection she receives from her Mutual Defense Treaty with the United States, then shouldn't it be possible for her contributions to Asian development at least to match this level of expenditure? In other words, during the next three years, isn't it reasonable to expect that Japan could contribute about $5 billion to the peaceful development of Asia? A total contribution, therefore, of about 3 percent of GNP for both self-defense and Asian development should be within the range of Japanese capabilities even though there is an understandable eagerness to boost per capita income to West European levels. It should be noted, however, that Japan now enjoys a balance-of-payment surplus of $1.1 billion in her trade with the United States. This alone would enable Japan to begin to underwrite peace in Asia.

A true Japanese-American partnership in Asia will, of course, depend more on an understanding of common goals than of any specific level of initial expenditures. If Japan does not see her interests served by emphasizing the complimentality of power with the United States, then suggestions that she increase her contributions to Asian development will simply be welcome gestures rather than the foundation of a long-range policy. The advantages of such a partnership should, however, make it a compelling goal not only for Japan and the United States, but also—and especially—to the nations of Asia. If they could have the opportunity for sustained growth in a climate of security—like the opportunity Japan has had over the past quarter-century—then their contributions to a peaceful Asia would be the real fulfillment of a Japanese-American partnership in the Pacific.

[From the San Francisco Examiner, Sept. 7, 1969]

Booming Japan's East Asian Role

A weary United States wants to lay down some of the heavy economic burden it has carried in East Asia since World War II. But the Pacific basin's other economic giant, Japan, has for understandable reasons shown no eagerness to do the responsible thing and pick it up.

Protected by the American military shield, and thus freed of the enormous expense of defending itself, Japan has become the fastest growing of the big industrial powers. Last year it passed West Germany to become the third ranking economic power, behind only the U.S. and Soviet Russia.

Japan's growth is a testimonial to the capacity for hard work and enterprise of a remarkable people, as well as evidence of the great strides a free society can make when relieved of the need to commit resources to a military establishment. Very much the same can be said for the West Germans, our other major foe of those yesteryears when Soviet Russia was our formal ally, our nominal friend and our covert enemy.

The Japanese boom is further helped along by the fact that the Japanese are not helping less fortunate countries as much as they could. Rep. John V. Tunney (D-Calif.), a member of the House Foreign Affairs Committee, pointedly told the Japanese in a speech in Japan last week that the help they were giving others was an "amazingly low" portion (0.54) of their gross national product. Even hard-pressed England and France give more. Moreover, most of the Japanese aid is private loans and investments.

Tunney proposed a new Japanese-American partnership for peace in the Pacific. Under its terms Japan would contribute $5 billion in aid over the next three years to help stabilize other East Asian nations. The U.S. would continue its protective umbrella over Japan and keep its big Okinawa bases but return sovereignty over Okinawa to Japan.

Japan has a good thing going, and it is not human nature to give up a good thing. Besides, Japan has much internal catching up to do. The per capita income of its people—$921 in 1967—is still lower than that of Western Europe. It has serious problems with radical youth. Many older Japanese, remembering the disaster brought upon them by the country's pre-World War II expansionism, fear that economic aid to neighboring countries would be looked upon suspiciously as Japanese domination in a new economic form.

But the East Asian world is changing rapidly as the U.S. seeks to wind up the war in Vietnam, reduce its commitments to East Asia generally, and direct more of its resources to domestic needs. The pressure on Japan to come out of its countinghouse and assume a bigger East Asian role, as the only democratic nation capable of doing so, is growing steadily.

These changes and pressures form a backdrop to the big Japan Week celebration now in progress in San Francisco. They will be very much in the minds of the diplomats, economists, bankers and industrialists who, as a part of Japan Week, will gather here Wednesday for a seminar on U.S.-Japan political and economic relations.

NIXON ADMINISTRATION WILL NOT TOLERATE ANY SCANDALS

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. SCHERLE. Mr. Speaker, it appears that there is a scandal of major proportions brewing in the Defense Department, involving the operations of officers and noncommissioned officers clubs, a scandal that dates back at least several years and one about which the Pentagon, under the leadership of Robert McNamara, apparently did nothing.

The scandal is only now just beginning to surface, thanks to the work of the Investigations Subcommittee of the Senate Government Operations Committee.

Unfortunately, it appears that it will involve some members and some former members of the Armed Forces.

Two of those mentioned who, at the least, will be called to testify, are retired Gen. Carl C. Turner and the Army's first sergeant major, William O. Wooldridge.

May I say, without imputing any guilt to either of these men, that I note with pleasure the alacrity with which the Nixon administration has acted, first in requesting and getting the resignation of General Turner as chief U.S. marshal, and second in reviewing the honors it has bestowed on Sergeant Wooldridge.

The Nixon administration is determined that it will not tolerate any scandals in this administration and it will meet head on any left over from the prior administration.

Mr. Speaker, to be effective any administration must have two things: integrity in its own ranks and the confidence of the people. I am pleased to see that the President is determined to maintain both.

NEGRO AIDES FIND GAIN UNDER NIXON

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, too often we hear criticism of the President's approach to improving the opportunities of our minorities from people who do not know what they are talking about, because they have not taken the time or effort to find out.

The critics will be surprised to find, I am sure, that in a quiet, unobtrusive way, the administration is making progress in the area of civil rights.

James M. Naughton, in a recent article in the New York Times of September 29, makes that plain:

Negro Aides Find Gain Under Nixon—Nine High Officials Emphasize Pragmatic Approach That Focuses on Getting Jobs

(By James M. Naughton)

Washington, September 28.—When President Nixon pledged at his inauguration to "bring us together," many Americans took a quick look at his Cabinet, noted the absence of black faces and reacted with skepticism.

The skeptics still abound. Yet Mr. Nixon has quietly installed 10 Negroes in important sub-Cabinet posts of his Administration. They expressed, as one of them stated it, a common theme:

"Civil rights is not on the back burner in this Administration. We may be quiet, but we intend to get results."

In separate interviews with nine of the 10—seven off the record at their insistence—this picture of the Nixon Administration approach to civil rights emerged:

It is, above all, quiet. A staff memorandum at the White House titled "Efforts of Administration in Civil Rights and Minorities Areas" makes the telling point in its first paragraph of noting "an excellent example of the quiet way to get things done." A political stance based on a so-called Southern strategy would not be easily compatible with an open, avowed civil rights crusade.

It is focused on economics. A rising tide lifts all boats. The emphasis is on seeking to float more black and brown individuals into the American economic mainstream by helping them find job opportunities.

It is pragmatic. After two decades of idealistic oratory, after scores of socially oriented laws, after a year in which physical confrontations reached new heights and racial despair new depths, the Administration appears resolved to "defuse" the tension and buy time for more subtle efforts—in courtrooms and conference rooms—to achieve results.

WILLINGNESS TO TRY

Even among Negroes in Government posts there are those who fear quiet pragmatism will not work. They are willing to give it a try, though.

"This Administration or any Administration is doing to make progress only when it delivers," said a Democratic black Assistant Secretary. "I want to see this Administration deliver. If I didn't feel it was going to, I wouldn't be here. I have a long time left to live with myself."

Few people seem aware that Mr. Nixon's Administration includes any top-level Negroes other than James Farmer, Assistant Secretary of Health, Education, and Welfare. That is itself a testimonial to the President's quiet method.

The nine other Negroes holding sub-Cabinet posts with broad power are Robert J. Brown, special assistant to the President; Samuel C. Jackson and Samuel J. Simmons, Assistant Secretaries of Housing and Urban Development; Arthur A. Fletcher, Assistant Secretary of Labor; Ronald B. Lee, Assistant Postmaster General.

Also James A. Washington Jr., general counsel of the Department of Transportation; James E. Johnson, vice chairman of the United States Civil Service Commission; William Brown, chairman of the Equal Employment Opportunities Commission, and Ben Holman, director of the Justice Department's Community Relations Service.

LITTLE VERBAL ABUSE

All but Mr. Jackson, who is in Europe, were interviewed within the last two weeks. Most contend they have suffered little verbal abuse by virtue of being in the Administration, but at least one has been booed at a meeting of a Negro group and one of them conceded "some uptightness in our ranks."

The majority expressed the belief that they are playing an essential role.

"Why did I, as a Democrat, accept the job?" asked one. "Well, I was at a cocktail party with a lot of other liberal expatriates of the Johnson Administration and it dawned on me how unfortunate it was everybody with a commitment to civil rights was quitting the Government. Somebody had to stay inside to make the case."

Several Negroes in the Administration have expressed amazement there has been no attempt to capitalize on their presence with a flood of press releases.

"If it weren't for reporters seeking me out, nobody would know I'm here," said a liberal black. "If the White House is 'using' me they're not getting much out of it."

"There are two ways you can look at it," he added. "You can say, 'Gee, that's great,' or you can say, 'Maybe they don't give a damn—they didn't get the black vote and don't want it.' "

NEGRO IMPACT DOUBTED

Mr. Fletcher, who was the Republican nominee for Lieutenant Governor of Washington in 1968, believes Mr. Nixon cannot win over the Negro majority.

"Negroes are as emotionally, politically prejudiced against Republicans as Wallaceites are against Negroes," he said.

But the point, he added, is that what another Negro in the Administration calls an "automatic, knee-jerk reaction" among blacks to Mr. Nixon's proposals will work to the disadvantage of minority groups.

"This is where the Negro community has got to develop some sophistication," said Mr. Fletcher. "They should be presenting their agenda to the White House and pressing for action just as they did under (Presidents) Kennedy and Johnson.

"The occupant of the White House changed twice after President Kennedy said we should put a man on the moon," he noted. "But NASA didn't give up. It continued to make its case to the White House for meeting the commitment. It is a tragic mistake for the black community to fail to do the same thing. Needs of black people are not going to wait four or eight years for a change of Administration."

Not all the Negroes in the Administration are flaming liberals. There is a particular mood of defensiveness among them when they are asked to explain the Administration's attitude toward school desegregation in the South.

NIXON SHIFTED APPROACH

When Mr. Nixon shifted the approach from administrative action—cutting off Federal funds of school districts that failed to integrate—to a courtroom attack on segregated schools, liberals said, the pace surely would slow.

The Administration's request for more time for 30 Mississippi school districts to devise integration plans met with outrage and a palace revolt in the Justice Department's civil rights section.

Attacks on the Nixon Administration for allegedly slowing school desegregation are not entirely honest, said Mr. Farmer. "A lot of people seem to think the impression we were going full speed ahead until January of this year," he stated. "There have been changes in "[desegregation] deadlines consistently over the years."

Mr. Fletcher believes the Nixon Administration "is developing its own unique thrust" toward school desegregation, which may be slower to work but surer to get results. "This Administration is not going out promising more than it can deliver," he said.

Another Negro in a high echelon position said Mr. Nixon's school desegregation approach is pragmatic.

"Let's be realistic," he argued. "If we ask the courts to delay until September, 1970, in September, 1970, those schools had better be integrated. It's that simple.

"In the meantime," he added, "we'll give them all the time and help they need instead of drawing up a plan in Washington and forcing it on them. I'm from the South and I'm black, but I know that people, black or white, rebel against others arbitrarily sending them orders. You've got to work with people. That's the only way we're going to get real meaningful desegregation."

POINT OF AGREEMENT

If there is one point on which all the Negroes working in Mr. Nixon's hierarchy appear to agree, it is that the time is right to shift the civil rights focus to the equal employment opportunity arena.

"This Administration is not going to spread itself thin over the whole range of civil rights activities," said Mr. Fletcher. "It's going to concentrate on economic opportunities. We got so hung up on the idea that civil rights was a social problem that we failed to see the connecting links. We've got to talk economics."

One Administration figure who works directly in this area stated the same point this way:

"Originally we felt that if minority people were educated it would change things. But studies show the average Negro college graduate earns $1,040 a year less than the typical white high school dropout.

"People have to be given the opportunity of a good job. If they are, some of the other problems will be less severe: they'll be able to demand better housing, to demand better health facilities, to demand better schools, because they too will be contributing members of society."

There is a common belief as well that Mr. Nixon can deliver more in the economic arena that might a Democratic President.

"Mr. Nixon has the confidence of businessmen of the country," said a Negro who is a former businessman. "These are the people who have to be involved."

There is little doubt among the black administrators that Mr. Nixon is deeply committed to equal employment opportunity. They cite his Aug. 8 executive order to Federal agencies as one example. One Negro who helped draft the order said he was amazed to find that "it wasn't watered down."

Furthermore, the word has been passed to agency heads that they will be reprimanded if they fail to give the executive order more than lip service.

Another policy adopted quietly inside the Government spells out a new rule of the General Services Administration: building sites or leased space for Government offices must be situated within "reasonable proximity" to low- and moderate-cost housing.

One department has become so conscious of developing opportunities to funnel Federal funds to minority groups that it requires "affirmative action to hire black consultants" for its projects. "In fact," said an official of the department, "we're required to justify if we don't hire black consultants."

The "Philadelphia Plan" requiring bidders on federally financed projects in that city to strive toward minority hiring goals in six skilled construction crafts went into effect last week with appropriate fanfare.

Unreported, however, are quiet plans to extend the plan to nine other cities. And the Labor Department, using the "Philadelphia Plan" as a potential threat to reluctant contractors, is quietly bargaining with company presidents across the country for voluntary programs to hire minority craftsmen.

The Justice Department has filed lawsuits charging both employers and unions with discrimination in Maryland, New Jersey, California and Kansas.

"When people say this Administration hasn't done anything, I don't understand what they're talking about," said a black Republican. "Maybe we haven't released statements with a flair and announced programs every other week that we know aren't going to work. But I don't think people want a whole lot of lallygagging about what we're going to do in 1973. They want results."

REPUBLIC OF GUINEA, OCTOBER 2, 1958

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. POWELL. Mr. Speaker, the Republic of Guinea has been, during its long history, one of the most independent minded of the African countries. Her independent attitude was generated over long centuries by struggles against foreign domination. Oppressed in earlier times—from the 10th to 15th centuries—by kingdoms spilling over from neighboring areas, Guinea was fiercely hostile to invasion during the next three centuries. She finally succumbed to French hegemony in 1898.

But the years under French tutelage proved beneficial. For a relatively quiet period of 40 years, the French constructed roads and hospitals, schools and businesses, and paved the way for modernization.

After World War II, reforms were gradually instituted which transferred the responsibilities of government to the Guineans. From this period onward, the traditional fires of independence were rekindled and culminated finally in complete freedom on October 2, 1958. Guinea voted for full independence, extricating herself from the French community entirely. She was the only former French colony to do so.

The foreign economic and political policies of Guinea have been consistent with her stanchly independent attitudes. Since 1958, she has pursued close economic ties with the Soviet Union, has contracted a loan agreement and technical assistance with Communist China, and negotiated investment guarantee agreements with the United States, West Germany, and Switzerland.

Under the able and experienced leadership of President Sékou Touré, the Republic of Guinea can look forward to a productive and exciting future. We wish the people of Guinea, on their day of independence, our heartiest congratulations and best wishes.

VFW SETS PRIORITIES ON NATIONAL SECURITY AND FOREIGN AFFAIRS

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. ROUDEBUSH. Mr. Speaker, during the past weekend, the national security and foreign affairs committee of the Veterans of Foreign Wars met here in Washington to establish priorities for the coming year.

As a former commander in chief of this dedicated group of veterans, I am impressed with the scope and substance of this year's goals on national security and foreign affairs. It seems to me that the vitality and vision of this organization continues to grow as does the membership, and, as does the sensitivity of VFW's leadership to the true national interests of the United States. The VFW concentrates on the heart of each issue.

The VFW's new commander in chief, Ray Gallagher, of Redfield, S. Dak., was present for the meeting this past weekend and personally participated with the committee in establishing priorities for the period of his stewardship. Mr. Gallagher represents an imaginative, enthusiastic, and determined voice of the veteran. I wish to commend him and the committee for the excellent job they are doing and include the VFW's national security and foreign affairs goals for the coming year in the Record:

VFW National Security and Foreign Affairs Goals, 1969–70

PREAMBLE

Nothing is more important to the United States than national security. The primary threat to U.S. security is the communist doctrine of expansionism and aggression. The communist doctrine represents a total concept for conquest and control. So-called "wars of national liberation" are, in fact, wars to achieve communist conquest. The war now being fought on the soil of South Vietnam has been aided and abetted by the Soviet government and Red China. The Soviet government provides military assistance, supports subversive elements, and exploits weaknesses and frictions within nations and among nations, both in Southeast Asia and around the world. The Soviet government still wants to achieve world dominion. In addition to starting and fighting wars by proxy, the Soviet government continues to increase its military strength in such weapons systems as nuclear-tipped ICBM's, missile-launching submarines and combatant air and surface fleets. Soviet styled strong-arm tactics in Czechoslovakia are blantant and self-evident. They typify the raw power of communism.

The Veterans of Foreign Wars of the United States respects the principles of independence and self-determination for all people. We encourage and support all those nations and peoples who oppose communist aggression.

NATIONAL DEFENSE

1. Maintain a strong and modern national defense posture capable of deterring Soviet expansion anywhere in the world.
2. Support strong Reserve and National Guard forces organized and equipped to meet the requirements of modern warfare.
3. Support strong and meaningful military services—Army, Navy, Air Force and Marine Corps—under their respective Secretaries.
4. Using the moon-landing technology, urge the development of a new age of 100-knot air-cushion, clipper ships as a giant step toward modernizing the U.S. Merchant Marine.
5. Support the Safeguard program as a deterrent and defense to ballistic missile attacks against the United States.
6. Support a modernization program for aircraft carriers for the continued deployment of mobile tactical air forces.
7. Endorse the world-wide deployment of U.S. armed forces to deter aggression and encourage stability in areas of tension.
8. Support the principle of military-industry-labor teamwork to maintain the most modern armed forces in the world.
9. Support the continuation of adequate research and development budgets to include such programs as manned bombers, fighters, close-air support aircraft, missiles, tanks, helicopters and surface ships, so that the United States will remain second-to-none during the 70s as a military power.
10. Urge the United States to take a new look at the rules of engagement in limited warfare to preclude self-imposed limits which could encourage aggression.

SOUTHEAST ASIA

1. Guarantee freedom to the people of South Vietnam and the rest of Southeast Asia as an essential to the credibility of United States commitments and the security of the free world.
2. Unless peace discussions show significant progress, within 90 days from a date to be set by the President of the United States, support new and expanded conventional military efforts to encourage such progress.

MILITARY MANPOWER

1. Demand that American prisoners of war being held by North Vietnam be identified, given relief and treated in accordance with the Geneva Convention.
2. Support all measures to enhance the prestige and dignity of servicemen and their families.
3. Strongly support modernization of the military pay system and adequate housing for all armed services personnel. Provide all possible assistance to retired military personnel.
4. Recommend the government provide air transportation for U.S. servicemen on emergency leave, overseas duty and convalescent leave.
5. Give all support to ROTC, Reserve and National Guard programs.
6. Support the adoption of universal training program and retention of the Selective Service system.
7. Urge prosecution and punishment of military deserters and of those obstructing military recruiting and induction activities.

FOREIGN AFFAIRS

1. Support a strong U.S. policy to deter Soviet colonial expansion anywhere in the world.
2. Urge an aggressive U.S. foreign policy designed to aid, assist and encourage friendly nations, and a policy which anticipates and thwarts the ambitions of those who would destroy the United States.
3. Support the President of the United States as the leader of this country and encourage him to take such actions as are necessary to "preserve and defend the United States from all its enemies whomsoever."
4. Support and strengthen NATO.
5. Retain full U.S. control of Okinawa, the cornerstone of U.S. defenses in the Western Hemisphere.
6. Oppose any and all forms of economic assistance to Red China and oppose the admittance of Red China to the United Nations.
7. Permit only those U.S. citizens who are authorized by the government of the United States, and loyal to U.S. policies, to represent the United States on all official matters dealing with hostile nations.
8. Advocate strict enforcement of the Monroe Doctrine and retain control of Guantanamo Bay and the Panama Canal.

THE MEASURE OF TRAGEDY

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. KYL. Mr. Speaker, the difficult situation in South Vietnam is one to which there are no easy solutions. Too many people lately have been offering oversimplified answers which sound almost plausible, and seem to offer welcome relief to a nation weary of this faraway war.

These answers neglect to consider fully the bitter consequences which would result, should they be adopted, and the problems—even more difficult than the ones we now face——which would follow.

I commend to the attention of my colleagues an editorial from the Wall Street Journal, discussing the Vietnam war and refuting the too easy solutions with which we are being tempted:

The Measure of Tragedy

Emotionally all Americans recognize the Vietnamese war as a tragedy, but intellectually they have trouble grasping the concept. They cling to the typically American belief that if they find the right combination of levers there will be an easy way to end the agony.

In this respect Senator Charles E. Goodell's resolution calling for the withdrawal of all U.S. forces by December 1970 is better than most. The policy it would mandate is absolutely cogent: Wash our hands of the affair and hang the consequences. We think the Senator vastly underestimates those consequences, but the starkness of his proposal is an important contribution to intelligent debate. At least he proposes an alternative that does exist.

We're not at all sure the same thing can be said for more "moderate" proposals for ending the war. Some apparently serious people seem to believe, for example, that it can be ended by offering to give the Vietcong a "fair share" of political power in the South, which we imagine would be somewhere around 20%. Some people even profess to think that once this is done free and honest elections can follow.

This is, among other things, an insulting underestimation of our antagonist. He is not a bandit who can be bought off with a few cabinet posts. He is a zealot who religiously believes that the majesty of history entitles him to rule Indochina. From his standpoint, the only honorable thing to do with partial power will be to use it as a stepping-stone in his drive for total power, and he will continue that drive by all means including shooting and killing whenever he deems the moment ripe.

To end an encounter with that kind of foe through an honest compromise simply does not fit the tragic themes the script has followed so far. Our role and our honor, of course, call for continuing to strive for such a compromise. But we need not delude ourselves; it is likely to prove a mirage.

To Senator Goodell's credit, he recognizes as much. Also to his credit, he is responding to the gut question: If no compromise settlement is forthcoming, what do we do then? Further, his answer of complete and unilateral withdrawal would end the American casualties in this particular war. But we very much doubt it would provide a happy ending.

The Communists would take over South Vietnam by military force, which would be a cheap enough price if the international effects stopped there. But just as the American debacle at the Bay of Pigs helped prompt the Soviet initiatives leading to the Cuban missile crisis, so we expect American defeat in Vietnam would encourage the adventurists throughout the Communist world. We do not know whether the next crisis would break out in Thailand, Berlin, South America or elsewhere, but we do feel that over the long run a show of American irresolution is likely to result in worse crises, not easier ones.

A Communist take-over in Saigon also would be likely to make American domestic discord worse—not better as is so often and so glibly suggested. Judging by what happened subsequent to Communist victory in North Vietnam and during Communist occupation of Hue during 1968, we can assume their victory in the South would lead to the massacre of several hundred thousand South Vietnamese whose crime was putting their trust in the United States of America. Those who talk about whether continued war is "politically acceptable" might also ponder whether the American people will reelect a President who presides over such a spectacle.

Reelection of any particular President, to be sure, is only symptomatic of the broader political-social costs at issue. Yet precisely in these broad terms, we see little in world history to suggest that military defeat is good for a nation's domestic problems, and little in the bitter aftermath of the Korean War stalemate to suggest that this nation is one of the exceptions. Some generals are already saying they could have won the war if unleashed. And as is being more widely recognized, white-working-class America is already seething with discontent against the prevailing establishment. For our part, we have no desire to see what, say, George Wallace could do with a stab-in-the-back theme.

If these are the likely costs of traumatic withdrawal, it's easy to understand why the Nixon Administration is withdrawing only gradually and carefully. If negotiations continue to yield no result, it seems likely the Administration will continue to pare down U.S. combat forces—looking less to complete withdrawal than to maintaining a smaller and less burdensome force, but still one large enough to help the South Vietnamese prevent a Communist victory.

This course too has obvious risks. For one thing, as Joseph Alsop has been pointing out recently, the Communists might again send full divisions across borders to fall on the smaller U.S. forces. At worst, there could be an outright military defeat. At best, careful withdrawal guarantees no quick end to the war, only a reduction in the U.S. participation.

The Administration's evident course obviously is no happy one, but it looks a little better when you also look clearly at the alternatives. It makes more sense if you understand there is no magic combination of levers, that there is no easy way out, that this war is indeed a tragedy in the full sense of that word.

NATIONAL ACCLAIM FOR HON. PETER W. RODINO, JR.

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. HOWARD. Mr. Speaker, Representative PETER W. RODINO, JR., the distinguished dean of the New Jersey congressional delegation, has won national acclaim for the outstanding role he played in having the eight Green Berets, who were charged with killing a Vietnamese double agent, freed.

PETE RODINO has represented the people of the 10th Congressional District with such excellence that each election he is overwhelmingly reelected to office by his appreciative constituents.

On September 30, 1969, Leo Standora, in a page 1 story in the Newark Star-Ledger, wrote a moving piece on the response by the House and by one of the Green Berets to Mr. RODINO's efforts.

Mr. Speaker, I respectfully urge all of my colleagues to take a few moments of their time and read this very moving story:

THE HOUSE RISES TO HONOR RODINO

(By Leo Standora)

The House of Representatives yesterday gave Rep. Peter W. Rodino Jr. (D-10th) a standing ovation for leading a successful fight to free eight Green Berets accused of killing a Vietnamese double agent.

As Rodino stood quietly at the speaker's podium on the floor of the House, his colleagues shouted, cheered and applauded in tribute.

Later he said "I have never had an experience like this before in all my years in Washington."

The outburst came after Rodino delivered a speech congratulating the Army's decision to drop all charges against the Berets.

As he stepped from the podium with applause still echoing through the chamber, Rodino was surrounded by about 20 congressmen who pressed close to pat him on the back or shake his hand. It was a full quarter hour before the House quieted down to a point where business could be resumed.

"The reaction, I think, shows vividly how the members of the House felt about this issue," Rodino said.

"I am proud that I and other members of New Jersey's delegation were able to play a part in its outcome."

In his speech to the House Rodino said:

"I am deeply gratified that the Secretary of the Army has finally addressed himself personally to all the issues in this case . . . and has taken a just and fair position.

"These dedicated servicemen have finally been released. However, nothing can undo the suffering experienced by them and their families.

"I pledge to these men and their families that I, for one, shall continue to do everything in my power to undo the damage that has been done and to ensure that never again will servicemen be exposed to the abuses and miscarriages of justice that have characterized this case."

After his speech and the tribute, Rodino went to his office to thank his eight-member staff for "working very, very hard" in doing research on the case.

TAKES CALL

While there he received a call from Capt. Robert F. Marasco in Long Binh, Vietnam.

Marasco said, "I have no words to express the deep appreciation for your efforts and those of the other congressmen who stood by us all the way."

Rodino said he plans to join Marasco's family to "welcome the soldier home" when he returns to the U.S.

Rodino later called Marasco's parents in Bloomfield whom he said were "simply jubilant.

"Mrs. Marasco said her only disappointment was that she wasn't in Washington to give me a thank-you kiss," said Rodino with a laugh.

"But the job is not over yet," he said. "Tomorrow we begin working to completely clear the names of these men. They deserve no less."

Rep. Joseph G. Minish (D-11th) another Jersey lawmaker who spoke out in behalf of the Berets welcomed the Army's decision but added:

"It is evident that the Army has bungled in the matter. It is extremely demoralizing, both to our servicemen and to our citizenry, to fear prosecution by the Army in cases where the evidence is as slight as it was in this case. I hope the Army will have learned something . . ."

Rep. Cornelius Gallagher (D-13th) called the decision "morally wise and politically imperative from a standpoint of national interest.

"But the government must now go further, indeed overcompensate for the sake of the six men involved," he said.

"These brave Americans stood resolutely in the face of grave charges, accepting the decisions of their country as soldiers, as patriots and as men. For this they deserve our admiration; for the sake of their careers, they deserve far more."

COMPUTER PROFESSIONALS AGAINST ABM

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. HELSTOSKI. Mr. Speaker, I believe that every Member of Congress received a memorandum from the Computer Professionals Against ABM, expressing their opposition to the Safeguard anti-ballistic-missile system.

In the decision we are making today on this subject, we should recognize the fact that the signers are among the best known and most highly qualified leaders in the computing profession. They speak as experts on computers.

Mr. Speaker, because of the interest of the American public on the feasibility of this system, I insert into the RECORD the statement made by these experts on the list of signatories subscribing to the concept of great doubt that the computer system of the ABM will work.

Many of these same computer experts oppose the deployment of the Safeguard

system on other grounds as well, but in this statement they argue that the system is of dubious technical feasibility.

The statement follows:

Statement of Computer Professionals Against ABM

We, the undersigned members of the computing profession, wish to record our professional judgment that there are grave doubts as to the technical feasibility of the computer portion of the Safeguard Antiballistic Missile system. These doubts range from a profound skepticism that the computing system could be made to work, to a conviction that it could not.

Although no project of precisely this nature has ever been attempted before, the difficulty may be understood in terms of a close analogy. Suppose the task were to design and implement the computer portion of a national air traffic control system, and that it were part of the design requirement that at some unspecified instant the control of the air traffic of the entire nation would be transferred to the computer, without any period of parallel operation, testing under actual operating conditions, or evolutionary development. This, by analogy, is what Safeguard would require. Our experience with large-scale computer systems convinces us that such a pattern of development is highly unlikely to lead to a successful computer system.

Another analogy that may be instructive is the use of computers in predicting and reporting election results. These have been used in presidential elections since 1956 and in many local contests, allowing steady evolutionary development. The task is well defined. Realistic testing is possible and is done. It is known in advance exactly when the system will be required to act.

Despite these favorable factors the election systems often fail. In 1968 the data-gathering computer malfunctioned, delaying results by hours. One computer, because of a programming error, reported a total vote exceeding 100%.

If such systems can produce blunders, we must conclude that the Safeguard computer probably could not be made to work at all, since the conditions for it are much less favorable:

1. The computing task is much more complex than those of the examples cited.

2. The precise nature of the computing task cannot be defined. It cannot be known what kinds of electronic and other countermeasures would be used, for example, or what evasive maneuvers the attacker might employ. The offense has more strategic options than the defense in any case, and the defensive reactions have to be programmed and tested well in advance of an attack.

3. Realistic testing is impossible since it would require nuclear explosions in the atmosphere. Only artificial test data could be used.

4. Evolutionary development is out of the question. The computer systems for elections are used every four years or oftener and are improved on the basis of experience. The Safeguard computer would never get a second chance.

It is important to realize that the computer would have virtually all of the decision-making power, because the warning time in a nuclear attack would be so short—minutes at most—that presidential or senior military review would be almost impossible. Our experience with the failures of large computers (not to mention those that send out department store bills) makes us extremely reluctant to place so much life-and-death power in the control of a complex and untested machine.

Worse, the ABM system could by itself initiate a firing sequence without any attack taking place. This could happen through misinterpretation or radar signals from harmless objects, or because of machine malfunction or programming error. Since the defensive missiles themselves would carry nuclear weapons, destruction of American cities might result, or the action might be misinterpreted by other nations as hostile.

Our grave doubts as to the technical feasibility of the Safeguard computer system, coupled with our recognition of the possible consequences of system failure, lead us to the view that the project is a dangerous mistake. Whatever other arguments may be brought to bear, for or against Safeguard, our conviction is that on technical grounds alone the project does not deserve the support of the Congress.

Computer Professionals Against ABM

(Sampling, as of September 23, 1969, of the over 400 signatories of the June 14, 1969, statement. Organizations, where shown, are for identification only. Such listing should not be construed to mean that the statement is supported by the organization.)

James M. Adams, Larchmont, N.Y.; Philip N. Armstrong, Santa Ana, Calif.; Philip R. Bagley, Bala Cynwyd, Penn., Information Engineering.

Frank K. Bamberger, Chicago, Ill., University of Chicago; Frederick B. Banan, Phoenix, Ariz., General Electric; Jerry Berkman, San Francisco, Calif., Burroughs Corporation.

Carter Brouse, Somerville, Mass., MITRE Corporation; Gail A. Cazier, Skelly, Idaho; Ned Chapin, Menlo Park, Calif.

Leon Davidson, White Plains, N.Y.; Charles DeCarlo, Bronxville, N.Y., Sarah Lawrence College; Myron W. Curtis, Bowdoin College, Maine.

Thomas A. Dewey, Juneau, Alaska, Lockheed Missiles & Space; L. A. Donohoe, Detroit, Michigan, Auto Club of Michigan; Stuart E. Dreyfus, Berkeley, Calif., Univ. of California.

Sheldon Ellish, San Francisco, Calif., Honeywell; Richard V. Feldman, Bethesda, Md., National Institutes of Health; Robert W. Floyd, Menlo Park, Calif., Stanford University.

Marilyn Fontanetta, New York, N.Y., Joseph E. Seagram's, Inc.

N. A. Forte, Newport, Ky., American Computer Service; Kurt Fuchel, Bayside, N.Y., Brookhaven National Lab.;

Thomas M. Gallie, Durham, N.C., Duke University.

Umberto Garbassi, New York, N.Y., Esso Math. and Systems; Saul I. Gass, Potomac, Md., World Systems, Inc.

Charles W. Gear, Urbana, Ill., University of Ilinois.

Mark B. Gladstone, Bethesda, Md., Control Data Corp.; Robert B. Godwin, Lowndale, Calif., Litton Systems.

Barry Gordon, New York, N.Y.; William D. Grants, San Francisco, Calif., Safeway Stores, Inc.; Herbert Greenberg, Denver, Colorado; University of Denver.

James H. Griesmer, Ossining, N.Y., IBM Corporation; Fred Gruenberger, Woodland Hills, Calif., San Fernardo Valley State College; Jessica Helwig, New York, N.Y., Columbia University.

John G. Herriot, Stanford University, Rosanne Hesse, Plainfield, N.J., Bell Telephone Labs; Lance Hoffman, Stanford University;

D. Hogg Claudia, San Bernardino, Calif., Univ. Calif. Riverside; P. Z. Ingerman, Cherry Hill, N.J., RCA Corporation; Sanford M. Isaacs, Weston, Mass., State Street Bank & Trust.

Carl A. Kalinowski, Everett, Mass., NASA; Thomas A. Keenan, Potomac, Md.; William D. Kelly, Skillman, N.Y., Kepner, Tregoe, Inc.

Melvin Klerer, White Plains, N.Y., New York University; Daniel F. Langenwalter, Phoenix, Ariz., General Electric; Randall M. Lee, Palos Hills, Ill., University of Chicago.

M. L. Lesser, Armonk, N.Y.; Sidney L. Lida, Prairie Valley, Kansas; C. Denison Makepeace, Plainfield, Vt., University of Vermont.

William E. Massey, Fairfax, Va., General Electric; Jack Minker, College Park, Md., University of Maryland; Daniel O'Connell, Albuquerque, N.M., Missouri/New Mexico Computer Systems.

George O'Toole, New York, N.Y., Computer Methods Corp.; Marvin C. Paull, Princeton, N.J.; RCA Laboratories; Robert H. Penny, Bethesda, Md., General Electric.

Harold Peskin, Elizabeth, N.J., American Can Co.; Rick Pierce, Tiburon, Calif., Honeywell; Walter A. Ramshaw, Stony Creek, Conn.

Roger A. Ratcliff, Hermosa Beach, Calif., Litton Industries; Naomi Replansky, New York, N.Y., Rockefeller University.

Robert F. Rosin, Amherst, N.Y., State University of N.Y.

J. Paul Roth, Ossining, N.Y.; Norman B. Saunders, Weston, Mass., Circuit Engineering; Allan H. Schmidt, Cambridge, Mass., Harvard University.

Marvin Shapiro, Bethesda, Md., National Institutes of Health; Robert Shapiro, New York, N.Y., Meta Information Appl.; Donald L. Shell, Schenectady, N.Y., General Electric Co.

Bernard Shlasko, New York, N.Y., Hunter College; Jerome Sitner, New York, N.Y., American Express Co.; L. Wheaton Smith, Palo Alto, Calif.

Chitoor Srinivasian, Princeton, N.J., RCA Laboratories; Donald N. Street, Katonah, N.Y., IBM Corporation; Steven D. Swatek, District Heights, Md., U.S. Bureau of Labor Statistics.

Charles J. Swift, Los Angeles, Calif., Computer Sciences Corp.; James W. Thatcher, Peekskill, N.Y., IBM Coporation; Leonard Uhr, Madison, Wisconsin, University of Wisconsin.

Stephen H. Unger, New York, N.Y., Columbia University; Donald E. Walker, West Concord, Mass., MITRE Corp.; Clark Weissman, Granada Hills, Calif., System Development Corp.

Robert W. Winder, Princeton, N.J.; RCA Laboratories; Barbara F. Young, Melbourne, Fla., Pan American World Airways; Richard L. Young, Albuquerque, N.M., Sandia Corporation.

ABOUT THE COMMITTEE

Daniel D. McCracken is a consultant and writer, with ten books on computer programming in print. He worked for General Electric from 1951 to 1958 in a variety of assignments in computer programming and training, at Hanford, Cincinnati, Phoenix, and New York. He has been a national lecturer for the Association for Computing Machinery.

Paul Armer entered computing in 1947 at the Rand Corporation. After serving there as associate head of the computer sciences department until 1968, he moved to his present position, director of the computation center at Stanford University. He is president of the American Federation of Information Processing Societies (AFIPS). He was a consultant to the Presidential Commission on Technology, Automation and Economic Progress, and has testified before various Congressional committees. In 1959 he was a member of the team of U.S. scientists who toured the U.S.S.R. to assess Soviet computer capabilities.

Joseph Weizenbaum is Professor of Electrical Engineering and Political Science at MIT. He is the inventor of several languages for communicating with computers. He was a charter member of Project MAC, the first major computer time-sharing project in the world. He was responsible for software development and software-hardware interface for the General Electric-Bank of America project that pioneered bank deposit accounting automation. He helped design and build two of the earliest computers, in the early fifties.

Gregory P. Williams has also been in computing since the early fifties, beginning with the Army Ordnance Corps. Since 1954 he has been with a major manufacturing concern, in computing assignments ranging from operations research and design automation, to automating university libraries and installing commercial computers.

The sponsors are without exception men who have pioneered the development and application of computers and now hold responsible positions in the field. It is doubtful whether another list of Americans with such fundamental and long-standing contributions to the field could be compiled. Some accomplishments:

Development of Fortran, by far the most widely used computer language: Backus.

Membership in committees that developed Algol and Cobol, two other widely used languages: Backus, Bemer, Bromberg.

Development of special-purpose languages that greatly expanded the horizons of computer usage possibilities: McCarthy, Minsky, Newell, Weizenbaum.

Leadership, both in early years and today, in the use of computers in education: W. Dorn, Forsythe, Scott.

Foundational work in artificial intelligence: Feigenbaum, McCarthy, Minsky, Newell.

Some of the earliest studies, the first implementation, and current leadership in computer time-sharing, a technique on which much of the Safeguard computer system would be based: Corbato, Fano, Licklider, McCarthy, Minsky, Weizenbaum.

Leadership positions in major professional organizations in computing: Armer, P. Dorn, and Ralston currently, but almost everyone listed has held such positions at some time. Forsythe and Huskey are past presidents of the Association for Computer Machinery, and Hoffman is a past treasurer.

Fundamental publications on the mathematical theory of computation: Knuth, McCarthy.

Leadership in the application of computers to the solution of practical problems in industry: P. Dorn, Weiss, Williams, others.

The founding of a major computer manufacturing company: Palevsky.

Major studies in linear and dynamic programming, basic techniques of operations research: Bellman.

It would be futile to try to list even a sampling of the publications of these men, who as a group have produced literally dozens of books and hundreds of papers on the design, programming, applications, and implications of computers. A complete program of computer education, from high school introductions to post-doctoral studies, could easily be based on the writings of this group.

GREEN BERETS

HON. JOSEPH P. VIGORITO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. VIGORITO. Mr. Speaker, I share with my colleagues the sense of pride and gratification that the charges against the eight members of the Green Berets were dismissed.

Through the efforts of our distinguished colleague from New Jersey, Congressman Rodino, the public was provided with the opportunity to view the facts regarding the case and the Army was able to right the injustice that was done.

This shows that Congress and the American people do not want miscarriages of justice to prevail. To use the old phrase, "eternal vigilance is the price of liberty."

THE PRESIDENT AND "THE EXTREMISTS"

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. DIGGS. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

The President and "The Extremists"

Sometimes we think that President Nixon missed his calling. He should have been an editorial writer. Mr. Nixon seems to know all our professional secrets; he slips with ease into each and every one of those dreadful locutions that are as highminded as they are off the mark and which (we try to think) we only use when the hour is late, the typewriter stuck, and the issue layered in fog, mud, and glue. You know the crowd we mean—men of good will and their fellow amorphs, who can be called upon without fear or favor, to cease the bootless acrimony. Well, they—men of good will—have some blackguard cousins of whom we have all become too fond over the years; but it has been left to Mr. Nixon to exploit them to such a degree that we have begun to fear for their safety. We are thinking of our old friends, extremists on both sides.

Consider Mr. Nixon's recent press conference remarks:

"Well, on this very difficult problem I would say first that we've had a lot of criticism from the South insofar as our integration and desegregation policies are concerned, as well as from the groups [many civil rights groups] to which you refer. It seems to me that there are two extreme groups. There are those who want instant integration and those who want segregation forever. I believe that we need to have a middle course between those two extremes. That's the course on which we're embarked. I think it is correct . . . We are for it [desegregated education], but we are going to avoid extremes."

Now, Mr. Nixon said a lot of other peculiar things that day about his administration's desegregation policy. For instance he took credit for "progress" on this front that had in fact been made by the Johnson administration and—if anything—retarded by his own. And he defended his retreat on desegregation in Mississippi by declaring the preferability of his action to a cutoff of funds, even though a cutoff was not at issue in Mississippi. Still, it was the President's remarks about those ideological bookends that captured our attention and continues to engage it.

The "extremist" formulation has built-in dangers—especially if you are trying to run a country, not just trying to tell someone else how to do it in a few hundred well-chosen words every morning. Habitually placing oneself at a midpoint between extremes (real or imagined) lets the extremes define the middle: it is a sliding position, no position. Then again, there is the matter of "both" sides. Both? Most issues have around a hundred and ninety-two sides—unless they are complicated, in which case they, of course, have more. So there is also the danger of getting to think about things in a highly oversimplified way. But finally there is the overriding danger, with which we are not unfamiliar, that someone somewhere will start wondering just who these extremists are. If we were of a mind to, we might point out that the "extremists" to whom Mr. Nixon referred must necessarily be taken to include Father Hesburgh and the Civil Rights Commission, the majority of attorneys working in the Civil Rights Division of Attorney General Mitchell's Justice Department, the Senate Republican Minority Leader, Hugh Scott, and the U.S. Commissioner of Education whom Mr. Nixon appointed and whose office worked out the plan his administration junked. But we are not of a mind to do a thing like that. We just would like to urge that Mr. Nixon—out of compassion, if nothing else—give our overworked friends a rest.

DEMOCRATIC VICTORIES IN THIS YEAR'S SPECIAL ELECTIONS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. BOLAND. Mr. Speaker, the victory of Democrat Michael J. Harrington in the special election in the Sixth Congressional District of Massachusetts marked the third Democratic victory in four special elections held this year. This is particularly significant when it is noted that the three victories came in districts that had been represented by Members from the Republican Party. Further, the Republicans who held these seats—in Massachusetts, Wisconsin, and Montana, had been elected by substantial margins.

An editorial in today's New York Times comments on the above. I am including it with my remarks in the Record:

Political Fever Chart

American Presidential campaigns usually begin the day after Election Day, and 1972 is no exception. Every poll, every endorsement, and especially every local and state election is mulled over in much the way soothsayers once plied their comparable trade by studying the entrails of a pigeon. To any supporters of President Nixon who may be given to this arcane activity the special Congressional elections held since the fall of 1968 must seem full of foreboding.

On Tuesday of this week in the Sixth District of Massachusetts, a liberal Democrat, Michael J. Harrington, defeated William L. Saltonstall, whose very name in that area should have assured him the election. Mr. Harrington emphatically favored a withdrawal of American forces from Vietnam by the end of 1970 and political reforms at home; his opponent favored the Nixon policies, foreign and domestic. Yet Mr. Harrington carried the district, which is so traditionally Republican that no Democrat had won it since 1875.

The first inkling the President may have had that the electorate that had chosen him was not necessarily to be counted permanently on his side came last March. In Wisconsin's Seventh Congressional District, voters who had returned Melvin Laird to the House in November by over 64 per cent of the vote had to fill the vacancy left by his elevation to the Cabinet. With a campaign assist from Hubert Humphrey, David R. Obey, a Democrat, defeated a self-styled "Laird Republican" who had clearly been expected to win. In a rash moment the Republican had proclaimed the election a "referendum on the Nixon Administration." Mr. Obey is now the district's first Democratic Representative in the twentieth century.

The second of these special elections, less dramatic but probably no less disturbing to the new President, took place in Montana's

XUM

Second Congressional District in June. Here Democrat John Melcher defeated a Republican by training his fire on the Administration's budget and tax programs. If he did not win by much, the wonder is that he won at all, considering that a Republican had carried the district just seven months before by 67.8 per cent of the vote, only to resign shortly afterward to go on the Federal bench.

To these overturns might be added the last Gallup poll, showing Nixon's popular standing to be respectively 14, 13 and 13 per cent below those of Presidents Johnson, Kennedy and Eisenhower at comparable points in their Presidential terms. The results may well persuade Mr. Nixon, present Republican theories to the contrary, that he will have to broaden, not narrow, his political base if he is to have hopes for 1972.

CONGRESS NOW A FOOD TARGET

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, may I bring to the attention of the Members of the House a news item that appeared in the Washington Star today. This story carries a message for us that should not be ignored. Our esteemed colleague from Illinois, Mr. KLUCZYNSKI, with his solid background of experience with foods is unusually well qualified to deal with the perplexing problem being discussed. The news item follows:

TYPICAL OF BAD DIETS: CONGRESS NOW A FOOD TARGET

A White House nutrition expert has singled out Congress as the No. 1 target for a program to educate the nation on the proper foods to eat.

The average middle-aged overweight, underexercised congressman, Dr. Jean Mayer said yesterday, is typical of the American male most vulnerable to the ills of improper diet.

Mayer, special consultant to President Nixon on nutrition and health, gave his views to a committee headed by Rep. John C. Kluczynski, D-Ill., who at 5-feet-6 and 240 pounds occupies the bullseye in Dr. Mayer's target group.

Kluczynski's committee is charged with doing something to make the House restaurant fare more palatable and its operation less costly. A committee of congressmen's wives also wants the restaurant to become more aware of calories and cholesterol, and it was at their prompting the hearing was held.

Kluczynski, who has operated a restaurant in Chicago for 50 years, quickly made it apparent the ladies' concern is not his.

"I've always thought there was nothing better than a good meal," he said as he opened the hearing. "Wherever I go I say, 'What do you have that's fattening?' I never worry about that and I feel good."

Smoking a cigar and sipping coffee, Kluczynski nodded approval as Mayer listed the perils that shorten the lives of most American men: Overeating, lack of exercise, improper diet, heavy smoking and heavy coffee drinking.

Mayer noted that American women have a longer life expectancy than American men, and he said this is not a biological factor as commonly believed. "This is an American phenomenon," he said.

Mayer said Washington "is an extremely difficult city in which to be healthy."

It is hard to get any exercise, he said. The city is poorly organized for walking, the restaurants run to extremes of good and bad, with little in between, and the nature of their jobs puts many men in government under heavy work and travel pressures.

"If you defined a group that most needed to be reached by a nutrition and health program," he said, "it would be the members of Congress."

INTERN POSITION PAPERS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. GUDE. Mr. Speaker, for a 3-week period starting July 7, I sponsored an intern program for outstanding seniors from each public and private high school in the Eighth District of Maryland. Forty-seven students came to the hill every day for an intensive orientation on the operation of Government. In addition to their attendance at seminars with leaders from all branches of Government, they investigated in groups certain issues pending before Congress, according to their own interests. Their findings were documented in position papers presented to me. I submit two outstanding papers as a valuable contribution to the 91st Congress. The first-place paper is "Pesticides—Their Ecological Effects and Legislation"; and the second-place paper is "Inflation, Interest Rates and the Metropolitan Area."

The papers follow:

PESTICIDES—THEIR ECOLOGICAL EFFECTS AND LEGISLATION

(By Ita Killeen and James C. Doster)

PESTICIDES AND OUR ECOLOGY

Background

In this modern day, most of us realize that such discoveries as the "miracle drugs" are beneficial to the human race, and that such ideas as the H-bomb can destroy us in a matter of minutes. But what about insecticides? Are they beneficial, or are they also small H-bombs of our ecology?

The development of insecticides began after World War II when it was found that certain chemicals that had been developed to exterminate men were also highly effective in destroying insects. The result: a seemingly never ending stream of synthetic insecticides.[1]

The insecticides of today fall into one of two large groups. One represented by DDT is known as the chlorinated hydrocarbons. The other represented by parathion is known as the organic phosphorus insecticides.[2]

I. The Chlorinated Hydrocarbons

Dichloro-diphenyl-trichloro-ethane, DDT for short was first synthesized in 1874, but its properties as an insecticide were fortunately not discovered until 1939. Throughout the world DDT is thought to be harmless, perhaps because of its use as a delousing agent during wartime. DDT is fairly harmless in its powdered form since unlike other hydrocarbons, DDT in its powdered form is not readily absorbed through the skin. But! ! ! Add a little oil, is it absorbed into the body and stored in the fatty areas of the body waiting to be released in times of stress.[3]

Chlordane, another chlorinated hydrocarbon, makes use of all portals of the body to get into the body. It is readily absorbed through the skin, is breathed as a vapor, and even digested. Chlordane, as is with most of the other chlorinated hydrocarbons, is also stored in the body. A diet of 2.5 parts per million (ppm) can lead to a storage of 75.0 ppm. This stored chlordane (or any other insecticide of the chlorinated hydrocarbon type) could be released months, even years later in an obscure disorder that is virtually impossible to trace to its origins. On the other hand merely the handling of chlordane can result in death. One victim accidentally spilled a 25 percent solution of chlordane on his skin and died within 40 minutes.[4]

Heptachlor, another of these "elixers of death," has a high capacity for storage in fat. If a diet contains as little as 1/10 of 1.0 ppm. of heptachlor, there will in time be measurable amounts of the chemical in the body. Another curious but deadly feature of heptachlor, is that it undergoes a chemical change that transforms it into a distinct substance known as heptachlor epoxide. This epoxide is four times as toxic as the chemical it was derived from, which in turn is four times as toxic as chlordane.[5]

In the middle 1930's a special group of the chlorinated hydrocarbons, the chlorinated naphthalenes, were found to cause hepatitis, and a rare, fatal liver disease in persons subject to their exposure. These have led to the deaths and illness of people in the agricultural industries as well as cattle and workers in the electrical industries. These are the most poisonous of the chlorinated hydrocarbons. They are dieldrin, aldrin, and endrin.

Dieldrin, which was named for a German chemist, is about 5 times as toxic as DDT when swallowed, but about 40 times as toxic when it is absorbed through the skin. The effects of dieldrin are notorious for striking quickly, sending the victim into convulsions. Its effects as an insecticide as well as its residual duration make this contaminent one of the most widely used.

Aldrin is another extremely toxic insecticide. A quantity the size of an aspirin is enough to kill 400 quail. Imagine what a hundred pounds could do. A side effect of this chemical is sterility. The offspring of pheasants, rats and dogs fed small quantities of aldrin died within a few days. The effects of aldrin that occur in man are not yet known, yet we still allow this pesticide to be sprayed by airplanes over our crops.[6]

Endrin, with its little twist in chemical makeup, makes DDT seem almost harmless. It is 15 times as poisonous to mammals as DDT, 30 times to fish, and about 300 times to birds. This agent of death has killed cattle, wandered into orchards, poisoned wells, and even when carefully used and all precautions taken to ensure the safety of individuals, endrin has killed and crippled. This also is being sprayed on our lands.[7]

A very sinister feature of DDT and its related compounds is the way it is passed along in food chains. An example: an alfalfa field is dusted with DDT, and is then prepared as a meal for hens; the hens lay eggs containing DDT—or the alfalfa is fed to cattle and the DDT will turn up in amounts ranging from 3 to 65 ppm.[8]

The undesirable qualities of the chlorinated hydrocarbons are two in number. One is that they are termed "persistent pesticides," or that they last a long time in the environment without breaking down. Though they are broken down eventually, these pesticides may remain in the environment for more than ten years, and still bring about animal and fish kills. The second feature of these pesticides is that they are volatile and can be carried far from the point of application. Residues of DDT have been found in seals and penguins in Antarctica.[9]

II. The Organic Phosphates

Some organic esters of phosphoric acid were known for years. In the 1930's Gerhard Schrader, a German chemist, discovered their insecticidal effects. The German government immediately recognized their probable use in

---

Footnotes at end of article.

wartime and seized the opportunity of Schrader's discovery. They were developed into deadly nerve gases. Others, closely related became insecticides.[10] These poisons act on any animal which has a nervous system, because this is their target. They have a peculiar ability to destroy enzymes, especially those which are vital to life.

In the body, acetycholine is known as a "transmitting enzyme." It helps the brain transmit electrical impulses through the neurons. When its job is done it must be destroyed or it will build up and send the person or animal into tremors, convulsions, and eventually leads to death. Cholinesterase is an enzyme produced by the body to regulate the amount of acetycholine in the body. This enzyme is the target of the organic phosphates. If this enzyme is destroyed, acetycholine quickly builds up and death results.[11]

Parathion, one of the most widely used of the organic phosphates is so toxic that a curious chemist was killed by merely swallowing what amounted to about 0.00425 ounce. He was killed so quickly that he did not have a chance to use the antidotes he had prepared. In the early 1960's the State of California reported an average of 200 deaths a year resulting from parathion.[12] According to one expert, the amount of parathion sprayed on California alone is enough to "provide a lethal dose for 5 to 10 times the world's population."[13]

Malathion is another of the organic phosphates. It is widely used as a garden spray to control mosquitos and other insects. Malathion, one of the least toxic of the insecticides is readily assumed safe and harmless by consumers. Malathion is safe to the human only because the mammalian liver renders it relatively harmless through the actions of enzymes. But if something should happen to those enzymes.[14]

Many people may wonder why the human race is still alive if parathion and its related chemicals are so toxic. The answer is that we are saved from extinction only because the organic phosphates are shortlived in comparison to the chlorinated hydrocarbons. Even though they are easily broken down they do last long enough to cause considerable harm. In Riverside, California, 11 out of 30 men picking oranges became violently ill and had to be hospitalized. Their symptoms were those of parathion poisoning. The orange grove had been sprayed with parathion just two and one-half weeks earlier. This isn't the only example of parathion persistence, similar situations occurred in groves sprayed a month earlier, and orange peels have been found to contain residues of parathion six months after spraying.[15]

The unwanted effects

All the insecticides just described are excellent killers of insects. As they do their work on the insects they also do the same to birds, fish, mammals and man.

Would anyone like to live in a land where the songs of birds are unknown. The normal answer would be no, of course, yet we allow tons of poisons to be spread over our lands each year, most of which is consumed by birds, fish and even man.

Take for an example the University of Michigan which is located in East Lansing, Michigan. In 1954 the city began spraying with DDT in a futile attempt to control the spread of the Dutch Elm disease. Their target was the bark beetle. Later, additional spraying followed to control the gypsy moth and the mosquito. The first year of the spraying everything seemed to go as planned. The following spring, the migrating robins seen in great numbers each year began to return. Then something went wrong. Dead and dying robins were found all over the campus. Few nests were built and few young appeared.[16] In June of 1957, when at least 370 adult birds, the normal number in the years before the spraying, only one young robin was found.[17] Few would think that this bird massacre was caused by the seemingly safe DDT. That is until Dr. Roy Barker of the Illinois Natural History Survey at Urbana, linked the sprayed trees with the dead birds. It seems that the leaves were coated with an unwashable film of DDT. In the fall when the leaves fell they were decayed. The earthworms, feeding on the humus accumulated the DDT residues in their bodies. The next spring the migrating robins ate the contaminated worms.[18]

In Whitefish Bay, Wisconsin, before 1958, a thousand myrtle warblers could be seen in migration each year. In 1958, the year of the spraying for Dutch Elm disease, only two were found.[19]

In the Tule Lake-Klamath drainage area of Oregon and California, more than 1,000 fish-eating birds were killed in the years between 1960 and 1963, apparently by toxaphene (another of the chlorinated hydrocarbons) in the drainage and irrigation waters of a closed system.[20]

Soon we may have to begin looking for another national bird. Along the east coast from Maine to Florida, the Bald Eagle has almost stopped breeding. Two Bald Eagles, one from Florida and the other from Connecticut, examined by the Patuxent Wildlife Research Center, in Laurel, Maryland, were found to contain 7.0 ppm. of dieldrin residue and 34.7 ppm. of DDT and DDD in the brain, respectively. Both apparently died from these insecticide residues.[21]

What would millions of Americans do if there would be no fish to be caught in our fresh and salt-water areas. Since whole businesses, as well as lives depend on the fishing industry, both sport and commercial, it would be a senseless waste to allow insecticides to contaminate our rivers, streams, lakes, bays, and oceans.

In the spring and fall of 1953, massive salmon kills were recorded in the Miramichi River of New Brunswick. It seems that in the spring of 1953, accelerated programs of DDT spraying to control the Budworm were undertaken. Brook trout were also among the victims.[22]

In one area treated with dieldrin at 4.7 pounds per acre, runoff killed minnows even when the runoff water was diluted 3 to 1 with clean water. Runoff from cottonfields treated with insecticides produced large fish kills in 15 Northern Alabama streams. In some of the streams, apparently all life was eradicated from them.[23]

In 1961, massive kills of fish were reported in the Colorado River below Austin, Texas. The kills began on January 15 in a town lake below Austin. On January 16, large kills were reported 50 miles downstream. By January 28, more of the same was reported some 200 miles below Austin. Odors from the river suggested chlordane and toxaphene poisoning. An investigation resulted and the odors were linked to a chemical plant producing DDT, benzene, chlordane, and toxaphene. The manager of the plant admitted that large quantities of insecticides were washed into the Colorado when a drain was flushed out.[24]

Fish and other aquatic animals examined in the Green Bay and Lake Michigan area of Michigan were found to contain large levels of DDT. Mud samples contained 1/100 ppm. of DDT related chemicals. Small aquatic animals of the mud were found to contain 30 times as much. Fish of the waters contained 10 times more than the small animals.[25]

Other effects of insecticide poisoning are also available, but they are too numerous to mention in any detail, but a list of some of them follows:

1. DDT residues have been associated with the declining reproduction in the Bermuda Petrel, already a nearly extinct bird.[26]
2. DDT associated with the decline in the numbers of the Bald Eagle, the Brown Pelican, the Osprey, and the Peragin Falcon.
3. An antimalarial program carried out by the World Health Organization killed so many cats in Java that the price of a cat nearly doubled.
4. Insecticides may be man-made carcinogens.[27]

Though the examples that have been given thus far in the paper are small in number, they are representative of the harm that insecticides cause. They are truly "elixirs of death."

THE LEGISLATIVE ASPECTS OF PESTICIDES

The threat of serious pesticide contamination of the nation's wildlife is fast becoming a reality. With it grows the concern for the danger of poisoning to humans. Already twelve states have reported pesticide residues in fish well above the Government's recommended 5 ppm. "Widespread, long-term contamination is a matter of great public concern."[28] The need for legislation is great. A study recently conducted by the US Bureau of Sport Fisheries and Wildlife confirms Rachel Carson's statement that "there will be an environmental disaster unless this is quickly brought under control." The "importance of a continuing program of research, education, surveillance, and legislation to prevent unhealthful contamination of food or injury to humans" cannot be overemphasized.[29]

Several laws enacted when pesticides first came into use have been: the Insect Pest Act (1902); The Plant Quarantine Act (1912); the Pink Bollworm Act (1930); Federal Food, Drug and Cosmetic Act (1938); Department of Agriculture Organic Act (1944); and the Federal Insecticide, Fungicide, and Rodenticide Act (1947). Today the more important and effective of these are the Federal Food, Drug and Cosmetic Act, and the Federal Insecticide, Fungicide, and Rodenticide Act.

The Food, Drug and Cosmetic Act of 1938 gave to the Food and Drug Administration in the Department of Health, Education and Welfare, the authority and procedures to establish safe limits for pesticide residues on foodstuffs. The FDA, however, could not strongly enforce their laws until in 1954, the Miller Act amended the Food, Drug and Cosmetic Act, providing the machinery necessary for regulation of the quantities of pesticides allowed to remain in agricultural products. In 1966 the Federal Government tightened control over pesticides by requiring manufacturers to prove that a pesticide will not be harmful to humans when applied to food products. 375 chemicals are affected by this law, including DDT, aldrin, dieldrin, and heptachlor. Prior to this law, a pesticide had to be proven harmful in order to halt its use.

The Federal Insecticide, Fungicide, and Rodenticide Act of 1947 is a law dealing with registration of pesticides and is enforced by the Pesticide Regulation Division of the Department of Agriculture. A major requirement for registration is that the manufacturer show that his pesticide will be effective in controlling certain pests and safe for the user and for other people and animals in the area when used as directed. When shipped, the package must have on it a registration number and ingredient statement identical in substance, to the statement submitted in registration. This law has been updated in 1959, 1961, and in 1964.[30]

More recently various bills have been introduced to further Government regulation of pesticides and in some, to even ban the interstate selling and distribution of certain pesticides. John D. Dingell, a Democratic congressman from Michigan has repeatedly, since 1964, introduced legislation to amend an act of August 1, 1958, in order to minimize or prevent injury to fish and wildlife through pesticides. Since 1965, Congressman Dingell has also introduced bills to provide

---

Footnotes at end of article.

for advance consultation with Fish and Wildlife Service and with state wildlife agencies before beginning any Federal program making use of pesticides. A bill submitted to the House of Representatives by Mr. Dingell proposes an amendment to the Federal Food, Drug, and Cosmetic Act which would set standards of decomposability for pesticides wherever public health is endangered because of a pesticide's failure to decompose. In 1965, Mrs. Neuberger proposed to amend the act of August 1, 1958, by increasing the Secretary of the Interior's authorization for pesticide research. The Federal Pesticide Control Act of 1967 was placed before Congress by Ribicoff. This bill called for every manufacturer or processor of pesticides to register with the Secretary of Agriculture. It also provided for the inspection of places of manufacturing and required manufacturing methods to conform with good manufacturing practices. Under this bill, the Department of Agriculture's enforcement of pesticide regulations would be strengthened by adding civil remedies to existing criminal sanctions and allowing Federal courts to issue injunctions to stop violations.

In April of 1969 Democratic Congressman Bertram L. Podell of New York presented a bill to establish an American Committee on Chemicals. This committee of eleven would study, investigate and make recommendations on the use of chemicals. A report would be presented to the President and Congressman by July 1, 1970.

More rigid legislation has been aimed at fostering the use of pesticides which break down quickly in the soil rather than more persistent pesticides. The State Legislatures of Michigan and Arizona have banned DDT, following the example of Sweden, which recently banned the use of DDT, aldrin, dieldrin, and dindane, and Denmark which will ban DDT this fall.

In April of 1969, Congressman Podell proposed a bill prohibiting the interstate sale and shipment of DDT. Since 1966, Senator Gaylord Nelson, a Democrat from Wisconsin, has proposed bills which would prohibit the sale and shipment of DDT for use in the United States. This year Senator Nelson has also proposed the establishment of a permanent National Commission on Pesticides to evaluate the environmental dangers of pesticides. The Commission would examine present pesticide use and current labeling requirements. It would also monitor pesticide residues in the environment, conduct research on pesticide breakdown, and develop less persistent pesticides. Yearly recommendations would be made to the President and Congressmen on improving the restrictions of pesticide use would be required.

Numerous programs and committees have been established by the Federal Government to report on the pesticide problem. The President's Science Advisory Committee issued a report, "Use of Pesticides," in 1963 which recommends that the levels of pesticides in man and his environment be determined. Also, the Committee report urged that the set toleration levels of pesticide residues be reviewed and safer, more specific control of pests be developed. The Committee also suggested a National Pesticide Monitoring Program, which was established. The objectives of this program would be "nationwide assessment of general levels of pesticide residues in the environment and location of possible problem areas wthin specific segments of the environment." [29] The results of the programs studies were inconclusive because of the great variations of amounts of residue in fish throughout the country. Further studies were urged by Federal and state agencies, universities, industries, and conservation groups. The program was established by the Federal Committee on Pest Control. The Committee, formed by the Departments of Agriculture, Defense, the Interior, and Health, Education, and Welfare, monitors pesticide residues in foodstuffs inadequately, checking only one percent of foodstuffs involved in interstate commerce. Stepping up its research program in 1966, the FCPC spent nearly 18 million dollars on chemical research, and 45 million dollars on non-chemical pesticide research.[31]

One non-government program designed to give legal and scientific support to local groups struggling against pesticide pollution is the Environmental Defense Fund. The EDF was founded in 1967 by a young lawyer, Victor J. Yannacone, and his scientist friends. One suit, filed by the EDF against the U.S. Department of Agriculture, attempted to prevent the USDA from using dieldrin in Berrien County and recommended DDT as a cure for the Dutch Elm Disease. In Wisconsin, the EDF supported a petition by the citizens to ban DDT. In the Michigan Court of Appeals, the EDF tried to prevent the state's Department of Agriculture from dumping 3 tons of DDT on Berrien Co. This project was aimed at an "infestation of Japanese Beetles," actually numbering from 300 to 1,000 bugs. Soon after this case, DDT was banned in Michigan.[32]

THE PROS AND CONS

Since there are two types of pesticides, we naturally have groups in favor of the increased use of each. Some agriculturalists and many industrialists favor the use of the persistent pesticides. The conservationists and other groups favor the use of the non-persistent pesticides.

The defenders of the persistent pesticides point to their low cost and their effectiveness in the three decades that they have been at work. They also point out that there is no documented proof that the persistent pesticides have caused a human death. They also bring out that the persistent pesticides are not really persistent, but are slowly destroyed in the soil.

The defenders of the non-persistent pesticides point out that the chlorinated hydrocarbons are volatile and can be carried far from the point of application.

Though each group would like to see stricter control on the use of pesticides, neither would like to see them banned altogether. Through the use of pesticides millions of lives have been saved through increased crop production. The quality of crops has improved, and in some cases the quantity has doubled. If there were a complete ban on pesticides, prices would rise, and an inadequacy of some foodstuffs would result.

RECOMMENDATIONS FOR PESTICIDE LEGISLATION

As a group we have studied the problems concerning the use of pesticides as well as the legislation that has been proposed concerning pesticides. In a number of discussions we considered both the pros and cons of pesticide use, and have made the following unanimous recommendations that we feel would be for the good of the people. These recommendations are as follows:

1. A nationwide ban on the interstate sale and shipment of the persistent pesticides.
2. Strict control on the manufacture and use of the non-persistent pesticides.
3. The application of the non-persistent pesticides should be done only by licensed and fully trained individuals. The training required could be administered by state high schools or colleges. The licensing of the individual would be done by the state.
4. The banning of all aerial application of pesticides. Aerial application does not insure safe application as 50% of the pesticide never reaches the target it is intended for.
5. Greater research in the fields that would develop safer pesticides, but of pesticides that would do the job.
6. Greater efforts to discover natural ways to eliminate unwanted insect pests.
7. Greater efforts to develop better methods of application.

FOOTNOTES

[1] Rachel Carson, *Silent Spring*, p. 16.

[2] Ibid. p. 18.

[3] Ibid. p. 21.

[4] Ibid. p. 24.

[5] Idem.

[6] Ibid. p. 25.

[7] Ibid. pp. 26–27.

[8] Ibid. pp. 22–23.

[9] Philip H. Abelson, *Persistent Pesticides, Science*, May 9, 1969, p. 164.

[10] Op. cit. p. 28.

[11] Idem.

[12] Ibid. p. 29.

[13] Ibid. p. 30.

[14] Ibid. p. 31.

[15] Ibid. p. 30.

[16] Ibid. p. 106.

[17] Ibid. p. 108.

[18] Ibid. p. 107.

[19] Ibid. p. 111.

[20] Lucille F. Stickel, *Organochlorine Pesticides in the Environment*, p. 2.

[21] W. L. Reichel, T. G. Lamont, E. Cromartie, and L. N. Locke, *Residues in two bald eagles suspected of pesticide poisoning*, (summary).

[22] Rachel Carson, *Silent Spring*, p. 131.

[23] Lucille F. Stickel, *Organochlorine Pesticides in the Environment*, p. 2.

[24] Ibid.

[25] *Science News Letter*, September 11, 1965, p. 169.

[26] C. F. Wusrter and D. B. Wingate, DDT Residues and the Declining Reproduction in the Bermuda Petrel, *Science*, March 1, 1968, p. 679.

[27] Rachel Carson, *Silent Spring*.

[28] "Pesticide Pollution Control," H. Page Nicholson, *Science*, Nov. 17, 1967.

[29] "State of Illinois: Food, Drug, Cosmetic, and Pesticide Laws Study Commission," Report to Legislature, Jan. 6, 1969.

[30] Ibid.

[31] Congressional Records (Dates unknown), U.S. Govt. Printing Office.

[32] "Pesticide Pollution Control," H. Page Nicholson, *Science*, November 17, 1967.

BIBLIOGRAPHY

Books

Carson, Rachel. *Silent Spring*, Houghton Mifflin Company, Boston (1962).

Stickel, Lucille F. *Organochlorine Pesticides in the Environment*. U.S. Govt. Printing Office, Washington D.C. (1968).

Magazines

"DDT Residues and the Declining Reproduction in the Bermuda Petrel," *Science*, March 1, 1968.

"Enforcing Insecticide Content Water Quality Standards," *Science*, March 8, 1968.

"High DDT Levels Found in Midwest Fish and Birds," Science News Letter, Sept. 11, 1965.

"New Pesticide Rules," The New Republic, April 23, 1966.

"Persistent Pesticides," Philip H. Abelson, *Science*, May 9, 1969.

"Pesticide Pollution Control, H. Page Nicholson, *Science*, November 17, 1967.

"Taking Polluters to Court," Frank Grahm Jr., *The New Republic*, January 31, 1968.

Pamphlets

"Monitoring Wildlife for Pesticide Content," E. H. Dustman. Reprinted from *Scientific Aspects of Pest Control*, publication No. 1402. Washington, D.C., 1966.

"Pesticide Official Publication and Condensed Data on Pesticide Chemicals," Association of American Pesticide Control Officials, 1955.

Residues in Two Bald Eagles Suspected of Pesticide Poisoning, W. L. Reichel, T. G. Lamont, E. Cromartie, and L. N. Locke. Patuxent Wildlife Research Center.

State of Illinois: Food, Drug, Cosmetic,

and Pesticide Laws Study Commission, Report to legislature, January 6, 1969.

Congressional Records, House and Senate, U.S. Govt. Printing Office.

Inflation, Interest Rates and the Metropolitan Area

(By Jim Bever, Frank Burnett, Carol Curtis, Steve Holliday, Mike McCord, Alan Shaffer, Belinda Shostak, Lyn Utrecht)

INTRODUCTION

According to Treasury Secretary Kennedy, "Interest in the price paid by a borrower for the advantage of using a fixed sum of money at one time and repaying the same fixed sum at a future date."

In many sectors of the country, the feeling is that the steep upward climb of interest rates is a result of inflation. Interest rates have been found to be closely proportional to inflation. Therefore, an examination of inflation is necessary to provide an understanding of interest rates.

INFLATION IN THE 1960'S

In the early 1960's, President Kennedy encouraged citizens to start spending because the nation was pulling out of a recession and a "shot in the arm" was needed in the economy. During the period 1960–64, the U.S. experienced an era of 1–1½% rise in the cost of living, and interest rates on loans wavered between 4–4½%. This shows that the supply of goods and services was almost able to keep up with the demand, due to moderate price and wage controls by big business and big labor. In 1965 the U.S. entered full-swing into the Vietnam War.

By 1966 the economy of the nation could be reflected by an article in the March 14, 1966 issue of U.S. News & World Report: "Prices will be under upward pressure. Runaway inflation is not to be expected. Productive capacity of this country is great and expanding . . . The boom is business now goes into its sixth year, and still shows no sigr of running out of steam anytime soon. No previous boom in peacetime has ever lasted so long, or produced such an upsurge in business activity and general prosperity." However, with the increased government spending for war production and defense, and with continued expansion of domestic production, came near-full employment and therefore near-full production. The demand for goods and services has continued to grow, despite the maximum production of American business. Since the supply of goods has not been able to meet the demand, prices for goods and services have continued to rise to the present 6% annual inflation of prices, in which interest rates have shot from 4½% to 6% in 1967 to 8½% in July 1969.

INFLATION RAISES INTEREST RATES

As a result of expected continued inflation, the trend in business has been to invest rather than to save. Since 1966 financial institutions like Banks and Savings and Loans corporations have noticed a slack in savings due to better returns for investors from stocks and from tax-free government bonds. Some patrons of these financial institutions have reduced their deposits for savings and instead have raised the demand for loans for investment purposes.

Low reserves from reduced savings and high demand for loans has caused banks to restrict credit and to attempt to improve their income on loans by raising their interest rates. Other factors contributing to high interest rates are:

1. The Federal Reserve Board's "tight credit" monetary policy on member banks to fight inflation by raising the required ratio of reserves to liabilities. This action reduces the amount of money that the member banks may loan, and with the high demand for credit, interest rates rise. Thus, money is harder for borrowers to obtain, and the supply of money is reduced, a significant factor in reducing inflation.

2. The prime lending rate offered the best patrons of the U.S.'s leading banks has recently increased from 7½% to 8½%. This rate must increase with the large banks' efforts to compete with the dividends offered depositors by government securities and commercial paper, and the cost of reserves borrowed from other banks or Europe. The prime rate is a base from which all other rates on loans for less "influential" patrons climb higher.

3. Efforts of the financial institution to maintain a constant margin of profit in light of real or imagined inflation, which reduces the value of assets. According to Treasury Secretary Kennedy, "When there is an expectation of stable prices, the interest rate reflects a normal return on capital and a risk adjustment based on the borrower's credit-worthiness. But when the expectation of unabated inflation is widespread the unprotected lender must charge—and the borrower is willing to pay—a premium to compensate for the decline in purchasing power of the funds to be repaid."

GENERAL EFFECTS OF HIGH INTEREST RATES ON THE ECONOMY

Interest rates play a large part in the cost of living. All business firms borrow to conduct their operations—some more than others. These include firms at every stage of production. The high interest rates have led to a protracted increase of $11 billion (from $36 to $47 billion) of nonfinancial business borrowing in credit markets for 1969, according to the Federal Reserve Board flow of funds data. This increased price of borrowing by business means higher costs of final product, which the consumer must pay, or output cannot be sustained. Thus, interest rates can contribute to inflation, or can contribute to recession.

Now that the Government is restricting money and credit, and interest rates get higher, firms find loans more difficult to obtain and production declines. Further, when production falls, firms which produce machinery or build factories find their orders slumping and lay off workers while cutting their own orders for goods. The economy pays for high interest in terms of incomes not earned and in output not produced. However, according to the Full Employment Act of 1946, underemployment should not exceed 4%, which is characteristic of recession unemployment.

With reduced investment, business is not able to take advantage of new efficient equipment and industry slows down the total output capacity of the country's factories. Thus production suffers and the rate of growth of output slackens when high interest prevails.

SPECIFIC EFFECTS OF HIGH INTEREST RATES ON DISTRICT OF COLUMBIA AND MARYLAND

According to Wright Patman, chairman of the House Committee on Banking and Currency, in the *Congressional Record—Extension of Remarks*, July 15, 1969,[1] ". . . the small businessman, the farmer, the student and the housewife, not the big businessman . . . must bear the brunt of the Federal Reserve Board's Chairman William McChesney Martin's 'pain and suffering' because of current high level of interest rates."

None of the 50 states or D.C. is autonomous. They are all affected by policies of big banks in New York, the Federal Reserve Board and the situation of the national economy. All must compete with surrounding states for economic development and income. Certainly this entails competition for investment, business expansion and consumer business, which are all affected by the various interest rates on loans, which can be seen in the present ceiling rates for Maryland, D.C., and Virginia.

District of Columbia

Six percent—This is the general rate of interest in the absence of an express written contract. If there is a written agreement lender may charge up to 8%. Corporate borrowings are not subject to the usury statutes.

Statute cite: Dist. of Col. Code (1961) 28–3301, 3302, 3303, 3304, 3305, 29–904(h).

Maryland

Six percent—This is the general rate of interest; however, if there is an agreement in writing and the agreement sets forth the annual rate charge stated as a percentage and is contained in a separate instrument from the contract of indebtedness, 8% is permitted. In addition a borrower may be charged 12% interest on unsecured installment loans. The usury statute does not apply to business loans over $5000.

Statute cite: Ann. Code of Md. (1957) Art. 47–1, 2, 3, 4, 6, 7, 8, Art. 23–125.

Virginia

Six percent—This is the general rate of interest; however, a borrower or a lender may contract for up to 8% interest. Corporate borrowers are not subject to the usury statutes.

Statute cite: Code of Va. (1950) 6.1–318, 319, 326, 327.

Enclosed also is a list of annual interest rates derived from a small sampling of metropolitan financial institutions. The comparative rates in this table help to explain the reasoning behind the specific effects of inflation and high rates on D.C., Md., and Va.

Two observations should be specifically mentioned:

1. Loan companies offering personal signature loans for D.C. are nonexistent because they must comply with low D.C. usury statutes.

2. Virginia Savings and Loans institutions have highest mortgage loans because of additional fees. This encourages some sparse lending for housing, which is more than any other financial institution in the metropolitan area is able to do.

Mortgage loans

D.C. banks—8% simple (present decline in loans).

Md. banks—8% simple (no more loans available).

Va. banks—8% simple (no more loans available).

D.C. Savings & Loans—8% (no more loans available).

Md. Savings & Loans—7¾%–8% (few loans available).

Va. Savings & Loans—8% and 1% fee (June sales up $500,000).

Personal signature loans ($1000 for 2 mths)

D.C. banks—8% simple.

Md. banks—12% simple.

Va. banks—12% simple and suggested 2% insurance.

D.C. Loan comp.—nonexistent.

Md. Loan comp.—15.75% excluding fees and insurance.

Va. Loan comp.—23.67%—includes cost of fees, etc.

Auto loans on new cars

D.C. banks—10% simple.

Md. banks—9½% simple.

Va. banks—9% and 2% insurance.

Charge accounts

D.C. institutions—18% simple.

Md institutions—18% simple.

Va. institutions—18% simple.

As can be seen from these figures, the general consumer and small business interest rates in the metropolitan areas are all identically high. However, it should be considered that the majority of consumer activity is where most of the more affluent population is in the suburbs. Census Bureau figures indicated that all of the 12% gain in retail sales for January to May 1969 was registered in the suburbs, while the department store sales for D.C. went down 1% for the same period. High rates of interest in D.C., coupled with declining sales, have resulted in 22 business failures in D.C. in the period January–June 1969, which is quite an increase compared with the same period last year, which registered 5 business failures.

---

[1] Pg. 3, Primer on Money, Subcommittee on Domestic Finance, Committee on Banking and Finance, House of Representatives, 88th Congress, 2nd Session.

It seems, however, that most retail stores have been able to hold their own with continued inflation, because the Washington Metropolitan Area has such a high per capita income. The Bureau of Labor Statistics consumer price index indicated a .3% rise for June 1969 in cost of clothing, yet out of seven clothing stores contacted in D.C. and seven in Md., the general feeling is that sales are up in both locations. The same is true for appliance stores in D.C. and Md., although there seems to be an increase in the use of lay-away plans for larger appliances like freezers, ovens, etc. Furniture stores in both D.C. and Md. claim that high interest rates on loans for furniture has had no marked effect on their volume of sales. This applies to both the local D.C. furniture company and the larger Metropolitan branches.

New car sales by Ford, GM, and Chrysler have declined by 36,527 units over the nation during mid-July as compared with the same period a year ago. This is partly due to restricted expansion of factories and less output (i.e.—a new factory being built for Chrysler outside of Pittsburgh, recently halted construction due to Chrysler's difficulty to borrow funds to finish the plant.) Truck sales by GM were also down, partly because of the tendency of companies to make better use of older equipment. Despite these national conditions, three auto companies in D.C. and three in Md. say that high interest rates on auto loans have not affected sales. The auto companies felt that there were enough credit-worthy customers receiving loans to keep sales up. The Bureau of Labor Statistics said that food prices in the Washington area rose 0.6% in June to 129.1% of the 1957–59 average. Small private groceries in D.C. reported that this has caused no marked change in the volume of sales. This could be attributed to the feeling that food prices in D.C. are abnormally high anyway and purchasing power is low. But in the suburbs food stores complained about lower sales on meat, fish, and poultry, especially due to higher prices. The high price of food is caused by higher cost for farm machinery and a .5% rise in the cost of transportation of freight, both of which are results of high interest rates.

The one market that seems to be in the most dire of situations is real estate and housing. Federal Housing Administration and Veterans Administration reserves are empty and the banks in D.C. and Md. have restricted new mortgages because investments in government securities and commercial paper are better and more secure.

High interest rates on mortgage loans by savings and loan associations are caused by the lack of investors due to the better and safer dividends on government securities. This, as has been mentioned before, results in lower reserves and higher interest rates. Many of the ten real estate agents contacted in Md. and the eight contacted in D.C. have stopped sales completely. One agent was forced to close down his business office and work out of his home in order to keep out of the red. Only some real estate agencies in Virginia have been able to maintain sales. Due to a liberal interest rate ceiling in WVa. more money is kept in the state because it is attractive to the lender. Thus, the financial institutions are able to lend more money for real estate and housing.

FEDERAL ACTION TO CONTROL INFLATION

Where will inflation end? As Treasury Secretary Kennedy says "Any backing away now from our policy of restraint—any reduction in tax rates while prices are climbing at a rate of 6% per year—is simply an invitation to more and more inflation, and, ultimately, a severe and painful economic adjustment."

D.C., Md., and Va. as has been mentioned before, are not autonomous units. Thus a slowdown in the national economy to reduce inflation will also reduce inflation in the Metropolitan area.

1. Monetary policy—includes Federal Reserve Board's attempts to reduce credit availability or money supply for borrowers. Banks' reserves are limited then and the amounts of loans are decreased. This also includes rationing of credit by large banks. At the July 7, 1969 meeting between big banks and Treasury Secretary Kennedy, Kennedy said that he stressed the importance, at a time when there is not enough credit to go around, of making sure that there was some credit availability for residential construction, state and local governments, and smaller borrowers. Some of the banks reported that they were leaving the smaller loans to the lending officers and requiring top-level review only on larger loans.

2. Fiscal policy—this would reduce the demand by consumers for credit and would force banks to lower high interest rates created by "tight credit" monetary policy. To accomplish this the first step is to continue the surcharge. The 10% surtax not only reduces the amount of money in circulation, but also helps to reduce the government's national debt. The second step is to decrease government spending, which also decreases money in circulation. Both, in turn, help to reduce the need for government borrowing. This allows more consumers to deposit in such institutions as savings and loan associations. In this case, with more reserves, Savings and Loan Associations can afford to make more loans, which also helps the real estate and housing market.

Both the present monetary policy and the proposed fiscal policy should reduce our inflation from 6% to 3% or 4% by the end of 1969, according to the Council of Economic Advisors.

Suggested reforms

1. Make Social Security payments equal to Welfare payments until interest rates and inflation drop. This would be but a drop in the bucket of government spending and would make life much more comfortable for elderly citizens who are the hardest hit by inflation.

2. Administration should wage a vigorous campaign to encourage consumers to save in private financial institutions instead of investing, and simultaneously encourage lending institutions to ration and restrict credit by reducing lending. This could be done by increasing the ratio of deposits to loans. One way to encourage savings in private financial institutions is to reduce dividends on government bonds. Banks would not have to offer such high deposit dividends in order to compete and could maintain good income on increased amounts of loans without raising interest rates, and still maintain boundaries of the ratio. Careful supervision would be necessary to avoid violation of antitrust laws.

3. Follow Federal Action to control inflation as previously mentioned, such as a surcharge.

4. Last, but not least, defense spending should be cut. Withdraw from the Vietnam conflict gradually and create markets and expansion of industry for returning men.

BIBLIOGRAPHY

Extension of temporary interest rate controls, Hearings before Committee on Banking and Currency—House of Representatives, 90th Congress, 1st Session, on H.R. 12754, Sept. 14, 15, 1967.

Money Facts, Subcommittee on Domestic Finance, House Committee on Banking and Currency, 88th Congress, 2d Session, Sept. 21, 1964.

A Primer on Money, House Committee on Banking and Finance.

What you Ought To Know About Federal Reserve Regulations, Truth in Lending.

Federal Reserve Statistical Release on consumer credit, May 1969.

Tomorrow, U.S. News and World Report, Volume LX–No. 11, pp. 27, 28.

"Bankers Stress Credit Rationing", N.Y. Times, P. 13, July 8, 1968.

Statements of Hon. David Kennedy—Press Conference July 16, 1969 and before House Banking and Currency Committee on Interest Rates, June 19, 1969.

"High Interest Rates" and "Pain and Suffering", Wright Patman, Congressional Record, July 15, 1969.

Consumer Credit Protection Act, H.R. 11601, Hearings Aug. 7, 8, 9, 10, 11, 14, 1967, before Subcommittee on Consumer Affairs, House Banking and Currency Committee, 90th Congress, 1st Session.

Bert Cox, Council of Economic Advisors.

Governor Maisel, Federal Reserve Board.

Undersecretary of Commerce Rocco Siciliano.

Edgar Smith, Assistant Vice-President, American National Bank.

John Stone, Dept. of Chief of Consumer Credit.

J. T. Watson, Deputy Comptroller of Currency.

Assistant Secretary Wheatonbaum, Treasury Dept.

COMMISSION ON CAMPAIGN COSTS IN THE ELECTRONIC ERA

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. ALBERT. Mr. Speaker, on Tuesday, September 30, the Twentieth Century Fund's Commission on Campaign Costs in the Electronic Era issued its report suggesting an entirely new form of nationwide television and radio broadcasts for presidential candidates. I feel it important that all Members have the opportunity to read this report and include, under the unanimous-consent request, a news release relating to the report, biographical sketches of the members of the Commission on Campaign Costs in the Electronic Era and the report of the Commission:

COMMISSION ON CAMPAIGN COSTS IN THE ELECTRONIC ERA

The Twentieth Century Fund's independent Commission on Campaign Costs in the Electronic Era today called on the federal government to create an entirely new form of nationwide television and radio campaign broadcasts for presidential candidates.

These programs, to be called "Voters' Time," would be available to presidential candidates and would be presented in prime evening time simultaneously over every broadcast and community antenna facility in the United States during the 35 days before the election.

Unlike present political broadcasts, which are paid for by candidates, "Voters' Time" would be purchased by the federal government at half rates and thus, according to the Commission, would belong to the public.

In a unanimous report entitled "Voters' Time," the Commission presented a series of other urgent recommendations designed to help relieve the financial pressures of campaigning, to promote more rational political discussion and to stimulate greater public interest and participation in politics. The Commission stated that "access of voters to a candidate should not depend exclusively on his ability to raise campaign funds."

The Commission, a wholly independent bipartisan body established by the Fund in May 1968, had five members: Newton N. Minow (Commission chairman), former chairman of the Federal Communications Commission and now a Chicago lawyer; Dean Burch, President Nixon's nominee for FCC chairman and former chairman of the Republican National Committee; Thomas G. Corcoran, a member of Franklin D. Roosevelt's "Brain Trust" and now a Washington lawyer; Alexander Heard, chancellor of Vanderbilt University and an acknowledged authority on campaign financing; and Robert Price, former deputy mayor of New York in the Lindsay administration and now an investment banker. Director of the Commission's staff was Richard D. Heffner, communications consultant and University Professor of Communications and Public Policy at Rutgers—the State University of New Jersey.

M. J. Rossant, the Fund's director, said that the Fund created the Commission "because skyrocketing costs of broadcasting pose serious problems for political candidates and for the democratic process." He noted that total broadcasting charges for presidential and vice presidential candidates in general elections had risen from $4.6 million in 1956 to $11 million in 1964 and $20.4 million last year, with increased use of television the major factor in this escalation.

The Commission report urged adoption of proposed "Voters' Time" programs as a way of guaranteeing basic access to the broadcast media. The programs may also reduce campaign costs, thus easing the burden on presidential candidates who may lack personal wealth or access to sizable sources of financial support.

In seeking to guarantee access to presidential candidates, the Commission distinguished between major and minor parties.

Six 30-minute broadcasts would be allotted to candidates of major parties which had placed first or second in two of the three preceding elections, according to the Commission proposal.

Candidates of parties on the ballot in three quarters of the states accounting for a majority of electoral votes, which had won one eighth of the votes in the preceding election, would receive two 30-minute program slots. And the candidate of a party meeting the three-quarters rule but not having obtained sufficient votes previously would be allowed one broadcast.

The Commission believes that these proposed allocations of broadcast time would promote and preserve the two-party system, although not necessarily the present two parties. The proposal, in effect, would allow for reform of the present political system without completely transforming it, because it would allow for the development of a new major party.

All programs on "Voters' Time" would be broadcast in the final 35 days of the campaign, but could not be bunched together. The Commission report says that by concentrating the broadcasts in this period, a new impetus to shorter presidential campaigns would be provided.

A key feature of the Commission's plan is that "Voters' Time" programs would be viewed and heard simultaneously, which would mean that every station would have to carry them.

The report acknowledges that some might feel that simultaneous transmission would be an infringement on freedom of choice and speech, but the Commission holds that "the overriding importance" of choosing a president far outweighs these considerations.

The Commission sets down conditions for the "Voters' Time" programs, suggesting that they "utilize formats that substantially involve the live appearance of the candidates for President and Vice President and are designed to promote rational political discussion for the purpose of clarifying major campaign issues or developing insight into the abilities and personal qualities of the candidates."

The adoption of the Commission's proposals would require the amendment of the equal time provisions of the 1934 Communications Act. The Commission asks that they be suspended initially for the 1972 presidential elections, as they were in 1960. It believes that these steps would encourage debates between the leading candidates and, along with "Voters' Time," provide for a much more informed electorate.

The federal government would pay for "Voters' Time," according to the Commission proposal, but would be charged by broadcasters only half the normal rate. The Commission holds that the voters—through the federal government—should pay, but that the broadcasters should receive less than their usual income to insure that they do not make a profit from the broadcasts.

The estimated cost of a single half-hour broadcast is $265,000. The Commission calculated that the total cost, based on charges prevailing during the 1968 presidential election, would be about $4 million or less than $1 million at an annual rate.

Candidates for the House of Representatives and Senate should also pay only half the normal rate for their own telecasts and broadcasts, the report says. The Commission suggests that broadcasters be allowed a deduction on their federal taxes for the amount of the discounts to Congressional candidates.

The Commission believes that by allocating free or subsidized time to candidates for federal office, those seeking public office will have less recourse to high-cost programs sponsored by their parties. It expects that, following the adoption of its proposals, these paid political broadcasts would decrease, thus reducing total campaign costs. This shift would benefit candidates not having significant resources at their disposal.

As a further method of reducing the high cost of political campaigning and in order to encourage voter participation, the Commission also proposes that taxpayers receive a federal income tax relief for their campaign contributions. They could take either a credit up to $25 ($50 on a joint return) equal to one half the amount of their contributions to legally qualified candidates in general elections for federal office or a deduction from their total taxable income for their contributions up to $100.

The Commission proposes that the Comptroller General of the United States be responsible for administration of the "Voters' Time" programs. The Comptroller is appointed for a 15-year term and is responsible to Congress, not the executive branch. As a result, the Commission believes that he would be an effective and independent administrator of the arrangements.

The Commission's report is available from the Twentieth Century Fund, 41 East 70 Street, New York, N.Y. 10021, at $1 a copy.

Twentieth Century Fund, Commission on Campaign Costs in the Electronic Era

BIOGRAPHICAL SKETCH

Newton N. Minow—was Chairman of the Federal Communications Commission from 1961 to 1963. A graduate of the Northwestern University Law School, he was law clerk to Chief Justice Fred Vinson, was Administrative Assistant to Governor Adlai E. Stevenson of Illinois in 1952–53 and a partner in his law firm from 1955 to 1961. Mr. Minow assisted Mr. Stevenson in the presidential campaigns of 1952 and 1956. He was also active in the campaigns of John F. Kennedy and Hubert H. Humphrey.

While head of the FCC, Mr. Minow became known as a severe critic of the programming practices of the television networks, which he characterized as a "wasteland." He has written a book, *Equal Time: The Private Broadcaster and The Public Interest* (1964), and contributed to another, *As We Knew Adlai* (1966). He is now a senior partner in the law firm of Leibman, Williams, Bennett, Baird & Minow in Chicago and is Chairman of WTTW, Chicago's educational television station, and a Director of National Educational Television. He is 43 years old and lives in Glencoe, Illinois.

Dean Burch—is President Nixon's nominee as Chairman of the Federal Communications Commission. Former chairman (1964–65) of the Republican National Committee, he was active in Senator Barry Goldwater's bid for the presidency in 1964. In that role he helped devise a fund-raising strategy that drew millions of dollars in small contributions, avoiding the reliance on a few large contributors, a situation criticized in the current Commission's report. In 1968 he managed Mr. Goldwater's successful campaign for the U.S. Senate.

A native of Enid, Oklahoma, Mr. Burch received his law degree from the University of Arizona in 1953. After two years as assistant attorney general in Arizona he joined Senator Goldwater's staff, leaving in 1959 for the law firm of Dunseath, Stubbs & Burch in Tucson. Mr. Burch is 41 years old and lives in Tucson.

Thomas Gardiner Corcoran—a key aide of Franklin D. Roosevelt in New Deal days, he is an experienced political adviser through service in many campaigns. Mr. Corcoran was a student of Felix Frankfurter's at Harvard Law School and joined the staff of the Reconstruction Finance Corporation in the administration of Herbert Hoover. Under President Roosevelt he was entrusted, along with Benjamin V. Cohen, with the task of drafting key legislation, including the Securities Exchange Act of 1934, and pushing it through Congress.

After John F. Kennedy won the Democratic nomination for President in 1960, Mr. Corcoran played a key role in persuading then Senator Lyndon Johnson and his fellow Texan, House Speaker Sam Rayburn who advised him, to accept the nomination as Vice President. When Mr. Johnson assumed the Presidency Mr. Corcoran was known as an informal adviser to the President.

Mr. Corcoran is 68 years old and continues his law practice in the Washington firm of Corcoran, Foley, Youngman & Rowe.

Alexander Heard—Chancellor of Vanderbilt University in Nashville, where he earned his Ph.D. in political science in 1951. He has long been known as one of the leading academic authorities on problems of campaign finance, and his book *The Costs of Democracy* (1960) was a primary source of data for the present Commission's report.

Dr. Heard joined the Vanderbilt faculty in 1950. In 1956 and 1957 he was a consultant to the Senate Subcommittee on Privileges and Elections, and in 1961 President Kennedy named him Chairman of the President's Commission on Campaign Costs. Its report, *Financing Presidential Campaigns,* was published the next year. Dr. Heard was also coauthor of *Southern Primaries and Elections,* 1950: *A Two-Party South?,* 1952 and has written numerous articles. He is 52 years old.

Robert Price—was Deputy Mayor under John V. Lindsay, the youngest man in the history of New York to hold the office. He was manager of the Lindsay mayoralty campaign and of his earlier Congressional campaigns. A lecturer on political strategy for the Republican National Committee, Mr. Price also has participated in numerous campaigns across the nation and managed Governor Nelson A. Rockefeller's successful primary campaign for Oregon's delegates to the Republican National Convention in 1964. He was delegate to the Republican Convention 1962–66.

A 1958 graduate of Columbia University

Law School, Mr. Price served as an assistant United States district attorney before forming a law firm in 1960 with Theodore R. Kupferman.

In 1966 Mr. Price returned to private life, subsequently becoming Executive Vice President of the Dreyfus Corporation (manager of the Dreyfus Mutual Fund). He is now an investment adviser and President of the Price Capital Corporation, a closed end investment trust. He has owned several radio stations, including WTSA, Brattleboro, Vermont; WLOB, Portland, Maine; and WNVY, Pensacola, Florida. He is 37 years old and lives in New York.

Voters' Time—Report of the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era

1. PERSPECTIVE

The sharply rising use of television and radio broadcasting by presidential candidates in the United States poses serious problems that affect politicians, the parties, the voters, and the very fabric of our democratic process.

This Commission has examined these problems from many viewpoints. But our major concern has been to determine whether the American voter is well served by the present arrangements for political campaigning. We have concluded that there is a need for change, mainly because of the changes that have been—and are being—brought about by evolving technology. The airwaves, especially those used for television, now play a dominant role in campaigning. They are a public resource, and the public is entitled to get the best from them. It is our contention that the public has not always gotten the best in political campaign broadcasting.

There is no single cause for this unsatisfactory state of affairs. Rather, it is attributable to a series of interrelated problems involving politics, money, and the nature of the broadcasting industry.

One basic question concerns the impact and effectiveness of the broadcast media, particularly television. Despite considerable research by academicians, commercial specialists, and the Commission's own staff, we have no accurate measure of the effect of broadcasting on society in general or of the impact of political broadcasting on voters. Yet most informed people believe that the impact is profound, and there is no question that political strategists and political candidates increasingly mold their campaigns around the use of television.

But campaign broadcasting is very expensive. Its costs may not seem high compared to the enormous sums spent by producers of cigarettes, soap, or automobiles. But to the candidates and the parties they are very high. And they are increasing.

Thus the problem of campaign costs has to be examined. After nearly two decades of only gradual rise in the cost per vote cast, the amount of money spent per voter has climbed steeply in the last three presidential elections. Greater use of the media, particularly television, has been the largest single factor in this increase.

Higher costs have thrust a heavier burden on political fund raisers. With few exceptions, modern campaigns have relied heavily on rich contributors. This reliance on relatively large contributions from a relatively small number of donors has inevitably raised questions concerning the obligations a presidential candidate may incur toward his sources of financial support. This question is also pertinent for candidates for the House of Representatives and the Senate, whose financial sources are even narrower.

The problem, clearly, is not so much that costs are getting out of hand—although they are rising steeply—as that the means of funding them are so limited and so suspect.

The questions do not stop there. Even if adequate financing is available, this Commission has sought to determine whether the public interest is well served by the way in which candidates spend their funds on broadcasting.

Specifically, does a series of short "spot" announcements contribute as much to the voters' knowledge of the issues and of the candidates as longer programs where issues are discussed and candidates are exposed to view? The answer is almost certainly no. Yet the ratio of "spots" to longer programs is increasing, partly because campaign managers have found that short messages usually reach more viewers at less cost, partly because they are convinced that "spots" are more compelling.

This Commission believes that the importance of television and radio in our society and their significance for presidential campaigns must be recognized. We believe that the electorate should have the opportunity to see and hear all significant candidates so that it can better judge their positions and their personal qualities. We believe that this access of voters to a candidate should not depend exclusively on his ability to raise campaign funds.

The Commission therefore proposes that *each significant presidential candidate and his running mate be given broadcast time simultaneously on all television and radio stations in the United States.* We call this provision *Voters' Time.* The stations would be compensated by the federal government, though not at full commercial rates. Candidates of major parties would receive more time than those of minor parties. Provision would be made for the rise of important new political forces, but minor parties would have to demonstrate meaningful support to qualify for Voters' Time.

The only requirements for the use of Voters' Time would be that *the programs promote rational political discussion and substantially involve live appearance by the candidates.* Candidates would remain free to buy additional broadcasts, but we expect—and hope—that the volume of such purchases would not be great. Voters' Time should bring a marked improvement in the quality of campaigning—and a check to the sharp increase in presidential campaign expenses.

Enactment of Voters' Time by Congress would require a change in the equal-time provision of the Communications Act of 1934. The Commission further recommends that the *equal time provision be suspended entirely for the presidential election campaign of 1972.*

To widen popular participation in the financing of campaigns, we propose that *taxpayers receive either a tax credit or an income deduction for campaign contributions to legally qualified candidates for federal office on their federal income tax returns.* We hope that this option would reduce the heavy dependence on a few large contributors. It should also encourage a broader sense of participation in the electoral process and help to diminish public cynicism about the integrity of candidates and their parties.

Ultimately, we would also like to see candidates for the United States Senate and House of Representatives provided with Voters' Time; immediately, we propose that *candidates for national legislative offices be encouraged to use the electronic media by requiring broadcasters to give them a major discount and allowing the broadcasters to deduct the dollar volume of such discounts from their taxable income on their federal tax returns.*

We believe that these reforms are urgent and necessary to strengthen our democratic process. Discontent with the way in which we elect our political leaders is not new; there have been many periods in the past when contempt and cynicism about our political leaders and parties were more prevalent—and had more basis—than they do now.

Nevertheless, our examination has led us to conclude that it is vital to raise the level of political discourse and broaden the base of political participation at a time when rapidly evolving technological change seems to have produced the opposite effects.

2. THE PROBLEM

Every four years American citizens make a momentous choice: Who is to be President of the United States? Perhaps no more important public act occurs in this nation than the motion of the hand that marks the X on a presidential ballot or pulls the lever on a voting machine. For on the decision of the American electorate hangs the fate of millions at home and abroad. That decision, indeed, may answer the very question of war or peace, of human survival.

What influences the voter in making his choice?[1]

Many things. Party loyalty. Family tradition. A candidate's record. The record of the incumbent administration—national prosperity or depression. Outside events in mid-campaign—the sudden outbreak of war (or peace), the fall of a foreign government. The opinion of others—his union shop steward, his closest friend, his fellow commuter. Columnists and commentators, political reporters and editorial writers. Precinct captains, volunteer workers. Billboards. Newspaper advertising. And campaign broadcasting.

No one knows just how important television and radio are in determining the outcome of an election.[2] A voting decision is the result of so many influences that it is all but impossible to isolate one, such as electronic campaigning, from the others.

The use of television in presidential campaigns is only seventeen years old. It may be many more years before we know what it is doing to politics, or to society. We may never know.

Nevertheless, the power of political broadcasting is assumed by large number of politicians and broadcasters alike. According to some political scientists and sociologists, a sizable number of people felt that the 1960 television-radio debates between John F. Kennedy and Richard M. Nixon helped them to make up their minds. And certainly at the time there was widespread public sentiment, reflected in the studies, that Kennedy "won" these confrontations by showing that he was a match for his older, more experienced opponent. These facts taken together have led many people to suspect that the debates gave Kennedy his slim margin of victory.[3]

Other researchers, including some studying the same evidence, have held that broadcasting has only a reinforcement effect on many people already committed to one candidate or the other. Others have adopted the term "cumulative effect" to suggest that people are influenced by the images they receive from the broadcast media, especially television, over long periods of time. They contend that the impressions that enter into a voting decision are gradually built up through the years and that broadcasting plays a large part in shaping this political imagery.[4]

All agree that the media that take a candidate's voice and individual traits into a voter's home make his message powerfully personal and are bound to have an effect at the ballot box.

The broadcast media

Since its development in the late 1940's television has become the most accepted medium of mass communications in the United States. Ninety-five per cent of all American homes have television sets—more than have bathtubs or telephones. In 1969, television sets are expected to outnumber passenger cars.

Footnotes at end of article.

XUM

The average American home has a television set turned on for more than five and a half hours each day, and American adults spend more time watching television than they do in any other single activity except working and sleeping.[5]

The British critic Malcolm Muggeridge asserts that "of all the so-called wonders of our time, television may well be the most momentous. Nothing since the invention of printing has so drastically affected the way human beings live, think and generally react to their circumstances."[6]

And the political consequences may be as great as the cultural and commercial consequences. For a decade, Roper Research Associates have periodically asked people to identify their major source of news about national candidates for public office (Table 1). Of those surveyed in the 1968 poll, 65 per cent named television, but only 24 per cent named newspapers, 4 per cent radio, and 5 per cent magazines. In 1963, television had replaced newspapers as the chief source of all news; by 1968, 59 per cent of the people surveyed claimed to get most of their general news from television. When asked which source they were most likely to believe, more than twice as many people mentioned television as newspapers in 1968. And according to a 1969 Harris poll, nine out of ten Americans regularly watch television news programs.

Radio, too, is a major news medium, estimated to reach 98 per cent of all American homes. According to the Roper surveys for the last ten years, between a fourth and a third of the population have gotten most of their general news from radio. Although only 4 to 8 per cent of those surveyed in 1968 rated it as a major source of political news, radio is certainly the most mobile and ubiquitous of our modern communications media. It reaches more than 75 per cent of Americans 12 years of age and over every day. In the last decade it has become a prime communications medium for young people.[7]

Broadcasting and politics

These facts about broadcast media had enormous significance for a candidate in the 1968 presidential campaign because, almost alone among aspirants for high political office throughout the world, he could "buy" time on the air.*[8]

With a single message lasting one minute, presented within one program, on one television network, he could reach as many as 23 million viewers of voting age—a number equal to almost a third of the votes cast in the 1968 election.[9] With the most intensive old-fashioned whistle-stop campaign, a candidate could have reached only a small fraction of that audience.

Politicians believe, even without scientific proof, that the broadcast media provide the best way in certain campaigns to get their messages to the people.[10] Consequently, broadcasting has had an enormous influence on our political affairs. Television, particularly, makes political life more fluid and more volatile. It affects the tempo of campaigning. Adroit candidates—or their staffs—plan morning events that will gain free coverage in the evening newscasts. In fact, campaign strategists devote a great deal of effort and ingenuity to getting free television coverage for their candidates. It has put a stronger emphasis on the personality and appearance of candidates. It has helped to nationalize political life. The sum is a revolution in political campaigning.

A telling measure of the importance of both television and radio for many candidates is the rise in political broadcasting expenditures since the 1956 presidential campaign, when a basis for comparison became available (Tables 2 and 3). In 1956, total broadcasting charges for presidential and vice presidential candidates in general election campaigns were $4.6 million. They were $11 million in 1964 and rose to $20.4 million in 1968. Thus they quadrupled in twelve years.

When professional politicians say, as many do, that broadcast campaigning is decisive in a presidential race, they mean it. Some would go so far as to predict that before long presidential campaigning will be done almost entirely by television and radio. This Commission does not go so far; there may be less here than meets the eye. But the fact that many politicians believe that broadcasting is of major importance tends to make it so. Certainly it has resulted in an impressive increase in the use of the broadcast media by presidential candidates and their running mates. And this in turn has led to an impressive increase in the total cost of presidential campaigning—which is one of our concerns.

Costs of campaigning

The Citizens' Research Foundation estimates that in 1968 total political spending by all candidates and committees at all levels in the United States reached $300 million. This was 50 per cent higher than the total of $200 million estimated for 1964.

These figures can be considered only rough approximations of total spending.[11] Difficulties in determining campaign costs are formidable. Disclosure of contributions and expenditures as required by federal and many state laws fails to bring together all direct or indirect receipts or expenditures at local, state, and national levels.

By far most political spending occurs below the national level. But analysis of state and local campaign expenditures is hampered by the combination of inadequate statistics and diverse conditions.

It is somewhat easier to estimate general election expenditures of campaigns at the national level since federal law requires that interstate committees file receipt and expenditure reports with the Clerk of the House of Representatives. But even these figures are incomplete, since the law exempts reporting of campaign spending by any group whose operations are confined to a single state. And these groups are legion.[12] In addition, the national-level party committee figures comprise mostly presidential campaign expenditures but also contain some spending by parties before the presidential candidates are chosen and some for congressional candidates.

Yet, despite this contamination of data and the glaring omissions, the combined national-level party and campaign committee figures give us a reasonable basis for comparison. They are the figures that have been used over the years in studies of presidential campaign spending.

The estimated direct spending of national-level party and campaign committees (Table 4) was $11.6 million in 1952 and rose to $12.9 million in 1956, to $19.9 million in 1960, and to $24.8 million in 1964. In 1968 it reached $44.2 million, a rise of 78 per cent. About a third of this increase at the national level, however, was spent by the campaign of George C. Wallace.[13]

Television costs

Television has contributed greatly to the growth in presidential campaign expenditures.

Television is ideally suited to reaching a national constituency, and presidential candidates have regularly accounted for a high percentage of total political spending on television in general election campaigns. Furthermore, the growth in campaign television spending has shown little sign of abating, as some once expected. In 1968, half of all political television costs in the general election period were charged to candidates for the Presidency and Vice Presidency (Tables 2 and 3).

Further evidence that television has driven up costs of presidential campaigning can be found in the growth of national-level expenditures since 1952, a growth that has gone far beyond past historical patterns.

When television first became a serious tool in political campaigning, it was expected to displace some of the money formerly spent on radio (just as radio has displaced some of the money spent on newspapers) rather than increase costs. But after 1952, when television emerged as a dominant form of communications in presidential campaigns, the estimated cost per vote took a sharp upward turn. From 19 cents in 1952, the cost per vote rose to 29 cents in 1960 and to 35 cents in 1964. In 1968 it jumped to 60 cents.[14]

Many factors contributed to the big 1968 rise. Wallace's campaign alone added about 10 cents per voter. The consumer price index rose 12 per cent between 1964 and 1968. And parties made more use of costly new tools, such as computer technology and jet travel, in 1968. But no single one of these factors seems to have had television's explosive effect on the cost of each vote.

Candidates for public office use broadcasting because it offers unprecedented opportunities to reach the electorate—an electorate that is growing rapidly, growing beyond the power of candidates to reach by other means. Broadcasting requires candidates to raise large sums of money for buying time on the airwaves and for the production of programs using that time.

Problems of financing

Raising money for political campaigns in America has never been easy. Television has exacerbated the problem, for now that the candidate can reach almost all of the people, he wants to do so over and over again. And to do that he must spend heavily.

In the early years of this century, money seemed to be the key to winning elections. In 1904 and 1908 the Republicans spent 75 per cent and 72 per cent of all direct expenditures made by the national committees of both parties, and the Republicans won; in 1912 and 1916 the Democrats outspent them with 51 per cent and 53 per cent, and the Democrats won. Then through the 1920's the Republicans consistently outspent the Democrats, with 75 per cent in 1920 and 1924 and 56 per cent in 1928, and they won consistently. The correlation was very strong, the case seemed proved.

But the correlation was less marked and the case collapsed in the 1930's and 1940's. In 1932 the Democrats spent 49 per cent of the total reported by both national committees, yet won. In 1936 they spent 41 per cent; in 1940, 35 per cent; in 1944, 42 per cent; and in 1948, only 39 per cent—yet they won every time.[15] Money, it appeared, might talk without winning. It is doubtful that Herbert Hoover could have been re-elected in 1932 had he spent many times what Franklin D. Roosevelt did. No more would Adlai E. Stevenson have been likely to win in 1952 even if he had commanded far greater resources.

Since 1952, however, big television has meant big money. And while even big television would probably not have turned the tide for Hoover or Stevenson, in a close election in a reasonably prosperous period television may be decisive.

Money may not win elections today, but candidates lacking access to large amounts of money cannot buy broadcasting time and are thus denied full access to the major means of communication in this era. This fact has reinforced the notion that "politics is a rich man's game." True, in 1968 neither Nixon nor Humphrey was a rich man. But their personal finances made no difference. Their parties raised large sums for them, the Republicans much more than the Democrats; and they spent large sums on broadcasting for them, the Republicans much more than the Democrats: $11.5 million and $5.5 million respectively.[16] Without such broadcast ex-

---

Footnotes at end of article.

penditures, the campaign managers of both parties thought that their candidates had little chance to capture the full attention of the American voter.

To be sure, there are those who are not alarmed by the rise in presidential campaign expenditures, pointing out that even now they are only a small fraction of the sums regularly spent on advertising autos, cigarettes, or soap. But they ignore the possibly degrading effect on candidates of the need to wheedle large contributions from individuals. They also ignore the possibility that a presidential candidate will feel obligated to his campaign's financial benefactors. And they forget that any suspicion that money buys elections and that contributors buy candidates undermines the credibility of our political system.

The popular suspicion that "politics is a rich man's game" adds to public synicism about politics itself. Its prevalence is suggested by such research as a poll conducted by the Louis Harris organization in 1967. More than 60 per cent of those interviewed in the poll expressed the belief that politicians take graft and that very few of them are dedicated public servants.[17] However unfair this judgment may be, it is abetted by the loopholes and violations of the reporting laws and occasional scandals.

Even if an average citizen would like to support his favorite candidate's campaign, the amounts of money required may lead him to conclude that only big business or big labor can foot the bill—a conclusion with its own dividend in cynicism. Possibly as a result, many people tend to avoid financial participation in politics. The percentage of people who give to any campaign is low. It has ranged from 6 to 12 per cent of the adult population since 1956.[18]

Ordinarily, once a candidate is nominated by one of the two major parties he can expect to raise money, somehow. But there are exceptions. Humphrey, in fact, was one. He had great problems in raising money in September 1968, not because he was poor but because, among other things, so many potential contributors judged—along with the polls—that he was a sure loser following the Democratic convention in riot-torn Chicago that was so fully covered on television. The problem is worse for a third-party candidate who is relatively unknown and has no established power base. Thus the forces of politics and the private guesses of contributors often determine whether the American voter has an opportunity to watch all of the presidential candidates on television.

Problem of reform

Nearly everybody believes these inequities should be corrected. Some, confronted with the intricacies of the problem, have simply proposed that all candidates be prohibited by law from purchasing television time. The Commission not only feels that this proposal may be unconstitutional but also considers it unacceptable to most broadcasters, politicians, and elected officials. Television is a fact of life, and one way or another it will continue to influence elections. In our view, it ought to be transformed into a positive influence.

The problem of money and politics has been with us almost since our beginnings as a republic. But it has taken on a new dimension and heightened urgency with the emergence of television and its high—and rising—costs.

John F. Kennedy expressed concern about the problem of money and political television in 1959. He was quite clear on the decisive role played by the medium and on the possible impact of the large contributions that now make campaign broadcasting possible. As he put it:

> If all candidates and parties are to have equal access to this essential and decisive campaign medium, without becoming deeply obligated to big financial contributors from the world of business, labor or other major lobbies, then the time has come when a solution must be found for this problem of TV costs.[19]

Concern about the influence of money on politics has led to a variety of legislative restrictions to limit campaign expenditures and contributions.

The federal Corrupt Practices Act of 1925 requires political committees operating in two or more states to file reports of their receipts and expenditures. It also sets campaign expenditure limits of $25,000 for candidates for the Senate and $5,000 for candidates for the House of Representatives.

The Hatch Act of 1939 places a limit of $3 million on the expenditures of any committee operating in two or more states. It limits to $5,000 the amount of money that an individual may contribute to any candidate or political committee.

Most states require public reporting of campaign disbursements and thirty-three have spending ceilings, but only seven limit individual contributions.[20]

All too often these attempts at regulation are voided or simply ignored. Their weaknesses were suggested by one authority on campaign financing, Louise Overacker, when she wrote:

> The Hatch Act limitations were included in an act which purported to "Prohibit Pernicious Political Practices." One might almost parody it to read: "An Act to *Promote* Pernicious Political Activities." It defeats its own purpose by encouraging decentralization, evasion and concealment. Worst of all it makes difficult if not impossible that publicity which is essential to full understanding of who pays our political bills—and why.[21]

Undoubtedly the weaknesses in our legislation are a main reason for the cynicism about money in politics. As President Dwight D. Eisenhower once observed:

> It does mean, in effect, that we have put a dollar sign on public service, and today many capable men who would like to run for office simply can't afford to do so. Many believe that politics in our country is already a game exclusively for the affluent. This is not strictly true; yet the fact that we may be approaching that state of affairs is a sad reflection on our elective system.[22]

The trends in the use of paid broadcast time may not serve as much as they should to allay public cynicism. When television began to be widely used by political candidates, some observers suggested that its extraordinary intimacy would improve the quality of campaigns. Television, it was thought, would give voters a sharper personal impression of the candidates and a deeper understanding of the issues. The voter, watching and meditating before his set, would arrive at a more informed and intelligent choice than he would by attending a political rally, where he might be swayed by partisan hysteria. But the degree to which television has met this ideal is questionable.[23]

Use of television

Two main kinds of paid political broadcasts are widely used today. One is the "spot," similar to a commercial, lasting for a minute or less (a related variety is the short message lasting up to five minutes). The other is the program lasting a half-hour or an hour (it sometimes stretches over several hours, as in "telethons"). Candidates have shown increasing preference for "spots."

The tremendous growth in the popularity of "spots" has occurred for two major reasons: they enable a candidate to reach a large number of viewers at a relatively low cost per viewer; and they allow him to address people he could not reach by any other means.

In October 1968 a presidential candidate might have bought a one-minute network "spot" in "Gunsmoke" at almost $50,000 (not including the cost of producing the "spot"). It would have entered an estimated 13 million homes and been seen by approximately 19 million people of voting age. A thirty-minute network program scheduled at a similar time woud have cost more than $80,000 in time charges (plus a sizable expenditure for production) and could have been expected to reach an audience of 6 to 8 million homes.[24] Thus the longer program would have been a far more expensive purchase in relation to the number of homes—or viewers—reached.

Some campaign strategists, however, believe that the longer programs are decidedly useful. Although the viewers who remain might consist largely of the candidate's partisans, whose minds are already made up, they cite the reinforcement effect already mentioned—the motivation to work harder for the party's candidate.

Even so, a political "spot" in a high-rated program can attract the attention of many viewers who would not watch a half-hour political program. Its audience is a much better cross-section of the voting—and non-voting—public, since it can be assumed to contain a much higher proportion of uncommitted voters. And in a year such as 1968, when the margin of victory was narrow (about a million votes—1.5 per cent of those cast), these uncommitted voters can hold the balance.

Political candidates in general election campaigns during 1968 chose to spend more than three-quarters of their total television budget on "spots," and they spent nearly twice as much for this purpose as the candidates in 1964. But expenditures for all other television time in the 1968 general election campaign changed hardly at all from the 1964 level. This shift toward the one-minute spot narrowed the viewer's opportunity to hear a serious discussion of issues or to observe the candidate himself for a length of time that would permit him to judge his personal qualities.

Candidates are under increasing pressure to get maximum return for their money. And broadcasters prefer to sell campaign time in small segments, since they are more profitable than longer programs and less disruptive of schedules.[25] In the absence of counterpressures, the proportion of short messages can be expected to increase.

THE PUBLIC INTEREST

The Commission does not question whether television is the appropriate instrument for informing the electorate. But it does believe that ultimately the voter has much to lose from present arrangements. For the democratic process requires open forums for political ideas and the widest possible dissemination of information. Letting ability to pay determine access to the great audience and fostering the development of commercial-like campaign spots rather than rational political discussions may in time subvert the democratic process.

The first and most essential aim of this Commission, therefore, is to make recommendations for changes in public policy relating to campaign broadcasting that will primarily assist and benefit the American voter, not the broadcaster or the candidate. To accomplish that aim the Commission has identified these specific goals:

1. *To guarantee that there is basic access to the broadcast media for all significant candidates for President and Vice President.*
2. *To help relieve the financial pressures of broadcast campaigning on presidential and vice presidential candidates.*
3. *To promote rational political discussion in presidential campaigns, thus exposing as many voters as possible to candidates and issues within a rational context.*
4. *To stimulate effective citizen participation in the processes of democratic govern-*

Footnotes at end of article.

ment by encouraging small contributions to political campaigns.

We also wish to take a significant step toward relieving candidates for the House of Representatives and the Senate of the United States of some of the burden of their costs for campaign broadcasting.

The Commission believes that these goals can be achieved. In our view, they must be achieved if the public interest is to be protected.

3. PROPOSALS

Basic access to all candidates: Voters' time

The needs and interests of the American voting public have dominated the deliberations of this Commission. It is our conviction that the strength of a democracy depends on a well-informed electorate. While we frame our recommendations in terms of providing presidential and vice presidential candidates with basic access to the broadcast media, our main concern has been to bring to the potential voter who watches television and listens to radio the information he needs about the candidates. If the voter is to choose wisely, he needs some guarantee of a basic access through the electronic media to all significant candidates for our highest political offices.

To this end, we propose that each presidential and vice presidential candidate who meets criteria of seriousness and significance be offered broadcast time on all American television and radio stations at the expense of the federal government. We have termed this concept "Voters' Time." The time would be available both to major and to minor candidates, although the amount would vary according to the electorate's past response to a candidate's party.

What a candidate does with his Voters' Time, to impress himself upon the electorate, is largely up to him. We would not prohibit candidates from buying time of their own; they would be free to buy whatever other broadcast time their resources—and the public's tolerance for political campaigning—would permit.

Some critics of political broadcasting suggest that nothing short of equal time on the air for all presidential and vice presidential candidates will solve our problem. They argue that even if guaranteed a basic amount of campaign time on television and radio, a heavily backed candidate will quickly swamp an opponent who lacks strong financial support. They hold that whatever financial advantages a party enjoys momentarily or has gathered over the years must be discarded when its candidate appears on the air—the government must enforce absolute equality.

The Commission disagrees. The competitive marketplace of American politics has served us well, not ill, over the past two centuries. Now is the time for reform, not repudiation. Our recommendations are designed to strengthen, not to destroy, our traditional political patterns.

Differences in financial resources do indeed exist among rival parties and candidates. These reflect differences in popular support as well as in the personal wealth of a candidate or his friends. We do not ignore such differences; but we make no attempt to eliminate them. Instead, we affirm our belief in the benefits of a competitive political system.

Standards of eligibility

Who would be eligible for Voters' Time? This has been one of the most important questions before the Commission. We believe that all presidential and vice presidential candidates whose parties command significant support from the electorate should be eligible for some basic amount of campaign broadcast time. But what is the measure of significance?

We favor the two-party system. Not necessarily *this* two-party system, in which Republicans and Democrats are clearly dominant—for over the sweep of history once-powerful parties such as the Federalists and the Whigs have lost the support of the electorate and disappeared—but, rather, the two-party system as such.

But to provide Voters' Time to all legally qualified candidates might encourage the rise of irresponsible and disruptive candidates. It might fractionalize and factionalize the American political system. It would inevitably encourage the proliferation of splinter groups, provide publicity-seekers with an invaluable opportunity to attract nationwide attention on television and radio, and swamp the airwaves with a suffocating confusion of voices.[26]

Since the Commission does not wish to encourage such proliferation, we have established what we think are reasonable requirements that candidates must meet to qualify as significant.

At the same time, the Commission believes that the dissenting voices of candidates who disagree with the views of the major parties and who can marshal a substantial number of voters for their own support should be heard.

In our relatively short history as a nation, ideas brought forth on the fringes of our political life have often become, in time, doctrine for the dominant center. Thus railroad regulation, the encouragement of cooperatives and labor unions, high standards for civil service, and many other ideas first advanced by the Populists and Progressives have gained general acceptance. Indeed, some minor parties quite legitimately regard proselytizing, rather than vote-getting, as their principal objective, and they participate in the electoral process as a means to that end.

We have considered the argument that new parties that have not yet demonstrated near-majority support need not share in basic access to the broadcast media—that they can continue to use the more traditional communications media, such as the press, by which historically they have made their contribution to our political life. We believe, however, that the voter should be able to see and hear the candidates of minor parties on the electronic media as he sees and hears the candidates of major parties.

The Commission believes, then, that we must recognize dual needs: the preservation of a two-party system on the one hand, and an opportunity for dissent and flexibility on the other. What we do seek is the interplay of ideas—a healthy chance for the upward movement of new parties and candidates and the possible decline of the old, as well as the stability provided by a strong two-party system.

The Commission is convinced that these objectives are best met by a three-category standard of eligibility for Voters' Time that guarantees significant minor party candidates a basic amount of television and radio exposure, although less than the amount guaranteed to major party candidates.

Category I would include only candidates of parties that had placed first or second in two of the three preceding presidential elections. Thus it would normally admit only the candidates of the two major parties, although on rare occasions three parties might qualify.

Category II would consist of candidates of parties that had received a truly sizable vote in the preceding presidential election. We would define this as one-eighth of the votes cast. Such party successes have occurred only rarely in our history (one such success occurred in 1968), but the Commission believes them to have been of such importance as to deserve a separate category in the standards of eligibility.

Category III would comprise candidates of all parties that show evidence of a fair degree of potential voter support but not necessarily a past electoral record of significance. This category makes room for the new party that arises from new or unique circumstances inadequately dealt with by the older, major parties.

All three categories would have to meet one common eligibility requirement: Any party wishing to qualify for Voters' Time in any category would have to appear on the ballot in at least three-quarters of the states—with the District of Columbia considered a state for this purpose—and these states would have to represent enough electoral votes to constitute a majority in the Electoral College.*

The Commission believes that this three-quarters requirement guarantees a significant national candidacy. The legal and practical obstacles to getting on the ballot in that proportion of states can be overcome only by the expenditure of considerable time, money, and organizational effort; it is no mean achievement.

In the past, only a few parties would ever have qualified under the three-quarters standard that is our requirement for eligibility in Category III (though who can say what might happen in the future if politicians are offered Voters' Time?). Those parties whose candidates appeared on the ballot in three-quarters of the states were all of some substance in their day.

For example, Henry A. Wallace's Progressives would have qualified for Category III in 1948, as would have Robert M. La Follette's Progressives in 1924 and Theodore Roosevelt's Bull Moose Party in 1912.

With more than one-eighth of the popular vote for President in those years, La Follette's Progressives and Roosevelt's Bull Moosers would have moved up to Category II in the following presidential campaigns. But Henry Wallace's Progressives, with only 2.38 per cent of the 1948 popular vote, would not have done so.

The Socialist Party of Eugene V. Debs and Norman Thomas might have qualified for Category III seven times. But it never achieved the one-eighth share of the popular vote needed to move up to Category II.

Clearly, a candidate who appears on the ballot in three-quarters of the states has considerable, broad-based national support and organization behind him. To decrease the number could too easily allow many insubstantial candidates to qualify for Voters' Time. And increasing the number of states could subject a candidate to undue pressure from state-level political interests and machines. To take the extreme case, the number could hardly be set at 51 (including the District of Columbia) because political maneuvering could force a legitimate national candidate off at least one state's ballot. In such a case, indeed, even an incumbent President could become ineligible for Voters' Time.

The Commission's choice of ballot qualification as the basic entry requirement, rather than a percentage of the vote cast at the preceding election or a number of petition signatures—criteria recommended in many of the quite ingenious proposals made in the past for campaign assistance—deserves explanation.

Quite simply, we rejected the requirement of a prior election record because we believe that it is important not to close the door to new parties whose perspective on new circumstances may be of great value to the people.

We also believe that merely gathering a number of petition signatures, even from a specified number of states, is not as true a proof of serious national purpose as is actually qualifying to appear on state ballots. The process of gathering signatures by itself perhaps provides too much invitation to improper manipulation. It also poses massive administrative problems with regard to federal verification of signatures gathered from voters registered under state jurisdiction.

Footnotes at end of article.

We felt it important to make the qualifications for eligibility simple, fair, and understandable.

Eligibility for Category I has deliberately been made dependent on a party's performance in the three most recent elections—rather than on some more distant occasion—in order to allow for change.

It is possible under our proposal for three parties to place first or second in two of the three preceding elections and thus qualify for time in category I. Thus the emergence of a new party is provided for.

From 1900 through 1968, however, only the Republican and Democratic parties met this requirement.

Theodore Roosevelt's Bull Moose Party ran second in 1912—ahead of the Republicans with William Howard Taft (the only time in the twentieth century that a major party has been dropped to third place)—but ranked a poor fifth in 1916, when Roosevelt declined the Progressive Party's nomination. If Roosevelt or some other very popular figure had chosen to run on the Progressive ticket in 1916, and if he had won or had repeated the party's second place showing of 1912, then in 1920 the Progressive Party would have qualified for Category I.

Eligibility for Category II would depend on performance in a single election, the most recent presidential election. A party that showed impressive voter support at one election would thus be able to use Voters' Time at the next election to demonstrate that its appeal transcends the issues or personalities of a single campaign.

Only three parties in the twentieth century would have qualified for Category II in this way. Roosevelt's Bull Moose Party, which polled 27.4 per cent of the vote in 1912, would have been eligible in 1916; La Follette's Progressive Party, which polled 16.6 per cent of the vote in 1924, would have been eligible in 1928; and George C. Wallace's American Independent Party would be eligible in 1972, having polled 13.5 per cent of the vote in 1968.

One further stipulation. It is possible that a candidate may be the nominee of more than one party. For instance, the Populist Party, which garnered twenty-two electoral votes for James B. Weaver in 1892, endorsed a Democrat, William Jennings Bryan, in 1896 and 1900. Hence *we provide that a candidate can only use Voters' Time offered in the highest category for which he qualified.*

Amount and apportionment of voters' time

The Commission would provide enough Voters' Time to give viewers and listeners a chance to assess all significant candidates for President and Vice President. We would provide enough Voters' Time for each such candidate to state his case—to present himself and his views fully. But we would not provide the same amount of time for each candidate.

Again, the Commission's purpose is not to equalize broadcast time for all significant candidates. Rather we seek to guarantee all significant candidates basic access to the great audience. No such candidate should be denied this basic access because he lacks the financial resources.

After considering many suggestions for providing access, we have agreed on the following as a fair and workable formula:

Category I candidates, those of the major parties, would each be given six prime-time half-hours; Category II candidates, two such half-hours; and Category III candidates, one such half-hour program.

Some will feel that we are too generous to splinter candidates; others, that we are too restrictive. Consistent with our purpose of maintaining a balance between stability and flexibility, we seek to give a hearing to new parties but not to encourage their proliferation unduly. Our aim is not to impose mathematical precision upon the American political structure, but to assume a measure of fairness and justice.

Often the opinion is expressed that people's attention span for political matter is limited—that the lengthy political broadcast, such as the half-hour program, is too quickly tuned out. Increasingly the politician feels that he must get his message across briefly if he is to get any message across at all.

Without disputing the view that short political announcements, or "spots," can transmit some kinds of information efficiently and well, the Commission contends that they can and often do stultify meaningful political discourse. We select the half-hour format as a more appropriate vehicle for candidates to address themselves fully and conscientiously to the issues.

If in a particular presidential campaign two parties should qualify in Category I, one in Category II, and two in Category III, total Voters' Time would amount to eight hours. In our view, eight hours every four years is not too much television and radio time to ask broadcasters and the American people to make available for so important a decision as the choice of President and Vice President of the United States.

The Commission has proposed two additional requirements for the scheduling of Voters' Time. Candidates in Category I would have to broadcast at least one program in any seven-day period, while candidates in Category II could broadcast no more than one of their two programs in any seven-day period; and for all eligible candidates, these programs are limited to the last 35 days preceding the Monday before Election Day.

Requiring the candidates of the major parties to broadcast at least once in any seven-day period clearly prevents a last-minute "blitz" campaign with all of a candidate's Voters Time bunched together. It prevents any candidate from swamping his opponents and the broadcast audience.

We limit Voters' Time to the last 35 days preceding the Monday before Election Day, because, in our judgment based on considerable practical experience, presidential campaigns are too long.

Campaigning for the Presidency is, of course, not limited to the months immediately preceding the election. It goes on between elections and intensifies during each election year. But specific campaign activities—the rallies, the speechmaking, the trips, and the hoopla—begin soon after the national conventions, pick up speed after Labor Day, and continue virtually nonstop until Election Day.

Nine or ten weeks of campaigning may have been necessary at one time. They are not now. In the age of the jet plane and the handy television or radio set, the candidate can reach the voters in a shorter time than ever before. He can spend more time thinking and less time traveling and talking. We wish to help him. If long hectic campaigns cannot be proved to be boring to the voters, we do know that they are debilitating to the candidates. It is no wonder that after an election both winner and loser often retire to recuperate.

There are many other questions about Voters' Time, of course. But the Commission believes that specific programming details are best left to be worked out among candidates and broadcasters. It has to be recognized that broadcasters do have commitments that prohibit frequent pre-emptions except at very great financial penalties. Thus, broadcasters must be given some leeway in arranging the programming of Voters' Time. Many combinations are possible. Our concern is only that these important aspects be worked out in accordance with the principles we have expressed.

The issue of cost

It is sometimes held that broadcasters should provide political time free. In this view, free time is a service the stations owe to the nation in return for the franchise granted them to use public airwaves for commercial purposes. There is much to be said for this argument. Its supporters are fond of citing the analogy of charging cattlemen a fee for the privilege of grazing stock on public lands, but broadcasters and many others feel that the analogy to a grazing fee is not exact.

They point out that airlines, which use the public skies, and newspapers, which receive government subsidy through mailing privileges, are not expected to provide free services in the presidential campaign process. Why, broadcasters ask, should they be singled out to bear a large part of the campaign financial burden?

Since we believe that Voters' Time is public time, serving all the people, we hold that the public should pay for it.

Furthermore, the Commission strongly believes that whoever pays for time is likely to influence its use. Since one of our primary objectives is to elevate the quality of political television, to direct it more to the issues and the candidates and less toward commercials and extravaganzas, we deem it unwise to leave the use of Voters' Time exclusively to the broadcaster or, for that matter, to the politician.

Some who require broadcasters to provide free time suggest that they be given tax deductions or credits as partial compensation. While this would tend to reduce the burden imposed on broadcasters, it leaves untouched our objective of raising the level of campaign broadcasting. This can best be achieved if the public pays for Voters' Time and requires that it be used in the public interest.

We have considered proposals that broadcasters be required to devote a certain percentage of their broadcast schedules to political broadcasts each year, in an out of the presidential election season. Although arousing the understandable opposition of many people, this is a matter for further consideration. The British, for instance, incorporate regularly scheduled political broadcasts into their programming, both during and between election time campaigns, at no cost to the parties.

It has been suggested, too, that politicians continue to pay for their campaign time, as they do now—but that, in order to limit campaign costs, the federal government restrict the amount of time they may buy.

Such a solution would, of course, leave control of almost all political programs exclusively in the hands of the politicians, where it is now, to be used as they see fit, not necessarily to inform the electorate. And it would do nothing to help the candidate who cannot afford to buy any time at all. In addition restricting the purchase of time might be considered an unconstitutional infringement on the candidate's right of free speech.

There have also been proposals for matching contributions to candidates with federal money under one or another formula to purchase campaign broadcast time. Some such scheme might preserve the private character of campaigning and, at the same time, shift some of the financial burden to the public, but many think the machinery needed to administer it would probably be too cumbersome.

Still another approach involves a direct federal subsidy for broadcasting alone or for all communications—or, indeed, for *all* campaign expenditures. Many types of subsidies are possible, such as payment in advance, reimbursement for expenditures, or the federal assumption of certain campaign debts.

One subsidy plan, the Presidential Campaign Fund Act of 1966—the now inoperative Long Act—allowed the taxpayer to allocate one dollar from his federal income tax payment to a general campaign financing fund, disbursements from which would be made to national party committees in amounts determined by each party's share of the popular vote at the preceding presidential election.

A number of objections were raised to this plan. It was feared that it would cause undesirable changes in traditional relationships between the different levels of party organization, that it would prevent the taxpayer from exercising his choice between the parties benefiting from his tax dollar, that it would result in too great a loss of revenue to the federal government, and that it made insufficient provision for significant new parties without an election record.

The Commission recognized another problem closely related to the question of who pays—that of displacement.

If the public provides time without cost to the candidate might he not simply accept this time as a bonus, raise the same amount of money he would have raised anyway, and divert it into other uses, such as campaign literature and precinct organizations, or, more to the point, spend some of it on political broadcast programs or "spot" announcements?

Quite possibly. And so, rather than free time, some have proposed an absolute ceiling on broadcast expenditures. The Commission has studied this possibility carefully and has concluded that a ceiling would be as unenforceable as most limitations on campaign expenditures are today. We are also concerned that setting a ceiling on political communications in this manner might violate traditional American concepts of unhindered political competition. It might well increase the advantage already enjoyed by the incumbent, who is better known to the public and who can go on the air free in his capacity as President while his opponent must depend largely on paid political broadcasting to catch up with him.

The Commission did not attempt to deal exhaustively with the intricate question of the proper role of the federal government in campaign financing. Many proposals advanced in the past have merit and deserve further study. For the present, however, we believe that the wisest course is to pursue the concept of Voters' Time, asking the public itself to buy the time with federal funds. In this way Voters' Time will belong to all the people. It will not be the broadcasters' time; it will not be the politicians' time; it will truly be the voters' time.

Just as we believe that a candidate for President or Vice President has a public obligation to use Voters' Time within the guidelines for responsible campaign programming that we suggest, so do we believe that the broadcaster has a public responsibility. Unlike other media operators, broadcast licensees are charged with operating in the service of the public interest, convenience, and necessity.

The election of a President and Vice President should not be the occasion for financial profit, regardless of who pays the bills. Therefore *we propose that broadcasters sell Voters' Time at a discount from their regular rates.*

Arriving at a fair rate of compensation to broadcasters for their cooperation is a difficult task because of the very nature of their industry. Like other businesses, commercial broadcasters are concerned with generating profits; they are faced with varying operating costs, depreciation and appreciation of resources, and the vagaries of supply and demand. Like some other businesses broadcasters' costs and revenue vary considerably from one geographic location to another. It is obviously inappropriate to compensate a large metropolitan television broadcaster with the same amount of dollars disbursed to a small-town radio station. His costs and potential revenue are far greater. Adequate compensation for Voters' Time should reflect the varying earning potentials of individual stations.

One way to do this, the Commission feels, is to compensate stations for transmitting Voters' Time programs at no more than 50 per cent of the commercial rate card each broadcaster charges for such time, or at the lowest rate charged to any commercial advertiser, whichever is lower.

The precedent for a 50 per cent discount already exists. One network voluntarily offered such a discount on a limited basis to candidates in 1968. The industry's pricing structure poses difficulties and no formula that more fairly and readily takes into account the different economic situations of the networks and of the approximately 7,000 commercial television and radio stations in the United States has presented itself to us.

We believe that compensation at a 50 per cent discount from a station's established rates is fair. But the Treasury should not be obliged to pay this rate if any commercial advertiser is charged a lower rate. *So we recommend payment at 50 per cent of the applicable rate charged by broadcaster's lowest rate to any commercial advertiser, whichever is lower.*

Estimates based on the best available data suggest that less than $250,000 would have been required in the 1968 election campaign to compensate *all* commercial television and radio stations and networks for each half-hour Voters' Time.

The Commission considers it essential that non-commercial or educational television and radio stations also broadcast Voters' Time programs. Their number and importance is increasing. Their participation befits their avowed objectives of public service. They are eager to participate.

By definition, these noncommercial stations do not operate for profit. Neither they nor commercial broadcasters should benefit financially from carrying Voters' Time programs.

Noncommercial stations must, however, meet their operating costs. Therefore, *we recommend that noncommercial stations be compensated for their operating and network interconnection costs.*

Estimates suggest that approximately $15,000 would have been required to compensate all noncommercial television and radio stations for each such half-hour program in the 1968 election.

Thus we estimate that approximately $265,000 would have been required to compensate all commercial and noncommercial television and radio stations for each half-hour of Voters' Time. Hypothetically, then, total disbursements from the Treasury for the amounts of Voters' Time we have suggested would have totaled about $4 million if there were two major party candidates in Category I with six half-hour programs, one Category II candidate with two half-hour programs, and two Category III candidates with one half-hour program each.

This is a considerable sum of money. But it is a very small item in the federal budget. In fiscal 1969, the Atlantic-Pacific Interoceanic Canal Study Commission is estimated to have spent $5.6 million and the Foreign Claims Settlement Commission had a budget of $1.3 million. We are proposing the expenditure of about $4 million (at current rates) every four years, or roughly the amount it would have cost to send a nickel postal card to everyone who voted in the 1968 election. We are aware that our society faces pressing needs and conflicting priorities. We feel that $4 million—or $1 million a year—is a very small price to pay to reform presidential campaigning.

Simultaneity

The Commission feels strongly that each Voters' Time program must be broadcast simultaneously over every television and radio facility in the United States, including network outlets, independent and noncommercial stations, and community antenna systems.* Simultaneity is the cornerstone of our recommendations.

During Voters' Time, any television and radio set turned on anywhere in a given time zone would bring a potential President or Vice President to his constituency. Americans could sit down together to watch, listen, and make judgments about the men who would lead them.

Voters' Time is a wholly new approach to the use of broadcasting facilities for presidential election politics. Simultaneity is an integral part of the concept of Voters' Time. To place Voters' Time in the position of competing with standard programing, to identify it with the conventional would be to lose sight of its unique importance. It would compromise the seriousness of the presidential race.

In recent years the suspicion has arisen among some of the hard-headed politicians who buy campaign television time that when Democratic candidates appear on the screen, Democratic voters watch, while Republicans switch to an entertainment program on another channel; and that the Democrats switch when the Republicans are on screen. They suspect, too, that many voters—Democrat, Republican, and independent—perhaps bored with the quality of political television, switch to another channel when *any* candidate appears. (As we have noted, longer programs also have their advocates.)

The Commission believes that all voters should see and hear all significant candidates. Only simultaneity can come close to accomplishing this.

It may be too much to hope that all voters would watch or listen to all Voters' Time programs; but they could not take the easy way out and turn to another channel. In 1960, when Kennedy and Nixon debated on all three networks and many independent stations simultaneously, the average audience was estimated at 71 million.

Viewers or listeners could, of course, simply turn the set off. But broadcasting experience indicates that not many are likely to do so. The British employ simultaneity for their election-time party broadcasts, and their sets in use do not drastically decrease.

We would hope that as the institution of Voters' Time developed, this direct and regular confrontation with the candidates would give voters a sense of direct participation in presidential politics heretofore unknown. And we think they would welcome it.

There will, of course, be those who object that simultaneous transmission is an improper infringement on the viewer's and listener's freedom of choice and the broadcaster's freedom of speech. Some may see this provision as a step toward the Big Brother control of political thought portrayed in George Orwell's novel *1984*.

Although we have considered this argument at length, we find it without real merit. Just as candidates are under no compulsion to appear on Voters' Time programs, viewers are under no compulsion to watch or listen to them. Those who may see in Voters' Time the specter of government control of broadcast programming would, we believe, be misinterpreting its nature. Voters' Time would be a cooperative venture in which the efforts of candidates, broadcasters, and the public combine to create an extraordinary new vehicle for political enlightenment. It is true that all broadcasters would have to carry Voters' Time programs. But they would be compensated for their time, and it has seemed to us that the overriding importance of choosing a President and Vice President far outweighs any temporary inconvenience to broadcasters who do not wish to participate.

Technically, simultaneous broadcasts should not be difficult to arrange. Television and radio stations can connect, via existing lines or microwave links, with a central source of programming. Network-affiliated stations daily make use of such links on a large scale. Television stations without network affiliations could connect via "loops" with the nearest network outlet. And those

---

Footnotes at end of article.

radio stations unable to link with a network affiliate could take the programs off the air from a neighboring station and retransmit them.

Simultaneous transmission of Voters' Time programs would increase the impact of candidates' messages. It would also impress on the American people the importance of the presidential campaign process. Finally, it would stimulate candidates to reserve their best efforts for this great confrontation with millions.

No candidate today can buy simultaneity on all stations. Given it, he would devote his best efforts to it. Several experienced political managers have told us that if their candidates were offered time on all stations in the nation simultaneously, they as strategists would spend most of their time deciding how best to use it. Six chances to reach every television and radio home in America simultaneously and exclusively— this is an opportunity that no politician would take lightly. Voters' Time programs could well become the focal point of a candidate's campaign.

The use of voters' time

Voters' Time is uniquely public time, endowed with the public interest and bought with public funds. We believe that candidates should use Voters' Time in ways that clearly serve the public interest. If candidates are given something they cannot buy—simultaneous access to every television and radio home in America—it seems reasonable to require them to use it sensibly and responsibly.

But here we step onto difficult ground. To what extent should the federal government restrict the right of politicians to be foolish? They should not fritter away Voters' Time. But how much government influence is too much?

The Commission carefully considered this matter. Indeed, no other question received more consideration. At one extreme. Voters' Time could simply be turned over to the candidates to use at their own discretion. At the other, a single rigid format for Voters' Time could be established.

Neither choice seems satisfactory.

Giving the candidates totally free rein might well defeat one of the Commission's objectives: to elevate the quality of political discourse.

Establishing a single rigid format might mean forcing some candidates to use formulas ill suited to them. All candidates should not be forced into the same inflexible pattern.

We considered requiring candidates to take their choice from only a limited variety of formats: Submitting to questioning by nonpartisan or bipartisan panels; speaking directly and without adornment to the audience on a single substantive issue; debating their opponents.

All these seem too coercive. *We decided only to suggest certain simple requirements for the use of Voters' Time programs: (a) that they substantially involve the live appearances of candidates for President or Vice President of the United States; and (b) that they utilize formats intended to promote rational political discussion, to illuminate campaign issues, and to give the audience insight into the abilities and personal qualities of the candidates.*

All too often, we believe, political broadcasting makes use of advertising techniques more properly suited to the sale of a commercial product. Such political advertising has been marked by appeals to the emotions of the viewers or listeners rather than to their intellect; it succeeds often through the skillful editing of film or tape or through special lighting and sound effects.

Advances in broadcasting technology have made it possible to present a candidate in the best possible light, with all inept answers to hard questions edited out of the tape, with false starts and all uncertainties and human failings eliminated, all warts and blemishes removed, a single smooth image alone remaining. It is no criticism of television or radio to say that some day it may be possible to offer a wholly plausible and wholly false impression of a candidate. Broadcasting would become an impenetrable shield for a candidate, would not open a window on him through which the public could see him clearly. Thus would its technology defeat itself. As in other fields, technology in broadcasting needs to be restrained from controlling its creators. By requiring candidates to appear in person on Voters' Time programs and appear for at least a substantial part of the program—not merely to poke their heads into the studio door, then beat a hasty retreat while the comics and dancing girls take over—we seek to help them appear before the public as most of them would wish: as they are.

Live appearances by candidates do not preclude dramatic or emotional appeals, of course. But they do help ensure that the audience will not be imposed upon by manipulative techniques.

We are aware that candidates often are able to present some of their messages more effectively by using film or tape. Such techniques, for instance, allow a candidate to document—with pictures or other voices—a presentation of his or his party's past accomplishments.

The public interest, we feel, is frequently well served on such occasions. The reasonable use of audio or visual devices is legitimate and even desirable. Hence our recommendation that formats utilize "substantial" live appearances, rather than a complete ban on film and other audiovisual techniques.

The Commission hopes that the formats devised by the candidates along the guidelines suggested will supply that element most sadly lacking from presidential campaign rhetoric and most sorely needed by voters: the substantive discussion of issues. It would help if rival candidates chose to present their Voters' Time programs back-to-back so that voters could compare directly those who seek their support. Debates, probably the most illuminating format, could result.

We recognize, too, the value of programs that provide insight into a prospective President's or Vice President's personality, ability, and character. Not only are a man's views on the issues important; so is the man. How the public feels about a man may vitally affect his ability to exercise leadership. Therefore, to discussion of the issues we have added insight into the abilities and personal qualities of candidates as a legitimate aim of Voters' Time programs. If a candidate chooses to devote a program to sober discussion of an issue, the voter will take that into account. If he chooses to preside over a collection of slogans, celebrities, and film clips, that says something about him too, and the voter will note it. As can readily be seen, we are relying here on the good sense of the American people. And we are relying, too, on the pressure that the mere existence of Voters' Time would put on the candidates to do their best.

It should be made clear that no candidate would be required to make use of Voters' Time. A candidate who thought he was not at his best on television might hesitate—in which case, however, his opponent would almost surely plunge in, and by taunts drag the reluctant one in too.

This is a serious objection. It is at least conceivable that a man might make an excellent President or Vice President yet make a poor appearance on television. Such a candidate, if left to his own devices, might choose to buy television time for his supporters or for carefully manufactured films while he himself avoided live exposure and devoted his energies to issuing position papers, conferring with leaders of his political organization, and making speeches to selected groups. Under our plan, of course, he could not have this choice. But we live in a television age; no candidate, and no President, can escape television's pitiless, ubiquitous eye. And since the Commission would give candidates considerable latitude in format on Voters' Time, each candidate could design his own personal appearance to his best advantage.

It has been proposed by some that candidates be forbidden to purchase additional broadcast time of their own. In this view, Voters' Time would simply increase the amount of political broadcasting—to permit candidates to buy further time would simply swamp the airwaves without cutting campaign costs. More particularly, it has been proposed that candidates be forbidden to purchase television or radio "spots." Many people believe that "spots" simplify complex issues, distort issues, sell candidates like soap, and debase politics.

The Commission would not disagree, at least in some instances. Certainly the Democratic "spot" of 1968 showing people erupting in laughter at the mention of the name "Spiro Agnew" clarified nothing. Nor did the Republican "spot" of 1968 showing the Democratic candidate laughing and also showing scenes of dead babies in Vietnam contribute much to the public's knowledge of the Vietnam issue.

While such tactics are questionable if not disgraceful, the Commission doubts the wisdom and legality of forbidding "spots" or of prohibiting candidates from buying other broadcast time. As to "spots," the Commission hopes their impact will fade as the impact of Voters' Time increases. As to forbidding candidates from purchasing other time, we have limited Voters' Time substantially to live appearances by the candidates. If a candidate also wishes to present a serious film recounting the history of his party, we can hardly object. And if he wishes to present a half-hour of nonsense, we must rely again on the good sense of the people.

If our proposals are accepted, we doubt that candidates would buy much more time. For one thing, they might have trouble raising money for it. Political contributors could say, "Why do you need my money? You've got the government's." More substantially, candidates might well think that too much radio and television would be self-defeating, that it would irritate or bore voters—who would tend to feel that in eight hours they had seen and heard enough.

EQUAL TIME

If the Commission's recommendations are to be implemented, Voters' Time programs must specifically be included in the various exemptions to the equal time provisions of Section 315(a) of the Communications Act of 1934. *We also recommend that in 1972 the equal time provision be totally suspended for the presidential race.*

Section 315(a) requires a broadcaster to sell or give equal time to all legally qualified candidates for the same elective office. If he sells or gives time to one candidate, he must sell or give equal time to all candidates for the same office. Thus, regardless of how remote his chance of success at the polling booth, however minimal his claim may be upon the attention of the constituency, Section 315(a) elevates each candidate to the level of every other. Cranks and serious contenders for public attention are lumped together; all must be treated impartially.

The iron rule pinched when, in 1959, Mayor Richard Daley, a candidate for re-election, was shown briefly on television newscasts greeting the President of Argentina and opening a March of Dimes drive. Promptly a minor party candidate, a man who had for years run unsuccessfully in Chicago for all sorts of offices from Mayor to President, usually wearing a Uncle Sam costume, demanded equal time. The Federal Communications Commission had no choice but to grant it.

XUM

Almost as promptly, broadcasters asked Congress to exempt news and interview programs from Section 315(a). Congress did so.

Then in 1960 Congress suspended Section 315(a) temporarily, for presidential and vice presidential candidates, to make possible the historic Kennedy-Nixon debates. Without that suspension at least a dozen legally qualified presidential candidates other than Kennedy and Nixon would have claimed equal time.[27] There would have been no debate. In the spring of 1968, when the withdrawal of President Johnson and other dramatic developments created political confusion, eliminating leading candidates and bringing forward new ones, one broadcaster declared that now, as never before, the people needed all the help that broadcasting could give them in sorting out the candidates and participating in the choice of a President. Despite the pleas of the broadcasters—and of one or another of the political parties—Section 315 (a) has not been suspended since 1960.

The Commission recognizes the force of the arguments that led Congress to adopt the equal time provision in the first place. But we must agree with those who feel that untrammeled debate lies at the heart of democracy. We therefore recommend that Congress again permit such debate for the presidential election of 1972. Suspension of the equal time provision would permit the significant candidates for President and Vice President—if they choose—to debate face to face, live. If to Voters' Time could be added such direct debate, the American people in 1972 would benefit enormously. So would the political process.

Administration

The Commission believes that Voters' Time programs possess the potential of becoming the most important broadcasting events of our presidential campaigns.

Their administration must be the responsibility of those whose impartiality is beyond reasonable question and in whom trust is widely reposed. We recommend, therefore, that the Office of the Comptroller General of the United States assume this responsibility.

Accountable not to the executive branch but to Congress, the Comptroller General is the only federal official who serves a fifteen-year term. Both his removal from the political arena and the high level of public—and official—confidence he has traditionally enjoyed should enable him to resolve without taint of partisanship the differences that are bound to arise under our recommendations. (It is worth noting that Congress chose the Comptroller General to administer the provisions of the Long Act that it passed in 1966.)

It should be made clear that we have deliberately left open many questions of administration and direction. Voters' Time is a new concept. Only by trial and error can a significant and workable pattern of relationships be developed among broadcasters, candidates, government officials, and the electorate. We have attempted to explain our own views. But we have not attempted to devise and impose an inflexible structure upon a political system whose very genius is its capacity for adaptation and change. Instead, we have established only general guidelines for the future, leaving many aspects of administration both to the realities of political experience and to the integrity and wisdom of the men who can make this departure in political broadcasting work.

Unquestionably in many instances the Comptroller General would have to take the initiative in bringing the broadcasters and the parties together. He would need restraint, patience, and impartiality in reconciling differing interpretations of how Voters' Time would work out in practice. The ultimate fate of our proposals, if adopted, will depend on precedents that must grow out of experience. What is needed in the administration of Voters' Time is strength and the capacity to moderate and reconcile varying points of view—always with an eye to a single criterion: the public interest.

Small campaign contributions

Campaign contributions, too often fraught with objectionable practices, have been a source of public cynicism and criticism for decades. As the late Senator Robert F. Kennedy said:

"The mounting cost of elections is rapidly becoming intolerable for a democratic society, where the right to vote—and to be a candidate—is the ultimate political protection. For we are in danger of creating a situation in which our candidates must be chosen only from among the rich, the famous, or those willing to be beholden to others who will pay the bills. Heavy dependence on the relatively few who can meet these enormous costs is not only demeaning and degrading to the candidate, it also engenders cynicism about the political process itself."

Many people feel that the way to solve the problem is to broaden the base of candidates' support by encouraging small contributions from a large number of individuals. Leonard Hall, former chairman of the Republican National Committee, spoke for many when he observed:

"All of us engaged in political activity agree that every effort should be made to interest more and more individuals in political campaigns, and, in particular, to increase the number who provide financial support through their contributions. Every political leader is desirous of broadening the base of financial support . . . in designing any new legislation, you should be certain that it makes it easier for Americans in every walk of life to participate both as active workers and as financial contributors, no matter how small."

Dependence on large contributors demoralizes candidates. It puts them under obligations, to some extent corrupting the body politic. Worse, since candidates often accept contributions in dubious circumstances and in excess of the legal limits, people tend to assume that candidates are under even heavier obligations than they actually are; and this feeds the cynicism that could destory democracy.

It would be far healthier if a larger number of individual contributors gave small sums. Small contributors in greater number would not only reduce a candidate's reliance on a few big givers but also help improve the political climate by increasing direct citizen partcipation in politics.

Unfortunately, figures on presidential campaign contributions, required by law to be filed with the Clerk of the House of Representatives, are incomplete and are often filed in disorderly form, thus limiting our knowledge of what is really contributed and spent. But they are indicative.

With two notable exceptions, individual contributions of $500 or more accounted for well over 50 per cent of the total individual contributions to national-level committees of the two major parties in presidential campaigns between 1952 and 1964 (Table 5). The Democrats had an exceptional year in 1956, when the percentage their national-level committees raised in large sums was down to 44 per cent. In 1964, the percentage for the Republicans was down to only 28 per cent, but this sharp drop was not due to any failure in large contributions (they were down only slightly from the 1960 level) but to a huge increase in total contributions from individuals, in response to special efforts to obtain support from small contributors. Only preliminary estimates are available for 1968, but they suggest that contributions of $500 or more comprised more than three-quarters of total individual contributions raised by the Democrats. For the Republicans the proportion is estimated to have risen to nearly half.

Between 1960 and 1964, the number of people who contributed $500 or more to national-level committees increased from about 4,000 to about 6,700, and total receipts of both parties from this source increased from $5.6 million to $8.3 million. At least 95 people made contributions of $10,000 or more in 1960 and at least 130 in 1964.[28]

Unfortunately, public cynicism generated by this overwhelming preponderance of large contributions in presidential campaigns, coupled with ineffectual techniques for encouraging and collecting funds, has kept the number of small contributions extremely low.

The Survey Research Center of the University of Michigan has made studies on the numbers of contributors in presidential election years. In 1952, only 4 per cent of the population is estimated to have made a contribution to any committee or candidate. In 1956, 1960, and 1964, the percentage stabilized at between 10 and 12 per cent, although the absolute numbers involved increased each year with the rise in population. In 1968, an estimated 6 per cent of the population made some monetary contribution to a political cause.[29]

If we are to broaden significantly the base of candidates' support, we must deal with this widespread public indifference or resistance.

Political campaign financing is in a vicious cycle. Some people see no point in contributing because they believe politicians and candidates are corrupt. Yet corruption is fostered by reliance on a few large contributors.

From time to time, nationwide, statewide, and local efforts, both partisan and nonpartisan, have been made to break this cycle. Almost all have met with failure. The political parties have so rarely met with any degree of success that they have preferred to fall back on large contributors rather than undertake sustained, costly efforts to encourage small contributors.

There have been two particularly notable exceptions in recent years. In 1964, according to the Citizens' Research Foundation, national-level committees committed to Goldwater raised approximately $6 million, or 70 per cent of his presidential campaign fund, in sums of less than $500, obtaining about 650,000 contributions of less than $100 apiece. These small contributions included the year's returns from the Republican Sustaining Fund appeal, which had been established in 1962 in an effort to attract a wide membership at $10 a year. People gave to the campaign in great numbers after mail solicitations and television appeals. These methods were expensive, however; the cost of direct mail alone was more than $1 million.[30] Wallace's campaign in 1968 also gathered many small contributions, from about 750,000 persons.

Senator Goldwater and Governor Wallace proved that the big money necessary for a nationwide campaign can be raised in small sums, if people feel strongly about the candidate and if they are asked and encouraged to give. Moreover, in Gallup polls since 1953 about 30 to 40 per cent of Americans have expressed the willingness to make a political contribution if asked. Part of the blame, then, must rest with our political parties for not making the necessary—but expensive—continuing efforts.

The Commission feels that voters would be more willing to give if they knew their contributions would help their candidates defray the production and other costs of Voters' Time programs. We recommend that as an additional incentive *small contributors be permitted a limited deduction from income or from tax liability on their federal income tax returns. This deduction would apply to contributions in behalf of candidates in the*

Footnotes at end of article.

presidential campaign and in campaigns for membership in the United States Senate or House of Representatives.

We propose that $25 ($50 on a joint return) be the limit for this incentive if the tax-credit method is used, or $100 if the incentive is a deduction from total taxable income.

We believe that such a permanent, national tax incentive would produce large numbers of small contributions. It would encourage the parties to wage more aggressive campaigns for small contributions. It would increase the number of participants in the structure of political finance. It would broaden the base of candidates' support. And it would tend to break the vicious cycle of public distrust and unwillingness to contribute.

We know of no better or more direct way of accomplishing these results.

Congressional and senatorial candidates

In taking our first steps toward dealing with the problem of campaign broadcasting, we have outlined a plan for presidential and vice presidential candidates alone. We wish this were not so.

Our plan is not immediately or directly applicable to the vitally important races for the House of Representatives and the Senate of the United States. We wish it were.

The complexities of electronic frequency assignments and the range of individual stations' signals, together with the location and wide variation in size and shape of congressional constituencies, do not permit a direct and immediate extension of presidential Voters' Time in all its details.

Yet the concept of Voters' Time could and probably should be extended to candidates for the House and the Senate. Its underlying approach seems to us as appropriate for the men who seek election to national legislative offices as for our candidates for Chief Executive. So we urge that others pick up where we have left off.

But the problem of financing political broadcasting on the congressional level is too pressing not to be dealt with in some meaningful fashion now. Money is hard to raise for these candidates, too, and campaign costs have risen sharply over the past two decades.

In some urban congressional districts it costs more than $150,000 to run. In some of the more populous states, running for the United States Senate means raising a campaign fund of well over $1 million.

This is an area of particular concern to us for several reasons. First, these elected federal officials are closest to the people. They are their direct representatives. They must not be overwhelmed by the new financial burdens of running for office in the electronic era. Second, House and Senate seats are among our highest offices. No man should be kept from running because he cannot raise sufficient funds.

Third, a large contribution could carry more weight in a race that has a fairly small budget than in a big-budget national race.

Finally, broadcasting costs may already have reached such heights as to make them prohibitively expensive for all but a few campaigns for Congress. We believe that the public can only gain from seeing more of their candidates for Congress and from hearing more from them about the issues on the media on which they rely for so much of their information about the world.

Many congressional constituencies, though small in comparison with a television or radio station's audience, are so large today that a candidate cannot reach each voter adequtely merely by going to shopping centers and rallies. The electronic media provide a new way of communicating with all voters.

Senatorial constituencies, which correspond more closely (although certainly not perfectly) to the patterns of broadcasting station coverage, are enormously expensive to reach by radio and television. Candidates must therefore use broadcasting sparingly, if they can afford it at all.

We believe that the costs of political broadcasting should be lowered for Senate and House candidates. As the most direct way of doing this we recommend that *all commercial broadcasters be required to charge all legally qualified general election candidates for the House and the Senate for political campaign time at no more than 50 per cent of the lowest charge made to any commercial advertiser.*

This would place radio and television within the reach of many more candidates. It would also help cut costs for those candidates who already use the broadcast media, and would thereby reduce the need for raising large sums.

We do not think that the broadcaster should be forced to bear the burden of providing this assistance to the candidate and his constituents. Therefore *we propose that broadcasters be allowed, for federal income tax purposes, to deduct from their total taxable income amounts equal to the dollar value of such discounts to candidates for the House and the Senate.*

We believe that the recommended course of action could create a union of candidate, broadcaster, government, and the public that would move us closer to our goal of assisting candidates for the House and Senate.

The electronic future

What of the electronic future? The Commission believes its recommendations, if adopted, would result in satisfactory reform of political broadcasting as it now exists. But technical innovations that could change broadcasting greatly are now in development. Among these are the growth of cable (or community antenna) television systems, the introduction of domestic space satellite communications, the establishment of home information centers with the ability to request and receive masses of programming and information, pay television, home video recorders and playback machines, and the spread of ultra-high-frequency television stations.

Nobody knows what the electronic future holds. It seems inevitable that the demand for improved forms of political communication will continue and that evolving technology will meet that demand. It is the task of policy-makers to ensure that technology itself does not alter our fundamental political principles, that men remain the masters of technology and not the other way around.

SYNOPSIS OF PROPOSALS

The Commission recommends—

Title I—The basic proposal

A. That the federal government provide significant candidates in general election campaigns for President and Vice President of the United States with basic campaign broadcasting access to the American voting public (Voters' Time), within the context of programs that will promote rational political discussion and that will be presented in prime evening time simultaneously over every broadcast and cable television facility in the United States.

Which candidates?

B. That eligibility for Voters' Time be extended to candidates for President and Vice President who are in any one of the following three categories:

Category I. Nominees of parties that (a) support the same candidates for President and Vice President in at least three-quarters of the states* and qualify electors for those candidates on the ballot in that proportion of states, provided that the electoral votes of these states are sufficient to elect a President and Vice President; *and* (b) ranked first or second in the popular vote in two of the three previous presidential elections.

Category II. Nominees of parties that (a) support the same candidates for President and Vice President in at least three-quarters of the states and qualify electors for those candidates on the ballot in that proportion of states, provided that the electoral votes of these states are sufficient to elect a President and Vice President; *and* (b) received at least one-eighth of the popular vote in the preceding presidential election.

Category III. Nominees of parties that support the same candidates for President and Vice President in at least three-quarters of the states and qualify electors for those candidates on the ballot in that proportion of states, provided that the electoral votes of these states are sufficient to elect a President and Vice President.

How much time?

C. That Voters' Time be offered to candidates for President and Vice President in amounts and under conditions applying to the highest of the above categories for which they qualify, these amounts and conditions being as follows:

Category I: Six prime-time thirty-minute programs within the 35 days preceding the Monday before Election Day, provided that at least one program be broadcast in each seven-day period.

Category II: Two prime-time thirty-minute programs within the 35 days preceding the Monday before Election Day, provided that no more than one program be broadcast in any seven-day period.

Category III: One prime-time thirty-minute program within the 35 days preceding the Monday before Election Day.

Rational Political Discussion

D. That Voters' Time programs utilize formats that substantially involve the live appearance of the candidates for President and Vice President and are designed to promote rational political discussion for the purpose of clarifying major campaign issues or developing insight into the abilities and personal qualities of the candidates.

Simultaneity

E. That each program be presented simultaneously over every broadcast and cable television facility in the United States in prime evening time.

Who pays?

F. That this time be paid for by the federal government at no more than 50 per cent of the commercial rate card charge for such time, or at the lowest charge made to any commercial advertiser for such time, whichever is lower; or in the case of noncommercial broadcast facilities, that costs incurred in presenting political programs during Voters' Time be reimbursed by the federal government.

Equal time

G. That Voters' Time offered to candidates for President and Vice President pursuant to these recommendations be included in the various exemptions to the equal time provision of Section 315(a) of the Communications Act of 1934, as amended; and that, in addition, Section 315(a) be suspended for the presidential election campaign of 1972.

Administration

H. That the Comptroller General of the United States be responsible for the administration of the foregoing recommendations.

The Commission further recommends—

Title II—Other Candidates on the Air

That commercial broadcasters be required to charge all legally qualified candidates for the House of Representatives and the Senate of the United States for such political time as they buy in general election campaigns at no more than 50 per cent of the lowest charge made to any commercial advertiser for such time, provided that broadcasters may then, for federal income tax purposes, deduct amounts equal to the dollar value of such discounts to candidates from their total taxable income.

Footnotes at end of article.

And, finally, the Commission recommends—

Title III—Small Contributions

That individual taxpayers be permitted to receive federal income tax credit equal to one-half the dollar amount of their annual contributions to all legally qualified candidates in general election campaigns for federal office up to $25 ($50 on a joint return) or to deduct their contributions up to $100 from their total taxable income.

FOOTNOTES

* The Commission has for the most part concentrated on "paid" political campaigning, rather than on "free" time or political broadcasts on networks and stations during political campaigns.

* The last provision is added because it is possible to carry the popular vote in three-quarters of the states, the least populous thirty-nine, and still have only 257 electoral votes, less than a simple majority in the Electoral College. The Commission deems it inappropriate to extend the privilege of Voters' Time to a candidate who does not have a mathematical chance of winning the election in normal circumstances.

* By "simultaneously" we mean simultaneously by time zone as practiced by the networks. Ideally, a program originating and available on the East Coast at 8:00 p.m. would be broadcast an hour later in the Central Zone, two hours in the Rocky Mountain states, three hours later on the Pacific Coast, and five hours later in Alaska and Hawaii, so that the program would be available to everyone at his own 8:00 o'clock.

*The term "states" includes the District of Columbia.

[1] The voting behavior of the American public and the factors that influence decision-making at the polls have received considerable scholarly scrutiny. The following by no means represents a full bibliography on the subject, but it will serve as a reading guide for anyone interested. In addition to the titles listed, the reader is encouraged to examine the *Public Opinion Quarterly* and the *American Political Science Review*.

One of the earliest studies of voter behavior, and certainly a classic, is *The People's Choice: How the Voter Makes Up His Mind in a Presidential Campaign*, by Paul F. Lazarsfeld, Bernard Berelson, and Hazel Gaudet (New York: Columbia University Press, 1948). It examines the effects of the 1940 election campaign on 600 voters in Erie County, Ohio.

A second study, similar in orientation but somewhat more complex in scope, investigates the reactions and decisions of 760 voters in Elmira, N.Y., during the presidential campaign of 1948. This is *Voting: A Study of Opinion Formation in a Presidential Campaign*, by Bernard Berelson, Paul F. Lazarsfeld, and William N. McPhee (Chicago: University of Chicago Press, 1954).

Other basic research on voting behavior is the work of Angus Campbell, Philip E. Converse, Warren E. Miller, and Donald E. Stokes. Their volume *The American Voter* (New York: Wiley, 1960) analyzes the behavior of those voters who participated in the presidential elections of 1948, 1952, and 1956. Another book by the same authors, *Elections and the Political Order* (New York: Wiley, 1966), is concerned less with the behavior of the individual voter than with the behavior of voters as a group and the collective decisions made by the electorate. It includes data on the 1960 election.

Among the works of the late V. O. Key, Jr., a major analyst of how and why people vote as they do, are *Public Opinion and American Democracy* (New York: Knopf, 1961) and *Politics, Parties and Pressure Groups* (5th ed., New York: Crowell, 1967).

Two works by the political scientist Robert E. Lane help trace the personal relationship of the individual to the political structure and ideology within which he functions: *Political Life: Why and How People Get Involved in Politics* and *Political Ideology: Why the American Common Man Believes What He Does* (New York: Free Press, 1959 and 1962 respectively). The analysis in Lane's *Political Life* is carried forward by Lester W. Milbrath in *Political Participation: How and Why Do People Get Involved in Politics?* (Chicago: Rand McNally, 1965), and by Jerry Warden Friedhein in *Where Are the Voters* (Washington, D.C.: National Press, 1968). Friedhein's book contains an introduction by Richard Scammon.

John F. Kennedy's 1960 presidential campaign provided the basis for a research project by Ithiel de Sola Pool and his associates at the Massachusetts Institute of Technology in which the specific factors affecting voter choice were programmed into a computer in order to evaluate the predictability of voter behavior. They were interested in the extent to which a voter's behavior at the polls could be predicted from knowledge of his background. See *Candidates, Issues, and Strategies*, by Pool, Robert P. Abelson, and Samuel L. Popkin (Cambridge: MIT Press, 1964).

Influencing Voters: A Study of Campaign Rationality (New York, St. Martin's, 1967), by Richard Rose, examines political campaign behavior in England, using the 1959 and 1964 general elections as case studies. Chapter 11 compares British and American campaign techniques.

The Survey Research Center, a division of the Institute for Social Research at the University of Michigan, Ann Arbor, has been studying and publishing reports since 1946 on American political behavior. The Center's inquiries cover the broad fields of voting and elections, political representation, and public reactions to public policy. Its data on voter performance at presidential elections go back to 1948. Among the authors cited above, Campbell, Converse, Miller, and Stokes are associated with the Survey Research Center.

[2] Psychologists, sociologists, political scientists, public opinion analysts, and the research departments of advertising agencies have examined the influence of the mass media on voters' decisions at the polls. There is no useful way to sum up this research; the conclusions reached are often hypothetical and contradictory. But the following are offered as representative studies.

For the uninitiated, Joseph T. Klapper's *The Effects of Mass Communication* (Glencoe, Ill.; Free Press, 1960) provides a good survey of the mass media not limited to their impact on politics.

Probably the fullest data on the effect of radio on voting decisions are to be found in Lazarsfeld, Berelson, and Gaudet's *The People's Choice*. Examining the relative impact of personal influence, radio, and print on the voter during the 1940 presidential campaign and ranking them according to their persuasive power, this study placed personal influence first followed by radio and print in descending order. Data on the impact of radio alone are very difficult to obtain after the 1952 election, the beginning of major television coverage of presidential campaigns.

Samplings of inquiries into broadcasting in general and politics are reprinted in *American Voting Behavior*, edited by Eugene Burdick and Arthur J. Brodbeck (Glencoe, Ill.: Free Press, 1959). Selections include a chapter by Ithiel de Sola Pool on television and the 1952 election and a chapter by Kurt and Gladys Lang on the influence of the mass media on voting.

The Langs have done considerable research on the effects of broadcasting on politics. Their relevant studies include *Politics and Television* and *Voting and Non-Voting*, both published in Chicago by Quadrangle Books in 1968. *Politics and Television* presents case studies on the political impact of television—starting with its coverage of General MacArthur's homecoming in 1951. *Voting and Non-Voting* deals specifically with the ramifications of broadcasting early election returns from the eastern states before the polls are closed in the West. Another important study in this field is by Herbert Simon and Frederick Stern, "The Effect of Television upon Voting Behavior in Iowa in the 1952 Presidential Election," *American Political Science Review*, Vol. 44, No. 2, June 1955, pp. 470–77.

A wider study, *The Influence of Television on the Election of 1952*, was made by members of the Department of Marketing at Miami University in Ohio and published by Oxford Research Associates, Inc., Oxford, Ohio, in December 1954.

The 1960 radio-television debates of John F. Kennedy and Richard M. Nixon provided an unprecedented opportunity in political broadcast campaigning. The background, the issues, the event, and the aftermath have all been examined by communications experts and political scientists. A collection of the material was gathered by Sidney Kraus in *The Great Debates: Background, Perspective, Effects*, a 1962 publication of Indiana University Press, Bloomington.

Bernard Rubin, in *Political Television* (Belmont, Calif.: Wadsworth, 1967), provides a general survey of the uses and influences of television within the American political process from 1959 through 1964.

For a comparison of British and American experience, see *The Half-Shut Eye: Television and Politics in Britain and America*, by John Whale (New York: St. Martin's, 1969).

Two studies from England, though not dealing with the American electorate, provide some of the most precise data on the correlation between watching candidates on television and choosing among them at the polls. One, a study of the 1959 British election, is *Television and the Political Image*, by Joseph Trenamen and Denis McQuail (London: Methuen, 1961). The other, on the 1964 election, is *Television in Politics*, by Jay G. Blumler and Denis McQuail (London: Faber & Faber, 1968).

The 1959 study indicated that television provided voters with increased information about candidates and issues. But it appeared unlikely that political broadcasting had changed voters' attitudes. The second study verified one aspect of the first; again political television undoubtedly contributed to the electorate's knowledge of campaign issues and personalities. But the authors concluded that during the 1964 campaign an increasingly favorable public attitude toward the Liberal Party was a direct result of exposure to election television. This study also provides a provocative analysis of the varying uses the voter makes of political broadcasts—from seeking direct guidance to obtaining subtle reinforcement of voting decisions.

An example of commercial research is a study by a New York advertising agency, Cunningham & Walsh, of the role of television in the 1958 New York gubernatorial campaign. It pays special attention to the impression the voter received from television of the two major candidates, W. Averell Harriman and Nelson A. Rockefeller. The manuscript, dated March 1959, is titled "Television and the Political Candidate."

[3] Elihu Katz and Jacob J. Feldman review and tabulate the results of 31 independent research studies on the public reaction to the debates in a chapter titled "The Debates in the Light of Research: A Survey of Surveys" in Kraus' *The Great Debates* (Chapter 11, pp. 173–223).

[4] Klapper has found that the mass media may reinforce opinions already held rather than convert viewers or listeners. At least in part, this is because the influence of the media is supported by other factors and conditions, such as group membership, ego, opinion leaders, and the like. For more on this,

see *The Effects of Mass Communication*, cited in note 2.

Similarly the Langs have found a "crystallizing effect" upon voting intentions—movement away from being undecided, or even ready not to vote at all, to having a clear-cut preference. They discuss this effect and the "cumulative effect" in *Politics and Television* (note 2).

[5] Several organizations gather data on the pervasiveness of television. The Media Research Division of A.C. Nielson Co. has compiled many of the relevant statistics from its surveys made for the broadcasting industry in *Television '69* and in *U.S. Television Ownership Estimates* (1968).

Two research firms, the Television Information Office and the Television Bureau of Advertising, conduct surveys or sponsor studies on and for the industry.

[6] From "Is Anyone Really Listening?" in Muggeridge's *The Eye and I* (London: Triangle, 1966).

[7] The basic facts of radio growth and effect have been compiled by the Radio Advertising Bureau. Many of the surveys have been made by Trendex, Inc., R.L. Polk, and the U.S. Department of Commerce. These are reported in *Radio Facts Pocket Piece*, published by the Bureau, which has offices in New York, Chicago, Los Angeles, and Detroit. According to this source, Brand Rating Index surveys in 1967 showed that 47 per cent of young men aged 18–24 are exposed to more than 120 minutes of radio in a normal day. For young women 18–24 years of age, 39.2 per cent are exposed to more than 135 minutes of radio per day.

[8] Basically a commercial system, coexisting with a smaller educational network, broadcasting in the United States presents a pattern far different from that of other countries.

Despite variations in broadcast structure from country to country, broadcasting in Western Europe either is completely noncommercial, with air time not for sale to anyone, or it integrates a limited form of commercial broadcasting, in which restricted portions of the broadcast day are available for commercial use. All countries in Western Europe that do permit the sale of air time prohibit broadcasters from selling time for political purposes. In the Communist countries of Eastern Europe no candidate buys political broadcast time. The broadcast structures of both England and Japan function on a dual basis—an older noncommercial system and a newer commercial enterprise. In the European pattern, both countries prohibit the commercial broadcaster from selling time to a political party or candidate.

Although these countries all prohibit the sale of time for political purposes, the democracies also supply limited amounts of broadcast time to the political candidates at no cost to him or his party. And since no additional time can be purchased, political broadcasting in Western Europe, England and Japan does not represent the potential financial burden to the candidate that it does in the United States.

Two excellent general surveys of political broadcasting in other countries are *National and International Systems of Broadcasting. Their History, Operation and Control*, by Walter B. Emory, East Lansing: Michigan State University Press, 1969), and *Radio and Television Broadcasting on the European Continent*, by Burton Paulu (Minneapolis: University of Minnesota Press, 1967). Wilson P. Dizard's *Television: A World View* (Syracuse, N.Y.: Syracuse University Press, 1966) focuses on the rising influence and uses of television around the world. For an account of the English broadcasting experience, see two books by Burton Paulu, *British Broadcasting: Radio and Television in the United Kingdom and British Broadcasting in Transition* (Minneapolis: University of Minnesota Press, 1956 and 1961 respectively).

[9] National audience levels for network television programs are measured by the A.C. Nielson Co. and the American Research Bureau (Arbitron). From the published results it is possible to derive the number of viewers aged 21 and over who watched a given program. The 21 and over audience during an October 1968 "Rowan and Martin's Laugh-in" show was estimated at 23 milion. Slightly more than 73 million voted for President in 1968.

[10] Following is a partial list of sources for observations by candidates and those close to them on the importance of campaign television: Theodore H. White, *The Making of the President, 1968* (New York: Atheneum, 1968) and prior volumes; Penn Kimball, *Bobby Kennedy and the New Politics* (Englewood Cliffs, N.J.: Prentice-Hall, 1968); Robert MacNeil, *The People Machine: The Influence of Television on American Politics* (New York: Harper & Row, 1968); James M. Perry, *The New Politics: The New Technology of Political Manipulation* (New York: Potter, 1968); and Gene Wyckoff, *The Image Candidates: American Politics in the Age of Television* (New York: Macmillan, 1968). See also Walter Troy Spencer, "The Agency Knack of Political Packaging," *Television Magazine*, August 1968; "Why Not Ban Paid Political Broadcasting?" *New Republic*, June 15, 1968; Thomas J. Fleming, "Selling the Product Named Hubert Humphrey," *New York Times Magazine*, October 13, 1968; *Broadcasting*, September 30, 1968 and June 2, 1969; *New York Post*, October 15, 1968; *Wall Street Journal*, October 4, 1968.

[11] The role of money in politics has not received extensive attention from scholars, but over the years several distinguished political scientists have specialized in this field, adding considerably to our knowledge of campaign financing.

In 1926, James K. Pollock's *Party Campaign Funds* (New York, Knopf) marked an important first step into such research. Concentrating on the presidential elections of 1900 through 1924 and using public files as well as party statements to which he was given access, Pollock studied campaign receipts and expenditures without attempting an exhaustive compilation of statistics. He also examined changes in federal statutes in this field.

The works of Louise Overacker of Wellesley are the major sources on campaign receipts and spending on the national level for the first forty years of this century. Her *Money in Elections* (New York: Macmillan, 1932) was a comprehensive study of campaign funds in the presidential elections of 1904 to 1928, focused mainly on national-level spending—where money was collected and where it was spent, who contributed and why. The study also summarized federal and state campaign financing legislation.

Miss Overacker supplemented *Money in Elections* with articles in the *American Political Science Review* about the elections of 1932 to 1944. The figures compiled in these works are interpreted in *Presidential Campaign Funds* (Boston: Boston University Press, 1946), a collection of her lectures on party finance and political campaigning.

Alexander Heard is also a major scholar in this field. His 1960 book *The Costs of Democracy* (Chapel Hill: University of North Carolina Press) is the most exhaustive work to date on the complexities of modern campaign financing. It concentrates on the presidential elections of 1952 and 1956, covering the whole range of pertinent questions: Does money win elections? How is money raised? Who gives, and why? What is the role of labor and of business in politics? What have the electronic media, particularly television, done to the costs of campaigning?

The Citizens' Research Foundation in Princeton, N.J., regularly conducts research on election finance. Herbert E. Alexander, director of the foundation, has written extensively on the finances of presidential campaigns, in many articles and his books *Financing the 1960 Election* and *Financing the 1964 Election*.

From time to time, Senate and House committees have studied the financing of elections, especially at the presidential level. The most comprehensive report was made by the Gore Committee—the Subcommittee on Privileges and Elections—on the election of 1956 (*1956 General Election Campaigns*, Report to the Senate Committee on Rules and Administration, 85th Cong., 1st sess. Washington: Government Printing Office, 1957).

In *The Costs of Democracy* (pp. 7–8), Heard estimated that total political costs at all levels were $140 million in 1952 and rose about 11 per cent to $155 million in 1956. The Citizens' Research Foundation has estimated that in 1960 there was an increase of $20 million, about 13 per cent, and that in 1964 the total for all levels grew to $200 million, or by about 14 per cent (Alexander, works cited above).

[12] Under the terms of the federal Corrupt Practices Act of 1925, as amended, only associations, organizations, or committees that operate in two or more states or that are branches or subsidiaries of national organizations are required to file reports on receipts and expenditures with the Clerk of the House of Representatives. These reports must include the name and address of each person making a contribution of $100 or more, with date and amount, as well as a list of all expenditures exceeding $10, with purpose of payment.

Various state political committees, county party committees, local clubs, independent committees, and associations also work, at least in part, for the election of the national ticket. Systematic figures on their receipts and expenditures are impossible to obtain. Their expenditures need not be reported to the Clerk of the House because they do not operate in more than one state and they usually represent themselves as independent of national organizations. Forty-three states have reporting laws, but the specific requirements vary from state to state.

Heard has observed (*The Costs of Democracy*, pp. 354–55) that the federal reporting laws have had a decentralizing effect on party organization, increasing the importance of local committees. Since each committee's outlays are limited, numerous committees are created during campaigns to reach the desired level of spending.

The federal statutes applying to campaign finance reporting are given in Senate Committee on Rules and Administration, *Federal Corrupt Practices and Political Activities: Federal Corrupt Practices Act; Hatch Political Activities Act* (Washington: Government Printing Office, 1968.)

[13] Alexander, "Financing Parties and Campaigns in 1968: A Preliminary Report," a paper prepared for presentation to the annual meeting of the American Political Science Association, New York, 1969. According to the reports filed with the Clerk of the House, the Wallace campaign receipts were $6,975,000 and expenditures were $7,243,000.

[14] Cost per vote figures were first computed by Overacker on the basis of total votes cast and total direct expenditures by national campaign organizations associated with the parties, as recorded in official sources (*Money in Elections*, pp. 79–81). Heard continued to use her categories in *The Costs of Democracy* (pp. 376–77), and Alexander has followed the practice in his quadrennial Citizens' Research Foundation publications on presidential campaign financing. Although figures on contributions by labor and by miscellaneous other committees were available to the latter two scholars, they disregarded such figures in order to keep recent computations as consistent as possible with earlier ones. For a few of the middle years, Heard's figures do not include expenditures by congressional campaign committees, so

XUM

that increases between the earlier and later years are somewhat exaggerated.

The figures given in the text differ slightly from cost per vote figures used by Heard and Alexander, because of definitional variations in the expenditure series used.

[15] Heard, *The Costs of Democracy*, pp. 17–18, citing Overacker, *Money in Elections*, p. 73, and her various articles in the *American Political Science Review*.

[16] Alexander, "Financing Parties and Campaigns in 1968: A Preliminary Report," pp. 55, 66–67.

[17] Responses to questions asked in this unpublished poll are given in Kimball's *Bobby Kennedy and the New Politics*, pp. 178–79. Sixty-three per cent felt that most politicians take graft. Asked whether men in politics are dedicated public servants, 64 per cent replied that only a few are.

[18] Both the Survey Research Center at the University of Michigan and George H. Gallup's American Institute of Public Opinion have asked people through the years if they have contributed to a political party or candidate. The Survey Research Center found that 4 per cent reported contributing in 1952, 10 per cent in 1956, 12 per cent in 1960, and 11 per cent in 1964 (Robinson, Rusk, and Head, *Measures of Political Attitudes*, p. 603), and it estimates that 6 per cent of the population made a political contribution in 1968. Gallup's results are similar. Except for 1968, both sets of findings are presented in Alexander's *Financing the 1964 Election* (p. 69).

[19] Kennedy, "A Force That Has Changed the Political Scene," *TV Guide*, November 14, 1959.

In 1961, Kennedy created the President's Commission on Campaign Costs, under the direction of Alexander Heard, to study the problems of presidential campaign financing. Its report was published in 1962 under the title *Financing Presidential Campaigns* (Washington: Government Printing Office).

[20] See Herbert E. Alexander, *Regulating Political Finance* (Princeton and Berkeley: Citizens' Research Foundation and Institute of Governmental Studies, University of California, 1966). See also note 12 for further discussion of financial reporting.

[21] *Presidential Campaign Funds*, p. 45.

[22] From Eisenhower's "The Ticklish Problem of Political Fund Raising—and Spending," *Reader's Digest*, January 1968.

[23] The issue continues to be debated by candidates and their managers, broadcasters, editorial columnists, and others concerned with political television.

Representative expressions of opinion can be found in the following: Harriet van Horne, "See How They Run," *New York Post*, August 19, 1967; G. D. Wiebe, "A New Dimension in Journalism," *Journalism Quarterly*, Autumn 1964; Jack Gould, "Candidates on TV—The Ideal and Others," *New York Times Magazine*, October 28, 1962; editorial, *New York Times*, April 21, 1966; Elmer Lower, network official, NBC News press release, June 6, 1960; William Paley, speech before the Poor Richard Club, Philadelphia, January 1953; Carmine DeSapio, *New York News* interview, May 28, 1950; *TV and Politics: A Forum*, Academy of Television Arts and Sciences, 1960, panel discussion on June 8, 1960, with Paul Butler, Senator Thruston B. Morton, former Governor W. Averell Harriman, Senator Jacob Javits, William McAndrew, and Elmo Roper. For an early skeptic's view of the role of television in campaigning, see "TV and the Voter," by Gilbert Seldes in the *Saturday Review*, December 6, 1952.

[24] Figures derived from data compiled by A. C. Nielson Co. and Leading National Advertisers. Al Gardner, an advertising agency representative who worked on a presidential candidate's unsuccessful primary bid in 1968, observed that "almost the worst prime-time 20-second spot got more audience than the best half-hour program." *Television Magazine*, August 1968.

[25] In 1968, for example, the networks especially created five-minute time slots for presidential political advertisers by having regularly scheduled programs edited down. These five-minute broadcasts had been available to political buyers since 1956, but never before had so many been offered systematically. The CBS television network sold the bulk of them, although the other two networks sold some. These slots were priced at a sixth of the cost of the half-hour rate for the time period. This was only about half as much as a one-minute "participation" (spot announcement) within a regular prime-time program because spot prices are based on the commercial value of the program in which they appear while the five-minute charge was only for time. The NBC television network accommodated candidates' demands for time by halving its prices to political buyers for whatever one-minute participations remained unsold in the network schedule and for a group of additional one-minute participations created expressly for political buyers by reducing program time in sixty- and ninety-minute evening programs. A few chains and stations offered discounts to political candidates for all time bought.

[26] Major and minor parties qualified at least twelve presidential candidates for appearance on state ballots in 1960: Democratic Party, John F. Kennedy; Republican Party, Richard M. Nixon; Socialist Labor Party, Eric Hass; Prohibition Party, Rutherford L. Decker; National States Rights. Orval Faubus; Socialist Workers Party, Farrell Dobbs; Constitutional Party, Charles Loten Sullivan; Conservative Party of New Jersey, Joseph Bracken Lee; Virginia Conservative Party, C. Benton Coiner; Tax Cut Party, Lar Daly; Independent Afro-American Party, Clennon King; Constitution Party, Merrit B. Curtis. In two states, parties qualified to appear on the ballot without naming presidential candidates: States Rights Party of Louisiana; Independent American Party (in Michigan).

In addition, the following were the 1960 presidential candidates of their parties, although their names appeared on no state ballots: American Vegetarian Party, Symon Gould; American Third Party, Henry Krajewski; Greenback Party, Whitney Harp Slocum; American Beat Consensus, William Lloyd Smith. There may have been others.

In 1964, at least eight major and minor parties qualified presidential candidates for appearance on State ballots: Democratic Party, Lyndon B. Johnson; Republican Party, Barry M. Goldwater; Socialist Labor Party, Eric Hass; Socialist Workers Party, Clifton DeBerry; Prohibition Party, E. Harold Munn; National States Rights Party, John Kasper; Constitution Party, Joseph B. Lightburn; Universal Party, James Hensley. Mrs. Yetta Bronstein, a Bronx housewife, campaigned with the slogan "Things'll get betta with Yetta" and called her organization the Best Party. She was an announced candidate though her name did not appear on any state ballots.

In 1968, at least nine major and minor parties qualified presidential candidates for appearance on state ballots: Democratic Party, Hubert H. Humphrey; Republican Party, Richard M. Nixon; American Independent Party, George C. Wallace; Prohibition Party, E. Harold Munn; Peace and Freedom Party, Eldridge Cleaver; Socialist Labor Party, Henning Blomen; Socialist Workers Party, Fred Halstead; New Party, Dick Gregory; Communist Party, Charlene Mitchell. Also, electors for Senator Eugene McCarthy appeared on the ballots of a few states.

[27] In 1968, for example, there were nine candidates (not all on state ballots) in addition to Nixon, Humphrey, and Wallace who would probably have been considered by the FCC to be legally qualified under Section 315(a). The list included Reverend Hensley of the Universal Party, Eric Sabastian of the National Hamiltonian Party, Eldridge Cleaver of the Peace and Freedom Party, Dick Gregory of the New Party, and Bishop Tomlinson of the Theocratic Party.

[28] Alexander, *Financing the 1960 Election*, pp. 57, 59; *Financing the 1964 Election*, pp. 59, 86.

[29] See note 18.

[30] Alexander, *Financing the 1964 Election*, pp. 70, 85.

TABLE 1.—MASS MEDIA AS SOURCES OF NEWS (ROPER POLLS)

[Percent]

A. SOURCE OF MOST NEWS

	1959	1961	1963	1964	1967	1968
Television	51	52	55	58	64	59
Newspapers	57	57	53	56	55	49
Radio	34	34	29	26	28	25
Magazines	8	9	6	8	7	7
People	4	5	4	5	4	5
Don't know; no answer	1	3	3	3	2	3

B. MOST BELIEVABLE

	1959	1961	1963	1964	1967	1968
Television	29	39	36	41	41	44
Newspapers	32	24	24	23	24	21
Magazines	10	10	10	10	8	11
Radio	12	12	12	8	7	8
Don't know; no answer	17	17	18	18	20	16

C. MAJOR SOURCE OF NEWS ABOUT CANDIDATES

	State offices		Local offices		National offices	
	1964	1968	1964	1968	1964	1968
Television	43	42	27	26	64	65
Newspapers	41	37	42	40	36	24
Radio	10	6	10	6	9	4
People	8	9	18	23	4	4
Magazines	1	1	1	1	6	5
Other	4	4	7	4	3	2

D. SOURCE GIVING CLEAREST UNDERSTANDING OF NATIONAL ISSUES AND CANDIDATES

	1964	1968
Television	51	57
Newspapers	26	23
Magazines	10	10
Radio	6	4

Source: "Burns W. Roper," A 10-Year View of Public Attitudes Toward Television and Other Mass Media, 1959–68, "A Report by Roper Research Associates, Television Information Office, New York," 1969.

Note: Since multiple answers were accepted, some of the columns total more than 100 percent. The source does not explain why some columns total less than 100 percent.

TABLE 2.—CHARGES[1] FOR BROADCASTS, GENERAL ELECTION CAMPAIGNS, BY PARTY 1956-68

[In thousands of dollars]

	1956	1960	1964	1968
A. TELEVISION				
Networks:				
Republicans	1,733	1,820	1,912	4,189
Democrats	1,197	1,107	1,895	2,501
Other				672
Total	2,931	2,927	3,807	7,362
Stations:				
Republicans	2,004	3,611	7,519	10,994
Democrats	1,549	3,308	5,820	7,923
Other	152	206	350	808
Total	3,705	7,125	13,689	19,725

Footnotes at end of table.

TABLE 2.—CHARGES [1] FOR BROADCASTS, GENERAL ELECTION CAMPAIGNS, BY PARTY 1956–68—Continued

[In thousands of dollars]

	1956	1960	1964	1968
A. TELEVISION—Con.				
Television, total:				
Republicans	3,737	5,431	9,431	15,183
Democrats	2,746	4,415	7,715	10,424
Other	152	206	350	1,480
Total	6,636	10,052	17,496	27,087
B. RADIO				
Networks:				
Republicans	145	45	89	469
Democrats	176	34	31	178
Other				16
Total	321	79	119	663
Stations:				
Republicans	1,500	2,083	3,513	6,853
Democrats	1,198	1,756	3,267	4,846
Other	164	225	209	954
Total	2,861	4,064	6,988	12,654
Radio, total:				
Republicans	1,645	2,128	3,602	7,322
Democrats	1,374	1,790	3,298	5,024
Other	164	225	209	970
Total	3,182	4,143	7,108	13,316
C. TOTAL BROADCASTING				
Republicans	5,382	7,559	13,033	22,505
Democrats	4,121	6,205	11,013	15,448
Other	316	431	559	2,450
Total	9,818	14,195	24,604	40,403

[1] Before discounts but after commissions.

Source: 1956, "1956 General Election Campaigns," 85th Cong., 1st session, 1960, 1964, and 1968, FCC, Survey of Political Broadcasting.

TABLE 3.—CHARGES [1] FOR BROADCASTS, TO PRESIDENTIAL AND VICE PRESIDENTIAL ASPIRANTS, PRIMARIES AND GENERAL ELECTION CAMPAIGNS, 1964 AND 1968

[In thousands of dollars]

	1964	1968
A. Television:		
Networks:		
Primaries:		
Republicans	257	1,008
Democrats		511
Other		
Subtotal	257	1,519
General campaigns:		
Republicans	1,912	4,189
Democrats	1,895	2,501
Other		672
Subtotal	3,807	7,362
Networks, total:		
Republicans	2,168	5,197
Democrats	1,895	3,012
Other		672
Subtotal	4,064	8,881
Stations:		
Primaries:		
Republicans	637	1,514
Democrats	245	2,887
Other	64	267
Subtotal	946	4,668
General campaigns:		
Republicans	3,205	4,818
Democrats	1,870	1,974
Other	13	484
Subtotal	5,089	7,276
Stations, total:		
Republicans	3,842	6,332
Democrats	2,115	4,861
Other	78	751
Subtotal	6,035	11,944
A. Television—Continued		
Television, total:		
Republicans	6,010	11,529
Democrats	4,010	7,873
Other	78	1,423
Total	10,099	20,825
B. Radio:		
Networks:		
Primaries:		
Republicans	2	29
Democrats		
Other		
Subtotal	2	29
General campaigns:		
Republicans	89	469
Democrats	31	178
Other		16
Subtotal	119	663
Networks, total:		
Republicans	91	498
Democrats	31	178
Other		16
Subtotal	122	692
Stations:		
Primaries:		
Republicans	355	436
Democrats	166	1,392
Other	22	73
Subtotal	543	1,901
General campaigns:		
Republicans	1,164	3,122
Democrats	878	1,491
Other	25	463
Subtotal	2,067	5,076
Stations, total:		
Republicans	1,519	3,558
Democrats	1,043	2,883
Other	48	536
Subtotal	2,610	6,977
Radio, total:		
Republicans	1,610	4,056
Democrats	1,074	3,061
Other	48	552
Total	2,732	7,669
C. Total, broadcasting:		
Republicans	7,620	15,585
Democrats	5,084	10,934
Other	126	1,975
Total	12,830	28,494

[1] Before discounts but after commissions.

Source: FCC, Survey of Political Broadcasting.

TABLE 4.—DIRECT CAMPAIGN EXPENDITURES BY NATIONAL-LEVEL COMMITTEES, 1912–68 [1]

[In millions of dollars]

Year	Amount
1912	2.9
1916	4.7
1920	6.9
1924	6.4
1928	11.6
1932	5.1
1936	14.1
1940	7.8
1944	7.7
1948	7.8
1952	11.6
1956	12.9
1960	19.9
1964	24.8
1968	44.2

[1] Direct expenditures exclude transfers to candidates and committees. Expenditures by national-level committees are primarily for presidential and vice-presential candidates; they do not, however, include expenditures at State and local levels in behalf of national candidates.

Source: Citizens' Research Foundation.

TABLE 5.—CONTRIBUTIONS BY INDIVIDUALS TO NATIONAL-LEVEL COMMITTEES AND PERCENT FROM LARGE CONTRIBUTORS, DEMOCRATIC AND REPUBLICAN PARTIES, 1952–68 [1]

[In thousands of dollars]

	Total	$500 or more	
		Amount	Percent
1952:			
Republicans	$4,329	$2,944	68
Democrats	3,466	2,184	63
Total	7,795	5,128	66
1956:			
Republicans	3,837	2,839	74
Democrats	3,508	1,104	44
Total	6,345	3,943	62
1960:			
Republicans	6,214	3,603	58
Democrats	3,376	1,992	59
Total	9,590	5,595	58
1964:			
Republicans	12,610	3,475	28
Democrats	7,034	4,859	69
Total	19,644	8,335	42
1968:			
Republicans	22,885	10,662	47
Democrats	11,237	8,911	79
Total	34,121	19,573	57

[1] The number of committees involved in these computations varies from year to year.

Sources: 1952 and 1956 derived from Alexander Heard, "The Costs of Democracy" (Chapel Hill: University of North Carolina Press, 1960), pp. 48, 51. 1960 from Herbert E. Alexander, "Financing the 1960 Election" (Citizens' Research Foundation, Princeton, N.J.), p. 58. 1964 from Alexander, "Financing the 1964 Election," p. 85. 1968 estimated on the basis of preliminary data.

THE UNHOLY ALLIANCE

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. CUNNINGHAM. Mr. Speaker, the following editorial appeared in the Omaha World-Herald on September 29, 1969, and I thought it would be of interest to the Members:

THE UNHOLY ALLIANCE

President Nixon asked for increased public support for his efforts to settle the Vietnamese war, and immediately got a response.

But it wasn't the response he asked for, and it certainly wasn't the kind of response that will help wind the war down to an honorable conclusion.

Immediately after the President's news conference on Friday, a group of 24 congressional Democrats embarked on a campaign to "escalate the pressure" for what amounts in truth to an unblushing bug-out.

Led by Sen. Fred R. Harris of Oklahoma, the Democratic national chairman, the legislators announced that they have agreed in general to ally themselves with some of the more vociferous antiwar demonstrators.

The senators and representatives will take an active part, in Congress and out of it, in the Vietnam "moratorium" and other antiwar experiences planned for October.

Thus the lawmakers are allying themselves formally with the street people, the groups and individuals responsible for so much of the violence and disruption that has threatened to tear the nation apart.

It is an act of political irresponsibility unworthy of the high offices these men hold. Perhaps some of the violent insanities that will be perpetrated during the October demonstrations will further educate the moderate majority of Americans on the dangers inherent in the unholy alliance of violent extremists and demagogic "peace" politicians.

BEN JENSEN, POLITICAL WARHORSE

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. CUNNINGHAM. Mr. Speaker, we all remember with affection our former colleague, Congressman Ben Jensen, of Iowa. I thought the Members of the House might be interested in reading this piece about him which appeared in the Omaha World-Herald on Sunday, September 28, 1969:

BEN JENSEN, POLITICAL WARHORSE WON'T BE PASTURED

(By Art Johnson)

EXIRA, Iowa—It's difficult to put Benjamin Franklin Jensen into one story.

For instance, the 76-year-old veteran of World War I, business man, congressman for 26 years, who insists he "will never retire," has:

Written two books he hopes to have published.

Expanded his home museum to devote separate rooms to George Washington and Abraham Lincoln.

Maintained a keen interest in the Audubon County Museum on Exira's main street, which he helped organize.

Kept up and added to his large home, which has an ex-congressman's study, vegetable garden and decorative handmade deer.

Invented a golf-type game for senior citizens.

But for Ben F. Jensen politics is never hidden or forgotten.

The theme which helped him win election as Seventh District Republican congressman the first time, in 1938, seems stronger than ever to him as he insists that the United States should "avoid foreign entanglements" mentioned by George Washington, and "reaffirm the Monroe Doctrine" to limit our war efforts to the defense of the Western Hemisphere.

VIETNAM DISGRACE

Also, his strong conservatism pours out in opposition to heavy federal spending as he says:

"The history of the world tells us that any nation which spends more than 35 percent of its total income in federal, state and local taxes is doomed. We're now on the ragged edge of runaway inflation."

In answer to a suggestion that the Monroe Doctrine may be outdated, Jensen said:

"Recent developments have made no difference. It is more apropos today than ever before." He emphasized that the doctrine kept the United States at peace from 1823 until 1917, with the exception of the Spanish-American War.

As for Vietnam, "the money we spend there is a disgraceful thing," he said. "The day after they end the war the Chinese Commies will begin building forces to strike again—maybe in Chili and Peru where they have lots of followers, or Bolivia, which is controlled by Commies. That's all the more reason for reaffirming the Monroe Doctrine."

An opponent of foreign aid while in Congress, Jensen today maintains the same attitude. In his book, "Get Out and Stay Out," Jensen writes:

"The irony of it all is that today Uncle Sam has less friends abroad than he had in 1948. . . . At least 95 percent of the nations to whom these billions have been given are giving us no help in money or men in the Vietnam war; many of these nations are selling the Communists shiploads of commodities of most every nature, including materials of war."

IKE WAS BEST

Of the five presidents he served under, Jensen labeled Franklin D. Roosevelt and Lyndon Johnson as "men who would not listen to advice;" Truman was a "real nice guy," and John Kennedy a hard worker. His ideal was Dwight Eisenhower, whom he considered a great president and general.

"I loved Ike, but I only voted with him on budgets 64 percent of the time," Jensen said

In his "Get Out" book, he criticizes the courtpacking practices of FDR, asserting that "two of our three branches of government, the legislative and judicial, have been so weakened by degrees . . . leaving in the hands of the presidents since 1933 dictatorial powers never intended by our founding fathers."

He added that after World War I "the destroyers of peace and freedom began their well-planned schemes to change our system of government which brought about this entangled mess in which we find ourselves today.

"It was planned that way by the worldwide Communist conspiracy, in cooperation with socialistic planners here as willing tools to front for them."

The longtime foe of federal spending said that the late Senator Everett Dirksen was "one reason I became a conservative. He was a conservative-plus."

Jensen recalled that he served with Dirksen on the Appropriations Committee when both were House members. "When Dirksen went to the Senate he became a midle-of-the roader," Jensen added.

Jensen's other book, an autobiography, is entitled "A Ditchdigger's Son Goes to Congress." In it he tells of his own ditchdigging experiences as a youth.

"IN MEMORY OF HAMBURGER HILL"—BY PFC. ALBERT COLLETTO

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. MOORHEAD. Mr. Speaker, every one of us in this Chamber has received letters from parents of boys killed in Vietnam. But few here have received more tragic messages than the one I received recently from Mrs. Albert Colletto, Jr., the mother of Albert Colletto, one of those brave young men who will not be coming home.

In addition to the letter, I also received a prayer card from Albert Colletto's aunt. On the back of the card was a poem that Albert Colletto wrote after he fought in the battle of Hamburger Hill and shortly before he was killed somewhere in the jungles of Vietnam.

Private First Class Colletto's poem, "In Memory of Hamburger Hill," captures the anguish and despair of men at war.

Mr. Speaker, I would like to introduce Albert Colletto's poem into the RECORD now for the edification of my colleagues:

IN MEMORY OF HAMBURGER HILL

(By Pfc. Albert V. Colletto, Jr., U.S. 52-859-565, 101 A. B. Inf.—Co. C 1/506—Died 1969)

As I lie here among the trees,
the smell of the dying is in the breeze.
A Soldier cried out, Come to me please,
there was no need, he ceased to breathe.

The wounded laid dying, and the dead already gone,
a Sergeant yelled, get up, drive on.
With the lead flying in from every way,
I didn't expect to last the day.

We fought hard trying to win,
but at last we stopped, as night set in.
Dig in deep was the word,
to those who were left it didn't seem absurd

They called our assault Hamburger Hill,
a name well put, but will you remember it,
as always I will.

Ask the lame,
they can tell you it wasn't a game.
You can ask the dead,
but remember their aim.

Peace is golden and may be achieved,
if men would learn to love,
the burden of war would be relieved.
This is a true story, it is no lie,
give credit to the dead, because of the hill they died.

ELKS FOR LAW AND ORDER

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. RUTH. Mr. Speaker, the American people are tired of crime, riots, violence, and disorders of many kinds. They no longer wish to sit back and deplore the chaos that grows out of disrespect for the rights of others. The people are now speaking out and demanding action against those who defy our laws and disrupt the peace of their communities.

I was impressed by a recent resolution adopted in convention assembled in Dallas by the Benevolent and Protective Order of Elks of the United States of America. It sums up the concern not only of their organization but also of the great majority of Americans.

The resolution follows:

Whereas, the members of the Benevolent and Protective Order of Elks, numbering a million and a half American gentlemen who believe in God and revere our country's flag and realize the necessity to preserve the Constitution of the United States of America and the Bill of Rights, which have served to establish the finest system of government in the world, and

Whereas, we deplore the presence of crime in our streets, violence and disorder on our campuses, and lack of respect by a minority of our people for our Country's flag and the rights of others, and

Whereas, we abhor the anarchy and chaos in our schools and communities with a continuance of riots, demonstrations, and disorders which bring about malicious destruction of property and danger to the personal safety of our people, and

Whereas, we and all other loyal Americans, having displayed much patience and forbearance, are angered, dismayed and disgusted with the illegal acts of radicals, extremists, trained agitators and militants, and

Whereas, we desire to express our concern for the future of our society and particularly our youth, the majority of whom are decent and law-abiding.

Be it hereby resolved, that we stand for discipline of those who defy our laws, with the knowledge that public order is essential to achieve a solution to our domestic problems;

That we call for the full support of our membership for our law enforcement agencies and courts, and full cooperation in the enforcement of their duties in the prosecution of those who have caused, instigated or aided violations of our laws and disorder in our schools and communities;

That we favor intelligent dissent, properly used and presented, but not as an excuse for violence or destruction;

That we demand the arrest and prosecution of those dissidents, radicals and militants who engage in criminal acts of riot, disorder and rebellion against the laws of our Country;

That we demand the expulsion from school of those participating in violent demonstrations, riots or the disruption of classes and the operation of schools, colleges or universities, public or private, whether on or near the school premises, and we demand the revocation of scholarships, grants or other monetary aids of a public nature extended to those participating in such acts.

Be it further resolved, that this resolution be distributed to all Lodges of our Order where it is to be read on the floor of the Lodge at an appropriate session, posted in a prominent place in the Lodge quarters, reproduced in the Lodge bulletin and given publicity through the local news media so that not only the members of our Order but also all the citizens of our Country will know that the Benevolent and Protective Order of Elks of the United States of America respects the laws of our land and supports those charged with their enforcement.

Adopted by the Grand Lodge of the Benevolent and Protective Order of Elks in Convention assembled in Dallas, Texas on July 14, 1969.

EDWARD W. MCCABE,
Grand Exalted Ruler.
FRANKLIN J. FITZPATRICK,
Grand Secretary.

MAHATMA GANDHI

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. FULTON of Pennslvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Washington Post, Oct. 3, 1969]

MAHATMA (MAHA: GREAT; ATMAN: SOUL)

(By Colman McCarthy)

One hundred years ago yesterday, in a small house in the small state of Porbandar overlooking the Arabian Sea in western India, Mohandas Karamchand Gandhi was born, the fourth and last child of his father's fourth and last marriage. Before he was to walk into a New Delhi prayer ground 77 years later and be assassinated by a Hindu madman who bowed in reverence to the Mahatma before firing three bullets, Ghandi was to lead a realized life of prayer, political action, non-violence, self-control, compassion, simplicity and wisdom. The Indian poet Tagore called his friend Gandhi, "the Great Soul in beggar's, garb," but for himself Gandhi preferred to unite his life with the self-claimed term, *satyagraha,* literally, "holding onto the truth."

Although the effectiveness of his politics was perhaps the major reason for Gandhi's world prominence, the strength of his political victories has been gradually weakened in the 21 years since his death; freedom for India has not meant freedom *in* India. Not since independence in 1947 has there been as much death and blood in India as in recent weeks, much of it in Gujurat, the saint's home state.

Gandhi understood the lack of vision and spine in not only the British politicians from whom he helped liberate India, but also as it appeared in the Indian government. "Our statesmen," he wrote angrily, "have for over two generations declaimed against the heavy expenditure on armaments under the British regime, but now that freedom from political serfdom has come, our military expenditure has increased and still threatens to increase, and of this we are proud. There is not a voice raised against it in our legislative chambers."

For Gandhi, this joining of the arms race, even 21 years ago, was "a death dance" that sickened him; morally, Gandhi called it "a mad imitation of the tinsel of the West."

Although Gandhi had a childhood, he had no boyhood. At 13, he was married in a parentally arranged union to another 13-year-old, a girl in Porbandar who was a stranger to him. "Oh, that first night," Gandhi humorously wrote years later about his wedding. "Two innocent children all unwittingly hurled themselves into the ocean of life. My brother's wife had thoroughly coached me about my behavior on the first night." But the child newlyweds apparently believed they had lived before in an earlier incarnation, and thus were not nervous. "No coaching is really necessary in such matters," said Gandhi. "The impressions of the former birth are potent enough to make all coaching superfluous." To be sure. The marriage lasted 62 years.

At 18, Gandhi went to England to pursue a law degree, but not until after taking three vows: to avoid women, wine and meat. The solemnity he gave to the vows and their observance indicates that already Gandhi took seriously the Hindu asceticisms of self-control and self-renunciation. He was to take many other vows later in life, including *brahmacharya* (celibacy), even though he continued to live with his wife. Gandhi's style of self-discipline was not the spiritual push-ups that the professionally pious sweat through to keep their souls in shape. Instead, it was a life force by which action was sanctified because the person acting was undergoing sanctification.

In the preface to the New Directions paperback, "Gandhi on Non-Violence," Thomas Merton wrote that the spirit behind Gandhi's vows is "fundamentally necessary if man is to recover his right mind." A mind that is right for Gandhi personally meant one that is in accord with the *Bhagavad Gita,* the sacred Hindu poem that stresses self-realization and union with God through action. Gandhi did not wish to become the realized self of the Vedanta way, which is meditative and withdrawn, but to do so through service to the poor and selfless action without regard for its fruits. When Gandhi established his famous *ashram* (religious community) at Sabarmati, it was intentional that a leper lived in the hut next to the Mahatma's. It was through action—whether cleaning the wounds of a leper or rousing the conscience of a nation—that Gandhi sought to become fully realized.

Gandhi's social protest began in South Africa where he had gone at 23 to practice law and was an immediate victim of anti-Indian racism. In an incident similar to the 1956 Montgomery, Ala., bus boycott, Gandhi was touched off by being denied a first class seat on a South African train. Soon after, he gathered a group of his countrymen "to present them a picture of their condition." His anger with the South African government then is similar to the anger of many American blacks with the United States government now: "for feeding the prejudice by legalizing it." Gandhi, who came to South Africa for a few months, stayed 20 years, fighting for Indians' civil rights.

As he went further along in politics, Gandhi went further into religion. Knowing that a basic need of spiritual men is community, he gathered a few followers and founded "a sort of cooperative commonwealth" on a small scale where civil resisters, pacifists and their families "would be trained to live a new and simple life in harmony with one another."

Gandhi called his commune The Tolstoy Farm, after the Russian novelist and mystic with whom he had corresponded. On 1,100 acres 21 miles outside of Johannesburg, the Mahatma and his community of about 40 raised their own crops, baked their bread, built their homes and taught their children about God and the world.

By this time in his life, his mid-40s, when he was to return to India to fight the injustices of British rule, Gandhi was confirmed in the way of *ahimsa,* non-violence. "I claim to be a passionate seeker after the truth, which is but another name for God. In the course of that search the discovery of non-violence came to me. Its spread is my life mission. I have no interest in living except for . . . that mission."

Knowing that throwing himself into politics would mean being thrown into jails, Gandhi combined sanctity and patriotism as few ever did. "The real road to happiness lies in going to jail and undergoing sufferings and privations there in the interest of one's country and religion."

It is not accidental that in the present antiwar and civil rights movements in the United States, Gandhi is often the patron saint of those imprisoned for civil disobedience. Dorothy Day, Martin Luther King, Cesar Chavez, Daniel and Philip Berrigan and countless pacifists hauled off to places like the Lewisburg, Pa., prison have put their lives on the same line Gandhi put his. "It is the law of love that rules mankind," he wrote. "Had violence, i.e., hate ruled us, we should have become extinct long ago. And yet the tragedy of it is that the so-called civilized men and nations conduct themselves as if the basis of society was violence."

It is awkward to assess Gandhi's place in history. The pictures of the small, round-headed old man, wearing granny glasses and with stubble hair on his chest like tufts of worn brillo radiate quaintness more than power. So does his autobiography; it is filled with touching accounts about his vegetarianism, how he learned to cut his own hair, his love of the *Gita,* his hatred of brute force, his thoughts on educating children.

Perhaps Gandhi has no place in history, which is dead and abstract, because he has taken his place in the hearts and minds of living men. His power was in what he yearned. More than that. His power is alive today because yearning is alive today, among men who seek peace, realization and, like Gandhi, seek each other.

LT. ANDREW F. O'SULLIVAN, U.S. MARINE, CORPS AWARDED SILVER STAR

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. ROONEY of New York. Mr. Speaker, I have just received word of the gallant actions in combat of Marine Lt.

XUM

Andrew F. O'Sullivan, the son of my good friends of long standing, Mr. and Mrs. Denis O'Sullivan. Lieutenant O'Sullivan was awarded the Silver Star for what the Marine Corps terms his "superb leadership and indominable fighting spirit." He was seriously wounded in action in Landing Zone Argonne in Vietnam but I am happy to report that he is now fully recovered and will be on his way home shortly. Having known the O'Sullivan family for many years I do not find it surprising that Lieutenant O'Sullivan thought first not of himself but of his men and fellow officers even though he himself was wounded. We should all thank God that we have young men like Andrew O'Sullivan—and parents such as he has.

Under the permission heretofore granted me by unanimous consent I include an article from the Brooklyn Heights Press describing the action for which Lieutenant O'Sullivan was awarded the Silver Star:

COBBLE HILL MARINE LIEUTENANT AWARDED SILVER STAR

Marine Lieutenant Andrew F. O'Sullivan of Cobble Hill, wounded in heavy fighting in Vietnam in March, has been awarded the Silver Star, one of the highest honors in the armed forces, for remaining at his post despite his wounds.

Now completely recovered from his wounds, Lt. O'Sullivan, 25, was in the first wave of assault helicopters to hit Landing Zone Argonne. His unit immediately came under heavy fire from entrenched North Vietnamese equipped with rocket grenades and automatic weapons.

He quickly set up an artillery coordinating center and then ran across the bullet-swept terrain to forward points where he could direct the artillerymen better. His directions brought direct fire on the enemy posts and soon allowed medical evacuation copters to remove wounded.

Lt. O'Sullivan kept his position through the night and into the morning when the North Vietnamese began hitting the Marine position with mortar fire. Moving out of his covered position, Lt. O'Sullivan took over an open mortar when one of his platoon commanders was wounded. Although inexperienced with mortars, he fired round after round at the enemy while shouting artillery directions to his radio operator.

Midway through the morning battle, he was wounded but kept going while also taking over direction of a recoilless rifle crew.

When his turn came for helicopter evacuation, he refused because other key officers had been wounded and were out of action. He remained throughout the battle and agreed to evacuation only after the landing zone was secure.

The citation for his Silver Star reads: "His superb leadership and indominable fighting spirit inspired all who observed him and contributed significantly to securing of the vital landing zone."

Lt. O'Sullivan's roots are solidly in Cobble Hill. He was born at Long Island College Hospital where his parents, Mr. and Mrs. Denis O'Sullivan of Amity St. met 32 years ago and still work.

He attended St. Charles Borromeo Elementary School, St. Francis Prep, and then St. Francis College, where he received a Bachelor of Arts degree in industrial management in 1967.

Soon after graduating from St. Francis he joined the Marines and entered Officer Candidate School, emerging as an artillery lieutenant.

While in the Marines, Lt. O'Sullivan married the former Marie Habib, who also grew up in Cobble Hill.

He was assigned to Vietnam in October 1968 and is due back in early November.

Mrs. O'Sullivan, his wife, said "We're very, very proud but we wish he didn't have to go through it just to get it."

TIME TO TELL DIVERSIFIED METALS—WHAT REALLY IS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. CLAY. Mr. Speaker, many of our contemporaries are of the opinion that the primary reason for high unemployment is the lack of initiative on the part of the unemployed and his unwillingness to work.

Recently, the Diversified Metals Corp., a company in St. Louis, Mo., ran full page advertisements in local papers emphasizing their inability to get employees and accusing the unemployed of being lazy. Even more distasteful was their attempt to blame the Government for what Diversified called the handout program.

I am submitting to my colleagues an article written by Harold Antoine, deputy general manager of the St. Louis Human Development Corp. His comments adequately refute the laments of an apparent labor exploiter:

GENTLEMEN: Diversified Metals Corporation, in the press and in their advertisements, has recently blamed their employment difficulties on the "laziness" of the unemployed who, they say, are not willing to work as long as they can get government handouts. They further say that they have received little help from the public employment agencies. In all these complaints, they say they are "telling it like it is."

They are not telling it like it is, and they are certainly not telling all of it. As the representative of one of the public agencies they refer to, the Human Development Corporation, let me outline our experience with this company.

One of our employment programs, the Comprehensive Manpower Program, has referred over two hundred job applicant's to Diversified Metals during the past year. One hundred of these were hired. Other agencies, too, such as Missouri State Employment Service, have also referred many clients.

Virtually all of these jobs have been entry-level factory laboring jobs, paying, until recently, a good deal less that a hundred dollars a week. The turnover rate has been very high, and our counselors and job developers have thoroughly investigated the situation to find out why.

This is what we found. The entry-level factory jobs are, as Diversified admits, hard, hot, and heavy, involving the sorting, carrying, and feeding of scrap metal into various reclamation processes. In addition, there is high pressure from production supervisors, including a good deal of racist insult. The attitude of management is hostile, as evidenced by spy cameras and other practices. General working conditions are poor and there is no adequate provision for food service. On some jobs, lunch breaks and rest periods are not regular, but depend on machine shutdown.

Willingness aside, not many people are physically and mentally able to do this kind of work, under these conditions. Those who are can work at a regular foundry or steel company, and make far more money than Diversified offers, in better conditions.

There are other minor difficulties. Night shifts are not possible without private transportation, since there is no night bus service between the city and Diversified's location north of the airport. Police records, which Diversified says they will accept in some cases, must be provided by the applicant himself prior to employment. This poses a great difficulty for many.

Diversified's reputation has now spread throughout the community. As a result, most of the city's unemployed are indeed not willing to work—at Diversified Metals.

We appreciate the company's problem. Scrap salvage is a low-value product, and to make it economically feasible costs must be kept low. Technological improvement is one way to accomplish this; exploitive labor practice is another. Evidently Diversified has chosen the latter.

Since this is 1969, not 1869, exploitation of cheap labor is self-limiting. They have worn it out, and now choose to blame others for their difficulty.

WATER POLLUTION CONTROL

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. O'HARA. Mr. Speaker, next week the House of Representatives will vote on appropriations for water pollution control.

I am proud to be one of the signers of the pledge circulated by my distinguished colleague from Michigan, Mr. DINGELL, and the distinguished Representative from Pennsylvania, Mr. SAYLOR, with whom I have the honor to serve on the House Committee on Interior and Insular Affairs.

This pledge commits its signers to vote the full $1 billion authorized by the Public Works Committee for the construction of waste water treatment facilities.

In my weekly column, written for newspapers in my congressional district, I discussed the importance of full funding for water pollution control. I include the column in the RECORD at this point:

NEWS RELEASE FOR THE WEEK OF OCTOBER 6–11, 1969

(By James G. O'Hara)

In a number of cities across the nation, drinking water drawn from the tap has high levels of bacteria, says the U.S. Environmental Health Service. The cities are taking polluted water out of lakes and rivers and pumping it through inadequate purification treatment facilities.

In Cleveland, a river polluted with oily sludge was jokingly referred to as "the only body of water that's a fire hazard." Then flames seared the water's surface.

On the bank of the Potomac River below Washington's beautiful Mount Vernon there is a sign warning against swimming because of pollution.

True, all our rivers have not yet reached the pollution point of Cleveland's Cuyahoga ("If you fall in," Clevelanders say grimly, "you won't drown—you'll decay.") And few lakes are in the condition of Lake Erie, which some call a huge cesspool (65 percent of the wastes in the lake come from Detroit).

And by and large the water we drink is safe, although guaranteeing a safe drinking supply is becoming more expensive.

But few would deny that the water we depend on for life and recreation is deteriorating in quality.

XUM

This week the House of Representatives will vote on money for water pollution control. That vote will determine whether we will make headway in the fight against water pollution or try to tread water and inevitably slip downstream in the muck.

At this writing, prospects are excellent that the House will approve enough money to make some gains in cleaning up our water.

It won't be cheap: we're fighting for a $1 billion appropriation.

But then, pollution isn't cheap either.

The city of Chicago found that it had to dump about one-third more chlorine into its drinking water supply in order to make it potable. That raised the cost of processing drinking water from 73 cents per million gallons to $1.18 per million and the consumer pays for it.

Or consider the costs of building swimming pools when a lake or river is too dirty to swim in.

But the greatest costs are impossible to calculate. How do you assess the financial loss to the people of a river, once beautiful—and useable—turned into a stinking eyesore?

Someone aptly called ours the effluent society. We are pouring sewage and the liquid wastes of industry into our rivers, streams and lakes in ever great amounts.

At the same time we are not building nearly enough sewage treatment plants to capture and cleanse at least a part of this waste before it goes into our water.

Thus man fouls the water faster than he cleans it up.

That's the reason for the current drive for the $1 billion clean water appropriation. The funds will be used to help cities build waste water treatment facilities.

Supported by conservation groups and such organizations as the National Leagues of Cities, some 222 members of the House at last count have pledged to vote for the full water pollution control funding.

The Administration asked only $214 million for water pollution control, less than one-quarter of the amount authorized by the Congress. The House Appropriations Committee has approved spending $600 million.

But with more than half the members of the House in favor of the full appropriation, we are hopeful that the vote will be solidly in favor of a Congressional commitment to provide the funds to really begin cleaning up our water.

A victory in the House this week will be good news to everyone who drinks, swims in, sails on, or merely looks at, water.

Everyone else can afford to be neutral.

A GROUP OF BLACK MILITANTS VISIT CHURCH

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, a few weeks ago a group of black militants, members of the so-called Black United Front of Washington, joined a much smaller group of militants in Arlington, Va., to visit my church, disrupt services there, and demand "reparations" from the congregation for wrongs they claim have been done them by white men.

While I was not in church on the occasion, I received literally hundreds of letters from outraged constituents who protested the attempt of this group to use the fact of my membership in a particular congregation as an excuse to interrupt services there and threaten the members.

Undoubtedly the most effective summarization of the problem we are faced with this militancy is contained in a letter I received from Dr. V. W. Sears, pastor of the First Baptist Church in Annandale, Va. As I believe all who read this Record should have benefit of Dr. Sears' observations, I am inserting his letter in full at this point in the Record:

First Baptist Church,
Annandale, Va., September 11, 1969.

Representative Joel T. Broyhill,
House Office Building,
Washington, D.C.

Dear Sir: I've been thinking I ought to write you for some time but health circumstances have interfered somewhat.

I just wanted to pass on a word of encouragement for the excellent job I feel you are doing for us. I admire your conviction and courage in these very tumultuous times we're experiencing. Then when this group tried to get at you through your church last Sunday I was greatly disturbed. I was in the hospital at the time but determined to write you at the first opportunity.

I have been a pastor, primarily in the South, for thirty-two years and I strongly feel that today many of our churches and pastors have gotten off the track of their main purpose and reason for existence.

The church should be ministering to the spiritual needs of our country, which in turn, will inspire and strengthen their members to live the Christian life out in the everyday give and take of the market place. All of society will benefit from any person governing his actions as a citizen by Christian principles. This will be slow and will take longer than some of our impatient friends want, but it will build solidly a society that will stand in any adversity.

Messrs. Williams, Cox and Brown and all such like-minded have a right to work with all their might to solve our social ills. But when they barge in on a worship service (with plenty of reporters and television people around), I think they are trying to make the church an instrument of their social, political, and economic ideas but actually result in prostituting the church from its God-given basic purpose. It seems that many of our news media hold nothing sacred, even the worship of God. I feel they are wrong, and if our churches get much further away from their God-given task, which is the same in every age and in all sorts of conditions, God help us.

It looks as though the whole world has forgotten there is such a thing as personal and individual moral responsibility. I would to God that somebody with some influence in high circles would begin to proclaim it far and wide, that personal responsibility starts for every man first with himself. People differ in capabilities and we do have problems, but most of them would lessen remarkably, and some would disappear, if we could somehow get this principle of individual responsibility popularized so that every man would put his own shoulder under the load of making our nation better. I realize there are exceptions, but if these were all we had to take care of, it would be as nothing.

We have many individuals, groups, and even movements today who have their own subjective ideas about how to straighten out the world. They have finally come around to accusing the churches of being responsible for their assumed ills and have decided to tap the till and make the churches pay the bill. It almost sickens me that so many "church" leaders acquiesce to this. It results, I feel, from a misconception of the churches' responsibility. The church is on the spot. It always has been. It has a responsibility to the landlord and the tenant and strangely enough it is the same to both—to help them become Christians and then act like it.

We have many self-styled moralists, self-appointed managers of society who know all about how the country and world ought to be run. And now they have begun to hawk their wares in our churches.

We have our work cut out for us, but I hope you will keep on with your courageous work in the political area as a Christian statesman. I'll do what I can in my small place to try to help my people get the spiritual food, strength and courage they need in today's world.

With every good wish and prayer, I am
Sincerely,
V. W. Sears.

RALPH NADER VIEWS ON PROPOSED ANTITRUST SUIT CONSENT DECREE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. BROWN of California. Mr. Speaker, Author-Attorney Ralph Nader, who has done more for the American consumer in the past few years than any private citizen in history, has submitted his views to the court regarding the Justice Department's proposal that a consent decree be issued in the antitrust suit filed against the major automobile manufacturers and the Automobile Manufacturers Association.

I urge my colleagues to read Mr. Nader's statement, which incisively points out why an open trial related to the conspiracy—involving agreements to restrain the development of smog control devices on automobiles—should be carried out. The statement follows:

Ralph Nader, Submission of Views Regarding Proposed Consent Decree, United States Against Automobile Manufacturers Association, Inc., et al., Civil Action No. 69–75–JWC

What the domestic auto companies conspired over a period of at least 16 years to do—restrain the development and marketing of auto exhaust control systems—is a crime under the Sherman Act. Collusive, anti-competitive agreements which result in seriously jeopardizing the capacity of citizens to breathe air without carcinogenic and other lethal and violent pollutants would, under the most normal of expectations, be prosecuted by the Division as a crime. That course of enforcement was indeed initiated by Mr. McLaren's predecessors in the Antitrust Division, Donald Turner and Edward Zimmerman, in mid-1966. Grand Jury proceedings for 18 months resulted in the Division's trial attorney's request to Mr. Turner for permission to ask the Grand Jury to return an indictment. The Grand Jury was even willing to return an indictment regardless of what instructions were forwarded from Washington—so convinced was it of the criminality of the behavior detailed during these 18 months. Mr. Turner dropped the criminal case, without any public explanation, and had the Grand Jury discharged. One year later, in January 1969, a civil complaint was filed. Nine months after that, the civil complaint was in effect dropped in favor of a porous, proposed consent decree, stripped to the minimum of what the legitimate impact of the law should have been.

Is this where five years of Antitrust Division involvement and expenditure of numerous man-years is to end? I should like to detail some reasons why the answer to this question must be "no."

Over the years, a large proportion of the civil actions brought by the Antitrust Division have been terminated by consent decrees. The criteria employed have rarely been made clear. However, it is known that scarce manpower and judicial delay are important factors. Year after year, those who have led and supervised the Antitrust Division have undermined or weakened antitrust enforcement by simply referring to those two conditions. At the same time, there has been no sustained effort to obtain more funds for the Division or to develop procedures (with the exception of the CID development earlier in this decade) which will accelerate any judicial recourse or at least improve the bargaining power of the government that more expeditious trial reflects.

It seems to be relevant to suggest a number of questions which should be asked in the automobile smog case before a consent judgment is considered or approved:

1. Are there important and unresolved issues of law which merit judicial determination?

2. Are there important rights of public and private institutions and citizens which can be eroded or erased by a consent judgment as proposed?

3. Does the seriousness of the antitrust violation in this case argue for the greater deterrent and public educational purposes achieved by a civil trial or the resumption of the Division's criminal action?

4. Does the proposed consent decree achieve the announced objective of Attorney General John N. Mitchell who described it last week as representing "strong federal action to encourage widespread competitive research and marketing of more effective auto antipollution devices?"

Matters of fact and law point to clearly affirmative responses to questions (1) (2) & (3) and a negative response to question (4).

The present case offers an excellent opportunity for the Antitrust Division to establish judicially two important principles which would have enormous replicative value over the behavior of modern industry striving to restrain the rate of innovation to the detriment of competition and human welfare. The Department's complaint of January 10, 1969 requested that the defendants be restrained from making joint responses to government regulatory agencies concerned with air pollution control. For years the Automobile Manufacturers Association has been the instrument of precise collusion by the auto companies to develop common positions on questions of pollution and safety and to head off or suppress any potential diversity of response. Even after the Department commenced its investigation into this conspiracy, the AMA was developing and using a stock speech on air pollution—a speech which was given, for example, both by Dr. Fred W. Bowditch, Chief Engineer for General Motors and Mr. Donald A. Jensen, Ford's executive engineer in charge of vehicle emissions. (*Detroit News*, December 1, 1968). Collusive trade associations activity continues to be a prime anti-competitive practice in this country. Such activity is long overdue for authoritative judicial resolution and the emergence of judge-made law that would give pause to other trade associations which exert similar, if not greater control, over their members and enforce the dominant firm(s)' policy over smaller industry firms. The proposed consent decree loses this opportunity.

The second principle requiring case law development relates to "product fixing." The automobile industry has restrained competition among manufacturers in the area of product quality. The consumer movement can produce numerous instances of such lowest common denominator quality throughout an industry. The auto companies' activities in the motor vehicle emissions field are in this sense symptomatic of a disease which affects wide areas of the economy. By not moving against this sort of collusion, the Division has relinquished an opportunity to formulate a crucial, new precedent that is rooted in old antitrust doctrine. The instant case is ripe for this determination and the Division has the benefit of five years of investigation as well.

Because the antitrust laws recognize the rights of persons or groups to initiate private antitrust actions, the Division is in a trusteeship position thereto. Any decision made must take into some account how the final resolution will affect the rights of private and public parties under the antitrust laws. In this case, municipal and other public bodies have displayed a strong interest in antitrust enforcement vs. the auto conspiracy as well as recovering in separate actions damages which they have incurred as a result of auto pollution. The possibility that local governmental bodies, business firms and individual citizens may wish to adjudicate their rights is severely limited by the proposed consent decree. Section 5 of the Clayton Act provides that consent judgments, unlike other final judgments in cases brought by the United States, shall not be considered prima facie evidence against the defendant in a treble-damage suit. The practical effect of this provision is that potential treble-damage plaintiffs would have to duplicate the investigative process which took the Department several years and several hundreds of thousands of dollars even with its extraordinary discovery powers. Los Angeles County already has filed a one hundred million dollar suit against the automobile manufacturers, seeking to recoup some of the loss to the County resulting from this corporate conspiracy to hold back on pollution controls. Further, the California Attorney General, acting on behalf of the State, has been denied access to the Justice Department's information about the auto pollution case. The evidence of the conspiracy exists in the Justice Department's possession and the Department seems determined not to have any of it surface in a public trial. In a critical treatment of the Department's consent decree program ten years ago, the House Antitrust Subcommittee described precisely this effect:

"The almost inevitable consequence of the acceptance of a consent decree by the Department of Justice . . . is to deprive suitors, who have been injured by the unlawful conduct, of their statutory remedies under the antitrust laws."[1]

The Department's complaint charges the auto industry with collusive behavior having devastating consequences for the peoples' health in this country. At least 50% of the nation's air pollution comes from the motor vehicles' internal combustion engines. Medical and other epidemiological studies have linked these pollutants with diseases ranging from cancer to emphysema. Property damage from corrosive pollutants is estimated at $13 billion annually by federal officials. Half of this amount is a very substantial cost inflicted on this nation by the auto industry's intransigent refusal to innovate over the past generation. Can anyone deny the need and benefit for the public to learn about the nature and depth of this colossal corporate crime? The citizens of this country, who are the customers of this industry, have a right to know the extent which the auto companies are deliberately responsible for the enormous health, economic and aesthetic damages caused by the internal combustion engine. One of the purposes of a public trial is deterrence; the Division has chosen to lose a grand opportunity to bring these companies and their harmful practices into the public arena of a courtroom. This aspect of the Division's case alone would have a greater deterrent effect than the tightest of consent judgments. Since it is not any longer the practice of antitrust enforcement to pierce the corporate veil and hold the culpable officials responsible, a public trial would at the least have shown that such corporate officials are holding far greater power over citizens in this country than they can exercise responsibly or even legally.

What of the proposed consent decree? The proposal can hardly be stronger than the complaint which itself is the result of a process of enforcement erosion which began with an intended criminal prosecution and ended with a meek request for injunctive relief. The complaint did not even contain a request for the imposition of civil damages pursuant to the antitrust laws. (Like the drug cases, the federal government has incurred damage to its property and personnel from this conspiracy). The process of secret, ex parte type negotiations with representatives of corporate defendants discourages confidence in antitrust enforcement and facilitates sloppy or political decisionmaking. When decisions can be made without prior citizen access or without criteria publicly displayed on which such decisions are rendered or without adequate explanation, abuses, distortions and laceration of the public interest can occur with greater frequency than would be the case otherwise.

The following weaknesses can be cited in the proposed consent decree:

1. There is no provision requiring the keeping of records by the defendants. For example, the Department has no assurance that minutes or transcripts will be kept of AMA committee meetings on pollution matters or that there will be records kept of informal discussions between executives and representatives of various auto companies. The section of the proposed decree requires written reports concerning any matters contained in the decree, but only "upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division . . ." If the Department is serious about its surveillance responsibilities over the consent judgment, why doesn't the proposed decree place an affirmative responsibility on the companies to make periodic reports concerning the matters covered by the decree? Why, for instance, are not the companies required to report the terms of all licenses granted and purchased? Why are there no reports on the status of research relating to motor vehicle emissions?

Why is there no ban on the destruction of corporate or AMA documents relating to the conspiracy? The task of surveillance, effective surveillance, is so formidable that it raises a question whether the Division is even less equipped to monitor compliance with the decree than it is to engage in complicated litigation which would permit other parties to have the information on which to base their vigilance against antitrust violations by the auto industry. Certainly the terms of the decree proposed last week do not facilitate surveillance. Neither does the fact that the Divisions Judgment Section is composed of only 12 professional personnel with no more than half that number having the burden of trying to see that the many hundreds of consent decrees are being complied with. Judged on any basis—cost-benefit, importance of the case etc., the resources which the Division can devote to litigation are greater than those devoted to compliance.

2. Section VI(A) (3) of the proposed decree requires defendant AMA to make avail-

---

[1] (House Antitrust Subcommittee, *Department of Justice Consent Decree Program*, 1959).

able for copying or for examination by any person the technical reports in its possession or control prepared or exchanged by defendants pursuant to said cross-license within two years prior to the entry of this Final Judgment. Why only *two years* when the Department alleges the conspiracy to have begun at least in 1953 and when the Department alleges specific conspiracies to delay installations in 1961, 1962–63 and 1964? There is also an onerous additional proviso that any person who requests such information agrees to offer each signatory party to the AMA cross-licensing agreement of July 1, 1955, as amended, and any subsidiary thereof, nonexclusive license rights with respect to any patents or patent applications based upon information obtained from AMA or its members who are defendants in this case. This proviso can vitiate the purpose of the aforementioned section VI(A) (3) since it requires firms or individuals to become entangled in a serious risk of harassing litigation where the richest firm wins. What small firm is going to take the risk? Consequently, the purpose of this section to encourage proliferation of information collusively obtained or possessed so as to promote competition fails.

3. Two provisions which the Department emphasized in its September 11, 1969 press release were the restraint against exchanging confidential information (IV A 2 a) and the restraint against filing joint statements (IV A 2 g) to regulatory agencies on matters pertaining to pollution or automotive safety are scheduled to expire quietly in ten years under Section IX of the proposed decree unless the Department applies for a continuation after nine years. Why, if these two practices are considered anticompetitive—and indeed they go to the base of the conspiracy—will they be any less anticompetitive in ten years?

In the case of the proposed restraint on joint statements, the qualifications make the restraint mere paper in impact. These exemptions to the ban on joint statements via the AMA are: statements relating to (i) the authority of the agency involved; (ii) the draftsmanship of or the scientific need for standards or regulations, (iii) test procedures or test data relevant to standards or regulations, or (iv) the general engineering requirements of standards or regulations based upon publicly available information. In addition, the proposed decree (IV (A) (1) (g)) permits joint filing on the critical point of ability to comply with a particular standard or regulation if there is a written agency authorization for such a joint statement. What kind of naivete or incompetence does this draftsmanship reveal on the part of the public's representatives in the Division? Defendants have probably already drafted a formal request to the various agencies on behalf of the AMA to take advantage of just that blatant loophole, and will approach the agencies at the appropriate time.

4. Equally as disturbing is the effect of the four exceptions noted above on section IV (A) (2) (a)—the section restraining defendants from exchanging restricted information. Under the four exemptions, defendants are permitted to file joint statements relating to the draftsmanship of or the scientific needs for standards or regulations (ii) or the test procedures or test data relevant to standards or regulations (iii). The defendants have no doubt already prepared the legal memoranda explaining how these two exceptions permit the exchange of confidential information when that exchange is directed toward the filing of joint statements before regulatory bodies.

Both the process of negotiating this decree without public input and scrutiny as well as the weak provisions of the decree itself indicate that the Department has abnegated its obligation to enhance the deterrent spirit of the treble damage provisions of Section 4 of the Clayton Act. In at least two cases, the Department has itself acknowledged its responsibilities to treble damage litigants. in *United States v. Standard Ultramarine and Color Co.*, 137 F. Supp. 167 (1955) and *United States v. American Radiator and Standard Sanitary Corp.*, 288 F. Supp. 696 (1968), the Department resisted proposed nolo contendre pleas by the defendants on the ground that it had a duty to third party litigants whose task would be made more difficult because of the application of Section 5(a) of the Clayton Act.

In his consideration of this issue in the *Standard Ultramarine* case, Judge Weinfeld discussed the legislative history and purpose of Section 4 of the Clayton Act (137 F. Supp. 167, at 171–72, footnotes omitted, emphasis added):

"Congress, to secure effective enforcement of the antitrust laws, provided both criminal and civil sanctions through governmental agencies. But it was not content to rely solely upon official action. It sought to encourage individuals to aid in the policing. And to help achieve the broad objectives of the Act the treble damage action was authorized in favor of those who had been injured by the condemned conduct. Its purpose was not only the redress of private wrong but also the protection of the public interest. And 'Congress intended to use private self-interest as a means of enforcement * * * when it gave to any injured party a private cause of action * * *.' Another purpose in permitting an injured party to recover threefold his actual damage was that substantial verdicts against the wrongdoer would constitute punitive sanctions—to act as a deterrent against a repetition of the offense and to serve as a warning to potential violators.

"But even this auxiliary policing method did not altogether fulfill its purpose. The years that followed the enactment of the treble damage provision revealed that few private litigants had the resources or staying power to conduct a protracted and difficult antitrust case. And those who were able and willing to assume the staggering cost of litigation were frequently worn out by their opponents by sheer attrition. The disparate situation between victim and violator was sharply pointed out by President Wilson when he urged Congress; to enact what ultimately became § 5 of the Clayton Act. A reading of the interesting debates which followed shows that the unmistakable purpose of the Congress in enacting § 5 in response to the Presidential message was 'to minimize the burdens of litigation for injured private suitors by making available to them all matters previously established by the Government in antitrust actions.' *The defendants urge that there is no obligation upon the Government to assist or encourage litigants. But a fair reading of the debates and the Committee Reports indicates that such was the very purpose of the clause. It was fashioned as a powerful weapon to aid private litigants in their suits against antitrust violators by reducing the almost prohibitive costs and staggering burdens of such litigation in making available to him the results of the Government's successful action, whether an equity suit or a criminal prosecution.* And the hoped for byproduct of the benefit to a plaintiff was increased law enforcement."

There are basically three ways in which the Justice Department may dispose of the case in a manner consistent with its obligation to protect the rights of third parties. The first and best way is through an open trial. A full public trial of the issues involved would provide the basis for follow up treble-damage suits by establishing a public record containing all the evidence collected by the Justice Department. In addition, it would put one of the most public relations conscious industries in the United States on notice that it could not engage in anti-social conspiracies without running the risk of adverse public reaction stemming from full disclosure. The House Subcommittee report of 1959 recognized the salutory effect of such disclosures: "consent settlement procedures," said the subcommittee, "also diminish the deterrent effect of the antitrust laws because they permit defendants to avoid much of the unfavorable publicity that usually attends antitrust litigation." (See also *Standard Ultramarine, Supra,* at 169).

The Department has justified its agreement to the proposed consent decree on the ground that it has achieved all that was requested in the complaint and that the expenditure involved in litigation has been avoided. But, in view of the major weaknesses of the proposed decree outlined above, in view of the major expenditure already incurred by the Department in its long investigation, and in view of the earlier decision of the Department to initially seek a criminal indictment, the Court's treatment of this argument in *Standard Ultramarine, supra,* at 171, is apposite here (Footnotes omitted):

"We need not tarry long on the issue of the elimination of expense to the Government. It has already been put to great expense in the investigation and preparation of the matter to date. The fact that it was presented to a grand jury suggests the violations charged were deemed by the Attorney General to be of a 'flagrant' nature. The suggestion that the Government forgo its right, and indeed its duty, to uphold the integrity of our laws because the heavy cost of prosecution falls of its own weight. Cost of enforcement in terms of manpower and money is of little consequence when necessary to assure decent respect for, and compliance with, our laws."

After a consideration by the Court of the infirmities of the proposed consent decree and an examination of the process of negotiation which caused the Department to move from an initial stance of presenting the case to a Grand Jury for a criminal indictment to the position of agreeing to a meek consent decree, it is respectfully suggested that the ends of Justice would be best served by requiring the Defendants to answer the charges against them in open court.

A second, although somewhat less desirable alternative is that the Justice Department demand inclusion in the decree of a provision popularly called the "asphalt clause." Under such a provision, which was included in the consent decrees in the 1960 Asphalt Cases, injured governmental bodies suing to recoup their damages would have the benefit of *prima facie* evidence of the antitrust violation just as they would have following trials won by the United States pursuant to Section 5–A of the Clayton Act. A typical provision taken from one of the consent decrees in those cases reads as follows: (*United States* v. *Allied Chemical Corp.* (D.C. Mass. 1960) 1961 CCH Trade Cas. Pat. 69, 923):

That on the basis of said limited admission the defendants signatory hereto have engaged in an unlawful combination and conspiracy in violation of Section 1 of the Sherman Act as charged in said complaint, this adjudication being for the sole purpose of establishing the *prima facie* effect of this Final Judgement, in the suits specified below and for no other purpose;

Each defendant is enjoined and restrained from denying that this Final Judgement has such *prima facie* effect in any such suit; provided, however, that this section shall not be deemed to prohibit any such defendant from rebutting such *prima facie* evidence or from asserting any defense with respect to damages or other defenses available to it.

The third possibility is that the Department agree to a provision in the consent decree requiring that the evidence collected by it shall be available to private litigants. The Department recently resisted such a provision in the 1967 Library Book Cases. In those cases, publishers had been charged with conspiring to fix the prices of library books. The case was settled by consent decree. The applicants for intervention in the case—municipalities, states, and local school boards—sought preservation and custody of the documents collected by the Department. Although they did not prevail—there was no such order in the final judgment—there was a separate order of the court which provided that the evidence be impounded in the custody of the Chicago office of the Department's antitrust division. The applicants then subsequently applied for access to the documents and were permitted by the court to examine these records. This access facilitated a number of successful treble damage suits on behalf of these public bodies.

BOLIVIAN TRIBUTE TO PEACE CORPS VOLUNTEER, SANDRA SMITH

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. FASCELL. Mr. Speaker, we all know how appreciative those of us in the United States are of the brave work of the Peace Corps volunteer, but, unfortunately, very infrequently do we see evidence that our foreign friends also applaud the efforts of our Peace Corps workers. A truly moving experience to be shared with all Members occurred recently in a Bolivian village on the outskirts of the capital, La Paz. Sandra Smith, a talented and industrious young woman, was 22 years of age when she first arrived in Bolivia. Her efforts for the Indians with whom she worked illustrated well her untiring devotion to the people to whom she would devote her brief life. I commend to the attention of my colleagues the following article that appeared in the September 16 issue of the Miami News:

"ANGEL" SANDRA GAVE PEASANTS HOPE OF ESCAPE

(By Ian Glass)

Sandra Smith, whose most obvious physical attributes were flowing blonde hair and a winning smile, was just one of 200 Peace Corps workers assigned to Bolivia.

For 13 months, she ran a one-room school in the El Alto slum on the outskirts of the mountaintop capital of La Paz. She taught Indians how to read and write.

When Sandra died last month at the age of 23 of a brain hemorrhage, the ragged and normally unemotional Indians with whom she lived wept.

"She was an angel," said Juan Mamani, who sent his child to Sandra's school.

In a letter to Sandra's parents—Mr. and Mrs. Preston L. Taplin, who live at 13725 NW 1st Ave., Miami—a pastor wrote:

"The sight of her flowing hair thrilled and excited the young, dark-haired youngsters with whom she worked."

Robert Hill, pastor of the La Paz Community Church, added, "She was a flame on El Alto. She has touched lives that will never forget her. Because of her, some lives will have been changed for the better."

Even Bolivian newspapermen were touched by the passing of Sandra.

"Dear little gringo," wrote a columnist in La Paz's El Diario, "You had an ideal in your heart, you lived by it, and you died for it."

Sandra grew up in Clarence, N.Y. At the University of Rochester, she met and married Frederick Smith, a graduate in chemistry, who is also 23.

Last year, they were assigned to Bolivia. On the way, they stopped with a couple of dozen other Peace Corps volunteers—to visit her parents in Miami, who had moved here from Clarence the year before. Her father has a radio business.

In La Paz, while Fred taught masonry at a nearby trade school, Sandra coached 27 Indian children in reading and writing in a 12-foot-by-26-foot room. She also gave their mothers advice on cooking and elementary sanitation.

"She scrounged things for them they had never seen before, like crayons and paper," Mrs. Taplin said.

The death rate among Peace Corps workers is comparatively high, mostly because they work in remote, uncivilized areas, far from medical attention.

Sandra died on her second wedding anniversary. Her parents do not yet know what was the cause. "It could have been encephalitis or a brain tumor; we just don't know," Mrs. Taplin said.

When her coffin was flown out of La Paz for burial in Clarence, Indians trudged to the airport with small gifts for her husband, an unusual tribute from people who are generally taciturn and withdrawn.

"She was constantly thinking of the school and how to improve it," said Rosa Pelaez, Sandra's 24-year-old assistant. Barely literate herself, she is now trying to run the school alone while waiting for the Peace Corps to decide whether a new volunteer will be sent into the project.

Meanwhile, the residents of El Alto have petitioned to have the little school, whose furniture consists of lumber and bricks, named after Sandra Smith.

"You were truly working for the liberation of the Indian peasant," one editorial in a La Paz newspaper said, "because you taught him to read, and that is where the true redemption will come from."

CONGRESSMAN JOHN D. DINGELL

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mrs. GRIFFITHS. Mr. Speaker, it is a pleasure for me to share with my colleagues two recent articles concerning Michigan Congressman, JOHN D. DINGELL. Congressman DINGELL entered Congress 15 years ago as the then youngest Congressman. It was always a slight shock to show off this "baby" who was more than 6 feet tall. He was a brash, impetuous "infant." As the senior Member from Michigan, I am happy to point out that his ability and enthusiasm have been used for all of the people and to have you note with me his acclaim by the press:

[From the New York Times,
Sept. 28, 1969]

NATIONAL HEALTH INSURANCE MOVING INTO SPOTLIGHT

(By Richard D. Lyons)

WASHINGTON, Sept. 27—In every Congress for the last quarter of a century a Michigan Representative named Dingell has introduced a bill calling for sweeping changes in the nation's medical care system.

Initially running to several hundred pages, the bill over the years has shrunk drastically as the programs that were originally labeled "visionary," "socialistic," "utopian" and worse have become law, such as:

Federal support for medical research, grants for hospital construction, support of maternal and child health programs, aid to the disabled, money for rural health plans, and financial help for student doctors and nurses.

H.R. 24, the current Dingell bill, now contains only one proposal: the establishment of a national health insurance program.

Universal health insurance plans such as the Dingell one and others that would extend a Medicare type of program to Americans of all ages have suddenly and unexpectedly gained the serious attention of members of the Nixon Administration, Congressmen of both parties, and most of the nation's Governors.

It is more than possible that even Mr. Nixon, who opposed the national health insurance concept during last year's Presidential campaign, may have had second thoughts recently.

UNION'S INTEREST RISES

In addition, the interest of labor unions and health lobbies, which over the last generation have given lackluster support to the national medical insurance programs that they knew never stood a chance of enactment, has perked up and their dreams of social change have brightened.

Even the American Medical Association, an arch foe of Medicare for two decades, has endorsed a nationwide health insurance program, an idea the doctors supported half a century ago, then abruptly turned against.

"The association's proposal embodied in bills now before both houses of Congress, calls for inducing Americans to take out health insurance policies through tax credits, and the payment with Federal funds of premiums on such insurance for those persons unable to afford them. Money for the program would come from employers, employes and the Federal Government under other proposals such as the Dingell bill.

"There is nothing as powerful as an idea whose hour has come," said Representative John D. Dingell, a Dearborn Democrat, during an interview recently.

BACKED BY MANY GROUPS

During this month alone developments on the national insurance idea included: Over whelming endorsement of the concept by the National Governors Conference in Colorado Springs; the start of a study of various proposals by the powerful American Hospital Association, which represents 7,000 inhabitants; a directive by Robert H. Finch, the Secretary of Health, Education and Welfare, that a Federal panel surveying health care look into national insurance ideas, and an announcement by aides of Senator Jacob K. Javits, Republican of New York, that he would introduce a "benchmark" health insurance bill in a month or two.

Wilbur J. Cohen, former Secretary of Health, Education and Welfare who is the architect of Medicare, is helping to write the Javits bill, which is said to be far more detailed and definitive than the original Dingell bill, which Mr. Cohen also helped to draft.

The first Dingell bill was put before Congress in 1943 by the late John D. Dingell Sr., the father of the present Congressman, who at that time was a page in the House.

The elder Representative Dingell continued to introduce the bill until his death in 1955, when his son ran for and won his father's seat. The younger Mr. Dingell has over the years continued to introduce a bill he knew stood no chance of success through, as he said, "respect for the principles of my father."

XUM

NO MONEY FOR ANTITOXIN

"Dad's fierce interest in health legislation stemmed from the death of a sister when he was a small boy," the lanky legislator said. "My father's family was extremely poor and one of his sisters died because there wasn't enough money in the house to buy the diphtheria antitoxin needed to save her life."

"My father knew what it was to be both sick and poor," Mr. Dingell continued. "When he was a young man he was sent West to a union sanitarium in Colorado because he had been considered so incurably ill that he would almost certainly die."

During the elder Mr. Dingell's 12 terms in Congress he gained a national reputation for his unsuccessful fight for national health insurance during which, as his son recounted, "my father continued to point out that the United States is the only major industrial nation that does not have such a program."

The first compulsory national health insurance law with comprehensive benefits was enacted in Prussia in 1854 and was extended throughout the German nation in 1883 after it was unified by Otto van Bismarck. The idea spread to the neighboring Austro-Hungarian Empire at the turn of the century and gained international attention after its incorporation in the British national health insurance program in 1911.

PROGRESSIVE PARTY PLANK

In the United States the following year the idea became a plank in the platform of the Progressive party, which nominated Theodore Roosevelt for President.

A campaign for national insurance led by a private reform group, the American Association for Labor Legislation, had by 1917 attained widespread support, including that of a social insurance committee of the American Medical Association. But attention waned with the start of World War I, then rose again when peace came. Again it flickered out as labor lobbies concentrated their attention on unemployment and old age insurance, rather than protection against health costs.

During the Depression, national health insurance again attracted interest and the idea almost became part of the Social Security Act in 1935. In 1943, after President Franklin D. Roosevelt called for social insurance "from the cradle to the grave," Senators Robert F. Wagner, Democrat of New York, and James E. Murray, Democrat of Montana, together with Mr. Dingell, introduced the health insurance bill.

In more recent years interest in health insurance, however halfhearted, has been kept going mainly by labor unions. National health insurance has long been a goal of the American Federation of Labor and Congress of Industrial Organizations, which has made it part of union policy.

BACKED BY AUTO WORKERS

The United Automobile Workers union also supports the idea and its president, Walter P. Reuther, is chairman of the Committee for National Health Insurance, which was founded last year. The vice chairman of the committee, which has almost 100 members in business, labor, government and Medicare, are Dr. Michael E. DeBakey, the heart surgeon; Mrs. Albert D. Lasker, who is influential in health affairs, and Whitney M. Young, Jr., director of the National Urban League.

"A tremendous amount of money is paying for a variety of programs, public and private, which should be gathered under one umbrella," said Max Fine, the committee's director, during an interview in its expanded new offices here. "We think a national program could do a better job, and do it cheaper."

Mr. Fine said some private health insurers, but not the Blue Cross, Blue Shield and other mass plans, return less than half the premium money collected as benefits. His contention is supported by statistics on file with the Senate Subcommittee on Antitrust and Monopoly.

"Why not take the millions of dollars that are going to insurance companies as profits and expenses and put them back in the health care system where they belong?" he asked.

According to Mr. Fine, a national health insurance plan to which employers and employees would contribute, while Federal funds paid the premiums of the poor, would cost about the same amount as the Federal, state and local governments now are spending on Medicare, Medicaid and other medical and health care programs.

AMA ENDORSES BILLS

Bills supported by the American Medical Association that have been introduced in Congress by Senator Paul J. Fannin, Republican of Arizona, and Representative Richard Fulton, Democrat of Tennessee, would give tax credits on up to $400 worth of health insurance preminums. For those families paying less than $400 in Federal taxes yearly, the Federal Government would pay the premiums. Even families with incomes of more than $10,000 a year would receive a tax credit of $100.

To Mr. Cohen, the financing question is much more complicated.

"We're trying to find an equitable way to share it between those covered, their employers and the Federal Government," he said in an interview.

Mr. Cohen advocates caution in drawing up such insurance legislation so that its effect on the standards of care and the whole welfare structure may be examined.

One of his ideas, which may be introduced by Senator Javits, would be to convert the major insurers such as Blue Cross into "public utilities that are oriented toward the consumer, rather than doctors and hospitals."

[From the Detroit (Mich.) News, Sept. 26, 1969]

A CONGRESSMAN WHO CONTINUES TO GROW

(By Will Muller)

In times when cynicism becomes the hallmark of statesmanship, it's good to encounter Rep. John D. Dingell.

If anyone has had exposure to disillusionment in representative government, it's Dingell. His father served the old 15th District in Detroit from 1933 until his death in 1955. The present John Dingell took up from there and is in his eighth term, currently representing the revised 16th District comprising Detroit and a long list of down river communities.

His enthusiasm is unjaded, his industry uncurbed and his interest undiminished. The multiplicity of his congressional projects grows with the years and his record shows no mean yield of accomplishments.

"This is the greatest job ever," Dingell effervesces to any who listen, "and 1969 is the best year I've had in Congress."

He was just splashing down in Detroit from a 17,000 mile orbit about Alaska and a study of development projects there which could peril the environment.

He was en route back to Congress where he is recruiting support for a $1 billion clean water appropriation in which Detroit and the rest of Michigan have heavy stakes. He and six colleague have pledged more than 200 House members to support that amount to fund the 1966 Clean Water Restoration Act.

The act provides federal aid for improvements to water treatment facilities by local governments. It affects an estimated 4,600 local projects.

"The biggest problem of mankind in this generation is the preservation of man's natural environment from pollution, spoilage, exploitation and destruction," runs Dingell's dialog.

"It's going to take patience, a little compromise, tough legislation, an awakening of federal departments and everlasting persistence. We've got to win or life will become impossible or, at the very least, not worth living."

Dingell talks like a lawmaker impatient with his days only because they have too few hours. He's tall, angular, physically energetic and puts a sort of body English behind his sentences. He spurts statistics like a computer and ranges over congressional issues with a catholicity of information that belies his national recognition only as the House's most active conservationist.

He's an initiator of a proposal for a commission on the study of natural environment which now has widespread endorsement among senators and representatives. It would alert conservationists in advance of the infringement of federally projected airports, dams, highways and nuclear testing in national refuges, parks and wilderness areas.

Though conservation is forte, Dingell's impact on government is effective on other areas. He is chairman of a House small business committee turning the spotlight on advertising lotteries and giveaways. A member of the House Commerce Committee and likely some day to be its chairman, he heads a committee trying to reduce the complexities of the Federal Communications Commission.

He is fighting the unsolicited mailing of credit cards. He is a foe of paid television, He never forgets his home district. Recently he was urging that the new Transportation Department set up its auto testing facilities in Dearborn.

In all of this, the faculty of Dingell that shines through more than anything else is his absolute conviction that all of his colleagues are right-minded men and that Congress is a going concern that in due time will get around to adjusting most of our major troubles.

From a man who has lived with Congress through two generations, such conviction is reassuring at a time the country is told from other quarters the only solution is revolution.

DEPARTMENT OF PEACE URGED BY A. A. SMYSER, SPEAKING AT SITE OF AMERICA'S FALLEN HEROES

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. MATSUNAGA. Mr. Speaker, the proposal to establish a new Federal Department of Peace is gaining considerable support within as well as outside the Halls of Congress. It was my great privilege, coming as I do from a State whose citizens have borne more than their share of the burdens and the sorrow of the armed conflicts in which this Nation has been engaged, to introduce this legislation on the opening day of the 91st Congress.

Recently, this quest for peace was given added impetus by the editor of the Honolulu Star-Bulletin, A. A. Smyser, who spoke at the 100th Infantry Battalion memorial services at the National Memorial Cemetery of the Pacific in Honolulu, Hawaii. The services honored the World War II dead of the highly decorated unit, which was made up almost in its entirety of Hawaii citizens of Japanese ancestry. The services are held every year at the cemetery in Punchbowl or Puowaina, which, literally translated, means "Hill of Sacrifice." Finally, the services mark the day, September 29, 1943, when the first member of the 100th Infantry Battalion—Sgt. Shigeo Joseph Takata—was killed in combat in Europe.

In his deeply moving speech, Mr. Smyser noted:

> We simply cannot let the world go on escalating into greater conflicts. We need to know all we can about when and why conflicts occur in the hope that this knowledge can lead to prevention.

Mr. Speaker, in order that others may have the opportunity to ponder the ideas set forth in the Smyser speech, I would like to submit it for inclusion in the CONGRESSIONAL RECORD, as well as a newspaper report of the 1969 Punchbowl services and an editorial entitled "Quest for Peace" from the Honolulu Star-Bulletin of September 29, 1969:

MEMORIAL SERVICE—100TH INFANTRY BATTALION, PUNCHBOWL CRATER, SEPTEMBER 28, 1969

Honored Guests: Here inside this crater—no matter how often we may visit—we find ourselves thinking long and sober thoughts.

Nature built this crater in a violent volcanic steam eruption thousands of years ago.

The ancient Hawaiians used it as a hill of sacrifice.

The heiau of Kanelaau lay outside the crater, makai, and was the temple of Punchbowl. At Kewalo near the site of McKinley high school is believed to have been the residence of the heiau's priests.

When a human sacrifice was required, the priests drowned the victim in the waters of Kewalo by their home.

That the sacrifice might be unblemished, he was urged not to struggle, lest he injure himself and a member of the family be required to take his place.

"E moe malie i ka wai o ko alii."—"Lie quietly in the waters of your chief!" was the command.

Following a ceremony at the heiau, a band of white-robed priests, without pausing to rest, bore the body of the unfortunate one up the hill, and placed it on the altar.

Clad all in white, their heads bound with white bands of tapa, the priests made a ghostly procession.

Though some reports have suggested that the sacrifices and though there were tabu fires, burning human sacrifices was not the usual Hawaiian custom.

Rather, it is believed that those brought here in the morning remained until sunset on the alter, after which relatives could claim their bones for preservation.

Those brought in the afternoon could not be removed until about midnight or early morning of the following day.

In the last century, Kings Kamehameha I and III installed gun batteries up here to command the harbor. In 1875, acting personally and more peacefully, King Kalakaua personally planted trees here with the idea of making Punchbowl a tourist and scenic attraction.

In 1926, 2,000 students from McKinley High School followed an ancient Hawaiian custom used in heiau building to erect a modern memorial on this hill of sacrifice.

They formed a human chain a mile long to pass stones from the McKinley campus up to the crest of this crater and there built a memorial marker on the lookout point still used today.

In 66 minutes 100 rocks were passed hand-to-hand from McKinley to the lookout. It is interesting to note that the Army, which controlled this site in 1926, required that the marker be no more than 30 inches high so it would not be a landmark in case of enemy attack.

After World War II, Punchbowl became what it is today—the National Memorial Cemetery of the Pacific.

Brought back from Avellino, Italy, for reburial in plot D-142 were the remains of the man who died 26 years ago tomorrow—Sgt. Shigeo Joseph Takata, the first Hawaii Nisei soldier to die in combat.

It is Sgt. Takata and his comrades-in-arms, many of whom lie with him here in this beautiful cemetery, that we honor here today. With them in death is the great American combat correspondent of World War II, Ernie Pyle.

After seeing many men in action, Pyle wrote that if he died in war he wanted to be buried among the Nisei, whom he had come to admire so greatly. (He survived Europe but fell victim to a sniper on Ie Shima island in the battle for Okinawa and now rests in grave D-109, not far from Sgt. Takata.

Men buried in this crater served in every war since the Spanish American. Twenty of them won the Congressional Medal of Honor. The names of 2,919 of them are known only to God.

Some of these for sure are among the 26,280 missing—men whose bodies were never recovered—whose names are memorialized on the marble tablets flanking these steps.

Not far from us, at Pearl Harbor, the Arizona Memorial carries a giant plaque bearing 1177 names of men buried inside that hull.

These are large numbers.

One of the long thoughts I think is of the night 25 years after the Pearl Harbor attack when the attack leader, Capt. Mitsuo Fuchida, came to my house to dinner and we had a long and friendly discussion. He is a sensitive and talented man.

Another of my thoughts at this site is of even longer lists of names elsewhere.

Just two weeks ago I was in Hiroshima. In the cenotaph at Peace Park, directly under the spot where the atomic bomb burst on Aug. 6, 1945, are the names of 62,000 known dead from that one explosion, but the true death figure is believed to be over 200,000.

Before going to Hiroshima, I had been in Naha, Okinawa. In 1945 that city ceased to exist as completely as Hiroshima even though only conventional weapons were used against it.

I also was in Tokyo, where more people died from fire bombings than died at Hiroshima.

And then I went to Panmunjon, Korea, where fighting officially stopped 16 years ago—but where 151 miles of chain fence, barbed wire and stakes still divide a country in two—and where men still fight and die, though in smaller numbers.

Two years ago I was in Vietnam. There the fighting still rages and tens of thousands of humans are dying every year it goes on.

These indeed are the occasions and places to inspire long thoughts.

Our students have thought about them perhaps more fully than we—and with a new perspective.

The voice of the student protest movement that we hear around the world is not, I am convinced, primarily the voice of cowardice.

Rather it is the voice that Prof. George Wald of Harvard University described in a memorable speech this year as the voice of "a generation that is by no means sure that it has a future."

This young generation owes much to Sgt. Takata and his comrades-in-arms. It owes much to the men now fighting in Vietnam, for they are fighting for order in the world and for a stable society just as much as any predecessor in battle.

But if the young generation owes much to the past, the older generations certainly owe the young one a right to a future.

To ask that there be a future is not to ask too much—yet this is by no means assured in an age when nuclear fall-out can poison the world and all upon its face. We owe it to honesty to recognize that the doubts of young people are honest doubts—well-founded in the light of Pearl Harbor, Okinawa, Tokyo, Hiroshima, Korea, Vietnam, the Middle East.

We owe it to honesty, too, to admit that we have not done much that can be said to have changed the pattern of acceleration into ever more cataclysmic confrontations.

It should be a source of pride then that in the Congress of the United States there is a member who is looking at this problem in a positive way and that he is an ex-comrade-in-arms of Sgt. Takata—Congressman Spark M. Matsunaga of the 100th Infantry Battalion.

Congressman Matsunaga is the sponsor of a bill to create a Peace Department with a place in the President's Cabinet and to establish an International Peace Institute.

Candor forces acknowledgment that the bill so far has not gone anywhere or gained much support.

There are some compelling objections to the proposal for a Peace Department. A principal one is that peace is indeed the proper goal of the State Department and that to create a separate department would be improper.

I find this persuasive, though there does appear to be an opportunity for better coordination of such peace-related agencies as the Disarmament Agency, the Peace Corps and the Agency for International Development.

The most provocative part of Congressman Matsunaga's bill is the proposal to charter and finance an International Peace Institute. This would do for research directed toward achieving a more peaceful world what other great foundations now do for cancer and other health research, what the so-called "think tanks" like RAND corporation now do for military projects and planning.

The case against such a foundation seems to be little more than a feeling that the budget is tight and this is no time to start new projects with no certainty of pay-off.

Yet the case for such a foundation is so strong it should override most other priorities.

We spend billions of dollars each year on weapons research and on defense.

Yet the investigation of national behavior patterns that lead to conflict gets only two or three million nationwide.

To pursue such investigations is neither a leftist gimmick nor pie in the sky.

We simply can't let the world go on escalating into greater and greater conflicts. We need to know all we can about when and why conflicts occur in the hope that this knowledge can lead to prevention. If it is urgent to mobilize to conquer cancer it is many times more urgent to mobilize to conquer war.

And this should not be an exercise left entirely to the politicians and the generals. They may move from the best of intentions and yet still get into situations where war becomes their only reasonable alternative.

Good men can get into circumstances where they do terrible things. Captain Fuchida, who led the attack on Pearl Harbor, was intelligent, gentle, sensitive and a patriot.

I don't happen to know the men who dropped nuclear bombs on Hiroshima and Nagasaki but I am sure we would like and respect them if we did know them.

How do we keep good men out of such bad situations?

Another point of pride for us here today is that one of the very largest U.S. peace research projects is already in progress at the University of Hawaii, and I am glad to report it is funded with a Defense Department grant.

But less than two dozen people are involved and its director, Prof. R. J. Rummel, estimates that less than 3,000 people are involved in peace research worldwide.

Their work is under-funded and ill-coordinated.

It is not too far-fetched to think of national behavior as we might personal behavior, and to think of international relations as we might think of relationships between people.

We can look at our own selves and our own families to see the fighting instinct in every youngster—to recognize how powerful emotion is in our actions as compared to reason—to acknowledge the important role of training—to recognize the impact of love, fear, hate, pride, courage, jealousy, selfishness and infinite combinations of these and other factors.

Nations have these same problems and perhaps with greater complexity.

The peace studies at the University of Hawaii are directed toward analyzing with the aid of computers the background patterns within and between nations that lead them to conflict. This is one major area of peace research. The other is to study alternatives to war. Both need to be pursued more vigorously.

The International Peace Institute proposed by Congressman Matsunaga would make this possible. It would provide coordination, funding, and a basis for long-term planning of such research, all elements that are deficient now.

Since we can no longer afford war, either financially or in its human toll, we obviously need to learn to avoid situations where such decisions are forced upon national leaders.

We must learn to structure international conduct so that the rational answer to a problem or conflict is never war.

This is the ultimate goal of peace research—in perhaps the same way that control of the weather is the ultimate goal of meteorology or control of volcanoes is the ultimate goal of volcanology.

Whether control of war is as remote as control of the weather or of volcanoes is something we can't know now. The science is a new and tiny one. But it needs to be pursued with all the vigor of weapons research or cancer research.

Mayor Setsuo Yamada of our sister city of Hiroshima is an internationalist. It may be that this is the direction in which peace research will lead us.

His predecessor, the late Mayor Hamai, once told me: "World War II started in your city and ended in ours. Let us work together for peace." Mayor Yamada sees mankind as a unity, one and inseparable. He sees the Apollo 11 moon landing as more than a triumph of knowledge. He sees it as a triumph of intelligence and asks that such intelligence be directed toward peace.

It is time now to make the fullest possible commitment toward addressing our intelligence toward the conquest of war just as we address it to the conquest of cancer. Here indeed is a field to challenge our dissident young.

It has been said the war is too important to be left to the generals. Perhaps by the same token peace is too important to be left to the politicians.

Peace study programs today—the serious academic kind as opposed to the propagandistic kind—draw an investment of only a few million a year while armaments get world-wide spending on the order of $200 billion—that's billions as opposed to millions.

Congressman Matsunaga's proposal to bring order to this kind of research and elevate it to the status of a national research foundation is on the right track.

By following the direction he points we will be doing great honor to Sergeant Takata and his fallen comrades and potentially great service to the generation that is by no means sure that it has a future.

[From the Honolulu Star-Bulletin, Sept. 29, 1969]

EDITOR PROPOSES MORE EMPHASIS ON PEACE STUDIES

The nation and the world badly need more organized scientific and academic peace research, a World War II memorial gathering was told yesterday.

Speaking in Punchbowl crater at Club 100's annual memorial to its war dead, A. A. Smyser, editor of the Star-Bulletin, gave strong endorsement to a bill now before Congress to create an International Peace Institute.

Smyser said it is an honor to the war dead of the 100th Infantry Battalion that the bill's sponsor is one of their comrades-in-arms, Rep. Spark M. Matsunaga, D-Hawaii.

The editor contrasted the few millions now spent on peace research (including a project at the University of Hawaii) with the billions invested in weapons research and armaments.

He said that such research is neither pie-in-the-sky nor a leftist gimmick but can investigate international behavior much as we now investigate the weather or volcanic activity.

He equated international behavior with human behavior but suggested the former is even more complex.

He said that despite aggressive drives, almost all families have learned to settle internal disputes without resort to murder and said the same must become true in the family of nations.

Decrying the present small investment in peace research, Smyser suggested the conquest of war is more important to humanity than the conquest of cancer.

The Matsunaga-proposed International Peace Institute, he said, would be a Federally sponsored and chartered activity that could provide coordination, funding and a basis for long-term planning in a field that is deficient in all these areas despite its importance.

Smyser said peace research falls into two principal areas—investigation of background characteristics and behavior in nations that lead to conflict, and a study of the alternatives to war. A University of Hawaii project headed by Prof. R. J. Rummel is focusing on the background studies.

The annual Club 100 services mark the day, Sept. 29, 1943, when the first member of the 100th Infantry Battalion was killed in combat in Europe. About 300 people attended the Sunday services in the National Memorial Cemetery of the Pacific.

[From the Honolulu Star-Bulletin, Sept. 29, 1969]

QUEST FOR PEACE

"It's the first time, so I'm going first," Sgt. Shigeo (Joe) Takata told his comrades-in-arms of the 100th Infantry Battalion 26 years ago today.

Takata then moved out against a German position that was harassing a road and the 100th's northward advance in Italy.

Shrapnel hit him in the head and he died—the first Hawaii Nisei soldier killed in World War II.

Men and families of the 100th gathered, according to their annual custom, at the National Memorial Cemetery of the Pacific yesterday to pay tribute to Sergeant Takata and those who followed him in death.

It was an occasion for many thoughts—not all concerning the 100th.

The crater of Punchbowl contains dead of wars from the Spanish-American through Vietnam. It is the grave site for 20 Congressional Medal of Honor winners. The cemetery's Garden of the Missing bears the names of 26,280 war dead whose bodies have never been identified.

Great as these numbers are, there are even longer lists of dead elsewhere.

In Hiroshima, Japan, one of Honolulu's sister cities, the cenotaph erected under the center of the Aug. 6, 1945, bomb explosion bears 62,000 names of known dead from that blast. Official figures set the toll at 200,000.

(Cenotaph, by definition, "is a tomb or a monument erected in honor of a person whose body is elsewhere.")

Naha, Okinawa, was obliterated as completely as Hiroshima, although by conventional weapons. Tokyo suffered more dead.

Vietnam's total dead are in the hundreds of thousands as were Korea's.

In this light, a bill offered in Congress by one of Sergeant Takata's comrades-in-arms is significant.

Rep. Spark M. Matsunaga is proposing the creation of an International Peace Institute.

It would be federally chartered to research national backgrounds and national behavior to learn how international conflicts come about and thus avoid them.

We have tended to think that peace is the responsibility of the diplomats and the statesmen. But circumstances have overwhelmed them too often and led them into situations that appeared to have no recourse but to build more awesome weapons and sooner or later to put them to use.

The aim of serious peace research is neither leftist nor foolish. It is to determine scientifically what can be learned of the background patterns that lead nations to conflict and to study alternatives to war as a means of solving international disputes.

A look at our own conflicting drives, training, pride, love, hate, fear, suspicion, jealousy—and many other pressures that drive all of us—can suggest that an analysis of national motivations could be useful.

Most human families solve their disputes, however bitter, without resorting to murder? Could a family of nations?

One of the places where questions such as these are being examined systematically and scientifically is the University of Hawaii. A peace research project there is one of the largest in the nation, although it involves less than two dozen people.

Professor Rudolph J. Rummel, in charge of the University research, estimates that less than 3,000 people worldwide are engaged in similar work. This represents an investment of a few millions of dollars, compared to the billions poured into weapons research and military spending.

Even health research commands far greater investment, yet the conquest of war is far more important to the world than the conquest of cancer and heart disease.

The Matsunaga bill deserves much more attention than it is getting in Congress.

A federally chartered and financed institute to study peace could do wonders.

It could provide leadership, coordination, financing and long-term program planning. Present programs are deficient in all these areas.

Professor Rummel likens his studies to the science of meteorology: Studying peace is like studying the weather—and control of storms may be as remote in peace research as it is in meteorology.

Yet such a limited achievement as better prediction of national behavior would be immensely helpful. And the value of avoiding or controlling conflict is so self-evident as to need no elaboration.

The cause is one that should be attractive to today's dissident youth, the leaders of a generation unsure of its future.

Congressman Matsunaga's bill should be moved into the active category. It is a fitting memorial to Sergeant Takata, his comrades-in-arms and all the victims of all wars everywhere.

The world can no longer afford either the money cost or the human cost of war. Given our research-mindedness, the wonder is that we have delayed so long in putting more emphasis on peace research.

AMCHITKA TEST EFFECTS BELIE FEARS OF OBJECTORS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. HOSMER. Mr. Speaker, by now the whole world knows that the Atomic Energy Commmission yesterday afternoon conducted a nuclear weapon test underground at Amchitka Island in the Aleutians. In light of the widespread scare stories which were circulated before the test, predicting massive earthquakes, tidal waves and other disasters, I think it is important to report what actually happened.

And what happened is precisely what the Atomic Energy Commission scientists said would happen.

The test registered 6.5 on the Richter scale, which is exactly what the AEC forecast of September 24 predicted. There were no damaging earthquakes. In fact, the aftershock activity was less than expected. AEC scientists had to turn up to gain on their seismic detection instruments in order to be able to read the aftershock activity.

Temporary buildings at ground zero show some external damage, but they are still standing. No radioactivity escaped, either to the atmosphere or to the sea. No unusual wave activity was reported at any tide station.

As far as ecological effects go, preliminary observations made within 0.6 miles from ground zero have failed to disclose any. The sea otters penned in an experimental group at a distance of 4,500 feet from ground zero are alive and healthy.

Technical personnel and newsmen returned to the island within 3 hours after the shot, called Milrow, was detonated.

The AEC points out that all data from this test will be extensively analyzed and the knowledge gained from these analyses wil be carefully studied before any determination is made regarding further testing on the island.

Recently, I compiled a document comparing the preshot horror stories about the Project Rulison underground test in Colorado with the actual results. Rulison was part of the AEC's Plowshare program, designed to develop peaceful uses of nuclear explosives.

Opponents of the project charged all sorts of evil would befall Colorado and the entire Rocky Mountain region if this test were permitted. After a legal battle which reached all the way to an appeal court, the device was fired without incident.

My survey showing the preshot allegations and the actual results in the Rulison project appears on the accompanying table. It is too early to produce a similar detailed table for the Amchitka shot.

PRINCIPAL ALLEGATIONS MADE RELATING TO THE EFFECTS OF PROJECT RULISON

PRINCIPAL ALLEGATIONS	AEC PREDICTIONS	OBSERVED EFFECTS
1. That prompt venting of radioactive material through a fracture caused by the blast might occur, possibly causing contamination of the atmosphere, surface water, plants and milk. This charge was made by a number of individuals at various public meetings concerning Project Rulison and was reported in a number of clippings.	The depth of burial for this device is six times that which has been utilized successfully at the NTS to contain underground nuclear detonations. The geologic structure in the vicinity of the detonation has been studied and no major displacements or traces of surface faulting were found, therefore, the probability of release of radioactivity to the atmosphere by fissures is small.	As of Sptember 16, 1969, no radiation levels above background have been detected. Nine Eberline Instrument Corporation radiation telemetry units were emplaced for this event. One of the units was emplaced near Surface Ground Zero (SGZ) with the remaining eight units located on an approximate circle of radius 300 to 328 feet centered on SGZ.
2. That ground water might be contaminated as a result of the experiment. This allegation was made by The Colorado Committee for Environmental Information and appeared in the complaint for temporary injunction and permanent injunction filed against Dr. Glenn T. Seaborg in U.S. District Court, Colorado, on August 22, 1969. It also was made at a number of public meetings on Project Rulison.	Hydrologic tests made in the exploratory hole (R–EX) indicated that there was little or no fluid entry from the Mesaverde formation to the bore hole (therefore, little or no fluid movement through the formation). Ion exchange and radioactivity half-life calculations of possible ground water contamination (based on conservative but reasonable assumptions) indicate that even if mobile water were present the probability of transmission of levels of radioactivity in excess of established guides to any known use point is extremely remote.	Springs and wells in the vicinity of the Rulison site were sampled by the U.S. Geological Survey before the event. Corresponding postshot samples have not yet shown radioactivity.
3. That ground motion caused by the experiment might have adverse effects, including causing earthquakes and rockfalls, the failure of dams and activating volcanoes. This allegation was made at several of the Rulison meetings.	No significant damage is expected from ground motion outside the Rulison site area. However, some hazard from rockfalls exists along roadways and canyon walls. Surface motion from Rulison will be measured at various locations on and off the site by the U.S. Coast & Geodetic Survey which will set up seismometers and recording equipment around the Rulison site. In addition, mines out to a radius of about 40 miles have been located. Seismic predictions indicate only a low probability of rockfall in the nearest mines will be caused by the Rulison detonation. The condition of gas wells and pipelines within a radius of a few miles of Rulison surface ground zero will be surveyed both before and after the detonation. Damage to existing wells and related facilities surrounding the site appears to be unlikely in view of past experience.	Seismic measurements indicate that effects from the detonation were generally as anticipated. Motions measured at the observation point were approximately 5.5 centimeters per second and 0.15 "G" and at Collbran about 4 centimeters per second. No reports of mine damage have been encountered. No significant rockfalls or damage were reported on highways in the area. A total of 172 property damage complaints have been received as of September 19. All property damage reported to date have been of minor nature such as cracked walls and ceiling plaster, cracked and broken brick chimneys, broken windows, knick-knacks, and lamps.
4. That the release of radioactive materials incident to deliberate flaring of gas from the chimney would have adverse effects upon the health of the population downwind of the flaring operations. This allegation figured prominently in the complaint for temporary injunction and permanent injunction filed against Dr. Glenn T. Seaborg in U.S. District Court, Colorado, on August 22, 1969. It was also made by the Citizens Concerned About Rulison and by the Colorado Committee for Environmental Information.	It is expected that a few hundred million standard cubic feet of gas will be produced over an 8 to 10 month time period from the chimney and virgin reservoir formation. All gas tested will be disposed of under safe conditions observing applicable radiation protection guides. The testing is not scheduled to commence until at least 6 months after the explosion by which time short half-life radioactivity will have disappeared.	No gas has been released from the cavity.

AP AND UPI REPORT POSSIBILITY OF NEW ADMINISTRATION MARIJUANA APPROACH

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, the United Press International and the Associated Press services yesterday reported that the Nixon administration is preparing more flexible laws dealing with marijuana users—perhaps aimed at treating them more as a medical problem than a criminal one. An aide in the Department of Health, Education, and Welfare was quoted as stating:

> We want to provide penalties for marijuana use and possession more in line with the dangers of the drug.

He also revealed that Dr. Roger O. Egeberg, the Government's top health officer and an advocate of less stringent marijuana laws, has been meeting with Justice Department officials, including Attorney General John N. Mitchell to hammer out a new approach.

One possible new law, the aide said, was lesser penalties for use of the drug, along with rehabilitation and treatment of some offenders. This is along the line of my bill presently before the House Interstate and Foreign Commerce Committee entitled the "Comprehensive Narcotic Addiction and Drug Abuse Care and Control Act of 1969." Present Federal law for marijuana possession provides for 2 to 10 years imprisonment for a first offense, 5 to 20 years for a second offense, and 10 to 40 years for further offenses.

The administration approach to the problem to date could be classified as being a law-enforcement, get-tough policy. I have opposed the increased penalties aspect of proposed bills in this area. Rather, I have recommended increased research and educational activities as well as construction of treatment facilities, training of personnel and better coordination between State, local, Federal and private organizations. Division within the administration, exemplified by the fight between Department of Justice officials and Department of Health, Education, and Welfare aides, must be resolved. With recent National Institute of Mental Health surveys indicating that between 5 and 10 million Americans have experimented with marijuana and that, according to an NIMH poll, at least one in five college students admitted marijuana use, the AP and UPI stories regarding a possible change in the administration's rigid and I feel unrealistic handling of the issue was most welcome. Let us hope that we see the adoption of the recommendations that were made by two Presidential Commissions on Narcotic Addiction and Drug Abuse—in 1963 and 1967—to the extent that the Secretary of Health, Education, and Welfare is given primary responsibility for providing answers to the problem with the Justice Department coordinating efforts with him. Time means lives in this sector and I urge the expeditious achievement of a coordinated, informed and enlightened attack on the drug problem in the United States.

WHO STABBED OUR SOLDIERS IN THE BACK?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. RARICK. Mr. Speaker, the Green Beret debacle, having served the purpose of those who would weaken the fabric of our Armed Forces, should not be allowed to go quietly to rest.

I do not have reference to the individuals who were involved. The incident has had its effect on them, whether for good or bad, and cannot be undone. I speak of the responsibility of the President, as Commander in Chief of our Armed Forces, and of the Congress, as the source of laws governing their operation.

The reasons for which we should make appropriate inquiry, and the course of action which we should take, are succinctly set forth by Mr. William Loeb in one of his incisive editorials in the Manchester Union Leader, which I incorporate as part of my remarks, together with a pertinent news clipping:

[From the Manchester (N.H.) Union Leader, Oct. 1, 1969]

GREEN BERET MYSTERY

(By William Loch)

Thank heaven that at last someone in the Nixon administration had the decency and common sense to drop the alleged "case" against the Green Berets.

What needs investigation in the Green Beret case is not the Green Berets but who is responsible and how this assault against the Green Berets started originally. There is a very strange, sinister smell about this whole business.

First of all, killing is unfortunately the essence of war. From time immemorial spies have been shot and killed, frequently without trials.

The question, therefore, arises as to why, suddenly, the death of an alleged double-agent in wartime is made into a terrific case and the Green Berets and certain officers are smeared in the process.

You will want to remember several things. Our enemy—and when we say "our enemy" we are not talking solely about the Communists abroad; we are talking about the Communists, Marxists and other sympathizers inside this nation—have as one of their objectives the destruction of any pride in the armed services, especially in such elite branches of the service as the Green Berets or the Marines. That is why the John Wayne movie which had such a success all over the United States, and which depicted the Green Berets in heroic fashion, was viciously attacked by left-wing news magazine and newspaper reviewers.

Obviously one objective of the proposed Green Beret trial was to try to injure the Green Berets and their favorable image in the U.S. public's mind.

But, in the estimation of this newspaper, the plot did not stop there.

The Communists gained a great point at the end of the World War II by bringing about the vindictive conduct of the Nuremberg trials which imprisoned or ordered the execution of certain high members of the Nazi German government. The late Senator Taft, along with this newspaper, objected to that procedure, not because this newspaper did not want to see the Nazis killed or eliminated, but because it was very easy, for those who looked ahead, to see what the Communists were up to. They wanted to create a precedent by which the leaders of all defeated nations could be tried as war criminals—whether or not they were war criminals or simply had lost a war.

Likewise, much of the Communist propaganda in this country is directed towards attempting to make the U.S. forces in Vietnam appears as war criminals in the eyes of public opinion at home and throughout the world.

Into this drive to try to make our people look like war criminals, the attack on the Green Berets fitted so neatly as to affirm the conviction in the minds of the editors of this newspaper that behind the attack on the Green Berets you will find, if you look far enough, the Communist apparatus in this country.

The Communists may possibly have taken advantage of service jealousies. They may have induced perfectly honest generals and authorities into taking this action and to have done it so subtly that their stooges didn't even know what they were being goaded into.

So serious has been the damage done to the image of the U.S. armed forces by this absolutely irresponsible, ridiculous performance in connection with the charges against the Green Berets that the matter should NOT be dropped here. A complete investigation should be made to find out who was at the bottom of this vicious and uncalled for attack on the Green Berets—an attack that has caused this nation so much damage.

Furthermore, even though the charges have been dropped, the men involved in the Green Beret case are still under a cloud.

They should be cleared completely. The best way to clear them completely is to reveal the evil basis of their persecution and who was responsible for it.

[From the Evening Star, Sept. 28, 1969]

BERET DEFENSE SET "TO LITIGATE WAR"

SAIGON.—The Green Beret slaying case will provide the forum for searching questions into the entire American involvement in the Vietnam war.

Attorneys for six Special Forces officers, accused of murdering a Vietnamese interpreter, plan, in effect, to put the military command here on trial for the manner in which American forces have been fighting in Vietnam for the past five years.

"We will litigate the war," said Army Capt. John S. Berry, one of the military defense attorneys. "We intend for everything to come out."

"Everything," Berry repeated when asked whether he meant attorneys would call witnesses to testify on the killing, accidental or not, of Vietnamese civilians by American troops in hundreds of incidents throughout the war.

"There is nothing that will be immune," Berry continued, declaring that he and other attorneys planned to question not only the conduct of this war but "the entire historical concept of war and the customs of warfare."

Unless the trials are postponed, Berry will begin to raise these issues in a few weeks when a court-martial convenes to consider testimony against three of the officers, Leland J. Brumley, Robert F. Marasco and Budge E. Williams, all captains and all 27 years old.

Berry will defend Brumley whom the Army has accused of both helping to carry the alleged victim, Thai Khac Chuyen, to a boat and then knocking him out with an injection of morphine.

The Army has charged that Marasco actually killed Chuyen by shooting him with a pistol.

In messages to his wife and parents in New Jersey yesterday, Marasco said the charges "do not constitute the truth."

"I am not a criminal," he wrote, "and anything I have done was done with the most

XUM

patriotic and purest of motives. And anything I have done was done with the approval of my superiors. I am not trying to lose faith in these principles for which I am devoting my life."

DEATH DATE SET AS JUNE 20

All six officers were assigned to the Special Forces headquarters at Nha Trang, where the Army claims Chuyen was murdered on June 20.

Among the accused is Col. Robert B. Rheault (pronounced Roe), who commanded all Special Forces in Vietnam until the day after his arrest on July 20.

Capt. Berry discussed plans for the case in a hotel suite reserved by the defense as an office for all of them. The suite's main occupant, until his departure yesterday, was Henry Rothblatt, a prominent New York attorney hired as co-counsel in the defense of three of the officers, including Brumley.

Rothblatt, author of several books on criminal law, filed seven different motions during the past week, including one addressed to President Nixon demanding dismissal of the case or at least a new preliminary investigation.

The military attorneys, most of them recent law school graduates, listened respectfully while Rothblatt summarized the basic defense.

QUESTIONS ON CONDUCT

"How does the government expect soldiers in battle to wage war?" asked Rothblatt. "How are men supposed to do their duty? Who passes on it? Can you classify patriotic soldiers as criminals because they intend to try to do their jobs? When you volunteer to fight a war, what is your responsibility?"

Before getting into such questions as these, however, Rothblatt made clear he would go through every conceivable motion in an attempt to keep the Army from court-martialing the officers.

Rothblatt indicated he would file several more motions to delay or dismiss the case before finally attempting to get the trial moved to the United States, from Long Binh, the Army base 20 miles northeast of here.

The Army has turned down Rothblatt's motion demanding the right of the accused officers to talk to newsmen and has also rejected his request to return CWO Edward M. Boyle to the United States since his one-year tour in Vietnam has ended.

BOYLE OFFERED IMMUNITY

Boyle, one of Rothblatt's three clients, has not been ordered to stand trial with the others. The Army hopes that Boyle, accused of having helped Brumley in carrying Chuyen to the boat, will testify against the other officers in exchange for immunity.

The case, besides raising serious issues about the war, also may turn into a trial of the entire process of military justice.

"We will question basic concepts of military law," said Capt. Berry. "Eventually it will become a matter for federal as well as military courts."

"Basically," said Berry, "we're asking, 'What's going on here?' That's what we want to know. We will hit them on two things: Military law and the entire war. As long as the Army insists on trying these men, it will have to face severe questions on both these issues."

COLUMNIST DREADING EULOGIES TO HO

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. ROGERS of Florida. Mr. Speaker, the failure of North Vietnam to permit the International Red Cross, or any other neutral body, to visit prisoners of war and exchange information concerning their welfare, is inexcusable. It condemns Ho Chi Minh and his successors more than any other act in the war, with the exception of their atrocities against civilian populations.

It was with great interest, then, that I read an item from London concerning the eulogies for Ho Chi Minh. I concur with the thoughts that were expressed, and include the article at this point in the RECORD:

[From the Tampa Tribune, Sept. 5, 1969]

COLUMNIST DREADING EULOGIES TO HO

LONDON.—Columnist Bernard Levin wrote in the Daily Mail yesterday that he dreaded the outpouring of eulogies for North Vietnamese President Ho Chi Minh.

"The plain truth," he wrote, "is that Ho Chi Minh was a ruthless and bloody tyrant. His first action on completing the conquest of North Vietnam was to slaughter in cold blood some 50,000 men and women who might have opposed his rule.

"When his campaign to take over South Vietnam began it was waged with a policy of deliberate atrocity, as an instrument of terror, the like of which had not been seen in the modern world.

"From the cases of children literally chopped to pieces before their parents' eyes, in villages temporarily seized by the Viet Cong, to the hundreds of men, women and children who had been clubbed to death and whose bodies were discovered after the Tet offensive, the story was the same—the grossest atrocities, committed not in the heat of battle or the blood-lust of revenge, but as a calculated and important part of gentle, witty Uncle Ho's policies."

POSTAL REFORM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. DERWINSKI. Mr. Speaker, as a supporter of the "postal reform" legislative proposals recommended by the President which must be passed so that Postmaster General Blount would be able to cope with the growing problems in the postal department, I was impressed with a press release issued by the Citizens Committee for Postal Reform.

Since I have no way of knowing whether this press release received the coverage which I believe it merits, I am inserting it into the RECORD.

The public interest clearly requires action by the Congress on legitimate postal reform which should include the proposal for a Government Postal Corporation to replace the present Post Office Department. The best interest of the public, all mail users, and all Post Office employees is at stake as we struggle for the long overdue reform of the postal department.

The press release follows:

NEWS FROM CITIZENS COMMITTEE FOR POSTAL REFORM

The Citizens Committee for Postal Reform demanded today that a full, public apology be made to its co-chairmen, former Postmaster General Lawrence F. O'Brien and former Senator Thruston B. Morton, following an allegation that they had "hoodwinked" high public officials into becoming directors of the non-profit organization.

"This fallacious and irresponsible accusation against the integrity of two of the most dedicated and respected public servants in the nation will not be tolerated," the statement which was issued by James J. Marshall, the Committee's Public Affairs Director, declared.

The statement recalled that Mr. O'Brien had served as "the trusted friend and adviser of Presidents Kennedy and Johnson" and that Senator Morton, as former chairman of the Republican National Committee, had received that honor in the light of "18 years of congressional service to his country, his party, and Presidents Eisenhower and Nixon."

"Nothing less than an unqualified public apology can amend this atrocious demonstration of recklessness," it affirmed.

The statement was issued in reply to a charge made by Patrick J. Nilan, legislative director of the United Federation of Postal Clerks, who said yesterday that the two Committee leaders had "hoodwinked" "scores of mayors and governors" into joining the bipartisan Committee and supporting President Nixon's Postal Service Act of 1969.

The Act, which is now being debated by the House Post Office and Civil Service Committee, would transform the nation's debt-riddled Post Office Department into a self-supporting Postal Corporation free from all outside pressures.

In refuting Nilan's charge, the Committee observed that the Corporation concept was strongly advocated more than a year ago by the Kappel Commission, the unbiased blue-ribbon panel appointed by President Johnson to investigate the country's postal problems and make in-depth recommendations.

The statement also noted that the Corporation plan was endorsed by the former President in his final State of the Union message in January and is the major feature of the bill (H.R. 11750) that President Nixon sent to Congress on May 26.

"In addition to being completely false and highly insulting, therefore," the Committee stated, "Mr. Nilan's assertion is also patently ridiculous—when you consider the time factor. Our invitation to the governors and mayors to join ranks with us wasn't issued until June 18. This was long after the Corporation plan had become public knowledge in every state in the Union.

"That's why it is so incredible that Mr. O'Brien and Senator Morton should be accused now of deceiving anyone—much less, highly knowledgeable and responsible public officials."

In discussing the accusation, Mr. Marshall asserted that Nilan owes an additional apology to the more than 20 governors, more than 60 mayors, six former Cabinet officials, and hundreds upon hundreds of taxpayers who make up the Committee's membership roster.

"When you sit down and think about this preposterous charge," he said, "you realize that it's actually calling many of our most distinguished public figures and vitally concerned private citizens uninformed on a matter that's been well-publicized in the papers, on TV, and on radio for well over a year."

He said that, in view of the misrepresentations being made to public officials by people like Nilan, it is "nothing less than astounding that we are continuing to add new members every day."

In addition, Mr. Marshall stated, a public apology is also due to "three quarters of a million loyal and hard-working postal employees" who have been rendered "a distinct disservice" by the allegation.

He explained that, if because of the charge, Congress fails to enact total postal reform as envisioned in H.R. 11750, workers will be denied the opportunity for real collective bargaining discussions with management and career opportunities based on individual merit alone.

"This is a serious matter," he said. "It

XUM

will gravely damage the personal future of 750,000 men and women, and every member of their families."

He then went on to express disbelief concerning some of the other "curious thoughts" contained in the Nilan statement. He referred specifically to a Nilan description of Governor Kenneth M. Curtis of Maine as "a Republican."

Governor Curtis, in fact, was elected to his State's highest elective office in 1966—as a Democrat.

"I suppose I shouldn't really be too surprised by a ludicrous gaffe like this," he said. "Lord knows it's right on target as far as squaring with all the other misinformation contained in his so-called press release."

GREECE: THE CARAMANLIS STATEMENT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. EDWARDS of California. Mr. Speaker, this week there was a significant new development in the Greek political situation. I refer to the statement of Constantine Caramanlis, the former Prime Minister who served his nation and the free world during the 1950's and early 1960's.

The New York Times editorial has called him "the most respected and effective leader of post-war Greece." He has been long known as one of the most pro-American statesmen in Europe. Mr. Caramanlis is still vigorous and relatively young, only 62, and he is perhaps the only man who would be suitable to serve in the interim period after the end of the Greek dictatorship.

While the critical question remains as to who will bell the cat, there is now a clearer, democratic alternative, the so called "Caramanlis solution." This solution has the support of the leadership of the two biggest parties in Greece which accounted for nearly 90% of the vote in the 1964 election.

Under leave to extend my remarks in the RECORD I submit an editorial from the New York Times of October 1, 1969; a London dispatch from Alvin Shuster; and an important article from the October 3 Monitor, for inclusion in the CONGRESSIONAL RECORD, as follows:

[From the New York Times, Oct. 1, 1969]

Caramanlis Fights the Junta

At long last the most respected and effective leader of postwar Greece has plunged wholeheartedly into the expanding effort to rid his country of a brutal and incompetent military dictatorship. Constantine Caramanlis waited a long time from his self-imposed exile in Paris to commit his enormous prestige to the fight against the colonels, but his savage, detailed indictment of them yesterday removes all doubts about where he stands.

Mr. Caramanlis goes beyond appeals to Greece's armed forces to throw out Colonel Papadoupoulos and his henchmen; he offers, in effect, to lead an interim Government that would prepare the way for Greece's return to constitutional democracy. This is exactly what nearly every Greek democratic leader of stature, at home or in exile, has hoped and worked for.

It is exactly the formula agreed on in July—and made public abroad at considerable risk—by the leaders inside Greece of the two biggest parties, Panayotis Canellopoulos of Mr. Caramanlis's National Radical Union and George Mavros of the late George Papandreou's Center Union. Even before this agreement, Greek democratic forces had been prepared to bury old differences and unite behind the leadership of Mr. Caramanlis to oust the colonels.

The junta will doubtless pull out all stops in a desperate effort to discredit Mr. Caramanlis. On the only other occasion when he spoke out—to brand the colonels "putschists" and "imbeciles" in December 1967—the junta tried clumsily to link his stand with that of Communists.

But the Greek people know Mr. Caramanlis as an impeccable conservative, who gave their country its greatest period of stability and economic growth of the postwar period. They also know, despite the barrage of junta propaganda, that he has spoken the truth in charging the colonels with isolating Greece politically, and morally, demoralizing the armed forces, undermining the economy and creating a highly explosive climate in the country.

The Caramanlis statement presents the Nixon Administration with its moment of truth about Greece. The State Department must face the fact that its policy for Greece—of trying to flatter and nudge the colonels along the road to constitutional Government and elections—is bankrupt. Not one political leader of stature has been willing to join forces with the colonels even temporarily.

United States influence at this critical juncture could be decisive. That influence must be exercised to uphold the principles of democracy and freedom for which this country involved itself with Greece under the Truman Doctrine twenty-two years ago.

Caramanlis Urges Overthrow of Greek Regime—Former Premier, in Exile in Paris, Ends Long Silence—Appeals to Military to Oust the Former Colonels

(By Alvin Shuster)

LONDON, September 30.—Constantine Caramanlis, the former Premier of Greece now in self-imposed exile, ended nearly two years of silence today and appealed to his country's military forces to help overthrow the army-backed regime. He offered, in effect, to lead a new government.

Denouncing the present Government as a tyrannical failure, the 62-year-old founder of the right-wing National Radical Union said arbitrary rule had now become entrenched and the despair of Greeks had reached new depths.

He accused the regime of deception in pledging to restore democracy and said it intended to remain in power indefinitely by terrorizing the people and hoodwinking international public opinion.

If the present Government headed by Premier George Papadopoulos fails to retire voluntarily, he said, it is up to those officers who joined it in good faith to bring about a change.

SUPPORT HAS INCREASED

"But, beyond them, the whole of the country's armed forces must undertake the task," he continued. "It is they who, having their origins among the mass of the people, bear the grave responsibility, on behalf of the nation, of protecting its freedom, security and independence."

Since the army seized power in Greece on April 21, 1967, support for Mr. Caramanlis as an alternative has increased within the country. At present, he is generally regarded by opponents within Greece as perhaps the only man able to rally the nation behind him in any new government.

In a 1,000-word statement, Mr. Caramanlis charged that the former colonels heading the regime had disrupted the armed forces by dismissing hundreds of high-ranking and battle-experienced officers, had undermined the economic future of the country, and had isolated Greece politically and morally from the family of free nations.

AN EXPLOSIVE SITUATION

"Finally, by their tyrannical rule, their idle boasting and their hit-or-miss methods, they have created an explosive situation in Greece and deprived Greece of international repute," he said.

Mr. Caramanlis, whose statement was made available in London and Paris, led Greece from 1955 to 1963, achieving the longest period of stability in Greece's turbulent postwar politics. After his defeat six years ago by the Center Union, headed by the late George Papandreou, he moved to Paris where he lives on the top floor of a luxury apartment house.

Unlike the left-of-center Andreas Papandreou, the son of the former Premier, who has often been outspoken in trying to mobilize opposition to the regime from his exile in Sweden, Mr. Caramanlis had remained quiet.

Accordingly, Mr. Caramanlis's followers had become increasingly concerned about his silence, fearing his support would begin to dwindle unless he took a strong new stand against the regime. They felt that time was running out on efforts to push the regime from power, and that opposition elements, wondering about his views, needed a unifying focus.

Friends attributed his long silence to a feeling by Mr. Caramanlis that he did not want to speak unless he felt a statement would have some impact in bringing about a change in government.

The former Premier had kept his silence since Nov. 28, 1967, when in an interview published by the Paris newspaper Le Monde he called for the quick departure of the "putschist" rulers. The interview was Mr. Caramanlis's first outright condemnation of the regime—he had previously deplored "tragic" developments in his country at the time of the coup.

EFFECT IS UNCERTAIN

What effect his statement today will have remains to be seen. The Greek Government leaders seem to have a firm grip on the country, although there are indications of certain unhappy elements within the army.

Mr. Caramanlis said his statement—which will reach Greece in the foreign press and on Greek-language and foreign-language broadcasts—was issued to mark the first anniversary of the approval of the Constitution drafted by the regime. Many of its provisions on basic rights remain in suspension because of martial law imposed when the army took power.

The statement, however, was viewed as part of an effort by Mr. Caramanlis to give the impression, particularly to the United States, that chaos and anarchy would not follow the demise of the present Government and to encourage new pressures on the former colonels.

CALLS FOR REFORMS

Mr. Caramanlis, for example, alluded to the "demagogic policies" of the regime's predecessors and said that basic reforms were needed in Greek politics to prevent a return to the political turmoil that prompted the military takeover.

"It is time," he said, "that the military men in power realized that the geopolitical position of Greece and the character of our people do not lend themselves to dictatorship of any kind; and it is time that the political forces of Greece realized that a return to the habits and political formations of the past would not be a restoration of normality, but only another kind of abnormality."

A TRANSITORY GOVERNMENT

Mr. Caramanlis, who tried and failed to bring about constitutional and political reforms when in power, apparently sees his role as the leader of a strong transitory gov-

XUM

ernment that would take immediate control, initiate major constitutional changes and organize free elections. He himself would undoubtedly then be a candidate.

Although Mr. Caramanlis has had differences with the monarchy and believes its political powers should be curbed, it is understood he has been in touch with King Constantine, who fled to Rome in December of 1967 after attempting a countercoup against the present Government.

By offering himself as the alternative to the present regime, Mr. Caramanlis was also trying to calm those fearful that a left-wing government would follow the colonels. In short, he was saying that a right-wing dictatorship would be replaced by a right-wing democratic government.

"I must take this opportunity also," he said, "of assuring those who are anxious about the future that I would not have broken silence if I did not believe that the country can be restored without danger to conditions of normalcy, and if I were not prepared to make my personal contribution, if need be, towards that end."

[From the Christian Science Monitor, Oct. 3, 1969]

Caramanlis: Remarks Impress Greeks

Athens.—Former Premier Constantine Caramanlis's indictment of Greece's present rulers and his appeal to them to step down apparently made a tremendous impression on those Greeks who heard it first over foreign radio stations.

But it will be some time before the full impact of the statement can be assessed.

Although the appeal was moderate in tone the former Premier urged the country's armed forces to take appropriate action should the present government refuse to bow out peacefully.

"It is their responsibility and mission," he said, "to protect the people's liberty, security, and independence."

He indicated that he himself would be ready to participate in a new transitional government which would have the task of restoring the country to normalcy.

Mr. Caramanlis, a moderate conservative, is one of the few Greek politicians with high prestige and untarnished image.

He has been living in voluntary exile in Paris since 1963. His statement was issued in Paris and London.

The Greek Government at first refused to allow its publication here. But two Athens dailies suspended publication for a day rather than print only the government's answer to Mr. Caramanlis without also carrying the former Premier's statement.

The newspapers won the day when the government finally consented to publication of the full caramanlis text.

TWO PATHS TO DEMOCRACY

Mr. Caramanlis's last published statement was made on Nov. 29, 1967, during the Greek-Turkish crisis, when he urged the quick departure of the leaders of the Greek coup of April that year.

Taking the position that he can no longer remain silent since the military insists on perpetuating itself in power. Mr. Caramanlis now argues that democracy can be restored in Greece through one of two ways: either through voluntary withdrawal of the present government, or through its toppling by force.

Conceding that the first alternative could be safe and also constructive, Mr. Caramanlis warned that the second alternative might be provoked by uncontrolled powers which could put the country through trials.

This was interpreted as meaning that the Communists would eventually take an active part in the toppling of the military regime when it suited them.

In other parts of his statement Mr. Caramanlis accused the military government protagonists of "lacking the courage to directly admit that they aim at perpetuating themselves in power."

Instead, he continued, "they have created a contradictory and tyrannical regime without any ideological orientation which has committed many mistakes."

Mr. Caramanlis then specifically blamed the regime for disintegration of the armed forces through "sovietization" and cashiering or retirement of battle-tested high-ranking officers, for a poor economic policy which had dangerously increased the balance-of-payments deficit, and for the moral and political isolation of the country.

Mr. Caramanlis maintained that the regime in power could not cover up its shortcomings through "theocratic ideas" reminiscent of the Dark Ages or such slogans as "Greece of Greek Christians," not, at any rate, when the regime's methods had not been very Christian.

Many here interpreted this as an indirect attack on the military rulers for their arbitrary arrests, and persecutions and tortures alleged to have occurred.

UNSUITABLE FOR DICTATORSHIP

Mr. Caramanlis alluded to a previous recommendation of his for the transfer of power to a government, generally accepted and vested with extraordinary powers, which could in due time prepare the country for a safe return to normality.

Lest he be misunderstood, he served notice to both the military in power and the politicians.

He told the military that Greece, by virtue of its geographical position and the idiosyncrasy of its people, was not suitable for any form of dictatorship. He warned the politicians that "a return to the schemes and the habits of the past would not mean a return to normality but only a different form of anomaly."

In closing Mr. Caramanlis assured all that he would not speak out unless he felt the country could safely return to normality. He expressed his willingness personally to contribute toward that end, if need be.

Mr. Caramanlis cannot easily be discredited by the regime in view of his prestige and untarnished record.

As Premier from 1955 to 1963, he was one of the main architects of Greece's postwar recovery and development.

Mr. Caramanlis also has established himself as a moderate statesman. He chose to go into self-exile rather than openly attack the crown as an institution when a crisis erupted between him and Queen Frederika in 1963.

He tacitly admits that the country's political situation was chaotic before the 1967 coup and he wants to look toward the future and not the past.

The military rulers, therefore, will have to be careful in what they say about him. As a veteran politician put it, "Caramanlis's statement is so self-evidently true."

Some think that leading politicians and other elements now will come out in favor of Mr. Caramanlis.

Already former Premier Panayiotis Kanellopoulos has told foreign correspondents that he is in full agreement with the Caramanlis statement.

It is reported that George Mavros of the Center Union and Demitrios Papaspyrou, President of the last Parliament, will make similar statements shortly.

WE HATE WAR

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. LUKENS. Mr. Speaker, recently I received a letter from Mr. T. Harding Jones, who is currently at Princeton University. He is one of many fine young Americans who is trying in his own way to combat the disproportionate publicity which some media give to the radical student movement.

The majority of American youth cannot afford college education. Yet, a minority of radical students who are fortunate enough to either have scholarships or afford the tuition are disrupting the education of the majority of students who go to college and universities to learn rather than "teach" elders.

Harding Jones is not one of these individuals. He and a group of students are coordinating a movement on their campus to combat the upcoming October 15 Moratorium on Vietnam. They are not swept in by the rhetoric of these radicals who claim that the only way to peace is to immediately and unilaterally withdraw from Vietnam, ignoring both the issue of who the aggressor is, as well as the consequences of such irresponsible action.

Harding Jones and his associates are examples of fine upstanding men with a real cause to support. Thank goodness for these students. They are refreshing in a day when it appears that many of our students are irresponsible publicity seekers.

Mr. Speaker, I include the statement in the Record at this time, so that others may benefit from this gentleman's timely and pertinent remarks:

We Hate War

We want the war in Vietnam to end.

We believe our government leaders are in the best position to find an end to the war. They have the knowledge, the experience and the intelligence reports needed to make the decisions which will bring peace.

We believe all students must attend classes on October 15th to support the United States because:

Demonstrations such as the militants plan on October 15 will lengthen the war—not shorten it.

A call by youth to "pull out" only tells Hanoi: "Hang on baby, you might win it all."

Hanoi has not relented its position since peace talks began and will not as long as dissension in America is so widely publicized.

Our Government has shown its determination to find peace as early as possible by:

a. Initiating orderly troop withdrawals.

b. Eliminating November and December draft calls.

c. By demobilizing 60,000 men, from various military units.

The precious "right to protest" was preserved by our fathers who fought Naziism in Europe and hard line Communism in Asia. No one can contend that Hanoi symbolizes freedom of expression or freedom to protest.

An academic society calls for thought and analysis. We therefore challenge the Moratorium Committee to debate the issues at 8:00 PM, Tuesday, October 14th.

A JUBILANT WELCOME HOME FOR MARASCO

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. PATTEN. Mr. Speaker, on Monday, September 29, the charges against the Green Berets were dropped largely because of the unfaultering efforts of the dean of the New Jersey delegation, Peter

Rodino, to obtain justice for these men. I want to express my appreciation and admiration for his able leadership. And, I wish to bring to the attention of my colleagues two articles which appeared in the Star-Ledger on October 2, 1969:

A Jubilant Welcome Home for Marasco

(By Gordon Bishop)

A taut but grateful smile on his lean face, Special Forces Capt. Robert F. Marasco of Bloomfield stepped off a jet at Newark Airport yesterday to an applauding crowd that stared at him as if he were a mysterious celebrity.

It was the same Marasco who had been charged by the Army in the alleged slaying of a Vietnamese double-agent.

He told the throng of greeters swarming around him:

"I never worried about ultimately getting here. It was just a question of when. The beautiful people of the United States have written to me, expressing their support."

He summed up his Army career this way:

"I want to get a release from active duty as soon as possible. It's obvious why."

Asked if he would like to have a trial to prove his innocence once and for all, he said, his head lowered humbly:

"I don't want to go through a trial. I don't want to put my family through a trial. It's a nasty business."

His family stood proudly beside him, his father and mother beaming happily as tears raced down their cheeks.

His sister Anita, 24, also was there. But his wife, Denise, wasn't. She wasn't at the Marasco home Monday night either when the family learned that the captain had been cleared of all charges.

A relative said that the ordeal had left Mrs. Marasco "completely exhausted."

In answer to the accusation that he was the Green Beret who pulled the trigger on the spy, Marasco shot out curtly: "That's ridiculous!"

Hugging her son, Mrs. Marasco cried out joyously, "He's a hero, this man!"

She embraced and kissed her son several times, saying "He looks terrific . . . He looks as handsome as ever."

Joining the jubilant reunion were Rep. Peter W. Rodino Jr. (D-10th), who led the successful fight to free the eight Green Berets involved in the case, and Robert A. McKinley of Newark, the captain's attorney.

While waiting for their son's arrival, the Marascos sat in the airport's Newarker Restaurant, sipping cocktails, unable to eat, chatting with Rodino and hoping that everything would turn out all right for all concerned.

Marasco's tour of duty in Vietnam was to have ended July 28, but the case altered his life.

Rodino now wants to know why the Green Berets were kept in confinement for a month in violation of the military code.

"The whole case was kept a secret for over a month, I want to know why?" Rodino said angrily. "If this could happen, what are we coming to?"

The congressman said his office received some 500 letters expressing outrage over what had happened to the Green Berets. Only two letters, he added, did not support the officers' case.

Rodino said he had heard the incident happened because someone "was out to get Col. Rheault and to discredit the Green Berets."

Col. Robert B. Rheault was commander of all Green Berets in Vietnam before the case broke.

Marasco saw a year-and-a-half of combat in Vietnam and was decorated with three Bronze Stars for displaying bravery and courage in action. His four-year hitch would have been over in about six months, but he feels he'll be released before then.

There was no big brass band or banners to welcame "Bob" home. His mother said he was "too conservative" for that kind of fanfare.

When the American Airlines plane touched down at Newark Airport at 3:50 p.m., the crowd had come to catch a glimpse of a soldier caught in the middle of a messy intrigue.

LAST PERSON

Marasco was the last person to step out of the plane and onto the ramp. He wore his familiar Green Beret, his khaki short-sleeved shirt displaying many decorations. His eyes were shielded with rust-colored sunglasses.

With his mother and father beside him, he braved a barrage of questions during a brief but furious interview, then headed for a car which took him home to Bloomfield.

When he got there, his mother showed him the more than 350 letters and 50 telegrams the family had received in the last couple of weeks. Mrs. Marasco said that singer Connie Francis, formerly of Bloomfield, and now of nearby Essex Fells, had telephoned Wednesday morning to express her congratulations that the men were freed. It was one of hundreds of phone calls since the good news Monday.

The Marascos broke open bottles of champagne for the scores who showed up to celebrate the captain's homecoming.

After his release, Marasco plans to resume his career in the insurance business.

Before enlisting, he was a salesman for John Hancock Mutual Life Insurance Co.

Marasco and his wife will be living in an apartment in Rutherford.

Too Tired for Own Party

Green Beret Capt. Robert F. Marasco missed his "Welcome Home" party at his parents' Bloomfield home last night as a result of a battering at the hands of TV newsmen on his arrival earlier at Newark Airport.

Frank Marasco, father of the 27-year-old captain, said his son was so overcome with exhaustion that "his head almost dropped onto the table during dinner and he told us, 'Its too much, I've had it, I have to sleep.'"

The elder Marasco said his son hadn't slept for 56 hours and had been "very upset" by questions from TV newsmen at the airport who tried to pin down if the captain actually was the triggerman in the Green Beret murder case, as alleged.

"We will let him sleep until he wakes up," the father said. "If it's two days, we're not going to bother him."

The party, with some 50 friends and relatives jamming the Marasco's small two-story brick home at 25 Mountain Ave., quickly turned into a celebration for Rep. Peter W. Rodino Jr. when he arrived.

Mrs. Marasco, nearly overcome with emotion, stepped outside the house to greet the congressman. She repeatedly hugged Rodino, who was given a standing ovation by guests in the house and the crowd outside.

Rodino led the congressional fight against the Army's handling of the case that led to the release of Capt. Marasco and seven other accused Green Berets.

"The whole thing is just beyond belief," said the elder Marasco. "I don't think it could have happened without Congressman Rodino."

LET THE SELLER BEWARE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. BINGHAM. Mr. Speaker, in the field of consumer protection there have been, in recent years, a number of sound proposals that have been limited to narrow objectives. The drive to have the Government release information on products that it has tested is an example of this kind of proposal. The recent move to include electrical, mechanical, and thermal hazards in the Child Protection Act is another important step toward protection of the unwary consumer. My chief regret about these proposals, and about so much of our consumer legislation is that they are not broad enough in scope. The whole history of our efforts in this field has been characterized by ad hoc efforts often prompted by some particular outrage or series of outrages. There has been little comprehensive legislation, only piecemeal bills and administrative actions.

Today, I am introducing the Trade Quality and Consumer Information Act of 1969, which I believe represents a comprehensive approach. I consider this proposal. which is based on the British Trade Descriptions Act, 1968, to be sufficiently sweeping to change the old maxim "Let the buyer beware," to "Let the seller beware." If this be "consumerism" which Secretary Stans deplored the other day, then so be it. I plead guilty to the charge of being more concerned with the consumer than I am with business, because the consumer is less able to protect himself.

This bill which I am introducing will not only tend to protect the consumer's physical safety, but also his pocketbook.

My bill would provide, for the first time in this country, except in the field of food, drugs, and cosmetics, for criminal prosecution for substantial misdescription of goods and services, whether in advertising, labeling, or in verbal statements made during the course of sale. The bill would extend, for example, to information about previous ownership and treatment of used cars, the relative newness and source of second-hand goods, the actual contents of any relative newness and source of second-hand goods, the actual contents of any product, and to any statements about services, such as those provided by travel agents and service stations.

Let me outline the main points of the bill:

First, there would be Federal criminal penalties for using any false trade description, whether in advertising, labeling, or in the course of sale, or for any false statement about goods or services in interstate commerce. The penalties would apply only to the concern that is responsible for the misinformation.

The first offense would be a misdemeanor. Subsequent offenses would be punishable by up to 3 years in prison. It is my belief that this provision would be a substantial deterrent to unscrupulous businesses who, at present, know that, no matter how falsely they tout their products, the most that can happen is that they are told to cease and desist by the FTC.

Enforcement would be by the Department of Justice, through the U.S. attorneys. A special section should be set up for this purpose.

Second, the appropriate regulatory agency—either the Federal Trade Commission or the Department of Health, Education, and Welfare, depending on the product or service—will be given certain powers:

First, to assign definite meanings, that must be adhered to, to business expressions and terms. For example, a term like "reconditioned" when applied to an electric appliance could be assigned a definite meaning.

Second, the regulatory agency could require that the manufacturer or seller provide any information that it thought necessary to enable the consumer to make informed choices in the marketplace. This provision would enable the agency to require such information as the ignition point of a fabric or the performance and safety data of mechanical products—including, for example, automobiles, without the strain that the Federal Highway Administration has gone through recently in requiring certain safety information to be made available.

Third, the regulatory agency would be empowered to require that a manufacturer or seller verify any trade description, and could undertake tests to verify the trade description. Under this provision, a detergent manufacturer could be required to produce actual test data showing that their detergent did not, say, redden hands. If the agency were not satisfied with the manufacturer's data, then it could conduct its own tests.

This section of the bill would also empower the relevant agency to disseminate information about the tests. The agency would also be required to make its findings available for possible criminal prosecutions under the first section of the bill.

CONGRESSMAN VANIK CONTINUES BATTLE FOR TAX REFORM

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. PRICE. Mr. Speaker, during this year's consideration of tax reform in the House, our distinguished colleague, the Honorable CHARLES A. VANIK, of Ohio, has consistently stood up for tax relief for average American taxpayers, while fighting to close those tax loopholes which have enabled many to escape their fair share of taxes. I am pleased to note that Congressman VANIK's constructive role in the development of the House-passed bill has been recognized by so many of the Nation's news media.

Today, Congressman VANIK testified before the Senate Finance Committee, which is now considering the tax reform bill. I would like to enter in the RECORD at this point Congressman VANIK's statement. He is to be commended for his continuing struggle to bring tax justice to America.

The statement is as follows:

STATEMENT OF CONGRESSMAN CHARLES A. VANIK

Mr. Chairman, after six trying months of effort on the Tax Reform proposal, I can fully appreciate the difficult problem which confronts your Committee. The work of the House Ways and Means Committee and the House of Representatives is not perfect, but I believe you will agree that our deliberations were extensive, exhaustive, and well-intentioned. Most of our decisions in Committee were arrived at after extensive discission. Section by section, we approved most of the language by almost unanimous vote. As you can determine by the Report on the Bill, there was, overall, very little dissension on major provisions of the Bill.

With this in mind, I endorse the principal provisions of the House Bill. Our decisions were made calmly and deliberately and in substantial response to the overwhelming mandate which each of us has clearly received from our constituencies. To my knowledge, that pressure has not diminished one iota.

Neither the House of Representatives nor the Ways and Means Committee initiated the drive for tax reform. We were pushed into it by angry taxpayers. The disclosure of abuses of the tax code ignited the bonfire. Taxpayer indignation at the escape from taxation of the super-rich, added fuel to the fire. The alternative to tax reform is open tax revolt.

There are some who would prefer to keep reform in suspension as a political issue—I would rather see a fair and reasonable proposal written into law. This reform proposal is in many instances only a soft touch on tax privilege instead of the heavy hand that I would like to see. It deals with no citizen unfairly. It is a step we must take toward tax justice.

Those who criticize our efforts to impose a minimum tax on the wealthy must find some other way of accomplishing this necessary goal. But that goal must be reached. The American public demands it.

Much has been said about our treatment of the oil depletion allowance. Considering what could have happened, the small reduction in the depletion allowance enacted by the House was the minimum the taxpayer would accept. There can be no Tax Reform Bill without some reduction of oil-tax privileges. Nothing was done about intangible drilling costs, accounting procedures, and several other devices to spare oil taxation. The oil industry should be able to assume this taxation without threats to increase consumer prices. Blackmail will not work on the Congress or the consumer.

Domestic oil prices are artificially controlled by two state commissions working in unison toward price stability through production controls. Foreign oil import controls further prop up domestic oil prices at a consumer cost of billions of dollars. The authenticity of reports of depleted reserves must be questioned, in light of the advantages inherent in suppressing reported reserves in an effort to shelter these reserves from taxation.

In one afternoon before the Ways and Means Committee, I dispelled the myth of natural gas shortages and the threat of a natural gas crisis. That information is in the House record.

Although the Administration has finally agreed to accept the Ways and Means Committee and the House recommendations for a reduction in the oil depletion allowance to 20 per cent, they favor retaining the foreign oil depletion allowance which was completely eliminated by the House.

There is no rational legislative reason for extending the privilege of the depletion allowance to foreign produced oil. The combination of the depletion allowance and the foreign tax credit have made most of these profits tax free.

These tax-free profits of American investment in foreign oil have corrupted and misdirected American foreign policy in many oil-rich countries. This has resulted in American policies of costly military assistance in support of temporary rulers who will undoubtedly be removed when their people find out what is going on. There is no reason for the American taxpayer to subsidize these activities.

In some of the provisions of the Reform Bill, there may be room for improvement, particularly with respect to the language on charitable giving. I also hope that your Committee will consider providing taxpayer relief by way of increased exemptions. From projections of tax receipts which I have seen, it would seem very feasible to increase exemptions at the rate of $100 per year, per dependent for the next four years until the dependency allowance reaches $1,000 per dependent. Every taxpayer relates the dependency exemption to the actual present day costs of support. To the taxpayer, his is far more meaningful than increased standard deductions which disregards family size.

In considering a taxpayer's fair share of taxation, it is important to know how a taxpayer must divide his available income among his dependents. This is hardly a boon to a wealthy taxpayer whose expense in supporting dependents escalates with his station in life. Poverty and large families are synoymous. Increased exemptions are the only method to relate the need for tax relief to family size.

One major objective of tax reform in the House which was not achieved is the critical need for simplification of tax returns and payment procedures. For the individual taxpayer, there is need for a simplified appeal procedure. As it stands now, the Tax Court procedure is a court for the rich. Less than one per cent of all challenged cases reach the Appellate Division of the Internal Revenue Service. Some lawyers argue that it is not feasible to take up a tax dispute unless the tax claim is upwards of $10,000.

What would be wrong with a system of small tax claims referees who could establish essential facts in small tax claims and provide a necessary and humane service for the average taxpayer.

In these days of high interest, it appears that the Internal Revenue Service is used as a bank by tax delinquents who pay 6 per cent interest on taxes owed the Federal government, using tax money for other purposes.

According to the latest Internal Revenue Service figures provided to my office, interest on delinquent taxes owed to the United States Treasury by individuals and corporations in Fiscal Year 1969 amounted to over $567 million. This amount of interest would indicate a $9.5 billion tax delinquency in Fiscal Year 1969! At this rate, the tax delinquency will increase in Fiscal Year 1970 by 12 per cent—over $11 billion.

There is no joy to the Treasury collection of this interest at a 6 per cent rate. Who can get money cheaper than that? The delinquent taxpayer can invest these funds in absolute security at 8 per cent or 12 per cent. The delinquent taxpayer can profit by arbitrage at the expense of all other taxpayers who pay their bills.

It is incredible—but the delinquent taxpayer has another useful gimmick. He can get a tax write-off against his current taxes for the interest he pays the Internal Revenue Service on his delinquent tax bill. This reward for delinquency adds a cruel insult to the average eaxpayer who has to pay his tax bill before it is due.

It seems to me that the Tax Reform proposal should be amended to raise the interest rate for delinquency and to eliminate the deduction for interest paid on delinquent taxes.

I know that your Committee is critically pressed for time in your deliberations. But there is a sense of urgency about tax reform which should prompt us to make difficult and responsible decisions this year.

PARKINSON'S DISEASE BREAKTHROUGH AT THE ATOMIC ENERGY COMMISSION

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. HOSMER. Mr. Speaker, one of the lesser known but most important activities of the Atomic Energy Commission is medical research. The Commission along with the National Institutes of Health are probably this Nation's most valuable Federal resources in this area.

For the past several years, the Congress has been funding the biology and medicine program at the Commission at a level of about $90 million per year.

One of the most striking evidences that this money is well spent is the development at the AEC's Brookhaven National Laboratory of a new drug which is making dramatic progress in the control of Parkinson's disease.

The drug is called L-Dopa. Its discovery evolved from a research program in which Dr. George C. Cotzias and Dr. Paul S. Papavasiliou and others at Brookhaven were using radioisotopes to study the role of trace elements in the body and their relationship to neurological based diseases.

In its October 6 issue, Newsweek magazine compares the development of L-Dopa with the development of penicillin in the 1940's, and tranquilizers in the 1950's. This fine article details the progress being made in the treatment of Parkinson's disease with L-Dopa and what lies ahead.

The article follows:

PROGRESS WITH L-DOPA

"Miracle" drugs that really work are almost once-in-a-decade developments: penicillin in the 1940s, the tranquilizers of the 1950s, and for the 1960s—just possibly—a new drug called L-Dopa. According to preliminary reports two years ago, L-Dopa seemed to be the most effective drug ever found for controlling the disabling tremors and muscular rigidity of Parkinson's disease, which afflicts up to 1.5 million Americans. But further careful testing of the drug was required to confirm the initial impression. At the World Congress of Neurological Sciences in New York last week, researchers conducting these trials agreed that L-Dopa had more than lived up to its promise.

The discovery of L-Dopa as a treatment for Parkinson's disease came from basic research in 1960. The disorder was known to involve the basal ganglia, small nerve structures that are located deep within the brain. And at the time, surgery to destroy parts of the basal ganglia was the most effective—though hazardous—way of relieving Parkinson's symptoms. Then Drs. H. Ehringer and O. Hornykiewicz of Vienna found the basal ganglia of patients suffering from the disease lacked a neural chemical called dopamine. They began testing ways of raising the dopamine level in the brain as a means of treating the disease. In 1967, Dr. George C. Cotzias of the Atomic Energy Commission's Brookhaven National Laboratory in Upton, N.Y., discovered that high doses of L-Dopa, an amino acid that is converted by the body into dopamine, had brought about improvement in his small group of patients. At last week's meeting, researchers were able to report similarly dramatic results on hundreds of additional patients.

HELP

One study—involving some 400 Parkinson's-disease sufferers—was done by the Neurological Institute of New York's Columbia-Presbyterian Hospital. In several patients, the Parkinson's-disease symptoms disappeared entirely. The same kind of findings were reported by Dr. Fletcher McDowell of New York Hospital-Cornell Medical Center. McDowell cited in particular the case of a 68-year-old pianist who had become so disabled that she was unable to turn in bed without assistance. After eight weeks on L-Dopa, she was able to dress herself, walk briskly and even play the piano.

In the two years since Cotzias' report, the use of L-Dopa has been refined. At first, recalled Columbia's Dr. Melvin Yahr, the drug seemed to overcome rigidity, but didn't seem to help with the uncontrollable trembling of the arms, legs, hands and fingers. Now, neurologists report that the tremor is stilled if the drug is given long enough.

The drug must also be given at high doses to be effective. To give the patient time to adjust, the dosage starts low and is gradually increased to as much as 8 grams every day over a period of three to four weeks. In the beginning, patients often experience nausea and even vomiting, but these side effects disappear, especially if the drug is taken with meals. The most serious side effects are disturbances in the heart rhythm, nervous tension and sudden drops in blood pressure, often severe enough to cause fainting. These problems, the doctors at the meeting agreed, can usually be eliminated by decreasing the dosage.

BOOSTER

In many cases, the meeting was told, L-Dopa has replaced surgery for treating Parkinson's disease. While an operation on the basal ganglia can ease symptoms, it will not arrest the progress of the disease. Eventually, additional surgery may be required. In the opinion of Dr. Robert S. Schwab of Boston's Massachusetts General Hospital, approximately 10 per cent of Parkinson's patients will still benefit from surgery, particularly those who are 90 per cent disabled, whose disease largely affects one side of the body and who are under 65. But even these patients, he said, would need drug therapy to eliminate symptoms as the disease progresses.

The drug has not yet been approved for marketing by the U.S. Food and Drug Administration—pending proof of safety. This has limited the availability of L-Dopa. At present, Hoffman-La Roche, Inc., of Nutley, N.J., is supplying the drug free of charge for trials at major medical centers. Private physicians can obtain the drug—at a cost of about $2.50 for an average daily dose—from the three other U.S. suppliers of L-Dopa after obtaining permission from the FDA to conduct clinical trials. At the same time, neurologists are looking for ways to improve the drug. For example, they are now trying "booster" drugs which, when administered simulaneously, increase the amount of L-Dopa that reaches the brain.

THE VIETNAMESE "MIDDLE GROUND"

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. ROSENTHAL. Mr. Speaker, a recent witness to political developments in South Vietnam, Richard A. Berliner, has written a provocative article about the approaches needed in that country to develop a new political consensus.

His article "The Vietnamese 'Middle Ground'," gives important insights into the thesis, which I support, that a new government, responsive to the political actualities, is needed before we can expect peace in Vietnam.

The article, published in a recent issue of the Ripon Forum, follows:

KEY TO POSTWAR POLITICS: THE VIETNAMESE "MIDDLE GROUND"

(By Richard A. Berliner)

(NOTE.—Richard A. Berliner served six months in Vietnam with the Committee of Responsibility from March, 1968. Prior to this position, he served from September, 1966 with the International Voluntary Service, working with youth and student groups in development problems and refugee assistance near Saigon. He is currently a student of Southeast Asian Affairs at American University.)

One of the most important and little realized facts about the internal politics of South Vietnam is that despite the years of physical and political struggle the country has seen, there exists a sizeable "middle ground" whose "heart" has been won by neither side. This swing segment remains as disaffected and unmoved as ever by the rhetoric of the Saigon regime and the National Liberation Front.

Because the military stalemate has led to increasing emphasis on the need for a negotiated settlement in Vietnam, the "middle ground" has become progressively more important. In fact, it seems clear that any settlement which pretends to be permanent will have to take this element of the population into account.

The political difficulties this imposes are immense because of the make-up of the "middle ground" itself. Fragmented among religious, political and class groupings, the one cohesive force that binds this element is a desire for PEACE, *i.e.* an end to the massive destruction with anticipation of continued "in-fighting" among the Vietnamese forces.

An important element within the "middle ground" are the youth, students in the high schools and universities as well as non-students under thirty. If there is one failure that can be attributed to the Ky and then Thieu regimes, it has been their inability to attract the support of Vietnam's young people. Thieu has not mistakenly tried to organize his own youth movement like Ky's Anti-Fraud League (which had to be disbanded because of corruption over use of government money and the purchasing of draft deferments), but neither has he gotten any of the youth organizations (and there are a considerable number) to give him more than token support.

Instead he has enlarged the disaffection felt by the youth by cracking down swiftly and subtly—not with riot troops as Ky was forced to use in 1966, but with the secret police, the jails and military courts.

A Christmas concert of anti-war songs was broken up with over eighty arrested. Youth idol, Trinh Cong Son's music was banned for its advocacy of peace and a united Vietnam. New petitions for peace have been presented to the government, and new groupings have occurred to push the peace issue. Probably the most prominent of these is the "Genuine Nationalists," reportedly formed around General Duong van (Big) Minh—a popular figure who returned from exile in Thailand last fall.

Less overt in their disagreement with the Thieu regime are a growing number of Catholics (Thieu is a Catholic), both Northern and Southern. Essentially made up of intellectuals, professionals, and priests, this group has a strong conviction for the need for peace and a realization that Thieu is not focusing on this question. A feeling is developing that it may be easier to work with

XUM

the National Liberation Front and in fact necessary if peace is going to happen. This is a strong voice in face of the common belief that the "communists" would disallow the freedom to practice religion, especially for Catholics. Priests in the South know, however, that this has not been the case in the North, through communication with relatives via Paris.

One of the bright young voices among the Catholic dissidents, Father Nguyen Ngoc Lan, has been imprisoned since December.

EMINENT "HO U. ALUMNI"

What Thieu has perhaps failed to understand is the politicalization that takes place in Vietnamese jails. Writes Saigon free-lance correspondent, Don Luce (whose nine years in Vietnam give him a unique perspective). "For decades political prisoners have been sent to Con Son (a prison island). In the time of the French it became known as the University of Ho Chi Minh because so many of its 'graduates' joined the Viet Minh after imprisonment there. Today, some of Vietnam's most respected leaders including Phan Khac Suu, the Cao Dai political leader, and Dr. Phan Quang Dan, Suu's running mate in the third-place ticket in the September 1967 presidential elections, proudly list their stays at Con Son among their political assets. Conspicuously missing from this list, however, is the present Saigon government leadership."

Just how many more than official American estimates of $20,000 political prisoners sit in Vietnam's jails is difficult to say. Some estimates run into the hundreds of thousands. Very few have the luxury of being brought to trial. If more were, it could be seen clearly that not only disaffected students but also prominent religious leaders, reserve military officers and labor union organizers line the jails. The Thieu regime is very egalitarian in its attempt to silence the dissident forces.

The existence of a middle ground is not very significant unless this force is able to exercise influence over the polar contestants. President Thieu has chosen to use repressive means to silence the "middle ground." The arrest of Thich Thien Minh and Father Lan and the ban of anti-war folk singer, Trinh Cong Son, indicates that he feels threatened by Buddhists, Catholics and youth they represent. At the same time by eliminating any possibility of support from these groups, he is placing his survival in the hands of military might. This for the most part still rests with the United States.

HETEROGENEOUS BUT URBAN

Just as the GVN and the NLF can claim representation from Buddhists, Catholics and the less prominent Hoa Hao and Cao Dai sects, the "middle ground" has all of these—perhaps a majority of the devout Buddhists (which is basically a pacifistic religion) and a surprising number of Catholics. As a group it is more urban than rural based, and less likely to occupy high positions in the military or work directly with or for Americans.

It would be wrong to describe it as a "third force," however. Although Buddhists played a prominent role in overthrowing President Diem in 1963, hopes for a third force," as an independent movement died for many in the Spring of 1966, when Premier Ky decided to take care of the Buddhist "problem" with tanks and rifles in Hue and Danang. Led at the time by Thich Quang (labeled a militant Buddhist, despite adherance to essentially non-violent tactics), the Buddhists remained dormant for over a year—until the eve of the 1967 presidential elections.

While students protested against the unethical tactics employed during the presidential election, Tri Quang and adherents of the An Quang Pagoda staged a sit-in in front of Thieu's Independence Palace protesting the revocation of the Buddhist charter. The question has never been settled.

The 1968 Tet offensive further confused and scattered the Buddhists and proponents of a "third force," while bringing several of its leaders together under imprisonment "for their own protection" according to Thieu. Tri Quang, Au Truong Thanh (former Minister of Economics under Ky) and Truong Dinh Dzu (runner-up in the 1967 presidential elections) were cloistered together with several others of similar status. Each one, although non-communist, was considered a threat by the government.

A few petitions were presented, the wives of the imprisoned staged a one-day demonstration and other similar weak responses were made to protest the imprisonment. Their release came eventually, in April, 1968. Today Dzu is back in jail, apparently for the duration of the regime. Au Trung Thanh is in self-exile in Paris. And Thich Tri Quang remains more or less under house arrest.

More recently, however, there has been a new round of activism by "middle ground" elements. A ten-mile procession, advocating "peace" occurred in late December led by monks of the An Quang Pagoda. It was capped with the releasing of about 20 white doves from the Pagoda roof, as well as clusters of balloons carrying paper doves. The gathering at the end of the peaceful procession was disrupted by Saigon combat police when youths began agitating for expanding the demonstration.

CENSURE 'EM, ARREST 'EM

The censure of Thich Thien Minh, one of the most prominent of the "middle ground" monks, through a warning not to advocate "peace" in his sermons, was Thieu's response to this activity.

Thien Minh has since been arrested along with approximately fifty of his followers in the wake of the most recent Communist attacks at the end of February. He was arrested under the pretext of having NLF propaganda as well as correspondence with Ho Chi Minh in his quarters at a Buddhist dormitory as well as for harboring draft dodgers.

Although it is difficult to know if this indictment is in fact true, its public pronouncement by Thieu can only further complicate his problems. If true, it means one important element of the "middle ground" has shifted much closer to the NLF than ever before. If false, it will further alienate many Vietnamese for attempting to discredit a popular figure.

Thirty-four of the students have been released, but Thien Minh was sentenced by a military court to ten years hard labor. The An Quang Pagoda issued a statement calling the sentencing, "brutal to a degree of nonsense," and "a serious provocation against the church." Dzu, the last prominent leader to be brought before a military court, was sentenced to five years hard labor at Con Son Island after testimony and deliberation of less than two hours.

Recently, the Thieu-Ky government announced the formation of a moderate party to attract the middle ground elements, but they have done little to implement their words or lay the groundwork for any genuine political movement.

CONCILIATORY NLF STRATEGY

The National Liberation Front, on the other hand, seems to have placed more importance on the role of the "middle ground" in a peace settlement. Nor does it feel essentially threatened by it. The best example of this was the surfacing of the Alliance for National Democratic and Peace Forces, officially announced over the National Liberation Front radio late in April 1968.

Although the communique said the Alliance was consummated during a two-day meeting April 21 and 22, 1968, near Saigon, it is believed that its origins go back much further. Earlier a regional committee was set up in Hue during the 1968 Tet offensive, with the venerable Thich Don Hau named as vice-president. Don Hau was also named vice-president of the national body composed of ten leaders. All are well known in Saigon as lawyers, doctors, and professors. Only one, a woman doctor, Duong Quynh Hoa, has been suspected of having previous Communist connections.

A May 9, 1969 New York *Times* report cites a captured prisoner as dating the formation of the plan to set up an alliance as far back as mid-1967. The article also cites a United States Mission Study that dates the concept for an alliance back to 1966 (that "would broaden the appeal of the NLF among various classes in Saigon who found it difficult to cooperate clandestinely with the Viet Cong.")

Whether the alliance has been successful or not, it is difficult to discern at this point. What is important is that the NLF is making an effort to attract the middle ground and therefore recognized its political potential. The Saigon government, by repressing the middle ground is further alienating itself from the population and making its own survival almost a matter of conjecture.

BIG-TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the Daytona Beach, Fla., Journal; the West Palm Beach, Fla., Palm Beach Times; the Tampa, Fla., Times; the Sarasota, Fla., Journal; and the Cocoa, Fla., Today. The editorials follow:

[From the Daytona Beach (Fla.) Journal, July 30, 1969]

THIS MENACE DIES HARD

The bill died in a committee of the Florida Legislature but it has had a rebirth in a committee of the U.S. House. Its purpose is to spawn a new breed of monsters on the nation's highways.

The bill, to permit heavier, wider and longer trucks on the nation's highways, died in a House committee last year because of public outcry against it. But quietly it is being pushed again this year through the persistence of the trucking industry.

A companion proposal, permitting wider buses that could lead to wider trucks, was lobbied by former Gov. Haydon Burns before a Florida Senate committee during this year's legislative session, but was scrapped also because of public outcry against it.

The new House bill is supposed to have some sweeteners in it, but its opponents on the committee are not impressed.

It is called a "permissive" bill, allowing the states to adopt the larger limits on interstate highways it would authorize. But state legislative history indicates that the states are quick to go along with the trucking lobbyists—the Florida committee, in fact, bowed to Burns and approved the bill he presented. The public's alarm forced it to reconsider.

Also, the bill purports to set a limit of 70 feet, but Rep. Fred Schwengel, R-Iowa, has discovered a grandfather clause in it that makes the length limit meaningless and would permit the use of triple trailer trucks 105 feet long in some states. Even if the limitation of 70 feet held up, that is longer than the length permitted in 48 states; indeed Florida's limit is now 55 feet.

And a nonsensical "sweetener" is that the bigger trucks would be limited to the interstates. But trucks do not begin or end on interstate highways; they have to reach those from city streets and linking two lane roads.

Motorists would be subjected to far greater chances of dying in accidents involving trucks than they are now, and that already is bad enough. Accident studies presented in opposition to the bill show that accidents involving cars and small pickup trucks accounted for three tenths of one percent of the fatalities per 100 persons involved. But the death rate mounts to 13.3 per 100 in car-big truck accidents, with 98 percent of the victims for the most part the car drivers or passengers.

The American Automobile Assn. calls for thorough research into the safety effects of permitting the longer lengths, widths and greater poundage of trucks before the bill is considered further.

"The lives and property of over 100 million drivers are involved in such a decision," said AAA. "Congress should not ask them to be guinea pigs by increasing the sizes and weights and then research the effects. The research should be done first."

Finally, there is the economic factor aside from the property damage and wasteful loss of life. The Bureau of Public Roads has predicted that an estimated 300,000 bigger trucks on our costly highways would require an additional $8.5 billion in repair and construction costs to the interstate system in the first 10 years.

Rep. Richard D. McCarthy, D-N.Y., another opponent of the bill, said: "8.5 billion to benefit one third of one percent of the nation's vehicles is a steal. I wouldn't believe it if I weren't here."

[From the West Palm Beach (Fla.) Palm Beach Times, July 24, 1969]

Safety First

The trucking industry, engaged in a determined campaign for the last year or so to persuade the government to give even larger trucks the run of the nation's roads, has lately come up with a new argument to bolster its case.

Industry spokesmen asserted in congressional hearings that the size and weight hikes desired would actually contribute to highway safety. Their reasoning is that by abandoning the present weight limit—73,280 pounds—for trucks on the interstate system and adopting instead an axle-spacing formula, weight distribution would be improved. Trucks might be heavier—up to 92,500 pounds—and wider, but also better-balanced, and therefore less of a hazard to truckers, passenger car drivers, bridges and the roadways themselves.

There is no question that trucking is a vital element in the transport system of a consumption-happy society or that there are valid arguments for bringing existing regulations into line with changing needs of the industry and public, improved technology and highway facilities.

But this is one that is likely to be difficult to sell to drivers who have had white-knuckled experience maneuvering around and among present width and weight trucks, or struggled to keep a car on the road in the gale-force winds frequently created in passing or being passed by trucks.

All the advantages claimed for the public will do little for those killed or maimed when forced off the road by a rubber-tired boxcar.

[From the Tampa (Fla.) Times, July 23, 1969]

Big-Truck Issue Rises Again

Do you as a motorist want longer, wider and heavier trucks on the nation's highways?

If you are opposed to that, or should you desire more information before reaching a decision, you'll be wise to take serious note of legislation pending in Congress. A bill designed to ease federal restrictions on commercial vehicles is being considered by the roads subcommittee of the House Public Works Committee.

This measure would permit widening of trucks and buses from eight to eight and one-half feet and to increase the gross weight from the present limit of 73,000 pounds to as much as 108,900 pounds on a nine-axle truck. It is practically identical with the big-truck bill which died in the last congressional session. The new bill would impose a 70-foot length limit, which is higher than allowed, except under special permit, in 48 of the 50 states. Florida's length limit, for instance, is 55 feet.

Representatives of a number of fine organizations, including the American Automobile Association, the American Association of State Highway Officials and the General Federation of Women's Clubs, have testified against the measure. George F. Kachlein Jr., AAA executive vice president, quite properly called it an "anti-safety bill," warning of the increased peril the longer and wider trucks would present for ordinary motorists.

Others pointed to the incalculable sums that would be needed to strengthen existing bridges to sustain such truckloads and to rebuild roads worn out prematurely.

Although the bill as it now stands would apply only to the interstate highway system, we should keep in mind that truck trips do not begin or end on interstate highways. They must enter or leave on roads of inferior design and construction and, if anything, more congested. Thus, once Congress opens the way for more enormous truck-trailers on interstate roads, the pressure will mount on legislatures to establish similar maximum limits on state highways, thereby increasing driving risks.

Mr. Kachlein did well to emphasize that far more basic research into the accident hazards posed by larger and wider trucks is an absolute necessity. As he pointed out, "The lives and property of over 100 million drivers are involved in such a decision and we cannot ask them to be guinea pigs by increasing the sizes and weights and then researching the effects. The research should be done first."

He is so right, and we join the Florida Conference of AAA Motor Clubs in urging Florida motorists to write their congressmen to put the House bill to one side for further research and study.

[From the Sarasota (Fla.) Journal, July 23, 1969]

The Truck Battle

The trucking industry, engaged in a determined campaign for the last year or so to persuade the government to give even larger trucks the run of the nation's roads, has lately come up with a new argument to bolster its case.

Industry spokesmen asserted in congressional hearings that the size and weight hikes desired would actually contribute to highway safety. Their reasoning is that by abandoning the present weight limit—73,280 pounds—for trucks on the interstate system and adopting instead an axle spacing formula, weight distribution would be improved. Trucks might be heavier—up to 92,500 pounds—and wider, but also better-balanced, and therefore less of a hazard to truckers, passenger car drivers, bridges and the roadways themselves.

There is no question that trucking is a vital element in the transport system of a consumption-happy society or that there are valid arguments for bringing existing regulations into line with changing needs of the industry and public, improved technology and highway facilities.

But this is one that is likely to be difficult to sell to drivers who have had white-knuckled experience maneuvering around and among present width and weight trucks, or struggled to keep a car on the road in the gale-force winds frequently created in passing or being passed by trucks.

[From the Cocoa (Fla.) Today, July 22, 1969]

Warning by AAA

The Florida branch of AAA believes two bills pending before Congress are a danger to Florida motorists and highways.

One, the AAA says, would permit wider buses to use federal highways. The other would allow longer and taller trucks on the Interstate system.

The AAA says such federal rules usually turn into state laws because few trucks and buses can complete their trips without leaving the superhighways.

JUVENILE CRIME IN NATION'S CAPITAL

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. NELSEN. Mr. Speaker, for some time now there has been general concern on the part of the administration, many of the Members of Congress, representatives of the District government, representatives of various community organizations, and citizens of the community itself with the rapidly increasing serious and violent crime being committed by juveniles in the Nation's Capital. For instance, I note that recent statistics show that in the last 6 years, robbery by 16- and 17-year-olds has increased 258 percent. At the same time, Mr. Speaker, I have been concerned with the recognized deficiencies in existing legislation for protecting the due process rights of arrested juveniles.

The Department of Justice, in consultation with expert representatives of the Department of Health, Education, and Welfare and the District government, has undertaken an extensive revision of the Code of Juvenile Procedure for the District of Columbia. The administration's proposed Code of Juvenile Procedure for the District of Columbia, which is contained in this bill, is held to be a balanced and comprehensive approach to the problem of juvenile crime in the District of Columbia. It supplements the provisions of H.R. 12854, which I introduced on July 15, 1969, and which was subsequently referred to the District of Columbia Committee. H.R. 12854 provides for a comprehensive reorganization of the current court system and the judicial environment in which family problems would be handled in the District of Columbia. The restructured court of general jurisdiction, the superior court, would have a family division in which would be vested all of the jurisdiction of the now existing juvenile court of the District of Columbia and the domestic relations branch of the court of general session of the District of Columbia. It is intended that all family-related problems, such as delinquency, parent-child problems, and so forth, would come within the jurisdiction of the family division of the superior court.

In its proposed legislation, the administration has provided that those 16- and 17-year-olds who commit specified crimes of violence most dangerous to the peace of the community, such as murder, rape,

XUM

and robbery, will be ineligible for treatment as juveniles. Instead they will be prosecuted as adults with the whole panoply of correctional services available, including supervision and treatment pursuant to the Federal Youth Corrections Act. Retention within the juvenile system of these matured, sophisticated, and experienced 16- and 17-year-olds who commit such violent crimes would appear in many instances to only undermine the rehabilitative potential of other juveniles. Together with its proposed waiver provisions in H.R. 12854 and H.R. 13689, the administration has chosen to limit the benefits of juvenile treatment to those youngsters with the requisite rehabilitative potential and to exclude those who lack such potential and might adversely affect the rehabilitation of others.

The administration's proposed Code of Juvenile Procedure also incorporates and thereby codifies the requirements of due process outlined by the Supreme Court in its recent decisions. Clear notice of the charge made, provision for counsel at all critical stages, and hearings to determine probable cause for detained juveniles are among the numerous procedural protections accorded juveniles in the proposed code. In addition, the administration has carefully and wisely established different procedures for handling delinquent children, neglected children, and children in need of supervision. Mental examinations of juveniles are specifically provided for in the bill, and other procedures relating to the juvenile mentally ill are provided for in the proposed code.

By providing a fair and well delineated balance between the rights of juveniles and the protection of the public, Mr. Speaker, it is submitted that the administration has recommended a Code of Juvenile Procedure for the District of Columbia which merits prompt consideration as a measure to stem the increasing tide of serious and violent crime being committed by juveniles in the Nation's Capital.

A REPORT ON THE NIXON ADMINISTRATION

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. FOREMAN. Mr. Speaker, because of questions and comments concerning the new national administration, I welcome the opportunity to discuss a few of many notable accomplishments.

Thanks to the action of President Nixon and his capable administrative management team, for the first time in 10 long years we ended fiscal year 1969 with a budget surplus of $3 billion. That accomplishment is even more noteworthy in view of the fact that L. B. J. had a deficit of $25 billion last year.

The President recently announced a cutback in all foreign service personnel and a reduction in the number of AID advisers abroad to effect an approximate saving of $75 million per year.

President Nixon has established an effective, capable Department of Justice that is letting the hopheads, thieves, crooks, and criminals understand that crime does not pay like it previously did.

As a result of President Nixon's appointments, for the first time in 13 years the Supreme Court will become independent of the activist, liberal coalition which has ruled it. This development is highly significant for the American people, long overdue, and certainly welcome. It should mark the beginning of a new era in judicial responsibility, with the Supreme Court adhering to the Constitution while exercising proper judicial restraint in carrying out its duties.

VIETNAM

Whether we wholeheartedly agree with it or not, there is a new direction in the war in Vietnam. Consider carefully the facts:

In 1960, at the end of the Eisenhower-Nixon administration, there were only 793 Americans in South Vietnam, and in an advisory capacity only.

In 1963, when Johnson took over from the Kennedy administration, there were over 25,000 Americans in Vietnam, driving tanks, flying planes, and actively engaged in the conduct of the war.

In January 1969—8 long years later—when the Nixon administration assumed the reins of government, there were 549,500 Americans doing the fighting in the mud and swamps and jungles of Vietnam.

Now, after less than 9 months in office, Nixon has initiated a program of turning this war over to the South Vietnamese themselves—helping them to help themselves, to defend their own country, and fight their own battles—and the American troop level has been reduced to approximately 511,000, is reducing every day, and should be down to 484,000 by December 15.

Basically, there are three primary options in Vietnam:

First, continue the endless, winless, vacillating conflict as during the previous 8 years;

Second, utilize our air and other military superiority to win this war promptly; or

Third, turn the war over to the South Vietnamese to do their own fighting and proceed with an orderly withdrawal of our troops as rapidly as possible.

While the second alternative has been my first choice and recommendation, I will support any honest effort to end this costly, deathly, destructive conflict, and I will continue to work with the Nixon administration toward such a goal.

RESPECTABLE LEADERSHIP

Admittedly, as a responsible economic thinker, as a supporter of individual initiative and responsibility, and as one dedicated to the preservation of our basic constitutional principles, President Nixon will continue to be attacked, ridiculed, and maligned by some of the mass communication media and radical leftists—but I believe that there are millions of concerned, independent, hard-working, taxpaying, law-abiding citizens throughout this great country who do appreciate his dedicated, tireless efforts, and the difficult job he is trying to do.

Perhaps one of the greatest achievements of the new administration has been an intangible one—that of restoring public respect for the Presidency. The Nixon White House is emerging as clearly a place where standards are high; where excellence is the norm; where decency and dignity are the rule.

THE $50 BILLION POVERTY RACKET

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. RARICK. Mr. Speaker, we have heard much of economy of late, both by the left-wing press and controlled news media, and by a vocal minority of politicians, bureaucrats, and other profiteers of our shameful system of subsidizing the parasites and drones of our society at the expense of the honest, hard-working, law-abiding American.

Cutting to the core of the problem, that Federal handouts in the name of welfare benefit certain professional demagogs as well as the professional poor, Mr. Dan Smoot points out that we can save, simply by returning to constitutional government in this area, $50 billion per year.

I include his well-reasoned argument and pertinent news clippings as part of my remarks:

[From the Dan Smoot Report, Sept. 22, 1969]

THE WELFARE QUAGMIRE

About six million Americans were on welfare in 1958; more than nine million in 1968—a 50% increase.[1] These statistics do not include more than a million people employed in tax-financed, make-work projects of the poverty war program; more than a million drawing unemployment compensation; more than 20 million drawing social security benefits.[2] During this period when national welfare rolls increased 50%, federal spending on welfare increased 210%; but the total population increased only 10%.

The most dangerous increase is in AFDC reliefers. AFDC means Aid to Families with Dependent Children, a program created by the Social Security Act of 1935. It is financed by federal and state governments on a "matching-fund" basis—the federal government putting up, on an average, about $1.8 of tax money for every $1.5 put up by state (and/or local) governments. In 1958, 2.8 million people were receiving tax money in the AFDC program; 6.1 million in 1968—a 111% increase. About 46% of all AFDC recipients are Negroes, though Negroes constitute only 12% of the total population.[1]

These enormous increases in relief rolls occurred in a period when employment opportunities were unusually abundant.

President Nixon says the federal government alone has spent more than a quarter of a trillion dollars (more than $250 billion) on social programs—just in the past five years.[3] *The Statistical Abstract of the United States: 1968* (published by the U.S. Bureau of the Census) indicates that *federal* "social welfare expenditures" totaled about $270 billion in the past five years, and that state and local government spending on social welfare totaled about $240 billion.

Some 510 billion (more than half a trillion) tax dollars have been spent on social welfare in five years.

How much good has been done by this pillaging of taxpayers? None at all! In fact, it

---

Footnotes at end of article.

XUM

has done more harm than good, as President Nixon says:

"Yet far from solving our problems, these expenditures . . . reaped a harvest of dissatisfaction, frustration and bitter division.

"Never in human history has so much been spent by so many for such a negative result."

Here are other Nixon comments about our welfare system: [3]

"We have been on a road for a long time that is leading us to disaster."

"Millions of families . . . [are] locked into a welfare system for generations."

"A welfare system is a failure when it takes care of those who can take care of themselves . . . when it breaks up families, when it perpetuates a vicious cycle of dependency. . . .

"America's welfare system is a failure that grows worse every day. . . .

"Since 1960, welfare costs have doubled."

"[Yet] the poor have generally become poorer. . . ."

"The . . . welfare system has added to social unrest. . . .

"The situation has become intolerable."

"Whether measured by the anguish of the poor themselves, or by the drastically mounting burden on the taxpayer, the present welfare system has to be judged a colossal failure.

"Our states and cities find themselves sinking in a welfare quagmire, as caseloads increase, as costs escalate, and as the welfare system stagnates enterprise and perpetuates dependency.

"What began on a small scale in the depression 30s has become a monster in the prosperous 60s. The tragedy is not only that it is bringing states and cities to the brink of financial disaster, but also that it is failing to meet the elementary human, social, and financial needs of the poor.

"It breaks up homes. It often penalizes work. . . . And it grows."

"The most glaring inequity in the . . . welfare system is . . . [that] families headed by a non-worker often receive more from welfare than families headed by a husband working full-time."

"[We must stop] our dangerous decline into welfarism. We cannot produce productive people with the antiquated wheezing, overloaded machine we now call the welfare system. . . .

"If we merely try to patch up the system here and there, we will only be pouring good money after bad in ever-increasing amounts."

"The cost of continuing the present [welfare] system in financial as well as human terms, is staggering.

"We cannot legislate our way out of poverty; but this nation can work its way out of poverty. What America needs now is not more welfare but more workfare."

"I propose that we abolish the present welfare system and adopt in its place a new family assistance system."

All quite true—yet, President Nixon's proposals would magnify and multiply the deplorable conditions he mentioned.

Nixon's Family Assistance Program would triple or quadruple the relief rolls; and the rolls would grow faster in the future under FAP than they have been growing under AFDC.

Under Nixon's plan, "working poor" families would be put on welfare, in addition to all nonworking reliefers already on it. Nixon says there are more than 2 million "working poor" families. That is a guess. It is impossible to know the number—or size—of such families.

Government would classify a family of ten, with one or more members employed and with a total annual income of $5000, as working poor—but would not so classify a family of three with the same income. Thus, many are working poor, not because of modest income, but because they have families too large to live well on a modest income. Hence, many—if not most—families added to relief rolls as working poor will be large families. A family of six which may not be classified as working poor this year, may become a family of seven and qualify for relief next year.

Nixon (alarmed by growing relief rolls) would instantly increase the relief rolls from 9 million to perhaps 30 million. The numbers of reliefers would grow as family-size and government-caused inflation grew. One of the continuing causes of inflation would be the continuing growth of government welfare spending.

Nixon says:

"The costs of welfare benefits for families with dependent children have been rising alarmingly the past several years, increasing from $1 billion in 1960 to an estimated $3.3 billion in 1969, of which $1.8 billion is paid by the federal government. . . .

"The proposals I am making . . . will increase federal costs during the first year by an estimated $4 billion."

Nixon would decrease welfare costs by multiplying them!

The President says his plan would cost more immediately, but less in the future, because it would move people off welfare and on to workfare.

The slogan is deceptive.

The intent of the present AFDC program is to deny welfare to able-bodied adults who refuse to accept available employment.

The AFDC section in the social security law prohibits a family from getting welfare if the father lives with his family—the principle being that a man living with his family ought to work and support it. Nixon would abolish this prohibition, because it encourages fathers to desert their families. Nixon says the welfare family should be given a guaranteed annual income, but the head of the family will be denied *his portion* if he refuses "to accept . . . work or training, provided suitable jobs are available either locally or if transportation is provided." How could the government prohibit a man, who is living with his family, from sharing his family's welfare benefits?

Note, moreover, that Nixon says jobs must be suitable and conveniently located. What is a suitable job? Nixon says he means not "just any job," but a "good job." Under Nixon's scheme, a reliefer who prefers welfare to work need merely assert that no good, suitable, convenient job was offered him.

If every person, who cannot get a job he considers desirable, gets a guaranteed annual income (as Nixon plans), who will do undesirable work that *someone* must do in every society? Everyone cannot start at the top.

In a free society, the young, inexperienced, and unskilled hold less desirable jobs—which provide training (financed by employers, not taxpayers). Those with ability and willingness to work, graduate to better jobs, leaving their old ones to newcomers, who, in their time and by their own efforts, move up.

Under the present AFDC system, there is a vast army of social workers who investigate to determine whether welfare applicants are entitled to welfare—to find out how much income they have, what their needs are, whether they are refusing available work. Much of the tax money spent on welfare does not go to the poor, but to pay the costs of the welfare bureaucracy. President Nixon says that, under the present system, about 40 per cent of the welfare payroll (in one state, at least—Ohio) goes "for the purpose of filling out the federally required forms."

Such a system is, of course, monstrous and costly. But the Nixon system would be infinitely worse. Nixon would do away with investigations of welfare-applicants and reliefers. He says such investigations are "demeaning." Under his Family Assistance Program, a person could go on welfare by merely filing a certification of income. If a later spotcheck revealed that he had lied, he could be removed from welfare and prosecuted.

With some 30 million (or more) reliefers on welfare, relatively few certifications could be spotchecked.

The spotchecking itself; preliminary investigations of certifications that seemed to be fraudulent; full investigations of those which proved to be fraudulent; and prosecutions that would follow—all of this would cost taxpayers more than it would cost to leave on the welfare rolls the relatively few who would thus be exposed and removed.

We cannot even begin to get out of the welfare quagmire (as President Nixon accurately calls it, while proposing to make the morass worse), without first getting the federal government completely out of the welfare business.

The Constitution grants the federal government no power to dispense welfare, to help states pay for welfare, to regulate state and local welfare operations, or otherwise to engage in welfare activities. The first sentence of the first article of the Constitution makes it quite clear that the federal governmen has no valid powers except those specifically granted in the Constitution. And the last article of the Bill of Rights (the Tenth Amendment) says that all powers not specifically granted to the federal government are reserved to the states or to the people thereof.

Clearly, all federal activities in the welfare field are unconstitutional—illegal.

Even if we ignore the illegality of it, federal welfare makes no economic sense. The federal government has no money except what it takes away from the people. Confiscate money from the people, haul it to Washington, take a heavy percentage for extravagantly clumsy and wasteful federal administration, and send a portion back as aid?

The constitutional way to solve the welfare problem is to leave the money with the people who earned it—which would mean reducing federal taxes by the amount the federal government now spends on social programs (more than $50 billion a year, according to President Nixon).

The people who earn that $50 billion a year could then use it to take care of themselves, and have enough left over for private help to neighbors in distress, and for payment of local and state taxes to finance such public welfare programs as the people decide should be handled by local and state governments.

FOOTNOTES

[1] *Congressional Quarterly Weekly Report*, Aug. 15, 1969, p. 1485.

[2] *U.S. News & World Report*, July 17, 1967, pp. 44–47.

[3] All Nixon comments on welfare, quoted or referred to herein, are taken from his August 8, 1969, TV speech on welfare reform; his August 11 Welfare Reform Message to Congress; and/or his September 1 speech to the 1969 National Governors Conference.

[From the Dan Smoot Report, Sept. 29, 1969]

NIXON'S INCREDIBLE MISHMASH

President Nixon's proposal for getting the nation out of what he correctly calls the "welfare quagmire" are outlined in four documents: (1) his August 8, 1969, TV speech to the nation on converting welfare into workfare; (2) his August 11 Welfare Reform Message to Congress; (3) his August 12 Manpower Training Message to Congress; and (4) his September 1 speech to the 1969 National Conference of Governors.

In these four documents, Nixon dissects and denounces federal social programs initiated in the 1930s. He says these programs, amplified for a third of a century (in number, volume, extent, cost, and ineffectiveness), are destroying our nation. He proposes what he calls sweeping and fundamental reforms, to reverse direction and stop our rapid descent into the morass of welfare-statism. Nixon calls his proposals the New Federalism.

But New Federalism would continue *all* and expand *most* of the social problems (which, Nixon says, are already "frozen in failure and frustration") of the New Deal, the Fair Deal, Modern Republicanism, the New Frontier, and the Great Society—and would add new and costlier programs of the same general kind.

Is President Nixon cynically trying to deceive the people, or is he deceiving himself? Maybe, both.

As a consequence of the federal government's multi-trillion-dollar social-welfare spending since the 1930s, some 40 million Americans now receive (directly) benefits, aid, or welfare from the *federal* government.

Many of these millions are totally dependent on the dole from Washington. Many are partially dependent on it. Few, if any, want to give it up. On most issues, these 40 millions of Americans have various attitudes; but on one issue (keeping their federal benefits and getting more, if possible), they are in almost unanimous agreement. On this issue, 40 million Americans tend to give bloc-support for the politican who, they think, can and will give them the most out of the federal treasury.

On the other hand, many of these same 40 millions (plus millions of others) are upset about soaring living costs, violence in the streets and on campuses, irrational and tyrannical federal guidelines and controls with regard to the operation of schools, businesses, hospitals, state and local governments.

It is apparent that many who are upset about these conditions do not realize the conditions are caused, in large part, by the federal government's "social programs." Many Americans want the social programs, but deplore the consequences of them, unaware there is any connection. They vote for a politician because he condemns federal controls, and also because he promises federal aid—never perceiving that the illegal aid produces the illegal controls. They vote for a politician because he promises federal spending on antipoverty programs, and also because he condemns riotous mob violence—not realizing that antipoverty spending has helped organize, incite, encourage, and finance a great deal of the mob violence.

President Nixon is said to be a canny politician, in the sense that he knows what to tell and promise people in order to get their votes. Perhaps, therefore, he is appealing to the millions who want federal welfare spending endlessly increased, and also to those who resent the conditions that welfare spending has produced. The President may also have been duped by his own rhetoric.

Both, it seems to me, are evident in the President's four messages on his New Federalism: with cold calculation, he tries to disguise the fact that he is proposing to multiply and magnify the very evils he condemns; but, at the same time, he seems so carried away by his own slogans and purple patches, that he almost believes he is being consistent and making sense.

The cold calculation predominates, however, President Nixon has produced a vote-buying scheme that is the envy of experts at buying votes with taxpayers' money. Speaking of Nixon's welfare plan, a man who was one of Lyndon Johnson's economic advisers said to Walter Trohan of the *Chicago Tribune:*

"I wish we had thought of it. It's a marvelous vote catcher." [1]

Whatever the motives behind them, President Nixon's four messages on the New Federalism—taken together or separately—contain an incredible mishmash of contradictions.

President Nixon says:

"A guaranteed minimum income for everyone . . . would . . . wipe out the basic economic motivation for work and place an enormous strain on the industrious to pay for the leisure of the lazy."

"During the presidential campaign last year, I opposed such a plan. I oppose it now, and will continue to oppose it. A guaranteed income would undermine the incentive to work. . . .

"There is no reason why one person should be taxed so that another can choose to live idly."

In the same New-Federalism messages where he makes the foregoing remarks, President Nixon (without even adding a *however*) says:

"We have proposed . . . a new system that for the first time would insure a minimum income for every family with dependent children."

"We propose a plan in which . . . we would assure an income foundation throughout every section of America for all parents who cannot adequately support themselves and their children. For a family of four with less than $1000 income, this payment would be $1600 a year; for a family of four with $2000 income, this payment would supplement that income by $960 a year. . . .

"In 30 states, the federal basic payment will be less than the present levels of combined federal and state payments. These states will be required to maintain the current level of benefits, but in no case will a state be required to spend more than 90 per cent of its present welfare cost. . . .

"In 20 states, the new [federal] payment would exceed the present average benefit payments . . . [and] will raise benefits levels substantially. For five years . . . [these states] will be required to continue to spend at least half of what they are now spending on welfare, to supplement the federal base.

"This national floor under incomes for working or dependent families is not a guaranteed income."

Why is President Nixon's guaranteed income not a guaranteed income? Because, the President says, *everyone* will not get it! He specifically excludes from the guaranteed income "the single adult who is not handicapped or aged" and "the married couple without children."

Thus, President Nixon (who, on other occasions, expresses deep concern about overpopulation and approves the expenditure of tax money to disseminate birth-control information and pills) would pay married couples bonuses for having babies. Have a baby, and you may get a government-guaranteed annual income, but you must not call it that.

In his New-Federalism message, President Nixon said:

"A third of a century of centralizing power and responsibility in Washington has produced a bureaucratic monstrosity, cumbersome, unresponsive, and ineffective."

"Overcentralized, overbureaucraticized, the Federal Government became unresponsive as well as inefficient.

"In their struggle to keep up, states and localities found the going increasingly difficult.

"In the space of only 10 years, state and local expenditures rose by two and a half times—from 44 billions in 1958 to 108 billions in 1968.

"States alone have had to seek more than 200 tax increases in the past eight years."

"After a third of a century of power flowing from the people and the states to Washington, it is time for a new federalism in which power, funds, and responsibility will flow from Washington to . . . the people . . . [and] to those governments that are closest to the people.

"The essence of the 'New Federalism' is to help regain control of our national destiny by returning a greater share of control to state and local governments and to the people."

Having said as much, President Nixon—virtually in the same breath—proposed increased centralization of power and responsibility in Washington.

Under the present system, state and local governments administer the distribution of tax money from Washington for welfare. Under Nixon's system, state and local governments would play no role at all—have no control or responsibility. Under Nixon's Family Assistance Program, the federal Social Security Administration would mail monthly guaranteed-income checks directly to some 30 million people classified by federal bureaucrats as qualified.

At present, state and local governments generally make some effort to investigate the eligibility of a reliefer before giving him tax money for welfare. Nixon would stop such "welfare snooping," because, he says, it is degrading to reliefers. Under Nixon's plan, anyone could get welfare by merely filing a "certification of income," asserting his eligibility.

On August 12, 1969 (the day Nixon delivered one of his New-Federalism messages about restoring states rights by letting power and responsibility return to the states), a White House official told a group of editors in Chicago the Nixon administration would, if necessary, withhold federal welfare funds "to blackjack the states" into accepting federal welfare standards.[1]

Nixon would federalize the welfare system by taking away from states such power as they now have to limit and regulate the system—leaving with the states, however, the necessity of raising part of the tax money. The basic difference (in principle) between this and the Nelson Rockefeller proposal (endorsed by the 1969 National Governors Conference) is that the Rockefeller scheme would *totally* nationalize welfare: states would have neither power to regulate welfare, nor responsibility to raise money for it; the federal government would handle it entirely.

In his New-Federalism messages, President Nixon denounced the present welfare system because it creates an incentive not to work—provides more money for idlers than many workers earn in wages. Nixon was indignant about this. He said:

"It is morally wrong for a family that is working to try to make ends meet to receive less than the family across the street on welfare. . . .

"Any system which makes it more profitable for a man not to work than to work . . . is wrong and indefensible."

He is right about all that, of course; but, under his scheme, a non-working welfare family of four in New York City would receive $5350 a year—$3750 in state and local welfare assistance, $1600 in guaranteed income from the federal government.[2] This is more than many a working man makes.

The non-working, welfare family would continue to get many fringe benefits, in addition to the $5350-a-year: federal food stamps, free medical care in the best hospitals, subsidized transportation, subsidized day-care for children, special remedial education—and so on. And it would also get, under the Nixon plan, a special $30-a-month bonus for accepting job training. Compare the situation of this non-working family, under Nixon's welfare plan, with the plight of an elderly couple, retired on social security after having worked for 30 years, both having continuously paid social security taxes and federal income taxes. After 30 years of working and paying taxes, they get a maximum of $2970 a year in social security benefits—$2480 a year less than the income of the New York City family of reliefers who never worked, never paid direct taxes, and never will.[3]

Nixon says, "We can meet individual hu-

Footnotes at end of article.

XUM

man needs without encroaching on personal freedom." He may not encroach on the freedom of the millions to whom he proposes to give welfare, but how about the millions whose money he will confiscate to pay for the welfare? Their "personal freedom" to keep and use the fruits of their own labor is quite eliminated by the pillaging of government.

Nixon says:

"The concept of voluntary action . . . of people banding together in a spirit of neighborliness to do those things which they see must be done is deeply rooted in America's character and tradition.

"As we have swept power and responsibility to Washington, we have undercut this tradition. Yet, when it comes to helping one another, Washington can never bring the heart that neighbors can. Washington can never bring the sensitivity to local conditions or the new sense of self-importance that a person feels when he finds that some one person cares enough to help him individually."

If Nixon believes that, why does he not act upon it? He need only to get Washington out of the welfare business; eliminate the $50 billion a year he says the federal government wastes on social programs; and let the people keep the money, so that they, "banding together in a spirit of neighborliness," can "do those things which they see must be done"—through private effort, or through such public programs as *the people* decide should be handled by their state and local governments.

FOOTNOTES

[1] *The Republican Battle Line*, Aug. 1969.

[2] Press release, U.S. Representative Jim Collins, *Dallas Times Herald*, Aug. 22, 1969, p. A26.

[From the Washington Post, Sept. 4, 1969]

FIVE LIVING ABROAD LOSE WELFARE PAY

SANTA BARBARA, CALIF.—Santa Barbara County supervisors voted yesterday to end welfare payments to five persons on relief who live abroad.

"They are perpetrating an abuse in the minds of every citizen paying welfare bills," Supervisor Curtis Tunnell said before the vote yesterday. Three of the recipients live in England, one in Canada and one in the Philippines. The five draw a total of $1,000 a month.

[From the New York Times, Aug. 17, 1969]

MAJORITY ON RELIEF ARE WHITE ON LONG ISLAND AND IN WESTCHESTER

(By Agis Salpukas)

More than half the people receiving welfare money in Nassau, Suffolk and Westchester Counties are white, many of them ironic victims of a search for a better life in the suburbs.

"It's a myth that welfare recipients in the suburbs are mostly black, living in ghettos," said Joseph Barbaro, the Commissioner of Social Services of Nassau County, in a recent interview.

The myth has been sustained, he added, because white welfare recipients generally try to hide their circumstances. They avoid protest demonstrations, surplus food centers and, in many cases, continue to live in the middle-class houses that started their financial difficulties.

Their mortgage payments are often taken care of by welfare grants—because, according to welfare officials, most of the time it is cheaper than trying to relocate a family.

Instead of trying to "keep up with the Joneses" many now struggle to keep up minimal appearances out of fear that their immediate neighbors will discover that they are on welfare.

Some white families on welfare continue to share the racial prejudices of their neighbors against the welfare system. Miss Martha Goodwin, a caseworker in the Yorktown Heights area in Westchester County, said: "They tell me, 'If I were black I would get more.' "

The white welfare problem has been illuminated in Nassau and Suffolk as a result of a nationwide Federal Government request that those applying for welfare since last Jan. 1, be broken down statistically by race.

In Nassau, during the first six months of this year, 3,789 out of 5,786 welfare applicants were white people. Mr. Barbaro noted that a survey last year indicated that 52 per cent of 37,000 persons on welfare in the county were white.

In Suffolk, during the first three months of the year, 2,017 out of the 2,650 applicants were white. Donald McKenzie, an assistant director at the county's welfare department, said that this supported a 1968 survey that indicated 70 per cent of Suffolk's welfare recipients were white.

MORE WHITE RESIDENTS

Westchester County has not yet compiled the racial composition of its welfare applicants this year.

However, the County's Welfare Commissioner, Louis P. Curtis, said he was convinced it would show no major change from the last survey taken by his department, in 1964. This indicated that 52 per cent of Westchester's welfare recipients were white.

Welfare officials note that there are, of course, many more white residents than Negro and Puerto Rican in all three counties. The latter group's population of Nassau and Suffolk is 5.2 per cent of the total; in Westchester, it is 9 per cent.

According to studies made in 1967, Negroes and Puerto Ricans constitute 29.3 per cent of New York City's total population and account for 90 per cent of its million welfare recipients.

Welfare officials in the three suburban counties said in interviews that many families who were able to meet their expenses in the city found the financial pressure too great after they moved to the suburbs.

Many were unprepared for the added expenses of maintaining a home, rising property taxes and commuting, the officials added. Most families also used up their savings in making a down payment on a home and to cover initial expenses in moving from the city. Therefore, they had no reserves to meet such emergencies as illness or job layoffs.

Mrs. Beulah Allman, an assistant director of the Department of Social Services in Suffolk, said in an interview:

"They buy a house without being aware of the cost of home ownership. They don't consider that when an appliance breaks down they have to pay to fix it. They're still used to knocking on the pipe and waiting for the 'super' to put the heat on."

Mrs. Allman, a Negro who has been a caseworker in both white and black communities, said that most white families were ashamed to seek welfare. She said that they would try to hold out as long as possible on unemployment insurance and by borrowing from neighbors, turning to welfare only when they were faced with eviction.

"By the time a white family applies it's an emergency," Mrs. Allman declared. "They are deeply in debt, the family is breaking up or the husband has already deserted."

A CASE IN POINT

According to welfare officials, the desertion of families by white husbands who suddenly find themselves heavily in debt is one of the main reasons why there are families on welfare in such well-off communities as Baldwin in Nassau, West Islip in Suffolk and Yorktown Heights in Westchester.

Mrs. Pierina Vitale, who recently applied for welfare, sat in the kitchen of her split-level home in West Islip in Suffolk the other day and explained how her husband had deserted her last March.

They had moved from Astoria, Queens, six years ago and bought a new house in a development for $17,200. Their savings were used to make a down payment on the house and to furnish it with attractive walnut furniture topped with marble.

Carpets cover the floors of the six-room house. There is a bar in the wood-paneled basement and a backyard portable swimming pool for her two children, aged 9 and 5.

She said that her husband had tried to work at two jobs to keep up with the bills but that they continued to run more deeply into debt.

"One day he just left," she said. "The police are still looking for him."

Mrs. Vitale held out for several months by selling some of her furniture and by borrowing from neighbors to pay for such essentials as food. She sought assistance from the Welfare Department only when she ran several months behind on her mortgage payments and was in danger of losing her home.

"I can face anything," she said," but I don't want to lose this house."

The Welfare Department has decided to let her stay in her home since her caseworker estimated that it would be cheaper to take over her $170-a-month mortgage payments than to relocate her to an apartment.

Apartments are scarce in all three counties and the new ones being built are usually luxury apartments with rents higher than what the welfare departments are allowed to pay under state guidelines.

The result has been that most white families that have applied for welfare in the suburbs have been allowed to remain in such middle-income communities as Levittown, which has 1,350 welfare recipients, and Baldwin, which has 500.

Although many white recipients continue to enjoy the comforts of their home and avoid the shock of having to suddenly relocate, they face other pressures in communities they can no longer afford.

Miss Goodwin, who works as caseworker in the northern part of Westchester County, including such communities as Yorktown Heights, Pleasantville and Mount Kisco, said that most "try desperately to hide the fact that they are on welfare."

CHILDREN IN DARK

Families living in $25,000 homes in Yorktown Heights ask her to park her gray county car streets away when she calls on them. Some mothers, she said, did not even tell their children that they were on welfare.

Miss Goodwin explained that white welfare recipients feared they would be ostracized by their neighbors, many of whom blame the welfare system for high property taxes.

Other officials said that in some areas neighbors had tried to force welfare families to move away by harassing them.

Fear of being discovered, these officials add, keeps many white welfare recipients from taking advantage of the distribution of surplus food and from protesting against the cuts made by the Legislature in the welfare budget this year.

The elimination of special grants for such items as telephones and clothes has hit white recipients particularly hard because of their concern with keeping up a middle-class image.

Hugh Wilson, the field director of the Nassau Welfare Tenants Coordinating Committee, which is a combination of county welfare rights groups, said in an interview that whites had called up for information on how the cuts affected them, "but they don't join the picket line."

"This only reinforces the stereotype that only black people are on welfare," he said.

Because of the docility of white recipients, most day-care centers have been set up in areas with concentrations of poor blacks and few of the communities with a large number of white welfare recipients are targets of antipoverty programs.

White welfare recipients, therefore, often have less of a chance of taking advantage of programs that could help them get off welfare rolls.

There is also a great reluctance to participate in programs that are available. Mrs. Allman recalled that in Suffolk County last year Upward Bound, a program designed to help disadvantaged youths to attend college, attracted very few white applicants.

"Instead of hiding their identity, she said, "whites ought to use what's here for them to help themselves. They perpetuate their condition by denying their children a chance for higher education."

Mrs. Eileen Fico of Hicksville, who has been on welfare for a year, said in an interview that the lack of nearby day-care facilities had made it uneconomical for her to work.

She said that she had worked for a while as a waitress and earned $55 a week but she had to pay $30 a week to baby sitters to take care of her three daughters.

Her job earnings were not a sufficient supplement to the alimony she received from her husband. Welfare is continuing to make up the difference between her income and her living expenses.

Mrs. Fico has also had to turn down several better paying jobs because she does not own a car. The lack of mass transportation adds to the difficulties of welfare recipients in all three counties.

The migration into the suburban counties from the city has also put pressure on longtime residents. Rents and home prices have soared and the need for larger and new schools has increased taxes on homes.

Mrs. Joseph Cacciola, who applied for welfare last month, said that she and her husband had lived in Westchester County for 17 years. Three and one-half years ago they had to seek more room for their children, but they could not find an apartment for under $200.

They borrowed from relatives and bought a house in Mt. Kisco for $21,500. To meet his financial obligations, Mr. Cacciola had to work at two jobs.

"He was killing himself for us," his wife said in an interview in her home. "He would go to work at 11 at night, come home for breakfast, leave for his day job at 10:30. It's not that he didn't try."

She said that her husband could not take the pace. He quit one job and they slipped into debt. "Our family was on the verge of breaking up," she added.

Her caseworker, Mrs. Belle Ryders, said that the Welfare Department would make up the difference between what Mr. Cacciola earns and their living expenses to keep the family together.

Mrs. Cacciola said that she used to be bitterly opposed to the welfare system.

"I thought they were getting everything for free," she added. "I feel different now. You can reach a point where you can't get out by yourself."

[From the Washington Evening Star, Sept. 6, 1969]

Detroit Welfare Offices Close in "Harassment"

DETROIT.—Welfare operations have been shut down "indefinitely" in sprawling Wayne County, which includes Detroit, by officials fed up with "harassment" by welfare mothers demanding more money to clothe their children.

Closing of the Department of Social Services headquarters in Detroit and its 17 branch offices has put 1,800 employes out of work and suspended service to thousands of families in the Detroit area.

Among the services halted is the distribution of food stamps to 14,000 households in the county. However, relief checks to 45,000 persons on welfare rolls will still be mailed from Lansing, where they are issued by the Michigan Department of Social Services.

The order to close the welfare centers came Friday in the midst of the fourth straight day of noisy demonstrations by mothers on welfare.

They are demanding a $75-per-year clothing allowance instead of the $22 per child authorized this year by the state. Sixty-three adults have been arrested during the demonstrations, and 34 juveniles were seized and later released.

Robert H. Harkness, a member of the three-man Wayne County Board of Social Services, ordered the shutdown after about 40 mothers marched through offices in the eight-story headquarters building singing and clapping. Later, they blocked the front entrance.

"Until there is a reasonable guarantee and assurance that we can operate without any further harassment, physical or verbal, to the employes or persons in the building, the social services system in Wayne County will remain closed," Harkness said.

[From the Washington Evening Star, Sept. 10, 1969]

Welfare Parents Protest in New York

NEW YORK.—Crowds seeking $100 clothing payments and free lunches for children on welfare roamed the Lower East Side tossing bottles and garbage throughout the day yesterday and a mob briefly stormed a police station.

The disorders resulted in two police riot calls and the arrest of at least seven demonstrators. Charges against two, identified as Naomi Nelson and Rafael Rivera, were reduced after demonstrators broke into a station house.

More than 300 protesting welfare mothers have been arrested in the city since demonstrations began this summer.

The welfare allotment of $100 a child for school clothing was cut this year by the state. The parents claim they cannot buy adequate school clothing for their children under the present welfare allotment of $24 a year.

[From the Chicago Tribune, Nov. 22, 1968]

The "Welfare" Conspiracy Progress

We have already pointed out that New Yorks' "welfare rights" movement, which is now taking the form of a rent strike, is a fraudulent scheme perpetrated on the theory that by overthrowing the present welfare structure the poor will somehow come out better off than they are now. Just how they can find security in chaos, or how they will be protected from cleverer and greedier marauders, is never explained.

But the broader and more frightening aspect of the welfare rights movement is that it has been deliberately planned by a handful of "socialist scholars" as part of a national rebellion manifested also in peace marches, race riots, campus demonstrations, and attacks on "bourgeois morality."

Alice Widener, columnist and publisher of U.S.A. Magazine, has traced the welfare rights movement to a "Conference of Socialist Scholars" held in 1966 and attended by such luminaries as Herbert Aptheker, the communist theoretician whose daughter was a leader of the Berkeley disorders, and Herbert Marcuse, the theoretician of the new left. They and other speakers reveled in their advocacy of a victory for the Viet Cong, the sexual rebellion of youth, the abolition of the family, and revolutionary guerrilla warfare in the United States.

Among this strange but congenial assemblage were two members of the faculty of the Columbia school of social work, Prof. Richard A. Cloward and Dr. Frances Piven. They offered a joint paper on "organizing the poor." The poor, they said, are mere "supplicants" of the welfare state and can be freed from this condition of servitude only by "a major upheaval in our society." They proposed to bring about this major upheaval by putting such pressure on the welfare system that the whole structure would collapse.

So, while their colleagues were doing their respective things by leading peace marches, campus demonstrations, love-ins, and civil rights marches, Dr. Cloward and Mrs. Piven helped organize the Citywide Coordinating Committee of Welfare Groups in New York. They set about persuading people on relief to make every conceivable demand on the city welfare agencies, especially for additional "special grants."

In a recent issue of the Nation magazine, which is usually receptive to socialist schemes, these two architects of chaos contemplated their achievement. The welfare rights movement had pushed the cost of special grants up from 20 million dollars in 1965 to nearly 100 million now. The city reacted by shutting off all special grants and substituting flat grants of $100 a year. The welfare committee responded, in turn, by seizing welfare offices and by calling the rent strike, during which relief clients will use their rent money to buy what they would like to have bought with special grants.

Prof. Cloward and Dr. Piven noted with apparent disappointment that if the city hadn't intervened to stop the special grants, "the movement might have driven costs to the 200 million dollar mark within another year." Every step toward bankruptcy, in their view, is a step forward.

But they are not without further plans. "Recipients who have now learned to organize and fight the welfare system," they wrote in the Nation, "may not submit any longer to the preachments of case workers. Indeed, the movement may soon demand that welfare workers stay out of the ghettos and barrios, thus putting a halt to the routine invasion of recipients' homes."

Thus a uniform pattern emerges. The welfare militants, like the campus militants and the black militants, are calling, in effect, for secession. They are trying to pull the social structure apart, group by group, until it collapses in chaos—which won't help the blacks or the poor or the students but is just what the radical leaders thrive on.

FARMLAND FOR GARDENING

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. HAGAN. Mr. Speaker, Wednesday I brought to the attention of my colleagues the letter and article received from my friend, Mr. W. Clyde Greenway, relative to an idea for solving certain social problems in our country today by the use of farmland for gardening by persons on welfare and others.

Following up the so-called Greenway plan, I thought the suggestions for implementation of his initial ideas offered by Dr. John O. Eidson, president of Georgia Southern College, Statesboro, Ga., also merits my colleagues' interest. I therefore call your attention to Dr. Eidson's letter which, I believe, may stimulate similar programs within your own districts:

GEORGIA SOUTHERN COLLEGE,
Statesboro, Ga., September 25, 1969.

HON. G. ELLIOTT HAGAN,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN HAGAN: Your letter of July 29 has been circulated among our administrative officials here at Georgia Southern College. Dr. Hilton T. Bonniwell, our Director of Continuing Education, is particularly interested in this. Members of our staff have talked with the Cooperative Extension Service and have sought suggestions concerning the program proposed by Mr. Clyde Greenway of the Georgia Agribusiness Council. He suggests a unique manner of using farmland for gardening by persons on welfare and by persons of the general population who live in urban areas and would enjoy and benefit from gardening.

Mr. Greenway enclosed in his letter to you an article concerning idle land that a Mr. Edenfield in Tallahassee, Florida, offered to city and public officials if they would have persons use the land for garden plots. We have checked the present regulations of the Crops Stabilization Service and also of the Soil Bank Program. The implementation of such a program as is described by the program in Tallahassee on a national level would require changing regulations to allow persons who have land in these various programs to grant the use of their land for a garden plot. Of course, this raises the question as to who would administer such a program.

In our own area we have found persons who are willing to grant the use of their idle land for young couples and families at the college who desire to raise vegetables for their own consumption; and for retired couples in the area who would enjoy raising a garden for pleasure. We are going to offer a short course in gardening this coming spring and will utilize the plots we have been offered at that time. We think the idea is an excellent one.

I will be glad to let you know how our course in gardening (for adults) turns out. Also, if members of your staff should get further information in programs such as this, I would be glad to know of it. In particular, it would be good to know whether any regulations concerning the administration of idle lands through federal programs would have to be changed to make such programs possible.

Thank you for your letter and for the information about what Mr. Greenway is doing. This is an interesting project.

Sincerely yours,

JOHN O. EIDSON.

DAN RYAN RAPID TRANSIT EXTENSION

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. KLUCZYNSKI. Mr. Speaker, on Friday last the city of Chicago demonstrated once again its leadership in the development of public programs to serve its people, when we dedicated the opening of the new Dan Ryan rapid transit line. This was a significant occasion, not only for Chicago but for the entire Nation, because the Dan Ryan line is the first operating proof that we can, if we will, develop both transit and highway transportation to complement one another, and in the same heavy traffic corridor.

We were honored to have with us, as the guest of Mayor Daley and the city, the Honorable John Volpe, Secretary of Transportation. His comments, both at the dedication ceremony itself and at the luncheon that followed, highlight what we are all seeking to achieve for our cities, and I am confident my colleagues will want to read them:

REMARKS PREPARED FOR DELIVERY BY SECRETARY OF TRANSPORTATION JOHN A. VOLPE, AT THE DEDICATION OF THE DAN RYAN RAPID TRANSIT EXTENSION—95TH STREET STATION, CHICAGO, ILL., FRIDAY, SEPTEMBER 26, 1969, 10:30 A.M.

This is a great day for the people of Chicago. Everybody talks a lot about urban crisis and challenge, but the leadership of this city has mobilized a response that is equal to it.

The Dan Ryan line will carry about 95,000 passengers per day. One-third of them will come from older and less adequate transit lines. About 50,000 users will pour in from the bus feeder lines that have been spotted strategically along the route. And most important of all, this line will bring in 16,000 new riders who would never have dreamed of taking a train before. They would have driven downtown and jammed the streets of the Loop.

Chicago has shown that it believes in the future and can read the handwriting on the wall. That handwriting is in bold black letters. It says that massive and uncontrolled and unrelieved automotive traffic in our cities will cause paralysis. This nation has already lost 235 transit companies in 15 years. This trend must be reversed at once to prevent the collapse of vital public transportation in this country.

I can appreciate an effort like this because I was a builder myself. I can imagine the 131,000 cubic yards of concrete, the millions of pounds of steel, the cables and conduits required to complete this project. I know of the engineering skill necessary to bring it on-line in a matter of only three years. And as Secretary of Transportation I can tell you I see its significance in the larger scheme of things.

The Dan Ryan line is a breakthrough in transportation planning. It means a big step forward in making use of transportation corridors in which all modes will have a role. It means that transportation can make sense instead of flying off in all directions.

The people of Chicago will benefit immediately from this project. It will mean quicker access to jobs, schooling, job training and hospitals. It will help invigorate the downtown by relieving traffic congestion in the Loop. It will cut air pollution. It will help keep Chicago an enjoyable place to live in.

This project represents outstanding cooperation among all levels of government. It is imaginative. It is a tribute to the leadership of a city on the move toward tomorrow. And I am pleased to commend all those who participated.

REMARKS PREPARED FOR DELIVERY BY SECRETARY OF TRANSPORTATION JOHN A. VOLPE AT THE DAN RYAN RAPID TRANSIT DEDICATION CIVIC LUNCHEON, CRYSTAL BALLROOM, SHERATON-BLACKSTONE HOTEL, CHICAGO, ILLINOIS, SEPTEMBER 26, 1969, 12:15 P.M.

They say Chicago is one of those places where the shortest distance between two points is always under construction. But that's good because if ever a nation needed to replace its outworn facilities this one does. The people of Chicago are to be congratulated for the leadership which produced an integrated transportation corridor of such scope and imagination.

I think we can all be proud of the exceptional cooperation among all levels of government which has made this project a success.

You are setting an example for the nation, and such examples are sorely needed. We see about us everywhere the consequences of failure to plan balanced transportation for our expanding cities. The job is tough and some people—apparently—would rather not think about it. But we must re-think our old fashioned attitudes and above all *act* if the urban centers of America—the centers of productivity and creativity—are to be saved from traffic paralysis, pollution, ugliness and decay.

With this project you have put your money on the same table with your beliefs. And we in Washington have followed through on our own commitments in good faith.

The Dan Ryan Rapid Transit Extension is the largest passenger-carrying, federally-financed rapid transit project to go into service thus far in the United States. The Department of Transportation has invested $52 million in the Dan Ryan rapid transit line alone, and $79 million for transit throughout the Chicago area. And while we're citing figures, the entire federal commitment for transit in Chicago, including DOT and HUD funds, is $113 million. That's substantial for even a city of this size. Then, of course, you added $45 million from your own resources.

For that kind of money you have every right to expect results, and the projections say you'll be getting results. The Dan Ryan line will attract 95,000 passengers per day. About 29,000 will be lured away from other rapid transit lines, and 50,000 will come in by bus feeder lines. But 16,000 will be brand new riders—and at 1.6 persons per automobile, think of how much traffic that will lift off crowded streets in the Loop!

It would be easy at a moment like this to think of this progress in conventional terms, and for the average commuter who travels on these new lines the big advantage will seem to be a few previous minutes saved off his schedule morning and night. But that is only the obvious part of the payoff. The rapid transit line we opened this morning means much more than a fast trip into town. It symbolizes the importance of using public transportation to reshape today's cities and build the better cities that we must have tomorrow.

You all know that we have submitted a Public Transportation Assistance Act to Congress which could help us to do nation-wide what you have achieved here in Chicago.

The President and I have asked for $10 billion over a 12-year period to give this nation the mobility we must have if we are to maintain our productivity and assure a decent life for all Americans.

We have gone part of the way by building a magnificent Interstate Highway System. But highways alone are not enough. Highways can't always handle the traffic they generate. Highways *must* be supplemented by public transportation at the crucial points of overload and breakdown.

The states and cities do not have the resources for such expensive programs. They need the federal help that the new bill would provide. Our request for "contract authority"—a wholly legitimate financing device—will assure them of the continuity that they need and that has guaranteed the success of the Interstate System.

The Public Transportation Act of 1969 should get the solid support of the movers and doers in every community, large and small, because it will help every one of those communities, regardless of size. We are working steadily with mayors, congressmen, senators and governors. Support is building up. I'm confident we'll get the bill we asked for.

The time is ripe. People sense that transportation is not just either rails or rubber tires. Good transportation is the key to integrating and making effective all of our programs in education, housing, welfare, and employment. After all, what good are junior colleges and job training if you can't get to class? What good is housing that is inaccessible to jobs and shopping centers? The best opportunities in the world aren't much help if you can't get to where they're located. I'm particularly delighted that you have arranged for buses to feed into the Dan Ryan stations all along the way, thus serving patrons from lateral neighborhoods all over the South Side.

As I stood on that platform this morning I could see all about me the modes we need—

cars and trucks to one side, rails on the other. And overhead the third dimension of air travel.

I have no doubt that these modes are compatible. Over the next few years we are going to see many more examples of transportation corridors like this one. I'll go so far as to say that the intermodal corridor will become the wave of the Seventies. There just isn't any other way to achieve efficient mobility. We can't keep slicing our cities up with separate lanes for rails and highways and the newer modes that will be coming on line, like the air-cushion train and the personnel conveyor.

The ultimate reason why we must combine our corridors is that there just isn't enough land to go around. Joint planning and joint development along the rights-of-way is much cheaper than a lot of uncoordinated programs. The time will come when we shall routinely design and place apartments, schools, shopping centers and offices right alongside our transportation corridors.

Chicago leadership has taken us a step closer to that goal. The Dan Ryan line is the coming way to go.

DRAFT REFORM

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. THOMPSON of New Jersey. Mr. Speaker, the question of draft reform is of paramount importance to the people of the United States. Following is testimony which I gave before the Subcommittee on the Draft.

Thirty-seven of my colleagues, whose names are attached, have joined me in the statement.

Also attached, Mr. Speaker, is a section-by-section analysis of the bill H.R. 7784. It was prepared by Mr. Albert Stillson, analyst in national defense, of the Library of Congress. I am indebted to Mr. Stillson and also to a number of student interns who worked all summer on the project.

My statement and the analysis of H.R. 7784 will, I hope, demonstrate the great need for comprehensive draft reform by the Congress, whose duty it is to control military service.

The following Members associate themselves with the statement of Representative Frank Thompson, of New Jersey, of October 3, 1969, before the Special Subcommittee on the Draft:

Brock Adams, Thomas L. Ashley, Edward P. Boland, Richard Bolling, John Brademas, George E. Brown, Jr., Phillip Burton, Hugh L. Carey, Shirley Chisholm, Silvio O. Conte, Emilio Q. Daddario, John H. Dent, Don Edwards.

William D. Ford, Cornelius E. Gallagher, Jacob H. Gilbert, Henry B. Gonzalez, Seymour Halpern, William D. Hathaway, Augustus F. Hawkins, Ken Hechler, Henry Helstoski, James J. Howard, Abner J. Mikva, William S. Moorhead, Robert N. C. Nix.

Richard L. Ottinger, Richardson Preyer, Ogden R. Reid, Henry S. Reuss, Benjamin S. Rosenthal, Charles W. Sandman, Jr., James H. Scheuer, Louis Stokes, Robert O. Tiernan, John V. Tunney, Morris K. Udall.

The material above referred to, follows:

Remarks of Representative Frank Thompson, Jr. Before the Special Subcommittee on the Draft, House Armed Services Committee, October 3, 1969

Mr. Chairman, I want to thank you for this opportunity to testify in support of H.R. 14001 and H.R. 14015, bills that would strike from the Selective Service Act language which now forecloses a random selection of registrants for selection by the Armed Services.

As we know, the Administration has called upon the Congress for such action in the belief that it would add a new and more equitable dimension to the Selective Service System.

I endorse this principle of random selection. It is incorporated in H.R. 7784, a bill which pends before this Committee. I am mindful that questions have been raised as to how a "lottery" would work. While I do not presume to be an expert in the administration of the Selective Service System, I venture to think that a random selection system might work as follows.

A young man would register with the Selective Service System immediately upon his eighteenth birthday, according to rules and regulations prescribed by the President; (or upon entry into the country for a male alien admitted into this country in the status of a permanent alien). As soon as practical after registration, each and *every* registrant would be examined physically and mentally in order to determine his suitability for induction for training and service in the Armed Forces. As soon as practical after this examination, the Selective Service System would classify him. After classification, the registrant would not be immediately available for induction until he has reached the age of nineteen.

At age nineteen, the registrant would enter the prime age group for a period of time not to exceed twelve months. His name would be placed in a pool of equally eligible registrants. The President could determine whether he wanted these pools created on a monthly basis, a semi-annual basis, an annual basis, or any other period of time. For example, on a monthly basis: The order of actual induction from among this prime selection group would be determined by random selection. The Director of Selective Service would publish each month a list of numbers corresponding to the days in that month. Thus, there would appear on the list the numbers 1 to 31 for January, 1 to 28 (or 29) for February, and so on. But these numbers would be arranged in a random sequence determined by a computer or some other means. The numbers for January, in this example, might read 11, 22, 7, 18, and so on until all the numbers from 1 to 31 are listed. H.R. 7784 gives the President the discretion to determine whether the monthly prime selection group should be a national, regional, area, or some other group. For the sake of illustration, let us consider regional pools.

If a regional office under this proposal had a quota of 1,000 men for January, it might have 7,000 men eligible for induction. To choose the 1,000 it would refer to the list published by the Selective Service Director for January. Under this example, the first number was 11, the second 22, the third 7, and so forth until the quota of 1,000 men had been reached. These 1,000 would then be inducted. The remaining 6,000 men would not be called, but would of course, continue to remain liable in the event of a national emergency. But they would not be called until the pool of men in the following month had been exhausted. Thus, once the selection for a given month had been made, those not selected could be reasonably certain of their status and make their plans accordingly.

A regional office might face the difficulty of choosing between different men born on the same day. This choice could be made by arranging the letters of the alphabet in a random sequence for each month and then choosing on the basis of the first letter of the last name. This list would also be published by the Selective Service System.

Under the example illustrated above, the effective eligibility of a registrant would be for one year, not the seven years that it now is. Defense Department manpower quotas are sent out on a monthly basis, and a monthly "lottery" would be perfectly capable of supplying the military the number of men they need. If the manpower pool of any one month was exhausted by an exceptionally high call, those who had not been selected the previous month would be the first to be chosen according to the rank they had received that month during their initial period of eligibility. If those not chosen the previous month were still insufficient to meet the quota, those not chosen two months earlier would be chosen according to the rank they had originally received. Under this lottery, as the registrant grows older, he becomes less likely to be drafted, and is better able to plan his future with certainty.

As was stated earlier, H.R. 7784 does not require the President to adopt a monthly lottery. If the President so chooses, he could adopt a yearly lottery. One of the criticisms of the selection system credited to the Clark Panel was that it made no provision for the monthly fluctuations in draft calls. Thomas D. Morris, former Assistant Secretary of Defense for Manpower, was questioned on this point during his testimony before the House Armed Services Committee in 1967. He was discussing the military manpower needs in a post-Vietnam period: "We assume that for the purpose of the illustration we have used that the Vietnam war was over, and we had a stable force of 2.65 million. We obtained the age distribution of young men in the country for the next calendar year. And on this basis, the flow of our draft calls, as predicted, and the flow of the men coming to age 20 each month, as projected, ranges from a low of 9 percent inducted in January, to a high of 20 percent inducted in November and December." This means that under the system proposed by the Clark Panel and under a system proposed with monthly lotteries, a person born in November or December would be twice as likely to be called. Under a yearly lottery, these seasonal fluctuations would be ironed out and a person would be equally liable to serve no matter when he was born within that year.

There is a difference between these seasonal fluctuations and the yearly fluctuations that would make a yearly lottery inequitable for different years. The yearly fluctuations are almost entirely caused by unforeseen changes in our military defense posture due to unpredictable events in world politics. The seasonal variations are largely predictable and are due to the fact that Americans have babies more often in some months than in others.

The actual physical workings of a yearly lottery would be basically similar to that described earlier for the monthly lottery. A whole calendar year would be scrambled at once and the people born within that year would be ranked accordingly. A person might then be able to make an educated guess as to when he might be called up or if he would be called up at all. Draft calls would still be made on a monthly basis because of the Defense Department need for a continuous supply of men and because of the difficulty of predicting needs too distantly into the future.

Mr. Chairman, the question has been raised—Why a lottery? How does it improve upon the present selection of registrants by eldest first?

This all sounds very confusing, and perhaps an example will clarify the procedure. Joe Smith was born on April 21. When he reaches 19, he is initially inserted into the draft pool. His birthdate, the 21st, is the 13th date on the random list of dates for April. Joe is not called up during April, May, or June. During July, his family has a serious accident and he becomes the sole support for his parents and younger brothers and sisters. He asks for and receives a hardship deferment.

Two years later in February, his parents are able to support the family and his hardship deferment ends. His draft board then waits until July to place him back in the draft pool with those registrants born in April of that year. He is placed with those whose date of birth in April is the 13th date on the random list of days for April *for that year;* for example, it may be the 3rd of April. He will continue to remain eligible with that group until March of the following year when he will have served his twelve months of eligibility.

Mr. Chairman, I am mindful that when you extended your invitation for me to testify, you stipulated my testimony was to address itself solely to the provisions of H.R. 14001 and H.R. 14015 and to no other matters.

But I would say to you in all sincerity that I do not see how it is possible for a Member of the House to address himself to this legislation, dealing as it does with one narrow aspect of the Selective Service Act, and completely ignore the many other provisions of the Act which cry out for revision

Therefore, with your permission, I would like to address myself to other areas of the Act which I would hope that the Committee would take under consideration

In responding to my June 20 request for hearings, Chairman Rivers said he "would be delighted to receive . . . specific views on this subject."

"It is therefore requested," he continued, "that you provide the Committee on Armed Services with a detailed analysis of each of the specific provisions of your bill, the intent of the language as written, and the manner in which each of those provisions would be implemented so as to eliminate alleged deficiencies in existing law."

Thus, in compliance with Chairman Rivers' ambitious request, I trust you will accept this detailed response which necessarily goes beyond the immediate subject of H.R. 14001 and H.R. 14015.

Mr. Chairman, the existence of a broad national consensus favoring—even demanding—draft-law reform is undeniable. Only—and, of course, this is a big qualification—the breadth and depth of needed selective service law changes are in contention.

The Administration's bill for the institution of a lottery induction system—clearly not a wide-ranging reform—was introduced in the House in June 1969, and in the Senate in August. A sectional analysis of this measure appears on pages 23678–79 of the August 13, 1969 *Congressional Record*. This measure complements the President's message on Selective Service Reform that was delivered to the Congress on May 13, 1969.

On September 20, 1969, the *Washington Post* reported that the Administration had announced that due to the absence of Congressional action on its draft reform measure, it would request from Congress a simple repeal of that part of the Military Selective Service Act of 1967 which forbids the implementation of a lottery induction system by Presidential action. The next day, this same newspaper stated: "Chairman L. Mendel Rivers says his House Armed Services Committee will take up President Nixon's draft lottery plan by November, but indicates it will be hard to convince. 'We don't think he needs it,' Rep. Rivers said in an interview. 'But if he wants one, we'll consider it. He's my President, too. I'll try to accommodate him.' The Chairman's remarks appeared to squelch a widespread feeling that Congress would not even consider Mr. Nixon's lottery plan this year, but they left prospects for approval as doubtful as ever." One week later, on September 28, 1969, the *Washington Post* reported the scheduling of today's hearing.

While the Administration's impatience over Congressional inaction on the Selective Service reform measures outlined in the May 1969 Presidential message may be understandable, the fact that the first session of the 91st Congress has been weighted down mightily by the press of public business, a great share of which has involved fundamental national defense issues, also calls for understanding.

But, Mr. Chairman, such understanding cannot substitute for governmental action on draft law reform. A public issue as important as this reform should—and can only—be resolved not by the enactment of partial measures or by the application of administrative poultices, but by thoroughgoing legislative overhaul made by a Congress that is mindful of and accepts and exercises the full range of its Constitutional responsibilities to establish, maintain, and govern the national military establishment.

I hope, Mr. Chairman, that careful note is made of my call for "thoroughgoing legislative action," not, first and foremost, for draft reform legislation. While I and many of my fellow Members of Congress are convinced that such legislation is manifestly mandatory, it is equally clear to us that such legislation must be preceded by the hearings, debate, and concomitant public reaction and evaluation that develop to their fullest extent as part of Congressional, not Executive, decision-making.

I hope further, Mr. Chairman, that this Congressional action will commence with hearings that will include careful dissection and analysis not only of the one-sentence H.R. 14001 and H.R. 14015, but also of H.R. 7784, thus indicating to the American people in concrete terms that the whole matter of Selective Service reform will be resolved as wisely as possible by their representatives sitting in the 91st Congress.

H.R. 7784, the "Selective Service Act of 1969," was introduced by myself and 15 cosponsors on February 26, 1969 and referred to the Armed Services Committee. It is identical to S. 1145, which was introduced in the Senate on February 25, 1969, by Senator Edward M. Kennedy, for himself and 8 cosponsors. Speaking for myself primarily, H.R. 7784 does not purport to be the ultimate and final word on Selective Service reform. However, I do think that it is a good bill, particularly in the sense that it affords a fairly comprehensive framework through the use of which most of the recognized, essential, and potential areas of needed draft law reform can be dissected, evaluated, and decided upon.

Since this Committee has now taken up at least the Administration's draft lottery proposal, the importance of Congress making a solid start on broad-ranging Selective Service reform during this session cannot be overstressed. I realize that in doing this the Congress will be hard-pressed for time and will add to its legislative burdens significantly. However, the cost of not making this extra effort could well be the institution of Selective Service changes that would be less sweeping than perhaps they should be; that might rest overwhelmingly on Executive orders and not benefit from the kind of national consideration to which I referred earlier; that might be weak and ineffective poultices which abrade more than heal national sores; and that could stifle or even set back the cause of general Selective Service reform.

At my direction, Mr. Chairman, the Legislative Reference Service has prepared a summary of the changes in existing law that would be effected by the enactment of H.R. 7784, and I request permission to place this summary in this Committee's hearing record. As this summary indicates, H.R. 7784 is a major and lengthy bill, and consequently I would like to set forth the rationale that underpins some of the major purposes to be served by passage of the measure. I do so to lay down fundamental reasons why the Congress should proceed forthwith to the holding of hearings, at the very least, on fundamental draft law reform, and should not and indeed cannot confine itself simply to the passing of judgment on the Administration's draft lottery plan.

Therefore, and possibly at the cost of giving a somewhat distorted overview of H.R. 7784, I will now discuss key elements of the rationale that has been incorporated into the bill. I would like to note that although the institution of a random selection system is an integral element of H.R. 7784, and although Section 205 of this bill should play an important part in Congressional evaluation of the Administration's lottery proposals—inasmuch as the two bills on which this Committee is primarily focussing would simply repeal Section 5(a) (2) of the Military Selective Service Act of 1967—it seems to me to be of particular importance at this time to stress those aspects of draft law reform that are provided for in H.R. 7784.

Accordingly, the discussion that now follows focuses on those sections of H.R. 7784 pertaining to student deferments and casualty ratio; to the organization of the Selective Service System; to certain problems that have arisen from past experiences with the draft, and to the need for basic investigation into certain fundamental aspects of national military manpower policy.

1. STUDENT DEFERMENTS: CASUALTY RATIO

Section 314 of H.R. 7784 would expand student deferments to include junior college students and persons in vocational or technical training programs. Deferment would continue until registrants reach their twenty-fifth birthday or complete their course of study. Furthermore, when casualties in an armed conflict reach ten percent of the number of persons inducted during a three-month period, all student deferments would end automatically.

The Military Selective Service Act of 1967 permits the President to provide for the deferment "of persons satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning." In practice, student deferments are granted automatically only to persons pursuing a full-time course of study leading to a baccalaureate degree. H.R. 7784 would expand the definition of "student" and would allow the granting of II-S deferments not only to college students, but also to junior and community college students, persons enrolled at a vocational school, apprentice training programs, or similar occupational instruction program. Present deferment policy discriminates against the poor and the Blacks who most often can neither afford nor qualify for higher education. The educational needs of these people do not end with high school however, and in fact technical or occupational training for people at this particular age is vital to bring them into the mainstream of American society. If the goal of equity in the Selective Service is to be achieved, student deferments should be granted not only to college or university students, but also to other young men who wish to continue their education in a vocational or occupational training program, as long as these deferments cannot become exemptions.

The Marshall Commission divided over whether student deferments should be continued at all. A majority felt that no further student deferments should be granted except to students enrolled in occupational training programs. An equitable Selective Service with a random system of selection can still be achieved, even if student deferments are continued as long as two conditions are met: (a) a student deferment should not be convertible into a permanent exemption, and (b) students should not be able to defer themselves into a "period of tranquility;" in other words, avoid a shooting war. H.R. 7784 meets both of these requirements.

First, when military casualties reach ten percent of those drafted in a given three month period, student deferments would end automatically under Section 314 (a)(1). Today, for example, the casualty ratio in Vietnam is about thirty percent of those inducted each month. If H.R. 7784 were in effect now, student deferments would not be granted to any persons 19 years of age or older. Second, assuming that other provisions of H.R. 7784 are put into effect, specifically, ending the graduate and occupational deferments, there would be no way for an able-bodied and presumably mentally qualified man to avoid a 1–A classification after he had completed his occupational course of instruction, or baccalaureate. Such a person's options at that time would be to enlist, apply for a commission as an officer, join a Reserve Unit, or accept a 1–A, allowing his name to be placed with the next prime age group to enter the lottery. In short, H.R. 7784 allows students to *postpone* their vulnerability to the draft for a period of two to three years. In no way would they be able to avoid a shooting war, under the ten percent clause, and no other kind of deferment would be available to a student after he completed his course of study that would not have been available when he was 18 or 19 years old. Thus, the requirements of equity and fairness are met, while at the same time allowing for the value placed by our society on education and acquiring vocational skills.

The granting of student deferments would pose no procedural or administrative problems to the operation of a youngest-first lottery system. Students entering the prime age group would not swell the number of persons being lotteried, and hence increasing the odds of a given person being selected since the number of students reverting to the lottery pool at the end of their II–S deferment would be roughly equal to the number of persons in the 19 year-old group being taken out of the pool under II–S deferments.

Finally, it is not likely that all students who qualify for II–S deferments under H.R. 7784 will request a II–S. Many would probably risk selection at 19, knowing that if selected, they would fulfill the military obligation before assuming added responsibilities, such as a wife, family, or job. If not selected, a relatively clear field would be open to them, and knowing that the chances of being called are relatively small, they could plan their lives and assume responsibilities, without the uncertainties they would face under the present draft system.

The student deferment provisions of H.R. 7784 allow the peacetime student a choice of when to serve the country in the armed forces, while in no way increasing the problems of manpower procurement for the military.

Because, Mr. Chairman, the Administration's draft reform proposals—or at least what we know of them—contain nothing analagous to the casualty ratio I have just outlined, and because it is very difficult to know at this juncture exactly those provisions governing student deferments that the President will lay down by Executive Order if H.R. 14001 and H.R. 14015 are enacted without substantial modification, I think it is incumbent on the Congress to take up immediate consideration of not only Section 314 of H.R. 7784, but also the several other salient features of this measure to which I shall now turn.

2. ORGANIZATION OF THE SELECTIVE SERVICE SYSTEM

In his May 13, 1969, message to Congress, the President observed that "it is also important that we encourage a consistent administration of draft procedures by the more than 4,000 local boards around the country. I am, therefore, requesting the National Security Council and the Director of Selective Service to conduct a thorough review of our guidelines, standards, and procedures for deferment and exemption, and to report their findings to me by December 1, 1969." Although it is to be hoped that these reports will be made available to Congress, there appears to be no question and no dearth of information testifying to the fact that probably the outstanding problem stemming from the organization and administration of the Selective Service System as it now exists is lack of uniformity. Registrants in identical situations are in fact treated differently depending on where they lived when they were first required to register. In some areas, for example, school teachers are deferred automatically, whereas in other localities they are not, unless they happen to be teaching close to the geographical location of the local board. Those teaching in city ghettos, quite simply, are not likely to be deferred under any circumstances. Taking another example, four students from different sections of the United States went to England not too long ago to attend school for one year as part of the English-Speaking Union Youth Fellowship Exchange Program. One was classified II–S automatically. One was classified I–S(H) even though he had already graduated from high school. One was classified I–A, which upon appeal to a State Director was changed after the passage of five months to II–S, but which was not accompanied by a clear delineation of the eligibility of the registrant for a deferment to complete his senior year of college. A fourth was classified I–A, a classification he retained during his entire year abroad despite his appeals for rectification of his status.

Possible examples of the interrelationship between inequity and the absence of uniformity in the Selective Service System are legion. We cannot be surprised over this state of affairs when we realize that there are local boards which have fewer than 1,000 registrants, while others have more than 50,000. There are appeal boards which handle some 3,000 cases a year, while others may be seized of less than 60—or even 12—per year. California's Senator Alan B. Cranston reported recently that a random sample of local boards in several cities in his state revealed that not one board was aware that the policy recommended by the Director of Selective Service with respect to the drafting of lawbreaking demonstrators has been ruled illegal by the U.S. Circuit Court of Appeals.

The most sensible way to attack this twin-headed problem of lack of uniformity and inequity is to enact, as is the intent of Section 201 of H.R. 7784, a restructured Selective Service System according to the 1967 recommendations of the National Advisory Commission on Selective Service—the "Marshall Commission."

As thus restructured area offices would be registration and classification centers. A civil service staff, applying regulations established by the National Selective Service Headquarters, would classify each registrant within the jurisdiction of each area office in a uniform and impartial manner. The staffs of the area offices would be drawn from the cadre of able clerks who now serve local boards throughout the country and who are familiar with Selective Service machinery.

Automatic data processing equipment, to handle the vast amounts of information involved, would facilitate the operation of the system nationally. With the control available through the use of this modern equipment, registrants who change their permanent residence would, under appropriate regulations, change their registration from one area office to another.

Since fairness can be achieved only when there are ways in which an individual's relationship with a system can be personalized, a major virtue of the proposed reorganization is that it would provide facilities and avenues for such personalization. Registrants confused or intimated by the Selective Service process could visit their area offices for a more individual treatment of their registration and classification.

It is well to remember that about 90 percent of the classifications now made by a local board are automatic—such as classifications involving over-age, high school and college deferments, and reclassifications for those inducted into or discharged from the Armed Forces. These classifications can be dealt with far more economically and efficiently in centralized area offices. Problems requiring large amounts of discretion, such as hardship deferments and conscientious objector classification, would also be made at the area level. However, any registrant who is unhappy about his individual treatment could take his problem to an appeal board.

Appeal boards in the proposed structural reorganization of the Selective Service System reflect the fact that since most of the classifications that local boards now make are automatic, the time spent by local board members in presiding over each and every classification is largely wasted. But if local boards become appeal boards, as provided in H.R. 7784, the time and efforts of local board members will be much more prudently utilized, because it is in acting on appeals that their personal knowledge of registrants can be best devoted to the welfare of the individual and the nation.

More specifically, when a registrant appeals a classification given him by an area office, his appeal will be directed to the appropriate local board. As stated by the Marshall Commission on page 32 of its 1967 report: "Although the 'neighborly' character of local boards seems to exist more in theory than in fact, the prospect of a man's being able to take his case to a group of citizens divorced from the Federal system has great strength and merit. A local board composed, as are those today, of volunteer citizens, and conveniently located in the area office but independent of it, is the body to which registrants who wish to challenge their classification could do so within 30 days rather than the 10 days which are now allowed. These boards would become in effect the registrant's court of first appeal. They would have the authority to sustain or overturn classifications made in the area office." If the local board denies the registrant's request for reclassification, he would be able to appeal to a regional appeal board, which would be the second stage of the appeal process. They would be guided by the same criteria as used in the area offices. If the registrant is still dissatisfied, he could appeal to the National Appeal Board, as he is now able to do.

While I believe, Mr. Chairman, that what I have said thus far about the restructuring of the organization of the Selective Service System, that would be accomplished by Section 201 of H.R. 7784, summarizes the major thrust of the legislative intent underlying this Section of the bill, two other provisions of Section 201 perhaps deserve particular comment: a) The term of office of the National Director of Selective Service would be limited to six years, because this post is one of great sensitivity, and the incumbent of (or nominee for) the position should formally come under the periodic scrutiny of the Congress. Thus, the post could not become the political instrumentality of any President, and Congressional overview of a national public office of great importance and delicacy and, potentially, of controversy would be reinforced. b) The maximum age of local board members would be reduced from 75 to 65, thus helping to limit the terms of such members and to insure that they are more representative of the communities they serve.

3. PROBLEM AREAS THAT HAVE ARISEN IN PAST EXPERIENCE WITH CONSCRIPTION

a. Right to counsel, appearance, and information

In provisions closely related to the problems I have just outlined, Sections 303 and 324(d) of H.R. 7784 are intended to guarantee to registrants that they will receive fair and equitable treatment from and through the Selective Service System, and that they will be fully informed of the rights and procedures available to them under law. The latter purpose is served by Section 324(d), which requires the Director of Selective Service to provide each registrant, in writing, at the time of his registration and subsequently on request, with information regarding all rights and procedures available to him that pertain to classification, deferment and exemption. The former purpose is served by Section 303, which guarantees to each registrant the right to appear in person before regional offices, area offices, and local boards, and to be represented by counsel, irrespective of his ability to pay for counsel, in order to present testimony or evidence relevant to his status. The right to counsel thus provided for is particularly important, because while the registrant classified I–A or ordered to report for induction is in no wise accused of a crime, the draft nevertheless threatens a basic change in his natural life for several years. Consequently, procedural safeguards must be established to guarantee that registrants will receive fair and equitable treatment under the Selective Service System, and that their interests will be adequately represented before the System.

b. Physical and mental standards

Section 304(f) of H.R. 7784 would insure that a person who volunteers for military service and who is rejected on mental or physical grounds cannot be later inducted into the Armed Forces unless there is some subsequent mental or physical change that would make him eligible for enlistment. Current military manpower medical procurement standards apply to both enlistees and inductees, and H.R. 7784 would not alter them. Due to the Medically Remedial Enlistment Program (MREP), physical standards for enlistment are, in effect, slightly lower than for induction. Mental standards for inductees are lower than those for enlistees, in that enlistees who score between the 10–15 percentiles in the Armed Forces Qualification Test (AFQT) are ineligible, whereas such inductees are. Manifestly, it is strange indeed that certain groups of people are not permitted the opportunity of serving their country in the Armed Forces when they request to do so, but later, when they probably have settled into a regular pattern of life, can be involuntarily placed in the Armed Forces. This state of affairs should be terminated.

c. Aliens

Section 302 of H.R. 7784, together with the amendment of the Immigration and Nationality Act that would be made by Section 326 in order to establish consistency with Section 302, would continue to provide for the selection of aliens who remain in the United States for over one year and who do not qualify otherwise for deferment or exemption. However, Section 302 would allow an alien who is ordered for induction to change his status to that of "nonimmigrant," thus becoming exempt from military service and at the same time permanently ineligible to become a U.S. citizen. This change is designed to grant to aliens who have no desire to reside permanently in the United States an exemption from military service. It is inherently and patently unfair to require persons who do not wish to become U.S. citizens to assume a basic duty and responsibility of American citizenship. The change that is offered would not allow aliens to "dodge" the draft, but simply present them with a choice between serving in the Armed Forces or changing their status to that of nonimmigrants, with the reduction in rights and privileges that accompany this change.

d. Exemption from training and service of certain veterans of allied countries

Section 310(b) of H.R. 7784 would simply reduce from 18 to 12 months the period of service in the armed forces of an ally that is requisite for exemption from training and service in the U.S. Armed Forces. The requirement for eighteen months of such foreign military service was established at a time when most NATO members had eighteen months of compulsory military service, and was designed primarily to protect aliens who had served in the armed forces of their native countries from being drafted into American military service. In recent years, most NATO countries have shortened their periods of required military service to sixteen months or less. Yet aliens from such countries of origin who have fulfilled their earlier military duty are still liable to induction into the U.S. military establishment for an additional two years of obligated service. This new provision of law would make U.S. Selective Service requirements consistent with those of our allies and end inequitable situations in which certain aliens are compelled to contribute twice to the cause of Western defenses.

e. Conscientious objectors

Section 315(a) of H.R. 7784 would add to existing law the statement that religious training and belief "does include a sincere and meaningful belief, which occupies a place in the life of its possessor parallel to that filled by an orthodox belief in God." The intent of this clause is to insert the Supreme Court's language (*U.S.* v. *Seeger;* 380 U.S. 163) into Selective Service law so as to eliminate confusion among local draft boards, and to make the guidelines for conscientious objection classifications clearer and more readily available to registrants.

In 1967, Congress decided to delete from Selective Service law the clause that defined religious training and belief "as an individual's belief in relation to a Supreme Being involving duties superior to those arising from any human relationship . . ." In its report on the Military Selective Service Act of 1967, the House Committee on Armed Services stated: "The provision of existing law relating to conscientious objectors has been the subject of considerable controversy within recent months. The controversy was primarily the result of a 1964 Supreme Court decision in *U.S.* v. *Seeger* . . . The Supreme Court decision resulted in a significant broadening of the basis on which claims for conscientious objection can be made. The Director of Selective Service advised the Committee on Armed Services that in his judgment this undue expansion of the provision of the law relating to conscientious objection could very easily result in a substantial increase in the number of unjustified appeals for exemption from military service based upon this provision of law. This circumstance coupled with the Committee's awareness that the processing of conscientious objector appeals has resulted in delays exceeding two years, prompted the Committee to completely rewrite this provision of law."

On the other hand, it must be noted that the National Council of Churches has stated that "conscience is not a monopoly of Christians or of the religious traditions. Neither is there one kind of conscience that is 'religious' or another that is 'non-religious,' but only the *human* conscience, which Christians see as God's gift, whether or not every individual so understands it." Having taken this position, the National Council of Churches has defined "conscience" as a "compelling conviction which makes a person *unable to* perform the objectionable act, whatever the consequences may be." It is well to note, further, the opinion of Lawrence Speiser, Director of the Washington Office of the American Civil Liberties Union: "The individuals who should qualify as conscientious objectors are rather those who find their present participation in war to be so great a wrong that even government's command will not relieve them of responsibility for committing that wrong . . . If a man finds it wrong to yield his conscience to government's command, it is not relevant to ask whether he believes in God or whether his beliefs follow some formal religious theory."

The argument has been made, Mr. Chairman, that if too much discretion is left to the individual in the area of conscientious objection people will start to indulge in widespread civil disorder and to select the taxes which they wish to pay. This argument is invalid for three reasons. First, there is a distinct difference between asking a man to give his life for his country and asking a man to kill other men because the majority of the people in his country think that war is politically expedient or necessary at that time. Many sincere conscientious objectors are perfectly willing to risk their lives in hazardous activities such as fighting forest fires or helping the sick and wounded in Laos and Vietnam, but they are unwilling to take the life of a fellow man. Second, the number of conscientious objectors in the United States has always been very small, averaging in the 1966–69 period well below one percent of all registrants. The Department of Defense is not in desperate need of these men, and H.R. 7784 would not increase the number of conscientious objectors so as to have a significant effect on the Selective Service System. But this bill would save just a few people from going to jail because they were unaware of the Supreme Court's definition of "religious training and belief" as used in H.R. 7784. Third, conscientious objectors are in fact more likely to engage in civil disobedience under existing law, for not knowing their rights they will not find any provision of law consistent with their own beliefs and will be forced to go to jail to avoid the draft in any way possible.

The United States has an admirable record of exempting from military service those who have been conscientiously opposed to war, regardless of their religious beliefs. Over time, provisions for such exemption have been incorporated into the constitutions of several of the States—Illinois, 1818; Alabama, 1819; Pennsylvania, 1838; Iowa, 1846; Kentucky, 1850; Indiana, 1851; Kansas, 1855; and Texas, 1859. In World War I, Congress exempted those who were members of a traditionally pacifist church; those who objected for reasons of conscientious scruples, whether or not their objections were based on religious training and belief; and those who objected on religious grounds, no matter their church affiliation. Secretary of War Baker reaffirmed this decision on December 19, 1917, when he issued the following order: "The Secretary of War directs that until further instructions . . . personal scruples against war shall be considered as constituting conscientious objection, and such persons shall be treated in the same manner as other 'conscientious objectors' under the instructions contained in confidential letter from this office dated October 10, 1917."

Section 315(a) of H.R. 7784 will not open up the conscientious objector classification to those who object to a single or particular war, although many have advocated this. I believe that Congress should agree with the National Advisory Commission on Selective Service on this matter: "The majority (of the Commission) believes that the status of conscientious objection can be properly applied only to those who are opposed to all killing of human beings under any circumstances. . . . Political opposition to a particular war should be expressed through recognized democratic processes and should claim no right of exemption from democratic decisions."

It is my opinion and that of the co-sponsors of H.R. 7784, I believe, that this bill which incorporates the language of the Supreme Court, will not allow hundreds of "draft dodgers" to escape the law. It will only permit conscientious objectors who are not members of orthodox faiths the opportunity of serving their country in a useful and constructive manner rather than in jail.

In essence, I am suggesting that the Congress and the country be guided by the words of Justice Augustus Hand in *United States* v. *Kauten:* "It is unnecessary to attempt a definition of religion; the content of the term is found in the history of the human race and it is incapable of expression in a few words. . . . It is a belief finding expression in a conscience which categorically requires the believer to disregard elementary self-interest and to accept martyrdom in preference to transgressing its tenets." And I further suggest deep and sober reflection on the words of Judge Charles Edward Wyzanski Jr., Chief Judge of the U. S. District Court in Boston, Massachusetts: "The law cannot be adequately enforced by the courts alone, or by the courts supported merely by the police and the military. The true secret of legal might lies in the habits of conscientious men discipling themselves to obey the law they respect without the necessity of judicial and administrative orders. When the law treats a reasonable, conscientious act as a crime, it subverts its own power. It invites civil disobedience. It impairs the very habits which nourish and preserve the law."

Section 315(c) of H.R. 7784 complements Section 315(a) by restoring to Selective Service law the provision deleted by the Military Selective Service Act of 1967; namely, the requirement for a hearing by the Department of Justice when a local board decision denying conscientious objector status to a registrant is appealed. The purpose of this provision is to provide the appeal board with information, obtained by an impartial agency, concerning a claimant's sincerity and "religious training and belief."

Many local boards refuse to grant I–O classifications because they consider themselves insufficiently trained to make such a judgment especially if the registrant applies for conscientious objector classification after he registers initially. The local board members often feel that the appeal board is better qualified to handle these cases and has more experience with them. Indeed, conscientious objector claims are very delicate and highly individual. Instead of applying for a deferment where the question is whether the registrant will be liable for the draft now rather than at a later time, the conscientious objector is applying for exemption from military service at any time. Both critics and supporters of the present criteria for conscientious objection admit that these criteria are complex and a matter of individual judgment. Mere membership in a pacifistic church is not sufficient to obtain such a classification. The board ought to—and must—cross-examine the registrant to test his sincerity and the depth of his convictions. When the Selective Service System was first established, the board members were likely to know the registrant personally and could make their judgments on the basis of their own personal experience with the registrant. Today, some boards serve as many as 50,000 registrants and it is impossible for the members to know their registrants no matter how hard they try.

For these reasons, I feel that reinstitution of Department of Justice hearings in cases involving conscientious objector appeals is prudent and necessary. Most of the criticisms underlying the 1967 deletion of this provision stemmed from the "unusually long and unnnecessary delays" in processing these appeals which the Civilian Advisory Panel on Military Manpower Procurement—the "Clark Panel"—noted. Under other provisions of H.R. 7784, a registrant would spend no more and no less than 12 months in the prime age group. If his classification is delayed awaiting a Justice Department report, he will enter the prime age group later. His length of maximum exposure will not be shorter. On balance, the reinstitution of Justice Department review of these cases will make it easier for registrants who do qualify for conscientious objector classification to obtain it, and much harder for draft-dodgers to escape service through the route of conscientious objection.

4. BASIC INVESTIGATIONS THAT ARE REQUIRED

I think almost everyone will agree, Mr. Chairman, that basic draft reform legislation ought to be concerned not only with remedying inequities and problems that have arisen in the past, but with ploughing new ground in the area of national military manpower policy. Consequently, H.R. 7784 would institute four broad-ranging studies to facilitate needed groundbreaking.

a. Military youth opportunity schools

Section 401 of H.R. 7784 originated in the opinion of the cosponsors that many of the men presently declared unfit for service in the Armed Forces could, with a minimum of expense, be so trained as to meet both the mental and physical requirements for military service. Section 401 would generate a basic study to determine the feasibility of this idea and the realization of it through "military youth opportunity schools."

In October of 1966, the Defense Department established Project 100,000 and concomitantly lowered mental and physical standards for military service, with the result that over 100,000 men who would have been disqualified for military service were accepted in the Armed Forces. Fifty-three percent of these men were volunteers. Of the "new standards men", 95.4 percent have successfully completed basic training. About 60 percent have been given non-combat skills, most of which have direct or related counterparts in the civilian economy. Particularly gratifying is the fact that after 19–21 months of service, 52 percent of the "new mental standards men" were in grade E–4 and above, as compared to 59 percent of a "control group" consisting of men taken into service under the regular standards. Also most gratifying is the fact that the assignments of "medically remedial men" have not been significantly different from those of the control group, and the fact that while entrance standards were lowered, performance standards were not.

Over 40 percent of the "new standards men" had been unemployed at the time of their admission to military service. Only 42 percent were earning a weekly salary higher than $60. Yet, considering remedial reading programs alone, those who took advantage of these programs, with just 6 weeks of help, were raised in military rank by 1.7 to 2.0 grades.

The average cost of Project 100,000 has been about $180 per "new standards serviceman." This cost is in addition to the $3,390 that must be expended to put any recruit through basic training.

Therefore, those sponsoring H.R. 7784 feel that the possibility of lowering entrance standards even further deserves very close and careful scrutiny. By such lowering a number of important national benefits would be achieved: many men who desire to join the Armed Forces would be given an opportunity to serve that would not otherwise be theirs; many unemployed and perhaps unemployable men would be given the opportunity to learn skills, such as reading ability and vocational skills, which could be used later in civilian life; many men who are unemployed essentially because they lack confidence in themselves and are pressed down by their feelings of insecurity would achieve through military service practical and positive remedies for these personal and social blights; and many men would not have to be drafted involuntarily, because their places would be taken by others who have much to gain from—not give up for—military service.

b. Volunteer army study

Everyone is painfully aware, Mr. Chairman, of the criticism that has been directed at the Selective Service System, especially over the last few years. Many alternative means and methods for providing the Armed Forces with manpower have been advanced. Of these proposals, the concept of a volunteer military establishment has gained a wide measure of acceptance. For these reasons, Section 402 of H.R. 7784 would create a study, under Presidential supervision, to provide both the President and the Congress the most expert opinion possible on the subject of the desirability and feasibility of instituting an all-volunteer military establishment.

I am aware, Mr. Chairman, that on March 27, 1969, the President appointed an "Advisory Commission on an All-Volunteer Armed Force," with instructions to report to him on this subject by early November 1969. Section 402 could be overtaken by events, so to speak, but Congress, as well as the President, must be satisfied that this vital matter of national policy is weighed and evaluated as thoroughly as possible. The enactment of Section 402 would guarantee this.

c. National Service Corps study

Section 403 would provide for a comprehensive study of the feasibility and desirability of creating a National Service Corps, with the possibility of permitting some National Service Corps programs to be considered as alternatives to fulfilling one's obligation of service to the country through the military establishment.

It ought to be borne in mind, Mr. Chairman, that the United States would not be the first country to create a National Service Corps. Most of the programs in other nations were originally designed after the Peace Corps, but several have developed considerably beyond this concept. As Terrence Cullinan has pointed out in Donald J. Eberly, ed., *National Service, A Report of a Conference,* "France's obligatory 16 months National Service tour is satisfied by service in the Civilian Defense Service as a civil servant, policeman, engineer, health inspector, architect, technician, or civil defense specialist primarily in depressed regions. During war or emergencies, this Service staffs the Defense Corps and carries on tasks of civil defense for the whole population . . . The February, 1967, Italian national service law recognizes at least two consecutive years' service in a developing country outside Europe as equivalent to required military national service. Service is performed under bilateral agreement or a recognized international organization's program."

A number of other countries as well have found it both feasible and desirable to have a National Service Corps and to permit service in it to qualify as alternative service in lieu of military service. Therefore, it is clear that the whole of this extremely important issue deserves the attention and scrutiny of a Presidential study, as Section 403 of H.R. 7784 would provide.

d. Amnesty study

Section 404 of H.R. 7784 would require the President to conduct a study of the feasibility and desirability of allowing those who have fled the country and who are liable to prosecution under Selective Service law to return to the United States within five years, without being subject to criminal prosecution, if they accept their responsibilities under Selective Service law. Upon return, they would be exposed to the draft in the prime age group just like other registrants.

Today, such amnesty is a much talked about and controversial issue. Before any decision on amnesty is made, a thorough study of the subject should be undertaken. As a preface to such study, it should be remembered that amnesty does not involve a moral judgment. Rather, it is a humane act of clemency. The Government would not be placed in the position of condoning the actions of those who are presently in jail or in exile. But because amnesty would be an act of clemency, it could serve to reunite a divided country and be a testimonial to governmental strength, security, and humanity.

Nowhere, Mr. Chairman, is the gap between national fairness and justice, on the one hand, and the law, on the other, wider than in the area of Selective Service. At a time when this country is bitterly divided over a war thousands of miles away, reunification of America is made all the harder by the present Selective Service System. It might be a giant step toward closing this gap and healing these sores if amnesty were granted, thus saving many young citizens from a life of permanent and lonely exile. As George Washington stated in his proclamation of amnesty on July 10, 1795: "It appears to me no less consistent with the public good than it is with my personal feelings to mingle in the operations of Government every degree of moderation and tenderness which the national justice, dignity, and safety may permit."

H.R. 7784 (THE SELECTIVE SERVICE ACT OF 1969), 90TH CONGRESS, 1ST SESSION: SUMMARY OF CHANGES IN EXISTING LAW THAT WOULD BE EFFECTED BY ITS ENACTMENT

INTRODUCTION

H.R. 7784 was introduced in the House of Representatives on February 26, 1969, by Representative Frank Thompson of New Jersey, for himself and others, and referred to the Committee on Armed Services. It is identical to S. 1145, which was introduced in the Senate on February 25, 1969, by Senator Edward M. Kennedy of Massachusetts, for himself and others. The following summary of H.R. 7784 focuses on changes in existing law that would be effected by its enactment.

Title I—Purposes and definitions

Section 101. Short Title

Cites the Act as the "Selective Service Act of 1969," thus changing the title of the basic national selective service law from the "Military Selective Service Act of 1967" (identified herein as MSSA).

Section 102. Findings and Declaration of Purpose

As section 1 of the MSSA does, it finds that the maintenance of adequate armed force is essential to national security; and that so long as all eligible persons are not required to serve, those who must serve should be selected by a fair, just, and adequate system which meets effectively the needs of both national defense and the national economy. Would add to the provisions of section 1 of the MSSA by finding that national military manpower needs should be met as much as possible through voluntary service, through the use of civilian personnel in noncombat positions, and through encouragement of the utilization of women in the Armed Forces and in civilian positions that support the Armed Forces. To meet the foregoing objectives, states that the purpose of the Act is to set up procedures for the fair and equitable selection of qualified men to meet national military manpower requirements, thus focusing the purpose of the Act more sharply than the MSSA does.

Section 103. Definitions

Defines terms used in the Act such as "United States" and "duly ordained ministers of religion." The definitions made are the same those in section 16 of the MSSA, except that H.R. 7784 does not define "local board."

Section 104. Saving Provision

As section 19 of the MSSA does, states that nothing in the Act shall be deemed to amend any provision of the National Security Act of 1947.

Section 105. Effective Date

As section 20 of the MSSA does, provides that the title becomes effective immediately "except that unless the President, or the Congress by concurrent resolution, declares a national emergency after the date of enactment of this Act, no person shall be inducted or ordered into active service without his consent under this title within ninety days after the date of its enactment."

Title II—Selective service system

Section 201. Organization

As section 10 (a) of the MSSA does, establishes within the Executive Branch a Selective Service System headed by a Director of Selective Service. Stipulates that the Selective Service System is to be composed of a National Selective Service System Office in Washington, D.C., eight regional headquarters distributed throughout the United States, and such area offices, appeal boards, and other agencies as are hereafter provided. Section 10(a) of the MSSA, on the other hand, provides that in addition to the national headquarters, there should be at least one State headquarters in each State, Territory and possession of the United States, and in the District of Columbia. Provides that the Director is to be appointed by the President, with the advice and consent of the Senate, for a term of six years. The MSSA, in Section (10(a), sets no limit to the Director's term of office, and designates an annual salary for him, namely, $12,500 per year.

Would add to existing law by prescribing that to the maximum extent practicable automatic data processing equipment shall be used in carrying out the provisions of this title.

Continues in effect that part of Section 10(a) of the MSSA which pertains to the Office of Selective Service Records, the Director of this Office, the transfer of this Office and this position to the Selective Service System, and the reestablishment of both at such time as the title may expire.

As the MSSA does in Section 10(b), authorizes the President to prescribe the rule and regulations necessary to carry out the provisions of this title.

Authorizes the President to appoint directors of regional Selective Service headquarters, whereas under the MSSA—Section 10 (b)—State directors of Selective Service are appointed by the President upon the recommendations of governors, and they represent governors in taking immediate charge of State Selective Service headquarters.

Like Section 10(b) of the MSSA, authorizes the President to employ such civilians as are necessary for the administration of the Selective Service System.

Provides, in times of national emergency declared by the President, for the utilization of National Guard and other Armed Forces personnel in the operation of the Selective Service System in the same way that Section 10(b) of the MSSA does.

Authorizes the President to create and establish one or more area offices in each State with an area of jurisdiction to be established by the Director of Selective Service on a population basis. The director of each area office, a civilian assisted by civilian staff, shall have the power within the jurisdiction of his area, and in strict conformity with rules and regulations prescribed by the President and subject to a right of appeal to the local board and from the local board to the appeal boards herein authorized, to hear and determine all questions or claims with respect to inclusion for or exemption or deferment from training and service of all individuals within the area of jurisdiction. Also authorizes the President to create such civilian local boards and civilian agencies or appeal as may be necessary to carry out the functions of the Selective Service System. Each local board is to function in conjunction with an area office and shall consist of three or more members. Under rules and regulations prescribed by the President the local boards shall within the jurisdiction of appropriate area offices hear and determine appeals from decisions of area directors subject to the right of further appeal to appeal boards. At least one appeal board is to exist in each regional area. Appeal boards are to be composed of civilian citizens who are not members of the Armed Forces, and their decisions are to be final unless modified or changed by the President.

In contrast to the provisions summarized in the preceding paragraph, Section 10(b) of the MSSA requires the President to establish one or more local boards in each county or similar political subdivision, except that an intercounty local board covering not more than five counties or similar political subdivisions, with at least one board member from each subdivision serving on the intercounty board, may be set up by the President after he considers the public interest involved and upon the recommendation of a governor or comparable executive official. Each local board consists of three or more members appointed by the President from recommendations made by a governor or comparable executive official. Each local board member shall be a civilian citizen resident of the area in which the board exercises jurisdiction. The decisions of local boards with respect to inclusion for, or exemption or deferment from training and service are final, except where an appeal is authorized and taken in accordance with rules and regulations prescribed by the President. At least one appeal board, composed of civilians who are citizens of the United States and who are not members of the armed forces, shall be located in the area of each Federal judicial district in the United States and within each territory or possession of the United States. Decisions of appeal boards are final unless changed or modified by the President. The President, upon appeal or his own motion, has the power to determine all questions or claims with respect to inclusion for, or exemption or deferment from training and service, and such determinations shall be final.

H.R. 7784 states that no citizen shall be denied membership in any component of the Selective Service System on account of race, color, creed, or sex; that the membership of local and appeal boards shall, so far as practicable, represent all elements of the public the board serves; and that no citizen shall serve on any board for more than 25 years or after he attains the age of 65. Section 10(b) of the MSSA provides, on the other hand, that membership on local and appeal boards shall not be denied anyone on account of sex, and that no citizen shall serve on these boards for more than 25 years or after he attains the age of 75.

Retains the MSSA's proscription—in Section 10(b)—of the deferment or exemption of persons by reason of their status as officers, members, agents, or employees of the Selective Service System.

Retains the basic provisions of Section 10(b) of the MSSA pertaining to the authority of the President to compensate officers, agents, and employees of the Selective Service System; to utilize the services of departments and officers of the U.S. Government and of State governments; to purchase printing, binding, and bookwork; to prescribe regulations governing the parole for service in the Armed Forces of persons convicted of violation of this title; to procure and otherwise make available space deemed necessary for carrying out the provisions of this title; and—in Section 10(a)—to delegate authority vested in him by this title.

Retains the provisions of the MSSA pertaining to the acceptance of gifts—Section 10(d); the fiscal, disbursing, and accounting responsibilities assigned to the Chief of Finance, U.S. Army—Section 10(e); the settlement of claims—Section 10(f); and the making of reports to the Congress—Section 10 (g).

Section 202. Emergency Medical Care

Retains the provisions of the MSSA—Section 11—governing the payment of medical and other emergency expenses of registrants acting under orders issued under this title, except that burial expenses shall not exceed an amount to be determined by the President, rather than being limited to $150 in any one case, as the MSSA provides.

Section 203. Penalties

Establishes penalties for persons who violate the act, and in so doing retains the language of Section 12 of the MSSA, except: a) in stating "precedence shall be given by courts to the trial of cases arising under this title, and such cases shall, *upon request of the Attorney General,* be advanced on the docket for hearing at the earliest practicable date," the words underlined would be added to existing law, and the word "immediate" that precedes the word "hearing" in existing law would be deleted: b) Section 12(c) of the MSSA, which reads "the Department of Justice shall proceed as expeditiously as possible with a prosecution under this section, or with an appeal, upon the request of the Director of Selective Service System or shall advise the House of Representatives and the Senate in writing the reasons for its failure to do so," is omitted.

Section 204. Nonapplicability of Certain Laws

Identical to Section 13 of the MSSA, which relieves uncompensated citizens serving on local and appeal boards from the provisions of the Hatch Act and conflict of interest statutes; removes the functions of the Selective Service System from certain requirements of the Administrative Procedure Act; and pertains to the lump-sum compensation of certain Air Force and Navy Reserve officers.

Section 205. Selection

(Note: Given section 102(e) of H.R. 7784—"it is, therefore, the purpose of this Act to establish procedures for the fair and equitable selection of qualified young men to meet the continuing military manpower needs of the Nation"—the following parts of section 205 are presented in toto, accompanied by the analysis of sections 5(a) and 5(b) of the MSSA that was presented in U.S. Congress, House of Representatives, Committee on Armed Services, *Military Selective Service Act of 1967, With Analysis* [No. 35] Dec. 1, 1967, p. 5629.)

a. H.R. 7784

"Sec. 205. (a) The selection of persons for training and service shall be made in a fair and impartial manner from the persons who are liable for such training and service and who at the time of selection are registered and classified, but not deferred or exempted.

"(b) The order of induction of registrants found qualified for induction shall be determined as follows:

"(1) Selection of persons for induction to meet the military manpower needs shall be made from persons in the prime selection group, after the selection of delinquents and volunteers.

"(2) The term 'prime selection groups' means persons who are liable for training and service under this title, and who at the time of selection are registered and classified and are—

"(A) nineteen years of age and not deferred or exempted;

"(B) between nineteen and thirty-five years of age and, on or after the effective date of the Selective Service Act of 1969, were in a deferred status but are no longer in such status; or

"(C) between twenty and twenty-six years of age on the effective date of the Selective Service Act of 1969 and are not deferred or exempted.

"(3) A person shall remain in the prime selection group for a period of twelve months, unless inducted into the Armed Forces during such period. Any person in a deferred status upon reaching the age of nineteen shall, upon the termination of such deferred status, and if qualified, be liable for twelve months for induction as a registrant within the prime selection group irrespective of his actual age, unless he is otherwise deferred. Any person removed from the prime selection group because of a deferment shall again be placed in the prime selection group, if he otherwise qualifies, whenever such deferment is terminated. But no person shall remain in the prime selection group for any period or periods totaling more than twelve months.

"(4) On the effective date of the Selective Service Act of 1969, any person who comes within the provisions of Clause (B) or (C) of paragraph (3) of this subsection shall be placed in the prime selection group as follows:

"(A) A person who has attained the twenty-fourth anniversary of the date of his birth prior to such effective date shall be placed in the prime selection group during the first twelve-month period following such effective date.

"(B) A person between twenty-two and twenty-four years of age on such effective date shall be placed in the prime selection group during the second twelve-month period following such effective date

"(C) A person between twenty and twenty-two years of age on such effective date shall be placed in the prime selection group during the third twelve-month period following such effective date.

"(5) The order of call for induction from among those persons in the prime selection group shall be determined as follows:

"Under such rules and regulations as the President shall prescribe—

"(A) the Selective Service System shall from time to time publish, for each month in the year, a list of numbers randomly arranged, corresponding to the number of days in such month;

"(B) those persons first called from the prime selection group for the particular month will be those whose day of birth is the same as the first number on the list; those next called will be those whose day of birth is the second number on the list; and this procedure shall be followed until the particular month's quota is met;

"(C) the Selective Service System shall also from time to time publish a list of the letters of the alphabet randomly arranged. In the event that the procedure described in clause (B) just above does not serve to distinguish clearly an order of call as between two or more persons, then reference shall be made to the list of letters and the first letter of the last names of such persons to determine such an order of call; and

"(D) the determination of order of call may be made upon a national, regional, or local or other basis, as the President shall determine.

"(c) Nothing herein shall be construed to prohibit the President, under such rules and regulations as he may prescribe, from establishing a separate and distinct selection system for persons found by him to have special skills essential to the national defense.

"(d) There shall be no discrimination against any person on account of race, color, or creed in the selection of persons for training and service under this title or in the interpretation and execution of any provision of this title.

"(e) No order for induction shall be issued under this title to any person who has not attained the age of nineteen years unless the President finds that such action is in the national interest."

b. Military Selective Service Act of 1967, with analysis

"Section 5(a). Selection

"Section 5(a), in paragraph (1), deals with the selection of individuals for induction under the provisions of the Military Selective Service Act of 1967. This section, among other things, specifically authorizes the President to select and induct persons by age group or groups and to select and induct physicians and dentists. Pursuant to Presidential regulations prescribed under this provision, men who are in class I–A, available for service, are selected and inducted by category. There are at present six categories: first, delinquents; second, volunteers; third, men 19 to 26 who are not married, or who were married after August 26, 1965, and who are without children; fourth, men 19 to 26 married on or before August 26, 1965, and who are without children; fifth, men over 26 years of age; sixth, men between 18½ and 19 years of age. In filling calls, local boards select and induct I–A available men by category, beginning with the first category and proceeding through categories sufficient to fill their calls.

LRS–13

"This paragraph affords the necessary flexibility to the President to change the order of selection to meet rapidly changing national and world conditions. It also permits the commissioning of alien doctors.

"The paragraph also provides that no person may be inducted under the age of 19 if there are individuals available for induction within the jurisdiction of the local board who have attained age 19.

"Paragraph (2) of section 5(a) insures that registrants shall continue to be called for induction in the order of their dates of birth in categories 3, 4, 5, and 6, or in other age categories which may be established by the President, unless a proposal to call by some other method is proposed in the form of legislation and approved by the Congress. The provision insures that the Congress shall have a voice in determining whether and what kind of a lottery may be substituted for the present system of calling by birth date.

"Section 5(b). Quotas

"Section 5(b) provides for quotas to be established for each State, territory, profession, and the District of Columbia, based upon the actual number of men in such States, territories, possessions, and subdivisions thereof who are classified as available for service. This section also establishes the credits to be given in the filling of such quotas for registrants for such subdivisions who are members of the Armed Forces."

Section 205 of H.R. 7784 also would add to existing law by providing that no person who is qualified in a needed medical, dental, or allied specialist category, and who is liable for induction, shall be held ineligible for appointment as a commissioned officer solely because he is not a citizen of the United States or has not made a declaration of intent to become a U.S. citizen; and that such persons who are appointed as commissioned officers may take an oath of service and obedience prescribed by the Secretary of Defense in lieu of the oath prescribed in 5 U.S.C. 1331.

Section 205 of H.R. 7784, finally, would add to existing law the definition that "a delinquent is a person who is required to be registered under this Act and who fails to perform or who violates any duty, with respect to his own status, required of him under the provisions of this Act and the regulations issued thereunder."

Section 206. Authority to Order Reserve Components to Active Federal Service

Identical to Section 21 of the MSSA. (*Military Selective Service Act of 1967, with Analysis,* cited above, states on p. 5637 that this section expired July 1, 1953, and is no longer in effect.)

Title III—The individual and the selective service system

Section 301. Registration

Requires every male citizen of the United States and every male alien admitted to the United States for permanent residence to register with the Selective Service System at age 18, whereas Section 3 of the MSSA establishes the same requirement, except as otherwise provided in the title, for all male persons in the United States.

Section 302. Classification, Training, and Service

Makes every person who is required to register and who is between 18½ and 26 liable to military service, whereas Section 3 of the MSSA requires all male persons in the United States to register and in Section 4 subjects to military service all male citizens, all male aliens admitted to permanent residence, and all male aliens in the United States in a status other than that of permanent resident, unless they apply for relief from such liability, in which case they are thereafter barred from becoming citizens of the United States.

Retains substantially unchanged the provisions of Section 4 of the MSSA that prescribe the immediate liability of registrants for classification and examination, including a physcal examination as soon as practicable after registration, and that affirm the continued liability of registrants who fail to report for physical and mental examination.

States that an alien admitted for permanent residence shall not be liable for training and service unless he has resided in the United States for a total of one year, thus extending to aliens in permanent residence the same one-year period of grace from liability that Section 4 of the MSSA now grants to male aliens who remain in the United States in a status other than that of permanent resident.

Retains and expands upon certain provisions of existing law concerning aliens, by providing that any alien relieved from liability for training and service under an existing treaty shall be permanently ineligible to become a citizen; that any alien who, prior to induction, has his status adjusted to that of a nonimmigrant shall be exempt from training and service, but in such case he shall be permanently ineligible for citizenship; that any alien whose status is adjusted to that of a permanent resident, or who is readmitted to the United States as a permanent resident within one year after departure shall have his liability extended as if he had been deferred; and that nothing in this section shall be construed as superseding the provisions of any existing treaty of the United States.

(NOTE: This last provision should be read against the background of the history of the status of "treaty aliens" under selective service law, which history has been summarized on p. 21–22 of the Director of the Selective Service System's *Legal Aspects of Selective Service, Revised Jan. 1, 1969:* "Under existing treaties, nationals of certain countries are relieved from liability for military service in the Armed Forces of the United States under certain circumstances. Treaties of this type, however, were suspended by the 1917 draft law and the 1940 law, since such laws specifically suspend all conflicting laws and the Congress has the same right to suspend or abrogate a treaty as any other law. The Selective Service Act of 1948 repealed conflicting laws, and had the effect of repealing inconsistent treaty provisions. However, the 1948 Act authorized The President to designate certain categories of aliens to be relieved from liability for training and service and under this authority treaty aliens were so designated. Later the 1951 amendments to the law limited The President's authority to exempt such categories of aliens by providing that aliens admitted for permanent residence shall not be so exempted. Subsequent to the 1951 amendments, the courts have held that the provisions of the treaty are in conflict with the law, that the law being later in time must prevail, and that a treaty alien admitted for permanent residence is not entitled to exemption from training and service based upon his alien status even though the Selective Service regulations provided for such exemption. The classification prior to the 1951 amendment of a treaty alien into a class exempt from training and service by reason of his treaty alien status did not give permanent exemption to the alien and his treaty right to such exemption ceased to exist when the 1951 amendment became law. After these decisions the Selective Service regulations were amended to exempt from liability for registration treaty aliens admitted for temporary residence, and to eliminate any exemption from training and service based upon a treaty where the alien was admitted to this country for permanent residence.")

Section 303. Right to counsel; right of appearance

Expands on the MSSA and the operation of the Selective Service System (and its regulations) under the MSSA by affording each registrant the right to appear before offices and agencies of the Selective Service System, and to be represented by counsel or to be provided with counsel, without charge, if he cannot afford to retain one himself, and so requests. No right to counsel is now provided for, and appearances are delimited, as by Section 1624.1 of the Selective Service Regulations, for example, which states "Every registrant after his classification is determined by the local board, except a classification which is determined upon an appearance before the local board under the provisions of this part [Part 1624—Appearance Before Local Board] shall have an opportunity to appear in person before the member or members of the local board . . ."

Section 304. Induction

Lays down several criteria governing the authority of the President to induct persons into the Armed Forces and the training given to such persons, including age limitations, the requirement that the training period shall not be less than four months, and the further specifications that no trainee shall be assigned to duty outside the United States, and its territories and possessions (including the Canal Zone). Corresponds to similar provisions of Section 4(a) of the MSSA. States that the mental and physical standards a person must satisfy to qualify for induction shall be no lower than those prescribed for voluntary enlistment in the Army of the United States, whereas the MSSA provides that minimum physical standards shall be no higher than those applied to persons inducted between the ages of 18 and 26 in January 1945, that the passing requirement for the Armed Forces Qualification Test shall be fixed at a percentile score of 10 points, and that except in time of war or national emergency declared by the Congress the last two aforementioned requirements may be modified by the President.

Section 305. Length of Service

Provides for 24 months consecutive service for persons inducted, unless released sooner, in the same manner as Section 4(b) of the MSSA. Provides that persons who serve less than 3 years on active duty shall be transferred to reserve components for 5 years of reserve service in the same manner as Section 4(d) of the MSSA.

Section 306. Enlistment

Retains substantially unchanged the provisions of section 4(c) of the MSSA pertaining to enlistment in the Regular Army or voluntary service in the Armed Forces by enlisted members of reserve components in lieu of the obligatory service provided for in selective service law.

Section 307. Pay and Allowances

Lays down provisions governing the pay and allowances of inductees that are the same as those provided for in sections 4(e) and (f) of the MSSA.

Section 308. Decrease in Period of Service

Retains the provisions of Section 4(k) of the MSSA that authorize the President, upon the recommendation of the Secretary of Defense, to decrease or eliminate periods of service required under this title

Section 309. Medical and Dental Officers

In the same way that Section 4 (1) and section 5(c) of the MSSA do, authorizes the President to order to active duty for not more than 24 months any member of a reserve component who is in a medical, dental, or allied medical specialist category, who is not 35 years old, and who has not performed at least one year of active duty, and provides that medical specialists in the armed forces shall hold grades or ranks commensurate with their professional education, experience, or ability, and that any person needed in such capacity who fails to qualify for, or does not accept a commission, or whose commission has been terminated, may be used in his professional capacity in an enlisted grade

Section 310. Exemptions from Registration, Training, and Service

Like Section 6 (a) of the MSSA establishes exemption from training and service for foreign diplomatic representatives and members of their families. Also like Section 6 (a) provides that persons who serve subsequent to June 24, 1948, on active duty in the armed forces of a nation with which the United States is associated in mutual defense activities as defined by the President shall be exempt from service but not from registration, except that H.R. 7784 reduces the period of such foreign service from 18 to 12 months. Unlike Section 6 (a) it does not exempt members of the armed forces, and various kinds of military cadets from registration. Exempts from service, but, unlike Section 6(a) of the MSSA, not from registration, commissioned officers of the Public Health Service on certain active duty; such duty must consist of assignment to offies and bureaus of the Public Health Service, including the National Institutes of Health, or any endeavor which the President determines is necessary to the maintenance of the national health, safety, or interest, whereas Section 6 (a) limits Public Health Service assignments that carry exemption to "various offices and bureaus of the Public Health Service, including the National Institutes of Health, or assigned to the Coast Guard, the Bureau of Prisons, Department of Justice, or the Environmental Science Services Administration."

Section 311. Veterans' Exemptions

Except for nonsubstantive textual changes, is identical to Section 6 (b) of the MSSA.

Section 312. Reserve Component's Exemptions

Save for nonsubstantive textual changes, is identical to Section 6 (c) of the MSSA, except that Section 6 (c) exempts from registration members of reserve components on active duty.

Section 313. Officers' Training: Officials; Ministers of Religion

Save for nonsubstantive textual changes, establishes provisions identical to sections 6 (d, e, f, and g) of the MSSA governing the deferment of persons enrolled in officers'

XUM

training programs, the deferment of officials, and the exemption from training and service of regular or duly ordained ministers of religion and students preparing for the ministry.

Section 314. Student and Apprentice Deferments; Casualty Ratio

(NOTE.—Given the importance of student and other deferments to consideration of selective service law in recent years, and in light of the several changes in existing law governing deferments that would be enacted by H.R. 7784, that part of the present summary which follows quotes in full Section 314 and the changes it would make in existing law; deletions from existing law are enclosed in brackets, new language is in italic, and provisions in existing law to be left unchanged are identified by normal typescript.)

[(h) Deferments for occupations, dependency, fitness; extended liability; criteria—(1)] *Section 314.* (*a*) Except as otherwise provided in this [paragraph] *subsection,* the President [shall] *is authorized,* under such rules and regulations as he may prescribe, *to* provide for the deferment from training and service in the Armed Forces of persons *requesting such deferment who are* satisfactorily pursuing a [full-time] course of instruction at a *bona fide* college, *junior college, community college,* university, or similar institution of learning, [and who request such deferment.] *or at a vocational school, or who are enrolled in and satisfactorily pursuing an apprentice training program or similar occupational program.* A deferment granted to any person under authority of [the preceding sentence] *this subsection* shall continue until such person completes the requirements for his baccalaureate degree, [fails to pursue satisfactorily a full-time course of instruction] or attains the [twenty-fourth] *twenty-fifth* anniversary of the date of his birth, whichever first occurs.

[Student] Deferments provided for under this paragraph [may] *shall* be [substantially] restricted or terminated by the President (*1*) *whenever he finds, with respect to persons who have been inducted into the Armed Forces under this title, that the number of such persons killed, wounded, or missing in action as the result of armed conflict during the three month period immediately preceding his finding exceeds a number equal to 10 per centum of the total number of persons so inducted during such three month period; or* (*2*) [only upon a finding by him] *whenever he determines* that the needs of the Armed Forces *and of national security* require such action. *Such restrictions or terminations shall be in effect for twelve calendar months next following the month in which the conditions set out in the preceding sentence are met. Whenever members of the Armed Forces of the United States are engaged in armed conflict in any area of the world, the President shall, for the purpose of clause* (*1*) *of the preceding sentence, make a finding not later than the tenth day of each calendar month respecting the number of persons killed, wounded, or missing in action in the three immediately preceding months.* No person who has received a [student] deferment under the provisions of this paragraph shall thereafter be granted a *further* deferment [under this subsection; nor shall any such person be granted a deferment under subsection (i) if he has been awarded a baccalaureate degree], except for extreme hardship to dependents (under regulations governing hardship deferments). [or for graduate study, occupation, or employment necessary to the maintenance of the national health, safety, or interest. Any person who is in a deferred status under the provisions of subsection (i) of this section after attaining the nineteenth anniversary of the date of his birth, or who requests and is granted a student deferment under this paragraph, shall, upon the termination of such deferred status or deferment, and if qualified, be liable for induction as a registrant within the prime age group irrespective of his actual age, unless he is otherwise deferred under one of the exceptions specified in the preceding sentence.

[As used in this subsection, the term 'prime age group' means the age group which has been designated by the President as the age group from which selections for induction into the Armed Forces are first to be made after delinquents and volunteers. (2) Except as otherwise provided in this subsection the President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons whose employment in industry, agriculture, or other occupations or employment, or whose continued service in an Office (other than an Office described in subsection (f)) under the United States or any State, territory, or possession, or the District of Columbia, or whose activity in graduate study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest: Provided, that no person within any such ctaegory shall be deferred except upon the basis of his individual status: Provided further, that persons who are or may be deferred under the provisions of this section shall remain liable for training and service in the Armed Forces under the provisions of section 4(a) of this Act until the thirty-fifth anniversary of the date of their birth. This proviso shall not be construed to prevent the continued deferment of such persons if otherwise deferrable under any other provisions of this Act.]

(*b*) The President is [also] authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces (1) of any or all categories of persons in a status with respect to persons (other than wives alone, except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those persons found to be physically, mentally, or morally deficient or defective. For the purpose of determining whether or not the deferment of any person is advisable, because of his status with respect to persons dependent upon him for support, any payments of allowances which are payable by the United States to the dependents of persons serving in the Armed Forces of the United States shall be taken into consideration, but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deeemd to remove the ground for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents. Except as otherwise provided in this subsection, the President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training and service in the Armed Forces shall be made in the case of any individual except upon the basis of the status of such individual. There shall be posted in a conspicuous place [at the office of each local board] *in each area office* a list setting forth the names and classifications of those persons who have been classified by such [local board] *area office.*

[The President may, in carrying out the provisions of this title, recommend criteria for the classification of persons subject to induction under this title, and to the extent that such action is determined by the President to be consistent with the national interest, recommend that such criteria be administered uniformly throughout the United States whenever practicable; except that no local boards, appeal board, or other agency of appeal of the Selective Service System shall be required to postpone or defer any person by reason of his activity in study, research, or medical, dental veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors found to be necessary to the maintenance of the national health, safety, or interest solely on the basis of any test, examination, selection system, class standing, or any other means conducted, sponsored, administered, or prepared by any agency or department of the Federal Government, or any private institution, corporation, association, partnership, or individual employed by an agency or department of the Federal Government.] *Notwithstanding any other provisions of this title the President shall establish national standards and criteria for the classification and deferment of persons registered under this title. Such standards shall be administered uniformly and impartially throughout all levels of the Selective Service System.*

[(i) Deferment of Students—(1)] (*c*) (*1*) Any person who is satisfactorily pursuing a [full-time] course of instruction at a high school or similar institution of learning shall, upon the facts being presented to the [local board] *area office,* be deferred (A) until the time of his graduation therefrom, or (B) until he attains the twentieth anniversity of his birth, or (C) until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest.

(2) Any person who while satisfactorily pursuing a full-time course of instruction at a college, university, or simililar institution is ordered to report for induction under this title, shall, upon the facts being presented to the local board, be deferred (A) until the end of such academic year, or (B) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier: Provided, that any person who has heretofore had his induction postponed under the provisions of section 6 (i) (2) of the Selective Service Act of 1948; or any person who has heretofore been deferred as a student under section 6 (h) of such Act, or any person who hereafter is deferred under the provision of this subsection, shall not be further deferred by reason of pursuit of a course of instruction at a college, university, or similar institution of learning except as may be provided by regulations prescribed by the President pursuant to the provisions of [section 6 (h) of such Act:] *this section.* [or any person who hereafter is deferred under the provision of this subsection shall not be further deferred by reason of pursuit of a course of instruction at a college, university, or similar institution of learning except as may be provided by regulations prescribed by the President pursuant to the provisions of subsection (h) of this section.] Nothing in this paragraph shall be deemed to preclude the President from providing, by regulations prescribed [under subsection (h) of this section] *in this section,* for the deferment from training and service in the Armed Forces [or training in the National Security Training Corps] of any category or categories of students for such periods of time as he may deem appropriate.

Section 315. Conscientious Objectors

(Note.—Given the importance of provisions governing conscientious objection to consideration of selective service law in recent years, that part of the present summary which follows quotes in full the changes that section 315 would make in existing law, and does so using the same format followed for explaining the preceding section of H.R. 7784.)

[(j) Conscientious objectors.—] *Section 315.* (*a*) Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the Armed Forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. As used in this section, the term 'religious training and belief' does not include essentially political, sociological, or philosophical views, or a merely personal moral code, *but it does include a sincere and meaningful belief, which occupies a place in the life of its possessor parallel to that filled by an orthodox belief in God.*

(*b*) Any person claiming exemption from combatant training and service because of such conscientious objections whose claim is sustained by the [local board] *Selective Service System* shall, if he is inducted into the Armed Forces under this title, be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such noncombatant service, in lieu of such induction, be ordered by [his local board] *the Selective Service System*, subject to such regulations the President may prescribe, to perform for a period equal to the period prescribed in section [4 (b)] *305* such civilian work contributing to the maintenance of the national health, safety, or interest as the [local board] *Selective Service System* pursuant to Presidential regulations may deem appropriate. [and] Any such person who knowingly fails or neglects to obey any such order from [his local board] *the Selective Service System* shall be deemed, for the purposes of section [12] *203* of this title, to have knowingly failed or neglected to perform a duty required of him under this title.

(c) Any person claiming exemption from combatant training and service because of such conscientious objections shall, if such claim is not sustained by the area office or local board, be entitled to an appeal to the regional appeal board. Upon the filing of such appeal, the appeal board shall refer any such claim to the Department of Justice for inquiry and hearings. The Department of Justice, after appropriate inquiry, shall hold a hearing with respect to the character and good faith of the objections of the person concerned, and such person shall be notified of the time and place of such hearing. If after such hearings the Department of Justice finds—

(1) that the objections are sustained, it shall make recommendations to the appeal board in accordance with the procedures of subsection (b) of this section; or

(2) that the objections are not sustained, it shall so recommend to the appeal board. The appeal board shall, in making its decision, give consideration to but not be bound to follow the recommendations of the Department of Justice, together with the record on appeal from the local board.

Section 316. Duration of Exemption or Deferment

Identical to section 6 (k) of the MSSA.

Section 317. Minority Discharges

Identical to section 6 (l) of the MSSA.

Section 318. Moral Standards

Identical to section 6 (m) of the MSSA.

Section 319. Sole Surviving Son

The same as section 6 (o) of the MSSA, except that section 319 would make provisions regarding the relief from induction of sole surviving sons effective "except during a war or national emergency declared by the Congress," whereas section 6 (o) qualifies such declarations by limiting them to ones made "after the date of the enactment of the 1964 amendment to this subsection."

Section 320. Bounties; Substitutes; Purchases of Release

Identical to section 8 of the MSSA.

Section 321. Reemployment

With minor textual changes, the same as section 9 of the MSSA, except for section 9(i), which has been included in H.R. 7784 as section 322.

Section 322. Right to Vote; Poll Tax

Identical to section 9(i) of the MSSA.

Section 323. Civil Relief

Identical to section 14 of the MSSA.

Section 324. Notice of Title; Voluntary Enlistments

The same as section 15 of the MSSA, except: a) the requirement that each registrant keep the Selective Service System informed as to his current address and change in status, having been included in section 301(b) of H.R. 7784, is deleted; b) there would be added to existing law a duty imposed on the Director of Selective Service to inform each registrant, in writing at the time of registration, of all rights and procedures available to him concerning classification, deferment, and exemption.

Section 325. Repeal of Conflicting Laws; Appropriations: Termination of Induction

Essentially the same as section 17 of the MSSA, except that part of section 17(b) pertaining to funds appropriated for administrative expenses of the National Security Training Corps is deleted.

Section 326. Aliens

Amends the Immigration and Nationality Act (8 U.S.C. 1101 (a) (15)) by adding a class (K) to the classes of nonimmigrant aliens not included under the term "Immigrant." An alien placed in class K would be defined as an alien who has requested and received an adjustment of status under section 247 (c) of the Immigration and Nationality Act and who is not a nonimmigrant within any of the classes of nonimmigrant aliens presently established by law; but any alien whose status is adjusted to class K would have to depart the United States within one year of such adjustment, and any such alien would not be eligible for any further adjustment of status. Section 247 (c), which would be added to the Immigration and Nationality Act (8 U.S.C. 1257) by section 326 of H.R. 7784, provides that the status of an alien lawfully admitted to permanent residence may be adjusted to that of a nonimmigrant in class K or to any other class of nonimmigrant for which he may be eligible, if such alien requests an adjustment in order to be exempt from the requirements of selective service law. (Note: Section 326 (b) of H.R. 7784 would add a new subsection "e" to section 247 of the Immigration and Nationality Act, but since this probably is a technical or typographical error—section 247 currently has only subsections "a" and "b"—the present analysis refers to section 247 (c), as does section 326 (a) of H.R. 7784.) Also would amend the Immigration and Nationality Act (8 U.S.C. 1258) so as to add aliens classified under K to those nonimmigrant aliens the change of whose nonimmigrant classification from one nonimmigrant classification to another is restricted in stated ways. Finally, amends the Immigration and Nationality Act (8 U.S.C. 1426) so as to add aliens granted an exemption under an existing treaty and aliens having their classification changed under section 247(c) to those aliens who are permanently ineligible to become U.S. citizens.

Title IV—Miscellaneous

Section 401. Military Youth Opportunity Schools

Would add to existing law by directing the Secretary of Defense, in cooperation with other appropriate federal agencies, to conduct a comprehensive investigation and study of military youth opportunity schools, which would give on a voluntary basis special educational and physical training to those who fail to meet the minimum physical and mental requirements for military service. Also directs the Secretary of Defense to report to the Congress the results of this study and investigation, together with his recommendations, within one year after the enactment of section 401; and to include in his report to Congress specific findings such as the average annual number of men who fail to meet induction standards but who could meet them after spending a maximum of one year in military youth opportunity schools, and the costs and benefits to the Department of Defense of operating military youth opportunity schools.

Section 402. Volunteer Army Study

Would add to existing law by requiring the President to conduct a study to determine the cost, feasibility, and desirability of replacing involuntary induction with a voluntary system of enlistments; and within six months after the enactment of section 402 to submit the results of such study to the Congress, along with those recommendations that he deems appropriate.

Section 403. National Service Corps Study

Would add to existing law by directing the President to conduct a study and investigation to determine the feasibility and desirability of a national service corps in which physically and mentally qualified U.S. citizens would perform nonmilitary service designed to combat disease, ignorance, and poverty at home and abroad; to submit a written report forwarding the results of this study and investigation to Congress not later than one year after the enactment of section 403; and, in the event the establishment of a national service corps is found feasible and desirable, include in such report such subjects as what the nature and scope of a national service corps should be and the relationship of a national service corps to the Selective Service System.

Section 404. Amnesty Study

Would add to existing law by directing the President to conduct a study to determine the appropriateness of granting amnesty in the near future to those registrants presently outside the United States who are liable to prosecution under selective service law, such study to include such considerations as the implications for Armed Services morale of and the historical precedents for granting such amnesty; and to report the results of this study, together with appropriate recommendations, to the Congress within six months of the enactment of section 404.

ROVING JOURNALIST JIM BECKER REDISCOVERS HONOLULU

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. MATSUNAGA. Mr. Speaker, the engaging reports from around the world by Hawaii's famed peripatetic journalist, Jim Becker, have long been favorite reading for residents of the island State.

Returning to the State he knows and loves so well, the noted Honolulu Star-Bulletin columnist has written a fascinating article, "Look What's Happened to Honolulu!" for the October issue of National Geographic.

Jim Becker has deftly captured the mood of the Hawaii State capital in his article, and the illustrations by National Geographic photographer, Bates Littlehales, are superb.

Mr. Becker traces the tremendous growth Hawaii has experienced during its first epochal decade of statehood, noting that the population of Honolulu has grown at an annual rate of 3 percent, more than double the national rate. Honolulu, which means "sheltered haven," was visited by more than 1.2 million people last year.

Yet, within this growing metropolis there exists a delightful paradox between progress and serenity which made it possible to film most of the movie "Hawaii" in Honolulu. Within an hour's drive of city hall and the modern concrete towers of downtown and the crowds at the world-famous Waikiki Beach, the directors of the movie were able to find the placid lagoons, the sheltered cliffs—"palis"—that rise as high as 4,000 feet, and the lush green valleys and forests required to film the epic movie which depicted island life in the 19th century.

Although the distinct ring of piledrivers and the whirr of cement mixers testify to the quickening pace of island life, it is interesting to note that one of the few things unchanged in the island State by progress is the climate. Recorded temperature in downtown Honolulu does not exceed a high of 88 degrees, nor does it drop below 56 degrees. To quote from Jim Becker's article—

> The climate in this city, which I know well as a newspaper columnist and as an on-and-off resident for nearly 20 years, surely must have been designed for paradise.

I congratulate Jim Becker and the National Geographic for this penetrating and panoramic view of Honolulu and the Aloha State, and I commend the Becker Honolulu story for the reading pleasure of my colleagues in Congress and others.

STATEMENT OF CESAR CHAVEZ

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. LOWENSTEIN. Mr. Speaker, Mr. Cesar Chavez, one of America's greatest sons and the leader of the United Farm Workers organizing committee, testified Monday, September 29, before the Migratory Labor Subcommittee of the Senate Committee on Labor and Public Welfare, on the hazards from economic poisons endured by the workers of the grape fields of California. He told about specific incidents of death and injury that have resulted from virulent poisons sprayed upon grapes and vines where work crews performed their labors.

The plight of these grape workers has become a primary concern of all who are moved by poverty and injustice. In the words of former Secretary of Labor Wirtz:

> A thoughtful person sitting down to a large meal would turn away from it if he let himself think of the circumstances—at that hour—of some of those who had, in the fullest sense, worked to bring that meal to his table.

The California grape worker is poor. His work is exhausting, his income is low. His tenure is uncertain; his job and his rights unprotected, his conditions often incredibly degraded. Law, for him, both as written and enforced, is all too often the biased instrument of his subjugation. Order, the certain promise of endless repetition of suffering and decay. Above all, his right to organize, to participate in the decisions which control his life, still remains to be achieved.

It is that elemental right to organize which has been the focus of all the struggle—first in the fields, and then in the supermarkets—of the past 4 years.

What does the farmworker see when he surveys the questions of law, order, and Government responsiveness to his plight? He sees countless examples of governmental unconcern and arrogance and the institutional violence of which Robert Kennedy spoke, a violence which quietly and undramatically gouges out men's lives.

Most of the violence in the dispute has been directed against those who seek to organize. Strikers have been harassed; they have been physically attacked; they have been shot at, and kidnaped. They have been rammed by trucks. Their offices have been looted or destroyed. More often than protecting the rights of strikers, local police have condoned and even aided those who would destroy them. Officers of the law have looked on while pickets have been kicked, beaten, cursed, and spat upon. These same officers have proceeded personally to escort strikebreakers across the picket line.

Even the courts too often play a dismal and biased role in these affairs. Antipicketing injunctions have unfairly inhibited activities at the labor site.

When the Guimarra Vineyards, after a bitter struggle, was tried and convicted on nearly 40 violations of child labor and health laws, it was fined a total of $1,000 by the Kern County Superior Court—and the fine was suspended. This same Guimarra Vineyards has received hundreds of thousands of dollars in subsidies from the U.S. Department of Agriculture. And one of its best customers, perhaps the only one not subject to the grape boycott, is the U.S. Department of Defense.

With respect to other laws, the story is much the same. The laws governing working conditions, and particularly pesticides, are not adequate but the greater outrage is that even these inadequate laws are not enforced, so pesticides kill or make seriously ill an alarming number of farmworkers each year. Yet, when the union became concerned, the Kern County authorities refused to release the information they had about this situation.

A survey of 946 employers by the department of industrial welfare in California showed over 90 percent in violation of existing laws about drinking water and washing facilities. For field workers the open fields often provide the only available latrine, and often there are no facilities for washing. Then we eat the grapes grown and picked in such circumstances.

Discrimination problems in the fields are also considerable. Chicanos are often barred from the good jobs, blacks from any job at all. And once again, the law is applied unequally, depending on whose interests are involved.

The strike itself could not be resisted were there not a law permitting the importation of impoverished Mexicans who cross the border to provide union labor. Since one Federal law bars such laborers from areas in which labor disputes are certified to exist, strike centers often are not certified. Meanwhile, illegal immigration across the border continues in response to the demand for strikebreakers.

In this connection, the zeal of the Department of Immigration and Naturalization has been called into serious question. A lawsuit against the Department will be filed this week demanding that the Department enforce its regulations to detect and apprehend persons working illegally in strike areas.

And similar government inaction extends in all directions. When some growers substituted improper labels on containers of grapes to deceive the public, the responses of the Food and Drug Administration have been mere mild at best. Appeals for help against various other injustices have received halfhearted, reluctant, and sometimes perfunctory responses from the Departments of Labor and Justice.

On top of all this, the Department of Defense has increased its purchase of table grapes 40 percent since last year, and is now buying more table grapes than at any time in its history. All this in spite of the extensive violations of the law among those from whom the grapes are bought, in spite of the prohibition against dealings with firms practicing discrimination, and in spite of the low nutritional value of the grape. There is a standing order in the Defense Department that requires that the domestic implications of all policies be considered when decisions are made. But when a Department representative came before a Senate committee to testify on the procurement of grapes, not only did he affirm that the Department is not following this order; he was not even aware it existed.

So now our forces in Vietnam—disproportionately composed as they are of men from disadvantaged backgrounds—are being served almost 1½ times as many grapes as they were a year ago.

Farm laborers are excluded from minimum wage legislation and from unemployment insurance, and are at a disadvantage where social security is concerned. They are denied the collective bargaining rights guaranteed to nonfarmworkers, and are effectively cut off from every benefit of a negotiated contract. So the vast majority of California farmworkers have no contract, get no overtime, and may not even know their rate of pay.

They are often victims of deception and graft. They get no time off with pay, no health or pension plans, no regular rest periods. Speedups and abusive supervision are common. Workers may be laid off at any time and for any reason, as for objecting to being assaulted by an owner, or for displaying a Kennedy bumper sticker. Safety provisions are minimal. Exempted from almost every kind of effective protection, the farmworker sees his employers—usually large corporations—lavished with many of the tax-supported aids provided by the Agriculture Department, as well as Federal subsidies of hundreds of thousands, sometimes millions of dollars per farm.

All this has suggested to millions of concerned Americans that the weak cannot succeed through established institutions, and that government is only to protect the powerful, to subsidize the rich, to legitimize the iniquitous. Almost the whole weight of government, which should protect the rights of the disadvantaged, has gone to frustrate their simplest aspirations.

Mr. Speaker, this whole situation is a scandal. For the human beings involved, it is a catastrophe—and the human beings involved include all Americans. How much longer can we ask powerless and despairing people to keep the faith as their lives continue to be passed in a futility and decay for which they are not responsible and from which there is no escape? How can we encourage them to try to right wrongs through the established process of law when nearly every impact of these processes frustrates their hopes and adds to the blight of the conditions under which they must live? After decades of tolerating silent misery and creeping disaster, how long can we go on counseling moderation and patience, while indifference and immobilism mark the behavior of the Government?

Young people are now demanding relevance and concern. They are tired of pious rhetoric that conceals indifference and seeks to conceal inaction. But we go on recklessly, blindly, assuring not only the continued sufferings of those affected, but escalating alienation, despair, and hatred in the broader life of the Nation.

Many of our national problems are formidable, many of their solutions distant and difficult to bring about. Here, surely, is one about which everyone could agree. With a little comprehension and compassion we could set out to ease and then erase, this problem from the national scene. If we tried hard enough, we could achieve both social justice and harmony for the grapepickers rather quickly. Think how great an incentive would be provided by success in this relatively simple and most pressing field of human misery.

Mr. Speaker, I commend to the attention of my colleagues the testimony of Mr. Cesar Chavez before the Senate Subcommittee on Migratory Labor, as follows:

STATEMENT OF CESAR CHAVEZ

On August 1st, 1969, after testifying concerning the misuse of economic poisons by table grape growers, our general counsel, Jerry Cohen, submitted to the staff of the Senate Subcommittee on Migratory Labor a Laboratory test from C. W. England Laboratories in Washington, D.C. which indicated that table grapes which were purchased by Manuel Vasquez at a Safeway store in northeast Washington contained an Aldrin residue of 18 parts per million. Subsequent to that time Senator George Murphy abused his privilege of senatorial immunity by making false accusations regarding the testimony of the United Farm Workers Organizing Committee. The innuendo in Senator Murphy's remarks in the Congressional Record of August 12, 1969, is that the farm workers tampered with the grapes. I can assure you that this is false.

I am confident that our position will be vindicated in this hearing and that the reports which have been received concerning the fact that Safeway conducted its own independent tests which confirmed our tests and subsequently cancelled its contract with Bianco are accurate reports.

The real issue involved here is the issue of the health and safety not only of farm workers but of consumers and how the health and safety of consumers and farm workers are affected by the gross misuse of economic poisons.

The issue of the health and safety of farm workers in California and throughout the United States is the single most important issue facing the United Farm Workers Organizing Committee. In California the agricultural industry experiences the highest occupational disease rate. This rate is over 50% higher than the second place industry. It is also three times as high as the average rate of all industry in California. Growers consistently use the wrong kinds of economic poisons in the wrong amounts in the wrong places in reckless disregard of the health of their workers in order to maximize profits. Advancing technological changes in agriculture have left the industry far behind in dealing with the occupational hazards of workers which arise from the use of economic poisons. This problem is further compounded by the fact that commonplace needs such as clean drinking water and adequate toilet facilities are rarely available in the fields and are also deficient in many living quarters of farm workers, especially of those workers who live in labor camps provided by the employer.

In California an estimated 3,000 children receive medical attention annually after having injested pesticides. There are over 300 cases of serious nonfatal poisonings annually, most of which occur in agriculture. There are some fatal poisonings which occur annually in agriculture. In addition to this, literally thousands of workers experience daily symptoms of chemical poisoning which include dermatitis, rashes, eye irritation, nausea, vomiting, fatigue, excess sweating, headaches, double vision, dizziness, skin irritations, difficulty in breathing, loss of fingernails, nervousness, insomnia, bleeding noses, and diarrhea.

The misuse of pesticides is creating grave dangers not only to farmworkers but to their children as well. Dr. Lee Mizrahi at the Salud Clinic in Tulare County has recently conducted a study relating to nutrition, parasites and pesticide levels. Dr. Mizrahi chose his samples by inviting every fifth family who came to his clinic to participate in a free complete study of their children. Sixty families participated to date and 170 children have been tested. Dr. Mizrahi has reported to the United Farm Workers Organizing Committee that though the results of the test are not complete, based on the findings already received there are pesticide levels which can only be described as epidemic.

Thus far, on 29 children tested, 32 of the 84 reported values have fallen outside normal limits. Dr. Mizrahi has informed me that as a practicing physician he would be greatly worried if he found 10% of reportedly normal children outside normal limits. In this case he is frightened. These farm worker children are suffering from high levels of DDT in their blood and from low cholinesterase levels in their blood plasma.

Recently the state director of public health. Dr. Thomas Milby, said that there is ample evidence of many unreported poisonings in agriculture. Dr. Milby is currently conducting an investigation in an attempt to get an accurate picture of pesticide poisonings among the workers. The state of California is not releasing the data from this investigation. As an article in the Fresno Bee by Ron Taylor claims this study is headed by Mr. Henry Anderson who would not answer questions concerning the factual findings of the study to date because "the subject is too controversial." According to Mr. Taylor's article an undisclosed number of farm workers are reporting symptoms of pesticide poisoning. Many of these workers do not go to the doctors ordinarily but suffer in silence what they feel is an occupational hazard. The adverse effects of chemical poisons are so pervasive that they are considered by farm workers to be part of their way of life. They are accepted. One of the interviewers who is helping the state to conduct this investigation has informed the United Farm Workers Organizing Committee that of the 774 workers who filled out questionnaires which are now in the possession of the state, 469 of the workers had worked in the grapes and 295 had not worked in the grapes. Among the 774 farm workers, the following symptoms caused by pesticide poisonings were reported:

Eye irritation	548
Nausea or vomiting	141
Unusual fatigue	145
Unusual perspiration	159
Headaches	309
Dizziness	115
Skin irritation	249
Difficulty in breathing	188
Pain in the fingernails (some workers lost their fingernails)	52
Nervousness and/or insomnia	122
Itching in the ears	12
Nose bleeds	26
Burning and sorethroats	51
Swollen hands and feet	7
Loss of hair	4
Diarrhea	2

One hundred and fifty-four of the workers reported having one of the above symptoms, 144 reported two of the symptoms, 109 reported three, 83 reported four, and 163 reported five or more symptoms. Only 121 of the 774 workers studied reported none of the above symptoms. This study was limited to a relatively small county, Tulare, which is immediately north of Delano.

Dr. Irma West who works in the State Department of Public Health has written many articles concerning the occupational hazards of farm workers. Some of the examples of injuries are as follows:

On a large California ranch in the fall of 1965 a group of Mexican-American workers and their families were picking berries. None could understand or read English. A three-year-old girl and her four-year-old brother were playing around an unattended spray rig next to where their mother was working. The four-year-old apparently took the cap off a gallon can of 40% tetraethyl phyrophosphate (TEPP, a phosphate ester cholinesterase inhibitor) pesticide left on the rig. The three-year-old put her finger in it and sucked it. She vomited immediately, became unconscious, and was dead on arrival at the hospital where she was promptly taken. TEPP is the most hazardous of all pesticides in common use in agriculture in California. The estimated fatal dose of pure TEPP for an adult is one drop orally and one drop dermally. This child weighed about 30 pounds.

Because of engine trouble, an agricultural aircraft pilot attempted a forced landing in an unplanted field. The plane rolled into a fence and turned over. The hopper of the airplane contained a dust formula of TEPP, another of the phosphate ester pesticides.

The estimated adult fatal dose for TEPP concentrate is one drop orally or dermally. The pilot was not injured but was covered with dust. He walked a distance of 50 feet to a field worker, stated he felt fine, and asked for a drink of water. After drinking the water, he began to vomit and almost immediately became unconscious. By the time the ambulance arrived, the pilot was dead and the ambulance driver, the pathologist, and the mortician became ill from handling the body.

During this past summer in the grapes alone and largely in the Delano area the following incidents have been brought to the attention of our legal department.

On May 16th, 1969, Mrs. Dolores Lorta was working for labor contractor Manuel Armendariz in a table grape vineyard owned by Agri-Business Investment Company. Without warning, an Agri-Business spray rig sprayed the row she was working on, and Mrs. Lorta was sprayed all over her body with an unknown mixture of chemicals. Shortly thereafter, she experienced difficulty in breathing. She told her forelady, who responded that the spraying had nothing to do with that; that she must have had that difficulty before.

The next day she felt quite sick and large red blotches had appeared on her skin. She went to work that day but was unable to continue and hasn't been well enough to work since. She has suffered from continuing sores and rashes all over her body, headaches, dizziness, loss of weight, and her condition still continues. She has received no compensation from her employer as yet, and she has had to pay for her medical care herself.

Mr. and Mrs. Abelardo de Leon, and their teenage children, Juan and Maria, worked picking grapes for labor contractor Manuel Armendariz in vineyards owned by Agri-Business Investment Company during July and August of 1969. From the start of their work there, Mr. de Leon suffered rashes all over his body, which lasted until they quit. Mrs. de Leon began to suffer extremely irritated and swollen eyes as soon as they started working there and one eye is still somewhat swollen. The irritation ceased when she quit, and has not recurred though she has returned to work in a different crop since then. Both the de Leon children, along with their mother, suffered eye irritation while working for Armendariz, and often their eyes would water profusely throughout the working day. When this was brought to the attention of Armendariz, he laughed and called them cry babies. He did not suggest that medical help was available for the family under the workman's compensation program, and as a result they had to make do with drugs and home remedies. Though the de Leons were not sprayed on directly, there was a heavy white dust on the vines and grapes which they picked. They saw no signs warning of the ill effects of this chemical spray, nor did they receive any warning or advice about it whatsoever. The de Leon family eventually stopped working for Armendariz because of the ill effects they were suffering from the chemical poisons on the grapevines.

Mr. Gregorio Sisneros was engaged in spraying a vineyard in the Selma area in 1968. According to directions which came with it, he mixed one quart of economic poison with a large quantity of water. But his employer told him to add in another quart of poison, and so he did. After spraying this mixture for a short while he became ill and had to be taken to a doctor immediately. After receiving medical treatment he was confined to his home and unable to work for some days. Since then he has been sensitive to chemical spray and has become ill several times.

While working the vineyards of George A. Lucas & Sons this summer, Mrs. Beatrice Roman developed trouble breathing, sore throat, difficulty in speaking, and stomach pain. Each day her condition would improve as she left the vineyards, and it would worsen as she began work the following morning. There was a heavy white powder on the vines which she was working among. Mrs. Roman has worked in other crops without experiencing such illness. She has been informed by her physician that it is due to the spray residues on the vines. She stopped working for Lucas, because of the illness caused by the sprays, on August 4, 1969. She has been unable to work more than very little since then because of the continuing effects of the illness.

Mr. Mauro Roman (Beatrice's husband), along with his son, Jose, and a neighboring family all worked picking grapes in the vineyards of Lamanuzzi and Pantaleo in August 1969. All suffered severe skin rashes over their bodies, with cracked and peeling skin. All left this work after several weeks, and improved sharply as soon as they left. There was a very heavy white powder on the vines and grapes they were picking there.

After working in the vineyards of D. M. Steele for several days, Mr. Juan Q. Lopez developed trouble breathing, rashes on his neck and face, numbness in his left arm and upper left chest, headache and irritated eyes. There was a white powder on the vines. Mr. Lopez's condition began to improve when he stopped working in these fields.

While working picking grapes in a Caric vineyard about 10 days ago, Mr. Abelardo Hernandez ate some grapes from the vine. Shortly thereafter, he began to vomit and to bleed from the nose. His foreman refused to take him to a doctor until other workers finally convinced him to do so. The doctor who treated him said his illness was due to the grapes and the chemicals on them. He has suffered from this illness on and off since then.

During this season, Mrs. Dominga F. Medina has worked in vineyards near Richgrove. She has seen spray rigs spraying liquid preparations on the vineyards only a short distance from where she and the other members of her crew were working. She has suffered from bloody nose, eye irritation, and headache while working in these vineyards.

Aurelio de la Cruz worked with Giumarra Vineyards in the spring of 1969. On more than one occasion he saw spray rigs spraying right ahead of the crew he was working in; his crew was told to work in the sprayed areas shortly after the spraying was concluded. He suffered eye irritation and skin rashes on these occasions.

Mr. Claro Runtal suffered very severe rashes and dermatitis on his legs and neck while working in vineyards of Richard Bagdasarian from December 1968 to June 1969. Many of the other men in the crew suffered skin irritations during the same period from the chemical dusts which had been applied to the vines.

Juanita Chavera was working in the Elmco vineyards in the spring of 1969 when she developed, as a result of the spray residue on the vines, skin rash, eye irritation, and hands swollen so badly that her ring had to be cut off. Other women in the crew including Mrs. Chovera's sister, Linda Ortiz, suffered similar symptoms.

Maria Serna also working in the Elmco vineyards in May 1969, where she developed irritated eyes, headaches, and severe dizziness. Her daughter, Alicia Ramona, suffered rashes and eye irritation.

Frances Barajas also worked in the Elmco vineyards this spring. While she was working there, a tractor spraying a liquid economic poison came through the vineyard in which she was working. She ran out of the field because she did not want to get sprayed, but a foreman ordered her to go back in and get back to work. She later talked to the tractor driver, who said he had been ordered to spray there by one of the Elmco supervisors. While working there she developed skin rashes and eye irritations that led to a serious eye infection. She has been afraid to complain about the poisons for fear of being fired.

Rafaela Ayala woked in the Elmco vineyards in the same crew as Mrs. Barajas. When the tractor sprayed the field they were working in she immediately began to vomit and her eyes became very irritated; they are still sore. She stopped working for Elmco as a result.

Mrs. Celestina Pereales was working in the Elmco vineyards in May 1968 when a tractor spray rig approached the row her crew was working in. Her supervisor told them to hunch down under the vines while the spray rig sprayed them. Not knowing better at the time, she did so. Her eyes became red and watery right away, and became persistently irritated, and she has had eye trouble ever since.

Mrs. Josephine C. Moreno was working in a crew leafing vines in the Elmco vineyards this spring. A spray rig came through the vineyard one row away from where the crew was working, and she and other women got sprayed soaking wet, but were put back to work after five minutes.

Petra Sisneros was working in the Elmco vineyards, tipping grape bunches, in may 1969, when four tractor driven spray rigs came into the field. Without any warning, one of them came right over the spot she was working in, spraying her soaking wet and blinding her to the point that she almost fell under the spray rig. Other women workers dragged her away from the danger of the spray rig. Her supervisor did not take her to a doctor until she became visibly sick. Until then she had merely been told to sit in the shade under the vine. She was vomiting a great deal by this time. After she was taken to a doctor, who gave her an injection and bathed her eyes, she was returned to the vineyards where she had to wait for a ride home until her co-workers were finished for the day. She was extremely ill for the next 10 days with vomiting, nausea, trembling, dizziness, headache, difficulty in breathing, tightness of chest, and difficulty in sleeping. To date she has received no compensation from her employer. She is still suffering from the aftereffects of this illness. When she asked her supervisor and foreman what kind of chemical she had been sprayed with, they claimed they didn't know and said it was not their fault she had been sprayed.

Alfonso Pedraza was also sprayed by an Elmco spray rig while working in its vineyards in the summer of 1969. The spray hit him on his back. When he saw a doctor three days later, his back was very red and the skin was cracked. The rash spread all over his body, and he developed muscle stiffness and eye irritation as well.

The carelessness with which economic poisons are applied in this area is such that farm workers are endangered outside the fields as well as within. About a month ago, while Petra Ojeda was working in a Tulare County orchard, the grower's tractor driven spray rigs sprayed her car and the cars of other workers which were parked along the road nearby. Mrs. Ojeda's young child was in the car asleep, along with food for lunch for the entire family. The child was covered by a blanket, but her bottle was covered with spray. The entire car was white with the chemical spray.

The James Morning family didn't even have to leave their home in order to be sprayed with economic poisons. In May 1969, their country home was sprayed by an airplane which was applying poison to a nearby field. All six members of the family were hit with the spray, causing rashes, cracked skin and irritated eyes.

The United Farm Workers Organizing Committee is attempting to solve this pervasive problem by the collective bargaining process. We have recently attained what is for farm workers an historic breakthrough in our negotiations with the Perelli-Minetti Company. We have completed negotiating a comprehensive health and safety clause which covers the subject of economic poisons. It includes the following protections:

HEALTH AND SAFETY

A. The Health and Safety Committee shall be formed consisting of equal numbers of workers' representatives selected by the bargaining unit and P-M representatives. The Health and Safety Committee shall be provided with notices on the use of pesticides, insecticides, or herbicides, as outlined in Section D 1, 2 and 3.

The Health and Safety Committee shall advise in the formulation of rules and practices relating to the health and safety of the workers, including, but not limited to, the use of pesticides, insecticides, and herbicides; the use of garments, materials, tools and equipment as they may affect the health and safety of the workers and sanitation conditions.

B. The following shall not be used: DDT, Aldrin, Dieldrin, and Endrin. Other chlorinated hydrocarbons shall not be applied without the necessary precautions.

C. The Health and Safety Committee shall recommend the proper and safe use of organic phosphates including, but not limited to parathion. The Company shall notify the Health and Safety Committee as soon as possible before the application of organic phosphate material. Said notice shall contain the information set forth in Section D below. The Health and Safety Committee shall recommend the length of time during which farm workers will not be permitted to enter the treated field following the application of organic phosphate pesticide. If P–M uses organic phosphates, it shall pay for the expense for all farm workers, applying the phosphates, of one baseline cholinesterase test and other additional such tests if recommended by a doctor. The results of all said tests shall be immediately given by P–M to the Health and Safety Committee.

D. P–M shall keep the following records and make them available to each member of the Health and Safety Committee:

(1) A plan showing the size and location of fields and a list of the crops or plants being grown.

(2) Pesticides, insecticides, and herbicides used, including brand names plus active ingredients, registration number on the label, and manufacturer's batch or lot number.

(a) Dates and time applied or to be applied.

(b) Location of crops or plants treated or to be treated.

(c) Amount of each application.

(d) Formulation.

(e) Method of application.

(f) Persons who applied the pesticide.

(3) Date of harvest.

SANITATION

A. There shall be adequate toilet facilities, separate for men and women, in the field, readily accessible to workers, that will be maintained in a clean and sanitary manner. These may be portable facilities and shall be maintained at the ratio of one for every 35 workers.

B. Each place where there is work being performed shall be provided with suitable, cool, potable drinking water convenient to workers. Individual paper drinking cups shall be provided.

C. Workers will have two (2) relief periods of fifteen (15) minutes which, insofar as practical, shall be in the middle of each work period.

TOOLS AND PROTECTIVE EQUIPMENT

Tools and equipment and protective garments necessary to perform the work and/or to safeguard the health of or to prevent injury to a worker's person shall be provided, maintained and paid for by P–M.

ARKANSAS RIVER TONNAGE SURPASSES ESTIMATES

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. HAMMERSCHMIDT. Mr. Speaker, commercial navigation of the Arkansas River has advanced to Little Rock, and the next major leg will enable barge traffic between Fort Smith and the Mississippi River, traversing the entire State of Arkansas.

Because of the heavy investment of Federal funds, some of the early-use statistics may be of great interest to my colleagues of the Congress. In these early stages of development, they tend to more than justify the faith, efforts, and good judgment of those far-sighted men who almost three decades ago sponsored the legislation and fought for its approval—the late Senator Bob Kerr of Oklahoma, the esteemed senior Senator from Arkansas, JOHN L. MCCLELLAN, and countless other concerned and dedicated citizens of Arkansas and Oklahoma.

I commend to my colleagues the report by Stanley Mantrop in the October 2 issue of the Journal of Commerce. I include the article at this point in the RECORD:

ARKANSAS RIVER TONNAGE SURPASSES ESTIMATES

(By Stanley Mantrop)

LITTLE ROCK.—The Little Rock business community plans to set in motion soon the first phase of a massive multimodal transportation complex aimed at making this Arkansas River city the nation's next big warehousing and distribution area for the Midwest and South.

The financial leaders are so confident the area will succeed that they are willing to put up their own funds to get the first step, an airport complex built, rather than be held up waiting to raise the money in the bond market in this uncertain period.

A high-ranking business official told The Journal of Commerce they hope to turn the first sod soon. They'll also push for developments in other modes of transport.

ARKANSAS RIVER TRAFFIC

What has spurred along this kind of enthusiasm is the unanticipated heavy movement of cargo along the recently opened Arkansas River project which, by the end of the third quarter, had far surpassed the U.S. Army Corps of Engineers estimate for the full river opening to Tulsa of 1 million tons, by the close of 1971.

By the end of September the river, which opened to barge traffic in January of this year, had surpassed 1,000,000 tons in both directions.

The Corps district engineer, Col. Charles L. Steel, stressing the impact of river transportation on the Arkansas economy, credited the new waterway with bringing some $500 million worth of new industry into the state, while creating a cargo outlet capable of moving the raw materials in for the plants, and the manufactured goods out.

There is also a drive on here for a free port area. Backers of the multimodal transportation plan which would combine air, sea, and land transport into one massive center, have discussed their project with top officials in Washington and other sections of the country. They claim they have received enough encouragement from these talks to proceed ahead at full throttle.

PINE BLUFF CARGO

Colonel Steel said the Port of Little Rock had handled cargoes far beyond the estimates when it went into business on Jan. 1. Downstream, at Pine Bluff, this port was already 50 per cent over the projected cargo estimates for a full year, less than four months after its dedication earlier this year.

Significant for the area is the fact that of the total tonnage handled so far well over half was in outbound movements, meaning that many cargoes, previously landlocked, were now being moved.

The cargoes shipped out consist of a large variety of chemicals and minerals all of which has raised hopes that these commodities will lead to the setting up of waterside plants.

Encouraged by the heavy cargo movement, a Pine Bluff firm has set up the first barge rental agency, with two large mooring facilities planned, one of 5,000 feet, the other of 1,800 feet. A number of studies also are underway to mark out key areas for plant and port locations along the length of the waterway.

So far, Little Rock and Pine Bluff have the largest port complexes. However, several private ones, geared mainly to handling products of raw materials inbound, have been set up.

The next one of any size to go into operation will be Fort Smith, close to the Oklahoma border, which should be ready by the time the Corps of Engineers bring into being the next stage of the multimillion-dollar waterway project by New Year's eve.

"We are moving ahead on schedule," Colonel Steel said. "We see no indications of any delays."

From then on the river job moves into high gear with one of the biggest dock installations being set up at Catoosa, which will be the port at Tulsa.

Backers of the Arkansas River project believe their prospects are good for winning Washington recognition for its free port plans. They appear to have picked up some solid support for this move. There is also a feeling that since most of the products moved in by barge are in international commerce, meaning they either are sent abroad from Gulf port to their destination, or are unloaded inbound at the same ports for mill consumption inland, the area should be designated as an important international trade area and should receive the official benefits that sometimes go with such a setup.

NEW DIRECTIONS FOR AIR FORCE SYSTEMS MANAGEMENT

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. PRICE of Illinois. Mr. Speaker, in these days of supersensitivity regarding the management of our large defense budget, it behooves each of us in this body to remain as aware as possible of the methods employed by the Services in the administration and expenditure of these funds.

A major element of the Air Force, the Air Force Systems Command, has the responsibility for a significant portion of the overall budget. During the recent Air Force Association fall meeting, held here in Washington, D.C., Gen. James Ferguson, the commander of Air Force Systems Command, headed a panel of research and development management experts who made presentations before an audience of Government and industry aerospace officials.

The management concept outlined by General Ferguson in his presentation is indeed a refreshing approach for managing the development and procurement of our major aerospace systems. His remarks are worthy of your attention, for you will recognize, as I have, that the application of the principles embodied in his concept can lead to an increase in our national technological base while providing this Nation with markedly advanced aerospace weapons and support systems. Thus, I commend his speech to you and include it in the CONGRESSIONAL RECORD, as follows:

NEW DIRECTIONS FOR AIR FORCE SYSTEMS MANAGEMENT

My colleagues and I appreciate this opportunity to discuss "New Directions for Air Force Systems Management" with the knowledgeable membership of the Air Force Association. We know that, while we will be accorded a friendly hearing, we will also be exposed to objective and critical judgment.

Critical judgment—some objective and some anything but—is the reigning order of the day. I can't think of any AFA meeting in a good many years that was held in an atmosphere so thick with questioning, probing, and doubt. We should *all* be well accustomed by now to conducting business in a very transparent goldfish bowl. That, after all, is the "name of the game," and all of us throughout Government and industry knew it before we started. But it's hard to recall any time when it was such a popular sport for anyone and everyone to go spearfishing in that goldfish bowl—with or without a license.

In that context, then, the Air Force Systems Command panel will focus on one facet of the current controversy: the management of major defense system acquisitions. This is a target so large and so vulnerable, by virtue of its multibillion dollar scope, that even a novice spearfisher can easily draw blood.

So, for perspective, let's briefly review the way things used to be, and how we got to where we are today. Then, a look at what is being done about the current situation, from the highest level down—and particularly the role of Systems Command in this era of change. In the process, I think all of you from the defense industries should be able to assess the probable effects upon your own community—both from what we say here and from what you may extrapolate between the lines.

For my part, I will concentrate on an overview—the broad effects of the new management directions on AFSC. The other panel members will then bring to bear a finer focus on command and staff impacts; in the process, I would think, the impact on industry-defense relationships will become rather apparent.

By way of brief background, you undoubtedly recall that the 1950s saw the Air Force making pretty much its own development and deployment decisions. Program justification was based for the most part on Specific Operational Requirements approved by USAF. Thus, in 1955 and 1956, I can remember something like 19 SAC programs in the R&D mill, four interceptors, 11 applications of nuclear power to ground, aircraft and space systems, eight space projects, and all the so-called "L" systems for command, control, and communications. Systems were relatively less sophisticated, and therefore less costly. And, with the Air Force responsible for about 50% of the defense budget, there always seemed to be enough funding flexibility for new programs, as well as for modification and updating of older ones.

In those days, the Office of the Secretary of Defense was a small advisory body, with little direct involvement or detailed analysis at that level. Management authority was delegated to the field, so that quick decisions with minimum delay were characteristic of systems development. On the other hand, cost considerations were quite possibly not accorded the importance they deserved.

With the 1960s, the national strategy of massive retaliation was overhauled along the lines of flexible response and multiple options. At the same time, exploding technology offered a wealth of options for alternative weapon and support systems.

Given this great range of choice, and the tremendous costs of the numerous alternatives, the new Secretary of Defense sought tightened control from the top. The pendulum began a rapid swing in the reverse direction, as Mr. McNamara exercised various control systems and mechanisms. Most were admirable in conception—Contract Definition, for example. Or the attempt to quantify alternative choices through Systems Analysis and the Cost/Effectiveness Ratio. Or the Cost Reduction Program, with its emphasis on tighter contracting. Any one of us, I'm sure, could think of at least five more—with varying degrees of affection.

In seeking a cohesive allocation of finite resources according to broad roles and missions, these mechanisms and procedures were fundamentally sound. In practice, however, we moved too far toward the other extreme from the situation of the 50s. Procedures requiring detailed decisions at the OSD level generated a correspondingly massive requirement for detailed information, and for more and more technical people, at that level.

This very rapid growth in the Office of the Secretary of Defense caused a corresponding technical buildup of large proportions within the Air Staff. There was a mass exodus of many of our best project officers topside, and most of them, with some abetment from the field, took their jobs with them. That left Systems Command with a heavy mantle of responsibility, but, in reality, short-circuited out of the decision loop by this migration of detailed management to a higher level.

At a Washington meeting of the Armed Forces Management Assocation last month, Dr. John Foster, Director of Defense Research and Engineering, summed it up in these terms:

"For reasons which are now history," he said, "we find the Pentagon today with too much centralization of authority—but not responsibility—too much layering in the decisionmaking structure, too many reports to be written by people already too busy trying to manage."

I like the way General McConnell put it in one of his last appearances on the Hill, because my own experience bears it out. When you're running a flying outfit, as he said, and a squadron commander goofs, you fire him. But in the procurement and development areas, it is virtually impossible to *find* the right one to fire. Too many people at too many levels have too much to say about the program. And very few of them can say "Go"—while most are authorized to say "No," or, as is more often heard, "more data" or "restudy."

That is about where things stood until fairly recently. Meanwhile, national tension and unrest were compoundng, aggravated by a growing frustration over the war in Southeast Asia, and resulting in a general disenchantment with anything military. Against that kind of backdrop, any apparent miscue in defense management—in cost, schedule, or performance—has triggered an immediate avalanche of accusation, recrimination, and investigation. All of which tend to escalate as they are bounced around the walls of the Capitol, reflected in the face of the TV tube, and splashed around the news and editorial pages of the printed media.

But every little attention is directed to the fact that, basically, it is the divorce of the Service R&D elements from control of their own programs that gives birth to these misfires.

This is not to say, by any means, that any of us—in any of the Services—is wholly without fault. Speaking for the Air Force, we have recognized for some time that, on many occasions, after a Niagara of studies and restudies, we let ourselves be stampeded into Contract Definition just to get going. In frustration—which is understandable but no less excusable—we have accepted and participated in program decisions without actually having the requisite technology sufficiently well in hand to proceed.

What that sort of thing does to schedules, performance, and costs is too well known to require extension elaboration. A few examples, such as the SRAM, Mark II Avionics, and the Minuteman guidance system, are representative. They amply illustrate the need for a much more detailed look at—and control of—the balance among Cost, Performance, and Schedule. *Not* only at the very beginnings of the system acquisition cycle, but all the way through to the final operational configuration.

Our greatest shortcoming may well have been that, recognizing these results of overcentralized control, we didn't really start a critical self-examination until about a year ago.

But what is much more important now, the basic problem is recognized—and is being attacked—at the highest levels. President Nixon, with his strong emphasis on decentralization, has set the tone and furnished the policy framework. The Department of Defense, as strongly evidenced by Dr. Foster's remarks last month, is taking the necessary steps to get management back where it can truly manage. As witness this excerpt from his address:

"In the Office of the Secretary of Defense . . . you can see a shift toward added emphasis on *future defense planning* and *away from the management of a given program*. The senior civilians will require a detailed justification by the Services of a program, but once approved, the Services will run it. The Office of the Secretary of Defense will monitor the program but hold the Services responsible for the proper conduct of the approved program."

I'm happy to say that the Secretary of the Air Force and the Chief of Staff have expressed their agreement. Headquarters USAF and AFSC have been actively working with DOD, the Defense Science Board, *and the other Services* on the complex problems of managing huge programs. We have made detailed recommendations along the entire spectrum, and their acceptance in large part generated the new policy that detailed review and the decisions on approved programs will be delegated to the lowest possible level.

Within the Air Force, it would certainly seem to me that AFSC is the logical level. There *is* no higher level—in USAF or DOD—at which all the essential ingredients for detailed review and timely decisions come together. Systems Command *is* the organization charged with maintaining the technical and management capability to balance resources against thoroughly analyzed military requirements. At no other level of organization are all these ingredients constantly available for program decisions during the total system procurement cycle.

That premise clearly pinpoints responsibility where it belongs—and Systems Command is happy to meet the challenge.

So, from the top on down it is agreed that there will be a greater emphasis on future planning and Concept Formulation at the OSD and Air Staff levels. While General Rogers will discuss the AFSC role in this new environment in greater detail, I would like to point out several areas that I feel will be essential to our future success.

First, a very deep and penetrating look into the operational capabilities required and the time frame for their intended use. These considerations are going to be essential in establishing priorities for future efforts in a climate of curtailed funds and manpower. And in this connection, let's be very clear about the tremendous need for judicious *selectivity* among the numerous choices technology makes available. The trend toward more elaborate frills and increasd "gold plating"—which too often turns out to be tarnished when it reaches the field—must be reversed.

Second, a more comprehensive understanding of the technology involved and the state-of-the-art available. We must have better estimates of technical risks versus performance requirements, costs, and delivery dates.

Third, a flexible scheme of contracting to cover the R&D phases of the program as well as production. We've got to recognize the fundamental differences between development and production, and tailor our contracting procedures accordingly.

Fourth, we're going to have to come up with far more definitive and realistic development schedules than we've done in the past. That means, for one thing, a more realistic use of analytical studies, prototype development, and advanced development of components in areas of high technical risk. *And* the establishment of *definitive decision milestones* at which we can assess the impact of problems in technology, costs, performance specifications, and time delays, on the comprehensive acquisition schedule.

What all this says, and I think it bears emphasis, is that all our problems must be visible and susceptible of solution before a final commitment to production. By placing greater emphasis at the highest level on program approval processes before we proceed to production, everyone—DOD, the Services, Congress, and the contractors—will have a full understanding of just what the base line is for what we are buying. Only with such a base line can we identify our problems and measure our progress against what we set out to do.

With this valid base line—knowing precisely what has really been approved—and with AFSC charged with the proper conduct of the program, we get back to the basic principles of management. Detailed management information rises only as high as the level at which it is needed and can be useful; spans of control become realistic; and authority is once again wedded to responsibility.

To put the theory into action, the Air Force is realigning certain functional responsibilities in the program management area. As of July, for example, the F-15 program came under the direct management control of Headquarters AFSC. The Office of the Assistant for F-15, reporting directly to me, has assumed the functions and responsibilities that were previously assigned to the Program Element Monitor on the Air Staff. Consequently, the appropriate PEM personnel from the Pentagon have been transferred to my headquarters at Andrews.

At the same time, the F-15 System Program Director, who formerly reported through the Commander of the Aeronautical Systems Division, now reports directly to me.

The same type of organizational structure and alignment of responsibilities is now being considered for the B-1A advanced bomber program. And we anticipate going the same route for selected major programs of the future, once they have been approved for development and acquisition.

Meanwhile, programs already underway—such as the C-5, Minuteman, and F-111—are also being considered for a closer tie-in to the Systems Command. This would entail a shift of many of the Air Staff program element monitoring functions to the appropriate AFSC staff agency as the focal point for detailed management information. And we may well consider following much of the same sort of process with regard to various advanced development programs.

I have discussed these changes in great detail with the System Program Directors who are directly affected, and charged them with surfacing problems and getting them to me as soon as they appear. The SPDs will thus be giving me detailed reports; emerging problems will be identified and resolved before they grow malignant and multiply out of control. And we will be paying very strict attention to cost, schedules, performances, and program decision requirements.

Now, all of this in no way means that we are trying to cut the higher levels out of the loop once a program has been approved. Rather, the purpose is to eliminate unnecessary briefing and reporting at all levels. We all realize that each level or organization must have the information necessary to fulfill its management responsibilities; but we must get rid of the study and re-study requirements from various staffs, offices, committees and other reviewing agencies that have neither the authority nor the responsibility for program decisions.

In conjunction with the other Services, we are developing a standardized format with which we, in turn, report to higher levels. In my own case, for example, I will be highlighting problems of our major programs for the Secretary of the Air Force, the Chief, and DOD in a quarterly review—without the need for these higher levels to constantly review and drown in a flood of complex detail.

At the same time, AFSC should become the Air Force focal point, in Washington, for comprehensive program management information. We will therefore be able to respond fully to the Secretary and the Chief, as well as DOD levels, and these higher levels, in turn, can be responsive to the Congress through the System Acquisition Reports.

We are going to be particularly resistant to Engineering Change Proposals for increased performance, whether they come from the contractor *or* the user. Any ECP is going to be looked at through a jaundiced eye, *first* to see if there is any real need for it at all, and *secondly*, if it passes that test, what it does to costs and schedules.

And, as I mentioned earlier, we are moving very definitely in the direction of hardware verification—or prototyping—as a complement to the present flood of paper studies in the Contract Definition phase. I think of this as competitive "initial development," or, in effect, a "contract definition in hardware." After all, brochures *always* perform beautifully, but I frankly prefer in most instances to see a piece of hardware proving *what* it can do, *when* it can be delivered, and *whether* it is worth the money it will cost. In this connection, we must use all available techniques, including exploratory and advanced development efforts, to validate system feasibility. We *must* insure that we have a viable program *before* we commit ourselves to the major costs of development and production.

Having heard now how we got where we were, and what steps are being taken to remedy the genuine deficiencies, you can probably deduce what the impact on defense contractors is likely to be. The controlling factor, obviously, is the real squeeze on money and manpower that we can expect for at least the next few years—and very probably beyond. The necessity for the Services to get a great deal more value from every R&D and production dollar cannot help but have a profound effect on the industry.

You can expect our look at past performance, as a factor in source selection, to be far deeper, far more penetrating and far more realistic.

"Realism," in fact, is going to be the operative environment. There will, in the future, be very scant likelihood of low-cost buy-ins, or of our accepting performance specifications beyond those in the original definition, at the price of disproportionate cost increases.

All in all, I would say, we can expect, for the foreseeable future, a trend to the very basic "necessities of life," at realistic and thoroughly justifiable price tags.

Summing up: AFSC analytical capability applied to Air Force mission requirements, added to the command's technical competence, together form a potential for producing the best and most advanced aerospace systems in the world. When you add, as is now being done, the management authority necessary to really control your programs, that potential is much more likely to translate into reality. With these three ingredients—analysis, technology and authority—working together, we will be able to produce viable weapon systems that meet the nation's needs as fully as they can be met, are no more complex than they need to be to fulfill their functions, and are priced as close to their true worth as human effort can manage.

Now let me read you something that applies directly to what has been said today:

"I strongly believe in the pyramid nature of decisionmaking and that, within that frame, decisionmaking should be pushed to the lowest level in the organization that has the ability and information available to apply approved policy."

That sounds very similar to what we have been saying here. Yet it was written by Robert McNamara in *1964*, and we can only believe that those words reflected what *he* believed. If the tools and instruments with which he attempted to build the framework overwhelmed or aborted the original intent, or delayed it overlong, it was nonetheless a heroic effort to cope with unbelievable complexity and magnitude. In the process, we all learned something of enduring value about analysis, the cold light of judgment, and the intricate matrix of conflicting choices.

It is up to each of us now, *not* to disclaim the past or seek a scapegoat for our mistakes, but to make use of what we have learned, and to apply our knowledge strenuously to this new era of defense acquisition management.

I would like to leave you, then, with the assurance that the Air Force is taking major constructive steps, along the lines I have described, to remedy deficiencies that we ourselves have recognized for at least the past year.

For our part, the Air Force Systems Command is definitely off and running, doing exactly what the highest levels of Government—and we ourselves—have all agreed should be done.

PATTERN FOR PEACE

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. LUKENS. Mr. Speaker, it is a great amusement to me, tinged with some dismay, that I am reading of and hearing a great deal about the various programs to end the war in Vietnam immediately. It is usually from the same source—although others occasionally join in—who have been playing this tune for months, even years. For once, we have a President who is actually withdrawing troops and who has promised to withdraw more. He is the first President to take the first step toward a peace solution. Yet, we still have the crowds who shout for peace and protest as if they and only they have the price tag for the purchase of this illusioned target.

President Nixon has a very good grasp on foreign affairs and is a great President in this particular area. In addition to tons of information—all facts—as well as a multiude of experienced opinions on the war, he is in a situation where most of it is not available to these peace procurers. I have spent several years overseas in that area and converse in oriental tongue. I have visited Vietnam many times and still do not consider myself an expert on Vietnam.

Suddenly, all we have are Vietnam experts during such a critical time. We Americans have taken more official steps to achieve peace, and also more poignantly asked the committee to make a concomitant move on their part to show that they want peace. I seriously wonder if they do when I realize that the Communists in Hanoi show no indication to end the war. Each side has to give. We have abandoned every bargaining position and they have abandoned none. When the President was elected by the people of the United States, they knew he would be able to do his job. He is harangued, he is bothered, he is pestered with this bloc representing little more than their own provincial politics or immediate political expediency. Why do they not leave the President alone and let him try to run the Nation?

Each riot, each disturbance, is additional fuel for the enemy and makes it more difficult for the President to continue his pattern for peace. Mr. Speaker, I support this administration and I support our President now as I have supported past Presidents. Surely, the price of peace is not too high when all it requires is a little justice, courage, and even a little consideration from one American to another. I pray for my country, I pray for my President, and since he is my President, I will believe and trust in his capabilities to achieve this thing called peace. I must add in all candor, I do not believe that any real Communist wants peace now or ever; he wants prosperity and people. But surely some day the enemy will allow the people in free South Vietnam to live in peace and security and well-being. I will walk this way with Mr. Nixon and this administration as I believe he can bring real peace. He will have my most earnest prayers.

INFLATION AND THE BANKERS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. HELSTOSKI. Mr. Speaker, we are currently faced with a serious economic crisis, and we do not have much time to steer a course toward economic stability.

The administration has been promising us, for a long time, that we will win this fight against inflation, but, despite these assurances, we are losing this fight.

Mr. Speaker, we all know that credit is the basis of our American economy. When a consumer borrows money to make a purchase, he pays interest on the amount borrowed. If he decides to make this purchase on credit, the store charges interest on the amount owed on the credit contract.

In the guise of fighting inflation, interest rates have been increased which contribute to rising living costs. Such price boosts, paid by the consumer, are built into living cost for years to come.

To raise the price of money is like raising cost of any other essential commodity—it does not dampen inflation—it contributes directly to it.

The beneficiaries of soaring interest rates are the banks and, in this connection, I would like to include an article on the activities of the bankers and their fight to curb inflation through raising interest rates. The article, written by Jack Anderson, follows:

THE BIG BANKERS ARE DOING WELL

(By Jack Anderson)

WASHINGTON.—As part of the fight against inflation now gripping the country the federal government months ago called on big business to do its part. The nation's bankers happily responded by raising their interest rates five times over the past nine months.

The cost of borrowing money is now at the highest point in history—8½ per cent for prime customers.

How this will curb inflation may be a little hard to understand for the salaried American, who must pay more for almost everything he buys on credit.

But the effect on the average American has been inflationary, not the other way around. His home costs more. His automobile costs more. His food, clothing and medical expenses have skyrocketed.

All the while the bankers rake in the greenbacks. They have tried to conceal their good fortune by crying the blues over shrinking profit margins. But bank earnings—the cold, hard cash left after expenses—are higher than ever.

Banking used to be a nice stable industry which tended to breed bespectacled, staid, old gentlemen who reeked of a musty money smell.

But today, bankers have caught the go-go fever. Yielding to the profit mania, they now compete with big business. They manipulate the money flow, playing little paper games which cause the rise and fall of great corporations.

They are aided in all their endeavors by the federal government, which diverts more of the taxpayers' money to benefit millionaire bankers more than ghetto children.

The Government, for example, has set up dozens of guaranteed loan programs, which are really nothing more than guaranteed profit programs for the bankers.

Here's how they work: the banks lend money to Government-qualified borrowers who pay back the loans with interest. Thus the banks make all the profit. but the taxpayers take all the risk. For if a borrower defaults on his loan, the Government must make good.

These unique benefits for banks have been made possible by a Congress which is widely populated by bankers. More than 100 members of Congress are linked by stockholdings or directorships to national banks. A great number of these serve on the Senate and House banking committees, which handle banking legislation.

Through these committees, the banking lobby gains favorable legislation in almost every session of Congress. In theory, the committees are set up to serve the public. In practice, they seem to work for the bankers.

Those who oppose the banking lobby find that the enormous resources of the nation's financial institutions are turned against them on election day. Those who play along sometimes find unexpected dividends.

A FARM WIFE PROTESTS

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. CUNNINGHAM. Mr. Speaker, for the benefit of the Members, or at least for their consideration of the situation involving farm prices, I am inserting the following article which makes a potent point and should be of interest to the Members of the House:

[From the Omaha World-Herald, Sept. 26, 1969]

A FARM WIFE PROTESTS

"Is it only meat that has gone up?" asks a Mitchell, Neb., contributor to the Public Pulse. Her query was written before the press dispatch from New York which reported that the supermarket meat boycotts generated by Mrs. Mickey DiLorenzo in the Long Island area were only "partially successful."

The Mitchell contributor, a "cattle feeder's wife," asks: Why complain about the high cost of one segment of the economy and not protest such things as a hair-do which once cost 75 cents and now costs $2.50, or the dress which once cost $25 and now is priced at $98?

Agricultural economists have repeatedly cited figures showing that the American housewife still has a bargain in her meat and other principal foodstuffs, and the Nebraska housewife quotes a University of Florida expert who says that "rather than condemn the farmer we should be thankful for the fact the U.S. consumer spends the least amount of his income for food of anyone in the world."

It is interesting to note that the breadwinners in the households of the wives mentioned in the boycotts have received pay increases many times in excess of what the farmer and cattle feeder have gained in this period of inflation.

THE AMERICAN FARMER—A FRIEND OF CONSUMERS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. MATSUNAGA. Mr. Speaker, because of our deep concern over the rising cost of food, we tend to forget that the American farmer is doing a phenomenal job for this Nation in producing mineral-rich foods in abundance at reasonable prices. Despite the fact that he is caught in a chronic cost-price squeeze, the American farmer continues to make it possible for the consumer to get a bargain on his groceries in this country.

In this regard, I call to the attention of my colleagues a recent news release of the National Limestone Institute which reports that in 1968, the American consumer spent 17.2 percent of personal income for food, in comparison with 25.7 percent in 1947.

It was also noted in the news release that a United Nations study of food price increases in 45 countries for the period 1963 through 1967 revealed that prices in the United States rose less than in most other countries.

As the very able president of the National Limestone Institute, Robert M. Koch, commented:

> Plagued by constantly rising costs for everything he buys, by very acute labor shortages, by excessive hours for both him and his family—and a reputation for getting excessive Government handouts which is certainly not true for the "average farmer"—the American farmer continues to provide the most abundant and inexpensive food supplies to his countrymen of any nation on the face of the earth.

Mr. Speaker, I submit the NLI news release for inclusion in the CONGRESSIONAL RECORD at this point for the further information of my colleagues:

FOOD COST

Many consumers in the United States gripe about the cost of food and price increases which have taken place in recent years. Many even remember prices when one could buy a "T" bone steak at 25 cents a pound and other prices were comparable. They minimize or even forget to take into account the increases in personal income and other changes in living standards during the same period. And, we tend to forget the numerous items that are now on grocery store shelves that a few years ago one could get only at the hardware or drug store that too many now think of as part of the food cost.

The consumer forgets the fact that the demand today is for prepackaged or frozen food items ready for cooking. These, of course, are a time-saving feature for the housewife in comparison with buying potatoes, apples, etc., by the bushel, flour by the sack, beef by the "side" and live fowl. But someone has to pay for these processing features—and it is the consumer. In spite of the increased costs, the consumer is still getting a bargain. In the U.S. in 1968, consumers spent 17.2% of personal income for food in comparison with 25.7% in 1947.

The United Nations made a study of food price increases in 45 countries for the period 1963 through 1967. As shown below, it revealed that prices in the United States rose less than in most other countries.

1967 Food Price Index

[1963=$1]

Index for Nation:	
United States	$1.10
Canada	1.12
Australia	1.17
Japan	1.23
Spain	1.32
India	1.64
Yugoslavia	2.01
Index for major city in:	
Venezuela	$1.06
Mexico	1.15
Philippines	1.36
Colombia	1.58
Chile	2.73
South Vietnam	3.63
Brazil	5.39

Instead of griping about food costs, we should extend a vote of thanks to the American farmers for producing mineral rich foods in abundance at such reasonable prices. The Federal government has contributed to this abundance by some of the USDA programs, including those that help preserve our National Heritage—the soil—for future generations. We cannot afford to cut back on Conservation Programs which help provide mineral-rich food at reasonable prices for all consumers.

PALME—A SCANDINAVIAN CASTRO?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 3, 1969

Mr. RARICK. Mr. Speaker, Olof Palme—Sweden's leading America-baiter and acknowledged "Crown Prince" of the Socialists—has now ascended to the command for which he was groomed.

Palme believes that Americans' desire for an end to the war is synonymous with American approval of his comradeship with Hanoi and Cuba. There were very few Americans who did not favor an early and victorious end to World War II, but if any Swedish cabinet ministers had marched with a Nazi diplomat in an anti-American demonstration in Stockholm, we could hardly say he agreed with the majority of American people at that time.

Palme, having picked the Soviet horse to win is clumsily trying to hedge his bet by limpid protestations of his love for America. It is hard to see how Palme's transparent remarks could disarm any Swedes because he certainly is not fooling anyone in America.

Palme's babbling that he is not anti-American is the joke of the century. His party has announced their gift of $40 million to the Communist dictatorship of North Vietnam, and Palme's latest announcement is that the hard-working taxpaying decent, Swedish men and women will be called on to bear the additional burden of increased aid to Communist Cuba.

If Palme visualizes his countrymen so affluent that they can underwrite Communist countries, there certainly would appear no reason for American business to feel any incentive to bolster the Swedish economy.

Perhaps Palme's strange position comes as a result of his limited associations—that he has only fraternized with Communists. Contrary to Palme's indifference to the free government of Vietnam, Senators Akerlund and Hubinette, ranking Members of the Upper Chamber of the Swedish Parliament, upon their recent visit to Saigon, were reported to have expressed surprise over the "positive direction that the Government of Vietnam has taken toward social and military progress."

Americans who have always had great affection for the people of Sweden watch with concern as Sweden's destiny falls into the hands of a potential Scandinavian Castro.

I insert several news articles at this point in the RECORD:

[From the Washington Post, Oct, 3, 1969]

NEW SWEDISH LEADER

STOCKHOLM.—Olof Palme, 42, an outspoken opponent of the U.S. war effort in Vietnam, was named head of Sweden's ruling Social Democratic party Wednesday, clearing the way for him to succeed Tage Erlander as premier on Oct. 14. Erlander resigned after 23 years as the chief architect of the Swedish welfare state.

Palme, a 1948 graduate of Kenyon College in Ohio, will be the youngest Swedish premier. As education minister he took part in an anti-American demonstration in Stockholm last year at the side of North Vietnam's ambassador to Moscow.

Swedish-American relations have grown steadily worse since then The Nixon administration has yet to appoint an ambassador to Stockholm. Palme told a news conference Wednesday that he foresaw no change in Swedish policy toward Washington. Swedish Foreign Minister Torsten Nilsson said that, after North Vietnam, Sweden would greatly increase its aid to Cuba.

[From the Evening Star, Oct. 3, 1969]

OLOF PALME, CRITIC OF U.S., IS NAMED SWEDISH PREMIER

STOCKHOLM.—Olof Palme, a critic of U.S. Vietnam policy, was named Wednesday by the ruling Social Democratic party to succeed Premier Tage Erlander who is retiring after 23 years in office.

Erlander and his cabinet will resign Oct. 9.

Palme, 42, was chosen to take over the premiership and party leadership from Erlander by acclamation of the delegates at the 24th party congress. He is a leader of the left-wing faction.

The only other candidate was Finance Minister Gunnar Straeng, 62, nominated by the right wing. But Straeng refused to oppose Palme, and urged the congress to elect the man Erlander had groomed as his successor.

TO CONTINUE NEUTRALITY

Palme, education minister in the Erlander cabinet, is expected to continue the policy of "active neutrality" which has placed a heavy strain on Washington-Stockholm relations. Palme has been a driving force behind Sweden's sharp criticism of U.S. foreign policy, particularly in Vietnam, although he disclaims being against the United States.

Recently Palme referred to an opinion poll indicating that Americans generally favored an end to the Vietnam war and told an interviewer: "How can you be anti-American if you agree with the majority of American people."

STUDIED IN THE UNITED STATES

Palme studied in the United States, and won a bachelor of arts degree in one year at Kenyon College in Ohio. He spent the next four months hitchhiking through the states before returning to Sweden to take his law degree.

Palme's rise to the top began in 1953 when he joined Erlander's staff as private secretary and executive assistant. He served the government as minister without portfolio, minister of communications and minister of education.

Palme and his cabinet are expected to be sworn in on Oct. 14. He is expected to retain all of the leading ministers in the present cabinet, including Foreign Minister Torsten Nilsson.

[From the Christian Science Monitor, Oct. 1, 1969]

NORTH VIETNAM-AID PLAN OUTLINED IN SWEDEN

(By the Associated Press, Stockholm)

Sweden plans to give North Vietnam more than $40 million in economic aid, Foreign Minister Torsten Nilsson announced at the Social Democratic Party Congress.

He said the aid will be distributed over a period of three years, adding he was convinced the government action "is backed by a very strong public opinion."

SWEDISH SENATORS HAIL VIET PROGRESS

(Vietnam Newsletter No. 28, Sept. 27, 1969)

SAIGON.—Two Swedish senators Monday night expressed surprise over the "positive direction that the Government of Vietnam has taken towards social and military progress."

Senators Henrik Akerlund and Gunnar Hubinette, ranking members of the Upper Chamber of the Swedish Parliament said, "Our general idea of Vietnam has been changed in favor of South Vietnam."

The two Swedish senators said Europeans generally have an incorrect concept of the situation here in South Vietnam. "As far as we are concerned, South Vietnam is doing better than what we believed before we came over."

Akerlund and Hubinette arrived here last September 17 for a one-week stay as guests of the government. The two Swedish lawmakers have been touring the country from north to south observing the social and military activities of the Republic of Vietnam.

"The world is becoming smaller every day in this jet age. Due to this, there should be an increased understanding now between Europeans and the peoples of Southeast Asia. This was the reason we decided to come over, to observe and be informed," the two senators added.

Akerlund and Hubinette also bared that Scandinavian countries; Finland, Norway, Denmark and Sweden—are now, "having a lot of discussions about extending economic aid to the Republic of Vietnam after the end of the war."

The two Swedish senators, who were interviewed by the PNS in their suites at the Caravelle Hotel in downtown Saigon, revealed that the Swedish Parliament, particularly—has been deliberating over this postwar economic aid to South Vietnam.

Hubinette and Akerlund, who are both members of the Swedish Moderate Party said though that the proposed postwar economic aid to South Vietnam would be a collective action of all the Scandinavian nations—and not based on individual help.

The two Swedish senators said at the present, their country's aid to South Vietnam is given through the Red Cross. It is for this reason that a visit to refugee centers has been included in their itinerary here.

SENATE—*Monday, October 6, 1969*

The Senate met at 12 o'clock noon and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for all the blessings with which Thou hast enriched life—for the gift of life itself, the wonder of thought, the privilege of service and the sacrament of love. Most of all we thank Thee that Thou didst enter our fleeting life to share our nature, bear our burdens, and show us how to live.

"O Master, let me walk with Thee
In lowly paths of service free;
Tell me Thy secret; help me bear
The strain of toil, the fret of care."

Draw us to Thyself that amid differences and difficulties we may be united in bonds of common devotion to the welfare of the Nation. Keep the United States under Thy sovereignty and protection and use her in works of compassion and love.

In Thy Holy Name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 3, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Vice President laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 169; then going over and beginning with Calendar No. 433 and continuing with the succeeding measures in sequence.

The VICE PRESIDENT. Without objection, it is so ordered.

EMERGENCY CREDIT REVOLVING FUND

The Senate proceeded to consider the joint resolution (S.J. Res. 111) to authorize temporary advances by the Commodity Credit Corporation to the emergency credit revolving fund.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the consideration of Senate Joint Resolution 111 be postponed indefinitely.

The VICE PRESIDENT. Without objection, it is so ordered.

BARBARA ROGERSON MARMOR

The bill (S. 533) for the relief of Barbara Rogerson Marmor was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Barbara Rogerson Marmor, the widow of the late Milton Marmor, a citizen of the United States, shall be held and considered to be an alien eligible for immediate relative status under the provisions of section 201(b) of such Act, and the provisions of section 204 of such Act, shall not be applicable in this case.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an exerpt from the report (No. 91–437), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of an immediate relative to Barbara Rogerson Marmor which is the status she would be entitled to were it not for the death of her husband, a citizen of the United States.

DR. GEORGE ALEXANDER KARADIMOS

The bill (S. 2096) for the relief of Dr. George Alexander Karadimos was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Doctor George Alexander Karadimos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 28, 1961, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an exerpt from the report (No. 91–438), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. IN BAE YOON

The bill (S. 2231) for the relief of Dr. In Bae Yoon was considered, ordered to

XUM

be engrossed for a third reading, read the third time, and passed, as follows:

S. 2331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor In Bae Yoon shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 26, 1964.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–439), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. SILVIO MEJIA MILLAN

The bill (S. 2443) for the relief of Dr. Silvio Mejia Millan was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Silvio Mejia Millan shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 17, 1961, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of sections 316 and 319 of such Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–440), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

MARTIN H. LOEFFLER

The bill (H.R. 3165) for the relief of Martin H. Loeffler was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–441), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable Martin H. Loeffler to file a petition for naturalization notwithstanding the provisions of section 313 of the Immigration and Nationality Act relating to one who was formerly a member of a proscribed organization.

ARIE RUDOLF BUSCH

The bill (H.R. 3560) for the relief of Arie Rudolf Busch (also known as Harry Bush) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–422), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable Arie Rudolf Busch (also known as Harry Bush) to file a petition for naturalization based on his residence and physical presence in the United States since his lawful admission for permanent residence in 1960.

DR. WAGIH MOHAMMED ABEL BARI

The Senate proceeded to consider the bill (S. 1797) for the relief of Dr. Wagih Mohammed Abel Bari which had been reported from the Committee on the Judiciary, with an amendment, in line 4, after the word "Act," strike out "Doctor Wagih Mohammed Abel Bari" and insert "Doctor Waguih Mohamed Abdel Bari"; and in line 7, after the word "of", strike out "September 20, 1960." and insert "September 15, 1960."; so as to make the bill read:

S. 1797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Waguih Mohamed Abdel Bari shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 15, 1960.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–443), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to correct the beneficiary's name and to reflect the proper date upon which he first entered the United States.

The title was amended, so as to read: "A bill for the relief of Doctor Waguih Mohamed Abdel Bari."

CORA S. VILLARUEL

The Senate proceeded to consider the bill (S. 1775) for the relief of Cora S. Villaruel, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, after the enacting clause, strike out "That, in the administration of the Immigration and Nationality Act, section 203(a)(2), the minor child, Cora Villaruel, is to be held and considered the natural born child of Mr. and Mrs. Tancredo S. Villaruel, lawful resident aliens of the United States"; and, in lieu thereof, insert "That, for the purposes of sections 203(a)(2) and 204 of the Immigration and Nationality Act, Cora S. Villaruel, shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Tancredo S. Villaruel, lawful resident aliens of the United States: Provided, That no natural parent or brothers or sisters of the beneficiary, by virtue of such relationship, shall be accorded any right, privilege, or status under the Immigration and Nationality Act."; so as to make the bill read:

S. 1775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(2) and 204 of the Immigration and Nationality Act, Cora S. Villaruel, shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Tancredo S. Villaruel, lawful resident aliens of the United States: Provided, That no natural parent or brothers or sisters of the beneficiary, by virtue of such relationship, shall be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–444), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to qualify for second-preference status as the unmarried daughter of lawful resident aliens of the United States. The bill has been amended in accordance with established precedents.

MRS. MARJORIE ZUCK

The Senate proceeded to consider the bill (S. 476) for the relief of Mrs. Marjorie Zuck, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 8, after the word "numbered", strike out "(487–42–4467)" and insert "(487–42–7467)"; so as to make the bill read:

S. 476

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That, for purposes of determining the entitlement of Mrs. Marjorie Zuck, Rural Route 1, Watson, Missouri, to benefits under title II of the Social Security Act for the months after October 1965, on the basis of the wages and self-employment income of Emory Zuck (social security account numbered (487–42–7467) if the said Mrs. Marjorie Zuck files application for such benefits within six months after the date of the enactment of this Act, the marriage entered into by the said Mrs. Marjorie Zuck and Emery Zuck on

November 26, 1921, shall be held and considered to have been a valid marriage.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–445), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF AMENDMENT

The purpose of the amendment is to conform the social security account number of Emery Zuck with information contained in the report of the Department of Health, Education, and Welfare, appended hereto.

PURPOSE

The purpose of this legislation, as amended, is to determine the entitlement of Mrs. Marjorie Zuck, Rural Route 1, Watson, Mo.. to benefits under title II of the Social Security Act for the months after October 1965, on the basis of the wages and self-employment income of Emery Zuck (social security account numbered 487–42–7467). If the said Mrs. Marjorie Zuck files application for such benefits within 6 months after the date of the enactment of this act, the marriage entered into by the said Mrs. Marjorie Zuck and Emery Zuck on November 26, 1921, shall be held and considered to have been a valid marriage.

STATEMENT

The Department of Health, Education, and Welfare has no objection to enactment of this legislation.

In its report to the Committee on the Judiciary under date of May 1, 1968, the Department states:

The facts upon which this private relief bill is based are stated in the accompanying memorandum. In substance, Mrs. Marjorie Rose Zuck filed an application on September 8, 1965, for wife's insurance benefits on the social security account of Emery Zuck, who had previously filed an application for old-age insurance benefits. (Mr. Zuck's account number, 487–42–7476, is incorrectly shown as 487–42–4467 in S. 1142.) Mrs. Zuck's application was disallowed. She was not validly married to Mr. Emery Zuck because she and Mr. Zuck are first cousins of the halfblood—that is, their fathers were half brothers—and she is consequently not entitled to wife's benefits on his account. The disallowance and a subsequently reconsidered determination of the Social Security Administration have been reaffirmed by a hearing examiner of the Bureau of Hearings and Appeals of the Social Security Administration.

The bill would provide that the marriage entered into by Mr. and Mrs. Zuck would be held to be a valid marriage. As a result, Mrs. Zuck would be eligible for social security's wife's insurance benefits.

We believe that because of the very sympathetic circumstances in this case, special legislation is not undesirable. Moreover, while we have not yet been able to develop a satisfactory proposal for general legislation that would permit payment of benefits in such a case, we would favor enactment of such legislation. We would therefore have no objection to enactment of the bill.

The committee, after reviewing the facts of this case, concurs in the conclusions of the Department of Health, Education, and Welfare, and accordingly recommends that favorable consideration be given to S. 476, as amended.

COPYRIGHT PROTECTION EXTENSION

The joint resolution (S.J. Res. 143) extending the duration of copyright protection in certain cases was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. Res. 143

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87–668, by Public Law 89–142, by Public Law 90–141, or by Public Law 90–416 (or by all or certain of said laws), would expire prior to December 31, 1970, such term is hereby continued until December 31, 1970.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–447), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of this legislation is to continue until December 31, 1970, the renewal term of any copyright subsisting on the date of approval of this resolution, or the term as extended by Public Law 87–668, by Public Law 89–142, by Public Law 90–141, or Public Law 90–416 (or by all or certain said laws) where such term would otherwise expire prior to December 31, 1970. The joint resolution would provide an interim extension of the renewal term of copyrights pending the enactment by the Congress of a general revision of the copyright laws, including a proposed increase in the length of the copyright term. This resolution would be the fifth such interim extension of copyright. The fourth extension (Public Law 90–416) will expire on December 31, 1969.

This legislation merely provides for the prolongation of the renewal term of copyright and does not involve creation of a new term of copyright.

STATEMENT

This legislation arises from a study of the U.S. copyright system authorized by the Congress in 1955. After extensive preparatory work, copyright revision bills were introduced in both Houses during the 88th Congress and again in the 89th and 90th Congresses. The House of Representatives on April 11, 1967, passed H.R. 2512 of the 90th Congress for the general revision of the copyright law. This committee's Subcommittee on Patents, Trademarks, and Copyrights held 17 days of hearings on copyright law revision, but no further action was taken by the Subcommittee. On January 26, 1969, the chairman of the Subcommittee on Patents, Trademarks, and Copyrights introduced S. 543 for the general revision of the copyright law. This bill is now being actively considered by the subcommittee. Both, S. 543 and the bill passed by the House of Representatives in the 90th Congress would increase the copyright term of new works from the present 28 years, renewable for a second period of 28 years, to a term for the life of the author and for 50 years thereafter. They also provide for a substantial extension of the term of subsisting copyrights.

While several major provisions of the copyright revision legislation are controversial, the provisions relating to cable television systems have been the principal, if not exclusive, factor delaying action on this legislation. Throughout 1969 the principal parties involved in the CATV question have been engaged in negotiations seeking to reach agreement on a joint recommendation to be made to the appropriate committees of the Congress. While these negotiations were being actively pursued, it has not been feasible for the subcommittee to undertake to act on this issue. The negotiations are still in progress, and it remains uncertain whether they will result in a compromise agreement. Meanwhile, the copyright legislation has been necessarily delayed and the archaic act of 1909 remains in effect.

Under these circumstances, the chairman of the subcommittee in introducing Senate Joint Resolution 143, suggested that the subcommittee may wish to consider the feasibility of separating the cable television question from the general revision bill, and consider the cable television question in separate legislation. No decision on this matter has yet been reached by the subcommittee. Regardless of what procedure is followed by the subcommittee, it is the hope of the committee that during this Congress legislation will be enacted providing for the general revision of the copyright law and the resolution of the cable television question.

Since the general revision bill has been unavoidably delayed, it seems desirable that the terms of expiring copyrights should be extended so that the copyright holders may enjoy the benefit of any increase in term that may be enacted by the Congress. It is the view of the committee that the same considerations that led to the enactment of the previous extensions warrant the approval of this joint resolution.

After a study of the joint resolution, the committee recommends that the legislation be favorably considered.

PROVIDING FOR THE HOLDING OF COURT IN PRINCE GEORGES COUNTY IN THE DISTRICT OF MARYLAND

The Senate proceeded to consider the bill (S. 981) to amend title 28 United States Code to provide that the U.S. District Court for the District of Maryland shall sit at one additional place, which had been reported from the Committee on the Judiciary, with an amendment, in line 8, after the word "and", strike out "Hyattsville.' "; insert a comma and "at a suitable site in Prince Georges County not more than five miles from the boundary of Montgomery and Prince Georges Counties.' "; so as to make the bill read:

S. 981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 100 of title 28, United States Code, is amended to read as follows:

"§ 100. Maryland

"Maryland constitutes one judicial district.

"Court shall be held at Baltimore, Cumberland, Denton, and at a suitable site in Prince Georges County not more than five miles from the boundary of Montgomery and Prince Georges Counties."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–448), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENT

The amendment provides needed flexibility for location of a court facility most suitable for the expanding population and potential future development of the area.

PURPOSE OF THE BILL

S. 981 amends section 100 of title 28, United States Code, to authorize the U.S. District Court for the District of Maryland to sit at a suitable site in Prince Georges County, as well as at Baltimore, Cumberland, and Denton, Md.

STATEMENT

At the present time the U.S. District Court for the District of Maryland sits only in Baltimore City, although it is also authorized to sit in Cumberland, located in the western part of the State, and Denton, located on the State's Eastern Shore.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

COMMITTEE MEETINGS DURING SENATE SESSIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate.

The VICE PRESIDENT. Without objection, it is ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. The nominations on the Executive Calendar will be stated.

U.S. MARSHAL

The bill clerk read the nomination of Ollie L. Canion, of Louisiana, to be U.S. marshal for the eastern district of Louisiana.

The VICE PRESIDENT. Without objection, it is so ordered.

NATIONAL TRANSPORTATION SAFETY BOARD

The bill clerk read the nomination of Isabel A. Burgess, of Arizona, to be a member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1969.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed; and without objection the President will be immediately notified of the confirmation of the nominations today.

LEGISLATIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate return to legislative session.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I should like to inquire now as to the calendar for the remainder of the week.

Mr. MANSFIELD. Mr. President, in response to the question raised by my distinguished colleague, the minority leader, it is anticipated that the next order of business, after the disposal of the pending business, will be either the water pollution control bill, Calendar No. 346, S. 7, or the interest equalization bill, Calendar No. 424, H.R. 12829. It will depend on circumstances as to which of these two bills will follow the present measure.

Then we have two potato marketing bills which we hope will be adjudicated between the people who have different ideas—Calendar Nos. 412 and 414, S. 1181 and S. 2214.

Hopefully, later this week we will be able to get to the oil and gas compact, Calendar No. 189, Senate Joint Resolution 54. Consideration of this measure is long overdue.

Then there will be various health and veterans' bills.

If we finish all that this week, we will have performed very creditably.

Next week, we hope that the OEO authorization, which will be reported shortly, will be available for consideration, and also the legislative appropriation bill, which hopefully will be reported next week.

That is the best I can state at this time.

Mr. SCOTT. I thank the distinguished majority leader.

ORDER OF BUSINESS

The VICE PRESIDENT. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AT THE BRINK

Mr. YOUNG of Ohio. Mr. President, since the end of World War II the United States has spent $1 trillion $500 billion on defense—$1 trillion is $1,000 billion. Each year the Federal Government spends more than 70 cents of every tax dollar for present and past wars and preparing for future wars. We devote more resources to national defense than the huge total spent by Federal, State, and local governments on health, education, old-age and retirement benefits, public assistance, unemployment and social security, housing and agriculture. Never have we devoted for such a long period of time such a large percentage of our gross national product on national defense.

No one questions the need for maintaining our armed strength in sufficient size and quality that the United States continues to be the strongest nation that ever existed under the bending sky of God. However, there has been a great deal of waste, inefficiency, and duplication in defense spending which has grown out of control. Our national security depends not only on military power but also on the strength of our economic system and on the wholesomeness of our social and political life.

A greater effort must be made to bring the mad armaments race under control and to curb the power of the military-industrial complex. It is high time that we reevaluate our national goal and establish priorities toward reaching them. Lord Bryce, in his commentary on our American Government stated:

> Events have repeatedly shown that while the American people may be dragged to the edge of a precipice, they have found a good sense to stop, even by a very narrow margin at the brink.

Let us hope that Almighty God will be with us in the future and continue to guide us in that manner.

TAX REFORM IN JEOPARDY?

Mr. YOUNG of Ohio. Mr. President, President Nixon in his recent press conference said he believed the 27½ percent oil depletion allowance should not be reduced. However, he did not go so far as to state he would veto a bill if the reduction provision passed in the House of Representatives is agreed to in the Senate, as I hope it will be. By reason of this 27½ percent oil and gas depletion allowance Atlantic Refining Co. paid no income tax whatever in 1967 from its huge net profits. Atlantic-Richfield Corp. paid but 6 percent of its lush net earnings in 1968 to our Government as taxes. Other oil producers also profited.

Secretary of the Treasury Kennedy, testifying before the Senate Committee on Finance, backed away from advocacy of real tax reform. His testimony proposed continuing present tax policy which favors huge corporations and ultrawealthy individuals and burdens middle- and low-income families with a very heavy income tax burden indeed. It is unfortunate that he and other administration leaders are advocating postponement of Senate consideration of real tax reform until next year.

Mr. President, we must have real tax reform, and we must levy taxes in this country according to ability to pay. That is the only sound principle of just taxation.

It appears certain that a much needed tax reform bill will be voted out of the Senate Committee on Finance for debate and vote in the Senate before November 1. Senate debate may be prolonged and very heated over this highly controversial proposal opposed by oil tycoons and the ultra-rich. However, Mr. President, we must pass needed tax reform legislation even though we remain in session right up to Christmas Eve. We must do it this year.

ORDER OF BUSINESS

Mr. YOUNG of Ohio. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Hughes in the chair). Without objection, it is so ordered.

REPUBLIC OF PHILIPPINES—100 PERCENT RECORD ON HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, in 1963, the General Assembly of the United Nations, with strong support from the United States, designated 1968 as the International Year for Human Rights. In 1965, the General Assembly called upon all members to ratify before 1968 the human rights conventions.

All of us know the record of the Senate. Of the five human rights conventions submitted to the Senate, only the Supplementary Slavery Convention has been approved.

By comparison with our own inaction, the record of the Republic of the Philippines is truly remarkable.

The Republic of the Philippines, only 22 years old, has ratified all nine of the human rights conventions.

The United States can certainly take a lesson from the young Philippines. The Senate can make a real start this year, by giving its advice and consent to the Convention on Forced Labor, Genocide, and Political Rights of Women.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Report on Gila River Pima-Maricopa Indian Community Against the United States, Before the Indian Claims Commission

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, an order dismissing docket No. 236–J, Gila River Pima-Maricopa Indian Community, etc., Plaintiff, v. The United States of America, Defendant, before the Indian Claims Commission (with accompanying papers); to the Committee on Appropriations.

Report on the Pascagoula, Biloxi, and Mobilian Consolidated Band of Indians Against the United States, Before the Indian Claims Commission

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, an order dismissing docket No. 170, the Pascagoula, Biloxi and Mobilian Consolidated Band of Indians. Petitioners, v. The United States of America, Defendant, before the Indian Claims Commission (with accompanying papers); to the Committee on Appropriations.

Report on Military Construction Contracts Awarded Without Formal Advertisement, January 1 to June 30, 1969

A letter from the Secretary of the Army, transmitting, pursuant to law, the semiannual report of Department of the Army contracts for military construction awarded without formal advertisement, January 1 through June 30, 1969 (with an accompanying report); to the Committee on Armed Services.

Report on Application for Federal Loan for Construction of Irrigation Distribution System Improvements and Related Works—Lakeside Irrigation Water District, Kings County, Calif.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application by the Lakeside Irrigation Water District of Hanford, Calif., for a loan under the Small Reclamation Projects Act (with accompanying papers); to the Committee on Interior and Insular Affairs.

Third Preference and Sixth Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Report on Claims Settled by USIA

A letter from the Office of the Director, U.S. Information Agency, transmitting, pursuant to law, an annual report on claims settled under the Military Personnel and Civilian Employees' Claims Act of 1964 (Public Law 88–558), September 1, 1968, through August 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated.

By the VICE PRESIDENT:

A resolution adopted by the Macomb County, Mich., Board of Supervisors, praying that counties be included within the definition of "local governments" so as to participate in the Federal system; to the Committee on Finance.

A resolution by the City Commission of Jackson, Mich., remonstrating against proposed legislation to limit the tax-exempt feature of interest paid on public bonds issued by State or local governments; to the Committee on Finance.

A petition from several persons from the States of South Carolina and Alabama expressing concern over internal crises confronting the Nation; to the Committee on the Judiciary.

A resolution adopted by the city council of the city of Culver City, Calif, praying for enactment of legislation to repeal or amend Subtitle II of the Internal Security Act of 1950 (Emergency Detention Act); to the Committee on the Judiciary.

A resolution adopted by Banner Council No. 39, Junior Order United American Mechanics, praying for enactment of legislation providing for the display of the American flag in every public school classroom and appropriate exercises being held explaining the symbolism of the flag; to the Committee on the Judiciary.

Two resolutions adopted by the American Association of Workers for the Blind, Inc., at their 43d Convention, the first praying for the enactment of legislation to make possible full, effective, adequately funded and properly coordinated and integrated vocational rehabilitation and personal rehabilitation services to all blind and visually impaired individuals regardless of age or vocational potential with benefit of Federal matching funds; to the Committee on Labor and Public Welfare, and the second praying for the enactment of legislation extending the free mailing privileges for blind persons permitting the mailing of items which do not weigh more than 3½ ounces by first class mail; to the Committee on Post Office and Civil Service.

BILL AND JOINT RESOLUTION INTRODUCED

Bill and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CRANSTON:

S. 2993. A bill to amend title 38, United States Code, in order to provide educational assistance to veterans attending elementary school; to provide special assistance to educationally disadvantaged veterans; to provide for a predischarge education program and a veterans' outreach services program; to reduce under certain circumstances the number of semester hours that a veteran must carry in an institutional undergraduate college course in order to qualify for a full-time educational assistance allowance; and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Cranston when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. YARBOROUGH:

S.J. Res. 156. A joint resolution to establish an interagency commission to make necessary plans for the United Nations Conference on the Human Environment scheduled for 1972 and for other international conferences and meetings relating to the human environment; to the Committee on Foreign Relations.

(The remarks of Mr. Yarborough when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 2993—INTRODUCTION OF VETERANS EDUCATION AND TRAINING ASSISTANCE AMENDMENTS ACT OF 1969

Mr. CRANSTON. Mr. President, on October 2, the Veterans' Affairs Subcommittee, which I am privileged to chair, of the Labor and Public Welfare Committee, took action on numerous bills, reporting them to the full committee. One of the reported bills consolidates virtually all of S. 2036, S. 2361, S. 2506, S. 2668, and S. 2700; a substantial portion of S. 1088; sections 2 (c) and (d), 3 (a) and (b), 4, 5, 6, and 7 of H.R. 6808; and section 3 of H.R. 11959.

To facilitate full committee consideration, which I expect will take place very shortly, I am today introducing, for appropriate reference, the Veterans Education and Training Assistance Amendments Act of 1969.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record in full at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2993), to amend title 38, United States Code, in order to provide educational assistance to veterans attending elementary school; to provide special assistance to educationally disadvantaged veterans; to provide for a predischarge education program and a veterans outreach services program; to reduce under certain circumstances the number of semester hours that a veteran must carry in an institutional undergraduate college course in order to qualify for a full-time educational assistance allowance, and for other purposes; introduced by Mr. Cranston, was read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 2993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Education and Training Assistance Amendments Act of 1969".

Sec. 2. Subsection (c) of section 1652 of title 38, United States Code, is amended to read as follows:

"(c) The term 'educational institution' means any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers college, college, normal school, professional school, university, or scientific or technical institution, or other institution furnishing education for adults."

Sec. 3. (a) Chapter 34 of title 38, United States Code, is amended by—

(1) striking out "section 1678 of this title" in section 1661(c) and inserting "subchapters V and VI of this chapter";

(2) striking out section 1678; and

(3) adding at the end of chapter 34 the following new subchapters:

"SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

"§ 1690. Purpose

"It is the purpose of this subchapter (1) to encourage and assist veterans who have academic deficiencies to attain a high school education or its equivalent and to qualify and pursue courses of higher education, and (2) to encourage and assist institutions of higher education and other educational institutions in the development of programs which offer special instruction, counseling, tutorial, and other educational and supplementary assistance to such veterans and to encourage and assist such institutions in the development of special educational programs and projects for such veterans.

"§ 1691. Elementary and secondary education and preparatory educational assistance

"(a) In the case of any eligible veteran who—

"(1) has not received a secondary school diploma (or an equivalency certificate) at the time of his discharge or release from active duty, or

"(2) in order to pursue a program of education for which he would otherwise be eligible, needs refresher courses, deficiency courses, or other preparatory or special educational assistance to qualify for admission to an appropriate educational institution,

the Administrator may, without regard to so much of the provisions of section 1671 as prohibit the enrollment of an eligible veteran in a program of education in which he is already qualified, approve the enrollment of such veteran in an appropriate course or courses or other special educational assistance program.

"(b) The Administrator shall pay to an eligible veteran pursuing a course or courses or program pursuant to subsection (a) of this section an educational assistance allowance as provided in section 1681 and 1682 of this chapter; except that (1) no enrollment in adult evening secondary school courses shall be approved in excess of half-time training as defined pursuant to section 1684 of this title; and (2) whenever enrollment in a special educational assistance program cannot feasibly be measured under section 1684, such a program shall be considered full-time training for purposes of this chapter when a minimum of twenty-five net clock hours per week of instruction or other supervised program work is required, and the Administrator shall prescribe the instruction or other work requirements for part-time training for any special educational assistance program.

"§ 1692. Special supplementary assistance

"In the case of any eligible veteran who is enrolled in and pursuing a course of education at an educational institution and who, because of a deficiency in his education or training, needs one or more refresher courses, counseling, tutorial, or remedial assistance, or some other form of special supplementary assistance in order to successfully pursue such course, the Administrator shall, on behalf of the veteran, reimburse the educational institution concerned the reasonable cost of providing such veteran with such special supplementary assistance. The amounts which shall be paid on behalf of an eligible veteran to any educational institution for special supplementary assistance provided him under this subchapter and the terms and conditions under which such assistance shall be provided shall be prescribed in regulations issued by the Administrator after consultation with the Commissioner of Education, but in no event shall the amounts exceed $100 per month on behalf of an eligible veteran.

"§ 1693. Grants and contracts

"(a) To carry out the purposes of this subchapter, the Administrator is authorized, in accordance with regulations issued by him after consultation with the Commissioner of Education, to make grants to and enter into contracts with institutions of higher education and other educational institutions to encourage and assist such institutions to—

"(1) plan and develop programs or projects in connection with the special educational and supplementary assistance programs authorized to be provided to eligible veterans by sections 1691 and 1692; and

"(2) plan, develop, strengthen, or conduct other special educational programs or projects for eligible veterans, including, but not limited to—

"(A) accelerated and concentrated educational programs;

"(B) educational programs extending beyond the usual period for completion of the course of study at an educational institution; and

"(C) encouraging and training such veterans to pursue public service occupations to meet community needs.

"(b) To carry out the purposes of this subchapter and those of subchapter IV of chapter 3 of this title, the Administrator is authorized, in accordance with regulations issued by him after consultation with appropriate departments and agencies of the Government referred to in section 242(6) of this title, to make grants to and enter into contracts with public and private non-profit organizations for the purpose of providing the outreach services specified in that subchapter to educationally disadvantaged eligible veterans.

"(c) There are authorized to be appropriated to carry out this section $15,000,000 for the fiscal year ending June 30, 1970, and $30,000,000 for the fiscal year ending June 30, 1971.

"§ 1694. Effect on other benefits and on approval requirements

"(a) The benefits received by or on behalf of any veteran under this subchapter shall be paid without charge to any period of entitlement the veteran may have earned pursuant to section 1661(a) of this chapter and shall in no way affect his eligibility or qualification for benefits under other provisions of this title or under other provisions of law.

"(b) The provisions of sections 1673(d) and 1675 of this title shall not apply in the case of programs provided under sections 1691(a)(2), 1692, and 1693 of this title.

"SUBCHAPTER VI—PREDISCHARGE EDUCATION PROGRAM

"§ 1695. Purpose; definition

"(a) The purpose of this subchapter is to encourage and assist veterans in preparing for their future education, training, or vocation by providing them with an opportunity to enroll in and pursue a program of education or training prior to their discharge or release from active duty with the Armed Forces. The program provided for under this subchapter shall be known as the Predischarge Education Program (PREP).

"(b) For the purposes of this subchapter, the term 'eligible person' means any person serving on active duty with the Armed Forces who (1) has served on active duty not less than twelve consecutive months, and (2) has twelve months or less active duty service remaining prior to the time he is expected to be discharged or released from active duty, as certified to the Administrator by the Secretary concerned.

"§ 1696. Payment of training and educational expenses

"(a) The Administrator shall, under such regulations as he shall prescribe jointly with the Secretary of Defense and the Commissioner of Education, pay the education and training expenses for any eligible person who enrolls in and pursues a course of education or training offered by an educational institution if such course of education or training is required for or preparatory to any program of education or training or any vocation such eligible person intends to pursue after his discharge or release from active duty with the Armed Forces.

"(b) The education and training expenses which the Administrator shall pay under this subchapter on behalf of any eligible person shall include the cost of determining suitability for enrollment, job placement, and career guidance, and books and supplies furnished to the eligible person by the institution. In no event shall the Administrator pay more than $150 per month for any course of education or training pursued by any eligible person.

"(c) The cost of any education or training course paid for by the Administrator under this subchapter shall be paid directly to the educational institution furnishing such course.

"(d) In no event shall education or training expenses be paid on behalf of any eligible person for any period in excess of twelve months.

"§ 1697. Approved education or training courses and institutions

"The Administrator shall pay the expenses of a course of education or training pursued by an eligible person under this subchapter only if such course and the educational institution providing such course have been approved, without regard to sections 1673 (d) and 1675 of this title, by the Administrator in accordance with regulations issued jointly by the Administrator, the Secretary of Defense, and the Commissioner of Education.

"§ 1698. Educational and vocational guidance

"The Administrator shall be responsible for arranging for and coordinating educational and vocational guidance and job placement assistance to persons eligible for education and training under this subchapter.

"§ 1699. Effect on educational entitlement and benefits

"(a) Education and training expenses under this subchapter shall be paid without charge to any period of entitlement an eligible person may earn pursuant to section 1661(a) of this title.

"(b) No person shall be eligible to receive educational benefits under this subchapter for any period for which he is receiving an educational assistance allowance under subchapter IV of this chapter."

(b) The table of sections at the beginning of chapter 34 of title 38, United States Code, is amended by striking out

"1678. Special training for the educationally disadvantaged.";

and by adding at the end thereof the following:

"SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

"1690. Purpose.
"1691. Elementary and secondary education and preparatory educational assistance.
"1692. Special supplementary assistance.
"1693. Grants and contracts.
"1694. Effect on other benefits and on approval requirements.

"SUBCHAPTER VI—PREDISCHARGE EDUCATION PROGRAM

"1695. Purpose; definition.
"1696. Payment of training and education expenses.
"1697. Approved education or training courses and institutions.
"1698. Educational and vocational guidance.
"1699. Effect on educational entitlement and benefits."

(c) Section 1681(a) of such title is amended by inserting ", except subchapter VI," immediately after "this chapter".

SEC. 4. (a) Section 1684(a) of title 38, United States Code, is amended by—

(1) striking out "and" after the semicolon in clause (2); and

(2) striking out clause (3) and inserting in lieu thereof the following:

"(3) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required; except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of semester hours, for which credit is granted toward a standard college degree, shall be considered a full-time course, but in the event such minimum number of semester hours under (B) is less than twelve hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course; and

"(4) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this paragraph, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year.

Notwithstanding the provisions of clause (3), a veteran shall be considered to be pursuing a full-time course at a junior college, college, or university if (A) he is carrying a number of semester hours, or the equivalent thereof, necessary to be considered a full-time course under clause (3), (B) credit is granted toward a standard college degree for not less than half the number of those hours, and (C) he is carrying one or more courses not paid for under section 1692 of this title and for which no credit is granted toward such a degree but which he is required to take because of a deficiency in his education."

(b) Section 1733(a)(3) of such title is amended to read as follows: "(3) an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis for which credit is granted toward a standard college degree shall be considered a full-time course when a minimum of fourteen semester hours or its equivalent is required; except that where such college or university certifies, upon the request of the Administrator, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen semester hours or the equivalent thereof are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such a college or university with such minimum number of semester hours, for which credit is granted toward a standard college degree, shall be considered a full-time course, but in the event such minimum number of semester hours under clause (B) is less than twelve hours or the equivalent thereof, than twelve semester hours or the equivalent thereof shall be considered a full-time course."

SEC. 5. (a) Chapter 3 of title 38, United States Code, is amended by adding at the end thereof a new subchapter:

"SUBCHAPTER IV—VETERANS OUTREACH SERVICES PROGRAM

"§ 240. Purpose; definition

"(a) The Congress declares that the outreach services program authorized by this subchapter is for the purpose of insuring that all veterans, especially those who have been recently discharged or released from active military, naval, or air service and those who are eligible for readjustment or other benefits and services under laws administered by the Veterans' Administration and other governmental programs, receive personalized educational, vocational, social services, and job placement assistance in order to aid them in applying for and obtaining such benefits and services, in achieving a rapid social and economic readjustment to civilian life, and in obtaining a higher standard of living for themselves and their dependents. The Congress further declares that the outreach services program authorized by this subchapter is for the purpose of charging the Veterans' Administration with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such assistance through, to the maximum extent possible, one integrated Federal program which utilizes personnel who are able to communicate with and provide such assistance in the most effective and meaningful manner and which places maximum emphasis upon personal contact.

"(b) For the purpose of this subchapter, the term (1) 'other governmental programs' shall include all programs under State or local laws as well as all programs under Federal law other than those authorized by this title, and (2) the term 'eligible dependent' shall mean an 'eligible person' as defined in section 1701(a)(1) of this title.

"§ 241. Veterans assistance centers and outreach services

"(a) The Administrator shall establish and maintain veterans assistance centers at such places throughout the United States, its territories, Commonwealths, and possessions, as he determines to be necessary to carry out the purposes of this subchapter, with due regard for the geographic distribution of veterans recently discharged or released from active military, naval, or air service, the special needs of educationally disadvantaged veterans, and the necessity of providing appropriate outreach services in less populated areas.

"(b) Veterans assistance centers shall seek especially to provide the outreach services provided for in this subchapter to educationally disadvantaged veterans and shall, to the maximum practicable extent, be located in communities where large numbers of those veterans reside rather than in Federal or other business-district office buildings.

"(c) Special efforts shall be made to employ at veterans assistance centers veterans who themselves reside in the community served or in similar communities and, where possible, who themselves have received assistance from such centers. Personnel assigned to such centers shall be selected with major regard to their ability to communicate with and provide the outreach services authorized in this subchapter directly to educationally disadvantaged veterans in the most effective and meaningful manner.

"(d) Those outreach services that the Administrator shall provide to all eligible veterans and eligible dependents shall include, but shall not be limited to, the following:

"(1) The distribution of full information regarding all benefits and services to which they may be entitled under laws administered by the Veterans' Administration and to which they are entitled under other governmental programs, including training and manpower programs.

"(2) Arranging for and conducting, to the maximum extent possible, person-to-person interviews to explain and answer questions regarding the programs referred to in paragraph (1), and planning an individual program of education, training, or employment as may be best suited to the eligible veteran or eligible dependent concerned, and, in the case of an eligible veteran, an individual program which will also aid him in making a rapid social and economic readjustment to civilian life.

"(3) Providing job and other appropriate referrals and job placement assistance when appropriate, undertaking especially to match the particular qualifications of an eligible veterans or eligible dependent with an available job, on-the-job training opportunity, or apprenticeship opportunity which is commensurate with his qualifications or vocational objectives, and, if every effort to locate such an opportunity in his home area reveals no such opportunity, furnishing him with a listing of such opportunities available in other parts of the Nation.

"(4) Providing social and other special services necessary to aid them in obtaining maximum assistance from the benefits and services to which they are entitled.

"(5) Providing aid and assistance in the preparation and presentation of claims under this title and in connection with any other governmental program.

"(6) Maintaining full records of the outreach services offered and conducting periodic followup checks to determine the success of individual assistance provided and the success of the program generally.

"(e)(1) The Administrator shall pay the reasonable travel expenses, including per diem for food and necessary lodging, of any eligible veteran or eligible dependent in connection with any interview of such veteran or dependent with an employer or training or apprenticeship director where such interview results from services provided through the outreach services program. The amount paid to any veteran or dependent under this paragraph as a per diem allowance and for travel expenses shall not exceed the amount authorized for such purposes under the Standardized Government Travel Regulations.

"(2) The Administrator shall pay a reasonable moving allowance to any eligible veteran or eligible dependent who obtains employment or is placed in a training or apprenticeship program as a result of services provided through the outreach services program, if (A) every effort made to locate suitable employment or placement in a training or apprenticeship program in the veteran's or dependent's home area has revealed no such opportunity, (B) a moving allowance or similar relocation assistance is not available under any other existing Federal program, and (C) a moving allowance is not provided as a matter of established policy by the employer or by the training or apprenticeship program in which the veteran or dependent is to participate. Such allowance may include reasonable travel expenses for the veteran or dependent and his immediate family; reasonable expenses for moving his personal effects and household goods; and reasonable expenses for lodging for not more than a two-week period while seeking housing in the new location. In no case may the amount paid for moving the personal effects and household goods of a veteran or dependent exceed the maximum amount authorized to be paid pursuant to regulations issued by the President under section 5724 of title 5, United States Code, in connection with the transfer of an employee of the Federal Government.

"(3) The Administrator shall, after consultation with the Secretary of Labor, prescribe regulations to carry out the provisions of this subsection.

"(f) To the maximum extent possible, the Administrator shall begin providing the outreach services authorized in this subchapter to members of the Armed Forces prior to their discharge or release from active duty. Such services shall be provided such members at Army, Navy, and Air Force installations, especially those in foreign countries, pursuant to the authority of section 231 of this title.

"§ 242. Coordination with Federal and other agencies

"In carrying out the purposes of this subchapter, the Administrator shall—

"(1) utilize the facilities and services of any other Federal department or agency pursuant to proper agreement with the Federal department or agency concerned;

"(2) cooperate with and use the services of any State or local governmental agency or recognized national or other organization;

"(3) where appropriate, make referrals to any Federal department or agency or State or local governmental unit or recognized national or other organization;

"(4) at his discretion, make payment to cover the cost of services either in advance or by way of reimbursement as may be provided by agreement with any such Federal department or agency, State or local governmental unit or other organization;

"(5) at his discretion, furnish available space and office facilities for the use of authorized representatives of such governmental unit or other organization providing services under contract or agreement; and

"(6) conduct studies, in consultation and coordination with the Department of Health, Education, and Welfare, the Office of Economic Opportunity, the Department of Defense, the Department of Labor, the Department of Housing and Urban Development, and the Urban Affairs Council, to determine the most effective program design to carry out the purposes of this subchapter with respect to locating educationally disadvantaged veterans and assisting and motivating them to pursue education and training under this title.

"§ 243. Reports to Congress

"The Administrator shall submit to the Congress not later than September 1 and March 1 each year a report on the activities carried out under this subchapter, each report to include (1) an appraisal of the effectiveness of the programs authorized herein and the degree of cooperation from other Federal departments, agencies, other governmental programs, and service organization, with particular reference to sections 241(d)(6) and 242(6) of this title, and (2) recommendations for the improvement or more effective administration of such programs."

(b) The table of sections at the beginning of chapter 3 of such title is amended by inserting immediately after

"236. Administrative settlement of tort claims arising in foreign countries."

the following:

"Subchapter IV—Veterans Outreach Services Program

"240. Purpose; definition.
"241. Veterans assistance centers and outreach services.
"242. Coordination with Federal and other agencies.
"243. Reports to Congress."

Sec. 6. Section 1677(a)(1) of such title is amended by deleting "or must have satisfactorily completed the number of hours of flight training instruction required for a private pilot's license,".

Sec. 7. Section 1681(d) of title 38, United States Code, is amended by inserting below clause (2) the following:

"Notwithstanding the foregoing, the Administrator may pay an educational assistance allowance representing the initial payment of an enrollment period, not exceeding one full month, upon receipt of a certificate of enrollment."

Sec. 8. Section 1712 of title 38, United States Code, is amended by—

(1) deleting in subsection (a)(3) the words "first occurs" immediately preceding "(A)" and inserting in lieu thereof "last occurs"; and

(2) adding at the end thereof a new subsection as follows:

"(e) The term 'first finds' as used in this section means the effective date of the rating or date of notification to the veteran from whom eligibility is derived establishing a service-connected total disability permanent in nature, whichever is more advantageous to the eligible person."

Sec. 9. Chapter 36 of title 38, United States Code, is amended as follows:

(1) by inserting at the end of section 1772 thereof the following new subsection (c):

"(c) In the case of programs of apprenticeship where—

"(1) the standards have been approved by the Secretary of Labor pursuant to section 50a of title 29 as a national apprenticeship program for operation in more than one State, and

"(2) the training establishment is a carrier directly engaged in interstate commerce which provides such training in more than one State,

the Administrator shall act as a 'State approving agency' as such term is used in section 1683(a)(1) of this title and shall be responsible for the approval of all such programs."

(2) by deleting section 1781 of subchapter II in its entirety and inserting in lieu thereof the following:

"§ 1781. Limitations on educational assistance

"No educational allowance or special training allowance granted under chapter 34 or 35 of this title shall be paid to any eligible person (1) who is on active duty and is pursuing a course of education which is being paid for by the Armed Forces (or by the Department of Health, Education, and Welfare in the case of the Public Health Service); or (2) who is attending a course of education or training paid for under the Government Employees' Training Act and whose full salary is being paid to him while so training.";

(3) by deleting in the table of sections at the beginning of such chapter the following:

"1781. Nonduplication of benefits."

and inserting in lieu thereof the following:

"1781. Limitations on educational assistance."

Sec. 10. (a) Section 504 of the Act of October 15, 1968, entitled "An Act to amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes" is hereby repealed.

(b) Section 506 of the Act of October 16, 1968, entitled "An Act to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related Acts" is hereby repealed.

Sec. 11. The amendments made by this Act shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act.

SENATE JOINT RESOLUTION 156—INTRODUCTION OF A JOINT RESOLUTION ESTABLISHING AN INTERAGENCY COMMISSION FOR THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

Mr. YARBOROUGH. Mr. President, it is written in the Book of Exodus:

> And all the waters that were in the river turned to blood. And the fish that were in the river died; and the river stank.

This rather ominous verse takes on modern perspective when we are reminded of the recent chemical pollution of the Rhine River, and the consequent fish kill and deutilization of the water. Such violent episodes of concentrated pollution are nothing new. In my home State of Texas, for example, those who live along the Houston ship channel can tell you of the repeated instances of massive fish kills there.

Fortunately, the Congress and the American people are becoming increasingly concerned with the quality of our domestic environment. This concern is manifested by the vast number of bills pertaining to this subject now before the Congress, including some seven bills and resolutions pending in the Senate and 52 such bills and resolutions pending in the House.

Most of these bills are urgently needed and I support them. But, Mr. President, the problem of the pollution of the air we breathe and the water we drink knows no national, ethnic, geographical, or ideological boundaries. The more obvious threats to man's existence, such as an annihilative nuclear war, occupy our minds and efforts, and they should. But a more subtle threat to the well-being of our children and grandchildren deserves all the time and attention we can devote to it—in fact, the Draconian nature of the problem dictates that all nations must give it a crisis response. I am speaking of the creeping and relentless attack upon the hospitality of our environment.

It endangers a Russian as much as an American; a Jew as much as an Arab; a Communist as much as a capitalist; a black as much as a white; and the rich as much as the poor. It does so because our water and air are the property of no man, nation, or group, but belong to all men everywhere.

The conclusion that environmental jeopardy is universal is too self-evident to require a cataloging of the evidence. We read in the August 17, 1969, issue of the New York Times how the beaches in and near Tokyo, Yokohama, and other large Japanese cities have been unusable this summer because of pollution of the seawater. Though the coliform bacteria count per 100 millimeters must not exceed 50,000 for human immersion, the count at such beaches frequently reached 100,000 to 300,000 this summer. This pollution comes from wastes from chemical plants and homes that, discharged into rivers, ultimately find their way into open sea.

Then we read in the August 15, 1969, issue of Time magazine how, when Thor Heyerdahl sailed across half the Pacific, 22 years ago, he was "thrilled by the beauty and purity of the ocean," but how, when he attempted this year to sail from Africa to Central America in a boat made of papyrus reeds, his thrill was replaced with shock because "large surface areas in mid-ocean as well as nearer the continental shores on both sides were visibly polluted by human activity."

And we saw in the September 24, 1969, edition of the Dallas Times Herald how Iceland has found that the stock of fish in the North Atlantic is drastically diminishing because of pollution.

There have been too many other reported instances to record them all. Some important ones are reflected in the September 1968 issue of Bioscience, entitled "The Effects of Pesticides"; an article in the September 1969 issue of Environmental Science and Technology concerning the sea pollution created by a phosphorous plant in Newfoundland; an article in the New Scientists issue of December 12, 1968, entitled "The Menace of Mercury," which tells of dangerous amounts of methyl-mercury being found in fish as a result of water contamination by industrial effluents; and an article in the November-December 1960 issue of Oceanology International discussing our contaminated coastal waters. Mr. President, I ask unanimous consent that all the above mentioned magazine and newspaper articles be printed in the RECORD at the conclusion of my remarks.

We all know that a genuine debate is now raging about the future adequacy of oxygen in the air and water. With the world population due to increase from 3 to 7 billion by the end of the century, and with the ever-encreasing tendencies of this population to inject into the atmosphere and our waters oxygen absorbing industrial and human wastes, one can see why this debate, with its awesome implications, has taken on such serious proportions.

Walter Lippmann, one of the most influential political writers of our time, articulated so well what confronts us:

> The great question of our time is whether this mass democracy, these masses of people, are capable of the foresight to solve the environmental problem of the human race in this era. And that's a question which I'll never see the answer to, but that is the question which is grinding us from the inside.

Mr. President, at last the world is rising from the ostrich-sands of indifference. The world's foremost governmental organization, the United Nations, is planning an international conference in 1972 on the human environment. The United States, through its Ambassador to the U.N., has endorsed the proposal. Senate Resolution 179 has been introduced in the Senate by Senator MUSKIE, strongly supporting the conference and urging full U.S. participation. A companion resolution has been introduced in the House.

The Executive Office of the President has established a planning committee through its Federal Council for Science and Technology with State Department chairmanship. The response in the public press, in private organizations concerned with environmental affairs, and in the university community has been enthusiastic. For example, the Massachusetts Institute of Technology is organizing an interuniversity group to examine critically environmental problems and to provide objective information to U.S. policymakers who will attend the U.N. meeting.

The purpose of the 1972 conference is to make decisions looking to solving the global problems of environmental quality and productivity. It will not be another recitation of the many ways in which society is out of harmony with its natural surroundings—these are all too well known.

The time has come for action programs on a worldwide scale. Nothing less will do. The recent observations of the earth from outer space have taught people everywhere that our planet is a unique oasis of hospitality for the human race. Apollo experience has also taught us that the resources of "spacecraft earth" must be conserved, renewed, and recycled because, other than sunlight, they are finite and precious.

The scope of the conference is outlined in material which I ask unanimous consent to be printed in the RECORD at the conclusion of my remarks. The conference itself will involve some 1,200 participants, will run for 2 weeks and will cost about $2 million. Its objectives are to reach agreement on solutions to those problems of the human environment that can only best be solved through international cooperation and agreement. These objectives were more specifically described by the Secretary-General as follows:

> a. To focus the attention of governments and the public opinion on the importance and urgency of environmental problems so that increased attention thereto be given in policies and programmes of economic and social development, both in developed and developing countries.
>
> b. To provide a forum for exchange of views among governments on the ways and means of handling environmental problems, including machinery required for administrative and legislative action.
>
> c. To identify those aspects of such problems which can only, or best, be solved through international or regional cooperation and agreement;
>
> d. To consider methods to meet the need for intensified action at the national, regional and international level and in particular, how developing countries can through increased international cooperation, derive benefit from the mobilization of knowledge and experience about the problems of the human environment, enabling them, *inter alia*, to forestall the occurrence of many such problems;
>
> e. To focus attention on and encourage wider participation and support for present and future activities and programmes of United Nations' organizations and other international organizations related to the human environment and to give them a common outlook and direction.

Many conservation and restoration programs are coming into operation all over the world. We are not waiting for 1972 or any international meeting to begin ecological management. But international cooperation is vital in some areas and the historic difficulties of national and territorial agreement must be overcome to achieve the most important goals of environmental maintenance.

The United States has special responsibilities in these matters. We are the most industrialized and highly developed society in the world. Our science and technology are preeminent. The fundamental policies of this country have to do with an appreciation of nature and an understanding of its gifts. We should lead the way in international programs to manage the environment for the good of all mankind. This is one area where we need not be reticent for fear of accusations of imperialism. Our economic resources and know-how compel us to take the lead in the worldwide quest for an optimum relationship between population and environmental resources.

Mr. President, these imperatives suggest the need for vigorous activity by our Government in preparing for the 1972 United Nations Conference on the Human Environment. Unfortunately, however, I have found that our planning so far is a shoestring operation which will not equip our delegation for a leadership position. Despite endorsement by State Department spokesmen, no well-staffed office has been established. The various agencies which would logically be involved are represented on a committee but there is no evidence of a program or the means to see it through. My office has been advised that at present only one staff man from the State Department and only one staff man from the President's Office of Science Technology are working on this country's preparations for the conference, and their efforts are part time.

I realize the budgetary constraints of the administration and, in this issue of environmental quality, the great pressure of problems close to home, but the present efforts to prepare for this conference fall tragically short.

To properly plan for this conference, I am advised that we must begin a crash effort to obtain through governmental staff work, through consulting arrangements and through contract programs with private scientific and educational institutions, an in-depth study of environmental problems and a series of alternative proposed solutions. The legislation I now propose will enable the administration to undertake such a crash effort.

The joint resolution I introduce would create a commission composed of an appropriate number of members appointed by the President from the Department of State and other appropriate Federal departments and agencies. The Commission would be given the specific authority to make necessary plans for U.S. participation in the 1972 United Nations Conference on the Human Enrivonment, and other international conferences and meetings relating to the environment. It would be given the authority to enter into contract work with Federal or State agencies, private firms and institutions, for the conduct of research or surveys, the preparation of reports, and other activities necessary to the proper planning for these conferences. This legislation would additionally authorize sufficient moneys to carry out the extensive planning work contemplated by it.

The Congress often has recognized that decisions in pollution abatement, resource allocation, land use planning, recreation and conservation could not be made solely on a national basis. For example, in July 1968, a joint House-Senate colloquium on a National Policy for the Environment concluded it is the policy of the United States that:

> Environmental quality and productivity shall be considered in a worldwide context, extending in time from the present to the long-term future.
>
> Purposeful, intelligent management to recognize and accommodate the conflicting uses of the environment shall be a national responsibility.
>
> Information required for systematic management shall be provided in a complete and timely manner.
>
> Education shall develop a basis of individual citizen understanding and appreciation of environmental relationships and participation in decision making on these issues.
>
> Science and technology shall provide management with increased options and capabilities for enhanced productivity and constructive use of the environment.

It becomes obvious that in the absence of some congressional action and impetus, adequate preparation will not be made for our participation in the 1972 conference.

Mr. President, time could be running out on our species unless we act promptly to deal with the encroachments upon our delicate life system. If we do not seize with all the force at our command upon the opportunity for action presented by the 1972 conference, we may have a lifetime to regret it.

The United Nations has been a disappointment in many ways, particularly in the area of peacekeeping. But when it comes to dealing with worldwide social problems, it has proven to be the best vehicle for multination action the world has ever known. Indeed, the United Nations is the only effective means the nations of the earth have of coping with the environmental crisis in an organized manner.

As with problems of health and hunger and education, when it comes to the problem of the choking pollution permeating the waters and air of this beautiful planet, the United Nations is truly our "last great hope."

T. S. Eliot says that the world will end not with a bang but with a whimper. I do no know precisely what he had in mind as the agent of ultimate destruction. But, I do know that his great poetry forces upon us all the recognition that man cannot take his existence for granted. For far too long, we have been indifferent to the disruption of our environment by pollution. It is time now to man an all-out assault.

That is why, Mr. President, I believe this legislation is vitally important to us, not just as Americans, but as members of the human race.

Mr. President, I ask unanimous consent that this joint resolution be printed in full at the conclusion of my remarks, immediately before the magazine and newspaper articles that I have requested be printed at the conclusion of these remarks.

The **PRESIDING OFFICER**. The joint resolution will be received and appropriately referred; and, without objection, the articles and text of the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 156), to establish an interagency commission to make necessary plans for the United Nations Conference on the Human Environment scheduled for 1972 and for other international conferences and meetings relating to the human environment, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S.J. Res. 156

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established a commission to be known as the Interagency Commission on the Human Environment.

(b) It shall be the purpose of the Commission to make necessary plans for United States participation in (1) the United Nations Conference on the Human Environment scheduled for 1972, and (2) other international conferences and meetings relating to the human environment.

SEC. 2. (a) The Commission shall be composed of an appropriate number of members appointed by the President from the Department of State and other appropriate Federal departments and agencies. The President shall designate one member as chairman and one member as co-chairman.

(b) Members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

SEC. 3. The Commission shall appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this joint resolution. Such appointments shall be without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such compensation shall be fixed without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

SEC. 4. The Commission is authorized to request directly from any Federal department or agency any information it deems necessary to carry out the provisions of this joint resolution, and to utilize the services and facilities of such department or agency; and each Federal department or agency is authorized to furnish such information, services, and facilities to the Commission upon request of the chairman to the extent permitted by law and within the limits of available funds.

SEC. 5. The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

SEC. 6. There are authorized to be appropriated such amounts, not in excess of $500,000 for any fiscal year, as are necessary to carry out the provisions of this joint resolution.

The material furnished by Mr. YARBOROUGH follows:

[From the New York (N.Y.) Times, Aug. 17, 1969]

POLLUTION GROWS AT TOKYO BEACHES—EVEN MANY POOLS CANNOT MEET HEALTH STANDARDS

TOKYO, August 16.—When the mercury rises to 93 degrees in humid, smoggy Tokyo, as it did last Sunday, an obvious place to go would be a swimming pool or a beach.

But the easily reached Shonan resort area south of Yokohama, which includes central Japan's most popular beaches, had only half the attendances of previous years. Highways and trains were crowded with city dwellers going farther afield for weekend recreation.

The relatively low turnout at the long sweep of gray sand beaches along scenic Sagami Bay—where United States military forces were tentatively scheduled to make an invasion landing in 1945—was attributed largely to water pollution.

Japan's rapid industrialization has turned many of the best beaches into dumps of filth and harbors of germs. The low level of sanitation prompted the Health and Welfare Ministry to announce early in the summer that most beaches near Tokyo, Yokohama and other big cities were not suited for swimming.

POOLS ALSO CALLED UNCLEAN

Many company and hotel pools in Tokyo are also unsuitable. Tokyo's Public Health Bureau announced last week after a survey in which more than half of the 33 pools inspected failed to meet standards set by the Government. Tokyo, which swelters through a long humid summer, has a total of 1,665 public and private pools.

The Health Ministry warning in June described most of the 48 beaches in the Shonan area as filthy.

Government health officials have set three categories of sanitary standards. A count of up to 10,000 coliform bacteria per 100 milliliters (3.38 fluid ounces) is considered standard; from 10,000 to 50,000 tolerable; and anything more than 50,000 unsuitable for human immersion. At several of the popular nearby beaches, the count has frequently reached 100,000 to 300,000 this summer.

The Government of Kanagawa Prefecture, which includes most of the popular resorts, announced last week that the water now contained fewer germs—less than 10,000 per milliliter—as a result of disinfection measures. At the Enoshima beach, which the Health Department termed the most contaminated, the number of colitis germs was less than 5 per cent of the high level reported last year, the prefectural office said.

"GERM SCARE" WIDESPREAD

But apparently the announcement will make little difference. The "germ scare" already has affected many beachgoers. Beaches in the Shonan area have been less than two-thirds as crowded this year as in the past while other "clean" beaches—those farther to the south and those to the north of Tokyo Bay—have had record crowds despite an unusually rainy summer.

Officials say the pollution of sea water has been caused mainly by wastes from chemical plants and homes that, discharged into rivers, ultimately find their way to the open sea.

The Health and Welfare Ministry has instructed Tokyo, Kanagawa and other prefectures to take steps to remove the causes of pollution. Legislation giving the Government stronger power to deal with pollution problems was submitted to this year's session of Parliament but was shelved when the sitting ended last week amid sharp political clashes.

NEW YORK STANDARDS HIGHER

The New York City Health Department rates beaches as unsuitable for bathing if the coliform bacteria count rises above 2,400 per 100 milliliters. In accordance with this standard, Staten Island's South Beach was rated unacceptable with a count of 18,200. Typical ratings at acceptable beaches were 1,710 at Manhattan Beach and 1,140 at Ocean Parkway Beach.

[From Time magazine, Aug. 15, 1969]

SHOCK AT SEA

When the Norwegian author-explorer Thor Heyerdahl sailed across half the Pacific on a balsawood raft 22 years ago, he recalls, "We on *Kon Tiki* were thrilled by the beauty and purity of the ocean." During his recent attempt to sail from Africa to Central America in a boat made of papyrus reeds, which he was forced to abandon last month 600 miles from his goal, Heyerdahl's old thrill was replaced by shock. In Manhattan last week, he reported to the Norwegian Mission at the United Nations: "Large surface areas in mid-ocean as well as nearer the continental shores on both sides were visibly polluted by human activity."

Heyerdahl and his six-man crew were astonished and depressed by the quantity of jetsam bobbing hundreds of miles from land. Almost every day, plastic bottles, squeeze tubes and other signs of industrial civilization floated by the expedition's leaky boat. What most appalled Heyerdahl were sheets of "pelagic particles." At first he assumed that his craft was in the wake of an oil tanker that had just cleaned its tanks. But on five occasions he ran into the same substances covering the water so thickly, he told Time Researcher Nancy Williams, that "it was unpleasant to dip our toothbrushes into the sea. Once the water was too dirty to wash our dishes in."

The particles, some of which Heyerdahl collected for later analysis, are roughly the size of a pea. Oily and sometimes encrusted with tiny barnacles they smell like a combination of putrefying fish and raw sewage. Heyerdahl hopes that his experience will stir the U.N. to propose new international regulations to keep the oceans clean. "Modern man seems to believe that he can get everything he needs from .the corner drugstore," says the explorer. "He doesn't understand that everything has a source in the land or sea, and that he must respect those sources. If the indiscriminate pollution continues, we will be sawing off the branch we are sitting on."

[From the Dallas (Tex.) Times-Herald, Sept. 24, 1969]

OCEAN POLLUTION WORRIES ICELAND

UNITED NATIONS.—Iceland has warned that stock of fish in the North Atlantic is diminishing because of pollution, mainly caused by oil leaks.

Iceland's foreign minister, Emil Johnson, told the General Assembly Tuesday the international community must "decide upon an effective and just regime for the suboceanic areas, whose resources must be harvested for the benefit of all mankind."

[From Bioscience, September 1968]

THE EFFECTS OF PESTICIDES

(By William A. Niering, professor of botany and director of the Connecticut Arboretum, Connecticut College)

The dramatic appearance of Rachel Carson's *Silent Spring* (1962) awakened a nation to the deleterious effects of pesticides. Our technology had surged ahead of us. We had lost our perspective on just how ruthlessly man can treat his environment and still survive. He was killing pesty insects by the trillions, but he was also poisoning natural ecosystems all around him. It was Miss Carson's mission to arrest this detrimental use of our technological achievements. As one might have expected, she was criticized by special vested industrial interests and, to some degree, by certain agricultural specialists concerned with only one aspect of our total environment. However, there was no criticism, only praise, from the nation's ecosystematically oriented biologists. For those who found *Silent Spring* too dramatic an approach to the problem, the gap was filled two years later by *Pesticides and the Living Landscape* (1964) in which Rudd further documented Miss Carson's thesis but in more academic style.

The aim of this chapter is to summarize some of the effects of two pesticides—insecticides and herbicides—on our total environment, and to point up research and other educational opportunities for students of environmental science. The insecticide review will be based on representative studies from the literature, whereas the herbicide review will represent primarily the results of the author's research and experience in the Connecticut Arboretum at Connecticut College. Although some consider this subject controversial, there is really no controversy in the mind of the author—the issue merely involves the sound ecological use of pesticides only where necessary and without drastically contaminating or upsetting the dynamic equilibrium of our natural ecosystems. I shall not consider the specific physiological effects of pesticides, but rather their effects on the total environment—plants, animals, soil, climate, man—the biotic and abiotic aspects.

Environmental science or ecosystematic thinking should attempt to coordinate and integrate all aspects of the environment. Although ecosystems may be managed, they must also remain in a relative balance or dynamic equilibrium, analogous to a spider's web, where each strand is intimately interrelated and interdependent upon every other strand.

THE IMPACT OF INSECTICIDES

Ecologists have long been aware that simplifying the environment to only a few species can precipitate a catastrophe. Our highly mechanized agricultural operations, dominated by extensive acreages of one crop, encourage large numbers of insect pests. As insurance against insect damage, vast quantities of insecticides are applied with little regard for what happens to the chemical once it is on the land. Prior to World War II, most of our insecticides were non-persistent organics found in the natural environment. For example, the pyrethrins were derived from dried chrysanthemum flowers, nicotine sulphate from tobacco, and rotenone from the tropical derris plants. However, research during World War II and thereafter resulted in a number of potent persistent chlorinated hydrocarbons (DDT, dieldrin, endrin, lindane, chlordane, heptachlor and others) to fight the ever-increasing hordes of insects, now some 3000 species plaguing man in North America.

In 1964, industries in the United States produced 783 million lbs. of pesticides, half insecticides and the other half herbicides, fungicides and rodenticides. The application of these chemicals on the nation's landscape[1] has now reached the point where one out of every ten acres is being sprayed with an average of 4 lbs. per acre (Anonymous, 1966).

POSITIVE EFFECTS ON TARGET ORGANISMS

That market yields and quality are increased by agricultural spraying appears to have been well documented. Data from the National Agricultural Chemical Association show net increased yields resulting in from $5.00 to $100.00 net gains per acre on such crops as barley, tomatoes, sugar beets, pea seed, and cotton seed. However, Rudd (1964) questions the validity of these figures, since there is no explanation just how they were derived. His personal observations on the rice crop affected by the rice leaf miner outbreak in California are especially pertinent. The insect damage was reported as ruining 10% to 20% of the crop. He found this to be correct for some fields, but most of the fields were not damaged at all. In this situation, the facts were incorrect concerning the pest damage. It appears that not infrequently repeated spraying applications are merely insurance sprays and in many cases actually unnecessary. Unfortunately, the farmer is being forced to this procedure in part by those demanding from agriculture completely insect-free produce. This has now reached ridiculous proportions. Influenced by advertising, the housewife now demands perfect specimens with no thought of or regard for how much environmental contamination has resulted to attain such perfection. If we could relax our standards to a moderate degree, pesticide contamination could be greatly reduced. Although it may be difficult to question that spraying increases yields and quality of the marketable products, there are few valid data available on how much spraying is actually necessary, how much it is adding to consumer costs, what further pests are aggravated by spraying, and what degree of resistance eventually develops.

NEGATIVE EFFECTS ON NONTARGET ORGANISMS

Although yields may be increased with greater margins of profit, according to available data, one must recognize that these chemicals may adversely affect a whole spectrum of nontarget organisms not only where applied but possibly thousands of miles from the site of application. To the ecologist concerned with the total environment, these persistent pesticides pose some serious threats to our many natural ecosystems. Certain of these are pertinent to review.

---

[1] Dr. George Woodwell estimates that there are 1 billion lbs. of DDT now circulating in the hemisphere.

1. Killing of nontarget organisms. In practically every spray operation, thousands of nontarget insects are killed, many of which may be predators on the very organisms one is attempting to control. But such losses extend far beyond the beneficial insects. In Florida, an estimated 1,117,000 fishes of at least 30 species (20 to 30 tons), were killed with dieldrin, when sand flies were really the target organism. Crustaceans were virtually exterminated—the fiddler crabs survived only in areas missed by the treatment (Harrington and Bidlingmayer, 1958).

In 1963, there was a "silent spring" in Hanover, New Hampshire. Seventy per cent of the robin population—350 to 400 robins—was eliminated in spraying for Dutch elm disease with 1.9 lb. per acre DDT (Wurster et al., 1965). Wallace (1960) and Hickey and Hunt (1960) have reported similar instances on the Michigan State University and University of Wisconsin campuses. Last summer, at Wesleyan University, my students observed dead and trembling birds following summer applications of DDT on the elms. At the University of Wisconsin campus (61 acres), the substitution of methoxychlor has resulted in a decreased bird mortality. The robin population has jumped from three to twenty-nine pairs following the change from DDT to methoxychlor. Chemical control of this disease is often overemphasized, with too little attention directed against the sources of elm bark beetle. Sanitation is really the most important measure in any sound Dutch elm disease control program (Matthysse, 1959).

One of the classic examples involving the widespread destruction of nontarget organisms was the fire ant eradication program in our southern states. In 1957, dieldrin and heptochlor were aerially spread over two and one-half million acres. Wide elimination of vertebrate populations resulted; and recovery of some populations is still uncertain (Rudd, 1964). In the interest of science, the Georgia Academy of Science appointed an ad hoc committee to evaluate this control-eradication program (Bellinger et al., 1965). It found that reported damage to crops, wildlife, fish, and humans had not been verified, and concluded, furthermore, that the ant is not really a significant economic pest but a mere nuisance. Here was an example where the facts did not justify the federal expenditure of $2.4 million in indiscriminate sprays. Fortunately, this approach has been abandoned, and local treatments are now employed with Mirex, a compound with fewer side effects. Had only a small percentage of this spray expenditure been directed toward basic research, we might be far ahead today in control of the fire ant.

2. Accumulation in the food chain. The persistent nature of certain of these insecticides permits the chemical to be carried from one organism to another in the food chain. As this occurs, there is a gradual increase in the biocide at each higher trophic level. Many such examples have been reported in the literature. One of the most striking comes from Clear Lake, California, where a 46,000-acre warm lake, north of San Francisco, was sprayed for pesty gnats in 1949, 1954, and 1957, with DDD, a chemical presumably less toxic than DDT. Analyses of the plankton revealed 250 times more of the chemical than originally applied, the frogs 2000 times more, sunfish 12,000, and the grebes up to an 80,000-fold increase (Cottam, 1965; Rudd, 1964). In 1954 death among the grebes was widespread. Prior to the spraying, a thousand of these birds nested on the lake. Then for 10 years no grebes hatched. Finally, in 1962, one nestling was observed, and the following year three. Clear Lake is popular for sports fishing, and the flesh of edible fish now caught reaches 7 ppm, which is above the maximum tolerance level set by the Food and Drug Administration.

In an estuarine ecosystem, a similar trend has been reported on the Long Island tidal marshes, where mosquito control spraying with DDT has been practiced for some 20 years (Woodwell et al., 1967). Here the food chain accumulation shows plankton 0.04 ppm, shrimp 0.16 ppm, minnows 1 to 2 ppm, and ring-billed gull 75.5 ppm. In general, the DDT concentrations in carnivorous birds were 10 to 100 times those in the fish they fed upon. Birds near the top of the food chain have DDT residues about a million times greater than concentration in the water. Pesticide levels are now so high that certain populations are being subtly eliminated by food chain accumulations reaching toxic levels.

3. Lowered reproductive potential. Considerable evidence is available to suggest a lowered reproductive potential, especially among birds, where the pesticide occurs in the eggs in sufficient quantities either to prevent hatching or to decrease vigor among the young birds hatched. Birds of prey, such as the bald eagle, osprey, hawks, and others, are in serious danger. Along the northeast Atlantic coast, ospreys normally average about 2.5 young per year. However, in Maryland and Connecticut, reproduction is far below this level. In Maryland, ospreys produce 1.1 young per year and their eggs contain 3 ppm DDT, while in Connecticut, 0.5 young ospreys hatch and their eggs contain up to 5.1 ppm DDT. These data indicate a direct correlation between the amount of DDT and the hatchability of eggs—the more DDT present in the eggs, the fewer young hatched (Ames, 1966). In Wisconsin, Keith (1964) reports 38% hatching failure in herring gulls. Early in the incubation period, gull eggs collected contained over 200 ppm DDT and its cogeners. Pheasant eggs from DDT-treated rice fields compared to those from unsprayed lands result in fewer healthy month-old chicks from eggs taken near sprayed fields. Although more conclusive data may still be needed to prove that pesticides such as DDT are the key factor, use of such compounds should be curtailed until it is proved that they are not the causal agents responsible for lowering reproductive potential.

4. Resistance to sprays. Insects have a remarkable ability to develop a resistance to insecticides. The third spray at Clear Lake was the least effective on the gnats, and here increased resistance was believed to be a factor involved. As early as 1951, resistance among agricultural insects appeared. Some of these include the codling moth on apples, and certain cotton, cabbage, and potato insects. Over 100 important insect pests now show a definite resistance to chemicals (Carson, 1962).

5. Synergistic effects. The interaction of two compounds may result in a third much more toxic than either one alone. For example, Malathion is relatively "safe" because detoxifying enzymes in the liver greatly reduce its toxic properties. However, if some compound destroys or interrupts this enzyme system, as certain organic phosphates may do, the toxicity of the new combination may be increased greatly. Pesticides represent one of many pollutants we are presently adding to our environment. These subtle synergistic effects have opened a whole new field of investigation. Here students of environmental science will find many challenging problems for future research.

6. Chemical migration. After two decades of intensive use, pesticides are now found throughout the world, even in places far from any actual spraying. Penguins and crab-eating seals in the Antarctic are contaminated, and fish far off the coasts of four continents now contain insecticides ranging from 1 to 300 ppm in their fatty tissues (Anonymous, 1966).

The major rivers of our nation are contaminated by DDT, endrin, and dieldrin, mostly in the parts per trillion range. Surveys since 1957 reveal that dieldrin has been the main pesticide present since 1958. Endrin reached its maximum, especially in the lower Mississippi River, in the fall of 1963 when an extensive fish kill occurred and has since that time decreased. DDT and its cogeners, consistently present since 1958, have been increasing slightly (Breidenbach et al., 1967).

7. Accumulation in the ecosystem. Since chlorinated hydrocarbons like DDT are not readily broken down by biological agents such as bacteria, they may not only be present but also accumulate within a given ecosystem. On Long Island, up to 32 lb. of DDT have been reported in the marsh mud, with an average of 13 lb. presumed to be correlated with the 20 years of mosquito control spraying (Woodwell et al., 1967). Present in these quantities, burrowing marine organisms and the detritus feeders can keep the residues in continuous circulation in the ecosystem. Many marine forms are extremely sensitive to minute amounts of insecticides. Fifty per cent of a shrimp population was killed with endrin 0.6 parts per billion (ppb). Even 1 ppb will kill blue crabs within a week. Oysters, typical filter feeders, have been reported to accumulate up to 70,000 ppm. (Loosanoff, 1965). In Green Bay along Lake Michigan, Hickey and Keith (1964) report up to 0.005 ppm wet weight of DDT, DDE, and DDD in the lake sediments. Here the accumulation has presumably been from leaching or run-off from surrounding agricultural lands in Door County, where it is reported that 70,000 pounds of DDT are used annually. Biological concentration in Green Bay is also occurring in food chain organisms, as reported at Clear Lake, California. Accumulation of biocides, especially in the food chain, and their availability for recycling pose a most serious ecological problem.

8. Delayed response. Because of the persistent nature and tendency of certain insecticides to accumulate at toxic levels in the food chain, there is often a delayed response in certain ecosystems subjected either directly or indirectly to pesticide treatment. This was the case at Clear Lake, where the mortality of nontarget organisms occurred several years after the last application. This is a particularly disturbing aspect, since man is often the consumer of those food chain organisms accumulating pesticide residues. In the general population, human tissues contain about 12 ppm DDT-derived materials. Those with meatless diets, and the Eskimos, store less; however, agricultural applicators and formulators of pesticides may store up to 600 ppm DDT or 1000 ppm DDT-derived components. Recent studies indicate that dieldrin and lindane are also stored in humans without occupational exposure (Durham, 1965). The possibility of synergistic effects involving DDT, dieldrin, lindane, and other pollutants to which man is being exposed may result in unpredictable hazards. In fact, it is now believed that pesticides may pose a genetic hazard. At the recent conference of the New York Academy of Science, Dr. Onsy G. Fahmy warned that certain chlorinated hydrocarbons, organophosphates and carbamates were capable of disrupting the DNA molecule. It was further noted that such mutations may not appear until as many as 40 generations later. Another scientist, Dr. M. Jacqueline Verrett, pointed out that certain fungicides (folpet and captan) thought to be nontoxic have chemical structures similar to thalidomide.

We are obviously dealing with many biological unknowns in our widespread use of presumably "safe" insecticides. We have no assurance that 12 ppm DDT in our human tissue, now above the permissible in marketable products for consumption, may not be resulting in deleterious effects in future generations. As Rudd warns (1964): ". . . it would be somewhat more than embarrassing for our 'experts' to learn that significant effects do occur in the long term. One hundred and eight million human guinea pigs would have paid a high price for their trust."

Of unpredicted delayed responses, we have an example in radiation contamination. In the Bravo tests on Bikini in 1954, the natives on Rongelap Atoll were exposed to radiation assumed to be safe. Now more than a decade later, tumors of the thyroid gland have been discovered in the children exposed to these presumably safe doses (Woodwell et al., 1966). Pesticides per se or synergisms resulting from their interaction could well plague man in now unforeseen or unpredictable ways in the future.

THE SOUND USE OF HERBICIDES

In contrast to insecticides, herbicides are chemical weed-killers used to control or kill unwanted plants. Following World War II, the chlorinated herbicide 2, 4-D began to be used widely on broadleaf weeds. Later, 2, 4, 5-T was added, which proved especially effective on woody species. Today, over 40 weed-killers are available. Although used extensively in agriculture, considerable quantities are used also in aquatic weed control and in forestry, wildlife, and right-of-way vegetation management. Currently, large quantities are being used as defoliators in Vietnam.

Although herbicides in general are much safer than insecticides in regard to killing nontarget organisms and in their residual effects, considerable caution must be exercised in their proper use. One of the greatest dangers in right-of-way vegetation management is their indiscriminate use, which results in habitat destruction. Drift of spray particles and volatility may also cause adverse effects on nontarget organisms, especially following indiscriminate applications. In the Connecticut Arboretum, shade trees have been seriously affected as a result of indiscriminate roadside sprays (Niering, 1959). During the spring of 1957, the town sprayed the marginal trees and shrubs along a roadside running through the Arboretum with 2, 4–D and 2, 4, 5–T (1 part chemical: 100 parts water). White oaks overarching the road up to 2 feet in diameter were most seriously affected. Most of the leaves turned brown. Foliage of scarlet and black oaks of similar size exhibited pronounced leaf curling. Trees were affected up to 300 feet back from the point of application within the natural area of the Arboretum. White oak twigs near the sprayed belt also developed a striking weeping habit as twig elongation occurred—a growth abnormality still conspicuous after 10 years.

The effectiveness of the spray operation in controlling undesirable woody growth indicated a high survival of unwanted tree sprouts. Black birch and certain desirable shrubs were particularly sensitive. Shrubs affected were highly ornamental forms often planted in roadside beautification programs. The resulting ineffectiveness of the spray operation was indicated by the need for cutting undesirable growth along the roadside the following year.

In the agricultural use of herbicides, drift effects have been reported over much greater distances. In California, drift from aerial sprays has been reported up to 30 miles from the point of application (Freed, 1965).

Although toxicity of herbicides to nontarget organisms is not generally a problem, it has been reported in aquatic environments. For example, the dimethylamine salt of 2, 4-D is relatively safe for bluegill at 150 ppm, but the butyl, ethyl, and isopropyl esters are toxic to fish at around 1 ppm (R. E. Johnson, personal communication). Studies of 16 aquatic herbicides on *Daphnia magna*, a microcrustracean, revealed that 2, 4-D (specific derivative not given) seemed completely innocuous but that several others (Dichlone, a quinone; Molinate, a thiolcarbamate; Propanil, an anilide; sodium arsenite and Dichlopenil, a nitrile) could present a real hazard to this lower food chain organism (Crosby and Tucker, 1966).

Effects on rights-of-way. The rights-of-way across our nation comprise an estimated 70,000,000 acres of land, much of which is now subjected to herbicide treatment (Niering, 1967). During the past few decades, indiscriminate foliar applications have been widespread in the control of undesirable vegetation, erroneously referred to as brush (Goodwin and Niering, 1962). Indiscriminate applications often fail to root-kill undesirable species, therefore necessitating repeated retreatment, which results in the destruction of many desirable forms. Indiscriminate sprays are also used for the control of certain broadleaf weeds along roadsides. In New Jersey, 19 treatments were applied during a period of 6 years in an attempt to control ragweed (Dill, 1963). This, of course, was ecologically unsound, when one considers that ragweed is an annual plant typical of bare soil and that repeated sprayings also eliminate the competing broadleaved perennial species that, under natural successional conditions, could tend to occupy the site and naturally eliminate the ragweed. Broadcast or indiscriminate spraying can also result in destruction of valuable wildlife habitat in addition to the needless destruction of our native flora—wildflowers and shrubs of high landscape value.

Nonselective spraying, especially along roadsides, also tends to produce a monotonous grassy cover free of colorful wildflowers and interesting shrubs. It is economically and aesthetically unsound to remove these valuable species naturally occurring on such sites. Where they do not occur, highway beautification programs plant many of these same shrubs and low-growing trees.

Recognizing this nation-wide problem in the improper use of herbicides, the Connecticut Arboretum established, over a decade ago, several right-of-way demonstration areas to serve as models in the sound use of herbicides (Niering, 1955; 1957; 1961). Along two utility rights-of-way and a roadside crossing the Arboretum, the vegetation has been managed following sound ecological principles, as shown in Figures 3 and 4 (Egler, 1954; Goodwin and Niering, 1959; Niering, 1958). Basic techniques include basal and stump treatments. The former involves soaking the base of the stem (root collar) and continuing up the stem for 12 inches; the stump technique involves soaking the stump immediately after cutting. Effective formulations include 2, 4, 5-T in a fuel oil carrier (1 part chemical: 20 parts oil). Locally, stem-foliage sprays may be necessary, but the previous two techniques form the basic approach in the selective use of weed-killers. They result in good root-kill and simultaneously preserve valuable wildlife habitat and aesthetically attractive native species, all at a minimum of cost to the agency involved when figured on a long-range basis. In addition to these gains, the presence of good shrub cover tends to impede tree invasion and to reduce future maintenance costs (Pound and Egler, 1953; Niering and Egler, 1955).

Another intriguing use of herbicides is in naturalistic landscaping. Dr. Frank Egler conceived this concept of creating picturesque natural settings in shrubby fields by selectively eliminating the less attractive species and accentuating the ornamental forms (Kenfield, 1966). At the Connecticut Arboretum we have landscaped several such areas (Niering and Goodwin, 1963). The one shown in Figure 5 was designed and created by students. This approach has unlimited application in arresting vegetation development and preserving landscapes that might disappear under normal successional or vegetational development processes.

Future Outlook

Innumerable critical moves have recently occurred that may alter the continued deterioration of our environment. Secretary Udall has banned the use of DDT, chlordane, dieldrin, and endrin on Department of the Interior lands. The use of DDT has been banned on state lands in New Hampshire and lake trout watersheds in New York State; in Connecticut, commercial applications are limited to dormant sprays. On Long Island, a temporary court injunction has been granted against the Suffolk County Mosquito Control Board's use of DDT in spraying tidal marshes. The Forest Service has terminated the use of DDT, and in the spring of 1966 the United States Department of Agriculture banned the use of endrin and dieldrin. Currently, the Forest Service has engaged a toplevel research team in the Pacific Southwest to find chemicals highly selective to individual forest insect pests and that will break down quickly into harmless components. The Ribicoff hearing, which has placed Congressional focus on the problem of environmental pollution and Gaylord Nelson's bill to ban the sale of DDT in the United States are all enlightened endeavors at the national level.

The United States Forest Service has a selective program for herbicides in the National Forests. The Wisconsin Natural Resources Committee has instituted a selective roadside right-of-way maintenance program for the State. In Connecticut, a selective approach is in practice in most roadsides and utility spraying.

Although we have considerable knowledge of the effects of biocides on the total environment, we must continue the emphasis on the holistic approach in studying the problem and interpreting the data. Continued observations of these occupationally exposed and of residents living near pesticide areas should reveal invaluable toxicological data. The study of migrant workers, of whom hundreds have been reported killed by pesticides, needs exacting investigation.

The development of more biological controls as well as chemical formulations that are specific to the target organism with a minimum of side effects needs continuous financial support by state and federal agencies and industry. Graduate opportunities are unlimited in this field.

As we look to the future, one of our major problems is the communication of sound ecological knowledge already available rather than pseudoscientific knowledge to increase the assets of special interest groups (Egler, 1964; 1965; 1966). The fire ant fiasco may be cited as a case in point. And as Egler (1966) has pointed out in his fourth most recent review of the pesticide problem: ". . . 95% of the problem is not in scientific knowledge of pesticides but in scientific knowledge of human behavior. . . . There are power plays . . . the eminent experts who deal with parts not ecological wholes."

One might ask, is it really good business to reduce the use of pesticides? Will biological control make as much money? Here the problem integrates political sciences, economics, sociology, and psychology. Anyone seriously interested in promoting the sound use of biocides must be fully cognizant of these counter forces in our society. They need serious study, analysis, and forthright reporting in the public interest. With all we know about the deleterious effects of biocides on our environment, the problem really challenging man is to get this scientific knowledge translated into action through the sociopolitical pathways available to us in a free society. If we fail to communicate a rational approach, we may find that technology has become an invisible monster as Egler has succinctly stated (1966).

Pesticides are the greatest single tool for simplifying the habitat ever conceived by the simple mind of man, who may yet prove too simple to grasp the fact that he is but a blind strand of an ecosystem web, dependent not upon himself, but upon the total web, which nevertheless he has the power to destroy.

Here environmental science can involve the social scientist in communicating sound science to society and involve the political scientist in seeing that sound scientific knowledge is translated into reality. Our survival on this planet may well depend on how well we can make this translation.

REFERENCES

Ames, P. L. 1966. DDT residues in the eggs of the osprey in the northeastern United States and their relation to nesting success. *J. Applied Ecol.,* 3 (suppl.): 87–97.

Anonymous. 1966. Fish, wildlife and pesticides. U.S. Dept. of Interior, Supt. of Doc. 12 p.

Bellinger, F., R. E. Dyer, R. King, and R. B. Platt. 1965. A review of the problem of the imported fire ant. *Bull. Georgia Acad. Sci.,* Vol. 23, No. 1.

Breidenbach, A. W., C. G. Gunnerson, F. K. Kawahara, J. J. Lichtenberg, and R. S. Green. 1967. Chlorinated hydrocarbon pesticides in major basins, 1957–1965. *Public Health Rept.* 82: 139–156.

Carson, Rachel. 1962. *Silent Spring.* Houghton Mifflin, Boston, 368 p.

Cottam, C. 1965. The ecologists' role in problems of pesticide pollution. *Bio-Science,* 15: 457–463.

Crosby, D. G., and R. K. Tucker, 1966. Toxicity of aquatic herbicides to *Daphnia magna. Science,* 154: 289–290.

Dill, N. H. 1962–63. Vegetation management. *New Jersey Nature News,* 17: 123–130; 18: 151–157.

Durham, W. F. 1965. Effects of pesticides on man. *In* C. O. Chichester, ed., *Research in Pesticides.* Academic Press, Inc., New York.

Egler, F. E. 1954. Vegetation management for rights-of-way and roadsides. *Smithsonian Inst. Rept. for 1953:* 299–322.

———. 1964a. Pesticides in our ecosystem. *Am. Scientist,* 52: 110–136.

———. 1964b. Pesticides in our ecosystem: communication I: *BioScience,* 14: 29–36.

———. 1965. Pesticides in our ecosystem: communication III. *Assoc. Southeastern Biologist Bull.,* 12: 9–91.

———. 1966. Pointed perspectives. Pesticides in our ecosystem. *Ecology,* 47: 1077–1084.

Freed, V. H. 1965. Chemicals and the control of plants. *In* C. O. Chichester ed., *Research in Pesticides.* Academic Press, Inc., New York.

Goodwin, R. H., and W. A. Niering. 1959. The management of roadside vegetation by selective herbicide techniques. *Conn. Arboretum Bull.,* 11: 4–10.

———. 1962. What is happening along Connecticut's roadsides. *Conn. Arboretum Bull.,* 13: 13–24.

Harrington, R. W., Jr., and W. L. Bidlingmayer. 1958. Effects of dieldrin on fishes and invertebrates of a salt marsh. *J. Wildlife Management,* 22: 76–82.

Hickey, J. J., and L. Barrie Hunt. 1960. Initial songbird mortality following a Dutch elm disease control program, *J. Wildlife Management,* 24: 259–265.

Hickey, J. J., and J. A. Keith. 1964. Pesticides in the Lake Michigan ecosystem. *In* The Effects of Pesticides on Fish and Wildlife. U.S. Dept. Interior Fish and Wildlife Service.

Keith, J. A. 1964. Reproductive success in a DDT-contaminated population of herring gulls, p. 11–12. *In* The Effects of Pesticides on Fish and Wildlife. U.S. Dept. Interior Fish and Wildlife Service.

Kenfield, W. G., 1966. *The Wild Gardener in the Wild Landscape.* Hafner, New York. 232 p.

Loosanoff, V. L. 1965. Pesticides in sea water. *In* C. O. Chichester, ed., *Research in Pesticides.* Academic Press, Inc., New York.

Matthysse, J. G. 1959. An evaluation of mist blowing and sanitation in Dutch elm disease control programs. N.Y.

[From Environmental Science and Technician, September 1969]

POLLUTION SHUTS DOWN PHOSPHORUS PLANT, CLEANUP OF POLLUTED WATERWAY PROVES COSTLY FOR CANADIAN FIRM

In December, 1968, Electric Reduction of Canada, Ltd. (ERCO), started up the first of two furnaces at its new phosphorus plant beside Long Harbour in Newfoundland. The plant, which produces phosphorus by electric furnace roasting of phosphate rock (fluoroapatite) with silica and coke, was located in Newfoundland partly because of the availability of cheap electricity in the province, the result of several large hydroelectric projects in Canada's maritime provinces.

Although the eventual capacity of the plant was planned at 50,000 tons per year, the second furnace never came on stream. A series of events which had much of eastern Canada on its ear took place in quick succession. First, a spill occurred while a specially designed tanker was being loaded with phosphorus for delivery to Albright and Wilson, ERCO's parent company in England. The actual extent of this spill has not been revealed, but it was of sufficient magnitude to result in the company's installing hydrocyclones to remove phosphorus from the plant effluent, reportedly running into the sea at a rate of around 8000 g.p.m. Apparently, the spill made ERCO management wary of possible pollution, although installation of the hydrocyclones presumably would have no effect on a loading spill.

FISH KILL

Early in 1969, fishermen in Placentia Bay, the 40 mile wide body of salt water into which 2 mile wide Long Harbour empties, started to notice dead fish. Since the Newfoundland coast is a prime region for commercial fisheries—herring, cod, and lobster are the main commercial species—it was not long before the federal Ministry of Fisheries was called in to investigate. In May, ERCO voluntarily shut down the plant. The Canadian investigation team, headed by D. R. Idler of the federal Fisheries Research Board laboratory (Halifax, Nova Scotia) discovered that the fish had died from, among other things, rupture of the red blood cells. Phosphorus content in the fish was very low as, for that matter, was the phosphorus content of the harbor water.

However, phosphorus is extremely insoluble in water, and investigation revealed that the floor of the harbor near the plant outfall was covered with a layer of sludge high in phosphorus content. It has been suggested that bottom feeding fish such as herring might have stirred up and then ingested the phosphorus. The Fisheries team closed Placentia Bay to fishing (it has since been reopened partially) and worked closely with ERCO to find a solution to the problem.

This solution is proving to be very costly for the company. ERCO has agreed to treat all its wastes before any water is discharged. (An estimate of the pre-closure level of phosphorus discharge is ½–1 ton per day). Toward this end, the company is further testing hydrocyclones. If these measures do not succeed, ERCO will have to lagoon all its liquid wastes. The company has undertaken dredging of the bottom of Long Harbour to remove the phosphorus impregnated sludge, reportedly spending $1 million on this phase alone. The procedure involves use of a special suction dredge and settling out of the sludge in settling ponds with a total volume of almost 4 million cubic feet.

LESSONS FROM THE DAMAGE

The cleanup work is still going on, but the damage, in terms both of destruction of fish and of ERCO's profits (to say nothing of the company's public image) has been done. Still, there are lessons to be learned from this unhappy tale:

The people of Newfoundland have discovered that new industry brings with it new problems as well as new jobs.

The Electric Reduction Co. has learned that it is more expensive to have to treat pollution problems after opening a plant than to do so before. Emergency operations, overtime rates of pay, and a hostile public are not conducive to healthy and prosperous business.

Perhaps, the most optimistic reflection on the whole incident is made by the Fisheries Research Board's Idler who says. "In the past two or three months we have learned more about the effect of phosphorus on marine life than exists in the entire literature."

[From New Scientist, Dec. 12, 1968]

THE MENACE OF MERCURY

(By Dr. A. Jernelov, head of the Swedish Air and Water Pollution Research Laboratory, Stockholm)

Methyl-mercury was prohibited as a seed-dressing in Sweden in 1966, after mercury poisoning had threatened the very existence of some species of birds. Since that time the mercury content of birds' feathers has been declining. But the situation is still serious with regard to fish, and birds which eat fish. Mercury compounds in factory effluents are being converted by aquatic microorganisms to methyl-mercury, which can build up to dangerous levels in fish.

The story began about 10 years ago in Japan, when a mysterious illness occurred among fishermen and their families around Minamata Bay. The first symptoms of the illness were numbness of the extremities and lips; tunnel-vision; and ataxia. In 1960 it was shown that "Minamata disease" was caused by methyl-mercury passed on from fish and shellfish caught in the bay. The source of the mercury eventually turned out to be the effluent of a factory producing acetaldehyde.

Most of the mercury in the effluent was in the form of metallic mercury and inorganic divalent mercury but there were also small amounts of methyl-mercury. These mercury compounds, especially methyl-mercury, were being concentrated in the tissues of the marine organisms and further enriched by accumulation in their natural predators, thus passing up the food chain. In this way, the concentration of mercury (chiefly as methyl-mercury) in the organisms used as human food reached 20–50 ppm on a fresh weight basis. Several persons suffered serious damage to the central nervous system after consuming heavy meals of fish with this concentration of methyl-mercury. Many of these cases were fatal and foetal damage occurred in pregnant women who themselves appeared to be unaffected.

In 1965, similar cases of methyl-mercury toxicity from fish and shellfish occurred at Agano River in Niigata. The source of mercury in this instance was also a factory making aceteldehyde, where again methylation of some of the mercury used as a catalyst occurred in the factory. Thanks to experience in Minamata, an early diagnosis was made; the source of mercury was detected and the effluent stopped. To avoid further occurrences, the Japanese authorities have temporarily prohibited fishing in two more rivers and they have started a careful investigation of 194 industries handling mercury.

In addition to the mercury in factory effluents, the intensive use of organo-mercury compounds in Japanese agriculture increased the amounts of mercury in food. Rice, the predominant food of the country, contained an average of 0.1 ppm mercury in 1967. After this time the agricultural use of organo-mercury compounds was banned in Japan.

In Sweden, methyl-mercury was introduced in the 40's as a seed dressing. By the late 50's, the number of reported cases of mercury toxicity in wildlife had increased dead specimens of mammals and birds were shown to contain high levels of mercury. By the early 60's the very existence of some seed-eating and predatory bird-species was claimed to be threatened by mercury poisoning.

Museum specimens of predatory birds at the end of a terrestrial food chain were analyzed for mercury. Early specimens, from the period 1820–1940, showed a relatively constant and comparatively low content of methyl-mercury in their feathers. From the late 50's, however, there was a sudden, rapid rise in the concentration of mercury. Today the decrease in the mercury content of the feathers of these birds, is almost certainly due to the fact that in 1966 the use of methyl-mercury in seed dressings was banned.

Birds at the end of aquatic food chains, however, show quite a different picture. Mercury levels started rising about 1890 and from that time on, they have been steadily increasing. These birds live on fish and it has been shown that fish in some areas contain high amounts of mercury almost entirely in the methyl form. This is of interest because the chief sources of mercury are chlorine factories and paper- and pulp-industries, where the effluents contain inorganic mercury and phenyl mercury respectively. These mercury compounds are now known to be converted to methyl-mercury by microorganisms in the bottom sediments of lakes, rivers and the sea. The methyl-mercury then accumulates in fish and other aquatic organisms. The highest mercury levels found in Swedish fish are about 10 ppm. Scientists now regard 0.2 ppm as a natural "background" level in freshwater fish.

To avoid cases of methyl-mercury poisoning from fish, the Swedish authorities have prohibited people selling or giving away fish from certain waters where the fish have been found to contain more than 1 ppm mercury. This limit is only provisional, pending further toxicological evaluation. In addition to this prohibition, the authorities have recommended that fish containing between 0.2 and 1 ppm mercury should not be eaten more than once a week.

It is known that methyl-mercury will pass the placental barrier in mammals and evidently can penetrate cell membranes. Thus, chromosomal abnormalities have been induced, by suppression of the mitotic spindle, for instance, giving rise to aneuploidy.

Are Sweden and Japan the only countries with high amounts of mercury in fish? It seems likely that the situation will be more or less similar in most other industrialized countries, judging by the many other possible industrial sources of mercury pollution.

[From the Conservation Foundation, Feb. 24, 1969]

A REPORT ON ENVIRONMENTAL ISSUES

U.N. VOTES TO HOLD CONFERENCE ON THE HUMAN ENVIRONMENT IN 1972

The United Nations General Assembly agreed unanimously December 3, 1968 to hold a UN Conference on the Human Environment in 1972. The exact time and place of the conference will be determined later.

Why such a UN conference? As the resolution introduced by Sweden and co-sponsored by 51 other nations declared:

Because of "the continuing and accelerating impairment of the quality of the human environment caused by . . . air and water pollution, erosion and other forms of soil deterioration, waste, noise and secondary effects of biocides, . . . accentuated by rapidly increasing population and accelerating urbanization."

Because of "the consequent effects on the condition of man, his physical, mental and social well-being, his dignity and his enjoyment of basic human rights, in developing as well as developed countries."

Because "increased attention to problems of the human environment is essential for sound economic and social development."

Because "intensified action at the national, regional and international level" is needed "to limit and, where possible, to eliminate the impairment of the human environment."

Because "a framework for comprehensive consideration within the United Nations of the problems of human environment" is needed "to focus the attention of governments and public opinion on the importance and urgency of this question" and "to identify those aspects . . . that can only, or best, be solved through international cooperation and agreement."

And because, as Sverker Astrom, Sweden's UN ambassador declared: "The risks inherent in the uncontrolled application of modern technology are very real and very frightening."

Or, quite simply and directly, as Rudolf D'Mello of India told the UN: "There is an environment crisis."

James Russell Wiggins, then U.S. ambassador to the UN, said the decision to hold the conference on the environment "will turn out to be the most momentous of all the decisions" made by the UN General Assembly in 1968. "It is historically important in itself, and in addition, it illuminates that continuing contribution which the United Nations is making to the betterment of mankind by its handling of the relatively non-controversial and non-political issues that have to do with the world's social and economic problems," he said.

Wiggins noted "we are dealing here with the life and death of the human family, and surely when the history of our age is written, and the records are studied a thousand years hence, the world will say of its decision of the General Assembly in 1968—it was about time."

Lord Caradon, the United Kingdom's ambassador to the UN, expressed a similar thought: "When we look back on the 23rd session of the Assembly in future years, we may remember it not for continued stalemate between east and west and north and south, but for a new initiative in which we came together from the four corners of the world to support an international initiative of incalculable consequence." He called the conference proposal "a question of worldwide importance on which there need be no deadlock unless we ourselves invent one."

WHAT NEXT?

Next step in the development of the conference will be a report by UN Secretary-General U Thant to the next session of the General Assembly, which opens the 2nd week in September in New York. To be routed through the UN's Economic and Social Council, which meets May–August, the report will cover:

A description of the nature, scope and progress of work presently being carried on "in the field of the human environment."

The "main problems facing developed and developing countries" in the environmental field which ought to be taken up at the 1972 conference, including possibilities for increased international cooperation.

Possible methods of preparing for the conference, a possible time and place for the conference, and the estimated cost of the conference.

The resolution also called on Secretary-General U Thant to consult with individual member nations of the UN, the UN's specialized agencies, intergovernmental agencies and non-governmental organizations in preparing his report. (CF's director of environmental studies, Raymond F. Dasmann, will work with the UN office of science and technology in preparation of this report.)

The 1969 session of the General Assembly would then presumably debate the report and decide on the time, place and content of the 1972 conference. While the decisions will not be made until the General Assembly session later this year, comments by various nations during consideration of the resolution indicate that the 1972 conference is likely to take this shape:

The conference on the human environment will probably last two or three weeks. It will not be a scientific meeting as such; instead, the conference will probably bring together governments, natural and social scientists, educators, businessmen, engineers, other opinion leaders to attempt to reach conclusions on the basis of available knowledge, make decisions and recommend action for a better environment. No new international agency or organization is contemplated. On the contrary, several nations made it abundantly clear that the conference will *not* result in the creation of any new body.

Environmental pollution problems will undoubtedly dominate the conference. Questions are likely to include what man, through his various institutions in the nations of the world and through the UN and other international organizations, can do about: air pollution; water pollution; long-lasting pesticides, fertilizers and other chemicals entering the environment; radioactive wastes; oil spills from tankers; the rising carbon dioxide content of the earth's atmosphere; noise pollution; disappearing plant and animal species; continuing crowding of the earth's human population into urban areas and the physical and psychological effects of uncontrolled urban growth.

Meanwhile, several speakers stressed that the decision to hold a conference in 1972 does not mean that nothing should take place in the meantime. On the contrary, several said the decision to hold the conference would and should stimulate and encourage work already underway in individual nations and by international bodies on environmental problems. "Indeed," said Wiggins, "let us all hope that governments will not wait for the conference of 1972 before taking energetic action to relieve and repair the wounds we have inflicted upon nature and upon ourselves. All in authority should surely act without delay to supply and apply the correctives that are already known. The period between now and 1972 should be one of ferment, not only of preparation for the conference but of practical action in every field; new scientific work, technical and administrative development, training of qualified manpower, public education and political decision."

What will come of all this? As expressed by many speakers, the hope is that the conference will focus man's attention on his impact on the environment and on the best and most economical ways of preventing further destruction of the environment. That it will stimulate efforts to regenerate environments already seriously damaged. And that it will help show developing nations how to prevent environmental degradation as they pursue industrial development.

As Lord Caradon put it so eloquently: The conference "must do no less than awaken the conscience of the world to the obligation to make our planet not only habitable but also congenial and even beautiful to future generations." The conference must be "an effective call to mankind to be a master and not a prisoner in his own planet."

SWEDEN'S RESOLUTION SUPPORTED BY 54 NATIONS

Sweden's resolution calling for a UN conference on the environment in 1972 attracted 51 co-sponsors. These nations were: Afghanistan, Algeria, Argentina, Australia, Austria, Canada, Colombia, Congo (Brazzaville), Denmark, El Salvador, Ethiopia, Finland, Guatemala, Iceland, India, Indonesia, Iran, Ireland, Italy, Ivory Coast, Jamaica, Kenya, Kuwait, Libya, Madagascar, Malta, Mexico, Morocco, Nepal, Nigeria, Norway, Pakistan, Panama, Philippines, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Sweden, Syria, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yugoslavia and Zambia.

In addition, Cyprus, France and the USSR joined in the debate and supported the resolution. Zenon Rossides of Cyprus said his government would have cosponsored the resolution if it had provided for holding the conference at an earlier date. He urged 1971 because of the urgency of the problem but accepted 1972 when the Swedish ambassador explained that 1972 was the earliest year available for a UN conference and that "preparations for the conference will to a large extent serve the same purpose as the conference itself"—to draw attention to environmental problems and make nations and international organizations intensify and coordinate their work in these fields. France originally objected to the resolution, suggesting more preparation for such a "scientific conference."

However, said Edmond Wichelet of France, the importance of the problem and "the desire to ensure unanimity" led his government "to silence for the moment the procedural objections that it raised in the past." France therefore supported the resolution—but reserved its right "to return to this question, especially in the light of the estimates which will be submitted on the cost of the conference." (The UN estimated that implementation of the resolution would require an increase of $25,000 in its 1969 budget.)

The USSR kept its own counsel and did not announce its position until late in a speech by Lev Isaakovich Mendelevich. The Soviet representative then said his country supported the idea that the UN hold a conference on the problems of the human environment—but that adoption of the resolution "in no way should lead to the establihsment under any guise of international control over the development of science and technology."

Mendelevich also used the occasion to denounce "monopoly capital" for "rapaciously exploiting the resources of the earth." He added that "on the basis of international cooperation one can to a certain extent limit the destructive influence of the capitalist economy and the results of its exploitation of nature."

He claimed that "only socialism . . . can create propitious conditions for the solutions of problems of the utilization and the protection of natural resources of the vegetable and animal world on a strictly scientific basis." But he conceded that "even under socialism those problems are not easy to solve; they require work, resources and concentrated effort."

UNESCO CONFERENCE HELPED STIMULATE AWARENESS OF ENVIRONMENTAL CRISIS

The UN decision to hold a conference on the environment in 1972 was preceded and encouraged by a conference convened by the United Nations Educational Scientific and Cultural Organization (UNESCO) in Paris last September.

Some 320 experts from 63 nations and 23 international organizations met from September 4 through September 13. Participants were primarily middle level government officials—scientists, administrators, and educators.

The conference objective: to show how science can help develop rational methods for the use and conservation of the resources of the biosphere, defined as that part of the world in which life can exist.

In truth, many delegates found the conference disappointing. Many observed that some prepared speeches were dull or self-serving—or both—and that too much time was wasted with addresses which repeated what most participants already knew presumably, or they wouldn't have been there.

One delegate pleaded that the conference tell developing nations how to control and avoid environmental pollution—now—so that progress would not be synohomous with pollution as has happened in developed countries. No one realistically expected the conference to answer the plea—and it didn't. For while there are scientific and technical answers to many pollution control problems, the application of available science and technology depends on political and economic decisions. But political and economic decision makers were sparse at the UNESCO conference. (Hopefully, they will attend the 1972 UN conference in force.)

Similarly, the conference begged the question of the impact upon the environment of world-wide population growth. (Dr. F. Fraser Darling, CF's vice president, shocked some at the conference when he said out loud that "the biggest danger of all is our inability to control the explosive rate of growth of human population." He suggested that "a real clamping down of this would lessen the all too frequent policy of expediency, bolstered by technology divorced from the philosophy of science.")

But strange as it might appear from the previous comments and despite its shortcomings, the UNESCO conference was important, and to a large degree successful, simply because it was held. It was the first time that any arm of the United Nations had devoted an international conference to the subject of conservation and the environment. Despite hedging over wording, the UNESCO conference helped build support for the proposed UN conference on the environment. (Despite the games played on the formal expression of such support, incidentally. One early proposal called for outright support by the UNESCO conference of the then only proposed idea that the UN hold a conference on the environment. For a variety of reasons—including fear by some countries about the costs to them of such a conference, lack of prior instructions from their governments, and politics and/or protocol within the UN family—the final recommendation was softened. It merely asked that the UN General Assembly, during its deliberations of the UN conference proposal in December, "take into consideration the recommendations" of the UNESCO conference and "consider the advisability of a universal declaration on the protection and betterment of the human environment.")

And the conference was also significant because is provided an international forum in which scientists and administrators from many nations joined together and served notice that environmental degradation is indeed a worldwide problem. That "there is an environment crisis," as the delegate from India was to tell the UN three months later.

The UNESCO conference's concluding statement summed up in these words: "It is now abundantly clear that national policies are mandatory if environmental quality is to be restored and preserved and land use planning is to have a sound base. . . . Awareness, is leading to concern, to the recognition that to a large degree, man now has the capability and responsibility to determine and guide the future course of his environment, and to the beginnings of national and international corrective actions. . . . Earnest and bold departures from the past will have to be taken nationally and internationally if significant progress is to be made. No man, no people, can travel this road alone. This recognition of the necessity of cooperative action has given the conference a spirit of optimism in the face of unprecedented challenge to man's wisdom and his goodwill."

The UNESCO conference was convened and organized by UNESCO, with the participation of the UN, the Food and Agriculture Organization, and the World Health Organization, and with the cooperation of the International Union for the Conservation of Nature and Natural Resources and the International Biological Program.

UNESCO PLANNING INTERNATIONAL CONSERVATION PROGRAM

The 1968 UNESCO biosphere conference produced 20 recommendations covering research, education, and policies and structures. The major recommendation was that in 1969 and 1970, UNESCO develop a plan for an international program for rational use and conservation of the biosphere. The plan is to be ready for consideration when UNESCO prepares its budgets for 1971 and 1972 activities.

In addition the UNESCO conference recommended:

That pollutants be identified and monitored on a world-wide basis.

That environmental considerations be built into international development projects.

That comprehensive research programs be undertaken on man's social and physiological adaptability to environmental change, and on resource use in a variety of ecosystems.

That nations improve ecological education in schools, colleges and universities, with the assistance of international organizations.

That nations and international organizations standardize methods of ecosystem research, inventory, and monitoring.

That the establishment of national parks and wildlife refuges, and protection of endangered species, be accelerated throughout the world.

That all nations, UN agencies and other international organizations help developing countries increase and apply their environmental knowledge.

Full text of the recommendations of the 1968 biosphere conference (ask for document SC/MD/9) and full text of "Conservation and Rational Use of the Environment," the basic working paper prepared for the conference by Raymond F. Dasmann, CF's director of environmental studies, are available from UNESCO, Place de Fontenoy, Paris 7e, France.

WHAT THE ENVIRONMENTAL CRISIS IS ALL ABOUT

How real is the environmental crisis? Consider the words of James Russell Wiggins, former editor of the Washington Post and then U.S. ambassador to the United Nations, in an address to the General Assembly, December 3, 1968:

The evidence of mankind's gathering environmental crisis does not have to be sought in books or in scholarly documents. City dwellers on every continent of this crowded earth see it, hear it, smell it, absorb it and suffer from it.

It is in our air—filled with the noxious fumes of factories, furnaces, builders, wreckers, trains, trucks, buses, boats, aircraft and automobiles by the scores of millions.

It is in our lakes and rivers—suffocated by fertilizers that drain from our farmlands, and polluted by an ever-growing flood of industrial, agricultural, and chemical wastes.

It is in our land—more and more of which is buried under the encroaching megalopolis, or poisoned by pesticides, or wounded by strip mining and timber cutting, or strewn with the ugly rubbish of our fabulous productivity. Despite tardy efforts to relieve these conditions, they pose a rising threat to human well-being in every nation and community, at whatever stage of development.

In the last century, a mere tick or the celestial clock, we have loosed upon the earth such a mass of humanity and such a torrent of energy as to transform much of the earth beyond all recognition. For the first time, we are brought face to face with the stark facts that space upon this planet is finite, that the resources of this planet are exhaustible and are not easily renewed. We are made aware that by his sheer numbers and his heedless ingenuity, man can injure his environment so as to hasten his own extinction. We have not much time left in which to learn to proportion our population to available resources, and to become good enough trustees of our inherited wealth of air, water, earth, and forms of life so that our posterity may hope to survive in a condition better than bestial struggle.

And in words which might well serve as an agenda for action today as well as an agenda for the 1972 conference on the environment, Wiggins declared:

What are we going to do about long-lasting pesticides such as DDT, which are sprayed on crops at a rate of more than 100 million pounds a year? Minute concentrations of DDT can be lethal to fish and birds and to ocean plankton which are a vital link in the chain of life. DDT has been detected in places as remote as Antarctica. How can we prevent a rising level of such pollutants throughout the world?

What are we going to do about the rapidly rising quantities of inorganic nitrogen fertilizers, which drain from the farmlands of the world into lakes, rivers and estuaries and combine with urban sewage to rob those waters of their oxygen and their ability to support life? How can that pollution be curbed without hampering the world-wide effort to grow more food?

What are we going to do to prevent contamination by radioactive wastes from the growing number of nuclear power stations throughout the world? In the present generation, for the first time since the world began, all of us have been exposed to man-made sources of radiation whose effects are still not fully known.

What steps should we take to preserve the immense diversity of the earth's plant and animal species? It is that diversity which gives stability to the intricate balance of living nature in every environment. In the industrial century just past, over 70 species of mammals alone have been exterminated—more than in the previous 2,000 years of the world's history. Today some 1,000 other animal species face the same danger.

What are we going to do about the accidental spilling of oil from tankers and other ships? Since the Torrey Canyon disaster of 1967 there has been some advance methods of combating that menace, but such accidents continue to occur, with the devastating effect; and with the giant tankers of yesterday being dwarfed by the 300,000-ton monsters now coming off the ways, the potential for future disasters is very great.

And what are we going to do about the steadily rising burden of carbon dioxide in the earth's atmosphere? In the past hundred years, since fossil fuels began to be burned in huge quantities, atmospheric carbon dioxide has increased by close to 10%. That increase will probably total 25% by the year 2000, given the rapidly accelerating rate of fuel consumption. Will the resulting green-house effect cause a permanent warming of the earth's climate, and perhaps even a rise in the world sea level as the polar ice caps melt? No one is sure, though much of human destiny could depend on the answer.

One could mention many other problems common to industrial nations which will surely be considered by the conference on the human environment, such as the safe and economical disposal of solid wastes, the preservation of forests and ground cover, whose loss has been a prime cause of catastrophic floods in many lands, the ever-rising clamor of noise that surrounds our cities, our factories, our highways and our airports—and, not least important, the education of our children to respect and defend their environment, for without the support of public opinion nothing enduring can be achieved.

Consider too the words of Dr. Abel Wolman, professor emeritus, Johns Hopkins University, in a paper presented to the UNESCO biosphere conference in 1968:

Almost every country in the world has tried to meet the threats of water pollution by means of legislative actions. . . . The results, however, have been rather distressing throughout the world. It is by no means assumed that the legislative underpinning of administrative action is neither useful nor helpful, but reliance upon law alone is unrealistic. In some instances, in fact, rigid legislative requirements have sometimes served as opiates to administrative action. Unless decisions are accompanied by a strong climate of supporting public opinion, by adequate manpower for implementation and by financial resources, results are normally far from satisfying. . . .

The history of national legislation is replete with declarations of high aspiration unmatched anywhere by equally high implementation. Abatement has not been at a standstill. On the contrary, a great deal has been done, but not enough and not fast enough . . . In almost all countries the block to progress is not in deficient technology, but in competent personnel and, of course, in money . . . Considerations of national economic advantage have transcended the desire for abatement . . .

Human infestations with worms, transmitted mainly by polluted soil, in certain semitropical areas of the world are so massive that over half the food produced and consumed is metabolized by the parasitic worm population infesting man. Half the work of the sick peasantry therefore goes into the cultivation of food for the worms that make them sick. Soil pollution is not only the problem of the rural unsanitized areas of the world, but of the densely populated industrialized areas as well . . . It has been estimated that throughout the world hookworm still causes a daily blood loss equivalent to the total exsanguination of about 1.5 million people. While many feel that preventive medicine has proved successful in tropical areas in general, the success in the control of soil-transmitted helminths has lagged behind.

And finally, consider the comments of Dr. Rene Dubos of Rockefeller University in a paper prepared for the UNESCO conference in 1968:

Man can achieve some form of tolerance to environmental pollution, excessive environmental stimuli, crowded and competitive social contacts, the estragement of life from the natural biological cycles, and other consequences of life in the urban and technological world. This tolerance enables him to overcome effects that are unpleasant or traumatic when first experienced. But in many cases, it is achieved through organic and mental processes which may result in the chronic and degenerative disorders that so commonly spoil adult life and old age, even in the most prosperous countries.

Man can learn also to tolerate ugly surroundings, dirty skies, and polluted streams. He can survive even though he completely disregards the cosmic ordering of biological rhythms. He can live without the fragrance of flowers, the song of birds, the exhiliration of natural scenery and other biological stimuli of the natural world. Loss of amenities and elimination of the stimuli under which he evolved as a biological and mental being may have no obvious detrimental effect on his physical appearance or his ability to perform as part of the economic or technologic machine. The ultimate result, however, can be and often is an impoverishment of life, a progressive loss of the qualities that we identify with humaneness and weakening of physical and mental sanity. . . .

The pathetic weekend exodus to the country or beaches, the fireplaces in overheated city apartments, the sentimental attachment to animal pets or even to plants, testify to the persistence in many of biological and emotional hungers that developed during his evolutionary past and that he cannot outgrow. . . . Historical experience, especially during the 19th century, shows that urban populations are apt to develop ugly tempers when completely deprived of such contacts (with nature). Saving nature in both its wild and humanized aspects is thus an essential part of urban planning.

FOR FURTHER INFORMATION

A quick guide to some members of the U.N. family whose programs include and/or effect (to varying degrees) conservation-environmental activities and concerns:

International Atomic Energy Agency (IAEA), Karntnerring 11–13, Vienna 1, Austria.

International Labor Organization (ILO), CH–1211, Geneva 22, Switzerland.

Food and Agriculture Organization (FAO), Viale delle Terme di Carcalla, Rome, Italy.

United Nations Education, Scientific and Cultural Organization (UNESCO), Place de Fontenoy, Paris 7e, France.

World Health Organization (WHO), Palais des Nations, 1211 Geneva 10, Switzerland.

International Bank for Reconstruction and Development (World Bank or IBRD), 1818 "H" Street, N.W., Washington, D.C. 20433.

International Finance Corporation (IFC, an affiliate of the World Bank), 1818 "H" Street, N.W., Washington, D.C. 20433.

International Development Association (IDA, an affiliate of the World Bank), 1818 "H" Street, N.W., Washington, D.C. 20433.

World Meteorological Organization (WMO), 41, Avenue Giuseppe-Motta, Geneva, Switzerland.

Inter-Governmental Maritime Consultative Organization (IMCO), 22 Berners Street, London W. 1, England.

For information from the UN itself: Director for Science and Technology, United Nations, New York, N.Y. 10017.

And while not a UN organization, the International Union for the Conservation of Nature and Natural Resources (IUCN), an independent international organization, works closely with UN agencies, individual nations, and scientific, academic, and conservation groups. IUCN, 1110 Morges, Switzerland.

A necessary element

"Rapid economic development remains, of course, one of the primary goals of all governments . . . (However) it is not an end in itself. It should serve ultimately to satisfy fundamental human needs and to allow the people, in dignity and justice, to enjoy basic human rights . . . The quality of the human environment must enter as one necessary element into all econonic planing . . . An informed and alerted public opinion is essential for influencing governments, international organizations, private industry, etc. towards making rational planning for an improved physical and social environment an integral part of the planning for economic growth."—Sverker Astrom, Sweden's UN ambassador, December 3, 1968.

The unforeseen international ecologic boomerang

That's the title of a 32-page special supplement in a recent issue of Natural History Magazine. The supplement contains excerpts from papers prepared for the conference on the ecological impact of international development programs held in December 1968, by the Conservation Foundation and Washington University's Center for the Biology of Natural Systems. Conference papers and discussions are now being edited for publication in book form next year by Natural History Press. Meanwhile, the supplement is available (supply limited) from Natural History Magazine, Central Park West at 79th Street, New York, N.Y. 10024. Price: 50 cents.

There need not be complete disaster

"Ecologists can scarcely afford to be optimists. But an absolute pessimist is a defeatist, and that is no good either . . . There need not be complete disaster and if our eyes were open wide enough, world wide, we could do much towards rehabilitation . . . The scientist as a social entity must eventually establish the necessity for the ecosystem approach to world problems as a safeguard against unbalanced technological action. We have yet to realize that political guidance and restraint is nothing like so operative on technology as on other major fields of human action."—CF Vice President F. Fraser Darling, in paper presented to UNESCO biosphere conference, 1968.

On salvation

"There is nothing wrong with the United Nations except the members. It is not the organization which has failed; it is the nation members which have not yet sufficiently grasped the truth that we are all members one of another. Our economic and political salvation will come not by everyone grabbing for himself and the devil take the hindmost; our salvation will come from international understanding and international cooperation."—Lord Caradon, United Kingdom ambassador to the UN, December 3, 1968.

From wilderness to dump heap

"Everywhere, societies seem willing to accept ugliness for the sake of increase in economic wealth. Whether natural or humanized, the landscape retains its beauty only in the areas that do not prove valuable for industrial and economic exploitation. The change from wilderness to dump heap symbolizes at present the course of technological civilization. Yet the material wealth we are creating will not be worth having if creation entails the raping of nature and the destruction of environmental charm."—Dr. Rene Dubos of Rockefeller University, in paper prepared for UNESCO biosphere conference, 1968.

Danger—Man at work

The United States "appears to be responsible for around one-third to one-half of many of the contaminants introduced into the atmosphere or oceans," according to Dr. Edward D. Goldberg of the Scrips Institution of Oceanography, La Jolla, Calif. In a paper presented to the recent meeting of the American Association for the Advancement of Science in Dallas, Texas, Goldberg also said that the levels of pesticides such as DDT in "such deep-living fish as the tuna are similar to those of terrestrial organisms, including man." He added that radioactivity "from the detonation of nuclear devices and emissions from nuclear reactors are found at all levels in all oceans."

Train leaves CF to become Interior Under Secretary; Howe acting director

Russell E. Train, CF president since August 1, 1965, resigned February 7 to become Under Secretary of the Interior. Sydney Howe, director of conservation services for CF since April 1965, was named acting director by the executive committee of the Foundation's board of trustees, pending selection of a new president to succeed Train.

ADDITIONAL COSPONSOR OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 150

Mr. HRUSKA. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of Senate Joint Resolution 150, to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT—AMENDMENT

AMENDMENT NO. 225

Mr. NELSON. Mr. President, last August I submitted an amendment to the Foreign Assistance Act under which the United States would contribute a maximum of $40 million over a 5-year period toward the construction of a desalination plant in Israel.

Senators Case, Eagleton, Goodell, Harris, Hart, Hartke, Hatfield, Javits, Kennedy, Magnuson, McGee, Mondale, Muskie, Pell, Ribicoff, Saxbe, Schweiker, Scott, Tydings, Williams of New Jersey, and Young of Ohio have cosponsored this proposal.

Recently, the House Foreign Affairs Committee considered a similar proposal and agreed to including it in the foreign aid bill for fiscal year 1970.

In order to facilitate the Senate Foreign Relations Committee considering this desalination bill as part of the foreign aid bill, I am submitting an amendment intended to be proposed by me to the bill (S. 2347) the foreign aid authorization pending before the committee.

The development of a prototype desalting plant in Israel can bring great technological benefits and can help solve the increasingly acute water shortage problem of the world.

Historically, there has been broad bipartisan support for this joint project and that is true today also.

It is my hope that the Senate Foreign Relations Committee will also act favorably on this measure.

I ask unanimous consent that amendment No. 225 to S. 2347 be printed in the Record.

The PRESIDING OFFICER. The amendment will be received, appropriately referred, printed, and printed in the Record.

The amendment (No. 225) was received, ordered to be printed, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

Amendment No. 225

On Page 19, between lines 4 and 5, insert the following section:

"Sec. 209. Development of Prototype Desalting Plant in Israel.—(a) In order to improve existing, and developing and advancing new, technology and experience in the design, construction, and operation of large-scale desalting plants of advance concepts which will contribute materially to low-cost desalination in all countries, including the United States, the Secretary of State is authorized to participate in the development of a large-scale water treatment and desalting prototype plant and related facilities to be constructed in Israel as an integral part of a dual-purpose power generating and desalting project. Such participation shall include financial, technical, and such other assistance as the Secretary deems appropriate to provide for the study, design, construction, and, for a limited demonstration period of not to exceed five years, operation and maintenance of such plant and facilities.

"(b) Any agreement entered into under subsection (a) of this section shall include such terms and conditions as the Secretary deems appropriate to insure, among other things, that—

"(1) the Secretary will be responsible for conducting the technical aspects of developing such plant and facilities;

"(2) all information, products, uses, processes, patents, and other developments obtained or utilized in the development of the plant and facilities will be available without further cost to the United States for the use and benefit of the United States throughout the world; and

"(3) the United States, its officers, and employees have a permanent right to review data and have access to such plant for the purpose of observing its operations and improving the science and technology in the field of desalination.

However, the provisions of this section shall not be construed to deprive the owner of a patent of any right under that patent or under a background patent.

"(c) In carrying out the provisions of this Act, the Secretary may—

"(1) enter into contracts with public or private agencies and with any person without regard to sections 3648 and 3709 of the Revised Statutes, and

"(2) utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency.

"(d) There is authorized to be appropriated (1) for administrative costs, such sums as may be necessary to carry out this section and (2) for the study, design, construction, and operation of such plant and facilities, an amount not to exceed either 50 per centum of the total capital costs of the plant and facilities and 50 per centum of the operation and maintenance costs for the demonstration period, or $40,000,000, whichever is less."

NOMINATION OF HON. CLEMENT F. HAYNSWORTH, JR., TO THE SUPREME COURT

Mr. INOUYE. Mr. President, when the nomination of Judge Clement F. Haynsworth, Jr., to be Associate Justice of the Supreme Court was first presented, I was prepared to give his nomination my support despite the fact that we are poles apart in our political philosophy. I was prepared to support its confirmation because it was my feeling that if President Nixon wished to nominate someone of this political philosophy, he has a perfect right to do so providing that nominee met the other tests of fitness for this high office.

Today, I wish to announce that I no longer intend to vote in favor of confirming Judge Haynsworth's nomination. As a result of the evidence which has been brought forth in the course of the hearings before the Committee on the Judiciary, I have concluded that a pattern of insensitivity to the problems of conflict of interest, raised by Judge Haynsworth's many business ventures as they related to his activities as a judge in the Federal court, has been clearly demonstrated.

To support his nomination under these circumstances would cause a serious loss of faith on the part of the American people as to the impartiality and fairness of our Nation's highest court. To do so in view of the recent refusal of the Members of this body to support the elevation of an Associate Justice to Chief Justice for similar insensitivity would make a mockery of our standards and our concern for the canons of judicial conduct. It would make political philosophy rather than judicial fitness the determining criterion.

Mr. President, for this reason I announce my intention to vote against confirmation of this nomination.

THE TAX REFORM OF 1969

Mr. GRIFFIN. Mr. President, Prof. Raymond J. Saulnier of Barnard College, former chairman of the Council of Economic Advisors to President Eisenhower, has prepared a detailed analysis of the tax reform legislation which was passed by the House of Representatives (H.R. 13270).

I ask unanimous consent that his analysis be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON H.R. 13270: THE TAX REFORM ACT OF 1969

This proposed legislation is so long (368 pages), so complex (26 major sections with 63 subsections) and so deeply affected by loophole emotionalism that there is a danger of it being enacted without an adequate evaluation of its potential overall effects. Yet it should be clear even to a casual reader of press summaries that, as it is found in H.R. 13270, the Tax Reform Act of 1969 would be seriously counterproductive.

The object of H.R. 13270 is to correct certain inequities in the federal tax code but, whatever it would do in that connection, it would have seriously adverse side effects on two other matters that must be coordinate in importance with equity in the design of our tax laws, namely, the nation's capability for achieving vigorous economic growth and the balance between private and public effort in our society.

Specifically, the bill would impair the nation's capability for achieving vigorous economic growth by a number of provisions that would reduce incentives to save and invest, including the proposed treatment of capital gains and the reduction of incentives to invest in real estate and in minerals resources. It would further inhibit growth by reducing—in some cases eliminating altogether—ways in which business concerns reward management achievement under present tax law. And the balance of its revenue effect, which would become increasingly negative between 1970 and 1972, would favor consumption at the expense of investment, thereby weakening government efforts to overcome inflation as well as impeding economic growth. The Treasury estimates that, under the bill as it stands, the net longterm shift in the tax burden would be to raise taxes on corporations by $4.9 billion while lowering taxes on individuals by $7.3 billion.

In addition, H.R. 13270 would have a number of unfortunate effects on the structure of American institutions. It would impair the ability of state and local governments to finance public facilities independently and, in so doing, weaken their position in our present governmental structure. It would seriously impair the ability of private nonprofit institutions—colleges and universities, museums, hospitals, *etc.*—to obtain the private gifts on which they rely heavily, in some cases entirely, for the extension and improvement of their activities. And as this memorandum will show, it would weaken the enterprise system—the means through which this country has achieved a standard of living unparalleled elsewhere in the world and through which America, from its beginnings, has offered opportunity for personal development and improvement unmatched anywhere.

In doing all this, and more, some of the bill's major provisions offend one's sensibility by:

Being in a number of instances seriously, unnecessarily and punitively retroactive;

Violating the long-respected distinction between capital and income in their treatment by the tax laws;

Deviating from the established principle of taxing income when it is actually received;

Deleting a whole series of still valid and justifiable incentives on the ground, apparently, that yesterday's incentive is today's loophole.

The justification for this wholesale rewriting of the tax code is that a small group of individuals in the $200,000-and-over income bracket—154 in number—had no federal tax liability in 1966. Whatever the merits of the case against these individuals, it must be recognized that they represent only one percent of the taxpayers in this income class. Yet in order to reach 154 individuals, H.R. 13270 would adversely affect the tax status of hundreds of thousands of taxpayers, corporate as well as individual, would affect every citizen through higher prices and rents, would imperil every nonprofit, gift-supported institution in the country. It is hard to imagine a bill from which the fallout threat would be greater.

As for the 154, how much federal tax they paid in other years is typically overlooked, as is the taxes they paid over the years to state and local governments. Typically, no account is taken of the income these individuals chose to forego in achieving tax exemption, nor the amount of capital or income they gave away, *etc., etc.* Nor is there an adequate evaluation in the public dialogue on these questions of what it will cost the nation in the impairment of its productive institutions to correct such genuine inequities as exist under present tax law by the methods proposed. There surely must be a better and fairer way to do it. One is impressed again and again that what we have here is a massive example of throwing the baby out with the bathwater—in this case a whole family of babies, with a few cups of bathwater.

Although H.R. 13270 has been described as a milestone in tax legislation by the Secretary of the Treasury, there are valid objectives of tax reform—long recognized inside and outside of government—that it does nothing to achieve. Notable among these are simplification of the tax code and revisions to promote growth. Value-added taxation, a major subject of tax discussion these past few years. is nowhere in this bill. Nor is fiscal responsibility a part of it. The fact that the bill would burden the finances of the federal government—in amounts estimated as high as $4.1 billion in 1972—by tax cuts that more than offset the increased revenue involved in tax reform and in repeal of the investment tax credit, has already been commented on. In short, H.R. 13270 deserve not a mere patching-up but a thorough overhaul. One thing is certain: if it is passed, even with the changes proposed by the Secretary of the Treasury (many of which go in the right direction but others, in the opinion of this writer, do not), no true tax reformer need fear he has been done out of a job. Actually, the tax reform problem would be rendered more difficult.

It would be impossible for any one individual—and certainly not in one brief memorandum—to present a full critique of this lengthy and complex bill. The fact that many provisions are not commented on here is not to be construed as meaning anything, one way or the other, *pro* or *con*, with respect to their specific merits. Limitations of space, time and energy have required concentration on only a few of the bill's major provisions. It is hoped, however, that the selection is of those most in need of critical comment.

Let us begin with certain of the bill's provisions that affect capital investment and thus the nation's potential for economic growth.

1. PERMANENT REPEAL OF THE INVESTMENT TAX CREDIT

Permanent repeal of the investment tax credit, as H.R. 13270 proposes, would remove an incentive to capital expansion and improvement that from its inception has been a constructive provision of the tax code. There may be abuses here and, if so, they should be corrected, but not by the wildest stretch of the imagination can the investment credit be regarded as a loophole in any meaningful sense. Its permanent repeal would have to be regarded as a blow at the ordinary, everyday business of improving the nation's productive plant. Certainly, if this provision is enacted the Congress should find some means—presumably through depreciation liberalization—to make the volume of investible funds generated internally by businesses more nearly consistent with what is required for capital investment. Otherwise, the productivity and international competitiveness of American industry will suffer a damaging setback.

Finally, although an on-again off-again handling of the investment credit deserves, in my opinion, no place in stabilization policy—planning for capital expansion and improvement needs and deserves a more stable framework of taxation—the anti-inflation purpose (for which there is a reasonable argument) would be better served by suspension than by permanent repeal, if that has to be the choice.

2. LIMITATION OF ACCELERATED DEPRECIATION PRIVILEGES IN REAL ESTATE INVESTMENT

Despite the well-known tendency for investment in new construction (notably, new residential construction) to lag behind other types of investment, and despite the widely-recognized and increasingly critical shortage of residential facilities, H.R. 13270 would reduce certain incentives which Congress on earlier occasions deliberately incorporated into the tax law to encourage construction and rehabilitation of real property. Under the House bill:

(a) accelerated depreciation—previously allowed on all new construction on the 200% declining balance and sum-of-the-years digits methods—would henceforth be restricted to the recovery of capital invested in new residential building;

(b) despite the fact that the incentive to invest in new construction depends heavily on an active market for used structures, straightline depreciation would be required on the latter (residential and nonresidential) in place of the 150% declining method presently allowed;

(c) although new nonresidential construction is crucial to the creation of a satisfactory total environment, it would be allowed a slower (150% declining balance) depreciation in place of the accelerated rate presently allowed;

(d) the excess of accelerated over straightline depreciation would be recaptured as ordinary income on the sale of real property of any type, with no amelioration of this effect (as provided in present law) depending on how long the property was held, thus aborting the initial effect of fast writeoff; and

(e) the right to depreciate rehabilitation expenditures on a straightline basis over 20 months would be restricted to projects where the additions or improvements have a useful life of 5 years or more, where they constitute low cost housing for nontransient use (declared eligible for such treatment by HUD) and where rehabilitation cost per unit is not less than $3,000 or more than $15,000.

XUM

These proposals—which treat accelerated depreciation as if it were a device for nonpayment of taxes rather than a deliberate, congressionally-designed arrangement for the deferral of taxes—are almost certainly destined to result in (i) a smaller increase in total housing supply than would be produced by wider availability of faster depreciation; (ii) a reduced availability of housing for low- and middle-income families; (iii) inadequate nonresidential facilities needed for a balanced total neighborhood environment; (iv) less rehabilitation of existing housing, further limiting total supply; and (v) increased rents. There must be a way to prevent the tax-shelter uses of real estate—by what must be a very liimted number of individuals—without these adverse and untimely effects on the whole construction and real estate industry.

3. HEAVIER TAXATION OF CAPITAL GAINS

It is a long established feature of tax law everywhere to tax capital gains less heavily than current income. In so doing, legislators have had in mind that if there is a gain from capital in terms of appreciation of principal value, it is (i) a gain from investment of income already taxed to the individual before it could be saved and invested; (ii) that it often reflects in whole or in part, the plowback of undistributed profits already taxed to the corporation; (iii) that the income from capital is also fully taxed as received; (iv) that capital gains are built up over time—frequently over a long time—and, with tax rates typically rising, an equitable and proper averaging process should put the capital gains tax at a lower level than the tax on current income; and (v) that a capital gains tax is levied, in any case, against an increase in principal value which, the world being what it is, is typically a result largely of inflation. No tax code can deal severely with investment gains without discouraging the investment process itself, either by lowering potential return or limiting liquidity, or both—and to discourage investment is to inhibit growth and everything that growth means for the creation of jobs and the enhancement of well-being for everyone. Yet H.R. 13270 would make present taxation of capital gains more severe by:

(a) extending the holding period required to distinguish between capital gain and income from ordinary transactions from six months to one year;

(b) eliminating the alternative tax rate for longterm capital gains, thus raising the upper limit of the effective tax on such gains for taxpayers with a marginal tax rate above 50% from the present 27½ (including surtax) to 38½ or by 40%;

(c) raising the alternative rate for corporate taxpayer to 33% including surtax) from the present 27½; and

(d) permitting only 50% of an individual's net longterm capital losses to be offset against ordinary income, up to the $1,000 limitation, in place of the full deductibility presently allowed.

In addition to making invested funds more illiquid and discouraging both saving and investment, H.R. 13270's proposed treatment of capital gains would be clearly retroactive in effect, constituting an unanticipated capital levy not just on the 154 but on many thousands of unsuspecting Americans.

4. REDUCTION OF DEPLETION ALLOWANCE AND OTHER PROPOSALS AFFECTING MINERALS INDUSTRIES

One of the most capital-intensive and risk-affected industries in the United States—oil, gas and other mineral resources—would be dealt with especially severely by H.R. 13270. Apart from the adverse effect on these industries from repeal of the investment tax credit and the heavier taxation of capital gains, the proposed legislation—in the case of oil and gas—would (i) reduce percentage depletion allowances from 27½ to 20% on domestic properties; (ii) eliminate depletion allowances altogether on overseas properties; and (iii) treat production payments as loans.

Among the likely effects of these proposals are the following:

(a) the cost to U.S. companies of oil development would be increased substantially and, if there is anything at all to the shifting of taxes (and there must be in this case, since the profitability of oil companies in 1968 was only about the same as that of manufacturing concerns generally), the cost of gasoline at the local gas pump would be increased;

(b) The cost to U.S. companies of oil development conducted overseas would be increased: (i) in all probability without increasing U.S. tax revenues; (ii) with predictably adverse effects on the strategical position of the United States in world affairs; and (iii) with adverse effects, certainly in any long term perspective, on the U.S. balance of international payments; and

(c) with a lower after-tax cash flow, oil producing companies would need to depend more heavily on external financing for oil development, a necessity that would be felt most severely by individual developers and small companies.

5. REDUCED OPPORTUNITIES TO REWARD MANAGEMENT ACHIEVEMENT

The opportunity to reward a business executive for making a success of a company's affairs cannot possibly be anything but constructive in promoting economic growth. In this respect, the proposed 50% upper limit on taxation of earned income moves in the right direction; on the other hand, those provisions of H.R. 13270 that would limit opportunities to provide rewards other than by current income would be an obstacle to growth. Specifically, this criticism applies to:

(a) the bill's treatment of deferred compensation payments, a type of forward income-averaging which, under these proposals, would be taxed not at the rate applicable to the taxpayer in the year the income was actually received but at a rate calculated, *ex post*, as what would have been applicable in the years in which the income was earned;

(b) allowing the deduction of interest only to the extent of investment income and long-term capital gain (plus $25,000) for the acquisition of stock (for example) under a stock option program, even though the interest is a cost incurred to make an investment, the income and capital gain from which (if there is any) will be taxable in due course;

(c) taxing as compensation the value of stock received in lieu of salary under restricted stock plans (except where the employee's interest is subject to substantial risk of forfeiture) despite the fact that in many instances the stock continues under restriction which prevents its sale to raise funds to pay the tax.

6. REDUCING TAX EXEMPTION OF INTEREST ON STATE AND LOCAL (MUNICIPAL) BONDS

H.R. 13270 would reduce the tax exemption accorded interest paid on state and local government securities (municipals), an exemption going back to the introduction in 1913 of the federal income tax and grounded in constitutional considerations, by:

(a) allowing an individual to count as tax preference income (in the limited tax preference—LTP—rule) an amount not to exceed 50% of total income (adjusted gross income plus tax preference income) regardless of the actual proportion of taxable to nontaxable income, thus treating some tax-exempt income as taxable;

(b) requiring that deductions be allocated to nontaxable income (in the allocation of deductions—ADR—rule) in the proportion of nontaxable income to total income, thus making some part of the deductions ineffective in the role for which they were originally granted.

Also, the bill would further restrict the availability and raise the cost of municipal debt finnancing by:

(c) making capital gains on debt securities held by financial institutions taxable at the income tax rate rather than (as now) at the capital gains rate.

Having thus taken away with one hand at least part of the tax exemption explicitly offered with the other, and having reduced the incentive for financial institutions to continue investing in municipals (commercial banks hold nearly 40% of the outstanding supply), the bill then says that if a state or local government chooses to finance on a taxable basis the federal treasury will provide a subsidy calculated to offset the higher cost of borrowing without benefit of tax exemption.

Quite apart from the constitutional questions raised by these proposals—which have to do with reciprocal tax immunity as a principle essential to desirable federal-state-local relations—there are a variety of important economic questions involved. Thus:

(a) again if there is anything at all to the shifting of taxes, this proposed erosion of tax exemption will raise the cost of financing to state and local governments and require an increase in tax rates at the state and local level; a measure of this effect can be judged from the fact that in recent markets tax-exempt securities sold at yields as much as 2 percentage points below those obtainable on taxable securities;

(b) to the extent that an erosion of the tax-exemption privilege induces state and local governments to elect the alternative of issuing taxable securities, the proposed legislation will require the federal government to undertake a new and conceivably large and growing function in administering interest rate subventions;

(c) the market for municipal securities is bound to be dislocated, indeed is already seriously dislocated, at a time when (most would agree) capital improvement programs at the local level are needed more urgently than ever before; already, the yield spread between taxable and nontaxable securities has narrowed by close to ⅓ of a percentage point.

Again, all this is done apparently to cut back on the use of tax-exempt municipal bond income to avoid tax liability, when the evidence indicates that this type of income is of major consequence to only a small minority of all high-income individuals.

7. TREATMENT OF CHARITABLE CONTRIBUTIONS

Finally, there are the provisions of H.R. 13270 that would significantly alter the balance of private *v.* government effort in various sectors of our society. It would do this by hampering the gift-raising capability of private nonprofit institutions on which every community in the nation, in one way or another, depends heavily for educational, cultural, medical and other facilities. It is especially serious that this would be done at a time when these institutions, with few exceptions, are operating under increasingly serious financial difficulties and when demands on them by the community are heavier than ever before.

The proposed increase from 30 to 50% in the general limitation on an individual's charitable contribution deduction would be a constructive and important change, but in a number of other provisions H.R. 13270 would be so technically complicated and so severe in its treatment of acts of charity and philanthropy that prospective donors would likely withdraw in bafflement if not in anguish as fund-raising personnel attempt to explain the tax implications of prospective gifts. Features of the proposed legislation that would make life more difficult for gift-supported institutions include:

(a) eliminating the unlimited charitable contribution deduction now available to donors, thus making it more difficult to obtain the large gifts that frequently are the events that make a success of ambitious fund-raising programs;

(b) treating as taxable the appreciation (unrealized, at that) of charitable contributions of appreciated property;

(c) placing what appear to be severe limitations on the deduction available to donors in charitable remainder trusts, and charitable income trusts the remainder of which goes to a beneficiary other than a charity;

(d) requiring that in so-called bargain-sales to charitable organizations costs be allocated between the portion sold and the portion given, rather than allowed in full as a charitable contribution deduction;

(e) eliminating the rule that made possible the so-called two-year charitable trust;

(f) eliminating the presently unlimited set-aside deduction available to nonexempt trusts and estates; and

(g) disallowing charitable deductions for gifts less than the donor's full interest in the property involved.

CONCLUSION

Without attempting to evaluate all the possible effects of H.R. 13270, the conclusion must be that, as it stands, it would:

Impair the nation's capability for achieving economic growth and improvement;

Reduce in particular the incentive to invest in new construction, in all probability doing little if anything to promote investment in new low-income housing;

Raise rents;

Raise the price of gasoline and mineral products generally;

Raise local taxes;

Create the need for a new federal program to help state and local governments finance public facilities;

Create the need for new federal programs to aid gift-supported institutions; and

Hamper the fight against inflation.

THE TREASURY'S SEPTEMBER 4, 1969 PROPOSALS

The maleffects of H.R. 13270 would be ameliorated in part but not entirely by proposals made September 4, 1969, by the Secretary of the Treasury, in particular by his proposals for:

Cutting the estimated 1979 revenue shortfall from $2.4 to $1.3 billion;

Reducing the corporate tax rate by one percentage point in 1971 and an additional point in 1972;

Retaining the six-month holding period for capital gains and, with some exceptions, retaining the maximum 25% rate on such gains;

Excluding charitable donations of appreciated property from LTP and ADR;

Reducing the proposed tax on foundations from 7½ to 2% of income;

Excluding tax-exempt municipal bond interest from LTP;

Eliminating that section of H.R. 13270 that puts a limit on the deductibility of interest on indebtedness incurred to purchase or carry investment assets; and

Deleting that provision of the bill (Section 331) relating to deferred compensation.

However, the Secretary's proposals would leave unchanged or make even more severe certain sections of the proposed bill which, in the judgment of this writer, would have a counterproductive economic effect. Specifically, the Treasury's proposals would, among other things:

Leave the treatment of real estate investment as in the House bill, except for the suggestion that commercial banks, mutual savings banks and savings and loan associations be allowed a special tax deduction of 5% against gross income from loans to finance residential construction (also for guaranteed loans to college students and loans guaranteed by the Small Business Administration);

Accept the reduction of percentage depletion for the minerals industries (though not a part of the administration's initial recommendations) and the inclusion of both depletion and intangible drilling costs in ADR (as initially suggested to the House) but would go beyond H.R. 13270 by proposing (as the administration did initially, but as the House did not) that both depletion and intangible drilling costs be included in LTP, though the latter not for taxpayers deriving 60% or more of their income from oil and gas operations;

Continue the limitation (as originally proposed by the administration) on restricted stock plans;

Accept the House proposals regarding charitable contributions, except the inclusion of donations of appreciated property in LTP and ADR;

Include tax-exempt interest in ADR (as does the House bill) but—with potentially damaging effect—without the ten-year phase-in which the bill provides;

Apparently employ an arrangement (to be disclosed later) such as an urban development bank in lieu of interest subsidies to state and local governments that elect to issue taxable securities;

Retain the retroactivity of any change in the taxation of capital gains.

Clearly, there is a great deal still to be done to make H.R. 13270 consistent with *all* the goals of constructive tax reform.

* * * * *

Nothing said above is meant to disparage in the least the importance of efforts to check genuine abuses of the present tax code. No one can make a case for retreating from that task. The point is we must be sure that in the cleaning-up process it is bathwater and not babies that is thrown out, and that there is no exchange of new inequities for old ones. We need a tax code that is fair and equitable. But we also need a code that bolsters incentive to work, to save, to invest, to take risks (and heavy risks at that) and a code that will have the kind of effect on the institutional structure of our country—the place of private enterprise in the production process, the balance of state and local *v.* federal power, and the role of private nonprofit, gift-supported institutions—that will strengthen not weaken the democratic qualities in American life.

NEED FOR REFORM IN DRUG TESTS

Mr. MONDALE. Mr. President, the time for reform has come in the field of drug testing.

Recent disclosures in the New York Times, the St. Louis Post Dispatch, and the Christian Science Monitor have made it clear that the present system of testing and approval for new prescription drugs leaves much to be desired.

Currently, tests on new drugs are made by medical researchers and laboratories hired by pharmaceutical manufacturers. Then, on the basis of this industry-sponsored research, the Food and Drug Administration makes its decision on whether or not drug should be marketed.

As the St. Louis Post Dispatch has pointed out:

> Both the purchaser and the performer of the tests have a financial interest in a favorable report—the latter to get further lucrative test contracts.

Dr. William O'Brien, associate professor of medicine at the University of Virginia, explored this situation in a recent article in the Bulletin of the Atomic Scientists:

> In case after case some (pharmaceutical) firms have been guilty of misrepresenting, distorting and even withholding information about the dangers of drugs, and injury and death have resulted.

He cited a 1960 report in the Canadian Medical Association Journal that only 5 percent of published tests "met even the crudest scientific standards" and added that "the trials I reviewed in 1967 were not any better."

The Senator from Wisconsin (Mr. NELSON) has introduced a bill that would establish a national center to contract research out to individuals, organizations, and institutions that have no relationship with the manufacturer of the drug at issue. It would remove the existing responsibility for drug testing from the manufacturer and entrust it to an independent testing and evaluation center.

This new drug-testing bill is one of the results of the more than 2 years of hearings that Senator NELSON has conducted on drug industry policies as chairman of the Senate Small Business Monopoly Subcommittee.

In two articles published recently in the Christian Science Monitor, Lucia Mouat explored many of the present policies in the drug industry ranging from pricing to promotion, with special emphasis on the issue of current testing and evaluation procedures.

I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PRICING POLICY MAY BRING DRUG-INDUSTRY LEGISLATION

(By Lucia Mouat)

WASHINGTON.—The average United States drug manufacturer has dozens of paper rivals, but, as a specializer, very little real competition. For him business never has been better. The $5 billion drug-manufacturing industry currently is this nation's top profitmaker.

Evidence is strong, however, that the consumer has been paying more than his fair share of the bill. He is charged vastly different sums for the same quantity of the same drug under different brand names.

The 22 companies, for instance, which manufacture prednisone vary in their rates per 100 tablets to pharmacists by more than $10. The druggist may pay anywhere from 59 cents to $10.80 for an item companies admit costs only 50 cents to produce. Similarly, the price to druggists per 1,000 tablets of reserpine ranges from 72 cents to $39.50.

Often the same company will charge one price to the pharmacist and a dramatically lower one to the government if it is making a bid for its business.

MAJOR CHANGES EXPECTED

The dollar story reads much the same for hundreds of the 7,000 drugs on the U.S. market.

Such facts unearthed in 2 years and 12 volumes worth of hearings on drug pricing and advertising by the subcommittee on monopoly of the Senate Select Committee on Small Business are expected to lead to some major changes in drug-industry legislation.

Already as a result of the widely publicized price variations in prednisone, two major companies have slashed their prices for the drug. (The Schering Corporation cut its price per 100 tablets from $17.90 to $10.80. Parke-Davis Company cut its price to pharmacists by more than 80 percent.)

Sen. Gaylord Nelson (D) of Wisconsin, chairman of the monopoly subcommittee, has legislation pending which calls for label-

XUM

ing drugs by their generic or official name in addition to the usual brand name.

He also has a bill which would establish a drug blue book, available to all physicians, which would describe drugs by content, generic name, uses, side effects, brand names, prices, and sources of supply. Most drug listings available to date are missing one or more of these.

BRAND NAMES SUCCESSFUL

Senator Nelson puts much of the blame for overpricing on drug-company use of catchy and highly promoted brand names. These drugs are usually the most expensive varieties. A full 90 percent of the prescriptions that come to the pharmacist call for brand-name products.

"This is the only business in the country which has been able to virtually eliminate competition by brand-name identification and advertising," Senator Nelson charged in an interview. "It's a very elaborate, very successful method of setting prices."

In all, the nation's 136 major drug manufacturers employ some 20,000 salesmen or detailmen whose job it is to call on physicians with free samples and free promotional advice. They have no compunctions about criticizing their opponents' products and are given bonuses in accord with their sales.

DEFENDERS CITE RESEARCH

Only an estimated 4 percent of the nation's physicians refuse to see the detailmen, and admit they rely heavily on them for drug information. In his "Handbook of Prescription Drugs," Dr. Richard Burack of the Harvard Medical School points out that pharmacology is not taught beyond the second year in most medical schools (and much of this information quickly becomes obsolete) and that the drug industry spends more than $600 million a year on advertising aimed directly at doctors.

In their defense, drug-industry spokesmen argue that prices are high because their business risks are high and that large sums are needed for research and development. They argue further that in general drug retail prices have been going down in recent years.

Senate committee spokesmen, however, say this is simply on drugs physicians are no longer prescribing. In their place new drugs are prescribed and the prices are high. A study by the Lilly Corporation, a drug firm, affirmed that the average cost of prescriptions went up 50 percent between 1954 and 1964.

IDENTICAL DRUGS ADMITTED

In testimony before the monopoly subcommittee, George S. Squibb, former vice-president and now a consultant to E. R. Squibb & Sons, called high drug prices the "Achilles heel of the pharmaceutical industry." He predicted government regulation for companies which refuse to settle for "ordinary profits" (he counts 12 percent adequate) rather than "windfalls." After taxes, drug companies now average 21.1 percent in net profits on invested capital.

Under intense questioning by Senator Nelson, drug-company spokesmen, while stalwartly defending the concept of a trade name and the company responsibility which must lie behind it, admitted they could point to no proven quality difference between their drug and others which would justify its much higher price.

Dr. James L. Goddard, former commissioner of the Food and Drug Administration, has labeled Senator Nelson the drug establishment's "lonely foe" and commented that one of his greatest problems is that he is "championing the cause of a public that doesn't really know how much it needs a champion."

The Senator from Wisconsin and his committee aides hope that a combination of publicity, education, and legislation will do the work of bringing drug prices down. They see it as crucial to melt some of the well-forged links between the physicians and the pharmaceutical industry.

In addition to the role of the detailman in the physician's choice of drugs, it is noteworthy that the American Medical Association's revenue from selling mailing lists of doctors' names is some $900,000 a year. Senator Nelson hopes that with a compendium available and a drug labeling change, doctors will have access to less-partial information and write prescriptions by drugs' general names, stipulating a "low cost" brand.

One weapon remaining, of course, is antitrust action where evidence of overcharging is clear. In a court case dating back to 1961, three large American firms (with two others named as coconspirators) were sued by 43 states on grounds of price-fixing on several widely used antibiotics. Plaintiffs charged that the price was about five times what it ought to "reasonably" be.

Preferring, as is often the case, to settle out of court, the companies in a unique move have set aside $120 million as refund money to states, hospitals, citizens, and pharmacists who purchased the drugs when the prices were high.

U.S. TESTING FACILITIES SOUGHT FOR STRICTER CHECK ON DRUGS

(By Lucia Mouat)

WASHINGTON.—Trying to keep the nation's drug industry honest is one of the many chores of the Food and Drug Administration (FDA).

The task is not an easy one for an agency with only six staff members assigned to police $800 million worth of industry advertising a year and only 1,600 workers to keep a wary eye on the 7,000 drugs already on the market, conduct all pertinent research, and review hundreds of applications for new drugs.

Testing facilities in this regulatory agency are extremely limited and the FDA relies almost wholly on evidence supplied by the drug company itself as to how safe and effective its product is.

Often reams of material are submitted—one FDA official has seen notebooks of evidence for one drug stacked six feet high—in hopes that quantity may make up for lack of quality. The process of approval of a new drug for the market may take anywhere from seven months to five years.

Winton B. Rankin, FDA deputy commissioner, admits such testing practices could stand improvement.

CLINICAL TESTS PROPOSED

"The situation has improved but it's really not satisfactory at all," he commended in an interview. "Companies have done the kind of testing they think will get their product on the market the fastest. Often they submit volumes of material but a limited number of valid experiments."

Mr. Rankin says the FDA needs a clinical testing facility of its own but as a supplement rather than as a full substitute for company efforts.

He counts as one answer to the problem a decision on the part of companies to limit their efforts to "sound testing" and to draw up and discuss their plans of action with FDA personnel.

But many argue that the burden of proof of a drug's acceptability for the market should be shifted completely to the government for a more objective evaluation.

Sen. Gaylord Nelson (D) of Wisconsin, whose Senate subcommittee on monopoly has been delving into drug pricing and advertising, recently proposed the establishment of an FDA drug-testing center either in the agency or by contract to university or hospital researchers with no financial link to the drug industry.

Another proposal gathering momentum would require that copies of any reports sent by an investigator to a drug company be sent also the FDA. In the past, most of the unfavorable findings have been quietly squelched by the companies.

CURBS ENACTED RECENTLY

Such federal restrictions as there are on the drug industry have come largely in recent years. Before 1938 anything could be marketed. After passage of the Food, Drug, and Cosmetic Act, safety was put as an essential criterion.

In 1962, former Sen. Estes Kefauver (D) of Tennessee put a further clamp on drug manufacturers (after extensive hearings by his Senate committee begun in 1959) by sponsoring legislation which required companies to prove that their drugs were effective for their claims as well as safe.

Unhappy, with that development, the drug industry unsuccessfully tried to get Congress to limit the regulations to new drugs.

Since its manpower was limited for the job of checking on the close to 4,000 drugs introduced on the market between 1938 and 1962, the FDA contracted with the National Academy of Sciences' National Research Council to do the review. Thirty panels of medical authorities were put on the job. Once again, the burden of proof of drug acceptability lay with the companies.

Last December and again in April the study group announced its intention to remove close to 100 antibiotic compounds from the market. So far, however, only three drugs have ben removed from pharmacists' shelves.

The group classified its results in terms of priorities and gave some companies as long as a year to come up with fresh substantiating evidence.

In others, such as the now famous Panalba case, the FDA has been involved in lengthy court proceedings in which the manufacturer has demanded a hearing before the drug is removed from the market It is regarded as an important test case of company vs. FDA power.

In the view of Rep. L. H. Fountain (D) of North Carolina, chairman of the House subcommittee on intergovernmental relations which keeps a close watch on FDA activities, the net effect of the Academy of Sciences study was to invite a fresh flood of information and put off the final judgment indefinitely.

Fraudulent advertising is a persistent problem. Professional and semiprofessional journals are filled with full-page color drug ads and the FDA is expected to keep an eye on all of them.

In fiscal 1968 staff members found 15 instances of violation of federal standards. Companies which have made sweeping claims for the effectiveness of their particular drug or perhaps not accurately warned the public of possibly dangerous side effects, are required to correct their advertisements and to send a letter to all the physicians who might prescribe it.

As an indication of how important regulation is—that company ethics are not always sufficient to do the job—consider an instance during the hearings of Senator Nelson's subcommittee in February, 1967:

INDUSTRY VIEWS CITED

A leading manufacturer of the drug chloromycetin was shown two ads, one in an American medical journal and another in a British medical journal. He was asked why only the American ad carried a 1,300 word warning about possible dangerous side effects of the drug. His answer: British law did not require the printed warning.

"I was shocked," Senator Nelson later related, "and I told them I didn't know how they could sleep nights taking that kind of an attitude."

Calling the drug establishment "a close

knit, self-perpetuating power structure" which "functions with all the smoothness of an intricate Swiss watch," Dr. James L. Goddard, former FDA commissioner, said in a March article in Esquire magazine that "advertising is the establishment's shop window to the physician, and any attempt at 'tampering' is met with massive resistance."

In a broader indictment, the former medical director of a major drug company testified before the Nelson subcommittee this spring that one who works for the drug industry must learn "that anything that helps to sell a drug is valid, even if it is supported by the crudest testimonial, while anything that decreases sales must be suppressed, and rejected, because it is not absolutely conclusive proof."

Dr. A. Dale Console, who left his post at E. R. Squibb & Sons in 1957, added that the good employee must learn to word a warning statement so it will appear "an inducement" rather than a warning.

A stricter legislative crackdown on drugs may be coming. Much depends on how much influence such lone fighters as Senator Nelson, Representative Fountain, and Dr. Goddard have on Congress. In any event, there is little question but that the drug-manufacturing industry is undergoing the most thorough investigation it has been put through.

The Senate subcommittee hearings, for instance, are expected to last three or four more years, as congressional investigators probe the problems of government patent policy, government drug procurement, antitrust practices, and over-the-counter drugs.

ENVIRONMENTAL QUALITY: ECOLOGY AND ECOLOGISTS

Mr. TYDINGS. Mr. President, the deterioration of the quality of our environment is one of the major issues confronting this country and this Congress. Unless we are able to halt this deterioration, unless we put an end to the senseless pollution of our air, land, and water resources, the continued existence of our way of life and the survival of man on earth itself is called into question.

The science which gives us the information to insure that we remain is ecology. Ecology can be defined as the study of the relationship between living things and their environment. Men who seek this knowledge are termed ecologists and one of the finest is Dr. David M. Gates, director of the Missouri Botanical Garden in St. Louis.

Dr. Gates has spoken out forcefully in order to reverse the decline in environmental quality. He has warned that we need more information about man's ecological impact on earth and that we need it soon before it is too late.

Ask Dr. Gates,

> We have to learn about what kind of environment we're going to live in. The question is, will we learn in time?

In the lead article of the New York Times magazine for October 5, Robert W. Stock writes of Dr. Gates and his efforts to reverse the deterioration of our environment. Mr. Stock emphasizes the sensitivity of our environment to change, the need for additional ecologists and for more scientific knowledge, the Gates energy-exchange theory, and the serious threat to life from overall oxygen depletion.

It is an enlightening article, one that is well worth reading. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times Magazine, Oct. 5, 1969]

SAVING THE WORLD THE ECOLOGIST'S WAY

(By Robert W. Stock)

ST. LOUIS.—For two hours, David M. Gates, the director of the Missouri Botanical Garden here, had led me past lily ponds, among lush plantings of greenhouse orchids, along paths crimson with roses. "There's one thing more you should see," he said, and he strode through a grove of verdant trees to the foot of a pine. It was startling in its grotesque ugliness, its trunk rising to a tangle of charred and stunted branches. "This is our lone survivor of the days when they burned soft coal in St. Louis," he said. "Every other pine and evergreen was killed. We have others in the garden now, but they're all new."

Gates is an ecologist, a student of the relationship between life forms and their environment. He is also a leader among the band of scientific Cassandras who seek to alert the nation to impending doom. Our continuing rape of the natural environment, he has warned, can produce an earth populated by "half-starved, depressed billions gasping in air depleted of oxygen and laden with pollutants, thirsting for thickened, blighted water." I wondered whether Gates considered the blackened, long-lived pine a symbol of hope or despair. "You can take your pick," he said. "We can have it either way."

There is a tendency, today, to think of ecology as a new science, and its practitioners as men called into being by the environmental crisis, but the facts are otherwise. Ecology ("eco" derives from the Greek word for "home" or "habitat") had its beginnings around the turn of the century. It is a branch of biology, cutting across a multitude of disciplines, from zoology to botany. In Gates's words, "Ecology is the very epitome of science itself."

Wind and sun, carbon cycle and photosynthesis, strontium 90 and pesticides; every force and element that interacts with plant or animal is grist for the ecologist's mill. By studying this interaction, and its effects upon living things, he can help a farmer to improve his crop yield, or a city to clear its polluted air.

Traditionally, however, the ecologist has operated far from the urban scene. He has most often been a very private person, attuned to field and forest and the grooves of Academe, devoting his life to the careful observation and description of a handful of individual plants. But in the last decade or so, now ideas and technologies have transformed the discipline. The manifest threat to the earth environment has turned dozens of ecologists into social critics and has placed a premium on their abilities to devise and effect new programs. In many ways David Gates perfectly reflects these changes.

My visit with Gates began in his office on the grounds of the botanical garden, a 70-acre oasis in the center of St. Louis. A chandelier dripped crystals from the ceiling; rare orchids brightened his desk and the mantel above an ornate fireplace. More than a century ago, the room had been occupied by a transplanted Englishman named Henry Shaw, who had made a fortune in cutlery and real estate. It was he who established Shaw's Garden, as it is known locally, on the site.

Gates is 48 years old. His appearance is pleasant and undistinguished—5 feet 9 inches; a crewcut over a faint brush mustache; tweedy sports coats and baggy trousers. His voice is monotone, relieved by an occasional chuckle.

"I'll tell you what we worry about most," he began. "An irreversible catastrophe. A number of pesticide spills, for example, in those areas of the ocean where large colonies of marine organisms produce much of the world's oxygen. If you plot out the frequency of this kind of event, they're getting closer and closer."

The ecological state-of-the-art frightens him. "We're still in the Stone Age. This is pure speculation, but think about it: Influenza epidemics have followed very closely periods of great volcanic activity. Maybe the dust in the atmoshpere from that activity reduces the sunlight and triggers a virus or our susceptibility to it. So what happens if man loads the atmosphere with dust from combustion and construction projects and *then* there is major volcanic action. The worst flu epidemic in history? As I say, that's all speculative—but it's the kind of thing we should know, and we don't."

For a David Gates, the isolated incidents of man's inhumanity to nature—and hence to man—are part of a complex ecological pattern. The earth is a single vast system of interrelationships among plants and animals and climatic forces—an ecosystem.

Thus: If there were not enough oxygen in the atmosphere to filter out ultraviolet rays, the seeming benevolent sun would destroy life on earth. Plants produce that oxygen through photosynthesis; they also help keep the atmospheric balance by absorbing carbon dioxide from the air. Enter man. He burns ever-increasing quantities of oil and coal, filling the air with carbon dioxide. He cuts down and paves over huge tracts of forests and poisons ocean life with chemicals. Question: How long will it be before the earth's plants are unable to produce enough oxygen—or absorb enough carbon dioxide—to hold back the ultraviolet rays?

Or: If a stream is to be healthy, the algae must have nutrients in the form of nitrates and phosphates. Algae are consumed by fish, fish by animals, and the food web, as this ladder is known, thrives. Enter man. He spreads his farmlands with fertilizers, mainly nitrates and phosphates, which are washed off into the streams. The excess of nutrients spurs a sudden increase in algae growth. Some of the new algae are not part of the food web; their growth is not controlled by hungry fish. New, inedible algae displace the old, the fish gradually disappear from the stream, the food web is destroyed. Question: How long will it be before all of the streams of our farmlands are sick?

Spurred by his fear for the environment, and its human dependents, Gates has been crying havoc—in appearances before Congressional committees, in lectures to scientific and lay audiences, in magazine articles by the dozen. He is a confirmed egalitarian who wants to educate and arouse the public, but he concentrates his greatest effort on the nation's leadership so that action can be taken "almost by fiat."

First and foremost, he wants Federal support for a revolution in the ecological discipline itself. Speaking before a subcommittee of the House Committee on Science and Astronautics, he charged the ecology, as now constituted, is unable to answer the questions that must be answered: How will a particular kind of air pollution affect the population? What effects will a highway or a jetport have on a wildlife area? The traditional descriptive ecological data are often available, the details on specific plants and animals gathered by classical ecologists, but they don't suffice. The effects are too complex, too subtle. The data must be "pulled altogether into coherent models"—general laws and theories that can be applied to the particular case. Gates has asked Congress to establish a National Institute of Ecology to begin the task, and for Federal programs to entice more students into the discipline. "There are only a few thousand ecologists in the country," he says, "and less than a half-dozen are theoretical ecologists."

When David Gates was named director of the garden in 1965, he said, "it shocked the botanical world"—and later talks I had with other ecologists indicated that, for some, the shock has not yet worn off. Gate's academic training had been in molecular physics, and his career had encompassed a host of pursuits far from any garden path. He had worked on antiaircraft proximity fuses, on upper atmospheric research with "sky hook" balloons, on the propagation of radio waves. He had been an administrator of military and government projects and has taught college physics. It was not until 1964 that he had an official position directly related to ecology—as Professor of Natural History at the University of Colorado.

"What people sometimes lose sight of," Gates said, "is my childhood." His father, Frank, was a pioneer ecologist at the Kansas State University in Manhattan, Kan., where he was raised, and father and son spent 17 summers at an ecological field station in northern Michigan. "I didn't have many friends up there. I spent my time collecting plant specimens and studying them under my dad's tutelage. I loved it. But one day I asked myself, Was it really enough just to find plants and describe them—the traditional ecological way, you see? I wanted to analyze, not just describe. When I discovered physics in high school, that was it—so intricate and beautiful and precise."

Over the years, Gates never lost his early interest in ecology, and at a meeting in 1959, sponsored by his alma mater, the University of Michigan (Ph. D., 1948), he propounded a theory that was to have a major impact on ecological studies.

The basic notion was simple enough. Every life process involves the expenditure of energy; thus, the relationship between an organism and its environment can be viewed as a problem in energy exchange. If there is a balance, an equilibrium, between the amount of energy a plant absorbs, and the amount it gives off, the plant will be healthy. If the balance is tipped one way or the other, the plant will become too hot or too cold, and will perish.

What was revolutionary about Gate's energy-exchange theory was its potential application. If he could pinpoint the major elements involved in this transfer of energy . . . if he could measure all their effects on a plant in terms of units of energy . . . then he would be able to produce a mathematical model of the relationship between plant and environment. Such a model would enable him to predict just how any given organism would actually function in any given environment. It would make ecology like physics—"beautiful and precise."

Gates pursued his theory with experiments at the University of Colorado ("I elected somewhat arbitrarily to work on plants first, because they don't bite and run around"), and he accepted the post in St. Louis with the understanding that ecological research would become a larger facet of the botanical garden's program. Now snakes, alligators and wolves are being tested to determine their energy credit and debits (Gates speaks of "energy budgets"), and he is training graduate students from around the nation in his new discipline called biophysical ecology. His research is supported by the Ford Foundation, the U.S. Public Health Service, the Office of Naval Research and the Atomic Energy Commission. One project suggested by the A.E.C.: A study of the energy budgets of aquatic animals as a means of understanding the effects of thermal pollution from nuclear reactors.

The air-conditioning in Gate's office had induced a state of blissful comfort; it was lost the moment we stepped out the door into a standard summer day in St. Louis—97 degrees and humid. Gates set a brisk pace and maintained it: "I run a mile and a half every morning in the garden or wherever I am." (His tennis shorts and sneakers produce some raised eyebrows when he trots out of Washington's Cosmos Club.)

The garden is a serene and lovely landscape of rolling hills and winding paths, dotted with cultivated areas and gazebos. We passed benches occupied by pipe-smoking elders, watched barefoot hippies rolling in the grass and small children chinning themselves on water fountains. Gates lectured in a calm, matter-of-fact manner.

"This pine here, one of the new ones. It has 450,000 needles. We know because we counted them." Energy exchange takes place at the surface of a plant—the flow of air over the surface, for example, helps keep a plant cool. Before Gates could begin to determine how much air flow the pine required to stay healthy, he had to find out its total surface area. That meant counting pine needles.

Wind speed is one of four major environmental factors ("independent variables") he measures. The others are radiation (as from the sun), air temperature and humidity. The surface temperature of the organism, and the rate at which it loses water, are two other factors, dependent upon the first. To find the energy budget of a leaf, he simply(!) fits these measurements into a formula, to wit:

$$Q_{abs}=\epsilon\sigma T_l^4+k\left(\frac{V}{D}\right)^{1/2}(T_l-T_a)+L\frac{d_l(T_l)-r.h.d_a(T_a)}{r_l+r_a}$$

As we walked on through the garden, Gates's enthusiasm for his plant charges emerged. He pointed to a redbud tree along the path. "You can see, as the day gets hotter, its leaves begin to hang vertically. That way they don't get so much of the direct rays of the sun. Trees have their own personalities, their own ways of adjusting. They're smart."

The Missouri garden has for 50 years been a world leader in breeding tropical waterlilies; in fact, the first to be patented was grown here—a delicate, yellow flower named "St. Louis." Some of the lilies in the garden ponds and greenhouses reach diameters of six feet. "*They're* smart, too," Gates commented during our tour of a greenhouse, lifting a lily's edge. The underside was covered with huge thorns—"to keep animals from eating them." He had fewer kind words for a neighboring water hyacinth. "A vicious plant. They clog waterways."

Outside the greenhouse Gates called to a short man in bluejeans, James Hampton, the garden's chief engineer. "I hear you did a great job the other night, Jim." The Junior League Ball had been in full swing at the garden when a storm hit; the cream of young St. Louis society, in gowns and tuxedos, had raced helplessly about as the heavens opened and the lights went out. Hampton had repaired the generators.

Keeping people—particularly upper-class people—happy is one of Gates' major duties. The garden is a private institution and is primarily dependent upon private benefactors for support.

The most dramatic display at the garden is the Climatron—a 70-foot-high, glassed-in geodesic dome, the interior of which has the exact climate of a tropical rain forest. We went inside to cool off. There were waterfalls and limpid jungle pools, palms and balsa trees rising above a thick canopy of banana trees. Gates nodded toward a bird of paradise plant: "That's particularly handsome." "Aren't all flowers handsome?" I asked. "Oh, like all people, I suppose. It depends upon your criteria."

And on we went, through the restored, century-old country home of founder Shaw and the rose garden with its 6-inch-diameter Mr. Lincoln roses and the dusty herbarium—least colorful of the garden's treasures but one of its most important. Two million botanical specimens are preserved here, including plants gathered by Charles Darwin during the voyage of the H.M.S. *Beagle*. Scientists from all over the world study these desiccated plant remains to understand the evolution of life on earth.

Finally, Gates led me into a dark and dingy building and through narrow passageways crowded with plants and scientific equipment. "Our research center," he commented grimly. "We're trying to raise money for a new one."

As we talked, I heard a faint cheeping in the background. Gates pointed toward a cylinder beside us. "It's a kind of wind tunnel, with a baby chick inside. We can control the temperature and humidity and air flow. We're trying to determine how much water the chick loses when we change one of those variables. It's part of working out the energy budget for a chick—figuring out the energy input and output."

Many of the center's projects involve Gates's energy-exchange theory, and he follows them closely. "It's important professionally that I keep my hand in research," he said. "Otherwise I'm dead in five years." Experimental observations like that derived from the chick test are put through a computer at Washington University. "We can now tell," Gates said, "whether a cardinal or a sheep will be able to live successfully in a particular location. We can predict it."

Cheek by jowl with the wind tunnel was a massive apparatus, a motor connected by plastic tubing to a glass tank, which in turn was surrounded by recording devices and surmounted by a bank of flood lamps. Within the tank rested a tiny lilac plant. "One of our air-pollution studies," Gates said, and introduced me to a tall, quiet scientist named Fred Lanphear, an associate professor of horticulture on leave from Purdue.

The motor, Lanphear explained, produces pollutants which are blown through the glass tank. "We're trying to find out what levels of pollution are critical," he said. "By controlling the temperature with the lamps and the humidity and air flow, we can pinpoint just what pollution does to different kinds of plants in different time periods."

Such studies will provide botanists with the data they need to develop pollution-resistant plants and will provide city planners with a guide in selecting plants that are best able to withstand pollutants. "I'm also interested in using plants as biological monitors,' Lanphear said. "They can be more sensitive pollution detectors than most of the equipment available. You just have to know the symptoms." Sulfur dioxide pollution, for example, produces irregular streaking on either side of the midvein of a blade of grass. Ozone, chief ingredient of Los Angeles's photochemical smog, marks broad leaf plants with white flecks or reddish-brown stipples.

Lanphear envisions a time when carefully selected plants will form green belts around factories, not only to monitor pollution but possibly to reduce it. "The fact that pollutants injure a plant indicates it is absorbing them. The question is, to what extent can plants serve as a pollution filter. I'm conducting experiments in the lab to test the premise, and I find that some plants—the Douglas fir, for example—can take in huge amounts of sulfur dioxide without too much damage if they're given enough time."

Another research project at the garden looks toward a day when plants may be used to absorb noise. Scientists place a sound generator on one side of a grove of evergreens, for instance, and a sound meter on the other side. Their observations indicate that plants are better at absorbing high frequency sound (which is more annoying to the human ear) than the low frequency variety.

Members of the garden research staff are frequently away from their desks on field trips. Some have spent long periods of time in Panama—Gates has been a consultant for the Federal Government in determining the ecological consequences of building a sea-level canal through that nation. A former staff scientist has used his knowledge of the tropics to write survival manuals for G.I.'s in Vietnam.

Gates himself is constantly traveling, on field trips into his beloved northern Michigan (It's not what it was when I was a boy—nothing is, I guess—but it's still beautiful) and to professional meetings. He is a fellow of the American Association for the Advancement of Science and on seven of its committees. He serves on commissions and boards for organizations such as NASA and the Smithsonian. His home base is a two-story brick house on the garden grounds, which he shares with his wife Marian and their four children. Marian Gates is a small, bright, outspoken woman who was her husband's classmate back in Kansas. Murray, 21, is a college dropout, a long-haired artist who, like his father, is a former Eagle Scout. There are three daughters: Julie, 19; Heather, 12; Marilyn, 11.

Since it was first propounded, the Gates theory of energy exchange has earned universal acceptance in ecological circles, even though it was the brainchild of a molecular physicist, and other scientists are pursuing research in biophysical ecology. There are some doubters who believe that the "energy budgeteers" will never measure precisely all the environmental variables that work upon a plant or animal—biological rhythmns, for example. But Gates is supremely confident that he has found the key to unlock many of nature's mysteries, and to revitalize the ecological profession as well.

"We need a new breed of ecologist," he says. He believes that it was the development of theoretical physics a half-century ago that made possible the quantum leaps in that science, and that it is the lack of a strong theoretical foundation that has prevented ecology from making similar advances. "We're groping for answers," Gates says. "We try something, see if it works, then try something else. A body of theoretical knowledge will enable us to predict results, to know how organisms will react to changes in their environments. In a sense, this is what the modern environmental crisis is all about." As a teen-age naturalist, Gates had abandoned his father's science because it lacked this kind of analytical precision; now he hopes to bring it around.

All this, however, is in the realm of theory, and Gates is nothing if not a pragmatist. In his Congressional appearances he has frequently wandered from discussions of energy budgets and the ecological discipline to concrete proposals for what he calls "environmental management." Speaking before the House Committee on Merchant Marine and Fisheries, he called for the creation of "ecosystem analysis task forces," which would converge upon a particular geographical area and spend months studying it. "Take Long Island," he says. "I would send in not just ecologists but agronomists, recreational experts, sewage treatment people, sociologists, economists—it might easily be a team of 100 people. They would come up with options: This is what you can expect if things continue the way they're going; this is what can be done and what it would cost. Should this section of land be held out for food production? Is recreation the most important use of the upper end of the island? The task forces might be a Rand type of corporation or a Brookhaven National Laboratory which would report to the President's Environmental Quality Council."

Such studies, Gates feels, are immediately necessary to provide the nation with predictive models, enabling scientists to forecast the results of particular kinds of pollution, to anticipate environmental catastrophies. This type of crystal-ball-gazing is called operations research, and it is no accident that Gates should espouse it. He did the same kind of work during World War II, with antiaircraft weapons. "We'd be asked to figure out questions like this," he recalls. "If the Japanese sent so many suicide planes of such-and-such a speed against a carrier of such-and-such class, what were the probabilities that we could shoot them down?" What worked for suicide planes, Gates feels, would work for pesticide spills and sea-level canals.

Gates is an optimist, a doer, who gets his kicks from solving problems. He wants to believe that man can cope with the environmental crisis, and he does find some heartening developments. "Congress is becoming increasingly concerned," he says. "Scientific groups of all kinds are getting involved. Industry is beginning to cooperate." Public pressure, he feels, is making a difference: "People are beating on their representatives, on local industry."

Yet a touch of nostalgia, almost of despair, constantly intrudes upon his conversation. "It's so difficult to make people understand the seriousness of the threat," he says. "They don't realize how much we've lost already. They don't realize that we live in a closed system, that the air and water, the plants and animals, are being irreparably damaged and there are no replacements. And it's not just a matter of esthetics. When we lose a wildlife species or a plant, we lose a genetic stock that future generations might need desperately for food."

Just before we parted, I asked him if he thought the trend toward human oblivion would be halted. "I don't know," he replied. "It's very likely we won't be able to stem the momentum, but we have to try. We're definitely not going to make it if we persist in fighting major wars, throwing away our energies. Priorities—it always comes back to that. We have to learn to care about what kind of environment we're going to live in. The question is, Will we learn in time?"

As I left Gates's office, I stopped for a moment to take a last look around the garden. My eye rested on a magnificent ginkgo, a thick-trunked wide-branched tree that belongs to a species that is 200 million years old. Gates had told me that the tree was very resistant to insects—hence its longevity—but only fairly resistant to air pollution. Some effects were showing.

Two dozen school children had been sitting beneath the ginkgo earlier. Now, they were gone, and the base of the tree was littered with scraps of paper and discarded softdrink cartons. It was a small incident, and I reminded myself that one could read too much into such things. Yet it seemed a depressing omen.

WISCONSIN RAPIDS DAILY TRIBUNE CALLS FOR END OF DDT USE

Mr. NELSON. Mr. President, there is growing support for communities to stop using persistent pesticides, such as DDT, and instead rely on the alternative means of pest control that are now available.

According to the editorial published in the Wisconsin Rapids Daily Tribune, the village board of Port Edwards has decided to continue using DDT "only when necessary and in small amounts so long as State agencies do not ban the insecticide."

The newspaper takes issue with this decision and cites recent evidence that indicates the real threat of hard pesticides to wildlife and the environment.

The editorial sums up the situation in this manner:

> The Village Board's decision to use DDT infrequently and in smaller amounts misses what is the greatest danger in DDT. That is the insecticide's persistence, or long-lasting effect.
>
> There are insecticides other than DDT that are still dangerous to mosquitoes but less dangerous to Port Edwards village residents and to the domestic and wild animal population thereabouts.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wisconsin Rapids Daily Tribune,
Sept. 15, 1969]

PORT EDWARDS BOARD SHOULD RECONSIDER USE OF DDT

The mosquito population is retiring from its combats with the people population until next spring so the Port Edwards Village Board has time to reconsider its decision to use DDT in the village mosquito control program.

As it now stands, the village policy is to continue use of DDT only when necessary and in small amounts as long as state agencies do not ban the insecticide.

This sounds reasonable until you look into some of the findings on effect and accumulation of DDT in our environment.

Last spring the Food and Drug Administration seized 28,000 pounds of pesticide-contaminated coho salmon taken from Lake Michigan. The concentration of DDT was as much as 19 parts per million and dieldrin, another insecticide, about 0.3 of a part per million.

Both levels are considered dangerous by the FDA and the World Health Organization.

Much of the DDT research so far has been done on fish. For example, a national pesticide study by the U.S. Bureau of Fisheries and Wildlife found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the U.S. DDT residues ran up to 45 parts per million in the fish, nine times higher than the FDA guideline level.

But more than fish are involved in the pile-up of DDT and other manmade poisons in our environment.

Ecologists, who study the balance and interconnections of living things including man in our environment, are alarmed at the dangers some pesticides present to wildlife and to man. The long-lasting DDT is one of the foremost threats.

Biologists and ecologists are convinced that numerous bird species including the American bald eagle and the osprey in Wisconsin, are losing out along with fish to DDT.

The U.S. Public Health Service and the FDA are in a broad-range study of the effect of pesticides on man.

DDT has been beneficial worldwide in insect control for more than a generation. This has helped to control many insect-borne diseases, malaria for example. But scientists now fear that DDT is doing more harm than good to animals and people.

So far as the Port Edwards Village Board's reliance on state of Wisconsin agencies is concerned, the board doesn't have much to go on.

The Department of Natural Resources conducted a long public hearing on DDT late in 1968 and in the spring of 1969. Much pro and con testimony was heard but the department has not set forth a public policy on its use.

The Department of Natural Resources has banned use of DDT to fight insects in state forests and other public facilities, however, and that should tell the Village Board something.

The Wisconsin Department of Agriculture has its feet firmly on both sides of the fence, saying it "recognizes a need for use of certain chemicals for maintaining quality and quantity of food and fiber, but also takes note of the need for preservation of Wisconsin's natural resources."

The State Ag Department has ceased to recommend use of DDT for fighting Dutch elm disease, but doesn't recommend against it, either.

In the huge and less-coordinated federal government, the U.S. Department of Agriculture has replaced DDT, dieldrin and heptachlor, all persistent, with less long-lasting insecticides in several of its joint federal-state insect control programs.

The Village Board's decision to use DDT infrequently and in smaller amounts misses what is the greatest danger in DDT. That is the insecticide's persistence, or long-lasting effect. The DDT molecule evidently takes years to break down into harmless components. Thus, it continues to build up and keep its killing power even when used in small amounts.

Precise levels of DDT tolerance (safety) have not been determined for man. Warning flags are flying, however, and those who buy and use DDT, and dieldrin as well, should use caution even if they intend to use small amounts.

Gov. Knowles of Wisconsin and the governors of the other midwest Great Lakes states, Minnesota, Illinois, Michigan and Indiana, have asked for a phase out of DDT and similar pesticides and restricted use of them until susbtitutes can be found.

There are insecticides other than DDT that are still dangerous to mosquitoes but less dangerous to Port Edwards village residents and to the domestic and wild animal population thereabouts.

The board can switch insecticides, fight mosquitoes and it won't get a black eye from anybody.

LEGAL SERVICES PROGRAM

Mr. MONDALE. Mr. President, the chairman of the Committee on Labor and Public Welfare, the distinguished Senator from Texas (Mr. Yarborough), delivered an excellent speech on the legal services program to the American Bar Association convention in Dallas, Tex., in August.

The speech sets out the value of legal services, what they have accomplished and what they can do. It describes the value of legal services both to the legal profession and to those in our country who are unable to afford the services of a lawyer.

I ask unanimous consent that the speech, entitled "There Are No Islands Any More," be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

There Are No Islands Any More

Chairman Smith, Chairman Raymond, distinguished Members of the Section of Legal Education and Admissions to the Bar and the National Conference of Bar Examiners, Distingiushed members of the Bench and Bar, Ladies and Gentlemen:

Having served as a Bar Examiner, District Judge, practicing lawyer and recently a member of the Education Subcommittee of the Senate for the past 11½ years, I feel a genuine kinship to the purpose and work of both groups assembled here today.

I congratulate your efforts to maximize the quality of legal education in this country. Too few realize what an important role the Legal Education and Admission Section plays in assuring that the quality of education in our Law Schools and character of the students is such that law graduates can truly meet the challenge, pressure, and the demands of a modern society as they enter the arena of the adversary system. Through the efforts of your section, 142 law schools in this country have been approved by the American Bar Association. You have assisted in the installation and development of several badly needed new law schools, including, I am proud to say, the new law school at Texas Tech in Lubbock. We in Texas are proud of this new law school, now in its second year.

The National Conference of Bar Examiners has played a no less important role in the search for legal excellence, through your efforts to upgrade procedures for determining qualifications of applicants for admission to the bar and to provide a coordinated clearing house for bar examination questions. Your assistance in the formulation of the Code of Recommended Standards for Bar Examiners and Bar Examinations also has had significant impact upon the augmentation of quality improvement. It was my honor and privilege, while a member of the Texas State Board of Law Examiners, to serve as an official of this National Conference.

We must not fail to recognize the importance of continuing our efforts to improve the quality, as well as the quantity, of our lawyers. Though any practicing lawyer has the tendency to the view that there "are already too many lawyers", the truth is we are not graduating enough. The law schools of our nation graduated 14,700 in 1967 and increased that number to 16,075 in 1968, but the law school enrollment for this year was less than that of last year. And this has occurred in the face of demands we are familiar with": The large law firms need more lawyers; government needs more lawyers; the industries need more house counsel; and the need for more general practitioners in towns and smaller cities throughout the country is unremitting.

But the problems facing our law schools and legal training centers do not stop at numbers, or even at the quality of law graduates. They are broad in base, as so ably pointed out by Professor Joseph Sneed, of Stanford University Law School and past president of the Association of American Law Schools, when he said at the Senate hearings on the 1968 amendments to the Higher Education Act:

"Legal education in this country faces many difficult problems. Like American Society in general, it must come to grips with problems caused by technological change, high density population centers, the demands of racial minorities for full participation in the social economic and political life of the nation, and the ebbing faith in the utility of reasoned discourse."

His testimony and the testimony of many others, and the efforts of many, such as my good friend General Ted Dicker, were instrumental in the subsequent enactment of important improvements in the Higher Education Act and the Higher Education Facilities Act of 1963. These improvements were achieved through an omnibus bill which included the extension of, and improvements in, the Higher Education Facilities Act of 1963 in such a manner as to enhance the construction of badly needed law school facilities; the enactment of Title IV of the Act which provided for improvements in the important National Defense Student Loans, the Work Study Programs, and the Loan Insurance Program, upon which law students have relied heavily on in the past; and finally, the enactment of Title XI of the Act, which provided for an urgently needed new program, a program of grants by the Federal Government to law schools for clinical education.

Let me pause a moment to emphasize the importance of this latter innovation. This program provides for partial financing by the Federal Government of a course which would include closely supervised field experience on the part of third year law students acting as advocate for clients in both civil and criminal cases. When I first started trying lawsuits as a young lawyer, and suffered those first few humiliating setbacks in courtroom combat, and thereby realized that perhaps I did not know quite how to put the law in action, I would have given much for the clinical training afforded by Title XI. I believe this kind of training is as essential to the lawyer as internship and residency is to the doctor.

It is pleasing to note that the Federal Government and the law schools are not the only sponsors of clinical training. A privately endowed organization, the Council on Legal Education for Professional Responsibility, Inc., founded just last year, has as its stated mission "the encouragement of clinical experience as a regular part of law school education."

Clinical training is but one step up the ladder to the improvements necessary to make the law and lawyers relevant to our modern society. Law schools, the government and private foundations must forget their efforts into a commonweal in other areas. From a general perspective, the urgent need for a National Foundation of Law and Justice, substantially as proposed by Congressman Celler, cannot be disputed. The purpose of the Foundation, as Congressman Celler stated, is to "promote improvement in the Administration of justice and in legal education and research." I support the establishment of such a foundation because, analogously speaking, the law and the legal profession have as much need for the great coordinating and supporting services available through it, as the sciences have for the National Science Foundation and medicine has for the National Institutes of Health.

There is also the commendable work being done by the Council on Legal Opportunity. It is their laudatory goal to "recruit and facilitate the training of disadvantaged individuals, particularly the racially disadvantaged, for the legal profession."

And the valuable legal aid services promulgated under the Economic Opportunity Act, and implemented by the Office of Economic Opportunity, cannot be forgotten. As a result of its efforts, during 1967, almost 500,000 poor Americans received advice and representation from Legal Services attorneys in consumer, family juvenile, housing and welfare cases. An additional estimated 50,000 to 100,000 poor people were members of 800 tenant associations, farm worker groups and welfare mothers groups that used Legal Services programs to obtain their rights, set up credit unions and other self-help institutions and win their rightful share of public services. More than one million welfare and medical care recipients, farm workers, tenants and juveniles have been assisted by court decisions, won by Legal Services attorneys, that broadened and protected the rights of whole classes of people. Almost two million poor people who had long regarded the law as their enemy received preventive law education in their rights and responsibilities.

Last year Legal Services attorneys won seventy per cent of the more than 40,000 court trials in which they were involved and over sixty per cent of the more than 400 appellate cases in which they provided representation; averted or stayed eighty-six per cent of evictions sought against poor clients; and won seventy-nine per cent of cases involving local, state, and federal administrative agencies.

The OEO Legal Services Program is one of the more workable and successful poverty programs. It has enjoyed support from the American Bar Association, National Bar Association, National Legal Aid and Defender Association, and the American Trial Lawyers

Association. It is also one of the few that is budgeted at a higher level this year than last. It operated with $42 million last year; this year it has been budgeted at $58 million.

It is because of the great contributions this program has made to the radication of the injustices suffered daily by the poor, that I have co-sponsored Senate Bill 1291, better known as "The Legal Services to the Poor Act." This bill would give some statutory protection to the whole legal services program to make sure that it is not curtailed in the future. It would authorize the program until 1974, and authorize $90 as recommended by the ABA.

I have purposely reviewed the many frontal efforts being made to provide the public with more and better lawyers, and to provide them in the areas where they are most desperately needed, because I fear we may have underestimated the severity of the challenges which confront the legal profession. It is beyond "my poor power" to adequately convey to you the depth and the breadth of the mighty convulsion which is sweeping the land. It is a burst of ideas, an eruption of change in attitude, an upheaval against the system. It has occurred primarily among the young and the racially disadvantaged. It has touched every facet of society, our economics, our morals, our politics, and especially our law. Its manifestations include the riots in our great cities, the campus take-overs, the anti-war demonstrations, and the poverty and civil rights marches. But they also include more subtle and deeper symptoms: dissatisfaction by the poor and the minorities with the courts, with some religious pretensions, and most alarmingly, with a great deal of our political system.

But the deflections from this revolution in thought and action are not all bad. The young of today are not the pliant conformists of the last generation; they are militantly dedicated to the causes in which they believe; they are extremely conscious of social and political problems and they want to do something about them now, instead of just appointing committees to study them for ten years; they have an understanding revulsion for the hypocrisy which permeates parts of American society and so much of the American political system, and they confound their elders with greater concern for their social and political causes than for the financial and material superiority by which we are so accustomed to measuring success.

The law students of this generation have provided a revelation of this in the expressed desire of the top-ranking graduates to work with legal aid centers and participate in the social services aspects of the law, rather than immediately accepting lucrative jobs with the Wall Street firms. And this reflected attitude is part of the challenge, as well as the inspiration, in planning now and into the future for the education of lawyers.

We, as lawyers, have a great opportunity to seize the initiative in our efforts to cope with the great displosion in thought and action, by working to slice out the ill-effects, by taking hold of the good effects, then harnessing these vibrant forces and propelling them in a constructive direction. In many respects, the law, in the broad sense, is our greatest hope. It is the common threat which is woven throughout the fabric of our entire civilization; it reflects our morals, it makes our government workable, and if democracy is to function, it should be the cohesive force of our response to the injustices in our society. DeTocqueville, one of the severest critics of American democracy, observed that "in a democracy social problems are translated into legal problems, if democracy coheres."

Frankly, it has taken our courts, our legal system, our legal educational institutions, our bar groups and the Congress far too long to respond to our cancerous social ills. But real hope emerges from the fact that we have begun to respond. The courts, in such decisions as *Gideon* v. *Wainwright* have assured the ignorant and the poor of the right to counsel. Through our law schools and Congress, the clinical experience programs and the Legal Aid Society have focused attention upon the individual and made representation available to him, no matter what his race, or his economic status, and no matter how seemingly insignificant his legal problem may be. We have begun to face up to the reality which underlies so much of our troubles in these turbulent times, a reality so simply stated by the late Robert F. Kennedy: "The poor man looks upon the law as an enemy; for him the law is always taking something away."

But we really are only scratching the proverbial surface. We need the intensified research and supporting services of the Legal Foundation. We need to expand and improve Legal Aid Services by passing the "Legal Services to the Poor Act."

And our interest in better legal education and services cannot be divorced from the broad spectrum of all the vexations confronting our government and our society, and, indeed, all of man. Legal education is just a part of education generally. Recently, the United States Commissioner of Education, Dr. James E. Allen, Jr. asserted that by 1980, public spending on education will need to total $100 billion annually, "with the Federal Government tripling its share of the cost for elementary and secondary schooling." This means we will need to increase Federal government spending on education from $4 billion annually to $25 billion within the decennium. But many educators disagreeing with Dr. Allen assert that local tax sources have dried up, and that the Federal government must be able to provide $50 billion annually for education by 1980.

My friends, we cannot do this, we cannot spend what we must on higher education, let alone elementary and secondary education, unless we reorient our priorities. As I have stated many times before and repeat: We must end the dreadful expenditures of lives and tax dollars on that wild adventure in the valleys and hills of Vietnam. Precious American lives are being sacrificed at the altar of prestige. The young who need to be educated, the old who need medical services, and the middle-aged who pay most of the taxes are being short changed by its burden.

The asserted need for unnecessary military expenditures of vast proportions are but symptomatic of our failure to think through our national priorities.

The only way this country can meet its rendezvous with destiny and come to grips with the urgent crisis in education, health, poverty, environmental control, and in law and order, is for people like you to realize the dire consequence of spending over $35 billion tax dollars in Vietnam per year and only $4 billion on education, and to become full time lobbyists with the representatives of your government, insisting that the priorities of this country be reordered, so that we can truly commence the crash programs in health, education and the general welfare that are so long overdue.

Edna St. Vincent Millay in one of her beautiful poems tells us:

> "This little life, from here to there—
> Who lives it safely anywhere? . . .
> The tidal wave devours the shore;
> There are no islands anymore."

None of us are safe from the dangers of living in this restless age; threatened by the chance of nuclear annihilation; plagued by the reality of hunger, illiteracy and premature death in nearly two-thirds of the people of the world; troubled by a pollution of our environment that could become irreparable; and fearful that a lasting peace can never be. Thus, we all must strive together, think together, work together, and care together, in a common effort to win the battle over these most ancient foes of man. We MUST do this, because no one of us is an island, anymore.

We must renew what Joe Sneed called "the ebbing faith in the utility of reasoned discourse." I have a faith, a belief, a confidence in the law as the fairest and most just of our institutions. Due to your great work the legal system is growing in its devotion to justice and fairness faster than any other of our institutions. The high standards of intellectual excellence, devotion to reason, and high standards of ethical conduct, increasingly inculcated by legal admission requirements and superior legal educational standards are bed rocks upon which a sounder legal and governmental order are being evolved. I salute you and your leadership in building this foundation for civilization.

THE BIG THICKET—A SAFE HAVEN FOR THE ENDANGERED RED-COCKADED WOODPECKER

Mr. YARBOROUGH. Mr. President, the Big Thicket area of southeast Texas is a refuge for several species of birds and animals which are facing the threat of extinction. One of these rare and endangered species which has found a haven in the Big Thicket is the red-cockaded woodpecker.

This beautiful bird is the smallest and least known of the southern woodpeckers. It nests and rears its young in the trunks of living pine trees. No other woodpecker requires a live tree nest. When the nest tree dies, the red-cockaded woodpecker will desert that tree and make a new nest in a living tree nearby.

At present, the red-cockaded woodpecker is in danger of becoming extinct because the pine trees it requires for nesting are fast being cut down by lumber companies. If we desire to save this beautiful bird it will be necessary that steps be taken to preserve the pine forests of the Big Thicket. This is another reason why my bill, S. 4, which would create a 100,000-acre Big Thicket National Park, should be passed by the 91st Congress. This park would save for future generations this beautiful area and with it the rare plants and wildlife found in it.

THE ELECTORAL COLLEGE SHOULD BE PRESERVED

Mr. McGEE. Mr. President, I noted with great interest in the Washington Post of October 5 an article written by Richard N. Goodwin upholding the basic good sense still present in the electoral college, despite the recent movement to put the election of our Chief Executive on a direct popular vote basis.

Mr. Goodwin and I have, on occasion, had reason to disagree. But in this case, we are agreed. With him, I share a reluctance to scrap the electoral college simply because it threatens to be unworkable. To use a tired cliche, we would be throwing the baby out with the bathwater, for it is the electoral system of counting votes for the Presidency which has, it seems to me, given our politics a fundamental steadiness through the years. We do not have a multitude of political parties because they lack hope of achieving electoral votes. Thus, our two-party system survives.

Decidedly, the time has come to improve the system, to guard against faithless electors, and to insure against a small group of men, acting on their individual opinions and motives, being able to select the President. But we need not scrap the electoral principle itself in order to perfect it.

We in this body will, before long, be considering the proposal already adopted by the House which would shift the election of the President to a popular vote basis. To quote Mr. Goodwin:

> Before embarking on the irrevocable course of abolition, we should be sure that we understand and are willing to risk the possible results.

Mr. President, I ask unanimous consent that Mr. Goodwin's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ELECTORAL COLLEGE FINDS A DEFENDER

(By Richard N. Goodwin)

(NOTE.—Mr. Goodwin was an adviser to Presidents Kennedy and Johnson.)

Nothing could be more startling or instructive than the unanimity with which the Establishment of politics and media is rushing to embrace a constitutional amendment which might unhinge the entire political structure. For there is good reason to believe that direct popular election of the President might end that two-party system which has helped make the United States the most stable and long-lasting democracy in the history of the world.

Coming, as it does, at a time of deepening national division and ideological strife, that result is even more likely. Yet this immense possibility—a likelihood in my judgment—has been barely mentioned in the curiously muted debate over a proposal to change a constitutional system which has worked well for two centuries.

To make this judgment, one must first separate out the very different issues whose casual blending has seriously obscured discussion. First is the electoral principle itself, in which all the votes allotted to a state go to the candidate with the most popular votes. Second is the legal right of an individual elector to defy the popular will and vote for the candidate of his personal choice. Third is the question of what happens if no candidate receives a majority of electoral votes.

The second and third issues raise a very different problem from the legitimacy of the electoral system itself. It is whether a small group of men, acting on their own individual opinions and motives, should ever be allowed to select the President. Moreover, this is not just an academic possibility. Electors have gone off on their own, and twice the House of Representatives has chosen as President a man who did not receive a plurality of popular votes. (Jackson and—in a rather sordid way—Tilden were deprived of the presidency by Congress despite popular pluralities.)

Certainly nearly everyone will agree that the modern presidency is too important an office to be filled by private maneuvering, deals and coalitions. Still, these abuses can be forestalled without touching the electoral system itself simply by automatically counting a state's electoral votes for the popular winner and providing that a plurality of electoral votes wins. There could also be a provision for a runoff if the leading candidate fell below a specified percentage.

THE 1888 EXCEPTION

None of this requires eliminating the electoral principle itself, which is an unrelated and far more serious matter. That principle is like many other elements of our constitutional structure. It no longer serves the purpose which the founders intended but has assumed other important and rarely articulated functions.

There is, one must admit, the theoretical possibility that a presidential candidate could receive the most popular votes while his opponent won the most electors. Yet in almost two centuries, this has only happened once—in 1888, when Grover Cleveland lost the election to Benjamin Harrison. Even then, Cleveland's popular edge was only 100,000 votes, hardly an overwhelming popular mandate.

If the system has been accurate for over 80 years, it is even more likely to work in the future. For television and other mass media operate to make an election more than ever an expression of a national mood rather than of differences based on state lines. Thus the direct election proposal violates the single most important rule of constitutional amendment: If something is working, don't change it.

We have never before amended the Constitution in anticipation of possible abuse or on the basis of abstract theory. Only after an abuse has manifested itself, and usually after considerable public pressure, have we acted, and even then with reluctance. Surely this is one of the reasons why the American Constitution has endured while more volatile republics rose and fell.

We must remember that no one really knows why this curious mixture of pure democracy, sectional power, protected interests and divided governments has lasted so long. That ignorance should give us pause before we begin to tinker with the mechanism of the Republic on the basis of abstract democratic theory.

THIRD PARTY POSSIBILITIES

One must equally admit that it is impossible to be certain of the consequences of the projected change to direct elections. Yet it is a fact that the only third parties which have lasted in this country have been those with a geographical base—those that could carry states. The most noteworthy modern example has been the Southern Party, from the Dixiecrats through Wallace.

The others have proved transient, or have never begun, in important part because they could not hope to carry any states and would thus receive no electoral votes. (In 1948 Strom Thurmond and Henry Wallace received approximately the same popular vote but Wallace got no electoral votes to Thurmond's 39. The Southern Party is still with us and the progressives passed away.)

Many of those who were tempted by third party movements—and I know this from personal experience in 1968—have been discouraged by the knowledge that their activities would only help swing a state's electoral votes to that candidate who was ideologically furthest from them. With only the popular vote at stake, however, regional roots become irrelevant. Groups united by general conviction or special interest might well think it in their interest to form a new party.

Such a party might bargain with one of the major parties in return for an endorsement or offer to withdraw in the course of a campaign in return for endorsement. It might also run candidates in the hope of forcing a runoff election in which its votes would be eagerly and profitably sought. Based on our historical experience, this could prove an extremely fruitful course.

Fifteen of our Presidents have been elected with less than a majority of the popular votes. Therefore, in almost half of our elections, a third party, at least theoretically, could have held the balance of power. And two of our last three elections have been virtual popular ties.

The experience of some of our largest states demonstrates that this is more than a theoretical possibility. We now have four parties in New York State, with both the Liberal and Conservative parties exercising influence far out of proportion to their strength. Nor is California a stranger to third party politics.

Had direct election been in effect last year, we probably would have had an anti-war party (and I would have joined). The possibilities for the future are limitless. Direct election might well bring us a farmers' party, a senior citizens' party, a black party and other groups coalescing around common interest and belief.

A TIME OF FRAGMENTATION

The possibility of multiparty activity is as much a matter of the psychology of presidential politics as of pure reason, which is probably why it is so little discussed, for relatively few of those involved have had direct experience in presidential campaigns. Yet I believe that our history combines with modern experience to demonstrate that the inability to receive any electoral votes has been a powerful deterrent to third and fourth and fifth party movements.

If this is so, then direct election could not come at a worse time—when the tendency to political fragmentation and ideological division is reaching new heights. This, to me, is the central issue of reform and deserves the most serious consideration. (It will always be possible, of course, for a new major party to emerge; that might well happen in 1972, for the first time since 1850s.)

Other objections to direct election have been rather fully discussed. No great principle is involved in the speculation that it might increase the importance of small states. Purely as a matter of interest, however, I believe that those who anticipate such a consequence would be seriously disappointed.

Most presidential campaigns are directed at a "swing vote" of about 10 to 20 per cent of the electorate. Any candidate in search of those votes must focus his money and efforts on the large states, for that is where the people are and where the most volatile vote is to be found.

In 1968, about half the total vote for the two major candidates came from just seven states. A change of less than 1½ per cent in those states would have canceled out Richard Nixon's entire Southern margin over Hubert Humphrey. No political strategist could wisely advise a candidate to take the slightest risk in the big states in order to pick up a few Southern or border states.

Thus if direct election is approved, the proponents of the "New Federalism" will preside over the dissolution of one of the few remaining levers which less populated sections have on national politics. This may be a healthy thing, but it always helps to be clear about what you are doing when you change the Constitution.

NO PURE DEMOCRACY

The electoral college has not only faithfully reflected the popular will; it has usually strengthened it by giving a candidate with a narrow popular margin a far larger electoral mandate. Against this historical experience is now set the argument that the electoral system offends the theoretical democratic principle of "one man, one vote."

This is certainly so, at least in abstract possibility. We must remember, however, that this is not the uniform principle of our government. The Supreme Court, with its power to overrule President and Congress, is responsible to no electorate. And its insulation from popular will has helped strengthen it to protect popular liberties.

A Senator elected by a few hundred thousand votes in Idaho has as much power over national affairs as a man selected by several million citizens of New York. Yet the Senate has often been a more liberal and principled body than the House. Men like the Secretary of Defense, whose power over our lives far exceeds that of most of our earlier Presidents, are appointed and removed by one man.

Our national government is not a pure democracy, nor does anyone suggest that it should be. None of our institutions of governments acts exactly as the Founding Fathers expected. Yet they have managed to evolve some kind of enduring and relatively fruitful harmony.

The system is not perfect, and I believe we need some fundamental changes. But when we are asked to change an institution as basic as the Electoral College, the only relevant questions are practical ones. How is it working? What are its functions? What wil be the consequences of change? To act on the basis of rhetoric about pure democracy may have threatening consequences for the future of our actual democracy, and would be in a spirit foreign to the Constitution itself.

For all the influence of mass media and fast planes, we are still a continent, sheltering diverse peoples with very different ways of living. The Electoral College has been one of the institutions tending to strengthen the curious, irrational and frustrating political system which has held us together. Before embarking on the irrevocable course of abolition, we should be sure that we understand and are willing to risk the possible results.

WHOSE LAW, WHOSE ORDER?

Mr. MONDALE. Mr. President, for an administration which rode into office on a wave of law and order rhetoric, the Nixon administration has been behaving very strangely. In practice, it has almost seemed to be a question of "whose law and whose order?"

The most recent example of administration inconsistency in its approach toward law enforcement was the statement of the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice. Incredible as it may seem, he stated that a Supreme Court decision requiring desegregation of all formerly dual school systems could not be enforced. It appears that this administration prefers to pick and choose the laws it will enforce.

The New York Times and the Washington Post summed up the sad state of affairs in this "law and order" administration in published editorials last week. For the benefit of Senators who may have missed the editorials, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

RETREAT FROM THE LAW

The warning by Jerris Leonard, chief of the Justice Department's Civil Rights Division, that a Supreme Court order to desegregate all Southern schools could not be enforced strikes at the foundation of government by law. It is astonishing at the declared stance of an Administration that, in its rhetoric, has so consistently vowed to uphold law and order.

With every new corkscrew turn of policy, the Nixon Administration demonstrates that its approach to school desegregation is more responsive to the prejudices of Southern politicians than to the legitimate demands to put an end to the illegally maintained dual school systems.

This is why the Justice Department's civil rights lawyers rebelled against the policies they were being asked to pursue. It is why the United States Commission on Civil Rights spoke out against the threat of a major retreat from desegregation. And it spurred the decision of the N.A.A.C.P. Legal Defense and Educational Fund to ask the Supreme Court to redefine "all deliberate speed" to keep that phrase from being perverted into a device for delay.

The plain fact is that the Court spoke fifteen years ago and Congress added in 1964 its mandate for the enforcement of administrative guidelines. For Mr. Leonard, at this late stage, to urge his lawyers to concentrate not on prompt enforcement but on organizing teachers' workshops to smooth the way for desegregation is comparable to asking the Internal Revenue Service to provide courses in ethics and accounting for income-tax evaders.

The Nixon Administration has asked Negroes to accept in good faith its pledges of economic and social justice, but the credibility of such pledges is undermined by the emergence of double standards. The President himself, in opposing "extremism" in school desegregation, equates those who insist on full law compliance with the most stubborn of foot-draggers.

Attorney General Mitchell promises the nation's police chiefs that the Administration will support law enforcement with "all its moral, political and economic power." And on the very same day Assistant Attorney General Leonard scoffs at the thought of enforcing a Supreme Court school desegregation order. Such contradictions can only reinforce Negro suspicions of separate justice for black and white, thus inviting resort to mass disruption as a substitute for the essential faith in justice under a government of law.

RUNNING OFF AT THE MOUTH

As defensive case-making goes, we believe the nation may have witnessed a legal breakthrough the other day in the remarks of the Assistant Attorney General for Civil Rights, Jerris Leonard, on the subject of school desegregation. It is not for us to say in what direction the breakthrough was made or even which way it was going when last seen. We heard only the crash and tinkle of forensic glass and knew we were in the presence of innovation. "Take the Mississippi situation out," lawyer Leonard said, "and give me one example where we have not vigorously enforced the civil rights law." Take the Mississippi situation out—the mind leaps to Sherman Adams (take the Goldfine situation out . . .), to Abe Fortas (take the Wolfson situation out . . .), to Lyndon Johnson (take the Vietnam situation out . . .), and to all the others who lost a case because they didn't have the wit to retain Mr. Leonard.

Depending on whether you view the Assistant Attorney General's riposte as a new high or a new low in the technique of self-defense, you will be able to judge whether or not you would want him representing you. But the fact is that he is meant to represent the interests of citizens—mostly black—whose civil rights have been (and are being) tromped upon. How does he view this mission? It is interesting that in the same week in which Attorney General Mitchell was banging the pots and pans for law and order ("I believe the Department of Justice is a law-enforcement agency. I think that persons who break the law ought to be promptly arrested and tried . . ."), his lieutenant in the Civil Rights Division was setting up a wholly different kind of ruckus. When he was asked about the views of those who make and interpret the laws and who have found themselves at odds with administration policy, he replied: "I don't care if it's judges, lawyers, Legislators or whoever disagrees." He also made plain that these laws were not going to be enforced so long as numerous people found them inconvenient and resisted them. His reply to one reporter at a press conference gave a vivid outline of the limits of law enforcement as understood by Mr. Leonard:

> The only thing that changes is the resistance that you run into, and you can't predict that. There is no way of predicting that. There was no way, for instance, of our predicting that 2500 whites were going to storm a school board meeting—and you should have stayed down there with me, Carl, you would have really learned something about this whole process. I mean it. Twenty-five hundred yelling, raging white people standing there in a high school auditorium, one woman with a noose demanding that the school board close the schools. Now I'll tell you something, Mr. Stern, even you would have voted to close the schools under those circumstances.

So much for law enforcement—one wonders: does the principle apply to campus disorders and uprisings in the ghetto as well? The Assistant Attorney General maintained that this special permissiveness was owing to lack of enforcement funds and personnel, not to a lack of devotion. Well, we shall see. Mr. Leonard's remarks were made by way of responding to the publication of a protest by the lawyers in his division against the Department's preventing them from carrying out "clearly defined legal requirements." It had been a very decorous and restrained rebellion, just as the criticism of the administration on this score, made by the Civil Rights Commissioners among others, had been notable for its responsible, more-in-sorrow tone. To this—mention of the Civil Rights Commission's complaints—Mr. Leonard had a reply too: "I think you've got a lot of people who are frankly running off at the mouth who don't know what the facts are." We think someone is running off at the mouth too—but we don't think it's the Civil Rights Commission.

WATER POLLUTION

Mr. NELSON. Mr. President, the Lowell, Mass., Sun recently published a series of articles on water pollution that deserves the attention of the Senate. The series was written by Franz Scholz under the general title of "A Week on the Concord and Merrimack Rivers—With Apologies to Henry David Thoreau." The article describes in vivid and graphic language the terrible consequences of untreated sewage being dumped into rivers.

The first installment, entitled "A Close Look—or Smell—of Rivers," describes the actual condition of the rivers as seen from a boat. The second, entitled "Pollution Menaces Riverside Residents," describes the effects of the pollution on the fish living in the water and the people living along the banks. The third article, entitled "Pollution Costs $40 Million," scans the loss of potential income due to the state of the rivers.

Dr. Bela Fabuss, director of Lowell Tech's Environmental Pollution Research Division, wrote the last installment, entitled "Pollution of the Merrimack River," which outlines a pollution abatement plan for the Merrimack River Basin.

Mr. President, it is encouraging to see members of the press taking this urgent crisis seriously by writing such well-written and exposing reports. I ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Lowell (Mass.) Sun Sunday magazine, Aug. 31, 1969]

A Close Look—Or Smell—Of Rivers

(Editor's Note.—During the past weeks we journeyed up the Concord and Merrimack Rivers following the route tranversed by Henry David Thoreau in 1839. The purpose of our journey was to observe the changes in the rivers and their environment since the days of Thoreau. In this, the first article about our journey, we describe the pollution in the rivers.)

(By Franz Scholz)

Lowell.—In the past 130 years man has turned the Merrimack River from what Henry David Thoreau called a "silver cascade" into a dump for raw sewage and industrial waste.

Vacationing on the Merrimack and Concord Rivers in 1839, Thoreau, although even at that time weary of the pollution of the rivers, described the Merrimack as "a silver cascade which falls all the way from the White Mountains to the sea."

On a recent journey of the Merrimack River, we found a description of the river offered in 1966 by Sen. Edward Kennedy to be more apt of its present state: "Suitable only for the transportation of sewage and industrial waste."

Aided by several experts and concerned observers, this reporter and a photographer recently retracted the route Henry Thoreau traveled in 1839. With two boats lent us by the South Concord Boat House, we started out August 23 from behind the Concord Academy in Concord, Mass., and traveling on the Corcord and Merrimack Rivers arrived in Concord, N.H., August 27. The next day we spent coming back down the Merrimack to Lowell and on August 29 spent an additional day traveling down the Nashua River.

Traveling with us for a day each were Cong. F. Bradford Morse, Dr. Bela Fabuss, director of the Research Division at Lowell Tech, and Arthur Rowse, national columnist and publisher of the Washington based biweekly newsletter U.S. Consumer.

The purpose of our trip was to observe the nature of the river, its pollution, the causes of pollution, the effects of pollution, and to learn why it is not cleaned up.

During his trip, Thoreau described the Merrimack as a "living stream." "Unlike the Concord, the Merrimack is not a dead but a living stream," he said, "though it has less life within its waters and on its banks."

We found the same description applies today.

Much larger than the Concord, sections of the Merrimack flow at an almost uncontrollable pace. Between Nashua and Manchester, N.H., the river's rapids are so strong they would not let our boats, powered with a four horse outboard motor, through.

At other points—just above the Pawtucket Falls in Lowell and above the falls in Manchester—the river is calm, allowing sludge and other particles floating on its water to sink to the bottom. Even at these points, however, a strong, often shifty current flows down the middle of the river.

The Concord, by comparison, is calm with a slow current until it reaches the old Talbot Mills, afterwhich it rushes to join the Merrimack.

In this rather still mill biological and aquatic life is more evident than on the swift Merrimack. Small sun turtles, with their bright orange bellies, were seen by the hundreds sunning themselves on stones, logs and branches along the Concord. Water weeds on the bottom of the Concord often got tangled in our paddles and on the wheel of our motor as we travelled close to its banks.

At several points we were reminded of Thoreau's description of boys fishing along the banks of the Concord. On the Saturday we traveled down the river boys were seen as Thoreau observed 130 years earlier fishing in Concord and Billerica along the banks of the river and in boats.

The only anglers seen on the Merrimack during our five days there were two men Tyngsboro, five boys fishing (for carp) over a sewer outfall in Nashua, two boys next to another sewer outfall in Nashua, three boys on the banks of the river in Manchester just below a point where a stream of blood from a slaughter house empties into the Merrimack.

Some small fish, believed to be sunfish or kivers were seen in a shallow portion of the river in Concord, N.H., and two fishermen were seen headed north of Concord in a motorized canoe.

Vegetables was also less in evidence on the Merrimack than the Concord River.

Water lilies and weeds abounded on the Concord, but were only seen in sections along the Merrimack.

Whereas in the Concord, we could scrape the river's bottom with an oar and bring it up tangled with water weeds, scraping the bottom of the Merrimack produced only a grayish substance which looked like wet coal ashes.

This gray sludge comprises a large part of the river's population.

It abounds at bends and turns in the river where the current is usually slow and thus allows particles in the river to sink to its bed.

These particles originally start out as raw sewage and industrial waste deposited in the river mainly in the larger cities along its banks.

Where the sewage spills into the river, the large pieces of human waste and other heavy solids sink to the bottom quickly. The smaller particles, such as paper, less dense wastes and floatable material such as contraceptive devices, are carried downstream by the river's current.

The current continually breaks up these pieces as it carries them along and the further they travel down the river, the more the river's water helps dilute them. Along their journey downstream, however, the current drops some of this waste on the bottom of the river, perhaps at a bend or along the banks where the current is not strong. It also breaks up the larger solids which settled to the bottom after spilling out of a sewer pipe and slowly moves them downriver. The result is the sewage is continually being moved downstream and deposited all along the river's bed.

Despite the sewage evidenced at every portion of the river, its most impressive feature is the water it holds.

At some points the river is as wide as a football field is long and the strength of its currents caused us to admire the strength of earlier men who carried out commerce on the river.

Another impressive feature was the white sand (Thoreau said the river had a "yellow pebbly bottom") which lined the river's banks and often forms what could be pleasant beaches.

The amount of water in the river and its swift current and perhaps also sandy shores saves the river from being even more polluted than it is.

The amount of water in the river serves to dilute the pollution. Dr. Fabuss' tests shows it dilutes the raw sewage poured into the river so the pollution count is roughly one 17th to one 31st of that of settled sewage.

The swift, challenging current moves the pollution down the river and although it spreads the pollutant material the length of the river, it also helps wash away the bottom where sewage has settled for the past hundred years or more.

As long as new pollution is poured into the river, however, pollution can be expected to pile up on the river's bottom.

On the bottom, the pollution material produces the same effects as a farmer's compost pile. It decomposes, robs the water of oxygen essential to aquatic and vegetation life and lets off gases. The gases appear on the surface in the form of bubbles, which were evidenced on all parts of the river, except at the rapid moving falls between Nashua and Manchester. The gases are also responsible for much of the odors coming from the river.

Thus, the expense of water in the river and its swift current dilutes the sewage and other waters, and carries it along the river. Although the largest sources of pollution were found mainly in the big cities—Lowell, Nashua, Manchester and Concord, N.H.—the current has carried it downstream polluting all parts of the river.

As more and more sewage is dumped hourly the sludge deposits on the bottom increase. After observing the river between Lowell and Nashua, Dr. Fabuss observed, "The river could take care of the pollution load on this stretch by self-purification, but added pollution upstream and downstream makes the conditions progressively worse and overloads the river." And, he added, "The quality of suspended solids in the river is so large that their disposition in river bends leads to accumulation of sludge deposits and to their decomposition. This decomposition goes on without sufficient oxygen, with formation of malodorous gases."

Rats, perhaps attracted by the pollution deposited on the bottom and banks of the river were observed daily—they were most numerous in Lowell behind the new post office building in the Northern Canal area.

Dumps all along the river also attract rats. On the Pawtucket Boulevard side of the river from Lowell to Tyngsboro we observed more than 15 areas people have used for dumping (we counted eight refrigerators thrown over the banks along that stretch). Old cars, bottles and cans, discarded cement pipes and other refuse is prevalent along nearly all sections of the river.

With Cong. Morse as our traveling companion on the second day out, we observed three rats together on a small sand barge surrounding some stagnant water and others scurrying off into the bushes behind the Northern Canal area. More rats were seen feeding around sewage outfalls in Nashua and Manchester. In Concord, where the river is considerably clearer, rats were replaced by large beaver and muskrats.

The polluters—sources of the waste which scars the river—number in the hundreds. They may be grouped in three categories—large public polluters, large industrial polluters and small public and private polluters.

The large public and industrial polluters are located in the large cities along our route—Lowell, Nashua, Manchester and Concord, N.H.

The small public and industrial polluters are located in the large communites as well as the smaller communities—Chelmsford, Dracut, and Bedford and Merrimack, N.H.

All of the four large cities listed, with the exception of Nashua, dump all their raw sewage into either the Merrimack or a tributary, such as the Nashua River, untreated. A portion of Nashua's sewage is given primary treatment, which means it is screened of the largest solids.

Lowell dumps its sewage into the river at approximately 26 different places. On our trip, we found only two—one at the mouth of the Concord and the other on the Pawtucket Boulevard side of the river approximately 300 yards upstream from the Bridge Street Bridge.

Untreated, it enters the river in pipes of from four to 10 feet in diameter looking like dirty water, but carrying identifiable particles of human waste, toilet paper and almost any other substances flushed down toilets, sinks, bathtubs, and clothes washers.

In Nashua we observed six such sewage out flows, all but one containing raw sewage. Two were just below the Hudson Bridge, one just above the bridge and two near the mouth of the Nashua River. The city engineer, however, says there are another 10 or 11 outfalls in Nashua.

The heavy solids in the sewage at one of the outfalls on the Nashua had built up a mound around the pipe carrying the waste into the river about three feet high for 20 feet from the pipe. So grotesque was the area, with new sewage flowing over it, I called it Nashua's Scab.

During the peak hours (early afternoon and early evening) sewage from this pipe left the water white and formed an unbroken stream of solids for a mile as it flowed down the Nashua into the Merrimack.

A sample of the water about 50 yards from this pipe by Dr. Fabuss corresponded to settled sewage diluted six times.

Manchester owned the laregst single sewage outfall observed on our trip. We spotted it just before we reached the long line of mills in the New Hampshire city. Its nucleus was a pipe 10 to 15 feet in diameter which spilled raw sewage over a manmade waterfall directly into the river.

Although the rapids prevented us from exploring further in Manchester, the city's engineer estimated that the city's sewage pours into the river from 20 points.

Concord, N.H. differed from Manchester only in the volume of sewage it deposited in the river. Like Manchester, it dumped its untreated sewage containing identifiable pieces of human waste, directly in to the river. While taking pictures of this identifiable waste, Photographer Richard B. Taffe Jr. had to spit continually to keep from vomiting.

Of the three New Hampshire towns, Manchester undoubtedly was the largest polluter, followed by Nashua and Concord in that order. According to a 1966 report of the Federal Water Pollution Control Administration, Lowell is a larger polluter than both Manchester and Nashua combined.

According to the same report, some of the large industrial polluters we saw along our route challenged and even surpassed the amount of solids and other pollutants the city of Lowell poured into the river.

A rat infested river of blood and other animal wastes, demanding more of the Merrimack's oxygen than the city of Nashua, flowed from a Manchester slaughter house directly into the river. The smell of the fresh blood, rats and solid material carried by the blood, again caused our photographer to gag to keep from vomiting. The owner of the slaughter house saw nothing wrong with the dumping of his wastes.

A Nashua based tanning company, bearing the same name as the Manchester slaughter house, poured about one-third as much solids into the river as did the city of Nashua. Its wastes, when released colored the river white and red.

Another tanning company in the city of Merrimack poured about the same amount of waste in the Souhegan River, at about 20 yards from where it enters the Merrimack. Other wastes on the Souhegan colored the river red and blue.

But, the largest polluter of all, in relation to the amount of suspended solids they dump into the river, were paper companies in Fitchburg, Mass., which we observed during our last day on the Nashua River.

Some of these paper companies run the river directly through their plants. As it enters the plant, the river appears greenish brown. When it comes out the other sides of the mills it is absolutely white and carries acids and other chemicals.

The largest of the three Fitchburg paper mills pours more solids into the river daily than do the cities of Lowell and Manchester combined. The other two each drop more wastes than the city of Lowell.

The three mills are three of the major reasons why the Nashua River is the dirtiest of the tributaries flowing into the Merrimack.

Smaller private public polluters make up the largest number of polluters, but do not cause the destruction of the larger polluters.

They range from private households along the river (one count set the number of such polluters in Tyngsboro alone at 27) to a chemical company in Nashua, a rendering company in Billerica, a silver company in Lowell, a Lowell textile company, a large defense contractor in Nashua, as well as the smaller townships of Dracut, Chelmsford and Hudson, Merrimack, Bedford, Derry, Salem and Milford, N.H.

Of the private households and small communities, raw sewage comprises the majority of the wastes they deposited in the river. The small industries dump dyes, acids, caustics, ammonia, animal wastes, wood and rag fragments, grease and practically every chemical imaginable into the river.

Some, such as warm blood, dyes, grease, ammonia, human waste, and animal parts are identifiable with the human senses. Chemicals are not. They must be examined in the laboratory.

[From the Lowell (Mass.) Sun, Sept. 3, 1969]

POLLUTION MENACES RIVERSIDE RESIDENTS

(EDITOR'S NOTE.—While traveling up the Merrimack and Concord Rivers, traversing the same route plied by Henry David Thoreau in 1839, he witnessed the devastation the polluted water of the rivers cause life both within and immediately surrounding the streams. This, the second article, about our journey describes the effects of pollution on fish living in the rivers and people residing along their banks.)

(By Franz Scholz)

LOWELL.—Prior to the 19th century, commerce in the Merrimack Valley depended largely on the Merrimack River.

Henry David Thoreau, traveling the river in 1839 reported seeing ferries, canal and fishing boats plying the river. The bricks from which the factories in the city of Lowell were made, he said, were transported from Manchester on the river.

As we journeyed up the Concord and Merrimack Rivers from Aug. 23 to Aug. 29, following Thoreau's route on the rivers, we saw no signs of commerce. The only boats seen during our seven day journey were pleasure boats on the Concord from the South Concord boat house to Billerica and on the Merrimack from Lowell to the Tyngsboro bridge. Later, above the falls in Manchester other pleasure boats, some equipped for water skiing or hauling fishermen, were seen.

PREDICTED DECLINE

Writing 130 years earlier, Thoreau predicted such a decline in boating on the river: "In a few years there will be an end to boating on this river," he said.

Commerce on the river declined shortly after the advent of the railroad and the construction of super highways alongside the vast bridges over the river.

Outside of the few pleasure boats seen and an occasional young boy fishing, the only other uses we saw being made of the Merrimack was a depository of sewage by the major cities and towns and wastes by the huge factories along its banks, as a source of power for the same cities and factories as a source of water used by farmers to irrigate their crops and as a public water supply for the City of Lowell.

Of these sources, the disposing of waste from both public and industrial sources was far away the most widely practiced.

Fishing and boating, as noted, were seen only occasionally and only on certain sections of the river—Concord, Lowell, Tyngsboro and Manchester. (So rare was boating in the river above Nashua that children who spotted us making our way up the river called their parents and neighborhood friends to witness the unusual sight, and in Manchester, a policeman, who forbade us to rest our boats on the banks of the river a few yards from highway 495, looked at us in disbelief when we told him we had come all the way from Concord, Mass.)

Use of the river for irrigation was also restricted. We saw only a dozen or so farmers and two golf courses using the river's water to irrigate their crops or golfing greens.

Lowell was the only city using the river as a source of public or drinking water. (Further down the river, Lawrence also uses the river for drinking purposes.)

SPILL SEWAGE INTO RIVERS

And, although several of the larger cities and industries were seen using the river's water to supply electric power, we more often observed large cement pipes through which the cities spill their raw sewage into the rivers—the larger cities each poured sewage at 20 or more points into the rivers. In addition, the industries, also located mainly in the larger cities along the rivers, poured their wastes (for the most part untreated) into the rivers at hundreds of points—some of the largest industries, as pointed out in a previous article in this series, spilled more waste solids into the river's water than did the public sewers in the cities of Lowell and Manchester combined.

This dumping of raw sewage and industrial wastes has gone on for hundreds of years. Thoreau witnessed in 1839: "The river," he said of the Merrimack, "was devoted from the first to the services of manufacturers."

The result, as we learned, was the rivers' waters were so polluted they corresponded to settled raw sewage diluted from 17 to 31 times.

Near the sewage outfalls, the rivers' waters even more nearly approximately raw sewage. A sample taken of the Nashua river, approximately one half mile from the point where it flows into the Merrimack, for example, showed it corresponds to settled raw sewage effluent diluted less than six times.

POLLUTION COUNT IMPROVED

Downstream, further away from the large cities, we found the pollution count somewhat improved as a result of the river's ability to purify itself. Near the Lowell water plant intake, for example, a sample of the water corresponded to settled raw sewage diluted nearly 21 times.

In a previous article we described the effects of this pollution on the water and on the bed of the Merrimack watershed. In this and the next article we will describe the effects of pollution on the environment both within and immediately surrounding the rivers.

Examined in the remainder of this article are the effects of pollution on aquatic life within the rivers and the potential enjoyment it steals from people living along the rivers.

Again, we will rely on Thoreau to provide us with a knowledge of the fish living in the rivers when he made his journey in 1837.

In the Concord, he observed anglers catching a variety of fish: sun-fish, bream, common perch, cousin trout, dace, shiners, pickerel, horned pout, suckers, common eel, and sometimes in the rapids lamprey eel were found. At one point, he described a "kingfisher sat upon a pine over the water and the bream and pickerel swam below."

Formerly, he wrote, salmon, shad and alewives were abundant in the Concord until the "dam and canal at Billerica and factories at Lowell put an end to their migration hitherward."

He reported essentially the same fish living in the Merrimack, where shad, alewives, salmon and bass were in greater abundance. "But," he observed, "locks and dams have proved more or less destructive to the fisheries."

THOREAU WARNED IN 1839

He also warned in 1839 of the destruction factors wastes wrought aquatic life, advising, "it concerns up to attend to the nature of fishes."

Nevertheless, he observed men and boys fishing all along the banks of the two rivers, some marketing their catches and depending on the money they brought for their livelihood.

Gradually, the shad, alewives, and salmon disappeared, partly, perhaps, because of the dams, but also because of the river's pollution.

SPECIES DISAPPEARED IN 1938

Earl Hoover, New Hampshire's state biologist reported the disappearance of these species in 1938. Surveying the possibilities of stocking the Merrimack, Hoover wrote, "the problem resolves itself into whether fisheries or pollution are of most significance."

Although the salmon, shad, alewives and finer fish Hoover found to be practically nonexistent in the river at that time, bass and pickerel, he said were found in abundance.

But, he recorded "they are seldom fished. This anomaly may be attributed to the anglers' dislike of fishing waters which are poluted, but not with pollutants which are toxic or in sufficient quantity to kill fish throughout the entire river.

In a 1966 report, the federal water pollution control administration offers a remarkably similar description of the effect of pollution on the aquatic life in the Merrimack watershed.

AVERSION TO USING FISH

"Parts of the Merrimack River in New Hampshire possess an outstanding fishery," it states. "However," it adds, "there is public aversion to using fish caught from the river for food because of the raw sewage emptied into the river."

Moreover, because of pollution, shellfish beds in the estuary of the river have been closed to harvest since 1926. Today, shellfish can be taken in only certain small sections, but must be treated in the shellfish depuration plant at Newburyport before marketing.

The fish contained in the Merrimack between Nashua and the state line according to the U.S. Fish and Wildlife Service in 1966 are yellow perch, red-breasted sunfish, pumpkinseed, large-mouthed bass, astern chain pickerel, northern yellow bullhead, northern common bullhead, eastern golden shiners, eastern common shiners, fallfish, long-nosed dace, eastern black-nosed dace and eastern common suckers.

In addition, some shad migrate into the river, but can not make it past the Pawtucket Falls in Lowell.

As for salmon. The Fish and Wildlife Service reports it hasn't seen a salmon in the Merrimack in almost 50 years. Their disappearance, it says, is attributed mainly to dams and pollution.

We saw fewer species of fish than reported by the Fish and Wildlife Service and considerably fewer fishermen than Thoreau observed.

In Concord, Mass. we saw boys catching horned pout and bass. Other fishermen reported having caught pickerel in the clearer waters of the Concord.

Suckers and carp also reportedly fed off the bottom of the river and occasionally, with the bright sun reflecting off the surface of the calm waters, we could see what appeared to be minnows jumping on the surface.

Turtles also abounded in the river. On one log laying in the water on the left bank of the Concord, we spotted about 20 little sun turtles basking in the sun. Along the shores, the shells of shellfish could also be found, apparently caught by beaver or muskrats, brought ashore, opened and eaten.

When we got into the much larger Merrimack, we observed fewer fish, especially when we passed through the larger cities of Lowell, Nashua and Manchester where the vast majority of sewage and other wastes polluting the water enters the river.

On the long, desolate stretches between the cities, however, more fish could be seen jumping in the water.

Carp and suckers and horned pout were the only fish we saw in the sewage infested water near the large cities. Residents of Lowell and Manchester, however, reported having caught bass and even some perch from the banks of the river in their cities.

Between the cities, the scavenger fish were joined by bass, pickerel, sun fish and minnows.

Some people on these long stretches reported having caught or seen trout in these waters, although most people agreed that trout were more plentiful in the clean brooks and streams which run into the Merrimack.

FISH PREFER STREAMS

Owen Flynn, sports editor of The Sun, who has fished the river for many years, supports the observations we made. Trout and some of the more delicate fish, he tells us, enter the Merrimack from the clean brooks and streams. Because of the pollution on the larger river, however, most, he says, prefer to stay in the clear streams.

Contrary to what we expected, more anglers were seen in one day along the banks of the smaller Concord than in six days along the Merrimack river. Anglers abounded along the banks and in boats along the Concord river from the Concord bridge, almost to the dam at the old Talbot mills.

In the Merrimack, we saw only six groups of fishers—one between Lowell and the Tyngsboro bridge, two other over sewer outfalls in Nashua, a group of boys at the mouth of a river of blood flowing from a slaughter house in Manchester into the Merrimack, another just above the dam in Manchester, and the last in a boat headed north in Concord, N.H.

Ironically, approximately one half of the anglers on the Concord River happened to be colored people—all adults—from what are predominately all white communities.

The remainder of the anglers were mixed between adults and young boys.

Their main catches consisted of horned pout, bass, perch and sun fish.

On the Merrimack, the staple catch was carp or suckers and horned pout, although further north some people were after bass, pickerel and perch.

Some of the fishermen seen were more lucky than others.

Two men fishing for bass and pickerel along the banks of the Merrimack in Tyngsboro had no luck at all on the Sunday we met them.

Just above the Tyngsboro Bridge on Monday, however, a resident of the area reported his son and a friend had fished 86 horned pout out of the river in a span of two hours the day before.

NOT MUCH LUCK

No one else had such luck, although lads fishing over sewer outfalls in Nashua and Manchester did manage to catch some carp. Fins of the huge carp and suckers could be seen as they fed on the raw sewage which poured out of pipes into the river in Nashua and Manchester.

Perched above the sewer pipes or standing on the banks alongside, youths baited hooks with either kernels of corn or worms and in minutes usually had a large carp on the end of their line. Occasionally, a horned pout nibbled at their baited hook, but their primary catch was carp and suckers.

They fished only for the sport and fun of wrestling with the huge large scaled fish on the end of their line. They either freed or left the fish they caught on the banks to die.

The other groups of fishermen seen—one just above the dam in Manchester and another in Concord, N.H. heading north—had exactly the same number of worms when we met them as they had when they started fishing. Both groups of fishermen were primarily after bass and pickerel.

From talking with people, we learned that many residents along the banks of the river above the Manchester dam fish the river for sport. On the days we traveled that stretch, however, we did not see any lines in the water.

Nights, after we docked our boats, or while resting during the days, we often spoke with residents about fishing in the river. Most of the more experienced fishermen we spoke with said they prefer to fish the long stretches between the huge cities where sewage is not so abundant than in or near the cities where the waters are more polluted.

We found only one person, however, who said he took his catches home for his wife to serve on a platter. The others echoed the words of New Hampshire's former biologist and the fish and wildlife service—"I won't eat those fish. They live on sewage."

The sewage dampens not only their appetite for the fish, but also their desire to go fishing. Most of the fishermen we spoke with told now they used to fish the river every chance they had, but now do not like to put their boats in the sewage infested water or expose their hands or other parts of their bodies to it.

We used to spend weekends fishing between Nashua and Manchester, said one man about 35 years old. Now we won't go near the water. I bought myself a trailer, and when I feel like going fishing I pack my gear in it and go up north or to upstate New York, he said.

In Nashua, we spoke one night with several residents who had come down to the river to survey the progress made on the new Hudson bridge being built on the river. After assessing the progress made, their attention turned to kids fishing over a sewage outfall several yards below the new bridge.

FILTH RUINS FISHING

Watching the young boys reminded them of the days they fished the river. It's probably not as bad (polluted) now as it was then," one said, observing that many of the factories along the river have closed down. Staring at the kids fishing over the sewer, he added, however, that the "dirt and filth the cities pour into the river takes all the enjoyment out of fishing."

"I don't fish any more," a Nashua barber, married with two children said, "at least not in the Merrimack."

Normally, one would believe that people living along a river such as the Merrimack would enjoy not only fishing, but boating, and swimming and other water sports as well. But, as already seen, because of the pollution few fish the river. So even fewer swim in it. Boating is more popular, but water skiing and other sports in which the human body comes into contact with the water is virtually non-existent.

The lone exception again is just above the dam in Manchester, where homes line both banks of the river—we saw one lady with her two dogs on the river and virtually all the residents swim and boat out on a paddle boat—and most water ski.

The only other sport along the river where boating seemed popular was between Lowell and Tyngsboro. We saw perhaps a dozen boats on the Sunday afternoon we plied that stretch of water. Most of the boats were docked at the Lowell Boat Club.

Smaller craft, mainly canoes and row boats were seen on the Concord River.

But, for the most part, residents along both rivers enjoyed few of the advantages expected from a water front home.

We found only one family outside of the people living just above the dam in Manchester, which swam in the Merrimack. "We probably shouldn't swim in the river," the man of the house said. "But we do anyway."

Others observe the "bathing prohibited" sign posted on the old Lowell Bath House on the Pawtucket Boulevard.

Many, perhaps most of the people living along the Merrimack, don't have boats of any kind. Moreover, a great majority do not even have steps or a path leading down to the river.

Most of the residents we spoke with along the river admitted they do not use the river—some even forget it is in their backyards, except on warm summer nights when it gives off gaseous odors.

The only advantage it gives me, one resident said, is a breath of cool air on warm days and a scenic view to look out over. On warm nights the smells from the river negates all these benetfis, he added.

DON'T GO NEAR WATER

Of most interest to us, however, was that many of the residents do along the river, have no access to it. Some have built steps or worn paths to the river, but a surprisingly large number simply do not go near it. "What do I want to go down there for," said one resident, "I can't swim in it and I don't have a boat." He has two children and said that if he had steps or a path leading to the river, it would make it easier for the children to fall in or try to go swimming.

Another interesting aspect of life along the river, is that many of the homes (especially in Hudson, N.H.) are abandoned. Other homes are only summer residents. In Tyngsboro, one man said he saw his neighbor whose home is used only during the summer, one day in the past year.

Finally, the benefits pollution in the river steals from people living along the river is indicated by the fact that for the most part, the banks of the Merrimack are underdeveloped. Large stretches of land along the river (especially between Tyngsboro and Nashua, Nashua and Manchester, and Manchester and Concord) are desolate, at several points with no houses seen for miles.

In this respect, the river remains much the same as Thoreau saw it. "As one ascends the Merrimack," he wrote, "he rarely sees a village, but for the most part, alternate wood and pasture lands, and sometimes a field of corn or potatoes, of rye or oats or English grass, with a few straggling apple trees, and, at still longer intervals, a farmer's house."

Farms still take up much of the land along the river. In Hudson, N.H., we visited with two farmers, although other farms could be seen beyond the trees along the banks. Three golf courses also help make up the banks of the river.

For the most part, however, the river's banks are undeveloped.

[From the Lowell (Mass.) Sun Sunday magazine, Sept. 7, 1969]

POLLUTION COSTS $40 MILLION

(EDITOR'S NOTE.—While traveling up the Merrimack and Concord Rivers, traversing the same route plied by Henry David Thoreau in 1839, we witnessed the devastating effects of pollution on the recreation potential of the river and the land value of the land along its banks. This, the third article about our journey, describes these as well as other potential benefits lost because of pollution.)

(By Franz Scholz)

LOWELL.—The cost of pollution in the Merrimack staggers the imagination.

The loss of income due to pollution to the people of the cities and towns along the river's banks amounts to an estimated $40 million annually and is continually rising.

The cost of cleaning up the river is more than six times that figure.

In addition to dollar and cents costs of pollution, there are numerous immeasurable costs. Untold hours of pleasure derived from swimming, boating and fishing are lost because of the human and industrial waste infestering the water of the Merrimack, producing obnoxious odors. These wastes also pose as a potential threat to the health of communities using the river as a public water supply and farmers using it to irrigate their crops.

We base our estimated $40 million annual loss of revenue to pollution of the Merrimack on a 1966 Federal Water Pollution Control Administration (FWPCA) estimate. In 1966, the FWPCA set the estimated loss of revenue at $37,000,000. Using this estimate and applying a rate of three per cent increase per year during the period of 1966 to 1969, we arrived at our estimate.

Of its $37 million annual total, the FWPCA estimated that cities and towns along the Merrimack miss out on $21,300,000 annually in income which could be realized from the fishing, swimming and boating potential of the Merrimack if it were not polluted with human and industrial wastes.

Another $9,100,000 annually goes begging because of deflated value of the 1,830,600 feet of river bank footage available along the Merrimack and Nashua Rivers.

As a result of the pollution and deflated land values along the river, cities and towns on its banks lose out on an additional minimum of $5,500,000 in increased tax revenues.

Finally, the polluted state of the river deprives cities and towns bordering on its banks of an additional $1,100,000 in the loss of the commercial value of the rivers estuary and other miscellaneous benefits.

During our trip up the Merrimack last month in which we traversed the route plied by Henry David Thoreau in 1839, we found practically all the land along the banks of the Merrimack could easily be made into beautiful sandy beaches, shady picnic areas, sanctuaries for birds and other wildlife or could become peaceful spots for river front homes, hotels and resort dwellings.

Much of the land along the banks, especially on the long, largely uninhabited stretches between the large cities, reminded us of the banks Thoreau described on his journey up the Merrimack.

"Other roads do some violence to nature, and bring the traveler to stare at her," he wrote, "but the river steals into the scenery it traverses without intrusion, silently creating and adoring it, and is as free to come and go as the zephyr."

On our "retired and pleasant" route between Nashua and Manchester, we found little, other than the river "creating and adoring" the willow and pine trees which grace its white, sandy banks. Accompanied only by sea gulls, long-legged cranes and other birds, we left Nashua at seven in the morning on the fourth day of our journey and headed towards Manchester. By midmorning we had passed some factories in Merrimack, N.H. and then did not come upon a home until mid-afternoon as we reached the Manchester city limits.

Other stretches were equally as pleasant.

On the second day of our trip, Cong. F. Bradford Morse joined us as we turned out of the Concord River into the Merrimack just below Bridge Street in Lowell.

The Lowell factories uglied the left side of the Merrimack as we headed in northerly direction. The Congressman, however, was taken in by the white sand, willow trees and pleasant surroundings on the opposite bank.

"Beautiful," he said, as he looked at the unmolested trees on the Pawtucket Boulevard side of the river in Lowell.

Wanting to see more, he urged us to transgress temporarily from our course and head downstream towards Lawrence. Obliging, we sailed under the Hunts Falls Bridge only to find the river banks grew more and more inviting.

Sea gulls perched on rocks in the falls and we saw our first long legged crane tempting us to go even further.

That afternoon, Arthur Rowse, a national columnist from Washington, accompanied us as we made our way up the river again in back of the Lowell factories and on to the Tyngsboro Bridge.

As we passed in back of the Lowell factories and Northern Canal area, he urged us to motor in for a closer look at the trash littered banks. Again, we obliged, although from a distance we could see only rats feeding on waste, old tires, cans, bottles, other rubbish and dead wood scarring the banks. As we got closer, however, we found the banks consisted of a fine sand. Removing some of the rubbish dumped there, we found even more sand.

"How nice this would be if the city only spent a little money to clean up this rubbish," Arthur said.

Equally potentially beautiful banks lay hidden beneath junk automobiles, refrigerators, cans, bottles and other areas used to dump rubbish along the banks of the river. When we removed the rubbish, the banks appeared much the same as Thoreau saw them in 1839: "The course of the Merrimack can be traced from the nearest mountain by its yellow sandbanks."

According to the FWPCA there are 173 miles of such beautiful bank footage available along the Merrimack and Nashua Rivers, most of which we found that except for dumping refuse, man rarely explores or makes use of. Ironically, the most pleasant banks we found where along sections in which we traveled for hours without seeing a home, factory or life other than sea gulls sitting on rocks in the middle of the river, an occasional fish jumping on the surface of the water or squirrel playing on the banks.

How easy it would be to turn these banks into beautiful beaches, picnic areas, boat landings, or choice river bank house lots. My traveling companion, Richard P. Taffe Jr. and I kept telling each other we envisioned an area as a boat landing or as a picnic area—after the bottles, cans and other debris were removed. Other spots at which the river had deposited large amounts of sand (up to 10 and 12 feet deep) along the banks, we envisioned as pleasant beaches.

On a stretch well over a mile long between Merrimack and Manchester, N.H. and abounding with shady pine and willow trees set in white sand, we pictured turning into both a picnic area and bathing beach. All one had to do, Dick observed, was put in picnic tables, the river had provided the white beach-like sand along the banks and nature the trees.

But, the pollution infested waters of the river, beautiful by nature, but scarred with man's filth, attract few people to its unmolested banks.

More than 10 million people live within an easy day's ride of the Merrimack, and an additional 6.5 million are expected to reside in the area by the year 2000.

The potential recreational value of the river is further realized by the fact that 41 per cent of the population prefer water-based recreational, activities and they spend a minimum of $8.00 a day for food, lodging, transportation and miscellaneous items while doing so.

We found that few of the 10 million-plus population living within a day's drive of the Merrimack were spending their recreational time and money on the river. Instead, repelled by the polluted water, we found that people who live within walking distance of the Merrimack spend their vacation time fighting traffic to get to beaches on the North Shore, Cape Cod or to lakes in New Hampshire and Maine.

While we saw two or three groups of youngsters swimming in the Concord, we did not see a single person swimming in the Merrimack (one Tyngsboro family, however, said they swim in the river, and although we did not see any doing so, people along the river above the dam in Manchester also say they swim in the river).

Instead, we saw a "bathing prohibited" sign posted on the back of the old Lowell Bath House on Pawtucket Boulevard.

We passed only a few people boating or fishing in the Merrimack. On the Sunday we plied the river from Lowell to the Tyngsboro Bridge, we passed perhaps a dozen boats. We did not see any other boating until three days later when we got above the dam in Manchester at which point nearly every riverbank home had a boat docked in the water.

As noted in a previous article, we saw only six groups of fishermen (three of which were fishing over sewage outfalls) during our six days on the Merrimack. Yet, the FWPCA reports that "the main stem of the Merrimack River could support an additional 290,000 man-days of fishing per year." Furthermore, statistics reveal that fishermen in the United States spend $10.00 per fishing trip, and that their numbers will triple between 1960 and 2000.

The failure of people to make use of the bathing, picnicking, boating and fishing potential of the Merrimack is due solely to its pollution infested waters. Pollution prohibits bathing. Fishermen do not like to fish the water and most refuse to eat their catches because of the raw sewage it feeds on.

We found that people who live on the river banks dislike boating in the polluted water and since they won't go swimming, refuse to go water skiing on the river.

Thus, as a 1966 FWPCA report states, although "water-oriented activities have been increasing rapidly on a national scale, especially near centers of population . . . a similar increase has not been possible in the Merrimack River basin because of its pollution condition."

The result is an estimated loss of more than $21 annually in potential recreational revenues on the river.

Pollution also deflates land values on the banks of the river. In 1966, the FWPCA estimated that if the river were cleaned up, the total increase in the value of land on the banks of the Merrimack and Nashua rivers would increase $91,400,000. It further estimated that developments constructed on the land would equal the increased land value, making the total increase value $182,800,000. This value was then pro-rated over a 20 year period so that each year would have a value of $9,100,000.

Some large land speculators, hoping to gain large profits if pollution in the river is abated, have already started buying large amounts of land along the banks of the river in New Hampshire. Local officials in New Hampshire, for example, reported that a large realtor, who also holds a position with the New Hampshire state government recently purchased large areas of land along the banks of the Merrimack between Nashua and Manchester, N.H.

A Billerica realtor also recognized the potential value of land along the Merrimack. He told us of his plans to build a 288-unit apartment building on a 30-acre site on the Pawtucket Boulevard side of the river in Lowell.

Asked why he decided to invest so substantially on the river, he felt the river would enhance the value of his apartments. Our site, he said, gives a "good unobstructed view of the river."

Asked if the pollution in the river would jeopardize his investment, he said his apartments would be far enough from the river so they would not receive any odors caused by the pollution. Moreover, he has faith and "feels there will be action taken to clean up the river."

Until that time comes, however, property values along the banks will remain low and cities and towns will continue to lose millions in tax revenues yearly. In 1966, the FWPCA, considering only property tax and using a basic tax rate of $30 per $1,000 per year or three per cent, estimated the loss of tax revenues on river bank property at $5,500,000.

The estimate, however, is obviously a minimum, considering that some tax rates are $100 per $1,000 and higher. (Lowell's tax rate is $132 per $1,000.)

The pollution infested water of the river accounts for other monetary losses to the people of the cities and towns along the river. Lowell and Lawrence, the two communities using the river as a public water supply, for example, could realize an estimated $8,300 yearly savings in chemicals used to treat their drinking water if the pollution count of the river were not so high.

Industries using the river's waters in their manufacturing processes also have to treat the water before using it. A paper company on the Nashua River spends more money on treating the water before it enters their plant than it does to treat the water when it comes out the other end as waste. If the river were not polluted, this and other companies could save the money expended to clean the river's water before they use it and spend their savings on facilities to clean the polluted water they pour back into the river.

Industries along the river would realize other advantages if the pollution in the river were abated. A clean river, offering bathing, boating and fishing opportunities, would make it easier for industries to attract employees to the area. People attracted to the area to take advantage of the recreational opportunities would also patronize local businesses.

In its present condition, however, the river offers industries only a convenient disposal for their wastes and, for some, a source of power.

Moreover, because of its pollution, the commercial value of the river's estuary is all but ruined. The FWPCA and Commonwealth of Massachusetts estimated in 1965 that approximately $300,000 worth of clams could be harvested annually in the river and that the total value could well exceed $500,000 and might approach $1,000,000 annually.

But, because of pollution, the shellfish beds in the estuary of the river were closed to harvest in 1926 and shellfish can be taken in only specified small sections. Thus, the commercial value of the soft shell clam harvest in 1964 was only $14,000.

The cost of cleaning up the river basin federal officials estimate to be about $250 million. (A pollution abatement plan advocated by Dr. Bela Fabuss, director of the Environmental Pollution Division of the research department at Lowell Tech, and described by him in the final article of this series, would cost the cities and towns along the river basin considerably less.)

The cost of the city of Lowell for one pollution control program carries a $15.3 million price tag. A waste treatment plant presently being constructed in Merrimack, N.H., one of the smaller towns on the river, will cost approximately $5 million.

Although the costs to the cities and towns for sewage treatment facilities are staggering, they could be offset by the income from the recreation, increased land values, property taxes, savings on costs of chemicals now needed to treat the river water for drinking purposes and other savings to industries located along the river.

Moreover, with a substantial pollution abatement program, the river would pose as less a hazard to public health than it does now.

Presently, the river between the Pawtucket Falls dam and the Tyngsboro Bridge, the stretch along which the intake for the Lowell water supply is located, has been given a Class B designation.

This does not mean, however, that the water in the river at that point meets its Class B designation. It means merely that the state desires that stretch to reach Class B quality and that polluters are forbidden to pour wastes in the river which would cause the water to fall below the desired quality standard.

Since designating that stretch as Class B, however, the state has set a "deadline" by which polluters in the area must meet the designated water quality standards. But, it has not yet initiated enforcement action against polluters violating those standards.

As a consequence, the actual quality of water in the river, according to 1967 figures, between the Pawtucket Falls and the Tyngsboro Bridge, corresponds to water meeting only Class D and E standards.

A Class D designated river is defined as suitable only for transportation of sewage and industrial wastes without nuisance, and for power, navigation and certain industrial uses.

Class E River is defined as totally "unsatisfactory."

A Class B designation would make the water acceptable for public water supply with filtration and disinfection—its actual Class D or E quality does not.

Although Lowell and Lawrence are the only communities presently using the river as a public water supply, the FWPCA estimates that "as populations rapidly increase in many of the cities and towns along the Merrimack River, additional municipalities may need to use ths convenient source of water supply."

In addition to being used as a public water supply, the river's water is used untreated by farmers to irrigate their crops.

As we plied the river between the state line and Manchester, we saw several irrigation pumps farmers had set up along the banks of the river.

Although the water in the river at these points has been designated as either Class B or C, the actual quality of the water again corresponds to Class D and E water.

The FWPCA designates only Class C water as suitable for irrigation of crops not used for consumption without cooking. The crops being irrigated by some of the farmers we met along our route, however, included tomatoes and other vegetables consumed without cooking. Some of these farmers were selling their crops irrigated with Merrimack River water at roadside stands.

In 1966, the FWPCA purchased some of the vegetables irrigated with Merrimack River water from farmers at the same roadside stands we visited. All were vegetables that ordinarily are eaten without cooking.

Laboratory tests revealed that a "significently greater number of fecal coliforms were present on vegetables grown on those farms that used Merrimack River water for irrigation than on vegetables which were not."

During our trip we also purchased some vegetables irrigated with Merrimack River water from a farmer at a roadside stand, but after carrying them with us in our boats for two days, learned that they would no longer allow for a reliable analysis of fecal coliform count in a laboratory.

Public officials are well aware of the costs pollution imposes on the cities and towns bordering the river as well as the potential health hazard the pollution poses to their communities, yet they do little about it.

While on our trip, for example, we met with a Lowell city councilor who was alarmed over the amount of ammonia being taken in at the Lowell city water plant intake. Less than a week later, however, the Lowell city council refused to vote authorization for the city to borrow $5.3 million to proceed with plans to control pollution on its portion of the Merrimack.

Like Lowell, most of the large cities we visited on the Merrimack have plans to treat their sewage before spilling it into the river, but they are not willing to spend the money to implement them.

From talks with officials in these cities and towns, we learned of three reasons why these plans rarely get off the drawing boards. They are the constant concern of local officials over the plight of large industrial polluters in their communities, their tendency to blame the pollution of the river on cities further upstream and not themselves, and their reluctance to show the taxpayers the bill to construct the needed facilities—especially at election time.

In some of the large cities on the river, industries pour nearly as much solid wastes into the river as do the public sewer lines of the cities themselves.

If the communities allow these large industrial polluters to tie into public city sewers and treatment plans, it would, in some cases, increase by 100 per cent the cost of constructing and maintaining the treatment facilities.

Three large paper mills on the Nashua River in Fitchburg, for example, have more than twenty times the solid waste contained in the public sewage to treat.

The cities often cannot and should not pay to treat the wastes of such large industrial polluters.

Fearing that the industries may move from the cities if they are forced to treat the wastes independently, the cities and their large industral polluters, as the case in Fitchburg, often arrive at a compromise whereby the city and large industrial polluters share the costs of constructing and maintaining treatment facilities.

Where the industrial polluters are not exceptionally large, some cities have agreed to let them tie in with the public sewer system at no additional expense.

In other instances, we found cities often ignore the large industrial polluters, allowing them to dump freely into the river.

Finally, in Manchester, we found that the city allows one of its larger polluters to call the waste it dumps into the river city sewage.

In this way, any attempt by state or federal officials to control the sewage being poured into the river by this polluter must be taken up with the city of Manchester and not the firm which is actually doing the polluting.

From talking with the owners of the pollution plant, we learned that they had no intentions of ever treating their wastes—composed largely of blood and other animal wastes, which they said made the fish in the river grow to monstrous proportions. (They agreed, however, that they would not like to swim in it.)

Moreover, they told us that eventually large mid-west slaughter houses will force them out of business. Thus, the city finds itself in the ridiculous position of protecting a polluter which sees no future for his business in the area.

Merrimack, N.H. is caught in a totally different situation. It is presently constructing a treatment plant (the only city on the river presently doing so) to attract a large brewery which promises a bright future for the city. (Actually, the Anheuser Busch Brewery agreed to locate in the city only if the community constructed a waste treatment plant to handle the city's as well as its own wastes.)

A "What good is it going to do us if other communities on the river don't treat their wastes" attitude also slows the pollution abatement process.

Little improvement in the water in the river above the Pawtucket Falls, for example, would be realized if Lowell constructed a facility to treat its wastes. Most of the pollution in the river at that point is caused by cities and towns further up the river. Thus, people in Lowell asked us, why should their city expend large sums for treatment facilities if Nashua and Manchester don't do likewise.

In every city we visited, people asked essentially the same question, always blaming the pollution in their waters on the cities further up the river. State and federal officials, it seems, must move with equal vigor to make all communities do their share or none of the cities will act to treat their sewage until their neighbors upstream do the same.

It is for this reason that the commonwealth's case against the city of Amesbury, a small city near the mouth of the Merrimack, is so important. Earlier this year, the state moved against Amesbury for not meeting the water quality standards set for it.

The case against Amesbury is a test of the state's authority to enforce its water quality standards. Should the state fail, other larger cities than Amesbury, unimpressed with the state's enforcement authority may be encouraged to continue violating the water quality standards in their areas.

We learned, however, that large polluters—both public and private—fear public criticism and are more apt to become concerned when it is directed towards them, than they are when the states threaten action. Most of the large industrial polluters we spoke with on the Nashua River, for example, feared the public criticism Mrs. Hugh Stoddard and the Nashua River Clean-Up-Committee could level against them than the yet unproved enforcement powers of the states. No such citizens committee exists on the Merrimack, thus freeing polluters of the river of such criticism.

The final and perhaps most pathetic reason why cities are so slow in acting to treat their sewage is city officials often feel that their communities cannot afford to pay for the facilities needed to treat their sewage "at this time."

As noted, there are very expensive items, and elected officials, especially during an election campaign, are often reluctant to approve such huge expenditures.

This, it appears, was the motivating behavior of Lowell city councilors, who last week, in the middle of an election campaign, delayed voting to authorize funds for sewage treatment facilities in the cities.

[From the Lowell (Mass.) Sun, Sept. 10, 1969]

POLLUTION OF THE MERRIMACK RIVER

(Bela M. Fabuss, Lowell Technological Institute Research Foundation)

Water and air are man's most fundamental resources. Our water crisis it at the present time more serious than the average American realizes and we must make everyone understand that this problem must become a high-priority matter on our agenda of unfinished business.

To insist upon clean water is meaningless until we decide how much cleanliness we want and are willing to pay for. Cleaning up is a program that will cost billions of dollars over the next ten years and each of us will pay his share of the expense—in additional city, state or federal taxes, higher water prices and higher prices for the products of industry.

Let us look first at the cost question. A recent report of the Federal Water Pollution Control Administration estimated that in the years 1969 to 1973, almost $15 billion must be spent on water treatment facilities or about $3 billion annually, which is more than 0.35 per cent of the gross national product. What do these figures mean in practical terms? In the year of this study (1968), the entire industry of the United States (from automobiles to meat products and from furniture to cigarettes) spent about 23 billion dollars for new plants and equipment. Compared to this figure, the water treatment industry will spend more than 13 per cent for building new facilities. To put it even into simpler form, we will spend more on water treatment than we will spend on all washing machines, dryers, air conditioners, dehumidifiers, fans, and air heaters.

These numbers clearly show that water treatment is a most important problem. We must talk and think in terms of a large scale water treatment industry rather than about a small treatment plant to be built at the end of our sewer line. The water treatment and supply industry will shortly represent more than ten per cent of the U.S. industrial capacity and must be discussed in these terms.

PRINCIPLES OF TREATMENT

With the development of urban areas, it became necessary to provide drainage or sewer systems to carry the wastes away. Normally, the wastes were disposed of in the nearest watercourse. It soon became apparent that rivers and other water bodies could handle only a limited amount of waste without turning into open sewers. This led to the development of purification or treatment facilities in which chemists, biologists, and engineers have played an important role.

Natural water bodies can oxidize organic matter without the development of nuisance conditions, but the organic loading must be kept within limits of the oxygen resources in the water. This means that certain levels of dissolved oxygen must be maintained at all times, not only to provide oxygen for the removal of organic waste but also to preserve aquatic life. The removal of excess organic matter, that cannot be disposed of safely in the water, is performed in the wastewater treatment plant.

Figure 1 shows the operating scheme of a wastewater treatment plant.

This plant operates using the "activated sludge process." It was found that a light, flocky sludge full of living bacteria develops when air is blown into a sewage tank. In the presence of air, the bacteria consume most of the organic material in the sewage as food. When the mixing and bubbling of air is stopped, the contents of the tank separate into purified water and settled sludge. To carry out this operation in a continuous manner and for fast removal of the organics from the sewage, plenty of bacteria must be present. Therefore, a part of the settled sludge containing these bacteria is returned to the tank and mixed with the fresh sewage. The products of this process are purified water and sludge.

The figure shows the process carried out in a continuous manner. As currently practiced, the sewage entering from the interceptor sewer is screened and then passes into a large settling tank. This is called primary treatment, which removes 25 to 40% of the organic matter and 40 to 70% of the suspended solids. At the same time, primary treatment removes 25 to 75% of the bacteria from the sewage. The water purified by primary treatment is usually not clean enough and must be further treated. The water flows into the aeration basins together with the activated return sludge. These aeration basins are normally 10 to 40 feet wide and 100 to 400 feet long. Air is introduced into these basins and the aeration period is usually 4 to 8 hours. From the aeration basins, the material passes into a second settling tank in which the sludge settles. Part of the sludge is returned to the aeration basins, the excess is returned to the aeration basins, the excess is disposed. This part of the process is called secondary treatment, and can remove 95% of the organic matter, suspended solids, and bacteria. The final product water is usually chlorinated and discharged into a river.

Primary treatment of all waste waters is a must and in most parts of the country, secondary treatment must be carried out to reduce waste loads. Even further treatment techniques, so-called tertiary treatment, must be applied in some critical locations.

THE MERRIMACK RIVER

A very important challenge in water pollution control is to define the real nature of pollution. Frequently, when an industrial plant asked a governing body to state the stream standards, the plant was told to define its own waste water and then the governing body would tell the plant whether its waste water was acceptable for discharge into the stream. The reasons for this game "if you don't tell me, I won't tell you" are that there are many unclear problems. For example, there is the question of the capacity of a stream to keep itself clean. The river can assimilate a limited amount of waste, but full use of this capacity would limit community and industry growth and prevent the improvement or further development of water recreation areas.

One of the best measures of river conditions is the dissolved oxygen content in the river. During the summer months, the river can dissolve about nine milligrams per liter oxygen. Five milligrams oxygen per liter are necessary for boating, fish habitat, and industrial water supply but are not enough for swimming or drinking. In the summers of 1964 and 1965, the dissolved oxygen was never over this value in the Merrimack on its entire length from New Hampshire to the ocean. The oxygen content was frequently less than two and even zero values were found on some occasions.

This all means that the Merrimack River is highly polluted and effective actions must be taken immediately.

CONCLUSIONS

Since we are considering the rapid development of one of the major industries in our country, we should apply all resources and know-how to reduce the cost and to increase the benefits.

Some 20 state, federal, and regional agencies are today dealing with water pollution and water resources, such as the Federal Water Pollution Control Administration, Army Corps of Engineers, Geological Survey, Federal Power Commission, Fish and Wildlife Service, and many others. They all have their tasks, viewpoints and plans. When will the Merrimack River be cleaned up?

Each city and town along the river is preparing its own plans for pollution abatement. A village of 500 people and a city of 100,000 are equally eligible for Federal and State funding. At the same time, the building cost is about $175 per capita in a community of 500 people and about $40 per capita in a city of 100,000 people. Which one to clean up first?

In the Rochester metropolitan area in New York State, there are 33 separate wastewater treatment plants serving 600,000 people. These plants are operated by villages, districts, and the city. The result is polluted waters, an impossible job for the regulatory agency, and a manpower nightmare in trying to operate and staff the facilities. The comprehensive plan just adopted calls for consolidation and coordination into three large facilities which can develop professional staffs and meet the objectives. Are we trying out the same round-about way?

When do we finally realize that carrying out such a tremendous task as cleaning up an entire river basin, which affects the lives and future of more than a million people in the Merrimack River area, calls for a modern systems approach utilizing all the techniques that have resulted in the high productivity, efficiency, and organization of our industrial complex.

FORMER SENATOR WAYNE MORSE STATES GUIDELINES FOR LATIN AMERICAN RELATIONS

Mr. CHURCH. Mr. President, my distinguished predecessor as chairman of the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations, former Senator Wayne Morse, has recently set forth some excellent guidelines for inter-American political and economic relations.

In an address to the Pacem in Terris Seminar conducted by the Center for the Study of Democratic Institutions in Mexico City on September 9, Senator Morse stressed the need for an end to U.S. political and economic interventionism in Latin America. He called for a renewal of our sometimes-forgotten commitment to self-determination and democracy. He said that our experience with the Alliance for Progress has proven that its objectives could be better accomplished if we terminated military aid and emphasized multilateral channels of assistance.

Senator Morse's statement is a major contribution to the search for new orientations to our hemisphere policy. I ask unanimous consent that the full text of his remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Perspectives on Latin American-United States Relations

(By Hon. Wayne Morse)

Justice Douglas, Dr. Raul Prebisch, Fellow Delegates to the Conference: To our Mexican hosts, I wish to say that it is a great pleasure for me to return to Mexico once again. During the years, I have been coming here, I have traveled extensively throughout Mexico and developed a love in my heart for your country and the Mexican people. I feel a sympathetic understanding of your goals and your struggle to achieve them. When I was chairman of the Subcommittee on Latin American Affairs of the United States Senate, I was privileged to be one of the representatives of my government at the inauguration of President Adolfo Lopez Mateos and President Gustavo Diaz Ordaz. These two great Mexican presidents, along with their immediate predecessor, President Miguel Aleman, have done much through their statesmanship to remove barriers of misunderstanding between Mexico and the United States. They also have worked in close cooperation with other democratically-oriented presidents of other Latin American countries in helping forge international agreements within the Western Hemisphere which have strengthened the cause of political and economic freedom for the people of the hemisphere. Such agreements as the Act of Bogota, Punta del Este, Rio de Janeiro, Washington and their historic predecessors have contributed immeasurably to the development and strengthening of the Organization of the American States. It has become the hemisphere's best hope for resolving differences and misunderstandings between member nations through the application of fo unilateral intervention by a stronger national commitments inherent in its charter. Its charter needs additional amendments in promoting the substitution of the rule of law for unilateral intervention by a stronger nation against a weaker nation committed unjustifiably in the name of an alleged violation of national sovereignty. Peace-keeping procedures of the charter need to be strengthened and changed providing for action without delay by member states, in removing the slightest doubt as to the violation of the non-intervention commitment of any signatories whenever they resort individually to military action without authorization from the Organization of American States.

Unilateral military intervention by any nation anywhere in the world, be it the United States, Russia, China, Australia, El Salvador, Cuba or any other country, constitutes a retreat into the jungle of military might. It is the road leading to more and more war. It seems the hope for attaining permanent peace through the substitution of the peace-keeping procedures of the United Nations Charter, the Charter of the Organization of American States, the Geneva Accords and other international treaties containing peace-keeping commitments.

In recent times, the non-intervention doctrine of the Charter of the Organization of American States was violated by my country's involvement in the ill-fated Bay of Pigs military intervention against Cuba. It was violated when American Marines were sent into the Dominican Republic without first calling upon the Organization of American States to take jurisdiction over that crisis. Fortunately, when some of us in the Congress, who were opposed to our country's unilateral military intervention in the Dominican Republic, pressed our government to submit the controversy to the jurisdiction of the Organization of American States, it belatedly did so.

Although the cause of freedom had been damaged irreparably by the unilateral military intervention of the United States, the Organization of American States did move into the situation, helped ameliorate it, restored order, and, as a by-product, saved face for the United States. However, the scars of that wrongdoing will always deface U.S. history in the accounts of its relations with Latin America.

Likewise, the recent military intervention by El Salvador into Honduras, irrespective of alleged provocations, can't be reconciled with peace-keeping commitments. The alibi argument which has been used by my country and others for these precipitous military interventions is that they are justified in the name of national sovereignty. It is but a black cloak of fallacy which conceals the dagger of death and surrenders a nation to a policy of military aggression. The highest manifestation of respect and regard for a nation's rights of national sovereignty is to keep faith with its peace-keeping commitments and call upon all other nations jointly committed to join in their mutual obligation to enforce the peace.

Irrespective of whatever its needs for improvements and strengthening may be, the fact is that the OAS Charter stands out in the world as a model regional pact of a group of nations pledged to mutual assistance in solving hemispheric problems. It seeks not only to maintain peace in the hemisphere, but through economic, educational and cultural aid programs such as the Alliance for Progress raise the standard of living of the underprivileged.

Internal security, economic stability and political freedom will always be threatened in any nation in which a substantial percentage of its people exist in poverty, disease, illiteracy, unemployment and hopelessness. The national boundaries of the countries of the Western Hemisphere must not serve as Berlin Walls shutting out mutual moral obligations to cooperate as a family of nations without the hemisphere. We have entered an era of civilization in which no longer can any action isolate itself from its moral obligations to join in multi-nation cooperation aimed at improving the welfare of underprivileged people. Its own national self-interest dictates such a humanitarian course of national policy.

There is much that my own government needs to do as a member of the family of nations in the Western Hemisphere to fulfill not only its moral obligations to the people of Latin America, but also to serve better the best interests of the people of the U.S.

Throughout the long and often tumultuous history of the relations of the United States with the American nations to the south, there has run one single, disastrous thread—"Uncle Sam as papa knows best."

From the Monroe Doctrine, to the Alliance for Progress, to the Rockefeller mission of last spring, the United States has exhibited in varying degrees a paternal attitude accompanied by remarkable insensitivity toward nations with cultural, religious, and political backgrounds far different from those of the United States.

Our paternal attitude probably is traceable to our size and power, though we are now finding there are limits to power!

Our insensitivity is, perhaps, understandable in the light of our puritan heritage. But it is inexcusable that this insensitivity still exists in a world linked together by modern systems of communication and transportation.

I view conferences such as this as opportunity for representatives of the states and people of Latin America to help the United States and its people to realize the limits to our power and to overcome some of our insensitive stereotypes about Latin America. Conferences such as this provide opportunity for you to help us understand some of the profound changes taking place in Latin America.

Symptomatic of American insensitivity, as well as of the profound changes taking place in Latin America are the Rockefeller debacle of last spring, and the developing Peruvian situation. These events are related in the sense that they are both symptoms of changes—and frustration as well, not only with the *status quo* in Latin America but also with the United States, which is pictured as the defender of the *status quo*.

Let us examine the profound change that is taking place in the *status quo* in Latin America.

The causes of this change are complex and—despite the voluminous literature on the subject—imperfectly understood. They are to be found in the impact of industrialization and technology, on the one hand, and of explosive population growth on the other.

The industrial revolution came late to Latin America. Although it is proceeding with what appears to many Latin Americans as agonizing slowness, its statistical pace has been a breathtaking 10 or 15 percent a year—or even more—in such countries as Brazil and Mexico. But a consequence of its late arrival is that it is accompanied by more advanced technology than would have been the case half a century earlier. This means, in turn, that it aggravates and accentuates both the economic and social strains in Latin America.

The industrial technology which Latin America is now importing was invented in the United States and Western Europe where capital is cheap relative to labor. It is, therefore, designed to save labor at the expense of greater investments in capital. It is a means, really, not of creating jobs, but of reducing jobs.

Now, the situation which prevails in Latin America is precisely the reverse. Labor is cheap relative to capital. Capital is scarce, and the foreign exchange with which to import machinery is even scarcer. On the other hand, labor is plentiful and becoming more so. There is an urgent need to create massive numbers of new jobs, the only alternative being mushrooming unemployment and underemployment.

This urgency arises from the population explosion, which is itself one of the results of technological progress—specifically, the development of insecticides and antibiotics. Death rates have dropped dramatically all over the hemisphere while birth rates have remained relatively constant everywhere except in Argentina and Uruguay.

This has brought about a disproportionate number of young people: approximately 50 percent of all Latin Americans are less than 20 years old. They are already entering the labor force in increasing numbers which will grow to a flood over the next decade.

Not only has the economic growth been unable to keep up with this flood, public services, particularly in education, have been literally swamped. Despite a dramatic expansion of public school facilities and of university enrollments in the last decade, there are today more schoolage Latin Americans not enrolled in school than there were in 1960.

The economic and social tensions resulting from this situation have been compounded by a variety of economic problems arising independently. These come from the fact that Latin America's exports—which are still mainly raw materials—have not kept pace with its needs to import and to service its rapidly growing foreign debt. A substantial proportion of the assistance extended to Latin America by the United States under the Alliance for Progress has been in the form of program loans and has been directed to bridging this gap between export earnings and import needs. This has, no doubt, been useful as a temporary palliative, but in the long run it is likely to prove to have been a disservice to Latin America.

In the first place, through providing a temporary palliative, it has made it easier to postpone facing the hard actions necessary to deal with them.

In the second place, as these program loan repayments begin to become due in the decade of the 1970's, they are going to pose an almost impossible burden on Latin America's balance of payments, so that the situation may well be worse than it was before.

It might also be noted in passing that these program loans have been an inevitable source of friction in the United States-Latin American relations. They have involved the United States in the most sensitive areas of Latin American sovereignty in such things as economic, fiscal and monetary policy.

It is not surprising that these things which I have been describing have brought about a process of profound change. We can see the social, economic and political results all about us.

It is much easier to describe these results than it is to understand them, or to predict where they might lead. This is particularly true of the political aspects of the change which is now taking place in Latin America.

The first of 12 stated goals of the Charter of Punta del Este is "to improve and strengthen democratic institutions through application of the principle of self-determination by the people."

It is passing strange that most measurements of the Alliance are in economic statistical terms—so many schools built, so many houses, so many hospitals, so many kilometers of road, etc. Yet, the first goal of the Alliance—the political goal—is ignored.

It is precisely toward this goal that the least progress has been made. It is with respect to the reasons for this that we have the least satisfactory explanations.

The typical model which North American political scientists have constructed of Latin America is of a pyramidal social structure with the triumvirate at the top—the Church, the landowners, and the Army. It is no longer news that the Church is changing—faster in some countries than in others, but inexorably moving to put more emphasis on its social responsibilities in line with the latest Papal encyclicals.

More recently, it has become apparent that the Army, too, is changing, at least in some countries. Nowhere is this more evident than in Peru. In the Land of the Incas, we now see—let us face it—an illegal military dictatorship which in economic and social terms is more radical, more reformist, than the moderate, freely-elected government which it overthrew a year ago.

We cannot yet clearly see where this new government is going. Under the temptations of power, it may degenerate into just another Latin American dictatorship. Or it may evolve along the model of a bloodless Mexican Revolution—which also expropriated with justification American oil companies and which later came to a highly satisfactory, mutual accommodation with the United States.

In any event, whether we are talking about Army officers, or parish priests, or restless youth, it is clear that Latin Americans in many areas, in general, want a different kind of social order and economic system than what they have. The great appeal of the Alliance for Progress lay in its promise to give them something different. Despite the Alliance's achievements in limited sectors, it has clearly failed to deliver on this basic promise.

So we come to the paradox of Latin America today: There is pervasive change, yet the change is occurring so slowly that there is also pervasive frustration.

As we saw in the debacle of the Rockefeller mission, this frustration in large part, is directed against the United States. We should not be surprised that this is so. The United States was the originator of the idea of the Alliance for Progress. Indeed, this idea germinated in the years 1958 to 1960 in what was then called the Subcommittee on American Republics Affairs of the United States Senate Foreign Relations Committee. I was chairman of that Subcommittee in those years, and one of our valued members was a Senator from Massachusetts named John F. Kennedy. I made the motion in the Committee and Senator Kennedy seconded it, which authorized contracts with universities, research institutes, and recognized authorities on U.S.-Latin American problems to conduct for the committee fact finding studies concluding with recommendations as to how best U.S. Latin American relations could be improved. It was the recommendations of those committee studies which President Kennedy subsequently used, for the most part, as the warp and woof of his Alliance for Progress Program.

It should be noted that the Alliance for Progress Program as designed by the Senate Subcommittee's recommendations and as enunciated by President Kennedy was basically an economic, educational, cultural, health assistance and technical assistance program. It encompassed helping finance various projects aimed at bringing direct benefits to the people in various communities who needed schools, health centers, irrigation facilities, market roads, housing, credit unions, cooperatives, farm machinery, seed, improved livestock and other projects of similar nature.

It was conceived as both a grant and a loan program with emphasis upon its loan aspects for all projects whose wealth producing features would make them self-liquidating. It definitely was not conceived as entailing any military aid features.

Its grants and loans to governments were to be related to those projects which would benefit the economic, cultural, health and technical assistance needs of the people of a given community to be served by the program.

The Alliance for Progress was a good idea. It still is. What went wrong?

Essentially what went wrong was that the United States recoiled from the implications of its policy.

The sensitivity with which the concept was jointly developed with Latin American nations was lost by the "papa knows best" attitude of too many of our policy practitioners and I might add, by our propensity to treat high policy positions as political plums.

While preaching social change, we have identified ourselves with the defenders of the *status quo* in too many countries of the hemisphere. It is quite true that at the same time, we have supported the forces of the democratic left—in Chile, Venezuela, and Colombia, among other places—but our actions elsewhere have drowned this out.

Above all, through program loans and through trying in one way or another to manipulate and control change in Latin America, the United States has acquired the image of the defender of the *status quo*. Nothing could—or ought to be—further from the truth.

So what do we do to get ourselves out of this mistaken course of action?

I suggest a number of things:

First—That both North Americans and Latin Americans take a new pledge to the doctrine of non-intervention, and this time, mean it. On both sides of the Rio Grande, we have given lip service to this doctrine for years. But what North Americans have meant is that, "It's all right if we can get away with intervening for something we consider good." And what Latin Americans have meant is that, "It's all right if you intervene on my side." I propose non-intervention, period—which means that Latin Americans will have to settle their internal political problems themselves.

Second—That the economic aid of the Alliance for Progress be increasingly channeled through the Inter-American Development Bank and the International Bank for Reconstruction and Development; that the United States Agency for International Development get out of the business of program loans; and that the Alliance for Progress concentrate on specific wealth producing projects in Latin America designed to produce more wealth for the benefit of the mass of the Latin American people rather than to provide temporarily more imports with resulting high profits for U.S. exporters.

Third—That the United States take other measures to reduce the degree of its involvement in the internal domestic affairs of Latin American countries. It means an end to the military assistance program, military training, and military sales.

As an aside, let me emphasize that I believe the providing of military assistance in terms of guns, tanks, planes, ships, and training is one of the most egregious types of interference that one country can visit upon another. What a country spends on its military forces, whom it seeks to defend itself from, and the means it devises for defense, are questions each nation must answer for itself. Nations accepting gifts of military assistance are asking for outside intervention in a most vital and sensitive area close to their own sovereignty.

Let me be clear. Within reasonable limits, I do not oppose nations having military establishments. But I do object to nations maintaining such establishments supplied *gratis* by some other nation. I do not see how any self-respecting nation can let foreigners dictate military requirements. If there is one part of a nation's budget that should be kept under domestic control, it is that part which is devoted to its defense forces.

Whatever assistance comes to Latin America from the United States should not be military, but rather economic in nature and, as I have indicated, preferably through multilateral institutions. If a recipient nation devotes an uneconomic portion of its national income to military expenditures, then that nation is a poor investment for funds devoted to development. Whether that be true in a specific situation is for the judgment of those providing funds for economic development—multilateral institutions, preferably.

Fourth—A fourth step for the United States would be to take whatever measures are appropriate to disabuse Latin Americans of the notion that we are trying to guide—or worse, inhibit—their development. It means neither encouraging nor discouraging private investment. It is for the Latin American governments and their business interests to determine their own investment policies and inducements for foreign capital investments.

Fifth—That the United States give further open-minded consideration to the problem of stabilization of commodity prices and to the problem of preferential treatment of Latin America's manufactured and semi-manufactured exports.

It is in this area that the U.S. government, the U.S. consumers and the U.S. importing business interests should be more understanding and cooperative in our trade relations with Latin America. Nevertheless, if we continue as purchasers of Latin American goods, in many instances, as a matter of policy to squeeze the exporter to accept prices close to or below the cost of production line, we will not serve our nation's long-term best economic interests. Latin America must receive fair prices for her exports if the purchasing power of her people is to be raised.

There is a basis for the long standing complaint against the U.S. that we too often have imposed a trade pattern in our dealings with Latin America of selling American goods at prices of high profits and then using our position of economic bargaining strength of offering to buy Latin American goods only at exploiting low prices.

It should be hoped that in the area of trade, the Organization of American States will pursue with diligence discussions and programs that will lead to a common market agreement to be participated in by most and, hopefully, all the nations of the Hemisphere including the United States.

I doubt very much that any of these things—or even all of them taken together—will lead Latin America into the promised land of the 21st Century. In this interdependent world of 1969, no nation is totally the master of its own destiny. The United States and Latin America could not totally disassociate themselves, even if they wanted to.

But I do not think the United States ought longer to be tarred with the sometimes unjust image of impeding change in Latin America.

I do think the Latin Americans ought to be clearly on notice that how they change is in a large measure a matter for them to determine.

At least for the next generation, Latin American politics are going to be turbulent. Latin America is more likely to come out of this turbulence with a set of viable democrat institutions if it is left alone to develop in its own way, than if outside forces seek to influence the course of its development.

Among the most volatile causes of misunderstandings between the United States and various Latin American governments from time to time involves the expropriation of U.S. property investments. How well I remember the storm of controversy that blew up in the United States following the expropriation of foreign-owned oil fields in Mexico including those of U.S. oil companies who owned the major holdings. The jingoistic cry that the American Flag should follow the American Dollar characterized many speeches in the Congress and across our land. Even some silly statements of intervention were made.

Gradually, reason came to prevail and our government settled down to diplomatic negotiations with the Mexican government over the only legal right in respect to which the foreign oil companies were entitled to be protected, namely, receiving a fair price for their properties. Mexico had the sovereign right to expropriate the oil properties. She offered what she considered was a fair financial adjustment and the Mexican Supreme Court on two occasions, decided that the offer of settlement was fair. Powerful oil lobby forces in the United States sought to keep the controversy alive but the Mexican government held firm to its position, as it had every right to do, and the payments were finally accepted.

Some years later, in 1949, I was sent to Mexico under White House instructions to survey the Mexico oil fields and oil facilities then under the management of Pemex, the Mexican government agency in charge of the government-operated oil industry. As I inspected the oil fields that had previously been operated by foreign oil companies, I came to wonder why the Mexican government had waited so long to expropriate them. In many an instance, the record of operation by foreign oil companies including those of the U.S. spelled exploitation. The extracting policy was too often one of moving into an extensive oil field area extracting the oil as rapidly as possible through unconscionable waste of natural gas and then moving on to another field.

One of the saddest aspects of the foreign oil companies' exploitations of the oil properties was their more shocking exploitations of the human resources of many of the oil field areas of Mexico. Their labor policies bore no relation to fair wage standards. They took unconscionable advantage of a surplus labor market with the low economic standards of living that go along with it. In oil field area after area, I found they built no schools, provided no decent housing, ignored sanitation and health needs of the people, failed to make available even the minimum public facilities essential to decent community living. They did leave behind an abundance of ill will toward the United States on the part of the Mexican people of whom they had taken advantage.

One of the instructions of my assignment was to evaluate a request of the Mexican government for a substantial loan from the U.S. government to be used by Pemex in developing its oil production facilities. My report recommended a line of credit loan to President Aleman's Administration to be used to help finance the needs of Mexican oil development. Although my report was favorably received at the White House, it was opposed by the oil lobby and by the State Department. The matter was resolved by the U.S. government making a loan of a similar amount to Mexico to defray the cost of other needs, thus in theory at least, freeing Mexican government funds for use in developing her oil facilities with her own financial resources. That was an interesting example of diplomatic legerdemain.

The pending expropriation controversy in Peru is but another example among others of the past in which a sovereign government of Latin America has exercised its sovereign right to repossess its natural resources by expropriation or taking over control of properties held by foreign investors. Misunderstandings and ill will are bound to result from such incidents. They do not strengthen U.S.-Latin American relations. When diplomatic negotiations fail to produce an amicable settlement of the financial interests involved procedures should be available for reaching a money settlement of the property values that have been taken. Granted that any government has the sovereign right and power to expropriate; it also has the clear obligation to pay fair value for property seized.

Granted further that it has the sovereign right to hold foreign investors to the jurisdiction of its domestic courts along with its own citizens in the litigation of financial values, it might be wise for the Organization of American States to explore seeking agreements among its member States to submit such disputes to final and binding adjudication of tribunals appointed under the aegis of the O.A.S. Such a procedure commends itself to me as being preferable to such retaliatory measures as Hickenlooper amendments to Foreign Aid Bills.

One of the most delicate problems that ~~plagues~~ the nations of the Western Hemi~~sphere—is~~ relations with Cuba. O.A.S. ostracism, economic boycotts, military containment have not cultivated any diplomatic soil in which seeds of foreign relations understanding can take root and grow. Only the government of Mexico within the O.A.S. has maintained diplomatic relations with Cuba. Interestingly enough, this conference was scheduled by its organizers to be held here in Mexico City so that a Cuban delegation could be invited to attend if it wished to do so.

My country maintains no direct diplomatic relations with Cuba but through an interesting hoary foreign policy fiction its interests are represented by Switzerland. We are grateful to Switzerland for the continuing debt we owe her. But does it make sense? We recognize some Communist governments and not others, thus showing that our opposition to their political ideology is not the controlling basis of our recognition policy. Is it but for ad hominem objections to their Heads of State that we refuse to maintain diplomatic relations with them?

Can iron curtains, bamboo curtains, yes, and sugar curtains of isolationism longer be justified diplomatically in a world plagued with such serious turmoil that most of mankind's survival cannot be guaranteed for a certainty, even in our time? As long as civilization lasts, and we trust it will be timeless, leaders of governments will come and go, governments themselves will evolve through many changes and through it all the masses of the people of an area called a country will continue to be the ultimate generating force of governments. Is it wise for us to continue to ignore the people of Cuba, China and other countries whose leaders we fear, or disapprove, or hope to dominate?

If we can sit with Cuba in the United Nations, maybe we should sit with her in the O.A.S. and with China in the United Nations. If Canada to the North of us can survive with an Ambassador in Havana maybe we should risk it if Cuba would agree to the reestablishment of diplomatic relations. At least she permits the return of our highjacked planes. It would seem that the time has come for the O.A.S. to give some thought to a reappraisal of its relations with Cuba.

In closing, I wish to say that I am convinced the people of the United States are anxious to improve their country's relations with Latin America. They are beginning to understand that there are limits to American power and influence. I wish I could be as generous in saying the same for our military and industrial complex leaders and some of our political leaders—but they are learning. Many of them seem to enjoy learning the hard way—the Rockefeller round trips and Petroleum case in Peru being recent examples—nevertheless, there is hope.

In the two Americas, from North to South, from East to West, we have the greatest collection of resources with manageable population and political problems that exist within comparable geographic boundaries anywhere in the world. With intelligence, understanding, compassion, and cooperation we have the opportunity to bring the greatest good to the greatest number of people in the shortest period of time.

This we must do.

THE PRESIDENT AND HIS CRITICS

Mr. FANNIN. Mr. President, Columnists Roscoe and Geoffrey Drummond have looked into the efforts of spokesmen for the Democratic National Committee to make the war in Vietnam a political affair.

They quote one as telling newsmen:

> We will hold Nixon responsible if he turns South Vietnam over to the Communists.

Mr. President, it is clear that Democratic leaders apparently intend to have their political cake and eat it, too, regardless of principle, decency, or the lives of American soldiers and South Vietnamese civilians.

Mr. President, it is beyond all bounds of decency and morality for one to call for immediate troop withdrawal from a war that President Nixon is in no way responsible for and then attempt to hold the President responsible for the results of the withdrawal.

The question occurs: Is political victory so dear that it must be won at the expense of our Nation and the lives of our Nation's young men?

I cannot believe that the national chairman's policy reflects the will of his party or that this questionable approach has the backing of responsible Democrats in Congress.

Mr. President, I ask unanimous consent that the column be printed in the RECORD, so that the Nation may judge this action for itself.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DYNAMITING THE PEACE

(By Roscoe and Geoffrey Drummond)

WASHINGTON.—The leaders of the Democratic Party are playing with political dynamite in trying to force President Nixon to withdraw U.S. troops from Vietnam so rapidly as to throw away all prospect of negotiating a peace. They may be the ones who get blown out of the water. That's not important. What is more important is that the United States of America would be hurt— grievously hurt—by this shortsighted, reckless, perilous undermining of what the President is doing to end the war by seeking a fair peace.

No one is suggesting that those who want peace at any price, those who want to withdraw all American forces immediately, regardless of the consequences, should still their protests. All the President and others who are earnestly seeking disengagement *and* a decent peace are asking is that for a reasonable period congressional critics should stop telling Hanoi that it doesn't need to negotiate, that all it has to do is to wait and they—the congressional critics—will see that the U.S. government accepts a non-peace policy.

The Vietnamese war has never been a partisan issue, and attempting to bring it to an end with a fair peace is not a partisan issue. But leaders of the Democratic Party are now trying to make it so. Senator Fred R. Harris of Oklahoma, Chairman of the Democratic National Committee, disclosed this strategy in a candid remark to the press last week. "We will," he said, "hold Nixon responsible if he turns South Vietnam over to the Communists." But simultaneously Senator Harris and Democratic senators like Kennedy, McGovern, McCarthy, Fulbright are continuing to demand such a rapid pullout of U.S. troops that the end result would be to give the Communists control of South Vietnam. Thus, the national chairman of the Democratic Party is not only acting to make Vietnam a pay-dirt partisan issue but is also seeking to put President Nixon in such a box that no matter what he does he's bound to lose. What he's up to is now in the open. He wants to give the Democratic Party all the dividends he can by joining in the pressure on Mr. Nixon to get American troops out of Vietnam fast. But Harris doesn't intend that the Democratic Party should take any responsibility for an imprudent speed-up of withdrawal. He proposes that if a President gives in to the demand for imprudent speed-up he—not the advocates of speed-up—should be held to blame. In other words, Senator Harris' neat formula is to make Mr. Nixon punishable by the voters if he doesn't yield to pressures to get out quick and also if evil consequences come from yielding to such pressures.

Senators and Congressmen have special responsibility. They know that the President has the constitutional duty to conduct foreign policy and that negotiating peace is the most difficult and delicate act of foreign policy. Heckling and harassing the President is delaying the peace, not hastening it. Have the Democrats forgotten so soon that Richard Nixon is acting to end a war which he inherited from his Democratic predecessor and which they helped to authorize? Harris and those Democrats he is rallying to put the voice of his party behind the peace-at-any-price student-faculty protests October 15 are playing with fire. It wouldn't matter, if they weren't also undermining the chances of negotiating a just peace.

PROTOTYPES AND THE DEFENSE DOLLAR

Mr. HART. Mr. President, on September 9, I urged the Department of Defense to adopt "a-fly-it-before-you-buy-it" procurement policy.

In brief, such a policy would end the present practices of competing for large Pentagon contracts on the basis of brochures and reinstitute selection of contractors based on competition between prototypes.

Business Week magazine for September 20 contains a report on this proposal. I ask unanimous consent that articles entitled "Prototype Shopping Comes Off the Shelf" and "No Insurance in Changing the Method" be printed in the RECORD.

As the latter piece reports, under either procurement system, projects will still fail, "but with prototype, the odds for ultimate success are, in effect, doubled"

Those are useful odds in seeking to reduce Pentagon costs while not affecting the national security.

There being no objection, the articles

were ordered to be printed in the RECORD, as follows:

PROTOTYPE SHOPPING COMES OFF THE SHELF

POWERFUL VOICES FAVOR ABANDONING THE POLICY OF BUYING NEW WEAPONS ON BASIS OF CONTRACTORS' PAPER CLAIMS

The days of paper promises at the Pentagon may be ending.

After almost a decade of depending on the promises of contractors in its weapons development programs, the Defense Dept. may be on the verge of reverting to the "fly-it-before-you-buy-it" policy it followed in the early 1950s.

The heat is on in the Senate for such a move on the ground that "brochure competition" is largely responsible for the huge cost overruns that now afflict such programs as Lockheed Aircraft Corp.'s C–5A cargo jet. Boeing Co.'s Minuteman II missile, and North American Rockwell Corp.'s Mark II avionics system.

Senator Philip A. Hart (D-Mich.), chairman of the antitrust subcommittee is particularly keen to return to the days when contractors built prototypes and tested them before the Defense Dept. ordered weapons in quantity. He proposed that the Air Force's fighter plane (the F–15) be bought on this basis. And he is backed up by a report, recently completed by the General Accounting Office (GAO), that suggests that the old system should be used with the new AX close-support aircraft, and the SCAD (for subsonic cruise armed decoy) missile as well.

Big investment. The F–15 (which will replace the aging F–4) will cost $1-billion in R&D and another $4-billion for the first 500 planes. That, says Hart, is a big enough investment to demand that the plane work as expected. McDonnell Douglas Corp., Fairchild Hiller Corp., and North American Rockwell are all in contention as the plane's prime contractor.

The Defense Dept. has not formally replied to either the GAO or Senator Hart, who made his pitch for prototype competition in the Senate last week. More study is needed, says the new Republican team at the Pentagon, before it can decide whether to return to the old method so far as weapons systems are concerned.

Aerospace companies. however, generally would applaud a quick return to "fly-before-buy" procurement. They have lived with both methods, but in recent years have suffered big reversals on brochures because paper studies are extremely costly and often prove wrong. "We may not make as much money with prototypes," says a spokesman for one of the industry's top companies, "but we won't lose as much either."

This sentiment is being relayed to President Nixon. And combined with the other advantages of prototype procurement, it could swing the balance.

The big switch. When Defense Secretary Robert S. McNamara ordered the shift away from competitive prototypes in the early 1960s, the case for his decision looked strong. Before making any commitment to buy a new weapons system, the Pentagon was paying two or more contractors to develop competing prototypes. Then it was testing—exhaustively—both versions before deciding which to order in quantity.

But McNamara concluded that this system was too wasteful—both in money and in lost time. He cited the case of the Atlas and Titan ICBMs, which cost $2-billion each to develop. Because both had proceeded to an advanced stage of development, the Pentagon decided to order them into production.

Other rivalries in parallel development in the 1950s became so enmeshed in service politics that they shook the Pentagon—Thor vs. Jupiter, Nike-Hercules vs. Bomarc, etc.

McNamara ordered a switch to competition, based on speculative engineering data. Through a highly documented systems-analysis approach, companies were forced to compete on the basis of promises of performance, price, and schedule. And McNamara tried to enforce those promises, with tougher contracts.

For a while, the plan seemed to work. Budgets for the development of new weapons systems were cut; the time between development and actual production was clipped. There was no longer the problem of choosing between prototypes that differed very little in performance and cost. And the Pentagon had avoided the sticky task of ditching a contractor with a big investment in a new weapon and political pressure to back him up.

But then other problems set in. Weapons system after weapons system started running into technical trouble, and the cost of new weapons still was exceeding original estimates.

What Hart and the GAO now are suggesting is to backtrack to prototypes—with a few new wrinkles.

Procedure. Under their plan, two or more contractors would be commissioned to build prototypes of a weapons system as in the old days. But they would be allowed to cut the amount of documentation dealing with such problems as maintenance, quality control, support, training and reprocurement.

The proponents contend this type of paperwork can safely be put off until development is finished, particularly since such efforts by the loser are wasted. They estimate the savings on paperwork would reduce development costs by 20%.

They also advocate sharply cutting government staffs in contractors' plants, and letting the builder proceed with minimum guidance. And they would not burden the contractor with detailed design specifications. GAO figures that this would reduce cost overruns because contractors would not have to figure their final manufacturing costs until they had solved most of their technological problems.

NO INSURANCE IN CHANGING THE METHOD

In purely gambling terms, there is no choice between competitive prototypes and paper studies. Planes still crash and missiles fail—regardless of which system is used. But with prototypes, the odds for ultimate success are, in effect, doubled.

Examples are not hard to find. The now-defunct Navy version of General Dynamics Corp's F–111 was the result of paper competition. When it was clear that the F–111B could not meet Navy specifications, there was no alternative to fall back on. The Navy had to crank up Grumman Corp's F–14 in a hurry, losing at least a year in getting a needed plane to the fleet.

Development of the F–4, a Mach 2 McDonnell Douglas fighter, was a different story. The Navy hedged its bets by having Chance Vought (now part of Ling-Temco-Vought, Inc.) build an improved version of its successful F–8U. Both planes turned out well, and when the Navy chose the F–4 it cost the Pentagon $136-million to buy off the Chance Vought contract. But the fleet got its fighter on time.

Republic Aircrafts F–105 Thunderchief fighter also came out of prototype competition. That time it cost the Air Force $85-million to dump its competition—North American's F–107.

Errors, still. But although the prototype system doubles the odds of success, it does not protect the military from errors of judgment. In 1953, the Air Force was way off base in the case of McDonnell's experimental XF–88 fighter and its rival, Lockheed's XF–90. Air Force officers were convinced the XF–90 was way out in front and plunged in and gave Lockheed a pre-production contract.

Then came the day of reckoning. At the flyoff, the McDonnell plane excelled in eight of 10 test categories. The Lockheed contract had to be canceled, and McDonnell got the go-ahead for what became the F–101.

In terms of preventing crashes, the prototype method is no insurance policy, either. In the first 5,000 hours of flight, there were 11 crashes of the F–101, eight of the F–105, and six of the F–4, although all planes eventually turned out well. By comparison, the F–111 had serious technical bugs. But in its first 5,000 hours, it crashed only three times.

TAX-EXEMPT STATUS OF STATE AND LOCAL BONDS

Mr. HRUSKA. Mr. President, any change in the exempt status of the interest on State and local bonds would be a great hardship on the people of this country. I was unable to be present on Friday when my distinguished and illustrious colleague from Nebraska (Mr. CURTIS) spoke on this and other matters. I wish to join him and other Senators, however, in urging that the Senate not take any action that would change the present Federal tax treatment of State and local bonds.

Senator CURTIS' judgment in these matters is buttressed by many years of distinguished service here in Congress, both as a member of the House Ways and Means Committee and as a member of the Senate Committee on Finance. He is an authority on taxes and financial matters. His judgment and the judgment and facts presented by the State and local officials must be given sound credence and should be followed.

Mr. President, our States and cities are in critical need of additional revenues to provide the services which our citizens require if they are to enjoy a safe, healthy, and decent way of life. Our cities are already in short supply of educational and health facilities, police protection, water sewers and disposal plants, and a host of other essentials.

We have been considering a variety of proposals here in Congress that would assist the State and local governments. In our tax reform efforts, however, we have dealt the States and municipalities a serious financial blow. The mere passage by the House of the proposals dealing with State and local bonds has had a serious effect on local governments and their citizens. Ultimate passage would be disastrous.

Because of the tax-exempt status of the interest which they pay on their bonds, State and local governments traditionally have been able to borrow needed funds at rates approximately 30 to 35 percent less than private industry and the Federal Government. In recent years this has resulted in savings of $2 billion a year to States and their political subdivisions. This saving has been passed on to the taxpayer in the form of lower taxes. If you change that status and the cost of local borrowing goes up, which it surely would, State and local taxpayers, already overburdened by their tax load, must be ready to bear the additional cost.

Early this year, Congress embarked on what is probably the most comprehensive revision of our tax laws in the Nation's history. It is right that we did. Reform is long overdue. Equity must be restored to the system; Federal taxes on the middle income and poor should be reduced. Measures must be enacted to insure that each person of substantial means pays his fair share of taxes.

However, in a misguided moment, the House proposed altering the exempt status of interest on State and local bonds. As many experts warned, the mere consideration of these proposals has already increased the cost of State and local borrowing. Since the first of this year, when Congress embarked on its tax reform efforts, the traditional cost gap between exempt and taxable bonds has closed to where State and local governments now are generally able to borrow at less than a 20 percent saving over corporate and Federal obligations. When the National Association of Counties testified before the Senate Finance Committee, it estimated that the mere consideration by Congress of proposals to change the exempt status of local bonds has already accounted for more than $300 million in additional costs that State and local units and their taxpayers will pay on the bonds issued in the past 4 to 5 months.

In addition, Mr. President, the House proposals concerning State and local bonds are a serious threat to the sovereignty and independence of the States and their political subdivisions. There is grave doubt whether the provisions would be constitutional, and I personally believe they are unconstitutional.

But even more important than the threat that these proposals pose to our federal system of government, is the adverse financial effect that the House proposals would have on local governments and their citizens.

The Treasury Department has estimated that the reform proposals, when fully effective after several years, would increase Federal revenues by $80 million annually. Consideration of the proposals has already increased the cost to State and local taxpayers by more than $300 million. If the proposals are passed, they will increase State and local taxes nationwide by more than $150 million in 1970, and more than $1 billion annually by 1980.

The States are faced with an assault on their sovereignty and their financial capacity.

If the House proposals should be passed and subsequently held to be unconstitutional, the State and local governments would be out the additional interest paid on the bonds issued during the period of litigation, and the Federal Government would not receive any revenue from the proposals. In other words, both the State and Federal Governments would lose.

In my own State of Nebraska, the effect of the House proposals would be disastrous.

On projected 1970 bond issues alone, it has been estimated that the proposals would increase Nebraska local taxes between $4.5 and $6.2 million annually and between a total of $58.5 and $124 million over the life of the bonds.

When the cumulative effect of the additional cost of the bonds issued each year in Nebraska is considered, by 1980 the House proposals could easily increase Nebraska taxes by more than $45 to $62 million a year.

These estimates, of course, assume that State and local units would be able to continue issuing the bonds they need. But, equally serious is the fact that the higher interest rates resulting from the House proposals would prevent some bonds from being issued for vitally needed services.

Mr. President, the increased cost of State and local borrowing would be passed to the local citizens primarily through increased property and sales taxes. These are the most regressive type of taxes hitting the middle and low income wage earner substantially harder than those with more substantial means.

It is clear that the increased cost to be paid by local taxpayers under these proposals would greatly exceed the additional revenue to be collected by the Federal Government. At a time when State and local taxpayers are already overburdened by their present tax load and the States are in critical need of additional funds, it would be a serious mistake for Congress to, in any way, tamper with the exempt status of State and local bonds.

In my judgment, the House proposals on State and local bonds would be a step backward, rather than a step forward.

THE HAIG

Mr. GRIFFIN. Mr. President, the golfing world has lost one of its greatest champions when death claimed the life of Walter Hagen early today.

He had become a legend in his own time for he had done more for golf than any person in the history of the game.

Five times he won the American PGA championship, twice the U.S. Open, and four times the British Open. He was a world champion in the truest sense of the word.

Greatness in golfing attainments will always be measured by the records set by "The Haig" as he was known to his millions of fans and admirers.

It was back in 1914 that a kid golfer named Walter Hagen set out from Rochester, N.Y., to take a crack at the U.S. Open. It was to be his first major victory.

When "The Haig" decided to put away his clubs, he retired to Traverse City, Mich. Two years ago, a testimonial dinner was held in his honor at the city's country club.

Letters of affection from friends around the world poured in for the occasion. These priceless gifts were put together in a bound volume and presented to Walter Hagen that night.

Although the praise came from persons in all walks of life, many came from stars in the golf world, such as Ben Hogan, who wrote:

> Without you, golf would not be what it is today. I give you my deep thanks.

Gen. Dwight Eisenhower said:

> Your achievements at home and in Great Britain have earned you both the PGA's Hall of Fame and an enduring place in the affections of all who esteem stout heart and great talent.

Edward, Duke of Windsor:

> I recall the great kick we all used to get out of watching you play and win on the great championship courses.

Bob Hope:

> Walter's the fellow who said, "After watching Bob's swing, you're not sure which rest room he uses."

Bobby Jones:

> I always enjoyed the many rounds of golf we played together, even when you were giving me a good beating.

Gene Sarazen:

> You always looked like a millionaire and have lived like one ever since.

Tommy Armour:

> To me you epitomized dignity and sportsmanship on the golf course. Yes Walter, when you were created, they broke the mold.

Byron Nelson:

> There is absolutely no way that we golf professionals can properly thank you for your great contribution to our profession.

Mr. President, all of us are a little richer for Walter Hagan having lived in our time.

As a great champion, he sets an outstanding example for the youth of our Nation. He was to golf what Ruth was to baseball—what Dempsey is to boxing.

His passing is viewed in the Nation's Capital—as it is throughout the world—with deep sorrow.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

THE JOHN F. KENNEDY CENTER

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 11249) to amend the John F. Kennedy Center Act, to authorize additional funds for such Center.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Who yields time on the pending amendment?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be not charged to either side.

The PRESIDING OFFICER. Without objection, it is ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

XUM

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Who yields time?

Mr. **JORDAN** of North Carolina. Mr. President, I yield myself such time to make my opening statement.

The **PRESIDING OFFICER**. The Senator from North Carolina is recognized.

Mr. **JORDAN** of North Carolina. Mr. President, the amendment to H.R. 11249, proposed by the senior Senator from Maine (Mrs. SMITH) would prevent the use of any funds authorized to be appropriated and any funds authorized to be borrowed from the Treasury for a period of 60 days.

We have been informed by both the Chairman of the Board of Trustees of the Kennedy Center and the General Services Administration that unless additional funds become available immediately to continue the construction of the Kennedy Center, it will be necessary by next week to start canceling a number of firm bid subcontracts, and that to do this would incur penalties for contract cancellation or delays, necessitate rebidding these contracts at a later date at a higher cost due to the present 1-percent per month escalation of construction costs, and would cost approximately $1 million per month for each month that the work is delayed.

Thus, this amendment, according to the Chairman of the Board of Trustees, would cost the Kennedy Center at least an additional $2 million.

The Committee on Public Works went into all of these matters very thoroughly when it considered H.R. 11249 and, while it was not happy with the fact that additional appropriated funds and borrowing authority are necessary, it felt that there was no alternative if the work was to continue uninterrupted and the center completed within the presently estimated cost of $66,400,000.

We are informed by the board of trustees that it has known for some time that it did not have sufficient funds to complete the Center but had hoped to be able to make up the difference from private contributions. However, after exerting every effort to obtain the contibutions, the Board came to the conclusion that the only way the Center could be completed was to request additional financial assistance from the Federal Government.

The committee, in reporting the bill, felt that this was the best solution that could be hoped for if the Center was not to remain a half-completed skeleton, which would, of course, jeopardize the vast amount of money which the Federal Government has already provided toward its completion. The committee has been assured by both the General Services Administration and the Chairman of the Board of Trustees that the present estimate of $66.4 million is a sound estimate for the completion of the building and that it can be completed within this amount if construction is not interrupted.

In order that there would be no misunderstanding about the committee's feelings on this matter, it stated in its report on page 6 under committee views the following:

> The Committee wants it clearly understood that the Center must be completed within the proposed cost of $66,400,000 and if, by any chance, this figure has been underestimated any additional funds required must be raised by the Board of Trustees through private subscription.

Mr. President, for these reasons I recommend that the amendment be rejected.

Mr. **PERCY**. Mr. President, will the Senator from North Carolina yield me some time?

Mr. **JORDAN** of North Carolina. I am glad to yield to the Senator from Illinois. We are under limited time. How much time does the Senator wish?

Mr. **PERCY**. Ten minutes would be adequate.

Mr. **JORDAN** of North Carolina. Mr. President, I yield 10 minutes to the Senator from Illinois.

The **PRESIDING OFFICER**. The Senator from Illinois is recognized for 10 minutes.

Mr. **PERCY**. Mr. President, I was appointed to serve as a representative of the Senate on the Board of the John F. Kennedy Center for the Performing Arts—upon the recommendation of my late colleague, Everett McKinley Dirksen—to succeed former Senator Leverett Saltonstall. I endorse the previous statement of the Senator from Arkansas. In view of the investment that has already been made, I do not feel we can abandon this cultural center. It represents too great a commitment by the Government, and by thousands of private donors to the arts, to the development of artistic talent in our Nation.

The Center represents a needed investment in the performing arts in this country. Let us not forget that this is a bipartisan enterprise, begun by President Eisenhower, developed under President Johnson, and hopefully to be completed during the administration of President Nixon.

President Nixon has, in fact, requested the $7.5 million in his fiscal 1970 budget recommendations to Congress. Mrs. Nixon serves with Mrs. Dwight Eisenhower, Mrs. Lyndon B. Johnson, and Mrs. Jacqueline Kennedy Onassis as the honorary chairmen of the Center. All three ladies support the legislation we are considering today.

The effort to secure these additional funds, then, is a truly bipartisan one. The benefit they will have will accrue to everyone, regardless of political views. The Center will serve as a showcase of the performing arts, a place where talent from every State can be presented, where we can demonstrate to citizens and visitors from abroad the finest in American art and culture.

For these reasons, I strongly support H.R. 11249 to provide the necessary $7.5 million, and commend the House in its passage and the Senate Committee on Public Works for unanimously approving this expenditure. For these reasons also, I oppose the pending amendment to this bill.

It has been made abundantly clear that a vote for this amendment with the delays it would entail is tantamount to a vote against the bill itself. If the amendment is adopted, a conference on the differing versions of H.R. 11249 will be necessary. Before any report of a conference committee could be acted upon by both Houses, the General Services Administration will have to suspend work on several vital construction contracts. Once work has been suspended, contracts will inevitably have to be terminated and renegotiated. Even within the sixty-day delay proposed under this amendment, we would see the termination of practically all contracts. This would necessitate new contracts, or renegotiation of suspended ones, and the costs of such new contracts could not be expected to be based on 1964 prices. Unfortunately, the unintentional but nevertheless very real effect of this proposed amendment would be to cause an additional cost overrun of sufficient magnitude to warrant yet another report from the GAO.

There is still another important question for the Senate to consider. That is, when the building is closed down and construction suspended, what is the effect upon public-spirited citizens who have contributed their money to the Center? And what is the effect on nations who have made gifts, some of them quite substantial ones, to the Center?

If the Senate says to them, the Center is not to be completed, will the Senate also offer to return their gifts, which now amount to nearly $21 million? I think we also have an obligation to the donors, who range from schoolchildren to foreign powers, to see that the Center is completed. This is why I sincerely hope that the Senate will reject the pending amendment and approve H.R. 11249 without change.

I support as quite reasonable the requests for the GAO, or the Senate Committee on Public Works, or any other appropriate body, to study this project and to report back to the Senate on its efficiency of administration and on any past action taken by the administration of the Center by its trustees. But it is absolutely essential that the work in progress and all contracts now contemplated be allowed to continue on schedule while the study is made.

Mr. President, a number of questions were raised in debate at the end of last week. With the help of members of the Center's administration and my fellow trustees, I should like now to present the most frequently asked questions with their answers.

I am asked how many Senators oppose the construction of the John F. Kennedy Center for the Performing Arts.

I certainly wish to clarify the record on that. To my knowledge, there is no U.S. Senator today who wishes to stop construction of the Center and see the building abandoned for some future time when it can be completed. No one wants the Center to fail, or have its costs escalate.

Those who are attacking the Center, however, by the effect of this amendment and its practical application, would be doing the very thing they themselves have assured the Senate and their fellow colleagues they do not want to do.

The second question is, "In view of the fact that this is the second time this has occurred, this is just another request from the Senate for funds. to be followed by another request for construction funds."

After talking with the directors of the Center and after the subsequent talks that they have had with the contractors, architects, and GSA, I feel quite confident they will not come back to the Congress again. In fact, I would have nothing to do with any request madeof the Congress for additional construction funds.

It is to be understood that they were not able to fully estimate the costs of the Center on preliminary plans and the estimates were made on preliminary plans. But now we have final, detailed plans. We are able to make firm contracts. In fact, most of the contracts have been placed and are now being executed. We are able to estimate accurately the cost of the project, if it continues.

So this is the last request for construction funds that will be brought to Congress, from everything I am able to determine.

The third question is, "Why, with some $10 or $11 million in investment funds in the portfolio of the Center, does not the Center use those funds rather than resort to public funds in order to continue the construction?"

It is true that within a few days there will be something less than $11 million in securities. However, all of that money has been committed to pay for contracts authorized by General Services Administration, and therefore this money is not available to be used for the payment of bills now coming due. In fact, GSA is holding up a vital contract in the amount of $500,000 because we do not have funds to commit at this time.

The fourth question is, "Why the large variation in costs?" The estimate of costs given to the Public Works Committees of the Congress late in 1963 were based on preliminary drawings and specifications, completed in November of the same year, for a very complicated building. The cost estimates were provided by one of the Nation's greatest architects, Edward Durell Stone, and his associated engineers, Severud-Elstad-Krueger Associates, Syska & Hennessy, Inc., and Construction Survey Corp., some of whom had just completed work on Lincoln Center in New York.

The testimony before the Senate's Subcommittee on Public Buildings and Grounds of the Public Works Committee by General Services Administration representative Robert B. Foster, Deputy Commissioner, shows the dates of the development of drawings and specifications. When the bidding documents were distributed to the prospective bidders, the trustees had every reason to believe them accurate, particularly since they had been prepared by such experienced and reliable firms.

The estimated cost by the experts right after the passage of the Kennedy Center bill, was approximately $47 million, without furnishings and equipment, or any of the material needed for the interior of the building. These were estimated to cost some $5 million, and the Trustees felt they could raise those additional funds. As a matter of fact, they have raised them. But one simply cannot compare the amount of $47 million with the present $66 million, which includes everything required to finish the building.

As a fifth question we might well ask, Have the Trustees been negligent? Has there been malfeasance?

I have been on the Board for some 2½ years. Someone could well say, "Here, you have been in business. You have built factories"—which I have—"all over the world. Have you ever had this kind of difference in costs?"

I can truthfully say, "Yes." Every business, every unit of government, has experienced escalating costs.

The trustees were not in a position at any time to place a firm contract for the completion of the building. They could not place a firm contract for the steel, for the construction, for the electrical work, for all the gear needed for that work. They did not know where all those funds were coming from. According to the agreement with Congress, half of the funds were to be raised from the public sector, from private sources, So, as funds were within sight, the trustees could authorize contracts to be placed.

But anyone can simply look at the escalation of costs which has taken place since 1963. If we look at the last 12 months——

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. FULBRIGHT. I was going to say that during the last 12 months we have had a relatively——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I ask to have 5 minutes.

Mr. JORDAN of North Carolina. Mr. President, I yield 5 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Just this last year costs have increased at an unprecedented level. Interest rates are higher now than they have been in our history, certainly since the Civil War.

The General Services Administration is the agency devoted exclusively to supervision of constructing Government buildings. It paid a tremendous fee—as I recall, $500,000—to supervise the letting of contracts. If there has been a serious mistake, that agency shares in it.

I do not think the trustees intended to let anyone presume they knew how much steel was going into a building of this kind. I certainly did not. There were some mistakes, but this building also has been changed, in view of the use of jet planes out of National Airport, which has caused a very serious noise problem which no one ever contemplated at the time the Center was authorized to be built. The noise of the old airplanes was relatively minor compared with the noise made by the present planes, as anyone who lives in this area or in Georgetown knows.

The soundproofing which was required to be put in the building, I am told, necessitated heavier steel. Nevertheless, I do not understand why there was such a big variation in the estimated cost of the steel and the actual cost.

All the other items fall into the category the Senator from Illinois mentioned. We had a nationwide carpenters' strike. We had a shipping strike. It cost a great deal of money in demurrage, or whatever else enters into the cost, as a result of the tie-up. Then, of course, there has been an escalation of the cost of wages. There has been a substantial increase in the cost of wages.

If the construction is delayed, all that we will be assuring—assuming that we finish the building—is a much greater cost. It looks like it will cost between $10 and $15 million to put it in "mothballs," wait 10 years, or whatever the time will be, and then start over again. Whenever that is done, there is a great loss. The General Services Administration estimates that it will cost $2 million to shut it down for 60 days. It seems to me that to shut it down for 60 days would be a most improvident thing to do.

I want to remind the Senate again that the $46 million is not what we have appropriated. After the bill is passed, we will have provided $23 million, plus a little over a $20 million loan to be paid out of the parking facilities. The balance comes from private sources. That is not any great contribution from the Federal Government, compared to the Lincoln Center or any other comparable facility.

I am reminded also that after World War II I think this Government gave $10 million to the Government of Austria to rebuild its opera house, which had been destroyed during the war. That was for a country of seven and a half or eight million people, which has a much more beautiful opera house than this country has, or that certainly Washington has. Certainly this is something which, in the field of fine arts or performing arts, the Federal Government should be willing to contribute to.

Mr. PERCY. I thank my colleague. I ask the Senator if he will confirm with me that the trustees of this Center have given unsparingly of their personal time. They have put considerable effort into it. Many of them have made very generous contributions to the Center. I ask anyone to put himself in the position of a trustee for a moment, one who has been asked by the President to serve, who has given of his time and energy. Now, if the amendment is approved, a special board meeting is called and we are notified that if we go ahead with the contracts, the trustees will be personally liable for the liabilities incurred. I ask anyone whether any trustee would wish to go ahead with the construction or would recommend a shutdown.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield for a question?

Mr. PERCY. I would be happy to yield, but my time has expired.

Mr. FULBRIGHT. Under whose time?

Mrs. SMITH of Maine. Mr. President, I yield the Senator from Delaware 5 minutes.

Mr. WILLIAMS of Delaware. I address this question to the Senator from Illinois. The amendment of the Senator from Maine merely proposes to hold this matter up for 60 days, so that we can get a report back from GAO. Certainly such

XUM

a report is in order, particularly when we are told there has been an underestimate, on steel alone, of $2.7 million. Somebody is responsible for that, and I think we should have the information.

What I cannot understand is why there is such an emergency that we must act today, and why this 60-day delay would be so disastrous, when I note that the bill was reported out of committee on July 22, 10 weeks ago, and it has since been lying on the Senate Calendar with no action.

If there was an emergency, why was it not brought up and acted on at that time, rather than waiting 10 weeks, and now saying it must be passed today?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Mr. President, I must take full responsibility for not taking up the bill earlier. I did not do so on the basis of circumstances I would not wish to divulge on the Senate floor. But it was my responsibility.

Mr. PERCY. Mr. President, if I may reply further to the question of the Senator from Delaware. As far as the trustees are concerned, we have been anxious to have the issue raised on the Senate floor. We have been fully understanding of the reasons that it has not been brought up until now, but we have also been fully aware that October 1 was our deadline. The House of Representatives was notified of this; and the Senate, through the Committee on Public Works, knew it.

It was a simple matter to figure out when we would run out of money. And as I have previously mentioned, we now have simply exhausted virtually all public funds; we are down to a few thousand dollars, and the only remaining funds are all pledged against contracts that have already been placed. So we have only one recourse. GSA has said they would have to shut us down.

Mr. WILLIAMS of Delaware. I am one Member of the Senate who knows of no reason for the delay. When the bill was reported last July I notified the leadership on our side that I wanted to be here to discuss this matter, to find out how much more need be raised; but I was ready to consider it at any time, and as far as I know, so were other Senators.

Mr. MANSFIELD. Mr. President, will the Senator yield there?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. What the Senator has said is absolutely true.

Mr. WILLIAMS of Delaware. But since it has been reported for one reason or another, it has remained on the calendar for 10 weeks, I do not think it is quite fair to put the Senate in a position of take it or leave it today, because I think we should have time to get a report from the Comptroller General particularly since we have been advised that at least a third, being asked for, is to cover up a mistake somebody made in underestimating the tonnage of steel required. That error I cannot understand.

I can understand that the degree of inflation may not have been taken into account, though some of it should have been estimated. But for the underestimation on the steel tonnage somebody should be accountable, and while I respect the organization which the Senator has named as having developed these plans, and I appreciate the remarks he has made about their responsibility, I am wondering just how responsible they really are if they can make that much of an error. I want to know who is responsible, and whether or not we can recover or hold someone responsible for making the error. As architects they are getting paid about 5 or 6 percent, or whatever the standard fee is. They will collect a sizable fee for making these estimates. I think the Comptroller General should fix the responsibility, if possible, and the matter should be turned over to the Department of Justice for collection.

Mr. PERCY. Mr. President, I could not agree more fully with the Senator from Delaware. The trustees are deeply concerned about the underestimate for steel. But I wish to assure the Senator from Delaware and the Senator from Maine that no time has been lost in making the investigation. In fact, as a result of the House hearing, it was understood with the minority leader of the House of Representatives that not only would the GAO undertake a study, but the matter would be referred to the Department of Justice with full concurrence and encouragement of the trustees to see if we have legal recourse against the contractors who underestimated. We probably have no legal recourse against a Government agency such as the GSA, but we certainly may have against private contractors; and if so, we intend to file suit for recovery.

Mr. WILLIAMS of Delaware. I am glad to hear that. If we have no recourse against the Government agency, we at least can replace the individuals who made such an error with competent personnel.

Mrs. SMITH of Maine. Mr. President, the point raised about new needs created by sounds and noise from jet aircraft only serves to point up and underscore the tragically poor planning on the Kennedy Center, and the dismal failure to look ahead. I do not think the American taxpayers should have to pay for such a mistake in planning on a project that was originally promised to be financed with private subscriptions, and without any money from the Government.

In the debate on Friday, Mr. President, the opposition to my amendment laid great emphasis on the cost of required sound insulation against the noise of jet planes, and stated that such additional requirements and costs could not have been anticipated.

Today, Mr. President, Mr. Walter C. Louchheim, a former member of the National Capital Planning Commission, as far back as 1962, informed me that the Planning Commission had raised questions about sound insulation from the noise from overflying planes, and had warned about such a problem, but that Mr. Stevens had dismissed such warnings and questions, and had assured the Planning Commission that there would be no such problem.

Mr. Louchheim informs me that such a warning was made even before the land site was acquired for the Center. Now it is contended that the problem of noise from planes flying overhead, and the resulting increase in costs for sound insulation, could not be anticipated and foreseen, when the fact is that Mr. Stevens was warned of this problem by the National Capital Planning Commission even before the site of the building was obtained, and reportedly Mr. Stevens dismissed this warning.

Mr. PERCY. Mr. President, will the Senator yield for a question?

Mrs. SMITH of Maine. I am glad to yield for a question, but not on my time.

Mr. PERCY. May I have 30 seconds?

Mr. JORDAN of North Carolina. I yield 30 seconds to the Senator from Illinois.

Mr. PERCY. Perhaps I misunderstood this distinguished Senator from Maine. Did not the Senator assure me that she had been notified that jet planes could not be used and would not be used at National Airport?

Mrs. SMITH of Maine. On my time, I think the Senator is referring to a hearing of the Appropriations Committee which I referred to in my conversation with him, in the middle 1950's, when it was said that National Airport was not suitable for jets. But that was before the jet age. Mr. Louchheim's warning was even before the site for the Center was finally selected.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. Mr. President, reserving the remainder of my time, I yield the floor.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. How much time remains on both sides?

The PRESIDING OFFICER. Thirty-nine minutes to the Senator from North Carolina, and 45 minutes to the Senator from Maine.

Mr. MANSFIELD. Will the Senator from North Carolina yield me 4 minutes?

Mr. JORDAN of North Carolina. Mr. President, I yield 4 minutes to the majority leader.

Mr. MANSFIELD. Mr. President, I repeat that the sole responsibility for not bringing up the pending legislation before last week lies with the majority leader, the Senator from Montana. I had what I considered good and valid reasons for undertaking the procedure which I did.

It is true that the distinguished Senator from Delaware (Mr. WILLIAMS) did have a hold on this matter going back, I think, to the date that the bill was reported on the calendar. That, of course, was respected, and the Senator from Delaware (Mr. WILLIAMS) was notified when the bill was going to be brought up. He was the only one, at that time, whom I knew to have expressed a special interest in being notified.

When I attempted to bring the bill up about 2 weeks ago, I was informed by the distinguished senior Senator from Maine (Mrs. SMITH) that she had some questions. And because of that, there was a delay of a week or so in bringing up the bill.

I make these remarks just to keep the record straight.

On September 8, I received a letter from Mr. Roger L. Stevens, Chairman of the Board of Trustees, about the Center. I read just one paragraph:

> Unfortunately, we have been forced to use $5 million of our private funds in order that construction might proceed as fast as possible, and we will lose a very substantial amount of interest on these funds. In addition, we have been unable to let contracts, which, with today's escalating prices, may penalize us further. If the Bill is delayed much longer, we will be forced to stop construction, which would be disastrously expensive. It is necessary, in our capacity as Trustees, to hold our remaining funds as reserve in order to close out construction and pay all the bills.

Then, I note a very pertinent editorial published in the Sunday Star of yesterday which, with the permission of the Senators, I read in part:

> Not that the critics don't have a point. The building, originally estimated to cost $46.4 million, has progressed through a series of escalating estimates until the figure now stands at $66.2 million—an overrun of approximately 43 percent.

I interpolate here that is a very sizable overrun. I continue to read:

> There was, certainly, some sloppy figuring—and just possibly a bit of intentional underestimating to sugar-coat the first pill that Congress was asked to swallow.
>
> But the real joker in the deck was neither carelessness nor budgetary sleight of hand. It was the devastating inflationary spiral, aided and abetted by a prolonged strike. No one can properly be held accountable for failing to anticipate the zooming costs of building construction.
>
> The House, after bitter debate, voted to provide the $12.1 million the center needs to complete the work.
>
> Congress does not need a GAO survey to inform itself on how building costs can get out of hand. There is no need to look further than the Rayburn Building for such instruction.
>
> The Kennedy Center already represents a multi-million dollar investment in private donations and in gifts by foreign governments. It is an obligation to which Congress is already fully committed.

I would say that this particular Center, this National Cultural Center, started under President Eisenhower. It was intended to be an asset to the Nation's Capital. Certainly it should be funded unless Congress is prepared to add on an additional $10 million when and if ever the final construction gets underway.

Mr. GOLDWATER. Mr. President, will the Senator yield me 5 minutes?

Mrs. SMITH of Maine. Mr. President, I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, my support of the pending amendment does not indicate my opposition to the Center. However, I think the time has come, as was so well demonstrated during the consideration of the military procurement authorization bill, that we pay some attention to the moneys we appropriate for public buildings.

I think that the cost increases on the Rayburn Building were a national disgrace. And no effort was made by Congress to try to redeem itself or prepare itself and the Government for future building problems.

There is no question that inflation has hit us. And it has hit every building.

The biggest single factor involved in the cost of everything we buy in America—whether shoes, airplanes, boats, or anything else—has been inflation. Because of the 43-percent overrun, I would like to ask the chairman of the committee, or anyone else who feels he could answer the question, whether we have a hard estimate as to the final cost of the Center.

Mr. JORDAN of North Carolina. Mr. President, $66,200,000 is the proposed new cost.

Mr. GOLDWATER. Would that include the furnishings and everything needed in the final Center?

Mr. JORDAN of North Carolina. Mr. President, I refer that question to the Senator from Illinois (Mr. PERCY). He is a member of the Board of Trustees.

Mr. PERCY. Mr. President, it is my understanding that it does.

Mr. GOLDWATER. Mr. President, would the amount contained in the bill bring the total expenditure up to $66,200,000?

Mr. JORDAN of North Carolina. The appropriations, plus the borrowing power, would bring it up to that amount.

Mr. PERCY. There would also be the additional matching funds that must be privately raised.

This would be an undertaking that the Trustees have committed themselves to with respect to raising the amount. During the entire period when the project has been in jeopardy, the donations for expenses practically dried up. No one will contribute anything when they are wondering whether the building will be finished and whether the Government will come forward with its 50-percent share.

Mr. GOLDWATER. The Government has come forward with a lot more than originally contemplated. My concern is, What amount will be requested next year and the year after?

Mr. FULBRIGHT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. GOLDWATER. Mr. President, I yield to the Senator on his time.

Mr. FULBRIGHT. I thought the Senator asked a question.

Mr. GOLDWATER. I did. I do think that the matter of time is too critical. The Senator can go ahead and answer it.

Mr. FULBRIGHT. Mr. President, Mr. Stevens, and, I think, the trustees—Senator PERCY and I and others—have stated that this is the last amount that will be requested of the Government.

Actually, it will amount to $20,400,000 of borrowed funds and $23,000,000 of appropriated funds, as the total Government contribution, if the bill is passed. The remaining amount is to be raised and has already been raised from private contributions and foreign governments, plus whatever amounts the trustees can raise to supplement the amount with respect to furnishings.

I do not think it is quite correct to say that $66.2 million is the total cost, including furnishings and all other costs. The matter of whether the furnishings will be better or worse will depend upon how much money we can get. In other words, the amount of money we have will determine whether we buy carpet worth $10 a yard or a higher price. That is still discretionary with the trustees.

The $66,200,000 is the best estimate. And the GSA has concurred in the matter. They have urged that they be as precise as they can.

That assumes that the amount is made available and they can let the contract. If we are going to delay the matter for 60 days and they have to pay penalties for cancellations of existing contracts and also pay the increase for the new contracts, any such estimate is out of order.

The estimate is based upon the availability of what is contained in the bill now. And that is the estimate of the total that would be required from the Federal Government. The matter of whether or not additional money would be raised from private sources is up to the Trustees, as is the question of how the money will be raised.

The program for private matching funds was initiated before the Center was named the Kennedy Center. Back in 1959, several millions of dollars were pledged and raised.

I do not think there is any doubt that this will be the last amount that the Federal Government will be called upon to advance, assuming there is no cancellation or delay. If we delay the matter and the country does not want to abandon the project, I am quite sure that we will be called upon to furnish an additional $10 or $15 million.

The Senator from Illinois did not mean to commit himself to the statement that there would be no further requests. He meant that there would be no further requests if the money is supplied at this time, and if there is no delay and no cancellations. I am sure that the Senator from Illinois meant that to be true based upon the fact that there would be the immediate availability of funds under the pending bill.

Mr. GOLDWATER. Mr. President, I certainly put all the faith I can muster in the words of the Senator from Arkansas who has just spoken and also in the words of my friend, the Senator from Illinois.

I recall that in, I believe, 1964, Mr. Stevens said:

> As far as I am concerned, sir, from whatever authority I have as chairman of the board, I will assure the committee that we will not be back to seek any more money.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The time of the Senator has expired.

Mrs. SMITH of Maine. I yield 3 minutes to the Senator from Arizona.

Mr. GOLDWATER. If there were some way we could make this absolutely certain, I think a lot of the opposition would be withdrawn.

My fear is that it is not going to be $64 million; it is going to be a lot more. The inflationary spiral in this country, while we think it is beginning to slow, certainly has not slowed. We read in the paper that labor is going to demand more money for craft labor, and it is certainly going to be applied to this building.

I feel, Mr. President, that the amendment is a wise one, even if we have to wait 6 months, because we might save $10 million on this by finding out the mistakes that have been made by GSA and by others so that they will not be repeated in the future.

I cannot, for the life of me, understand how anyone, in the first place, would want to build a building under the approach or takeoff area of one of the Nation's major airports, but we now have it on what we call the Georgetown departure and Georgetown approach. The noise is going to be a problem, whether we feel it has been abated by acoustical lining or not. In fact, the Planning Commission warned about that, but it was ignored.

I am not finding fault with the trustees. There is fault someplace, and I think it would be proper to have the GAO take a good, hard look at this. I doubt that it would take 6 months. I think they could do this in a matter of a week. I am told by the sponsor of the amendment, who has undoubtedly talked with GAO about this, that it will take 2 months. This is their business. I opposed referral to GAO during the authorization bill because they have no business getting into strategy and deployment, but it is certainly their business to look into the dollars and cents we have spent.

Mr. President, I am very proud to be a cosponsor of this amendment. I would like to see the Center completed, but I do not like to see us going down a road that seemingly has no end, and we do not know how much it is going to cost in the long run.

I hope the Members of this body will agree to this amendment so that we can find out, in an intelligent way, just where we are headed.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am glad to yield for a question on the time of the Senator from Montana.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. I yield to the Senator from Montana whatever time he requires.

Mr. MANSFIELD. Mr. President, what the Senator from Arizona has said has a good deal of validity. But I would point out that this is only the authorization bill. The Appropriations Committee, of which the distinguished Senator from Maine is the ranking minority member—and of which I happen to be a member—could give the most serious consideration and the most prompt consideration to the questions raised by the distinguished Senator from Arizona.

Mr. GOLDWATER. I think that is a very sound, logical argument for the adoption of this amendment, so that the Appropriations Committee can be guided by the expert knowledge that seems to be needed.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. I do not have any time.

Mr. JORDAN of North Carolina. I yield to the Senator from Arkansas as much time as he requires.

Mr. FULBRIGHT. So far as the appropriation of the $7½ million is concerned, we could ask, I could ask, anybody could ask, the chairman of the committee could ask the GAO to proceed forthwith to submit a report before that comes up. The $5 million borrowing authority is critical; and if that is not made available immediately, it will entail the delays and the cancellations and the cost.

I think it would be perfectly proper to proceed in that manner—to ask for a GAO report. We do not need a resolution or a bill to ask for a GAO report. I have asked for them. The Senator from North Carolina or the Appropriations Committee can ask for one tomorrow.

Mr. GOLDWATER. If special legislation is needed for borrowing, could it not be borrowed from a private institution?

Mr. FULBRIGHT. Borrow this money from a private institution?

Mr. GOLDWATER. Yes.

Mr. FULBRIGHT. No; I do not think so. I do not think it would be possible or appropriate. This is not a moneymaking undertaking.

Mr. GOLDWATER. It has to be, if the money is going to be paid back.

Mr. FULBRIGHT. This is for the garage. They have already borrowed. The purpose of that is simply to reimburse the Government for the borrowed fund, but it is not set up or intended to make a profit.

Mr. PERCY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. I yield to the Senator from Illinois as much time as he requires.

Mr. PERCY. If the Trustees would then become responsible for all the work that is being done, I would be happy to yield my position on the Board, representing the Republicans, to the distinguished Senator from Arizona. He could then take the personal financial responsibility that would incur.

Mr. GOLDWATER. I am happy to learn of the great confidence the Senator from Illinois has in the Senator from Arizona, but I am already on the hook on several things, and I must decline.

Mrs. SMITH of Maine. Mr. President, I yield to the Senator from Alabama such time as he requires.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mrs. SMITH of Maine. How much time does the Senator desire?

Mr. ALLEN. Twelve minutes.

Mr. President, I support the amendment offered by the able and distinguished and charming Senator from Maine.

In 1958, President Eisenhower signed into law 85–784, authorizing construction of a National Cultural Center. The law authorized establishment of a board of trustees composed of 15 specified Federal officials, ex officio members, and 15 general trustees appointed by the President. This board was charged with the responsibility of building a National Cultural Center in the District of Columbia, with funds raised by voluntary contributions.

In the 88th Congress, the National Cultural Center Act was amended to authorize appropriations in an aggregate amount equal to gifts, bequests, and devises held by the board of trustees. Not to exceed $15.5 million. It further provided borrowing authority in the amount of $15.4 million in the form of revenue bonds to finance parking facilities for the Center.

At this stage the Center had been transformed from one financed entirely by contributions to one to be financed from public and private funds on a matching basis, and at the time Public Law 88–260 was enacted, it was intended that the Center would be built for a total cost of $46.4 million.

The Board of Regents of the Smithsonian Institution determined, in accordance with its duty imposed by the statute, that the board of trustees of the Center had sufficient funds from appropriations, from the bond issue, and from gifts and devises to construct the Center, and construction was thereupon initiated.

I might say at this point, parenthetically, that the Board of Regents of the Smithsonian Institution, in February 1966, used the January 1964 estimate of the costs of the Center, which certainly, with the escalating prices that we hear so much of, does not seem to indicate the best of business judgment.

The Center is now said to be approximately 50 percent completed, and current estimates indicate that the Center will cost, along with the parking facility, approximately $66.4 million; and Congress is called upon to authorize the Center to issue $20.4 million worth of revenue bonds to finance necessary parking facilities for the Center. This is an increase of $5 million over the previous authorization.

In addition, Congress is asked to increase appropriations authorized for construction purposes from $15.5 million to $23 million.

The Center has progressed from one to be paid for from contributions, to one paid for from contributions and matching funds, to one to be paid for by supplemental appropriations by Congress.

The reasons advanced for the new cost estimate of the facility are interesting, to say the least. The Senate report accompanying H.R. 11249, now under consideration, states:

> The reasons for the almost inexorable growth of the project cost and the . . . need for additional funding are not clean cut and unanimously agreed upon.

That is an interesting observation if for no other reason than its honesty. Some of the reasons and some of the factors mentioned in the report are:

The contract was not let on a competitive bids as originally intended.

Some is attributable to error on the part of the General Services Administration. The error is not specified.

Some is attributable to error on the part of the architect. These errors are not specified.

Other reasons include changes in the program requirements after work had started.

XUM

Some to inefficient—that is their word—sequencing of subcontract awards.

Some to strikes—to underestimating concrete and steel tonnage requirements, to inflation, and finally to delays in receiving marble from Italy.

In the committee report and recommendation we read:

> The Committee wants it clearly understood that the Center must be completed within the proposed cost of $66.4 million and if, by any chance, this figure has been underestimated any additional funds required must be raised by the Board of Trustees through private subscription.

One reasonably could conclude that such was the intent of the original act authorizing construction of the Center from contributions. One could reasonably assume that such was the intention in authorizing the original appropriation for matching funds and for the issuance of revenue bonds.

I note, too, that the Secretary of the Smithsonian Institution, Mr. S. Dillon Ripley, in a letter dated May 23, 1969, which is in the committee report, stated:

> The Smithsonian Institution considers that its responsibility in this respect under the Act of January 23, 1964, was then discharged.

He was referring to their certification on January 27, 1966, that the Center had on hand sufficient funds to build the Center, using, of course, in 1966, the 1964 estimate.

The Senator from Illinois mentioned the fact that if this bill were not passed right away all work on the Center would have to stop. Yet, the Senator from Maine, on the last legislative day, made it abundantly clear that, this being merely an authorization bill, its passage would not make the money available and that it would be necessary for an appropriation bill to pass. The proponents of the additional appropriation—$7.5 million as an outright appropriation and $5 million in borrowed funds—say the Center can now be completed with the additional $12.5 million. All that the amendment offered by the distinguished Senator from Maine would do would be to accept them at their word and say that if on an examination of the receipts and disbursements of the board of trustees of the Center, and on estimate of future costs, it is found that the amount of money made available by this act, plus money on hand, is sufficient to complete the Center, then the authorization would become effective. It merely accepts their proposition. They say it can be completed. The amendment under consideration provides if that will build the building and facilities then the appropriation would be authorized and the appropriation bill could then follow.

Mr. President, I am interested—and I am sure that after I have made my remarks on the bill an answer will be given—in the $24 million that has come from the private sector. I notice from the statement filed in the RECORD by the Senator from Arkansas on the last legislative day that an item of $3.5 million is listed as a receipt, or as money available for the construction of the Center, coming from a concern known as APCOA—Washington, Inc. "advance under concession agreement." I do not know what APCOA is. I gather it is probably a parking lot company. But apparently they have put $3.5 million into the "pot," so to speak, and that is being counted as receipts from the private sector.

I notice also $755,000 is listed as a receipt from Canteen Corp. That is part of the private-sector money. I would like to have an explanation of that item and I believe the Senate would also be interested in hearing the explanation.

In connection with the revenue bonds that are authorized—and that will be authorized if the pending bill is passed—and, I will say, if the amendment is adopted and the bill is passed—the revenues from the parking facilities are to be pledged for the payment of the $20.4 million revenue bonds.

I would like to know to what extent this $3.5 million advanced by APCOA has diminished the Treasury's lien on the revenues of this facility.

I would also be interested in having the figures placed in the RECORD as promised by the Senator from Arkansas and the Senator from Illinois showing the disbursements by the Trustees up to this point. The statement filed by the Senator from Arkansas on the last legislative day, which is in the RECORD, was that the Center has received $54 million. I think it would be interesting to know, and those figures were promised, what has become of all that money.

I would like to know what agreement has been made with concessionaires that would diminish the lien of the Government on revenues of the Center.

Mr. FULBRIGHT. Does the Senator wish me to respond to that now?

Mr. ALLEN. No; I would rather have the Senator respond when I have completed my remarks.

Mr. FULBRIGHT. Very well.

Mr. ALLEN. Mr. President, in closing, I wish to say that the Bible contains a lot of information, advice, and instruction that is in a nature other than spiritual, moral, or ethical. It contains advice along matters of business or matters of judgment and prudence.

This language is found in Luke, chapter 14, starting at verse 28, which applies to this situation. Jesus had this to say:

> For which of you, intending to build a tower, sitteth not down first and counteth the cost, whether he have sufficient to finish it.
>
> Lest haply, after he hath laid the foundation, and is not able to finish it, all that behold it begin to mock him,
>
> Saying, this man began to build, and was not able to finish.

Mr. President, in no way does the amendment seek to deprive the Center of the funds authorized by this act. It merely seeks to guarantee that enough money is available; that if this money is appropriated that it will be sufficient to furnish the Center.

I believe it would be an exercise of good business judgment, of which the Senator from Illinois is so well noted, to agree to the amendment and provide for the money, provided it would finish the building.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I would be very happy to answer some of the Senator's questions, if I can get the time.

Mr. JORDAN of North Carolina. How much time does the Senator require?

Mr. PERCY. Two minutes.

The PRESIDING OFFICER. The Chair would advise the Senator from North Carolina that he has 32 minutes remaining.

Mr. JORDAN of North Carolina. I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. PERCY. Mr. President, I should like to give as businesslike an answer as I can to the very businesslike questions asked by the Senator from Alabama. They are good questions. They need to be answered and should be answered.

First of all, let me repeat that passage of this bill would, of course, not make available the $7½ million. These would be authorized but not appropriated until the Appropriations Committee acted. We have been advised that the borrowing authority of $5 million would be immediately available and would, thereby, enable the GSA to go ahead with the present contracts and not shut down the job.

Thus, passage of the bill is essential and crucial without the amendment of the distinguished Senator from Maine in order for us to have the borrowing power to go ahead. That borrowing power is for the parking facilities. I have been in the garage. It is now being built. Obviously, the foundations have already been built and to build the foundations they have to build the garage, because it is located below the Center proper. So that these funds would be used for whatever purposes would be required to finish that job. It is a total contract that we are dealing with.

The Senator from Alabama has asked a real question as to the $54 million reported as being available and what has happened to all those dollars.

I should like to tell the Senator where some of the items are, because they are not in dollars at all. Part of the $54,749,000 is in the form of gifts from foreign governments.

For instance, from Denmark, $155,000 for furniture; from Germany, $150,000 worth of doors; from Italy, marble worth $1,132,000; from Japan, curtains worth $140,000; from Norway, chandeliers worth $180,000; and so forth.

These are not dollars. They are goods, fixtures, and so forth, which have been donated by foreign governments.

Here is another little item of $3.5 million as an advance under the concession agreement, that is part of the $54 million. But, there is an asterisk on the balance sheet, and that asterisk defines the assets as being available in accordance with the terms and conditions of the concession agreement.

In one reads the fine print, that money is not available until we finish the garage.

Mr. GOLDWATER. Mr. President, will the Senator from Maine yield me 1 minute?

Mrs. SMITH of Maine. I yield 1 minute to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 1 minute.

Mr. GOLDWATER. Can the Senator from Illinois tell me how many cars the garage will accommodate?

Mr. PERCY. I believe it is 2,200.

Mr. FULBRIGHT. It is 1,600.

Mr. PERCY. That is right 1,600 cars.

Mr. GOLDWATER. How many people will the Center accommodate?

Mr. PERCY. There will be three theaters. It depends whether all would be occupied simultaneously. It is our judgment that adequate parking facilities for all future scheduled needs will be provided for by this contract.

Mr. JORDAN of North Carolina. Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty-nine minutes remain to the Senator from North Carolina, and 28 minutes to the Senator from Maine.

Mr. JORDAN of North Carolina. I thank the Chair. I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. SMITH of Maine. Mr. President, the principal objection raised to the amendment offered by Senator GOLDWATER, Senator ALLEN, and myself in the debate Friday was that there was a time squeeze and critical urgency to get the funds by early this month.

The sudden urgency and the time squeeze mystify me. Surely it is not the fault of the supporters of the amendment before the Senate. If this is the case then it is the making of the managers of this bill.

For the House passed this bill on July 8, 1969, even thought 162 Members voted against it and even though 44 percent present voted against it.

That was 90 days ago. If there has been an urgency on this bill why has this bill been brought up so late?

Mr. President, I want to call the attention of the Senate to the fact that this bill was reported out to the Senate floor by the Public Works Committee on July 22, 1969. That was 77 days ago. If there is such great urgency on this bill, why the delay in bringing it up for full debate—especially after the very great opposition to the bill registered in the House?

Mr. President, to my knowledge, the first time that this bill was called up was on September 19, 1969. In other words, it was not called up for action until 60 days after it had been reported out by the Public Works Committee to the Senate floor for action. In other words, Mr. President, apparently there was no urgency on this bill for at least 60 days after it was reported to the Senate.

Now let me make abundantly clear what the situation was when this bill was finally called up on September 19, 1969. First, it was called up without prior notice to the membership of the Senate. Second, it was called up not only at the end of the day's session but as well at the end of the week—very pointedly at a time when many Senators had left for the weekend.

I objected to debating and voting on the bill at that time when so many Senators had left for the weekend and when there would be little opportunity for the membership to be informed on the bill and to debate on it.

Now when I objected 2 weeks ago, nothing was said about urgency on the bill.

The point of urgency was first raised last Friday. I simply cannot understand why the point of urgency would be raised and stressed so much after the bill was before the Senate for so long without having been called up—and without any expression about urgency having been made before.

Mr. President, I now yield 5 minutes to the distinguished Senator from Virginia (Mr. BYRD).

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. BYRD of Virginia. Mr. President, I speak as a friend of the John F. Kennedy Center for the Performing Arts.

I favor a national cultural center in this great Capital, which is not only the Capital of the United States but also the capital of the world.

I speak also in support of the amendment offered by the distinguished senior Senator from Maine (Mrs. SMITH).

The purpose of the amendment is very simple; namely, to find out, first, how much more the proposed national cultural center will cost the taxpayers of the United States. It seems to me that is a reasonable request.

Others may disagree, but in my judgment the Congress of the United States has in recent years been very lax in handling funds taken out of the pockets of the taxpayers, the wage earners of our Nation.

Let us put this proposal in perspective. In 1958, and again in 1963, it was emphasized to the Congress—in both the House and the Senate—that the cultural center would be built by private funds; that the Government would not be called upon to take tax money to build it.

What do we find today? We find today that, if this legislation is enacted, the Government will have put up two-thirds of the estimated total cost of the building. The cost is now estimated to be $66 million. But no one knows—and that is why the distinguished Senator from Maine presented her amendment—just how much more will be required beyond the figure of $66 million.

If the legislation is enacted, already the Government will have been called to put up two-thirds of the amount, when we were told at the beginning—and it is clear from the record of the House of Representatives and the record of the Senate—that it would cost the taxpayers not one cent.

I say it is well past time for the Senate and for the Congress to delve more deeply and carefully into how the wage-earners' funds are scattered all over the United States.

I think it is significant to note—and I think this should be emphasized—that now the estimated cost of the building will be more than double the original cost. The original estimate was $31 million. It is now up to $66 million.

No Senator can stand on this floor today and say that will be the final amount the taxpayers will be called upon to pay.

Not only am I pleased to support the amendment offered by the Senator from Maine, but it seems to me if the Senate does not adopt the amendment, it continues its lax policy in handling tax funds.

I do not see how anyone can contend that the Congress and the Senate as a whole have not had a lax policy in handling tax funds.

This Nation is overwhelmingly in debt—$365 billion. This Nation owes in interest on that debt $17 billion a year. That $17 billion, incidentally, is substantially more than—50 percent more—then the Government will get from the 10-percent surtax in a whole year's period.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the Senator from Arkansas, on his time.

Mr. FULBRIGHT. I ask for 2 minutes.

The Senator made reference to the debt and the interest on it, and I agree with him; but is it not a fact that 80 or 90 percent of that debt is from military expenditures? The Senator is a distinguished member of the committee which provides for those expenditures. Everybody knows that the real extravagance of this Government is in the Defense Department.

Mr. BYRD of Virginia. I would say that extravagance of this Government is in every department.

Mr. FULBRIGHT. There is nothing comparable to the Defense Department. The Senator certainly does not deny that. We are spending some $80 billion for defense this year. So I say practically all of the debt—I would say 80 or 90 percent of it—is due to military expenditures.

If the Senator wants to make a point of it, I do not know why he picks on this building. It is practically the only fine arts building the Government is interested in. The Senator says the Government is paying two-thirds of the cost of it. Why should the Government not pay it? It owns it. The Government paid for all of the Rayburn Building. Here is a situation where private citizens, out of their own pockets, have contributed one-third of the cost. Why have they? This is a Government building. I contributed a small amount to it; yet I do not have any claim to it. But it is a public undertaking and a public building. I do not see why the Senator should say, as if it were a great crime, that the Government is paying two-thirds of it. In most of the other, if not every other, civilized governments of the world, the government pays all the costs for installations of this kind, not just two-thirds.

Mr. BYRD of Virginia. I must point out that the whole history of the legislation shows, when one reads the RECORD of the Congress——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of Virginia. May I have 3 minutes?

Mrs. SMITH of Maine. Mr. President, I yield another 2 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. When one reads the Congressional Record of 1963, when he reads President Kennedy's speech it is clear that the whole idea was that it was to be a citizens' proposition. The whole idea was that the citizens of this Nation would make voluntary contributions. That is fine. I am personally going to make a contribution to it. I want to see it completed. But before voting additional Government funds, I want to know how much it is going to cost.

That is all the amendment offered by Senator Smith would do; it would try to find out how much it is going to cost, so we will know how much it is going to cost the Federal Government. I think the taxpayers are entitled to know that, and are entitled to have the facts before we continue to plow more and more money into the project.

I voted to reduce the defense authorization by $2 billion. I am going to vote for other decreases in military expenditures. But I am also going to vote for decreases in other areas of Government, because I think the whole Government has gotten too big and too expensive.

Mr. FULBRIGHT. With that, I agree.

Mr. BYRD of Virginia. Mr. President, let me repeat that I shall make a personal contribution to the John F. Kennedy Center for the Performing Arts.

I am not willing to vote tax funds, however, for that purpose, until I have some assurance as to just how deeply the taxpayers will be involved.

Mr. President, we are in the midst of an inflationary spiral from which there is seemingly no escape. The Congress has just asked the taxpayers to tighten their belts again by approving an extension of the 10-percent surtax. The costly war in Vietnam continues with no end in sight.

The Congress took a significant step toward fiscal responsibility when it took a long careful look at this year's Defense Department budget requests.

The Senate debated for 9 weeks on the military procurement bill. In so doing, it gave careful analysis to military procurement contracts. If memory serves me correctly, the Congress discovered a 40-percent overrun in the C-5A contract.

The Senate put the Defense Department on notice that there would be no more blank checks. The spending of tax dollars, even for defense, must be justified.

I submit that it is inconsistent to cut the fat away from one part of the bone and let it increase in another. This body should not spend 9 weeks trimming the Defense budget without adopting the same policy—but not necessarily the same length of time—to the rest of the budget.

The history of what is now the Kennedy Center began in 1958. The Congress authorized the building of a national cultural center. This must have been a very happy Congress since all those involved believed this cultural center would be built through private donations and would not require any Federal appropriations.

President Kennedy himself envisioned that this project would be funded through voluntary contributions. In 1963, he stated:

> To secure the necessary funds to build the center, which will be a $30 million structure of theater and concert halls, a nationwide fund-raising program was authorized through which the American people are given an opportunity to demonstrate their voluntary support for the creation of this type of national institution.

There was a dream at the time to have a national cultural center in which all Americans, from schoolchildren to millionaires, could share through private, voluntary contributions. It seemed to be the thought at that time that a cultural center would have more meaning if Americans shared in its construction in this manner rather than have their tax dollars appropriated.

This original structure was estimated to cost $31 million. But it was only a dream that such a structure could be built without Federal appropriations.

In 1963, the rationale seemed to shift. At that time, it was decided to name the cultural center in honor of our late President, John F. Kennedy. It was thought then that this would be a fine "living" memorial to a beloved President.

In 1963, the Congress voted to authorize the appropriation of $15.5 million. This amount was to be matched by private donations on an equal basis and would have covered a $31 million price tag on the cultural center. In addition, there was borrowing authority of $15.4 million for construction of parking facilities.

There was promise after promise in the 1963 debate that no more Federal funds would be required. The Board of Trustees said they would not request any more money from the Congress.

Now, 6 years later, the Congress is being asked to increase that Federal appropriation by 48 percent to $23 million. We are also told that the original estimate of $31 million, which was increased to $46.4 million, if the borrowing authority were included, has now been increased to $66.2 million. This is a 43.5 percent increase in the estimated cost of reduction.

It is more than double the original estimate of $31 million—it is more than double the amount envisioned by President Kennedy.

We who represent our people in the Congress have a duty to those people. We have a duty to the taxpayers of this Nation to spend their money wisely—whether it is for defense or a cultural center.

Somehow, the National Cultural Center, which originally involved no Federal money, is now—if this legislation is approved—more than two-thirds federally funded. Of an estimated $66.2 million price tag, the Federal Government and the taxpayers are being asked to provide $43.4 million.

I do not quarrel with the need for a center for the performing arts. The city of Washington, and our Nation, need such a center. But, I do quarrel with legislative blank checks for contractors.

The history of Federal building contracts is not encouraging. One cannot avoid looking at the overruns on the New Senate Office Building and the Rayburn House Office Building.

The District of Columbia Stadium is a good example of the predicament which the Government finds itself in once it starts such a project. Somehow, self-liquidating projects always involve a yearly appropriation from the Congress. This year's budget for the District of Columbia includes over $500,000 to cover the obligations on the bonds for the District of Columbia Stadium.

This legislation would also increase the borrowing authority from $15.4 to $20.5 million—almost one-third. Is the Senate supposed to believe that this facility will be self-liquidating? I suggest that we prepare now for the annual request to keep this self-liquidating project solvent.

There was great and justified concern over the 40-percent cost overrun for the C-5A. Yet here we have a 48-percent increase in a project that was to involve no Federal funds.

I feel the amendment offered by the distinguished Senator from Maine (Mrs. Smith) is appropriate at this time. The Congress should not allow any further expenditure of tax dollars on this project until the cost increases have been studied.

The Government Accounting Office has the expertise to study contract awards and inaccurate cost estimates.

I speak as one who favors a national cultural center in the city of Washington.

But we should not proceed with this project until we know what the ultimate cost will be to the taxpayers.

Mr. President, I ask unanimous consent to have printed in the Record several pages taken from the Congressional Record of July 8, 1969, which contains statements going back to 1958, showing the clear intent of Congress when the legislation was enacted, that it should be handled by private contributions.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PROVIDING FOR CONSIDERATION OF H.R. 11249, JOHN F. KENNEDY CENTER ACT AMENDMENTS

Mr. O'Neill of Massachusetts. Mr. Speaker, I call up House Resolution 447 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 447

"*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11249) to amend the John F. Kennedy Center Act to authorize additional funds for such Center. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit."

Mr. O'Neill of Massachusetts. Mr. Speaker, I yield myself such time as I may consume, at the conclusion of which I will yield 30 minutes to the gentleman from California (Mr. SMITH).

Mr. Speaker, House Resolution 447 provides an open rule with 1 hour of general debate for consideration of H.R. 11249 to amend the John F. Kennedy Center Act to authorize additional funds for such Center.

H.R. 11249 would amend section 8 of the John F. Kennedy Center Act by increasing the authority for direct appropriations from $15,500,000 to $23 million, an increase of $7.5 million, provided, as in the basic act, that this increase is matched by an equal amount of money, securities, and other property from other sources. In addition, the bill amends section 9 of the act by authorizing an increase in the amount of bonds authorized to be issued to pay for the cost of the underground parking facilities by $5 million—from the original $15,400,000 to $20,400,000.

The original authorization of $15.5 million has been matched by an equivalent amount of gifts as required by present law. Approximately $5.5 million worth of additional gifts has also been received by the Trustees and may be applied toward the additional appropriations authorized by this legislation.

The overall construction of the Center is more than 50 percent complete. The exterior marble panels have been erected on the three exterior walls of the concert hall, completely enclosing the southernmost third of the building. The exterior marble has also been erected on the river side of the opera. It is planned to complete the exterior marble panels for the entire building by the fall of this year.

Concrete work has been completed in the concert hall area, in practically all of the garage area, and is well under way in the opera. A carpenters' strike commenced on the first day of May, and this stopped all further work of pouring concrete. About 30 percent of the total concrete remains to be put in place.

A large amount of masonry, plumbing, air conditioning, elevator, and electrical work has been accomplished. The concert hall, the hall of nations, the grand foyer, the river terrace, and the entrance plaza are all taking shape and their ultimate appearance, insofar as form is concerned, can be readily visualized.

Major work still to be contracted includes tile, terrazzo, wood floors, interior glass, approaches, landscaping, interior painting, and the finishing of administrative and rehearsal spaces. A program for procurement of all furnishings, furniture, landscaping, and sound equipment will have to be initiated in the immediate future in order to be coordinated with the completion of the building.

Mr. Speaker, I urge the adoption of House Resolution 447 in order that H.R. 11249 may be considered.

I yield to the gentleman from California.

Mr. SMITH of California. Mr. Speaker, as stated by the gentleman from Massachusetts, House Resolution 447 does provide an open rule with 1 hour of debate for consideration of H.R. 11249, the John F. Kennedy Center authorization.

The purpose of the bill is to authorize additional Federal funding for the John F. Kennedy Center in the amount of $7,500,000 on the condition that this increase be matched by private sources. The bill also authorizes an increase in the amount of bonds to be issued to pay the cost of underground parking by $5,000,000 to a new total of $20,400,000.

Original cost estimates set construction costs of the Center at $46,400,000. Current estimates now total $66,400,000. Construction is now more than 50 percent complete.

The committee recommends passage of the bill but clearly states that it will not in the future consider another funding request.

The gentleman from Kentucky (Mr. SNYDER) and the gentleman from Indiana (Mr. ZION) oppose the legislation because of the fiscal condition of the country.

The gentleman from Wisconsin (Mr. SCHADEBERG) has filed additional minority views. He opposes the legislation and wants the bill returned to committee so that an alternative funding plan can be devised.

Letters supporting the bill are included in the report from the John F. Kennedy Center, the Smithsonian Institution, the Commission on Fine Arts, and the Bureau of the Budget.

Although the committee has stated that they are not going to come in and ask for additional money in the future, I remind the House that we cannot bind any future Congress, and it would not surprise me if the proponents of the Center come in later with a request for funds in order to complete the Center.

Mr. Speaker, I yield 10 minutes to the gentleman from Iowa (Mr. GROSS).

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, here we are again.

To the new Members of this body, may I say "welcome" to what has become the regularly scheduled fleecing of the American taxpayer by the promoters of that white elephant on the banks of the Potomac, the Kennedy Cultural Center.

While leafing through the hearing on this year's sheep-shearing operation, I notice the gentleman from Texas (Mr. WRIGHT) reminded his committee colleagues that the House and the American people had been solemnly promised on a previous occasion that no more money from the U.S. Treasury would ever be sought for this boondoggle.

That promise, the gentleman reminded his colleagues, "is going to be read back to us when we go out on the floor with this bill."

I would not for the world disappoint the gentleman from Texas, but I am in a quandary as to just which promise he meant.

Was it the statement made in 1958 by our former colleague from Virginia, Mr. Smith, who told us, and I quote:

"It does not cost the Government any money. They are going to have a magnificent structure here. The money is going to be raised by voluntary contribution and they will have a magnificent building here for the performing arts . . . and we get it free."

I am certain the gentleman from Texas (Mr. WRIGHT) remembers Mr. Smith's remarks because he jumped right in with this:

"I certainly concur in what my colleague, the gentleman from Virginia, has said."

Was that the promise of which the gentleman was reminding his committee colleagues during their abbreviated hearing a few weeks ago on this bill?

Or was it the one made by the gentleman from Pennsylvania (Mr. FULTON)? Here's the way he laid it out:

It has been said that this will not cost the Government money. No, it will not.

If that was not the promise to which the gentleman referred, perhaps he had reference to the exchange between Mr. Seely-Brown of Connecticut, a former Member of the House, and the gentleman from New Jersey (Mr. THOMPSON).

Mr. Seely-Brown asked this:

"Mr. Speaker, I want to make two points. First, this is not going to cost the taxpayers a cent; is that correct?"

The gentleman from New Jersey (Mr. THOMPSON) responded:

"Not one cent; that is correct."

Then I got into the act.

"Mr. GROSS. Make no mistake about it, this is a legislative blank check. I do not think any Member of the House would want to stake his reputation on the statement here and now that all the money for the construction of this $25 to $50 million Cultural Center is going to be raised from philanthropic sources.

To which the gentleman from New Jersey (Mr. THOMPSON) replied:

"I would stake my reputation on it, for the record."

I wonder, Mr. Speaker, if those were the statements to which the gentleman from Texas referred in the hearing. But just in case they are not, let us take another trip to the floor of the House, this time on August 5, 1963, where we find the gentleman from Alabama (Mr. JONES), a member of the committee, seeking legislation to extend the time allowed to raise voluntary contributions for the Center.

This is part of what he said then, and I quote:

"Mr. JONES of Alabama. Mr. Speaker, this extension—this authorization—does not authorize the expenditure of one red penny.

"This is unique legislation. The funds for this building are being raised by voluntary contribution.

"I would like to point out once again that no additional Federal funds are involved in this legislation."

On January 8, 1964, the gentleman from Iowa (Mr. SCHWENGEL), also a member of the Public Works Committee, had this to say:

"When the question of the National Cultural Center Commission was before this House and I took a strong position in its favor and, of course, in favor of the Center, it was made clear, as all of you will remember, that there would be no use of Federal funds for the project.

"With me, Mr. Chairman, this is a point of honor."

And the gentlewoman from Illinois (Mrs. REID), speaking on March 17, 1964, concerning the extension of time in which to raise contributions for the Center, said this:

"It was the fear of some of my colleagues that this was a forecast of eventual requests for Federal funds for this project, but I was able to allay such fears since I was led to believe at that time, in my capacity as a congressional member of the Board of Trustees, that there was no intention of ever asking for Federal funds.

"If the Congress approves the appropriation of these initial Federal funds for this Center, will we be faced by continuous requests for more Federal money to take care of some unforeseen or unplanned emergency or expense in the future?"

Mr. Speaker, I suggest that the foregoing statement entitles the gentlewoman from Illinois for favorable consideration as the Jeane Dixon of Capitol Hill.

But the bogus promisers are still with us.

I seem to remember that one, Roger Stevens, who has presided over this monumental boondoggle, asserted some years ago that he would resign if he could not raise from private sources all the money necessary to build this pleasure palace.

If Members will turn to the hearing on this bill they will find the latest weasel-worded promise from Mr. Stevens in the following colloquy:

"Mr. CRAMER. Do you give the Committee complete and full and unequivocal assurance that you will not come back for any additional money for the construction of this facility?

"Mr. STEVENS. Well, I think it is the duty of the Trustees to complete the building with the funds if this bill goes through that are available to us, sir.

"Mr. CRAMER. I want to ask this question again. It is going to be asked us on the floor. If we cannot give this assurance, I do not think the bill has a Chinaman's chance. Can you give this Committee the assurance that you will not come back for any additional money for the construction of this facility?

"Mr. Stevens. As far as I am concerned, sir, whatever authority I have as Chairman of the Board, I will assure the Committee that we will not be back to seek any more money."

I submit that statement is meaningless. In the first place, Stevens could be gone tomorrow as Chairman of the Board, and in the second place the Board could easily vote to instruct him to go right on pilfering the treasury. The so-called assurance from Stevens is but one more of the utterly worthless assurances and promises that have been made both in and out of Congress in connection with this fiasco.

Mr. Speaker, the Federal debt is now at $365 billion and it will require the borrowing of an estimated $17.3 billion this year just to pay the interest on that debt.

Poverty, we are told, is still rampant. Hunger, we are told, is still widespread. The costly war in Vietnam goes on and on, and inflation goes up, up, and up. And here we are considering a measure to throw another $12½ million in this fiasco that started out to cost $30 million—at no expense to the taxpayers—and is going to top $66 million before the doors are ever opened.

In view of the financial situation that confronts the citizens of this country, and in view of the deception and broken promises that have marked this Treasury raiding, I submit that it takes an uncommon amount of gall for the Public Works Committee to even bring this proposal to the House floor. It ought to have been shelved in committee. Since it was not, the House ought to kill it here on the floor and thus serve notice that promises made in the promotion of legislation must be kept now and in the future.

Mr. Hall. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri (Mr. Hall).

Mr. Hall. I appreciate the gentleman yielding.

I thought we might bring in one more "trip to the floor," later on in the same year, 1964, during the appropriation bill debate on this floor, when the esteemed chairman of that subcommittee (Mr. Kirwan), said that, "they plan to collect about $20 million, and the Appropriations Committee gave them the full $15.5 million authorized." He then said, "We do not expect to report out any more."

Mr. Stephens. Mr. Speaker, will the gentleman yield for a question?

Mr. Gross. I yield to the gentleman.

Mr. Stephens. Would the gentleman please make it clear that the Mr. Stephens he is talking about is not me?

Mr. Gross. I will be glad to. It is not the gentleman from Georgia.

Mr. Wright. Mr. Speaker, will the gentleman yield to me?

Mr. Gross. Certainly I yield to the gentleman.

Mr. Wright. I thank the gentleman for yielding.

He used my name and quoted me accurately save for the fact that I did not characterize this bill as a boondoggle.

Mr. Gross. I would not expect the gentleman, who has been a party to raiding the Treasury for this purpose, to call it a boondoggle.

Mr. O'Neill of Massachusetts. Mr. Speaker, I hope that this rule will be adopted. After the gentleman from Iowa (Mr. Gross) has finished making his comment, I think that we ought to have a definite opportunity for the chairman of the subcommittee in charge of this bill to answer the objections and the doubts of the gentleman from Iowa.

I now yield to the gentleman from California (Mr. Smith).

Mr. Smith of California. Mr. Speaker, I yield 7 minutes to the gentleman from Ohio (Mr. Bow).

(Mr. Bow asked and was given permission to revise and extend his remarks.)

Mr. Bow. Mr. Speaker, I rise in opposition to this rule and in opposition to the bill.

I would hope that if the rule should pass the bill would be recommitted. It seems to me a great deal more study must be done on the matter of the financing of this Center. There has been a great deal of consideration in the past.

I would like to make one thing crystal clear. As a member of the Board of Regents of the Smithsonian Institution, under the original enactment of this law there was a provision that it would not be built until the Regents of the Smithsonian Institution certified that sufficient money was on hand to complete the building. Well, some few years ago we had a meeting of the Board of Regents, and the Trustees of this Center and their attorney and their accountants came in. They laid it right on the line to us that they had plenty of money to complete the building, and they urged the Regents of the Smithsonian Institution to so certify. And after looking over the books and records and giving the matter careful consideration the Director of the Regents of the Smithsonian did so certify.

So not only was I taken in originally on this legislation, but I was taken in as a Regent of the Smithsonian Institution, that there was enough money to build it, and the taxpayers were not going to be saddled with this great cost.

Mr. Speaker, I join with the gentleman from Iowa (Mr. Gross) in taking a trip back to the floor, back some time ago, and we heard then—and we remember what Mr. Smith, our beloved former colleague from Virginia, had to say.

You will also remember a very fine gentleman whom we had here from California who is now deceased, Mr. Baldwin, who was a member of the committee and Mr. Baldwin said:

"The most remarkable thing about this bill which came before the Public Works Committee is the fact that this group of people who are interested in providing a National Capital Cultural Center are willing to actually assume the burden of raising the funds to finance it. That is quite a distinctive approach to those of us in Congress who have been working on many projects involving the construction of buildings." . . .

And our friend, Ken Keating, who was with us at that time, and who is now Ambassador to India, said:

"It should be noted that the land to be occupied by this structure is not now being used for any significant purposes, that the center will not be subsidized by the Federal Government—"

And I think we can go back over the road and find item after item, Mr. Speaker, and statement after statement, that this Center was not going to be financed by the Government, but then we came along and we gave them some money.

Let me point out to you, my colleagues, that we have already contributed to this non-subsidized, no-Federal-funds program, and we are already in for $33 million—$33,075,000, to be specific—for the project. And when you pass this bill today, a few days after we approve continuation of the surtax, you are going to have $45,575,000 in this Center. And all of that after all the promises that we were not going to tax the people of this country for the Center.

I say to you, my friends, that I have been taken. I voted for it originally, and now I come to the wailing wall and admit the error of my ways. I hope others will not be too proud to admit the error of their ways, and will vote against this rule and vote to recommit.

But, Mr. Speaker, I want to make one other statement here that I rather hesitate to make, but I believe I should: There was a request on this particular bill sent to the Regents of the Smithsonian Institution asking for the comments of the Smithsonian on this bill. We had a meeting of the Regents of the Smithsonian Institution some time around the 20th of May, and this matter came up. There was a discussion. We discussed the fact that we had already certified that there was enough money to build it. After some consideration the Regents of the Smithsonian decided we should do nothing; we would take no action at all on this bill. We rather felt that we had been taken in once, and we were not going to take any more action.

Much to my surprise, in this report I find here on the date of May 23, a few days after the meeting of the Regents—and the Regents are the controlling officers of the Smithsonian Institution—I find that S. Dillon Ripley, the Secretary, wrote a letter to the chairman of the committee and said this in part:

"It is our understanding that present estimates of cost and other justification in support of provisions of H.R. 11249 will be presented to the committee by the representatives of the John F. Kennedy Center for the Performing Arts and of the General Services Administration. In suppport of that justification, the Smithsonian Institution recommends favorable consideration of H.R. 11249."

Mr. Speaker, I say here unequivocally to you as a member of the Board of Regents, the Board of Regents never took any action supporting this legislation, but in fact made a decision not to support it, and I think this ought to be known by the Members here.

Mr. Gray. Mr. Speaker, will the gentleman yield?

Mr. Bow. I yield to the gentleman briefly.

Mr. Gray. The gentleman has made a very important statement. But he stated he voted to help create this Center. Is that an accurate statement?

Mr. Bow. That is right.

Mr. Gray. The gentleman knows—if he has been along the beautiful banks of the Potomac River——

Mr. Bow. Oh—what that thing has done to the banks of the Potomac River with the overhanging marquee of that building out along the parkway where you are not safe to drive and where you have had to go one way for about a year now. It looks like we will have more. Oh, but it has done a beautiful job to the beautiful Potomac. But you go ahead—do you still like it? Tell me honestly, my dear friend from Illinois—do you still like that marquee sticking out over there?

Mr. Gray. If the gentleman will listen as intently to my speech as I have to his, I am sure we can get along fine.

I want to ask the gentleman this. He admits he helped to create this Center. Would you like to see a national disgrace by an unfinished building on the banks of the Potomac. That is the real issue in this bill.

Mr. Bow. Mr. Speaker, I do not yield further to the gentleman.

Mr. Speaker, it seems to me the one great national disgrace that might come about is if this Congress gives its word that the taxpayers will not be called upon to pay a dime and then time after time we go down to the well and we violate that word—that is the national disgrace—when the Congress does not keep its word to the American people.

Mr. Smith of California. Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois (Mrs. Reid).

Mrs. Reid of Illinois. Mr. Speaker, although I certainly do not profess to have the powers of Jeane Dixon, as the gentleman from Iowa indicated, I am afraid that I did know from past experience when I spoke on January 8, 1964, just what would happen.

On August 5, 1963, the House amended the original National Cultural Center Act to provide for an additional 3-year period in which funds could be raised through voluntary contributions for construction of such Center in Washington, D.C. It was the fear of some of my colleagues that this was a forecast of eventual requests for Federal funds for this project but I felt I was able to allay such fears since I was led to believe sincerely at that time, in my capacity as a congressional member of the Board of Trustees, that there was no intention of ever asking for Federal funds—that the original concept of having a cultural center built through voluntary contributions would remain in effect.

However, on January 8, 1964, we were asked to authorize direct appropriations of $15.5 million for construction of the Center as well as the issuance of $15.4 million in bonds to pay for the cost of underground parking facilities. At the same time the Center was renamed the John F. Kennedy Center for the Performing Arts and it was made a memorial to our late President. I gave my full approval to renaming the Center and making it a memorial to the late President Kennedy. On the other hand, I stated unequivocally that I was opposed to the use of Federal funds for construction and expressed my strong feeling that the memorial would have much greater meaning and be more of a tribute to the late President Kennedy if it were built through voluntary, free-will contributions.

Today we are being asked to increase the direct appropriation to $23 million and the bond authorization to $20.4 million. Furthermore, there is no proof that this will be the last request for building funds or that yearly appropriations for the operation of the Center—once built—will not be requested.

The fact that a Center for the Performing Arts is vitally needed in our Nation's Capital for opera, ballet and other cultural activities is well known and I feel it is a fitting memorial to the late President Kennedy. However, I would strongly urge that this bill be sent back to the committee for further study of alternative means of financing other than through public tax subsidies. If this bill passes and the money is appropriated, about two-thirds of the present estimated cost will have been paid by the taxpayers.

It would certainly be a more fitting tribute to our late President if citizens paid for it through voluntary freewill contributions rather than having their tax money used for this purpose. The meaning would be so much greater. I realize that the building is already under construction and tax money has already been used so we cannot return entirely to the original concept of financing, but we could move in that direction by recommitting H.R. 11249. Also, why could it not be financed through the issuance of bonds which could be paid off through the charges for the performances? This is one other alternative which might be considered.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD, since the matter of foreign contributions has been brought up, certain sums of money which the United States has appropriated over a period of years to various foreign countries, those nations to which the largest amounts have been given.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Foreign aid

	Billion
Korea	$7.8
United Kingdom	7.7
India	7.5
France	7.0
South Vietnam	5.8
Italy	5.4
Turkey	5.4
Republic of China	5.0
Germany and Berlin	3.7
Greece	3.7
Japan	3.6
Pakistan	3.5
Brazil	2.8
Yugoslavia	$2.6
Iran	2.0
Netherlands	2.0
Spain	2.0
Philippines	1.8
Belgium-Luxembourg	1.7
Indochina	1.5
Chile	1.4
Austria	1.1
Norway	1.1
Thailand	1.1
Colombia	1.0

Mrs. SMITH of Maine. Mr. President, I yield myself 2 minutes.

In the debate Friday, it was observed that the cost overrun on the Kennedy Center could not be compared with the Safeguard ABM or the C–5A. Injection of the ABM into the debate was raised by the opposition to my amendment.

My response to that is to remind the opposition that I voted against authorization of any funds for the Safeguard ABM, including voting against over three-quarters of a billion dollars for development of the Safeguard ABM.

I did inject comparison with the C–5A for two reasons. First, a GAO amendment was offered on the C–5A authorization and my amendment on the Kennedy Center is modeled after that GAO amendment on the C–5A to the extent of cost determinations. Second, the cost overrun on the Kennedy Center percentagewise is even greater.

In defense of the cost overrun on the Kennedy Center, the opposition to my amendment placed great emphasis on the rise in costs from inflation. Yet, I cannot recall that they evidenced any such tolerance and consideration of inflation and rising costs with relation to cost overruns on the C–5A.

In further defense of the cost overrun on the Kennedy Center and in opposition to my amendment, the opposition argued that the Kennedy Center is a very complicated building. There is nothing quite like it anywhere else in the world.

My response to that is that the same observation can be made about the C–5A and that the C–5A is very complicated and that there is nothing like it anywhere else in the world.

The PRESIDING OFFICER. Who yields time?

Mr. YARBOROUGH. Mr. President, will the Senator from North Carolina yield 3 minutes to me?

Mr. JORDAN of North Carolina. I yield 3 minutes to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I must say at the outset that I am one of the newer members of the trustees of the Kennedy Center, appointed only this year. I had, years ago, made a small contribution to that Center, never dreaming that I would ever be a member of the Board of Trustees. It was a very small contribution, though it was considerable to me at the time; and I welcomed this honor of serving on the Board, and have endeavored to familiarize myself with the problems facing the Center. I am in agreement with the intent and language of H.R. 11249.

It has been a matter of some embarrassment, Mr. President, for some years, in visiting other countries of the world, to have to acknowledge that I came from the only great nation I knew of that had no national center for the performing arts.

I think the American people owe it to themselves to build a center for the performing arts. It is long overdue. The distinguished Senator from Arkansas mentioned that beautiful opera house in Vienna. We saw this wonderful edifice at the Inter-Parliamentary Meeting in April of this year. It was restored, as the Senator stated, with American money after its partial destruction in World War II.

This great Nation can no longer afford to delay building a center for the performing arts, that is worthy of a great people.

The distinguished Senator from Montana, the majority leader (Mr. MANSFIELD) read parts of an editorial from the Washington Sunday Star published yesterday, October 5. The editorial analyzes this controversy on both sides. I shall repeat only one sentence:

> The practical effect of that move—

That is, to block the authorization pending an investigation by the General Accounting Office—

> would be to bring work on the center to a complete halt probably within the next few days and add materially to the total cost of completion.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial entitled "Assault on the Center," published in the Washington Sunday Star of yesterday, October 5, 1969.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ASSAULT ON THE CENTER

The half-fleshed skeleton on the Potomac known as the John F. Kennedy Center for the Performing Arts makes an inviting target for partisan political assault. But despite the temptations, the attack now being mounted by some Senate Republicans should be called off and the requested additional funds should be approved.

Not that the critics don't have a point. The building, originally estimated to cost $46.4 million, has progressed through a series of escalating estimates until the figure now stands at $66.2 million—an overrun of approximately 43 percent. There was, certainly, some sloppy figuring—and just possibly a bit of intentional underestimating to sugarcoat the first pill that Congress was asked to swallow.

But the real joker in the deck was neither carelessness nor budgetary sleight of hand. It was the devastating inflationary spiral, aided and abetted by a prolonged strike. No one can properly be held accountable for failing to anticipate the zooming costs of building construction.

The House, after bitter debate, voted to provide the $12.1 million the center needs to complete the work. There is a move now in the Senate to block the funds pending a thorough investigation by the General Accounting Office. The practical effect of that move would be to bring work on the center to a complete halt, probably within the next few days, and to add materially to the total cost of completion.

Congress does not need a GAO survey to inform itself on how building costs can get out of hand. There is no need to look further than the Rayburn Building for such instruction.

> The Kennedy Center already represents a multi-million dollar investment in private donations and in gifts by foreign governments. It is an obligation to which Congress is already fully committed. The political noises should cease, and the work should continue without interruption.

Mr. YARBOROUGH. While there are many pertinent sentences in it, I think the most material sentence is that which I have just read about the effect of this amendment, if adopted, on construction progress. It would force work to come to a halt. The editorial points out the effects of spiraling inflation and the part inflation has played on the rapidly increasing costs of construction.

It has been pointed out, and it is not necessary for me to repeat, that with the passage of this authorization, the Appropriations Committee will still have to pass on the matter; and that if, in the meantime, the GAO investigation shows that there is any reason why the funds should be held up, the Appropriations Committee will have the power to do it.

Everyone in Congress knows that the Appropriations Committee looks with pretty much of a jaundiced eye upon money being appropriated for a purpose such as this. It is hard to get it from the committee. I have served on it, and I know. Only one of the regular appropriation bills has been signed into law this year, as shown on the fourth line of the back page of today's calendar of business. That is the Treasury and Post Office Department appropriation bill. The table does not show, but that bill was signed into law on the 29th day of September.

That is the only one of the general appropriation bills that has as yet been passed. So the Appropriations Committee is going very slow with appropriation bills this year, scanning them slowly item by item. There has been no year since 1950 when appropriation bills have been delayed this long. I think that alone shows there will be ample opportunity to survey this matter. Meanwhile, we need to furnish the authorization, so that the GAO and the Appropriations Committee can make any necessary scrutiny of the matter while deciding upon appropriations.

I believe we owe it to the Nation to have a Center for the Performing Arts worthy of the ideals of the American people; one that will be a showplace for our Nation, such as other nations have in their capitals. We should show the rest of the world that we have other things in mind besides the enhancement of our national power, and that we treasure other things besides might and power.

Mr. President, this Center will put this city on a par with the other great capitals of the world. We need it as a center for the vibrant part of our culture. We need this Center as the moving, throbbing, heart of culture in America.

The Nation's Capital is widely thought to be one of the most beautiful cities in America and perhaps in the entire world. The broad sweep of its avenues, the pleasantness and year-round beauty afforded by its many parks, and the majesty of the great river at its doorstep all contribute to its physical beauty. Moreover, the Federal Government has embellished the beauty of the Capital's plan and natural setting with many great buildings and public monuments. From the Capital building which crowns the city to the elegant simplicity of the White House and the symmetry and beauty of the Jefferson and Lincoln Memorials, the works of man matched with the works of nature and the vision of our forebearers have made the Capital a city of rare beauty.

Unfortunately, the Government has not equalled these efforts in the area of providing an adequate center for cultural activities. The John F. Kennedy Center will provide such a facility. It will contain stages for music and drama. It will house an opera company, a symphony orchestra, a ballet troupe, and a theater company.

What is being requested in this bill is a relatively minor item in the total national budget. It is insignificant beside the vast sums we spend yearly for weapons, for highways, and for the many other Federal programs.

Yet the benefits we gain from this small sum will be great. The work on the John F. Kennedy Center can be carried to completion. Our political capital can become a spiritual and cultural capital as well.

Mr. President, I fail to see why we should approve this amendment, the effect of which would be to stop work on the Kennedy Center. Let us pass this bill as the other body has done, so that work on this magnificant edifice may proceed to completion.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, will the Senator from Maine yield me 5 minutes to ask the Senator from Illinois one or two questions?

Mrs. SMITH of Maine. Mr. President, I have 15 minutes remaining. I yield 3 minutes to the Senator from Alabama.

Mr. ALLEN. I ask the Senator from Illinois referring to the $3.5 million item in the receipts statement I inquired about during my remarks the other day, if that is in the nature of an advance rental paid by the parking lot people to the Center.

Mr. PERCY. That is correct. Under the terms of the contract, the parking company agreed, on call, to advance $3.5 million of its anticipated revenues to the Center for parking. This agreement was made providing the parking facility was finished and ready to go, and the Center was completed to such extent that they knew there would be performances attracting customers.

Mr. ALLEN. Would that be in the nature of advance rentals?

Mr. PERCY. That is in the nature of advance rentals.

Mr. ALLEN. Then no consideration was given to the supposed lien that the Treasury has, under terms of the act, on the revenues of the parking facilities. We are overlooking the fact that the Treasury is going to have a stake of $20 million in this venture, secured by a lien on the parking facilities revenues. If you have already taken in $3.5 million of those revenues, have you not thereby diminished the lien of the Treasury on those revenues?

Mr. PERCY. As I pointed out before, not a penny of that money has been called for, is available, or can be obtained now, until the Center is completed, until the parking facility is ready to go, and until there are performances scheduled, so that we can absolutely assure and guarantee to the parking contractor that the building is going to be usable and is usable for the intended purpose.

Mr. ALLEN. In other words, the advance rental, then, would deprive the Treasury of its lien on $3.5 million of receipts?

Mr. PERCY. And that advance, of course, would be available for the trustees and the administration to be able to be used to retire and draw down those bonds.

Mr. ALLEN. Has that been cleared with the Treasury Department?

Mr. PERCY. Treasury approval is not required. Title to the Center land and building is held by the U.S. Government. The bonds have a first lien on income when they became due and payable.

Mr. ALLEN. In other words, the Treasury Department is going to take a second lien, then, instead of the first lien, on the receipts.

The PRESIDING OFFICER. Who yields time?

Mr. COOPER. Mr. President, I ask for 3 minutes.

Mr. JORDAN of North Carolina. Mr. President, I yield 3 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I spoke on this matter last Friday. I did so because I am a member of the Committee on Public Works, and of course the bill came before our committee, and we bear responsibility as well as others who have been associated with this building.

I should like to say that the direct contribution of the United States, through appropriations, would be the $15.5 million which has been appropriated, and if $7.5 million more is appropriated as authorized by this bill, there would be a total appropriation of $23 million for the building.

There is also a contingent liability. There was $15.4 million borrowed under the existing authorization, and $5 million additional would be authorized by this bill. That is a total of $20.4 million; it is intended to be repaid from parking revenues. What would actually be appropriated and so contributed by the taxpayers to this great Center would be $23 million. The other $23 million would come through gifts.

I said the other day that I could not contradict the statements made by the distinguished Senator from Maine. There is no question about the overruns. The overruns were explained by those who appeared before us—the General Services Administration and others. Part of it is due solely to inflation, part is due to a strike, part is due to the fact that they were forced to let these contracts in smaller pieces because of the lack of certainty about the availability of funds. And the contracts were on a cost plus a fixed fee basis. They admitted underestimates in some fields. They promised when they appeared before us they would not come back again. I cannot look into the future. However, I think they mean it.

Mr. President, one may ask why we would go ahead and authorize the additional money. It is clear from looking at the building that it is about half finished. Contracts are pending upon which funds will have to be paid. And they cannot be paid by the Board of Trustees unless the pending bill is passed.

If those funds are not made available, there will be a hiatus in the gift program. I would certainly say the matter of the overrun should be investigated. When it is investigated—and it can be done without holding up the funds—we should try to determine if the General Services Administration is the appropriate agent to undertake the contracts. The GSA is the agent for all Federal buildings. That is mostly what we would have to examine. I assume that we would have to go ahead in this manner if we want the building completed.

I make no argument against looking into the matter, but I think the country and Congress want the memorial finished.

In the committee, we considered this matter. We know that this is the principal national memorial to the late President John F. Kennedy. We believe it should be finished.

Let us look into the cost of the overrun. If we are going to finish it, we should appropriate the funds and let the building go forward.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from North Carolina has 16 minutes remaining.

Mrs. SMITH of Maine. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maine has 12 minutes remaining.

Mr. JORDAN of North Carolina. Mr. President, I suggest the absence of a quorum.

Mr. FULBRIGHT. Mr. President, is the time chargeable to both sides?

The PRESIDING OFFICER. That can be done only by unanimous consent.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the time for the quorum call not be charged to either side.

The PRESIDING OFFICER. Is there objection. The Chair hears none, and it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, in view of the sparse attendance of Senators—the Senators who are now in the Chamber have already heard what I shall say, and I cannot add much to it—I can only emphasize the importance of not delaying the completion of the building, on the assumption that we wish to complete it. Every one of the sponsors of the amendment with whom I have spoken has said that he is not against the construction of the center. All that the sponsors wish to do is to have time to review past mistakes and avoid future mistakes, if they can. That is a highly laudable purpose; no one objects, nor do I, to having the General Accounting Office audit the accounts. I do not think a single thing will be turned up in addition to what the General Services Administration has already determined. The General Services Administration is an agency that is equipped to do that with respect to the construction of buildings.

I also notice rather a coincidence, in that during the recent controversy about the military program, almost all the Senators who are now asking that the General Accounting Office examine into the construction of the Center declined to have the GAO examine into the military program; they thought that the GAO was not suitable to do it; they had their own auditors. I think, without having checked the record, that most of those Senators opposed having the General Accounting Office examine into the cost of the C–5A.

But now they want the General Accounting Office to audit the funds, although the General Services Administration is the agency which has been created to supervise and audit the funds for the construction of all buildings of this character. The GSA is supervising the construction of all the vast array of Government office buildings and other buildings in Washington and elsewhere. So I do not see that much would be gained by having the GAO make an audit, although I do not oppose it. But what I do oppose as unacceptable, besides the business proposition and, I think, other considerations, such as dignity and good manners, is a delay in construction.

I have estimates of what additional costs may be, depending upon how long and under what circumstances the delay will be. As an extreme case, if the building is "put in mothballs," and construction competely suspended, the best figure I have obtained from the General Services Administration is that the loss will be approximately $14 million, assuming that the building is "put in mothballs" for from 1 to 5 years. But if the delay is only 60 days, and there are penalties to be paid, the cost may be only $1 million or $2 million, as I believe the Senator from Illinois (Mr. Percy) said. That would be the price to pay for a 60-day delay, because the Center is out of money. It will have to begin to reduce costs. It will have to lay off personnel and will not be able to proceed with the contracts which are essential to the continuation of the work.

For example, today I spoke with Mr. Stevens. The contracts for the tile of the terrazzo flooring will have to be let and work started. Other work which is now going forward will be held up, work such as plastering, and the like. I shall not attempt to describe in detail how the building is constructed. But the information is at the Center, and anyone may look at it. A great many people are at work there today.

Mr. President, one last thing, the question of the Government's percentage of the cost of the building.

This is a Government building. It belongs to the Government. It is built on Government land. Normally, in most civilized countries which are interested in the fine arts, they build all their buildings and they pay all the cost—the great theaters in Paris or in Rome. I am sure that in Moscow they did not take up a public contribution to build the Bolshoi. It is a public building, belonging to the Government, just as this Capitol is. It is on Government land, and it belongs to the Government.

I think it is quite unusual for the private sector to contribute as much as they have. They all are taxpayers, in addition to making contributions. Rather than be criticized about it or have something funny raised about it or have it said that they should pay more, I think they should be congratulated.

Personally, I do not wish to apologize for anything about this building. Its history is well known. It should have been built years ago.

This is the only country in the world that devotes nearly all its funds to military affairs and almost nothing to fine arts or anything having to do with nonmilitary improvement of the quality of life. That is one of the reasons why there is such a revolt going on in this country among the young people—not because of this particular building, but because they sense that the direction of this great country is in the wrong direction; that we are becoming a country dominated by the military, and with very little interest in what is generally called the humanities or the fine arts.

Mr. President, for the information of Senators, I ask unanimous consent to have printed at this point in the Record a memorandum in connection with this matter and a letter dated October 6, 1969, addressed to me by Mr. Myers, contracting officer of the General Services Administration.

There being no objection, the material was ordered to be printed in the Record, as follows:

[Memorandum, October 6, 1969]

Response to Questions Raised Concerning Appropriation and Borrowing Authority Needs of the John F. Kennedy Center

ASSETS IN THE "FUNDS AVAILABLE FOR CONSTRUCTION" STATEMENT ARE ALREADY COMMITTED

Initially, the terminology, used in the caption of the financial statement "Funds Available for Construction" should be explained. In fact, all of the funds which are listed in the statement, while available for construction, have already been committed for construction contracts by the Contracting Officer, the Commission of Public Buildings, G.S.A.

This statement of assets reflects only a portion of the financial position of the Kennedy Center. There is also a liabilities statement, which, of course, under generally accepted accounting principles, is necessary to give a complete financial picture of the Center. In the Center's case, these liabilities are largely contractual commitments already entered into. The existing contractual commitment along with the already completed parts of the structure exhaust virtually all the $54,915,640 of assets which are listed in this statement.

As has been made clear to the Congress, it is essential that additional assets be made available forthwith, in the form of a $5 million borrowing authority, because as of today the Center has no uncommitted funds for new contracts. These contracts must be executed to avoid unnecessary delay in construction. The Contracting Officer has already indicated that he is holding up the awards of two contracts, totalling approximately $500,000, for lack of additional uncommitted funds. And delay in construction of the Center of course will result in previously unanticipated slowdown and start up expenses and in additional appreciation of costs.

Therefore, when construction of the building has been completed, every dime included in the statement "Funds Available for Construction" will have been spent. And, in fact, practically every dime listed in the statement has already been committed to specific contracts for construction.

CONDITIONAL CONTRACT ARRANGEMENTS WITH CONCESSIONAIRE

As set forth in the financial statement "Funds Available for Construction," the Kennedy Center can commit funds and sign contracts totaling approximately $55 million. Included in this total are "assets" of about $4.5 million represented by conditional contractual commitments from the food concessionaire, Canteen Corporation, and the parking concessionaire, Apcoa. As pointed out in the footnote of the financial statement, these funds will become usable assets only when the terms and conditions of the concession agreements have been fulfilled. These contracts provide that $4.5 million will become available only when certain stages of construction are reached. If these stages of construction are not reached in a timely fashion corresponding to the pre-established schedule for construction of the Center, some contracts and commitments already entered into will have to be curtailed. Therefore, it is essential that construction continue on schedule so that the conditions of the concession agreements will be met in a timely fashion.

IMPORTANCE OF RETAINING PRIVATE FUNDS ($11,497,614) INTACT

It should be noted that while all of the assets listed in the statement "Funds Available for Construction" have been committed to existing contracts for construction of the Center, the Center has been fortunate in having sufficient liquid assets (as of September 15, $11,497,614) over the past several years to enable the investment of funds to generate sufficient income to continue to meet the operating budget and preserve the organization. It also should be noted that it is fortunate that these are *private donated* funds, since appropriated funds and borrowed funds could not be invested.

In order to maintain for income-producing investment this reserve of private funds, already committed but not disbursed, $5 million in borrowing authority is urgently needed to commit additional contracts and to maintain the schedule for construction. If the schedule is not followed the Center would have to disburse these private funds for the stoppage and later start up costs. And as has already been explained, Congress could not make up for the loss of privately donated fund by simply replacing them in an equivalent amount, because the funds provided by Congress could not be invested to generate income.

It is now the goal of the Trustees of the Center to use the proceeds from a current, private fund-raising drive to replace the private income-generating fund as the existing $11 million is actually disbursed on the contracts already committed.

STOPPAGE AND STARTUP COSTS

Termination of contracts, which would result from the failure of the Congress to authorize $5 million in borrowing, will lead to a stoppage of construction. This would require that the partially completed structure be placed in mothballs by enclosing the exterior; it would require that partially performed contracts be terminated "for the convenience of the Government" and that contractors and subcontractors be paid for stopping work; it would require that most of the liquid funds of the Center ($11,497,614 as of September 15, 1969) be immediately expended for the work stoppage, placing the building in stand-by condition, protecting it during the dormant period, and mothballing the structure. It is estimated that because of this work stoppage approximately $4 million would be utterly wasted without even considering the fact that most of the $11 million of private funds would be depleted and that additional millions would be required to start up again.

The Center has been advised by the General Contractor and subcontractors that resuming construction of the building, once it has been terminated, would entail an additional cost of $10 million. At the Hearings before the Subcommittee on Public Works on May 26, 1969, Roger L. Stevens advised the subcommittee that he felt that "it would be very imprudent" to follow the course of suspending or terminating construction because of this enormous cost that such a course of action would entail.

CONCLUSION

The legislative history of the House passed bill authorizing $7.5 million in appropriated funds and $5 million in borrowing authority makes it abundantly clear that the Congress will not appropriate any additional funds nor authorize any additional borrowing for construction of the Center. With the funds now requested, the Center will have to complete construction of the facilities within the budget. If costs exceed the existing budget, private sources alone will have to remedy the problem. For the federal government, a ceiling has now been established.

If the Congress does authorize the appropriation of 7½ million, the authorization will still require subsequent review and approval by the Appropriations Committees of the House and Senate when the supplementals are presented. Meanwhile, the $5 million borrowing authority will enable the Contracting Officer of the Center to commit funds for essential contracts, while appropriate Congressional review takes place. It would be a tragedy to in any way delay the construction timetable; not only would the result of delay result in millions of dollars in additional costs, but more importantly, the mandate of Congress and of four administrations would be seriously impeded.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., October 6, 1969.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: The following is provided in response to your request for information on the amount of money committed or expended for construction of the John F. Kennedy Center for the Performing Arts.

As you are aware, the Board of Trustees has made $54,915,640 in assets available to the General Services Administration for the design and construction of this project. As of September 30, 1969, $54,315,000 had been committed to design and construction contracts. Furthermore, expenses under the general contract, on a day to day basis, are running about $200,000 per month. There can be no reduction in the commitment figure without a concomitant reduction in previously awarded subcontracts. It should be readily apparent, therefore, that additional resources are needed immediately. If additional funds are not made available now, not only will we be unable to award two critical pending subcontracts amounting to approximately $500,000 but will, in fact, have to begin cancellation of selected subcontracts during the month of October in order to provide reserves for mothballing the project. The only way in which this cessation of work can be avoided is the receipt of the $5 million which would be made available now under H.R. 11249.

So far as expenditures are concerned, these total approximately $35 million. However, the crucial figure of commitments is controlling; we must pay bills as they accrue.

Total costs will be increased substantially should it become necessary to slow down or stop work on this job. While the amount of increase cannot be accurately determined at this time, it is reasonable to expect that stoppage of work would cost approximately $1,000,000 per month.

Sincerely,

R. G. MYERS,
Contracting Officer.

Mrs. SMITH of Maine. I yield myself 2 minutes.

Mr. President, I am not offended by the attempt to characterize me as being inconsistent on so-called GAO-Comptroller amendments. That is an accepted part of debate and parliamentary dialog and tactic.

But it simply is not accurate to charge that I have opposed all such amendments.

I merely call attention to my vote on rollcall No. 77 of this year on September 17, 1969 when I voted for the Proxmire-GAO-Comptroller amendment. If anyone should have the slightest doubt about it, then I invite him to read the RECORD at page 25802.

I do not deny that I have voted against some GAO-Comptroller amendments but to charge that I have voted against all simply is a misrepresentation.

The GAO-Comptroller amendments that I have voted against have been those that proposed to vest in, and impose upon, the Comptroller General and the GAO evaluation of weapons systems. I voted against such proposals for the obvious reason that the Comptroller General and the GAO are clearly not qualified to make such evaluations.

I do not want to make the Comptroller General also the Chief of the Joint Chiefs of Staff and I do not want to make the Senate floor the new war gaming center.

The Comptroller General has made it abundantly clear that he does not feel that he and his office are qualified to evaluate the proper role of weapons systems.

This amendment of mine is far different from those I opposed. For this amendment of mine does not propose to have the Comptroller General and the GAO make any evaluation of the proper role and mission of the Kennedy Center.

This amendment only proposes that the Comptroller General and the GAO make determinations of past costs and projected costs on the Kennedy Center and they are certainly qualified to do that and the American taxpayers are certainly entitled to have such information.

Mr. President, to those who would try to cast those of us defending the interests of the American taxpayers here today on this amendment—try to cast us in the role of not being duly deferential to the late President Kennedy, I would quote Representative Charlotte Reid of Illinois who stated in House debate on July 8, 1969, page 18614:

> It would certainly be a more fitting tribute to our late President if citizens paid for it through voluntary freewill contributions rather than having their tax money used for this purpose. The meaning would be so much greater.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. I yield to the Senator from West Virginia such time as he desires.

Mr. RANDOLPH. Mr. President, at the outset, I wish to state emphatically that the Senator now speaking, although he disagrees with the amendment offered by his distinguished colleague from Maine, would in no wise impugn nor even imply that that amendment to the pending bill is offered other than in good conscience. I would not attempt to think in terms of the offering of an amendment by any Member of this body except that it be offered in good conscience and in the belief that the amendment offered would be justified. My opposition to the amendment will be stated simply upon what I believe to be a more favorable solution that can be effected.

On October 3, the Senate addressed itself to this subject matter, at which time several Members debated it. Since that time, it has been of considerable concern to me, and I have tried to assess the problem to provide a solution.

As chairman of the Committee on Public Works, I have requested the Comptroller General to conduct a thorough study of the construction costs of the Kennedy Center and the anticipated costs of completion.

At this point in my remarks, I wish to read the letter I have sent to Comptroller General Elmer B. Staats:

> It is requested that the General Accounting Office make a study of the past costs and the estimated future costs of completing the John F. Kennedy Center for the Performing Arts. This study should be submitted to the Committee on Public Works, United States Senate, by December 3rd, 1969.
>
> In preparing your study, please answer those questions which were asked on the Floor of the Senate on October 3rd, 1969 (contained in pages 28374 through 28384, of the Congressional Record of that date.)

Mr. President, I have signed the letter as chairman of the Committee on Public Works.

This request, which I have made in an effort to arrive at a solution would fulfill the basic substance of the amendment proposed by the distinguished senior Senator from Maine. I think it could be done in this way, without imposing the burden of interrupting construction on this vital project, a project on which the Senate has committed itself.

I point out, Mr. President, that the General Services Administration has estimated that if the project construction program were interrupted it would add approximately $1 million per month—not per year but $1 million per month—to the already mounting costs of the construction of the Center. Since the Committee on Appropriations probably will not act on the additional funds authorized by H.R. 11249 until December of this year at the earliest, by which time the General Accounting Office will have completed the information and have complied with my request for this study, the commitment of these funds could be fully protected by the Committee on Appropriations in light of the General Accounting Office findings.

I think it is important during the interim that construction of the Kennedy Center go forward and that it proceed under the additional funds provided by the increased authority to borrow as authorized in H.R. 11249.

Mr. President, I, therefore, oppose the proposed amendment. I think that it is unnecessary. I think it would add significantly to the cost of completing the Kennedy Center; and it is my feeling that the effort that I am making in the way I have explained it may recommend itself to Members of the Senate.

Mr. President, I wish to conclude by saying what I said in other words at the beginning. I am sure that my colleague, the distinguished Senator from Maine (Mrs. Smith) offers her amendment with the very best of intentions and with a full appreciation of her responsibility as a member of this body. So when we disagree it is only a disagreement upon that which is proposed. I accept it in good conscience and in good faith.

Mr. President, I am ready to trust the judgment of the Senate in this matter, and the response to the letter that I have addressed to the Comptroller General.

The PRESIDING OFFICER (Mr. Dole in the chair). Who yields time?

Mrs. SMITH of Maine. Mr. President, will the Chair advise us as to the time remaining?

The PRESIDING OFFICER. The Senator from Maine has 9 minutes remaining and the Senator from North Carolina has 4 minutes remaining.

Mrs. SMITH of Maine. Mr. President, a strong credibility gap hovers over this project—already we have the repeated past assurances of Mr. Stevens of no more requests for funds would be made.

Now, I wish to call attention to another disturbing aspect in this matter.

On July 8, 1969, Representative Bow of Ohio, a Regent of the Smithsonian Institution, said—and I cite pages 18613 and 18614 of the Record:

> We had a meeting of the Regents of the Smithsonian Institution some time around the 20th of May, and this matter came up. There was a discussion. We discussed the fact that we had already certified that there was enough money to build it. After some consideration the Regents of the Smithsonian decided we should do nothing; we would take no action at all on this bill. We rather felt that we had been taken in once, and we were not going to take any more action.
>
> Much to my surprise, in this report I find here on the date of May 23, a few days after the meeting of the Regents—and the Regents are the controlling officers of the Smithsonian Institution—I find that S. Dillon Ripley, the secretary, wrote a letter to the chairman of the committee and said this in part:
>
> "It is our understanding that present estimates of cost and other justification in support of provisions of H.R. 11249 will be presented to the committee by the representatives of the John F. Kennedy Center for the Performing Arts and of the General Services Administration.
>
> "In support of that justification, the Smithsonian Institution recommends favorable consideration of H.R. 11249."
>
> Mr. Speaker, I say here unequivocally to you as a member of the board of regents, the board of regents never took any action supporting this legislation, but in fact made a decision not to support it, and I think this ought to be known by the Members here.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. Mr. President, I yield 3 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I oppose the amendment for two principal reasons. First, it is clear that the adoption of the amendment would add to the cost. We are talking about increased costs already. It is clear that cancellation of contracts and subcontracts, and the renewal of them on the present market, would cost more money.

The second reason I oppose the cancellation, is that we have assurances of the commission that upon this basis, if it is voted, this is the last time they will ask the Federal Government for money.

I wish to read this sentence from the report:

> However, the committee wants it clearly understood that the center must be completed within the proposed cost of $66.4 million and if, by any chance, this figure has been underestimated and the additional funds required must be raised by the Board of Trustees through private subscription.

Mr. President, in order that it may appear who is on the Board of Trustees I ask unanimous consent that the list of members of the Board be printed in the Record as it appears on page 8 of the committee hearings.

There being no objection, the list was ordered to be printed in the Record, as follows:

Board of Trustees

Roger L. Stevens, Chairman.

Richard Adler, Floyd D. Akers, James E. Allen, Jr., Commissioner of Education, Robert O. Anderson, Ralph E. Becker, K. LeMoyne Billings, Edgar M. Bronfman, Mrs. George R. Brown, Robert W. Dowling, Ralph W. Ellison, Robert H. Finch, Secretary of Health, Education, and Welfare, Abe Fortas, Rep. Peter H. B. Frelinghuysen.

Senator J. William Fulbright, Mrs. George A. Garrett, Leonard H. Goldenson, Mrs. Rebeckah Harkness, George B. Hartzog, Jr., Director of the National Park Service, Senator Edward M. Kennedy, Thomas H. Kuchel, Mrs. Albert D. Lasker, Erich Leinsdorf, Sol Myron Linowitz, Mrs. Michael J. Mansfield, Harry C. McPherson, Jr., George Meany, Robert I. Millonzi.

L. Quincy Mumford, Librarian of Congress, Senator Charles H. Percy, S. Dillion Ripley II, Secretary of the Smithsonian Institution, John Richardson, Jr., Assistant Secretary of State for Educational and Cultural Affairs. Richard Rogers, Arthur M. Schlesinger, Jr., Mrs. Jouett Shouse, Mrs. Stephen E. Smith.

William H. Thomas, Chairman of the District of Columbia Recreation Board, Representative Frank H. Thompson, Jr., Jack J. Valenti, William Walton, Chairman of the Commission of Fine Arts, Walter E. Washington, Mayor-Commissioner of the District of Columbia, Lew R. Wasserman, Edwin L. Weisl, Sr., Representative James C. Wright, Jr., Senator Ralph W. Yarborough.

Mr. HOLLAND. Mr. President, Senators will note some of the most wealthy and best known philanthropists in the Nation are contained within the Board.

I am told by the committee that the chairman of the Board is the one who has given the assurance that if this bill is passed they will assure the raising of additional funds, if any are required, to build this building.

I call attention to the fact also that on this board of trustees the names of 4 of our able senatorial colleagues appear, in addition to the former Senator from California, Mr. Kuchel, who recently retired from this body. In addition, the names of several Members of the House of Representatives appear. I call attention to the fact that Mrs. Mansfield, the wife of our distinguished majority leader is also a member of the board.

I cannot believe that the chairman of such a Board would give an assurance of that kind to this committee unless he knew that we could depend upon it.

In closing, Mr. President, I want to repeat what I said the other day. We must recognize what we have done before. This has been an action of the Senate; this has been an action of the Congress. This building was named for our former colleague, a former President of the United States. If we should fail to go through with this matter and forget the fact that eight or nine other nations have given substantial gifts for this Center, I think we would be doing something to cause our Government and ourselves to be held up to ridicule. Certainly, as far as the Senator from Florida is concerned, he feels it would reflect hurtfully on the pride of this Nation and the Senate.

Mr. President, I ask unanimous consent that the list of other nations which have participated, as apppears on page 28383 of the RECORD, be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Other tangible property:	
Furniture, Denmark	$155,000
Doors, Germany	250,000
Marble, Italy	1,132,000
Curtain, Japan	140,000
Chandeliers, Norway	180,000
Chandeliers, Ireland	35,000
Chandeliers, Sweden	210,000
Organ	136,094
Total other tangible property	2,238,094

Mrs. SMITH of Maine. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Chair informs the Senator from Maine that she has 3 minutes remaining.

Mrs. SMITH of Maine. Mr. President, resuming the discussion on the matter of costs, I should like to read to the Senate some even more current cost comparisons that are very disturbing.

In November 1965, GSA estimated the total cost of building the Kennedy Center as $41 million. Of this total, constructural steel was estimated as $5,040,000 and concrete as $6,200,000.

John McShain, Inc., Contractors, was awarded the general contract on August 1, 1966. Bethlehem Steel Corp. was awarded subcontract on structural steel on October 6, 1966, in the amount of $7.7 million. This figure was subsequently negotiated down to $7.5 million.

In January of 1967, independent cost estimates were made by M. F. Kenney, Inc., which placed the figure for steel at $7.7 million and concrete at $6.1 million. In June, GSA "reconciled" the Kenney steel estimates to $7.2 million.

Currently, the structural steel work is said to be 95 to 100 percent completed. Total cost: $7.7 million. However, there is an added steel cost of $200,000 in connection with onsite steel work, thereby raising the total to $7.9 million. This is said to have arisen because of technical disagreements as to what work was to have been done at the Bethlehem plant. Using the $7.7 million figure, this is a cost overrun of 52.7 percent when compared to the November 1965 GSA estimate of $5,040,000.

Using the $7.9 million figure, this represents a cost overrun of 56.7 percent when compared to the GSA November 1965 estimate of $5,040,000.

With the concrete work said to be 85 percent completed, the total cost is now $8.2 million or 32.2 percent higher than the GSA November 1965 estimate.

Mr. JORDAN of North Carolina. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute remains to the Senator from North Carolina.

Mr. JORDAN of North Carolina. Mr. President, I held hearings on this bill when it came before the Public Works Committee. At that time, Mr. Foster, the Deputy Commissioner for Public Buildings, testified that building costs in the District of Columbia were going up at the rate of 1 percent per month. That is a terrific escalation of costs for anything—12 percent per year.

As I understand it—and I think this is correct—there are a number of subcontracts which will have to be canceled, the point being that if this is done one could not go out today and get bids on firm contracts because he could not know what the costs would be.

We stand to lose a tremendous amount of money on these contracts, which also have penalty clauses provided they are canceled.

Mr. President, I ask the Senate to reject the amendment.

The PRESIDING OFFICER. All time on the amendment has now expired.

The question is on agreeing to the amendment of the Senator from Maine (Mrs. SMITH). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from Washington (Mr. JACKSON), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Alabama (Mr. SPARKMAN) would each vote "nay."

I also announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Ohio (Mr. SAXBE), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) and the Senator from North Carolina (Mr. YOUNG) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Ohio (Mr. SAXBE) would each vote "nay."

On this vote, the Senator from Iowa (Mr. MILLER) is paired with the Senator from Tennessee (Mr. BAKER). If present and voting, the Senator from Iowa would vote "yea" and the Senator from Tennessee would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Maryland (Mr. MATHIAS). If present and voting, the Senator from Texas would vote "yea" and the Senator from Maryland would vote "nay."

The result was announced—yeas 19, nays 53, as follows:

[No. 112 Leg.]

YEAS—19

Allen
Allott
Bellmon
Bennett
Byrd, Va.
Cotton
Curtis
Dole
Dominick
Fannin
Goldwater
Hansen
Hruska
Jordan, Idaho
Mundt
Proxmire
Smith, Maine
Thurmond
Williams, Del.

NAYS—53

Aiken
Bayh
Bible
Boggs
Burdick
Byrd, W. Va.
Case
Church
Cook
Cooper
Cranston
Eagleton
Ellender
Fong
Fulbright
Goodell
Griffin
Gurney
Harris
Hart
Hatfield
Holland
Hollings
Hughes
Inouye
Jordan, N.C.
Kennedy
Long
Mansfield
McGee
McIntyre
Metcalf
Mondale
Muskie
Nelson
Pastore
Pell
Percy
Prouty
Randolph
Ribicoff
Schweiker
Scott
Smith, Ill.
Spong
Stennis
Stevens
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—28

Anderson
Baker
Brooke
Cannon
Dodd
Eastland
Ervin
Gore
Gravel
Hartke
Jackson
Javits
Magnuson
Mathias
McCarthy
McClellan
McGovern
Miller
Montoya
Moss
Murphy
Packwood
Pearson
Russell
Saxbe
Sparkman
Tower
Young, N. Dak.

So the modified amendment of Mrs. SMITH of Maine was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

MILITARY PROCUREMENT AUTHORIZATION BILL, 1970

Mr. STENNIS. Mr. President, I ask the Chair to lay before the Senate the message from the House of Representatives on S. 2546.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for the procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes; which was, strike out all after the enacting clause, and insert:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army $570,400,000; for the Navy and the Marine Corps, $2,391,200,000; for the Air Force, $4,002,200,000.

MISSILES

For missiles: for the Army, $780,460,000; for the Navy, $851,300,000; for the Marine Corps, $20,100,000; for the Air Force, $1,486,400,000.

NAVAL VESSELS

For naval vessels: for the Navy, $3,591,500,000: *Provided,* That no funds authorized to be appropriated by this Act for the use of the Armed Forces of the United States shall be expended after January 1, 1970, for the contract procurement of DD 963 class destroyers unless the procurement planned for such vessels makes provision that the vessels in that plan shall be constructed at the facilities of at least three different United States shipbuilders.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $195,200,000; for the Marine Corps, $37,700,000: *Provided,* That none of the funds authorized herein shall be utilized for the procurement of Sheridan Assault vehicles (M–551) under any new or additional contract.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,664,500,000, of which (a) $10,000,000 is authorized to be appropriated only for the development of the Heavy Lift Helicopter and (b) $75,000,000 is authorized to be appropriated only for the development of the SAM–D system: Provided, That none of the funds herein authorized shall be expended for research, development, test, and evaluation of the Cheyenne helicopter;

For the Navy (including the Marine Corps), $1,990,500,000, of which (a) $66,091,000 is authorized to be appropriated only for the development of the E–2C aircraft, (b) $165,400,000 is authorized to be appropriated only for the development of the S–3A aircraft, (c) $20,000,000 is authorized to be appropriated only for the development of the Undersea Long-range Missile System, (d) $67,900,000 is authorized to be appropriated only for the development of the Advanced Surface Missile System, and (e) $517,300,000 is authorized to be appropriated only for the research and development of Anti-Submarine Warfare Systems;

For the Air Force, $3,241,200,000, of which (a) $15,000,000 is authorized to be appropriated only for the development of the RF–111D aircraft, (b) $1,000,000 is authorized to be appropriated only for the development of the Light Intratheater Transport aircraft, (c) $18,500,000 is authorized to be appropriated only for the development of the CONUS Air Defense Interceptor, (d) $84,700,000 is authorized to be appropriated only for the development of the Short Range Attack Missile (SRAM), and (e) $40,000,000 is authorized to be appropriated only for the development of the Airborne Warning and Control System (AWACS): Provided, That none of the funds herein authorized shall be expended for research, development, test, and evaluation of the A–X aircraft; and

For the Defense Agencies, $450,200,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1970 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $75,000,000.

SEC. 203. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1969, and ending June 30, 1970, the Selected Reserve of each reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 393,298.

(2) The Army Reserve, 255,591.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 49,489.

(5) The Air National Guard of the United States, 86,624.

(6) The Air Force Reserve, 50,775.

(7) The Coast Guard Reserve, 17,500.

SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 303. Section 264 of title 10, United States Code, is amended by deleting subsection (b) and substituting the following in lieu thereof:

"(b) The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Selected Reserve of the Reserve components under this jurisdiction to satisfy the mobilization readiness requirements established for those units and Reserves in the contingency and war plans approved by the Joint Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy. He shall, when a unit in the Selected Reserve is established and designated, expeditiously procure, issue, and maintain supplies and equipment of combat standard quality in amounts required for the training of each unit and shall store and maintain such additional supplies and equipment of that quality that are required by those units upon mobilization. However, if the Secretary concerned determines that compliance with the preceding provisions of this subsection will jeopardize the national security interests of the United States, he may temporarily waive compliance with these requirements after he has notified Congress in writing, setting forth the specific facts and circumstances upon which he made such a determination. Unless specifically authorized by law enacted after the effective date of this section, funds authorized for personnel, supplies, equipment and facilities for a Reserve component may not be transferred or expended for any other purpose."

SEC. 304. Subsection (c) of section 264 of title 10, United States Code, is amended as follows:

In the last line of the last sentence of subsection (c) after the word "within", change the figures "60" to "90".

TITLE IV—GENERAL PROVISIONS

SEC. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37) as amended, is hereby amended to read as follows:

"Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other Free World Forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine."

SEC. 402. After January 1, 1970, no contract or grant for Research and Development projects shall be awarded by the Department of Defense or any of the Armed Forces to any school, college or university or to any affiliated organization of such school, college or university, or to an individual in the employment of such school, college or university or its affiliated organization until sixty days after a full disclosure of the purposes, cost, and duration of such contract together with a statement setting forth in detail the number of research and development projects already awarded to that institution but not yet completed; the dollar amount of each said contract; the purpose of each of the contracts previously awarded; and for the contract or grant for which the notice is being given, a description of the facilities required to perform the research project, the cost of such facilities, a statement of whether such facilities are in existence and if so, a description of the ownership of such facilities, is made to the President of the Senate and Speaker of the House of Representatives. In addition, such notification will include a statement summarizing the record of the school, college or university with regard to cooperation on military matters such as the Reserve Officer Training Corps and military recruiting on its campus.

Sec. 403. Title 10, United States Code, is amended as follows:

(1) Section 3015(c) is amended to read as follows:

"(c) The Chief of the National Guard Bureau holds office for four years, but may be removed for cause at any time and may not hold that office after he becomes sixty-four years of age. He is eligible to succeed himself. An officer now or hereafter serving as Chief of the National Guard Bureau shall be appointed as a Reserve in his armed force in the grade of lieutenant general for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, while serving as the Chief of the National Guard Bureau. The position of Chief of the National Guard Bureau is in addition to the number of lieutenant general positions authorized by section 3066, 3202, 8066, or 8202 of this title, or any other provisions of law."

(2) Section 3962 is amended by adding the following new subsection:

"(d) Upon retirement or being granted retired pay, a reserve commissioned officer of the Army who has served as Chief of the National Guard Bureau in the grade of lieutenant general may, in the discretion of the President, by and with the advice and consent of the Senate, be retired in, and granted retired pay based on, that grade."

(3) Section 8962 is amended by adding the following new subsection:

"(c) Upon retirement or being granted retired pay, a reserve commissioned officer of the Air Force who has served as Chief of the National Guard Bureau in the grade of lieutenant general may, in the discretion of the President, by and with the advice and consent of the Senate, be retired in, and granted retired pay based on, that grade."

(4) The catchlines of section 3962 and 8962 are each amended by deleting ": regular commissioned officers."

(5) The analysis of chapter 369 is amended by striking out "regular commissioned officers" in item 3962.

(6) The analysis of chapter 869 is amended by striking out "regular commissioned officers" in item 8962.

Section 3019, Title 10, United States Code is amended to read as follows:

"(c) The Chief, Office of Army Reserve, holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. An officer now or hereafter serving as Chief, Office of Army Reserve, shall be appointed in the grade of lieutenant general for service in the Army Reserve while serving as the Chief, Office of Army Reserve. The position of Chief, Office of Army Reserve is in addition to the number of lieutenant general positions authorized by section 3066 or 3202 of this title, or any other provision of law."

Section 8019, Title 10, United States Code is amended to read as follows:

"(c) The Chief, Office of Air Force Reserve, holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. An officer now or hereafter serving as Chief, Office of Air Force Reserve, shall be appointed in the grade of lieutenant general for service in the Air Force Reserve while serving as the Chief, Office of Air Force Reserve. The position of Chief, Office of Air Force Reserve is in addition to the number of lieutenant general positions authorized by section 8066 or 8202 of this title, or any other provision of law."

Sec. 404. (a) Section 136 of title 10, United States Code, is amended—

(1) by inserting after the first sentence in subsection (b) the following new sentences: "One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Health Affairs. He shall have as his principal duty the overall supervision of health affairs of the Department of Defense.", and

(2) by adding at the end thereof the following new subsection:

"(g) Within the Office of the Assistant Secretary of Defense for Health Affairs there shall be a Deputy Assistant Secretary of Defense for Dental Affairs who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. Subject to the supervision and control of the Assistant Secretary of Defense for Health Affairs, the Deputy Assistant Secretary shall be responsible for all matters relating to dental affairs within the Office of the Assistant Secretary of Defense for Health Affairs."

(b) Until otherwise provided by operation of law, the individual holding office as the Deputy Assistant Secretary of Defense (Health and Medical) on the effective date of this section shall perform the duties of the Office of the Assistant Secretary of Defense for Health Affairs established by this section.

Sec. 405. Section 412(b) of Public Law 86–149, as amended, is amended to read as follows:

"(b) No funds may be appropriated after December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft, missiles, or naval vessels, or after December 31, 1962, to or for the use of any armed force of the United States for the research, development, test, or evaluation of aircraft, missiles, or naval vessels, or after December 31, 1963, to or for the use of any armed force of the United States for any research, development, test, or evaluation, or after December 31, 1965, to or for the use of any armed force of the United States for the procurement of tracked combat vehicles, or after December 31, 1969, to or for the use of any armed force of the United States for the procurement of other vehicles, weapons, and munitions, unless the appropriation of such funds has been authorized by legislation enacted after such dates."

Sec. 406. (1) Chapter 7 of title 37, United States Code, is amended as follows:

(a) The following new section is inserted after section 427:

"§ 428. Travel and transportation allowances: dependents at permanent station outside United States

"Under regulations prescribed by the Secretaries concerned, which shall be, as far as practicable, uniform for all of the uniformed services, a member of a uniformed service who is on duty outside the United States at a permanent station, and when such benefits are not made available in kind by the United States, is entitled to a travel and transportation allowance, to assist in providing transportation for his dependents who are authorized to accompany him, as follows:

"(1) A travel and transportation allowance is authorized to meet the travel expenses of the dependents of a member to and from a school in the United States to obtain an undergraduate college education, not to exceed one round trip each school year for each dependent for the purpose of obtaining such type of education. All or any portion of the travel for which a transportation allowance is authorized by this section will be performed wherever possible by the Military Airlift Command on a space-required basis. Notwithstanding the area limitations in this section, a travel and transportation allowance for the purpose of obtaining undergraduate college education may be authorized under this clause for dependents of members stationed in the Canal Zone.

"(2) The term 'United States' shall, for the purpose of this section, mean the several States, the District of Columbia, Puerto Rico, and the Canal Zone.

"(3) The words 'permanent station' shall, for the purpose of this section, include the home yard or home port of a vessel to which a member of a uniformed service may be assigned.

"(4) Notwithstanding section 401(2)(A) of this title, 'dependent' in this section may include an unmarried child over twenty-one years of age who is in fact dependent and is obtaining an undergraduate college education."

(b) The analysis is amended by inserting the following item:

"Sec. 428. Travel and transportation allowances: dependents at permanent station outside the United States."

(2) Section 912 of title 26, United States Code, is amended by adding the following new paragraph at the end thereof:

"(4) Education Transportation Allowance.—In case of a member of a uniformed service, amounts received under section 428 of title 37, United States Code."

Sec. 407. Section 2 of the Act of August 3, 1950 (64 Stat. 408), as amended, is further amended to read as follows:

"Sec. 2. After July 1, 1970, the active duty personnel strength of the Armed Forces exclusive of personnel of the Coast Guard, personnel of the Reserve components on active duty for training purposes only, and personnel of the Armed Forces employed in the Selective Service System, shall not exceed a total of 3,285,000 persons at any time during the period of suspension prescribed in the first section of this Act except when the President of the United States determines that the application of this ceiling will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination."

Sec. 408. (a) After December 31, 1969, none of the funds authorized for appropriation by this or any other Act for the use of the Armed Forces shall be used for payments out of such funds under contracts or agreements with Federal contract research centers if the annual compensation of any officer or employee of such center paid out of such funds exceeds $45,000 except with the approval of the Secretary of Defense under regulations prescribed by the President.

(b) The Secretary of Defense shall notify the President of the Senate and the Speaker of the House of Representatives promptly of any approvals authorized under subsection (a), together with a detailed statement of the reasons therefor.

Sec. 409. Notwithstanding any other provision of law, an officer of an armed force who—

(1) served as Chairman of the Joint Chiefs of Staff;

(2) after he was retired, but before October 1, 1963, was ordered to active duty; and

(3) was released from that active duty after July 31, 1969;

shall, effective as of the date he was released from that active duty, be entitled to retired pay computed under the formula set forth in the table in section 1402(a) of title 10, United States Code, but using the monthly basic pay prescribed at the time of his release from that active duty for an officer serving in pay grade O–10. The provisions of this paragraph do not affect or modify any prior commitment made by such officer in regard to participation in the Retire Serviceman's Family Protection Plan.

(a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the amounts spent during the preceding six month period for Research, Development, Test and Evaluation and procurement of all lethal and nonlethal chemical and biological agents. The Secretary shall include in each report a full explanation of each expenditure, including the purpose and the necessity therefor.

(b) None of the funds authorized to be appropriated by this Act or any other Act may be used for (1) the transportation of any lethal chemical or biological warfare agent to or from any military installation in the United States, or (2) the open air testing of any such agent within the United States, unless—

(A) the Secretary of Defense (hereafter referred to in this section as the "Secretary") considers that the transportation or testing proposed to be made is necessary in the interests of national security;

(B) the Secretary advises the Secretary of Health, Education, and Welfare of the particulars regarding the proposed transportation or testing;

(C) the Secretary of Health, Education, and Welfare reviews such particulars with respect to any hazards to health and safety which such transportation or testing may pose, and reports his findings, together with any precautionary measures that he recommends be taken to avoid or minimize such hazards, to the Secretary;

(D) the Secretary considers the findings and recommendations made by the Secretary of Health, Education, and Welfare under paragraph (C) and takes such action consonant therewith as he deems appropriate (including, where practical, the detoxification of any such agent, if such agent is to be transported to or from a military installation for disposal); and

(E) the Secretary provides notification that such transportation or testing will be made to the Armed Services Committees of the Senate and House of Representatives at least ten days before the date on which such transportation or testing will be commenced.

(c)(1) None of the funds authorized to be appropriated by this Act or any other Act may be used for the deployment, or storage, or both, at any place outside of the United States of—

(A) any lethal chemical or biological warfare agent, or

(B) any delivery system specifically designed to disseminate any such lethal agent, unless the Secretary gives prior notice of such deployment or storage to the country exercising jurisdiction over such place. In the case of any place outside the United States which is under the jurisdiction or control of the United States Government, no such action may be taken unless the Secretary gives prior notice of such action to the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives. As used in this paragraph, the term "United States" means the several States and the District of Columbia.

(2) None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, storage, or disposal of any lethal chemical or biological warfare agent outside the United States if the Secretary of State, after being notified by the Secretary that such action is contemplated, determines that such testing, development, transportation, storage, or disposed will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives, and to all appropriate international organizations, or organs thereof, whenever so required by treaty or other international agreement.

(d) Unless otherwise indicated, as used in this section the term "United States" means the several States, the District of Columbia, and the territories and possessions of he United States.

(e) After the effective date of this bill, the operation of this section, or any portion thereof, may be suspended during the period of any war declared by Congress and during the period of any national emergency declared by Congress or by the President.

And, amend the title so as to read: "An Act to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes."

Mr. STENNIS. Mr. President, I move that the Senate disagree to the amendments of the House on S. 2546 and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. Stennis, Mr. Russell, Mr. Symington, Mr. Jackson, Mr. Cannon, Mr. McIntyre, Mrs. Smith of Maine, Mr. Thurmond, Mr. Tower, and Mr. Dominick conferees on the part of the Senate.

THE JOHN F. KENNEDY CENTER

The Senate resumed the consideration of the bill (H.R. 11249) to amend the John F. Kennedy Center Act to authorize additional funds for such center.

The PRESIDING OFFICER. The bill is open to amendment.

Mrs. SMITH of Maine. Mr. President, I send to the desk an amendment on behalf of myself, the Senator from Arizona (Mr. Goldwater), and the Senator from Alabama (Mr. Allen), and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> At the end of the bill, insert the following new section:
>
> "Sec. 2. No part of the increased amount of funds authorized to be appropriated by subsection (a) of the first section may be expended until after the Comptroller General of the United States (1) has completed a comprehensive investigation of the past and projected costs of constructing the John F. Kennedy Center for the Performing Arts and its parking facilities, and (2) has submitted a report, together with his recommendations, of such investigation to the Congress, and (3) such report states that the Center and parking facilities can be completed as provided by the plans and specifications with the funds made available by this Act together with other funds or materials in the possession of the Trustees.
>
> "(b) The Comptroller General shall submit his report to the Congress not later than sixty days after the date of enactment of this Act."

Mrs. SMITH of Maine. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Maine is recognized.

Mrs. SMITH of Maine. Mr. President, the principal opponents to this amendment, the Senate Trustees on the Kennedy Center, have both stated that the borrowing authority is the critical and crucial factor. That is the contention of both the Senator from Illinois (Mr. Percy) and the Senator from Arkansas (Mr. Fulbright).

As far as I can recall, no one has objected to an investigation by the Comptroller General, and everyone has acknowledged that the appropriations for the proposed $7.5 million contribution by the Federal Government will have to be provided later by a supplemental appropriation bill, which would not be passed before the end of the year or the early part of next year—and not before the Comptroller General could have made an investigation and report.

Thus, the only basic argument made against the Smith-Goldwater-Allen amendment is the claim that a restriction on the borrowing authority would cause delay. No contention is made with respect to the restriction placed on the proposed $7.5 million appropriation.

This being the case, I am offering this second amendment, which strikes from the first amendment the restriction with respect to the borrowing authority and specifically strikes that phrase which states:

> And no part of the increase in authority from the treasury under subsection (b) of such section may be used.

Thus, this amendment meets the objections raised to my first amendment and I simply cannot see why anyone would oppose this second amendment.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, will the distinguished Senator from Maine yield me 3 minutes?

Mrs. SMITH of Maine. Mr. President, I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. ALLOTT. Mr. President, I support the distinguished Senator from Maine on the pending amendment.

As has been pointed out during the course of the recent debate upon the military procurement bill, numerous amendments were offered to do the same thing and call for the GAO to make military judgments for which it has no qualifications.

The pending amendment is different from the first amendment offered by the distinguished Senator from Maine in that it leaves the borrowing authority in the bill and would not stop the construction. I am relying upon the statements made by the Senators in charge of the bill on the floor with respect to that.

Mr. President, I hope that we will remember in voting upon the pending amendment that the monument was intended to be a national cultural center and that, due to the great tragedy which struck our President, it was later named the John F. Kennedy Center.

I am sure that everyone here wishes that that tragedy had never happened. However, the subject under discussion should not be judged upon a partisan basis. No one should think of this in the sense that a vote in support of the pending amendment is made on a political basis.

I pointed out last week the numerous overruns that we have had on Government construction. This overrun by all accounts, judging from the testimony and the record in the Senate, is an atrocious, deplorable, and even a shameful record.

If the pending amendment will do nothing else than to straighten up the procedures of contracting authorities for our Government, it will be worth 10 times the amount of time spent on it. And it would be the greatest service anyone could render for our Government.

I would hope that with respect to the pending amendment—and, according to the sponsors of the bill, they cannot do without the loan authority, but they can temporarily do without the other—we would give them this loan authority and send this matter to the GAO. Hopefully, we would find some answers to the overruns and overcosts that have been afflicting Government construction.

I support the pending amendment offered by the distinguished Senator from Maine.

Mr. FULBRIGHT. Mr. President, will the Senator yield me 3 minutes?

Mr. JORDAN of North Carolina. Mr. President, I yield 3 minutes to the distinguished Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, the purpose of the amendment offered by the distinguished Senator from Maine has already been served by the letter from the chairman of the Public Works Committee. The Senator from West Virginia (Mr. RANDOLPH) announced prior to the last vote that he had already addressed a letter to the Comptroller General, Mr. Staats, requesting that a study be made of this project and that he report back in 60 days.

It seems to me that the pending amendment is entirely superfluous and that in view of the letter from the chairman of the Public Works Committee there is not the slightest doubt that the study will be made.

I have never heard of the Comptroller General's taking no action to honor a request from the chairman of the Public Works Committee.

The purpose, as I stated in the previous debate, is a proper one. If the Senator feels that they are to be trusted and would like to have the GAO make a further study, it is all right with me. It is all right with Mr. Stevens and the other trustees.

The GSA has been spending substantial time in supervising the project. The GSA has analyzed the increases in costs, and that information has been reported. There is no secret about it. There has been no stealing or malfeasance comparable to some of the other instances we have recently been reading about from the other services. It is a matter of misjudgment, inflation, strikes, and things of that kind.

One case of misjudgment involved in estimates concerned the amount of steel to be used in the building.

The purpose of the pending amendment is already served by the request of the chairman of the Public Works Committee. The effect of agreeing to the pending amendment would be to duplicate that request and cause further delay. A conference would have to be held. And we would have to spend another day or two on the matter. This is the second day we have spent in the Senate on the matter. Perhaps other Senators may not have anything to do at the moment, but I have other things I would rather do than spend another day on this matter when it has already been taken care of by the letter from the chairman of the Public Works Committee.

I hope that the amendment will be rejected.

Mr. GOLDWATER. Mr. President, will the Senator yield me 3 minutes.

Mrs. SMITH of Maine. Mr. President, I yield 3 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 3 minutes.

Mr. GOLDWATER. Mr. President, during the course of the debate on the previous amendment, I gathered that the opponents had no objection to an amendment of this type. They recognize that the appropriations bill is not ready and that the delay they fear will come, regardless of what we do this afternoon now that the borrowing authority is guaranteed, will be time during which the appropriations bill will be considered. It seems that all that the proponents of the bill were asking for was the guarantee of the borrowing authority.

I see no reason why we cannot vote favorably on the pending amendment.

With all due deference to the chairman of the Public Works Committee and his letter, I remember the argument offered with respect to other letters from committee chairmen to the GAO that the letters were not sufficient and that there should be action taken on the floor of the Senate.

I do not think this action will slow down the request of the distinguished Senator from West Virginia. I think it will help it, because it will show the GAO that it has the force, if there be any force, of the Senate behind it.

I hope that the Senators who opposed the prior amendment because of the fear that they would not have borrowing authority, will vote for the pending amendment. The pending amendment provides the borrowing authority and provides that Federal funds cannot be spent until the GAO has furnished a report.

I do not think it would hurt to have the Senate express its opinion to the GAO that they get on with the project.

I intend to support the amendment of the Senator from Maine. I hope that a majority of the Senate will do likewise.

Mr. JORDAN of North Carolina. Mr. President, I agree with part of what the distinguished Senator from Maine had to say.

My chief objection to the amendment, which I will have to ask that the Senate reject, is that it would throw the bill into conference. That could take 2 or 3 weeks' time. Both the House and the Senate would have to pass the bill, and we would wind up with what we are afraid might happen with respect to the contracts.

I have to oppose the amendment.

Mrs. SMITH of Maine. Mr. President, I have great respect for the chairman of the Public Works Committee, the distinguished Senator from West Virginia, and for the able Senator from North Carolina who is handling the bill. I certainly appreciate the chairman's willingness to send a letter to the GAO requesting such information as I have been trying to obtain.

I can see no reason why we should not have such expressions made to the Senate and to the House of Representatives.

I ask the distinguished Senator from Arkansas what possible objection he could have to the report coming to the House of Representatives and to the Senate and have it considered by the Senate and the House rather than through a single committee.

Mr. FULBRIGHT. Mr. President, the question concerns whether the request by the chairman of the Public Works Committee is to make a report to the Senate?

Mrs. SMITH of Maine. What objection is there to asking for the report to be made to the Senate as a whole rather than to the committee alone?

Mr. FULBRIGHT. I have always regarded a committee of the Senate as an agent of the Senate, and a report to the committee is a report to the Senate. That is true in my own committee. The report that the chairman of the Committee on Public Works will receive, I am quite sure, will be available to the Senate.

As I said earlier, there is no objection to the GAO making this report. An amendment to the bill is not required to get that study. The chairman has already ordered it. The only effect of the Senator's amendment above the letter would be to cause a conference—I mean, the only objection is to cause us to have a conference with the House. That means getting together, as the Senator knows, with conferees, which sometimes can be done quickly, and sometimes it takes a long time to do. That would seem to me to be an unnecessary amount of effort and work.

I do not know why the Senator would not be satisfied with a report of Mr. Staats to the Committee on Public Works, which would be available to the entire Senate. That is not a private domain. It is a part of the Senate and is available to all Members of the Senate, as all records of my committee are available to the Senate, because the Committee on Foreign Relations is simply a creature of the Senate.

I do not see what purpose is served by putting it in the bill.

Mrs. SMITH of Maine. I would ask

the distinguished Senator from Arkansas, Is it not possible for the House to accept this without going to conference, and does he not think that, with 162 votes over there, there might be just as much interest in the House in such a report as there is in the Senate?

Mr. FULBRIGHT. I do not know. I cannot speak for the House.

The Senator, I believe, is a member of the Appropriations Committee. In any case, I am quite certain that the report asked for by the chairman of the Committee on Public Works will be available to the Appropriations Committee, if the Appropriations Committee itself does not ask for it. But I am quite sure it will be available. If it is not, I will guarantee that it is available. There will certainly be no question about it being available. If there is any question about that, if the Senator thinks there is any need for it, I am sure other Senators will back up Senator RANDOLPH's request for the report.

I do not think there is the slightest doubt that the Senator from Maine can get the report from the GAO. That is what they are there for.

I do not have objection to the substance of it. I do think that we have spent so much time on this, it is rather a shame to go into conference and then come back to the Senate and the House for further votes on a matter that I think can be handled by the letter from the distinguished Senator from West Virginia.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. Does the Senator from Maine yield back the remainder of her time?

Mrs. SMITH of Maine. Not at the moment.

Mr. JORDAN of North Carolina. I yield 3 minutes to the Senator from Illinois.

Mr. PERCY. I should like to indicate, Mr. President, why I hope this amendment will be defeated.

I have now served for 2½ years on this Board. I have not been privy to all the decisions that were made previously, but I have seen the decision process that the Board goes through now. I have spent a great many hours trying to raise private funds—and have been successful in that endeavor—because I think we have an obligation, as trustees, to work everlastingly to fulfill our matching pledge. But in any kind of enterprise such as this, whenever there is an atmosphere of uncertainty and confusion, it detracts from the capability to go ahead to obtain private donations. I cannot go to private donors and say to them, "Will you contribute?" If there is 60-day or a 90-day or whatever period of time delay on the project.

I do not see how the music director can commit artists; I do not see how they can plan their schedules; I do not see how they can conscientiously make any commitments; if there is an uncertainty about this project.

I would simply like to put this question to the Senator from Maine: Assuming that there may be certain end results that come from this study, what would the Senator from Maine then have us do, as Trustees, in the light of those findings? What, for example, if, at the end of the 60 days, GAO has determined that everything has been revealed and told, that the facts are exactly as reported to the respective committees of the House and the Senate. What if they certify the exactness of those facts and that the deficiencies or the overages occurred because of the reasons stated in these reports? What then would we have accomplished by this 60-day delay?

Mrs. SMITH of Maine. I would have no objection to their coming back and giving us the exact information that we have had, if it was more thoroughly explained. I am not satisfied that we have had a complete clarification of the expenditures and the decisions that have been made. I think the distinguished Senator from Illinois would have a far better chance of getting contributions, if he could give the straight picture to his contributors, than he has today, with the suspicion that surrounds it.

I am for cleaning it up. I am not for stopping the building. I have been for a cultural center long before the Senator came to Washington, and I shall continue to be; but I want to know where the money is coming from, where it is going, and how much more money they are going to ask for; and I would have them not come back again and again, asking for more money, unless we know ahead of time what it is going to be for.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. PERCY. May I have 2 minutes?

Mrs. SMITH of Maine. I am glad to yield the 2 minutes I took.

Mr. PERCY. Once again, I think we have tried, as clearly as we can, to state that this is the last time that the Senate will be approached for construction funds. In fact, if the directors of the administration said they wanted us to come back and ask for funds, I, for one, would refuse. I feel that my colleague on the other side of the aisle might also refuse to be associated with that request.

We know what the funds are for. We have a detailed itemization of every expense. Even if the GAO came back and said there were mistakes, if they came back and said there was negligence, if they came back with a reiteration of what should have been done, with 20/20 vision in hindsight, I again ask, what would be accomplished by such revelations, other than to admonish those who have made mistakes? We cannot go back and undo those mistakes. We can benefit in the future. The very report that is asked for in this amendment is being initiated now. It was asked for in September by the House. That report has been requested not only of the Justice Department to determine the fault for the delays but also of the GAO to determine the certification required for every expenditure that has taken place and every proposal and plan that has been laid out.

Thus, I cannot really see what we are accomplishing by this delay, other than adding to confusion and uncertainty. And whenever we have those, we have added unnecessary cost.

We would like to finish this building, get it done with, and to remove every excuse that might exist for not keeping the program right on schedule.

Mrs. SMITH of Maine. Mr. President, would not the distinguished Senator agree with me that we would have accomplished a great deal if the future expenditures could benefit by the past mistakes?

Mr. PERCY. If I may reply, I would like to think that we have benefited a great deal as a result of the interrogation of our defense expenditures. But I have not the slightest doubt that we are going to have revealed time and time and time again waste and extravagance and duplication and inefficiency in military expenditures. It is different people; it is different circumstances; it is different projects; it is different contracts.

I commend the Senator for having this debate. I think it has been exceedingly valuable. I think it is very good, indeed, to bring the facts forward so we can see why we need more money than we originally thought we would need 4 or 5 years ago. I do not think this is the kind of appropriation that should be put through without debate, and I think the distinguished Senator has added greatly. But, having made the point, let us get the facts on the table. I now would hate to see us take a step that would cost us a great deal of money and a great deal of confusion and create a great deal of uncertainty, in order to accomplish something that I do not think will yield anything more than the debate to date has yielded.

Mrs. SMITH of Maine. Mr. President, I ask the Senator from Illinois if I correctly understood him to say that he is committing himself not to come back to Congress for any further appropriations.

Mr. PERCY. I am, without any equivocation or any qualifications, committing myself, as a Trustee to resign before I would come back to Congress for funds for construction purposes to finish this building, I would be strongly disappointed in the officers and directors who have presented these representations to us if these representations prove incorrect. In their testimony before this committee, the cognizant chief executive officer of the Center and his directors certified that they will not come back for any further construction funds. I think that is all I could say on this matter.

Mrs. SMITH of Maine. Does the Senator say he would oppose such a request?

Mr. PERCY. Without any hesitation I would oppose any attempt by the head of the Center to come back to Congress for construction funds to finish the building in accordance with the present design.

Mrs. SMITH of Maine. It is clear that the Senator is speaking for one Trustee. I would ask if other Trustees in the Senate would want to say anything on this subject. I would like to ask the Senator from Arkansas if he has anything to say for the other Trustees.

Mr. FULBRIGHT. I do not think it is very appropriate for me to be making private deals with the Senator from Maine. I have already made my position clear. The President might take it into his head to freeze this matter next week and then it might be 5 years before it was resumed; and then what would be the situation?

Can the Senator assure us that this is to proceed as planned; or that there will be no escalation of war; or that we will not resume bombing next week; or that prices will not double next week?

I do not feel like making such commitments on the floor of the Senate because I do not know what will happen. All I do know is that this project has been managed with good sense. We used the GSA, which is the agency designated for the supervision of public buildings. I do not think there has been any malfeasance or any stealing of money as is alleged to have happened in connection with noncommissioned officers' clubs in Germany or around the world. There is no such allegation in connection with this project. There may have been some misjudgment because they could not foresee the inflation we are experiencing.

Mrs. SMITH of Maine. This is a public debate in which we are discussing public questions. It is not a private deal in any respect.

The PRESIDING OFFICER. Who yields time?

Mr. JORDAN of North Carolina. I yield back the remainder of my time.

Mrs. SMITH of Maine. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Maine. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Washington (Mr. JACKSON) and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Alabama (Mr. SPARKMAN) would each vote "nay."

I also announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senators from New York (Mr. JAVITS and Mr. GOODELL, the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Delaware (Mr. BOGGS), the Senator from Kentucky (Mr. COOPER), the Senator from Nebraska (Mr. CURTIS), and the Senator from North Dakota (Mr. YOUNG), are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), and the Senator from Kentucky (Mr. COOPER), would each vote "nay."

On this vote, the Senator from Iowa (Mr. MILLER) is paired with the Senator from Tennessee (Mr. BAKER). If present and voting, the Senator from Iowa would vote "yea," and the Senator from Tennessee would vote "nay."

On this vote, the Senator from Nebraska (Mr. CURTIS) is paired with the Senator from Delaware (Mr. BOGGS). If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Delaware would vote "nay."

On this vote, the Senator from Oregon (Mr. PACKWOOD) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from Oregon would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Ohio (Mr. SAXBE). If present and voting, the Senator from Texas would vote "yea," and the Senator from Ohio would vote "nay."

The result was announced—yeas 21, nays 47, as follows:

[No. 113 Leg.]

YEAS—21

Aiken
Allen
Allott
Bellmon
Bennett
Byrd, Va.
Byrd, W. Va.
Cotton
Dole
Dominick
Fannin
Goldwater
Hansen
Hatfield
Hruska
Jordan, Idaho
Mundt
Proxmire
Smith, Maine
Thurmond
Williams, Del.

NAYS—47

Bayh
Bible
Burdick
Case
Church
Cook
Cranston
Eagleton
Ellender
Fong
Fulbright
Griffin
Gurney
Hart
Holland
Hollings
Hughes
Inouye
Jordan, N.C.
Kennedy
Long
Mansfield
Mathias
McGee
McIntyre
Metcalf
Mondale
Muskie
Nelson
Pastore
Pell
Percy
Prouty
Randolph
Ribicoff
Schweiker
Scott
Smith, Ill.
Spong
Stennis
Stevens
Symington
Talmadge
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—32

Anderson
Baker
Boggs
Brooke
Cannon
Cooper
Curtis
Dodd
Eastland
Ervin
Goodell
Gore
Gravel
Harris
Hartke
Jackson
Javits
Magnuson
McCarthy
McClellan
McGovern
Miller
Montoya
Moss
Murphy
Packwood
Pearson
Russell
Saxbe
Sparkman
Tower
Young, N. Dak.

So the amendment of Mrs. SMITH of Maine was rejected.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 11249) was ordered to a third reading, and was read the third time.

Mr. DOMINICK. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the bill pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Washington (Mr. JACKSON), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I further announce that, if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), and the Senator from Alabama (Mr. SPARKMAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senators from New York (Mr. JAVITS and Mr. GOODELL), the Senator from Iowa (Mr. MILLER), the Senator from California (Mr. MURPHY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Delaware (Mr. Boggs), the Senator from Kentucky (Mr. Cooper), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Vermont (Mr. Prouty), and the Senator from North Dakota (Mr. Young) are detained on official business.

If present and voting, the Senator from Tennesseee (Mr. Baker), the Senator from Delaware (Mr. Boggs), the the Senator from Massachusetts (Mr. Brooke), the Senator from Kentucky (Mr. Cooper), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senators from New York (Mr. Javits and Mr. Goodell), the Senator from Iowa (Mr. Miller, the Senator from Oregon (Mr. Packwood), the Senator from Vermont (Mr. Prouty), the Senator from Ohio (Mr. Saxbe), and the Senator from Texas (Mr. Tower) will each vote "yea."

The result was announced—yeas 62, nays 3, as follows:

[No. 114 Leg.]

YEAS—62

Aiken
Allott
Bayh
Bennett
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cotton
Cranston
Dole
Dominick
Eagleton
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Hart
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McGee
McIntyre
Metcalf
Mondale
Mundt
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NAYS—3

Allen
Bellmon
Williams, Del.

NOT VOTING—35

Anderson
Baker
Boggs
Brooke
Cannon
Cooper
Curtis
Dodd
Eastland
Ellender
Ervin
Goldwater
Goodell
Gore
Gravel
Harris
Hartke
Jackson
Javits
Magnuson
McCarthy
McClellan
McGovern
Miller
Montoya
Moss
Murphy
Packwood
Pearson
Prouty
Russell
Saxbe
Sparkman
Tower
Young, N. Dak.

So the bill (H.R. 11249) was passed.

Mr. JORDAN of North Carolina. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the joint resolution (H.J. Res. 851) to request the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival."

CONVEYANCE TO THE CITY OF CHEYENNE, WYO., CERTAIN REAL PROPERTY OF THE UNITED STATES HERETOFORE DONATED TO THE UNITED STATES BY SUCH CITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 422, S. 1718. I do this so that it will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The Bill Clerk. A bill (S. 1718) to provide the conveyance to the City of Cheyenne, Wyo., of certain real property of the United States heretofore donated to the United States by such city.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations with amendments on page 1, line 5, after the word "Wyoming," insert "for park and recreation purposes"; and, on page 3, after line 7, insert a new section, as follows:

Sec. 3. The conveyance authorized by this Act shall contain the express provision that in the event the property conveyed ceases to be used for park and recreation purposes, all right, title, and interest therein shall immediately revert to the United States.

So as to make the bill read:

S. 1718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services shall, without monetary consideration therefor, convey to the city of Cheyenne, Wyoming, for park and recreation purposes, all right, title, and interest of the United States in and to the real property described in section 2 of this Act, comprising a portion of a tract of land containing approximately six hundred acres heretofore donated to the United States by such city as a site for a Veterans' Administration hospital, which portion has been declared excess to the needs of the Veterans' Administration.

Sec. 2. The real property referred to in the first section of this Act is more particularly described as follows:

PARCEL "D"

Beginning at point which bears north 00 degrees 36 minutes west, a distance of 40 feet;

thence north 89 degrees 36 minutes east, a distance of 2,099.37 feet from the southwest corner of section 28, township 14 north, range 66 west, sixth principal meridian, Laramie County, Wyoming. Said point of beginning lying on the small north right-of-way boundary of Pershing Boulevard;

thence north 00 degrees 27 minutes west, a distance of 1,486.25 feet to a point;

thence north 45 degrees 46 minutes west, a distance of 282.24 feet to a point;

thence north 45 degree 40 minutes 30 seconds west, a distance of 42.20 feet to a point;

thence north 89 degrees 31 minutes east, a distance of 930 feet to a point;

thence south 00 degrees 14 minutes east, a distance of 1,715.75 feet to a point lying on the north right-of-way boundary of Pershing Boulevard;

thence south 89 degrees 36 minutes west along the northern boundary of Pershing Boulevard, a distance of 692.75 feet to the point of beginning; said parcel lying within the south half of section 28 and containing 28.01 acres, more or less.

Sec. 3. The conveyance authorized by this Act shall contain the express provision that in the event the property conveyed ceases to be used for park and recreation purposes, all right, title, and interest therein shall immediately revert to the United States.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I rise for the purpose of inquiring of the distinguished majority leader what will be on the calendar following the consideration of the bill just laid before the Senate.

Mr. MANSFIELD. Mr. President, it is not at all certain that we will get to the consideration of S. 1718, but on the off chance that the objections raised by the distinguished Senator from Wisconsin (Mr. Proxmire) can be resolved between him and the Senator from Wyoming, it is hoped that we will be able to accommodate ourselves to the passage of that bill; and the same would apply to Calendar No. 339, H.R. 9946, in which the distinguished Senator from North Carolina (Mr. Jordan) has an interest.

It is the intention of the leadership—and this has been decided on by the joint leadership—that tomorrow we will proceed to the consideration of Calendar No. 346, S. 7, a bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Following the disposition of the water pollution control bill, it is the intention of the joint leadership to call up Calendar No. 424, H.R. 12829, an act to provide an extension of the interest equalization tax, and for other purposes.

That, I think, is enough for the time being. We will get to other matters, including hopefully the Eisenhower dollar proposal, the OEO authorization bill, and other proposals in the not too distant future.

Mr. SCOTT. I thank the majority leader. I have a special interest in the Eisenhower dollar, since it is my amendment, and I should like to have one of the first ones.

Mr. MANSFIELD. I, too, have an interest, may I say. I should like to see at least 40-percent silver used in the dollar, and I would hope my distinguished colleage, the minority leader, would see things in that light also, so that we might have a sound dollar.

Mr. SCOTT. May I say that the distinguished majority leader may yet find that the minority leader has a heart of gold, especially where silver is concerned.

CBW AND DISARMAMENT

Mr. PELL. Mr. President, I believe now is a propitious time for the United States to take a new initiative to establish an international agreement for the control of chemical and biological weapons programs.

On September 19, Soviet Foreign Minister Andrei Gromyko outlined the proposal of the Soviet Union to prohibit the development, production and stockpiling of chemical and biological weapons.

Five weeks ago the Senate, by a vote of 91 to 0 in favor of amendments offered by myself and others for control of the American chemical and biological warfare—CBW—program, indicated its strong dissatisfaction with the way in which the executive branch has operated the CBW program.

Across the country and around the world there has been a common feeling of revulsion when the public has been confronted by the news media with the realities of chemical and biological weapons.

While I would agree that it is unfortunate that the Russians did not address the question of inspection in their proposal, I do not think that omission is sufficient reason for the United States not to at least begin discussion with Russia as to alternative means by which chemical and biological disarmament can be accomplished.

The importance of the United States taking the initiative at this time is underlined by an editorial in the Saturday Review by the perceptive and articulate Mr. Norman Cousins, who played an important role in obtaining an agreement with Russia on nuclear testing. I ask unanimous consent to have Mr. Cousins' article printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Mr. President, Mr. Cousins describes the steps which usually lead to the point at which arms control agreements become impossible:

> First, the scientists declare a weapon is theoretically possible. Then there is alarm over reports that the Soviet Union is secretly planning to develop new weaponry.

And the Department of Defense declares that it cannot take the responsibility for the security for the United States "unless it is given complete authority to develop appropriate new counter weapons, whatever the costs, whatever the implications."

When an arms control agreement is proposed, "The statement is made that we must of course pursue the possibility of agreements but that such pursuit should not be allowed to interfere with the immediate and thoroughgoing development and manufacture of the new weapons. End of any possibility of arms control."

It is my sincere hope that the scenario of events following Russia's latest initiative will not fulfill the unfortunate sequence of events which Mr. Cousins believes is the usual pattern of American responses. However, the history of the United States' attitude toward chemical and biological weapons does not allow one much optimism.

Since 1899, when the United States failed to sign the Hague Declaration obliging countries to abstain from the use of asphyxiating or deleterious gases, the attitude of the United States toward chemical and biological weapons disarmament agreements has generally been to indicate support for the principles of disarmament while at the same time not becoming party to any effective specific agreements in this area.

At the Washington Conference on the Limitations of Armaments in 1922, the United States signed and ratified an agreement not to use asphyxiating, poisonous, or other gases in warfare. Unfortunately the treaty did not become effective because France did not ratify it.

In 1925, the United States signed the Geneva Protocol prohibiting the use in war of asphyxiating and poisonous gases and bacterial methods, but the Senate failed to ratify it.

Following World War II, the United States signed treaties with Italy, Bulgaria, Hungary, and Rumania in 1947, and with the Federal Republic of Germany in 1954, which contain restrictions on the development and storage of chemical and biological weapons. However, as of today the United States has agreements with numerous foreign countries including Germany and Italy for the exchange of data and information on chemical and biological weapons.

In 1962, the United States presented to the 18-Nation Committee on Disarmament at Geneva a proposal which called for the elimination of all stockpiles of chemical and biological weapons and for the cessation of production of all chemical and biological weapons of mass destruction, but to this date there has been no affirmative action on that proposal.

Last July, before the study established by President Nixon to form the basis for his position on CBW was completed, the Secretary of Defense, Melvin Laird, stated that the United States must maintain a chemical and biological weapons program in order to have a deterrent capability to respond in kind. The Secretary of Defense thus implied that the United States now not only considers chemical and biological weapons as tactical weapons but as strategic weapons, notwithstanding any Presidential review. I consider the Secretary of Defense's comments as an ominous symbol of the pattern of events Mr. Cousins believes we should avoid.

I would be less pessimistic about the future of the chemical and biological weapons disarmament effort if the United States would now take the initiative to establish an international agreement for the control of chemical and biological weapons programs encompassing the principles it has supported at Geneva in past years.

I would propose that the United States now demonstrate its willingness to limit the chemical and biological arms race by the announcement of a clear and unmistakable policy of restricting chemical and biological weapons stockpiles to present levels without further expansion. This action coupled with ratification of the 1925 Geneva Protocol, would serve as tangible evidence of our determination to push forward with the proposal put forth by the United States in 1962 at the 18-Nation Geneva Disarmament Conference. Moreover, I believe these actions would be an appropriate response to Mr. Gromyko's initiative.

The danger to the security and well-being of the people of the world is too great for the United States not to take immediate steps to restrict and control what Mr. Cousins describes as "Those Fiendish Vials."

EXHIBIT 1

[From the Saturday Review, Aug. 30, 1969]

THE FIENDISH VIALS

The Congress of the United States has been shocked by reports of shipments of poison gases, high-potency disease germs, and other chemical-biological weapons from one point to another within the United States, and has acted with indignation and unanimity to prevent further shipments within the country. Outside the country similar cries have gone up over the transport or storage of such weapons by the United States. It is possible that the Congress may feel that the concern of other nations in this matter warrants similar protective measures.

The Congress has identified the smallest part of the problem. The principal danger of these weapons is represented by their manufacture and possible use, and not by their deployment. The focus of Congressional attention should be on the existence of such devices and on what is required to abolish them altogether. For included in this arsenal and the arsenals of other nations, are aerosol sprays that cause the delicate nerve structure of the brain to deteriorate; a chemical substance so powerful that a speck of it no larger than a pencil point, when it touches human skin, can produce a massive heat attack; and viruses and disease germs so virulent that no known antibiotic or other therapeutic agent can prevent them from precipitating plagues over wide areas. It is the bulging and expanding existence of these horrors, rather than the possibility that an accident may cause some spillage, that should inflame the public sense of outrage.

Anyone who has read the recent U.N. report on chemical and bacteriological warfare knows that the fiendish vials that now abound in such large quantities throughout the world must not merely be kept free of the hazards of transportation, but must be eliminated altogether.

How does it happen that the American government is spending hundreds of millions of dollars each year on ways of creating and spreading incurable diseases? It has happened the same way thermonuclear weapons and ICBMs and now ABMs have "happened." First, the scientists declare a weapon is theoretically possible. Then there is alarm over reports that the Soviet Union is secretly planning to develop the new weaponry. We are told that the Department of Defense cannot take the responsibility for the security of the United States unless it is given complete authority to develop appropriate new counter-weapons, and then to pursue superiority, whatever the cost, whatever the implications.

What about the possibility of agreements with the Soviet Union aimed at bringing under control the more monstrous aspects of the world arms race? This race is being conducted in the name of national security, but is actually producing mutual insecurity, disfiguration of human values, and disruption or destruction of programs designed to enhance life and the conditions of life. What happens when such arms-control agreements are proposed has by now become something of a pattern. The statement is made that we must of course pursue the possibility of agreements but that such pursuit should not be allowed to interfere with the immediate and thoroughgoing development and manufacture of the new weapons. End of any responsibility of arms control.

This is not a uniquely American situation. In 1963, I had an opportunity to see the same scientific-military reflexes at work in the Soviet Union. President John F. Kennedy had asked me to undertake informal and unofficial talks with Soviet Chairman Nikita S. Khrushchev in an attempt to unsnarl the negotiations for a limited ban on nuclear testing. During the discussions, Mr. Khrushchev said he had been under mounting pressure from his scientists and generals to proceed with a full nuclear weapons program, for which unrestricted testing was mandatory. He said these scientists and generals claimed to have secret information that the United

States had ways of circumventing any agreement, and that the proposed test-ban treaty was only a ploy to open up the Soviet Union to expanded American espionage. He said that if he had to depend on his military people for reducing tensions between the United States and the Soviet Union, he would have only torches and thorns to work with.

The limited nuclear test ban is regarded by many contemporary historians as the most significant achievement in an otherwise almost unbroken series of escalating moves in the world arms race. Let it be noted that this particular treaty was passed by the U.S. Senate over the opposition of most of our military leaders.

And now the same men who did their best to maintain unlimited nuclear testing are using the same arguments for unlimited development of bacteriological, chemical, and radiological weapons; and anti-ballistic missiles; and multiple independently targeted re-entry vehicles. It is not unnatural for them to apply such pressure, for, in a very real sense, this part of their job. But it is both unnatural and hazardous for the American people to be acquiescent or uncritical witnesses to this process. It is their clear historical right not to let their government get away from them.

The notion that peace is possible in an open-ended arms race has no basis in human experience. To this may be added a profound observation by Richard M. Nixon before he became President: he said the best time to bring weapons under control is before, not after, they get into the stage of manufacture and stockpiling.

By now, the complexities of the world arms race have reached a point where even the most painstaking, persistent, and genuine efforts may not yield dramatic or immediate results. But it would clear the air if the United States announced to the world that we would rather die ourselves than to loose chemical and bacteriological horrors on mankind—and that, accordingly, we were taking a first step in what we hoped would be a program to eliminate these weapons altogether. We would specify the nature and quantity of weapons to be destroyed in the first phase, and invite U.N. Secretary General U Thant to appoint personnel to observe and report. We would announce that, if other nations carried out similar phased reductions under U.N. certification, we would be prepared to continue this reciprocal process until the world's arsenals were fully purged. Most important, we could say we were prepared to extend this process to the reduction and elimination of nuclear weapons, so long as others will proceed with us.

At the same time, we could move mightily in the direction of strengthening the U.N. itself, broadening its authority in order to enable it to deal with world tensions and conflicts on a statutory rather than makeshift basis. For it will not be enough to bring the world arms race under control. Nations themselves must be brought under responsible control. The advocacy of such an approach to peace is where security begins.

THE NOMINATION OF JUDGE HAYNSWORTH TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. HRUSKA. Mr. President, earlier today the Junior Senator from Kentucky (Mr. COOK) and I sent a letter and memorandum to each Senator dealing with the role of Judge Haynsworth in labor decisions during his tenure as a member of the Fourth Circuit Court of Appeals.

As members of the Judiciary Committee, the Senator from Kentucky and I felt it was desirable to make a broad dissemination of our analysis of the claims made by those who oppose the nomination of Judge Haynsworth to the Supreme Court. We also intend at a later time to discuss his civil rights decisions and the charges of improper conduct which have been made against him.

Mr. President, the political philosophy of a nominee to the Supreme Court is not a proper subject for examination by the U.S. Senate. The President of the United States, acting under the Constitution which gives him the power of appointment, makes the nomination. The Senate then reviews that nominee and his qualifications to determine whether he possesses the qualities of experience, judicial temperament, competence, and integrity which would qualify him for the post.

The Senate also in discharging its duty under advice and consent should determine whether he may have such a bias or such a prejudice against a particular litigant that such litigant may not receive a fair hearing in any litigation which arises before the Supreme Court at a time when the nominee would be sitting there. But for the U.S. Senate to get into the question of the philosophy or politics would be an invasion of the President's power of appointment.

When the Committee on the Judiciary and later the Senate consider the duty advising and consenting to the nomination of the Honorable Arthur Goldberg and later advising and consenting to the nomination of Justice Thurgood Marshall, the rule I just stated was followed. Certainly this Senator did not go into the matter of bias or the philosophy or the prejudices, which either of those nominees might possess.

All of us know of the tremendously broad practice which the Honorable Arthur Goldberg had in the field of labor law. All of us know the great extent to which Justice Marshall participated in the field of civil rights as a private lawyer and as a counsel for various civil rights groups. Yet, this Senator well recalls the question that was put to then Solicitor General Marshall during the hearings before the Committee on the Judiciary. He was asked whether notwithstanding his experience in this particular field of litigation, he could give anyone appearing from any section of the country a fair hearing in matters arising in that field.

His answer was in the affirmative. And that is the ultimate answer that the Senate must ask for in the pending case.

A review of the cases in which Judge Haynsworth participated during his tenure on the Circuit Court of Appeals of the Fourth Circuit clearly establishes that there is no such bias which would affect Judge Haynsworth's ability as a member of the United States Supreme Court. There would be no such bias as to prevent fair hearings and decisions in any cases which may come before the court in the future. A review of these cases establishes that each decision in which he participated is buttressed by case law and logic. Regardless of the resulting subsequent appeals, each decision is intellectually honest.

Perhaps the most important case in this regard, in which Judge Haynsworth participated, takes issue with the decision in the Geizelle Packing Co. case, which involved the use of an authorization card count to establish a union as a bargaining agent. In reversing that case, the Supreme Court stated:

> Despite our reversal of the Fourth Circuit below, the actual area of disagreement between our position here and that of the Fourth Circuit is not large, as a practical matter.

The case of Enterprise Wheel & Car Corp. saw the Supreme Court announce new rules regarding judicial review of arbitration cases. At the same time the Supreme Court reversed the fourth circuit, it reversed the sixth and the fifth circuits on the same point. The seventh and the 10th circuits had decided similar cases and were relied upon by the fourth circuit in the latter's decision in the matter. In the face of these concurring views in different circuits, it is impossible to find that Judge Haynsworth was wrong or that he was "antiunion."

I will not undertake to review all the cases discussed in our memorandum. The point is this: Judge Haynsworth participated in many labor decisions. He sometimes decided in favor of unions; he sometimes decided against them. In each case, when the merits are examined, it is clear that the decision was based upon a sound review of the law and the fair application of the law to the facts of the case.

Mr. President, the American Bar Association Committee on the Federal Judiciary is certainly considered a reliable source for analysis of a judge's record and experience in this connection. Currently, and during the evaluation of Judge Haynsworth's career as a member of the fourth circuit, that Committee on the Federal Judiciary is headed and chaired by Judge Walsh, at one time Deputy Attorney General of the United States, at one time a judge of the Federal court, and certainly one of the distinguished and eminent members of the American bar today. I quote from his testimony as follows:

> All of the persons interviewed regarding Judge Haynsworth expressed confidence in his integrity, his intellectual honesty, his judicial temperament, and his professional ability. A few regretted the appointment because of the differences with Judge Haynsworth's ideological point of view, preferring someone less conservative. None of these gentlemen, however, expressed any doubts as to Judge Haynsworth's intellectual integrity or his capability as a jurist.
>
> A survey of Judge Haynsworth's opinions confirmed the views expressed by those interviewed as to the professional quality of his work.

Mr. President, I ask unanimous consent that the letter of transmittal, from the Senator from Kentucky and myself to all Senators, as well as a brief extract from the memorandum be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., October 6, 1969.

Hon. ——— ———,
United States Senate,
Washington, D.C.

DEAR SENATOR: Some confusion has obviously arisen over the record of Judge Clement F. Haynsworth, Jr., the President's Supreme Court nominee, during his tenure of service on the U.S. Court of Appeals for the Fourth Circuit.

In the spirit of fairness, we ask that you read the entire record, both pro and con, before making your decision.

We are glad this nomination has received the scrutiny that has been given it. Justices of the Supreme Court from this day forward must be able to stand the test of complete and honest disclosure before Senate confirmation can be anticipated. Judge Haynsworth's record will stand this test.

As members of the Judiciary Committee, we have had the opportunity to attend the hearings and study the record. As fair-minded Americans, we regret the proliferation of insinuations about Judge Haynsworth which we feel are based either upon misinformation or little knowledge of the facts. The decision which the Constitution calls upon the Senate to make must be made fairly. We are enclosing an appraisal of the Judge's entire record in labor cases so that you will be correctly apprised of his position in this area. We will subsequently be forwarding to you objective appraisals of his civil rights decisions and a complete rebuttal of the conflict of interest charges which have been leveled against him.

With best wishes,
Sincerely yours,
ROMAN L. HRUSKA,
MARLOW W. COOK,
U.S. Senators.

SUMMARY: JUDGE HAYNSWORTH'S LABOR RECORD—A REBUTTAL TO THE AFL–CIO APPRAISAL

I. *The Ten Supreme Court Reversals:* No objective evaluation can conclude that Judge Haynsworth is "anti-labor" as compared with the Supreme Court. Three of the cases involved changes of Congressional and/or Supreme Court policy *subsequent* to the Fourth Circuit's opinion. Two further cases were not "labor-management" cases. In one of the cases the Supreme Court explicitly stated that its disagreement with the Fourth Circuit was "not large as a practical matter." In *none* of the reversals did the Supreme Court purport to reverse an "anti-labor" decision.

II. *The Divided Fourth Circuit Cases:* The AFL–CIO fails to mention one decision in which Judge Haynsworth dissented *in favor of the union*. The AFL–CIO *labels* as "anti-labor" three cases in which the Fourth Circuit substantially *enforced* NLRB orders in favor of the Union, and four additional cases which are neutral decisions of procedure and evidence issues.

III & IV. *Judge Haynsworth's Undisclosed Pro-Labor Record:* The AFL–CIO completely fails to examine a large body of pro-labor cases in which Judge Haynsworth participated. These include at least *eight* (8) pro-labor opinions *written* by Judge Haynsworth, and an *additional thirty-seven* (37) pro-labor opinions in which Judge Haynsworth *concurred* but did not write an opinion.

V. *The Fourth Circuit's Labor Record:* The suggestion that the Fourth Circuit, and Judge Haynsworth in particular, has consistently opposed the NLRB's efforts to secure worker's rights is demonstrably false.

The Fourth Circuit completely or substantially *enforced* 93% of the NLRB petitions before it in 1968–69, as compared with only 81% for all circuit courts during 1963–68.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COAL MINE HEALTH AND SAFETY ACT OF 1969—AUTHORIZATION FOR PRINTING OF BILL

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent that S. 2917, the Coal Mine Health and Safety Act of 1969, be printed as it was passed by the Senate on Thursday, October 2, 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Tuesday October 7, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate October 6, 1969:

WORLD HEALTH ORGANIZATION

Dr. S. Paul Ehrlich, Jr., of Virginia, to be representative of the United States of America on the Executive Board of the World Health Organization.

U.S. DISTRICT JUDGE

David L. Middlebrooks, Jr., of Florida to be U.S. district judge for the northern district of Florida vice George Harrold Carswell, elevated.

CONFIRMATIONS

Executive nominations received by the Senate October 6, 1969:

U.S. MARSHAL

Ollie L. Canion, of Louisiana, to be U.S. marshal for the eastern district of Louisiana for the term of 4 years.

NATIONAL TRANSPORTATION SAFETY BOARD

Isabel A. Burgess, of Arizona, to be a member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1969.

HOUSE OF REPRESENTATIVES—*Monday, October 6, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God loveth righteousness and justice; the earth is full of the goodness of the Lord.—Psalm 33: 5.

O Spirit of the living God, who governs the world with righteousness and whose judgments are true and righteous altogether, grant that these representatives of our people may be of one mind and of one heart as they seek to provide justice, to produce good will, to protect freedom, and to promote the welfare of all the citizens of our beloved land.

Endue them with Thy spirit that with clear understanding, clean motives, and creative principles they may rise above all self-seeking and through self-discipline be primarily concerned about the good of our country and the brotherhood of man.

Bless all the courts of justice in our Nation and particularly our Supreme Court opening on this day. Grant unto all Justices the spirit of wisdom that they may decide wisely and uphold the law as it is without fear or favor.

May the Lord give strength to His people and bless them with peace of mind, purity of heart, and power of spirit to work together for the good of all men.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, October 3, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 851. Joint resolution requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival."

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested bills of the House of the following titles:

H.R. 9825. An act to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes;

H.R. 11039. An act to amend further the Peace Corps Act (75 Stat. 612), as amended; and

H.R. 12982. An act to provide additional revenue for the District of Columbia, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 9825) entitled "An act to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McGee, Mr. Yarborough, Mr. Randolph, Mr. Hartke, Mr. Fong, Mr. Boggs, and Mr. Fannin to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11039) entitled "An act to amend further the Peace Corps Act (75 Stat. 612), as amended," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Fulbright, Mr. Sparkman, Mr. Gore, Mr. Aiken, and Mr. Mundt to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12982) entitled "An act to provide additional revenue for the District of Columbia, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Tydings, Mr. Bible, Mr. Spong, Mr. Eagleton, Mr. Prouty, Mr. Goodell, and Mr. Mathias to be the conferees on the part of the Senate.

The message also announced that the Vice President, pursuant to Public Law 84-689, appointed Mr. Percy to attend the North Atlantic Treaty Organization Parliamentary Conference to be held in Brussels, Belgium, October 16 to 21, 1969.

The Vice President also appointed Mr. Kennedy and Mr. Young of Ohio, vice Mr. Byrd of West Virginia and Mr. McIntyre, to attend the above Conference.

JUDGE HAYNSWORTH IS TAINTED: HIS NOMINATION SHOULD BE WITHDRAWN

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, respect for the judicial system of our country has recently suffered a major setback. Not long ago, we saw one member of our highest Court resign as the result of public outrage at the conduct of his financial affairs. His conduct at best showed a serious lack of judgment with respect to his handling of those fiscal affairs. Similar accusations have been made with respect to the pending nomination of Judge Clement F. Haynsworth. He, too, must be held to the same high standards.

While I disagree with the social philosophy of Judge Clement F. Haynsworth, I would not object to his nomination to the Supreme Court on that basis because I believe that the President has a right to place upon that bench men who reflect his philosophy. A conservative President will appoint men like Judge Haynsworth. But these appointees must not be tainted.

Those who sit upon the Supreme Court above all must be universally respected. Their judgments are normally enforced not by bayonets but by public opinion acknowledging that a rule of law requires an acceptance by the country as a whole of their decisions. That universal acceptance is always conditioned upon respect for the men wearing the robes of judicial office. It is clear that Judge Clement F. Haynsworth does not have such acceptance and I therefore urge the President to recall his nomination.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO SIT DURING GENERAL DEBATE TODAY

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MEMORIAL BREAKFAST COMMEMORATING THE LATE HONORABLE WENDELL WILLKIE

(Mr. BRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRAY. Mr. Speaker, I am pleased to bring to the attention of my colleagues a memorial breakfast which is being held this week to commemorate the death of a great American and former presidential candidate of the Republican Party, Wendell Willkie, whose son and widow live in my congressional district.

I believe each of you received a notice of this breakfast last week, but I have been asked to extend the invitation on the floor. This is a bipartisan effort sponsored by the distinguished Senator from Pennsylvania, Senator Scott, and the distinguished Senator from Alabama, Senator Sparkman. It will be held in room S207 of the Capitol at 8:30 a.m. on Wednesday morning, October 8, and those wishing to attend should contact the office of Senator Scott.

THERE OUGHT TO BE A LAW

(Mr. WATSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATSON. Mr. Speaker, often we have heard the statement by our constituents, "There ought to be a law."

So we conducted a personal contest entitled "There Ought To Be a Law."

I believe it is interesting to note that there were more than 4,500 entries, which speaks well for the general interest of the people of our congressional district in the issues and problems confronting us on a national level.

Of those 4,500 entries some 70 percent had a thrust which dealt with the matter of law and order and particularly what we might do to strengthen the courts of our federal system.

Mr. G. Delbert Pryor, of West Columbia, S.C., was the winner of the contest. He is here in the Nation's Capital. His entry, the winning entry, dealt with the method of making Supreme Court and circuit court appointments.

Today I am introducing a bill embracing the provisions of his suggestion which would require that any man appointed to the U.S. Supreme Court must have had at least 5 years of judicial service either on the Federal bench or in the highest judicial court of the State. Also, a 3-year previous judicial experience requirement on a trial court would be required before appointment to the Federal circuit court.

I commend this winner, and commend all of the entrants for their interest in Government.

EMERGENCY STUDENT LOAN BILL

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, we are now entering the fourth week since the emergency student loan bill passed this body. The bill is still tied up in conference. We have met only three times.

This bill was passed under the illusionary promise of quick enactment. How many thousands of students are threatened with uncertainty by this irresponsible action.

What price have the innocent students paid so far as "pawns" because of the arbitrary actions of the chairman of the Education and Labor Committee in delaying this bill and refusing to allow the House to work its will. Normal procedure would have allowed this bill to become law months ago and make funds available to the students for educational purposes.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SCHERLE. I yield to the distinguished gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Speaker, I well recall that on August 12, just before the summer recess of Congress, the sponsors of this legislation were bleeding at every valve, trying to make the gentleman from Iowa, presently in the well of the House, responsible for the delay in the enactment of student loan legislation. The gentleman from Iowa (Mr. Scherle) is before the House again today, pointing out that 4 weeks have elapsed since the Congress reconvened after the summer recess and approved the bill, but there is still no final action taken in this matter. I wonder who is now responsible among the bleeding hearts for the failure to get this legislation enacted.

It is not the gentleman from Iowa.

Mr. SCHERLE. I thank the gentleman from Iowa for his statement.

Mr. Speaker, it is still my fervent hope that we will get something done quickly for the students of this country so that they can attend the college of their choice and obtain an education with much more certainty.

Mr. Speaker, I yield back the balance of my time.

GETTING OUT OF THE COMBAT JOB IN VIETNAM

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, the headline story in today's Washington Post concerns an interview with Vice President Ky of South Vietnam. Vice President Ky is quoted as saying that he feels the United States can conclude combat operations in Vietnam by the end of next year and that the South Vietnamese can and should take over the combat responsibilities in that country.

I would think that Vice President Ky, who is a military man, ought to know about as well as anyone what the potential would be of the South Vietnamese military to assume the full combat responsibility of the war.

The fact that he has offered to do this and is suggesting that it ought to be done I think indicates that if we have an ounce of sense in this Congress, we will take him up on this offer and get out of the combat business in Vietnam by the end of next year.

This is the longest war in our history, an undeclared war, which has cost us some 40,000 lives and an expenditure of $110 billion. Surely the time has come to end this tragic war.

With a statement of this kind coming from the leadership of Vietnam that they are prepared to take on the combat burden next year, let us take them up on this offer. I hope that the President and we in the Congress will do so, because Vice President Ky is correct in his statement, and we ought to conclude American combat operations there no later than the end of next year.

STUDENT LOAN GUARANTEE PROGRAM

(Mr. PERKINS asked and was given permission to address the House for 1 minute.)

Mr. PERKINS. Mr. Speaker, in view of the statement made by the distinguished gentleman from Iowa (Mr. SCHERLE), I do not want anyone to feel that there has been any dereliction of duty on the part of the House conferees in their efforts to bring the student guarteed loan program bill out of conference. The gentleman never did tell the Chamber who he felt was at fault, but, through innuendo, perhaps, inferred that the chairman of the committee was not pursuing the conference with as much diligence as he possibly could. I do want to tell the Members of the House that we will go in for our fourth session this Wednesday. I regret that we have not already brought back a conference report, but we have scheduled conference meetings together at times when conferees could meet. I have done everything in my power to expedite the conference. I am at a loss to know how to assure the Congressman from Iowa that we are diligently pressing for a conference report but as yet are in disagreement.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Ohio.

Mr. AYRES. Mr. Speaker, I would like to concur in what the gentleman from Kentucky, the chairman of the Education and Labor Committee, has said. I know that both the chairman of the committee and myself as well as most of the members on the committee of conference have attempted to get the conference off dead center and I am hopeful that we shall be able to do so.

Mr. PERKINS. I thank the gentleman and concur in what the gentleman has said. In further response to the gentleman from Iowa, in order to have brought back a conference report at this time the gentleman from Iowa would have had to capitulate to the Senate, himself.

PERSONAL ANNOUNCEMENT

(Mr. PREYER of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. PREYER of North Carolina. Mr. Speaker, I was absent on the final vote on the defense procurement bill. I make this statement so the record will show that had I been present, I would have voted against the motion to recommit and in favor of the final passage.

VIETNAM

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, October 15 appears to be a significant date.

In Washington, D.C., it is fixed as the date of a contrived mobilization to divide our people and encourage our enemies. In Red China, October 15 is reported to be a deadline for a mobilization to unite their people against a potential enemy.

Some apparently desire no solution in Vietnam—military or diplomatic. These same confused zealots feel that even the remotest possibility of a negotiated peace must be blocked; that the United States must be forced, under the appearance of massive public pressure, to withdraw from Vietnam, creating an illusion of public approval of national defeat for the first time in the history of our Republic.

The desperate mobilization for the October 15 moratorium emphasizes a growing hysteria to accomplish these immoral objectives. One might wonder if the United States is so close to a peace settlement that it imperils the pursuits of those who cry "peace" but work for a prolonged war.

This is not a time for provoking disunity and chancing encouragement of a reckless enemy to persist in interminable hostilities and unnecessary death. This is a time to unite in support of the President—elected by our people, entrusted with leadership and charged with the responsibility of achieving peace.

STUDENT LOAN BILL

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, the gentleman from Kentucky (Mr. PERKINS) complained that the gentleman from Iowa (Mr. SCHERLE) failed to explain why the student loan bill has not been enacted.

It makes no difference how thick or thin the gentleman from Kentucky slices it, the bill has been in conference for 4 weeks, this bill on which he apparently had a near heart attack on August 12, blaming Members for allegedly stalling the bill.

The gentleman from Kentucky knows that it is in conference for he is a member of the conference and that fact needs no further explanation.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. PERKINS. Is the gentleman inferring that the House conferees capitulate and buy the Senate proposals all the way? Is that what you are advocating? And the Members of the House should agree?

Mr. GROSS. No. I am just saying to you that you were bleeding at every pore——

Mr. PERKINS. Well, I am still bleeding.

Mr. GROSS. On August 12, and blaming everybody you could for failure to pass the bill, and yet you have been in conference on this matter for 4 long weeks.

Mr. PERKINS. Let me say to my distinguished colleague, I feel the same way today that I felt on August 12. I felt confident that we would bring the conference report in earlier, we have tried and failed, and further, the gentlewoman from Oregon (Mrs. GREEN), the sponsor of the bill, has been ill for a few days and we have had some problems getting the conferees together, very much to my regret. I, myself, have been available every day.

Mr. GROSS. To use a common expression, for 4 weeks "the monkey has been on your back," not on the backs of the rest of the Members of the House.

Mr. PERKINS. The monkey will soon be gotten off my back, if it is there, and we will get this bill enacted. I regret that we have not brought the bill back before this time, but it has been impossible. It has not been the fault of the chairman of the committee, as I believe the gentleman from Iowa knows.

THE HOUSE VOTE ON THE MILITARY PROCUREMENT AUTHORIZATION BILL

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, last Wednesday, Thursday, and Friday the House of Representatives considered the military procurement authorization bill. It was a heated but, I believe, constructive action by the House during that 3-day time period. During the consideration of that legislation in the Committee of the Whole, by a vote of 219 to 105 President Nixon's Safeguard ABM System was approved with the rejection of the amendment that would have deleted the procurement funds from the President's request.

Subsequently, on Friday, on a rollcall vote, by a vote of 270 to 93, the House of Representatives rejected the removal of any authorization for the anti-ballistic-missile system recommended by the President. In the one case by a vote of 2 to 1 the House approved the President's recommendation; in the second, by a vote of almost 3 to 1 the House told the administration to proceed with an antiballistic-missile system.

These were significant victories, not for a Republican President or a Democrat-dominated House of Representatives; these were significant victories for the American people, and should be a warning to any enemy that the House of Representatives is ready, willing, and able to stand fast with the President for negotiations from strength in our dealings with the Soviet Union in any disarmament talks.

But may I raise another point: For 9 weeks the press swamped the public and the Congress with how close the vote was going to be in the other body on this particular issue, and then when the final vote came, by the margin of 51 to 50 in favor of the President's Safeguard program, some elements of the press wrote as though that victory was a defeat. I never quite understood how winning a legislative vote could be a loss, but some in the press so interpreted it.

Now I find the following. After the overwhelming victory in the House of Representatives, which was not a Democratic or a Republican victory, I had to dig through the news stories, to look with great scrutiny to find any word whatsoever that this 2-to-1 margin in the one case and nearly 3-to-1 in the other was a victory for strength for America. I do not understand this double standard in news reporting.

ATOMIC EXPLOSION ON AMCHITKA ISLAND

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLIFIELD. Mr. Speaker, I wish to make an announcement. Before I make the announcement, I want to say that if I had been here last week, I would have voted against the motion to recommit on the military construction bill and I would have voted for passage of the bill.

The purpose of my rising at this time is to inform the House that last week I attended the test on Amchitka Island of an atomic device which had been programed for the past 3 years.

I am pleased to report to the Members of the House that the event did not cause any ecological damage, that there was no venting of radiation from the event which took place 4,000 feet deep in the ground, and there was no tidal wave that would inundate Alaska, Hawaii, or California, or the west coast.

I was very happy about that, because there had been these dire predictions from the panic prophets and the alarmists who knew nothing about the scientific precautions that were taken. It was a great comfort to me to know that none of their dire predictions were fulfilled.

Mr. UTT. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from California (Mr. UTT).

Mr. UTT. Mr. Speaker, I want to ask the gentleman from California whether or not the Atomic Energy Commission had anything to do with the earthquake in Santa Rosa 24 hours ahead of the explosion.

Mr. HOLIFIELD. I doubt if the explosion which occurred later had anything to do with that, but maybe the shock of apprehension and fear and concern expressed by a few misinformed Members had something to do with it.

PRESS TREATMENT OF HAYNSWORTH CASE

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I thought I would take a minute myself to speak today about press treatment, since the minority leader was complaining about the press and its treatment of the vote on the ABM. I have been a little bit concerned about the press treatment of the Haynsworth case. When the Fortas case was up, there were giant front-page headlines every day about what a bad man Mr. Fortas was.

The only thing I can see different between the two cases is that Mr. Fortas gave the money back, and Mr. Haynsworth kept it, all $400,000 worth of it.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

CHANGING NAME OF PLEASANT VALLEY CANAL, CALIF., TO "COALINGA CANAL"

The Clerk called the joint resolution (H.J. Res. 224) to change the name of Pleasant Valley Canal, Calif., to "Coalinga Canal."

There being no objection, the Clerk read the joint resolution, as follows:

H.J. RES. 224

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the name of Pleasant Valley Canal, California, be changed to "Coalinga Canal". Any law, regulation, document, or record of the United States in which such canal is designated or referred to shall be held to refer to such canal as "Coalinga Canal".

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, House Joint Resolution 224 will change the name of the Pleasant Valley Canal, a feature of the authorized Central Valley reclamation project to Coalinga Canal, after the city of Coalinga, Calif.

Normally, features of Federal water resource projects are selected by administrative act, and may be changed the same way unless the name has been given legal status by being specifically cited in authorizing legislation. This is the case with respect to the Pleasant Valley Canal, it having been set forth by name in the act of June 3, 1960, 74 Stat. 156.

The city of Coalinga, Calif., has had one of the most serious municipal water problems of any community in the United States. For a number of years it was necessary to import culinary water in railroad tank cars at an exorbitant cost. More recently, desalting techniques have been utilized for the production of some domestic water for human consumption. When the Pleasant Valley—Coalinga—Canal is completed, the city will have a long-term supply of high quality water at reasonable cost for the first time in its civic existence. The local people look upon this event as being most significant and support the name change to commemorate the occasion.

Because of this and following the recommendation of the administration, the joint resolution has been favorably recommended by unanimous action of the Committee on Interior and Insular Affairs. There is no cost to the Federal Government involved in the enactment of House Joint Resolution 224, and I am pleased to urge its passage at this time.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTERNATIONAL CLAIMS SETTLEMENT ACT AMENDMENT

The Clerk called the bill (H.R. 11711) to amend section 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to interrogate one of the handlers of the bill, perhaps the gentleman from California.

Mr. Speaker, this is a very important bill. I am greatly in favor of the extension of the time for this Commission, but I would like to have some questions answered for the RECORD by reason of the fact that the report indicates there have been $3.3 billion worth of claims of American nationals filed against Cuba.

The first question is: Has Cuba paid anything to anybody on these claims?

Mr. MAILLIARD. Mr. Speaker, if the gentleman will yield, the answer to the first question is no. These claims have been adjudicated while the information is available with the hope that some day there may be some resources from which they can be paid.

Mr. JOHNSON of Pennsylvania. Another question, Mr. Speaker: Are there any credits in the United States owned by the Government of Cuba that, once these claims have been adjudicated, we can use an offset whereby the claims of the United States can be applied against assets that have been seized by Cuba?

Mr. MAILLIARD. Mr. Speaker, if the

gentleman will yield, I am not sure I know the precise answer to that question. I think there are no assets presently available to pay these claims. It would be hoped at some future date there would be compensation from which they could be paid. If there are any assets, they would be pretty meager at this point.

Mr. JOHNSON of Pennsylvania. Another question, Mr. Speaker: Does the gentleman know whether Cuba is making any gestures or any attempts, or taking any steps toward paying American nationals for property seized in Cuba at this time?

Mr. MAILLIARD. If the gentleman will yield, not that the committee has any knowledge of.

Mr. JOHNSON of Pennsylvania. Another question, Mr. Speaker: Does the gentleman know whether this Government has any plans, once the Commission has established the amount of claims of American nationals against Cuba, for payment? Does this Nation, the committee, or the Commission have any idea how we can receive payment from Cuba for the assets that have been expropriated?

Mr. MAILLIARD. If the gentleman will yield further, once again I know of no way under present conditions, but one would hope in the future conditions might be such that we could collect.

Mr. JOHNSON of Pennsylvania. Another question, Mr. Speaker: Will there be any attempt to have the taxpayers of the United States reimburse American nationals for this loss?

Mr. MAILLIARD. There was no testimony before the committee which recommended any such course.

Mr. JOHNSON of Pennsylvania. Another question, Mr. Speaker: In view of the gravity of the situation and the unconscionable way in which these assets have been expropriated by Cuba, will November 1, 1972, be long enough? Should not they have asked for a longer period of time?

Mr. MAILLIARD. If the gentleman will yield, the Commission felt they probably could adjudicate these claims by then. Of course, that does not mean they have to be paid by that date. It simply means the Commission will have heard testimony to establish what the claims in fact ought to be.

Mr. JOHNSON of Pennsylvania. One final question, Mr. Speaker: Once they have arrived at the total amount of the claims, the value of the expropriated property, will a bill be presented to the Cuban Government? Is that the next step, after the job of the Commission is completed?

Mr. MAILLIARD. If the gentleman will yield, I would think that submitting such a bill to the present Government of Cuba would be a futile gesture.

Mr. JOHNSON of Pennsylvania. Then, Mr. Speaker, actually, I suppose, adjudicating the claims is a futile gesture at this point; is it not?

Mr. MAILLIARD. If the gentleman will yield; "at this point," yes. On the other hand, if one waits to adjudicate these claims, as we have discovered in other similar situations, it is very difficult to get the facts to find out what the claims are. What we are doing is adjudicating them in the hope and the belief, so far as this Member is concerned, that our relations will become more normal in the future, and we would expect they would desire to pay compensation to those from whom property was taken.

Mr. JOHNSON of Pennsylvania. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 11711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 of the International Claims Settlement Act of 1949 (22 U.S.C. 16431) is amended to read as follows:

"SEC. 510. The Commission shall complete its affairs in connection with the settlement of claims pursuant to this title not later than July 6, 1972."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELIMINATION OF CONSTRUCTION DETAILS ON PASSENGER VESSELS

The Clerk called the bill (H.R. 210) to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards.

There being no objection, the Clerk read the bill as follows:

H.R. 210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 4400 of the Revised Statutes, as amended (46 U.S.C. 362), is hereby further amended by adding at the end thereof the following sentence:

Provided, however, That the provisions of this subsection shall not apply to voyages by vessels meeting the safety standards prescribed in subsection (c) in this section."

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following:

"That section 4400 of the Revised Statutes, as amended (46 U.S.C. 362) is amended—

"(1) by inserting at the end of subsection (b) thereof the following new sentence: 'The provisions of this subsection shall not apply to voyages by vessels meeting the safety standards prescribed in subsection (c) of this section.', and

"(2) by adding at the end thereof the following new subsection:

" '(d) All promotional literature or advertising in or over any medium communication within the United States offering passage or soliciting passengers for ocean voyages anywhere in the world shall specify the registry of any vessel named in such promotional literature or advertising.' "

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, and for other purposes."

A motion to reconsider was laid on the table.

AMENDING SECTION 613 OF THE MERCHANT MARINE ACT, 1936

The Clerk called the bill (H.R. 12605) to amend section 613 of the Merchant Marine Act, 1936, as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone if this bill does in fact permit subsidized passenger vessels to engage in coastwise or intercoastal trade without loss of subsidy? If true, is this not inconsistent with the basic purpose of the operating differential subsidies under the 1936 Merchant Marine Act?

Mr. MAILLIARD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from California.

Mr. MAILLIARD. The answer to the gentleman's question is, in both instances, yes. Of course, when the 1936 act was placed on the statute books a very substantial part of the American merchant marine was engaged in the coastal and intercoastal trade.

Today there is only one nonsubsidized passenger vessel under the American flag which is operating, and that is not in coastal or intercoastal waters but in the noncontiguous domestic trade. So the reason for the philosophy expressed in the act in the first place is now gone. In other words, there is no nonsubsidized service with the exception of one vessel operating between the west coast of the United States and Hawaii. This bill provides that subsidized lines cannot engage in carrying passengers between those points without the consent of the nonsubsidized carrier, so the one fellow who is left in the business is completely protected.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 12605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 613 of the Merchant Marine Act, 1936, as amended (47 U.S.C. 1183), is amended by:

(a) Striking subsection (c) thereof and inserting a new subsection (c) to read as follows:

"(c) When a vessel is being operated on cruises—

"(1) it shall carry no mail unless required by law, or cargo except passengers' luggage, except between those ports between which it may carry mail and cargo on its regular service assigned by contract;

"(2) it may not carry one-way passengers between those ports served by another United States carrier on its regular service assigned by contract, without the consent of such carrier, except between those ports between which it may carry one-way passengers on its own regular service assigned by contract;

"(3) it shall stop at other domestic ports only for the same time and the same purpose as is permitted with respect to a foreign-flag vessel which is carrying passengers who embarked at a domestic port, except that a cruise may end at a different port or coast from that where it began and may embark or disembark passengers at other domestic ports, either when not involving transportation in the domestic off-shore trade in competition with a United States-flag passenger vessel offering berth service therein, or, if involving such transportation, with the consent of such carrier: *Provided, however,* That nothing herein shall be construed to repeal or modify section 805 (a) of this Act."

"Section 605(c) of this Act shall not apply to cruises authorized under this section."

(b) Striking subsection (e).

With the following committee amendments:

On page 1, line 4, delete "47" and insert in lieu "46".

On page 2, line 12, delete "were" and insert in lieu "where".

On page 2, at end of line 19, delete quotation mark.

On page 2, delete lines 20 and 21, and insert in lieu the following:

"Section 605(c) of this Act shall not apply to cruises authorized under this section. Notwithstanding the applicable provisions of section 605(a) and section 506 of this Act requiring the reduction of operating differential subsidy and the partial payback of construction differential subsidy for operating in the domestic trades, such reduction of operating subsidy and partial payback of construction subsidy under such sections 605(a) and 506, respectively, shall not apply to cruises authorized under this section."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING JOINT RESOLUTION ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The Clerk called the bill (S. 2462) to amend the joint resolution establishing the American Revolution Bicentennial Commission.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would like to know why only the representatives of the Thirteen Original States are included in a Bicentennial Commission study of how to celebrate the American Revolution?

I personally am from Missouri, which is not one of the Thirteen Original States, but I am very glad that we still do not have taxation without representation under King George. I think it is bad enough to have it with representation under us.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Speaker, the gentleman from Missouri must be laboring under some misapprehension in his understanding of the membership of this Commission, because on July 3 of 1969 the President announced who they were. I have the press release of that date. I may say that one is from the State of New York, one is from Illinois, one is from Pennsylvania, one from South Carolina, one from California, one from Alabama, another from New York, one from Virginia, another from Pennsylvania, another from New York, and Mr. Lewis of the Reader's Digest is from New York. Also Nebraska and California are represented in that group.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's statement, and I appreciate the fact that we have extended the life of this Commission almost every year. I am not sure when it is going to give a report, but I am certainly in favor of celebrating our bicentennial. However, the gentleman's own report says;

> On reviewing both the objectives of the Commission and its present membership, your committee has noted that, although the members represent a broad cross-section of the Nation, they do not include persons from each of the original 13 States of the Union. As a result, your committee recommends that whenever any future vacancies occur on the Commission they be filled in such a way as also to give representation to each of the original 13 States.

That is fine, provided that the Commission is big enough so that the Thirteen Original States—with all of the deference that we have for them—do not displace those who are now on the Commission. Is that the intent, or is it true in the committee it was put to a vote and voted down, to the effect that other States than the original 13 would be included on the Commission?

Mr. ROGERS of Colorado. Will the gentleman yield on that point?

Mr. HALL. I yield once more to the gentleman.

Mr. ROGERS of Colorado. It is true a motion was made in the committee, but this motion was withdrawn, the objective being, as we tried to spell out in the language that you have read, that the Original Thirteen Colonies at least should have some representation. And that if we had someone from the Thirteen Colonies they may have some knowledge or some historical information that would aid and assist the Commission in its operations. This is not a compulsory provision, nor do we amend the law. But we were trying to see if the Thirteen Original Colonies may have had some historical information that they could supply to the Commission.

Mr. HALL. I thank the gentleman, Mr. Speaker, but can the gentleman say categorically that it is not the intent of the committee having jurisdiction over the Commission to eventually limit it to the Thirteen Original Colony States?

Mr. ROGERS of Colorado. Mr. Speaker, if the gentleman will yield further, no. If we had, we would have brought it in as a positive piece of legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALL. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from Colorado mentioned the members of this Commission, I believe?

Mr. ROGERS of Colorado. Mentioned what?

Mr. GROSS. The members of this the Commission.

Mr. ROGERS of Colorado. Yes.

Mr. GROSS. Is the gentleman able to say whether one member of the Commission—I believe the Chairman of the Commission—is a native-born Canadian?

Mr. ROGERS of Colorado. Well, I never looked into the ancestry of the members of the Commission.

Mr. GROSS. In this case——

Mr. ROGERS of Colorado. May I state to the gentleman that that is in part a responsibility of the President. If there is a responsibility from those who might appoint him they would know about that. However, the Speaker of this House has the right to appoint members of the Commission and we have on the Commission the gentleman from Massachusetts (Mr. DONOHUE) and the gentleman from Virginia (Mr. MARSH). If there happens to be one born in Canada, I have no knowledge of it.

Mr. GROSS. He is now a naturalized citizen as I understand it, but it seems incongruous to me that a native-born Canadian would head the American Revolution Bicentennial Commission and that some of the Original 13 States have no representation on the Commission.

Mr. ROGERS of Colorado. The public members are appointed by President Nixon.

Mr. GROSS. I do not care whom they are appointed by. That is not the point at all.

Mr. ROGERS of Colorado. I have no knowledge——

Mr. GROSS. Let me ask the gentleman this question: Why did the Commission not produce its report on July 4, 1969, as scheduled?

Mr. ROGERS of Colorado. Well, for the simple reason, as we set forth in the report, after we created the Commission on July 4, 1966, it took the President about a year in which to appoint the Commission.

Mr. GROSS. It took who?

Mr. ROGERS of Colorado. President Johnson. It took him a year to appoint the Commission. The Commission was appointed and met but it was not able to get the money with which to carry on its operations. So, the Commission made an application to Congress for authorization of money in connection with its work. Then it took the Congress about 18 months to get around to authorizing the money and the appropriation. When they finally got around to it, all of the original members, those largely appointed, at least the public members by the President, submitted their resignation to President Nixon and he in turn appointed the Commission on July 3, 1969. So, they did not have a chance——

Mr. GROSS. How much money has been appropriated for this Commission?

Mr. ROGERS of Colorado. The sum of $150,000 has been appropriated for fiscal 1969. This would authorize $450,000 for fiscal year 1970. However, the Interior Committee has an appropriation in that bill in the amount of $175,000 for fiscal year 1970.

Mr. GROSS. While they were playing politics with this Commission for 3 years, what happened to the money?

Mr. ROGERS of Colorado. I do not know of any politics being played with reference to it.

Mr. GROSS. Well, it seems to me they could have had a Commission established long before and in 3 years have produced a report on July 4, 1969.

The gentleman from Colorado may have some explanation for this. I do not know. But it just seems incredible to me that a Commission would be in existence for 3 years and have spent a minimum of $150,000 and still has not submitted a report.

Mr. **ROGERS** of Colorado. I wonder if the gentleman understood me a moment ago when I stated that President Johnson took over a year to appoint the public members and that after that, they had a meeting?

Mr. **GROSS**. That is pretty good evidence that they played politics with it for a year.

Mr. **ROGERS** of Colorado. Pardon?

Mr. **GROSS**. I said that is pretty good evidence that they played politics with it for a year.

Mr. **ROGERS** of Colorado. The gentleman can evaluate it in any way he wants. I do not see any politics.

Mr. **GROSS**. All I am trying to get at is how much money has been spent during this 3-year period, or whatever portion of the time that was covered by the appropriation, and what results have we received for what has already been spent. I do not seem to be able to get very good answers.

Mr. **ROGERS** of Colorado. I tried to answer the gentleman a moment ago in saying that in 1969 there was $150,000 appropriated, and as for fiscal year 1970 there is $175,000.

Mr. **HALL**. Mr. Speaker, with the suggestion that the committee which exercises surveillance and oversight when we next extend this authorization insist that a person who was born in Canada, no matter how nobly he may have overcome this through the naturalization proceedings, no longer chair the Commission unless the Redcoats return again, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

S. 2462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution entitled "Joint Resolution To Establish the American Revolution Bicentennial Commission, and for other purposes", approved July 4, 1966 (80 Stat. 259), as amended by the Act of December 12, 1967 (81 Stat. 567), is further amended—

(1) by striking out "July 4, 1969" in section 3(d), and inserting in lieu thereof "July 4, 1970"; and

(2) by striking out "fiscal year 1969" in section 7(a), and inserting in lieu thereof "fiscal year 1970".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964, WITH RESPECT TO CLAIMS AGAINST THE UNITED STATES FOR PERSONAL PROPERTY

The Clerk called the bill (H.R. 13696) to amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, with respect to the settlement of claims against the United States by civilian officers and employees for damage to, or loss of, personal property incident to their service.

There being no objection, the Clerk read the bill, as follows:

H.R. 13696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b)(1) of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (78 Stat. 767 as amended by 79 Stat. 789), is amended by striking out "$6,500" and inserting in place thereof "$10,000".

Sec. 2. Section 1 of this Act is effective August 31, 1964, for the purpose of reconsideration of settled claims as provided in this section. Notwithstanding section 4 of the Military Personnel and Civilian Employees' Claims Act of 1964, or any other provision of law, a claim heretofore settled in the amount of $6,500 solely by reason of the maximum limitation established by section 3(b) of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, may, upon written request of the claimant made within one year from the date of enactment of this Act, be reconsidered and settled under the amendment contained in section 1 of this Act.

With the following committee amendment:

Pages 1 and 2, strike all of section 2.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEFINING THE TERM "CHILD" FOR PURPOSES OF TITLE 38, UNITED STATES CODE

The Clerk called the bill (H.R. 10106) to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree.

There being no objection, the Clerk read the bill, as follows:

H.R. 10106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assmbled, That subsection 101(4) of title 38, United States Code, is amended by adding at the end thereof the following sentence:

"A person with respect to whom an interlocutory decree of adoption has been issued by an appropriate adoption authority shall be recognized thereafter as a legally adopted child, unless and until that decree is rescinded: *Provided,* That the child remains in the custody of the adopting parent or parents during the interlocutory period."

Mr. **TEAGUE** of Texas. Mr. Speaker, the current definition of a child in title 38, United States Code, in essence provides that an adopted child is only legally adopted when the decree of adoption has become final. The purpose of this bill is to amend the law to provide that the child shall be considered legally adopted at the time of the issuance of the interlocutory decree and shall continue to be so considered until such decree is rescinded. This would permit in cases where warranted the payment of compensation, pension, or education benefits prior to the issuance of the final decree of adoption.

This bill was submitted officially by the Veterans' Administration which states that the cost "would not be significant."

Mr. **ADAIR**. Mr. Speaker, I rise in support of H.R. 10106. If enacted into law, this measure will revise the definition of a "child" of a veteran to include therein an adopted child for whom an interlocutory decree of adoption has been issued.

Existing law and regulation generally recognizes, as the legally adopted child of a veteran, a child for whom a final decree of adoption has been issued. Despite the fact that the adoptive parent has assumed full parental responsibility for the child at the time an interlocutory decree of adoption is issued, the child is not recognized for purposes of veterans' benefits until the issuance of the final decree.

On the other hand, a stepchild accepted into a veteran's household is immediately recognized for veterans' benefits. It appears reasonable to assume that the parent-child relationship is at least as strong in the case of an adopted child for whom an interlocutory decree has been issued. I support the bill and urge that it be passed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECOUPMENT OF DISABILITY SEVERANCE PAY

The Clerk called the bill (H.R. 10912) to amend title 38, United States Code, to liberalize the conditions under which the administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans.

There being no objection, the Clerk read the bill as follows:

H.R. 10912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 11 of title 38, United States Code, is amended by adding the following new section at the end thereof:

"§ 361. Payment of disability compensation in disability severance cases

"The deduction of disability severance pay from disability compensation, as required by section 1212(c) of title 10, United States Code, shall be made at a monthly rate not in excess of the rate of compensation to which the former member would be entitled based on the degree of his disability as determined on the initial Veterans' Administration rating."

Mr. **TEAGUE** of Texas. Mr. Speaker, under existing law, members of one of the branches of the Armed Forces who become permanently disabled to such a degree as to make them unfit to perform their duties may be granted disability retirement pay from the branch of the service with which they served, if they have 8 or more years of service and if the degree of disability is 30 percent or more. If the period of service is less than 8 years or the degree of disability is less than 30 percent, as determined under the Veterans' Administration's schedule for rating disabilities, then a lump-sum payment—disability severance pay—is made in lieu of the monthly disability retirement. The law provides that the amount of this lump-sum payment shall be deducted from any compensation for the same disability to which the veteran becomes entitled under laws administered by the Veterans' Administration.

Thereafter, the veteran may not receive the disability compensation to which he would otherwise be entitled until the disability severance pay has been completely repaid. This is true even if his disability becomes more disabling, for example, suppose the severance pay amounted to $5,000 and the disability was 20 percent—which now amounts to a monthly compensation payment of $43—and suppose the veteran's disability should increase to being totally disabling. While the veteran would be entitled to $400 a month based on total disability, he could not receive any of the increased benefits until and unless the $5,000 had been completely repaid representing recoupment of the disability severance pay.

This bill which was suggested by the Veterans' Administration and transmitted formally to the Congress, permits the Veterans' Administration, in the example indicated, to deduct the initial rate of compensation rather than the current amount to which he is eligible. In the example used, if this bill is enacted into law, the veteran would receive $400 a month based on his total disability. From that would be deducted each month $43, that being the current rate for 20-percent disability and this $43 deduction would be continued until the $5,000 disability severance pay was completely recouped.

The Veterans' Administration states:

> The number affected would be small and that any cost involved would not be significant.

Mr. ADAIR. Mr. Speaker, I rise in support of H.R. 10912. This bill will revise the procedures under which disability severance pay is recouped from disability compensation payable.

Under existing law, a lump-sum payment called disability severance pay is made to servicemen separated with disabilities or length of service that do not meet the minimum criteria for disability retirement benefits. Should the former serviceman subsequently become eligible for monthly disability compensation, payment must be withheld until an amount equal to the disability severance pay has been recovered.

Should the degree of disability remain constant, no unusual hardship results from this procedure. Should the disability increase in severity, however, rendering the veteran unemployable and entitled to total disability benefits, such payments must be withheld in their entirety until recovery of the severance pay has been effected. Thus deprived of his only source of income, the veteran suffers financial hardship.

The bill before us will correct this unfortunate situation by requiring that recovery be in an amount that will not exceed the initial amount of disability compensation payable. I urge that this bill be passed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks in the RECORD on this bill, H.R. 10912.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDING THE ACT PROVIDING FOR THE ESTABLISHMENT OF THE FREDERICK DOUGLASS HOME AS A PART OF THE PARK SYSTEM IN THE NATIONAL CAPITAL

The Clerk called the bill (H.R. 5968) to amend the Act entitled "An act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes," approved September 5, 1962.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, reserving the right to object, and I do so for the purpose of interrogating the gentleman from Colorado (Mr. ASPINALL).

Mr. Speaker, I notice in the report that when this home was made a national shrine, or park, that it was contemplated that a drive would be made for donations among patriotic citizens in order to finance the rebuilding and reconstruction, and so forth, of the residence, and the area.

Does the gentleman know whether such a drive was ever had among interested parties in order to try to raise the money to resurrect this building rather than now asking an expenditure of upward of half a million dollars to do it?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Speaker, and Members of the House, in the first place, we want to keep in mind that the approximate 8 acres, together with the improvements, were donated or contributed in the first place for the purpose of creating a national historic site for this great American. In the second place, at the time it was being considered for authorization, the Department of the Interior, through its Bureau of the Park Service, understood the building to be in fairly good condition, and that there would be only about $25,000 needed to repair it.

It has been found since then that there is great deterioration in the building and it takes more money for needed rehabilitation.

There has been a desire on the part of those who donated and contributed in the first place to go ahead and get some of the money that the gentleman speaks about. But these moneys have not been forthcoming. It has been impossible to get the needed money.

Also, it has been impossible to get the title cleared up to an adjacent piece of property from which they thought there might be some funds secured.

So we find ourselves in the position at the present time of having a national historic site, but it is not usable. Its foundations have gone out from under it and a great many of the walls and the inside is deteriorating and so forth. In order to make it usable—and by the way it is now closed to the public—but in order to make it usable, we are endeavoring now to see to it that it is put into proper shape so that it will fit correctly in the national park system.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

Mr. Speaker, I wish to say only this, that I was one of those who in 1962 asked some questions concerning the designation of the Douglass property as a national park. At that time we had every assurance that the money specified in that authorization would cover the costs.

Now I would like to ask the gentleman if we can have the assurance that the money proposed to be provided through this authorization will meet the needs for rehabilitating this structure and the grounds?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me so that I may answer the gentleman's question?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman.

Mr. ASPINALL. I remember very well my friend, the gentleman from Iowa, asking the questions to which he made reference. I was one of those who replied to his questions and I did so on the basis of the justification which was made by the National Park Service.

The Park Service, in my opinion, had not done its job well and had not examined the structures as it should have examined them in the first place.

I can assure the gentleman from Iowa now, with this present justification that has been made, that it is my opinion that this will take care of the rehabilitation of the buildings and will take care of the needed improvement of the grounds.

Let me be perfectly honest with my friend, the gentleman from Iowa, and state that a certain amount of operating expenses specified come out of the usual budget of the National Park Service, as my friend knows. This will continue to be carried on just as it would for any other National Park Service facility.

But so far as reconditioning the buildings and so far as putting them into proper condition, the money provided in this authorization will do the job.

Mr. GROSS. The gentleman from Iowa supported the bill in 1962 and I support this bill, but I just do not like to be misled. I am not saying it was deliberate, but I do not like to be misled on these things. I accept and appreciate the explanation of the gentleman and the assurance that the gentleman from Colorado has now given to us as to this revised proposition.

Mr. ASPINALL. I thank the gentleman.

Mr. Speaker, H.R. 5968, as recommended by the Committee on Interior and Insular Affairs, seeks to increase the amount authorized to be appropriated for the restoration and development of the home of Frederick Douglass in the District of Columbia.

In 1962, our committee considered and recommended the enactment of the legislation which led to the donation and acceptance of this valuable property by the National Park Service. We were advised that it could be refurbished and repaired for some $25,000 and that, if funds in excess of that amount were needed, the remainder could be secured from voluntary donations. Unfortunately, a detailed examination of the house revealed extensive damage from storms and insects, making minor repairs inadequate. Furthermore, no donations were received to help underwrite the costs anticipated. The result has been that the property has been closed to the public.

If the dangerous condition of the house is to be corrected and its continued deterioration arrested, a substantial investment will be necessary. In reviewing this matter, the committee concluded that the objective of the original legislation remained valid: Frederick Douglass was an outstanding American who deserves recognition for the contributions which he made to our society. Looking at the objective, we concluded that the interpretive approach required a substantial revision if the property was to accomplish its purpose.

Unlike the legislation enacted in 1962, H.R. 5968 contemplates the complete restoration of the buildings and grounds at "Cedar Hill." In addition, the development plan calls for the construction of a visitor contact station, the installation of modern interpretive devices, and new heating and utility systems. These improvements were not included in the original authorization, but they are necessary if this facility is to be meaningful to those who will visit it.

Mr. Speaker, Frederick Douglass was an outstanding man. Born a slave, he became a talented, self-educated lecturer and author whose idealism was not shaken nor stymied because achievement required sacrifice and hard work. He struggled for his liberty and he used all of his skills and energy constructively to help his fellow man—and not just his race—achieve dignity and equality. We were told that Frederick Douglass worked through the "system" and not around it to achieve his goals. All Americans today should recognize, as Frederick Douglass did, that our system is adaptable to change when reasonable people seek it by utilizing their collective talents constructively.

In enacting H.R. 5968 and expanding the commitment at the home of Frederick Douglass, we are recognizing the contributions of a man who should be remembered.

Mr. Speaker, as chairman of the Committee on Interior and Insular Affairs, I recommended the favorable consideration of H.R. 5668, as amended.

Mr. SAYLOR. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Pennsylvania. I yield to the gentleman.

Mr. SAYLOR. Mr. Speaker, I want to say to my colleague, the gentleman from Pennsylvania, and to my friend, the gentleman from Iowa, that at the time this bill was considered in 1962, the foundation which was authorized by the Congress had every reason to believe that the arrangement they had entered into with regard to an adjoining piece of property would turn out to be a real moneymaker and that they would be able to supply additional sums of money for the rehabilitation and maintenance of this home.

Now, because of things that have taken place in the meantime, they find that their expectations were not realized—and for your benefit and for the benefit of all Members, I have asked the Department of Justice to investigate to determine whether or not this federally authorized organization has been taken advantage of and, if so, to prosecute those who had charge of it, because I think there has been a violation of a trust which the Congress gave to the foundation. I believe the assurance that has been given by the chairman of the committee and the assurance which we have been given by the Park Service will see to it that there is sufficient money now in this bill to take care of the rehabilitation.

Mr. Speaker, I rise in support of this legislation which authorizes an increase in appropriations for the restoration and development of the Frederick Douglass home. This home was established as a part of the National Capital park system of the Department of the Interior on September 5, 1962, as a memorial to an outstanding American—Frederick Douglass.

At the time the act was passed in 1962, the Department of the Interior and the National Park Service estimated the costs of restoration to be more than $25,000 and that the amount in excess of this appropriation would be raised through donations to the Frederick Douglass Memorial. Well, what was anticipated and expected did not come to pass and the work authorized by the act passed in 1962 has not been undertaken. The department, on further inspection, found the home to be structurally damaged and the expected donations were not forthcoming. The net result is that more money is needed to accomplish what was authorized by the act of September 5, 1962.

This legislation will authorize the appropriation of these additional funds to restore and develop Cedar Hill, the home of this outstanding American Negro. From humble beginnings Frederick Douglass went on to become a most successful individual and a true leader to our American Negro people. It is entirely proper then, that we should see to it that a suitable memorial is established in his honor.

But it is sad to note that part of the lands at Cedar Hill which were formerly owned by this great American are now and have been in legal controversy. I would solicit the Attorney General and the Department of Justice to lend its assistance to the Frederick Douglass Association in its efforts to uncover the fraudulent design of those who stalled the good work of the Frederick Douglass Association.

Mr. Speaker, I urge the passage of this legislation.

Mr. DIGGS. Mr. Speaker, I rise in support of H.R. 5968, introduced by myself, and eight companion bills by Representatives CHISHOLM (H.R. 9359 and H.R. 11928), DULSKI (H.R. 12293), ROYBAL (H.R. 12385), MCCLORY (H.R. 12480), ADAMS (H.R. 12830), CONYERS (H.R. 12872), and HORTON (H.R. 13009).

This legislation will authorize increased appropriations for the restoration and development of Cedar Hill, the home of the late Frederick Douglass, so a memorial to an outstanding American may be used and enjoyed by the general public.

It was in 1962, when authority was granted to the Secretary of the Interior to accept a donation of this property, 1411 W Street SE., Washington, D.C., for rehabilitation and administration as a unit of the National Capitol parks system. This involved deeding approximately 8 acres of land to the United States by the Frederick Douglass Memorial and Historical Association, which is federally chartered.

It was recognized however, at the time of authorization, that extensive repairs might be necessary, but Government funding for this purpose was limited to $25,000.

It was hoped that any additional cost would be met from donated private funds. Unfortunately, both premises upon which the modest authorization was founded proved erroneous.

First, after the Department of the Interior assumed control of the property in 1964, an extensive study revealed critical deterioration of the structure due to serious damage from termites and storm caused water.

Second, the anticipated donations never materialized nor did income the association expected from a contiguous piece of property.

As a result of these circumstances, Cedar Hill has been closed to the public, the furnishings and memorabilia have been removed to protect them from further destruction, and the house has been boarded up.

If enacted, H.R. 5968 will rectify the situation and enable the National Park Service to make it a fitting and useful facility.

In so doing, the honored place in history which Frederick Douglass maintains in the hearts and minds of million of Americans and the particular pride which his life has generated among black people everywhere will be better preserved.

Mr. Speaker, few in our society have overcome such formidable obstacles in rising above the circumstances of birthright. Frederick Douglass, the outstanding spokesman of black people during his generation, was born a slave in 1817. He educated himself despite abject poverty and the limitations imposed upon him because of his race.

He first came to national attention when the famous abolitionist, William Lloyd Garrison, called upon him to make an impromptu speech at an antislavery convention in New Bedford, Mass., while he was in his early twenties.

His oratorial persuasion was so impressive that he was employed as a lecturer for the Massachusetts Antislavery Society. He was later sent to Great Britain as a lecturer and writer and was held in high esteem by some of the most prominent citizens of that country. His growing reputation prompted them to raise funds to purchase his freedom, since he was still a fugitive slave, and for escalating his antislavery agitation upon returning to America in 1847.

His manifold interest included founding and editing the North Star, a Rochester, N.Y., newspaper, fighting for women's suffrage, temperance, the abolition of capital punishment and international peace.

All these activities naturally brought him into the political arena where among other things he became prominently involved in the campaign to elect Abraham Lincoln as President of the United States. During the Civil War he assisted in raising two regiments of black troops in Massachusetts, and afterwards worked assiduously for ratification of the 13th, 14th, and 15th amendments to the Constitution.

Subsequently, he served in various capacities with our Government as Minister to Haiti, Chargé D'Affairs for Santa Domingo, recorder of deeds in the District of Columbia and presidential elector from New York.

This then, Mr. Speaker, is one of the genuine heroes of American history and we are fortunate that Cedar Hill, which became his home in 1874, is located here in our Nation's Capital, where his memory can be further enshrined along with other great men who have contributed so much to the American dream.

The proper development of this property with visitors' facilities, modern interpretive devices and adequate parking space in the beautiful setting as Frederick Douglass knew it, would be instructive and inspirational to people of all ages and races, and would pay dividends far in excess of the additional $388,000 requested by H.R. 5968.

Mr. RYAN. Mr. Speaker, 7 years ago Congress passed legislation which designated the Anacostia homesite of Frederick Douglass as part of the National Capital park system. At that time the expenditure of $25,000 was authorized to restore and develop the buildings and grounds at Cedar Hill in order that this proposed memorial to an outstanding American could be enjoyed by the public. Unfortunately, the amount of money authorized will not be sufficient because of the extensive deterioration of the home.

Cedar Hill was the home of an American who stood head and shoulders above most of the men of his era. Few are aware of the contribution Frederick Douglass made to our Nation. For example, it is not widely known that he visited President Lincoln several times to discuss slavery or that he organized two Negro regiments in Massachusetts during the Civil War.

In all his achievements, and they were many, for he was an orator, writer, and editor of the North Star abolitionist newspaper, one must bear in mind that Frederick Douglass was born a slave. In his life he experienced the iniquities of our society—prejudice, degradation, ignorance, hunger, and poverty. In spite of these odds, he educated himself and went on to make a great contribution to our Nation.

Amid the tensions which are so prevalent in our society today, we would do well to remember his words:

> The man outraged is the man to make the outcry. Depend on it, men will not care much for a people who do not care for themselves.

Cedar Hill would be a meaningful symbol to all Americans—black and white. It would evidence our commitment to equality and justice.

Mr. Speaker, I can think of no more suitable location for such a memorial than in our Nation's Capital. I am particularly pleased to support this legislation so that Cedar Hill may be preserved as a recognition of the achievements of Frederick Douglass and the Afro-American contribution to our Nation's culture.

Mr. BURLISON of Missouri. Mr. Speaker, I take pleasure in supporting along with Representatives DIGGS, CONYERS, CHISHOLM, and others H.R. 5968 providing $413,000 for the restoration as a national memorial of the home of a great black American, Frederick Douglass.

In 1962, the Congress considered and enacted legislation authorizing the Secretary of the Interior to designate the former home of Frederick Douglass, known as Cedar Hill, for preservation as a part of the park system of the National Capital. Subsequently, on June 25, 1964, the house, located at 1411 W Street, SE., and approximately 8 acres of land were deeded, without cost, to the Federal Government by the Frederick Douglass Memorial and Historical Association.

At the time of the authorization, it was recognized that extensive repairs might be necessary. The committee report on the legislation stated that "Cedar Hill appears to be structually sound but it is badly in need of repairs"; however, the funds authorized to be appropriated to rehabilitate and refurbish it were limited to $25,000. It was anticipated that additional costs might very likely be incurred, but it was hoped that they could be absorbed from donated funds expected to be raised for this purpose. Unfortunately, both premises upon which the modest authorization was founded proved faulty. First, an intensive study revealed extensive deterioration of the structure due to damage caused by water and insects and second, the anticipated donations never materialized.

The result of these regrettable, but unforeseeable circumstances has been that Cedar Hill has been closed to the public, that it is continuing to deteriorate, and that the objective of the Congress in making it a part of the national park system has been thwarted. If enacted, H.R. 5968 will rectify the situation and enable the National Park Service to make it a meaningful and useful park facility.

No action which the Congress can take can make a place in history for any man. That, he must do for himself. But the Congress can, by legislative action such as this, recognize the significance of a man's contributions and, in so doing, it can help to make them meaningful examples for the guidance and inspirations of generations to follow. It is highly appropriate that the Congress should commemorate the memory of Frederick Douglass. He was the kind of man who should be remembered.

Frederick Douglass was born a slave; he struggled for his liberty. A Negro, he suffered all of the torments of the people of his race, but he converted his frustrations into constructive energy which was the driving force of his character. Raised in ignorance, he educated himself; reared in complete poverty, his industry brought him wealth and independence; lacking in social standing, he became one of the foremost orators and powerful writers of his age. Facing all of the prejudices against his race in his times, he became a champion in the political arena. All of this did not come without effort or hardship but it came because his ideals were unimpeachable and his methods of achieving them were compatible with the American system.

Cedar Hill is symbolic of the achievements of this 19th century leader. It sits on the crest of a hill in a residential neighborhood of the Anacostia section of the District of Columbia. With proper development of appropriate visitor facilities—including a visitor contact station, parking space, and the like—it could be a significant unit of the park system in the National Capital region. Through interpretive devices, this man and his contributions could assume their proper place in the historic panorama depicted by the various historic sites located throughout the Nation and visitors of all ages and races could benefit from the experience associated with a tour of the home.

Although the extensive restoration contemplated by H.R. 5968 was not the objective of the original act in 1962, it is apparent that minor repairs will not adequately improve the property to make it useful as an interpretive historic facility. It is now unsafe for visitors to enter the house, because of the deterioration of the structural members, and most of the furnishings and memorabilia associated with Frederick Douglass have been removed to protect them from destruction. If the site is to be useful, a new approach is essential; a smaller investment would be inadequate to accomplish the objective.

To provide a meaningful facility, it will be necessary to restore completely the buildings and grounds so that they reflect Cedar Hill as Frederick Douglass knew it. This will involve the reconstruction of the carriage approach to the house, the installation of new heating and utility systems, and the general restoration of the interior and exterior of the home. In addition, the plan for the site includes the construction of a visitor contact station and the installation of modern interpretive devices.

All of these undertakings require substantial sums of money. H.R. 5968, as recommended, increases the authorization for this purpose from the present $25,000 limitation to $431,000—an increase of $388,000. On the basis of current estimates, this should make the Frederick Douglass home a most attractive memorial to an outstanding American.

It is extremely unfortunate that at the present time we do not have a single shrine or memorial to black Americans. There have been many people who would qualify. The action which we are taking today is a good starting point.

The **SPEAKER**. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 5968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act entitled "An Act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes", approved September 5, 1962 (76 Stat. 435), is amended to read as follows:

"Sec. 4. There are authorized to be appropriated not more than $450,000 to carry out the purposes of this Act."

With the following committee amendment:

Page 1, beginning on line 8, strike out all of section 4 and insert in lieu thereof the following:

"Sec. 4. There are authorized to be appropriated such sums, but not more than $413,000, as may be needed for the restoration and development of buildings and grounds at Cedar Hill."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. **ASPINALL**. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may extend their remarks at this point in the RECORD.

The **SPEAKER**. Without objection, it is so ordered.

There was no objection.

AMENDING SECTION 19(e) OF THE SECURITIES EXCHANGE ACT OF 1934

The Clerk called the joint resolution (H.J. Res. 754) to amend section 19(e) of the Securities Exchange Act of 1934.

The **SPEAKER**. Is there objection to the present consideration of the joint resolution?

Mr. **JOHNSON** of Pennsylvania. Mr. Speaker, reserving the right to object, may I interrogate the gentleman from California (Mr. Moss), on this joint resolution? The question I wish to pose is with respect to institutionalized holdings of stock. In my district, as in a good many other districts, it seems to be a plan in this Nation for institutionalized holdings of large blocks of stock to get together and then make contact with a conglomerate, and for $10 a share more than the stock is selling for on the market, they sell the stock to the conglomerate, which then comes in and takes over the company. Will the study provided for by the joint resolution go into this very important situation which is prevailing in this country right now to the detriment of many fine companies?

Mr. **MOSS**. Mr. Speaker, will the gentleman yield?

Mr. **JOHNSON** of Pennsylvania. I yield to the gentleman from California.

Mr. **MOSS**. The study is intended to deal specifically with that problem and many others related to the increasing concentration of business in the hands of institutional investors.

Mr. **JOHNSON** of Pennsylvania. Another question. To what extent has the investigation by the SEC accomplished anything to date?

Mr. **MOSS**. They have not moved as rapidly as we would like to have seen them move along. But recognizing the fact that funds were not appropriated until the 31st of October last year, and it then took time to recruit the staff, I believe progress is within reasonable bounds, and the Commission should be able to file its report with Congress not later than September 1 of next year.

Mr. **GROSS**. Mr. Speaker, will the gentleman yield?

Mr. **JOHNSON** of Pennsylvania. I yield to the gentleman from Iowa.

Mr. **GROSS**. I thank the gentleman for yielding. I am interested in the fact that there are no departmental views. Were departmental views sought on this legislation not forthcoming? Were departmental views sought by the committee?

Mr. **MOSS**. I would like to say to the gentleman that the views of the Securities and Exchange Commission and the views of the Bureau of the Budget were sought. Whether or not they were formally transmitted to the committee for printing, I know that they supported the matter before the committee's hearings on the issue.

Mr. **GROSS**. Of course, as the gentleman well knows, the report contains no views from any department of the Government?

Mr. **MOSS**. We have had some difficulty in getting views in a timely fashion.

Mr. **HALL**. Mr. Speaker, will the gentleman yield?

Mr. **JOHNSON** of Pennsylvania. I yield to the gentleman from Missouri.

Mr. **HALL**. Mr. Speaker, I wonder why in the committee's opinion it is necessary that we enact this extension so quickly? I notice in the committee report it says it is important, but fails to list the reason for action either by unanimous consent or under suspension or quickly. Personally, I have no objection, but I wonder why the haste.

Mr. **MOSS**. We have had to extend the time for reporting to permit the commission sufficient time to program its studies. If we hold it to its own reporting date, which would be totally unrealistic, it would be impossible for the commission to complete its work.

Mr. **HALL**. Public Law 94-38, I believe requires the report on September 1, 1969.

Mr. **MOSS**. That is correct.

Mr. **HALL**. This resolution would extend it to September 1, 1970. If my watch calendar is correct, we are now a month and 6 days late with the report. If we are that late before we extend the reporting date for another 11 months, I repeat, why the haste?

Mr. **MOSS**. Mr. Speaker, we have been told, if the gentleman will yield, that the additional period of approximately 11 months that the period will be extended here will enable them to complete their work, but it is necessary for us to extend it, or the Commission would expire.

Mr. **HALL**. The fact is, that the reporting date has already expired and we are acting after the fact, by a month and 6 days, to legalize this report by extending the date.

Mr. **MOSS**. That is correct.

Mr. **KEITH**. Mr. Speaker, will the gentleman yield?

Mr. **JOHNSON** of Pennsylvania. I yield to the gentleman from Massachusetts.

Mr. **KEITH**. Mr. Speaker, in view of the point raised by the gentleman from Pennsylvania, and the urgency noted in the report before us, may I ask the chairman, is it not his intention to ask for an early interim report that might delve into the subject brought up by the gentleman from Pennsylvania?

Mr. **MOSS**. Mr. Speaker, will the gentleman yield?

Mr. **JOHNSON** of Pennsylvania. I yield to the gentleman from California.

Mr. **MOSS**. Mr. Speaker, responding to the very distinguished gentleman, the ranking minority member of this subcommittee, I would say it is our mutual intent to have interim reports and we alerted the Commission to the fact that we would expect them in their next appearance before the committee to give us far greater detail than they did in their appearance at the time of the hearing on this resolution.

Mr. **KEITH**. Mr. Speaker, I thank the gentleman.

The **SPEAKER**. Is there objection to the present consideration of the joint resolution?

There being no objection, the Clerk read the joint resolution, as follows:

H.J. RES. 754

Whereas additional time is required for the Securities and Exchange Commission to complete its institutional investors study, and file a report with respect thereto, pursuant to section 19(e) of the Securities Exchange Act of 1934: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(e)) is amended—

(1) by striking out in paragraph (1) "September 1, 1969" and inserting in lieu thereof

With the following committee amendments:

On the first page, at the end of line 6, insert the following: "'September 1, 1970'; and".

"(2) by striking out in paragraph (4) '$875,000' and inserting in lieu thereof '$945,000'."

The committee amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from further consideration of a similar Senate joint resolution (S.J. Res. 112) to amend section 19(e) of the Securities Exchange Act of 1934 and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES 112

Whereas additional time is required for the Securities and Exchange Commission to complete its study, and file a report with respect thereto, pursuant to section 19(e) of the Securities Exchange Act of 1934; and

Whereas the actual amount to be expended by the Commission in making such study and report will not exceed the original authorization of $875,000; and

Whereas an increase of $70,000 in such authorization is required because of the sums heretofore appropriated pursuant to such authorization $70,000 will be returned unexpended to the Treasury as of June 30, 1969: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(e)) is amended—

(1) by striking out in paragraph (1) "September 1, 1969" and inserting in lieu thereof "September 1, 1970"; and

(2) by striking out in paragraph (4) "$875,000" and inserting in lieu thereof "$945.000".

MOTION OFFERED BY MR. MOSS

Mr. MOSS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Moss moves to strike out all after the resolving clause of Senate Joint Resolution 112 and insert the provisions of House Joint Resolution 754, as passed.

The motion was agreed to.

The preamble was amended so as to read:

Whereas additional time is required for the Securities and Exchange Commission to complete its institutional investors study, and file a report with respect thereto, pursuant to section 19(e) of the Securities Exchange Act of 1934: Now, therefore, be it

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 754) was laid on the table.

TRANSFER OF PEANUT ACREAGE ALLOTMENTS

The Clerk called the bill (H.R. 14030) to amend section 358a(a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. RYAN. Mr. Speaker, reserving the right to object, may I ask the author of the bill, for how long under this bill (H.R. 14030) would the authority to transfer peanut acreage allotments be extended?

Mr. O'NEAL of Georgia. Mr. Speaker, if the gentleman will yield, I will say it is for 1 year. It is an extension of the bill the House passed on the Suspension Calendar 2 years ago, and this bill would extend it for 1 year.

Mr. RYAN. Is this the same program which was on the Suspension Calendar on August 21, 1967, and which failed on suspension on that day by a vote of 208 to 146?

Mr. O'NEAL of Georgia. Mr. Speaker, if the gentleman will yield further, I will say it was also on the Suspension Calendar later in the year and passed.

Mr. RYAN. On November 6, by a vote of 256 to 57?

Mr. O'NEAL of Georgia. I believe that is correct.

Mr. RYAN. Mr. Speaker, in view of the number of House Members who were opposed to the bill 2 years ago, I question whether this bill should be brought to the House on the Consent Calendar. There may be Members of the House who might wish to raise questions and debate the merits of the program.

The **SPEAKER.** Does the gentleman from New York object to the present consideration of the bill?

Mr. RYAN. Mr. Speaker, I object.

The **SPEAKER.** Objection is heard.

AMENDING THE FEDERAL SEED ACT

The Clerk called the bill (S. 1836) to amend the Federal Seed Act (53 Stat. 1275) as amended.

There being no objection, the Clerk read the bill, as follows:

S. 1836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a)(25) of the Federal Seed Act is amended to read as follows:

"(25) The term 'seed certifying agency' means (A) an agency authorized under the laws of a State, Territory, or possession, to officially certify seed and which has standards and procedures approved by the Secretary (after due notice, hearings, and full consideration of the views of farmer users of certified seed and other interested parties) to assure the genetic purity and identity of the seed certified, or (B) an agency of a foreign country determined by the Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under (A)."

SEC. 2. Section 102 of such Act is amended to read as follows:

"SEC. 102. Any labeling, advertisement, or other representation subject to this Act which represents that any seed is certified seed or any class thereof shall be deemed to be false in this respect unless (a) it has been determined by a seed certifying agency that such seed conformed to standards of genetic purity and identity as to kind or variety, and is in compliance with the rules and regulations of such agency pertaining to such seed; and (b) the seed bears an official label issued for such seed by a seed certifying agency certifying that the seed it of a specified class and a specified kind or variety."

(**Mr. ABERNETHY** asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ABERNETHY. Mr. Speaker, nothing could be more fundamental to the future of the agricultural industry than the use of highest quality planting seed. Such is essential to securing better stands of vigorous growing plants, to securing higher yields, and to the production of quality products. Therefore, everything we do to bring about the best quality seed is not only in the interest of agriculture and to our farmers, but also to the consuming public.

Seed now sold on the market as certified seed is generally regarded as seed that is certified as to class and genetic purity by a seed-certifying agency that has made the field and other investigations necessary to determine the facts certified. But present law does not specifically require that the seed be certified as to national minimum standards of class, genetic purity, and other facts. Certification under the present law now means only that the seed was determined to be produced, processed, and packaged, and conformed to standards of purity as to kind or variety in compliance with rules and regulations of the seed-certifying agency in the area or State where produced. In other States or areas the rules, regulations, and standards might be, and usually are, entirely different.

This situation does not assure the purchaser that the seed meets any uniform minimum standards. The purpose of this bill is to assure that all seed sold in all States must meet certain minimum requirements, as established by the Department of Agriculture, if sold and represented to be certified seed. The bill before the House authorizes the Secretary of Agriculture to assemble and invoke minimum standards to assure genetic purity and identity of the seed certified.

I introduced this legislation (H.R. 10236) in the House of Representatives on April 17, 1969, at the request of the Mississippi Seed Improvement Association and the National Association of Official Seed Certifying Agencies. The measure was cosponsored by my colleague, the gentleman from Mississippi (Mr. MONTGOMERY).

Committee hearings developed that the bill had national support, as well as the support of the Department of Agriculture.

To save time, it was agreed that the Committee on Agriculture would report the Senate bill, which is now before the House and which had already passed the Senate, rather than report the Abernethy-Montgomery bill.

Mr. Speaker, this is good legislation. It has strong nationwide support. It will be helpful to agriculture and also to the American consumer.

We commend it to your favorable consideration.

(**Mr. MONTGOMERY** asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MONTGOMERY. Mr. Speaker, I rise in support of Senate bill 1836 to amend the Federal Seed Act. One reason that I am so strongly in favor of this legislation is the fact that I was coauthor of an identical bill that was introduced in the House earlier this year. But even if I had not coauthored similar legislation, I would still voice strong approval of the pending bill. I firmly believe this bill is needed by the farmers of America in their efforts to increase acreage yield and to improve the quality of their harvested crops.

This bill would amend the Federal Seed Act to allow the Secretary of Agriculture to set minimum standards for the certification of seeds moving in interstate and international commerce in order for the consumer and producer to be assured of the genetic purity of seeds plus greater uniformity in certified seed in the United States.

I feel that this legislation would be of great benefit to both the producer and consumer of seeds. In all instances, persons would know that seeds they are purchasing adhere to basic minimum standards of certification as set by the Secretary. At the same time, this bill would allow States or certifying organizations that wish to do so to set their standards even higher.

I would point out to my colleagues that it is the intent of this legislation that the Secretary set the standards according to those presently subscribed to by the Association of Official Seed Certifying Agencies.

I would also like for my colleagues to know that this bill has the strong support of seed-certifying agencies across the country as well as that of farmers, farm organizations, and reputable commercial producers of seed.

Mr. Speaker, to my way of thinking, this piece of legislation should indirectly contribute to increased income for the farmer. Because, if the farmer knows that he is purchasing seeds of genetic purity, he will not have to spend a lot of time and money buying several different kinds of seeds just in order to find the one that will give him the best yield on his land. And the better the yield a farmer can produce will mean more money in his pocket.

I strongly urge adoption of Senate bill 1836.

The bill was ordered to be read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

LICENSE FEES AND EXEMPTIONS UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT

The Clerk called the bill (H.R. 9857) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 9857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (6) of the first section of the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. 499a(6)), is amended by striking out "$90,000" and inserting in lieu thereof "$100,000".

Sec. 2. Paragraph (7) of the first section of such Act (7 U.S.C. 499a(7)) is amended by striking out "$90,000" and inserting in lieu thereof "$100,000".

Sec. 3. The third sentence of section 3(b) of such Act (7 U.S.C. 499c(b)) is amended by striking out "$50" and inserting in lieu thereof "$100".

(Mrs. MAY asked and was given permission to extend her remarks at this point in the Record.)

Mrs. MAY. Mr. Speaker, the bill before us proposes to amend the Perishable Agricultural Commodities Act to raise the authorized ceiling on the annual license fee. The bill would also broaden the exemption from license now provided in the act for certain retailers and frozen food brokers.

The Perishable Agricultural Commodities Act prohibits unfair trading practices in the marketing of fresh and frozen fruits and vegetables in interstate and foreign commerce and provides a mechanism for the settlement of reparation complaints among those handling these commodities. A system of licenses is provided as a means of enforcement and all those commission merchants, brokers, and dealers, including certain retailers and processors operating subject to the act, are required to be licensed. The annual license fees are deposited in a special PACA fund and all costs of administration of the act, except the Office of General Counsel, are financed from these fees.

From 1930, when this law was enacted, until 1950, the annual license fee was $10. However, during this period the fees collected were deposited in the general receipts of the Treasury and administration of the act was financed from appropriations. In this 20-year period, aggregate fee collection exceeded appropriations by more than $600,000.

In 1950, Congress established the PACA fund with a working balance of $150,000, increased the license fee to $15 and provided that future administration of the act would be financed solely from the fees instead of appropriations.

By 1956, it was necessary for Congress to raise the authorized license fee to $25. In the 1962 amendments to the act, the authorization was raised to $50. Under this latest authorization, the fee was increased to $36 on January 1, 1963, to $42 on January 1, 1965, and to $50 on January 1, 1969.

The need to increase the fee again arises primarily from two factors: First, the number of firms subject to license is declining, and second, the cost of administering the act has increased substantially. The number of firms licensed reached an alltime peak of approximately 27,000 in 1956. Since that time, there has been a relatively steady decline, and at present the number is approximately 19,400. During the past 5 years the net decline in the number of firms licensed has ranged between 445 and 871 annually and has averaged over 670 per year. There is reason to believe that this trend will continue.

At the same time, costs of administration have been creeping higher each year. Salaries and fringe benefits account for over 80 percent of expenditures. In an effort to minimize expenditures, employment has been limited and at present is at the lowest level in over 10 years.

The PACA fund incurred a deficit of over $12,000 in fiscal year 1968. With the continuing decline in numbers of licensees, further deficits are anticipated in both 1970 and 1971.

Since $50 is the maximum fee now permitted under the act, it is necessary to raise the fee ceiling. The Department of Agriculture and your Agriculture Committee propose that the ceiling be raised to $100. The actual licensee fee would be set by the Secretary at a level to produce the necessary revenue, and the Department estimates that an increase of $10 will be required, raising the fee from $50 to $60.

This bill also proposes to broaden the exemption from license now provided in the act for certain retailers and frozen food brokers. Exempt at present are retailers whose purchases of perishable agricultural commodities amount to $90,000 or less per year and frozen food brokers who negotiate sales for frozen fruits and vegetables having an invoice value of $90,000 or less per year. This exemption, enacted in 1962, is intended to provide relief from the licensing provisions for the smaller retailers and frozen food brokers. In view of the inflation of values which has taken place since 1962, it is proposed that the exemption for these two groups be raised from $90,000 to $100,000.

Mr. Speaker, this is essentially an administrative housekeeping bill necessary to permit continued operation of the machinery of the U.S. Department of Agriculture in administering the Perishable Agricultural Commodities Act. Testimony before our Domestic Marketing and Consumer Relations Subcommittee was predominately favorable toward this legislation, both from the U.S. Department of Agriculture and from the affected industry. The industry needs and appreciates the services provided under the PACA Act, Mr. Speaker, and is willing to pay for them. I urge my colleagues to approve this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EVERGLADES NATIONAL PARK, FLA.

The Clerk called the bill (S. 2564) to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park.

There being no objection, the Clerk read the bill, as follows:

S. 2564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Act entitled "An Act to fix the boundary of Everglades National Park, Florida, to authorize the Secretary of the Interior to acquire land therein and to provide for the transfer of certain land not included within said boundary, and for other purposes", is amended by inserting "(a)" after "Sec. 8.", and by inserting at the end of such section a new subsection as follows:

"(b) In addition to the amount authorized in subsection (a) of this section there is authorized to be appropriated such amount, not in excess of $800,000, as is necessary for the acquisition, in accordance with the provisions of this Act, of the following described privately owned lands:

"Sections 3, 4, and 5; section 6, less the west half of the northwest quarter; sections 7, 8, 9, and 10; north half of section 15; and sections 17 and 18, all in township 59 south, range 37 east, Tallahassee meridian."

With the following committee amendments:

On page 1, line 7: Strike the second comma and insert (72 Stat. 280, 286; 16 U.S.C. 410 p).

On page 2, line 3: Strike out "$800,000," and insert in lieu thereof $700,200.

The committee amendments were agreed to.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the Record.)

Mr. ASPINALL. Mr. Speaker, S. 2564, as recommended by the Committee on Interior and Insular Affairs, authorizes the appropriation of $700,200 for the acquisition of certain lands within the Everglades National Park.

At the present time, the National Park Service holds an option on 6,640 acres of land known as the Flagler tract, but it has expended all of the funds authorized to be appropriated and is not in position to complete the transaction without this additional authority.

The Flagler tract is a critical piece of private property within the Everglades National Park. It is located in the area where fresh water drains from the north through the glades and sloughs to Florida Bay. The elevation of this land is such that only a small effort would be necessary to make this land suitable for development which, if it occurs, would seriously impair the ecology of the region, jeopardize the wildlife that abounds in the area, and destroy the natural values for which the park was established by the Congress.

On the basis of the option, this land can be acquired for $105 per acre. The entire cost will be $697,200, plus $3,000 for closing costs. Originally the 85th Congress authorized $2 million for the acquisition of privately owned lands within the park boundaries, but all of that money has been appropriated and expended. Even after the acquisition contemplated by this legislation, nearly 68,000 acres of privately owned lands will remain unacquired. No funds are included in this legislation to make these acquisitions; consequently, further action by the Congress will be necessary if they are to be purchased.

In approving this legislation, the committee approved two amendments. The first is technical: it merely adds a citation for reference purposes. The other reduces the amount authorized to be appropriated from $800,000 to $700,200 In considering this amendment the committee concluded that the costs should be minimized by exercising the option before it expires and that in the interests of economy, the additional flexibility which would arise, given the higher figure, should be waived.

Mr. Speaker, the Department of the Interior recommends the enactment of this legislation and the Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program, but I cannot honestly assure the Members of this House that the necessary funds will be promptly forthcoming. The Bureau of the Budget, unfortunately, will not advise, in advance, whether or not it will approve funds to give this authorization life. In approving this legislation, we are meeting our responsibility, but it remains to be seen whether or not the Bureau of the Budget will do its duty. I urge the Members of the House to approve S. 2564, as amended.

Mr. SAYLOR. Mr. Speaker, I rise in support of S. 2564, as amended, and wish to commend the gentleman from Florida (Mr. Haley) for his sponsorship and work on this legislation.

S. 2564, as amended, authorizes the appropriation of $700,200 for the acquisition of 6,640 acres of land now privately held within the boundaries of the Everglades National Park.

The importance of this legislation and acquisition of this land cannot be overstated. My colleagues will recall the controversy that has been nationwide over the possible destruction of the Everglades National Park through the plans of the Corps of Engineers and the proposal to build a jetport. The congressional mail has been full of pleas from the American people to save the Everglades National Park. S. 2564, as amended, will go a long way in forever preserving this magnificent piece of our American heritage.

The lands to be acquired through this authorization are the lifeline of water to the ecology, alligators, and wildlife that live in the natural environment of the Everglades National Park.

Mr. Speaker, I strongly urge the passage of this legislation as it truly preserves one of the few remaining natural areas of our American heritage.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Member desiring to do so may be permitted to extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

TRANSFER OF PEANUT ACREAGE ALLOTMENTS

Mr. RYAN. Mr. Speaker, in regard to H.R. 14030, to amend section 358a(a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments, I ask unanimous consent to withdraw my objection to consideration of the bill and ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CALL OF THE HOUSE

Mr. STEIGER of Wisconsin. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ROSTENKOWSKI. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 201]

Abbitt
Adams
Albert
Anderson, Ill.
Anderson, Tenn.
Berry
Boggs
Brock
Brooks
Brown, Calif.
Brown, Mich.
Burton, Utah
Cahill
Carey
Casey
Celler
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Colmer
Corman
Cowger
Cramer
Cunningham
Davis, Ga.
Delaney
Dennis
Dent
Diggs
Dorn
Downing
Dulski
Edmondson
Edwards, Ala.
Edwards, La.
Esch
Fascell
Fish
Flynt
Ford, William D.
Foreman
Frey
Gettys
Green, Pa.
Halpern
Hanna
Harrington
Hébert
Holifield
Howard
Jacobs
Karth
King
Kirwan
Kluczynski
Kuykendall
Landgrebe
Landrum
Leggett
Lipscomb
Lujan
McDonald, Mich.
Mann
Mathias
Michel
Mollohan
Moorhead
Morton
Mosher
Nelsen
Nix
Pelly
Powell
Rees
Reid, N.Y.
Rosenthal
Roudebush
St. Onge
Sandman
Scheuer
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Stephens
Taylor
Teague, Tex.
Tunney
Vigorito
Watkins
Weicker
Whalley
Wilson, Bob
Yatron
Young

The SPEAKER pro tempore (Mr. Moss). On this rollcall 334 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COINAGE ACT AMENDMENTS

Mr. PATMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14127) to carry out the recommendations of the Joint Commission on the Coinage, and for other purposes, as amended.

The Clerk read as follows:

H.R. 14127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Section 101 of the Coinage Act of 1965 (31 U.S.C. 391) is amended to read as follows:

"Sec. 101. The Secretary may coin and issue one dollar pieces, half dollars or 50-cent pieces, quarter dollars or 25-cent pieces, and dimes or 10-cent pieces in such quantities as he may determine to be necessary to meet national needs. Any coin minted under authority of this section shall be a clad coin the weight of whose cladding is not less than 30 per centum of the weight of the entire coin, and which meets the following additional specifications:

"(1) The dollar shall have

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 22.68 grams.

"(2) The half dollar shall have

"(A) a diameter of 1.205 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 11.34 grams.

"(3) The quarter dollar shall have

"(A) a diameter of 0.955 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight of the whole coin is 5.67 grams.

"(4) The dime shall have

"(A) a diameter of 0.705 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight of the whole coin is 2.268 grams."

SEC. 2. Half dollars as authorized under section 101(a)(1) of the Coinage Act of 1965 as in effect prior to the enactment of this Act may, in the discretion of the Secretary of the Treasury, continue to be minted until January 1, 1971.

SEC. 3. (a) The Secretary of the Treasury is authorized to transfer, as an accountable advance and at their face value, the approximately three million silver dollars now held in the Treasury to the Administrator of General Services. The Administrator is authorized to offer these coins to the public in the manner recommended by the Joint Commission on the Coinage at its meeting on May 12, 1969. The Administrator shall repay the accountable advance in the amount of that face value out of the proceeds of and at the time of the public sale of the silver dollars. Any proceeds received as a result of the public sale in excess of the face value of these coins shall be covered into the Treasury as miscellaneous receipts.

(b) There are authorized to be appropriated, to remain available until expended, such amounts as may be necessary to carry out the purposes of this section.

SEC. 4. Section 4 of the Act of June 24, 1967 (Public Law 90–29; 31 U.S.C. 405a–1 note) is amended by adding at the end thereof the following new sentence: "Out of the proceeds of and at the time of any sale of silver transferred pursuant to this Act, the Treasury Department shall be paid $1.292929292 for each fine troy ounce."

SEC. 5. Section 3513 of the Revised Statutes (31 U.S.C. 316) is repealed.

The SPEAKER pro tempore. Is a second demanded?

Mr. WIDNALL. Mr. Speaker, I demand a second.

Mr. GROSS. Mr. Speaker, I am opposed to the bill and I demand a second.

The SPEAKER pro tempore. Is the gentleman from New Jersey opposed to the bill?

Mr. WIDNALL. Mr. Speaker, I am not opposed to the bill.

The SPEAKER pro tempore. By the rules of the House, the gentleman from Iowa, who is opposed to the bill, demands a second.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

(Mr. PATMAN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, H.R. 14127 would give the Secretary of the Treasury authority to mint a nonsilver cupronickel half dollar and a nonsilver cupronickel dollar coin bearing the portrait of President Eisenhower. The bill would also direct the transfer of the last 2.9 million rare silver dollars now held in the Treasury to the GSA for sale to the public in a fair and equitable manner. The prompt enactment of this bill would both contribute to a more effective coinage system and make it possible for us to honor a great American.

The authority in the bill to mint a nonsilver half dollar, I believe, is long overdue. Despite the fact that nearly 1¼ billion half dollars containing silver have been minted since 1963, this coin is rarely seen in circulation. For the past several years American business has been deprived of a half dollar in adequate circulation for trading needs. As quickly as these coins have been minted they have simply disappeared into private hoards. It is time that the Congress authorize the production of a half dollar that will actually circulate to meet the needs of American business. The enactment of H.R. 14127 will accomplish this purpose.

H.R. 14127 also authorizes the Secretary of the Treasury to mint a cupronickel dollar coin bearing the portrait of President Eisenhower. I think this would be a fitting tribute to a great American. Now, there are those who assert that placing the portrait of President Eisenhower on a coin minted of silver would be an even greater tribute. I would first point out that the composition of the coin neither adds nor detracts from the status of other Presidents on our American coins. But apart from this there are solid reasons why it would be most unwise to use all of our remaining surplus silver for minting a single coin. Let me list a few reasons why I believe a cupronickel coin rather than one made of silver is in the public interest.

First, a nonsilver dollar coin would mean a far greater monetary return to the Federal Government than a silver coin. The Treasury has estimated that the total seigniorage in revenue under the provisions of H.R. 14127 in the first year after enactment could exceed $500 million. This income would reduce the Government's borrowing needs by an equivalent amount.

Moreover, to use our remaining surplus silver for coinage instead of sale through open competitive bidding would mean depriving private industry of about 100 million ounces of silver in 1970. If the Treasury's remaining surplus is used for coinage rather than sold under competitive bids, American industry will have to greatly step up its imports to fill this gap. The resulting adverse effects on the balance of payments next year could be as much as $150 million.

A third disadvantage for using our surplus silver for dollar coins would be the almost certain higher prices for major consumer products that would result. The halting of Treasury silver sales would probably mean a sharp rise in the silver price. This would mean higher costs to millions of consumers of film and electrical products which are the principal industrial uses of silver. It should be realized that the ultimate use of silver includes virtually the entire American public.

And finally I would point out that the provisions of H.R. 14127 have been fully endorsed by the Joint Commission on the Coinage, a nonpartisan body established by law to advise the President and the Congress on silver and coinage matters.

In summary, the enactment of H.R. 14127 is strongly in the public interest because it would give the economy the coins it needs, honor a great American, help our balance of payments, reduce the Government's borrowing needs and the public debt, and contribute to the fight against inflation.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Speaker, I favor the bill as reported to the House, including the amendment offered by the gentlewoman from New Jersey, Congresswoman DWYER, in committee to direct that the $1 coin authorized for minting by this legislation bear the likeness of the late President Dwight D. Eisenhower. Mrs. DWYER was among the first, if not the first, to propose in legislative form that the nonsilver dollar coin proposed by the Joint Commission on the Coinage be officially designated by Congress as one honoring the late President and General of the Armies.

There is nothing in the bill as reported to which I object. I had intended offering an amendment in committee to provide better machinery for the distribution of proof sets by the Treasury, so that the individual hobbyists can have a more equal opportunity to obtain at least one of these sets each year rather than continue the system which seems to permit dealers an inside track to these much-desired numismatic specimens. My amendment could not be offered in the committee and there is no way it can be offered now under the parliamentary situation in effect on the House floor. But I think this situation must be taken up and reformed. So it is my intention to offer separate legislation on this point. If we are to continue to have proof sets as numismatic specimen coins, then it was my thought also that the Secretary of the Treasury be given some leeway in determining the metals or combination of metals to be used in the proof sets.

Under this bill, the proof sets will have to be made of exactly the same materials as the circulating coins, and they are not as attractive as they would be and should be, if they contained perhaps a thin coating of silver or other bright metal—perhaps columbium.

Mr. Speaker, I am deeply disturbed over one decision made by the Joint Commission of the Coinage, at the urging of Secretary of the Treasury Kennedy, which is not reflected in this bill. It has to do with the ban which had been in effect from enactment of the Coinage Act of 1965 until last May—the ban on the melting or export of silver coins.

Under the chairmanship of the previous Secretary of the Treasury, the Joint Commission on the Coinage last December voted not only to continue this ban on melting or export of silver coins, but to make it permanent by law so that it would be unlawful, ever, to melt or export silver coins. The bill originally introduced to carry out the recommendations of the Joint Commission contained language to make the ban statutory.

But when the Commission reconvened in May under the chairmanship of the new Secretary of the Treasury, it reversed itself on this point. And that same day, I believe, Secretary Kennedy lifted the ban and industry was then allowed to melt down or export our silver coins.

To me, this was a grievous mistake—rewarding by a windfall the very people most responsible for causing the coin shortage in 1964 and thereafter—the coin speculators and hoarders who amassed tons of silver coins for the purpose of melting them down and recovering silver worth far more than the face value of the coins.

As long as the ban on melting and export stayed in effect, these hoarders were unable legally to cash in on their hoards of silver coins. Perhaps there were some violations, and perhaps it was hard to enforce the ban. But, on the same theory, are we now going to repeal the laws on narcotics?

In our hearings in the Banking and Currency Committee on the legislation now before the House, I was unable to get any convincing explanation from the Treasury as to why the melting ban was lifted or what prompted the Joint Commission to change its mind on this issue merely as the result of the substitution of one chairman for another.

I think it is disgraceful that the people who hoarded silver coins when they were needed in commerce—hoarded them by the ton—are now reaping this reward of being able to melt them down for their silver content. It is a windfall to those who acted against public policy.

Mr. PATMAN. Mr. Speaker, I reserve the remainder of my time.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Mr. Speaker, this bill came out of the committee with one negative vote. On the minority side we fully supported the bill, feeling it is very much a program which is urgent at the present time. It results from recommendations by the Joint Commission on the Coinage, which has been meeting for several years. It is an attempt to finally have our coinage set up in an orderly fashion to meet the trials of our times.

It is really urgent that in our future coinage we have the cupro-nickel half dollar and save the 40 percent silver that is going into the present coinage.

We should also begin the coining of a new silver dollar as is proposed in this bill, this being made out of the same kind of metallic content as other coins.

We can save for the people of this country almost $300 million a year just out of the seigniorage on these coins. This is something that will be most helpful at a time of financial crisis.

It also means if we do this we are less dependent upon imports of silver. Our own manufacturers of silver cannot keep up with the industrial demands here. If we do not do it that will be a further adverse impact on our balance of payments to the extent of several hundred million dollars a year.

I know the silver producers are anxious to see that we continue a 40-percent content in coining silver dollars and a full content of silver in the silver dollar. The market is such today that the silver producers of our country are going to be able to put every ounce of their product on the markets here in the United States at an excellent price.

They have certainly been doing well within the last couple of years, and there is no reason, with the tremendous demand for silver, why they should not continue to do so.

There is also contained in this bill a provision for the disposal of almost $3 million in old silver dollars by an orderly procedure that will be profitable to the Government.

Mr. Speaker, I urge enactment of the bill.

Mr. GROSS. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New Jersey (Mrs. DWYER).

Mrs. DWYER. Mr. Speaker, I am deeply pleased that the House is moving so expeditiously in its consideration of H.R. 14127, the Coinage Act of 1969, and I urge our colleagues to join the Committee on Banking and Currency in giving this legislation, as amended by the committee, their wholehearted approval.

The reason for early action relates to the fact that the bill, in carrying out the recommendations of the Joint Commission on the Coinage, authorizes the Treasury to mint a new $1 coin.

Since the minting of a new coin, Mr. Speaker, presents a rare opportunity for the country to honor one of its most distinguished and beloved citizens, I introduced on May 26 a bill, H.R. 11626, to implement the commission's recommendations and, in addition, to specify that the new $1 piece shall bear the likeness of the late President of the United States, Dwight David Eisenhower.

During our committee's consideration of the proposed Coinage Act of 1969 last week, I offered this latter provision as an amendment to the committee bill and I was deeply gratified that the committee approved it.

On October 14, Mr. Speaker, the Nation will commemorate the birth of President Eisenhower, and a number of special events are being planned to honor this very great American on that day, including the issuance of a new commemorative postage stamp.

As President Nixon has pointed out, it would be most fitting if congressional action on the pending bill could be completed in time to be included in the events of that day.

In this regard, I believe it would be appropriate to recognize the special efforts which have been made by the distinguished chairman of the Banking and Currency Committee, Mr. PATMAN, and the distinguished ranking minority member, Mr. WIDNALL, to bring this bill to the floor. Without their exceptional cooperation, we could not hope to meet the timetable.

Mr. Speaker, I am confident that there is the widest possible agreement that President Eisenhower is most deserving of this special honor. Few Americans in the history of our country have earned the love and respect of their people as did our late President. His long lifetime was devoted almost in its entirety to the service of his country, and his influence for good was felt decisively at key periods of our history both in war and in peace.

A new $1 coin, therefore—for which there is a growing economic need—would be an especially fitting and timely memorial to this man who gave so much of himself to so many others. But such a coin would serve its purposes, both memorial and economic, only if it circulated and only if it was widely available in adequate quantities.

While I recognize and respect and, indeed, share the motives of those who contend that a silver-bearing coin would represent a more valuable tribute to President Eisenhower than the cupro-nickel coin authorized by the bill, I strongly suggest that a silver dollar would be self-defeating.

The evidence is clear that the Government does not possess adequate supplies of silver to meet the anticipated demand for an Eisenhower silver dollar. If such a coin were minted, therefore, it could be produced only in limited quantities and this supply could be expected to disappear from circulation almost immediately. The principal beneficiaries would be speculators. The Treasury's silver reserve would be depleted. And the price of silver would be increased.

An item which appeared last week in the financial pages of the New York Times described the situation quite candidly. I quote:

> Speculators have been hoping that Congress would vote to mint Eisenhower commemorative silver dollars, thus cutting down on the Government's reserves of silver and putting more pressure on prices.

I am sure, Mr. Speaker, that this House—and the people we represent—are serious about honoring President Eisenhower. The pending bill provides a most meaningful way of doing this, and I urge our colleagues to approve it.

Mr. PATMAN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I would like at this time to make a few remarks on H.R. 14127. This is the bill that was introduced by the distinguished chairman of the Banking and Currency Committee, Mr. PATMAN, and by the distinguished ranking minority member of that committee, Mr. WIDNALL.

I had the pleasure of testifying in behalf of this bill before the Banking and Currency Committee on October 3. I am pleased that prompt action was taken on it and that we are considering it on the floor today.

It is also a pleasure to speak once again for this bill because I have been fighting for this measure for many, many years.

Section 2 of the bill would authorize the minting of a nonsilver half dollar and a nonsilver dollar. I have long advocated this. I would like at this time to explain why I support H.R. 14127.

On May 12 of this year, the Joint Commission on the Coinage held a very important meeting that was chaired by the Secretary of the Treasury David Kennedy. As you know, this bipartisan Commission has the responsibility of giving advice on silver and coinage problems to the President, the Secretary of the Treasury, and the Congress.

I am currently a member of it and have been since its inception several years ago. As a result of this position, I have studied the problems of silver and coinage very closely.

At this meeting, the Joint Commission on the Coinage recommended, among other things, that silver be taken out of the half dollar and that it be replaced by a nonsilver half dollar and a nonsilver one dollar coin. As a result of this recommendation, the Treasury Department urged prompt enactment of legislation to that effect.

I might add at this point, Mr. Speaker, that these recommendations were not arrived at overnight. They were the result of more than 2 years work, during which time the silver situation was studied with a fine-tooth comb. Every aspect of the problem was looked into. No table was left unturned.

The result is the bill before us today—H.R. 14127. It has the support of the Joint Commission on the Coinage and the Treasury Department. It embodies recommendations which were reached, as I have said, after long and careful study. And, in view of the silver crisis we are facing, it represents the only sensible and realistic approach to the minting of our coinage.

I think that Secretary Kennedy's statement to the Joint Coinage Commission explains the problem very well. He said:

> The first recommendation, for the minting of a nonsilver dollar, is consistent with the conclusions reached by the Commission at its meeting last December. I think the convincing argument here is that despite the minting of some 760 million 40 percent silver half dollars over the past three years, very few of these coins are actually circulating. Even if we were to continue pouring all of our remaining 150 million ounces of surplus silver into the silver half dollar, it is extremely doubtful whether the coin would circulate in any quantity. Moreover, this use of or remaining silver would require a halting of surplus silver sales which would very probably drive the price up excessively and further stimulate the hoarding of these coins. In short, the 40 percent half dollar in our past experience is simply a losing proposition.

That statement, I repeat, was made by the Secretary of the Treasury. You can readily see that it applies to the use of silver in any coin.

I might interject at this point, Mr. Speaker, something that was brought up last week at the banking and currency hearings. During my testimony, my distinguished colleague from Wisconsin (Mr. REUSS) asked me how much the Federal Government had lost by minting 40-percent silver half dollars rather than clad half dollars.

I think this is a very important thing to know, and I hope my colleagues will take careful note of it.

The fact is that since 1965, we have minted 790 million 40-percent half dollars. It costs 22 cents to mint this coin which means the Government comes out with a 28-cent profit on each one.

It only costs 3 cents to mint a clad coin, so we get a profit of 47 cents per coin.

This means that the Government would make 19 cents more per clad coin than it does on the 40-percent silver coin. Thus, we have lost over $150 million on the 790 million 40-percent silver half dollars minted since 1965. I repeat—over $150 million over a 4-year period.

In addition to that, this would have released enough silver to bring in a profit of $66 million to the Government. So we are talking about a total loss of some $215 million.

The point is—and I have said this over and over again both on and off the floor of the House—we are wasting our precious supplies of silver on a coin that does not even circulate, while our domestic industry desperately needs the metal.

I might also interject, Mr. Speaker, that on May 19 I introduced legislation in this area. My bill, H.R. 11404, provided for the minting of a nonsilver $1 coin bearing the likeness of our late President, Dwight David Eisenhower. This was 1 week after the Joint Coinage Commission meeting.

Several weeks later, my colleague from Idaho (Mr. MCCLURE) and 159 cosponsors, introduced legislation calling for an Eisenhower silver dollar. I opposed this measure then, and in a speech here on the floor on July 15, I explained why I did. I still oppose this measure, and for the same reasons. That is why I am speaking today in support of H.R. 14127.

As you will recall, it was Congress that originally authorized taking silver out of our currency. Under Public Law 89–81, which passed on July 23, 1965, silver was taken out of the dime and the quarter. Unfortunately, it was not taken completely out of the half dollar. The bill as finally enacted only reduced the silver content in the half dollar from 90 percent to 40 percent.

The reason for this action by Congress was clear, and I should know. I fought hard for it, including complete removal of silver from the half dollar, which we lost on. Congress recognized that silver was much too precious and its supplies much too limited to waste on currency.

The situation has not changed. In fact, if anything, it has gotten worse. Silver is even more precious and its supplies even more limited to waste on currency today.

A few figures should put what I am saying in the proper perspective.

For example, since 1964, 276 million ounces of silver have been used in the minting of more than 1 billion half dollars. This amount of silver alone would have been enough to fill the gap between domestic production and consumption for a period of more than 2½ years.

Or to put it another way, the United States used 60 percent more silver in minting the half dollar than the rest of the entire world consumed during 1968 for this purpose.

The fact that the coin would not circulate even at the annual production rate of 300 million coins should be proof that, so long as silver is used, it will not serve as a medium of exchange.

And the mint reduced the production of the 40-percent half dollar to 100 million a year last July. Even at this reduced rate—15 million ounces of silver per year—more silver is consumed in 1 year than is consumed by the domestic photographic industry in 4 months.

In addition, U.S. industry uses about four times the amount of silver produced in this country. Specifically, we produce about 38 million ounces annually and consume about 150 million ounces in the same period.

Thus, foreign silver must be purchased to fill the gap. At 1968–69 prices, this could mean a $155 to $256 million per year balance-of-payments deficit. You can well image the impact of this deficit upon an already unfavorable balance of payments.

Mr. Speaker, simply stated, a new silver coin would not serve the purpose for which it was intended. It just would not circulate. On the other hand, the clad coins called for by your bill would circulate and would work in our economy. But there are even more reasons that Congress should act favorably upon H.R. 14127.

For example, the Government would make more money on seigniorage by minting nonsilver coins. Seigniorage, as you know, is the difference between the face value and the intrinsic value of a coin. I have already shown how this would have worked out in the case of the half dollar. I would now like to clarify this point a little more because there may be some confusion over whether the nonsilver dollar is in fact more profitable than the silver dollar.

The proponents of a 40-percent silver dollar argue that its silver would be worth $3.16 an ounce. They arrive at this figure by saying that you would have to melt 3.16 dollars to get an ounce of silver because each coin would contain .316 ounces.

Now I have followed the silver situation a long time, and I have never computed the value of silver like this. For purposes of discussion, however, I will assume that we do in fact get $3.16 an ounce.

Thus, it is argued, more money can be made doing this.

This, however, is not the case because it ignores what it cost the Government to mint coins. For example, it would cost 48 cents to mint the 40-percent silver dollar. This means the Treasury would make 52 cents per coin or $52 million on 100 million coins.

On the other hand, it would cost 5 cents to mint a nonsilver clad dollar. This would give a seigniorage figure of 95 cents per coin or $95 million on 100 million coins. In addition to that, it would release silver for sale to industry. In fiscal 1968, the profit to the Government from the sale of 98 million ounces was $55 million.

This would give us a total profit of $150 million compared to only $52 million with a silver dollar. I think it is quite clear that the Federal Treasury comes out better with a nonsilver coin.

And, finally, we should not overlook the fact that there are only 100 million ounces of silver left in the Treasury reserves.

On July 7, the Chicago Tribune editorialized about the Treasury recommendation embodied in H.R. 14127 as follows:

> Mr. Kennedy's plan is sensible and timely. * * * [it] would give us half dollars we can use, and the vending machines are starved for them. It might give us back the old cartwheel, * * * even minus its silver. It would increase the profit * * * which the mint makes on its coinage. And nobody can complain that he will be seriously hurt by the proposal * * *.

Even more interesting and somewhat ironical are the comments of the Denver Post. On May 15, the Post ran an editorial entitled "Wrong Time for Silver Oratory." Therein, they came out against the silver dollar because they felt it would not circulate. And I would remind you that Colorado is a great silver-mining State.

Before concluding, I think there is something else we should all keep in mind. The dollar coins in question would bear the likeness of our late President, Dwight David Eisenhower. I am sure that my colleagues would agree with me that this is a fitting tribute to one of our greatest leaders. It would indeed be unfortunate if we failed or even delayed to commemorate him in this manner.

In this regard, Mr. Speaker, I might mention the letter President Nixon sent to the distinguished chairman of the Banking and Currency Committee. In that letter, the President urged prompt congressional action on this bill. The late President's birthday would have been October 14 and President Nixon thought it would be fitting to have an Eisenhower dollar by that time.

I certainly support the President in his desire for prompt action on this bill.

Therefore, I would hope for and urge speedy action on H.R. 14127 not only because the silver situation is critical but also because it could provide an appropriate way to commemorate President Eisenhower.

Mr. Speaker, I hope that I have made my position and my support for H.R. 14127 clear. Thank you for the opportunity to make these remarks.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Idaho (Mr. McClure).

Mr. McCLURE. Mr. Speaker, I thank the gentleman from Iowa for yielding this time to me for this is the first opportunity we have had to present our case. The opportunity before the Banking and Currency Committee last week at the rather hastily called hearing upon this matter was limited in this manner.

Mr. Speaker, the proponents of the legislation that would require the removal of silver from all our coinage and bring about the final debasement of our currency were granted over 2½ hours of time during which to present their case, while the opponents of this legislation, those who would like to see some silver retained in our coinage system, had the aggregate of 7 minutes to present their case before the committee. When an attempt was made to offer amendments before the committee to insert some silver in the coins, they were ruled out of order. This is the kind of procedure that was carried on in that committee. Of course, that is not news to this Chamber and it is not news to this country to see this committee operate in that fashion. So, I do not think any of us are surprised. But we come before the House not under a procedure whereby we might rectify that situation and where we might present our case to this body and the American people and have this body work its will. But we come to the floor of the House for the consideration of this legislation under a suspension of the rules procedure which prohibits the offering of amendments.

Mr. Speaker, what kind of gag rule are we talking about? I think I heard cries last week during the debate on the military procurement bill coming from the other side of the aisle about the gag rule from some of our friends who I hope will join me in our efforts today. They felt as Representatives of the people of their districts that they were not permitted the opportunity to present their case and to offer amendments. I, therefore, appeal to them to support us today in asking that this bill be defeated so it will be sent to the Committee on Rules. We will have an opportunity then to get it before this body under a procedure whereby we can offer amendments and where we can debate the merits of the measure, instead of having this gag rule imposed upon us.

Now, Mr. Speaker, to the merits of the bill. There are some people who will say, "Well, Mr. McClure, is from Idaho and Idaho is a silver-producing State and therefore his interest is for this reason." Sure; I make no apology for the fact that men who work in those mines thousands of feet underground and where rock temperatures rise to 185 degrees and where you earn your money literally by the sweat of your brow and because silver prices have been kept low, their wages are much, much lower than other industrial workers in this country. I make no apology in standing before this body and saying that they are entitled to a better break than that. As everyone knows, we have been dumping Treasury silver in massive quantities thereby depressing the marketplace. A great many people have told us, "Well, we cannot afford not to mint a base-metal dollar. We make more money that way."

This is the same philosophical approach to the problem where you have a shortage of paper money. You just turn on the printing presses and turn out some dollar bills and make a big profit on that, too. So, if you believe in that philosophy, let us follow it right on down to the rest of our currency and solve all our budget problems. It is not that we do not have a special interest in the problem in our State, because indeed we do. The price of silver is going up. The fact has been alluded to that silver is in short supply.

There is no question but that silver is consumed in greater quantities than it is produced both domestically and internationally, but you do not close that supply-demand gap by dumping government silver on the market, and depressing the price.

The only ultimate solution to that is to get the price up to the point where silver producers will produce silver. If the price is allowed to meet the market, then we will have a greater production of silver.

If there is to be a reduction in the consumption of silver, why should it be the coinage of this country that is the first to reduce the amount of silver? What is the highest and best use? It has been said here today that silver is too precious to be used for coinage, but we are spending billions of dollars—and we authorized over $21 billion more in legislation last week—to defend this country in a military sense, so certainly we can afford to spend a few millions of dollars to defend the monetary system of this country. That is one of the basic issues.

Mr. BARING. Mr. Speaker, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman from Nevada.

Mr. BARING. Mr. Speaker, I thank the gentleman for yielding, and I want to associate myself with the remarks made by the gentleman from Idaho.

The bill as it is presented today is not a good bill, and we should have the right to bring it out under a rule where we can offer amendments and consider the bill as it should be.

Again I wish to associate myself with the remarks of the gentleman from Idaho.

The SPEAKER pro tempore. The time of the gentleman from Idaho has expired.

Mr. GROSS. Mr. Speaker, I yield 2 additional minutes to the gentleman from Idaho.

Mr. McCLURE. Mr. Speaker, I thank the gentleman for the additional time that he has yielded to me.

Mr. Speaker, I want to proceed with a consideration of some of the hearings held on this matter—and incidentally, reference has been made to the fact that there are 160 sponsors, Members of this body, sponsoring this legislation, and therefore they have had no opportunity to present their views before the Committee on Banking and Currency, or an opportunity to present their views before the House. I speak, I believe, on behalf of many of these Members.

Here is a communication from a gracious lady in Pennsylvania in support of my bill which would call for the minting of an Eisenhower silver dollar:

GETTYSBURG, PA.,
July 30, 1969.

Hon. JAMES A. McCLURE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN McCLURE: Thank you for your letter and the copies of the bills introduced on the minting of a silver dollar bearing the likeness of my husband.

I am particularly pleased that the members of Congress chose this way of commemorating my husband, as I recall he often used silver dollars as a little momento to give to children and young people who visited his office after he left the Presidency. He made a special effort to secure some minted in the year of his birth, and I still have some that he kept in his desk drawer.

With appreciation and best wishes,

MAMIE DOUD EISENHOWER.

I think if we are going to honor the memory of this great American and this great President it ought to be with a coin of real value. I do not believe we want any pewter coins.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. McCLURE. The gentleman has control of the time, and I have not sufficient time to yield to the gentleman, for which I am very sorry.

Mr. Speaker, I would also like to read to the Members a letter I received from Senator Mike Mansfield, the sponsor of a similar bill in the Senate, a bill which would call for the minting of a silver Eisenhower dollar.

He says:

Dear Jim: I am pleased to know that you are appearing before the House Committee on Banking and Currency this morning on behalf of your bill providing for the minting of a new Eisenhower silver dollar.

Your proposal is a companion to the Dominick legislation here in the Senate. I wish to offer my endorsement of this plan but, because of a very heavy schedule here in the Senate, it isn't possible to come over to the House side for this hearing. I would, however, consider it a personal favor if you would present the attached letter to the Chairman when you appear during the hearings.

With best personal wishes, I am

Sincerely yours,

Mike Mansfield.

Mr. Speaker, I would also like to call attention to the separate views of the gentleman from Mississippi (Mr. Griffin) in the report, in which it quotes from a letter addressed to the committee from Senator Mansfield, which letter I insert in the Record at this point. Also, I insert the text of my remarks prepared for presentation before the Banking and Currency Committee:

U.S. Senate,
Office of the Majority Leader,
Washington, D.C., October 2, 1969.

Hon. Wright Patman,
Chairman, Committee on Banking and Currency, House of Representatives.

Dear Mr. Chairman: The United States coinage system has undergone a certain amount of change in recent years in which we have permitted an increased use of alloy metals.

During these years, perhaps the most unfortunate situation has been the disappearance of the silver dollar. The silver dollar has a special meaning to the people of Montana and the West. It was a very popular medium of exchange. Unfortunately, with the reduced minting of the silver dollar coin, dealers and promoters have been hoarding and charging exhorbitant prices for the cartwheels. I think it is time that the U.S. Treasury issued a silver dollar. I believe it would be a very popular move. I am pleased that your committee, the House Committee on Banking and Currency has scheduled these hearings on coinage recommendations. I am a cosponsor of the Dominick proposal in the Senate, which would provide for the minting of the new Eisenhower silver dollar. I am certain that we all agree that this would be an appropriate tribute to our late President, who was held in such high regard by the people of our Nation.

While I have no quarrel as to the design of this new coin, I think it is very important that it contain at least a reasonably high silver content of appropoximately forty per cent. I recognize that the old silver dollar cannot be reproduced in large quantities, but I would not like to see a complete abandonment of the silver content. In the eyes of my constituents nothing could be worse than a large round coin made up of a variety of alloys. People of the West do not want a phony dollar. They want one with a proper amount of silver.

My schedule prevents my making a personal appearance before your Committee, but I did want you to know that the people of Montana are extremely interested in this legislation, and I strongly recommend that the Treasury Department be given the authority to mint large quantities of silver dollars. To do otherwise would merely contribute to the hoarding of coins.

Thank you for this opportunity to express my views.

With best personal wishes, I am

Sincerely,

Mike Mansfield.

Testimony of Hon. James A. McClure of Idaho, Before the House Committee on Banking and Currency, October 2, 1969

Mr. Chairman, I am deeply honored by the opportunity to appear before your committee today and to offer my views on the coinage matters before you. As Mr. Eggers commented Wednesday, regardless of the decisions you arrive at, we are finally resolving once and for all, for good or for bad, the disposition of problems that have plagued us for many years.

I suppose that some will dismiss my testimony as biased in favor of silver producers merely because I am from Idaho. Well, Mr. Chairman, it is true that once the Government is out of the silver business, prices will go up, thereby benefiting the miners of Northern Idaho. We are not afraid of profits out there and will gladly accept any benefit which enhances the area economically and brings it up on a par with the other states. Regardless of what this Committee does, silver prices, inevitably, will go up.

However, our motives are not purely selfish ones. We are not so provincial that we put consideration of our mines ahead of the needs of silver users—one quite obviously depends on the other. Nor are we so greedy that we would sacrifice the well-being of the American economy for an extra dollar in our billfolds—what affects the nation as a whole will most certainly affect Idaho miners as well.

In any event, the transfer from a government-controlled silver market to one of supply-and-demand is at hand. It is the obligation of Congress to make certain that the shift is as painless as possible for all parties involved.

For me there are several compelling reasons why we should authorize a coin dollar containing metal of intrinsic value.

The first is my personal belief that our monetary system must bear some relationship to precious metal backing. Admittedly, this is not a view shared by many of you on this panel. Yet I must mention it, if only to explain why I feel so deeply about it. Mr. Eggers said the function of the Treasury is to provide coins for the market place. So long as the cost of producing those coins is less than the value of the coins themselves, the taxpayer is not being hurt. A 40% silver dollar monetizes at $3.16 per ounce. For the 50-cent piece, the figure is $3.38 an ounce. Is anybody in the Treasury willing to tell us that in the life of these coins the price will reach *those* levels?

We can—and should—buy silver at any price up to $3.16 for coinage purposes. The only possible argument against this is that you can make more money by turning out cheap coins. But this is precisely the same argument for printing press currency.

Another reason why I support the silver dollar is my belief that our country should have a prestige coin. I think most Americans agree that Dwight D. Eisenhower's record of unmatched service to his country deserves to be commemorated. And it is only natural that the new dollar serve as the vehicle for this tribute. Likewise, it follows that the coin honoring our late President should be as prestigious as the man himself. It should be of the highest quality—just as Congress in its wisdom chose a prestige coin to remember John F. Kennedy.

Mr. Eisenhower often said that he wanted to be remembered primarily for his efforts in behalf of world peace. So, I further suggest that the design for the obverse side be taken from the design authorized in 1921 in commemoration of peace, since known as the Peace Dollar.

And, as Secretary Fowler said in testimony before this Committee in 1965, there is a need for "maintaining at least one prestige coin as a part of our tradition."

But if you cannot accept the argument that our monetary system should relate to precious metal—and if you cannot accept the argument that we should mint a prestige coin, there is still a third reason that is the most persuasive of all. It concerns that much-abused word "seigniorage." If you can ignore the rest of my arguments, you simply cannot ignore the fact that you get a better return to the taxpayer by using the silver in coins.

The sale of our Treasury's silver asset in the best possible way should be of prime concern today. At the present rate of $1.88 per ounce, the profit to the government—if that rate were maintained—would be only $46 million if the remaining 100 million ounces were disposed of through the G.S.A. sales.

Used to mint the Eisenhower silver dollar, the profit would increase an *additional* $128 million. To those who claim that this is not a profit, I can only ask why it is that other governments—Mexico's for instance—make a profit from buying silver at market prices and selling it for $4 per ounce as they did last year?

The Treasury said Wednesday that more money is derived by minting cupro-nickel dollars. But, the profits obtained by using silver in coins is *additional* because it supplies an *additional* demand. And what is more, as the Treasury admitted Wednesday, the use of silver in coins is anti-inflationary. Since they will not circulate—at least to some extent—the silver dollar not only meets an additional demand, it also supplies an additional benefit as well. Don't be afraid of profits and don't be afraid of higher silver prices, for they are not in themselves inflationary. Silver prices, unhampered by government regulation will follow tried and tested economic laws and will bring supply and demand into balance. Treasury's selling silver into the market can only delay and obstruct a balance between supply and demand.

For those who say our economy is so strong that the monetary system need bear no relationship to gold and silver, what better way to show its strength than by minting our largest coin in such a fashion as to illustrate our abundance? To run to a cupronickel coin is a confession of weakness used by other nations only in a time of economic distress.

The bills (H.R. 12766 & 13214 & H.R. 12744–12749) to mint a *silver* dollar were cosponsored by 159 members of the House. Many other congressmen declined to ad their names for one reason or another, but nevertheless called to give me their personal assurance that the proposal had their support—a sufficient number, I might add, that the total in favor constitutes over half of this body. In the Senate, Senator Dominick's bill has a host of cosponsors which includes the majority leader, Senator Mansfield, and the late Senate minority leader, Senator Dirksen. In view of this I am at a loss to explain why some of those who oppose my bill insist that the cosponsors have been lured into adding their names. Are we to believe that so many responsible Members of Congress add their names, willy-nilly, to a bill without considering its consequences? Will not such charges come back to haunt them in the next election?

The truth is that the facts surrounding Treasury silver are so beclouded that it has grown increasingly difficult to separate fact from fiction. I would like to set the record straight at this time as best I can in this limited time.

It is fiction to say that there is a shortage of silver at the present time. The facts were well-stated by Handy and Harman in their year-end review last December. They said: "We have continually emphasized that there will be no shortage of silver for future industrial needs, and this has been confirmed by events."

Paradoxically, it is also fiction to say that today's surplus will continue indefinitely. The fact is that until the silver market is released from the artificial depression of government control, the mining industry will not find exploration for mines economically feasible.

It is fiction to say that the legislation I propose should not be adopted because it effects the balance of payments situation through prospective imports of silver. The fact is that the cupro-nickel dollar will have the same kind of results. In 1967, we imported 143,000 short tons of nickel and exported 31,537 tons. Thus, the net import figure for that year was 111,463 tons. In 1968, imports of copper exceeded exports by 315,564 short tons.

It is fiction to say that a prestige coin will not circulate. Under the proper circumstances and with sufficient support, it will. The Kennedy half was not given a fair chance, because it was not minted in sufficient numbers. The Treasury minted 300 million annually for two years and just as these coins were beginning to circulate, the authorization was reduced to 100 million to perpetuate the shortage. Mr. Tate admitted as much Wednesday when he said it would take 300 million annually to circulate the cupro-nickel halves they now propose. Furthermore, only 800 million 40% silver half dollars have been minted to replace the 1.2 billion 90% halves minted previously—and at a time of increasing demands in the marketplace.

It is fiction to tell us that the 100,000,000 limitation on half dollars was imposed by the Coinage Act of 1965. That decision is made annually by the Treasury Appropriations Subcommittee, on which the gentleman from Massachusetts (Mr. CONTE) is the ranking Republican.

It is likewise pure fiction for the Treasury to say that a cupro-nickel *half* is expected to circulate, while a cupro-nickel *dollar* will not. The fact is, as any reliable coin collector will tell you, any change in either the composition or facing of a coin will not circulate when issued in limited quantities. It makes no difference whether the coin is made of silver or glass beads, it will not circulate at first if only a limited number are minted.

It is fiction to say that all members of the Coinage Commission endorsed unanimously the proposals before you, as you were erroneously told Wednesday. I am now a member of the Commission and attended that meeting in May. Most assuredly the recommendations on the half and the dollar were *not* unanimous. I might add at this point that I *have*, however, supported the agreement on disposition of the Carson City dollars and have introduced legislation to implement the plan. (H.R. 13451)

It is also fiction to say that the Coinage Commission insisted on a cupro-nickel dollar. The fact is that no recommendation whatsoever was made as to the composition of the proposed dollar, that decision being left to Congress.

As you can see, the inescapable conclusion is that the Treasury came before this Committee to promote a point of view—not to respond to questions and supply facts upon which *you* could decide.

Mr. St Germain asked about a shortage of silver. Well, the silver users themselves have said repeatedly there is no shortage of silver.

Mr. Reuss elicited from the Treasury representatives that 300 million halves will need to be minted annually to meet the demands of the marketplace, and yet Treasury tried to pretend that the Kennedy half would not circulate even though a supposedly sufficient number had been coined. The implication was left that it was because it contains silver and the truth is that the coin was sabotaged.

Treasury would have us believe that turnout of 100 million coin dollars of relatively little value brings in a huge profit. Well, the homebuilders in this country are in Washington this week asking for $10 billion. Perhaps the solution to our problems is to just turn on the printing presses and turn out enough money that every proposal before Congress can be funded and still keep the budget in balance. Why is it that we will defend the peace with silver in the stockpile but we will not defend our monetary system with it?

Mr. Eggers said Wednesday that the demand for a coin dollar lies primarily in the West. I wish to assure him that in the West the demand is for a *silver* dollar.

The truth is that throughout the world people want prestige coins. How else can the Treasury explain the popularity of the Kennedy half? How else can you explain the fact that in the past decade more than 370 million such coins have been issued by 47 different countries. The actual figures are not available in all cases, so the total figure is considerably higher, and I ask that a table of these coins be printed at the conclusion of my testimony. The tables show that throughout the free world there is no more reluctance to issue a commemorative coin than there is to issue a commemorative stamp. Why should we be any different?

Since introducing my bills to mint an Eisenhower silver dollar, I have had countless letters from people in all walks of life and in every section of the country. All favor the proposal. Perhaps none of these letters illustrates this feeling more than one particular note which came from a gracious lady in Pennsylvania. I would like to share it with you. It reads:

"Thank you for your letter and the copies of the bills introduced on the minting of a silver dollar bearing the likeness of my husband.

"I am particularly pleased that the members of Congress chose this way of commemorating my husband, as I recall he often used silver dollars as a little memento to give to children and young people who visited his office after he left the Presidency. He made a special effort to secure some minted in the year of his birth, and I still have some that he kept in his desk drawer."

That letter is signed, of course, Mamie Doud Eisenhower. It seems that even the man we propose to honor recognized the silver dollar as a symbol of the economic strength of this nation. We cannot escape the fact that the overwhelming majority everywhere feel the same as Mrs. Eisenhower.

If, in the judgment of this committee, it makes more sense to mint 300 million in one year rather than spreading it out over three years, that is acceptable to me. We cannot lose by placing silver in our coins. What the Treasury gains, the people gain. The people will buy the silver dollar gladly and pay $3.16 an ounce for it. We know that the Eisenhower silver dollar will be a keepsake because it is a quality coin. We have the silver and I can think of no finer use for the benefit of more people than in the dollar.

I urge the Committee to retain the silver in our coinage and to mint an Eisenhower Silver Dollar.

The **SPEAKER** pro tempore. The time of the gentleman from Idaho has again expired.

The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. **PATMAN**. Mr. Speaker, has the gentleman from Iowa finished? I just have one more speaker.

Mr. **GROSS**. Go right ahead. Under the suspension of the rules the rotation is not required. The rules do not provide for it. Go right ahead.

Mr. **PATMAN**. I will yield 3 minutes to the gentleman from Connecticut (Mr. GIAIMO).

Prior to doing so, Mr. Speaker, how much time do I have remaining?

The **SPEAKER** pro tempore. The gentleman from Texas has consumed 9 minutes, and the gentleman from Iowa has consumed 12 minutes.

The gentleman from Connecticut (Mr. GIAIMO) is recognized for 3 minutes.

Mr. **GIAIMO**. Mr. Speaker, I rise in support of this legislation.

As a member of the Joint Commission on the Coinage, I have attended meetings for 2 years on this matter trying to straighten out a great many problems that have to do with our coinage. I think it is eminently clear to almost everyone that we must get silver out of our coins. We made a start in this respect, several years ago in the House, when we reduced the silver content of the Kennedy half dollar from 90 percent to 40 percent. I think we have to go the balance of the way at this time and get all of the silver out of these coins. I think it is a good idea to have the nonsilver dollar in circulation with the likeness of former President Eisenhower on this coin.

I do not think it is a lack of respect to have a nonsilver coin honoring one of our former Presidents. The fact of the matter is, with respect to one of our greatest Presidents, we have Abraham Lincoln on the penny. The penny is not an intrinsically valuable coin, but it will show no lessening of respect for the former President because of the fact that they will be on nonprecious metals.

Silver is in very great demand and the demands are increasing. We do not produce enough silver in this country for all of our silver needs. We have to go out and purchase it. The fact that we purchase it offshore means it has an effect on our balance of payments.

The fact that we would be converting all of our coins to a nonsilver coinage system would mean also that the Government would benefit because of the rules of the seigniorage.

It has been said by the gentleman from Idaho who spoke just a few moments ago that the price of silver was depressed and that, therefore, the people mining silver were not able to obtain adequate compensation for the very difficult and arduous work which they perform. I do not question that their income undoubtedly is not what it should be. But the fact is that the Government has not depressed the price of silver.

When we stopped pegging the price at which they sold silver at $1.29, silver found its own value in the world market and the U.S. market and it went up from $1.29 to $2 an ounce. This was the beginning of the effort of the U.S. Government to get out of the silver business.

I recall just a few years ago when the Treasury had approximately 1 billion ounces of silver on hand, if my figures are correct—and we now are down to approximately 100 million ounces instead of the 1 billion ounces. So we are already late in getting silver out of our coins.

I think this legislation is necessary, and it should be passed.

Mr. GROSS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, make no mistake, I say to the Members of the House, this bill, if approved, will complete the debasement—the debasement of the currency of this Nation. And it will be accomplishment here today under the virtual gag procedure of suspension of the rules.

The first real debasement came 2 or 3 years ago when quarters and dimes were stripped of silver. In that same fiscal year this Government sold 44 million ounces of silver to foreign countries, yet there was not enough silver, according to the gentleman from Texas, to continue to put any amount of it into the currency of this country. Yes, this will complete the debasement and the debauchery of the currency of this country, if we adopt this bill here today.

I repeat that it is shameful to do this under suspendion of the rules, where no amendments can be offered and where there is only 20 minutes of debate for and against.

Moreover, Mr. Speaker, the report on this bill was filed on Saturday night and therefore not available to the Members until this morning. I urge that the House turn this bill down and at least compel the Committee on Banking and Currency to get a rule and bring it in so we may have a full debate on this subject and the opportunity to offer amendments.

Members should understand that if legislation is approved there will be no intrinsic value left in the coins of common usage in our monetary system, and this probably for the first time in the history of the Republic. Only a few days ago, this Government officially joined with the international bankers in issuing "paper gold" because the mindless spendthrifts who have managed our monetary affairs have seen fit to dissipate and toss to the four winds our once great stock of gold metal.

What next will they debauch?

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I rise in opposition to H.R. 14127 which, in my opinion, if enacted would just about complete the debasement of our coinage.

The recommendations of the Joint Commission on the Coinage are well meaning and undoubtedly were made with good intentions. Even if some of their recommendations are meritorious, the manner in which H.R. 14127 is brought before this House is, as one Member described it, a shameful thing to do. This matter should not be considered under suspension of the rules. We heard a lot last week about a gag rule when opponents of the military procurement bill thought they were not given enough time to talk. If conditions against which they complain constituted gag rule, then the situation today is much worse. Today each side of the issue has only 20 minutes. Worse still there is no opportunity to offer an amendment under suspension of the rules.

Mr. Speaker, before we vote on this measure, all Members should read the separate views of our colleague, the gentleman from Mississippi (Mr. GRIFFIN). This distinguished Member does a service when he recalls that the markup session of their bill lasted less than 10 minutes.

The gentleman from Mississippi goes on to remind us that 150 Members of the House introduced the bill to authorize coinage of a prestige dollar bearing the likeness of David Dwight Eisenhower to contain at least 40-percent silver. This idea had been endorsed by Mrs. Eisenhower, who approved the idea of a commemorative silver dollar in memory of her late husband.

All of us were delighted to see the issuance of the Kennedy half dollar. It is now the only silver coin being minted. We did appropriate honor to that great President, John F. Kennedy. Why should we differentiate now? Why should we downgrade another great American by minting a memorial coin made of cupronickel? If this is not an outright insult to that distinguished American who was a great general and a great President, then it is certainly a kind of disrespect. It should not be done.

The senior Senator from Montana has referred to these cupro-nickel dollars as phony dollars. Out in the congressional district it is my privilege to represent I have heard such coinage called fake coins. Regardless of how we describe this coinage, the life and service of a great general and a great President deserves commendation by the issuance of a silver dollar and not a nickel dollar.

Under the procedure we are following today to consider this bill under the suspension of the rules I repeat, there is no opportunity to amend. This is a sneaky thing to do. This measure providing for further debasement of our country should at least exempt the memorial to a beloved President. The record will show there was no one appearing before the committee who indicated there was a current shortage of silver as a possible valid reason for further production of in my mind but that people want coins with a precious metal backing. That should be proved by the fact that the Kennedy half dollar, being the only silver coin now minted, would be in circulation if it were not greatly preferred to the coins without silver. The Kennedy half dollars are being hoarded. On the other hand if we continue to mint Kennedy half dollars and produce Eisenhower dollars with a silver content, such a course would reduce the special value of these coins and thereby cause them to be placed in circulation.

I have never been entirely certain of the content of these nonsilver coins. They have been called sandwich coins. They are sometimes called cupro coins. I suspect that, if the truth were known, they are made of scrap metal. It is almost unbleievable that we would issue a dollar of scrap metal to honor a former President. If we pass H.R. 14121, we do no favor to the memory of Mr. Eisenhower. By the issuance of one of these kinds of coin with no intrinsic value, we are cheapening the commemorative dollar intended to honor a great hero. For a man of the stature of Mr. Eisenhower, we should authorize the issuance of a prestige dollar—not a phony dollar.

Mr. PATMAN. Mr. Speaker, I yield myself 2 minutes.

In regard to the 50 cent piece commemorating President John F. Kennedy containing silver and the proposed dollar to honor President Eisenhower not having silver, may I suggest that this bill takes the silver out of the Kennedy coin so that it will be comparable, so far as that is concerned.

The gentleman from Idaho made an argument in favor of using our remaining silver to put in our coin. He also made an argument that the price of silver is bound to go up. We all know that. If we were to follow his advice and put our remaining silver, which is 200 million ounces, into this silver dollar, of course, there is nothing to keep the price from going out of the roof immediately. That is what would happen if we should take his advice. His advice was put it in the silver coin. I think this proposal is in the public interest. I believe President Eisenhower, if he were living, would agree to this. The former great president, Dwight D. Eisenhower, would agree that the public interest should come first.

If we were to put all our silver in the dollar, of course, there would be an immediate scarcity of silver. That is what Mr. MCCLURE said. That would make the price go up quickly. I do not believe he could follow that line of argument and at the same time be in favor of the public interest instead of private interest.

Mr. McCLURE. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield briefly to the gentleman from Idaho.

Mr. McCLURE. I thank the gentleman for yielding. Has anyone, anywhere, at any time predicted that the price of silver would exceed $3 an ounce at the outside?

Mr. PATMAN. I am not talking about the amount. The gentleman knows all about that. I am taking his word for it. He says the price of silver is bound to go up. I agree. If it is bound to go up, and you put all the Government silver in one coin, the price would shoot up quickly.

Mr. PATMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Speaker, I do want to state that I completely understand the position of the gentleman from Idaho (Mr. MCCLURE). I also want to call attention to extenuating circumstances which occurred last week which prevented the Banking and Currency Committee from hearing more testimony on the part of the producers of silver. Those extenuating circumstances were that the House convened at 10 o'clock on Thursday morning last week, at which time the Banking and Currency Committee was supposed to be meeting, and that meeting had to be canceled. The House then came in at 11 o'clock Friday morning of last week, so we had to terminate our meeting on Friday of last week at 11 a.m., and the committee meeting had started at 10 a.m.

However, before I voted for this bill out of committee, I did determine that even though the Government goes out of the silver business and stops putting silver into coins, the demand for silver will still exceed the supply of silver in this country.

I cannot quite understand how, any time supply does not meet the demand, we can have a decrease in price. If any time in the future it can be shown that the demand for silver in this country does not exceed the supply, then I am going to be happy to join with the gentleman from Idaho in putting the silver back into our coins.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Idaho (Mr. McClure).

Mr. McCLURE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the allegation has been made that there is an adverse impact on the balance of payments because if we use more silver, we will have to import more silver, and the alternative for that is to use a nickel and copper alloy to provide coinage.

Mr. Speaker, I remind Members of the House that nickel and copper are both in short supply, and we have to import both. We cannot shift the demand from one metal to the others without going overseas for our supplies.

Mr. Speaker, I would like to comment on the gentleman's remark that we have not depressed the price of silver. We consume in this country less than 160,000,000 ounces a year. Normally over the past few years it has been in that range. In the past year alone the Government dumped 178,000,000 ounces on the market.

We cannot dump that much silver, in the face of 160,000,000 ounces, the normal demand, without doing something to the price. That is just not possible. And it is not just the producers who lose. The citizens of this country who own the silver that is being dumped are losing. They have lost hundreds of millions of dollars already and stand to lose $128 million more—at current prices—under this insane policy.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. Foley).

Mr. FOLEY. Mr. Speaker, I join with my friend, the gentleman from Idaho (Mr. McClure), in urging Members of the House on both sides of the aisle to vote down this bill. One hundred and sixty Members of the House joined in a bill to authorize a 40-percent silver coin honoring the late President Eisenhower. The committee has chosen to bring out a bill for a nonsilver coin under conditions of suspension of rules, which does not permit amendments and does not permit full consideration of this legislation.

Mr. Speaker, this is a controversial matter. I will not belabor the arguments made by both sides. But we do point out that this matter should be handled under a rule with an opportunity for debate and with opportunity for both sides to offer amendments. One hundred and sixty Members are at least in partial opposition, and I will not agree to a procedure to bring out this legislation under a suspension of the rules without giving them an opportunity to present their views.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Alaska (Mr. Pollock).

Mr. POLLOCK. Mr. Speaker, I ask the gentleman from Idaho (Mr. McClure) a question concerning the profits of the Government from the sale of the Treasury silver if this coinage does not contain the silver: What is involved there?

Mr. McCLURE. Mr. Speaker, if the gentleman will yield, I thank the gentleman for asking the question. I think the point needs to be clarified that by putting the silver we now have in the Treasury into coins, we could get a minimum of $3.16 an ounce for the silver if we put it into the dollar, and $3.38 an ounce for it if we put it into the halves. We are now selling it at $1.88 an ounce or less. So every time an ounce of silver is sold, the taxpayers are losing, and they can only gain by putting the silver into the coinage. At $1.88 per ounce the profit to the Government and the taxpayer is only $46 million on the remaining silver. We would make an additional $128 million out of the remaining silver if we put it into the coinage. We cannot lose by placing silver in our coins. What the Treasury gains, the people gain.

Mr. PATMAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, in the hearings we gave careful consideration to keeping the public interest first. We could not justify doing something which would make it look as if we were making a deal to help any one group. The bill is not designed as a vehicle to help any private interest, silver dealers or otherwise.

If we were to have the silver in a dollar to commemorate the memory of any person, it would certainly take all the available silver we have. It is just an unrealistic approach. So in order to represent the public interest, we have to take the position we have in this bill.

The chairman of the Committee on Banking and Currency received a letter from President Nixon. A similar letter for the same purpose was written to the Speaker of the House (Mr. McCormack). I should like to read this letter. It says:

> I learned that you have scheduled hearings for October 1 and 2 on H.R. 13252, your bill to carry out the recommendations of the Joint Commission on the Coinage. I want to express my appreciation to you for initiating this action.
>
> Apart from the general merits of the bill, one section in which I have a particular interest would authorize the Treasury to coin and issue cupro-nickel one dollar coins. As you know, if this authority is granted, it is our intention that the new coin bear a portrait of President Dwight David Eisenhower. The birthdate of President Eisenhower is October 14, and various events are being planned to honor this very great American. I think it would be most fitting if congressional action could be completed in time to include an announcement of the new coin in the events of that day.
>
> I am aware of the difficulty in completing congressional action on H.R. 13252 in so short a time, but I would very much appreciate whatever you can do to expedite matters.
>
> Sincerely,
>
> R.N.

Therefore, the President is in favor of this bill. The administration is. The committee voted unanimously, minus one vote, after hearing arguments for and against, for the bill.

It occurs to me it certainly has pretty good support. I hope the Members of the House will unanimously pass the bill.

Mr. GROSS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, as others have said, it will be doing the memory of former President Eisenhower no credit to pass a bill to mint a dollar, perhaps made of scrap metal.

This is what is here proposed.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. PATMAN. Do you not think your statement could be construed as a reflection upon the President of the United States? He recommends passage.

Mr. GROSS. He made no recommendation——

Mr. PATMAN. Yes; he did.

Mr. GROSS (continuing). That the coin should not be minted out of silver, as far as I know.

If it is a reflection upon him, it is only a reflection born out of utter disagreement with him in this respect. It is incredible that the House would authorize minting a so-called dollar made perhaps of scrap metal to honor a President of the United States.

Mr. PATMAN. Mr. Speaker, I yield myself my remaining minute.

The gentlemen who appeared for the administration, for President Nixon and for Secretary Kennedy, said they did not want any silver in any coin, the Eisenhower coin or any other coin. They wanted to discontinue entirely the use of silver.

This bill will discontinue entirely the use of silver.

That was speaking for Mr. Nixon and speaking for the Secretary of the Treasury. Therefore, any opposition to the bill would be opposition to the President, of course, because he wants it passed just exactly like it is.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Do you do everything the President wants you to do? In this case I say the President is wrong.

Mr. PATMAN. That is between you and the President.

Mr. GROSS. Do you do everything the President asks you to do?

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Massachusetts.

Mr. CONTE. We are not trying to debase the coin. We are taking the silver out of the dollar.

Mr. OLSEN. Mr. Speaker, on several occasions I have taken the floor of this Chamber to discuss not only the dwindling supply of silver in this country, but the disappearing silver-mining industry. This situation has been contributed to by the Department of the Treasury which has espoused a policy of dumping our silver reserves on the market at cheap prices.

For a number of years I have strongly supported every effort to resume the production of silver dollars and to continue production of the Kennedy silver half dollar, but I believe we in the Congress should insist that the content of these coins be at least 40 percent silver. Some argue that we do not have enough silver to provide for minting purposes.

Today, because of the dumping policy of the Treasury Department, we probably only have enough silver on hand to sustain the use of this metal in coins for about a year. However, I feel certain that we would cause a resurgence of silver mining in this country if we voted to use silver in the minting of our coins once again. Such a resurgence is necessary if the United States is to have a continuing supply of silver for industry and national defense.

Mr. Speaker, the price of silver has risen some, but the dumping of our silver reserves has weakened that rise in the price of silver and has also forced many mining concerns to abandon important silver mining operations throughout the West. As a result, the mines themselves have deteriorated badly. I submit it is in the best interest of this Nation to provide our mining industry with the incentive and encouragement it needs to get these mines back into operation.

I believe we will authorize the minting of dollar and 50-cent coins, and I am hopeful the Members of this body will demonstrate their vision by insisting that these coins be at least 40 percent silver.

Mr. POLLOCK. Mr. Speaker, I rise in opposition to passage of H.R. 14127 under suspension of the rules. There is no man in Congress that wants an Eisenhower dollar coin more than I. Yet, I feel compelled to vote in the negative, as I will, because at some juncture the chairman of the House Committee on Banking and Currency must be brought to realize that it is imperative in the legislative process that views opposing those of the chairman must be voiced and deliberated so that the general will of the people may be honored and respected. The bill was brought to the floor under suspension of the rules. Therefore, no amendments can be made to the bill regardless of the merits. This is unfortunate.

If the bill is not agreed to by two-thirds of this body under suspension of the rules, and I venture to predict that it will not, then I hope the measure can be given an open rule and come to the floor under a procedure which allows for amendment.

I doubt if the will of this body is for creation of an Eisenhower silver dollar or simply an Eisenhower dollar coin of other minerals, but this body should have an opportunity to work its will under procedures which will enable proponents to offer appropriate amendments.

I, for one, want an Eisenhower dollar whether it contains silver or not, but there are compelling arguments in support of the silver coinage. It is my personal conviction that our monetary system should bear some relationship to precious metal backing. In addition, it should be pointed out that the U.S. Government and the taxpayer actually get a better return if silver is used in the coins. At the present rate $1.88 per ounce, the profit to the Government from sale of our Treasury's silver asset through the weekly GSA sales would amount to only $46 million, however, if 40 percent silver were used to mint the Eisenhower silver dollar, the profit would increase by an additional $128 million, for it would monetize at $3.16 per ounce rather than at $1.88 per ounce.

To the argument that there is an adequate supply of silver in the country for our commercial requirements and silver coinage would require importation of additional silver stocks, I respond by saying that we must also import the nickel and the copper and other minerals used in the minting of our coins.

If we remove all silver from the coins and authorize the Government to dispose of its silver assets in the Treasury, this dumping would exceed annual domestic production and would substantially damage an already depressed market price.

Finally, it should be mentioned that the dollar coin which commemorates Dwight David Eisenhower should be as prestigious as the coinage for previous outstanding men of American history. It should not be a nickel-clad demonetized coin without quality that bears some relationship to the previous metal some of us feel is important.

In the event H.R. 14127 fails passage under suspension of the rules, I want to urge my colleagues to exert every possible pressure to cause the bill to be presented by the Committee on Banking and Currency to the Rules Committee for an open rule, so that the measure can come before the House under procedures allowing for amendment, so that the Congress can truly work its will.

The SPEAKER. The time of the gentleman from Texas has expired.

The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 14127, as amended.

The question was taken; and on a division (demanded by Mr. PATMAN) there were—ayes 48, noes 54.

Mr. PATMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 206, nays 148, not voting 77, as follows:

[Roll No. 202]

YEAS—206

Addabbo
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Barrett
Beall, Md.
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Bingham
Blackburn
Blatnik
Boland
Bolling
Brademas
Brasco
Bray
Broomfield
Broyhill, Va.
Burke, Mass.
Burlison, Mo.
Button
Byrne, Pa.
Byrnes, Wis.
Carter
Cederberg
Chamberlain
Clancy
Clark
Clawson, Del
Cleveland
Cohelan
Conable
Conte
Corbett
Corman
Coughlin
Culver
Daddario
Daniels, N.J.
Davis, Wis.
Dawson
de la Garza
Diggs
Dingell
Donohue
Dwyer
Eckhardt
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Findley
Fish
Flood
Ford, Gerald R.
Fraser
Frelinghuysen
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Griffiths
Gubser
Gude
Hamilton
Hanley
Hanna
Hansen, Wash.
Harsha
Harvey
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Holifield
Horton
Hosmer
Hungate
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jones, Ala.
Kastenmeier
Kazen
Kee
Keith
Koch
Kuykendall
Kyros
Latta
Long, Md.
Lowenstein
McCarthy
McDade
McFall
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Matsunaga
Mayne
Melcher
Meskill
Mikva
Miller, Calif.
Mills
Minish
Mink
Minshall
Mize
Monagan
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nichols
Obey
O'Hara
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Philbin
Pirnie
Poage
Podell
Price, Ill.
Pryor, Ark.
Pucinski
Quillen
Rees
Reid, Ill.
Reuss
Rivers
Robison
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roybal
Ruppe
Ryan
St Germain
Scheuer
Schneebeli
Schwengel
Shipley
Sikes
Slack
Smith, Iowa
Stafford
Staggers
Stanton
Steed
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taft
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Van Deerlin
Vander Jagt
Vanik
Watts
Whalen
Widnall
Wiggins
Williams
Wolff
Wright
Wyatt
Wydler
Yates
Zion

NAYS—148

Abernethy
Adair
Adams
Andrews, Ala.
Ashbrook
Aspinall
Ayres
Baring
Belcher
Blanton
Brinkley
Brotzman
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson, Tex.
Burton, Calif.
Bush
Cabell
Caffery
Camp
Casey
Chisholm
Clausen, Don H.
Collier
Collins
Daniel, Va.
Davis, Ga.
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Dorn
Dowdy
Duncan
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Fisher
Flowers
Foley
Fountain
Fulton, Pa.
Garmatz
Gaydos
Goldwater
Goodling
Griffin
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Hastings
Hays
Henderson
Hicks
Hogan
Hull
Ichord
Johnson, Calif.
Jonas
Jones, N.C.
Jones, Tenn.
Kleppe
Kyl
Langen
Lennon
Lloyd
Long, La.
Lukens
McClory
McCloskey
McClure
McCulloch
McEwen
McKneally
McMillan
Marsh
Martin
May
Meeds
Miller, Ohio
Mizell
Montgomery
Myers
Nix
O'Konski
Olsen
O'Neal, Ga.
Pettis
Pickle
Pike
Poff
Pollock
Preyer, N.C.
Price, Tex.
Purcell
Quie
Railsback
Randall
Rarick
Reifel
Rhodes
Riegle
Roberts
Rogers, Fla.
Roth
Ruth
Satterfield
Saylor
Schadeberg
Scherle
Scott
Sebelius
Shriver
Sisk
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Steiger, Ariz.
Steiger, Wis.
Stuckey
Talcott
Teague, Calif.
Udall

Ullman
Utt
Waggonner
Waldie
Wampler
Watson
White
Whitehurst
Whitten
Winn
Wold
Wylie
Wyman
Zablocki
Zwach

NOT VOTING—77

Abbitt
Albert
Anderson, Ill.
Anderson, Tenn.
Berry
Biester
Boggs
Bow
Brock
Brooks
Brown, Calif.
Brown, Mich.
Burton, Utah
Cahill
Carey
Celler
Chappell
Clay
Colmer
Conyers
Cowger
Cramer
Cunningham
Delaney
Dennis
Downing
Dulski
Edwards, Ala.
Edwards, La.
Fascell
Flynt
Ford, William D.
Foreman
Frey
Green, Pa.
Halpern
Harrington
Hébert
Howard
Jacobs
Karth
King
Kirwan
Kluczynski
Landgrebe
Landrum
Leggett
Lipscomb
Lujan
McDonald, Mich.
Mann
Mathias
Michel
Mollohan
Moorhead
Morton
Mosher
Nelsen
Pelly
Powell
Reid, N.Y.
Rosenthal
Roudebush
St. Onge
Sandman
Skubitz
Stephens
Taylor
Tunney
Vigorito
Watkins
Weicker
Whalley
Wilson, Bob
Wilson, Charles H.
Yatron
Young

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Reid of New York and Mr. Morton for, with Mr. Berry against.

Until further notice:

Mr. Boggs with Mr. Anderson of Illinois.
Mr. Albert with Mr. Bow.
Mr. Celler with Mr. Lipscomb.
Mr. Delaney with Mr. King.
Mr. Taylor with Mr. Michel.
Mr. Brooks with Mr. Edwards of Alabama.
Mr. St. Onge with Mr. Mosher.
Mr. Skubitz with Mr. Nelsen.
Mr. Charles H. Wilson with Mr. Pelly.
Mr. Carey with Mr. Cahill.
Mr. Abbitt with Mr. Roudebush.
Mr. Chappell with Mr. Landgrebe.
Mr. Dulski with Mr. Sandman.
Mr. Fascell with Mr. Cowger.
Mr. Green of Pennsylvania with Mr. McDonald of Michigan.
Mr. Moorhead with Mr. Lujan.
Mr. Leggett with Mr. Powell.
Mr. Rosenthal with Mr. Biester.
Mr. Kluczynski with Mr. Mathias.
Mr. Tunney with Mr. Cramer.
Mr. Hébert with Mr. Watkins.
Mr. Howard with Mr. Cunningham.
Mr. Colmer with Mr. Burton of Utah.
Mr. Downing with Mr. Brock.
Mr. William D. Ford with Mr. Whalley.
Mr. Young with Mr. Foreman.
Mr. Kirwan with Mr. Weicker.
Mr. Anderson of Tennessee with Mr. Brown of Michigan.
Mr. Edwards of Louisiana with Mr. Bob Wilson.
Mr. Jacobs with Mr. Halpern.
Mr. Flynt with Mr. Frey.
Mr. Yatron with Mr. Conyers.
Mr. Brown of California with Mr. Clay.
Mr. Stephens with Mr. Dennis.
Mr. Mann with Mr. Mollohan.
Mr. Karth with Mr. Landrum.
Mr. Vigorito with Mr. Harrington.

Mrs. REID of Illinois and Mr. ESCH changed their votes from "nay" to "yea."

Mr. SMITH of California changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill just considered.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

GIFTED AND TALENTED CHILDREN EDUCATIONAL ASSISTANCE ACT

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13304) to provide for educational assistance for gifted and talented children.

The Clerk read as follows:

H.R. 13304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Gifted and Talented Children Educational Assistance Act".

SEC. 2. (a) Section 503(11) of the Elementary and Secondary Education Act of 1965 (relating to grants to strengthen State departments of education) is amended by inserting after "handicapped" the following: "and gifted and talented children".

(b) Section 801 of such Act (relating to definitions) is amended by adding at the end thereof the following:

"(l) The term 'gifted and talented children' means children who have outstanding intellectual ability or creative talent."

SEC. 3. (a.) Section 521 of the Higher Education Act of 1965 (relating to fellowships for teachers) is amended by inserting in the last sentence thereof after the words "handicapped children" the following: "and for gifted and talented children".

(b) Section 1201 of such Act (relating to definitions) is amended by adding at the end thereof the following new paragraph:

"(k) The term 'gifted and talented children' means children who have outstanding intellectual ability or creative talent."

SEC. 4. (a) The Commissioner of Education shall:

(1) determine the extent to which special educational assistance programs are necessary or useful to meet the needs of gifted and talented children,

(2) show which existing Federal educational assistance programs are being used to meet the needs of gifted and talented children,

(3) evaluate how existing Federal educational assistance programs can be more effectively used to meet these needs, and

(4) recommend which new programs, if any, are needed to meet these needs.

(b) The Commissioner shall report his findings, together with his recommendations, to the Congress not later than one year after the enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. ERLENBORN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Kentucky (Mr. PERKINS) is recognized for 20 minutes.

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H.R. 13304 broadens the authority now contained in title V of the Elementary and Secondary Education Act to authorize the Commissioner of Education to make grants to state education agencies to enable them to provide local education agencies with consultative services and technical assistance to provide educational programs for gifted and talented children. No additional authorizations are provided for the additional authority. Title V of the Elementary and Secondary Education Act was first enacted in 1965. It authorized grants to State departments of education in order to strengthen the role of such agencies in improving the quality of elementary and secondary education. Authorizations for fiscal years 1969–70 and 1971 are at the level of $80 million per annum. The sum of $29,750,000 was appropriated for the fiscal year 1969 and in the House passed appropriations bill for fiscal year 1970 the same amount is provided.

In addition the bill would amend the Education Professions Development Act to permit the granting of fellowships for teachers of gifted and talented children.

Finally, the bill would require the Commissioner of Education, first, to determine whether special programs are needed or useful for these children; second, to show which Federal programs are assisting them now; third, to evaluate how these programs can be made more useful; and, fourth, to recommend which new programs, if any, are needed.

Mr. Speaker, it has been said that the gifted or talented child operates in a regular school program under as much a handicap, if not more, as a physically or mentally handicapped child. While at the same time I think that all of us would wish that this problem would be one that would continue to grow. It is apparent that if we are to fully preserve our Nation's greatest resource, that is the intellectual capacity of the people, we must through our regular school program be capable of recognizing extraordinary talent and intellectual capacity and be capable of providing learning environment by which that intellectual capacity can mature and develop to its fullest. This legislation, I think, will make a tremendous impact on providing better programs in our States to better develop this intellectual resource. Indeed, it is essential that we afford the gifted the appropriate opportunities for learning that we provide other citizens with special needs with educational opportunities.

Mr. Speaker, I do not know of any objection to the legislation and I am hopeful that the bill will pass this body unanimously.

Mr. ERLENBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased today to join my colleagues in support of H.R. 13304. Our heritage is based upon freedom and equality, but we know that all of us were born with unequal abilities and potentials. Still we have held to the notion that there ought to be in our country equal access to all opportunity so that every child gets a chance to develop his unequal abilities to his fullest potential. It is to this purpose that this bill is addressed—to enable our gifted and talented children to develop their abilities to the fullest, for their own fulfillment and for the betterment of our Nation.

A most important aspect of this bill is section 4, which authorizes the Commissioner of Education to evaluate the manner in which existing Federal programs can be effectively utilized to meet the needs of gifted and talented children and the extent to which new programs are necessary to meet the needs of such children. We have all recognized portions of educational legislation which imply educational assistance to gifted and talented youth such as that found in the National Defense Education Act legislation of more than a decade ago. Some of the more current legislation makes it possible for school personnel to improve their programs by giving attention to gifted and talented youth, and the first sections of this bill are designed to make it more clear that Congress is concerned about these children. Yet I have not seen much evidence to suggest that the stimulation we have provided the States so far has caused significant changes in educational programing for the gifted child. Most references to the gifted in federally stimulated programs have been eye-catching tidbits instead of substantive components. The brainpower enrolled in our schools today is far too important to be allowed to drift along without the conscious attention and concern necessary to develop fully the potential which is abundant, but undeveloped, in every cultural group across the land.

In many respects the conservation of our intellectual resources has an interesting parallel to the conservation of physical resources in the Nation. As a great nation with an almost unparralled wealth of natural resources, we paid little attention initially to conservation on the grounds that so much was available that a little waste would not be harmful. The same casual approach is now noted in regard to our resources of intellect and talent.

In an equalitarian society it is not often popular to point out that some citizens have a potential for greater impact on society than others. What we do for them, or do not do for them, casts a long shadow influencing many persons besides the youths themselves. The sonata never composed, the medical discovery never made, a political breakthrough not accomplished, often do not impress the pennywise and pound foolish. How can one measure the value of a Thomas Jefferson, an Eli Whitney, a Samuel Morse, a George Washington Carver, or the heroes of our space program today, except to say that their values lies in their irreplaceability. But, as their contributions have been great, so our society has missed the contributions of many who did not achieve a level of educational competence to make the contribution for which they had the potential.

If we believe our educational system can make any impact on talented students, then our failure to provide the maximum opportunity, challenge, and stimulation should fill us with deep disappointment. Therefore, I look with great anticipation to the result of the study required in this bill, together with the recommendations which will enable us to provide the opportunity for developing this great natural resource for the solution of today's complex problems.

Mr. ESCH. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Speaker, I thank the gentleman for yielding, and I would like to compliment the gentleman from Illinois (Mr. ERLENBORN), for his outstanding leadership on this legislation, and on the concept that we need to aid directly the gifted and talented children in the country who will become the leaders of our communities and of our Nation in the future.

The Nation has a traditional, and commendable, concern for the underdog. Thus, we have numerous national and State programs to assist the mentally retarded, the handicapped, and the underprivileged. All of these programs are important, and many of them should be expanded.

However, in our concentration on the underdog, we have sometimes lost sight of the most valuable asset our Nation possesses—our gifted and talented young people. National estimates indicate that there are nearly 3 million young people now in our school systems who have extraordinary talents, abilities, and intellect. These are the young people who may become our "Einstein' of the future—or Edison, Salk, Steinbeck, Louis Armstrong, Marion Anderson, and so forth.

These young children with outstanding intellectual ability and creative talent require services and programs beyond those normally offered in school systems. For the intellectually gifted, regular programs frequently fail to offer sufficient challenge to retain the interest of the child and the boredom which sometimes results can lead to dislike of school and refusal to develop fully. The unusually creative child, if his talents are unnoticed, may never develop them to their full potential and thus rob the Nation of the rich cultural contribution he might make.

The bill we consider today makes a national commitment to improve our programs dealing with gifted children. This program requires no additional funds. Its purpose is to utilize funds presently being spent to assure that gifted children receive adequate attention. It will not take away from any programs which are presently underway, but would add a new consideration to the administration of them.

Our bill encourages the training of additional teachers to deal with the gifted child, assists State Departments of Education in establishing special programs within their States, and provides avenues for funding of special programs on a multischool or regional basis. The Federal Office of Education presently does not employ a single person whose responsibility it is to stimulate programs for the gifted nor is there a clearinghouse in the Office of Education which provides information to school systems on successful programs which have been conducted elsewhere.

I am pleased that my colleagues here in the House have shown such overwhelming support for this legislation. I have long considered it to be immensely important for the future of this Nation to assure the proper growth and development of the gifted child.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Ohio (Mr. AYRES).

Mr. AYRES. Mr. Speaker, the recent historic event of placing a man on the moon has stirred our feelings of national pride as we reflect on man's creative skill and our Nation's technical expertise. We have crossed the barrier of "earth boundness" and have stepped further into the galaxy. Our Nation is desparately in need of men and women with the capabilities to bring creative solutions to our present global problems and the future problems of man and his universe. The time has arrived when we can no longer verbalize about the need for the development of talent. We must begin systematic efforts at the National, State, and local levels to identify and cultivate the talents which exist in every sector of American life. Talented children can be found in the streets of our ghettos, the roads of our rural communities as well as the avenues of our growing suburbs. It is not caused by a certain economic or cultural level, but it is often hindered by these conditions. The bill before us today expresses the concern of the Congress about present conditions and urges the education community to undertake improvements for the future. Experience has shown us that the answer to our problems is not money alone, but that change will best occur through changes in attitudes and methods. I hope that our action here today will be the incentive for Federal, State, and local educational agencies as well as others interested in the well being of our Nation to heed the call for a dialog to help us look at people as individuals so their unique talents can be developed and their future contributions utilized in all sectors of our society.

Mr. Speaker, over a decade ago, under the pressure created by the Sputnik crisis, this Nation made a commitment to create special educational opportunities for its exceptionally gifted and talented students. In the intervening years we have witnessed a vast expansion of Federal educational assistance to many special categories of students: the disadvantaged, the handicapped, and those needing vocational training, to mention a few. Our initial commitment to the exceptionally gifted and talented student, however, has gone largely unfulfilled.

Dr. James J. Gallagher, former Associate Commissioner of Education for the Handicapped, accurately characterized the situation of the gifted and talented student when he said recently that the needs of these students do not create the kinds of "immediate crises and emergencies" which have required legislative attention in the recent past. The educational needs of this group of students are not less immediate, however, for lack of crises and emergencies.

We have no measure of the unfulfilled potential in the gifted and talented students of this country which exists as a result of inattention to their special educational needs. We do, however, have some indications that the current level of special educational attention to the gifted is at a very low and rudimentary level.

For example, only 17 of the 50 States officially acknowledge the existence of gifted and talented students as a special category in their education codes. A recent unpublished study by Messrs. William G. Vassar and Joseph S. Renzulli, specialists in the problems of educating the gifted from Connecticut, indicates that only 15 States report the assignment of one or more full-time staff people to the problem of educating the gifted. In addition, 22 States have no one at the State level with responsibility for this area and 13 States give only token attention.

Mr. Speaker, I would like to bring to the attention of the House H.R. 13304, a bill to amend existing Federal aid to education legislation to facilitate the development of special educational programs for the talented and gifted student at the State level. Briefly, the provisions of the bill are as follows:

First, to amend title V of the Elementary and Secondary Education Act of 1965 to encourage State education to allocate Federal funds for consultative and technical assistance to localities for the purpose of developing special educational services for gifted and talented students;

Second, to amend title VI of the Higher Education Act of 1965 to encourage State education agencies to allocate Federal funds for postgraduate training of teachers interested in the special educational problems of the gifted; and

Third, to authorize the Commissioner of Education to assess the need for additional educational assistance to programs for the gifted, to evaluate the adequacy of existing programs in this area, and to suggest new programs which might be needed.

These amendments are a modest acknowledgment of a national commitment to a group of students who have been all too frequently overlooked in the Federal aid legslation of the recent past. While existing legislation does not prohibit the use of Federal funds for this purpose at the present time, it is important to note that neither does it encourage such a use. Consequently, only three States, Connecticut, Colorado, and California have chosen to allocate funds from title V of ESEA to assist in the development of special education programs for the gifted.

It is also important to note in these times of severe fiscal stringency that this bill requires the authorization of no new expenditures. Its purpose is rather to encourage a modest readjustment of existing expenditures toward this area of emphasis.

These amendments constitute no additional infringement upon the authority of State and local education agencies. Indeed, by improving the capability of these agencies to deal with another area of special educational needs, H.R. 13304 is consistent with the original object of title V of ESEA, which was to assist in the strengthening of State education agencies.

The hearings on this issue before the General Subcommittee on Education reveal that we have made only the most rudimentary start toward the development of special educational programs for the gifted. We have no way of telling how much potential is wasted when a gifted student becomes a dropout, or when the talented are left unchallenged by the normal curriculum. Worse yet, however, is the fact that we have done so little to discover what is possible when special attention is given to the problems of the gifted.

We have made a praiseworthy start in helping to meet the special educational needs of such groups as the economically disadvantaged, the handicapped, and those with identifiable learning disabilities. It is only proper that we should take this modest step toward providing special assistance for the gifted and talented student.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, I thank the gentleman for yielding.

For many years programs for the exceptionally gifted child were included in legislation for children with very special needs. This was as it should be, for oftentimes the "whiz kid," the exceptionally bright child, the potential genius, does have needs that can no more be met in the classroom program geared to that wide spectrum we call the average child than can the needs of those children with severe physical or mental handicaps. However, in recent years we have more and more concentrated our efforts on the latter to the exclusion of the exceptionally gifted. I hope that we can restore some balance to these programs, remembering that our goal is to give all children the opportunity to develop their full potential. Intellectually gifted children, which certainly oftentimes includes children with physical handicaps, require special challenges if they are to be productive rather than bored and unhappy with their classwork. Therefore, I hope we will no longer neglect the future leaders of our country. To continue such a policy could only be to the detriment of the country itself.

Mr. Speaker, I congratulate the gentleman from Illinois (Mr. ERLENBORN) and the distinguished chairman of the subcommittee, the gentleman from Illinois (Mr. PUCINSKI), for having taken the leadership in bringing about this important, needed change.

Mr. SCHERLE. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I have joined with 21 Members of Congress in sponsoring this bill which provides for educational assistance for gifted and talented children. This bill would extend the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1965 to include gifted and talented children. It would also direct the Commissioner of Education to determine the special needs of these children, show which present Federal programs are being used to meet their requirements, and recommend what new programs, if any, are necessary to meet their special educational needs. This proposed legislation can be a great stride forward in the best utilization of our country's most precious resource, our young people.

Up to now there have been no major programs for the "gifted" child—the student who is in the upper 25 percent of the IQ ratings. These students, except in those few schools where they approach a majority, need special challenges to keep them interested and in school. Currently some 80,000 of these gifted students leave school before graduation each year—not because they cannot learn, but because the schools do not provide for their special educational needs. No country can afford such a waste of man and brain power.

For the special educational needs of disadvantaged children, the companion bill considered today, H.R. 13310 which I also cosponsored, should be approved. There now exist programs ranging from social security and vocational training to special facilities for the mentally handicapped and mentally retarded, the blind, the deaf and the physically handicapped and to the training of teachers for the handicapped. H.R. 13310 would develop a program to assist in the education of those young people who fit none of these categories but are afflicted with special learning difficulties such as vision problems.

Before recessing the House approved, with my wholehearted support, an amendment to the HEW appropriation bill increasing the funds for disadvantaged children by $15 million, for a total of $100 million. Between 5 and 6 million young Americans are in one way or another, disadvantaged. Currently only 2 million about 36 percent of these children are being helped. While a great deal more money will be needed to enable these young people to become productive citizens, this is the amount Health, Education, and Welfare Secretary Finch felt his Department could effectively administer during the present fiscal year.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I thank the gentleman for yielding, and I wish to commend the gentleman from Illinois for his insight into the need for this legislation so as to include gifted children within the definition. In the past exceptional children are generally considered to be gifted as well as handicapped. In present law we define handicapped but did not include gifted. I think this was a shortcoming of present law.

I again want to commend the gentleman from Illinois for his interest in gifted children who have been neglected, but will now be included. This will not take anything away from the disadvantaged or take anything away from the handicapped children, but rather will recognize the special needs that the gifted child has.

Mr. ERLENBORN. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Illinois has consumed 7 minutes.

Mr. PERKINS. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Illinois, the chairman of the subcommittee (Mr. PUCINSKI).

The SPEAKER. The gentleman from Illinois (Mr. PUCINSKI) is recognized for 6 minutes.

Mr. PUCINSKI. Mr. Speaker, as chairman of the subcommittee which rejected this bill to the full committee, I wish to thank the gentleman from Kentucky (Mr. PERKINS) for bringing this bill to floor for action. It is a common error in our society which seeks to rank its priorities that only our handicapped children are in particular need of—or deserve—Federal assistance for education.

The bill before us, H.R. 13304, focuses on the problems of perhaps our greatest natural resource—our gifted and talented young people. It is not possible to establish a priority rating for the gifted youngster in our society. His potential for the future may be boundless, but we will not benefit from it unless our schools have a climate of genuine opportunity and intellectual challenge for the highly talented.

We are justly concerned with providing the teachers, the techniques, and the learning tools for all of our children. But the gifted child presents a unique problem.

Because he is able to live by his wits in many situations, very often he is not interested or challenged to learn more than he has to in an average classroom. Studies in several of our large city school systems have pointed to the alarming tendency of the above average and gifted student to drop out of school before graduating. Such a youngster believes he will find more to interest him away from school. All too often he is right.

Each year in America only about 2,800 highly gifted students graduate from college. Their number increases very little each year. These are children who were motivated to remain in school.

H.R. 13304 would strengthen grants to State departments of education for purposes of implementing or supplementing programs for gifted and talented children. This legislation would also amend section 521 of the Higher Education Act—the Education Professions Development Act—dealing with teacher fellowships, to specify that education for the gifted and talented is a field of education for which fellowships can be granted. A definition of gifted and talented children means children who have "outstanding intellectual ability or creative talent."

As anyone who has watched a classroom full of children knows, the gifted are not always that noticeable or detectable—even for the trained teacher.

The problem of being "different" creates similar problems for the gifted child as well as the retarded child. Educational programs have not been designed specifically for them, teachers have not been given very much experience or training in how to deal with their special needs, and as a result, these students often spend their years in school "getting by." They conform, rather than challenge. They mark time, rather than use it. Their talents are wasted and, to all intents and purposes, are lost and irredeemable.

H.R. 13304 provides that the Commissioner of Education shall—

First, determine the extent to which special educational assistance programs are necessary or useful to meet the needs of gifted and talented children;

Second, show which existing Federal educational assistance programs are being used to meet their needs;

Third, evaluate how existing Federal educational assistance program can be more effectively used to meet these needs; and

Fourth, recommend which new programs, if any, are needed to meet these needs.

The bill requests the Commissioner to report his findings after an intensive survey of this area of education and to make his recommendations to the Congress within one year after the enactment of this act.

I believe this legislation is essential if we are to have any sort of coherent philosophy for the future. Too many average or above average students drop out of school. Too many potentially gifted youngsters gradually have the doors and windows of their minds closed through years of sitting in classrooms where their questions are unanswered, their thoughts allowed to wander, and their brains become locked into habits of memorizing the "right" answers without thought.

We are in an era of renewed appreciation of resources—physical and spiritual. Unless we can do more to create a climate of legitimate inquiry and opportunity for the exceptional youngsters of our society the questions we will ask in future years will have no adequate answers.

This legislation seeks to amend an injustice to these gifted young people—the injustice of taking them for granted and not searching to keep all of them active in classrooms that appreciate their talents and encourage them.

In the vast majority of States—about 75 percent—little or no systematic attention is being paid to the problem of the gifted child by State departments of education.

Only 15 States have reported the assignment of one or more full-time staff member to the State's efforts to educate the gifted.

Twenty-two States have no one at the State level responsible for gifted children and programs to help them.

States assigning full-time members to program for the gifted had only 41.6 percent of the Nation's public school population, but served 75 percent of the gifted children. On the other hand, States having no staff members assigned to programs for the gifted had 30 percent of the Nation's school population, but served only 1 percent of the gifted.

There is another interesting sidelight to be reckoned with in considering the need to plan for the gifted.

Most gifted students do not exhibit striking symptoms of maladjustment, which contributes to the illusion that their needs are actually being met in the regular school program.

In most instances where gifted children have been identified, the traditional concept of "intelligence by IQ" has been rigidly employed. Consequently the creative abilities of children and their potential for leadership go undiscovered, as they are not incorporated into standard "IQ tests."

Teacher training is one of the most important components of the total package for gifted and talented students. They need people who will not resent their intelligence, but who on the contrary will seek to challenge it at every turn.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to my colleague, the gentleman from New York.

Mr. SCHEUER. Mr. Speaker, I would like to congratulate the distinguished chairman of the subcommittee and my colleague, the gentleman from Illinois, on the other side of the aisle for their leadership in presenting this bill to the floor. All of us are concerned about the problems of the education of the disadvantaged and we have expended a great deal of time and considerable funds in trying to meet that problem. But there are other problems of other children who have other special education needs. Certainly, the intellectually gifted children are a resource which we must not fail to nourish in our country.

In the City of New York in recent months we have had to cut intellectually enriching programs, foreign language programs, music and art appreciation programs and cultural programs of all kinds. This is hurting education for the talented children whether they be of the middle class or chilren from deprived homes.

I want to congratulate my colleague again on his imagination and leadership.

Mr. PUCINSKI. I thank the gentleman.

Mr. BURLISON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. BURLISON of Missouri. Mr. Speaker, the best interests of our Nation demand that we be concerned about the education of our gifted children, as well as the educationally handicapped. I therefore hope the House of Representatives will act favorably upon H.R. 13304. This legislation expresses the concern of Congress that schools are not adequately developing the talents of gifted children. In 1958 the National Defense Education Act recognized the inestimable importance to the Nation of the development of the abilities of gifted children. Special educational programs for that purpose were encouraged, yet with each passing year these programs have received less and less emphasis.

Congress should examine the Nation's efforts to develop these precious talents. Therefore this legislation would direct the Commissioner of Education to conduct a study of the desirability of special programs for the gifted and of the existence and effectiveness of Federal programs for the gifted. The Commissioner would also be directed to recommend which new programs, if any, are needed.

Gifted and talented children would be defined as children who have outstanding

XUM

intellectual ability or creative talent. IQ tests only measure certain types of achievement and consequently should not be used as the absolute standard for gaging talent. Other measures must also be used to discover giftedness, particularly among the poor and the less academically motivated.

In addition to requiring this study, the legislation would encourage State departments of education to increase their assistance for local programs for the gifted under title V of the Elementary and Secondary Education Act. Only two States are presently using title V funds to employ full-time staff to assist these programs.

Only 15 States assign one or more full-time staff persons to work in this area, and 22 States have not one person at the State level responsible for programs for such children. Yet nine out of 10 of these gifted now receiving services come from the States which provide leadership at the State departmental level.

This legislation would encourage the States to provide the direction which clearly fosters the development of local programs for the gifted.

This legislation would also encourage granting of fellowships for the training of teachers of the gifted under the Education Professions Development Act. At the present time only 26 colleges and universities offer programs for teachers of the gifted.

In testimony presented before the Committee on Education and Labor the Office of Education emphasized the value of these two amendments and the need for the study.

In summary, then, the purpose of this legislation is to encourage the States and the Federal Government to examine their efforts in developing the precious talents of gifted and talented children. I again join with the committee in support of this legislation, as above stressed by the committee.

Mr. TIERNAN. Mr. Speaker, America has been blessed with an abundance of talent and wealth in its population. It is up to us to develop this potential. H.R. 13304, the Gifted and Talented Children Educational Assistance Act will enable the Commissioner of Education to evaluate special educational assistance programs to determine if they are necessary or useful to meet the needs of these gifted children. In addition, this act seeks to find what Federal programs are worthwhile in this area and how they can be improved.

Since 1958, we have recognized the need for such programs, but have continued to drag our feet. This bill represents positive action and meaningful progress for these children.

Mr. DELLENBACK. Mr. Speaker, children who are exceptionally gifted need special programs in order that their unusual abilities will be challenged and developed to their fullest extent. All too often, however, these children do not receive special opportunities for learning at the rate or to the depth their abilities would make possible, and their outstanding abilities are, as a result, sometimes only partially developed and other times unnecessarily delayed in development. In these instances society loses.

H.R. 13304 would help to correct this situation by giving schools the option to use Federal funds to develop programs for their gifted and talented students. I commend my colleague, the gentleman from Illinois (Mr. ERLENBORN) for his leadership in developing this needed legislation, and I urge the House to act favorably on the bill today.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 13304. We sometimes discuss the purpose of public education in this country as if we could not educate children both for the benefit of society and of the individual child. I believe we cannot do one without also accomplishing the other. Similarly, I believe that by seeking to elevate and maintain the quality of education for children with special learning needs, we benefit all children and society. H.R. 13340 is concerned with providing educational assistance for gifted and talented children. Their special learning needs are for programs that stimulate and challenge their unusual intellectual abilities, and provide them with opportunities to develop their creativity.

H.R. 13304 will encourage State departments of education to provide consultative and technical assistance related to academic subjects and other aspects of educating gifted and talented children. With the chief State educational agencies providing the direction, I believe local school systems will devote more attention to education of these children. This legislation will also encourage the granting of fellowships to teachers interested in working with the gifted. The Federal Government and the States will be encouraged to examine what is being done now and what needs to be done to assure appropriate education for children whose promise is so great.

Allowed to reach their fullest potential, gifted and talented children can become the leaders in education and all other fields who discover solutions and inspire the rest of the population to solve the problems that each new generation faces in ever greater abundance.

The gifted child of today who receives an education commensurate with his abilities, may well become the teacher of tomorrow who finds new and better ways of helping children with learning disabilities. The gifted and talented child who discovers the range of his talents and how to use them, through his own educational opportunities, is most likely to insist upon, and help create, suitable opportunities for those who follow him.

So great are the marvels of our national technology, that until recently we have tended to take for granted our national gifts of intellect and creativity. Now, however, with the press of population and environmental pollution threatening the quality of life, and life itself, we realize as never before how desperately we need trained intelligence and courageous creativity.

I urge you to join me in support of this bill which will help develop one of the most precious of our human resources—the gifts and talents of specially endowed children.

Mrs. SULLIVAN. Mr. Speaker, when citizens express disappointment over the length of time it often requires to enact long-needed changes or improvements in our laws, we try to explain that the legislative process is not usually a speedy one—that it takes patience and constant prodding to persuade Congress to act. The bill now before the House is a perfect example of how long it sometimes takes.

In August of 1957, in the first bill ever introduced to provide scholarships and fellowships for elementary and secondary schoolteachers to obtain advance training in the special skills needed for teaching of all categories of what are decribed as exceptional children, I included among the children who would have been benefited those who are usually gifted, as well as children with various types of physical disabilities.

That legislation had a rocky road until former Senator Lister Hill of Alabama incorporated most of its provisions—those dealing with handicapped children only—as title III of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, and this title was subsequently agreed to by the House Committee on Interstate and Foreign Commerce, and became law.

I am delighted now to join in support of the bill now before us from the Committee on Education and Labor to complete the scope of the proposal I made originally in 1957—that is, to provide scholarships and fellowships to teachers specializing in the training of gifted children. Since it has required a dozen years to bring this matter before the House, I hope this measure quickly becomes law and is fully implemented without delay.

Students of education legislation, particularly for exceptional children, may be interested in the background of my bill of 1957 which can be found in the RECORD for Wednesday, August 28, 1957, describing H.R. 9591 of the 86th Congress, which I introduced 2 days later, on August 30, 1957, as the Exceptional Children Educational Assistance Act.

The research material in the RECORD ran to nearly 20 pages. I submit one excerpt from that speech of 12 years ago, as follows:

EXCERPT FROM SPEECH BY CONGRESSWOMAN LEONOR K. SULLIVAN IN THE HOUSE OF REPRESENTATIVES, WEDNESDAY, AUGUST 28, 1957

COVERS ALL AREAS OF EXCEPTIONALITY

While there is nothing revolutionary or unprecedented in the approach my proposed bill would take, I am informed that the bill will be, when introduced, the first and only bill before Congress to establish in one single, broad, unified Federal grant program a plan to help train urgently needed teachers in every major category of exceptional children.

Most of the congressional activity in this respect up to now has been directed at the problems of educating the mentally retarded child. Thanks to the pioneering work in this field by the House Appropriations Subcommittee for the Department of Labor and the Department of Health, Education, and Welfare, the subcommittee headed by Congressman John E. Fogarty, of Rhode Island—one of our great humanitarians in the Congress—we now have under way through the Office of Education an extensive research program on teaching techniques for helping mentally retarded children.

In addition, both last year and this year the Senate has passed bills to establish a scholarship and fellowship program for training teachers in this same field of teaching the retarded. Furthermore, Mr. Fogarty's subcommittee this year has called for some new thinking by the Office of Education on the best methods of providing better educational opportunities for children with speech and hearing defects—another sizeable group of exceptional children; in fact, I think it is the largest single category of such children.

The bill which I plan to introduce in the next few days, on the other hand, will cover not only these groups but all other major categories of what the educators call exceptionality. It will provide a program of Federal scholarships and fellowships to individuals, and grants to colleges and universities to stimulate the training of some of the many thousands of specially equipped professional people needed in all of these fields, as teachers in the elementary and secondary schools, as supervisors of such teachers, and, at the college level, as teachers of advanced education courses and as researchers in the areas of exceptional children.

THE PROBLEM FACED BY THE EXCEPTIONAL CHILD IN SCHOOL

Mr. Speaker, while all of us are endowed with individual qualities and characteristics which distinguished us from each other, most of us are blessed with a kind of normal averageness, if that is the word, of physical appearance and mental capacity which enables us from childhood on to submerge comfortably in the group—in the crowd—if we so desire, and travel life's road at a comparatively easy pace. Most of the institutions with which we come in contact, the tools we must use, the clothes we wear, the homes in which we live, the specifications for most jobs, and the schools in which we learn, particularly the schools, are geared or tailored pretty much to the norm. I said we are blessed with this averageness because certainly as children we shrink at the idea of being visibly or demonstrably different.

But while most children seem to fit a comfortable pattern, others, a very select few, are touched by God with such great gifts of mind and perception as to stand out for their brilliance; and still others, millions of others, are chosen for reasons known only to God for the special testing and trial of another form of differentness, that is, in having to shoulder physical, mental, or emotional handicaps or disabilities.

To romanticize this situation, it is easy to think that the gifted child has everything in his favor with the world as his oyster, and the handicapped child inevitably has some inner fire and drive to enable him to overcome his physical limitations and achieve the greatness which has come to so many in similar circumstances, great poets, musicians, teachers, physicians, and so on, who were handicapped and who nevertheless achieved great things in spite of, if not because of, these physical handicaps.

But let us not forget that children do not suck knowledge out of their thumbs. They must be taught and often it is a painstakingly difficult—incredibly difficult—and skilled tasks to teach some unfortunate children anything, to teach others the minimum of those things they must learn and know in order to live useful lives, and to teach still others all they can learn profitably.

WASTAGE OF HUMAN RESOURCES

In this respect, the greatly gifted child and the handicapped child share some common and often serious problems in the education process and thus are placed together by educators under the heading of exceptional. For the procedures set up to teach the so-called normal or average child do not begin to reach the educational needs of the different child—the exceptional child—gifted of handicapped—is robbed of some of his educational birthright.

Some millions of children of school age are not in any school at all because of the existence of this problem. Some of these receive some help from the school system, but the problem is enormous, and the needs generally are not being met.

In addition, many others attend school but find it often a frustrating experience a place of confusion and torment, because they are just not geared for the classroom routine. They need classroom work specially planned for their abilities or handicaps. A capable youngster with a serious speech or hearing or visual defect can be made to feel dumb; an emotionally disturbed youngster can be a distracting influence on an entire class; a gifted youngster can sit and vegetate in pure boredom in a class which he tends to find a prison for his imagination or feel out of it in a class of older children who are nearer his mental capacity.

This is the problem faced by the exceptional child, and by his parents, and by all of us. Because the specialized equipment or the special techniques—or, most important, the specially trained teachers—are not available, the exceptional child suffers from unrealized educational opportunities, and his family is often caught in an agonizing situation. I think all of us know of such families and the problems they face. And lastly, we as a nation suffer in terms of a tragic wastage of human resources, of skills and abilities we cannot afford to waste.

I am not going to put this in terms of cold war or West versus East or the fact that the Soviet Union is outstripping us in the education of scientists and engineers and technicians. True, a gifted child whose talents are wasted because he is not stimulated to learn to his full capacity might otherwise become a great inventor or scientist whose discoveries could bolster our defenses, but that is not the point I wish to make. I should like to present this problem not in terms of national defense but in terms of what is right and fair to American children and to our society, which could be enriched by the contributions of all of these exceptional children if given the opportunity to learn and contribute to their full capabilities.

FOUR TO SIX MILLION SCHOOL-AGE CHILDREN

Who are these children? And how many are there?

They are, as I said, the mentally superior, on the one hand, and the mentally retarded, on the other. In addition, they include the crippled and deformed, including the cerebral palsied; the deaf and the hard-of-hearing; the blind and the partially seeing; the speech-defective; the undervitalized; those with special health problems, including the cardiopathic, epileptic, and tuberculous; the emotionally maladjusted, and the delinquent.

There is no exact count available on the number of children in each of these groups, but the estimates considered most reliable, based on spot studies by localities and national organizations, place the total somewhere between 4 and 6 million children in the school ages between 5 and 17.

In 1954, Romaine P. Mackie and Lloyd M. Dunn of the United States Office of Education reported—"with some reluctance," they said, because of the lack of exact information—that informed estimates showed the following incidence of exceptional children of school age for the year 1952:

Blind and partially seeing	63,000
Crippled	510,000
Special health problems	510,000
Deaf and hard of hearing	510,000
Speech handicapped	680,000
Socially maladjusted	680,000
Mentally retarded	680,000
Gifted	680,000

Mr. Speaker, I think there might well be some surprise at the size of those in the gifted category, those with I.Q.'s of above 125, for according to this tabulation, the intellectually superior equal in round numbers the number of mentally retarded children of school age.

Mr. MATSUNAGA. Mr. Speaker, as one who has supported the Elementary and Secondary Education Act since it was first under consideration by this body in March 1965, I rise in support of H.R. 13304, the Gifted and Talented Children Educational Assistance Act. As an amendment to the Elementary and Secondary Education Act of 1965, this bill recognizes that the special talents of the gifted child are no less important than the special problems of the handicapped child.

The act defines a "gifted and talented" child as one with "outstanding intellectual ability or creative talent" thus giving educators needed flexibility in helping the child from a lower income family. Reliance upon IQ tests as the method for discovering these children is discouraged, as they are known to be unreliable measures of giftedness. IQ tests also overlook differences in environmental development. In today's world we cannot afford the luxury of bypassing the child whose special talents and abilities are submerged beneath the labels "underachiever" or "poorly motivated." A child is no less gifted because he is poor.

An important goal of this act is to provide adequate assistance to teachers who wish special training in this area of education. H.R. 13304 will grant fellowships to teachers who qualify and they will in turn improve State departments of education in this inadequately developed area. It is appalling that only 15 States assign one or more full-time staff members to work in this area. Twenty-two States do not have a single person at the State level responsible for programs for the gifted child.

In my own State of Hawaii, the Elementary and Secondary Education Act has become an important part of our program of improving the education of elementary and secondary schoolchildren who live in recognized low-income areas. H.R. 13304 extends and strengthens the Elementary and Secondary Education Act in an area vital not only to Hawaii's Department of Education, but to every State's as well.

Mr. Speaker, I strongly urge a favorable vote for this legislation.

Mr. BOLAND. Mr. Speaker, in recent testimony before the House General Subcommittee on Education, James J. Gallagher of the Office of Education, reminded us of these words:

> Of all sad words of tongue and pen the saddest of these—it might have been.

Dr. Gallagher was referring to the plight of the many thousands of gifted children in America who are not receiving the kind of education best designed to help them develop their talents to the full. These children, while they constitute but a minority of our population, will cast a long shadow on the future growth and development of our entire Nation.

Human talent is one of the most precious resources of our civilization. The cost of its loss, whether it be through ignorance, neglect, or a misplaced sense of egalitarianism, cannot be calculated in monetary terms. For who can measure the value of the scientific discoveries and works of art which have so enriched the cultural and intellectual life of mankind? We speak of striving toward equality of educational opportunity for all, but in our efforts to achieve it we have tended to focus concern exclusively on those children who are deprived in tangible ways from attaining their full potential. The gifted child who receives a mediocre education, however, suffers in the same degree as other children in the same circumstances. None of them are likely to achieve the excellent education to which we have committed ourselves as a nation. I do not suggest that we reduce our dedication to improving the schooling of all Americans, but rather that we recognize the special needs and potential of the gifted child as we have recognized the needs and potential of the disadvantaged, the handicapped, and the bilingual student.

H.R. 13304, the Gifted and Talented Children Educational Assistance Act, is a much-needed step in this direction. By amending title V of the Elementary and Secondary Education Act, this bill will encourage State departments of education to provide local educational agencies with the technical assistance and services needed for educational programs for the gifted. The Education Professions Development Act will also be amended to permit the granting of fellowships to train the teachers of gifted and talented children. The help of the Commissioner of Education will also be enlisted in order to assess the scope and nature of the existing problems, programs and needs of the gifted child. The 1-year study which this bill requires would determine the need or usefulness of special programs for the gifted, show which Federal programs assist them now, evaluate these programs, and make recommendations for the future. Such information is absolutely essential if we are to take meaningful action to remedy our inexcusable neglect of this forgotten, but infinitely precious, minority. I urge passage of this bill as a small but important step toward insuring the continuing development of the talents which we as a nation must both conserve and encourage if we are to make our full contribution to the progress of mankind.

Mr. MORSE. Mr. Speaker, I rise to give strong support to H.R. 13304, the Gifted and Talented Children Educational Assistance Act.

The Nation has a responsibility, and indeed, a vested interest in developing the precious talents of our gifted children. Every child should be afforded the opportunity to develop to his highest potential, an objective to which most of our schools are not adequately geared at present.

If our Federal programs are to provide effective aid in reaching this goal, a careful review of existing programs will be required, recommendations for new programs will be necessary, State and local efforts will have to be strengthened and encouraged, and the number of personnel skilled in this field of teaching increased.

H.R. 13304, the bill before us today, provides for such progress. It is a significant step in meeting our obligations, and it has my enthusiastic support.

Our children are our greatest asset and our most valuable resource. They are our hope for the future. They deserve every chance we can give them and all the support we can provide.

Mr. ERLENBORN. Mr. Speaker, I have no further requests for time.

Mr. PERKINS. Mr Speaker, we have no further requests for time on this side.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Kentucky that the House suspend the rules and pass the bill H.R. 13304.

The question was taken.

Mr. ERLENBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 353, nays 0, not voting 78, as follows:

[Roll No. 203]

YEAS—353

Abbitt
Abernethy
Adair
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Bingham
Blackburn
Blanton
Blatnik
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Culver
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Duncan
Dwyer
Eckhardt
Edmondson
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Findley
Fish
Fisher
Flood
Flowers
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Martin
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Montgomery
Morgan
Morse
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reifel
Reuss
Rhodes
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roybal
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Waggonner
Waldie
Wampler
Watson
Watts
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—78

Albert
Anderson, Ill.
Anderson, Tenn.
Barrett
Berry
Biester
Boggs
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Burton, Utah
Cahill
Carey
Celler
Chappell
Clay
Colmer
Cowger
Cramer
Cunningham
Delaney
Dennis
Downing
Dulski
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Fascell
Flynt
Foley
Ford, William D.
Foreman
Frey
Green, Pa.
Halpern
Hanna
Harrington
Hathaway
Hébert
Howard
Jacobs
King
Kirwan
Kluczynski
Landgrebe
Leggett
Lipscomb
Lujan
McDonald, Mich.
Mann
Mathias
Michel
Mollohan
Moorhead
Mosher
Nelsen
Pelly
Powell
Reid, N.Y.
Riegle
Rivers
Rosenthal
Ruppe
St. Onge
Skubitz
Stephens
Taylor
Tunney
Vigorito
Watkins
Weicker
Whalley
Wilson, Bob
Wilson, Charles H.
Yatron
Young

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Anderson of Illinois.
Mr. Albert with Mr. Bob Wilson.
Mr. Hébert with Mr. Lipscomb.
Mr. St. Onge with Mr. Frey.
Mr. Celler with Mr. King.
Mr. Carey with Mr. McDonald of Michigan.

Mr. Barrett with Mr. Broomfield.

Mr. Kluczynski with Mr. Michel.

Mr. Rosenthal with Mr. Weicker.

Mr. Green of Pennsylvania with Mr. Biester.

Mr. Delaney with Mr. Halpern.

Mr. Dulski with Mr. Mosher.

Mr. Fascell with Mr. Berry.

Mr. Rivers with Mr. Cahill.

Mr. Young with Mr. Foreman.

Mr. Charles H. Wilson with Mr. Reid of New York.

Mr. Vigorito with Mr. Brown of Michigan.

Mr. Kirwan with Mr. Watkins.

Mr. Brooks with Mr. Brock.

Mr. Tunney with Mr. Mathias.

Mr. Chappell with Mr. Burton of Utah.

Mr. Taylor with Mr. Cowger.

Mr. Howard with Mr. Nelsen.

Mr. Leggett with Mr. Landgrebe.

Mr. William D. Ford with Mr. Riegle.

Mr. Hathaway with Mr. Lujan.

Mr. Flynt with Mr. Cramer.

Mr. Edwards of Louisiana with Mr. Whalley.

Mr. Colmer with Mr. Edwards of Alabama.

Mr. Moorhead with Mr. Cunningham.

Mr. Jacobs with Mr. Pelly.

Mr. Downing with Mr. Skubitz.

Mr. Foley with Mr. Ruppe.

Mr. Stephens with Mr. Edwards of California.

Mr. Hanna with Mr. Clay.

Mr. Mann with Mr. Dennis.

Mr. Anderson of Tennessee with Mr. Brown of California.

Mr. Mollohan with Mr. Yatron.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ERLENBORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 2546) entitled "An act to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. RUSSELL, Mr. SYMINGTON, Mr. JACKSON, Mr. CANNON, Mr. MCINTYRE, Mrs. SMITH of Maine, Mr. THURMOND, Mr. TOWER, and Mr. DOMINICK to be the conferees on the part of the Senate.

CHILDREN WITH SPECIFIC LEARNING DISABILITIES ACT OF 1969

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13310) to provide for special programs for children with specific learning disabilities.

The Clerk read as follows:

H.R. 13310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Children With Specific Learning Disabilities Act of 1969".

SEC. 2. Title VI of the Elementary and Secondary Education Act of 1965 is amended—

(1) by redesignating part E of such title as part F and redesignating sections 611 through 615 as sections 612 through 616, respectively;

(2) by striking out "section 613" where it appears in section 604(j) and inserting "section 614"; and

(3) by inserting after part D of such title the following new part:

"PART E—SPECIAL PROGRAMS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

"RESEARCH, TRAINING, AND MODEL CENTERS

"SEC. 611. (a) The Commissioner is authorized to make grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private educational and research agencies and organizations (except that no grant shall be made other than to a nonprofit agency or organization) in order to carry out a program of—

"(1) research and related activities, surveys, and demonstrations relating to the education of children with specific learning disabilities;

"(2) professional or advanced training for educational personnel who are teaching, or preparing to be teachers of, children with specific learning disabilities, or such training for persons who are, or preparing to be, supervisors and teachers of such personnel; and

"(3) establishing and operating model centers for the improvement of education of children with specific learning disabilities, which centers shall (A) provide testing and educational evaluation to identify children with specific learning disabilities who have been referred to such centers, (B) develop and conduct model programs designed to meet the special education needs of such children, and (C) assist appropriate educational agencies, organizations, and institutions in making such model programs available to other children with specific learning disabilities.

In making grants and contracts under this section the Commissioner shall give special consideration to applications which propose innovative and creative approaches to meeting the educational needs of children with specific learning disabilities, and those which emphasize the prevention and early identification of specific learning disabilities.

"(b) In making grants and contracts under this section, the Commissioner shall—

"(1) for the purposes of clause (2) of subsection (a), seek to achieve an equitable geographical distribution of training programs and trained personnel throughout the Nation;

"(2) require that to the extent consistent with the number and location of handicapped children enrolled in nonprofit private schools in the area to be served, whose educational needs are of the type which the program or project involved is to meet, provision has been made for the participation of such children; and

"(3) Federal funds made available under this section will not be commingled with State and local funds.

"(c) Payments pursuant to grants and contracts under this section shall be made in accordance with regulations promulgated by the Commissioner.

"(d) For the purpose of making grants and contracts under this section there are hereby authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1971, $12,000,000 for the fiscal year ending June 30, 1972, and $18,000,000 for the fiscal year ending June 3, 1973."

SEC. 3. (a) Section 615 of the Elementary and Secondary Education Act of 1965 (as so renumbered by section 2 of this Act) is amended (1) by inserting after "health impaired children" the following: ", and children with specific learning disabilities,", and (2) by adding at the end thereof the following new sentence: "For purposes of this title, the term 'children with specific learning disabilities' means children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, but such term does not include children who have learning problems which are primarily the result of visual, hearings, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage."

(b) The first section of the Act of September 6, 1958 (20 U.S.C. 611), is amended by inserting after "health impaired children" the following: ", and children with specific learning disabilities as defined in section 615 of the Education of the Handicapped Act,".

(c) Section 302(a) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (20 U.S.C. 618) is amended by inserting after "health impaired children" the following: ", and children with specific learning disabilities as defined in section 615 of the Education of the Handicapped Act,".

(d) Section 4 of the Handicapped Children's Early Education Assistance Act (Public Law 90–538) is amended by inserting after "health-impaired children" the following: ", and children with specific learning disabilities as defined in section 615 of the Education of the Handicapped Act,".

(e) Section 2(4) of the Act of September 2, 1958 (42 U.S.C. 2492), is amended by inserting after "persons" the following: ", and children with specific learning disabilities as defined in section 615 of the Education of the Handicapped Act".

(f) Section 103(a)(5) of the Elementary and Secondary Education Act (20 U.S.C. 241c) is amended by inserting after "health impaired children" the following: ", and children with specific learning disabilities as defined in section 615 of this Act,".

(g) Section 108(6) of the Vocational Education Act of 1963 (20 U.S.C. 1248) is amended by inserting after "health impaired persons" the following: ", and children with specific learning disabilities as defined in section 615 of the Education of the Handicapped Act,".

The SPEAKER pro tempore. Is a second demanded?

Mr. QUIE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I yield myself 5 minutes.

Mr. PODELL. Mr Speaker, will the gentleman yield?

Mr PERKINS. I yield to the distinguished gentleman from New York.

(Mr. PODELL asked and was given permission to proceed out of the regular order.)

Mr. PODELL. Mr. Speaker, for many

years the Empire State, New York State, has led the way for progress in America.

Once again, today—laughed at, and sometimes denigrated, the amazing New York Mets have won the National League pennant in the final game of the series with the Braves in a 7-to-5 clincher.

Mr. Speaker, very soon we are going to meet Baltimore and we are going to do the same to Baltimore—this time four in a row.

We extend our congratulations to Manager Gil Hodges and the entire team and staff.

It is a proud day for New York.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman.

Mr. GILBERT. I thank my distinguished colleague from Kentucky and my distinguished colleague, the gentleman from New York.

Mr. Speaker, may I say, representing New York, particularly the Bronx, the home of champions, although lately it has not been the home of champions—but I am delighted to join my colleague from Brooklyn, the gentleman from New York (Mr. PODELL), in congratulating the New York Mets on their overwhelming victory—three in a row.

This is the American story of Cinderella—the modern Cinderella story. Today it has reached its fruition by the New York Mets winning three games in a row.

I want to congratulate Gil Hodges, the management and the owners of the New York Mets, and all the players and all the fans who have contributed so greatly to this victory. I join with my colleague, the gentleman from New York (Mr. PODELL) particularly in saying, with no offense to my colleagues from Maryland or Baltimore, that we are going to sweep the series—four in a row.

Mr. PERKINS. I yield to the distinguished gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, even though in the heartland of my congressional district one can find the Yankee Stadium, I join with my colleague from Brooklyn in congratulating every member of the Mets family and assuring them of the joy and pride they have brought to all New Yorkers—Yank fans included.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Speaker, I congratulate the gentleman from New York and all of those who are Mets rooters.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, coming from Chicago, I point out that our Cubs were supposed to win this pennant. I want to join in congratulating our colleagues from New York for this spectacular victory. I am sure that the Cubs "Bleacher Bums" and all the other great fans in Chicago are good sports and would certainly join in this message of congratulations. We do not know quite what happened to the Cubs, but I must say, with all due respect to America's No. 1 baseball fan, the gentleman in the White House, things began going bad for us when he picked the Cubs several weeks ago to win the pennant. It was immediately after the President picked our Cubs that we started our downward plunge. Now, I am not by any stretch of the imagination blaming the President but in retrospect, I now wish that he had picked the Mets.

Mr. PERKINS. I yield to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr Speaker, I join with my colleague, the gentleman from New York (Mr. PODELL). As a Representative from north Bronx, I would like to observe that it has been a long time since anything really good has happened in the city of New York, which has been "down in the dumps." It was necessary for baseball to produce an electric effect on the city. A wave of euphoria has swept the Mets' supporters, and the people of the city as a result of winning the National League championship. Hopefully they will forget their troubles for a little while, at least.

We owe the Mets a great deal for what they have accomplished.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Speaker, I join with my colleague from Brooklyn. I am privileged to represent the district including the county of Queens, from which the Mets fly. I was a little reluctant to take the floor because I know of the many requests for tickets that will be forthcoming. We hope we can supply them.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Speaker, I would like to observe that the star of the game, the pitcher of the Mets, was a country boy from Texas by the name of Nolon Ryan. Texas always wants to help New York.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I might add to the comments of the gentleman from Texas that a young man by the name of Ken Boswell is from Austin, Tex.; he played Little League and Babe Ruth ball with my stepson. Ken is one of the real heroes of these series. I am glad to say to my friends from New York, "You are right for a change," because a couple of Texans helped make it so. Congratulations.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman for yielding. In the spirit of the moment, I would like to congratulate the Mets. But I think that before you make any predictions about what will happen with Baltimore, I would like you to remember that Mr. FRIEDEL will have a bill out of his committee in a day or so and that will take care of the situation.

Mr. PERKINS. Mr. Speaker, I yield myself 3 additional minutes.

Mr. Speaker, H.R. 13310, which we bring to the floor today, is designed to cover a serious omission in those programs which the Congress has authorized with respect to the special education of handicapped children. The bill deals with a special class of children which experts in the field have labeled for want of a better term, "children with learning disabilities." The legislation authorizes a 3-year program of research, demonstration, advanced training for educational personnel and model centers with diagnostic capabilities, remedial programs, and supportive services to educational agencies in meeting the special educational needs of children with specific learning disabilities. Authorizations for the 3-year program are $6 million for the fiscal year 1971, $12 million for the fiscal year 1972, and $18 million for the fiscal year 1973.

Following the 3-year program it is contemplated that the research training and demonstration activities will be phased in with existing authorizations for program support for handicapped children. In this respect, the bill enlarges the definition of handicapped children now contained in the other acts, particularly title VI of the Elementary and Secondary Education Act, dealing with handicapped children.

When it was first proposed to me that our concept of the education of handicapped children needed further amplification to encompass children with learning disabilities, I was skeptical. Skeptical because a handicapped child was obviously handicapped and our definitions in title VI of the Elementary and Secondary Education Act, as well as other legislation dealing with their educational needs, was extremely broad—to my way of thinking—and encompassed every conceivable handicap which posed special teaching and learning problems. I think perhaps you can see the basis for my skepticism in the definition for handicapped children as now used in title VI. This definition is as follows:

> The term "handicapped children" includes mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children, and children with specific learning disabilities, who by reason thereof require special education and related services.

Under existing law, effective educational programs are being provided for the child with an obvious handicap, the crippled, blind, deaf, and mentally retarded. Appropriations last fiscal year for these programs amounted to $79,795,000 which was roughly a third of the authorization.

The legislation that we propose today would focus attention on the sizable number of children estimated conservatively at 1,500,000 children or roughly 3 percent of the school population who are perhaps as handicapped but whose handicaps do not manifest themselves in the usual manner. To the layman and to the untrained teacher, a child may be labeled "dumb" or "lazy" or extremely uncooperative or hostile and children with these characteristics were not thought to have any special handicap, but, nevertheless, the normal classroom through which the child progressed or marked time failed to provide the necessary learning experience for the educational growth and development of the child.

As in other disciplines, technology and knowledge in education has expanded and developed to the point where these characteristics in children which impair their ability to progress normally in school can be definitely associated with physiological cause and under trained teachers and specialists such children who are often times of normal or above normal intelligence can be taught to overcome their handicaps and can learn.

Thus, Dr. James J. Gallagher, Associate Commissioner, Bureau of Education for the Handicapped, U.S. Office of Education, in the course of our hearings on this legislation stated:

> While the term "specific learning disabilities" is relatively new, the problems it represents are not. When we knew little about medicine and pathology, a child was either sick or healthy. The more we learned, the more we subdivided "sick" into a multitude of specific diseases and disorders.
>
> Similarly, the more we learn about children who are educationally ill, the more we can identify specific problems. Thus, a child who in past times was labeled "dumb" or "lazy" now becomes identified as a child with specific needs requiring specific treatment.
>
> There is no question that the problems of children with learning disabilities are among the most severe problems we have faced in the field of education. It has been conservatively estimated that from 1 to 3 percent of our Nation's school population suffers from one or more specific learning disabilities serious enough to require special educational intervention. In round numbers this is a range of from 500,000 to almost 1,500,000 children.

During the course of the same hearings, Dr. Harold J. McGrady, Jr., director, program in learning disabilities, Northwestern University, stated:

> The learning disability child needs a program different from the disadvantaged.
>
> He is not deaf, blind, hard of hearing, or partially sighted. These are varying types of sensory deprivations. He is not emotionally disturbed as the etiology of his disorder. We have often overstressed the etiological base being an emotional disturbance in children having learning disabilities.
>
> He is not primarily crippled or with motor disorder. Again, children with severe motor disorders may also have accompanying learning disability.
>
> Diagnosis and identification of learning disabilities depend on the exclusion of these above factors. Because these other factors also cause problems of learning, they are also handicapping conditions. But they must be treated by a combination of special methods appropriate only to that particular disorder.
>
> Children with learning disabilities must be treated differently from these other combinations.
>
> Although some techniques used for the disorders mentioned may be applicable at some times, the management of learning disabilities children is unique, has its own principles separate from other handicapping conditions. The retarded child must be taught to live within his intellectual limits and is usually taught at a slower rate than normal.
>
> The disadvantaged primarily needs to be exposed to experiences of which he has been deprived.
>
> The emotionally disturbed needs counseling and/or psychiatric treatment rather than educational modifications per se.
>
> The sensorially deprived must learn to compensate for a lost channel of input of information and the crippled must relearn motor skills through various types of therapy and compensate for those motor activities which he will not be able to develop.
>
> But the learning disabilities child is different from all of these. He is a child with normal or above normal potential. It is the goal of education for learning disabilities children to return them to regular classes. The major goal is to teach them how to learn. They must learn how to learn. Most 'normal' children learn by almost any method of teaching.
>
> For example, most children will learn to read regardless of the method used to teach reading.
>
> Thus, they will perform adequately in school and society if they are exposed to the normal variations in curriculum and teaching methodology found in American schools.
>
> This is not true of the learning disabilities child. He will not learn properly, except by the particular combination of techniques which correspond to the nature of his learning system, for example, his psychoneurological makeup.
>
> These techniques are not a part of the training for regular teachers and it is very difficult for regular teachers to deal with these particular children.

Mr. Speaker, I believe that this legislation will enable us to deal effectively with learning difficulties of children which exist in almost every classroom in our Nation's schools. Learning difficulties which are now not even recognized properly by classroom personnel, but learning problems which are creating problems for society. We need to deepen our knowledge of the problems of learning disabilities and we need to disseminate our present knowledge to the teaching personnel in schools throughout the Nation. I believe that we can do this through the modest amount of funds authorized by this bill.

Mr. QUIE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise today in support of H.R. 13310, the Children with Learning Disabilities Act of 1969. Though new to the law, children with learning disabilities are not a new phenomena. We have all been acquainted at one time or another with a child who apparently could not learn. We have all known the child who seems to have normal intellectual and physical capabilities, and yet, for some unknown reason, has failed to learn to read or write effectively. Often after months and years of testing, the parents are left with information that consists of little more than knowing "what their child is not." He is not mentally retarded. He is not physically handicapped. He is not emotionally disturbed. Such information may be comforting, but it tells little about what he is and what needs to be done.

The paradox is that after years of repeated failures in the educational system, these children often develop the very symptoms of "what they are not." They may act mentally retarded or emotionally disturbed and therefore are entitled to special education services. However, such services are not directed toward meeting these children's primary problems.

Mr. Speaker, we have an opportunity today to give our support to a group of children who are handicapped by what has been termed the "invisible handicap." These are children who are not blind, deaf, crippled, or mentally retarded as we generally perceive such disabilities. They are children with learning disabilities who because they lack visible handicaps have had limited special education services provided to them by their school districts, State education agencies, or the Federal Government. To date, all they have attained are rather nebulous labels such as brain-injured, aphasic, dyslexic, perceptually handicapped, and so forth. What these children need is special education assistance—an opportunity we open to them today.

Over the past months probably most of you have heard from many of your constituents who describe the problems of their own learning disabled child or the learning disabled child in their schools and communities. The mother and father awaken each morning to the sad fact that few, if any, provisions have been made to educate their children properly. A few private schools are scattered around the country, most costing between $7,000 and $10,000 a year for the child in residence. Only a handful of public schools in the United States include special classes for these children. In view of the fact that an estimated 1 to 3 percent of all children of school age in this country have learning disabilities, you can quickly see how many of our youth are being neglected.

We have heard in hearings descriptions of how these children's initial learning problems have, because of consistent failure, been compounded by additional disabilities. We have had information presented to us about the possible relationship of learning disabilities to potential juvenile delinquency. A 1965 survey of 277,649 juvenile arrests in California found approximately 20 percent possessed characteristics typical of the learning disabled child. It is apparent that a child, who through no fault of his own has not learned to read by the fourth or fifth grade and for whom the education system provides little hope, will become a disruptive element in the classroom and the school.

In 1966, after years of hearing the problems of the handicapped before its committees, the Congress created, over administration opposition, the Bureau of Education for the Handicapped. At that time we also established the National Advisory Committee on Handicapped Children to serve as an additional resource to us. These two bodies have greatly aided us in our efforts to make educational opportunities for all handicapped children a reality.

For years one of the major problems in developing legislation for the learning disabled has been the inability to develop a realistic definition to clearly identify it. The National Advisory Committee on Handicapped Children came to grips with this problem and presented a definition and a solution which was hailed and adopted by all. The definition and their recommendations are contained within the legislation before us.

In addition, since the creation of the Bureau of Education for the Handicapped, I have had an opportunity to observe through personal visitations, reactions from my constituents, and from testimony before our committee, significant progress in achieving our goal of

XUM

improved education. Some of you may ask why there is a need for another piece of legislation for education of the handicapped. The need for such legislation in Congress and in State legislatures will exist until the executive branches of Government are willing to act in behalf of these children. If handicapped children are ever to receive equality of educational opportunity, then the leadership must continue to be exerted in the legislative halls.

The bill before us today authorized a temporary program of research, teacher training, and model centers for the education of these children. It is our intention that this separate temporary authorization serve as a means of initiating programs which would be funded only for 3 fiscal years. After fiscal year 1973, it is our intent that funding these programs should come from Federal sources and from State and local agencies without earmarking.

In addition, the bill amends the eight major Federal laws concerning the education of the handicapped to make children with specific learning disabilities eligible under the permanent programs. In adding the term "specific learning disabilities" to existing programs, however, we on the committee do not suggest a cutback of any programs for other handicapped children.

Today we have sufficient knowledge and understanding about the problems of the learning disabled, and yet tens of thousands of children fill long waiting lists for services which may be many years in getting to them. The key, I believe, to helping these children is the immediacy of diagnosing and educating them. Unlike the mentally retarded, with whom they are frequently placed, children with learning disabilities can, when given proper special education, return to their regular grade level in school, become assets to their community and to society.

The legislation before us today is a direct recommendation of the National Advisory Committee on Handicapped Children. We lend our support to the parents, educators, medical leaders, psychologists, and others who are joining forces to attack the problems of these children. I am convinced that this medical assistance will give hope to learning disabled children and their parents.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. QUIE. Mr. Speaker, I yield myself 3 additional minutes.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased today to have this opportunity to support the passage of H.R. 13310, the Children With Learning Disabilities Act of 1969. For the past decade the Congress has provided leadership to help improve educational opportunities for handicapped children. We have made a wide range of services available to children suffering varying mental, physical, and emotional disabilities. The legislation before us recognizes that there is now another handicapped child in need of special educational services—the child with specific learning disabilities. This child is not physically, mentally, or emotionally handicapped although he suffers from consistent failures in academic performance. He has traditionally been the child who has fallen through the cracks because he demonstrates no obvious abnormalities. While the child with specific learning disabilities may be new as a category of handicapping condition he has always existed as that slow, or even stubborn and uncooperative child. For years he was the bane of every classroom teacher. The thing that is most frustrating about this child is that while he may have difficulty reading or writing he exhibits average or above average intelligence. How frustrating it must be to the parents that know their child can achieve but continues to fail.

Over the past 10 years a growing body of information has been developed concerning the characteristics of the learning disabled child. However, the efforts to provide adequate services have been clouded by conflicts within the professions as to adequate definition. Those children have been denied adequate educational opportunity while we have attempted to define their problem, although I feel assured that most classroom teachers and parents could have identified many of these children.

As a result of these varied attempts to define the problem, States have used varying definitions. The child to whom we are addressing ourselves today may be brain injured in Pennsylvania, educationally handicapped in Colorado, perceptually handicapped in Illinois, and language handicapped in Texas. In seeking guidance as to how we can best come to grips with this definition problem, we relied heavily on the recommendations of the agency we in the Congress created to serve as our advisers, the National Advisory Committee on Handicapped Children. It is their broad, yet specific, definition which we have incorporated into the language of the legislation. The committee added the term "specific" to learning disabilities to make it clear that we are addressing ourselves to a unique group of children as opposed to any children who are not doing well in school—although they, too, need and deserve our attention. It is my belief that the provision of this definition and the recognition of learning disabilities as a legitimate handicap is one of the major highlights of this legislation and hopefully will provide direction to State and local education agencies in their efforts to come to grips with the problem.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the ranking minority member of our Commitee on Education and Labor.

Mr. AYRES. I thank the gentleman for yielding.

Mr. Speaker, today I urge you to join in the passage of H.R. 13310, the Children With Learning Disabilities Act of 1969. These handicapped children are not only seriously limited in our technological society, but are also a financial loss to our society when inappropriately educated. The child who has the potential to learn but who fails to learn to read, write or calculate because of specific learning deficits may well become delinquent, socially maladjusted, or at the least, underemployed. We cannot afford to let this negligent and destructive situation continue throughout another generation of youth. Appropriate total educational programs, based on thorough diagnostic evaluation, must be developed and implemented throughout the Nation's educational system.

Up to now the experiences of learning disabled children and their families have been devastating. Across the country two typical patterns have emerged. Many parents have been told initially that their child is just slow or immature and that he will grow out of it. Other parents contact public agencies which serve the mentally retarded, the emotionally disturbed, or the vision or hearing impaired and are rejected because the child does not fit these handicapped classifications. The school may assign the learning disabled child to a remedial program or a slow track, but all too often it must tell the parents that there is no program for their child. This forces the families to seek help from private sources and thus bear the costs themselves. Families seeking answers have often consulted many professional disciplines.

Various explanations and labels are offered to the parents, frequently with confusion and even worse, conflicting recommendations for treatment. I am not suggesting that adequate programs do not exist. It was clearly demonstrated in hearings before our committee that excellent programs in both the public and private sector do exist; however, there is a limited number of them and the population of children to be served is very large.

The bill before us provides for model centers to operate for 3 years and demonstrate evaluative and educational techniques in an operational setting. These centers will vary according to local educational needs throughout the Nation. While the basic problems of children with learning disabilities may be generally consistent, the delivery of services to them may vary greatly between urban and rural communities. The model center concept is not new to our efforts in education as past efforts of the Congress in behalf of the handicapped have shown. The precedents for giving preferential attention to specific handicapped groups are clear, and in providing new authorities today we seek to give this population an opportunity to develop some program expertise without immediately having to compete with other handicapped programs for funds. The intent of our actions here today should be clear, however, that this separate authority be temporary and not extend beyond the 3 fiscal years authorized by the bill.

The Children With Learning Disabilities Act of 1969 has been a long time in development. It represents the efforts of many people throughout the Nation who are concerned about the problems these children face. The bill has the support of parents, educators, and professionals in many fields related to the handicapped.

For example, medical specialists have indicated that their efforts in identifying the problems of children and assisting their families are continually undermined when educational programs appropriate to the needs of the children are not available. Furthermore, general educators are greatly concerned about the number of children in their classrooms who are not benefitting from programs now provided. Special educators are understandably concerned that, although their research and knowledge have begun to provide answers to the dilemma, there is still little or no recourse for action. And, finally, parents who know their children have the ability to learn are continually frustrated by the fact that our eductional system cannot provide the resources to make specialized learning possible. The bill before us will not solve the problems of the learning disabled child, for this job will not be completed until these children receive the education to which they are entitled, a responsibility that lies with our State and local communities. However, we can begin today by providing them with the assistance they must have to tackle this task.

Mr. HALL. Mr. Speaker, will the gentleman yield.

Mr. QUIE. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding. I rise to ask for information.

Did the gentleman define dyslexia, as used in the bill?

Mr. QUIE. I cannot give a medical definition of dyslexia, but only as a layman. As I understand it, one of the symptoms of dyslexia is when a child does such things as seeing letters backward, a "D" and "B" backward. This causes confusion. It is a medical difficulty when he sees things backward from the way normal people do. This makes it impossible for him to learn to read. He really does not properly see the things his teacher is trying to teach him.

Mr. HALL. Is this a new term coined in connection with specific disabilities?

Mr. QUIE. It is not new this year. I have been reading about it now for about 4 years.

Mr. HALL. I am familiar with dyslalia and dyslogia and others, but I never heard this term. I am truly asking for information.

The word is not in the largest dictionary.

Mr. QUIE. That is interesting. Prior to 4 years ago I had never heard of it. Then I learned of it because of some children who are considered to be dyslexic at the Mayo Clinic.

Mr. HALL. I thank the gentleman.

The SPEAKER. The time of the gentleman from Minnesota has again expired.

Mr. QUIE. Mr. Speaker, I yield myself 1 additional minute, and I yield to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, I thank the gentleman from Minnesota for yielding to me. I want to join the gentleman in the well in support of this legislation.

Mr. Speaker, Congress has already demonstrated its concern for handicapped children by passing several laws to provide Federal assistance for their special educational needs. Unfortunately, at the present time, these laws do not extend to provide the assistance desperately needed for the education of children with specific learning disabilities.

Congress can help fill this void by passing H.R. 13310, the Children With Specific Learning Disabilities Act of 1969, which I am proud to cosponsor. It is essential that programs authorized by this act get off to as strong a beginning as possible. To achieve this end, the bill provides a separate authorization for children with specific learning disabilities for the first 3 years of operation. But the legislation also meets long-range goals of administrative consolidation by amending existing laws for the education of handicapped children to include children with specific learning disabilities.

These features of H.R. 13310 reflect the bipartisan efforts that produced the bill. I believe the chairman of the General Subcommittee on Education (Mr. PUCINSKI) merits special commendation for his leadership in this legislation. He recognized a need and introduced the original bill; and then worked hard with those of us on the subcommittee from both sides of the aisle to produce the bill that is before us today.

In my opinion, H.R. 13310 now deserves strong bipartisan support from the entire House. The funds authorized by this legislation seem a most reasonable price to pay for programs that can help make possible a productive future for hundreds of children afflicted with learning disabilities.

Mr. QUIE. Mr. Speaker, I now yield to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate the gentleman from Minnesota yielding to me and wish to join with him in support of this legislation.

Mr. Speaker, Federal involvement in elementary and secondary education is just over 10 years old. You will recall the concern with which Congress entered into this activity, and while problems still exist, we recognize the success our efforts have had in improving the education of our children. Our promise, and indeed, our initial premise of excellence of public education for every child in America, should be sufficient justification for support of H.R. 13310, the Children With Learning Disabilities Act of 1969.

The bill is presented not as one more shot in the arm, but as a major link in the structure of enabling legislation for improving educational opportunity for handicapped children.

While we have gone on record in the support of special education for the blind and deaf, for the mentally retarded, and the emotionally disturbed, we have neglected to offer assistance to children whose primary handicap lies in the learning process. One result is that these children are excluded from the services of education; another is that they are often included where they do not belong. The net result is a weakening of the educational programs for all children, and a reduction in the maximum potential of children with specific learning disabilities.

The Children With Learning Disabilities Act brings new vision, new commitment, and new opportunity so that institutions, States, school systems, and individuals will be encouraged to move ahead forcefully to help learning handicapped children in every community in America.

First, the bill alters existing legislation in such a way that all children with learning handicaps are identified as important and of special concern to the Federal Government through the U.S. Office of Education's Bureau of Education for the Handicapped.

Literally thousands of children with specific learning disabilities have been unable to receive assistance from special education provisions or from services that only grow from a solid research and training foundation because their handicap has not been identified in Federal legislation. With terminology giving clear visibility to these children in Federal law, State, and local governmental bodies will be given greater encouragement to meet their obligations to these children.

Second, H.R. 13310 fulfills the promise of the Federal Government to lead the way in innovative, yet budget conscious, programing. By establishing a high priority for new efforts to assist young children with specific learning disabilities, the Congress may be able to save the inevitable burden of larger expenditures for rehabilitation, delinquency, unemployment, and reeducation. For it is increasingly clear, as the testimony has pointed out, that failing learners of good or superior ability are disproportionately represented among the jobless, the criminal, the institutionalized, and the occupational misfits. The child with learning disabilities has too often become the maladjusted young man on whom our tax dollars must be spent rather than the young man who produces his share in a competitive, democratic environment.

The assistance proposed is directed toward the most critical needs and is concerned especially with activities most appropriately assumed by the Federal Government: the stimulation of training programs in institutions of higher learning to disseminate knowledge and techniques already known; the support of research to generate new knowledge and procedures not yet validated; and the creation of model service programs to demonstrate the most appropriate and imaginative services in addition to securing continuing information regarding costs and benefits. Only a bill authorizing new funds can accomplish these money saving, preventive, leadership steps. Only a Federal bill can accomplish the objectives suggested while leaving to the States the major responsibility for utilizing and supporting the work highlighted by the Federal Government.

The Children With Learning Disabilities Act of 1969 may provide the turning point in the life of a child who is now misunderstood and considered unintelligent, unattentive, or unmotivated.

Through this legislation, more teachers can be trained, research developed, and services rendered which will recognize and nurture the unique abilities and disabilities that are often present in the same individual.

(Mr. REID of New York (at the request of Mr. STEIGER of Wisconsin) was granted permission to extend his remarks at this point in the RECORD.)

Mr. REID of New York. Mr. Speaker, I am pleased to have this opportunity to support the passage of H.R. 13310, the Children With Learning Disabilities Act of 1969, of which I am a sponsor.

Over the years a growing body of information has been developed concerning the characteristics of the learning disabled child. However, the efforts to provide comprehensive services have been clouded by conflicts within the professions as to adequate definition. These children have been denied adequate educational opportunities while we have attempted to define their problem, and as a result of this uncertainty different States have used different terminology regarding learning disabilities. The child to whom we are addressing ourselves today may be brain injured in Pennsylvania, educationally handicapped in Colorado, perceptually handicapped in Illinois, and language handicapped in Texas.

In seeking guidance as to how we can best come to grips with this definition problem, we have relied heavily on the recommendations of the agency we in the Congress created to serve as our advisers, the National Advisory Committee on Handicapped Children. It is their broad, but at the same time specific, definition which we have incorporated into the language of the legislation. The committee, on hearing expert testimony, added the term "specific" to learning disabilities to make it clear that we are addressing ourselves to a unique group of children.

To permit the exclusion of these children from Federal programs for the education of the handicapped to continue for even 1 additional day would not only be unfair, it would be inhuman. We can right this wrong by broadening the definition of the handicapped to include children with specific learning disabilities. However, we must extend our efforts further if our error of the past is to be properly remedied.

The solution lies in the passage of H.R. 13310, which proposes additional programs to overcome this lag in services. The establishment of model centers will provide stimulation to State and local school systems to develop diagnostic and educational services. The provision of Federal moneys to support needed research will enable educators to examine more carefully the unique learning nature of children with specific learning disabilities and Federal support for the development of programs of study to train personnel in the techniques necessary to educate these children will help close the gap between services needed and manpower available.

Special educators have reached the point where they feel that to proceed any further without Federal support for their efforts in learning disabilities would be a shameful waste of their knowledge and skills. We must acknowledge the plight of learning disabled children in our society and offer to them the help they so desperately need. We can do this by supporting H.R. 13310, the Children With Learning Disabilities Act of 1969.

Mr. PERKINS. Mr. Speaker, I now yield 5 minutes to the distinguished gentleman from Illinois (Mr. PUCINSKI), who is the chairman of the subcommittee which considered this legislation and who has been very persevering in pursuing this matter.

Mr. BURLISON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the distinguished gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Speaker, the primary reason for this legislation—H.R. 13310—is that children with specific learning disabilities are not clearly included under the present Federal laws for the education of the handicapped. This legislation seeks to redress this inequity by clarifying the definition of handicapped children to encompass the learning disabled.

This inequity results from the recent recognition of these children as a separate category of handicapped children. For example, in 1965 when title VI of the Elementary and Secondary Education Act was written as the basic Federal program for the education of all handicapped children, these children were not specified because the best available educational opinions had not as yet defined this separate category.

Although children with specific learning disabilities are now recognized as possessing a particular type of handicap, there is a great need for additional educational and medical research. Since frequently the causes of these disorders are not even now medically determinable, new medical research is needed on causation.

In the meantime, however, these children, who have been conservatively estimated to be from 1 to 3 percent of our school population, cannot be ignored. Educational research and model programs must be initiated in order to discover the most effective means of assisting these children in school, since that is where their disabilities most obviously hamper them.

This legislation would amend the eight major Federal laws concerning the education of the handicapped to make children with specific learning disabilities eligible under the permanent programs. In adding the term "specific learning disabilities" to existing programs, however, it is not intended to cut back on any programs for other handicapped children which are now authorized. At the same time, we should not decrease Federal support for any learning disability projects now being funded under present law.

This legislation would also authorize a temporary program of research, teacher training, and model centers for the education of these children.

Since there is this great need for educational programs for the handicapped presently included under the permanent programs and little likelihood of greatly increased Federal appropriations for these programs, a separate, temporary authorization is needed to encourage the development of new programs for children with specific learning disabilities.

This legislation would authorize a teacher training program because specially trained teachers are essential if programs for the learning disabled are to be successful. Yet in 1968 only 20 colleges offered courses on the education of the learning disabled child. This legislation is intended to encourage many more colleges to begin training teachers for the learning disabled. This legislation would also authorize model programs which would demonstrate what is presently known about the special problems involved in teaching children with specific learning disabilities. I agree with the committee as above set out and strongly urge adoption of this legislation as encompassed in H.R. 13310.

Mr. PUCINSKI. Mr. Speaker, H.R. 13310—the Children With Learning Disabilities Act of 1969—corrects an inequity in existing legislation.

The bill before us permits children with specific learning disabilities that are not clearly included under present Federal laws for the education of the handicapped to be included with other handicapped children under title VI of the Elementary and Secondary Education Act of 1965.

At present there is no clear legislative language that makes provision for the recently defined area of specific learning disabilities.

In a definition written by a regional educational laboratory—

> A child who has an individual learning disability is one who, according to present measures of intelligence, should be capable of learning in a typical classroom situation. They are children of average or above intelligence who have problems in relating, mediating, or processing school-related instruction in order to produce appropriate school-related achievement.

H.R. 13310 defines children with specific learning disabilities as those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

Such disorders include conditions such as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and development aspasia.

Such terms do not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, or mental retardation, of emotional disturbance, or of environmental disadvantage.

During consideration of this legislation, our committee learned that although there are isolated demonstration projects in this field, there is a compelling, obvious, and substantial need for improving and expanding the present facilities for treatment of this educational phenomenon.

The National Advisory Committee on Handicapped Children has estimated that children with learning disabilities comprise about 1 to 3 percent of the elementary and secondary school population in America.

Our committee heard from other organizations who work with the physiological and neurological handicaps in children who estimate that learning disabled children may comprise as much as 6 percent of our present school population.

The present difficulties in detecting, diagnosing, and treating the various forms of learning disabilities in children account for the variation in making reliable estimates as to their extent.

In their first annual report to the Senate Labor and Public Welfare Committee, the National Advisory Committee on Handicapped Children stressed that special learning disabilities are one of four issues that are current and crucial at this time. It is a field that needs greater attention and understanding if these children are to be helped.

Learning disabled children are usually characterized by a significant discrepancy of 2 or more years between the level where a child is expected to be functioning and the level where he is actually found to be functioning.

Learning disabilities fall into three main categories:

First, perceptual-motor problems;

Second, language and communication disorders; and

Third, academic subject disabilities, such as arithmetic computation and spelling.

These are for all practical purposes who appear to be perfectly normal youngsters and whose handicap often goes totally undetected through conventional means.

These problems may evidence themselves in such behavior as: an inability to transfer single letters into whole words; a reversal of letters and numbers; an impaired judgment of distances and space; poor spatial orientation; an inability to distinguish between a rectangular object or a round one, and so forth.

Other disabilities—singular or multiple—may occur in the processes of memory, thinking, attention, coordination, speech and sight, and an inability to express ideas verbally or with motor coordination.

At the present time, there are three general types of educational programs being used in isolated school districts across the country which are designed to help children with learning disabilities. These programs are:

First. Resource classrooms—which assign a single teacher to a group or groups of children for intensive work in subjects where the children have the greatest difficulties. For example, during a reading period the children who need special assistance would go to their resource classroom for specific work with language and reading disorders.

Second. Self-contained classrooms—which separate children who are physically handicapped and/or learning disabled into separate groups and keep them apart from children without handicapping conditions. These classes are usually for children with moderate and severe educational problems and have the disadvantage of removing children completely from association in school with their peers.

Third. Itinerant teachers are utilized largely by rural school districts. Instead of the children coming to the teacher, as in the resource classroom, the teacher travels from school to school to work with selected children during a specific period of time.

These programs do assist certain selected children in random school districts. But our committee learned that between 500,000 and 3 million children are not being helped through these—or any—programs.

This is the last of our bills dealing with handicapped children. The fiscal 1968 annual report of the Bureau of the Handicapped listed the numbers of physically handicapped children in our elementary and secondary schools. They amount to about 5 million children:

1. Mentally retarded	1,500,000
2. Hearing impaired or deaf	300,000
3. Speech impaired	2,100,000
4. Blind or visually impaired	75,000
5. Emotionally disturbed	800,000
6. Crippled	300,000

In addition to these children, there are approximately 90,000 other children with multiple handicaps, only 36 percent of whom are receiving assistance under federally funded programs.

Added to these children with severe physical or mental handicaps, the Department of Health, Education, and Welfare conservatively estimates a figure of 1.5 million children with learning disabilities in America's classrooms, bringing to more than 6.5 million the number of children who require special help out of a total school population of about 50 million.

In my own State of Illinois there are now 140,000 handicapped children in special education programs with 5,700 specially trained teachers working with them—at a cost to our State of $53 million. Illinois estimates, however, that an additional 120,000 children are not being served—including learning disabled children—because they are even more seriously handicapped and it would require an additional 13,000 teachers to help them, as well as $65 million in additional funds.

I wish at this point to stress that this legislation before us provides no grand or exorbitant expenditure of funds. The original bill we considered in committee provided for a 5-year program that authorized $12 million for the first year, $20 million for the second year, and $31 million for each of the remaining 3 years, for a total of $125 million over a 5-year span.

We cut this authorization substantially and reduced the program to a 3-year program providing for $6 million the first year, $12 million the second, and $18 million the third—a total of $36 million in all.

It is not enough merely to incorporate children with specific learning disabilities into the language of title VI. To be realistic, we must provide the additional funds their inclusion will require if the children who are presently being assisted are to continue to receive help through special programs.

This bill is designed to get model centers, teacher training, and demonstration programs underway in the field of learning disabilities. At the end of 3 years, all future funds would become part of the budget request for the Bureau of the Handicapped.

I should like to include with my remarks an excellent article on this entire subject which was published recently in the Washington Post. The article follows:

Challenge in Teaching: When They Just Do Not Seem To Learn

"SPECIAL LEARNING DISABILITIES"—EVEN SOME BRIGHT KIDS SUFFER

(By Eric Wentworth)

"No, Richard, *this* is your *right* hand and *that* is your *left* hand . . . No, Melissa, "Sit" is spelled "S-I-T," not "T-I-S, . . . Look again, Jeffrey, *this* letter is a "p" and *that* letter is a "q" . . . Once more, Heather, here are *three* fingers and here are *three more* fingers, and that makes *how many* fingers? Can't you tell us Heather? . . . Peter, for the last time, stay in your own chair and mind your own business and *don't bother* the other children . . . Mary Jean, are you paying attention? What did I just say? Sometimes I think your mind's a thousand miles away! Mary Jean? . . . Steven, *not again*—that's the *third time* you've knocked over the paste pot this week . . ."

Through the words of harried teachers, you begin to know them. There's usually one in every class. There are thousands in the Washington area.

These children usually aren't mentally retarded—in fact, many are quite smart. They don't have obvious physical handicaps like partial deafness or poor vision or cerebral palsy. They don't suffer from some emotional ill like being schizoid.

"He's a seven-year-old," one desperate parent confides, "and he can discuss Shakespeare and gravity, but he can't read. It's as though he can't see the words and hear the words. The eye doctor says nothing's wrong. The ear specialist says nothing's wrong. The teacher says he's a willful child who's used to getting his own way in manipulating adults. And the children—they call him Dumb-Head . . ."

The Class Dunce, that's what he used to be in the Good Old Days when life seemed so much simpler. Teacher rapped his knuckles with a ruler or made him stand in a corner or kept him after school to write out words or do sums. Father, alerted by an ominous report card, came through with a stern lecture or took the birchrod to him.

There was nothing wrong with the child, or so people thought then, that "a little discipline" shouldn't cure. And when it didn't, well, you just had to recognize some kids weren't so bright or had a touch of the devil in them.

More and more educators today know better. They know many children once cavalierly branded as "slow learners" or "behavior problems" are actually afflicted with a whole array of critical little difficulties that by and large have nothing to do with discipline.

Being educators, they typically tangle themselves up with mind-boggling jargon. They say Richard—and Melissa and Jeffrey and all the others—suffer from "specific learning disabilities" or "minimal brain dysfunction" or "dyslexia" or "neurological impairments." One researcher has found a grand total of 38 frequently overlapping terms for these problems.

"Special learning disabilities" seems to be the term getting widest currency, and the National Advisory Committee on Handicapped Children has offered this definition:

"Children with special learning disabilities exhibit a disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written languages. These may be manifested in disorders of listening, thinking, talking, reading, writing, spelling or arithmetic . . ."

XUM

Beyond definitions, the educators—with doctors, psychologists and other professionals—have begun a belated campaign to give these children the special breaks they need. Prodded by frantic parents, they are putting the case to local school boards, state legislatures and Congress for recognition of the "SLD" problem and for money to cope with it.

At the same time, they are delving further into the causes of "SLD," how you identify "SLD" children and what their individual disabilities are, and how best you help them overcome these disabilities.

For many afflicted children, the problem can be traced to minor brain damage before, during or after birth—a fact that can plunge mothers needlessly into maelstroms of guilt. Yet quite a number show one or another of the "SLD" symptoms without any hard medical evidence—such as suspicious patterns on an electroencephalogram—that something tangible is wrong.

These tell-tale "SLD" symptoms usually show up by first grade, often earlier. Take some learning difficulties with the word "sit." Melissa, with a "reversal" problem, may spell it "Tis." Another child may recognize the letters "S-I-T" on the blackboard but fail to see they hook together to form a word. Still another may recognize the word on the blackboard but not when it's spoken aloud by the teacher—or vice versa. Or be able to write it but not say it aloud himself. Or recognize it when it's by itself but not when it's in a list with other words.

Or be so jumpy or so dreamy that he isn't following the lesson in the first place. Or, when told to "sit," unable to judge the distance between him and his chair and so miss it entirely and fall clumsily to the floor.

In general, these symptoms reflect quirks in how the children see and hear things, how they put together what they see and hear, and how they apply it.

If your child shows one or more of the symptoms, don't leap to conclusions.

"Every disability we're talking about," says Dr. J. Gerald Minskoff in the Federal Government's Office of Education, "is normal at a certain stage of life."

Children develop at varying rates. Some outgrow learning problems on their own without special help. Others, of course, aren't so lucky.

On the other hand, according to director Sally L. Smith of the Kingsbury Center for Remedial Education's Lab School here, resourceful "SLD" children can sometimes fake their way through the first few grades of school—hiding their lack of one learning tool by relying heavily on others.

"They know the important thing in the classroom," she says, "is to get the right answer."

To catch the "SLD" child at an early age calls in the first place for alert, well-informed teachers, parents and family doctors. Beyond that, to confirm the child has a particular problem and diagnose its exact nature usually means turning to experts who use sophisticated tests with names like Bender-Gestalt, Frostig and the Illinois Test of Psycholinguistic Abilities.

In the Washington area, as elsewhere, school and medical authorities have far to go in spotting all the "SLD" children who need special care. Just how many there actually are remains fair game for those who speculate with statistics, but it's widely accepted that 1 to 3 per cent—at the very least—of the nation's children are afflicted. Some estimates run as high as 10 per cent.

For the District of Columbia itself, 1 per cent alone would mean more than 1,500 in the public schools. But as of last March, according to the D.C. school system's own figures, only 197 had been positively identified. The system, special education director Stanley Jackson explained, simply lacked the manpower to make a full survey and had to rely on sporadic referrals.

The Kingsbury Center, which offers diagnostic work as well as tutoring and other services, receives some 800 youngsters of all ages yearly.

Testing and diagnosis is available from a number of other sources locally, including specialists in the public school systems and public health departments. Children's Hospital, the D.C. Society for Crippled Children, and Georgetown, George Washington and Howard Universities also offer such services.

The Arlington County school system, with state and Federal aid, is sending two teams out into the community to spot pre-school children with "SLD" and other handicaps and thus permit an early start on corrective help.

A number of people concerned with the "SLD" problem contend the best approach to finding and diagnosing afflicted children involves teams of specialists. "Diagnosis," Mrs. Everard Munsey, founder and president of the Virginia Association for Brain-Injured Children, told a congressional panel recently, "has been the nightmare of parents of children with learning disabilities. For many parents it has been a bewildering, discouraging and expensive sequence of examination and referrals to other specialists. There is in in most cases no 'one-stop' service."

The basic thrust of programs for children found to have special learning disabilities, it's generally agreed, should be to keep the youngsters in the educational "mainstream" as much as possible or return them to it as soon as possible.

Some, usually the more serious cases, are placed where possible in special classes—though there's the risk they'll be labeled as "different."

For milder cases, though, a growing number of educators believe the better (and less costly) approach is to keep "SLD" children in their regular classrooms—pulling them out for short periods of special attention with a teacher who "floats" from one school to another, and giving their regular teachers advice on how they themselves can help.

By and large, the experts on how to aid "SLD" children concede they aren't really experts yet. They are feeling their way with a vast array of methods and materials, experimenting, seeking to tailor their work to each child's needs.

Mrs. Smith at the Lab School calls this "diagnostic teaching": going back to the child's basic learning skills, finding his strong and weak points, and using the strong ones to strengthen the weak ones. Unlike the mentally retarded, she says, the "SLD" children "learn very fast if you find the routes by which they learn."

Mrs. Smith—a dynamic blonde, author and psychologist as well as educator—believes in making school work dramatic. She has set up "clubs"—cavemen, Indians, mediaeval knights—in which the children who dress up and bedeck their classroom in the proper motif can also boost their vocabularies and learn some history and geography. Under sculptor Bert Schmutzhart, they embark on boat-building projects—and pick up some mathematics, science and better coordination as they construct their craft.

Public schools in the Washington area provide a growing—though in some cases grossly inadequate—number of special "SLD" classes. Tight budgets are usually the prime roadblock to swifter progress, but that's not the whole story. Skilled teachers are in short supply, and classroom space often at a premium. The quality of "SLD" teaching necessarily varies with the teacher, the cooperation he or she gets from other school officials and the number and screening of pupils in the class (children with other problems sometimes get included).

Montgomery County, a nationwide pioneer in this field more than a decade ago when Dr. William M. Cruickshank ran his classroom experiments there, offered 44 classes this past year for some 450 pupils. Prince George's County has some 138 classes for children with "special learning problems."

Across the river in Virginia, Fairfax County will have 8 to 10 such classes this coming year after finally separating its "SLD" children from those with emotional problems. Arlington will double its classes: from one to two.

The District of Columbia itself had 8 classes serving some 64 "SLD" children this past year—with a waiting list of 200 more—and was asking Congress for funds to hire 21 additional teachers. Stanley Jackson, D.C. special education director, said he would probably use some of the 21 to start new special classes and others as roving teachers. He conceded the District's unmet needs were immense but insisted, "You have to build gradually."

The D.C. School Board, under heavy parental pressure, has finally agreed to help pay tuition for "SLD" children to attend local private schools when public classes aren't available. But private facilities are also scarce.

The Lab School for example has an enrollment of 32 children in 4 classes. Mrs. Smith said she received some 158 inquiries and pared the waiting list to 10. "One mother," she reported recently, "has called every Tuesday at ten o'clock for the past five weeks asking if there was an opening in our 6-year-old group."

Tuition at the Lab School for those who can pay it is a formidable $2,500 yearly, though even this falls short of the cost, which Mrs. Smith reckons at $3,850. Thus, so far at least, the enrollment has come largely from middle-class homes.

Among other local private schools working with "SLD" children hereabouts are the Christ Child Center in Bethesda, St. Maurice School in Potomac, the Greig School in Sumner, the Leary School in Annandale, the St. John's Child Development Center in D.C., the Schefer School in Falls Church (branches in Alexandria and McLean), and the School for Contemporary Education in McLean. Methods, quality and costs necessarily vary.

Almost everyone concerned with "SLD" children stresses how vital it is to catch the problem and start the task of overcoming it at an early age. The further a child labors under such disabilities in the classroom, the more likely he is to become discouraged, frustrated and eventually hostile or withdrawn. The ranks of drop-outs and delinquents, those concerned suspect, are filled with "SLD" youngsters whose problems were never caught or coped with.

William C. Geer, executive secretary for the Council for Exceptional Children, recently told a Congressional subcommittee that a 1965 survey of 277,649 juvenile arrests in California showed some 55,000 youths with signs of learning disabilities.

On the positive side, many believe a heartening number of "SLD" children with proper attention can overcome or at least by-pass their problems, complete a normal education and become productive—even highly successful citizens.

Dr. Lloyd J. Thompson, writing in the North Carolina Medical Journal last November, listed several famous names of yesteryear who showed signs of having had "SDL" problems—inventor Thomas Edison, philosopher William James, General George S. Patton, former Harvard President Abbott Lawrence Lowell and U.S. President Woodrow Wilson.

Perhaps the best-publicized recent case of someone surmounting such a disability has been Luci Johnson Nugent, former President Johnson's younger daughter, who was successively treated for a visual perception problem by D.C. optometrist Dr. Robert A. Kraskin. She helped organize and is currently a director of Volunteers for Vision, a group interested in promoting use of visual tests for preschool youngsters.

And perhaps the best evidence of mushrooming public interst in the "SLD" problem came when columnist Ann Landers referred her readers for more information to the National Advisory Committee on Dyslexia and Related Reading Disorders. The hapless panel was all but buried under an estimated 18,000 letters from Ann's fans.

Several groups of parents with children suffering special learning disabilities are active in the Washington area. Their memberships include interested professional people, and their activities aim in general at sharing information about the "SLD" problem and prodding public officials to provide better services. The roster includes:

Washington chapter, Association for Children With Learning Disabilities, President Robert A. Jackson, 291-5887;

Virginia Association for Brain-Injured Children, President Mrs. Everard Munsey, 524-4682;

Montgomery County Association for Children With Specific Learning Disabilities, President Mrs. Donald Straus, 871-7400;

Prince George's County Association for Children With Specific Learning Disabilities, President Michael Mehalic, 935-6642;

Concerned Citizens for Exceptional Children, President James McCord, 762-7678.

GLOSSARY OF TERMS RELATED TO LEARNING DISABILITIES

1. Receptive Aphasia—can understand words spoken to him and instructions given, but cannot express himself in language.
2. Expressive Aphasia—can express himself well, but cannot understand langauge and instruction given to him.
3. Minimal Brain Dysfunction—MBD, as it's called, means a slight irregularity in the brains ability to function. It is *not* a retarding condition.
4. Dyslexia—any or all forms of reading disorders, including seeing letters written backwards or upside down; an inability to put several letters together to form a recognizable word, etc.

Mr. QUIE. Mr. Speaker, I yield myself 1 minute in order that I may engage in a colloquy with the gentleman from Illinois (Mr. PUCINSKI).

We did not mention one thing which may cause concern pertaining to these children or the educators of the handicapped. There is nothing contained in the pending legislation that in any way will take any funds or activities away from the other groups of handicapped to be used for the learning disabled group. In other words, it sets aside an additional authorization. There should be no question about taking money away from these other programs and placing it into this program.

Mr. PUCINSKI. This is absolutely correct. As a matter of fact, right now some youngsters with learning disabilities are being trained under other programs because they have multiple disabilities. I certainly agree with the gentleman from Minnesota that funds appropriated now under existing legislation will not be diverted with the addition of this program.

Mr. QUIE. I thank the gentleman from Illinois.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, the first bill I introduced in the other body when I came there in 1937 was a bill to provide Federal aid for the education of handicapped children. I felt as we all do that these pathetic young citizens of America are entitled to compassionate consideration by their Congress and their country.

I have rejoiced in the intervening years, particularly in the late years, to see the manner in which the program of Federal education has helped these handicapped children and the manner in which it has been expanded. But today only 28 percent of the 6 million handicapped children are receiving aid under the existing Federal programs and only 40 percent of the handicapped children are provided any assistance under Federal, State or local programs. This bill will meet this deficiency.

Mr. Speaker, this bill is intended not only to alleviate the personal tragedy of these handicapped children, but to make them more constructive citizens of this great land of ours.

So, Mr. Speaker, this is an important bill. It deals with very complex and sophisticated concepts; it is legislation to establish programs to free the potential of an estimated 1 million American children from specific learning disabilities. In the past, many of these children have been labeled underachievers or worse. Thanks to modern medical science, these children will no longer have to suffer such labels and indignities. Our medical scientists have discovered that often children suffer from defects or disorders in one or more of the basic psychological processes—important processes which involve understanding or using spoken or written language. These disorders have been detected by testing the child's ability or inability to listen, think, speak, read, write, spell, or do mathematical calculations. The disorders include perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and development aphasia. They have caused a great deal of suffering by the thousands of youngsters that have borne the heavy burden of being handicapped in a nonvisible way. Frequently the children who had such handicaps had other abilities equal or superior to those of other children. Parents and teachers would accuse such children of "just not trying." Now, relief and freedom from unjust criticism are just around the corner for these children. Dr. James Gallagher, former associate commissioner of the Bureau of Education for the Handicapped of the U.S. Office of Education, has stated that—

> Diagnostic tests and sharper observation . . . are now making the discrete learning problems identifiable to a much greater degree.

That is why this bill, H.R. 13310 is so important to children with specific learning disabilities. It would provide funds for training and research activities in this area; it would also provide a new program of model service centers. Children could be tested in their home areas at relatively little trouble or cost to parents; tests could be used to diagnose the extent of the learning disability, and treatments and therapy for such disabilities could be developed and given to such children in time to correct the specific learning disability. I tell you, Mr. Speaker, the time has come for America to begin to salvage and develop our greater natural resource—the natural gifts and talents of our Nation's children. We cannot afford to squander our children and waste their intellect and talents due to undetected hidden defects. We have at our command the necessary resources and knowledge to help children develop to the fullest extent of their inherent capabilities. We are certainly in need of their talents and intelligence if our country is to continue its steady progress and growth as a great nation.

I hope, therefore, that this bill will pass by an overwhelming majority.

Mr. QUIE. Mr. Speaker, I have no requests for time.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, I rise in support of this measure.

Mr. Speaker, there is no question that the problems of children with learning disabilities are among the most severe problems faced in the field of education. It is estimated that from 1 to 3 percent of our Nation's school population suffers from one or more specific learning disabilities serious enough to require special educational intervention. In round numbers we are speaking about half a million to one and a half million children.

H.R. 13310 comes at a time of rapid growth in the area of identifying and solving these educational problems. Many local, county, and State education administrations have attempted to provide in spirit a vehicle with which to establish classes for the learning disabled. The knowledge which the field of specific learning disabilities embodies has broadened significantly in the past 5 years. Many of our major colleges and universities have established programs for the preparation of teachers and other workers in the field. Yet the programs of the Federal Government have not been available to this field, because definitions did not include specific learning disabilities among the handicaps which could be attacked. H.R. 13310 seeks to remedy that problem by changing the language of all Federal legislation for the handicapped. I am sure that my colleagues recognize the need for this change. When we originally passed education laws for the handicapped in 1965, the problem of specific learning disabilities had not been identified. The ability to recognize the problem has been achieved only recently, and we must act on this knowledge in order to meet the problem.

H.R. 13310 also includes a new part E to title VI of the Elementary and Secondary Education Act for special programs for children with specific learning disabilities. This section would authorize a program of research, training, and model centers for the attack on specific learning disabilities. Research is needed to improve the diagnosis of exactly what problems are holding these children back. A program for training professional educational personnel to deal with children suffering from specific learning disabilities is a must if we are hopeful of saving the educational experience of these children who have previously been ignored or thrust away from learning because of medical problems no one was able to recognize.

And most important, this bill would establish a program for the operation of model centers for the improvement of education for these children. They would serve as evaluation centers for children referred to them from the schools for diagnosis and treatment by experts. They would also serve to develop model programs designed to meet the special educational needs of these children, and to assist the schools to learn how to meet the problem of specific learning disabilities through dissemination of the results of model programs which would be applicable to the classrooms of the country. A Federal role is essential in the development of these educational programs for the learning disabled, since individual schools and districts lack the resources to concentrate on the needs of this specific population. This has been the philosophy behind all the assistance the House has passed for the education of the handicapped in the past. I urge all my colleagues to join with me in the support of this bill. The needs of children with specific learning disabilities require an expanded response in all areas of research, teacher training, and model development.

As Dr. James Gallagher, former head of the Bureau of Education for the Handicapped in the U.S. Office of Education, pointed out in testimony before the General Subcommittee on Education:

> There is a need for a great deal of additional research into the problems of identification, classification and treatment of these children. Methods of instruction must be explored, and teachers and related specialists trained. Pilot activities exploring a variety of treatment models, special classes, tutorial programs, individualized instruction, etc. should be developed across the Nation, so that the school systems will have a sound basis on which to build broader programs for children with specific learning disabilities.

Mr. ADDABBO. Mr. Speaker, I am pleased as a sponsor of legislation similar to H.R. 13310, which provides for special programs for children with specific learning disabilities, to have this bill before the House today and I hope for its speedy passage by the Congress.

This is an important bill because children with specific learning disabilities are not clearly included under the present Federal laws for the education of the handicapped. A conservative estimate, from 1 to 3 percent of our school population are included in the group of children with specific learning disabilities. Educational research and model programs must be initiated in order to find the most effective means of assisting these children.

This legislation would amend the eight major Federal laws concerning the education of the handicapped to make children with specific learning disabilities eligible under the permanent programs. However, it will not cut back on any programs for handicapped children which are now authorized.

We must make a greater effort to improve the techniques of educating these children who suffer from impairments in their ability to speak, read, listen, and write.

This bill is a step in the right direction for the improvement of our educational system for all children.

Mr. TIERNAN. Mr. Speaker, most of us are in agreement that title VI of the Elementary and Secondary Education Act of 1965 was a major and worthwhile step forward in assisting the handicapped. Today, we are moving to augment the provisions of that act to make sure that children with "specific learning disabilities" will be clearly included under the present Federal laws for the education of the handicapped.

H.R. 13310 clarifies the definition of handicapped children to encompass the learning disabled. The Children With Specific Learning Disabilities Act of 1969 will determine through research and model programs the most effective means of assisting these children in school since that is where their disabilities most obviously hamper them. This legislation would amend the eight major Federal laws concerning the education of the handicapped to more children with specific learning disabilities eligible under the permanent programs. Through model centers, training of teaching personnel and through the authorization of grants to higher institutions of education, we will be better able to meet the urgent needs of children who are plagued with specific learning disabilities. I rise in support of this legislation and urge my fellow Members of the House to join me in passing this vital legislation.

Mr. EILBERG. Mr. Speaker, the minds of children are amazingly flexible, and learning usually takes place in an almost imperceptible manner. The natural inquisitiveness of childhood leads to seemingly easy absorption of ideas and concepts, and the introduction of formal education provides direction for new discoveries.

But for some children the learning process remains a chore. Their problems may range from a general overactivity or forgetfulness, to a more specific learning block in spelling or reading. These children may be intelligent and healthy, yet they do not fit the mass production mold. Their educational disabilities reflect a need for added attention and special training. It is for this reason that the Children With Learning Disabilities Act of 1969 is a most urgently needed piece of legislation.

The central and most vital function of a child is learning, and when he is denied fulfillment of this function the repercussions are profound. When a child consistently falls short of his educational potential, valuable talent is going to waste. Moreover, his future livelihood may even be threatened, as shown by the close relationship between unemployment and lack of educational achievement.

In contemporary America, education has come to be considered the key to success, yet there are perhaps one and a half million schoolchildren in this country whose learning disabilities have gone uncorrected because of a scarcity of special educational services. We must increase the range and intensity of our efforts to reach these children with learning disabilities, and to broaden their education opportunities.

The legislation before you today provides specifically for the educationally handicapped child, for the child who appears normal but who somehow cannot fully grasp the learning process. Through this act, we will be able to provide a program of support for research and related activities in the area of education of children with learning disabilities. We can use this research as the basis for programs of professional advanced training for people who are preparing to teach these children. We will also be able to develop model centers for evaluation and education, which will in turn assist State and local educational agencies in making more programs available to children with learning disabilities.

Mr. Speaker, the failure of the schools to adequately develop these youngsters discriminates against all socioeconomic classes. We must reach toward educational justice for these children. The programs which will be supported by the Children With Learning Disabilities Act will aid the development of special teaching methods, techniques, and materials which will help these children work around or overcome their specific barriers to learning. It is for this reason that I urge the strong support of the Children With Learning Disabilities Act of 1969.

Mr. DONOHUE. Mr. Speaker, I most earnestly urge and hope this House will speedily and overwhelmingly approve this bill before us, H.R. 13310, which is concerned with helping children who have specific learning disabilities.

This legislation is needed because these handicapped children are, by an obvious inequity, not clearly included under existing Federal programs for the education of the handicapped.

Beyond making certain that these particular children are legally and formally eligible for assistance under existing Federal laws this measure would further authorize a temporary program of necessary research, teacher training, and model centers for their education.

Mr. Speaker, this proposed legislation will beneficially affect a conservatively estimated 1 to 3 percent of our school children with specific learning disabilities and initiate the additional medical and educational research and training that is essential to remedy their handicaps and encourage them to a more complete and satisfactory life for themselves, their families, and their communities.

Mr. Speaker, in summary, this bill is a matter of extending simple justice to a great many schoolchildren. It is a prudent investment in the national interest and I urge its unanimous adoption.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 13310. Equal educational opportunity for all children, a foremost principle of public education in the United States, presents us with a continuing challenge to identify the educational needs of all children, and to assure them of programs and instruction which match their needs. H.R. 13310 identifies and provides special programs for children with specific learning disabilities. These youngsters are handicapped, but are not clearly included under present Federal legislation for education of the handicapped. H.R. 13310 seeks to remedy this inequity, and to make sure that children with the particular handicap created by a specific learning disability are eligible for the permanent education programs created for handicapped children through Federal legislation and assistance.

H.R. 13310 also authorizes a separate temporary program of research, teacher training, and model centers for the education of children with specific learning disabilities. So great is the need of these children for special educational opportunities that special measures are necessary to initiate programs designed to meet their needs.

The children who will benefit from this legislation are those who for emotional, neurological, or other medical reasons cannot perform a particular function necessary to learning. Some of these youngsters cannot read while others cannot write. Some cannot understand mathematics. But although the disabilities differ, each child experiences difficulty in using language—the most basic element in learning.

A learning disability instructor at the Niu Valley Intermediate School in Honolulu, Mrs. Sue Morris, describes one young student in her class who cannot write, but can dictate his lessons almost perfectly without a rough draft. Interviewed by the Honolulu Star-Bulletin, Mrs. Morris explained that the child "has a terrific mind and has compensated verbally for what he cannot do in writing."

Mrs. Margaret Ohara, the counselor at Niu Valley Intermediate School, finds that children with learning disabilities need encouragement to overcome the effect of discouragement and shame brought about by their learning troubles. The child often works very hard, and with special teaching and counseling assistance can learn to live with and overcome their problem.

I urge you to join me in giving these children a chance for equal education by voting for H.R. 13310.

Mr. FASCELL. Mr. Speaker, the bill under consideration today to provide for special programs for children with specific learning disabilities has been long awaited. As you know, these young people are not clearly included under the present Federal law for the education of the handicapped, although they are definitely recognized as possessing a particular type of handicap.

Because this handicap has not been included in our programs, there is a great need for additional education and medical research, since the causes of learning disorders are often not even medically determinable. We must have programs of research to determine the causes of this handicap, and extensive research to determine the best and most effective means of assisting these children.

The National Advisory Committee on the Handicapped has identified children with specific learning disabilities as those who have a disorder in one or more of the basic psychological processes involved in understanding or in using language. Such a disorder may result in imperfect ability to listen, think, read, write, spell, or do mathematical calculations, and include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. I am most familiar with the problem of dyslexia. Children with dyslexia suffer from the inversion of letters and words making it difficult for them to read accurately or comprehend the meaning of what they read. They must have specially trained teachers and specially designed equipment. To date, Federal funds for assistance in training and providing this equipment has been minimal.

The bill under consideration today, H.R. 13310, would amend our present laws to make children with specific learning disabilities eligible under our permanent programs. In addition, it would also authorize a temporary program of research, teacher training, and model centers for the education of these children. This temporary program would last for 3 years.

The education of our youth is one of our greatest responsibilities in Congress and the country. We must make this special effort to assist those children with special problems, and I strongly urge enactment of this bill.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of H.R. 13310, to provide for special programs for children with specific learning difficulties.

We have long recognized the need for special training for children with those severe handicaps resulting from brain injury or damage, but those who have learning difficulties primarily as the result of visual, hearing, or motor handicaps, of mental retardation, emotional disturbance, or environmental disadvantage have not been included under the eight major Federal laws concerned with education of the handicapped. This legislation will permit their inclusion in these programs.

We have been assured, Mr. Speaker, that enactment of this legislation will not cut back any programs now underway for other children, nor will it decrease Federal support for any learning disability projects now funded under present law.

The legislation authorizes a badly needed temporary program of research, teacher training, and model centers for educating children with learning disabilities. It will serve as a means of initiating programs and will, at the same time, provide an opportunity for additional education and medical research into causes of these disorders and possible remedies.

Specific learning disabilities can be overcome only by specially trained teachers, Mr. Speaker, and this legislation authorizes a teacher training program for this purpose. Through its provisions model programs can be initiated which will demonstrate what is presently known about the special programs involved, and what can be done to improve teaching methods for children with such difficulties.

Mr. Speaker, this additional help we can give toward solving the educational problem facing up to 3 percent of our children is a need we cannot ignore. By acting now we can take a long step toward insuring that many youngsters who might otherwise falter along the way can be trained to become useful and productive citizens when they grow to maturity.

Mr. Speaker, I urge enactment of H.R. 13310.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of H.R. 13310, the Children With Specific Learning Disabilities Act of 1969.

Based on the recommendations of the National Advisory Committee on the Handicapped, children with specific learning disabilities have been identified as those who have a disorder in one or more of the basic psychological processes involved in understanding or in using language—spoken or written—which disorder may manifest itself in an imperfect ability to listen, think, read, write, spell, or do mathematical calculations. These disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

It has been shown that more than 6 million handicapped children need special educational services, but only about 28 percent are receiving services under title VI–A, the basic Federal program for the education of the handicapped. The States report that all programs—Federal, State, and locally supported—serve only about 40 percent of the handicapped.

H.R. 13310 would amend the eight major Federal laws concerning the education of the handicapped to make children with specific learning disabilities, who presently are not clearly included under the present Federal laws for the education of the handicapped, eligible under the permanent programs. Funds would be authorized totaling $36 million to be used over a 3-year period for research, teacher training, and model educational centers related to disabled learners.

The Committee on Education and Labor is to be commended for its efforts to strengthen our present Federal laws by clarifying the definition of handicapped children to encompass those with learning disabilities.

This legislation provides not an added expense to the taxpayer but an investment in the future designed to provide the handicapped children of this Nation with the opportunity to reach his potential as a productive and fully participating citizen in our society.

I strongly urge a unanimous vote for H.R. 13310.

Mr. BOLAND. Mr. Speaker, for some time educators have struggled with the problems of children who cannot seem to grasp the basic processes required for mastery of spoken or written communication. These children may be able to listen, think, read, write, spell, and calculate—but in one or more of these areas their learning ability is imperfect. The child with such a handicap has often been misunderstood and much maligned. We knew him as the class dunce or at the very least as a "disruptive influence" in the school. His handicap has been interpreted both as willful disobedience and as a sign of innate lack of intellectual ability. More recently, however, research has managed to identify the problems which these children share as a very real and special kind of disability. These disorders may include perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. Because the children who suffer from these conditions manifest similar problems, however, their disorders have been commonly termed "specific learning disabilities."

It is conservatively estimated that from 1 to 3 percent of all schoolchildren are handicapped in this way. Despite the considerable commitment which we in the Congress have made to the education of the handicapped, however, these children are not clearly included under existing law. When title VI of the Elementary and Secondary Education Act was passed, children with specific leaning disabilities had not yet been defined as a separate category and therefore were not specified in the definition of the handicapped children to be served.

H.R. 13310 seeks to redress this inequity by amending the eight major Federal laws concerning the education of the handicapped to include children with specific learning disabilities. Among these laws will be titles I and VI of the Elementary and Secondary Education Act, the Mental Retardation Facilities and Community Mental Health Centers Construction Act, the Handicapped Children's Early Education Assistance Act, and the Vocational Education Act.

Because specific learning disabilities have been but recently identified, they are but little understood. Continuing research, the training of teachers and other professional, and the development of model educational programs are essential if we are to supply the help these children need so desperately. Thus H.R. 13310 also includes a temporary authorization which would provide $6 million in fiscal 1971, $12 million in 1972, and $18 million in 1973 for a program of research, teacher training, and model centers which will greatly increase our knowledge of the best way to meet the needs of the child with specific learning disabilities.

The needs of these children must not go unmet as a result of a legislative oversight; we must pass this measure in a positive response to the advances in educational research that have uncovered the roots of the perplexing problems which have long beset our Nation's schools.

Mr. MORSE. Mr. Speaker, I rise to offer my strong support for H.R. 13310, the Children With Specific Learning Disabilities Act of 1969.

We have a responsibility to every child in this Nation to provide him the opportunity to develop to his highest potential. This means not only those children blessed with exceptional talent, but also those who are not so fortunate. It has been noted as a conservative estimate that some 3 percent of our school population suffers from specific learning disabilities involving the understanding and use of language. These youngsters are no less handicapped in their education than those children with physical, mental, or environmental disorders, yet they are not included under existing Federal laws for the education of the handicapped.

The need to close this gap in our efforts is urgent; it is long overdue. By expanding the definition of handicapped children to include the "learning disabled," H.R. 13310 corrects this failing in our obligation to provide proper education for every child in this Nation. I am pleased to note, in addition, that it safeguards existing programs for other handicapped children by authorizing additional funds for these new programs, and I urge full support for the progress this legislation portends.

Mr. PERKINS. Mr. Speaker, I have no further requests for time.

The **SPEAKER** pro tempore (Mr. Moss). The question is on the motion of the gentleman from Kentucky that the House suspend the rules and pass the bill H.R. 13310.

The question was taken.

Mr. SCHERLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 352, nays 0, not voting 79, as follows:

[Roll No. 204]

YEAS—352

Abbitt
Abernethy
Adair
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brotzman
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Conyers
Corbett
Coughlin
Cowger
Culver
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Duncan
Dwyer
Eckhardt
Edmondson
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
King
Kleppe
Koch
Kuykendall
Kyl
Kyros
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lukens
McCarthy
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Martin
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Montgomery
Morgan
Morse
Morton
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Waggonner
Waldie
Wampler
Watson
Watts
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—79

Albert
Anderson, Ill.
Anderson, Tenn.
Barrett
Berry
Boggs
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Burton, Utah
Cahill
Carey
Cederberg
Celler
Chappell
Clay
Colmer
Corman
Cramer
Cunningham
Dawson
Delaney
Denney
Dennis
Downing
Dulski
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Fascell
Flynt
Ford, William D.
Foreman
Frey
Goldwater
Green, Pa.
Halpern
Harrington
Hastings
Hébert
Howard
Jacobs
Keith
Kirwan
Kluczynski
Landgrebe
Landrum
Leggett
Lipscomb
Lujan
McCloskey
Mann
Mathias
Michel
Mollohan
Moorhead
Mosher
Neisen
Pelly
Powell
Reid, N.Y.
Rosenthal
St. Onge
Skubitz
Stephens
Taft
Taylor
Tunney
Vanik
Vigorito
Watkins
Weicker
Whalley
Wilson, Bob
Yatron
Young

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Anderson of Illinois.
Mr. Albert with Mr. Bob Wilson.
Mr. Hébert with Mr. Lipscomb.
Mr. St. Onge with Mr. Frey.
Mr. Celler with Mr. Cederberg.
Mr. Carey with Mr. Broomfield.
Mr. Kluczynski with Mr. Michel.
Mr. Rosenthal with Mr. Weicker.
Mr. Green of Pennsylvania with Mr. Keith.
Mr. Delaney with Mr. Halpern.
Mr. Dulski with Mr. Mosher.
Mr. Fascell with Mr. Berry.
Mr. Young with Mr. Foreman.
Mr. Barrett with Mr. Reid of New York.
Mr. Vigorito with Mr. Brown of Michigan.
Mr. Kirwan with Mr. Watkins.
Mr. Brooks with Mr. Brock.
Mr. Tunney with Mr. Mathias.
Mr. Chappell with Mr. Burton of Utah.
Mr. Taylor with Mr. Broyhill of North Carolina.
Mr. Howard with Mr. Nelsen.
Mr. Leggett with Mr. Landgrebe.
Mr. William D. Ford with Mr. McCloskey.
Mr. Flynt with Mr. Cramer.
Mr. Edwards of Louisiana with Mr. Whalley.
Mr. Colmer with Mr. Edwards of Alabama.
Mr. Moorhead with Mr. Cunningham.
Mr. Jacobs with Mr. Pelly.
Mr. Downing with Mr. Skubitz.
Mr. Stephens with Mr. Edwards of California.
Mr. Corman with Mr. Clay.
Mr. Mann with Mr. Dennis.
Mr. Anderson of Tennessee with Mr. Brown of California.
Mr. Vanik with Mr. Harrington.
Mr. Mollohan with Mr. Dawson.
Mr. Landrum with Mr. Goldwater.
Mr. Yatron with Mr. Taft.
Mr. Denney with Mr. Hastings.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the bill, H.R. 13310, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

INCREASING RATES OF DEPENDENCY AND INDEMNITY COMPENSATION

Mr. TEAGUE. of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13576) to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans, as amended.

The Clerk read as follows:

H.R. 13576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 402 of title 38, United States Code, is amended to read as follows:

"§ 402. Determination of pay grade

"(a) With respect to a veteran who died in the active military, naval, or air service, his pay grade shall be determined as of the date of this death.

"(b) With respect to a veteran who did not die in the active military, naval, or air service, his pay grade shall be determined as of—

(1) the time of his last discharge or release from active duty under conditions other than dishonorable; or

(2) the time of his discharge or release from any period of active duty for training or inactive duty training, if his death results from service-connected disability incurred during such period and if he was not thereafter discharged or released under conditions other than dishonorable from active duty.

"(c) The pay grade of any veteran described in section 106(b) of this title shall be that to which he would have been assigned upon final acceptance or entry upon active duty.

"(d) If a veteran has satisfactorily served on active duty for a period of six months or more in a pay grade higher than that specified in subsection (a) or (b) and any subsequent discharge or release from active duty was under conditions other than dishonorable, the higher pay grade shall be used if it will result in greater monthly payments to his widow under this chapter. The determination as to whether an individual has served satisfactorily for the required period in a higher pay grade shall be made by the Secretary of the Department in which such higher pay grade was held.

"(e) The pay grade of any person not otherwise described in this section, but who had a compensable status on the date of his death under laws administered by the Veterans' Administration, shall be determined by the head of the department under which such person performed the services by which he obtained such status (taking into consideration his duties and responsibilities) and certified to the Administrator. For the purposes of this chapter, such person shall be deemed to have been on active duty while performing such services."

SEC. 2. Section 403 of title 38, United States Code, is amended by striking out the last sentence of the section.

SEC. 3. Section 411 of title 38, United States Code, is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a widow, based on the pay grade of her deceased husband, at monthly rates set forth in the following table:

"Pay grade	Monthly rate
E-1	$167
E-2	172
E-3	177
E-4	187
E-5	193
E-6	197
E-7	206
E-8	218
E-9	[1] 228
W-1	211
W-2	219
W-3	226
W-4	238
O-1	211
O-2	218
O-3	234
O-4	247
O-5	272
O-6	306
O-7	332
O-8	363
O-9	390
O-10	[2] 426

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, or sergeant major of the Marine Corps, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $245.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $457.

"(b) If there is a widow with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the widow shall be increased by $20 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by $50 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 4 Section 421 of title 38, United States Code is amended to read as follows:

"§ 421. Certifications with respect to pay grade

"The Secretary concerned shall, at the request of the Administrator, certify to him the pay grade of deceased persons with respect to whose deaths applications for benefits are filed under this chapter. The certification of the Secretary concerned shall be binding upon the Administrator."

SEC. 5 Section 401 of title 38, United States Code, is amended by striking out the text thereof beginning with "(1)" and continuing through "(2)".

SEC. 6. The table of sections at the beginning of chapter 13 of title 38, United States Code, is amended by (1) striking out

"402. Computation of basic pay."

and substituting in lieu thereof:

"402. Determination of pay grade.";

and (2) by striking out

"421. Certifications with respect to basic pay."

and substituting in lieu thereof:

"421. Certifications with respect to pay grade."

SEC. 7. Section 322 of title 38, United States Code, is amended by (1) inserting "(a)" immediately before "The"; and (2) adding at the end thereof the following new subsection:

"(b) The monthly rate of death compensation payable to a widow under subsection (a) of this section shall be increased by $50 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person."

SEC. 8. This Act shall take effect on the first day of the second calendar month which begins after the date of enactment.

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Mr. TEAGUE of Texas asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. TEAGUE of Texas. Mr. Speaker, H.R. 13576 is to provide for equitable treatment of survivors. House Resolution 549, 83d Congress, and House Resolution 35 of the 84th Congress, created a select committee and authorized a full and complete investigation and study of the benefits provided under Federal law for the survivors of deceased members and former members of the Armed Forces where death is related to such service, and authorized the committee, on the basis of such investigation and study, to make such recommendations as it deemed advisable, and to prepare such legislation as it considered appropriate to carry out such recommendations.

These investigations and studies conducted, in two Congresses, resulted in the passage of H.R. 7089 by the House of Representatives, and approval on August 1, 1956, of Public Law 881, 84th Congress, an act cited as the Servicemen's and Veterans' Survivior Benefits Act.

One of the act's complex and interlocking provisions established, in lieu of fixed death compensation rates unrelated to rank or grade, a program of dependency and indemnity compensation for widows based on a formula related to rank or grade; that is, $112 plus 12 percent of basic pay received by a serviceman whose rank and length of service are the same as her deceased spouse's.

Under this act, specific rates of dependency and indemnity compensation were made payable to children of a serviceman or veteran where there was no widow entitled to dependency and indemnity compensation—DIC—as well as supplemental rates of DIC to surviving children of servicemen and veterans under varying circumstances of helplessness, and because of dependency while attending a course of instruction at an educational institution approved by the Administrator of Veterans' Affairs in accordance with the requirements of 38 U.S.C. 104.

In devising the formula relating the widow's monthly DIC rate to her spouse's basic military pay, Congress intended that the monthly rates would rise as the servicemen's basic pay was increased, to provide incentives to make the Armed Forces a career, and to meet the rising costs of living.

Unfortunately, this has not been the case. Since enactment of Public Law 84–881, eight pay increases have been granted the Armed Forces. On analysis of these increases, although granted in the main to meet the rising costs of living, it is found that the percentages of increase in dependency and indemnity compensation have not been uniform. In addition, under the base rate plus 12 percent of basic pay formula, the widow's rate is increased by only 12 percent of the full cost-of-living increase granted members of the Armed Forces—for each $8.33 increase in basic pay, the widow's dependency and indemnity compensation goes up $1.

In 1963, the Congress enacted Public Law 88–134, this act revised the formula to set the base rate at $120 in lieu of the $112 rate. It was explained that this offset the cost-of-living increase which had occurred since 1956. Increases in the rates payable to children and dependent parents were authorized by Public Law 88–21, approved May 15, 1963, and Public Law 89–730, effective January 1, 1967.

This has resulted in dependency and indemnity compensation being paid today in a range from a minimum of $134 for an enlisted man in the first grade with less than 4 months of service, to $426 in the case of a widow of an officer in O–10 grade with over 30 years of service.

The table listed below shows that by far the greatest number of deaths occurring in Vietnam are in the lower enlisted grades:

VIETNAM DEATHS BY RANK, 1961–MARCH 1969

	Number of deaths	Percent of total
E–1, recruit	329	1
E–2, private	4,478	13
E–3, private 1st class	11,771	35
E–4, corporal	8,379	25
E–5, sergeant	3,394	10
Subtotal, first 5 pay grades	28,351	84
E–6, staff sergeant	1,494	4
E–7, to E–9	714	2
O–1, 2d lieutenant	600	2
O–2, 1st lieutenant	1,091	3
O–3, captain	866	3
Other officers and warrant officers	682	2
Total	33,798	100

While the formula provided in the basic law was intended to accomplish equity as much as possible, resulting increases have not been uniform and in the lower enlisted grades widows have not received in every instance increases which reflect the rise in the cost of living while in some of the higher grades the increase has exceeded the rise in the cost of living. The purpose of this bill is to provide increases in such amount so that for each grade there will be an increase at least equal to that which has occurred in the rise in cost of living. The basic results of this legislation are shown in the table which appears following:

Grade or rank	DIC rate Jan. 1, 1957 (1)	DIC rate July 1, 1969 (2)	Percent of increase due to military pay increases (3)	Percent of increase due to $8 increase in base since enactment P.L. 881, 84th C. (4)	Total percent increase from Jan. 1, 1957 (5)	Proposed DIC rate H.R. [1,2] 13576 (6)	Percent increase over Jan. 1, 1957 (7)
E-1	$124	$140	6.4	6.5	12.9	$167	34.7
E-2	125	142	7.2	6.4	13.6	172	37.6
E-3	128	150	11.0	6.2	17.2	177	38.3
E-4	133	159	13.5	6.0	19.5	187	40.6
E-5	140	171	16.4	5.7	22.1	193	37.9
E-6	145	180	18.6	5.5	24.1	197	35.9
E-7	153	201	26.2	5.2	31.4	206	34.6
E-8	[3] 180	210	16.6		16.6	218	[3] 21.0
E-9	[3] 188	221	17.6		17.6	228	[3] 21.0
W-1	153	195	22.3	5.2	27.5	211	37.9
W-2	159	207	25.2	5.0	30.2	219	37.7
W-3	166	220	27.7	4.8	32.5	226	36.1
W-4	$174	$238	32.2	4.6	36.8	$238	36.8
O-1	[4] 160	200	20.0	5.0	25.0	211	[4] 31.9
O-2	[4] 166	215	24.7	4.8	29.5	218	[4] 31.3
O-3	[4] 177	232	26.6	4.5	31.1	234	[4] 32.2
O-4	180	247	32.8	4.4	37.2	247	37.2
O-5	189	272	39.7	4.2	43.9	272	43.9
O-6	206	306	44.6	3.9	48.5	306	48.5
O-7	215	332	50.7	3.7	54.4	332	54.4
O-8	235	363	51.1	3.4	54.5	363	54.5
O-9	247	390	54.7	3.2	57.9	390	57.9
O-10	259	426	61.4	3.1	64.5	426	64.5

[1] Basic rate to be increased by $20 per month for each child of the deceased veteran below the age of 18.

[2] Basic rate to be increased by $50 per month in the case of a widow so disabled as to require the aid and attendance of another person or a patient in a nursing home. No comparable allowance in present law.

[3] Percentage rate established Oct. 1, 1963; CPI increase since Oct. 1, 1963, 20.2 percent.

[4] Percentage rate established June 1, 1958; CPI increase since June 1, 1958, 27.8 percent.

Note: Consumer Price Index increase since Jan. 1, 1957, 33.8 percent.

Generally, no dependency and indemnity compensation is paid to widows on account of the children of the veteran. There are two limited exceptions: First, where social security or railroad retirement to a widow with two or more children is below a certain amount; and second, where the dependency and indemnity compensation to a widow with children is less than the death pension which would be payable for a like number of children. The provisions of section 3 authorize $20 additional for a child under 18 unrelated to social security and railroad retirement payments, affecting an estimated 35,200 children with first year cost of $4,800,000. This figure would gradually decrease in 4 subsequent years to approximately 31,000 at a cost of $4,227,000.

Widows of veterans who died of nonservice-connected causes are entitled to an extra $50 a month, in addition to the basic pension rate, when the widow is in such condition as to need the regular aid and attendance of another person or is a patient in a nursing home. Existing law does not provide coverage for service-connected deaths, thus the need for this legislation as provided in sections 3 and 7.

The Veterans' Administration estimate of the cost of the amended bill follows:

ESTIMATE OF COST—H.R. 13576, 91ST CONG., AS AMENDED

[Dollar amounts in thousands]

	1st year	2d year	3d year	4th year	5th year
Sec. 3 (38 U.S.C., 411):					
(a) Widows	168,200	172,400	177,400	183,400	188,400
Costs	$54,207	$55,565	$57,176	$59,110	$60,721
(b) Children	35,200	3,4000	33,000	32,000	31,000
Costs	$4,800	$4,636	$4,500	$4,364	$4,227
(c) Widows	4,200	4,400	4,500	4,600	4,800
Costs	$2,520	$2,640	$2,700	$2,760	$2,880
Subtotal costs	$61,527	$62,841	$64,376	$66,234	$67,828
Sec. 7:					
Widows	70	75	80	90	100
Costs	$38	$42	$47	$52	$57
Total costs	$61,565	$62,883	$64,423	$66,286	$67,885

The members of the Select Committee to conduct investigation and study of benefits for survivors of deceased members and former members of the Armed Forces, 84th Congress, were chairman, Porter Hardy, Jr., Representative from Virginia, Paul J. Kilday, Representative from Texas, OLIN E. TEAGUE, Representative from Texas, William H. Bates, Representative from Massachusetts, and Robert W. Kean, Representative from New Jersey.

Mr. TEAGUE of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. ADAIR), the ranking Republican member on the subcommittee.

Mr. ADAIR. Mr. Speaker, I rise in support of H.R. 13576. This bill will authorize long-overdue increases in the rates of dependency and indemnity compensation payable monthly to widows and children of men who died in service or as the result of service-connected disability. Additionally, the bill will revise the method of computing such payments.

Under existing law, the widow of a man whose death is attributable to military service receives a monthly payment of $120 plus 12 percent of the basic pay received by a serviceman whose rank and length of service are the same as that of the deceased spouse. Thus, it follows that each time military pay is increased, the widow receives a nominal increase in monthly dependency and indemnity compensation. Unfortunately, the several increases in military pay that have occured since this survivors' benefit program was first established in 1957 have not been distributed evenly among all military ranks. Our efforts to make career military service more attractive—a most commendable objective—have resulted in greater increases for certain ranks than for others. As a result, monthly payments to service-connected widows have become disproportionate.

For example, the cost of living since January 1, 1957, has increased approximately 33.8 percent. During the same period the rate of dependency and indemnity compensation payable to the widow of an E–1 private has increased 12.9 percent. On the other hand, the rate of payment for the widow of an O–10 general has increased 64.5 percent during the same period.

The measure before us today will to a great extent correct this disparity. First of all, the bill eliminates the present method of computing payments to survivors and substitutes a definite schedule of payments for each military rank. Future increases in these payments would result from direct congressional action rather than action to increase military pay. Additionally, the bill provides increases to those widows whose monthly payments have lagged substantially behind the increase in the cost of living. In the example previously cited, the widow of an E–1 private would be increased from $140 monthly to $167 monthly, while the widow of an O–10 general would continue to receive the same payment of $426 monthly.

The bill also authorizes an additional payment of $20 a month for each minor child.

The bill further removes a disparity in existing law by authorizing a supplemental payment of $50 monthly to service-connected widows receiving survivor benefits if they are patients in nursing homes or are so helpless or blind as to require the regular aid and attendance of another person. Existing law authorizes this benefit for the widow of a veteran who died from causes unrelated to military service. It follows that the same benefit should be made available to the service-connected widow.

Mr. Speaker, I strongly support this bill and urge that it be passed.

Mr. TEAGUE of Texas. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, I would like for the House to know that I shall ask unanimous consent to substitute this bill for the Senate bill, S. 1471. The Senate bill gave each person a $10 a month increase which our committee felt was very unfair. That is the reason for the request which will be made to substitute the House bill for the Senate bill.

Mr. TEAGUE of California. Mr. Speaker, I have no further requests for time.

Mr. TEAGUE of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I rise in support of H.R. 13576. I am proud to be a member of the subcommittee that passed the bill to the full Veterans' Affairs Committee.

Even though this bill will cost some money, in my opinion and the opinion of our committee, it was felt that the widows and survivors of deceased veterans who lost their lives in the service of their country are entitled to this pension increase.

Since the last DIC raise there has been a 34 percent increase in the living cost of the people of this country. The raise we have submitted today would be a 34 percent raise for widows of those deceased servicemen who were of the lowest rank and the raises decrease as the ranks go higher.

This increase will help those widows whose husbands lost their lives in the Vietnam war, since 80 percent of those Americans killed in Vietnam were E–2, E–3, E–4, and E–5's and second lieutenants, first lieutenants, and captains. This bill mainly helps the survivors of the lower ranked servicemen.

Another important part of this legislation will provide $50 a month to widows of service-connected causes who are declared eligible for the need of aid and attendance. Widows of non-service-connected causes have for several years been drawing the $50 for aid and attendance. It was simply an oversight that widows of service-connected causes were not covered.

I urge your support for this needed legislation.

Mr. TIERNAN. Mr. Speaker, I rise in support of H.R. 13576, a bill to increase the rates of dependency and indemnity compensation to widows of Veterans.

Title 38 of the United States Code was originally formulated to insure that widows of veterans receive equity in compensation payments, but unfortunately, the increases in the cost of living have worked against this. It is only fair that we make sure widows receive increases which reflect the prices they are forced to pay for the goods and services that they need.

The purpose of this bill is to provide increases in the amount, so that for each grade, there will be an increase at least equal to that which has occurred in the rise in cost of living expenses. This bill would liberalize the dependency and indemnity compensation program so as to remedy the present inequitable situation.

My fellow Members will surely understand how important this bill is to those who are dependent on it.

Mr. DORN. Mr. Speaker, the Committee on Veterans' Affairs Subcommittee on Compensation and Pension, of which I am privileged to be chairman, conducted hearings and studied numerous proposals to provide a much deserved increase in dependency and indemnity compensation rates payable to widows of veterans whose deaths are due to service-incurred disabilities. A brief analysis of the present DIC rates and the structure of this program will clearly show that it has not provided for these widows what I sincerely believe to be the desire and intent of this Nation, and especially the Members of Congress.

Because of the present structure of the DIC program, the cost-of-living increases received by most widows, and especially those whose husbands were of the lower enlisted or officers ranks and I might add, Mr. Speaker, where the greater number of combat deaths have occurred, have fallen very short in keeping pace with the actual increase in the cost of living. Under the present DIC program, the monthly rate of benefit payable to an eligible widow is $120 plus 12 percent of the basic pay of the serviceman. This bill proposes to change this present formula by providing a specific rate of pay for each grade or rank, thus eliminating future inequities which have occurred in the past. It increases the present minimum rate of approximately $134 a month to a minimum of $167 per month with appropriate increases for all other widows whose benefits have been increased very little if any in the past under the present payment formula. The bill further proposes to grant for the first time an additional $50 monthly aid-and-attendance allowance for any widow receiving DIC benefits who is suffering from disabilities of such severity to require the aid and attendance of another person or who is a patient in a nursing home. Whereas under the present DIC program widows receive additional benefits for children only in rare circumstances, this bill proposes to increase the widows' DIC payments by $20 per month for each child under the age of 18.

Mr. FEIGHAN. Mr. Speaker, I support H.R. 13576, which would increase the rates of dependency and indemnity compensation payable to widows of veterans. It is imperative that we provide adequately for the families of those members of our armed services who have so valiantly given of their lives in defense of our country.

Despite former rate increases, the monthly benefits have not kept pace with rises in the cost-of-living which so afflicts those citizens on a fixed income. This has especially affected widows of veterans in the lower enlisted ranks, but it is those ranks which contribute the greatest number of casualties in military conflicts. The proposed legislation would increase rates payed to survivors of veterans whose grade or rank at the time of a service-connected death was E–1, recruit, through W–3, warrant officer. The rates paid to survivors of higher grade officers will remain the same since these have kept race with, or exceeded, the rise in the cost of living.

Whatever compensatory rate we set, however, can in no way begin to compare with the tremendous loss these widows have suffered. Since we cannot presume to set a price on a life, we are obliged to do the best possible for them.

At a time when refusing or avoiding induction into the armed services has become increasingly prevalent, it is most important that we recognize and honor the great service performed for our country by those men who sacrifice their lives in our behalf. We are grossly indebted to them and to their survivors who deserve all we are able to offer so humbly in the way of compensation.

I urge united support of H.R. 13576 in behalf of the many thousands of widows whose husbands have died in defense of freedom.

Mr. DONOHUE. Mr. Speaker, I hope and urge that this bill before us, H.R. 13576, will be speedily and overwhelmingly approved as a matter of simple moral and economic justice to the widows and children of our war veterans.

In basic summary the bill is designed to equitably adjust, for those who need it most, rising costs of living allowances in dependency and indemnity compensation payable to veterans' widows; increase this compensation if the widow is helpless at home or a nursing home patient; and approve an additional $20 per month in the allowance for a child under 18 unrelated to social security and railroad retirement payments.

Mr. Speaker, I submit there could not be a more timely occasion for this just action in concern for our veterans' widows and children than this period of increasingly higher living costs and tragic uncertainty affecting individuals, and their families, now serving in our Armed Forces or who may be called to such service.

This measure is unquestionably in a national interest; it is prudent, and it is essentially needed by those affected. Let us, then, resoundingly approve it without delay.

Mr. SAYLOR. Mr. Speaker, I urge the passage of H.R. 13576. I support this bill, principally because it will increase monthly payments of dependency and indemnity compensation paid to widows and children of servicemen who gave their lives for our country or who died as the result of a service connected disability. This bill will revise the method of computing DIC payments, thus permitting Congress to increase payments in the future as the need arises rather than awaiting an increase in military pay. Under the current method, widows receive a slight increase in DIC payments each time military pay is increased. These increases, unfortunately, have not kept pace with the rising cost of living. I believe this bill offers a far better solution. Also, under this bill, widows will receive an additional payment of $20 monthly for each minor child.

Finally, Mr. Speaker, this bill will provide a monthly supplemental allowance of $50 for widows who require the regular aid and attendance of another person or who are patients in nursing homes. This payment is already provided in existing law for widows of non-service-connected veterans who meet this disability criteria. It is only fair that this benefit be included for the widows of service connected deceased veterans. The bill is a good bill and I recommend that it be passed.

Mr. TEAGUE of Texas. Mr. Speaker, I support H.R. 13576. This bill provides increased payments and revises the method of computation of dependency and indemnity compensation payments payable to the widows of deceased veterans or servicemen whose deaths are service connected. These survivor benefits payments are presently based on a formula related to rank or grade and length of service. This formula authorizes monthly payments of $120 plus 12 percent of the basic pay of a serviceman whose rank and length of service are the same as that of the deceased spouse of the widow. This formula has resulted in increases in payments which have not been uniform since the original enactment of the program in 1957. Some categories of widows have received increases that have not kept pace with the rising cost of living.

The bill before the House today will rectify this situation by deleting the complex formula of existing law and substituting a schedule of payments that pays the widow of a private $140 monthly with increased payments based upon the rank of the deceased veteran to a maximum of $426 for the four-star general.

In addition, the bill authorizes a payment of $20 monthly for each minor child.

Mr. Speaker, enactment of this legislation is long overdue and I urge that it be passed.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of H.R. 13576, which would increase the rates of dependency and indemnity compensation payable to the widows of veterans.

The problem of providing for the survivors of deceased members and former members of the Armed Forces, in cases where death is related to such service, has been a matter of continuing concern for our Government. The Congress has long recognized the Nation's obligation to these survivors, and passed laws providing for their financial support.

The key to our program of providing dependency and indemnity compensation to widows is a formula based on a fixed amount plus 12 percent of the basic pay of the deceased serviceman husband. It was the intent of Congress, when the formula was first included in the Servicemen's and Veterans' Survivor Benefits Act of 1956, that a twofold purpose would be achieved: First, to enable the widow to meet the rising costs of living, and, second, to provide career incentives to our men in uniform. We are now informed that, despite the enactment of implementing legislation in recent years, this purpose has not been fully achieved.

Analysis of the eight pay increases granted the Armed Forces since the 1956 act shows that the percentages of increase in dependency and indemnity compensation have not been uniform. Moreover, in the actual application of the formula, it has been found that the widow's rate is increased by only 12 percent of the full cost-of-living increase granted members of the Armed Forces. As our Committee on Veterans' Affairs succinctly points out, for each $8.33 increase in basic pay, the widow's dependency and indemnity compensation goes up by only $1, thus failing to provide any significant assistance, especially to lower enlisted-grade widows.

The principal thrust of the bill before us is to accomplish the equity that was intended but not achieved in the basic 1956 law. It would provide greater proportional increases for widows of men in the lower enlisted grades, where the need is acute. It would correct the unintended result in some of the higher grades where the increase paid the widow has exceeded the rise in the cost of living. In every case there will be an increase at least equal to that which occurred in the rise in the cost of living.

Mr. Speaker, H.R. 13576 would bring the rates of dependency and indemnity compensation payable to widows of veterans in line with the original congressional intent. It is now the responsibility of this Congress to see that that intent is properly implemented in view of the post-legislative experience since 1956. I therefore urge a unanimous vote for H.R. 13576.

Mr. RANDALL. Mr. Speaker, I am delighted that there may be an opportunity for all Members to be on the record by a rollcall vote to indicate their support of H.R. 13576.

It is a measure designed to increase the rates of dependency and indemnity compensation payable to the widows of veterans. Not only does it provide for increased payments but revises the method of computation going to those widows of deceased veterans or those men whose deaths are service connected.

We should recall that the basic law for benefits to survivors of those whose death is related to a service is an enactment of the 84th Congress back in 1956 which is cited as the Serviceman's and Veterans' Survivors Benefit Act. That act had a complex and interlocking provision. In general it had a formula related to rank or grade, being $112 plus 12 percent of the basic pay received by the serviceman whose rank and length of service was the same as the deceased spouse.

Of course it has been argued that Congress intended then that the monthly rates of compensation would rise as the serviceman's basic pay was increased. Such raises would not only have served as an incentive to make the Armed Forces a career but would also have provided for the rising cost of living.

Unfortunately, since the enactment of this Survivor's Benefit Act, eight pay increases have been granted the Armed Forces. Finally in 1963, in the 88th Congress a bill was passed which set the basic rate at $120 in lieu of the old $112 rate. The result was that there were some needed adjustments or increases because of rise in cost of living but mostly in the higher enlisted grades and officer grades.

Statistics will show that most of the deaths in Vietnam are in the lower enlisted grades. The very worthy and worthwhile provisions of this bill are to provide increases in such a manner in each grade that there will be an increase at least equal to that which has occurred in the rise in the cost of living. The facts will show that the Consumer Price Index since January 1, 1957, has increased by 33.8 percent. The percent increase of the different grades or ranks appear to be in the range from 34 to 37 percent with some increases running as much as 50 percent.

These survivors of our deceased servicemen deserve this long overdue increase based upon the rise in the cost of living.

H.R. 13576 merits the support of every Member.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. TEAGUE) that the House suspend the rules and pass the bill, H.R. 13576, as amended.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans, and for other purposes."

A motion to reconsider was laid on the table.

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of the bill (S. 1471) to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 411 of title 38, United States Code, is amended to read as follows:

"§ 411. Dependency and indemnity compensation to a widow

"(a) Dependency and indemnity compensation shall be paid to a widow at a monthly rate equal to $130 plus 12 per centum of the basic pay of her deceased husband or at a monthly rate of $170, whichever is greater.

"(b) If there is a widow and one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the widow shall be increased by $20 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by $50 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person and by an additional $25 if the death of her deceased husband resulted from an injury or disease received as a direct result of armed conflict or while engaged in extrahazardous service.

"(d) If the amount determined under subsection (a) involves a fraction of a dollar, the amount payable thereunder shall be increased by the Administrator to the next higher dollar.

SEC. 2. Section 413 of title 38, United States Code, is amended to read as follows:

"§ 413. Dependency and indemnity compensation to children

"Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) One child, $88.

"(2) Two children, $127.

"(3) Three children, $164.

"(4) More than three children, $164, plus $32 for each child in excess of three."

SEC. 3. (a) Subsection (a) of section 414 of title 38, United States Code, is amended by striking out "$29" and inserting in lieu thereof "$32".

(b) Subsection (b) of section 414 of such title is amended by striking out "$80" and inserting in lieu thereof "$88".

(c) Subsection (c) of section 414 of such title is amended by striking out "$41" and inserting in lieu thereof "$45".

SEC. 4. Section 322 of title 38, United States Code, is amended by (1) inserting "(a)" immediately before "The"; and (2) adding at the end thereof the following subsections:

"(b) The monthly rate of death compensation payable to a widow under subsection (a) of this section shall be increased by $50 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, and by an additional $25 if the death of the veteran resulted from an injury or disease received as a direct result of armed conflict or while engaged in extrahazardous service."

SEC. 5. (a) The first sentence of section 417(a) of title 38, United States Code, is amended by inserting "(1)" immediately after "unless", and by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: "or (2) the total amount payable to the widow, children, or parents of such veteran under any such policy has been paid and such amount when added to any amounts paid as death compensation is equal to or less than the total amount which would have been payable in dependency and indemnity compensation following the death of such veteran if such widow, children, or parents had been eligible for such compensation upon the death of such veteran. Any person receiving death compensation at the time he becomes eligible for dependency and indemnity compensation pursuant to clause (2) of the preceding sentence shall continue to receive such death compensation unless he makes application to the Administrator to be paid dependency and indemnity compensation. An election by such person to receive dependency and indemnity compensation shall be final."

(b) The last sentence of section 417(a) of such title is amended by striking out "preceding sentence" and inserting in lieu thereof "first sentence".

(c) No dependency and indemnity compensation shall be payable to any person by virtue of the amendments made by subsection (a) of this section for any period prior to the effective date of this act.

SEC. 6. The amendments made by this Act shall become effective on the first day of the second calendar month following the month in which this Act is enacted.

AMENDMENT OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TEAGUE of Texas: Strike out all after the enacting clause of the bill S. 1471, and insert the language of the bill H.R. 13576, as passed by the House.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 13576) was laid on the table.

AMENDMENTS TO NON-SERVICE-CONNECTED PENSION PROGRAM

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 372) to modify the reporting requirement and establish additional income exclusions relating to pension for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, to liberalize the oath requirement for hospitalization of veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 103 of title 38, United States Code, is amended by inserting "(1)" immediately after "(d)" and by adding at the end of said subsection the following:

"(2) The remarriage of the widow of a veteran shall not bar the furnishing of benefits to her as the widow of the veteran if the remarriage has been terminated by death, or has been dissolved by a court with basic authority to render divorce decrees unless the Veterans' Administration determines that the divorce was secured through fraud by the widow or collusion.

"(3) If a widow ceases living with another man and holding herself out openly to the public as his wife, the bar to granting her benefits as the widow of the veteran shall not apply."

SEC. 2. (a) If a widow termintes a relationship or conduct which resulted in imposition of a prior restriction on payment of benefits, in the nature of inference or presumption of remarriage, or relating to open and notorious adulterous cohabitation or similar conduct, she shall not be denied any benefits by the Veterans' Administration, other than insurance, solely because of such prior relationship or conduct.

(b) The effective date of an award of benefits resulting from enactment of subsection (a) of this section shall not be earlier than the date of receipt of application therefor, filed after termination of the particular relationship or conduct and after December 31, 1969.

SEC. 3. Subsection (b) of section 3104 of title 38, United States Code, is amended by striking out "paragraph (2)" in paragraph 1 thereof and inserting in lieu thereof "paragraphs (2) and (3)" and by adding at the end thereof the following new paragraph:

"(3) Benefits other than insurance under laws administered by the Veterans' Administration may not be paid to any person by reason of the death of more than one person to whom he or she was married; however, the person may elect one or more times to receive benefits by reason of the death of any one spouse."

SEC. 4. Section 3010 of title 38, United States Code, is amended by adding at the end thereof the following new subsections:

"(l) The effective date of an award of benefits to a widow based upon termination of a remarriage by death or divorce shall be the date of death or the date the judicial decree of divorce becomes final, if an application therefor is received within one year from such termination.

"(m) The effective date of an award of benefits to a widow based upon termination of actions described in subsection 103 (d)(3) of this title shall not be earlier than the date of receipt of application therefor filed after termination of such actions and after December 31, 1969.".

SEC. 5. Section 506(a)(2) of title 38, United States Code, is amended by striking out the comma after "child" and inserting in lieu thereof "or a person who has attained seventy-two years of age and has been paid pension thereunder for two calendar years,".

SEC. 6. Section 503 of title 38, United States Code, is amended—

(a) by inserting before "United" in paragraph (4) thereof "servicemen's group life insurance,"; and

(b) by substituting a semicolon for the period at the end of said section and adding the following new paragraphs:

"(14) amounts equal to prepayments on an indebtedness secured by a mortgage, or similar type security instrument, on real property (which was prior to death the principal residence of a veteran and spouse) made by the veteran or his widow, after the death of the spouse, during the year of death and the succeeding year, if said indebtedness was in existence at the time of death;

"(15) amounts in joint accounts in banks and similar institutions acquired by reason of death of other joint owner;

"(16) payments received by a retired employee from his former employer as reimbursement for monthly premiums for supplementary medical insurance benefits for the aged provided by part B of title XVIII of the Social Security Act, as amended;

"(17) payments of annuities elected under chapter 73 of title 10."

SEC. 7. Section 415(g)(1) of title 38, United States Code, is amended (1) by inserting "and under the first sentence of section 9(b) of the Veterans' Pension Act of 1959" immediately before the semicolon at the end of subparagraph (C), (2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon, and (3) by adding at the end thereof the following new subparagraph:

"(M) payments of annuities elected under chapter 73 of title 10."

SEC. 8. Section 1441 of title 10, United States Code, is amended by striking out "except section 415(g) and chapter 15 of title 38".

SEC. 9. (a) Paragraph (11) of section 101 of title 38, United States Code, is amended by inserting "the Mexican border period," immediately after "Spanish-American War,".

(b) Such section 101 is further amended by adding at the end thereof the following new paragraph:

"(30) The term 'Mexican border period' means the period beginning on May 9, 1916, and ending on April 5, 1917, in the case of a veteran who during such period served for 90 days or more in Mexico, on the borders thereof, or in the waters adjacent thereto."

(c)(1) Subsection (a) of section 521 of title 38, United States Code, and the heading of section 521, are each amended by inserting "the Mexican border period," immediately before "World War I".

(2) Paragraphs (1) and (2) of subsection (g) of such section 521 are each amended by inserting "the Mexican border period," immediately before "World War I".

(d)(1) Subsection (a) of section 541 of such title is amended by inserting "the Mexican border period," immediately before "World War I".

(2) Subsection (e)(1) of such section 541 is amended by inserting "Mexican border period or" immediately before "World War I".

(3) The heading of such section 541 and the catchline immediately before such heading are each amended by inserting "Mexican border period," and "MEXICAN BORDER PERIOD,", respectively, immediately before "World War I" and "WORLD WAR I."

(e)(1) Subsection (a) of section 542 of title 38, United States Code, is amended by inserting "the Mexican border period," immediately before "World War I".

(2) The heading of section 542 of such title is amended by inserting "Mexican border period," immediately before "World War I".

(f) Subsection (h) of section 612 of title 38, United States Code, is amended by inserting "the Mexican border period,", immediately before "World War I,".

(g) Section 901 of title 38, United States Code, is amended—

(1) by deleting "of Mexican border service,"; and

(2) by revising subsection (c) thereof to read as follows:

"(c) For the purpose of this section, the term 'Mexican border period' as defined in paragraph (30) of section 101 of this title includes the period beginning on January 1 1911, and ending on May 8, 1916.".

(h) The table of sections at the beginning of chapter 15 of title 38, United States Code, is amended—

(1) by inserting "the Mexican border period," immediately after "521. Veterans of";

(2) by striking out: "World War I, World War II, the Korean conflict, and the Vietnam era

"541. Widows of World War I, World War II, Korean confict, or Vietnam era veterans.
"542. Children of World War I, World War II, Korean conflict, or Vietnam era veterans."

and inserting in lieu thereof: "Mexican border period, World War I, World War II, Korean conflict, and the Vietnam era

"541. Widows of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans.
"542. Children of Mexican border period, World War I, World War II, Korean conflict, or Vietnam veterans."

SEC. 10. The Secretary of the Treasury is authorized and directed to redeem at par the United States Treasury bonds numbered 32870D, 68196F, and 69197H in the aggregate face amount of $25,000, maturing June 15, 1983, if such bonds are presented to the Secretary of the Treasury for redemption by the United Spanish War Veterans within one year after the date of the enactment of this Act.

SEC. 11. This Act shall take effect on January 1, 1970.

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the first four sections of this bill amend the existing remarriage requirements now contained in Veterans' Administration law. Generally speaking, these Veterans' Administration requirements bar the payment of compensation, pension, and education benefits upon remarriage and are considerably more restrictive than those found in some other federally administered programs such as social security and civil service retirement. This is shown by the table which follows:

EFFECT OF REMARRIAGE OF WIDOWS ON BENEFITS UNDER CERTAIN FEDERAL PROGRAMS

Federal program	Effect of remarriage	Effect of termination of remarriage
Veterans' Administration benefits	Terminates monthly payments permanently—unless remarriage is void, or has been annulled by a court with basic authority to render annulment decrees.	None.
Social security	1. Remarriage under age 60 terminates payments	1. Payments resumed at age 60 or older.
	2. Remarriage at age 60 or over, payments continue at reduced rate (reduced from 82½ percent of the primary insurance amount to 50 percent of such amount).	2. Full payments restored
Civil service retirement	1. Remarriage under age 60 terminates payments	1. Payments restored at any age.
	2. Remarriage at age 60 or over: none (i.e., full benefits continue).	2. None.
Railroad retirement	Terminates monthly payments permanently	None.
Federal employees compensation	Terminates monthly payments permanently—Lump-sum settlement equal to 24 monthly payments.	None.

The basic change of the first four sections is to permit a widow, who has remarried, to revert to her earlier eligibility when her second marriage is ended by death or divorce.

Section 5 would remove the current mandatory requirements for the annual reporting of income and corpus of estate for those persons on the non-service-connected pension rolls who are 72 years of age or older who have received pension for 2 or more years and who have had no change in income. There would be no change in the authority of the administrator to require clarification or proof of income and corpus of estate, when such action is indicated, by this group of individuals age 72 or more. There is reason to believe that this change would produce some administrative savings and would certainly make administration simpler.

Section 6 of the bill would add five exclusions from reportable income under the non-service-connected pension program. These are—

First. Servicemen's group life insurance program;

Second. Amounts equal to prepayments made on indebtedness secured by a mortgage on real property;

Third. Amounts in a joint bank account acquired by reason of death of the joint owner;

Fourth. Payments made by a former employer to retired employee as reimbursement for premiums paid by the retiree on supplemental health and medical insurance; and

Fifth. Proceeds from retired serviceman's family protection plan provided in 10 U.S.C. 73.

At its inception the plan mentioned in item (5) provided that annuities thereunder should not be considered income under any law administered by the Veterans' Administration.

Section 7 provides exclusion from income, for dependency and indemnity compensation purposes, of annuities of the retired serviceman's family protection plan—item 5 in section 6—and of pension under laws in existence prior to July 1, 1960, when Public Law 86-211 became operative.

Section 8 is a technical amendment to the mentioned family protection plan to conform to the provisions of sections 6 and 7 relating to that plan.

Section 9 includes as beneficiaries those individuals who served on the Mexican border in the period immediately preceding World War I. This section would in effect give pension and certain other benefits available for World War I service to those veterans and the widows and children of such veterans who served during this prescribed period of time immediately before the onset of World War I. The defined period is that which begins on May 9, 1916, and ending on April 5, 1917, the date of the beginning of World War I and service of at least 90 days or more is required in Mexico, on the borders of Mexico, or waters adjacent to Mexico.

Section 10 authorizes the Secretary of the Treasury to redeem three bonds held by the United Spanish War Veterans in the total amount of $25,000 which mature June 15, 1983. These bonds purchased in 1954 for $25,000 would, if sold on the open market today, result in the loss of several thousand dollars to the holder of the securities. Admittedly, it was a mistake for the organization to purchase these bonds. Equity would seem to dictate that this provision be enacted since the average age of the United Spanish War Veterans is 89 and that 14 years from now very few, if any, would be living to utilize the proceeds of these bonds.

The Veterans' Administration favors the enactment of sections 1 through 5, indicates that any cost as a result of section 6 would not be significant and would be opposed to that and the other sections of the bill, while deferring to the Treasury insofar as the section relating to the United Spanish War Veterans is involved. The Treasury is opposed to the proposal in section 10.

The cost of the first four sections of the bill is $8,538,000 the first year rising to $9,206,000 the fifth year. No cost involved in sections 5 and 10. Other sections are not costed by the Veterans' Administration.

Mr. Speaker, the bills which the House has considered today in the field of veterans' affairs all originated in the Subcommittee on Compensation and Pension where they were the subject of hearings on September 3 and 4. All the members of that subcommittee have been diligent in perfecting the legislation which has been presented to the House. The gentleman from South Carolina, the chairman of the subcommittee, Mr. Dorn, and his colleagues spent considerable time, particularly on the bill, H.R. 13576, because it is a difficult matter and one in which it is essential that we do equity.

I commend the subcommittee chairman and his colleagues for their activity on this subcommittee on the bills H.R. 372, 10106, 10912, and 13576.

The other members of the subcommittee are the Honorable Ray Roberts, the Honorable G. V. (Sonny) Montgomery, the Honorable E. Ross Adair, the Honorable John P. Saylor, and the Honorable William Lloyd Scott.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. Teague).

Mr. TEAGUE of California. Mr. Speaker, this bill, too, has my unqualified support. It was reported out of our committee unanimously.

Mr. Speaker, again I yield to the gentleman from Indiana (Mr. Adair), the ranking Republican member of the subcommittee that had jurisdiction of the bill, such time as he may consume.

Mr. ADAIR. Mr. Speaker, I rise in support of H.R. 372. This bill, as amended, will: First, restore veterans survivor benefits to remarried widows upon the termination of their remarriage; second, eliminate the annual reporting of income for pension purposes to veterans who have reached the age of 72 years and have been paid pension for 2 calendar years; third, permit the exclusion of certain additional types of income from the computation of income for pension purposes; fourth, confer upon veterans of the Mexican border campaign benefits similar to that payable to wartime veterans; and fifth, authorize the Secretary of the Treasury to redeem at par within 1 year three bonds totaling $25,000 scheduled to mature in 1983 and held by the United Spanish War Veterans organization.

Under existing law, Mr. Speaker, survivor benefits payable to widows of veterans terminate permanently upon the remarriage of the widow. This measure will permit payments to resume upon the termination of the remarriage. Existing law, with respect to veterans' widows is more restrictive than similar provisions for widows in receipt of social security or civil service retirement payments. Enactment of this provision will make veterans' survivor benefits less restrictive and more comparable to other federally administered programs.

Existing law requires that veterans in receipt of pension report annually their income from other sources. This requirement creates a tremendous administrative workload in the Veterans' Administration at the end of each calendar year. From the point of view of the veteran pensioner, it creates confusion and misunderstanding of the types of income that must be reported. The experience of the Veterans' Administration indicates that the income has generally stabilized and become static by the time a veteran reaches the age of 72 years and has been on the pension rolls for 2 years. Accordingly, there is reason to believe that this change will produce some administrative savings and would reduce the possibility of error in completing the necessary report.

The third major provision of this bill relates to income exclusions. Existing law bases eligibility for pension upon the amount of income from other sources. Certain types of income are not counted as income for pension purposes. This section of the bill would permit the exclusion of: First, the proceeds from a serviceman's group life insurance policy, second, amounts equal to prepayments made on real estate mortgages, third, amounts in a joint bank account acquired by reason of the death of the joint owner, fourth, payments made by a former employer to a retired employee as reimbursement for supplemental medicare premiums and, fifth, proceeds from the retired serviceman's family protection plan. The Veterans' Administration has indicated that the costs of authorizing these additional income exclusions for pension purposes would not be significant.

I am certain that many Members have received correspondence over the years from the veterans who served on the Mexican border prior to the beginning dates of World War I. The service performed in many cases was more arduous than that of men who served in our Nation's later wars. Yet, this type of service does not qualify for wartime veterans benefits. The bill before us today confers wartime benefits upon those veterans who served for at least 90 days or more in Mexico, on the borders thereof, or in waters adjacent thereto. Between May 9, 1916, and April 5, 1917, the principal benefits authorized by this legislation is entitlement to non-service-connected pension. The average age of this group is in excess of 75 years and their numbers are few. I believe that this benefit should be authorized.

Finally, Mr. Speaker, this bill authorizes an early maturity of three Treasury bonds totaling $25,000 held by the United Spanish War Veterans. The bonds are scheduled to mature June 15, 1983. Since the average age of the members of this organization is 89 years and the bonds will not mature for 14 years, it is highly unlikely that the organization could capitalize upon this investment. Yet, if the bonds were sold today, the organization would stand a loss on their investment. Admittedly, this organization was ill-advised to purchase such bonds. In recognition of the sacrifice these men made for our Nation many years ago, however, I am in favor of this provision of the bill that would permit the early maturity of these bonds.

Mr. Speaker, this bill has merit and I urge that it be passed.

Mr. HORTON. Mr. Speaker, there are two bills before the House today to which I gave my full support. These two veterans bills, H.R. 13576 and H.R. 372, deserve immediate and a favorable vote, and I urge my colleagues not to delay a moment longer.

The amendments to the non-service-connected pension program for veterans are measures that are long overdue. This legislation is a first step in curing the inequities on income limitations for nonservice-connected pensions for veterans.

I am certain many of my colleagues have received letters from veterans—veterans who have served their country well—but who have been denied pensions, because they come just over the borderline on income limitation. These are sad letters from men in their older years who deserve to live out their remaining life in dignity and freedom from financial strain, but instead, they are struggling to exist.

H.R. 372 will alleviate to some extent these regrettable situations. In addition, the bill will put no income limitation on those who are 72 or older and who have received a pension for 2 years or more.

It also adds five exemptions from reportable income: First, servicemen's group life insurance; second, amounts equal to prepayments made on indebtedness secured by a mortgage on real property; third, amounts in a joint bank account acquired by reason of death of the joint owner; fourth, payments made by a former employer to a retiree as reimbursement for premiums paid on supplemental health and medical insurance; and fifth, proceeds from retired serviceman's family protection plan.

In addition, this legislation also permits a widow, who has remarried, to revert to her earlier eligibility when her second marriage is ended by death or divorce. This provision will lessen the requirement which is considerably more restrictive than that in other federally administered programs such as social security and civil service retirement.

Another group of veterans that this bill will help are those who served on the Mexican border between May 9, 1916 and April 5, 1917. This would in effect give the same pension and benefits available to World War I veterans and their widows and children to those who served before the onset of World War I.

The other bill, H.R. 13576 is to provide a just treatment of survivors of deceased members of the Armed Forces. As the law now stands, compensation to widows and children have not kept up with the rising cost of living.

In many instances, lower enlisted grade widows have not received increases reflecting the rise in the cost of living while some of the higher grade widows have received increases exceeding the rise in the cost of living.

This bill provides an increase at least equal to the rise in the cost of living for each grade. H.R. 13576 provides a $20 increase a month for each child below the age of 18 of a deceased veteran. It will increase the dependency, indemnity, and death compensation by $50 if the widow is a patient in a nursing home, or helpless or blind to the extent of requiring the regular attendance of another person.

Both of these measures need our immediate attention. They do not solve all the inequities of our present system but they are a step forward. In addition to the financial assistance, these measures illustrate, in small measure, our gratitude to the men and women who have so gallantly given so much for all Americans. I urge all our colleagues to support H.R. 372 and H.R. 13576.

Mr. DORN. Mr. Speaker, I am pleased to rise in support of H.R. 372 as it provides many long sought and worthwhile benefits for this Nation's needy and elderly veterans as well as their dependents. I am privileged to serve as chairman of the Subcommittee on Compensation and Pension of the Committee on Veterans' Affairs which originally considered and conducted hearings on this bill. I am very happy to state that this bill was strongly supported by every veterans' organization representative who appeared before the committee, and this is especially true of the veterans of World War I, inasmuch as this bill encompasses many of the legislative objectives of that organization. Benefits provided by this bill are not limited to the veterans of World War I, but because the average age of the World War I veteran is approximately 75, they will be the greater recipients of its benefits.

This bill proposes to restore eligibility to VA benefits to remarried widows of veterans whose remarriage has been terminated by death or proper legal action. This privilege is now provided for recipients of most other Government benefits such as social security and civil service retirement annuities.

It provides that a veteran 72 years of age or older and who has been on the pension rolls for 2 or more years shall not be required to complete the annual VA income questionnaire. This it is believed will represent an administrative savings to the VA and will relieve from the elderly, seriously disabled veteran whose income is generally static, an unneeded burden.

This bill provides additional income exclusions for the nonservice-connected pension program. Among these being the amounts in a joint bank account acquired by the reason of death of the joint owner.

This bill proposes to finally give nonservice-connected pension benefits to a group of combat veterans who saw service along the Mexican border prior to World War I.

This bill warrants the favorable consideration of each Member of this House, Mr. Speaker, and I urge its adoption.

Mr. DONOHUE. Mr. Speaker, I support and most earnestly hope that this bill, H.R. 372, of immense concern to our war veterans, their widows, and families will be unanimously adopted.

I further most earnestly hope and urge that the provisions affecting the United Spanish War veterans and veterans who served on the Mexican border immediately before the onset of World War I will be accepted and retained within the bill, because they are obviously projections of merit and justice.

In basic summary this measure proposes to sensibly relax the remarriage regulations concerning the eligibility of veterans' widows for certain veterans' benefits; modify the income-reporting requirements in certain pension cases; expand the present exclusions in determining income for pension purposes, and liberalize the oath requirement for hospitalization of certain veterans.

In essence, Mr. Speaker, the measure is designed to equitably modernize certain regulations affecting veterans, their widows, and families and bring them into more realistic accord with the facts and exigencies of today's life and the living conditions surrounding us.

Mr. Speaker, this bill is clearly in the national interest and I urge its speedy adoption.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 372. This bill will permit widows of veterans to be restored to the pension and compensation rolls if they have remarried and their subsequent remarriage has terminated. I am confident that every Member has received correspondence from widows of veterans who were in receipt of survivor benefits which were terminated because of the remarriage of the widow. Despite the fact that the second marriage may have failed, the widow, unfortunately, has forfeited all future rights to veterans' survivor benefits. This bill will permit such widows to be restored to the pension or DIC rolls upon the termination of their remarriage.

Additionally, the bill eliminates the annual reporting of income for pensioners who have reached the age of 72 years and have been on the pension rolls for 2 years. The income of most veterans, Mr. Speaker, has become static by the time they reach the age of 72 years, particularly if they have been in receipt of pension for 2 years. To require the reporting of income annually creates an unnecessary administrative burden for the Veterans' Administration and an unwarranted headache for older veterans.

Another provision of this bill, Mr. Speaker, will extend wartime benefits to veterans of the Mexican border campaigns of 1916 and 1917. Again, I believe that Members have been continually contacted by this older group of veterans who are not entitled to veterans pension benefits, despite the fact that their service was hazardous. The extension of this benefit to this deserving group of veterans is long overdue and I believe it should be supported by all Members.

Mr. Speaker, this bill has considerable merit and I recommend that it be passed.

Mr. TEAGUE of California. Mr. Speaker, I rise in support of H.R. 372. Under existing law, the payment of compensation, pension, and educational benefits terminates to a widow upon her remarriage. This bill permits a widow who has remarried to revert to her earlier eligibility to benefits when her second marriage is terminated, either by death or divorce. The bill also eliminates the current requirements for annual reporting of income and corpus of estate for those persons on the non-service-connected pension rolls who are 72 years of age and who have received pension for 2 or more years.

The bill also permits the payment of pension to persons who served in the Armed Forces during the period beginning May 9, 1916, and ending April 6, 1917, when the person had 90 or more days of service during the stated period in Mexico, on the borders of Mexico, or the waters adjacent to Mexico.

Mr. Speaker, this is good legislation. With respect to the remarriage provisions of existing veterans' law, it should be pointed out that other Federal programs treat remarried widows more generously than they are treated under veterans' legislation. In most Federal benefit programs, the widow's right to benefits is restored upon termination of her remarriage. This bill attempts to do the same thing for veterans' widows.

Certainly, the World War I veteran, whose average age is approaching 75 years, has reached a stationary income level. The requirement that he continue to report, year after year, this same income, serves no purpose other than to increase the administrative cost and provide a source of irritation to the veteran who must report.

Certainly, the fact that veterans of the Mexican border campaigns of 1916 and 1917 performed difficult and frequently hazardous service cannot be disputed. Therefore, it follows that these men, whose average age is in excess of 75 years, should be entitled to the same benefits as wartime veterans.

Mr. Speaker, I urge the passage of this bill.

Mr. RANDALL. Mr. Speaker, I rise in enthusiastic support of H.R. 372, which provides for liberalization of non-service-connected pension and other veterans programs. This bill accomplishes several worthwhile provisions which should have been enacted into law long before now.

The first four sections of the bill liberalizes the law which relates to the marriage of widows. What Member cannot recall the plea of a widow who has remarried and then reverts to a single status to find that, in spite of these changed circumstances, she cannot qualify as a widow of a deceased serviceman? H.R. 372 quite wisely permits a widow who has remarried to revert to her earlier status of eligibility under the veterans benefits program, if and when her second marriage is terminated by death or divorce.

In our other Federal programs, such as civil service retirement and railroad retirement, there are certain provisions for remarriage and for full benefits to continue. The important difference between these other programs and Veterans' Administration benefits is that, even though some benefits terminate upon remarriage, they are restored at the termination of the remarriage. The same should apply to Veterans' Administration benefits.

Another section of this very meritorious bill would remove the current mandatory requirements for the annual report on all income and the corpus estate of those persons receiving the non-service-connected pensions for age 72 years or over. Here at long last we are extending a long overdue courtesy to those grand men who served in World War I. Not only are we doing justice to these who gave so much for their country in 1917 and 1918, but it is believed that this change will produce administrative savings. It will certainly make administration simpler.

Another section of the bill provides for additional exclusions of income under the non-service-connected pension program. Important in these inclusions is the amounts received in a joint bank account acquired by reason of the death of a joint owner. Another exclusion is the proceeds from servicemen's group life insurance.

Then, in one of the latter sections of the bill provision is made for the payment of pensions to persons who served in the armed services during the period beginning May 9, 1916, and ending April 6, 1917. This could more appropriately be described as the "Mexican border period." This section will provide for a pension of those persons who had 90 or more days of service during this period either in Mexico, on the borders of Mexico, or on the waters adjacent to Mexico.

Mr. Speaker, during several of the Congresses in which it has been my privilege to serve, I have introduced and then reintroduced again a bill providing for pensions for these Mexican border veterans. I had just about despaired of any action ever being taken. Our House Veterans' Affairs Committee deserves the commendation of all Members when they right a wrong that has so long existed. Certainly these Mexican border veterans faced danger as much as those that served in the wars that went before, such as the Spanish-American War. These Mexican border veterans served as valiantly and with as great courage as their comrades served a little later on in World War I. For some reason this group, not large in number, have been passed over again and again. They could be said to be the truly forgotten American veterans. That injustice will be corrected by the enactment of H.R. 372. It is a distinct pleasure to have the opportunity to support such a worthwhile measure as this bill which is before us today.

Mr. TEAGUE of California. Mr. Speaker, I have no further requests for time.

Mr. TEAGUE of Texas. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 372, as amended.

The question was taken.

Mr. ROUDEBUSH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 352, nays 0, not voting 79, as follows:

[Roll No. 205]

YEAS—352

Abbitt
Abernethy
Adair
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Conyers
Corbett
Coughlin
Cowger
Culver
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh

Martin
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Waggonner
Waldie
Wampler
Watson
Watts
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—79

Albert
Anderson, Ill.
Anderson, Tenn.
Barrett
Berry
Blatnik
Boggs
Brock
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Burton, Utah
Cahill
Carey
Cederberg
Celler
Chappell
Clay
Colmer
Corman
Cramer
Cunningham
Dawson
Delaney
Denney
Dennis
Downing
Dulski
Edwards, Calif.
Edwards, La.
Fascell
Flynt
Ford, William D.
Foreman
Frey
Green, Pa.
Hall
Halpern
Harrington
Hastings
Hébert
Howard
Jacobs
Jonas
Kirwan
Kluczynski
Landgrebe
Leggett
Lipscomb
Lujan
McDonald, Mich.
Mann
Mathias
Michel
Moorhead
Morton
Mosher
Murphy, N.Y.
Nelsen
Pelly
Powell
Reid, N.Y.
Rosenthal
St. Onge
Skubitz
Stephens
Taft
Taylor
Tunney
Vanik
Vigorito
Watkins
Weicker
Whalley
Whitten
Wilson, Bob
Yatron
Young

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Anderson of Illinois.
Mr. Albert with Mr. Bob Wilson.
Mr. Hébert with Mr. Lipscomb.
Mr. St. Onge with Mr. Frey.
Mr. Celler with Mr. Cederberg.
Mr. Carey with Mr. Broomfield.
Mr. Kluczynski with Mr. Michel.
Mr. Rosenthal with Mr. Weicker.
Mr. Green of Pennsylvania with Mr. Cahill.
Mr. Delaney with Mr. Halpern.
Mr. Dulski with Mr. Mosher.
Mr. Fascell with Mr. Berry.
Mr. Young with Mr. Foreman.
Mr. Barrett with Mr. Reid of New York.
Mr. Vigorito with Mr. Brown of Michigan.
Mr. Kirwan with Mr. Watkins.
Mr. Brooks with Mr. Brock.
Mr. Tunney with Mr. Mathias.
Mr. Chappell with Mr. Burton of Utah.
Mr. Taylor with Mr. Hall.
Mr. Howard with Mr. Nelsen.
Mr. Leggett with Mr. Landgrebe.
Mr. William D. Ford with Mr. McDonald of Michigan.
Mr. Flynt with Mr. Cramer.
Mr. Edwards of Louisiana with Mr. Whalley.
Mr. Colmer with Mr. Morton.
Mr. Moorhead with Mr. Cunningham.
Mr. Jacobs with Mr. Pelly.
Mr. Downing with Mr. Skubitz.
Mr. Stephens with Mr. Edwards of California.
Mr. Corman with Mr. Clay.
Mr. Mann with Mr. Dennis.
Mr. Anderson of Tennessee with Mr. Brown of California.
Mr. Vanik with Mr. Harrington.
Mr. Blatnik with Mr. Dawson.
Mr. Whitten with Mr. Jonas.
Mr. Yates with Mr. Taft.
Mr. Murphy of New York with Mr. Denney.
Mr. Hastings with Mr. Lujan.

The result of the vote was announced above recorded.

The doors were opened.

The title was amended so as to read: "A bill to modify the reporting requirement and establish additional income exclusions relating to non-service-connected pensions for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **TEAGUE** of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on all of the veterans' bills considered by the House today.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. **HUNGATE**. Mr. Speaker, I was attending to vital business in my district on Friday last and was not present on rollcalls Nos. 198, 199, and 200.

Had I been present on rollcall No. 198, I would have voted "no"; and on rollcall No. 199, the motion to recommit, I would have voted "no." On the passage of the military procurement bill, on rollcall No. 200, I would have voted "yea."

PERSONAL EXPLANATION

(Mr. **FLOWERS** asked and was given permission to address the House for 1 minute.)

Mr. **FLOWERS**. Mr. Speaker, on Friday, October 3, 1969, due to commitments of long standing in my congressional district, I was unavoidably absent and, therefore, did not vote on rollcalls Nos. 198, 199, and 200.

Had I been present, I would have voted "yea" on rollcall No. 198; "no" on rollcall No. 199; and "yea" on rollcall No. 200.

PERSONAL EXPLANATION

Mr. **KEITH**. Mr. Speaker, on the rollcall No. 204, I was detained in my office on business and reached here just after the conclusion of the rollcall. Had I been here, I would have voted "yea" on H.R. 13310 "to provide special programs for children with special learning disabilities."

PRESIDENT NIXON AND TAX REFORM

(Mr. **HICKS** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **HICKS**. Mr. Speaker, the President in his first tax message to Congress said:

> Reform of our Federal tax system is long overdue. Special preferences in the law permit far too many Americans to pay less than their fair share of taxes . . . The Administration working with Congress, is determined to bring equity to the Federal tax system.

It is barely 6 weeks since the House passed the most sweeping tax reform bill in U.S. history and already the President is beating a hasty retreat from his promise to the American people. The impact of the Nixon administration's remarkable statement before the Senate Finance Committee is best expressed in the titles of numerous magazine and newspaper articles which afterward appeared across the country. Among them, the Washington Post declared:

> The President's retreat on tax reform dashes hopes for a bill this year.

One title of a Wall Street Journal article called the Nixon proposal a "blunder," while another read:

> GOP Seeks To Delay Tax Revision Until 1970 in Hopes of Weakening House Bill.

Almost simultaneously with the bombshell President Nixon dropped in the Senate Finance Committee, news came that the President is about to name a "task force" to study ways in which present Federal taxes might be placing too great a burden on corporations and business in general. The task force is to be headed by Mr. John Alexander, an attorney in Mr. Nixon's former law firm, and, as one leading magazine put it:

> Virtually all the study-group members are conservatives who are on record as viewing current corporate-tax levels as too high.

During the 1968 campaign, the President made repeated reference to the "forgotten American"—the middle-income person who pays the lion's share of America's tax bill. After all this lip service to the average American wage earner, the net effect of President Nixon's tax package would reduce by one-half the tax relief contained in the House-passed tax reform bill for middle-income taxpayers in the $5,000 to $15,000 tax bracket, while cutting income tax rates for corporations by 2 percent and

XUM

allowing the wealthy to continue enjoying tax "loopholes."

As has been aptly said by many Members of this House, by the looks of the President's tax program, either he has forgotten the "forgotten American," or else believes the forgotten American to be the corporation president.

Concerned Members of Congress, Republicans and Democrats alike, are outraged by the sudden surrender on tax reform by the President. Newsweek magazine this month wrote that President Nixon's proposal to shift tax relief from the low- and middle-income taxpayer to corporations would be "more palatable to complaining private interest groups." I concur with the statement, the President has once more shown that he is far more interested in Wall Street than Main Street, more concerned with the company's president than the company's employee.

RESOLUTION ON VIETNAM

(Mr. FINDLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, today identical resolutions listing as cosponsors 109 Members of this body and dealing with the fundamental question of ground combat force withdrawals from Vietnam have been introduced.

Here is the text of the resolution:

> *Resolved*, That it is the sense of the House of Representatives that the substantial reductions in United States ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date.

Its chief sponsors are Representatives VERNON W. THOMSON, of Wisconsin, WILLIAM L. HUNGATE, of Missouri, THOMAS P. O'NEILL, JR., of Massachusetts, and myself.

Sixty-four of the cosponsors are Republicans, 45 are Democrats. In all, they represent 34 States.

This is the most specific statement on Vietnam policy by a large group of Congressmen since the Gulf of Tonkin resolution in 1964.

Over one-fourth of the membership of our Government's most representative branch—by introducing this resolution—today is taking this means to demonstrate its support of President Nixon's troop reduction policies in Vietnam.

These Congressmen may well differ on many aspects of the war—how we became involved, the military or political advisability of that involvement, or the manner in which the war has been conducted in the past. Our views of these questions may vary widely.

However, all of us agree on two vital points of current policy.

First, we believe that the substantial reductions in U.S. ground combat forces in Vietnam—reductions which will shortly total 60,000—are very clearly in the national interest. President Nixon acted wisely and properly in directing these reductions.

Second, we believe that President Nixon should be supported in the determination he himself has expressed, under which all remaining ground combat forces will be withdrawn from Vietnam at the earliest practicable date.

The President has reached the conclusion that military and other considerations no longer necessitate the same degree of American ground force presence in Vietnam as in the past. Our involvement in Vietnam has been costly, and in our views the President's conclusion was a wise one.

Congressional approval of this decision should be expressed in clear and unmistakable terms. The President should not be forced to speculate upon whether the Congress is following his lead in Vietnam at the same time he must speculate upon the intentions of Hanoi and the Vietcong.

A list of cosponsors follows:

ARIZONA

Morris K. Udall, D.

CALIFORNIA

Don H. Clausen, R.
Jeffery Cohelan, D.
Harold T. Johnson, D.
Paul N. McCloskey, Jr., R.
Thomas M. Rees, D.
Lionel Van Deerlin, D.
Charles H. Wilson, D.

COLORADO

Donald G. Brotzman, R.
Byron G. Rogers, D.

CONNECTICUT

Thomas J. Meskill, R.
John S. Monagan, D.

GEORGIA

John J. Flynt, Jr., D.

HAWAII

Spark M. Matsunaga, D.

IDAHO

Orval Hansen, R.

ILLINOIS

Harold R. Collier, R.
Paul Findley, R.
Robert McClory, R.
Robert H. Michel, R.
Abner J. Mikva, D.

IOWA

John C. Culver, D.
Fred, Schwengel, R.

KANSAS

Chester L. Mize, R.
Garner E. Shriver, R.
Larry Winn, Jr., R.

KENTUCKY

Tim Lee Carter, R.
William O. Cowger, R.
Carl D. Perkins, D.
M. G. (Gene) Snyder, R.

MAINE

William D. Hathaway, D.

MARYLAND

J. Glenn Beall, Jr., R.
Samuel N. Friedel, D.
Gilbert Gude, R.
Lawrence J. Hogan, R.

MASSACHUSETTS

Edward P. Boland, D.
Silvio Conte, R.
Harold D. Donohue, D.
Torbert H. Macdonald, D.
F. Bradford Morse, R.
Thomas P. O'Neill, Jr., D.

MICHIGAN

William S. Broomfield, R.
John Conyers, Jr., D.
Charles C. Diggs, Jr., D.
Martha W. Griffiths, D.
Edward Hutchinson, R.

MINNESOTA

Odin Langen, R.
Clark MacGregor, R.
Ancher Nelsen, R.
Albert Quie, R.
John M. Zwach, R.

MISSOURI

William L. Hungate, D.
James W. Symington, D.

MONTANA

John D. Melcher, D.
Arnold Olsen, D.

NEBRASKA

Glenn Cunningham, R.
Dave Martin, R.

NEW JERSEY

Florence P. Dwyer, R.
Cornelius E. Gallagher, D.
Joseph G. Minish, D.
Frank Thompson, Jr., D.

NEW MEXICO

Manuel Lujan, Jr., R.

NEW YORK

Joseph P. Addabbo, D.
Frank J. Brasco, D.
Daniel E. Button, R.
Barber B. Conable, Jr., R.
Hamilton Fish, Jr., R.
Seymour Halpern, R.
James F. Hastings, R.
Frank Horton, R.
Allard K. Lowenstein, D.
Bertram L. Podell, D.
Ogden R. Reid, R.
Howard W. Robison, R.
Henry P. Smith, III, R.
John W. Wydler, R.

NORTH CAROLINA

Charles Raper Jonas, R.
Richardson Preyer, D.

NORTH DAKOTA

Mark Andrews, R.
Thomas S. Kleppe, R.

OHIO

Thomas L. Ashley, D.
Delbert L. Latta, R.
Charles A. Mosher, R.
J. William Stanton, R.
Robert Taft, Jr., R.
Charles W. Whalen, Jr., R.
Clarence J. Brown, R.

OREGON

John R. Dellenback, R.
Al Ullman, D.
Edith Green, D.

PENNSYLVANIA

Joshua Eilberg, D.
Edwin D. Eshelman, R.
Joseph M. McDade, R.
Herman T. Schneebeli, R.
Frank M. Clark, D.
Gus Yatron, D.

TENNESSEE

John J. Duncan, R.

TEXAS

George Bush, R.

VERMONT

Robert T. Stafford, R.

WASHINGTON

Julia Butler Hansen, D.
Thomas S. Foley, D.
Floyd V. Hicks, D.
Thomas M. Pelly, R.
Brock Adams, D.

WEST VIRGINIA

Ken Hechler, D.

WISCONSIN

John W. Byrnes, R.
Henry C. Schadeberg, R.
William A. Steiger, R.
Vernon W. Thomson, R.

WYOMING

John Wold, R.

At a news conference this morning, several Members of this body attended, and the following news releases were distributed:

[Press release of Hon. Thomas P. O'Neill, Jr., Eighth District of Massachusetts, Oct. 6, 1969]

Vietnam and Troop Withdrawals

Since August of 1967 I have been opposed to our conduct of the war in Vietnam and our policies there. At that time, I urged the President to enter negotiations with North Vietnam and all factions in South Vietnam, to support free and open elections, and to withdraw American troops to strategic enclaves. I called for the cessation of the bombing of North Vietnam because I believed this would lead to negotiations. More than a year later, most of this policy was adopted.

On March 4, 1968, I joined with 17 other Congressmen in urging the President to seek international guarantees and supervision of free and open elections in South Vietnam with the partcipation of all parties. We called for a cease-fire during such elections. We also urged the Administration to follow such elections with the withdrawal of all foreign troops from South Vietnam on an agreed-upon, gradual, phased basis. This still has not occurred.

In the year following that, in public statements and personal conversations, I urged Administration leaders and my colleagues in the Congress to support those measures which I believed would help bring a negotiated peace and an end to hostilities.

More recently, on June 8, 1969, in a television interview, I called for the unilateral phased withdrawal of all American troops from South Vietnam so that South Vietnamese troops could take on the burden of the war.

When I first called for a change in our policy in August, 1967, 12,000 American men had been killed in Vietnam. Two years later, the total of American men killed in action has risen to 39,000. In August of 1967, 75,000 men had been injured in that tragic and costly war. By today's date, the total has risen to more than a quarter of a million.

Almost 300,000 Americans, young men in the prime of life, have been killed or wounded in a war that has lasted too long, that has devoured our resources and divided our Nation. We can not tolerate the loss of our youth in a morass of never-ending conflict.

I believe that the military situation in Vietnam does not necessitate the presence of so many American troops. I also think that the Government troops of South Vietnam must begin to shoulder their share of the military effort and replace Americans in the field. We must encourage the Government of South Vietnam to institute democratic reforms and to hold free elections, open to all groups and all the people of South Vietnam. And we must do this now.

The Government of South Vietnam must realize that it will have to stand on its own policies of democratic participation in the governmental process. We must refuse to support a Government whose policies are non-democratic and who refuses to bring about the changes that will make our presence unnecessary.

I am hopeful that the President will stand by his promise to improve on former Secretary Clark Clifford's timetable for troop withdrawals. Our Nation needs its young men; and it desperately needs the resources that are being spent on the war in order to end the ills of our Nation. We need to provide nutrition, housing, education, health care and a high-quality environment for everyone in this great Nation.

The war in Vietnam is diverting our energies and our manpower. Each additional day that this war continues brings harm to our country and to our people.

Press Release of Congressman William L. Hungate, of Missouri's Ninth District

Washington.—Congressmen Bill Hungate (Democrat, Missouri), Thomas P. O'Neill, Jr. (Democrat, Massachusetts), Paul Findley (Republican, Illinois), and Vernon W. Thomson (Republican, Wisconsin), today will introduce a resolution in support of President Nixon's withdrawal of troops from Vietnam. Over 100 Congressmen from both parties and 33 states co-sponsored this resolution which reads as follows:

"*Resolved,* That it is the sense of the House of Representatives that the substantial reductions in United States ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest possible date."

At a press conference held earlier in the day, Mr. Hungate stated, "I would like to emphasize that this is a bi-partisan effort. I recall an article from the July, 1969 issue of *Foreign Affairs* magazine in which the former Democratic Secretary of Defense, Clark Clifford, suggested that 'A first step would be to inform the South Vietnamese Government that we will withdraw about 100,000 troops before the end of this year. We should also make it clear that this is not an isolated action, but the beginning of a process under which all U.S. ground combat forces will have been withdrawn from Viet Nam by the end of 1970.'

"In the same week this article was released (week of June 15, 1969), President Nixon stated in a television news conference that he hoped to better Mr. Clifford's timetable and stated, 'We have started toward the withdrawal that Mr. Clifford advocated,' and 'we will not be in Vietnam as long as he suggests we will have to be there.'

"In that same news conference the President insisted that he was not 'locked in' to a fixed policy on Vietnam, and that he would 'not be frozen in.' Our resolution is intended to support him in that regard also.

"Contrary to those who would dictate to the President a specific date on which he should complete withdrawal of our troops from Vietnam, I would think that to destroy the President's flexibility in this area would be to destroy his effectiveness," Mr. Hungate added.

"Congressmen—men in public life—should be particularly aware of the importance of indicating their support for real major changes in policy. The President's job is a difficult and lonely one at best. Whenever possible, Congress should offer its encouragement and support; and, this resolution does that," Mr. Hungate concluded.

[Press release of Henry C. Schadeberg, U.S. Representative, First District, Wisconsin]

Statement on the Vietnam Resolution, October 6, 1969

The war in Vietnam continues. This conflict, to which American commitment increased from 600 to 550,000 under the past two Democratic Administrations, is in the process of being resolved by the present Republican Administration. Yet, the supporters of the past Administrations, and others, are suggesting that Congress legislate the manner by which the current Administration is to disengage the United States from the war. By this tactic, they hope to label the Vietnam War "Nixon's War" and thereby discredit the Administration which was brought to power with a mandate to resolve the conflict in a manner consistent with American security.

I would like to take this opportunity to address the many once silent voices, now grown loud and demanding, and to tell the American people that the only way that the war will be brought to an honorable end, and the troops brought home at the earliest possible date, is to support the President.

President Nixon was elected to his position as leader of this Nation by the people. The people of the United States have placed their faith in a new approach to the Vietnam War to replace the political, diplomatic, and military failures brought about by the past two Administrations' failures. Having inherited a hastily-extemporized undeclared land war, President Nixon has declared that troops will be withdrawn, that an end to the war will be brought about, that the South Vietnamese will be induced into assuming full responsibility for their self-determinism, and that an honorable peace will be established. He has been, and continues to be, successful in these endeavors I support his efforts and express my confidence that his efforts are in the best interests of the United States and the free world.

It is with this in mind that I have joined with many of my Republican colleagues in co-sponsoring the following resolution:

"*Resolved,* that it is the sense of the House of Representatives that the substantial reductions in U.S. ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date."

For Congress to take any other approach would be to undermine the position of the President of the United States in his capacity as the Commander in Chief of the Armed Forces, to diminish the bargaining power of the United States in reaching an honorable solution to the war, and to impose the Congressional will in such a way as to disrupt the foreign policy of this Administration.

It is not necessary to go into length in an explanation of the history of American involvement in the war in Vietnam. The point of the matter is that we are there and that the President is disengaging our involvement. There are few persons who have not felt the effects of the war. Most have experienced the loss of or the injury to a dear one. Press and television and radio coverage of the battles of the war have brought into our living rooms the faces and lives of the men who have been chosen to fight. Rampaging inflation, due in part to the vast amounts of money and services which have been poured into Southeast Asia, has touched every American. Yet, our Nation has managed to survive these effects and the disunity that has been brought about by open discussions of war policies. We have agonized with the personal, political, and economic repercussions because there has been a valid reason for our being there. It is simple to forget, in the face of mounting pressures, that our involvement in Vietnam was deemed to be in the best interests of the United States and the free world. Congress, as the body with the power to raise and support armies, has in the past allowed troop strength to grow to its present size. It must not now arbitrarily determine what the troop strength should be by a certain date or express how fast disengagement should take place. To do so would be to forsake the best interests of this Country and to walk out on a situation which was created for a valid reason.

As I read the political climate in the United States, and interpret the various anti-war movements, such as is planned to take place in Washington on October 15, I do not read them as a call for pull out at any cost. Granted, there are those who never believed that the United State's involvement was correct who are now calling for the immediate cessation of American involvement, and there are those who would make troop withdrawal a partisan issue, but the vast majority of the people and of Congress merely want assurances that more will be done. We can ill afford any more years of misinformation, deceit, and credibility gaps on the part of the leadership. The Republican Administration and President Nixon are cognizant of the wishes of the American people, and of the need to resolve the conflict. Given the support he needs, the President will succeed.

There are many reasons why the President must be supported in his already successful efforts to resolve the many problems posed by our involvement in Vietnam. The primary one is that he alone is aware of all the commitments that have been made of the American military strength and those which can be met in the future. To require withdrawal by a particular date would be to tie his hands from being able to meet any unexpected situation which may arise.

Secondly, if the President is given a specific mandate, the hopes of a suffering North Vietnam, struggling under new leadership, would be further nurtured and the leaders led to believe that if they can hold out for a certain time, U.S. involvement in any capacity would be impossible.

Thirdly, disengagement must be coordinated with the efforts by the South Vietnamese to undertake their own defense. I support the President because I do not want to be responsible for our disengagement without adequate defenses having been prepared to protect against any future North Vietnamese aggression, the very reason that the United States became involved in the first place. To withdraw without any assurances, will be to throw away the justifications for our being there and to put in jeopardy the lives of the remaining vestiges of American forces and Vietnamese who have fought actively against the enemy.

In concluding, I wish to state that the Republican Party is not founded on shallow promises. The Nixon Administration was brought to office on a platform of concentrating on the security of Southeast Asia, of a de-Americanization of the war, and of bringing about an honorable peace. It will be done only if the President is given the support he needs. In all our history as a free Nation, none have fought harder and more bravely in any war than our soldiers who have postponed their education and careers and often times sacrificed their lives in Vietnam. They deserve the support they are entitled to receive. They shall receive it with the passage of this resolution.

PRESS RELEASE OF REPRESENTATIVE HAMILTON FISH, JR., OF NEW YORK, ON VIETNAM RESOLUTION

WASHINGTON, D.C., October 6, 1969.—Representative Hamilton Fish, Jr., today joined with 89 Republican Members of Congress in backing President Nixon's Vietnam policy of disengagement and troop withdrawal.

The text of the resolution offered on Monday, October 6, stated: "That it is the sense of the House of Representatives that the substantial reductions in U.S. ground combat forces in Vietnam already directed are in the National interest, and that the President be supported in his expressed determination to withdraw our remaining forces at the earliest practicable date."

The resolution which is in opposition to those wishing to impose a timetable for troop withdrawal on the Administration would leave the President freedom for negotiation, while solidly endorsing his policy of de-escalation and troop withdrawal.

"I am happy to be one of the co-sponsors of this resolution backing President Nixon in his bid to end the Vietnam war," Congressman Fish, who had been a persistent critic of the Johnson policies which led America into Vietnam, said. "After eight years of futile escalation, I believe President Nixon deserves our support in his declared determination to search for peace in that troubled area of the world."

Mr. DON H. CLAUSEN. Mr. Speaker, I am pleased to join in cosponsoring the resolution being introduced today by more than 90 Members of the House, representing 33 States of the Union.

This resolution expresses the sense of the House of Representatives that the substantial reductions in U.S. ground forces in Vietnam that have been made and those planned for the remainder of this year are truly in the best national interest and that President Nixon be encouraged and supported in his expressed determination to withdraw, in stages, as many remaining personnel as possible at the earliest practicable date, consistent with basic security strategy, that will turn over a well-trained security organization made up of South Vietnamese units.

The war in Vietnam continues to be the most serious problem facing the President, the Congress, and the American people. The Paris peace talks, now in their second year, have thus far proven little, except to serve as a sounding board for both sides. Some people say we should go all out in Vietnam in the belief that the enemy is becoming steadily weaker. Frankly, I believe we should continue our present course because the South Vietnamese are getting much stronger. Others believe we have fulfilled our commitment to South Vietnam and should now withdraw our forces, leaving the fighting to the Vietnamese. Some say we should do this immediately or at some specified date in the future; others, however, believe we should do this in stages over an extended period of time that will permit the South Vietnamese to take over the conduct of the war in a more orderly and organized way.

Recently, a national market research referendum was held in 17 States involving 12,233 men and women and one of the key issues expressed dealt with future U.S. policy in Vietnam. Here is how this sampling responded on this question:

	Number	Percent
Continue our present policy	474	4
Increase our involvement for a quick military victory	2,408	20
Immediate withdrawal and leave the fighting to South Vietnam	2,648	22
Withdrawal in stages, gradually turning over the fighting to South Vietnam	6,405	52
Not answering	298	2

It has long been my contention that, a carefully conceived "phasing-in" of South Vietnamese troops and a gradual "phasing-out" of U.S. fighting men, would ultimately be the concept most acceptable to the American people. In my judgment, the results of this and numerous other public opinion samplings, certainly substantiates that contention.

This is the course President Nixon is following and, as such, it represents a radical departure from the Vietnam policy of the past 5 years. It is a course of action that is supported by many Members of this body and by a majority of the American people—regardless of political parties or past positions on the war in Vietnam.

Therefore, I am pleased to join in cosponsoring this resolution today in support of President Nixon's handling of the situation in Vietnam and urging him to follow through on the withdrawal of American troops at the earliest possible date.

The materials referred to above follow:

PANGENERIX COMMUNICATIONS, INC.
Omaha, Nebr., October 1, 1969.

The Honorable DON H. CLAUSEN,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE CLAUSEN: As part of a national market research project, 12,233 men and women in 17 states voted in a referendum on three key issues: the war in Vietnam, the draft, and the personal income tax exemption.

The participants returned their ballots by mail the last week of July and the first week of August. The referendum was conducted in Alabama, Colorado, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Minnesota, Montana, Nebraska, Ohio, Oklahoma, South Carolina, Utah, and Virginia.

Although the referendum was designed to afford people an opportunity to express their views on critical national issues, the results do not constitute a scientific poll of public opinion. The responses may be particularly interesting to you, however, because they are accompanied by a complete demographic description of those casting ballots.

As you will note from the attached summary of the results, a serious effort was made to frame the questions as objectively as possible and to permit a reasonable range of responses. Pangenerix Communications Incorporated takes no position on any political issue and conducted this phase of its research only as a public service at its own expense.

In addition to preparing the attached report, we made a complete demographic analysis of those taking each position on each issue. Data from this in-depth research is available to you on request.

I would appreciate knowing any reaction you may have to receiving this kind of information and whether you would be interested in reviewing, at no cost or obligation to you, additional reports as they are developed.

Sincerely,

MICHAEL C. FIELDS,
President.

PANGENERIX COMMUNICATIONS INC.: RESULTS OF REFERENDUM PHASE OF NATIONAL MARKET RESEARCH PROJECT, JULY–AUGUST 1969

The three issues used in the referendum are stated below exactly and completely as they were presented to those asked to vote. They were instructed to choose only one position on each issue. Voters supplied demographic data about themselves on the back of the ballot. The categories used are generally the same as those to be used in the 1970 census.

Issue 1: The Vietnam War continues to be the most serious problem facing the American people. The Paris peace talks are now in their second year. Some people say we should continue our present policy in the belief that the North Vietnamese and the Viet Cong will steadily become weaker. Others believe we have fulfilled our commitment in South Vietnam, and, as a result, we should now withdraw our forces, leaving the war to be settled entirely by the Vietnamese. Some say we should do this immediately; others say we should do this in stages over an extended period of time; and others believe we should increase our military involvement and seek a quick military victory. (Vote for one:)

	Number	Percent
Continue our present policy	474	4
Withdrawal in stages, graudually turning over the fighting to the South Vietnamese	6,405	52
Immediate withdrawal and leave the fighting to the Vietnamese	2,648	22
Increase our involvement for a quick military victory	2,408	20
Total	11,935	98
Not answering	298	2
Total	12,233	100

Issue 2: Some people think the present draft system should be continued exactly as is. Others believe the draft should be on a lottery basis to eliminate inequalities. Still others say all our armed forces should be manned by volunteers only, without a draft. (Vote for one:)

	Number	Percent
Continue the draft as is	3,853	32
Replace the draft with voluntary enlistments	4,439	36
Change the draft to a lottery	3,536	29
Total	11,828	97
Not answering	405	3
Total	12,233	100

Issue 3: Under the present Federal income tax law, taxpayers are entitled to personal exemptions of $600 for themselves and for each family dependent. It is proposed that personal exemptions be raised to $1000. Those in favor of the $1000 exemptions say it will assist middle and lower income families to meet part of the high cost of living. Opponents say that the $1000 exemptions will create more inflation. (Vote for one:)

	Number	Percent
Keep $600 exemption for each dependent	967	8
Raise exemption to $1,000 for each dependent	11,006	90
Not answering	260	2
Total	12,233	100

Those who took part in the referendum were asked whether they had voted in the 1968 Presidential election. This was their response:

	Male	Female	Total	Percent
Voted in 1968 presidential election	5,066	5,206	10,272	84
Did not vote in 1968 presidential election	524	612	1,136	9
Total	5,590	5,818	11,408	93
Did not answer question	336	489	825	7
Total	5,926	6,307	12,233	100

Voters were asked whether they considered themselves a Democrat, a Republican, in another political party, or an independent. This was their response:

	Male	Female	Total	Percent
Democrat	1,907	2,156	4,063	33
Republican	1,900	2,105	4,005	33
Other	31	29	60	
Independent	1,818	1,684	3,502	29
Total	5,656	5,974	11,630	95
Not answering	270	333	603	5
Total	5,926	6,307	11,233	100

Voters were asked whether they were registered to vote. This was their response:

	Male	Female	Total	Percent
Yes	5,008	5,147	10,155	83
No	345	436	781	6
Subtotal	5,353	5,853	10,936	89
Not answering	573	724	1,297	11
Total	5,936	6,307	12,233	100

DEMOGRAPHIC CHARACTERISTICS OF VOTERS IN NATIONAL ISSUE REFERENDUM

Those who took part in the referendum were assured that their ballots were secret and were not coded in any way to identify their sources. These voters were then asked specific demographic information about themselves. This is a summary of their responses:

	Male	Female	Total	Percent
Age:				
Under 25	490	730	1,220	10
26 to 35	1,396	1,397	2,793	24
36 to 45	1,249	1,298	2,547	22
46 to 55	1,275	1,347	2,622	22
56 to 65	818	828	1,646	14
Over 65	466	415	881	8
	5,694	6,015	11,709	100
Not answering	232	292	524	
Total	5,926	6,307	12,233	
Marital status:				
Single	491	960	1,451	13
Married	5,040	4,903	9,943	87
	5,531	5,863	11,394	100
Not answering	395	444	839	
Total	5,926	6,307	12,233	
Family size:				
1	421	410	831	14
2	1,022	641	1,483	24
3	766	292	1,058	18
4	905	254	1,159	19
5	612	169	781	13
6	317	104	421	7
7	133	41	174	3
More than 7	93	32	125	2
Subtotal	4,269	1,763	6,032	100
Not answering	1,657	4,544	6,201	
Total	5,926	6,307	12,233	
Income:				
Under $5,000	715	2,145	2,860	30
$5,000 to $6,999	793	758	1,551	16
$7,000 to $9,999	1,777	680	2,457	25
$10,000 to $14,999	1,486	336	1,822	19
$15,000 and over	756	221	977	10
Subtotal	5,527	4,140	9,667	100
Not answering	399	2,167	2,566	
Total	5,926	6,307	12.233	
Education:				
Grade school	608	503	1,111	10
Some high school	427	500	927	8
High school graduate	1,701	2,519	4,220	37
Some college	1,226	1,289	2,515	22
College graduate	826	693	1,519	13
Post graduate	800	373	1,173	10
Subtotal	5,588	5,877	11,465	100
Not answering	338	430	768	
Total	15,926	6,307	12,233	
Occupation:				
Professional, technical	1,923	932	2,855	25
Manager, official, owner	765	161	926	8
Clerical	208	888	1,096	9
Sales	417	138	555	5
Service worker	270	109	379	3
Craftsman, foreman	593	10	603	5
Factory worker, machine operator	525	191	716	6
Nonfarm laborer	94	10	104	1
Farmer, farm worker	132	10	142	1
Housewife		3,142	3,142	27
Retired	518	258	776	7
Unemployed	24	45	69	1
Student over 18	141	59	200	2
Total	5,610	5,953	11,563	100
Not Answering	316	354	670	
Grand total	5,926	6,307	12,233	

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 3, 1969.

DEAR COLLEAGUE: On Monday, October 6, we plan to introduce the resolution on Vietnam (see below) which now has more than 89 co-sponsors, representing 33 states.

That morning we plan to hold a press conference at which we will release to the press the names of those who have indicated that they wish to co-sponsor. If you are in that group, we hope you will be able to attend this press conference, and if you cannot, you may wish to send a statement for distribution to the press. In either case, we would appreciate it if you could notify us if you will attend or send a statement. Many thanks.

Sincerely yours,
THOMAS P. O'NEILL (5111),
WILLIAM L. HUNGATE (2956),
PAUL FINDLEY (5271),
VERNON W. THOMSON (5506).

PRESS CONFERENCE

Date: October 6, 1969.
Time: 10:00 a.m.
Place: 2200 Rayburn Building.
Subject: Introduction of following resolution:

H. RES. ———

Resolved, That it is the sense of the House of Representatives that the substantial reductions in U.S. ground combat forces in Vietnam already directed are in the national interest and that the President be supported in his expressed determination to withdraw our remaining such forces at the earliest practicable date.

SDS AND NORTH VIETNAMESE DELEGATIONS MEET IN CUBA TO PLAN DEFEAT OF U.S. FORCES

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, I believe it is important that all Members of the Congress and the public be informed of a recent meeting held in Cuba between delegations of the Students for a Democratic Society—SDS—and representatives of the Government of North Vietnam, whose armed forces are daily wounding and killing American servicemen in South Vietnam.

Bernardine Dohrn, national officer of the SDS, recently described in the radical press how she, along with a delegation of SDS members, held a series of meetings in Cuba with North Vietnamese representatives during this past July. Dohrn declared that U.S. forces are being defeated in Vietnam and pledged "to do everything we can to speed up that defeat." As part of the plan to speed up the complete defeat of U.S. forces, Dohrn indicated that the SDS plans "to open another front in the United States" designed to get U.S. forces out of Vietnam. She pointed out that the initial SDS action in this regard is planned for October 8–11, 1969, in Chicago, where demonstrations in support of North Vietnamese forces will be held. On September 18, 1969, I reported to the House the plans of the SDS to launch massive demonstrations in Chicago during the period of October 8–11, 1969. Dohrn also called for slogans in support of the North Vietnamese forces to be placed "in every subway, everywhere" and she warned that "all institutions which in any way support the war will be subject to attack." In concluding, Dohrn called on local SDS chapters to increase their propaganda attack demanding immediate withdrawal of U.S. forces from Vietnam.

There are those who may scoff at the significance of this meeting, but let us make no mistakes: The SDS does not consider it insignificant. The intentions of the SDS are abundantly clear. We have already seen the effects of some of their stepped-up activities—property damage totaling millions has resulted; Federal troops, National Guard units, and police forces across the Nation have been pressed into action to meet SDS planned and sponsored student disorders; numerous arrests have occurred; and distressing and disgusting behavior and incidents related thereto have served to undermine the public's confidence in its country and its goals. In its current plan to assist the North Vietnamese by opening another front in the United States, the SDS is relying on collegiate dissidents and militants to bolster and accelerate this drive. It would be foolhardy for anyone to ignore or dismiss lightly the revolutionary terrorism of which SDS is capable. It is a serious threat to both the academic community and a lawful and orderly society.

ADVISORY COUNCIL FOR MINORITY ENTERPRISE

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, on September 17, the White House issued a statement in which the President announced the names of 63 leaders of our Nation who will serve on a new Advisory Council for Minority Enterprise.

For 5 years I have urged the Members of the Congress of the United States to provide for an inner city, ghetto insurance program. In 1965, I introduced a bill authorizing an appropriation of $280,000 in order that the Small Business Administration could conduct a study to determine the insurance needs of the small businessmen in our ghetto areas.

On September 8 of this year, I introduced H.R. 13666 which provides for an insurance program to help property owners and small business establishments in the inner cities of America. Over 50 of my colleagues in the House have joined me in cosponsoring this legislation. I have been assured by my distinguished colleague from Pennsylvania, the Honorable WILLIAM BARRETT, chairman of the Housing Subcommittee, that the subcommittee will conduct hearings on my bill in the latter part of October. I want to take this opportunity to inform my colleagues, who cosponsored this legislation and are as sincerely interested in the problem as I am, that they be alerted to the fact that hearings will be held on this legislation shortly. I know that each of the cosponsors of this legislation will want to present a prepared statement to the subcommittee so that its Members will have the full knowledge of the insurance problems that are facing both the homeowners and small businessmen in the inner cities of America.

Mr. Speaker, I take this opportunity to call to the attention of my colleagues that the President of the United States, in his recommendations to his new Advisory Council for Minority Enterprise, recognizes the insurance problems that face the people of our inner cities and ghettos. In outlining his recommendations to the Advisory Council he stated, and I quote:

> Both Secretary Stans and I look to this distinguished group for proposal of feasible methods to speed the flow of capital, ease credit facilities, obtain insurance—I repeat, Mr. Speaker, to obtain insurance—and to provide needed technical assistance, and thereby help eliminate many of the frustrations which have blocked so many minority Americans in their efforts to become a constructive part of our national economic life.

Mr. Speaker, I feel that with the additional support of the President of the United States and the Secretary of Commerce, much impetus has been added to the need for legislation such as I have proposed in H.R. 13666.

ALASKA STATE CHAMBER OF COMMERCE CONVENTION

(Mr. POLLOCK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. POLLOCK. Mr. Speaker, it was my privilege to attend the annual convention of the Alaska State Chamber of Commerce in Ketchikan, Alaska, on October 3, 1969. It was an excellent meeting, with many outstanding speakers participating. Each speaker had something to say and said it well.

John Borbridge, Jr., president and general manager of the Central Council of Tlingit and Haida Indians of Alaska and first vice president of the Alaska Federation of Natives, was one of the outstanding speakers. I was deeply impressed with his eloquent presentation of the basis and substance of the aboriginal native land claims which have been filed and cover virtually all of Alaska. Because the matter is before the Congress for resolution, and because the position of the natives is not generally known or understood, I ask unanimous consent to place the address of Mr. Borbridge in the CONGRESSIONAL RECORD in full, in order that my colleagues in Congress and others may have the privilege of reading this very excellent statement. I am sure it will give a better and more basic understanding to the members of the Interior and Insular Affairs Committee of the reasons the Alaskan natives are asserting their rights to lands used, occupied, and claimed by them and their ancestors.

Mr. Borbridge demonstrates the quality of leadership which has emerged among the Alaskan natives. He is intelligent, well educated, an excellent speaker, a prodigious worker, and a dedicated native, determined to assert the legal and moral principles upon which the claims of the Alaskan natives are based—and he does it well indeed.

Mr. Speaker, the outstanding address of Mr. Borbridge follows:

ALASKA NATIVE LAND RIGHTS

(By John Borbridge, Jr.)

The Alaska Natives are asserting their rights to lands, used, occupied, and claimed by them and their ancestors since time immemorial. Despite explicit guarantees which purported to preserve the definition of these land rights for later congressional action, the Indians, Eskimos and Aleuts of Alaska have seen their resources exploited and their lands taken. Many of them have been forced to live without the assurance of formal title to lands from which they wrested a living—as did their ancestors before them. They have observed laws so administered so as to cause them to lose their lands in ways that they did not understand, since they assumed that the laws were for their protection too. But they had confidence and they believed, and they waited.

The Excitement of statehood came to Alaska and everyone joined in making it possible for our great land to join the union of states. "Wait", we were counselled. "Let us attain statehood first; otherwise the resolution of this complex issue may delay and possibly indefinitely postpone this necessary event." The Alaska Natives believed and they waited. The Statehood Act passed, and under its provisions, the State began to select land. Indian Land, Eskimo Land, Aleut Land. Trustfully, the Alaska Natives looked to the disclaimer Clause which promised to preserve the status quo for a final disposition by the Congress; and yet, as of March 1, 1969, the disposition of the State selected lands was as follows:

Patented (title granted)	5,467,694
Tentatively approved	8,640,251
Selected, but not approved	11,579,575
Total	25,687,520

The time for a just and equitable settlement is *now:* The issue can no longer be deferred and the natives will not be ignored. The Alaska Natives seek justice and not charity. They do not ask to be given lands, but they ask for the right to retain a portion of that which belongs to them. They do not ask to be *given* money or compensation; but they ask, as a matter of justice, that compensation be paid to them in return for their agreement to extinguish their aboriginal claims to vast portions of this State.

In seeking a 2% overriding royalty provision, the Natives seek to participate in the return from the fruits of the land. Also, through this mechanism, they seek to forestall the need for ever returning through the Courts on the basis of an unconscionable settlement—for they too, seek a final settlement.

In addition to a just and equitable settlement, the Natives of Alaska seek the opportunity for maximum self-determination. They will not accept stifling paternalism. They seek the opportunity to realize their own vast unrealized potential for self-development.

You are businessmen, the entrepreneurs, the "doers." You have had to ride and fall on your business judgment and you want the facts. Your judgment as to your position on this issue will be measured in terms of its consequences long after we are gone.

Let it be clearly understood that I do not appear before you as spokesman for the Native people who advocates the cause of land rights, or seeks your support because of existing disparities in levels of health, education, employment and housing. Nor do I seek your support because I am a Native and you must help the needy Native people. I am here to articulate the firm basis of legal principles enunciated in a series of Supreme Court decisions, and our commitment to the development of national policy, which underlies the Alaska Native Land Rights, which we as Native people are asserting. This issue is of vital concern to all Alaskans.

The Alaska Native seeks a congressional resolution of this long pending issue. Our fellow citizens in Alaska and the South 48 are asked to formulate judgments on the land claims, while handicapped by a relative lack of relevant information, and a limited understanding of the complex principles involved. You have a responsibility for becoming informed, just as the Natives bear the responsibility for telling their story to Alaska and the Nation.

The fact is you cannot understand the Alaska Native Land Rights without understanding us as a people. A truly comprehensive analysis of the Alaska Native land rights must necessarily encompass concepts of Indian Law and an appreciation of the broad sweep and development of pertinent national policy; a respect for the heritage of the people who assert these rights; an awareness, of the potential economic impact on the State of Alaska, and, finally, the national conscience which must now respond to the explicit congressional guarantees given to the Alaska Natives 85 long years ago.

The policy of honoring tribal occupancy rights and purchasing Indian land antedated the Constitution of the United States and was further evidenced in the more than 300 treaties between the United States and the various Indian Tribes. It is pertinent to note that over two million square miles were purchased from the American Indians. It is this area which presently comprises the bulk of the present public domain lands. The United States paid France fifteen million dollars for the acquisition of political sovereignty over the historic Louisiana Purchase area. Over 300 million more dollars was paid to the Indian owners of the land for the extinguishment of their title rights. Someday, all history books will accurately chronicle the role of our Indian and Native Peoples relative to the growth of our country.

Thus, as a matter of national policy, the Congress has come to recognize the just principle of voluntary purchase and sale for a negotiated price in its dealing with the Indian Tribes. Nor have Indian rights lacked for a legal definition.

In addition to a just and equitable settlement, the Natives of Alaska seek the opportunity for maximum self-determination. They seek the opportunity to realize their own vast unrealized potential for self-development.

The Supreme Court of the United States has repeatedly held that aboriginal Indian Title to lands embraces the *complete beneficial ownership based on the right of perpetual and exclusive use and occupancy*. Such title also *carries* with it the *right* of the tribe or native group *to be protected fully by the United States in such exclusive occupancy against any interference or conflicting use or taking by all others, including protection against the state governments*. In short, as declared by the Supreme Court, aboriginal Indian ownership is as sacred as the white man's ownership.

The established law is that *only* the United States may extinguish aboriginal Indian ownership. Thus, Indian land claims cases in the South 48 arise out of circumstances in which the land was taken at some point in the past. Thus, for example, the Court held that the California Indians lost their lands in 1853 and a fair market value, as of the date of taking, was established in order to fix the amount of compensation. But Alaska is the sole remaining part of the United States which includes extensive areas *still used and claimed* by the aboriginal inhabitants based on rights of aboriginal occupancy. Thus, we assert that our Indian or Native Title has not been extinguished. We are not dealing with historic fact. This is a "here and now" situation.

With the exception of various portions of land, the Indian or Native Title to vast areas claimed by the Natives has not been extinguished. To quote from the Court of Claims in the case of the Tlingit and Haida Indians v. United States, Docket 47900, decided on January 1968, "This court has held that equitable and just compensation for land held by Indian Title is measured by the *date of taking fair market value* of the uncompensated for property rights. . . . The *value* of land held by Indian title is the same *as they held in fee simple* and not the value to its primitive occupants relying upon it for subsistence . . ." (emphasis added) Thus, the Court confirmed its previous theory of value and, at the same time, expressly rejected the notion that natives should be paid on the basis of values consistent with subsistence use. The implications for the statewide land claims are obvious.

Conservatively estimated, the value of lands now held by aboriginal title is, at least, in the tens of billions of dollars. This great value was recently illustrated by the more than $900 million which was paid on September 10, 1969 for the right to explore for oil on 400,000 acres of land used and occupied by North Slope Eskimos since "time immemorial."

Notwithstanding their knowledge as to the almost astronomical worth of lands that they are asked to give up, the fact is, the Alaska Natives do *not* seek the *full value* of any lands which may be taken as a result of a legislative settlement. They do this, knowing that previously established legal principles fixed valuations for Indian title lands as of the date-of-taking.

The Alaska Federation of Natives developed, as its first proposed solution to the native land claims, S. 2020. The proposal would have amended the jurisdiction of the Court of Claims and would have allowed the Natives to sue the United States in the Court of Claims. This solution still has its adherents. Furthermore, the prestigious Federal Field Committee, after extensive analysis, concluded, "The Alaska Natives have a substantial claim upon all the lands of Alaska by virtue of their aboriginal occupancy." Former Secretary of Interior, Stewart Udall, in testifying before the Senate Interior and Insular Affairs Committee on July 12, 1968, on the Alaska Native Land Claims stated, "Based on the standards adopted by the Court of Claims in the Tlingit-Haida case, the Natives could possibly establish aboriginal title to practically all of the State of Alaska. No one knows, in fact, I think it would be wise not to litigate that issue, probably."

Nevertheless, the Alaska Federation of Natives, reflecting the will of its constituents and demonstrating the responsible, unselfish character of the Native people, agreed that a complete and final legislative settlement is far more preferable than years of complex litigation.

To achieve such a settlement, the Natives are willing to accept much less than the value of what is being given up. The Alaska Federation of Natives' proposal which has been drafted into legislative bill form, seeks:

(a) Confirmation of title to land in the native villages which has been used and occupied by the native people from time immemorial. AFN proposes that said confirmation of lands should be in the amount of forty million acres.

(b) A payment of $500,000,000 and an overriding royalty of 2% of the revenue derived from the lands as compensation for lands previously taken, and as compensation for the extinguishment of any and all claims against the United States, based upon aboriginal right, title, use and occupancy of lands in Alaska by any native or native group.

(c) Recognition of a statewide Native corporation, and not more than twelve regional corporations as the management group for the land and funds.

(d) Creation of an Alaska Native Commission to assist in the administration of the Settlement Act.

Each of these concepts (confirmation of title to a specific amount of land, payment of compensation and provisions for the administration of the settlement) have been included in prior bills introduced in Congress.

The Alaska Federation of Natives' proposal considers the following factors:

(a) The Natives' desire to present a proposal which is politically realistic and which will help to advance a full and final legislative settlement by Congress;

(b) The immense value of the lands being given up;

(c) The ecology of Alaska and the need for adequate lands for subsistence purposes;

(d) The Natives' attachment to and dependence upon the lands which they have used and occupied for thousands of years; and

(e) The desire of the Natives to have sufficient funds to enable them to solve their own social problems and to be participants in (rather than outside observers of) development of Alaska.

The land is of paramount importance to the Alaska Indians, Eskimos, and Aleuts. Thus, the Alaska Natives are requesting that they . . .

"The Alaska Natives are requesting that they be permitted to retain 40 million acres for both subsistence and investment purposes."

Many Natives wish to continue a rural way of life. In a nation where individual freedom and self-reliance are highly valued, this preference should be given great weight in determining the amount of acreage to be retained.

Moreover, no matter what weight may be given to this preference or what the ultimate settlement may be, the fact is that the majority of Natives will be in the villages for very many years. Many Natives—particularly the elderly and those with very little education—would be destitute and miserable if, because of insufficient land, they were forced to move from their homes.

Thus, the alternatives to adequate lands for subsistence are (a) endangering the food supply and aggravating the poverty of Natives who remain in the villages, and (b) forcing many Natives into ghettos (either in cities or on reservations).

On the other hand, if adequate lands are

XUM

retained, the Natives will be able to make a meaningful choice between village life and urban life. Those who voluntarily choose urban life (primarily the young and more educated) will do so without bitterness or desperation, and should be able to make a satisfactory transition. They will view their move as a positive choice, and not as an expulsion from their land by the white men.

To the extent that any land is used for investment purposes the proceeds should (a) help Natives who have left their villages adjust to urban life, and (b) help all Natives adapt to the drastic social, economic and ecological changes which will occur because of the oil discoveries and Alaska's growth and industrialization. Moreover, through owning lands for investment purposes, the Natives will be able to develop managerial talents and increase the contribution which they can make to their state and nation."

There will be a land claims settlement. The push is on for a Bill before the end of this Congress. The continuation of the land freeze; the pressures to continue with the orderly development of our state, the oil discoveries, the high priority assigned to this matter by Senator Henry Jackson, Chairman of the Senate Interior Affairs Committee, and Congressman Wayne Aspinall, Chairman of the House Interior and Insular Affairs Committee, and finally—the determination of the Natives of Alaska to see justice done—are all helping to build up the pressures for congressional action.

Despite the focus on the scope and extent of the Alaska Native Land Rights question, I must observe that the Alaska business community *has not* demonstrated its usual perceptiveness and vision relative to the impending change that will affect the Alaska Natives.

Over 50,000 buyers, sellers, investors, entrepreneurs, hunters, fishermen—our native people—will receive the economic means to participate meaningfully in the growth of our state. They will join the policy makers in a more significant way as they receive the means to plan and to change their way of life and that of their children and grandchildren.

Native organizations will make wise selections of experts and technicians, including engineers, geologists, foresters, managers, investment advisors, accountants, economists and lawyers, to assist them in making their resources and lands productive. They will have an impact upon the State and Federal governments that will far exceed present efforts. Future discussions as to economic, business and related opportunities in Alaska will be meaningless without the Native peoples—because you will *need* us and because it will simply be good business. Your trade missions and exhibits and other means of selling opportunities in Alaska will include us because you will need us.

It is not just the self-image of the natives that must change. You, too, must see us in the light of the fast-moving events that are the result of our fight for our land rights and our more sophisticated political awareness. You, too, will need to change your image of us as a people.

The Central Council of Tlingit and Haida Indians of Alaska, which was established by an Act of Congress in developing plans for the disposition of $7 million received in satisfaction of the successful culmination of part of its land claims. The Tlingit and Haida Indians are using this sum in the aggregate as the most effective means of bringing optimum benefits to their people. The six plans developed by the Central Council include:

1. Scholarship Grants and Assistance for Education and Professional and Vocational Training.
2. Plans for Services for the "Special" (that is, the Elderly) Tlingit and Haida People.
3. Housing Guaranty and Loan Fund.
4. Community Development Fund.
5. Industrial and Commercial Development Fund.
6. Revolving Fund for Loans or Organization of a T–H Bank.

As the Tyoneks demonstrated vision and responsibility in the wise use of their resources, so the Central Council, as the first regional Native organization with significant cash assets, will assure all of you as to our competency and our vision. Profit-making and investment opportunities will also be carefully investigated. We intend to be active in individual Tlingit & Haida communities, the Southeast Alaska community and the State.

Your support for the Native land claims should be forthcoming because you want justice to be done.

Your support for the Native land claims should be forthcoming because Alaska Natives will never leave our State to retire elsewhere—and we will use our monies here.

Your support for the Native land claims should be forthcoming because we come before the Congress by right and because it is not only the claims issue that is on trial—but the willingness of the institutions which will be called on to do justice will also be tried. For, not to do justice would cost all of us, eventually.

We must maintain our good faith and trust in one another. Justice for all will securely bind us together just as surely as injustice and indifference would disrupt our relations. This occasion should mark the meaningful beginning of a dialogue between the business community and the Alaska Natives. We are all Alaskans. We share the same aspirations, goals and ambitions—a better Alaska. We invite you to join us in our struggle for justice. Let us resolve to avoid the temptation to try to assign total responsibility to the federal government. Justice is our joint problem and the Alaska native land rights is a unique opportunity to meaningfully work together.

RECOMMENDATIONS FOR AN INCREASE IN SOCIAL SECURITY BENEFITS

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, a few weeks ago, the administration announced that the President would soon be sending to Congress recommendations for an increase in social security benefits. Those of us who have been calling for increases for some time were both pleased and disappointed by the announcement. We were pleased that the President had finally decided to move in the direction of badly needed and long overdue increments; we were disappointed that he proposed only a 10-percent increase to take effect next April. On September 26, the President formally submitted his recommendations to the Congress and they might have afforded a measure of hope were it not for the fact that they are too little and will be too late to save many millions of American senior citizens from the brink of financial disaster. My mail, and I feel safe in saying, the mail of every Member of the House and Senate is replete with correspondence from social security recipients who have their backs right up against the wall. Their meager incomes remain stable while their social security checks and their savings are eaten up by inflation. This situation would be unpardonable even if we did not have the funds to carry out an increase in the benefits, Mr. Speaker. But we have the funds and we do not have to increase taxes measurably to make them available. Because of this, any further delay in increases is unconscionable.

I propose, Mr. Speaker, that the Congress consider and enact immediately, legislation which will contain a twofold guarantee: An across-the-board increase in benefits of 15 percent and a $100 a month minimum benefit, effective upon enactment. I have talked and corresponded with hundreds of recipients in my congressional district, many of whom have been retired for 10, 15, or 20 years and who are trying to get by on $75 or $80 a month. They cannot wait until April of 1970 for an increase. They need it now. And they need it desperately. We can do no less.

But, Mr. Speaker, our moral and societal obligations to the elderly and the needy of this Nation go farther than merely a raise in social security benefits. They should and must include expanded benefits under the program. There are thousands, indeed maybe millions of senior citizens who are, thank God, not hospitalized, but who are nonetheless ailing and require special services and special drugs not now covered under social security. Our moral obligations do not end with the provision of a subsistence allowance only. How can we as a nation say that we are meeting our responsibility to the old when hundreds of thousands of them live on a mere pittance, when circumstances force them to spend a larger than normal share of their benefits on drugs and home care, and when the essentials of life, which are theirs as a right, are denied them because of the high cost of living.

I propose that benefits be not only increased but expanded to include prescription drugs for nonhospitalized but chronically ailing social security beneficiaries and that home-care costs be borne in part by the social security program. Because of the crowded hospital and nursing home situation today, many of our senior citizens are not receiving adequate and proper treatment. The present structure does not afford them proper drug and home care. There is no excuse for allowing this deplorable situation to continue. I endorse and support the proposal advanced by former Health, Education, and Welfare Secretary Wilbur Cohen whereby chronically ailing social security recipients would have to pay only the first dollar for each drug and the remainder would be paid for out of the OASDI funds. I endorse also an expanded program of home-care for ailing recipients who need special services but who are neither hospital bound nor bedridden. We must pursue these goals vigorously and at once if we are to afford these millions of Americans, who have already given so much to our society and its economy, an opportunity to live out their lives in decency.

Mr. Speaker, there is yet another side to the social security program which is extremely important, but which seems to receive all too little attention, either in the media or here in the Halls of Con-

XUM

gress. We all know that retirement brings with it a reduction of earnings. That is the initial reason the social security fund was established over 30 years ago. What is not so apparent, however, but what is equally as significant, is the fact that thousands of retirees who could continue to make important part-time contributions to our society are denied that right by the ridiculous limits placed on outside income by the present social security retirement test.

Last January, our colleague from the other body, Senator TED MOSS, of Utah, brought the Special Committee on the Aging to Syracuse, N.Y., in my district, for the purpose of holding public hearings. During the course of those hearings he noted that:

> I think the greatest problem of all in age is not the slowing down of the physical mechanism so much as just coming to that sort of dead end where you feel there is no longer any contribution you are making.

Mr. Speaker, I think Senator Moss hit the nail right on the head. We all know that a part-time job can be not only financially rewarding for an older person, but that it can be therapeutically and psychologically invigorating as well. There is nothing so justifiably proud as a man or woman who is accomplishing something and who feels needed. There is nothing as proud as an individual who can stand on his own two feet. Yet the shameful lag on the part of Congress in not correcting and updating the retirement test denies that sense of accomplishment and that sense of contribution to thousands of our senior citizens.

Under the present system, a recipient may earn up to $1,680, plus $1,200, a year without losing any benefits. I propose that this be raised immediately to $2,000 so that those who can and those who want to supplement their incomes may do so without suffering unduly. And collaterally, I propose that the formula which would require a $1 deduction from benefits for every dollar earned over the new level of $3,200 be restructured to require a $1 deduction for every $3 earned. The administration has suggested a $1,800 cutoff and a $1 loss for every $2 earned over $3,000, but I do not feel this is adequate.

We are literally throwing away an incalculable asset in the talent and wisdom of millions of our senior citizens who have chosen to withdraw from the scene rather than lose their hard-earned benefits. This, likewise, is an intolerable situation which demands immediate attention.

These are not unreasonable goals; nor are they unattainable. We who are reaping the fruits of a prosperous and dynamic America owe them in large measure to the tireless dedication of the generation that preceded us.

We can neither ignore their plight nor shirk our responsibility.

THE PARADOX OF OUR PROSPERITY

(Mr. BURKE of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURKE of Florida. Mr. Speaker, although inflation is raging and the cost of living is reaching the boiling point, many Americans are not only able to keep their heads above water, but are relishing a time of unequaled prosperity.

Due to increased wages, their economic conditions are often quite livable.

I find it somewhat ironic, however, and tragic, that this is not the case with those who, by their very labors, inventiveness, and foresight, have enabled so many of us to enjoy the fruits of our prosperity, while they are in the midst of a period of unequaled austerity.

I am referring to those older persons receiving social security benefits who, after working all of their lives, have now retired in the hope of living decently on their retirement funds and incomes. The truth of the matter is that they could not foresee the time when the dollars of their life savings would be worth only a fraction of their original value.

To me, this represents a gross inequity in our society—a situation which is a paradox of our prosperity.

There are certain responsibilities which we must meet to those whose need is all too real. There is a need to eliminate this cruel condition which has already robbed millions of their hopes for a brighter economic future.

It is urgent that we address ourselves to this problem and effect an across-the-board increase in social security benefits of not less than 15 percent, which I feel is needed to meet the increase in the cost of living. The minimum should be no less than $100 per month.

I further feel that this increase should begin on January 1 instead of the proposed April date or on passage of such legislation, whichever is the soonest.

Sometime ago I introduced legislation to insure that social security recipients receive equitable benefits in the future based on increases in the cost of living, which is actually the only way to assist them in meeting the skyrocketing cost of living.

Our obligation is clear. We have no choice but to erase this paradox of our prosperity, for no price can be placed on the fulfillment of genuine human need nor on the acquisition of human dignity.

PRESIDENT NIXON'S SCHEDULE

(Mr. LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUKENS. Mr. Speaker, the other day my well-traveled colleague from Ohio, WAYNE HAYS, took it upon himself to make public the announced schedule of the President, apparently implying that this is all the President does.

Undoubtedly the honorable and well-traveled Congressman was judging by his own schedule, which is not especially known for its business.

It is obvious also that he has not been close enough to any President of either party to know that there is a public schedule of appointments as well as a private schedule, and that, even though this may not be the case with the honorable gentleman, Presidents have other duties than just to meet with people.

It may be that my friend, the honorable and well-traveled Congressman has been himself turned down in an effort to meet with the President. He should be more understanding of the demands on the time of the President. The President has many more important things to do than meet with his detractors.

For the edification of others who may, with more reason, have the same misunderstanding, let me go over, without mentioning names, the President's full schedule for last Thursday, which I have taken the trouble to obtain.

At 8:30 a.m. the President held a staff meeting.

From 9 until 10:15, he met with a group of Senators on matters of importance to our Nation.

From 10:15 until 11, he met with his national security advisers. From 11 until noon, he received new diplomatic representatives from five different nations.

At noon he met for 20 minutes with his chief of protocol, Ambassador Emil Mosbacher.

At 12:20 and again at 12:25 he did meet with old friends—briefly.

In the afternoon he met with one more Senator, Dr. Arthur Burns, White House Counsel John Ehrlichman, Dr. Kissinger, and Peter Flanigan.

Mr. Speaker, in itself this was a pretty busy day. It does not take in the papers that needed to be seen or signed, phone calls made and received, or just plain thinking time.

There are those among us who prefer to talk rather than think, who prefer to belittle others rather than earn respect for themselves. Fortunately, the President of the United States is not one of those.

STATE DEPARTMENT'S FAILURE TO SEEK U.N. HELP FOR RELEASE OF ISRAELI CITIZENS STILL HELD BY SYRIA FROM THE TWA AIRLINE HIJACKED TO DAMASCUS IS INDEFENSIBLE

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, 1 month ago I wrote to the State Department and asked that the State Department summon a meeting of the U.N. Security Council as soon as possible to demand the release of two Israeli prisoners—two passengers taken from an American airplane when it was hijacked to Syria—who are still being held in Damascus. Other Members of Congress have written a similar request to the State Department. Also, today I learned that 13 nations have asked that the U.N. intervene in attempting to halt the rising incident of airplane hijackings.

I have been advised by the State Department that it cannot take this action. In response to my request, the State Department has stated:

> In our view, the interest of the detained passengers and international civil aviation in general are best served for the time being by the quiet, persistent efforts we have been

XUM

making, rather than by a public approach that could worsen their plight and interfere with other efforts being made. There are hopeful indications that the Syrians will release the passengers if the psychological climate is right and, therefore, we wish to avoid any action that would provide the Syrians cause to continue holding the two men.

Mr. Speaker, this answer and this statement on behalf of the State Department is indefensible. These two passengers have been held prisoners illegally for almost 2 months. Without any question, they were passengers on an American carrier that was hijacked and taken to Syria. These two passengers were removed from this American carrier and with no provocation are now being held prisoners by the Syrians. This is an outrageous violation of every standard of conduct among nations.

Mr. Speaker, this scandalous conduct by Syria jeopardizes the whole structure of American international travel. We as a nation have a duty and responsibility to protect passengers on American carriers. I was astounded and appalled that the State Department would take such a wishy-washy position on this matter. I believe the State Department should reconsider its position and demand the U.N. Security Council insist on release of these two prisoners forthwith.

Mr. Speaker, if the average American corporation had as many failures in the conduct of its business as the State Department has had in conducting our international affairs, we would all be bankrupt.

I call to the attention of my colleagues my original letter to the State Department and the Department's reply. The two letters follow:

SEPTEMBER 8, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: Ten days have now elapsed since the Trans World airliner was hijacked by Arab terrorists and taken to Damascus. You will recall that all but two of the passengers on this international carrier flying an American flag have been released. I am deeply concerned about the remaining two passengers over whom, I believe, the United States has considerable responsibility, if for no other reason than because they were legal passengers on an American-owned commercial aircraft.

I hereby request that you take appropriate steps as soon as possible to summon a meeting of the Security Council at the United Nations and demand an immediate release of these two passengers.

The only crime that these two Israelis still being detained by the Government of Syria have committed is that they were innocent passengers on an American international air carrier. So far as I can ascertain, this is the first time in modern history that a nation has deliberately detained passengers from an aircraft as hostages for terrorists who hijacked the aircraft.

I am astounded that our country has not taken more forceful action already. I have read with interest your own very strong statement denouncing this international piracy at the time the hijacking occurred. I commend you for this statement, but the statement alone is not enough.

Nor am I at all persuaded by arguments of those who urge no action at this time because of the "delicate" negotiations for the release of these two Israeli citizens.

I believe the most effective means of securing the immediate release of these two passengers on an American aircraft is for the Security Council to serve notice on the Government of Syria that any harm to these two people will bring the strongest retaliation by the combined membership of the United Nations.

It is unconscionable that the free world has remained silent on this issue for so long. Secretary General U Thant has tried to persuade the International Federation of Pilots Association against the worldwide strike of airline pilots in protest against this hijacking, and even more against the illegal detention of these two Israeli passengers. Mr. U Thant would better serve the cause of justice if he addressed his energy toward a meeting of the Security Council for immediate action.

It is my honest judgment that a continuing failure by the United States and the other major powers to deal effectively with Syria's cruel detention of these two innocent passengers will only beget more actions of terrorism against the United States. We have seen already one example in Brazil and we are now witnessing a tragic story unfold in North Korea.

I urge you to instruct your aides for an immediate petition to the Security Council for an emergency meeting to demand the release of these two passengers. For the United States to delay in providing maximum protection for these two passengers will seriously shake confidence in the integrity of the entire American international carrier fleet and in my judgment will have not only serious moral consequences, but even some economic setbacks.

Your cooperation in this matter will be greatly appreciated.

Sincerely yours,
ROMAN C. PUCINSKI,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., September 17, 1969.

Hon. ROMAN C. PUCINSKI,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PUCINSKI: The Secretary has asked me to reply to your letter of September 8 requesting that the United States Government summon a meeting of the UN Security Council as soon as possible to demand the immediate release of the two Israeli citizens still held by Syria from the TWA airliner hijacked to Damascus.

Since the hijacking, which the Secretary in his statement of August 30 strongly condemned as an act of international piracy, we have been in continuous and close touch with the Government of Italy which represents U.S. interests in Syria and which has approached the Syrian Government on our behalf. We are also in touch with numerous other governments having relations with Syria as well as with international organizations concerned with air travel to enlist their support for our efforts to secure the immediate release of the detained passengers. I can assure you that we are continuing intensive efforts through all available channels on behalf of the remaining passengers of this United States flag aircraft.

Although I understand very well your strong feelings on the subject, we do not see at this stage of our efforts to gain the release of the detained Israelis that a Security Council discussion of the matter would be useful. The main reason for our preference not to raise the issue in the UN at this time is that it is doubtful, in view of the current emotion-charged atmosphere in the area, that we could keep a Security Council debate on the hijacking issue from becoming embroiled in the complexities of the overall Arab-Israel issue. Moreover, there is little prospect, in our view, that the ensuing debate would produce any action that would help the two detained passengers. On the contrary, it could very likely have just the opposite effect at this juncture causing the Syrian position to harden and failing to obtain the release of the two detained passengers.

In our view, the interests of the detained passengers and international civil aviation in general are best served for the time being by the quiet, persistent efforts we have been making, rather than by a public approach that could worsen their plight and interfere with other efforts being made. There are hopeful indications that the Syrians will release the passengers if the psychological climate is right and, therefore, we wish to avoid any action that would provide the Syrians cause to continue holding the two men.

I agree with you that the U.S. Government at all levels must do everything possible to uphold the integrity of American flag carriers. All our airlines, as well as the USG, feel an obligation for the welfare of foreigners who choose to fly with a U.S. flag carrier. The U.S. expressed strong concern several years ago when Guinean passengers were removed from a Pan American aircraft at Accra and we would feel equally strong should, for instance, Latin Americans be detained from a U.S. aircraft diverted to Cuba.

You can be assured that we are following this situation very closely and will take whatever steps, including recourse to the UN Security Council, that we consider useful in the light of future developments.

I hope the foregoing information will be helpful to you.

Sincerely,
WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

POLLUTION COSTS

(Mr. MORSE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MORSE. Mr. Speaker, last week I inserted in the RECORD for the attention of my colleagues, two of a series of articles by Lowell Sun reporter, Franz Scholz on the pollution problem of the Merrimack River Basin: the first dealt with the visual and olefactory effects of the river's pollution; the second, with its effects on aquatic life in the river and on human existence along the banks.

The following is the third article by Mr. Scholz, who canoed up the Merrimack and Concord Rivers, traversing the same route plied by Henry David Thoreau in 1839. As one of the "crew" during a day of this journey, I was witness to the devastating effects of pollution on the recreational potential of the river and the value of the land along its banks described in this installment.

Franz Scholz begins with the comment that "the cost of pollution in the Merrimack staggers the imagination." I am indeed hopeful that through his efforts to bring these facts before the citizens of the Merrimack River Basin, he will stir their imagination, and encourage the public commitment to clean it up. We cannot afford not to. And indeed, a clean river may well pay for itself:

POLLUTION COSTS

(By Franz Scholz)

LOWELL.—The cost of pollution in the Merrimack staggers the imagination.

The loss of income due to pollution to the people of the cities and towns along the river's banks amounts to an estimated $40 million annually and is continually rising.

The cost of cleaning up the river is more than six times that figure.

In addition to dollar and cents costs of pollution, there are numerous immeasurable costs. Untold hours of pleasure derived from swimming, boating and fishing are lost because of the human and industrial waste infesting the water of the Merrimack, producing obnoxious odors. These wastes also pose as a potential threat to the health of communities using the river as a public water supply and farmers using it to irrigate their crops.

We base our estimated $40 million annual loss of revenue to pollution of the Merrimack on a 1966 Federal Water Pollution Control Administration (FWPCA) estimate. In 1966, the FWPCA set the estimated loss of revenue at $37,000,000. Using this estimate and applying a rate of three per cent increase per year during the period of 1966 to 1969, we arrived at our estimate.

Of its $37 million annual total, the FWPCA estimated that cities and towns along the Merrimack miss out on $21,300,000 annually in income which could be realized from the fishing, swimming and boating potential of the Merrimack if it were not polluted with human and industrial wastes.

Another $9,100,000 annually goes begging because of deflated value of the 1,830,600 feet of river bank footage available along the Merrimack and Nashua Rivers.

As a result of the pollution and deflated land values along the river, cities and towns on its banks lose out on an additional minimum of $5,500,000 in increased tax revenues.

Finally, the polluted state of the river deprives cities and towns bordering on its banks of an additional $1,100,000 in the loss of the commercial value of the rivers estuary and other miscellaneous benefits.

During our trip up the Merrimack last month in which we traversed the route plied by Henry David Thoreau in 1839, we found practically all the land along the banks of the Merrimack could easily be made into beautiful sandy beaches, shady picnic areas, sancturaries for birds and other wildlife or could become peaceful spots for river front homes, hotels and resort dwellings.

Much of the land along the banks, especially on the long, largely uninhabited stretches between the large cities, reminded us of the banks Thoreau described on his journey up the Merrimack.

"Other roads do some violence to nature, and bring the traveler to stare at her," he wrote, "but the river steals into the scenery it traverses without intrusion, silently creating and adding to it, and is as free to come and go as the zephyr."

On our "retired and pleasant" route between Nashua and Manchester, we found little, other than the river "creating and adoring" the willow and pine trees which grace its white, sandy banks. Accompanied only by sea gulls, long-legged cranes and other birds, we left Nashua at seven in the morning on the fourth day of our journey and headed towards Manchester. By midmorning we had passed some factories in Merrimack, N.H. and then did not come upon a home until mid-afternoon as we reached the Manchester city limits.

Other stretches were equally as pleasant.

On the second day of our trip, Cong. F. Bradford Morse joined us as we turned out of the Concord River into the Merrimack just below Bridge Street in Lowell.

The Lowell factories uglied the left side of the Merrimack as we headed in northerly direction. The Congressman, however, was taken in by the white sand, willow trees and pleasant surroundings on the opposite bank.

"Beautiful," he said, as he looked at the unmolested trees on the Pawtucket Boulevard side of the river in Lowell.

Wanting to see more, he urged us to transgress temporarily from our course and head downstream towards Lawrence. Obliging, we sailed under the Hunts Falls Bridge only to find the river banks grew more and more inviting.

Sea gulls perched on rocks in the falls and we saw our first long legged crane tempting us to go even further.

That afternoon, Arthur Rowse, a national columnist from Washington, accompanied us as we made our way up the river, again in back of the Lowell factories and on to the Tyngsboro Bridge.

As we passed in back of the Lowell factories and Northern Canal area, he urged us to motor in for a closer look at the trash littered banks. Again, we obliged, although from a distance we could see only rats feeding on waste, old tires, cans, bottles, other rubbish and dead wood scarring the banks. As we got closer, however, we found the banks consisted of a fine sand. Removing some of the rubbish dumped there, we found even more sand.

"How nice this would be if the city only spent a little money to clean up this rubbish," Arthur said.

Equally potentially beautiful banks lay hidden beneath junk automobiles, refrigerators, cans, bottles and other areas used to dump rubbish along the banks of the river. When we removed the rubbish, the banks appeared much the same as Thoreau saw them in 1839: "The course of the Merrimack can be traced from the nearest mountain by its yellow sandbanks."

According to the FWPCA there are 173 miles of such beautiful bank footage available along the Merrimack and Nashua Rivers, most of which we found that except for dumping refuse, man rarely explores or makes use of. Ironically, the most pleasant banks we found where along sections in which we traveled for hours without seeing a home, factory or life other than sea gulls sitting on rocks in the middle of the river, an occasional fish jumping on the surface of the water or squirrel playing on the banks.

How easy it would be to turn these banks into beautiful beaches, picnic areas, boat landings, or choice river bank house lots. My traveling companion, Richard P. Taffe Jr. and I kept telling each other we envisioned an area as a boat landing or as a picnic area—after the bottles, cans and other debris were removed. Other spots at which the river had deposited large amounts of sand (up to 10 and 12 feet deep) along the banks, we envisioned as pleasant beaches.

On a stretch well over a mile long between Merrimack and Manchester, N.H. and abounding with shady pine and willow trees set in white sand, we pictured turning into both a picnic area and bathing beach. All one had to do, Dick observed, was put in picnic tables, the river had provided the white beach-like sand along the banks and nature the trees.

But, the pollution infested waters of the river, beautiful by nature, but scarred with man's filth, attract few people to its unmolested banks.

More than 10 million people live within an easy day's ride of the Merrimack, and an additional 6.5 million are expected to reside in the area by the year 2000.

The potential recreational value of the river is further realized by the fact that 41 per cent of the population prefer water-based recreational, activities and they spend a minimum of $8.00 a day for food, lodging, transportation and miscellaneous items while doing so.

We found that few of the 10 million-plus population living within a day's drive of the Merrimack were spending their recreational time and money on the river. Instead, repelled by the polluted water, we found that people who live within walking distance of the Merrimack spend their vacation time fighting traffic to get to beaches on the North Shore, Cape Cod or to lakes in New Hampshire and Maine.

While we saw two or three groups of youngsters swimming in the Concord, we did not see a single person swimming in the Merrimack (one Tyngsboro family, however, said they swim in the river, and although we did not see any doing so, people along the river above the dam in Manchester also say they swim in the river).

Instead, we saw a "bathing prohibited" sign posted on the back of the old Lowell Bath House on Pawtucket Boulevard.

We passed only a few people boating or fishing in the Merrimack. On the Sunday we plied the river from Lowell to the Tyngsboro Bridge, we passed perhaps a dozen boats. We did not see any other boating until three days later when we got above the dam in Manchester at which point nearly every riverbank home had a boat docked in the water.

As noted in a previous article, we saw only six groups of fishermen (three of which were fishing over sewage outfalls) during our six days on the Merrimack. Yet, the FWPCA reports that "the main stem of the Merrimack River could support an additional 290,000 man-days of fishing per year." Furthermore, statistics reveal that fishermen in the United States spend $10.00 per fishing trip, and that their numbers will triple between 1960 and 2000.

The failure of people to make use of the bathing, picnicing, boating and fishing potential of the Merrimack is due solely to its pollution infested waters. Pollution prohibits bathing. Fishermen do not like to fish the water and most refuse to eat their catches because of the raw sewage it feeds on.

We found that people who live on the river banks dislike boating in the polluted water and since they won't go swimming, refuse to go water skiing on the river.

Thus, as a 1966 FWPCA report states, although "water-oriented activities has been increasing rapidly on a national scale, especially near centers of population . . . a similar increase has not been possible in the Merrimack River basin because of its pollution condition."

The result is an estimated loss of more than $21 annually in potential recreational revenues on the river.

Pollution also deflates land values on the banks of the river. In 1966, the FWPCA estimated that if the river were cleaned up, the total increase in the value of land on the banks of the Merrimack and Nashua rivers would increase $91,400,000. It further estimated that developments constructed on the land would equal the increased land value, making the total increase value $182,800,000. This value was then pro-rated over a 20 year period so that each year would have a value of $9,100,000.

Some large land speculators, hoping to gain large profits if pollution in the river is abated, have already started buying large amounts of land along the banks of the river in New Hampshire. Local officials in New Hampshire, for example, reported that a large realtor, who also holds a position with the New Hampshire state government recently purchased large areas of land along the banks of the Merrimack between Nashua and Manchester, N.H.

A Billerica realtor also recognized the potential value of land along the Merrimack. He told us of his plans to build a 288-unit apartment building on a 30-acre site on the Pawtucket Boulevard side of the river in Lowell.

Asked why he decided to invest so substantially on the river, he felt the river would enhance the value of his apartments. Our site, he said, gives a "good unobstructed view of the river."

Asked if the pollution in the river would jeopardize his investment, he said his apartments would be far enough from the river so they would not receive any odors caused by the pollution. Moreover, he has faith and "feels there will be action taken to clean up the river."

Until that time comes, however, property values along the banks will remain low and cities and towns will continue to lose millions in tax revenues yearly. In 1966, the FWPCA, considering only property tax and using a basic tax rate of $30 per $1,000 per year or three per cent, estimated the loss of tax revenues on river banks property at $5,500,000.

The estimate, however, is obviously a minimum, considering that some tax rates are $100 per $1,000, and higher. (Lowell's tax rate is $132 per $1,000.)

The pollution infested water of the river accounts for other monetary losses to the people of the cities and towns along the river. Lowell and Lawrence, the two communities using the river as a public water supply, for example, could realize as estimated $8,300 yearly savings in chemicals used to treat their drinking water if the pollution count of the river were not so high.

Industries using the river's waters in their manufacturing processes also have to treat the water before using it. A paper company on the Nashua River spends more money on treating the water before it enters their plant than it does to treat the water when it comes out the other end as waste. If the river were not polluted, this and other companies could save the money expended to clean the river's water before they use it and spend their savings on facilities to clean the polluted water they pour back into the river.

Industries along the river would realize other advantages if the pollution in the river were abated. A clean river, offering bathing, boating and fishing opportunities, would make it easier for industries to attract employees to the area. People attracted to the area to take advantage of the recreational opportunities would also patronage local businesses.

In its present condition, however, the river offers industries only a convenient disposal for their wastes and, for some, a source of power.

Moreover, because of its pollution, the commercial value of the river's estuary is all but ruined. The FWPCA and Commonwealth of Massachusetts estimated in 1965 that approximately $300,000 worth of clams could be harvested annually in the river and that the total value could well exceed $500,000 and might approach $1,000,000 annually.

But, because of pollution the shellfish beds in the estuary of the river were closed to harvest in 1926 and shellfish can be taken in only specified small sections. Thus, the commercial value of the soft shell clam harvest in 1964 was only $14,000.

The cost of cleaning up the river basin federal officials estimate to be about $250 million. (A pollution abatement plan advocated by Dr. Bela Fabuss, director of the Environmental Pollution Division of the research department at Lowell Tech, and described by him in the final article of this series, would cost the cities and towns along the river basin considerably less.)

The cost to the city of Lowell for one pollution control program carries a $15.3 million price tag. A waste treatment plant presently being constructed in Merrimack, N.H., one of the smaller towns on the river, will cost approximately $5 million.

Although the costs to the cities and towns for sewage treatment facilities are staggering, they could be offset by the income from recreation, increased land values, property taxes, savings on costs of chemicals now needed to treat the river water for drinking purposes and other savings to industries located along the river.

Moreover, with a substantial pollution abatement program, the river would pose as less a hazard to public health than it does now.

Presently, the river between the Pawtucket Falls dam and the Tyngsboro Bridge, the stretch along which the intake for the Lowell water supply is located, has been given a Class B designation.

This does not mean, however, that the water in the river at that point meets its Class B designation. It means merely that the state desires that stretch to reach Class B quality and that polluters are forbidden to pour wastes in the river which would cause the water to fall below the desired quality standard.

Since designating that stretch as Class B, however, the state has set a "deadline" by which polluters in the area must meet the designated water quality standards. But, it has not yet initiated enforcement action against polluters violating those standards.

As a consequence, the actual quality of water in the river, according to 1967 figures, between the Pawtucket Falls and the Tyngsboro Bridge, corresponds to water meeting only Class D and E standards.

A Class D designated river is defined as suitable only for transportation of sewage and industrial wastes without nuisance and for power, navigation and certain industrial uses.

Class E River is defined as totally "unsatisfactory."

A Class B designation would make the water acceptable for public water supply with filtration and disinfection—its actual Class D or E quality does not.

Although Lowell and Lawrence are the only communities presently using the river as a public water supply, the FWPCA estimates that "as populations rapidly increase in many of the cities and towns along the Merrimack River, additional municipalities may need to use this convenient source of water supply."

In addition to being used as a public water supply, the river's water is used untreated by farmers to irrigate their crops.

As we plied the river between the state line and Manchester, we saw several irrigation pumps farmers had set up along the banks of the river.

Although the water in the river at these points has been designated as either Class B or C, the actual quality of the water again corresponds to Class D and E water.

The FWPCA designates only Class C water as suitable for irrigation of crops not used for consumption without cooking. The crops being irrigated by some of the farmers we met along our route, however, included tomatoes and other vegetables consumed without cooking. Some of these farmers were selling their crops irrigated with Merrimack River water at roadside stands.

In 1966, the FWPCA purchased some of the vegetables irrigated with Merrimack River water from farmers at the same roadside stands we visited. All were vegetables that ordinarily are eaten without cooking.

Laboratory tests revealed that a "significantly greater number of fecal coliforms were present on vegetables grown on those farms that used Merrimack River water for irrigation than on vegetables which were not."

(During our trip we also purchased some vegetables irrigated with Merrimack River water from a farmer at a roadside stand, but after carrying them with us in our boats for two days, learned that they would no longer allow for a reliable analysis of fecal coliform count in a laboratory.)

Public officials are well aware of the costs pollution imposes on the cities and towns bordering the river as well as the potential heatlh hazard the pollution poses to their communities, yet they do little about it.

While on our trip, for example, we met with a Lowell city councilor who was alarmed over the amount of ammonia being taken in at the Lowell city water plant intake. Less than a week later, however, the Lowell city council refused to vote authorization for the city to borrow $5.3 million to proceed with plans to control pollution on its portion of the Merrimack.

Like Lowell, most of the large cities we visited on the Merrimack have plans to treat their sewage before spilling it into the river, but they are not willing to spend the money to implement them.

From talks with officials in these cities and towns, we learned of three reasons why these plans rarely get off the drawing boards. They are the constant concern of local officials over the plight of large industrial polluters in their communities, their tendency to blame the pollution of the river on cities further upstream and not themselves, and their reluctance to show the taxpayers the bill to construct the needed facilities—especially at election time.

In some of the large cities on the river, industries pour nearly as much solid wastes into the river as do the public sewer lines of the cities themselves.

If the communities allow these large industrial polluters to tie into public city sewers and treatment plants it would, in some cases, increase by 100 percent the cost of constructing and maintaining the treatment facilities.

Three large paper mills on the Nashua River in Fitchburg, for example, have more than twenty times the solid waste contained in the public sewage to treat.

The cities often cannot and should not pay to treat the wastes of such large industrial polluters.

Fearing that the industries may move from the cities if they are forced to treat the wastes independently, the cities and their large industrial polluters, as the case in Fitchburg, often arrive at a compromise whereby the city and large industrial polluters share the costs of constructing and maintaining treatment facilities.

Where the industrial polluters are not exceptionally large, some cities have agreed to let them tie in with the public sewer system at no additional expense.

In other instances, we found cities often ignore the large industrial polluters, allowing them to dump freely into the river.

Finally, in Manchester, we found that the city allows one of its larger polluters to call the waste it dumps into the river city sewage.

In this way, any attempt by state or federal officials to control the sewage being poured into the river by this polluter must be taken up with the city of Manchester and not the firm which is actually doing the polluting.

From talking with the owners of the pollution plant, we learned that they had no intentions of ever treating their wastes—composed largely of blood and other animal wastes, which they said made the fish in the river grow to monstrous proportions. (They agreed, however, that they would not like to swim in it.)

Moreover, they told us that eventually large mid-west slaughter houses will force them out of business. Thus, the city finds itself in the ridiculous position of protecting a polluter which sees no future for his business in the area.

Merrimack, N.H., is caught in a totally different situation. It is presently constructing a treatment plant (the only city on the river presently doing so) to attract a large brewery which promises a bright future for the city. (Actually, the Anheuser Busch Brewery agreed to locate in the city only if the community constructed a waste treatment plant to handle the city's as well as its own wastes.)

A "What good is it going to do us if other communities on the river don't treat their wastes" attitude also slows the pollution abatement process.

Little improvement in the water in the river above the Pawtucket Falls, for example, would be realized if Lowell constructed a facility to treat its wastes. Most of the pollution in the river at that point is caused by cities and towns further up the river. Thus, people in Lowell asked us, why should their

XUM

city expend large sums for treatment facilities if Nashua and Manchester don't do likewise.

In every city we visited, people asked essentially the same question, always blaming the pollution in their waters on the cities further up the river. State and federal officials, it seems, must move with equal vigor to make all communities do their share or none of the cities will act to treat their sewage until their neighbors upstream do the same.

It is for this reason that the commonwealth's case against the city of Amesbury, a small city near the mouth of the Merrimack, is so important. Earlier this year, the state moved against Amesbury for not meeting the water quality standards set for it.

The case against Amesbury is a test of the state's authority to enforce its water quality standards. Should the state fail, other larger cities than Amesbury, unimpressed with the state's enforcement authority may be encouraged to continue violating the water quality standards in their areas.

We learned, however, that large polluters—both public and private—fear public criticism and are more apt to become concerned when it is directed towards them, than they are when the states threaten action. Most of the large industrial polluters we spoke with on the Nashua River, for example, feared the public criticism Mrs. Hugh Stoddard and the Nashua River Clean-Up-Committee could level against them than the yet unproved enforcement powers of the states. No such citizens committee exists on the Merrimack, thus freeing polluters of the river of such criticism.

The final and perhaps most pathetic reason why cities are so slow in acting to treat their sewage is city officials often feel that their communities cannot afford to pay for the facilities needed to treat their sewage "at this time."

As noted, there are very expensive items, and elected officials, especially during an election campaign, are often reluctant to approve such huge expenditures.

This, it appears, was the motivating behavior of Lowell city councilors, who last week, in the middle of an election campaign, delayed voting to authorize funds for sewage treatment facilities in the cities.

HEMISFAIR '68—FINAL REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, 1 year ago today, HemisFair '68 closed its gates for the last time, marking the end of the celebration that served as a birthday fiesta for San Antonio's 250th year. The United States, 23 foreign governments, the State of Texas, and various commercial exhibitors helped attract 6,384,482 persons to HemisFair—the first international exposition ever held in the Southwest. Today, a year after the closing of the fair, enough time has passed to allow us a sense of perspective about the exposition, what it did, and what its legacy to San Antonio may be.

HemisFair was an unprecedented undertaking for San Antonio. The magnitude of conceiving, planning, financing, and executing a world's fair required the city to invest vast amounts of time, talent, and resources in a venture that everyone knew could either end in disaster or help launch San Antonio into a period of unprecedented growth and prosperity. I believe that the record shows that HemisFair was an enormous, glittering success—success far beyond what anyone ever dreamed possible in the beginning, success that confounded doomsayers and optimists alike. The end of HemisFair marked the beginning of a new and hopeful era for San Antonio.

BACKGROUND

No one can say for certain when the first idea of staging a world exposition in San Antonio was mentioned. However, the origin of HemisFair was in January 1962, when I arranged a meeting with the then Secretary of Commerce Luther Hodges to discuss with him my idea for a trade fair in San Antonio. I had in mind a permanent, international trade mart, which would be a place where people from all over the Western Hemisphere could come and trade their goods, and exchange ideas and skills, to the mutual betterment of the whole hemisphere. Secretary Hodges warmly received the idea, but warned that it could never work unless the whole community gave its support to the project.

I was encouraged enough by Secretary Hodges' attitude to broach the idea publicly. I asked a distinguished San Antonio businessman to set up a meeting of business leaders in San Antonio, for the purpose of discussing world trade in general, and a trade fair in particular. A world trade seminar in June, 1962, developed a spark of interest, and Mr. William R. Sinkin helped form a steering committee to study the possibilities in earnest. I give great credit to Mr. Simkin, and to his fellow committee members—their faith, and the faith they inspired in others—made it possible to examine the possibilities carefully, and to develop an actual operating group to test out ideas and develop detailed proposals. A little more than a year after my meeting with the Secretary of Commerce, there was a corporation—San Antonio Fair, Inc., which had some financing in the form of a $100,000 bank loan, and there was a solid economic feasibility study underway. By now the idea had grown into a fullfledged world's fair, and many people in San Antonio were, like myself, convinced that the right idea had come along at the right time and in the right place. In April, 1963, San Antonio Fair, Inc. examined its feasibility studies, took a deep breath, and voted to commit itself to carrying out an international exposition.

The first order of business was to obtain financing to cover the preopening costs of the fair corporation. Next the core staff had to be assembled, and then planning operations started in earnest. Finally, 5 years later, the gates would open—it was hoped—on the first international exposition staged in the Southwest.

Once the idea of HemisFair got around, people responded to it with an enthusiasm that was unheard of in San Antonio. The city had for years been torn by factional disputes, and for 30 years had been a state of economic stagnation. Few people believed that the city had very much of a future, or could stage a big and complex event. All of this changed when people heard of HemisFair. Here was a project to fill the imagination, an idea that people could respond to, and an invitation for everyone to help. HemisFair, if it was to succeed, needed everyone, and everyone proved willing to do his share. Suddenly, San Antonio was united as it had never been before. A $30 million bond issue to finance improvements that would be necessary for the fair passed by an overwhelming margin—not a single precinct reported a negative vote. To obtain bank loans, the fair corporation asked local businessmen to underwrite the obligations of the corporation. The response was overwhelming—individuals and businesses alike agree to underwrite the loans needed for interim operations. A loan of $4.5 million was needed, and pledges reached $5.543 million by September 1963. HemisFair had a staff, had money, and was ready to begin operations in earnest.

The first big decision was to go ahead with the fair, but the second was, where to hold the show, and how? The staff recommended a downtown site, and the decision then was taken to have the fair on a 92.6 acre site to be acquired and cleared by urban renewal. So it began, and the first visible operation was a $12.5 million urban renewal project, which would rebuild downtown San Antonio.

Next, the site had to be planned, and governments, both our own and others, invited to participate. This involved an enormous selling task, but when it was all over, the United States, 23 other countries, and a number of other exhibitors opened a show that revolved around the theme, "Confluence of Civilizations in the Americas." HemisFair depicted how men from many other countries came to the Western hemisphere and developed many new countries, and civilizations which mingled into what we hope will be a mighty confluence of mankind, much as men from many lands came to San Antonio to live together and form a great and growing city.

HEMISFAIR

HemisFair 1968 occupied a site 92.6 acres just south of the central business district of San Antonio. The structures associated with the fair cost $156 million, and included the U.S. pavilion, a very large and handsome one, and the Texas pavilion, also very large and distinguished. Industrial and foreign exhibits were housed in standard modular structures. A new, $13 million convention center offered exhibit space, a theater for performing arts, an arena, and other facilities. A 622 foot concrete tower, the Tower of the Americas, dominated the scene, offering views from the tallest observation platform in the hemisphere. Sprinkled in among the new buildings were 27 restored buildings, all of which had been preserved because of their historical significance to San Antonio. People could easily walk from one part of the fair to another by wide thoroughfares that could best be described as "people expressways" or they could ride either on a mini-monorail or a skyride. Others traveled to and through the grounds by means of boats, which cruised a lagoon and waterway system created from the San Antonio River.

At HemisFair, people could see exhibits ranging from a priceless collection of

Spanish art masterpieces to a show of paper products. People could see the finest collection of folk art in the hemisphere in the Girard collection, which was fully exhibited for the first time at HemisFair, or could see the KinoAutomat show, or Les Poupees de Paris, or they could simply take on the rides and games of the midway. They could eat anything from French cuisine to hotdogs, and could find entertainment ranging from a wax museum to beer gardens. There were serious exhibits, such as those of the United States and the State of Texas, and lighthearted shows such as the Coca-Cola pavilion offered. IBM and RCA demonstrated the versatility of computers, while the Gulf Oil Co. demonstrated safe driving on a simulated road, using tiny cars. It was a show such as had never been seen in the Southwest before, and people came away enthusiastic and happy. Many visitors came back as often as they could. Originally, the 1963 prediction was that 6.5 million people would come to the fair; in the end, 6,384,482 actually visited the grounds.

World expositions seldom make money, and HemisFair was no exception. All told, the San Antonio Fair corporation spent $25,570,591.67, while taking in $18,137,981.50, for a deficit of $7,432,610.17. But that investment produced an enormous legacy for San Antonio—$156 million in new structures alone, and $134 million in expenditures by visitors to the fair. For the future, it produced a sense of accomplishment for the citizens of San Antonio, and a knowledge of what the city can accomplish in the future, given determination and effort. For the Southwest, HemisFair provided a new focus on its place in the world, and a new sense of unity with the rest of the hemisphere. For all of us, it opened a new time of hope, a new promise for the future and a sense of pride in ourselves.

FEDERAL PARTICIPATION

The heart of a world exposition is the participation of the host government. It is possible to have a world's fair only when the host country participates, and agrees to ask others to join it. HemisFair enjoyed U.S. participation, and a kind of participation that marks the best of what this country can offer.

Congress agreed to recognize HemisFair by passage of Public Law 89–284, approved October 22, 1965. This bill affirmed the desire of Congress to study the feasibility of U.S. participation in HemisFair, and to consider how and to what extent any such participation might be carried out. An appropriation of $125,000 financed the study, which was the responsibility of the Department of Commerce.

The U.S. expositions staff, under the able leadership of Mr. John Orchard, undertook the study. The recommendation of the Secretary of Commerce, transmitted by President Johnson on May 13, 1966, was that the United States should participate in HemisFair, and asked that $10 million be appropriated for that purpose.

Congress, by passage of Public Law 89–264, approved on October 27, 1966, authorized participation in HemisFair, and later appropriated $6.75 million to provide for construction of a pavilion and the creation of exhibits. This agreed participation, plus the endorsement of HemisFair as a special category exposition by the Bureau of International Expositions—which is the official sanctioning body for world expositions—assured that HemisFair would have an international scope.

The Department of Commerce, through its expositions staff, decided on a U.S. exhibit that would center around the theme "Confluence, U.S.A." The idea was to show how people from all over the world settled the United States, forming a mighty confluence that became a Nation truly united; this was our legacy. The exhibit also intended to convey the harvest, showing how we enjoy the fruits of our great legacy. Finally, the exhibit ended by addressing itself to the promise of the future—what could be, if we stand true to our legacy.

This story was told in a two-building complex—one filled with exhibits, the other a 1,200 seat theater where the film "U.S." played to visitors.

From appropriation to opening day was 52 weeks, yet in that time the great building complex went up, the exhibits were designed and mounted, the film produced, the equipment installed, and everything tested and made to work on opening day. The pavilion emerged a thing of beauty, an object viewed with pride by virtually all who saw it. Two and a half million people visited the pavilion, and most of them saw the 23-minute Francis Thompson film "U.S." which critics described as "brave" and "dazzling." It was a frank look at ourselves and our future. Most visitors felt a sense of pride that the exhibit aimed to tell the truth, to ask hard questions, and to provoke honest and thoughtful responses to the problems of our land and our times.

The character of the exhibit and its exterior beauty were not the only things unique about the U.S. pavilion. It was the first pavilion erected from the beginning with the idea of permanence—not simply to be destroyed at the close of the fair. Today, the General Services Administration is deciding whether to convert the pavilion into a new Federal courts building, or to cede it to a local government unit such as the University of Texas, which proposes to use it as a medical education center or an administrative facility for the new University of Texas at San Antonio. Other possibilities are present, as well, but whichever is selected, the U.S. pavilion will be the best of all possible things—a useful thing of beauty.

I can report to the House that the Commerce Department discharged its responsibilities efficiently and effectively. The pavilion was mounted from start to finish in 58 weeks. Complex equipment, including a multiple-projector film unit and enormously complex screens and mechanical arrangements, worked to perfection for 99 percent of all scheduled shows. All of this the Commerce Department produced well within the budget allowed by Congress. It was and is a tribute to the effectiveness of the U.S. expositions staff, for which HemisFair was their first major test. It is this staff which will be responsible for developing and mounting the U.S. exhibit at our bicentenniel in 1976, and I think that based on the past performance of the group and its present director, J. William Nelson, we can be confident of an excellent show in 1976.

HEMISFAIR'S FUTURE

HemisFair is closed, but its future lies ahead. The grounds are now open in the form of an entertainment facility called Fiestaland. The tower of the Americas, with its revolving restaurant and observation platform, remains open and continues to draw crowds.

The Institute of Texan Cultures remains open, and is an institution offering lessons in living history. The Convention Center with its magnificent facilities, is attracting major conventions and offers an outstanding place to hold shows and functions of all kinds. Other buildings remain open as restaurants and shops, while planning goes on to determine the specific, most productive uses for all the grounds and facilities created and left by the fair. HemisFair began as a promise, and it remains as a promise. Having fulfilled the original dreams of its sponsors and more, it has opened new dreams for the future. To those who share these hopes for the future, the operating deficit of San Antonio Fair, Inc. is nothing; underwriters have gladly paid their pledges, and are looking toward tomorrow. They believe, and I think most of the people of San Antonio share that belief, that HemisFair marked more than the birthday of a gracious old city, but the beginning of a bright new era. To these, and to me, the closing of the gate a year ago marked the opening of a new and hopeful future.

On behalf of the people of the 20th Congressional District of Texas, Mr. Speaker, I thank the House and the Congress for having shared the promises of HemisFair, for participating in it, and for making possible the fulfillment of the best hopes of the people of San Antonio. They will not soon forget, nor can I, the response of the Congress to HemisFair.

REPORT ON THE EFFECT OF UNDERGROUND ATOMIC DEVICE TEST ON ISLAND OF AMCHITKA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 30 minutes.

Mr. HOLIFIELD. Mr. Speaker, I have requested special order time today to make a report on the effect of the underground atomic device test on the island of Amchitka in the Aleutian chain, 1,400 miles east of Anchorage, Alaska, at 12:06 p.m., Thursday, October 2, 1969.

First, let me state that the test was successful in every phase.

The predictions as to the explosion's register on the Richter scale was exactly as predicted by the expert seismologists who were hired by the AEC to estimate the event.

There was no—I repeat, no—release of fission products to the atmosphere from the atomic device which was detonated 4,000 feet below the earth's surface.

There was no deleterious effect upon the ecology that could be traced to that event. The bird and animal life on the island is very sparse and no damage of any kind was observed. No dead fish were found in the waters which surround the island. Some of the sea otters had been removed to the coasts of Alaska and Washington State. A substantial number of free otters remained. About 20 of the sea otters had been confined in an enclosure in the adjacent ocean water for scientific observation and investigation purposes. The unusual shock caused frenzied activity in the observation pen and one otter was killed. A thorough autopsy was performed and no internal damage traceable to the shock disturbance was found.

I was at the control point about 27 miles away from ground zero at the time of the shot. We felt a tremor a few seconds after zero time, but that was all. The shock did not even disturb a pyramid of paper cups set up on a table there at the control point.

I toured the area of ground zero in a helicopter shortly afterward and the only damage we could see were a few panels loosened from a building directly over the shot hole, some damage to a trailer structure close by and a few small cracks in the roads leading to the shot hole. The next day I went to view the sea otters which had been penned not very far from ground zero and they were frisking around apparently none the worse for the experience. The attendants at the pen told me that their appetite and activity was normal.

A source of opposition has been the conservationists who oppose any changes to the environment. One article I saw in the paper referred to Amchitka as a "little Eden." I question the use of that term with respect to the island. We arrived 2 days before the shot on a cold, windy, wet, foggy day—with frequent rain squalls. The next day was no different. Fortunately the day scheduled for the shot turned out to be sunny and clear. I understand such weather is the rare exception. The following day, the day of our departure, was again a miserable, rainy, sleety day.

Besides the people who were involved in the conduct of the test and the sea otters the only other life I saw were a few small birds. The only trees I saw on the island were three small spruce about knee high which I understand were planted during World War II and have not grown in 25 years. These three trees are jokingly called the Amchitka Forest. Far from being a little Eden, Amchitka is a cold and forbidding place. As for returning it to its natural state, there are hundreds of quonset huts half buried in the ground left by our forces in World War II which would have to be removed at great expense to the taxpayers.

Fear had been expressed that the impact of the underground explosion would cause a tidal wave that would damage the coasts of Alaska, Washington, Oregon, and California. Also there was concern expressed by the elected officials from Hawaii. No such tidal wave occurred. The elected officials of these Western States in public statements before a Senate committee and in letters to the joint committee expressed their concern as was their privilege. In my opinion their statements were not based on the scientific data which was available and offered to them by the AEC and by me, as Chairman of the Joint Committee on Atomic Energy.

The statements made because of the panic type predictions did cause a great deal of fear and apprehension among the people of the various States. Their statements were based mainly on ambiguous and fear inspiring statements advanced by Dr. Kenneth Pitzer and possibly one or two other scientists. The amazing fact is that a great number of scientists and ecological and seismological experts took completely opposite views to Dr. Pitzer and his few fellow dissenters and doubters. No credit was given to the scientists who approved the test. No attention was given to the fact that there have been a number of earthquakes originating in the region of Amchitka whose Richter magnitude was as large or larger than those of nuclear devices in the megaton yield range. There was no significant effect outside of the immediate vicinity.

Many statements were made casting derogatory inference on the Atomic Energy Commission. Most of these statements were emotional diatribes inferring that the AEC had moved without adequate consultation with outside experts. The statements completely ignored the fact that the AEC has developed over the past 23 years the greatest team of experts in the world on all matters pertaining to the construction and testing of atomic-hydrogen weapons and devices.

The statements also ignore the fact that the AEC contracted for special services and advice from the U.S. Coast and Geodetic Survey, ground motion and seismic studies; the U.S. Geologic Survey, ground motion and geology; the U.S. Public Health Services, offsite radiological safety; the U.S. Bureau of Fisheries and Wildlife, bioenvironmental; the Bureau of Commercial Fisheries, bioenvironmental; the State of Alaska, bioenvironmental; ESSA Air Resources, weather; the Battelle Laboratories of Ohio, ecological studies; and J. A. Blume, structural response, among others.

Mr. Speaker, I include with my remarks a list of contractors drawn from the industry who also participated in the construction, operations, and support services and a statement on review procedure.

Mr. Speaker, the Atomic Energy Commission's team of scientists and operational test engineers are the most knowledgeable in the world. They have conducted 477 announced tests of atomic weapons and atomic devices. All have been conducted efficiently and with safety.

Of these announced tests 287 have been underground; 175 have been atmospheric; 10 have been at high altitude; and five have been underwater.

It is because of this experience based on an increasing fund of laboratory and nonlaboratory experiments and tests which have demonstrated an unparalleled record of safety that the members of the Joint Committee express their confidence in their operations.

The particular test on Amchitka Island has been watched closely by the Joint Committee since it was proposed some 3 years ago. We have been aware of every state of its development. We have approved the program as being essential to the national security.

At the time of the hearings on the Limited Test Ban Treaty, the Congress agreed to that treaty provided certain safeguards were followed. One of those safeguards is the conduct of a vigorous underground nuclear testing program. The test of Amchitka was an event in furtherance of the maintenance of this safeguard.

Mr. Speaker, almost every atomic energy test that has been announced has brought forth the voice of protest. Recent tests held in New Mexico—Gasbuggy—and Colorado—Rulison—to liberate gas from gas and oil rock formations were opposed, in most instances, by professional dissenters, sign carriers, and so forth. All of their irresponsible statements of earth shock to nearby communities or the release of radiation gases were discredited by the accurately predicted effects of the scientists, biologists, ecologists, and test engineers.

It is apparent that there are individuals who wish to create doubt in the minds of our people about the way our Government is conducted, individuals who wish to inspire fear and dissension, and individuals who, for personal reasons, are more interested in having their own timid views prevail rather than to see our Nation move forward in the continuing spirit of challenge and pioneering under which it was founded.

Mr. Speaker, the panic prophecies and irresponsible statements which were made also ignored the fact that there does exist a Joint Committee of 18 U.S. Representatives and Senators which was established by both the House and the Senate in 1946. They are charged with the responsibility of scrutinizing continuously every program and expenditure of the Atomic Energy Commission whose five members are outstanding scientists, engineers, lawyers, and administrators appointed by the President and confirmed by the Senate.

As a member of the Joint Committee since its inception some 23 years ago, I can state without reservation that every Member of the House and Senate who have served on that committee have been men of dedication to the public safety and to the continuous development, not only of military devices, but of peacetime application. Due to the strong mandate of the Atomic Energy Act, the Commission and the Defense Department must "keep the committee fully and currently informed" as to all of their actions regarding the use or development of atomic weapons or devices.

The Joint Committee takes its great responsibility very seriously. We realize the grave commitment we have made to the Congress and the people of the United States. We have produced over the years hundreds of volumes of hearings and reports which stand as reference textbooks in practically every university in the United States and many foreign countries.

It has been our constant endeavor to declassify classified information so that a maximum amount of atomic technology in peacetime application could be available throughout the world. Over 1,100 peacetime applications have been developed including the important use of atomic energy for electrical generation. It is only in the field of weapon construction, inventory, distribution, and military use that classification is required for the obvious reasons of national security.

The record of the Atomic Energy Commission and the Joint Committee stands as an outstanding example of executive and legislative cooperation. In my humble opinion it needs little in the way of apology. Its members believe that based on the record, we have earned the respect of our colleagues and the people of our country. We will continue to watch every program carefully so as to discharge our responsibility to the best of our ability to our colleagues and to the Nation.

The material referred to follows:

Atomic Energy Commission Reviews To Insure Safety of Nuclear Operation

The Atomic Energy Commission is responsible for public safety for all U.S. nuclear detonations. Within the continental United States, the Commission implements this responsibility through its Nevada Operations Office, which in turn is directly supported by the weapons laboratories, associated government agencies, specialized contractors and independent consultants.

The Nevada Operations Office conducts those studies and reviews which are necessary to predict reliably the effects of nuclear detonations which may affect the safety of people and property. We do not consider ourselves infallible in defining safety problems or arriving at credible and practical solutions to these problems. For this reason, recognized experts in the pertinent scientific disciplines are consulted. These disciplines include, but are not limited to: health physics, biology, meteorology, seismology, hydrology, geology, ecology, structural response to ground motion, and rock mechanics.

MORE THAN 477 TESTS

This continuing effort on the part of NVOO, its contractors, and consultants has permitted the execution of 477 announced nuclear weapons tests with minimal property damage and only two cases of minor personal injury to persons not related to the program. In 1953 an elderly Nevada resident reportedly sprained his shoulder as a result of falling when startled by the air shock from a nuclear explosion. Although corroborative evidence was lacking, the coincidence of the atmospheric test with his fall and in consideration of the fact that an injury was sussustained, that portion of his claim relating directly to medical treatment was allowed by the Commission. In another case, a person was injured by a falling brick during an underground nuclear test in Mississippi. Medical expenses incurred as a result of this accident were paid by the Commission.

Preparation for the safe conduct of an event is based upon prediction of the effects of the maximum credible accident which could accompany that event. Precautionary measures are taken to ensure that public safety will be protected, should an accident materialize. NVOO measures and documents the actual effects of the test in order to take emergency action to protect life and property, if necessary, and to improve the accuracy of the predictive effort for future tests. Effects measurements also provide a basis for settlement of valid damage claims and for protection against invalid claims. A strong effort is made to ensure that effects data are properly interpreted and made accessible to the public and interested organizations.

Prior to any nuclear detonation there are a series of reviews to ensure that the detonations are conducted safety and within the constraints of the Limited Test Ban Treaty. All nuclear tests do not necessarily involve all of the individual steps; however, unusual tests may receive reviews from the entire system. Enclosure I shows a listing of various safety review organizations; enclosure II provides the organizational structure.

SAFETY PROCEDURES REVIEWED

The sponsoring laboratory performs safety evaluations related to nuclear systems safety, that is, procedures associated with assembly of the device, transportation, and emplacement, as well as the detonation system. These nuclear safety procedures are later independently reviewed by a group of knowledgeable persons (nuclear safety survey group or nuclear safety study group) and when appropriate, recommendations are made to assure safe assembly, transportation, etc.

The laboratories evaluate and assess those man-made and natural conditions which influence containment of the explosion. Each event is then reviewed by a Test Evaluation Panel composed of individuals with considerable experience in nuclear testing. Most events are reviewed several times. The organizations furnishing Panel members are the Los Alamos Scientific Laboratory, Lawrence Radiation Laboratory, Sandia Laboratory, Department of Defense, Air Resources Laboratory-Las Vegas, U.S. Public Health Service, AEC, and independent consultants. Every aspect of the event which might affect containment is reviewed by this Panel as preparations for the event are made. A detailed study of the geological features around the shot point is made by the U.S. Geological Survey and presented by the Panel. If there are indications of possible faults or other geologic anomalies which may affect containment, new shot points are recommended by the Panel. A careful study is made of the drilling, casing, and grouting history of each of the emplacement and satellite holes to ensure that there will be no man-made path to the surface. The proposed stemming plan (that is, the method to be used for filling the emplacement and instrument holes) is approved by the Test Evaluation Panel. The same type of reviews are made to assure containment of a test to be made in a tunnel instead of a drilled hole.

For selected tests, normally those involving a new medium or an off-NTS location, or in the yield range that will be readily perceptible offsite or may possibly damage critical onsite structures, or for cratering and industry-related Plowshare tests, or for other unusual situations, an Effects Evaluation Report is prepared. This report is reviewed by experts within the test organization and by independent panels of experts. A general review is made by a panel which is composed of experts in the disciplines of special concern. For some effects, such as earthquake phenomena and ground motion effects upon structures, a special panel may be established.

EFFECTS EVALUATION REPORT

The Effects Evaluation Report is based upon the output of six Scientific Management Centers which provide technical coordination of NVOO contractors assigned to study special effects, e.g., Sandia Laboratory is the Scientific Management Center for ground motion and structural response supported by the Environmental Research Corporation and the John A. Blume organization. These contractors provide predictions of ground motion and the response of structures to this phenomena. The Lawrence Radiation Laboratory, the Scientific Management Center for seismicity, is supported by participating government agencies and contractors such as the U.S. Geological Survey's Office of Earthquake Research and Crustal Studies, ESSA's Earthquake Mechanism Laboratory, U.S. Coast and Geodetic Survey, and by special arrangements with the California Institute of Technology, University of Nevada at Reno, University of California at Los Angeles, and others. The Centers and support are summarized in Enclosures IIIA through IIIG.

For selected events, an Effects Evaluation Scientist is appointed from one of the Centers and a NVOO professional from the Effects Evaluation Division is assigned. This team prepares a comprehensive effects evaluation prediction based upon output from each of the Centers. This report is then reviewed by (1) the Centers, for accuracy and completeness; (2) NTS/STS Planning Board, particularly by its Ground Shock Subcommittee; (3) NVOO Panel of Safety Consultants; (4) the Test Management's Staff; (5) a special panel of experts if unusual effects are involved, e.g., seismicity or tsunami; and (6) the Manager, NVOO, and Scientific Advisors comprised of senior scientists from the three (weapons) laboratories. For industry-sponsored events, e.g., Project Rulison, another review is made by the NVOO Plowshare Advisory Group composed of laboratory, industry, and Department of the Interior representatives.

AEC Headquarters staff, and finally the Commission, review the safety of each event. and if they are satisfied, grant authority for its execution.

Even though these reviews are made and every possible precaution has been taken to ensure that no radioactivity will reach the surface, preparations for detonation of the device assume that the maximum credible release of radioactivity will occur. Plans are made for the prompt evacuation of populated areas on or off the site in the unlikely event a release of radioactivity occurs with unacceptable levels of radiation. When predicted levels of ground motion or other effects indicate it to be prudent, evacuation of the affected populace is accomplished prior to detonation of the nuclear device.

PUBLIC HEALTH SERVICE MONITORS

The U.S. Public Health Service places offsite radiation monitors in the downwind direction in order that full information may be obtained for corrective action if there is an accidental release.

The Test Manager has established an Advisory Panel made up of specialists in meteorology, radiation, and medicine to advise him as to the hazards to be expected from each event. Other disciplines are added to the Panel as conditions warrant. The Panel chairman is a scientist who is familiar with the nuclear device, timing, and firing systems, and program objectives.

Although the Test Manager's Advisory Panel may meet several times, months in advance, to discuss specific problems on difficult or unusual shots, the Panel always meets the day before the detonation to hold a readiness briefing in which the control plans are reviewed. A weather prediction for shot time meterological conditions is provided and a review is made of the preparation for onsite and offsite safety and population control. The Advisory Panel meets continuously in the period immediately prior to firing to insure that the acceptable conditions have been established. If it is determined that, with the maximum credible accident, the test can be safely carried out, a recommendation is made to the Test Manager that the detonation may proceed.

The Test Manager's Advisory Panel also reviews the last-minute preparation to ensure that requirements of operational and safety plans have been implemented.

Radiation monitoring instruments are installed and operated on each event to record the existence or absence of radiation. At shot time, at least two airplanes—one equipped with monitoring instruments, the other with sampling equipment—are airborne. Samples are immediately brought back to the Southwestern Radiological Health Laboratory for analysis.

EIGHTEEN YEARS OF TESTS

Testing has been carried out at the Nevada Test Site for 18 years; underground detonations for about 12 years. Three or more camp sites are operated constantly. The largest of these is at Mercury. There are also camps in the forward area. The population at these camps may vary from 500 to 2,500 people. The total NTS working population varies from 8,500 to 10,500 people. Although this relatively large number of people live and work within a few miles of ground zero of even the largest yield tests, there has never been an injury among them as a direct result of a detonation. These people are provided drinking water from wells located at the active test area; continuous monitoring confirms freedom from contamination of this water.

We are constantly striving to improve the accuracy of our prediction capabilities in all areas, and have made much progress. This progress in prediction capabilities and containment techniques was necessitated by the increased complexity of experiments. All those involved in the test program recognize the potential hazards involved in it, but rely with confidence on a proven system based upon taking those actions necessary to protect against the effects of the maximum credible accident.

NVO Effects Evaluation Program

SCIENTIFIC MANAGEMENT RELATIONSHIPS

For the conduct of the NVO Effects Evaluation Program, the following organizations, principal members and alternates have been assigned as scientific managers for the disciplinary areas indicated:

Over-all Management: AEC Nevada Operations Office, Effects Evaluation Division; Dr. Elwood M. Douthett.

Ground Motion, Air Blast, Structural Response: Sandia Corporation, Albuquerque, New Mexico; Dr. Byron F. Murphey, Dr. John R. Banister.

Geology, Hydrology: U.S. Geological Survey, Denver Federal Center, Denver, Colorado; Dr. William S. Twenhofel.

Aftershock Seismicity, Product Contamination; Lawrence Radiation Laboratory, Livermore, California; Dr. Harry L. Reynolds, Dr. James W. Hadley.

Tsunami, Eyeburn: Los Alamos Scientific Laboratory, Los Alamos, New Mexico; Dr. William E. Ogle, Dr. Charles I. Brown.

Atmospheric Transport, Fallout, Climatology: ESSA/Air Resources Laboratory, Las Vegas, Nevada; Mr. Philip W. Allen.

Ecology: Battelle Memorial Institute, Columbus, Ohio; Dr. R. S. Davidson.

SANDIA LABORATORIES MANAGEMENT AREA

For the conduct of the NVO Effects Evaluation program, the following functional relationships have been assigned between Sandia Laboratories and the NVO Contractor/Agreement Agencies for the scientific management of the Ground Shock, Air Blast, and Structural Response Programs:

Scientific Management: Sandia Laboratories, Albuquerque, New Mexico; Dr. Byron F. Murphey, Dr. John R. Bannister.

Ground Motion Measurements: ESSA/U.S. Coast and Geodetic Survey, Special Projects Party, Las Vegas, Nevada; Mr. Kenneth W. King.

Ground Motion Evaluation: Environmental Research Corporation, Alexandria, Virginia; Mr. O. Allen Israelson.

Structural Dynamic Effects: John A. Blume & Associates, San Francisco, California; Dr. John A. Blume.

Mine and Well Studies: U.S. Bureau of Mines, Denver Mining Research Center, Denver, Colorado; Dr. Paul L. Russell.

U.S. Geological Survey management area

For the conduct of the NVO Effects Evaluation Program, the following functional relationships have been assigned between the U.S. Geological Survey and the NVO contractors for the scientific management of the Geology and Hydrology Programs:

Scientific Management: U.S. Geological Survey, Denver, Colorado; Dr. William S. Twenhofel.

Internal Geological Studies: U.S. Geological Survey, Denver, Colorado; Dr. William S. Twenhofel.

Hydrological Studies: U.S. Geological Survey, Denver, Colorado; Mr. Samuel West.

Ground Water Contamination: Isotopes, Inc., Palo Alto, California; Dr. Paul R. Fenske.

Central Nevada Studies: University of Nevada, Desert Research Institute, Las Vegas, Nevada; Mr. Alan E. Peckham.

Lawrence Radiation Laboratory Area

For the conduct of the NVO Effects Evaluation Program, the following functional relationships have been assigned between the Lawrence Radiation Laboratory and the NVO Contractor/Agreement Agencies for the scientific management of the Aftershock Seismicity Program:

Scientific Management: Lawrence Radiation Laboratory, Livermore, California; Dr. Harry L. Reynolds, Dr. James W. Hadley.

Seismic Measurements: ESSA/U.S. Coast and Geodetic Survey, Special Projects Party, Las Vegas, Nevada; Mr. Kenneth W. King. ESSA/Earthquake Mechanisms Laboratory, San Francisco, California; Dr. Donald Tocher, Colorado School of Mines, Boulder, Colorado; Dr. Maurice W. Major.

University of Nevada, MacKay School of Mines, Seismological Laboratory, Reno, Nevada; Dr. Alan S. Ryall.

U.S. Geological Survey, Denver, Colorado; Mr. Frank A. McKeown. USGS Earthquake Laboratory, Menlo Park, California; Dr. John H. Healy.

California Institute of Technology, Pasadena, California, Dr. Stewart Smith.

University of California, Los Angeles, California, Dr. Leon Knopoff.

Sandia Laboratories, Albuquerque, New Mexico, Mr. William Perret.

Los Alamos Scientific Laboratory Management Area

For the conduct of the NVO Tamarin Program, the following functional relationships have been assigned between the Los Alamos Scientific Laboratory and the NVO contractors for the Scientific Management of the Water Wave Program:

Scientific Management—Los Alamos Scientific Laboratory, Los Alamos, New Mexico; Dr. William E. Ogle, Dr. Charles W. Browne.

Tsunami: Tamarin Committee, Dr. Kenneth H. Olsen, LASL, Chairman. A. C. Electronics/Defense Research Laboratory, Mr. J. E. McNeil, Santa Barbara, Calif.; Tetra Tech, Dr. B. LeMehaute, Pasadena, California; University of Hawaii, Dr. William M. Adams, Honolulu, Hawaii.

Environmental Science Services Administration Management Area

For the conduct of the NVO Effects Evaluation Program, the following functional relationships have been assigned between the U.S. Environmental Science Services Administration and the NVO contractors for the scientific management of the Fallout Program:

Scientific Management: U.S. Environmental Science Services Administration, Las Vegas, Nevada; Mr. Philip W. Allen.

Fallout Models, Atmospheric and Cratering Events: ESSA Air Resources Laboratory, Silver Spring, Maryland, Dr. Lester Machta.

Radiation Models, Underground and Plowshare Events, Weather and Trajectory Prediction Studies: ESSA Air Resources Laboratory-Las Vegas, Las Vegas, Nevada; Mr. Philip W. Allen.

Long Range Diffusion Study: Meteorology Research, Inc., Altadena, California; Dr. Paul MacCready.

Battelle Laboratories management area

For the conduct of the NVO Effects Evaluation Program, the following functional relationships have been assigned between Battelle-Columbus Laboratories and the NVO Contractor/Agreement Agencies for the scientific management of Ecology Management Programs:

Scientific Management: Battelle Laboratories, Columbus, Ohio; Dr. Richard S. Davidson, Dr. James B. Kirkwood.

Vegetation and Soil Response to Underground Detonations: The University of Nevada at Reno, College of Agriculture, Reno, Nevada; Dr. Paul T. Tueller.

Ecology Research: Battelle Laboratories, Columbus, Ohio; Dr. Richard S. Davidson.

Marine Ecology and Oceanography: U.S. Bureau of Commercial Fisheries, Seattle, Washington; Dr. Bruce McAlister.

Marine Ecology and Oceanography: University of Washington, Seattle, Washington; Fisheries Research Institute, Dr. R. L. Burgner.

Freshwater Ecology: Utah State University, Dr. J. N. Neuhold; The Ohio State University, Institute of Polar Studies, Dr. D. D. Koob.

Geomorphology: The Ohio State University, Institute of Polar Studies, Dr. K. R. Everett.

Plant Ecology: University of Tennessee, Dr. E. E. C. Clebsch.

Avian Ecology: John Hopkins University, Dr. Francis S. L. Williamson.

Radiometric and Elemental Analysis: University of Washington, Seattle, Washington, Dr. A. H. Seymour.

Mr. PRICE of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I am happy to yield to my colleague on the Joint Committee, one of the charter members. There are only three charter members left. The gentleman and I went on the Atomic Energy Committee when it was first established in 1946. I am proud to yield to him.

Mr. PRICE of Illinois. I thank the gentleman.

I want to commend the gentleman from California who is the chairman of the Joint Committee on Atomic Energy, and who, as he just stated, is a charter member of the committee, having been appointed to that committee in August of 1946.

As the gentleman stated in his remarks, this test was not something that arose suddenly with which a proper committee of the Congress was not well acquainted. We have been briefed for a long time on the Amchitka test. The Commission was as careful and as cautious in this test as it has been in all the tests that have been conducted since the beginning of this program.

I believe the Congress is indebted to the gentleman for taking so much of his important time to travel to Amchitka to view the tests and find out the plans and operations, to check the prelude to the tests, and to come back here and make before the Congress such a detailed report.

I hope, if the test still has any critics, they will avail themselves of an opportunity to read this first-hand report which the gentleman has brought back.

Mr. HOLIFIELD. I thank the gentleman for his remarks. I should like to call the attention of the House to a picture which was printed in the Anchorage Daily News of October 4, on Saturday. It is entitled, "What the Blast Did."

It shows a small crack in the ground right near the test hole, within a few yards of the test hole. To prove the objectivity of the report, they have a quarter lying on the ground, and the quarter is wider than the crack in the earth that occurred. This crack was a very shallow crack; it did not go anywhere near 50 feet in depth. This is an objective way of reporting an event.

I have already placed in the Extensions of Remarks in the RECORD, one of the editorials from this paper which is entitled "Chicken Little's Old Tale." We all remember the alarmist that went through the barnyard saying that the sky was going to fall on all the animals. This reminds me of some of the scare phraseology that was used by some of the people who were not informed as to the degree of experience which the Atomic Energy Commission has in this field and the degree of consultation they made with outside experts in all the fields of geology, ecology, radiation, and all the other fields which might pertain to the effect of a weapons test or a device test.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I am glad to yield to the distinguished chairman of the Committee on Aeronautics and Space Sciences, who has tremendous dealings with scientists and who recognizes all the detailed precautions which are frequently taken in the launching of missiles into outer space and the devices that are contained in the missiles.

Mr. MILLER of California. I want to join my colleague in congratulating the gentleman on a very fine report, one on which he has worked hard and one which he was not required to make at this time.

I want to congratulate the Atomic Energy Commission on the very fine work it has done not only here but also since its organization. Our paths have crossed somewhat. I am not an authority on it, but I am not entirely unfamiliar with the work of the Commission or the objectives of the Commission.

The objectives of the Commission, just like those in space, are serving the people of this country and the world to the best of our ability.

Somehow we have to pull back the screen or the curtain with which nature hides some of her secrets if we are going to capture for the people of the future the benefits that she has so carefully hidden.

Mr. HOLIFIELD. Mr. Speaker, I thank the gentleman for his kind remarks and certainly concur with him that our two committees on many occasions in the past, as we will continue in the future, have taken a great interest in these events. Both committees are working very hard, and their members are dedicated. They want to bring to the American people and the people of the world the tremendous advances in sciences for both programs which they have brought about.

I have often thought if the people who carried placards and marched in waves of protest against everything that is a part of the present establishment or part of our future world and the problems that we are trying to solve which are some of the basic problems which face not only our own generation but future generations—if these people could put in one one-hundredth of the time that the members of the two committees, the Joint Committee on Atomic Energy and the Committee on Astronautics and Space did in studying these programs, they might very well burn their placards and signs and save their shoe leather in their protests.

In the recent two tests in trying to unlock the tremendous gas and oil deposits from the almost inexhaustible supply of oil rock and oil shale which exists in States like New Mexico and Colorado we were faced with marchers and protesters against the tests. They said that the bluffs of the Colorado mountains would fall on the city of Denver and made all kinds of fantastic and irresponsible statements. There was nothing that happened either at the Gas Buggy test in New Mexico or at the Rulison shot in Colorado which was not predicted beforehand. One of the real demonstrations of the expertise of the people who were conducting these tests is that they predicted this test at Amchitka would register 6.5 on the Richter scale. That is exactly what it registered—6.5. This is an amazing fact.

I might say that I never thought I would be glad that an earthquake had occurred, and I am not glad that the earthquake did occur at San Jose, Calif., which did a great deal of damage, some 24 hours before the test at Amchitka. However, I am very thankful that the timing was not so that the earthquake occurred after the test, because it would have been ascribed to the test at Amchitka, which would have been completely wrong.

Of course, I know the detractors and dissenters will continue their irresponsible opposition to these programs and if any earthquake occurs anywhere on the west coast or in the islands of the Aleutian chain, be it in 1 year or 10 years from now, it will undoubtedly be ascribed to this test, although from time immemorial these earthquakes have been occurring. As I said in my prepared remarks, as a matter of fact, some of them have been much stronger than the test of the atomic device which was done in the interests of national security.

Mr. HANSEN of Idaho. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I shall be happy to yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. I thank the distinguished gentleman from California for yielding and I would like to commend and pay tribute to the distinguished chairman of the Joint Committee on Atomic Energy for this very informative and reassuring report.

It is my privilege to represent the Second Congressional District of Idaho where the National Reactor Testing Station is located and as one of the beneficiaries of the leadership of the effective work done by the distinguished chairman, I should like to acknowledge the contributions that the distinguished gentleman has made in the past, the chairman of that committee, as well as the contributions which have been made by the other members of the committee in advancing in an orderly and constructive manner the atomic energy industry in this country.

Mr. POLLOCK. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I shall be glad to yield to the gentleman from Alaska.

Mr. POLLOCK. Mr. Speaker, I thank the distinguished chairman for yielding and I wish to add my congratulations to those which have been extended by others to the gentleman upon a very fine report and to indicate firsthand the fact that many of my constituents in Alaska were delighted that you were there and had the pleasure of meeting you and becoming acquainted with you at Amchitka as well as at Anchorage when you left Amchitka.

Mr. Speaker, I want to emphasize a point that you made and that was that the Atomic Energy Commission did a very exemplary job and they knew precisely the strength of the detonation that took place. Every precaution was taken in this test on which they had been working for some 2 years. It was very interesting that there was virtually no protest of any kind with reference to this test until the last 2 weeks before the blast. Everything went exactly on schedule. As has been indicated, insofar as I know there was absolutely no venting, no leakage, and no problems of any kind.

I am delighted with the results and I know that the chairman of the joint committee is equally delighted.

Further, Mr. Speaker, I want to emphasize another point with reference to this matter about the earthquake in California. While it is most regrettable that it had to happen in California, it did take place before the test at Amchitka and not the day after.

I thank the distinguished chairman for his contribution in carrying out this test.

Mr. HOLIFIELD. I thank the gentleman from Alaska and compliment him upon his soberness of judgment which did not cause him to contribute to the fear of consternation which many people who were uninformed had issued statements that were made which were emotional and in my judgment irresponsible.

I had the pleasure of traveling with the gentleman's district representative out to the island of Amchitka. He was there as I was in the control station which was only about 27 miles from the point of detonation. I found him to be well informed as to what was taking place and I found that he had no apprehension in regard to this matter. He had curiosity, of course, and probably it was the first time he had ever attended one of these tests. He, of course, did not have the background of knowledge as the older Members of the Congress have and certainly those on the Joint Committee with reference to previous tests. However, he, nevertheless, showed his confidence in the national program by appearing there and showed that he was not afraid for his own private safety in doing so.

Mr. POLLOCK. Mr. Speaker, if the gentleman will yield further, I would like to tell the chairman of the committee

XUM

that I wish very much that I personally could have been there. However, I had a previous commitment and could not be present. However, my district representative went there in my stead. The gentleman from California is absolutely right. He was very confident that it would work out as it did and he was delighted to be with you.

Mr. **HOLIFIELD**. Thank you very much. I think the Atomic Energy Commission did a very good job. They established at the Anchorage Westward a large room in which they had different charts and different information available for the people in the way of the effects and there were pamphlets and so forth available for their use. I conducted a press conference there at their request and the request of local papers and over radio and television. I must state to the gentleman from Alaska that the people of Anchorage greeted me very well.

As the gentleman knows, I have a brother who served in the Air Corps during World War II in Alaska. He liked it so well up there that he went back to his home in Oregon, married his high school sweetheart, and went back up to Alaska. He has since served in the Alaska Territorial Police, and in the State police, and is now serving in the U.S. Customs Office at Anchorage.

He was there during the earthquake of 1964, and I received both from him and his wife a flavor of that experience. It must have been a traumatic experience for the people of Anchorage. As I said in my press conference, I could well understand their concern, particularly when it was augmented by fear statements of different kinds. But I am sure that they rest easier today, and they did the day after, as a result of the fact that there was no tidal wave sweeping over Alaska, there was no earthquake in Alaska, there was no radiation cloud over Alaska. In fact, if they had not heard about it on the radio and the television, they would never have known that the test was taking place.

Mr. **POLLOCK**. Mr. Speaker, if the gentleman will yield further, I would like to say that the gentleman's brother is well known in Alaska. He served with distinction in the Territorial police and wtih the State police forces which were established at the time I was in the Alaskan Territorial Legislature. He and many others like him make us very proud of the statements that have been made concerning Alaska in this body.

Mr. **HOLIFIELD**. I think the Alaskans are grand people, and they certainly treated the members of the Atomic Energy Commission and their employees and also me with the greatest of courtesy.

Mr. **POLLOCK**. We thank the gentleman very much for his kind statement.

Mr. **HOLIFIELD**. Mr. Speaker, I yield back the balance of my time.

TWENTY-FIVE MEMBERS OF CONGRESS INTERVENE IN FEDERAL AIR POLLUTION ANTITRUST SUIT AGAINST MAJOR AUTOMOBILE COMPANIES

The **SPEAKER** pro tempore (Mr. PATTEN). Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. **FARBSTEIN**. Mr. Speaker, last Friday, I lead a group of 25 Members of Congress in asking for a 60-day delay in the signing of the court decree in the Federal air pollution antitrust suit against the major auto companies in order to permit a congressional investigation.

At issue is a proposed consent decree announced by the Justice Department on September 11, which would terminate the proceedings against the auto companies on charges of collusion to delay the development and manufacture of air pollution control devices for automobiles. Strong opposition to the decree has come from municipalities, national organizations, and over 60 Members of Congress.

The public interest in the case led the presiding judge to take the extraordinary step of inviting the views "of all interested persons and public bodies."

Responding to this invitation, we submitted a petition to the judge asking that the court delay its decision in order that further information on the case can be made available.

The Justice Department's action in this case is a glaring blunder. They are willing to throw 2 years of work gathering evidence down the drain—this after spending a million dollars, employing eight full-time staff members, conducting an 18-month grand jury probe and subpenaing scores of witnesses from across the country. We are asking the court to administer justice where the Justice Department is apparently willing to let it slide.

The public and more importantly for this case, the court should be fully apprised of how acceptance of this decree will increase the probability of choking to death on dirty air. We believe that a congressional investigation can bring out these facts.

We have also sent a request to Attorney General John Mitchell asking him to "exercise his option" under the proposed consent decree to delay the decision.

A list of the cosigners of the requests follows:

Leonard Farbstein (N.Y.).
Brock Adams (Wash.).
George Brown, Jr. (Calif.).
Joseph Addabbo (N.Y.).
Mario Biaggi (N.Y.).
Phillip Burton (Calif.).
James Corman (Calif.).
Harold Donohue (Mass.).
Seymour Halpern (N.Y.).
Henry Helstoski (N.J.).
James Howard (N.J.).
Edward I. Koch (N.Y.).
Abner J. Mikva (Ill.).
Thomas P. O'Neill (Mass.).
Richard Ottinger (N.Y.).
Bertram Podell (N.Y.).
Adam C. Powell (N.Y.).
Peter Rodino (N.J.).
Fred Rooney (Pa.).
Thomas Rees (Calif.).
Benjamin S. Rosenthal (N.Y.).
Edward Roybal (Calif.).
William F. Ryan (N.Y.).
James Scheuer (N.Y.).
John V. Tunney (Calif.).

THE CITY OF NEW YORK ALSO INTERVENES AGAINST THE AUTOMOBILE INDUSTRY

A few weeks ago, a bipartisan group of 16 members of the New York City congressional delegation wrote Mayor John V. Lindsay and City Council President Francis X. Smith urging the city to intervene in the Justice Department suit in opposition to the proposed consent decree.

This letter brought the city's intervention last Friday. In its petition to the court, the city asked the judge to reject the consent decree and thus permit an open trial and presentation of the Justice Department's evidence to take place. If the judge decided to accept the decree, it asked for the inclusion in the decree of a clause which would assist State and local governments in any treble-damage actions they may bring. The city also asked the court to order the Department to retain custody and control of all of the documentary evidence assembled for the grand jury which first considered the conspiracy and to make copies available to all State and local governments which file treble-damage actions.

Early last week, I received a communication from our very able city council president, Francis X. Smith, indicating that as a result of our request, the city had decided to intervene in the Justice Department suit. His letter came as the city's consumer affairs commissioner was writing the Attorney General to urge him to withdraw the proposed consent decree.

I am pleased that the city, just as individual Members of Congress, has joined in fighting the Justice Department's proposed consent decree. It is the responsibility of all public officials to protect the rights of the residents of our large cities who suffer from a daily bombardment of noxious emissions from automobile engines.

The legal process can be a valuable weapon in protecting these rights. This particular case, which is far from over, has suggested certain legislative reforms which can make it an even more valuable weapon. I hope to introduce legislation to achieve this objective in the near future.

Our congressional letter to the city of New York, the consumer affairs commissioner's letter to the Attorney General, and Mayor Lindsay's letter to me follow:

SEPTEMBER 17, 1969.

Hon. JOHN V. LINDSAY,
Mayor,
Hon. FRANCIS X. SMITH,
President, City Council,
City of New York,
New York, N.Y.

GENTLEMEN: On September 11th, the U.S. Department of Justice announced its agreement to a consent decree in its air pollution anti-trust suit against the four major automobile manufacturers. This action effectively compromises rights of the 8½ million residents of the City of New York who suffer from a daily bombardment of noxious emissions from automobile engines.

New York has the dubious distinction, according to the National Center for Air Pollution Control, of having the highest concentration of pollution of any American city—higher even than smog-ridden Los Angeles—more than two-thirds of which is due to the 2½ million automobiles which use the City's streets each day.

Medical research has linked air pollution to the cause and aggravation of many serious diseases including lung cancer, emphysema, chronic bronchitis, asthma and other respiratory allergies, heart disease, genetic mutation and the common cold. The City is forced to spend large amounts of its annual medical care budget in treating victims of respiratory and pulmonary ailments.

High concentrations of pollution have already triggered several major city-wide catastrophies; the most recent, the inversion of Thanksgiving Day 1966, has been linked directly to the deaths of nearly 100 persons, and is presumed to be responsible for many more.

In 1966, the Mayor's Task Force on Air Pollution estimated that City residents were paying nearly one-half billion dollars per year in added expenses for the cleaning and upkeep of clothes and property and for the repair and protection of possessions against deterioration.

Air pollution and its attendant costs and problems has been a major contribution to large-scale residential and business exodus from the central city, from Manhattan in particular, with a resultant tax loss to the City.

The City's air pollution control program, on which more than 18 million dollars has been spent since 1953, has been thwarted in large part by the failure of automobile manufacturers to develop effective pollution control devices.

The Justice Department, in bringing suit against the major automobile companies charged that the manufacturers agreed to pursue research, development, manufacture and installation of pollution control devices on a non-competitive basis, that they agreed to seek joint appraisal of patents submitted by any persons not a party to the cross-licensing agreement, and that they agreed on at least three occasions—in 1961, 1962 and 1964—to *attempt to delay installation* of motor vehicle air pollution control equipment.

If the September 11th consent decree is permitted to go into effect at the end of the 30 day grace period, these allegations will never be tested in open court—and the evidence compiled over a two-year period by the Justice Department will be inaccessible to municipalities or private citizens interested in follow-up suits.

The City, which has purchased nearly 10,000 cars and trucks since 1953—the year the collusion alleged by the Justice Department began—has a responsibility to its citizens to see that their rights to a pollution-free city are not thwarted.

We therefore call upon the City of New York to intervene immediately in the Justice Department suit on behalf of its 8½ million citizens, requesting that the consent decree be rejected so that a free and open trial can be held. The city's intervention in this suit would express to the court the concern of the Nation's largest municipality in protecting the rights of its residents to be free from air pollution and stress the importance of this case to the attainment of that objective. This action would also give the City the opportunity, should the consent decree be accepted, to request that it be amended to allow evidence compiled by the Justice Department before bringing suit to be made available to the public and to speak out for the correction of other loopholes in the decree.

Los Angeles County has already intervened in the Justice Department suit. New York City, with a graver pouultion problem, has at least an equal responsibility to take similar action.

We also call upon the City of New York to initiate separate suit, or join in existing suits, in the automotive air pollution area to make clear that New York is not willing to allow the basic issues of this case to drop, even though the Justice Department is willing to.

In recent anti-trust action against Charles Pfeiffer & Co. and several other drug companies, a settlement of $120 million dollars was made in favor of municipalities, the Federal Government and private individuals.

The people of the City of New York are entitled to breathe air that is free from harmful pollutants, particularly those emitted from automobile engines, and we feel that the City has the opportunity to strike a blow for this freedom by taking immediate action.

Leonard Farbstein, Joseph P. Addabbo, Mario Biaggi, Jonathan B. Bingham, Frank J. Brasco, Shirley Chisholm, James J. Delaney, Jacob H. Gilbert, Seymour Halpern, Edward I. Koch, John M. Murphy, Bertram L. Podell, Adam Clayton Powell, Benjamin S. Rosenthal, William F. Ryan, James H. Scheuer, Members of Congress.

SEPTEMBER 19, 1969.

Hon. JOHN MITCHELL,
Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I am writing to urge the Department of Justice to withdraw immediately its consent to the Stipulated Entry of Consent Judgment in the action brought in the Central District of California (Civil Action No. 69–75–JWC) by the United States of America against the Automobile Manufacturing Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; American Motors Corporation; in which a fifteen-year conspiracy to repress the development and deployment of anti-pollution devices was alleged.

I would also like to inform you that in the event the proposed Consent Judgment is not withdrawn, the City will have to consider taking legal action by intervening in the suit.

The City of New York, as you well know, has been making strenuous efforts in its fight against the causes and effects of atmospheric pollution. In fact, during the term of Mayor John V. Lindsay the budget devoted to the anti-air pollution problem has been increased by 300%. In addition, oil-burning facilities have been upgraded and an Alert Warning System and an Air Monitoring Network were created; and Con Edison has been ordered to use low sulphur fuel and to install pollution control devices. Yet, recently because of pollution from automobiles the problem has proved to be immense and the alleged conspiracy has undermined this City's efforts.

It has been estimated that at least 50% of air pollution results from internal combustion engines of motor vehicles and medical studies have linked this source of pollution to a range of diseases including cancer and emphysema. The total misery, disease, property damage, and expenses which the conspiracy may have caused our City during the past fifteen years can hardly be redeemed by the proposed Stipulation. One expert has stated that breathing New York City's air for one day is like smoking two packs of cigarettes.

The original charges brought by the Department allege a fifteen-year conspiracy not to compete in the development and deployment of new anti-air pollution devices, to suppress possible new advances in air pollution technology and to delay the introduction of devices actually developed. Your Administration has now elected to terminate this landmark action.

Your proposed decree does little to allay public suspicion that the original charges were valid—yet it does even less to insure that the companies will cease their joint offense against the public welfare, and it does absolutely nothing to insure that the public will be compensated by the conspirators. Not only is the Department denying individuals and municipalities the value of a prior conviction for their use in court actions to recover damages; in addition, the decree makes no provision for the release of evidence gathered by Department officials, and it does not even forbid destruction of documents in the possession of automobile manufacturers which could constitute evidence of the conspiracy.

It is almost inconceivable to me that the Department of Justice sees fit to capitulate to industry pressures in a case of such magnitude. I can assure you that the City of New York will not acquiesce if you persist in your decision. If you do not protect the eight million people of New York City, we shall not fail to do so.

Respectfully yours,
BESS MYERSON GRANT.

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, N.Y., October 3, 1969.

Hon. LEONARD FARBSTEIN,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: This is in response to your letter of September 17, 1969, with respect to antitrust litigation attacking the conspiracy by automotive manufacturers to restrict development of pollution controls.

Your suggestion that the City of New York intervene in the pending suit by the Federal Government is well founded. The City's Corporation Counsel, J. Lee Rankin, and Commissioner of Air Resources, Austin N. Heller, were following this litigation closely, even before the Justice Department announced on September 11, 1969 that it had negotiated and filed a proposed consent decree. Study of the proposed terms convinced Mr. Rankin that the decree, at least in its present form and on the basis of the limited information revealed by the Department, does not adequately serve the public interest. Accordingly he decided (1) to intervene in the Government suit, for the purpose of objecting to the decree, and (2) unless further study should reveal some legal obstacle, to file an independent treble-damage suit against the defendants.

Today the City filed its motion for leave to intervene and a supporting memorandum with Federal District Judge Jesse W. Curtis in Los Angeles. In its moving papers, the City asks the Court to require the Government to produce a detailed statement and analysis of the evidence it has gathered and to demonstrate, if it can, that the proposed decree is indeed in the public interest. Alternatively, it asks the Court to require renegotiation of the decree to include admissions which will assist state and local governments in any treble-damage actions they may bring. The City is also asking the Court to order the Department of Justice to retain custody and control of all of the documentary evidence assembled for the grand jury which first considered the conspiracy and to make copies available to all state and local governments which file treble-damage actions.

This automotive pollution case illustrates some major weaknesses of the antitrust laws and the need for assistance from you and your colleagues in Congress. Because of your interest, I will outline below the gist of recent experience by this and other state and local governments.

New York City has been vigorously prosecuting treble-damage antitrust actions during my administration. The City's Corporation Counsel has successfully concluded seven such suits since early in 1966. These provide for refunds totaling more than $9,000,000 from companies which have conspired to overcharge the City and public authorities operating here. Seven other cases are in various stages of pretrial discovery

XUM

and settlement discussions, and several more are in preparation. As far as we know, the special antitrust unit which we set up in the City's Law Department in 1967 is the only such unit in any municipality.

The Supreme Court has on numerous occasions stressed the importance of treble-damage litigation in carrying out the Congressional policy underlying the antitrust laws. To that end, it has said, "Congress meant to assist private litigants in utilizing any benefits they might cull from government antitrust actions." (*Emich Motors Corp* v. *General Motors Corp.*) The theory is that the most meaningful deterrent to monopolitsic practices is a threat to the offender's pocketbook.

Unfortunately, other considerations have led the Government to subordinate this purpose and to accept consent decrees which deny injured persons, including state and local governments, important benefits potentially available from Goverment cases. Such consent decrees, like the proposed automatic decree, typically omit any admission of wrongdoing. Under the Clayton Act, as now worded, state and local governments can then recover damages only by building their own cases *de novo*. Moreover, the Government does not make available the evidence it has gathered by interviews, FBI investigation, grand jury subpoenas, civil investigative demands and expert analysis. State and local governments are therefore forced to rely on laborious and time-consuming discovery procedures.

The admissions the City is seeking to have incorporated in the automotive decree as alternative relief are patterned on provisions the Department of Justice did insist on for a short period of time in the early 1960's. This type of provision is popularly known as the "asphalt clause." See *United States* v. *Lake Asphalt & Petroleum Co. of Mass.*, *United States* v. *Bituminous Concrete Assn.*, and *United States* v. *Allied Chemical Corp.* The effect of the asphalt clause would be to give treble-damage plaintiffs a *prima facie* case on the key issue of whether there had been a violation of the antitrust laws.

Decisions in the more recent *children's books* and *maple flooring* cases are precedents for the impounding and copying of documents obtained in the course of a Government investigation. In *children's books,* a consent decree much like the automotive decree was proposed in the Northern District of Illinois in 1967. New York City and others sought unsuccessfully to intervene and to secure an asphalt clause. On appeal, the Supreme Court upheld a denial of intevention and therefore did not reach issues relating to the proper relief. However, in the trial court and by subsequent motions in separate trebel-damage actions, the City and its associated plaintiffs did ultimately succeed in obtaining documents which had been presented to the grand jury. But a great deal of time, effort and persistence was required. In *maple flooring*, the City was unsuccessful in opposing the acceptance of *nolo contendere* pleas, which have the same legal effect in criminal cases as consent decrees do in Government civil cases, but was allowed to inspect and copy all grand jury documents.

You may wish to consider several legislative remedies which have been suggested from time to time.

Senate No. 2157, now pending, would make *nolo contendere* pleas in criminal cases *prima facie* evidence in private treble-damage suits. The Antitrust Division went on record last year as favoring such an amendment.

In the 85th Congress, the House Antitrust Subcommittee conducted an intensive investigation into the antitrust consent decree program of the Department of Justice and reported:

"During the waiting period, private parties, who may be affected by the terms of the decree, *should be given an opportunity to intervene in the Government's case* in order to present their objections to the court for its consideration." (Italic added). As indicated by the *children's books* case, an injured state or local government presently faces serious difficulties in attempting to intervene in a Government case. That means, of course, that if the District Court does not heed its requests for modification or rejection of a consent decree, no further redress is open.

Another very useful legislative step would be clarification or confirmation of a state or local government's right to have prompt access (without the necessity of an adversary proceeding) to documentary and other evidence assembled by the Department of Justice—once the federal government's case is concluded. Protracted discovery and the opportunity for dilatory maneuvers by defendants in treble-damage actions would thereby be appreciably curtailed.

Mr. Rankin and I will be happy to place at your disposal any additional background material which may be requested in pursuing our joint interest in effective antitrust enforcement.

I am sending copies of this letter to your colleagues whose names appeared in your letter under your signature.

Sincerely,

JOHN V. LINDSAY,
Mayor.

WHAT TO DO WHEN THE CHEST PAINS START

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the administration has struck again at major health research across the Nation, forcing closing of a major study program of the National Heart Institute, which for the past 20 years has developed significant new data on blood pressure, smoking, obesity, and cholesterol as risk factors in heart disease.

Located in Framingham, Mass., this internationally known center has been collecting data since 1949 on 5,000 men and women of that area in their 30's, 40's and 50's. It is a unique study, allowing doctors to determine what the odds are for certain patients to suffer such attacks. Under the menace of the budget cuts, $400,000 in all, the entire study is due to be phased out by June 1970. Future thorough data will be unobtainable as has been the case in the past. Twenty staff people will be let go, and the chances of Americans avoiding such heart seizures will be appreciably diminished; 200,000 died last year, and this is the major cause of death in the Nation. Such are the new directions President Nixon is taking. Yet this is but the tip of the iceberg.

Across the land, cutbacks in training programs and research are menacing the futures of thousands of young graduate students. Not even the most famous institutions are being spared. News of the most melancholy sort is widespread. Johns Hopkins Medical School has been forced to discharge technicians and support personnel. Albert Einstein Medical College has been forced to ask staff doctors to work for nothing. The University of California Medical Center in San Francisco must obtain loans for entering dental students from student union funds. No other source of money is available.

These many small setbacks are exerting a cumulative effect. Future collapses on our overall research effort are guaranteed. Budget cuts at the expense of the National Institutes of Health are mainly at fault. NIH is the source of major support for almost every medical school and major biological research institution in the Nation. The Federal Government provides about 65 percent of all health research moneys, most from the Institutes. About 48 percent of all medical school faculty members have some of their salary paid through Government funds; 16 percent receive all their salary from them; 11 percent receive half their salaries from this source.

The Federal budget for the current fiscal year will have less money than the preceding year for medical research and medical training. Many research grants formerly assured of approval will go without Federal support. NIH awarded no new research grants in September, an unheard-of step. Major research people continue to work while their staffs melt away, the effectiveness of their research diminishes, and their impact on student education lessens. Momentum is lost and the full penalty will be paid years from now. We shall all pay it.

Research teams are disbanded. Research facilities are closed. Important programs cease. Morale plummets. Such effects are felt all through the structure of a medical school. Grants and fellowships are being curtailed, drying up future medical teacher supplies. Who will teach the vastly increased numbers of doctors President Nixon has called for? Our health care system is collapsing, adding to social turmoil, and now the administration, acting with malice, directs the Bureau of the Budget to eviscerate the foundations of our entire medical research program. Where is the voice of the AMA. Speak, O great champions of medicine.

But there is money for Vietnam, is there not, Mr. President? And there is plenty of cash for the SST, is there not, Mr. President? And oodles of folding money for massive new defense expenditures, is there not, Mr. President?

But where does it come from, Mr. President? Why, from education, libraries, hospitals, model cities, VISTA, Job Corps, clean water funds, national park acquisition moneys, civil rights enforcement funds, conservation, consumer programs, and other such nonessential enterprises. These are new directions, all right. Back, back, back to the darkness of yesterday. Snuff out all the lights. Shut all the doors. Destroy all the records. Fire all the trained staff personnel. Demoralize the entire structure of 20 years. Why? Because we must fight wars—build weapons—nominate Judge Haynsworth—build a new majority composed of the forgotten Americans. Or do not they have heart attacks? Perhaps the President would care to publish a new pamphlet entitled, "What To Do When the Chest Pains Start."

NIXON PROSPERITY—UNEMPLOYMENT HITS 4.0 PERCENT

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the economic news this morning is very bad. At the end of August 1969, 2.9 million Americans were unemployed. This was a 3.5-percent unemployment rate. The statistics of unemployment released this morning reveal that in September 3,232,000 Americans were unemployed. This is a 4.0-percent rate of unemployment. That means 332,000 American citizens lost their jobs in just 30 days, and the worst is yet to come.

This is a direct result of the disastrous and callous destruction of our once-prosperous economy by the Nixon administration. This is their economic policy, and every American who lost a job can blame it on the White House and its benighted economic policies which destroy consumer prosperity at the expense of the rich.

Mr. Speaker, we are already in a recession. The only question to be resolved now, is how bad it will be. Mr. Nixon does nothing to lower interest rates or halt price hikes. The economy is collapsing around his ears, and he does nothing while workers lose their jobs. All the evasion in the world cannot excuse away or make disappear lengthening unemployment lines in our country. They are the political death knell of the Republican Party's newfound political power. We shall remind every person in this country of who has done what to them.

LABOR GROUP SPEAKS OUT AGAINST HIGH INTEREST RATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the demand for action on interest rates continues to grow across the Nation.

In an editorial in the International Potter for September, Mr. L. H. Null, Sr., spells out the workingman's concern over high interest rates. Mr. Null, who is president of the International Brotherhood of Operative Potters of the United States and Canada states:

> The young person who finishes his formal schooling and embarks on his life work of making a living, buying a home and providing the necessities of life for his family is today facing seemingly insurmountable obstacles. One of the tallest hurdles he must clear are the almost ridiculous interest rates charged by banks for loans to provide housing for his family and for consumer credit.

Mr. Speaker, I place this editorial in the RECORD.

BANKING REFORMS ARE NEEDED!

(By L. H. Null, Sr.)

The young person who finishes his formal schooling and embarks on his life work of making a living, buying a home and providing the necessities of life for his family is today facing seemingly insurmountable obstacles. One of the tallest hurdles he must clear are the almost ridiculous interest rates charged by banks for loans to provide housing for his family and for consumer credit.

The AFL–CIO and many other organizations interested in the welfare of people have protested these boosts in the price of loans. Since last November, U.S. banks have boosted their interest rates 40 percent. And they have not boosted dividends paid on deposits accordingly.

Congressman Wright Patman is chairman of the House Banking and Currency Committee. Recently he made a speech in which he stated: "The United States has the worst bank regulation and the most outlandish monetary policy of any nation in the free world . . . bar none."

Rep. Patman went on to tell his audience that the people of the United States don't know what is happening to their money supply. It is the exclusive monopoly property of the big bankers. He warned that "This neo-Nazi style economy . . . should it become a reality . . . would destroy this nation."

Look at a dollar bill. Across the top it says "Federal Reserve Note" and in small letters it states: "This note is legal tender for all debts, public and private." In a small circle on the left is imprinted the name of the Federal Reserve Bank which issued it. It is issued only after someone, somewhere, has taken a contract with a member bank to repay a loan. There is no gold nor silver to back it up . . . only the record, somewhere, of a debt owed to a member bank of the Federal Reserve System. In other words, our money is based on debt.

The Federal Reserve System, our central banking authority, was established by Congress in 1913. Congress delegated the issuance and control of the nation's currency to the Federal Reserve System; operated and rigidly controlled by the member banks . . . all privately-owned corporations.

The FRS is, theoretically, responsible to the Congress. But it takes the proverbial "Act of Congress" to achieve any control. And Rep. Patman said, "The banking lobby is the single most potent lobby that operates year-around in Washington, D.C."

The bankers who issue our money are a monopoly, but are not subject to monopoly controls. Everyone agrees the price of money (interest rate) is too high. Yet when Cong. Patman asked Secretary of the Treasury David Kennedy (a banker) if he had done anything to stop the increases in interest rates, Kennedy replied: "Why should I?"

Perhaps Congress should act to restore to the United States government the power to issue money (and control interest rates) which it gave away to the bankers in 1913 when it chartered the Federal Reserve System. The banking fraternity has spurned the social needs of the nation for easily-available money for the wage earner, for social needs such as schools and hospitals, and for the small businessman who constitutes the fiscal backbone of the nation. The bankers have seized and rigidly controlled the nation's financial bloodstream, fattened on high interest rates and branched out into non-related businesses through bank conglomerates.

With leadership from such a distinguished and informed legislator as Congressman Patman, the invincible political strength of the common people will, if aroused, force badly-needed reforms on our monetary policies.

You can bank on it!

THE BANKING LOBBY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, last week, the Banking and Currency Committee, in an executive session, voted 19 to 13 to effectively block an investigation of the Nation's banking lobby.

Mr. Speaker, I deeply regret this action and I am convinced that the members of the committee who voted in this manner made a serious mistake which must be corrected at some future date.

The Washintgon Post of Thursday, September 25, carried a news story by Jan Nugent outlining the committee action. So that the Members of the House may be properly informed, I place this article in the RECORD:

LOBBY PROBE QUASHED

(By Jan Nugent)

The House Banking Committee voted yesterday to quash an investigation of the bank lobby previously announced by its Chairman, Rep. Wright Patman (D-Tex.).

In this latest revolt against its leader, the panel contended it was not the proper forum for the probe, and suggested Patman take the matter up with the Rules Committee.

Patman promptly labeled the committee's action "a back-door means of killing the investigation . . . a complete dodge."

He said later he was "considering his next step," but vowed "not to give up on this."

HALPERN'S SUPPORT

Seven Democrats and 12 Republicans opposed Patman. The lone Republican vote favoring the Chairman was Rep. Seymour Halpern (R-N.Y.), whose financial indebtedness to several banks has been widely reported.

Before the vote, Patman ticked off his charges against the bank lobby. He claimed its members have filed incomplete lobbying reports and solicited bank funds for political candidates.

Patman said he received correspondence indicating banks have raised political-lobbying funds through payroll deductions and apparent coercion of their employees.

Five lobbyists registered for the American Bankers Association listed only $190 in expenditures for the first six months of 1969 "during a period of extremely heavy run of banking legislation," Patman reported. "Surely we are not expected to take this figure at face value," he said.

PATMAN "VENDETTA"

The committee's minority members contend the chairman is conducting a "vendetta" against banks and is incapable of conducting any fair-minded probe of the issue.

The chairman and his supporters argue that full disclosure of the banking lobby's operations would serve a necesssary legislative function and improve the committee's public image.

However, Patman also stood firm yesterday in his resolve not to turn the hot glare of publicity on interests held by about one-third of the committee members in various financial institutions.

He conceded he had been charged with "myopia" and "ducking the issue" in this regard, but refused to "become embroiled in a controversy about members' private financial holdings." This would be a matter of the House Ethics Committee, he indicated.

Mr. Speaker, I called for this investigation in August after much public concern about the banking lobby had been expressed in the Nation's press. Many newspapers around the country have published editorials in recent months expressing varying degrees of concern about the activities of the banks and their well-heeled lobbying apparatus. Mr. Speaker, I am firmly convinced that the Congress should respond to this public demand for an investigation and it is

obvious that there is ample need and precedent for such inquiry.

Mr. Speaker, I outlined some of the reasons for calling the investigation in a statement to the Banking and Currency Committee last week. I place a copy of this statement in the Record:

Statement of Wright Patman,
September 24, 1969

Twenty-five of you have called for this meeting and I want to give you every opportunity to present your case here this morning.

First, let me state that the investigation of the banking lobby has been called within the Rules of the Committee and has been referred to the Domestic Finance Subcommittee under these rules. It is clearly within the jurisdiction of the Committee.

Secondly, the investigation is not an unusual undertaking for a Committee of Congress. Numerous Committees of both the House and Senate have conducted various lobbying investigations. I have attached to my statement a partial list of some of these investigations.

Most of these investigations have been highly beneficial and many of them have led to major reforms of lasting value to the American public. They have been conducted on the premise that the public and the Congress can only benefit from a full and open disclosure of lobbying activities which involve the public's business.

Since receipt of your letter of August 12, I have studied and restudied the issues involved here. I have been unable to discover any manner in which the public interest—and the best interests of the Congress—could be harmed by a study and a public disclosure of the banking lobby. I cannot believe that any Member seriously questions the public's right—and the Congress' right—to this information.

The public disclosure of what constitutes the banking lobby and its activities is particularly pertinent and, in my opinion, long overdue. The banking industry today represents about $700 billion in assets which is multiplied by its vast powers to control the nation's credit. Regardless of one's feelings about this industry, its potential to influence public opinion and public decisions is obvious.

In Washington this industry is represented by one of Capitol Hill's fastest growing lobbying apparatus. In fact, a quick rundown of the filings at the Clerk's office reveals that this lobby has increased four to five times in the past three years. Today, not only are lobbyists registered for the American Bankers Association, but for many of the nation's largest banks and for an endless variety of special banking Committees.

The official filings are misleading since the Washington offices spread their opinions out across the country through a complex network of so-called "contact" bankers. These opinions are then fed back to the Congress and the national media as "grass roots" reaction—reaction that began on the mimeograph presses in the Washington ABA office.

No one—I am sure—questions that the banking lobby is a big-time lobby. A banking publication a few months ago wrote that the Washington ABA office had been "transformed from a mini-lobby into a well-staffed, well-heeled, activist political apparatus." The article said that the ABA had been brought from "the bottom of the league right up there to title contention." And an ABA staff member was quoted as saying:

"In the old days, I don't remember seeing in the newspapers that anyone feared the American Bankers Association lobby. Now this seems to be injected into almost every debate on the Hill."

Completely aside from the obvious facts of its size and power, the banking lobby raises many basic questions in its day to day operations.

A few years ago, I discovered that the ABA had not even bothered to file reports for some of its key lobbyists with the Clerk of the House of Representatives. The reports that are filed seem designed to be as misleading as possible and reveal only the most limited information.

For the first six months of this year, the five lobbyists registered for the American Bankers Association listed only $190 in expenditures. And this during a period of an extremely heavy run of banking legislation in the Congress. Surely we are not expected to take this $190 figure at face value.

These are some of the areas that the Subcommittee should look into during its investigation. How much money does the ABA raise? How much is spent on legislative matters? How is it reported?

These are basic questions which the Congress has a right to explore.

What is the relationship between the ABA lobbyists and the lobbyists for the big banks and the various ad hoc committees that spring up on banking legislation? Are these shadow committees, that come and go, designed to fool the Congress and make it more difficult to follow the lobbying activities and to hide expenditures of funds?

These, too, are legitimate questions for an inquiry.

Who are these so-called "contact" bankers used by the ABA? I have been furnished copies of communications to these "contact" bankers but I think this Committee should be curious as to how these "contacts" are chosen and used in the various Congressional Districts. Who finances the "contact" banker operations and are these activities properly reported under the Federal lobbying acts?

This elaborate lobbying system is undoubtedly making use of the special private files that are being gathered on Members of the Congress. Through a banker—who personally disapproves of the methods—I have been furnished a copy of one of the questionnaires distributed by a banking organization and designed to gather the most intimate details of a Congressman's private life.

The questionnaire seeks information on the Congressman's drinking habits. It inquires as to whether he is a "customer" of a "bank" and about other possible relationships with financial institutions. It asks questions about his family.

Why would a lobbying organization need this information on a Member of Congress? To what legitimate use could such information be put?

I regard this questionnaire as highly improper, unethical and a gross violation of the privacy of Members of Congress. Our investigation should discover how widely these questionnaires have been used and how they have been used.

This Committee should also be concerned about what appears to be a growing pattern of political lobbying slush funds being raised by banks across the country. I have received copies of inter-office bank memorandums and other correspondence which indicates these funds are being raised through payroll deductions based on a certain percentage of the bank employee's salary.

In one case a bank employee wrote me:

"To many of us, we feel that such coercion contradicts our rights. Why can't we contribute to the candidates we feel best express our desires. Please give this some thought. Anything you can do to discourage such out and out blackmail will be greatly appreciated."

The purpose of these funds is obvious from the correspondence that I have been furnished. For example, a bank in California states:

"The value of these contributions has been demonstrated very specifically to us in connection with recent unsound and unfavorable legislation which has been successfully defeated."

An office memorandum from a bank in Ohio lays it on the line in this manner:

"If you have been making political contributions directly to others, it will be greatly appreciated if you will hereafter do it through the bank so that the bank will get credit for it on the goals assigned to us."

I also have copies of correspondence from the Bankers Association of a midwestern state soliciting bank contributions for political candidates. Political contributions, of course, are a fact of life. But the question here is whether corporate funds—in possible violation of Federal law—are being used for these purposes. In some cases, these funds appear to be purely political; and in other cases a combination of political and lobbying. The Committee should determine what these funds are and assure itself that they are being collected and distributed within the law.

There are many other areas. I have just mentioned these to indicate some of the scope of such an investigation.

There is also the question of the ABA's manipulation of public opinion to affect legislative decisions. There is evidence that the bank lobbyists have hired organizations to send out "canned editorials" favorable to the banks. These editorials then apparently find their way back to Washington as an evidence of public opinion for or against certain measures. In addition the bankers spent about $350 million annually on advertising and this Committee should be interested to learn what portion of this fund is used to mold opinion on legislation.

There is also the question of the banks' pressure on customers to "lobby" in their behalf and of pressure on other organizations to gain public support for the banks' position. Many Members of this Committee recall the bank lawyers attempt to distort the position of the American Bar Association on bank antitrust matters a few years ago. In other words, I think it is essential that this Committee determine just how "free and independent" the testimony of various organizations might be when they appear before this Committee on banking matters.

Obviously, today's meeting is not the forum to go into all of these issues in detail. The investigation and the evaluation of this material should be carried out under normal investigative procedures by the Domestic Finance Subcommittee. By this time, I had hoped that the staff would have gathered preliminary data and determined what witnesses might be available for the inquiry. The letter of August 12, of course, brought this to a halt and has placed the investigation many weeks behind schedule.

Some Members have expressed disagreement with the decision to refer this to the Domestic Finance Subcommittee. It was referred to the Subcommittee to facilitate the investigation since it is difficult to carry on an inquiry of this nature before a full Committee composed of thirty-five Members. An investigation by the full Committee would be highly time-consuming.

Some Members have expressed displeasure with the fact that I discussed the investigation in an appearance before the National Press Club on July 31. By that time, of course, the national press had already carried stories about the possibility of an investigation and my statements at the Press Club did not come as a surprise to anyone. But I regret it if anyone was offended by the Press Club appearance.

All of you are aware of the August 6 memorandum, my statement in the Congressional Record, and my various letters to you concerning this investigation. I see no need to review these this morning.

The issue before us is clear. I feel that there is ample cause for an investigation of the banking lobby and I urge that this inquiry proceed without delay and that it not be hindered in any manner. The investigation is clearly in the public interest.

Several Members of the Committee have questioned whether there is any public demand for such an investigation. While I do not feel that the Congress should wait until the public is clamoring at the door, it is obvious that there is indeed great public demand for such an investigation. Numerous editorials from newspapers of all political persuasions have been printed in support of such an investigation. In addition, I have received a number of letters urging such an investigation. One of these letters comes from a former U.S. Senator and Governor, Frank Lausche of Ohio. Mr. Lausche raises some very serious questions and urges in very strong terms that this investigation go forward.

Also, some Members of the Committee have indicated that Wright Patman has created the innuendoes and the charges that have appeared in public print. This is simply untrue. Unfortunately, I have been attacked and embarrassed by some of these editorials charging inaction on my part. These attacks were made on me by various newspapers after it was revealed that some Members of the Committee had stock in various financial institutions.

The Chicago Tribune of May 28 said I had a "severe case of myopia" and that I was "ducking the issue." There were other similar editorial comments. Despite this, I have refused to become embroiled in a controversy about the Members' private financial holdings.

There have been other press reports concerning this Committee and the banks. Many of these reports, as you know, occurred before my speech to the National Press Club on July 31. The simple fact is that the Committee has received an extremely bad press. And this fact will not go away by charging that the Chairman has created it by calling for a bank lobbying investigation.

In as strong terms as possible, I want to emphasize that the investigation is not of Members of Congress. The Committee does not have jurisdiction over the conduct of Members and such matters obviously would reside with the House Ethics Committee.

This is an investigation of the banking lobby. Full disclosure of what this lobby is—how it is financed—how it spends—how it operates—would be highly beneficial to this Committee, the Congress, and the American public. A vigorous and full investigation of this nature will do much to improve the public image of the Committee as well as providing a necessary legislative function.

If any Member knows of any reason why such disclosure would not serve the public interest, I hope that he will state these reasons here this morning.

But at the end of all this talk, we will be required to make a decision. Any of the 18 Members of this Committee can say that the banking lobby is immune from public inspection and that is the end of the investigation insofar as this Committee is concerned. The decision is up to you.

HUD'S NEW COMMITMENT TO RURAL AMERICA

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Department of Housing and Urban Development reports it is about to embark on a large-scale effort to help meet what it has come to describe as the "massive" housing problems of rural America.

Projects in this overall effort include: Inducing private mortgage lenders to extend their activities to small communities; encourage metropolitan banks to develop loan correspondency relations with small town lending institutions; conduct extensive education programs with State officials concerning available HUD programs; and help organize local public housing programs.

Mr. Speaker, these and other proposals are contained in a report issued by a task force formed by the Secretaries of Housing and Urban Development and Agriculture to conduct a joint examination of rural housing problems. Their study follows an examination of rural housing conditions and needs made over the past several months by my office during which I pointed out that on a proportionate basis the housing problems of rural America are more severe than those of urban centers because two-thirds of the Nation's substandard housing is located in rural areas which have only one-third of the Nation's population. Coupled with this is the fact that nearly half the poverty stricken in the Nation live in rural America.

Of necessity, the task force effort was abbreviated in order to produce recommendations for 1969 housing legislation, hearings for which were about to begin. As a consequence, the States of North Carolina and Georgia were chosen for study on the grounds that conditions there were likely to typify those in the rural areas of most other States.

Mr. Speaker, what follows are letters written by me to the Secretaries of Housing and Urban Development and Agriculture in response to the task force report, the report itself and my remarks on this subject made on the floor during August.

OCTOBER 2, 1969.

Hon. CLIFFORD M. HARDIN,
Secretary, Department of Agriculture,
Washington, D.C.

DEAR SECRETARY HARDIN: This is in reply to the findings and recommendations stemming from the joint HUD–USDA Task Force study of rural housing problems, using North Carolina and Georgia as states that more or less typify conditions throughout rural America.

The report is gratifying because it reflects an awareness on the part of HUD that rural housing problems are, in the words of the report, "massive", and because it sets forth a series of positive recommendations that go to the heart of the matter.

As you undoubtedly know, all but a few of the legislative recommendations made by both HUD and USDA are part of pending housing bills. I expect that most of the expanded authority your departments sought to improve your ability to serve rural America will be enacted into law before November 1.

But, with or without the legislation, it seems to me that the overriding challenge confronting HUD in terms of meeting its responsibility to rural America is and has been on the administrative level. Most of HUD's recommendations reflect recognition of this. I sincerely hope there is no hesitation in implementing all the suggestions in this category as quickly as possible, certainly no later than the end of the year. By the same token, it is my expectation that a significant part of HUD's report next year on the nation's housing needs and what is being done about them will center on the initial result of the recommendations.

There are two points that I wish to make before closing this letter—

Some critics of HUD maintain that rural America has always been pigeonholed in a second-class position in the Department's scale of priorities. The proposal to give the Office of Small Town Services increased capacity to coordinate efforts to improve delivery of housing and community development programs to rural areas, while at the same time keeping the operation under the Office of Metropolitan Development, hardly dispels this impression. I would think that executing the long and very good list of recommendations developed by HUD would, of necessity, require that the Office of Small Town Services be raised to division level in the Department and given the budget and staff it must have if the nation is to overcome our "massive" rural housing problems.

The second point deals with the implication in the Task Force report that, although I proposed creation of a Rural Housing Administration within HUD, I later agreed that such a step was not justifiable. I made no such agreement. I did agree to delay action to establish such an office in HUD while alternative proposals were developed as they were by the Task Force. As I said, I think the recommendations are very good. I congratulate both of you and the members of your departments that worked on the project. I look forward to enumeration of significant achievements in rural housing when HUD makes its annual report to the President and Congress early next year.

Sincerely,

WRIGHT PATMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., July 1, 1969.

Hon. GEORGE W. ROMNEY,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: Rural America—30 percent of the nation's population and 90 percent of its landmass—is in a vacuum as far as the housing needs of low and moderate income families are concerned. Sixteen percent of all occupied units in the nation are substandard, but 25 percent of all units in rural America fall into this category.

Non-metropolitan areas of the country, with 37 percent of the population, have received less than 20 percent of the home mortgages insured by the Federal Housing Administration. Only 15 percent of Housing and Urban Development units for the elderly have gone to rural America where 43 percent of all the nation's elderly live. Less than 10 percent of HUD's low income public housing rental units have been built or are under construction in rural areas. Thirty percent of all rural families are without bathrooms and less than half of all rural homes have central heating.

These conditions not only exist, they are worsening, despite the promises made in the 1949 Housing Act and an extensive and continuously growing library of housing legislation.

Mr. Secretary, I know that you are aware of some of these conditions in rural America, and that you will become aware of more of them as the months go on. In pointing them out, I do not mean to be critical of your administration. On the contrary, I think that you have clearly demonstrated in your decisions to launch a crash program to rebuild riot damaged ghettos and to develop mass production techniques to provide housing for low and moderate income families that you want to move the programs of your Department forward as rapidly as possible in the areas of greatest need as you see them.

My purpose in writing this letter to you is to point out the essence of what I view as a housing tragedy for the people of rural America and to propose what I think is a real solution to this problem.

As you know, efforts to meet the desperate housing needs of rural America are being made by the Farmers Home Administration of the Department of Agriculture. Farmers Home staff members, while saying that theirs is the only agency providing housing of any consequence for low and moderate income families, at the same time admit that these accomplishments not only fall far short of meeting the need, but if continued at the present level, will not even check the problem, let alone eliminate it. As an example, throughout the entire history of Farmers Home Administration, it has been able to provide only 22,000 units of low income housing in communities of 10,000 population or less, outside of Standard Metropolitan Statistical Areas. The dimensions of the problem become apparent when this figure is compared with the nearly 5 million substandard housing units in rural America today—nearly two-thirds of the nation's total—despite the fact that rural America has only 30 percent of the nation's population. Even if Farmers Home is successful in tripling the volume of its insured home loan program, as is proposed in its 1970 budget, it will still only scratch the surface.

None of these things are said in criticism of Farmers Home, which I think has done a remarkable job despite extreme limitations, but these limitations nevertheless make it impossible to expect this agency to meet the urgent housing needs of low and moderate income families in rural America. Chief among the restrictions imposed on Farmers Home is that it has been characteristically viewed by Agriculture Department policy makers as a minor section of an otherwise farm industry oriented program. From its very beginning, of course, this is what it was designed to be. However, only 30 percent of all rural families now have direct farm connected incomes and so the Department, over the years, is affecting the lives of fewer and fewer people in rural America and this is especially true in the field of housing.

Mr. Secretary, it hardly needs to be said that HUD is after all the national Government's housing department, responsible for providing housing assistance for low and moderate income families, not only in urban but in rural America as well. It is well on its way to becoming one of the largest and, I hope, one of the most effective in Government.

Therefore, I intend to propose, during the coming hearings on the extension of the Federal Housing Administration program, scheduled for the week of July 14, that the Housing Act of 1968 be amended to provide for the establishment of a Rural Housing Administration, which would be administered by an Assistant Secretary, within the Department of Housing and Urban Development. In my view, this is the best approach that can be taken to meet the housing needs of rural areas as quickly and effectively as possible. I know that you will agree that HUD has the staff, the expertise, the funds and the avenues of credit that can form a solid base for the operation of such an administration.

At the same time, I think that it should be clearly understood that the Rural Housing Administration is to be responsible for all HUD programs in rural America. This will require a new definition of what is rural and what is urban because the present boundaries of areas having a population of 2,500, used by the Census Bureau, or of 5,500, the standard employed by Farmers Home, fail to describe the real boundaries of rural areas. Communities of 25,000 or less outside of Standard Metropolitan Statistical areas would, in my view, be much closer to an accurate definition of rural America.

I sincerely hope you will join me in viewing this proposal as a way of placing the programs of the Department of Housing and Urban Development in proper balance. I sincerely hope you will join me in viewing this as a way of injecting a dynamic new element into HUD and broadening your mandate to meet the housing needs of the nation's people.

I look forward to discussing this subject with you at the upcoming hearings on housing, if not sooner.

Sincerely,

WRIGHT PATMAN,
Chairman.

TASK FORCE REPORT

INTRODUCTION

Congressman Wright Patman (D-Tex) has vividly portrayed the conditions existing in non-metropolitan areas of this country both in correspondence to Secretary Romney and to the House of Representatives. (Attachments A and B)

In both instances Congressman Patman, Chairman of the House Banking and Currency Committee, called for the creation of a Rural Housing Administration within HUD to focus on the housing and development problems in non-metropolitan communities with populations ranging from 5,500 to 25,000. Several meetings were held involving Congressman Patman, Senator John Sparkman (D-Ala) Chairman of the Senate Banking and Currency Committee, members of their staffs, and officials of HUD and USDA. It was agreed that creation of a Rural Housing Administration within HUD's organizational framework was not justifiable because of its functional structure, but that the conditions of concern could be approached by a redirection and possible refinement of agency resources.

An Interagency Task Force was established to ascertain areas of greatest need and difficulties in meeting needs, and to suggest alternate HUD, USDA and joint HUD-USDA actions to focus on the situation.

DIMENSIONS OF PROBLEM

In the time frame allotted, the Task Force could not identify housing problems based on a national sample. It thus focused on North Carolina and in some instances Georgia, as being reflective.

The data (Attachments C, D, E, F) show that the Farmers Home Administration serves a substantially larger number of families in rural America than the HUD and Veterans Administration housing programs combined. On the other hand, due to legislative restrictions which prevent FMHA from operating in places of more than 5,500 population, the HUD and VA programs are concentrated in the larger non-metropolitan communities of up to 25,000.

Selected population and housing data used was for 1960. Undoubtedly many changes have occurred since then in the population, number of households—especially substandard units, incomes, etc. The data do not lend themselves to a quantitative analysis of housing needs or subsidy requirements, other than to indicate that housing needs of rural America are massive.

Other data gathered deals with the mortgagee situation in rural areas which reflects on the use of FHA mortgage insurance programs. From this data the Task Force has identified eight basic problems involved in meeting housing needs of families in the open country and cities up to 25,000 population.

1. *Delivery of Housing Credit*—The inadequate flow of housing credit to non-metropolitan areas and the terms by which such credit is available have been major reasons why families living on farms and in small rural towns and villages have not been able to improve their housing. (a) Rural areas generally have access to few sources of long-term home mortgage financing. (b) The amount and terms of housing credit are less favorable in rural areas than in larger towns and cities and (c) Facilities in rural areas for tapping the credit sources of larger institutions in urban places are inadequate.

Private sources of credit in rural areas have been largely commercial banks, savings and loan associations, and individuals. All these represent local funds. Only relatively small amounts of outside capital have flowed to rural areas either directly or through mortgage companies, correspondent banks, or other sources. As a result of this situation, a housing credit gap of major proportions exists in rural areas.

2. *Development of New Housing Units*—Developers in and around urban areas have taken the initiative in building new housing units. In rural areas, however, families who want new housing have been primarily the initiators of the action. A more effective system for delivering new homes to those who need them in smaller communities is a major problem area.

3. *Utilization and Rehabilitation of Existing Units*—In rural areas about three million existing substandard homes could be rehabilitated but existing sources of credit are primarily in newer homes. More attention should be given to the upgrading of existing housing.

4. *Availability of Building Sites*—Suitable residential building sites in small communities that have public water and sewer facilities are becoming scarce. Also, not enough attention has been given to the systematic development of good residential communities in non-metropolitan areas.

5. *Coordinated Area Planning*—Coordinated areawide planning has been fragmentary in non-metropolitan areas.

6. *Low Incomes of Many Rural Families*—Almost a third of the rural population have incomes of less than $3,000. Nearly half of these families live in homes that need to be repaired or replaced. How to provide adequate housing for these families is a difficult problem because few have the ability to pay for a home or to pay market rent. The problem is delivery of Federal housing programs to provide rental units for low-income families coincidental with the development of economic opportunities to provide a basis for supporting better communities.

7. *Information on Sources of Credit*—Communications between those in need of housing and those who can provide and finance it are inadequate in non-metropolitan areas.

8. *Special Problems of Communities of Minority Groups, Farmworkers, Indians, and Others in Rural Areas*—Public attention has been focused largely on the problems in large cities. Similar but less conspicuous housing problems associated with ethnic and occupational groups exist in small towns and in open country. Often the families involved are in the low-income group whose needs are far more extensive than adequate housing.

GENERAL COMMENT

Based on this data and problem identification, the Task Force is in agreement that there has been both a breakdown in the delivery system of certain HUD programs to smaller population areas and certain restrictions limiting the effectiveness of Farmers Home Administration programs.

A series of proposals to begin correcting these conditions have been developed and are submitted for implementation or for further study, when appropriate.

In submitting our proposals we feel the Congress should recognize we have done so in the absence of an overall urban land use policy. To scatter housing and community facilities in a helter skelter manner across the countryside in response to unplanned demand is not in the best interest of our Nation. Coordinated Federal, State and local considerations geared to provide not only attractive alternatives of where and how to live, but of directing the effective expenditure of scarce governmental resources, should be a factor along with our proposals.

ALTERNATE RESOURCES AVAILABLE TO HUD

Proposal to stimulate Federal Housing Administration lending in smaller towns

In non-metropolitan areas of over 5,500 and under 25,000 population the private institutions exist or can be developed to assure a flow of FHA-insured mortgages for home purchase and construction. Many such areas are now served adequately by this type of lending. However, it is desirable to provide special incentive for private lending institutions to serve all of such areas adequately.

This can be done by giving GNMA authority to purchase FHA and VA guaranteed mortgages at par in those non-metropolitan areas (under 25,000) where the Secretary determines that the supply of private mortgage funds is inadequate (based on such standards as he may determine). GNMA could hold or resell mortgages to various financial institutions.

This incentive, combined with affirmative actions by HUD (e.g., Proposal to Educate Lending Institutions) to induce private mortgage lenders to extend their services and lending activities to smaller communities in concert with homebuilders, should go a long way to make mortgage lending for home purchase and home building uniformly available in towns of 25,000 and under.

Proposal to educate small supervised lending institutions regarding mortgage market programs

Lenders in many small communities seldom see an FHA representative. They are unaware of the recent red tape cutting and streamlining which has taken place in application processing. It is possible to conduct a concentrated education program with State and Federal financial groups (Independent Bankers Association, etc.) thus expanding FHA's capacity with small town financial institutions and encouraging large metropoltian banks to develop loan correspondency relationships with the smaller institutions.

Proposal to support farmers home lending program

The Farmers Home Administration has a very effective program for originating mortgage loans in small rural nonfarm places (5,500 population and under) where typically, private lending institutions are lacking to originate and service loans insured by the Federal Housing Administration or VA. Making use of a revolving fund the Farmers Home Administration, through its county representatives, works with borrowers and home producers to help meet the housing needs of the borrowers and, in the course of this dialogue, originates a mortgage loan using funds from its revolving fund.

After a number of such loans have been made, the Farmers Home Administration then sells to private mortgage lenders notes against the mortgages it holds. These notes are fully guaranteed by the Farmers Home Administration and there is full recourse. They are frequently short term notes. In periods of tight money, Farmers Home often has trouble reselling in the private mortgage market the notes it has issued against mortgages. This limits the total volume of mortgage financing Farmers Home can provide to rural nonfarm families in small places.

To support and sustain the maximum use of Farmers Home lending authorities, the Federal National Mortgage Association could consider the purchase of Farmers Home mortgages on a regular basis ($100 million worth every quarter).

Proposal to increase emphasis on creation and support of non-metropolitan districts

Many non-metropolitan areas centered around a community of under 25,000 population are not prepared or motivated as larger population areas to begin massive housing undertaking due to (1) lack of planning, (2) lack of expertise and capital, (3) lack of initiative, and (4) lack of aggressive builders.

To help overcome the determents, HUD's Comprehensive Planning Assistance Program now encourages and assists neighboring units of general-purpose government and other public and private organizations to join together to plan for the most beneficial use of their human and physical resources on an area-wide basis.

This non-metropolitan district planning program will be increased considerably over its initial effort (FY 1969—$750,000—28 districts).

Proposal relating to Operation Breakthrough

Many non-metropolitan areas have excellent transportation and communications networks linking them with urban areas. In such situations firms participating in Operation Breakthrough (and other producers of manufactured homes) should be encouraged to be responsive to the needs of non-metropolitan areas located within a reasonable logistical distance.

Proposal to assist small communities in budgeting, financing, planning and construction of community facilities

The focus of the Public Facility Loan Program is on small communities with priority given to localities under 10,000 in population. Section 207 of this program authorizes the Secretary of Housing and Urban Development to "establish technical advisory services to assist municipalities and other political subdivisions and instrumentalities, and Indian tribes, in the budgeting, financing, planning, and construction of community facilities."

It is recommended that HUD seek appropriations to activate this effort.

Proposal to strengthen HUD's Office of Small Town Services

The Department of Housing and Urban Development has a large number of activities underway which assist non-metropolitan areas. These and other activities being proposed in this Memorandum requires a central coordinating point.

It is recommended that the Office of Small Town Services within the Office of Metropolitan Development be given the increased capacity to coordinate HUD internal and interagency efforts focusing on the improved delivery of housing and community development programs to small towns in non-metropolitan areas.

Proposal to encourage home construction in and around small towns

The development of new communities, outside of congested urban centers and tied to existing smaller communities, will not only provide additional housing but tend to stabilize the economy of the area.

In beginning to administer the New Communities Act of 1968, HUD will give consideration to assisting non-metropolitan new communities.

Proposal to assist States in efforts with small towns

Many states have an official housing agency or office. Those which do not can be assisted in establishing one through the Comprehensive Planning Assistance Program. It is recommended that HUD Regional Offices conduct an extensive educational program with these Offices on all housing programs. Also adequate up-to-date materials will be provided to enable the State housing officials to enable all localities within the State to determine their ability to participate in HUD programs.

Since each state of a Region has its peculiar enabling legislation, it is recommended that each Regional Office prepare specific "Steps of Procedure" for organizing local public housing authorities and developing housing for that specific State or Region—not only the broad general lines of Department Brochures but also containing detailed pertinent information needed by the States within each Region.

The Production Representative who works closest with the community, if not now trained, should be trained in the mechanics of organizing an authority in his particular state, and assisting in the actual preparation of an application.

Proposals to minimize problems relating to economic and demographic feasibility

HUD's Housing Assistance Administration now has enough experience in programming for small authorities to be more generous in the allocation of public housing units. HUD recognizes the possibility of accepting a few vacancies among the smaller authorities which could possibly follow, and is considering this approach.

Where the demand of a town and the surrounding area is too low to support a minimum (generally 20 unit) public housing program, a lesser number of units could be programmed with additional subsidies guaranteed in the Annual Contributions Contract, or the Cooperation Agreement could be amended to permit the city to provide management services at no charge or waive payment in lieu of taxes. Proposed legislation, if passed, will be of assistance in this regard.

Encourage flexibility in management practice to cut costs. For example, do not require local managers, and permit mailing in of rent or payment to local bank or other designated collection agency.

Proposal to direct regional offices to become more concerned

In the case of the Housing Assistance Office, they have traditionally followed the directives of the Central Office as to priority for public housing. It is recommended that a strong statement relative to the importance of the small rural community, similar to that put out to FHA Insuring Offices (Attachment G), should serve to focus attention to this aspect of the program.

Proposal to permit special subsidy for small size program

Public Housing Authorities operating less than 20 units could be guaranteed in the Annual Contributions Contract, a $10.00 per unit per month subsidy to cover the added expense of managing the program. Legislation authorizing this increase is needed and recommended. This increase will be reflected in the executive directors salary, the non-routine accounting fee, higher maintenance equipment costs per unit, utilities expense, etc.

With such a subsidy, inquiries and applications from smaller population areas would be able to receive more serious consideration and not be simply passed over. The fact must be faced that such potential small programs do require additional time and effort all along the line. For instance, villages located in the vicinity of the requesting town will undoubtedly need to be studied to determine the maximum safe number of units feasible for the area.

Proposal to consolidate management

The possibility should be explored of placing a number of less than 20-unit housing projects under a single private management firm. To obtain a sufficient number of units to make the plan worthwhile, a considerable area could be included. It is assumed each local housing authority (LHA) would function individually, rents mailed into a central cashier, and projects visited periodically (perhaps once per quarter). The State housing office or non-metropolitan planning district, discussed earlier, may play a role here.

Proposal concerning 20 percent gap requirement

The 20 percent requirement in small towns and rural areas has long outlived its usefulness if indeed it was ever necessary in these locations. No standard rental housing has usually been built in years. In fact in some localities no standard housing has been built for either sale or rent. To meet the gap requirement the local authority has been forced to an elaborate exercise based on present day building costs and then translating these costs by means of a rental factor and ending up with a gross rental figure which appears ridiculous to the housing authority board,

XUM

the governing body and local citizens in general.

It is recommended that HUD seek legislation eliminating the 20 percent gap requirement.

Proposals to make workable program more flexible

The criteria for approval of a Workable Program is two-fold, some established by Congress, and some by Administrative decision, interpretations and traditions. An analysis of the workable program requirement for small communities (Attachment H) indicates the benefits of the program but suggesting certain modifications. A directive from the Central Office to the Region instructing the reviewers to examine the Workable Program in the light of statutory requirements and suggesting greater flexibility as suggested is recommended.

The Low-Rent Housing Manual (Section 201.1 5a) states that a Workable Program for a central city also covers adjacent bedroom towns. This seems to be ignored in most Regional Offices, and the individual locality is required to have its own Workable Program. A clarification of this point and a uniform interpretation policy including its application to a non-metropolitan district could place many localities in the low-rent public housing market who will not now participate. Such a clarification is recommended.

Needed long-term research

The preceding proposals have been devoted, in part, to a discussion of actions that can be taken now (or accomplished in a relatively short time) to improve the ability of the HUD's housing programs to serve non-metropolitan America. We are certain additional improvements can be made. Below is a brief description of topics requiring more extensive study before final recommendations can be prepared:

1. Analysis of State enabling legislation for public housing and suggested changes to better serve rural communities.

2. Review of all administrative requirements and standards to determine changes helpful to rural areas.

3. Detailed study of the time and effort required to initiate a public housing program in a small town as opposed to a program in a larger city.

4. Analysis of the Department's programming experience in small towns to determine whether we are underprogramming.

5. A study of the problems and potentials involved in the use of manufactured and mobile homes to meet the housing needs of rural areas.

6. How to effectively deal with the problems of the unincorporated, minority community which lies adjacent to, but is not an annexed portion of many small communities in the South and Southwest. These areas receive no sevices yet are, in effect, providing labor, purchasing power, etc., to the town.

7. Develop a method of accessing housing needs in rural, nonfarm areas relative to type of unit. To attain economies of scale in the construction of fewer units, would nonmetropolitan dwellers choose to reside in multi-unit construction as opposed to detached, single family homes, if it meant reduced payments?

8. There is a need to know more about the deteriorization factor in non-metropolitan areas. This relates to rehabilitation programs of HUD and USDA.

PROPOSALS TO BROADEN FARMERS HOME ADMINISTRATION AUTHORIZATION IN RURAL AREAS

Make advance agreements with builders to encourage a larger volume of dwelling construction

At the present time, rural housing loans are made to eligible applicants to build a house for their own use. Present authorities authorize the Farmers Home Administration to obligate funds only after the loan is approved. The contractor starts construction only after the loan is closed. This method of operation is not conducive to volume home production.

To meet the demand for housing in rural areas, a way should be developed to encourage builders or developers to construct, where a definite market exists, several houses at the same time. Legislative authority should be granted to enable the Farmers Home Administration to obligate funds for a home and agree with builders that a loan will be made to buy the house if:

1. An eligible applicant requests a loan to buy the completed dwelling;

2. Construction is in accordance with the approved plans and specifications;

3. The sale price does not exceed the appraised value and other specified limitations; and

4. The builder understands that the house is his responsibility until all of the above conditions have been met and a sale has been completed.

This would permit and encourage builders, in certain areas, to construct several houses at one time. More houses could be built, the cost of the houses could possibly be reduced through large scale buying and building, and the need for housing could, therefore, be satisfied sooner.

Finance building site acquisition and development

Desirable building sites are becoming scarce in rural areas.

To help alleviate this problem, loans should be authorized to private or public nonprofit organizations to buy and develop building sites to be sold to families, nonprofit organizations, or cooperative eligible under section 235 or 236 of the National Housing Act or section 521 of the Housing Act of 1949. The Housing Act of 1968 provided similar authority for use in connection with mutual self-help projects.

Such broader authority would encourage the development of suitable building sites for rural families and would be particularly helpful in connection with housing for minority groups. The systematic and planned development of building sites would provide an opportunity for building communities of homes that include the facilities essential to a good living environment.

Make needed changes to facilitate the delivery of housing credit to rural families through the rural housing insurance fund

Rural housing loans are made from a revolving fund known as the Rural Housing Insurance Fund (RHIF). After the loans are made, the notes are sold out of the RHIF to investors on an insured basis.

At the present time rural housing loans are being applied for at a faster rate than the RHIF can sell insured notes. This is the result of both the volume of loans applied for and fluctuations in the money market. The fund cannot obligate and hold new loans in excess of the $100 million statutory limit. The result is periodic cessations of loan processing and approval. With the increasing number of loans projected for the future, larger volumes of loan paper will be passing through the fund.

To correct this situation, the following legislation is needed:

1. Raise the ceiling on the amount of new loans that can be held in the RHIF at any one time from $100 million to $350 million; and

2. Clarify the authority for the sale of insured notes out of the RHIF in blocks and authorize such transactions to be treated as a sale of assets for purposes of the Budget and Accounting Act, 1921.

Such legislation would greatly facilitate the sale of rural housing insured loan paper. It is essential to continue operation of the insured housing program.

Require FNMA or GNMA to buy insured rural housing

Fluctuations in the money market at times present an orderly sale of insured notes from the Rural Housing Insurance Fund (RHIF).

To facilitate the sale of insured notes from this fund, steps should be taken to encourage FNMA to use their present authorities to purchase notes and legislative steps taken to require GNMA, at the request of the USDA, to buy notes when private investors are not available.

Increase cooperation and coordination between HUD/USDA

Many of the above proposals naturally require and depend upon effective communication between the two departments. Joint action should be initiated in an outreach capacity, as follows.

A series of regional/state meetings involving HUD/USDA officials should be instituted to:

Advise and inform USDA officials of all HUD programs.

Train USDA officials to help create HUD institutions such as local housing authorities.

Encourage USDA employees to help HUD fill up housing projects in non-metropolitan areas. One technique to use would be to encourage delegations from nearby towns to visit projects having vacancy problems.

Explain and implement recommendations of this Memorandum.

Stimulate greater use of HUD Section 235 and 236 in smaller communities.

Federal housing programs in small towns and rural America

A summary of all Federal housing programs serving families in rural areas and places of less than 5,500 and 5,500 to 25,000 in Georgia and North Carolina is presented in Table 1.

The data do not permit an evaluation, in terms of improvement in housing condition in the rural areas and small towns, of the several Federal housing programs. We do not know how much housing is provided under other financing in which the Federal Government has no part. Suffice it to say that in view of the magnitude of the housing needs in the rural areas and small town, both in terms of physical condition of the housing stock and the inability of households to afford improved housing (see table 2) the housing needs of rural America are large and Federal programs presently help to meet only a small part of that need.

The data show that the Farmers Home Administration serves a substantially large number of families in rural America than the HUD and VA housing programs combined. On the other hand, due to legislative restrictions which prevent the Farmers Home Administration from operating in places of more than 5,500 population, the HUD and V.A. housing programs, as may be expected, are concentrated in the larger communities of up to 25,000.

In 1968 an estimated 7,494 units were started, insured or improved under Federal programs in North Carolina in areas served by the Farmers Home Administration and in places of 5,500 to 25,000 population outside of SMSA's. Of this total of 7,494 units, 2,627 units equal 35.0 percent were initiated under HUD programs, 3,303 or 44.1 percent were started under the Farmers Home Administration programs and 1,564 units or 20.9 percent were placed under construction through V.A. programs.

In rural areas and small towns served by the several housing agencies in Georgia, some 2,104 or 41.0 percent of the units were started in 1968 under Farmers Home Administration programs. HUD and the VA in turn accounted for 39.8 percent and 19.2 percent of housing starts and rehabilitations respectively.

In North Carolina some 3,303 units were

started under the Farmers Home Administration in the area served by its programs. Under, HUD, by comparison, only 772 units were started within the same area.

In places of 5,500 to 25,000 population outside of SMSA the situation was reversed. Under HUD and V.A. programs 1,855 and 1,564 units respectively were started. The Farmers Home Administration, due to its legislative limitations, did not develop any housing under its programs in places of more than 5,500 population.

The situation in Georgia with respect to the number of units started under the several Federal housing programs was similar to that in North Carolina.

Table 1 presents a detailed summary of Federal housing programs in areas served by the Farmers Home Administration and places with population of 5,500 to 25,000 outside of SMSA's. It should be noted that the data in Table 1 were adjusted in order that the operating statistics of the several housing agencies could be compared. These adjustments are described in a Technical note on Housing Program Estimates attached to this paper.

TABLE 1.—SUMMARY OF FEDERAL HOUSING PROGRAMS IN FARMERS HOME ADMINISTRATION AREA AND PLACES WITH POPULATION OF 5,500 TO 25,000 OUTSIDE OF SMSA'S, NORTH CAROLINA AND GEORGIA, 1968

	North Carolina			Georgia		
Housing program	Total	Farmers Home area	Places of 5,500 to 25,000 population outside SMSA's	Total	Farmers Home area	Places of 5,500 to 25,000 population outside SMSA's
Total, Federal housing programs	7,494	[1] 4,075	3,419	5,128	2,632	2,490
HUD-administered housing programs	2,627	[1] 772	1,855	2,039	528	1,511
FHA—single-family starts and existing units insured	362	[1] 72	290	841	[1] 215	626
FHA—multifamily units started	144	0	144	123	7	116
Low-rent public housing [2]	1,104	380	724	900	254	646
Improvement loans and grants [3]	1,017	[1] 320	697	175	[1] 52	123
Farmers Home Administration programs	3,303	3,303	0	2,104	2,104	0
Single-family homes [4]	3,242	3,242	0	2,042	2,042	0
Rental housing	61	61	0	62	62	0
Veterans' Administration	[5] 1,564	(6)	[5] 1,564	[5] 985	(6)	985
GI loans	1,471	(6)	1,471	901	(6)	901
Direct loans	93	(6)	93	84	(6)	84

[1] Estimated.
[2] Low-rent public housing units started and leased.
[3] FHA improvement loans and sec. 115 grants and sec. 312 loans.
[4] Farmers Home Administration sec. 502 and 504 housing loans.
[5] VA activity outside of SMSA's and places with excess of 30,000 population.
[6] Not available.

TECHNICAL NOTE ON HOUSING PROGRAM ESTIMATES

The operating statistics of HUD, the USDA and V.A. are not directly comparable because of differences in, (1) the geographic area served by the Farmers Home Administration on the one hand and HUD and the V.A. on the other hand; (2) the type and scope of the statistics maintained by each of the housing agencies, and (3) the period covered by the housing statistics (i.e. calendar year versus Fiscal Year).

The Farmers Home Administration is limited by law to serving families residing in rural areas and places of less than 5,500 population. HUD and the V.A. are not bound by any legislative restrictions.

The operating statistics of each of the housing agencies reflect the geographic area served. The Farmers Home Administration operating statistics are available for the entire area served by its programs in each state. Thus, the USDA statistics provide data for all rural areas and places less than 5,500.

HUD statistics, with exception of the multifamily programs and Section 115 and 312 rehabilitation Grants and loans, are only available on the county basis. The operating statistics in table 1 for the HUD home ownership and improvement loans and grants program were estimated for rural areas and places of less than 5,500 population and 5,500 to 25,000 population outside SMSA's from individual county data. The programs in rural areas and places of less than 5,500 population, inside SMSA's in turn were estimated by multiplying the county data by the proportional difference in the number of households in the non SMSA counties and the larger area served by the Farmers Home Administration. (For example, the area served by the Farmers Home Administration in North Carolina contains 14.5 percent more households than the SMSA counties.) It was assumed that the HUD programs in the rural areas and places of less than 5,500 in the SMSA counties were proportional to the number of households in the non SMSA counties.

The VA statistics did not lend themselves to similar adjustment. Therefore, the V.A. statistics reflect only activity outside SMSA's and places with excess of 30,000 population. Thus, the V.A. data do not include rural areas and places up to 5,500 population, inside SMSA's.

The data in table 1 are presented in terms of housing starts, commencements of house improvement, and in the case of leased low rent public housing, the initial leasing period. The Federal Housing Administration operating statistics are usually presented in terms of "mortgages insured" and the V.A. data reflect "loans". It is recognized that there is some lag between the start of a new unit and its financing. This lag differs with each program. However, it was assumed for the sake of comparability that starts occurred during the same 12 month period during the unit was financed or an improvement or rehabilitation loan or grant was provided.

The Farmers Home Administration operating statistics are tabulated on a Fiscal Year basis, whereas the HUD and V.A. statistics are available on a calendar year basis. Since the number of units financed with Farmers Home Administration Assistance do not vary substantially from year to year, it was assumed that the Fiscal Year data were representative of the calendar year and accordingly were included without further adjustment.

POPULATION AND HOUSING DATA FOR RURAL AREAS AND PLACES OF LESS THAN 25,000 POPULATION OUTSIDE SMSA'S

Selected population and housing data for 1960 are presented in table 2 for rural areas and places of less than 25,000 population outside of SMSA's in North Carolina and Georgia. Changes have occurred since 1960 in the population, the number of households and the quality of the housing. The number of substandard housing units shown in Table 2, in particular, have changed substantially since 1960. Some of the occupied units found substandard in the rural areas in 1960 have been abandoned, others may have been improved. In many urban areas, on the other hand, there has been improvement in the quality of housing. Neither the reduction in the number of occupied substandard units in the rural areas or the improvement in urban housing is reflected in the summary provided in Table 2. Thus, no quantitative estimates of housing needs can be derived from the data in Table 2.

It is estimated that in North Carolina and Georgia 41 percent and 45 percent of home owners respectively in rural areas and small towns had incomes in 1960 below $3,000. In both states the proportion of renters with incomes below the "poverty line" was greater than the proportion of home owners with similar incomes. In turn, the proportion of low income households was greater in rural areas and places of less than 5,500 population.

Lack of detailed statistics on income by tenure and size of locality made it necessary to estimate the 1960 incomes shown in table 2. Undoubtedly incomes have increased since 1960 in both North Carolina and Georgia. The magnitude of the increase, however, is unknown.

As stated above, the data do not lend themselves to a quantitative analysis of housing needs or subsidy requirements, other than to indicate that the housing needs of rural America are massive.

TABLE 2.—SELECTED POPULATION DATA FOR RURAL AREAS AND PLACES OF LESS THAN 25,000 POPULATION OUTSIDE OF SMSA'S—1960

	Total	Less than 5,500	5,500 to 24,999
NORTH CAROLINA			
1960 character:			
Population	3,150,931	2,641,032	509,899
Number households	807,057	659,287	147,770
Number substandard units	395,538	337,315	38,223
Household income:			
Homeowners (percent): Total	100	100	100
Under $3,000	41	44	29
Over $3,000	59	56	71
Renters (percent): Total	100	100	100
Under $3,000	55	57	44
Over $3,000	45	43	56
GEORGIA			
Population	2,034,814	1,641,991	392,823
Number of households	536,995	426,420	110,575
Number of substandard units	297,870	260,446	37,424
Household income:			
Homeowners (percent): Total	100	100	100
Under $3,000	45	48	32
Over $3,000	55	52	68
Renters (percent): Total	100	100	100
Under $3,000	56	60	45
Over $3,000	44	40	55

MORTGAGEES IN RURAL AREAS IN NORTH CAROLINA

Of North Carolina's 4,556,155 population in 1960 nearly two-thirds were living in counties which presently do not have a city with a population of as much as 50,000 persons. These counties, 87 in number, may therefore be considered to be predominantly rural, as opposed to 13 other counties which contain one or more cities of 50,000 and have a combined population of one-third of the state's total.

In 1967 the 87 predominantly rural counties were being served by 154 savings and loan associations with 185 separate offices out of a total for the entire state of 197 associations with 267 offices. With 78 percent of associations and 69 percent of offices, these 87 counties therefore had more than their proportionate share for their 69 percent of the population. These offices were located in all but 21 of the most sparsely populated counties.

At the end of 1967 out of 28 Federal Savings and Loan Associations that were FHA-approved mortgagees, 19 were in the 87 predominantly rural counties. In addition FHA had approved 44 state-chartered building and loan associations, of which 30 were in the 87 predominantly rural counties. In percentage terms, these counties had 68 percent of both the state's Federal and the state chartered associations.

Considering all FHA-approved mortgagees, in particular commercial banks and mortgage companies, in addition to savings and loan associations, we find that of 186 approved mortgagees, 114 of 61 percent were located in the 87 predominantly rural counties. It should be pointed out, however, that commercial banks provide a relatively small proportion of FHA-insured home mortgages.

County	Commercial banks[1]		Savings and loan associations[2]	
	Number of banks	Number of banking offices	Number of associations	Number of association offices
Alamance	7	18	4	5
Alexander	2	4	1	1
Alleghany	1	1		
Anson	2	6	1	1
Ashe	2	3	1	1
Avery	2	2		
Beaufort	2	7	2	2
Bertie	5	5	1	1
Bladen	4	5	2	2
Brunswick[3]	1	5	1	2
Buncombe[3]	6	25	3	4
Burke	3	10	3	4
Cabarrus	6	13	3	5
Caldwell	3	8	3	3
Carteret	3	8	1	1
Caswell	2	2		
Catawba	4	22	4	9
Chatham	3	6	3	3
Cherokee	1	2		
Chowan	2	4	1	1
Clay	1	1		
Cleveland	4	10	5	5
Columbus	3	16	2	3
Craven	4	12	2	2
Cumberland[3]	5	30	3	7
Currituck	2	2		
Dare	1	3		
Davidson	6	12	5	6
Davie	2	44	1	1
Duplin	4	11	2	2
Durham[3]	6	28	4	7
Edgecombe	6	9	2	2
Forsyth[3]	6	40	4	9
Franklin	3	5	2	2
Gaston	7	21	6	7
Gates	3	3		
Graham	1	1		
Granville	3	4	2	3
Greene	2	3	1	1
Guilford[3]	8	51	6	14
Halifax	4	14	6	6
Harnett	5	11	2	3
Haywood	3	9	3	3
Henderson	3	9	2	4
Hertford	5	8		
Hoke	2	3	1	1
Hyde	1	2		
Iredell	6	18	4	4
Jackson	2	4	1	1
Johnston	7	13	4	6
Jones	3	3		
Lee	2	7	2	3
Lenoir	4	13	2	3
Lincoln	2	5	2	2
Macon	2	3	1	1
Madison	2	4		
Martin	3	6	1	1
McDowell	3	5	2	2
Mecklenburg[3]	14	77	6	9
Mitchell	1	2	1	1
Montgomery	4	6	4	4
Moore	4	9	5	5
Nash	5	21	4	5
New Hanover[3]	4	17	4	6
Northampton	5	6		
Onslow	2	15	2	2
Orange[3]	3	9	3	3
Pamlico	1	1		
Pasquotank	3	4	1	1
Pender	2	3		
Perquimans	1	1	1	1
Person	2	4	2	2
Pitt	9	18	3	5
Polk	2	3	1	1
Randolph[3]	4	10	4	5
Richmond	3	9	2	3
Robeson	4	18	4	5
Rockingham	8	18	5	6
Rowan	6	15	2	3
Rutherford	3	11	3	3
Sampson	2	8	1	1
Scotland	3	9	1	1
Stanley	4	9	2	4
Stokes	1	4	1	1
Surry	4	12	3	5
Swain	2	2		
Transylvania	2	3	1	1
Tyrrell	1	1		
Union[3]	4	12	2	2
Vance	3	7	2	2
Wake[3]	10	50	4	13
Warren	2	3		
Washington	3	5	2	2
Watauga	2	4	1	1
Wayne	6	17	3	3
Wilkes	2	7	1	1
Wilson	4	15	3	3
Yadkin[3]	3	4	1	1
Yancey	1	1		
State total	335	1,009	197	267
Non-SMSA	272	651	159	185
SMSA total	63	358	43	82
Asheville (Buncombe)	6	25	3	4
Charlotte (Mecklenburg, Union)	16	89	7	11
Durham (Durham, Orange)	6	37	6	10
Fayetteville (Cumberland)	5	30	3	7
Greensboro-Winston—Salem—High Point (Forsyth, Guilford, Randolph, Yadkin)	15	105	15	29
Raleigh (Wake)	10	50	4	13
Wilmington (Brunswich, New Hanover)	5	22	5	8

[1] June 29, 1968.
[2] Sept. 30, 1967.
[3] County included in an SMSA.

Note: Number of banks and number of savings and loan associations are the number of individual institutions in a county. The same institution will be listed for each county in which it maintains an office.

FEDERAL HOUSING ADMINISTRATION,
July 27, 1965.

To: Insuring office directors.
Subject: Variations from minimum property standards to meet local market conditions.

This letter will further implement the policies emphasized in Commissioner Letters No. 28 and 29. The interim instructions set forth in Underwriting Letter No. 1992 are now confirmed and expanded as discussed herein.

The modified underwriting procedures detailed below are effective immediately and will provide a more flexible approach to the analysis of home mortgage applications for proposed construction. They are applicable under all existing small homes programs where the Minimum Property Standards for One and Two Living Units, FHA No. 300, or the Minimum Property Standards for Low Cost Housing, FHA No. 18, apply.

PURPOSE

Where local market practices are considered sound and of established acceptance, variations from a literal application of the MPS may be accepted in the various field office jurisdictions where it is deemed appropriate and necessary to conform.

In other words, while the scope and complexity of FHA's programs requires development of uniform operating procedures, these processing instructions cannot cover all situations. Underwriting personnel are expected to exercise initiative and imagination as well as careful judgment in the analysis of proposals. The MPS are basic guides to such judgment for the achievement of sound construction. They are not intended as a handy barrier which may be thrown up to justify an arbitrary decision.

APPLICATION OF MINIMUM PROPERTY STANDARDS

The purpose of this letter is not to be construed in any way as a lowering of the level of quality of FHA construction standards. The objectives are to expand the principles expressed in Letter 1753 which are particularly applicable to small communities but equally available in any local market where conditions warrant variations from the national standards.

As one example, the typical builder operating in one or more small towns builds relatively few houses a year and has many different problems as compared to the large volume urban builder. His potential market is smaller, thus he is more service orientated to the purchaser and usually responds readily to personal needs and desires. He may be less inclined to the use of new techniques and materials, relying more on traditional patterns in the community, some of which may vary from current urban standards. Working outside the pressures of volume construction, many of these builders are craftsmen who take pride in their work and handle complaints and latent defects promptly. It is essential that architectural personnel adopt an attitude of helpfulness and understanding in their relations with such builders and avoid the implication of acting as though they were "enforcers" or some sort of federal policemen.

Similarly, purchasers in small communities or segments of larger urban markets may express individual desires and preferences which require an application of judgment and reasonableness on the part of FHA personnel. The size of the family kitchen may be more important than privacy considerations. Or, a location near friends or relatives may exert more influence than the proximity of land uses which might adversely affect value in other market areas.

Wherever justifiable, planning or construction variations from the MPS should receive a fair and understanding analysis on the part of processing personnel. These variations, however, are obviously not intended as a device whereby properties will be insured which are deficient in structural soundness and durability, have features which will require costly maintenance, or express design or planning concepts so unusual that values and future market acceptance will be endangered. There shall be no compromise with prescribed standards of health and safety.

ARCHITECTURAL PROCESSING AND INSPECTION PROCEDURES

Under instructions stated in underwriting letter 1753, an insuring office is permitted to accept deviations from an explicit MPS requirement, as a "specific case variation" provided "the stated objectives are attained by alternate means." The subject letter extends this concept.

When market analysis indicates that *current practice or local custom* supports certain variations from the MPS, "guide" tables shall be prepared. These guide tables will be henceforth known as *"local acceptance variations."* The local acceptable variations will be established by the Chief Architect and used as a reference by processors and inspectors.

When local market conditions warrant processing of a case under LAV procedure, this will be noted by writing LAV on Form 2800–3 under item 13 in the space provided for the builders name and address. It will be the responsibility of the Chief Architect to designate such cases.

The case processor writes LAV under item 27 of Form 2800–3 and notes each item of deviation corresponding to similar numbered items appearing on the LAV guide, which has been prepared by each office. This information is necessary for the guidance of the compliance inspector.

The compliance inspector will follow customary procedure except for noting items shown on the LAV guide.

In brief, architectural and inspection procedure will follow outstanding instructions except for those instances where market factors require MPS–LAV modification.

The processor amends the exhibits when necessary, but only to the extent of obtaining compliance with the MPS as amended by the LAV guide. When appropriate, the processor and inspector work with the builder or architect for guidance in FHA requirements and suggest modifications which will improve design and construction.

To implement the concept expressed above, it will be necessary for the Chief Architect to take immediate steps to prepare a LAV guide.

Some indication of those items considered appropriate for inclusion in a LAV guide are suggested by the following examples:

1. For areas not subject to extremely high winds or earthquakes, if it is usual practice for builders to install corner braces by cutting 2 x 4's diagonally between the studs, this might be deemed an acceptable variation.
2. Where corners have been braced and it is customary to install fiberboard sheathing with nails and spacing which differs from MPS requirements, this may be included as an acceptable variation.
3. Where termite protection is not required, or the soil has been treated for infestation it may be appropriate to permit the omission of sill flashing which extends into the brick veneer.
4. Where normal good design practice has been followed, the MPS specified clearances for cabinets and kitchen equipment may be modified provided there is no compromise with safety and convenience.

The LAV Guide is reviewed by the Chief Architect and Chief Underwriter. It should be emphasized that there is no substitute for good judgment or sound construction experience. Good processing and inspections never result from a blind reliance upon stated criteria and excellence in design and construction is not achieved by the routine checking of a series of boxes.

The LAV Guide should be kept current through periodic revisions when needed to reflect changing market preference and local practice.

Training sessions shall be started as soon as practicable so that field personnel may become familiar with the LAV Guide and procedures.

Two copies of the LAV Guide shall be forwarded to central office as a matter of record.

SUBDIVISION ANALYSIS

Subdivision analysis will be performed in accordance with existing criteria. It is expected, however, that field office personnel will require only those exhibits required for the needs of the market to be served. Also, Subdivision Reports will be limited to those conditions and requirements necessary to assure that the land will be developed to meet the standards of the local community and FHA objectives.

MORTGAGE CREDIT ANALYSIS

The analysis of the mortgage credit risk will coincide with the technique now in use. In small communities, the availability of background information on the mortgagor may require a departure from prescribed credit report requirements. If the local market has the services of a qualified reporting agency, the usual credit report will be obtained. If such services are not readily available, credit background information will be acceptable from local banks, mercantile or general stores, or other responsible sources. Usually, such information would not be acceptable from sources having an interest in the sale of the mortgage security.

In evaluating the mortgage credit risk consideration should be given to the lower living costs which frequently exist in the small communities. The mortgage credit Examiners should also be alert to other characteristics of the small communities which may affect the credit risk. This may be represented by stronger and more lasting motives for home ownership, greater stability of employment, more respect for financial obligations, etc. Proper recognition of these community characteristics in our analysis should not be considered as an assumption of an increased credit risk.

TRAINING

The Chief Underwriter and underwriting section chiefs will conduct necessary training to assure that all staff and fee personnel are fully aware of the FHA's changed philosophy regarding proposed construction processing of home mortgage proposals.

Directors and Chief Underwriters through Circular Letters and industry meetings have the responsibility to familiarize lenders, builders, and the public with the foregoing procedural changes.

Upon completion of the LAV Guide, field offices will coordinate with the appropriate local Veterans Administration office to promote uniform interpretation of the MPS.

FEDERAL HOUSING ADMINISTRATION,
February 8, 1965.

To Insuring office directors.
Subject: FHA mortgage insurance programs in small communities.

The purpose of this letter is to tell you of the extraordinary response from parts of the nation to my recent letters concerning mortgage insurance operations in small communities. The many letters and telephone calls received from financial institutions, builders and real estate brokers in small communities convince me that there is a great and unsatisfied demand for insured mortgage financing. The challenge facing each of us is to meet this demand by showing industry how it can be done quickly and profitably and on a continuing basis. To induce a lender to "try" a single FHA loan as a personal favor is not enough, insured mortgage financing should be so advantageous in its procedures and results that repetitive business will be generated.

Typical of many letters is the following received from a country banker in a southern state:

"DEAR SIR: We have received a copy of the above letter in which you point out your Office would be of assistance in educational efforts. Our bank is very much interested in setting up a meeting for the builders and real estate people in our area. We would appreciate your advising us how and who we should contact to set up a meeting of this type.

"Very truly yours,

—— ——."

The president of a large mortgage company wrote me (in part) as follows:

"Please be advised that we are willing to make any loan that FHA will insure in the State of ———, regardless of where the security property is located.

"We are pleased to learn that FHA recognizes that there are good loans in and near small communities which may be secured by properties that, in many cases, may not meet the minimum property standards of metropolitan areas.

"We are ready, willing and able to cooperate with the director of our local FHA insuring office, local VA loan guaranty office, builders, realtors and mortgage lenders, in stimulating the availability of FHA insured mortgage financing and VA guaranteed mortgage financing in small communities of this state.

The cashier of a small state bank in a rural community in a mid-western state sent me the following letter:

"DEAR MR. BROWNSTEIN: Just a line to let you know that we certainly appreciated the viewpoint expressed in your Commissioner Letter No. 28 of January 13th just received. We have felt that the need and opportunity for FHA program in smaller communities has been present for some time, and I think this is a very forward step you are taking.

"We shall continue to try to fulfill mortgage credit needs for our community, and this should be most helpful.

"Very truly yours,

"—— ——."

A few of the letters were not so pleasant and assuring as those I have quoted. The writers claimed an inability to do business with their local insuring offices; they cited unusual processing delays, arbitrary decisions and attitudes and a failure to recognize that the small town market and the metropolitan market have different standards, preferences and desires. I sincerely hope that these criticisms are out of the past and not a reflection of current attitudes and current processing.

The benefits of the National Housing Act must be available to more of our citizens—big city or small town.

PHILIP N. BROWNSTEIN,
Commissioner.

FEDERAL HOUSING ADMINISTRATION,
January 13, 1965.

To: Insuring office directors.

Subject: FHA mortgage insurance programs in small communities.

The purpose of this letter is to emphasize the positive actions and the present policies which can broaden the utilization of Federal Housing Administration mortgages in small communities and outlying areas.

It is an inherent principle of our form of government that governmental services and facilities must be available to all citizens without regard to remoteness or to the cost of extending service. It is our continuing responsibility to make FHA insured mortgage financing available to all eligible borrowers wherever they may reside. No community in the United States should be considered too remote or too isolated for FHA to serve in a prompt manner.

FHA has the programs and the procedures to serve all areas. However, constant attention by the insuring office director and his staff is needed if the objective of service to all is to be met. Service to the public has first priority at all times; it is never set aside to take care of duties and functions of lesser importance.

During recent years FHA has made many positive changes in its outlook and in its procedures to meet the objective of prompt service to all.

THE SMALL TOWN MARKET

FHA recognizes that the small town may have its own standards which differ greatly from the standards required in metropolitan areas. All features of the physical property and its environment must be judged in the light of local acceptance and preference.

In many instances the small town has sufficient stability and market depth to warrant use of Section 203(b). Merchants and professional persons have the financial capacity and the desire to own properties in the higher value ranges. In addition, demand is increased by improved highways and motor vehicles which permit commuting to places of employment in distant urban areas. These conditions widen the market for small town properties to such a degree that there should be no hesitancy to use Section 203(b).

Relaxed standards for Section 203(i) and Section 221(d)(2) operations permit acceptance of many properties located in areas where it is not practicable to obtain conformity with many of the requirements essential to the insurance of mortgages on housing in built-up urban areas. There must be a constant awareness of the differences between the small town market and the urban market.

PROCEDURAL CHANGES TO ASSURE PROMPT SERVICE

In order to reduce the time needed to process an application, FHA introduced major procedural changes, all of which have been highly successful:

1. The conversion commitment procedures now enable the offices to process about 95 per cent of the conversion requests in 3 days or less. A companion procedure for the issuance of conditional commitments is being tried in selected offices.

2. The new compliance inspection procedure permits the builder to continue construction without the delays associated with waiting for the FHA inspector.

3. Dual appraiser-inspector positions are established in communities remote from the insuring office whenever the workload warrants. Also, fee appraisal assignments are available to a greater degree than in the recent past.

The foregoing reliefs have had a salutary effect in increasing our total productivity and in developing applications from lenders and areas not heretofore reached by FHA. We expect to develop additional timesaving techniques.

THE AVAILABILITY OF FINANCING

A serious problem in meeting the objective of service to all qualified borrowers is the general non-availability of mortgage money in many small towns. The problem is not insurmountable if each insuring office director will use his good offices to encourage additional sources of mortgage money.

We have the assurances of the Federal National Mortgage Association and of the Mortgage Bankers Association of America of their full cooperation in extending secondary market facilities to small town lenders originating insured mortgages. Insuring office directors have the opportunity to be the catalyst to bring the mortgage originator and the secondary outlet together.

To fulfill this essential catalytic function, directors and their key staff must meet with approved mortgagees, real estate brokers, builders and others in the small towns to familiarize them with current FHA procedures and the benefits that are available to particpants in our programs. These educational efforts should extend to detailed assistance in the preparation and submission of applications, the training of mortgagee and builder personnel in FHA requirements and rendering assistance to brokers, builders and other who generate mortgage business.

The State Directors and County Supervisors of the Farmers Home Administration have a good deal of information relating to rural housing, financing needs and availability of mortgage credit. Directors or their designees should meet with the Farmers Home Administration officials to obtain such information and to acquaint them with Federal Housing Administration requirements and processing procedures. Where arrangements are made with approved mortgagees for Federal Housing Administration loans in given areas, the County Supervisors should be notified so that they may refer prospective applicants to the mortgagees. On the back of this letter is a list of the Farmers Home Administration State Directors from whom the names and addresses of the County Supervisors may be obtained.

It must be realized that all our efforts will be to no avail unless we can stimulate lender interest. To accomplish this should be a goal for 1965.

PHILIP N. BROWNSTEIN,
Commissioner.

PROBLEM

Small communities contend that they have difficulty in taking advantage of HUD housing assistance programs because of the Workable Program requirements. This paper will consider some major obstacles which small communities face in developing a certified Workable Program and the possibility of administrative changes which would eliminate or alleviate these difficulties.

PARTICIPATION BY SMALL COMMUNITIES

Whatever may be the difficulties faced by the small community in complying with the Workable Program requirement, it is clear that a large number of small communities have been able to overcome such obstacles. Table 1 indicates the estimated breakdown of localities by population size with certified Workable Programs as of September 30, 1967. The number of communities in the smallest population category (those with populations less than 5,000) was by far the largest, accounting for 36.1 of the total number of localities. It would appear, therefore, that there are no overwhelming obstacles to a small community developing an acceptable Workable Program.

It seems possible, however, that there are a number of difficulties in obtaining Workable Program certification which are likely to be particularly acute for small communities. There are expenses involved in preparing documents for submission and in complying with the ongoing enforcement requirements which a poor relatively unsophisticated small community might find prohibitive. There are also political and institutional problems involved in passing the codes and ordinances which are required in the Workable Program.

PREPARATION EXPENSES

One of the major objections which small communities have to the Workable Program is the expense of undertaking the studies and preparing the documents required by the program. Such communities are unlikely to have a full time planning staff. Much of the information required in the Workable Program has to be prepared by non-professionals or outside consultants. Although many small communities have been able to prepare an acceptable Workable Program, there are some communities which are unable to bear the expense and are therefore precluded from taking advantage of HUD housing assistance programs. However, there are a number of actions which HUD can take to alleviate the financial burden of preparation for such communities which are sincere in their desire to comply with the Workable Program requirements.

The major thrust should be to increase the amount of relevant technical assistance which small communities receive in preparing their Workable Program. One means would be to provide such assistance through the Regional Offices. Groups of specialists (code specialists, planners, relocation experts, etc.) could be organized which would be able to come to a community and provide considerable assistance in a relatively short period of time. In addition, there are two existing assistance programs (Title IX and 701) which could be expanded and made more relevant to the needs of small communities.

With adequate funding, the Title IX program (State Field Assistance to Localities on the Workable Program) could be a very effective means of providing adequate assistance to all communities within each State. The State of Missouri's very fine Title IX program might be used as a model for the type of program which is helpful to small communities and which should be encouraged by the Federal government. The 701 planning grant program could also be modified to aid small communities in Workable Program certification. The 701 program has recently been amended to provide grants for non-metropolitan districts composed of contiguous small towns and rural counties. In this way, the small community could meet the planning requirement of the Workable Program through a combined effort with a number of similar communities. It would also be desirable to increase the coordination between the Workable Program requirements and the type of planning which can be funded under 701. The recent addition of a housing component to the 701 program is a big step in this direction.

COMPLIANCE EXPENSES

Small communities also face considerable expense in the enforcement of the codes required by the Workable Program. Such enforcement requires the establishment of administrative agencies which has a long-range impact on the municipal budget. Some poor small communities might find the prospect of these additional expenses so burdensome that they would elect to forgo Federal housing assistance programs rather than incur such long term expenses.

It is more difficult for the Federal government to ease the burden of compliance ex-

XUM

penses than that of preparation costs. There are no existing Federal programs which provide a Federal subsidy for the establishment or the operation of code enforcement agencies. The Federal government can, however, be administratively sensitive to the problems which small communities face in financing an adequate enforcement scheme. This might take the form of allowing more time for housing code enforcement procedures to be established, not requiring a complex building code enforcement scheme where new construction is very small, etc. Such changes, however, should not allow Federal interests embodied in the requirements to be subverted.

POLITICAL PROBLEMS

Small communities might also have difficulty in passing the codes and ordinances which are required by the Workable Program. The local residents of such communities are likely to resist changes which they view as unnecessary or potentially disruptive. The major obstacle to compliance for many communities is the requirement that the community have a housing code and code enforcement procedures which have been in effect for at least six months prior to certification. Communities are likely to experience political difficulties in passing a housing code and enforcement procedures which affect the privacy (through inspections) and incomes (through costs of bringing homes up to code standards) of a large part of the city. This political problem is likely to be more acute in a small community where there was no prior experience with a housing code and where housing code enforcement techniques are not as impersonal as they would be in a large city.

The housing code and other code requirements in the Workable Program represent important Federal interests which should not be sacrificed because some communities find the requirement difficult to comply with. However, the code and enforcement requirements might be administered with greater flexibility in order to create an atmosphere of acceptance among the local residents and prevent undue hardship in a community where compliance would be very difficult.

CONCLUSION

The Workable Program requirement should be retained with the administrative modifications suggested above. These modifications, particularly those designed to provide greater technical assistance to small communities, should enable small communities to obtain Workable Program certification without undue financial hardship. Such certification would allow these communities to take advantage of Federal housing programs, while at the same time assuring that Federal interests embodied in the Workable Program are furthered.

POSSIBLE EXCEPTION

There are some Federal housing programs (such as the 221 (d)3 program) which may be applied for by a non-government, nonprofit agency. A problem arises when a nonprofit agency wants to sponsor a Federally assisted housing program which the local government is opposed to. Workable Program certification requires the cooperation of the local government. A local non-profit corporation which could otherwise take advantage of a HUD program is therefore precluded from operating the program because of the Workable Program requirement and the local government's refusal to obtain certification. HUD should investigate the possibility of waiving the Workable Program requirement in such a situation.

TABLE 1.—ESTIMATED NUMBER AND PERCENT OF LOCALITIES WITH WORKABLE PROGRAM FOR COMMUNITY IMPROVEMENT AS OF SEPT. 30, 1967[1]

Population category (1)	Total		Total active (4)	Total inactive (5)	Sample rate (6)
	Number (2)	Percent (3)			
0 to 5,000	1,193	36.1	632	561	1-30
5,000 to 9,999	517	15.7	264	253	1-14
10,000 to 24,999	616	18.6	326	290	1-20
25,000 to 49,999	423	12.9	224	199	1-15
50,000 to 99,999	236	7.2	126	110	1-10
100,000 to 249,999	177	5.4	95	82	1-7
250,000 to 499,999	93	2.8	49	44	1-4
500,000 to 999,999	31	.9	16	15	1-2
1,000,000 and up	14	.4	7	7	1-1
Total	3,300	100.00	1,739	1,561	

[1] The latest analysis of WP communities by population size categories was based upon the 2,600 communities reporting as of Dec. 31, 1965. To estimate the number and percentage by population size categories (cols. 2 and 3); 3,300 WP communities reported as of Sept. 30, 1967, arbitrary factor of 26.7 percent (representing the percentage increase in all communities reported) has been applied to each population size category.

FHA-APPROVED MORTGAGEES IN GEORGIA, ACTIVE AS OF DEC. 31, 1967

County	Population	Approved mortgagees								
			Type of institution							
		Total	Federal savings and loan	Industrial banks	State banks	National banks	State chartered building and loan	Mortgage companies	Life insurance companies	Miscellaneous organizations
Appling	13,246	1	1							
Bacon	8,359	1			1					
Baldwin	34,064	2			2					
Barrow	14,485	2	1		1					
Bartow	28,267	2			1	1				
Ben Hill	13,633	2	1			1				
Berrien	12,038	1			1					
Bibb	141,249	7	2			1		4		
Bleckley	9,642	1			1					
Brooks	15,292	1				1				
Bulloch	24,263	3	1		2					
Burke	20,596	2			1	1				
Butts	8,976	1				1				
Calhoun	7,341	1			1					
Carroll	36,451	4	1		2	1				
Chatham	188,299	12	2		3	1	1	3		2
Chattooga	19,954	1			1					
Cherokee	23,001	2			2					
Clarke	45,363	3	1					2		
Clay	4,551	1			1					
Clayton	46,365	2	1		1					
Cobb	114,174	8	1		4	1		2		
Coffee	21,953	2	1		1					
Colquitt	34,048	2	1			1				
Cook	11,822	2			2					
Coweta	28,893	2			1	1				
Crisp	17,768	1			1					
Decatur	25,203	3	1		1	1				
De Kalb	256,782	5	1		1	1		2		
Dooly	11,474	1			1					
Dougherty	75,680	7	2		3			2		
Douglas	16,741	1			1					
Elbert	17,835	3	1		1	1				
Emanuel	17,815	3	1		2					
Floyd	69,130	7	2		1	2		2		
Franklin	13,274	1			1					
Fulton	556,326	55	7		5	4	1	27	5	6
Gilmer	8,922	1			1					
Glynn	41,954	6	2		1	2		1		
Gordon	19,228	1	1							
Grady	18,015	2			2					
Greene	11,193	3			3					
Gwinnett	43,541	1			1	1				
Habersham	18,116	2	1		1					
Hall	49,739	4	2		1	1				
Hancock	9,979	1			1					
Hart	15,229	1			1					
Heard	5,333	1			1					
Henry	17,619	1				1				
Jackson	18,499	1			1					
Jasper	6,135	1				1				
Jeff Davis	8,914	1			1					
Jefferson	17,468	2				1				
Lamar	10,240	1				1				
Lanier	5,097	1			1					

FHA-APPROVED MORTGAGEES IN GEORGIA, ACTIVE AS OF DEC. 31, 1967—Continued

County	Population	Approved mortgagees								
			Type of institution							
		Total	Federal savings and loan	Industrial banks	State banks	National banks	State chartered building and loan	Mortgage companies	Life insurance companies	Miscellaneous organizations
Laurens	32,313	2	1					1		
Lowndes	49,270	4	2		1					
McDuffie	12,627	2			1			1		
Macon	13,170	1				1				
Marion	5,477	1			1					
Meriwether	19,756	1			1					
Miller	6,908	1			1					
Mitchell	19,652	3	1		2					
Monroe	10,495	1			1					
Montgomery	6,284	1			1					
Morgan	10,280	1			1					
Murray	10,447	2			1	1				
Muscogee	158,623	9	2		1	1		5		
Newton	20,999	1	1							
Paulding	13,101	1				1				
Peach	13,846	1			1					
Pickens	8,903	1			1					
Polk	28,015	3			1	2				
Randolph	11,078	1	1							
Richmond	135,601	7	2		1	1		2	1	
Rockdale	10,572	3			1					2
Seminole	6,802	1	1							
Spaulding	35,404	4	2		1					1
Stephens	18,391	1			1					
Stewart	7,371	1			1					
Sumter	24,652	1	1							
Talbot	7,127	3	1		2					
Taylor	8,311	1			1					
Terrell	12,742	2			2					
Thomas	34,319	3	1		2					
Tift	23,487	3	1		2					
Toombs	16,837	4	1		2	1				
Treutlen	5,874	1			1					
Troup	47,189	3	1		1	1				
Twiggs	7,935	1			1					
Upson	23,800	1			1					
Walker	45,264	1	1							
Walton	20,481	2			1		1			
Ware	34,219	1				1				
Wayne	17,921	1	1							
Whitfield	42,109	3	1		1	1				
Wilkes	10,961	1			1					
Worth	16,682	1			1					

SUMMARY

Population	Number of counties	Type of institution and approved mortgagees							
		Federal savings and loan	Industrial banks	State banks	National banks	State chartered building and loan	Mortgage companies	Life insurance companies	Miscellaneous organizations
Under 25,000	69	18	0	66	13	1	1	0	2
25,000 to 99,999	22	22	0	21	17	0	8	0	1
100,000 or more	7	17	0	15	10	2	45	6	8

FHA-APPROVED MORTGAGEES IN NORTH CAROLINA ACTIVE AS OF DEC. 31, 1967

County	Population	Approved mortgagees								
			Type of institution							
		Total	Federal savings and loan	Industrial banks	State banks	National banks	State chartered building and loan	Mortgage companies	Life insurance companies	Miscellaneous organizations
Alamance	85,674	4	2	1	1					
Anson	24,962	2			1	1				
Beaufort	36,014	2			1		1			
Bertie	24,350	1			1					
Buncombe	130,074	6	2		1	1		1	1	
Cabarrus	68,137	1				1				
Caldwell	49,552	2			1	1				
Catawba	73,191	3				1	2			
Chatham	26,785	1				1				
Cherokee	16,335	1			1					
Chowan	11,729	1					1			
Cleveland	66,048	8	1		1	2	4			
Columbus	48,973	1			1					
Cumberland	148,418	5	1	1				3		
Davidson	79,493	2			1	1				
Davie	16,728	1			1					
Durham	111,995	10	1		2	1	3	1	2	
Edgecombe	54,226	8	2		1		4		1	
Forsyth	189,428	7	1			1	1	3	1	
Gaston	127,074	6	1		1	2	2			
Gates	9,254	1			1					
Granville	33,100	2				1	1			
Guilford	246,520	12	1			1	3	5	1	1
Halifax	58,956	3	1		1		1			
Harnett	48,236	1	1							
Haywood	39,711	3				2	1			
Henderson	36,163	3	1		1	1				
Iredell	62,526	4	1		1	2				

FHA-APPROVED MORTGAGEES IN GEORGIA, ACTIVE AS OF DEC. 31, 1967—Continued

County	Population	Approved mortgagees: Total	Type of institution: Federal savings and loan	Industrial banks	State banks	National banks	State chartered building and loan	Mortgage companies	Life insurance companies	Miscellaneous organizations
ackson	17,780	1				1				
ohnston	62,936	1			1					
Lenoir	55,276	2	1				1			
Lincoln	28,814	3	1			1	1			
McDowell	26,742	1				1				
Madison	17,217	2			2					
Martin	27,139	1					1			
Mecklenburg	272,111	14	2		1	2	2	6	1	
Montgomery	18,408	3			3					
Moore	36,733	1			1					
New Hanover	71,742	2					2			
Northampton	26,811	2			2					
Onslow	82,706	1				1				
Pasquotank	25,630	1				1				
Perquimans	9,178	1			1					
Person	26,394	2			1		1			
Pitt	69,942	3	1				2			
Polk	11,395	1	1							
Randolph	61,497	4				1	3			
Richmond	39,202	1			1					
Robeson	89,102	1					1			
Rockingham	69,629	5	1		3		1			
Rowan	82,817	3			2		1			
Rutherford	45,091	2	2							
Scotland	25,183	3			2		1			
Stanly	40,873	1				1				
Scurry	48,205	3	1		1	1				
Swain	8,387	2	1			1				
Union	44,670	2			2					
Wake	169,082	9	1					5	2	1
Watauga	17,529	1					1			
Wayne	82,059	2				1	1			
Wilkes	45,269	2			1		1			
Wilson	57,716	2	2		1	1				

SUMMARY

Population	Number of counties	Type of institution and approved mortgagees: Federal savings and loan	Industrial banks	State banks	National banks	State chartered building and loan	Mortgage companies	Life insurance companies	Miscellaneous organizations
Under 25,000	13	2	0	11	3	2	0	0	0
25,000 to 99,999	41	16	1	28	22	31	0	1	0
100,000 or more	8	10	1	5	8	11	24	8	2

ENDING THE RURAL HOUSING VACUUM

The SPEAKER. Under previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, rural America—30 percent of the Nation's population and 99 percent of its land mass—is in a vacuum as far as the housing needs of low- and moderate-income families are concerned. This condition exists and is worsening despite the fact that rural America has nearly half of all the Nation's poverty stricken people and two-thirds of its substandard housing. It exists despite a mountain of testimony and reports on housing—despite an extensive and continuously growing library of housing legislation—despite frequently repeated 20-year-old promises that everyone in the land is entitled to adequate housing and a suitable living environment.

That promise was made in 1949 and, if there is hope of its fulfillment, that hope exists largely, if not solely, in our cities where almost all of the resources marshalled to provide adequate housing are being invested. The token efforts made in rural areas during the past 20 years have done little to slow the pace of continuing housing deterioration which now is measured by the more than 4 million substandard dwellings that now exist there. The facts of the matter are the rural housing programs are not even sufficient to maintain a status quo situation, as sad as that is.

As an example, 16 percent of all occupied units in the Nation are substandard, but 25 percent of all occupied units in rural America fall into this category. And this is but one set of figures that are part of a picture that shows the struggle to achieve a decent life in rural America is far greater than in the cities. Nonmetropolitan areas of the country with 37 percent of the population have received less than 20 percent of the home mortgages insured by the Federal Housing Administration. Only 15 percent of Housing and Urban Development Department units for the elderly have gone to rural America where 43 percent of all the Nation's elderly live. Less than 10 percent of HUD's low income public housing rental units have been built or are under construction in rural areas. Thirty percent of all rural families are without bathrooms and less than half of all rural homes have central heating. To this sad list of statistics showing that rural America is desperately disadvantaged should be added the fact that the median income for nonmetropolitan areas of the Nation is 22 percent less than in urban America.

RURAL AREAS—THE FORGOTTEN AMERICA

Mr. Speaker, these conditions have existed for decades in rural America because of the indifference, or lack of knowledge, or both, on the part of the Government and most of our urbanized population. How else can you explain antipoverty and housing programs which virtually ignore nearly half of the Nation's poor and most of its substandard housing? How else can you explain the creation of the Urban Affairs Council, a title that clearly implies that its concerns are concentrated almost completely on the city?

The pronouncements of the Council, so far at least, have utterly failed to recognize there is a rural America, to say nothing of the inescapable conclusion that its problems are even worse than those of the city. My description of housing and income in rural areas are but two aspects of this situation. Proportionately, rural America has far fewer doctors, nurses, dentists, educational facilities, and needed social services of all kinds. More than 30,000 rural communities lack water systems and more than 40,000 lack sewage systems.

Efforts to meet the desperate housing needs of rural America are being made by the Farmers Home Administration of the Department of Agriculture. Farmers Home Administration staff members have said theirs is the only agency providing housing of any consequence for low- and moderate-income families in rural areas. At the same time, they will readily admit that their accomplishments not only fall far short of meeting the need but, if continued at the present level, may not even check the problem, let alone eliminate it. In the 4 years ending in fiscal 1960, the agency received only $104 million for its water and sewer facilities grant program, less than half the amount it estimates is needed. Throughout its entire history, Farmers Home has been able to provide only 22,000 units of low-income housing. Even if Farmers Home is successful in tripling the volume of its insured home loan program, as is proposed in its 1970 budget, it will still only scratch the surface of the rural housing problem. If its budget is tripled it would theoretically be able to make 150,000 insured home loans next year and that is all to the good. But it cannot be considered a serious response to the prevailing circumstances when there are more than 4 million substandard homes in rural America and the need for federally assisted housing there amounts to 300,000 new or rehabilitated units a year, according to testimony given by Farmers Home Administrator James Smith himself when he appeared at the housing goals hearings of the House Banking and Currency Committee.

FARMERS HOME CANNOT DO THE JOB ALONE

The possibilities of realizing even this inadequate expansion of activities have diminished considerably. The House, in a burst of misguided generosity, has voted to increase the Farmers Home insured home-loan fund about 2¼ times, but it has drastically cut funds proposed to increase the agency's staff so that it can administer the loan applications that will be applied against this increased capacity. If the situation is not corrected, Farmers Home will end up with just about the same number of employees that it had when the Federal expenditures Control Act went into effect last year and, in the name of false economy, forced Farmers Home to leave 596 authorized permanent positions vacant at a time when the agency was headed toward a record backlog of more than 70,000 insured home loan applications.

None of these things are said in criticism of Farmers Home, which I think has done a remarkable job despite extreme limitations. This has been particularly true so far as Farmers Home's operation in east Texas are concerned. The staff of the program in this area, in my view, is the most dedicated of any in Government. Nevertheless, these limitations do exist in the program and make it impossible to meet the urgent housing needs of low- and moderate-income families in rural America. Chief among the restrictions imposed on Farmers Home is that it has been characteristically viewed by Agriculture Department policymakers as a minor section of an otherwise farm industry dominated program. From the day it was established, the Department has focused its attention almost solely on the problems of our farm economy and the development of methods designed to assist in food production and pricing. There was a time in the Nation's history when the Department's programs and expenditures affected the lives of far more people living in rural America than is now the case. Today, only 30 percent of all rural families have direct farm connected incomes. An indication of the Department's treatment of Farmers Home is exemplified by orders issued by its leaders over the years to the agency to cut back its budget proposals despite studies conducted by the Department itself that showed rural housing conditions were rapidly deteriorating. There still is no indication that Farmers Home will ever be elevated to the position it should occupy in the Department.

Other restrictions on Farmers Home include the law limiting the services it can provide to rural communities of 5,500 or less which, in my view, ignores a large part of rural America.

TWO HOUSING PROGRAMS FOR THE NATION

Mr. Speaker, in essence, I have described two housing programs for the Nation. One is operated by the Department of Housing and Urban Development and is directed almost entirely to the needs of our cities. The other, in some respects resembling an unwanted off-spring of the Department of Agriculture, is prevented from even dealing adequately with the housing needs of only a part of rural America.

Under present circumstances, it is my opinion that the housing needs of our cities stand a far better chance of being met than those of the rural areas. The deplorable slums of our cities, with their congestion, squalor, the lack of opportunity for the people and their despair and anger cannot be hidden from the Nation—indeed from the world. The demand for change and for a chance to contribute to and share the wealth of the Nation is concentrated here and it cannot and will not be denied.

The new Secretary of the Department of Housing and Urban Development, Mr. George Romney is obviously acutely aware of these conditions and of his responsibility to help lead the way toward their elimination. He has clearly demonstrated, in his decisions to launch a crash program to rebuild riot damaged ghettos and to develop mass production techniques to provide housing for low- and moderate-income families, that he wants to move the programs of his Department forward as rapidly as possible in the areas of greatest need as he sees them.

It is understandable, since there is little in his political or business background that has related directly to the economic problems of rural America, that he has failed to recognize that the problems of cities are magnified in rural areas. The great migration of rural people to the cities—a migration which continues at a rate of over one-half million people a year—is one of the most dramatic examples of this. By the same token, it is a national tragedy that awareness of rural problems is occurring only after the victims of these conditions are forced to leave their homes in what more often than not is a futile attempt to escape from poverty. The poverty of rural America, the substandard housing, the wretchedness of life where families must live in rotting houses, jammed into one or two rooms and made to pay appallingly high rent, is frequently hidden from public view along the backroads of the countryside. But the poverty stricken are there, comprising a scattered, anonymous army of despair.

HUD MUST BE BROADENED

Mr. Speaker, the Government of our Nation must not be permitted to meet the housing needs of only the urban half of the country. It is clear to me, as I hope it will be to all who profess concern for low- and moderate-income families, that the programs of the Department of Housing and Urban Development must be broadened so that they extend equally to urban and rural America. HUD is, after all, the national Government's housing department, primarily responsible for providing housing assistance for low- and moderate-income families in both urban and rural areas. Although it is the youngest of all Federal departments, it is well on its way to becoming one of the largest and hopefully one of the most effective in Government.

Mr. Speaker, I, therefore, am proposing that the Housing Act of 1968 be amended to provide for establishment of the office of Assistant Secretary for Rural Housing within the Department of Housing and Urban Development. In my view, this is one of the first steps that should be taken in the effort to meet the housing needs of our rural areas as quickly as possible.

HUD has the staff, the expertise and the funds and the avenues of credit that can form a solid base for an expanded effort to deal with rural housing problems. An Assistant Secretary for Rural Housing, as the title implies, should be responsible for administering HUD housing and community facility programs in rural America.

In this connection, the boundary lines for rural America itself should be redrafted. I am convinced the present descriptions—the 2,500 population criteria used by the Census Bureau and the 5,500 standard employed by Farmers Home—fail to describe the real boundaries of rural areas. Communities of 25,000 or less outside of standard metropolitan statistical areas would be much closer to an accurate description of rural America.

I want to make it clear that this amendment will place a part of the Department of Housing and Urban Development, both in Washington and in the field, under the administrative direction of the Assistant Secretary for Rural Housing. Of necessity, HUD, either through training or recruitment, or both, must in the future include on its staff people who are experts on the economy of rural areas, rural housing and rural mortgage credit requirements. Moreover, because of the very nature of our rural population, scattered and frequently isolated, HUD staff members working in rural areas must have direct contact with loan applicants to provide necesssary counseling in terms of credit, site and building arrangements. In addition, a mandate directing the HUD staff to seek out the people who need help must be placed over the entire operation. Only in this way can the program reach the maximum number of participants and provide maximum benefits.

HUD AND FARMERS HOME BOTH NEEDED

Nothing said here, Mr. Speaker, is meant to imply in any way that expanded efforts in HUD will result in diminishing the Farmers Home program. As I have stated, Farmers Home has done an excellent job despite the restrictions under which it labors. Nevertheless, these restrictions make it impossible for that agency to extend its housing services throughout rural America to say nothing of meeting the housing needs of rural communities of 5,500 population or less. As a matter of fact, James V. Smith, Farmers Home Administrator, testified before the House Banking and Currency Housing Subcommittee that he was not certain that his agency's budget, even though its proposed insured loan fund for home ownership is tripled, would be able to surpass the rate by which rural housing is falling into a substandard state. He told the subcommittee that he hoped his budget would manage to reverse the decline, but that he was not certain because the level of funding for personnel was inadequate.

It is obvious that the only feasible solution to this problem is to have the Nation's housing department reach out to the rural areas with the same effort that it has, until now, focused on the cities and suburbs. Adequate funding for HUD for this purpose and strong support for Farmers Home are both required if we are to realistically expect the critical housing problems of rural areas will be finally overcome.

POSTMASTERS VOTE AGAINST CORPORATION

(Mr. OLSEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OLSEN. Mr. Speaker, there has been considerable talk that the management-level people in the Post Office back the conversion of the Department into a corporation.

I would like to call the attention of my colleagues to an article appearing in the Federal Times of October 8 which shows that one association of management people, the National League of Postmasters, adopted a resolution in convention assembled continuing its opposition to the Nixon administration's plan to convert the postal service into a corporation.

It is noteworthy also that a mail poll conducted among the members of the National League of Postmasters resulted in a vote of more than 5 to 1 against the corporation.

Though I do want to call attention to these facts in the article, I would also like to take this opportunity to congratulate my good friend, Jack Bailey, of Oregon, upon his election to the presidency of the National League of Postmasters.

The article from the Federal Times follows:

Postmasters Elect Bailey, Attack Corporation Scheme

(By Mike Conlan)

New Orleans.—Jack Bailey of Scio, Oreg., has been elected president of the National League of Postmasters at its 16th annual convention. Bailey defeated Thomas J. Hornor, Jr., of Juliuston, N.J., the league's secretary-treasurer, by a vote of 153 to 40. Bailey was the league's executive vice president. Henry M. Heyl of Wooster, Ohio, the incumbent, did not seek another term.

Five vice presidents also were elected. The winners were: Frank Wilson, Nolensville, Tenn., Doris Beasley, Cherry Valley, Ark.; Eugene Dalton, Baldwin, Ga.; Oliver Corona, Tahoe City, Calif.; and Clair L. Hill, Burlington, Mich. All except Corona and Dalton were incumbents. Also running were: J. Wesley Melton, Bentley, Kans., an incumbent; James Lakin, Charleston, W.Va.; and Peter LaMonica, Pleasantville, N.Y.

Wanda Feidnes of Michigan Town, Ind., won the secretary-treasurer's position. She beat David Lea of Massies Mill, Va., and Lee Dalton of Sturdivant, Mo.

Despite entreaties from Post Office Department officials, the league adopted a resolution continuing its opposition to the Nixon Administration's plan to convert the postal service into a government-owned corporation. A mail poll of the league's members ran more than five to one against the corporation.

After Watt H. McBrayer, deputy assistant general for industrial relations, made a pitch for the corporation, he asked delegates if they had any questions. From the tone of the questions, it soon became apparent that the postmasters were not buying the corporation idea.

McBrayer then said he had some information that could cut short the questioning period. He read a wire-service report that the House Post Office and Civil Service Committee had voted down, at least temporarily, the corporation plan. The delegates' cheers left no doubt about how they felt.

Earlier in the week-long convention, Sen. Ralph Yarborough, D.-Tex., soundly denounced the corporation plan. "You don't spell postal reform c-o-r-p-o-r-a-t-i-o-n. I'm against the corporation because it won't mean better service for the American people."

The senator went on to describe the corporation bill as a "money-grabbing profit-motive, gouge" plan.

Representatives Richard C. White, D.-Tex., and Lawrence J. Hogan, R.-Md., also discussed the corporation. White said he was opposed. Hogan did not make his position known.

Also addressing the convention were: Ludwig J. Andolsek, civil service commissioner; W. J. Cotter, chief postal inspector; William P. Gulledge, assistant chief of the Civil Service, Bureau of Retirement, Insurance and Occupaional Health; Rep. David N. Henderson, D.-N.C.; Edwin A. Riley of the Post Office Department's Bureau of Finance; and Richard W. Jones, a postal customer relations officer.

SCREWWORM ERADICATION

(Mr. de la GARZA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. de la GARZA. Mr. Speaker, it was my very happy privilege this morning to accompany a distinguished group of Mexican cattleman, leaders of their industry, and several of the leaders of the Southwest Animal Health Research Foundation for a visit with our Secretary of Agriculture, the Honorable Clifford M. Hardin.

At a time when there is some unrest on the border, we nonetheless continue with the tested programs of good will, understanding, and betterment of our peoples. Such is the case with the screwworm eradication program which has and is working—not only in the eradication of the pest—but in the manner in which our two countries have handled the program.

The purpose of the visit of our friends was to urge the Secretary—as they had already done with the Mexican Minister of Agriculture—to continue and expand this program, and to pledge their support, both moral and financial, within the limits of their resources. They are indeed to be commended for their excellent leadership and their spirit of self help and international cooperation.

Mr. Speaker, I attach herewith a copy of their declaration:

Be it known to all:

We, the members of the Board of Trustees of the National Livestock Producers' Confederation of Mexico and the executive offices of the Southwest Animal Health Research Foundation, have considered it advisable to meet and declare the following:

1. That we reaffirm with vigor the joint declaration adopted and ratified by the two organizations on June 11, 1965.

2. That the screwworm has been completely eradicated in the United States, and the population of this parasite in northern Mexico, where the fight against this pest is now being actively waged, has been substantially reduced.

3. That to prevent the reinfestations that have occurred in the free areas within the zone of operations, the program should be extended southwards.

4. That these reinfestations are a constant threat to livestock producers in northern Mexico and the U.S. Southeast and Southwest, and frustrate the hopes of livestock producers that total eradication of this parasite will be achieved, presenting the danger of loss of the investments and work done to date in this program.

5. That the governments of Mexico and the United States have repeatedly publicly enunciated their pleasure at the successes achieved in the screwworm eradiation program. Both the President of Mexico and the President of the United States reaffirmed at Punta del Este the desire of their governments to move forward in the elimination of this serious pest of animals and humans from this hemisphere.

We therefore declare:

1. That our two organizations consider that it is imperative to collaborate with our respective governments, in the immediate formation of a concrete program as soon as possible, based on the principles of mutual collaboration that were in effect during the campaign to eradicate foot-and-mouth disease in Mexico, and which are still in effect in the program for the prevention of this disease.

2. That, in addition to the imperative call for action that we are making to both governments, we have agreed to use funds of the Southwest Animal Health Research Foundation to finance the development of plans for a plant for the production of sterile flies in Mexico, thus accelerating our plans and looking to the final culmination of the goals we seek.

3. That our organizations feel that talks should begin as soon as possible to seek the mechanism by which the screwworm eradication program can operate as a part of the Mexican-American Commission for the Prevention of Foot-and-Mouth Disease, inasmuch as both governments have already established the authority for such action, and that this joint action by governments and livestock producers should include the necessary studies for the addition of programs for the eradication of other parasites, such as the fever tick.

In mutual respect, born of friendship, and in the hope that science can help find more effective means for nations to live and prosper together, we give our hands in fraternity in Mexico City, on the 9th day of April of the Year One Thousand Nine Hundred and Sixty-Nine.

Confederacion Nacional Ganadera,
Guilebaldo Flores Fuentes,
President.
Southwest Animal Health Research Foundation,
Dolph Briscoe, *President.*

WORLD BANK MANIFESTO—INTERNATIONAL SOCIALISTS' GOALS

(Mr. RARICK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, what Member of this body, to the knowledge of his constituents, would vote to:

First. Permit an international body to assess taxes on U.S. citizens?

Second. Place U.S. foreign aid under an international oversight committee?

Third. Deliberately further retard an already lagging U.S. economy?

Fourth. Turn over to an international body, control of all U.S. business engaged in world trade?

Fifth. Interject bankers into the field of human reproduction and fertility?

Sixth. Discard any consideration of balance of payments, with other countries?

Seventh. Eliminate all protective tariffs on imports?

Eighth. Render this body subservient to an international organization of world bankers?

Yet, if the same objectives and purposes are written in palatable language, thinly disguised and labeled as "progressive," and "mature," and "humanitarian" many will so vote.

The full program of international planning for foreign aid, trade, and investment was proclaimed to the people of the world last week by Robert McNamara, the baron of that financial-industrial complex known as the World Bank.

Mr. McNamara is perhaps best remembered from his preinternational days for his successes with the Edsel automobile, TFX, the war in Vietnam, and for his parting comment—that his greatest achievement as Secretary of Defense was forcibly integrating all military installations and off-base facilities.

Mr. McNamara's vision of a new egalitarian world by increasing taxes from productive peoples, by eliminating waste, mismanagement and corruption, and full implementation of international guidelines will not be reassuring to the American people.

He now complains that despite his efforts, the United States' economy continues to advance too rapidly, therefore his international superintellects must discover new devices to siphon off U.S. capital and investments. Accumulating and retaining profit in any country is regarded—like patriotism and nationalism—as international immorality in the eyes of the World Bank.

The World Bank has sent its 400-page program to the U.S. President and we can expect to be called upon to stamp approval on the world plan to equalize wealth and potential among nations.

Taxpayers in the United States are to be expected to double foreign aid—in the name of relieving world poverty. Tariffs to protect U.S. industry and agricultural products are not to be countenanced by the World Bank.

An intensive public relations program to repeal the Hickenlooper amendment can be anticipated and must be recognized as a power move by the international banker-investment cartel to fully internationalize industrial trade.

On every point of the World Bank recommendations, U.S. interests and sound economy must give way to programs geared only for world redistribution of wealth.

With the good, decent, hard-working, U.S. taxpayers, workers and farmers already reeling from the most severe Socialist retrogression ever thrust upon the American people, the World Bank faces a real challenge to make their destructive ambitions acceptable to the politician, who is answerable to his people at home. Already the American people stagger under the heaviest taxes ever borne by them; inflation continues and worsens; high interest rates and a near unavailability of investment capital already plague the private sector. The industrialist and the farmer, finding their domestic market saturated by cheap foreign imports, already appeal for relief by demanding protection of their livelihood through imposition of duties and tariffs.

Nevertheless, the internationalists with their power to confuse, persuade and maneuver should never be underestimated, and the American people should be watchful to see that their wishes—and not those of the world bankers—are enacted into law.

Mr. Speaker, I include several news reports as follows:

[From the Washington (D.C.) Post, Oct. 5, 1969]

A CHALLENGE TO REVERSE CURRENT U.S. TRENDS

(By A. D. Horne)

For the United States, the Pearson Commission report published last week poses an across-the-board challenge to reverse current trends in trade, investment and foreign aid policies.

The 400-page report, commissioned by World Bank President Robert S. McNamara in August 1968, will be the starting point for President Nixon's Task Force on International Development, headed by Bank of America president Rudolph A. Peterson, which is to present its recommendations for "a new U.S. approach to aid for the 1970s" to the White House next February.

The Pearson task force—nine businessmen, four academics, two lawyers and a cardinal—will have to address itself to the forces which have succeeded in trimming back the flow of American capital to the developing nations: the coalition of budget-cutters trade protectionists and balance-of-payments watchers. Because this the constituency which must be sold on any new policy, and because its own composition reflects this constituency, the task force appears unlikely to call for sweeping changes that will cost money.

Yet it is just such changes that the Pearson Commission has urged. Because most of its 68 formal recommendations flow from the mainstream of the last 10 years' international discussions, conferences and reports, the Commission has disappointed some specialists who had hoped for new ideas. Yet, while the Commission's report may seem conventional, its recommendations call for radical departures from present practices.

TRADE

"Trade is not a substitute for foreign aid," the Pearson report declares, yet "in the long run, only the evolution of their trade with other nations, together with a growing capacity to substitute production for imports, will enable the developing countries to grow without the help of concessional finance."

To expand the developing nations' export earnings—90 per cent of which are based on primary products, and more than 50 per cent of which are based on a single product in nearly half the countries—the Commission recommends:

Elimination of import levies by the developed nations on "products of special interest" to developing countries, and elimination of quotas now restricting at least 30 per cent of the imports of "manufactures and semi-manufactures" from the developing countries. "The developing countries have every reason to be concerned about the rebirth of protectionist sentiment in some of the major industrial countries."

Creation of the developed nations of "a generalized nonreciprocal scheme of preferences for manufactured and semi-manufactured products from developing countries, including processed goods, before the end of 1970."

FLOW OF RESOURCES TO DEVELOPING NATIONS

TOTAL NET FLOW OF RESOURCES TO DEVELOPING COUNTRIES AND MULTILATERAL AGENCIES

[In billions of dollars]

	Average 1950–55	1956	1961	1963	1967	1968
Official development	1.9	3.3	5.2	5.9	6.6	6.4
Assistance—						
Grants	1.2	1.9	4.5	4.4	4.4	4.1
Loans	.5	.5	.6	1.5	2.3	2.4
Private flows	1.6	2.9	3.1	2.5	4.2	5.8
Total	3.5	6.2	9.2	8.6	11.2	12.8

Source: OECD, DAC, unpublished preliminary data for 1968 and earlier annual reviews.

(This goal of trade preferences for the poorer nations has been discussed and endorsed at the United Nations Conference on Trade and Development, or UNCTAD, in 1964 and 1968.)

Use of foreign aid to create buffer stocks of commodities as protection against sharp price drops. (The Commission warns, however, that any effort to raise long-term commodity prices by restricting production would only encourage wider use of synthetic substitutes.)

International agreements among the developing nations to reduce multilaterally by the end of 1970 their own tariff barriers against each others' products.

PRIVATE INVESTMENT

The Commission rejects the view, most recently stated by the Latin American nations in the "Consensus of Vina del Mar," that foreign investment takes more out of developing nations than it puts in. "In our judgment," the Commission concludes, "available facts do suggest that direct foreign investment has added substantially to the real national income of developing countries."

While governmental aid remained static through the 1960s, private foreign investment in the developing countries doubled, from $2.9 billion in 1958 to $5.8 billion last year. The Commission, seeking ways to promote even higher capital flows to the developing countries suggests:

Foreign investment agreements "involving politically sensitive activities, such as mining and public utilities," should provide for renegotiation after a minimum term.

"Developed countries should, as far as possible, keep aid policy and disputes concerning foreign investment separate." Although not a formal recommendation, this sentence in a paragraph decrying "interventions by the large industrial powers on behalf of their investors," is a polite call for repeal of the U.S. Hickenlooper Amendment.

"Tax concessions to attract foreign companies" should be used sparingly, but developing countries should "strengthen their investment incentive schemes" and "structure their tax systems to encourage profit reinvestment by foreign companies."

Balance-of-payments restrictions hindering bond issues of the developing nations should be eliminated by the developed countries. "We recognize the very great weight of balance-of-payments considerations," the Commission declares, "but . . . we do not consider it acceptable that efforts to help developing countries should be the first casualty . . ."

Private export credits to the developing countries, which reached a level of $1.3 billion in 1966–68, have "created serious balance-of-payments problems for developing countries" and have been "a major reason" for several debt crises. The danger of export credit finance the Commission warns, is that "it provides a temporarily painless way of financing projects conceived by over-optimistic civil servants, by politicians more concerned with immediate political advantage than with political future economic problems, and by unscrupulous salesmen for the manufacturers of capital equipment in developed countries."

AID GOALS AND TECHNIQUES

The Commission endorses the UNCTAD goal of pegging total flows of public and private capital to the developing world at 1 per cent of the developed nations' gross national products by no later than 1975—an estimated target of $23 billion compared to last year's total of $12.8 billion, which represented 0.77 per cent of a combined GNP of roughly $1700 billion.

"So far this target has had little operational significance" in the main aid-giving countries, the Commission concedes. In part, it suggests, this is because the target makes no distinction between public aid and commercial transactions. It therefore proposes an additional target for official development assistance only—0.7 per cent billion (0.39 per cent of GNP) to $16.2 of GNP by 1975, to be monitored by the 16 major nonCommunist aid-giving nation's Development Assistance Committee (DAC).

This new target would raise total development aid from last year's $6.4 billion, and the U.S. share from last year's $3.3 billion (0.38 per cent) to $8.2 billion.

(In fact, by 1971 U.S. official aid will have dropped to $2.8 billion on the basis of decisions already made.)

"The primary purpose of the additional development aid which we are recommending for the 1970s," the Commission says, "should be to help bring as many less developed countries as possible to a level of growth of at least 6 per cent per year" that "would transform the economic outlook in a developing country." (Although GNP statistics in many countries are unreliable, the World Bank credits the developing countries with an average GNP gain of 5 per cent during the 1969s.)

A further goal is to make this 6 per cent growth rate "self-sustaining"—that is to gradually end aid as each country becomes able to maintain its growth without it. "By the year 2000, aid would largely have disappeared."

While finding no support for charges of large-scale "waste, mismanagement or corruption" of aid funds, the Commission concedes that much has been given for the wrong reasons and without "any consistent economic criteria." It outlines a strategy for relating increased aid to economic performance:

Creation of "new multilateral groupings," supported by the World Bank, to "provide for annual reviews of the development performance of recipients and the discharge of aid and related commitments by donors."

Aid-giving nations should try to put appropriations on "at least a 3-year basis," should shift emphasis from individual projects to program aid and should act jointly to end the self protective "tying" aid to purchase in the donor country.

A minimum of 20 per cent of official aid, roughly double the current ratio, should be channeled through multilateral institutions such as the World Bank group and the special country consortia by 1975.

The World Bank's soft-loan affiliate, the International Development Association (IDA), should be expanded to a $1.5-billion-a-year level by 1975. (It is currently receiving $400 million a year.) The flow of contributions to IDA should be regularized, possibly by allocating to it part of the developed nations quotas of the new Special Drawing Right ("paper gold"), or by linking to it interest repayments on past aid loans.

DEVELOPMENT DEBTS

The developing nations now owe the developed nations roughly $50 billion, and paid debt service charges totaling $4.7 billion in 1967. If the scope and terms of new loans remains unchanged, the Commission warns, "by 1977 debt service would considerably exceed new lending" in most parts of the developing world.

A factor in this debt crisis is the current hardening of aid terms by donors, both in higher interest rates and in reduced ratios of grants to loans. The Commission hopes for maintenance of the present grant ratio but also backs soft loans for creating "greater awareness of efficiency and development criteria."

It proposes to limit future aid loans to 2 per cent interest (the 1963 U.S. rate, now raised to 3.5 per cent), with 25-40 year maturity and a 7-10 year grace period.

POPULATION, EDUCATION

"No other phenomenon casts a darker shadow over the prospects for international development than the staggering growth of population," the Commission declares. Its main proposal is for the World Bank and World Health Organization to "launch immediately a wide-ranging international program for the direction, coordination and financing of research in the field of human reproduction and fertility control."

In education and research, the Commission recommends:

More aid for new techniques rather than classical methods, and more scholarships for use in the developing countries to halt the "brain drain" that has been accelerated by "indiscriminate scholarship awards for study in advanced countries."

Aid-giving countries outside the United States should earmark 5 per cent of their public research budgets to the problem of developing countries; the U.S., with higher R & D spending, should match the total of the other donors.

THE FUTURE

The Commission calls for several international conferences, including a DAC meeting of "major aid donors and recipients" next year to work out improved aid procedures, and a World Bank conference also in 1970 to "discuss the creation of improved machinery for coordination" of aid, trade and other international economic policy.

Besides the U.S. Peterson task force, a U.N. study headed by Prof. Jan Tinbergen is already in progress, and an international development conference has been convened for next February at Columbia University. While the Pearson Commission has been dissolved, chairman Pearson is likely to find himself busy as the international debate which his report was intended to stimulate begins to take shape.

THE COMMISSION

The eight members of the Commission on International Development were chosen both for personal prestige and for geographical reasons.

Its chairman, former Prime Minister Lester B. Pearson of Canada, was selected by President Robert S. McNamara of the World Bank, which financed but did not otherwise control the Commission. Pearson, in turn, then chose the seven other Commission members—five from the five leading aid-giving nations and two to represent the developing world, a deliberate imbalance to forestall dismissal of the Report as just another in a series of pleas from the poor nations to the rich.

Members from the developed nations are: Sir Edward Boyle of Great Britain, a Conservative member of Parliament and former minister of education; C. Douglas Dillon of the United States, former under secretary of state and treasury secretary; Wilfried Guth of Germany, former German executive director of the International Monctary Fund; Robert Mariolin of France, former vice president of the European Economic Community; and Saburo Okita of Japan, president of the Japan Economic Center.

Members from the developing nations are: Roberto Campos of Brazil, former ambassador to the U.S. and planning minister, and Sir Arthur Lewis of the West Indies, professor of political economy at Princeton University. None of the Commission members speak for their nations.

[From the Washington Post, Oct. 5, 1969]

THE PEARSON REPORT: THE END OF AID

A year ago, upon taking office as president of the World Bank, Robert McNamara looked around the world and perceived a crisis of vast dimensions. The rich countries, particularly the United States, seemed to be getting fed up with helping the poor countries, and in turn the poor were becoming increasingly resentful of their inadequate growth and were blaming the lag on the stinginess, if not the malice, of the rich. To Mr. McNamara these trends portended a calamitous combination of economic distress and political tension, and he resolved to act.

Essentially, his hope was to clear the air, that is, to provide the basis of a fresh consensus of rich and poor alike, in order to narrow the economic and political gaps between them. And so he picked up a proposal originally made by his predecessor, George Woods, for a "grand assize" of world development. To carry it out, he turned to former Canadian Prime Minister Lester Pearson, who worked up a commission and began picking the best development brains available. The Pearson Commission report came out last Wednesday.

The Pearson Report is 400 pages long, including appendices. It reads like . . . well, like a long report; no one is apt to confuse it with *Portnoy's Complaint*. Its purpose is to build confidence in international cooperation to bring about effective evolutionary change. Its basic economic premise is that, in a world of alarming discrepancies in economic capacity, no country's poverty can be eased by its own efforts alone. Its political premise is that, in a world shrunk to "village" size, no country's affluence can be safeguarded for long if its neighbors are in distress. This is the new post-imperialist internationalism; it cannot be denied.

As befits a propect with a hortatory purpose, the Pearson Report is positive and upbeat (and therefore controversial) both in its assessment of past achievements in development and its forecast of future possibilities. Since it was written not to be admired or even much argued about but to be acted on, its tone is such to stimulate governments, planners and investors, not to offend or discourage them. Hence, in one conspicuous instance of misemphasis, it does not give population control the urgent priority it requires. The report is an establishment pronouncement, not a maverick critique. It pursues economic development, bypassing questions of the desirability or unavoidability of radical political and social change.

Development is not the moon; the Pearson Report brings back no hitherto unknown "lunar rocks" in its recommendations. Of these recommendations there are hundreds, not very selectively arrayed. The thrust of all of them is to bring most poor countries to a point where, by the end of the century, they will no longer need aid. Their growth will be "self-sustaining." To accomplish this, the report insists that their growth rate be raised to an average 6 per cent a year, which is a lot. This will require aid donors to give more; the United States Government, relatively a laggard now, will have to double its effort. Recipients will have to perform more efficiently, and to be judged on their performance. Poor countries will have to improve conditions for private investment. Rich countries will have to let the poor sell them more of their goods. The multilateral sources and administrators of aid, like the World Bank and the aid-India club, must be strengthened—to spare rich countries like the United States, and the poor countries they help, the harshest of the political frictions inherent in any face-to-face dealing of patron and client.

For a report like this, its excellence is incidental; implementation is crucial. Like a bee that stings once and dies, the Pearson Commission expires with its report. Implementation falls to others, to governments and to outfits like the World Bank. That means, principally, deciding which of the Pearson recommendations require priority application and organizing an appropriate onslaught. Common humanity and narrow self-interest demand that the job be done. The Pearson Report, clearly and comprehensively, shows how the job can be done. It points a passable way toward the reduction of world poverty and the end of aid.

FOREIGN AID FALLS TO A LOW ESTATE

The widening gap between the developed and developing countries has become a central issue of our time. The effort to reduce it has inspired the nations left behind by the technological revolution to mobilize their resources for economic growth.

It has also produced a transfer of resources on an unprecedented scale from richer to poorer countries. International cooperation for development over the last twenty years has been of a nature and on a scale new to history.

The transfer of resources that gave substance to this international cooperative effort began after the war and increased rapidly in the late 1950s. By 1961, almost $8 billion, or nearly 1 per cent of the gross national product (GNP) of the high-income, noncommu-

XUM

nist nations, was flowing into low-income nations. There were also additional transfers from the Soviet Union and other Communist countries.

Though after 1961, the total flow failed to grow as rapidly as the economies of the wealthy nations, the absolute level did steadily increase until by 1968 it had reached a total of $12.8 billion in public and private resources from the noncommunist countries alone.

The experience which we have gained in the last two decades bears out the premise—and the promise—of the effort that has been made. Economic growth in many of the developing countries has proceeded at faster rates than the industrialized countries ever enjoyed at a similar stage in their own history.

The fears that economically underdeveloped parts of the world were incapable of growth, or that their political problems would be so great as to preclude any economic advance, have proved to be unfounded. Many of the developing countries have shown themselves capable of a major development effort.

A SPIRIT OF DISENCHANTMENT

However, international support for development is now flagging. In some of the rich countries, its feasibility, even its very purpose, is in question. The climate surrounding foreign aid programs is heavy with disillusion and distrust. This is not true everywhere. Indeed, there are countries in which the opposite is true. Nevertheless, we have reached a point of crisis.

The question which now arises is whether the rich and developed nations will continue their efforts to assist the developing countries or whether they will allow the structure built up for development cooperation to deteriorate and fall apart. The signs are not propitious.

In the last years of this decade, the volume of foreign official aid has been stagnant. At no time during this period has it kept pace with the growth of national product in the wealthy nations. In fact, the commitments by the United States, which has been much the largest provider of aid fund, are declining. There, and in some other developed countries, we have encountered a spirit of disenchantment.

Some of this is due to the fact that attitudes in donor countries often have been affected by misconceptions and unrealistic expectations of "instant development" when we should have known that development was a long-term process. There has also been strong criticism of waste in the use of aid in the developing countries and complaints that aid activities lead inevitably to entanglement in political conflict and military hostilities in which recipient countries may become engaged.

COMMITMENTS AT HOME

A good deal of bilateral aid has indeed been dispensed in order to achieve short-term political favors, gain strategic advantages or promote exports from the donor. Much foreign aid was granted in the 1950s to enable some countries to maintain large armed forces rather than to promote economic growth. In none of these cases was the promotion of long-term development a dominant objective of the aid given.

It is hardly surprising, therefore, that hopes of satisfactory development progress were disappointed or that aid given as "defense support" has on occasion led to greater involvement in a deteriorating security situation affecting the recipient country. Nor is it surprising, either, that there should often have been criticism because of misconceptions of what this kind of aid was meant to achieve.

There has also been a lessening of support for genuine development aid, in part at least due to the increasing complexity and seriousness of domestic problems—the deepening commitments to abolish poverty and deal with such questions as civil rights, economic discrimination and urban and environmental problems.

It is not only among the developed countries that the climate has deteriorated. On the developing side, too, there are signs of frustration and impatience. In much of the developing world there is a sense of disillusion about the very nature of the aid relationship.

Our travels and studies have convinced us that we have come to a turning point. On all sides we sense a weariness and a search for new directions.

The period of development cooperation began with a number of presuppositions on both sides. Some—as we have seen—were unrealistic and unfortunate. Development was often seen in new nations as the economic continuation of the political struggle for independence; as an important means of creating a new national identity or of breaking old and restrictive ties. The elimination of alien rule was thought by many to open the way to early and easy prosperity.

The nature of the obstacles which stood in the way of quick results, or the decisions which had to be taken to achieve any results at all, were not always understood. The need for export growth was underestimated, agricultural development was usually neglected. Development was also too often only seen as a consequence of decision-making at the top. The vital need to bring about mass participation in development was at times sacrificed to the enrichment of special groups or individuals.

Donors and recipients alike tended to view the modernization and development of low-income countries as an attempt to repeat the Industrial Revolution in quick time. They focused inordinate attention on individual investment projects and relatively little on the causes and results of stagnation.

Recipients as well as donors also tended to expect too much too soon from aid supplementing the national development effort. A dramatic change in the lives of hundreds of millions of people was expected from a relatively modest flow of resources, much of which was offset by unfavorable trends in the terms of international trade.

WORKING FROM WITHIN

The understanding of these problems, however, has grown. Past approaches have been modified and coordinated and better results are being secured. The developing countries have more and more come to recognize that their economic policies must look outward and strive for competitive strength; that agricultural growth is indispensable in order to raise levels of living for the large majorities of their populations and to provide markets for their growing industries.

The most cumbersome controls have been relaxed, and much more attention is paid to the mobilization and allocation of resources through incentives to individual effort. Above all, it is realized that development must come from within, and that no foreign help will suffice where there is no national will to make the fundamental changes which are needed.

It has become very clear that the impact made by the contribution of resources from outside depends on the efficiency with which the recipient uses his own resources and on his overall economic and social policy. Both sides have learned that cooperation for development means more than a simple transfer of funds. It means a set of new relationships which must be founded on mutual understanding and self-respect.

Good development relations also require the acceptance of a continuing review of performance on both sides, not dominated by either the donor's or the recipient's immediate political or economic interests or pressures. Aid, to be effective, requires less uncertainty and more continuity that is often the case today. It cannot be disrupted or cut off without harmful results to the recipient's capacity to plan for the future.

Wealth does not entitle a rich and powerful country to dominate another country's national life as a consequence of the aid it may have given. On the other hand, it is impossible for any country to transfer public funds abroad without being able to satisfy its citizens that these funds are being effectively used to reach acceptable development goals and that the receiving countries are making strong efforts of their own to improve their situations. The "development relationship," which it at the heart of efficient aid policy, must be based on a clear division of responsibilities which meets the needs of both partners.

In recent years, the volume of aid has stagnated, the terms have hardened and the conditions have become more restrictive. This is happening at a time when the success of many developing countries has greatly increased their capacity to utilize additional resources effectively. To overcome the obstacles and take advantage of the opportunities for further growth will require that aid, trade and investment policies are integrated in a single strategy which rests firmly upon the performance of the developing countries themselves and the sustained commitment of the richer countries.

[From the Washington Star, Oct. 4, 1969]

SOUTH AFRICA PRESSING THE UNITED STATES FOR COMPROMISE ON GOLD ISSUE

(By Lee M. Cohn)

South Africa is stepping up pressure on the United States to compromise on the role of gold in International Monetary Reserves.

Negotiations between the two countries here this week made little apparent progress, but Nicolaas Diederichs, South Africa's finance minister, told a news conference yesterday that there is "a greater willingless, a greater desire on the part of the Americans to come to some agreement."

U.S. officials concurred that they want to strike a bargain. They scoffed, however, at the idea that South African maneuvers have pushed the United States into a defensive position.

Gold talks took place privately during this week's joint meeting of the International Monetary Fund and the World Bank, which ended yesterday with formal approval for creation of a new kind of monetary reserves called Special Drawing Rights (SDRs).

South Africa abstained from the nearly unanimous vote for SDRs, which have been nicknamed paper gold.

The gold issue was sharpened when the United States and other leading countries last year established a two-price system, with monetary gold pegged at $35 an ounce and the price of gold for industrial and artistic use allowed to fluctuate freely on the market.

A key part of the system is the understanding that almost all newly mined gold is to be sold on the markets not to central banks or the IMF to expand monetary reserves. By compelling sales on the market, the United States hopes to hold the market price down close to $35.

Creation of SDRs supposedly will make purchases of real gold for reserves unnecessary. The importance of gold as a reserve would diminish gradually as SDRs accumulated.

But South Africa, the world's biggest producer of gold, is resisting and demanding the right to sell some of its gold to central banks and the IMF as a means of holding the market price up.

Diederichs reiterated that South Africa has sold gold to central banks despite the U.S. position that they should not buy.

Besides direct sales, Diederichs confirmed that South Africa has used IMF transactions to channel gold to central banks of some countries.

Members borrowing South African rands from the IMF, along with other currencies have converted the rands into gold on some occasions. This process helps South Africa unload gold without the risk that additional supplies may depress the market price.

Britain and France reportedly have been among the countries acquiring gold in this manner. U.S. officials played down the size and significance of these transactions, maintaining that they do not imperil the two-price gold system, but they conceded that a clear agreement on South African gold sales would help overcome "suspicions" that the two-price system might be undermined.

Diederichs indicated he believes the ability of South Africa to sell gold to central banks strengthens his bargaining position.

"I see no reason why we cannot carry on in that way," he said.

Negotiations are expected to continue through correspondence and later perhaps in meetings between U.S. and South African officials.

Treasury Secretary David M. Kennedy told a news conference the United States wants to settle the issue but is determined to protect the two-price gold system.

On another question, Kennedy predicted that the next movement of interest rates will be downward but indicated he does not expect a sharp rate decline soon.

Pierre-Paul Schweitzer, the IMF's managing director, told a news conference the two-price system has proved to be workable, and added that South Africa has had no problem in disposing of its gold.

Gold will remain "for quite a while the basic stander of the monetary system," he said.

Schweitzer indicated he has no objection to conversion of rands borrowed from the IMF into gold.

On the forthcoming increase in IMF quotas, Schweitzer said the present $21 billion total probably will be expanded by about $7 billion or $8 billion.

He said he is confident that West Germany will resume supporting the mark within 1 percent of a fixed par value as soon as possible, after temporarily letting the rate float freely in the markets.

Germany's action letting the rate float may take some of the steam out of proposals for making the currency system more flexible, he said.

AN UNEASY GERMANY AWAITS NEW DIRECTION

(By Andrew Borowiec)

BONN.—In October, the leaden sky hangs low over the federal capital. The Rhine is often shrouded by mist and the foghorns of river barges wail long and mournfully.

Outside the white-walled official residence of the federal chancellor, elite guards pace the wet grounds.

Barring an unexpected parliamentary hitch, after Oct. 20 the residence will be inhabited by Willy Brandt, the stocky, red-faced leader of the Social Democratic Party (SPD) which has formed a coalition with the small liberal Free Democratic Party (FDP) to govern West Germany.

The SPD won 224 seats of the 496 seat Bundestag (parliament) or 18 seats less than the CDU.

What put it in power was a coalition with 30 deputies of the shifty, small FDP headed by witty, debonair Walter Scheel.

After four days of bargaining, the two parties worked out an agreement to lead West Germany on a path of reform in the first left-of-the-center government of the post-war era.

Thus the so-called progressive forces triumphed in West Germany, generally supported by the younger age group tired of the quiet and on the whole unimaginative CDU leadership.

Europe, stirring everywhere and looking for new formulas to adopt its antiquated structures to the speed of the atomic age, is generally looking to the left. West Germany is no exception.

REVALUATION OF MARK

One is revaluation of the deutschemark, Europe's strongest currency. The SPD is officially pledged to a revaluation now considered a certainty.

Earlier this week, the West German government allowed the mark to fluctuate freely on world markets, stopping its intervention to support the fixed ratio to the dollar. Within the next three days, the mark shot up 6 percent in a de facto revaluation.

The situation caused difficulties for the Common Market's agricultural policy based on a complicated price support system. It provoked criticism from many quarters, including West German farmers who saw their exports threatened.

Brandt also will face problems with his ambitious promise of a more open-minded policy toward the Communist East. The aim eventually is to establish some sort of formula that would govern West Germany's coexistence with Communist East Germany and Poland, which holds former German territory east of the Oder-Neisse line.

The post-war generation wholeheartedly supports Brandt on this issue. The young Germans feel that the memories of World War II should be buried and a new page turned, particularly on Germany's Eastern policy.

But Germany is still basically fixed between pressures and counterpressures that complicate any effective increase of its influence in the East. The Brandt government can only go as far as Russia will allow.

Yet, internally, the situation is one of great promise. And, if mishandled, it can stir up a lot of dust in West Germany's relations with its Western allies, particularly with the United States.

Basically, Brandt's policy is strongly in favor of continuing the Western alliance. West Germany has to rely on the American nuclear umbrella and the presence of U.S. troops on German soil is regarded as a vital necessity.

[From the Washington Post, Oct. 5, 1969]

CLEVER GERMAN MANEUVER AIDS FLEXIBILITY DRIVE

Let's not even mention the Brazilian cruzeiro. But in the 23 months since November, 1967, the British pound and the French franc have been devalued, and now the German mark has been allowed to "float" pending an upward revaluation once a new Government takes over in Bonn. In fact, as Chancellor of the Exchequer Roy Jenkins observed, there have been 60 devaluations and three revaluations in the past 25 years since Bretton Woods.

That hardly sounds like "fixed" exchange rates, the vaunted centerpiece of the international monetary system set up at Bretton Woods in 1944.

In fact, the crisis atmosphere surrounding the recent changes in value of the pound, the franc, and the D-mark underscores the case for modernization of the existing rules, so that necessary adjustments in currency values can be made smoothly.

Moreover, the West German government, in order to let the D-mark "float"—that is, find its own level in the market—violated the rules of the International Monetary Fund which call for support of a nation's currency within 1 per cent either side of the fixed rate.

The IMF had no choice but to wink at the German violation on explicit assurances given by Bundesbank director Otmar Emminger in secret meetings last Saturday (Sept. 27) with IMF Managing Director Pierre-Paul Schweitzer that there would be a return to a stable rate for the D-mark within weeks. Karl Blessing, Bundesbank head, spoke of a revaluation between 6.5 and 8 per cent.

What all this points up, as Schweitzer is fond of saying, is that the fixed-rate system of currency parities was not intended to be rigid. True, the grand design of the monetary geniuses of 25 years ago was that it would be undesirable to change rates frequently or unnecessarily.

But no one planned that a country should stick to a rate no longer justified by its international economic balance sheet—as Germany had persisted in doing for months.

Yet, until recently, there was a tendency to defend the system as an end in itself, smoothing over each crisis with dramatic rescue operations measured in the billions. Only the much-criticized academics pointed to underlying weaknesses in the system.

What is now evident in the aftermath of the IMF and World Bank meetings here is that talk of change is suddenly respectable. It has, as French Finance Minister Valery Giscard d'Estaing put it, "a modish allure." And it has been accentuated, rather than diminished, by the clever German maneuver.

To a considerable degree, new attitudes have been stimulated by the Nixon administration's realistic approach on this matter. A speech in Bonn on April 16 by Economic Council member Hendrik Houthakker sketched out the Nixon policy, and was an important step in the subsequent dialogue that developed on "crawling pegs" and other ways of introducing flexibility into the system.

What Houthakker demonstrated, and what the speeches of many Governors here last week acknowledged, is that some flexibility is necessary to recognize actual changes in the relative strength of currencies. These differences come about because productivity growth is not the same everywhere, nor is inflation (and governmental attitudes toward inflation). And imports and exports, and the balance between them, vary from country to country.

Thus, as Houthakker pointed out in his Bonn speech, any pattern of exchange rates is bound to be rendered obsolete by the passage of time.

Common techniques to which countries resort to adjust these differences include border taxes and rebates. This creates a kind of jerry-built multiple exchange rate system, designed to protect internal industry.

"It must be feared," said Houthakker, "that a proposal to introduce border taxes as a permanent adjustment device would be a field day for various special interests . . ."

What is clear about the U.S. position calling for a study of new techniques for "limited flexibility" (even though it was not made explicit at the IMF-Bank meetings) is that it goes far beyond the particular problem of the German mark.

A minor adjustment or "crawl" of the mark was not the goal of those experts who saw a wide and growing disparity between the declining value of the franc and the growing real value of the mark. "Crawling," as one astute observer said, "is no way to catch up."

The picture is now much brighter: Once the Germans establish a new, higher and fixed rate for the mark, the probability is that the IMF will move slowly in the direction of limited rate flexibility—probably in the area of wider bands of permissible fluctuation, rather than in the better advertised "crawling pegs."

Hopefully, the major nations will "crawl" toward some solutions before being overtaken by the next big monetary crisis.

MARK ACTION YIELDS NEW HOPES FOR FUTURE

Free world financial leaders are finding a few things to cheer about, and it has been a long time since that was true.

No one is shouting very loudly as yet but there are cautious hopes that the wild, speculative currency surges of the past two years are at an end and that calmer days are ahead.

The new mood took hold last Monday,

when West Germany belatedly decided to let its disruptively powerful D-mark float to a higher value against the dollar, franc, pound and other currencies. The free world's top financial officials were gathered here for the annual meeting of the World Bank and the International Monetary Fund. Their spirits brightened steadily as the week wore on.

The German move was a climactic action. It capped a tumultuous 22-month span that had seen devaluations of the British pound and the French franc, the explosive 1968 gold panic, and four shattering monetary crises during the past year alone.

Further currency changes may be ahead. Two or three of the smaller European countries may be forced to move in the wake of the German decision and there will be mounting pressure for an increase in the price of Japan's startlingly strong yen.

But the big, worrisome changes are out of the way. There is a conviction that speculators and investors will believe in the new British, French and German rates and that the free world has the base that it needs to achieve steadily rising trade and growing prosperity.

The dollar, the D-mark, the pound and the franc could get out of line again but the hopes are that they won't and that is the main reason that the future looks better than the past.

Most of the trouble has come because the United States, Britain, and France self-indulgently have been inflating their prices and have been spending beyond their means while the Germans have kept their prices and spending under firm disciplined control.

But the United States now is showing heartening signs of ending its damaging four-year inflation. The Nixon administration and the Federal Reserve Board are saying they will hold to their tough fiscal and monetary policies until the boom is halted.

Britain at long and wonderful last appears to have turned the corner and once again is beginning to earn its way in the world. Exports are rising strongly. Imports are being curbed. A balance of payments surplus is being chalked up and Chancellor of the Exchequer Roy Jenkins this week told the financiers in Washington and the Labor Party conference at Brighton that the government will not relax its harshly restrictive program "on the threshhold of success."

France is a bigger question mark. The unions are demanding larger pay boosts than the employers can afford and there are doubts that President Pompidou's anti-inflation program is harsh enough to do the job. But Pompidou is expected to get tougher.

Germany is moving in the other direction. Prices are beginning to climb more rapidly. Workers are winning very big, very un-Germanic 10-to-14 per cent wage boosts. Price inflation is taking hold.

Inflation is not expected to go far in the Federal Republic, though. The Germans' currency has been destroyed by inflation twice during the past 50 years and the Germans hate inflation the way other people hate unemployment.

But no one has been asking the Germans to risk runaway inflation. All that anyone wants is a somewhat faster price rise in Germany and a markedly slower price rise in the U.S., Britain and France; and it is beginning to look as though it could happen that way.

[From the Washington (D.C.) Star, Oct. 2, 1969]

IMF Formally Moving To Create "Paper Gold"

(By Lee M. Cohn)

The International Monetary Fund acts today to create a new kind of money to make the financial system work more smoothly and to diminish the role of gold gradually.

Called special drawing rights (SDRs), the new money will supplement gold, dollars and other currencies in monetary reserves used to settle international accounts among central banks.

The finance ministers and central bankers from 113 countries who are attending the annual joint meeting of the IMF and the World Bank started voting yesterday on creation of SDRs. Although announcement of the result was deferred until today, it was known that the resolution carried.

The IMF will issue $3.5 billion of SDRs, nicknamed paper gold, Jan. 1, an additional $3 billion one year later and another $3 billion two years later. The United States will receive nearly one-fourth of each allocation.

SUBORDINATING GOLD

As more SDRs are issued they are expected gradually to become the biggest element in monetary reserves—pushing gold into a subordinate role. Almost all new gold is expected to go into industrial and artistic uses, not into monetary reserves.

Also scheduled for today's concluding session of the meeting was approval of a resolution directing the IMF to propose a formula for increasing its quotas of gold and currencies, which create a pool for IMF loans to countries with balance-of-payments problems:

An increase of $6 billion or $7 billion in IMF's present $21 billion quota total is expected and may go into effect about one year from now.

Nicolaas Diederichs, South Africa's finance minister, was a lonely dissenter from the broad approval of the SDR move.

Although South Africa is participating, Diederichs emphasized in a speech yesterday that he does not have "any great enthusiasm for the SDR scheme at this time."

"An increase in the official price of gold would, on balance, be preferable to an activation of special drawing rights," he said.

South Africa, the world's biggest gold producer, has been pressing without success for an increase in the $35-an-ounce monetary price of gold. Creation of SDRs is expected to minimize pressure for a gold price boost.

"NOT A SUBSTITUTE"

Disputing the prevalent anaylsis, Diederichs said creation of SDRs "does not mean that gold is being phased out," and warned that it would be "a mistake to think of SDRs as a substitute for gold."

When the leading nations established a two-price system for gold last year, they said further increases in monetary gold reserves no longer were needed.

The United States, particularly, has tried to block purchases of gold by central banks and the IMF. The objective is to compel the sale of new gold on the market, to hold its price down close to $35 an ounce.

Diederichs has been negotiating with the United States for a compromise that would permit some purchases of gold by central banks and the IMF to help support the price.

DISCUSSION ON MARK

A major topic of discussion at the meeting has been West Germany's action in temporarily letting the mark's rate "float" freely, instead of intervening in exchange markets to keep it within one percent of its 25-cent par value.

Most experts expect Germany to raise the par value after a new government is established about Oct. 20.

Karl Blessing, president of the German Central Bank, noted in a speech yesterday that the mark has traded this week at about 5 percent above par, but he offered no hints about the likely new par value.

Without saying so explicitly, Blessing implied at a news conference that an upward revaluation of the mark is a foregone conclusion.

The new par value cannot be settled, he said, until a new government works out broad economic policies on the balance of payments, border taxes and other questions.

In his speech, he indicated that revaluation of the mark may be delayed beyond Oct. 20.

PEARSON PANEL'S PROPOSALS

The highlight of Wednesday's session was the presentation of a report on the future of economic aid by a commission headed by Lester B. Pearson, former prime minister of Canada.

Acknowledging "weariness, disillusion and even rejection of economic aid, Pearson said it will be "tragic" if the aid effort is not expanded sharply in the years ahead.

The eight-man commission said economic aid by governments should increase from about four-tenths of 1 percent of the gross national product of donor countries to seven-tenths of 1 percent by 1975.

Major recommendations by the commission included proposals to: Stop linking economic aid to political considerations and alliances; remove trade barriers that restrict exports by underdeveloped countries; shift more aid to a multi-lateral basis through such agencies as the International Development Association.

Others were to: Increase contributions to the IDA from $400 million a year now to $1.5 billion by 1975; lower interest rates charged by the World Bank through a subsidy system (a portion of interest paid on bilateral aid loans would finance the subsidies); push harder through research and other programs to control the population boom in underdeveloped countries.

[From the Washington Post, Oct. 3, 1969]

Doubling of Aid Is Proposed for Poorer Nations

(By A. D. Horne)

A high-powered international commission headed by former Canadian Prime Minister Lester B. Pearson has urged a virtual doubling of foreign aid to the underdeveloped nations, with the goal of stimulating their economies to a growth rate of 6 percent a year.

This average increase—1 per cent above the level attained by 70 developing nations during the 1960s—"would transform the economic outlook" in these countries, the Commission on International Development declared in a 400-page report presented Wednesday at the annual meeting of the World Bank.

If world aid levels can be brought to 0.70 percent of the industrialized nations' gross national products by 1975—to an estimated total of $16.2 billion, compared to $6.4 billion at last year's level of 0.39 per cent—most developing nations could achieve "self-sustaining growth" without further aid by the year 2000, the Commission predicted.

The commission's aid target would require a 180-degree turn for the United States, which provided development aid of $3.3 billion, or 0.38 per cent of GNP, last year including Food for Peace. By 1975, the commission estimated, U.S. official aid should be $8.2 billion, a vast expansion over President Nixon's $2.2 billion request now being cut by Congress.

The commission acknowledged widespread frustration over foreign aid has "reached a point of crisis." But it said the record of the past two decades proved the effort worthwhile. And it urged that trade and investment policies be integrated into a single "strategy for the strengthening of international cooperation for development."

Among its 68 formal recommendations and many additional suggestions, the commission called for:

Elimination of tariffs and quotas in the rich nations on imports of products on which developing nations depend for export earnings.

Removal of balance-of-payments restrictions that keep international capital out of developing nations.

Establishment of "new multilateral groupings" to join aid donors and recipients in annual reviews of each other's development performance.

A return to softer loan terms, with a 2 per cent interest ceiling, 25-to-40-year maturity and 7-to-10-year grace periods.

A multilateral effort to scrap regulations which have tied some 85 per cent of aid to purchases in the donor countries.

Doubling, to 20 per cent, the share of aid channeled through multinational agencies.

Expansion of the soft-loan International Development Association to a $1.5-billion-a-year level by 1975.

Commitment of at least one-half of the industrialized nations' incoming interest payments on past development loans to a new fund that would subsidize World Bank loan rates (now at 7 per cent).

UPSTATE NEW YORK REACTS TO GOODELL BUG-OUT RESOLUTION

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I took issue with the junior Senator from New York (Mr. Goodell) when he proposed that Congress legislate that all American troops be out of Vietnam by December 1970. Not only did I take issue with the wisdom of his proposal, but I said I was certain it did not represent the thinking of a majority of the people of New York State.

To support that contention I include here a sampling of editorials from upstate New York newspapers, the Binghamton Press of September 30, the Oneonta Star of October 1, and Amsterdam Evening Recorder of October 1.

The editorials follow:

[From the Binghamton (N.Y.) Press, Sept. 30, 1969]

Goodell's "Easy Way"

New York Senator Charles Goodell's prescription for getting the U.S. out of Vietnam is cheap political quackery.

It is the proposal of either a fool or an opportunist. Since the senator is a bright man, he stands tagged as a demagogue.

The senator proposes to legislate the nation out of Vietnam. His bill would require all American troops to be withdrawn by Dec. 1, 1970.

President Nixon said that the senator's idea was well meant, but not very smart.

We would put it the other way around. It was a very smart move, from a political point of view, for a senator whose name has not exactly become a household word since he was named last year to fill the vacancy created by the death of Robert Kennedy.

As for being well meant, that depends on how one looks at it. The senator meant to boost his chances for election next year, and it is possible that he did so, by the simple expedient of taking a position that presumably would have a wide public appeal.

The senator makes it sound so easy: Follow his advice and the war would be over, in 14 months yet, and to blazes with the consequences.

If there were any genuine merit to the Goodell plan to put a time limit on Vietnam, one wonders why the 14-month delay? Why not make Dec. 1, 1969 the cutoff date, if the logistics are feasible?

If we are going to quit, in other words, then let's quit, right away. There is no point in prolonging the agony. Never mind the 38,728 dead and the 252,059 wounded.

Never mind what might happen to the millions of South Vietnamese who chose for one reason or another to ally themselves with us. Never mind whether the United States would ever be believed again.

These are only some of the tough questions that Senator Goodell would ignore with his easy way out.

The circle would be complete at that. It was by ignoring tough questions, after all, that we blundered into Vietnam, and those who insist on trying to get out the same way are only making a bad matter worse.

There is no easy way out of Vietnam. President Nixon has chosen the least damaging course, but even that is beyond reach so long as Hanoi refuses to negotiate seriously.

The North Vietnamese are not so foolish as to negotiate a compromise so long as there seems a chance that public pressure on the President could force him to withdraw all U.S. forces.

Senator Goodell may have served himself well with his play to the gallery, but he has served his country ill.

[From the Oneonta (N.Y.) Star, Oct. 1, 1969]

Goodell's Plea Unrealistic Now

Sen. Charles Goodell's call for complete withdrawal of American troops from Vietnam by 1970 should please hawk and dove alike.

Almost every American—except some high-ranking military brass—wants the United States out of this unpopular war which can't be won.

But is Sen. Goodell realistic? If America were to arbitrarily set 1970 as the date for complete withdrawal, what would be the use of any talks in Paris? The Viet Cong and North Vietnamese would realize that there is no hope of ending the war any sooner so they would mount all out military drives. This is not the path to peace. Without a definite date set, there can still be meaningful negotiations in Paris. What's the use of playing poker when you not only have a losing hand but a no-bluff hand too?

While Sen. Goodell's motives may be the best, we question his statements at this time.

Don't forget, Mr. Goodell was considered a conservative congressman until he was appointed to Sen. Kennedy's Senate seat. Almost overnight he became a liberal and he realizes that his short term in office and his campaign for election next year lack luster.

The best way to inject luster into any campaign is through headlines. And last week Sen. Goodell showed he was adept at this. He grabbed headlines when he called for complete withdrawal by 1970. And his statements were given extra press coverage when they drew rebuttals by President Nixon and by Gov. Rockefeller.

As one columnist put it this week: Goodell has learned the fine arts of press agentry.

But the question remains: why stymie our negotiators in Paris, our state department and our military by telegraphing to the enemy what we are going to do by what time?

[From the Amsterdam (N.Y.) Evening Recorder, Oct. 1, 1969]

Encouraging the Enemy

There is something to be said for Senator Charles E. Goodell's proposal to require that all American troops be withdrawn from Vietnam by the end of 1970. That some such plan is needed is beyond dispute. There is strong demand for an end to this conflict and it calls for more than a mere response to events.

The question is whether setting a fixed withdrawal deadline as recommended by Goodell would be the wisest course. The doubts promptly expressed by President Nixon, Secretary of Defense Laird and others ought to be weighed with great care.

Opponents of the Goodell plan fear that congressional enactment of such legislation would be interpreted as reflecting lack of support for the President—or at any rate lack of confidence that Administration efforts are bringing the war to an end as rapidly as possible. They fear that it would encourage Hanoi to simply wait out our scheduled troop withdrawal, meanwhile dragging its heels at the Paris peace talks.

Goodell argues that in the absence of a definite plan "the assumption under which the military is now operating will probably keep us fighting for years." That may be so, but a flat troop-withdrawal deadline is not the only alternative. Whatever plan is adopted, it should not be so inflexible as to permit the enemy to call all the shots.

WITHDRAW FROM VIETNAM NOW

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I want to make it clear that in cosponsoring a resolution to support the President's withdrawal of U.S. troops from Vietnam, I do not endorse the current speed with which American troops are being brought back home. I feel that such a resolution is useful in indicating approval of the fact that some troops have been brought back, but I still feel that immediate and total withdrawal of all American forces is an urgent priority.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. Carey of New York (at the request of Mr. Hanley), for the week of October 6, 1969, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Holifield, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Bush (at the request of Mr. Hansen of Idaho), for 15 minutes, on October 13; to revise and extend his remarks and include extraneous matter.

Mr. Farbstein (at the request of Mr. Stokes), for 20 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Madden in two instances and to include extraneous material.

Mr. Randall to revise and extend his remarks prior to the vote on H.R. 13576 and H.R. 372.

Mr. Don H. Clausen to revise and extend his remarks in the body of the Record during the presentation of the resolution by Mr. Findley and other Members.

Mr. Holifield and to include an editorial from the Anchorage Daily Times of October 3.

Mr. Olsen immediately preceding the vote on H.R. 14127, today.

(The following Members (at the request of Mr. Hansen of Idaho) and to include extraneous matter:)

Mr. Conte.

Mr. ASHBROOK.
Mr. HALL.
Mr. QUIE.
Mr. UTT.
Mr. SCHWENGEL.
Mr. GUBSER in two instances.
Mr. McCLORY.
Mr. WYMAN in two instances.
Mr. RHODES in five instances.
Mr. DERWINSKI in two instances.
Mr. FULTON of Pennsylvania in five instances.
Mr. TALCOTT in two instances.
Mr. DELLENBACK in two instances.
Mr. COUGHLIN.
Mr. GUDE.
Mr. BROYHILL of Virginia.
Mr. SAYLOR in two instances.
Mr. GOLDWATER.

(The following Members (at the request of Mr. STOKES) and to include extraneous matter:)

Mr. CORMAN.
Mr. O'HARA in two instances.
Mr. DINGELL in three instances.
Mr. KLUCZYNSKI.
Mr. GONZALEZ in two instances.
Mr. OTTINGER.
Mr. RARICK in three instances.
Mr. ROONEY of New York.
Mr. EVINS of Tennessee.
Mr. ANDERSON of California in two instances.
Mr. BROWN of California in two instances.
Mr. ROONEY of Pennsylvania in four instances.
Mr. VANIK in two instances.
Mr. TEAGUE of Texas in eight instances.
Mr. EILBERG.
Mr. FRASER in four instances.
Mr. MINISH in two instances.
Mr. TIERNAN.
Mr. WOLFF.
Mr. HATHAWAY in three instances.
Mr. PICKLE.
Mrs. HANSEN of Washington in three instances.
Mr. CHARLES H. WILSON.
Mr. ASHLEY.
Mrs. SULLIVAN in two instances.

ENROLLED JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 851. Joint resolution requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival."

ADJOURNMENT

Mr. STOKES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 7, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1217. A letter from the Chief, Forest Service, Department of Agriculture, transmitting a copy of the river plan for the middle fork of the Clearwater River, including the Lochsa and Selway Rivers in Idaho, pursuant to the provisions of subsection 3(b) of the Wild and Scenic Rivers Act (82 Stat. 906–918) (H. Doc. No. 91–169); to the Committee on Interior and Insular Affairs and ordered to be printed, with illustrations.

1218. A letter from the Chief, Forest Service, Department of Agriculture, transmitting a copy of the river plan for a segment of the Rogue River in Oregon, pursuant to the provisions of subsection 3(c) of the Wild and Scenic Rivers Act (82 Stat. 906–918) (H. Doc. No. 91–170); to the Committee on Interior and Insular Affairs and ordered to be printed, with illustrations.

1219. A letter from the Chief, Forest Service, Department of Agriculture, transmitting a copy of the river plan of the middle fork of the Salmon River, pursuant to the provisions of subsection 3(b) of the Wild and Scenic Rivers Act (82 Stat. 906–918) (H. Doc. No. 91–171); to the Committee on Interior and Insular Affairs and ordered to be printed, with illustrations.

1220. A letter from the Secretary of the Army, transmitting the semiannual report of Department of the Army contracts for military construction awarded without formal advertisement, for the period January 1 through June 30, 1969, pursuant to the provisions of section 804 of Public Law 90–408; to the Committee on Armed Services.

1221. A letter from the Comptroller General of the United States, transmitting a report on the need to improve and relocate internal audit activities in the Veterans' Administration; to the Committee on Government Operations.

1222. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application by the Lakeside irrigation water district, Hanford, Calif., for a loan under the Small Reclamation Projects Act (70 Stat. 1044, as amended, 71 Stat. 48), pursuant to the provisions of section 4(c) of the act; to the Committee on Interior and Insular Affairs.

1223. A letter from the Chairman, Indian Claims Commission, transmitting a report that an order dismissing case was entered by the Commission with respect to Docket No. 170, *The Pascagoula, Biloxi and Mobilian Consolidated Band of Indians, petitioners,* v. *The United States of America, defendant,* pursuant to the provisions of 60 Stat. 1055; 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1224. A letter from the Chairman, Indian Claims Commission, transmitting a report that an order dismissing petition was entered by the Commission with respect to Docket No. 236–J, *Gila River Pima-Maricopa Indian Community, etc., plaintiff* v. *The United States of America, defendant,* pursuant to the provisions of 60 Stat. 1055; 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1225. A letter from the Assistant Secretary of Commerce, transmitting a report on claims of employees for damage to or loss of personal property sustained by them incident to their service settled during fiscal year 1969, pursuant to the provisions of 31 U.S.C. 240–243; to the Committee on the Judiciary.

1226. A letter from the Director, U.S. Information Agency, transmitting a report of claims settled under the authority of section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964 for the period September 1, 1968, through August 31, 1969, pursuant to the provisions of the act; to the Committee on the Judiciary.

1227. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1228. A letter from the treasurer, American Historical Association, transmitting the organization's audit for fiscal year 1969, pursuant to the provisions of section 3 of Public Law 88–504; to the Committee on the Judiciary.

1229. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting various plans for works of improvement under the Watershed Protection and Flood Control Act, as amended (16 U.S.C. 1005), none of which involves a structure which provides more than 4,000 acre feet of total capacity; to the Committee on Agriculture.

1230. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting various plans for works of improvement under the Watershed Protection and Flood Control Act, as amended (16 U.S.C. 1005), each of which involves a structure which provides more than 4,000 acre feet of total capacity; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(*Pursuant to the order of the House on October 3, 1969, the following bill was reported on October 4, 1969.*)

Mr. PATMAN: Committee on Banking and Currency. H.R. 14127. A bill to carry out the recommendations of the Joint Commission on the Coinage, and for other purposes (Rept. No. 91–549). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRAY:

H.R. 14199. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 14200. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 14201. A bill to amend the Communications Act of 1934 so as to prohibit the granting of authority to broadcast pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. ERLENBORN (for himself, Mr. ADAIR, Mr. HUNGATE, Mr. MYERS, and Mr. PRICE of Texas):

H.R. 14202. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GIAIMO:

H.R. 14203. A bill to prohibit the use of channels of interstate or foreign commerce, including the mails, for the distribution of certain material which is harmful to minors; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 14204. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. MIKVA:

H.R. 14205. A bill to amend title 38, United States Code, in order to increase the rate of educational assistance allowances to veterans who are simultaneously participating in certain teaching assistance programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PURCELL (for himself and Mr. Culver):

H.R. 14206. A bill to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs; to the Committee on Agriculture.

By Mr. STAGGERS:

H.R. 14207. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. TIERNAN:

H.R. 14208. A bill to amend section 4005 of title 39, United States Code, to restore to such section the provisions requiring proof of intent to deceive in connection with the use of the mails to obtain money or property by false pretenses, representations, or promises; to the Committee on Post Office and Civil Service.

By Mr. VANDER JAGT:

H.R. 14209. A bill to amend chapter 44 of title 18, United States Code, to provide that such chapter shall not apply with respect to the sale or delivery of certain ammunition for rifles or shotguns; to the Committee on the Judiciary.

By Mr. WATSON:

H.R. 14210. A bill to amend title 28, United States Code, to establish certain qualifications for persons appointed as judges or justices of the United States; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.R. 14211. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. POLLOCK:

H.R. 14212. A bill to provide for the settlement of certain land claims of Alaska Natives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. THOMPSON of New Jersey:

H.R. 14213. A bill to amend sections 5580 and 5581 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. DEVINE:

H.J. Res. 922. Joint resolution to designate Route 70 of the National System of Interstate and Defense Highways as the Eisenhower Memorial Highway; to the Committee on Public Works.

By Mr. BROTZMAN (for himself, Mr. Denney, Mr. Friedel, Mr. Cowger, Mr. Weicker, Mr. Diggs, Mr. Wold, Mr. Nelsen, Mr. Carter, and Mr. Lowenstein):

H.J. Res. 923. Joint resolution providing for the display in the Capitol Building of a portion of the moon; to the Committee on House Administration.

By Mr. BOLAND:

H. Con. Res. 398. Concurrent resolution expressing the sense of the Congress relating to the withdrawal of U.S. Forces from South Vietnam; to the Committee on Foreign Affairs.

By Mr. FINDLEY (for himself, Mr. Adams, Mr. Addabbo, Mr. Andrews of North Dakota, Mr. Ashley, Mr. Beall of Maryland, Mr. Boland, Mr. Brasco, Mr. Broomfield, Mr. Brotzman, Mr. Brown of Ohio, Mr. Bush, Mr. Button, Mr. Byrnes of Wisconsin, Mr. Carter, Mr. Don H. Clausen, Mr. Cohelan, Mr. Collier, Mr. Conable, Mr. Conte, Mr. Conyers, Mr. Cowger, Mr. Culver, Mr. Cunningham, and Mr. Dellenback):

H. Res. 564. Resolution concerning withdrawals from Vietnam; to the Committee on Foreign Affairs.

By Mr. FINDLEY (for himself, Mr. Van Deerlin, Mr. Whalen, Mr. Charles H. Wilson, Mr. Winn, Mr. Wold, Mr. Wydler, Mr. Yatron, Mr. Zwach, Mr. Clark, and Mrs. Hansen of Washington):

H. Res. 565. Resolution concerning withdrawals from Vietnam; to the Committee on Foreign Affairs.

By Mr. THOMSON of Wisconsin (for himself, Mr. Olsen, Mr. Pelly, Mr. Perkins, Mr. Podell, Mr. Preyer of North Carolina, Mr. Quie, Mr. Rees, Mr. Reid of New York, Mr. Robison, Mr. Rogers of Colorado, Mr. Schadeberg, Mr. Schneebeli, Mr. Schwengel, Mr. Shriver, Mr. Smith of New York, Mr. Snyder, Mr. Stafford, Mr. Stanton, Mr. Steiger of Wisconsin, Mr. Symington, Mr. Taft, Mr. Thompson of New Jersey, Mr. Udall, and Mr. Ullman):

H. Res. 566. Resolution concerning withdrawals from Vietnam; to the Committee on Foreign Affairs.

By Mr. HUNGATE (for himself, Mr. Diggs, Mr. Donohue, Mr. Duncan, Mrs. Dwyer, Mr. Eilberg, Mr. Eshleman, Mr. Fish, Mr. Flynt, Mr. Foley, Mr. Friedel, Mr. Gallagher, Mrs. Green of Oregon, Mrs. Griffiths, Mr. Gude, Mr. Halpern, Mr. Hansen of Idaho, Mr. Hastings, Mr. Hathaway, Mr. Hechler of West Virginia, Mr. Hicks, Mr. Hogan, Mr. Horton, and Mr. Hutchinson):

H. Res. 567. Resolution concerning withdrawals from Vietnam; to the Committee on Foreign Affairs.

By Mr. O'NEILL of Massachusetts (for himself, Mr. Johnson of California, Mr. Jonas, Mr. Kleppe, Mr. Langen, Mr. Latta, Mr. Lowenstein, Mr. Lujan, Mr. McClory, Mr. McCloskey, Mr. McDade, Mr. Macdonald of Massachusetts, Mr. MacGregor, Mr. Martin, Mr. Matsunaga, Mr. Melcher, Mr. Meskill, Mr. Michel, Mr. Mikva, Mr. Minish, Mr. Mize, Mr. Monagan, Mr. Morse, Mr. Mosher, and Mr. Nelsen):

H. Res. 568. Resolution concerning withdrawals from Vietnam; to the Committee on Foreign Affairs.

By Mr. BROWN of California:

H. Res. 569. Resolution relative to the antitrust case brought against the automobile manufacturers; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

273. By the SPEAKER: Petition of R. F. Nichols, Los Angeles, Calif., and others, relative to $100 monthly pensions for veterans of World War I; to the Committee on Veterans' Affairs.

274. Also, petition of the board of supervisors, Sutter County, Calif., relative to funding for the Army Corps of Engineers flood control program for fiscal year 1970–71; to the Committee on Appropriations.

275. Also, petition of the board of supervisors, Yuba County, Calif., relative to funding for the Army Corps of Engineers flood control program for fiscal year 1970–71; to the Committee on Appropriations.

276. Also, petition of the American Association of Workers for the Blind, Inc., Washington, D.C., relative to vocational and personal rehabilitation services to the blind and visually impaired; to the Committee on Education and Labor.

277. Also, petition of Henry Stoner, York, Pa., relative to a memorial to the late Honorable Thaddeus Stevens; to the Committee on House Administration.

278. Also, petition of the Congress of Micronesia, Trust Territory of the Pacific Islands; relative to the use of Eniwetok Atoll; to the Committee on Interior and Insular Affairs.

279. Also, petition of Banner Council No. 39, Junior Order United American Mechanics, Louisville, Ky., relative to display of the American flag in public school classrooms; to the Committee on the Judiciary.

280. Also, petition of the Imperial Valley Grocers Alliance, El Centro, Calif.; relative to "Operation Intercept"; to the Committee on Ways and Means.

281. Also, petition of the city council, Worcester, Mass., relative to Federal revenue sharing; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

ONE THOUSAND SLOVAK PILGRIMS VISIT ROME

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. MADDEN. Mr. Speaker, during the week of September 13 of this year Slovaks from many countries throughout the world visited Rome in a united group. They also visited Pope Paul VI at his summer palace, Castel Gandolfo in observance of the 1,100th anniversary of the blessed death of St. Cyril. The memory of St. Cyril was eulogized in the U.S. Senate by Senator J. William Fulbright, chairman of the Foreign Affairs Committee, on June 5, 1969.

Pope Paul, in addressing the gathering, welcomed the Slovak pilgrims in their native tongue and exhorted them to be faithful to the Christian tradition.

Constantine the Philosopher, the Slovak educator, was the creator of the Slavic script and was generally known after his adopted name of Cyril, which is a contraction of Cyrilica.

Mr. Speaker, I include a newsstory of the pilgrimage which was submitted to me by John C. Sciranka, associate editor of Good Shepherd, the official organ of the Catholic Slovak Federation of America.

Bishop Andrew G. Grutka, of Gary, Ind., and Bishop Michael Rusnak, of Toronto, Canada, spoke at the mass gathering honoring Pope Paul VI at his summer home.

The newsstory follows:

POPE PAUL VI EXHORTS SLOVAK PILGRIMS IN ROME TO BE FAITHFUL TO THEIR CHRISTIAN TRADITIONS

On September 13, 1969 Pope Paul VI received over 1,000 Slovak pilgrims at his Summer residence, Castel Gandolfo, who came to the Eternal City to pay tribute to St. Cyril on the 1,100 anniversary of his blessed death. The Holy Father exhorted the pilgrims to be faithful to their tradition, fearless in their convictions and united in their acts of charity.

"This is the exhortation I want to leave with you," he told more than 1,000 pilgrims, their bishops, and priests from the diocese of Kosice in Eastern Slovakia who visited him at his Summer residence in Castel Gandolfo.

Also present were hundreds of American and Canadian pilgrims of Slovak descent, including Bishop Andrew G. Grutka of Gary, Indiana, and Bishop Michael Rusnak of Toronto, Canada.

Also present were Bishop Paul Hnilica, S.J., exiled Slovak bishop now living in Rome; and Cardinals John Wright and Confalonieri.

"Be faithful as you have been throughout your history, even in the midst of trials and oppositions, faithful to your authentic Christian and Catholic faiths," he said.

"Be fearless, because by not compromising with the anti-evangelistic mentality which all too often permeates today's world you may profess your convictions."

He also asked them to be united in prayer and charity "in order to give to the world that testimony which is expected of the true Christian: not words but acts; not hesitations by examples; not doubts and contestations but coherence and fusion of mind and of heart." he said.

He said the Slovaks give tangible proof of their charity by their exceptional spirit of generosity.

The Holy Father, Pope Paul VI welcomed the pilgrims in Slovak "Vitame Vás, Mili Slováci" (We Welcome You, Beloved Slovaks).

Rt. Rev. Msgr. Joseph S. Altany, Supreme President of the Slovak Catholic Federation of America presented an award to His Eminence John J. Cardinal Wright, former Bishop of Pittsburgh diocese for his many services to the Slovak people.

Bishop Grutka presented an award to Mr. John Sabol, Supreme Secretary of the First Slovak Catholic Union of U.S.A. and Canada for his outstanding work. And Mr. Sabol presented the Slovak Institution a check for a thousand dollars from his son, a Medical Doctor, who returned from U.S. Naval service.

The First Catholic Slovak Ladies Association was represented by Mrs. Elizabeth Lipovsky, Supreme President and Mrs. Susan Matuscak, Supreme Secretary, who also visited Slovakia and traveled to Europe on the SS. France with Bishop Grutka. Rev. John S. Maro, Supreme Chaplain of the Ladies Association joined them in Rome, where the Rt. Rev. Msgr. M. K. Mlynarovic, honorary President of the Federation stopped on his way from Slovakia.

His Eminence Cardinal Confalonieri welcomed the Slovak pilgrims in the basilica of Santa Maria Maggiore, where on February 2, 868 A.D. Pope Hadrian II, of blessed memory, blessed the Slovak Liturgical books, brought to the Eternal City by SS. Cyril and Methodius and approved the Liturgy in the vernacular.

Over 500 pilgrims came from Slovakia with their priests and Msgr. Pán Postenyi, president of the St. Vojtech Society. The pilgrimmage was given wide publicity.

EXPORT MARKET FOR COTTON

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, October 6, 1969

Mr. FANNIN. Mr. President, for many years the cotton industry has been working diligently to expand the quantity of cotton exported. Aside from its beneficial effects to the cotton farmers and others in the industry, it is important to the entire Nation since any increase in our exports of cotton and other commodities helps our balance of payments.

Just recently I received from a constituent news that greatly disturbed me. I am told that the Ford Foundation is considering an allocation of funds for the purpose of expanding the production of cotton in Pakistan. The Ford Foundation, which under our laws is not required to pay taxes on its income, is accorded special preferential tax treatment. Accordingly, I think that the Government of the United States and the citizens of this country have an interest in the manner in which the foundation spends its funds. If these moneys are to be spent on projects which have a harmful effect on the U.S. economy generally, specifically on a particular segment thereof, then I am strongly persuaded that Congress should take another look at the Internal Revenue Statute which exempts the income of the foundation from Federal income taxes.

Congress has long recognized the importance of a strong, expanding export market for cotton. It has many times reiterated the need that the United States regain and maintain its fair share of the world markets for cotton and that the exports of 5 to 6 million bales annually be considered the United States fair share.

A special program was instituted aimed at achieving that objective. For several years we did export an average of around 5 to 6 million bales. But then exports have fallen off and for the last marketing season which ended July 31, only about 2¾ million bales were shipped out of this country. In view of this expanded world market for cotton, our share today would not be 5 to 6 million bales as it was in 1956, but a much larger amount. So we are far below the congressional goal. Any increase in the production of cotton abroad, such as the Ford Foundation project is designed to accomplish, would result in reducing exports of U.S. cotton. For many years the United States has been the residual supplier of cotton in the world market. Thus, any increased production in foreign countries means less opportunity to export cotton from the United States.

In addition to the plans of the foundation to attempt to encourage expanded cotton production abroad there have been instances in which the U.S. Government itself has done this. Mr. President, I am opposed to the use of tax dollars to encourage technical and other assistance to foreign countries to produce food and fiber crops for their own consumption, a business that would compete with our U.S. taxpaying farmers. Furthermore, I am also very much opposed to a non-tax-paying foundation operating under the shelter of our Internal Revenue Code, using its funds to establish or expand competitive enterprises abroad which would be inimical to the interest of the United States as well as to the cotton industry.

Mr. President, at the appropriate time I propose to present this matter to the Committee on Finance, of which I am a member, and ask that it be looked into by its staff. If the facts which develop are in accord with the information I have, I plan to propose an appropriate change in our tax laws which will, to say the least, discourage our great tax-free foundations from using their funds in a manner contrary to the best interest of our citizens.

THE SUPERSONIC "GO"

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. HALL. Mr. Speaker, President Nixon's decision to move ahead with the construction and flight testing of a supersonic transport, has, and will continue to generate much discussion and debate.

In order to help throw as much "light" on the subject as possible, I offer an editorial from the magazine Aviation Week and Space Technology.

The article to which I refer, presents a learned and interesting discussion of the merits of the so-called SST.

The editorial follows:

THE SUPERSONIC "GO"

The United States will build a Mach 2.7, titanium 300-passenger supersonic transport to compete in the international airline market of the next two decades. This is the import of President Richard Nixon's loud and clear "go" signal to the supersonic transport program last week. The President's decision to proceed with construction and flight testing of two prototypes was firm, his support enthusiastic, and his reasoning explained precisely why he regards the supersonic transport program as a major national goal.

INTERNATIONAL COMPETITION

The British, French and Russians are already flying first generation SST prototypes. Airlines of the world are committed to operate them in the mid-1970s. If the United States fails to compete for this market it would sacrifice 50 years of world leadership in this field and pay a fearsome economic penalty.

BETTER COMMUNICATIONS

Mr. Nixon grasps the vital role of any communications technology that shrinks global distances and knits the world closer together. He noted that the U.S. SST will put Buenos Aires as close to New York as London now is with subsonic jets. The vast expanses of the Pacific will be reduced to the time span of the current transatlantic traffic in the same manner that the U.S.-built subsonic jets shrank the Atlantic from an ocean to a river.

BALANCE OF PAYMENTS

Without a successful U.S. supersonic transport program, this country faces a gross debit of about $18 billion in the critical balance of payments during the 1970–80 period. This includes about $5.5 billion U.S. airlines would have to spend on Concordes and the loss of an estimated $12.4 billion in SST sales to foreign airlines.

SPEARHEAD TECHNOLOGY

Without new, vital projects pushing the state of the art, U.S. technology cannot maintain its dynamic pace that modernizes and enhances the national economy. The SST program, like Apollo, will have a national industrial and economic fall-out far beyond the confines of the specific program.

Mr. Nixon's support for the supersonic transport program is far more enthusiastic, lucid and buttressed with more reasoned judgment than that of his two predecessors. The late President John F. Kennedy hastily counterattacked Pan American World Airways' decision to buy the Anglo-French Concorde by creating the U.S. supersonic transport program overnight in a few paragraphs inserted into an Air Force Academy speech. Former President Lyndon B. Johnson believed in the program and supported it in a subrosa fashion. But he never saw fit to publicize his convictions or explain the need for it to the taxpayers.

Perhaps Mr. Nixon's unequivocal "go" for the supersonic transport is partially a fallout from the Apollo program. He has been in the company of the Apollo astronauts a great deal recently. Their firm convictions, expressed so eloquently, privately, and publicly, that this country can and must do whatever needs to be done could easily be contagious.

But a major factor was certainly finance. Ironically, the practical bankers who have studied the supersonic transport program have been among its firmest backers while the theoretical economists have been its most virulent critics.

We think Mr. Nixon's decision represents a triumph of the practical over the theoretical in the field of international finance.

Aerospace exports are a key item in keeping the precarious balance of foreign payments. About 85% of the jet transports flying on the world's airlines today were manufactured in this country. They have brought in about $4 billion in foreign exchange, with an equal amount on future order books. If this country voluntarily surrendered this enviable position of technical leadership in the air transport world, it would be disastrous financially.

There will be some massive flows of money back and forth across the Atlantic during the 1970s for jet transports. This tide is flowing strongly into this country now for Boeing 747s and McDonnell Douglas and Lockheed airbuses. In another year or so, it will ebb toward Britain and France for Concorde purchases. If the U.S. supersonic transport program is successful, the flow will reverse again in the late 1970s for the Boeing aircraft. If it is not, the tide will continue to flow to Europe for more second-generation Concordes.

These are the hard-nosed facts that loomed large in the President's decision making. These were also a factor in the timing and tenor of his announcement last week.

Any further delay in a firm U.S. commitment to prototype construction and testing would signal to the airlines of the world that the U.S. would enter the market too late to counter the Concorde and the Tu-144. This would certainly mean another substantial round of Concorde orders and probably stimulate the Anglo-French partnership to begin design of a large, faster, longer-ranged and more economically viable second-generation Concorde.

As it now stands, unless severe technical problems develop, the airlines will make money from their Concordes for a four-five year period when they will rule exclusively over the blue-ribbon routes of the world. Traditional airline economic yardsticks will prove obsolete in the face of the high load factors and high fares that Concorde can command in this period of exclusivity. Even after the larger, faster, longer-ranged and more economical U.S. supersonic transport pushes it off the main traffic arteries in the 1978-80 period, Concorde will continue to ply a profitable trade on lesser routes. By then it will already have paid for itself and probably turned a neat profit for its owners, too.

This is why the U.S. program has to move into prototype construction now. This program faces no easy road ahead, either technically or politically. Technically, the building and flight testing of two prototypes before commitment to a production program should overcome the normal development problems inevitable in a major state-of-the-art advance. Politically, the biggest problem is convincing the taxpayers and their representatives in Congress that the supersonic transport funding represents an investment on which they will eventually get their money back, not just another government rathole down which their hard-earned tax dollars will disappear.

Historically, we would not be surprised if Mr. Nixon's firm decision committing this nation to build a supersonic transport eventually ranks with the later President Kennedy's decision to send Americans to the moon.

ROY LEE HARMON, POET LAUREATE OF WEST VIRGINIA, REVIEWS LIFE IN BEAUTIFUL POEM

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, October 6, 1969

Mr. RANDOLPH. Mr. President, occasionally it is our privilege to know a person with the rare capacity for capturing the spirit of the place where he lives.

Such a person is Roy Lee Harmon, poet laureate of West Virginia, who knows our rolling and rugged hills, and writes movingly of the people who love our State.

For many years Roy Lee Harmon has described our State and its people in perceptive verse. His love of the outdoors has brought him into a lifetime of close contact with the mountains. His affection for the good people of West Virginia has given him the insight to interpret their lives.

Mr. President, Roy Lee Harmon's most recent poem is a sensitive summation of a lifetime, a work of reminiscence but also one of joy and faith.

I ask unanimous consent that this poem, "I Shall Remember," published in the August 1966 edition of Outdoor West Virginia magazine, be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

I SHALL REMEMBER

(By Roy Lee Harmon)

I shall remember when the twilight comes . . .
That last twilight . . . remember and be glad
For memories which total valued sums
As I recall the outdoor joys I've had.

I never really lost that day in June
Some fifty years ago when a big bass struck
in Little Coal . . . with all the world in tune;
I was a ragged lad . . . with lots of luck.

I shall recall a frosty autumn night
A coon hunt where the virgin timber grew,
The faithful hounds . . . the mountain stars so bright
And home-made happiness . . . when life was new.

I shall remember silver April rains
And chestnut groves in long-gone autumn days,
The dreams and hopes . . . the failures and the gains . . .
The hills wrapped in an Indian Summer haze.

I shall remember many treasured friends
Including some who crossed the Great Divide . . .
I shall remember hope spring magic blends
And silver dogwoods on the mountainside.

The good things live . . . at least in memory;
To be a hillman is a blessing rare.
I know the God of all was good to me
To let me live within a land so fair.

I shall recall that dim gray years have sped
But still the joy of living never died.
I can look back in joy although ahead
The darker twilight shadows will abide.

My cash is low . . . my race is almost run
(but that is not a strange untimely switch.)
Within these hills I've had my share of fun
and I have memories . . . which make me rich.

THE DICKEY-LINCOLN PROJECT

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. HATHAWAY. Mr. Speaker, the need and the feasibility of the Dickey-Lincoln School hydroelectric power project, which was authorized for construction 4 years ago this month by the 89th Congress, has been the subject of intense study by both the executive and legislative branches of this Government. Indeed, there is good reason to doubt that any other multipurpose hydroelectric project authorized by this Congress has received as much close scrutiny.

The project has been approved by all of the Federal agencies concerned with power development—the Interior Department, the Army Corps of Engineers, the Federal Power Commission, the Atomic Energy Commission, and the Bureau of the Budget. It has additionally been justified by the findings of an in-depth study performed by the House Appropriations Committee. And it meets all the criteria for economic feasibility and multipurpose resource development required by the Congress and enunciated in the Senate document entitled "Policies, Standards and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources."

The Dickey-Lincoln project, Mr. Speaker, will consist of two earth-filled dams, located on the St. John River in Maine, above the confluence of the St. John and the Allagash River. It would impound a total of 8,096,000 acre-feet of water for power and flood control, and would become an integral part of the comprehensive development and conservation of the water and power resources of the St. John River. It would, moreover, preserve the wild characteristics of the Allagash Waterway, which is one of the few remaining free-flowing streams in the eastern half of the United States.

The Dickey project is the first Federal multipurpose water resource project authorized by Congress for construction in New England. Its generation of 1.2 billion kilowatt hours of power annually from facilities having an installed capacity of 830 megawatts would provide low-cost, nonpolluting power for all of New England. And it would provide this power at a lower cost than any other

XUM

means of generation, including the conventional methods, as well as nuclear thermal plants or pumped storage hydro plants. Once constructed, it would save electric power consumers of the Northeast an estimated $9 million a year.

Every electric system, Mr. Speaker, requires the production of firm power by conventional and/or nuclear thermal plants. A really balanced and efficient system, however, requires more. It requires that the firm power sources be complemented by a source of low-cost "peaking" power. Such is the primary end of the Dickey-Lincoln project—to adequately fill the needs of electric power consumers during the few hours of the day when electric use is at its highest point.

Conventional generating plants can be expanded to meet this need, it is true. But, because fixed charges would then run for 24 hours on plants actually used for only a few "peak" hours, they could do so only at considerable consumer expense. So, too, with high-efficiency thermal units. As for pumped storage projects, which require electricity generated by the operation of thermal plants, high fuel costs would be involved. Not so with Dickey—hydroelectric dams do not burn fuel to provide peaking power.

Studies made by the staff of the House Appropriations Committee have shown that 650,000 kilowatts of peaking power from Dickey could be sold in Boston for about $17.50 per kilowatt year. A privately built pumped storage plant, on the other hand, would sell power for about $23.50 per kilowatt year. Some 100,000 kilowatts of firm power from Dickey-Lincoln could be sold in the State of Maine for a little more than $28, while nuclear facilities would sell the same private conventional plants and private amount for about $37 and $33.50, respectively.

And another asset of the Dickey project—in the event of a power failure, such as the blackout of November 1965, up to 24 hours of uninterrupted power would be available at the flip of a switch. Thermal plants need hours to get "warmed up," and the power of pumped storage facilities, with their small reservoirs, can be made available for only a few hours.

The Dickey-Lincoln project will cost an estimated $229 million—a price viewed as reasonable and "sound" by spokesmen for both the Corps of Engineers and the Federal Power Commission. Its benefit-to-cost ratio in the last year has risen from 1.9-to-1 to 2.0-to-1—which means, of course, that the project will return to the Federal Treasury $2 for every dollar spent for its planning and construction. Some observers have even predicted that the entire cost, including interest, will be paid for in close to 50 years.

Surely, the life of this valuable asset to both New England and the Nation will far exceed 50 years, and as it does—as it continues to provide revenue even after its cost is recovered—it cannot help but produce power at an even lower cost.

Construction of the Dickey project will itself have a significant economic impact on New England. More than 11,000 man-years of labor and wages totaling in excess of $12¼ million will be generated. Close to 2,000 employees will be put to work for 6 years. Nearly 600,000 tons of concrete will be required; 25,000 tons of reinforced steel. The powerplant alone will require $60 million in electrical equipment.

Beyond its construction, Mr. Speaker, Dickey's economic impact on the great Northeast will be staggering; its positive effects on the people, the businesses, and the industries of the region, incalculable. For the first time New England will realize the benefits that Federal water and power resource development can bring. For the first time New England will have the same yardstick of competition by comparison, which has brought low-power costs and high-power use to the Tennessee Valley, the Missouri and Columbia River Basins, the Central Valley in California, and all the many other areas of the country which are served by public power from Federal dams.

At the present time nearly all of New England's power is generated by private concerns. There is virtually no competition. As a result, New Englanders—homeowners, businesses, and industries alike—pay the Nation's highest electric bills. The yardstick provided by the Dickey-Lincoln project would bring the needed competition, Mr. Speaker, and would succeed, as public power sources across the country have repeatedly succeeded, in moving consumer rates into an equitable range.

The mere authorization of the project 4 years ago caused the private power monopoly to reduce its prices somewhat. Think what the actual construction of Dickey would do.

If, as Maine's distiguished senior Sentor suggested not long ago, the merit of the Dickey-Lincoln School project is in proportion to the intensity and ferocity of the opposition to it, then the worth of the project can know no limits. There is no question that the arguments of its detractors have been intense—and increasingly so with the passage of time, with a proportionate diminution of logic, realism, and a genuine concern for the public interest. Nor can there be any question, it seems to me, concerning the merit of the Dickey project. That was established even before the project was authorized in 1965 and has since been renforced time and again.

It is time, Mr. Speaker, that this House gets on with the building of a source of real equity for the people of New England. Toward this goal I respectfully urge that, when floor consideration of Dickey begins later this week, my colleagues accord the project's $807,000 appropriation their support and final approval.

THE AMISTAD DAM: A GREAT INTERNATIONAL ACHIEVEMENT: THE DEDICATION BY PRESIDENTS RICHARD NIXON AND DIAZ ORDAZ

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Monday, October 6, 1969

Mr. YARBOROUGH. Mr. President, on September 8, 1969, I had the honor to be invited by the proper national officials to be a part of the official party at the dedication of the great Amistad Dam on the Rio Grande next to Del Rio along the border between Texas and Mexico. I attended the official functions there, including the great luncheon and entertainment tendered President Nixon by President Diaz Ordaz on the Mexican side of the border, after the impressive dedication. The formal dedication took place on the middle of the dam, half in the United States and half in Mexico, before a great throng of people.

The dam is a monument to what can be achieved through international cooperation.

I commend President Richard Nixon and President Diaz Ordaz on the excellent speeches they made on this historic occasion. With the opening of the Amistad Dam, I believe the spirit of cooperation and friendship between the United States and Mexico was strengthened.

Mr. President, I ask unanimous consent that the dedication program and the speeches of President Nixon and President Diaz Ordaz be printed in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DEDICATION OF THE INTERNATIONAL AMISTAD DAM AND RESERVOIR, SEPTEMBER 8, 1969

PROGRAM

His Excellency Gustavo Días Ordaz, President of the United Mexican States, and Mrs. Díaz Ordaz, and the Honorable Richard Nixon, President of the United States of America, and Mrs. Nixon, meet at the international boundary on Amistad Dam at 1:35 p.m., Central Daylight Time (12:35 o'clock, Mexico Time).

The national anthem of Mexico will be played, accompanied by a 21-gun salute.

The national anthem of the United States will be played.

President Nixon will make an address.

President Díaz Ordaz will make an address.

The Presidents will unveil a plaque commemorating the dedication of the international Amistad Dam and Reservoir.

The national anthems of the United States and Mexico will be played.

President Nixon and Mrs. Nixon will cross into Mexico, where they will be guests at a luncheon given by President Díaz Ordaz and Mrs. Díaz Ordaz in their honor at El Mirador.

The huge proportions of Amistad Dam are a measure of the vision and determination held by statesmen and civic leaders of the United States and Mexico over more than two decades. Persevering in their objectives and overcoming every obstacle, they have brought for many people of both countries security from the terror and havoc of flood; they have placed the lower Rio Grande under man's control for man's use; and they offer for his moments of relaxation the beauty and inspiration of a magnificent lake.

Authorized by the Water Treaty of 1944, together with Public Law 86–605 approved July 7, 1960, the International Boundary and Water Commission began construction of the dam in 1963. The private contractors poured the first concrete on July 31, 1965. On May 31, 1968, Amistad Dam first stored water. The dam, six miles long, rises 254 feet above the riverbed. Its concrete spillway supports 16 gates, each 50 feet wide by 54 feet high. The reservoir capable of containing 5,586,000 acre-feet, is the eleventh largest man-made lake situated all or partially in the United States.

It will extend 86 miles up the Rio Grande and reach 7 miles in width. Its maximum surface of about 138 square miles would have a shoreline exceeding a thousand miles. The highway over the dam opens a new international crossing between the two countries. The total cost of the dam alone is approximately $78 million. This cost was shared between the two countries in the percentages of 56.2 by the United States and 43.8 by Mexico, this being the same proportion in which they share the conservation pool in the reservoir.

Amistad Dam is an enduring expression in steel and concrete of international collaboration between neighbors in the spirit of mutual good will.

Remarks of the President (Richard M. Nixon) at the Dedication of the Amistad Dam

Mr. President, Senor Diaz Ordaz, Your Excellencies and our friends from Mexico and the United States:

As I stand here today on this historic site, I think back to another day. In 1953, the first year of his Administration, President Eisenhower traveled to the Mexican-American border to meet with President Ruiz Cortines to dedicate the new Falcon Dam on the Rio Grande River. That structure, he said at that time, was a living testimony to the understanding and cooperation binding our two peoples.

Now, in 1969, in the first year of my Administration, I, too, come to Mexico. I come to talk to President Diaz Ordaz and to dedicate another new dam along that same river; a compliment to the Falcon Dam, and one which was built as a direct result of an agreement President Eisenhower signed in 1960, his last full year in office.

Like the Falcon Dam, the Amistad Dam also testifies to the spirit of understanding and cooperation which binds our two countries. In fact, its very name describes better than any other single word the special spirit of our relationship.

How that name came about is an interesting story. In October, 1959, President Eisenhower in Camp David met with President Lopez Mateos. The dam then was to be known as the Diablo Dam. President Eisenhower thought that was a rather ominous name and President Lopez suggested that the name be changed to Amistad.

So today we have a name which to millions of my countrymen who speak Spanish means "friendship" and friendship for my countrymen is a word which carries a special meaning and a special warmth. As we dedicate this dam today, we also rededicate ourselves to the furtherance of an ideal friendship.

Mr. President, we meet today on an international border. It is a beautiful place where we gather, beautiful for natural reasons and beautiful, too, because we see here what two great countries can accomplish when they work together.

This dam is an impressive achievement. First of all, it is an impressive physical achievement. It will contribute to the conservation and regulation of water supplies and will provide a fine recreational resource for both of our people.

It is also an impressive diplomatic accomplishment, the result of complex and determined efforts which have stretched over a period of many years.

Finally, this achievement is impressive in human terms, impressive because of what it says about the special relationship which has grown up between the people of Mexico and the people of the United States.

It is a relationship based on a full understanding, for each of our countries knows the other way. It is a relationship based on mutual trust, for each of our countries has confidence in the other's good will And it is a relationship based on mutual respect. Each of us recognizes the sovereignty and independence of the other and the right of each to reach different conclusions in matters of mutual interest without impairing our basic friendship.

Mr. President, while our visit today is a brief one, this great dam which we dedicate will continue to bear witness to our relationship day in and day out, year in and year out. It stands as a persuasive example to all the people of the world of the advantages which can come from peaceful cooperation between nations. And it will remain always a tangible monument to the spirit of friendship and partnership between our two peoples and our two nations.

Remarks of Gustavo Diaz Ordaz, President of the Republic of Mexico, at the Dedication of the Amistad Dam

Mr. President, Mrs. Nixon, Ladies and Gentlemen:

It is very satisfactory to have this first contact with you, Mr. President, and it is especially satisfactory to have it under the name of this dam—Amistad, friendship.

I certainly hope that this first contact between us will help to establish and continue the friendship between us. It is a good thing President Lopez Mateos and President Eisenhower gave this name to this dam. Can you imagine what might have happened if we had remained with the old name?

We are two countries with a long frontier between us and consequently, with many problems between us. Fortunately, none of these problems are important enough, are serious enough, so that it cannot be solved by mutual comprehension and within the law, and none of them can or will become a barrier between us.

This frontier is not just a frontier between two different countries, but between two different worlds, two different languages, two different cultures, two different forms of life.

In this line is where Latin America ends. Because of this we have two special tasks. One is to be faithful to ourselves as Mexicans and the other is to be faithful to ourselves as Latin Americans.

Taking into account the great complexity of the relations between our two countries, our relations are the best that we have ever had in our history and I believe that with your cooperation we two together can make them even better.

How is it possible that with so many obstacles our peoples have managed to establish friendship, to maintain it and to make it ever closer? It is only as you, yourself, have just said, Mr. President, with comprehension, with friendship and within the law. Whatever unites two that do not respect each other can be called anything except friendship.

We have made efforts through the years to understand and accept that we have two different nations that have different forms of expression and each one of which has its own sovereignty. All the peoples of the world have the right to choose their own road, to construct their own way of life which will lead them to liberty and the prosperity of their inhabitants. We have made every effort to remain within the rule of law.

It took us 100 years to achieve an agreement on the Chamizal. On the other hand, the Bank Los Indios, which the river took from one side to the border in 1967, has been already returned to us and we have already made the canals necessary to clear from salt the flow of water into this river.

You and I, Mr. President, are not only officers of our countries, we are also lawyers. And we know that the application of law is what brings about justice. That is why we both know that any problems that may arise in the future must be resolved within a spirit of comprehension, with mutual respect and within the rule of law that you mentioned a few moments ago.

We are united here by a very special ceremony. We are about to inaugurate this dam which is important in itself by the economic effort it implies and also by the capacity of our technicians and our workers.

But it is even more important because of its significance. One is the one that lies in its name and the other which you yourself have just mentioned is the demonstration of what two friendly countries can do together.

Thus, this dam is only one more part of the road that we have walked together and we will walk further together in order to respect ourselves and to maintain our friendship.

This dam is not only to hold back the waters of the Rio Bravo or to show that nature can be held back, but it is also a bridge, one more bridge constructed between our two peoples.

I am very glad to invite you and Mrs. Nixon to inaugurate, together with me, this new dam and bridge. You are awaited by the land of the State of Coahuila, the fountain of our revolution that saw the birth of Francisco I. Madero and Venustiano Carranza, one who initiated our social revolution and the other who consolidated it in our present constitution in 1917.

Mr. President, to you and your party, we open our arms, the arms of cordiality. You are very welcome to our homeland, to Mexico.

TRIBUTE TO FEDERAL HIGHWAY ADMINISTRATOR FRANCIS J. TURNER

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. KLUCZYNSKI. Mr. Speaker, as chairman of the Subcommittee on Roads, it gives me particular pleasure to pay tribute to the Federal Highway Administrator, Francis J. Turner, who this month is to receive the International Road Federation's Man-of-the-Year Award at ceremonies at Addis Ababa, Ethiopia.

The International Road Federation award is one of the most honored international awards in the engineering field, and the United States has good cause to be proud of Frank Turner as he accepts this honor.

Frank is an old and valued friend, so there is a good deal of personal pleasure in the knowledge that the more than 90 nations who regularly participate in the federation hold him in high regard. But Frank Turner has also been, for 40 years, one of the outstanding highway engineers of this or any other country, and the award is a recognition long and well deserved.

We take our highways so much for granted that we tend to overlook their tremendous contribution to social and economic development. The fact is, the United States would not be the Nation it is today without our vast highway transportation system, for which Frank Turner is in many respects largely responsible.

It is especially appropriate that he receives the award at this year's meeting, which is directed toward achieving productive highway systems in developing countries. The exchange of information among countries at the International Road Federation meetings has been genuinely valuable to every participating nation, and there is probably no man in the United States whose abilities and

XUM

achievements have had more to offer highway progress, not only in his own beloved United States, but throughout the world as well.

There is no way in which the people of this country could adequately express our debt to Frank Turner for his 40 years of dedicated and talented service in highway development; we are, therefore, grateful as well as honored that the International Road Federation has in some measure expressed it for us.

SMITHSONIAN INSTITUTION COLOR TELEVISION EXHIBIT

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, October 6, 1969

Mr. SCHWEIKER. Mr. President, a notable achievement in medical and scientific history, in which several distinguished citizens and institutions of the Commonwealth of Pennsylvania played important roles, is receiving well-deserved recognition at the Smithsonian Institution's National Museum of History and Technology.

This milestone achievement was the development of color television as a major tool in medical education.

The camera used in history's first nonexperimental color television program—a broadcast of an appendectomy at an American Medical Association convention 20 years ago—has been presented to the Smithsonian by Smith Kline & French Laboratories of Philadelphia.

Officials of the Smithsonian plan to use the camera and associated equipment to broadcast for museum visitors a special film, also presented by S.K. & F., which traces the history of medical television from its black-and-white beginnings in 1947 to color in 1949, to transcontinental broadcasts in the early 1950's, and on into widespread use at hospital and medical centers all over the country.

The broadcast will show a 1951 open-heart operation that corrected a constriction of the aorta for a 20-year-old patient. He was operated on at the Los Angeles County Hospital. Physicians and surgeons watched at an AMA meeting in Los Angeles, at the University of Chicago Medical Center, and at the Columbia Broadcasting System in New York, in the first transcontinental use of this teaching technique.

Leading figures in this drama of medicine and science, Mr. President, were Mr. G. Frederick Roll, then director of public relations and now in charge of S.K. & E. government and industry affairs, Dr. Isidor S. Ravdin, then chairman of the Department of Surgery, University of Pennsylvania School of Medicine and now vice president emeritus of the university; and Dr. Peter Goldmark, president of CBS Laboratories and inventor of the CBS field-sequential color television system. This was the system used in the early years of S.K. & F.'s medical color television program.

Dubbed "Claribel," the historic camera is a small, remote-control unit that was placed directly over the operating table to get an unobstructed, far-larger-than-life view of the surgical procedure.

A space-age "descendant" of "Claribel," also utilizing the spinning color disk of the CBS field-sequential system, went to the moon with the Apollo 10 and Apollo 11 astronauts, and was used to send color television pictures back to earth from lunar orbit.

During 20 years of support of this color TV educational activity by S.K. & F. Laboratories, 955,978 physicians and surgeons saw 305 telecasts in 49 cities. They witnessed 1,289 surgical procedures and 2,038 clinical demonstrations.

With the medium and techniques now in use on a routine daily basis, Smith Kline & French Laboratories has discontinued its program.

As the American College of Surgeons put it in its July–August 1969 Bulletin:

> The American College of Surgeons is deeply cognizant of the significance of the medical telecast concept, and the part it has played in the over-all advancement of surgical knowledge and professionalism. Its success speaks for itself. In furthering the postgraduate education of countless young surgeons, Smith Kline & French have contributed not only to the profession of surgery per se, but to the entire scientific and medical world. Our working relationship has been a harmonious one, and the college acknowledges with appreciation the enthusiasm and sustained co-operative spirit evidenced by SK&F throughout the past two decades.
>
> Smith Kline & French, we salute you!

I join in that salute, Mr. President, and I ask unanimous consent that the American College of Surgeons Bulletin item and a report on the Smithsonian presentation by the Philadelphia Inquirer be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the American College of Surgeons Bulletin, July–August, 1969]

SMITH KLINE & FRENCH DISCONTINUE COLOR TELEVISION

Smith Kline & French Laboratories, sponsor of Clinical Congress color telecasts of surgical procedures for the American College of Surgeons since 1949, have discontinued their color television operations effective June 1, 1969. With the medium and techniques of medical television today so firmly established that all large teaching hospitals and most medical schools use television for instruction on a daily basis, Smith Kline & French have decided to direct their color television expenditures into other marketing activities.

Accordingly, as reported in the June issue of the College *Newsletter*, the sponsorship of the 1969 Clinical Congress live telecasts will be shared jointly by Ethicon, Inc., Johnson & Johnson, and Codman & Shurtleff, Inc.

It was 20 years ago, at the June, 1949 meeting of the American Medical Association, that Smith Kline & French first pioneered the use of color television as an educational service to the medical profession. At hundreds of medical meetings since then, the firm's color television facility has been employed in expanding and exploring the techniques of the medium, thereby bolstering and furthering the postgraduate educational aims of most of the professional medical associations of this country, and various organizations abroad as well. Foremost among these, it is fitting to point out, is the American College of Surgeons, for which Smith Kline & French have been providing color telecasts these past 19 years. The first such presentation took place at the Clinical Congress in Chicago, in October, 1949.

The full story of Smith Kline & French's role in the growth and development of so history-making an achievement is an exciting one.

Actually, it goes back to early 1947 when—following the first effective experiments in televising surgery (in black-and-white) at Johns Hopkins Hospital, Baltimore—SK&F, recognizing the inherent potential, quickly entered the closed-circuit television field. In October, 1948, they sponsored a demonstration of surgery over closed-circuit black-and-white TV at the Pennsylvania State Medical Society meeting in Philadelphia, with the School of Medicine of the University of Pennsylvania as a co-sponsor.

Agreeing to co-operate with SK&F at another demonstration, to be held in conjunction with a forthcoming A.M.A. Convention in Atlantic City, the University wondered if something couldn't be done about color. In the autumn of 1948, accordingly, SK&F asked the Columbia Broadcasting System to design portable television equipment which could be used in operating room and clinic for demonstrating surgical and medical procedures at medical meeting. Owned by SK&F, the equipment would be operated by CBS personnel at SK&F expense.

Working closely together, three men provided the motivational force behind the undertaking, becoming, in the course of it all, fast friends. They were: I. S. Ravdin, then head of the Department of Surgery, University of Pennsylvania; Peter Goldmark, CBS Research Laboratories physicist, and G. Frederick Roll, public relations director for SK&F at the time.

By May of 1949, the requested equipment was ready—a small, remote-control color camera which could be placed directly over the operating table to get an unobstructed, far-larger-than-life view of the surgical procedure. On June 6, 1949, at the A.M.A. meeting in Atlantic City, the first nonexperimental color television program became a reality. On 20 specially built receivers placed in two different areas of the meeting hall, as many as 1,000 doctors at a time witnessed what, up to then, only the operating surgeon and his assistants had seen—a surgeon's view of an in-progress appendectomy in full color.

Eventually, the SK&F Medical Color Television program grew to the point where it serviced the medical, osteopathic, and veterinary professions at an average of 20 to 25 scientific meetings each year. SK&F continued its close association with CBS into the early 1950s. In 1952, however, it began assembling its own production staff; and, by the middle of the decade, the firm's color television crew, equipment, and techniques were as sophisticated as any employed by the nation's TV stations.

It has been estimated that in their two decades of operation, the SK&F medical telecasts were seen by some 955,978 doctors at 305 different programs in 49 cities. The doctors witnessed some 1,289 surgical demonstrations and some 2,038 clinical demonstrations.

The American College of Surgeons is deeply cognizant of the significance of the medical telecast concept, and the part it has played in the over-all advancement of surgical knowledge and professionalism. Its success speaks for itself. In furthering the postgraduate education of countless young surgeons, Smith Kline & French have contributed not only to the profession of surgery per se, but to the entire scientific and medical world. Our working relationship has been a harmonious one, and the College acknowledges with appreciation and enthusiasm and sustained co-operative spirit evidenced by SK&F throughout the past two decades.

Smith Kline & French, we salute you!

[From the Philadelphia Inquirer, Aug. 3, 1969]

MUSEUM GIVEN CAMERA USED FOR AMA'S FIRST COLOR TV

A camera that caused dozens of the Nation's leading doctors to faint in Atlantic City in 1949 has been donated to the Smithsonian Institution by a Philadelphia pharmaceutical firm.

The camera was used for the first nonexperimental color television program in the U.S., a closed-circuit broadcast of an appendectomy at the American Medical Association convention on June 6, 1949.

A world-renowned physicist, monitoring the broadcast to hundreds of doctors assembled in Atlantic City's Convention Hall, recalls that "people were fainting all over the place."

COULDN'T STAND BLOOD

"There must have been dozens of doctors there who hadn't seen an operation in years, because they just couldn't stand the sight of blood."

The physicist, Dr. Peter Goldmark of CBS, was a member of the unique association which developed the use of color television as a revolutionary method of medical teaching.

This association among Smith Kline and French Laboratories, CBS and leading members of the American medical profession, led to what Dr. Goldmark has termed "the greatest contribution to medical teaching in medical history."

LONG PLAYING RECORD

In 1948, while Dr. Goldmark, the inventor of the long-playing record, was trying to develop color TV at CBS, SKF had entered the field of closed circuit black and white TV; and in October of that year they sponsored a demonstration of surgery over television during the Pennsylvania State Medical Society meeting in Philadelphia.

Co-sponsoring the demonstration with them was the University of Pennsylvania School of Medicine, under the direction of Dr. I. S. Ravdin, an internationally respected surgeon.

SERIOUS LIMITATIONS

SKF's then public relations director, Frederick Roll, recently recalled that at that meeting "Dr. Ravdin told me that black and white television had serious limitations for depicting surgery.

"The coloring of tissue and organs was vital to the procedure and this, of course, could not be shown. "When I asked him if the medical school would cooperate with us at another demonstration, at the AMA convention in Atlantic City, he said he would. But he wondered if we couldn't do something about color.

"He told me that he had witnessed a demonstration of color TV that summer at CBS' research laboratories that had impressed him," Roll continued. "I told him we'd contact CBS and see what could be arranged."

After visiting Goldmark, Roll had arranged for SKF to finance the development of portable color television equipment for demonstrating surgical and medical procedure at medical meetings.

Dr. Ravdin and a colleague at the Medical School helped in designing the equipment especially for use in operating rooms and clinics.

CHRISTENED "CLARIBEL"

Thus the unique association was complete and by May, 1949 Dr. Goldmark, Dr. Ravdin, Roll and their colleagues had delivered their new camera, christened "Claribel", to the University of Pennsylvania Hospital.

Here the first Cesarean section televised in color was performed on May 31 and Claribel was then transferred to Atlantic City where 15,000 doctors were to witness for the first time what up to then only the operating surgeon and his assistants had seen—a live operation in color.

Dr. David Allman, chief of surgery at Atlantic City Hospital and later president of the AMA, performed the appendectomy.

"The entire demonstration was successful and the reaction on the part of the audience nothing short of amazing, Dr. Goldmark recalled.

"Atlantic City was hectic. It seems like thousands of persons were jammed into two rooms, watching the operation on 12-inch screens. I was in one room, bringing in the telecast, checking the quality of the picture. A CBS colleague was doing the same thing in the other room.

"Soon people were fainting all over the place. My colleague and I were running around with smelling salts, counting the number of people who fainted. We were in competition, telling each other the people were fainting because of the quality of the pictures they were seeing.

"When the telecast was over," Dr. Goldmark laughted, "I said 'I've won, more of my people fainted. I had the best picture.' "

In 1956, when Claribel's parts became too difficult to replace, she was retired in favor of RCA cameras. But she had made her mark.

And on June 1, having realized that the medium and techniques which were new and pioneering have become established and widespread, Smith Kline and French discontinued its medical color television program a few days shy of the 20th anniversary of its Atlantic City debut.

And the star of that debut, a camera named Claribel, now awaits curious tourists and doctors at the Smithsonian's Division of Electricity.

SOME ELIGIBILITY RULES NEEDED FOR MEDICAID

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. EVINS of Tennessee. Mr. Speaker, a recent impasse in Tennessee over administration of the medicaid program has been resolved in time for the program to go into effect as scheduled in Tennessee.

Difficulties developed because of differences in requirements by the State and Federal Governments and, like others who urged the Department of Health, Education, and Welfare to resolve the matter with State authorities, I am pleased that the medicaid program can proceed.

In this connection I am placing in the RECORD herewith an editorial from the Nashville Banner, because of the interest of my colleagues and the American people in this most important matter.

The editorial follows:

THE GOVERNOR IS RIGHT: SOME ELIGIBILITY RULES NEEDED FOR MEDICAID

Taxpayers of Tennessee will share Gov. Buford Ellington's expressed satisfaction that state and federal officials have resolved, in time to prevent an impending crisis, their differences over administration of the Medicaid program which became effective Wednesday for recipients of public welfare assistance. They especially will applaud the governor's criticism of the policy adopted by the U.S. Department of Health, Education and Welfare which threatened to delay indefinitely needed health services for the 185,000 persons now on the welfare rolls and 75,000 others who are expected to qualify for Medicaid benefits.

Governor Ellington attacked the HEW policy because it would, if enforced, prohibit Tennessee and other states from checking on the eligibility of recipients, either before or after they have been paid public funds. The same puzzling federal directive, which held up HEW approval of Tennessee's program until the 11th hour, bars the states—which are charged with the responsibility of administering Medicaid and other welfare services—from conducting investigations of any nature to determine whether applicants are entitled to receive benefits.

As a "compromise" solution to avoid another postponement in launching the $50-million-a-year plan, state officials reluctantly agreed to test the HEW system in two small experimental study projects over the next few months. But Governor Ellington and others in his administration were on solid ground in their insistence that tax dollars continue to be disbursed under responsible fiscal policies in welfare just as they are supposed to be for highways, education and other governmental services.

The Governor denounced, and properly so, the HEW rule as opening the door not only to the eventual removal of all regulation from public welfare but, even worse, as an invitation to the type of scandalous abuse which has rocked the Medicaid program already in several other states.

As the Chief Executive noted, Tennessee state law forbids, as it should, the expenditure or distribution of any public monies until a welfare applicant's eligibility has been verified. The state law was enacted for the valid purpose of protecting the public treasury from fraudulent claims, assuring that sufficient funds would be there for those who should receive this assistance.

Although HEW officials suggested that Tennessee remove that safeguard from its statutes, and accept at face value every welfare request from whatever source and under all circumstances, the governor emphasized he has no intention of asking the General Assembly to repeal the law.

The governor believes, and this newspaper agrees, that it is ridiculous to propose spending public tax dollars for any purpose without knowing whether the outlay is justified. Intensifying the concern over the problem is that the HEW regulation, if followed, would involve not only Medicaid funds but the nearly $100 million a year which goes to all welfare programs in Tennessee.

It is bureaucratic folly for Washington, which conducts no investigation of its own to confirm the need for its share of the skyrocketing welfare program, to direct from afar that States, too, must follow the same reckless method. Fortunately, Tennessee is not alone in insisting through its state law, and through its elected public officials, that eligibility be proven before the checks are written.

The Banner hopes that those responsible for the ill-advised federal regulation soon will realize it must be discarded. Those who drafted it, and are seeking to impose it throughout the land, should stop and consider just whose dollars they are spending.

RADICAL THINK TANK

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, October 6, 1969

Mr. FANNIN. Mr. President, many of us who have been on the supportive side of such issues as the ABM, dealing with the national security, have been perplexed and perhaps a little startled at the seeming depth and diversity of attacks on the so-called military-industrial complex.

Previously in speeches in the Senate, I have questioned the wisdom of such totally committed opposition. I believe we had a touch of the same operation last week in connection with the underground nuclear testing in Alaska. That apparently proved to be another cry of "Wolf, wolf." The significant point is that once we have agreed to stop nuclear testing in the atmosphere it is but a short time until almost any other reason is proposed for halting underground testing.

These attacks and criticisms may sometimes be needed. Indeed, it is the hallmark of our free society that critics are free to be unrestrained. But as has often been noted, freedom is necessarily restrained by the responsibilities incumbent upon those who wish to continue to exercise that freedom.

I ask unanimous consent that an article published in the October 6 issue of Barron's, concerning the Institute for Policy Studies and its related activities and personnel as they relate particularly to a policy of unilateral disarmament, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Institute for Policy Studies Aims To Disarm the United States

("By giving a tax exemption to an organization like the Institute for Policy Studies, our government is allowing tax exemption to support revolution." *Senator Strom Thurmond (R., S.C.), Congressional Record, December 4, 1967.*)

(By Shirley Scheibla)

Washington.—The vicious attack, in and outside of Congress, on the so-called military-industrial complex has enlisted the support of an ally as powerful in and around the nation's capital as it is unknown to the U.S. at large, an organization called the Institute for Policy Studies (IPS).

For example, IPS is represented on the staff of the Joint Economic Committee, which, under the leadership of Senator William W. Proxmire (D., Wis.), has spearheaded the assault on the Pentagon's proposed budget. An economists with the committee, Richard Kaufman, is in charge of his staff work; Mr. Kaufman also happens to be an associate fellow of IPS. IPS defines associate fellows as "part-time faculty who have led seminars, participated in social inventions, or have engaged in individual research projects supported by the Institute." It says associate fellows sometimes, but not always, receive honorariums for their work. Mr. Kaufman told Barron's he did not care to comment on whether he has received pay for his work for IPS.

Until 1967, when Mr. Kaufman went to work for the committee, it had left the military budget to the Armed Services and Appropriations Committees. Now the staff economist, undismayed by Senator Proxmire's recent failure to win major Senate cutbacks on military spending, including a halt to purchases of the C5A aircraft, says he is planning a five-year campaign against military spending.

OFF-THE-RECORD BRIEFINGS

Mr. Kaufman wears his two hats with careless ease. Earlier this year, in his official capacity, he invited 27 Congressional assistants to off-the-record briefings on military spending under the auspices—and at the expense—of the Institute. They lasted several hours each, included dinner, and were held once a week for several months at the Congressional Hotel.

The Institute has arranged similar conferences for other interested groups, including the National Conference on Military Priorities; IPS officials also have worked with the Council for a Livable World (which now ranks as the third-biggest spender among U.S. lobbyists), the members of Congress for Peace Through Law, and the New National Mobilization Committee to End the War in Vietnam.

What is the Institute, and why is it so concerned with the military-industrial complex? It characterizes itself as a "think tank"; calls most of its officials "fellows," and enjoys tax exemption as an educational institution. It is supported by tax-exempt contributions from foundations, universities, colleges and individuals. And, as will be seen, it is directed by leaders of the New Left, a movement which J. Edgar Hoover, in testimony before the House Subcommittee on Appropriations, recently called "clearly subversive . . . an ever-increasing danger to our national welfare and security."

Organized six years ago, the Institute has an annual budget which currently runs to $400,000 a year. Financing has come from the Ford Foundation, Edgar Stern Family Fund, Samuel Rubin Foundation, Irving Lauck, the Institute for International Order, Milbank Foundation, "The Fontaney Corp., through the generosity of James P. Warburg," Society for the Psychological Study of Social Issues, National Board of Missions of the Presbyterian Church, Field Foundation, Cudahy Fund, Edwin Janss Foundation, Jennifer Cafritz, Walter E. Meyer and Michel Gellert.

ACTIVE FELLOWS

Support for the Institute also comes from publishers, who, according to IPS Co-Director Marcus Raskin, have printed about two dozen books and several thousand articles by its personnel. Mr. Raskin explained to Barron's that IPS furnishes an office and a salary for the fellows who perform such work, and fees and royalties go directly to them. Moreover, IPS principals serve on a number of university faculties, including those at Harvard, Duke, the University of Maryland and the University of Chicago.

IPS had its genesis in the Peace Research Institute, which began operations in Washington on April 5, 1961, with an announcement that it would serve as a private agency to undertake and stimulate research in all fields relevant to peace, security, disarmament and international order. Shortly afterward it obtained a $20,000 contract for a study for the Arms Control and Disarmament Agency.

Signed by Arthur I. Waskow, now the senior fellow of IPS, the document called for an international police force to keep world peace and see that nations disarmed. The author also suggested that disputes in a disarmed world could "be settled by reference to the International Court of Justice, to various mediation services, to various organs of the United Nations, etc." A relative unknown at the time, he had come to IPS from his job as legislative assistant to Representative Robert Kastenmeier (D., Wis.); Mr. Waskow now has become a public figure because of his active role in demonstrations, including those at the Pentagon and the Democratic National Convention in Chicago.

JOINING FORCES

Late in 1963, the Peace Research Institute merged with the Institute for Policy Studies, which had just been founded by Marcus Raskin and Richard Barnet, who once served as deputy director of political research for the U.S. Arms Control and Disarmament Agency (Barron's, April 29, 1968). Mr. Waskow then went to work for IPS as its senior fellow.

In August of 1965, Mr. Waskow represented IPS at a meeting in Santa Barbara, Calif., at the Center for the Study of Democratic Institutions, which produced a "Call for a New Politics," a hope for a united Left in the U.S. A year later, a National Conference for a New Politics (NCNP) was held in Chicago.

Over the Labor Day weekend in 1967, Mr. Waskow attended the first NCNP convention in Chicago; subsequently he was identified on the floor of the U.S. House of Representatives as "one of the founders and leaders of the NCNP."

Mr. Raskin's Washington career began in 1960, when he served as clerk and free lance writer to several Congressmen, including Representatives Kastenmeier, Herman Toll (D., Pa.), James Roosevelt (D., Calif.) and William S. Moorhead (D., Pa.). Mr. Raskin soon co-authored a report with Mr. Waskow for Representative Kastenmeier. Copyrighted in 1961, it was titled "Deterrence and Reality," and, so far as can be determined, constituted the first advocacy of U.S. unilateral disarmament on Capitol Hill. Mr. Waskow subsequently expanded the report into a book, The Limits of Defense.

THE LIBERAL PAPERS

According to a press release by Representative Kastenmeier, Mr. Raskin also served as group secretary for the Liberal Papers, a collection of essays written by more than a dozen professors for a number of Democratic Congressmen, made public early in 1962. Among other things, the essays urged the U.S. to allow Russia to plug in to this country's warning defense system (DEW); recognize and admit to the United Nations Communist East Germany, Red China, North Korea and North Vietnam; unilaterally abandon nuclear tests; break up NATO; abandon Berlin and neutralize central Europe under terms proposed by Communist Poland.

With the advent of the New Frontier, Mr. Raskin was called to the White House to join the special staff of the National Security Council as an aide to McGeorge Bundy, who now heads the Ford Foundation. Mr. Raskin also served as a member of the American delegation to the 18-nation disarmament conference at Geneva.

Mr. Raskin subsequently became chairman of the Committee for the Formation of a New Party. On August 1, 1968, the Committee issued a statement by the chairman in which he said the New Party "will stand for the dismantling of an obsolete, dangerous military establishment that is over-extended and over-reaching. It will insist that there be an arms control and disarmament law in the U.S. applicable to citizen and police as well. . . . It will insist that revolution in other nations or insurgencies therein should not cause interventions and suppressions by the American military."

IN THE HEADLINES

Last January, the New Party announced it had elected Dick Gregory and James P. Dixon, president of Antioch College, as co-chairmen to succeed Mr. Raskin. Mr. Dixon is an IPS trustee, and Antioch is one of the colleges associated with the Institute. Nevertheless, Mr. Raskin remains in the headlines, primarily because of his indictment (and subsequent acquittal) on a charge of conspiring to advise draft evasion, along with Dr. Benjamin Spock and the Reverend William Sloan Coffin, Jr.

Since its inception, the Institute has fought military defense through "seminars," chiefly for members of Congress and their assistants. In 1967–68 (it operates on a school year), IPS held a series of conferences for Congressional assistants on "The Impact of the War on American Society." Besides Co-

Director Barnet, one of the speakers was Michael Tigar, whose subject was "The War and the Draft."

Mr. Tigar is well known as a student leader of the 1964 disturbances at the University of California at Berkeley. He is a former member of the executive board of the National Capital Area Civil Liberties Union and served as attorney for members of the Students for a Democratic Society charged with seizing and occupying George Washington University's Sino-Soviet Institute in April. Last month he was jailed in Chicago on a charge of contempt of court in connection with his defense of "the Chicago eight," charged with conspiring to incite a riot during the 1968 Democratic National Convention. (The charge against Mr. Tigar has been dropped.)

STUDY ASSIGNMENTS

IPS' 1968–69 schedule for "seminars" describes the aforementioned Mr. Kaufman's assignment as "a work study project to analyze the war machine as a public-private corporate structure. Topics covered will include cost, benefits, public relations and distribution of profits." The project assignment for Mr. Kaufman in the IPS 1969–70 budget is "Defense Procurement."

Senator Proxmire told Barron's he had heard that Mr. Kaufman is associated with the Institute, but that he is not familiar with it. However, Proxmire's Committee has published two essays by Milton Kotler, who the Committee itself has identified as a "Resident Fellow, Institute for Policy Studies, Washington, D.C." Senator Proxmire said further that he considers what Mr. Kaufman does with his time after working hours is his own business.

IPS principals seem to be very busy men. Co-Director Barnet and Trustee Hans Morgenthau, professor of history, government and international relations at the University of Chicago, are advisers to the Council for a Livable World. IPS Fellows Waskow and Leonard Rodberg, former bureau chief with the Arms Control and Disarmament Agency, have done work for it.

A Senate report has described the Council's goals as unilateral disarmament and "turning this country into a fourth-rate power at the mercy of the international wolfpack." The Council is the third highest spender of the lobbying organizations which filed reports for 1968. With outlays of $154,022 (up from $77,470 for 1967), it topped even such famous lobbying groups as the American Legion and the American Medical Association, and was outranked only by the United Federation of Postal Clerks (AFL–CIO) and the AFL–CIO.

LEADING PEACENIK

According to the same Senate document, the Council takes credit for assuring the original election victory of one of the Senate's leading peaceniks, George McGovern (D., S.D.), by having its membership put $22,000 into his campaign, enough to win a close contest in a sparsely populated state.

Senator McGovern, in turn, is vice-chairman of a group called Members of Congress for Peace Through Law. Its chairman is Representative Bradford Morse (R., Mass.), and its members include Representatives Rosenthal and Kastenmeier (Mr. Waskow's former employer), all three of whom have attended "seminars" at IPS headquarters.

Last July that group issued a report, labeled "personal and confidential," which said that the recommendations of the Joint Economic Committee can serve as guidelines for positive reform in military procurement. Among other things, the report called for moratoria on the construction of aircraft carriers, F–14A planes, advanced manned bombers and chemical and biological warfare centers. It also urged drastic curtailment in Sentinel-Safeguard deployment and the ABM research and development program.

RHODESIA: BOOMING DESPITE SANCTIONS

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. UTT. Mr. Speaker, under unanimous consent to extend my remarks in the RECORD, I wish to include two columns by Mr. Ray Vicker, appearing in the Wall Street Journal recently.

Mr. Vicker spent considerable time in Rhodesia, and emerged with the same belief as the Honorable Dean Acheson, former Secretary of State, tagging the United Nations interference in Rhodesia's internal affairs an "act of barefaced aggression, unprovoked, and unjustified by a single legal or moral principle."

I must again refer to the arbitrary, capricious, and stupid position of our State Department in permitting this aggression to continue. I am more than disappointed that, after many requests, I cannot even get a hearing on my resolution to abandon these foolish sanctions and renew trade with a good and friendly country.

The materials follow:

RHODESIA: BOOMING DESPITE SANCTIONS

(By Ray Vicker)

SALISBURY, RHODESIA.—What happens when the United Nations leads a world-wide economic boycott of a little country with only 4.8 million people?

If the country is Rhodesia, it has the biggest boom in its history, with a net inflow of new settlers, an economic revolution that launches dozens of new industries, sets off a boisterous stock market advance, and strengthens wills all around. That's the picture that emerges after talks with dozens of government figures, businessmen, bankers, farmers and ordinary citizens in this ruggedly individualistic land.

Prime Minister Ian Smith, in an interview, underscores the picture of a country on the go. After estimating that the country's gross domestic product will rise 10% this year over last he adds, "This is happening despite the fact that we sometimes must discount prices of our products to sell them on world markets, while paying premium prices for the goods we buy."

That 10% figure comes after deducting a 2½% inflationary factor from an estimated upsurge of nearly 13% this year. Moreover, the estimate is backed by solid figures of exports, interviews with numerous company officials here and first-hand observation.

All this expansion makes for a growth rate matched by few countries on earth, none in black Africa. It's enough to give Rhodesia a GNP of $1.2 billion this year, well above the $986 million level of 1965, the year of Rhodesia's unilateral declaration of independence, or UDI as it is known here.

The Rhodesian leader sits in his parliament building office beneath a drawing of Cecil Rhodes, pioneer empire-builder of Africa. He also voices a racial theme akin to that of Rhodes: "Equal opportunity for all civilized men." He emphasizes that Negroes are getting and will continue to get the vote as they measure up to earnings and educational standards. And he hopes the vote will be expressed in a multiracial society. "Apartheid along South African lines is a practical impossibility here," he says.

In jaunty mood he also outlines developments in this California-sized country. The economic sanctions are being circumvented. African nationalist guerrillas pose no problem, though evidence indicates they are getting strong Communist backing. A new constitution is being prepared that will allow further gradual expansion of the African vote. The country is to become a republic when that constitution is introduced "probably next March, April or May," depending on the mechanics of implementation. Several nations are expected to recognize Rhodesia then, and the sanctions will probably fade away. Indeed many of them seem to have faded already.

LONDON AGAINST SALISBURY

The UN sanctions were initiated at British instigation after UDI. Britain refused to certify the independence of its colony, contending that more political rights must be accorded the nation's 4.5 million blacks by its 228,000 whites. Prime Minister Smith led Rhodesians in insisting that the pace of Negro political development would be set here, not in London.

The sanctions program, which began with all the elements of a spy novel, may be degenerating into gumshoe comedy. Initially, British secret agents poured into Beira and Lourenco Marques, key Mozambique ports through which Rhodesian goods had moved. Agents snooped into cargo manifests, investigated ship loadings, warned the UN about suspicious ships with Rhodesian cargoes. The British foreign office applied pressure on governments suspected of allowing their citizens to trade with Rhodesia.

But Rhodesians are evading the boycott. In Addis Ababa, Diallo Telli, secretary-general of the Organization of African Unity, complains that "the UN sanctions policy against Rhoedsia is an utter failure." Instead of looking like a besieged city, Salisbury is prosperous. It is an antiseptic city of broad walks, green parks and high-rise buildings. Its outer circle contains an array of ranch-type homes set on spacious lawns, most with swimming pools.

The O. K. Bazaar, like other of the city's department stores, teems with shoppers. Appliance stores display Grundig and Zenith radios, Sony and Akai tape recorders and various other electronic gadgets from major nations of the world. New French-made Citroen and Peugeot automobiles vie with German made BMW cars. There are so many automobiles on streets that parking is a problem. A gasoline station attendant scoffs at suggestions of fuel rationing. "Bring a tank and I'll give you 100 gallons if you can pay for it," he says. Meikles Hotel, one of the best in town, offers French wines on its ample menu in the chic La Fontaine Room. American films such as "The Prime of Miss Jean Brodie" and "MacKenna's Gold" are featured at theaters.

Jan Brinker, a long-legged and elegant blonde from San Francisco, packs them in nightly at "La Boheme" nightclub where she is the singing attraction. Also on the program is Nadjia, "The Nymph of the Nile," a stripper. Her special 5:30 p.m. show catches numerous tired businessmen on their way home. None seems to be thinking about sanctions when Nadjia reaches the climax of her act.

D&M Williams travel agency is advertising 34-day Caribbean cruises at fares of from $1,236 to $1,736. Yerman quality footwear is plugging a new shipment of ladies' shoes from Italy, while the Salisbury Jaycees are holding stock exchange investment courses aimed at explaining market operations to potential investors.

The Salisbury stock exchange reflects the boom. Early this month the industrial shares index kept by L. Waugh & Co., a Salisbury stock brokerage, stood at 356.9 (January 1963 equals 100). In October, 1965, just before UDI, it was 171.3. Moreover, the current level is down from the peak attained May 9, 1969 of 434.2.

Rhodesia's diversified economy is a big reason for the country's success in surmounting sanctions. "If we had a single-crop economy, things might have been awkward," says Prime Minister Smith. "But we make hundreds of different things and it is difficult to enforce sanctions in such a situation."

Rhodesian tobacco production, 132 million pounds annually, now is just about in balance with the country's ability to sell the crop. Of course that total is only half the 260 million pounds produced in the UDI year of 1965. Farmers have shifted to production of cotton, corn, wheat and other crops, which helps conserve foreign exchange.

In manufacturing, too, Rhodesia is becoming self-sufficient in scores of fields, becoming an exporter in others. "We've gone into the manufacture of simple farm tools such as disc plows, harrows, graders and peanut shellers," says John D. Cameron, managing director Bain & Co., Rhodesia Pty Ltd., Salisbury. This farm implement dealership has a volume of around $2.5 million annually and has the International Harvester agency in Rhodesia. Proudly Mr. Cameron says: "We can produce and sell the items we're now making 10% cheaper than the imports."

Rhodesians now are even manufacturing Dumbartin brand "Scotch" whisky, using sugar alcohol as a base. "The first two drinks are bloody awful. Then it goes down all right for your throat is numb," says one booster of this local Scotch. Rhodesian manufacturing ingenuity is found in scores of other areas from quality textiles to electronics equipment.

Tourism has rallied, too, after falling immediately after UDI. A record 266,421 visitors entered Rhodesia last year, and the total so far this year is 6% higher. The Victoria Falls Hotel had a full house on a recent weekend. The nearby casino does a brisk business at tables. On Lake Kariba a yachting regatta attracts a crowd, while the Zimbabwe ruins draws busloads of tourists. Earnings from tourism will amount to more than $20 million this year.

Mine production is booming. Union Carbide Corp. operates the world's largest chrome mine, under government aegis. This and another big mine account for about 5,800 tons of ferro-chrome alloys annually. Nickel production is being expanded sharply by the Anglo-American group of South Africa and the RTZ group of Britain. Estimates are that both groups together will be producing at a rate of 28 million pounds of nickel annually next year. This would be equivalent to $84 million at today's prices says one mining source—a substantial addition to Rhodesia's foreign exchange earnings.

Rhodesia is a gold producer too, and this is a valuable product, with the free market offering more than $40 an ounce. Like many other things, the rate of output is secret. Evidence indicates, however, that about 455,000 ounces will be produced this year, about $15.8 million at $35 an ounce, or about $18.2 million at $40 an ounce. The latter price is the likelier for Rhodesian sales.

ALMOST A FIASCO

The sanctions are also failing because few nations support them vigorously. South Africa and Portugal rejected the sanctions outright. Both nations have solid reasons: If sanctions worked against Rhodesia, the UN might well apply them next to these two nations, under pressure from black Africa. So many Rhodesian products can be exported or imported through South Africa or Mozambique that the sanctions have become almost a fiasco. Rhodesian citrus fruits reach markets under a South Africa label.

Many other countries are winking at the sanctions. Officially, black-ruled Zambia is waging an economic war with white-ruled Rhodesia. Nevertheless, a Zambian National Tourist Bureau bus carries travelers from Livingstone airport in Zambia to the Victoria Falls Hotel in Rhodesia. The bus crosses the Zambezi on the joint road-rail bridge just below the mighty falls discovered by David Livingstone. A Rhodesian Railways freight train trundles northward on the single track, toting about two dozen carloads of South African products plus a half dozen cars of Rhodesian coal for Zambia.

Like Rhodesia, Malawi and Zambia export tobacco. So Rhodesian bills of lading can sometimes be doctored to make it appear as if the tobacco originated in neighboring countries. Rhodesia is paying its farmers about 29 cents a pound for top grade tobacco, though comparable tobaccos sell at 55 to 58 cents a pound on world markets. This gives the government plenty of leeway for discounting. Discounts attract buyers from Continental Europe or elsewhere.

Britain, of course, is supposed to be leading the sanctions drive, and British Overseas Airways Corp. is a government-owned company. Still, the Rhodesian Herald here contains a quarter-page BOAC ad offering to fly Rhodesians to Paris, London, Rome and elsewhere.

BOAC planes no longer land here, but South African Airways does, and BOAC has a cooperative arrangement. After passengers have been whisked away from Salisbury on SAA, they can switch to BOAC at the closest transfer point. To expedite this business, BOAC still maintains an office in Salisbury.

U.S. SUPPORT OF BOYCOTT

The U.S. enthusiastically cooperates in the boycott. "America is one of the worst in trying to make sanctions hurt us," says Prime Minister Smith. The U.S. is even forcing American chrome buyers to deal with Communist Russia at prices 50% higher than Rhodesian chrome.

Still, says the prime minister, "Sanctions have drawn our people closer together. Overnight we have developed into a young nation." He cites that fact that 72% of the voting population voted for the new constitution, while 81% favored creation of a republic. That voting population is primarily white, it is true. Mr. Smith points out, though, that nearly a quarter of the members of parliament are black, a fact often overlooked in discussions of white domination here.

Foot on desk, he leans back in his swivel chair to add: "As far as sanctions are concerned, we expect that they will gradually erode away." He shakes his head as he adds, "Unfortunately, it is the African who is suffering most because of sanctions. We employ the same number of Africans now as at UDI. But the African population is increasing and we should be increasing the total number employed. Sanctions keep us from doing that."

Then he expresses puzzlement about the American position in Africa. "Why is America persecuting us?" he asks. "The United States is one of the most active countries in enforcing sanctions against us. Yet we are holding the line here against Communist encroachment in Africa through Zambia and Tanzania."

Shaking his head again, he says, "We've fought alongside Americans in World War II. Now we've found the same weapons on Communist armed guerrillas here as are killing American boys in Vietnam. We aren't asking for a single dollar or a single American life or a single gun to help us. All we ask is that you leave us alone."

In Africa, a Shift in Political Winds

(By Ray Vicker)

Victoria Falls, Rhodesia.—In London, representatives on an African guerrilla organization had contended that this part of the Zambezi River Valley formed Africa's newest battleground between blacks and whites in Southern Africa. Now, as the rented Datsun follows the curves of the river road, nothing stirs.

On the far Zambia side of the island-studded Zambezi, a cluster of Tonga huts squats on the bank, inhabitants either elsewhere or enjoying a siesta. A crocodile suns itself on a glittering, white sand bar, while somewhere an unseen hippo snorts like an annoyed pig. Softball sized elephant droppings stud the winding road. The elusive elephants are nowhere in sight. Neither are any African Guerrillas.

In fact, a 50 mile drive from Victoria Falls to Kazungula fails to produce anymore action than a few Rhodesian fishermen and picknickers along the river. And at Kazungula, where South Africa's Caprivi Strip, Zambia, Rhodesia and Botswana rub shoulders uneasily, a South African border guard contemptuously says: "African guerrillas? They're all up in Dar-Es-Salaam driving their Mercedes sedans, occupying their seaside villas, and printing statements about imaginary battles along the Zambezi."

Indeed, along the Zambezi and elsewhere in Africa's "guerrilla country" it soon is evident that African nationalism is making little progress against entrenched white Africa. Moreover, the political winds of change may no longer favor the nationalists.

After March, 1957, when Ghana won its independence, it had seemed as if the forces of change were irresistible. One colonial regime after another was swept away, to be followed by independent African rule. An atmosphere of romance and radicalism hung over African nationalist leaders. They attracted liberal support from around the globe.

It became popular to predict that the wind of change would blow white Africans from control pedestals everywhere, leaving Rousseauesque black African states behind. It was also popular to claim that "South Africa is living on a volcano," about to explode, that "Portugal is too poor to hold African territories for long," and more recently that "Rhodesia can't maintain independence" in the face of United Nations sanctions.

MYTH AND FACT

Today, there are 42 independent nations on the African continent, including Rhodesia. And those statements about the white-controlled nations sound more and more like the wild claims of African nationalists regarding mythical guerrilla victories in Southern Africa.

Only a handful of Africa's peoples have won independence since Rhodesia declared its Unilateral Declaration of Independence in November, 1965. Botswana and Lesotho, two geographical appendages of South Africa, obtained independence from British rule in 1966. Swaziland, another such state, followed in 1968, along with Equatorial Guinea and Mauritius. (The Mauritius might more rightly be classified as an Indian Ocean state. But it is looking to Africa for economic ties.)

Meanwhile, South Africa, Rhodesia and the Portuguese territories of Portuguese Guinea, Mozambique and Angola remain under white rule. And only the most fervent optimist believes the situation will change at any time in the foreseeable future.

"African nationalism has reached the Zambezi river. It will come no further," says Balthazar Johannes (John) Vorster, South Africa's Prime Minister.

Charles E. Bedaux, an American management consultant with offices in Johannesburg, says: "When companies interested in locating here ask me how long this country can go on before the racial explosion occurs, I tell them: 'Whites will be in control here for at least another fifty years. What happens after that doesn't matter, now.'"

That's only an opinion, of course. Nevertheless, it now is evident here that African nationalists have woefully misjudged two factors on this continent: The strength of Southern white Africa; and the strength of tribalism in all Africa.

African nationalism never was a widespread yearning for liberty from black Africa's 230 million people. Rather it was the creation of Africa's thin stratum of Western educated intellectuals, a group never more than a tiny fraction of the total population.

Admittedly, in the right climate, this nationalism can stimulate a following. Britain, Belgium and France, and to a lesser extent Spain, provided such climate in the post World War II period. They decided to decolonize, come what may, making it relatively easy for the nationalist intellectuals to lead their nations to independence. But these bloodless separations created a false picture of nationalist strength. Only two nations of black Africa—Kenya and Madagascar—actually fought for independence. Other murderous upheavals in black Africa came after independence was achieved, whether in the Congo, in Burindi, Rwanda, the Sudan, Zanzibar (now part of Tranzania) or Nigeria.

Only in white Southern Africa did the nationalists meet real resistance.

There, they turned to violence. Russian and Red Chinese training and weapons have helped to forge guerrilla armies which seek to wage war against Angola, Portuguese Guinea, Mozambique, Rhodesia and South Africa.

But after eight years of trying, Angola still is as Portuguese as it was in 1961. Only a small part of Northern Mozambique is affected by the five-year-old war there.

Guinea, a hot, swampy country of throbbing drums and drenching rain is wedged between two African nationalist nations which provide support for guerrillas. But even with that help, guerrillas are stalemated after seven years of war.

South Africa is virtually unaffected. Rhodesia proves far stronger than nationalists figured. In Salisbury, one Rhodesian government official grimly relates the story of a guerrilla attack in force across the Zambezi about 18 months ago: "Our forces cut them to pieces," says this official.

Then he explains that about a year ago, another buildup of guerrillas was noted on the Zambian side. Rhodesian helicopters hovered over the river while loud speakers carried taped messages which said in effect: "Come on across the river. We're waiting for you." Guerrillas faded into the bush, and haven't been seen here since.

Today it is doubtful that any of the various guerrilla groups in the field can mount more than a few hundred men at any one time. Moreover, units suffer from the fact that "everybody wants to be chief," as one Rhodesian phrases it. So groups splinter, then splinter some more as victory seems further and further away.

Meanwhile, tribal splits have become evident all through Africa. The splits suggest that there is no black-white confrontation in Africa, simply because there is no black front in Africa. An African in South Africa regards himself as a Zulu, or Xhosa or Basuto, or something else, not as a member of a black race where everybody shares common grievances. In Rhodesia the African sees himself as a Matebele or Mashona. In Zambia there are the Bemba, the Lozi, the Tonga and scores of other tribes.

There is no more political unity among most of these tribes than there is between white Swedes, Italians, Poles and Englishmen. There also is a good deal less cultural unity.

Tribal conflict is most evident in the current attempt of the Ibo tribe to carve the new nation of Biafra from Nigeria. It has been a factor in black versus black wars which have cost the lives of 3.5 million Africans since nationalism became a factor in African politics, according to one North Atlantic Treaty Organization source.

ALIEN TRIBES

Often a guerrilla group can wield a sizeable force from one tribe as is the case with Frelimo, the nationalist movement in Mozambique. It has sizeable support in the Makonde tribe which straddles the Tanzania-Mozambique border. But when the Makonde guerrillas move into another tribal area, they are viewed as the alien enemy. Local Africans betray them to the Portuguese.

This is true in many other places in Africa, too. Rhodesia, for instance, has only two main tribes, the Mashona and the Matabele. "They get along now because whites still are in control," says C. G. Tracey, a Salisbury businessman who was born and raised in Rhodesia. "If we weren't in control, these two tribes would be at each others' throats, as they were when the first settlers came to this country."

This is not a pleasant picture, of course, for the African nationalists. But too often they have substituted wishful thinking for ingenuity in facing problems. For example, they like to aver that history and sheer numbers alone will decide issues in this part of the world.

"This ignores the fact that 40,000 Romans were able to keep a million and a half Britons in subjection for 400 years," says another Rhodesian businessman. And that was before modern technology added a new dimension to the power of industrialized peoples.

Rhodesia, Portugal and South Africa have jet air forces. Portugal has some of the best weaponry NATO can provide, as African nationalists like to emphasize from time to time. South Africa is advanced enough to build its own missiles, and perhaps atomic bombs, too, were they considered necessary. Rhodesia and South Africa have developed economies which produce everything from complex electronic equipment to automobiles. And all three countries have manpower capable of handling the intricate gadgets and weaponry which provide heavy firepower to a comparative few.

If numbers alone decided political fates, little Israel and its two million people would have been beaten long ago by the 100 million Arabs from Morocco to the Persian Gulf. Those 50 to one odds, of course, are longer than the 20 to one odds faced here by 228,000 Rhodesians if all the blacks in the country had one united opposition voice, which they do not.

This is one reason why a visitor can drive along the Zambezi river by himself without much chance of encountering any African guerrillas. That situation could always change if pressure from southern Africa continues and starts to accelerate. But there's nothing right now which indicates that, even with massive Communist help, much progress is being made.

MAGAZINE REVIEWS PROSPECTS FOR HYPERSONIC FLIGHT

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, October 6, 1969

Mr. RANDOLPH. Mr. President, the jet age of commercial air travel has been with us for just over a decade. The world is accepting the speed with which people can go from one place to another through jet travel.

We are now debating another giant step in the transportation technology, the supersonic transport, which will further shrink the world by making still further reductions in travel times.

Even before the supersonic transport is in service, however, we should be aware that people are at work on even more revolutionary forms of travel. Engineers and scientists already are making plans for the hypersonic transport, an aircraft that would fly at speeds of 7,500 miles an hour, compared with about 1,800 miles an hour for the proposed American supersonic.

This is, of course, long-range planning, but it is a very definite prospect for reality before the end of this century.

The September issue of Government Executive contains a comprehensive report on the possibilities of hypersonic flight by the magazine's senior editor, Leon Schloss.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered printed in the RECORD, as follows:

BEYOND THE SUPERSONIC TRANSPORTS ROME TO NEW YORK IN MINUS 4 HOURS

(By Leon Shloss)

While the U.S. Supersonic transport project sputters along, a pioneer of supersonic flight states unequivocably that the technology and the materials needed to begin development of a Mach 12 (12 times the speed of sound) hypersonic airliner are in hand.

John Stack, who won the coveted Collier Trophy in 1948 for pioneering supersonic flight in manned aircraft, told *Government Executive* in an exclusive interview:

"The economic justification of the supersonic transport (SST) was proved out 15 years ago. The economics of hypersonic transport (HST) are just as sure a thing today. If we press on with the SST it can become operational in 1975. If we start on the HST it can become operational in 1990."

Stack scoffs at the detractors of high-speed flight who say, in effect: Who needs it?

"Some years ago," Stack recalled, "many great contributors to the aeronautics art said we would never have a commercial jet because it would cost too much. What they failed to foresee is how the jet transport, by the very reason of its speed, could so change the environment in which we live as to make it not only profitable but essential to man's progress.

"For instance," he continued, "consider man's effort to aid the underdeveloped countries of the world. There are men of talent who could accomplish this, but they are in such short supply that their services are spread very thin. If we could cut the travel time of these men by 90 percent—and the hypersonic transport could do this—the amount of time they could stay and work in an underdeveloped country would be radically increased.

BENEFITS OF HST

"Here's another potential benefit of hypersonic flight," Stack said. "Every day billions of dollars in bank paper travels around the world. Consider the savings in interest if the transactions could be completed in one day.

"Again, consider the savings, if, for instance, a defense production troubleshooter—or for that matter any troubleshooter—could get from Washington to the West Coast, do his job and get back within a day and a half, instead of three or four days."

In the hypersonic transport design, which Stack and his small band of colleagues have completed, New York to Rome would take less than an hour.

"Rome to New York, traveling through the time zones, would get you to your destination four hours before you left Italy," he pointed out.

Stack, now engineering vice president for the Fairchild Hiller Corp., began his hypersonic studies while he was still with the National Advisory Committee for Aeronautics (NACA), which became the National Aeronautics and Space Administration (NASA), which he left to become engineering VP for Republic Aviation Corp., which later became the Republic Division of Fairchild Hiller, Republic, a company rich in scientific talent, had for some time been working on hypersonic flight. This talent was married to Stack's and the work continued.

Another outstanding proponent of hypersonic flight was four-star Air Force Gen. Bernard Schriever. Schriever, who retired from USAF some two years ago, pushed the project when he headed the Air Force Systems Command, He espoused the cause at Air Force Logistics Command headquarters at Wright-Patterson AFB in Dayton, Ohio.

The combined efforts of the proponents kept interest alive in hypersonic flight at NASA, but apparently it was not a consuming interest because the project tailed off with the final flights of the supersonic F-15 research aircraft, which was to have been followed by a hypersonic flight test vehicle.

Now Stack, in concert with B. H. Goethert, director of the University of Tennessee Space Institute at Tullahoma, Tenn., has recently held a symposium there to renew interest in hypersonic flight.

"To renew interest," says Stack, "and see what we can do about it." Fairchild Hiller sponsored the symposium.

USE OWN TIME AND MONEY

Also located at Tullahoma is the Air Force's Arnold Engineering Development Center. It was there that Stack attended a meeting of the engineering vice presidents of companies which maintain offices at the Center. All expressed interest in hypersonic flight and said, in effect: Give us some funds and we'll get on with it.

It is reported that Stack, who didn't win his laurels by reason of outstanding restraint, told the VPs they were not getting the message, that their companies should invest some of their own time and money to build a case for HST before they could go to Government for funding.

Fairchild Hiller has completed a feasibility study of passenger flight at a speed of Mach 12. Two aircraft have been profiled. One would accommodate 100 passengers, the other 328 passengers. Both would cruise at an altitude of 140,000 feet. The most economical, of course, would be the 328-passenger version. This version would be 246 feet long with gross weight of 615,000 pounds. On a short (5,000 nautical miles) trip, the cost of operations would be 2.5 cents per seat mile. At full range (10,000 nautical miles), the seat mile cost would be lower. Flying time for the 10,000 miles—New York to New Delhi, for example—would be one hour and 35 minutes.

In the 100-passenger version, seat mile cost for 5,000 miles would be 5.5 cents, for 10,000 miles four cents per seat mile.

All costs are based on the cost of liquid hydrogen, the fuel to be used. At the time the study was being made, liquid hydrogen was selling for 25 cents a pound. It is now down to 17 cents a pound, so the cost figures would be comparably lower.

At 7,500 miles, the operating cost rates of the SST and the HST would cross, with HST cost (328-passenger version) dipping below that of the SST.

"Make no mistake," said Stack, "you will pay a premium for hypersonic speed, as you will for supersonic speed. The forthcoming jumbo jets will cost a lot less to operate but their top speed will only be Mach 0.9. But in many cases the traveler will not really be paying a premium fare because speed is and has been for four decades the dominant factor in growth and preferences in world air transportation."

SONIC BOOM PROBLEM

The sonic boom problem facing the SST also faces the HST. To help overcome it, the HST will climb out after takeoff at an extremely steep angle. During this 2,000-mile climb-out, 70 percent of total fuel will be consumed, leaving enough for 6,000 miles of cruise. Descent, also at a sharp angle, will cover the remaining 2,000 miles of the total 10,000-mile range.

The Mach 12 top speed was selected for the study because that appears to be the limit for integrity of presently available materials, on which, Stack points out, there is still some development work to be done.

Acceleration to sonic speed will be accomplished by turbojet power at which point a scramjet (supersonic combustion ramjet) will take over. The scramjet is one key to the operation, because it gets its oxygen for combustion from the ambient air whereas a rocket engine would have to carry its oxidant with it (six parts oxidant to one part fuel). Thus a scramjet-powered vehicle can haul five to six times the payload of a rocket-propelled ship.

"For example," Stack explained, "the 1,200,000-pound *Saturn* 1-B rocket can put a 30,000-pound payload into a 300-mile earth orbit, while a scramjet-powered vehicle of the same gross weight can put a 120,000-pound payload into the same orbit.

"The name of the game," he continued, "is to obtain the highest specific impulse. (Specific impulse is measured in pounds of thrust per pounds of fuel per second.) The turbojet will deliver specific impulse of 4,000 up to Mach 4. Then it falls off. The scramjet, needing no compressor, improves the reading up to Mach 6 or 7. Then it falls off, but even at Mach 20 to 25 it delivers 1,000 in specific impulse reading, and that is far more than rockets can deliver."

A major problem has been that of slowing down the rush of air through the scramjet enough to allow it to be heated sufficiently to provide satisfactory thrust. Stack feels this has been solved by a retractable feature in the engine design which slows the onrushing air to Mach 5.5 in the combustion section while the overall aircraft continues to fly at Mach 12. Otherwise, the engine would have to be so enlarged in size as to make the project unmanageable.

"EASY STEP" METHOD

Stack disagrees with the "easy step" school of thinking which would develop first a Mach 6 vehicle. He says:

"You would have the powerplant problems at Mach 6 that you have at Mach 12 plus the fact that the faster you go the more miles per pound of fuel you get.

"From the materials standpoint you would have the same problems at Mach 7 that you have at Mach 12, again plus the fact that the higher the Mach number the greater your altitude becomes, resulting in less heat absorption and more heat radiation, simply because the greater the altitude the thinner the air."

As a substantial plus for hypersonic aircraft flight, Stack offers this premise: Take the aircraft slightly above 140,000 feet at a speed a little bit over Mach 25. By use of a small auxiliary rocket power source, the vehicle is injected into earth orbit. From earth orbit, a payload could be launched into space and the launching aircraft brought back to earth. In this way the launching aircraft could be used to put payloads into space two or three times a week. With rockets, payloads only one-fifth as large can be sent spaceward, and the rocket is not reusable.

FIRST BLACK MARINE TO WIN MEDAL OF HONOR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. ANDERSON of California. Mr. Speaker, recently I participated in a ceremony honoring Pfc. James Anderson, Jr., of Los Angeles, Calif. Private Anderson was awarded the Medal of Honor, posthumously, in conjunction with his actions in Vietnam for conspicuous gallantry, extraordinary valor, and inspirational self-sacrifice. He was the first black American in the history of the U.S. Marine Corps to win the Nation's highest decoration.

On February 18, 1967, Company F was advancing in dense jungle northwest of Cam Lo in an effort to extract a heavily beseiged reconnaissance patrol. Private First Class Anderson's platoon was the lead element and had advanced only about 200 meters when they were brought under extremely intense enemy small arms and automatic weapons fire. The platoon reacted swiftly, getting on line as best they could in the thick terrain, and began returning fire. Private First Class Anderson found himself tightly bunched together with the other members of the platoon only 20 meters from the enemy positions. As the fire fight continued, several of the man were wounded by the deadly enemy assault. Suddenly, an enemy grenade landed in the midst of the marines and rolled alongside Private First Class Anderson's head. Unhesitatingly, and with complete disregard for his own personal safety, he reached out, grasped the grenade, pulled it to his chest, and curled around it as it went off. Although several marines received shrapnel from the grenade, his body absorbed the major force of the explosion. In this singularly heroic act, Private First Class Anderson saved his comrades from serious injury and possible death.

Private Anderson valorously gave his life for his country; and in recognition of that fact, I participated in the dedication of a street in Compton, Calif.—Anderson Avenue—named in his memory. That street remains as a reminder of Private Anderson's exemplary conduct above and beyond the call of duty.

WHAT WAS THE ARMY REALLY HIDING IN FOUR "TOP SECRET" DOCUMENTS?

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. GUBSER. Mr. Speaker, Mr. Julius Epstein, research associate at the Hoover Institution on War, Revolution, and Peace at Stanford University, has been an indefatigable investigator of the forcible repatriation of over a million Russians after World War II. His fight to force the Secretary of the Army, Stanley Resor, to release classified documents recently resulted in release of a top-secret dossier entitled "Operation Keelhaul."

This is such a fascinating story that I thought the Members of Congress would be interested in reading the article released by the North American Newspaper Alliance:

WHAT WAS THE ARMY REALLY HIDING IN 4 "TOP SECRET" DOCUMENTS?

STANFORD, CALIF., September 12 (NANA).—After a battle of more than fifteen years, including a lawsuit against the Secretary of the Army, Stanley Resor, now pending in the Ninth Circuit Court of San Francisco, the Secretary has just unclassified and released to me four documents from the top secret dossier "Operation Keelhaul."

"Operation Keelhaul" is the Army's code name for the collection of documents concerning the forcible repatriation of between one and two million anti-Communists to Stalin during and after World War II.

Top secret classification of military records is regulated by President Eisenhower's executive order 10501. It reads as follows:

"The use of the classification top secret shall be authorized by appropriate authority, only for defense information or material which requires the highest degree of protection. The top secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which would result in exceptionally grave damage to the nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its Allies, a war, or the compromise of military defense plans, or intelligence operations, or scientific or technological developments vital to the national defense."

Now, let us consider the four released documents in the light of executive order 10501.

SIMPLE REQUEST

The first "Operation Keelhaul" document, released to me on August 22, 1969, originated on August 3, 1946, exactly twenty-three years ago. It was then classified top secret and this classification has been maintained on the basis of executive order 10501. It is a request for more Russian speaking interpreters. Its main paragraph reads:

"Alcom is unable to furnish interpreters at separation points or any person who will be able to identify individuals wanted. Imperative that individuals qualified to perform the above-mentioned duties be furnished that headquarters in order that mission may be accomplished."

The mission to "be accomplished" was, of course, the forcible repatriation of the anti-Stalinist and anti-Communist prisoners of war to the Soviets where the leaders were hanged and the rest went to siberian slave labor camps.

Why this simple request for more Russian-speaking interpreters was considered for 23 years as so explosive its disclosure "could result in exceptionally grave damage to the nation as leading to a definite break in diplomatic relations affecting the defense of the United States," will always remain a mystery.

The final release of this 23-year-old document, a part of the "Operation Keelhaul" file, documents beyond the shadow of any doubt the over-classification scandal in the Pentagon, as few de-classified documents have ever done before.

BATTLE STARTED IN 1954

I started asking the Pentagon about "Operation Keelhaul" early in 1954. As my correspondence with the Pentagon throughout those shows, "Operation Keelhaul" was "reviewed" many times. These "reviews" included, of course the document just quoted. The answer from the Pentagon was always the same: classification must be maintained in the interest of foreign policy and national security.

Why was it proper to release this particular document on August 22, 1969, but not in any of the many preceding years? Would a "definite break in the diplomatic relations" have occurred if this document had been released before August 22, 1969?

Of more importance to the historian is the second "Operation Keelhaul" document released to me by the Secretary of the Army through the offices of the Adjutant General, General Kenneth G. Wickham. It shows the date of December 4, 1946, as was "only" classified as "secret." Its first paragraph reads:

"Subject is repatriation of Soviet citizens who are subject to forcible repatriation under the Yalta Agreement."

UNANSWERED QUESTIONS

The document raises several questions: To which Yalta Agreement does the document refer? The only Yalta Agreement on Repatriation, known to the public, is the agreement, signed on February 11, 1945, which was itself top secret until March 8, 1946, does not refer with a single word to the use of force. Therefore, forced repatriation cannot be based upon the Yalta Agreement as published by the U.S. Government, much less can it be justified by reference to this agreement.

Was there a supplementary and still secret Yalta Agreement on repatriation which provided for the use of force? Or, was the Yalta Agreement of February 11, 1945, just arbitrarily interpreted by the Joint Chiefs of Staff as in favor of using force?

On the basis of my own research, I tend to believe that was the case. However, unless the remaining documents of "Operation Keelhaul," probably several hundred of them, are finally released, we cannot be sure there was not a secret agreement, possibly only an oral one which "allowed" forcible repatriation in violation of international law and in violation of many public statements by Truman, Eisenhower, General Marshall, Dean Acheson, etc., all emphatically rejecting the faintest idea of forcing anti-Communist prisoners of war and displaced persons back to Stalin's gallows and slave labor camps.

The third document released to me, dated December 31, 1946, deals with the U.N.'s "consistently upheld principle of not giving names of prospective immigrants to countries of origin (non-Soviet citizens) prior to authorizing immigration."

ANOTHER PUZZLE

The last paragraph of this document reads: "All proposals to submit names of prospective immigrants (made by the USSR) to countries of origin have been defeated." Since this document is very much to the credit of the UN and the United States, it is all the more a puzzle why it was classified secret and not released long ago.

The last of the four documents now declassified refers to the subject: "Certificate for Ex-Keelhaul Personnel." It states:

"Individuals released from 'Keelhaul' as non-Soviets revert to displaced person status will be issued a certificate of four paragraphs, etc."

It was issued "By Command of Lieutenant General Ike" (CQ) and signed by "U. G. Petterman, Asst. Adjutant General."

These are the four documents now "declassified" and released to me aften fifteen years of hard labor to get a look at "Operation Keelhaul." They show that not a single one—if released years ago—could have endangered our foreign policy or national security, the only valid reasons under the law, for maintenance of classification.

The documents should be of interest to the Foreign Operations and Government Information Subcommittee of the Committee on Government Operations whose chairman is Congressman John E. Moss of California, the principal sponsor of the Freedom of Information Act.

KEY ISSUES AND TRENDS AFFECTING COMMUNITY COLLEGES

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. DELLENBACK. Mr. Speaker, today there are more freshmen entering junior or community colleges than entering 4-year institutions. The significance of the community college cannot be overemphasized.

Accordingly, the House Republican task force on education and training is examining the community college as an educational institution especially geared to meeting the pressing demands for a skilled national work force.

Last Friday, October 3, the Secretary of Health, Education, and Welfare, Robert Finch, spoke to a national workshop of the American Association of Junior Colleges.

At that time, Secretary Finch defined the key issues and trends affecting community colleges and the Federal response to these developments as he envisions it. His speech, which should be of great interest to anyone concerned with community colleges, follows:

AMERICAN ASSOCIATION OF JUNIOR COLLEGES

I appreciate very much the opportunity to address your workshop today, and I welcome the chance to continue our efforts together.

When I was first designated Secretary of Health, Education, and Welfare, I articulated the importance of the community college mechanism. At a recent Governors Conference, I advocated the necessity for long range State planning for the initiation and growth of these institutions. But my California experience with community colleges also injected a note of caution: California made mistakes which should not be repeated. And so today, I want to explore—just as in our HEW initiatives we are carefully exploring—some of the problems and prospects of this high potential institution.

We are confronted at the outset with the explosive growth of the community college—a truly unique American educational effort. It is a development as revolutionary for this era as was the land grant college concept for the nineteenth century.

Community colleges now number a thousand—almost double the 1960 count. The Carnegie Commission on Higher Education has urged the establishment of an additional 500 by 1976.

Enrollment has been growing even more rapidly. Today, 2-year colleges serve about two million students—three times the 1960 count. This year, for the first time, more freshmen entered junior colleges then entered four year institutions.

The mushrooming growth of the community college promises to be the chief means of approaching universal higher education in the United States. It is already of critical importance to poor and otherwise disadvantaged students, notably blacks.

For black Americans, the public community college has the potential for becoming the most promising single avenue of higher education. The reasons are obvious: these are the accessible institutions—geographically, financially, academically. A quarter of all black American collegians are concentrated in public 2-year colleges in New York, Chicago, and Los Angeles. In virtually every large American city, more blacks study at public community colleges than all nearby institutions combined.

The dynamic nature of today's community college involves problems, I hasten to add, with which you are all too familiar. We have a very uneven template. Prestige is often low. The community college suffers, in some quarters, the same unfortunate stigma as the vocational school—wrongly regarded as dead-end education.

At the same time, to the extent that it goes outside the vocational sphere, it is regarded in some circles merely as a watered down version of the senior college. And in some instances, let's be candid to admit, it is.

There are dismal statistics behind these impressions. According to one study, a little over 50 percent of all students in 2-year colleges require remedial or compensatory programs. The drop-out rate is over 50 percent for all enrollees, and is especially high among the disadvantaged—maybe as many as eight out of ten. Faculties are often staffed by instructors trained for purposes other than community college teaching.

Community colleges also are handicapped by confused lines of authority and responsibility in their dealings with State and Federal officials. The natural difficulties of institution-building are complicated still further by uncertainties—uncertainties about the community college role in relation to secondary and higher education . . . uncertainties as to research and experimentation, faculty status and community service activities.

Nonetheless, for all the problems it confronts, the community college represents literally one of the most exciting possibilities for educational opportunity in history. I hope, as we proceed, that the dimensions of this possibility will emerge.

Another set of trends that particularly concerns me lies in the imbalance of the labor market. Ironically, unemployment is not the biggest single factor contributing to poverty in this Nation. The majority of those millions classified as poor live in households in which the father or mother both work—and one of them works full time. We thus face major problems with the discouraged worker who is expected to work full time . . . at low wages . . . with little or no chance of advancement.

On the other hand, in nearly all the professions, there are severe and probably growing manpower shortages in jobs which would lead to challenging and fruitful careers.

As important as job training is—to provide equal opportunity, to reduce unemployment, and to end the vicious cycle of dependence—a job is simply not enough. Least of all, let me add, a job that holds out no hope for advancement.

We must be concerned with career education for the young and continuing education for those presently employed. There is no other way to break the cycle of underemployment. There is no other way to prepare our Nation and ourselves for the rapid pace of social and technological change.

The distinction between a job and a career . . . and the importance of maximizing the life-style options at all stages of life . . . can be seen in the frustration today of the middle American—the "forgotten American"—the group of people characterized by one recent article as "The Burnt-Out and the Bored."

Both ends of the contemporary, rigidly-programmed life-cycle press upon this group. It is they who must support the education of the young and the retirement of the old. They have the heaviest responsibilities—emotionally and financially—and the fewest opportunities to escape. These Americans should have opportunities for a new life style. A new career and a new chance for learning . . . quite as much as their sons and daughters.

The Federal response must address both these developments—a burgeoning community college movement still in search of a role . . . and a growing demand for skilled manpower in rewarding careers.

We turn, as seemingly we always turn, to our educational institutions for this dual response. We are now developing—the name is a real jawbreaker—a "Comprehensive Community College Career Education Act of 1970." It will propose that the community college become the capstone institution for a career policy for all Americans.

To insure the commitment of this Administration to deliver career education, the Commissioner of Education is organizing a new office of Community College and Career Education Programs. We plan to give this office the greatest visibility and maximum authority to work not only within the Office of Education, but with other elements of government—the Department of Labor, OEO, HUD, the Veterans Administration, and the Departments of Defense and Commerce.

In these areas lie sources of funding for the disadvantaged and the underutilized. These sources currently lack the effective delivery vehicles which the community college mechanism can become.

The Commissioner will establish priorities under such existing programs as the Education Professions Development Act, the Vocational Education Act of 1968, the Higher Education Act, and the Elementary and Secondary Education Act. He will also be under mandate to develop new legislation for career education, if it is called for. His search will be for new lines of communication . . . and cross-fertilization . . . among all our educational institutions.

We are out to renew American public education from early childhood through graduate school. We believe that the community college is a key vehicle in such renewal. I include under this general rubric community colleges, junior colleges, technical institutes, university extension centers, and satellite campuses—public and private institutions both, which offer from one to three years of post-secondary education. Federal planning should not constrict the variety of potential institutional models.

Let me hasten now to add some caveats. The mold is not fixed. We do not seek the establishment of a nationally directed and controlled community college system. In pointing to some major tasks that community colleges should undertake, I do not mean to denigrate the healthy pluralism fostered by each community's own definition of how its college should serve it.

For that reason, as our own legislation takes form, we want your opinions in regional conferences we intend to hold, and we would welcome now your letters of advice directed to the Commissioner of Education. We intend to consult closely with Senators Prouty and Williams and with all the other legislators who have greeted the community college concept so warmly.

A second caveat is dictated by severe budgetary limitations—a sheer fact of life within which we are now forced to operate. This must fuel our efforts to obtain support from the private sector—business, churches, unions, and the foundations. And it must fuel our efforts at intergovernmental cooperation—at maximum utilization of the Federal dollar, and maximum coordination of governmental efforts at all levels.

The exact templates are not fixed—nor should they be in so young an idea. Most community colleges are public—but not all. Most are vocationally-oriented—but they also serve the "late bloomer" who seeks remedial training in the basic academic skills. Most of their students are enrolled in terminal curricula, to acquire a specific skill—but many are engaged in the traditional disciplines and may use community colleges as "feeders" into regular four-year institutions of higher learning. Most of their students are young people—yet nearly all community colleges offer adult extension courses, and stress mid-career re-training . . . a chance for a new life-style.

The physical properties of the community college do—and should—vary greatly. Sometimes they are strikingly beautiful traditional campuses . . . sometimes central-city complexes . . . sometimes middle-aged office buildings deep within the ghetto—and this is the variety of innovative community service that should be explored and enhanced.

No, the mold is by no means fixed. The precise contour of the community college movement is still in evolution—and I, for one, hope that this remains the case.

In preparing a comprehensive national initiative we are dealing with fifty different State systems, fifty different concepts of maximum effective service to the total community, and fifty different patterns of financing.

In some States, community colleges are developed and operated by independent government boards . . . in some, as a division of the elementary-secondary school system . . . in some, as a subcommittee of the board of higher education. New State plans are on the drawing boards. And, for a balanced national perspective, we need to know a great deal more about what consensus, if any, the State planners are reaching.

This is why we are searching for an assistance formula that will accommodate itself to this infinite variety and this need for maximum flexibility.

Essential to this planning is an overall educational strategy that evaluates . . . in both geographic and curricular terms . . . how the community college can best relate to the total educational process—not to replace or destroy, but to enhance our outreach over the entire spectrum.

Running all through the community college phenomenon, there are certain recurring themes—the marks of their distinctive life-style. They are also, I think, the criteria by which your own evaluations should proceed.

They are career centers for young Americans of every class, and every race . . . and for older citizens as well who seek mid-career retraining. They are, today, a largely untapped resource for the returning veterans . . . most of whom are not yet taking advantage of their educational benefits under the G.I. Bill.

They are oriented to the new technology . . . to the practical sciences . . . and increasingly to the development of paraprofessional disciplines—in health, in computer science, in social services, in teaching itself.

In other words, they are in tune with the vocational skill needs of an evolving technological era . . . whose "useful trades" are all the arts and sciences that must be harnessed to preserving a decent human environment and developing humane social institutions.

The community college must work—as indeed they are working—in close partnerships . . . partnerships of necessity . . . with all the public and private and independent institutions of the social matrix.

As the land-grant institutions were at work on the frontiers of the New American Nation of their day . . . so, too, is the community college a frontier institution—the frontiers, now, of a new technology and a new ecology of human relationships.

I think that you have a right to a grand vision of what your institutions can become—of the educational outreach they can provide. Indeed, I trust you never will aspire to less.

I think back to Aristotle's admonition that "only the educated are free"—and to the measured words of the great architect of democracy, Thomas Jefferson:

"By far the most important bill in our whole code is that for the diffusion of knowledge among the people."

H. G. Wells, with his apocalyptic gift of prohpesy, once wrote that "Human history becomes more and more a race between education and catastrophe."

And that, my friends, literally defines the dimensions of our mutual endeavor . . . and the ultimate test of our success.

WILLIAM ANDERS, EXECUTIVE SECRETARY OF THE NATIONAL SPACE COUNCIL ADDRESSES THE YOUNG PRESIDENT'S CONFERENCE IN PHOENIX, ARIZ.

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. TEAGUE of Texas. Mr. Speaker, the new Executive Secretary of the President's Space Council, Mr. William Anders delivered an address to the Western Conference of the Young Presidents' Organization on "Space and the Communications Revolution." Under leave to extend my remarks in the Record, I am including Mr. Anders' address:

Space and the Communications Revolution

(By William A. Anders)

I am pleased to be in Phoenix with the Young Presidents' Organization this morning and share with you some thoughts that I have on how the revolutionary changes brought about by communications will affect your future. The Western tradition of pioneering vitality based on individual effort and worth has always appealed to me. I feel a special admiration for people such as yourselves who have risen to corporate leadership positions while still in your thirties.

As executives responsible for effective decision-making, you already know that communications are the life of any organization. The same operative principle that influences every successful businessman—communicate or perish—controls what we do in space. Possibly my discussion of space communications will open up some new dimensions and provide some new insights into your business problems.

Electronics forms the basic lifeline between man and equipment on Earth and our vehicles in space. Without communications one could not even build a satellite, let alone operate it. It is pointless to send a payload anyplace if you lose touch with it. A satellite which can't communicate is a dead bird.

Space communications has come a long way since the launch of Sputnik I on October 4, 1957, just 12 years ago today. When the "beep-beep" from space was heard around the world on the amateur radio band, the psychological effect at the time was overwhelming. Compared to what we have today, this first step was barely out of the Stone Age. During the Apollo 8 mission, in which I took part, we were able to transmit back to Earth the close-up TV pictures from the face of the Moon. The recent Mariner VI and VII pictures of Mars dramatically extended this capability.

Telemetry is a word taken from the Greek. It means to measure from afar. While here on Earth it's a major effort to get a doctor to make a house call—through telemetry and communications, space doctors were observing my heart rate from a distance of a quarter of a million miles. Sophisticated telemetry ties the distant spacecraft to its watchful sponsors here on Earth. This has great future application in remotely controlled processing of earthly goods.

Today, when you dial a phone, send a telegram, or teletype a message across the Atlantic or the Pacific, the chances are three to one that you are communicating by satellite. Computers linked to automatic switchgear make the decisions as to where the fastest circuitry is available, through cable or satellite. And, of course, at home when you sit before a TV set and watch the Olympic Games or major State ceremonies overseas, you are witnessing an example of the availability of satellite circuits which can now provide across any ocean the equivalent of 1200 voice channels or 10 full-time color television channels.

Such oceanic television is but a forerunner of instantaneous worldwide communication. The integration of high-speed computer systems with satellites promises important new uses, such as automated libraries, world-wide management of complex inventories, and world-wide banking systems.

In fact, your executives will, in the not too distant future, be able to deal face-to-face over private television circuits with your business colleagues in Buenos Aires, Tokyo, or Melbourne. By using a split-screen, sight and sound conference calls on a global basis will become a standard business practice. In a real sense, we will "communicate to work" across oceans and continents.

If you are an investor, you will have at your fingertips a system which will bring onto a desk screen the latest readings of the principal stock and commodity markets, whether it be Wall Street, the Paris Bourse, or the London Stock Exchange. Decisions can be registered and transmitted over the same system directly to central computers.

If you are an exporter, you will have at instant call, the information you need on your overseas markets, the latest economic and financial developments, purchasing trends and the status of your own inventory in terms of anticipated demand.

During my lunar flight, as in all manned space operations, controllers in the Mission Control Center in Houston studied spacecraft data received from telemetry, sorted by computers and presented on television tubes. This provided vital information of spacecraft systems performance and navigational values. The computers would flag data that was out of allowed limits, and the controllers could send commands to spacecraft components to change their mode of operation. Think how remote display and control capability can revolutionize many industrial operations here on Earth where the situation is too dangerous for men, or the reaction time will not permit a man to give attention to vast numbers of control parameters. For example, in mining a hostile environment such as the depths of the ocean, computer-controlled operations could have a special attraction.

The result will be a new flexibility for you in making investment decisions and better control over your economic destinies—all as a result of improved communications, much of it stemming from the space program.

Incidentally, our space equipment was not always so highly developed. In the early days when space exploration was confined to rocketing small payloads vertically for atmospheric and stratospheric soundings, communications were often quite casual.

Once during a series of sounding rocket firings at Fort Churchill near Hudson Bay in Canada, the nose cone of a rocket ejected just prior to lift-off. The payload, the size of a bowling ball, fell off and was rolling along the ground as the rocket lifted off in fine shape. One of the launch crew saw the sphere, picked it up, and walked to the blockhouse. As he opened the door and entered, a signal monitor who until then had been staring intently into his console display announced happily: "Telemetry is now coming in strong."

Fortunately we have moved a long way since that time.

THE APOLLO COMMUNICATIONS SYSTEM

Today the greatest communications capability that the world has ever witnessed is embodied in what we call the manned space flight system using the Unified S-Band Equipment.

It grew out of the special demands of manned space flight which require transmission of huge volumes of data, television, voice, and electronic command at lunar distances.

Because the ground network was limited by the curvature of the Earth and cable linkages were not available in certain areas, it was evident that only satellites could provide the necessary reliability and capacity for such a communications task. Hence, NASA entered into an early contract with Intelsat for such services. It is an interesting sidelight to history to note that with the contract in hand, the Intelstat Consortium, for which the U.S. Comsat Corporation acts as manager, accelerated its original plans and placed commercial communications satellites into full-time service in both the Atlantic and Pacific, approximately two years earlier than originally planned. *This not only has provided the business community with an increasingly significant resource in terms of day-to-day operations, but provided the whole world with a cockpit seat to witness our Apollo 8 flight last December. The drama of the Apollo 11 landing would have been essentially lost without the high visibility given this event.*

INTERNATIONAL EFFECTS

One of the most striking impacts of the Communications Revolution is its effect on marketing patterns—especially through the mass market created by television. There are now nearly 250 million television sets in more than 100 countries. Each month the count increases by another million sets. Though sometimes I am a bit disenchanted with the media based on the quality of some of the programs my children watch, I must admit it has great potential (and I stress that word "potential") in education.

In more than 70 countries, television is supported by commercial sponsorship and everywhere, even when commercial support is lacking, this communications medium is effecting a transformation of ideas, tastes, and desires which help create a global common market.

All of these communications will lead the executive of the future to operate on an intercontinental, rather than a national level.

It will happen because high-speed and highly reliable communications, spawned by the rigorous demands of the space program, have made it possible to send massive quantities of data from computer to computer. *Just as the computers in the Apollo flights told us where we were at any given time, and gave us the information for course corrections based on calculations running into the millionfold, so computer-based, satellite-reinforced communications systems will accelerate the information process for you. Your statistics will then be current rather than historical.*

COMMERCIAL UTILIZATION

There is another dimension of Space and the Communications Revolution which will affect your future as business-oriented executives. I refer to the utilization of space for commercial processes made possible because of our advancing communications skills.

From the standpoint of industrial use, space offers unique advantages—vacuum and weightlessness. The first cannot be duplicated on Earth except at very high cost, and the second is only available in space.

The almost pure vacuum of space offers unique super-clean conditions, compared to which the so-called "white rooms" on Earth seem highly contaminated.

Many drugs must be manufactured under precisely controlled super-clean conditions—an environment which is readily available in space. Microelectronic devices involving tiny chips of material for integrated circuits require similar conditions for their manufacture. In both these cases, the quality of the

XUM

final product is so directly related to the environment that manufacture in space itself appears to promise unique advantages.

There is a real possibility that in a weightless environment, hollow metal ball bearings may be manufactured in space to tolerances absolutely beyond the capability of Earth-bound technology. Optical lenses free of flaws and distortion may be cast in the zero-gravity of space. In fact, metal forms using such material as stainless steel, could be made to any specific gravity, so that they can float on water if that is what you order.

These examples, I hope, will encourage you to stimulate your research people to investigate the space domain in terms of putting it to work for your own industrial needs of the future.

EARTH RESOURCES SURVEYS

Through the use of orbiting sensors, we are able to detect energy reflected from the Earth's surface across the entire electromagnetic spectrum. This means that we are able to detect what the Earth is trying to communicate to us in the way of nature's secrets. We are able to appraise this message and communicate its meaning to appropriate users.

The National Academy of Sciences has estimated that in the United States alone we lose $13 billion each year in agricultural production from insects, disease, and fire. Consider what an enormous loss this must be when extended to all countries of the world.

Thanks to the Communications Revolution we can use these satellite sensors:

To make improved surveys of agricultural and forest resources and classify them as disease-damaged or healthy;

To help prospecting for new mineral and petroleum resources;

To obtain a better inventory of our planet's water resources;

To detect both natural and man-made changes to our geography;

To sense the ocean currents and temperatures as an aid to the fishing industry; and

To improve the routing of commercial shipping.

The possibilities here are fantastic in my opinion.

At present, large areas of the Earth are inadequately mapped in support of their economic development. This is a major shortcoming in the underdeveloped countries. Certain remote areas such as Antarctica are largely unsurveyed. The potential value of using orbital photographs for this purpose has already been demonstrated by the Gemini and Apollo flights, where new geological structures, usually associated with mineral resources were found in areas where their existence was unsuspected.

Satellites can also be used to study the effects of environmental and water pollution to pinpoint its sources, and track the drift of the pollutants to forecast toxic conditions. When you look at the Earth from space, as I have, you can see that the atmosphere is just a very thin film around the globe like the skin on an apple. This atmosphere is very limited and we had better learn to take care of it, for there is no replacement in sight. I have been appalled at the increase in smoke and smog all across our Nation during the 15 years that I have been an aviator. What about the next 15 years? If this keeps up, we'll all need gas masks.

Weather satellites have reached new heights of usefulness to the United States and many nations around the world. I was particularly intrigued in going to and from the Moon with watching the large weather patterns meshing with each other over the seas and continents. Cloud cover photographs taken by cameras on unmanned orbiting spacecraft, equipped with automatic picture-transmission systems, are widely used by weather forecasters. The National Weather Services of 53 countries receive such photographs daily on their ground station equipment at 500 locations.

Our Applications Technology Satellites, placed at synchronous altitudes, are able to maintain a continuous view of the Earth and its weather from a distance of 24,000 miles. This will give weather scientists invaluable clues to the origin of destructive storms. We have been able to obtain on an experimental basis motion pictures of tornadoes during their formative periods. By 1971, we expect to have such a capability for continuous operational use.

The savings in property and lives each year as a result of advance warnings of severe storms run into the billions of dollars. The savings of lives can hardly be measured in dollars—they are indeed priceless. All such benefits in the last analysis stem from our increased capacity to communicate and collate huge amounts of data on a real-time basis.

COMMUNICATING ABOUT COSTS

There is another aspect of space communications which I would like to call to your attention. I refer to the communicating of facts about the comparative costs of the space program. I would like to put these into some perspective so that as members of the Young Presidents' Organization you can communicate them to your friends and colleagues.

We hear a lot of talk of how much the space program has cost in comparison with other Government expenditures. For Fiscal Year 1970 the total national space budget request for NASA and DOD was approximately $6 billion. In terms of our current $938 billion Gross National Product, the national space program amounts to two-thirds of one percent. While NASA's expenditures for space were averaging about $4½ billion a year, our fellow citizens were spending:

Nearly $4 billion for non-durable toys and throw-away sport supplies.

$4.7 billion for foreign travel.

Over $6½ billion in amusements.

Actually, NASA's program costs are about equal to our alcohol tax revenue. Now as I try to put these cost figures into perspective, please don't get the impression that Bill Anders is telling you to drink twice as many Martinis so that we can pay for our space program.

I do say, however, that a sober comparison of our investment in space should be related to the value of a global weather watch, a global communications network, a global school house that can accommodate an unlimited number of students, a system that can constantly observe and monitor the use of this planet's resources, a scientific tool that can probe the most distant planets, and a gravity-free experimental laboratory and industrial facility. Without the space program, none of these could be bought at any price. The taxpayer has a real bargain here!

We spend four to six billion dollars a year on space, and we spend 40 to 100 billion dollars a year on aid to the poor and social welfare programs. While "people problems" are certainly regrettable and must be faced up to, we have to remember that there would be more unemployment and more poverty if the space program were severely curtailed. This is not only because the program provides jobs for many highly skilled people but because the resulting technological stagnation would retard our economy and reduce the number of jobs available across the board. Everyone should try to keep space costs in proper perspective. I am convinced that these facts, when known, speak for themselves.

CONCLUSION

In conclusion, let me remind you that we travel through space on a small planet. The Earth looked so tiny in the heavens that there were times during the Apollo 8 mission when I had trouble finding it. If you can imagine yourself in a darkened room with only one clearly visible object, a small blue-green sphere about the size of a Christmas tree ornament, then you can begin to grasp what the Earth looks like from space. I think all of us subconsciously think the Earth is flat or at least almost infinite. Let me assure you that rather than a massive giant, it should be thought of more as the fragile Christmas tree ball which we should handle with considerable care.

It occupied a special place in the heavens for us when we observed it from the vicinity of the Moon. It was the one place in the Universe where we could return. To me, the lesson was plain. The Earth is our common spacecraft—it is home for all of us. We must learn to live in harmony with it and with ourselves.

President Nixon, in commenting upon the Apollo 8 flight, expressed this feeling most eloquently when he said:

"In that moment of surpassing technological triumph, men turned their thoughts towards home and humanity . . . seeing in that far perspective that man's destiny on Earth is not divisible: telling us that however far we reach into the cosmos, our destiny lies not in the stars but on Earth itself, in our own hands, in our own hearts."

From space, the Earth is indivisible. There are no flags, no national boundaries. Let us on Earth then use the Communications Revolution to break down the barriers which separate us, so that all of Earth's people will be truly brothers.

REGISTRATION OF TV SETS—THE ANALOGY IS CLEAR

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. SAYLOR. Mr. Speaker, it is difficult to find humor in the actions of Congress directed toward confiscation of all guns in the United States. The silliness of the gun controller argument which holds that gun ownership is the cause of violence in America is made apparent by the recent statement of the President's Violence Commission concerning "violence and television."

Mr. Jim Fiebig, writing for the Oil City, Pa., Derrick observed the parallel between violence and gun or TV ownership and brilliantly disposes of the argument. The vision of TV registration would be absurd in any normal context, however, I fear there are some in Congress who may take Mr. Fiebig's suggestion seriously. If you think the public is outraged over the "Anti-Assassination Act of 1968," wait until the "ban the tube bill of 1969" is introduced.

The article from the Oil City Derrick of October 1, 1969, follows:

REGISTER ALL TV SETS

(By Jim Fiebig)

That hangover from the Johnson Administration—The National Commission on Violence—said last week that television is definitely "a contributing factor" to violence in America.

It is clear, then, government must insure TVs are kept out of the hands of the wrong people. And the only way to do that is to require all citizens to register their sets. Otherwise, criminals, alcoholics and the mentally unbalanced will go right on watching television whenever they please.

Naturally, if the law is to be effective, all sets must be registered. From the harmless-looking little 17-inch black and white, to the high-powered, more dangerous 23-inch color model.

I realize this proposal will face stiff opposition from the NRA (National Relaxation Assn.). Their lobbyists will argue that bad people will always find a way to see a TV if they really want to. But if we are to legislate against violence in America, the living room is the place to begin.

Besides, if the TV registration law is defeated—as was gun registration—we'll just follow the example of the antifirearms legislators: Anyone who buys new tubes will be forced to give his name and address.

That way, when TV registration becomes law, the feds will know just what doors to knock on.

GUN CONTROL ACT OF 1968 SHOULD NOT BE ERODED

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. CORMAN. Mr. Speaker, the Gun Control Act of 1968, which was passed only after lengthy hearings and careful consideration by the respective committees in both Houses of Congress, and after full and deliberate debate on the floor of each House, is now in serious danger of having one of its most important provisions eroded by capricious action of the Senate Finance Committee. On September 24, the Senate reported out the House-passed Interest Equalization Tax Extension Act of 1969, with a nongermane amendment that would dismantle the ammunition control provisions of the gun control law.

It is undeniable that the Gun Control Act was sorely needed as an effective law enforcement tool which would go a long way in assisting local law enforcement authorities in coping with crime problems in their own localities. Crime conditions in the country today have certainly not lessened the need for this law. Just 2 months ago, an Assistant Secretary of the Treasury, in testimony before the Juvenile Delinquency Subcommittee of the Senate Judiciary Committee, stated that in the Treasury Department's view:

> The Gun Control Act of 1968 is working reasonably well and is providing the needed support for state and local controls for which it was designed.

He further suggested to the subcommittee that—

> the controls be given a full opportunity to prove their worth.

Yet, not a single day of public hearings was held in the Senate committee on the unrelated amendment to the bill.

It would seem that in a matter of such seriousness—one that would deny the enforcement of the band on ammunition sales to minors, convicted criminals, dope addicts, alcoholics, the mentally ill and other such categories—the committee would have at least opened the amendment to hearings.

In a recent editorial, the Los Angeles Times frankly appraises the Senate committee action. I share the Times' viewpoint, and ask unanimous consent that the editorial be printed at this point in the RECORD. I commend it to the attention of my colleagues.

SENATE SHOULD NOT SPIKE GUN LAWS

(Issue: Will the Senate agree to further weakening of the already inadequate federal gun control legislation enacted last year?)

The gun lobby has opened fire on Capitol Hill in an effort to shoot more holes in the federal firearms law passed by Congress in 1968.

Current target is the requirement that purchasers of rifle and shotgun ammunition give their name, age and address and show some sort of identification.

Without such a rule there could be no enforcement of the ban on ammunition sales to convicted felons, minors, dope addicts and other restricted categories included in this legislation.

But to Sen. Wallace Bennett (R-Utah), these are simply "burdensome" questions that sportsmen should not have to answer. Such inquiries, said Bennett, also amount to gun registration, since the ammunition purchased would indicate the kind of firearms owned by the buyer.

This ridiculous contention got nowhere in the House nor in the Senate Judiciary Committee. Sen. Bennett thereupon persuaded the Senate Finance Committee to eliminate the ammunition curbs by means of an amendment tacked on—of all bills—the Interest Equalization Act of 1969.

The basic bill, of course, has nothing to do at all with firearms control. It would increase the cost of domestic borrowing to correspond to the expense of making loans abroad. In the case of Sen. Bennett's amendment, it is simply a convenient legislative vehicle.

But surely the Senate will reject this effort to weaken already inadequate firearms regulations, despite gun lobby pressures. As experts have pointed out, ammunition exempted by the Bennett amendment could be used in .22-caliber handguns, one of the principal weapons in U.S. crime.

The Times urges Congress to strengthen, not soften, the restrictions upon firearms and ammunition. Only criminals and those unfit to possess firearms would find such regulation "burdensome."

PHILADELPHIA PULASKI DAY OBSERVANCE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. EILBERG. Mr. Speaker, it was my privilege yesterday to attend and participate in the Pulaski Day observance of the city of Philadelphia sponsored by the eastern Pennsylvania district of the Polish American Congress. As I stood on the reviewing stand watching the parade, my eyes gazed across the street to historic Independence Hall and my mind wandered to thoughts of the great contributions which Polish citizens have made to our American heritage.

This year marks the 190th anniversary of the death of Brig. Gen. Casimir Pulaski—one of the great heroes of our fight for independence. General Pulaski died of wounds received at the Battle of Savannah and his devotion to the principles of freedom has served as a rallying point and source of pride for all Americans not only those 10 million citizens of Polish descent but freedom-loving people everywhere.

On Pulaski Day we honor the heroes of the Warsaw uprising and the successful soldiers who fought at Monte Casino 25 years ago. Perhaps the most important thought which I had as I watched the parade, and one which I am sure was shared by all in attendance and Americans throughout the city and the Nation, was one of support and good will for the people of Poland who remain oppressed but have never lost the dream of freedom.

Judging from the turnout at the parade and the spirit of the participants, I am confident that the people of Poland will know that they are not alone in their desire for a free Poland and I hope that their determination will be reinforced through our expressions of sympathy and support.

WHITE HOUSE WORSHIP SERVICE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. CONTE. Mr. Speaker, on Sunday, September 21, President Nixon's worship service at the White House was dedicated to the fine men and women now serving in the Peace Corps.

All the directors of the Peace Corps were in attendance, along with the ambassadors from all the countries in which members of the Corps are active. The service was a fitting tribute to the fine men and women who have made the Corps perhaps the greatest export in the history of this country.

An occasion such as this, illustrating international love and cooperation, demanded a sermon above the ordinary, and it received just that in the stirring remarks delivered by Dr. Charles H. Malik, professor at the American University of Beirut, Lebanon, and a former president of the United Nations. The Madrigal Singers of Walt Whitman High School added immeasurably to the beauty of the service.

It was an honor for me to attend this service and a great pleasure to hear Dr. Malik, with whom I have had a close friendship for many years.

Mr. Speaker, I believe the message in Dr. Malik's sermon is as important to each of us in this body as it was to the Peace Corps participants to whom it was directed.

And the solemnity of the occasion was greatly enhanced by the invocation and benediction delivered by the gentleman from Michigan (Mr. VANDER JAGT).

At this time I include both the sermon by Dr. Malik and the prayers by Mr. VANDER JAGT in today's RECORD:

THE SPIRIT MATTERS FIRST

(By Charles H. Malik)

I am honored indeed to be asked to take part in this service in the East Room of the White House. The symbolism of the East Room is profound, for where would the West be without the East? Never was it more necessary, or indeed more healthy, for the West to remember that *ex Oriente lux* than today. But neither can the East prosper and develop without the active assistance of all those, whether in the East or in the West, who can afford to give from their bounty. Such is the state of interdependence and interaction between East and West and North and South today that we have all become members one

XUM

of another. The promotion of this organic membership in the world community is the ultimate calling of peace.

The practice which you, Mr. President, have initiated of pausing now and then for a few minutes, precisely in this center of world power, to consider the eternal verities is most praiseworthy. For time and its exigencies can only be understood in the light and peace of eternity. The momentous decisions which are constantly arrived at under this awesome roof affect not only the destiny of America but the destiny of the whole world. Before this sobering fact I humbly pray Almighty God to grant to this House and its master the necessary lucidity, detachment and strength to fulfill what is eternally expected from America in the service of truth and justice for all men; and, further, to bestow upon him that divine sense of humor without which statecraft can hardly be practiced by mortal man, let alone endured for long.

In history it is always a matter of war and peace, but the crucial question is whether it is war for the sake of peace or peace for the sake of war. This is the deepest distinction which divides men and cultures, namely, whether peace or war is the ultimate nature of things. If peace, then man cannot rest in war, but only in peace, and war must sooner or later be transcended. If war, then man cannot rest in peace, but only in war, and peace must sooner or later be overturned.

The deepest springs from which America has drunk proclaim the rest of peace as the sabbath of the soul.

Where men and cultures differ on this point, it is humanly impossible to reconcile them. When what is in question is the question itself, then it is humanly impossible to agree. The real challenge facing the highest statesmanship today is not so much how to defend hearth and home, nor indeed how to contain and deter external material dangers, as how to make people believe in peace and rest rather than in turbulence and war, how to compose the essentially troubled soul.

I am not thinking of this or that particular situation, nor of specific measures required by the flux of events; I have in mind only the essential character of peace and war in relation to the human soul.

Peace is the perpetual struggle for the preservation and enhancement of the deepest values. Therefore it is always a matter of faith in these values, for where there are no values which man is not prepared to part with, there is no difference between peace and war: man then is like a jellyfish adjusting to and fro to every wind and wave. It is also a question of depth, for to say "deepest" is simply to admit of a scale, so that one can afford to let the deep go, but certainly not the deepest.

The deepest values to preserve and enhance, the values which constitute the very essence of peace, are five: that there is objective, reliable truth open to all men; that there is a power or disposition in man, called reason, which can grasp and assent to this truth; that man can seek and know the truth and therefore be happy only under conditions of freedom; that man is the end, and not nature, nor the machine, nor the state, nor society, nor any institution, nor any compulsive force; and that peace and not war, harmony and not discord, rest and not motion, is the ultimate nature of things.

A moment's reflection will reveal that where there is despair of truth, where reason is derided, where the original freedom of man is denied, where man himself is viewed only as a means, and where the very essence of things is conceived as perpetual change, peace is impossible. In fact life than is not human life at all, and you would want to do something to restore to man his basic humanity.

Nor is it difficult to see that, entirely apart from any external menace, within the Western world itself philosopies have been fermenting for two hundred years or more which preach precisely these false doctrines. It is the maturing of these philosophies in the highest intellectual circles that has, more than anything else, been at the base of the tribulations wihch have so tragically afflicted the university in recent years. What is at stake is not so much war and peace themselves as the deepest spirit and attitude of the West in relation to war and peace.

Peace, most certainly—but the question is, how in peace, how under conditions of peace, how with the blessings of peace, how *just then not to have* your deepest values of truth, reason, freedom, man and peace themselves decay and erode. That civilization is strong and sure of itself in which these values flourish and deepen précisely under conditions of peace. And I am absolutely persuaded that there are in America mighty reserves of spirit and mind and care which will in time stem the tide of the rampant philosophies.

Oh come, let us reason together, let us arrive at some fixed point, let us respect one another in dignity, equality and freedom, let us love one another because we are all men, and let us set our heart on peace and not on contradiction and war—Ah this should be blazed today as the living motto of all those in whose hands Providence has placed the fate of nations and men.

The spirit matters first. Therefore, give me the right spirit, the spirit of truth and trust and cooperation and love, no matter how difficult and impossible the conditions, and I give you peace.

The spirit matters first. Therefore, if you are confronted with the wrong spirit, the spirit of contradiction and nihilism and hatred, then, no matter how wonderful the conditions, whether economic or social or political, peace is impossible.

A man has an over-all spirit about him—that is his character, that is his name. So has a culture, so has a philosophy, so has a total epoch. What matters first is that spirit. If it is the spirit of peace and truth, then all problems will be ironed out. If it is the spirit of radical rebellion, then peace is ephemeral indeed. Make sure first of the spirit.

And the spirit is always unitary and original. How to induce the spirit of truth and trust, especially where there is rebellion against it, how to call it forth by patience and example, how to be responsive to its demands, how to plan everything in its service and for its sake; and how to exorcise the spirit of rebellion and darkness—this is the authentic task of statesmanship. And one must have faith that even in the teeth of absolute negation, because the spirit matters first, the spirit of trust and love will ultimately prevail. It is always, always, therefore, a question of faith.

And yet not for one moment may one be caught napping. The ancient dictum, "watch and pray," is of the utmost importance. For nothing is easier than to be tempted into laxity and ease when one should be absolutely on the alert. And the watching and praying should be meant, and should be unmistakably understood as being meant, only for the sake of peace.

In the end of ends one must always be humble before the will of God, for all talk about peace is sheer human rationalization. The peace of God is truly beyond our ken. Again and again in history the peace that supervened could never have been planned or predicted in detail in advance. And again and again the flimsy peace of man broke down because it did not correspond to the inscrutable peace of God.

Perhaps the greatest Anglo-Saxon philosopher of this century. Alfred North Whitehead, who was my honored teacher, said of peace: "Amid the passing of so much beauty, so much herioism, so much daring, Peace is then the intuition of permanence. It keeps vivid the sensitiveness to the tragedy; and it sees the tragedy as a living agent persuading the world to aim at fineness beyond the faded level of surrounding fact." (*Adventures of Ideas*, New York, Macmillan, 1933, p. 369.)

Therefore, there is no peace without the sacrifice of much beauty, much heroism and much daring, and those who crave for peace without facing the possibility of making this sacrifice are craving the impossible. There is no peace where there is noting permanent to justify the sacrifice. And there is no peace without sensitiveness to tragedy—the tragedy, according to the philosopher, which "persuades the world to aim at fineness beyond the faded level of surrounding fact."

Gentlemen of the Peace Corps:

I know you know that you cannot meet all the needs of the world. Nor can you impose your own scale of values. You become relevant precisely where your range of possibilities meets others' range of needs. It is there that you can throw in your two mites worth.

I beg you to throw it in selflessly, from the bounty of your heart, with complete respect for the values of others, steering wholly clear from all politics, and accepting the price of possible misunderstanding and attack.

Let it only be said that you came in when asked for and did the best you could and asked for nothing in return.

Let it be said that a mighty nation looking after its own interests in other ways could still afford to be helpful in complete detachment from its interests. For greatness consists precisely in being so sure of yourself as to have the time and the margin to forget about yourself.

Surely this is the spirit of the Peace Corps—the joy of serving and giving in complete detachment from politics.

And if you find yourselves receiving, in terms of wisdom and experience, perhaps just as much as you are giving, do not let that disturb you, for you can never tell when or how the mustard seed will grow into a mighty tree.

We learn from each other in order to teach one another, and we receive in order one day to give. And so the unity of man across the vastness of space and time is deepened and affirmed.

And to you, Gentlemen, who represent the countries which cooperate in this undertaking, permit me to say one word:

You are heirs of great cultures and traditions; hold on to your deepest values; and know with certainty that you are as much giving as receiving—giving, by permitting others to give; giving, by having given so much yourselves in the past; giving, by enabling others now to learn.

And whether rulers or ruled, whether great or humble, whether strong or feeble, whether givers or receivers, it behooves us all in conclusion to listen to the words of a great prophet:

"Thus saith the Lord, Let not the wise man glory in his wisdom, neither let the mighty man glory in his might, let not the rich man glory in his riches: but let him that glorieth glory in this, that he understandeth and knoweth me, that I am the Lord which exercise loving kindness, judgment, and righteousness, in the earth: for in these things I delight, saith the Lord." (Jeremiah 9:23–24.)

Invocation

Thou God of all nature and all people everywhere, we know that Thou hast promised that where two or three are gathered together in worship there wilt Thou be also. In these moments of worship together wilt Thou still our racing minds and restless hearts so that we may be still and know that Thou art God. From a sense of Thy presence here with us this morning may we renew our dedication to the dream and fact that all men are brothers intended by

Thee to live together in peace and friendship. Fill us with love—love for one another and love for Thee, the source of all love and understanding and peace. Amen.

BENEDICTION

May the peace of the God of East and West, North and South, rich and poor, young and old, be with each of us, both now and forever so that God will be able to say of our efforts to build peace, each in our own individual way, "Well done thou good and faithful servant."

AID FINANCED SUPPORT OF CONSTRUCTION ACTIVITIES

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mrs. HANSEN of Washington. Mr. Speaker, the incumbent administration has announced a 75-percent cutback in some domestic public works programs.

In this light, it is interesting to compare the public works budget of $4.2 billion for domestic programs with the AID request of $2.4 million for foreign programs. On Wednesday, the full House will consider the public works bill, including construction programs in all parts of the country.

For comparison, I asked AID to outline construction activities planned in its budget. I submit the reply for inclusion in the RECORD:

AID FINANCED SUPPORT OF CONSTRUCTION ACTIVITIES

The proposed FY 1970 A.I.D. program of $2,443 million provides funds necessary to sustain long term development programs. These programs for the most part continue the supply of U.S. goods and services to support ongoing activities in agriculture production, family planning, industrial modernization and growth, malaria eradication, and technical services and training.

The requested program will support activities in the following ways:

Development loans totalling $1,246 million, or 51 percent of the total program, to provide funds for the import of goods and services from the United States;

Technical Assistance grants totalling $485 million for advisory services, training and limited demonstration commodities for bilateral assistance efforts and voluntary contributions to the United Nations and its related agencies;

Supporting Assistance funds totalling $577 million concentrated in Vietnam and other East Asian neighbors for commodity import programs and technical assistance activities; and

Funds for Administrative Expenses, Contingency Fund and other contributions and activities totalling $83 million.

The majority of these requests provide funds for continuing activities—activities which are directed toward achievement of long term development objectives tied to important self-help activities, such as import liberalization or economic stabilization, which require continued availability of raw materials, machine tools, spare parts and agricultural inputs such as fertilizer, pesticides, pumps, tractors and harvesting equipment.

Funds are also required to support ongoing Technical Assistance activities in university development, family planning, technical skills training or expansion of host country agriculture extension services. Each of these may require a number of years to build an adequate human resource base to be independent of external assistance.

Under the FY 1970 Technical Assistance program of $485 million a total of $110 thousand would provide funds for construction of facilities supporting agriculture and family planning activities in Latin America.

The Vietnam program, which is financed from the Supporting Assistance request, is excluded from consideration in accordance with the President's recent instruction on construction cutback.

Of the $1,246 million requested for the development loan program, $763.5 million is needed for the major development efforts under way in Korea, Indonesia, India, Pakistan, Turkey and parts of Africa. The Alliance for Progress needs $482.5 million in Development Loans to continue the present level of activity under way in Latin America. The major portion of this category of aid—$1,005 million—is allocated for program and sector loans to import goods from the United States.

Only a limited amount of Development Loan and Alliance Development Loan Funds—$242 million—provides funds for new project lending activity. Of this amount, *only $84 million*, or *less than 4 percent of the overall program request*, will provide development loan funds for new construction activities. On the basis of past experience less than 1 percent—or $8.4 million—will be spent in the first year after the loan is authorized.

The following table indicates the break between construction and non-construction project loans by region:

PROPOSED FISCAL YEAR 1970 PROJECT LENDING BY REGION

[In millions of dollars]

	Construction	Non-construction
Near East and South Asia	15.0	5.0
East Asia	25.0	35.0
Africa	22.0	35.7
Latin America	19.4	85.0
Total	81.4	160.7

MEDICAL PROFESSION IN MARYLAND ON TEMPORARY DOWNGRADE

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. TIERNAN. Mr. Speaker, on July 24 last summer, an incident occurred in Maryland which served to temporarily downgrade the medical profession. On that date Dr. Herbert Klingelhofer, a dentist in Montgomery County, refused to treat a student from Maryland State College who had made an appointment to see him over the phone. The reason is simple—the girl, Linda Marlene Jones, is black.

While the Southern Maryland Dental Society refused to take any action against Dr. Klingelhofer, a strong statement was issued by Dr. Hubert McGuirl, president of the American Dental Association. Dr. McGuirl rightly pointed out that:

> There is no alternative for the professional man in that he must place first his service to the public.

The Southern Maryland Dental Society pointed out that there are no laws on the books regarding the right of dentists to choose their patients for whatever reason. Mr. Speaker, it is a sad commentary on our society that statements such as this are made, for they reflect the imperfection of human justice, the inadequacy of human compassion.

I am pleased to report that while Dr. Klingelhofer had no action taken against him, the Maryland State Dental Association last week voted to add a provision condemning discrimination to its code of ethics. I believe that such a step would never have been taken had it not been for the forthright statement issued by Dr. McGuirl. As fellow Americans, we owe him our appreciation and our thanks.

BROWN RESOLUTION CALLS FOR STRONGER ACTION IN SMOG CONSPIRACY CASE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. BROWN of California. Mr. Speaker, despite the enormous cascade of public outcry against the Justice Department's ploy to settle the smog antitrust suit brought against major car manufacturers by closed-door negotiations, the Nixon administration so far has shown no signs that any of the criticisms of this move are being heard and weighed. The time is drawing near to the day when the court must rule on accepting the proposed consent decree, and if that decree is granted, the struggle to keep this Nation's air safe and healthy will have suffered a major setback.

Since the administration is deaf on this issue, I believe that Congress must take immediate and positive action in regards to the proposed consent judgment.

Today I am introducing a resolution, House Resolution 569 which puts the House of Representatives on record against the Justice Department's proposed decree.

My resolution contains four parts.

The first part would express the sense of the House that consent should be withdrawn by the Government from the proposed consent judgment.

The second part would urge a full, public trial of the case.

The third part, offered as a second-choice alternative to a full, public trial, would call for a stronger, better, negotiated consent judgment. Specifically, it would ask for an "asphalt clause"; that is, a provision requiring the defendants not to contest liability in private damage cases filed, on the basis of this judgment, by States and municipalities; a provision requiring the defendant manufacturing companies to install, at their own expense, emission-control devices on all automobiles made by them and registered currently in California, which do not already contain such devices on a par with those currently required on new cars sold in the State; a requirement that the defendants prepare written records of all their future activities in the area of emission control; that they maintain such records for 10 years after preparation, make them available to inspection by the Government's attorneys, and submit annual summaries to the Government; and that the defendant Automobile Manufacturers Association make available for public inspection and copying all documents prepared and exchanged by the defendants, pursuant to their joint activities on pollution-control devices, for the past 10 years—the present proposed judgment would release such documents to the public only for the past 2 years.

The fourth part of my resolution would express the sense of the House that the full transcript of the 1966–67 grand jury investigation of this conspiracy, including subpenaed documents, should be made a part of the public record in this action, if it is settled by negotiation and without trial. It is within the power and discretion of the judge to release the grand jury transcript, under rule 6(e) of the Federal Rules of Criminal Procedure.

Mr. Speaker, the content of my resolution contains some drastic steps, but we must remember how crucial the fight for clean air is. Motor vehicles are the main contaminant of our atmosphere, and the costs—in terms of poor health, wasted resources, and remedial programs—resulting from the failures of automobile manufacturers to fully assail the emission problem cannot be termed anything but staggering.

Daily, the list grows of public bodies and other organizations and individuals who wish to intervene in this overall case. Last week, two major southern California counties—Santa Barbara and Orange—voted to seek such intervention; so has New York City, and so has a host of other towns and cities from across the country.

Prompt congressional action on my proposed resolution can be a significant step in reversing the administration's sell-out stance on this issue. I am writing to Chairman CELLER urging that he schedule immediate hearings on this resolution, and I advise my colleagues to do all they can to insure that the right to clean and healthy air will not be compromised.

Mr. Speaker, I insert the text of my resolution and the text of rule 6(e) of the Federal Rules of Criminal Procedure in the RECORD at this point:

H. RES. 569

Whereas, on January 10, 1969, in the complaint filed in *United States of America, v. Automobile Manufacturers Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; and American Motors Corporation, Defendants,* Civil Action No. 69–75–JWC, in the United States District Court for the Central District of California, the plaintiff charged that the defendants had combined and conspired over a period of fifteen years or longer to retard and impede the development, introduction, and installation of exhaust pollution control devices for motor vehicles; and

Whereas, motor vehicles powered by internal combustion engines account for not less than fifty per centum of the more than one-half million tons of pollutants and poisons emitted into the ambient air of the United States of America every day; and

Whereas, the plaintiff and defendants in the said civil action, on September 11, 1969, filed in the said court a stipulation providing for the entry of a consent judgment on or after 30 days after the date of such filing, unless the plaintiff sooner withdrew its consent; and

Whereas, a negotiated settlement of the said action, without trial and without admission of wrongdoing by the defendants, would gravely disserve the interests of present and prospective private civil litigants, the public interest in full knowledge of the truth or falsity of and the circumstances surrounding the conspiracy alleged in the complaint, and the public interest in the strongest possible incentives to the defendants and others to terminate speedily the contamination of the atmosphere: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) The plaintiff, the United States of America, should withdraw its consent to the entry of a Final Judgment as proposed by and appended to a Stipulation for Entry of Consent Judgment filed on September 11, 1969, in *United States of America* v. *Automobile Manufacturers Association, Inc.,* et al., Civil Action No. 69–75–JWC, in the United States District Court for the Central District of California;

(2) The plaintiff should insist upon and press forward with a full, open, and public trial of all and each of the allegations of the complaint in the said action;

(3) In the alternative, the plaintiff should, if it be determined to end the case without trial, negotiate a substantially stronger and better consent judgment, containing at least the following provisions in addition to or in lieu of the provisions of the consent judgment presently pending:

(a) an "asphalt clause," which is to say, a provision for the admission of liability by the defendants in civil treble-damage suits filed by State governments and municipal subdivisions thereof, founded upon the conspiracy alleged in the complaint, which provision would be similar to but broader than the provision to a like effect, for the benefit of one State and its municipalities, in the judgement entered in *United States of America* v. *Lake Asphalt & Petroleum Co.,* Civil No. 59–786–M, in the United States District Court for the District of Massachusetts (1959);

(b) a provision requiring each of the defendant manufacturing companies to take immediate, affirmative steps, at its own expense, to alleviate the effects of the combination and conspiracy alleged in the complaint, by installing an exhaust pollution control device on each motor vehicle currently registered in the State of California, manufactured by it and containing no such device at present, such devices to be in compliance with standards of emission presently required by California for new vehicles sold in that State;

(c) a provision that each of the defendants shall keep full, written records of its activities in the subject matter of the complaint, shall maintain such records among the records to be available for plaintiff's inspection for a ten-year period after the preparation thereof, and shall file annually with the plaintiff's Department of Justice, Antitrust Division, summary reports of such activities; and

(d) a provision similar to but stronger than section VI(A)(3) of the consent judgment filed on September 11, 1969; such amended provision to require the defendant association to make available for inspection and copying by all interested members of the public all technical reports prepared and exchanged by the defendants during a period of ten (instead of two) years prior to the entry of final judgment; such amended provision also to omit the proviso contained in section VI(A)(3) of the final judgment presently pending;

(4) If the said action be terminated by negotiation and without trial, whether on the basis of the present pending Final Judgment or another and later substitute Final Judgment entered by consent, the plaintiff should, prior to entry of any such consent judgment, move the court to exercise its discretion and power, under Rule 6(e) of the Federal Rules of Criminal Procedure, to enter into and make a part of the public record of the said action the full transcript of proceedings before, and all documents subpoenaed by, a grand jury which conducted an investigation of the subject matter alleged in the complaint in this action during 1966 and 1967.

FEDERAL RULES OF CRIMINAL PROCEDURE

Rule 6. The Grand Jury

* * * * *

(e) Secrecy of Proceedings and Disclosure. Disclosure of matters occurring before the grand jury other than its deliberations and the vote of any juror may be made to the attorneys for the government for use in the performance of their duties. Otherwise *a* juror, attorney, interpreter, *stenographer,* operator of a recording device, or any typist who transcribes recorded testimony *may disclose matters occurring before the grand jury* only *when so directed by the court* preliminarily to or *in connection with a judicial proceeding* or when permitted by the court at the request of the defendant upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury. *No obligation of secrecy may be imposed upon any person except in accordance with this rule.* The court may direct that an indictment shall be kept secret until the defendant is in custory or has given bail, and in that event the clerk shall seal the indictment and no person shall disclose the finding of the indictment except when necessary for the issuance and execution of a warrant or summons. [Emphasis supplied.]

CERTAIN DAYS SET ASIDE TO REMEMBER OUR PAST

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. ROGERS of Florida. Mr. Speaker, America is said to be a melting pot of various nationalities which have come together here to make a great and harmonious nation. For many years we took note of certain days set aside to remember our past, but for some years it was out of fashion.

It is encouraging to note that once again, Americans can look at their diverse past with pride, while not diminishing for a moment their unity today.

Radio Station WXVI of West Palm Beach has undertaken a project of recognizing nationality days with special music and editorial comment. St. Patrick's Day, Columbus Day, and others, have been selected for this special programing; with the Fourth of July and similar American holidays taking note of the united people which has emerged from these different backgrounds.

I think this is a pattern which could well be developed further, by other news media and by civic and patriotic groups. We are after all one people of many different backgrounds, and our past has played an important role in the development of our unique American institutions. This can be done without any backsliding or division. It should cover the widest possible territory, not just the Irish or Italian or English or Scandinavian or German, but the African, Spanish, and all other immigrant groups which have come together here in America as one people.

I congratulate WXVI for their initiative, and hope that their idea will spread.

IT JUST GROWS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. DERWINSKI. Mr. Speaker, as we continue the frustrating struggle to establish some semblance of control over the huge Federal bureaucracy, it is essential that we remember the taxpayers who bear the burden of the Federal colossus and who sincerely wish it would stop growing.

An editorial carried in the Wednesday, October 1 edition of the Southwest Graphic, a weekly publication of Tri-County Publishing Co., Lemont, Ill., effectively tells the story of the heavy burden of big Government:

It Just Grows

Everyone kicks about big government, but no one seems to be able to do anything about it. Government, like Topsy, just grows. And, as government grows, freedom diminishes. However, the near maxim that the trend toward bigger and bigger government is inevitable and irreversible could possibly turn out to be a fallacy.

The largest farm organization in the country, the American Farm Bureau Federation, representing well over a million U.S. farm families, who have endured more than 30 years of government subsidies and controls, now supports federal legislation aimed at gradually unshackling agriculture from governmental domination.

Businesses, professions and other groups that have been following the path of agriculture toward big government domination may one day look upon the present action of the Farm Bureau as both a turning point and a guide in the endless struggle to preserve independence. The Agricultural Adjustment Act of 1969, which is strongly supported by the Farm Bureau, is a carefully thought-out program that will gradually restore free market principles to agricultural operation. Under it, as Charles B. Shuman, president of the Farm Bureau, points out: "the transition to the market system would be gradual. Substantial payments would be made during the transition period to help farmers make needed adjustments . . . At the end of the proposed phase-out of acreage allotments, marketing quotas, base acreages, certificates and government payments . . . each producer would be free to . . . make the best uses of his resources in the light of the market outlook. Thus, the way would be clear for farmers to earn and get higher incomes in the marketplace.

With this kind of citizen leadership, it may prove possible to live with relatively "big government" and preserve our liberties at the same time.

KOCH NEWSLETTER

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. KOCH. Mr. Speaker, this week I am issuing my third newsletter. One hundred and sixty-five thousand copies of this report are being mailed to residents of the 17th Congressional District in New York.

My report outlines some of my congressional efforts during the past 3 months, both here in Washington and in New York City: Tax reform; my bill to establish a Presidential Commission on Marihuana, and the conference I held in New York City in conjunction with this legislation; and an outline of New York City's rent law—which law I proposed when a member of the city council and the passage of which I urged upon the mayor while a Member of the Congress because of the great housing shortage in New York City. It is my position that until sufficient housing units are available to meet the need, something that cannot happen until there is adequate Federal funding, the existing units must be rent controlled to protect against rent gouging.

Commencing with an essay on race relations, the newsletter read as follows:

Race Relations

Dear Constituent and Fellow New Yorker:

This summer our Nation was spared a major racial riot. Yet minor disturbances in our cities continue and overall I think it is accurate to say that race relations in America are deteriorating. This erosion of good will, this deepening of suspicion between the races is the most difficult and vexing problem facing us as a people.

I think it is necessary for those of us who are identified as liberals to give fresh attention to this problem. In doing so I think it is important that we avoid becoming captives of the rhetoric and solutions of the past—when they reveal themselves to be wrong or inadequate or simply no longer relevant.

It is a sad fact about the human condition that community strife appears to be the rule rather than the exception. The unrest caused by tension between French and English speaking communities in Canada, between Catholics and Protestants in Northern Ireland, between Ibos and other tribal groups in Nigeria, between Greeks and Turks in Cyprus, between Chinese and Malays in Malaysia—these and many other examples demonstrate how rare is true harmony among different groups living in close proximity.

A great deal has been done in the past two decades to assist the black community and to give it a new place in the national community. We have changed old ideas about the Constitution, enacted major new laws, created new voting patterns and elected black officials in significant numbers.

No doubt a lot more must be done in all of these areas. Laws must be enforced. Funds must be appropriated and responsibly spent to give substance to the legislation of the past eight years.

Nonetheless no one should ignore or belittle the fairly widespread reaction of whites, in particular the working and middle classes who live in and around our cities. These are families who have children in school, who budget their money carefully and who know how much they pay in taxes.

I believe these people at first sympathized with blacks and supported their goals. Voting irregularities, discrimination in public facilities, inferior education, difficulties in getting a job—all of these are abhorrent to the sense of fairness with which most Americans are endowed.

But with the growth of militancy and the spread of racial violence, the good will of much of white America has disappeared.

Parents are worried about our schools. My conversation with constituents—black and white, conservatives, liberals and radicals—have reinforced my opinion that parents will not sacrifice the education of their children no matter what the cost and no matter how sincere their dedication to the goal of integration.

People are bitter about the taxes they pay. They are particularly angry that a portion of their hard-earned wages are used to support able-bodied men on welfare. We know that most welfare recipients are not able to work. Yet there are able-bodied men presently getting welfare checks—approximately 30,000 in New York City alone—who can work but do not.

There are thousands of jobs in New York City—many requiring no skills—that go begging because of a lack of applicants. I have heard it said by those in charge of our welfare system that welfare recipients will not accept these "dead end" jobs. Yet most of our blue-collar workers took such jobs and worked their way up. They met discrimination and hardship, and overcame them. And now they, wrongly or not, fail to understand why others do not do the same.

There are some obvious answers to some of the racial problems in our great cities. One of course is money. Funds for housing, education, health and other needed programs lag at every level—local, state, and federal. But the hard fact is that even if we had the funds we need, race relations would still be a major concern.

The question which faces legislators and all of us is this—what, realistically, do reasonable men of good will do now? It is easy to advocate a program that is designed to promote the interests of one racial or economic group. But our society is complex, and it requires real statesmanship to speak honestly to and for all communities.

As a liberal, I believe I have a special responsibility to come to grips with this issue. I think that those who have accepted or tolerated violence in pursuit of noble ends and have ignored the decline of neighborhoods, the deterioration of schools, and the problem of law enforcement are doing a great disservice to the cause of economic and social justice.

These are some of my present thoughts. I do not pretend to have the answers; I am soliciting your help in finding them. On this issue, your opinion and recommendations are most important to a public official. Please write.

Taxes

A plea to those interested in lower taxes. The tax bill which passed the House on August 7 lowers taxes for those apartment house dwellers who take the standard deduction by increasing the deduction from the existing 10% to 15% by 1972. The House bill also gives tax relief to single people over 35 maintaining their own households.

Now the Nixon Administration has proposed to the Senate Finance Committee that the standard deduction be reduced to 12% and that the tax relief to single people be cut by one-third.

I urge you to write immediately to Senators Javits and Goodell and request that they support the tax relief provided in the House passed bill.

New York City Rent Law

Since passage of the new Rent Stabilization Law of 1969 ("RSL"), my New York Office has tried to resolve much of the confusion which tenants have experienced. Here is an outline of the basic provisions set forth under the new law and established guidelines, which though necessarily brief, will hopefully answer many of your questions.

APPLICABILITY

(1) All tenants in privately owned buildings not under rent control which contain 6 or more units.

(2) All tenants in residential hotels paying $350 or less per month as of May 31, 1968.

ALLOWABLE INCREASES

(*1*) *For renewal leases*

(a) 10% for 1 year lease (a tenant must be given an option to extend lease for 1 more year without any additional increase).

(b) 10% for 2 year lease

(c) 15% for 3 year lease

A landlord may not refuse a tenant the right to renew his lease except when the apartment is to be legally withdrawn from the rental market, or when the tenant has violated the terms of the lease.

(*2*) *For new occupants*

(a) 15% for 1 year lease (a tenant must be given an option to extend lease for 1 more year without any additional increase).

(b) 15% for 2 year lease

(c) 25% for 3 year lease

For new occupants a landlord is required to attach a rider stating the name of the previous tenant and the amount of rent he or she paid.

OTHER INCREASES

In certain cases, a landlord may apply to the Conciliation and Appeals Board established under the RSL for the approval of increases over and above those allowed under provisions of the RSL. The Board also has the power to arbitrate all disputes that may arise.

The allowable rate of rental increases is to be reviewed annually beginning July 1, 1970.

REFUNDS

The law applies to leases signed since May 31, 1968. To be eligible for a refund, a tenant must have been in occupancy on or after January 1, 1969.

All monies charged since January 1, 1969 in excess of the allowable rent under RSL must be refunded.

IF THE LANDLORD DOES NOT COMPLY

If the landlord is not a member in good standing with an association registered with the Housing Development Administration or willfully violates the RSL, his property may be placed under rent control.

JUNE 18 QUESTIONNAIRE RESULTS

All responses received from the last questionnaire were tabulated and they produced the following results:

Over 29% of the respondents indicated that the most important tax reform measure the Congress could pass was one closing the loopholes and redistributing the tax burden. This was followed by 17% giving top priority to an increase in the personal exemption to $1200. Tax relief for single persons and a cut in the oil depletion allowance followed.

90.6% of the respondents favored making "substantial cuts in the military budget"; leaving 9.4% opposing such cuts. And in response to question number three of whether "the federal government should withhold federal funds in cases of campus disorders," 25% said yes and 75%, no.

The final question inquired, "what national problems do you think most urgently require action by Congress this year?" The overwhelming choice was Vietnam followed by taxes and urban problems. Other items mentioned were pollution, inflation and a reduction in the military budget.

52% of the respondents were women and 48% men.

MARIHUANA

Last May I introduced a bill which would establish a Presidential Commission to study the medical, social, and legal questions pertaining to the use of marihuana.

I think that our existing method of punishing all marihuana users as criminals only exacerbates the problem. Current criminal penalties have failed to solve the problem of increased marihuana use because young people have not been persuaded they do themselves or others any harm.

My bill does not suggest in any way that marihuana be legalized, nor does it prescribe the nature of penalties for its use; those questions should properly be left to the Commission to decide. In light of the ignorance, confusion and controversy about marihuana, we urgently need an authoritative study that sweeps away old myths and shibboleths and establishes in their place intelligent up-to-date conclusions and recommendations.

The bill has also been introduced by Senator Moss and is now the subject of hearings before the Senate Judiciary Committee. Attorney General Mitchell recently voiced his support for the idea of a Commission on Marihuana.

The bill received editorial support from the *New York Times* on September 15 and the following statement from the *Times* encourages me in the forthcoming legislative effort to be made when the House Judiciary Committee holds hearings on the bill.

"There has been nothing in the United States comparable to the investigation proposed by Mr. Koch, either in scope or in the stature of the investigators. It is time the American people had the hard facts on a possible soft drug."

In addition, I included a reprint from the CONGRESSIONAL RECORD of September 17, reflecting two opposing congressional views on Vietnam: those of the distinguished gentleman from Ohio (WAYNE L. HAYS) and mine.

VIETNAM: TWO OPPOSING CONGRESSIONAL VIEWS

Mr. KOCH. Mr. Speaker, yesterday President Nixon announced another token withdrawal of American troops from Vietnam. Though any withdrawal deserves support, it will still leave 484,000 American troops in that war-torn country.

The President has said that our troop withdrawals will be predicated on three conditions: First, the level of enemy-initiated combat; second, the rate of progress in the Paris peace talks; and third, the increased capacity of the South Vietnamese forces to assume a greater share of the combat burden. And yet, the fighting continues, the peace talks stall, and the Saigon regime remains unwilling or incapable of assuming the full combat burden of their own war.

Almost every week that passes, more than 150 Americans are being killed in Vietnam. If withdrawals remain predicated on the conditions outlined by the President, thousands more American lives will be lost.

It is clear, without assessing blame, there appears to be no prospect of a cease-fire taking place in Vietnam. I believe that the American public will no longer accept a slow, tactical withdrawal if the price for such delay is the continuing loss of our finest young men on the battlefield.

Let the President announce that total American withdrawal is to commence immediately. Let our policy be committed to saving lives rather than saving face. Every American life lost until our troops are finally withdrawn is an unnecessary tragedy and one which no family should be required to bear.

REPRESENTATIVE WAYNE L. HAYS, DEMOCRAT, OF OHIO

Mr. HAYS. Mr. Speaker, I find myself in general agreement with the minority leader and the gentleman from New York (Mr. STRATTON) on the proposed withdrawal of troops in Vietnam. And if I understood the minority leader correctly I am glad to know that the President has made a decision not to surrender and not to allow the South Vietnamese to be taken over willy-nilly by the communistic regime of North Vietnam.

The first speaker of the day, the gentleman from New York (Mr. KOCH), if I understand him and his numerous speeches on this subject, is for a quick Communist victory. I would advise the gentleman that the American public opinion, however he may view it, is extremely mercurial and, while American public opinion is for ending the war in Vietnam, it is for ending it honorably. If the gentleman had his way and we surrendered to the Communists and allowed them to murder—which they would do—a few hundred thousand people in South Vietnam who disagreed with them, I believe the gentleman's constituents who sent him here might find his philosophy unacceptable. At least, I hope they would.

(I would like to hear from you. Am I representing your point of view? Or is Rep. Hays correct in his evaluation?)

The newsletter also contained two photographs, one of me in my office with two paintings on loan from the Guggenheim Museum in New York City. The caption read as follows:

CAPITAL TOASTS THE KOCH GALLERY OF ART

Some of the major art museums in the 17th C. D., including the Guggenheim, the Whitney, and the Museum of Modern Art, have lent my Washington office eight original paintings. I wanted my office to reflect the district—the modern art center of the world. In the photograph above, Cameron Booth's "Moment's Insight" is at the left and Paul Jenkins' "Phenomena Blue Carrier" is at the right. My "gallery" opened on July 29th.

The other photograph was of the seven panelists who participated in my June 20, 1969, Conference on Marihuana. Its caption read as follows:

In conjunction with the legislation I have introduced, I held a conference on June 20th on the topic of marihuana at Mt. Sinai Hospital in New York City. The seriousness of this problem and the community interest were underlined by the fact that over 100 individuals and civic organizations joined in sponsoring the conference in which seven experts participated.

HIGH INTEREST RATES—HOUSING CRISIS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. ANDERSON of California. Mr. Speaker, today we have approximately 50 million housing units in the United States. By 1980 we will need approximately 75 million units. This is an increase of 25 million units in the next 10 years. If this goal is not reached, many will not have adequate housing. Thus, I was most disturbed to see reported that Mr. Romney, Secretary of Housing and Urban Development, forecasts that housing construction could fall below 1 million units for this year. Secretary Romney placed the blame for the dearth of housing construction on the high cost of borrowed money and soaring wage rates in the building trades. To date, I fail to see where the President has made any attempt to stop inflation by curbing the soaring interest rates. Since last December the Nixon administration has presided over a 37.5-percent increase in interest rates—the highest rate of interest in American history. Unless some action is taken, there appears to be no end in sight to the rising interest rates.

I totally agree with Secretary Romney that the housing shortage rests with the high cost of borrowed money. Secretary Romney apparently recognizes the problem, but he needs the support of the President if the Nation is going to meet its housing needs.

The President can take measures to curb the cost of money such as was Government policy following World War II when interest rates were held stable. Apparently, the President considers housing of a lower priority than enriching the banking and other lending institutions. Unless the President realizes the implications of an excessively high interest rate, I fear a housing shortage of crisis proportions in the next decade.

WEST FALMOUTH, MASS., BEACHES SPOILED BY OIL SPILL

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. KEITH. Mr. Speaker, recently an oil barge, loaded with diesel fuel bound for Boston, ran aground in West Falmouth, Mass., and spilled 134,000 gallons of its cargo onto the waters and beaches of this resort community.

The damage was extensive, and it hit the community in several ways. The scientists in Woods Hole, for example, who had long used the area for gathering specimens, have been deprived of their most fruitful collection spots. The beaches—on which so much of the town's economy is dependent—were spoiled for several miles, and although attempts were made to clean up the mess, much of the coastline still shows and smells of oil.

Not the least of those hit by this tragedy were those who made their living by harvesting the abundant sealife of the area. Shellfish and lobsters, both formerly plentiful in those waters, now are either dead or condemned by health authorities. For years to come this once-bountiful coast may be barren of the clams and quohogs that formerly attracted hundreds of residents and dozens of commercial diggers.

One of those hardest hit by this accident is Mr. John Sampson of Buzzards Bay. He has written me a most moving story, and I think it is worthy of the attention of the Congress and the Nation. It follows:

BUZZARDS BAY, MASS.,
September 21, 1969.

DEAR CONGRESSMAN HASTINGS KEITH: In regard to the recent oil spill in Falmouth, Mass., waters, I thought it would be in interest to all to know while tending to my lobster traps on Friday, September 19, 1969, in the area of Falmouth, Mass. I discovered over half of the lobsters were dead and many were very weak. I don't believe they will live.

Because of this situation, the loss to my income will amount to several thousand dollars a year. The loss in this area will amount to great damage for at least seven to eight years to come.

I have been a commercial lobster fisherman for 18 years and have never seen such a sickening looking mess in all of my years.

Today, September 22, 1969, I tended to the same traps in the area of the oil spill and found no life in the waters.

The whole area is a complete, total, disaster to marine life.

Sincerely yours,

JOHN SAMPSON.

HUGE INCREASE IN GRAPE SHIPMENTS

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. O'HARA. Mr. Speaker, in fiscal 1969 the Department of Defense purchased 2.5 million pounds of table grapes for our servicemen in Vietnam.

This was a rather substantial—to say the least—increase in grape shipments to Vietnam. The 2.5 million pounds shipped to Vietnam in fiscal 1969 amounted to a 350 percent increase in grape shipments over the previous year.

The development of a voracious appetite for grapes on the part of our fighting men was of considerable interest to some of us in Congress.

As you know, a labor dispute is swirling through the California vineyards. The United Farm Workers Organizing Committee has struck many of the grape growers in California's rich agriculture valleys. It has also instituted a nationwide—indeed, worldwide—boycott of California table grapes.

In the past year this boycott has been remarkably effective and the sales of California table grapes has dropped sharply.

Meanwhile, the Pentagon began increasing its orders—sharply.

Some of us questioned the coincidental increase in Pentagon purchases at a time when private sales of grapes were decreasing.

In fact, we advocated then—and still do—a position of neutrality in this labor dispute by all Federal agencies. We suggested that a substantial increase in purchases of grapes did not reflect a neutral position, but in fact tended to help the grape growers during a very difficult time in the labor dispute.

Early this year the special subcommittee on labor questioned the Department of Defense about its grape purchases.

The Pentagon admitted that it had purchased a lot of grapes during fiscal year 1969. But it said it did so because:

> In July of FY 69 a shortage of export quality oranges was predicted for the September-November period. All requisitioners in the Far East were advised of this and asked to consider grapes as a substitute.

Happily, there will be no shortages of oranges this year. I recently came across newspaper reports which indicate that the Florida orange growers are anticipating a record crop and expect to harvest 145 million boxes of oranges.

Knowing that the Department of Defense would be interested in this news, I wrote the Defense Secretary, Melvin Laird, and enclosed a copy of the newspaper report.

I also suggested that he pass the word along to his requisitioners.

A copy of my letter to Secretary Laird and the news report referred to therein follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 1, 1969.

Hon. MELVIN R. LAIRD,
Secretary, Department of Defense,
The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: I am enclosing a copy of a news article which I think will be of great interest to those in the Department of Defense responsible for requisitioning food supplies for our military men.

The crux of the news article is this: Mr. O. J. Huff, Jr., Chairman of the Florida Citrus Commisson, reports that Florida anticipates a record crop of oranges this year. He estimates that growers in his state will harvest 145 million boxes of oranges. Further, according to Mr. Huff, these oranges will be "vintage fruit," meaning that they will have higher solids and more juice than usual.

As you know, other Members of Congress and I have been highly critical of the past tremendous increase in the purchase of table grapes by the Department of Defense, in the light of the labor dispute now in existence between the California grape growers and the United Farm Workers Organizing Committee.

This year, a reported shortage of oranges of export quality was one of the reasons given by the Department of Defense for increasing its purchase of table grapes during fiscal 1969.

I quote from a Department of Defense reply to questions submitted by the House Special Subcommittee on Labor: "In July of FY 1969 a shortage of export quality oranges was predicted for the September-November period. All requisitioners in the Far East were advised of this and asked to consider grapes as a substitute." For your reference, a copy of the question and the complete DOD answer is attached.

I was pleased—as I know you will be—that the Department of Defense will no longer be forced to resort to the purchase of these grapes in the absence of oranges.

This, I believe, will permit the Department of Defense to return to the status of the true neutral in the grower-UFWOC labor dispute.

Permit me to say, too, that I think Mr. Huff's report will be welcomed by our men in Vietnam who are "fed up to here" with 2.5 million pounds of grapes.

I hope that you will distribute this report promptly to all the DOD purchasing agents and service requisitioners so they can begin ordering the Florida oranges that will be so abundant soon.

I would appreciate a report on your plans for purchasing more oranges for our servicemen in light of this most happy development. And will you please keep me informed of monthly grape purchases by the services.

Very truly yours,

JAMES G. O'HARA,
Member of Congress.

[From the Washington Post, Sept. 29, 1969]

NEW CITRUS PRODUCTS

(By Elinor Lee)

CHICAGO.—This year's crop of oranges and grapefruit will be a record one, said O. J. Huff, Jr., chairman of the Florida Citrus Commission at today's opening brunch of the Newspapers Food Editors Conference.

Huff predicted the Florida harvest will be 145 million boxes of oranges and 45 million boxes of grapefruit.

Both oranges and grapefruits will be vintage fruit—higher solids and more juice—

XUM

better than in past years. "The first of the season grapefruit now being shipped to market is better than those we got last January," he said.

When asked about prices of this year's frozen orange juice, Huff said that although there's low inventory, carryover prices will continue at about the same levels for the frozen concentrate and fresh because of increased production. In the extreme southern part of Florida there's been a big acreage increase in citrus groves over the last few years.

About 85% of the total orange crop in Florida is processed, about 67% into frozen orange juice concentrate.

Tad Jeffery, marketing director of the Commission, previewed new products developed by the Commission's research department headed by Dr. John Attaway.

One of the most interesting sampled was an isotonic beverage made almost entirely of pure orange and grapefruit juice. This quick energy drink, with the addition of salts to replace various minerals lost during heavy activities, is now being field tested by two football teams in Florida. Jeffery predicted it will be a likely competitor to all the highly touted synthetic "energy" drinks now on the market.

Another newcomer—quick orange juice crystals (these have been used by the armed services for the last few years)—will soon be on the consumer market.

"This will be the first real instant orange juice," Jeffery added.

Other new convenience foods recently developed by Florida Citrus Commission scientists, working with the United States Drug Association at the research headquarters at Lake Alfred, Fla., are fresh grapefruit halves sealed with a thin layer of fruit gel that keeps them fresh for two weeks. This product was developed for hospitals and institutions but may soon be available to consumers.

Loose-packaged orange and grapefruit sections, quick frozen with liquid freon; chilled orange slices; jelled citrus sections, and a jelled orange sauce similar to cranberry sauce were other new products sampled. All these are on their way to retail markets.

But, the speaker pointed out, the Commission is empowered to develop new products only as outlets for the growing citrus industry; the manufacturing, processing and marketing of the products is then the job of private industry.

At today's opening brunch for 136 food editors from 37 states and five Canadian provinces, the menu included grapefruit and crabmeat appetizer, rock cornish hen with orange glaze, rolls and rice (without orange), baked squash with grapefruit sections, and for desert meringue shells with orange Bavarian cream topped with fresh orange sections.

DR. FREDERICK J. HUNTER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. PICKLE. Mr. Speaker, Dr. Frederick J. Hunter, University of Texas drama professor and curator of the Hoblitzelle Theater Arts Library, is one of only three American scholars invited to present a paper at the International Federation for Theater Research. This sixth world congress convenes in New York from October 6–11.

Additionally, about 30 pieces from the university's Norman Bel Geddes collection will be on display in a special exhibit of stage and theater design being held in conjunction with the theater meeting.

This congress convenes once every 4 years in some cultural capital of the world. Delegates from more than 20 countries are expected to attend. Professor Hunter will present a paper entitled "Norman Bel Geddes: The Renaissance Man of the American Theater." In the realm of theater research, the Bel Geddes collection is considered one of the most important in the world.

Mr. Speaker, this is but another of many examples of the educational leadership role of the University of Texas, an emerging colossus of American higher education.

USES FOR SAWDUST FIBERS

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mrs. HANSEN of Washington. Mr. Speaker, America needs to build 24 million new housing units during the next decade—which will take a great deal of timber.

The Nation's forest managers, meanwhile, are facing this challenge with inventive skills and rigorous conservation techniques.

An example of full utilization of our timber cut is taking place at Simpson Timber Co.'s insulating board plant in Shelton, Wash., and is described in this article from the Simpson Diamond which follows:

EVERYTHING BUT THE SQUEAL: INSULATING BOARD PLANT NOW USES SAWDUST FIBERS

Today it is recognized everything but the squeal is used from each little pig that goes to market. Simpson's version of that record is being established with full use of barked logs down to the fibers from the smallest bits of planer shavings and sawdust.

Our "full use" project is underway at Simpson's Shelton Insulating Board Plant which is phasing in a process for softboard production which eventually will use 110 tons daily of fir and hemlock sawdust fibers. Annually, that means IBP now uses an additional 130,800,000 board feet of logs formerly burned. Orville W. Shelton, general manager of insulating board production in Seattle, announces Simpson has invested over $500,000 in equipment which makes it possible to combine wood fibers from sawdust and wood chips.

Simpson has pioneered many wood conversion developments. In 1936 the Company eliminated its Shelton mill waste burners by converting sawdust and other leftovers into steam and electric power. Eleven years later Simpson built the IBP as part of its utilization commitment in signing the nation's only cooperative sustained yield forest contract with the U.S. Forest Service.

"Through wood conservation, we are providing 170 jobs and an annual payroll of one million dollars without cutting a single extra tree," explains Woodrow Johnson, IBP production manager. In 22 years IBP has manufactured one billion, 752 million square feet of softboard products from raw materials formerly burned. Each day IBP consumes 150 tons of sawdust, wood chips and shavings from our adjoining sawmills and lumber remanufacturing plant to produce an average of 300,000 square feet of fiberboard.

No softboard is made entirely from sawdust fibers; generally it is two-thirds sawdust and planer shaving fibers to one-third wood chip fibers for building products. Accoustical tile requires loosely compacted fibers for maximum sound absorption.

Simpson Power Plant is buying more electrical power to replace sawdust lost to IBP.

TOLEDO CITY COUNCIL ASKS NEW NATIONAL PRIORITIES

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. ASHLEY. Mr. Speaker, as the administration continues high-level funding for defense and space, while cutting back domestic programs, people all around the country are beginning to question the Nixon system of priorities.

Last week, while we were still spending billions of dollars on the unwanted Vietnam war and the largest-ever defense procurement authorization was being railroaded through the House of Representatives, the President stated flatly that nearly $100 million would be spent this year for the SST, the unproven supersonic transport that will cost the American taxpayers at least $1.2 billion by 1972 when the first prototypes are scheduled for testing.

But where is the money coming from? Funds for this, as well as for the bloated defense and space programs, are coming from badly needed domestic programs. Thus, medical research programs, low-cost housing programs, pollution abatement programs, education and poverty programs are all going begging for money. It is hardly surprising that people everywhere are questioning the President's choice of the SST as a high-priority program.

In Toledo, the SST was the straw that broke the camel's back. Appalled by the untimeless of this program, the Toledo City Council passed an emergency resolution—emergency because it "is necessary for the preservation of the public health and welfare"—on September 29 calling on the Congress to relegate the SST to its appropriate order of priority and to use the available funds for more pressing domestic projects, such as pollution control and improved community transportation.

In short, this measure calls for the reordering of our national priorities which will allow us to make expenditures in those areas which are most critical and to defer expenditures in those areas where there can be a temporary postponement of Federal activity.

Today it is the SST that brings into the question the administration's sense of priorities. Tomorrow it will be something else. This is not the first such resolution and I am sure that it will not be the last so long as the administration pursues its present course.

Mr. Speaker, the resolution passed by the Toledo City Council follows:

RESOLUTION No. 267–69

Resolution requesting and urging the support and assistance of the Congress of the United States in subordinating the supersonic transport aircraft program to other domestic requirements of greater importance; and declaring an emergency

Whereas, the President of the United States has expressed the intention of seeking the authority of Congress to expend $662,000,000 in the next five years to develop supersonic aircraft; and

Whereas, President Nixon contends that this matter is of extreme urgency and required to maintain the leadership of the United States in the world aircraft industry; and

Whereas, rising budget concern, intensified by astronomical monetary requirements of the Vietnam conflict, the space program, and funds required to fulfill existing domestic needs and government operations, deprives the American people of many essential federal programs and activities; and

Whereas, government spending, born of crisis or otherwise, which appends additional burdens to the already overwhelming tax load of all our citizenry must be regulated by a careful consideration of priorities; and

Whereas, there are existing domestic priorities which include, among others: the urgent need for federal monetary assistance implementing the project of averting man's apparent unbridled intent to exterminate life on this planet by the pollution of our air and water; the imperativeness of obtaining a financing program to resolve transportation problems concerning the rapid conveying of the American people from one part of a community to another, rather than from one country to another; the making available of funds required to cope with an ever-growing, and as yet unresolved waste disposal problem; and the dire need to provide for adequate sewage systems and water treatment facilities; and

Whereas, by the failure of our federal government to fulfill critical domestic needs, America's role of world leadership may, in the future, experience irreparable setbacks far more severe in nature than the prospect of not being the first in the development of the SST; and

Whereas, the proposed program encompassing the development of supersonic air transportation ignores present requirements for financial assistance in fulfilling immediate national needs, thus neglecting the welfare of all Americans, impeding domestic progress, and endangering our very future existence; all of which unquestionably create threatening facets to the world image and leadership role of the United States of America; and

Whereas, in view of the foregoing, it becomes imperative for Toledo, by and through its legislative body representing the people of this community, to explicitly convey its position on President Nixon's proposed program; Now, therefore,

Be it resolved by the Council of the City of Toledo:

Section 1. That the Congress of the United States be requested and its aid enlisted to firmly support the premise that the President's proposal to immediately seek funds for the development of supersonic transport aircraft be relegated to its appropriate order of priority and that available funds be made accessible for numerous domestic projects, including pollution control, community transportation, sewage and water facilities and other far more critical local and national needs.

Section 2. That intensive measures be immediately instituted to elicit the support of all Americans and of state and local legislative bodies throughout our country and that they be induced to communicate their concurrence with the concept set forth in Section 1 of this resolution to the appropriate federal government authorities.

Section 3. That the Clerk of Council be and he hereby is directed to forward a copy of this resolution to the Congress of the United States and to furnish a copy thereof to each of the two United States Senators from Ohio and to each of the Representatives to Congress from the State of Ohio.

Section 4. That this resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that this resolution is necessary for the preservation of the public health and welfare.

Adopted: September 29, 1969, as an emergency measure.

WILLIAM J. ENSIGN,
Mayor.

Attest:
ROBERT F. REBENSAL, *Clerk of Council.*

SLOVENIAN SOCIETY HOME CELEBRATES 50TH ANNIVERSARY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. VANIK. Mr. Speaker, on Sunday, October 5, 1969, it was my privilege to attend the golden anniversary celebration of the Slovenian Society Home located at 20713 Recher Avenue, Euclid, Ohio, in the congressional district which I represent. The home, also called the American Yugoslav Center, has served for 50 years as a meetingplace for Americans and their children who immigrated to this country from Slovenia and Yugoslavia and who wished to remember and promote the traditions and culture of their homeland and the homeland of their ancestors. For a half a century the home has been a center for fraternal orders and cultural clubs, which, by their activities, have added immeasurably to the cultural variety and life of the Greater Cleveland community.

I would like to commend all the members of the home and its associated lodges and fraternities for their contribution to the Cleveland community and its culture.

The present members of the board of directors are: Joseph Trebec, president; Edward Leskovec, vice president; Stanley Pockar, secretary; William Frank, treasurer; Mary Kobal, recording secretary; Louis Sajovic, chairman, auditing committee; John Hrovat and Joseph Brodnik, auditors. Members of the house committee are: Stephen Kasunic, president; Ray Bradac and John Troha; other board members: John Evatz, John Adams, Albert Pestotnik, and Joseph Petric, Jr.

There are still four of the original founders among the living: Matija Nemec, Miha Dolnik, Ignac Klopovic, and John Bolden.

The following men were selected as "Men of the Year" to represent the Slovenian Society Home: Frank Zagar, 1964; John Barkovich, 1965; Joseph Trebec, 1966; John Troha, 1967; Edward Leskovec, 1968; and, in 1969, Mary Kobal was selected as "Woman of the Year."

The occasion of this golden jubilee is an opportunity for the entire community to pay special tribute to the men and women and their families who, coming to this new and strange land, contributed so much to its growth through their distinctive cultural and civic spirit.

GOVERNOR REAGAN ISSUES DRUG STATEMENT

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, California's Gov. Ronald Reagan recently issued a press release that highlights the startling increase in drug abuse and narcotic addiction with which we are now faced. He stated, as I have been saying for some time, that it is almost as easy in many places for kids to buy pills and pot as it is for them to buy soda pop. Addiction, the Governor pointed out, is no longer restricted to high school students but that drug abuse has spread not only to junior high schools but even to elementary schools. To shed more light on the issue and present a variety of views, I present for your information the Governor's statement of support for Operation Intercept and rationale for the accompanying economic hardships and personal inconvenience that it has brought about.

The Governor's release follows:

I want to talk with you today about an epidemic—an epidemic that has infected Californians in every walk of life and has reached into nearly every community from Siskiyou County in the north to San Diego in the south.

The epidemic of narcotics addiction and drug abuse . . . and if you think I'm being overly dramatic, listen to these facts:

In the past eight years, marijuana, narcotics and dangerous drug arrests have increased 300 percent among adults, and more than 2,000 percent among juveniles.

Drugs can be bought easily at high schools in the cities, in the suburbs and even in the smallest of towns.

The facts are that it is almost as easy in many places for kids to buy pills and pot as it is for them to buy soda pop. This is no longer a problem restricted to high school students. Addiction and drug abuse has spread to the junior high schools and even the elementary schools.

Last month in San Diego alone, six deaths were attributed to drug overdose. Los Angeles officially records around 100 deaths a year from drug overdose. Unofficially, we are told that the mortality rate from drug overdose in Los Angeles is closer to 400 . . . more than one death per day.

The Department of Justice reports that while marijuana remains the favorite of users, the use of more dangerous drugs is increasing at an alarming rate.

Over the years many different methods have been tried to stem the flow of narcotics and dangerous drugs into the United States. But the flow hasn't been stopped. It has increased to a flood.

Most officials estimate that as much as 80 percent of the narcotics and dangerous drugs that flow into this country are smuggled across the Mexican border.

The federal government through Operation Intercept is attempting to bring it to a halt.

I fully support President Nixon in this operation and pledged to the federal government our complete cooperation and offered any assistance necessary.

For some time now, Lt. Governor Ed Reinecke and his task force on the border problems have been meeting with federal and state narcotics officials and will continue to do so.

There is no question that this project

XUM

has caused more inconvenience to tourists and workers who cross the border regularly. Some are obviously experiencing a measure of economic hardship.

But if this were an epidemic disease that crippled and took the lives of our youth, the economic hardships and the inconvenience to travelers would be considered inconsequential by all thinking Californians.

Narcotics addiction and the use of dangerous drugs is as damaging to this nation and its future generations as any disease spread by a germ.

The economic hardship to some and the inconvenience to travelers can not be balanced on the same scale with shattered lives, heartbroken families and astronomical cost of courts, judges, juvenile facilities, law enforcement agencies and the rehabilitation and treatment costs required to treat the addicted.

There is only one way to stop an epidemic. And that is to isolate the virus that causes it and destroy it. Operation Intercept is trying to do just that.

UNITY OR DISSENT?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Felix R. McKnight, editor of the Dallas Times Herald wrote a very provocative editorial in his paper on Wednesday, October 1, following President Nixon's appeal for unity in this Nation. I believe Mr. McKnight's article should be read by everyone who wonders what is happening to this country. It is one of the finest I have read in some time.

The editorial follows:

PRESIDENT'S WAR OR THE DISSENTERS?

(By Felix R. McKnight)

On last Friday, President Nixon asked this nation to unite as of old in support of his urgent quest for peace.

He urged on national television that the sideline generals stop proposing an absolute deadline for American troop withdrawals from Vietnam. It could destroy and undercut his peace effort, he said.

"If we can stay on our course," he said, "and have some more support in this nation . . . then the enemy will have some incentive to negotiate, recognizing that it is not going to win its objective by waiting us out. Then the enemy will negotiate and we will win this war before the end of 1970. . ."

But the reply to a President's plea for unity has been negative and wrapped in the tinsel of politics.

Twelve U.S. Senators and 12 members of the House agreed, in general terms, to support a nationwide "student boycott" of classes to protest the war on Oct. 15. It figures that one of the leaders of the "student" demonstrations is a former campaign aide of Sen. Eugene McCarthy.

On the Friday that President Nixon called for this country to pull together, Sen. Fred R. Harris of Oklahoma, the left-leaning Democratic national chairman, gathered congressional dissenters together to plan their own war-withdrawal strategy.

On Oct. 8 they will propose a congressional resolution seeking U.S. withdrawal from Vietnam. The usual group—Sens. George McGovern of South Dakota, Frank Church of Idaho and and Reps. John Brademas of Indiana and Morris K. Udall of Arizona—will draft the proposal.

On President Nixon's side of the political fence, Sen. Mark Hatfield of Oregon and Sen. Charles Goodell of New York, both Republicans, indicated they would team with Harris' Democrats to do precisely what President Nixon asked them not to do—tinker with Vietnam strategy.

It is a strange, almost unbelievable atmosphere that clouds the national scene. In this nation's history, holding right through the Korean War and the classic Truman guts of the Berlin airlift crisis, there was maximum unity and the certain respect for a President's burden.

Opposition was of the loyal mold.

Bi-partisan statesmanship, particularly in World War II, was the order of the day. Sen. Arthur Vandenberg, Republican leader, epitomized this short of unity with his intelligent support of Presidents Roosevelt and Truman in the American struggle for survival, victory and peace. He was the strong man of the American delegation's first United Nations team.

Sen. Lyndon B. Johnson, majority leader, carried President Eisenhower's national defense programs through the critical post-war years—just as he had performed for President Truman.

No shallow party bleatings came from either house of the Congress.

But, today, and in the last years of President Johnson's term, a new breed of pure politician has come on to belittle the defense effort and our posture in the unpopular Vietnam war. It isn't treason; it is just damned disrupting and disappointing.

No one likes the static futility of the Vietnam mess and the obvious hypocrisy and further futility of the bogged Paris "peace" talks. But it's "the only game in town" for a lonely man who is President of these United States.

It does little good to back up and review the chain of action that got us into it—the first rather innocent commitments by President John F. Kennedy and then escalations through circumstance and deeper commitments by two more presidents to honor a pledge to the free world.

But it would do a lot of good to put some statesmanship into the President's hopes for ending a bad war—rather than supporting student boycotts that could send campuses into more turmoil and further divide a country that cries for bi-partisan leadership.

PARTY PREFERENCE, AGES IN COUGHLIN POLL

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. COUGHLIN. Mr. Speaker, because of the wide interest in public opinion polls, I introduced in the CONGRESSIONAL RECORD of October 1, 1969, the results of answers to questionnaires mailed throughout the 13th Congressional District of Pennsylvania.

Through an error in typesetting, the results on party preference and ages of those responding were combined together in a single column. I am taking the opportunity to set the RECORD straight:

Party preference of those responding:	*Percent*
Republican	71
Democrat	25
Nonpartisan	3
Other	1

Ages of those responding:	
18 to 21	2
21 to 35	27
35 to 50	37
50 to 65	25
65 and over	9

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Thomasville, Ga., Times-Enterprise in the State of Georgia. The editorial follows:

TRUCK DRIVERS GETTING GRABBY; RESURRECTED BILL SHOULD BE INTERRED

(By James J. Kilpatrick)

WASHINGTON.—At one time or another, every motorist has known the miserable experience—sometimes the terrifying experience—of trying to pass a tractor-trailer truck in foul weather conditions. The box-car profile blocks the road ahead.

One gropes through rain and flying spume, hands gripping the wheel. Just a couple of feet to the side, 35 tons of steel are rolling along at 60 miles an hour. At last you get around; and behold: Another truck ahead.

A House subcommittee resumes hearings this week on a bill that brings these recollections vividly to mind. The bill would set new permissible maximum width, weight, and length limits for the interstate highway system. Truck and bus companies are ardently supporting the bill; the American Automobile Association, representing passenger car drivers, is just as dead set against it. For my own part, I wish there were some way to find a compromise down a middle lane.

Proponents of the bill make an excellent case—up to a point. The present interstate width and load limits were fixed 13 years ago, according to standards laid down in 1946. Since then, the interstate highways have come into being. It is a plausible contention that these magnificent freeways are capable of handling wider and heavier loads than the old primary highways could take.

The bill would permit the States to authorize an increase in single-axle loads from 18,000 to 20,000 pounds; an increase in tandem axle loads from 32,000 to 34,000 pounds; and an increase in the gross load limit from 73,280 pounds to a higher figure obtained from a length and axle formula. The maximum permissible width would be increased from 96 to 102 inches.

These changes are recommended by the U.S. Bureau of Public Roads. They are not opposed by the American Association of State Highway Officials (AASHO). The point is made that roughly half the States already permit these higher load limits, under a grandfather clause inserted in the basic Federal act of 1956.

The proposed increase in maximum width would make it possible for trucks to carry cargoes (such as plyboard) that come in multiples of eight feet; the extra six inches, it is said, also would contribute to greater stability and to greater safety.

So far, so good. The ordinary motorist may wince at the greater width, but it is hard to object to the proposed new limits on weight. At about this point in the debate, however, the proponents run out of gas; the remainder of their case is much less impressive.

The bill proposes a Federal length limit of 70 feet. It's too much. Oregon now allows up to 75 feet on designated highways, and Nevada has a 70-foot limit, but 27 States hold to 65 feet, Iowa limits length to 60 feet, and 20 States have a 55-foot limit. Both the Bureau of Public Roads and AASHO recommend 65 feet. In asking for this added length, the truckers are getting grabby.

Proponents of the bill emphasize that the bill is "only permissive"—no State would have to approve the higher limits; and they point out that the new dimensions would apply to the interstate highways only. The answer to this is, unh-hunh, or who's kidding whom? Once the higher limits were authorized, the truckers' lobby would roll into high gear; few legislatures would resist.

And as spokesmen for counties and cities have observed, the new behemoth trucks would have to get on and come off the interstate system by way of old highways and bridges not meant for the mastodon size.

The truckers say that larger trucks will produce economies in freight expenses, which economies in turn will be passed along to consumers. It seems doubtful. Consumers have not seen many such economies lately. The truth is that this bill would benefit truck and bus companies. Okay, but let's leave it at that.

Substantially this same bill passed the Senate last year, but died in the House when the 90th Congress ran out of time. On balance, the better arguments still lie against the bill. Unless a reasonable compromise can be found, the resurrected measure ought to be interred again.

TWO MEMBERS OF CONGRESS TOUR McGOGNEY SCHOOL

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. DELLENBACK. Mr. Speaker, one of the most widespread trends in urban education in this country today is toward the decentralization of school administration and increasing community participation and control over the educational process at the neighborhood and community levels.

The House Republican task force on education and training has been trying to learn more about this trend at first hand by visiting community schools to meet with school and union officials, teachers, parents and community representatives.

The following article, from the September 30 Evening Star, describes our recent visit to the Anacostia community schools project:

TWO MEMBERS OF CONGRESS TOUR McGOGNEY SCHOOL

Members of a House Republican task force on education and training today toured a Southeast Washington school that is part of the Anacostia Community Schools project—one of the city's two major experiments in school decentralization.

Representatives John R. Dellenback of Oregon and Margaret M. Heckler of Massachusetts looked in on classrooms at McGogney Elementary School at 6th Street and Mississippi Avenue SE, one of eight elementary schools involved in the year-old project.

The tour was part of a study by the task force of the effectiveness of school decentralization projects throughout the country.

Before the tour, Dellenback, Mrs. Heckler, and Rep. Earl F. Landgrebe of Indiana, another member of the task force, held a 2-hour discussion on the project with city school officials.

William Simons, president of the Washington Teachers Union, told the Congressmen that he felt the project could already be termed a success. But the Rev. James Coates, District school board president, said it was "too soon" to make an "objective evaluation" of the project.

"We don't want to try to justify it now on such a short-term basis."

The principal of McGogney, Robert Webb, said the success of the project could not really be measured until the children at the school now reached adulthood.

"We have 800 kids here whose families are on welfare," Webb said, "and if we can impart worth and dignity on them and make them desire to go into the world and achieve something, then the project will succeed."

Julian West, director of the special project division of the District school system, said the project's success also would be measured in increased awareness by the community of school, housing, health, and other social problems.

The project, which was funded under a $1 million federal grant last year, is designed to provide community control in the policy making, administration, staffing, and curriculum development.

RETIRED SERVICEMEN'S WIDOWS NEED MORE SECURITY

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. GUBSER. Mr. Speaker, early this year I was privileged to introduce a Fleet Reserve Association proposal to provide widow's equity for servicemen on the same basis as such equity is now provided for civil service workers. In my opinion, failure to do this is one of the greatest injustices ever inflicted against our servicemen and their wives and, if we correct this situation, we will be doing a great deal toward eventually promoting an all-career military service.

Recently, an article appeared in the Tacoma News Tribune by Mr. Frank Macomber, military-aerospace writer for the Copley News Service. This article succinctly points out the problem I am attempting to correct with my legislation, which the Fleet Reserve Association has pioneered. I commend this article to the attention of my colleagues. The article follows:

RETIRED SERVICEMEN'S WIDOWS NEED MORE SECURITY THAN CURRENTLY PROVIDED, SOLONS TOLD

(By Frank Macomber)

For years the U.S. Congress has engaged in a sort of brinkmanship. It has attempted to give the survivors of retired military personnel increased financial security but never quite satisfied the serviceman or his widow.

This year Congress is following the same pattern, though with seemingly less enthusiasm in the Senate for a law to bring military retirees' survivors' benefits up to a par with those of families who live on after the deaths of career federal Civil Service employes.

The Fleet Reserve Association, which over the years has represented all the armed services before Congress during its consideration of measures affecting the serviceman, concedes that legislators have not been blind to the need for equalizing military retirees' annuity benefits.

Robert W. Nolan, the FRA's national executive secretary, recalls that in 1953 Congress created the Uniformed Services Contingency Option Act to give retired career military personnel a chance to participate in an annuity plan for survivors. It was amended and considerably reinforced in 1961 and renamed the Retired Serviceman's Family Protection Plan (RSFPP).

"FUTILE ATTEMPTS"

Since then there has been a succession of amendments to provide greater survivor benefits. Nolan calls these seven amendments "well-meaning but futile attempts to provide servicemen with the protection their families need."

Still another proposed revision of the RSFPP is scheduled soon as part of a military pay study being prepared by the Defense Department and due to be submitted to House and Senate Armed Services committees this fall.

Nolan says chief objections to the RSFPP are its excessive cost to participants compared to what Civil Service retirees contribute for more benefits; the plan's complex formulas which many retirees fail to comprehend, and the rigid rules governing participation.

"DISMAL FAILURE"

The fact is, according to Nolan, "testimony before the Armed Services Committees by even those taking the most cautious approach to solving the problem acknowledged that the plan has been a dismal failure and . . . should be scrapped in favor of an entirely new program."

Brig. Gen. William W. Berg, USAF, when he was deputy assistant secretary of defense for manpower (Military Personnel Policy), testified:

"While we are pleased with the existence of a survivor annunity plan, officials of the Defense Department have been greatly concerned over the fact that the Retired Serviceman's Family Protection Plan does not attract more participants.

"Of all retired personnel eligible to participate, less than 17 per cent has chosen to do so."

Estimated participation in the plan in the fiscal year ended June 30 was 104,540 retirees of all services. Total number of retirees the same date was 699,502. Of the participants, 54,815 were commissioned officers and 48,561 enlisted personnel.

Officer participation is 22 per cent and enlisted participation is 10.7 per cent.

ENLISTED MEN OUT

"Clearly," says Nolan, "RSFPP is not meeting the needs of those who have the greatest need for an equitable survivor annuity program—the enlisted retiree."

The "entirely new program" to which Nolan refers is embodied in a bill introduced in the House by Rep. Charles S. Gubser, R-Calif. and others.

All follow the Fleet Reserve Association proposal based on the formula already used in the federal Civil Service survivor annuity program. The formula works like this:

A 2½ per cent reduction in the retiring serviceman's retired pay of any amount up to $3,600 he specifies as a base for the survivor benefit; plus 10 per cent of any amount up to the limit of his own full retired pay above $3,600 a year. The survivor benefit would be 55 per cent of whatever amount of his retired pay the retiring serviceman specifies—all or just a portion.

PERCENTAGE OF COVERAGE

Here's an example:

If the retiree specifies $3,600 as the base for his survivor's annuity, he will have his own annuity reduced by $90 a year, or 2½ per cent of the $3,600. His survivor then would receive $1,980 a year, or 55 per cent of the $3,600.

If he wanted to provide his survivor with a $2,000 annuity, he would specifiy $3,636.36 as the base. He could do this if his own retirement annuity amounted to this much or more. This would cost him $93.63 a year, or 4.7 cents per dollar of coverage—the same as that charged federal Civil Service employes. It would be computed like this: 2½ per cent of the first $3,600, or $90; plus 10 per cent of the $36.36 over $3,600, or an additional $3.63—a total of $93.63.

This is what the Fleet Reserve Association wants for its thousands of enlisted career men in the Navy and Marine Corps and for career personnel in the other services. But the organization has sought the formula

XUM

or one very much like it for years and today it still is further away than just around the corner. These are some of the reasons:

STILL IN COMMITTEE

The Gubser bill was referred by the House Armed Services Committee to the Defense Department last Feb. 7, with a request for a report on the legislation.

It is still on the Pentagon's "pending" list, with no assurance when a report will reach Capitol Hill.

Nolan says he has been advised that the House group will not consider the Gubser measure or others like it until the new Pentagon military pay study is submitted for review. Defense Secretary Melvin Laird says he hopes to complete the study and send it to Congress sometime this fall.

That means neither the Pentagon's military pay raise recommendations nor the Gubser survivors' annuity measure will get congressional action earlier than next spring.

Chairman L. Mendel Rivers of the House Armed Services Committee, while he supports what is commonly called an improved "widows' equity" bill, may introduce his own version of the measure. That would delay action again, for the Defense Department would have to look at it before the committee would act.

The Senate Armed Services Committee, meanwhile, has received no such legislation this year. Thus it will have to await House action on the bill even to consider it, unless one or more senators meanwhile should introduce a companion or similar measure.

THE GREEN BERETS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. MINISH. Mr. Speaker, I think my colleagues will agree that the job done by Congressman Rodino in the case of the accused Green Berets was an outstanding one. Although the Army permitted little information concerning these men to come to light, Mr. Rodino recognized that they were not allowed the rights generally accorded an accused man. His vision was never clouded in spite of the smokescreen that was thrown around the case. I know that it was Peter Rodino's untiring efforts to bring the matter to the attention of the Nation that helped convince the Army and the administration that prosecuting the Special Forces men would be very hurtful to the United States. The dean of the New Jersey delegation never flagged in his belief that the case merited more consideration than it was given, and that the accused men were being used as tools in an internecine struggle. He persevered until justice was done.

Now that the Secretary of the Army has decided to drop the charges against the Green Berets, we in the House must be mindful that these men are not tainted by earlier accusations against them. We must be absolutely certain that they are completely absolved of any suspicion of wrongdoing.

I know that due to Mr. Rodino's efforts, the Army will more carefully investigate similar incidents in the future. I hope that the Army has learned something from Mr. Rodino. I hope also that the lesson sticks.

SDS PLANS RAIDS ON CITY HIGH SCHOOLS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. ASHBROOK. Mr. Speaker, while one usually associates the Students for a Democratic Society—SDS—with college campus disruptions, this radical element has not overlooked the high schools as targets for their destructive philosophy and programs. Today's Chicago Tribune carries an excellent example of the lawlessness which SDS seeks to encourage and incite among sensitive and immature youth, our country's high school students. Entitled "SDS Plans Raids on City High Schools," the "Trib" article comes from the efforts of Reporter Ronald Koziol, whose informative accounts of leftist subversive activities have appeared regularly in that paper.

According to the latest Koziol article:

> Hit-and-run guerrilla tactics, confrontations with police, and disruption of the Federal building and high schools are among the plans being made by radicals in an attempt to cause havoc in the city (Chicago) beginning Wednesday. . . .

More specifically, the article states that:

> On Thursday, a "jailbreak" theme will be used to gain support for the demonstrations from high schools students. Plans are to surround a high school, break into classes, and fight teachers, police, and students. This is a much more violent departure from announced plans to run thru the halls of schools yelling "Jailbreak," and asking for a student boycott of classes.

Whether the SDS carries out its proposed schedule as listed in the article remains to be seen. However, activities such as those planned by these malcontents should serve to wrench back to reality even the most idealistic of school administrators who sought by various concessions to appeal to the better natures of violent dissenters.

I insert the article "SDS Plans Raids on City High Schools," by Ron Koziol of the Chicago Tribune, at this point in the Record:

S.D.S. Plans Raids on City High Schools—Part of Program To Create Havoc

(By Ronald Koziol)

Hit-and-run guerrilla tactics, confrontations with police, and disruption of the Federal building and high schools are among the plans being made by radicals in an attempt to cause havoc in the city beginning Wednesday, The Tribune has learned.

Details of strategy being set by the radical Students for a Democratic Society (S.D.S.) for Wednesday thru Saturday have been obtained by The Tribune.

PLANS ARE DISCUSSED

The plans were discussed by William Ayres, educational secretary of the S.D.S. and other national leaders, at a recent meeting of 350 activists in the East Cleveland Congregational church in Cleveland.

In attendance were S.D.S. members of the so-called Weatherman faction from Chicago, New York, Detroit, and parts of Ohio, authorities said. This is the faction that split from the S.D.S. but retained the national offices in Chicago after a heated convention here in June. Its members are among the most militant of the new left.

Altho there have been several published accounts of plans for the Oct. 8 to 11 demonstrations, S.D.S. leaders have been careful to avoid spelling out too many details.

On Wednesday, a rally under the guise of a 2d anniversary tribute for Che Guevara, Cuban revolutionary, will be held in Lincoln park. The radicals believe that whatever happens on Wednesday will be an indication of how police will react during the entire four days.

Park district officials last week turned down a request by the S.D.S. to sleep in the park during the four days. However, S.D.S. leaders have already publicly stated that they will continue with their plans, with or without permits from the park district or the city.

PLANNED DURING TRIAL

On Thursday, a "jailbreak" theme will be used to gain support for the demonstrations from high school students. Plans are to surround a high school, break into classes, and fight teachers, police, and students. This is a much more violent departure from announced plans to run thru the halls of schools yelling "Jailbreak," and asking for a student boycott of classes.

Friday's action will "try to shut down the conspiracy trial." This is the trial of eight radical leaders charged with conspiring to incite a riot during the Democratic national convention last year. It is being held in the Federal building.

Ayres reportedly made it clear at the Cleveland meeting that the demonstrators would not reach the courtroom, but efforts would be made to disrupt the normal functions of the building.

Saturday's activity will consist of a march thru the downtown area of the city. Ayres told the meeting that it is planned to be a militant march and not peaceful or non-violent, authorities said.

PERMIT IS GRANTED

City officials have granted a parade permit to the S. D. S. for this march, which will begin from Haymarket square at Randolph and Halsted streets, and proceed thru the Loop to the Gen. Logan statue in Grant park near the Conrad Hilton hotel. The statue was the scene of a police confrontation with demonstrators during the Democratic convention.

Discussion also centered on the actions of Detroit S.D.S. members who told of taking over a college classroom, barricading the doors, and beating up two persons who attempted to leave. The Detroit group also told of practicing karate and learning the vital areas of the body that are susceptible to blows.

GUERRILLA GROUPS FORMED

Undercover agents reported that one member of the Detroit S. D. S. said that "when we come to Chicago, we will all be able to defend ourselves and free anyone who may be taken into police custody."

This theme was continually stressed and was emphasized by Ayres when he told of the creation of so-called "affinity" or guerrilla groups, composed of between five and 15 persons who will defend each other and stop police from making arrests.

This tactic already was employed here after S. D. S. members battled police on Sept. 24 in front of the Federal building. When police attempted to arrest known S.D.S. leaders at State and Van Buren streets, several demonstrators stepped in and managed to free one youth from a police van. It was learned that at least two "affinity" groups took part in this action.

Other purposes of the groups are to provide tactical leadership in the street, to utilize hit-and-run tactics, and to serve as lookouts while other demonstrators break windows or cause damage.

COLLEGES IN SESSION

Much of the success of this week's disruptive plans rests on the number of radicals that the S. D. S. can bring to Chicago. As late as Friday, authorities determined that reservations on buses and trains from out-of-town S. D. S. members totaled less than 500.

These included contingents from Denver, Ohio, Michigan, and New York. Response from California and New York City reportedly has been weak. The fact that most colleges are now in full session may also be a factor in keeping down the number of demonstrators.

Leaders of the S. D. S. in Chicago have been speaking at high schools and on college campuses the last two weeks in an effort to drum up support for the demonstrations.

Already committed to aiding the S. D. S.-Weatherman faction are the Youth International party [Yippies], and certain members of the Black Panther party.

Other factions of the S. D. S. have openly denounced the demonstrations and have withheld support. The same is true of scores of anti-war and new left groups.

MORE ACTION PLANNED

Still another S. D. S. faction that will hold demonstrations this week is Revolutionary Youth Movement II [R. Y. M. II].

This group, much smaller and less militant than the Weatherman faction, plans demonstrations at draft boards and tax offices on Wednesday.

TWO HUNDRED AND TWENTY-TWO MEMBERS SUPPORT FULL FUNDING FOR CLEAN WATER ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. DINGELL. Mr. Speaker, it is indeed gratifying to be able to report that 222 Members of the House of Representatives have agreed to support a bipartisan effort to secure full funding of $1 billion for construction grants authorized by the Clean Water Restoration Act of 1966.

This bipartisan effort has received the strong support of the League of Women Voters. In connection therewith I have received a most persuasive letter from Mrs. Bruce Benson, the league's president, which I would like to share with my colleagues. Therefore, I include the text of Mrs. Benson's letter, along with the text of a press statement released by the league on October 3, 1969, at this point in the CONGRESSIONAL RECORD:

LEAGUE OF WOMEN VOTERS,
Washington, D.C., October 3, 1969.

HON. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: Letters and telephone calls to the League's national office say League members want the full $1 billion appropriated in fiscal 1970 for construction of sewage treatment plants and interceptor sewers. The public is tired of rhetoric about cleanup; they want action.

The League of Women Voters thinks $1 billion in federal help is needed and can be used. We have considered the arguments advanced to show that a smaller appropriation would be adequate for the job that needs doing. These arguments we find unconvincing.

Year in and year out, League members work to help pass local and state bond issues for water. Wherever they live, they find that assurance of federal aid is necessary to win public support. If treatment plants are to be built or improved to the extent necessary to control water pollution, the states must be able to plan firmly on their allocations from $1 billion in 1970. Unless we can move positively toward facilities with the capacity and degree of treatment needed, the effort that went into setting state water quality standards will be wasted.

The great variety of organizations taking part in the Citizens Crusade for Clean Water demonstrates how widespread is the feeling that more tax dollars should be spent on cleaning up our streams and coastal waters. I am sure that members of all the organizations in the Crusade join with the League of Women Voters in congratulating you and Representatives Saylor, Blatnik, Feighan, McClosky, Reuss, and Wright for spearheading the expression of congressional support for appropriation of $1 billion for the federal share of sewage facility construction.

All our Leagues have been delighted to see the roll of supporters increase. We congratulate each of the Congressmen who has pledged his support for full funding for clean water! We will be pleased to see them joined by many others when the vote is taken. Passage of the $1 billion appropriation will be a signal to the people that our elected representatives are responding seriously to public dermination to control water pollution.

Sincerely yours,
MRS. BRUCE B. BENSON,
President.

NEWS RELEASE FROM THE LEAGUE OF WOMEN VOTERS

WASHINGTON, D.C., OCTOBER 3, 1969.—The League of Women Voters today took a hard line stance in the long-simmering struggle to get significant increases in Federal expenditures for water pollution control.

"The fact that the House Appropriations Committee has increased the Administration's request for clean water funds to $600 million is commendable but it just isn't enough. We're not ready for compromise," declared Mrs. Bruce Benson, League President.

The League is working closely as part of the Citizens Crusade for Clean Water with a bipartisan group of Congressmen in the fight for full $1 billion implementation of the Clean Waters Restoration Act in 1970. "We've come a long way from the Administration's request for $214 million and we're not going to stop now," stated Mrs. Benson.

"At last count, 222 Representatives have pledged their support for the full $1 billion and League members have worked long hours in getting the message to the Hill that citizens are concerned and angry about the water pollution mess."

The League statement was issued in anticipation of the water appropriation bill coming to the House for action on Tuesday, October 7. Supporters of the $1 billion appropriation point out that the Federal government has reneged on its promises to states and localities by passing laws requiring water control quality standards and then failing to back up their regulations with needed matching funds.

As a result the Appropriations Committee report notes there is more than $840 million in Federal funds requested in applications now pending in state and Federal agencies dealing with water pollution and an estimated $1.5 billion dollars in applications currently being prepared by states and municipalities.

IS CHEMISTRY ABOVE THE LAW?

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mrs. SULLIVAN. Mr. Speaker, it was my privilege Friday night to speak at the annual general membership meeting of the St. Louis Section, American Chemical Society. The subject of my talk was "Is Chemistry Above the Law?"

Because of the widespread interest among Members of Congress in all aspects of consumer legislation and consumer problems, I submit for inclusion in the CONGRESSIONAL RECORD the following copy of my remarks Friday night:

IS CHEMISTRY ABOVE THE LAW?

(Address by Congresswoman LEONOR K. SULLIVAN at the annual meeting of the St. Louis Section, American Chemical Society, Busch Memorial Center, St. Louis University, St. Louis, Mo., October 3, 1969)

There is so much reading matter coming across the desk of a Member of Congress each day that it is impossible to read more than a fraction of it. Some of it is absolutely *must-reading*, however, for any conscientious Member of Congress—the mail from his or her own Congressional district. There are stacks of those letters every day, and I read every one. Generally, I try to read all the rest of the mail personally addressed to me, too—letters from around the country based on my known interest in consumer issues, or in housing legislation, or inland waterway safety, or Panama Canal affairs, or in any of the many other issues which come before the two House Committees on which I hold senior membership—Banking and Currency, and Merchant Marine and Fisheries.

My assignments as chairman of two standing subcommittees of those committees also bring me heavy mail from colleagues in the Congress; that mail, too, is *must-reading*, for Members of Congress expect the same attention from me on matters pertaining to their bills pending before my subcommittees as I expect from them on bills of mine pending before their subcommittees. And, then there are the reports from government agencies on these same issues; the necessity of at least skimming the Congressional Record; the messages to Congress from the President which are important for us to become familiar with; and then there are the newspapers—the two dailies from St. Louis, some of the weeklies, and then the Washington papers, too. These are all essential to my work.

Under those circumstances, it is impossible to find the time or energy to wade through the tons of unsolicited reading matter pouring into each Congressional office from literally hundreds of lobbying organizations, from civic, fraternal, political, and professional organizations, and from the nonprofit groups which deluge us with books, magazines, brochures, reports, and assorted other information, usually espousing a point of view on pending legislation. If we tried to read it all, we'd have no time to do a single other thing, and we'd go blind from the attempt.

SOME GEMS OF KNOWLEDGE IN MAIL DELUGE

Nevertheless, I do try to winnow through a lot of this material, and frequently find gems of knowledge. Last month, after I had accepted an invitation to speak here tonight, and was thus more than usually conscious of the importance of the role of chemistry in our society—and conscious of my need to be prepared to *talk* about that subject—I saw a book just issued by the American Chemical Society entitled "Cleaning Our Environment—the Chemical Basis for Action." It consisted of a report by the Subcommittee on Environmental Improvement of the American Chemical Society's Committee on Chemistry and Public Affairs. Since it is priced at $2.75, I was, of course, glad that I was getting it free. More than that, I was glad that it arrived when it did, for it provided me with a ready example to use here tonight, from within your own organization, of one of the ways—a good and useful way, but not necessarily the best way—informed professionals in any field can exert a powerful influence on the process of self-government in this country.

My reason for accepting your flattering invitation to speak at your annual general meeting had been—and is—to enlist the members of this organization as volunteer assistants to me in my job of representing the people of the 3rd Congressional District of Missouri in the Congress of the United States, and in helping me take greater advantage of the many opportunities available to Members of Congress—particularly one with seniority—to change the course of daily life for the better. We have those opportunities before us in the Congress every day, in a multitude of ways—limited only by our own limitations of wisdom or knowledge, or of our ability to convey our views persuasively enough to our colleagues to convince a majority of them to follow a proposed course of action.

WE NEED TECHNICAL INFORMATION AND GUIDANCE

A wise course of action for any Member of Congress seeking to write a law, or change or repeal one already in effect, is to learn enough about the facts to be able to answer technical questions on the legislation—in other words, to do your homework. This requires technical guidance—from the people who know the facts.

Thus, I feel I need your help because many of the consumer issues in which I am deeply involved have a basis or foundation in chemistry. And I am not a chemist. I never pretended to be one, either—even in a debate on a technical provision of a bill involving a chemical aspect. Instead, I try to report what qualified chemists—or qualified experts in whatever field of knowledge the legislation deals with—have *told me*. And, usually, that is enough for me to have—authoritative information from experts, showing that I did not dream up the provision myself out of a superabundance of ignorance of the subject matter.

If it were otherwise, my views would carry no weight. For I even stumble in pronouncing chemical terms whose significance I do know something about—such as the terms Elixer of Sulfanilimide, or thalidomide. As many of you may know, they happen to be two of the most important drugs which ever existed, when you weigh them in terms of the impact they have had on the health and safety of the American people.

The first one was a prescription drug responsible for the passage of our most important consumer statute—the Food, Drug, and Cosmetic Act of 1938. It brought about the enactment of that law because the *elixer*, liquifying an otherwise safe powdered sulfa, killed about 100 trusting patients of conscientious doctors who had been given no warning of its lethal dangers. The second chemical I mentioned, thalidomide, has had more recent importance; it was a European drug which was responsible for enactment of the Drug Safety Act of 1962, because it *almost* went on sale in the United States at the very time it was causing monstrous birth deformities in thousands of infants born to trusting mothers whose doctors had been led to believe it was a useful and completely safe sleep-inducer for pregnant women.

Prior to the passage of the Food Additives Act of 1958, I had to become familiar with many aspects of chemical interaction—enough to know what the *law* should contain, not what chemicals should be used. On other issues and bills, my need remains constant to have the considered views and judgments of people with your knowledge. You know, far better than I, what the chemical hazards are which we confront in daily life. Once I know what they are, and how they work, I can try to do something about them. Each of you here has some specialized knowledge of this sort which I could use—effectively, I hope—if you shared it with me in the right way. And, I could use it in a way you cannot use it; I can use it politically.

SOLUTIONS FOR OLD PROBLEMS CREATE NEW PROBLEMS

I hope that word doesn't scare you. I am not asking the St. Louis Section of the American Chemical Society to give me partisan political ammunition to defeat Republicans and elect Democrats. I am asking you to give me information I can use in the legislative arena, or in dealing with government agencies, to enable each of us to live longer and better, safer and more secure—safer from the pollution in the air and water, from death or disability on the highways, from contamination in food, from the allergens in cosmetics, from the carncinogens in many things we buy and use, from botulism, jaundice, product injuries, and a hundred hazards we encounter each day—at home, on the way to work, in the office, at the swimming pool, even in church.

When I went to Congress 17 years ago, I had no more information about these issues than most housewives or office workers. Now I know a great deal about the problems. Mostly, it's the *solutions* which are the trouble—for the more we learn about ways to cope with one environmental or health problem, the more new ones we create which do not yet have solutions. So, whenever I have had a role in writing a far-reaching new law dealing with any of these problems of daily living, I have never felt that the task had been completed. Like the old style inner tube which we used to fix with an adhesive patch, you never knew when it would blow out the next time. And that's the consumer front today.

Let me put it in more specific terms. I mentioned the report I received—the book—from the American Chemical Society on cleaning our environment. Compiled by expert members of your national organization, it deals with air pollution, water pollution, solid waste disposal, and pesticides—four areas of monumental national concern. But as it states in a preface by Dr. Lloyd M. Cooke of Union Carbide, "it was not written in order to inform the experts—the men and women who must deal daily and directly with the challenging problems of managing the environment. If we refresh the expert, so much the better," Dr. Cooke wrote, "but we hope primarily to buttress the technical awareness of legislators, administrators, and others who must deal with environmental problems at one or more steps removed from direct involvement with the pertinent science and technology."

In other words, Dr. Cooke and his colleagues were writing this book not for you, but for us—the politicians. We write the laws on these issues; we provide the funds (or fail to provide enough, usually); we take the blame from the industrialists who complain that the restrictive laws we pass hurt their businesses; we also take the blame from the knowledgeable consumer who realizes that those laws are usually *comprises*, and that we probably haven't gone far enough.

THE HEAT IN THE POLITICAL KITCHEN

As politicians we should be willing to take the heat—Harry Truman used to say about politicians when he was President: "If you can't stand the heat, get out of the kitchen." But we don't always know what we're *cooking*. And sometimes, a law we whip up in that political kitchen is just froth and meringue—looking impressive, but with not too much substance. The 1966 Fair Packaging Act was such a law. I have never considered it Congress's finest hour. Those of you who work in the food or soap and detergent or other consumer packaged goods industries, however, may remember the bitter fight over this rather innocuous legislation three or four years ago. You'd think it involved a death struggle for the firm in which you are employed. The issue there was not chemistry—it was cardboard. It was not content—but *net* contents.

The report of the American Chemical Society on air and water pollution, on solid waste disposal problems, and on pesticides, provides us with an excellent summary of issues and the steps we are going to have to take—expensive ones, to be sure—in cleaning the environment of the contaminents and pollutants which befoul this once beautiful land. When you can't find any wildlife anymore without DDT in its tissues—from Antarctic penguins to Alaskan seals, we know that the food chain is contaminated to a deeply disturbing degree, even though the ACA report indicates it is not yet *provably* dangerous. But who needs DDT as a nutrient? Will we ever get it our of our systems?

POSSIBLITY OF REMOVING DDT FROM MILK

Recently, I was pleased to learn that some research into the use of a number of depressant drugs for certain types of diseases had led to the surprising discovery that the people who had been taking those drugs had a lower DDT body content than relatives and neighbors, indicating that the drugs themselves had been responsible for breaking down the DDT, I immediately asked the Public Health Service if this indicated the possibility of removing DDT from milk—a task which I had been told several years earlier could not be done. I knew we had found ways to take Strontium 90 out of milk, but the Surgeon General told me in February, 1966, that it could not be done for DDT residues in milk. As we all know, it is becoming increasingly difficult—and some say impossible—to produce milk without *some* trace of DDT. But now, suddenly, the possibility arises of taking out the DDT, and experiments are *now under way*, the Surgeon General informs me, in treating milk cows to counteract DDT before it gets into the milk. This is an exciting prospect. Let's hope they succeed.

But I have digressed from the American Chemical Society report. As I said, it is an excellent one—extremely useful to those of us who are not chemists who need to know the kind of information it gives us on air and water pollution, solid waste, and pesticides. The report will be accorded serious study, I am sure, by the Committees of Congress which have jurisdiction over legislation involving these issues, and it should receive—I hope—widespread attention in the press.

WHY DO WE NEED MORE LAWS?

But it is a book, and not every Member of Congress is going to read it, for the reason I outlined at the very start of my remarks. There isn't time to read everything, even all the important books.

However, as I stated earlier, we *do* read our *mail*, and particularly any letter from our own constituents or neighbors. I get most of my ideas for legislation from the letters which come in to me from the St. Louis area describing individual problems which appear insoluble without legislation—problems common to many people, most of whom, however, neglect to call them to our attention. When some one does call a problem to my attention, I frequently find, in looking into it, how common it really is—how widespread. And I discuss it with other Members of Congress and find that some of them have learned about it, too. Once enough of us know about it to know that some solution is needed, we can usually find one—and get it enacted into law.

We don't always succeed, and certainly not immediately. It takes time. It takes *data*, which is not always immediately available. I can remember introducing some bills which other Members actually laughed at. They suspected I was going to extreme lengths to try to convince some silly person in my district that his silly idea deserved being dignified in the form of a bill introduced in Congress. Those bills became law, however—because research had established proof that they were really needed.

Why do we need so many new laws? Don't we already have more than enough laws? Well, as chemists, you are a very knowledgeable group of men and women but I'll bet most of you don't begin to suspect the extent of the gaps in our consumer laws, other than in the fields in which you actually work. If you are like most well-educated Americans, you tend to assume—when you don't know—that the government must be protecting you and your family from injurious cosmetics, contaminated foods, unsafe products, and so on. But if you work in the cosmetics industry, you know the government's teeth in this field are not very sharp—the plant managers and corporate executives don't spend many sleepless nights in fear of a crackdown by the Food and Drug Administration. They have never told FDA what is in their products, and of course they don't tell the customer either. If she—or, in increasingly more numerous instances, he—is allergic to some ingredient in that cosmetic product, she or he will find out only through painful trial and error. The big worry is that the competition will get some new product on the market before you do, and if preventing this means cutting some corners in the premarket testing of the product, the corporate consequences do not seem to be too serious. The worst that can happen is that the Government eventually learns the product is not safe to use, and—if it can prove that fact—it seizes the item and destroys it. But the sales in the meantime might have been well worth the modest cost. That's the history in the cosmetics industry.

SHOULD MANUFACTURER—OR YOU—TEST PRODUCTS FOR SAFETY?

What I would like you to do, if you will, is to alert me to practices or products *you know about* that *worry* you—that you feel diffident about having your own family use, based on your scientific knowledge. Do you believe it's probably all right to let your children brush their teeth with toothpastes containing chloroform as *flavoring* matter? No one can prove yet that it is dangerous. But is it *safe enough*, in your estimation, for your children?

For all 17 years of my service in Congress, I have been sponsoring legislation to require the *pre-testing* for safety of all cosmetics, including toothpastes, before they go on sale. For the past 9 years, this legislation has been part of an omnibus bill of mine to rewrite the Food, Drug, and Cosmetic Act of 1938. Except for a one-week hearing in 1962, there has never been a broad-scale, complete, overall look at this law, and at its many deficiencies, by any legislative committee of the House or Senate. Yet our 31-year-old Food, Drug, and Cosmetic law was full of loopholes when *it was written*. And all of you know what at least some of them are! Whatever field you are working in, the chances are you encounter the fact of the law's existence—and the evidence of its shortcomings as it relates to protection of the public.

What disturbs me is that the only time I hear from any St. Louis chemists on legislative issues is when a problem involves the *competition*. I think I had something to do with the removal of Lindane vaporizers from the market; and tightening of labeling instructions and cautions on the vapona strips, which used to be advertised as safe to use under circumstances in which the Federal authorities now say they should not be used. My information on these problems came from a manufacturer of a *competing* type of insecticide. I was glad to have the leads he furnished me, and to follow up on them. Some good came from that. But what happens when there is no competitive factor to smoke out the dangers in some of these products? If the experts don't tell, how do we find out?

THE RESPONSIBILITY OF THE INFORMED INDIVIDUAL

I feel that with the special knowledge you men and women possess in a field which *envelops* modern man—chemistry in industry and in daily living—you owe the rest of us some of your special talents to help protect our environment against the excesses—perhaps not deliberate ones, but serious ones nevertheless—the excesses of *your own industries*. We certainly are not seeking to destroy any legitimate business trying to serve the public honestly and carefully, and we won't act hastily or carelessly. But the people in industry almost always react automatically to any questioning of the safety of their product with the counterpunch that "some communists are out to destroy free enterprise." That has been the complaint against every good consumer bill—and it is nonsense.

A chemist working for the tobacco industry understandably would be concerned about the economic position of his firm in view of the cigaret issue. The tobacco firms, meanwhile, are all diversifying like mad. They will probably end up far bigger and stronger than ever. But are there any tobacco chemists still unconvinced of *any* connection between the product they make and sell, and the health of the American people? I doubt it.

Your skills and knowledge have given us a marvelous economy in a bountiful nation. Your profession has made life more pleasant, happier, healthier, in innumerable ways. You are *valuable* national assets.

But, depending upon the field in which you work, some of you may be poisoning our children with candied aspirin, hurting our eyes, fouling our lungs, lacerating our skin, destroying our hair, loosening our teeth, breaking off our fingernails, upsetting our stomachs, giving us hives, nausea, headaches, and perhaps making things which actually promote cancer. None of this is deliberate, I know. It is not you—the person. It is the science you serve, and the industries which sometimes utilize your science without adeqate safeguards—like the firms which used to put out x-ray machines for children's shoe stores. Technology is so fantastically dynamic that we never quite catch up with the dangers. We must continue to try to do so, however. And you can help me—as a consumer-oriented Member of Congress—to raise the right questions with the right authorities at the appropriate times about the dangerous products or circumstances or practices you have reason to think threaten the American people—all of us, including your own families.

USEFUL INFORMATION FROM THOSE WHO KNOW THE FACTS

When I learned, from the *butchers union*, what was happening in the poultry processing plants in this country more than a dozen years ago, and introduced the first compulsory poultry inspection bill, a Congressman from Georgia came to see me in dismay; the bill, he said, would destroy the poultry farmers and the poultry industry. That bill was enacted in 1957. Who would *think* today of buying processed poultry not produced under government inspection? Would you? As for the poultry industry, once we passed that law, and poultry was certified as wholesome by the United States Government, markets abroad previously closed to American poultry suddenly opened up.

Safe products do not necessarily mean poor business. We're too resourceful a technology for that to happen. But, as the American Chemical Society report on our polluted environment so clearly pointed out, individuals and corporations alone, no matter how public-spirited, cannot solve our environmental problems; the solutions must be industry-wide and nationwide, and, in some instances, international ones. We know, generally, what is going to *have* to be done; we are not at all sure, however, that we know *how* it can be done. If you *want* it done, as I'm sure you do, people with your talents must help politicians understand enough of the technical aspects to be able to legislate *intelligent* solutions.

Now, if you have wondered about the implications of the question which your program shows to be the title of my talk tonight—"Is Chemistry Above the Law?", I hope you figured out what I meant in posing that question. Chemistry is subject to many laws—some very stringent ones, some not so stringent. From that standpoint, it is not above the law. But *chemical knowledge* must be the foundation for many of our laws—what you know must come first, before the law—above the law. Then—and only then—when we *have the knowledge* only you can give us—we can write the proper laws.

OCTOBER AT THE SMITHSONIAN

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the schedule of events for the month of October at the Smithsonian.

As always there is a variety of exhibits, programs and films which I am glad to call to the attention of my colleagues and the American people.

The schedule follows:

CALENDAR OF THE SMITHSONIAN INSTITUTION

Wednesday, October 1, 1969

The Hunters. 73-minute Film Theatre presentation. A documentary recording the lives of the African Bushmen in the Kalahari Desert, Southwest Africa. 2 p.m. in the auditorium of the National Museum of History and Technology; 8 p.m., National Museum of Natural History auditorium. Introduction by Dr. Gordon Gibson, Curator, Department of Anthropology.

Minerals and man. Adult class. By Prior Subscription only. For information call the Smithsonian Associates, 382–5159.

Eighteenth Century Snetzler Chamber Organ. Restored to playing condition. Hall of Musical Instruments, National Museum of History and Technology. Permanent Exhibit.

Thursday, October 2, 1969

The Hunters. Film Theatre repeat. Noon, auditorium of Museum of History and Technology.

The Creative Screen. *The Violinist*, A delicious spoof on the theory "to create great music, the artist must suffer." Award winning animation. Produced by Ernest Pintoff. Voices by Carl Reiner. *Paintings in a Low Voice*, produced by Clifford Evans, well-known journalist and recipient of the Golden Eagle Award for this documentary film on artist Moses Soyer. Films will be shown every half hour from noon until 3 p.m. Free admission at the National Collection of Fine Arts.

Chemistry and Our Solar System. Adult class. By prior registration only. For information call the Smithsonian Associates, 381–5159.

New Towns. Adult class. By prior registration only. For information call the Smithsonian Associates, 381–5159.

Friday, October 3, 1969

Objects: USA. Two hundred and ten American contemporary artist-craftsmen from 37 states will contribute 315 objects to this major survey of U.S. crafts. Works in metal, fiber ceramic, glass, wood, enameling, plastics, beads, mosaics, and leather are included. Objects will cover a wide range from jewelry and silverware to furniture and fabrics. From the Johnson Wax Company collection. Through November 16 at the National Collection of Fine Arts.

Filmmaking. Adult class. By prior registration only. For information call the Smithsonian Associates, 381–5159.

Sales Exhibition—Objects: USA. Selected craft work done by a group of the artisans included in the National Collection of Fine Arts show: Maurice Heaton, Stanley Lechtzin, Richard Marquis, and William Wyman. NCFA Museum Shop, through November 16.

Saturday, October 4, 1969

The Creative Screen. *The Violinist* and *Paintings in a Low Voice,* shown every half hour between noon and 3 p.m. at the National Collection of Fine Arts. Free admission. See October 2 for details.

Sunday, October 5, 1969

Plastic as Plastic. The first museum exhibition examining plastic's role as a unique man-made product widely adaptable for innovative design rather than as an imitator of wood, glass, and other material. Among the 246 objects to be exhibited—including a sprayed plastic foam "environment"—are furniture, jewelry, toys, industrial uses, sculpture, housewares, and appliances. Arts and Industries Building. Through January 19.

Tuesday, October 7, 1969

Japanese Porcelain and the Dutch Trade. Lecture by Dr. John A. Pope. This is the 17th in the Freer Gallery of Art's annual series of illustrated lectures. 8:30 p.m. in the Gallery Auditorium.

Wednesday, October 8, 1969

Flat-Woven Rugs of Greece, Turkey, and Iran. Sales exhibition of 30 brilliant, colorful examples selected from the last frontier of Oriental rug collecting. Woven by village and nomad women. Usually found only in the small bazaars of the Middle East. Museum Shop, Arts and Industries Building.

Kon-Tiki. 75-minute Film Theatre presentation. An historical record of the famous voyage from South America to Polynesia made by Thor Heyerdahl. 2 p.m. in the auditorium of the National Museum of History and Technology; 8 p.m. National Museum of Natural History auditorium, with introduction by Dr. F. Raymond Fosberg, Smithsonian Special Advisor on Tropical Biology.

Thursday, October 9, 1969

Kon-Tiki. Film Theatre repeat. Noon, auditorium of National Museum of History and Technology.

Monday, October 13, 1969

History of Broadcasting. Adult class. By prior registration only. For information call the Smithsonian Associates, 381–5159.

Tuesday, October 14, 1969

A New World From Plastics. Illustrated lecture by Douglas Allan Deeds, eminent industrial designer. Sponsored by the Smithsonian Associates for members and their guests, 8:30 p.m., Museum of Natural History auditorium. Doors will open at 8 p.m., and the public will be admitted at 8:25 as seats are available.

The Potomac—A Troubled River. The first in a monthly series of lectures/encounters presented by the Smithsonian Institution under the general theme, "Our Troubled World." The first session, in which the audience is asked to participate, will focus on a panel discussion of the Potomac, its past and hope for the future. Panel members are Theodore Samsell, Director of the Department of Natural Resources, West Virginia; Charles Thompson, Executive Director, American Landowners Association; James Smith, Assistant Secretary, Department of the Interior; and Frederick Zimmermann, Professor of Political Science, Hunter College. Introduction by S. Dillon Ripley, Secretary of the Smithsonian. 8:30 p.m., auditorium of the National Museum of History and Technology.

Wednesday, October 15, 1969

Landscapes and Seascapes by Whistler. An exhibition of James McNeill Whistler's landscapes and marine paintings revealing his forgotten role as an avant garde artist whose experimental paintings were a major force in the emergence of abstract art. Some 40 paintings will be displayed. At the Freer Gallery of Art for an indeterminate period of time.

Annapurna. 57-minute Film Theâtre presentation. A photographic record of the 1950 French Himalayan expedition led by Maurice Herzog. 2 p.m. in the auditorium of the National Museum of History and Technology; 8 p.m. National Museum of Natural History auditorium with an introduction by Nicholas B. Clinch, President, American Alpine Club.

Thursday, October 16, 1969

The Bhahar River Tiger, believed to be the largest tiger ever taken in India. From tail to paw the stuffed animal is 11 feet long. It is being presented to the National Museum of Natural History through the generosity of David J. Hasinger of Philadelphia and will be placed on a platform on the Constitution Avenue main entrance to the Museum, seemingly poised as though in the act of springing upon a Chital deer. Permanent exhibit.

Annapurna. Film Theatre repeat. Noon, auditorium of Museum of History and Technology.

Concert by U.S. Air Force Band. Auditorium, National Museum of Natural History. 7:30–11:00 p.m.

The Creative Screen. *Analogies* by James Edward Davis—film-maker, painter, sculptor, and photographer. Dramatic differences are depicted between Nature's reflected forms and those invented by the artistic film-maker. *Two Times Too* by well-known French film-maker and fashion-photographer Jerome Ducrot. A brilliant color cocktail using multi-mirrored sets and electronic music. *A La Folie* also by Jerome Durcot. An expressionistic journey to a land where fantasies become realities. Continuous showings at the National Collection of Fine Arts every half hour from noon until 3 p.m. Free admission.

Friday, October 17, 1969

The Appalachian Trail. A color film sponsored by the National Parks Association, 8 p.m. Auditorium, National Museum of Natural History.

Saturday, October 18, 1969

The Creative Screen. *Analogies, Two Times Too* and *A La Folie.* Shown every half hour between noon and 3 p.m. at the National Collection of Fine Arts. Free admission. See October 16 for details.

Tuesday, October 21, 1969

Wildlife and Domestic Stock in Africa, illustrated lecture by world-famous naturalist Dr. Leslie Brown. Sponsored by the Smithsonian Associates for members and their guests. 8:30 p.m., National Museum of Natural History Auditorium. Doors will open at 8 p.m. Public will be admitted at 8:25 as seats are available.

Wednesday, October 22, 1969

Concert featuring music of Fantini, Frescobaldi, Viviani, Bach, Krebs, Purcells, Jeremiah Clarke. Edward Tarr, baroque trumpet and George Kent, organ. Hall of Musical Instruments, National Museum of History and Technology, 8:30 p.m.

Aku-Aku. 84-minute Film Theatre presentation. Another fascinating expedition led by Thor Heyerdahl; this time to uncover the mystery of the giant stone heads on Easter Island. 2 p.m. in the auditorium of National Museum of History and Technology; 8 p.m. National Museum of Natural History auditorium with introduction by Dr. Gordon Macgregor, Professor of Anthropology, American University.

Thursday, October 23, 1969

Music Workshop/Lecture by Edward Tarr and George Kent. Subject: *The So-Called "Bach Trumpet."* 2 p.m. Hall of Musical Instruments. National Museum of History and Technology.

Ensemble Workshop for Trumpeters and Trombonists. Discussion and performance for trumpet ensemble by Tarr and Kent. 8 p.m. Hall of Musical Instruments, National Museum of History and Technology.

Aku-Aku. Film Theatre repeat. Noon, auditorium of National Museum of History and Technology.

Friday, October 24, 1969

Survival Through Design, illustrated lecture by architect Richard Neutra. Sponsored by the Smithsonian Associates for members and their guests. 8:30 p.m., National Museum of Natural History Auditorium. Doors will open at 8 p.m. Public will be admitted at 8:25 as seats are available.

Wednesday, October 29, 1969

Iranian Paintings Today. The modern art scene in Iran will be surveyed in this showing of art sponsored by the Iranian Embassy in Washington. Arts and Industries Building through November 17.

Arctic Odyssey, 55-minute Film Treatre presentation. The David Humphreys Polar expedition to the world's northernmost coast, in Greenland. 2 p.m. in the auditorium of the National Museum of History and Technology; 8 p.m. National Museum of Natural History auditorium with an introduction by Dr. Louis Quam, Chief Scientist, Office of Antarctic Programs, National Science Foundation.

Thursday, October 30, 1969

Barbara Morgan: Women, Cameras, and Images IV. More than 50 photographs, including photomontages, by famed photographer, author, critic, and designer Barbara Morgan. The subjects of the pictures are varied, but special emphasis is placed on Mrs. Morgan's classic photographs of Martha Graham and other dancers. Hall of Photography, National Museum of History and Technology. Through January 26, 1970.

Arctic Odyssey. Film Theatre repeat. Noon, auditorium of National Museum of History and Technology.

Friday, October 31, 1969

Concert by U.S. Air Force Band. Auditorium, National Museum of History and Technology, 7:30-10:30 p.m.

CONTINUING EXHIBITIONS

British Designer Craftsmen. Arts and Industries Building. More than 200 objects represent a stimulating cross-section of ceramics, glass, woven fabrics, printed textiles, embroidery, tapestry, rugs, wall-hangings, religious fabrics, silversmithing, jewelry and metalwork, this exhibition organized for the Smithsonian Traveling Exhibition Service by the British Section of the World Crafts Council. Through October 20.

The Indomitable Major John Wesley Powell, Scientific Explorer of the American West. Foyer Gallery of the National Museum of Natural History. An exhibition tracing the remarkable career and accomplishments of Major Powell as explorer, geographer, geologist, anthropologist, linguist and prophet of public land policy. This exhibition represents the Smithsonian's major contribution to the celebration of the centennial of Powell's daring descent of the unknown Colorado River in 1869. Through October.

Josiah K. Lilly Collection of Gold Coins.

More than 6,000 gold coins in a collection unequaled in historical and geographical scope typifying the endless number of gold coins circulated throughout the world over a period of about 26 centuries. National Museum of History and Technology. *Through December 30.*

Energy Conversion. Historical development of various methods for transforming an available energy source to a needed energy product, including batteries, fuel cells, solar cells and steam engines. In the Hall of Electricity, National Museum of History and Technology, through March.

Napoleon Bonaparte, Bicentennial of his birth, 1769. A medallic illustration of Napoleon's eventful life; the epic of his many battles which led him across Europe, from Spain to Russia and from the borders of the Elba to the waters of the Nile and into exile at St. Helena where he died, are illustrated by coins and medals that were produced by him and his adversaries. Hall of Numismatics, National Museum of History and Technology. Through February 1970.

Pharmacy in Prints. A collection of portraits, caricatures, broadsides and labels ranging from the satiric and political to the social and ethical, these prints show the doctor-pharmacist-patient relationship. Figures shown include Napoleon, Gladstone, and Presidents McKinley and Cleveland. Through February. National Museum of History and Technology.

Hurricane Fighter Plane. This plane commemorates the Battle of Britain and the participation of the American Eagle Squadron in that historic struggle. The Hurricane was one of the first and most numerous British fighter planes in World War II, but it is now an extremely rare type of aircraft. It is shown in the Arts and Industries Building.

Atomic Art. An exhibition of art by Alyce Simon of New York. Controlled bombardment of acrylic plastic sheets by a particle accelerator combined with flat areas of color produces a unique art form. Hall of Nuclear Energy, first floor of the Museum of History and Technology. Closing indefinite.

Art of Jannis Spyropoulos. Greece's best known contemporary painter, Jannis Spyropoulos, will be represented by 26 large abstract paintings in an exhibition under the patronage of the Greek Embassy. Spyropoulos has exhibited widely around the world and has won major prizes, including the UNESCO Prize at the 1960 Venice Biennale. At the National Collection of Fine Arts through October 19.

THE SMITHSONIAN ASSOCIATES

You are invited to participate directly in the Institution's far-reaching education and research activities by becoming a member of the Smithsonian Associates. Through numerous programs for members, the Associates provide infinitely varied opportunities to explore the arts, sciences, and humanities. Call 381-5157 for information on fees and programs.

RADIO SMITHSONIAN

You can listen to the Smithsonian every Sunday night from 7:30 to 8:00 p.m. on radio station WGMS (570 AM & 103.5 FM). The weekly *Radio Smithsonian* program presents music and conversation growing out of the Institution's exhibits, research, and other activities—from moonshine on the Mall to a discussion with the British Ambassador about his country in the last third of the Twentieth Century, from the coral reefs of the South Pacific to sweet melody from an antique violin. Fred Gray is producer, Cynthia Helms special correspondent in this presentation by the Smithsonian's Office of Public Affairs.

SMITHSONIAN RESIDENT PUPPET THEATRE

(Third Floor National Museum of History and Technology)

Bob Brown Marionettes through January 7, 1970: The Wizard of Oz.

Advance reservations for school groups on weekdays (special 50c rate in groups of 25 or more) call 381-5407. Performances last about one hour. Wednesday, Thursday, Friday: 10:30 and 12:30. Saturday, Sunday, Holidays: 10:30, 12:30 and 2:30. Admissions: Adults, 90c, Children, 60c.

MUSEUM TOURS

National collection of fine arts

Daily tours at 11 a.m. and 1 p.m. Weekend tours 2 p.m., Saturday and Sunday. For advance reservations and full information, call 381-5188 or 381-6100; messages 381-5180.

Smithsonian Museums are open to the public 7 days a week. Hours: 10 a.m. to 5:30 p.m. daily.

Cafeteria: Open 10:30 a.m. to 5:00 p.m. (Located in the National Museum of History and Technology, 12th Street and Constitution Ave. N.W.)

National zoo

Tours are available for groups on weekdays 10 a.m. to 12 noon. Arrangements may be made by calling—*two weeks in advance*—CO 5-1868 Extension 268.

Visitors may purchase animal artifacts and specially designed souvenirs and books at the KIOSK, which is operated by Friends of the Zoo volunteers as a public service and to raise funds for educational programs. Open daily 11 a.m. to 4 p.m.

Hours at National Zoo: Gates open 6 a.m., close 7 p.m.; buildings open 9 a.m., close 6 p.m.

MUSEUM SHOPS AND BOOK SHOPS

(Open to public during all regular hours)

Museum shops

1. National Museum of History and Technology—Rotunda.
2. Natural History Building—Constitution Avenue Entrance.
3. Arts and Industries Building—Mall Entrance.
4. Freer Gallery of Art—Mall Entrance.
5. National Museum of History and Technology—Mall Entrance.

Book shops

1. National Museum of History and Technology—Constitution Avenue Entrance.
2. Natural History Building—Mall Entrance.
3. National Collection of Fine Arts—Main Floor, 8th and G.
4. National Portrait Gallery—F Street Entrance.

For a Calendar of Events at the National Gallery of Art, which is separately administered, please write to the Office of Information, National Gallery of Art, 6th Street and Constitution Avenue, N.W., Washington, D.C. 20565, or call 737-4215.

Dial-A-Museum—737-8811 for daily announcements of new exhibits and special events.

Dial-A-Satellite—737-8855 for daily announcements of satellite passages and other astronomical data, prepared by Smithsonian Astrophysical Observatory, Cambridge, Mass.

(The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs, 381-5911. *Deadline for November Calendar: October 15.* Mailing list requests and changes of address should be sent to the Smithsonian Calendar, 131 Old Smithsonian Bldg., Washington, D.C. 20560.)

LAND CLAIMS OF ALASKAN NATIVES

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. POLLOCK. Mr. Speaker, today I introduce a bill to provide for the settlement of certain land claims of Alaskan natives. This bill is the third piece of legislation which I have introduced during this session of Congress to resolve the native land claims. The bill proposes the solution of the Alaskan Federation of Natives to the land claims question.

In order to present as complete a picture as possible of the divergent approaches to settlement of the aboriginal land claims issue, I am pleased to introduce this legislation. By providing us with a third alternative for resolving the land claims, the bill will contribute a great deal to the discussion which has already been engendered by the introduction of H.R. 10193 and H.R. 13142, the other two land claims bills. Each of these bills differs from the others in several important ways, thus insuring that a wide spectrum of thinking will be presented to this body for its consideration.

Mr. Speaker, at this stage in the history of the native land claims, the precise terms of the ultimate settlement are, perhaps, not as important as the fact of settlement itself. For 102 years—since Alaska was first purchased from Imperial Russia in 1867—Congress has reserved to itself the right to determine the nature and status of native ownership in land and the means of its disposition. Meanwhile, the claims of Alaska's Indians, Eskimos, and Aleuts have been held in abeyance. These claims have been recognized from time to time, but little or nothing has been done to resolve them. Thus, in 1884, it was stated in the Organic Act, which established Alaska's first civil territorial government, that:

> Indians and other persons shall not be disturbed in the possession of any lands in their use or occupancy or now claimed by them.

However, the exact terms under which Alaska's natives were to acquire title were reserved by Congress for its determination at a future time. Finally, after a century of congressional inaction, the Department of the Interior imposed a "super land freeze" on Alaska's selection of the 103 million acres of land which Congress agreed to give the fledgling State when, in 1958, statehood became a reality.

While the land freeze is necessary to protect the claims of Alaska's native citizens, it has seriously impaired the economic development of the State. Every time a road is planned, a power project is contemplated, or an airport runway extension is required, permission must be obtained from the Department of Interior which, in turn, seeks the advice of the appropriate congressional committees. This arduous procedure has resulted in the abandonment or delayed construction of many necessary and worthwhile public works projects in Alaska.

In addition to its undesirable economic consequences, the land freeze has other serious implications for Alaska. As of today, Alaska has selected only about 23 million acres of the 103 million acres of land which Congress promised the State in 1958, and time is running out. Following statehood, Congress set a time limit of 25 years for the selection of Federal lands by the State; only 15 years are left. To insure the orderly and prudent selection of Federal lands, the land freeze must be lifted as quickly as possible.

Some hearings on the land claims question have already been held and more are planned for the immediate future. On August 4–6 and September 9, hearings were held in Washington at which time Government witnesses presented their views. Next week, in Fairbanks and Anchorage, Alaskan natives and nonnatives will be given the opportunity to express their opinions before the Subcommittee on Indian Affairs of the House Committee on Interior and Insular Affairs. The bill which I have introduced today will provide this subcommittee with an excellent reference point for its discussion of the Alaskan Federation of Native's solution to the land claims issue.

Mr. Speaker, the land claims of Alaska's natives pose serious legal, moral, and economic questions for all Americans. Some have said that our Indian policy has been a failure and a blight on our democratic traditions. A prompt and equitable settlement of the native claims will help to silence this criticism. Moreover, these claims must be settled if Alaska is to make its full contribution to the economic prosperity of the Nation. Recent developments, such as the north slope oil bidding, serve to illustrate the vast economic potential of my State. However, this potential will remain largely untapped until the land claims issue is settled.

My distinguished colleagues, we are confronted with a serious and complicated problem. The AFN proposal, which is embodied in the bill I have introduced today, presents a carefully considered solution to this problem. The problem and its resolution deserve our prompt attention.

I am hopeful the best provisions of each of the bills can be blended into a meaningful resolution of the land claims issue that everyone can accept, and I am hopeful also that history will record that the matter was finally laid to rest in the 91st Congress.

THE FORGOTTEN AMERICANS OF THE VIETNAM WAR

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. TALCOTT. Mr. Speaker, the story of our POW's in North Vietnam has not been adequately told. Their plight is difficult to "cover." Reporters have been reluctant to tell the truth or expose the facts because they did not want to offend the Communists in Vietnam or the Communist sympathizers or assisters in this country.

But our citizens are entitled to know the facts. Our citizens are involved. Their families are affected. Our Nation is affected by the manner in which we tolerate the treatment of our POW's.

The POW's have been generally forgotten until recently. The MIA's—missing in action—and not yet reported as prisoners or deceased have been forgotten. Their families suffer untold anxiety and agony. Their suffering and sacrifices ought to be made known to every Member of the Congress, every U.S. citizen, and every inhabitant of this planet.

Mr. Louis R. Stockstill is one of the most knowledgeable writers and competent reporters on the subject of POW's.

I ask to insert here an article by Mr. Stockstill entitled "The Forgotten Americans of the Vietnam War." I hope every Member will read it:

PRISONERS OF WAR: THE FORGOTTEN AMERICANS OF THE VIETNAM WAR

(On the following pages you will find one of the most important articles ever published in this magazine. Telling you this may seem redundant. If an article is unimportant, we should not be publishing it at all. At the same time, we have always acknowledged to ourselves that not all readers are interested in everything we print. Our job is to supply a balanced buffet table—not intravenous feeding.

(But the matter of our American servicemen who have sacrificed their freedom, their health, and the peace of mind of themselves and their families in behalf of freedom for others—this is a matter that concerns us all. By the hundreds, these men languish in North Vietnam prisons and in Viet Cong jungle camps—unprotected by the Geneva Conventions which are supposed to guard the rights and persons of all prisoners of war. That the bulk of these American prisoners are airmen brings their plight a little closer to us, perhaps. That others have lost life and limb in the same cause is even more saddening. But death and wounds are irretrievable, and all we can do is to make suitable provision for the wounded and the survivors of the dead. The prisoners, on the other hand, are alive and are retrievable. We can do something about them. We must.

(The author, who has done such a thorough and painstaking job, served for many years on the staff of the Journal of the Armed Forces, ultimately as its Editor. Lou Stockstill has devoted his professional life to the examination and explanation of the problems of the armed forces of the United States. He is now a free-lance writer in Washington. This article represents, in our judgment, the finest effort of his distinguished career. It explains the POW problem better, and in more detail, than anything published to date. It includes some concrete suggestions as to what you can do to help.

(Read it, and let your conscience be your guide.—THE EDITORS.)

(By Louis R. Stockstill)

Once a month, from her living room high up in an Arlington, Va., apartment building, removed from most brutalities of life except her own thoughts, Gloria Netherland walks a long hallway to the mail chute and deposits a letter.

She watches it drop from sight on the first leg of a journey into an unknown void halfway around the world. The letter begins "Dear Dutch." But whether Dutch will read it, or someone else will read it, or whether it will go unopened is impossible to say.

Gloria and Dutch have been married eighteen years, but she doesn't know—hasn't known for a long time now—if he is alive or dead. And if alive, she doesn't know where he is or how he is.

For more than two years she has written the monthly letters—limited to six lines each, according to current Communist rules. None are answered; none are returned.

But, in the pattern of "dreadful uncertainty" that characterizes her daily life, she never fails to write.

"I realize," she says, "there is just a fifty-fifty chance he is alive, but feel that I cannot afford to let anything go undone."

Capt. Roger M. Netherland, USN, who was shot down over North Vietnam in May 1967, is one of the senior U.S. pilots missing in the Vietnam War. Flyers reconnoitering the site where his burning plane plunged to the ground believe they heard his voice. But no word has come through since.

"When you are married to a flyer," Gloria Netherland says, "you learn to live with potential disaster. But you expect it to be black and white, not like this. I can't think of him as being gone, but it is very difficult for me to think of him as a prisoner."

She says, "The worst day for me was not the day they came to tell me he had been shot down. The worst day was the day his clothes and books and personal things came back. To have to unpack a man's life is not an easy experience.

"And if he is gone, I will have to do it all again. There will be another complete healing period to go through."

Gloria Netherland is but one of hundreds of wives and parents who live on an emotional roller coaster of grief, hope, faith, anxiety, and raw courage. For some, the waiting has lasted more than five years.

Their husbands and sons are the forgotten men of the Vietnam War—approximately 1,400 men captured by the enemy or missing and possibly in enemy hands. Most of the known captives are imprisoned in North Vietnam, others by the Viet Cong in the jungles of the South. A few are interned in Laos and Red China. Files of 981 men have been stamped with the heart-wrenching legend "MIA"—missing in action.

Some 3,000 "next of kin"—wives, children, and parents—in every state now endure what one calls "this limbo of anguish."

The other side has revealed tragically little about these "casualties" of the war. North Vietnam and the Viet Cong, defying international agreements and basic codes of humanitarianism and decency, have consistently refused to discuss the whereabouts of the missing men. Similarly, they have dribbled out only limited and distorted information about selected prisoners in infrequent propaganda movies tailored to their own purposes, often peddling doctored film to foreign outlets. Many wives quite rightly believe that "our husbands are being sold for so much propaganda."

On the shoddy pretext that U.S. captives are not prisoners of war but "criminals," North Vietnam will not allow neutral inspections of its prisoners. Yet such inspections are required under the Geneva Conventions, signed by North Vietnam in 1957 and by 119 other governments.

Using the "criminal" charge to mask its defiance, Hanoi not only has rejected inspection of its camps, but has refused to:

Identify the prisoners it holds;

Release the sick and wounded;

Allow proper flow of letters and packages; or

Protect U.S. prisoners from public abuse.

The Viet Cong and Communist forces in Laos have followed Hanoi's lead by imposing an even more rigid blackout.

The curtain of secrecy the enemy has thrown around the prisoners and missing men has, until recently, been duplicated to some extent by the U.S. government. But this is now changing. A brighter spotlight has been turned on the problem. The change has been wrought by the Nixon Administration. The United States government has now opened up some of its previously closed files of information on the imprisoned and missing men. New initiatives and a tougher approach are the order of the day. Further steps may be in prospect.

NEW HOPE FOR POWS

For the first time, Administration officials are waging an open fight for the prisoners. The diplomatic maneuverings which shielded many aspects of the problem from public view during the Johnson Administration—

although perhaps rightly so for that time—have been partially cast aside. The United States is speaking out.

Two of President Nixon's top Cabinet officers have embarked on a strong public offensive in which they stress concern for, as well as facts and figures about, the treatment of the U.S. prisoners and missing men.

"I don't understand how the North Vietnamese can be so lacking in humanity that they won't even give us the names of the prisoners they have," declares Secretary of State William P. Rogers. "All they have done is to be more intransigent, more unreasonable, and more inhumane."

Secretary of Defense Melvin R. Laird says there is "clear evidence that US prisoners are not being treated humanely," and that conditions in the prison camps are "shocking."

Yet, in order for the tough and forthright new policies to produce desired results, citizens must join the attack. Their assistance could be crucial. Many citizens may never have asked themselves how, or if, they can help. Many still may not be aware of the full story of our forgotten men.

Here then are the sobering facts about the prisoners and the missing, the details of the obscure existence they live, the way they are used and abused by Hanoi. And here, too, is an account of what the US is doing to aid the men and their families, and suggestions as to how you might lend a hand:

Of the known prisoners—the 401 the armed forces have been able to positively identify as captured—192 are Air Force, 140 are Navy, forty-six are Army men, and twenty-three are Marine Corps personnel.

Nearly 1,000 others are missing in action and thought to be captives. The largest number missing from any single service is 516 from the Air Force. More than 260 are missing in the Army, more than 100 in the Navy and ninety-four in the Marine Corps.

The prisoners and missing men range in rank from private to colonel, or Navy captain. They include such men as Col. Robinson Risner, of Oklahoma City, one of the top AF pilots, and Navy Lt. Cmdr. J. S. McCain, III, son of the US Commander in Chief Pacific, Adm. J. S. McCain, Jr.

Several of the known prisoners have now been behind bars more than five years. More than 200 have been imprisoned or missing for more than three and one-half years, more than 500 for over two years.

Some military intelligence the United States has gleaned about these men must be kept secret or couched in guarded language to protect the prisoners.

Nevertheless, accounts of torture and inhumane treatment have emerged. The widely publicized story of the capture, escape, evasion, and rescue of Navy Lt. (j.g.) Dieter Dengler in 1966 presented stark examples. Captured by the Pathet Lao but eventually turned over to North Vietnamese soldiers, Dengler was spread-eagled by his captors and at night left to the mercy of jungle insects, tied to a tree for harassment target practice, repeatedly beaten with fists and sticks (once into unconsciousness) for refusing to sign a statement condemning the US, and tied behind a water buffalo and dragged through the bush. The once 180-pound flyer weighed ninety-eight pounds following his escape and rescue.

STORIES OF MALTREATMENT

Other escaped prisoners have told of similar maltreatment in Pathet Lao and Viet Cong jungle camps.

Most recent evidence about those imprisoned in North Vietnam discloses that many have been tortured by being deprived of sleep, refused food, hung from ceilings, tied with ropes until they developed infected scars, and burned with cigarettes. At least one had his fingernails ripped from his hands. The broken bones of another, set by Communist doctors and still in a cast, were rebroken by guards.

It is difficult to know how typical these examples may be. But, regardless of the continuing secrecy in certain areas, substantial information is available on some prisons and the basic treatment of some prisoners. Portions of the record are cloaked in "it is believed" language, some is official hard fact, and some has come from those foreign news sources Hanoi has permitted to peek into selected prison keyholes.

Prisoner treatment, of course, varies, and often the enemy attempts to camouflage the worst conditions. With that in mind, consider these details about three types of prisons—a jungle camp operated by the Communist Pathet Lao; a Viet Cong jungle camp; and a North Vietnamese institution known euphemistically as the "Hanoi Hilton."

The Pathet Lao camp is a bamboo stockade of primitive thatched huts. Prisoners are fed twice a day, mostly rice but with occasional supplemental foodstuffs. Many suffer from malnutrition. Some are afflicted with intestinal parasites. Except when allowed outside to empty toilet pails, prisoners are confined inside the huts, often locked in crude wooden foot blocks or handcuffs. Barbaric treatment, including beatings, is not unique. Prisoners are forced to listen to Radio Hanoi.

The Viet Cong prison or jungle camp houses fewer than a dozen men. The prisoners are fed three times a day, again mostly rice, supplemented by some meat, fish, or vegetables. They are supplied with soap and toothpaste, fifth-rate medical treatment, pills thought to be antimalarial, and even occasional vitamin injections for those in most obvious need. Between meals, prisoners are allowed to smoke, exercise, or just sit. About once a month, they are furnished news of the outside world. They have been told, for example, of the assassinations of Dr. Martin Luther King and Sen. Robert F. Kennedy, of the release of the *Pueblo* crew and the election of President Nixon. They are allowed to write occasional letters, but have no way of knowing the effort is futile. No letters have ever arrived in the US from prisoners held by the VC. To maintain the pretense of a mail-exchange, however, at least one prisoner in this camp was permitted to receive two letters over a ten-month period.

DAILY ROUTINE IN HANOI

In the North Vietnam prison camp (in central Hanoi), daily routine is more formalized. Prisoners are awakened between 5:00 and 6:00 in the morning by a gong, followed by a thirty-minute Radio Hanoi (English language) broadcast piped into their cells. At mid-morning they are taken out to empty toilet buckets. About 11:00 a.m., seventeen to nineteen hours after they last ate, they are fed the first of two daily meals. Food consists mainly of pumpkin or squash, pork fat, a vegetable resembling wild onion tops, and bread or rice.

One former prisoner said, "The main diet is based around bread, and during the summer we got a squash soup and pig fat." Prisoners receive three daily cigarettes and sometimes, possibly for propaganda purposes, have been given sweets. (Propaganda films staged by Hanoi have shown tables laden with food, including mounds of fresh pineapple and bananas. But no one was eating.) After the morning meal—picked up on a wooden tray and eaten in their individual cells—prisoners are allowed to "nap" on their bareboard bunks until 2:00 in the afternoon, when their cells are flooded with another half-hour Radio Hanoi broadcast. Between 4:00 and 6:00 p.m., they are fed the second and final meal of the day. The day ends around 9 p.m.

Each prisoner is provided with two sets of pajama-like clothing, two blankets, and toilet articles. Each is allowed to shave twice a week and wash his clothing once a week.

CONSTANT INDOCTRINATION

Brainwashing efforts do not follow the hard-line techniques employed during the Korean conflict, but prisoners are subjected to constant lower-key indoctrination. Not only does Radio Hanoi bombard their cells with slanted news and propaganda a full hour out of each day, but prisoners also are furnished with Communist propaganda periodicals and are lectured on the "history of Vietnam" and the provisions of the 1954 Geneva Accords as conveniently interpreted by their captors. Sometimes men reportedly are taken from the prison to visit state institutions where they can "learn" more about North Vietnam's "culture."

Attempts also are made to induce them to write or record statements expressing sympathy with the North Vietnamese cause and condemning US involvement in the war.

Within the confines of the prison, the captives generally are isolated from contact or communication with more than one or two other prisoners who may share the same cell. Many men are kept in solitary confinement. As they are moved around in the prison to pick up food, empty toilet buckets, wash, etc., they are carefully shepherded so that one prisoner or group of prisoners seldom encounters another.

At infrequent intervals, certain prisoners have been allowed to write to their families, although few letters ever reach home.

That the prisoners are allowed to write at all, and that they are accorded other elemental amenities, may likely be because the so-called "Hanoi Hilton" is anything but typical.

PROPAGANDA SHOWPLACE

US officials, with reasonable suspicion, regard the "Hanoi Hilton" as a propaganda showplace. While foreign newsmen have "seen" prisoners, who have been transported to a central location for that express purpose from at least eight other camps, the "Hilton" is the lone place outsiders have been allowed to enter. And it is the only prison from which US prisoners have ever been released. Obviously, the open-door policy at only one prison creates real doubt that the North Vietnamese can afford to let the world, and in particular the neutral nations, see the conditions that prevail elsewhere.

No prisoner has ever escaped from the prisons of North Vietnam. Those who have managed to struggle back to freedom from the VC jungle camps add up to fewer than two dozen (the specific number is classified). And the Communists have been extremely callous when it comes to returning American prisoners. To date only a handful has been set free. Sixteen have been released by the Viet Cong, nine by Hanoi.

Procedures followed by Hanoi in releasing prisoners are particularly meaningful since North Vietnam has been the bellwether in establishing what might be regarded as overall policy guidance in the treatment of prisoners elsewhere. And it is in North Vietnam that the greatest number of men are believed to be imprisoned. Of the more than 1,400 captured and missing, nearly 800 (mostly pilots) were downed over North Vietnam. The Defense Department believes "a substantial percentage of the missing" may be prisoners.

POW RELEASES FOLLOW PATTERN

All the prisoner releases by Hanoi—two last year and one this August—have followed a similarly disturbing pattern. First, they have been but token gestures, letting just three men out at a time. Second, they have been accompanied by blatant propaganda announcements in the guise of either "humanitarianism" or "good will," or coupled with some "special" day. Third, the names of the men to be freed are withheld for periods of more than a month, thus creating untold agony for thousands of hopeful next of kin. Fourth, releases are carried out through dissident US intermediaries instead of the International Committee of the Red Cross, the traditional go-between in matters affecting war prisoners.

As a condition of each of the three prisoner releases, Hanoi has insisted that US pacifist groups be sent to North Vietnam to take custody of the prisoners and accompany them out of the country.

After a protracted wait, the identities of the prisoners are presented to the world in a staged ceremony. Finally, they are allowed to depart for home with their pacifist countrymen, who are merely used by Hanoi in a grossly overt effort to foment further unrest among American citizens and abet militant critics abroad.

The first two prisoner releases took place last year. Three men were released in February, three more in July. All six were "short termers"—that is men who had been held prisoner for relatively brief periods of time.

The February 1968 group consisted of two Air Force officers, Lt. Col. Norris M. Overly and Capt. John D. Black, and twenty-three-year-old Navy Lt. (jg.) David P. Matheny. None had been in captivity as much as six months. Lieutenant Matheny had been captured only four months earlier.

The three prisoners relased in July 1968 were all Air Force officers: Maj. James F. Low and Capt. Joseph V. Carpenter, imprisoned for seven and six months, respectively, and Maj. Fred N. Thompson captured less than four months before.

The man designated by Hanoi as the principal go-between for the releases is a fifty-four-year-old pacifist named David Dellinger. Chairman of an organization known as the National Mobilization Committee to End the War in Vietnam, he has traveled frequently to Communist bloc nations and to North Vietnam. Currently, he is under indictment on charges of conspiring to incite a riot in Chicago during last year's Democratic Convention.

As the main contact in the prisoner releases, Dellinger, in turn, has named other US pacifists to act as "escorts" in bringing the prisoners out of Hanoi.

THREE RELEASED IN AUGUST

The most recent release—three men, again—came in August of this year and illustrates how completely Hanoi milks the prisoner situation for its own purposes. However, it marked a minor breakthrough of sorts. For the first time, North Vietnam released prisoners who had been held captive for fifteen to twenty-eight months.

The new policies of the Nixon Administration may have had something to do with the release of the longer-term prisoners. Publicity about two of the men had been widely aired by DoD several months earlier.

Like the two preceding releases, the third also was carried out under the banner of David Dellinger. On this occasion, he designated a somewhat ragtag escort group. The group was substantially larger than any previously dispatched. There were four escorts. They took along three cameramen.

Leader and spokesman was Rennard C. Davis, twenty-nine, National Coordinator of Dellinger's National Mobilization Committee. A member of Students for a Democratic Society, Davis is also under indictment on charges growing out of the Chicago riots. He had to obtain a court ruling in order to leave the country.

With Davis in the escort group were Linda Sue Evans, twenty-two, an SDS regional organizer; Grace Paley, forty-six, a member of antiwar and antidraft organizations; and James Johnson, twenty-three, Negro, former GI who served a stockade term for refusing to fight in Vietnam. The three cameramen, from an underground movie-making outfit, were identified as Robert Kramer, thirty-six, an SDS member during a stint at Columbia University; Normal Fruchter, thirty-two; and John B. Douglas, thirty-one.

TEAM FLEW TO HANOI

The seven-member team flew to Hanoi in mid-July, about two weeks after North Vietnam announced plans to release the prisoners. For the next couple of weeks they received Hanoi's "grand tour," were escorted on a 500-mile trip into the DMZ, met with the Prime Minister, and were ultimately entertained at a farewell party well-oiled with rice liquor and propaganda.

At the farewell ceremony, according to details churned out by the North Vietnam News Agency (VNA), the prisoners were "handed over . . . to the American antiwar delegation" with a Madame Bui Thi Cam denouncing the "monstrous crimes" perpetrated by the "US imperialists" who had destroyed towns and crops and massacred . . . women, children, and old folk."

She said US pilots "caught in the act of committing grave crimes" are not entitled to the protection of the Geneva Conventions, but are, nevertheless, treated "in accordance with the humanitarian policy of the government."

James Johnson, accepting the prisoners "on behalf of the American antiwar delegation," said, "We know, as these pilots must know, that all over the world the United States has been branded an outlaw nation." His statement, running some 500 words, might almost have been written by Hanoi.

The North Vietnam News Agency said, "The three released American military men then took turns in expressing, each in his own [way], their deep gratitude to the Vietnamese People, the DRVN government, and the Vietnam People's Army, for this humanitarian act as well as for the humane treatment all of them had received throughout the period of their detention."

The names of the prisoners were revealed. Two were Navy men: Lt. Robert F. Frishman, captured twenty-one months earlier, and Seaman Douglas B. Hegdahl, imprisoned for two years and four months. The third was Air Force Capt. Wesley L. Rumble, held for fifteen months.

The prisoners and their escorts left Hanoi on August 5. Arriving in Vietiane, Laos, that night, they were seen for the first time by US newsmen. They were described as "pale and gaunt," clad in "dungarees and sandals."

The press accounts noted that Frishman, acting as spokesman for the prisoners, selected his words "carefully." He said only that he was happy "to be returning home, to be back with my country and my wife."

There then followed a question-and-answer session. Here are revealing excerpts from Frishman's interrogation by the newsmen:

Question. How was the treatment you received. . .?

Answer. I received adequate food, clothing, and housing.

Question. Would you describe it as humane treatment?

Answer. Sir, I believe I have answered that question.

Question. Did they make any attempt to indoctrinate you or brainwash you in any way?

Answer. I have no comment.

Question. Was their treatment better at all when they decided you were going to be released?

Answer. As I say, my treatment has been adequate.

Question. Are you concerned that other prisoners might be harmed by something you might say here?

Answer. Yes. I in no way want to jeopardize any of the others who have been. . . .

The sentence trailed off.

When the prisoners arrived in Bangkok the following day, Frishman was quoted as saying. "It's great to be back." Nothing more. At some point during the return journey, Frishman had indicated the desire of all three men to be furnished with military clothing. "We left in uniform," he said. "We intend to return in uniform." The clothing was rushed to Frankfurt, last stop before New York.

ARRIVAL IN NEW YORK

When the three men arrived at Kennedy International Airport in New York, I was there to see them for myself. To television audiences, the returning prisoners may have looked reasonably well cared for. But their appearance on the hot, noisy flight line was deeply saddening.

When the general passengers and the pacifist escorts had disembarked, the families of the prisoners were allowed to board the plane for a brief reunion away from the eyes of the curious. Twenty minutes later, the men and their families began emerging.

There was no brass band, no flags, no clamoring throng to welcome them. Only a cluster of newsmen, cameras, government representatives, police, and a small crowd of onlookers.

Lieutenant Frishman, followed closely by Seaman Hegdahl, was first off the plane. Both wore their new uniforms, the Navy blue contrasting starkly with their drawn, pallid faces. Captain Rumble, ill, stooped, pale, was assisted down the steps, helped into a police car, and rushed to a waiting medical-evacuation plane.

The two Navy men and their families were led to a small platform, barren but for a gaggle of intertwined microphones. Uncertainly at first, and then with alert precision they returned the salute of Air Force Col. Milt Kegley standing nearby.

They were ashen in color. Their eyes were deep, hollow circles of darker gray, much like the exaggerated eyes of starving children. They smiled, but somehow their smiles seemed macabre; not forced, but not exactly real; joyful surely, but with an underlying tautness; perhaps nearer to tears than laughter.

Lieutenant Frishman once again spoke for all three men, repeating what by now had become his stock statement. They were happy to be home, they had received "adequate food, clothing, and housing" from their captors.

He, himself, had been "seriously wounded." The North Vietnamese doctors had removed his elbow and tied the muscles together. "I am glad to still have my arm," he said.

THE ARM WAS WASTED

It hung at his side, the loose sleeve of his jacket emphasizing that the arm was wasted, thin, far shorter than the other. When the suggestion had been made to him earlier that, "They'll fix it better at home," he replied, "Oh, no. They won't. It's impossible now."

Now, as he extolled the "adequate" treatment he and the others had received, and praised the North Vietnamese for saving his arm, Frishman voiced the "hope that there will be some more releases."

At his side, Douglas Hegdahl, once a robust heavyweight, continued to smile, his face almost skeletal. A reporter asked how much weight he had lost. He had "no comment."

But then Frishman addressed the microphones. "I lost forty-five pounds; Seaman Hegdahl lost sixty pounds," he said. It was the first detailed confirmation of their deprivations.

A newsman asked Frishman why the North Vietnamese had selected him for release in preference to some other prisoner.

"I am sure they released me for some reason . . . this reason I do not know," he said.

What about the welfare of other prisoners still held by Hanoi?

"No comment," Lieutenant Frishman said.

PRESS SESSION QUICKLY ENDED

The session with the press was over quickly, the final questions muffled in the roar of a nearby jet. The men were tired; they had been traveling for thirty-six hours.

"I want to be with my wife now," Lieutenant Frishman said. He placed his good arm around her. The prisoners and their families moved off the platform.

As Frishman turned, I saw him for the first time from the side. His shoulders were incredibly thin. The collar of his shirt hung loosely about his neck. The lines of his nose, his cheeks, and his chin were sharply drawn, haggard. So were Hegdahl's.

If the two men had been well-treated, there was nothing in their appearance to verify it. The almost corpse-like pallor of their skin, tightly stretched, almost translucent, mutely testified to long seclusion from the sunlight.

The men and their families moved to waiting transportation for the short trip to the medical-evacuation plane and the final leg of their journey to military hospitals. I turned with the other newsmen to walk back into the International Arrivals building for the meeting with the pacifist escorts.

We waited for an hour in a small, stuffy room intensely illuminated by bright klieg lights.

Finally, the pacifists straggled in, having been delayed in customs. The four escorts and the three cameramen gathered on a platform at one end of the room. By any standards, they were unprepossessing in appearance.

The leader and spokesman, Rennie Davis, was the most presentable, dressed in neat trousers and shirt, hair slightly long but combed and parted.

Peering from time to time at notes clutched in his right hand. Davis began a recitation of what the seven-member team had seen and done in North Vietnam. His monologue had little to do with the prisoners. It mainly emphasized the "devastation" that US bombing forays had inflicted on a "determined" and "unbeatable" people now instilled with a "mood of victory." The North Vietnamese believe, he said, that they have President Nixon "trapped."

He introduced Grace Paley, a short frumpy woman in a cotton dress. She said North Vietnam considers US prisoners criminals, but releases them to "show good faith" and as a demonstration of their "humanitarian" treatment.

PRAISE OF HANOI'S TREATMENT

Next up was Linda Sue Evans, young, blond, wearing tightly fitting flared blue jeans. "We believe," she said, "that North Vietnam should win." She praised Hanoi's "humane" treatment of the prisoners.

The young Negro, Johnson, principal pacifist speaker at the Hanoi ceremony, was next. He said with obvious pleasure that the North Vietnamese "feel they have defeated the United States."

Davis opened the press conference to questions.

Are our prisoners being mistreated? he was asked.

He had seen no such evidence. The group had met a "total of twenty-five to thirty all told," and had been informed by the prisoners that they had been protected within the very villages they had bombed, been given immediate medical attention, and "better" food than is provided for their guards.

He said continuing concern is voiced about the treatment of US prisoners, but he is more concerned about the treatment of prisoners from the other side held in camps in South Vietnam.

Davis was asked to comment on a statement by Secretary of Defense Laird that Hanoi's treatment of prisoners is in "flagrant violation" of the Geneva Conventions.

Davis said he thinks North Vietnam "legally regards the United States as an outlaw nation." (An interesting comment. James Johnson had used the same "outlaw" phrase in his Hanoi remarks, but attributed it to the pacifists themselves.)

"You say our prisoners are being treated humanely," I asked Davis. "How many prison camps did you visit?"

Repeatedly, he sought to evade a direct answer, but I kept hammering "how many prisons" at him. Finally he admitted he had "no information at all" about any of the prison camps.

The press conference produced nothing of any kind about the status of U.S. prisoners held by North Vietnam. The pacifists had returned believing what they wanted to believe. They brought back no list of prisoners held by Hanoi, no hint that North Vietnam might consider changing its policy on prisoners.

Except for some fifty letters Hanoi had permitted them to carry home, they had returned only with an array of sugar-coated propaganda. They had swallowed whole as much as possible and stuffed the rest into their luggage.

The press conference could only raise serious doubts about the value of continuing to allow Hanoi the luxury of using such groups to bring back tiny numbers of prisoners. Some Administration officials, even some wives and families of prisoners and missing men, also are beginning to question the validity of this practice.

At the current exchange rate, it would take well over 400 years to get all the men home. And the current release procedures in the words of the Washington, D.C., *Evening Star*, are "a little like Oriental water torture—and just as humanitarian."

Twenty-five days after Frishman, Hegdahl, and Rumble reached New York, I went to Bethesda Naval Hospital in Maryland to hear the two Navy men tell about their prison life. Sunshine had improved their color; they had regained some weight. They were ready to open up.

Frishman recounted how he had been blindfolded after his capture and, despite serious injuries, driven in a truck to other locations where he was removed from the truck and stoned by the populace. When he reached the prison, he was refused medical treatment and told he "was going to die in four hours" unless he talked. He "finally passed out" and was taken to a hospital. "Then, even with my bad arm, they tied me up with ropes."

Doctors operated on his arm but failed to remove missile fragments. It was six months before the incision healed over. "I would wake up and find my arm stuck to the blankets . . . the scab would come off . . . the wound would drain again." One of his legs was left with "a seeping sore," still draining when he reached the U.S. almost two years later.

During much of his ordeal, Frishman was isolated in a tin-roofed cell, vented by "a few holes." In forty-five-degree winter weather, he froze. In summer, it was "like an oven." Sometimes, he was forced to sit on a stool in the stifling room—"just sit . . . and sit"—until he passed out.

Early this year when interviewed by *L'Europeo*, his captors wrote out what he was to say and then "practiced" it with him.

Did they try to "fatten" him in his final weeks of imprisonment, I asked?

"Yes, they did." On July 4 they took him before the camp commander who "had a real nice table with some fruit on it. . . . I knew then that I was going home."

SOLITARY CONFINEMENT

Hegdahl, too, had been subjected to solitary confinement—in all, for more than a year. The longest stretch lasted "seven months and ten days."

He was permitted occasional mail, but the letters were rifled of enclosures (including money) sent by his parents. The lone package he was allowed also was plundered before it was handed to him.

For propaganda purposes, he was photographed "reading" a U.S. magazine which he was allowed to hold "just long enough for them to take the picture."

Frishman said he was threatened before his release. If he embarrassed North Vietnam, they would "have ways of getting even with me," he was told. He was cautioned "not to forget that they still have hundreds of my buddies."

But those still imprisoned want the facts out in the open, he said. One told him "not to worry about telling the truth," that if it means more torture, "at least he'll know why he's getting it and he will feel that it will be worth the sacrifice."

While North Vietnam's claims of "humane" treatment of the prisoners have failed to stand up to public scrutiny, it is equally apparent that Hanoi's policies and those of the Viet Cong have been cruelly lacking in compassion for the families of the prisoners and missing men.

Take Andrea Rander, whose husband, Army SSgt. Donald Rander, is held by the Viet Cong. He was first reported missing dur- the January Tet offensive last year. Four weeks later she was officially notified that he had been wounded and imprisoned. She has been waiting almost two years for a letter that has never come. She has great difficulty, she told me, in making decisions. "I keep putting everything off. I keep telling myself I will wait until Donald comes home. It's my way, I guess, of convincing myself that he will be back."

SPORADIC LETTERS

Billie Hiteshew, wife of AF Maj. James Hiteshew, who was captured by North Vietnam in March of 1967, has lived with the problem longer, but at least she has heard from her husband. She receives sporadic letters, including two this year. And she has seen photographs of her husband. Shortly after his capture, CBS purchased a film of Hiteshew—confined in a hospital with a broken leg and arm—being interviewed by Felix Greene, a British antiwar journalist. She watched her husband say he agreed with Senators who feel "we need to take another look at our foreign policy," a view she had never heard him express or even hint at before.

Evelyn Grubb's only knowledge of her husband came from a similar Hanoi propaganda gesture. An unarmed reconnaissance aircraft, piloted by AF Maj. Wilmer "Newk" Grubb, was shot down in January 1966 while a Christmas bombing halt was in effect. Hanoi gloatingly publicized his capture, conveniently obscuring the true nature of his mission. The day Mrs. Grubb heard of his capture, it was snowing, two of her three sons were ill, and she was three months pregnant. Each time she writes she tells him about their sons (there are now four; one he has never seen), and sends photographs of all of them stapled to the letter so he will know if they have been removed. She doesn't know whether he has received a single photograph or letter. In four years, she has had no further official word of her husband.

Elizabeth Hill is another wife I talked with. Only twenty-three, she was married to AF Capt. Howard J. Hill (both are AF "brats") in August 1967. Two weeks later he returned to Southeast Asia, and just before Christmas was shot down. Nine months passed before she learned that his capture had been confirmed. As she told me this, she smiled. "I can't help smiling," she apologized. "After Howard was missing for so long, I just have to smile when I say he is a prisoner." She has written faithfully for almost two years, but there has never been an answer.

Although regular exchange of mail between prisoners and their families is guaranteed under the Geneva Conventions (even when two countries are not formally at war), the Communists have permitted only a trickle of letters to flow out of North Vietnam.

Efforts of the American Red Cross and the International Red Cross to improve the situation have been essentially futile in the face of Hanoi's obstinance.

NO INSPECTIONS PERMITTED

Not only has North Vietnam rejected Red Cross efforts to establish improved flow of mail and packages to and from U.S. prisoners, and to permit inspections of their prison camps, but they persistently have refused to even acknowledge the existence of, or accept mail from, their own men held as prisoners in South Vietnam. The latter camps are regularly inspected by the neutral International Committee of the Red Cross, and names of all captured North Vietnamese and Viet Cong soldiers are prepared for Hanoi and the VC, but are spurned.

Although the Red Cross has tackled the problem again and again through all potential channels (even seeking help from the USSR)—and keeps on trying "all the time," according to ARC Vice President Robert Lewis—most of the effort has fallen on deaf ears.

Mr. Lewis says the Red Cross also has made it clear that it is prepared to send representatives to Hanoi at any time to accept released prisoners, but the North Vietnamese prefer to stick to their practice of using dissident go-betweens.

MAIL FOR PRISONERS

Mail for all prisoners and missing men is sent through a variety of channels and addresses. Some is handled by the Red Cross, some is mailed direct to foreign post offices, but little is known to have reached the men to whom it is addressed.

Letters written by the prisoners themselves have fared somewhat better because of their propaganda value. But none ever has arrived in the States from prisoners held by the Viet Cong. And fewer than 100 men held by North Vietnam have been allowed to write over the past five years. The average for this small group has been less than two letters a year.

Currently the letters from prisoners are written on a prescribed form, about five by seven inches, which makes its own envelope when folded. Six lines are provided for the message. Instructions tell the prisoners to write "legibly and only on the lines" and "only about health and family." The form states that "Letters from families should also conform to this pro forma."

Not all wives and parents abide by the advice, but many, like Gloria Netherland, do. Forms are provided by the armed forces. All carry a mailing address in the Vietnamese language reading: "Camp of detention for US pilots captured in the Democratic Republic of Vietnam."

But for most families, whether they use the six-line form letter or a longer page, the return on their investment is slim at best.

For families of men listed as "missing," even the lack of mail might be bearable if Hanoi and the VC would release the names of all prisoners. But they have consistently refused. Some US Senators say Hanoi "could devise no subtler cruelty."

While no solution to either the mail problem or the list of missing is in sight, the US armed forces, meanwhile, do what they can to ease the plight of the next of kin.

It is not a simple job, nor has it always received top marks in every area, but as the list of prisoners and missing has grown and as the services have learned from past mistakes and found out more about what the families want and need, they have moved increasingly into programs that now garner well-deserved praise.

All of the wives I talked with feel that their husband's service, as one put it, "is doing everything humanely possible."

NOTIFYING NEXT OF KIN

In the early days when a man was captured or turned up missing, next of kin sometimes were advised by telegraph. This impersonal approach proved highly unsatisfactory and has long since been abandoned.

Today when catastrophe strikes, a service representative is sent to the home to call on the family, break the news in person, give whatever details are immediately available, and offer such solace and assistance as he can provide.

Either this representative or another is thereafter permanently assigned as an "assistance officer" for all future contacts. He makes sure the families are informed of breaking developments, if any, answers their questions, or refers the queries to someone who can; and ensures that they receive such legal, financial, or other aid as they may require.

The main Air Force effort is performed from the personnel center at Randolph AFB, Tex. Service is available twenty-four hours a day, seven days a week, and next of kin may make collect telephone calls any time day or night.

Families are told everything the services can tell them about the circumstances surrounding the capture or disappearance of the man. Any subsequent news is passed along as quickly as it is received.

On a broader front, all services have put together special informational programs for the next-of-kin to keep them informed about over-all prisoner developments. These most often take the form of newsletters. But the Army's Adjutant General, Maj. Gen. Kenneth G. Wickham, writes a personal, individually prepared letter to each Army family once a month.

The letters and newsletters are supplemented by personal meetings with individual family members or with groups. This practice was instituted early by the Navy, but has now been made uniform for all services, under expanded policies of the Nixon Administration.

Beginning this past spring, group meetings were instituted under the aegis of a joint Defense/State/military team, with families from several services attending at a central location for each given area. At the meetings, the next of kin receive a full briefing on the prisoner problem.

Much of what they can be told is not new, but it has demonstrated to the satisfaction of many, if not all, of those attending that the government is giving the prisoner problem priority consideration, and sincerely wants, and is trying, to help in every way possible.

MEETINGS WITH NEXT OF KIN

The meetings have been spread all across the country. Scheduled mostly at Air Force bases, they are generally held in Service or Officers Clubs, in an informal atmosphere, with local volunteer-wives serving coffee or punch to the families—normally about 100 wives and parents.

One meeting held at Bolling Air Force Base near Washington, D.C., was attended by Ambassador Henry Cabot Lodge (home to report to the President). He told the group what was happening at the Paris peace table. Another briefing session was conducted at the Pentagon itself. Defense Secretary Laird met and talked with the families.

One member of the briefing team, Deputy Assistant Secretary of Defense Richard G. Capen, Jr., said. "We are always frank about telling the families there have been no great breakthroughs. I review the over-all situation; Frank Sieverts [State Department representative] discusses the Paris talks and other State Department efforts conducted through diplomatic channels. Then we spend the remainder of the time, about an hour or an hour and a half, responding to questions."

Mr. Capen says reaction to the briefings has been excellent. Sometimes "wild suggestions" are offered or family members give vent to angry frustration. ("Some cannot understand why we learn so little about the men.") But the meetings, Capen feels, have been extremely useful and have helped to partially satisfy the yearning of many families for some closer contact with their government in Washington.

He has been through many heartrending conversations, but what remains most vividly in his mind is the meeting at which one wife stood up and declared, "I want my husband back, but I don't want to give my country away to do it."

Most of the families, he says, "have real understanding and appreciation of the problems. We want to assure them that when the men do come back, we will be in a position to say we did all we could." He thinks most of the families now feel, if they didn't before, that this is the case.

In addition to the programs designed for the next of kin, the armed forces also carry out certain procedures for the prisoners and missing men themselves.

All, for example, are considered for promotion at the time they normally would have been considered if not in captured or missing status. Their full pay and allowances are continued indefinitely, and they receive whatever general pay increases are authorized for others on active duty. Allotments the men provided for their families are increased as needs dictate.

New laws also have been enacted, and others are being sought, to protect rights of the men that might otherwise be jeopardized.

The military "savings deposit" program, for example, encouraged overseas servicemen to bank a portion of their pay in high-interest accounts as a means of cutting down on the U.S. gold-drain. But the law contained no provision for men who were captured or reported missing. This inequity was corrected only to have a second develop. The maximum that can accumulate in such accounts is $10,000. Anything above that amount draws no interest. With deposits of some men now approaching or exceeding the ceiling, the Defense Department recently asked Congress for authority to invest "excess" amounts in the purchase of U.S. savings bonds and notes.

Yet, despite these and other continuing efforts on behalf of the men and their families, it is all too apparent that the combined activities of the armed forces, the State and Defense Departments, the American and International Red Cross, and the efforts at the Paris talks have reunited few prisoners with their loved ones. Nor has there been any new hope for proper medical care of the sick and injured, neutral inspection of prison camps, full disclosure of the names of all captives, or proper flow of mail.

The new Nixon Administration initiatives are helpful, but only full and continuing exposure of the plight of the prisoners and their families, together with relentless public pressure at home and abroad, are likely to produce desired action.

An occasional newspaper editorial is not enough. Limited news coverage of developing prisoner stories is not enough. An infrequent letter-to-the-editor is not enough. A statement inserted in the back pages of the CONGRESSIONAL RECORD is not enough. A business-as-usual attitude on the part of the American public can only make apparent to Hanoi that these men who have given so much to their country have indeed been forgotten by those for whom they made the sacrifice.

Some wives of the prisoners and missing men have reached the same conclusions. Some are taking steps to counter public apathy, and to arouse the Congress.

Mrs. James Bond Stockdale of Coronado, Calif., wife of a senior Naval officer held by North Vietnam, has encouraged other wives to send telegrams to the North Vietnamese delegation in Paris, and helped to organize prisoner families. Mrs. James Lindberg Hughes of Santa Fe, N.M., wife of a captured Air Force lieutenant colonel, and Mrs. Arthur S. Mearns of Los Angeles, wife of a missing Air Force major also have been urging the Congress and others to act.

Many of the wives are essentially satisfied that the services and the Administration are doing all they can. But some feel, as

Evelyn Grubb says, that "there is a bargaining point for everything; we have to find it." The wives are convinced that more public pressure is essential.

Some have been particularly critical of the inaction by Congress. "Usually," Mrs. Stockdale has said, "they put something in the CONGRESSIONAL RECORD and then forget about it."

A check of the RECORD discloses that this practice was, until very recently, more or less standard. But there is hopeful evidence of a growing change—partly as a result of appeals by the wives, partly as a result of the more open discussion policy encouraged by the Administration.

In August, shortly before Congress went into brief summer recess, forty-two Senators banded together in a strong statement condemning North Vietnam for its "cruel" treatment of the prisoners and their families. Instigated by two opponents of our Vietnam policies, Charles Goodell (R–N.Y.) and Alan Cranston (D–Calif.), the declaration says if North Vietnam thinks it can "influence the policy of the United States toward the Vietnam conflict" through its intransigent position on the prisoners, it is "doomed to failure."

"Neither we in Congress, nor the Administration, nor the American people as a whole, nor indeed the families directly affected, will be swayed by this crude attempt."

Those signing the statement included both Democrats and Republicans representing thirty-three of the fifty states. Three names that might have added weight but were absent from the list of signatures were those of war critics J. William Fulbright (D-Ark.), George McGovern (D-S.D.), and Eugene McCarthy (D–Minn.).

The Senate statement ended with a specific plea to "the governments, the statesmen, and the ordinary men and women around the world" who spoke out in 1966 against Hanoi's proposed "war-crimes trials"—a plan that was abandoned by North Vietnam after a wave of world protest.

The Senators said those who protested in 1966 should "make their voices heard once more. Then, as now, the issue was not political but humanitarian—and Hanoi responded to the force of world public opinion. If that force can again be mobilized, this too may contribute to inducing from Hanoi greater respect for human decency and for the rule of law." On August 21, the North Vietnamese delegation in Paris vehemently rejected the protest as "slander" and an attempt "to deceive public opinion."

In the House of Representatives, Congressman William L. Dickenson (R–Ala.) sent a letter to his colleagues asking that they join him, after the August recess, in making floor statements protesting the treatment of our war prisoners.

Whether these moves are one-shot efforts remains to be seen. What members of both houses seem to have overlooked is the potential force of a Joint Congressional Resolution condemning Hanoi's prisoner policies.

Whatever action Congress may take, what will count most significantly is the time and effort the American people are willing to expend in helping solve the problem.

In my numerous interviews with government officials, representatives of the Red Cross, members of the armed forces, and next of kin of the prisoners, I asked each person what he or she thought would be the most effective attack that could be launched.

They agreed that a four-pronged letter campaign could produce dramatic results. The letters shoud be directed to:

Representatives of foreign nations;

Newspapers and magaiznes in foreign nations;

Members of the US House and Senate; and

Xuan Thuy, chief North Vietnamese negotiator in Paris.

The letters to the foreign nations and the press in those nations should urge that pressure be brought to bear on Hanoi to live up to the spirit of the Geneva Conventions by putting into practice the Conventions' rules on the treatment of war prisoners.

The letters to Xuan Thuy should demand the same points. And those individuals who are not necessarily in sympathy with the war should make it clear that proper treatment of the prisoners is nevertheless an overriding consideration. All should note that continued intransigence on the part of Hanoi will only stiffen the resolve of the American public, not weaken it.

Letters to members of Congress (addressed to the Representative from your own congressional district and to either or both of your US Senators) should call for a Joint Resolution demanding proper treatment for the prisoners and missing men, and stressing the solidarity of the nation in this aim.

HOW YOU CAN HELP

If you want to help, send a postcard to Air Force/Space Digest at 1750 Pennsylvania Ave., N.W., Washington, D.C. 20006, and you will be mailed a list of Washington, D.C., addresses of ambassadors of foreign nations whose assistance could be crucial, together with a list of selected foreign newspapers and publications.

Letters to Xuan Thuy can be addressed, in simplified form, as follows: Xuan Thuy, North Vietnam Delegation, Paris Peace Talks, Paris, France.

There is a chance—possibly a good chance—that world opinion might force Hanoi to honor basic codes of human decency.

"By any human standards," the position of North Vietnam is "totally inexcusable," Secretary of State William Rogers says. "I don't understand why we have not become more excited about the prisoner question."

The Secretary is telling the people of the United States that their concern is important. The rest is up to you. If you want to help the men many Americans have forgotten, you can. Your letter could be the one that spells the difference.

THE POSTAL UNIONS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. DERWINSKI. Mr. Speaker, since so many of the Members return to their districts over the weekends, they might have missed the editorial broadcast of October 2 and 3 over WTOP radio and television.

Since the subject material involves legislation pending before the Post Office and Civil Service Committee and quite accurately describes the attitude of unions representing post office employees, I feel that the editorial deserves the attention of the Members who might have missed it and include it in the RECORD at this point:

THE POSTAL UNIONS

The postal unions are still doing their utmost to prop up a dilapidated postal service. The unions are badly misguided.

The U.S. Post Office is like a giant Rube Goldberg machine out of control. It's the most inefficient business in the nation. Unless major alterations are made soon, the Post Office will finally choke on its own mail some unhappy morning in the forseeable future. Those of us who have blind faith in the system are going to be horrified.

The Nixon administration has the makings of a solution. Congress is being urged to create a quasi-public postal corporation to take charge of the U.S. mail. It makes eminent good sense, for it would deliver businesslike management to a vast enterprise which is now quite literally unmanageable. It also would provide both security and opportunity for postal employees.

But the big postal unions have lobbied furiously for the defeat of the proposal. To avoid an entirely negative appearance, they're backing an alternative set of reforms, but these amount to first aid in a case requiring radical surgery.

The unions are most fearful of losing their longtime political liaison with Congress on matters concerning pay. The administration has made a major concession in this regard by agreeing to a binding arbitration plan between the unions and the proposed corporation. The unions still are balking.

The issue is much too large to turn on such a narrow, political point. Three consecutive Postmasters-General—appointees of both parties—have warned of impending chaos.

Congress has an obligation—not to the unions alone but to the whole nation—to rescue the U.S. mail.

This was a WTOP editorial . . . Norman Davis speaking for WTOP.

ANTISMOG LETTER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. BROWN of California. Mr. Speaker, as another component in the campaign for clean and healthy air, I have mailed copies of the following letter and notice to a large number of residents of Los Angeles County:

I NEED YOUR HELP!

The fight against smog has reached a critical stage.

We have only until Oct. 28 to show the United States Department of Justice that public concern is so overwhelming that the auto makers must be made to take positive action NOW to put an end of smog. (See reverse side for details.)

To cast your vote against smog, please sign, stamp, and mail the clip-out coupon below before Oct. 20.

Sincerely,

GEORGE E. BROWN, Jr.,
Member of Congress.

Yes, Congressman Brown, I believe that a public trial should be held, and the facts revealed.

Signature ____________________________

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

An open letter to Los Angeles Residents:

For more than 15 years, during my entire service in public office, I have been working to try to prevent the continuous deterioration of the quality of our environment. In addition to my past efforts I have now introduced a bill in the Congress of the United States which probably is the toughest ever proposed.

I am writing to you today because of a new and far-reaching development and I am asking for your help.

The situation is this: As a result of a five year investigation including nine months of presenting testimony and other evidence to a Federal Grand Jury, the Justice Department may have gathered enough evidence to ask for a criminal indictment against the auto industry for restraining the development and marketing of auto exhaust control systems.

We now find that possible criminal charges have been set aside and a civil suit has been substituted. In addition to that, auto industry and the Justice Department. publicly announced at a press conference in Los Angeles that they were virtually dropping the matter by proposing a settlement negotiated behind closed doors between the auto industry and the Justice Department.

The date of October 28 has been set as the hearing date for a final decision.

I have been making a substantial effort at my own expense, to inform our citizens and ask for public support for an open trial. Without a trial the evidence gathered in this case can remain secret. I urge you to join me in this effort.

Sincerely,

GEORGE E. BROWN,
Member of Congress.

HUMANISM—A NEW RELIGION IN THE CHURCH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. RARICK. Mr. Speaker, last week I spoke of the desecration of the National Cathedral here in Washington.

According to today's news Soviet Embassy personnel are using the church to promote tourism in the Soviet Union; others to divide the Christian community.

It seems the Lord's property is to be exploited to fulfill a long-time Communist objective of replacing religion with humanism—substituting man for God.

Pertinent news items follow:

CHURCHES OFFER TALKS ON REBELLION AND RACE

Aspects of the rebellion and racial change of our times will be discussed at several religious-sponsored forums next week.

Dr. Robert E. Williams, professor of educational psychology at D.C. Teachers College, will talk about issues in the youth rebellion as part of a series, "Generations Out of Touch," at 7:30 p.m. Wednesday in Shiloh Baptist Church, 1500 9th St. NW.

Another District professor, Dr. Leopold Edwards of Howard University's Center for Community Studies, will speak on "The Psychology of Prejudice" at 8 p.m. Wednesday in DuVal High School, Glenn Dale and Telegraph Roads, Glenn Dale, Md. This is the second in a series on "Is Suburbia Prejudiced?" sponsored by Project Commitment of Lanham-Seabrook.

"The Need for Revolution" will be the topic of a lecture at 8 p.m. Monday in Lisner Auditorium, 21st and H Streets NW. The speaker will be Michael Novak, provost of the Disciplines College, State University of New York, Westbury, Long Island. An active opponent of the draft and the Vietnam War, Novak will open a workshop sponsored by the George Washington University Board of Chaplains on "Revolution and Human Values."

Novak also will speak at a Tuesday noon luncheon at Union Methodist Church, 814 20th St. NW. His topic will be "Politics, Realism and Institutions."

Edmondas Yushkis, second secretary of the Soviet Embassy, will talk about tourism in the Soviet Union at the 7:30 p.m. meeting tomorrow of the 1830 Club of National Presbyterian Church, Nebraska Avenue and Van Ness Street NW.

The Washington Ethical Society's leader, Edward Ericson, will address the Sunday Evening Club of National Presbyterian Church, meeting at 7 p.m. tomorrow. His subject will be "Ethical Humanism in Today's Religious Dialogue."

Mrs. Paul Johnstone will review the book "Eleanor of Aquitaine," by Regine Pernoud, at 11 a.m. Thursday in All Saints' Episcopal Church, Chevy Chase Circle.

RUSSIANS TO ATTEND PARLEY

ST. LOUIS.—Nine church delegates from the Soviet Union will be among persons attending a conference on "This Christian Concern for Arms Limitation" here beginning Friday. The conference is being sponsored jointly by the National Council of Churches and the United States Catholic Conference.

The Soviet delegation will be headed by Bishop Juvenaly, vice chairman of External Church Affairs for the Patriarchate of Moscow. Besides Russian Orthodox representatives, churchmen also will represent Lutheran and Baptist interests.

LT. GEN. LEONARD DUDLEY HEATON ENDS BRILLIANT MILITARY CAREER

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. MARSH. Mr. Speaker, the 30th of September marked the end of 43 years of military service by one of America's most distinguished physicians. I refer to Lt. Gen. Leonard D. Heaton, Surgeon General of the Army.

During his brilliant career, General Heaton made not only great contributions to military medicine, but to the entire field of public health. I thought it appropriate to bring to the attention of the Members the following article which appeared in the Service Stripe, which traces his unusual career of public service in the field of medicine:

[From Service Stripe, Sept. 25, 1969]

LT. GEN. LEONARD DUDLEY HEATON ENDS BRILLIANT MILITARY CAREER

The physician who has served as Army Surgeon General under four presidents will retire at the end of this month after 43 years of service, 10 as the Army's Surgeon General.

On the first of June in 1959, Major General Leonard Dudley Heaton was named the Surgeon General of the United States Army. Three months later he became the only Surgeon General ever to hold three star rank.

The former Walter Reed Army Medical Center commander was congratulated by his warm, personal friend, commander-in-chief and former patient, President Dwight D. Eisenhower, his peers and distinguished friends and associates. Also offering their congratulations at that time were four former Surgeon Generals who had watched him grow from a promising young junior medical officer to a gifted surgeon, outstanding soldier, and skilled administrator of world renown.

His appointment as Surgeon General climaxed a military-medical career which began in 1926 when the young physician, an honor graduate of both Denison University and the University of Louisville School of Medicine, was commissioned as first lieutenant in the Army Medical Corp.

He completed his internship at Letterman General Hospital, returning some years later as commander, and attended the Army Medical School and the Medical Field Service School. In 1947 he was graduated with distinction from the Army Command and General Staff College.

His surgical ability had been demonstrated early in his career while serving successively on the surgical staffs of William Beaumont General Hospital, Tripler General Hospital, the Station Hospital at Fort Sam Houston, and Fort Warren, Wyo., during the 1930's. During World War II he served in both the Pacific and European Theaters.

For his skillful handling of mass casualties resulting from the December 7, 1941, attack on Pearl Harbor, he was awarded the Legion of Merit. He was chief of the Surgical Services of the North Section General Hospital at Schofield Barracks, Hawaii, when the surprise attack occurred.

A tour as executive officer at Woodrow Wilson General Hospital in Staunton, Va., was followed by service in Europe as commander of the 160th General Hospital and commanding officer of the 802nd Hospital Center in Blandsford, England from 1944 to 1945.

In May 1948 he was named to command Letterman General Hospital and in 1953, then a major general, assumed command of Walter Reed General Hospital and Walter Reed Army Medical Center.

Despite the heavy burdens of office as commander of the medical center, and later as Surgeon General, he continued to employ his great surgeon's skill. Trustees of Brandeis University noted when awarding him an honorary degree, that he "cared for his country's heroes, the famous and the little-known."

The roster of his famous patients include names which live in history. He attended General Joseph W. Stillwell, hero of the Burma campaign in World War II. In 1956 he was sent by President Eisenhower to Nicaragua, where President Anastasio Samoza had been wounded by an assassin's bullet. Three years later General Heaton operated on Secretary of State John Foster Dulles and in 1963 was dispatched to Thailand to aid the ailing premier, Sarit Thanarat.

The world, already aware of his reputation as a surgeon, became even more cognizant of his talents as he cared for President Eisenhower, General of the Army George C. Marshall and General of the Army Douglas MacArthur.

A man who uses words sparingly, he is known as a dedicated teacher as well as a practicing surgeon, and one who gladly shares credit with others.

A gifted physician and surgeon, General Heaton continued to operate regularly at Walter Reed after being named Surgeon General. He instilled talented, young surgeons with his high standards of medical practice, and imbued them with his sense of dedication, winning their gratitude and devotion for his interest in their careers.

With his seemingly limitless drive and ability, he shared his vast knowledge of surgery and medical administration with a multitude through the publication of innumerable articles.

Honor upon honor was conferred upon the general during his tenure. The Nation honored him with the Legion of Merit with two Oak Leaf Clusters and the Distinguished Service Medal with two clusters. The Government of Thailand honored him with its two highest decorations, rarely accorded a foreigner.

He was awarded the Guthrie Medal in March 1968 by the Royal Army Medical College for his services to military surgery and unfailing cooperation with the medical services of the British Army. In April 1969 he was elected an Honorary Fellow of the Royal College of Surgeons.

The medical profession has recognized his talents with the diploma of the American Board of Surgery and fellowship in numerous medical organizations.

Honorary degrees have been conferred by

Denison University, the University of Louisville, the University of West Virginia, Brandeis University, Seoul National University, and Gettysburg College.

In 1963 President John F. Kennedy accorded him the honor of being the first Surgeon General in 30 years whose tenure in that office was extended beyond the usual 4-year period.

President Johnson followed suit when he too shattered precedent by extending his assignment as Surgeon General again until May 1969.

The President said at the time, "Your leadership has been marked with a consistency of wisdom and compassion that is rare to any executive level. . . ."

General Heaton who had served so ably under three presidents, continued his tenure under a fourth, when President Nixon formally extended his term of Office until October 1, 1969.

The mission of the Army Medical Department has remained the same since its beginning—to maintain the health of the Army so as to conserve its fighting strength and to prepare in time of peace for service in time of war.

The only changes since the Revolutionary War have been in the scope of the task involved and in the conditions and circumstances under which the mission must be accomplished.

These changes have been monumental in the decade that General Heaton has served as Surgeon General. Not only has the scope of professional medical care steadily broadened, but the medical problems of military preparedness have increased in magnitude and intensity. Responsibility for the execution of this great mission is vested in The Surgeon General.

In contrast to the formal and official delineation of his responsibilities, General Heaton expressed his view of the scope of his duties when he became The Surgeon General in 1959.

"The responsibilities of The Surgeon General are numerous indeed, ranging from daily operational actions to the broadest of policy decisions; from signing routine correspondence to advising the Chief of Staff and the Secretary of the Army. However, there is one responsibility that looms above all others. One responsibility on which there can be no buck passing. The Surgeon General must direct the course of the Army Medical Service . . . the operating philosophy of the Army Medical Service, if you please. He and he alone is responsible for that . . ."

He considered it his duty, he stated, as he took his office as Surgeon General, "to see that the progress of the Army Medical Department is not only continued but accelerated during my period of office."

As a means of attaining increasing perfection to foster progress, he recommended adoption of the methods and techniques he had successfully employed throughout his career. He emphasized the importance of attention to details, the need for balance and proportion in planning as well as the simultaneous pursuit of improvement in all programs.

In addition to the reorganization of the Office of the Surgeon General for greater efficiency and effectiveness, General Heaton has nurtured and supported the development of medical commands overseas. The establishment of the U.S. Army Medical Command, Europe, and the U.S. Army Medical Command, Japan, which reflect his interest in keeping in step with major organizational trends in the Army, have also contributed significantly to the flexibility and efficiency of the Army Medical Department.

General Heaton's military-medical career comes to an end on October 1, but he will neither lay down his scalpel, nor put aside his interest in Army medicine. He will continue to advise in matters of military-medical importance.

GRAND PRAIRIE PLUMBER HAS GOOD ADVICE

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. COLLINS. Mr. Speaker, Here is an interesting letter that I received this morning from my plumber who lives out in Grand Prairie, Tex.:

> Dear Congressman Collins: Recently as I made a plumbing call to your home I was telling you about my son going to Vietnam. You asked me to write his opinion of this country. When he saw this country, it made him realize what a great country we have. But he feels as others that the people of this country should do the fighting for their own country. Especially since there has been ample time to train their own soldiers. We should continue to help them financially and advise but not with our boys lives which is so precious to us.
>
> It seems to me since this is the type of war that it is some comforts could be provided for the boys that they may not have to sleep in the rain. Even to a foot of water.
>
> My greatest concern is we are letting these same type of outside forces destroy this wonderful government. I am enclosing this report from one who should know just in case you have missed this report. I would like to suggest a campaign be made to promote patriotism by leaders which is you and others. That the government owes no one a thing because if we did there would be ex-soldiers which sacrificed, the Indians, and others that contributed anything to society. This would make it impossible to repay every one.
>
> Yours truly,
>
> I. J. Taggart.

He then enclosed an article by J. Edgar Hoover which he had clipped out of the July 23 Baptist Standard. The Baptist Standard had in turn reprinted it from the FBI Law Enforcement Bulletin. The article is headed "The New Left Danger," and the basic thought by J. Edgar Hoover is "Never before in this country has there been such a strong revolutionary Marxist movement of young people which is so eager to destroy established authority." It follows:

> It should be readily apparent that the students in the New Left revolutionary movement are not on college campuses to seek education. Rather, this conglomerate of malcontents is engineering a drive to destroy our educational system.
>
> More and more, the New Left is being controlled by the followers of Karl Marx through the Old Left organizations of the Communist Party, USA (pro-Moscow), the Progressive Labor Party (pro-Peking), and the Socialist Workers Party (Trotskyites).
>
> Not since the New Left came into being has the influence of Marxism-Leninism been so strong.
>
> The Students for a Democratic Society (SDS), largest of the New Left groups, is rapidly gaining a definite Marxist-Leninist coloration. At the SDS National Council meeting in Austin in March, one of the organization's top leaders was quoted as stating, "Our primary task is to build a Marxist-Leninist revolutionary movement."
>
> NEW LEFT ACTIVITIES
>
> While the New Left movement may or may not make the dean's list this year, it rates an A plus in revolutionary exploits. The SDS and its adherents have rocked campuses from coast to coast with violence, riots, and sabotage.
>
> At the SDS National Convention last summer a workshop on violence and explosives was held. Literature explaining how explosive devices can be manufactured and used against Selective Service installations, ROTC buildings, and university facilities has been distributed. The results are a disgrace to a society which owes its very existence to democratic processes under the rule of law.
>
> Many of the criminal acts of the New Left were, and are, committed as expressions of rights under the first amendment. Corruption of the first amendment would be a better term for such antics.
>
> Certainly, free speech and dissent are not synonymous with despotic obstruction and force. The wild and insatiable demands of the New Left for unlawful power and its blind determination to silence and destroy all who stand in its way are tyrannical acts of the first order.
>
> Under the first amendment, a person may hire a hall and speak on any subject to as many people as he can persuade to listen. However, he has no right to disrupt classes and assemblies and prevent other persons from hearing a speaker of their choice.
>
> RESTRICTION ADVOCATED
>
> Neither the New Left nor any other group should be allowed to plunder, riot, and terrorize our educational institutions and impose its will upon a majority of students who do not share its views. Crime under the ivy-covered arches of a college campus is no more excusable than crime in our city streets.
>
> SDS leaders know that if a revolution is to be brought about, they must inject more discipline and organization into the movement. The anti-discipline, freewheeling, individualistic, anarchistic mood of the New Left must be controlled and molded into a strong, centralized, Marxist-Leninist revolutionary force. The Old Left groups, of course, are working hard to capture at least a part of the movement.
>
> The Progressive Labor Party already has a strong beachhead inside the SDS. On some key issues the PLP comes close to having enough strength to swing votes in national meetings.
>
> While considerable factionalism now exists within SDS ranks on "how to bring about a revolution," the pro-Peking, the pro-Moscow, and the Trotskyites all agree that students alone cannot bring about a revolution. One well-known communist youth leader wrote,
>
> "We must view the worker-student alliance as a mutual necessity and do everything in our power to insure its growth and endurance." The PLP and the Trotskyites also supported similar linkage of the students and workers.
>
> Not all SDS members accept the Old Left organizations. Many feel that SDS can promote a viable revolutionary youth program free of parental tutelage from a foreign or internal Marxist party. Whether this is possible or not remains to be seen.
>
> BASIC FACT
>
> Meanwhile, a basic fact looms. Never before in this country has there been such a strong revolutionary Marxist movement of young people which is so eager to destroy established authority.
>
> The New Left movement has made it emphatically clear that mere change and revision are not its objectives. Armed with a long list of "non-negotiable" demands, its immediate goal is the complete overthrow and control of our educational system. We all know what its ultimate goal is.

XUM

Concessions and appeasements will not satisfy those bent on anarchy and nihilism. America should take note before it is too late.

SLASH IN FEDERAL AID WOULD HAVE DISASTROUS CONSEQUENCES

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. MINISH. Mr. Speaker, private agencies, no less than public officials, are seriously concerned as to the impact of the urban renewal policies announced by the Department of Housing and Urban Development on our major cities with their massive, urgent problems.

I submit for the attention of the Congress and the administration a thoughtful letter from Mr. James W. Tindall, president, Council of Social Agencies of Essex and West Hudson, N.J., who is fully aware of the tremendous needs of our urban areas. What are the people in our decaying cities—with shameful housing and schools—to think of their Government's sense of proportion and of values? We abandon our cities with the excuse of lack of funds but money can be easily found for the SST that will make flying easier and swifter for the privileged few.

Mr. Tindall's letter, dated October 2, follows:

COUNCIL OF SOCIAL AGENCIES,
Newark, N.J., October 2, 1969.

Hon. JOSEPH G. MINISH,
Member of Congress,
Washington, D.C.

DEAR MR. MINISH: The threatened slash in federal aid to Newark's urgently needed urban renewal program, if effectuated, would have disastrous consequences for the city, with attendant serious repercussions nationally.

The scars of Newark's 1967 riot are not only still clearly evident, but they have been aggravated by the resulting mass exodus and shutting down of retail establishments. Fires, the levelling of overage, dangerous and abandoned housing and the tearing down of uninhabitable buildings, have left large cleared areas awaiting redevelopment. The decreasing availability of housing in the city, has been forcing the continuing flow of poor, immigrant families into the remaining, already overcrowded and dilapidated old frame houses, which are representative of most of the city.

The combination of Newark's critical social-economic problems, its serious housing shortage, and its battle-scarred appearance, contain all the elements that could translate that appearance into a grim reality. Policy decisions should not ignore such a smoldering threat, which it might be charged, could amount to colossal neglect and complete indifference to human values.

Our organization and its 168 member agencies is deeply concerned about the inevitable consequences that would result from further pursuing the proposed course of action.

We urgently request that you contact and lead those who can move toward a reconsideration of this whole matter and a reexamination of the critical factors involved.

Sincerely,

JAMES W. TINDALL,
President.

SALUTE TO MARIE SUTHERS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. McCLORY. Mr. Speaker, my longtime friend, Marie H. Suthers, a member of the Chicago Board of Election Commissioners since 1952, is being honored at a testimonial dinner at the Furniture Club of America in Chicago on Tuesday, October 14, 1969.

This "Salute to Marie Suthers" sponsored by the Republican Business Women's Club of Chicago and other organizations will honor a woman who has brought honor and credit to her sex and has served in many important political and public offices in the course of her distinguished career.

Mr. Speaker, it was my privilege to serve with Marie Suthers in 1951 during the 67th session of the Illinois General Assembly. While this was the only term in the Illinois House which either of us served, it provided a splendid opportunity for a close and abiding friendship and enabled me to gain an appreciation of her political philosophy and to learn of her determination to contribute to the improvement of society in the State of Illinois and in the Nation.

Marie Suthers marched with other young women in the early days of her career to gain voting rights for women. This early activity was indicative of her latest service in behalf of equal justice for all Americans—particularly in the area of voting rights.

As a member of the Chicago Board of Election Commissioners, Marie Suthers pursued an unceasing campaign to reduce vote frauds and other voting inequities. During my service later in the Illinois State Senate, I was privileged to receive her frequent advice and suggestions in behalf of sound State legislation to protect the sanctity of the ballot box. This was the primary mission of Marie Suthers' work as an election commissioner.

Mr. Speaker, while Marie Suthers always supported the public welfare above partisan interests, she was a devout Republican worker during the entire period of her public career. Marie Suthers served as the first president of the Illinois Federation of Republican Women and later became president of the National Federation of Republican Women, a post which she held between 1942 and 1946. At the 1944 National Republican Convention, she introduced the then presidential candidate, Thomas E. Dewey.

Mr. Speaker, the activities and accomplishments of Marie Suthers are legion and I will not endeavor to recount them all here. But let me add that many other Members of this House, particularly my Republican colleagues from Illinois, join in this expression of felicitations to Marie Suthers. It is reported to me that our former colleague, Marguerite Stitt Church, who was my immediate predecessor in the Lake County portion of the 12th District of Illinois, and Mrs. Everett McKinley Dirksen as well as the Honorable Ray Page will be featured speakers at the dinner meeting honoring Marie Suthers.

Miss Gertrude Miller, president of the Republican Women's Club of Chicago, and Mrs. Alan—Virginia—Macdonald are dinner cochairmen.

Others who will attend are: Ray Page, State superintendent of public instruction; Joseph I. Woods, Cook County sheriff; William Fetridge, president of the United Republican Fund of Illinois; Robert H. Hanrahan, Cook County superintendent of schools; Patricia Hutar, public relations chairman of the National Federation of Republican Women; Mary Brooks, newly appointed Director of the Mint and former Illinois national committeewoman; Gladys O'Donnell, president of the National Federation of Republican Women; Hazel Watson, president of the Illinois Federation of Republican Women; Virginia Kenney, past president of Illinois Federation of Republican Women, and Mary M. McDonald, chairman of the women's division, Cook County Republican Central Committee.

It is with genuine regret that I find it impossible to attend personally. However, my thoughts and good wishes will be with Marie Suthers and with her devoted husband, W. Glenn Suthers, to both of whom I extend my congratulations and affection.

THE PULASKI DAY PARADE IN NEW YORK CITY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. ROONEY of New York. Mr. Speaker, the Members of this body who were privileged to witness the Pulaski Parade move impressively up Fifth Avenue yesterday afternoon, viewed and sensed with intense appreciation and gratification the spirit of patriotism and loyalty manifested to this Nation of ours. All of us observed with great pleasure the thousands of children in their gay costumes. All of us took satisfaction in seeing their bright faces and watching their enthusiastic parading. All of these paraders were of Polish birth or lineage, but all of them were true blue Americans. For more than 30 years I have not missed these annual Pulaski Day parades. Since their inception in 1937, I have marveled at their growth in participants, in color, and in their deep significance. I have marveled, too, in the ever increasing crowds who line the famous Fifth Avenue to watch the parade and to applaud the groups from their own communities, their lodges or other fraternal societies.

This year the Pulaski Parade and the observance of the 190th anniversary of the tragic and untimely death of that gallant Revolutionary War Hero, Gen. Casimir Pulaski, have special meaning for me because of a visit I was privileged to make only a few weeks ago to Pulaski's homeland, Poland.

The thousands of words of tribute which are annually paid Pulaski for his bravery, for his dedication to freedom and independence, for his selflessness in the service to his fellow men and for his willingness to die for his adopted country take on new meaning since I was able to talk face to face with Polish men, women, and children.

As I visited the magnificent American Children's Research Hospital in Krakow, built by our American taxpayers, I was not only tremendously impressed with the dedication of the hospital staff, but I was interested in the spirit of the young patients and their parents. Our conversations convinced me that the same love of independence and freedom which characterized Casimir Pulaski is a dominant trait of the people of Poland today, particularly with respect to their children.

The expressions of gratitude for our help and of hope for firmer bonds of friendship made a marked impression upon me.

Pulaski Day this year has added significance for me for another reason. On August 15 last I had the pleasant opportunity of speaking to the assembled thousands gathered at Monte Cassino in Italy to mark the 25th anniversary of the successful defeat of the Nazi defenders of this famed monastery by the Free Polish Army under the leadership of Gen. Wladyslaw Anders.

Not only was it a distinct honor for me to be invited to address the gathering, but it was a most gratifying experience to be a part of the great throng of people mostly of Polish birth or descent who were commemorating the historic event and paying moving tribute to those who died on the blood drenched slopes of Monte Cassino or who survived the gory battle which raged for 8 hellish days.

It was thrilling indeed to witness the crowd pay tribute to these revered veterans, many wearing the tattered and long unused uniforms in which they were clad when they wrested control of the ancient abbey from the German defenders. But the high point of the ceremony was the emotional and heartfelt tribute which was paid to their heroic Polish general who had risen from a sickbed to join them.

I was struck with the great similarity of this modern-day hero with the hero of our own struggle for independence, General Pulaski. As I listened to General Anders and as I chatted with him and as I conversed with men who had fought with him, the likeness to Pulaski became more pronounced.

Both were Poles, possessed of intensive military training. Both possessed the same unquenchable thirst for liberty and freedom of mankind from any bond of servitude.

Both, upon being forced to absent themselves from their own beloved homeland, their families and their friends, joined with other nationals in the pursuit of liberty, offering their talents, their experience and their very lives in the cause of freedom.

Pulaski paid with his life on the battlefield of Savannah, the victim of a burst of grape-shot from the British guns. General Anders paid with his health and vitality in battles waged from Norway to Tobruck, but he lives today as a monumental symbol of the courage and dedication of Polish fighting men to the cause of universal freedom.

Mr. Speaker, this recent privilege of meeting with General Anders, whose feats of military strategy and whose daring exploits are still a vivid memory of our time, all intensify my own appreciation for the contribution which the thousands upon thousands of Polish fighting men have made to my country and to our gallant allies. These countless legions who bled at Bunker Hill, who froze at Valley Forge, who died at Bull Run, who stormed San Juan Hill and held back the Kaiser's onslaught at the Marne, who withstood the brutal beating inflicted in World War II and who later followed our flag through the hills of Korea and the jungles of Vietnam are all called to mind as we pay tribute to General Pulaski.

May the observance of this historic occasion whereupon we honor the glorious sacrifice of a great Polish general to his adopted and dearly beloved second homeland become more and more a day upon which we as Americans remember and acknowledge with gratitude the magnificent contribution which the unnumbered thousands of American heroes of Polish extraction have made over the years. In paying tribute to such heroes, we intensify the tribute we pay to Gen. Casimir Pulaski.

CHICKEN LITTLE'S OLD TALE

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. HOLIFIELD. Mr. Speaker, the dissenters who protested the atomic device test on Amchitka Island, 1,400 miles west of Anchorage, caused considerable fear to spread among the people of Alaska.

I was present on Amchitka when the test occurred and I am pleased to report that there was no tidal wave, no radiation release, and no harm done to the ecology of Amchitka or elsewhere.

I had occasion to read copies of the Anchorage Daily Times for several issues before and after the test date. I wish to compliment the Times on its balanced reporting, and its objective treatment of the atomic test program.

Under unanimous consent, I include an editorial from the October 3 issue of the Times, in the RECORD at this point:

[From the Anchorage (Alaska) Daily Times, Oct. 3, 1969]

CHICKEN LITTLE'S OLD TALE

Well, well, well.

The Sky didn't fall after all.

The Atomic Energy Commission's one-megaton underground blast at Amchitka Island Thursday afternoon went just about like the government scientists said it would.

The only real surprise was in the effect of the explosion as it was recorded here. The blast, equal to one million tons of TNT, socked the seismic instruments in Anchorage with a reading of only 5.8 on the Richter scale, compared with an 8.4 reading for the 1964 earthquake that smashed at South-central Alaska.

Elsewhere, the blast was recorded at 6.5 on the Richter scale, precisely on the button with the responsible forecasts made in the planning for the test.

Such seismic pounding is common out in the Aleutians, where nature stages quakes of that size with frequency and without terrible consequences.

The Ban-the-Bomb crowd, including Sens. Mike Gravel of Alaska and William Fulbright, had forecast the possibility of awful things happening in the wake of the blast, however. They managed to terrify thousands of housewives and children in the process, and lifted a goodly portion of the population of Anchorage to its tip-toes in trembling during the hours before the detonation.

The fact that nothing did happen to send tidal waves crashing across British Columbia, the West Coast, Hawaii, Alaska, Russia and Japan won't stop the campaign of fear, however.

The organizers of the protest marches and demonstrations care little about Amchitka Island. Their campaign is against the nation's commitment to the Anti-Ballistic Missile system and a posture of defensive armament in an unsettled world.

Their target is the nuclear device that will be the warhead of the ABM, and the probably correct assumption that the planned series of Aleutian tests involves that weaponry.

In stirring up their fear and flim-flam, these protesters dismissed as biased bureaucratic propaganda the assurances of the AEC scientists and engineers that they knew what was likely to happen on Amchitka.

They probably will do the same as the results of the Thursday test are analyzed and the findings put under study to see whether the series of underground shots can be safely continued with an even larger nuclear punch.

This time, however, people who had their wits rattled by the dire claims of the opponents may be able better to judge the situation. The next time, before they let their nerves get on edge, they might be better able to consider the source of the subtle campaign of fright.

We won't know for some weeks, probably, what the prospects are for the next detonation at Amchitka. But hopefully most of Alaska now will not make prejudgments, and will feel more confident about the words of the scientific advisors to the President, who bear the responsibility of saying yea or nay to a continuation of the tests.

THE SUPERSONIC IS SUPERFLUOUS

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. KEITH. Mr. Speaker, the President's decision to proceed with Federal financing of a supersonic transport prototype has stirred up a great deal of controversy.

Proponents of the SST maintain that it is the next logical step in aircraft development. They further argue that if the United States does not keep pace with French and Russian efforts in this area, we will face a severe technology gap and a possible deficit in the balance of trade.

However, Mr. Speaker, there are two sides to this question. The case against SST has been forcefully and persuasively stated in an editorial which appeared recently in the Cape Cod Standard-Times. In order to bring the dissenting views of the Standard-Times to the attention of my colleagues, I include the editorial at this point in the RECORD under unanimous consent.

THE SUPERSONIC IS SUPERFLUOUS

The SST's are on their way!

Hold on to your pocket books!

Comes now a flat statement by President Nixon: "The supersonic transport aircraft is going to be built. I want the United States to continue to lead the world in air transport.

Nixon then proceeds, without batting an eye, to say that he will ask for $662 million in the next five years to develop this airborne monster.

The president candidly notes that his decision to support the big bird was arrived at after a "spirited debate within the administration."

For spirited debates we recommend that the president pay close heed to the howling and growling which will emanate from the sacred halls of Congress when funding this project is debated.

Perhaps we may be accused of quaint 19th century thinking on this subject, but why in Heaven's name does this world need a passenger plane that will travel 1,800 miles an hour? Is time so precious, is life so fleeting, that we can't sit back and enjoy a few hours on the rather swift jets which have thus far been developed?

For instance, it now takes 6 hours and 45 minutes to fly from New York to London on a 707. A relatively short interlude of relaxation.

Hop on an SST for the same journey, however, and you scarcely will have time to adjust and get comfortable, with the trip being accomplished in 2 hours and 45 minutes.

A great cause for concern about this SST proposal is the deafening crack of the sonic boom which will extend out 75 miles from the plane when it breaks through the sound barrier.

A greater cause for concern, however, is the threatened escalation of the price tag. It has been estimated that the costs will skyrocket, with the government, once committed, pulled along to billions of dollars of appropriations, when the money could be put to so much better use helping to solve so many pressing human problems.

The President made a big point that the United States must get in the SST race with Russia and the English-French combine, both of which are working on SST's.

"We must continue to maintain leadership in this field," he said.

Why the deuce must we always spend, spend, spend to be first, first, first.

We agree wholeheartedly with Sen. William Fulbright who stated: "The administration talks about saving money and then decides to allocate huge sums for this plane. To make it a matter of prestige for this country represents the worst form of vanity."

If you feel as we do, we suggest that a strong communication to your representatives in Washington might do a world of good. They listen, you know.

We prefer to call the SST the Super superfluous Transport.

THE RIGHT TO READ

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. QUIE. Mr. Speaker, it is a tragic fact that about half of the unemployed youths of America—ages 16 to 21—are functional illiterates, that half of the students in large city school systems read below expectation, and that there are more than 3,000,000 adult illiterates in this country.

The ability to read and the desire to read are the cornerstones of success in life today. Without the skill to read, a man is stymied in the pursuit of almost any occupation. Reading can open the doorway to skills and knowledge necessary for meaningful participation in our society. If a person reads well, he can educate himself.

A concerted effort to improve reading skills and eliminate the causes for slow reading must be made. I commend Commissioner of Education James E. Allen, Jr., for making the right to read the goal for the 1970's. I commend his speech to the annual convention of the National Association of State Boards of Education held September 23 to my colleagues and urge active support of his recommendations:

THE RIGHT TO READ—TARGET FOR THE 70's

(Address by James E. Allen, Jr., Assistant Secretary for Education and U.S. Commissioner of Education)

Imagine, if you can, what your life would be like if you could not read, or if your reading skill were so meager as to limit you to the simplest of writings, and if for you the door to the whole world of knowledge and inspiration available through the printed word had never opened.

For more than a quarter of our population this is true. For them education, in a very important way, has been a failure, and they stand as a reproach to all of us who hold in our hands the shaping of the opportunity for education.

These individuals have been denied a right—a right as fundamental as the right to life, liberty and the pursuit of happiness—the right to read.

The suppression of the individual which for so long characterized the governance of nations rested on the ignorance of the many and the learning of the few. With the invention of movable type there was created a source of widespread learning that held hope for the eventual abolishment of ignorance and for removal of the barrier to the participation of the common man in the determination of his destiny.

The education for all, necessary as a foundation of a democratic society, became a possibility, making feasible the quest for the realization of this concept which honors the dignity and worth of the individual.

Thus, from the beginning of our Nation, the importance of education has been recognized. Education has come to mean many things and to encompass a wide range of information and experiences, but certainly it must still include, as it did in the beginning, the ability to read.

Those who do not gain this ability in the course of their early education lack a skill necessary to all other areas of learning and are being denied a fundamental educational right—the right to read.

It is true, of course, that the inability to read effectively is only one of the many vexing problems facing American education, just as heart disease and cancer represent only limited dimensions of our National health problems. Yet, we have seen the value of concentrating attention on such medical concerns.

The inability to read effectively, contaminating as it does every other dimension of education, is clearly one challenge deserving of our concentrated efforts. As we learn how to attack this deficiency cooperatively we will not only be getting at this foundation of learning, but will be gaining the strength and the skills to meet together many other educational problems.

From a variety of statistical information accumulated by the Office of Education regarding reading deficiencies throughout the country these shocking facts stand out:

One out of every four students nationwide has significant reading deficiencies.

In large city school systems up to half of the students read below expectation.

There are more than three million illiterates in our adult population.

About half of the unemployed youth, ages 16–21, are functionally illiterate.

Three-quarters of the juvenile offenders in New York City are two or more years retarded in reading.

In a recent U.S. Armed Forces program called Project 100,000, 68.2 percent of the young men fell below Grade Seven in reading and academic ability.

The tragedy of these statistics is that they represent a barrier to success that for many young adults produces the misery of a life marked by poverty, unemployment, alienation and, in many cases, crime.

It must be recognized also, however, that for the majority who do acquire the basic reading skills, there can also be a barrier which limits the fulfillment of their right to read. This barrier exists when the skill of reading is not accompanied by the desire to read. We fail, therefore, just as much in assuring the right to read when the desire is absent as when the skills are missing.

It is inexcusable that in this day when man has achieved such giant steps in the development of his potential, when many of his accomplishments approach the miraculous, there still should be those who cannot read.

While still in New York State, I had begun to develop plans for launching a Statewide, concentrated, attack on reading deficiencies. Now I have national responsibilities and my view of the educational scene from this level convinces me that there is no higher nationwide priority in the field of education than the provision of the right to read for all, and that the Office of Education and the Department of Health, Education, and Welfare can do no greater service for the cause of education than to spearhead a nationwide attack to eliminate this failure of our education efforts.

Therefore, as U.S. Commissioner of Education, I am herewith proclaiming my belief that we should immediately set for ourselves the goal of assuring that by the end of the 1970's the right to read shall be a reality for all—that no one shall be leaving our schools without the skill and the desire necessary to read to the full limits of his capability.

This is education's "moon"—the target for the decade ahead. With the same zeal, dedication, perseverence, and concentration that made possible man's giant step of last July 20, this moon too can be reached.

While it is obviously impossible to expect that our target could encompass the complete elimination of the reading deficiencies of the out-of-school population also, this decade devoted to the improvement of reading should include a new and intensive attack in this area of need bringing to bear the kind of widespread concentration of effort and resources that will be given to in-school youth.

I have chosen to set forth this target at the meeting of the National Association of State Boards of Education because you bear the responsibility for shaping basic educational policies for the primary and secondary schools of our Nation. The responsibilty for the provision of educational opportunity, traditionally and legally, rests with the States. The public education system of our Nation has developed on the premise that education belongs to the people and its control shall be in the hands of lay boards. It is you, therefore, who have the original responsibility and authority, within the framework established by your respective legislatures, for the setting and enforcement of standards, and for the evaluation of performance. It is you also who must be accountable for your stewardship. You are at the center of any effort to raise the level of achievement in our educational system.

State boards are, of course, not alone in this responsibility, for its falls also upon all those who participate in the administration and operation of the educational enterprise. Therefore, in presenting the challenge of this target to you I am also presenting it to groups such as the Education Commission of the States, the Council of Chief State School Officers, State education departments, local school boards and their staffs, the National Education Association and the American Federation of Teachers and their State and local affiliates, the National Congress of Parents and Teachers, students and their organizations—indeed, to all individuals and organizations comprising the total educational endeavor of our Nation. Essential also, of course, will be the intensive participation of the colleges and universities and their schools of teacher education.

But to hit the target by the end of the 70's, to achieve a goal of such enormous dimensions, involvement will have to reach far beyond the courses of education.

Necessary will be committed participation and support of the Congress; State and local political leaders and legislative bodies; business, industry and labor; civic and community groups; publishers; advertising organizations; television, radio and the press; research and scientific organizations; foundations; the entertainment industry; the sports world; and, perhaps most essential of all, the understanding and support of an enlightened and enthusiastic public. In other words, I am calling for a total national commitment to and involvement in the achievement of the "right to read" goal.

This is a proper goal for our society because it will not only correct the injustice done to individuals by the denial of their right to read, but it will also, because of its widespread social and cultural effect, benefit and strengthen the entire fabric of our society.

I hope that by this point in these remarks I have succeeded in arousing your enthusiasm, but I suspect that certain doubts as to the practicability of the timing and scope of the goal have also crept into your thinking. Indeed I can already hear the excuses, the expressions of fear and reservation, the "yes, buts" with which many will greet this challenge. To accept these is to continue the rationalization, the justifications for failure that for too long have persisted, demoralizing our will and generating a defeatist attitude.

Of course this goal cannot be easily attained. It will be far more difficult than the landing on the moon. But the time is right, I believe, to try, for so much is at stake and there are so many favorable auguries for success.

This is a time when we have accumulated an enormous amount of research and expertise in the field of reading. Few other areas of learning have been so thoroughly and widely studied. May I add here parenthetically, however, that we must avoid the danger of allowing education's reading "moonshot" to become bogged down in debate over *methods* of the teaching of reading. It is the *goal* with which we must be concerned.

This is a time when science and technology have given us a whole new array of resources to apply to the solution of the reading problem.

This is a time when school boards and school administrators are less preoccupied than at any time since World War II with the pressing problems which have been created by ever-increasing student enrollment.

This is a time of growing understanding of the effects of environment and other factors on the ability to learn.

This is a time when preschool educational opportunities are being more generally incorporated into the public education system.

This is a time when new Federal legislation has provided increased funds for attacking problems such as that of the improvement of reading.

This is a time when there is a great latent readiness to support a program that holds promise for the improvement of reading. The concern of parents, public officials and the general citizenry about the effectiveness of the schools seems to find a focus in the problem of reading failures. The failure to teach everyone to read is a strong factor in the loss of full confidence in our schools that is finding expression in large numbers of defeated budgets and bond issues, in student and community unrest, and in the growing tendency to seek new instrumentalities for educational reform outside of the traditional system. This is in a sense a negative situation that needs only a believable expectation of success in solving the problem to transform it into a tremendous positive force. The relatively simple, universally understood objective, implicit in the "right to read" goal, standing out clearly amidst the confusions of the complexity of the educational endeavor of these days, can be the rallying point for the renewed confidence in our schools that will gather to them a new surge of enthusiastic public support.

The cumulative effect of the conjunction of so many positive factors at this particular time, can but serve to reduce doubts and to support that reasonable degree of assurance of success that mandates the attempt.

While the main task of carrying out the activities necessary to achieve the goal of right to read for all by the end of the 70's will fall upon the States and localities, the Federal Government has a vital supportive role to play. It is not the role of the Federal Government to make specific plans, nor to prescribe the programs and methods to be used. The diverse needs and conditions of the various States and their communities require the flexibility of approach that our decentralized system makes possible. The main contribution that can be made at the Federal level will be the coordination of the effort, the marshalling of forces and resources on a nationwide basis and the provision of the technical, administrative and financial assistance required, all done in a spirit of total and fervent commitment.

Once more then, I proclaim my belief that it is possible for the 70's to be the decade in which the right to read becomes a reality for all, with no one leaving our schools lacking the skill and the desire necessary to read to the full limits of his capability—and that it is our duty to set for ourselves this target.

The months immediately ahead should be a time of preparation in the hope that next summer will see the beginning of the countdown, with the launch scheduled for the opening of the 1970–71 school year.

I therefore call upon you to take upon yourselves the obligation of assuring that every child in your State will learn to read, and I request that you begin immediately in your own State to consider how this goal can be achieved, to assemble resources, to plan, and to report back to me what actions you have taken under State leadership so that the school year 1969–70 can be recorded as the year when together we set in motion the Nation-wide effort that will erase this intolerable deficit in American education.

The Office of Education has already begun this kind of activity, and we shall be consulting with you and all other educational forces, as well as with representatives of the total national community, as to procedures.

The decade of the 70's will see the 200th anniversary of our Nation. A most appropriate celebration of that event—a celebration that would honor the true spirit of the democratic concept, and recognize the fundamental importance ascribed to education from the beginning of our Nation, would be to secure for all of our citizens that right to read which so long ago made possible the feasibility of a democratic society and continues to undergird its strength.

Continuing toleration of the failure to give everyone the ability to read breaks faith with the commitment to equality of opportunity which is the foundation of our public education system. Having arrived at a time which holds forth the possibility of eliminating this failure we must, in all justice, seize the opportunity with the utmost vigor and determination.

Remarkable success has been achieved by our educational system, but so long as there is one boy or girl who leaves school unable to read to the full extent of his capability, we cannot escape the charge of failure in carrying out the responsibility entrusted to us.

ATTORNEY GENERAL MITCHELL ADDRESSES POLICE CHIEFS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. GOLDWATER. Mr. Speaker, Attorney General John N. Mitchell recently addressed the annual convention of the International Association of Chiefs of Police in Miami Beach, Fla., and in that talk "laid it on the line."

The Attorney General said unashamedly that his first and foremost task was to enforce the law. He said that persons who break the law ought to be properly arrested and tried today. Attorney General Mitchell said:

> While I sympathize with physical conditions and emotional problems which may cause persons to commit crimes. I cannot sympathize with those who seek only to excuse criminals.

Mr. Speaker, I find this attitude of the present Attorney General a refreshing change from the views of former Attorney General Ramsey Clark who, at times, seemed more concerned about the excesses of a few policemen than he did about the thousands of criminals murdering, robbing, and raping in this country every day.

Newsweek magazine recently featured Attorney General Mitchell on their cover and referred to him as "Mr. Law and Order" and I agree. With the crime rate being what it is in this country, Americans should be thankful that we have such a fine Attorney General as John Mitchell.

Attorney General Mitchell's speech follows:

ADDRESS BY ATTORNEY GENERAL JOHN M. MITCHELL

I. INTRODUCTION

1. It is a pleasure to address the annual convention of the International Association of Chiefs of Police.

I understand that I am a last minute substitute for President Nixon. Unfortunately the President is unable to be with you today. I know that he wanted to be here to assure you of his support of your efforts in the field of law enforcement.

During the past eight months, I have been in close communication with the IACP, especially with your most able Executive Director Quinn Tamm.

Several months ago, I participated in your working seminars held in Washington. A major portion of these discussions concerned student violence and civil disorders. What particularly impressed me was the awareness, by the participating police officials, of the necessity for preventive law enforcement. These seminars emphasized that law enforcement is not merely the application of force. Enlightened police officials recognize that careful pre-planning, communication and negotiation can frequently avoid serious confrontations.

I was pleased that the IACP stressed that law enforcement officials should be flexible in order to solve new law enforcement problems within the currently prevailing social and legal philosophies of the nation. The American law enforcement community would do well to look at your leadership.

Your high standards of professionalism, your openness to new ideas, and your desire to bridge the gap between law enforcement officials and certain alienated parts of our citizenry, have made you leaders in the administration of justice at the state and local level.

We, at the Justice Department, have called on you in the past for your help and advice. We will continue to call on you in the coming years.

We will continue to support this organization and its more than 7,000 members in every way possible, especially through the Law Enforcement Assistance Administration grant program. We hope that you will seek our counsel when you have problems to be solved.

I have come to Miami Beach today to speak to you about the single most pressing problem that I face as Attorney General and that you face as concerned and responsible police officials—crime in America.

The latest FBI Uniform Crime Reports show that in 1968 there were 4.5 million serious crimes committed in the United States, a 17 percent increase over 1967.

There was a 30 percent increase in armed robbery; a 15 percent increase in rape; a 13 percent increase in murder and an 11 percent increase in aggravated assault.

From 1960 to 1968, the volume of serious crime has risen 122 percent, while the population has increased only 11 percent. The citizen risk of becoming a victim of a crime has nearly doubled from 1960 to 1968.

In February 1967, the President's Crime Commission reported: "There is much crime in America, more than ever is reported, far more than ever is solved, far too much for the health of the nation. Every American knows that. Every American is, in a sense, a victim of crime . . . The most understandable mood into which many Americans have been plunged by crime is one of frustration and bewilderment."

Despite the Presidential report and the ever increasing crime rate, there has been a tendency in the past to shrug our shoulders and to hope that if we talk about crime it will eventually disappear.

There has been a tendency to ignore the law enforcement community in favor of the social scientists who can explain the motivations of the criminal, but who can do little to protect the innocent against the mugger or armed robber.

Let me tell you that, as Attorney General, I am first and foremost a law enforcement officer. I believe the Department of Justice is a law enforcement agency. I think that persons who break the law ought to be promptly arrested and tried *today*.

While I sympathize with physical conditions and emotional problems which may cause persons to commit crimes, I cannot sympathize with those who seek only to excuse criminals.

When this Administration took office eight months ago, we decided that the time had come to stop talking, to stop offering excuses and to start acting *now*. And we did act—we have put forward a carefully-planned, well-financed, and aggressive action program to combat crime *now*.

Of course, we recognize the need for and we strongly support research and development projects which may help us solve crime tomorrow—sometime in the future.

But tomorrow is too late for the ghetto housewife who is many times more likely to be mugged than the suburban housewife. Tomorrow is too late for the small store owner who is killed in a holdup by a narcotics addict.

Indeed, tomorrow may be too late for all of us. That is why we have launched a comprehensive anticrime campaign as a first priority in our domestic program.

As President Nixon has said: "The public climate with regard to law is a function of national leadership."

The leadership of this nation believes that any effective anticrime campaign must rely primarily on law enforcement officials. The police are the first line of defense, and they must be given every reasonable tool if they are to meet the challenge of crime in an increasingly complex society. For this reason, the Administration's executive, legislative and budgetary proposals to combat crime concentrate strongly on the law enforcement function.

I think that you will find that this Administration is sympathetic to law enforcement and that, in areas of doubt, we tend to put our faith in the good intentions of the police, rather than to rely on the bad intentions of criminals.

Let me give you some examples of how we have exercised our federal leadership—how we have resolved areas of doubt in favor of law enforcement.

The previous Administration refused to use Congressional authority—Title III of the Omnibus Crime Bill—to wiretap except in national security cases. We have reversed that policy. We have authorized wiretapping for organized crime and narcotics crimes on a highly selective basis. So far, we have found court-approved wiretapping to be extremely productive and a major aid to law enforcement.

The prior Administration failed to suggest any method for detaining criminal suspects prior to their trial even if these suspects showed a substantial likelihood of committing another crime. We have proposed a pretrial detention bill which would, on a rational basis, deny freedom to those who appear likely to commit another crime pending their trial.

The prior Administration declined to utilize Congressional authorization in Title II of the Omnibus Crime Bill for the admission of voluntary confessions which did not strictly adhere to the *Miranda* warning requirements. We have reversed that policy.

While we still require federal law enforcement officers to give the complete *Miranda* warning, we will not automatically concede if, by inadvertence, the complete warning has not been given in obtaining a voluntary confession.

We hope that these actions will aid our federal efforts against crime. We also hope that these actions will say to state and local law enforcement officers: "The Justice Department is with you. We want to help you whenever and wherever possible."

As further evidence of our commitment to law enforcement, I would like to outline for you briefly some highlights of the federal government's anticrime program in terms of Executive action, legislative proposals and fiscal appropriation requests.

II. WASHINGTON MODEL PROGRAM

By far the most serious aspect of crime we face as a nation is crime in the streets. I have told you of the latest FBI Uniform Crime Reports which show a 17 percent increase in serious crime.

What the FBI reports do not show is the increase in fear and national anxiety. For every law-abiding citizen who is the victim of a crime, there are dozens of friends, relatives, business associates and neighbors, who fear that they may be next.

Basically, the federal government has very limited jurisdiction over street crime. We can set the tone for leadership. We can initiate pilot projects. We can offer financial and technical assistance. But the primary responsibility is still with the state and local governments.

One place where the federal government does have substantial jurisdiction over street crime is in the District of Columbia. In the first six months of this year, the District of Columbia crime rate increase has exceeded the national average.

In many ways Washington is a microcosm of the national crime problem. It has had a major racial disorder. It has a high welfare and unemployment rate. Some of its downtown area suffers from ecenomic blight. Many of its citizens are afraid to walk alone in the evening.

Very early in his Administration, on January 31st, President Nixon launched an ambitious program to combat crime in the District of Columbia. It was generally designed to be a model for other cities.

As the President said: "By searching for new ways of applying the resources of the federal government in the war against crime here (in Washington), we may discover new ways of advancing the war against crime elsewhere."

A critical part of the model anticrime program for Washington is massive aids to law enforcement.

We believe that the well-trained beat patrolman is our most effective single weapon against the street criminal.

Therefore, we asked for the addition of 1,000 policemen to the authorized force and for more effective recruiting methods to fill the existing vacancies.

As a result, the Metropolitan Police Department is now recruiting about 115 officers per month as opposed to 18 per month in 1967. We have agreed with the Department of Defense to participate in a pilot project which would permit a six-month early release from military service of individuals who qualify and agree to become police officers.

Our plan so calls for improved management and manpower utilization. For example, we have asked for an increase in police cadet and civilian positions which will hopefully release professional policemen for patrol and law enforcement functions.

We have asked for an expansion of the police Legal Advisors who are available to advise police officers on the street about complex legal requirements which arise during investigations.

We have proposed or supported legislation which would aid the police in apprehending criminals—by authorizing police to wiretap under judicial supervision, by making it illegal to resist an unlawful arrest, by permitting police to stop and frisk criminal suspects and by eliminating the "no-knock" bar to searches where the evidence is in danger of being destroyed.

As part of the model District of Columbia plan, we have also placed great emphasis on criminal trial and court procedure. We have proposed a complete reorganization of the local court system where, unfortunately at present, the median time from indictment to disposition of a criminal case is now 10 months.

We have asked for more judges so that the guilty may be convicted quickly and the innocent may be cleared.

We have asked for more prosecutors in the United States Attorney's office. We have established a Major Crimes Unit which will handle serious criminal problems such as professional narcotics traffickers and organized gangsters. We have set up two and three-man Crime Teams who will be able to devote enough time to difficult and important prosecutions.

We have proposed legislation which would correct some of the technical barriers that now unnecessarily tie up criminal trials and exclude otherwise reliable evidence of guilt.

Justice must be evenhanded to be effective. Therefore, we have proposed legislation which would establish a full-fledged Public Defender Service, capable of offering free lawyers for about 60 percent of the indigent persons who appear in most criminal, juvenile and civil commitment proceedings.

We have also supported legislation which would increase payments to private lawyers who represent indigents and which would permit these payments in a wide variety of cases in Washington and in other federal jurisdictions.

We have proposed legislation which would expand the District of Columbia Bail Agency to permit more effective investigation of the background and personality of an arrested suspect in order to determine whether he should be released pending his trial.

We have made special provisions for the juvenile who now accounts for 38 percent of our crime index arrests.

We are asking for the establishment of a combined Juvenile-Family Court which can more sensibly handle many of the problems of juvenile offenders and intra-family offenses. We have asked for an expansion of a juvenile group rehabilitation project and for a well-staffed psychiatric-care residential facility for delinquents.

We have also requested major reforms in the local corrections system with new physical facilities, more use of halfway houses and expanded rehabilitation counseling. About 46 percent of arrested suspects have previously been in prison.

This is just a brief summary of our model anticrime package. The federal government and the District of Columbia government have implemented much of the Washington plan by Executive action.

But the Congress has not approved a single legislative proposal. Nor has the congress approved a single dollar of the $22 million in additional monies which was requested for fiscal 1970, which commenced on July 1, 1969. Without the money, the District of Columbia anticrime program will be paralyzed. Without court reorganization and the other legislation we have requested, our anticrime efforts may fail.

Crime continues to rise in the District of Columbia.

The citizens of Washington—and the people of this country who look to Congress for leadership—should not be forced to wait longer.

III. LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The other major area where the federal government can lead the way to combat street crime is through the Law Enforcement Assistance Administration of the Department of Justice. The LEAA is the federal government's major commitment to help states and local communities improve their police and criminal justice systems.

In its first year of operation in 1968–1969, it expended most of its $63 million budget—$19 million in planning grants to states and local communities; $29 milion in action grants, including special funds for 11 major cities; $3 million for research and development into crime problems; and perhaps most promising was $6.5 milion to finance college studies for law enforcement personnel.

For the current fiscal year, we have asked for $296 million for the Law Enforcement Assistance Administration. If appropriated, $250 million of this is scheduled to go to the states for action programs.

The greatest single emphasis in the LEAA program has been the funding of police efforts to decrease street crime.

For example, one large midwestern state received $1.3 million last year. Of this amount, $236 thousand was awarded for police civilian disorder control; $120 thousand for the development of police training programs; $30 thousand for a study of how to use civilians in police departments; $48 thousand for a special program to train promising young police officers; $180 thousand for management studies of the efficiency of local police departments; and $60 thousand to etsablish model community relations units.

In other states, we have funded experiments in using helicopter patrols; in setting up new electronic alarm systems in high burglary rate areas; in establishing special teams to deal with youth gangs; and in funding statewide criminal teletype networks.

Our studies of plans submitted by all 50 states show a most promising and continued emphasis on law enforcement, with 77 percent of the funds going to the police and to anti-street crime programs. The larger breakdowns show 18 percent for police training, salary increases and career development; 22 percent for police civil disorder control programs, and 11 percent for detection and apprehension techniques.

Unfortunately, I must tell you that not only has the Congress failed to pass this $296 million appropriation request, but it appears to be headed toward a substantial decrease.

Law enforcement agencies all over the nation will suffer if the *full* appropriation is not passed promptly.

IV. NARCOTICS

Another area in which the federal government has substantial jurisdiction involving street crime is the battle against illegal narcotics and dangerous drugs. Between 1967 and 1968, there was a 64 percent increase in arrests for narcotics and marihuana. Half of those now being arrested for drug abuse are under 21 years of age.

The battle against narcotics is an integral part of the Administration's anti-street crime program. A narcotics addict may need $70 or $80 a day to satisfy his habit. Thus, he turns to robbery, mugging and burglary in order to obtain money. It was recently estimated that in New York City alone $2 billion a year is stolen by narcotics addicts and that about 11 percent of those arrested for violent crimes have a history of narcotics addiction.

Last July 14, President Nixon delivered a statement on the problem of drug abuse and promised that action would be taken by this Administration now. The President said: "A national awareness of the gravity of the situation is needed; a new urgency and concerted national policy is needed at the federal level to begin to cope with this growing menace . . ."

One of the most significant parts of the program so far has been a landmark proposal called the Controlled Dangerous Substances Act of 1969. It would consolidate and reorganize all the existing drug laws—some of which date back to 1914. It would substantially expand federal law enforcement authority to control narcotics, barbiturates, amphetamines and marihuana.

For example, it would authorize agents of the Bureau of Narcotics and Dangerous Drugs to arrest persons for violations of any federal, law and not just for violations of the federal narcotics statute. It would permit agents to break into suspected premises without knocking and would also permit them to conduct administrative searches for illegal drugs and marihuana.

I know there is a great deal of controversy surrounding the use of marihuana. But marihuana is an illegal substance. Most medical authorities have states that it is at least a hallucinognic with no known medical purpose. If used excessively, it can be dangerous. Furthermore, current statistics indicate that many hard narcotics users started off on marihuana.

Under these circumstances, we decided to stop closing our eyes to the marihuana problem in this country, Two weeks ago, we launched the first major search and seizure border operation in history aimed at stopping the importation of illegal drugs from Mexico.

It is estimated that the Mexican border traffic accounts for 80 percent of the illegal marihuana in this country, 20 percent of the heroin and large amounts of barbiturates, amphetamines and other dangerous drugs.

By utilizing the resources of the Department of Justice, Bureau of Customs, the Department of Defense, and other agencies, we have started a coordinated and intensive land, sea and air operation against border smuggling.

We realize that the wide publicity given to this operation will probably deter many smugglers and may not result in large scale seizures. But if we can keep marihuana and other drugs out of the United States by whatever means possible, then I think we will have succeeded. Our goal is not the occasional user. It is the large scale professional trafficker who makes a living out of smuggling illegal narcotics.

The Bureau of Narcotics and Dangerous • Drugs in the Department of Justice is our main agency concerned with the enforcement of federal drug laws. We have asked for an increase in its appropriation from $17 million in fiscal 1969 to $25 million in fiscal 1970, and an increase in its personnel from about 1300 to almost 1500.

These increased appropriations and manpower will permit the Bureau to step up its enforcement program in our cities, to implement its plan to train 22,000 state and local law enforcement officers and to expand its international operations.

Our goal is not long jail sentences for the average narcotics addict who must sell a bag or two of heroin in order to sustain himself. He should be the object of research and rehabilitation. I am interested in prosecuting those who make their living by dealing in substances which ruin men's mental and physical health, and which pose a danger to our general welfare.

V. ORGANIZED CRIME

Another aspect of crime where the federal government has broad jurisdiction is organized crime.

Relying on the hopelessness of ghetto residents, organized criminals sell heroin and cocaine; playing on insecure credit, they loanshark the honest working man; recognizing elector indifference, they corrupt labor unions and political leaders.

Here again, President Nixon proposed an aggressive program to combat this interstate network of criminal syndicates. He said that "the moral and legal subversion of our society is a life-long and lucrative profession" for the organized racketeer.

The core of the federal effort against organized crime has been to reorganize the Strike Forces. They are interagency teams designed to throw a whole net of federal law enforcement over an organized crime family in a particular city. We have expanded these teams from four to seven, and we plan to reach 20 by the end of fiscal 1971.

In addition, we have set up a federal-state racket squad in New York City. If this joint venture proves to be successful, we plan to organize others in an effort to cooperate with state and local authorities in our Strike Force assault.

The LEAA has also made several initial grants to states and cities to aid them in establishing organized crime units. If their appropriation is approved, we hope that more localities will apply for funds to combat organized crime.

We have also asked for additional legislation to help us in the battle against the organized gangster. Among the bills we have proposed or supported are a general witness immunity law which would have a broad scope for many potential witnesses against organized crime; an amendment to the Wagering Tax Act which would expand our current ability to prosecute gambling; and a law designed to make it a federal crime to corrupt local police and other public officials.

While we have had only limited experience with judicially approved wiretapping authorizations, this experience has proved to be very successful in combating organized racketeers, especially in the field of narcotics.

In New York City, 124 pounds of heroin was seized as a result of a wiretap. In Washington, 41 persons involved in an alleged narcotics trafficking ring were apprehended as the result of one wiretap. Some of them reportedly had organized crime connections. In Ohio, a wiretap led to the seizure of $100,000 in counterfeit bills and the arrest of seven persons; and in Buffalo, 23 persons were arrested on a charge of being involved in a United States-Canadian gambling organization.

In order to mount this broad attack on organized crime, the Administration has asked for a $25 million increase in funds for all government agencies involved in this effort—a 40 percent increase over the previous Administration request. About $16 million of this will go for more FBI and IRS personnel, to work with the Strike Forces. Almost $3 million will go to the Criminal Division of the Justice Department and the remainder of the money will be spread among the Secret Service, the Department of Labor, and other government agencies.

The result of our activities so far has been promising. In fiscal 1969, 44 indictments were returned against 59 suspected organized crime figures (38 more than in 1968) and 29 suspected organized crime figures were convicted. In total, 71 organized crime figures were either indicted or convicted in this fiscal year as compared with only 48 the previous year.

Furthermore, we have arrested a number of crime figures who are members of the ruling commission of the organized crime syndicate in Buffalo, in Newark, in New Orleans, in Rhode Island and in Chicago. We think that this new assault shows great hope of success against this difficult problem.

VI. CONCLUSION

A model program for the District of Columbia, direct federal grants to states and local communities, and aggressive new programs against narcotics crimes and organized crime—these are some of the highlights of this Administration's action plan to reverse the flood of crime now.

In each one of these programs, there has been special emphasis on law enforcement. I want criminals off the streets and there is no better way to get them off the streets then by relying upon you—the law enforcement community in this country.

You can be sure that this Administration will, to the best of its abilities, marshal all of its moral, political and economic power to support law enforcement officers in our battle to defeat crime.

We all know that with your help we will succeed and without your help we will only face a national disaster.

CONSERVATIVES SHOULD BE SUPPORTING CONSERVATION EFFORTS

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. SAYLOR. Mr. Speaker, no conservative in the Congress can feel very good these days after receiving the recent blast delivered by Mr. James J. Kilpatrick. He said in effect that conservatives have "lost their way," and proceeded to document his case. Coming from one of the leading columnists in the country, his remarks were sobering. That we have a "negative image" is well known and deplorable. That we have missed opportunities to present a different image is equally well known. That so far we have failed to change our ways, is also evident.

The touchstone for Mr. Kilpatrick's remarks dealt with an area in which I claim some knowledge: the preservation of our Nation's environment. I cannot fully explain the "why" of the conservative's disinclination to lead in the battle to conserve our natural heritage but I can make a guess or two. We have, as a group, become so dollar conscious with our continued and justified apprehension over inflated budgets, wild Federal spending, and impossible social experimentation, that we have lost sight of some of the deeper and more significant concerns of the Nation at large. We have been emphasizing the present when we should have been equally solicitous of the future. In fact, to be truly conservative, we should be protecting the environment now rather than waiting until a time in the future when the costs of having failed to act will be out of reach of our technological or financial ability to make environmental repairs.

I sincerely hope that Mr. Kilpatrick's remarks have been conscientiously studied by the Republican leadership; the hope of the party's future must be down the path of more affirmative policies. In my opinion, there is no better way to help change the conservative's image than by assuming leadership of the drive to preserve our natural and national heritage for the future.

Mr. Kilpatrick's article follows:

CALL FOR ACTION

(By James J. Kilpatrick)

WASHINGTON.—Several hundred leading conservatives gathered at the Sheraton-Park last weekend to take the waters and toast the Republic. The occasion was an awards dinner sponsored by American Conservative Union, Human Events, National Review, and Young Americans for Freedom, honoring Senator John Williams of Delaware and Congressman H. R. Gross of Iowa.

The sponsors of the clambake invited me to make a few remarks. I am not at all certain that this is what I said, but it is what I had in mind to say:

On the record, gentlemen, our cause goes well. In both the House and Senate, the number of conservatives gradually increases. The same modestly encouraging picture may be seen in statehouses across the land. Our peerless leader in the White House may not be a true-blue conservative—not as true-blue as Messrs. Williams and Gross—but he is far more congenial to our views than, say, Hubert Humphrey. He is as conservative a President as we had any hope of electing, and we are lucky to have him.

Yet the conservative cause, if it would continue to prosper, must in some fashion overcome its image as the negative party. Dammit, gentlemen, when will conservatives apply their talents to affirmative answers to American problems?

One of the most serious problems in American society goes to the quality of life in the world around us. Our rivers and lakes are dying of pollution. Our greatest cities stifle in smog. Our littered streets insult the eye. Concern mounts at the residual damage done to man's environment by such pesticides as DDT. Year by year, our loveliest countrysides are yielded up.

The problem essentially is a problem of conservation—of conserving some of the great values of America; and conservatives, of all people, ought to be in the vanguard of the fight. Yet if one were asked to name quickly the political figure most identified with pollution, it would be Muskie of Maine. If beautification of the highways is identified with a single person, it is identified with Ladybird Johnson. Think of pesticides, and one thinks of Nelson of Wisconsin. Where lies the leadership in preserving wild rivers, redwood forests, wilderness areas? Gentlemen it is not to be found on our side of the aisle.

Ours is the party most identified with commerce, business and industry. We defend their interests well. But isn't something more demanded in the name of an affirmative conservatism? Why do we let Ralph Nader monopolize the duties of right conscience? Do we not have an obligation to wage our own war upon fraud, shoddy merchandise, and exploitation of the poor?

One of the great principles of our philosophy goes to the right of privacy—to man's right to be left alone from the harassments of the state. Yes, we have done better here. Ervin of North Carolina, for one, has been in the forefront of an admirable effort to protect the privacy of federal workers. Yet conservatives, by and large, are not identified with this effort. Liberals have beaten us to it.

What are we doing—really doing—about our cities? Where are our leaders in relieving racial tensions? What effective answers have we offered for the housing of low-income families? Do conservatives have a program for elderly Americans, caught in the vise of inflation? We are bold and fearless, to be sure, in the cause of law and order. But where are our voices for penal reform?

It is a feeble response, my brothers, to insist that of course conservatives are "for" something: We are for the greatest personal freedom consistent with ordered liberty. We are for the proposition of limited government under a federal system. We are for balanced budgets, sound dollars, strong defense, and honest work. We are for the church, the home, the flag. We are keen on clean movies. Our strength is as the strength of ten, because our hearts are pure. Great! But if I had only one political wish, conservatively speaking, I would wish to see us translate broad conservative principles more frequently into specific, affirmative action.

AGAINST AMENDMENT TO PREVENT LIMITED DEPLOYMENT

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. KEITH. Mr. Speaker, when the House considered the military procurement bill last week, I voted to proceed with limited deployment of the Safeguard ABM, as recommended by the President.

Having closely followed the debate in Congress and in the press for the past year, I have been impressed with the logic and concern of these who oppose the anti-ballistic-missile system. At a time of inflation and serious domestic crisis, it would be unjustifiable for us to waste money on unnecessary weapons systems. And, at a time when limitations on the arms race appear possible, it would be a mistake to upset the balance of terror and perhaps trigger a new round of nuclear weapons buildup.

Nevertheless, Mr. Speaker, while charges of waste and destabilization may be made against other weapons, I do not believe they apply to the Safeguard ABM. The Soviet buildup in SS–9 supermissiles raises serious doubts about their intentions and about the continued integrity of our retaliatory force. Faced with uncertainty concerning the reliability of our second strike force in the 1970's, it is incumbent upon us to take protective measures. The Safeguard ABM is such a moderate protective measure. The carefully drawn plan for phase-by-phase deployment as, and if, the threat develops, insures review of the strategic situation before more funds are committed. The money we are authorizing is for phase I, a limited deployment of missiles and radar at two sites.

Essentially, this amounts to an expansion of research and development to include testing and evaluation. After we have reviewed the interaction of the radars at the two sites we will be in a better position next year to pass on the feasibility of an ABM defense. Next year, too, we will have a clearer idea of Soviet intentions and the possibilities for arms control. If things are brighter in these two areas, then clearly we should halt further deployment. At present, however, the threat which seems to be developing and the long leadtime necessary for deployment of protective measures make this first step toward a Safeguard ABM advisable.

Mr. Speaker, another serious charge made against the ABM is that it will undermine the possibility for arms control and will lead to an escalation of the arms race. In response to this I would point out that a limited deployment of antimissiles, having the capability of protecting only missile silos is not destabilizing; it is defensive.

And in this respect, we know that the Soviets have over 240 SS–9 missiles, each of which can carry three heads of 5 megatons apiece. Those warheads, Mr. Speaker, would only be used to strike at our Minuteman missile sites—not at our cities. This is clearly intended to be used for a first-strike capability. As far as our arsenal is concerned, our warheads are only 1 megaton in destructive power. They are designed to retaliate against Soviet cities if we were attacked first.

Our ABM's are designed to preserve this second-strike capability and are therefore purely defensive in purpose. If by the deployment of our ABM's, we can preserve some of our retaliatory ICBM's, the leaders of the Soviet Union will not be tempted to launch a first-strike against us.

Furthermore, the ABM can be a useful bargaining card for the President as he proceeds with the strategic arms limitation talks. It would be most unfortunate if Congress were to deprive him of this on the eve of negotiations with the Soviets.

Mr. Speaker, a year ago when this committee considered the more ambitious and less debated Sentinel ABM system, I raised a number of questions on the floor. With some reservations I voted then to proceed with deployment. Now a new administration has proposed a less extensive system—one less likely to upset the existing weapons balance. This system has been overwhelmingly approved by the members of the Armed Services Committees who obviously were privy to much secret data of a technological and intelligence nature. Furthermore it was supported by the leadership on both sides of the aisle. Even so, a number of doubts remain in my mind; a number of unanswered questions await clarification. Nevertheless, I believe, in the area of national security one must call the close ones in favor of preparedness and our Nation's defense. For this reason I voted against the amendment which would have prevented the limited deployment of the ABM.

SILVER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 6, 1969

Mr. RARICK. Mr. Speaker, is there a shortage of silver in the United States?

A letter from the president of the Idaho Mining Association, a report from the Silver Market Annual Review, and an article from the Wall Street Journal present an interesting discussion of the matter.

The material follows:

IDAHO MINING ASSOCIATION,
Boise, Idaho, October 2, 1969.

Thanks for your letter of September 26, enclosing copy of a letter received from Mary Brooks, Director of the Mint. In her letter, Mrs. Brooks states that the shortage of silver in the United States for industrial use has necessitated the request for legislation to remove the silver from our coinage. This has already been done with the exception of the small amount of silver used to mint the sandwich-type Kennedy half-dollar.

To mint 300 million Eisenhower sandwich-type dollars containing 40% silver would require 32 million ounces per year for a period of three years.

These dollars probably would not circulate any more than the silver Kennedy half-dollars. The silver used would be distributed to the people at a profit to the Treasury considerably more than they are realizing from the sales presently being made through GSA. If the use of silver is not justified in the Eisenhower silver dollar which people desire, how is it any more justified when used in silverware or jewelry by the same silver users who oppose a silver Eisenhower dollar?

There is no shortage of silver. To emphasize this point, may I quote Handy and Harman, the leading domestic supplier and dealer in silver metal, who in their 1968 Annual Review of the Silver Market said, "We have continually emphasized that there will be no shortage of silver for future industrial needs, and this has been confirmed by events." I have xeroxed pages 18 and 19 of this report and this copy is attached and appropriately marked for your attention. Note also attached, xerox copy of a Wall Street Journal article which quotes Mr. M. W. Townsend, Chairman and President of Handy and Harman, on July 25, 1969 as saying there is an estimated 400 million ounces of contract silver stored in vaults.

We submit that it is only a question of time until the U.S. Treasury must stop selling silver through GSA, and when such sales cease, the silver market will be subject to the natural forces of supply and demand. We believe the present market is artificially depressed and further argue that this is hurting not only the silver producers, but consumers as well. Ultimately, silver consumed by industry will have to come from the ground and if exploration for new deposits is to proceed vigorously, a higher price set in the give and take of the market place could provide the required stimulus.

I would also like to point out that the U.S. Treasury in selling its silver through GSA has done a remarkable job of obtaining the lowest possible price. How can the Treasury Department account to the taxpayers for such action? (Mexico bought $1.29 an ounce silver from the United States, minted it into 30 million 25-peso Olympic medals, and thereby made a $40 million profit!)

Sincerely,

W. H. LOVE,
President.

P.S.—Let's not put Ike on the first "cheap" non-silver dollar ever minted by the United States!

[From the Silver Market Annual Review]

THE SILVER MARKET IN 1968—53D ANNUAL REVIEW

(Compiled by Handy & Harman)

THE OUTLOOK

We have continually emphasized that there will be no shortage of silver for future industrial needs, and this has been confirmed by events. Over the past few years speculative or investment stocks have been accumulating at a very rapid rate throughout the world, and in 1968 alone some 170,000,000 ounces were added to these stocks. At year-end there were nearly 90,000,000 ounces of silver in New York Commodity Exchange warehouses alone, and perhaps another 80,000,000 ounces elsewhere within the United States. In addition, an estimated 200,000,000 ounces are stored in England and on the Continent. In total, speculative and investment stocks, worldwide, must be close to some 370,000,000 ounces. This is equivalent to about a full year's demand for world industrial and coinage needs combined.

These stocks are not the only source over and above new production from which silver will be obtained in the years to come. During 1968 some 60,000,000 ounces came out of India and Near Eastern countries, and silver is continuing to flow into the market from that part of the world. Also demonetized coin accounted for some 40,000,000 ounces during 1968, mostly from Australian and Canadian coins. More and more countries are moving away from silver coinage, and this tends to have a two-fold effect. In the first place less silver is used, and secondly the old coins are a potential future source of silver.

The United States silver coins represent the largest such source, and it is estimated that theoretically some 2,000,000,000 ounces of silver are outstanding in these coins. Undoubtedly a substantial part of this silver will never be recovered, but even if only half ultimately finds its way into the market, it is a very significant potential supply. It is estimated that the United States Treasury has already withdrawn enough coins to account for some 300,000,000 ounces of silver, and that perhaps as much as 700,000,000 ounces of recoverable silver remain outstanding. Government stocks of silver in bullion and in unmelted coins at the end of 1968 amounted to about 240,000,000 ounces according to our estimates. At the present rate of sale of 2,000,000 ounces a week these stocks will last for over two years, even without allowing for future collections.

[From the Wall Street Journal, July 25, 1969]

HANDY & HARMAN SAYS 1ST HALF NET ROSE 10 PERCENT—COMPANY ALSO EXPECTS RESULTS FOR ALL OF 1969 TO REFLECT THE SAME RATE OF GROWTH

NEW YORK.—Handy & Harman estimates first half earnings increased "in the general magnitude of 10%" from a year earlier, M. W. Townsend, chairman and president, said in an interview.

He also expects the year's results to reflect the same rate of growth. In the first half of 1968, the company, a leading supplier and fabricator of precious and specialty metals, earner $1.7 million, or 85 cents a share, on sales of $100.2 million. In all 1968 Handy & Harman earned $4.1 million, or $2 a share, on sales of $200.7 million.

As a result of the acquisition of Attleboro Refining Co., Attleboro, Mass., last year, Mr. Townsend said, Handy & Harman is involved in its biggest capital expansion program, with $3.5 million earmarked for this year against $2.5 million for the three previous years. Much of the $3.5 million is being spent to develop a new plant for Attleboro Refining near its present site. The plant should be in operation shortly after Jan. 1.

Handy & Harman is hoping to achieve a product mix that will enable it to derive about half of its earnings from precious metals and the remainder from nonprecious metals. But the company still is in the position of a year earlier, deriving two-thirds of its earnings from precious metals and the rest from specialty metals.

"Last year we made four major acquisitions as a step toward this goal," Mr. Townsend said, "and yet the combination remained about the same. In fact it was rather like walking a treadmill just to maintain the balance we already have."

The company has made only one acquisition this year—a small company named American Clad Metal Inc.—"But we expect to do as well this year as last" with regard to new acquisitions, he said. He described the clad metal process as "one of the good growth opportunities in the next decade since you can get out of two metals things you can't get out of one." He expects the market for clad metals to grow tenfold within the next six to eight years.

Mr. Townsend said he expected the price of silver—currently about $1.65 an ounce—"to wander somewhat higher than it is today" during the next six months to a year, barring any international monetary crises. He said speculators in the metal have become "disillusioned as they discovered that the price could go down as well as up" and that "many people weren't choosing to wait until the price went up before selling."

Currently, he said, there is an estimated 400 million ounces of contract silver stored in vaults. "This has nothing to do with mining production," he said. "This is silver that is immediately available for sale, and its presence has been a depressing factor on the market." Another factor tending to hold the price down, he said, was the decision of the Federal Government to lift the ban on the private melting of silver coins. "However, present price levels haven't brought out any coins," he said. "To tap this source there'll have to be a higher price."

On the subject of gold, he said that—barring any international monetary crisis such as a precipitous change in U.S. monetary policy—"the price will continue to be where it is, like a Yo-Yo." Much of course depends on South Africa, the source of most of the Free World's gold. "If South Africa's gold were turned loose," he said, "the price could only go down and down."

HOUSE OF REPRESENTATIVES—*Tuesday, October 7, 1969*

The House met at 12 o'clock noon.

Rev. James E. Rogers, chaplain, Veterans' Administration hospital, Columbia, S.C., and national chaplain, Disabled American Veterans, offered the following prayer:

May the God of light, who hast set up candlesticks and kindled many lamps in man from the spark of love from Heaven, give you—

The light of faith to sustain you;
The light of courage to strengthen you;
The light of hope to embrace you;
The light of truth to guide you; and
The light of love to enfold you.

And may the endowments of the focused light bring a continuing beam of holy concern for justice, mercy, and compassion for all mankind.

O God, who went before preceding generations in a pillar of fire to light the way for night and day, burn brightly in our lives and those near and dear to our hearts. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3165. An act for the relief of Martin H. Loeffler;

H.R. 3560. An act for the relief of Arie Rudolf Busch (also known as Harry Bush); and

H.R. 11249. An act to amend the John F. Kennedy Center Act to authorize additional funds for such Center.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 476. An act for the relief of Mrs. Marjorie Zuck;

S. 533. An act for the relief of Barbara Rogerson Marmor;

S. 981. An act to amend title 28 of the United States Code to provide that the U.S. District Court for the District of Maryland shall sit at one additional place;

S. 1775. An act for the relief of Cora S. Villaruel;

S. 1797. An act for the relief of Dr. Waguih Mohamed Abdel Bari;

S. 2096. An act for the relief of Dr. George Alexander Karadimos;

S. 2231. An act for the relief of Dr. In Bae Yoon;

S. 2443. An act for the relief of Dr. Silvio Mejia Millan; and

S.J. Res. 143. Joint resolution extending the duration of copyright protection in certain cases.

REV. JAMES E. ROGERS

(Mr. DORN asked and was given permission to address the House for 1 minute.)

Mr. DORN. Mr. Speaker, and my colleagues, it is my great privilege this morning to welcome to the House of Representatives our Chaplain for this occasion, Rev. James E. Rogers, who is the national chaplain of the Disabled American Veterans. He was recently reelected at the national convention at Miami Beach as the national chaplain. He is chaplain of the South Carolina Disabled American Veterans, chaplain of the South Carolina Wing of the Civil Air Patrol, State chaplain of the Forty-and-Eight of the American Legion, and a distinguished American who served his country with honor and distinction during World War II as Army chaplain and as radio minister for the Armed Forces in the Pacific area. He is a Methodist. For the past 22 years Chaplain Rogers has been active in hospital ministry with the Veterans' Administration. He now serves the VA hospital in Columbia. He has won many honorary degrees and awards from various universities, colleges, and organizations. He has received the Distinguished Service Award from the Spanish-American War Veterans for long and faithful service; the Distinguished Service Award from the Veterans of Foreign Wars of America for long and unselfish service to the veterans of America; commendation from the General Commission on Protestant Chaplains for meritorious service to God and country during World War II as a chaplain in the U.S. Army, and received the honorary degree of doctor of laws from the John Marshall Law School of Atlanta, Ga.

He has received degrees from Atlantic Christian College and Duke University Divinity School. He also attended graduate school at Northwestern University, Concordia Lutheran Seminary, Garrett Theological Seminary, and the

University of Chicago Theological School.

Chaplain Rogers married Mildred McKeithen of Florence, S.C., and they are the proud parents of four wonderful children.

He is a great patriotic American and dedicated Christian and I want to welcome him to the House this morning on behalf of the South Carolina delegation and my colleagues on both sides of the aisle. I hope you will meet this distinguished American, the national chaplain for the Disabled American Veterans.

THE LATE HONORABLE JOSEPH Y. RESNICK

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, it is with a heavy heart full of great sorrow that I announce the untimely death yesterday of our former colleague, Joseph Y. Resnick.

Joe Resnick was both a colleague in the Halls of Congress and a dear personal friend. I know my colleagues join me in mourning his passing.

Congressman Resnick was one of a large number of us who were first elected to the 89th Congress and came here in January 1965 with a spirit and commitment to active legislation that left the imprint of the 89th Congress freshmen on our history.

My association here in the Congress with Joe Resnick opened the door to a valued personal friendship that carried on despite his retirement from Congress this year. He was a man of great warmth and possessed a sincere interest in the public weal.

That Joe Resnick did not return to the 91st Congress meant the loss of a well-meaning, hard-working, and devoted Congressman. That he has died at such an early age means the tragic loss of a valued friend.

He will be sorely missed.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, to the thousands in the Hudson Valley who knew him as "Joe" Resnick, the death of our former colleague and my predecessor who served in the 89th and 90th Congresses, at such a young age, is a deep tragedy. I am personally saddened by the news.

In his brief 44 years, Congressman Resnick, the son of immigrants to this country became a millionaire. In his lifetime his tremendous energy and native ability led to a number of significant inventions, the creation of a business empire, and finally to the Halls of Congress. He was a rare individual and we who knew him and the country will be poorer by his death.

Mr. Speaker, Joe Resnick had a natural political sense. He will be remembered for his loyalty to his party, and to his ideals and convictions. I remember him as a worthy and courageous opponent.

In his 4 years in Congress, he brought a new dimension of work and service to the people of the Hudson Valley whom he represented. He set a high standard of concern for the people of his district for all who follow him.

Mr. FARBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. FARBSTEIN. Mr. Speaker, I want to join with the two gentlemen in the well, Congressman Wolff and Congressman Fish, in their expressions of regret at the passing of a former colleague of this House, a very good friend of mine. Although I knew Joe Resnick for a comparatively short time, namely the period of his service in the House of Representatives, I got to know him and his family quite personally.

I am deeply saddened by the passing of this good friend and former colleague. Joe Resnick was known and liked by many Members of this House. While the death of a friend is always a shocking experience, it becomes more so when one dies in the prime of his life. A member in good standing in his community and a member of the Washington Hebrew Congregation, well thought of by its members, he was indeed an honorable man.

At 45, Joe Resnick was still a young man with a full life before him. The father of three sons and a daughter, he was indeed approaching the threshold of the good years.

In his relatively short life, however, Joe accomplished a great deal. Along with his brothers he managed to build his $7,000 electronics firm into a $45 million corporation.

But his greatest contribution was in the area of public service. Elected in 1964 to the House of Representatives he was the first Democrat to win a seat from his district in the Hudson Valley. During his tenure he served with great enthusiasm and vigor.

Representing a farming community he became a freshman on the Agriculture Committee. He spoke out against the American Farm Bureau Federation for what he thought to be a failure on its part to speak out in the best interests of the farmers. Always on the side of the disadvantaged he was a key figure in the case of Lt. Comdr. Marcus A. Arnheiter regarding his removal by the Navy from his command.

In the field of civil rights he was a vigorous champion, not fearing anyone or anything that he thought stood in the way of the cause. While running for the Democratic nomination for the Senate in 1968 he came in third; but his defeat did not dull his fighting spirit.

For personal integrity and honesty Joe Resnick was beyond reproach. In fact in his first term as a Congressman he advocated a code of ethics for the Members of the House.

Joseph Resnick will be sorely missed not only for the friendship he gave so freely but also for his keen intellectual mind.

To his charming and lovely wife and to his children and the rest of his family I extend my sincerest condolences and sympathies on the loss of so vital an individual.

Mr. RYAN. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. RYAN. Mr. Speaker, it is with profound sadness that I join my colleagues in this tribute to our former colleague, Joseph Resnick. I was shocked to learn this morning of his untimely passing. As I look back on his 4 years of service in this House, I recall the sincerity and the dedication which marked his efforts. Joe Resnick was outraged by injustice and sought to correct it, whether the victim was a black tenant farmer in the South or a high-ranking naval officer or a family denied to right to adopt a child because of discrimination. He would not hesitate to take on the establishment, as evidenced by his investigation of the powerful American Farm Bureau.

It was as a freshman Congressman that he joined me when I initiated the challenge to the Mississippi congressional delegation. He was very conscious of the risk to his career which was involved in opposing the House leadership at that time.

Although he and I disagreed quite sharply over the war in Vietnam, nevertheless we remained firm friends. I always admired and respected him for having the courage of his convictions which he expressed fearlessly.

I extend my deepest sympathy to Mrs. Resnick and to their children, Jeffrey, Debbie, Todd, and David.

Mrs. MINK. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentlewoman from Hawaii.

Mrs. MINK. I thank the gentleman for yielding. I wish to join with the distinguished gentleman in the well in expressing my profound shock and disbelief in learning of the passing of our former colleague. As one who came to the Congress with Joe, and as an officer of the 89th Democratic Congressional Club, I want to express for all of us the profound sorrow that not only his family and relatives must feel, but for all of his constituents whom he served so well. We certainly will remember his leadership, the vigor with which he represented his constituents, and his constant belief that we had an obligation and a responsibility to help solve the social ills of this country. I send Mrs. Resnick and his family my sincere and heartfelt condolences.

Mr. GILBERT. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. GILBERT. I thank the gentleman for yielding. Mr. Speaker, I wish to join my colleagues in expressing my deep and profound shock at the untimely passing of our distinguished former colleague, Joseph Resnick.

During the period of time that Joe served in the House, he was an inspiration to all of us. Joe started from a humble background and worked his way up to become one of the true millionaires of our country, but, at the same time never forgetting his humble background.

XUM

He always had a feeling for the underprivileged and the poor. As we look back at his record and his philosophy, we find he projected this at every particular opportunity. Joe made his mark in business, Joe made his mark in the State of New York, and the Halls of Congress.

Mr. Speaker, I wish to extend to his family my most profound condolences.

Mr. WOLFF. Mr. Speaker, I yield to the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Speaker, I knew Joe Resnick only as a public person, a man with whom or against whom I debated, a man whose intense concern for the public good plunged him into controversy and into public office. He was always a vigorous, committed, and intelligent advocate of his point of view. He worked hard to repay what he felt to be his deep personal debt to this country, which he loved dearly and which is a better place for his having lived in it.

All of us share the grief of the people of his community, and all of us wish there were some way we could lighten the burden and the grief now thrust onto his family.

Mr. WOLFF. Mr. Speaker, I yield to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, we mourn the tragic loss, in the prime of his life, of our distinguished former colleague, Joseph Y. Resnick, whose recent death has bereaved his family and his many friends.

During his 4 years in Congress Joe Resnick fought for those people who could not fight for themselves, who could not get help anywhere else.

In his work in Congress, Joe Resnick was dedicated and untiring on every issue. His words and his vote were always recorded on the side of humanity. His courageous spirit was undaunted in the face of opposition. He was a good friend and a stanch ally.

Indicative of his concern over the "average man" was his struggle to have Navy Lt. Comdr. Marcus A. Arnheiter reinstated in the naval service. Although unsuccessful in his efforts, his willingness to take the side of the underdog facing powerful influences once again proved his fearlessness.

Although much could be said for Mr. Resnick's friendliness, his wisdom, and his industry, what impressed me, more than any other of his many fine qualities, was his deep belief in justice. He knew that any steps that we might take toward world peace would have to be founded upon justice.

For this reason he firmly supported the Johnson administration's Vietnam policy. Some regard this stance as the major factor in his defeat in a senatorial primary. If this be so, it can go to prove that Joe Resnick valued principle above opportunity.

To his grief-stricken wife and children, I express the deepest sympathy for their loss of a devoted father and husband, a man who was a credit to them, to the Congress, and to the country.

Mr. WOLFF. Mr. Speaker, I yield to the gentleman from New York (Mr. PODELL).

Mr. PODELL. Mr. Speaker, I am deeply saddened by the untimely death of our former colleague, Joe Resnick, former Congressman from the State of New York.

I had the privilege of serving for a short time with him, but had known him personally for a long time. Born into a modest home, he showed unrivaled ability to fulfill the American ideal of material success. Yet such economic well-being never changed him from the compassionate, concerned man I knew him to be.

His life reflected his concern for the dispossessed and downtrodden. No cry for justice left him unmoved. No request for involvement fell on his ears without a sincere response. His congressional career reflected this, and his work outside government set an example for all those who seek a guide to such behavior. Charity, kindness, and honesty always guided his motives and actions. His backbone was of steel and even in opposition, no one could question his sincerity.

Those who knew him well mourn him deeply. Those in need of a courageous public-spirited friend have lost significantly. He shall be missed. May God grant peace and repose to his soul.

Mr. WOLFF. Mr. Speaker, I yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I thank the gentleman from New York (Mr. WOLFF) for yielding.

Mr. Speaker, I, too, wish to pay tribute to our former colleague who has been so suddenly taken away from us and at such an early age. Joe Resnick certainly made his mark in this House, as so many other Members have already commented. He did this primarily by virtue of his tremendous energy and by his very great courage. I do not believe I ever knew a Member of the House who was more determined to fight for and to speak out for what he believed in, regardless of the consequences. Joe Resnick, regardless of what it might have done to his political fortunes, was a determined supporter of our policy in Vietnam, for example, and a very strong and outspoken supporter of President Johnson, even though that might not always have been popular in parts of New York State in the election year of 1968. Perhaps more than anyone else he put meaning into the newly adopted primarly law in New York in 1968 by waging a very determined campaign. The result did not reflect the energy and dedication Joe put into the campaign, but that was due in part at least to factors beyond his control. What is important is that he believed the people of New York should select their statewide candidates, not just the boys in the back room. And he put his own career where his mouth was.

Many of us did not always agree with everything Joe Resnick said, or did but all of us admired his courage and his determination. Virtually by means of those qualities he managed to turn around a congressional district in 1964 that had never before in its history elected a Democrat, and became a Member of this House by virtue of a tireless and very vigorous campaign. In his brief career here Joe Resnick brought something to this House which has been meaningful to all of us who knew him and had the privilege of serving with him. We will certainly miss him in the years to come, and we are all deeply saddened that such a remarkable and successful career, in business as well as in politics, should have been cut off so early.

Mr. WOLFF. Mr. Speaker, I yield to the gentleman from New York (Mr. MCCARTHY).

Mr. McCARTHY. Mr. Speaker, I join the sentiments expressed. Joe was a dear personal friend. I grieve over his passing. My wife Gail joins me in deepest condolences to his wife Ruth.

Joe was a fighter, a loyal man, a man of courage. One never doubted where he stood on any issue.

I might say to those who might have lost touch with him since he left the House, in recent months he has been implementing in the private enterprise sector many of the same principles he stood for here. He inaugurated a new enterprise to hire unskilled workers and train them. Right to his dying breath he fought for those principles that he stood for here in the House.

Mr. WOLFF. Mr. Speaker, I yield to the gentleman from New York (Mr. HANLEY).

Mr. HANLEY. I thank the gentleman for yielding.

Mr. Speaker, I join in an expression of profound regret with respect to the passing of our former colleague, my good friend Joe Resnick.

Joe Resnick made his mark first as a family man, then in the private sector, and subsequently in government. Certainly his service to our Nation as a Member of the 89th and 90th Congresses has earned the gratitude of every progressive thinking American.

I had hoped so much to one day see Joe Resnick reenter public life. Obviously God had another plan for him.

I take this opportunity, in behalf of Mrs. Hanley and myself, to express our sincere sympathy to Mrs. Resnick and the family.

Mr. WOLFF. Mr. Speaker, I yield to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. I thank the gentleman for yielding.

Mr. Speaker, I want to join with the gentleman in the well, the gentleman from New York (Mr. WOLFF), in this tribute to our former colleague Joe Resnick. I also want to associate myself with the remarks of the gentlewoman from Hawaii (Mrs. MINK). Those of us who were officers and close to Joe in the 89th Congressional Club, who came here with him in 1965, thought a great deal of Joe. We shall miss him very much.

We extend our deepest sympathy to his family. I know I speak for the other Members of the Congress who came here in 1965, when I say he was a man of courage who served in the finest traditions of this House.

Mr. OTTINGER. Mr. Speaker, I want to add my voice to those of my colleagues who have expressed regret upon the passing of our late colleague, Joe Resnick. It is a very shocking thing for all of us to have him go at such a very young age, and it is particularly sad for his very delightful family, his wife and children whom I know quite well and who are wonderful people.

Certainly, it is difficult for them to lose him as both father and husband during the prime of his life.

The political life of the State of New York will be the poorer, as well. Joe was a very colorful politician, a man of strong beliefs which were frequently expressed in the most vigorous terms. He was a man with whom, frankly, I found myself in disagreement at times, but I will miss him on the political scene in New York because he added to its life, to its vibrancy, and to its color, and I certainly join my colleagues in expressing our most sincere regret at his untimely death.

Mr. CORMAN. Mr. Speaker, I join my colleague, the gentleman from New York, in expressing my deep sorrow at the death this morning of our former colleague, Joseph Resnick.

It is difficult to accept the shocking news that this fine person, who we knew as an earnest, kind, and intelligent Member of this House, reached an untimely death at the age of 45.

Joe Resnick came here as one of the bright, enthusiastic young Members of the 89th Congress. He had, through his own efforts, reached remarkable success as a businessman engaged in electronics and plastic research and development.

Coming from the area of Hyde Park, N.Y., one of his earliest influences was the political philosophies of Franklin and Eleanor Roosevelt. As he grew to manhood, Eleanor Roosevelt was always an inspiration to him. Probably more than anything else in his life, the marvelous work of this great lady started him on the path to his political career. In 1964, on the event of his 40th birthday, on July 13, the Eleanor Roosevelt Memorial Foundation honored him for his philanthropic work with a dinner, at which Adlai Stevenson was the guest speaker. It was one of the greatest days in his life.

Joe Resnick brought with him to the House sound judgment, an intelligent and penetrating mind, and a deep commitment to good government. During his tenure here, he served his district, his State, and his Nation with undeniable distinction. I was privileged to be one of the many friends he made in the Congress, and I missed him when he resigned last year.

Joe's death will leave an everlasting void with all who knew him. Death at such a young age is always sad and untimely, but Joe Resnick leaves unfinished so very much good work which only someone with his capabilities, his interests, and his wonderful thoughtfulness toward his fellow man could complete.

Mrs. Corman and I are deeply grieved and extend to Mrs. Resnick and their children our deepest sympathy. Our thoughts and prayers are with them.

Mr. HELSTOSKI. Mr. Speaker, it is with profound sorrow that I learned of the untimely death of a former colleague of ours, Joseph Y. Resnick.

Born 45 years ago in Ellenville, N.Y., he served two terms in the House, representing the 28th District of New York.

Death is ever so tragic, but when it comes to a man of the age of 45—an age when men begin to show their hidden capabilities, it is doubly tragic.

I know of no man who had a wider friendship in this House of Representatives than Joe Resnick. He was recognized as a leader and a dedicated public servant. We who have admired his spirit will recall the single-handed fight he waged against the American Farm Bureau Federation charging that it abused its tax-exempt status and failed to speak in the best interest of its membership.

While a freshman in Congress, he pushed for a congressional code of ethics.

I have had the distinct pleasure of serving with Joe Resnick on the Veterans' Affairs Committee and I recall his concern for welfare of the servicemen and their survivors. Because of his service as a radio officer in the U.S. merchant marine during World War II he was an influential member of this committee and contributed much to its deliberations on important veteran legislation.

Joe Resnick will be missed by all those who knew him and worked with him.

In this time of great loss and sorrow, I extend to his wife, Ruth, his children, his brothers and his sister, my most heartfelt sympathy.

Mr. CELLER. Mr. Speaker, it is always sad to comment upon the demise of a colleague or former colleague. Joseph Resnick was a loyal friend of mine, a faithful public servant, a devoted and loving husband and father.

He made his mark on the history of this body by dint of hard labor, conscientious work, and truly dedicated service. He was of great courage, a valiant dissenter, unafraid to wipe away the cobwebs of longstanding, outmoded practices. He earned much unjustified criticism for that courage but he stood firm—firm as a rock—for the principles he believed in. Joe Resnick carried his banner high, at times impatient of apathy, returning to the attack again and again. This voice of vigor, this probing, prodding mind are at rest, but the legacy he left behind will continue to challenge the very best in us.

Our heartfelt sympathy goes to his dear wife and children.

Mr. PICKLE. Mr. Speaker, the vigorous voice of our former colleague, Joe Resnick, has been stilled. His untimely death yesterday at the young age of 45 is a great loss to all of us.

Each of us knew Joe Resnick as a fiery, enthusiastic combatant. We will remember his recent fight to get the farmer a stronger voice in Federal legislation—this came from a New York Congressman. Joe Resnick put himself into the forefront of that battle and he relished every minute of it.

When the news of his death reached us, I knew that each Member must have been reminded immediately of their favorite story involving Joe. I could fill pages with nostalgia in this respect.

However, the thing I will always remember Joe Resnick for was his great loyalty. Joe was a Democrat; he chose this party as a responsive voice for his people, for all people. Joe was faithful to the philosophies and programs of the Democratic Party. And he was especially loyal to President Lyndon B. Johnson. I know of few men who would pitch in so wholeheartedly for the policies and principles of President Johnson. Joe was a great friend in many a troubled time. Often, just through the force of his character and personality, Joe would sponsor and speak out on legislation in areas where many feared to tread—and Joe would move it along.

A colorful period has ended with the death of our friend, Joe Resnick.

GENERAL LEAVE

Mr. WOLFF. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks in the RECORD on the life, character, and service of the late Honorable Joseph Y. Resnick.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE PROGRAM AGAINST CRIME

(Mr. MEEDS asked and was given permission to address the House for 1 minute.)

Mr. MEEDS. Mr. Speaker, it is becoming increasingly frequent that we rise in the morning and pick up a newspaper and find some member of the administration blasting the Congress for feet-dragging or going slow with the legislative program.

I refer to this morning's article in the Washington Post in which the Attorney General has blasted the Congress for its failure and for stalling on the administration's crime program. I should like to report to the Attorney General that we are moving in this area.

If he were aware, he would know this morning the House Committee on Education and Labor reported out the Drug Abuse Education Act of 1969, which is being supported by over 80 Members of the House.

I would certainly agree with the Attorney General that in the area of crime the increase in the field of drugs and narcotics is probably the most alarming. As a matter of fact, the increase over the last 8-year period is more than twice that of any other area of crime. We have a 344-percent increase in the narcotic and drug abuse crime field in the last 8 years, which is more than twice that of any single other crime. Most importantly and most seriously in the same period of time the crimes committed in the field of narcotics and drug abuse by young people under 18 years of age increased by 1,860 percent.

I am suggesting that the education bill which we passed out of the committee this morning may do more than a host of the crime bills the administration proposed to this Congress in dealing with this problem. I would suggest that the Attorney General, instead of throwing harpoons at the Congress, come up here and testify and lend his prestige and support to this type of legislation, as has been done, I suggest, by over 30 Members on the other side of the aisle. I would welcome his support for this legislation which I think will do more than anything thus far proposed by him.

PERSONAL ANNOUNCEMENT

(Mr. FUQUA asked and was given permission to address the House for 1 minute.)

Mr. FUQUA. Mr. Speaker, on Friday, October 3, 1969, due to a longstanding previous commitment in my congressional district, I was unable to vote on rollcall Nos. 198, 199, and 200. Had I been present, I would have voted "yea" on rollcall No. 198, "nay" on rollcall No. 199, and "yea" on rollcall No. 200.

THE PRESIDENT'S SCHEDULE

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I was made aware of some remarks made in the Record by my colleague from Ohio (Mr. Lukens) about me and about the President's schedule, in which he said I made it public. Actually, I took it off the wire. The White House made it public. The gentleman keeps calling me the well-traveled Congressman from Ohio. I would like to say to him that I have not traveled as much in 20 years as the President he has been defending has traveled in 9 months. The gentleman from Ohio (Mr. Lukens), if he has the courage he says he does and the guts to run for the Senate, which he has been saying he is going to, will become well-traveled, too. He will travel back to Ohio next year to stay.

THE FLIGHT OF A CUBAN PLANE TO FLORIDA

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I am sure that all Members of the House have read about the incident of the Cuban plane being flown into Florida without being picked up on radar, except for the time when the pilot of the plane went up high enough to see where he was so he could get to Florida easier.

I think it is interesting to note that we do have some fairly important installations in south Florida and in the southeastern part of our country. I might further note that Air Force I, the President's plane, was at the airport where this defecting Cuban landed. Yet the Defense Department spends $80 billion for the defense of this Nation and we are not even protected from a plane from Cuba, only 90 miles away.

Now, I am going to suggest and urge in writing—and I hope other Members will join me—that the Armed Services Committee investigate this situation where the southeastern part of this country has no defense, in effect, when planes can come in at 30 or 40 feet and not even alert any of our aircraft to get out to meet them or do anything about it. The pilot of the defecting Cuban plane simply wiggled the wings of his plane and they let him come right in, not knowing whether he had a bomb or anything else in his plane. The President's plane was sitting right there at that airfield and the President himself was at Key Biscane. It is an absurd situation and something ought to be done. For $80 billion our defense system should alert and protect us from planes flying in from Cuba—particularly when our President is in Florida.

HOUSE ACTION ON THE ABM REPRESENTS NO GREAT VICTORY FOR THE ADMINISTRATION

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, yesterday the gentleman from Michigan, the distinguished minority leader, claimed that the teller vote Thursday and the recommittal motion Friday on the ABM question represented great victories for the administration and he chided the press for not describing them as great victories.

As far as the recommittal vote was concerned, it could just be that the press recognized that motion for what it was—a phony trick designed to confuse rather than enlighten the American people.

No less an authority than the gentleman who made that motion Friday described it in Sunday's Milwaukee Journal by saying:

> It was just a parliamentary gimmick.

I commend the gentleman from Wisconsin (Mr. O'Konski) for his candor on this matter, but I would respectfully suggest to the gentleman from Michigan that when he seeks to rely on such a transparent and artificially contrived motion to falsely inflate congressional support for ABM deployment, he is leaning on a mighty weak reed. He is revealing the growing weakness of his own position and is contributing little to public understanding of the issue at hand in this House. Far from being a victory for the Nixon administration or anyone else, that sleight-of-hand motion was really a defeat for the public's right to understand what is going on in the House.

PROPOSAL TO TAKE EXPORT-IMPORT BANK OUT OF FEDERAL BUDGET

(Mr. PASSMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASSMAN. Mr. Speaker, I understand there is a proposal to take the operation of the Export-Import Bank out of the Federal budget and out from under the control of the Congress.

History is replete that the Banking and Currency Committee and the Committee on Appropriations of the House, and their counterparts in the Senate, have without exception given the Export-Import Bank all the authority they requested. It has been my privilege to chair the subcommittee that has handled this item for years, and without exception we have recommended approval of all authority for spending they ever requested.

It would appear that recently we may have acquired some thinskinned administrators in the Export-Import Bank who seem resentful of being asked questions.

This new proposal appears to be another effort to further fragmentize foreign aid and assistance. Only in this instance, the bureaucrats hope to completely bury this item, taking it out of the budget, away from the legislative committees, the Committees on Appropriations, and the Congress.

In other words, they want to operate carte blanche. I have spoken to 15 Members of this body about this proposal and not one of them could give any reason why the Export-Import Bank should be removed from control of the Congress.

Since this new approach is being proposed, I believe it is time to mention that the Export-Import Bank is becoming more loose in its operation. There is the regular window for the normal type of loans that have been approved for years. Window No. 2 provides for industrial loans up to 25 years. Window No. 3 lowers the credit criteria, and even makes provision to charge off weak credits.

Maybe our committee has been too lenient and it is time to reappraise the Export-Import Bank before they outsmart themselves and get into trouble.

PERMISSION FOR SPECIAL SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, COMMITTEE ON PUBLIC WORKS, TO SIT DURING GENERAL DEBATE TODAY

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the Special Subcommittee on Economic Development of the Committee on Public Works may be permitted to sit during general debate today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON MECHANICAL AND ELECTRICAL EQUIPMENT, COMMITTEE ON HOUSE ADMINISTRATION, TO SIT DURING GENERAL DEBATE TODAY

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Mechanical and Electrical Equipment of the Committee on House Administration be allowed to sit during general debate this afternoon.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

HOUSE MOVING LEGISLATION ON EVERY LEVEL

(Mr. HANNA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANNA. Mr. Speaker, over a month ago I indicated in the well of this House that we would probably see quite a bit of publicity about the 91st being a "do nothing Congress." Already the charge is being leveled. In yesterday's paper we were accused of "dragging our feet."

I said before, and I say it again; this

XUM

has been a very active Congress so far as the House of Representatives is concerned.

I do not know how you feel about it, but I am getting a little bit tender about being the target of these unfair brickbats. I find it irksome that the House is rarely given credit, despite the fact that the real legislative work is going on in this Chamber.

Whenever anyone is given credit for any great happening in Congress the source of that happening is always attributed to the other body.

I think there ought to be a little discrimination on the part of the pundits in the terms of who is doing what and where the foot dragging is, if it is anyplace.

You and I both know that we are extremely busy in our committees and we have very important legislation moving on every level. I would just hope that the press would take note that if there is going to be some discrimination in passing out the brickbats then let there also be some discrimination exercised as to who gets all the credit.

I have always said, if you want to be in the limelight, you ought to take the tomatoes as well as the applause. Let the other body take note and may the press mark well.

REREFERRAL OF H.R. 14186, LICENSING OF PERSONNEL ON CERTAIN VESSELS

Mr. BURKE of Massachusetts. Mr. Speaker, on behalf of the gentleman from Arkansas (Mr. MILLS) I request unanimous consent that the bill H.R. 14186, to provide for the licensing of personnel on certain vessels, which was referred to the Committee on Ways and Means on October 3, 1969, be rereferred to the Committee on Merchant Marine and Fisheries.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ANTITRUST ENFORCEMENT, SELECT COMMITTEE ON BUSINESS, TO SIT DURING GENERAL DEBATE TODAY

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Subcommittee on Antitrust Enforcement of the Small Business Committee of the House of Representatives be permitted to sit today, tomorrow, and the following day for purposes of taking testimony during general debate in the House.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. HALL. Mr. Speaker, I will be constrained to object to scheduling committee meetings in advance of the schedule of the House. I have no objection to the committee sitting, at the request of my friend, the gentleman from Michigan, today. If he would amend his unanimous-consent request accordingly, I would not object.

Mr. DINGELL. Mr. Speaker, I respectfully defer to the gentleman's suggestion. I think it is a sound one. I ask unanimous consent that the Special Subcommittee on Antitrust Enforcement of the House Small Business Committee be permitted to sit this afternoon during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

UNEMPLOYMENT AND THE NIXON ADMINISTRATION

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, administration spokesmen appear today to be in a state of jubilation with the announcement that the rate of unemployment has increased to 4 percent, which is the most critical rise in 8 years. What kind of planning is that? How can the deliberate creation of misery for so many serve to reduce interest rates, the cost of consumer goods, and the impact of inflation?

FUNDING OF EDUCATION

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the gentleman from California (Mr. COHELAN) a few moments ago said that he asked a significant number of Members of this House to join in a resolution calling for amending the continuing resolution so as to provide for an expenditure in the Office of Education consistent with the level passed by the House when we considered the HEW appropriation bill, as against the level of last year's appropriation called for in the continuing resolution.

Our HEW subcommittee hearings ran from the latter part of January through the month of May, some 4 months. In the other body, I think it should be noted, somewhat in line with the remarks of the gentleman from California (Mr. HANNA) that body has not even begun hearings on the HEW appropriation. Here we are, nearly one-third of the way through the new fiscal year, and they have not even gotten around to holding hearings in the other body on some of these appropriation bills. As of this moment we have enacted only one of the 13 regular appropriation bills into law.

That is why I am introducing a bill today to make the fiscal year coincide with the calendar year, and I shall take a special order for this evening to speak on the subject of making this change.

LUXURIES CAN BE CUT FROM DEFENSE ESTABLISHMENT

(Mr. ZWACH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZWACH. Mr. Speaker, while I voted in favor of the military procurement authorization bill, H.R. 14000, may the RECORD show that I supported amendments that would have cut over $2 billion from the military spending.

It is my belief, after long study and observation, that the Defense Establishment could absorb that much of a cut and still make enough improvements in operations so that our military effort would not be impeded.

Currently, I believe there are too many inefficiencies, that this is too much of a champagne-limousine operation. We can cut the luxuries without hurting our efforts in the field.

The people want and are entitled to lean, efficient operation in all areas of Government. Congress must assert itself and give the people this type of economy. We are untrue to our trust if we do any less.

PROFESSOR HUMPHREY'S "LECTURE IN ECONOMICS"

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, it seems former Vice President Hubert Humphrey is taking his role as a college professor seriously. For example, take note of his recent "Lecture in Economics" given to the boys at "AFL–CIO U."

Professor Humphrey has quite a bit to say as he tries to blame our Nation's problems on the Nixon administration. The current inflation and high interest rates, he says, are all the Nixon administration's fault. It is the present administration that is holding back the good guys at "AFL–CIO U," he charges. The evil administration is in cahoots with the fat cats in the corporation board rooms, he says, and also with those nasty Southern Republicans.

But as a professor, Mr. Humphrey has forgotten something that any first-year economics student can tell you—there is a timelag of around 18 months for economic policy to really set in. Had it not been for the expansionary money policies of the Johnson-Humphrey administration we would not be in the situation which is facing us today. Yes, professor, the fire was started 4 or 5 years ago and you helped hold the match. Fortunately, President Nixon is pursuing a course that will bring us back on the right track in the economy. Thank goodness we have a firefighter in the White House for a change.

So, Professor Humphrey, do not mislead the boys at "AFL–CIO U." Tell them the truth. The spend and tax and spend policies followed by your administration have brought on the present inflationary spiral. And I do not think the people are going to let you forget it.

SENATE MINORITY LEADER MAY WANT TO RECONSIDER HIS "TURN ON HEADLIGHTS" PROPOSAL FOR "MORATORIUM WEDNESDAY"

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, I notice that the minority leader of the other body has proposed that next Wednesday, on Moratorium Day, all those people who support this administration turn on their headlights as a symbol of support. It occurs to me he may want to reconsider that proposal, for up where I come from, we turn on our car headlights on during the day to identify a funeral cortege.

I would not want to believe that the minority leader wants to bury this administration quite so soon, even though it has not addressed itself to most of our problems of the day.

PRIVATE CALENDAR

The **SPEAKER.** This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amirault.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

REFERENCE OF CLAIM OF JESUS J. RODRIGUEZ

The Clerk called House Resolution 86, referring the bill (H.R. 1691) to the chief commissioner of the Court of Claims.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. BEATRICE JAFFE

The Clerk called the bill (H.R. 1865) for the relief of Mrs. Beatrice Jaffe.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMALIA P. MONTERO

The Clerk called the bill (H.R. 6375) for the relief of Amalia P. Montero.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Tennessee?

There was no objection.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 6389) for the relief of Visitacion Enriquez Maypa.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

YAU MING CHINN (GON MING LOO)

The Clerk called the bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

CAPT. MELVIN A. KAYE

The Clerk called the bill (H.R. 1453) for the relief of Capt. Melvin A. Kaye.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ROBERT G. SMITH

The Clerk called the bill (H.R. 3723) for the relief of Robert G. Smith.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. RUTH BRUNNER

The Clerk called the bill (H.R. 9488) for the relief of Mrs. Ruth Brunner.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Missouri?

There was no objection.

TO INCORPORATE THE PARALYZED VETERANS OF AMERICA

The Clerk called the bill (H.R. 1783) to incorporate the Paralyzed Veterans of America.

There being no objection, the Clerk read the bill, as follows:

H.R. 1783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons, to wit: Burton Little, Chickasaw, Alabama; Tom Goggin, Phoenix, Arizona; Leonard Chrysler, Los Altos, California; Wayne L. Capson, Garden Grove, California; George Boschet, Silver Spring, Maryland; Robert Classon, New York, New York; Edward G. Maxwell, Miami, Florida; Claude C. Beckham, Irmo, South Carolina; Benny Tschetter, Sioux Falls, South Dakota; Frederick T. Gill, Valley Station, Kentucky; Lee M. Gresham, Wixom, Michigan; Conrad M. Standinger, Memphis, Tennessee; Curley Gullet, Denver, Colorado; Charles Swartz, Marblehead, Massachusetts; Bolivar Rivera, Rio Pedras, Puerto Rico; James Schwiem, Pasadena, Texas; Robert T. Kiggins, Pittsburgh, Pennsylvania; Glenn E. Mayer, Hines, Illinois; John Novak, Richmond, Virginia; and such other persons as are members of the Paralyzed Veterans of America, and their associates and successors, are hereby created and declared to be a body corporate by the name of Paralyzed Veterans of America (hereinafter referred to as the "corporation").

SEC. 2. The persons named in the first section of this Act, or their successors, are hereby authorized to complete the organization of the corporation by the selection of officers, the adoption of a constituion and bylaws, and the doing of such other acts as may be necessary for such purpose.

SEC. 3. The objects and purposes of the corporation shall be—

(a) to preserve the great and basic truths and enduring principles upon which this Nation was founded;

(b) to form a national association for the benefit of persons who have suffered injuries or diseases of the spinal cord;

(c) to acquaint the public with the needs and problems of paraplegics;

(d) to promote medical research in the several fields connected with injuries and diseases of the spinal cord, including research in neurosurgery and orthopedics and in genitourinary and orthopedic appliances; and

(e) to advocate and foster complete and effective reconditioning programs for paraplegics, including a thorough physical reconditioning program, physiotherapy, competent walking instructions, adequate guidance (both vocational and educational), academic and vocational education (both in hospitals and in educational institutions), psychological orientation and readjustment to family and friends, and occupational therapy (both functional and diversional).

SEC. 4. The corporation shall have perpetual succession and shall have power—

(a) to sue and be sued;

(b) to acquire, hold, and dispose of such real and personal property as may be necessary to carry out the corporate purposes;

(c) to make and enter into contracts;

(d) to accept gifts, legacies, and devices which will further the corporate purposes;

(e) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject in every case to all applicable provisions of Federal and State law;

(f) to adopt and alter a corporate seal;

(g) to establish, regulate, and discontinue subordinate State and regional organizations and local chapters or posts;

(h) to choose such officers, representatives, and agents as may be necessary to carry out the corporate purposes;

(i) to establish and maintain offices for the conduct of the affairs of the corporation;

(j) to adopt and alter a constitution and bylaws not inconsistent with law;

(k) to publish a newspaper, magazine, or other publications:

(l) to adopt and alter emblems and badges; and

(m) to do any and all acts and things necessary and proper to accomplish the objects and purposes of the corporation.

SEC. 5. The corporation shall have no power to issue capital stock or engage in business for pecuniary profit or gain.

SEC. 6. The corporation shall be nonpolitical and, as an organization, shall not furnish financial aid to, or otherwise promote the candidacy of, any person seeking public office.

SEC. 7. Any American citizen shall be eligible for membership in the corporation who was regularly enlisted, inducted, or commissioned, and who was accepted for, or was on, active duty in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, or our allies. Service with the Armed Forces must have been terminated by discharge or separation from service under conditions other than dishonorable: *Pro-*

vided, however, That persons otherwise eligible for membership who are on active duty or who must continue to serve after the cessation of hostilities are also eligible for membership: *And provided further,* That membership shall be limited to such persons as have suffered spinal cord injuries or diseases whether service connected or nonservice connected in origin.

SEC. 8. The headquarters and principal place of business of said corporation shall be located in the District of Columbia, but the activities of said organization, as set out herein, shall not be confined to said city, but shall be conducted throughout the several States and any territory or possession of the United States.

SEC. 9. In the event of a final dissolution or liquidation of such corporation, and after the discharge or satisfactory provisions for the discharge of all its liabilities, the remaining assets of the said corporation shall be transferred to the Veterans' Administration to be applied to the care and comfort of paralyzed veterans.

SEC. 10. The corporation and its State and regional organizations and local chapters or posts shall have the sole and exclusive right to have and use in carrying out its purposes the name "Paralyzed Veterans of America," and such seals, emblems, and badges as the corporation may lawfully adopt.

SEC. 11. The corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, executive committee, and committee, having any of the authority of the executive committee; and shall keep at its registered office or principal office a record giving the names and addresses of its members entitled to vote; and permit all books and records of the corporation to be inspected by any member or his agent or his attorney for any proper purpose at any reasonable time.

SEC. 12. As a condition precedent to the exercise of any power or privilege herein granted or conferred, the corporation shall file in the office of the Secretary of each State or of any territory or possession of the United States, in which organizations, chapters, or posts may be organized, the name and post office address of an authorized agent upon whom local process or demands against the corporation may be served.

SEC. 13. Such provisions, privileges, and prerogatives as have been granted heretofore to other national veterans' organizations by virtue of their being incorporated by Congress are hereby granted and accrue to the Paralyzed Veterans of America.

SEC. 14. The right to alter, amend, or repeal this Act is hereby expressly reserved.

With the following committee amendments:

On page 7, after line 2, insert the following new sections:

"SEC. 14. (a) No part of the income or assets of the corporation shall inure to any member, director, officer, or employee of the corporation or be distributable to any such person during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers and employees of the corporation or to prevent their reimbursement for actual necessary expenses in amounts approved by the corporation's board of directors.

"(b) The corporation shall not make loans to its members, officers, directors, or employees. Any director who votes for or assents to the making of such a loan, and any officer who participates in the making of such a loan, shall be jointly and severally liable to the corporation for the amount of such a loan until the repayment thereof.

"SEC. 15. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

"SEC. 16. The provisions of sections 2 and 3 of the Act of August 30, 1964 (36 U.S.C. 1102, 1103), entitled "An Act to provide for audit of accounts of private corporations established under Federal law" shall apply with respect to the corporation."

On page 7, line 3, strike out "SEC. 14" and insert in lieu thereof "SEC. 17".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. IRENE G. QUEJA

The Clerk called the bill (S. 564) for the relief of Mrs. Irene G. Queja.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the concurrent resolution (S. Con. Res. 33) favoring the suspension of deportation of certain aliens.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this concurrent resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

DELILAH AURORA GAMATERO

The Clerk called the bill (H.R. 2817) for the relief of Delilah Aurora Gamatero.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. SABINA RIGGI FARINA

The Clerk called the bill (H.R. 3629) for the relief of Mrs. Sabina Riggi Farina.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PLACIDO VITERBO

The Clerk called the bill (H.R. 3955) for the relief of Placido Viterbo.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM PATRICK MAGEE

The Clerk called the bill (H.R. 9001) for the relief of William Patrick Magee.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

WILLIAM D. PENDER

The Clerk called the bill (S. 901) for the relief of William D. Pender.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2302) for the relief of Mrs. Rose Thomas.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri.

There was no objection.

MILOYE M. SOKITCH

The Clerk called the bill (H.R. 3571) for the relief of Miloye M. Sokitch.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CONFERRING JURISDICTION ON CLAIM OF PHILIP J. FICHMAN

The Clerk called the bill (H.R. 10658) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LT. COL. SAMUEL J. COLE, U.S. ARMY, RETIRED

The Clerk called the bill (S. 267) for the relief of Lt. Col. Samuel J. Cole, U.S. Army (retired).

There being no objection, the Clerk read the bill as follows:

S. 267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lieutenant Colonel Samuel J. Cole, United States Army (retired), is hereby relived of all liability for repayment to the United States of the sum of $10,322.59, representing the amount of overpayments of retired pay received by the said Lieutenant Colonel Samuel J. Cole, for the period from August 15, 1947, through September 30, 1964, as a result of administrative error in the computation of his creditable service for pay purposes less the amount due under the Act of April 14, 1966 (80 Stat. 120). In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Lieutenant Colonel Samuel J. Cole, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act.

(b) No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 2, line 12, before "shall" insert "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table .

RICHARD VIGIL

The Clerk called the bill (S. 620) for the relief of Richard Vigil.

There being no objection, the Clerk read the bill as follows:

S. 620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to Richard Vigil, of Denver, Colorado, in full satisfaction of all claims of the said Richard Vigil against the United States for personal injuries suffered by him, including the loss of his right arm, when he accidentally exploded a projectile, property of the United States, found near the boundary of Camp Hale, a United States Army base located in Leadville, Colorado, the said Richard Vigil having been eleven years of age at the time such accident occurred: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RAYMOND C. MELVIN

The Clerk called the bill (S. 632) for the relief of Raymond C. Melvin.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CAPT. WILLIAM O. HANLE

The Clerk called the bill (S. 882) for the relief of Capt. William O. Hanle.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REFERENCE OF CLAIMS OF BRANKA MARDESSICH AND SONIA S. SILVANI

The Clerk called House Resolution 498, to refer the bill (H.R. 4498) entitled "A bill for the relief of Branka Mardessich and Sonia S. Silvani" to the chief commissioner of the court of claims pursuant to sections 1492 and 2509 of title 28, United States Code.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

COMDR. JOHN N. GREEN, U.S. NAVY

The Clerk called the bill (H.R. 2477) for the relief of Comdr. John N. Green, U.S. Navy.

There being no objection, the Clerk read the bill, as follows:

H.R. 2477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Commander John N. Green, United States Navy, of Santa Barbara, California, is hereby relieved of all liability to repay to the United States the sum of $8,079.55, representing overpayments of active duty compensation received by him for the period from June 1, 1951, through June 30, 1967, while he was serving as a member of the United States Navy, such overpayments having been made through administrative error in overcrediting service to Commander Green and the computation of his pay on the basis of the overcredited service.

Sec. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Commander John N. Green, an amount equal to the aggregate of the amounts paid by him or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section.

Sec. 3. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. BARBARA K. DIAMOND

The Clerk called the bill (H.R. 2963) for the relief of Mrs. Barbara K. Diamond.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PEDRO IRIZARRY GUIDO

The Clerk called the bill (H.R. 5000) for the relief of Pedro Irizarry Guido.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. CÓRDOVA. Mr. Speaker, I object and ask that this bill be now considered.

The SPEAKER. Objection is heard.

The Chair will state to the gentleman that it requires two objections.

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. Two objections are heard and, under the rule, the bill is recommitted to the Committee on the Judiciary.

BERT N. ADAMS AND EMMA ADAMS

The Clerk called the bill (H.R. 7567) for the relief of Bert N. Adams and Emma Adams.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11500) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ROSE MINUTILLO

The Clerk called the bill (H.R. 12089) for the relief of Rose Minutillo.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MAJ. LOUIS A. DEERING, U.S. ARMY

The Clerk called the bill (H.R. 11968) for the relief of Maj. Louis A. Deering, U.S. Army.

There being no objection, the Clerk read the bill as follows:

H.R. 11968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Major Louis A. Deering, United States Army, the sum of $10,516.45, in full satisfaction of all claims of the said Major Louis A. Deering against the United States for reimbursement for the loss of household goods and personal effects which were destroyed by fire on August 31, 1966, while stored pursuant to official Army orders, the payment of such sum to be in addition to any amount paid to the said Major Louis A. Deering for such losses under the Act entitled "An Act to provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes", approved August 31, 1964, as amended (31 U.S.C. 240–243): *Provided* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

On page 1, line 6, strike "$10,516.45" and insert "$2,147.77".

On page 2, line 9, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

IRVING M. SOBIN CO., INC., AND/OR IRVING M. SOBIN CHEMICAL CO., INC.

The Clerk called the bill (H.R. 1782) for the relief of Irving M. Sobin Co., Inc., and/or Irving M. Sobin Chemical Co., Inc.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

OPPOSING THE GRANTING OF PERMANENT RESIDENCE IN THE UNITED STATES TO CERTAIN ALIENS

The Clerk called House Resolution 422, opposing the granting of permanent residence in the United States to certain aliens.

There being no objection, the Clerk read the resolution, as follows:

H. Res. 422

Resolved, That the House of Representatives does not approve the granting of permanent residence in the United States to the aliens hereinafter named in which cases the Attorney General has submitted reports to the Congress pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended:

A–10259610, Latkovic, Ivan.
A–11058037, Strucic, Vladimir.
A–12261443, Amooi, Mohammed Ali.
A–13688535, Amooi, Sedighe Hanhai.
A–11668123, Pecarina, Luka.
A–8227620, Clagnaz, Giorgio.
A–10036589, Roach, George; also known as Rock, George.
A–15419777, Moulagiannis, Dmitrios T.
A–11067196, Pavlovic, Marko.
A–10809814, Mavrovich, Miro.
A–11716558, Puentes-Rivera, Antonio.
A–11505560, Sovich, Stefano.
A–11769844, Yamada, Isao.
A–13550392, Yamada, Mitsu.
A–13550393, Yamada, Katsumi.
A–10867201, Pecksan, Tann.
A–11397361, Yee, Kwok Chew; also known as Yee, Tow.
A–17065005, Ching, Leung.
A–11551885, Ging, Leong Moy; also known as Ging Sze Chin.
A–10523525, Osorio-Rodriquez, Wilfrido.
A–15960509, Sciandrello, Nunzio.
A–11770429, Wong, Suzanne.

AMENDMENT OFFERED BY MR. FEIGHAN

Mr. FEIGHAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FEIGHAN: On page 2, strike out all of line 14 and substitute in lieu thereof the language "A–17–065–000, de Cazares, Maria Petra Gutierrez."

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MR. AND MRS. WONG YUI

The Clerk called the bill (S. 92) for the relief of Mr. and Mrs. Wong Yui.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

JOHN (GIOVANNI) DENARO

The Clerk called the bill (S. 265) for the relief of John (Giovanni) Denaro.

There being no objection, the Clerk read the bill as follows:

S. 265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, John (Giovanni) Denaro shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 23, 1962.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. KONSTANTINOS NICHOLAOS BABALIAROS

The Clerk called the bill (S. 330) for the relief of Dr. Konstantinos Nicholaos Babaliaros.

There being no objection, the Clerk read the bill as follows:

S. 330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Dr. Konstantinos Nicholaos Babaliaros shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 27, 1962.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NICKOLAS GEORGE POLIZOS

The Clerk called the bill (S. 1110) for the relief of Nickolas George Polizos.

There being no objection, the Clerk read the bill as follows:

S. 1110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of the Immigration and Nationality Act, Nickolas George Polizos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 16, 1957.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUG FOO WONG

The Clerk called the bill (S. 2019) for the relief of Dug Foo Wong.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

OPPOSING THE GRANTING OF PERMANENT RESIDENCE IN THE UNITED STATES OF CERTAIN ALIENS

The Clerk called House Resolution 540, opposing the granting of permanent residence in the United States of certain aliens.

There being no objection, the Clerk read the resolution, as follows:

H. Res. 540

Resolved, That the House of Representatives does not approve the granting of permanent residence in the United States to the aliens hereinafter named in which cases the Attorney General has submitted reports to the Congress pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended:

A–14–682–298, Chin, Hoo, presently known as Howard H. Chin.
A–8–952–474, Ping, Lew Yim, now known as Mrs. Woo.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SA CHA BAE

The Clerk called the bill (H.R. 4560) for the relief of Sa Cha Bae.

There being no objection, the Clerk read the bill, as follows:

H.R. 4560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Sa Cha Bae shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROGELIO TABHAN

The Clerk called the bill (H.R. 5106) for the relief of Rogelio Tabhan.

There being no objection, the Clerk read the bill as follows:

H.R. 5106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Rogelio Tabhan may be considered to be the son of Mrs. Araceli T. Pixler and a petition filed by her in his behalf may be approved pursuant to section 204 of the Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Rogelio Tabhan may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, and a petition filed in his behalf by Mrs. Araceli T. Pixler may be approved pursuant to section 204 of the Act: *Provided,* That the natural parents, brothers, or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KONG WAN NOR

The Clerk called the bill (H.R. 5936) for the relief of Kong Wan Nor.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LIDIA MENDOLA

The Clerk called the bill (H.R. 10156) for the relief of Lidia Mendola.

There being no objection, the Clerk read the bill as follows:

H.R. 10156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Lidia Mendola may be classified as a child within the meaning of section 101(b)(1)(E) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Giuseppa Mendola, pursuant to section 204 of the Act.

On page 1, at the end of line 7, strike out "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary, shall not, by virtue of such relationship, be accorded, any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PANAGIOTIS, GEORGIA, AND CONSTANTINA MALLIARAS

The Clerk called the bill (H.R. 6600) for the relief of Panagiotis, Georgia, and Constantina Malliaras.

There being no objection, the Clerk read the bill as follows:

H.R. 6600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Panagiotis, Georgia, and Constantina Malliaras shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct three numbers from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

On page 1, line 10, after the words "the proper", strike out the remainder of the bill and insert in lieu thereof, the following: "officer to deduct three numbers from the total number of immigrant visas and conditional entries which are made available to natives of the country of the aliens' birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAYTON COUNTY JOURNAL AND WILBER HARRIS

The Clerk called the bill (H.R. 1703) for the relief of the Clayton County Journal and Wilber Harris.

There being no objection, the Clerk read the bill, as follows:

H.R. 1703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clayton County Journal of Jonesboro, Georgia, is hereby relieved of all liability for repayment to the United States of the sum of $1,506.49, representing additional postage due on copies of such Journal mailed during the period from January 1967, through July 1967, as a result of the assessment of postage at incorrect rates by officials of the Post Office Department.

Sec. 2. Wilbert Harris, of Jonesboro, Georgia, is hereby relieved of all liability for repayment to the United States of the sum of $1,506,49, representing the amount of a postage deficiency charged his account as postmaster of Jonesboro, Georgia, for failure to collect the correct postage from the Clayton County Journal.

Sec. 3 (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Clayton County Journal and Wilber Harris the sum of any amounts received from them on account of the postage deficiency referred to in the first and second sections of this Act.

(b) No part of any amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TIMOTHY L. ANCRUM (ALSO KNOWN AS TIMMIE ROGERS)

The Clerk called the bill (H.R. 3590) for the relief of Timothy L. Ancrum (also known as Timmie Rogers).

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ELGIE L. TABOR

The Clerk called the bill (H.R. 9591) for the relief of Elgie L. Tabor.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

J. BURDETTE SHAFT AND JOHN S. AND BETTY GINGAS

The Clerk called the bill (H.R. 9906) for the relief of J. Burdette Shaft and John S. and Betty Gingas.

There being no objection, the Clerk read the bill, as follows:

H.R. 9906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That J. Burdette Shaft, postmaster, and John S. and Betty Gingas, copublishers of the Leslie Local-Republican, of Leslie, Michigan, are relieved of liability to the United States in the amount of $1,363.42, an amount claimed to be due by the Post Office Department for revenue deficiencies resulting from errors in postage on second-class material at the post office at Leslie, Michigan, in the period from March 10, 1966, to May 25, 1967.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. Burdette Shaft an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John S. and Betty Gingas an amount equal to the aggregate of the amounts paid by them, or withheld from sums otherwise due them, with respect to the indebtedness to the United States specified in the first section of this Act.

(c) No part of the amount appropriated in subsections (a) or (b) of this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JIMMIE KAZU UYEMURA AND OTHERS

The Clerk called the bill (H.R. 13183) for the relief of Jimmie Kazu Uyemura and others.

There being no objection, the Clerk read the bill, as follows:

H.R. 13183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,511 to be equally divided among the following individuals:

(1) Jimmie Kazu Uyemura, Stockton, California.

(2) Jean Tomoye Isozaki, Stockton, California.

The payment of the pro rata share provided for in this Act to each individual in clause (1) or (2) shall be full settlement of all claims of the recipient against the United States arising out of the vesting by the United States (pursuant to vesting order number 17260, dated January 26, 1951, issued under the Trading With the Enemy Act) of the proceeds of life insurance policy numbered 392581 issued by the West Coast Life Insurance Company, San Francisco, California, on the life of the late Tadashige Uyemura. No part of the amount appropriated in this Act for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 4, after "treasury", insert "remaining in the War Claims Fund and".

Page 1, lines 5 through 10, strike "be equally divided among the following individuals: (1) Jimmie Kazu Uyemura, Stockton, California. (2) Jean Tomoye Isozaki, Stockton, California. The payment of the pro rata share provided for in this Act to each individual named in clause (1) or (2) shall be" and insert "the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife,".

Page 1, line 11, strike "of the recipient".

Page 2, line 8, strike "in excess of 10 percentum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife."

A motion to reconsider was laid on the table.

MR. AND MRS. JOSEPH E. BEGNOCHE

The Clerk called the bill (H.R. 13218) for the relief of Mr. and Mrs. Joseph E. Begnoche.

There being no objection, the Clerk read the bill, as follows:

H.R. 13218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the national service life insurance upon the life of the late Ernest H. Begnoche, who died on November 26, 1942, shall be held and considered to have been in effect in the amount of $10,000 at the time of his death. Any payments made by reason of the enactment of this Act shall be made out of the national service life insurance appropriation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REFERENCE OF CLAIM OF JOHN S. ATTINELLO

The Clerk called House Resolution 533, to refer the bill (H.R. 3722) entitled "A bill for the relief of John S. Attinello" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2059 of title 28, United States Code, as amended.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

SANBORN LUMBER CO., INC.

The Clerk called the bill (H.R. 6402) for the relief of the Sanborn Lumber Co., Inc.

There being no objection, the Clerk read the bill, as follows:

H.R. 6402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of section 2680 of title 10, United States Code, the Secretary of the Army is authorized and directed to receive, consider, and act upon any claims of the Sanborn Lumber Company, Incorporated, of Chapman, Kansas, against the United States filed within one year after the date of enactment of this Act, for reimbursement of the amount of expenses and other losses and damages incurred in resettlement as a result of its displacement in connection with the acquisition of land (tracts numbered 1358 and 1359) due to the construction of Milford Dam and Reservoir, Kansas, as if such claims had been filed in the time and manner provided in such section.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ROSTENKOWSKI. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 206]

Abbitt
Albert
Ashley
Berry
Bingham
Brasco
Brock
Brooks
Brown, Calif.
Burton, Utah
Cahill
Carey
Casey
Clark
Clay
Cunningham
Dawson
Denney
Diggs
Foreman
Goldwater
Green, Oreg.
Halpern
Harrington
Hastings
Hébert
Howard
Karth
Kirwan
Kluczynski
Landgrebe
Lipscomb
McClure
Mann
Meeds
Michel
Murphy, N.Y.
Pelly
Pepper
Perkins
Powell
Rees
Reuss
Rhodes
Rosenthal
St. Onge
Scheuer
Schneebeli
Smith, N.Y.
Stokes
Stuckey
Teague, Calif.
Teague, Tex.
Tunney
Whalley
Yatron

The SPEAKER. On this rollcall 375 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON S. 2546, AUTHORIZING APPROPRIATIONS FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, 1970, AND RESERVE STRENGTH

Mr. RIVERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

The Chair hears none, and appoints the following conferees: Messrs. Rivers, Philbin, Hébert, Price of Illinois, Fisher, Bennett, Stratton, Arends, O'Konski, Bray, Bob Wilson, and Gubser.

RESIGNATION FROM THE COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation from a committee:

October 7, 1969.

Hon. John W. McCormack,
Speaker, House of Representatives,
Washington, D.C.

Dear Mr. Speaker: It has been an honor and a privilege to serve with the many fine men who are members of the District of Columbia Committee on which I have served since becoming a Member of Congress.

In addition, I have found the many problems coming before our Committee very challenging, particularly when viewed as a reflection of the problems of cities all over our country.

However, I wish to resign from the Committee on the District of Columbia effective today.

Sincerely,

Sam Steiger.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

RESIGNATION FROM COMMITTEE ON BANKING AND CURRENCY

The SPEAKER laid before the House the following resignation from a committee:

October 7, 1969.

Hon. John W. McCormack,
Speaker, House of Representatives,
Washington, D.C.

Dear Mr. Speaker: It has been a privilege and an honor for me to work with the many members of the Committee on Banking and Currency during the first nine months of the 91st Congress. My association with and participation in the deliberations of this group will always remain a pleasant and rewarding experience.

However, I wish to submit my resignation from the Committee on Banking and Currency, effective today.

Sincerely yours,

J. Glenn Beall, Jr.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO STANDING COMMITTEES

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 570) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 570

Resolved, That the following named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on Armed Services: J. Glenn Beall, Jr., of Maryland.

Committee on District of Columbia: Vernon W. Thomson, of Wisconsin.

Committee on Government Operations: Sam Steiger, of Arizona.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS TO THE NATIONAL SCIENCE FOUNDATION

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 475 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 475

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10878) to authorize appropriations for activities of the National Science Foundation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts (Mr. O'Neill) for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield myself such time as I may need, and at the conclusion of my remarks will yield to the gentleman from California (Mr. Smith) 30 minutes.

DISPENSING WITH BUSINESS IN ORDER UNDER CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. MOSS. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman.

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule tomorrow be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AUTHORIZING APPROPRIATIONS TO THE NATIONAL SCIENCE FOUNDATION

Mr. O'NEILL of Massachusetts. Mr. Speaker, House Resolution 475 provides an open rule with 1 hour of general debate for consideration of H.R. 10878 to authorize appropriations for activities of the National Science Foundation, and for other purposes.

H.R. 10878 authorizes an appropriation for the National Science Foundation for fiscal year 1970 in the amount of $477,605,000 and provides that, when specified in an appropriation act, amounts appropriated may remain available without fiscal year limitation.

The bill allows the use of counterpart funds up to $3 million to be authorized for expenses incurred outside the United States, to be spent in foreign countries to support programs in the interest of improving international relations through scientific endeavor.

The bill requires that the Director of the National Science Foundation keep the House and Senate committees informed of all activities.

Mr. Speaker, I urge the adoption of House Resolution 475 in order that H.R. 10878 may be considered.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. Smith).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, as stated by the distinguished gentleman from Massachusetts, this resolution, House Resolution 475, does provide an open rule with 1 hour of debate for consideration of H.R. 10878, which is an authorization for the National Science Foundation.

The purpose of the bill is to authorize for fiscal 1970 appropriations totaling $477,605,000 for the National Science Foundation. Additionally, out of foreign currencies held by the Treasury which the Department determines to be in excess of the normal requirements of the Government, the Foundation is authorized to have appropriated $3 million for use in its operations outside the United States.

There are a number of separate broad National Science Foundation programs which will be funded from the authorization which are spelled out in great detail in the report. They include:

Support of scientific research	$249,300,000
Computing activities in education and research	22,000,000
Institutional support for science	74,000,000
Science education support	117,500,000
International cooperative scientific activities	2,000,000
Science information activities	13,000,000
Planning and policy studies	2,805,000
Program development and management	17,000,000

Each of the areas which the National Science Foundation either carries on itself or supports by grants and other assistance is part of the overall program, the goal of which is the general advancement of scientific knowledge in order to insure the continued scientific and technological strength of the United States. With such a broad program goal the Foundation necessarily covers an extremely broad field in its assistance and grant programs—$191 million is earmarked for the scientific research project support program which supports scientific research in a number of broad scientific areas including physics, chemistry, astronomy, oceanography, biology, engineering, and the social sciences.

Many of these grants go to universities to assist skilled research technicians to pursue individual research projects which have been approved by the National Science Foundation for their probable future value. In addition, the institutional support for science program and science education program are both oriented toward upgrading and improving university and college scientific research technology and facilities.

With respect to the $3 million authorized to be paid by the Treasury out of excess foreign currencies, most of this is used for the translation and publication of scientific information and literature which is considered to be of critical interest to the U.S. scientific community.

Several requests by the Foundation were either reduced or deferred by committee action. A $10 million request to initiate a new interdisciplinary research program was reduced to $6 million by the committee. A $3.3 million request to resurface the Arecibo telescope was deferred until next year as was a $2 million request for construction of a new oceanographic ship. The committee believes both of these expenditures can be deferred at least 1 year.

The total authorization contained is for $480,605,000, including the $3 million in excess foreign currencies. This is within the budget figures recommended by the President. The National Science Foundation and the Bureau of the Budget support the bill.

There are no minority views.

Mr. Speaker, actually the House has already acted on the independent offices appropriation bill which contained funds for the National Science Foundation. A total of $420 million was appropriated. This included $418 million for the programs, salaries, and expenses; and $2 million in foreign currency for translating of foreign documents. Thus we have appropriated about $60 million less than this bill will authorize. The other body has not acted as yet.

Mr. Speaker, I urge adoption of the rule.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DADDARIO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10878) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Connecticut.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10878, with Mr. CHARLES H. WILSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Connecticut (Mr. DADDARIO) will be recognized for 30 minutes and the gentleman from California (Mr. BELL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. DADDARIO. Mr. Chairman, the Committee on Science and Astronautics, on May 14, 1969, unanimously voted the bill before us today, H.R. 10878, which would authorize appropriations to the National Science Foundation in the amount of $477,605,000. In addition, this bill authorizes the NSF to spend overseas $3 million in excess foreign currencies for the translation of important scientific documents into English. Therefore, the total amount which would be provided by this bill for the Foundation's activities in fiscal 1970 is $480,605,000.

There is also $10 million already authorized by Public Law 89–688 for the national sea grant program, thus bringing NSF's total authorization for fiscal year 1970 to $490,605,000. The committee action reflects a reduction of $9.395 million below that recommended by the Nixon administration, the reductions involving two actual cuts and two deferrals which we would recommend action on in the future years.

Before presenting the substantive authorization picture for the National Science Foundation for fiscal 1970, I wish to make an observation concerning existing conditions that ought to affect our view of the matter.

The administration request for NSF for fiscal 1970 is $490 million, not including the $10 million sea grant program which is provided for independently. The House has passed an appropriations bill making available $420 million, including the sea grant program, which is $80 million less than requested, or a reduction of 16 percent. Meanwhile, the Senate has passed an authorization bill, which is now at the Speaker's table, authorizing the program as requested by the administration, plus $150,000 additional for the State-local policy planning program.

What we are supporting in this authorization of appropriations for the National Science Foundation is threefold. It is the sincere attempt, first, to foster the development of new scientific and engineering knowledge in the country; second, to develop within this new knowledge the kind of scientific and technical manpower needed by our modern and science-oriented society; and third, to foster the development and growth of institutions which will provide the education and training for this manpower.

The National Science Foundation, it should be noted, is by no means the largest supporter of scientific research among Federal agencies, but it has a distinctly broader statutory responsibility than any other agency to develop and maintain American science. This is the responsibility that Congress originally envisioned for the Foundation.

Earlier this year, when we held hearings on the NSF authorization, we heard from Dr. Philip Handler, who is President of the National Academy of Sciences and also is serving as Chairman of the National Science Board. His testimony included one quote which I believe to be particularly significant and which I would like to call to the attention of this body:

> In one set of actions the Federal Government did overtly and deliberately recognize the contribution which science had already made to our national life and which it was expected to make in the future—actions which seemingly were intended to assure that that contribution will be of the magnitude and quality commensurate with its recognized potential. I speak of the creation in 1950 of the National Science Foundation and those legislative acts which, since, have strengthened its Charter.

And yet, the National Science Foundation has never received the kind of financial support necessary to effectively fulfill this congressional mandate. Over the past several years appropriations for the National Science Foundation have remained at somewhat the same level. The appropriation level for the Foundation was almost $480 million in both fiscal years 1966 and 1967. In fiscal 1968 it climbed $15 million to $495 million. However, last year in fiscal 1969, appropriations were abruptly cut back to $400 million. And this leveling off of support does not, of course, even take into account the rapid rate of inflation which has plagued us all in recent years.

If we are to recognize the increasing demands for scientific and technical manpower in this country and extrapolate them into the amounts of moneys we have and the effect of inflation, we will come to recognize that the Foundation has had to do with much less money than it really needs in order to do its job effectively.

Today, we find ourselves also in a new period of adjustment, in which new attitudes toward the support of science and technology are being evidenced. This is something we should contemplate most seriously.

Just this morning, at hearings held before my own Subcommittee on Science, Research and Development on the question of the administration and management of our national science resources, Dr. Emanuel R. Piori, who is vice president of the IBM Corp. and who also serves on the National Science Board, was testifying. He said something which I believe to be particularly significant and relevant to my point. He said:

> American science is in a transitional period. The problem, as I see it, is whether we are to continue to be strong in this area or whether we will become a less important factor in the world scientific community. If the latter, ultimately our economy, our standard of living and our ability to deal, for example, with our environmental problems and the health of our people will diminish.

I do believe it is important for us to recognize that there is an adjustment taking place. Questions are being asked, for example, about the way in which the Defense Department and other mission-oriented agencies are supporting scientific research.

The point has often been made about the growing tendency of these many mission-oriented agencies and departments of government to relinquish support for some very important research programs because of the general budget squeeze—

and do so with the strong recommendation that these programs be picked up and funded by the National Science Foundation. Such programs, it is contended, are well worthy of support and are expected to be of great utility to them at some point in the future but, because of the need for more stringent priority, they must be dropped.

A prime example of this occurred on August 11 and 12 in the Senate, which was then dealing with the research budget of the Department of Defense. At that time the Senate identified some 280 behavioral research projects which they felt might better be supported by NSF, about 212 of which represent ongoing obligations of about $10 million. An amendment to the military procurement bill was added which would force the armed services to drop virtually any research project which did not have an immediate and apparent relationship to a specific military function or operation.

Meanwhile, the Science Foundation has already assumed or is being asked to assume approximately $19 million worth of important research efforts which the mission-oriented agencies have dropped in the past 4 years.

I bring this up because it is necessary for us, as we reflect on this subject, to understand that this $19 million which had been for work and programs which have been going on in other agencies was transferred over to the National Science Foundation without any commensurate increase in funds or transfer of funds from those particular agencies. The work was taken on because it was of particular importance to the country.

There may be a philosophical argument over the extent to which these mission-oriented agencies should support academic research—but the fact is, they have. And now they are pulling out. I do not wish to imply that such shifts, per se, are bad. Indeed, the changes in emphasis can be both healthy and constructive, as long as they are handled in a well-coordinated, judicious manner. The abrupt termination of support for ongoing research projects can cause, and is causing, irreparable harm to the research efforts and capabilities of many of the Nation's areas of scientific excellence.

Moreover, while the Executive and the Congress generally recognize the worth of such programs and want them supported by the appropriate science support agency—the National Science Foundation—this can hardly be done when the Foundation is not only not provided with additional funding capability but is denied a very considerable portion of the minimum budget requested.

The lack of any comprehensive national research policy or coordinated long-range planning effort is also of special concern. It is a concern that has been registered by many of the Nation's top scientists and educators at a number of hearings our subcommittee has held recently on the issue of centralization of Federal science activities.

Mr. Chairman, the value of the contributions of science and technology to the Nation's health, security, and general welfare are widely known and accepted. But while accepting these values, we must not take them for granted. Indeed, this means that we must maintain our commitment or otherwise suffer an erosion of the scientific enterprise which has been developed so laboriously and with such great benefit to the Nation.

The National Science Foundation has played and will continue to play a critically important role in developing and strengthening American science and technology. It has sought to carry out a variety of programs to develop new knowledge, to educate the scientific and technical manpower needed by a modern science-oriented society, and to foster institutions required for both these functions. To accomplish this mission, the Foundation annually awards grants, contracts, and fellowships to colleges and universities, nonprofit scientific organizations, and individual scientists, teachers, and students throughout all 50 States and District of Columbia.

The Foundation plans to use the proposed fiscal year 1970 authorization of $480,605,000—excluding sea grant funds—as follows: $239,300,000 for support of scientific research; $112,500,000 for science education; $69,000,000 for institutional support of colleges and universities; $22,000,000 for extending the use of computers in research and education; $18,000,000 for science information and international science activities; $17,000,000 for program development and management; and $2,805,000 for planning and policy studies.

BACKGROUND

This authorization bill for the National Science Foundation is the first such legislation under the terms of Public Law 90-407, which, passed in July 1968, revised the Foundation's organic act of 1950. I should also add that our committee did not propose annual authorization for the Foundation. The House and Senate themselves incorporated this requirement—and we concur in the wisdom of this move.

The Committee on Science and Astronautics reached its unanimous decision to recommend this bill to the House only after very careful consideration of the public record developed by the Subcommittee on Science, Research, and Development.

This subcommittee in carrying out the wishes of Congress conducted a most thorough and detailed review of the Foundation budget request.

Last fall, as soon as Chairman **Miller** assigned the NSF authorization func-ity continued until mid-March of this time to our Science Subcommittee, we began extended planning, spadework, background study, and conferences with Foundation personnel. This staff activ-year, when we opened hearings on the NSF budget for fiscal 1970.

Those hearings ran for 9 days, from March 17 through April 1. We called over 32 witnesses, including Dr. Leland J. Haworth, Director of the National Science Foundation; Dr. Philip Handler, Chairman of the National Science Board; and then president-elect of the National Academy of Sciences, and all of the Foundation's major program and division directors. In addition, seven outside witnesses were heard, representing other Federal agencies and laboratories as well as industry.

These hearings were followed by executive sessions of the subcommittee and much staff work. The subcommittee prepared over 130 multipart questions on NSF's program and 1970 budget, to which the Foundation provided detailed and complete responses. The record of these hearings also includes statements from interested persons representing State governments, the scientific community, the universities, and industry. The public record of the proceedings of this authorization runs about 1,400 pages.

I emphasize these details only to demonstrate how seriously the subcommittee has taken its authorization responsibilities.

From our authorization process has come a revised and, I believe, sensible authorization bill—one based on the knowledge and perception that long concentration permits—plus a definitive report which explains what this program is about, where it is strong, where it is weak, and the extent to which it appears worthy of congressional support.

I would also emphasize the great importance that President Nixon and his administration attaches to the program and mission of the National Science Foundation. On April 18, 1969, after completing its own budgetary review, the Nixon administration recommended to the Congress that the Foundation's budget remain at the $490 million level recommended by the previous administration. This was done not only in recognition of the critical role that the Foundation plays in maintaining our national scientific strength and preeminence, but also with the President's awareness of the unusually difficult financial position the Foundation is in.

COMMITTEE ACTIONS

The $480,605,000 authorization recommended by the Committee on Science and Astronautics includes two reductions and two deferrals totaling $9,545,000 and one addition of $150,000 for a total net reduction of $9,395,000. These actions are detailed in the committee report and I would refer you to pages 67 to 70 of that report.

Nonetheless, despite this recommended authorization it does not even restore the Foundation's funding to its level of 2 years ago, when its appropriation was $495 million. However, even with this amount, the NSF will have much less money in fiscal 1970 to support its programs of scientific research and education than it had in 1968. There are at least four reasons for this:

First, the increased complexity of scientific research, the attendant requirements for more sophisticated and expensive instrumentation and facilities, and the escalating costs of scientific and technical education and training bring new pressures to an already limited budget;

Second, the inflationary spiral of the economy places new strains upon the dollar and its purchasing power;

Third, the assumption of new responsibilities by the Foundation for support of scientific research activities formerly sponsored by other Federal agencies, totaling over $19 million in fiscal 1970 not only provides an erroneous and inflated picture of NSF's actual growth, but places other burdens on NSF's needed budgetary flexibility; and

Fourth, the rapid and increasing growth of graduate research and education in science and engineering creates new demands that must be met if this Nation is to maintain its scientific and technological edge and cope with its unmet needs and social problems.

Two decades ago, the Congress created the National Science Foundation in its great perception and wisdom. It recognized the essential importance of the development of science and technology to the future of this Nation. It foresaw its potential contribution to the very fabric of our American life. And it recognized the need to maintain the capabilities to meet the challenges of the future.

And still, we have yet to support the Foundation in a manner commensurate with both its potential contribution to society and in an amount requisite to meet the problems that face this Nation. It is, therefore, critical that the Congress resolve itself to support strongly the Foundation in which basic research is done so that science and technology can have its most beneficial effect upon our environment, our society, and the peoples of the world.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

The appropriation bill, as I recall, has already been passed; is that correct?

Mr. DADDARIO. The gentleman is correct, Mr. Chairman.

Mr. GROSS. I do not know whether I am correct in this or not, but points of order were waived on the appropriation bill, were they not?

Mr. DADDARIO. The gentleman will recall, Mr. Chairman, that we had a discussion about that at that time and I showed some concern about the fact that that had been done. Yes, that is so.

Mr. GROSS. Yes. That is the reason why the appropriation was passed before the authorization bill, but how does this compare with the appropriation, that is, the money figure in this bill? Is it the same as the appropriation?

Mr. DADDARIO. It is not. I might say to the gentleman, as I am sure he very well knows, this is not comparable to the figure that was included in the appropriation bill. As I recall it, it was some $420 million and it included the sea grant program. The net overall sum was $80 million less than was requested by this administration, or a cut of 16 percent.

Mr. GROSS. I must confess I really did not remember the figure and had not taken the time to look it up. The gentleman says the appropriation bill as approved by the House is some 16 percent less?

Mr. DADDARIO. $80 million less.

Mr. GROSS. Sixteen percent less in the appropriation. Is it anticipated that the committee will seek a supplemental to make up the difference between the amount authorized in this bill and the amount actually appropriated?

Mr. DADDARIO. Mr. Chairman, I cannot answer the gentleman's question as to what will happen. The fact is that, as the gentleman from California stated during the discussion on the record, the appropriation action is not finished. It has not as yet been handled in the Senate, and I have no way of knowing at this time what the Senate action in that regard will in fact be. There has been action in the Senate on the authorization which supported the administration's position and added a figure of $150,000 for State and local policy planning. That is the situation in which we find ourselves, and I do not know where we will in fact be when the legislative process is terminated.

Mr. GROSS. In other words, the other body may restore the entire $80 million?

Mr. DADDARIO. Mr. Chairman, I would hope they would, but I would doubt they would.

Mr. GROSS. You would hope they would?

Mr. DADDARIO. Yes. I certainly would.

Mr. GROSS. Has this committee, the Science and Astronautics Committee, ever investigated the duplication of studies, and expenditures for research throughout the Federal Government?

Mr. DADDARIO. Mr. Chairman, I would answer that question in the affirmative. However, the gentleman and I might still have some conflict about what in fact he meant by whether or not there has been investigation or whether or not there is duplication. The fact is that in scientific activity there is no question but that there is a great deal of duplication, because that is in the very nature of scientific research. The problem is how do you keep the right number of people at the highest possible levels of the best types involved. I do think the way in which this is managed does in fact develop that kind of capability within the country in the best way possible. However, I did refer earlier, as I quoted from one witness who appeared before us this morning that we are, as we have been for some time, concerned about the way in which our scientific and technical resources are being managed. We are looking into that very seriously and will certainly make some recommendations about that as we have in the past. The committee over a course of time, I believe, looked very carefully into the situation, and I do think we have conducted our oversight responsibilities as responsibly as it is possible to do so.

Mr. GROSS. Will the gentleman yield further?

Mr. DADDARIO. I certainly do.

Mr. GROSS. Does this authorization provide for construction, in other words, for brick and mortar, as well as for research and other studies?

Mr. DADDARIO. There is some construction activity, Mr. Chairman. There is some construction going on in certain of our national research centers I might say, Mr. Chairman, in answer to the question of the gentleman from Iowa. For example, there is construction of buildings and research facilities in the amount of $360,000 at the Cerro-Tololo Inter-American Observatory in Chile.

Mr. GROSS. I thank the gentleman.

Mr. DADDARIO. Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I should like to associate myself with the remarks of the distinguished gentleman from Connecticut, the chairman of the Subcommittee on Science, Research, and Development of the Science and Astronautics Committee. His comments, in my view, have been particularly wise and perceptive.

The members of his subcommittee have worked with great diligence to bring this bill to the House and I commend their efforts. The bill to authorize appropriations for the continued work of the National Science Foundation comes at a most critical time. It is a time when pressing national problems and unmet needs are demanding new commitments and new approaches and are challenging our abilities to apply scientific and technological enterprise and expertise to their solution. It is a time in which inflationary pressures and financial pressures threaten the very foundations of our national economy. It is a time of social unrest and cultural upheaval.

It is also a time at which we can ill afford to renege on our commitment strongly to support and maintain the health of our scientific enterprise in research and education. The activities of the National Science Foundation in the fields of scientific research, education, science information, and international scientific activities are of critical importance to the future strength and success of the Nation.

Congressional approval of the NSF authorization bill is mandatory if the Foundation is to meet its responsibilities enacted by the Congress and to demonstrate a renewed commitment to the pursuit of science as an essential element of our present and future national welfare. Therefore, I strongly urge enactment of this bill to provide the Foundation with an adequate level of funding for fiscal year 1970.

Mr. BELL of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the National Science Foundation authorization bill, which is recommended to the House by the Subcommittee on Science, Research, and Development, provides for the support of a variety of programs of great importance to our Nation.

A major portion of the funds to be authorized is for the direct support of scientific research.

That we live in an age of science is daily exemplified.

Man has penetrated into the world of subatomic particles with his accelerators and extended his vision far into space with his radiotelescopes.

Even the hostile environment of the Antarctic has been subdued in the search for scientific knowledge.

While we deepen our scientific understanding of the world about us, we are also pushing forward the frontiers of the social sciences which relate the behavior of human beings to each other and to their environment.

Time does not allow me to dwell on the numerous benefits that we enjoy because of the contributions of science.

XUM

Instead, I will speak to what must be done to maintain our scientific capabilities.

In the United States today there are laboratories which are not working to their full capacity; there are young people who want and deserve an education in science; and there are scientific opportunities of incalculable value which are dormant.

These consequences of the leveling off in the Federal support of science are not dramatic, but they have long-range results which can only work to the detriment of our national welfare.

Because many Federal agencies support sceintific research, the NSF authorization bill will not, by itself, remedy the situation I have described.

The authorization involves less than one-eighth of the total Federal support for basic research, and only about one-sixth of the Federal funds for academic science.

And yet, the support of scientific research made possible through this authorization will have considerable impact because the programs of the NSF extend over the entire range of scientific disciplines and throughout the geographic regions of the country.

It is, therefore, vital that we provide for the maintenance of quality and continuity of American science by supporting NSF's research programs.

This includes support of research projects, science facilities and equipment, and national research centers.

By this action, Congress will strike an effective blow for the scientific structure which has been so carefully built and which has performed so admirably over the past 25 years.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Mosher).

Mr. MOSHER. Mr. Chairman, it seems to me of the utmost importance that we should today approve in full the recommendations of the committee, for authorization of $477,605,000 to be appropriated to the National Science Foundation for fiscal year 1970.

This year, for the first time, the Subcommittee on Science, Research, and development, under the very vigorous and thorough leadership of the gentleman from Connecticut (Mr. Daddario), held very extensive hearings, analyzing and probing the National Science Foundation's budget requests, requiring their justification.

I submit that those hearings clearly and forcefully demonstrated the Nation's need for a somewhat higher level of activity and funding for the NSF. Certainly justification was shown for the authorization levels recommended to us today by the committee.

Mr. Chairman, is it not crystal clear to all of us, that one of the most crucial requirements for this Nation to maintain its vigor, is that we must maintain and enhance our preeminence in the science? And is it not clearly demonstrated by several years of experience now, that the NSF plays a fundamental, vital, imperative role in nurturing the quality and growth of American science?

It is difficult for me to conceive of any investment of national funds we can make here that is more important and productive of good, than our investment in search of new and useful knowledge, and investment in the training of new and greater scientifically trained manpower—better equipped manpower—as so effectively accomplished by the NSF.

Therefore, I enthusiastically urge the fullest possible funding of the Foundation for fiscal year 1970, within the severe budget constraints that currently beset us.

Of course, I recognize that the authorization level we propose here today is somewhat higher than the amount of NSF funds that we will actually appropriate. That already has been decided, because of the peculiar order in which the House is considering these bills this year.

Nevertheless, I suggest it is extremely important that the House vote today to confirm the authorization of a level that more clearly recognizes the genuine need, the level recommended by the committee.

It is very important that in the final appropriations decisions, as the House and Senate adjust their differences, we must leave as much leeway, as much flexibility as possible. And also that we establish levels of appropriation for the following fiscal year that will be as realistic and possible.

The House should be aware that the Senate has already authorized for NSF some $9.5 million more than is called for in the bill before us today.

Mf. Chairman, I repeat the fact already pointed to by others, that our committee asks approval of an authorization which is some $9 million below the budget request presented by the administration. Recognizing the current budget constraints, we did cut or defer several items, in order to reduce the total.

I submit that the authorization provided in H.R. 10878 can be strongly defended by all of us.

In fact, it is significant to note that this authorization proposal had overwhelming, bipartisan support in both our subcommittee and in the full Science and Astronautics Committee.

I assure the House that the minority members of the committee did strongly support this bill.

I join our committee chairman in urging that H.R. 10878 be now approved.

Mr. BELL of California. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Pettis).

Mr. PETTIS. Mr. Chairman, I take this moment to associate myself with the remarks of the gentleman from Ohio (Mr. Mosher) and also to commend the distinguished chairman of the subcommittee on Science, Research and Development (Mr. Daddario) for his leadership and for the very careful manner in which we have gone into the various aspects of the subcommittee's activities.

And, I would like to assure the gentleman from Iowa (Mr. Gross), that we have been most diligent this year in scrutinizing all aspects of the National Science Foundation, whose budget today we authorize.

I had some apprehension myself when I was first associated with this subcommittee with reference to its expenditures. I have spent many, many hours in looking into the various research projects under the purview of the National Science Foundation, and as a result I have much more confidence in the program. I would like to assure all the Members of the Congress that the National Science Foundation in my thinking is doing an excellent job, and if we are to be paramount as a nation in the field of science we must keep the National Science Foundation strong.

Mr. Chairman, I think the legislation which we have before us today will do precisely that.

Mr. Chairman, I yield back the balance of my time.

Mr. DADDARIO. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. Podell).

Mr. PODELL. Mr. Chairman, the measure before us authorizing appropriations to the National Science Foundation is well worth full support by this House. It would authorize appropriations of $477,605,000 for support of scientific research, education, institutional support for science, science information activities, international cooperative scientific activities, planning and program development.

Across the Nation, basic research is being done across the entire spectrum of the sciences under these programs. Their success and continued funding now will be our Nation's scientific lead tomorrow.

In this measure, there is support authorized for the areas of mathematics, physics, chemistry, biological sciences, astronomy, atmospheric sciences, oceanography, earth sciences, engineering, social sciences, and interdisciplinary research.

Sophisticated instrumentation is the key to advances in many areas, and continued advances in procurement of such equipment is insured by approval of this measure. The same is true of physics and biological work, as well as astronomy and the entire range of these disciplines. Antarctic research, weather, ocean sediment, and other specialized programs draw their financial lifeblood from Government support.

Computerization, graduate science work, science course content improvement, science teacher development, and translation of foreign scientific journals are also covered. Generally, this measure would insure that American science develops along a broad front from secondary school programs to post doctoral work encouragement and fellowships. It is work which must continue unmolested, especially in light of what we draw from it in terms of peaceful and national defense advances. I urge the passage of this measure without cuts.

I would like to congratulate the gentleman from Connecticut (Mr. Daddario) for his dedicated resolve in this work. His efforts have been tireless and unflagging. Our country owes him a debt of gratitude.

Mr. BELL of California. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. Fulton).

Mr. FULTON of Pennsylvania. Mr. Chairman, I appreciate the gentleman yielding me this time. I want to compliment not only the members of the subcommittee on their excellent work during the hearings on the National Science Foundation authorization, but also the full committee on its acceptance of the challenges of scientific research and development in this day and generation.

The bill, by coming out this late, follows many weeks the independent offices appropriation bill which has already passed the House. I would hope that during the next session of the Congress, the authorization bill will get to the floor before the appropriation bill. Otherwise it would make the authorization purely a semantic debate if this sort of an event is repeated.

The action of the Appropriations Committee was to recommend to the House $438 million for the Foundation for fiscal year 1970. The implications of this action can be viewed in terms of both budget authority, which means new money, and obligational authority, which includes new money and carryover from previous years. Now, the Appropriations Committee approved budget authority for the Foundation of $400 million in fiscal year 1969, and a budget authority of $418 million in fiscal year 1970. Therefore, an increase of $18 million would seem to be apparent. However, because of the National Science Foundation decision not to obligate $15 million for its institutional development formula grants program in fiscal year 1969, this obligation will carry over into fiscal year 1970, thus reducing the increase of budget authority to $3 million, which is in effect the actual increase in budget authority.

The obligational authority for the Foundation in fiscal year 1969 was $435 million. In fiscal 1970, obligational authority will be $438 million, including $418 million in new money and $20 million in carryover funds. However, because of the delay in obligating the $15 million for formula grants, to fiscal year 1970, the obligational authority in fiscal year 1970 will be reduced to $423 million. Hence, there is an effective net decrease in obligational authority for the Foundation in fiscal year 1970 in the amount of $12 million.

We of the Committee on Science and Astronautics have the responsibility to supervise the various programs of the National Science Foundation. This is the first year that there is such an authorization bill to be acted on by this Congress. Although the sums have tripled in the National Science Foundation over the last decade, there has only been an appropriation subcommittee and the Committee on Appropriations acting on the money out of the cash box. Total funding has been the major premise for funding the agency rather than the balancing of the tremendous scientific programs, educational programs, and research programs.

It is necessary that the House have legislative committees working with programs involving the agencies of the Federal Government, the State agencies, as well as various scientists and research organizations in order to come up with a balanced set of priorities. The field of research and development is limitless. We in the Federal Government and the Congress who have the responsibility must be able to have the background, the knowledge and, yes, the hard work to make those decisions on priorities.

In my judgment, the bill now before us is a good decision on the priorities. I, therefore, strongly recommend that it be passed.

For fiscal year 1970, the National Science Foundation's budget request is $500 million. This includes $10 million for the national sea grant program which is authorized by the Committee on Merchant Marine and Fisheries, and consequently the committee considered authorization totaling $490 million. The committee reduced this amount by $9.395 million.

The Foundation's budget was reduced by the Appropriations Committee $100 million last year, and their request to the Bureau of the Budget this year was reduced $118 million. In effect then, the Foundation's request this year represents an effort to get back to the funding level of fiscal year 1968. In fact, even without the reductions, their budget request this year would still be $5 million below the funding level of fiscal year 1968.

Furthermore, the fiscal year 1970 request includes $19 million in projects taken over by the Foundation from other agencies, primarily the Department of Defense. These agencies are cutting back in their support of basic research in astronomy and nuclear and particle physics as not being directly relevant to their needs.

Heretofore, it has been the accepted policy that mission agencies should support basic research to improve the quality of their work and to provide a proper research base for long-term mission objectives. To say they are now supporting research most relevant to their missions implies a shift in this policy, and a tendency to concentrate support in the more applied areas. Consequently, this action has implications for the long-term support of basic research from a national point of view, and in particular upon the operations of the National Science Foundation.

There should be an understanding that the Foundation must be given the funds to support these projects. It cannot be expected to take on new work while continuing to operate at the funding level it had 2 or 3 years ago.

The Foundation is the only major research and development agency whose budget was not cut by the Nixon administration. This indicates that the President is aware of the difficult financial position the Foundation is in.

Under the research support program, the committee approved one reduction and two deferrals totaling $9.3 million.

In fiscal year 1970, the Foundation requested $10 million to initiate a new interdisciplinary research program.

The interdisciplinary research program is designed to bring scientists and engineers of various disciplines together to work in a coordinated way. Traditionally, the universities have been organized along discipline lines, and there has not been a wide exchange of ideas between departments, nor have the departments actively sought to work together on common problems. In recent years, however, some of these barriers have begun to break down, and terms such as biochemistry or bioengineering have come into common usage.

There is a need to further this kind of work in the other disciplines, and to support programs designed to take advantage of the research developments that have taken place over the course of time.

One of the difficulties in the past has been that when some group has wanted to study a multidisciplinary problem such as pollution as a total picture, the mission agencies have tended to support only those portions of the study directly relevant to their mission objectives, and as a result these groups have had to seek piecemeal funding from the different agencies involved.

In considering this program, the committee agreed that the program should proceed slowly and only the most promising proposals should be supported. Furthermore, although the Foundation intended to limit this program exclusively to universities a significant capability for multidisciplinary research exists in a number of our Federal laboratories. These laboratories should have an opportunity to participate in this and similar programs, both for the quality of their own work, and in order that they may serve as a model in helping universities shape their ideas in organizing and carrying out multidisciplinary research. Finally, in reducing this program by $4 million, the committee was convinced that since the program could not be initiated until the appropriation process has been completed, the Foundation could not effectively use more than $6 million in fiscal year 1970.

In fiscal year 1970, the Foundation is requesting $3.3 million to resurface the Arecibo reflector. The committee deferred that project.

Arecibo was built by the Advanced Research Projects Agency in 1963 for ionospheric studies and for radio and radar astronomy. When the Department of Defense decided to curtail its support of astronomy, the National Science Foundation agreed to support the radio astronomy work, and in fiscal year 1969 provided $900,000 of support for this purpose. In fiscal year 1970, the Foundation proposes to take over responsibility for the Arecibo facility, and its amount of support would increase about $300,000 to a level of $1.2 million. The Department of Defense would continue to support ionospheric studies in the amount of about $600,000, or approximately one-third of the operating costs of the facility.

The work being done at Arecibo is important to radio astronomy, and for this reason authorization of the funds necessary to continue operation of the facility was approved. However, in view of the additional funding requirements and the transfer of management responsibility to take place this year, the resurfacing should not be approved at this time, and that it be deferred until next year.

In his testimony on Science Research and Development, Dr. Philip Handler, the Chairman of the National Science Board, indicated that there are various proposals throughout the country for new facilities or telescopes in radio astronomy which together total about $100 million. The new director of the Foundation should be given the opportunity to determine priorities in the whole field of astronomy, and should have the opportunity to examine the Arecibo facility within this context. Furthermore, while $3.3 million is proposed to resurface the Arecibo dish, to make use of the facility for radar astronomy purposes it would be necessary to purchase new receiving and transmitting equipment costing an estimated $2.5 million and it is understood that this will be proposed in the near future. Consequently, by deferring the resurfacing at this time, the new Director, Mr. McElroy can examine the total requirements for Arecibo and establish priorities for future equipment needs within the entire fields of radio and radar astronomy.

Finally, this deferment will not impair the on-going work at Arecibo.

In fiscal year 1970, the Foundation proposed to construct an oceanographic research vessel costing $2 million.

At the present time, the National Science Foundation and the Office of Naval Research support an oceanographic fleet of 31 vessels assigned to 18 different institutions. The amount of support provided by the Foundation for these ships amounts to about $7 million per year, and the Office of Naval Research contributes about $4.5 million.

In fiscal year 1970, the Foundation proposed to begin construction on a new vessel costing about $2 million. This vessel would take about 5 years to construct and would be assigned to an institution like the other ships in the fleet. The committee deferred this project for the following reasons:

First, the Foundation should not begin construction of a new vessel at a time when it is not completely using the existing ships in the fleet. Because of the expenditure limitation in fiscal year 1969, the Foundation set an overall expenditure limitation on each of the universities, and the universities in turn had to decide which projects supported by the Foundation at the universities would have to be reduced to meet the expenditure limitation. As a result of this action, three ships were taken out of service, and the schedules of several others were reduced or markedly altered.

It is more prudent to make the best use of the ships already in service before the Foundation commits itself to the purchase of a new ship. Furthermore, the Foundation, in cooperation with ONR, should review its entire method of ship support with a view toward obtaining more efficient use of the fleet, and report to the committee prior to the beginning of the next authorization process. Of particular interest, the Foundation should look into the possibility of forming user groups for ships as an alternative to assigning ships to particular institutions.

Second, in its report of January 1969, the Commission on Marine Science, Engineering and Resources—the Stratton Commission—recommended the creation of a new National Oceanic and Atmospheric Agency. The recommendations of the Commission are now being studied by the Committee on Merchant Marine and Fisheries. The Congress should have the opportunity to determine priorities and the direction of the total oceanographic effort and not authorize the funding of a new ship by the Foundation this year.

For policy and planning studies in fiscal 1970, the Foundation requests $2.9 million. The committee reduced this amount by $95,000.

Under the policy and planning studies program, the Foundation proposes to spend $1.315 million for the National Register of Scientists and Engineers. The national register was begun during World War II for the purpose of locating scientific personnel by field of specialty in a time of national emergency. In 1953, the register activities were transferred to the Foundation, and the Foundation has updated the register biennially and has used the information developed to perform various manpower studies of scientific and engineering personnel. At the last registration in 1968, the register contained the names of approximately 50 percent of the scientists and 10 percent of the engineers in the United States.

In fiscal year 1970, the Foundation again plans to update the register and expand the coverage to include more engineers. We question if the emergency preparedness function of the register is still as urgent as it was during World War II, therefore, we deleted $245,000 attributable to expanded coverage of the register. Further, the Foundation should perform a study of the requirements for the register as a locator in emergency situations as well as in other than emergency conditions and report to the Committee on Science and Astronautics prior to the start of the next authorization process. If the locator function is no longer necessary, the Foundation should determine if the manpower studies function of the register could be performed on a selective sampling basis at a lower cost to the Federal Government.

Under the policy and planning studies program, the Foundation has a program called State and local intergovernmental science policy planning for which the Foundation is requesting $150,000 in fiscal year 1970. The committee added an additional $150,000 to this program.

The State science program is a pilot program to help States and local governments find ways to employ science and technology in solving local problems. Because of the importance of this program, and because of the need to involve more States in this effort, the program should be expanded. At the same time, many States are just beginning to get involved in this area, and the program should remain primarily a pilot program to develop innovative ways through which science and technology can better be employed by State and local governments.

Regarding the bill itself, the committee approved a section requiring the Foundation to keep the committee fully and currently informed, and this appears in the bill as section 5.

This provision is the same as that which the committee previously has adopted with respect to NASA. It clarifies the committee's right to information generally in view of its new oversight responsibilities over the Foundation.

While it is not possible to foresee all the circumstances in which the committee should be kept informed, and this will require the good faith and judgment of the Foundation, other matters would include, for example, substantial changes in programs as presented to the committee or major accidents and in particular those involving loss of life.

At this point, I want to insert in the RECORD a summary of the National Science Foundation budget which will make clear the committee's action:

BUDGET SUMMARY, NATIONAL SCIENCE FOUNDATION, FISCAL YEAR 1970

Program	Budget request	Action	Recommended authorization
Support of scientific research	$248.6	−$9.3	$239.3
Computing activities	22.0	....	22.0
Institutional support	69.0	....	69.0
Science education	112.5	....	112.5
Science information	[1] 13.0	....	[1] 13.0
International cooperative science activities	[2] 2.0	....	[2] 2.0
Policy and planning studies	2.9	−.095	2.805
Program development and management	17.0	....	17.0
Total	[3] 487.0	−9.395	[3] 477.605

[1] Plus $2,000,000 excess foreign currencies.
[2] Plus $1,000,000 excess foreign currencies.
[3] Plus $3,000,000 excess foreign currencies.

I have three amendments to this legislation which I will introduce when the general debate is finished.

The first amendment is generally to cut the authorization of funds from $477,605,000 for the fiscal year 1970 to $474,305,000. This is a $3,300,000 reduction. It is largely intended to take up the slack resulting from a carryover of funds from last fiscal year and which was not programed through previous authorizations. There is also deletion of funds for one airplane that I do not believe is needed. This plane is intended to replace a Beech Queen Air, which was unfortunately lost in a Lake Superior accident with its crew in 1968.

I believe there are adequate planes in other Government agencies that the National Science Foundation can utilize for research at the National Center for Atmospheric Research called NCAR, at Boulder, Colo., under lease or flight service arrangements.

I do not think the purchase of a new plane is necessary at this time.

The next amendment is an objection to a Senate provision passed in the authorization bill by the other body within the last 2 weeks. The Senate has approved the authorization of funds for a period of 4 years. These funds, even though the fiscal year in which they were authorized has expired, can be carried over by the agency for 3 additional years before they are canceled.

I believe it should be at most a 2- or 3-year period. In order that the House may then work its will, I have an amendment which will allow the authorization of the funds in this particular bill for this fiscal year, 1970, to be carried over for the fiscal year 1971, and canceling these funds or striking them from the authorization at the end of 2 years.

I believe that since this creates a disagreement between the two bodies we might be able to agree on the same sort of arrangement and authorization that now exists in the acts governing NASA. When NASA authorizations are not used either in the fiscal year for which they were originally authorized or in the two succeeding fiscal years, they are automatically canceled.

As a matter of fact, it was my amendment this year that did cancel $322,000,000 of NASA authorization funds which had been held over for longer than this 3-year period. The House adopted that amendment.

My last amendment generally is directed to institutions of higher learning with respect to students who are either refusing to obey lawful regulations and orders of the institution or are convicted of crimes such as trying to destroy the institution and causing riots. I believe such an amendment is necessary.

Part of my amendment on student unrest and disorder is already in the NSF appropriation bill which passed this House on June 24. However, it does not contain the full language that is part of the NASA authorization bill. I believe we should have some form of language that covers institutions of higher learning in every one of the authorization bills as well as in the appropriation bills.

Therefore, I have taken the present language that has been adopted by this House in the NASA authorization bill and have tailored it to fit into this particular legislation.

I thank my colleagues, Mr. Chairman, and recommend that the bill do pass.

Mr. LUKENS. Mr. Chairman, I would like to point out to my colleagues that one of the important provisions of H.R. 10878 which authorizes appropriations for the National Science Foundation for fiscal year 1970, is to provide $5 million for support of the international biological program.

The international biological program represents the first large-scale ecological research activity on biological productivity and the biological basis of human welfare. The broad objective of the IBP is to provide insight and foresight about the changing relations between man and his environment. The focus of the program is upon establishing an ecological base for the management of our environment and for the prevention of the deterioration which is threatening our entire planet.

It was over a decade ago that faint voices of scientific concern were being raised about the pending deterioration of our planetary environment. Today these voices are loud and clear. Environmental quality has become a central issue of national and international concern.

First, it has also become amply clear that, despite these growing concerns and developing commitment to meet this challenge, the scientific data upon which to base valid judgments and effective actions are simply not available. Moreover, the manpower supply of highly skilled ecologists and environmental managers is still nowhere commensurate with the demands and size of the problems we are facing.

The IBP represents an organized and integrated approach to these two problems. It will contribute importantly to the store of knowledge about organic production and human adaptability. It will aid also in the training of new manpower resources for the problems we face today and will face tomorrow.

Second, I would like to point out that Joint Resolution 589, introduced by the gentlemen from California and Connecticut, is presently pending and will be coming up for floor action in the near future. This joint resolution expresses the support of the Congress, and urges the support of Federal departments and agencies as well as other persons and organizations, both public and private, for the IBP. I would certainly hope that this resolution will be adopted by the House during this session.

Mr. COHELAN. Mr. Chairman, I rise in support of the bill H.R. 10878, the authorization for the National Science Foundation. This bill would authorize the expenditure of $477.6 million.

As a Member of Congress who has the privilege of representing a large academic community, I know, at first hand, the value of the National Science Foundation. For example, the University of California at Berkeley, which is located in my district, received almost $11 million for the last fiscal year and the beginning of fiscal year 1970, according to the latest NSF figures. The grants are given for a variety of purposes but all directly contribute to the upgrading of the quality of education and the pursuit of knowledge.

In supporting this authorization, I am not unmindful that the House has appropriated $420 million and the other Chamber has appropriated $502 million. In supporting this $477.6 million authorization bill, I am still of the opinion that this is an inadequate figure, but given the pressing demands on our budget, I feel that this figure represents the minimum that is needed.

Mr. Chairman, the range of the National Science Foundation grants illustrates their necessity. At the University of California at Berkeley there are grants for pure research. For example there are grants to investigate properties of laser beams, metamathematics, theoretical solid state physics, and so forth. There is also a study to determine the ability of various structural systems to withstand earthquakes. The results of this study may have significance for many of us who live in an area that is not unfamilar with the effects of earthquakes. Still another study sponsored through a grant from the National Science Foundation is the utilization of mathematics to assist in solving our transportation problems. As can be seen from these examples, the National Science Foundation research has pure and applied scientific value.

Mr. Chairman, I must point out that the National Science Foundation does not just limit itself to supporting programs in pure and applied research. At the University of California at Berkeley there were a number of grants to improve the quality of our secondary school systems. This was undertaken in two ways: By providing grants to improve the content of various curricula and by a series of institutes for teachers and supervisors. Still other grants were utilized to restructure undergraduate and graduate curricula and to assist in graduate student training.

Mr. Chairman, I think that these examples, drawn from an area that I have familiarity with, show the necessity for authorizing funds for the National Science Foundation. I want to compliment the gentleman from Connecticut (Mr. DADDARIO) for his handling of this bill. Mr. DADDARIO furnished the Members with an informative report. I have worked with him on numerous occasions in this area, and I have found him to be most helpful and sympathetic to the needs of scientific research. I went with Mr. DADDARIO's subcommittee and my colleague from California (Mr. MILLER) to investigate the NSF projects at Berkeley and U.C.L.A. This investigation reinforced my conviction of the vital nature of the NSF research effort. In supporting this authorization, I am not unmindful of the many worthwhile projects that will be limited or eliminated. I wish that the current fiscal situation permitted a more extensive program, but unfortunately, this is not the case.

Mr. BELL of California. Mr. Chairman, I have no further requests for time.

Mr. DADDARIO. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 10878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1970, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $477,605,000.

SEC. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 3. Appropriations made pursuant to this Act may be used, but not to exceed $2,500, for official reception and representation expenses upon the approval or authority of the Director, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 4. In addition to such sums as are authorized by section 1 hereof, not to exceed $3,000,000 is authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 5. Notwithstanding any provision of the National Science Foundation Act of 1950, or any other provision of law, the Director of the National Science Foundation shall keep the Committee on Science and Astronautics of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

SEC. 6. This Act may be cited as the "National Science Foundation Authorization Act, 1970."

AMENDMENT OFFERED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FULTON of Pennsylvania: On page 1, line 9, strike "$477,605,000" and insert in lieu thereof "$474,305,000"

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Connecticut.

Mr. DADDARIO. I have no objection to the amendment.

Mr. FULTON of Pennsylvania. I thank the gentleman very much.

Mr. Chairman, this amendment merely involves $3.3 million. It would cut funds on projects for which there has been no authorized programing by the Foundation. It will even leave a $2 million leeway if they use $15 million of the $20 million carryover authorization of funds from 1969 for institutional formula grants. There is also a cut of $300,000 in the purchase of an airplane, which I believe is unnecessary, because the NSF already is using three planes at the Boulder installation. The fourth plane, in the interest of economy, can be obtained on loan, or by request and payment through budgetary exchange from other Government agencies. We have plenty of planes of this type within the Government. I therefore think the new plane, the fourth one, should not be bought.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FULTON of Pennsylvania: On page 2, add new section 5:

"Notwithstanding any other provision of law, the authorization of any appropriation to the National Science Foundation shall expire (unless an earlier expiration is specifically provided) at the close of the first fiscal year following the fiscal year in which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made."

Renumber succeeding sections accordingly.

Mr. FULTON of Pennsylvania. Mr. Chairman, the reason for this amendment is that in the bill passed by the Senate on September 18, authorizing funds for the National Science Foundation, called the amendments of 1969, there is a section 3 which reads:

Section 14 of the National Science Foundation Act of 1956, as amended by Public Law 90-407, 82 Stat. 360, is amended by adding to the end there the following new paragraph:

1. Notwithstanding any other provisions of law, the authorization of any appropriation of the Foundation shall expire unless an earlier expiration is specifically provided at the close of the third fiscal year following the fiscal year for which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made.

That means that for a 4-year period, authorizations which are made by the Congress for the National Science Foundation remain in power and force.

In my judgment the legislative committees of the Congress should follow these appropriations of such large amounts—approximating almost one-half billion dollars a year—much more closely than that. In order to have a uniform method, I have put in an amendment to have the authorization last for a 2-year period.

Since the Senate has made the authorization for 4 years, obviously a disagreement between the two Houses will exist. My hope is we will agree to adopt uniformly the same process governing authorization as now exists in NASA, an allied agency. That means, at the end of the second fiscal year after an authorization is passed, there is an automatic termination of those authorizations. This does two things: First, it keeps the Agency current; and second, it keeps the Agency on its toes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, if I understand the purpose of the gentleman's amendment, it is laudable in that it stops this 4-year business, but why 2 years?

Mr. FULTON of Pennsylvania. The answer to it is this: These are authorizations on programs that are continuing programs. For example, when we have education programs, such as graduate fellowship programs leading to a doctoral degree, they run for 3 years. So really, if we are going to have funding for a program, we have to have authorization for the term of the program. But we do not appropriate money except on a yearly basis.

Mr. GROSS. I can think of one program that seems to be perpetual around here on a 1-year basis, and that is the foreign handout bill. I would hope this would be the year when that would be washed out entirely, and we would dissipate and obliterate the idea that we have to give our billions away overseas every year. But I just do not understand and still do not understand why this Foundation, to the exclusion of many others, should be put upon a 2-year basis. I am for the gentleman's amendment, but I do think it goes far enough.

Mr. FULTON of Pennsylvania. Mr. Chairman, the gentleman should be complimented, because he has always tried to restrict the U.S. foreign aid programs, first in amount, and second, to an annual basis.

I am very glad to state that I have not felt the programs of U.S. foreign aid should be abandoned. But I have voted to reduce them and have also joined with the gentleman from Iowa in trying to work out annual authorizations for that program.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Connecticut.

Mr. DADDARIO. Mr. Chairman, I would like to ask a question. Is this the same amendment the gentleman from Pennsylvania added to the NASA authorization bill, except for that there was a 1-year provision rather than 2 years?

Mr. FULTON of Pennsylvania. The NASA authorization bill provides for termination at the end of the second fiscal year after the current fiscal year for which the authorization is made. This is 1 year shorter than that, obviously in order to try to make an arrangement with the other body and reduce their provision from 4 to 3 years, which is now the law for NASA.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield further?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Connecticut.

Mr. DADDARIO. Mr. Chairman, I would like to ask this for clarification. The amendment, as I understand it, adds a new section 5 on page 2. I presume other sections would be renumbered accordingly. Does that mean the present section 5 would become new section 6? The purpose of my question is to insure this is not in substitution of that present section 5.

Mr. FULTON of Pennsylvania. The gentleman from Connecticut has a very good point. Those sections should be renumbered as section 6, and section 7, and so on, renumbering accordingly.

Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FULTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FULTON of Pennsylvania: On page 2, after line 23, insert a new section as follows:

"SEC. —. If any institution of higher education determines, after affording notice and opportunity for hearing to an individual attending or employed by such institution—

"(a) that such individual has, after the date of the enactment of this act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution; or

"(b) that such individual has been convicted in any Federal, State, or local court of competent jurisdiction of inciting, promoting, or carrying on a riot, or convicted of any group activity resulting in material damage to property, or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned;

then the institution shall deny any further payments to or for the benefit of such individual which (but for this section) would be due or payable to such individual and no part of any funds appropriated pursuant to this Act shall be available for the payment of any amount (as salary, as a loan or grant, or otherwise) to such individual."

Mr. FULTON of Pennsylvania. Mr. Chairman, the point of this amendment is to put in this bill for the National Science Foundation the same amendment which passed this House in the National Aeronautics and Space Agency bill, H.R. 11271.

The difference between this amendment on student unrest and violence in institutions and the similar provision in the appropriation bill in that section (b) had been left out by the Appropriations Committee. I will read section (b):

b. that such individual has been convicted in any Federal, State, or local court of competent jurisdiction of inciting, pro-

> moting, or carrying on a riot, or convicted of any group activity resulting in material damage to property, or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned;

One part of the section was left out by the Appropriations Committee. It states:

> Which (but for this section) would be due or payable to such individual and no part of any funds appropriated pursuant to this Act shall be available for the payment of any amount (as salary, as a loan or grant, or otherwise) to such individual.

That last portion I read makes it very specific. There can be no payments as salary, loan, grant of any kind, or otherwise. It ties down the provisions very specifically.

The other portion that is left out means that when an individual has been convicted of inciting, promoting, or carrying on a riot, or convicted of any group activity resulting in material damage to the institution or injury to the persons of the institutions, and these laws are designed to protect the institution, the property and the persons concerned, that person shall not receive money under National Science Foundation grants, loans, salaries, or otherwise.

This amendment ties it down just as the House decided, after some little debate on the NASA authorization bill, which just passed the House a few weeks ago.

This means that we use the same form. We do not change it. Once the House has made up its mind and has authorized for scientific institutions a provision that is to apply to students' behavior, the House should readopt the same language for similar legislation. So this is my amendment, which merely takes a language from the bottom of page 8 over to page 9, line 10, of H.R. 11271. It passed the House by a tremendous majority, and is known as the National Aeronautics and Space Agency authorization bill.

Now, in concluding my statement, there are many people with other ideas. I simply put this on the basis of the House having acted this year on this particular point. Now, when this scientific institution, the National Science Foundation, comes up for authorization, the House should likewise apply the same rule and adopt the same language. It would be intolerable to have funds given out under NASA one way, and to have the National Science Foundation give funds out in another way. Both are under the purview and jurisdiction of the Committee on Science and Astronautics of the House, of which I am the ranking minority member.

I am glad to yield to my friend from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman yielding.

To recapitulate, it is my understanding according to the explanation given by the gentleman from Pennsylvania that this language of the amendment you have just offered is identical to that which was in the NASA bill.

Mr. FULTON of Pennsylvania. That is correct. And you have the NASA bill and can take a look at it.

Mr. STEIGER of Wisconsin. Second, am I correct that this applies only to an individual who is either covered by (a) or (b) of this section?

Mr. FULTON of Pennsylvania. It applies to individuals in seriatim. It can be individuals one at a time. It is intended for the individual and his own actions, not to ban or blacklist a whole group.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. FULTON of Pennsylvania asked and was allowed to proceed for 2 additional minutes.)

Mr. STEIGER of Wisconsin. Will the gentleman yield further?

Mr. FULTON of Pennsylvania. I am glad to do so.

Mr. STEIGER of Wisconsin. It does not apply, then, to an institution?

Mr. FULTON of Pennsylvania. No. It does not apply either to an institution, a university, a college, or any type of school, foundation, or laboratory. It applies to the individual, regardless of how many may be involved in a riot or disorder.

Mr. STEIGER of Wisconsin. If the gentleman will yield once more, am I correct, also, in having quickly read the amendments passed by the House earlier, that the determination for the action to refuse to grant money in the form of a loan, grant, or salary is made by the institution of higher education?

Mr. FULTON of Pennsylvania. That is specifically the case. The amendment specifically says "if any institution of higher education determines after affording notice and opportunity for hearing to the individual attending or employed by such institution." So it is specifically as you stated it.

Mr. STEIGER of Wisconsin. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. It is apparently fortunate that this bill did not come out of the Committee on Education and Labor, or else it would be brought up under a suspension of the rules so that we could not put this kind of an amendment on it. I congratulate the gentleman for his amendment and say I am delighted that this bill did not come out of the Committee on Education and Labor.

Mr. FULTON of Pennsylvania. I thank the gentleman. His compliments are very few but well received.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not take the full 5 minutes but simply want to say it is unfortunate, as I have said in the past in debate on this floor in Committee of the Whole, that action has not been taken on a single amendment to the Higher Education Act which might be applicable to all Federal programs as they relate to cutting off aid to an individual student convicted of substantively disrupting a university campus. I commend the gentleman from Pennsylvania for having offered an amendment that is identical to that in the NASA bill so that at the very least the institutions of higher education which work with NASA and the National Science Foundation will be operating on the same basis and will not become more confused by a proliferation of so-called student unrest amendments. I have said before it seems to me we have a legitimate reason, in operating the Federal Government, to cut off aid to individual students. This amendment, while I regret the necessity of having it even considered, does not go so far as some have suggested in cutting off aid to an institution.

I want to indicate my concern, however, over the provisions of the amendment, particularly the fact that no termination date is provided for the cutoff so that a student again would be eligible for assistance. Section 504 of the Higher Education Act, as the Committee knows, provides for 2 years.

In addition, Secretary Finch of HEW has correctly pointed out the difficulty with the "court of competent jurisdiction" language which makes for unequal treatment of students of the same age in Wisconsin and California, for example.

I would much prefer that this language not be included in this authorization but, because this amendment is identical with the NASA amendment, it seems to me appropriate for this body to consider it at this time.

When that NASA bill was before the House an effort to delete this kind of provision was rejected overwhelmingly. With so few Members on the floor at this moment, I expect the amendment offered by the gentleman from Pennsylvania (Mr. FULTON) will be adopted. I am saddened by that prospect, Mr. Chairman, and again reiterate my hope that one set of standards will be adopted that apply to all Federal programs so as to stop this procedure of adopting separate amendments to each and every bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FULTON).

The amendment was agreed to.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have followed this authorization "after the fact," with great interest. In fact, I want to compliment the committee, because I remember when it garnered power unto itself in order to make a line-item review of the authorization of all these different research areas, under the National Science Foundation.

I am one of those who have studied the reorganization of the Congress, served on the House-Senate joint commission, and one who thinks that all committees have a supervisory, surveillance, and review function over the executive branches of the Government, whether they be individual agencies or Cabinet or departmental branches. I believe we should analyze and authorize on an each-year—or at the minimum on each congressional—basis; by line item, their authorizations and then have the subsequent action of the operating committee to appropriate funds therefor.

Therefore, I compliment the committee and the subcommittee on this historical first authorization of the appropriations for the National Science Foundation.

I suppose, basically because I am a scientist, I am much concerned about the fact that we are controlling directly or indirectly more and more of the elements of parallel or vertical research that goes on by Government agencies. It is a known fact that those who produce technical breakthroughs based on research, development, testing and engineering do equally as well in the 18-percent private sector as they do in the 82-percent Government-controlled sector. Perhaps this is because we in Congress fear "sacred cows" and strangle the scientific agencies with directed research funds. This should concern us as a matter of national interest, in my opinion.

By the same token, I am sure one must be concerned by the possibility of duplication and overlapping. As the distinguished chairman of the subcommittee, our good friend (Mr. DADDARIO) said, the necessity of research must at times be duplicative in its concept and in its development. This is not always bad. Some of the greatest discoveries of mankind have been predicated on redoing basic, applied, technical, or developmental research. There is no question about that in any scientific mind. But I am a little bit concerned about the duplicative effect of the National Science Foundation working directly under the chief of the executive branch, as well as it may be overseen by a distinguished committee such as this, lest it become as the Department of Defense has, a many-headed monster overseeing and duplicating programs and additive programs to those which are constitutionally allocated to the functioning branches of the Capital.

Mr. Chairman, here we have a bill for practically one-half billion dollars of authorization where if we study the applied research and the technical research, we find there are some very questionable areas. I can think of a few right off the cuff.

There are many of these research and development funds authorized wherein they are duplicated in the various defense agencies, whether they be the Army, Navy, Air Force, or others.

Indeed, there are some of these items that have been set forth here by this committee in its first authorization report, and on which it therefore has no comparison with prior authorizations, that are duplicative in an extent somewhat even with the NASA authorizations themselves.

Certainly a specific example could be dredged up in some of the scientific research areas authorized here vis-a-vis the Department of HEW, which I believe, outside of the Department of Defense, is our biggest authorizing bill for research and development, and particularly involving the National Institutes of Health.

A simple reading of the committee's report will give some danger of duplication over and above the essential duplication of research if one reads it carefully.

Then, as an added example there is the example of the authorization here for the appropriation for oceanography. Now, we get at oceanography in many different ways in this Congress. Those of use who study it and look at it from a scientific point of view know that, for example, our Navy is authorized to invest——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(By unanimous consent, Mr. HALL was allowed to proceed for 2 additional minutes.)

Mr. HALL. Mr. Chairman, the Navy is authorized to invest and fund 76 percent of all oceanographic studies. There is a separate Institute on Oceanography, it is chaired by the Navy. Then we have the Oceanographic Institutes. I believe there is one in San Diego, and I think there is one additional one which we use as a laboratory, and which we fund in authorized appropriations for consultation to the Oceanographic Institute, and the intergovernmental oceanographic agencies.

To go on down the list here is perhaps useless. I think I have made my point, and I simply throw out a warning that in the blessed name of science and research, and in spite of the importance and need of garnering unto ourselves line item review of essential projects—and I compliment the committee for doing that—that we constantly be alert less we do invade the jurisdiction of other committees, but even more so that we double expenses from the taxpayers' pocket in research that redownds without producing benefit.

I believe that one cannot go further this time, although one can continue going through item by item as, indeed, I have in the report, and marked pluses or minuses on every one of the authorizations that are set out here, I think it serves no purpose except to alert and put on notice those who have garnered unto themselves that they must at all expenses avoid duplication, additive work, unnecessary research that overlaps, and, above all, read history to see if the needed knowledge is available before the research is authorized.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, I would like to compliment the gentleman on making an excellent point. Our Committee on Science and Astronautics has tried to prevent overlap, particularly in the Department of Defense, and the National Institutes of Health, and some progress has been made by the new Secretary of the Air Force. We have been so much opposed toward putting a program under the DOD and the Air Force for a manned orbiting laboratory, and then a program of very similar nature under NASA for a manned orbiting workshop. That manned orbiting laboratory program has now been canceled. I believe we should go forward, as the gentleman said, and make sure on these line-by-line items that we will provide adequate research but no duplication.

Mr. HALL. Mr. Chairman, I thank the gentleman for his contribution. I would only add one sentence, and that is that the statement of the gentleman from Pennsylvania is true if, it is within the bounds of military security, which cannot be here discussed.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. CHARLES H. WILSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10878) to authorize appropriations for activities of the National Science Foundation, and for other purposes, pursuant to House Resolution 475, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced the ayes appeared to have it.

Mr. FULTON of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 384, nays 5, not voting 42, as follows:

[Roll No. 207]

YEAS—384

Abernethy
Adair
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers

Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Schadeberg
Scherle
Scheuer
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—5

Devine
Gross
Hall
O'Konski
Saylor

NOT VOTING—42

Abbitt
Albert
Anderson, Tenn.
Berry
Bingham
Brasco
Brooks
Brown, Calif.
Burton, Utah
Cahill
Carey
Chisholm
Cunningham
Davis, Wis.
Dawson
Denney
Flynt
Foreman
Goldwater
Halpern
Harrington
Hastings
Hébert
Howard
Kee
Kirwan
Landgrebe
Lipscomb
McClure
Mann
Pelly
Powell
Rees
Rhodes
Rosenthal
St. Onge
Schneebeli
Stephens
Stuckey
Tunney
Whalley
Yatron

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.
Mr. Brasco with Mr. Halpern.
Mr. Albert with Mr. Berry.
Mr. Kirwan with Mr. Schneebeli.
Mr. Tunney with Mr. Pelly.
Mr. Corey with Mr. Cahill.
Mr. St. Onge with Mr. Burton of Utah.
Mr. Rosenthal with Mr. Whalley.
Mr. Howard with Mr. Cunningham.
Mr. Abbott with Mr. Landgrebe.
Mr. Anderson of Tennessee with Mr. Denney.
Mr. Brooks with Mr. Davis of Wisconsin.
Mr. Flynt with Mr. Foreman.
Mr. Brown of California with Mr. Hastings.
Mr. Mann with Mr. Goldwater.
Mr. Stuckey with Mr. Lipscomb.
Mr. Yatron with Mr. McClure
Mr. Rees with Mr. Powell.
Mr. Harrington with Mrs. Chisholm.
Mr Kee with Mr. Dawson.
Mr Bingham with Mr. Stephens.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. DADDARIO. Mr. Speaker, I ask unanimous consent for the immediate consideration of S. 1857, to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81–507, as amended, a Senate bill similar to that just passed by the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1970, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $487,150,000.

Sec. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligations, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

Sec. 3. Section 14 of the National Science Foundation Act of 1950, as amended by Public Law 90–407 (82 Stat. 360), is amended by adding to the end thereof the following new subsection:

"(i) Notwithstanding any other provision of law, the authorization of any appropriation to the Foundation shall expire (unless an earlier expiration is specifically provided) at the close of the third fiscal year following the fiscal year for which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made."

Sec. 4. Appropriations made pursuant to this Act may be used, but not to exceed $2,500, for official reception and representation expenses upon the approval or authority of the Director, and his determination shall be final and conclusive upon the accounting officers of the Government.

Sec. 5. In addition to such sums as are authorized by section 1 hereof, not to exceed $3,000,000 is authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

Sec. 6. Nothwithstanding any provision of the National Science Foundation Act of 1950, or any other provision of law, the Director of the National Science Foundation shall keep the Committee on Science and Astronautics of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

Sec. 7. This Act may be cited as the "National Science Foundation Act Amendments of 1969."

AMENDMENT OFFERED BY MR. DADDARIO

Mr. DADDARIO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DADDARIO: Strike out all after the enacting clause of the bill S. 1857 and insert in lieu thereof the provisions of H.R. 10878, as passed, as follows:

"That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1970, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $474,305,000.

"Sec. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

"Sec. 3. Appropriations made pursuant to this Act may be used, but not to exceed $2,500, for official reception and representation expenses upon the approval or authority of the Director, and his determination shall be final and conclusive upon the accounting officers of the Government.

"Sec. 4. In addition to such sums as are authorized by section 1 hereof, not to exceed $3,000,000 is authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

"Sec. 5. Notwithstanding any other provision of law, the authorization of any appropriation to the National Science Foundation shall expire (unless an earlier expiration is specifically provided) at the close of the first fiscal year following the fiscal year in which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made.

"Sec. 6. Notwithstanding any provision of the National Science Foundation Act of 1950, or any other provision of law, the Director of the National Science Foundation shall keep the Committee on Science and Astronautics of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

"Sec. 7. If any institution of higher education determines, after affording notice and opportunity for hearing to an individual attending or employed by such institution—

"(a) that such individual has, after the date of the enactment of this act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution; or

"(b) that such individual has been con-

XUM

victed in any Federal, State, or local court of competent jurisdiction of inciting, promoting, or carrying on a riot, or convicted of any group activity resulting in material damage to property, or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned;

then the institution shall deny any further payments to or for the benefit of such individual which (but for this section) would be due or payable to such individual and no part of any funds appropriated pursuant to this Act shall be available for the payment of any amount (as salary, as a loan or grant, or otherwise) to such individual.

"Sec. 8. This Act may be cited as the "National Science Foundation Authorization Act, 1970."

Amend the title so as to read: "An Act to authorize appropriations for activities of the National Science Foundation, and for other purposes."

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize appropriations for activities of the National Science Foundation, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 10878) was laid on the table.

GENERAL LEAVE

Mr. **DADDARIO**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The **SPEAKER**. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ELECTION TO STANDING COMMITTEE

Mr. **GERALD R. FORD**. Mr. Speaker, I offer a privileged resolution (H. Res. 571) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 571

"*Resolved*, That Charlotte T. Reid, of Illinois, be and she is hereby elected a member of the standing committee of the House of Representatives on Standards of Official Conduct."

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING SUBCHAPTER III OF CHAPTER 83, TITLE 5, UNITED STATES CODE—CIVIL SERVICE RETIREMENT

Mr. **DANIELS** of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9825) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That this Act may be cited as the "Civil Service Retirement Amendments of 1969".

TITLE I—CIVIL SERVICE RETIREMENT FINANCING

Sec. 101. Section 8331 of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (15);

(2) by striking out the period at the end of paragraph (16) and inserting a semicolon in lieu thereof; and

(3) by adding immediately below paragraph (16) the following new paragraphs:

"(17) 'normal cost' means the entry-age normal cost computed by the Civil Service Commission in accordance with generally accepted actuarial practice and expressed as a level percentage of aggregate basic pay;

"(18) 'Fund balance' means the sum of—

"(A) the investments of the Fund calculated at par value; and

"(B) the cash balance of the Fund on the books of the Treasury; and

"(19) 'unfunded liability' means the estimated excess of the present value of all benefits payable from the Fund to employees and Members and former employees and Members, subject to this subchapter, and to their survivors, over the sum of—

"(A) the present value of deductions to be withheld from the future basic pay of employees and Members currently subject to this subchapter and of future agency contributions to be made in their behalf; plus

"(B) the present value of Government payments to the Fund under section 8348(f) of this title; plus

"(C) the Fund balance as of the date the unfunded liability is determined.".

Sec. 102. (a) Section 8334 of title 5, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) (1) The employing agency shall deduct and withhold 7 percent of the basic pay of an employee, 7½ percent of the basic pay of a Congressional employee, and 8 percent of the basic pay of a Member. An equal amount shall be contributed from the appropriation or fund used to pay the employee or, in the case of an elected official, from an appropriation or fund available for payment of other salaries of the same office or establishment. When an employee in the legislative branch is paid by the Clerk of the House of Representatives, the Clerk may pay from the contingent fund of the House the contribution that otherwise would be contributed from the appropriation or fund used to pay the employee.

"(2) The amounts so deducted and withheld, together with the amounts so contributed, shall be deposited in the Treasury of the United States to the credit of the Fund under such procedures as the Comptroller General of the United States may prescribe. Deposits made by an employee or Member also shall be credited to the Fund."; and

(2) by amending subsection (c) to read as follows:

"(c) Each employee or Member credited with civilian service after July 31, 1920, for which retirement deductions or deposits have not been made, may deposit with interest an amount equal to the following percentages of his basic pay received for that service:

"Percentage of basic pay:

Employee:	*Service period*
2½	August 1, 1920, to June 30, 1926.
3½	July 1, 1926, to June 30, 1942.
5	July 1, 1942, to June 30, 1948.
6	July 1, 1948, to October 31, 1956.
6½	November 1, 1956, to December 31, 1969.
7	After December 31, 1969.
Member or employee for congressional employee service:	
2½	August 1, 1920, to June 30, 1926.
3½	July 1, 1926, to June 30, 1942.
5	July 1, 1942, to June 30, 1948.
6	July 1, 1948, to October 31, 1956.
6½	November 1, 1956, to December 31, 1969.
7½	After December 31, 1969.
Member for Member service:	
2½	August 1, 1920, to June 30, 1926.
3½	July 1, 1926, to June 30, 1942.
5	July 1, 1942, to August 1, 1946.
6	August 2, 1946, to October 31, 1956.
7½	November 1, 1956, to December 31, 1969.
8	After December 31, 1969.

Notwithstanding the foregoing provisions of this subsection, the deposit with respect to a period of service referred to in section 8332 (b)(6) of this title performed before January 1, 1969, shall be an amount equal to 55 percent of a deposit computed in accordance with such provisions.".

(b) The amendment made by subsection (a)(1) of this section shall become effective at the beginning of the first applicable pay period beginning after December 31, 1969.

Sec. 103. (a) Section 8348 of title 5, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) There is a Civil Service Retirement and Disability Fund. The Fund—

"(1) is appropriated for the payment of—

"(A) benefits as provided by this subchapter; and

"(B) administrative expenses incurred by the Civil Service Commission in placing in effect each annuity adjustment granted under section 8340 of this title; and

"(2) is made available, subject to such annual limitation as the Congress may prescribe, for any expenses incurred by the Commission in connection with the administration of this chapter and other retirement and annuity statutes."; and

(2) by striking out subsections (f) and (g) and inserting in lieu thereof:

"(f) Any statute which authorizes—

"(1) new or liberalized benefits payable from the Fund, including annuity increases other than under section 8340 of this title;

"(2) extension of the coverage of this subchapter to new groups of employees; or

"(3) increases in pay on which benefits are computed;

is deemed to authorize appropriations to the Fund to finance the unfunded liability created by that statute, in 30 equal annual installments with interest computed at the rate used in the then most recent valuation of the Civil Service Retirement System and with the first payment thereof due as of the end of the fiscal year in which each new or liberalized benefit, extension of coverage, or increase in pay is effective.

"(g) At the end of each fiscal year, the Commission shall notify the Secretary of the Treasury of the amount equivalent to (1) interest on the unfunded liability computed for that year at the interest rate used in the then must recent valuation of the System, and (2) that portion of disbursement for annuities for that year which the Commission estimates is attributable to credit allowed for military service. Before closing the accounts for each fiscal year, the Secretary shall credit to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated, the following percentages of such amounts: 10 percent for 1971; 20 percent for 1972; 30 percent for 1973; 40 percent for 1974; 50 percent for 1975; 60 percent for 1976; 70 percent for 1977; 80 percent for 1978; 90 percent for 1979; and 100 percent for 1980 and for each fiscal year thereafter. The Commission shall report to the President and to the Congress the sums credited to the Fund under this subsection.".

(b)(1) The provisions of subsection (g) of section 8348 of title 5, United States Code, as contained in the amendment made by subsection (a)(2) of this section, shall become effective at the beginning of the fiscal year which ends on June 30, 1971.

(2) Paragraph (1) of this subsection shall not be held or considered to continue in effect after the enactment of this Act the provisions of section 8348(g) of title 5, United States Code, as in effect immediately prior to such enactment.

Sec. 104. Section 1308(c) of title 5, United States Code, is amended by striking out "on a normal cost plus interest basis".

Sec. 105. The proviso under the heading "Civil Service Commission" and under the subheading "Payment to Civil Service Retirement and Disability Fund" in title I of the Independent Offices Appropriation Act, 1962 (75 Stat. 345; Public Law 87–141), is repealed.

TITLE II—CIVIL SERVICE RETIREMENT BENEFITS

Sec. 201. (a) Paragraph (4)(A) of section 8331 of title 5, United States Code, is amended to read as follows:

"(A) over any 3 consecutive years of creditable service or, in the case of an annuity under subsection (d) or (e)(1) of section 8341 of this title based on service of less than 3 years, over the total service; or".

(b) Subsection (c) of section 8333 of title 5, United States Code, is amended to read as follows:

"(c) A Member or his survivor is eligible for an annuity under this subchapter only if the amounts named by section 8334 of title 5 have been deducted or deposited with respect to his last five years of civilian service, or, in the case of a survivor annuity under section 8341(d) or (e)(1) of this chapter, with respect to his total service."

Sec. 202. Subsection (g) of section 8334 of title 5, United States Code, is amended—

(1) by striking out the word "or" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding the following new paragraph immediately below paragraph (4):

"(5) days of unused sick leave credited under section 8339(m) of this title.".

Sec. 203. Section 8339 of title 5, United States Code, is amended—

(1) by striking out of subsection (b) the words "so much of his service as a Congressional employee and his military service as does not exceed a total of 15 years" and inserting in lieu thereof "his service as a Congressional employee, his military service not exceeding 5 years,";

(2) by amending subsection (c)(2) to read as follows:

"(2) his Congressional employee service;";

(3) by striking out the last full sentence of subsection (f);

(4) by striking out "(excluding any increase because of retirement under section 8337 of this title)" in subsection (i); and

(5) by adding at the end thereof the following new subsection:

"(m) In computing any annuity under subsections (a)–(d) of this section, the total service of an employee who retires on an immediate annuity or dies leaving a survivor or survivors entitled to annuity includes, without regard to the limitations imposed by subsection (e) of this section, the days of unused sick leave to his credit under a formal leave system, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter.".

Sec. 204. (a) Subsection (b) of section 8340 of title 5, United States Code, is amended by inserting "1 percent plus" immediately after the word "by".

(b) Subsection (c)(2) of such section is amended to read as follows:

"(2) For the purpose of computing the annuity of a child under section 8341(e) of this title that commences on or after the first day of the first month that begins on or after the date of enactment of the Civil Service Retirement Amendments of 1969, the items $900, $1,080, $2,700, and $3,240 appearing in section 8341(e) of this title shall be increased by the total percent increases allowed and in force under this section on or after such day and, in case of a deceased annuitant, the items 60 percent and 75 percent appearing in section 8341(e) of this title shall be increased by the total percent allowed and in force to the annuitant under this section on or after such day."

Sec. 205. The provisions of subsection (b)(1), (d)(3), and (g) of section 8341 of title 5, United States Code, also shall apply in the case of any widow or widower—

(1) of an employee who died, retired, or was otherwise finally separated before July 18, 1966;

(2) who shall have remarried on or after such date; and

(3) who, immediately before such remarriage, was receiving annuity from the Civil Service Retirement and Disability Fund;

except that no annuity shall be paid by reason of this section for any period prior to the enactment of this section. No annuity shall be terminated solely by reason of the enactment of this section. Notwithstanding the prohibition contained in the first sentence of this section on the payment of annuity for any period prior to the enactment of this section, in any case in which the Civil Service Commission determines that—

(1) the remarriage of any widow or widower described in such sentence was entered into by the widow or widower in good faith and in reliance on erroneous information provided by Government authority prior to that remarriage that the then existing survivor annuity of the widow or widower would not be terminated because of the remarriage; and

(2) such annuity was terminated by law because of that remarriage;

then payment of annuity may be made by reason of this section in such case, beginning as of the effective date of the termination because of the remarriage.

Sec. 206. (a) The first sentence of subsection (d) of section 8341 of title 5, United States Code, is amended to read as follows: "If an employee or Member dies after completing at least 18 months of civilian service, the widow or dependent widower of the employee or Member is entitled to an annuity equal to 55 percent of an annuity computed under section 8339 (a)–(e) and (h) of this title as may apply with respect to the employee or Member, except that in the computation of the annuity under such section, the annuity of the employee or Member shall be at least the smaller of (i) 40 percent of his average pay, or (ii) the sum obtained under such section after increasing his service of the type last performed by the period elapsing between the date of death and the date he would have become 60 years of age."

(b) Subsection (e)(1) of such section is amended to read as follows:

"(e)(1) If an employee or Member dies after completing at least 18 months of civilian service, or an employee or Member dies after retiring under this subchapter, and is survived by a spouse, each surviving child is entitled to an annuity equal to the smallest of—

"(A) 60 percent of the average pay of the employee or Member divided by the number of children;

"(B) $900; or

"(C) $2,700 divided by the number of children; subject to section 8340 of this title. If the employee or Member is not survived by a spouse, each surviving child is entitled to an annuity equal to the smallest of—

"(i) 75 percent of the average pay of the employee or Member divided by the number of children;

"(ii) $1,080; or

"(iii) $3,240 divided by the number of children; subject to section 8340 of this title."

Sec. 207. (a) The amendments made by sections 201, 202, 203, and 206(a) of this Act shall not apply in the cases of persons retired or otherwise separated prior to the date of enactment of this Act, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such sections had not been enacted.

(b) The amendments made by section 204(a) of this Act to section 8340 of title 5, United States Code, shall apply only to annuity increases which become effective under such section 8340 after the date of enactment of this Act.

(c)(1) The amendment made by section 206(b) of this Act shall become effective on the first day of the first month which begins on or after the date of enactment of this Act.

(2) The annuity of each surviving child who, immediately prior to the effective date of such amendment is receiving an annuity under section 8341(e) of title 5, United States Code, or under a comparable provision of any prior law, or who hereafter becomes entitled to receive annuity under the Act of May 29, 1930, as amended from and after February 28, 1948, shall be recomputed effective on such date, or computed from commencing date if later, in accordance with such amendment. No increase allowed and in force prior to such date shall be included in the computation or recomputation of any such annuity. This paragraph shall not operate to reduce any annuity.

Mr. DANIELS of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the Senate amendment be dispensed with and that it be printed in the Record.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey (Mr. Daniels)?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I do so in order that we may have an explanation of the action of the other body with respect to this legislation and to ask a few questions of the gentleman from New Jersey.

Particularly, Mr. Speaker, I would like to know what additional benefits the other body put into this bill and whether the costs of the additional benefits are covered?

Mr. DANIELS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. DANIELS of New Jersey. I shall be happy to explain.

The Senate amended the House bill, H.R. 9825, by striking all language following the enacting clause and inserting the language of S. 2754, as amended.

The Senate amendment retains all of the provisions of the House-passed bill, except minor technical and perfecting changes. Exclusive of the liberalized survivor provisions and additional funding mechanism added by the Senate amend-

XUM

ment, the only substantive change in the House-passed version is with respect to the rate of contribution applicable to Members of Congress. The House version continues the Members' contribution rate at the present 7.5 percent whereas the Senate version raises it to 8 percent—no attempt being made in the Senate to retain the rate of 7.5 percent.

The Senate amendment made changes in other respects, as to costs of crediting military service, surviving spouses' benefits, and surviving children's benefits.

With respect to costs, the total contributions will amount to 14 percent, and under the Senate-passed amendments the normal costs will come to 13.98 percent, leaving a surplus of 0.02 percent.

Under the present cost operating system, normal costs come to 13.86 percent and, by virtue of the change made by the State, the normal cost will be reduced by 0.22 percent so that the new normal cost of present benefits comes to 13.64 percent.

However, the House provisions would add thirteen one-hundredths of 1 percent and, by virtue of the liberalized benefits added by the Senate, which amount to twenty-one one-hundredths of 1 percent, we arrive at a total new normal cost of 13.98 percent of payroll, which is 0.01 percent under the House-passed bill.

The Senate amendment to title I provides that the cost of crediting military service be financed by annual transfers from the Treasury, out of money not otherwise appropriated, to the retirement fund in the same manner as it is proposed to finance the interest on the existing unfunded liability. Ten percent of such costs would begin to be paid starting in 1971, increasing by an additional 10 percent each year until, in 1980 and thereafter, the total costs would be funded by direct transfer. These payments would begin at about $10 million, rise proportionately over the next 20 years, and peak at approximately $300 million. Thereafter, these costs will gradually decline to a relatively negligible amount since military service performed after 1956 will, generally, be creditable under the social security system. By so funding, the normal cost of the benefit structure of the civil service retirement system will be reduced by 0.22 percent of payroll, reducing present normal cost from 13.86 percent to 13.64 percent. It will also result in reducing the system's unfunded liability by $4.7 billion.

Under existing law an employee who retires on disability—after completing at least 5 years of service—is guaranteed a minimum benefit of the smaller of (A) 40 percent of the average salary or (B) the rate obtained under the general formula after increasing the actual service by the time remaining between the date of disability retirement and the attainment of age 60, if either (A) or (B) produces a greater rate than is earned by virtue of his actual service. However, the law stipulates that such guaranteed rate is payable only to the disabled employee, and is not applicable in determining his spouse's survivor rate. Her benefit is 55 percent of only his earned rate. The Senate amendment removes the latter restriction, and extends to the surviving spouse an annuity based upon the higher guaranteed minimum benefit, where applicable.

Under existing law the spouse and children of an employee have survivor protection only in the event of his death after completing at least 5 years' of service. The Senate amendment would provide such protection upon the employee's death occurring after a total of 18 months of service—similar to the minimum coverage requirement of the social security system.

The amendment extends to the surviving children of such short-term decedents the same dollar benefits provided to children of over-5-years employees. However, its greatest effect is with respect to the spouse's benefit. It grants to the eligible spouse the same computation formula extended to the spouse of a disability retiree; that is, her rate would be computed on the basis of 55 percent of a guaranteed minimum disability benefit, if it exceeds the basic earned annuity. In other words, the basic rate would be determined as though the employee had retired on disability as of the date of his death in active service.

Present law grants basic survivor annuity benefits to eligible children of the smallest of: First, $50 per month per child, second, $150 per month divided by the number of children, or third, 40 percent of the employee's average salary. Orphaned children's basic rates are, respectively: First, $60 per month per child, second, $180 per month divided by the number of children, or third, 50 percent of the average salary, whichever is smallest. These basic rates are subject to all automatic cost-of-living adjustments occurring since 1965. Generally, the current maximum monthly rates are $61 and $183 for children with one parent, and $72 and $216 for orphans.

The Senate amendment proposes a fresh start principle by increasing the respective children's basic amounts of $50, $150, and 40 percent to $75, $225, and 60 percent, and orphan's basic amounts of $60, $180, and 50 percent, respectively, to $90, $270, and 75 percent. In application the present actual average rates of $61 and $183 would be increased to $75 and $225; the present actual average rates of $72 and $216 would be increased to $90 and $270; and these new basic rates would be further increased by the percentage of all future cost-of-living increases.

Mr. GROSS. Mr. Speaker, I thank the gentleman for his explanation and say to Members of the House that I am still opposed to some provisions of this bill, but if I read the signs correctly—and I believe I do—there is no point in going to conference with it.

I accept the fate of having been defeated on this issue when the measure was originally before the House. I said then, as I now reiterate, that this legislation had the original worthy purpose of bringing order out of chaos in the funding of the Government employees retirement fund, but was then converted into a Christmas tree with goodies for almost everyone.

Let me repeat my belief that it would be futile to attempt to overturn in a conference the action of the House and Senate. However, I still strongly oppose enactment of this legislation in its present form.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from New Jersey?

Mr. DERWINSKI. Mr. Speaker, reserving the right to object. The gentleman from New Jersey has made an explanation, but like my distinguished colleague, the gentleman from Iowa, I recognize the facts of life and feel that there is no further point in debating this bill except merely to clarify some things for the Members. Does the gentleman have any idea as to what cost will now be attributed to the high 3-year-service feature, calculated as to the impact on immediate retirement of many people in the service? Does the gentleman have any figures to show the possibilities in that area?

Mr. DANIELS of New Jersey. I understand a number of people will be retiring shortly after enactment of the bill, if that be the will of the President. I have received many, many inquiries from Members as to the status of this bill, both after the House passed it and while action was pending thereon in the Senate, and since last week when the Senate passed this bill. I believe there will be a considerable number who will retire. This bill will save, perhaps, the administration some embarrassment of firing people to cut back defense spending. Because by people retiring, it will also open the doors for many young people to come into the Government service, and for younger employees to move up the ladder.

Mr. DERWINSKI. It is not my purpose to go into unnecessary speculation about the acts of this administration unless we in Congress exercise some leadership in this bureaucracy in doing away with many of the programs we have started. But like the gentleman from Iowa, I feel that the Senate version is an improvement on the bill passed in the House. I think the gentleman from New Jersey is correct in recommending that we accept the Senate version.

Mr. Speaker, now that the Senate has worked its will on the civil service retirement bill, H.R. 9825, and it is obviously moving toward enactment, I would be delinquent if I did not make some observations which I feel are pertinent at this point.

I first want to commend our distinguished colleagues in the other body for improving in two instances a bill which I did not favor as it passed the House. One improvement is the increase from 7½ percent to 8 percent of the retirement deduction rate for Members of Congress. Fairness dictates that if we insist that all other Federal employees pay an additional one-half percent into the retirement fund that Members of Congress should do the same.

I also admire the Senate action in amending the bill so that costs attributable to the crediting of military service be financed annually by the same method as the financing of interest on the unfunded liability of the retirement fund. It was, after all, the idea of Congress to permit credit for military service and so the cost should not be charged to the fund as a whole, as it has in the past, but should be covered by annual payments by the Government.

I must, however, restate my strong disagreement with the provision remaining in the bill which permits retirement service credit for the calendar value of unused sick leave. This is a departure from the basic concept that has governed the use of sick leave since its inception in the Federal system. The basis for sick leave under our system is to insure against the loss of income during periods of illness. All employees have the same right to draw upon sick leave if necessary, but nothing is owed the employee who enjoys good health and does not have to draw upon his reserve. This sick leave provision, as it becomes law, will discriminate against the employee who happened to be burdened with illness.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. MICHEL. Mr. Speaker, further reserving the right to object, did I correctly understand the gentleman to say that under the bill about to be accepted, if it is, that our contribution as Members of Congress to the retirement fund will be increased from 7½ percent to 8 percent?

Mr. DANIELS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Your understanding is correct. Our contribution will be increased from 7½ percent to 8 percent, with the Government contributing a similar sum into the retirement fund.

Mr. MICHEL. Further reserving the right to object, I should like to make the observation that some of the newspapers at home carry front-page accounts about how we are raising our salary again, raising our annuities. I have been opposed, frankly, to liberalizing that 5-year high base to 3 years. Personally, I do not like to see the increase from 7½ percent to 8 percent. I am grateful for what I may get someday and I do not think it ought to be increased. The thought occurs to me that our late senior Senator, who died a few weeks ago, was a Member of this body and a Member of the other body since 1932, except for 2 years. Over that vast expanse of years he contributed to this retirement fund. In that particular kind of case, the Senator contributed into the fund for 37 years and died without realizing an annuity. Now his widow qualifies, as I understand the system, for a 55-percent survivorship of what the Senator earned, but if she is in the twilight of her years, she may never realize in benefits anywhere near the amount her husband had contributed to the fund. There is provision, I believe, for the balance of premiums paid in to go to one's estate, but that is it.

Certainly, it is not any real bonanza, when one considers the amount of the contributions over some 32 years.

Have there been any studies made of the number of senior Members of this body and the other body who die after contributing over a period of 20 or 30 or 40 years to this program and never fully realize what they paid for in their 7½ or now 8 percent of salary deductions?

Mr. DANIELS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, I agree with the gentleman from Illinois. There is no real bonanza for the Members of Congress.

Our subcommittee did not go into the particular subject matter the gentleman has discussed, but I understand another subcommittee did go into this matter in considering the retirement benefits for the civil employees of the Foreign Service. I am not familiar with what that study showed, but I fully agree with the gentleman, that there are no "bundles for Congress" in this bill, regardless of what the news media says.

Mr. MICHEL. Mr. Speaker, I am happy to hear the gentleman's response to that question.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I chaired the subcommittee that went into this matter. As I said before, during the debate on this bill earlier, this fund for Members of Congress, if it were separated out and stood alone, would show it has accumulated a bonanza for the Government, in spite of the fact that when it was passed everybody was blanketed in without any prior contributions or without having to go back and pay for prior years of service, and in spite of the fact that for about half the time or more of the time, the Government did not put its share of contributions in.

I do not recall the figure off the top of my head at this moment, but I think it was approximately $12 million or $16 million more which was paid in than has ever been paid out—and that in spite of the fact the Government did not make its contribution and in spite of the fact the people who were here in 1946, when it was passed, and who had been here for 20 or 30 or 40 years were blanketed in. So there has not been really any steal from the taxpayers at all.

Mr. MICHEL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

Mr. HOGAN. Mr. Speaker, I am very pleased to have been a cosponsor of this legislation which will resolve the financial crisis facing the retirement fund today. At the same time we are fulfilling an obligation long overdue our civil servants by committing the Government to maintaining the integrity of the civil service retirement fund and insuring that there will always be enough money in the fund to permit payment of all benefits—in full and on time—to all past, present, and future Federal employees.

I urge the Members of this body to give our Government workers one more vote of confidence by unanimously accepting the Senate amendments to H.R. 9225, permitting prompt transmittal of this measure to the President for his signature into law, a moment long awaited by civil service employees of the Fifth District of Maryland.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. DANIELS of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on H.R. 9825.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RESIGNATION AS MEMBER OF NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

The SPEAKER laid before the House the following communication, which was read:

OCTOBER 1, 1969.

Hon. JOHN W. McCORMACK,
Speaker of the House of Representatives,
The Capitol.

DEAR MR. SPEAKER: It is with regret that that I respectfully submit my resignation as a member of the National Commission on Reform of Federal Criminal Laws. As you know, Mr. Speaker, I do not plan to run for reelection to Congress and I think it appropriate that I be replaced at this time by another Member of the House of Representatives.

I enjoyed my service on the National Commission on Reform of Federal Criminal Laws with its distinguished Chairman, The Honorable Edmund G. Brown.

Sincerely,

DON EDWARDS,
Member of Congress.

APPOINTMENT AS MEMBER OF NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 89-801, the Chair appoints as a member of the National Commission on Reform of Federal Criminal Laws the gentleman from Illinois, Mr. MIKVA, to fill the existing vacancy thereon.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, I was absent from the House session on Monday, October 6, because of a death in our family in Buffalo, N.Y.

Had I been present and voting, I would have voted "yea" on rollcalls Nos. 203, 204, and 205. On rollcall 202, I would have voted "nay."

ANTI-INFLATION CAMPAIGN

(Mr. O'HARA asked and was given permission to address the House for 1

XUM

minute and to revise and extend his remarks.)

Mr. O'HARA. Mr. Speaker, on June 2, I read into the Record a newspaper article describing how the Advertising Council, an offshoot of the U.S. Chamber of Commerce, was hoping to launch an anti-inflation campaign to "condition the collective mind so that when something is done, they will know it to be in their best interests." The quote is from an official of the Advertising Council.

Well, this administration has been doing its best to fight inflation. And yesterday, the Bureau of Labor Statistics of the U.S. Department of Labor announced that unemployment had risen to its highest level in 2 years. The increase—equal to one-half of 1 percent of the entire labor force—was the biggest monthly increase since the last time the Republicans were in office.

We are told by the Washington Post:

> Some administration economists, most notably Assistant Treasury Secretary Murray L. Weidenbaum, viewed the increase in joblessness as evidence the Government's anti-inflation program is beginning to take hold.

Mr. Speaker, I do not think the people of this country have yet had their collective mind conditioned by the advertising council to the point where they are going to accept the administration's view that a little unemployment is good for you.

Prices continue to rise. The President opposes tax relief for the middle-income taxpayer, but supports more tax relief for those who already have most of the loopholes. The Federal Reserve Board continues with its policies of increasing the prices the banks can charge us to use our money.

Taken as a whole, Mr. Speaker, one can only agree with the Assistant Secretary of the Treasury. The administration's anti-inflation fight has indeed begun to "take hold."

It has begun to reduce full employment so that business can keep labor in line through fear of unemployment. It has begun to generate public pressure against domestic programs which might improve the position of those most in need. And it has done so without holding down prices and profits for the natural supporters of the Republican Party.

Mr. Speaker, I have a modest proposal. If increased unemployment is going to be sold to us as an anti-inflation measure, may I suggest that the unemployment start with the guy who thought up that argument?

RAILS, RULES, AND RUIN AT FORT ROBINSON

(Mr. ADAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, the problem of inadequate rail service for passengers was the subject of a special order last month and over 90 Members have joined with me in sponsoring a bill to authorize the Interstate Commerce Commission to require adequate standards of service on the Nation's passenger trains. This is a proposed solution to part of the whole problem of passenger train discontinuances, inadequate service, and the inability or unwillingness of the American railroad system to maintain passenger service.

One of the first Members to join with me on this bill was Representative Glenn C. Cunningham of Nebraska, and his experiences on the road to Fort Robinson on the Burlington Railroad should make interesting reading for all Members. I have obtained permission to include at the close of my remarks articles from the Wall Street Journal and the Washington Star which outlined what happened to Representative Cunningham when he tried to ride the train between Omaha, Nebr., and Billings, Mont.

Representative Cunningham was on his first vacation in 13 years. The train was stopped at Hemingford, Nebr., a community of 904 persons, 19 miles northeast of Alliance, the nearest bus connection. This was part of a prearranged plan by the railroad to discontinue this train before a further appeal could be taken by the passengers who were objecting to the stoppage of service.

I will leave it to Congressman Cunningham to explain his problems in greater detail when this bill comes before the Interstate and Foreign Commerce Committee of which he is a member. Congressman Cunningham has long been a strong supporter of the railroads of this country and I am certain that his remarks on this bill will have great weight with Members of the House.

The material referred to follows:

[From the Wall Street Journal, Aug. 21, 1969]

The Train Doesn't Stop Here Any More

It isn't especially pleasant to be stranded in Fort Robinson, Nebraska (pop.: 904), even if you happen to be a Congressman from Nebraska. And the upshot may not be entirely pleasant for the Chicago, Burlington & Quincy Railroad which, unwittingly, marooned Rep. Glenn Cunningham in the isolated hamlet.

The Burlington, you see, had been trying for years to discontinue a pair of trains that shuttle between Billings, Mont., and Omaha, Neb. According to the railroad the trains attracted so few passengers that they were costing the Burlington the not inconsiderable sum of $1 million a year.

Well, a Federal court finally authorized discontinuation of the service and, almost faster than you could say Chicago, Burlington & Quincy, the trains stopped. Passengers who happened to be aboard at the time were loaded onto buses to complete their journeys. And Mr. Cunningham, waiting at Fort Robinson with return ticket in hand, got the word that the train to Omaha would not stop there any more.

It's possible to sympathize with the railroad. Interstate Commerce Commission and court procedures, which govern not only the extent of passenger and freight service but also what the lines can charge for it, are so protracted that a railroad can go bankrupt before it gets remedial action.

If anything is to be done about this messy situation, however, cooperation will be necessary among the railroads, Congress and other branches of Government. Lately there has been a growing realization in Washington of the sorry state of mass transportation and a feeling that—no matter whose fault it is—the Federal Government is going to have to help find a solution.

As a matter of fact a House Commerce subcommittee has been looking into ICC procedures for several months. One member of the Commerce Committee, as the Burlington by now must be painfully aware, is Rep. Glenn Cunningham.

He Is ICC Monitor, Too: Lawmaker Stranded as Train Ends Run

(By Stephen M. Aug)

A move by the Burlington Railroad to take a train off the tracks before opposing lawyers could get to court to block it may have backfired. Without knowing it the railroad stranded—among others—a U.S. congressman in the middle of nowhere.

And the train was ordered right back on by the Supreme Court.

Among those stranded was Rep. Glenn C. Cunningham, R–Neb., a member of the House Interstate and Foreign Commerce Committee.

Coincidentally, the committee is the one which acts as watchdog over the Interstate Commerce Commission, whose ruling set in motion the events that permitted the Burlington to end train service.

Cunningham said it was his first vacation in 13 years—and he and his son, Glenn, Jr., 26, had gone fishing at Fort Robinson State Park near the Wyoming Border.

Reached at the fishing camp, Cunningham said "when I came in for lunch was the first time I knew they'd stopped the train. There's no buses, and unless somebody drives you down to Alliance, then you can take an airplane—but they have a lot of old-fashioned planes and I'm not going to ride on those darn things.

"I bought a round trip ticket and I want the satisfaction of coming up here and going back on the train," he said. Cunningham tried complaining to the ICC which had authorized to end the service last January.

The railroad, the full name of which is the Chicago, Burlington & Quincy, has been trying to discontinue for two years a pair of little known trains between Omaha, Neb., and Billings, Mont.—a sparsely settled area of the Midwest.

So when railroad lawyers learned a federal court in Cheyenne, Wyo., had authorized the end of the service they acted swiftly—stopped the train at a small western Nebraska community and unloaded 34 startled passengers, 200 sacks of mail and dozens of paychecks for railroad workers in Wyoming.

MAIL STRANDED, TOO

The passengers were loaded aboard buses for the rest of their trip—456 miles northwest to Billings—the mail was turned over to the Post Office at Alliance, Neb., and the paychecks were given to a railroad official to distribute.

A train that was to have headed east never left Billings, and railroad agents helped passengers aboard buses and planes.

As a result of the abrupt end of No. 41—and its eastbound counterpart, No. 42—dozens of prospective passengers, many holding return tickets, were left waiting at Burlington stations throughout Wyoming, Nebraska and Montana.

Cunningham said, he would seek some form of congressional action—but he wasn't certain what. "They're not going to get by with it," he said, adding, "this is such a shock to me I haven't figured out my maneuvers yet—but I'm going to do something."

A Commerce subcommittee has been looking into the Interstate Commerce Commission at least since last February.

The Burlington sought unsuccessfully last year to end the Omaha-Billings service—a daily round trip on which it says it loses $1 million a year because few passengers use the service.

Cunningham dispute this. "When we came out here that train was full. The pullman section from Omaha to Alliance was only about three-quarters full, but when we got off at Alliance and changed to a coach, that coach was jammed," he said.

In first rejecting the Burlington's plea, the ICC criticized the railroad for providing shoddy service on the line. But last January it decided the train could go.

INDIANS ON LIMB, TOO

Several cities in the three states, the Crow Indian Tribe, a citizens group and two labor unions appealed to federal court in Cheyenne. The court ruled late Wednesday and mailed its opinion to the parties.

A. M. Rung, director of Burlington's public relations, said the railroad's lawyers "had issued instructions to the operating department that when the order was received to halt the train at the nearest station."

He explained it was felt that if the train was discontinued immediately after the first federal court authorization, it could not be ordered back into service.

At 8:19 a.m. No. 41 pulled into Hemingford, Neb., a community of 904 persons 19 miles northeast of Alliance. Dale Ettle, president of the Citizens Voting League for the Retention of Passenger Train Service, said "the passengers were told that the train would not go on."

RAPID MOVES

So fast did the Burlington move that a lawyer for the opposition had no time to obtain a restraining order to stop the action. Gordon P. MacDougall of Washington, who is handling the case here, wired the Burlington he intended to appeal, and 15 minutes later filed his suit with the Supreme Court.

Justice Hugo E. Black handed down an order requiring the railroad to continue operating the train for 10 days or until Justice Byron R. White—who handles matters in the 10th circuit—has a chance to rule in the matter. White was out of town.

But that was nearly four hours later, and by then the train service had been halted.

Later in the day, a spokesman for the Burlington reported that train service would be resumed, and added that the railroad had "acted in good faith."

TRAIN A LOSER

Rung earlier said of the discontinuance, "Of course, we'd prefer not to do these things, but you've got to be realistic. If we hadn't terminated the train, it could have dragged on another year. It's losing a million dollars a year and it's averaging 12 passengers a mile. We can't operate our business that way." It was the first time Burlington had acted to end service so swiftly, Rung said.

There was some reaction from Capitol Hill, Sen. Cliff Hansen said through an aide that the sudden discontinuance "would appear to reflect poor judgment on the part of someone, to say the least."

Robert T. Cubbage, Burlington general counsel, said the railroad would restore the service "out of deference to the court, even though it seems it's going to be tremendously expensive."

Cubbage said he had had no idea an appeal would be made. "We were following a pattern we understood was appropriate. It seemed the reasonable thing because of our own financial problems."

Said Cunningham: "My goodness, if you're going to stop a train at least give the people 10 days or two weeks to adjust."

FUNDS FOR CURRENT EDUCATION PROGRAMS ON A CONTINUING BASIS

(Mr. COHELAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHELAN. Mr. Speaker, today I am introducing a joint resolution which will make available funds for current education programs on a continuing basis in accordance with action taken by the House on the Labor-HEW appropriations bill:

The HEW-Labor appropriations bill for fiscal year 1970, which was passed by the House some 2 months ago, is stalled in the Senate. From all reports, it looks as though it may be months before any action is taken by the other body.

We are well into the academic year. Education programs were started this year in full anticipation of the Federal funds provided in House-passed H.R. 13111. Further delay in releasing these funds, approved by this body, will only precipitate another crisis in an already critical situation.

During considerations of H.R. 13111, we put ourselves on the line as to whether or not we really favored an adequate education budget. We had to make the decision as to whether or not we really wanted better schools, better colleges, better research facilities or were we going to be satisfied with decaying school systems, overcrowded colleges, and underfunded research. We made the decision at that time by adding over $900 million to the HEW appropriation.

Education programs are now funded on a continuing resolution only to the level prescribed in the administration's revised budget estimates of April or the 1969 appropriation level, whichever is lower. This means that there are no Federal funds available for operating library programs in elementary and secondary schools and higher education programs; there are no funds for the matching grant equipment programs of title III, NDEA, and title VI of the Higher Education Act; there are no funds for the guidance, counseling, and testing provisions of title V, NDEA; there are no funds for the impact aid legislation, section (b) of Public Law 874. Grants to local educational agencies under title I, ESEA, the program for disadvantaged students, are now forced to operate below the budget estimates for fiscal year 1970. Cutbacks in vocational education must be made at this time because the 1969 funding level does not permit implementation of the 1968 set-asides simultaneously with the continuation of ongoing programs. Several higher education programs are similarly retarded as a result of funding cutbacks.

This resolution will merely fund education programs at the level this body already overwhelmingly agreed to. The present continuing resolution expires on October 31. This resolution is designed to supplement the existing resolution and allow our schools to operate at the funding level that we felt necessary when we voted on H.R. 13111 last July 31, and will be in effect only until the Senate completes final passage and the fiscal 1970 authorization is finally signed into law.

Mr. Speaker, this resolution before us today has the bipartisan cosponsorship of 182 Members. This broad base of support in itself is an expression of the importance of this joint resolution.

TREATMENT OF OUR PRISONERS OF WAR

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, I was honored to take part on September 17 in the discussion here in the House on the heartbreaking treatment of our POW's and those missing in action. I was pleased to see that the Armed Forces Journal in their issue of September 27 called attention to the attempt of the House to focus attention on this situation. The RECORD would not be complete without this report added to the colloquy and I include it in the RECORD today:

CONGRESS FOCUSES ON POW PROBLEM

The most celebrated personage on Capitol Hill, Wednesday, 17 September, was someone who was not physically present, the American Serviceman held by the North Vietnamese as a prisoner of war.

On that day, the Nixon Administration and the Democratic-controlled Congress joined in a bipartisan effort to galvanize American public opinion to remember its nearly 1400 so-called "forgotten men" who are POW's, and to bring world-wide pressure to bear on North Vietnam to live up its own ratification of the Geneva Convention provisions which prescribe civilized treatment of prisoners of war.

A concurrent resolution to this effect was introduced in both houses of Congress, and Defense Secretary Melvin R. Laird reiterated an earlier promise that the POW issue must be resolved prior to total U.S. pullout from Southeast Asia.

Although the POW issue has not been entirely dormant in Congress, only this year, apparently, have increasing numbers of House and Senate members spoken out against the barbaric and inhumane treatment being given American Servicemen languishing in North Vietnamese prisons.

The major manifestation of this feeling took place when the House, in a special order of business, devoted a major portion of its proceedings to hear member after member (some 150 in all) denounce the North Vietnamese violations.

Representative William L. Dickinson (R-Ala), a member of the Armed Services Committee (along with over 200 co-sponsors), introduced the resolution condemning the North Vietnamese for their uncivilized conduct and calling upon the President, the Department of State, DoD, other concerned agencies, the UN, and the peoples of the world to appeal to North Vietnam and the National Liberation Front to comply with requirements of the Geneva Convention.

North Vietnam and the Viet Cong are asked in the resolution to take the following immediate actions:

Identify the prisoners whom they hold.

Release the seriously sick and injured.

Permit impartial inspections of all POW facilities.

Permit the free exchange of mail.

Present in the House galleries during the long discussion of the POW resolution were approximately 350 wives and relatives of Servicemen listed by DoD as either prisoners of war (POW) or missing in action (MIA).

The obvious emotional impact on the legislators below was perhaps best measured by the fact that the House ban on gallery applause was repeatedly allowed to be breached as the wives clapped after each Representative's speech.

Representative Dickinson, however, while also noting the presence in the gallery of two of the three American POWs released by North Vietnam in July (Navy Lt Robert Frishman and Seaman Douglas Hegdahl) did not formally recognize them—in keeping with another parliamentary prohibition.

Later in the day the wives were honored at a reception attended by, among others, the Army and Air Force Chiefs of Staff, the Chief of Naval Operations, and General Lewis W. Walt, Assistant Commandant of the Marine Corps.

Despite the fact that Congress is now doing everything within its constitutional power to deal with the problem, all participants were careful not to raise false hopes. As Representative Dickinson pointed out: "There is little the Congress can do directly to recover our forgotten men."

Dickinson said he was personally going to send copies of the day's Congressional Record to the chief U.S. negotiator in Paris, Ambassador Henry Cabot Lodge, requesting that they be made available to Hanoi representatives.

"They can see for themselves what the Congress of the U.S. thinks of their claims of 'humane' treatment of Americans they hold captive," he commented. Congress also may—just to keep the heat of publicity on Hanoi—take other symbolic steps, two of which were suggested by other members of the Armed Services panel.

Representative William Whitehurst (R-Va) said he has suggested to the President that a national day of prayer be declared on behalf of the POWs.

And Representative Bob Wilson (R-Calif) urged his colleagues to support his request to the House Chaplain and Washington area ministers to sponsor a "pray-in" on the Capitol steps.

Wilson also requested the clergymen who lead the House in its opening daily prayer to consider a voluntary reference to American POWs.

The POW wives also got assurances of action from Defense Secretary Melvin R. Laird, who told a group of them that the U.S. will not abandon the men being held in North Vietnam, and that there will be no withdrawal of all U.S. troops from Southeast Asia until the prisoner of war matter is settled.

Laird assured the wives their husbands will not be "forgotten men."

DoD now has a team assigned to attempting to secure the release of the POWs and to continually reviewing information received regarding prisoner treatment. The team is headed by Assistant Secetary of Defense (International Security Affairs) Warren Nutter and Deputy Assistant Secretary of Defense (Public Affairs) Richard Capen.

DoD officials have personally met with nearly 1,400 wives, parents, and family members to assure flow of the high priority assigned the matter.

The latest Department Vietnam casualty statistics lists a total of 412 currently captured, and 929 as currently missing, for a total of 1341 missing and captured.

Some men have been in Communist prison camps for more than five years—longer than any U.S. Servicemen were held captive during WWII. Over 200 have been POWs longer than 3½ years.

Only nine (including Frishman and Hegdahl) have been released by the Communists, and all from the same prison camp.

The testimony of the two Navy men, according to Dickinson, "refutes in a graphic way the propaganda disseminated by North Vietnam that prisoners are treated humanely."

The claims of North Vietnam that the prisoners are "war criminals" and that it therefore is not bound by the Geneva Convention Treaty it ratified in 1957, according to Dickinson, is "a propaganda claim that will not stand close inspection."

The 21st International Conference of the Red Cross he pointed out—the highest governing body of that organization—has adopted a unanimous resolution completely rejecting North Vietnam's contentions and calling on all parties to abide by the obligations set forth in the convention.

The resolution clearly states that the Geneva Convention applies to each armed conflict between two or more parties without regard to how the conflict may be characterized.

"I suggest that the failure of North Vietnam and the Viet Cong to comply with the Geneva Convention," Dickinson declared, casts serious doubts on the validity of any agreement that might be reached at the Paris peace talks.

"Either the North Vietnamese will honor their formal commitments and keep their word, or else they are without honor and their word is no good."

THE PROPOSED MORATORIUM ON CRITICISM OF THE WAR IN VIETNAM

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, the war in Vietnam was a primary issue in the electing of a new President in 1968.

Who could best lead this Nation out of Vietnam? This was a principal question upon which the results of the election were to turn.

During the 1968 presidential campaign, candidate Richard M. Nixon told the American people that he had a plan for ending the war. While he did not detail or in general spell out his plan, he did indicate that it would bring the United States peace with honor.

It has been almost 9 months since President Nixon took office. While there has been some progress in the settlement of the war, no definite end is in sight or hinted.

The people of the Nation are growing more and more concerned that President Nixon's plan has not proceeded as hoped nor been as effective as desired.

Through these intervening months since Mr. Nixon's swearing-in, the Nation has adopted a wait-and-see attitude. While the wait has been long and there have been occasional encouraging signs, little progress is to be seen. As a result, the latent national discontent is growing more active.

President Nixon has indicated his concern that expression of opposition to the war in Vietnam indicates to the leaders in Hanoi a lack of resolve on our part to support present policies designed to end the fighting.

The President said on September 30:

> I think we're on the right course in Vietnam.

He also asserted:

> The war will end much sooner if we can have . . . a united front (in America) behind very reasonable proposals. If we have that united front, the enemy will then begin to talk.

In the wake of those statements the Senate minority leader, Mr. SCOTT, called for a 60-day moratorium on criticism of the war policies and peace efforts of the administration.

The implication here is, it seems to me, that such action would have a positive impact on Americans at Paris to move negotiations off dead center and toward a meaningful settlement of the war.

Mr. Speaker, after a great deal of thought I, for one, am willing to give the President the 60-day moratorium.

My initial reaction to the suggestion was negative. But on reflection it seems to me that 60 days is a reasonable time to ask if the administration feels it will help convince Hanoi that the time has come to negotiate an early end to the war.

Also, I feel very strongly that all criticism at all times should be bipartisan. Criticism of the war must not be used as a political club by any political party against this or any administration.

We have endured this war and suffered its consequences too long to turn down or consider a reasonable request. If the administration's spokesmen feel a 60-day moratorium will actually move us toward peace then this request is reasonable. I am willing to take the risk. At the same time I certainly reserve the right of every Member of Congress and every citizen to decide the issue according to the dictates of his own conscience.

SCLC PAYMENTS FOR RESURRECTION CITY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I was quite concerned, and even dismayed, last night when I heard over the news that the Federal Government had accepted a partial payment of only some $10,000 from the Southern Christian Leadership Conference as repayment for the mass destruction caused by the Poor People's March last year. This partial payment is only one-seventh of the amount of the bill presented to the SCLC and compares with over $325,000 in direct costs to the U.S. Government to repair the Mall and return it to its original state.

I am very thankful we passed a bill earlier this year to prohibit such unlawful activities as the camp-in on the Mall in the future. If it were not for that piece of legislation, I am afraid the Justice Department has set a very dangerous precedent of saying to protesters, "You have the right to destroy Government property and the Government will even pay for the destruction you cause." Of course, I am not convinced that the past administration even had the legal right to permit a camp-in on the Mall in the first place.

I would also point out that the over $325,000 in direct costs to the Government does not include over $1 million for additional police protection to protect the citizens of the Nation's Capital, nor millions of dollars in business lost by Washington merchants.

In making this settlement, the Justice Department stated that it was "in the best interest of the United States." I contend that it is not in the best interest of our Government to waive money legally owed the U.S. Treasury. I feel sure that if it had been you or I, or any individual taxpayer, owing this much money in back taxes, we would have been "hounded" to death by the Justice Department and would have a lien on every piece of property we owned.

Mr. Speaker, I regret very much that the Justice Department has set a double standard for collecting just debts due the Federal Government.

NATIONAL TRANSPORTATION SYSTEM

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, we have heard that the Department of Transportation, sometime by the end of the year, hopes to come forward with a comprehensive plan to coordinate more closely the separate aspects of our national transportation system. We urgently need a national transportation plan and policy.

I strongly endorse moves along this line, and hope we do see some firm recommendations on this, as well as prompt congressional consideration.

Historically, most all of the governmental regulatory agencies dealing with freight and transportation grew up in a time when our transportation needs were much simpler than they are today. When the Interstate Commerce Commission was established, there was no such thing as motorized freight or busing, and the kind of service offered by the railroads was on a simple point-to-point basis. Similar background surrounded the creation of the other regulatory agencies, including the Federal Maritime Commission, and the Civil Aeronautics Board.

Today, however, we do not, as a practical matter, see our transportation network merely as a series of separate pieces, each with their different rules or guidelines. Instead, we see freight systems in which containerized shipments may be handed from one carrier to another, from one mode to another. We see passenger transportation systems dependent on highway and high-speed rail transportation, and on the burgeoning aviation system.

In the field of commuter transportation, we still see cities struggling to develop their own program, frequently in areas divided by several jurisdictions. And recently, we have seen Government assistance in the form of urban mass transit grants, and the newly proposed program set out in the Public Transportation Assistance Act providing a tremendously expanded program for bus and rail transit.

At the same time, our commuter systems are generally based on highway networks which are expanding rapidly, but on the basis of projected needs which rarely account for alternative modes, or of how user patterns might shift if stronger emphasis were laid on other approaches.

In short, Mr. Speaker, we are seeking a tremendous growth in our transportation needs and capabilities, but, in my view, we are not providing adequate rational consideration to how we might improve our system through simplification and through technical and administrative developments.

I am convinced that a large part of the problem lies in the fact that our transportation programs are spread among so many government departments and agencies. As I mentioned earlier, the agencies include the ICC, CAB, and FMC, but the responsibility for coordinating these responsibilities is placed in DOT. At the same time, DOT administers all of the programs designed to promote commuter transit systems, and does all the planning and priority decisionmaking in connection with our highway system.

Mr. Speaker, I realize that these problems are generally caused by the fact that our system has simply grown piecemeal for the past 150 years, and that it would be impossible to change this pattern overnight. The creation of the Department of Transportation, in fact, was an important step in the direction of reform, but I still feel that more needs to be done.

In one important area dealing with freight shipments, I have sponsored legislation to facilitate and simplify the administrative problems which have developed. The Equipment Interchange Act, H.R. 8968, would provide a way to expedite containerized shipments which utilize more than one mode of transportation. The bill would permit carriers of different classes—rail, motor, water, and air—to obtain authority for agreements with a carrier or group of carriers in another class on the interchange of cargo containers, highway trailers, and related intermodal equipment. This would include establishment of procedures to determine per diem rates on such interchange equipment and the controlling regulations.

To assure that the agreements would not be subject to antitrust violation, the Equipment Interchange Act would grant immunity when such agreements were approved by a joint board composed of one member each from the ICC, FMC, and CAB.

I believe this approach would give us an important step in simplifying our administrative proceedings on those transactions which cut across the areas of more than one regulatory agency, and I would hope that we might see consideration given to something along these lines.

At the same time, I understand that the DOT, just within the next several days, is prepared to send Congress its own version of an expanded bill known in past Congresses as the Trade Simplification Act. According to earlier versions of this bill, it deals not only with the interchange of equipment, but also with the publication of joint rates, the issuance of single through bills of lading, and liability matters.

THE PACE OF THE NIXON RECESSION INCREASES

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, for several months I have been predicting a recession followed by a depression if the Federal Reserve tight-money, high-interest-rate policy continues and if the Nixon administration continues along its path of trying to curb inflation by running excessive budget surpluses, along with a severe tight-money, high-interest-rate policy.

There is no question, Mr. Speaker, that the objectives being sought by the administration—to plunge our economy into a severe recession—is well underway. Unemployment has increased to 4 percent—the highest rate of unemployment since the Republicans were last in power in 1960.

I am flabbergasted by some of the statements attributed to members of the Nixon administration. Apparently they have no compassion whatsoever for the man who has been thrown out of a job as a result of the administration's economic policies. One administration official, Assistant Secretary of the Treasury Murray Weidenbaum, expressed great pleasure at these economic indicators.

I guess there are some within the administration who, it would seem, believe that we are to shout with joy when people get thrown out of a job.

Mr. Speaker, I have no desire to make a partisan issue out of the plight of those who have been removed from productive employment. I know the President has a good memory and he should be the first to recall that the last time the monthly jobless rate rose as sharply as it did between August and September of this year was during the 1960 campaign. Mr. Speaker, the administration in power seems to want to assure that old biblical adage that "the poor shall always be with ye."

Mr. Speaker, the Democratic Party has always sought to create an economic situation whereby everyone in our society seeking employment could secure employment. This, to me, is one of the fundamental differences between the Democratic and Republican Parties.

I have no fear of the outcome of either the congressional elections of next year or the next presidential election. With policies of the Nixon administration, such as that which led to a 4-percent unemployment rate and which I predict will go higher, the Democratic Party has no problems. It is lamentable, indeed, however that as a result of his policy, millions of breadwinners will be thrown out of work and millions of families will suffer the plight of no paycheck to take care of their basic needs and desires.

IN SUPPORT OF THE PRESIDENT

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. WHITEHURST. Mr. Speaker, I was recently asked to write an article for the Young Republican newspaper at American University. Feeling as I do that President Nixon deserves firm support from all of us in his attempt to bring the Vietnam war to an honorable end and not be stampeded into surrender, I take the liberty of inserting my article in the RECORD in order that my colleagues may fully understand my position and my determination to support President Nixon:

IN SUPPORT OF THE PRESIDENT

(By William G. Whitehurst, Member of Congress)

I became a strong supporter of Richard Nixon in June, 1968, at the Candidates' Conference at the Marriott Motor Hotel. Prior to that time, I leaned toward one of the other Republican candidates, but after hearing Nixon speak to us on his proposed foreign policy for the United States. I became convinced that he, of all the candidates, had the best grasp of foreign affairs and I determined to support him.

Nothing has happened since that time to change my opinion. Indeed, what the President has said and done since his inauguration has reinforced my conviction. The President spoke in general terms of a world partnership of America and her allies instead of the paternal relationship which has existed since the end of World War II. He was emphatic in stressing the need for Asian allies to assume the burden for their defense against internal enemies, offering our assistance in the supply of necessary arms and ultimate defense against massive aggression from without. It is the kind of policy that should have been initiated over a decade ago, with the additional move of encouraging Japan to take a more active political role in the Far East.

This policy is currently hamstrung by the Vietnam morass, which the President inherited from his predecessor. The large American commitment in Vietnam represents more than the presence of a sizable military force engaged in a static defense of South Vietnam. It underscores the ability of the United States to place its armed forces in strength anywhere in the world, and just as important, its *willingness* to do so. Our presence in Vietnam is proof of the credibility of America as an ally and it is this credibility which is the cement of an alliance.

The critics, both Democrats and Republicans, who demand an end to the war, either immediately, or by December, 1970, destroy or would at least diminish the President's chance to decrease our participation in the war while at the same time maintaining that credibility. For if we are stampeded by the dissenters at home into a precipitate withdrawal, no free world political leader in Asia would count upon us as a source of strength. The SEATO alliance would be meaningless and more important, the hope to build the kind of partnership that the President envisions will be dashed. We will suffer an isolationism imposed from without in Asia for it is difficult to see what credence will be placed in our word by our Asian friends.

I do not ask that the war be escalated or that the current level of troop strength be indefinitely maintained. I do believe, however, that the President should be allowed more time to carry through disengagement in an orderly way, keeping the pressure on Hanoi to negotiate on a mutual basis. The impatience of his critics is reflected in deadlines, which in themselves are hard to defend. If they would have us out of Vietnam at any price, why not let it be done in 90 days? This would at least spare the lives of those who will be killed between now and the end of next year.

We have a responsibility to support President Nixon in this most difficult of all our national problems. He has announced his path and he has taken the first few steps along it. But if we join the chorus of those who bleat "Withdraw, Withdraw," we will surely help pin the label upon our leader as the first American President to lose a war and worse, we will abort the birth of a new Asian policy which holds so much promise for the future.

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FRELINGHUYSEN. Mr. Speaker, today's edition of the Washington Post contains a most thoughtful and perceptive column by its national political correspondent, David S. Broder. He writes of the problem of Presidential leadership and the war in Vietnam.

Mr. Broder, as many of us know, is presently a fellow at the Institute for Political Studies at Harvard University. His column, written from Cambridge, Mass., brings a new and refreshing perspective to the debate on the Vietnam war.

Mr. Broder presents a most intelligent interpretation of recent events bearing on the Vietnam war, and real insight into the motives of those who have been most vocal in their criticism of the conduct of the war, as well as President Nixon's efforts toward a scaling-down of the fighting.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield briefly to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, I associate myself with the remarks of the gentleman from New Jersey (Mr. FRELINGHUYSEN) in bringing to the attention of Members of this House this very good article. I hope Members of both bodies will take note of the importance at stake in this "Breaking of the President."

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman from Wisconsin.

Mr. Speaker, perhaps the most interesting—and the most disturbing—aspect of this article, Mr. Speaker, is a chilling description of what the future holds if those who have embarked on what Mr. Broder so aptly calls "The Breaking of the President" are successful.

Mr. Speaker, the column by Mr. Broder should be required reading for every Member of Congress. Indeed, Mr. Speaker, this should be required reading for every American.

The article follows:

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

(By David S. Broder)

CAMBRIDGE, MASS.—If there are any smart literary agents around these days, one of them will copyright the title "The Breaking of the President" for the next big series of nonfiction best-sellers. It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.

The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can readily be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like any discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used.

The essentials of the technique are now so well understood that they can be applied with little waste motion.

First, the breakers arrogate to themselves a position of moral superiority. For that reason, a war that is unpopular, expensive and very probably unwise is labeled as immoral, indecent and intolerable. Critics of the President who are indelicate enough to betray partisan motives are denounced. (That for you, Fred Harris.) Members of the President's own party who, for reasons perhaps unrelated to their own flagging political careers, catapult themselves into the front ranks of the opposition are greeted as heroes. (Hooray for Charley Goodell.)

The students who would fight in the war are readily mobilized against it. Their teachers, as is their custom, hasten to adopt the students' views. (News item: The Harvard department of biochemistry and molecular biology last week called for immediate withdrawal from Vietnam.)

Next, a New England election (the New Hampshire primary is best but the Massachusetts Sixth Congressional District election will do as well) surprisingly shows that peace is popular at the polls. The President's party sees defeat staring it in the face unless it repudiates him, and the Harris poll promptly comes along to confirm his waning grip on public trust. The Chief Executive, clearly panicky, resorts to false bravado and says he will never be moved by these protests and demonstrations, thus confirming the belief that he is too stubborn to repent and must be broken.

And then, dear friends, Sen. Fulbright and the Foreign Relations Committee move in to finish off the job.

All this is no fiction; it worked before and it is working again. Vietnam is proving to be what Henry Kissinger once said he suspected it might be—one of those tragic, cursed messes that destroys any President who touches it.

That being the case, any President interested in saving his own skin would be well-advised to resign his responsibility for Vietnam and publicly transfer the assignment of ending the war to Congress or the Vietnam Moratorium Committee or anyone else who would like to volunteer for the job.

But he cannot. And that is the point the protesters seem to overlook. Assume that they and the President are both right when they assert the time has come to end this war. Assume that the protesters know better than the President how to do so—despite the conspicuous absence of specific alternatives to the President's policies in their current manifestos.

There is still a vital distinction, granting all this, to be made between the constitutionally protected expression of dissent, aimed at changing national policy, and mass movements aimed at breaking the President by destroying his capacity to lead the nation or to represent it at the bargaining table.

The point is quite simple. Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace.

Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam Moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

There is also the matter of time. It is one thing to break a President at the end of his term, as was done last year. It is quite another thing to break him at the beginning, as is being attempted now.

The orators who remind us that Mr. Nixon has been in office for nine months should remind themselves that he will remain there for 39 more months—unless, of course, they are willing to put their convictions to the test by moving to impeach him.

Is that not, really, the proper course? Rather than destroying his capacity to lead while leaving him in office, rather than leaving the nation with a broken President at its head for three years, would not their cause and the country be better served by resort to the constitutional method for removing a president?

And what a wonderful chapter it would make for Volume 2 of "The Breaking of the President" series.

THE BREAKING OF THE PRESIDENT

(Mr. BRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRAY. Mr. Speaker, I commend the gentleman from New Jersey (Mr. FRELINGHUYSEN) for bringing this matter to the attention of the House and including the article on the "Breaking of the President" which was in the Washington Post this morning.

I think it is time that the American people become aware of those who—I regret to say some in high positions—are making a career out of attempting to destroy their own country.

A TIME FOR AMERICANS TO UNITE

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, I wish to associate myself with the remarks made by the gentleman from New Jersey (Mr. FRELINGHUYSEN) and commend him for his forthright statement. This is certainly a time in the history of our country for all Americans to unite behind our Chief Executive who is making a great effort to fulfill his responsibilities under the Constitution in the formulation and execution of our foreign policy.

President Nixon has shown courageous and intelligent leadership in trying to bring the tragic war in Vietnam to a close which will be consistent with the great traditions and national honor of this country. He should be given an opportunity to use his great knowledge and experience in the field of foreign affairs to achieve an early resolution of the conflict. He should be supported by the Congress when he refuses to hit the panic button and sue for peace at any price, a false peace which would betray our national interest and in the long run jeopardize our security.

I believe the people of this country will rally behind the President as he refuses to be stampeded by those who apparently will not be content with anything less than the total humiliation of our fighting troops in the field and the total repudiation of the sacrifices of brave Americans living and dead who have answered the call of duty in far-off Vietnam. They have not been defeated by the enemy and our policy should not be dictated by those who wish they had. Our fighting men and their Commander in Chief are entitled to a great deal more support and consideration than they are receiving from some quarters today.

NEW KIND OF PROTEST IS NECESSARY ON WAR

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WILLIAMS. Mr. Speaker, I have here a column all those in this Nation who support North Vietnam should read carefully.

It is written by Roscoe and Geoffrey Drummond, not known for their sensationalism.

Those who view the North Vietnamese with affection should read how that affection is returned. It just might change their minds.

This column is from the Philadelphia Inquirer of October 3, 1969, and it reads as follows:

NEW KIND OF PROTEST IS NECESSARY ON WAR

(By Roscoe and Geoffrey Drummond)

WASHINGTON.—There ought to be another protest after students and professors devote Oct. 15 to contending that President Nixon is not getting the U.S. out of Vietnam fast enough to suit them.

We need a different kind of protest.

We propose that Congress and the country join in a massive protest to Hanoi against its continuing cruel, criminal and inhumane treatment of American prisoners of war.

We propose that the House and Senate pass a joint resolution at the earliest date demanding that North Vietnam cease violating the Geneva Convention against the maltreatment of enemy prisoners to which Hanoi is solemnly bound. One such resolution with 200 cosponsors has already been introduced in the House.

We propose that special means be taken—by letters to the President and Congress, by circulated petitions for signature, by newspaper advertisements and other means—to show to North Vietnam and the Vietcong that American public opinion is both united and revolted by their needless and heartless attitude toward the men who have fallen into their hands.

Hanoi has shown itself very sensitive to the state of opinion in the U.S. It hopes to win a one-sided peace by playing on the disunity and impatience of the American people.

It would be useful to let Hanoi see something of the unity and the impatience of the American people over the long-standing, proven mistreatment of U.S. men in North Vietnamese prison camps.

It would be useful to let the whole world know more about these conditions.

It might do more. It might help break the deadlock over serious political negotiations to begin serious prisoner-of-war negotiations as it did in the long deadlocked Korean negotiations at Panmunjom.

There are 1332 U.S. servicemen listed as prisoners or missing in action and many missing in action may be in prison camps. More than 200 U.S. servicemen have been held more than three and one-half years—longer than any U.S. serviceman was held prisoner in World War II.

Here are the minimum obligations of the Geneva Convention, which North Vietnam signed in 1957—and Hanoi's nonperformance:

Identify prisoners whom they hold. Hanoi has refused to do so.

Release the sick and injured. Hanoi has refused to do so; its medical care has often been deliberately inadequate.

Permit impartial inspections of prisoner of war facilities. Hanoi has refused to do so.

Permit free exchange of mail. Hanoi has refused to do so.

Here is typical testimony of those who were released and returned to the U.S. (nine in five years): One told of "rebreaking bones in solitary confinement, of sitting on a hot stool in a hot room with no sleep. . . . In two days your feet swell up and then it creeps up your legs until they are numb. How long can you last before giving some kind of statement? Some have gone 150 hours. Others passed out from heat exhaustion in 48."

Another told of a fellow prisoner "tied up with ropes to such a degree that he still has large scares on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his fingernails removed and put in solitary for 38 days."

Many hundreds of American wives, children and parents today live in needless and tragic uncertainty because Hanoi barbarously flouts its plighted word in the Geneva Convention. Some distraught U.S. Army wives are going into debt to fly to Paris to visit the Vietcong headquarters on the uncertain promise that they may be told whether their husbands are dead or alive. What cruelty! What a travesty!

Since Hanoi is concerned about American opinion on ending the war, it ought to be given an authoritative word through a unanimously passed Congressional resolution about the American state of mind on ending their brutal prisoner-of-war crimes.

It could help end the war. It could help bring the peace.

HORSE PROTECTION ACT OF 1969

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNAN. Mr. Speaker, I am sure that most of my colleagues are aware of the brutal method of "soring," which results in the quick development of a Tennessee walking horse. Specifically, "soring" is the practice of using mechanical and chemical means to make a horse's feet tender so it will lift them high in the show ring.

Today, almost half of this country's 60,000 walkers are tortured into performing spectacularly. In order to help put an end to the widespread barbaric treatment of these horses, I am today introducing the Horse Protection Act of 1969. This legislation would prohibit the movement in commerce, for the purpose of showing or exhibition, any horse which is believed to be sored.

The Tennessee Walking Horses Trainers Association pleads that no legislation be enacted and that they be given "additional time in which to continue efforts to improve conditions." Had this association acted years ago to end this torture, then their request might be granted. But such was not the case, and as Mrs. Paul Twyne, president of the American Horse Protection Association, testified before a Senate committee:

> The magnitude of this problem is far beyond the control of the horse shows associations, the local humane societies and the legitimate, honest trainers, breeders and owners who are sincerely interested in the future of the Tennessee Walking Horse.

It is my firm belief that unless we can insure that all trainers will stop the inhumane practice of "soring", it is highly unlikely that anyone will initiate the action and go into the ring against other trainers whose horses have been "sored for the big lick."

Mr. Speaker, the Tennessee walking horse is advertised as the world's best pleasure horse. These horses should be treated as the champions that they are. I urge my colleagues to lend their active support to the Horse Protection Act of 1969.

EFFECT OF IMPORTS ON GLASS AND OTHER INDUSTRIES

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, I feel compelled to again call for drastic action in regard to the trade policy followed by the United States. The American St. Gobain glass plant in Arnold, Pa., has just closed its doors because of the senseless and uneconomic trade policy which is slowly but surely eroding job opportunities in every major industry in our country. Even the farm and service professions have not been spared. The time for talking is past. For 12 years I have warned the Congress, the White House, and the people of the coming day of reckoning. That day is here for millions of U.S. workers, and most recently for the 750 families found wanting in Arnold.

To add insult to injury, the Tariff Commission is holding hearings—at which I plan to appear—on a further reduction in U.S. tariffs on flat glass. The audacity, the boldness, the greed of the importer lobby and fraternity in this country, coupled with the brazenness and profiteering of foreign exporters calls for the only kind of action left to the American worker, farmer, merchants, and above all taxpayers. Either we mount a protective buy-American program for competitive goods, or we bow to the foreign products. This, indeed, is drastic action; but when reason does not prevail, then revolutionary tactics are demanded.

This may lead to an open boycott of all foreign-made products whether produced by foreign-owned or U.S.-owned industries abroad. I doubt that one single American family can shop for 1 month without buying a foreign-made product.

Our own manufacturers are lowering quality while their foreign counterparts are doing the opposite. With international cartels setting the pace, prices are doubled and even tripled on foreign products in the U.S. marketplace.

The glass workers can be the spearhead of this drive by calling upon all workers to "buy American." The difference in price, if any, is more than offset by the extra taxes the employed people of our country would have to pay in the form of welfare for those who are out of work. Call it "buy American," call it boycott, call it protectionism, call it by any name; this is the only means left to prevent the United States from continuing to be used as a dumping ground for foreign imports. The only sound trade policy in today's technological world is one of buying what you need and selling what customers require. This Nation cannot survive in a free trade world, regardless of the pro forma arguments of the doctrinaire free trader.

The next move upward in the minimum wage and maximum hour law may well spell the death of the consumer goods industries as far as growth and job opportunities for future Americans is concerned. I will not sponsor a new bill unless protective criteria such as those contained in H.R. 478, 90th Congress, and H.R. 1044 of this Congress, are included therein. The provisions of H.R. 1044 would tie import impact to our mandated minimum wage which is higher than any other nation's minimum wage. This may not be enough, but it will help.

We have mistaken trade relations for foreign relations and have let the State Department create a Frankenstein in the world trade economy. We buy goods we produce in surplus. We sell goods subsidized by our Government. We put U.S. producers in business in foreign countries. We buy back the U.S. goods formerly produced in the United States to further pollute our U.S. marketplace without regard to their foreign origin. The disparagement between U.S. and foreign labor costs, based on our lowest wage level, is such as to bar competitive equality in any marketplace except when that market is in short supply.

The 750 workers permanently removed from their lifetime jobs in Arnold will cost our economy no less than 2,700 full-time wage and salary workers.

When an event takes place after being predicted beforehand, it behooves all of us to give heed to the future dangers. The trade policies of our Nation are based upon false and mistaken assumptions. We assume we can have a high-cost economy and prosper in a free trade world without regard to cost differentials and marketplace opportunities. We cannot. The Arnold plant's closing proves this, and dramatically calls attention to an acknowledged fact: we have the highest unemployment in the past 9 years.

It is now up to the people, the consumers of America. We buy American or we go broke. We cannot count on our Government since too many Government leaders are tied to foreign trade directly or indirectly. We just named Carl Gilbert of the Gillette Razor Co. as chief negotiator for U.S. trade. This same Gillette Co. is one of the largest and farest-reaching international operators. This same company pays its workers in one foreign country—in a plant I visited—less than 80 cents a day. Is this the kind of a trade expert we need to save American jobs?

The gravest danger facing this country is not Vietnam, and is not student unrest, but the stupidity of the people in control of our Government who do not see that the economics of this country cannot go anywhere but downward unless we change our outmoded and mistaken trade policies.

My Pennsylvania Dutch people would describe our present generation of leaders as "folks who got too soon old and too late smart."

SECRETARY OF DEFENSE LAIRD URGES UNIFIED ACTION FOR PEACE

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, the Secretary of Defense, the Honorable Melvin R. Laird, delivered a timely and significant address today at the national convention of the AFL–CIO at Atlantic City.

The theme of Secretary Laird's speech was the current program to Vietnamize the war in South Vietnam.

Secretary Laird emphasizes that the military forces in South Vietnam are being improved to take over a greater part of the fighting in that beleaguered land. He also emphasized the strengthening of the Vietnam economy and the emphasis on improved internal security.

Mr. Speaker, the significance of Secretary Laird's speech is quite obvious. President Nixon has launched a new peace offensive which has already resulted in the reduction of American manpower in South Vietnam and the lowest number of casualties in more than 2 years. The President deserves and should have the unified support of the people of our Nation in behalf of his program to bring the war in Vietnam to an early and honorable close.

Mr. Speaker, I was appalled to hear a group of television broadcasting commentators express surprise that the President had asked for national unity in his pursuit of peace in Vietnam.

Certainly, this request is quite obvious, as Secretary Laird declared:

> To carry out his policy, the President needs the support of a united people. The young Americans in Vietnam need that support. Hanoi's strategy is clear: the leaders in Hanoi expect to achieve victory by waiting for us to abandon the conflict as a result of anti-war protest in this country.

Mr. Speaker, it seems to me that the choice is clear. We can help the President in his great mission for restoring peace in Vietnam or we can undercut his efforts. As for me, I want to be counted as lining up solidly with the President and in full support of his new approach to restoring peace in Vietnam.

I commend the Secretary of Defense on his illuminating and inspiring address to the members of the AFL–CIO gathered in Atlantic City, N.J. I hope that all Americans will take heart in his words and that the valiant efforts of President Nixon will receive the overwhelming support of loyal Americans throughout the land.

TO PROVIDE THAT THE FISCAL YEAR OF THE UNITED STATES SHALL COINCIDE WITH THE CALENDAR YEAR

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 15 minutes.

XUM

Mr. MICHEL. Mr. Speaker, I have today introduced a bill to provide that the fiscal year of the United States shall coincide with the calendar year. I believe this legislation would help the Congress in dealing more efficiently with problems connected with the appropriation process.

We have been in session for over 9 months now and only one appropriation bill for fiscal 1970 has been enacted into law—the one providing funds for the Treasury and Post Office Departments and the Executive Office. We are nearly a third of the year into the fiscal year and 12 other appropriation bills have yet to be sent to the President for signature. Still somewhere in the pipeline are the appropriation bills for the legislative branch; Departments of State, Justice, and Commerce, and the judiciary; Department of Defense; Department of the Interior; Department of Agriculture; Departments of Labor and Health, Education, and Welfare; Department of Housing and Urban Development and Independent Offices; Department of Transportation; military construction; Public Works and Atomic Energy; District of Columbia; and foreign assistance.

This situation is by no means unique. The following list shows, for the last three Congresses, as well as for the current session, how many regular appropriation bills had not become law before the beginning of the fiscal year to which they pertained:

1963	10 of 12
1964	12 of 12
1965	10 of 12
1966	10 of 12
1967	13 of 14
1968	13 of 14
1969	13 of 13

Obviously the situation is going from bad to worse and there seems little likelihood that it will improve unless we change the fiscal year so that it will coincide with the calendar year.

I am not at this time going to argue the merits and demerits of the many programs that are included in the appropriation bills that we pass annually nor am I going to argue whether they ought to have more money or less. Suffice it to say that it is mandatory that the appropriation bill be passed as early as possible if the programs are going to function properly.

Having served in this body since 1957 and having been closely associated with its operations since 1949, I have watched Federal outlays increase from less than $41,000,000,000 annually to more than $195,000,000,000 annually.

During these two decades, sessions of Congress have become longer and longer. The 1952 session adjourned sine die on July 7 and that of 1953 on August 3. In 1954, the House of Representatives adjourned sine die on August 20. In subsequent years, both Houses adjourned for good on August 2, 1955; July 27, 1956; August 30, 1957; and August 24, 1958. Since then final adjournments have been in September, October, and December, one session ending on the next to the last day of the year.

Some of these sessions were unduly prolonged because of delays in enacting appropriation bills. When such measures are being considered just before Christmas, I sometimes wonder whether we in the Congress are working for Uncle Sam or for Santa Claus.

Mr. Speaker, I do not intend in my remarks here this afternoon to lay the blame for this situation on anyone's doorstep, for it comes about because of a number of things.

First and foremost, we on the Appropriations Committee cannot appropriate for that which has not been authorized, and in this respect we are seriously handicapped on many occasions by the slowness of the legislative committees to move, when an ongoing program's expiration date is nigh at hand. In other words, if a program is to be extended pretty much intact we ought to know about it early enough to appropriate wisely for it, and lacking authorization we have to assume that it is a program about to be terminated.

Now our chairman, the gentleman from Texas (Mr. MAHON), has on any number of occasions urged the subcommittees conducting their hearings here on the House side to move along expeditiously, and we have. I should also say that it is a downright deplorable situation when we find the other body at this stage—nearly a third of the way through the current fiscal year—having not even begun its hearings on the Health, Education, and Welfare appropriations bill. We spent nearly 4 months of hearings on this bill before our HEW subcommittee, and while it is a well-known fact that the other body never takes as long a time, nor does as thorough a job as we do, they cannot possibly have a bill on the floor before December, and then when one considers that a conference has to be called and the differences ironed out, we could find ourselves into the new calendar year, 1970, and into the last half of the current fiscal year before getting some of these appropriations bills actually enacted into law.

It is just ridiculous to be operating this way. If we ever thought of doing the same in private enterprise or in our own businesses, we would be out of business before long. It is an egregious situation.

In defense of the other body, they are charged with the constitutional responsibility of ratifying treaties and confirming Presidential appointees, and that does take a considerable amount of time with which we in the House do not have to concern ourselves, but it seems to me that we have to find a better way of doing business.

That is why I am proposing here today, Mr. Speaker, that we at least try an alternative by making the fiscal year coincide with the calendar year.

It would appear on the surface that the use of the calendar year in preference to the present fiscal year would require a mere housekeeping change affecting only those of us in the legislative and executive branches who are directly concerned with appropriations.

To the contrary millions of Americans as individuals, groups, organizations and yes, above all, the 50 States would be far better off if they knew where they were sufficiently in advance to get the most return for each Federal dollar appropriated.

Under the existing setup, when it is almost impossible to send all the appropriation measures to the White House before July 1, many people throughout the land live in uncertainty for months. Officials of educational institutions at all levels do not know how much money will be available for construction of buildings, for popular ongoing programs, for scholarships, or for salaries. Hospital administrators are in the dark, not knowing what Federal funds will be forthcoming for hospital construction or for research. Badly needed housing cannot be built unless those responsible for construction know how much money they can expect. These are but a few examples.

With the switch from the existing fiscal year to the calendar year, we would have more time for hearings, more time for calm deliberation, more time for debate on the floor, and more time for oversight. We would not need to utilize all of the added 6 months.

Some bills could be sent to the Chief Executive soon after July 1, while work on the others could be completed on various dates long before December 31. Congress would not have to remain in session throughout the year just because of the change to the calendar year, but if it did continue sitting after all the appropriation measures had been passed in final form, the extra time could be used for purposes of review. Whether we retain the present fiscal year or shift to the calendar year arrangement, we will from time to time have to consider supplemental requests. The important thing, as I see it, is to give the various instrumentalities of government, including State and local as well as Federal, time to budget their funds properly, spend their money wisely, and make their dollars go further.

Mr. Speaker, the legislation which I have dropped into the hopper today ought to have strong support from both sides of the aisle and all shades of thinking in both parties. Last and by no means least—it ought to have enthusiastic support from the people who provide the money to appropriate, namely, the taxpayers.

H.R. 14225

A bill to provide that the fiscal year of the United States shall coincide with the calendar year

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Effective with the second calendar year which begins after the date of enactment of this Act, the fiscal year of all departments, agencies, and instrumentalities of the United States shall be the calendar year.

SEC. 2. The director of the Bureau of the Budget is authorized to make provision by regulation, order, or otherwise for the orderly transition by all departments, agencies, and instrumentalities of the United States

affected by section 1 of this Act from the use of the fiscal year in effect on the date of enactment of this Act to the use of the fiscal year prescribed by section 1 of this Act.

Mr. **BOW**. Mr. Speaker, will the gentleman yield?

Mr. **MICHEL**. I would be happy to yield to my distinguished ranking minority member on the Committee on Appropriations.

Mr. **BOW**. Mr. Speaker, I am delighted that the gentleman has brought up this question and is introducing this bill. I understand the Committee on Rules is considering somewhat the same legislation which the gentleman from Illinois is introducing.

I wonder if the gentleman has anything in his bill which would require authorizations to be made promptly? Even though we go to the fiscal year plan, and have the entire year to consider appropriation bills, are we not still in the position of not having authorizations come October or November and still find ourselves in the same position we are in today if we were not able to get the authorizations bills through?

Mr. **MICHEL**. The point that the gentleman from Ohio makes is a very good one. The bill which I have introduced is very general in scope. But realizing that there are some of these other approaches and versions that have been introduced in bill form, I have not in my bill specifically earmarked or set a target date on which we must have authorizations before considering appropriation bills.

Mr. **BOW**. Mr. Speaker, if the gentleman will yield further, I can recall in the 82d Congress when the Appropriations Committee had all of its bills out by the end of May, all except the so-called foreign aid bill and that came out I think a month or two later—this was before we were held down by authorizations—and here we had one today, this late in the season, and I understand one of the other great committees of this House has not yet finished the markup on another bill that is going to require authorization before we can bring the appropriation bill to the floor of the House for consideration and passage.

It would seem to me that we have got to find some way to get the authorizations passed promptly.

I think the gentleman will agree with me that practically every subcommittee of the Appropriations Committee has concluded its hearings and we are now waiting for the final word that we will have authorizations for the consideration of the appropriation bills.

We could have had our bills on the floor here earlier.

The gentleman touched upon another question that is most serious, and that is in the other body.

We have now—I think this is correct—six bills over there now upon which no action has been taken. I know of one subcommittee that sent a bill over there in July and no final action has been taken upon it as yet. So, that is not going to be quite as easy to solve as it looks on the surface.

There is one other matter that is of concern with reference to going from the fiscal year to the calendar year. I may say to the gentleman that on this floor not long ago I urged this study to be made because I think there may be some merit to changing to the calendar year, but every 4 years you would really have a problem, for if you appropriate for the 4th year, the incoming President, whomever he might be, will be working for a full year on an appropriation passed by his predecessor. Of course, we all know they can send down amendments to the budget, but that is not very satisfactory.

Mr. **MICHEL**. In the current fiscal year we have been witness to how long it takes an administration to really get cranked up on its own and have its own imprint upon legislation, upon spending and the budget. I do not see how changing to a calendar year would in any way inhibit a new administration in making changes, for they would simply have a longer period in which to send up budget amendments.

Mr. **BOW**. Mr. Speaker, if the gentleman will yield further, there is one other observation I would like to make and one which concerns me, and that is the practice of continuing resolutions. We have to have them because of the situation which the gentleman has discussed. But, in many cases we are now carrying on under continuing resolutions and there are various departments which are hampered by not having their bills through and by not knowing what they are going to have. But, in many of those bills that are held up because they are not through conference, it would seem to me that where the House and the Senate are in agreement and where they are not subject to conference, we should amend our next continuing resolution in order to permit departments to go ahead with the expenditure of the amounts that have been agreed upon if they are not in conference.

It seems to me to be an injustice to the executive branch of the Government to have to be carrying on under a continuing resolution where nobody knows and nobody can plan on what is going to go on.

So, Mr. Speaker, I hope the gentleman will follow through so that we can have a study upon this matter. But we must find some way, because the executive branch is suffering and we are suffering from the stigma attached by not getting the bills through.

But I again want to point out on behalf of the Committee on Appropriations that we could have had our work finished if we had had the cooperation of the other body, and of the legislative committees, we could have been out of here.

I thank the gentleman for yielding.

Mr. **HOLIFIELD**. Mr. Speaker, will the gentleman yield?

Mr. **MICHEL**. I will yield to the gentleman from California in just a moment, but before I do that I would like to make, if I might, one other observation, since the gentleman from Ohio (Mr. Bow) mentioned the continuing resolutions.

Earlier today on the floor of this House there were several statements made with respect to that, and to amending the continuing resolution when it comes up again—a subject matter on which there is going to be a lot of discussion when it does come to the floor of the House.

If we continue to go the route of continuing resolutions, we are going to have all kinds of requests for exemptions by this and that pressure group in the future and that is bad. It practically destroys the orderly appropriating process. I think it is a bad way to do business, and that a change is needed. The handwriting is on the wall and I believe we ought to move to correct this bad situation.

Mr. **BOW**. Mr. Speaker, if the gentleman will yield further, I know the resolution that the gentleman is talking about, but that is not what I am saying. I am saying where the bill has passed the Senate, and passed the House, where they are not in disagreement and there are items that would not have to be in conference which we know are going to be approved, then I think we ought to permit them to go ahead.

Mr. **MICHEL**. I am heartily in agreement with the remarks of the gentleman from Ohio with regard to that kind of resolution.

Mr. **HOLIFIELD**. Mr. Speaker, will the gentleman yield?

Mr. **MICHEL**. I yield to the gentleman from California.

Mr. **HOLIFIELD**. Mr. Speaker, I want to compliment the gentleman on introducing this bill. I have been advocating the change from the fiscal year to the calendar year for a long time, and I have had discussions with many Members of my side of the aisle, and I feel that many of them will support this principle if and when it comes to fruition. I have done a number of things in connection with this, in fact, I have had some trial copies of a bill drawn by the legislative reference department, and by my staff, and I think that the gentleman is absolutely on sound ground.

The burden of work that faces both the authorizing committees and the Committee on Appropriations is so much greater than it was 27 years ago when I first came to the Congress when we could get the authorizations for the appropriations out in a few months, or a relatively few months. And I know that we have to have a change in the system.

Of course, there are a lot of problems involved on this, as the gentleman knows. For instance, we have the transitionary period which I assume would be an 18-month transitionary period, because we would have to take into consideration the additional 6 months in the calendar year change if we actually went to a calendar year. So there is that problem which I am sure will be brought out during the hearings. I hope to be allowed to testify on this bill because I think it is realistic. I think that we have been living in a fool's world when we expect the authorizing committees and the Committee on Appropriations to do their work in 6 months. We just cannot do that any more, and I think we might as well recognize this and bend to the inevitable to give ourselves the necessary time.

The SPEAKER. The time of the gentleman from Illinois has expired.

AIRLINES CAN STOP POLLUTING THE AIR—IF THEY WILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. ROGERS) is recognized for 15 minutes.

Mr. ROGERS of Florida. Mr. Speaker, I know that all of us here and Americans throughout the Nation have a keen interest in solving the problem of air pollution. In many areas we have been baffled in finding a solution which will guarantee clean air.

However, it has come to my attention that industry has developed the technology to prevent air pollution from airplanes. As you know, when jets take off and land, a stream of smoke follows in their wake, causing an unsightly plume which leaves tiny particles of carbon hanging in the air.

This is the result of unburned fuel. We have known this for a long time, but until recently there was no way to prevent it.

Pratt and Whitney has, however, developed a combustor which will render all future jets smokeless. What is more important, they have a process whereby their existing engines can be retrofitted with the same result—no smoke and no pollution.

Because of this breakthrough, a Government-industry meeting was held September 4. Mr. William H. Megonnell, Assistant Commissioner for Standards and Compliance of the National Air Pollution Control Administration conducted the meeting after inviting 43 airlines. The majority of airlines were represented by Mr. Clifton F. vonKann, vice president for operations and engineering of the Air Transport Association.

The crux of the meeting was that the Air Pollution Control Administration said the smokeless cans were soon to be available and urged their use. Note was made of the increase in cost to the airlines and estimates for this additional cost were put at between $13.5 and $15 million for retrofitting approximately 3,000 engines.

Pratt & Whitney said that it could tool up and by next spring could, if there was a need, turn out 200 of these smokeless cans per month for retrofit.

Mr. vonKann said that he figured the cost to be about $30 million and added that the industry felt it was doing a proper job. The airlines position then appeared to be that they would wait until new engines were needed before they acted.

Mr. Speaker, if the airlines voluntarily accept their responsibility to do their part in cleaning the air, the majority of engines now polluting our skies could be corrected by 1972. But the airlines want to wait until their existing engines completely wear out before starting a clean air campaign. This would mean that it would be the mid-1970's before we started to see smoke pollution from airlines disappear. I do not think that is soon enough.

There are three ways retrofitting could be accomplished. First, it could start as soon as possible, depending on the availability of the new cans; second, refit them as they come in for overhaul, or third, wait until they wear out and have new smokeless engines installed.

I favor the first—immediate action.

The point was made during the hearings that there is no law on the books requiring the airlines to adopt cleaner burning engines. I would hope that the airlines would reconsider their position and voluntarily start retrofitting their engines.

For I feel the Congress and the American people will press for legislation if it is necessary to make sure that we are doing all we can to halt air pollution from airplanes.

As a general rule, we accept that airplane smoke accounts for 1 percent of all air pollution by weight. But in the population corridors where planes land and take off, that percentage is higher.

The important thing, however, is that if we do have a solution for eliminating even 1 percent of the air pollution problem, we would be negligent if we did not take action to do so.

There are 78 million pounds of pollutants dropped from planes every year. Here in Washington, D.C., 1,200 pounds per day, or about 602,000 pounds per year, are dumped from airplanes. In New York, they figure about a ton and a half per day. And in Los Angeles, almost 1 ton of pollutants per day is dumped from airplanes.

This could be eliminated. Mr. Speaker, I hope that my colleagues will join with me in urging the airlines of this Nation to meet their responsibility and move as quickly as possible to have their existing engines fitted with these devices to prevent air pollution.

I, for one, can say that if they do not, there will be legislation coming. For we in the Congress also have a responsibility to see that the air we breathe is clean. And I think the Congress will meet that responsibility.

STATE DEMOS GEARING UP FOR 1970 RACES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ), is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, Mrs. W. N. Patman, wife of the distinguished State senator, Bill Patman, and the daughter-in-law of our beloved and respected dean of the Texas delegation, and chairman of the House Banking and Currency Committee, WRIGHT PATMAN, and in addition, the daughter of an illustrious State senator, Fred Mauritz, now deceased, has been named Texas National Committeewoman for the Democratic Party. It is indeed a fitting honor for this outstanding lady. Mrs. Patman comes to serve the party in Texas at a most decisive and critical time. She has been inured in the Texas tradition of unselfish public service.

I know that Chairman PATMAN is proud of her appointment and I share that pride.

Mr. Speaker, I take the liberty of calling the attention of my colleagues to news items relating to Mrs. Patman's selection:

[From the Houston (Tex.) Post, Sept. 30, 1969]

State Demos Gearing Up For '70 Races

(By Felton West)

AUSTIN.—Amid warnings not to take past success at the polls for granted, the State Democratic Executive Committee started gearing up for the 1970 elections and chose a new national Democratic committeewoman for Texas at a meeting here today.

Mrs. Carrin Patman, wife of state Sen. William N. Patman of Ganado, was unanimously selected as national committeewoman, succeeding Mrs. Lloyd M. Bentson Jr. of Houston, who resigned about four months ago.

"We must convince Texas Democrats that they no longer can take success for granted," state Democratic Chairman Elmer Baum of Austin said.

Baum said he was "confident of future victories" but warned that the national Republican administration will name GOP "nose-counters" for the 1970 census and otherwise use patronage jobs in an effort to help the state GOP attain its announced goal of winning 35 seats in the Texas House of Representatives.

Gov. Preston Smith said, "Democrats should not be lulled by past victories into a false feeling of security." But he predicted the GOP will fail to win its goal of 35 legislative seats.

Baum announced he will soon establish a "future directions committee" as an advisory group for the SDEC "to seek new solutions to old problems, to chart new approaches to a brighter future." He suggested that, among other projects, it devote attention to bringing "senior citizens more deeply into Democratic Party activities," to giving county Democratic chairmen "opportunities for more service to the state organization," and to devising "a definite plan . . . to aid our Democratic nominees in their races against Republican opponents next fall."

Mrs. Patman is a vibrant 37-year-old longtime Democratic Party worker who served on the SDEC in 1966–67. She is the daughter of Fred Mauritz, a Ganado rancher and businessman who served in the Legislature from 1935 until his death in 1947. Her father-in-law is longtime congressman Wright Patman of Texarkana. She is a niece of prominent Houston Attorney Percy Foreman.

[From the Dallas (Tex.) Morning News, Oct. 1, 1969]

Mrs. William N. Patman Chosen Committeewoman

AUSTIN.—Mrs. William N. Patman, chosen to be national Democratic committeewoman from Texas, is an energetic South Texan with both a record and heritage in politics.

The former Carrin Mauritz of Ganado, she is the wife of a state senator and daughter-in-law of Wright Patman of Texarkana, senior U.S. congressman from Texas.

If the National Democratic Committee, as expected, follows the recommendation of the State Democratic Executive Committee, Mrs. Patman will succeed Mrs. Lloyd M. Bentsen Jr. of Houston, who resigned.

The new committeewoman is considered a liberal-moderate in politics. She is 37, wealthy, a veteran political campaigner for her husband and other Democratic candidates. A former State Democratic Executive Committee member, Mrs. Mauritz is helping to launch a new magazine for the party in Texas. She also is incoming president of the Texas Senate Ladies Club.

Sen. Charles Herring of Austin, SDEC member who urged Mrs. Patman's selection, described her as "ideally suited" to the post.

Gov. Preston Smith complimented the choice: "She has a unique political heritage . . . an abundance of ability and enormous capacity for hard work . . . I have always felt there is no substitute for hard work . . ."

Addressing an SDEC luncheon two hours after her selection, Mrs. Patman remarked "This is the first time any Patman election has ever been unanimous." She predicted "an exciting time" in Democratic politics in Texas.

The new committeewoman-designate also praised Gov. Smith as showing exceptional respect for the authority of his office and in practicing an "open door" policy as governor.

National Democratic Committeeman Robert Strauss of Dallas did not attend the meeting here but sent regrets. Both he and Mrs. Bentsen, the former national committeewoman, were choices of the administration of former Gov. John Connally.

SDEC adopted a resolution by William H. Clark III of Dallas commending Mrs. Bentsen's three years on the national committee including "the tumult at Chicago" (1968 national convention).

DRAFT CUTS, TOKEN PULLOUTS, AND OTHER FANTASIES AND ACTS OF MAGIC

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, as the war in Vietnam drags its gory way along, ever-growing numbers of Americans demand a constantly increasing pace of extrication on the part of our country from that civil war. In the process, they are also calling for reform of our draft system, which has not been proven to be a fair selection of young men for service.

As demands have grown from all corners of the land, the Nixon administration searched desperately for some well-gnawed bone to throw to critics who at last are breaking their silence in ever-increasing numbers. The result is one of the more cynical acts of political legerdemain of recent years. In terms of tangible performance it is a disaster. As far as fantasy is concerned, it is a masterpiece. Several years ago, it would have worked. Today, it turns into an edged boomerang, which strikes its perpetrators all the harder because of national emotions they have toyed with.

With trumpets, drums, and thumping nonsequiturs, the administration recently announced a reduction of draft calls for the remainder of the year, simultaneously issuing a call for draft reform. The validity of these draft reductions is called into serious question after a study and comparison of statistics. Contemplating the situation from an angle which does compare figures, the draft call reductions lose all significance and stand revealed as mere statistical sleight-of-hand.

The average monthly draft call last year was 24,667 as opposed to 29,040 this year. Four thousand more men monthly are being drafted this year. How apt then for the President to make the empty gesture of reducing draft calls for 2 months.

He has been drafting young Americans this year faster than President Johnson did last year. Draft calls under President Nixon have shot up more than 70 percent over last year since his June announcement of commencement of troop withdrawals from Vietnam. In October 1968, as an example, the call was for 13,800 as against 29,000 this October. From June to October of 1968, draft calls were for 79,300 men. For the same period in 1969, President Nixon drafted 135,700. In 10 months of 1969, Nixon is going to draft as many men as President Johnson did in 12 months of 1968. Figures are 290,400 for Nixon in 10 months against 296,000 for Johnson in 12 months.

So the draft call reduction stands revealed as a deliberate delusion offered to the public in order to blunt the cutting edge of dissent, which our leaders fear so much. Further, this is the second time such a cynical ploy has been used to fool the public. Earlier, the President announced troop cuts which were not cuts at all, knowing full well there had been a sharp increase in troop strength just before he made the announcement. The method used was the same as the draft cuts. Announce what is known to be a meaningless cutback with great fanfare and hoopla. The goal is the same in both cases. Stave off public criticism in order to continue to feed the guns.

The President announced a troop cut of 35,000 men by December 15, following the original 25,000-man reduction. Total withdrawals for 1969 then are 60,000. At this breathtaking rate we shall be out in a mere 8 years. At present casualty rates, even taking into account the lesser rate of recent hostilities, such a time schedule would cost America 600,000 more dead and wounded. For further evidence, let us examine casualty analysis figures emanating from the Armed Forces Journal.

American forces in Vietnam have suffered about 30 percent more combat deaths in the first 6 months of the Nixon administration than in the last 6 months of the Johnson regime. Under Nixon, combat deaths have jumped from 4,894 to 6,358. Wounded rose from 31,557 to 45,363. Even during the most recent "lull," American killed and wounded have been averaging about 1,500 weekly. This averages out to 75,000 annually, higher than the average for the last 3 years.

Here, then, is the stark reality of a callous effort by the administration to delude the public into thinking there is withdrawal and a winding down of our Vietnam participation, while such is not the case at all. An empty gesture is foisted upon the public as a grand and meaningful effort. The scarecrow dances and we are asked to believe it is a person performing. It is one of the crueler hoaxes of recent times, and the second of its kind. No one is fooled. Everyone is angered. Magic shows are supposed to be reserved for theaters and professional magicians, not for presidents and millions of people seeking policies and actions reflecting their wishes and demands. On October 15, a national day of protest, the American people will give President Nixon a demonstration of how much they want our Vietnam involvement to end. I endorse that protest and shall participate in it. It is my belief that millions upon millions of Americans will on that day show their disgust and contempt for the Vietnam policy now being followed. I believe the President has deluded himself into believing he could actually get away with these charades. It is my fervent hope that these protests will break through the wall of insularity around him, inducing a tangible, truthful process of withdrawal and extrication. If not, then demonstrations, peaceful and well within the law, will continue—and continue—and continue. If I may borrow a tragic phrase—they will escalate indefinitely.

APPLES AND BREADLINES, ANYBODY?

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, the tree of economic disaster planted and assiduously cultivated by President Nixon is bearing its first full harvest of bitter fruit. Unemployment in September made its biggest leap since the final months of the Eisenhower administration 9 years ago. It rose to its highest rate in 2 years, according to official statistics released by the Labor Department.

Overall unemployment rose from 3.5 percent in August to 4 percent in September, largest increase since late 1960. We note that unemployment usually drops in this period as students return to school. Instead, unemployment rose 365,000, with two-fifths of the increase among workers in the 20- to 24-year-old group. Three hundred sixty-five thousand Americans lost their jobs in 30 days. In August, 150,000 lost their jobs. Five hundred fifteen thousand Americans, therefore, have joined the swelling ranks of the unemployed in the last 60 days of the Nixon administration. Quite an accomplishment, is not it? Not too many governments of this Nation can boast that their economic policies have wrought so much devastation in such a short period. And the worst is yet to come.

Our national jobless rate increased from 3.3 percent in the first quarter of this year to 3.6 percent in the second quarter. Then it jumped to 3.7 percent in the third quarter and now it skyrockets to 4 percent. Inexorably, prosperity is being annihilated under the merciless hand of the Government, which has destroyed prosperity painfully created over the past 9 years.

In September, the jobless rate for white workers rose from 3.2 to 3.6 percent, while nonwhite rates went from 6.5 to 6.8 percent. Unemployment among blue collar workers went from 3.8 to 4.4 percent. These are utterly damning statistics. Has inflation been stopped, or even halted? Not an iota. Have prices gone down or even held level? Not a fraction. Have taxes been adjusted or reform been approved? Not a cent's worth. Has consumer buying power been annihilated? In great measure. Have interest rates been lowered? Not a point.

Heartlessly, dispassionately, uncomprehendingly, this administration pulverizes the working people of this country into powder under its fist. They talk peace and make war. They prattle of balanced budgets and cut essential programs. They bellow of prosperity and create an economic desert. They whine about jobs and create unemployment. They howl about work and the unemployment lines lengthen. Has there ever been such a gap between promise and performance? Never. We have the reincarnation of the Republican Party of the 1920's and 1930's in control. They are crippling the economy, and the worst has not yet arrived.

They will look at the unemployment lines and say, "Prosperity is just around the corner," or "Full employment will come as soon as minor adjustments are made." Watch and see. These are the exact words of Herbert Hoover. They will be the words of Richard Nixon. They are the bankrupt economic slogans of the Republican Party which, in its slavery to yesterday's ideas and contempt for the average working person, will allow repetition of the worst economic disasters of our past. Let them excuse these phenomena as they will. The figures are there, and like the raven perched beside them, they will not leave or be exorcised.

Look at the market. Look at the interest rates. Look at the inventories. Look at the declining sales. Look at the slowing consumption rates. We have reaped the first harvest of sorrow, and its fruits are bitter, indeed. Bare tables, empty pockets, barren futures, and blasted hopes are the blessings President Nixon has brought us. Let the country take note of this accumulating horror, for the storm's full force yet awaits us.

AIRLINE FARES TO SMALL CITIES

(Mr. STEED asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STEED. Mr. Speaker, I have long contended that the Federal Government should do more to promote the development and growth of our Nation's smaller cities and rural areas. To foster such development I have introduced legislation designed to stimulate business to locate in these smaller communities. Similarly, I have supported our airline subsidy program; favored legislation to give the local service airlines permanent operating status; and until recently, approved the CAB's policy of substituting local service carriers for trunklines.

I felt this latter policy, specifically, was another way of improving our national airline system more efficient and economical. I say until recently, because lately I have become increasingly disturbed over several developments flowing from this policy which are adversely affecting our smaller cities, in particular, the lack of through fares to most of these so-called off-line points.

Consider for a moment as examples our situation in Lawton and Duncan and a number of other smaller Oklahoma cities. At present, our lowest fare to many eastern and southeastern cities is greater than those from Amarillo and Lubbock, which lie several hundred miles beyond in west Texas.

More important, when the Board announced the airline fare increases last February, it said that the maximum increase would be $3 on short-haul service. And yet, when I examined these increases, I found the actual increases from Lawton to many distant points was at least $4, which would be a third more.

I am offered all sorts of explanation for these higher fares. I am told for example that this situation arises because two or more airlines must provide the service using different types of equipment or classes of service or other technical reasons. Then of course there is always the old cliché, the cost of service is greater.

I am naturally extremely grateful that in some selected cases there is now something called a "joint fare" for certain limited types of service between Lawton and a few major cities such as New York and Washington. Where these fares are available the burden of my constituents is lessened, and my district is more competitive with other surrounding communities enjoying one carrier service.

Unfortunately, however, these fares are available only in a limited number of cases, and there appears to be no rhyme or reason as to their application. Consequently I have found, as I am sure many of my colleagues have discovered, that I have been somewhat at a loss in advising my constituents on how to go about securing such favorable treatment since until recently I did not know what standard, if any, the airlines or the Board used in determining which points would receive this form of preferential treatment.

The problem has been succinctly outlined by Mohawk Airlines. Last May they applied to the Civil Aeronautics Board for permission to hold joint discussions with the other airlines concerning the establishment of joint fares. At that time they said, and I quote:

> At the present time, there is no uniform system within the industry for establishing or maintaining domestic joint fares in markets that are not served by a single carrier. Joint fares are established by ad hoc agreements between individual carriers. These agreements are generally of limited scope and effectiveness. The limited character of existing joint fares, and the requirement that fares be quoted in connection with a specific routing, has resulted in a tariff system that is unduly complicated and totally unintelligible to the traveling public. The present system penalizes the carrier by requiring an enormous amount of time and expense in computing and accounting for interline transactions. The process of training personnel to operate this system involves additional costs that might otherwise be unnecessary. The present system penalizes the traveling public by subjecting it to a rigid routing system and a variable price system, depending upon whether or not a joint fare is in effect. Mohawk believes that this system can be improved and simplified. It further believes that such action is required by the public interest and in the interest of promoting adequate, efficient and economical air transportation industry.

For my part, Mr. Speaker, I first brought this matter to the attention of the CAB last March. I am therefore delighted to report to you today that last May the Board did establish for the first time, at least to my knowledge, a minimum national standard for the establishment of such fares, to wit: one or more passengers a day.

In addition, the Board subsequently focused additional attention on this very important issue by approving last month Mohawk's application for joint airline discussions. In other words, Mr. Speaker, we have at last begun taking the first few halting steps on the long walk to the promised land of more equitable treatment for the citizens of our rural areas.

I feel, however, I must raise at least one objection. So far all of the plans advanced by either the airlines or the CAB propose to limit the applicability of those fares to those markets generating one or more passengers per day. But why should the availability of such fares be limited to some arbitrary traffic figure?

Why should they not be available to everyone?

Why this discrimination?

The telephone companies are not permitted to make such a distinction, and they literally serve thousands of markets. The Federal Communications Commission has established through rates for telephone calls and other services from Lawton to every point in the United States, even though three companies may be involved in completing the service—the Bell System, General, and independent—and the service may be used less than once a year.

I have been told part of the problem lies in the way the rates are published. If this is the case, then we have a technological bottleneck and need to come up with some new system for quoting or publishing rates. The price list should be designed around the needs of the public, and the public interest. In this day when man can go to and from the moon at his will almost, the public should not have to conform to some historical technique for quoting fares.

This is not a question of whether or not some rate is or is not lawful. There is no published rate. Instead, the issue is that a service is being offered the public by the airlines as a group pursuant their public franchise of convenience and necessity, and there is no fare being published for that service. Consequently, I hope that the airlines and the CAB will address themselves to this broader matter when they sit down to have their discussion about joint fares.

It the Nation is going to have different airlines for each kind of service, long and medium haul and local, then we apparently are going to have to come up with a different pricing system. If the technicians cannot devise one, then maybe we will have to reconsider changing that policy in one way or another.

The airlines are here to serve the needs of all the people, not the people to meet the needs of the airlines. Just because some people live in sparse, non-competitive markets does not mean they should be discriminated against. They should not be charged "what the traffic will bear" because their market is not as dense and lucrative as the New York- Los Angeles market. These are the people who need the protection of the Board the most, and I hope the Board will be responsive to their need.

Mr. Speaker, as I previously noted, I have had a number of communications with the Board on this subject. I would like to insert these into the Record at this time for the benefit of our colleagues and the public in general.

March 14, 1969.

Hon. John R. Crooker,
Chairman, Civil Aeronautics Board,
Washington, D.C.

Dear Mr. Chairman: It has been my contention that the federal government should promote the growth of our smaller cities and rural areas. To foster such development I have introduced legislation proposing a 7% tax credit for business locating in these smaller communities, supported the airline subsidy program and backed legislation to give the local service airlines permanent operating status.

Similarly, I have supported the Board's policy of substituting local service carriers for trunklines as another way of improving service to these communities, while simultaneously making our national airline system more efficient and economical. Nevertheless, I have recently become interested in several developments flowing from this policy, particularly the lack of through fares to most of these so-called off-line points.

Consider our situation in Lawton, Duncan and a number of other small Oklahoma cities. Presently our lowest fare from many eastern and southeastern cities is greater than that to Amarillo or Lubbock which lie several hundred miles beyond in west Texas. Moreover, whereas the Board announced that the maximum increase it recently permitted would be $3 on short-haul services, I now find that the actual increase from Lawton to many distant points was at least $4, a third more.

I am told this situation arises because two or more airlines must provide the service using different types of equipment and classes of service; that the cost of the service is greater.

On the other hand, I am of course grateful that in some selected cases there are "joint fares" for certain limited types of service between Lawton and a few points such as New York and Washington. These fares do make us at least more competitive with other Texas points such as Wichita Falls. However, I must admit that in advising my constituents how to go about securing such through rates. I do not know what standards, other than simply the judgment of the carriers, the Board uses in determining which points or markets will receive this type of preferential treatment.

As a matter of fact, while I do not profess to be an expert in this area, the facts seem to indicate to me that undue preference is being given technical tariff matters to the prejudice of the statutory requirements of section 1002 of the Federal Aviation Act of 1958. The effect of rates upon the movement of traffic and the need in the public interest for airline service at the lowest cost in the sense of the lowest fares, are two Congressional mandates which must not be overlooked by the Board. It makes little sense to try and stimulate the development of the smaller communities with a 7% tax credit if transportation rates are not going to foster the promotion of these communities too.

I would appreciate your views on this matter.

Sincerely yours,

Tom Steed,
Member of Congress.

Civil Aeronautics Board,
Washington, D.C., April 1, 1969.

Hon. Tom Steed,
House of Representatives,
Washington, D.C.

Dear Congressman Steed: This is in reply to your letter of March 14, 1969 concerning the question of through joint air fares to our smaller communities.

In seeking to promote a sound and efficient air transport system to serve the nation as a whole, the Board is very much aware of the transportation needs of the smaller communities. In this regard, the Board has been engaged during the past several years in a rather extensive route strengthening program whereby the local carriers' route systems have been extended directly into a number of metropolitan areas. We believe these new authorizations will significantly improve the service provided by the local carriers to the smaller communities which they have long served, while at the same time reducing these carriers' dependence upon Federal subsidy. By the same token, this program makes available additional through service on the local carriers and has increased the availability of through joint fares on connecting local and trunkline services.

With respect to the general question of joint fares, over the years the Board has continuously encouraged the carriers to publish joint fares between all pairs of points where a feasible connecting service is provided. This policy was reassessed and reaffirmed by the staff in its over-all review of the domestic passenger fare structure issued in January 1968.

There are, however, certain limitations to the Board's ability to achieve substantially broadened availability of joint fares. The Board is empowered by statute to require a joint fare only upon a finding of public convenience and necessity after formal hearing, and the Board construes the Act to further require a finding that the existing fares are unlawful. As you are aware, the cost of serving the smaller communities is somewhat higher than average due primarily to the relatively short stage lengths involved. This fact makes it more difficult to reach a finding of unlawfulness, although this difficulty may be lessened to some extent by the route authorizations mentioned above.

For this reason, and because formal proceedings are lengthy undertakings, the Board has sought to achieve more widespread publication of joint fares through informal contact with the carriers, and the number published has been steadily on the increase. On the other hand, we do not believe that establishment of joint fares between all points receiving air service is necessarily indicated by the public interest. This would involve publication of a tremendous number of fares, many of which might or might not bear any significant relationship to established traffic flows.

We appreciate receiving your comments on this matter. You may be sure that the Board will continue to work toward improved air service to our smaller communities by means of all avenues available.

Sincerely,

John H. Crooker, Jr.
Chairman.

June 23, 1969.

Hon. John R. Crooker,
Chairman, Civil Aeronautics Board,
Washington, D.C.

Dear Mr. Chairman: This in regards to my letter of March 14, 1969, and your reply of April 1, 1969, regarding joint fares.

If I understand your letter correctly, your position is that there are a number of limitations to broadening the availability of joint fares to my constituents. Specifically because (1) it would necessitate the holding of a formal proceeding; (2) it would be difficult to find the present fares unlawful; and (3) it would raise technical problems regarding publication of these rates.

Considering these arguments in this sequence, I am well aware from my own committee hearings—Appropriations and Small Business—that formal proceedings are lengthy undertakings, so I can appreciate the Board's desire to achieve more widespread publication of joint fares through informal contact with the carriers. But that does not mean I approve or condone this policy. If I read my colleagues' complaint in the Matter of Trans World, United and Braniff Tariffs correctly, the Board has never held an overall investigation of this matter. My committees hold public hearings on matters within the ambit of their authority, and so therefore I don't think it is too much to ask any agency to which we, the Congress, have delegated one of our legislative powers to do likewise.

Second, you state that the Board would have to make a finding that the existing fares are unlawful. However, may I respectfully point out that that we are discussing through long-haul services involving no stop-over for which at present there is no published single factor fare. Consequently, I fail to see how the Board could ever find that a fare which does not in fact exist is unlawful. That is not the issue. The issue is there is no published rate for the service. What is unlawful is the fact that there is a through service being proffered by the air carriers, as manifested by the interline ticket, and there is no published fare for that service.

Third, you contend establishment of joint fares between all points receiving air service would involve publication of a tremendous number of fares, many of which or might not bear any significant relationship to established traffic flow. This observation leads to the speculation that the present method of publishing fares is a technological bottleneck. Perhaps you should consider some other technique such as the zone system used by the Post Office Department and U-haul trailer companies; or an area or group system as impliedly suggested by Dr. Ronald E. Miller in his book, Domestic Airline Efficiency, the M.I.T. Press, Cambridge, Mass. (1963) at page 133.

Oklahoma City fares, for example, might also apply to Lawton, Duncan, Enid, Ponca City and Stillwater, while the charge for travel within the group could be the same for all trips whether it was from Lawton to Duncan or Oklahoma City or Enid. A city located such as Lawton could conceivably be assigned to more than one area, like both Oklahoma City and Dallas. This could produce minor variations in some cases. I would suspect that fares from Oklahoma City and Dallas to Kansas City would be different, so that use of the Dallas gateway would be slightly more expensive. On the other hand, fares to New York and San Francisco could be the same from either city, so both routings would be available at the same fare. Over-all, such a fare structure would probably reduce rather than increase the number of published fares.

With regards to your comment about a fare having a significant relationship to established traffic flow, this might be an appropriate test for specific commodity rates or special promotional fares, but not general fares. The F.C.C. has established through rates for telephone calls and other services from Lawton to every point in the United States even though 3 or more companies may be involved (Bell, General, independent), and the service may be used only once a year or less frequently. We are discussing general rates and general discounts for which a specific traffic flow is not the appropriate test of reasonableness.

I would appreciate receiving your comments and answers concerning the foregoing.

Sincerely yours,

Tom Steed,
Member of Congress.

UNEMPLOYMENT AND INTEREST RATES MOVING UP

(Mr. HANNA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, after a morning of trying to determine from administration officials a reasonable explanation of their policies toward increasing interest rates, I was treated at lunch yesterday to further frustration from an announcement by the Bureau of Labor Statistics.

The unemployment rate, during the past month, has taken its sharpest rise in 9 years. Increasing by a half of a percent, the annual rate has risen from 3.5 to 4 percent. This represents the steepest increase since October of 1960.

Imagine the impact of this news after discussing interest rates all morning with Federal Reserve Chairman Martin. That my digestion during lunch yesterday was anything but good needs no further testimony. That the American public is getting tired of swallowing these indigestible statistics should be obvious.

A discouraging list of statistics were discussed at yesterday morning's meeting of the Banking and Currency Committee. Rising interest rates, although billed as the tool to control inflation, have in fact wasted billions of dollars.

The National Commission on Mortgage Interest Rates demonstrated that for each 1-percent rise in the interest rate the public pays $15 billion. Considering that in less than a year interest rates have climbed 2½ to 3 percent, actual cost to the public is somewhere between $37½ to $45 billion.

The rise in the interest rate has been in response to the inflationary situation within the economy. Anyone familiar with current conditions realizes that the high interest rates have done virtually nothing to cool the economy but have severely depressed a segment of the economy that could least afford, socially and financially, depression.

Today the homebuilding and home finance sector of our economy is rapidly drying up. And the cost to the American public to accomplish this rather deft feat of virtually destroying an industry while inflation continues to rise amounted to almost $45 billion.

This figure does not take into consideration the special impact interest rates have had on the cost of homebuilding. For each 1-percent rise in the cost of interest the cost for building a home increases by 7 percent. During this last year rates have risen by 3 percent with a corresponding rise of 21 percent in the cost of building a home.

The point of these discouraging statistics is that we are being told that it is necessary to raise interest rates in order to control inflation. Yet we've seen nothing yet to demonstrate that this is in fact the case. To the contrary—higher interest rates are generating billions in inflation without demonstrating any value.

And now we see the unemployment rate begin to move up rapidly. With disturbing frequency we are being told by administration economists that we must accept a small increase in unemployment in order to control inflation.

Well, the small increase in interest rates turned out to be almost 3 percent and cost almost $45 billion. The net result of the high-interest policy in terms of controlling inflation has been zero.

The small increase in unemployment has already turned out to be the highest percentage increase in 9 years. And if the high-interest-rate experience is any indication the unemployment rate has not peaked. In fact, I expect we may anticipate the rate exceeding 5 percent if the trend now established continues.

Yet we see no corresponding decrease in the rate of inflation; if, indeed, a case can be made at all for controlling inflation by sacrificing jobs and homes. I doubt seriously if a case can be made, and yet these are the segments of our economic society suffering from ill-conceived and ineffective policies.

I suggest that if the present policy continues without substantial change in direction and impact we will continue to witness rising interest rates, particularly in home finance, reduced housing starts, and increased unemployment.

Perhaps the next rate this body will have to concern itself with will be the inflammatory rate. With housing becoming critical and jobs disappearing, the heat within America's blighted urban ghettos, and faceless suburbs, will rise. This rate will be the most damaging and difficult one to deal with.

CLEAN WATER

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, the House this week will consider the fiscal year 1970 public works appropriations bill.

The Committee on Appropriations has recommended a total of $600 million, an increase of $386 million in the budget estimate, for construction grants for waste treatment works under the Clean Water Restoration Act.

While I commend the committee for its action in this regard, I sincerely do not feel that the House can do anything less than provide the full amount authorized for fiscal year 1970—that is, $1 billion—and still meet its obligations to the people of the United States.

The need to achieve more effective water pollution control is of overriding importance. To do anything less than what was authorized in 1966 will mean a further degradation of our already endangered environment.

The people have made it clear in bonding elections, public opinion polls, and in their mail to Members of this House that they want to spend more money to control and abate water pollution.

The country has the capacity—engineering capacity, the construction capacity, and the financial capacity—to put into place adequate waste treatment facilities.

By voting full funding of $1 billion for waste treatment facilities, the House will be stating that clean water is, in fact, a matter of the highest national priority.

Such action by the House will be acclaimed throughout the Nation as evidence of the vitality of the House. It will be an act of legislative leadership of which we all can be proud.

So that my colleagues may be aware of the nationwide support which the drive for full funding has achieved, I wish at this point to place in the Congressional Record the texts of some of the letters, telegrams, articles, and so forth, which have been sent to me by the Governors of the several States, national organizations, and interested citizens or which have appeared in various of our press media:

Dallas, Tex.,
October 7, 1969.

Hon. John D. Dingell,
Washington, D.C.:

House will consider H.R. 14159 Wednesday recommending $600,000,000 grant funds for wastewater treatment facilities under terms Clean Water Restoration Act 1966. Water Pollution Control Federation urges your support in increasing this to $1,000,000,000 authorized. Flight on water pollution requires construction of local facilities. Delays compound problem making solution more costly for all Americans. Congress established national clean water goal in 1966. States adopted sound water quality standards and plans of implementation based on authorized Federal assistance. Failure to provide this assistance nullifies efforts of local and State governments.

Paul D. Haney,
President, Water Pollution Control Federation.

Jefferson City, Mo.,
October 6, 1969.

Hon. John D. Dingell,
U.S. House of Representatives,
House Office Building,
Washington, D.C.:

$23,626,000 is needed in Federal grants for pollution abatement works in Missouri this fiscal year. This is based on 55% of the total cost of $50,928,000. The State has a 25% grant program which is fully financed for the current authorization.

Jack K. Smith,
Executive Secretary, Missouri Water Pollution Board.

Dallas, Tex.,
October 6, 1969.

Congressman John D. Dingell,
Rayburn House Office Building,
Washington, D.C.:

The Association of Metropolitan Sewerage Agencies solidly endorses your support or the full one billion dollar appropriation for construction grants under the Federal Water Pollution Control Act.

The association consists of the managers of those sewerage agencies which serve the following metropolition areas: Chicago, Cincinnati, Cleveland, Columbus, Dallas, Denver, Detroit, Houston, Kansas City, Mo., Los Angeles, Middlesex Co. of New Jersey, Milwaukee, New York City, Norfolk Orange Co. Cal., Philadelphia, Pittsburgh, San Diego, San Francisco, Seattle, St. Louis, Minneapolis, St. Paul, and Wash., D.C., Maryland suburbs.

The total population served by the above agencies is nearly 43 million people or 22% of the total national population. Information collected by our group has convinced us that the full one billion dollar appropriation can be utilized this fiscal year. A large percentage of the appropriation can be used by our member agencies who have suffered under previous discriminatory features of the above Federal act.

The association in a meeting today in Dallas authorized me, as chairman, to convey our support of your goal to secure the one billion dollar appropriation for clean waters.

CHARLES V. GIBBS,
Executive Director, Municipality of Metropolitan Seattle, Seattle, Wash.

OCTOBER 4, 1969.

Attn: JOHN DINGELL (Mich.),
HOUSE OF REPRESENTATIVES,
Re: Clean water, $1 billion appropriation.

We support the position of the clean water group. The industry can handle construction and equipment requirements of that magnitude.

CHICAGO PUMP FMC CORP.

ST. LOUIS, MO.,
October 4, 1969.

Hon. JOHN D. DINGELL,
Member of Congress,
House Office Building,
Washington, D.C.

DEAR MR. DINGELL: We at the Metropolitan St. Louis Sewer District urgently request your support for the one billion dollar appropriation for fiscal 1970 to aid in the construction of water pollution abatement facilities.

The Metropolitan Sewer District has already qualified under the Federal Water Pollution Control Act for $3,500,000.00 in reimbursable funds and we are ready to start construction on pollution abatement project in 1970 which requires an additional $3,334,150 in Federal grants: therefore we urgently need Federal funds for fiscal 1970 in the total amount of $6,834,150.00.

Respectfully requested.

CHARLES D. KAISER, Jr.,
General Counsel.

CONSULTING ENGINEERS COUNCIL
OF THE UNITED STATES,
October 6, 1969.

The Honorable JOHN DINGELL,
U.S. House of Representatives, Room 2210 Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN DINGELL: Our Council, representing more than 2,200 U.S. engineers in private practice, has just completed a nationwide sampling of member firms which confirms beyond question that American consulting engineers can, if called upon, design in excess of $3 billion in waste treatment plant construction next year. This is a conservative estimate based upon a survey of 114 firms in 26 states. Our study covered firms ranging in size from over 500 employees to less than 50 employees.

Checking no more than ten firms in any one of twenty different states revealed an existing capacity (by just the contacted engineering firms) to handle design of $2.005 billion in waste treatment construction in the next twelve months. Projecting that figure to cover all private firms in those states would indicate sufficient capability to design in excess of $3 billion in sanitary facilities in that same period. Projecting these figures to the other states produces a figure approaching $5 billion. From this we are led to believe there is no question that there exists a capability of well over $3 billion in construction potential which could come off U.S. consulting engineer drawing boards in fiscal 1970, or the year following.

One firm alone—Black & Veatch Consulting Engineers of Kansas City—reported that it billed $182 million worth of waste treatment construction in the past twelve months and could easily handle $175 million in the next twelve months with no additional personnel. In fact, if no new work were to come in for the next seven months, Black & Veatch would be in serious trouble. A similar statement was made by Ken R. White Engineers of Denver, Colorado. Mr. White's firm normally handles eight to ten projects a year. Currently K.R.W. engineers are completing plans and specifications for one treatment plant and are looking for work in this field.

In Boston, Massachusetts, the firm of Camp, Dresser & McKee is currently handling 95 jobs totaling approximately $187 million of construction. This is approximately 25% below the firm's demonstrated capacity and the officers conservatively estimate they could handle another $40 million worth of projects with no change in personnel.

The 80-man firm of Nelson, Haley, Patterson and Quarth, of Denver, advises us that it has ten projects nearing completion with no new ones under contract. The sanitary engineering workload of the firm is extremely low. A similar situation exists with Hayes, Seay, Mattern and Mattern, of Roanoke, Virginia, which is currently handling only five projects, mostly for communities whose requests for FWPCA funds were postponed and they were forced to proceed without Federal aid. The Roanoke firm is looking for treatment plant work and could handle another $8, or $9 million with no increase in staff.

Twenty-nine firms from six states provided a breakdown of workload by number of projects in three classifications. These firms reported a total of 193 treatment plants designed last year. Of these, 53 are still in process awaiting Federal aid prior to completion. The firms were unanimous in claiming ability to undertake more projects dependent upon their size and location. Conservatively it was estimated that they could, if necessary, accept up to 419 projects in the coming year.

Virtually all respondents, large firms and small firms, indicated that the present demand for sanitary engineering services is decreasing. This was blamed on the failure of the Federal Government to "come through" with promised assistance, and upon the inability of many communities to fund projects in the light of high interest rates on municipal bonds. Typical of the reports was that received from Minnesota where the State Pollution Control Agency advised it had applications totaling $15,325,078 in grant requests to cover $46,733,902 of total construction. Minnesota, however, received only $3.92 million in Federal aid, or one-fifth of what it felt it needed.

An October 3 telegram from the Consulting Engineers Council of Texas reads: "a survey of ten member firms who perform services on PL660 projects revealed the number of projects per firm last year ranged from 2 to 14 covering all sizes. In every instance, members affirmed capacity to handle twice the number when and if the funds are made available. Construction cut-backs in other areas served to produce even greater engineering capacity for waste treatment plant design."

Even without the compelling compilation of evidence produced by this spot survey, there should be no question but what U.S. consulting engineers can easily assimilate up to $1 billion worth of waste treatment plant design if called upon to do so. Assuming the average engineering fee on projects from 500,000 to $2 million is 5%, this would mean a total of $50 million in engineering fees on $1 billion worth of work. Divided among the fifty states, that would be only one million dollars worth of engineering design per state. If the average consulting engineer employee is worth, at a minimum, $100 per day, and there are 200 working days per year, this figures out to services of only fifty men in a state is all the $1 billion would be purchasing.

Said another way, $1 billion divided among fifty states, leaves an average of only $20 million per state. There are few, if any, states with less than twenty engineering firms experienced and qalified in the sanitary field. This means that all that a $1 billion appropriation would do is require the handling of $1 million per firm. The average capacity of consulting sanitary engineers is, however, closer to $7 or $8 million, indicating that the consulting engineering profession can easily assimulate a $1 to $3 billion increase in waste treatment funds with relative ease.

If there is any additional question regarding the availability or capability of U.S. consulting engineers to assume greater responsibility in the waste treatment field, please advise and we will provide factual information regarding firms covered, or expand our survey to cover an even larger number of firms.

Yours sincerely,

LARRY N. SPILLER,
Assistant Director.

DEPARTMENT OF THE INTERIOR: FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

GRANTS FOR CONSTRUCTION OF WASTE TREATMENT WORKS

Estimate of potential Federal grant needs

As of May 31, 1969, it is reported that grant requests on pending applications are estimated to be over $2.2 billion. Included in this amount is $204.0 million being processed in FWPCA regional offices, $485.4 million in the State agencies and $1,526.7 million in preparation at the local level. In addition to the pending applications there is another $450.9 million in potential Federal grant needs for projects already approved in which Federal participation by State action, was for something less than the project was eligible for. Many States take this kind of action in anticipation that Federal funds will be available later to make up the difference. These two areas, as of May 31, 1969, represent a potential Federal grant need totalling nearly $2.7 billion. This amount reduced by nearly $100 million available from FY 1969 funds leaves a potential need of over $2.6 million. The amount of this potential need that could become a reality largely depends on the level of Federal funding available and administrative capability both at the State and Federal level to process these applications. It also depends on other considerations, particularly local ability and readiness to fund their share of cost.

Attached are the following schedules:

Schedule A—Potential Need.

Schedule B—Potential Need versus Selected Appropriation Levels for Fiscal Year 1970.

Effect of select appropriation levels for fiscal year 1970 on obligations and expenditures

Obligations

Based on past experience, 75 to 80 percent of the New Obligational Authority for this purpose for any fiscal year is obligated in the fiscal year for which appropriated with the balance being obligated in the subsequent fiscal year. Again, this is primarily because the allotments to each State are available for eighteen months, and therefore, some States pace themselves accordingly in utilizing their share.

Expenditures

In this program payments are made on an after-the-fact rather than before-the-fact basis. Grantees are permitted to request payments after a certain percentage of the facility has been constructed. Because of this, plus the various ramifications normally associated with a municipal construction program, the expenditure levels are low the first fiscal year for which funds are appropriated. Based on past experience, it takes about five years to liquidate an appropriation with the following percentage levels of expenditures as compared to NOA:

	Percent
1st year	5
2d year	20
3d year	30
4th year	40
5th year	5

EFFECT IN FISCAL YEAR 1970

[In millions]

New obligational authority	Estimated obligations	Estimated expenditures
$214	$171	$11
$600	480	30
$1,000	800	50

CAPITAL OUTLAYS NEEDED TO OBTAIN ADEQUATE MUNICIPAL WASTE TREATMENT FOR THE U.S. URBAN POPULATION, 1969–73

[Dollars in millions, current dollars]

	1968 estimate	1969 estimate
Alabama	137.0	137.0
Alaska	14.5	[1] 25.4
Arizona	90.0	90.0
Arkansas	48.5	48.5
California	732.2	732.2
Colorado	103.6	103.6
Connecticut	188.3	[1] 200.0
Delaware	31.5	31.5
District of Columbia	23.0	[1] 43.7
Florida	369.6	369.6
Georgia	223.1	[1] 223.1
Hawaii	40.1	90.0
Idaho	24.5	24.5
Illinois	399.4	[1] 556.5
Indiana	176.1	176.1
Iowa	36.0	36.0
Kansas	52.5	52.5
Kentucky	130.0	130.0
Louisiana	195.0	195.0
Maine	47.0	[2] 148.8
Maryland	136.1	136.1
Massachusetts	200.0	[1] 450.0
Michigan	592.6	592.6
Minnesota	186.0	186.0
Mississippi	57.0	57.0
Missouri	137.6	137.6
Montana	27.0	27.0
Nebraska	30.5	30.5
Nevada	19.5	19.5
New Hampshire	35.0	[2] 59.2
New Jersey	561.1	800.0
New Mexico	40.5	40.5
New York	1,070.2	[1] 2,065.0
North Carolina	101.5	101.5
North Dakota	13.0	13.0
Ohio	500.7	500.7
Oklahoma	60.5	[1] 78.8
Oregon	145.3	145.3
Pennsylvania	331.6	[2] 454.2
Rhode Island	41.5	41.5
South Carolina	100.0	100.0
South Dakota	14.0	[1] 18.0
Tennessee	154.6	154.6
Texas	342.5	342.5
Utah	136.0	[2] 10.6
Vermont	19.0	[2] 34.9
Virginia	206.6	260.6
Washington	173.3	173.3
West Virginia	55.0	55.0
Wisconsin	133.3	133.3
Wyoming	9.7	[2] 1.2
Total	8,693.1	10,580.0

Source: Basic source is the Federal Water Pollution Control Administration's publication, "The Cost of Clean Water (1968)," vol. 2, table I–3A, p. 13; [1] and [2] figures are corrected estimates supplied by 16 States. (2 of the States indicated that they believed FWPCA's 1968 estimate was high; 14 indicated that the estimate was low.)

[1] These figures were supplied by States in commenting explicitly on the estimates in the above 1968 FWPCA report. See letters from the States in FWPCA's "The Cost of Clean Water and Its Economic Impact (1969)," vol. 2 pp. 467–511.

[2] These figures were taken from table 30, pp. 125–27, "The Cost of Clean Water and Its Economic Impact (1969)," vol. 1, when a State's letter (above) did not explicitly correct the 1968 FWPCA estimate but indicated disagreement with that estimate. Table 30 includes State estimates in their own program plans of municipal waste handling investments over the 1969–73 period. The above report notes (p. 7) that "experience has indicated that State estimates are constrained by the amount of Federal funds anticipated to be available."

PENDING GRANT NEEDS VERSUS SELECTED APPROPRIATION LEVELS FOR FISCAL YEAR 1970 GRANTS FOR CONSTRUCTION OF WASTE TREATMENT WORKS

	Grant requests on pending applications May 31, 1969	Partial reimbursables as of May 31, 1969	Total partial reimbursables and pending	Tentative State allocation	Percent available funds to requirements	Tentative State allocation	Percent available funds to requirements	Tentative State allocation	Percent available funds to requirements
Total	$2,216,121,195	$450,922,401	$2,667,043,596	$214,000,000	8	$600,000,000	22	$1,000,000,000	37
Alabama	479,700	6,308,000	6,787,700	4,135,700	61	11,072,900	163	18,261,700	269
Alaska	709,800		709,800	906,100	128	1,386,300	195	1,883,900	256
Arizona	1,017,160		1,017,160	2,125,400	209	4,890,700	481	7,756,300	763
Arkansas	4,967,753		4,967,753	2,835,800	57	6,629,000	133	10,559,900	213
California	41,343,490		41,343,490	14,882,600	36	48,258,800	117	82,845,600	200
Colorado	2,367,822		2,367,822	2,414,900	102	6,139,500	259	9,999,100	422
Connecticut	9,714,750	37,249,369	46,964,119	2,942,200	6	8,325,700	18	13,904,600	30
Delaware	796,150	1,813,500	2,609,650	1,100,300	42	2,047,900	78	3,029,900	116
District of Columbia	36,795,000	2,917,510	39,712,510	1,315,300	3	2,937,600	7	4,618,900	12
Florida	9,722,808	368,250	10,091,058	5,386,400	53	15,901,500	158	26,797,900	266
Georgia	8,678,922	13,634,630	22,313,552	4,589,000	21	12,962,500	58	21,639,600	97
Hawaii	3,356,930		3,356,930	1,355,700	40	2,699,400	80	4,091,800	122
Idaho	261,000		261,000	1,589,400	609	3,005,900	1,152	4,474,000	1,714
Illinois	120,360,269		120,360,269	9,784,300	8	31,192,300	26	53,376,700	44
Indiana	28,515,100		28,515,100	5,008,400	18	14,909,400	52	25,169,300	88
Iowa	6,365,278		6,365,278	3,311,000	52	9,166,700	144	15,234,600	239
Kansas	3,426,746		3,426,746	2,812,700	82	7,439,000	217	12,233,000	357
Kentucky	3,363,433		3,363,433	3,827,100	114	10,278,700	306	16,964,300	504
Louisiana	8,012,926		8,012,926	4,009,800	50	10,926,000	116	18,093,300	226
Maine	16,618,604	643,200	17,261,804	1,853,100	11	3,911,300	23	6,044,100	35
Maryland	4,880,690	51,166,376	56,047,066	3,552,100	6	10,136,500	18	16,959,700	30
Massachusetts	20,503,995	9,208,180	29,712,175	5,382,800	18	16,315,900	59	27,645,500	93
Michigan	86,432,628		186,432,628	7,809,500	4	24,422,500	13	41,638,100	22
Minnesota	30,909,761		30,909,761	3,919,100	13	11,168,600	36	18,681,000	60
Mississippi	1,814,360		1,814,360	3,350,200	185	7,975,600	440	12,768,900	704
Missouri	15,924,832		15,924,832	4,760,400	30	13,933,700	87	23,439,700	147
Montana	260,440		260,440	1,535,700	590	2,968,500	1,140	4,453,300	1,710
Nebraska	1,679,905		1,679,905	2,115,500	126	5,112,400	304	8,218,000	489
Nevada	4,854,900		4,854,900	959,600	20	1,565,300	32	2,192,800	45
New Hampshire	12,071,200		12,071,200	1,409,300	12	2,698,100	22	4,033,700	33
New Jersey	57,850,610	6,837,316	64,687,926	6,176,800	10	19,059,900	29	32,410,300	50
New Mexico	1,400,463		1,400,463	2,058,000	147	4,077,600	291	6,170,400	441
New York	1,305,723,195	297,402,900	1,603,126,095	15,832,500	1	51,470,200	3	88,400,700	6
North Carolina	5,388,130	706,780	6,094,910	5,050,800	83	14,725,900	241	24,751,900	406
North Dakota	163,031		163,031	1,583,900	972	2,926,700	1,705	4,318,300	2,649
Ohio	33,703,631		33,730,631	9,555,500	28	30,167,500	89	51,527,100	153
Oklahoma	1,914,372		1,914,372	3,086,900	161	8,031,200	420	13,154,700	687
Oregon	13,893,780		13,893,780	2,429,000	17	6,184,800	45	10,076,800	73
Pennsylvania	22,320,490	17,476,000	39,796,490	11,029,600	28	35,066,600	88	59,975,400	151
Rhode Island	9,363,200	919,000	10,282,200	1,568,500	15	3,393,500	33	5,284,700	51
South Carolina	5,684,920	3,400,050	9,084,970	3,342,700	37	8,402,400	92	13,645,600	150
South Dakota	2,475,637		2,475,637	1,777,400	72	3,222,600	130	4,720,200	191
Tennessee	14,702,041	871,340	15,573,381	4,314,600	28	11,889,500	76	19,739,100	127
Texas	10,681,186		10,681,186	9,592,800	90	29,935,800	280	51,016,600	478
Utah	423,340		423,340	1,780,700	42	3,672,100	87	5,632,100	133
Vermont	3,274,270		3,274,270	1,282,200	39	2,110,200	64	2,968,200	91
Virginia	19,611,360		19,611,360	4,510,200	23	12,934,300	66	21,663,900	110
Washington	15,707,450		15,707,450	3,327,200	21	9,386,300	60	15,665,000	100
West Virginia	5,152,800		5,152,800	2,796,100	54	6,746,700	131	10,840,700	210
Wisconsin	97,660,090		97,660,090	4,388,100	4	12,779,700	13	21,475,700	22
Wyoming	303,847		303,847	1,172,700	386	1,873,700	617	2,600,100	856
Guam				1,445,500		1,588,000		1,735,500	
Puerto Rico	2,490,000		2,490,000	3,504,900	141	8,494,200	331	13,664,700	549
Virgin Islands				1,414,000		1,482,400		1,553,100	

[From an opinion poll in Newsweek, Oct. 6, 1969]

U.S. SPENDING: NEW PRIORITIES

On which problems do you think the Government should be spending more money—and on which should it be spending less money?

[In percent]

	More money	Less money
Job training for the unemployed	56	7
Air and water pollution	56	3
Fighting organized crime	55	3
Medical care for the old and needy	47	5
Fighting crime in the streets	44	4
Improving schools	44	7
Providing better housing for the poor—especially in the ghettos	39	13
Building highways	23	14
Defense expenditures	16	26
Space exploration	10	56
Foreign economic aid	6	57
Foreign military aid	1	66

CITIZENS CRUSADE FOR CLEAN WATER,
Washington, D.C.

DEAR MEMBER: I am enclosing for your information material describing the Citizens Crusade for Clean Water and the deep concern of our organizations over the lack of adequate water pollution control appropriations.

As you will note, the Crusade is unique in that many diverse, and often divergent, organizations have joined together for a common cause on which we all agree. We believe this unity demonstrates only in part public outrage over the deteriorating condition of our waters.

I trust you will find this material of interest.

Sincerely,

J. W. PENFOLD,
Coordinator.

WATER POLLUTION FACT SHEET

THE PEOPLE WANT CLEAN WATER

A national survey conducted in early 1969 by the Gallup Organization, Inc., shows:

51% of the people are "deeply concerned" about the effects of water pollution, air pollution, and soil erosion on the environment.

35% of the people are "somewhat concerned."

12% of the people are "not very concerned."

73% of the people are willing to pay additional taxes to improve the natural surroundings, including water pollution control.

9% of the people are not willing to pay additional taxes.

18% of the people "don't know."

36% of the people consider air pollution as the most pressing environmental problem.

32% of the people consider water pollution as the most pressing problem.

Since 1964, the voters of 9 states have voted in statewide elections on water pollution control bond issues. Of these 9, 7 were approved and the other two attracted majority voter support. Of 17,625,254 citizens who voted on the 9 proposals, 11,725,444 (66%) voted "yes."

THE FEDERAL GRANTS TO LOCAL GOVERNMENTS

Here is what Federal grants to local government for the construction of waste treatment plants have accomplished:

As of March 31, 1969, the Federal program aided in the construction of 9,251 waste treatment projects costing about $5.7 billion, of which the Federal share was $1.3 billion. These projects serve an estimated 73.8 million people and have improved the water in about 74,000 miles of streams.

THE FEDERAL "GMG" OR "GROWING MONEY GAP"

WASTE TREATMENT PLANT CONSTRUCTION GRANTS

[In millions]

	1965	1966	1967	1968	1969	1970	Total
Authorization	$100	$150	$150	$450	$700	$1,000	$2,550
Appropriation	93	141	173	203	214	214	1,038
The gap	7	9	-23	247	486	786	1,512

DIVISION OF STATE AND LOCAL PROGRAMS—CONSTRUCTION GRANTS AND ENGINEERING BRANCH—EVALUATION AND RESOURCE CONTROL PROGRAM

State	State entitlement in fiscal year 1970 under a $214,000,000 appropriation	Grant funds requested on pending applications for sewage treatment works, Mar. 31, 1969	National needs for sewage treatment facilities, fiscal years 1969–73
Total	$214,000,000	$2,224,863,142	$8,693,100,000
Alabama	4,135,700	523,200	137,000,000
Alaska	906,100	709,800	14,500,000
Arizona	2,125,400	836,160	90,000,000
Arkansas	2,835,800	5,069,703	48,500,000
California	14,882,600	44,828,530	732,200,000
Colorado	2,414,900	2,759,486	103,600,000
Connecticut	2,942,200	19,956,400	188,300,000
Delaware	1,100,300	796,150	31,500,000
District of Columbia	1,315,300	36,795,000	23,000,000
Florida	5,386,400	10,720,268	369,600,000
Georgia	4,589,000	8,604,122	223,100,000
Hawaii	1,355,700	3,331,560	40,100,000
Idaho	1,589,400	185,000	24,500,000
Illinois	9,784,300	135,673,261	399,400,000
Indiana	5,008,400	28,432,183	176,100,000
Iowa	3,311,000	7,050,716	36,000,000
Kansas	2,812,700	3,426,754	52,500,000
Kentucky	3,827,100	7,973,680	130,000,000
Louisiana	4,009,800	8,505,168	195,000,000
Maine	1,853,100	14,446,065	47,000,000
Maryland	3,552,100	3,723,380	136,100,000
Massachusetts	5,382,800	14,157,850	200,000,000
Michigan	7,809,500	186,743,938	592,600,000
Minnesota	3,919,100	33,067,776	186,000 000
Mississippi	3,350,200	1,234,560	57,000,000
Missouri	4,760,400	15,903,372	137,600,000
Montana	$1,535,700	$263,000	$27,000,000
Nebraska	2,115,500	1,855,230	30,500,000
Nevada	959,600	2,929,350	19,500,000
New Hampshire	1,409,300	8,894,200	35,000,000
New Jersey	6,716,800	56,886,530	561,100,000
New Mexico	2,058,000	1,278,165	40,500,000
New York	15,832,500	1,299,528,965	1,070,200,000
North Carolina	5,050,800	8,004,200	101,500,000
North Dakota	1,583,900	246,365	13,000,000
Ohio	9,555,500	37,387,161	500,700,000
Oklahoma	3,086,900	2,275,359	60,500,000
Oregon	2,429,000	13,847,430	145,300,000
Pennsylvania	11,092,600	24,133,070	331,600,000
Rhode Island	1,568,500	1,690,000	41,500,000
South Carolina	3,342,700	5,778,900	100,000,000
South Dakota	1,777,400	2,551,873	14,000,000
Tennessee	4,314,600	14,696,520	154,600,000
Texas	9,592,800	11,358,851	342,500,000
Utah	1,780,700	342,000	136,000,000
Vermont	1,282,200	540,050	19,000,000
Virginia	4,510,200	19,800,300	206,600,000
Washington	3,327,200	10,041,970	173,300,000
West Virginia	2,796,100	4,568,800	55,000,000
Wisconsin	4,388,100	97,719,238	133,300,000
Wyoming	1,172,700	301,533	9,700,000
Guam	1,445,500		
Puerto Rico	3,504,900	2,490,000	
Virgin Islands	1,414,000		

REMARKS BY LOUIS S. CLAPPER, NATIONAL WILDLIFE FEDERATION, BEFORE PRESS CONFERENCE CALLED BY THE "CITIZENS' CRUSADE FOR CLEAN WATER"

People interested in clean water and concerned about contamination of the environment were distressed at a report issued earlier this year by the Federal Water Pollution Control Administration on the cost of abatement and control.

This report indicates that, if costs continue to rise, the total bill is expected to amount to $26 to $29 billion in the next five years. Broken down, this is $8 billion for municipal works, $6.2 to $4.6 billion for industrial waste treatment, with another $1.8 billion for industrial cooling, and from $5.3 to $5.7 billion for municipal and industrial operating and maintenance costs.

There is a growing money gap between what the Congress has authorized and what is appropriated for Federal grants to local governments for the construction of waste treatment plants. For fiscal 1968, only $203 million of the $450 million authorized was appropriated. For fiscal 1969, the authorization was for $700 million, yet only $214 million was appropriated. Finally, this coalition was formed with the Nixon Administration joined the Johnson Administration in recommending only $214 million, or less than a quarter of the authorized $1 billion for fiscal 1970.

We view the Federal grants as being tremendously important. Unless the Federal Government helps, it is a poor position to require high standards of water quality from the States and local governments. And, unless the governments handle municipal pollution, they are in a poor position to point a finger at polluting industries. And, so the whole water pollution control program is in jeopardy.

We are confident that the people want clean water and are willing to pay for it—if given the chance.

A survey conducted by the Gallup Organization, Inc., for the National Wildlife Federation earlier this year revealed these statistics:

About half (51%) of all persons interviewed expressed the opinion that they are "deeply concerned" about the effect of air pollution, water pollution, soil erosion, and destruction of wildlife in our natural surroundings. An additional one-third (35%) are "somewhat concerned."

Nearly three-fourths of those interviewed were willing to pay something in additional taxes to improve our national surroundings.

Three of every four persons favor setting aside more public land for conservation purposes such as national parks, wildlife refuges, bird sanctuaries, etc.

The public is almost evenly divided on whether or not it will, at some time, be necessary to limit the human population if present living standards are to be maintained.

Summarizing this survey, we conclude that the American public *appreciates* quality in the environment, *deplores* what is happening to it, and *stands ready to support* corrective measures, even to the extent of paying for it—as they will, one way or another, in the end.

The Conservation Foundation, as a matter of fact, has compiled data which shows that voters have expressed themselves in this manner. Since 1964, the voters of nine states have had the opportunity to vote in statewide elections on water pollution control bond issues. Seven of the nine state bond proposals were approved and even the other two attracted majority voter support. Of 17,625,254 citizens who participated, 11,725,444 voted "yes", an average "yes" vote of 66 per cent.

I should like to report to you that the Federal Water Pollution Control Advisory Board, of which I am a member, has recommended that the Federal Government meet its obligations. The following was adopted in the December, 1968, meeting of the Board:

The Board recommends that continued efforts be made by the Secretary to ensure that the Federal Government lives up to the commitment made to the States under the municipal grants program administered by the Federal Water Pollution Control Administration. *A failure to press for adequate appropriations can be construed by the States as evidence that the Administration and the Congress were not sincere in their concern for the problem of water pollution control.*

TABLE 1.—RESULTS OF STATE ELECTIONS ON BOND ISSUES FOR WATER POLLUTION CONTROL, 1964–69[1]

Election date	State	Amount (in millions)	Vote		Pass/fail	Percent "yes" vote[2]
Nov. 3, 1964	Maine	$25	Yes No	222,242 81,469	Passed	73.2
Nov. 2, 1965	New York	1,000	Yes No	3,373,700 718,398	do	82.4
May 16, 1967	Pennsylvania[3]	250	Yes No	1,163,779 677,808	do	63.2
June 29, 1967	Rhode Island	12	Yes No	16,461 12,439	do	56.9
Nov. 5, 1968	Illinois[4]	400	Yes No	1,656,600 1,216,847	Failed	57.6
Do	Michigan	335	Yes No	1,906,385 796,079	Passed	70.5
Do	Ohio[5]	100	Yes No	1,732,512 1,550,759	do	52.7
Do	Washington	25	Yes No	845,372 276,161	do	75.4
Apr. 1, 1969	Wisconsin[6]	144	Yes No	808,393 569,850	do	58.9
Total		2,291	Yes	11,725,444		66.5
Less Illinois		—400	No	5,899,810		
Total passed		1,891		17,625,254		

[1] State water pollution control agencies, State election agencies, and the Federal Water Pollution Control Administration are sources for the information summarized here. The table may not be complete; although each of the 50 States has been contacted, all have not yet responded to our inquiry. All reported bond issue election defeats ,as well as approvals, are summarized here.

[2] The percent "yes" vote is the percentage of "yes" to total "yes" and "no" votes.

[3] Pennsylvania's 1967 bond issue totaled $500,000,000. Of this, $250,000,000 was for water pollution control ($100,000,000 for construction of sewage treatment plants, and $150,000,000 for acid mine drainage pollution control). In addition, $225,000,000 was for "elimination of land and water scars created by past coal mining practices" and closure of abandoned mines, and $25,000,000 for air pollution control.

[4] Illinois' 1968 proposal totaled $1,000,000,000, which was designated for open space-outdoor recreation land acquisition and air pollution control, as well as for water pollution control. Although no fixed amount was officially earmarked for water pollution control, there was general agreement that $400,000,000 would go for this purpose. Despite a majority of "yes" votes, the proposal was not approved due to an Illionis law which requires a "simple majority of votes cast for all State legislature candidates" to pass.

[5] Ohio's 1968 proposal totaled $120,000,000, which was divided into 2 parts: $100,000,000 for sewage and water treatment, and $20,000,000 for water management.

[6] Wisconsin's proposal totaled $200,000,000 and included $56,000,000 for open space-recreation land acquisition, This was an advisory referendum only; the legislature is to make the final decision.

Notes: In 1966 the Massachusetts Legislature authorized a $150,000,000 bond issue for an accelerated water pollution control program. Massachusetts has no law which requires either State or local bond issues to be referred to the voters for approval. In 1967 the Connecticut Legislature approved a $150,000,000 bond issue for water pollution control. The legislature took final action on this proposal; there was no referendum by the voters.

TABLE 2.—UPCOMING STATE ELECTIONS ON BOND ISSUES FOR WATER POLLUTION CONTROL

Election date	State	Amount (millions)	Vote	Pass/fail	Percent "yes" vote
November 1969	New Jersey[1]	$190.6			
Do	do[2]	222.0			
May 1970	Oregon[3]	50.0			
November 1970	Maine[4]	50.0			

[1] In January 1969 the New Jersey Legislature placed on the November 1969 State ballot a referendum on a proposed $190,000,000 bond issue for "expanding public sewage facilities to eliminate pollution of surface waters."

[2] In April 1969 the New Jersey Legislature placed on the November 1969 State ballot a 2d referendum on a proposed $222,000,000 bond issue for "controlling and eliminating pollution of tidal and surface waters."

[3] In April 1969 the Oregon Legislature voted to refer to the voters at the May 1970 primary election a proposed change in the State constitution to authorize the State to issue bonds to finance grants and loans to local governments for sewage works construction. Under the proposal the amount of bonds issued cannot exceed 1 percent of the value of all real property and the amount outstanding at any one time cannot exceed $50,000,000.

[4] In March 1969 the Maine Legislature placed on the November 1970 State ballot a referendum on a proposed $50,000,000 bond issue for construction of pollution abatement facilities.

JUNE 6, 1969.

Hon. RICHARD M. NIXON,
President, the White House,
Washington, D.C.

Conservation, labor, and many other citizen-civic organizations representing millions of interested and concerned persons firmly believe water pollution is one of the most important domestic problems, involving serious health hazards and waste of beneficial uses of water.

State-approved applications for matching grant funds totaling $2¼ billion from States and local governments are now on file with the Federal Water Pollution Control Administration.

The proposed Federal budget for fiscal 1970 requests only $214 million to assist local governments in the construction of sewage treatment plants under the Federal Water Pollution Control Act. Our groups believe that your administration should seek for fiscal 1970 an appropriation of $1 billion for Federal grants to local governments to help them in the construction of these desperately-needed waste treatment plants. We consider it imperative that the $1 billion authorized be appropriated for the fiscal year beginning July 1, 1969.

CITIZENS CRUSADE FOR CLEAN WATER.

MEMBERS

American Association of University Women.
AFL–CIO.
American Fisheries Society.
American Institute of Architects.
Association of Interpretive Naturalists.
Citizens Committee on Natural Resources.
Consumers Federation of America.
Izaak Walton League of America.
National Association of Counties.
National Audubon Society.
National Fisheries Institute.
National Rifle Association.
National Wildlife Federation.
Sport Fishing Institute.
The American Forestry Association.
The American Institute of Planners.
The Conservation Foundation.
The League of Women Voters of the United States.
The National Association of Soil and Water Conservation Districts.
The Wilderness Society.
The Wildlife Society.
United Auto Workers.
United States Conference of City Health Officers.
United Steelworkers of America.
Wildlife Management Institute.

VOTERS AND WATER POLLUTION CONTROL

(By Joseph W. Penfold)

Most Americans not only want clean water but are willing to pay for it.

This is indicated by a summary of results of recent statewide elections on bond issues for water pollution control. The summary was released today by the Citizens Crusade for Clean Water, a coalition of some 30 organizations concerned about the lagging national water cleanup program.

"The record of the last five years shows that when voters are asked directly in state bond referendums whether they want clean water and are willing to tax themselves to help pay for it, two out of three say 'yes,'" Joseph W. Penfold, coordinator of the Clean Water Crusade, said.

The summary reports that:

Since 1964 the voters of nine states have had an opportunity to vote in statewide elections on proposed water pollution control bond issues.

Eight of the nine proposals were approved and the ninth also was supported by most of those who voted on it.

Of the total of 17,625,254 citizens who voted on the nine proposals, 11,725,444 voted "yes"—an average "yes" vote of 66 per cent.

(Most states have not held elections in this field; their legislatures make the final decisions to issue bonds or to finance pollution control through regular appropriations.)

The state elections involved were in Maine in 1964, New York in 1965, Pennsylvania and Rhode Island in 1967, Illinois, Michigan, Ohio and Washington, all in 1968, and Wisconsin in 1969.

(Of the nine proposals, all were officially approved except the one in Illinois. Although supported by 57 per cent of those who voted on it, the Illinois proposal failed because of a requirement of Illinois law that such proposals must be approved by a "majority of votes cast for all state legislature candidates" in the same election.)

In commenting on the election summary, Penfold emphasized that "these state bond financing proposals were predicated on the assumption that the Federal government would keep its commitment, as declared by the Congress in the Clean Waters Restoration Act of 1966, to match the state money."

"If we are to turn the tide and begin to clean up our polluted rivers, streams and lakes, it is necessary for the Federal government to keep this commitment that the states and local communities have been relying on by putting the Federal money on the line in the form of grants at the level authorized by Congress," he said.

The Clean Water Crusade group is asking President Nixon and the Congress to provide $1 billion—the amount authorized by Congress—in matching grants for community sewage treatment plant construction during the 12 months beginning July 1. The Nixon Administration has asked the Congress for less than a quarter of that amount—$214 million.

Penfold said "the inadequacy of $214 million for this program at this time is put into perspective by the size of the backlog of grant applications from local and state governments already received by the Interior Department's Water Pollution Control Administration: $2¼ billion."

The official Federal-state estimate of state clean-up costs over the next five years is more than $10 billion.

Penfold noted that in many instances water pollution control bonding proposals passed comfortably at the same time that voters were rejecting bond proposals for other purposes. "In the November 1968 general elections, as Engineering News-Record magazine has reported, voters across the country continued to approve most pollution control bond issues even though they rejected 49 per cent of all bond proposals," he said.

Penfold is conservation director of the Izaak Walton League of America. Other organizations cooperating in the Citizens Crusade for Clean Water include the League of Women Voters of the United States, the American Institute of Architects, Consumer Federation of America, National Association of Counties, National League of Cities, U.S. Conference of Mayors, U.S. Conference of City Health Officers, National Audubon Society, AFL–CIO, United Auto Workers, National Wildlife Federation, Sierra Club, and American Fisheries Society.

The summary of state election results was prepared by the Conservation Foundation at the request of the Clean Water Crusade. Sources for the election results reported in the summary are state pollution control and election officials, and the Federal Water Pollution Control Administration.

Citizens Crusade for Clean Water

(By Mrs. Donald Clusen)

The entire effort to clean up the nation's waters has been based from the beginning on federal promise to help finance sewage treatment plants. This program is now on the brink of financial disaster, and it is this crisis which has brought together the organizations which realize the need for money in an attempt to galvanize public demand and public support for funds before it is too late.

In a rare show of unanimity Congress, in 1966, passed the Clean Water Restoration Act. This Act authorized $1 billion for federal sewage treatment facility construction grants-in-aid in fiscal 1970. Thus far the new Administration has left unaltered the fiscal 1970 budget request of the former Administration which amounts to $214,000,000. This sum, the same amount appropriated for fiscal 1969, is inadequate to accelerate water cleanup. The nation will never achieve the water quality standards set by the states unless improved treatment plants and interceptor sewers are built. Construction will not be encouraged by $214,000,000 in federal help. The Citizens Crusade for Clean Water is asking the President to request and the Congress to appropriate the full $1 billion authorized for fiscal 1970.

The grant program is authorized in the Federal Water Pollution Control Act as amended. The total federal appropriation for this grant program is allotted among the states according to a formula set forth in the law. Each state then allocates its share among localities selected by the responsible state agency. Plans for construction and for funding the local share must meet state and federal requirements.

Congress has consistently failed to meet its commitments to the states and localities via the grant program. In fiscal 1969, Congress authorized $700,000,000 in treatment facility grants but appropriated $214,000,000. The Clean Water Restoration Act of 1966 raised expectations when it removed the dollar ceiling, offered a larger percent of federal aid, and increased the amount authorized for construction grants.

In reality these increases never materialized because federal appropriations have been so low. By 1968, 23 states, Puerto Rico and the Virgin Islands had passed legislation authorizing a state share of 25–30 percent, but in the same year the Congress appropriated only $203,000,000 instead of the $450,000,000 authorized. Thus the incentive offered by the Clean Water Restoration Act has been almost no incentive at all. Only states able to undertake prepayment of the federal share in expectation of reimbursement can get leverage out of the promise implicit in the percentages of the Act. State legislatures that met after the President's budget was sent to Congress in 1967 had scant reason to authorize appropriation of matching state funds.

Every year that we expend less money at the federal level on the grant program, the effect is felt all the way down the line. These are incentive grants and they represent seed money to encourage local and state investment. In the last 11 years, the Federal Water Pollution Administration reports, investment of $1,200,000,000 has stimulated construction of more than $5 billion of waste treatment facilities in local communities.

The Citizens Crusade for Clean Water today issues a call to every American who objects to water pollution. Instead of hand-wringing and lamenting about how dirty the river or lake is, every interested citizen should write his Representative and Senator and the President. The message is simple—a much bigger share of our tax money spent to clean up the water. The public has been told on innumerable occasions that what is required for cleanup is a public opinion that is angry and vocal. Members of organizations cooperating in the Citizens Crusade for Clean Water will put this theory to the supreme test and let the Executive and Legislative branches of our government know that pollution abatement has more than citizen support, it has citizen demand.

CITY OF KANSAS CITY, MO.,
October 3, 1969.

The Honorable JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: We have heard that the House Appropriation Committee will recommend $600 million as the current year appropriation for grants to municipalities for the construction of Pollution Abatement Works. While any increase above past appropriations will be helpful, we are extremely disappointed that the recommendation is not the full billion dollars, as authorized by the Congress.

A considerable backlog of "ready to go" projects has developed over the past few years, because Federal Aid did not become available as anticipated. Kansas City alone has in excess of $15,000,000 in construction that can be placed under contract during the fiscal year if grants are made available. I know that many many municipalities are in the same position.

In addition to the above, Kansas City has already awarded contracts for construction work costing more than $5 million for projects for which a grant offer could not be made because of insufficient grant funds, but for which we expect to receive grants from future appropriations under the reimbursement provisions of the Federal Act. A tremendous backlog of construction in this category exists throughout the country, particularly in states as New York. We do not believe that projects before the Congress for use of grant funds includes adequate provision for construction projects in this category.

Missouri is one of an increasing number of states that have established their own grant programs to ensure their communities a bonus that increases the total Federal grant from 30 per cent to 50 per cent, or even 55 per cent. We seriously question that the accumulative effect of this program has been adequately considered in evaluating the ability of the national program to consume grant funds this year.

We are confident that one billion dollars in grant funds will not be adequate to cover the actual needs of the nation for the current fiscal year, even if funds allocated to but not needed by states of minimum need are reallocated to states having unmet needs.

We urge that the Congress appropriate the full billion dollars and give the municipal officials on the firing line an opportunity to demonstrate their ability to utilize funds of the magnitude authorized by Congress as the base for a national program.

Your interest and assistance in this program is very much appreciated.

Yours very truly,
GLEN J. HOPKINS,
Director.

STATE OF MICHIGAN,
Lansing, Mich., June 18, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: The following is the text of a telegram I sent today to President Nixon on the federal Clean Water Restoration Act:

"Having just signed into law Michigan's $285 million municipal sewage treatment grant program, I would take this occasion to urge your recommendation to Congress of the full funding of the 1970 authorization of the Clean Water Restoration Act. Michigan's program, like those of the other states moving ahead in the fight against water pollution, is geared to the federal commitment. Without the full participation of all levels of government in protecting the natural environment much precious time will be lost."

I hope you join me in supporting full funding of this important legislation. Kind personal regards.

Sincerely,
BILL MILLIKEN,
Governor.

AUSTIN, TEX.,
September 10, 1969.

The Honorable JOHN D. DINGELL,
House Office Building,
Washington, D.C.

SIR: I wish to thank you for all that you have done in the cause of conservation. I have frequently written letters in support of your bills.

Recently I sent a telegram to President Nixon asking for $1 billion for water pollution control. I was appalled by the answer I received from the Bureau of the Budget. They said it would cause inflation! What about the billions that have been spent on war, space, and defense? I am willing to pay more taxes for pollution control and all other conservation programs.

I am interested in getting the states to adopt agricultural zoning legislation, as Hawaii has done. It is ridiculous to pave good farm and grazing land. I hope that you will promote this in Michigan.

Sincerely,

Mrs. John H. Hicks.

Winnetka, Ill., *September 22, 1969.*

Congratulations on your support of "Clean-Water" amendment.

What can we do to help support your efforts?

K. M. Chakiris.

Industrial Union Department,
AFL–CIO,
September 17, 1969.

Dear Mr. Congressman: At a time when water pollution is increasingly a matter of national concern, we are dismayed to find the federal government plans to spend relatively little on the imperative job of providing this nation with clean water.

The gap between what is authorized for waste treatment plant construction and what is finally appropriated continues to grow. In fiscal 1965, that gap was $7 million. In the budget request for fiscal 1970, the gap has widened to $786 million. This is the difference between the budget recommendation of $214 million and the authorization figure of $1 billion.

The Industrial Union Department, AFL–CIO, believes the program to combat water pollution is a matter of the highest national priority. We strongly support the efforts of the bipartisan group of congressmen who seek to raise the level of funding for waste treatment. We urge you to join with this group and when the Public Works Appropriations Bill is taken up, to vote for the appropriation of $1 billion for waste treatment plant construction.

Time is running out on us. We must either massively and quickly get at the dangers to our water supply or ultimately be overwhelmed by our own pollution.

Sincerely,

Jacob Clayman,
Administrative Director.

Lake Oswego Corporation,
Lake Oswego, Oreg., September 9, 1969.

Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Sir: I hear that your bill for funding the Clean Water Restoration Act is continuing to build support in the Congress.

You certainly have the support of residents in the City of Lake Oswego area, which surrounds a beautiful five-mile lake that is the center of one of the Portland metropolitan major surburban communities. The lake is fed by the Tualatin river, which traverses one of the nation's most beautiful surburban valleys—and has become among the most polluted because of urban sprawl and its related effluent disposal problems.

Hopefully the Tualatin river will be one of those included in the project that ultimately will be covered by your bill. Representative Wendall Wyatt, in whose district the Tualatin river is located, is very familiar with this problem and can supply you with any necessary data—if he has not done so already. The Federal Water Pollution Authority, whose regional office is in Portland, Oregon, also is very familiar with this problem.

For your information, the Lake Oswego Corporation owns the lake and its stockholders are residents of the lake area. Directors of the corporation are unpaid local residents representing all property owners with lake privileges.

If we may be of assistance, please feel free to call on me at any time. My residence address is 17643 Kelok Road, Lake Oswego, Oreg. 97304, phone (503) 636–1320. During office hours, I may be reached at Georgia-Pacific Corporation, phone (503) 222-5561. My business address is P.O. Box 311, Portland, Oregon 97207.

Sincerely,

L. E. Newkirk,
Vice President.

Wheaton, Ill.,
September 3, 1969.

Hon. John Dingell,
U.S. House of Representatives,
Washington, D.C.

Dear Representative Dingell: I've just this morning read an item in CONSERVATION NEWS titled "135 Congressmen joined drive for clean water," in which your name was mentioned. (Vol. 34, No. 16, August 15, 1969).

The item also mentioned that a Gallup Poll conducted by the National Wildlife Federation reported 85 percent of all Americans are concerned about water pollution . . . I just want you to know that I'm one of the 85 percent and that I support your work in this direction.

So, for what it's worth, here it is in black and white that I believe firmly in your remark, ". . . providing clean water for the American People is a goal deserving the highest priority."

Good luck.

Sincerely,

(Mrs.) Carleen Hawkins.

Izaak Walton League,
Walker, Minn., August 28, 1969.

Representative John Dingell,
House Office Bldg.,
Washington, D.C.

Dear Mr. Dingell: Our Izaak Walton Club of Walker, Minn., would appreciate it if you would give every support to obtaining the One Billion appropriation for the "Clear Water Restoration Act".

We firmly believe that the matching funds of municipalities will help in the construction of the needed sewer treatment plants.

Although Walker, Minn. is located in the center of the lake and recreational area of the state and has plenty of water, pollution will soon be our big problem.

We urge you in all sincerity to support this much needed appropriation.

Very truly yours,

G. R. Sabin,
President.

Laramie, Wyo.,
August 31, 1969.

Representative John Dingell,
House Office Building,
Washington, D.C.

Dear Mr. Dingell: It is a pleasure to hear about your campaign to get the full $1 billion for the Clean Water Restoration Act.

I, and untold others that will not write for various reasons, wish you every success.

Sincerely yours,

Allen Morton.

International Association of
Game, Fish and Conservation
Commissioners,
August 21, 1969.

Hon. John D. Dingell,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.

Dear Mr. Dingell: Thank you for the material on the bipartisan effort within the House of Representatives to secure full funding for fiscal year 1970 of the Clean Water Restoration Act.

The International Association of Game, Fish and Conservation Commissioners is on record as strongly supporting the Clean Water Restoration Act and its funding. I have, therefore, informed the Conservation Director of each of the fifty states of your efforts and urged that they act promptly to secure the support of their congressional representatives for adequate funding of this important program.

Sincerely,

W. M. Lawrence,
President.

Yale University,
New Haven, Conn., August 18, 1969.

Hon. John D. Dingell,
The House Office Building,
Washington, D.C.

Dear Sir: An article in yesterday's New York Times gives me to understand that you are in the forefront of the battle for a larger authorization of funds to fight water pollution.

I congratulate you heartily on this stand and wish you success. I am writing also to Representative Mahon of Texas urging him to approve the request for additional funds when it comes to his Committee.

Sincerely yours,

Marie Borroff,
Professor of English.

Lansing, Mich.,
August 11, 1969.

Dear Rep. Dingell: I read with interest the article of "Full Funding of Clean Water Restoration Asked" in the State Journal.

Although I've never spoken out before on the ever increasing problem of water pollution, I want to send you my support now as critical decisions are impending.

Homeowner and particularly industrial abuse of our water resources is at least disgusting and at most an irreversible loss. It is another unfortunate example of the unrepresented interests of the people confronting the well-funded (in this case? industrial) lobbys.

What can concerned *citizens* do to get legislators to enact anti-pollution laws with teeth in them? And to get the appropriate funding?

I applaud your efforts toward this goal, and I hope that this recent article receives outstate attention as well.

Sincerely yours,

Thomas C. Auer.

State of Georgia,
Atlanta, Ga., July 29, 1969.

Hon. John D. Dingell,
Member of Congress, House Office Building,
Washington, D.C.

Dear Congressman: I congratulate you on your interest in full funding in 1970 for the 1966 Clean Water Restoration Act. As both the Director of the Georgia Department of Public Health and the Chairman of the Georgia Water Quality Control Board, I offer any assistance in any way we can provide in the effort to secure the appropriations up to the full authorization.

In FY 1969, this state had eighty-eight (88) applications for PL–660 projects from cities and counties. The amount of funds requested totaled about $33 million; Georgia's allocation for FY 1969 amounted to only $4.59 million. We were able to fund just twenty-one (21) projects, so we find ourselves with a backlog of $28 million in projects, needed and ready to go.

We have on file now seventy-four (74) requests totaling almost $35 million, plus three (3) applications for supplementary grants. However, we have been informed by the Southeast Regional Office of F.W.P.C.A. that Georgia's FY 1970 allocation would be about $4.58 million. This, we understand, is based on an anticipated appropriation of $214 million.

At the present rate of appropriation, it seems clear that this nation's existing pollution problems could not be cleared before the year 2000. Unfortunately, new problems continue to appear and existing problems are being compounded. If we do not make a much greater effort, the cost in economic potential and adverse health effects will be overwhelming.

Thanking you for the opportunity to support the need for full appropriations, I am

Sincerely yours,

John H. Venable, M.D.,
Director.

Re Appropriation for federal grants for sewer facility construction of $1 billion for fiscal 1970.

Representative John D. Dingell,
House Office Building,
Washington, D.C.

Dear Mr. Dingell: For the past ten years while residing in this area I have noticed an increase in water pollution. When I moved to Michigan from New York State I decided Sterling State Park was one of the loveliest beaches I had visited in the world. To my disappointment several years later signs were posted "Waters unsafe for Swimming." This was the only swimming area available to my family. This is what caused me to become interested in the water pollution problem in the Downriver area. In fact I learned that the City of Monroe sewage was polluting Sterling State Park.

After much reading and studying and giving speeches and programs on the subject I have decided that the sooner the problem is solved the sooner our citizens will benefit. With rising costs and increasing population the problem will only magnify unless we spend the money now. Therefore, this is why I support the Appropriation for federal grants for sewage facility construction of $1 billion for fiscal 1970.

Very truly yours,

Pamela Pesold.
Mrs. William F. Pesold.

Wildlife Management Institute,
Washington, D.C., July 23, 1969.

Hon. John D. Dingell,
House Office Building,
Washington, D.C.

Dear John: Yours of July 16 is appreciated. In behalf of conservationists everywhere, you and the others are being commended highly for urging the allocation of the full authorized appropriation for water pollution control. The representatives of the national conservation organizations have gotten together upon several occasions and are doing everything possible to secure the full amount. I have felt that this is the only position that could be taken on this vital program.

Best wishes and kindest regards.

Sincerely,

C. R. Gutermuth,
Vice-President.

American Federation of
Labor and Congress of
Industrial Organizations,
Washington, D.C., September 9, 1969.

Hon. John D. Dingell,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman: The AFL–CIO is wholeheartedly in agreement with the conservation, consumer and labor groups participating in the "Citizens' Crusade for Clean Water," an informal coalition working for an improved level of funding for the Waste Treatment Plant Construction Grants Program.

Unfortunately, this key water pollution control activity has consistently suffered from a serious and widening gap between the promises, set forth in the authorization figures, and the performance reflected in appropriations. If the budget request for Fiscal 1970 should be approved as submitted, the authorization-appropriations gap will amount to $786 million. This would result from the difference in the budget recommendation of $214 million and the authorization figure of $1 billion. The enclosed fact sheet attempts to spell out the problem in concise terms.

The AFL–CIO enthusiastically supports the efforts of the bipartisan group of Congressmen who are leading the campaign to raise the level of funding for this important program in the next fiscal year. We urge that you join in this effort and support the move to increase the appropriations for the Waste Treatment Plant Construction Grants Program when the Public Works Appropriations Bill is taken up.

Sincerely yours,

Andrew J. Biemiller,
Director.

Water Pollution Control Federation,
Washington, D.C., August 27, 1969.

Mr. John D. Dingell,
U.S. House of Representatives,
Washington, D.C.

My Dear Congressman Dingell: Your letter of July 17, 1969, expressing concern over the lack of funding for the grant-in-aid provisions of the Clean Water Restoration Act of 1966 is appreciated by the members of the Water Pollution Control Federation. We are deeply concerned over the failure of the Congress to appropriate money to carry out the authorizations listed in the Act.

All of the states have energetically pursued the adoption of sound water quality criteria, with the policies needed to implement the intent of the law, and many of these states also have instituted grant programs of their own in addition to other programs, all predicated on the anticipation that the full Federal grant program would become a reality. Failure on the part of the Federal Government to commit the amount of funds as originally proposed, in effect, nullifies the states endeavors and other local efforts to combat water pollution. It is obvious that the success of the fight against water pollution is wholly dependent on Federal funds.

Likewise, it should be observed that maintaining appropriations at or near the same levels as Fiscal 1968 and 1969 does not provide for a consistent program. While the dollar amounts are similar, they provide a constantly smaller share of the growing and mounting needs. It is wishful thinking to assume that the pollution problem is being held "at bay" with such appropriations.

On September 26, 1968, the Water Pollution Control Federation Board of Control adopted the following resolution:

"Whereas, the Congress after careful consideration has written into legislation annual authorizations for grants-in-aid for municipal waste-water treatment facilities, and

"Whereas, the public officials and the public have expectations of receiving this assistance to the limits authorized, and

"Whereas, the Congress has failed to appropriate to the limit of these authorizations in any fiscal year and in fact the disparity between the appropriations and the authorization is increasing year by year, and

"Whereas, public officials are finding this failure of the Federal Government to honor its commitment to be a major obstacle in the construction of pollution abatement works,

"Therefore be it resolved, that the Water Pollution Control Federation call to the attention of the Congress the seriousness of this problem and urge the Congress to make the appropriations more nearly approach the authorization or amend the authorization to more nearly reflect the anticipated appropriations."

This resolution was sent to the Appropriations Committee, Public Works Committee, and the Ways and Means Committee of the House of Representatives.

There have been various substitute methods, including so-called deferred payment plans, proposed from time to time that purport to increase the Federal financial participation in the water pollution control program. None of these have demonstrated the required merit or capability to make the program successful, and are certainly inconsistent with the program offered to, and supported by the American people. We oppose any plan of deferred financing that does not include interest as well as principal payments.

The Federation respectfully submits these comments in reply to your letter; we appreciate your seeking our views and will be pleased to correspond further if we can be of assistance in resolving this major national problem.

Sincerely yours,

Paul D. Haney,
President.

Springfield, Ill., *September 19, 1969.*

Mrs. Raymond Robertson,
President, League of Women Voters.

I strongly support full appropriations so that Illinois municipalities can improve water quality standards. I hope you support the full budget for the Clean Waters Restoration Act.

Lieutenant Governor Paul Simon.

Citizens Committee on
Natural Resources,
Washington, D.C., August 21, 1969.

Hon. John D. Dingell,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Dingell: The Citizens Committee on Natural Resources has been advised that a serious effort is being made in the House of Representatives to increase the appropriation for the Clean Water Restoration Act for Fiscal Year 1970.

As you know, the budget request for this vital matching grant program to the States for sewage treatment facilities is $214 million, a totally unrealistic response to a multibillion problem. Dozens of nationally-known and respected citizens organizations, most State Governors, and in excess of 120 Members of the House have pledged themselves toward a $1 Billion Appropriation this year. This amount is deemed to be essential if the federal Government is to keep faith with the States and local communities which are meeting their own commitments under the Act.

There is now being circulated throughout the House of Representatives a letter from a bi-partisan delegation [John A. Blatnik, John Dingell, Michael Feighan, Paul McCloskey, Henry Reuss, John P. Saylor, and Jim Wright] requesting your help for this effort, and our purpose in writing is to respectfully request that you join them.

We believe, as do the other organizations in the *Citizens Crusade for Clean Water*, that the American people are looking to the House of Representatives this year to determine whether our Nation is serious about creating a more wholesome environment for all of us.

With best wishes, I am

Sincerely,

Ira N. Gabrielson,
Chairman.

[From the Charleston (S.C.) Evening Post, Aug. 23, 1969]

ANTIPOLLUTION FUNDS

Normally no advocate of increased federal spending, we are in accord with a House proposal that would add $786 million to the national budget.

The difference this time is that the additional money would bring to an even $1 billion federal matching grants available to state and local governments for the construction of waste treatment plants. The Nixon Administration budgeted only $214 million for that purpose.

We cannot imagine a better or more necessary purpose on which the taxpayers' money can be expended than reducing the dumping of raw sewage into their streams, rivers and harbors. It may lack the glamor of hurling men to Mars but assuredly it will do much to promote the health and general well-being of the nation.

It would, moreover, merely honor a commitment Congress itself made when it passed a comprehensive water pollution act three years ago. In no subsequent year has the promised $1 billion actually been appropriated.

Most state and local governments are making an honest effort to clean up their streams and lakes. But, with Washington hogging the most productive revenue sources and with inflation skyrocketing construction costs, money for those projects is desperately hard to find. Bonds are all but impossible to sell and municipal issues are threatened with the loss of their tax-exempt status.

Washington is responsible in part for this dilemma. The least it can do is to return to the people more of their own money. States and cities have the will to fight pollution. It's the means they lack.

[From the Chicago Tribune, Sept. 26, 1969]

POLLUTION BILL GAINS BACKING IN U.S. HOUSE—VOTE BY MAJORITY IS NEARING

(By Casey Bukro)

Congressmen are banding together to persuade the Nixon administration to appropriate one billion dollars this year for federal matching grants for water pollution control construction.

At the latest count yesterday, 210 members of the House of Representatives had pledged support for an amendment seeking the billion dollar figure if the Nixon administration fails to allot that amount in the public works appropriation bill now under study. A majority in the House would be 218 votes.

"Some members of Congress say there has never been such a positive head count prior to floor action on a bill," said J. W. Penfold, conservation director of the Izaak Walton League in Washington. "It certainly reflects the strong public sentiment and support of the clean water program."

TELL OF SUPPORT

Ten of the 11 Illinois Democrat representatives support the measure. One of the 12 Republican Illinois representatives, Robert McClory, supports it.

The public works appropriations bill now under consideration by the House public works appropriations subcommittee calls for 214 million dollars for municipal sewage treatment plant construction grants in fiscal 1970, altho the authorization for this year under the clean waters restoration act of 1966 is one billion dollars.

This is the third consecutive year that the federal government is proposing to allot funds for pollution control grants far below the authorized amount. Water pollution authorities say this is crippling the national pollution control effort, and some rate this as the top pollution control problem in the country.

ASSAILED BY BACON

"Congress has not fulfilled its part of the bargain," asserted Vinton Bacon, general superintendent of the sanitary district. "The plan had been for greater federal financial assistance so we could comply with the higher federal water pollution control requirements.

"We stand ready to meet the requirements imposed on us by the federal government, but we think they should come thru with their share of the financing."

Pollution control projects thruout the country are being stalled while communities wait for federal money to share in the cost of the projects, said Bacon. He and the district board of trustees urge full federal funding of the pollution control program.

[From the Wichita (Kans.) Eagle, July 20, 1969]

WICHITANS JOIN POLLUTION FIGHT

(By Dolores Quinlisk)

Pollution of water in the United States is a national disgrace and it is almost too late to begin to do something about it, according to spokesmen of 25 national organizations who are joining in a nationwide "Citizens Crusade for Clean Water."

Efforts on the local level to enlist public concern for the problem are being spearheaded by Wichita League of Women Voters.

Mrs. Pegge Missal, league chairman, said leagues all over the nation are joining in a campaign to urge Congress to appropriate $1 billion for sewage control.

Included in the Crusade for Clean Water are such organizations as the National Audubon Society, the American Association of University Women, the AFL–CIO labor unions, American Institute of Architects, Izaak Walton League, National Rifle Association and U.S. Conference of Mayors.

Mrs. Missal said originally $1 billion was proposed to aid municipalities in sewage control construction. The Nixon administration is asking Congress for only $214 million, she said, and the appropriation bills are in congressional committees.

"The groups joining together in the crusade feel citizens should be writing now to their congressmen to urge them to fund the full $1 billion," said Mrs. Missal.

"Our water is getting dirtier by the minute, and the longer we wait to fund this necessary construction, the worse the situation will be."

Kansas is rated among the worst 10 states in the nation for fish-kill incidents, said Mrs. Missal. During the period of 1963–1968, there were 83 major fish-kills in the state and 60 per cent of them were blamed on run-off from livestock feedlots.

"Ten years ago, there were 27 species of fish in the Cottonwood and Neosho rivers," said Mrs. Missal. "They have now been reduced to 14 species due to water pollution. Neosho River catfish have disappeared completely."

In 1967, the state Department of Health reported the state's seven million cattle, hogs and sheep excrete daily the same amount of waste as 70 million people. During heavy rains, some of this washes off into streams, polluting the water.

Pollution in the water uses up oxygen, killing fish. In addition, Mrs. Missal said, about 20 per cent of the bacteria and viruses carried in polluted water is dangerous to humans. Salmonella bacteria is one of these. Disease also can be transmitted from eating fish from polluted rivers.

In 1968, the state health department began requiring feedlots with more than 300 head of livestock to get permits under certain regulations. There are about 4,000 feedlots of this size in the state, out of a total of 13,500. There are still about 100 cattle lots that must register, and about 2,500 hog lots.

"Municipalities are moving at about half the anticipated speed to meet sewage construction goals," said Mrs. Missal. "On March 31 of this year, there were $2.25 billion in pending applications for federal sewage construction grants.

"The gap between authorization and appropriation for these projects is steadily widening."

U.S. Public Health Service has released figures that out of the $2 million people in this country served by municipal sewer systems, only 34 million are served by systems that have sewage treatment facilities. Primary sewage treatment removes 36 per cent of the pollution, secondary treatment removes up to 90 per cent.

"One alarming factor is that the amount of industrial waste is double the amount of municipal waste," said Mrs. Missal, "but industries are reluctant to improve their sewage management until municipalities improve their waste disposal."

Continued Mrs. Missal, "Clean water is a vanishing resource. We're polluting it faster than we can clean it up, yet water is needed to live. Pollution of water everywhere in the U.S. is a shame and a national disgrace, and as costly as pollution abatement may be, it is cheaper to clean up our water than try to replace it by other means.

"It is imperative to keep further pollution from ever starting. It is already very, very late to begin."

A 15-minute film on water pollution, sponsored by Wichita League of Women Voters, is scheduled to be shown at 2:15 p.m. August 9 on KAKE–TV.

[From the Rutland (Vt.) Daily Herald, June 18, 1969]

THE WATER GETS DIRTIER

The spokesman for the Vermont League of Women Voters is quite right that strong pressure is needed to bring funding of water pollution controls up to the level of the need. In March the Conservation Foundation called attention to the huge gap between authorizations and actual appropriations in Federal spending for natural resources since 1965, a gap which exists in spite of the fact this desperately needed spending is near the bottom of the priorities list and calls for only 1.8 per cent of the Federal budget.

Writing of the growing gap, the Foundation says: "In water pollution control, for example, meaningful progress requires, in part, construction of treatment plants by local governments. To stimulate construction of these facilities, the Federal government created a grant program which has indeed helped local governments. But the amounts made available have been nowhere near the amounts deemed necessary and authorized by Congress.

"The figures below tell the water pollution story. In the current fiscal year alone, the estimated gap between appropriation and authorization will be $486 million. Next year, the gap will jump to $786 million. The GMG (growing money gap) for the six-year period will be $1.5 billion. Results: Further delay in controlling water pollution. Dirtier instead of cleaner water." If this sounds bad, it should be noted that the Foundation was writing about an anticipated gap based on Interior Secretary Hickel's budgetary request for $600 million for the coming fiscal year, not on the greatly reduced figure recommended by President Nixon, $214 million. In other words, though the gap may be somewhat smaller, the appropriation may very well be smaller yet.

Obviously, the mandatory Federal pollution control program will not be carried out if the 55 per cent Federal share of project costs is not available. In most municipalities large and small, the Federal aid is not only an incentive but the difference between something possible and something quite out of reach.

Military spending, including the cost of the Vietnam war, continues to balk efforts for realistic appropriations to meet the urgent needs at home. As natural resources deteriorate they become ever more difficult to reclaim, if indeed ever can be. There are already some "debts" we owe our environment it is beyond our power to repay.

THIS 'N THAT . . . FROM HERE 'N THERE

(By Lynn Watt)

Since our report of the annual meeting of the Lake Champlain Committee (Free Press, July 21) we've had a couple of calls from folks concerned about pollution.

They wonder what can be done to speed up the construction of sewage treatment plants. They also want to know what they can do to help fight pollution.

You've probably heard the saying "the squeaky wheel gets the grease." Well, you can help by making the antipollution wheel squeak loud and clear.

Write to your congressman in Washington. Ask him why, when Congress authorized a billion dollars nationwide for grants of aid to meet the federal commitment of the cost of building treatment facilities, the President's budget calls for only $214 million to be appropriated.

Tell him Vermont's share of this $214 million is only $1.3 million which doesn't go very far. Tell him, too, that quite a number of cities and towns in Vermont have voted bond issues for construction of sewage treatment plants, and that now nothing is being done because there is no federal aid available.

Money is great stuff. With it you can even put men on the moon. But ask all of the scientists, engineers, technicians, and others associated with the space program to work for nothing, and see what happens.

Conversely, give antipollution efforts billions of dollars of push and see what happens!

If you don't like to write letters, clip this column and send it to your congressman (or even the President)—it might help put a little more squeak in the wheel!

[From the Chicago Tribune, Oct. 3, 1969]

Support for Pollution Control

Lake Forest, September 30.—Congratulations on today's fine editorial "Funds for Pollution Control" on federal appropriations for water pollution control. Your fine reporter, Casey Bukro, has been a champion in this crusade against pollution.

As co-chairman of the Illinois State Commission on Water Pollution and Resources, I have been working actively for over a year to encourage our Illinois congressmen to honor the promises of Congress in appropriating one billion dollars for water pollution control.

Likewise, I earnestly urge citizens to make their views known to the governor to get behind House bill 2004 for state grants in aid for sanitary districts and municipalities.

The time for Illinois citizens is now or never to let both the federal and state administrations know their demands for water pollution control.

[From the Chicago Tribune]

Funds To Fight Pollution

Chicago, September 30.—Today's editorial "Funds for Pollution Control" put the spotlight on one of the most pressing matters before the current Congress.

I might point out that the sanitary district requested and received permission from the state legislature to issue 380 million dollars in bonds for new sewage treatment and pollution abatement facilities. If the district, lying wholly within Cook county, can undertake such an obligation, certainly the entire United States of America can afford to appropriate one billion dollars as a contribution to the nation-wide campaign to improve the quality of our water resources.

Of this total amount, the sanitary district will spend 60 million dollars in 1970 from the bond appropriation. This amounts to almost 30 per cent of the 214 million dollars that Congress has been asked to appropriate under the budget for next year.

Failure to appropriate and spend the money now will inflict a most costly burden on the American people, because not only will the cost of the necessary facilities rise dramatically year by year, but the increased contamination of our water sources will likewise add to the annual cost of correction of of this vital threat to our environment.

We urge all residents living within the sanitary district—and for that matter living anywhere in the nation—to call upon their congressmen to increase the budget appropriation to the full one billion dollars which was provided for the clean waters restoration act of 1966.

[From the Chicago Daily News, Aug. 20, 1969]

Water and False Economy

The budget-cutting Nixon administration is pursuing at least one course that would lead to false economy. Instead of the $1 billion authorized, it wants to finance the nation's clean-water campaign during fiscal 1970 with only $214,000,000.

It would be hard to justify this reduction. Water pollution is one of the nation's rampant problems. It has been long neglected and will require heroic measures, and large sums of money. Involved here also is the good faith of the federal government. Twenty-two governors support the larger amount, some of them citing the fact that the government has induced the states to expand their clean-up efforts but is now refusing to give the degree of assistance it promised.

Gov. Ogilvie has said that Illinois would receive only $9,800,000 if the administration has its way, rather than $53,300,000 expected. "Many construction projects have been held back," he wrote to Congress, "and others have been progressing slowly because of difficulties with financing. Practically all interstate projects were planned and scheduled in expectation that funds authorized by the Clean Water Restoration Act would be available."

That act, passed in 1966, authorized matching federal grants to state and local governments to cover 30 to 55 per cent of the cost of sewage facilities. The program has always been shortchanged, with Congress appropriating less than authorized. Now the administration would cut it by $786,000,000.

Such budget paring may be thwarted, as it should be. A drive in Congress has brought support from 162 House members for the larger sum. Rep. George Mahon (D-Tex.), chairman of the Appropriations Committee, will try to halt the government. "After all," he said, "who can be against clean water?" Who indeed?

The Pollution Fight: It's Up to Washington

Lake County residents who suffered through the hot, humid summer months without benefit of their beaches don't need reminding that there is a water pollution problem.

Congress, which deliberates next door to the murky, odorous Potomac shouldn't have to be reminded either. Apparently, however, some sort of prodding is necessary to stimulate the federal government to do its share in combatting this ever-increasing problem.

In the 1968 fiscal year, the Congress promised to provide $450 million in federal grants and matching funds for the anti-pollution fight. Only $203 million was appropriated. During the 1969 fiscal year, which ended June 30, $700 million was pledged but only $214 million was delivered. For fiscal year 1970, $1 billion was promised, but President Nixon has asked for an appropriation of only $214 million.

Meanwhile, pending applications for grants for sewage treatment facility construction alone total $2.25 billion. One of these applications is from the North Shore Sanitary District, which serves Highland Park, Highwood, Lake Forest, and Lake Bluff. And while Deerfield is not a member of the sanitary district, its residents, too, were prevented from using Lake Michigan beaches by pollution from the district's outmoded and inefficient sewage treatment system.

In this period of inflation, we normally would not encourage greater federal spending. But pollution is one problem that supercedes local political boundaries and therefore requires federal action. Furthermore, pollution is one problem that must not be allowed to worsen while we wait for a decline in the inflationary spiral.

Ordinarily, we would not encourage a wealthy area like this one to seek federal aid, believing that its residents can and should finance their own improvement projects. However, the state's constitution, as outmoded as the sanitary district's treatment plants, prevents the district from issuing bonds for more than $35 million of the $60 million it needs to upgrade its facilities. So the district has no choice but to turn to Washington for help.

Our congressman, Robert McClory (R-12th), has introduced a bill that would provide a direct grant to the sanitary district, separate from the appropriation in the total anti-pollution measure. However, passage of his bill does not appear likely.

Meanwhile, he is supporting the full $1-billion appropriation for the comprehensive pollution fight. We are glad he is backing this effort, and hope he will sign a petition backed by 152 other congressmen formally pledging their support. Even if our sanitary district is able to solve its own pollution problems, we still would suffer from pollution from other sources, including industries from Waukegan to Gary and the Army Corps of Engineers.

Only such a comprehensive approach to the pollution problem will result in meeting the goal all should share: a total end to the desecration of our precious recreational areas and water supplies.

[From the Chicago Tribune, Sept. 30, 1969]

Funds for Pollution Control

When Congress enacted the clean waters restoration act of 1966, it was regarded as a significant step in the nation-wide campaign against water pollution. But since then Congress has failed to fulfill its obligations under the act by falling far short of appropriating all the funds authorized. Such funds are to be used as federal cost sharing grants for construction of municipal sewage treatment plants.

In Illinois, for example, there are federal grant applications for 273 water pollution control projects but proposed federal funding sufficient for only 20 to 25 of them. Gov. Ogilvie points out that this short funding has a serious impact on this state's progress toward construction of necessary pollution abatement works, particularly in cities along the Illinois river, Lake Michigan, and other interstate waters. Other authorities warn that the whole national anti-pollution effort is being crippled.

Although the 1966 act authorized one billion dollars for such purposes in fiscal 1970, the Nixon administration's budget calls for appropriations of only 214 million dollars to stimulate the cities to get on with the job of cleaning up pollution, a strong movement is under way in the House to persuade the administration to provide full funding under the act. This movement has the support of most state governors, mayors of many cities, and nearly 40 conservation, civic, and other groups and agencies, including the AFL–CIO, the Chicago metropolitan sanitary district, the Izaak Walton league, and the League of Women Voters.

Sponsors of the movement assert they have 219 "firm" votes pledged in the House—enough to approve an amendment to increase appropriations to the full billion dollars in the event the House appropriations committee fails to recommend this sum. Pollution control costs money, but it is necessary if Americans are to avoid fouling their environment even more seriously than they have already. The longer control measures are delayed, the more it will cost eventually to stop pollution.

FALSE ECONOMY

President Nixon's efforts to cut the federal budget has led to at least one serious false economy. He wants to cut the nation's proposed billion-dollar clean-water campaign for fiscal 1970 to only 214-million dollars.

Water pollution is one of this nation's most important problems. It has long been neglected. It requires massive efforts to correct the situation. At least 22 governors—including Governor Ogilvie—support the need for spending more on cleaning up water pollution. The federal government under the 1966 Clean Water Restoration Act pledged to help solve the problem. But it is now backing out of its promise.

Many construction projects in Illinois will be stopped unless Congress votes the full amount originally promised. For example, under the Nixon budget-cutting idea, Illinois would get 9-million 800-thousand dollars for cleanup efforts. But under the original act, we would get more than 53-million dollars.

This clean water program has always been short-changed. While we support efforts to cut the federal budget, we say it is a bad idea to cut the funds for the clean water campaign. Clean water is a vital problem. We hope that Congress will not reduce the needed funds.

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, Alaska, July 1, 1969.

The Honorable JOHN D. DINGELL,
House of Representatives U.S. Congress, Rayburn House Office Building, Washington, D.C.

DEAR MR. DINGELL: Thank you very much for your June 6, 1969, letter inviting me to comment on the implications to Alaska of the shortage of Federal funding of water pollution control programs.

For several years Alaska has made good use of its entire allocation of construction grant funding in the water pollution control program. Particularly, with the implementation this year of our new Water Quality Standards, I anticipate that substantial additional amounts could be used by our local governments for the construction of sewage treatment plant if these funds could be made available.

Best personal regards.

Sincerely yours,

KEITH H. MILLER,
Governor.

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, Alaska, September 26, 1969.

The Honorable JOHN D. DINGELL,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. DINGELL: Thank you for your letter of August 27, 1969, concerning the Federal Clean Water Restoration Act of 1966.

As stated in my letter of July 1, 1969, the implementation of our new Water Quality Standards would mean substantial additional funding could be used by our local governments for the construction of sewage treatment plants.

I shall follow with great interest the efforts of you and your colleagues as you work for full funding for the Public Works Appropriation Bill. I will be happy to lend my support at every opportunity.

Best personal regards.

Sincerely yours,

KEITH H. MILLER,
Governor.

STATE OF IDAHO,
Boise, August 13, 1969.

Hon. JOHN D. DINGELL,
Member of Congress,
Washington, D.C.

DEAR REPRESENTATIVE DINGELL: I share your interest and concern over the fact that construction grant appropriations under the Federal Clean Water Restoration Act have been grossly short of the authorizations contained in the Act.

Although the grant level of such appropriations has not been a major handicap in the construction program in the State of Idaho up to the present time, we do anticipate that failure to appropriate at a significantly higher level in the next few years will certainly slow down our clean-up program. We are also aware that the present funding level has severely handicapped the clean-up programs of some of our neighboring states.

Sincerely,

DON SAMUELSON,
Governor.

WATER POLLUTION CONTROL CONSTRUCTION PROJECTS 1968-69

	Estimated total project costs	Estimated amount of Federal grant to be requested
City and county of Honolulu:		
Nanakuli interceptor	$1,500,000	$495,000
Makaha section 3 interceptor	350,000	115,500
Hawaii County:		
Kailua interceptor	900,000	297,000
Kawaihae-Puako secondary treatment and interceptor	750,000	247,500
Kauai County: Lihue-Nawiliwili interceptor	850,000	280,500
Maui County:		
Honokowai secondary treatment and interceptor	1,500,000	495,000
Kaunakakai secondary treatment and interceptor	750,000	247,500
Lanai secondary treatment and interceptor	500,000	165,000
Total	7,100,000	2,343,000

STATE OF ILLINOIS,
Springfield, June 25, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: In your letter of June 6, 1969, you stated that the House Committee on Appropriations is currently considering funding of construction grants for sewage treatment works under the Clean Water Restoration Act (Public Law 84–660).

The authorization for fiscal 1970 is $1 billion, but the proposed appropriation is for $214 million. Therefore, the Illinois allotment will be approximately $9.8 million vs. the $53.3 million at maximum authorized. This short funding has a serious impact on progress in Illinois toward construction of necessary abatement works. This is particularly true of the cities along the Illinois River, Lake Michigan and other interstate waters. The proposed funding will be sufficient for about 20 to 25 projects only.

There are now on hand, Federal grant applications for 273 projects having a total cost of $187 million, and eligible for $55 million in grants at 30 percent. Fifty-six projects requesting $18 million in grants are in the metropolitan Cook County; 217 projects are outside Cook County with grant requests of $37 million. All of these projects are required to be completed by July, 1972 in compliance with the Federal-State Water Quality Standards established in accord with the Federal Water Quality Act of 1965.

Enclosed is a brochure (not printed in the RECORD) prepared by the Illinois Sanitary Water Board for fiscal 1969.

Table III lists the 218 applications last year for grant requests of $45 million. The $9.8 million appropriated allowed funding of only 25 projects.

Table II lists the municipalities on interstate waters and the date construction must start to meet the water quality standards deadline.

Table I is a list of municipalities statewide that must provide additional sewage treatment over the next five years. There are 553 communities listed which include most of the projects contained in Table III. There will be additional municipalities added to this list over the next few years. This five-year list reflects project costs of $314 million and a Federal grant funding of approximately $100 million.

Many construction projects have been held back and others have been progressing slowly because of difficulties with financing. Practically all interstate projects were planned and scheduled in expectation that funds authorized by the Clean Water Restoration Act would be available. In spite of this, twenty downstate projects and two Metropolitan Sanitary District projects did proceed in FY 69 under potential reimbursement features of the Federal Act.

A one billion dollar Water Resources General Obligation Bond Referendum for Illinois in November, 1968 received a majority of "Yes" votes. However, because a majority of votes cast in the election was required, the issue did not receive legal approval. This bond issue was intended, in part, to assist municipalities in construction of sewage treatment works.

Sincerely,

RICHARD B. OGILVIE,
Governor.

STATE OF INDIANA,
Indianapolis, August 19, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Reference is made to your letter of June 6, 1969, relative to the effect of past federal funding on Indiana's water pollution abatement program. The lack of adequate federal grant funds has been the major deterrent to our program. This has become acute in the past few years.

Each year since the grant program was initiated in 1956 we have received applications for more funds than were available. In the earlier days of the program the requests usually amounted to from two to three times the amount of money available. Following the enactment of the 1966 amendments which increased the authorization and provided for an increase in the federal grant from 30% to 50% if the state gave a 25% grant, the 1967 Indiana Legislature appropriated $8.6 million for state grants for the 1967–69 biennium. This appropriation was sufficient to match Indiana's federal allotment from a $300 million appropriation for 1967–68 and $400 million for 1968–69.

In 1967–68 we received 57 applications for $17.2 million in federal funds, on a 50% basis. However, only $4.9 million were allotted to Indiana. In 1968–69 we received 93 applications for $31.5 million federal funds. Only $5.2 million were received. As a result a considerable portion of the $8.6 million state funds which were available reverted to the state general fund.

The 1969 Indiana Legislature appropriated $3.0 million for 1969–70 which is sufficient to match our allotment from a $250 million federal appropriation. It appropriated $3.5 for 1960–71. The experiences of the previous biennium were a major factor in determining the amount of state funds appropriated for the current biennium.

The 1969–70 applications for federal and state funds are now on file. There are 135 applications for $44.3 million in federal funds. Priorities have been established by the Stream Pollution Control Board. A copy of the priority list is attached hereto. Since Indiana receives only $5 million from a $214 million appropriation a glance at the table will show we can satisfy only the first four applications.

It is obvious that the lack of federal grant funds has slowed our program. In fact, our rate of construction for the past two years, and our apparent rate for this year, is barely keeping pace with population expansion.

The Indiana Constitution does not permit bonding of the state. Consequently we cannot raise the money to pre-finance the federal grant as New York and a few other states have done.

Sincerely,

Edgar D. Whitcomb,
Governor of Indiana.

Iowa State Department of Health,
Des Moines, Iowa, August 12, 1969.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Congressman Dingell: Governor Ray has asked that I reply to your letter of June 6, 1969 regarding the effect of funding of the construction grant program on the water pollution control program in the State of Iowa.

During the early years of the grants program subsequent to 1956 the State of Iowa was receiving only approximately $700,000 annually as compared with the $3,200,000 allocation now received under the $214 million national appropriation. Priorities for grant funds were given to communities with the greatest water pollution control need but approximately one third of the communities proceeded without Federal assistance during the early years of the program. Likewise, many communities received much less than the 30% grant due to early limitations on maximum grants.

Construction grant funds under the $214 million appropriation have been ample to fund all Iowa projects on a 30% basis. The State of Iowa has approached 100% treatment of the municipal sewered population for a number of years and a major share of the federal funds are utilized in expansion of treatment plants in the larger cities. The state has averaged construction of 30 to 50 treatment plant projects annually and Federal funding has been ample during recent years to support our water pollution control program, although for the current year priorities have again become necessary.

Legislation to establish a program of 25% state aid to municipalities for sewage treatment plant construction failed to pass during the last Iowa legislative session. In the event this state aid program should be adopted, there would be a need for increased federal assistance to fund the 50% federal share for which the state would be eligible.

I hope this information will be helpful to you and we will be glad to furnish additional information.

Very truly yours,

R. J. Schliekelman,
Director, Water Pollution Division.

Iowa State Department of Health,
Des Moines, Iowa, September 24, 1969.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Mr. Dingell: Governor Ray has referred your letter of August 27 regarding short-funding of the construction grant program to this Department for reply.

For your information, we are enclosing a tabulation of 61 construction grant applications for FY 1970 which we have listed in order of priority based on water quality and financial needs. We will have sufficient funds to reach approximately 52 projects. The total need on the basis of the grant requests at 30% or 33% of the project cost is $5.6 million compared with the Iowa allocation of $3.3 million. All listed projects are intended for start of construction on or before June 30, 1970. A number of projects have proceeded to construction on a possible reimbursement basis when Federal funds have not been available at the start of construction.

As indicated in our previous letter, the State of Iowa has approached 100% treatment of the municipal sewered population and our needs are not as great as some other states. However, it is likely that our grant requests will exceed current Federal funding for several years. If Iowa should adopt a 25% state-aid program, the 50% Federal share would greatly increase the need for increased Federal funding.

We hope this information will be of assistance to you.

Very truly yours,

R. J. Schliekelman,
Director, Water Pollution Division.

WATER POLLUTION CONTROL CONSTRUCTION GRANT APPLICATIONS, FISCAL YEAR 1970, AUG. 25. 1969

	Grant request	Total project cost
1. Hinton	$34,490	$129,270
2. Anthon	40,200	134,000
3. Vail	13,080	54,130
4. Panora	26,880	95,700
5. Templeton	20,618	99,330
6. Hudson	152,625	462,500
7. Ute	16,860	67,850
8. Correctionville	56,230	173,400
9. Hancock	17,390	55,900
10. Battle Creek	19,965	77,500
11. Royal	25,170	96,900
12. Granville	14,610	59,700
13. Oskaloosa	522,000	1,760,000
14. Doon	15,660	58,550
15. Andover	11,250	42,000
16. Eldon	68,100	237,000
17. Harris	7,890	32,310
18. Postville	42,630	187,100
19. Callender	27,543	108,410
20. Vinton (effluent sewer)	6,330	21,100
21. Kiron	8,856	29,520
22. Moville	32,280	134,200
23. Spencer	213,000	780,000
24. Marshalltown	412,170	1,249,000
25. De Soto	13,800	51,500
26. Packwood	18,900	67,800
27. Worthington	28,204	73,190
28. New Vienna	40,590	125,010
29. Alburnett	20,000	79,000
30. Kimballton	24,000	95,920
31. Swisher	29,073	111,910
32. Jesup	89,250	297,500
33. Early	25,245	119,200
34. La Motte	17,700	66,650
35. Clutier	15,000	54,100
36. Lake View	85,500	285,000
37. Scott County Conservation Board I-280 Lake	47,533	144,039
38. Larrabee	7,200	26,095
39. Fort Madison (chlorination)	52,800	160,000
40. Dallas	13,800	56,450
41. Chariton (Red Haw Lake Int.)	13,300	44,305
42. Rockford	42,600	148,000
43. Des Moines STP Contr. 3	610,500	1,850,000
Subtotal	3,000,822	10,001,039
44. Lidderdale	6,990	26,300
45. Raymond	32,000	116,500
46. Keokuk	39,600	120,000
47. Knoxville	139,860	466,200
48. Des Moines (Highland Hills STP)	33,000	100,000
49. Walker	25,170	89,900
50. Ottumwa (interceptor)	27,820	84,300
51. Stanhope	8,658	33,360
52. Davenport (chlorination)	78,870	239,000
53. Ankeny	301,950	935,000
54. Des Moines (4 Mile Creek pump station)	52,800	163,500
55. Des Moines (pump station monitors)	21,450	65,000
56. Cedar Rapids (solids handling)	726,198	1,992,156
57. Walcott (interceptor)	11,900	39,800
58. Waterloo	990,000	3,000,000
59. Cedar Rapids (Prairie Creek interceptor)	86,790	265,000
60. Laurens (interceptor)	18,240	60,800
61. Council Bluffs (grit removal)	43,230	131,000
Subtotals	2,644,526	7,927,816
Totals	5,645,348	17,928,855

State of Maryland,
Annapolis, Md., June 25, 1969.
Hon. John D. Dingell,
House Office Building,
Washington, D.C.

Dear Congressman Dingell: At the request of Governor Mandel, I am replying to your letter of June 6th concerning the funding of the construction grant program under the Clean Water Restoration Act.

Governor Mandel recently appeared before the Public Works Subcommittee of the Senate Finance Committee, at which time this subject was under discussion.

We are pleased to enclose herewith a copy of Governor Mandel's testimony of June 9th as we feel that his remarks will give you, substantially, the information you requested.

Sincerely,

Joseph G. Anastasi,
Administrative Officer.

Testimony of Gov. Marvin Mandel

Mr. Chairman, members of the Committee, I appreciate the opportunity to be here to express my support for increased appropriations for sewage purification plants.

Specifically, I appear before you today to urge you to appropriate the full sum of money authorized in the Federal Water Pollution Control Act for grants to communities for the construction of sewage purification works. The Act authorizes one billion dollars for that purpose in fiscal year 1970. I am informed that the President's budget requests only 214 million dollars—the same as last year.

Mr. Chairman, 214 million dollars is woefully inadequate. One billion dollars is not enough. And I believe the Governors of all the states would agree with me. If support for sewage purification works is limited to that amount, the effectiveness of the national water pollution control effort will be severely lessened.

Let me assure you that I am aware of the extraordinary pressures on the nation's budget. I fully appreciate the desire of the President and some members of Congress to cut back and defer expenditures wherever possible.

State and local budgets are under similar pressures. In Maryland, and in many other states, it is unwise to defer construction of water pollution control facilities—unless we can defer pollution too.

So many of the problems I face today as Governor of Maryland—and you face too in the area of your own responsibilities—are embedded in social and economic disparities that no amount of public expenditures alone can remedy. The point is, the aggravating problems caused by municipal sewage pollution can be solved now. They can be solved by the simple expenditure of a relatively small sum of money. Furthermore, construction of sewage purification plants now is the cheaper method. Deferring the ultimate construction of these needed plants means adding the social and actual costs of inadequate pollution control to the construction costs of the plants.

In addition, municipal sewage is one source of pollution that we know how to control. It can be corrected now. It will never be less expensive to correct than today.

I stated earlier in my testimony that one billion dollars is inadequate for the construction of sewage purification works in fiscal 1970. Let me tell you about our experience in Maryland to illustrate the point.

In 1967 Maryland entered the local, State and Federal program of the Clean Water Restoration Act of 1966. Water quality standards were adopted for all waters of the State. Standards and plans for implementation for interstate waters were approved by the Secretary of the Department of Interior. These standards thus became Federal as well as State.

The Maryland plan requires that by 1971 all municipalities in Maryland have arranged financing and have completed or have under construction the most advanced sewage purification works available under current technology.

In 1966, when Maryland began this program, approximately 720 thousand persons were contributing to water pollution for lack of modern sewage purification works. In addition, Maryland is growing at an average rate of approximately 80 thousand persons per year. Thus, in a five year period, it was imperative that Maryland finance sewage works for a total of 1.12 million people—or an average of 224 thousand per year for five years.

Maryland's experience in 1966 was that the grant eligible portion of sewage facilities cost about 150 dollars per person. That figure increases at the rate of about 15 per cent per year. That means that by 1971 Maryland can expect to pay 300 dollars per person.

The average annual cost of the plan eligible for Federal and State grants (at an average construction rate providing service for an additional 224 thousand persons per year at an average cost of 225 dollars per person) is 50.4 million dollars. Maryland's communities are fully eligible for the maximum Federal grant. Thus the allotment to Maryland to finance a 55 per cent grant is slightly more than 27.7 million dollars.

If Congress appropriates one billion dollars, Maryland's allotment will be close to 17 million dollars. This is about 11 million dollars short of the amount needed. In order for Maryland to receive the allotment needed to finance the plan approved by the State and Federal governments, Congress would need to appropriate 1.64 billion dollars.

At the level of President Nixon's budget request, Maryland can expect to receive 3.5 million dollars in fiscal year 1970. This is about one-eighth of the amount needed to comply with the approved plan. New sewage purification facilities to complement the population growth that qualify for Federal grants total almost 10 million dollars—or about three times that which Maryland would be entitled to receive under the President's budget request.

Clearly, one billion dollars is not enough to finance the Federal share of construction of municipal sewage purification facilities. 214 million dollars is grossly inadequate.

Maryland's plan did not anticipate that Federal grant funds would be sufficient to fully finance the Federal share in the first five years. Instead, the Maryland General Assembly authorized the sale of 150 million dollars in bonds to pay the outright State grant and to pre-finance any deficiency in the Federal grant offer. This was done on the basis of the authorization for reimbursement through fiscal year 1971 and the hope that the reimbursement provision would be extended beyond 1971 in later amendments.

A Sanitary Facilities Funds was established for those purposes. The law authorizing the sale of bonds provides that reimbursements received from the Federal government be deposited in the fund to be used to finance other works. Thus, the fund was designed to provide capital to make up the deficiency in the early years of the program. If reimbursements came in as expected, Maryland could continue to build for growth and modern sewage purification works. The State share would be taken out of the fund until it was depleted early in 1980.

Maryland did not anticipate the default in the appropriation schedule authorized by the Federal Act. As a result, because our carefully conceived plan is working well, Maryland is in financial trouble. During the first two years the backlog of purification needs was reduced from 720 thousand to approximately 300 thousand. If the Federal government appropriates the amounts authorized in the Act, Maryland's backlog needs will be financed and under construction by mid-1970, months ahead of our target date.

At the present rate of Federal appropriations, Maryland will receive about 14 million dollars for fiscal years 1968 through 1971. 57.5 million dollars was anticipated under the Federal Act for the same fiscal years. Thus, the Sanitary Facilities Fund will go broke early in fiscal year 1970 unless Federal appropriations are increased.

You might be interested in the fact that actual Federal grants for construction of sewage purification works in Maryland average less than 10 per cent compared to the 55 per cent grant authorization of the Federal Water Pollution Control Act.

In closing, I want to express my concern in support of increased appropriations for sewage purification plants. Our people are fed up with billion dollar talk and million dollar action.

The example set by Congress can greatly enhance or hinder the national water pollution control effort.

An effective program has been developed in Maryland. This program includes local, State and Federal partnership. But unless Maryland continues to receive Federal support the program will fail for lack of financial support.

This means other states will be less apt to try and work out programs involving all three levels of government. And this means that industry will be less apt to place a high priority on nonproductive water pollution control investments. These are two very serious consequences of decreasing the amount of Federal involvement in the sewage purification effort.

In summary, pollution caused by municipal sewage is unnecessary. This type of pollution can be lessened by constructing modern sewage purification works. The cost of building these plants five years from now will be double today's cost. This is one problem that can be solved—with a modest expenditure of Federal funds now.

Therefore, I urge this subcommittee to look favorably on appropriating the full one billion dollars for construction grants in fiscal year 1970 as authorized in the Federal Water Polution Control Act.

STATE OF NEW YORK,
Albany, July 22, 1969.

Hon. JOHN D. DINGELL,
Congress of the United States,
Washington, D.C.

DEAR MR. DINGELL: Thank you for your letter concerning Federal funding under the Clean Water Restoration Act.

Municipalities, under the $1 billion New York State Pure Waters Bond Act, are provided a basic State construction grant of thirty percent, and prefinancing of the Federal share up to thirty percent; thus, the State guarantees to the municipality a sixty percent grant of the eligible project cost.

As you are aware, existing Federal legislation currently entitles municipal sewage treatment works projects to either a fifty percent or fifty-five percent Federal construction grant. Due to the short-funding of the Federal program, no project in the State of New York has received its full Federal grant. The national appropriation for the Federal program for fiscal year 1969 was only $214 million, with the New York State allocation being only $15.8 million of this appropriation. If the active projects in the State were funded to the 50/55 percent figure, an additional $752 million in Federal grant funds would be required.

The failure of the Federal Government to match existing authorizations with appropriations has slowed our Pure Waters Program. If Federal funds were available, municipalities would be eligible to receive a total construction grant of eighty percent or eighty-five percent of the eligible project cost. This would then limit the local municipal share of the project cost to either twenty percent or fifteen percent; would make it easier for the taxpayers within the municipal to shoulder the fiscal burden; and would encourage the municipality to move ahead with its project to abate water pollution.

Your efforts to secure full funding of the Clean Water Restoration Act for fiscal year 1970 are very much appreciated.

Sincerely,

NELSON A. ROCKEFELLER.

OFFICE OF THE GOVERNOR,
Phoenix, Ariz., June 16, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: This is reply to your letter of June 6, 1969 regarding funding of the construction grant program under the Clean Water Restoration Act.

Arizona's allocation of PL–660 money has been sufficient to meet the demand for the past several years. During the immediate past three years the requests for PL–660 money have almost exactly equaled our allotment. Based on our present projections we anticipate that our 1970 allotment of approximately two million dollars will be sufficient to again satisfy all applicants. It is possible, of course, that several projects will develop that we have not anticipated. This is particularly true of projects on our Indian Reservations that are being stimulated by grants from the Economic Development Administration.

I appreciate your interest and concern in this matter.

Sincerely,

JACK WILLIAMS.

STATE OF ARKANSAS,
Little Rock, June 17, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: We have received your request of June 6th, and take pleasure in transmitting the following information.

The "short funding" mentioned in your letter has not caused a great impact on the overall grant program prior to the past two fiscal years. However, with the adoption of the Water Quality Standards, with its abatement schedule for existing sources of pollution, the amounts appropriated for fiscal years 1968 and 1969 have not been sufficient to fully fund all needed projects. Under the FY 1969 appropriation of $214,000,000, Arkansas received an allotment of $2,829,800; in addition to this amount we have received $231,620 in grant funds reallocated from other states, making a total of $3,061,420 in useable funds. As of this date the construction grant fund balance is $984,017, with grant requests and anticipated grant increases remaining to be made of $922,000, which will leave a balance of approximately $62,000. As this money is available until December of 1969, it can be added to the $2,829,800 which Arkansas will receive for FY 1970 under the present proposed national appropriation of $214 million, giving a useable allocation of $2,891,800.

Grant requests are on hand at this time from four of the municipalities on the abatement list (Hot Springs, Little Rock, Dardanelle, North Little Rock) totaling $3,400,410; in addition to this, requests are expected from other municipalities which will probably total approximately $1,000,000. Subtracting the proposed allocation shown above will result in a deficit of approximately $1.5 million for the coming fiscal year.

To combat this situation in prior years, the Arkansas Pollution Control Commission has initiated a policy of giving a municipality a partial grant and making up the remainder during the next fiscal year, however, this practice cannot be carried on indefinitely as the program is authorized only until June 30, 1971.

Under the present authorization, Arkansas will receive about 1.3% of the national allocation for FY 1970; carrying this percentage forward, the State would receive over $13 million should the full authorization of $1 billion be appropriated. Obviously this would be far more money than could possibly be used, however, it is felt that the amounts now received are short of those needed to complete the work at hand. A realistic estimate of the amounts needed for the next two fiscal years would be between 4.5 and 5 million dollars. At this time no State monies have been appropriated relative to the construction grant program and it is not expected that any will be forthcoming soon.

As another matter of extreme interest to the Commission, the monies appropriated under Section 7(b) of the Act have repeatedly fallen short of the percentages authorized for Federal assistance in the maintenance of State water pollution control programs. It is hoped that consideration will also be given to this facet of the overall program, as it is felt to be of equal or greater importance as the construction grants program.

I hope the foregoing information will enable you to properly evaluate the grants program with respect to Arkansas, however, should we be of any further assistance, please do not hesitate to call on us.

With all good wishes,

Sincerely,

WINTHROP ROCKEFELLER,
Governor.

STATE WATER QUALITY CONTROL BOARD,
Atlanta, Ga., July 18, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: We note from the Congressional Record of July 10, 1969, that you wrote the Governors of the States requesting information related to construction grant needs under the provisions of the Clean Water Restoration Act. We have checked with our Governor's office and there is no record of your letter having been received. However, since this matter is so urgent to us, we are taking the liberty of providing you with the information anyway.

The failure of Congress to appropriate the funds authorized in the Act has left the State of Georgia in a very difficult position in obtaining effective water pollution abatement programs from local governments during the past three to four years. The implementation plan and water quality standards adopted by this State and approved by the Department of the Interior in 1967 are becoming less and less a reality.

This State now has seventy-four (74) applications and three (3) requests for supplemental grants pending which are requesting almost $35 million in FY 1970. Based on engineering reports already reviewed by this office, the situation will be worse next year.

By letter dated July 9, 1969, this office was informed by the Southeast Regional Office of F.W.P.C.A. that Georgia would receive $4,589,000 for FY 1970. This, of course, is based on an appropriation of $214 million. You can see that the bulk of the applications will remain in the drawer for another year.

Your interest and concern in this matter are vital. Your assistance in obtaining additional funding will be appreciated by many.

Best regards,

Sincerely,

WARREN O. GRIFFIN,
Assistant to the Executive Secretary.

STATE OF GEORGIA,
Atlanta, August 12, 1969.

Hon. JOHN D. DINGELL,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Your letter dated July 21, 1969, in reference to my views on the impact of present funding for the construction grant program under the Clean Water Restoration Act, was greatly appreciated.

The Georgia State Water Quality Board in its letter dated July 21, 1969, and the Georgia Department of Public Health in its letter dated July 29, 1969, have provided you with details of the effects of present funding. On behalf of the people of Georgia, I urge you to press for increased funds for the construction grant program. Without this help, we and other states face a frightening future in our fight against water pollution.

If I can be of further assistance to you, please do not hesitate calling.

With kindest personal regards, I am,

Sincerely,

LESTER MADDOX,
Governor.

STATE OF MAINE,
Augusta, Maine, June 19, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: I have noted the concern expressed by your letter of June 6, 1969 for the effect of the lag of appropriations by the Congress behind the authorizations of the Clean Water Restoration Act.

Here in Maine we are equally concerned, have tried to keep the program momentum with pre-financing provisions of a limited nature, and now have before the Legislature a bond issue bill which carries a pre-financing provision as well.

Our water quality restoration implementation plan was based upon the authorization and is now in danger of falling out of gear badly. The first two years of the Acts four year authorization period would, if fully funded, have provided Maine with a total of $7.5 million in aid generating approximately $15 million in construction. Instead the direct aid figure amounted to about $3.5 million generating $6.8 million in construction. Fortunately some projects were saved by a pre-financing provision authorized by the 1967 Legislature leaving only $0.7 million of authorization uncovered.

To the best of our knowledge the Fiscal Year 1970 aid figure will approximate $1.8 million for Maine which will drop us behind from an authorized $6.1 million figure and provide a lag of $4.3 million in aid and $8.6 million in construction. In Fiscal Year 1971 $7.3 million was authorized and if there is a continuation of present policy we will slip back another $5.5 million. So as matters now stand we will be out of line by $21 million dollars worth of construction by July 1, 1971.

There is a bill before the current Legislative session to provide fifty million dollars in state money for the program including prefinancing but in addition to Legislative approval, it must pass Statewide referendum as well. A problem somewhat unrelated but nevertheless a problem is that Maine must recover the $5.3 million now invested in prefinancing from 1970 and 1971 funding of the federal grants in aid unless it is to sacrifice this money.

Maine communities under present construction costs must participate in something over $150 million in abatement projects and it is easy to see the impact of short fall on the program. At the present time the cost increase in construction is a prime factor in estimating the cost of delay.

I wish to express my gratitude for your concern in this matter and assure you that we will be pleased to supply any additional information at any time.

Sincerely,

KENNETH M. CURTIS,
Governor.

STATE OF MAINE,
Augusta, Maine, August 19, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Recently, an article in the Conservation Foundation Newsletter was brought to my attention in which it was stated that you and six other Congressmen were pushing a drive for the full $1 billion authorization for waste treatment plant construction. My letter to you of June 19th detailed Maine's deep interest in having the full authorization funded.

Subsequently, a resolution was introduced by me and unanimously passed by the New England Governors' Conference, of which I am Chairman, calling upon the New England Congressional Delegation to support efforts for further Federal funding and specifically, to work for the full authorization of $1 billion. I am enclosing a copy of the resolution for you.

Any suggestions you might have as to how we could be helpful to you in your effort would be appreciated.

Sincerely yours,

KENNETH M. CURTIS,
Governor.

RESOLUTION

Whereas, the continued pollution of our region's lakes, rivers, estuaries, and coastline is a serious threat to the economic vitality, environment and public health of our six States; and

Whereas, each New England State has demonstrated leadership and determination in attempting to resolve these critical water quality problems through the development of water quality standards on interstate and intrastate waters; through regional cooperative action and the establishment of one of the Nation's first interstate water pollution compacts and also one of the first river basins Commissions; through substantial State aid to local communities for the construction of waste treatment facilities and prefinancing of the Federal share of these facilities; and

Whereas, the Federal Government after enactment of strong water pollution control legislation has not appropriated the funds authorized under that legislation required to assist in the task of restoring the quality of this region's polluted water; and

Whereas, the National fiscal gap over the past five years between the appropriations and authorizations under that legislation amounts to a total of one billion five hundred twelve million dollars;

Now therefore be it resolved, that, the Governors of the New England States call upon the members of the New England Congressional Delegation to support all reasonable methods designed to resolve this crucial financial problem. Specifically, we urge Congress to fund the full authorization under the existing program and that we oppose any move to reduce the current 50 to 55 percent level of Federal support to individual projects as now established under the Water Pollution Control Act.

Be it further resolved that, we urge that the Congress seriously consider long term financing of the Federal share of the cost of water pollution control facilites in order to extend Federal assistance to the maximum number of projects within allocated funds if these allocated funds remain significantly below the authorization; provided that, the Federal obligations incurred as a result of State pre-financing of the Federal share are assumed by the Federal Government.

State of Maine,
Augusta, Maine, September 4, 1969.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Representative Dingell: I appreciate your letter of August 27th bringing me up to date concerning the effort being made in Congress to obtain the full one billion dollar federal grant assistance for pollution abatement that has been authorized for fiscal year 1970. I also appreciate receiving a copy of the status of applications made by the State of Maine which are under the Federal Clean Water Restoration Act of 1966.

My best wishes to you and your efforts to obtain full funding for this vital program.

Sincerely,

Kenneth M. Curtis,
Governor.

State of Texas,
Austin, Tex., September 3, 1969.
Hon. John D. Dingell,
Rayburn Office Building,
Washington, D.C.

Dear Congressman Dingell: I encourage the bipartisan support that you and your fellow Congressmen have created to foster full funding of the Federal Clean Water Restoration Act of 1966. The nation as well as the State of Texas have a very vital interest in your combined effort.

In this regard, I wanted to take this occasion to bring to your attention and to recommend that the federal share of financial assistance for water quality projects be provided in a block grant and be 100% of total construction costs. State and local governmental entities would then assume full management and maintenance of the completed facilities. I consider this approach mandatory because of the severe funding handicap of cities and state governments. There is also a vital necessity for prompt water pollution, abatement for the environmental quality necessary for the continued prosperity of the United States.

Thank you for the opportunity to review and comment on this very important national task.

Sincerely,

Preston Smith,
Governor of Texas.

State of Colorado Department of
Natural Resources,
Denver, Colo., July 1, 1969.
Mr. John D. Dingell,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Dingell: Your letter of June 6, 1969 to Governor Love was referred to me for reply. Please forgive the delay in answering your request. To properly respond, it was necessary to obtain information from the Water Pollution Control Division of the Department of Public Health.

Since 1957 Colorado has been requiring the construction of secondary sewage treatment facilities. As a result, over 98 percent of the Sewered communities in Colorado are presently equipped with secondary facilities. Also, unlike states in other parts of our country, Colorado has very few large communities. Most of these large communities installed sewage treatment facilities in the early years of the Construction Grant Program. Requests from these communities now are generally restricted to Federal aid for enlargement of their treatment plants rather than completely new facilities. As a result Colorado has not found that the reduction in Federal funds for the Sewage Construction Grant Program has had much effect on our abatement program. However, it is our understanding that at least two communities are presently considering new metropolitan-type facilities which will dip quite heavily into our construction grant monies and could possibly affect our abatement program in the next year or so.

I hope this information will be helpful to you in your efforts to obtain full funding under the Clean Water Restoration Act.

Sincerely yours,

T. W Ten Eyck.

State of California,
Sacramento, July 2, 1969.
Hon. John D. Dingell,
Rayburn House Office Building,
Washington, D.C.

My Dear Congressman: The lack of funds for the construction grant program under the Clean Water Restoration Act, referred to in your letter of June 6, has indeed held back the water pollution control and abatement program in California.

For fiscal year 1969, our State Water Resources Control Board received 174 applications for grants totaling $55 million. From the $214 million appropriation, California's allocation was approximately $15 million. This provided for 52 grants, less than one-third of the requests.

For fiscal year 1970, 183 applications have been received requesting grants totaling $59 million. Already, 38 projects have qualified or are pending certification for grants which would exceed the anticipated total of $15 million from the $214 million recommended in the federal budget. In other words, the presently anticipated allocation would be exhausted before the fiscal year even began.

A bill has been introduced in the California Legislature to provide state funds to match federal grants. However, under the formula of the Federal Water Pollution Control Act, this would result in providing for larger grants but to fewer projects. There is no state program at present which would provide for grants to construct sewerage works.

The authorizations in the Act of $700 million for fiscal year 1969 and $1 billion for fiscal year 1970 lead communities to believe that ample grant funds would be available. The actual appropriation of only $214 million tends to discourage the construction of all necessary sewage treatment facilities since communities are reluctant to provide for the entire cost when there is a prospect of grant assistance.

Your efforts to secure full funding of the Act for fiscal year 1970 are very much appreciated and have my support.

With kind regards,

Sincerely,

Ronald Reagan,
Governor.

State of Connecticut,
Hartford, June 10, 1969.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Representative Dingell: Thank you for your letter of June 6 and for your interest in water pollution abatement.

In 1967, the Connecticut General Assembly adopted a Clean Water Act for this State and approved a $150 million bond issue to finance it, that sum being considered at the time to be sufficient.

However, because Federal funds have not been forthcoming in the amount that we expected, it was necessary for me to call upon the General Assembly this year for an additional $100 million in bonds to keep our pollution control program on schedule.

The program is being administered by the State Water Resources Commission, a division of the Department of Agriculture and Natural Resources, and I am asking the Commissioner of that Department, Joseph N. Gill, to write to you in more detail about this matter.

Sincerely,

John Dempsey,
Governor.

State of Connecticut, Department of Agriculture and Natural Resources,
Hartford, Conn., June 20, 1969.
Hon. John D. Dingell,
House of Representatives,
Washington, D.C.

Dear Representative Dingell: Governor Dempsey's letter of June 10th advised that you would receive more detailed reaction to your letter of June 6th from this agency. Short-funding has curtailed abatement progress in Connecticut ever since the enactment of the Federal Water Pollution Control Act of 1956. The Clean Water Restoration Act of 1966 by providing for federal reimbursement offered a possibility of proceeding with a reasonable program. Connecticut immediately passed legislation and provided funds for the federal share to abate all the pollution within the state within a period of five years. This program contemplated pre-financing more than $110 million of federal grants and receiving under the existing authorizations about $48 million through fiscal 1971, with the hope of recovering the remainder from subsequent federal programs. In the two years we have been operating under this program the State has pre-financed $37,393,098 which will increase rapidly in the next few months. During this period we have received from the Federal Government $5,859,300. This experience leads us to conclude that the accumulative inadequacies in federal appropriations are increasingly difficult to handle by even the most progressive state plan.

In addition to providing this requested information I believe it is also appropriate to comment on the efforts during the last year and a half to secure fuller funding by the Federal Government. It is our understanding that the budget problems of the Federal Government will allow full authorization only by some form of contracted delayed payments of bonded obligations. From a state's viewpoint it should matter little in what form the obligation of the Federal Government is provided.

However, the suggestions which were considered in Congress last year complicated or nullified the benefits which might accrue from such additional funding by contractual arrangements.

1. There was a condition that the arrangements for reimbursement would be terminated. Such a condition would completely stymie Connecticut's efforts to operate a cooperative program with the Federal Government.

2. There was a suggestion to eliminate the use of tax free municipal bonds for the financing of sewage disposal facilities. Such a provision would so increase interest rates that local financing would become difficult, illegal or impossible.

3. There is a suggestion that municipalities issue bonds to cover the federal share of the project as well as their own. To stay within fiscal or statutory requirements on bonded indebtedness the scope of the projects would have to be so reduced that they would be merely stop-gaps or inadequate efforts.

4. It was suggested that the additional funding be limited by criteria which would have prevented financial assistance to the correction of many important pollution problems.

5. There was the suggestion that federal contractural arrangements would only cover principal and not interest. This would produce an administrative problem for state agencies in deciding which municipality would receive full federal aid and which would have to bear part of the interest cost,

If methods of more fully funding the federal program are again considered such undesirable features may again be drafted, or new and more disagreeable conditions might be developed. In following these legislative attempts to provide additional funds, we have always deemed the incorporation of these difficulties as unnecessary. It would appear that a simple change in the Federal Act which would permit a contractual agreement by the Federal Government to pay the annual costs of those bonds which have been issued by a state to provide to the municapility the federal funds which were or are not available would accomplish what seems to be the legislative purpose without disruption of progressive state plans.

There seems to be no difficulty in state bonding at reasonable rates for funds sufficient to obtain the construction of the needed facilities. The paper work and administrative difficulties would be eliminated because the projects have already been processed and approved for federal grants. It would be easier for the Federal Government to work with a few state agencies than with thousands of municipalities. With such encouragement more states would be inclined to adopt a pre-financing arrangement so that their pollution abatement program can be put on firm schedules and those who already have such programs, which I believe includes your State, would be inclined to enlarge the pre-financing concept as may be required.

The difficulty with such a suggestion is that it appears so simple that one suspects there must be a hidden difficulty that has already prevented its adoption. However, we have exposed it many times to those in charge of pollution abatement programs in other states, to people working on interstate programs or in the regional offices of the Federal Water Pollution Control Administration and to Commissioner Dominick and have uncovered no unforeseen difficulty. Actually, this discussion of our proposal was developed in cooperation with the Director of the State Water Resources Commission, John J. Curry, who operates our state program.

It is hoped that you will find this rather lengthy additional response to the information you solicited worth your consideration in your efforts to secure full funding, a task to which you carry our fullest hope.

I have taken the liberty of providing copies of this answer to Connecticut's Congressional delegation because it should be opportune for their consideration of this problem.

Very truly yours,

JOSEPH N. GILL, *Commissioner.*

STATE OF DELAWARE WATER AND AIR RESOURCES COMMISSION,
Dover, Del., June 23, 1699.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Governor Peterson has asked me to reply to your letter to him of June 6, 1969. The appropriations of $214 million as opposed to the $1 billion authorized will drastically reduce the efforts of the State to meet the 1972 deadline imposed by the Water Quality act of 1967.

The states, in good faith and with the understanding that such funds would be authorized, gave commitments to the Secretary of the Interior for a five-year clean up program. This accelerated push for pollution abatement used up all of Delaware's construction funds without any effort on the part of the agency to encourage projects via the aid route. In fact, we now have several projects pending that we will not be able to finance within the foreseeable future. Our needs during the next five years will be approximately $75 million. Of this amount (at the current rate) only approximately $5 million of federal aid will be available. Therefore, you can readily appreciate the great void between the 30% eligibilty ($22.5 million) and the amount of funds allocated to the State for construction grants.

It is my opinion that it will be necessary for Delaware and many other states to resubmit time schedules for compliance with the 1967 Water Quality Act. Currently, the major responsibility for this slow down lies with the federal government. This is due to both hesitation in approving state standards and the drastic reduction in construction grant funds made available to the states. Unfortunately, we have been unable to provide state funds to keep up Water Pollution efforts since we have found it necessary to undergo some rather major tax programs in the state to meet current fiscal obligations. It is anticipated that some state aid for sewerage construction can be made availble next year.

If you have any further questions, please feel free to contact me.

Sincerely,

JOHN C. BRYSON,
Executive Director.

STATE OF DELAWARE,
Dover, June 11, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Thank you very much for your letter of June 6 regarding the Clean Water Restoration Act.

I am forwarding a copy of your correspondence to Mr. John C. Bryson, Executive Director of the Delaware Water and Air Resources Commission, for his review and direct reply to you. I am sure that Mr. Bryson will be able to give the information that you request regarding the impact that the fund shortages have on our water pollution control and abatement programs in the State of Delaware.

RUSSELL W. PETERSON,
Governor.

STATE OF FLORIDA,
August, 20, 1969.

Hon. JOHN D. DINGELL,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: Florida for the past several years has required at least twice the amount of federal funds available from the Clean Water Restoration Act. In fiscal year 1968–69, the State could have used more than three times the amount allocated. Florida's allocation in FY 1968–69 was $5,695,400. There was an additional sum of some $4,000,000 available from previous years from municipalities whose grant applications could not be approved for one reason or another. There will be no surplus this year.

Some 75 grant applications totalling more than $17,000,000 were received during this fiscal year which is ending. The State has been able to recommend funding on only 26 of these. An additional 18 applications have been certified to the Federal Water Pollution Control Administration as reimbursable. Because of the squeeze on funds, the State had to set a limit of funds for any individual project of no higher than 25 percent of the federal allocation. Florida's water quality standards require all sources of municipal and industrial waste attain a treatment efficiency of 90 percent or better no later than January 1, 1973. This early deadline is expected to increase the pressures in this State for more federal funds to aid in sewage treatment plant expansion and improvement. Other sources of funds, such as bonds, are becoming increasingly hard to obtain, especially for the smaller communities in the State. The cost of money has risen sharply and is still climbing.

This brief outline shows that the situation regarding availability of federal funds for water pollution control and abatement shortly is critical in Florida. The State has not taken up the slack left by the underfunding at the Federal level. It is my hope that we will move more vigorously at the State level. A strong presentation will be made to the Legislature next April for a State grant program. However, even this will not serve to lessen the need for Federal funds to carry on this important battle. Let me assure you of support from this office in your attempts to secure full funding for the Clean Water Restoration Act for Fiscal year 1970.

Sincerely,

CLAUDE R. KIRK, Jr.,
Governor.

STATE OF HAWAII,
Honolulu, June 19, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: This is in reply to your request of June 6, 1969 relative to the State of Hawaii's construction grant program for water pollution abatement.

Our water pollution control program in Hawaii has been temporarily retarded. During the fiscal year 1968–69, the total estimated cost for all projects was $7,100,000 of which $2,345,000 was anticipated to be the federal grant portion. However, the annual federal allotment for fiscal year 1968–69 to Hawaii was $951,750 which was only 40% of the total federal grant request. Attached is a copy of our fiscal year 1968–69 summary of our construction projects.

In an effort to compensate for the federal short funding, the Department of Health submitted an administrative request bill for an appropriation of $5,000,000 to the State Legislature. The Legislature, however, passed an amended bill of only $1,500,000 which still left a balance of $3,500,000 million dollars in the total estimated project costs for the State during this period.

In spite of the adverse change in federal funding, our State continues to move ahead with plans for the control of water pollution in anticipation of federal funds. Your efforts to secure full funding of the Clean Water Restoration Act is most encouraging. We hope that enough support can be generated in Congress so that the federal government can provide the authorized funding for the abatement phase of our water pollution control program.

With warm personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS.

THE COMMONWEALTH OF MASSACHUSETTS WATER RESOURCES COMMISSION,
Boston, July 18, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR SIR: Massachusetts has adopted a most comprehensive water pollution control law featuring a $150M bond issue authorization with pre-financing capabilities and a strong enforcement program vested in a new Division of Water Pollution Control under the control of the Water Resources Commission in the Department of Natural Resources. We also have provided two tax inducements for industry and a new and broad authority for control of oil pollution in the waters of the Commonwealth.

Since the inception of this program, grants have been made to communities reflecting about $55M worth of sewage treatment works construction. In recent years the Federal government's contribution to this program has been about $5.3M/year requiring the pre-financing of approximately $11.0M of State monies in anticipation of future Federal reimbursements. This has maintained the integrity of the implementation program adopted by the State up until now but as the larger community projects come due, the program will unquestionably be severely curtailed.

The Federal government has not honored its financial commitments to the State and as such one must question the advisability of continuing to subsidize the Federal share on eligible pollution control projects throughout the State.

The Federal interest in this program can only be confirmed by positive action in overcoming the accumulative Federal appropriation inadequacies and making provisions for a separate authorization to reimburse the states that have utilized their pre-financing capability.

Should alternative methods of financing be the subject of future Federal legislation, it is obligatory on the Congress of the United States to maintain the equitability of alternatives to the present construction grant percentages specified in the Federal Water Pollution Control Act. If a debt service contract approach is necessary, it is extremely important that the interest charges for the Federal share be borne directly by the Federal government.

I appreciate your concern in this matter and am hopeful my comments may be of assistance to you.

Very truly yours,

Thomas C. McMahon,
Director.

State of Michigan,
Lansing, June 27, 1969.

Hon. John D. Dingell,
Rayburn House Office Building,
Washington, D.C.

Dear Representative Dingell: Governor Milliken has asked me to reply to your request for information on the effect of the short-funding of the Clean Water Restoration Act on Michigan's water pollution control program. The people of Michigan have expressed their concern over this growing threat to our environment by passing the $446 million Clean Water Bond issue last November. The Michigan Legislature responded to this mandate of the people and on June 12, 1969, Governor Milliken signed into law Public Act 21 which is the enabling legislation for the disbursement of $285 million of the Clean Water Bond issue to be used in the construction of sewage treatment facilities eligible under provisions of P.L. 84–660. I am enclosing a copy of this Act for your information. Sec. 3(2) of Act 21 provides that a treatment works qualifying for a grant under this Act and under P.L. 84–660 shall receive a 25% state grant, an additional payment from the state water pollution control fund as an advance against the prospective federal share and a portion of the annual allotment to Michigan under provisions of P.L. 84–660. The Act provides that the total grant shall not be less than 55% of the eligible cost until June 30, 1971 which is the expiration of the funding authorization of P.L. 84–660.

The needs study which provided the factual information on which the Clean Water Bond issue was based indicated a total need of $570 million for treatment works which would be eligible for $285 million in grants under P.L. 84–660 at the 50% Federal participation commitment. In addition, this study projected a need for an additional $641 million expenditure for the control of storm water overflows and for lateral sewers. The bulk of this $641 million will have to be furnished by local units of government without the assistance of grants from the Federal government. Fifty million dollars of the Clean Water Bond issue will be utilized to assist small communities in Michigan in the construction of lateral sewers based on financial and water pollution control needs. This enabling legislation is currently in its final stages in the Legislature.

The foregoing information illustrates the concern of the people of Michigan over the water pollution problem. The Clean Water Bond issue and the passage of the implementation legislation resulted in a slowdown in the construction of sewage treatment facilities in Michigan from early 1968 to the present time. On June 25, 1969, the Michigan Water Resources Commission presented to the Michigan Legislature, in accordance with Act 21, P.A. of 1969, two lists of projects eligible for grant funds under the State Act and under P.L. 84–660, copies of which are enclosed. The first list, titled "Applicants eligible for additional grant funds under Sec. 3(1) of Act 329, P.A. of 1966, as amended" is a listing of 39 projects on which construction commenced after June 30, 1967. These 39 projects have a total of $48,496,912 and are eligible for $24,248,456 under provisions of P.L. 84–660. These projects have already had committed a total of $13,020,822 in Federal grants under P.L. 84–660, primarily at a 30% rate and are now eligible for an additional $11,227,634 from the Federal government to bring them up to the 50% Federal participation commitment. The second list consists of applicants who intend to award construction contracts before December 31, 1969. This list contains 54 projects with a total estimated project cost of $133,179,225 and are eligible for $66,589,612 under the 50% Federal participation commitment.

The additional cost to the State and the local units of government is the interest cost of bonding for the unpaid Federal commitment. Based on past appropriations for P.L. 84–660 grants, the Federal government will only be providing an estimated 5% of the total needs, instead of 50%.

I am also enclosing a copy of Governor Milliken's press release of June 12, 1969, when he signed Act 21. I would like to call to your attention the following portion of this release "Moreover, new Federal legislative proposals have been put forward which would alter the basic legislation and change the ground rules under which the programs of Michigan and other states have been formulated. Clearly, this would represent a serious breach of faith with the states and more important would delay effective pollution control immeasurably."

I trust this will provide you with the information you require. If we may be of further assistance, we shall be glad to do so.

Sincerely yours,

James C. Kellogg,
Executive Assistant.

Press Release of Gov. William G. Milliken, of Michigan, June 12, 1969

Gov. William G. Milliken Thursday signed the enabling legislation for the allocation of $285 million for local grants for sewage treatment control under the Clean Water Bond Issue approved by voters last November.

In signing the bill (S–107 I.E.) at a ceremony in his office, the Governor was critical of "inaction by the federal government" on pollution control. He also urged local governments in Michigan to "expedite" their plans for pollution control.

The Governor said:

"This legislation is a major step in combatting the ominous threat of pollution in Michigan, and in achieving clean water by 1980.

"By a number of actions, Michigan has demonstrated its commitment to this goal. Those legislators and citizens present at this ceremony deserve the appreciation of all of Michigan for their efforts on behalf of the bond issue, and the enabling legislation.

"Last November, the citizens of Michigan approved a $335 million dollar bond issue to help finance local wastewater treatment facilities. At the same time, approval was given for a $100 million bond issue for the development of State and local outdoor recreation facilities. Our pollution control goal is to remove, by 1980, the threat to our inland lakes, our rivers, and the Great Lakes by the construction of approximately 210 new treatment plants, the improvement of 126 existing sewage treatment plants, and the construction of sewers for an additional 3½ million people. $285 million will be distributed as grants for treatment plant construction and $50 million will be used to aid small, unsewered communities in the construction of sewer systems necessary to correct existing pollution.

"Our financing formula for the treatment plant and interceptor phase of the program was based on Federal legislation which provided for Federal assumption of 50 percent of the costs of eligible projects if the State would pay 25 percent.

"The federal legislation also authorized the appropriation of funds by 1971 which would, as divided among the states by specified formula, have by then covered half the Federal government's obligation to Michigan's estimated project needs. Michigan's bonding program is geared to 25 percent Federal financing by 1971 with the State to prefinance the other Federal 25 percent as well as paying its own 25 percent.

"Unfortunately, Federal performance has not been forthcoming at a rate that will equal even one-half of the Federal promise. For example, in the upcoming fiscal year, Michigan's share of the total amount authorized for this program would be roughly $42 million, but it appears that less than $8 million will be forthcoming.

"I find it exceedingly difficult to understand the low Federal priority assigned to the sewage treatment works grant program when, in referendum after referendum across the country, the citizens of America have clearly demonstrated their very firm support for cleaning-up our lakes and streams.

"Moreover, new Federal legislative proposals have been put forward which would alter the basic legislation and change the ground rules under which the programs of Michigan and other states have been formulated. Clearly, this would represent a serious breach of faith with the states and more important would delay effective pollution control immeasurably.

"Michigan, with or without the Federal support promised, will move ahead as rapidly as possible. It must be understood, however, that the tremendous potential of effective Federal-State-local partnership has not only been circumscribed in this program, but will be increasingly difficult to invoke in any future programs.

"Through inaction, the Federal government is faulting on its commitment to environmental control. By authorizing one billion dollars and appropriating only $200 million, Congress is providing about one-fifth of what is needed to carry out federal responsibility.

"With this legislation signed today, the State government can provide grants to local government. I urge local governments to expedite their pollution control programs in order to qualify for these grants.

"I also urge favorable action by the Legislature on the companion bill to the legislation signed today. The pending legislation would provide $50 million which would allow economically depressed communities to move ahead on their programs of collecting sewers and sewage treatment facilities.

"Water pollution was the subject of my first message to the Legislature on February 6.

"I am highly pleased now, four months later, to be able to sign the enabling legislation for the clean water bond program."

State of Minnesota,
St. Paul, July 23, 1969.

Hon. John D. Dingell,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Dingell: Thank you for your recent letter requesting information on the impact of the reduced level of Federal funding on water pollution abatement and control in this state.

Applications submitted over the last four fiscal years have been broken down as follows:

TABLE I

Fiscal year	Amount requested	Number of applications	Federal allocation
1970	$15,333,257	43	$3,931,000
1969	15,453,640	61	3,931,000
1968	11,843,586	41	3,728,000
1967	6,896,473	35	2,743,250

TABLE II

Fiscal year	Number of grants certified	Projects that proceeded under reimbursement
1970	[1]29	9
1969	36	14
1968	18	8
1967	10	2

[1] Assumes same level of funding as fiscal year 1969.

As can be readily noted in Table I the grant amount requested greatly exceeds Minnesota's actual or anticipated congressional allocation. Based on discussions with municipal officials or their representatives, we do not expect as many communities to utilize the reimbursement provisions of the Federal Act in FY 70 as did in FY 69 (see Table II). The main reason for this is the difficulty of arranging the necessary financing for the entire eligible project rather than only 70 or 67 percent as the case may be if a Federal grant were available.

Because of change in Minnesota's FY 70 and 69 system for establishing priorities which split the congressional allocation based on population between what is known as the seven county metropolitan area (basically Minneapolis, St. Paul and some fifty suburbs) and the balance of the state, it was possible to certify a substantially greater number of applicants for grants (see Table II). Based on the 1960 Federal census, this results in a respective 45 and 55 percent split of funds between the seven county metropolitan area and the rest of the state. The seven county metropolitan area has a much lower number of projects, however, substantially higher cost while the reverse situation exists for the remainder of the state.

No community outside of the metropolitan area in FY 69 proceeded under the reimbursement provisions, nor do we anticipate that any will in FY 70. While many larger communities which have an immediate water pollution control need have indicated their desire and are proceeding to comply with Minnesota's interstate and intrastate water quality standards, some have qualified their statements contingent upon the availability of Federal Aid.

In general, it can be stated that some projects have been delayed because of the lack of Federal assistance and any substantial increase over the funding level of FY 69 will greatly assist in water pollution abatement and control.

Minnesota does not have a state grant program. A bill was introduced in the last legislative session but failed to pass. Instead a 1.5 million dollar program to pay the interest on the Federal portion of an eligible project was passed. It is still too early to predict what effect this program will have.

Your effort in securing full or a substantial increase in funding of the act for FY 1970 will be greatly appreciated.

If you have any questions, or if we can be of further assistance, please let us know.

Sincerely yours,

HAROLD LEVANDER,
Governor.

STATE OF MISSISSIPPI,
Jackson, June 25, 1969.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR JOHN: Your request regarding the funding of the construction grant program under the Clear Water Restoration Act is appreciated.

The short-funding of the construction grant program has had essentially no effect on the water pollution control and abatement programs in Mississippi up to this time. No programs have been held back, so it has not been necessary for us to take up slack. We have no State program which could be used for such a purpose, since we have felt that a greater number of local governments would benefit without one.

We expect to use substantially all the funds allocated to us for fiscal year 1969 for the first time since the program was initiated in 1956. We also expect to encumber approximately the same amount during fiscal 1970. It is possible that we could use a slight increase, but this is not definite.

I recognize your problems in this area, but our situation is different in this respect.

With best wishes.

Sincerely yours,

JOHN BELL WILLIAMS,
Governor.

EXECUTIVE OFFICE,
Jefferson City, Mo., July 10, 1969.

Hon. JOHN D. DINGELL,
Member of Congress,
Rayburn Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: This is in reply to your letter of June 6, 1969 concerning the impact on our pollution control program caused by the shortage of federal funds on our water pollution control program.

The funds authorized by the Water Quality Act would have provided sufficient federal funds for matching municipal projects in Missouri. However, the funds appropriated are only a fraction of those authorized. The result has been that construction of abatement works has been materially reduced. The backlog continues to grow, and if we are to make real progress in pollution abatement, federal funds and state funds must be increased.

During Fiscal Year 1969 and in Fiscal Year 1970, the Missouri Legislature has appropriated state funds to match all of the federal funds available to Missouri municipalities. A survey of municipal needs indicates that if the federal funds for Missouri cities were increased from $5 million to $12–15 million per year, and accompanying state grants of $6–7½ million were available, that the backlog could be wiped out in approximately five years.

Sincerely yours,

WARREN E. HEARNES.

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
Helena, July 18, 1969.

Re your letter of June 6 in which you ask for information relative to the impact which short funding of the Clean Water Restoration Act may have caused the State of Montana in the area of water pollution control and abatement.

Hon. JOHN DINGELL,
House of Representives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: The short funding of this Act has not had a great deal of impact on Montana in the past, but possibly could have in the future.

In explanation, in Montana, all municipalities that were sewered have had treatment plants provided. This program was completed in 1966. The federal allocation of funds to the state has been more than adequate to meet the grant requests on these sources.

When the Water Quality Standards of 1967 were adopted, it was required that secondary treatment be provided for all municipalities and industries. Most municipalities were given until 1972 to upgrade their treatment from primary to secondary. This involved primarily our larger municipalities, approximately twenty of which are involved. In order to meet this need, it is anticipated that during the next three years there will be approximately thirteen million dollars spent on sewage treatment projects in this state.

The last two sessions of the Legislature have seen considerable activity by our larger municipalities endeavoring to have legislation passed authorizing the state's participation in construction grants for sewage treatment works. There were several reasons for the legislation not passing. However, the one that probably had the greatest influence on our Legislature was that the majority of our municipalities already provide secondary treatment of their wastes and these communities apparently question whether they should be responsible for providing funds for those that need additional treatment when they have already paid for it themselves.

The problem is that by 1972 all municipalities will have to meet the standards set up by the Water Quality Standards of the 1967 Session of the Montana State Legislature. If the state does participate in helping provide funds to pay for secondary sewage treatment, this will mean that the Federal Government's share of funds towards completion of the secondary plants will be greater according to federal standards. The other alternative is if the Legislature did not fund construction grants for secondary treatment plants, many of the municipalities, which are waiting until the 1971 Legislature has met and considered this funding, will be applying for federal money at the same time in order to complete their secondary treatment plants by the deadline of 1972. This would mean a greater influx of requests for federal funds which might result in a shortage of the same.

I trust this is the information which you desired. I will be pleased to supply you with any additional information you may need.

Sincerely yours,

FORREST H. ANDERSON,
Governor.

STATE OF NEBRASKA,
EXECUTIVE OFFICE,
Lincoln, June 11, 1969.

Hon. JOHN D. DINGELL,
U.S. Congressman,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: This will acknowledge your letter concerning the funding of the Clean Water Restoration Act.

I am referring your letter to Mr. Ted Filipi in our Environmental Health Office to reply to your letter in detail.

Very truly yours,

NORBERT T. TIEMANN,
Governor.

STATE OF NEBRASKA,
DEPARTMENT OF HEALTH,
Lincoln, Nebr., June 16, 1969.

Hon. JOHN D. DINGELL,
U.S. Congressman,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Your letter of 6 June 1969 addressed to Governor Tiemann was received and forwarded to me for reply of details. The municipal officials of Nebraska are in need of financial assistance for construction of wastewater treatment plants. Already 50 municipalities have been ordered by the Nebraska Water Pollution

Control Council to provide secondary treatment. The City of Omaha has now under way a project that will cost approximately 25 million dollars and Mayor Sorensen informed me that they will be glad to carry on our directive if we can show them how financial arrangements can be made. A simillar program faces Lincoln, where-in the wastewater treating plant already giving secondary treatment is inadequate and the plant must be enlarged, both for capacity, and production of a higher quality effluent.

There is now under consideration by the Nebraska Legislature, the proposal of state aid for municipalities. If this bill passes, and if funded it will automatically demand an additional 20% Federal Funds for fulfilling the 55% allotment.

I regret, that at this time I cannot give you specific figures, for all of the projects that are now under consideration. These, if you so desire, can be made available to you in approximately 15 days.

Please be assured that Nebraska needs this financial assistance, and if there is any means that we can use to further the cause, please let us know how we can help.

Yours very truly,
NEBRASKA WATER POLLUTION CONTROL COUNCIL.
T. A. FILIPI,
Executive Secretary.

THE STATE OF NEVADA,
EXECUTIVE CHAMBER,
Carson City, Nev., July 2, 1969.

Hon. JOHN D. DINGELL,
Member of Congress, Rayburn House Office Building, Washington, D.C.

DEAR REPRESENTATIVE DINGELL: Your recent letter requested information on the impact of short funding for construction grants provided under the Clean Water Restoration Act.

Federal funding for water pollution control projects in the past has been adequate to enable participation in all projects, but with the increased awareness of the actual and potential problems by the public and the rapid growth in Nevada's population, funding has not been adequate for the past two years for direct participation in all projects and we have been certifying projects on a re-imbursable basis.

Proposed construction for fiscal year 1969 total in excess of $12 million and of which approximately $10.9 million is eligible for 660 funding or for a total of $3.6 million. Nevada's allocation this year is $919,000. If the communities can afford to wait for payment, it would take approximately four years to re-imburse for fiscal year 1970 construction and five years to repay current re-imbursible and 1970 projects.

Such obligations, of course, will have a serious effect upon applications for projects to be constructed after fiscal year 1970. What the ramifications will be, we are unable to assess at this time, but we anticipate serious delays in necessary projects.

The proposal to repay the federal share over a thirty year period would be valueless to Nevada communities because most of our communities today are at the maximum legal tax rate and have incurred bonded indebtedness which would not permit them to bond for the federal share. The only possible means by which proper water pollution control measures can be implemented is through adequate federal funding to provide for participation in all eligible projects.

The State of Nevada has no statutory or financial provisions to assist political subdivisions in the construction of water pollution control works and since the legislature only meets biannually and recently adjourned, such assistance cannot be provided for at least two years.

If the total authorization of $1 billion dollars was funded for fiscal year 1970 and a similar amount for fiscal year 1971, assuming Nevada would receive a proportionate share of the difference, funding would be available to meet the re-imbursable projects approved to date and to meet the projected needs for fiscal year 1970 and projects being planned for fiscal year 1971.

At that time, if the federal government wished to reassess its program and reduce funding, given sufficient notice, it would be possible to attempt to provide for assistance from the state level.

Thank you.

Sincerely,
PAUL LAXALT,
Governor of Nevada.

STATE OF NEW HAMPSHIRE,
Concord, June 12, 1969.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Thank you for your letter of June 6th concerning the funding of the construction grant program under the Clean Water Restoration Act. I offer the following information concerning the effects of the failure to fully provide Federal funding.

At the present time, the State of New Hampshire is receiving approximately 32% of funds authorized under the Clean Water Act for the Fiscal Year 1969–70. We have been informed that our State allocation will be about $1,300,000, while the Act itself authorized $4,100,000 for the same period.

At present, there are no funds left from our 1969 allocation and one project which has been approved for funding (Newport), has received a partial grant for $400,000, leaving about $550,000 which must come from 1970 funds.

Several New Hampshire communities have gone ahead with prefinancing of their projects, hoping to receive Federal grants in the future. These communities are: Merrimack, Durham, Dover and Laconia. The eligible work is approximately $8 million, which would mean $4 million in Federal grants when the money is available.

In addition, the towns and cities of Concord, Farmington, Franklin, Jaffrey, Lebanon, Newport, Pembroke-Allenstown and Peterborough, are ready to proceed with their work with total eligible costs of about $14 million and no Federal funds available for some time to come.

New Hampshire has always fulfilled its obligation for 40% State Aid on each project and our present Legislature, I am confident, will approve the Commission's request for the next biennium.

There is but one good solid course of action which should be taken and that is for the Federal government to at least appropriate the full amount of money voted under the Clean Water Restoration Act of 1966.

In addition, serious consideration should be given to further implementation of the grants program especially in light of construction costs which are going up at the rate of nearly 10% each year.

Sincerely,
WALTER PETERSON,
Governor.

STATE OF NEW JERSEY,
DEPARTMENT OF HEALTH,
Trenton, N.J., June 20, 1969.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Your letter of 6 June 1969 to Governor Richard J. Hughes has been referred here for response. It relates to New Jersey's capital needs for grants toward construction of sewerage facilities found to be eligible under the Clean Water Restoration Act.

The cost of sewage treatment plants needed in New Jersey in the next five years closely approaches $1 billion. If they are not realized it will be only because of inability of New Jersey municipalities to finance them.

The yellow-back booklet enclosed is a presentation of Anticipated Capital Needs for Sewerage Facilities in New Jersey as seen in February 1969. In response to these stated needs the New Jersey Legislature has seen fit to put to referendum in November 1969 a bond issue in amount of $271 million, $242 million of which is to provide 25% State Grants to projects which are eligible for Federal grants under U.S. Public Law 660, as amended.

Governor Hughes has indicated that he will sign the referendum bill 2 July 1969.

Enclosed, also, is a copy of statement which I made before the U.S. Senate Sub-Committee on Air and Water Pollution on 11 April 1968 related to S. 3206, Water Quality Improvement Act of 1968.

Also enclosed is a copy of my testimony presented last week to the Interstate Abatement Conference on Pollution of the Hudson River called by the Department of the Interior. This statement further expresses our current views concerning State and Federal funding of sewerage construction.

If all of the funds authorized by Federal law for Federal grants in this area were appropriated, New Jersey's share would be about 11% of the estimated capital needs described in the enclosed report. This being the case the promise in the Federal statute of 55% Federal funding is one that cannot be fulfilled in the best of circumstances. If the present rate of actual appropriations continues New Jersey will receive from the Federal government less than 3% of its current capital needs.

In my opinion the effect so far of the Federal grant-in-aid program for sewerage construction has been to slow down progress rather than to hasten it. I am confident that our State's Clean Water Bond Issue will be approved by the voters in the fall. Unless, at the very least, the full authorization of Federal funds is appropriated the badly needed facilities will not be constructed on an acceptable timetable even with the proceeds of our State bond issue.

Almost as important as full appropriation is the retention in the statute of the reimbursability feature, contrary to the suggestion being made by some now that it should be removed. Without reimbursability and with limited federal funds we will find ourselves in the position of ordering municipalities to proceed to construct with the knowledge that if they do they will be foreclosed from ever receiving federal assistance. This is an impossible situation.

We hope that you and your associates will be successful in persuading the Congress to give full support to the water pollution control effort in the form of maximum grant appropriations.

Very truly yours,
RICHARD J. SULLIVAN,
Director, Division of Clean Air and Water.

STATEMENT BEFORE U.S. SENATE SUBCOMMITTEE ON AIR AND WATER POLLUTION

(Hearings on S. 3206 Water Quality Improvement Act of 1968, April 11, 1968)

My name is Richard J. Sullivan. I am Director of the Division of Clean Air and Water which, in New Jersey, is the agency responsible for air pollution control, solid waste disposal and water pollution control.

I am glad to have the opportunity to speak to this distinguished forum for a few minutes about S. 3206 and its effect on New Jersey's water pollution control efforts.

More than 90% of our state's citizens live in communities served by a sewerage system. This is probably the highest percentage of any state in the nation. Every one of our sewered communities provides treatment of its waste before discharge into the receiving water. We may be the only state in the nation in which this is true.

In the last twenty years we have spent more than $600 million on the construction of collection and treatment facilities. Less than 3% of this amount was federal aid. None of it was state aid. The 97% was paid by local communities or regional groupings of them.

Despite this effort many of our streams are seriously polluted. The degree of treatment of waste is inadequate. In ours, the most densely populated state in the nation, growth has outdistanced pollution control.

New Jersey is on the threshold of a vast corrective effort to eliminate the pollution of our streams, estuaries, bays, lakes, and coastal waters—pollution which now limits their use and which corrupts our physical environment. In what we believe to be a systematic, orderly, and scientific program, the stage has been set for the construction of large regional waste water treatment facilities.

Water quality standards have been defined and all the waters of the state have been classified after public hearing establishing as a matter of policy our water quality objectives for all waterways. Engineering feasibility studies have been done for most of the area of the state and others in process will shortly be completed. These studies have been arranged for the most part on the initiative of our Department and have been paid for by state funds approaching $2 million. Additionally, the Department has contracted for sophisticated oceanographic studies along the length of our coastline. To achieve our water quality standards waste water treatment regulations have been promulgated for all of the drainage basins of the State. Pursuant to statute we have lent to those responsible for treatment plant construction about $4½ million to defray engineering costs for the work that must precede actual construction.

Our Department has issued more than 200 enforceable, administrative orders directing the construction of the needed collection, distribution and treatment facilities.

We are plainly ready to go.

The key word now for us in New Jersey is not *legislation*. We have all the State law we need to accomplish the required construction. Neither is the key word *enforcement*. Although we will continue to enforce rigorously and conspicuously. Nor is it *planning*. Most of the planning is done and we are ready to build. The key word is not *research*. While the solution to certain pollution problems obviously requires more knowledge we know how to build the treatment plants we need. The key word is *money*. Lots of it.

Our estimate of the cost of facilities now needed to serve the public, to avoid pollution of our waters, to meet water quality standards, and to conform with the treatment regulations and administrative orders described above is $762 million. This is the cost of trunk lines and treatment facilities eligible for aid. The cost of local collection systems which will be built to accompany these facilities is about $200 million.

These facilities can be constructed over the next five years. For the five years following it is our estimate that $100 million per year will be needed for additional collection, distribution, and treatment works. This means that the price tag on effective water pollution control in New Jersey for the next decade is $1.5 billion, not counting private investment.

(I have attached to this brief statement a report prepared by us on 1 March 1968 describing the anticipated capital needs for pollution control in New Jersey and setting forth in some detail, among other things, the basis upon which we have drawn the estimates I have just given.)

In 1967, New Jersey adopted legislation permitting State government to award construction grants. In the current fiscal year we have appropriated modest funds to match the modest federal funds allocated to us. Presumably, we will do likewise for the fiscal year starting 1 July 1968. At present these funds are so small as to have no measurable impact on our program.

It has in fact always been a curiosity to me that when the statute proposed here to be amended was adopted it permitted a maximum of 55% federal aid for an eligible project. But the full 4-year authorization, if appropriated, would give the State of New Jersey only 14% of the total eligible cost. The separation between the 14% and the 55% is so unrealistic as to have the negative effect of creating expectations which it is not possible to meet. The circumstances have been made even more difficult because of the fact that grant appropriations made last year, and proposed for this, amount to less than 5% instead of 14.

If the $1.5 billion is spent in New Jersey it surely will not solve our water pollution problem. Other things must be done and obviously the effort must continue beyond the next 10 years as we continue to grow. But the construction of the regional treatment facilities that this money will buy will permit most of our streams to achieve the water quality standards we have set for them—standards which were recently approved by the Secretary of the Interior.

In any case it is absolutely certain that if these regional treatment facilities are not soon constructed our bad pollution problem will get worse. Some of our waterways will be dead but not buried.

For these reasons we strongly support and urge the adoption of Senate Bill 3206. In our judgment the bill is an ingenious, practical device to get things moving as originally planned without the necessity at this difficult moment of appropriating the full amount of the required capital aid funds.

While we strongly endorse this legislation we are not fully in accord with every provision of it. I would now like to comment on several specific provisions.

1. We strongly favor the requirement that aid be limited to facilities which will serve populations in excess of 125,000, except where this is impracticable. The entire corrective program in New Jersey contemplates the construction of large regional facilities serving drainage basins rather than continuing the proliferation of treatment plants serving individual municipalities. We already have the authority to disapprove any proposed construction which is not adequately regional; this authority was recently upheld in a court challenge.

2. We likewise favor the requirement that a system of charges imposed upon users pay for the amortization of the original investment and the cost of operation and maintenance. Such a system in our judgment is most equitable.

3. We also favor the operator certification program imposed as a conditional requirement to the receipt of grants. For fifty years, New Jersey law has required that treatment plants be operated only by persons licensed by our Department, after examination.

4. We find that the bill contains no formula for the allocation of contract funds to the respective states. Such a formula, of course, does apply to grant funds. We think this is a deficiency. An allocation formula should be included for all funds. First, in the interest of planning it would be most helpful to have at least an estimate of the amount of construction that can be funded with federal aid either by grants or under the contract provision. Second, we do not welcome the prospect of projects in different states competing with one another for the approval of the Secretary. The formula allocation would be more equitable. Third, presumably it will be necessary for the state to fund 25% of the cost of a project in order to entitle it to the maximum federal aid. Without a formula allocation we cannot know our share in sufficient time to arrange for state appropriation of the funds needed for matching purposes.

5. We find *very* disagreeable the termination of the existing reimbursability provision on projects initiated after 1 July 1968.

Elected local officials responsible for the construction of public works are under great pressure to exhaust all possibilities of state and federal aid before imposing burdensome taxes upon their constituents. Such an official who moves too early or too late or without diligence may find himself unemployed next time around. The federal aid program recently has been filled with uncertainty. I cannot emphasize too strongly that the amount of the aid is less important than the certainty of its availability. We do not need 80% federal and state funding to make this program move. It would probably move just as fast with 50% non-local funding, if the money were on hand. And in any case, 25% for sure is better than 50% maybe. The technique of reimbursability takes the local official off the hook. If he qualifies his project *now* for whatever aid may be appropriated later he is sure—and the voters are sure—that he has done all possible to ease the burden upon them. If this bill is adopted and New Jersey gets its full share of federal assistance next year this share will be but a fragment of the money we must spend next year if the construction is to proceed on schedule. Without reimbursability all those who would not get any of the limited funds next year will be asked to proceed with construction with the knowledge that if they do they will never get any aid. Our ambitious program may be standing around with its hands in its pockets waiting for better days ahead. Furthermore, several weeks ago the State Commissioner of Health and I testified before Governor Richard J. Hughes Special Commission to Evaluate the Capital Needs of New Jersey. In our testimony we recommend that the State establish a $400 million capital fund to defray half the cost of trunk lines and treatment plants now needed. We advised that half of this amount would be the states 25% share of the cost and the other half was likely to be reimbursed in time by the Federal government under the pre-financing provisions of existing law. If S–3206 is adopted that testimony will prove to have been very bad advice.

In summary, New Jersey has a carefully constructed program for the elimination of the pollution of its waterways. We are ready to build the needed treatment plants and associated facilities. The key word is money. For our program to be complete we must spend in the next five years more capital funds than we have spent in the last fifty years. Federal and state assistance to local government is necessary to make this happen. The bill before you would in effect increase the amount of available federal aid and should be adopted. We recommend that it be altered to provide for an allocation formula for the states and to keep in place the reimbursability provisions of existing law.

STATE OF NEW MEXICO,
OFFICE OF THE GOVERNOR,
Santa Fe, July 3, 1969.

Re funding for water pollution control activities.

HON. JOHN DINGELL,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: I sincerely appreciate your letter of June 6, 1969. I can with pride report that the State of New Mexico has 100% of all sewered communities complete with secondary sewage treatment facilities.

In the past several years, the State of New Mexico has not completely utilized its construction grant funds under the P.L. 660 Program. Construction needs in the State are only those necessary to keep up with increased population and industrial growth of the State.

The funding which our State requires is

in the administrative and regulatory area. We hope to improve operation of existing facilities by closer supervision. Anything which you can do to permit an increase for water pollution control funds under the State Program Grant Provision of the Federal Water Quality Act would be greatly appreciated and would benefit the State of New Mexico substantially more than an increase in construction grant funds.

Yours in water pollution control,

David F. Cargo,
Governor, State of New Mexico.

State of New Mexico,
Office of the Governor,
Santa Fe, September 23, 1969.

Re Effect of Federal funding on water pollution control efforts.

Hon. John D. Dingell,
U.S. Representative,
House of Representatives,
Washington, D.C.

Dear Congressman Dingell: I am very pleased to hear of the support which is being mustered for full budgeting for construction grant assistance authorized by the Federal Clean Water Restoration Act of 1966. As I advised in earlier correspondence, the present level of funding is sufficient for New Mexico as we are in a relative good position in regard to the physical facilities for waste treatment within the State.

I would like to advise, however, that Federal administrative procedures and staffing patterns in the Department of the Interior, FWPCA, are causing delays in the processing of grants for construction.

Basically, state and municipal government is honestly trying to curb water pollution. I very strongly recommend that fewer controls be used by the FWPCA. It would be better if states and municipalities were permitted a great deal of leeway in the processing of construction grants in order to expedite actual construction. If any fraudulent action is proven, FWPCA could always prosecute for the return of federal funds.

I sincerely hope that you and your colleagues can effect a more simple grant processing procedure for water pollution control.

Sincerely,

David F. Cargo,
Governor.

State of North Carolina,
Executive Department,
Raleigh, June 18, 1969.

Hon. John D. Dingell,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Dingell: I have your letter and comments on construction grants under the Clean Water Restoration Act.

Col. George Pickett, Director of the Department of Water and Air Resources, will be in touch with you with more details.

Cordially,

Robert W. Scott,
Governor.

State of North Carolina, Department of Water and Air Resources,
Raleigh, N.C., July 7, 1969.

Hon. John D. Dingell,
Congress of the United States,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Dingell: Reference is made to your letter of June 6, 1969, addressed to Governor Robert W. Scott, concerning the proposed funding of the construction grant program under the Clean Water Restoration Act. In this connection, you requested information on the impact this low level funding has had on the water pollution control and abatement program in North Carolina.

The funding of this program at the low level of $214 million during F.Y. 1969 and the recommended appropriation in the same amount for F.Y. 1970 has and will continue to delay the construction of needed wastewater treatment facilities in North Carolina. With an appropriation of $214 million, North Carolina's allotment is approximately $5,300,000. Applications were filed by municipalities for F.Y. 1969 funds requesting $7,717,150 covering projects estimated to cost more than $31 million, whereas on July 1, 1969, applications requesting grant funds in the amount of $8,323,000 were pending. These projects have an estimated construction cost of more than $28 million. This means that many of the projects for which applications were filed during both F.Y. 1969 and F.Y. 1970 could not be funded due to the lack of Federal grant funds; thus, the construction of these projects has or will be delayed until grant funds become available. This not only results in delaying needed waste treatment facilities, but due to the increasing cost of construction, much of the benefits derived from the grants are usurped by increasing costs.

In addition to the above, many small incorporated communities which do not have public sewage collection and treatment facilities are delaying initiation of such projects due to the lack of grant funds at a level which will permit them to finance the local share through bond issues which can be amortized with available sources of revenue. We believe, therefore, that the level of the grants should be increased considerably above 30% of the cost of contruction and that the increase should not be contingent upon the availability of State grants as is now the case. In the final analysis, it matters little whether the non-Federal share is financed solely by the municipalities or jointly through State and municipal funds. It is suggested, therefore, that this particular aspect of the grant program be given further study.

We appreciate the opportunity of commenting on this impotrant matter and hope that you and your associates in the House will be successful in your efforts to obtain appropriations more in keeping with the authorizations contained in the Clean Water Restoration Act.

Sincerely yours,

E. C. Hubbard,
Assistant Director.

State of North Dakota,
Executive Office,
Bismarck.

Hon. John D. Dingell,
House of Representatives,
House Office Building,
Washington, D.C.

Dear Congressman Dingell: Thank you very much for your recent letter requesting information from North Dakota on the impact of short funding on the water pollution control and abatement programs in our state.

Water pollution control construction grants have had tremendous impact on the State of North Dakota. Our State has been fortunate in the fact that our allocations have amounted to approximately one million dollars per year which has been sufficient to provide grants to all communities requesting aid. Over the twelve year period that this program has been in operation, these funds have assisted 230 projects in North Dakota.

We fully realize that the situation in the more populous states is much different than that in North Dakota and in like low population states. We know that many states have had to develop priority ratings and that many communities have been deterred from building waste treatment facilities because of lack of sufficient grant funds.

We strongly support your efforts to secure full funding of the construction grant program under the Clean Water Restoration Act so that pollution control programs nationwide can proceed in an orderly manner.

Sincerely yours,

William L. Guy,
Governor.

Ohio Water Development Authority,
Columbus, Ohio, June 16, 1969.

Hon. John D. Dingell,
Member of Congress, Rayburn House Office Building, Washington, D.C.

Dear Congressman Dingell: Your letter of June 6, 1969 was forwarded to this office by Governor Rhodes. Your efforts on obtaining funding for the Clean Water Restoration Act are deeply appreciated by the State of Ohio. Last year, $9.4 million was received by the State of Ohio for the 30% grant-in-aid program. A survey made in March of this year indicated 224 counties and municipalities were on orders from the Ohio Water Pollution Control Board for primary, secondary, and tertiary waste treatment facilities in the amount of $459 million. It is obvious that less than $10 million a year funding for this program is not the answer. The State of Ohio is proposing to utilize $100 million of funds from a State Bond Issue to extend the 30% grant-in-aid program to all political subdivisions on notice from the OWPCB for sewage treatment facilities.

The total cost to the State due to the short funding of the federal program is considerable. Obviously the $100 million will be the State's expense to compensate for the lack of funding on the federal level over the next five years. The unfortunate thing that has occurred due to the lack of federal funds is that municipalities are reluctant to construct sewage facilities on the basis of 100% local cost if there is hope of receiving a 30% federal grant. Since only a small percentage of applicants are able to receive the federal grant, the remainder wait in hopes of receiving it at a later date. Since construction costs have increased approximately 10% on this type of construction per year during the last few years, a municipality which waits three years, in effect, receives no benefit from the 30% federal grant, and if they wait longer, they are actually penalized on the construction cost.

We hope the above is of value to you in your endeavors to receive better Clean Water Restoration funding and if we can be of further assistance to you in the future, please contact us.

Sincerely,

Ned E. Williams,
Executive Director.

State of Ohio,
Office of the Governor,
Columbus, September 9, 1969.

Hon. John D. Dingell,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C.

Dear Mr. Dingell: By direction of Governor Rhodes I am forwarding your letter of August 27 to the Ohio Water Development Authority, which will be much interested in your listing of local governments that have requested Federal water pollution control assistance. A copy is also going to our Water Pollution Control Board.

Sincerely,

John M. McElroy,
Executive Assistance.

Ohio Water Development Authority,
Columbus, Ohio, September 13, 1969.

Hon. John D. Dingell,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Dingell: A copy of your letter of August 27 addressed to Governor Rhodes was forwarded to this office.

Your efforts in behalf of additional federal funding for the Federal Clean Water Restoration Act of 1966 is greatly appreciated. To aid in this endeavor a press conference was held with the League of Women Voters of Ohio to obtain new media coverage. Numerous newspaper articles were written concerning the need for additional funds and excellent TV coverage was obtained.

Your list of aid applications for FWPCA Funds was appreciated.

The State of Ohio will continue to support you on this issue.

Sincerely,

NED E. WILLIAMS,
Executive Director.

OFFICE OF THE GOVERNOR,
Salem, June 18, 1969.

Hon. JOHN D. DINGELL,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: I am sending for your information Senate Joint Memorial 11, House Joint Resolution 14, and House Bill 1074, all of which speak to the water pollution problem, and reflect the principal action taken by the Oregon Legislature in the Session just concluded. I am also sending copies of correspondence between my office and our Congressional delegation, and my Administrative Assistant in Washington, D.C., Mr. Dale Mallicoat. This issue also has been discussed in detail recently with the Governors of California, Illinois, Michigan, Wisconsin, and New York.

I agree with you wholeheartedly in the need for adequate and reliable funding of the program by the Federal government. Our programs have been held back, and we sit with more than $30 million dollars worth of projects ordered by our Sanitary Authority, and designed, engineered, and approved, with state and local funds in hand, but not being constructed because of failure by the Federal government to fund their promised portion. Inadequate funding also brings extremely unfair situations into play, and calls for unnecessarily difficult decisions. Some cities are funded 50–25–25, others 70–30, and still with others where the need is paramount, the local user may be required to pay 100% of the cost.

You will note in our House Joint Resolution 14 that Oregon is pledging the money needed to do the job from our standpoint. The states need not promises, but performance. There is no qusetion in my mind but that the people of this nation will support strongly federal funding to the authorized level. The recent Gallup poll for the National Wildlife Federation clearly indicates this attitude. And as our SJM 11 says, it is a matter of keeping faith with the American people, and I hope the Congress can be so persuaded.

Sincerely,

TOM MCCALL,
Governor.

COMMONWEALTH OF PENNSYLVANIA,
GOVERNOR'S OFFICE,
Harrisburg, June 26, 1969.

Hon. JOHN D. DINGELL,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.

MY DEAR MR. DINGELL: Your letter of June 6, 1969, requested information concerning the impact on the sewage treatment plant construction program in Pennsylvania as a result of appropriations under the Clean Waters Restoration Act being considerably less than the authorizations. We appreciate the opportunity to comment on this subject.

In Fiscal Year 1968 our Department of Health received 51 applications requesting basic 30% grants amounting to $28.6 million for Fiscal Year 1969 toward projects estimated to cost about $125.8 million. Pennsylvania's allocation of federal funds for Fiscal Year 1969 was $11,032,600, or about 39% of the amount needed for 30% grants.

Similarly, in Fiscal Year 1969, the Department of Health received and is processing 57 applications requesting $23.0 million as basic 30% grants against Fiscal Year 1970 funds.

Pennsylvanians have approved a Land and Water Conservation and Reclamation Fund which makes $100 million, of a $500 million program, available for construction of sewage treatment facilities over a ten-year period. Under this program $20 million was appropriated for the period July 1, 1967, to June 30, 1969, for the sewage facilities.

In planning this program, it was hoped that these funds could be used to complement the federal funds under Section 8 of the Federal Water Pollution Control Act, as amended by the Clean Waters Restoration Act, to make our communities eligible for increased grants. Since the federal allocations have been less than authorized by law, we have had to use our state funds to make combination state-federal grants of 30% of eligible costs. The 70% of costs raised by the local citizens has resulted in annual sewerage service charges in many cases exceeding $150 per family per year, a hardship in many of our small communities.

From the foregoing you will note that the fortunate availability of state funds has made it possible to move many projects into construction which would have been retarded otherwise by the lack of federal funds. However, the current needs exceed even the combination of state and federal funds.

The construction program in Pennsylvania will become more critical in the next several years due to over 150 orders issued in the past two years to municipalities to construct or upgrade treatment facilities in consequence of new water quality criteria on both interstate and intrastate streams. We therefore urge the increased appropriation of federal funds for Fiscal 1970 and subsequent years.

Sincerely,

RAYMOND P. SHAFER,
Governor.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS, EXECUTIVE CHAMBER
Providence, September 4, 1939.

Hon. JOHN D. DINGELL,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Your letter of August 27, concerning your efforts to secure full construction grant assistance for water pollution control, has been referred to me.

Thank you very much for enclosing the list of aid applications. This is important information which certainly backs up your contention that states have fallen far short of their expectations in this area.

Now, of course, Governor Licht is very much concerned about the announcement concerning a heavy cutback in federal construction projects. This could make your efforts to secure full funding for water pollution control for construction even more difficult.

I wish you all possible success in this effort. Please be assured that Governor Licht and his staff are prepared to provide any assistance you may desire.

Sincerely,

JACK THOMPSON,
Federal Coordinator.

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, June 20, 1969.

Hon. JOHN D. DINGELL,
Member of Congress,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Thank you for your recent letter concerning the funding of the construction grant program under the Clean Water Restoration Act. I am referring a copy of your letter to the Director of the State Pollution Control Authority for his comments.

I appreciate your bringing this to my attention.

Sincerely,

ROBERT E. MCNAIR,
Governor.

SOUTH CAROLINA
STATE BOARD OF HEALTH,
Columbia, S.C., June 30, 1969.

Hon. JOHN D. DINGELL,
Member of Congress, Rayburn House Office Building, Washington, D.C.

DEAR MR. DINGELL: The Honorable Robert E. McNair, Governor of South Carolina, has referred your letter of June 6, 1969, to this office for reply.

The State of South Carolina, being a rather small state populationwise, has experienced little difficulty in the utilization of funds as provided under Public Law 660.

It has been our experience in the past that the smaller projects have been initiated, thus allowing for the satisfactory distribution of funds. Now, however, upon the initiation of construction to serve the more densely populated areas, we are finding it difficult to arrange financing under present limitations of Public Law 660.

We do greatly appreciate the efforts that you and other members of Congress are making to insure the full funding of the Clean Waters Restoration Act for the Fiscal Year 1970. It is evident that if adequate funds are not provided the likelihood of our initiating and completing projects presently proposed in this state will be seriously hampered.

Very truly yours,

W. T. LINTON,
Executive Director, Pollution Control Authority and Director, Bureau of Sanitary Engineering.

STATE OF SOUTH DAKOTA,
Pierre, June 18, 1969.

Hon. JOHN D. DINGELL,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE DINGELL: This will acknowledge receipt of your letter of June 6, 1969, regarding funding of the Construction Grant Program for water pollution control facilities.

To familiarize you with the past utilization of the Department of Health, Education, and Welfare and the Department of Interior water pollution control construction grant funds in South Dakota, we submit to you the following tabulation:

Year	Fiscal year Federal grant allotment	Calendar year Federal funds approved and used
1957 and 1958	$1,324,825	$887,202
1959	676,700	355,190
1960	680,700	117,848
1961	646,400	432,844
1962	999,760	1,047,358
1963	1,095,570	423,949
1964	1,205,150	47,470
1965	1,150,650	[1] 406,278
1966	1,302,070	449,834
1967	1,393,350	[1] 755,800
1968	1,460,400	328,153

[1] Includes EDA.

As you will note from the above tabulation, the State of South Dakota has not been able to utilize entire federal grant allotments in all cases. However, this should not justify reducing the Federal appropriations for facility construction. In the near future, it is hopeful that several large projects can be undertaken which will need approximately $2 million of Federal grant monies in one year.

The construction of water pollution control facilities in many small communities (100 to 500 population) in this State has been held back, not by lack of Federal Water Pollution Control Administration funds, but by financial and bonding limitations of the community itself and the necessity of obtaining Farmers Home Administration, U.S. Department of Agriculture, loan and grant monies to finance the projects. If Farmers Home Administration money were available, many of our lagging communities would have facilities constructed without delay.

Sincerely yours,

FRANK L. FARRAR,
Governor.

TENNESSEE EXECUTIVE CHAMBER,
Nashville, June 13, 1969.

Hon. JOHN D. DINGELL,
Member of Congress, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR REPRESENTATIVE DINGELL: Your letter of June 6, 1969, arrived at the time the Tennessee Stream Pollution Control Board is considering the priorities for grants under the Clean Water Restoration Act for fiscal year 1970.

The Board has received 26 applications for work totaling $81,044,000 and the 33 per cent grants would be $24,287,000. I understand that the Tennessee allocation will be about $4,300,000 if the appropriation is the recommended $214 million.

We believe that almost all of the projects could be under construction by June 30, 1970, if the funds were available. A few of the small projects may be delayed if supplemental grants applied for from other Federal agencies are delayed.

Our Board believes that the water pollution control and abatement program in Tennessee is being delayed because it has received from two to three times as many applications each year as it has had grant funds for the past five years. Arrangements have not been made to finance the projects with local funds and in most of the cases the projects have waited.

The present backlog for construction is more than the $81,044,000 shown above since the Board has not encouraged all of the towns which need to build facilities to file an application.

If we can furnish additional information, please let me know.

Sincerely,

BUFORD ELLINGTON.

TEXAS WATER QUALITY BOARD,
Austin, Tex., June 17, 1969.

Hon. JOHN D. DINGELL,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Governor Preston Smith has given me your letter of June 6, 1969 and asked that I reply to you directly on behalf of his office and that of the Texas Water Quality Board.

At the outset, I know that Governor Smith appreciates, as I do, your long and continued interest and support of clean water programs and other conservation programs throughout the Nation. This state has benefited from your work on fisheries and wildlife conservation over a long period of time.

The State of Texas has been quite fortunate in the field of water pollution control and water quality management in that, up until recent times, the state had few large urban centers and limited industrial capacity. The low population density, therefore, minimized the intensity and number of water pollution control problems in the state. At the same time, the State of Texas began a well-planned and aggressive water pollution control program many years ago, with the result that the state's situation with regard to the construction of municipal sewage treatment plants substantially kept pace with the growth and expanding need within the state. We acknowledge fully, in this connection, that the Federal assistance beginning in 1956, or thereabouts, through the Federal Water Pollution Control Act and its successor acts has constituted, and will continue to constitute, an essential facet of the Texas municipal waste control program.

In reviewing the municipal waste treatment needs throughout the state, and comparing them with the financial capabilities of the state's municipalities, and considering the municipalities' needs in other directions, it is our conviction that the present level of funding for the Construction Grants Program under the Clean Water Restoration Act will insure in this state a continuation of the state's program at a satisfactory level. Generally speaking, we are finding that we are funding construction grant requests as fast as those requests are being received, and essentially as fast as is reflected by the state's need.

To supplement the foregoing, we do see, a few years from now, a need for the construction of several regional sewerage systems in the larger metropolitan areas of the state. To adequately fund such projects may well require a change in the present thirty percent (30%) limitation for the construction grants, and possibly some increase in the overall funds available to this state. This situation, however, is not expected to obtain within the next two or three years, perhaps for a considerably longer period than that.

Speaking specifically to the questions in the third paragraph of your letter, the Texas water pollution control and abatement program has not been held back by the present level of funding and it has been unnecessary to make special arrangements resulting from any lack of Federal funds. Insofar as suggesting that there has been or could be an additional cost to the state, the municipalities of Texas have historically provided their share of construction funds without calling upon the resources of the state and, accordingly, this state does not presently have a funded state construction grants program, although one is authorized in the legislation organizing the Texas Water Quality Board. Still, in this connection, it is my view that it is difficult to define that a reduction in a Federal program constitutes an additional cost to a state, certainly not to the taxpayers of the state. Fundamentally, the funds available to local government, to state government, and to the Federal government result from the economic activities of the same set of taxpayers.

In closing, may I restate, on behalf of Governor Smith and myself, our appreciation of your interest and effective work.

Sincerely,

HUGH C. YANTIS, Jr.,
Executive Director.

DEPARTMENT OF SOCIAL SERVICE,
DIVISION OF HEALTH,
Salt Lake City, Utah, June 26, 1969.

Hon. JOHN D. DINGELL,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: This is in answer to your request of June 6, 1969 for information regarding Federal funding of the construction grant program under the Clean Water Restoration Act.

Utah's water pollution control and abatement program has not been held back as a result of short funding under the Act. In fact, during the past two years Utah has not used its entire allotment of construction grant money because the major part of our municipal waste treatment program has been completed.

We do have some small municipalities still in need of construction grants, and we are presently undertaking a campaign to accelerate completion of the needed projects. However, available funds are beyond what we anticipate as necessary in the next two or three years.

Some money will need to be committed to revamping of overloaded plants and possibly to the addition of tertiary treatment in some areas. However, we still do not foresee any slowdown in our water pollution control plan under the present funding setup.

Sincerely yours,

G. D. CARYLE THOMPSON, M.D.,
Director of Health.

STATE OF VERMONT,
EXECUTIVE DEPARTMENT,
Montpelier, Vt., June 30, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: I am pleased to learn of the effort that you and others are making in Congress to increase the Federal appropriation for the Clean Water Restoration Act.

I am sending a copy of your letter to Mr. Reinhold Thieme, Commissioner of Water Resources for the State, and asking him to provide the information that you need. We would like to help you in this cause as the reduction in Federal appropriations has greatly hindered our anti-pollution efforts here in Vermont.

Unfortunately, we have not been able to supplement the loss of Federal funds with State money because of the fiscal problems we have ourselves. I am sure that Commissioner Thieme can give you more specific information in this regard.

Thank you again for your letter.

Sincerely,

DEANE C. DAVIS.

GOVERNOR'S OFFICE,
Richmond, Va., June 9, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: I am forwarding your letter of June sixth to the Virginia Water Control Board for further comment on your inquiry concerning the proposed appropriation under the Clean Water Restoration Act.

Sincerely yours,

MILLS E. GODWIN, Jr.

STATE WATER CONTROL BOARD,
Richmond, Va., June 20, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR SIR: In response to your letter to Governor Godwin, please find attached a tabulation of the grant requests and recommendations based on available money of the past 8 years. We must point out that Virginia has a policy of not holding a grant application from one year to the next so that the same request may show up in each of several years before it is funded.

You will note from the tabulation that only ¼–⅓ of the projects are funded in any given year. The State does not have a grant program of its own, and to our knowledge no plans are afoot to initiate State grants to supplement grant funds available under the Federal Water Pollution Control Act. The 1968 General Assembly authorized the Board to administer such State funds if the General Assembly saw fit to appropriate funds for this purpose.

I believe that these few remarks speak for themselves, although I will be happy to answer any questions which arise.

Sincerely,

A. H. PAESSLER,
Executive Secretary.

GRANT APPLICATIONS PROCESSED OVER THE PAST 8 YEARS IN VIRGINIA

Year	Number of grant requests	Total cost of proposed projects	Grants requested on eligible portions	Number of projects approved	Amount grant money available
1962-63	45	$33,000,000	$5,224,390	18	$1,852,920
1963-64	52	33,000,000	7,584,260	14	1,846,755
1964-65	49	30,000,000	6,302,704	16	2,050,150
1965-66	46	30,000,000	5,937,694	21	3,100,000
1966-67	66	54,000,000	11,965,835	13	4,150,600
1967-68	56	54,000,000	12,315,756	16	4,278,100
1968-69	75	74,000,000	18,946,889	33	4,448,400
1969-70	87	68,000,000	20,195,417	26	[1] 4,500,000

[1] Approximate.

STATE WATER CONTROL BOARD,
Richmond, Va., September 17, 1969.
Hon. JOHN D. DINGELL,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. DINGELL: Thank you for your letter of August 27, which The Honorable Mills E. Godwin, Jr., Governor of Virginia, has forwarded to this office.

We are most interested in your drive to secure Congressional approval of more sewage treatment plant grant funds. The applications for funds in Virginia have always greatly exceeded the available money.

Sincerely,

A. H. PAESSLER,
Executive Secretary.

STATE OF WASHINGTON,
Olympia, June 23, 1969.
Hon. JOHN D. DINGELL,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: The following information is presented in response to your inquiry of June 6 with the hope that it will assist you during Congressional consideration of proposed appropriations for the implementation of the Public Law 84-660 Construction Grants Program.

During fiscal 1969 the Washington State Water Pollution Control Commission considered applications for financial assistance under the provisions of the Clean Waters Restoration Act of 1966 which represented a total value of facilities eligible for grant participation of $22,390,000. Other applications representing a value of several million dollars were held pending under the reimbursement provisions of the Act. Appropriations limited grant participation to only 49% of the total eligible value of the requests considered in the State of Washington.

During the first rating period for fiscal 1970 the Commission considered applications representing a value of $18,772,000. Additional applications representing a value of $23,163,000 in eligible projects were held pending under the reimbursement provisions of the Act. In this first rating period for fiscal 1970 appropriations limited grant participation to only 56% of the total eligible value of the requests. A second rating period for fiscal 1970 will be held in December to disburse funds reallocated to the state. At that time additional applications will be considered. Anticipating that appropriations for fiscal 1970 will be similar to those for fiscal 1969, the grant participation will be provided for some percentage less than 56%.

In the general election of November 5, 1968, Washington voters, by more than a 75% majority, approved Referendum 17 which authorized up to $25,000,000 in state obligation bonds to be used to assist local governments in the development of water pollution control facilities. The $25,000,000 was determined to be the amount needed at the state level to match federal grants on the basis of the existing formula for financing facilities, which is the federal funds providing 30% of eligible costs, state funds for 15% of eligible costs and the local jurisdiction providing 55% of the eligible costs. The present determining factor limiting the effective utilization of Washington State's bonds at the rate of expenditure originally anticipated is the reduced amount of the federal appropriation below the amount authorized in the enabling legislation.

We therefore urgently endorse a level of appropriation sufficient to implement Public Law 84-660 to make Washington State's matching grant program fully effective.

Up to the present time no arrangements have been made "to take up the slack resulting from the short-fall in federal funds." Enabling legislation has recently been passed by the Washington State legislature to allow for making independent state grants and loans to municipalities for the construction of water pollution control facilities. No appropriations, however, were made to implement this enabling legislation.

We understand that Congress is currently considering proposals which would modify the present Construction Grant Program. Revised programs would call for contract grants to municipalities of up to 30% of the eligible costs of construction of water pollution control facilities over a 40-year period. This type of program would provide a substantial benefit to the water pollution control effort in the State of Washington, particularly in view of the insufficient funding of the existing grant program. However, it should be pointed out that the effectiveness of a contract grant program would be greatly reduced unless the federal government included in its obligation to the municipalities the payment of principal and interest on its assumed portion of the eligible construction costs.

Your interest and efforts in this area are appreciated. We sincerely hope that you will exercise your influence in the House of Representatives to support adequate funding of the Construction Grants Program and the inclusion of the payment of interest as well as principal in the Contract Grant Program.

Sincerely,

DANIEL J. EVANS,
Governor.

STATE OF WISCONSIN,
Madison, June 19, 1969.
Hon. JOHN D. DINGELL,
House of Representatives, Rayburn Office Building, Washington, D.C.

DEAR MR. DINGELL: Your support for realistic funding of the construction grant program under the Clean Water Restoration Act is greatly appreciated.

On the assumption that the authorization in that Act would be honored, Wisconsin began a program of partial funding in Fiscal Year 1967. So that the limited funds could be applied to stimulate more project starts, municipalities were persuaded in that year to accept initial grants of 10 percent of project costs with the assurance that additional increments would be forthcoming.

In Fiscal Year 1968, Wisconsin honored that commitment, raising previous years' projects another 10 percent and starting a few new projects at the 20 percent level of funding. This pattern was continued in the current fiscal year. The result, of course, was that most of the available funds had to be used to raise projects from the previous two years to the 30 percent federal aid level. Of the $4,500,000 which Wisconsin received, only $1,500,000 was available to initiate new construction. At the 30 percent federal aid level, this produced new starts of approximately $5,000,000 cost at a time when immediate sewerage construction needs of at least $100,000,000 have been identified in the state.

Complicating the situation is the fact that Wisconsin communities are now eligible for 50 percent federal grants since the state has approved Interstate Water Quality Standards and a state grant program providing 25 percent of project costs.

If we were to raise those projects now at 30 percent federal aid levels another 10 percent in Fiscal Year 1970, the result would be disastrous—all of the available funds would go toward existing construction, permitting no new pollution abatement starts. This is clearly an untenable situation!

Meanwhile, the backlog of vital pollution abatement projects in Wisconsin accumulates. We now estimate that approximately 500 projects costing $300,000,000 should be commenced in the next six to ten years.

My administration has attempted to fill this void. A state bonding program has been developed and approved in referendum. The enabling legislation, when enacted, will permit Wisconsin to advance from 25 to 30 percent of the federal funds for which projects would be eligible. This is an admitted gamble, considering that some elements in Washington would like to strike the reimbursement provisions from the federal act.

Your efforts to restore construction grant funds to a meaningful level have my wholehearted support. Wisconsin and Michigan also share a common interest in maintaining and extending the reimbursement provisions of the federal act.

Sincerely,

WARREN P. KNOWLES, *Governor.*

WYOMING EXECUTIVE DEPARTMENT,
Cheyenne, July 3, 1969.
Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: I am writing with reference to your recent letter regarding the funding of the construction grant program under the Clean Water Restoration Act. Fortunately, Wyoming does not have any serious water pollution control problems and, therefore, the failure of the Congress to appropriate the full amounts that were authorized has not adversely affected my state.

With all good wishes.

Sincerely,

STAN HATHAWAY.

GOVERNMENT OF THE
DISTRICT OF COLUMBIA,
Washington, D.C., June 16, 1969.
Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: Thank you for your letter of June 6, 1969, expressing your concern about Federal short-funding and its impact on the District of Columbia's water pollution control program.

We will be happy to provide the information you have requested. However, it will take a few days to get it together, and I will forward it to you as soon as we have it ready.

With best wishes.

Sincerely,

WALTER E. WASHINGTON,
Commissioner.

TERRITORY OF GUAM,
Agaña, Guam, June 30, 1969.
Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: In your letter of June 6, 1969, just recently received, you inquired as to the impact short funding for construction grants under the Clean Water Restoration Act has had on the water pollution control and abatement program in Guam.

Guam is fortunate in being provided funds under the Rehabilitation Act P. L. 88–170. Water and sewer projects have been funded under this Act, the last being the Agat/Santa Rita sewer system which includes a sewage treatment plant. A grant under the Federal Water Pollution Control Act was obtained for this treatment.

While we have other projects planned under the water pollution control and abatement program in Guam none have reached the stage of funding. Accordingly, none have been or are being delayed because of short funding under the Clean Water Restoration Act.

I appreciate your writing to me on this subject.

Sincerely,
MANUEL F. L. GUERRERO,
Governor.

GOVERNMENT OF THE
DISTRICT OF COLUMBIA,
Washington, D.C., July 10, 1969.
Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: This is in further response to your letter of June 6, 1969, expressing your concern about the low-level funding of the federal sewage treatment construction grants program and its impact on the District of Columbia's water pollution control program.

The principal impact of funding below authorized levels has been to upset fiscal planning. The result has been more frequent and increased use of borrowing authority to keep the construction program going. Inasmuch as loan repayments must be made from revenue, that action, in turn, has reflected the need to increase sewer rates. Thus, existing authority to increase rates and to borrow has been reduced in increasing degree. This fact, coupled with an imminent, enlarged construction program of abatement facilities, will necessitate requests to Congress for additional borrowing and rate increase authority. Although the impact on our water pollution control program has not been significant in amount up to this point, since District funding for the expanded program did not begin until F.Y. 1969, nevertheless we are now faced with the necessity of requesting additional funding authority. Our 1970 program is unfunded by approximately $7.8 million, a large portion of which can be attributable to low-level federal funding.

According to Public Law 660, as amended, the District is eligible for grants of 55 per cent to aid with the construction of sewage treatment facilities. In order to meet water quality standards, we will need to upgrade basic treatment facilities over the next five years to remove 90 per cent of organic pollutants at a cost currently estimated at $108 million.

The District's eligibility for construction grants on that amount would be $59.4 million. However, full eligibility cannot be realized since the formula in the Act would limit D.C. to $15.8 million even if appropriation of the full authorization were made. Recognizing that the Act expires in F.Y. 1971 and assuming that the present level of appropriation of $214 million will hold, we cannot expect more than $5.2 million on the above construction. Thus, it is obvious that local financing will have to make up the difference, $10.2 million in this case.

In the years ahead the District is faced with extremely large expenditures for waste water treatment. I am advised that it will cost not only the $108 million previously mentioned to upgrade our basic treatment facilities to provide 90 per cent biochemical oxygen demand (BOD) and suspended solids removal from flows expected in 1980, but, following this, additional expenditures of $170 million for advanced waste treatment for the same flows must be contemplated if water quality standards are to be met. Increased sewer service charges and borrowing authority to be requested together with anticipated federal grants will enable us to construct and operate the basic plant only. The method of financing of the advanced waste treatment facilities has yet to be worked out. This should show you the magnitude of our problem.

I hope the above information will be helpful. If I can be of further service, please let me know.

Sincerely yours,
WALTER E. WASHINGTON,
Commissioner.

THE VIRGIN ISLANDS OF THE
UNITED STATES,
Charlotte Amalie, St. Thomas,
June 24, 1969.
Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: The short-funding on the construction grants program under the Clean Water Restoration Act has not held back the water pollution control and abatement programs of the Virgin Islands.

Prior to 1968, the Virgin Islands never utilized the construction grants funds allocated. This was because of the low priority allocated to water pollution behind housing, water, etc. In this way approximately ten million dollars were lost.

We are now moving ahead on the construction of waste treatment plants. We are utilizing all of our 1968 and 1969 allotments and half of our 1970 this year. In addition we have expended $268,000 for three sewage treatment plants required in 1969.

The Virgin Islands are eligible for fifty-five percent grants. We have thus expended $147,400 in order to take up the slack.

Sincerely yours,
CYRIL E. KING,
Acting Governor.

DOUGLAS MacARTHUR MEMORIAL DEDICATION

(Mr. McKNEALLY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McKNEALLY. Mr. Speaker, I rise to call to the attention of the Members of the House an important event which recently took place at the U.S. Military Academy at West Point. On September 12 of this year, a magnificent statue of the late Gen. Douglas MacArthur was unveiled and dedicated. It shows the general in a characteristic pose, with his collar unbuttoned and his coat over his arm. It is reminiscent of that great general's stance as he went forth to meet the enemy on the battlefield.

What American can fail to remember with pride General MacArthur's unmatched service to this Nation. What a man he was—and especially as he is measured against the leaders of movements in the country today calling for surrender.

I am pleased to insert in the RECORD the speech given by Maj. Gen. Max C. Tyler, U.S. Army, retired, on the occasion of the dedication. General Tyler was a classmate of General MacArthur. He spoke eloquently and intimately of him. The exceptional qualities of our greatest general were apparent from his earliest days.

General Tyler's speech is as follows:

DEDICATION ADDRESS BY MAJ. GEN. MAX C. TYLER

(Dedication of Douglas MacArthur Memorial and Barracks, Sept. 11, 1969)

I thank you, General Eddleman, for this generous introduction, Mrs. MacArthur, General Eddleman, General Groves, General Koster, General Sverdrup, members of the Corps of Cadets and distinguished guests. The surviving members of the Class of 1903 are grateful for being included among you today to honor the memory of that great soldier, statesman and patriot, Douglas MacArthur. His career is history well-known to all of you. For one of his classmates to attempt to eulogize such a world famous leader of armies would be presumptuous indeed. However, he clearly displayed all the qualities of leadership in his cadet days. Perhaps a brief discussion of those days will not be considered irrelevant to this occasion. Douglas MacArthur showed up at the beginning of our plebe year as a leader of every section in academics. We immediately saw that here was no scared fumbling plebe, but a young man well prepared in academics, who knew where he wanted to go and how to get there.

He continued to lead all of our academic sections for our four years here. The "makes" were announced soon after the graduation of the Class of 1900. The Tactical Department had observed Douglas' competence in drills, parades and field exercises and his name appeared at the head of the list of cadet corporals.

In second class year, he was a senior first sergeant, and in our first class year, commanded "A" Company, the right of the line of the Corps of Cadets then consisting of six companies. He was The First Captain of the Corps of Cadets. He had a strong voice. It was said when the wind was right, his commands at battalion formations could be heard distinctly across the river. Douglas went out for baseball and in 1901 added an athletic triumph to his academic and tactical excellence. He earned the winning run in a tied game with Navy at Annapolis giving West Point the victory. No cadet either before or after his time has equaled Douglas MacArthur's distinguished record at West Point. How had he been so thoroughly prepared to lead at so young an age? Of first importance was his family. Their's was a closely knit family with no generation gap. His father, General Arthur MacArthur, exerted a strong influence on Douglas' life and career. Their sons were taught always to be honest, to stick to the truth regardless of the cost, never to tattle, and to be gentlemen under all circumstances.

Douglas had often discussed with his father the latter's heroic performances as Adjutant of a Wisconsin volunteer infantry regiment during the Civil War for which he had been awarded the Congressional Medal of Honor. Thus, in his youth, Douglas became aware of the qualities which are necessary for military leadership. His father sent him to the Texas Military Academy. That was where he learned now to study. He majored in English and Speech and played shortstop on the baseball team and quarterback on the 11. He graduated there in 1897. In 1898, Douglas took a competitive examination for a West Point vacancy which would occur the following year in a Milwaukee, Wisconsin, congressional district. He won the appointment. Thus, we see him early in his career starting to create his own opportunities. After graduation in 1903, his assignments further matured him and trained him for his future. He served in the Philippines and as aide to his father who had been detailed as observer of the Russo-Japanese War, which was followed by nine months of travel with him in Eastern Asiatic Countries. All these experiences increased his knowledge of the world, especially in Asia, our Federal Government and our Army.

In 1913, Douglas was on duty at Fort Leavenworth with Engineer Troops and was an instructor at the Army Service Schools. He was ordered to Washington and placed in charge of the State War and Navy Building.

In 1914, Europe was divided by war and the United States was threatened. Steps were being taken to strengthen our military weaknesses. Mr. Newton Baker became Secretary of War and he detailed Douglas as his Military Assistant in charge of the Bureau of Information of the War Department. Then the Secretary appointed him Press Censor and the link with the newspaper men who covered the War Department. Congress declared war on Germany in April, 1917.

The Army General Staff had recommended against the use of the National Guard in the impending conflict. Douglas, perhaps recalling his father's success with citizen soldiers, saw the situation from a different point of view. He recommended to Mr. Baker the maximum possible use be made of the National Guard. He went further, and recommended the formation of a special National Guard Division to be composed of guard units from all the states and suggested as appropriate the name of "Rainbow" for it. The Secretary of War and President Wilson quickly approved both recommendations. The Secretary of War thereupon commissioned Douglas a Colonel of Infantry in the emergency army and assigned him as Chief of Staff of the new Forty Second, "Rainbow," Division.

Douglas was now in the line of the Army where he had always wanted to be, and he had opened wide the door to his future opportunities for tremendous services to his country.

We, who were observing his progress, now realized that he had moved into a much higher league than when he led in 1903 as a cadet. His brilliant record with the Forty Second Division in battles of World War I is history known to all of you. But what he did for West Point immediately after that war also seems relevant here today. So, if you will be patient for a couple of minutes more, this rough sketch of Douglas MacArthur's early service at West Point will be completed.

When he was informed by the Chief of Staff of his appointment as Superintendent, he was also told that the Academy was forty years behind the times and in dire need of a general overhaul. Douglas was then a temporary Brigadier General. On assuming command in June, 1919, he found the institution in disorder. Moreover, a threat of complete abandonment of the Academy required immediate action. Influential members of Congress, in response to public clamor, could not see the need for a Federal Military Academy when "The War to End All Wars" had just been won. Douglas promptly went to Washington and conferred with the interested members of Congress, many of whom he knew personally. He made such a convincing argument for the retention of the Academy that all agitation for its abandonment ceased. If Thayer was the Father of West Point, surely Douglas MacArthur was its Savior.

The demand for officers with little training had caused the course to be reduced to one year during the war. There were no upper classmen to pass on the traditions of the Corps to the juniors. Morale was low and the Honor Code almost had been forgotten. Douglas succeeded in having the four-year course re-established. He revitalized the Honor System by placing its administration under an Honor Committee of cadets.

A few of the other changes he made show how carefully and wisely he worked. He knew from his own experience in battle that, in future wars, all of the people of the nation would participate, few of whom would have any training for military duty. In order to bring the Academy and its graduates into closer contact with the outside civilian world with which they would have to deal, he had professors visit other universities to learn of their methods of instruction and contents of their courses. He sent instructors to other universities to obtain advanced degrees. Douglas also knew that training officers in the seclusion of a monastery-like Academy, which in the past had been adequate for small regular armies, would not produce graduates competent to lead citizens soldiers. The old summer cadet encampment on the Plain was a part of the monastery system. Instead of the entertaining annual comedy presented in a setting of sentry boxes, tent floors and gravely sentry walks, he had the campsite cleared and levelled and he had cadets assigned to arm commands for summer field maneuvers.

There was something else that Douglas felt had to be done. Physical fitness in the Army needed attention. He established intramural competition in all major sports here at the Academy. Every cadet had to participate. The program improved the physical condition of graduates, enabled them to train and coach their commands in the major sports and to spread the spirit of athletic competition throughout the Army. Looking back more than seventy years to our plebe year, the few remaining members of the Class of 1903 believe that Douglas MacArthur, who led our class during all of his cadet days, performed here as Superintendent one of the most important services of his career. He saved West Point from abandonment, he forced the Academy out of isolationism into the main stream of American life where it went on to attain its present high standing in education and athletics.

He was largely responsible for reviving the Academy's Code of: "Duty, Honor, Country," in the hearts of its graduates. All of you know how devotedly he loved this Academy. We are proud to honor his memory here with you today for what he did here for his country and for West Point.

I thank you.

SERIES ON "LAW AND THE ENVIRONMENT"

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the Christian Science Monitor has done a tremendous service providing an in-depth study as to the conserving of our natural resources and heritage. The latest series, "Law and Environment," by staff correspondent Robert Cahn, is no exception. Based on recent discussions between selected lawyers at Arlie House, Warrenton, Va., the series will focus on environmental problems from another point of view; namely, what legal strategies to protect the environment are available to the public against big business or big government?

There is nothing new about public concern, but perhaps the growing use of legal suits by citizens against environment-damaging construction projects is indicative of a heightened awareness of the critical status of the battle against the polluters. A "law of the environment" is very much to be desired; I am sure Members of both Houses will find the story of the evolution of such a law particularly valuable in contemplating legislation which affects the Nation's natural heritage.

The first article in the series follows:

LAW AND ENVIRONMENT—1: ENVIRONMENTALISTS BLAZE LEGAL TRAIL TO PRESERVE NATURE

(A growing concern over man's endangered environment has uncovered the lack of legal mechanisms with which to combat the danger. The following is the first in a series of articles highlighting discussions at a recent conference on law and the environment held in Warrenton, Va.)

(By Robert Cahn)

WASHINGTON.—Early in 1968, a group of California citizens and lawyers considered taking legal action to prohibit leasing of oil and gas tracts in the Santa Barbara Channel and to prohibit construction of offshore drilling facilities.

The possibility of successful legal action appeared slim and the costs of a lawsuit extremely high, so the idea was dropped. Leases were granted by the federal government, drilling was started, and in January, 1969, the now infamous Santa Barbara oil spill started.

Across the country another group of conservationists faced a different type of development which they felt would harm the environment—a six-lane expressway planned along the Hudson River near Tarrytown, N.Y.

The New York citizens group went to court. They charged four agencies of the federal government with failing to follow an 1889 law in giving a permit for a dike in the Hudson River without getting prior consent from Congress and the Cabinet department concerned.

Surprisingly, a United States district court ruled against the government, and the conservationists won a skirmish (the government is appealing the decision) in the constant battle to preserve environmental values.

ENVIRONMENTAL INTEREST RISES

All across the country these days lawsuits are being filed, lawyers are becoming concerned with environmental problems, and law schools are starting courses and programs in environmental law.

Court actions now draw the most attention. Citizens groups go to the courts as a last resort when legislation, governmental executive decisions, and public opinion have failed to halt actions which they believe are endangering the environment.

There are many causes for action: air, water, and noise pollution; loss of wilderness and open space to commercial development; dredging and filling of wetlands, rivers, and bays; effects from excessive use of fertilizers and pesticides; oil spills; radiation hazards; defacing of scenic landscape by expressways, power lines, billboards, and junk yards.

Successes in coping with these environmental influences have increased in the last few years, but have not yet produced significant national gains. For the most part, lawsuits have been useful in getting injunctions which serve as holding actions until public opinion can force a change in legislation or executive action. Or sometimes the lawsuit has brought about a modification or change in plans so that environmental effects will be negated or softened.

LITIGATION BUILDS BASE

No clear constitutional basis has developed to aid environmental interests, as has been the case, for instance, in the field of civil rights. Other theories in the common law have not been widely enough accepted to become practical. And legislation has not caught up with the public demand for environmental protections.

One of the nation's leading trial lawyers in the environmental field, Victor J. Yannacone Jr., has stated:

"Every piece of enlightened social legislation that has come down in the past 50 or 60 years has been preceded by a history of litigation in which lawyers around the country have focused forcibly the attention of the legislature on the inadequacies of existing legislation."

In answer to conservationists' calls for a drive to stimulate attention on environmental problems through use of the courts as well as the legislatures, the first Conference on Law and the Environment was held recently at Airlie House in Warrenton, Va. The conference drew 46 participants (mostly lawyers) and about 20 observers. It was sponsored by the Conservation Foundation of Washington, D.C., and the Conservation and Research Foundation of New London, Conn.

SOME DEGRADATION ACCEPTED

Among the participants: consumer advocate Ralph Nader; Rep. Paul N. McCloskey Jr. of California; Roger P. Hansen, executive director of the Rocky Mountain Center on Environment, Denver; former Vermont Gov. Philip H. Hoff; Philip Berry, president of the Sierra Club; Raymond A. Haik, president of the Izaak Walton League of America, and Mr. Yannacone.

All except the most radical conservationists concede there may be cases in which some environmental degradation may be necessary in the overall national interest to obtain other objectives. Even then, the conservationists feel environmental concerns should at least be fully considered in planning new developments.

They say that alternatives to avoid environmental harm can be taken. They also suggest that if these alternatives will add to the cost, the public should have an opportunity to decide whether to pay more in the marketplace, or in taxes, in order to preserve a better environment.

The purpose of the conference, according to one of the instigators; Malcolm F. Baldwin of the Conservation Foundation, was "to bring together leading lawyers in this field to exchange ideas on most effective use of legal tools, to suggest new legal theories for the use of citizens in court, and to recommend programs for law schools, foundations, and conservation organizations in the emerging field of environmental law."

Some of the lawyers present felt the courts were the most responsive forums to resolve social conflicts. Others felt there were dangers in asking courts to do what legislatures are conceived to do.

Concern was expressed that too hasty an effort to bring lawsuits might result in bad law and precedents which would pose greater long-range hurdles for the environmentalist.

Some lawyers expressed views that the environment time clock is running out.

"I am still not persuaded that anything in the environment is negotiable, whether it is air or wilderness or parks or wildlife or whatever," said lawyer Brock Evans of the Federation of Western Outdoor Clubs, Seattle. "I think we have lost too much already all around. We talk about balancing equities. We should consider what has happened in this country in the last 300 years where the balance has been all the other way."

COORDINATION SUGGESTED

A position was taken by some participants that neither the court nor the legislature nor administrative agencies could furnish all the answers independently.

"We are talking about tools, about devices," said Robert Hansen. "We have to play all of these things like a string orchestra. We have to work on the legislative process. We have to work on the administrative processes. We have to engage in litigation. And we have to engage in litigation based on various theories."

For those who decide to go to court, numerous approaches were suggested by the conferees, such as using parts of the Constitution, or the trust theories from the common law, or seeking injunctions based on real or threatened damage to life or property.

Conferees agreed that both the environmental lawyer and plaintiff face great difficulties.

Compared to his adversary (often big business or big government), the citizen plaintiff involved in environmental litigation has the short end of the stick with regard to funds to carry on a case (costs often run to six figures), information sources, ability to obtain expert witnesses, and a background of substantive law.

The environmental lawyer has the added disadvantage of frequently having to deal with emotional clients who are volunteering their time for a cause (and expect the lawyer to do likewise).

Most important, as plaintiffs, the environmentalists must bear the burden of proof. They must show that a proposed new development will be ecologically or aesthetically damaging. And, the lawyers noted, in an economy dedicated to growth of the gross national product, it is difficult for courts, legislatures, or administrators to think in other than narrow economic terms.

THE KINGS AND QUEENS OF ENVIRONMENTAL DECLINE—NAMELY, YOU AND I

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I have taken the liberty of lifting the title of my remarks from a speech made by Edward C. Crafts before the American Forestry Association in Colorado Springs, Colo. Many of my colleagues will know Dr. Crafts as a man who spent almost 40 years in Government service in research and program planning for the benefit of our national forests, parks and recreation areas, most recently as the first Director of the Bureau of Outdoor Recreation.

The thrust of his remarks was to outline the steps necessary to reverse the trend of environmental retrogression. He lauds the legislation in force and bills contemplated to do the job, but he pulls no punches when he cites the shortcomings of what has been done or is proposed. Perhaps one of the great services Dr. Crafts has rendered in this speech is to make sense out of the multiplicity of groups, commissions, boards and bodies that are dedicated to getting the message across to Congress, the executive departments of the Government, and business leaders of all industries. He also provides a valuable working guide to the problems we face in upgrading the quality of life with his "Nine Basic Truths of Environmental Decline."

But I believe the single most important aspect of his speech is that he lays the burden of leadership responsibility at the Capitol steps. There is much wishful thinking on the part of legislators that engineers, systems analysts and scientists will somehow solve the problems we face. Dr. Crafts notes that "the politicians and other policy officials in all walks become the ultimate key." Heretofore, leadership has come from outside the Congress. The American people are light-years ahead of Members of Congress as to an awareness of our environmental decline. In Congress we see the dotted "I's" and the crossed "t's" of legislation. The public sees the bulldozer slashing away at the wilderness, lives amidst urban sprawl, tastes and feels the sting of pollutants, and clasps his ears as the jet rattles his dinnerware.

The public support is out there for a massive congressional drive against further erosion in the quality of our lives if only Congress will bite the "hot bullet" and respond.

Dr. Crafts outlines seven hard steps which must be taken to reverse the trend of environmental retrogression. Not everyone will agree with the particular steps outlined but a plan of action is necessary and Dr. Crafts provides one approach.

To conclude his remarks, Dr. Crafts quotes one of the most moving statements ever made as to why one must be concerned with the quality of our lives. In making the decision to turn from the technological race to the race for human survival, Charles Lindbergh made some "enshrinable" comments. One brief sentence of Lindbergh's statement may serve as reason enough to convince our colleagues to read the full text of Dr. Crafts' remarks. Lindbergh said:

> I believed some of the policies we were following to insure our near-future strength and survival were likely to lead to our distant-future weakness and destruction.

The text of the speech by Dr. Crafts follows:

WILL POLLUTION WIN THE PUBLIC LANDS?

(Remarks by Edward C. Crafts at the 94th Annual Meeting of the American Forestry Association, Colorado Springs, Colorado. September 24, 1969.)

The Nation's press, public figures and eminent scientists all overflow these days with pieties of abhorring the environmental degradation of the United States.

Environmental quality is the catch phrase of today, just as conservation and outdoor recreation were the phrases of yesteryear. Everyone is trying to get on the band wagon; environment is not clearly defined; it apparently covers just about everything; and there is much talk but relatively little action when compared to real needs.

Environmental retrogression is being prostituted in opposite ways by both dedicated do-gooders and industrial polluters. Despite the flow of rhetoric only a handful of national leaders really understand the seriousness of the threat to America and are trying to save the Nation. One problem is that the term can mean so many different things and is so all-inclusive as to be almost self-defeating.

Let us express some basic truths and then look at the major symptoms of environmental deterioration including some environmental issues on public lands.

1. Man's environment generally is considered to be everything outside his own body. The scope immediately becomes overwhelming. Environment must be broken down into some of its more important components for rational consideration. To our best knowledge, and this appears to be sup-

XUM

ported by recent photos of the moon and Mars, the world's environment is unique in the solar system—possibly in the universe. Our unique combination of atmosphere, water in liquid form, and land first spawned life and then man.

2. The growing danger is that man will destroy himself by degrading the environment to where it is no longer livable. This degradation is being caused by man's failure to dispose adequately of his waste products. It results from his misuse of technological know-how.

3. Failure to use properly man's scientific knowledge is causing serious water, air, and land pollution, pesticide poisoning, and improper disposal of solid waste. The worst polluter of all is the automobile with its internal combustion engine. Generally the finger is pointed most accusingly at the mining, chemical, steel and utility industries as the foremost polluters. But let us not forget the road builders, construction industry, real estate developers, timber depleters, and our misdesigned, smog-laden, slum-ridden cities.

4. The motivations that cause environmental degradation are the desire for profits, creature comforts, status living, social conformity, and material affluence.

5. Man can learn about—but he cannot alter—the natural laws of this earth nor the solar system. To survive he must control the technological apparatus by which knowledge of those earthly laws is put to practical use.

6. If there are certain industrial "princes of pollution," the kings and queens of environmental decline are the men and women of the world,—namely you and I. We have it in our power in countless ways to halt the downward trend and maintain the biotic balance between nature and man that is essential to survival of the species.

7. However, the price runs against our grain, and against "progress." It includes a social ethic for the environment, control of the world's population, willingness to foreswear profits, pay greater taxes, and higher prices, reduce the material standard of living, sacrifice certain creature comforts, educate ourselves and our children, revise social priorities, raise sufficient public opinion against principal industrial offenders to compel change, and an ability to recognize the point of no return before it is too late. In short, the people of this Nation must develop a consciousness and determination regardless of individual, corporate, or collective sacrifice. We as a people must be willing to bite the hot bullet.

8. The main deterrents to correction are neither scientific nor technological. They are social, economic, and political.

9. At stake is man's survival. The environmental threat is no less certain than that of unleashed nuclear weapons. But it is far less dramatic, less sudden, and more insidious. Thus it is far more dangerous.

SYMPTOMS OF ENVIRONMENTAL DETERIORATION

Generally speaking there are three resources subject to environmental pollution—air, water, and land. All of the air, nearly all of water, and much of the land is in the public domain. Therefore consideration of environment needs to be much broader than the scope of "public lands" as generally referred to in the United States.

Pesticides, solid waste, heat and noise are important kinds of pollution; but in reality they are causes, each of which adversely affects more than one of the three basic environmental resources.

Air has its visible and invisible contaminants with the latter the more serious. The principal sources of air pollution include autos, trucks, busses, jet planes, factories, garbage and city dumps, pesticides, heating and power plants. All of us recall big city smogs, heat-inversions, haze, belching smokestacks; dust bowls, and forest fires. The air over most of the East Coast from Maine to Florida is polluted up to 20 or 30 thousand feet.

Of all, the automobile is the worst offender. But despite great talk of auto safety, little beyond research has been done yet about that most dangerous source of all, —the exhaust pipe. Smog in Los Angeles would be ended if gasoline sales were banned in southern California.

Noise is another form of air pollution that is increasingly serious. The growing noise pollution is traceable to big city din, trucks and railroads, jet planes and jetports, sonic booms, interstates, turnpikes, beltways, and expressways, and the construction industry.

Water is polluted from soil erosion, sewage, industrial, agricultural, and consumer waste of all kinds, and of course always pesticides. Most major rivers of the Nation are polluted as are many minor streams. Lake Erie may be dying. So may Lake Tahoe whose color is changing from blue to green. The Coho salmon of Lake Michigan are contaminated. Estuaries and wetlands are disappearing to high rises and condominiums. Even the oceans are becoming dumping grounds for trash, sewage, and chemicals. Disaster points such as the oil off Santa Barbara are fresh in mind. Who wants poisonous gas stored near Denver; but on the other hand what would be the long-range effect of dumping such gas in the ocean. Oceans are an increasingly common receptacle for junk and other solid waste all the way from automobiles to beer cans. Oceans too are the end of the line for persistent pesticides, much industrial waste, and chemical effluents.

Thermal pollution, mainly from nuclear power generators raises the temperature of rivers and lakes, and possibly in due time even the oceans to the point of affecting sea life in unknown ways and the polar ice caps with possibly disastrous results through flooding the continents and destruction of man.

Land pollution is multitudinous and diverse in character. Pesticides upset the biotic balance, erosion and construction tear the land apart and deface it. Examples are endless and include overcutting the forest, overgrazing the range, suburban sprawl, urban slums, plebian design of cities and structures, over-crowding our parks, highways splattering ribbons of concrete across the landscape, strip mines, utility lines, litter, advertising signs, trash, junk yards, industrial decay, and ad infinitum.

WHAT IS BEING DONE?

At long last the Nation's press is coming alive. Scarcely a day passes without feature articles about the deteoriating environment appearing in leading newspapers, magazines or the Congressional Record.

There is a baffling maze of Federal and State legislation, public programs, trade associations and other private groups, universities and research organizations, all either pushing one aspect or another of environmental improvement, or conversely protecting a special interest.

Presently 11 Federal departments and 16 independent agencies are engaged in environmental matters.

The United Nations is convening a World Conference on the Environment in 1972.

DDT has been banned in Sweden and Denmark. About 10 States either have restricted its use or are considering such action. Michigan has impounded the salmon from Lake Michigan because of excessive DDT in their tissue.

There are other good signs. Maryland is the first State to require undergrounding of all utility lines in new construction. The Department of Agriculture has cut back the use of persistent pesticides in Federal-State insect control programs, but this accounts for only 1 percent of total consumption. Jet planes and autos are scheduled for partially-effective emission-control devices by 1970 or 1971. California has taken steps to save San Francisco Bay. Reynolds Aluminum is paying $200 a ton for discarded cans. Time magazine is running a new weekly section on the "Environment." The jets versus the Everglades has become a cause celebre and there is hope. The promise of peaceful use of nuclear energy is challenged by the fear of contamination.

New magazines, newsletters and organizations are springing up such as the Environmental Defense Fund, Committee for Environmental Information, Environmental Clearing House, and an ad hoc Committee on Environment consisting only of members of Congress.

The Department of Health, Education, and Welfare has created recently a Secretary's Commission on Pesticides and their Relationship to Environmental Health.

Out of the vast array of literature of the last five years, reports of the National Research Council, National Academy of Sciences, the Environmental Pollution panel of the President's Science Advisory Committee, the President's Council on Recreation and Natural Beauty, the Department of Agriculture and the Office of Science and Technology are outstanding. But their recommendations are far from being implemented.

Last May the President by Executive Order created a coordinating Environmental Quality Council, chaired by himself, and with six Cabinet officers and the Vice-President as members. The Council has met twice in contrast to the comparable Urban Affairs Council which has met about 20 times. The Council is to be staffed by the Office of Science and Technology which is the wrong place because the problems of environment are not primarily scientific.

The President established a Citizens' Advisory Committee chaired by Laurence Rockefeller. In its first report, the Committee chided Congress for the gap between authorizations and appropriations.

The new Council and Advisory Committee are a continuation and broadening of the former Council and Advisory Committee on Recreation and Natural Beauty. So far they have done little and created little enthusiasm. The House has cut funds for staff support. The objectivity and independence of Cabinet Officers is questioned as well as whether the President has the time to chair the Council personally.

Congress is bestirring itself. It probably will enact a strengthened water pollution control act. Also it has numerous bills before it to create a full-time Environmental Council with its own staff and wholly independent of the executive departments and agencies. Such a Council would closely parallel the Council of Economic Advisors. In the 90th Congress there were some 120 bills on environmental quality. By the close of this Congress there may be an even larger number.

The Senate recently passed a "National Environmental Policy Act of 1969" sponsored by Senator Henry Jackson and others. The House and Senate also are moving on related bills by Congressman Dingell and Senator Muskie.

Among other things Senator Jackson's bill: (1) establishes a National policy that the Federal Government shall use "all practicable means" to see that each person has a healthful environment; (2) directs that each Federal agency interpret its policies and laws to implement the National Environmental Policy; and (3) establishes a 3-man full time Board of Environmental Quality Advisors appointed by and responsible only to the President and with adequate staff. Duties would include appraising Federal programs and the environmental state of the Nation for the President and the Congress.

Senator Jackson predicts:

XUM

"The law will immediately hit the Atomic Energy Commission's nuclear power program by requiring the AEC to curb thermal pollution. It will have an immediate impact on all defense programs—everything from the siting of ABM missiles to chemical and biological warfare. It will affect federally financed highway programs and every Army Corps of Engineers project."

Surely some sweeping, across the Board, and overriding measures of this nature is needed. No piecemeal approach can do the job. Already on the statute books but not doing the job adequately, partly because of colossal under-financing, are some major Congressional enactments as the Air Quality, Clean Air, Water Pollution Control, Solid Wastes Disposal, Water Resources, Clean Waters Restoration, Federal Insecticide, Fungicide, and Rodenticide, Federal Food and Drug and Cosmetic, Fish and Wildlife Pesticide, and Pesticide Research acts.

The best features of the Jackson-Muskie-Dingell bills should be enacted in this Congress. Then there would be over-all legislation with teeth and an independent overview and coordination body responsible only to the President and the Congress

ENVIRONMENTAL ISSUES ON PUBLIC LANDS

-I know the theme of this meeting is the destiny of public lands, meaning in general those lands under the purview of the Public Land Law Review Commission. But in relating to environment, "public" should mean the broader concept of all public lands—Federal, State, and local—as well as the public air and water

The issue of environmental quality transcends by far the more conventional questions of fair market value, revenue sharing, and private rights and privileges on public lands.

How much is enough is the real question. This means how far do we push our environment downhill in order to enjoy the fruits of technological knowledge, and can we detect the point of no return far enough ahead to not go over the brink of a snow-balling irreversibility? It all comes down finally to a judgment balance between what technology can supply and what biology can stand. This is why politicians and other policy officials in all walks become the ultimate key rather than scientists and engineers.

With big cities the core of environmental deterioration, and with degradation usually diminishing as the distance increases, one might conclude that the far countryside where much of the Federal public lands are located would be in little danger. Not so! You have only to read "Threatened America," "Last Chance to Save the Everglades," "Peaceful Atom Sparks a War" all in recent issues of *Life Magazine*; or "Polluted Air—Potent New Selective Force in Our Forests," in the *Journal of Forestry*, or "Pests, Pesticides and People" by the Conservation Foundation and The American Forestry Association, to conclude otherwise.

You have only to be an administrator of public lands to know otherwise. Following are a few other examples in all of which the long-term issue is environmental management versus destructive development, or continuing utilization of resources versus destructive landscape alteration:

1. Conflict between environmental protection and "progress" is the proposed jetport in south Florida versus the Everglades National Park, as is the proposed jetport in St. Thomas at the expense of wetlands, lagoons, island beauty and the Virgin Islands National Park. Recent press reports on the Everglades sound favorable. But the final decision on the Everglades jetport could well be the first test for the President's new Environmental Quality Council and Advisory Committee as well as a revelation of President Nixon's own environmental philosophy.

2. Why is mining permitted to continue for 25 years after establishment of Forest Service wilderness areas? Why won't Congress intervene at Miner's Ridge to stop Kennecott Copper inside the Glacier Peak Wilderness Area? The reason in both cases is mining industry's desire for profits and pressure on vote-conscious members of Congress. The result is violation of wilderness of which there is so little left. Wilderness is irreplaceable America.

3. There are environmental public land issues in this State of which a proposed interstate through a wilderness and a proposed Forest Service timber sale taken to court are examples.

4. The construction of an expressway through Humboldt Redwood State Park in California caused such an outcry that hopefully the continuation of the expressway will by-pass two other redwood State parks, both of which are within the Redwood National Park.

5. People over-crowding of the National Parks is acute. The crunch will become greater as more and more people come to the parks on one hand, and as most acreage in the parks is classified as legal wilderness on the other. Here is real environmental conflict, the only solution appearing to be both restricting visitor numbers in the parks and accommodating over-night visitors on outside surrounding lands which often are national forests or other public land.

6. The high-timber yield bill directed at National Forests and ardently advocated by the West Coast timber industry would be an environmental intrusion by overriding the Multiple Use-Sustained Yield Act, the judgment balance of administrators, making optimum timber yield the management objective, and requiring moneys to be spent where the need is not greatest.

Large clear-cuttings in redwoods and douglas fir that look like a battlefield, plus slash accumulations and timberland lying idle from fires or cutting is environmental destruction of the worst sort.

I recall Congressman Poage of the House Agriculture Committee in flying over both private and national forest timberlands on the west slope of the Washington Cascades registering shock at what he saw and later writing to thank me for showing him the national forests that had trees as well as those that did not.

7. The Mineral King controversy between recreation for winter sports versus keeping a wild valley wild and forestalling an access road through a National Park has caused the Sierra Club to go to court with initial success. This is a conflict solely between a people's varying cultural desires, one group for wilderness and one for winter sports. In this instance economics is not a key determinant.

8. Finally there is Alaska. Must the oil of the northern slopes ruin the priceless domain under the care of the Interior Department including the forest, wetlands, and the irreplaceable habitat for wildlife. The balance of nature is delicate at best in Alaska. Here perhaps is the ultimate testing ground in the Unted States as to whether the American people can and will harmonize technological progress with a delicately balanced environment.

Now to summarize: The chemical industry produces effluents and the chlorinated hydrocarbons that pollute our air, water, land, fish, animals, and man. The auto and highway industries pollute the air and desecrate the landscape. The utility and steel industries pollute the air, water and land. The mining industry with its strip mining in the East and Midwest, and pit and deep mines in the West destroy the land. Real estate developers with their urban sprawl, shopping centers, industrial parks erode the land, spoil the landscape, and offend the senses. These are the industrial big six.

But do not blame the industries as much as yourself. Responsibility is shared by each of us, by the American way of life, and by unwillingness to bite the hot bullet.

The Nation's population and material affluence is overdrawing and despoiling its natural resources and pushing the environment toward a danger point of no return. It may take a killing heat inversion along the eastern megalopolis, or some other catastrophe to shake up this Nation sufficiently to take action. Unfortunately Americans usually react after crises rather than before.

Absolutely essential to survival is restoration of harmonious balance between people and the laws of nature. To reverse the trend of environmental retrogression there are at least seven hard steps that are unavoidable. These are population control, higher taxes, higher consumer prices, lower corporate profits, lower material standard of living, revision of National priorities and coercion. These are hard prospects but they are not fantasy.

Finally, may every administrator of public land, holder of public office, board chairman, corporation president, and policy maker of every sort keep in mind the words of Charles Lindberg when making the hard decision:

"I had become alarmed about the effect our civilization was having on continents and islands my military missions took me over—the slashed forests, the eroded mountains, the disappearing wilderness and wildlife. I believed some of the policies we were following to insure our near-future strength and survival were likely to lead to our distant-future weakness and destruction.

"After millions of years of successful evolution, human life is now deteriorating genetically and environmentally at an alarming and exponential rate. Basically, we seem to be retrograding rather than evolving. We have only to look about us to verify this fact; to see megalopolizing cities, the breakdown of nature, the pollution of air, water and earth; to see crime, vice and dissatisfaction webbing like a cancer across the surface of our world.

"We know that tens of thousands of years ago, man departed from both the hazards and the security of instinct's natural selection, and that his intellectual reactions have become too powerful to permit him ever to return.

"That is why I have turned my attention from technological progress to life, from the civilized to the wild. In wilderness there is a lens to the past, to the present and to the future, offered to us for the looking—a direction, a successful selection, and an awareness of values that confronts us with the need for and the means of our salvation. *Let us never forget the wilderness has developed life, including the human species. By comparison, our own accomplishments are trivial.*"

PRESIDENT BOYD OF THE UNIVERSITY OF IOWA

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, Willard L. Boyd is the new president of the University of Iowa. He brings to this position some outstanding credentials and background. He is well qualified to deal with the incredibly complex problem of running a modern university community. I have the greatest confidence in President Boyd, and look forward to even greater studies by the University of Iowa.

President Boyd recently addressed the faculty, and made a very thought-provoking analysis of some of the problems faced. I would especially like to call the attention of my colleagues to President Boyd's plea for additional Federal support for instruction as well as research.

His speech follows:

An Address to the Faculty by President Willard L. Boyd, the University of Iowa, September 16, 1969

No time has been without its problems. Our time is no different. As in all times, simple solutions are sought. Some advocate destruction, some repression; many stand aloof and only criticize. Reasoned action is too often the exception and difficult to pursue in a confusing melee of jumbled slogans and conflicting interests.

These approaches are applied no less to higher education than to other social issues. They exist both within and without our universities and colleges. Most people today agree that there is something radically, or conservatively, wrong with higher education. That is the extent of their agreement. The country abounds with experts on our inadequacies and each has his different panacea. On and off the campus the slogans oversimplify the causes—

"Publish or perish"—those who publish are poor teachers or teach not at all

"Berkeley"—anything and everything about the University of California at Berkeley is bad per se

"Too much or too little ivory tower"—we should run society, or society should run us, or we should have nothing to do with society

"Evil university presidents"—viewed by some as too permissive, by others as too repressive, and by most as arbitrary and obscene managers.

Internally, we flail away at ourselves with gusto and relish. When we cannot agree, we say we cannot trust each other, and then we invite outsiders to make our decisions. When they begin to do so, we say we cannot trust them either. Our belief in institutional autonomy seems to depend on what it yields on a specific issue rather than on the basic soundness of the concept.

I believe we should be committed to institutional autonomy. By saying this, I do not deny our accountability for the stewardship of the institution. Accountability is the protection the public and future students have against any corrupt practices by the present administration, faculty, staff, and students. Nevertheless, we must assert our autonomy if we are to achieve individuality as an institution. It is the curse of American higher education that there is so little diversity. Too many colleges and universities seek to emulate the same model. The pressure is great for us to comply with the standardizations set for us by the scholarly, professional, accrediting, governmental and other external groups which consist of academicians as well as laymen.

The critical issue for this academic community is whether we should seek institutional and individual uniqueness. Iowa is distinctive in a time of multiversities. Not only are all of its colleges physically present on one campus, but they are also intellectually present. The core of the University is arts and sciences surrounded by well integrated professional colleges. Several years ago it might have been said that Iowa was only a collection of autonomous colleges. With the development of a University-wide Faculty Senate and continued adherence to a single graduate college there is a growing sense of university. Increased interaction breaks down academic isolation, and educational perspectives are broadened beyond narrow disciplines.

University-wide interaction should not lead to excessive central administration. A single university should be pluralistic and decentralized in administration if individuality is to be accentuated. Whatever the level of administration, it must be remembered that people, not structures, make a great university. Since I feel that flexibility is essential to academic planning, I am ever mindful of the comment that organization is the enemy of improvisation.

Hearing me emphasize the importance of people, you will understand why I do not stress job description. However, I do want to indicate generally the responsibilities of the central academic officers. I am delighted that Mr. Heffner has returned as Provost of the University. His responsibilities are university-wide, and he is the chief executive officer of the institution in my absence. His office will be principally concerned with academic affairs. Mr. Hubbard will continue to work with the student personnel units, the Council on Teaching, the Afro-American Studies Committee, and other instructional programs. Mr. Chambers will serve as director of summer session and will coordinate budget planning, including the collection of data for the several external studies of the institution which are under way. In addition to his duties with the hospitals, Dr. Hardin will work with the Provost in health affairs planning throughout the University. Dean Spriestersbach's role as Vice President is broader than his title implies because of the inseparability of research and teaching. For example, he and his associates aid faculty and students in the development of programs and in seeking funds to support both instructional and research projects. All of these colleagues along with the other members of the central administration and the deans are dedicated to the advancement of the University.

If we are to be a university, as opposed to a multiversity, we must be concerned as a university with all aspects of the institution including its core—the educational program. Since the educational program is primarily the responsibility of the faculty, the Faculty Senate has appropriately established a Committee on the Future of the University. In my judgment the time has come for a reevaluation of the University's educational programs and goals. To accomplish this I recommend that the Committee, in consultation with the Provost, initiate a study of the University which will be continuing in nature. As I pointed out to you in my July letter concerning budget, this Committee should develop liaison with students, staff, and administration in carrying out its charge.

Having said this I probably should say no more. Traditionally university presidents are not supposed to talk about education since this is the province of the faculty and the deans. More recently, university presidents are not supposed to have the time to do so. Yet I am foolish enough to make some comments about the educational issues before us. Most of our academic talk centers on who will decide these issues, not what ought to be decided or how well they will be decided. The debate too often concerns procedure instead of substance. I hope continual self-study will enable us to get to substance—to determine why we do what we do and how we can do it better. We above all should be open-minded in our own ways and amenable to change.

I approach self-study with the attitude that we seek opportunities for students, not prestige among our peers; that we encourage diversity, not uniformity; and that we are willing to be imaginative and flexible in the use of existing as well as new funds.

Self-study has to be more than financial analysis. It must reflect ends and means, not only at the University level but also at the collegiate and departmental level. The Committee on the Future of the University could undertake a general analysis of the goals of the University while the colleges, departments, and other units are simultaneously undertaking their individual analyses. Some of the information will be required in January for the preparation of our 1971 legislative requests which must be submitted to the Board of Regents in May 1970. After the initial self-study it would be useful if the various units were to submit annual or biennial reports on their programs and activities. In addition to initial self-analysis and periodic reports, much could be derived from a coordinated and comprehensive system of departmental review. Such a system should cover all units over a five-year period. This process is now occurring in the medical school and the idea is being discussed in the Graduate Council. Review committees consisting primarily of persons from other disciplines within the University can expand the understanding of both the reviewed and the reviewers.

What are the questions we ought to ask in a self-study and review? Generally they relate to purpose, faculty, students, teaching, research, service, and fiscal support. To know about the whole of the University, we must know from its parts what are their objectives, their role in the university, their means to achieve these objectives, their priorities, and their method for planning. Specifically we must look at enrollment and admission policies; number of student applications; student mix; distribution of enrollment among programs including service courses, majors, graduate, and post-doctoral; student-teacher ratios; class sizes; number of courses taught; faculty and student recruitment and retention; number of students graduated; length of time required for degrees; distribution and evaluation of the effort of faculty, students, staff and administration; need and effectiveness of student advising; role of teaching and research assistants; curriculum objectives and instructional methods; plans to add, drop or consolidate programs and courses; participation by faculty, students, staff and administration in departmental affairs; professional contributions and service by faculty such as clinical assignments and off-campus teaching; sources and adequacy of fiscal support including size of faculty and supporting staff, compensation, space, equipment, library, and computer center; opportunities for efficiencies in operation; extent and need of program liaison with secondary schools, community colleges, and four-year colleges; reports of accrediting agencies; intra- and interinstitutional programs and exchanges; and comparable data from other institutions, both similar and dissimilar.

No matter how extensive the data collected, the hard task of assessing quality remains. This is finally a subjective determination requiring the exercise of judgment. Like happiness, quality is an elusive state which can be defined variously but cannot be standardized. Nevertheless, we seek quality as a university. Surely quality involves more than the Cartter Report.

Before the quality of The University of Iowa can be determined, it is essential to fix its mission. Through sustained self-study and review, objectives can be constantly examined and consciously altered. The objectives of this University cannot be determined in a vacuum. We are affected by educational developments in Iowa, the region, and the nation. There ought to be different kinds of educational institutions with different missions in Iowa and elsewhere. I do not believe that one educational institution can be all things to all people. Moreover, I do not think that any combination of different educational institutions ought to try to do everything. It is unsound to have courses and degrees in everything.

Accordingly, I argue for a limited mission for this University. Historically, state universities have expressed the threefold purposes of teaching, research, and service. In practice this set of objectives can encompass anything and all things. It is necessary for us to decide how much we can do well and what balance ought to be struck among our objectives.

I prefer to think that teaching and research are the service of the University. We not only must disseminate knowledge; we also must create it. Students of all ages are exposed to our teaching and research through classrooms and publications, before and after graduation, on or off the campus, with or without credit, formally and informally. Because of research, we are a producer of new ways and not just a teacher of old ways. Teaching and research are questioning processes. It is the work of scholars to examine and evaluate. Thus the university also serves as social critic and auditor. Since change is constant, there is no status quo, and universities are needed to lead the way for change. It is not enough for the university merely to reflect the present for as Robert Hutchins said a long time ago, "It (must) illumine rather than reflect; it (must) be a beacon rather than a mirror."

Whom does the University serve? In recent years we have re-emphasized The University of Iowa's commitment to professional, graduate, and continuing education. At the same time we have favored the development of comprehensive community colleges and have phased out our vocational-technical programs. We have not been as clear in our posture toward undergraduate education. We acknowledge the need to provide the junior and senior years for community college transfer students, and we have assumed that our undergraduate distribution will shift markedly to the upper division. To achieve this, considerable cooperative educational planning is yet required of the faculties of the community colleges and the Regent institutions. But what about freshmen and sophomores? The college-bound student should have a variety of institutions open to him. I feel that a university, like a community college and a four-year liberal arts college, offers much to the new college student. For example, it can offer a greater number and breadth of arts and science programs than many of the colleges. Further, freshmen and sophomores add much to a university. After all, they are the freshest minds and frequently ask the most penetrating questions since they are not encumbered by all of the knowledge that burdens the rest of us. While maintaining our commitment to professional, graduate, and continuing education, I contend that this University ought to maintain a strong commitment to undergraduate education.

In determining mission, every institution faces the question of optimum enrollment. No fool-proof formula exists to determine appropriate size. We do know that limited enrollments will not eliminate student unrest or reduce costs. Student concern exists in small colleges as well as in large universities. Fiscal support must continue to expand if quality is to be advanced in an institution of a fixed size.

Even though The University of Iowa is by far the smallest CIC state university, it is the most concerned about growing too large. In recent years we have sought to control our enrollments. The admission policies of all colleges except Liberal Arts have been modified to permit more selective admissions. At the request of the Board of Regents a similar proposal for Liberal Arts has been deferred because there is a single admission policy for all Regent freshmen except our engineering students. The rate of increase in the Graduate College enrollment was reduced when the category of unclassified students was dropped. In addition, the other two Regent institutions and the community colleges are growing faster than we at the freshman level. As a result of these and other factors, the enrollment growth at the University has been slowed so that in 1968–69 we had an enrollment of 19,500 students as opposed to an earlier projection of 22,500.

Now the issue is, should other steps be taken to limit enrollment? We should consider the following:

1. Enrollment quotas. Since graduate and professional studies are the fastest growing section of higher education, we should examine the desirability of setting quotas in these areas. Each graduate department and professional college could determine the number of students it should serve in the future. Attention is already being given to this problem. A given area's decision might be to hold at the present size, to decrease, or to increase. It may be best to expand expensive programs at Iowa City rather than duplicate them elsewhere. Such was the basis for the decision in the early 1960's to enlarge the enrollments of the health colleges in the 70's.

2. Reduction of enrolled time. To provide opportunities for more students, the time required to secure a degree could be reduced. This can be done in at least two ways:

a. Full-time study could be required of all students unless special circumstances warranted a reduced load for a period of time. Such a requirement should not preclude the expansion of economic opportunity programs for students who need a longer time in which to finish. Full-time study also makes it possible for such curricular options as variable credit.

b. The time required for a degree could be shortened. Is it necessity or tradition that dictates four years for the baccalaureate, the M.D. and the D.D.S., three years for Law, five years for Pharmacy, to say nothing of the lengthening period for graduate study? We need to ask whether high schools should not extend their college preparatory work so that such requirements as language could be satisfied before college; whether higher education is educating students or merely stuffing them with information; and whether we are justified in deferring the entry of students into full-fledged adulthood for so long. These are questions which we ought to examine with a willingness not to be bound by time-worn traditions.

How can we best educate our students? Many answers can be given and many are correct. Ultimately, however, the answer lies in the quality of the faculty. The individual faculty member has a more profound effect on the student than any curriculum plan. Therefore, the recruitment and retention of able and energetic faculty members is paramount.

What are among the factors essential to the flourishing of a stimulating faculty?

First—There must be an atmosphere of free inquiry. As stated in the AAU Statement on The Rights and Responsibilities of Universities and Their Faculties:

". . . A university must . . . be hospitable to an infinite variety of skills and viewpoints, relying upon open competition among them as the surest safeguard of truth. Its whole spirit requires investigation, criticism, and presentation in an atmosphere of freedom and mutual confidence. This is the real meaning of 'academic freedom.' It is essential to the achievement of its ends that the faculty of a university be guaranteed this freedom. . . . To enjoin uniformity of outlook upon a university faculty would put a stop to learning at the source."

Second—The faculty should have diverse backgrounds. In the selection of faculty we should ask as much of ourselves as we do of those who do business with us. Not only should we look for minority faculty members where they are most likely to be found, but we should also have programs designed to increase their numbers. Appropriately, this University through the Graduate College is playing a major part in the development of a CIC Ph. D. program to increase the numbers of available minority faculty members.

Third—There must be adequate opportunities for the professional development of faculty members. If the practitioner is outdated at 40, what of the faculty member? He too must revalidate his credentials. Perhaps he should even have a second academic career, for we cannot afford to limit him perpetually to the subjects he studied in graduate school. Instead of more study, he may simply need to get outside the academy to broaden his outlook. Leaves of absence with or without pay and academic load adjustments must be utilized to protect our enormous investment in the faculty.

Fourth—the faculty member must be protected from himself. His work needs evaluation if he is to realize his fullest potential. Unfortunately, many of us regard our classroom performance as our most private act. Like a student, however, a teacher is not the best judge of his own performance. Informally, he ought to consult with his students and colleagues in order to improve his teaching. In discussing the components of good college teaching with students, he can demonstrate that the way to assess his load is not by the number of hours spent in the classroom but rather by the total number of hours a week he devotes to his work. Formally, departmental reviews afford an excellent opportunity for evaluation.

Besides knowing more about himself within his discipline, the faculty member needs to know more about the interrelationship of disciplines. Hence he should seek, not shun, interdisciplinary teaching and research with other faculty and students.

The interrelationship of faculty and students is manifested in the curriculum. As I have already indicated, it ought not be our curricular aim to stuff each other with information. Instead the purpose of the curriculum should be to develop the student's analytical capacity and his ability to reason from the specific to the general. This objective can be attained in many ways. In a university we should have multiple approaches to instruction so that diverse students and faculty can be drawn out in the most effective way. There is no single best curriculum or instructional method. Curriculum should be under constant review. Few "innovations" will result for most have been previously tried. A major value of curriculum revision lies in the ferment it creates. Curriculum ferment motivates faculty and students, and this in itself is an essential element of the educational process. Furthermore, we can never be satisfied with what we are doing. There cannot be a status quo for us any more than there can be for the rest of society. Curricular review is needed as much at the graduate and professional level as it is at the undergraduate.

Curricular diversity does not mean that it is necessary or even desirable that a university attempt to cover all fields of knowledge. A university should not overextend itself intellectually or financially. We should be conservative and should add new disciplines, subdisciplines, and levels of study sparingly. This has been Iowa's posture, and I recommend our continued adherence to that policy.

Nowadays there is much student concern about the relevancy of curriculum at all levels. Is "relevancy" really relevant to a curriculum discussion? I say yes. Although I persistently demonstrate that I am not omniscient, I think there are three parts to the matter of curricular relevancy. First is the wish to have "how to do it" courses, more occupationalism; second is the need to relate specialized knowledge to the broader problems of society; and third is the desire to be involved with society. I am sympathetic to the second and third parts but not the first.

These are my reasons.

First—"How to do it" courses and excessive occupationalism are highly impractical because they limit the student's long-range flexibility. Although there may be a need for familiarity with some core knowledge, the course content approach locks the graduate into the current state of knowledge. Anyway, the amount of knowledge in even the sub-sub-specialties is so extensive that one can never learn it all. Some of our professional areas are wisely beginning to de-emphasize specialization and course sequences. The shift is from training to analysis to permit greater career flexibility. On-the-job training and continuing education programs can be relied upon effectively to impart skills and information to our graduates as their careers unfold. By taking this more fundamental approach, the College of Business Administration is doing more for its students than if it were to grant purely occupational bachelor's and master's degrees. We will do an injustice to our students if we yield to undue occupationalism.

Second—Specialization is a narrowing process; it causes us to back off from the broader issues about which we know less. We need to be generalists as well as specialists. An educated person must be able to put his share of knowledge into a worthwhile whole. Presumably higher education facilitates this through general education, but general education is currently caught in the vice between career-oriented students and specialty-minded faculty. All of us are restive about this and assert that we should redress the balance. This is up to us—not to those faculty members whom we may appoint at some future time when we have the money. For is it not also true that today's graduate programs accentuate specialization—so where will these broader gauged people come from if not from among ourselves?

Numerous suggestions have been made which could prove useful. General education can come at the beginning, at the end or throughout one's academic career. The residence halls could well play a large role in the general education program for freshmen and sophomores. Since specialization is narrowing, the senior interdisciplinary seminars which the Liberal Arts College is instituting can be a powerful antidote. Perhaps students who have their disciplines well in mind as freshmen should go directly to them and use their junior and senior years for breadth.

Whenever this is done, there ought to be concern for problem courses and seminars. These offerings should be interdisciplinary and should deal with large complex problems such as poverty and war. To this end we should encourage Afro-American, comparative, human rights and similar studies which cut across disciplines. Several ways have been suggested as economical approaches.

a. Establish a University College—One alternative would be a college with no faculty, like the Graduate College and the Extension Division. Students would be admitted who seek functional majors, ad hoc majors, or general studies. They would be able to take courses offered throughout the university pursuant to a plan of study agreed upon with a faculty advisor. Another variation of a university college would be a credit awarding unit which might engage fifteen different faculty members each year for a portion of their time to offer interdisciplinary problem-centered courses and seminars. Credits earned in the university college would then be acceptable at the discretion of the individual departments and colleges.

b. Establish a faculty teaching requirement—This idea suggests that each faculty member be required to teach periodically an interdisciplinary course or seminar. This might be added as one of the criteria for promotion. The point is to replace an existing discipline-oriented course with a broader one.

c. Establish a course development support program—This suggestion is to beg or borrow—but not steal—enough funds to establish a program of summer support or partial regular semester support to afford a limited number of faculty members the time necessary to develop interdisciplinary problem-centered courses of substantial interest throughout the University.

Besides "how to do it" courses and interdisciplinary study, there is a third aspect of relevancy. Students are anxious to be involved. They want to apply the knowledge they are acquiring. This is nothing new. Practice teaching, legal aid, health clinics, and archeological digs are a few well accepted examples. If the development of social awareness is desirable, then we ought to encourage more field experiences. The Extension Division and the Office of Student Affairs are available to help provide these outside opportunities through their wide contacts. We should also cooperate with our sister Regent and CIC universities to provide rural and urban work-study experiences.

Whatever the curriculum, rigor should be stressed. The study of new or different subject matter or the use of new or different methods of instruction is neither an excuse, nor a request, for lower standards. Quite the contrary, they are frequently more demanding of us than the old and familiar.

Along with the need for intellectual vigor, we must be mindful of human passion. The interrelationship of the intellect and emotion is well stated by T. R. McConnell:

"Many students are suspicious of the aloof and nonpartisan intellect, which, they say, easily becomes the juiceless mind, a mind without esthetic awareness and emotional drive. But one might ask, does anyone really believe that it is necessary for intellectual processes to crowd out esthetic or humane sensibilities, or, on the other hand, for emotion to displace reason? Would it not be more appropriate to say that if education is to enable young people to cope with the problems which beset society, it should neither be devoid of passion nor sparing of intellect? Is not the problem we face that of submitting emotion to reason and of coupling intellectual solutions with feeling and commitment?"

Having dwelt on the need for academic diversity, the essence of my plea is to have more curricular alternatives.

In addition to teaching, The University of Iowa serves through research. Research, like instruction, needs to be the subject of continual review. Can we excel in teaching if we also seek to excel in research? Are these roles incompatible or are they inseparable? Is the issue "one or the other" or is it balance?

It is not necessary or desirable for all of higher education to be engaged in research nor for any one educational institution to be engaged in all forms of research. Research is, however, essential to the work of an institution which offers graduate and professional study. Methods of inquiry are emphasized in advanced study so that research becomes an invaluable means of instruction. This is as true in professional work as in graduate. My strong conviction on this point led me to serve for eleven years as faculty advisor of the *Iowa Law Review*. It is significant that the new medical curriculum provides research opportunities for students. To assure quality instruction at the advanced level, it is also critical that the faculty be constantly updated, and this is accomplished in large part through continuing research. The faculty member's research efforts must be fed into the classroom so that the student remains the primary concern. Besides the beneficial interaction of teaching and research for the student, new ideas are needed for both students and society. Since the teacher of advanced students is among the best equipped in society to engage in research, we should not prohibit him from finding new solutions. Through research the University can indeed "illumine rather than reflect; it [can] be a beacon rather than a mirror."

Since The University of Iowa has for many years been heavily involved in graduate and professional study, we need to assess our past and present commitment to research before we consider the future of research. The newly revised criteria for appointment and promotion set forth in the Faculty Handbook reflect the most recent discussions concerning educational balance. To be a faculty member at Iowa it is stated that one must be "directly engaged in the teaching of courses approved for listing in the University catalog or engaged in research which involves the teaching of graduate students." This new definition evidences a policy that all faculty should teach and that we should not use the term "research professor" for new appointments. Conversely, we should not use the term "teaching professor" because the same criteria exist for all faculty.

The matter of different classes of faculty was extensively discussed by the graduate faculty four years ago. The issue was whether the criteria for the selection of the graduate faculty should differ from that used by the other colleges. The purpose was to demand more of the graduate faculty. That faculty voted against such a distinction lest adoption constitute a downgrading of teaching responsibilities in the other colleges. So we continue to have a university rather than a multiversity faculty.

All faculty are judged on the basis of teaching, research, and related activities. These criteria are broadly defined and applied so that individual differences are recognized. For the most part there is a high correlation between good teaching and good research as shown in the recent Tufts survey. Where exceptions exist they should be acknowledged. Outstanding teaching or research should offset lesser strength than is usually required in the other area.

In the recent revision "professional contributions" was added as a subsidiary criterion. The Faculty Handbook states:

"From time to time, a faculty member is called upon to render major professional services to the University or to society in general. Such contribution should be evaluated in terms of the effectiveness with which the service is performed, its relation to the general welfare of the University, and its effect on the development of the individual."

Reliance on professional contributions is limited to situations which will enhance the individual's capacity as a faculty member or the University's welfare.

After five years of reviewing justifications for promotions and appointments, I can only conclude that there is much more teaching and much less research occurring in this University than we all seem to think.

Research at Iowa has been marked more by its decentralization than by its centralization, more by individual than by group effort. Interest in research has been University-wide, and it has been primarily basic in its nature. We have no extensive research institutes within or affiliated with Iowa as has been true in some other universities. Although we have established numerous institutes and centers, they have been limited in their programs and usually integrated into departmental or college programs. As a result, it has been alleged that we have sacrificed interdisciplinary research for departmental interests. Our failure to be expansive in research institutes is probably due more to our fear of intrusion on teaching and the simple awareness that one cannot direct the research of faculty members within the university. To accomplish that requires a non-university setting.

A further attempt to balance teaching and research within the University is the Teaching-Research Fellowship Program. This is an attempt to counter the research weighting of federal funds available to support advanced students. The objectives of the program are to improve the quality of instruction at the undergraduate level and to stress the importance of teaching to graduate students. Although our budget precludes expansion of this program during 1969–70, the investment previously made of scarce funds illustrates concern for balance.

So much for the past and present. What about the future of research at Iowa? Our research efforts should be germane to our teaching functions. The integrity of the Univerisity as a place of learning must be retained.

Traditionally, university faculties have enjoyed a substantial degree of autonomy in determining the nature of their research. Today, institutional questions are being raised about the appropriateness of the research they conduct within the universities. The issue is not just classified research. The questions extend to the kinds of research projects they undertake.

As I have already said, no educational institution should engage in all forms of research any more than it should engage in all forms of instruction. Universities are not the only institutions capable of research. Government institutes, non-profit research foundations and industry are especially well qualified to handle applied and mission research. Universities are properly the chief source of basic research. This University should never become a research service station willing to undertake any and all research for a price. We need to develop general principles by which to judge the suitability of our research. Among other things our research should contribute to the instruction of students, be of a nature consistent with the University's missions, be a matter for scholarly investigation, and be a project which cannot readily be dealt with by another agency.

More than principles must be formulated if the integrity of university research is to be maintained. American universities must be more vigorous and convincing in stating the case for financing research specifically and higher education generally. With respect to federal funds, this should be a matter of utmost interest to the Faculty Senate Committee on Federal Relationships working with the Vice President for Research. We need to be concerned about the increasing federal stress on mission research and suggestions for urban grant universities which will operate whole segments of society.

To advance the idea of such urban grant institutions is to misunderstand the function of land-grant universities. If we extend our service beyond teaching and research, it will be clearly at the expense of instruction. While it is appropriate for us to develop research models, the general application of research is not within the scope of the university. Other agencies, private, public, or quasi-public, can be organized for this purpose. When needed, our faculty can take leaves of absence to help these agencies with their programs. In this way the faculty member volunteers for those projects he can best aid without losing his research autonomy on the campus. The student is also protected because the absence of the faculty member will permit a temporary replacement with a full-time commitment to the University.

Federal support for research must increase, but it needs to be accompanied by support for instruction. Federal funds should be both block and project. They should be geared to quality as well as size of program. We must urge a balanced program of research so that the humanities and social sciences are adequately funded. Moreover, our research, like our teaching, needs to have its fragments put into a meaningful whole. This University will have difficult decisions as to whether, and how, it fits into various federal programs including centers for excellence and proposed programs of support for national universities.

Throughout every discussion of financing, be it state or federal, I hope that we will make the strongest possible argument for low tuition.

As in the past, so now and in the future, this University has great issues before it. We must have continuous educational discussions not only throughout the University but also at the University level itself. More than fiscal analysis is required. We should approach our problems with humility and open-mindedness. Our aim must be to provide better educational opportunities for the students of today and tomorrow. The responsibility for accomplishing this belongs primarily to the faculty working with students, staff and administration.

The challenge before us is no greater than that before our academic predecessors. We should welcome the challenge and have confidence in our ability to meet it. In the face of negativism we should remember the words of a Korean schoolmaster who years ago startled his community with new teachings. He observed: "Many say that bad times have come over us. Then (we) must answer them: the times are not bad, it is only that new times have come. . . ."

RADIO STATION ADMITTING FRAUD GETS RENEWAL

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, the Communications Act of 1934 was formulated and passed to assure that the broadcast airwaves would be used in the public interest, convenience, and necessity. The Federal Communications Commission was established to be the watchdog over this area of the public domain. The Congress charged the FCC with the responsibility of insuring that the radio and television outlets would be used according to the 1934 act. In most cases, the FCC has fulfilled this role well, but in other instances it has left much to be desired.

The New York Times reported on October 4, 1969, the case of an Indianapolis radio station that had admitted fraudulent billing and a false advertising contest, and yet had its license to broadcast extended. These breaches by the radio station of the public trust came at a time when it was already on probation for earlier infractions.

I concur with the dissenting statement registered by Commissioners Nicholas Johnson and Kenneth Cox of the FCC. As a member of the House Interstate and Foreign Commerce Committee, I have followed the FCC's licensing practices and wondered aloud sometimes whether we could not develop a more equitable practice.

This Indianapolis case reinforces my belief that something has to be done to assure that the public is protected. Too often we have been concerned with the licensee or the applicant, when our prime interest must be administering the Communications Act so that the airwaves will serve the public. Surely fraud and deceit should not be rewarded with license renewal. The entire question of licensing and renewal must be studied to determine how the requirements of the 1934 Communications Act can best be met and used in the public interest, convenience, and necessity.

I include a copy of the New York Times article at this point in the RECORD:

STATION ADMITTING FRAUD GETS RENEWAL

(By Christopher Lydon)

WASHINGTON, October 3.—By a 4-to-3 vote, the Federal Communications Commission today extended the broadcasting license of an Indianapolis radio station that had admitted fraudulent billing and a fake advertising contest during a period when it was on probation for earlier infractions.

The case dramatizes the sharp difference in disciplinary standards within the seven-member commission, at a time when Congress is considering elimination of competing license applications as a challenge to established license holders.

Senator John O. Pastore of Rhode Island, the chief sponsor of legislation to abolish competitive applications, has argued that the F.C.C. can and should take the initiative in revoking the licenses of irresponsible broadcasters.

Dissenting commissioners suggested, however, that today's decision illustrates the F.C.C.'s unwillingness to impose this final sanction, and an undue sensitivity to the economic interests of its licensees.

Radio station WIFE and its FM affiliate in Indianapolis have been operating on a temporary license since October, 1964, when the F.C.C. found they had "hypoed" or distorted their audience ratings through a promotional giveaway contest.

In subsequent months, the commission later determined, the station billed advertisers for spot commercials that had not been used, or had not been used at their specified times. The station conceded $6,000 in overbilling, and also admitted awarding prizes in an advertising contest to its own staff when listeners did not respond.

The commission majority ruled that "WIFE's operation has only minimally met the public interest standard," but said that the evidence did not warrant the station's disqualification as a licensee. The renewal is for only six months, and new applicants will be eligible to compete for the station against WIFE thereafter.

In a joint dissent, Commissioners Nicholas Johnson and Kenneth A. Cox described the majority decision as "truly shocking."

"If fraud and deception of more than $6,000 are 'minimally' in accordance with the public interest," they said, "it must be apparent to all that the F.C.C.'s attempts at 'serving the public interest' are themselves without even minimal standards."

Commissioner Robert T. Bartley also dissented from the majority opinion, which was supported by F.C.C. chairman Rosel H. Hyde and by James J. Wadsworth, Robert E. Lee and H. Rex Lee.

THE ROBINSON-PATMAN ACT

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, today I was privileged to appear before the special subcommittee of the Small Business Committee under the chairmanship of the Honorable JOHN D. DINGELL, of Michigan, whose vigorous, tenacious, and knowledgeable leadership constitutes one of the best defenses the small business community has today.

This special subcommittee has embarked upon an examination in depth of the Robinson-Patman Act, and I heartily endorse and commend the chairman and his subcommittee members for this great and necessary public service.

My statement before the subcommittee

follows—as well as a statement made by Mr. Harold O. Smith, Jr., executive director of the Food Merchandisers of America, Inc., which I found extremely informative and persuasive:

STATEMENT OF CONGRESSMAN WRIGHT PATMAN, BEFORE THE SPECIAL SUBCOMMITTEE ON SMALL BUSINESS, OCTOBER 7, 1969

Mr. Chairman and members of the committee, you know that it is needless for me to say that it is a pleasure for me to appear before you and to express my views regarding the subject matter you are studying here today.

I congratulate this committee on its determination and its announcement of this study of attacks by study groups on our antitrust laws and our public policy of antitrust. You have stated that these study groups are criticizing the Robinson-Patman Act and antitrust laws in general, and the enforcement policies essential to the survival of small business. This criticism of our public policy of antitrust has been made public and is well known. Criticism of this kind is not new, but this recent criticism is particularly disturbing in that it has involved challenges through influential voices going beyond the critical reassessment of the implementation of our antitrust policy to the questioning of the underlying assumptions of that policy. This new criticism of our antitrust policy seems motivated by a kind of economic determination holding in effect that sheer size and absence of free and fair competition in the marketplace must be accepted as the inescapable price for economic progress.

Of course with that view I disagree, and I believe that a majority of the Congress and responsible people in government, and, yes, in private life as well, disagree with the thought that we must compromise our public policy of antitrust in order to secure economic progress.

Many of these influential persons who would have us compromise our public policy of antitrust, make their "advice" on antitrust policy and what to do about it available to the President of the United States and to other leaders in this country. Some of this "advice" has come from self-appointed advisers in the form of public writings to the effect that sheer size and absence of free and fair competition in the marketplace is the inescapable price for economic progress, and that steps should be taken to substitute regulation of our economy through some vehicle similar to a corporate state, rather than through force of free and fair competition in the marketplace.

An attack of that kind on our public policy of antitrust is a bit more subtle than attacks made by some others. For example, an economist by the name of Allen Greenspan evidenced greater bluntness in his attack on antitrust. Mr. Greenspan's advice on what to do about our antitrust policy is evidenced in a book which was published in November of 1967 of writings edited by Ayn Rand and entitled "Capitalism: The Unknown Ideal," Chapter 4 of that book attributed to Mr. Greenspan contains the following statement:

"The Sherman Act may be understandable when viewed as a projection of the nineteenth century's fear and economic ignorance. But it is utter nonsense in the context of today's economic knowledge. The seventy additional years of observing industrial development should have taught us something.

"If the attempts to justify our antitrust statutes on historical grounds are erroneous and rest on a misinterpretation of history, the attempts to justify them on theoretical grounds come from a still more fundamental misconception."

More recently a committee was named and authorized by President Lyndon B. Johnson to provide him with advice in the form of a report on "Antitrust Policy." That committee made a report to him on July 5, 1968, entitled "Task Force Report on Antitrust Policy." That report urged drastic revision in our antitrust policy by cutting it back in many respects and providing for restructuring of our entire economy to such an exteme that it is obvious such restructuring will not, as a practical matter, be effectuated (see the Congressional Record for May 27, 1969, pp. 13890–13907).

It is believed that it would be worthwhile for this committee to closely study, analyze and report upon that "Task Force Report on Antitrust Policy." It appears that anyone doing that logically will be led to the conclusion that it contains not only proposals for relaxing and compromising our present antitrust policy against the building up of monopolies, but also suggests that what one could consider doing about a monopoly once it has been built up, amounts to a proposal to proceed to break it up. Therefore, I would say that a more apt title for the "Task Force Report on Antitrust Policy" would be "Monopoly: A Report on Proposals for Building Up and Breaking Up Monopolies." For example, this report did urge repeal of major provisions of the Robinson-Patman Act, which of course were designed to prevent the buildup of monopolies.

Those who are urging either complete repeal or substantial revision of the Robinson-Patman Act, or at least some of those who do that, express concern about the concentration of economic power in the hands of a few large firms. I also express concern about that matter but I am not unmindful of how some of this concentration of economic power was achieved. The records show very clearly a large number of firms have used price discrimination as a weapon to destroy competition. As recently as March 31, 1952, the Select Committee on Small Business of the U.S. Senate published a report on "Monopolistic Practices and Small Business," and on page 8 thereof referred to the practice of price discrimination and how it is used to achieve monopoly conditions. As I shall discuss later, the Committee on the Judiciary of the House of Representatives, as well as the Select Committee on Small Business of the House of Representatives, have made a number of reports to the House which contain findings to the same general effect.

Now I am not opposed to those provisions of our antitrust laws such as section 7 of the Clayton Act, the antimerger section. I favor the retention and effective enforcement of that section of the law as well as section 2 of the Clayton Act as amended by the Robinson-Patman Act. The national policy which relies on competition to regulate and improve the performance of markets should include, as it does, provisions of law such as the Robinson-Patman Act to prohibit practices which build up monopolies as well as provisions such as section 7 of the Clayton Act, the antimerger section, to be used to break up monopolies.

Indeed, both of these laws are concerned with concentration and its effect on competitive performance. The recent surge in the increase of conglomerate mergers is resulting in the blurring of boundaries between various industries and presents a most pressing antitrust problem because of the possible impact of a large conglomerate concern with respect to its competitive behavior in a particular industry regarding its sale of particular products in local geographic markets. It is in such situations where a large conglomerate firm, not subject to being broken up through enforcement of Section 7 of the Clayton Act, can subsidize discriminatory pricing practices through charging high prices in some markets while driving competition out in other markets. The availability of a prohibition against discriminatory practices is vital to our antitrust policy in such situations. We must have such laws if we are to avoid significant structural changes in our industrial economy in which we are seeing the development of new monopoly power. As I have said, modifications in the structure of our economy of this kind are not brought about by mergers alone. Small firms limited to single markets with narrow product lines are increasingly coming into competition with large multi-market diversified firms. Where such market power exists, the mere prohibition of further mergers is not enough. Moreover, the suggestion is made in the Neal report that we not rely upon our laws against discriminatory practices to prevent the buildup of such monopoly power but that we seek a new law to dissolve such market power. I can't believe that the writers of that report could have been serious in making that suggestion, which obviously will not be effectuated.

As you know, this so-called "Task Force Report on Antitrust Policy," which for convenience is sometimes referred to as the Neal Report, was followed by a report entitled "The Task Force Report on Productivity and Competition." The first of these two reports was submitted to President Lyndon B. Johnson on July 5, 1968 and the second was submitted to President Richard M. Nixon on February 18, 1969. According to information I have received, neither President Johnson nor President Nixon did more than file these two reports at the time they were received. Later, however, after there had been some leak concerning them, President Nixon released them without comment. For convenience, a number of people have referred to the second of these reports as the "Stigler Report."

In your press release of August 11, 1969 in which you first announced that this Committee would hold hearings on this subject, it is noted that you stated that "the reports of these study groups suggest that this policy is anti-competitive rather than protective of our economic system". I agree with that general appraisal of those reports.

Quite recently, September 15, 1969, President Nixon received a "Report of the American Bar Association Commission to study the Federal Trade Commission." A review of that report reveals that some members of that American Bar Association Commission held views that perhaps some of our antitrust effort should be revised or cut back. However, I add my voice to yours, Mr. Chairman, in commending the American Bar Association Commission on the Federal Trade Commission in not joining "those extremist critics who have recently called for either repeal of the Robinson-Patman Act or sharp curtailment of its enforcement." Perhaps some of the members of this American Bar Association Commission had acquired some knowledge and some experience regarding the facts involved in the situation on which they were reporting. It appears that this cannot be said of those who prepared the Neal Report and the Stigler Report to which I have referred. And, Mr. Chairman, you and I know how valuable it is to have some knowledge of the facts involved in these situations to which we commit ourselves for study and consideration. Perhaps it is easier to dismiss situations without any knowledge of the facts, but I repeat, it is more valuable and useful to an adequate and appropriate consideration of the situation to have knowledge of the relevant and material facts involved.

I have given close study to what members of a number of these study groups have written and said about our public policy of antitrust, and I have noted that they have substituted for an analysis and citation to the facts involved in situations references to the writings and arguments made by members of other study groups who were also without knowledge as to the facts involved. The continual repetition of this practice perhaps has led some members of these study groups to actually believe the arguments they are making about the facts to be true.

In any event, my plea to you today is that we should not surrender to those arguments without knowing what the facts are. For example, when it is said that price discrimination in the sale of goods and merchandise promotes competition, and that laws to prohibit practices of price discrimination are anticompetitive, I say we should test that argument against the facts and not against another argument to similar effect.

In following this line of thought I take advantage of this opportunity to make reference to the factual situations which were studied by the Congress before it considered and acted upon proposals for amending and strengthening section 2 of the Clayton Antitrust Act in 1936.

Prior to consideration of that matter by the Congress the Federal Trade Commission had made a 6-year investigation, study and report of the facts involved in discriminatory acts and practices in the sale of food and food products through chain stores and other outlets. The Commission reported in Senate Document No. 4 of the 74th Congress, December 1934, that the law as it then existed had been interpreted so as to permit destructive price discriminations, and that the practice of destructive price discrimination was rampant in the food distribution industry. The Commission rejected suggestions which had been made to the effect that the Sherman Antitrust Act be relied upon and used to halt destructive price discriminations. Instead the Commission proceeded to recommend to Congress that section 2 of the Clayton Antitrust Act be amended and strengthened by eliminating certain nullifying provisions which exempted discriminations involving quantity purchases and those exempted when made in good faith to meet competition.

The report of the Federal Trade Commission was carefully made and considered by the Congress as were reports made by a special committee of which I was chairman, after we had studied the facts. Out of all of these considerations, Senator Robinson (D.-Ark.) and I introduced bills proposing to amend and strengthen section 2 of the Clayton Antitrust Act. These bills were considered by the Judiciary Committees of the House and the Senate. The Judiciary Committee in its report to the House on the bill I introduced contained the following statement:

"Your committee is of the opinion that the evidence is overwhelming that price discrimination practices exist to such an extent that the survival of independent merchants, manufacturers, and other businessmen is seriously imperiled and that remedial legislation is necessary." (See House Report No. 2287, 74th Congress on H.R. 8442).

To remedy that situation Congress passed the bills that Senator Robinson and I had introduced and consequently the legislation became known as the Robinson-Patman Amendment to the Clayton Act. That legislation was approved June 19, 1936.

Later, in 1956, the House Committee on the Judiciary, after investigating and reporting upon a related matter, stated:

"Price discriminations favoring preferred buyers present a danger to the competitive enterprise system which is inconsistent with the policy of the price discrimination statute." (House Report 2202, 84th Congress).

I have cited these instances of findings by the Congress based upon studies of evidence reflecting factual situations to demonstrate the fallacy of the arguments now being advanced by various study groups that our antitrust laws which prohibit price discriminations are laws aimed at competitive practices, and that we should repeal or weaken these laws to permit these practices to be resumed and continued. Let me reiterate that arguments to this effect are clearly without basis in fact, and that those who make the argument are without knowledge regarding the facts; but that Congress which enacted the laws, acted only after careful investigation, study and consideration of the relevant facts.

I do not suggest that we should close our eyes and our minds to further study of evidence which reflects the facts in any situation, and if this Committee would care to do so and time would permit, a review of business practices and discriminatory acts, including a review of the economic significance of those particular acts and practices would be in order. But let us not take the arguments from someone who does not know what the facts are concerning the economic significance of these acts and practices. Instead, let us get the small businessmen in here who experience the effect of these acts and practices. Have them to inform the Committees of the Congress regarding the facts, showing the effects of these practices. Let us not close our eyes and minds to considering only the arguments of theorists, and then only those theorists who have their own particular axes to grind.

I trust you will bear with me for a few minutes to refer to several of the situations which we considered in 1935 and 1936, and upon which we based our judgment that subsections 2(c), 2(d) and 2(e) should be included as provisions in the amendments to Section 2 of the Clayton Act. I suggest this because attacks made on our public policy of antitrust include specific attacks on these mentioned subsections (c), (d) and (e).

Before we thought about including anything in the law which resembled the provisions now included in subsection 2(c), we had before us much evidence of many examples of abuse and unfairness in the buying and selling of merchandise. For example, there was presented to us evidence that field brokers located at or near producing points of fresh fruits and vegetables had been operating so as to secure some producers' agreements to represent the producers in the marketing of the producers' crops for a certain brokerage fee. Then some of these field brokers, once having entered into such agreements with the producers, went to the buying agents for some of the large buyers and informed such buyers that they now had under their control the marketing of large quantities of produce. They then proceeded to enter into arrangements with the representatives of the buyers for the buyers to pay a brokerage fee in consideration of the field brokers' agreement to serve the interest of the buyers in delivering to the buyers the produce for which in the marketing they were supposed to be representing the producers. We found that in a number of these situations the producers did not fare so well. That is what I have meant when I said that we discovered abuses and unfairness.

Therefore, such double-dealing was outlawed through the provisions of section 2(c) of the Robinson-Patman Act. Now, some of the critics of that provision of the law want it repealed; other critics who do not have the courage of their convictions, instead of advocating repeal, simply say "do not enforce this provision of the law unless you can prove in each instance that someone is really injured by the action which is prohibited by the law." This abuse or unfairness and double dealing should not require that the victims have been injured before you proceed against the unfair act. That is what Congress determined in 1936; that is the way it should be determined today.

Considerations not unlike those I have enumerated in discussing subsection 2(c) apply with equal force to subsection 2(d) and 2(e). In other words, in 1935 and 1936 we found abuses and unfairness in the granting of advertising allowances and promotional services on a disproportionate and discriminatory basis and we concluded as we did about the pseudo brokerage that these disproportionate and discriminatory advertising allowances and all allowances for promotional services should be prohibited. That is the rationale underlying subsections 2(d) and 2(e).

Moreover, the language written into subsections 2(d) and 2(e) is such that cooperative advertising allowances and allowances for promotional services may be made, but only on proportionately equal terms to the large and the small alike if they are in competition with each other. But some of these critics of our public policy of antitrust think that is wrong. They think that we should not be so specific in our effort to insure fairness and equality under this law. I urge you to go deeply into this matter and when you do I am satisfied that you will see how fallacious these arguments are which are for the repeal or modification of subsections 2(c), (d) and (e) of Section 2 of the Clayton Act as amended.

Before concluding my testimony and my remarks to you here today, I would be remiss if I should fail to mention the Federal Trade Commission. As you know, it has been under severe attack and criticism. It is my view that these criticisms should not be considered in a vacuum; they should be considered objectively and in the context of the full record of what the Federal Trade Commission is and what it has been doing. Also, in that connection, we should consider who are the critics—what are their motives—what do they know what they are saying, and how objective are they in what they are writing and saying. When we get the answers to all of those questions, I am confident that we are likely to have before us a picture somewhat different from some of the pictures which have been painted recently of the Federal Trade Commission. Of course, even in a true picture of the Federal Trade Commission, we will perhaps see some faults—no one is infallible—but in that picture when we see the Commission in its true light, I am confident we will see much more good than we will see fault in it.

The Federal Trade Commission was conceived by a great American—Woodrow Wilson. It was conceived as an agency to act in the public interest in helping to promote and perserve free and fair competition in the marketplace. It is my view that when you review the record of the Federal Trade Commission over the history of its 55 years of service to the public, you will find good reason to applaud what it has done in the public service.

From time to time, as the Commissioners acted in the public service, the Commission has been subjected to strong criticism from those against whom it was acting, or from those who had some privity of interest with or sympathy for those against whom the Federal Trade Commission was acting. This is a history that isn't new and is not confined to the last year or the last few years. For example, upon the close of World War I the Federal Trade Commission was directed to investigate the "beef trust." The Commission made its investigation, study and report upon that problem and good results came from its report. Among those results was the disposition of a suit brought against meat packers. That suit was settled in 1920 by what has come to be known as the Meat Packers Consent Decree of 1920. That decree prohibits meat packers from engaging in retail distribution of their products. At the same time, the Federal Trade Commission made a report in which it recommended legislation aimed at prevention of recurrences of acts and practices which prompted the Meat Packers Consent Decree of 1920. Out of those recommendations developed the Packers and Stockyard Act of 1921, providing for the regulation of the marketing of cattle and livestock products.

Despite all of the commendable work done by the Federal Trade Commission in that instance, it was promptly assailed on the

XUM

floor of the United States Senate by one or two who insisted that the Federal Trade Commission was infested with Bolsheviks and that they were responsible for the Commission's report and recommendations regarding the "beef trust." Fortunately, the Commission survived that criticism and those attacks.

At the turn of the 1930's the Commission was again under severe attack. It was engaged at that time in some very important work in investigating public utilities and in making other investigations of important industries. Out of these investigations, studies and reports, the Commission made recommendations for improving our laws. A number of those recommendations were approved by the Congress, including legislation which established the Securities and Exchange Commission, and the laws it administers.

Some of the criticism that was experienced in that period of time came from within the Commission, as well as from without. One of those members had been unhappy about what the Commission was doing in carrying forward some of its important work. Instead of helping the Commission, he hindered it and finally he was removed from office. Then the Commission moved on in succeeding years to add to its illustrious record of public service. However, as the years have passed, there has been additional criticism of the Commission from both without and within. It is my hope that not only this criticism should be investigated, but, as I have said earlier, an investigation should be made of those who express the criticism and their motives for making it and the justification or lack of justification for their criticism. If this Committee will undertake to do that it will be rendering a public service and perhaps in doing so will be assisting this great agency, the Federal Trade Commission, to continue as a champion of the public interest.

Let me summarize: We now have a national public policy of antitrust. It provides for the maintenance of free and fair competition in order to preserve a free and competitive enterprise system. An integral part of that public policy is the Congressional objective underlying Section 2 of the Clayton Act, as amended by the Robinson-Patman Act, "to halt the gradual demise of the small businessman" and to preserve "an organization of industry in small units which can effectively compete with each other." Moreover, the Congress in 1958, when it enacted the permanent Small Business Act (15 U.S.C.A. 631), made it clear that—

"It is the declared policy of the Congress that the Government should aid, counsel, assist and protect, insofar as is possible, the interest of the small business concerns in order to preserve free competitive enterprise."

Among those who are proclaimed as advocates for the interests of consumers are some who would say that this policy is not in the interest of the consumer. With that point of view I disagree. My record as an advocate for the consumer is one of which I am proud. I have fought for and supported proposals for truth in securities, truth in fabrics, truth in packaging, and quiet recently legislation for truth in lending. I have helped enact laws such as those prohibiting the sale of dangerously flammable fabrics, and other legislation for the protection of the public. I consider that what I do in the interest of maintaining free and fair competition for businessmen in the marketplace is in the interest of the consumer. The consumer benefits from an effective antitrust policy. It is this policy which provides for efficiency and for keeping prices down to reasonable levels in the interest of consumers. You can't have competition without competitors and you can't have efficiency and low prices without competition. I do not regard our laws which provide for all of this as being laws for "business protectionism," but instead I regard them as laws which provide for the enhancement of the public interest, including consumers.

In conclusion, let me say that we should do nothing to weaken any of our laws designed to preserve and promote free and fair competition in the marketplace. Instead, we should act to strengthen those laws. I repeat, in order to determine what we should do, we must look at the facts and not restrict our consideration to the arguments of special interests and those representing special interests. I am confident that when you have heard from representatives of small business interests from throughout the nation and from others who know what the facts are about the use of business practices and the economic significance of those practices, you will find that these arguments now being made against our public policy of antitrust are without merit. Again, I congratulate you upon undertaking this task and request that you follow through on it.

STATEMENT OF HAROLD O. SMITH, JR., EXECUTIVE DIRECTOR, FOOD MERCHANDISERS OF AMERICA, INC., BEFORE THE SELECT COMMITTEE ON SMALL BUSINESS, OCTOBER 7, 1969

My name is Harold O. Smith, Jr. I am Executive Director of Food Merchandisers of America, Inc., a national trade organization of independent voluntary food chains with headquarters in Washington, D.C. I am also Chairman of the National Affairs Committee of the National Federation of Food Distributors with headquarters also in Washington, D.C.

I welcome this opportunity to share with your committee my twenty-four (24) years of close relationship (since 1945) with the workings of the Robinson-Patman Amendment to the Clayton Act; two years as Manager of the National Confectioners Association's Washington office and twenty-two (22) years as Executive Vice President of the United States Wholesale Grocers' Association, Inc.

The current danger of possible action to make disastrous changes in the Robinson-Patman Amendment to the Clayton Act lies to a large extent in lack of personal experience by those who would condone such changes.

Business management has operated thirty-four (34) years under the protective antimonopoly restraints of the Robinson-Patman Act.

There are discriminations today, but these are law violators and "child's play" compared to no restraining law, or the "watering down" of present antimonopoly laws.

Few men of eminence today had the personal experience of management responsibilities in dealing with discriminatory and monopolistic practices that were so disastrous to independent and small business in the early 1930's.

Today the people most knowledgeable in the workings of the Robinson-Patman Act are businessmen and their legal staff who have over the years searched for "loopholes" and endeavored to do a "hatchet job" on the law to get around or destroy the restraints from monopolistic practices and the use of coercive power to gain unfair competitive advantages.

Frequently men of good intention, but without the practical experience of meeting payroll, paying taxes, and operating a business in the competitive market, will promote theories that may even be profound, but are narrow and show lack of experience as they do not look at, nor do they appear to understand the "other side of the coin."

Current reports by the "White House Task Force" study of antitrust policy and President Nixon's Task Force on Productivity and Competition deal very critically with the Robinson-Patman Act and recommend a thorough revision "to remove features that unduly restrict the free play of competitive forces." We see this theory expounded in text books, but how practical is it?

Getting back to that "coin", we see on one side the battle of the giants in food distribution, firms and groups of firms having the coercive capabilities of literally billions of dollars buying power. On the other side, we see the vast numbers of independent wholesalers and retailers who serve more than one half of the consumers' purchases of food in the United States. The Equality of Opportunity in the Market Place protected by the Robinson-Patman Act enables the alert, efficient, independent to compete with the giants in this industry.

Under the restraints of the Robinson-Patman Act, efficiency in operations determines the competitive advantage. Without the Robinson-Patman Act, especially the "brokerage clause" of the Act, the coercive capabilities of the "Bigs" would place emphasis on buying that could far outweigh the importance of efficient operations.

Theorists frequently overlook the fact that, when competition is killed off, the consumer is at the mercy of suppliers who may not have the incentive to operate at a competitive low cost and the consumers' costs could go up appreciably.

The "Brokerage" section of the Robinson-Patman Act is a main target of those of limited vision who think of the advantages their buying power would give them, if prohibitions in the Robinson-Patman Act were removed. However, they would find that even $3 billion concentrated buying power is merely "Minor League."—The "Major League" operators could have much higher overhead costs and still have enough left over to dominate sales.

Study the history of the early 1930's that caused both the House and the Senate to almost unanimously approve the Robinson-Patman Act. Even Safeway and Kroger (the 2nd and 3rd largest) were no match for A & P's Atlantic Commission Company which often received as much as 8% better price, which price was, at times, 18% better than independent wholesalers. Consider this in light of the fact that the wholesale grocers' gross mark-up to cover all warehousing and distribution services and profits is less than 8%.

The theorist who has a fixation on his ideas of "hard competition" and "free trade" apparently does not realize what his proposals, if taken seriously and acted upon by The Congress, would do to the farmer and the local packers and manufacturers. Let us suppose that Packer "X" at Benton Harbor is selling to many independent and chain customers. He abides by the Robinson-Patman Act and his "better prices" reflect no more than his actual savings made possible by quantity or services rendered by either an independent or chain customer.—Then the Robinson-Patman Act's restraints on price discrimination are removed.—Packer "X" is under coercive pressure from one or more big customers. Packer "X" has competitors who would like to get this business, so Packer "X" gives in to these unreasonable demands.

Packer "X" was price competitive and made only a fair profit. Selling big customers at below costs and competition will not permit him to compensate by raising his price to his other customers puts Packer "X" in a critical position. Packer "X" must turn to the farmer or grower to share in the costs of staying in business with big customers dictating the price.

What could possibly be properly gained for the consumer, the grower, the manufacturer, or the practical, hard working, efficient businessman by removing the antimonopoly restraints and restraints on unfair trade practices as provided in the Robinson-Patman Act.

Most businessmen are fair and honest, but there are some with selfish motives who would destroy anything and anybody standing in their way, even American private enterprise.

We believe that the dedicated, thoughtful men in both houses of the Congress will consider the record of the 74th Congress in 1936 and the compelling reasons for overwhelming approval of the Robinson-Patman Act.

In the food distribution business today, competition is keener, margins are much lower and efficiencies in operating techniques are industry wide. No high purpose would be served by destroying or rendering ineffective the protective anti-monopoly restraints of the Robinson-Patman Act.

Just because we drive cars with 150 to 200 miles an hour capability is no reason to remove the restrictions on speeding. We must all be governed by laws that restrain the reckless ones even in business.

GOVERNMENT - INDUSTRY-CITIZEN COOPERATION ON MANUFACTURING OF COLLEGE TEXTBOOKS

(Mr. SANDMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SANDMAN. Mr. Speaker, recently I participated in a project that involves all the elements of Government-industry-citizen cooperation. What these groups have achieved together can well serve as a model for others who are interested in seeing this country develop its full potential.

The story began several years ago when McGregor & Werner, Inc., a Washington-based graphic arts firm, decided to build a multimillion-dollar facility for the manufacturing of college textbooks. It envisioned a modern plant, using all the latest techniques and equipment which would provide jobs for 200 persons and produce 35,000 500-page textbooks every 24 hours.

With this goal in mind McGregor & Werner, Inc., began looking for a suitable site. This site would have to be located in a depressed area, as the company had reached a decision to cooperate in the Government's efforts to provide jobs for the unemployed and the underemployed.

After considering several locations, and studying local conditions, the company selected Woodbine, N.J.—in my congressional district—as the site for its new manufacturing facilities, McGregor & Werner Graphics, Inc. The citizens of Woodbine were eager to participate in this venture, as was I.

To prove its interest, the Cape May County Economic Development Commission, in participation with the State of New Jersey, provided 5 percent of the plant's capital investment in the form of a long-term loan to McGregor & Werner Graphics, Inc.

This loan also qualified the company for additional long-term participation by the Economic Development Administration of the U.S. Department of Commerce. It is this Federal-State-local cooperation which encourages industrial and economic development in areas of relatively high unemployment and slow economic growth.

The company's plant will be located on 65 acres of land adjoining the Woodbine Airport. As initially constructed, the building will contain approximately 47,000 square feet on one floor with designed expansion to 150,000 square feet. This multimillion-dollar facility will occupy about 10 acres of the 65-acre tract. At the ground-breaking ceremony in Woodbine on August 15, citizens and dignitaries turned out on a hot, humid day to celebrate the long series of events which culminated in the ground breaking. But this has not been the end of the cooperative endeavors.

The plant will be finished in January 1970. Well over 100 employees will be hired during the first year and by early 1972, up to 200 employees will be on the company's payroll. Approximately 80 percent of these employees will be hired from the Woodbine area and will be given an intensive 12-week, full-time training course, followed by 26 weeks of on-the-job training. McGregor & Werner Graphics will provide the instructors. Training will be conducted under provisions of the Manpower Development Training Act. It will benefit from the joint participation of the U.S. Departments of Labor and Commerce and from the New Jersey State Department of Education.

McGregor & Werner Graphics, in its first year of operation will be the largest employer and taxpayer in Woodbine. The first year's payroll is estimated at over $350,000.

It is easy to see how Government-industry-citizen cooperation will soon be paying dividends in my congressional district. Naturally, the citizens of Woodbine gave the project all the moral support they could. They held meetings with representatives of Government and industry and I met with them from time to time to report on progress from my end. We are all immensely pleased that construction finally is underway; and I say this because all of us encountered numerous problems along the way.

In the words of Robert K. Clark, president of McGregor & Werner Graphics, Inc., "less determined men would have thrown in the towel."

What we have accomplished here is something that can be duplicated by others with the determination to succeed: a company that knows what it wants and where it wants it; a community that knows it wants and needs that company; local, State and Federal Government officials who recognize a responsible undertaking and are willing to work to help make it succeed.

Success is what we all predict for McGregor & Werner Graphics, Inc. The parent company has proven its abilities over the past 25 years, including work in the Nation's space programs. The new plant will offer book publishers the most modern and efficient service for the manufacturing of college textbooks.

These are the reasons why I am proud to have participated in this venture. And these are the reasons why I am inserting these remarks in the CONGRESSIONAL RECORD today, because I believe by citing an example of what one group of determined people has achieved can be an incentive to other groups.

SUPPORT FOR PRESIDENT

(Mr. SMITH of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SMITH of New York. Mr. Speaker, though we continue to hear much sound and fury from those who would withdraw immediately from South Vietnam, the President's course continues to have the approval of the majority of the American people. Even the growing numbers who feel that previous Presidents made a mistake in involving the United States in Vietnam still support the President's efforts to extricate us.

These are the most recent findings of the most respected national poll, the Gallup Poll.

Those who claim that the people of America are willing to settle for unconditional surrender should take careful note of its findings.

I include the following article from the New York Times dated October 5, 1969:

DISILLUSIONMENT WITH WAR FOUND—GALLUP POLL REPORTS 58 PERCENT IN U.S. SCORE INVOLVEMENT

PRINCETON, N.J., October 4.—Disillusionment over the Vietnam war has reached a new peak, with 6 persons in 10 or 58 per cent, now of the opinion that the United States made a mistake getting invloved in Vietnam, according to the latest Gallup poll.

The proportion of Americans who hold this opinion now clearly exceeds the proportion who in the early nineteen-fifties felt our involvement in the Korean war was a mistake. This reached a high of 51 per cent in April, 1952.

President Nixon has thus far not been seriously hurt by disillusionment over the war, but his predecessors, Presidents Johnson and Truman, fell rapidly from grace because of attitudes over United States involvement in Southeast Asia.

President Johnson took office with 79 per cent of Americans giving him a vote of confidence. His popularity slipped to 35 per cent in August, 1968, as frustration over Vietnam mounted.

President Truman took over the reins of the Presidency in 1945 upon the death of President Roosevelt with 87 per cent registering a vote of confidence. His rating dropped to a low of 23 per cent in November, 1951, after the Communists broke off truce talks at Panmunjon.

A slight majority of citizens today, 52 per cent, say they approve of the way President Nixon is handling the Vietnam situation, but survey evidence showed that his rating on Vietnam had declined sharply prior to his Sept. 15 announcement of further troop withdrawals.

In a survey conducted of 1,513 persons Sept. 12 through 14, 45 per cent expressed approval and 40 per cent disapproval.

QUESTIONS IN SURVEY

Following is the question asked, the latest results and trend:

In view of the development since we entered the fighting in Vietnam, do you think the U.S. made a mistake sending troops to fight in Vietnam?

[Percent]

September late:	
Yes	58
No	32
No opinion	10
March 1969:	
Yes	52
No	39
No opinion	9

RESULTS—1968

August 1968:	
Yes	53
No	35
No opinion	12
April 1968:	
Yes	48
No	40
No opinion	12
March 1968:	
Yes	49
No	41
No opinion	10
February 1968:	
Yes	46
No	42
No opinion	12

RESULTS—1967

December 1967:	
Yes	45
No	46
No opinion	9
October 1967:	
Yes	46
No	44
No opinion	10
July 1967:	
Yes	41
No	48
No opinion	11
May 1967:	
Yes	37
No	50
No opinion	13
February 1967:	
Yes	32
No	52
No opinion	16

RESULTS—1966

November 1966:	
Yes	31
No	51
No opinion	18
September 1966:	
Yes	35
No	48
No opinion	17
May 1966:	
Yes	36
No	49
No opinion	15
March 1966:	
Yes	25
No	59
No opinion	16

RESULTS—1965

August 1965:	
Yes	24
No	61
No opinion	15

TREND DURING KOREAN WAR

In August 1950, when the Korean war was two months old, a large majority of the American public said it had not been a mistake to enter the war.

Opinion changed sharply after Communist China entered the fighting in the winter of 1950. The average citizen at that time felt that war against North Korea was one thing, but war against Red China was quite another.

The trend of sentiment during the Korean war follows:

[Percent]

August 1950:	
Yes	20
No	65
No opinion	15
March 1951:	
Yes	50
No	39
No opinion	11
April 1952:	
Yes	51
No	35
No opinion	14
October 1952:	
Yes	43
No	37
No opinion	20

Following is the next question asked in the survey:

Do you approve or disapprove of the way President Nixon is handling the situation in Vietnam?

Here are the latest results and trend:

[Percent]

September (late)	
Approve	52
Disapprove	32
No opinion	16
September (mid-)	
Approve	45
Disapprove	40
No opinion	15
August:	
Approve	54
Disapprove	28
No opinion	18
July:	
Approve	53
Disapprove	30
No opinion	17
June:	
Approve	52
Disapprove	24
No opinion	24
May:	
Approve	48
Disapprove	27
No opinion	25
April:	
Approve	44
Disapprove	24
No opinion	32
March:	
Approve	44
Disapprove	26
No opinion	30

Those who approve of the President's handling of the war feel he is doing all he can in a difficult situation. Others welcome troop withdrawls as a sign that concrete steps are being taken to break the Vietnam stalemate.

Disapproval of the President's handling of the situation stems from the belief that President Nixon is not doing things much differently than President Johnson or that he is not living up to his campaign promise to end the war. Others feel that the troop withdrawals thus far are only token steps.

SUPPORT OUR PRESIDENT ON VIETNAM POLICY

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, this is a critical time in the affairs of our Nation. The hour is critical because for the first time in the history of our country some Americans are refusing to give our President the support he needs to make his negotiations with the enemy credible. It may be that some of these nonsupporters, notably those in the Congress, simply are not sufficiently aware of the ramifications of President Nixon's Vietnam policies—particularly the policy of Vietnamization of the war. To those individuals and indeed to all Members of the Congress I commend a reading of a speech delivered at the AFL–CIO convention today by Secretary of Defense Melvin R. Laird. In his speech, Secretary Laird makes it clear that Vietnamization goes far beyond replacement of U.S. troops in South Vietnam and is rather an alternative plan designed to make the enemy want to negotiate a political settlement, Secretary Laird's speech follows:

ADDRESS BY THE HONORABLE MELVIN R. LAIRD, SECRETARY OF DEFENSE, BEFORE THE EIGHTH CONVENTION OF THE AFL–CIO, ATLANTIC CITY, N.J., OCTOBER 7, 1969

It is an honor to be the first Secretary of Defense ever to address a national convention of the AFL–CIO.

As George Meany and others in this audience know, this is not my first contact with organized labor. For 17 years I have had close contacts with your national leaders, first as a member of Congress and now as Secretary of Defense.

The outstanding contributions made by labor in keeping our nation secure and free have become even more apparent to me in my present office. I know firsthand how much the skill and productivity of American labor mean to our defense forces.

As an illustration of labor's support of defense, let me recall the action three years ago of the Building and Construction Trades Department. At that time the Navy was seeking to recruit apprentices and journeymen to bolster the Seabee units in Vietnam that were undertaking a backbreaking construction job. In response to the Navy's appeal, some 5,000 building tradesmen came out of your ranks into the Seabee's.

I could relate many other instances of this kind that have meant so much to the young Americans in the military forces in Vietnam—such things as the help of maritime unions in unsnarling the tie-up in Saigon harbor.

The positions taken by organized labor in the areas of foreign and military affairs have been uniformly wise, farsighted, realistic, and free from illusion. The support of your Executive Council for the President's decision to begin on the SAFEGUARD Antiballistic Missile System was of major importance in bringing about favorable Congressional action on this proposal. I know I voice President Nixon's sentiments when I thank you for this support.

The AFL–CIO has also supported the efforts of our Government to assure the right of self-determination to the people of Vietnam, and this forms a background for my remarks today. This policy now being carried out by the Nixon Administration offers the best hope of ending heavy American involvement within a reasonable time and of making it possible for the people of South Vietnam to chart their own political course in peace and freedom.

Make no mistake about it. To carry out his policy the President needs the support of a united people. The young Americans in Vietnam need that support. Hanoi's strategy is clear: the leaders in Hanoi expect to achieve victory by waiting for us to abandon the conflict as a result of anti-war protest in this country. From their experience with the French and from their reading of events in the United States last year, they are encouraged to believe that they can get all they want if they merely wait long enough. The President will not bow to acts and utterances by these Americans who seek to pressure him into capitulation on Hanoi's terms. Those acts and utterances serve only to encourage the enemy to keep on fighting in South Vietnam and to keep on stalling in Paris.

The Paris talks had made little headway by the time the Nixon Administration assumed office in January. They remain stalemated today. At Paris, the North Vietnamese can endlessly block our efforts to end the war through negotiation by rejecting all proposals. For this reason, the President decided at an early point in his administration that we could not leave all our eggs in the negotiation basket. The President continues to give his full support to our Paris efforts because, clearly, negotiations could provide the speediest resolution to the war. But this course requires a sincere effort by both sides, not by the United States and South Vietnam alone.

In January, the U.S. Government had no

alternative plan to influence the course of events should the continuing efforts at Paris fail. Today, there is an alternative course of action that at the same time complements our efforts at Paris. That program is Vietnamization.

Vietnamization is something new. Those who view it as a mere continuation of the program for modernizing South Vietnam's armed forces are quite mistaken. It is much more than that. The Vietnamization program represents a major change not only in emphasis but also in objectives. Troop modernization until early this year had the negative goal of partially de-Americanizing the war. Vietnamization has the positive goal of "Vietnamizing" the war, of increasing Vietnamese responsibility for *all* aspects of the war and handling of their own affairs. There is an enormous difference between these two policies.

The previous modernization program was designed to prepare the South Vietnamese to handle only the threat of Viet Cong insurgency that would remain *after* all North Vietnamese regular forces had returned home. It made sense, therefore, only in the context of success at Paris. It was a companion piece to the Paris talks, not a complement and alternative. Vietnamization, on the other hand, is directed toward preparing the South Vietnamese to handle both Viet Cong insurgency and regular North Vietnamese armed forces regardless of the outcome in Paris.

In other words, we felt we could not stand pat with the past. Vietnamization has put some aces in the Free World's poker hand.

As I noted, Vietnamization embodies much more than merely enabling the South Vietnamese armed forces to assume greater military responsibility. It means, in South Vietnam, building a stronger economy, stronger internal security forces, a stronger government, and stronger military forces.

The American public must understand and support this if it is to be made to work in Vietnam. By making Vietnamization work, we create a powerful incentive for the enemy to negotiate meaningfully in Paris.

The enemy needs to know that time is not on his side, that the passage of time is leading to a stronger, not a weaker South Vietnam.

As the President has said time and again, we hold firmly to a single objective for Vietnam: permitting the people of South Vietnam freely to determine their own destiny. We want peace as speedily as possible, but we cannot acquiesce to a peace that denies self-determination to the South Vietnamese.

The President has also said: "I do not want an American boy to be in Vietnam for one day longer than is necessary for our national interest."

Vietnamization offers us the best prospect for bringing our men home quickly while achieving our objective in Vietnam.

The last thing I want to do is convey false hopes or promises to the American people. I do want to give as full a picture as I can of the situation we face in Vietnam and what we are trying to do about it. I cannot promise a miraculous end to the war. I cannot promise that our losses in combat will remain, as they were last week, at the lowest level in almost three years. But I can say to you that we are on the path that has the best chance of minimizing U.S. casualties while resolving the war in the shortest possible time without abandoning our basic objective.

In the Vietnamization program, high priority actions are underway. Let's look briefly at the four faces of Vietnamization for just a moment: stronger economy, stronger police for internal security, stronger government, and stronger military forces.

In the economic field, a significant factor is the opening up of waterways and roads for farmers to bring their produce to market and the growing confidence of farmers in using them. In addition, South Vietnamese have replaced Americans in the operation of the civilian port facilities at Saigon and at supply and warehousing facilities in various parts of the country. In the past three years, South Vietnam has trebled its funding of imports while the amount spent for this purpose by the Agency for International Development has dropped by a third. South Vietnam is moving toward restoration of self-sufficiency in rice production. Of course, progress in an economy distorted by war is bound to be uneven. Vietnam suffers from the chronic wartime malady of steep inflation but the government of Vietnam is attempting to face up to this problem with American help.

In the field of local security, the police force has been expanded and its training strengthened. Partly for this reason, the Viet Cong infrastructures is being weakened and rooted out in many areas. That infrastructure includes the hard-line Communist civilians who control and direct the acts of terrorism, assassination, and kidnappings at the local level—as well as the military activities of the local guerrillas and main force units. One measure of success in local security is the extent of the denial to the enemy of the base of popular support he needs for supplies, concealment, intelligence, and recruits and, more important, the reduction in terrorist activities which intimidate the population.

In the political field, progress is measured by the extent of the peoples' trust in their government. It is at the grass—or "rice"—roots level where we find encouraging signs. Locally elected governments are spreading throughout the country. Self-government has been brought this year to more than 700 villages and hamlets in recently pacified areas, bringing the total with self-government to about 8 out of every 10. There has been a notable increase in the number of citizens willing to seek local office and hence to face the threat of Viet Cong terrorism which has taken such a toll of local officials in past years. However, much remains to be done. The government of South Vietnam is continuing its efforts to strengthen popular support for their elected government officials at all levels, to improve administrative practices, and to provide better services to people in such fields as education and public health.

The success of the whole Vietnamization program would be jeopardized without progress in the political field. The political system and policies of South Vietnam are not our responsibility, but we are anxious to see them succeed.

The military area is where progress in Vietnamization has been most visible. We have begun to replace American with Vietnamese troops. Already this year, in two installments, we are cutting the size of our forces by 60,000 in Vietnam, and, in a related development, by 6,000 in Thailand. Contingent on one or more of the three criteria expressed by the President—progress at Paris, progress in Vietnamization, and reduction in the level of enemy activity—additional numbers of Americans can and will be brought home.

The troop redeployments so far announced have not been made possible by any progress in Paris or by any convincing evidence that Hanoi wants to reduce the level of combat. They have been made possible principally by the improved capability of South Vietnamese military forces. The armed forces of South Vietnam have increased substantially. Since January of this year, fourteen more battalions have been put in the field. They are better trained and better equipped. They are increasingly taking up the burden of combat. For more than a year, their ground forces have not been defeated in any engagement of units of battalion size or larger.

These, then, are some of the encouraging signs. But there remains much to be done, particularly in strengthening the economic and political spheres. I don't want to suggest for a moment that everything is going our way, for there are still serious problems before us.

But we are not the only side with problems. One might gather from some statements of both our critics and our supporters that the North Vietnamese and Viet Cong are eight feet tall, that they enjoy unreserved popular support, and that victory for them is inevitable. With Vietnamization well underway, I think it is time to pause and view the more balanced perspective of the problems faced by both sides.

Although the controlled press in North Vietnam does not parade criticism of their war effort, we see their problems in other ways. First of all, there are the staggering casualties they have endured, numbering well over have a million men lost in combat since 1961. The impact of their casualties on the war effort is compounded by the growing difficulties encountered in recruiting replacements for the Viet Cong in South Vietnam. Add to this recent floods, epidemics, agricultural production difficulties, and a sagging economy. Finally, North Vietnam has lost its tough leader of many years, Ho Chi Minh, who served as a unifying symbol of so-called liberation wars in Southeast Asia. We cannot know what effect such difficulties will have in the future course of the war, but we must keep them in mind in our assessments.

I have explained to you today what this Administration is seeking to do in Vietnam, and why we believe our dual approach of Vietnamization and negotiation is the best path to follow.

There are those who claim that the United States should establish a formal and fixed timetable for U.S. troop reductions in Vietnam. On May 14th, President Nixon offered to withdraw our forces from South Vietnam by a fixed timetable if North Vietnam would do the same. The place to establish a fixed timetable is in Paris or in some other mutual context, rather than by unilateral action in the United States. The President's offer has received no response from Hanoi, and from some statements I have read, seems to have been ignored by many in this country.

We believe there are other reasons why the unilateral setting of a fixed timetable would be unwise at this time.

First, the readiness of South Vietnamese forces to supplant American forces may not coincide with a predetermined timetable. We have achieved a momentum behind Vietnamization. It is of the greatest importance that this momentum be maintained. An arbitrary timetable could disrupt this momentum.

Second, any hope of progress in the Paris talks would evaporate. Knowing that American troops would be removed by a certain day, the Communist negotiators would be even more inclined to yield nothing and more encouraged to wait us out.

Third—and this is particularly important—we cannot at any stage of this process subject the American troops left in Vietnam to the danger of being overwhelmed by an enemy force. Any timetable set now could work out so as to leave a small band of Americans as a sacrifice to illusion, impatience, or frustration.

A timetable set now might prove to be too slow or too fast. We are not setting one because it would not be fair to our men in Vietnam or to our allies, and it certainly would retard progress toward ending the war.

I cannot tell you how or when the war in Vietnam will end. It has been my policy in office not to make optimistic forecasts; there have been too many of those in the Department of Defense. We are now embarked on a new course that we believe has the best prospect for ending American combat involvement. We shall persist in assisting the South Vietnamese to attain self-determination. We will not abandon South Vietnam. As President Nixon has said, "Abandoning the South Vietnamese people would jeopardize more than lives in South Vietnam. It would bring peace now but it would enormously increase the danger of a bigger war later.

"If we simply abandoned our efforts in Vietnam, the cause of peace might not survive the damage that would be done to other nations' confidence in our reliability."

I am sure of one thing. The day that we all hope and pray for when there are no more American troops in combat will be speeded if the American people make it clear that they are united behind their President's policy.

As we press toward a resolution of the situation in Vietnam, we must not lose sight of the larger world stage. We must be vigilant in the face of a continuing threat from abroad to our security and a growing challenge here at home to the military foundation so vitally needed for a policy of peace.

The President has said we are entering an era of negotiations. We are trying to make negotiation work in Paris. We would like to see it work in arms limitation talks. We hope to make it work in all areas of contention as we approach the decade of the 70's.

You men of labor know a great deal about negotiation. Two things in particular you have learned and applied in your long history. The first is to persist and persevere, regardless of how difficult the course, because the goal is worthy. The second is to negotiate from strength.

On Vietnam, we are persevering in negotiating for peace and we are strengthening our hand through Vietnamization.

On the larger front, we have a strong military base that we must maintain so that we can always negotiate from strength while assuring our ability to defend our interests should negotiation fail.

We need your continuing help in keeping America aware of the need for strength and perseverance in building a policy of peace. We know we will get it.

Thank you very much.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Michel, for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Gonzalez (at the request of Mr. Daniel of Virginia), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Rogers of Florida, for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Hansen of Idaho); to revise and extend their remarks and include extraneous matter:)

Mr. McCloskey, for 60 minutes, on October 8.

Mr. Duncan, for 60 minutes, on October 14.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Miller of California in five instances and to include extraneous matter.

Mr. Burlison of Missouri, to extend his remarks immediately following the remarks of Mr. Ryan yesterday on H.R. 5968.

Mr. Celler, to extend his remarks in the Record today following the remarks of others on the passing of Congressman Resnick.

Mr. Zablocki in two instances.

Mr. Bow his remarks today during Mr. Michel's special order.

(The following Members (at the request of Mr. Hansen of Idaho) and to include extraneous matter:)

Mr. Bush.
Mr. Brock.
Mr. Lukens.
Mr. Kuykendall.
Mr. Snyder.
Mr. Mathias.
Mr. Schwengel.
Mr. Shriver.
Mr. Quie.
Mr. Wyman.
Mr. Zwach.
Mr. Price of Texas.
Mr. Burke of Florida.
Mr. Reid of New York in two instances.
Mr. Scott in two instances.
Mr. Dellenback.
Mr. Conte.
Mr. Frelinghuysen.
Mr. Weicker in two instances.
Mr. Ashbrook in two instances.
Mr. Gude.
Mr. Taft in two instances.
Mr. Chamberlain in two instances.

(The following Members (at the request of Mr. Daniel of Virginia), and to include extraneous matter:)

Mr. Rosenthal in five instances.
Mr. Bolling.
Mr. Charles H. Wilson.
Mr. Patten.
Mr. Rarick in three instances.
Mr. Gonzalez in two instances.
Mr. Daniels of New Jersey.
Mr. Helstoski.
Mr. Fascell in three instances.
Mr. Biaggi.
Mrs. Sullivan in two instances.
Mr. Ullman in 10 instances.
Mr. Garmatz.
Mr. Kastenmeier in two instances.
Mr. Jones of Alabama.
Mr. Hanna in five instances.
Mr. Griffin in two instances.
Mr. Fraser in five instances.
Mr. Roybal in six instances.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 476. An act for the relief of Mrs. Marjorie Zuck; to the Committee on the Judiciary.

S. 533. An act for the relief of Barbara Rogerson Marmor; to the Committee on the Judiciary.

S. 981. An act to amend title 28 of the United States Code to provide that the U.S. District Court for the District of Maryland shall sit at one additional place; to the Committee on the Judiciary.

S. 1775. An act for the relief of Cora S. Villaruel; to the Committee on the Judiciary.

S. 1797. An act for the relief of Dr. Waguih Mohamed Abdel Bari; to the Committee on the Judiciary.

S. 2096. An act for the relief of Dr. George Alexander Karadimos; to the Committee on the Judiciary.

S. 2231. An act for the relief of Dr. In Bae Yoon; to the Committee on the Judiciary.

S. 2443. An act for the relief of Dr. Silvio Mejia Millan; to the Committee on the Judiciary.

S.J. Res. 143. Joint resolution extending the duration of copyright protection in certain cases; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3165. An act for the relief of Martin H. Loeffler;

H.R. 3560. An act for the relief of Arie Rudolf Busch (also known as Harry Bush); and

H.R. 11249. An act to amend the John F. Kennedy Center Act to authorize additional funds for such Center.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), amended; and

S. 2462. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 8, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS ETC.

1231. Under clause 2 of rule XXIV, a letter from the Comptroller General of the United States, transmitting a report on the need to revise fees for services provided by the Immigration and Naturalization Service and U.S. marshals, was taken from the Speaker's table and referred to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. Ninth report of the Committee on Government Operations (Rept. No. 91-550). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 3247. A bill to amend the act of December 11, 1963 (77 Stat. 349); with amendments (Rept. No. 91-551). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 3334. A bill to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North Dakota and South Dakota; with an amendment (Rept. No. 91-552). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and

Insular Affairs. H.R. 4226. A bill to declare that certain federally owned land is held by the United States in trust for the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation; with an amendment (Rept. No. 91–553). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 9424. A bill to declare that certain federally owned lands are held by the United States in trust for the Indians of the pueblo of Laguna; with an amendment (Rept. No. 91–554). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. S. 775 An act to declare that the United States shall hold certain lands in trust for the Three Affiliated Tribes of the Fort Berthold Reservation, N. Dak. (Rept. No. 91–555). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS (for himself, Mr. Adair, Mr. Brademas, Mr. Johnson of Pennsylvania, Mr. Sisk, Mr. Weicker, and Mr. Wold):

H.R. 14214. A bill to authorize the Interstate Commerce Commission to prescribe minimum standards for railroad passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of California:

H.R. 14215. A bill to authorize the transfer of a vessel to the Los Angeles Unified School District for nontransportation use in the training of qualified applicants as ship repair and shipbuilding personnel; to the Committee on Merchant Marine and Fisheries.

By Mr. BURTON of Utah:

H.R. 14216. A bill to provide for the conveyance of the Weber River project to the Weber River Water Users' Association, Ogden, Utah; to the Committee on Interior and Insular Affairs.

By Mr. CONYERS:

H.R. 14217. A bill to authorize the Small Business Administration to guarantee any bid, payment or performance bond under an agreement entered into by a small business concern which is a construction contractor or a subcontractor; to the Committee on Banking and Currency.

By Mr. CORMAN (for himself, Mr. Burlison of Missouri, Mr. Denney, Mr. Dent, Mr. Edwards of Alabama, Mr. Galifianakis, Mr. Jacobs, Mr. Latta, Mr. Mathias, Mr. McCloskey, Mr. Shipley, and Mr. White):

H.R. 14218. A bill to amend title 10 of the United States Code to provide that medal of honor winners be presented with United States and service unit flags; to the Committee on Armed Services.

By Mr. FRELINGHUYSEN:

H.R. 14219. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 14220. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. KASTENMEIER:

H.R. 14221. A bill to amend section 6 of title 35, United States Code, "Patents," to authorize domestic and international studies and programs relating to patents and trademarks; to the Committee on the Judiciary.

By Mr. LATTA:

H.R. 14222. A bill to change the name of the Perry's Victory and International Peace Memorial National Monument, to provide for the acquisition of certain lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LOWENSTEIN (for himself, Mr. Addabbo, Mr. Boland, Mr. Brown of California, Mr. Farbstein, Mrs. Green of Oregon, Mrs. Mink, Mr. Ottinger, Mr. Scheuer, Mr. Tunney, and Mr. Charles H. Wilson):

H.R. 14223. A bill to control the use of hypnosis in criminal proceedings; to the Committee on the Judiciary.

By Mr. McMILLAN (for himself, Mr. Dowdy, Mr. Fuqua, Mr. Hagan, Mr. Hungate, Mr. Blanton, and Mr. Kyros):

H.R. 14224. A bill to amend chapter 23 of title 16 of the District of Columbia Code to revise proceedings regarding juvenile delinquency and related matters, and for other purposes; to the Committee on the District of Columbia.

By Mr. MICHEL:

H.R. 14225. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. REID of New York:

H.R. 14226. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as DDT; to the Committee on Agriculture.

By Mr. RIVERS:

H.R. 14227. A bill to amend section 1401 a(b) of title 10, United States Code, relating to adjustments of retired pay to reflect changes in consumer price index; to the Committee on Armed Services.

By Mr. ROGERS of Florida (by request):

H.R. 14228. A bill to provide conveyance of certain mineral interests of the United States in real property situated in Florida to the record owners of the surface of that property; to the Committee on Interior and Insular Affairs.

By Mr. SPRINGER (for himself and Gerald R. Ford):

H.R. 14229. A bill to amend the act entitled "An act to require certain safety devices on household refrigerators shipped in interstate commerce," approved August 2, 1956; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN:

H.R. 14230. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL:

H.R. 14231. A bill to amend the retirement of judges provision of section 371 of title 28 of the United States Code by changing the age provisions thereof; to the Committee on the Judiciary.

H.R. 14232. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in monthly benefits, with subsequent cost-of-living increases in such benefits and a minimum primary benefit of $80; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 14233. A bill to modify ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. BOGGS:

H.R. 14234. A bill to provide for the control of mosquitoes and mosquito vectors of human disease through technical assistance and grants-in-aid for control projects; to the Committee on Interstate and Foreign Commerce.

By Mr. COHELAN (for himself, Mr. Gaydos, Mr. Gubser, Mr. Matsunaga, Mr. Lujan, Mr . Vigorito, Mr. Mathias, Mr. Podell, Mr. Perkins, Mr. Koch, Mr. St Germain, Mr. Anderson of California, Mr. Hicks, Mr. Donohue, Mr. Dingell, Mr. Meeds, Mrs. Mink, Mr. McCloskey, Mr. Minish, Mr. Hamilton, Mr. McCarthy, Mr. Stokes, Mr. Hawkins, Mr. Hechler of West Virginia, and Mr. Johnson of California):

H.J. Res. 924. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. COHELAN (for himself, Mr. Ryan, Mrs. Chisholm, Mr. Stuckey, Mr. Rosenthal, Mr. Friedel, Mr. Halpern, Mr. McFall, Mr. Alexander, Mr. Scheuer, Mr. Ichord, Mr. Foley, Mr. Cramer, Mr. Green of Pennsylvania, Mr. Watts, Mr. Gude, Mr. Mikva, Mr. O'Neill of Massachusetts, Mr. Sisk, Mr. Waldie, Mr. St. Onge, Mr. Chappell, Mr. Blatnik, Mr. Flowers, and Mr. Roudebush):

H.J. Res. 925. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. COHELAN (for himself, Mr. Murphy of New York, Mr. Pepper, Mr. Annunzio, Mr. Hathaway, Mr. Price of Illinois Mr. Leggett, Mr. Mailliard, Mr. William D. Ford, Mr. Carey, Mr. O'Hara, Mr. Brademas, Mr. Thompson of New Jersey, Mr. Randall, Mr. Olsen, Mr. Tiernan, Mr. Hosmer, Mr. Miller of California, Mr. Melcher, Mr. Ottinger, Mr. Jones of North Carolina, Mr. Brinkley, Mr. Bennett, Mr. Tunney, and Mr. Fulton of Pennsylvania):

H.J. Res 926. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. COHELAN (for himself, Mr. Adams, Mr. Brasco, Mr. Baring, Mr. Jones of Tennessee, Mr. Camp, Mr. Rooney of Pennsylvania, Mr. Coughlin, Mr. Lowenstein, Mr. Howard, Mr. Kyros, Mr. Byrne of Pennsylvania, Mr. Culver, Mr. Moorhead, Mr. Cleveland, Mrs. Hansen of Washington, Mr. Biaggi, Mr. Ander-

XUM

son of Tennessee, Mr. Kirwan, Mr. Symington, Mr. Karth, Mr. Ashley, Mr. Quie, Mr. Teague of California, and Mr. Cahill):

H.J. Res. 927. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. COHELAN (for himself, Mr. Gonzalez, Mr. Daddario, Mr. Price of Texas, Mr. Hogan, Mr. Foreman, Mrs. Griffiths, Mr. Feighan, Mr. Pollock, Mr. Wolff, Mr. Taylor, Mr. Skubitz, Mr. Helstoski, Mr. Garmatz, Mr. Whitehurst, Mr. Gibbons, Mrs. Green of Oregon, Mr. Daniels of New Jersey, Mr. Fascell, Mr. Bolling, Mr. Bob Wilson, Mr. Brown of Ohio, Mr. White. Mr. Zablocki, and Mr. Pirnie):

H.J. Res. 928. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. COHELAN (for himself, Mr. Nix, Mrs. Heckler of Massachusetts, Mr. Charles H. Wilson, Mr. Nedzi, Mr. Eilberg, Mr. Sikes, Mr. Stafford, Mr. Addabbo, Mr. Morse, Mr. Rodino, Mr. Bingham, Mr. Hungate, Mr. Whalen, Mr. Van Deerlin, Mr. Roybal, Mr. Philbin, Mr. Yatron, Mr. Steed, Mr. Edwards of California, Mr. Rees, Mr. Fraser, Mr. Evans of Colorado, Mr. Edmondson, and Mr. Talcott):

H.J. Res. 929. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. COHELAN (for himself, Mr. Pettis, Mr. Dulski, Mr. Mollohan, Mr. Kastenmeier, Mr. Gallagher, Mr. Clark, Mr. Riegle, Mr. Dorn, Mr. Farbstein, Mr. Preyer of North Carolina, Mr. Henderson, Mr. Ruppe, Mr. Brown of California, Mr. Hanley, Mr. Corman, Mr. Udall, Mr. Albert, Mr. Clay, Mr. Conyers, Mr. Burton of California, Mr. Hanna, Mr. Dellenback, Mr. Horton, and Mr. Gray):

H.J. Res. 930. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. COHELAN (for himself, Mr. Holifield, Mr. Reid of New York, Mr. Obey, Mr. Lennon, Mr. Moss, Mr. Roth, Mr. Madden, Mr. Staggers, Mr. Conte, Mr. McDade, Mr. Yates, Mrs. Dwyer, Mr. Vanik, Mr. Gilbert, Mr. Long of Maryland, Mr. Patten, and Mr. Boland):

H.J. Res. 931. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payment to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Department of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. FOLEY (for himself and Mr. Lowenstein):

H.J. Res. 932. Joint resolution to increase the appropriation authorization for the food stamp program for fiscal 1970 to $750 million; to the Committee on Agriculture.

By Mr. GUBSER:

H.J. Res. 933. Joint resolution authorizing the President to proclaim the period November 2 through November 8, 1969, as "National Zero Defects Week" to the Committee on the Judiciary.

By Mr. POAGE (for himself, Mr. McMillan, Mr. Stubblefield, Mr. Purcell, Mr. O'Neal of Georgia, Mr. Foley, Mr. de la Garza, Mr. Vigorito, Mr. Jones of North Carolina, Mr. Sisk, Mr. Burlison of Missouri, Mr. Lowenstein, Mr. Jones of Tennessee, Mr. Melcher, Mrs. May, Mr. Mayne, Mr. Zwach, Mr. Kleppe, Mr. Sebelius, Mr. McKneally, and Mr. Mizell):

H.J. Res. 934. Joint resolution to increase the appropriation authorization for the food stamp program for fiscal 1970 to $610 million; to the Committee on Agriculture.

By Mr. SCHWENGEL:

H.J. Res. 935. Joint resolution to authorize the President to proclaim the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

By Mr. SEBELIUS:

H.J. Res. 936. Joint resolution to designate Route 70 of the National System of Interstate and Defense Highways as the Eisenhower Memorial Highway; to the Committee on Public Works.

By Mr. MOSS:

H. Con. Res. 399. Concurrent resolution protesting the treatment of American servicemen held prisoner by the Government of North Vietnam and backing the administration in its efforts on behalf of these servicemen held captive by the North Vietnamese Government; to the Committee on Foreign Affairs.

By Mr. PERKINS:

H. Res. 572. Resolution amending House Resolution 200, 91st Congress; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLMER:

H.R. 14235. A bill for the relief of Capt. Claire E. Brou; to the Committee on the Judiciary.

By Mr. WHALEN:

H.R. 14236. A bill for the relief of the estate of Luther A. Ihrig; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

282. By the SPEAKER: Petition of George L. Carnage, Jr., Atlanta, Ga., relative to redress of grievances; to the Committee on the Judiciary.

283. Also, petition of Allan Feinblum, New York, N.Y., relative to the Director of the Federal Bureau of Investigation; to the Committee on the Judiciary.

SENATE—*Tuesday, October 7, 1969*

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for this good land, for the diverse peoples who live in it and love it, for the strength of our institutions, and for our liberty under Thy rulership.

At this midday pause in the day's duties we ask Thee to cross the inner threshold of our hearts, lay hold upon our faith, and make us equal to the demands of high office. We confess that on the lower levels of life, without Thee, we find ourselves surprised and trapped by unworthy compromises, by cowardly concessions, by weak acquiescence, by disobedience to the heavenly vision. When we would do good, evil is present with us. We need Thee, O God. Every hour we need Thee.

So wilt Thou give us steadfast hearts, resolute wills, sensitive consciences, and enduring faith that we may quit ourselves as men of that kingdom whose Builder and Maker is God. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, October 6, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONVEYING TO THE CITY OF CHEYENNE, WYO., CERTAIN REAL PROPERTY OF THE UNITED STATES HERETOFORE DONATED TO THE UNITED STATES BY SUCH CITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1718) to provide the conveyance to the city of Cheyenne, Wyo., of certain real property of the United States heretofore donated to the United States by such city.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HANSEN. Mr. President, I rise to urge passage of S. 1718. This bill would provide for the reconveyance to the city of Cheyenne, Wyo., of 28 acres of property which was originally donated to the U.S. Government for use as the site of our fine Veterans' Administration hospital and VA center.

This land was part of an original 600-acre tract which was donated by the city of Cheyenne back in 1932 for the Veterans' Administration facility. Then, in 1965, this 28 acres was declared surplus to the further needs of the Government.

There are no improvements at all on this land. Thus, it includes no valuable improvements constructed by the Federal Government.

This property has long been considered suitable for park and recreational purposes, and it is with this intent that the city of Cheyenne requests the land be reconveyed. The land is located close to Cheyenne's new and beautiful East High School, and would be ideal as a recreational spot. There is no question as to the need for parks and other recreation land, especially in these days of social crisis.

The suitability of this tract for an outstanding park for recreational purposes is well known in Cheyenne. I believe it is altogether suitable for this land to be donated back to Cheyenne.

The land was originally donated to the U.S. Government. The pressure on State and local governments to pay even 50 percent of the fair market value of land for park and recreational purposes—under the terms of the Morse formula—is insurmountable at times. The cost of having to purchase such land could result in its being lost to the use of Cheyenne's citizens forever. Because the city of Cheyenne originally gave the land to the Federal Government, it is altogether fitting, I believe, that the land, now surplus to the needs of the VA center, be made available to all the people of Cheyenne.

Surplus lands which cannot be purchased by State and local governments because of lack of funds might be lost forever. This appears to be a tragic waste when one considers the billions of dollars that the Federal Government is spending to improve the social fabric of the cities.

Mr. President, this bill would result in the establishment of a recreational area which will benefit the entire city of Cheyenne. I urge its favorable consideration by the Senate.

The city of Cheyenne has done an imaginative job with its parks and recreation program, not the least of which is the Sloan's Lake area near Frontier Park and Pavilion on the north side of the city. Another fine area is Holiday Park near Lincoln Way in Cheyenne.

If we pass S. 1718, the city can go forward with plans for an important park development in the eastern area of the city—an area that has experienced a great deal of growth as a new residential area. This timely action by the Senate, and subsequent action in the House, will help to provide for park areas in close proximity to where people live. This is an important consideration which will enhance the full use of the park, both now and in the future. It is a step forward for Cheyenne and Wyoming.

I am pleased to have played a small part in the legislative journey of this measure.

Mr. McGEE. Mr. President, soon the Senate will consider S. 1718 for final passage. This is a bill introduced by my colleague, Senator HANSEN, which would authorize the Administrator of the General Services Administration to convey, without consideration, certain land to the city of Cheyenne, Wyo.

Originally, the city of Cheyenne conveyed, without consideration, a tract consisting of approximately 600 acres to the Federal Government for use by the Veterans' Administration for the construction and operation of hospital facilities. Subsequently, the hospital and medical center were constructed, and it was soon realized that the acreage originally conveyed in 1932 was far in excess of VA requirements for this installation. Throughout the years a major portion of the original 600 acres has been returned to the city of Cheyenne by means of several conveyances.

Mr. President, the 30-acre tract involved in S. 1718 has been carried as surplus property to the requirements of the Veterans' Administration since 1955. It is, therefore, obvious that this land is excess to present and future requirements. I feel that the interests of all parties concerned would be served if this tract could be conveyed to the city of Cheyenne at this time. The city of Cheyenne has various alternate plans to put this property to valuable and beneficial civic uses which will benefit the residents of the area and the region; but until this land is finally reconveyed to the city of Cheyenne their plans for urban development cannot proceed in an orderly fashion. Since this is part of the land which was donated to the Federal Government originally by the city of Cheyenne, it is only fair, now that it is not needed for Federal purposes, that it should be reconveyed to the city without financial consideration. Certainly it would be inequitable for the Federal Government to require a monetary payment from the city of Cheyenne under these circumstances.

This legislation is not without a precedent. In 1965 Congress approved and President Johnson signed into law Public Law 89-345, which authorized conveyance to the city of Cheyenne a 27-acre tract of land which comprised a portion of the original 600 acres.

Mr. President, I, therefore, strongly urge that the Senate give prompt and favorable consideration to this bill so that final passage can be obtained during this session of Congress.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill (S. 1718) was ordered to be engrossed for a third reading, was read the third time, and passed.

WATER QUALITY IMPROVEMENT ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 346, S. 7, and I ask unanimous consent that it be the pending business at the conclusion of the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered; and the bill will be the pending business at the conclusion of the transaction of routine morning business.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

(Subsequently, the Senate modified this order to provide that at the conclusion of its business today it stand in recess until 10 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR HUGHES TOMORROW

Mr. **MANSFIELD.** Mr. President, I ask unanimous consent that, after the disposition of the Journal on tomorrow, the distinguished junior Senator from Iowa (Mr. Hughes) be recognized for not to exceed 1 hour.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. **HOLLINGS.** Mr. President, I ask unanimous consent that I may proceed for a period of 30 minutes.

The **ACTING PRESIDENT** pro tempore. Is there objection? The Chair hears none and it is so ordered.

THE NOMINATION OF JUDGE HAYNSWORTH TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. **HOLLINGS.** Mr. President, I would have hoped that the most deliberative body in Government would have proceeded with the nomination of Judge Haynsworth in a more deliberate fashion. At the present moment, the hearings have not been completed and all the testimony has not been submitted, according to the Senator from Indiana. The committee record, as a result, has not been finalized or printed. The Committee on the Judiciary has not formally considered the particular nomination, and as a result the committee has yet to act.

Already, Mr. President, Senators are jumping to conclusions. Rather than the most deliberative body, I almost have the feeling that we are about the 100 fastest guns in the East, trying to get the headline, rather than trying to get to the point in substance of the Haynsworth nomination; that is, the Judge's qualifications to be an Associate Justice of the U.S. Supreme Court.

For example, in the newspaper coverage of this matter, they have rushed headlong and failed to cover many things of importance and, consequently, many things in support of this distinguished jurist. One, which I ask unanimous consent to have printed in the Record at the conclusion of my remarks, is the statement by Prof. William Van Alstyne, of the Duke University School of Law, who is known as a civil libertarian and an outstanding and eminent professor.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **HOLLINGS.** Another example, of course, is the studied judgment and testimony of Dr. Charles Alan Wright, now with the University of Texas School of Law, who formerly was with the University of Minnesota; and, if I may, I would like to point out his qualifications:

> For more than twenty years my professional specialty has been observing closely, and teaching and writing about, the work of the federal courts. From 1950 to 1955 I was a member of the faculty at the University of Minnesota Law School and I have been at The University of Texas since that time. I was a visiting professor at the University of Pennsylvania Law School in 1959–60, at the Harvard Law School in 1964–65, and at the Yale Law School in 1968–69. I regularly teach courses in Federal Courts and in Constitutional Law, a seminar in Federal Courts, and a seminar on the Supreme Court. Since 1964 I have been a member of the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States and prior to that time was a member of the Advisory Committee on Civil Rules. I was Reporter for the recently-completed Study of Division of Jurisdiction between State and Federal Courts made by the American Law Institute.

His writings include a seven-volume revision of the Barron and Holtzoff Treatise on Federal Practice and Procedure, and he has taken the trouble to study every decision in which Judge Haynsworth has participated—not merely every one that he has written upon, but every one in which he has participated, which covers a span of some 12 years and 167 volumes of the Federal Reporter.

He says that with his professional interest in the Federal judiciary and with his writing commitments, he necessarily studies with care all the decisions of the Federal courts and inevitably forms judgments about the personnel of those courts. I quote Professor Wright:

> We are fortunate that federal judges are, on the whole, men of very high caliber and great ability. Among even so able a group, Clement Haynsworth stands out. Long before I ever met him, I had come to admire him from his writings as I had seen them in Federal Reporter.

Quite to the contrary of what we read in the headlines, Mr. President, where it is said Judge Haynsworth is "obscure" and he does not have the gloss and eminence that we should have on the highest court of our land.

Professor Wright concludes with the following comment:

> I cannot predict the votes of Justice Haynsworth. The cases I have reviewed in this statement demonstrate, I believe, that in the areas of criminal procedure and freedom of expression the record of Judge Haynsworth on the Fourth Circuit has been a constructive and forward-looking one. But I support his nomination, not because his views on these subjects or others are similar to mine, but because his overall record shows him to have the ability, character, temperament, and judiciousness that are needed to be an outstanding Justice of the United States Supreme Court.

Mr. President, at this point I ask unanimous consent to have printed in the Record at the conclusion of my remarks the two statements by Professor Wright.

The **PRESIDING OFFICER** (Mr. Allen in the chair). Without objection, it is so ordered.

(See exhibit 2.)

Mr. **HOLLINGS.** Mr. President, those things do not appear in the headlines and it appears that some of our brethern, some of our colleagues, are making their judgments on the headlines. If that is the test and the measure, I cannot help but wonder. That would make it pretty easy to understand if that were the test.

Mr. President, I go immediately to the Evening Star of Monday, October 6, 1969. The headline of the Washington Evening Star article of yesterday is "Haynsworth Deal Eyed." I say this with some mixed appreciation and not criticism of the substance of the article in the Evening Star. Actually, there is an editorial in the same newspaper supporting Judge Haynsworth. However, the fact of the matter is that is not what the headline implies. It intimates that: "We have a judge involved in deals, and we are eyeing the deals."

All the poor judge has said is, "I will take all my stocks and put them in trusteeship." Is that a deal? It is an offer for complete disclosure. We do not want to fault anyone for a moment for insisting on complete disclosure. When I introduced Judge Haynsworth, I included that in my introduction.

No one faults the Senator from Indiana (Mr. Bayh) for going into this matter as meticulously as he can. This is a lifetime appointment. The Senate is the responsible body. It is our duty to go into every facet possible to make certain of the qualifications of Judge Haynsworth, and every other aspect of the matter, including his personal habits, his personal character, and his ability. I do not want it to appear that I am leaning toward the school of thought that "Now that you have my good friend the judge up for confirmation, we are going to skirt over the record." In introducing the judge I asked that everything be introduced. But what happened? Rather than having it appear we have given a complete record, which is the fact, they would make it appear the contrary is true.

I would like to have awaited the action by the Committee on the Judiciary, but in the initial hearing a letter dated September 6, 1969, was presented to the committee with the complete stockholdings up until the time of the nomination.

Mr. President, I ask to have printed in the Record at the conclusion of my remarks that letter with the complete stockholdings.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 3.)

Mr. **HOLLINGS.** Mr. President, Mr. Arthur McCall, who testified, was his stockbroker. He was asked for a listing of all stock transactions of Judge Haynsworth.

Mr. President, I ask unanimous consent to have printed in the Record that listing of stock transactions.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 4.)

Mr. **HOLLINGS.** Mr. President, then, after we obtained a listing of all stockholdings—and it must be remembered that at the time he placed in the record of the Committee on the Judiciary his complete income tax returns for the years 1957 through the time of his nomination— we were then asked both orally and in writing two things by the Senator from Indiana. At that particular time, last Wednesday, before the Committee on the Judiciary, the Senator from Indiana said, we knew of five stocks where

XUM

it appears that the judge sat on particular cases while he held the stock where those parties were litigants. He was asked, "Give us the names of the five stocks and we will get a complete record." He said, "No, we will not do that. We will wait. We want the listing of all stocks. Before I tell you my five stocks, I want a listing of all stocks."

Now who is playing games with whom? We have been trying to get everything they want. It does not take just 1 or 2 hours to get a complete listing. Those other sheets were worked on for days to obtain as accurate and as complete a record as could be done in answer to the Senator's request.

On October 1, last Wednesday, the Senator from Indiana wrote to the chairman of the committee, the Senator from Mississippi (Mr. EASTLAND) as follows:

> OCTOBER 1, 1969.
>
> Hon. JAMES O. EASTLAND,
> *Chairman, Judiciary Committee,*
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR MR. CHAIRMAN: I appreciate your continued cooperation in our efforts to lay the Haynsworth matter to rest. In discussing what had transpired with Mr. Chrissos, I suggested that I would forthwith recount the information which I had requested. It seems to me that the following items are still of importance to conclude fully our deliberations:
>
> (1) a chronological listing of ownership of all assets of Judge Haynsworth from the time he went on the bench to the present day.
>
> (2) The financial records, including profit and loss statements of Carolina Vend-A-Matic from the time of its incorporation to the time of its merger with ARA.
>
> (3) The records of Carolina Vend-A-Matic's profit sharing and pension plans.
>
> This information, plus the tax records and Carolina Vend-a-Matic's minutes and other records presently available to the Committee, should be very helpful in enabling us to conclude our deliberation. I regret that this matter has taken so much of the Committee's time. However, I feel it is imperative that we be complete insofar as this matter is concerned.
>
> Thank you again for your continued thoughtfulness and cooperation.
>
> Sincerely,
>
> BIRCH BAYH.

Mr. President, I reiterate that he has every right and duty, and we do not fault the request. What was requested was a chronological listing of all assets of the judge from the time he went on the bench. The chronological listing by years was furnished to the Committee on the Judiciary at 4 o'clock yesterday afternoon. Then, last night, from the release, it appeared some hanky-panky was going on. Somehow it was made to appear that there was a judge on the run and they could not get the information. On the contrary, there was the offer to place the stock in the hands of trustees, but these efforts are labeled "Haynsworth Deal."

In yesterday's Evening Star, Mary McGrory writes:

> Senator Birch Bayh, D. Ind., retired over the week end with a new batch of financial records laboriously wrested from the Justice Department. He hopes to find in them the "just one more case" which could defeat the nomination of Judge Clement Haynsworth, Jr. to the Supreme Court.

Mr. President, I cannot help but read the next paragraph:

> A number of Republicans secretly wished him good hunting.

I emphasize the words "laboriously wrested from the Justice Department." No one is trying to hide. I do not represent the Republican Department of Justice. I say only this. I checked upon reading this particular article. Yes, Judge Haynsworth has his cousin, Harry Haynsworth, helping him compile this information. He took it for what was requested in Senator BAYH's letter, a chronological listing. It appears now they want the time of every purchase and the date of every sale of every stock. Mr. Harry Haynsworth was trying to prepare the chronological listing. He could not obtain the fractional shares unless he got the information from the company, and he was working on that. He has made the compilation by getting every stock slip showing the date of sales and date of purchase, and that information is with the Committee on the Judiciary. No one is trying to hide information.

Some say he is a racist. A professor of law and associate dean of the University of Wisconsin Law School, Mr. G. W. Foster, who wrote the HEW guidelines which first appeared in 1965, said he is not. However, these things do not get into the newspapers.

Mr. President, now specifically I turn to the case of the *Brunswick Corp.* v. *J. C. Long*, 392 F. 2d 337 (1968). On November 10, 1967, the judge decided a case, in which he later bought a thousand shares of Brunswick.

Question: Did he violate the canon or the statute?

Well, obviously it was a mistake, a lapse of memory, and not a lapse of ethics. No one questions it. He is the most sensitive fellow in the world. The other day he was criticized for the way he talked on television. Everyone who knows him knows he stutters. It has been a handicap for him in his lifetime. But he is not insensitive. Everybody talks about the big profits he made, but they do not talk about the big loss of over a million dollars if he held onto the stock. In the Carolina Vend-A-Matic matter, Carolina Vend-A-Matic has never been in court. In spite of all the headlines in which that company is involved, it was not a party litigant.

Now, we are going through scenarios of a judge on the run. When he tries to do everything they want done it is said that there is a "deal." No one is having to pull teeth. All they have to do is ask me to get the information. I do not know who is in charge of this appointment. Certainly, I have not been. I would like to have been, but it is not mine.

Mr. President, I cannot fault the reaction of some of my Democratic colleagues who attack this nomination in an ethical and diplomatic way when a Republican President is out trying to get a Governor to run against you and you are running for reelection next year. Why should you view so kindly this appointment to the U.S. Supreme Court? Why should he search behind the headlines? If it appears a mess, fine business. We messed up with President Johnson and Justice Fortas. Why not help President Nixon mess up with Judge Haynsworth. That is the rule of the game. Unfortunately, rightly or wrongly, I understand that. That is exactly the way it is headed. They are looking only at the headlines. They will not listen to both sides of the case. They are trying to equate this, obviously, with the Fortas case.

I emphasize this difference.

It was said to Justice Fortas, "Well, Justice, you explain or resign," and he chose to resign.

Judge Haynsworth has chosen to explain everything there is.

Justice Fortas was charged with dealing with a person who was convicted by a Federal criminal court in America. That person we might call, crassly, a convict. I hate to be that way about it, but that is it. When asked about the deal on the $20,000 a year that Justice Fortas obtained from that particular convict family's foundation, he said, "I got the $20,000. I held it for a year. I then gave it back," but the agreement on the $20,000 was for life and then over to his wife's life all for the Justice to write about brotherhood.

Who believes that? I do not believe it to this day. I might be wrong.

But rather than explain the circumstances, Justice Fortas chose to resign.

The point is, it might look wrong or it might look questionable but each Senator has his duty to perform. There is no faulting anyone to say these things look questionable. But when we come to try to explain, do not give me this stuff that it is just like Justice Fortas' case. It was only this year that he refused to explain. He chose rather to resign.

No one is asking Judge Haynsworth to resign.

They are having a game with this case. I am getting a little worn watching them play this game, especially with the headlines.

I want to mention one particular item which does give a meritorious difference between a judge's duty and a judge's discretion, because, Mr. President, we get right down to a matter that concerns me.

They say, "We will reveal this and that—we have got some five cases. We know about the five cases but are not telling you until you give us a list." Maybe, as Mary McGrory says, they can find one more. Last night, they mentioned one on the radio.

They supposedly discovered this Grace Line case. The fact is, however, that on September 24, 1969, Irving Abramson, who is the general counsel for the IUE of the AFL–CIO, stated before the Committee on Judiciary, that Judge Haynsworth owned some stock in the Grace Line Co., and that he decided a case in *Farrow* v. *Grace Line Inc.*, 381 F. 2d 380 (1967); and that he decided this for the Grace Line. This case brings into sharp focus exactly what I have in mind.

What was the Grace Line case and what was the judge's duty?

I have tried many personal injury cases. The Grace Line case involved the doctrine of unseaworthiness and the absence of liability. How much? Farrow, the plaintiff seaman, injured his wrist when a fellow seaman dropped one end of a ladder that two men were carrying. As a result, he was put for a time on light work and while on light work he received his regular wages. He claimed that he did not want to be on light work because otherwise he would have received overtime which was additional compensation which would have been payable.

He also claimed compensation for pain in the wrist while on the light work schedule. In any event, he was denied all liability. There was a jury trial. The jury found for $15.12. Think of it—$15.12.

Now, Mr. President, Judge Haynsworth owned 300 shares out of approximately 18 million shares of the W. R. Grace and Co. which, for the record, is part of the Grace Line, Inc., a wholly owned subsidiary of the W. R. Grace and Co., and holding company of the parent company. He owned 300 of some 18 million shares.

The trial judge increased it to $50 and when appealed to the court there was a per curiam decision in which Judge Haynsworth participated.

I read as follows:

[James Lee Farrow v. Grace Lines, Inc.
381 F. 2d 380 (1967)]

PER CURIAM

> We think the District Court was well within its discretionary authority in refusing to set aside the verdict of the injury on the ground of inadequacy. The amount of the verdict was small, but well within the range permitted by the testimony.
>
> Affirmed.

That was all that was held.

Now, was it a violation, Mr. President, of law or of ethics for Judge Haynsworth to have sat on that particular case?

That is the question.

Under the particular law we, as Members of Congress, have it within our power to legislate and we give the judge discretion and put in subjective language, like the word "substantial."

I shall not read the entire statute, but it is title 28, 455 of the United States Code, which provides as follows:

> Any Justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest . . . or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein.

We put in there the word "substantial." And then we ask that he make a determination "in his opinion." We put that burden on the judge, with a similar burden of sitting on cases to ensure random panels in the appellate jurisdiction of the full circuit court of appeals, which is an important task for a judge.

As chief judge, Judge Haynsworth must make sure that the selection is random, so he has this duty on random panels conflicting to some extent with the other duty. He has to test each time "in his opinion" whether it is "substantial." In the Grace Line case he had a $50 case in front of him. Knowing it is going to be per curiam, he says, "It is not substantial." "I do not have any interest in it." It really does not affect the leading decision. The leading decision on a subsidiary is a California case which states:

> Where a judge owns stock in a corporation which in turn owns or controls the stock of a party litigant, disqualification is not required, according to the principal case in the field. *Central Pacific Railway Co.* v. *Superior Court*, 211 Calif. 706, 296 Pacific 883 (1931).

Now, Mr. President, in fairness to the Senator from Indiana (Mr. Bayh) and his concern, there is the canon involved as well as the statute. The canon involved is contained in the Canons of Judicial Ethics of the American Bar Association. Canon 26 reads:

> 26. Personal Investments and Relations.
>
> A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and, after his accession to the Bench, he should not retain such investments previously made, longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.
>
> He should not utilize information coming to him in a judicial capacity for purposes of speculation; and it detracts from the public confidence in his integrity and the soundness of his judicial judgment for him at any time to become a speculative investor upon the hazard of a margin.

But we go right down and we take that particular canon in connection with a decision or opinion of 30 years ago, in which the American Bar Association states:

> A judge who is a stockholder in a corporation which is a party to litigation pending in his court may not, with propriety, perform any act in relation to such litigation involving the exercise of judicial discretion.

Is that binding or is that controlling, or is it not?

Obviously, Congress has said, "You have got to determine whether or not there is a substantial interest. You have got to determine it in your opinion, the basis of disqualification."

Let me say a word about Prof. John P. Frank. Professor Frank in his letter to the chairman of the Judiciary Committee, concerning the Carolina Vend-A-Matic matter, said:

> This is my thirtieth year as a law teacher, lawyer, and author. Politically, I was a strong supporter of President Kennedy, President Johnson, and Vice President Humphrey. In the constitutional field, I believe I filed, with others including the present Solicitor General of the United States, the first brief calling for a total end to school segregation (*Sweatt v. Painter*, 339 U.S. 629 (1950)); was one of the first to advocate the rule which has become one man, one vote ("Political Questions," in *Supreme Court and Supreme Law*, 36, 41 (E. Cahn ed. 1954)); consistently advocated the right to counsel rule which culminated in *Gideon v. Wainwright*, 372 U.S. 335 (1963); and was co-counsel on the prevailing side of the confession case of *Miranda v. Arizona*, 384 U.S. 436 (1966). Numerous books and articles reflect an abiding admiration for the work of Justice Hugo L. Black, and my immediately forthcoming work on law reform is dedicated to Chief Justice Earl Warren. I know Judge Haynsworth by virtue of twice having been a guest speaker on current developments in the law of civil procedure at the Fourth Circuit Judicial Conference, over which he presides, and as a fellow member of the American Law Institute.

Mr. President, I ask unanimous consent to have printed in the Record the entire letter written by Professor Frank to the chairman of the committee (Mr. Eastland).

There being no objection, the letter was ordered to be printed in the Record, as follows:

Lewis, Roca, Beauchamp, & Linton,
Phoenix, Ariz., September 3, 1969.

Hon. James O. Eastland,
Senate Office Building,
Washington, D.C.

Dear Senator Eastland: I respond to your request for an opinion as to whether Judge Clement Haynsworth might properly have disqualified himself in the case of *NLRB* v. *Darlington Mfg. Co.*, 325 F.2d 662 (4th Cir. 1963).

You make this inquiry while Judge Haynsworth's appointment to the Supreme Court is pending before your Committee because of my article, *Disqualification of Judges*, 56 *Yale L. J.* 605 (1947), which is, so far as I know, still the most comprehensive report on both law and actual practice in that field; the article includes a questionnaire survey of all federal, circuit and state supreme courts. Attached is a personal identification sheet, but a brief notation of points of view may be relevant here, and I append it in the note.[1]

I turn now to the precise matter.

QUESTION PRESENTED

Might Judge Haynsworth properly have disqualified in the *Darlington* case?

ANSWER

No; it would have been unsound practice to do so.

DISCUSSION

A. Facts

Deering Milliken Company in the early 1960's was a largely Milliken family-held textile selling house. It was also what can be loosely called a holding company, owning or dominating 17 textile manufacturers which had 27 plants. One of those plants was Darlington Manufacturing Company, in which the Deering Milliken group held a majority, but by no means all of the stock. Darlington fell into conflict with the Textile Workers Union in 1956 and went out of business. The broad legal question was whether Darlington had committed unfair labor practices, and if so, whether Deering Milliken should be held financially responsible.

Judge Haynsworth, when the matter reached his Court was a substantial stockholder in Carolina Vend-A-Matic Co., a vending machine company which sold coffee and other refreshments. This company had "locations" in many places, including three of the twenty-seven Deering Milliken affiliates. The locations were obtained by competitive bidding. Deering Milliken did not pay Vend-A-Matic to come to the premises—Vend-A-Matic paid a premium to Deering Milliken, if anything was paid. It had nothing to do with Darlington. Revenues from those plants amounted to about three per cent of the vending company's income.

When the case came before the Fourth Circuit Court of Appeals, the judges concluded that its importance warranted hearing by all of the five Circuits Judges, of whom Judge Haynsworth was one. The Court decided three to two that there was no unfair labor practice, with Judge Haynsworth in the majority. Hence, it never reached the question of whether Deering Milliken was chargeable with the cost. The Supreme Court held that there might have been an unfair labor practice, depending upon facts which were not in the record, and

---

Footnotes at end of article.

that the Labor Board's opinion was not comprehensive enough to cover the case. It therefore vacated the decision of the Court of Appeals with instruction to send the case back to the Labor Board for further proceedings. On this remand, the Board found unfair labor practices and the Court of Appeals, Judge Haynsworth concurring specially, enforced the order. 397 F. 2d 760 (1968).

In late 1963, the Textile Workers Union of America, on the basis of an anonymous telephone call received by it, forwarded an allegation to Judge Sobeloff, the Chief Judge of the Fourth Circuit, charging improper inducements by Deering Milliken to Judge Haynsworth. Judge Haynsworth asked for a full-scale investigation and consideration, both by the Circuit Judges and the Department of Justice. On February 6, 1964, the Union, after the investigation, withdrew its complaint with warm apologies. The Court of Appeals Judges, after independent investigation, concluded that there was "no warrant whatever" for the charge; and Attorney General Kennedy expressed his "complete confidence" in Judge Haynsworth.

B. Question

Clearly, if there were any basis whatsoever for the anonymous suggestion of improper inducement, Judge Haynsworth would not be considered for any post. But there is not, and we put the call aside as one of those unhappy prices which judges must sometimes pay for the vexation of disappointed litigants.

There remains, however, the question presented in your letter to me as to whether Judge Haynsworth should have disqualified himself in the case.

C. General principles of disqualification

Disqualification is a term generally applied to the process or result by which a judge disengages from participation in a particular case which he would otherwise hear. There is a technical distinction between disqualification or exclusion by force of law, and recusation, or withdrawal at the judge's discretion, but the latter term is now largely obsolete, and I put it aside.[2]

There are two sources of the law of disqualification. The first is the common law. The second is the statutes. But these are to some extent overlaid by the constitutional conception of due process. That is to say, some kinds of disqualification are so absolutely basic that justice would be altogether denied if a judge were allowed to participate in a case. This amounts to what might be regarded as the inner core of disqualification. Surrounding that inner core are the group of further restrictions which are not constitutional, but are simply refinements. Illustrative of the constitutional inner core is the famous case of Dr. Bonham,[3] in which Lord Coke said that not even an Act of Parliament can allow a judge to retain a fine which he levies; the case illustrates the axiom that "No man shall be a judge in his own case."[4] The Bonham principle was followed in 1927, when the Supreme Court held that a judge could not hear a case in which he received a portion of the fine which he might levy.[5] The guiding due process principle was restated by the Supreme Court when it said:

"A fair trial in a fair tribunal is a basic requirement of due process . . . To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome."[6]

At common law, a judge could be disqualified only for interest. This has expanded by decision and statute to cover today three grounds of disqualification—interest, relationship, and bias. Speaking generally for a moment, interest is a personal involvement in the result, as if the judge had an interest in a property being foreclosed. Relationship is a family connection with a party, or perhaps an attorney. Bias is a hostility to a party, as a long personal enmity.[7]

Clearly, those are broad terms, and can take meaning only in concrete cases. Before coming directly to the federal practice, we observe in the country as a whole two conflicting currents on disqualification. In some states, disqualification is easy; in my own, *e.g.*, one may have one change of judge almost for the asking. A simple affidavit will do it. In others, disqualification is hard—one must squarely show interest, relationship, or bias or keep the judge he has.

The federal practice tends to the latter view. Originating in a period of few judges, perhaps one in a state, where disqualification might well mean long delay, casual disqualification was not much welcomed. This is reflected in the two federal statutes:

1. 28 U.S.C. § 455: "Interest of justice or judge.

"Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein."

2. 28 U.S.C. § 144: "Bias or prejudice of judge.

"Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding. . . ." (Remainder immaterial).

One other important generalization. Particularly in the federal practice, the judge has an *equal* duty to disqualify when he should and to sit when he should. "It is a judges' duty to refuse to sit when he is disqualified but it is equally his duty to sit when there is no valid reason" not to; *Edwards* v. *United States*, 334 F. 2d 360, 362, n. 2 (5th Cir. 1964) a case in which the judge clearly regretted that he could not withdraw. This is the general federal view.[8]

D. This case

If Judge Haynsworth were to have disqualified in this case, it would necessarily have been for interest. That is to say, there is no conceivable question of relationship or bias, apart from interest, as those terms are used in the law.[9] We must therefore give close attention to the concept of interest as it exists in disqualification cases.

This permits a sharpening of the general question: Under what circumstances, if any, must a shareholder of a company which has business dealings with a party, disqualify from hearing a case involving that party? For the sake of brevity, we may reach the answer with a series of numbered paragraphs:

1. For our purposes, it is immaterial that Judge Haynsworth was a shareholder in the vending company rather than owner of the company in a personal proprietary capacity. The law of disqualification, in the heavy majority and clearly better view, treats a shareholder as though he individually were the concern in which he holds shares. In other words, if a judge holds shares in a corporation which is in fact a party before him, he should disqualify as much as if he himself were a party.[10] As my study shows, every state and federal court reporting agrees that if the judge has a pecuniary interest in the party, he may not sit.

2. Where the judge has an interest in a non-party, however, the rules are entirely different. This is a necessary concession both to common sense and to the practicalities of modern life. As was noted by an English court in 1572 dealing with the subject of disqualification for relationship. "All the inhabitants of the earth are descended from Adam and Eve, and so are cousins of one another," but "the further removed blood is, the more cool it is."[11] Lines must be drawn somewhere.

Thus at common law, a judge might have disqualified in a case involving taxes in an area in which he paid. But this is not the modern view.[12]

In these non-party cases, the rule of disqualification which has developed is a test of immediacy or remoteness of the interest. The interest must be direct, proximate, inherent in the instant event, and affected by the direct outcome of the particular case.[13] It must be direct, real and certain, and not incidental, remote, contingent, or possible.[14] The interest contemplated is a "pecuniary or beneficial interest" in the case,[15] with equal attention both to the benefit and to its connection with the particular case.[16]

Some cases push this to the point of saying that in order to be disqualified for interest in these third party situations, the judge must be capable of being made an actual party to the case, but this is not the better view, which is that it is sufficient if he has a proprietary interest in the actual result of the actual case.[17]

3. Coming then squarely to the problem of judges who in some manner have financial relations with a party, the question may arise when the judge is connected with a supplier, as here; or in some other fashion is or is connected with a creditor or debtor of the party. These problems have been solved as the foregoing principles clearly foreshadow. If the interest of the judge as creditor or debtor or supplier will in any way be affected by the case, then he must disqualify. Otherwise, he should not. For example, when there is a dispute over a corporate election in Corporation *A*, which in turn has a large claim against Corporation *B*, in which the judge is a shareholder, the judge was held disqualified to pass on the election because he would in effect be choosing who was to be in control of a lawsuit against him.[18] Similarly, where a judge is a stockholder in a bank which is a creditor of plaintiff for a substantial amount, and plaintiff is dependent upon a judgment in the particular case to pay the bank, the judge was disqualified. *Jones v. American Cent. Insurance Co.*, 83 Kan. 44, 109 P. 1077 (1910); and note opposite result where judge is creditor but will not be affected by the result, *Dial v. Martin*, 37 S.W. 2d 166 (Tex. Civ. App. 1931). On the other hand, where there is no direct effect in any meaningful way, the judge is not disqualified. Thus a judge who is a stockholder in a bank which is restrained as a stakeholder but will not be affected by the final outcome was not disqualified.[19]

The Supreme Court of Michigan has emphatically rejected a view that a judge who is a shareholder of a creditor of a party, even on a substantial obligation, is disqualified in the absence of a showing of some direct and precise benefit to the creditor from the case; a suggestion to the contrary is said to have "no foundation in reason."[20]

A leading case very close to the instant situation is *Webb* v. *Town of Eutaw*, 9 Ala. App. 474, 63 So. 687 (1913), in which the judge was a stockholder in a bank to which a party was indebted. The Court, in holding no disqualification, laid down the guiding rule that the mere existence of "a business relation with one of the parties to it is to be regarded as too remote or contingent to constitute a ground of disqualification." The disqualification will exist only where the corporate creditor or the judge who is a stockholder in it "has such a direct and immediate interest in the result of the suit" as to be disqualified.[21]

4. The principles just outlined are codified in the controlling federal statute, 28 U.S.C. § 455; the judge is disqualified "in any case in which he has a substantial interest." This requires a substantiality of interest in the particular case.[22]

Footnotes at end of article.

CONCLUSION

A judge with an interest in a third party which in turn has business relations with a party to a case is not disqualified for interest unless somehow the case directly affects the third party. Any contrary result would lead to impossible consequences. If, hypothetically, a judge owned stock in a major automobile company, he would be disqualified from hearing auto accident cases if a party happened to be a regular purchaser of cars manufactured by "his" concern. In the present case, the issue was a determination of an unfair labor practice involving a subsidiary of a large concern which had no connection except common ancestry with other plants with which Vend-A-Matic did business. Vend-A-Matic's locations were obtained by competitive bidding. It did its business not with Deering Milliken except as it paid for the privilege of installing machines, but with its employees. The proportion of its revenue from this source was slight. There was no issue in the case which related even in the remotest or most fanciful degree to coffee and food distribution by Vend-A-Matic. A review of all of the reported cases on disqualification in the United States shows no instance in which a judge has ever disqualified in circumstances in any way similar to those here.

In the instant case, it was necessary to have all of the judges of the Circuit participate; it was an *en banc* determination. Had Judge Haynsworth not participated, the Court would have been unable to decide the case at all. But regardless of that circumstance, since he was not disqualified, it was under the strict federal rule of duty, his plain responsibility to participate, and he would have shirked his duty if he had not done so. There is "as much obligation upon a judge not to recuse himself when there is no occasion as there is for him to do so when there is." *In re Union Leader Corp.*, 292 F. 2d 381, 391 (1st Cir. 1961), *cert. denied*, 368 U.S. 927 (1961).

Yours very truly,

JOHN P. FRANK.

FOOTNOTES

[1] This is my thirtieth year as a law teacher, lawyer, and author. Politically, I was a strong supporter of President Kennedy, President Johnson, and Vice President Humphrey. In the constitutional field, I believe I filed, with others including the present Solicitor General of the United States, the first brief calling for a total end to school segregation (*Sweatt v. Painter*, 399 U.S. 629 (1950)); was one of the first to advocate the rule which has become one man, one vote ("Political Questions," in *Supreme Court and Supreme Law* 36, 41 (E. Cahn ed. 1954)); consistently advocated the right to counsel rule which culminated in *Gideon v. Wainwright*, 372 U.S. 335 (1963); and was co-counsel on the prevailing side of the confession case of *Miranda v. Arizona*, 384 U.S. 436 (1966). Numerous books and articles reflect an abiding admiration for the work of Justice Hugo L. Black, and my immediately forthcoming work on law reform is dedicated to Chief Justice Earl Warren. I know Judge Haynsworth by virtue of twice having been a guest speaker on current developments in the law of civil procedure at the Fourth Circuit Judicial Conference, over which he presides, and as a fellow member of the American Law Institute.

[2] This was a meaningful distinction in the federal system prior to 1949, when the applicable statute applied only to district judges and not to appellate judges; the appellate judges then frequently applied the statute to themselves. The adoption of 28 U.S.C. § 455 in that year as a general disqualification statute applicable to all judges makes this term of no consequence now. For discussion of these distinctions between House Judiciary Chairman Hobbs and Chief Justice Stone, see *A. Mason, Harlan Fiske Stone* 702–03 (New York: The Viking Press, 1956).

[3] 8 Co. 107a, 77 Eng. Rep. 638 (K.B. 1608).

[4] Co. Litt. 141a.

[5] *Tumey v. Ohio*, 273 U.S. 510 (1927).

[6] *In re Murchison*, 349 U.S. 133, 136 (1955).

[7] For development of these generalizations, see my article.

[8] See *Wolfson v. Palmieri*, 396 F. 2d 121 (2d Cir. 1968); *United States v. Hoffa*, 382 F. 2d 856 (6th Cir. 1967); *In re Union Leader Corp.*, 292 F. 2d 381, 391 (1st Cir. 1961), *cert. denied*, 368 U.S. 927 (1961).

[9] We may for other reasons put side 28 U.S.C. § 144; not only does it relate only to district courts, but it requires an affidavit procedure, and it is restricted to bias.

[10] This is the heavy majority rule; see cases collected at Note, 48 A.L.R. 617, updated in a comprehensive collection at 25 A.L.R. 3d 1331. There are some refinements where the holding is very small; see *e.g., Lampert v. Hollis Music, Inc.*, 105 F. Supp. 3 (E.D.N.Y. 1952) (20 shares on 13,881,016). See also my own article at 56 *Yale L. J.* 605, 637 (1947), reporting that in 33 state and federal courts there is disqualification in such circumstances, but that 2 state and 2 federal courts reported that disqualification might be waived where the holding was very slight, and 1 federal court reported that a judge had sat where the holding was very slight. Nonetheless, the view is overwhelming. There are also refinements not necessary to be considered here when the stock is held by a member of the judge's family; see Note, 4 *Minn. L. Rev.* 301 (1920). And see illustratively, *Goodman v. Wisconsin Elec. Power Co.*, 248 Wis. 52, 20 N.W. 2d 553 (1945).

[11] *Vernon v. Manners*, 2 Plowden 425, 75 Eng. Rep. 639 (K.B. 1572).

[12] My article shows no judges disqualifying because they are taxpayers, and only two areas in which they disqualified because they would be affected by public utility rates.

[13] *Goodspeed* v. *Great Western Power Co. of California*, 19 Cal. App. 2d 435, 65 P. 2d 1342, 1345 (1937).

[14] See cases collected at 48 *C.J.S. Judges* at 1048.

[15] *United States* v. *Bell*, 351 F. 2d 868, 878 (6th Cir. 1965); *Edwardson* v. *State*, 243 Md. 131, 220 A. 2d 547 (1966).

[16] *Beasley* v. *Burt*, 201 Ga. 144, 39 S.E. 2d 51 (1946).

[17] *Hall* v. *Superior Court*, 198 Cal. 373, 245 P. 814 (1926) (judge owns property in an irrigation district immediately involved in litigation); for a view requiring a party capacity, see another California case, *Central Pac. Ry. Co.* v. *Superior Court*, 211 Cal. 706, 296 P. 883, 888–89 (1931). The proper test is whether the third party has a "present proprietary interest in the subject matter." *City of Vallejo* v. *Superior Court*, 199 Cal. 408, 249 P. 1084 (1926). If so, the judge is disqualified or worse. In Anonymous, 1 Salk. 396, 91 Eng. Rep. 343 (K.B. 1698), the judge was "laid by the heels" for sitting in an ejectment case when he was lessor of the plaintiff.

[18] *Bentley* v. *Lucky Friday Extension Mining Co.*, 70 Idaho 511, 223 P.2d 947 (1950).

[19] *Adams* v. *McGehee*, 211 Ga. 498, 86 S.E.2d 525 (1955).

[20] *In re Farber*, 260 Mich. 652, 245 N.W. 793, 795 (1932).

[21] *Id.* at 688. The same problem arises when municipal bodies are called upon to award contracts for public works, and it is frequently held that the mere fact that a municipal officer is a shareholder in a supplier of a contractor is not a disqualification; *O'Neill v. Town of Auburn*, 76 Wash. 207, 135 P. 1000 (1913).

[22] As is said of a third-party involvement under an earlier form of the statute, where the judge as shareholder of a creditor was wholly unaffected by the case, the interest to disqualify may be "so slight or inconsequential that the rights of the parties would be best subserved by his proceeding . . ." *Utz & Dunn Co. v. Regulator Co.*, 213 F. 315, 318 (8th Cir. 1914).

BIOGRAPHICAL DATA OF JOHN P. FRANK

John P. Frank, lawyer and author, was born in Appleton, Wisconsin, in 1917, and received his B.A., M.A. and LL.B. at the University of Wisconsin and his J.S.D. from Yale University. He has held various governmental positions, having been law clerk to Mr. Justice Hugo L. Black at this October, 1942, Term, and having served as an assistant to Secretary of Interior Ickes and as a special Assistant in the Department of Justice under Attorney General Biddle.

Mr. Frank taught law from 1946 to 1954 at Indiana and Yale Universities, specializing in constitutional law, legal history, and procedure, and has been a visiting professor at the University of Washington and the University of Arizona. From 1954 to the present, he has been a member of the firm of Lewis Roca Beauchamp & Linton in Phoenix, Arizona.

Mr. Frank is the author or editor of nine books, largely on legal subjects. These include *Marble Palace* and *The Warren Court*, books on the United States Supreme Court; *Lincoln as a Lawyer;* and *Justice Daniel Dissenting*, a biography of a nineteenth century Supreme Court Justice. His lectures at the opening of the Earl Warren Legal Center at the University of California will shortly be published under the name of *American Law: The Case for Radical Reform*.

Mr. Frank is a member of the Advisory Committee on Civil Procedure of the Judicial Conference of the United States. He is also the author of numerous articles in legal and popular magazines, including *Fortune, Redbook, Reader's Digest*, and others.

Mr. HOLLINGS. He says, at the very beginning, in talking of the duty of a judge to sit:

> One other important generalization. Particularly in the federal practice, the judge has an equal duty to disqualify when he should and to sit when he should. "It is a judge's duty to refuse to sit when he is disqualified but it is equally his duty to sit when there is no valid reason" not to; *Edwards* v. *United States*, 334 F. 2d 360, 362, n. 2 (5th Cir. 1964) a case in which the judge clearly regretted that he could not withdraw. This is the general federal view.

He goes on and finalizes the entire opinion, and Professor Frank states:

> In the instant case, it was necessary to have all of the judges of the Circuit participate; it was an *en banc* determination. Had Judge Haynsworth not participated, the Court would have been unable to decide the case at all. But regardless of that circumstance, since he was not disqualified, it was, under the strict federal rule of duty, his plain responsibility to participate, *and he would have shirked his duty if he had not done so*. There is "as much obligation upon a judge not to recuse himself when there is no occasion as there is for him to do so when there is." *In re Union Leader Corp.*, 292 F. 2d 381, 391 (1st Cir. 1961), *cert. denied*, 368 U.S. 927 (1961).

I will just read the one on ethics, in which he said:

> In the Darlington case, it was his plain responsibility to participate, and he would have shirked his duty if he had not done so.

How many Senators have heard that? In the Darlington case, which the smear is all about, this eminent authority says that if he had not participated, he would have shirked his duty. He says the judge shall sit in such a case. He says there is "as much obligation upon a judge not to recuse when there is no occasion as there is for him to do so when there is."

I understand further inquiry has been made of this gentleman with respect to the matter of the case——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. By the way, Judge Frank's opinion was concurred in by Judge Lawrence Walsh, chairman of the American Bar Association, who has the following background:

> I have been admitted to the bar of New York since 1936, the bar of the Supreme Court since, well, 1950. I have been assistant district attorney and counsel to the Governor of New York, counsel to and director of the New York-Waterfront Commission, New York Harbor. I have been a Federal judge deputy attorney general of the United States.

He now represents the U.S. Government in the negotiations in Paris.

Judge Walsh was chairman of the particular American Bar Association group which examined Judge Haynsworth's qualifications, opinions, and everything else. I quote from Judge Walsh with reference to the Darlington case:

> We believe that there was no conflict of interest in the Darlington case which would have barred Judge Haynsworth from sitting and we also concluded that it was his duty to sit.

They come back to that same conclusion. So it is not one particular man's opinion. This is the general, prevailing authority. In fact, Judge Frank says that if there is authority otherwise, he wishes that they would please point it out for him.

Let us go specifically to the matter of the Grace Line.

S. 2994—INTRODUCTION OF A BILL PROVIDING A JUDGE SHALL ABSTAIN FROM PARTICIPATION IN ANY CASE INVOLVING A PARTY LITIGANT IN WHICH HE HAS ANY INVESTMENT

Mr. HOLLINGS. Mr. President, I introduce a bill at this time and ask that it be referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2994), to amend title 28, section 455, United States Code, introduced by Mr. Hollings, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. HOLLINGS. I should like to read the bill, since it is short:

> That Title 28, Section 455, U.S. Code, is amended by adding at the end of such section the following:
>
> "Ownership by a judge of stock in a corporation which is a party litigant or which owns any interest in a party litigant shall be deemed substantial for the purposes of this section; and a judge shall abstain from participation in any case involving a party litigant in which he has any investment whatever."

Obviously, the thrust of the introduction of this bill is to bring into focus the particular provision of the statute with reference to which Judge Haynsworth would be called back and asked about the Grace Co. case, in which he participated in the per curiam decision. Ipso facto, the question would be whether it was his duty to sit. He would have sat because he would have said, "It was my duty. I would not have been doing my my duty if I had not sat." That is all opposed to the argument that he was insensitive; that he has no regard for his duty. He does have regard for his duty.

The question is one of judicial authority, rather than monetary interest. It is a question of persuasion; whether legally the judge should sit or whether it bars him from coming before the court. The main thing is that the judge has been adhering to the statute in this case. He has been adhering to the ethic.

In the testimony of Judge Frank he states that, with respect to the statute involved and the canon involved, the question raised by the Senator from Indiana (Mr. Bayh) and others, there is no conflict at all, and he has adhered to the particular statute involved with the effect that the judge did not violate the canon.

But I am sure Senators have not had that language read to them from that particular part of his testimony. And I ask unanimous consent to insert an excerpt of his testimony in the Record at this point.

There being no objection, the excerpt from the testimony was ordered to be printed in the Record, as follows:

> Mr. Frank. Because I did not deal with the Canons. Because I think for purposes of the Federal courts they are simply immaterial. They merely are reflective of, in this highly general language of, what is in the Code anyway, and the rule for the Federal judges is adequately, I think, covered by the statutes and the cases and I don't think the Canons really add anything other than a confirming note or echo.

Mr. HOLLINGS. The point is that when asked by Senator Bayh, "What about the canon?" he said:

> The ethic and the statute are consonant. The statute is no more than a clear enunciation of the ethic and the duties that the court has and that the judge has.

In my judgment, he had a particular duty, and there has been no violation of that particular part of the canons of ethics.

There is a feeling in this body—and I know, because I have been talking with Senators—that if you own a share of stock, you ought to disqualify yourself.

Mr. President, the judiciary does not know that. They point to the California case and to the cases by Judge Frank, holding that they have a duty to sit. I want to clarify that, and if the Senator from Indiana wishes to join me as a cosponsor, fine; let us tell the judge exactly what he is expected to do.

To me, this situation is very much like that of the young fellow who went to the psychiatrist, who, in attempting to analyze his problem, drew a circle and asked the young man, "What does that make you think of?"

"Sex," he responded.

The psychiatrist drew a line, and asked the same question.

Again he said, "Sex."

Then the psychiatrist drew a cross, and the young man again replied, "Sex."

Thereupon the psychiatrist turned to him and said: "You have got the most depraved mind I ever saw. All you ever think about is sex."

To which the young man replied: "Who is filthy minded? You are the one drawing the dirty pictures."

Mr. President, who has provided the statute? This body and the House next door, the Congress, with the signature of the President thereon. When a judge adheres to the statute, we say, "By gosh, you are insensitive." We say, "You violated the canons of ethics." We say, "You violated the statute."

Mr. President, that is not the case at all, because the authors, those who have dealt with it—and there is no more eminent authority on judicial disqualification than John P. Frank—in accordance with the decisions of the courts, and with that 30-year-old decision by the American Bar Association, have all held that Judge Haynsworth is in obedience, and that he is not insensitive. He has had a large holding; but we have never said they could not have holdings in stocks.

He is not involved in honorariums. He is not involved in receiving fees, through his clients or through educational institutions. He is not involved with foundations. He is not practicing law while still on the bench. He has made an error in the Brunswick case, but no one says that is really a breach of ethics; it is more a lapse of memory.

By this long, drawn-out proceeding, we cannot get at the facts. We have got to extract it from the hearsay and the rumor, first that they have withdrawn his name, or he has asked that it be withdrawn.

Mr. President, I say that does not provide the answer, nor comport with the dignity of the most deliberative governmental body in this world.

EXHIBIT 1

STATEMENT IN COMMENT ON APPOINTMENT OF JUDGE CLEMENT HAYNSWORTH TO THE SUPREME COURT OF THE UNITED STATES

It is not surprising that a Supreme Court appointment from the South, by a President who campaigned with some degree of criticism of the Warren Court, should attract a measured amount of liberal skepticism. The degree of reaction to Judge Clement Haynsworth's nomination, however, may be quite unworthy of some of the truly fine people who have too quickly given it currency. In those areas of statutory interpretation and constitutional adjudication where the issue is so unsettled that judicial discretion must necessarily play a major role, Judge Haynsworth's record cannot be seen as illiberal.

In Hawkins v. North Carolina Dental Society, Judge Haynsworth authored the court of appeals opinion which desegregated the North Carolina Dental Association, rejecting its claim that it was not subject to the equal protection clause of the 14th Amendment. He joined as well in North Carolina Teachers Association v. Asheboro City Board of Education, reversing a lower federal court which had upheld the displacement of Negro teachers who had lost their jobs to whites when schools were integrated. He also shared the court's decision in Newman v. Piggy Park Enterprises, applying the Civil Rights Act against a claim that insufficient food was sold for consumption on the premises to bring the business within the statute.

In the field of criminal justice, he authored an extraordinarily careful opinion in Rowe v. Peyton, extending the right of prisoners to have their convictions reviewed on habeas corpus—a new development later affirmed by the Supreme Court. He joined in Crawford v. Bounds to protect defendants in capital cases from being sentenced by death-prone juries from which all expressing any reservation to capital punishment had been excluded—a new development also subsequently affirmed by the Supreme Court in a related case. In Pearce v. North Carolina, he applied a constitutional principle newly developed at the federal level in his own circuit to protect defendants from harsher sentences following retrial—again in advance of the Supreme Court which affirmed the decision several months later.

In respect to First Amendment rights, he joined in the first federal decision which struck down a state law restricting the right of university students to hear guest speakers on campus—a principle later expanded by a half-dozen other federal courts and indirectly approved by the Supreme Court in a related case just this year.

On occasion when his opinion has differed conservatively from that of more liberal jurists, it has not been without care or reason. Thus, his conclusion in Baines v. City of Danville that only an extraordinary kind of civil rights case could be removed from a state court to a federal court was accompanied by a painstaking analysis with which a majority of the Supreme Court subsequently agreed in Peacock v. City of Greenville. Similarly, his conclusion in Warden v. Hayden that an otherwise constitutional search is not unreasonable because its object is only to secure evidence of a crime was also subsequently shared by a majority of the Supreme Court.

I do not submit that these decisions warrant that Judge Haynsworth will be a "liberal" justice. His record on the court of appeals does not—and in the nature of things could not—enable us to predict his votes in the substantially different role of associate supreme court justice. They do indicate, however, that he is an able and conscientious man who will approach his duties on the Supreme Court with a spirit of open-mindedness as well as an appreciation of the difficulties of the judicial process.

EXHIBIT 2

STATEMENT OF CHARLES ALAN WRIGHT

My name is Charles Alan Wright. I am Charles T. McCormick Professor of Law at The University of Texas. I come to support the nomination of Judge Haynsworth to the Supreme Court.

For more than twenty years my professional specialty has been observing closely, and teaching and writing about, the work of the federal courts. From 1950 to 1955 I was a member of the faculty at the University of Minnesota Law School and I have been at The University of Texas since that time. I was a visiting professor at the University of Pennsylvania Law School in 1959–60, at the Harvard Law School in 1964–65, and at the Yale Law School in 1968–69. I regularly teach courses in Federal Courts and in Constitutional Law, a seminar in Federal Courts, and a seminar on the Supreme Court. Since 1964 I have been a member of the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States and prior to that time was a member of the Advisory Committee on Civil Rules. I was Reporter for the recently-completed Study of Division of Jurisdiction between State and Federal Courts made by the American Law Institute.

My writings include a seven-volume revision of the Barron and Holtzoff Treatise on Federal Practice and Procedure. That set of books is now being supplanted by a new treatise on the same subject. Publication of the new treatise began in February of this year with my three volumes on criminal practice and procedure, and the first of the volumes on civil litigation, which I am writing in collaboration with Professor Arthur R. Miller, was published in April. In addition I am the author of a one-volume hornbook, *Wright on Federal Courts*, a second edition of which is now at the publisher's, and, in collaboration with two others, am the author of the Fourth Edition of *Cases on Federal Courts*.

With this professional interest, and with these writing commitments, I necessarily study with care all of the decisions of the federal courts, and inevitably form judgments about the personnel of those courts. We are fortunate that federal judges are, on the whole, men of very high caliber and great ability. Among even so able a group, Clement Haynsworth stands out. Long before I ever met him, I had come to admire him from his writings as I had seen them in *Federal Reporter*.

Some of the criticisms of Judge Haynsworth that I have read in the press seem to me to fail to take into account the difference between the role of a Justice of the Supreme Court and that of a judge of an inferior court. In the first place, the nature of the work is different. The Supreme Court today is necessarily a public law Court, with almost all of its time devoted to momentous cases involving the interpretation and application of the Constitution and the statutes of the United States. In a court of appeals, such as the Fourth Circuit, there is much more private litigation, of interest only to the parties in the case, and many more cases of a kind that the Supreme Court rarely reviews, such as the construction of a particular patent, award of compensation in an eminent domain proceeding, the niceties of the Bankruptcy Act, sufficiency of the evidence in a personal injury case, and the meaning of state law in a diversity case. To form a judgment about Judge Haynsworth based only on his opinions in the comparatively few cases in which he has participated that are of the sort he is likely to hear on the Supreme Court is to ignore the vast body of his work and thus to risk forming a mistaken impression of his judicial qualities and of his conception of the role of a judge. To avoid falling into that same error myself, I have gone back in the last several weeks and looked at every opinion in which he has participated, opinions covering a span of 12 years and 167 volumes of *Federal Reporter*.

Second, it must be remembered that the function of a lower court judge is to apply the law as the Supreme Court has announced it, except for those rare instances in which there is solid reason to believe that the Supreme Court itself would no longer adhere to an old decision. He cannot disregard an authoritative Supreme Court precedent no matter how deeply he may feel that the highest tribunal has erred. At the same time, as Learned Hand once observed, he must be slow to embrace "the exhilarating opportunity of anticipating a doctrine which may be in the womb of time, but whose birth is distant * * *" [*Spector Motor Service* v. *Wash*, 139 F. 2d 809, 823 (2d Cir. 1944) (dissenting opinion).] The example of John J. Parker shows what a tragic mistake it can be to suppose that the opinions of a conscientious and law-abiding lower court judge necessarily reflect his own understanding of the Constitution and the laws. Even those who think, as I emphatically do not, that it is proper to assess a judge on the basis of whether the results he has reached are in accord with one's own preferences should be careful, in reviewing the record of a lower court judge, to consider particular results in the context of what the law, as the Supreme Court had announced it, was at the time the case came down.

Let me give one example of the point I have just made. In 1960 Judge Haynsworth joined with Judges Sobeloff and Boreman in a short per curiam opinion. A plaintiff was arguing that state law denying an illegitimate child the right to inherit from his father was a denial of the equal protection of the laws to illegitimate persons. The court said that this argument was "so manifestly without merit" that it did not present a substantial federal question and the federal courts had no jurisdiction. [*Walker* v. *Walker*, 274 F. 2d 425 (4th Cir. 1960).] The decision seems strange, and probably wrong, when read today. In the light of the Supreme Court's decision that it is a denial of equal protection to refuse to allow an illegitimate child to recover for the wrongful death of its mother, the argument made to the Fourth Circuit in 1960 today certainly presents at the least a substantial federal question. But the Supreme Court decision did not come down until 1968 [*Levy* v. *Louisiana*, 391 U.S. 68 (1968)], and it is difficult to criticize lower court judges for failing to anticipate, eight years in advance, a Supreme Court decision that, when it finally came down, was criticized by three members of the Supreme Court as a "constitutional curiosit[y]" achieved only by "brute force." [*Id.* at 76.] I suggest the same point is equally applicable in other areas of the law.

There are judges who have been great essayists. We remember persons such as Justice Cardozo and Judge Learned Hand as much for their contributions to literature as for their contributions to law. Judge Haynsworth is not of this number. Very rarely does he indulge himself in a well-turned epigram or in quotable rhetoric. Instead his opinions are direct and lucid explanations of the process by which he has reached a conclusion. He faces squarely the difficulties a case presents but he resists the temptation to speculate about related matters not necessary to decision. There is one case in which, though affirming a decision, he wrote for more than a page about the "slovenly practices in offices of District Attorneys which come to our attention much too frequently" in connection with the drafting of indictments [*United States* v. *Roberts*, 296 F.2d 198, 201–202 (4th Cir. 1961)], but in this instance he was expressly authorized to speak for all of the judges of the Fourth Circuit, and not merely those on the panel, and the warning he uttered was a useful one in reducing the opportunity for attack in future criminal cases. On reading Judge Haynsworth's opinions I am reminded of Justice Jackson's classic advice to district judges about Judge Learned Hand and his cousin, Judge Augustus Hand. Justice Jackson said: "Always quote Learned and follow Gus." [Quoted in Clark, *Augustus Noble Hand*, 68 HARV.L.REV. 1113, 1114 (1955)]. If Judge Haynsworth's opinions are not quotable, they are easy to follow.

It would be very hard to characterize Judge Haynsworth as a "conservative" or a "liberal"—whatever these terms may mean—because the most striking impression one gets from his writing is of a highly disciplined attempt to apply the law as he understands it, rather than to yield to his own policy preferences. Thus in one case he felt compelled to hold that sovereign immunity barred any relief for a wrong committed by the National Park Service. In doing so, he wrote: "If some of us, appraising the policy considerations, were inclined to assign a more restricted role to the doctrine of sovereign immunity in this area, we could not follow our inclination when the Supreme Court, clearly and currently, is leading us in the other direction." [*Switzerland Co.* v. *Udall*, 337 F. 2d 56, 61 (4th Cir. 1964).)] When the Board of Supervisors of Prince Edward County made midnight disbursements of tuition grants so that the money would be gone before the Fourth Circuit had an opportunity to rule on the legality of this action, Judge Haynsworth thought that their conduct was "unconscionable" and "contemptible," but, unlike the majority of his court, he could not find it "comtemptuous and punishable as such" since they had violated no court order in distributing the funds. [*Griffin* v. *County School Board of Prince Edward County*, 363 F.2d 206, 213, 215 (4th Cir. 1966) (dissenting opinion).] Many lawyers would agree.

Judge Haynsworth shows a considerable respect for precedent, and has felt bound by decisions that he thought incorrect [*Eaton* v. *Grubbs*, 329 F. 2d 710, 715 (4th Cir. 1964], but he insists that precedents be used with discrimination. In his first dissenting opinion he objected that the majority had applied language of other cases out of context and said "at least, if disembodied language is to be applied to a dissimilar question, it should not be regarded as controlling." [*Cooner* v. *United States*, 276 F. 2d 220, 238 (4th Cir. 1960) (dissenting opinion). See also *United States v. Bond*, 279 F. 2d 837, 848 (4th Cir. 1960) (dissenting opinion).] In a well-known later case he objected to the majority's reliance on the old and discredited rule that law officers may seize contraband or the instrumentalities of a crime but may not seize evidence of the crime, saying that "the language the Supreme Court has employed must be read in the light of what it has held." [*Hayden v. Warden, Maryland Penitentiary*, 363 F. 2d 647, 657 (4th Cir. 1966) (separate opinion).] He went on to make the argument that since the standards for use of confessions are being stiffened, the police must rely increasingly on scientific investigation of crime, and that they cannot do this if they are denied access to evidence that may be subjected to scientific analysis. The view he took there was vindicated when the case reached the Supreme Court, and that Court discarded the "mere evidence" rule. [*Warden, Maryland Penitentiary* v. *Hayden*, 387 U.S. 294 (1967).]

In another case he held, contrary to an old Supreme Court decision, that habeas corpus would lie to attack a sentence that the prisoner was to serve in the future. He said: "This Court, of course, must follow the Supreme Court, but there are occasional situations in which subsequent Supreme Court opinions have so eroded an older case, without explicitly overruling it, as to warrant a subordinate court in pursuing what it conceives to be a clearly defined new lead from the Supreme Court to a conclusion inconsistent with an older Supreme Court case." [*Rowe* v. *Peyton*, 383 F. 2d 709, 714 (4th Cir. 1967).] His prediction that the old case was so eroded that it would no longer be followed was proved accurate when the Supreme Court unanimously affirmed his decision. [*Peyton* v. *Rowe*, 391 U.S. 54 (1968).]

In that same habeas corpus case he showed, as he has throughout his judicial career, an awareness that law is not static and that changing times may require different solutions for problems. He pointed out how the nature of habeas corpus has changed since the great Writ was first developed and said: "The problem we face simply did not exist in the Seventeenth Century. Now that recently it has arisen, if there is a substantive right crying for a remedy, it seems most inappropriate to approach a solution in terms of a Seventeenth Century technical conception which had no relation to the context in which today's problem arises." [383 F. 2d at 713–714.] This has been a consistent theme in Judge Haynsworth's opinions. In his first year on the bench, in a case holding that a medical examiner's certificate showing the percentage of alcohol in a defendant's blood was admissible, he wrote that the Confrontation Clause of the Sixth Amendment was not intended "to serve as a rigid and inflexible barrier against the orderly development of reasonable and necessary exceptions to the hearsay rule." [*Kay* v. *United States*, 255 F. 2d 476, 480 (4th Cir. 1958)]. Only last year, in an important opinion for his court adopting a new test of insanity, he emphasized the need for "judicial reassessment of notions too long held uncritically and of a verbal formalism too long parrotted." [*United States* v. *Chandler*, 393 F.2d 920, 925 (4th Cir. 1968)].

The same respectful but discriminating approach Judge Haynsworth shows in the use of precedents is evident when the problem is one of construing a statute. He does not make a fortress of the dictionary. He insists, instead, on construing statutes in a fashion that will "effectuate the apparent purpose and intention of the Congress" [*Cross & Blackwell Co.* v. *F.T.C.*, 262 F. 2d 600, 605 (4th Cir. 1959)], and has refused "to adopt a literal interpretation of this statute without regard to its purpose or the extraordinary result to which it would lead." [*Alvord* v. *C.I.R.*, 277 F.2d 713, 719 (4th Cir. 1960). See also *Baines* v. *City of Danville*, 337 F.2d 579, 593 (4th Cir. 1964), *affirmed*, 384 U.S. 590 (1966).]

Another consistent theme in Judge Haynsworth's writings is his belief that it is not the function of an appellate court to make findings of fact. Both in civil and in criminal cases he shows great faith in the jury system. In an extermely important decision earlier this year he said that "faith in the ability of a jury, selected from a cross-section of the community, to choose wisely among competing rational inferences in the resolution of factual questions lies at the heart of the federal judicial system." [*Wratchford* v. *S. J. Groves & Sons Co.*, 405 F.2d 1061, 1065 (4th Cir. 1969).] This is merely the latest expression of an attitude he has had as long as he has been on the bench. [See, *e.g.*, *Dixon* v. *Virginian Ry. Co.*, 250 F.2d 460, 462 (4th Cir. 1957).] He has been quick to hold that there must be a new trial if there was any possibility that an improper influence might have been brought to bear on the jury. [*Holmes* v. *United States*, 284 F.2d 716 (4th Cir. 1960); *Thomas* v. *Peerless Mattress Co.*, 284 F.2d 721 (4th Cir. 1960); *United States* v. *Rogers*, 289 F.2d 433 (4th Cir. 1961); *United States* v. *Virginia Erection Corp.*, 335 F.2d 868 (4th Cir. 1964).] Long before the Supreme Court came to a similar conclusion [*Bruton* v. *United States*, 391 U.S. 123 (1968)], he showed a proper skepticism about the efficacy of instructions cautioning a jury that a confession is admissible against one defendant but not against another and called for the routine adoption of practices that would give greater protection to the codefendant. [*Ward* v. *United States*, 288 F.2d 820 (4th Cir. 1960).] He has recognized, too, that jurors can be swayed by prejudice, and has held that when Negro defendants were on trial counsel must be given an opportunity to explore whether any members of the jury panel belonged to organizations that might suggest prejudices against Negroes. [*Smith* v. *United States*, 262 F.2d 51 (4th Cir. 1958).]

The jury occupies a significant constitutional role in our system, but even when it is a judge rather than a jury who has found the facts, Judge Haynsworth has thought that great weight should be given to the findings and that the appellate court should not substitute its own view of the facts for that taken by the district judge. [*Hall* v. *Warden, Maryland Penitentiary*, 313 F. 2d 483, 497 (4th Cir. 1963) (dissenting opinion); *United States* v. *Ellicott*, 336 F. 2d 868, 872–874 (4th Cir. 1964) (dissenting opinion).]

Finally, Judge Haynsworth respects the place of the states, and of the state judiciaries, in our form of government. Indeed he has been reversed by the Supreme Court for deferring too much to the state courts. [*Griffin* v. *Board of Supervisors of Prince Edward County*, 322 F. 2d 332 (4th Cir. 1964), *reversed*, 377 U.S. 218 (1964).] At the same time he has insisted on the independence of the federal courts. In an important decision he wrote that a state may not "deny the judicial power the states conferred upon the United States when they ratified the Constitution or thwart its exercise within the limits of congressional authorization." [*Markham* v. *City of Newport News*, 292 F. 2d 711, 713 (4th Cir. 1964).] This was in keeping with his voiced "concern for the perpetuation of an independent federal judicial system * * *." [*Wratchford* v. *S. J. Groves & Sons Co.*, 405 F. 2d 1061, 1066 (4th Cir. 1969).]

History teaches us that it is folly to suppose that anyone can predict in advance what kind of a record a particular person will make as a Justice of the Supreme Court. The awesome and lonely responsibility that the Justices have in considering the great issues that come before them has made them, in many instances, different men than they were before. All that one can properly undertake, in assessing a nominee to that Court, is to consider whether he has the intelligence, the ability, the character, the temperament, and the judiciousness that are essential in the important work he will be called upon to perform. Clement Haynsworth has shown in twelve years on the circuit court bench that he possesses all of these qualities in great measure. I hope that he will be quickly confirmed.

Thank you.

SUPPLEMENTAL STATEMENT OF CHARLES ALAN WRIGHT

On September 3d I sent to the Judiciary Committee copies of the prepared text of the testimony I expected to give in the hearing then scheduled for September 9th. The postponement of the hearing because of the regrettable death of Senator Dirksen and the delay in my own appearance before the Committee has made it possible for me to give further study to the cases in which Judge Haynsworth has participated and analyze in closer detail his philosophy in particular areas of the law to the extent that this is disclosed by his votes and his opinions. My attention has centered on the areas of criminal procedure and freedom of expression.

I continue to believe, as my original statement indicates, that it is impossible to know in advance what the voting record will be of any appointee to the Supreme Court and that it is especially treacherous to attempt to make such an advance assessment on the basis of what a man has done as a judge of a lower court prior to appointment to the Supreme Court. On many issues the record will be silent simply because the lower court judge has never been confronted with those issues. For one example, the meaning of the Establishment and Free Exercise Clauses of the First Amendment has never, so far as I can find, come up in any case in which Judge Haynsworth has participated. There are other important areas of the law of which this is equally true. Even where a lower court judge has been confronted with a particular issue he has done so as a judge writing within the framework of relevant Supreme Court decisions and not as a free agent.

For these reasons the remarks that follow are a description of the record of Judge Haynsworth. They are not an attempt to predict the record of Justice Haynsworth.

Few, if any, areas of the law are the subject of more controversy today than that of criminal procedure. It is an area of special interest to me because, as I noted in my original statement, earlier this year I published a three-volume treatise on federal criminal procedure. In the Preface to that treatise I said: "I freely confess to one bias. I admire and respect the Supreme Court of the United States." [1 Wright, *Federal Practice and Procedure: Criminal* viii (1968).] It is with that bias that I reviewed the criminal cases in which Judge Haynsworth has participated.

The overall impression that I get from these cases is that of an intensely practical approach to criminal procedure. This approach is hardly surprising in a judge who has expressed in many ways and in many contexts the thought that "Theoretical abstractions are of no help. Our conclusion must be founded upon practical considerations." [*United States* v. *Southern Ry. Co.*, 341 F.2d 669, 671 (4th Cir. 1956).] Judge Haynsworth has been in the vanguard, often ahead of the Supreme Court, in protecting persons accused of a crime against any tilting of the scales of justice that might lead to the conviction of an innocent man. At the same time he has been reluctant to set free a person who is undoubtedly guilty because of some minor imperfection, saying that this is "too high a price to pay for indulgence of a sentimentalism." [*United States* v. *Slaughter*, 366 F.2d 833, 847 (4th Cir. 1966) (dissenting opinion).] Let me give illustrations of the cases that have led me to these conclusions.

One area of potential abuse in criminal procedure, in which there is a very real danger of convicting the innocent, is where several defendants are tried at the same time. There is substantial risk that the guilt of one defendant will rub off on another and that the jury will not make an independent evaluation of the evidence against each defendant.

In 1968 the Supreme Court reduced a part of this risk when it ruled that two defendants cannot be tried together if one has made a confession implicating the other unless precautions have been taken to protect the right of confrontation of the defendant who has not confessed. [*Bruton* v. *United States*, 391 U.S. 123 (1968).] Eight years before that decision Judge Haynsworth had written of the need for precautions of this kind and had said that "in the normal case, such a precaution should be taken routinely." [*Ward* v. *United States*, 288 F. 2d 820, 823 (4th Cir. 1960).] Even prior to that case Judge Haynsworth had concurred in one of the leading opinions on joinder of defendants, *Ingram* v. *United States* [272 F. 2d 567 (4th Cir. 1959)]. The holding in *Ingram* is that joinder of defendants is not permissible unless the requirements of the Rules of Criminal Procedure on joinder are satisfied, and that "it is not 'harmless error' to violate a fundamental procedural rule designed to prevent 'mass trials.'" [*Id.* at 570-571.] The *Ingram* decision seems to me demonstrably sound and I regret that the Second Circuit, in an opinion by Judge Friendly, has reached a contrary result. [*United States* v. *Granello*, 365 F. 2d 990 (2d Cir. 1966). See 1 Wright, Federal Practice and Procedure: Criminal 327-329 (1969).]

The right to a speedy trial is one of the important protections in criminal procedure, secured by the Sixth Amendment. For many years this right had been effectively denied to many defendants because the cases held that a state was under no obligation to try a defendant who was in a federal prison or the prison of another state on some other charge. The Supreme Court announced a different rule earlier this year, in a case in which I had the honor to be appointed by the Court as counsel for the indigent prisoner. [*Smith* v. *Hooey*, 393 U.S. 374 (1969).] It ruled that a state must make a good faith effort to have a defendant confined elsewhere returned for trial on the charges pending in the state.

Judge Haynsworth had joined in an opinion a year earlier anticipating the result the Supreme Court was later to reach [*Pitts* v. *North Carolina*, 395 F.2d 182 (4th Cir. 1968)], and only a few days before the Supreme Court decision he wrote the opinion for an en banc court liberalizing the use of habeas corpus, despite some serious technical difficulties, in order to provide a remedy for state prisoners who wish to enforce their right to be tried by another state. [*Word* v. *North Carolina*, 406 F.2d 352 (4th Cir. 1969).]

This term the Supreme Court also put teeth in the requirements of Criminal Rule 11 with regard to guilty pleas, by holding that the judge must personally address the defendant and determine that the plea is being made voluntarily and with an understanding of the nature of the charge. [*McCarthy* v. *United States*, 394 U.S. 459 (1969).] This came as no new doctrine in the Fourth Circuit, where the court, speaking through Judge Haynsworth, has long recognized a similar doctrine and held that Rule 11 "requires something more than conclusionary questions phrased in the language of the rule. It contemplates such an inquiry as will develop the underlying facts from which the court will draw its own conclusion." [*United States* v. *Kincaid*, 362 F.2d 939, 941 (4th Cir. 1966).]

One of the major decisions of the final decision day of the Warren Court was *North Carolina* v. *Pearce* [395 U.S. 711 (1969)], severely restricting the power of a judge to give a defendant who has had a first conviction set aside a more severe sentence after a second conviction on the same charge. The decision there affirmed by the Supreme Court was one in which Judge Haynsworth had joined [*Pearce* v. *North Carolina*, 397 F.2d 253 (4th Cir. 1968)], and indeed another decision in which he concurred, holding that the same rule applies even when the second sentence is imposed by a jury rather than by a judge [*May* v. *Peyton*, 398 F.2d 476 (4th Cir. 1968)], speaks to a question on which the Supreme Court is still silent and may well go beyond what the Supreme Court will require.

Judge Haynsworth's concern for the sentencing process is evident in still another case. The usual rule is that an appellate court may not consider the length of a sentence provided that it is within statutory limits. The Senate has passed a bill that would change this rule but to date it remains the rule. It would seem to follow that the length of a sentence within statutory limits may not be challenged collaterally by a motion under 28 U.S.C. § 2255. But the Fourth Circuit, in an opinion in which Judge Haynsworth joined, held that this rule must yield where they are exceptional circumstances, and that there were such circumstances, and § 2255 relief was available, where the judge had given the maximum sentence authorized by statute under the mistaken impression that he had no discretion to give a lesser sentence [*United States* v. *Lewis*, 392 F. 2d 440 (4th Cir. 1968).]

In 1966 the Fourth Circuit, sitting en banc, held unanimously that the method by which the police had had the victim of a crime identify the voice of a suspect was so suggestive that to allow evidence of the identification into evidence was a denial of due process. [*Palmer* v. *Peyton*, 359 F. 2d 199 (4th Cir. 1966).] That decision was cited approvingly by the Supreme Court a year later [*Stovall* v. *Denno*, 388 U.S. 293, 302 (1967)], and the Court has subsequently set aside a conviction on this ground. [*Foster* v. *California*, 394 U.S. 440 (1969).]

Judge Haynsworth has taken a generous view of the right to bail. Years ago he joined in an opinion holding that "normally bail should be allowed pending appeal, and it is only in an unusual case that denial is justified." [*Rhodes* v. *United States*, 275 F. 2d 78, 82 (4th Cir. 1960).] More recently he wrote an opinion holding, over vigorous dissent, that a federal court had properly released Rap Brown on his own recognizance from state custody on an extradition warrant. [*Brown* v. *Fogel*, 387 F. 2d 692 (4th Cir. 1967).]

Judge Haynsworth has detected violations of due process both where counsel was not provided an indigent for more than three months after his arrest [*Timmons* v. *Peyton*, 360 F.2d 327 (4th Cir. 1966)], and where defendant was brought to trial three and a half hours after indictment and there was insufficient time for appointed counsel to investigate the case. [*Martin* v. *Commonwealth*, 365 F.2d 549 (4th Cir. 1966).] He also voted to grant habeas corpus on the ground that the prosecuting attorney in a state case had had a conflict of interest since at the same time he was prosecuting the defendant he represented the defendant's wife in a divorce proceeding. [*Ganger* v. *Peyton*, 379 F.2d 709 (4th Cir. 1967).]

One of Judge Haynsworth's opinions reverses a criminal conviction because the judge had given an unbalanced version of the "Allen charge"—or "dynamite charge" as it is known in my part of the country. [*United States* v. *Smith*, 353 F.2d 166 (4th Cir. 1965).] See also *United States* v. *Rogers*, 289 F.2d 433 (4th Cir. 1961). The case is particularly interesting because there had been no objection to the charge in the district court, as is normally required for the appellate court to consider the point, but the danger that even the pure "Allen charge" will coerce a divided jury into convicting a person is so great [2 Wright, *Federal Practice and Procedure: Criminal* § 902 (1969)] that Judge Haynsworth concluded that a one-sided version of that charge was "plain error" that the appellate court might notice on its own motion.

Senator Tydings has called attention earlier in these hearings to Judge Haynsworth's splendid opinion in *United States* v. *Chandler* [393 F.2d 920 (4th Cir. 1968)], in which he rejected an antiquated test of mental responsibility and adopted for his circuit a new test more consonant with modern psychiatric knowledge.

There is an interesting passage in one of Judge Haynsworth's earliest opinions in which he wrote: "However compelling our conviction that Call has been guilty of wrongdoing, we may not affirm his conviction as a co-conspirator unless the evidence is reasonably susceptible of the inference that he knew of the conspiracy." [*Call* v. *United States*, 265 F. 2d 167, 172 (4th Cir. 1959).] The principle that a defendant may not be convicted because he is a bad man, but only if he committed the crime for which he is indicted, is one of great importance.

Judge Haynsworth has done much to remove shackles on the writ of habeas corpus and to make it freely available to those who claim that they have been denied their constitutional rights. At page 6 of my original statement I have discussed his best known case in this area, *Rowe* v. *Peyton* [383 F. 2d 709 (4th Cir. 1967), affirmed 391 U.S. 54 (1968)], in which he correctly anticipated that the Supreme Court would no longer follow its earlier precedent holding that a prisoner in custody under one sentence could not challenge another sentence he was to serve in the future. In his opinion in that case he combines great scholarship with the practical approach that is a major theme in all of his opinions. A formalistic approach to the statutory requirement that a prisoner be "in custody" would harm both the prisoner and the state. "It is to the great interest of the Commonwealth and to the prisoner to have these matters determined as soon as possible when there is the greatest likelihood the truth of the matter may be established. Justice delayed for want of a procedural, remedial device over a period of many years is, indeed, justice denied to the prisoner and, in an even larger degree, to Virginia." [383 F. 2d at 715.]

But *Rowe* stands far from alone. Judge Haynsworth has written that the statutory requirement that state remedies be exhausted does not bar relief when the state court has decided the identical substantive point in a case involving another prisoner and pursuit of the state remedies, therefore, would be futile. [*Evans* v. *Cunningham*, 335 F.2d 491 (4th Cir. 1964).] He has held that petitions by prisoners are not to be read with a hostile eye and that "claims of legal substance should not be forfeited because of a failure to state them with technical precision." [*Coleman* v. *Peyton*, 340 F.2d 603, 604 (4th Cir. 1965).] The district court, on habeas corpus, is not bound by a wholly conclusionary finding by the state court [*Outing* v. *North Carolina*, 344 F.2d 105 (4th Cir. 1965)] nor may it accept the historical facts as found by the state court if the state court had no adequate basis for its findings. [*McCloskey* v. *Barlow*, 349 F.2d 119 (4th Cir. 1965).] In many ways the most interesting of the Haynsworth opinions on habeas corpus, other than the *Rowe* case, is *White* v. *Pepersack* [352 F.2d 470 (4th Cir. 1965).] A state court defendant, charged with first degree murder, had taken the stand and admitted the killing but testified to facts that would, if believed, show that it was not premeditated and that he could be convicted only of some lesser offense. The district court held that defendant's admission was tantamount to a plea of guilty and barred him from seeking habeas corpus on the grounds of an illegal search, an involuntary confession, and use of perjured testimony. The Fourth Circuit held to the contrary. In his opinion for the court, Judge Haynsworth wrote that defendant's testimony was surely not a plea of guilty to first degree murder and pointed out that if the state court had found the defendant guilty of second degree murder and imposed an appropriate sentence defendant himself might well have accepted his punishment as proper. Judge Haynsworth then said:

"Extended judicial inquiry, with all of its expense and delay, is the natural product of overconstruction of a defendant's admissions and the imposition of an inappropriate sentence. The flood of postconviction cases in state and federal courts will be stemmed only if justice is made to shine more brightly in the trial courts."

[*Id.* at 473.] The decision is reminiscent of an earlier one in which he had criticized slovenly practices in drawing indictments on the part of some United States attorneys and pointed out that the consequence of such practice is "the needless expenditure of much time and effort by [the United States Attorney], by defendants and their counsel and by the courts. Here, as in most situations, much waste could be avoided by an initial exercise of reasonable care." [*United States* v. *Roberts*, 296 F. 2d 198, 202 (4th Cir. 1961).]

It seems to me clear that Judge Haynsworth has clearly shown his unwillingness to tolerate procedures in criminal cases that taint the factfinding process or that cast doubt on the fairness of the proceeding or that unreasonably clog claims of constitutional right. In one case he wrote:

"Current astuteness in the protection of individual rights is not at odds with the interests of a society which places high values upon liberty and justice and freedom and fairness. It is the cornerstone of such a society."

[*Smallwood* v. *Warden, Maryland Penitentiary*, 367 F. 2d 945, 952 (4th Cir. 1966) (dissenting opinion).] Judge Haynsworth's whole record on the bench of the court of appeals demonstrates that that remark is not empty rhetoric but a statement of deeply felt conviction.

Some of the rules that the Supreme Court has laid down in criminal cases are not concerned with assuring a correct result or with preserving fairness in the proceeding but are intended to deter practices by those responsible for law enforcement that have been found to be inconsistent with the values of our free society. Judge Haynsworth has not been unmindful of this function of the courts. He had been on the bench barely a year when he joined in an opinion in which the court gave a broad reading to the then-recent decision in *Mallory* v. *United States* [354 U.S. 449 (1957)], and said:

"The teaching of the Mallory case is that insistence on strict compliance with Rule 5(a) is necessary to discourage police from the use of third degree methods, and that only in that way will the opportunity and the temptation be denied them. Unnecessarily prolonged detention before bringing the accused to a Commissioner or other judicial officer, to give police opportunity to extract a confession, is odious to our federal criminal jurisprudence * * *. [*Armpriester* v. *United States*, 256 F. 2d 294, 296 (4th Cir. 1958).]"

He wrote for his court in holding that the *Miranda* rules apply to custodial questioning even though the defendant was not formally under arrest. A dissenter argued that the majority was giving an overdrawn reading to *Miranda* and that the decision was "indeed a blow to law enforcement," but Judge Haynsworth said: "If the arresting officer's failure to make a formal declaration of arrest were held conclusive to the contrary, the rights afforded by *Miranda* would be fragile things indeed." [*United States* v. *Pierce*, 397 F. 2d 128, 130 (4th Cir. 1968).]

One other case about which Senator Tydings has already commented shows Judge Haynsworth's sensitivity to the role of the courts in deterring improper law enforcement practices. The case is *Lankford* v. *Gelston* [364 F. 2d 197 (4th Cir. 1966)]. The court en banc held unanimously, in a fine opinion by Judge Sobeloff, that an injunction should issue to prevent the Baltimore police from making blanket searches on uncorroborated anonymous tips. Most of the homes searched were occupied by Negroes. The court took note of the deteriorating relations between the Negro community and the police in Baltimore and said that "it is of the highest importance to community morale that the courts shall give firm and effective reassurance, especially to those who feel that they have been harassed by reason of their color or their poverty." The court took note of the serious problems of law enforcement but it said:

"Law observance by the police cannot be divorced from law enforcement. When official conduct feeds a sense of injustice, raises barriers between the department and segments of the community, and breeds disrespect for the law, the difficulties of law enforcement are multiplied."

[*Id.* at 204.]

I spoke at the outset of the very practical approach Judge Haynsworth takes to problems of criminal procedure. Law enforcement is a deadly serious matter and of great importance to all parts of society. It is not a game in which the police are to be called "out" for failure to touch every base.

The *Hayden* case, discussed at page 6 of my original statement, illustrates this. There Judge Haynsworth indicated his disagreement with the majority of the court in its adherence to the old rule that "mere evidence" may not be the object of a lawful search, and the Supreme Court, in reversing the decision, agreed with him. [*Hayden* v. *Warden, Maryland Penitentiary*, 363 F. 2d 647, 657–658 (4th Cir. 1966) (separate opinion), reversed 387 U.S. 294 (1967).] The "mere evidence" rule was an outdated relic of a former era. It stemmed from property law conceptions about search and seizure while today the Fourth Amendment is recognized as protecting an interest in privacy rather than interests in property. As a practical matter, the rule was a needless hobble on the police while at the same time it gave no substantial protection to the right of the people to be secure from unreasonable searches. Police could, and did, seize much evidence on the ground that it was a fruit of the crime, or contraband, or an instrumentality of crime, and thus properly the subject of a search. Only occasionally did a criminal defendant receive an unexpected windfall when a court was unable to bring particular evidence into one of these categories and was forced to exclude it. [See 3 Wright, *Federal Practice and Procedure: Criminal* § 664 (1969).] The rule had no reason for existence today and Judge Haynsworth was right, as the Supreme Court held, in believing that the time had come to discard it.

The practicality of his approach is evident also in a dissent he wrote in a case in which the majority held that a confession was involuntary. [*Smallwood* v. *Warden, Maryland Penitentiary*, 367 F. 2d 945 (4th Cir. 1966).] Judge Haynsworth thought that the circumstances in the case were far milder than in any case in which the Supreme Court had found a confession involuntary, but his principal argument was that it was pointless to test a 1953 confession by 1966 standards. The practices the police followed were practices that the Supreme Court in 1953, and for some years thereafter, approved. The police at that time could not have anticipated the change in standards that was later to evolve. Nor would setting the prisoner free in 1966 assist the police today in understanding their duty. The later Supreme Court decisions, and *Miranda* in particular, inform the police more authoritatively than would a decision of the Fourth Circuit. All of these considerations led Judge Haynsworth to say:

"It is not fair to the states or to the public to vacate judgments as old as this one on the basis of evolving constitutional standards which could not have been reasonably anticipated by the police at the time they acted."

[*Id.* at 952.] His view did not prevail in that case, but even those of us who welcome most enthusiastically the developments of the last decade in the law of confessions must concede that there is much force to Judge Haynsworth's position.

In appraising his decisions in confession cases, it is necessary to keep in mind the point that I developed at pages 7–9 of my original statement about Judge Haynsworth's reluctance to substitute his view of the facts for those of a jury or a district judge. This is a consistent thread in his confession opinions. It appears perhaps most clearly in a decision he wrote in 1967 upholding a determination that a confession was voluntary. [*Outing* v. *North Carolina*, 383 F. 2d 892 (4th Cir. 1967).] The case was obviously a close one. Judge Kaufman wrote a 26 page dissent, but the Supreme Court, unanimously so far as it appears, refused to review the case [390 U.S. 997 (1968).] Judge Haynsworth said that if the district judge had drawn an ultimate inference that the confession was coerced the court might well have sustained him. But the district judge found that the confession was not coerced and this finding was neither clearly erroneous as an inference of fact nor influenced by an erroneous view of law. Since this ultimate inference was a permissible one, the majority of the court felt that it should accept it. I think that here, as in other areas of the law, Judge Haynsworth shares an attitude expressed by Judge Chase, of the Second Circuit, some years ago when he said: "Though trial judges may at times be mistaken as to facts, appellate judges are not always omniscient." [*Orvis* v. *Higgins*, 180 F. 2d 537, 542 (2d Cir. 1950) (dissenting opinion).] Since this has been for many years my own view [see Wright, *The Doubtful Omniscience of Appellate Courts*, 41 Minn. L. Rev. 751 (1957)], I cannot find in it any ground for criticism of Judge Haynsworth or for believing that he is tolerant of coercive police practices.

In conclusion, I would like to turn away from criminal law and address myself briefly to the vitally important freedoms of expressions protected by the First Amendment. I am one of those who believe that these have a "preferred position" in our constitutional scheme and that they are of special significance at a time when many groups in our country are unhappy with the established order and wish to air their grievances. Judge Haynsworth has had very little occasion to address himself to the issues these freedoms pose and the decisions are too few to form any solid judgments.

I can find only eight cases involving any significant question of freedom of expression in which Judge Haynsworth has participated. Four of these are obscenity cases, a class of litigation that is perhaps sui generis, and that is not only immensely difficult in itself but is even more difficult for a lower court judge to try to understand the rules, such as they are, that the Supreme Court has laid down. In two cases he wrote for a unanimous court holding particular magazines obscene and was reversed by the Supreme Court [*United States* v. *392 Copies of Magazine Entitled "Exclusive,"* 373 F. 2d 633 (4th Cir. 1967, reversed 389 U.S. 50 (1967); *United States* v. *Potomac News Co.*, 373 F. 2d 635 (4th Cir. 1967) reversed 389 U.S. 47 (1967.] The reversals in each instance were per curiam decisions in which the Supreme Court relied on its Delphic opinion in *Redrup* v. *New York* [386 U.S. 767 (1967], which came down after Judge Haynsworth's decisions. In a third case he was part of a 5–2 majority of the Fourth Circuit holding that obscenity cannot be determined on a per se basis that any collection of photographs of nudes is obscene if, in some of the pictures, the pubic area is exposed. [*United States* v. *Central Magazine Sales, Ltd.*, 381 F. 2d 821 (4th Cir. 1967).] Finally he joined in a 2–1 decision that if material has been found by the district court not to be obscene, it should be admitted through customs and its release should not be held up pending appeal. [*United States* v. *Reliable Sales Co.*, 376 F. 2d 803 (4th Cir 1967).]

The other four cases are of more general importance. Judge Haynsworth was a member of a three-judge district court that held unconstitutional on grounds of vagueness a North Carolina statute limiting the kinds of persons who may speak on state university campuses. [*Dickson* v. *Sitterson*, 280 F.Supp. 486 (M.D.N.C. 1968).] Professor Van Alstyne, who is to testify in support of Judge Haynsworth, appeared in the case as amicus curiae and is the leading expert in the country on that particular field of the law. He is better qualified than I am to tell you of the significance of the decision. Judge Haynsworth was a member of a panel of his court upholding suspensions of students at Bluefield State College for taking part in a disruptive demonstration. [*Barker* v. *Hardway*, 399 F.2d 638 (4th Cir. 1969).] The Supreme Court refused to review the decision. Justice Fortas, who had been spokesman for the Court one week before in the *Tinker* case [*Tinker* v. *Des Moines Independent Community School District*, 393 U.S. 503 (1969)], in which it was held that school students cannot be disciplined for wearing black arm bands to express their disapproval of the Vietnam war, wrote an opinion concurring in denial of certiorari in the Bluefield States case. He said that "the petitioners here engaged in an aggressive and violent demonstration, and not in peaceful, nondisruptive expression, such as was involved in *Tinker*." [*Barker v. Hardway*, 394 U.S. 905 (1969) (concurring opinion).]

In *United Steelworkers of America* v. *Bagwell* [383 F.2d 492 (5th Cir. 1967)], Judge Haynsworth wrote the opinion holding unconstitutional a city ordinance prohibiting distribution of circulars about union membership without a prior permit from the chief of police. The decision on the merits is unexceptionable. The path was clearly marked by Supreme Court precedents. What is more interesting is the enthusiastic acceptance the court gave to the principle of *Dombrowski* v. *Pfister* [380 U.S. 479 (1965)] that in some cases in which First Amendment rights are involved the usual rules barring a federal court from interfering with a state's enforcement of its criminal laws no longer apply. One like myself who has doubts about whether the protection *Dombrowski* gives to cherished First Amendment rights is not outweighted by its cost in federal-state relations must note with interest Judge Haynsworth's willingness to apply, if not indeed to extend, *Dombrowski*.

Indeed Judge Haynsworth may have partially anticipated *Dombrowski* in a well-known case arising out of demonstrations by Negroes in Danville, Va. The case is a complicated one, involving a number of different issues, and several different appeals disposed of under a single title. Many demonstrators were arrested in Danville for violation of a state court injunction and local ordinances. Some of these persons attempted to remove their cases to federal court. Others went directly to federal court and sought to enjoin the pending state court prosecutions as well as future arrests. The case, which produced one per curiam opinion and two opinions by Judge Haynsworth for the majority of the Fourth Circuit, established four things. First, the court held that the Anti-Injunction Act of 1793, 28 U.S.C. § 2283, did not bar it from issuing a temporary injunction restraining state court prosecutions in order to preserve the status quo while it determined whether grant of a permanent injunction would fall under any of the exceptions to the Act. [*Baines* v. *City of Danville*, 321 F. 2d 643 (4th Cir. 1963); *Baines* v. *City of Danville*, 337 F. 2d 579, 593–594 (4th Cir. 1964).] This was a creative interpretation of the Anti-Injunction Act and is surely sound. [See American Law Institute, *Study of the Division of Jurisdiction between State and Federal Courts* 307 (Official Draft 1969).] Second, the court held that the circumstances did not permit removal of a criminal prosecution from state to federal court under 28 U.S.C. § 1443, which allows removal of certain civil rights cases. [*Baines* v. *City of Danville*, 357 F. 2d 756 (4th Cir. 1966).] This holding was affirmed by the Supreme Court. [*Baines* v. *City of Danville*, 384 U.S. 590 (1966).] Third, the court held that the Civil Rights Act, 42 U.S.C. § 1983, does not expressly authorize a stay of state proceedings and that the Anti-Injunction Act therefore barred an injunction against prosecutions already pending in the state court. [*Baines* v. *City of Danville*, 337 F. 2d 579, 586–594 (4th Cir. 1964).] The Supreme Court denied certiorari on this aspect of the case [*Chase* v. *McCain*, 381 U.S. 939 (1965)], and the question remains an open one in the Supreme Court. [See *Cameron* v. *Johnson*, 390 U.S. 611, 613 n. 3 (1968.]

Finally, and most importantly for present purposes, Judge Haynsworth held that the rule of comity by which federal courts do not ordinarily interfere with the states in the enforcement of their criminal laws is not absolute, and that the district judge should enjoin further arrests under the ordinances and the injunction "if he finds that in combination they have been applied so sweepingly as to leave no reasonable room for reasonable protest, speech and assemblies, and thus, in application, are plainly unconstitutional." [*Baines* v. *City of Danville*, 337 F. 2d 579, 594–596 (4th Cir. 1964).] *Dombrowski* demonstrates that Judge Haynsworth was right in going that far in allowing the federal court to give relief, although under *Dombrowski* a federal injunction against future prosecutions is also permitted if the challenged laws are unconstitutional on their face.

There is a passage in one of these opinions in which Judge Haynsworth speaks to the meaning of the First Amendment.

"Whatever constitutional basis there may be for the substantive demands of the demonstrators, they have, unquestionably, rights of free speech and assembly guaranteed by the First Amendment, and recognition of those First Amendment rights is required of Danville by the Fourteenth Amendment. Those First Amendment rights incorporated into the Fourteenth Amendment, however, are not a license to trample upon the rights of others. They must be exercised responsibly and without depriving others of their rights, the enjoyment of which is equally as precious. It is thus plain, for instance, that while Negroes, excluded because of their race from a privately operated theater, have a right to protest their exclusion and to inform the public and public officials of their grievance, they do not have the right, by massive occupancy of approaches to the theater, to exclude everyone else from it, or to coerce acceptance of their demands through violence or threats of violence.

"* * * It is well established that public officials, charged with the duty of maintaining law and order, may enforce laws and injunctions reasonably necessary for that purpose, but injunctions and statutes which exceed the necessities of the situation cannot be lawfully enforced if they infringe upon constitutional rights. What is required is mutual accommodation of the rights of the public and those rights of protestants which are guaranteed by the First Amendment."

[*Id.* at 586–587.] Later Supreme Court decisions, notably Justice Goldberg's opinion for the Court in *Cox* v. *Louisiana* [379 U.S. 536, 554–555 (1965)], demonstrate that the quoted passage from Judge Haynsworth's opinion represents sound First Amendment philosophy.

The record of the nominee on freedom of expression is scantier than his record on criminal procedure but from his decisions in that area of the law there is no reason to doubt his devotion to the great protections of the First Amendment.

I end as I begin. I cannot predict the votes of Justice Haynsworth. The cases I have reviewed in this statement demonstrate, I believe, that in the areas of criminal procedure and freedom of expression the record of Judge Haynsworth on the Fourth Circuit has been a constructive and forward-looking one. But I support his nomination, not because his views on these subjects or others are similar to mine, but because his overall record shows him to have the ability, character, temperament, and judiciousness that are needed to be an outstanding Justice of the United States Supreme Court.

EXHIBIT 3

U.S. COURT OF APPEALS,
FOURTH JUDICIAL CIRCUIT,
Greenville, S.C., September 6, 1969.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
Washington, D.C.

MY DEAR SENATOR: I have received by telephone this morning a copy of the letter addressed to you on yesterday by Senator Hart and Senator Tydings.

To the extent the requested information has relevance, I believe that the requested information is already in your possession in the statement I have filed with you, in the file delivered to you by the Department of Justice, and in the copies of my income tax returns. However, I shall address myself to the Senators' request as best I can.

(1) My financial interest in Carolina Vend-A-Matic and its subsidiaries from 1957 to 1964 is fully detailed in the statement I have previously filed. I never received any compensation from Carolina Vend-A-Matic or any of its subsidiaries as an officer or as a trustee of any profit sharing or retirement plan. I did receive compensation from Carolina Vend-A-Matic as a director, and in 1962 my wife received compensation as Secretary. These receipts for the period 1957–1964 are fully disclosed in the copies of the income tax returns filed with you. Since those returns are unavailable to me now, I cannot compile a schedule of those receipts here, but I am sure the staff of your Committee can do so from the tax returns.

(2) I believe the statement previously filed discloses the general nature of my services for Carolina Vend-A-Matic. In supplementa-

tion of that statement, however, I may report that there was a weekly luncheon meeting of the board of directors. I attended these meetings when I was in Greenville and not otherwise engaged. At these extremely informal meetings, we considered and discussed weekly cash flow data and problems of financing which were my particular concern. From time to time there were also discussions of personnel and other problems, though I never became directly involved in any of them. After I went on the court I may have handled matters of the renewal and extension of bank credit, though I am not at all certain that I did so. Mr. Dennis handled all arrangements with the bank beginning shortly after his employment.

I rendered no other services to Carolina Vend-A-Matic.

(3) A complete list of the locations of vending machines of Carolina Venda-A-Matic and its subsidiaries and the gross receipts from the machines in each location for the years 1957–1964 could be compiled only from the original books of record of Carolina Vend-A-Matic and its subsidiaries. Those books are in the possession of ARA in Philadelphia, Pennsylvania. I believe it would permit an accountant to have access to them if the Committee wishes it, but such information is not in my capacity to supply immediately.

The file compiled by Judge Sobeloff contains a copy of the proposal made by Carolina Vend-A-Matic to Drayton Mill in December 1963. It contains a list of the forty-six industrial plants in which Carolina Vend-A-Matic then had vending machines installed. These were all full food service operations, in addition to which Carolina Vend-A-Matic had many machines in numerous locations dispensing only coffee, cold drinks or candy. For your convenience, I can reproduce here the list of forty-six industrial plants in which Carolina Vend-A-Matic provided full food vending service in December 1963:

1. Apalache Plant, Greer.
2. Bloomsburg Mill, Abbeville.
3. Brandon Rayon, Greenville.
4. Buffalo Mill, Union.
5. Carlisle Finishing Co., Union.
6. Central Mill, Central.
7. Columbia Nitrogen Corp., Augusta, Ga.
8. Consolidated Trim Co., Union.
9. Delta Finishing Co., Cheraw.
10. Diehl Manufacturing Co., Pickens.
11. Dunlop Corp., Westminster.
12. Firth Carpet Co., Laurens.
13. Fork Shoals Mill, Fork Shoals.
14. F. W. Poe Manufacturing Co., Greenville.
15. Gayley Mill, Marietta.
16. Greer Mill, Greer.
17. Her Majesty Manufacturing Co., Mauldin.
18. Homelite, Greer.
19. James Fabrics, Cheraw.
20. Jeffrey Manufacturing Co., Belton.
21. Jonesville Mills, Jonesville.
22. Magnolia Finishing Plant, Blacksburg.
23. Monaghan Mill, Greenville.
24. Mohasco Industries, Liberty.
25. Morgan Mills, Inc., Laurinburg, N.C.
26. Oak River Mill, Bennettsville.
27. Owens-Corning Fiberglas Corp., Aiken.
28. Piedmont Mill, Piedmont.
29. Pickens Mill, Pickens.
30. Pratt Reed, Central.
31. Procter & Gamble Mfg. Co., Augusta, Ga.
32. Pyle National, Aiken.
33. Rocky River Mill, Calhoun Falls.
34. Runnymede Corp., Pickens.
35. Sangamo Electrical Co., Pickens.
36. Sangamo Electrical Co., Walhalla.
37. S.C.M. Corp., Orangeburg.
38. Selma Hosiery, Dillon.
39. Shuron Optical Co., Barnwell.
0. Southern Weaving Co., Greenville.
1. Torrington, Walhalla.
42. Torrington-Clinton Bearing Div., Clinton.
43. Union Bleachery, Greenville.
44. Union Mill, Union.
45. Victor Mill, Greer.
46. Woodside Mill, Liberty.

(4) I am unable to supply a complete answer to question No. 4 for the same reason I am unable to supply a complete answer to question No. 3. However, I do have audited statements of Carolina Vend-A-Matic and its subsidiaries for the years 1961, 1962 and 1963, which I enclose. The file developed by Judge Soberloff discloses that the gross receipts from the machines located in Gayley Mill and the Jonesville Products plant, both Deering Milliken affiliated, approximated $50,000 annually. Those machines were in place in those two plants in each of the years 1961 through 1963. The enclosed audited financial statements show gross sales in 1961 of $1,690,698 and in 1962 of $2,546,046. It thus appears that the gross receipts from machines in plants affiliated with Deering Milliken amounted to slightly less than three per cent of total sales in 1961, and to less than two per cent of total sales in 1962.

The estimated annual gross receipts from machines placed in Magnolia Finishing Plant were approximately $50,000. The gross receipts from the three Deering Milliken affiliated plants, therefore, approximate $100,000 annually. The machines in Magnolia Finishing Plant were in place during part of 1963 only and, without access to the original books of account, I cannot estimate the proportion of sales from machines in those three plants to total sales in that year. Had Magnolia Finishing Plant been in operation during the whole of 1963 and Carolina Vend-A-Matic's machines had been in place during the whole of that year, however, the sales in the three Deering Milliken affiliated plants would have been slightly more than three per cent of the total gross sales of $3,155,102.

(5) Carolina Vend-A-Matic never had vending machines in Darlington Manufacturing Company and, so far as I know, never had any business relation whatever with it.

(6) I cannot say that I never heard prior to December 1963 that Carolina Vend-A-Matic had vending machines in Gayley Mill, in Jonesville Products or in Magnolia Finishing Plant. From time to time there were references to such matters at the luncheon meetings of the directors, and I may have heard some reference to one, two, or all three. The specific locations of vending machines were simply not a matter of interest to me and, as stated before, I was never involved in any way in securing new vending machine locations. Nor, if I had heard that Carolina Vend-A-Matic had vending machines in those three plants, or any of them, can I say that I knew that any one of those plants was related to Deering Milliken. In the Deering Milliken group, there were some seventeen manufacturing corporations in which Deering Milliken, and/or individuals associated with Deering Milliken, owned all or a majority of the stock. (See Darlington Manufacturing Company v. NLRB, 325 F. 2d 682, 688, 397 F. 2d 760, 764.) I can only say now that when I participated in the hearing and decision of the Darlington case in 1963, I had no conscious awareness of any business relation between Carolina Vend-A-Matic and Deering Milliken affiliates, though, of course, I knew that Carolina Vend-A-Matic had vending machines in a miscellany of manufacturing plants.

Had I known in 1963, however, that Carolina Vend-A-Matic had vending machines in Gayley Mill, Jonesville Products and Magnolia Finishing Plant and that they were Deering Milliken affiliates, I would not have requested Chief Judge Sobeloff to relieve me of the duty of sitting. A judge has a duty to disqualify himself when there is legal disqualification, but he has an obligation to perform his judicial duty when there is no legal disqualification. I have disqualified myself in all cases in which my former law firm or any of its members were counsel, cases in which certain relatives were counsel, and all cases in which I had a stock interest in a party or in one which would be directly affected by the outcome of the litigation. (Even here, we, on the Fourth Circuit, regard a proportionately insignificant stock interest in a party as not disqualifying if, after being informed of it, the lawyers do not request the substitution of another judge. Thus instances may be found in the books in which judges of the Fourth Circuit owning 100 shares or so of General Motors may be found to have sat in a case involving General Motors. It seems to us inconceivable that any judge of the Fourth Circuit would be influenced by any such interest, and the lawyers involved, when the question has arisen, have not thought so.)

Disqualification is disruptive, however. If a district judge in a small district should refrain from participation in any case in which he conceivably might have a remote interest, or in which friends have an immediate, even an emotional interest, the efficiency of the judicial machinery would be gravely impaired. In a court of appeals it would adversely affect the random selection of panels, for it requires deliberate rearrangement which affects not only the one case involved, but others as well. It is administratively disruptive, and it can cast heavy and uneven burdens upon judges called upon to substitute. In an en banc case 28 U.S.C. § 46(c) requires the participation of every judge of the court in active service who is is not disqualified; declination of an active, qualified judge to sit would appear to be a violation of the statute and its purpose. In *Edward* v. *United States*, 5 Cir., 334 F.2d 360, 362–3, Judge Rives, somewhat regretfully, concluded after reviewing all of the considerations, "In the absence of a valid legal reason, I have no right to disqualify myself and must sit."

(7) This morning I contacted by telephone Mr. Lee F. Driscoll, Jr. of Philadelphia, Pennsylvania, who has possession of the minute books of Carolina Vend-A-Matic and its subsidiaries. He agreed to procure copies of all of the minutes and to transmit them to you. Meanwhile, I received this morning from him extracts from the minute books of Carolina Vend-A-Matic and its subsidiaries showing their officers and directors. For the possible convenience of the Committee, these sheets are attached.

(8) The sources and amounts of my income from 1957 through 1968 are fully disclosed in the copies of my income tax returns which have been filed with you. Without present access to them, I am unable to prepare schedules which would recapitulate that information. I have prepared and I attach hereto a list of my current investments.

(9) I am informed that since my sale of the stock of ARA received in exchange for my stock in Carolina Vend-A-Matic;

(i) Carolina Vend-A-Matic has been ejected from Gayley Mill as a result of some dissatisfaction on the part of the plant manager;

(ii) That Jonesville Products Plant was sold and is no longer an affiliate of Deering Milliken;

(iii) While Carolina Vend-A-Matic now serves only one Deering Milliken affiliated plant that it served in 1963, it serves ten others, one of which was a result of an acquisition of an existing supplier, the other nine having been obtained as a result of competitive bidding. I am further told by one of my former associates in Carolina Vend-A-Matic that Deering Milliken has maintained a record of all vending machine bids and proposals and a record of its own data showing the basis of its selection of one of the bidders. I am further informed that if any such information should be of interest to the Committee, it may be obtained from Hal C. Byrd of Deering Milliken Research Corporation, Spartanburg, South Carolina.

This supplemental statement, together with my earlier statement and the file compiled by Judge Sobeloff and the copies of my tax returns, supplies as fully as I can with the materials to which I have access the answers to the questions suggested by Senators Hart and Tydings.

Finally, I hope the Committee now has all the information it needs, but if there is anything else you wish me to supply, I will be happy to undertake to do it.

Respectfully,

Clement F. Haynsworth.

Investments Owned by Clement Furman Haynsworth, Jr., September, 1969

[Number of shares of stock]

Allied Chemical Corporation	108
American General Insurance Co.	201
Brunswick Corporation	1000
Burlington Industries, Inc	400
Business Development Corporation of South Carolina	10
Chrysler Corporation	119
Cole Drug Company, Inc	600
Computer Servicenters, Inc	500
Dan River Mills	1575
Fairchild Camera and Instrument Corp	100
Georgia-Pacific Corporation	5238
Government Employees Financial Corp	106
Government Employees Life Insurance Co	110
W. R. Grace & Co	300
Greenville Memorial Gardens	72
G & W Land and Development Corp	18
Gulf & Western Industries	346
Insurance Securities Inc	100
International Tel. & Tel. Corp	200
The Investment Life and Trust Co	321
Ivest Fund, Inc	802. 925
Jefferson-Pilot Corporation	250
Leverage Fund of Boston, Inc. (Capital)	350
The Liberty Corporation (Common)	9523
The Liberty Corporation (Voting preferred stock 40¢ convertible series)	337
Main-Oak Corporation	31
Monsanto Chemical Company	219
MGIC Investment Corporation	630
Multimedia, Inc. (Common)	11, 728
Multimedia, Inc. (5% convertible cumulative preferred stock)	2932
Mutual Savings Life Ins. Co	240
Nationwide Corporation	500
Nationwide Life Insurance Co	20
Owens-Corning Fiberglas Corp.	100
Peoples National Bank	330
Piedmont National Gas Co., Inc	60
The Rank Organization Limited	500
Scope Incorporated	120
Sonoco Products Co	284
South Carolina National Bank	768
Southern Weaving Company	287
Sperry Rand Corporation	400
J. P. Stevens & Co	550
Synalloy Corporation	52
Tenneco Inc	200
United Nuclear Corporation	104

DEBENTURES

	Amount
Government Employees Financial Corp. (convertible subordinated 5½%)	$350
Government Employees Financial Corp. (convertible subordinated 5¼%)	550
W. R. Grace & Co. (subordinate debenture 4¼%)	1, 700

BONDS

	Amount
Calhoun-Charleston Tennessee Utility District	$4, 000
Clemson, S.C., General Obligation Sewer	5, 000
Greenville County, South Carolina, Hospital	5, 000
Piedmont Park F/D Gv. Co	20, 000
Greater Greenville Sewer District	4, 000
Town of Williston, S.C	4, 000
Pickens, S.C., Waterworks System Improvement Revenue	4, 000
Greenville Waterworks System	10, 000

REAL ESTATE

A one-seventh undivided interest in a tract of land upon which there is a warehouse known as ARA Warehouse, from which my net taxable income in 1968 was $548.

A one-fifth undivided interest in a small tract of land on which there is a small warehouse known as Lowndes Hill Warehouse, from which my net taxable income in 1968 was $343.

Carolina Vend-A-Matic Co.

April 5, 1950, first meeting of subscribers and stockholders: Directors elected: Eugene Bryant, W. Francis Marion, R. E. Houston, Jr., Christie C. Prevost, Vincent G. Williams, John Mahoney, and Clement F. Haynsworth, Jr.

April 5, 1950, first board of directors meeting: Officers elected: president, Eugene Bryant; vice president, R. E. Houston, Jr.,; vice president, Vincent G. Williams; secretary, W. Francis Marion, and treasurer, Christie C. Prevost.

January 9, 1951, annual stockholder meeting: Directors elected: Eugene Bryant, R. E. Houston, W. Francis Marion, Christie C. Prevost, and Clement F. Haynsworth, Jr.

January 9, 1951, annual board of directors ("B of D") meeting: Officers elected, President, Eugene Bryant; vice president, R. E. Houston, Jr.; vice president, Clement F. Haynsworth, Jr.; secretary, W. Francis Marion, and treasurer, Christie C. Prevost.

January 8, 1952, annual stockholders meeting: Same directors elected.

January 8, 1952, annual B of D meeting: Same officers elected.

January 13, 1953, annual stockholders meeting: Same directors elected but Mrs. R. E. Houston, Jr. to act as alternate director when necessary.

January 13, 1953, annual B of D meeting: Same officers elected.

January 13, 1954, annual stockholders meeting: Same directors elected.

January 13, 1954, annual B of D meeting: Same officers elected.

January 10, 1955, annual stockholders meeting: Same directors elected.

January 10, 1955, annual B of D meeting: Same officers elected.

January 9, 1956, annual stockholders meeting: Same directors elected.

January 9, 1956, annual B of D meeting: Same officers elected.

(Note. There are no minutes of either an annual stockholders meeting or B of D meeting in January of 1957.)

May 29, 1957, special stockholders meeting: Recognition that there had been resignations by Eugene Bryant as President and Director and R. E. Houston, Jr. as Vice President and Elizabeth Houston as Director.

Buck Mickel, George McDougall and Wesley Davis elected Directors to serve wtih already elected Directors, W. Francis Marion, Christie C. Prevost and Clement F. Haynsworth, Jr.

May 29, 1957, special B of D meeting: Officers elected: president, W. Francis Marion; vice president, Wesley Davis; vice president, Clement F. Haynsworth, Jr.; secretary, George Mc Dougall, and treasurer, Christie C. Prevost.

January 14, 1958, annual stockholders meeting: Same directors elected.

January 14, 1958, annual B of D meeting: Officers elected: president, W. Francis Marion; vice president, Buck Mickel; vice president, Wesley Davis; vice president, Clement F. Haynsworth, Jr.; secretary, George Mc Dougall, and treasurer, Christie C. Prevost.

January 13, 1959, annual stockholders meeting: Same directors elected.

January 13, 1959, annual B of D meeting: Same officers elected.

January 12, 1960, annual stockholders meeting: Directors elected: W. Francis Marion, Buck Mickel, J. Wesley Davis, C. F. Haynsworth, Jr., George Mc Dougall, Christie C. Prevost, and Wade H. Dennis.

January 12, 1960, annual B of D meeting: Same officers elected except that Wade H. Dennis is added as a vice president.

January 10, 1961, annual stockholders meeting: Same directors elected.

January 10, 1961, annual B of D meeting: Same officers elected.

January 9, 1962, annual stockholders meeting: Same directors elected.

January 9, 1962, annual B of D meeting: Officers elected: president, W. Francis Marion; vice president, Buck Mickel; vice president, J. Wesley Davis; vice president, C. F. Haynsworth, Jr.; vice president, George E. Mc Dougall; vice president, Wade H. Dennis; secretary, Dorothy M. Haynsworth, and treasurer, Christie C. Prevost.

January 8, 1963, annual stockholders meeting: Same directors elected.

January 8, 1963, annual B of D meeting: Same officers elected.

October 21, 1963, weekly B of D meeting: Resignation of Clement F. Haynsworth, Jr. as Director is accepted as of October 31, 1963. He remains a stockholder. The Minutes refer to a letter stating his reasons but such a letter is not found in the Minutes.

January 14, 1964, annual stockholders meeting: Directors elected. Wesley Davis, Wade H. Dennis, W. Francis Marion, Buck Mickel, George McDougall, and Christie C. Prevost.

January 14, 1964, annual B of D meeting: Officers elected. President, Wade H. Dennis; vice president, Buck Mickel; vice president, Wesley Davis; vice president, W. Francis Marion; vice president, George E. McDougall; treasurer, Christie C. Provost; secretary, William S. Mullins, and assistant secretary, Mary Frances Dennis.

(Note.—At weekly B of D Meeting on April 6, 1964, resolution was passed that certain property be leased from C. F. Haynsworth, Jr. and some of the present Directors and Officers of the Company.)

April 8, 1964, special B of D meeting: Resignation of W. Francis Marion as Director and Vice President and Mary Frances Dennis as Asst. Secretary were accepted.

Additional Officers elected: Vice president, James F. Hutton; assistant secretary, Lee F. Driscoll, Jr., and assistant treasurer, Edwin W. Keleher.

January 12, 1965, action of shareholder by consent: Directors elected: Herman G. Minter, James F. Hutton, and David D. Dayton.

January 12, 1965, action of B of D by consent: Officers elected: president, James F. Hutton; vice president, Wade H. Dennis; vice president, Roy Gramling; secretary, Lee F. Driscoll, Jr.; treasurer, Herman G. Minter, and assistant treasurer, Edwin W. Keleher.

January 12, 1966, action of shareholders by consent: Same directors elected.

January 12, 1966, action of B of D by consent: Same officers elected.

December 15, 1967, action by shareholder by consent: Directors elected: Herman G. Minter, David D. Dayton, and James F. Wanink.

December 15, 1967, action of B of D by consent: Officers elected: President, James F. Wanink; Vice president, David D. Dayton; Vice president, Wade H. Dennis; Treasurer, Herman G. Minter; Secretary, Lee F. Driscoll, Jr.; assistant treasurer, James A. Rost; and assistant secretary, Henry T. Dechert.

May 27, 1968, action of B of D by consent: Harry S. Glick elected as assistant treasurer.

VENDING CO.

July 2, 1956, meeting of subscribers to capital stock: Directors elected: Eugene Bryant, C. F. Haynsworth, Jr., R. E. Houston, Jr., W. Francis Marion, and Christie C. Prevost

July 2, 1956, directors meeting: Officers elected: President, Euguene Bryant; vice president, C. F. Haynsworth, Jr.; vice president, R. E. Houston, Jr.; secretary, W. Francis Marion, and treasurer, Christie C. Prevost.

January 8, 1957, annual stockholders meeting: Same directors elected.

January 8, 1957, annual board of directors ("B of D") meeting: Same officers elected.

May 29, 1957, special stockholders meeting: Resignations by Eugene Bryant as a director and president, by R. E. Houston, Jr., as vice president, and by Elizabeth W. Houston as a director (alternate) were noted.

Buck Mickel, George E. McDougall, and J. Wesley Davis, were elected to serve with already elected directors, W. Francis Marion, C. F. Haynsworth, Jr., and Christie C. Prevost.

May 29, 1957, special B of D meeting: Officers elected: President, W. Francis Marion; vice president, Buck Mickel; vice president, J. Wesley Davis; vice president, C. F. Haynsworth, Jr.; secretary, George E. McDougall, and treasurer, Christie C. Prevost.

January 14, 1958, annual stockholders meeting: Same directors elected.

January 14, 1958, annual B of D meeting: Same officers elected.

January 13, 1959, annual stockholders meeting: Same directors elected.

January 13, 1959, annual B of D meeting: Same officers elected.

January 12, 1960, annual stockholders meeting: Directors elected: W. Francis Marion, Buck Mickel, J. Wesley Davis, C. F. Haynsworth, Jr., George E. McDougall, Christie C. Prevost, and Wade H. Dennis.

January 12, 1960, annual B of D meeting: Same officers elected except that Wade H. Dennis is added as a vice president.

January 10, 1961, annual stockholders meeting: Same directors elected.

January 10, 1961, annual B of D meeting: Same officers elected.

January 9, 1962, annual stockholders meeting: Same directors elected.

January 9, 1962, annual B of D meeting: Officers elected: President, W. Francis Marion; vice president, Buck Mickel; vice president, J. Wesley Davis; vice president, C. F. Haynsworth, Jr.; vice president, George E. McDougall; vice president, Wade H. Dennis; secretary, Dorothy M. Haynsworth, and treasurer, Christie C. Prevost.

January 8, 1963, annual stockholders meeting: Same directors elected.

January 8, 1963, annual B of D meeting: Same officers elected.

*October 21, 1963, regular B of D meeting, resignation of Clement F. Haynsworth, Jr. as a Director was accepted as of October 31, 1963.

January 14, 1964, annual stockholders meeting: Directors elected: Wesley Davis, Wade H. Dennis, W. Francis Marion, Buck Mickel, George McDougall, and Christie C. Prevost.

January 14, 1964, annual B of D meeting: Officers elected: President, Wade H. Dennis; vice president, Buck Mickel; vice president, Wesley Davis; vice president, W. Francis Marion; vice president, George E. McDougall; treasurer, Christie C. Prevost; Secretary, William S. Mullins, and assistant secretary, Mary Frances Dennis.

All qualifying shares held by directors were canceled and new shares issued to Carolina Vend-A-Matic Co.

April 8, 1964, special B of D meeting: Resignation of W. Francis Marion as a Director and vice president and of Mary Frances Dennis as assistant secretary were noted.

Additional Officers elected: vice president, James F. Hutton; assistant secretary, Lee F. Driscoll, Jr., and assistant treasurer, Edwin W. Keleher.

January 12, 1965, action of shareholder by consent: Directors elected: James F. Hutton, Herman G. Minter, and David D. Dayton.

January 12, 1965, action of B of D by consent: Officers elected: President, James F. Hutton; vice president, Wade F. Dennis; vice president, Ray Grambling; vice president, David D. Dayton; Secretary, Lee F. Driscoll, Jr.; treasurer, Herman G. Minter, and assistant treasurer, E. W. Keleher.

December 15, 1967, action by sole shareholder by consent: Directors elected: Herman G. Minter, David D. Dayton, and James F. Wanink.

December 15, 1967, action of B of D by consent: Officers elected: president, James F. Wanink; vice president, David D. Dayton; vice president, Wade H. Dennis; treasurer, Herman G. Minter; secretary, Lee F. Driscoll, Jr.; assistant treasurer, James A. Rost, and assistant secretary, Henry T. Dechert.

May 27, 1968, action of B of D by consent: Harry S. Glick elected as an assistant treasurer.

VEND CO. OF GEORGIA

October 31, 1962, meeting of subscribers to capital stock: W. Francis Marion, Buck Mickel, J. Wesley Davis, C. F. Haynsworth, Jr., George E. McDougall, Christie C. Prevost, and Wade H. Dennis.

November 1, 1962, first board of directors ("B of D") meeting: Officers elected: President and general manager, Wade H. Dennis, and vice president and secretary-treasurer, William S. Mullins.

January 8, 1963, annual stockholders meeting: Same directors elected.

January 8, 1963, annual B of D meeting: Same officers elected.

**October 21, 1963, regular B of D meeting:* Resignation of Clement F. Haynsworth, Jr., as director is accepted as of October 31, 1963.

January 14, 1964, annual stockholders meeting: Directors elected: Wesley Davis, Wade H. Dennis, Buck Mickel, George McDougall, and Christie C. Prevost.

January 14, 1964, annual B of D meeting: Same officers elected.

April 8, 1964, special B of D meeting: Resignation of W. Francis Marion as a director accepted.

Additional officers elected: Vice president, James F. Hutton; assistant secretary, Lee F. Driscoll, Jr., and assistant treasurer, Edwin W. Keleher.

June 12, 1964: Vend Co. of Georgia merged into Carolina Vend-A-Matic Company with the latter surviving.

VEND CO. OF NORTH CAROLINA

May 13, 1963, organizational meeting of shareholders: Directors elected: Wesley Davis, Wade H. Dennis, W. Francis Marion, Buck Mickel, George McDougall, and Christie C. Prevost.

May 13, 1963, first board of directors ("B of D") meeting: Officers elected: President and General Manager, Wade H. Dennis, and vice president and secretary treasurer, William S. Mullins.

October 21, 1963, regular B of D meeting: Resignation of Clement F. Haynsworth, Jr., as a Director is accepted as of October 31, 1963. (NOTE: This is confusing because there is no record he was elected as a director).

January 14, 1964, annual stockholders meeting: Same directors elected.

January 14, 1964, annual B of D meeting: Same officers elected.

April 8, 1964, special B of D meeting: Resignation of W. Francis Marion as a Director accepted.

Additional officers elected: Vice president, James F. Hutton; assistant secretary, Lee F. Driscoll, Jr., and assistant treasurer, Edwin W. Keleher.

June 12, 1964: Vend Co. of North Carolina merged into Carolina Venda-A-Matic Company with the latter surviving.

EXHIBIT 4

STOCKS OWNED BY CLEMENT F. HAYNSWORTH, JR. BEGINNING APRIL 1, 1957, SUBSEQUENT PURCHASES, SALES, STOCK DIVIDENDS, ETC THROUGH OCT. 1, 1969

Stock owned as of April 1, 1957

Carolina Natural Gas Corporation, 75 shares.

Carolina Vend-A-Matic Company, 24 shares.

Ford Motor Company, 25 shares.

Martel Mills Corporation now Valfour Corporation, 125 shares.

Woodside Mills, 350 shares.

Chrysler Corporation, 14 shares.

Cup O'Life Corporation, 100 shares.

Georgia Pacific Plywood Company now Georgia-Pacific Corporation, 239 shares.

W. R. Grace & Co., 100 shares.

Liberty Life Insurance Company now The Liberty Corporation, 116 shares.

Greenville Hotel Company now Main-Oak Corporation, 3.1 shares.

Monsanto Chemical Company, 157 shares.

The Peoples National Bank, 50 shares.

Sonoco Products Company, 110 shares.

The South Carolina National Bank, 144 shares.

The First National Bank, 60 shares.

Southern Weaving Company, 14 shares.

J. P. Stevens & Co., Inc., 741 shares.

United Nuclear Corporation formerly Sabre-Pinon Corporation formerly Sabre Uranium Corporation, 50 shares.

Owens-Corning Fiberglas Corporation, 20 shares.

Tekoil Corporation, 100 shares.

WMRC, Inc. now Multimedia, 990 shares.

Buckhorn Sanctuary, 1 share.

Greenville Country Club, 1 share.

Period—April 1, 1957, to December 31, 1957

	Amount received
Sales:	
Martel Mills (partial liquidating dividend)	$4,375.00
25 shares Ford Motor Company	922.90
4 shares Carolina Vend-A-Matic	5,000.00
1 share Buckhorn Sanctuary	1,289.01
Purchases:	
10 shs. Peoples National Bank	460.00
15/50 sh. Georgia-Pacific Corporation	8.15
18 shs. Carolina Natural Gas Corporation	36.00
7 shs. Sonoco Products Company	180.25
10/50 sh. Georgia-Pacific Corporation	7.28
5/50 sh. Georgia-Pacific Corporation	2.84
Hollyridge Development Company	3,000.00
Hollyridge Development Company	500.00

Period—April 1, 1957, to December 31, 1957

Stock dividends:

35/50 sh. Georgia-Pacific Corporation.

4 & 40/50 sh. Georgia-Pacific Corporation.

5 shs. Georgia-Pacific Corporation.

58 shs. Liberty Life Insurance Company.

3 shs. Monsanto Chemical Company.

50 shs. Westwater Corporation later North Star Oil Corporation (Board of Directors of Sabre-Pinon voted their shareholders of record 9–27–57 a share for share distribution of Westwater stock).

Stock exchanges and gifts:

78 shs. The South Carolina National Bank received for 60 shs. 1st Natl. Bank stock on basis of 1.3 shs. of SCNB for each sh. of 1st NB.

137 shs. Liberty Life Insurance Company—Christmas present—Mother. *This stock was given me by my mother.*

1958

Sales:

Hollyridge Development Co.—3% debentures	$2,902.50
Greenville Country Club—certificate	500.00
Valfour Corp. (Martel Mills) (Liquidating dividend) (Payable in part by $3125 face amount Burlington Industries, Inc. 5.4% subordinated debentures)	3,484.38

Purchases:

Hollyridge Development Co.—balance on subscription	1,000.00
86/100 sh. Monsanto Chemical Co	30.01
45/50 sh. Georgia-Pacific Corporation	29.57
39/50 sh. Georgia-Pacific corporation	29.06
33/50 sh. Georgia-Pacific Corporation	29.63
27/50 sh. Georgia-Pacific Corporation	26.60

Stock dividends:

1 and 14/100 shs. Monsanto Chemical Co.

5 shs. Georgia-Pacific Corporation.

5/50 sh Georgia-Pacific Corporation.

5 & 11/50 shs. Georgia- Pacific Corporation.

5 & 17/50 shs. Georgia-Pacific Corporation.

5 & 23/ shs. Georgia-Pacific Corporation.

Stock splits:

56 shs. Southern Weaving Company (Par Value of stock changed to $10 share. New stock certificates issued which would give stockholders 5 shares of $10 par value stock for each share of no par value stock formerly held.)

1959

Conversion and/or

Sales: Burlington debentures (face amt. $3,125) sent in for conversion into common stock of Burlington Industries, Inc. 12–22–59.

156 shs. common stock Burlington Industries plus check for $5.78, rec'd 12–28–59.

Valfour Corp. (Martel Mills) liquidating dividend, and is shown on 1960 income tax ret. $6.25.

Purchases:

21/50 sh. Georgia-Pacific Corporation	$28.57
¾ sh. Georgia-Pacific Corporation	34.27
43/100 sh. Georgia-Pacific Corporation	21.47
23 shs. and 8/10 right The South Carolina National Bank	1,158.00
100 shs. White Stag Mfg. Co. (now part The Warner Brothers Company 107–1/7 Cum. Conv. Sink. Fund P/d)	1,600.00
10 shs. Business Development Corporation of South Carolina	100.00
72 shs. Greenville Memorial Gardens	4,000.00
200 shs. The Investment Life and Trust Company	800.00
1/6 sh. voting stock Liberty Life Insurance Company	3.08
1/6 sh nonvoting stock Liberty Life Insurance Company	3.08

Change in par value, stock dividends, stock splits:

5 & 29/50 shs. Georgia-Pacific Corporation—dividend.

3 & 57/100 shs. Georgia-Pacific Corporation—dividend.

71 & ¼ shs. Georgia-Pacific Corporation issued to take care of par value change from $1 to 80 cents.

2 shs. W. R. Grace & Co.—dividend.

1,296 shs. Liberty Life Insurance Company nonvoting stock) All old certifs.

1,296 shs. Liberty Life Insurance Company voting stock) sent in with cks. for $6.16 for effectuation of this change.

3 & 22/100 shs. Monsanto Chemical Company—dividend.

15 shs. The Peoples National Bank—dividend.

1959—Continued

Change in par value, stock dividends, stock splits—Continued

11 & 7/10 sh. Sonoco Products Company—dividend.

245 shs. The South Carolina National Bank—change of par value from $10 to $5 per share.

Gifts: (Donor):

141 shs. J. P. Stevens & Co., to Christ Church (Given to broker on Sept. 17, 1959 for transfer to Christ Church).

1960

Sales:

Valfour Corp. (Martel Mills liquidating dividends)	$1,338.75
1/2 sh. Sabre-Pinon Corporation (rec'd. as part of 5% stock div.)	2.88
2 shs. Carolina Vend-A-Matic Co	2,500.00

Purchases:

3/10 sh. Sonoco Products Company	9.10
78/100 sh. Monsanto Chemical Company	42.78
96/100 sh. W. R. Grace & Co	38.02
39/100 sh. Georgia-Pacific Corporation	21.82
35/100 sh. Georgia-Pacific Corporation	19.73
31/100 sh. Georgia-Pacific Corporation	14.60
100 shs. Texize Chemicals, Inc	975.00
70/100 sh. Monsanto Chemical Company	31.46

Stock Dividends:

3 & 30/100 shs. Monsanto Chemical Co.

2 & 4/100 shs. W. R. Grace & Co.

3 & 61/100 shs. Georgia-Pacific Corporation.

3 & 65/100 shs. Georgia-Pacific Corporation.

3 & 69/100 shs. Georgia-Pacific Corporation.

3 & 73/100 shs. Georgia-Pacific Corporation.

25 shs. The Peoples National Bank.

2 shs. Sabre-Pinon Corporation (fractional sh. sold). (Now United Nuclear).

Gifts (Donor):

Furman University was given 333 shs. Liberty Life Insurance Company nonvoting stock on 5/11/60.

1961

Sales of fractional shares:

Sabre-Pinon Corp. (now United Nuclear) 6/10th sh	$3.83
W. R. Grace & Co.—10/100ths sh	5.82
Liberty Life Insurance Company—2/10ths V and 6/10ths NV	25.21
Sale of Rights, Criterion Insurance (15)	31.30

Purchases:

100 shs. Television Shares Management Corporation (Later became Supervised Investors Service, Inc.)	1,475.00
15 shs. Government Employees Life Insurance Company	1,402.50
½ sh. Government Employees Life Insurance Company	52.50
100 shs. Class B Union Texas Natural Gas Corporation (Merged into Allied Chem.)	2,775.00
27/100 sh. Georgia-Pacific Corporation	14.73
23/100 sh. Georgia-Pacific Corporation	16.37
19/100 sh. Georgia-Pacific Corporation	12.70
15/100 sh. Georgia-Pacific Corporation	8.68

Gifts (Donor):

On 12/20/61 gave Furman University 150 NV Liberty Life Insurance Company.

Stock dividends:

3 & 77/100 Georgia-Pacific Corporation shs.

3 & 81/100 Georgia-Pacific Corporation shs.

1961—Continued

Gifts (DonorD—Continued

3 & 85/100 Georgia-Pacific Corporation shs.

3 & 89/100 Georgia-Pacific Corporation shs.

7 & ½ shs. Government Employees Life Insurance Company.

2 shs. W. R. Grace & Co.

259 shs. Liberty Life Insurance Company V stock.

192 shs. Liberty Life Insurance Company NV stock.

3 & 38/100 shs. Monsanto Chemical Company.

2 shares Sabre-Pinon Corp. (Now United Nuclear).

Gifts (receipts):

200 shs. V Liberty Life Insurance Company—Christmas present from Mother.

1962

Sales:

½ sh. Dan River Mills	$4.89

Purchases:

62/100 sh. Monsanto Chemical Company	31.91
11/100 sh. Georgia-Pacific Corporation	5.75
7/100 sh. Georgia-Pacific Corporation	3.60
3/100 sh. Georgia-Pacific Corporation	1.06
99/100 sh. Georgia-Pacific Corporation	37.50
94/100 sh. Georgia-Pacific Corporation	35.13
4/8 sh. Allied Chemical Corporation	25.36
86/100 W. R. Grace & Co. sh	71.68
2 shs. Government Employees Financial Corp. $15, 7 rts. 4.81	19.81
200 shs. Carolinas Capital Corporation (Liquidated 1967)	2,000.00

Stocks Dividends, exchanges, Stock splits:

88 shs. Allied Chemical Corporation acquired by merger with Union Texas Natural Gas—Basis: ⅞ths sh. Allied Chemical for each sh. Union Tex.

1312 shs. Dan River Mills were obtained in exchanged for 350 shs. Woodside.

3 & 93/100 shs. George-Pacific Corporation—dividend.

3 & 97/100 shs. Georgia-Pacific Corporation—dividend.

4 & 1/100 shs. Georgia-Pacific Corporation—dividend.

4 & 6/100 shs. Georgia-Pacific Corporation—dividend.

2 & 14/100 shs. W. R. Grace & Co.—dividend.

3 & 46/100 shs. Mosanto Chemical Company—dividend.

49 shs. The South Carolina National Bank—dividend.

60 shs. J. P. Stevens & Co., Inc.—dividend.

40 shs. Consolidated Oil & Gas, Inc. were obtained by the surrender of 100 shs. of Tekoil Corp.

110 shs. W. R. Grace & Co.—two for one stock split.

Gifts, Receipt:

100 shs. V Liberty Life Insurance Company—Christmas present from Mother.

Gifts, Donor:

200 shs. J. P. Stevens & Co., Inc. given Furman University.

1963

Sales:

Consolidated Oil & Gas rights	$.40

Purchases:

500 shs. Aztec Oil & Gas	10,187.50
200 shs. mutual Savings Life Insurance Company	2,725.00
4 shs. Liberty Life Insurance Company	160.00
54/100 sh. Monsanto Chemical	26.95
46/100 sh. Monsanto Chemical	25.76
89/100 sh. Georgia-Pacific Corporation	41.83
84/100 sh. Georgia-Pacific Corporation	44.10

1963—Continued

Purchases—Continued	
79/100 sh. Georgia-Pacific Corporation	$39.50
74/100 sh. Georgia-Pacific Corporation	39.87
60/100 sh. W. R. Grace & Co.	24.03

Stock dividends, stock splits:

4 & 40/100 shs. W. R. Grace & Co.—dividend.

14 shs. Chrysler Corporation—2 for 1 stock split.

28 shs. Chrysler Corporation—2 for 1 stock split.

4 & 11/100 Georgia-Pacific Corporation—dividend (shares).

4 & 16/100 shs. Georgia-Pacific Corporation—dividend.

4 & 21/100 shs. Georgia-Pacific Corporation—dividend.

4 & 26/100 shs. Georgia-Pacific Corporation—dividend.

23 shs. Government Employees Life Insurance Company—100% stock dividend.

10 shs. The Investment Life and Trust Company—10% stock dividend.

464 shs. Liberty Life Insurance Company V—25% stock dividend.

252 shs. Liberty Life Insurance Company NV—25% stock dividend.

3 & 54/100 shs. Monstanto Chemical Company—stock dividend.

12 & 9/10 shs. Sonoco Products Company—stock dividend.

32 shs. The South Carolina National Bank—stock dividend.

50 shs. White Stag Manufacturing Co.—50% stock dividend (later merged into The Warner Brothers Company).

Gifts, (Receiver):

704 shs. Liberty Life Insurance Company V stock given to me by my Mother.

1964 (Number of Shares & Face Amount of Bonds)

Sales:	*Dollars*
Consolidated Oil & Gas, Inc. (40)	$118.55
North Star Oil Corp. (50)	11.46
Supervised Investors Service, Inc. (100) (formerly Television Shares Management Corp.)	611.51
U.S. Treasury Bills ($40,000.00)	39,067.22
U.S. Treasury Bills (5,000.00)	4,887.50
U.S. Treasury Bills (5,000.00)	4,893.01
U.S. Treasury Bills (30,000.00)	29,385.19
U.S. Treasury Bills (7,000.00)	6,862.10
U.S. Treasury Bills (20,000.00)	19,611.27
U.S. Treasury Bills (50,000.00)	49,178.47
U.S. Treasury Bills (81,000.00)	79,760.09
U.S. Treasury Bills (21,000.00)	20,740.16
U.S. Treasury Bills (11,000.00)	10,989.00
Automatic Retailers of America (14,173) (Exchanged for Carolina Vend-A-Matic)	455,307.63
Purchases:	
Fed. Int. Credit Bonds (130,000)	130,025.00
U.S. Treasury (270,000)	262,948.55
U.S. Treasury (130,000)	129,875.72
Piedmont Park F/D (20,000)	20,387.61
Liberty Life Insurance Company (now The Liberty Corp.) (185)	6,521.25
J. P. Stevens & Co., Inc. (40)	1,499.80
Monsanto Chemical Corp. (19)	1,453.85
Government Employees Life Insurance Company (54)	3,510.00
Government Employees Financial (98)	2,989.00
Carolina Natural Gas (407)	2,856.54
Allied Chemical Corp. (12)	674.63
United Nuclear Corp. (46)	1,183.92
W. R. Grace & Co. (70)	3,851.08
Dan River Mills, Inc. (188)	3,464.69
Chrysler Corporation (44)	2,277.00
Burlington Industries, Inc. (44)	2,071.46

1964 (Number of shares & Face Amount of Bonds)—Continued

Purchases—Continued	
The South Carolina National Bank (29)	$1,595.00
Texize Chemical, Inc. (400)	1,800.00
Owens-Corning Fiberglas Corporation (80)	5,782.74
Surety Investment Co. (now part of The Liberty Corp.) (102)	5,712.00
Surety Investment Co. (now part The Lib. Corp.) (112)	6,272.00
Insurance Securities, Inc. (100)	2,556.63
Insurance Securities, Inc. (500)	12,783.15
Insurance Securities Inc. (400)	10,276.76
Surety Investment Co. (now part The Lib. Corp.) (165)	9,240.00
Greater Greenville Sewer District Bonds (4,000)	3,630.96
Nationwide Corp., Class A (500)	7,375.00
Southeastern Broadcasting Co. (formerly WMRC, Inc. now part of Multimedia Corp.) (200)	9,200.00
Insurance Securities (1,000)	28,229.52
Town of Williston SC Waterworks & Sewer Bonds (20,000)	20,420.36
Broadcasting Co. of the South (now part of The Liberty Corp.) (105)	5,250.00
Georgia Pacific Corporation (1,200)	69,374.37
Broadcasting Co. of the South (now Lib. Corp.) (120)	6,000.00
Guaranty Insurance Trust (now part of MGIC) (3,000)	7,500.00
Greenville Waterworks System Rev. Bonds (10,000)	10,636.54
Maryland Casualty Company (200)	12,690.64
(Purchased in—June—in August exchanged for 200 shs. Convertible Preferred Stock and 66⅔ shs common stock of American General Casualty Company)	
Georgia-Pacific Corporation (69/100 sh.)	38.12
Georgia-Pacific Corporation (55/100 sh.)	31.49
Georgia-Pacific Corporation (37/100 sh.)	21.00
W. R. Grace & Co. Corporation (½ sh.)	26.40
Sonoco Products Company (1/10 sh.)	4.50

Stock dividends, Stock splits:

Chrysler Corporation (4 shs.) 4% stock div.

The Broadcasting Company of the South (now part of The Liberty Corp., but for a time it was known as Cosmos Broadcasting Corporation) (56 shs.) 25% stock div.

Georgia-Pacific Corporation (shs) 4 & 31/100 stock dividend.

Georgia-Pacific Corporation (shs) 109 25% stock split.

Georgia-Pacific Corporation (shs) 17 & 45/100 stock dividend.

Georgia-Pacific Corporation (shs) 17 & 63/100 stock dividend.

W. R. Grace & Co. (shs) 3 & 50/100 stock dividend.

The Investment Life and Trust Company (shs) 10 stock dividend.

Main-Oak Corporation formerly Greenville Hotel Company (shs) 31—2 for 1 stock split and 4 for 1 stock dividend. (Old certificate turned in).

Monsanto Chemical Company (shs) 4 stock dividend.

Southeastern Broadcasting Corporation now part of Multimedia Inc. (shs) 990 shs 100% stock dividend.

1964 (Number of shares & Face Amount of Bonds)—Continued

Stock dividends, stock splits—Continued

The Peoples National Bank 50 shs 50% stock dividend.

J. P. Stevens & Co., Inc. 50 shs 10% stock dividend.

Aztec Oil & Gas Company 30 shs 6% stock dividend.

Sale of fractional shares:	
The Investment Life & Trust Company (½ sh.)	$2.65
Cosolidated Oil & Gas—proceeds of 3/5 fractional warrant	.90
Consolidated Oil & Gas—proceeds of 1 right	.21
The Broadcasting Company of the South—proceeds of fractional sh. of stock	12.63

Gifts (Receiver):

Liberty Life Insurance Company (531 shs.), Gift from Mother.

Liberty Life Insurance Company (100 shs), Gift from Mother, Xmas.

1965

Sales:	*Dollars*
Aztec Oil & Gas Company (562 shs.)	$9,975.50
Purchases:	
Sperry Rand (400 shs.)	9,067.50
Cost of additional rights to buy W. R. Grace debentures below	3.94
Monsanto Chemical Company (92/100 sh.)	73.44
W. R. Grace & Co. 4¼% Subordinate Deb. ($1,700)	1,700.00
Azetc Oil & Gas Company (20/100 sh.)	3.75
U.S. Treasury Bills ($134,000)	133,110.80
Texize Chemicals, Inc. (1,300 shs.)	6,984.25
Texize Chemicals, Inc. (400 shs.)	2,199.52
Texize Chemicals, Inc. (300 shs.)	1,573.89
Southeastern Broadcasting Co. (now part of Multimedia, Inc.) (100 shs.)	6,550.00
Chrysler Corporation (1 right and 15 shs.)	720.75
Georgia-Pacific Corporation (19/100 sh.)	11.92
Georgia-Pacific Corporation (1/100 sh.)	.64
Georgia-Pacific Corporation (83/100 sh.)	49.07
Georgia-Pacific Corporation (64/100 sh.)	38.88

Stock dividends, Stock splits:

Allied Chemical Corporation, 2 shs. stock dividend.

Burlington Industries, Inc., 200 shs. stock split.

Georgia-Pacific Corporation, 17.81 shs. stock dividend.

Georgia-Pacific Corporation, 17.99 shs. stock dividend.

Georgia-Pacific Corporation, 18.17 shs. stock dividend.

Georgia-Pacific Corporation, 18.36 shs. stock dividend.

Government Employees Life Insurance Company, 2 shs. stock dividend.

The Investment Life and Trust Company, 22 shs. stock dividend.

Liberty Life Insurance Company now The Liberty Corporation 510 shs. stock dividend.

Monsanto Chemical Company, 4.08 shs. stock dividend.

Nationwide Life Insurance Company, 10 shs. 2% stock dividend or 1 share for each 50 owned of Nationwide Corporation.

Sonoco Products Company, 142 shs. stock split.

The South Carolina National Bank, 36 shs. stock dividend.

Azetc Oil & Gas Company, 31.80 shs. stock dividend.

Gifts (receiver):

Liberty Life Insurance Company, 100 shs. Xmas present from Mother.

1966

Sales:

Insurance Securities (100 shs.)	$500.37
The Investment Life & Trust Company (20-100sh.)	1.41

Purchases:

Calhoun-Charleston Tenn. Util. Dist. Bonds ($4,000)	4,231.79
Richmond Newspapers, Inc. (200 shs.)	4,400.00
Insurance Securities, Inc. (100 shs.)	726.63
Allied Chemical Corporation (96-100 sh.)	44.74
Warner Brothers Company formerly White Stag (6–7 sh.)	33.06
Cole Drug Co. (300 shs.)	4,050.00
Government Employees Financial Corporation ($350) 7 $50 5½% convertible subordinated debentures)	350.00
(For the above debenture purchase it was necessary to purchase seven rights for	1.35
Monsanto Company (82-100 sh.)	32.85
Georgia-Pacific Corporation (45-100 sh.)	28.74
Georgia-Pacific Corporation (1-2 sh.)	22.40
Georgia-Pacific Corporation (57-100 sh.)	22.80
Georgia-Pacific Corporation (33-100 sh.)	11.43

Stock dividends, Stock splits, Exchanges:

Allied Chemical Corporation, 2.4 shs. stock dividend.

Dan River Mills, 75 shs. stock dividend.

Georgia-Pacific Corporation, 18.55 shs. stock dividend.

Georgia-Pacific Corporation, 468.50 shs. five for four stock split.

Georgia-Pacific Corporation, 23.43 shs. stock dividend.

Georgia-Pacific Corporation, 23.67 shs. stock dividend.

The Investment Life and Trust Company, 24 shs. stock dividend.

Monsanto Chemical Company, 4.18 shs. stock dividend.

Mutual Savings Life Insurance Company, 40 shs. stock dividend.

Nationwide Life Insurance Company, 10 shs. 2% stock dividend or 1 sh. for each 50 owned of Nationwide Corporation.

The Peoples National Bank. On August 2, 1966, old certificates totalling 150 shs. sent in to bank—a stock certificate for 300 shs. was then received in 2 for 1 split.

Warner Brothers Company formerly White Stag 107-1/7 shs. received in exchange for 150 shs. White Stag Mfg. Co.

1967

Texise Chemicals, Inc. (200 shs.)	$3,648.92
Texize Chemicals, Inc. (100 shs.)	1,886.33
Texize Chemicals, Inc. (200 shs.)	3,723.16
Texize Chemicals, Inc. (100 shs.)	1,799.71
Texize Chemicals, Inc. (400 shs.)	7,396.84
Richmond Newspapers, Class A (200 shs.)	3,488.12
Warner Bros. Conv. P/d. (108 shs.)	3,206.96
Insurance Securities (400 shs.)	2,447.00
Insurance Securities (1,500 shs.)	8,990.55
Texize Chemicals, Inc. (1,000 shs.)	18,739.60
Texize Chemicals, Inc. (500 shs.)	9,246.05
Carolinas Capital Corporation liquid distribution, 200 shs. owned. Received: $1,000. cash, 120 shs. Scope, Incorporated, 40 shs. Synalloy.	
American General Insurance Company conb. P/d (200 shs.)	6,777.74

1967—Continued

Purchases

Greenville County, S.C. Hospital Bonds ($5,000)	$4,907.99
Southeastern Broadcasting Co. (now part of Multimedia, Inc.) (66 shs.)	5,313.00
Rank Organisation, Ltd. (500)	4,176.00
International Tel. & Tel. (100)	10,849.80
Fairchild Camera & Instrument Corp. (100)	10,199.15
Brunswick Corp. (1,000)	16,230.00
Allied Chemical Corporation (90/100 sh.)	36.12
Ivest Fund, Inc. (728)	10,0002.72
Georgia-Pacific Corporation (9/100 sh.)	$4.21
Leverage Fund of Boston, Inc. (350 shs.)	5,250.00
Southern Weaving Company (200 shs.)	5,400.00
Liberty Life Insurance Company (.7879480 sh.)	14.77
Government Employees Life Insurance Co. (94/100 sh.)	45.12
Georgia-Pacific Corporation (85/100 sh.)	51.21
Gulf & Western (325 shs.)	19,091.62
Georgia-Pacific Corporation (60/100 sh.)	36.60
Georgia-Pacific Corporation (35/100 sh.)	19.86
Monsanto Chemical Company (72/100 sh.)	30.69

Stock dividends:

Allied Chemical Corporation, (2.10 shs).

American General Insurance Company, (134 shs.) com. 200% stock div.

Georgia-Pacific Corporation, (23.91 shs).

Georgia-Pacific Corporation, (24.15 shs).

Georgia-Pacific Corporation, (24.40 shs).

Georgia-Pacific Corporation, (24.65 shs).

Government Employees Financial Corporation, (3 shs).

Government Employees Life Insurance Company, (3.06 shs).

The Investment Life and Trust Company, (26 shs).

Ivest Fund, Inc., (1,309 shs.) dividend.

Ivest Fund, Inc., (31.406 shs.) capital gain.

Liberty Life Insurance Company, (1211.212520 shs.) stock dividend.

Monsanto Chemical Company, (4.28 shs.) stock dividend.

Southeastern Broadcasting Corporation, now Multimedia, Inc. (586 shs.) stock dividend.

The South Carolina National Bank (63 shs.) stock dividend.

Southern Weaving Company (17 shs.) stock dividend.

The Broadcasting Company of the South later Cosmos Broadcasting and in 1969 became part of The Liberty Corp. (56 shs.) stock dividend.

Gulf & Western Industries (9.75 shs.) stock dividend.

Gifts (Receiver):

Liberty Life Insurance Company (100 shs.) XMAS gift from Mother.

1968

Sales:

Fairchild Camera & Instrument Corp. (100 shs.)	$6,104.72
U.S. Pipe & Foundry (200 shs.)	6,232.80
Carolinas Capital Corporation (Cash)	325.37
Final distribution—Liquidation.	

Purchases:

Clemson, S.C. General Obligation Sewer Bonds ($5,000)	$5,055.00
Tenneco, Inc. (200)	5,289.12
Fairchild Camera & Instrument Corp. (100)	6,858.31
Computer Servicenter, Inc. (500)	3,000.00
U.S. Pipe & Foundry (200)	5,867.00
Government Employees Financial (7 rights)	3.50

1968—Continued

Purchases—Continued

Jefferson-Pilot Corp. (200)	$8,580.50
Gulf & Western Industries, Inc. (25/100ths sh.)	15.16
Georgia-Pacific Corporation (10/100ths sh.)	5.85
Georgia-Pacific Corporation (85/100ths sh.)	62.90
Georgia-Pacific Corporation (59/100ths sh.)	49.63
Georgia-Pacific Corporation (33/100ths sh.)	28.92
Government Employees Financial Corporation 11 $50 5¼% Conv. Sub. Debentures ($550)	550.00
Government Employees Financial Corporation (94/100ths sh.)	31.02

Stock dividends, Splits:

Cole Drug Company, Inc., (300 shs.) 1 additional share for each sh. held 5–7–68.

Georgia-Pacific Corporation (24.90 shs.) stock dividend.

Georgia-Pacific Corporation (25.15 shs.) stock dividend.

Georgia-Pacific Corporation (25.41 shs.) stock dividend.

Georgia-Pacific Corporation (25.67 shs.) stock dividend.

Government Employees Financial Corporation (2.06 shs.) stock dividend.

Gulf & Western Industries (10.05 shs.) stock dividend.

International Tel. & Tel. Corp. (100 shs.) 2 for 1 stock div.

Ivest Fund, Inc. (4.129 shs.) dividend.

Ivest Fund, Inc. (38.081 shs.) capital gains.

Synalloy Corporation (10 shs.) 5 for 4 split.

Exchanges:

Guaranty Insurance Trust, 3000 shs. exchanged on 1–2–68, for 210 shs. Mortgage Guaranty Insurance Corporation, and on 8/21/68 this was exchanged for 630 shs. of MGIC Investment Corporation.

Southeastern Broadcasting Corporation, 2,932 shs. exchanged for: Multimedia, Inc., 2,932 5% conv. cum. pref. and Multimedia, Inc., 11,728 Common.

Carolina Natural Gas Corporation, 500 shs. exchanged for Piedmont Natural Gas Company, Inc., 60 shs. $6 cum. conv. 2nd P/d.

Liberty Life Insurance Company, 7,022 shs. exchanged for The Liberty Corporation, 7,022 shs. 1 for 1 basis.

Gifts, Receiver:

The Liberty Corporation (100 shs.) Xmas present from mother.

1969

Sales:

	Dollars
Synalloy Corporation (½ sh.)	$6.59
The Investment Life & Trust Co. (2/10 sh.)	.65
The South Carolina National Bank (9/10 sh.)	32.67

[These were occasioned by stock dividends]

Purchases:

The Liberty Corporation (⅓ sh.)	8.34
Georgia-Pacific Corporation (7/100 sh.)	6.60
Georgia-Pacific Corporation (62/100 sh.)	29.76
Gulf-Western Industries (95/100 sh.)	38.57
Government Employees Life Ins. Co. (82/100 sh.)	42.03
G & W Land & Dev. Corp. (7/10 sh.)	7.00

Stock dividends:

Georgia-Pacific Corporation (25.93 shs.) Stock dividend.

Georgia-Pacific Corporation (2,619 shs.) 2 for 1 stock split.

Georgia-Pacific Corporation (52.38 shs.) Stock dividend.

Govt. Employees Life Ins. Co. (3.18 shs.) Stock dividend.

G & W Land and Development Corp. (17.3 shs.) 1 sh. for each 20 shs. Gulf & Western owned 7–18–69.

1969—Continued

Purchases—Continued

The Investment Life and Trust Co. (29 shs.) Stock dividend.

Jefferson-Pilot Corporation (50 shs.) Stock dividend.

The Peoples National Bank (30 shs.) Stock dividend.

Synalloy Corporation (2 shs.) Stock dividend.

The South Carolina National Bank (69 shs.) Stock dividend.

United Nuclear Corporation (4 shs.) Stock dividend.

Exchanges:

The Broadcasting Company of the South later Cosmos Broadcasting (337 shs.) Exchanged for: The Liberty Corporation (1,011 shs.) Common and (337 shs.) $.40 Voting Preferred conv. series.

Surety Investment Company (379 shs.) Exchanged for The Liberty Corporation (1,389⅔ shs.).

MEMORANDUM

(List of Securities Owned by Clement F. Haynsworth, Jr. from January 1, 1957 to date)

As previously supplied to you, a company by the name of Communications Satellite Corporation was listed as a stock owned by Judge Haynsworth. Subsequent checking indicates that Judge Haynsworth never purchased this particular stock and that the broker in question made an error in listing this particular stock as being sold to him. This error was not discovered until the new chronological list was prepared.

HARRY HAYNSWORTH.

Mr. DOLE. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. I yield.

Mr. DOLE. Mr. President, let me say at the outset that I am one of those who have not yet determined how to vote on the nomination. But let me ask the Senator from South Carolina if he feels he can get his story told by the liberal press in America, when the nomination was made by a Republican President of a conservative Democrat from the State of South Carolina.

Mr. HOLLINGS. Judge John J. Parker was appointed to the Supreme Court, but not confirmed, some 30 years ago under similar circumstances.

The inference left by the press is that Justice Goldberg disqualified himself on labor decisions. He never did; he disqualified himself on the Darlington case, but he had been their lawyer.

Judge Haynsworth was not Deering-Milliken's lawyer, but that has not been told.

No one contends that Justice Thurgood Marshall should disqualify himself from civil rights cases. But they say Judge Haynsworth has made money on textiles, that he is a textile judge.

I think it is highly important that those who know the judge, and have read every one of his decisions, over a 12-year period, that he has ever participated in, can come here with admiration and support for Judge Haynsworth. I have tried to get that in the papers, but instead, the story has been distorted until he has been made to feel that he was indicted rather than appointed, because they have taken the ball and started running with it toward a predetermined touchdown, saying, "Why has be not withdrawn?"

Mr. DOLE. The Senator's discussion has been very helpful to me as one who has not made a decision, but I believe he will find the press and the media more interested in taking a position than in telling the truth. The press which defended Mr. Fortas would naturally be against a Republican President's nominee for the Supreme Court. It is an unfortunate fact that 90 percent of the media are liberals in their thinking, not looking for a conservative judge or interested in telling the true story to the American people. I think the Senator is making a valiant attempt today; I hope it will be successful.

Mr. HOLLINGS. Mr. President, I yield the floor.

CHINESE THREAT: THE MOST EXPENSIVE ILLUSION OF OUR TIME

Mr. PROXMIRE. Mr. President, this country has devoted a great deal of its enormous military spending to combat the expansion of Communist China.

In Vietnam—perhaps the major reason for our immensely expensive involvement has been to stop Communist expansion. One article in a recent issue of the New York Times characterized President Nixon's strong commitment in Vietnam to be based on the notion that our active military presence constitutes the cork in the bottle that contains Communist expansion.

But Vietnam is only part of a vastly expensive military effort to contain Red China. It includes our many expensively manned far Pacific bases, our hugely expensive aircraft carriers, the other components of our Far Eastern fleets and their reserves, as well as a major Air Force commitment.

The reason for all this is because of the fear that without a vigorous and active military presence Red China would sweep throughout Asia and perhaps extend far beyond.

Mr. President, this is probably the most expensive illusion of our time.

What kind of a threat does mainland China really constitute to this country? How serious a threat does it really represent in Asia? Could China execute a successful invasion elsewhere in Asia? Could she mount a serious attack in the Pacific?

Consider the facts: In spite of the most vigorous sometimes vicious denunciation by Red China of U.S. involvement in Vietnam, there has been no verified report of a single Chinese soldier involved in the Vietnam war. Why? Not because of any moral or peaceful compunction on the part of the Chinese but for the simple reason that China does not have the economic strength to support any military effort except on its borders even in a country as nearby as Vietnam.

China lacks the transportation facilities. It has no navy worthy of the name. It has a pitifully inadequate air force. Its highway system, rail system and rolling stock are so feeble that they are barely adequate to provide border protection.

Within the borders of China its 750 million people widely equipped with small arms would constitute a highly formidable, probably an impossible force to overcome without using massive nuclear arms. But as a world conquering invader, Red China is simply not in the ball game. China's own nuclear arsenal is primitive bush league compared to that of the United States and Russia.

But most significant of all, Mr. President, China has not been gaining economic strength. She has been losing it.

A couple of years ago our Joint Economic Committee conducted an in-depth study of the economy of China. We commissioned 20 of the leading scholars in the world to do the job. That study showed an erratic course of progress and setback for the Chinese economy.

Without a strong and growing economy, the Chinese threat dissolves in smoke. And the most recent reports from the Chinese Communists celebration of their 20th year in power show how unlikely it is that China will constitute a serious threat in coming years.

Maoist China faces its third decade with massive problems and handicaps. Here is the only major country in the world that has not grown economically in the past 10 years. China's gross national product is probably no higher than it was 10 years ago. But it has an annual population growth of 15 million to 20 million. This has destroyed attempts to raise the standard of living or the military power, except for a rudimentary nuclear power.

Mr. President, the dangerous dispute with the Soviet Union over borders and ideological influence and the continued hostility toward not only the United States but most other countries add to the strains and uncertainties.

Certainly the United States along with other Pacific powers should maintain a constructive military presence in the Pacific. But we are spending far more than can possibly be justified now. And other independent Pacific nations should carry their share of stopping any Red Chinese expansion.

As the New York Times reported Thursday:

> Given stability, practical domestic guidelines and policies of peaceful adjustment in foreign relations, the Chinese Communist state would stand a good chance of pulling out of its present slump and making new progress. But these factors appear difficult to assure under a leadership headed by Mr. Mao or any other leader now on the horizon.

Mr. President, I submit, the only justification for our enormous military expenditures lies in the threat of potential enemies. Two nations constitute the overwhelming basis for this threat: the Soviet Union and the mainland Chinese.

The military threat of the Soviet Union like that of China is limited by economic constraints. The Office of Strategic Studies in London tells us that the Soviet spends about half as much on her military operations as the United States. She has half the gross national product of this Nation. She is constrained by an industry and agriculture that simply cannot afford to give up more resources to the military without seriously weakening the Soviet's long-term economic and hence its military power.

But in Red China we confront an even more conspicuously overestimated adversary. And the cost of this overestimate in military overspending, in inflation, in an onerous tax burden, in shamefully inadequate housing and in a series of other

XUM

neglected domestic problems is very great indeed.

This country can afford to cut $10 to $15 billion from its military budget now. In fact we cannot afford not to make those cuts.

JUDGE HAYNSWORTH

Mr. YOUNG of Ohio. Mr. President, in my judgment President Nixon should certainly withdraw the nomination of Judge Clement F. Haynsworth as Associate Justice of the U.S. Supreme Court. There are approximately 436 U.S. district court judges and U.S. Court of Appeals judges. It is difficult for me to comprehend how the President selected Judge Haynsworth for nomination to the Supreme Court. Admittedly, that judge has been highly proficient in making a fast buck. If the President thinks it is desirable to appoint a judge who is regarded to hold views considered very conservative there certainly should be a number of judges with this viewpoint, who unlike Judge Haynsworth, cannot be said to have ever rendered judicial decisions favoring segregation and delaying integration as directed by the Supreme Court of the United States.

Surely, of the approximate 436 judges of various Federal courts there are many, many whose judicial careers have been outstanding and, in fact, who are superior as jurists in every respect to Judge Haynsworth. Then, Mr. President, in addition to judges of the U.S. district courts, and of the U.S. Courts of Appeals, there are eminent judges in the supreme courts or in the courts of highest jurisdiction of the 50 States. In fact, in our 50 States, just as is the situation in my State of Ohio, there are trial judges in the various counties of those States who are highly trained and experienced, have served in a most creditable manner, are greatly admired and highly respected for their wisdom, integrity, are known to be devoted to the law and are men of the highest character and of judicial caliber.

Judge Haynsworth in at least two cases clearly violated the canons of judicial ethics—in his vote in 1963 which decided a case for a company which had contracts with a firm in which he owned a one-seventh interest; and in 1967 when he bought 1,000 shares of stock in a company on which he had helped render a favorable legal verdict and before that verdict was announced. In the former he made a profit of some $400,000 on an initial investment in 1950 of approximately $3,000. This from a company in which he was not just a casual investor, but an insider.

Canon 26 of the code of judicial ethics promulgated in 1908 by the Committee on Professional Ethics of the American Bar Association reads:

> A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court, and after his accession to the bench, he should not retain such investments previously made longer than a period sufficient to enable him to dispose of them without serious loss.

Also, United States Code, title 28, section 455 states:

> Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceedings therein.

It is crystal clear that Judge Haynsworth violated canon 26 and the United States Code on at least two occasions.

President Nixon on several occasions has stated that he is a strict constructionist in interpreting the Constitution. In his recent announcement reiterating his support of Judge Haynsworth, it is clear that he is far less strict in interpreting the canons of judicial ethics, and that section of the United States Code pertaining to the conduct of Federal judges.

Although Judge Haynsworth has denied any impropriety and has expressed sorrow over these incidents, the fact is that judges of the U.S. courts and especially the Supreme Court of the United States must, like Caesar's wife, be above suspicion. There should be no shadow or taint of impropriety on an Associate Justice of the highest court of our land. This is especially imperative today in view of the conditions which gave rise to the Supreme Court vacancy for which Judge Haynsworth has been nominated—the circumstances which prompted the resignation of Associate Justice Fortas.

As the distinguished junior Senator from Michigan (Mr. GRIFFIN), the assistant minority leader, wrote in an article published by the University of Michigan Law School in April 1969:

> The Senate must not be satisfied with anything less than application of the highest standards, not only as to professional competence but also as to such necessary qualities of character as a sense of restraint and propriety . . . Thus, when the Senate considers a nomination to one of the nine lifetime positions on the Supreme Court of the United States . . . the importance of its determination cannot be compared in any sense to the consideration of a bill for enactment into law. If Congress makes a mistake in the enactment of legislation, it can always return at a later date to correct the error. But once the Senate gives its "advice and consent" to a lifetime appointment to the Supreme Court, there is no such convenient way to correct an error since the nominee is not answerable thereafter to either the Senate or to the American people.

In pressing forward with the Haynsworth nomination, President Nixon is damaging the image of the U.S. Supreme Court in the eyes of millions of Americans. He is further disillusioning many younger Americans over the honesty of today's society and government—of the establishment, so to speak.

Mr. President, for these reasons alone, I shall vote against confirmation of Judge Haynsworth as Associate Justice of the Supreme Court of the United States.

However, there are other compelling reasons for rejecting this nomination.

Judge Haynsworth's decisions in a series of civil rights cases clearly suggest that he is opposed to desegregation. Among our most serious domestic problems are those dealing with civil rights and the problems of minority groups. During the past 15 years, the Supreme Court of the United States has taken leadership in helping redress their grievances and in assuring civil rights and civil liberties to all regardless of their race or creed. It would be unfortunate indeed if millions of citizens believed that the Supreme Court was no longer concerned with equal treatment for all and human dignity. From his past record, Judge Haynsworth's appointment to the Court might well leave that impression and perhaps have grave consequences.

I believe it is significant that in every one of the seven labor cases on which Judge Haynsworth sat that were reviewed by the Supreme Court, he voted against labor. In every one he was reversed by the Supreme Court. In all those cases only one Supreme Court Justice agreed with Judge Haynsworth, and then only once.

The rights and needs of working men and women are too important to entrust to adjudication by a man so out of tune with the law and with the times that his decisions have been reversed in all cases in these areas which were appealed to the Supreme Court.

Mr. President, the American people's sense of what a Supreme Court Justice's reputation and qualifications should be is offended by the revelations made since the nomination of Judge Clement Haynsworth. The standard of ethics that will be established by the Senate in determining his fitness for this high office will be witnessed by all Americans. Those standards should not be lowered for reasons of temporary political expediency. The nomination of Judge Haynsworth should be withdrawn. If it is not, it should be rejected by the Senate forthwith.

Mr. President, yesterday Judge Haynsworth offered to put his extensive financial holdings beyond his personal reach to avoid conflict-of-interest problems. This in itself, coming as it does after numerous revelations of judicial impropriety on his part, is sufficient reason for withdrawal of his nomination. Does this indicate that now Judge Haynsworth may not feel competent to handle his finances without the possibility of a conflict of interest arising? It is a sad commentary on the state of our Nation and of our Federal Government that the only Federal judge in the Nation offering to place his holdings beyond his personal reach has been nominated to be Associate Justice of the highest court of the land.

On Sunday, Vice President AGNEW stated that Judge Haynsworth was "clean as a hound's tooth." If the Vice President's evaluation is any indication of the ethical standards to be followed by this administration, then the Nation is in for a sorrowful 3 years indeed.

Mr. President, the National Observer, published and copyrighted by Dow Jones & Co., and a highly respected publication regarded as a spokesman for that Grand Old Party of which I am not a member, in its issue of Monday, October 6, published an editorial which I believe every Senator should read before he determines how he will vote in the question of confirmation of the nomination of Judge

Haynsworth, unless, of course, that nomination is withdrawn by our President. I ask unanimous consent that this editorial, entitled "Judge Haynsworth's Finances," be inserted at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

JUDGE HAYNSWORTH'S FINANCES

It would take exceptional courage now for President Nixon to admit that the nomination of Clement F. Haynsworth, Jr., to the U.S. Supreme Court was a mistake: After all, no scandal mars Judge Haynsworth's career, no clear-cut indiscretion tarnishes his record. For the same reason, it would take an exceptional turn of events to prevent his confirmation by the Senate, however vigorous the opposition there. And last week there seemed little chance Judge Haynsworth would bow out; he apparently has a hard time understanding what all the fuss about his personal finances is all about. This innocence, however, is an excellent reason—among others—why this nomination should be withdrawn or defeated.

Judge Haynsworth had vigorous opposition from the start. Civil-rights leaders deplored the choice, often intemperately. Labor leaders were hopping mad, shouting that the judge's record proved him to be pro-business. Neither objection was compelling, and neither certainly argued against confirmation. It wasn't until the opposition began exploring the judge's personal finances that the appointment began to emerge as a boner.

No, Judge Haynsworth broke no laws, nor did he broach the letter of judicial and legal ethics. The record as it unfolded before the Senate Judiciary Committee was one of a series of questionable investments and associations, but not one of them so damaging as to make him an unfit candidate for the High Court. And certainly no single item or even an accumulation of items, was so clearly a violation of good judgment as the conflict of interest that eventually forced Abe Fortas to resign his Supreme Court seat.

HE WAS VERY SORRY

Then came the revelations about the judge's investment in the Brunswick Corp. He bought the stock after his court had reached a decision on an appeal involving Brunswick, and the decision probably would have no effect on the stock's value. Nevertheless, he bought the stock before the court officially handed down the ruling, and the appearance, at least, of impropriety lingers. Judge Haynsworth's evaluation of his own action? He is "very sorry" he bought the stock, but he simply had forgotten when he made the purchase that the Brunswick case was still officially before his court.

The accumulation, then, capped by the Brunswick investment, portrarys a man who is probably a nice fellow, a judge who will gladly keep his nose clean if someone will spell out for him how it is to be done, but a man who is oblivious of the need for a jurist to maintain a singleminded interest in the administration of justice, free of even the hint that his decisions are influenced by anything else.

The appointment, simply, is an embarrassment to the Nixon Administration, which is hardly of great moment, and a potential embarrassment to the Supreme Court, which, in light of the recent Fortas embarrassment, is of great moment.

IT IS BETTER LABELED OPERATION INEPT

Mr. YARBOROUGH. Mr. President, Operation Intercept has now been in effect for 2 weeks and has earned the more appropriate title of "Operation Inept."

Just as no one can quarrel with the need for controlling the traffic in illegal drugs and narcotics, no one can quarrel with the fact that Operation Intercept has done serious, possibly permanent, damage to our relations with Mexico.

The operation is an inept way to deal with another nation. It is an inept way to treat the citizens of a friendly nation. It is an inept way to treat the citizens of this Nation who have visited a great and good neighbor. It is a most inept way to treat the economy of a section of this Nation and of Mexico.

There are also many who say it is an inept way to handle the problem it is supposed to be solving—the inflow of marihuana, dangerous drugs, and hard narcotics into this country.

The President of Mexico, Gustavo Diaz Ordaz, has called Operation Intercept a "bureaucratic error" and has said that it raises a "wall of suspicion" in United States-Mexico relations.

Mr. President, the United States and Mexico have developed good relations through the years. We have many programs of cooperation and friendship. In just 2 weeks of this operation we see serious damage to those relations.

Two border celebrations have already been canceled or postponed because of the action by the Government.

In Texas, Brownsville's "Mr. Amigo" celebration, which was scheduled for October 12, has now been canceled. It is usually an annual event; an event to honor a top Mexican personality and to demonstrate the friendship between the United States and Mexico. Officials of Del Rio and its neighbor city, Ciudad Acuna, have postponed for at least 10 days their annual "friendship festival" because of Operation Intercept.

Mr. President, not only is the operation an inept treatment of good relations; it is an inept way to deal with the economic situation along the border of this Nation with another nation.

Mexican businessmen are being hurt because citizens of this country are canceling trips to border cities. Many Mexican citizens who cross the border every day to work in the United States are having a difficult and sometimes impossible task of getting to their jobs in this country. There are reports some have already lost their jobs.

Just as Mexican businessmen are being hurt, so are businessmen on this side of the border. Many citizens of Mexico come to the United States on buying trips. Businessmen in this country are being hard hit as their customers refuse to suffer the delays and indignities of Operation Intercept. The balance of trade in some sections runs 10 to 1 in favor of the United States. That is true in border cities in California and border cities in Texas. We are the ones who are hurt worst by Operation Intercept. But it was 10 to 1 in favor of the United States before Operation Intercept.

Our businessmen will be hurt further, as Mexico now has started Operation Dignity. This operation urges Mexicans to stop going to the United States and to make all their purchases in Mexico. This operation was started by Mexico because of the affront to Mexico implicit in our Nation's implementation of Operation Intercept without any friendly consultation with a friendly border nation. The border is a border of two nations, not one. Anything done to the border by one nation should be after consultations with the other nation. Mexico was not treated as a friendly neighbor or as a coequal partner in the fellowship of nations in this matter, and Mexico knows it. The long, friendly relations between the two nations, built up on the American side by the successive diligent efforts of Presidents Franklin D. Roosevelt, Truman, Eisenhower, Kennedy, and Johnson is being badly damaged. Thirty-six years of careful building of friendship has now been jolted by this operation.

I live in a border State; I visit Mexico every year, and I think it a very unfair way to treat a good neighbor.

And so the story goes, Mr. President, of this inept operation.

Thousands of dollars in commerce lost. Friendships damaged. Relations with a good neighbor severely strained. And all with even questionable results of the stated purpose of this operation.

After all, Mr. President, when you tell somebody, "We're going to set up something to catch smugglers," the smugglers stop smuggling. It reminds me of the operation of the Secretary of the Interior when he announced he was going to Florida to catch alligator poachers. The alligator poachers shaved and went to church that week—probably the first time in years.

The action of the Treasury Department in this operation reminds me of the farmer who was plagued with rats. After failing with various methods to eradicate these rats from his barn, he set fire to his barn and burned the barn down to get rid of the rats. Let us not burn the barn of profitable international trade and invaluable international relationships to get rid of some lawless individual smugglers.

S. 2997—INTRODUCTION OF A BILL PROVIDING JUDICIAL PROCEDURE FOR OBTAINING EVIDENCE OF IDENTIFYING PHYSICAL CHARACTERISTICS

Mr. McCLELLAN. Mr. President, I introduce for appropriate reference, together with Senators Hruska and Allott, S. 2997, a bill to provide a judicial procedure for the obtaining of evidence of identifying physical characteristics. At the outset, however, because this is a new and novel approach to a traditional evidentiary problem facing law enforcement, I am not necessarily committed to the bill, and I am not sure, at this point, that it will receive my wholehearted support. In short, S. 2997 is a bill which I want subjected to close scrutiny and study by all those knowledgeable in the area of criminal law and procedure.

Mr. President, S. 2997 is an outgrowth of the Supreme Court's recent decision in *Davis* v. *Mississippi*, 394 U.S. 721, decided on April 22 of this year. It would be helpful, therefore, to set out briefly the facts in the case.

On December 2, 1965, in Meridian, Miss., an individual was raped by an assailant she could describe only as a young

Negro. Fingerprints on the window through which the assailant entered the victim's home constituted the only investigative lead. The day after the rape occurred, the police began questioning numerous Negro youths. Petitioner, a 14-year-old, was one of several youths questioned, fingerprinted, and released the day following the rape.

On December 14, with neither a warrant nor probable cause, the police confined petitioner in the Meridian jail, a detention which the State during oral argument conceded was constitutionally invalid. During that confinement petitioner was fingerprinted a second time and these prints, along with those of 23 other Negro youths, were sent to the FBI in Washington for comparison with the prints taken from the window of the victim's home. The FBI found the petitioner's fingerprints matched those on the victim's window. Petitioner was then tried and convicted for rape, with the fingerprint evidence being admitted in evidence over petitioner's objection that they should be excluded as the product of an unlawful detention.

On certiorari to the U.S. Supreme Court, the majority in an opinion by Mr. Justice Brennan held that petitioner's illegal detention of December 14, during which the fingerprints used at trial were taken, constituted an unreasonable search and seizure in violation of the fourth amendment to the Constitution. The State had conceded that the fingerprints taken December 14 were taken during an unconstitutional confinement for which there was no warrant or probable cause, but had argued that the December 3 prints were validly obtained and that "it should make no difference in the practical or legal sense which fingerprint card was sent to the FBI for comparison" (394 U.S. at p. 725). The State added that the December 3 detention, while effected without probable cause, was of a type not requiring probable cause because: First, the detention occurred during the investigatory rather than accusatory stage and was not a seizure requiring probable cause; second, detention for the sole purpose of fingerprinting does not require probable cause. The Court's decision rested on a rejection of this argument. It held that "to argue that the fourth amendment does not apply to the investigatory stage is fundamentally to misconceive the purpose of the fourth amendment (394 U.S. at p. 726). The Court continued:

> Investigatory seizures would subject unlimited numbers of innocent persons to the harassment and ignominy incident to involuntary detention. Nothing is more clear than that the fourth amendment was meant to prevent wholesale intrusions upon the personal security of our citizenry whether these intrusions be termed "arrests" or investigatory detentions (394 U.S. at pp. 726, 727).

Citing *Terry* v. *Ohio*, 392 U.S. 1 (1968), the Court indicated that this had been made explicit when the Court there rejected "the notions that the fourth amendment does not come into play at all as a limitation upon police conduct if the officers stop short of something called a 'technical arrest' or a 'full blown search'" (394 U.S. at p. 727). The Court concluded that "detentions for the sole purpose of obtaining fingerprints are no less subject to the constraints of the fourth amendment," and held that petitioner's prints of December 3 were also obtained in violation of the fourth amendment (394 U.S. at pp. 726, 727).

Nevertheless—and this is crucial here—Mr. Justice Brennan, for the majority, devoted the last part of the Court's opinion to discussing possible procedures for constitutionally detaining individuals for purposes of fingerprinting during a criminal investigation when there is no probable cause for arrest in the "traditional sense." The relevant passage from the opinion is as follows at pages 727, 728:

> "It is arguable, however, that because of the unique nature of the fingerprinting process, such detentions might, under narrowly defined circumstances be found to comply with the Fourth Amendment even though there is no probable cause in the traditional sense. See *Camara* v. *Municipal Court*, 387 U.S. 523 (1963). Retention for fingerprinting may constitute a much less serious intrusion upon personal security than other types of police searches and detentions. Fingerprinting involves none of the probing into an individual's private life and thoughts which marks an interrogation or search nor can fingerprint detention be employed repeatedly to harass any individual, since the police need only one set of each person's prints. Furthermore, fingerprinting is an inherently more reliable and effective crime-solving tool than eyewitness identifications or confessions and is not subject to such abuses as the improper line-up and the "third-degree." Finally, because there is no danger of destruction of fingerprints, the limited detention need not come unexpectedly or at an inconvenient time. For this reason, the general requirement that the authorization of a judicial officer be obtained in advance of detention would seem not to admit of any exception in the fingerprinting context.

Mr. President, this language reads almost like an invitation to Congress to enact legislation in this area. Indeed, the opinion goes so far as to set out some of the reasons for enacting such legislation as well as some guidelines to follow to assure its constitutionality.

Broadly speaking, the Court suggestion here rests on the recognition that fingerprint evidence is a type of evidence which the Court itself, for fifth amendment self-incrimination purposes, has classified as evidence of identifying physical or body characteristics. See *Schmerber* v. *California*, 384 U.S. 757, (1966); *United States* v. *Wade*, 388 U.S. 218 (1967); *Gilbert* v. *California*, 388 U.S. 263 (1967). Schmerber, which held that taking a blood sample for purposes of chemical analysis did not violate the fourth, fifth, sixth, or 14th amendments, noted:

> That both federal and state courts have usually held that it [the privilege against self-incrimination] offers no protection against compulsion to submit to fingerprinting, photographing, or measurements, to write or speak for identification, to appear in court, to stand, to assume a stance, to walk, or to make a particular gesture (384 U.S. at p. 764).

Each of these types of evidence, of course, involves information about an individual's bodily characteristics. In discussing various types of evidence, the taking of which has been considered to be outside the scope of the privilege against self-incrimination, the Court has sometimes used the terms "nontestimonial" and "noncommunicative" (See supra, Schmerber, Wade and Gilbert). These terms, however, are somewhat confusing, inasmuch as some types of evidence outside the scope of the privilege are, in fact, testimonial and communicative. In addition, the Court uses essentially negative language to define a positive concept. One common feature that each type of evidence the Court has held to be outside the privilege, is that each type is descriptive of a bodily characteristic. Therefore, for the purpose of this legislation, I have used the term "identifying physical characteristic" (*Wade*, supra, 399 U.S. at pp. 222–223; *Gilbert*, supra, 388 U.S. at p. 667).

Justice Holmes, in *Holt* v. *United States*, 218 U.S. 245, 1910 (pp. 252–253) cited in Schmerber and Wade, defines the scope of the privilege against self-incrimination as follows:

> [T]he prohibition of compelling a man in a criminal court to be a witness against himself is a prohibition of the use of physical or moral compulsion to extort communications from him, not an exclusion of his body as evidence when it may be material.

Each type of evidence which has been included in the bill, and any evidence which the bill would include, is a type which has been invaluable to law enforcement—not only in solving crimes, but in eliminating innocent suspects.

I turn then to a brief description of the value to law enforcement of these types of evidence.

FINGERPRINT, FOOTPRINT, AND PALMPRINT EVIDENCE

Fingerprints are the most positive form of personal identification known. This is based on two long observed and continuously verified facts: First, that the ridge arrangement on every finger of every person is different and, second, that the ridge arrangement is permanent throughout the person's life. This means that the fingerprints of every person are different. The scientific basis of fingerprinting as we know it, was brought to public attention in 1880 by two Englishmen, Henry Faulds and William Herschel. Their initial conclusions in this matter were studied intensively over a long period of time and set on a firm scientific basis by the British Scientist Sir Francis Galton. The use of fingerprints in criminal identification did not become practicable, however, until the invention of a system of classification by Sir Edward Richard Henry, later Commissioner of Scotland Yard. The system was so positive and easy of implementation that it was officially adopted by the British Government in 1901 for the registration of convicted criminals. Thereafter, it spread rapidly throughout the English-speaking world and is the most widely used system of fingerprint classification today. A second system of fingerprint classification was devised by Juan Vucetich, an Argentinian, and is used in most of the Spanish-speaking countries of the world.

The early use of fingerprints in the United States dates from about 1903. On November 2, 1904, the warden of the U.S. Penitentiary at Leavenworth, Kans., was authorized to take fingerprints of

Federal prisoners. Subsequent to that time, the use of fingerprinting was rapidly adopted throughout the country, fostered by the interest of the International Association of Chiefs of Police. In 1924 the growing demand for a central clearinghouse of fingerprint records resulted in the establishment of the FBI's Identification Division in Washington, D.C., with a total of 810,000 fingerprint cards made up of the files of the International Association of Chiefs of Police and the Leavenworth Penitentiary. Fingerprinting has reached its greatest acceptance and utility in the United States. Today the police of every city and hamlet in the United States are cognizant of the value of fingerprints for identification and are familiar with the services of the FBI's Identification Division. In May 1969 the FBI's files contained more than 192 million fingerprint cards representing more than 83,000,000 persons. More than 14,700 law enforcement and governmental agencies throughout the country contribute these records. The civil files of the FBI contain the prints of 65,000,000 persons, while the criminal files contain the prints of only 18,000,000 individuals.

Let me point out here, however, that fingerprinting in the United States bears no criminal stigma. Indeed, it serves many civil purposes. Most Federal employees are required to be fingerprinted; our Armed Forces fingerprint all of their personnel, and several million persons have voluntarily placed their fingerprints on file for emergency identification. Fingerprint identification is not dependent on age, facial, or body appearance, nor on visual recognition by others, but is established solely through the matching of the unchanging and unique ridge formations appearing on each person's fingers.

Compared to other methods of identification, the recording of fingerprints is simplicity itself. Impressions of the ridges are made by coating the fingers with black fingerprint or printer's ink and then placing the fingers on a white record card. The entire operation does not ordinarily require more than 30 minutes' time and may be accomplished in less. The recording of all ridged areas of both hands and feet might, in some cases, require up to an hour's time. The taking of the prints requires no volition on the part of the person being printed, does not require his active participation, nor does the operator participate, other than to see that the prints are completely and legibly recorded. The ink which is placed on the fingers is readily removed with soap and water. In some cases, it is necessary to procure finger, palm, and footprints for comparison purposes.

Fingerprints, along with palm prints and footprints, are of the greatest value in criminal investigative work because they can be positively identified as those of a particular person, even though there are no eyewitnesses to the offense. In several cases, fingerprint evidence alone has been sufficient for conviction of a defendant, so reliable is its nature. Although the 10 fingerprints of a person are used to set up general record files because they offer the maximum pattern material from a technical standpoint, as well as being easily taken, any ridged areas of the hand or foot is unique in every person and can be identified exactly like fingerprints and such identifications have the same legal validity. Palmar impressions are often found on objects at crime scenes and footprints are found in some cases. In many instances fingerprints of suspects in cases are not known to be available, and in most cases palm and foot impressions must be taken of a suspect before any comparison with a crime scene print is possible. The FBI alone receives about 2,500 latent print cases per month and identifies suspects in approximately 250 cases per month. Fingerprinting plays a vital role in every major investigation and can be the positive clue linking the criminal with the crime.

Fingerprints also have a number of humanitarian uses. Foremost among these is the daily identification of persons who are found dead of natural causes in unknown surroundings and those who have been murdered. The great success of the FBI's disaster squad has been achieved through identifications effected with fingerprints contained in its enormous collection of civil fingerprint records. About 80 percent of the disaster victims from whose bodies fingerprints could be obtained, have been identified by that method, despite the fact that the bodies are frequently mutilated, fragmented, and burned beyond visual recognition. Many bodies of unknown deceased persons have been identified by fingerprints even after the bodies have lain exposed to the elements for weeks or months. Missing persons are regularly located through fingerprints; amnesia victims are identified, and the greatest confidence is placed in identification of our war casualties by fingerprints. Footprints may also serve a humanitarian purpose. The Air Force footprints its personnel and it is a common practice for hospitals to footprint the newborn for positive identification, should a case of questioned identity arise. The fingerprints of mothers found on birth records of their children have been used in a number of cases to identify disaster victims. Fingerprints found on the driver's licenses of a few States have also been used to positively identify victims of catastrophes. The identification of more than 2,500 fugitives from justice per month is effected by this means.

In order to use fingerprint identification there must be a known set of a person's prints available with which to compare any questioned print; so if fingerprints are found at a crime scene there must be a known set of palm prints or a known set of footprints with which to compare palm or foot impressions found at the scene of a crime before they can be useful to the investigation. In a number of cases it has been possible to connect a single culprit with several major crimes through fingerprints. With the recent restrictive uses of confessions and admissions, physical evidence is of the greatest importance in prosecuting the subject. It is possible also by fingerprints to show the presence of the victim in a dwelling, automobile, or other location. In comparing prints of any type the expert can say that the prints either are or are not those of a particular person.

While fingerprints are a sure way to connect the criminal with the crime, suspects by the hundreds are constantly eliminated from investigative consideration in criminal cases through showing that their fingerprints do not match those from the crime scene. Many erroneous identifications made by other means have been corrected by fingerprints, resulting in some instances, in the release of persons already under arrest.

HANDWRITING EVIDENCE

The examination of handwriting is one of the older fields of the forensic sciences. Historical references reveal that the practice of forgery and other frauds involving documents evolved almost as early as the development of writing as a medium of communication. As a means of protection against this practice, the need for the detection of forgery arose.

This gave rise to the development of persons skilled in the examination of writings.

With the advance of science in general and an advance in the skill of persons examining writings, recognition was given in the early courts to handwriting experts. After the beginning of the 1800's, the English courts began to accept expert testimony concerning handwriting. *Eagleton and Coventry* v. *Kingston*, 8 Vesey 438 (1803). Earliest introduction of expert handwriting testimony in the United States seems to have been under the Civil Code of Louisiana. *Sauve* v. *Dawson*, 2 Martin 202 (1812).

Many of the rules and regulations concerning handwriting testimony were formulated by court decisions and have been made a part of codified laws. The Congress of the United States on February 26, 1913, vol. 37-1, C79, p. 683, enacted a statutory provision relating to comparisons of handwriting:

> In any proceedng before a court or judicial officer of the United States where the genuineness of the handwriting of any person may be involved, any admitted or proved handwriting of such person shall be competent evidence as a basis for comparison by witnesses, or by the jury, court or officer conducting such proceeding, to prove or disprove such genuineness.

Since that date there has been acceptance of expert testimony involving document matters as expressed in *State* v. *Gummer*, 51 N.D. 445, 200 N.W. 20 (1924), wherein the court stated:

> The study of handwriting has become a scientific matter and, with modern theories as to individual characteristics as expressed in handwriting and the scientific means for measurement and demonstration that have been devised, the status of handwriting evidence has wholly changed. That being the case, the rules of evidence with respect to handwriting have had to be enlarged accordingly. It is another case of the growth and progress of the law to meet modern requirements.

At the time that the FBI Laboratory was established in 1932, the services of only one handwriting expert was needed. Today the FBI Laboratory employs over 30 experts in domument examinations and during the current fiscal year conducted approximately 200,000 examinations involving various types of writing. Other branches of the Federal Government, police agencies in major cities of the United States, and many private examiners throughout the United States are engaged in the examination of handwritings and documents. The courts of the United States and throughout most of the world presently give full acceptance to testimony furnished by document examiners.

In cases such as kidnaping, extortion, interstate transportation of stolen properties, stolen motor vehicles, and practically every type of case investigated by the police and Federal agencies, the examination of handwriting plays a major role in the investigation and subsequent court proceedings.

Since handwriting examination is of such vital importance to a majority of cases investigated, it is essential that the document examiner have available for examination suitable known handwriting standards for comparisons.

IDENTIFICATION PHOTOGRAPHS

Photographs of persons have long been used on identification papers throughout most of the world. For years, the police in the United States and in other countries have photographed individuals who were being fingerprinted as a suspect or as an accused. This practice has received widespread acceptance by the courts and this was recently confirmed by the U.S. Supreme Court in Schmerber against California, supra.

The use of identification photographs plays an important role in investigations conducted by the police. Numerous cases are on record whereby a wanted person has been located through publications of his photograph. As an aid to criminal investigation, an identification photograph is an invaluable tool for the investigating officer.

BLOOD AND OTHER BODY FLUIDS, HAIR, FIBERS, AND CLOTHING EVIDENCE

In cases of violence, such as rape, murder, and assaults, blood, semen, hairs, and fibers are often important evidence in associating a suspect with the crime. For example, during the commission of violent crimes, there is often a transfer of such evidence between the persons or clothing of the victim and the subject. The value of this evidence lies in the comparison of the evidence found on the victim with that emanating from or found on the subject's body or clothing. Thus, it is essential that evidence in possession of the subject be available for examination and comparison purposes.

Following the language of the Davis decision, S. 2997 provides for prior judicial approval before a subpena may be issued. Further, as the Davis case suggests, the detention need not come unexpectedly or at an inconvenient time. The only exceptions to this would seem to be when an individual was about to flee the jurisdiction, or the type of evidence sought could be destroyed. The subpena can specify that the individual involved be detained at a reasonable and convenient time. The detention must be supervised by a designated U.S. magistrate.

During the drafting of the bill a number of questions were brought up, some of a constitutional nature, concerning what provisions should or should not be included. One such issue is whether or not the individual from whom the evidence is to be taken should have a lawyer present when the evidence is taken. A reading of the Wade case suggests that a lawyer need not be present for taking evidence of physical characteristics as a prerequisite to introducing such evidence in court. While discussing fingerprints, blood samples, clothing, hair, and the like, the court stated (388 U.S. pp. 227–228), as follows:

> We think there are differences which preclude such stages being characterized as critical stages at which the accused has the right to the presence of his counsel. Knowledge of the techniques of science and technology is sufficiently available, and the variables in techniques few enough, that the accused has an opportunity for a meaningful confrontation of the Government's case at trial through the ordinary processes of cross-examination of the Government's expert witnesses and the presentation of the evidence of his own experts. The denial of a right to have his counsel present at such analyses does not therefore violate the Sixth Amendment, they are not critical stages since there is minimal risk that his counsel's absence at such stages might derogate his right to a fair trial.

On the other hand, Wade notes that—

> [T]he vagaries of eyewitness identification are well-known—

And that—

> the annals of criminal law are rife with instances of mistaken identification (388 U.S. at p. 228).

The Court points out that there are inherent dangers in eyewitness identification, and an inherent suggestibility within the context of pretrial identification. As a result the Court held that—

> [I]nsofar as the accused's conviction may rest on a courtroom identification in fact the fruit of a suspect's pretrial identification which the accused is helpless to subject to effective scrutiny at trial, the accused is deprived of that right of cross-examination which is an essential safeguard to his right to confront the witnesses against him. (388 U.S. at p. 235).

Noting that the "presence of counsel . . . [at a lineup] can often avert prejudice and insure a meaningful confrontation at trial," the Court concluded that under existing practice a pretrial lineup was a "critical stage of the prosecution" at which an accused is entitled to have counsel present (388 U.S. at pp. 236–237). The Court further noted:

> [l]egislative or other regulations, such as those of local police departments, which eliminate the risks of abuse and unintentional suggestion at lineup proceedings and the impediments to meaningful confrontation at trial may also remove the basis for regarding the stage as "critical" (388 U.S. at p. 238).

Of course, the Wade decision must also be read in the context of section 3502 of title 18 of the United States Code, which was enacted as a part of last year's Omnibus Crime Control Act. The Department of Justice in a memorandum dated June 11, 1969, discusses 18 U.S.C. section 3502 in relation to the Wade decision. (Reprinted in 115 CONGRESSIONAL RECORD 23237, August 11, 1969, daily edition.) At this point, I do not think it is necessary to insert a requirement that counsel be present during the taking of this type of evidence. I would, however, like to see this point thoroughly discussed during the hearing process.

We must also consider in the hearings whether or not, after an appropriate period of time has elapsed, the evidence taken from suspects not prosecuted or convicted, should be eradicated. Under the provisions of the bill, this type of evidence could be easily obtained, under appropriate circumstances. I am not sure, at this point, that expunging records and files of the evidence would serve any purpose. Destroying such evidence might mean that some individuals would have to be picked up several times, rather than just once. At any rate, it is something that can be explored more fully later.

I am sure there are other issues which could be explored and studied. For example, during the drafting of the bill there was some discussion of whether to issue a subpena directing an individual to appear at a certain time for the purpose of obtaining the evidence, or to issue a warrant directing that the individual be brought in for the purpose of taking the evidence. As presently drafted the bill provides for a subpena calling for the forthwith appearance of the individual or an appearance at a designated time and place. The appearance must be before a designated U.S. magistrate. The provision for forthwith appearance would, in most cases, take care of those situations where the individual would be likely to flee the jurisdiction; and for other individuals would mean that a mutually convenient time and place could be designated for obtaining the evidence. One point that was brought out in staff discussion was that in situations where the evidence could be destroyed, such as alcohol in the blood stream, defiance of a subpena calling for a forthwith appearance would not result in the individual being physically taken in for obtaining the evidence, but that the individual would be liable for contempt, which, under the circumstances, would nullify the value and intent of the proposed legislation. Hopefully, that type of situation would not come up frequently. At this point, I believe that the convenience a subpena would afford those persons who may be subjected to the provisions of the bill would offset those few situations where evidence may be destroyed and only a warrant for physical incarceration would suffice. Both the subpena and warrant have their advantages and disadvantages, and I fell sure the hearing process will shed more light on the pros and cons of each.

I urge every Senator to study the bill and give me the benefit of his views and suggestions. I assume that the bill will be referred to the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary; in which case I would expect to hold hearings on it and a number of other measures in the crime field following our work in the organized crime area.

Mr. President, I ask unanimous consent to have the text of the bill, which

I now introduce, printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred and, without objection, the bill will be printed in the RECORD.

The bill (S. 2997), to amend title 18, United States Code, to provide for the issuance of subpenas for the limited detention of particularly described or identified individuals for obtaining evidence of identifying physical characteristics in the course of certain criminal investigations, and for other purposes, introduced by Mr. McCLELLAN (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 223, title 18, United States Code (relating to witnesses and evidence) is amended by adding at the end thereof the following new section:

"§ 3507. Detention for obtaining evidence of identifying physical characteristics.

"(a) Upon written approval given by the United States Attorney for any judicial district, an investigative officer of any department or agency of the United States who is engaged within the scope of his authority in the investigation within that district of an alleged criminal offense punishable under a statute of the United States by death or by imprisonment for more than one year may make written application upon oath or affirmation to a judge of the district court of the United States for that district for a subpoena authorizing the temporary detention for obtaining evidence of identifying physical characteristics from an identified or particularly described individual residing or found within that judicial district. Such subpoena shall require the presence of such individual before such United States Magistrate as the Court shall direct for obtaining such evidence forthwith or at such other time as the court may direct and at such place as the court may direct. A subpoena may be issued by the court upon showing that—

"(1) reasonable cause exists for belief that a specifically described criminal offense punishable under a statute of the United States by death or imprisonment for more than one year has been committed;

"(2) procurement of evidence of identifying physical characteristics from an identified or particularly described individual may contribute to the identification of the individual who committeed such offense; and

"(3) such evidence apparently cannot be obtained by the investigating officer from any investigative or law enforcement agency of the United States, any State, or any political subdivision of any State.

"(b) Any subpoena issued under this section shall specify—

"(1) the character of the alleged criminal offense which is the subject of the application;

"(2) the specific type of identifying physical characteristic evidence which is sought;

"(3) the relevance of such evidence to the particular investigation;

"(4) the identity or descripition of the individual who may be detained for obtaining such evidence;

"(5) the name and official status of the investigative officer authorized to effectuate such detention and obtain such evidence;

"(6) the United States Magistrate before whom such evidence shall be obtained;

"(7) the place at which the obtaining of such evidence may be effectuated;

"(8) the period of time, not exceeding 5 hours, during which the named or described individual may be detained for obtaining such evidence; and

"(9) the period of time, not exceeding 15 days, during which the subpoena shall continue in force and effect.

"(c) The subpoena shall be returned to the court not later than 45 days after its date, and it shall be accompanied by a written statement indicating the type of evidence taken. The United States Magistrate before whom the evidence was taken shall give to the person from whom such evidence was taken a copy of the subpoena and a written statement indicating what type of evidence was taken.

"(d) As used in this section, 'identifying physical characteristics' includes, but is not limited to, the fingerprints, palm prints, footprints, measurements, handwriting, hand printing, sound of voice, blood samples, urine samples, saliva samples, hair samples, comparative personal appearance, or photographs of an individual."

(b) The section analysis of chapter 223, title 18, United States Code, is amended by amending by adding at the end thereof the following new item:

"3507. Detention for obtaining evidence of identifying physical characteristics."

SHARPEST MONTHLY INCREASE IN UNEMPLOYMENT IN NEARLY A DECADE

Mr. HARTKE. Mr. President, the bitter fruits of the administration's misguided economic policies have begun to reveal themselves.

The figures published yesterday by the Department of Labor show the sharpest monthly increase in unemployment in nearly a decade, and the 4-percent level of unemployment is the highest since 1967.

Yet we are informed in this morning's newspapers that the administration regards these shocking figures as "a welcome sign" that their policies are working as planned.

I point out that none of the self-congratulating planners is among those who were forced out of a job last month. None will have to endure the anguish of facing a host of unpaid bills with only the pittance of unemployment compensation to sustain them and their families.

That is truly the unforgivable aspect of this grim news. Unemployment is a disaster for those who suffer it, and today almost 3 million Americans are in that category. Yet the men who are chiefly responsible for overseeing the health of the economy are jubilant, and the working people of the Nation are being promised more of the same.

When Secretary of the Treasury Kennedy testified before the Committee on Finance several months ago he warned us that we might have to accept a "modest" increase in unemployment as the price for cooling inflation. I told him at that time that policies which exact that sort of price are unacceptable even if they succeed in their stated objective.

In fact, however, they are not succeeding. Inflation rages on at an almost unprecedented rate. Only last Saturday, officials of the Federal Reserve Board announced that we can look for no relief until at least next spring—if then. Inflation is increasing at the highest rate since 1953, and interest rates are the highest since 1859.

What we are faced with, then, is a situation of soaring prices, crushing taxes, record high interest rates, and mounting unemployment. This, we are told, is this administration's "solution" to our economic problems.

Mr. President, the American people will simply not tolerate this incredible mixture of bungling and callousness which is attempting to pass as a policy. Nor should they tolerate it. They are being pushed beyond the limits of endurance, and they are not endlessly patient.

It takes no gift of prophecy to recognize that our deteriorating economic conditions can only lead, not alone to suffering for millions of individual Americans, but to exacerbation of an already explosive racial situation and to even greater alienation of our young people, who were hardest hit of all by this latest rise in unemployment.

Mr. President, there is no alternative for the administration but to reverse itself while there is still time and adopt policies that will stave off the economic crisis that now confronts us. It must adopt policies that promote expansion rather than constriction; it must move toward lower taxes and lower interest rates; it must remove the shackles it is so obstinately attempting to fasten upon the productive energies of America.

Only in that way will the natural forces of the market be able to lower prices and increase employment, and thereby restore America to its position of economic preeminence in the world.

THE ORGANIZED CRIME BILL

Mr. McCLELLAN. Mr. President, I wish to report to the Senate that S. 30, which was introduced earlier this year, has now been processed with hearings and staff work to the point where it is now ready for markup sessions by the subcommittee.

For the information of the Senate, I shall now state for the record that substantial provisions have been added to the bill since it was originally introduced. These provisions are now contained in 11 titles. The provisions of eight separate bills that have been introduced are now pending before the subcommittee. All eight of which deal with organized crime.

Mr. President, S. 30 as redrafted and as it will be reprocessed by the committee in the markup proceeding contains 11 titles covering the following subjects: Title I, strengthening the grand jury process; title II, the granting of immunity; title III, contempt; title IV, false statements by witnesses; title V, witness facilities; title VI, depositions of witnesses; title VII, admissibility of statements; title VIII, the suppression of evidence; title IX, syndicated gambling; title X, racketeering in legitimate businesses; and title XI, sentencing.

Mr. President, as we know, the bill we passed last year became known and officially titled the Omnibus Crime Control and Safe Streets Act of 1968. This bill may very well be entitled the omnibus organized crime bill of 1969.

Again, I am glad to report that the bill is now ready for markup and we expect to meet on it within the next week or so. I hope this bill is processed, on the

Senate Calendar soon, and that it will be passed by the Senate so the House can act on it in the near future. However, if we are not able to get to it in time for them to act on it, we will get it ready and the House will have a major crime bill before it which has been passed by the Senate and which would go a long way toward strengthening law enforcement, particularly in the field of organized crime dealing with gangsters and racketeers.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. Spong in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **COTTON**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The **ACTING PRESIDENT** pro tempore laid before the Senate the following letters which were referred to as indicated:

Reports on Improvement Plans Under the Watershed Protection and Flood Prevention Act

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement which have been prepared under the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and delegated to the Director of the Bureau of the Budget by Executive Order No. 10654 of January 20, 1956 (with accompanying papers); to the Committee on Agriculture and Forestry.

Report on Borrowing Authority

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, a report on borrowing authority for the period ending June 30, 1969 (with an accompanying report); to the Committee on Banking and Currency.

Reports on Improvement Plans Under the Watershed Protection and Flood Prevention Act

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement which have been prepared under the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and delegated to the Director of the Bureau of the Budget by Executive Order No. 10654 of January 20, 1956 with accompanying papers); to the Committee on Public Works.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. **TYDINGS** from the Committee on the District of Columbia:

Henry S. Robinson, Jr., of the District of Columbia, to be a member of the District of Columbia Council for the remainder of the term expiring February 1, 1970.

By Mr. **FULBRIGHT** from the Committee on Foreign Relations:

Clinton E. Knox, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plentipotentiary to Haiti;

Claude G. Ross, of California, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to the United Republic of Tanzania; and

Hewson A. Ryan, of Massachusetts, a Foreign Service information officer of the class of career minister for information, to be Ambassador Extraordinary and Plenipotentiary to Honduras.

PETITION

The **ACTING PRESIDENT** pro tempore laid before the Senate a joint resolution adopted by the Congress of Micronesia, which was referred to the Committee on Interior and Insular Affairs, as follows:

House Joint Resolution 62

A house joint resolution unequivocally stating the sense of the Congress of Micronesia regarding the plight of the Eniwetokian Micronesians and strongly urging the President of the United States to effect immediate cessation of the reported use of Eniwetok Atoll, Marshall Islands District, by the U.S. Department of Defense for tests of biological warfare agents

Whereas, being the Administering Authority for all Micronesia, the United States of America freely and willingly accepted on July 18, 1947, the responsibility to "promote to the utmost" the well-being of all Micronesians, including the Eniwetokian Micronesians; and

Whereas, the United States in discharging this responsibility must act in full accordance with the Charter of the United Nations, the International Trusteeship Agreement, and the Trusteeship Agreement for these islands; and

Whereas, on December 1, 1947, only five months after the United States had become the trustees for the Micronesians, this same trustee closed Eniwetok to the whole world in order that "necessary experiments relating to nuclear fusion" could be conducted there; and

Whereas, on December 21, 1947, only twenty days after Eniwetok was closed to the whole world, the Eniwetokian Micronesians were forcibly relocated in order that nuclear tests for their trustee's own security and peace would commence at once; and

Whereas, for the last twenty-two years of trusteeship the United States as the trustee for the Eniwetokian Micronesians has arrogantly ignored its responsibilities bestowed upon it to guarantee the peace and the security of the beneficiaries of the trusteeship by its continuous use of their beloved home island for nuclear related tests, while the same trustee knowingly left the said beneficiaries to exist almost on the verge of starvation on an alien island; and

Whereas, the contract entered into by the said Micronesians with the United States of America, their trustee, is not morally and legally binding because the said contract was never translated into the vernacular language and as a result the said Eniwetokian Micronesians never understood well what they were signing; and

Whereas, the said Micronesians have pleaded for mercy and help from trustees by sending their pleas through the Congress of Micronesia and by petitioning the United Nations; and

Whereas, the United States has agreed to give only a token compensation to the said Micronesians for the loss of some of their islands, twenty-two years of absence from their home island of Eniwetok, and an existence of near starvation; and

Whereas, the Honorable Richard D. McCarthy of New York has recently disclosed that he has discovered that the U.S. Department of Defense may be using the Eniwetok Atoll for test of biological warfare agents; and

Whereas, any existence of such activities in Micronesia is highly questionable in the light of the Trusteeship Agreement and the U.S. policy which does not permit such activities within its own boundaries; and

Whereas, such activities pose dangers of catastrophic magnitude and scope to not only the peoples but also to the land and sea resources of Micronesia and territories and nations throughout the Pacific Basin; and

Whereas, such additional use of Eniwetok Atoll by U.S. Department of Defense dims the prospects of the earliest possible return of the said Micronesians to their beloved home islands; now, therefore,

Be it resolved by the House of Representatives of the Third Congress of Micronesia, Second Regular Session, 1969, the Senate concurring, that it is the unequivocal sense of the Congress of Micronesia that the Eniwetokian Micronesians have contrbuted more than their share, as called for in the Trusteeship Agreement, toward "the maintenance of international peace and security"; and

Be it further resolved that the President of the United States of America, the trustee of these islands, including the Eniwetok Atoll, is hereby strongly urged to effect immediate cessation of the reported use of the Eniwetok Atoll for the testing of biological warfare agents; and

Be it further resolved that the President of the United States is hereby also strongly urged to take immediate steps to return the Eniwetokian Micronesians, now existing on the island of Ujelang, to their beloved home islands; and

Be it further resolved that certified copies of this Joint Resolution be transmitted to the President of the United States of America; the President and Speaker of the U.S. Congress; the President of the U.N. Security Council; U.N. Secretary General; the President of the Trusteeship Council; the Prime Minister of Japan; the President of the Republic of the Philippines; the Chairman of the Senate Foreign Relations Committee; the Chairman of both Senate and House Interior and Insular Affairs Committees; Representative Richard D. McCarthy; Senators Mike Mansfield, Edward M. Kennedy and William Proxmire; and Representative Patsy Mink.

Adopted August 26, 1969.

Attest:

Bethwel Henry,
Speaker, House of Representatives.
Carl Heine,
Clerk, House of Representatives.
Amata Kabua,
President of the Senate.
Victorio Uherbelau,
Clerk of the Senate.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLINGS:

S. 2994. A bill to amend Title 28, section 455, U.S. Code; to the Committee on the Judiciary.

(The remarks of Mr. Hollings when he introduced the bill appear earlier in the Record when Mr. Hollings addressed the Senate on the nomination of Judge Haynsworth to be an Associate Justice of the Supreme Court.)

By Mr. PROXMIRE:

S. 2995. A bill for the relief of Tunde Oberding; and

S. 2996. A bill for the relief of Eucaris Brizuela; to the Committee on the Judiciary.

By Mr. McCLELLAN (for himself, Mr. Hruska and Mr. Allott):

S. 2997. A bill to amend title 18, United States Code, to provide for the issuance of subpenas for the limited detention of particularly described or identified individuals for obtaining evidence of identifying physical characteristics in the course of certain criminal investigations, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. McClellan when he introduced the bill appear earlier in the Record, under the appropriate heading.)

By Mr. GOODELL:

S. 2998. A bill to provide that the United States District Court for the Eastern District of New York shall be held at Brooklyn, Mineola, and Hempstead; to the Committee on the Judiciary.

By Mr. GOODELL (for himself, Mr. Bible, Mr. Eagleton, Mr. Mathias, Mr. Prouty, Mr. Spong, and Mr. Tydings):

S. 2999. A bill to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes; to the Committee on the District of Columbia.

(The remarks of Mr. Goodell when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. GOODELL:

S. 3000. A bill to amend the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

By Mr. FULBRIGHT:

S.J. Res. 157. A joint resolution to establish a Commission on Organizational Development, and the U.S. Information Agency; to the Committee on Foreign Relations.

(The remarks of Mr. Fulbright when he introduced the joint resolution appear later in the Record under the appropriate heading.)

By Mr. BENNETT (for himself and Mr. Sparkman):

S.J. Res. 158. A joint resolution to authorize the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower; to the Committee on Banking and Currency.

S. 2999—INTRODUCTION OF THE DISTRICT OF COLUMBIA ANATOMICAL GIFT ACT

Mr. GOODELL. Mr. President, medical science today is constantly on the threshold of discovery and achievement. There are really no limits to the possibilities for devising new ways to prolong life or cure illness.

However, breakthroughs in medical technology do not occur in a vacuum. Moving from experimentation in the laboratory to treatment of a patient with these new techniques in and of itself creates a plethora of other problems. We then must deal with the legal, ethical, sociological, economic, and political aspects of the medical advancement as well. In so doing, we must exercise the same degree of care and imagination in resolving these issues as we do in assuring that a "medical discovery" becomes a widely accepted "cure." When appropriate, legislation must be enacted to achieve these goals.

It is for this reason that today I introduce the District of Columbia Anatomical Gift Act. I am delighted that all the members of the Senate District Committee: Senators Bible, Eagleton, Mathias, Prouty, Spong, and Tydings are joining me in cosponsoring this legislation. The executive board of the Medical Society of the District of Columbia has given its full endorsement to this proposal.

One of the revolutionary areas of medical technology is that of organ transplantation. Although the exact effectiveness of certain areas of this method of treatment is not yet determined, there is no doubt that transplantation is one means of medical treatment whose potential has only begun to be explored Vast experience is being accumulated in surgical techniques and great improvements have been made in tissue matching and the suppression of immune reactions. Transplantation is now a recognized therapeutic procedure in treating kidney disease, and other tissues which have been successfully transplanted for varying lengths of time include skin, cartilage, bone, tendon, nerve, artery, heart valve, liver, and lung. Organ donation is not only used in transplantation. Human organs and tissue are required for research into such problems as the cause of cancer.

There has been widespread public interest in the possibilities of organ donation and transplantation, largely brought about by dramatic advances in the field. However, a broad public campaign of information and education should be undertaken in order to dispel myths and encourage more people to donate. The mechanics by which organs can be quickly matched up between donor and recipient are undeveloped in most areas of the country, although hospitals are starting to work together in this regard. The National Institutes of Health and the American College of Surgeons are moving forward in developing a registry for physicians and others to research vitally needed statistical information on transplantation. A registry has been operating in Boston for several years to collect basic data from around the world on kidney transplantation.

One of the most obvious and needed improvements has been in laws governing organ donation for transplantation and other medical purposes. Until recently, the individual donor and the physician able and willing to undertake a transplantation have been hampered by serious legal restrictions.

Laws relating to the disposition of a dead body and to the donation of organs for transplantation are under State jurisdiction. Existing law in this area used to be a confusing mixture of the common law, dating back to the 17th century, and numerous State statutes governing autopsies, unclaimed bodies, and medical examiners. With the success of corneal transplantation and improvements in kidney transplants in the 1950's, some 40 States and the District of Columbia were stimulated to enact some type of legislation giving an individual the authority to donate an organ for medical purposes upon his death. Four other States provided for the donation of eyes only. Nonetheless, it was generally recognized that these individual State statutes were largely inadequate and incomplete.

On July 30, 1968, after 3 years of study by a special committee, the National Conference of Commissions on Uniform State Laws gave final approval to a uniform donation statute known as the Uniform Anatomical Gift Act. This proposal was drawn up to serve as a model for all States in order to provide a uniform, favorable legal environment for the donation and use of organs and tissue for medical research, education, and therapy. The act was endorsed by the American Bar Association on August 7, 1968. It has since been approved by the American Medical Association, the American Heart Association, the National Kidney Foundation, the Eye Banks Association of America, the National Pituitary Agency, the Committee on Tissue Transplantation of the National Research Council, the Fifth Bethesda Conference sponsored by the American College of Cardiology, and the Public Affairs Committee of the Federation of American Societies for Experimental Biology.

To date, the following 38 States have passed new legislation based directly on this act during the past year: Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming. To my knowledge, no other uniform act has been passed in as many States during the first year of its introduction into State legislatures as the Anatomical Gift Act. It is currently being considered in Delaware, Nebraska, New Hampshire, New York, Pennsylvania, and West Virginia.

In an article in the December 9, 1968, issue of the Journal of the American Medical Association, entitled "The Uniform Anatomical Gift Act: A Model for Reform," Dr. Alfred M. Sadler, Jr., Blair L. Sadler, and Prof. E. Blythe Stason have succinctly set forth the purposes of the act and explained its major provisions. Dr. Stason, a professor at the School of Law, Vanderbilt University, was chairman of the national conference's special committee which drafted this act. Dr. Sadler and Mr. Sadler served as consultants on the act to the national conference. An explanation and summary of the act, excerpted from their article, follows:

EXPLANATION AND SUMMARY OF MAJOR PROVISIONS OF THE UNIFORM ANATOMICAL GIFT ACT

The Uniform Act is based on the belief that an individual should be able to control the disposition of his own body after death and that his wishes should not be frustrated by his next of kin. To encourage donations and to help meet the increasing need for organs and tissue, unnecessary and cumbersome formalities should be eliminated and only those safeguards required to protect the other varied interests involved should be included. The rights of the appropriate next of kin should be clearly provided, physicians working in this area should be protected, and the public interests in a dead body, as represented by the medical examiner, should be maintained. With this philosophy in mind, an analysis of the Uniform Act follows with emphasis on its 13 most important provisions:

1. *Individual authority to donate.*—The core of the Uniform Act grants authority to any individual of sound mind and 18 years of age or more to give all or part of his body for any purpose specified later in the Act, the gift to take effect upon death. This crucial provision provides the donation authority which does not exist under common

XUM

law. Under common law, the next of kin have the right and the authority to control the disposition of a dead body.

2. *Next of kin authority to donate.*—The Uniform Act specifically provides that the next of kin may donate the body or parts of the deceased and enumerates an order or priority beginning with the surviving spouse. It is important to include this in the statute since donation authority of the next of kin based on common law is vague and unclear.

3. *Possible conflict between donor and next of kin.*—A statement is needed concerning priorities between the donor and his next of kin and concerning conflicting wishes between next of kin to avoid the uncertainty that would confront physicians. Uncertainty could arise in the following situations: (1) The deceased expressed the desire not to have his body or parts donated. Under the Uniform Act the wishes of the deceased would prevail. (2) The deceased made a valid donation under the statute and the next of kin object. The Uniform Act provides that the donation by the deceased is paramount to the wishes of the next of kin. (3) Conflicts between next of kin. The Uniform Act creates six classes of next of kin who may donate, in order of priority beginning with the surviving spouse. If it is known that a gift by a member of a class is opposed by a member of the same or a prior class, the gift shall not be accepted.

4. *Donees.*—Permissible donees.—Existing statutes reveal considerable diversity concerning possible donees. It is desirable to limit donees to those persons or institutions licensed or authorized to practice medicine and to engage in tissue banking or related matters. The Uniform Act is comprehensive and includes tissue banks, specified persons, licensed hospitals, and accredited medical and dental schools.

Obligations of the donee.—Although the donee should be under no obligation to accept a gift, most statutes are silent on this point. The Uniform Act provides that the donee may reject the gift and requires that, following the removal of the part named, custody of the remaining parts shall be transferred to the next of kin or other persons under obligation to dispose of the body.

The open-ended donation and the unavailable donee.—The Uniform Act provides that if the gift is open ended and no donee is named, it may be accepted and used by the attending physician. If a donee is designated but is not readily available at the time and place of death, the attending physician may accept and use the gift.

5. *Purposes for which donations can be made.*—The provisions of the Uniform Act are comprehensive and include medical and dental education, research, advancement of medical or dental science, therapy, and transplantation.

6. *Mechanism of gifts—Wills.*—Some of the statutes, particularly those first enacted, are based on laws relating to wills. Consequently, many donations are not valid unless they have been made in accordance with highly restrictive notarization, recording, and filing requirements, which severly reduce the number of donations and limit their effectiveness. The Uniform Act eliminates these requirements and provides that the gift is effective immediately upon death without waiting for probate.

7. *Mechanism of gift—Other written instruments.*—Many statutes also provide that any written instrument is valid if witnessed by two persons. This represents a considerable improvement because it provides much greater flexibility by eliminating many of the procedural technicalities of wills. It may not be helpful in the accident situation, however, where time is frequently very limited, the prospective donor unconscious, and existence of a written donation instrument unknown.

8. *Mechanism of gift—Cards.*—In light of these problems, it would be highly desirable if an easily carried card could serve as a valid mechanism. The Uniform Act specifically provides that a properly executed card carried on the donor's person or in his effects will suffice.

9. *Mechanism of gift by next of kin—Recorded telephonic consent.*—The Uniform Act simplifies the gift procedure dealing with donations by the next of kin in two important ways. First, the requirements for witnesses are eliminated. Second, consent may be given by telegraphic, recorded telephonic, or other recorded message. The advantage of obtaining consent from next of kin by telegraph or recorded telephone message is clear when the deceased and the next of kin are far apart and time is very limited.

10. *Revocation or amendment of gift.*—In the interests of respecting the final wishes of the donor, every reasonable means for changing one's intent should be made available. The Uniform Act lists six ways in which a donation can be modified, including an oral statement witnessed by two persons.

11. *Protection from liability for physicians and others acting in accordance with the statute.*—The Uniform Act protects all persons concerned, including physicians, next of kin, funeral directors, and medical examiners. The protection applies to both civil and criminal proceedings.

12. *The problem of conflict of laws.*—Until the Uniform Act is universally adopted, conflicts between the diverse donation laws of various states are inevitable. For example, a resident of state A makes a valid gift under the donation statute in state A and then dies in state B which either has no donation statute or has one that differs significantly from that of state A. Which law should apply? There are no cases on this point. The Uniform Act protects the physician in this situation by insulating him from liability if he acts in good faith and in accordance with the terms of either of the relevant state laws.

13. *The time of death.*—The problem of defining death has received considerable attention in recent months and was the subject of lengthy discussion by the Commissioners on Uniform State Laws. There are presently no laws in the United States which attempt to define death. The moment of death has traditionally been regarded as a question for medical determination and not the proper subject for codification by law. The commissioners have chosen to maintain this policy and unanimously concluded that it would be unwise to incorporate a definition of death into the Uniform Act. Medical authorities are currently seeking a consensus on relevant criteria for a definition of death and suitable medical guidelines are being proposed.

The commissioners believed that it was appropriate to deal with the possible conflict of interest which could arise if one physician were to care for both a potential donor and potential recipient of a transplantable organ. On the other hand, they recognized the importance of maintaining adequate channels of communication between those physicians representing the donor and those physicians administering to the recipient. Effective communication is essential to the successful transplantation of a vital organ. Consequently, the Uniform Act provides that "the time of death shall be determined by a physician who attends the donor at his death, or if none, the physician who certifies the death. This physician shall not participate in the procedures for removing or transplanting a part."

Today 1 introduce this model statute for Senate consideration as legislation for the District of Columbia. I think it is extremely important that District residents are also covered by this more comprehensive legal framework. Organ donation and transplantation in the District are now provided for by the District of Columbia Human Tissue Bank Act of 1962, as amended. This law was passed to encourage and aid the development of reconstructive medicine and surgery and the development of medico-surgical research by authorizing the licensing of tissue banks in the District, and to facilitate ante mortem and post mortem donations of human tissue for tissue bank purposes. At the time of its passage it was considered one of the more comprehensive laws of its kind, and even today goes far beyond some existing State statutes.

The Uniform Act clarifies some of the provisions covered by this law and covers other aspects not presently dealt with. Under the provisions of District of Columbia law, any next of kin after the surviving spouse, can veto the wishes of all of the next of kin. The Uniform Act sets up classes of next of kin who can donate, in order of priority, beginning with the surviving spouse.

The District law does not specify how the next of kin can make a donation, whereas the Uniform Act provides for such donation by any written instrument or telephonic device.

The District law is silent on the questions of whether an individual's wishes are paramount to the wishes of his family. Individual consent to donate is a fundamental principle of the Uniform Act.

There is no provision in existing District law for a specific device such as a card or form which an individual could sign in advance and perhaps carry on his person. The bill which I am introducing today contains a suggested model card or form which might be considered as a valid form of donation and which could be carried by an individual. Some States have included such forms in the laws they have enacted. It is important I think that we strive toward some method of simplifying the donation procedure.

With regard to who can make a donation, existing District law states:

> Any person who, under the law of the District of Columbia, has capacity to make a valid will may by will, codicil or any written statement donate his tissue for purposes of this chapter.

Laws in the District regarding the making of a will provide that a female may do so at the age of 18, but a male must be 21. The Uniform Act, on the other hand, provides that "any individual of sound mind and 18 years of age or more" can give his consent to donate. I would strongly agree with the Commissioners on Uniform State Laws that a person of 18 has attained sufficient maturity to comprehend the implications of making such a donation. It should be noted that the great majority of States which have passed the act have made 18 the donation age even though in certain instances State laws regarding wills differed. Therefore, I will urge that this provision be adopted as it is now written.

There are other points not now provided for by existing District law but covered in some way by the Uniform Act: how a gift can be revoked or amended if the donee wishes to change his mind; what protection from civil or criminal liability is afforded physicians to protect them in carrying out a transplant; the question of conflicts of laws between States; and a statement on the determination of the time of death.

This bill would also amend certain sections of the District law in order to conform the definitions in the two statutes and allow the Uniform Act to supersede existing law where it is not as comprehensive.

The Uniform Act does not attempt to answer all of the questions raised by organ donation and transplantation. There are a number of issues which the Commissioners on Uniform State Laws decided would be better dealt with by the medical profession or by individual States. These have been enumerated by Messrs. Stason, Sadler, and Sadler, as follows:

Time of death;

Payment for gifts;

Logistics and coordination of hospitals for donation and transplantation;

Information exchange and the establishment of registries of recipients;

Need for quality control in tissue banking;

Allocation of resources;

Jurisdiction of the medical examiner;

Transportation across State lines.

The last item—requirements for transportation of bodies and organs across State lines—is of particular importance to the District of Columbia and the surrounding States of Maryland and Virginia because of their close proximity. The Commissioners correctly refrained from dealing with this matter because they felt that this issue should not be considered under the purview of a donation statute. When using organs or tissue which have crossed State lines; these transportation requirements must be considered.

This need is not an academic one. For example, the Health Services and Mental Health Administration of the Department of Health, Education, and Welfare has recently developed a number of contracts to demonstrate the feasibility of cooperative kidney procurement and sharing programs. The major objective of these contracts is to facilitate maximum utilization of kidneys on a local and/or regional level and, eventually, on a national level. These programs have been made possible by the research supported by the National Institutes of Health in tissue typing and organ transplantation. I personally feel that the individual States will have to begin to more closely examine their laws in this area with these new medical developments in mind.

Mr. President, I wish to commend the special committee of the National Conference of Commissioners on Uniform State Laws for the excellence of the results of their 3 years of study. Dr. Sadler, Mr. Sadler, and Professor Stason should be particularly complimented for their singular efforts in working so tirelessly for the adoption of this act throughout the United States and, indeed, in many foreign countries. A number of other countries have used this act as the basis for their own laws in this area.

Medicine can go forward to help people, but people cannot be helped without adequate protection from the law. An imbalance between law and medicine is detrimental to all concerned. In this era of burgeoning medical advancement we all have a stake in the utilization of this new knowledge. For these reasons, I would hope for swift passage of the District of Columbia Anatomical Gift Act so that the people who live in our Nation's Capital are full beneficiaries of the benefits of our medical revolution.

Mr. President, I ask unanimous consent that the text of this bill, the full report of the National Conference of Commissioners on Uniform State Laws, and an incisive article from the New England Journal of Medicine, April 17, 1969, on the philosophical arguments surrounding the approach which the Commissioners took, entitled "Transplantation—A Case for Consent," by Alfred M. Sadler, Blair L. Sadler, E. Blythe Stason, and Delford L. Stickel, be printed here in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the text of the bill, together with the report and article, will be printed in the Record.

The bill (S. 2999), to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes, introduced by Mr. Goodell (for himself and other Senators), was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the Record, as follows:

S. 2999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Definitions; Short Title

Section 1. (a) As used in this Act, the term—

(1) "bank or storage facility" means a facility licensed, accredited or approved under the laws of any State for storage of human bodies or parts thereof;

(2) "decedent" means a deceased individual and includes a stillborn infant or fetus;

(3) "donor" means an individual who makes a gift of all or part of his body;

(4) "hospital" means a hospital licensed, accredited or approved under the laws of any State and includes a hospital operated by the United States Government, a State, or a subdivision thereof, although not required to be licensed under State laws;

(5) "part" includes organs, tissues, eyes, bones, arteries, blood, other fluids and other portions of a human body, and "part" includes "parts";

(6) "person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity;

(7) "physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any State; and

(8) "State" includes any State, district, commonwealth, territory, insular possession, the District of Columbia, and any other area subject to the legislative authority of the United States of America.

(b) Sections 1 through 8 of this Act shall be known as the "District of Columbia Anatomical Gift Act".

PERSONS WHO MAY EXECUTE AN ANATOMICAL GIFT

Sec. 2. (a) Any individual of sound mind and 18 years of age or more may give all or any part of his body for any purposes specified in section 3, the gift to take effect upon death.

(b) Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent, or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purposes specified in section 3:

(1) the spouse,

(2) an adult son or daughter,

(3) either parent,

(4) an adult brother or sister,

(5) a guardian of the person of the decedent at the time of his death, or

(6) any other person authorized or under obligation to dispose of the body.

(c) If the donee has actual notice of contrary indications by the decedent, or that a gift by a member of a class is opposed by a number of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection (b) may make the gift after death or immediately before death.

(d) A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

(e) The rights of the donee created by the gift are paramount to the rights of others except as provided by section 7(d).

PERSONS WHO MAY BECOME DONEES, AND PURPOSES FOR WHICH ANATOMICAL GIFTS MAY BE MADE

Sec. 3. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(1) any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy or transplantation; or

(2) any accredited medical or dental school, college or university for education, research, advancement of medical or dental science or therapy; or

(3) any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy or transplantation; or

(4) any specified individual for therapy or transplantation needed by him.

MANNER OF EXECUTING ANATOMICAL GIFTS

Sec. 4. (a) A gift of all or part of the body under section 2(a) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(b)(1) A gift of all or part of the body under section 2(a) may also be made by document other than a will. The gift becomes effective upon death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor, in the presence of 2 witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence, and in the presence of 2 witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(2) Any such document referred to in paragraph (1) of this subsection may be in the following form and contain the following information:

Anatomical donor card of

----

print or type name of donor

In the hope that my gift may help others, I hereby make this anatomical gift to take effect upon my death. The words and marks below indicate my desires.

I give: (a)—any needed organs or parts
(b)—only the following organs or parts

----

specify the organ(s) or part(s)
(c)—my entire body for anatomical study

For the purposes of transplantation, therapy, medical research or education

Limitations:

----

specify limitations, if any

This is a legal document under the Uniform Anatomical Gift Act or similar law.

(other side of card)

Signed by the Donor in the presence of the following two (2) witnesses:

____
Witness

____
Witness

____
Signature of donor

____
Date of birth

____
Date signed

(c) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting a part.

(d) Notwithstanding section 7(b), the donor may designate in his will, card or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation, or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

(e) Any gift by a person designated in section 2(b) shall be made by a document signed by him, or made by his telegraphic, recorded telephonic or other recorded message.

DELIVERY OF DOCUMENT OF GIFT

Sec. 5. If the gift is made by the donor to a specified donee, the will, card or other document, or an executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediately after death, but delivery is not necessary to the validity of the gift. The will, card or other document, or an executed copy thereof, may be deposited in any hospital, bank or storage facility or registry office that accepts them for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

AMENDMENT OR REVOCATION OF THE GIFT

Sec. 6. (a) If the will, card or other document or executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by—

(1) the execution and delivery to the donee of a signed statement, or

(2) an oral statement made in the presence of 2 persons and communicated to the donee, or

(3) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or

(4) a signed card or document found on his person or in his effects.

(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a) or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (a).

RIGHTS AND DUTIES AT DEATH

Sec. 7. (a) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin or other persons under obligation to dispose of the body.

(b) The time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the death. This physician shall not participate in the procedures for removing or transplanting a part.

(c) A person who acts in good faith in accord with the terms of this Act, or under the anatomical gift laws or another State is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

(d) The provisions of this Act are subject to the laws of the District of Columbia prescribing powers and duties with respect to autopsies.

UNIFORMITY OF INTERPRETATION

Sec. 8. This Act shall be so construed as to effectuate its general purpose to make uniform the law of those States which enact it.

Sec. 9. (a) That part of secton 3 of the District of Columbia Tissue Bank Act (D.C. Code, sec. 2–252) which follows the definition of the term "Commissioners" is amended to read as follows:

" 'Donor' means any persons who, in accordance with the provisions of the District of Columbia Anatomical Gift Act, bequeaths or donates his tissue for removal after death in furtherance of the purposes of such Act, and also means any deceased person whose tissue is donated or disposed of for the purposes of this Act, the District of Columbia Anatomcal Gift Act, or sections 675, 676, and 683 of the Act of March 3, 1901, as amended (D.C. Code, sec. 27–119a and sec. 27–125).

" 'Tissue' means any body of a dead human or any portion thereof, including organs, tissues, eyes, bones, arteries, blood and other fluids.

" 'Tissue bank' means a facility for procuring, removing, and disposing of tissue for the purposes set forth in the District of Columbia Anatomical Gift Act, and for the purposes of reconstructive medicine and surgery, and research and teaching in reconstructive medicine and surgery."

(b) Sections 6, 7 and 8 of the District of Columbia Tissue Bank Act are hereby repealed.

(c) Subsection (b) of section 9 of the District of Columbia Tissue Bank Act is amended to read as follows:

"(b) The Coroner of the District of Columbia may, in his discretion, allow tissue to be removed from any dead human body in his custody or under his jurisdiction, if such tissue removal shall not interfere with other functions of the Office of the Coroner, and the person who, in accordance with section 2(b) of the District of Columbia Anatomical Gift Act, is authorized to donate tissue therefrom, shall first authorize such tissue removal."

(d) Section 683 of the Act of March 8, 1901 (D.C. Code, sec. 27–125), is amended by deleting "may be removed by or under the supervision of a person licensed under the authority of section 4 of such Act for preservation in a tissue bank operating pursuant to such Act," and inserting in lieu thereof the following: "or the District of Columbia Anatomical Gift Act may be removed by or under the supervision of a person licensed under the authority of section 4 of the District of Columbia Tissue Bank Act for preservation in a tissue bank operating pursuant to such Act, or for use in accordance with the provisions of the District of Columbia Anatomical Gift Act,".

(e) Sections 675 and 676 of the Act of March 3, 1901 (D.C. Code, sec. 27–119a), is amended by inserting immediately after "such Act" the following: "or the District of Columbia Anatomical Gift Act."

The material furnished by Mr. Goodell follows:

UNIFORM ANATOMICAL GIFT ACT

(Drafted by the National Conference of Commissioners on Uniform State Laws and by it Approved and Recommended for Enactment in All the States at its Annual Conference Meeting in its Seventy-Seventh Year, Philadelphia, Pennsylvania, July 22–August 1, 1968, With Prefatory Note and Comments)

PREFATORY NOTE

Human bodies and parts thereof are used in many aspects of medical science, including teaching, research, therapy and transplantation. It is a rapidly expanding branch of medical technology. Transplantation of parts may involve skin grafts, bones, blood, corneas, kidneys, livers, arteries and even hearts. It was said that 6,000 to 10,000 lives could be saved each year by renal transplants if a sufficient supply of kidneys were available.

Transplantation may be effected within narrow limits from one living person to another living person. In such case, all that is required is an appropriate "informed consent" authorizing the surgical removal on the one hand, and the implantation on the other. Tissues and organs from the dead can also be used to bring health and years of life to the living. From this source the potential supply is very great. But, if utilization of bodies and parts of bodies is to be effectuated, a number of competing interests in a dead body must be harmonized, and several troublesome legal questions must be answered.

The principal competing interests are: (1) the wishes of the deceased during his lifetime concerning the disposition of his body; (2) the desires of the surviving spouse or next of kin; (3) the interest of the state in determining by autopsy the cause of death in cases involving crime or violence; (4) the need of autopsy to determine the cause of death when private legal rights are dependent upon such cause; and (5) the need of society for bodies, tissues and organs for medical education, research, therapy and transplantation. These interests compete with one another to a greater or less extent and this creates problems.

The principal legal questions arising from these various interests are: (1) who may during his lifetime make a legally effective gift of his body or a part thereof; (2) what is the right of the next of kin, either to set aside the decedent's expressed wishes, or themselves to make the anatomical gifts from the dead body; (3) who may legally become donees of anatomical gifts; (4) for what purposes may such gifts be made; (5) how may gifts be made, can it be done by will, by writing, by a card carried on the person, or by telegraphic or recorded telephonic communication; (6) how may a gift be revoked by the donor during his lifetime; (7) what are the rights of survivors in the body after removal of donated parts; (8) what protection from legal liability should be afforded to surgeons and others involved in carrying out anatomical gifts; (9) should such protection be afforded regardless of the state in which the document of gift is executed; (10) what should be the effect of an anatomical gift be in case of conflict with laws concerning autopsies; (11) should the time of death be defined by law in any way; (12) should the interest in preserving life by the physician in charge of a decedent preclude him from participating in the transplant procedure by which donated tissues or organs are transferred to a new host. These are the principal legal questions that should be covered in an anatomical gift act. The Uniform Anatomical Gift Act covers them.

The laws now on the statute books do not, in general, deal with these legal questions in a complete or adequate manner. The laws are a confusing mixture of old common law dating back to the seventeenth century and state statutes that have been enacted from time to time. Some 39 states and the District of Columbia have donation statutes that deal in a variety of ways with some, but by no means all, of the above listed legal questions. Four other states have statutes providing for the gift of eyes only.

These statutes differ from each other in a variety of respects, both as to content and coverage. They differ in their enumeration of permissible donees (some require that donees be specified, others permit gifts to be made to any hospital or physician in charge at death); they vary as to acceptable purposes for anatomical gifts (some, for example, do not include licensed tissue banks); they prescribe a variety of minimum ages for the donors; others differ as to the manner of execution of gifts and the manner of revocation. Some require delivery of the instrument of gift or filing in a public office, or both, as a condition of validity; others make no such provision. Since the statutes differ in important respects, a gift adequate in one state may or may not protect the surgeon in another state who relies upon the law in effect where the transplant takes place. In short, both the common law and the present statutory picture is one of confusion, diversity and inadequacy. This tends to discourage anatomical gifts and to create difficulties for physicians, especially for transplant surgeons.

In view of the foregoing, the need of a comprehensive act and an act applicable in all states is apparent. The Uniform Anatomical Gift Act herewith presented by the National Conference of Commissioners on Uniform State Laws carefully weighs the numerous conflicting interests and legal problems. Wherever adopted it will encourage the making of anatomical gifts, thus facilitating therapy involving such procedures. When generally adopted, even if the place of death, or the residence of the donor, or the place of use of the gift occurs in a state other than that of the execution of the gift, uncertainty as to the applicable law will be eliminated and all parties will be protected. At the same time the Act will serve the needs of the several conflicting interests in a manner consistent with prevailing customs and desires in this country respecting dignified disposition of dead bodies. It will provide a useful and uniform legal environment throughout the country for this new frontier of modern medicine.

UNIFORM ANATOMICAL GIFT ACT

An act authorizing the gift of all or part of a human body after death for specified purposes.

SECTION 1. (*Definitions.*)

(a) "Bank or storage facility" means a facility licensed, accredited, or approved under the laws of any state for storage of human bodies or parts thereof.

(b) "Decedent" means a deceased individual and includes a stillborn infant or fetus.

(c) "Donor" means an individual who makes a gift of all or part of his body.

(d) "Hospital" means a hospital licensed, accredited, or approved under the laws of any state; includes a hospital operated by the United States government, a state, or a subdivision thereof, although not required to be licensed under state laws.

(e) "Part" means organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions of a human body.

(f) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(g) "Physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any state.

(h) "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

COMMENT

Subsection (f) is taken verbatim from the Uniform Statutory Construction Act, section 26(4). In any state that has adopted the Uniform Act or its equivalent, this subsection will be unnecessary.

Subsection (h) is taken from section 26(9) of the Uniform Statutory Construction Act.

SECTION 2

SEC. 2. (*Persons who may execute an anatomical gift.*)

(a) Any individual of sound mind and 18 years of age or more may give all or any part of his body for any purpose specified in section 3, the gift to take effect upon death.

(b) Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purpose specified in section 3:

(1) the spouse,

(2) an adult son or daughter,

(3) either parent,

(4) an adult brother or sister,

(5) a guardian of the person of the decedent at the time of his death,

(6) any other person authorized or under obligation to dispose of the body.

(c) If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection (b) may make the gift after or immediately before death.

(d) A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

(e) The rights of the donee created by the gift are paramount to the rights of others except as provided by Section 7(d).

COMMENT

Existing state statues differ in their respective standards establishing the donor's competence to execute an anatomical gift.

"Competence to execute a will" is used as the standard in ten states. "Legal age" and sound mind is required in five states. "Twenty-one years and sound mind" is the stated standard in the statutes of ten states. In four states a person who is eighteen years of age or older may make the gift, and in six states "any person" may do so. One state requires twenty-one years accompanied by a certificate of a physician that the donor is "of sound mind and not under the influence of narcotic drugs."

To minimize confusion there is merit in having a uniform provision throughout the country. Also it is desirable to enlarge the class of possible donors as much as possible. Subsection (a) of Section 2, providing that any person of sound mind and 18 years or more of age may execute a gift, will afford both nationwide uniformity and a desirable enlargement of the class of donors. Persons 18 years of age or more are of sufficient maturity to make the required decisions and the Uniform Act takes advantage of this fact.

Subsection (b) spells out the right of survivors to make the gift. Taking into account the very limited time available following death for the successful removal of such critical tissues as the kidney, the liver, and the heart, it seems desirable to eliminate all possible question by specifically stating the rights of and the priorities among the survivors.

Also, Section 2 (b) provides for the effect of indicated objections by the decedent, and differences of view among the survivors. Finally it authorizes the survivors to execute the necessary documents even prior to death. In view of the fact that persons under 18 years of age are excluded from subsection (a), it is especially desirable to cover with care the status of survivors, so younger decedents may be included.

Subsection (d) is added at the suggestion of members of the medical profession who regard a post mortem examination, to the extent necessary to ascertain freedom from disease that might cause injury to the new host for transplanted parts, as essential to good medical practice.

Subsection (e) recognizes and gives legal effect to the right of the individual to dispose of his own body without subsequent veto by others.

SECTION 3

SEC. 3. (*Persons who may become donees; Purposes for which anatomical gifts may be made.*)

The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(1) any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(2) any accredited medical or dental school, college or university for education, research, advancement of medical or dental science, or therapy; or

(3) any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(4) any specified individual for therapy or transplantation needed by him.

COMMENT

Existing state statutes reveal great diversity of provisions concerning possible donees and the purposes for which anatomical gifts may be made.

As to donees, the lists include licensed hospitals, storage banks, teaching institutions, universities, colleges, medical schools, state public health and anatomy boards, and institutions approved by the state department of health. Some of the statutes are detailed and comprehensive. Others are limited, brief and general. A few do not seek in any way to name or limit the donees. The Uniform Act attempts to achieve a maximum of clarity and precision by carefully naming the permissible donees.

The statutes in a few states specify that no donor shall ask compensation and no donee shall receive it. Several statutes provide that storage banks shall be non-profit organizations. On the other hand, most of the states have chosen not to deal with this

XUM

question. The Uniform Act follows the latter course in this regard.

As to purposes, again there is great diversity among the statutes. The list of purposes includes teaching, research, advancement of medical science, therapy, transplantation, rehabilitation, and scientific uses. Again some of the statutes are detailed, and others are brief and general. A few statutes contain no limitation whatsoever—merely naming the donees, thus assuring that gifts will not be made to undesirable persons or organizations, and then they are inclusive in naming the purposes in broad terms, thus assuring flexibility. The Uniform Act follows this course.

SECTION 4

SEC. 4. (*Manner of executing anatomical gifts.*)

(a) A gift of all or part of the body under Section 2 (a) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(b) A gift of all or part of the body under Section 2 (a) may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of 2 witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence in the presence of 2 witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(c) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedure for removing or transplanting a part.

(d) Notwithstanding Section 7(b), the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

(e) Any gift by a person designated in Section 2(b) shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

COMMENT

Most existing state statutes authorizing anatomical gifts provide for doing so either by will or by other document in writing. The number of witnesses varies from state to state, but the majority require two witnesses. The Uniform Act requires two witnesses to validate a gift during the donor's lifetime, but witnesses are relatively unnecessary in the case of a gift by next of kin since they are available in person. Hence, none are required in such cases. To facilitate availability of evidence of the gift, a card may be carried on the person, a practice commonly and successfully followed in connection with gifts of eyes. This is an important provision, for we are a peripatetic people and the advantages of a card carried on the person stating the donor's intention to donate is apparent.

Also important are the provisions of Subsection (c) that permit the attending physician upon or following death to be the donee when no donee is named or when the named donee is not available. The donee physician cannot participate personally in removing or transplanting a part, but he can, of course, make a further gift to another person for any authorized purpose.

Attention should also be called to Subsection (e) authorizing the next of kin to make gifts by "telegraphic, recorded telephonic, or other recorded message." Frequently the next of kin are far away, and this provision, not found in any existing statute, has the advantage of expediting the procedure where time for effective action is short.

As the Uniform Act becomes widely accepted it will prove helpful if the forms by which gifts are made are similar in each of the participating states. Such forms should be as simple and understandable as possible. The following forms are suggested for the purpose:

Anatomical gift by a living donor

I am of sound mind and 18 years or more of age.

I hereby make this anatomical gift to take effect upon my death. The marks in the appropriate squares and words filled into the blanks below indicate my desires.

I give: my body; any needed organs or parts; the following organs or parts ————; to the following person (or institution):

The physicians in attendance at my death; the hospital in which I die; the following named physician, hospital, storage bank or other medical institution ———— the following individual for treatment ————; for the following purposes: any purpose authorized by law; transplantation; therapy; research; medical education.

Dated ——— City and State ———.

Signed by the Donor in the presence of the following who sign as witnesses:

Signature of Donor; Address of Donor; Witness; Witness.

Anatomical gift by next of kin or other authorized person

I hereby make this anatomical gift of or from the body of ——— who died on ——— at the ——— in ———. The marks in the appropriate squares and the words filled into the blanks below indicate my relationship to the deceased and my desires respecting the gift,

I am the surviving: spouse; adult son or daughter; parent; adult brother or sister; guardian, authorized to dispose of the body;

I give the body of deceased; any needed organs or parts; the following organs or parts ———; to the following person (or institution) (insert the name of a physician, hospital, research or educational institution, storage bank or individual), for the following purposes: any purpose authorized by law; transplantation; therapy; research; medical education.

Dated ——— City and State ———.

Signature of survivor ——— Address of Survivor ———.

SECTION 5

SEC. 5. (*Delivery of document of gift.*)

If the gift is made by the donor to a specified donee, the will, card, or other document, or an executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediatly after death. Delivery is not necessary to the validity of the gift. The will, card, or other document, or an executed copy thereof, may be deposited in any hospital, bank or storage facility or registry office that accepts it for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

COMMENT

Some of the statutes make rather formal mandatory provisions for filing of documents of gift. Thus in two states the gift must be "filed for record in the office of the judge of probate." In another the document must be filed either before death or within 60 hours after death with the State Department of Health. In another the instrument must be filed for record "in the office of the clerk of the district court of the parish wherein the person making the gift resides." In still another the instrument must be filed in the probate court. In two states it is provided that the instrument shall be delivered by the donor to the donee. On the other hand, in the great majority of the states, no provision is made for filing, recording or delivery to the donee. The gift is by implication effective without such formality. Section 5 of the Uniform Act follows the majority permissive practice, but includes permissive filing provisions to expedite postmortem procedures.

SECTION 6

SEC. 6. (*Amendment or revocation of the gift.*)

(a) If the will, card, or other document or executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by:

(1) the execution and delivery to the donee of a signed statement, or

(2) an oral statement made in the presence of 2 persons and communicated to the donee, or

(3) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or

(4) a signed card or document found on his person or in his effects.

(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a), or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (a).

COMMENT

In about one half of the states no provision is made for revocation. However, in the interest of carrying out the ultimate desires of the donor, there is good reason for facilitating revocation. Accordingly, about half of the states make affirmative provisions concerning the matter. Usually it is provided that revocation may be accomplished by executing a "like instrument" filed in the manner provided for the instrument of gift and delivered to the donee. In a few states revocation is accomplished by demanding return of the document of gift. There is merit in making revocation both simple and easy to accomplish. Prospective donors are more likely to look with favor on making anatomical gifts if they realize that revocation is readily possible. The Uniform Act makes careful and complete provision for revocation under various contingencies. However, if a donor has deposited an executed copy of an undelivered document of gift as authorized by Section 5, and if the donor desires to revoke the gift, he must see to it that the executed copy which has been deposited is destroyed.

SECTION 7

SEC. 7. (*Rights and duties at death.*)

(a) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary multilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin, or other persons under obligation to dispose of the body.

(b) The time of death shall be determined by a physician who tends the donor at his death, or, if none, the physician who certifies the death. The physician shall not participate in the procedures for removing or transplanting a part.

(c) A person who acts in good faith in accord with the terms of this Act or with the anatomical gift laws of another state [or a foreign country] is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

(d) The provisions of this Act are subject to the laws of this state prescribing powers and duties with respect to autopsies.

COMMENT

Section 7 contains several important provisions. The donee may of course, reject the gift if he deems it best to do so. If he accepts the gift, all possible provision is made for taking account of the interests of the survivors in dignified memorial ceremonies. Also if the donee accepts the gift, absolute ownership vests in him. He may, if he so desires, transfer his ownership to another person, whether the gift be of the whole body or merely a part. He may "cause the part to be removed" either by himself or by another person. The only restrictions are that the part must be removed without mutilation and the remainder of the body vests in the next of kin.

Subsection (b) leaves the determination of the time of death to the attending or certifying physician. No attempt is made to define the uncertain point in time when life terminates. This point is not subject to clear cut definition and medical authorities are currently working toward a consensus on the matter. Modern methods of cardiac pacing, artificial respiration, artificial blood circulation and cardiac stimulation can continue certain bodily systems and metabolism far beyond spontaneous limits. The real question is when have irreversible changes taken place that preclude return to normal brain activity and self sustaining bodily functions. No reasonable statutory definition is possible. The answer depends upon many variables, differing from case to case. Reliance must be placed upon the judgment of the physician in attendance. The Uniform Act so provides.

However, because time is short following death for a transplant to be successful, the transplant team needs to remove the critical organ as soon as possible. Hence there is a possible conflict of interest between the attending physician and the transplant team, and accordingly subsection (b) excludes the attending physician from any part in the transplant procedures. Such a provision isolates the conflict of interest and is eminently desirable. However, the language of the provision does not prevent the donor's attending physician from communicating with the transplant team or other relevant donees. This communication is essential to permit the transfer of important knowledge concerning the donor, for example, the nature of the disease processes affecting the donor or the results of studies carried out for tissue matching and other immunological data.

Subsection (d) is necessary to preclude the frustration of the important medical examiners duties in cases of death by suspected crime or violence. However, since such cases often can provide transplants of value to living persons, it may prove desirable in many if not most states to reexamine and amend, the medical examiner statutes to authorize and direct medical examiners to expedite their autopsy procedures in cases in which the public interest will not suffer.

The entire section 7 merits genuinely liberal interpretation to effectuate the purpose and intent of the Uniform Act, that is, to encourage and facilitate the important and ever increasing need for human tissue and organs for medical research, education and therapy, including transplantation.

SECTION 8

SEC. 8. (*Uniformity of interpretation.*)

This Act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SEC. 9. (Short Title.)

This Act may be cited as the Uniform Anatomical Gift Act.

SEC. 10. (Repeal.) The following acts and parts of acts are repealed:

(1)
(2)
(3)

SEC. 11. (Time of taking effect.)

SEC. 8. (Uniformity of interpretation.)

TRANSPLANTATION—A CASE FOR CONSENT

(By Alfred M. Sadler, Jr., M.D., Blair L. Sadler, LL.B., E. Blythe Stason, J.D., and Delford L. Stickel, M.D.)

ABSTRACT

The Uniform Anatomical Gift Act, drafted by the Commissioners on Uniform State Laws, provides a comprehensive and modern legal framework for the donation of human organs for medical research, education and therapy. Widespread adoption of the Act, which eliminates existing unnecessary legal formalities, will make available more human tissue for medical purposes.

In building the Act on the principles of consent and voluntary donation, the Commissioners recognized and protected other important interests in a dead body. They further recognized that many nonlegal impediments to the procurement of organs exist that cannot be overcome by legislation but must be resolved.

Because of this approach, the Act is widely supported by the medical and legal communities and the general public and will soon probably become the law of most states. Such acceptance obviates the need for more radical legislative measures that would eliminate the principles of consent and voluntary donation. Finally, legislation that disregards the other interests in a dead body would encourage public disfavor toward organ donation.

Transplantation, particularly cardiac transplantation, has brought widespread public attention to the archaic and cumbersome laws that control the disposition of all or part of a body after death. Since the medical needs for organs and tissue far exceed the supply, and since these needs will undoubtedly increase, appropriate and satisfactory legal reform is essential.

A great potential has been created for improving the quality of many human lives. But numerous complex problems have been revealed that must be solved before this sizable potential will become a practical reality. In part, the complexity of these problems stems from their multidisciplinary composition, which includes medicine, law, ethics, sociology, religion, economics and politics. This article will concentrate on an examination of existing medicolegal impediments to adequate procurement and use of human organs and tissue and will focus on what responsible reform legislation can realistically accomplish.

Before these impediments are examined, two points deserve mention. In the first place, responsible legal reform in this area must be predicated on a comprehensive understanding of related medical and other realities. Secondly, such reform for purposes of transplantation will be publicly acceptable only if other important, and sometimes competing, legal interests are respected.

At the outset, it is important to emphasize our belief that the Uniform Anatomical Gift Act prepared by the Commissioners on Uniform State Laws represents a responsible and realistic model for reform that not only is badly needed but will be widely accepted. We further believe that, *when obtaining organs of tissue for transplantation, the fundamental principle of informed consent should be maintained, and that, if the present consent framework is adequately streamlined and modernized* (*as is done in the Uniform Anatomical Gift Act*), *the principle legal constraints will be eliminated without compromising other important rights and sensitivities.*

After analyzing the existing legal impediments to transplantation and their resolution by the Act, this article briefly examines medical and other related factors directly relevant to an adequate understanding of the Act. The article concludes with an analysis of an alternative proposal to that of improving consent procedures (namely, eliminating consent), which we believe is both unnecessary and unwise.

EXISTING LAW AND THE UNIFORM ANATOMICAL GIFT ACT

When use of an organ or tissue after death of the donor is required, many questions arise as a result of several very important, but frequently competing interests that the law has endeavored to recognize: the need for organs, tissue and cadavers for medical education, research and therapy, including transplantation; the wishes of the deceased; the wishes of the surviving spouse and other appropriate next of kin; and the need of society to determine the cause of death in certain circumstances.[1] The present laws pertaining to these interests are an unwieldy morass of old common law dating back to the seventeenth century and numerous state statutes governing autopsies, unclaimed bodies and medical examiners.[1] These laws were not designed to deal with the problems of tissue donation.

With the advent of transplantation, donation statutes have been enacted in 44 jurisdictions (including the District of Columbia) that specifically provide the authority for an adult to donate all or part of his body for medical, scientific or therapeutic purposes. Four other states (Alaska, Georgia, Maine and West Virginia) permit the donation of eyes only. Three states (New Hampshire, Utah and Vermont) have no donation statutes.[2] Although these donation laws were designed to eliminate many of the uncertainties of the common law and to fill the void left by other statutes relating to autopsies, unclaimed bodies and medical examiners, they are largely inadequate to meet current needs. In response to these legislative inadequacies and in the light of the increasing need for human tissue, the National Conference of Commissioners on Uniform State Laws drafted a uniform donation statute that serves as a model for all states and provides a uniform, favorable legal environment for the donation and use of organs and tissue for medical research and therapy. This group is composed of law professors, lawyers and judges, representing every state, whose function is to help make state laws more uniform and up to date. After three years of study by a drafting committee, the model statute, titled the Uniform Anatomical Gift Act, received the final approval of the Commissioners on July 30, 1968, and was endorsed by the American Bar Association on August 7. It has since received the support of many medical groups and is being considered by the individual states for passage during the current legislative sessions.

The numerous provisions of the Act and the present laws have been examined in detail elsewhere and will not be repeated extensively here.[2] However, it is essential to review briefly the principal existing legal restrictions to organ and tissue procurement and the manner in which they are resolved by the Act.

RIGHT OF A PERSON TO DONATE

According to English common law, the next of kin have traditionally had the right to possession of the body for the purpose of burial. The body was considered incapable of being owned in the commercial sense and thus could not be bought or sold. This found expression in the doctrine that there

---

Footnotes at end of article.

were no "property rights" in a dead body, that it was not part of the deceased's estate and that thus a person could not direct the disposition of his body.[3] [4] As mentioned previously, 44 jurisdictions have now passed statutes that grant to a person the authority to donate all or part of his body after death for medical research, education or therapy. In the remaining jurisdictions, it is not clear whether he has this donation authority. The Uniform Anatomical Gift Act provides that any person of sound mind and 18 years of age or more may give all or part of his body for any purpose later specified in the Act, the gift to take effect after death (Section 2[a]).

RIGHT OF THE NEXT OF KIN TO DONATE

It is not inherently clear how the rights of the next of kin to donate stemming from the common law are affected by a statute that gives donation authority to the deceased. Nor is it clear which next of kin are eligible to donate or whether all possible relatives must give consent before a physician is assured that he can proceed. Only 19 statutes answer any of these questions, and thus uncertainty remains in most jurisdictions. Since donation authorization is obtained from the next of kin rather than from the deceased (before death) in the great majority of transplant situations, these uncertainties must be clarified. The Act provides that specified next of kin have donation authority, and it includes an enumerated order of priority beginning with the surviving spouse (Section 2[b]).

POSSIBLE CONFLICT BETWEEN WISHES OF DONOR AND NEXT OF KIN

Another uncertainty that may confront physicians results from a possible conflict between the wishes of the donor and his next of kin or between next of kin. Twenty existing statutes indicate that the wishes of the donor are paramount to those of relatives. The Act so provides (Section 2[e]), and the specified order of priority removes the confusion that would result if certain of the next of kin disagreed (Section 2[b]). Although it remains a question of medical ethics and practical public relations whether a physician would wish to proceed if any relative raised objections, the legal uncertainties and the physician's legal responsibility have been clarified.

DONEES AND PURPOSES FOR WHICH DONATIONS MAY BE MADE

Many statutes do not contain sufficiently comprehensive provisions relating to the types of donee institutions that may receive a gift, the problems which arise if no donee is named or a named donee is unavailable, or the purposes for which a gift may be made. The Uniform Anatomical Gift Act deals adequately with all these questions (Section S3, 4[c], 4[d]).

RIGHT OF THE DONEE TO MAKE EXAMINATIONS NECESSARY TO DETERMINE ACCEPTABILITY OF THE GIFT

The great majority of statutes are silent on this point. Under the Act, a donation of a part also authorizes "any examination necessary to assure medical acceptability of the gift for the purposes intended" (Section 2[d]). This is essential for an adequate evaluation of the donor's condition and to prevent the transmission of any disease from donor to recipient.[5]

DOCUMENTS OF GIFTS WILLS, WRITTEN INSTRUMENTS AND CARDS

One of the greatest legal constraints to adequate donation is the cumbersome and restrictive formality that is frequently required before a gift is legally valid. For example, in Massachusetts, a donation instrument must be witnessed by three persons, and any person affiliated with the donee institution is diqualified from serving as a witness.[6] Thus, if a hospital patient wishes to make a donation to that hospital, the Massachusetts statute could be construed to prohibit all hospital personnel from witnessing the donation instrument. A gift is also ineffective in Massachusetts "unless a certificate of a registered physician is attached thereto to the effect that . . . the donor was, in the opinion of the said physician, of sound mind and not under the influence of narcotic drugs."[6] The Uniform Anatomical Gift Act provides that a gift may be made by will or any written instrument if witnessed by two persons (Section 4[a], 4[b]). All other formalities have been eliminated. In addition, the Act provides that a card that may be carried on the donor's person may serve as evidence of a valid donation (Section 4[b]). The card device is vital to protecting and expediting the wishes of the donee in an emergency situation when time is frequently very limited, the prospective donor unconscious and the existence of another written donation instrument unknown.[2]

CONSENT BY NEXT OF KIN—RECORDED TELEPHONE MESSAGES

Even with improved donation procedures for the person making the gift and the vastly increased public awareness of the humanitarian benefits of donation, the great majority of donations are still made by next of kin. For example, 65 kidney transplants have been performed in Tennessee, and consent was obtained from next of kin in every case,[7] although under Tennessee law, an individual has authority to donate before death.[8] This is typical of the experience of other major transplant centers throughout the nation. Thus, it is imperative that next-of-kin donation procedures also be streamlined.

The Act provides that the specified relative may authorize a gift by any document signed by him. No witnesses are required. In addition, consent may be obtained by telegraphic, recorded telephonic or other recorded message (Section 4[e]). The considerable advantages of these consent procedures over existing witnessed, written instruments are clear.[1]

ADEQUATE PROTECTION FROM LIABILITY

Although several existing statutes contain provisions that protect the physician who removes the donated organ or tissue, only eight extend this coverage to include criminal proceedings. The protection provision of the Uniform Anatomical Gift Act covers both civil and criminal proceedings and applies to all persons concerned, including physicians, next of kin, medical examiners and funeral directors (Section 7[c]).

PROBLEM OF CONFLICTS OF LAWS

Until statutes based on the Act are universally adopted, conflicts between diverse donation laws will arise when a donation instrument is prepared in one state and the donor dies in another. At present, there is no clear answer to this question, and time pressures in transplant procedures preclude solution by the courts. Aware that the conflicts-of-laws problem is primarily one of protecting uncertain physicians under the pressure of time, the Commissioners extended the protection provision to include any person who acts in good faith in accord with the terms of the law where the donation was made or where the tissue would be removed (Section 7[c)].[2]

TIME OF DEATH

The problem of determining the moment of death has probably been the most controversial and widely discussed public issue related to transplantation. The need for the development of new criteria of death in the light of recent scientific advances is clear, and the Commissioners considered the wisdom of incorporating criteria into the Uniform Anatomical Gift Act. After extensive discussion, they concluded it would not be wise to include a definition of death in the Act, since in the transplant setting, the answer to this question depends largely on medical judgment and since criteria should be flexible to take account of new medical advances as they are made. To freeze a definition into a statute could seriously impede future medical progress.

The Commissioners realized that it was desirable to avoid the possible conflict of interest that might arise if the same physician were to treat both a potential donor and a potential recipient of a transplantable organ.[9] On the other hand, they recognized the importance of maintaining adequate channels of communication between physicians caring for the donor and those administering to the recipient. Consequently, the Act provides that "the time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the death. This physician shall not participate in the procedures for removing or transplanting a part" (Section 7[b]).

UNRESOLVED PROBLEMS

As the above analysis demonstrates, the Uniform Anatomical Gift Act represents a sensitive and successful solution to many of the existing legal restrictions related to the donation and procurement of human organs and tissue for medical research and therapy. At the same time, it respects other relevant and important interests in a dead body, such as the wishes of the next of kin for funeral services and the need of society to determine the cause of death under certain circumstances. The Commissioners wisely chose not to legislate certain additional questions that are more properly within the province of medicine, ethics and other disciplines or better dealt with by the individual states. Included here are the criteria for selection of donors and recipients, the determination of time of death, the need for quality control in tissue banking and state transportation requirements that may unnecessarily inhibit the transfer of a body across state lines.[2]

The proper role of the medical examiner or coroner has raised considerable controversy and deserves special mention. Although the medical examiner could be an ideal person to authorize the procurement of organs or tissue from victims of fatal accidents or other cases over which he has jurisdiction, his authority under most statutes is limited to performing an autopsy, and this does not include the donation of organs and tissue for transplantation or medical research.[10] Consequently, such a donation made by a medical examiner without consent from the next of kin might be successfully challenged. Although Virginia[11] has recently joined California[12] and Hawaii[13] in extending medical-examiner authority in the transplant setting, strong criticisms have been expressed in Virginia, and it is far from clear that the climate for this extension is favorable elsewhere. As a gift statute, the Commissioners properly limited the Uniform Anatomical Gift Act to the voluntary donation of tissue.[2] The medical-examiner question calls for separate study. The Act specifies that its provisions are subject to the autopsy laws of each state. Thus, it respects existing medical-examiner powers and duties and recognizes the need for tissue for examination in certain specified circumstances (Section 7[d]).

In 1968 donation statutes based on the second tentative draft of the Act were passed in Kansas, Maryland, Louisiana and California. It is virtually unprecedented for a state to enact a uniform act before it is finally approved by the National Conference of Commissioners on Uniform State Laws. In addition, the following states have already passed new donation legislation based on the Act this year: Arkansas, North Carolina, Oklahoma, Wyoming, Idaho and North Dakota. This response demonstrates the great need for and acceptability of this reform legislation.

At a meeting of members of the medical and scientific community held on Septem-

---

Footnotes at end of article.

ber 30, 1968, sponsored by the National Research Council, there was enthusiastic support for the Act by the representatives of the 35 states who attended. The Act has also received the support of numerous medical groups, including the American Medical Association, the American Heart Association, the National Kidney Foundation, the Eye Banks Association of America, the National Pituitary Agency, the Committee on Tissue Transplantation of the National Research Council,[14] the Fifth Bethesda Conference sponsored by the American College of Cardiology,[15] the Public Affairs Committee of the Federation of American Societies for Experimental Biology and others.[16] In the light of such broad-based legal and medical endorsement, and in the absence of any sizable opposition, prospects for widespread enactment of the Uniform Anatomical Gift Act are excellent.

CURRENT MEDICAL AND RELATED IMPEDIMENTS TO WIDESPREAD TRANSPLANTATION

Legal reform in this area must be carried out with an awareness of developments in medicine and related fields that determine the availability of vital organs for all who could possibly benefit from them. A central issue in much of the discussion has been the question of when death occurs. There is a clear need to revise criteria for a definition of death in the light of the widespread availability of methods to support cardiac and respiratory function artificially.

Criteria based on neurologic findings measured clinically and by the electroencephalogram have been proposed by several groups. An ad hoc committee of the Harvard Medical School to examine the definition of brain death has recently issued a definition of irreversible coma. The following criteria were proposed as defining a permanently non-functioning brain: unreceptivity and unresponsiveness to externally applied stimuli and inner need; no spontaneous muscular movement or spontaneous breathing; no reflexes; flat electroencephalogram (all repeated at least 24 hours later with no change).[17] The presence of hypothermia or central-nervous-system depressants invalidates these criteria.

Acceptance of declaration of death based on such neurologic criteria will improve the ability of physicians to maintain whole-organ perfusion after death. As was stated at the Fifth Bethesda Conference of the American College of Cardiology, such a declaration "recognizes that a person can, by a physician with sound medical judgment and with moral and ethical justification, be declared dead while the parenchymatous cellular functions of many organs continue and while the heart may maintain a pulsatile flow."[15]

In addition, improved whole-organ preservation will enable many organs that are now lost through rapid degeneration to be used for transplantation. Adequate tissue matching and donor and recipient selection are also important determinants to successful transplantation. Proper matching requires a large regional or even nationwide pool of recipients.[18] The question of the logistics needed to effectuate such a national program are formidable. Furthermore, the problems of providing enough trained transplant teams and facilities and of meeting the cost of this very expensive mode of therapy prevents the widespread use of this therapeutic method. Even a plethora of cadaver kidneys and hearts will not solve these many difficult problems.

Increased governmental financial support for all aspects of transplantation will come only after successful competition with other important public needs. Decisions regarding overall priorities for public funds inevitably become involved in the political process and therefore are very responsive to public attitudes. Public attitudes regarding donation of organs for transplantation are favorable. A Gallup poll taken on January 17, 1968, stated that seven persons in every 10, or a projected 80,000,000 Americans, indicate they would be willing to have their heart or other vital organs donated to medical science after death.[19] This poll did not, however, seek the public opinion about bearing the extraordinarily large costs from the public treasury.

The above discussion demonstrates the many obstacles to the widespread application of organ transplantation. Any proposal for responsible legal reform in this area must take cognizance of these problems.

AN ALTERNATIVE PROPOSAL—TO ELIMINATE CONSENT

An alternative approach to streamlining consent procedures has been proposed by Dukeminier and Sanders,[20] who suggest that the principles of consent and voluntary donation should be discarded in favor of allowing tissue removed by a physician without his having to give notice to anyone. They propose that a surgeon should be allowed to remove cadaver organs "routinely . . . unless there were some objection entered before removal. The burden of action would be on the person who did not want the organs removed to enter his objection."[20] Under this system, the donor could object during life to the taking of his organs after death. The next of kin could also object to the use of a deceased's organs before removal, provided that the deceased did not specifically authorize donation.

The question, as they see it, is where the burden of action should rest: with the surgeon to obtain consent, or with the next of kin to object. They believe that only by shifting the burden to the next of kin will an adequate quantity of organs be obtained.

This argument is dubious for several reasons. The first is that, in the system proposed, the burden actually remains with the responsible surgeon to assure himself that no objection has been raised either by the deceased himself before death or by the next of kin after death. To absolve himself of this burden adequately would require an inquiry tantamount to obtaining consent itself.

Moreover, it is certain that there are some people who would object to tissue use on religious grounds (as recognized by Dukeminier and Sanders)[20] or because of other beliefs. Such people, if not immediately available at the time of death of a relative, might object strongly and vigorously after the fact. They could forcefully argue that, because they did not know of the demise of their next of kin, they could not exercise their authority to enter an objection to tissue removal. Any system based on this premise would need to include a method of registering objection in a manner to make this information readily available to the interested surgeon. Otherwise, grave constitutional questions, such as the abridgement of religious freedom or the denial of due process, could invalidate the system. Yet the authors describe no such mechanism for recording. To create a registry of objections that would be comprehensive enough to cover all situations would be considerably more cumbersome than the simplified consent procedures specified in the Uniform Anatomical Gift Act.

Dukeminier and Sanders[20] assert that the "bereaved survivors usually do not want to know what has happened to the body of the deceased in the hospital" and to ask a relative of someone who is about to die "for the kidneys may seem a ghoulish request." We submit that current medical practice strongly shows that this kind of request is usually not offensive when properly presented and the need sensitivity raised. Many people regard such a donation as an opportunity to look beyond their loss and to help someone who may be near death.[2] To obtain permission for the removal of an organ is hardly "ghoulish"—it shows respect for the wishes and rights of others involved. Not to be told of such a removal or to be informed only after the fact would be "ghoulish" indeed.

As further support for their argument of telling nothing to the next of kin, they cite an example of a detailed description of autopsy procedures or embalming technics as being the usual practice in obtaining permission for autopsy.[20] These authors confuse the obtaining of adequate "informed consent" for such procedures with a detailed technical explanation of them. One asks for an autopsy but does not describe the fine points of the procedure in intimate detail. Similarly, one asks for permission to remove an organ for transplantation without enumerating every nuance of surgical technic. Properly informed consent is admittedly difficult to define, but a discussion of it must be based on currently accepted medical practice.

Their only reference to the Uniform Anatomical Gift Act occurs in connection with the concept of a wallet-sized donation card, which they dismiss with the question: "Yet is not there something macabre about a society where people walk around with little cards saying they have donated their organs on death to so-and-so?"[20] It is impossible to reconcile such an assertion with current reality. As stated earlier, it has been estimated that seven out of 10 (or approximately 80,000,000) Americans would be willing to donate all or parts of their bodies for medical purposes. With attitudes of the public so clearly favorable to donation, it is difficult to justify taking the decision-making authority away from them.

In a subsequent letter to this *Journal*, Dukeminier and Sanders[21] equate long waiting lists for kidney transplants with defects in statutory law. As discussed above, there are many factors that determine the availability of kidneys or other vital organs for transplantation for all who could possibly benefit from them. To reason that because there are many who need a kidney transplant indicates that it is necessary to eliminate the principles of consent and voluntary donation, demonstrates a lack of appreciation for these other determinants.

They also suggest in the same letter that "experience with other donation statutes indicates that the prior-consent approach will not produce the number of organs needed for transplantation."[21] But experience with previous donation legislation has little to tell us about the potential success of the Uniform Act. Current legislation is admittedly inadequate and addresses itself to only a portion of the questions handled by the Act. The streamlined consent procedures designed for the next of kin, coupled with modern criteria for determining the moment of death, provide a framework for expeditious donation that did not exist before.

In contrast to the above proposal, the Uniform Anatomical Gift Act represents a balanced approach that recognizes the many and conflicting interests and concerns relevant to the transplant setting. The needs of medical science are not relegated to second place. Instead, responsible legal measures have been taken to encourage the successful progress of transplantation and thereby to save human life. Future advances in medical science will raise many issues to be considered by other disciplines. The challenge for the law will be, as it has been here, to respond in a manner that will permit legitimate accomplishments without compromising the sensitivities and rights of other affected parties.

FOOTNOTES

[1] Sadler, A. M., Jr., Sadler, B. L., and Stason, E. B. Uniform Anatomical Gift Act: model for reform. *J.A.M.A.* 206:2501–2506, 1968.

[2] Sadler, A. M., Jr., and Sadler, B. L. Transplantation and law: need for organized sensitivity. *Georgetown Law J.* 57:5–54, 1968.

[3] Stevenson, R. E., et al. Medical aspects of

XUM

tissue transplantation. In *Report to the Commitee on Tissue Transplantation of the National Academy of Sciences-National Research Council from the Ad Hoc Committee on Medical-Legal Problems*. Pp. 1–43, 1968. P. 3.

[4] Stason, E. B. Role of law in medical progress. *Law & Contemp. Prob.* 32:563–596, 1967.

[5] Stickel, D. L. Ethical and moral aspects of transplantation. *Monogr. in Surg. Sc.* 3:267–301, 1966.

[6] Mass. Gen. Laws. Ch. 113 § 7 (Supp. 1967).

[7] Zukoski, C. F. Personal communication.

[8] Tenn. Code Ann. §§ 32–601 (Supp. 1967).

[9] Stickel, D. L. Organ transplantation in medical and legal perspectives. *Law & Contemp. Prob.* 32:597–619, 1967.

[10] Stevenson et al.[3] Pp. 4–5.

[11] Va. Code Ann. §§ 19.1–46.1 (Add. Supp. 1968).

[12] Cal. Health & Safety Code Ann. § 7133 (West 1955).

[13] No. 188, § 2, 1967 Hawaii Sess. Laws 183, *amending* Hawaii Rev. Laws § 260–14 (1955).

[14] Stevenson et al.[3] P. 19.

[15] Moore, F. D., et al. Cardiac and other organ transplantation in setting of transplant science as national effort. *Am. J. Cardiol.* 22:896–912, 1968. (Also, *J.A.M.A.* 206:2489–2500, 1968).

[16] Curran, W. J. Law-Medicine notes: Uniform Anatomical Gift Act. *New Eng. J. Med.* 280:36, 1969.

[17] Definition of irreversible coma: report of Ad Hoc Committee of Harvard Medical School to Examine Definition of Brain Death. *J.A.M.A.* 205:337–340, 1968.

[18] Terasaki, P. I., Mickey, M. R., Singal, D. R., Mittal, K. M., and Patel, R. Serotyping for homotransplantation—XX. Selection of recipients for cadaver donor transplants. *New Eng. J. Med.* 279:1101–1103, 1968.

[19] *New York Times*, December 4, 1967. § A, p. 1.

[20] Dukeminier, J., Jr., and Sanders, D. Organ transplantation: proposal for routine salvaging of cadaver organs. *New Eng. J. Med.* 279:413–419, 1968.

[21] *Idem.* Salvage of cadaver organs. *New Eng. J. Med.* 279:1117, 1968.

SENATE JOINT RESOLUTION 157—INTRODUCTION OF A JOINT RESOLUTION ESTABLISHING A COMMISSION ON ORGANIZATIONAL REFORMS

Mr. FULBRIGHT. Mr. President, on May 22, 1968, I made a statement on the floor of the Senate in which I said that I believed that the time had come for a thorough, realistic, and objective examination of the operation, in the United States and abroad, of the Foreign Service, the Department of State, the Agency for International Development and the U.S. Information Agency. I suggested that such an examination should be conducted by a blue ribbon Presidential Commission composed of people who have had broad, relevant experience and whose only interest would be in seeing that the United States has the best possible organization to conduct its foreign relations. I introduced a joint resolution, subsequently entitled Senate Joint Resolution 173, which provided for the establishment of such a Commission to be composed of 12 members—two from the Senate, two from the House of Representatives, and eight to be appointed by the President. I said at the time that I did not intend to press the resolution to a vote because I did not believe that the appointment of such a Commission should be one of the last acts of an outgoing administration. I added that I believed that the appointment of such a commission should, however, be one of the first acts of a new administration.

Mr. President, I ask unanimous consent that the full text of the statement I made on May 22, 1968, be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. I would like to note that since making that statement a year and a half ago, I have noticed a number of articles in the press and in journals which lead me to believe that there may, in fact, be even greater need for the kind of study I proposed. Writing in the Nation on February 3 of this year, Smith Simpson, author of "Anatomy of the State Department," wrote:

> I have known the State Department and its Foreign Service for some forty years and never have I seen them in such a shambles.

Mr. Smith went on to observe:

> A part of the crisis which the diplomatic agency presents to Mr. Nixon arises from its astonishing failure to redefine diplomacy itself in up-to-date terms, so that it might have a clear idea of the kind of people it should be recruiting, the kinds of education and training it should be providing its officers, the criteria it should be following for assignments and promotions, the blend of policy, diplomacy and management it should be developing—all to effect a widespread improvement in our international performance . . .
>
> In such an "anti-organization" department, morale is deplorable. In forty years of observation, I have never known State Department morale to be good, but it is now the worst that I have ever seen it . . .
>
> Morale affects performance; so also do attitudes. They subtly penetrate and influence every view, every decision, every approach to a decision. They are the unspoken premises which cause men to assume they know things they do not know, understand situations they do not understand, are "managing crises" when they are only tinkering with them, disposing of problems when they are only postponing them to reappear in more aggravated form. . . .
>
> An extraordinary cynicism pervades the diplomatic establishment. Even its liberals found themselves welcoming the outcome of the Presidential election. "Nothing could possibly be worse," they said; "a change—any change—just might bring relief." They did not remember that this same hope was engendered in 1932, 1952 and 1960, and gave way to souring frustration. It is not merely change that is needed—it is reform: organizational reform, procedural reform, attitudinal reform, educational and training reform, conceptual reform. That is what confronts Mr. Nixon as he prepares for his seventh crisis.

In the spring 1969 issue of the Virginia Quarterly Review, Charles Maechling, in an article entitled "Our Foreign Affairs Establishment: The Need for Reform," said:

> The foreign affairs establishment cannot be streamlined or invigorated by half-measures confined to the State Department. Individual changes in the Department's organization, personnel system, training programs, and programming methods are going to yield only minimal and probably undiscernible results in terms of improved policy performance unless the Department's role is re-examined within the context of the whole foreign affairs field and especially the missions of other agencies—Defense, CIA, USIA, AID, and Treasury.

I am well aware of the fact that a group of "Young Turks" in the Foreign Service has been seeking to achieve reform from within the State Department. I gather that they feel somewhat frustrated in these efforts which does not surprise me for, as I said a year and a half ago:

> I am convinced that those in the executive branch departments and agencies concerned—either the top non-career level in these departments and agencies or the administrative specialists with vested interests in the results to whom such a task ends up being delegated—cannot alone institute the needed reforms.

I said then, and I still believe, that a view from the outside is also needed—a broad and objective view, unencumbered by political considerations or by the obligations that executive branch officers have toward the interests of the particular department or agency in which they serve.

In this connection, I noticed an article, on the front page of the New York Times on August 28, which reported that the "Young Turks" were "showing some impatience with the Nixon administration's pace on reforming the service." The article then went on to report, according to sources in the Foreign Service, that many junior and middle grade were dissatisfied with their lack of responsibility, with promotion policies and with the assignments which they received, and that there had been a large and increasing number of resignations from the Foreign Service.

I ask unanimous consent that the full text of the above article from the New York Times, the texts of the articles by Mr. Simpson and Mr. Maechling from which I have quoted, and the text of an article by William A. Bell which appeared in the Washington Monthly in July, entitled "The Cost of Cowardice: Silence in The Foreign Service," also be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 2.)

Mr. FULBRIGHT. Not only do outside observers and critics argue that there is acute need for organizational reform. Many in the Foreign Service share this view. I was struck by several remarks made by Idar Rimestad, Deputy Under Secretary of State for Administration since February 1967, at an appearance before the Committee on Foreign Relations earlier this session. The occasion for the hearing was the President's nomination of Mr. Rimestad to an ambassadorial position. But in the course of the hearing, while discussing Mr. Rimestad's previous service in the State Department's top administrative position, I asked him about the recommendations by the "Young Turks" in the Foreign Service. In response, among other things, he told the committee that under 20 percent of the personnel in our large Embassies are from the State Department and pointed to one case in which that figure was 8 percent. The others are from other Government agencies. Mr. Rimestad went on to note that as the size of foreign missions are reduced, the State Department's role is further diminished and that over the years the State Department has "lost a great deal of momentum in the foreign affairs area." He concluded:

> Something is in order, whether it is—as you suggested—a Plowden report . . . to take a look at our foreign establishment to see where this direction should come from.

The point made by Mr. Rimestad provides another, and I believe most important, argument in favor of an examination of the kind I have proposed.

Thus, for the reasons set forth in my statement of May 22, 1968, and in my statement today, I hereby introduce a joint resolution, identical to Senate Joint Resolution 173, 90th Congress, second session, which would establish a Commission on Organizational Reforms in the Department of State, the Agency for International Development, and the United States Information Agency. I intend to urge the Committee on Foreign Relations to adopt this resolution, and I ask unanimous consent that the text of the joint resolution be printed in the RECORD at this point.

The **PRESIDING OFFICER**. The joint resolution will be received and appropriately referred; and, without objection, the text of the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 157), to establish a Commission on Organizational Reforms in the Department of State, the Agency for International Development, and the U.S. Information Agency, introduced by Mr. FULBRIGHT, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S.J. RES. 157

Whereas there is an obvious need to insure that the United States conducts all aspects of its foreign relations in the most effective possible manner; and

Whereas toward this end, it is appropriate to provide for an independent study of the present operation and organization of the Department of State, including the Foreign Service, the Agency for International Development, and the United States Information Agency with a view to determining and proposing needed institutional reforms: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created a commission to be known as the Commission on Organizational Reforms in the Department of State, the Agency for International Development, and the United States Information Agency (hereinafter referred to as the "Commission"). It shall be the duty of the Commission to make a comprehensive study in the United States and abroad and to report to the President and to the Congress on needed organizational reforms in the Department of State, including the Foreign Service, the Agency for International Development, and the United States Information Agency, with a view to determining the most efficient and effective means for the administration and operation of the United States programs and activities in the field of foreign relations.

SEC. 2. The Commission shall consist of twelve members, as follows:

(1) Two members of the Commission, to be appointed by the President of the Senate, who shall be Members of the Senate, of whom at least one shall be a member of the Committee on Foreign Relations.

(2) Two members of the Commission, to be appointed by the Speaker of the House of Representatives, who shall be Members of the House of Representatives, of whom at least one shall be a member of the Committee on Foreign Affairs.

(3) Eight members of the Commission, to be appointed by the President, who shall not be individuals presently serving in any capacity in any branch of the Federal Government other than in an advisory capacity.

SEC. 3. The President shall also appoint the Chairman of the Commission from among the members he appoints to the Commission. The Commission shall elect a Vice Chairman from among its members.

SEC. 4. No member of the Commission shall receive compensation for his service on the Commission, but each shall be reimbursed for his travel, subsistence, and other necessary expenses incurred in carrying out his duties as a member of the Commission.

SEC. 5. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Commission may procure temporary and intermittent services to the same extent as is authorized for the departments by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

SEC. 6. (a) The Commission shall conduct its study in the United States and abroad and shall report to the President and to the Congress not later than eighteen months after its appointment upon the results of its study, together with such recommendations as it may deem advisable.

(b) Upon the submission of its report under subsection (a) of this section, the Commission shall cease to exist.

SEC. 7. The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this Commission, office, establishment, or instrumentality and shall furnish such information, suggestions, estimates and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

SEC. 8. There is authorized to be appropriated not to exceed $500,000 to carry out this joint resolution.

EXHIBIT 1

SENATE JOINT RESOLUTION 173—INTRODUCTION OF JOINT RESOLUTION RELATING TO CONDUCTING FOREIGN RELATIONS IN THE 1970'S

Mr. FULBRIGHT. Mr. President—

"Foreign policy will be dynamic or inert, steadfast or aimless, in proportion to the character and unity of those who serve it."

So began the report of the Secretary of State's Public Committee on Personnel published in June 1954. The report, entitled "Toward a Stronger Foreign Service"[1] but known popularly as the Wriston report, after the name of the chairman of the committee, continued by saying several paragraphs later:

"The internal morale of a Government institution and public confidence in that institution are inseparable parts of an organic process. The one replenishes or depletes the other."

How is the internal morale and unity of those who serve our foreign policy today—14 years after the Wriston report, 22 years after the Foreign Service Act of 1946, which revised and modernized the Foreign Service, and 44 years after the Rogers Act of 1924, which first established a permanent career Foreign Service? Is the Foreign Service vigorous, inventive, and unified, willing and able to produce a dynamic and steadfast foreign policy? Do the men and women in the Department of State meet the formula of Lord Strang, former Permanent Under Secretary of State in the British Foreign Office, for Foreign Office effectiveness which is to be "on their toes and happy to be on their toes"?[2] And what of those in the other Government agencies who also serve our foreign policy?

From everything I have heard and read and seen, I have regretfully concluded that the internal morale in the Foreign Service and the Department of State, as well as in the Agency for International Development and in the U.S. Information Agency, is poor. As the Wriston report has pointed out, it follows that there is, or will soon be, less public confidence in these institutions. For a country as rich in human resources as the United States, facing the enormous problems in the field of foreign relations that this country faces, I suggest that this is not only an undesirable but an intolerable state of affairs.

On what do I base my contention that morale is low and that the effectiveness of the institutions involved is therefore impaired? Proof is readily available not only in what the members of the institutions themselves say privately but also in what they say publicly. For example, the February issue of the Foreign Service Journal contained an article entitled "Is the Foreign Service Losing Its Best Young Officers?" Summarizing the results of a survey of recently resigned junior officers, the article observed that the typical resignee:

"... leaves the service primarily because he feels that his work has not been sufficiently challenging and he has seen little to reassure him regarding his future prospects ... he feels that his present job provides him with greater challenge than he would have had had he remained in the Foreign Service."

A tabulation in the article, showing the reasons these officers left the Foreign Service, indicates that the principal factors were dissatisfaction with the personnel system, a lack of anticipated challenge, dim prospects for responsibility and general frustration with the bureaucracy. The least important reasons, mentioned in only a few cases and never as a primary reason, were low pay, dissatisfaction with supervisors and a slow rate of promotion.

Undoubtedly this is the sort of feeling that led a Foreign Service association "spokesman" to tell a New York Times reporter last September that the election of a write-in ticket to control of the association "reflected a general mood of grievance and concern, a sense of frustration and malaise about the state of morale at the State Department and among career officers at the Agency for International Development and the U.S. Information Agency."[3] Even Under Secretary of State Katzenbach, whose interest in the problems of the Foreign Service has been commendable and whose influence has been salutary, has referred, in a public speech, to some of the concern and frustration in the Foreign Service, the kind of acknowledgment of personnel problems that rarely comes from the higher reaches of any Government department. In addressing the Foreign Service Day Conference at the Department of State on November 2, 1967, Mr. Katzenbach said that able younger men in the Foreign Service "complain that their talents are underutilized," and the Under Secretary went on to admit that, while such complaints might be exaggerated "the un-

---

Footnotes at end of article.

derutilization of a talented body of men is paradoxical, harmful, and even tragic."

One of the most distinguished alumni of the Foreign Service, when asked recently on a national television program whether he would advise a young man to go into the Foreign Service today, replied:

If he was ambitious, if he wanted to get ahead and if it was going to cause him pain if anyone got promoted ahead of him, I would tell him not to go into it. If he wants to live abroad, keep his eyes open and broaden his horizons intellectually then I would say go right ahead.

That distinguished alumnus was Ambassador George F. Kennan who was saying,[4] it seemed to me, that a young man might serve his own limited short-range interests in the Foreign Service but that his prospects for making a useful contribution, as the institution is now organized, were dim.

Ambassador Kennan is not alone in his views. In a recent letter to the editor of the Foreign Service Journal, another distinguished Foreign Service alumnus, Ambassador Charles W. Yost, wrote that his own experience with many promising young officers who had either resigned or "dispiritedly accommodated themselves" confirmed that these young officers in the Foreign Service often felt that they faced a lack of challenge and an unsatisfactory personnel system.[5] Ambassador Yost added that there was no reason why a personnel system "should be, or should seem, bureaucratic, unresponsive, and unimaginative." Ambassador Yost concluded his letter by saying:

"It would be a very great tragedy if the Foreign Service, just when the country needs it most and when it offers in fact the most brilliant opportunities, should be eroded at the base through failure to take advantage of the zeal, ambition and expectations of its best qualified and best trained young officers."

I am reasonably confident that these comments could be made just as aptly for young officers in the Agency for International Development and the U.S. Information Agency.

Bureaucracies have a tendency to grow, as we all know. In fact, a recent program in the Foreign Service to reduce the size of embassies that had grown unreasonably large was nicknamed "Operation Topsy," a name that strikes me as whimsically accurate. Someone brought to my attention a recent article in the London Daily Telegraph magazine by the renowned C. Northcote Parkinson pointing out that in the period from 1914 to 1967, while the total number of vessels in commission in the British navy fell from 542 to 114, and the number of officers and men in the Royal Navy from 125,000 to 84,000, the number of Admiralty officials and clerical staff rose from 4,366 to 33,574.[6] And while Britain's colonies almost disappeared between 1935 and 1954, in that period the Colonial Office grew from 372 to 1,661 employees.

I suspect, again on the basis of what I have heard from those in the Department of State as well as what I have read, that administrative proliferation has also reached a rather acute stage in our foreign affairs agencies and that too many people are kept busy reading unnecessary reports written by too many other people who have nothing else to do. If this were not so, the recent decision to reduce the size of all embassies overseas in order to reduce our balance-of-payments deficits would not have been made. Surely, we could not afford to cut any essential activities abroad any more than we could not afford not to cut unessential activities.

In "Farewell to Foggy Bottom," Ambassador Ellis Briggs wrote in 1964:

"Foreign Affairs would prosper if the 1960's could become known as the decade in which the American Foreign Service was not reorganized."[7]

Ambassador Briggs has had his wish in some ways and has not had it in others because the Foreign Service has been reorganized—not on a grand scale but piecemeal—with the results that those observers and participants I have quoted have described. And these piecemeal reorganizations have also taken place in the Agency for International Development and in the U.S. Information Agency. But the 1960's are almost over. The question now is what should the Foreign Service, and the other foreign affairs agencies, be like in the 1970's?

I believe that the time has come for a thorough, realistic, and objective examination of the operation in the United States and abroad of the Foreign Service, the Department of State, the Agency for International Development and the U.S. Information Agency—the principal agencies which conduct this Nation's foreign relations at home and abroad. In October 1966 I wrote the President and suggested the appointment of a blue-ribbon Presidential Commission to perform this function and to suggest reforms that should be made, a commission to be composed of people who have had broad, relevant experience and whose only interest would be in seeing that the United States has the best possible organization to conduct its foreign relations. The executive branch, while not denying my assertions that fundamental and far-reaching changes were needed in the Department of State and other agencies with important responsibilities in the field of foreign affairs, indicated a belief that the needed reforms could be instituted more effectively without outside assistance by the top noncareer level of the Department of State. Two years have now passed and, despite the best efforts of the top noncareer level of the State Department, I do not think that the situation has improved.

It has been argued that such commissions as the one I proposed have been appointed several times in the past and that there is thus no need to repeat the experience. I would disagree. The Hoover Commission examined the entire organization of the Government, including the Department of State, but this examination was conducted over 20 years ago and is now out of date. The so-called Wriston Committee, chaired by President Wriston of Brown University, was appointed by the Secretary of State in 1954. Its deliberations took only 2 months, and its members did not inspect operations in the field. It issued a relatively brief report whose principal recommendation was to consolidate the Department of State and Foreign Service personnel systems—a consolidation which has been gradually unraveling ever since.

The most recent attempt in this field was by a Committee on Foreign Affairs Personnel established late in 1961 under the auspices of the Carnegie Endowment for International Peace and headed by former Secretary of State Christian Herter. Its deliberation appeared to be thorough. It devoted a year to its task, its members visited 32 posts abroad, and it took formal evidence from 18 witnesses. It issued a report with 43 recommendations.[8]

Many of the Herter Committee's recommendations were, however, so general that they were almost truisms. For example, one recommendation was that the Department's leadership capabilities should be strengthened, which is certainly a more desirable goal than weakened leadership. Another was that the State Department, USIA, and AID should "tap more systematically the most promising sources of highly qualified candidates," which, again, is certainly preferable to the unsystematic recruitment of less well qualified candidates. Other recommendations of the Herter Committee were ignored. The committee's second recommendation, for example, was that a position of Executive Under Secretary of State be established. Still other recommendations were contradicted subsequently by Departmental decisions—the fate, for example, of the committee's recommendation 27 that "selection out for time in class should be eliminated"—or have had to be abandoned because the Congress, for one reason or another, has not been willing to pass the necessary legislation.

The United States is, of course, not alone in facing the problem of how best to organize the conduct of foreign relations. Six years ago, the British Government decided to conduct a thorough review of the purpose, structure, and operation of its foreign affairs establishment.

I am impressed by the British Government's approach in this case. The Prime Minister appointed a distinguished "Committee on Representational Services Overseas" headed by Lord Plowden. I should emphasize that the committee was appointed by the Prime Minister, not by the Secretary of State, as was the Wriston Committee, or under the auspices of a private foundation, as was the Herter Committee. The members of the committee included two members of the House of Commons, one Labor Party member and one Conservative, in contrast to the Wriston Committee and the Herter Committee, neither of which included members of the Congress. The Plowden Committee spent a year and a half in its task, visited 42 posts abroad, took formal evidence from 75 witnesses and issued a 176-page report with 52 recommendations.[9]

How has the Plowden Committee report of 1964 fared compared to the Herter Committee of 1962? According to John E. Harr, a Department of State official who, incidentally, had served on the staff of the Herter Committee, while there has been "very slow progress" in implementing the Herter report, the Plowden report was "implemented almost in its entirety, and needed action was taken swiftly and decisively."[10] Mr. Harr termed the report an "overall success" and said that, in the opinion of those in the Foreign Office whom he had interviewed, the amalgamation of the Foreign Service, Commonwealth Relations Service and Trade Commission Service into one diplomatic service, as recommended in the Plowden report, "has indeed given British overseas representation a much needed shot in the arm." He concluded that the British appear to be "moving ahead very progressively" with their Diplomatic Service's administrative problems.

I have felt for several years that while the British do not have the answer to every problem, they may well have the answer to the one I am discussing today. I am convinced that the executive branch departments and agencies concerned—either the top noncareer level of these departments and agencies or the administrative specialists with vested interests in the results to whom such a task ends up being delegated—cannot alone institute the needed reforms. A view from the outside is also needed—a broad and objective view, unencumbered by political considerations or by the obligations that executive branch officers have toward the interests of the particular department or agency in which they serve.

The United States has many distinguished citizens who have served in high positions in the Government, here and abroad, and in the private sector as well. We should put the best available minds among them to work on this problem. To suggest just one example of such a man, I would point to the distinguished career of Douglas Dillon who has served in both Republican and Democratic administrations, in the State Department and in an embassy abroad, in the Treasury Department and in the private sector as well. There are many other men whose experience, while perhaps not as

---

Footnotes at end of article.

broad, would enable them to bring knowledge and perspective to the work of such a commission which could draw its staff not only from various Government departments and agencies but from foundations and universities, and also from corporations, banks and management consulting firms with large foreign operations of their own.

I am therefore submitting today a joint congressional resolution providing for the establishment of such commission to be composed of 12 members—two from the Senate, two from the House of Representatives and eight to be appointed by the President. The joint resolution stipulates that the members appointed by the President should not, at the time of their appointment, be serving in any governmental position other than in an advisory capacity.

I do not intend to press this joint resolution to a vote at this time because I do not believe that the appointment of such a commission should be one of the last acts of a retiring administration. But I do believe that the appointment of such a commission should be one of the first acts of a new administration. I am introducing the joint resolution today so that the candidates for the office of the Presidency, and Members of the House and the Senate, will have time to think about it. I will introduce the joint resolution again at the beginning of the next Congress and I will then do my utmost to achieve its adoption.

FOOTNOTES

[1] "Toward a Stronger Foreign Service," Department of State Publication 5458, released June, 1954.

[2] Lord Strang, *The Diplomatic Career* (London, Andre Deutsch, 1962).

[3] "Diplomats' Group Elects Activists," *New York Times*, September 29, 1967.

[4] On "Meet the Press," November 5, 1967.

[5] *Foreign Service Journal*, April, 1968.

[6] "Is the Civil Service Swallowing Britain?", *The Daily Telegraph Magazine*, December 8, 1967.

[7] Ellis Briggs, *Farewell to Foggy Bottom*, (New York: David McKay Company, Inc., 1964).

[8] "Personnel for the New Diplomacy," *Report of the Committee on Foreign Affairs Personnel*, Carnegie Endowment for International Peace, December, 1962.

[9] "Report of the Committee on Representational Services Over-Seas Appointed by the Prime Minister Under the Chairmanship of Lord Plowden 1962–63," published by Her Majesty's Stationery Office, London, 1964.

[10] "Some Observations on H. M. Diplomatic Service," John E. Harr, Foreign Service Journal, August, 1967.

[From the New York Times, Aug. 27, 1969]

EXHIBIT 2

GROUP IN FOREIGN SERVICE SEEKS TO BARGAIN ON PERSONNEL AFFAIRS

(By Richard Halloran)

WASHINGTON, August 27.—A group of "Young Turk" Foreign Service officers, showing some impatience with the Nixon Administration's pace on reforming the service, are planning to ask the State Department to recognize their professional association as the exclusive agent with which the department would bargain on a wide range of personnel matters.

Sources close to the group said they wanted the department to recognize the Foreign Service Association, a nonofficial organization, as the sole bargaining agent and to sign a contract giving the association this authority.

Although an Executive order permits Government employees to form such bargaining units, one source called the proposal "revolutionary" for the usually circumspect Foreign Service.

Leaders of the group are scheduled to meet with the Under Secretary of State, Elliot L. Richardson, tomorrow to discuss the union proposal and other dissatisfactions among Foreign Service officers. Mr. Richardson is responsible for the administration of the Foreign Service.

The delegation will be led by Lannon Walker, chairman of the Foreign Service Association. Mr. Walker declined to reveal details of the planned meeting and would say only that "we want to see where we stand" with the department's senior officers.

Other sources close to the group, however, indicated that they felt the Nixon Administration "has been around a while now and it's time to see some action." One source said that the impetus for reform must come from the Foreign Service itself, that "it's time we took a good hard look at ourselves."

Various task forces, the sources said, have been working on position papers to use as talking points with the top management.

Some of the Foreign Service officers said they believed that Mr. Richardson also thinks the time has come for action.

A member of the Under Secretary's staff said that Mr. Richardson feels reform of the Foreign Service to be among his major responsibilities but that each recommendation should be considered on its merits. The source said that Mr. Richardson had met with the association leaders several times since he took office and thought it important to keep the lines of communication with them open.

The dissensions within the Foreign Service began long before the Nixon Administration took office. The sources said that many junior and middle-range officers were dissatisfied with their lack of responsibility, with promotion policies and with the assignments they receive.

These sources pointed to the large and increasing numbers of resignations from the Foreign Service. During the fiscal year that ended on June 30, about 270 officers resigned while only about 60 new appointments were made. The number of Foreign Service officers has dropped from 3,489 to 3,273, as of July 1.

Some sources expressed the fear that the service would gradually drop to about 2,500 officers. They said the Nixon Administration must make up its mind whether it wants to have a career, professional service or "see the whole thing go down the drain."

The sources were almost unanimous in saying that they were encouraged during the early days of the new Administration by the attitude and by the initial steps taken to reform the Foreign Service.

But they indicated that dissatisfaction had returned recently due to the 10 per cent cutbacks ordered in personnel both in Washington and overseas.

The sources said that many professionals were encouraged when Mr. Richardson issued a memorandum on May 2 committing the Administration to "a thorough re-examination of the foreign affairs establishment with a view to a more effective use of the unique human forces found there."

Some, however, charged that the new Administration had instituted criteria for promotion that were unacceptable. One such is the stipulation that no specialist could be promoted beyond, FSO–3, an upper middle grade, unless he had exceptional ability.

The sources complained that the definition of specialist was not made clear and that, moreover, many people in the increasingly complicated profession of diplomacy are required to become specialists in a country, an area of a particular field such as economics.

[From the Nation, Feb. 3, 1969]

NIXON'S SEVENTH CRISIS: DIPLOMATS IN DISARRAY

(By Smith Simpson)

NOTE.—Mr. Simpson, a retired Foreign Service officer with twenty years' experience in and around the diplomatic Establishment, is the author of Anatomy of the State Department (Houghton Mifflin). He is also editor of the recent issue, "Resources and Needs of American Diplomacy," of The Annals, American Academy of Political and Social Science.

It seems that President Nixon did not relish as Secretary of State a man of great experience and skill in foreign affairs, one familiar with the State Department, the federal foreign affairs community, our foreign policies and the navigational skills which keep those policies afloat. There are such men in his party, some of them part of the Atlantic seaboard reservoir so often tapped for foreign affairs and defense appointments. But, for the first time in years, a President-elect shied away from the Eastern establishment. The indications are that Mr. Nixon did not even seek the advice of the Lovetts, McCloys, Dillons, et al.

Plainly, also, he had no inclination to resort to older precedent and appoint one of those who had challenged him for his party's nomination. "Forward together" is for national consumption, not for party politics, at least as far as foreign affairs are concerned. Instead of pursuing precedent, Mr. Nixon did something quite novel—novel, anyway, since 1925, when Calvin Coolidge appointed Frank Billings Kellogg as head of the diplomatic bureaucracy. This suggests that the slogan in foreign affairs is to be "Keep Cool with Nixon."

But another possible meaning to the appointment of William P. Rogers seems to have escaped the commentators. It is well known that Mr. Nixon has turned to this skillful lawyer during three of the six major crises which he says have beset his political career. By calling upon Rogers now for this particular position, does Mr. Nixon suggest that the diplomatic establishment has begun to loom in his mind as a seventh crisis?

Well it might. I have known the State Department and its Foreign Service for some forty years and never have I seen them in such a shambles. Policy planning in the State Department is still of a scatter-shot variety and diplomatic planning is nonexistent. There is no overall management, and therefore operations are not tied together, gaps are not filled, lapses are not anticipated, improvements are not systematically pressed. Even promotions, which should be one of the simpler operations, at least from the numerical standpoint, have been chaotic and without reference to need. Education and training are scandalously neglected, procedures fritter away experience, officers are frustrated rather than developed by conditions of service. Responsibilities, especially in the lower ranks, are vague and unchallenging. There is, in a word, no systematic control; only endless improvisation in administration, endless battling with momentary need, endless reaction to events—as in our diplomacy itself—rather than good, tight, dynamic leadership.

I hate to mention Vietnam in this connection, for it would seem to have been threshed down to the last grain, but several basic elements which it shares with everything else the Department does are being overlooked. One is the failure to bring to bear upon the Vietnamese experience the processes of research, analysis and planning. No systematic analysis of this involvement has been made by the State Department or any contractee of the Department. Hence, the Department has been, and still is, unable to deal profoundly with the problem of intervention, isolating the issues it presents or generalizing from the breakthroughs of technique and the constructive results which here and there ingenious diplomatic, military and aid officers have achieved. Further, there has been no attempt to systematize the errors of this venture for the instruction of future policy steerers and diplomatic pilots. From this failure, we risk not only losing in our negotiations the few precious accomplishments of intervention but of repeating our mistakes in the future. That future, as Thailand and Laos are trying to whisper in our ear, may come sooner than we think. If there is one way to insure a continuation of blunders in Southeast Asia, with their corroding effects on America's world position, this is it.

The *Pueblo* affair is another example of the State Department's chronic inability to subject its diplomacy to any kind of rigorous analysis. No methodical attention has ever been given to this type of spy operation, great though its impact is upon our diplomacy. This neglect led to the U-2 imbroglio in 1960; it will lead to others. The disjointed diplomatic agency has simply not prepared itself to cope with military and intelligence operations which affect the nation's general international efforts. Of course, diplomats would first have to be educated and trained in this area, and one of the more obscure but melancholy aspects of the U-2, Bay of Pigs and *Pueblo* affairs is that our diplomatic officers are not adequately prepared to run any phase of a modern diplomatic operation.

A part of the crisis which the diplomatic agency presents to Mr. Nixon arises from its astonishing failure to redefine diplomacy itself in up-to-date terms, so that it might have a clear idea of the kind of people it should be recruiting, the kinds of education and training it should be providing its officers, the criteria it should be following for assignments and promotions, the blend of policy, diplomacy and management it should be developing—all to effect a widespread improvement in our international performance.

Good management would encourage a contagion of know-how from the better-run to the sloppy offices, thus stimulating and bolstering the Department in areas where it is weakest. But lack of management isolates office from office, bureau from bureau. There is no means, for example, whereby the concepts and techniques of analysis and management employed by Covey T. Oliver to improve performance in Latin American relations can be transmitted to other areas. Nor is there any assurance that the gains in that bureau will be passed on to and developed by the Assistant Secretary who replaces Mr. Oliver.

In such an "anti-organization" department, morale is deplorable. In forty years of observation, I have never known State Department morale to be good, but it is now the worse that I have ever seen it.

Morale affects performance; so also do attitudes. They subtly penetrate and influence every view, every decision, every approach to a decision. They are the unspoken premises which cause men to assume they know things they do not know, understand situations they do not understand, are "managing crises" when they are only tinkering with them, disposing of problems when they are only postponing them to reappear in more aggravated form. They give rise, or are themselves generated by, cliches and myths. If Mr. Nixon wants to avoid his seventh crisis he had better put someone in a managerial position in State who knows what the prevailing attitudes are, their sources and their cures. Otherwise, both he and his Secretary of State, however shrewd and competent they may be as politician and lawyer, will be stymied.

A Middle East crisis is rising to one of its periodic crests and Messrs. Nixon and Rogers would do well to recall what lack of State Department management did to President Johnson and Dean Rusk on the last crest. For four and a half months, as that 1966–67 storm quietly gathered, the position of Assistant Secretary of State for Near Eastern Affairs remained vacant. Career diplomat Raymond Hare resigned in November, 1966, and could not be induced to remain. He was worn out; furthermore, he had given a year's notice of his departure. But no replacement had been prepared. The only one available when the time came, it was said, was Lucius D. Battle, then serving as ambassador in Cairo. But there was no seasoned successor for Battle, and one had therefore to be improvised. At the urging of Under Secretary Katzenbach who, like Mr. Rogers, had served as Attorney General and was not exactly sophisticated in the deployment of diplomatic personnel, the Department appointed as ambassador Richard Nolte, an intelligent, academic type not likely to have much influence on Nasser. Nolte's remark at the Cairo airport remains a classic. Asked by a journalist what he thought of the Middle East crisis, he replied: "What crisis?" He soon found out.

Congressional penny-pinching aggravates the shortcomings of management and planning. Secretarial vacancies cannot be filled; officers become increasingly distracted by clerical duties. Supplies are so parsimoniously inventoried that even telephone directories must be scrounged. The library—unlike those at the CIA and the Pentagon—is so understaffed that it cannot meet requests for service, cannot acquire needed materials, cannot shelve promptly what it gets, cannot bind what it shelves. This is a particularly illuminating situation, for it not only exemplifies the anti-intellectual attitude of the administrators who parcel out the Department's appropriated funds but shows also how really false is a lot of the economizing. Unbound periodicals stray; they must be replaced; and back copies cost more than the original subscription numbers. Furthermore, when funds at last become available for binding, costs have increased. The State Department is a perfect demonstration, top to bottom, from people to paper clips, that penny-pinching always results in waste.

An extraordinary cynicism pervades the diplomatic establishment. Even its liberals found themselves welcoming the outcome of the Presidential election. "Nothing could possibly be worse," they said; "a change—any change—just might bring relief." They did not remember that this same hope was engendered in 1932, 1952 and 1960, and gave way to souring frustration. It is not merely change that is needed—it is reform; organizational reform, procedural reform, attitudinal reform, educational and training reform, conceptual reform. That is what confronts Mr. Nixon as he prepares for his seventh crisis.

That being so, one of Nixon's most extraordinary pre-inaugural decisions was his choice of Secretary of State. William P. Rogers is by all reports a good lawyer; he is a former Attorney General of the United States, a good negotiator in a domestic context, perhaps a good one in an international legal context, a staunch upholder of civil rights, an upright citizen, a loyal friend and counselor of the President, a cool man. These attributes are splendid, but how completely do they meet the varied diplomatic needs of the President? How sufficient are they for a successful Secretary of State?

Mr. Rogers is not totally without exposure to foreign affairs. He served in 1967 as the United States delegate on the UN's fourteen-nation *ad hoc* Committee on South West Africa. Seven years earlier he headed the American delegation to the independence ceremonies for Togo, and took the occasion to visit the Mali Federation (then Mali, Guinea and Senegal) and Nigeria. He met a number of leaders in those countries (most of whom have since been ousted or assassinated). During the Hungarian revolution of November, 1956, he accompanied Mr. Nixon to Austria to investigate the plight of refugees. Another brief mission took him abroad in 1955 as chief American delegate to a UN conference on prison conditions.

That's about it and it is not very much. No continuous professional experience; not even a sustained professional interest. No background whatever with respect to the State Department or the Foreign Service. No experience or known interest in any coordinating machinery in the government's foreign affairs.

This lack of central involvement or even interest in his new area of responsibility becomes the more painfully evident when one sets Mr. Rogers' training alongside the preparation of some of his Cabinet associates. The Secretary of Agriculture has had extensive experience with agricultural matters. The Secretary of Labor has been a student of labor problems for decades, much involved in labor-management contentions, thoughtfully coping for years with the very challenges he will face in his Cabinet assignment. Both Clifford M. Hardin in Agriculture and George Shultz in Labor are seasoned experts in their fields.

In fact, Mr. Hardin seems to qualify better for the position of Secretary of State than does Mr. Rogers. His extensive international experience began in 1947 when he was sent to Europe by Michigan State University to explore the broad question of what roles universities and farm groups might play in the Marshall Plan. The following year, in furtherance of Point Four, President Truman included him in groups to study development possibilities in South America. His interest in this area has continued, and has led to his appointment as a member of the Council on Higher Education of American Republics, which takes him to a different country of South America each year. In 1950, as dean of MSU's School of Agriculture, Hardin helped found the University of the Ryukyus on Okinawa, and that added the Pacific area to his international involvement. Four years later, he became chancellor of the University of Nebraska and introduced in that one-time bastion of Midwest isolationism a Latin American studies program and a Far Eastern Institute; he also continued Nebraska's sponsorship of the new Ataturk University in Turkey which, among other things, has brought to Lincoln more than 200 Turkish professors for advanced study. He has also been involved in educational development in sub-Sahara Africa. This depth of familiarity with the country's overseas objectives and commitments suggested to President Kennedy that Hardin be added to the Clay committee to study the entire foreign aid program. Finally, Hardin thinks in imaginative terms. One of his pet interests is promoting "a massive, long-range innovative effort unprecedented in human history" to solve the world's food and population problem.

Compared with all this, Mr. Rogers and the man he has picked as his deputy are rank amateurs. Neither can innovate because they do not know where to start. Neither can reform because they do not know what is wrong. Neither can appreciate the need for any "massive, long-range, innovative effort" to bring our diplomatic establishment up to date because they have yet to learn in what respects it is out of date. As they gradually become enlightened, they will tinker, as all unprepared innovators do. Moreover, they will by then have become overwhelmed by current crises.

Melvin Laird was smarter than Mr. Rogers. Realizing that as Secretary of Defense he would be handicapped by his managerial inexperience, he picked an expert manager for the second spot at the Pentagon. Rogers picked a man in his own image. Mr. Richardson is also a lawyer, also an Attorney General, also inexperienced in management, also a novice in foreign affairs, in the State Department, in the Foreign Service in diplomacy.

This, together with the fact that Laird has been deeply involved in the problems and issues of the Defense Department for fifteen years, with a fairly clear idea of how it operates—its weaknesses, its mistakes, its needs—means that Defense will continue to have an edge over State. In the light of the last eight years, I need emphasize what this means in our foreign policies and diplomacy. There is little likelihood that a "massive, long-range, innovative effort" will tip the scales back to civilian initiative and control.

Both Mr. Rogers and Mr. Richardson may be expected to think that as lawyers and pragmatists they have much to offer American diplomacy. I wish this were so, but I fear that lawyers are poor managers and even slow to see the need for effective management. As a profession, they are given to the belief that all they need are the facts; by rigorous analysis, they can then deduce the answers. Furthermore, since they are trained to argue from briefs prepared by their staff, Mr. Rogers and Mr. Richardson will no doubt believe that they can satisfactorily counsel the President and Congress, as well as the public and officials of other governments, from the "briefs" provided by a State Department staff. If so, they are naive.

"Facts" are hard to come by in foreign affairs. Information is elusively concealed in the manner of its presentation. It is subtly permeated with the drafters' personal impressions, interpretations, hunches. A formidable husk of subjectivity surrounds every "fact." The greatest bulk of our dossiers on other peoples and their government leaders, their cultures and their needs, is comprised of what we *think* we know, and that is precisely what has bedeviled the government's handling of Vietnam. The "information" and calculations available in Washington have been treated by the Secretary of State and other Presidential advisers as reliable "facts"—and we have strayed deeper and deeper into a swamp of conjecture. Because of the man he has selected as Secretary of State and the deputy Mr. Rogers has picked for himself, this can happen to Mr. Nixon in countless situations.

As for pragmatism, we have about come to the end of that road. Within limits, it is a good approach, but relying on it almost exclusively, we have exhausted its possibilities, and our continuing faith in it is leading us into a performance of diminishing returns. Faced with the necessity to synthesize foreign and domestic resources and policies, we are required to make a more fundamental assessment of foreign affairs than we have so far attempted. For this, some philosophy is needed—something akin to the careful, systematic, basic thinking that went into the Declaration of Independence and the Constitution. And it requires, as those statements of policy and principle did not, a consideration of world responsibilities. Who is to lead in this "massive, long-range, innovative" effort?

Perhaps, someone may suggest, the number-three man in the Department, he being a career diplomat. But he also is a pragmatist. A smart operator, a man of keen insight into the reactions of foreigners, Alexis Johnson has never acquired any reputation as a thinker, a planner or a manager. And as he has shown throughout the Vietnam years—during much of which he served as a political adviser to the Secretary—he is a follower, not an innovator.

If none of these three men has what it takes to reform the Department, the situation is not yet entirely hopeless. Six other strategic positions remain to be filled: Deputy Under Secretary for Administration, Deputy Assistant Secretary for Organization and Management, Deputy Assistant Secretary for Personnel, Director General of the Foreign Service, Director of the Foreign Service Institute and Deputy Assistant Secretary of Operations.

If Mr. Rogers can be as smart as Mr. Laird, he can still bail himself out of his limitations and, by the men he selects for these positions, spare the President another major crisis. To do this he must clearly perceive three things: the necessity for superior management of the diplomatic establishment; the requirement that managers be familiar not only with management concepts but also with foreign policy and diplomacy; and the need to delegate adequate managerial powers to such men.

These six officers of the Department must create a program of management (which means, in effect, a program of reform, since the State Department now totally lacks management), and they must become a team to carry it out.

In view of Mr. Rogers' and his deputy's unfamiliarity with the State Department, the filling of this prescription is so difficult as to be unlikely. But there is a remote possibility that it will be done. Several studies of the State Department and Foreign Service of recent date are available for the launching of such a program. If the six are appointed from the career diplomatic service well in advance of vacancies, sent off to a suitable university to be trained in management concepts and techniques and to distill a program for the approval of Messrs. Nixon and Rogers, and if they are delegated adequate managerial powers, the job can be done. There is no other way to do it. If Mr. Nixon really sees the diplomatic establishment as threatening him with his seventh crisis—and whether he does or not, that, in my opinion, is the situation—he would do well to persuade his Secretary of State to take this course. It would be good politics—if Mr. Nixon gives any thought at all to 1972. And, of course, it would be a step toward insuring that there is still a nation to hold elections in 1972.

[From the Virginia Quarterly Review, Spring 1969]

OUR FOREIGN AFFAIRS ESTABLISHMENT: THE NEED FOR REFORM

(By Charles Maechling, Jr.)

Before the Second World War it was customary to lay the blame for the more flagrant mistakes of American foreign policy on the President and the party in power. Until relatively recently, the major foreign policy problems that confronted each Administration were few in number and generally translatable into simply political issues. As late as the Roosevelt era it was almost unheard of for the press or Congress to ascribe mistakes of policy or deficiencies in program execution to advisers, department heads, or the machinery of government. In the absence of some glaring and well-publicized delinquency on the part of a subordinate, the President or Secretary of State carried the full burden of responsibility for the success or failure of their policies.

With the rise of big government, and the expansion of American involvement in world affairs at every level and in every quarter of the globe, these premises have undergone a subtle change. The President and the Secretary of State are now in some respects exculpated for policy mistakes and breakdowns in program execution. The sudden elevation in 1945 of an inexperienced President to the political leadership of the Western world, and the inability of even the most inveterate opponents of American wartime policy to hold him responsible for the Cold War and the postwar disappointments in Eastern Europe and the Far East, accentuated this trend. For a while, it became the fashion to arraign policy advisers, Cabinet officers, and even interpreters and part-time consultants, for policy failures or program breakdowns. More recently the tendency has been to avoid personalities and focus on the system.

Since the nineteen forties most of the criticism has centered on the Department of State. This is the price of the Department's pre-eminence and high visibility in the field of foreign affairs, and of a consequent propensity on the part of the public and other branches of the government to hold it responsible for unfavorable developments. Out of this chorus of annoyance and recrimination, four specific complaints stand out. It is alleged that too often the Department has proved unable to provide clear-cut definitions of the national interest in advance of specific crises situations. It has been charged that the Department often seems incapable of translating its generalized statements of national goals into specific action programs or into crisply phrased alternative courses from which decisions can be made. It is said that the Department hedges its political estimates to the point of inconclusiveness and obscurity. And, moving from policy formulation to policy execution, it has been alleged that the Department does not exercise effective leadership over the other departments and agencies of the foreign affairs establishment, with the result that programs either fail to reflect policy or are so deficient in direction and co-ordination that they unwittingly frustrate and vitiate it. Readers may remember the epithet, "bowl of jelly," attributed to President Kennedy by Arthur Schlesinger, as perhaps epitomizing these strictures.

The best evidence of the truth behind these charges is the way Presidents have consistently tinkered with the foreign affairs establishment in an effort to cure or at least mitigate some of its deficiencies. Depending on the temperament and philosophy of the incumbent, the problem has been viewed either in terms of personalities or in terms of organization. Broadly speaking, these efforts have fallen into four categories.

The first has been organizational change, some of it real, much of it fictitious. New jobs have been created and old ones abolished; presidential functions have been delegated and redelegated; the chain of command has been realigned; people and offices have been given new labels. Some of the changes have been motivated by the need to re-tailor functions to fit personalities; some of them to achieve *bona fide* changes of responsibility; and perhaps most to satisfy demands for a new look. In recent history, none has been fundamental enough to alter the basic structure and operation of the Department.

A second approach—really a variant of the first—has been to stiffen State's backbone by giving it more authority. This has usually taken the form of re-emphasizing the Department's "leadership" role within the Executive Branch. President Kennedy's letter of May, 1961, placing all United States Government activities in a foreign country under the supervision and control of the Ambassador, is perhaps the best known of these efforts. However, its practical effects have been minimal. The scope of the letter was necessarily limited to activities under the immediate control of the Ambassador and could not alter the legal effect of agency responsibilities in the slightest. A later directive of President Johnson (NSAM 341 of April, 1966), placing all overseas interdepartmental programs and activities under the supervision and control of the Secretary of State, was an attempt to extend this concept to Washintgon. As we shall see, it suffered from similar legal disabilities.

State has also experimented with the interdepartmental committee device to establish control over the overseas programs of other agencies. These have usually been set up under State chairmanship within the framework of a State regional bureau. Some recent examples are the Vietnam Task Force, the former Cuban Co-ordinating Committee, the now defunct Latin American and African Policy Committees, and the new Interdepartmental Regional Groups (IRGs). The effectiveness of these State-sponsored, interdepartmental committees has tended to mirror the willingness and capacity of the regional Assistant Secretaries to make use of them.

A third approach has involved efforts to make the Department, especially the Foreign Service, more responsive to changing conditions by improving its personnel. These have included broadening the selection base, changing promotion criteria, and trying to integrate civil service personnel from the Department and other agencies into the Foreign Service. Among the means employed to achieve these ends have been financial incentives for early retirement; proposed legislation to integrate autonomous agencies like AID and USIA into the Department; and opening—and later closing—the career ranks to lateral entry from the outside. Whether these reforms have actually improved our diplomatic performance is a matter of endless, and inconclusive, debate.

Finally should be mentioned recent attempts to introduce modern systems analysis and data processing techniques into the machinery. These have included personnel planning, country programming systems, and the so-called PPB method of relating objectives to costs and then projecting the latter for a five-year period. Most of these programs have been allowed to fall into desuetude before there was time to permit objective evaluation in terms of results.

Each of these approaches has been aimed at enhancing State's "leadership" of the foreign affairs establishment. Yet none seem to have had any real effect on the quality of American diplomacy. Persons brought in as "new brooms" have exhausted themselves in piecemeal attacks on the problem and futile efforts to cut through bureaucratic redtape. As soon as they depart, the jungle takes over.

II

The foreign affairs establishment cannot be streamlined or invigorated by half-measures confined to the State Department. Individual changes in the Department's organization, personnel system, training programs, and programming methods are going to yield only minimal and probably undiscernible results in terms of improved policy performance unless the Department's rôle is re-examined within the context of the whole foreign affairs field and especially the missions of other agencies—Defense, CIA, USIA, AID, and Treasury. Moreover, the effectiveness of the machinery must be measured in terms of the realities of contemporary international life—not in terms of traditional concepts of the diplomatic function dating back to the days when statecraft chiefly involved political relations between governments.

The task must begin with a realistic appraisal of the real power of the Secretary of State as compared with his mythical power. Ostensibly, the Secretary is the President's principal adviser on foreign affairs, and the Department of State, with its 25,000 employees overseas and in Washington, is his ancillary and supporting arm. The Secretary is also the prime executant of United States foreign policy—but only in the sense that he translates the President's policy decisions into instructions for Ambassadors and other United States representatives abroad, and acts as a conduit of communication between the United States and foreign governments. In addition, the Department exercises a policy advisory function for the rest of the government by furnishing other agencies engaged in overseas operations with what is termed political guidance. The Secretary and the Department do not, of course, make policy; that is the President's function.

In these capacities, the State Department's actual role has always been cloudy and cannot really be understood except in an historical context. The concept of a department of foreign affairs dates from an era when the relations between sovereign independent states were confined to a narrow range of political and economic matters. and were the exclusive province of the monarch or chief of state; the first foreign ministries were small bureaus of specialized clerks attached to the royal household who later expanded their functions to handle the routine concerns of foreign embassies and provide staff and clerical support for the King's Ambassadors. The narrow view held by many Foreign Service officers that the Department's functions should be confined to the conduct of diplomatic relations between heads of governments is therefore the *bona fide* legacy of an earlier age. A more pernicious part of the tradition is the conviction that all the manifold relations between states—economic, financial, strategic, technological, cultural—are unimportant until elevated to the level of political relations between governments.

This limited outlook is reinforced by the values built into the Foreign Service promotion system which put a premium on political reporting and the handling of intergovernmental communications. The Department abounds with political generalists parading a sham expertise in the specialities of other agencies—politico-military "experts" who have never worn a uniform, technological "experts" with no scientific background, and economic negotiators who are neither exbankers no ex-businessmen—whose careers depend on the pre-eminence of the political factor over other elements of the foreign affairs equation. In background and experience most of them are bureaucrats rather than diplomatists. They have lost the foreign area familiarity, language fluency, and cosmopolitan outlook of the traditional diplomat, without acquiring the assurance, versatility, and professional skill that goes with a sound professional or business background.

More important is that in recent years the Secretary of State's real authority has suffered serious dilution. The expansion of United States interests overseas, the proliferation of relations with allies and adversaries at every level, and the growth of United States overseas programs in support of these responsibilities and relationships have multiplied the voices entitled to give advice and orders on matters of foreign policy. The Secretary is now only one of several cabinet officers and agency heads carrying heavy responsibilities in the field of foreign affairs.

Thus,.in the sphere of policy formulation, the Director of Central Intelligence, the Secretary of Defense, the Secretary of the Treasury, and the Chairman of the Joint Chiefs of Staff each make a contribution on specialized aspects of foreign policy that is often more essential to the decision process than the generalized political "input" of the Secretary of State. The effort of the Department to label all important matters political, on the ground that a synthesis of these different elements is required, or to reduce them to a political formulation simply because governments are involved, is a transparent artifice to retain control. It is also a dangerous one. No President can afford to have his analyses of vital problems distorted to gratify the jurisdictional vanity of one department, or to have vital information filtered through a sieve of inexpert generalists.

Even when a Secretary of State enjoys the complete confidence of the President and plays a leading role in policy formulation, his Department does not necessarily partake of his influence within the Executive Branch. Much depends on the person stature and influence of the other members of the Cabinet. Not that the heads of other Departments and Presidential appointees are inherently rivals of the Secretary of State or are out to undermine him. On the broad outlines of foreign policy, they usually take great pains to defer to him. But in matters of policy execution the Secretary's pre-eminence as the President's principal adviser on foreign affairs is very largely a fiction for the very good reason that policy execution is action far more than words. The verbal notification, however skillfully phrased, is only the official message.

Even the State Department's authentic diplomatic function of representing the United States in negotiations and conferences is now often a formality. When the main ingredients of an agenda are military, economic, financial, technological, or legal, the harassed generalists of the Department can usually contribute so little in the way of substance that they are hopelessly dependent on the experts of other departments. If they try to play a more active part, the consequences are likely to be disastrous: a career diplomat will frequently trade off important technical advantages, whose significance escapes him, in favor of some ephemeral political advantage.

The most striking example of the Department's limitations in policy execution, however, is its lack of control over the overseas programs and activities that are now the real instruments of policy execution.

Since the end of World War II, the deployment overseas of large United States land, sea, and air forces has been both a major instrument of policy implementation and a source of involvement in foreign internal affairs. Our military and economic assistance programs—now chiefly centered in the less developed countries—are also important arms of policy and sources of overseas involvement. Covert assistance programs and the use of modern electronic and satellite technology for intelligence collection have enmeshed the United States in an ominous web of subterranean relationships with foreign government personalities and political factions. Even the anodyne public information function of the United States Information Agency has been broadened to include a technical assistance function aimed at helping shaky governments to program political broadcasts for strengthening their ties with disaffected rural areas.

Few of these programs and activities are under the operational control of the State Department. All the important ones are the statutory responsibility of other powerful autonomous departments and agencies. Many are the subject of special and sometimes complex legislation. Appropriations for these programs and activities are often hedged about with special requirements and restrictions, some of them specifically designed to protect them from outside interference or control.

President Johnson's directive of April, 1966, already mentioned, ostensibly endowed the Secretary of State with responsibility for the overall direction, co-ordination, and supervision of interdepartmental programs and activities overseas. In fact, the directive was legally powerless to affect the program responsibilities of the departments and agencies concerned, each of which is acutely conscious of its unique mission and prerogatives. At least two other agencies—Defense and CIA—are fully the equals of State in power and influence, not only within the Executive Branch but on Capitol Hill; while AID, USIA, and the Disarmament Agency, although nominally part of State, are in fact semi-autonomous organizations, with separate budgets, personnel hierarchies, and top-level management by energetic, independently-minded political appointees.

In theory, the Department of State has the authority and prestige to synchonize these multifarious activities and programs and make them conform to policy. Every overseas program of the other departments and agencies is subject to the Department's political guidance. But this guidance (usually furnished at "bureau level") is often general to the point of abstraction. Its formulations are difficult to apply to concrete program situations. Often the guidance is susceptible to such a wide range of interpretations that it justifies the most aberrant departures in program execution.

All too often, the Department's solution to this embarrassing anomaly is a tacit arrangement whereby acquiescence in the program decisions of other agencies is traded off for lip-service compliance with the Department's political guidance. This usually works until the moment when vital agency interests are engaged or when there are real differences of opinion on questions of policy implementation, at which time the compact tends to come apart. Since the Department cannot afford to endanger the Secretary's prestige by engaging his authority in every wrangle, the result is usually a disguised surrender, in which the program at issue is either redefined to bring it into conformity with policy, however it may diverge from or even vitiate that policy, or the policy is reformulated to provide room for wider divergencies.

The truth is that the growing complexity of the international environment renders not only the State Department but every other single agency of government incapable of coping with the full range of international problems. Today, these embrace every aspect of national life: internal social and economic considerations included. Consequently no statement of foreign policy goals can hope to make sense unless it takes into account two factors normally excluded from policy deliberations within the Department—the national resources available to carry out a policy and the domestic political climate. Yet up to now, the Department's guidance to both the White House and other departments has invariably assumed unlimited national resources and complete unanimity of public opinion, in defiance of contemporary economic and political reality. Such weighty factors as creeping inflation, racial unrest, deteriorating public services, an adverse balance of payments, mounting demands from the cities for federal dollars, and the obvious incapacity of the country to finance both an ambitious domestic program and a global security system are deliberately excluded from Department position papers. Nor are the master plans and grand designs drawn up by the deskbound Policy Planning Council ever tested against the prevailing background of public and congressional opinion.

The same narrow approach stultifies the implementation of policy. To cite only one example: The Communist and extreme leftwing threat to vulnerable countries of the underdeveloped world is not simply subversion, terrorism, and guerrilla warfare. It also involves the establishment of an underground political network, a shadow government, a clandestine system of taxation and financial levies, a propaganda campaign aimed at disaffected segments of the population, a system of internal conscription, and partial (but not necessarily total) disruption of certain (but not all) parts of the economy. It can only be defeated, or at least frustrated, by a carefully synchronized counter-insurgency program structured to fit local conditions and embracing such variegated elements as economic assistance, police assistance, military assistance, public information guidance, and covert activities. Since these elements necessarily depend on the contributions of different departments and agencies, there must be a single hand to manipulate the threads or they will start to operate at cross-purposes. Today, in Washington at least, this hand is absent.

III

It is the incapacity of the foreign affairs establishment, headed by State, to give active direction, or at least co-ordination, to the overseas programs of the rest of the government that has periodically led the White House to intervene in the policy implementation process, even at the cost of depriving the President of his Olympian freedom from operational detail.

Several approaches have been tried at one time or another. The first has been the creation of a White House foreign affairs staff. Dating back to Woodrow Wilson, and even before, some Presidents have placed heavy reliance on a personal foreign affairs adviser. Colonel House is one example, Harry Hopkins, McGeorge Bundy, and now Henry Kissinger are three others. Bundy and his successors have been provided with a staff, informally organized along regional lines, which has operated freely at every level of government.

The main advantage of the private adviser approach is the ability to obtain objective advice from a trusted confidant, who is unimpeded by departmental loyalties. The principal defect is that the more active and ambitious the adviser and his staff as a stimulus and catalyst for the rest of the government, the more they enfeeble institutional authority and induce over-reliance on the White House. Persons in government develop such an acute sensitivity to political power that proximity to the throne creates lines of magnetic attraction that utterly disorient normal centers of responsibility. This was the main reason why President Johnson sharply curtailed the power and latitude of the National Security Council staff after McGeorge Bundy's departure.

A second and less well known device for injecting the White House into the foreign policy decision process is the Presidentially-sponsored interdepartmental committee, usually established at Cabinet or sub-Cabinet level to handle major questions of national security policy. In theory the National Security Council exists for this purpose, but statutory membership requirements make it a cumbersome instrument for any purpose short of a major crisis. (It may be remembered that the Cuban Missile Crisis of 1962 was handled by an *ad hoc* Executive Committee of the National Security Council to keep deliberations small and secure.) There are four prominent examples of White House-sponsored interdepartmental committees in recent history.

The Planning Board and Operations Coordinating Board were established by the Eisenhower Administration for the express purpose of co-ordinating policy with overseas programs. Their interdepartmental organization borrowed heavily from the joint staff committee structure developed in World War II. However, the OCB soon mushroomed into a multi-layered structure of committees, subcommittees, and working groups in which co-ordination became an end in itself and the status report was raised to a fine art. One of President Kennedy's first acts in office was to abolish the OCB, on the grounds that the organization had become a "paper mill." The Planning Board was allowed to fall into desuetude.

In its time the OCB did, however, succeed in imposing some degree of co-ordination on the foreign policy process, and its abolition left departmental and agency programs disjointed and without common purpose and direction. President Kennedy was therefore forced to resort to several *ad hoc* arrangements to take up the slack, of which the first was the Special Group. This was a sub-Cabinet committee, chaired by the President's Special Assistant for National Security, which was established after the Bay of Pigs to keep the covert programs of the CIA in line with foreign policy. No attempt was made to place the Group under the chairmanship of State, since it was recognized that State was legally and morally incapable of controlling the CIA.

The second high-level interdepartmental committee established by President Kennedy was the Special Group (Counter-Insurgency). It was created in January, 1962, to supervise policy and co-ordinate overseas assistance programs aimed at countering the Communist and extreme left-wing insurgency threat to the underdeveloped world. Originally chaired by General Maxwell D. Taylor when he was President Kennedy's Military Representative, the chairmanship was later given to State. The Special Group (Counter-Insurgency) had its most successful period under the chairmanship of W. Averell Harriman, when he was Under Secretary of State for Political Affairs from 1962 to 1965. The Group's most vocal and energetic member was Robert Kennedy, who sat more as the President's brother than in his capacity as Attorney General. It was so effective, however, that Secretary Rusk regarded it as a competing center of power. At his insistence, the President abolished it after a *pro forma* review by an outside task force, and its functions were transferred to the newly created Senior Interdepartmental Group (SIG).

The Senior Interdepartmental Group (SIG) represented the final effort of the Johnson administration to achieve coordination of overseas policies and programs under the leadership of State. SIG's charter was similar to that of the Special Group (Counter-Insurgency), but without being confined to a particular kind of foreign policy problem. It was chaired by then Under Secretary of State Katzenback and met in State rather than in the White House—an important distinction—but its muscle sprang from its Presidential sponsorship. Unfortunately, SIG was an outstanding failure, owing to excessive paperwork, feeble chairmanship, and flabby staffwork—all the vices of the old OCB. SIG was abolished by President Nixon in February, 1969, and its functions were taken over by a new interdepartmental committee of Under Secretaries chaired by Under Secretary Richardson.

The virtue of the White House-sponsored co-ordinating committee, when properly managed, lies in its ability to refer troublesome interdepartmental differences to top-level mediation before positions have hardened to the point of becoming infected with the malignant virus of agency prestige. The committee technique can also produce prompt action on disputes over program execution that might otherwise remain bogged down in a bureaucratic impasse. The mere existence of such a high-level group is therefore a powerful stimulus to action, the alternative being exposure of low-level rigidity and red-tape.

The defects of the White House-sponsored committee are some derogation of departmental responsibility and a tendency to lean on the committee for decisions that should have been made earlier by each department. Moreover, all such committees, regardless of their imposing charters and brass-encrusted membership, suffer from intermittency. Sub-Cabinet officers and heads of independent agencies rarely have time to meet more than once a week. Each meeting last for an hour or two. Once a decision is made, responsibility for implementation and follow-up necessarily devolves on the officials and institutions whose inadequacies made the Group necessary in the first place. And the war council atmosphere tends to lull everyone into the comfortable delusion that well-staffed papers, decisively handled in Washington, are synonymous with effective solutions in the field. The high-level interdepartmental committee is therefore most effective when restricted to handling only important matters in which the issues are carefully defined in advance.

IV

None of these devices, alone or in combination, really gets to the heart of the matter. They grossly underrate the expanded scope of foreign relations and the interrelationship between domestic and foreign policy. They utterly neglect the peculiar structure of the Executive Branch, with its system of essentially independent departments and agencies, each endowed with a carefully defined mandate and set of statutory responsibilities. Innovations of far greater depth and ingenuity are necessary to make the foreign affairs establishment more responsive to Presidential needs.

There must first be complete acceptance of the fact that foreign relations are now a medley of social, economic, financial, strategic, ideological, and technological interrelationships in which the foreign and domestic elements are inextricably mingled. Second, all agencies of the Executive Branch, and especially the State Department, must recognize that the underlying forces in international relations take their shape, direction, and momentum from the evolution and interplay of societies—not from the political pronouncements of governments and foreign ministries. The traditional emphasis on intergovernmental relations must be discarded and the political side of foreign affairs viewed more as a reflection or manifestation of underlying trends than as an autonomous factor in its own right. Third, it must be universally accepted that the field of foreign relations transcends the jurisdictional scope of any single department or agency, and can only be comprehended and dealt with on a supra-agency level.

Ideally, the most satisfactory way of creating a unified entity capable of comprehending and dealing with the full range of contemporary foreign policy problems would be to terminate the separate agency responsibilities in the foreign affairs field and combine them under a single Department of Foreign Affairs. But it would require half a generation to prepare the ground for legislation of so sweeping a character. Hence, the only practical course is to reorganize the foreign affairs establishment within the framework of existing law.

A first step to revitalize policy planning by placing it under the control of the President's Special Assistants for National Security Affairs was taken by the Nixon administration in February, 1969. The next step should be to establish, by Executive Order, a permanent interdepartmental Foreign Affairs Council to make recommendations on key issues of foreign policy and the national security, and to resolve major interdepartmental problems concerning overseas programs and activities. The Council would consist of the heads of the principal departments and agencies of the foreign affairs establishment—State, Defense, Treasury, the Central Intelligence Agency, AID, and USIA, with other agencies represented *ad hoc* as necessary—and would be chaired by the President's Special Assistant for Security Affairs, now elevated to the new Cabinet post of Secretary for National Security Affairs. It would meet not more than twice monthly and would depend on a small staff and secretariat to keep its agenda important and meaningful, and to arrange for the implementation of its decisions.

The Staff and Secretariat of the Council would be composed of a cadre of career military and civilian officials drawn from every agency of government, supplemented by a diversified and rotating element of skilled professionals from civilian life and the staffs of Congress. The rotating element would be deliberately appointed on a political basis, (i.e., its adherence to the policies of the administration in power) so as to provide an organic link between the permanent bureaucracy and the electorate.

The two principal functions of the Staff would be national policy planning and the co-ordination of overseas programs and activities. In its planning role, the Staff would be particularly charged with weighing all the factors, foreign and domestic, that enter into the sound formulation of policy and making recommendations of both courses of action and allocation of resources. When refined and endorsed by the Council, these recommendations would be forwarded to the President and become the basis for major policy decisions and program actions. Under this system, the President's responsibility for actually making policy would remain undiminished.

In mission and organization, the departments and agencies represented on the Council would remain substantially the same as before, but with a few important modifications. State would continue to be the sole conduit for official communications with foreign governments. It would also continue to handle all routine diplomatic and consular business, and would dominate the formal and ceremonial aspects of intergovernmental relations, including representation on international organizations at non-specialized levels. The Secretary of State would not, however, be cast in the rôle of a policy advisor and program co-ordinator in areas beyond his competence.

As a corollary, the regular Foreign Service would revert to being an authentic diplomatic corps, much smaller in size and more selectively chosen. On the other hand, the Foreign Service Reserve would be expanded and diversified by offering open lateral entry at every level to well-qualified economic, financial, scientific, and legal specialists. Whether or not AID and USIA should be merged into State could be decided later, but all three agencies would gradually reduce their inflated corpus of foreign affairs generalists and replace them with specialists. Administrators would be confined to administration, in the sense of housekeeping and technical management. However, an orderly but flexible promotion system would be devised for each track of category, offering parallel routes to the top, and in special cases allowing transfer from one track to another. Ambassadors and Ministers would be drawn from every personnel track, from other agencies, from the Council's staff, and from private life. Corresponding organizational changes would be made in Defense, Treasury, CIA, and other agencies concerned with foreign affairs.

The effect of this reorganization would be to raise policy planning, assignment of resource priorities, and program co-ordination to a supra-agency level, and these would be the main responsibilities of the new Secretary for National Security Affairs and Foreign Affairs Council. Responsibility for program execution would, however, stay decentralized in the existing departments and agencies, as required by law. Skillfully managed, the Council and Staff would close the present gap between policy formation and program execution. If successful, the new system would provide the Presidents of the nineteen seventies with a foreign policy machinery capable of integrating all the diverse elements of statecraft into a coherent, unified whole and responding with delicacy and vigor to the exigencies of the times.

[From the Washington Monthly, July 1969]

The Culture of Bureaucracy: The Cost of Cowardice—Silence in the Foreign Service

(By William A. Bell, former Foreign Service officer)

In 1966, when the commitment of American ground forces in Vietnam took its greatest leap forward, criticism of U.S. policy became widespread among Foreign Service Officers, or at least among those stationed in Washington. A number of young officers, some of whom had been expressing their misgivings in private conversation, were called together at the Department for a briefing before setting out on campus recruiting trips. One of them asked the recruitment director what they should say to students who were interested in the Foreign Service but had qualms about the American role in Vietnam. The answer—in no uncertain terms—was that there is no place in the Foreign Service for persons who do not support this war. No one spoke.

At the beginning of the Dominican rebellion in 1965, U.S. Ambassador W. Tapley Bennett declined a request to moderate the rapidly growing dispute at a time when moderate leftists were still in control of the "constitutionalist" forces. Bennett's predecessor, John Bartlow Martin, states in his book *Overtaken by Events* that Bennett, having missed this chance at conciliation, probably had little choice but to bring in the Marines.

The book fails to relate, however, a scene in which Bennett summoned a large portion of his staff and told them that he was planning to call for help. After briefly describing the situation as he saw it, Bennett made it clear that U.S. military forces, if summoned, would be ordered to thwart the attempted revolution, not just "protect U.S. lives and property." He then asked his staff if there were any alternate views or proposals. No one spoke.

When John Bowling, a stimulating lecturer at State's Foreign Service Institute, suggested that flag desecrators were philosophically identical to the bomb-throwing anarchists of previous decades, and that draft resisters were unmanly and cowardly, not one of the Foreign Service Officers in his audience challenged the statement, despite Bowling's invitation to do so. After several moments of silence, Bowling himself finally felt constrained to express the other side of both positions.

If such examples lead to doubt as to whether Foreign Service Officers are capable of speaking out in a group situation, even when there is a clear invitation to do so, one can easily imagine the prevailing timidity in one-to-one conversations where there is a disparity in rank or bureaucratic authority. FSO's may proudly relate the vehemence with which they have rebuffed officers or other agencies—notably USIA and AID—but direct argument with one's superiors in State is not a generally accepted mode of conduct. Former Under Secretary of State George Ball enjoyed a reputation as a courageous devil's advocate on the subject of Vietnam, but anyone who opposed Ball's hard line vis-a-vis General de Gaulle had to be wary of the consequences. At least one senior officer with the temerity to play devil's advocate on this issue received word that the Under Secretary no longer desired to share the same room with him during policy discussions.

The State Department country director in Washington is the official perhaps most likely to take advantage of his colleagues' reluctance to force an issue. He tends to believe that his job—and his chances for career advancement—lies in maintaining a cordial daily relationship between the United States and Country X. He tends to turn aside any potential disturbance in this relationship, including those changes which could be in the long-run national interest. Unless he is an exceptional man, he is fearful that any such disturbance will adversely effect his reputation and career. Worse, he is probably right.

A desk-officer prerogative particularly prone to abuse is the power to cut off the flow of outgoing reports prepared by State's Bureau of Intelligence and Research, which is supposed to render judgments independent of existing policy considerations. This right of suppression exists for the alleged purpose of correcting "factual inaccuracies." But intelligence reports are often timed for release at an optimum moment. When desk officers withhold clearances of such reports temporarily, it reduces the unfavorable impact of views contrary to official policy.

The intelligence section of the State Department has few operational responsibilities; hence it is viewed by many FSO's as a kind of purgatory. For example, David Nes, who had the ill grace to tell the press and the Congress that he had warned the Department of the imminence of the 1966 Arab-Israeli war while serving as charge d'affaires in Cairo, was summarily assigned to the intelligence section until he chose to resign. A number of Foreign Service Officers in intelligence are thus more interested in returning to "policy-making" than in arguing a fresh point of view before those with whom they may soon again be working.

THE HEART OF THE PROBLEM

The occupational diseases of desk and intelligence officers are, of course, only symptomatic of the personality characteristics impeding the State Department. Back in 1963, Dean Rusk told a Senate Government Operations Subcommittee that "the heart of the bureaucratic problem is the inclination to avoid responsibility . . . organization seldom gets in the way of a good man . . . if a man demonstrates that he is willing to make judgments and live with the results." Governor Averell Harriman has stated repeatedly that "good organizational machinery can never substitute for good people"—a disturbing thought when juxtaposed with his assertion that "regardless of the talent brought in on top, the backbone of the State Department is the Foreign Service."

Professor Chris Argyris, Chairman of Yale's Deparment of Administrative Sciences and a respected authority on organizational behavior, was unkind enough to write a report on "Some Causes of Organizational Ineffectiveness Within the Department of State." After attending three long sessions with senior officers, Argyris judged the norms of personal interaction among most FSO's to be characterized by "withdrawal from interpersonal difficulties and conflict; minimum interpersonal openness; mistrust of others' aggressiveness; and withdrawal from aggressiveness and fighting." In calling for a further study of the causes for such norms, Argyris suggested the distinct possibility that "the problem is primarily one of individuals who fear taking initiative, and not the system suppressing their initiative."

HIGH-RISK OUTHOUSE

A study like the one Argyris suggested might well begin with the Foreign Service basic training course for young men entering our diplomatice corps. In 1963, it was conducted by a senior officer whose constant (and sincerely expressed) maxim was: "Find out who Big Brother is—and knuckle under."

The usual defensive explanation for Milquetoastian behavior on the part of individual Foreign Service Officers is the promotion system. FSO's are fond of describing it as a high-rise outhouse, constructed so that each person—except for those at the very bottom—is subject to deposits from those above but can deposit in kind upon those below. Although this is hyperbole, this general view of the system is widely shared within the Department. Whether it is accurate or not, *belief* in its validity creates a formidable operating reality; it hardly encourages dissent with one's "superior."

A classic example occurred in Rome in the late 1950's, when an astute political officer boldly tried to convince the Embassy that the U.S. government should support the "opening to the left" in Italian politics and quietly bestow a blessing upon the proposed creation of a left-of-center government in place of the traditional conservatives. This officer pressed his views on the Ambassador and on influential U.S. officials back in Washington—at which point outhouse residents at the intermediate levels let fly with reports of "insubordination." The offender was on the brink of removal from the Foreign Service when the incoming Kennedy Administration decided to support the "opening to the left." Arthur Schlesinger, Jr., saved the State Department from losing that officer, who is now highly regarded.

Despite the outhouse symbol, there has been encouraging evidence that the personnel system is a paper tiger, that it will reward the dissenting activist rather than punish him. One of the new criteria for promotion of junior men is the officer's ability to suggest or embark upon untested courses of action. Close attention is now given to screening out biased personnel reports, and efforts are being made to see that the most demanding assignments are given to the self-starters. In order to shore up this system, the personnel officer jobs in Washington are now being manned by individuals with deserved reputations for tough-mindedness. There are numerous examples of initiative being rewarded by promotion to the higher ranks, perhaps the most notable being the rapid rise of William H. Sullivan, who recently completed a long and distinguished tour as Ambassador to Laos and is now Deputy Assistant Secretary of State for East Asia and the Pacific.

NO EXIT

If retribution at the hands of the personnel system is something of a bogeyman, are there other reasons why Foreign Service Officers so regularly prefer discretion to valor? One might begin with a look at the personal circumstances of the older officers. They joined the Foreign Service when the bulk of new officers came from gentlemanly schools and "nice" families. Later, they saw John Foster Dulles sacrifice some of their colleagues to Senator Joseph McCarthy. Many of these men now have children of college age; they are unlikely to take risks which they (rightly or wrongly) believe could jeopardize their jobs. And they are aware of a harsh fact about the Foreign Service: it trains in skills not readily transferable to other forms of employment.

Whimsical critics of the Foreign Service have suggested that only individuals with professional degrees or independent incomes be accepted into the ranks, on the theory that such persons are less likely to worry about the risks associated with outspokenness. It has also pointed out numerous times that the toughest fighter of all—"the old crocodile," Averell Harriman—never had to lose any sleep over where his next paycheck might be coming from.

Other factors that dull the cutting edge of senior officers include the personnel rating report and the transient nature of Foreign Service assignments. The rating report, which is no longer withheld from the officer being rated, requires detailed comment on the officer's abilities and characteristics, as well as the degree to which his family is, or is not, an asset. One officer, now retired, recalls his first post abroad well. One day he puffed up three flights of the Consulate steps to tell a superior about an incident which had just occurred in the city. He was somewhat out of breath when he told his tale. The subsequent rating report said that the officer "does quite well, in spite of a slight speech defect." Although this is an extreme and ludicrous example, it does have its point: only the most thickskinned officers can accept a lifetime of these reports, however ridiculous, without tending towards self-consciousness.

Smith Simpson's *Anatomy of the State Department* ascribes Foreign Service faintheartedness to the constant cycle of assignment and re-assignment, which encourages officers to think more about their future possibilities than about their present challenges. Regulations requiring automatic dismissal of those Foreign Service Officers repeatedly passed over for promotion, wise as those rules may be in some ways, create an extra measure of pressure toward conformity.

While the timorous nature of those officers who survive to seniority is perhaps understandable, younger officers often display the same attributes, and perhaps to an even greater degree. Far from brimming with ideas, most young officers are concerned almost exclusively with career advancement into areas of substantial responsibility. Given the nature of most jobs at the bottom of the ladder, this may not be surprising.

DISTILLED WATER

One of the most promising efforts at renovating the State Department has been the Open Forum Panel, originally created as an avenue for out-of-channel policy ideas that could be passed on to the Secretary. Rusk gave this Panel his firm endorsement and sent an open letter to all posts, urging the submission of ideas. The silence was deafening.

Of the 100 or so ideas received, almost all came from the three Department bureaus whose directors had asked their subordinates to "let 1,000 flowers bloom" by noon on Friday. The remaining handful came from five or six individuals who had received no such "request" from above. The most imaginative suggestions were submitted by senior officers. Secretary Rusk met twice with the Panel and approved several of the policy suggestions. *The New York Times* and *The Washington Post* wrote articles praising the creation of the Panel, and CBS sent Dan Rather to do a TV news cut on the subject. But the effervescence of long-frustrated ideas within the Department remained roughly equivalent to that in a bottle of distilled water. It was curiously unrefreshing.

The Junior Foreign Service Officers Club is another hotbed of intellectual dissent. There is a fair amount of militancy in this group, but the demands are exclusively in the personnel field. The club never discusses the policy issues which younger officers might handle if given the positions to which they aspire. In pressing for higher entrance salaries for junior officers, however, JFSOC did wangle one important statistic out of administrative files: the average raw score achieved by Foreign Service applicants on the standard entrance exam has been dropping notably since 1963. This trend is particularly disturbing because it has occurred at a time when the raw test scores of applicants for just about every other program in this nation are going up rapidly.

In considering the disappointing caliber of younger officers, it is necessary to visualize what the State Department looks like to today's applicant. The pay is adequate, but it is significantly below that available in most other jobs, including the Civil Service. The first several years of employment will probably entail mostly consular work, which can be (and in many instances is) handled by intelligent highschool graduates. The State Department expects its employees to work closely with military officials and employees of the CIA, with whatever hang-up that may entail for many college students. But more important for recruiting, of course, few college students are at ease with the Department's rationale for fighting a cruel war in Southeast Asia. In addition, the style of the present Administration is notably less exciting than that of its predecessors; the most important foreign policy responsibilities seem to have moved to the White House for good; and domestic problems are rising to the top of the nation's priority list anyway.

Thus, it seems likely that the State Department has already screened itself out of consideration by many, if not most, of today's brightest college graduates.

The second category consists of beneficiaries of the State Department.

Of those entering the Foreign Service, most fall into one of three categories. The first—and probably the largest—category is that of patriotic expatriates. Many former Peace Corps volunteers see the Foreign Service as a way of continuing to lead interesting lives abroad. Many Americans with foreign wives find the Foreign Service a means of avoiding the cultural and marital strains of forcing total 'Americanization" upon their wives and families. There is also a large number of Foreign Service personnel who get great satisfaction out of eating at foreign restaurants, shopping at foreign stores, employing inexpensive household servants, drinking taxfree liquor, and patronizing the natives of their post of assignment—all while paying off a mortgage on a house in Washington, which they can rent out at a profit and live in themselves during assignments back home.

* * * * *

XUM

The third type of tenant into the Foreign Service is the one with a consuming interest in foreign affairs. George Kennan is possibly the most outstanding example of such a person, although there are other such dedicated and brilliant Soviet specialists, plus numerous experts in various geographic areas and functional fields. If the Foreign Service brings forth 10 such men a year, the shortcomings of the remaining officers can perhaps be disregarded.

TIRED NEW BLOOD

But the clammy atmosphere of the Foreign Service, combined with the highly responsible positions available outside (some in foreign affairs), acts to skim off many, if not most, of the most promising younger officers. The February, 1968, issue of the *Foreign Service Journal* contained an article entitled, "Is the Foreign Service Losing Its Best Young Officers?" The conclusion to be drawn from it is: "Probably so."

The three authors of this article (one of whom has since resigned himself) reviewed 57 questionnaires filled out by men who had entered the Foreign Service between 1960 and 1965 and had subsequently resigned. The authors found that the resignee differs in two ways from his colleagues still in the Service: "He is more likely to have a graduate degree, and . . . he is also more likely to be regarded as an above average officer by his superiors." There is, in the authors' view, "very strong evidence that the resignees do indeed represent the high-performance young men which the Service strives to attract and retain." The attrition rate for FSO's during their first five years of service has lately been about 20 per cent and is now rumored to be rising markedly.

Even more distressing, perhaps, are the reasons given for resigning. Low pay and dissatisfaction with supervisors were listed as of only marginal importance. Over half the respondents, however, gave as their primary reason for leaving either lack of challenge, or lack of long-range prospects for jobs of significant responsibility. Most of them listed "dissatisfaction with the personnel system" as an element, although not a major one, in their decision to resign. Of those who did mention personnel, the largest proportion (39 per cent) checked "pressure to conform" as a specific complaint.

This information inevitably raises some questions and doubts about those who remain in the Service. Are they more dedicated? Less employable elsewhere? More tolerant of mediocrity? Or mediocre themselves?

PRESCRIPTIONS

Unfortunately, cures for the Department of State have traditionally proved more debilitating than the original illness. However, this time around Secretary of State William P. Rogers has taken an important and constructive first step toward reform by calling for a Department open to innovation and debate. And Under Secretary Elliot L. Richardson has expressed uncommon interest in adjusting the machinery. These words must be followed up by specific measures.

The previously-mentioned Open Forum Panel has now shifted its attention to contacts outside the State Department, having found so little food for thought within. The Secretary should support the Panel in this role, if for no other reason than to display to the public and to prospective Foreign Service applicants a number of bright and aggressive young officers who believe that the Department can be a Better Place. The Panel should also continue to promote discussion groups and projects among the various Departmental bureaus. These sessions may not change policies overnight, but they are already breaking down inhibitions.

Dissenting opinions should be encouraged as a matter of official policy. Officers who have in the past written such opinions from posts abroad (including a report which predicted North Korea's invasion of South Korea) have found, upon arrival back in Washington, that their reports were suppressed or disparaged. Such forms of information management should perhaps be made a punishable offense.

In the long run, however, the Department of State will be a creative institution only if it directs its recruitment efforts toward men with proven leadership qualities. It will not be enough just to attract such officers; they must be given substantive jobs, not consular work, if they are to be retained.

Intellectual courage is hardly the sole criterion in seeking a Foreign Service prepared to promote our national interest. But given the various influences pervading foreign policy, such courage may be a prerequisite. During the McCarthy era, one Foreign Service Officer, in charge of a small consulate, received firm orders from Washington to remove certain works of literature from the shelves of the post library. Although outraged, the FSO weighed his personal interest against the national interest. He decided to comply with the order—against the advice of none other than an Air Force officer, his military aide. While superficially surprising, the implications are omincus.

CORRECTION OF COSPONSOR OF BILL

S. 11

Mr. BYRD of West Virginia. Mr. President, the name of the senior Senator from North Carolina (Mr. ERVIN) is indicated erroneously as a cosponsor of S. 11, to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes.

On his behalf, I ask unanimous consent that, at its next printing, his name be removed from the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER QUALITY IMPROVEMENT ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 226 AND 227

Mr. AIKEN submitted to amendments, intended to be proposed by him, to the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. AIKEN when he submitted the amendments appear later in the RECORD under the appropriate heading.)

ENROLLED JOINT RESOLUTION SIGNED

The ACTING PRESIDENT pro tempore announced that on today, October 7, 1969, he signed the enrolled joint resolution (H.J. Res. 851) to request the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival."

THE ECONOMICS OF AGING

Mr. MUSKIE. Mr. President, the Senate Special Committee on Aging has been conducting an intensive study and hearings this year on the subject "Economics of Aging: Toward a Full Share in Abundance." Its purpose is to emphasize that a retirement income crisis exists in the Nation. This crisis has been caused partially by inadequate payments under our social security system and by limited protection under private pension plans. It has also been caused by severe and mounting costs for medical costs, inflation, and rising property taxes.

The Special Committee on Aging—under the leadership of the Senator from New Jersey (Mr. WILLIAMS)—has already conducted several hearings on major issues. As chairman of the Subcommittee on Health of the Elderly, I recently held hearings on the impact of inflationary health care costs upon the limited, fixed incomes of the elderly. One of the startling points made at that time is that medicare pays less than 50 percent of the medical costs of the elderly. The specter of financial disaster haunts too many other Americans who stand in need of health care or health products.

The committee has compiled testimony and studies which make an impressive case for far-reaching policy decisions and action on several fronts. The committee chairman, Senator WILLIAMS of New Jersey, recently wrote an article for the AFL–CIO Federationist which discussed the emerging issues facing America's elderly. I believe that his article is significant and timely. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ECONOMICS OF AGING: THE WIDENING GAP

(By Sen. HARRISON A. WILLIAMS, JR.)

Retirement income? That's for old people to worry about. Things are bound to be better by the time I am ready to start collecting my Social Security and whatever else I can get in the way of pension income.

Don't we now have Medicare to take care of heavy medical costs in old age?

And haven't we raised Social Security fairly often within recent years, and isn't another hike in view?

And what about private pensions? Aren't they improving, too?

And isn't there a lot of talk about some kind of guaranteed income for the elderly as well as for others whose incomes are far below certain standards?

These might be the attitudes and questions of today's middle-aged and younger workers when they give some thought to—or shrug off thinking about—their own economic security in later years.

The answer to all the questions above is yes. But this is a case where yes is not enough.

We also need to face up to certain hard facts about inadequate income among today's 20 million Americans over 65 and for all the millions more who will reach retirement age in the next two decades or so.

Fortunately, those facts are emerging. But they have not yet caused the alarm bell to ring throughout the nation. To help sound that alarm, the U.S. Senate Special Committee on Aging has begun hearings on "Economics of Aging: Toward a Full Share in Abundance."

That title springs from an excellent Task Force study which was issued before the first word of testimony was taken.

The idea of establishing a Task Force was to put together the "hard facts," and it was achieved. As no other document has done, the Task Force states the basic problem:

"Economic problems of old age are not only unsolved for today's elderly, but they will not be solved for the elderly of the future—today's workers—unless this Nation takes positive, comprehensive actions going far beyond those of recent years."

The Task Force also looks into the personal economics of individuals who—in the final decades of their lifetimes—discovered that fixed incomes and lifetime savings are either totally inadequate or barely enough for marginal life.

In short, a nation which established a Social Security system 34 years ago has not been equally inventive during affluent times in finding new ways to deal with a worsening retirement income crisis.

But to do that, we must first face the facts. The gap between the incomes of those Americans trying to make do on a retirement income and the incomes of younger people is decisive—and it's growing constantly. True, costs have risen for everyone since 1961, but for the elderly the figures are more startling:

The median income of families with an aged head of household in 1967 was only 46 percent of that for younger families, as compared to 51 percent in 1961.

A rise in earnings of 4 percent annually—a not unrealistic assumption in view of recent performance—means that consumption levels would approximately double in two decades, placing those on fixed income at a seriously deepening disadvantage in the marketplace.

Before we can hope to close the gap, we must recognize the magnitude of poverty among the elderly. Three out of 10 people 65 years or older—in contrast to one in nine younger people—were living in poverty in 1966. An additional one out of 10 of our aged population was on the poverty borderline.

Of older people living alone or with nonrelatives in 1967, half had incomes below $1,480; and one-fourth had $1,000 or less. Six out of every 10 among widows and other women living alone were well below poverty levels.

Yet many of these people did not become poor until they became old.

Worse, the situation will deteriorate in the years ahead. The Task Force pointedly warned that low income in old age is *not* a transitional problem that, given present trends, will solve itself. Among the reasons for believing that the problems will actually *worsen:*

Our "Older Americans" are getting older. More than 50 percent of those past 65 are now 73 or older. The population 85 and older may double by 1985. As average old age rises, so does the strain on already slim retirement income.

And, as advanced age further curtails already limited earnings opportunities, a major source of retirement income is reduced markedly. Employment is still the largest single source of income for the aged group, despite the fact that four out of five older persons are not in the labor force and that one in five tends to concentrate in part-time and low-paid jobs.

Assets are reduced or exhausted as years pass. Home ownership may become especially difficult.

Health costs are an ever larger problem, too, despite the blessings of Medicare—which met only 35 percent of all health care expenditures for the aged during its first year.

Inflation takes its toll. An annual rise of only 2 percent will reduce the purchasing power of fixed incomes by 18 percent after one decade and by 33 percent after two decades.

Today's workers are not equipping themselves to face the growing chasm between their present earnings and their retirement incomes. "Most people agree that they should save more heavily for retirement," one authoritative witness told the Task Force, "but most people fail to do so."

The Task Force expressed much the same thought when it reported: "The margin for saving—the excess of income over consumption expenditures—has been small for most families during most years of the worklife, especially for workers in the less skilled occupations.

"In addition, with an outlook for sustained economic growth," the Task Force said, "how realistic is it to expect today's workers voluntarily to forgo consumption in order to save for the years ahead when this requires that they significantly reduce their present standard of living to provide adequately for an uncertain and 'distant' old age?"

Some thought should be given to today's middle-aged head of household—struggling to pay off his mortgage, provide a good education for his youngsters and perhaps contribute to the support of a parent. All the time he is doing this he is also keeping up with the Joneses in our expensive or modest suburbs. Here is a man who probably gives little thought to his own security in later years.

Perhaps he thinks that "things will work out" even if he can't put aside savings of his own. But here again the Task Force gives him little comfort, and several projections:

Of families retiring in the next 15 years, it has been projected that almost 60 percent of those with preretirement earnings between $4,000 to $8,000 will receive pensions of less than half these earnings.

Projections to 1980 indicate that about half the couples and more than three-fourths of the unmarried retirees will receive $3,000 or less in pension income. And these projections use relatively liberal assumptions with respect to increases in private and publice benefit levels.

The same projection found that more than two-thirds of retired couples could be expected to receive less than $3,000 in Social Security benefits in 1980.

Even under earlier projections, now known to be too optimistic, only one-third to two-fifths of all aged persons in 1980 are expected to have income from private group pensions.

In addition, private pensions cover less than half the work force and this coverage is concentrated among higher paid workers; those in the greatest need will be least likely to receive these pensions.

Early retirement is a developing trend that could seriously impede attempts to improve the income position of future aged populations. In recent years, more than half of the men retiring have done so before age 65.

Speaking for themselves in letters since the Task Force made its report, the nation's elderly show that their findings about the realities of life today and the prospects for tomorrow are closely akin to what the Task Force has discovered.

Here are a few excerpts from letters written by elderly Americans who tell what it means to live in old age on fixed incomes in a land of abundance. From Pitman, N.J., comes this commentary from a man who had to retire because of a health problem a few years ago:

"There is only my wife and I, and the Social Security pension for both of us amounts to only $1,920 a year, and from this amount we have to pay real estate taxes —water and gas and electricity—and for fuel oil. After these items have been taken care of we eat from the meager amount remaining. We cannot afford three full meals each day so we manage on one good meal. The prices of meat are outrageous and to have a roast or steak once a week is beyond our reach."

A man from Alhambra, Calif., says much the same:

"I am 76 years old. I retired 10 years ago with my home paid for, and no debts. After 10 years my property taxes have doubled. Every service and general living costs have skyrocketed and medical and doctor and hospital costs are as near to robbery as a cost can get: $600 for removing a cataract from one eye; almost $400 for the hospital (my wife had the operation). We fixed income people are in trouble."

And, from a 76 year-old woman who lives in Swarthmore, Pa.:

"I am one of those elderly people, living alone, who has become poor since becoming old. Unable to work any longer, I am trying to get along on my Social Security of $55 per month income, besides drawing a few dollars from a fast-dwindling nest egg in the bank and an occasional fee from private French teaching and some babysitting, to meet the ever increasing cost of living. I am, however, aware of the fact that some elderly people are worse off than I, and for those drawing less than $80 or $100 a month, the name of Social Security has become a paradox indeed."

The message is similar in the other letters I have received within recent weeks. Older Americans are worried and many of them are angry about economic problems over which they have very little control.

They have left the labor force, either voluntarily or involuntarily.

They have seen their limited resources dwindle.

For their sake and the sake of others who face the same future unless a national program for action is designed and fulfilled, we need now to build upon the foundation the Task Force has provided.

That program for action is next step forward for all of us who are concerned about the Task Force findings. For its part, the Committee on Aging will continue its hearings and offer its final recommendations early enough—it is hoped—to have some effect upon congressional action on Social Security legislation late this year or early in 1970.

Several major fields of inquiry have already emerged, and each should receive exhaustive consideration:

We should dig more deeply into the intense and deepening income maintenance problems of widows—an especially disadvantaged group.

Health needs and rising medical costs should also be examined in depth. Health care expenditures for the elderly are about three times the average for younger persons.

As already indicated, many elderly homeowners have special problems. Real property taxes are matters for local decision, of course. But there may be room for Federal-State-local cooperation once the facts are more fully explored.

Employment opportunities in later years should be broadened.

The trend toward earlier retirement should be examined. It is startling that within recent years more than 50 percent of male retirees have claimed reduced Social Security benefits before the traditional age of 65. Among those men are many who are most in need of an adequate Social Security income, but they often must settle for less earlier in life simply because they have no alternative.

Older workers face reduced employment opportunities with advancing age, and quite often they are "old"—in terms of reduced earning power—long before they are eligible for Social Security. Older members of minority groups are especially hard hit. What should they do while waiting for age 62 or 65?

And of course, additional questions along the same line come easily to mind.

Should general revenues be used to broaden Social Security protection? If so, how can they best be used?

What incentives can be provided to make private pension benefits more readily available to low-income workers?

Should a guaranteed annual income be provided to low-income retirees in order to relieve the Social Security system of providing better coverage for those who now have low benefits or none at all?

Would a constant purchasing power bond be helpful to those who *can* afford savings?

The Committee on Aging is obviously grappling with issues far more complex than the question of whether the next Social Security increase should be 7, 10 or 20 percent more. And it should be clear that even the most ingenious cost-of-living escalator plan for Social Security benefits won't do the job.

What we need is a willingness to realize that the elderly must be regarded as more than a welfare group deserving of only the minimum in terms of income and enjoyment of life.

And we must have new ideas for the next steps that must be taken by government, unions, employers and individuals planning for their own future.

The "Economics of Aging" is everybody's business, and everybody has a stake in the Task Force declarations and the Committee's explorations.

THE TASK FORCE

To prepare for its hearings on "Economics of Aging," the Senate Special Committee on Aging assembled a Task Force to prepare a preliminary working paper on major issues. That paper has served as the backbone for the continuing inquiry into the subject.

Miss Dorothy McCamman, former Assistant Director of Program Research for the Social Security Administration, served as consultant for the study.

The Task Force members are:

Juanita M. Kreps, Ph.D., Professor of Economics, Duke University.

Agnes M. Brewster, consultant on medical economics.

James H. Schulz, Ph.D., Assistant Professor of Economics, University of New Hampshire.

Harold L. Sheppard, Ph.D., staff social scientist, W. E. Upjohn Institute for Employment Research.

ESCALATING COSTS OF POLITICAL CAMPAIGNS

Mr. INOUYE. Mr. President, as chairman of the Democratic senatorial campaign committee, I have become increasingly aware of the rapidly escalating costs of political campaigns—particularly due to the influence and cost of television. As I have become increasingly aware I have also become ever more concerned with the effects of this high need for funds on our political processes. It is for this reason that I cosponsored S. 2876, the Campaign Broadcast Reform Act. Early action on this bill is clearly in the public interest.

In support of early action on the proposed legislation, I invite the attention of the Senate to an article written by David S. Broder, a well-known and highly respected political writer, and published in the Washington Post of September 30.

I ask unanimous consent that the article, entitled "Effort To Reduce TV Costs for Candidates Is Gaining," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

EFFORT TO REDUCE TV COSTS FOR CANDIDATES IS GAINING

CAMBRIDGE, MASS.—There are signs at last that effective action may be taken before the next campaign to make the public airwaves a channel instead of a barrier to better public understanding of the issues and personalities in the election. Strong bipartisan support is developing for practical proposals to reduce the cost and increase the availability of radio and television time for candidates for Congress and the presidency. If President Nixon and the Democratic congressional leaders throw their weight behind the effort, there is no reason why the necessary legislation cannot become law in time for the 1970 election.

Early this month, 38 senators and 34 representatives introduced a bill, drafted by the bipartisan National Committee for an Effective Congress, to permit Senate and House candidates to buy substantial blocks of TV time at 20 to 30 per cent of the normal commercial rate.

In a report to be issued today, the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era will endorse a similar approach, using a mixture of public and private funds for reduced-rate purchase of airtime for both congressional and presidential candidates.

Both recommendations are aimed at curbing the terrible inflation of campaign costs that has resulted from the increased dependence on television as the prime medium of political communications. Both would—the 20th Century Fund plan more directly than that of the NCEC—also tend to shift the emphasis in political television to longer programs, where issues can be discussed intelligently, and away from the one-minute "spots," where candidates are necessarily merchandised like bars of soap.

The need for action is evident. The Federal Communications Commission reported in August that campaign broadcast costs jumped 70 per cent from 1964 to 1968. Largely because of this, the cost-per-vote of campaigning has risen far more rapidly than the general price level in the past years.

Unless action is taken by Congress, the cost will continue to rise, limiting meaningful political debate and competition and making every candidate even more dependent than he is not on the large contributors needed for these incredibly expensive campaigns. Mr. Nixon spent $12.5 million last year on TV and radio, according to FCC figures, and it cost Hubert Humphrey $6 million just to lose.

Appearing recently on "Face the Nation," FCC Commissioner Nicholas Johnson said it was "absolutely preposterous" that privately owned broadcasting stations, which make large profits from the use of the public airways, are permitted "to hold up elected public officials" and candidates for public office "and make them pay to get time" so their constituents can hear their views.

His outrage is shared by many of those public officials, who found themselves spending much of their campaign time and energy last year raising money to enrich the owners of television stations.

After careful study, both the NCEC and the Twentieth Century Fund panels are recommending that Congress require the stations and networks to reduce their rates for specified amounts of airtime for the candidates.

The NCEC bill applying only to congressional candidates has been endorsed by the new Senate Republican leader, Hugh Scott; by the Democratic national chairman, Sen. Fred Harris; and by such leading Democratic figures as Sens. Edward M. Kennedy, George McGovern and Edmund S. Muskie.

The Twentieth Century Fund plan, covering both Presidential and congressional campaigns, is the unanimous recommendation of a five-man commission including Newton Minow, the Democratic chairman of the FCC from 1961 to 1963, and Dean Burch, Barry Goldwater's 1964 manager and the man just nominated by Mr. Nixon as head of the FCC.

With such broad and influential support, these practical solutions to one of the most serious problems of political communications and campaign financing could well become law next year. Their success would be assured if Mr. Nixon and the Demorcatic congressional leaders were to make an early commitment of support.

It is not often that an opportunity is available for leadership in a cause so clearly in the interest of the public and so clearly in the interest of every man who wants to believe that politics can still be an honorable profession.

THE PESTICIDE PERIL—LXII

Mr. NELSON. Mr. President, the fine publications sponsored by our country's conservation organizations have been on the forefront of informing concerned citizens regarding the threat to our wildlife and our total environment from persistent pesticides.

The August–September issue of National Wildlife Magazine includes an editorial which expertly outlines the pesticide issue. Like so many other accounts, the editorial reports on the growing evidence of fish and wildlife destruction from DDT and related pesticides and on the buildup of pesticide residues in man. In the face of this rapidly accumulating data, the editorial strongly states:

> The widespread use of DDT should be halted immediately unless its safety can be proven.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

OUR POINT OF VIEW, DDT THREATENS YOU!

(By Ed Chaney, Director, Information Services)

Thousands of tons of DDT have been ladled onto lands surrounding Lake Michigan over the past 20 years to combat real, and sometimes imaginary threats from a variety of creepy crawlies.

This perennial application contains poison that moves freely from place to place and retains its toxicity for a guesstimated half century or more. Yet it has become an accepted method of dealing with pests. And over the years—via wind, water and soil—DDT has washed into Lake Michigan from farms, orchards, mosquito swamps, elm-lined streets, flower beds and even from mothproofing by dry cleaners.

Occasionally, someone would wonder at the scarcity of robins after the community elms were doused with DDT to fight Dutch elm disease. Once in a while a few unexplainably dead fish would appear in a nearby creek. And sometimes an article claiming DDT was eating the livers out of eagles and ospreys would turn up on the back page of our paper.

"SILENT SPRING" SILENCED

But compared to the commotion over the surtax, the ABM and getting Johnny ready for graduation, these isolated incidents seemed of little concern to most people. Dr. George Mehren, former Assistant Secretary of Agriculture, summed up the tenor of the times in a statement to a congressional committee in 1968, ". . . the hysteria associated with 'Silent Spring' has effectively subsided."

But then it happened! The Food and Drug Administration put the grabs on more than

10 tons of Lake Michigan coho salmon en route to family dinner tables. The salmon contained up to 19 parts per million DDT—almost three times the maximum allowed in beef sold for human consumption. Suddenly, the fundamental relationship of DDT to man's position at the top of the natural food chain became an exciting topic of conversation for folks living in the Great Lakes area.

The coho seizures added fuel to the smoldering coals of Rachel Carson's best seller which had already been furiously fanned by a group of citizens and scientists banded together in the "Environmental Defense Fund." Attempting to ban DDT as a water pollutant in the state of Wisconsin, EDF paraded an impressive array of scientists through the national press damning DDT as a heinous, uncontrollable global pollutant.

Reaction to the contaminated coho impoundment was quick. Lacking an established tolerance level for DDT in fish, Secretary Robert Finch of Health, Education and Welfare, quickly set a temporary standard of five parts per million. He also established a commission to study the situation and present recommendations within six months.

HOT COHO

State and Federal fishery biologists predicted DDT levels in this year's crop of Lake Michigan coho would reach that five parts per million by mid-summer and several times that concentration by fall. Because growing fish concentrate DDT in their tissues, biologists hold out little hope that millions of pounds of valuable fish will be safe for consumption by the end of summer. The United States Bureau of Commercial Fisheries also warned that DDT levels in the lake are so high that reproduction of lake trout, salmon and other species may be in real danger.

Visions of DDT scuttling the $200 million Lake Michigan coho salmon fishing industry brought prompt reaction from the governors of the states surrounding Lake Michigan.

They met and declared there was no immediate DDT health hazard in Lake Michigan. Then they set up several committees to study the problem to see if a tolerance level of 20 parts per million DDT would be safe for humans. (Nobody knows what a really safe limit is. Whether it is 1, 5, 20 or 100 parts per million is an arbitrary judgment.)

Illinois Governor Richard B. Ogilvie announced his intention to continue drinking Lake Michigan water and eating coho salmon.

The Michigan Department of Agriculture "banned" DDT in April. This "ban" was analogous to slamming the barn door behind a horse thief and giving him several years to get out of town since it allows unlimited quantities of DDT to be sold and used in Michigan if the chemical was in transit from the manufacturer by June 27. Consequently, new, home-grown DDT will continue to pollute the air, water, soil, wildlife and people of Michigan for a long time.

It is a disturbing, spooky fact that no one really knows what effects, if any, DDT has on humans. Some eminent scientists maintain it may be difficult, even impossible, to find out until incalculable damage has occurred and it is too late to do anything about it.

CARRIES 12 PARTS PER PERSON

We do know the average American carries around approximately 12 parts per million DDT in his body. Man gets an estimated 90 percent of his DDT from food. We also know it is passed on to the human fetus via the mother's placenta and a nursing mother's milk generally contains more DDT than is allowed in milk you buy at the store.

Laboratory experiments with various animals have shown DDT attacks the central nervous system, upsets body chemistry, distorts cells, accelerates gene mutation, reduces drug effectiveness and affects calcium absorption by the bones.

Hungarian experiments with mice emphasized DDT's cancer-producing potential, and that country recently banned its use. These carcenogenic properties were confirmed by a recent controversial six-year study by the National Cancer Institute which found DDT in mice did cause tumors, most of which ". . . had malignant potential."

A pharmacologist with a leading drug firm says DDT has a deleterious effect on rats' sex hormones, which are essentially the same as man's. Further, the amount of DDT necessary to produce that effect ". . . is well withtin the range of DDT found in human fat."

All this growing, damning evidence does not *absolutely prove* DDT is having or might have the same effects on the human animal. But Dr. Wayland Hayes, past chief of the Public Health Service toxology section, has said, "In considering the safety of workers who formulate DDT, we must depend largely on animal experiments."

Unfortunately, the evidence damning DDT as a potential threat to mankind, all the laboratory experiments, state and Federal study groups, commissions and exploding public concern, may have little impact.

IT'S BIG BUSINESS

The manufacture of DDT is a $20 million a year business, and pesticide manufacturers also fear the fight over DDT will carry over onto its persistent chlorinated hydrocarbon relatives, heptachlor, lindane, aldrin, endrin, dieldrin, and chlordane which constitute a big part of the industry's $1 billion annual sales.

The pesticide lobby is powerful, experienced and at the slightly disparaging word aimed at DDT, industry spokesmen trot out an impressive array of truths extolling its virtues in fighting disease organisms and agricultural pests throughout the world. No one contests these truths.

But there are substitutes for DDT in the form of safe non-persistent insecticides. Insect sterilization offers much hope for counteracting certain pests, and research has been stepped up on insect predators.

But DDT's apologists continue their campaign that DDT is indispensable to the welfare of mankind and get away with it. They know from past experience that the public's memory is short and the people who make the laws and buy the products don't read history books. The decisions will be made behind the scenes.

Agriculture committees in state and Federal government are almost universally dominated by farm and pesticide-oriented legislators. These committees are commonly considered rubber stamps for all but the most offensive industry pleas and graveyards for regulatory bills.

DDT's proponents seem willing to write off the growing list of threatened wildlife including the bald eagle, osprey, peregrine falcon, eider duck, bermuda petrel, brown pelican and even the sportsman-revered mallard duck. During the EDF hearing in Madison, spokesmen for the National Agricultural Manufacturers Association said, ". . . the damage is not as severe as conservationists claim." One of their arguments is that "DDT inhibits the reproduction of birds . . . but these are primarily birds of prey, and very small numbers are involved." And, "A person whose thing is studying the peregrine falcon is concerned only about every little thing that might happen to his bird."

CAN'T PROVE HUMAN EFFECTS

When the question of DDT's possible effects on humans is raised, their answers boil down to "prove it." Despite the overwhelming, growing scientific evidence that portends frightening effects on man, DDT's fans are willing to gamble. And they have graciously volunteered the rest of the world.

The already dangerous and climbing levels of DDT in the food fish of Lake Michigan may be a grim hint of what is to come. Even if not another ounce of DDT were applied anywhere in the world beginning today, some experts guess it would be at least 25 years before the concentrations in the environment begin to level off. However, researchers have revealed a great deal of variability in the chemical's persistence depending upon local conditions.

Our exploding technology now keeps some men alive with artificial hearts and puts others on the moon. What unknown secrets will we discover about the 12 parts per million DDT we all carry in our bodies? At this level, the FDA would rule the average American unfit for human consumptions.

John Gottschalk, Director of the Bureau of Sports Fisheries and Wildlife, said, "What is happening in Lake Michigan is an indication of what to expect elsewhere. There will be a day, and it may not be until the year 2000, when *we* are the coho salmon."

The widespread use of DDT should be halted immediately unless its safety can be proven.

THE INDIANS OF ARIZONA

Mr. GOLDWATER. Mr. President, I invite the attention of the Senate to an interesting development that is taking place among the Indian people of Arizona.

First of all, few people realize how the Indians dominate the land mass of Arizona and how this State is truly the Indian center of the Nation. Of 50 million acres of land held in trust for the Indians, 20 million, or roughly 40 percent, are in Arizona. Of the 400,000 Indians served by the Bureau of Indian Affairs, 120,000 live in Arizona; and in addition to the 120,000, many urban Indians have cut their ties with the BIA and are living as ordinary citizen in our State.

These 120,000 Indians live on 19 different reservations in our State, and in times past much has been written and said about the plight of the Indians and many solutions to many problems have been proposed to help them. However, in the last few years an interesting development has taken place on these Indian reservations, and they are now becoming the center of attraction for major industrial developments.

At the present time, there are seven industrial parks in various stages of planning and operation located on Indian reservations in Arizona. All of the Arizona tribes except the Navajos, who are large enough to have their own very active industrial development program, have formed what is called the Indian Development District of Arizona which is actively and successfully pursuing the attraction of industry to these industrial parks. Industrial leaders across the Nation are finding that the Indians make excellent employees and that their absenteeism is at least average and in many times below that of industrial employees in other parts of the Nation. They are finding that the Indians are very adept at learning new skills, and they are also finding that there is a very large untapped labor supply on the Indian reservations in Arizona.

Almost all of the industries that have settled on the reservations in the last few years are extremely pleased, and these industries range from one small plant with

11 Indian employees to one electronics firm which employs over 1,000 Indians on the reservation.

I bring these facts to the attention of the Senate because it shows that the Indians of Arizona have begun to take the initiative in their development, and it shows the cooperation that can be brought about between Indians and non-Indians in economic development endeavors.

True, there are many real estate tax advantages to those plants built on the reservations; but when an Indian is employed, he is transformed into a more self-supporting citizen with an increased income giving him some of the better things of life. Also, as each one is employed, many of them come off the relief rolls and are made self-sustaining citizens of our State and our Nation.

And so, Mr. President, I would like to focus the attention of the Senate today on the outstanding progress being made by our Indians; and even though this is a small beginning, the roster of industries settling on our reservations is beginning to read like a "Who's Who of American Business Today." As a Senator representing the great State of Arizona, I would like to extend an invitation to all of American industry to inspect the facilities and the advantages of working with the Indians in Arizona.

CONCERN FOR FOREIGN AID PROGRAMS

Mr. McGEE. Mr. President, as one who has long supported, both in principle and fact, the Nation's foreign aid programs, I have become concerned with the attitude which leads to a lessening of our efforts in this field. It is a subject of no little complexity and embraces other nations as well, as a report which appeared in the Washington Post of Sunday tells us.

That report, excerpted from the report of the Commission on International Development headed by former Canadian Prime Minister Lester B. Pearson, deals intelligently with the flagging support for international aid and makes the point that the stagnating volume of aid and the hardening of terms occur at a time when developing countries have greatly increased their capacity to use outside assistance efficiently. These opportunities are met with obstacles that must be overcome by effective integration of aid, trade and investment policies, the report concludes.

The document, both in its entirety and in this condensation, deserves attention. I ask unanimous consent that the excerpted report published in the Washington Post be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

FOREIGN AID

(Excerpted, by permission of Praeger Publishers, Inc., from "Partners in Development: Report of the Commission on International Development" headed by Lester B. Pearson, former Prime Minister of Canada.)

The widening gap between the developed and developing countries has become a central issue of our time. The effort to reduce it has inspired the nations left behind by the technological revolution to mobilize their resources for economic growth.

It has also produced a transfer of resources on an unprecedented scale from richer to poor countries. International cooperation for development over the last twenty years has been of a nature and on a scale new to history.

The transfer of resources that gave substance to this international cooperative effort began after the war and increased rapidly in the late 1950s. By 1961, almost $8 billion, or nearly 1 per cent of the gross national product (GNP) of the high-income, noncommunist nations, was flowing into low-income nations. There were also additional transfers from the Soviet Union and other Communist countries.

Though after 1961, the total flow failed to grow as rapidly as the economies of the wealthy nations, the absolute level did steadily increase until by 1968 it had reached a total of $12.8 billion in public and private resources from the noncommunist countries alone.

The experience which we have gained in the last two decades bears out the premise—and the promise—of the effort that has been made. Economic growth in many of the developing countries has proceeded at faster rates than the industrialized countries ever enjoyed at a similar stage in their own history.

The fears that economically underdeveloped parts of the world were incapable of growth, or that their political problems would be so great as to preclude any economic advance, have proved to be unfounded. Many of the developing countries have shown themselves capable of a major development effort.

A SPIRIT OF DISENCHANTMENT

However, international support for development is now flagging. In some of the rich countries, its feasibility, even its very purpose, is in question. The climate surrounding foreign aid programs is heavy with disillusion and distrust. This is not true everywhere. Indeed, there are countries in which the opposite is true. Nevertheless, we have reached a point of crisis.

The question which now arises is whether the rich and developed nations will continue their efforts to assist the developing countries or whether they will allow the structure built up for development cooperation to deteriorate and fall apart. The signs are not propitious.

In the last years of this decade, the volume of foreign official aid has been stagnant. At no time during this period has it kept pace with the growth of national product in the wealthy nations. In fact, the commitments by the United States, which has been much the largest provider of aid funds, are declining. There, and in some other developed countries, we have encountered a spirit of disenchantment.

Some of this is due to the fact that attitudes in donor countries often have been affected by misconceptions and unrealistic expectations of "instant development" when we should have known that development was a long-term process. There has also been strong criticism of waste in the use of aid in the developing countries and complaints that aid activities lead inevitably to entanglement in political conflict and military hostilities in which recipient countries may become engaged.

COMMITMENTS AT HOME

A good deal of bilateral aid has indeed been dispensed in order to achieve short-term political favors, gain strategic advantages or promote exports from the donor. Much foreign aid was granted in the 1950s to enable some countries to maintain large armed forces rather than to promote economic growth. In none of these cases was the promotion of long-term development a dominant objective of the aid given.

It is hardly surprising, therefore, that hopes of satisfactory development progress were disappointed or that aid given as "defense support" has on occasion led to greater involvement in a deteriorating security situation affecting the recipient country. Nor is it surprising, either, that there should often have been criticism because of misconceptions of what this kind of aid was meant to achieve.

There has also been a lessening of support for genuine development aid, in part at least due to the increasing complexity and seriousness of domestic problems—the deepening commitments to abolish poverty and deal with such questions as civil rights, economic discrimination and urban and environmental problems.

It is not only among the developed countries that the climate has deteriorated. On the developing side, too, there are signs of frustration and impatience. In much of the developing world there is a sense of disillusion about the very nature of the aid relationship.

Our travels and studies have convinced us that we have come to a turning point. On all sides we sense a weariness and a search for new directions.

The period of development cooperation began with a number of presuppositions on both sides. Some—as we have seen—were unrealistic and unfortunate. Development was often seen in new nations as the economic continuation of the political struggle for independence; as an important means of creating a new national identity or of breaking old and restrictive ties. The elimination of alien rule was thought by many to open the way to early and easy prosperity.

The nature of the obstacles which stood in the way of quick results, or the decisions which had to be taken to achieve any results at all, were not always understood. The need for export growth was underestimated, agricultural development was usually neglected. Development was also too often only seen as a consequence of decision-making at the top. The vital need to bring about mass participation in development was at times sacrificed to the enrichment of special groups or individuals.

Donors and recipients alike tended to view the modernization and development of low-income countries as an attempt to repeat the Industrial Revolution in quick time. They focused inordinate attention on individual investment projects and relatively little on the causes and results of stagnation.

Recipients as well as donors also tended to expect too much too soon from aid supplementing the national development effort. A dramatic change in the lives of hundreds of millions of people was expected from a relatively modest flow of resources, much of which was offset by unfavorable trends in the terms of international trade.

WORKING FROM WITHIN

The understanding of these problems, however, has grown. Past approaches have been modified and coordinated and better results are being secured. The developing countries have more and more come to recognize that their economic policies must look outward and strive for competitive strength; that agricultural growth is indispensable in order to raise levels of living for the large majorities of their populations and to provide markets for their growing industries.

The most cumbersome controls have been relaxed, and much more attention is paid to the mobilization and a location of resources through incentives to individual effort. Above all, it is realized that development must come from within, and that no foreign help will suffice where there is no national will to make the fundamental changes which are needed.

It has become very clear that the impact made by the contribution of resources from outside depends on the efficiency with which the recipient uses his own resources and on his overall economic and social policy. Both sides have learned that cooperation for development means more than a simple transfer of funds. It means a set of new relationships which must be founded on mutual understanding and self-respect.

Good development relations also require the acceptance of a continuing review of performance on both sides not dominated by either the donor's or the recipient's immediate political or economic interests or pressures. Aid to be effective, requires less uncertainty and more continuity than is often the case today. It cannot be disrupted or cut off without harmful results to the recipient's capacity to plan for the future.

Wealth does not entitle a rich and powerful country to dominate another country's national life as a consequence of the aid it may have given. On the other hand, it is impossible for any country to transfer public funds abroad without being able to satisfy its citizens that these funds are being effectively used to reach acceptable development goals and that the receiving countries are making strong efforts of their own to improve their situations. The "development relationship," which is at the heart of efficient aid policy, must be based on a clear division of responsibilities which meet the needs of both partners.

In recent years, the volume of aid has stagnated, the terms have hardened and the conditions have become more restrictive. This is happening at a time when the success of many developing countries has greatly increased their capacity to utilize additional resources effectively. To overcome the obstacles and take advantage of the opportunities for further growth will require that aid, trade and investment policies are integrated in a single strategy which rests firmly upon the performance of the developing countries themselves and the sustained commitment of the richer countries.

INDUSTRIAL UNION DEPARTMENT OF AFL–CIO SUPPORTS U.S. RATIFICATION OF HUMAN RIGHTS CONVENTION

Mr. PROXMIRE. Mr. President, a great deal of concern exists over the long-time failure of the Senate to act in the important area of human rights.

As I speak again today to urge the ratification of Human Rights Conventions on Forced Labor, Genocide, and Political Rights of Women, I refer to a statement by Jacob Clayman, administrative director of the AFL–CIO Industrial Union Department. It was made at the Dodd subcommittee hearings in 1967 and is worthy of recall. He said:

> There's a concern among workers that our nation assume its rightful role as a world moral leader. There is a deep commitment in the American labor movement to the thesis expressed by the late President John F. Kennedy who profoundly observed that the United States "cannot afford to be materially rich and spirtually poor."

Mr. Clayman also declared:

> Fifteen years, 16 years, is a long time to wait for the ratification of any agreement or convention. The long lapse of time, has, I am afraid, blurred our memories and obscured the issue and dulled our conscience. There have been times in our history when the Government has needed prodding or intervention from citizens and citizens' organizations.
>
> There is an almost Alice in Wonderland unreality to the Senate's magnificent speedy approval of the United Nations Charter and the Senate's snail-like pace on the United Nations Human Rights Conventions.

He mentioned the Senate's taking only 33 days to approve the U.N. Charter and remaining immobile on the matter of genocide for—by now—20 years.

Mr. Clayman's statement was an accurate gauge of events and ironic inaction.

We are still immobile, despite the fact that five American Presidents have pointed out the fundamental interrelation between this country's national interests and human rights.

I feel that our adherence to these Human Rights Conventions can make a very real contribution to the basic national interest of the United States.

FOND DU LAC COMMONWEALTH REPORTER CENTENNIAL YEAR

Mr. NELSON. Mr. President, I wish to congratulate the Fond du Lac, Wis., Commonwealth Reporter, a newspaper that is observing its centennial year.

When the first edition of the paper was printed on August 22, 1870, the Nation was recovering from the Civil War. Now, 100 years later, there is another war.

Through this important period of American history, the Fond du Lac Commonwealth Reporter has maintained a high quality of service to the community.

I ask unanimous consent that an editorial entitled "Our Centennial Year," published in the Commonwealth Reporter of August 22, 1969, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OUR CENTENNIAL YEAR

"With lifted cap, and pleasant smile, we greet you. . . ."

That was the introduction on Aug. 22, 1870, when the "Commonwealth Company" began publication of the Fond du Lac Daily, the first successful daily newspaper in the city's history.

Today—as the Commonwealth Reporter starts its centennial year—the original comment of nearly 100 years ago carries added meaning.

It takes us back to an era when Ulysses S. Grant—a later visitor to Fond du Lac—was President of a nation still shattered from the wounds of the Civil War. And it also gives us renewed awareness that while a long journey has been completed there are many miles still to be traveled.

The man who wrote that introductory line for the Commonwealth Company was J. A. Watrous, a highly respected, temperance-minded editor who at that time also harbored unfulfilled ambitions to win a seat in Congress.

His partner in the Fon du Lac Daily was Thomas B. Reid, described as a "jolly, bustling" man whose activities were said to be somewhat curtailed because of an ailing wife. In less than two months after the first edition, Reid sold out and his name was dropped from the masthead, even though he remained on the business staff.

Since only weeklies seemed able to survive in Wisconsin's pioneer communities, Watrous, in his first issue, mingled caution with hope in discussing the journalistic product he was about to send into Fond du Lac homes.

"We trust it will not be an unwelcome visitor," he said, speaking of the paper. "We commence small—creep before we walk."

Watrous offered Fond du Lac readers a stable of writers that included Miss Allie Arnold (who wrote poetry), Miss Georgia Benedict, Col. C. K. Pier, Dr. George M. Steele (president of Lawrence University) and Gen. John A. Kellogg of La Crosse.

Getting the paper delivered a century ago wasn't the well-organized procedure it is today. In fact, Watrous appealed to subscribers to nail cigar boxes on their gate posts as receptacles for the new publication.

He also boasted of "a fine corps of paper carriers," yet wisely suggested that persons interested in speedy delivery would do well to accept the paper at their place of business downtown.

The Fond du Lac Daily, right from the beginning, involved itself in all local affairs. Subjects in early editions ranged from "The History of the Cotton Street M. E. Church" to shenanigans going on in "those whiskey saloons on Brooke Street."

Watrous, as a veteran newspaperman, was ready for anything. His name was listed as Editor-in-Chief and the paper declared that "to him all communications for its columns should be made, and against him all actions for libel commenced."

The Commonwealth firm had its share of troubles. The press broke down. Deliveries were messed up. And during mid-October of 1870—when Watrous was wearing two hats as an editor and a candidate for Congress—the newspaper moved from its "underground cellar" office into a new four story building on Forest Avenue.

When that hectic transfer was completed, Watrous remarked that it was his ambition to "make the Commonwealth the very best newspaper in the state. . ."

It was clear that, through the sheer drive and hard work of the men behind it, the Commonwealth was here to stay.

Its competitor, the Weekly Reporter, did not move into the daily field until Chicago-born Louie A. Lange and J. L. Thwing combined talents in 1883. Thwing, who had worked as a newspaperman in Milwaukee, preceded Lange on the Reporter editorial staff. Lange, who had learned the printing trade as a youngster in Fond du Lac, decided to come back to the community after working in LaPorte, Ind. and Milwaukee.

As "editors and proprietors" they published the first issue of the Daily Reporter on March 31, 1883. Lange, who also served in the State Legislature, acquired full ownership of the paper in 1885. In 1894 he also purchased the Fond du Lac Journal—founded as the community's first newspaper in 1846—and merged it with the Reporter.

The success of the Reporter was demonstrated in 1896 when the Lange Block building was completed at the southeast corner of West Second and Macy Streets. Newsmen and printers began evacuating old quarters at 88–90 Macy Street in December of that year, and one indication of the turmoil was the frank editorial admission that "everything is upside down."

The new Lange Block structure was praised lavishly by a Milwaukee publication as perhaps the best newspaper plant in Wisconsin. It was three stories high (one story has since been removed), with office space rented on the second floor and the third story rented to various religious organizations for special events.

For years the Daily Commonwealth and Daily Reporter were rival papers. Their staffs sought "scoops" and their sales representatives competed for advertising dollars. Both papers remained healthy, with the Commonwealth flourishing in the P. B. Haber building and the Reporter gaining added momentum after reorganizing as the Reporter Printing Co. in 1903.

Over the years, of course, there were rumors that one paper was going to buy the other out.

A recently found letter, written by Lange in 1915, two years before his death, indicated that he was willing to sell "at a fair price" to the Haber firm. However, the transaction went the other way.

In October of 1926, with A. H. Lange—a

XUM

nephew of the Daily Reporter founder—serving as president, the Reporter Printing Co. bought out the Daily Commonwealth.

Readers were introduced to a new, larger daily called the Fond du Lac Commonwealth Reporter.

So as a newspaper our history parallels the progress of Fond du Lac County. Much has happened over the years, and carrier pigeons no longer are used to "rush" baseball scores to the newsrooms as they were back in the days that preceded establishment of efficient wire services.

The Commonwealth Reporter has seen plant renovations, the addition of new departments, purchase of much modern equipment and editorial and advertising changes.

To celebrate our centennial year we're planning a series of unusual events and public service programs in which we believe everyone will be interested.

Since our beginning as a daily in 1870 much history has been recorded and much more is still to be written.

The Commonwealth Reporter is proud to have played a role in Fond du Lac's growth, and its time-worn pages—now preserved on microfilm—reflect the lives and achievements of those who have lived here.

In our opinion, Fond du Lac is a community with much to offer and, on this occasion, we feel the warmth and glow of a long, tested friendship.

We realize, of course, that you may not always agree with what we say or the way we say it. But our interest, first and always, is to make Fond du Lac an even better place to live.

It is in this spirit that we sincerely wish to invite each of you to share in making the coming year a pleasant and memorable celebration of our 100th birthday.

THE ERADICATION OF THE SCREWWORM

Mr. GOLDWATER. Mr. President, today I invite the attention of the Senate to an outstanding example of international cooperation as well as State, national, and private enterprise cooperation.

This concerns some of the events that have been taking place since 1962 in the cattle industry. Since that time, the National Livestock Producers' Confederation of Mexico and the Southwest Animal Health Research Foundation of this country have cooperated with the U.S. Federal Government in almost completely eradicating from our country and Mexico one of the most vicious pests that has plagued the livestock industry since its beginning in this country.

I refer to the outstanding work done by all of these groups in the complete eradication of the screwworm from the United States. The National Livestock Producers' Confederation of Mexico and the Southwest Animal Health Research Foundation and the U.S. Department of Agriculture, as well as the State governments of the States of the South and Southwest, have all cooperated in an outstanding way to bring about this achievement. The effect of this has been the savings of millions of dollars to cattle growers and livestock producers in all of these areas.

Mr. President, this is also an outstanding example, believe it or not, of the peaceful use of atomic energy, and it also has had a remarkable effect on the conservation of wildlife in this country.

The screwworm has been a scourge and has caused great losses in the Southwestern United States and Mexico causing large economic losses not only by injuries and death to animals but, in addition, time and labor involved and the expense of insecticides and medicines.

The elimination of this pest has been brought about through the aerial release of sterile screwworm flies over infested areas. It should be noted with some satisfaction that the accomplishment of this eradication is the fulfillment of one of the points of discussion by the President of Mexico and the President of the United States at the Punta del Este Conference held in 1965.

It is my hope, Mr. President, that many more of our mutual problems with our neighbors to the South may be solved in this fashion and that the excellent cooperation between two groups as has been demonstrated by the livestock men of both countries may be continued. I also wish to stress that the cooperation between the Federal Government, State governments and the private sector has combined to make this possible. Perhaps from this, too, we can learn some lessons to help to solve other problems in our society.

FINANCIAL INSTITUTIONS PROVISIONS OF HOUSE-PASSED TAX REFORM BILL

Mr. McINTYRE. Mr. President, I wish to speak today about another set of provisions in the House-passed tax reform bill—the provisions of that bill dealing with financial institutions.

The House-passed bill makes four changes in this particular area. Two of these changes—those dealing with the bad debt reserves of commercial banks and the treatment of bonds and certain other securities held by financial institutions—are fully justified. They are in fact required by equitable considerations. Third—extending the tax-exempt status of foreign deposits in U.S. banks—is arguably required by our balance-of-payments situation. The fourth change, however, is quite unfortunate, and it is to this change that I address my remarks today.

I am deeply concerned by the changes made by the House-passed bill in the methods used by mutual savings banks, savings and loan associations, and cooperative banks to compute their bad debt reserves.

While most business organizations must compute their bad debts reserves on the basis of their actual loss experience an exception has traditionally been made for the types of institutions to which I have just referred. These mutual institutions have been allowed to base their reserves on either of two alternative formulations, both of which usually produce larger reserves, and hence tax savings, than would a calculation on the basis of loss experience.

The House-passed bill would eliminate one of these two alternatives and greatly impair the usefulness of the other. These changes are necessary, according to the House Ways and Means Committee, because there is no justification for allowing mutual institutions a lower effective tax rate than that available to most other corporations.

Mr. President, I strongly disagree. I am, of course, a strong believer in the equitable treatment of all taxpayers in a similar position. But mutual institutions are unique organizations, which clearly deserve to be treated differently from normal corporations.

Mutual institutions are the prime source of funds for residential housing, one of our most urgent national needs at this time. If the House-passed bill became law, however, it would greatly restrict the loans which mutual institutions could make for this purpose. Increased taxes would mean less funds for loans, a lower return, and less protection for depositors, and would further retard an industry already hard hit by high interest rates. It strikes me as the height of folly to undermine in this way the determined efforts other members of our Housing Subcommittee and I have made in recent months to enable us to meet our urgent housing needs.

For this reason I feel that the equitable considerations urged by the Ways and Means Committee are not applicable. On the contrary, I believe it is imperative that we retain unchanged both of the alternative methods presently available to mutual institutions in the computation of their bad debt reserves. Congress recognized a short time ago that both of these methods were needed because of the different situations in which these organizations might find themselves. There is no reason whatsoever to reverse this conscious congressional decision now.

There is one minor change which might be made in this area of our tax laws, however, to insure that the benefits of the provisions in question are indeed made available only to those institutions for which they are designed.

At present, savings and loan associations and cooperative banks are entitled to use the altenrative computation methods only if they meet a comprehensive set of investment standards, established by Congress in 1962 to insure that these tax benefits would be available only to institutions primarily engaged in home mortgage financing. In general, these standards require that 82 percent of the institutions' assets must be invested in residential real estate, liquid reserves, and certain other "qualifying assets." Mutual savings banks, however, are not subject to any such investment standards and may use the special reserve methods regardless of the amount of their investments in home fortgage financing. The Ways and Means Committee has proposed to solve this problem by imposing investment standards similar to those now applicable to other mutual institutions on mutual savings banks as well.

My remarks thus far have been directed to the provisions of the House-passed tax reform bill. I shall conclude by saying a few words about the changes proposed by the administration in this area.

The administration proposal would require all financial institutions—whether commercial banks or mutual institutions—to compute their bad debt reserves on the basis of loss experience. It would attempt to do this without cutting off the flow of funds to residential housing by giving financial institutions a special tax deduction equal to 5 percent of gross interest income from loans for approved projects.

I am convinced that this proposal would not work and that it would have even more adverse effects on our housing programs than would the House-passed bill. Letters I have received from mutual institutions in my home State of New Hampshire are unanimous in their conclusion that the administration proposal would seriously weaken their competitive position and force them to divert their assets increasingly into nonmortgage uses.

Mr. President, I heartily endorse the action of the House in extending to mutual savings banks the investment standards now in our laws. We must have no major changes, however, in the degree of tax benefit currently available to true mutual institutions legitimately engaged in the housing field.

PUBLIC HEARINGS—TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, yesterday, the Committee on Finance began its final 3 days of public hearings on the House tax reform bill. Testimony centered around the proposed tax treatment of private foundations. The principal statement was presented by a distinguished 19-man panel which touched on virtually every aspect of philanthropy and on the impact of the bill on charitable giving and foundation activities. Additionally, testimony was received with respect to the effects the House bill would pose for educational television.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that a summary of the testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

FOUNDATIONS

I. The Role of Foundations in American Life

IRWIN MILLER, CHAIRMAN OF THE BOARD, CUMMINS ENGINE CO., COLUMBUS, IND.

Foundations

Emphasizes that although foundations constitute only approximately 8 percent of the total philanthropy, they play a vital role in the pioneering of thought and action. States that foundations are uniquely qualified to experiment with new and untried ventures; thus, they can take dissenting positions from prevailing attitudes. In addition, they are flexible and can act quickly when the need arises. Points out that foundations have pioneered and assisted pioneers, scientists, scholars, and innovators, and have strengthened those organizations concerned with these vital activities. Notes that they have often anticipatd social and international problems and mobilized knowledge for dealing with them.

States that it has been clear for several years that some abuses exist, but adds that the preponderant number of private foundations perform their functions without tax abuse. Indicates, though, that even the few abuses are too many and must be rooted out. Feels that the proposed measures to curb fiscal abuses are good, and are supported by most foundations; however, several of the abuses could be curbed by better enforcemnt of existing law. States that a tax on private foundations is patently inconsistent with the reason society sanctions foundations. Emphasizes that to reduce these publicly dedicated funds by any percentage is to diminish the value to society by just that amount.

Feels that proposed limitations on programs are unwise in that they attempt to eliminate "bad judgment" and in doing so allow for only the most bland kinds of judgments, and only the most bland kinds of activities by foundations. Concludes that the tax and program limitations act as a signal to discourage private philanthropy and thereby the whole private foundation sector of American life.

Recommends that foundations, like all other public institutions, should be accountable to society. Points out that the basic ingredients of a balanced system of accountability are already at hand—the Government could fully enforce existing law. Recommends that a foundation registration fee should be enacted which would be earmarked for enforcing existing law as well as proposed law to curb fiscal abuses. Suggests that the agents of accountability, other than the Government, are (1) public disclosure and the press, (2) broadbased boards of trustees, (3) "market evaluation" by foundations recipients and (4) congressional inquiry.

Urges the Congress to adopt those parts of that bill that are directed toward preventing abuses, such as self-dealing or inadequate returns to charity and that the Congress eliminate those measures, such as the tax and the program limitations, which would vitiate the capacity of foundations to continue their productive service.

HERMAN WELLS, CHANCELLOR, INDIANA UNIVERSITY, BLOOMINGTON, IND.

Private foundations

Emphasizes that foundations are vital forces in higher education via scholarships for needy students, funds for facilities and equipment and grants for research. Points out that often foundations come to the rescue when no other support is available. Feels that foundations have had beneficial repercussions far beyond the campus and region and will extend long past the present time.

States that taxation of foundations will reduce funds available to higher education; the size of the reduction is no measure of the potential removed by such action. Emphasizes that at a time of crisis in financing higher education, even the direction of such a move is disheartening. Concludes that the tax yield is miniscule in comparison with its detrimental effect on higher education. Feels that if taxation of foundations is initiated, there is a strong likelihood that the percentage will be increased in succeeding years. Points out that most foundations have an excellent record; therefore, punishment for the abuses of a few should not be visited on the many. Believes that the prohibition against private foundations engaging in activities intended to influence legislation has crucial implications. States that it is dangerous to prohibit unpopular ideas or the concept which is ahead of the times. Maintains that foundations are an expression of free enterprise by providing support for the unusual man and the unusual idea. Concludes that the American foundation is one of the instrumentalities by which our independence and freedom are maintained.

II. Effect of the Legislation (Proposed Tax) on Beneficiaries

FATHER THEODORE M. HESBURGH, PRESIDENT, UNIVERSITY OF NOTRE DAME, NOTRE DAME, IND.; FRANK C. ERWIN, JR., CHAIRMAN, BOARD OF REGENTS, UNIVERSITY OF TEXAS SYSTEM, AUSTIN, TEX.; DR. JOHN COOPER, EXECUTIVE SECRETARY, ASSOCIATION OF AMERICAN MEDICAL COLLEGES, EVANSTON, ILL.; FELIX ROBB, DIRECTOR, SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS, ATLANTA, GA.

Private foundations—Effect of the legislation (proposed tax) on beneficiaries

States that the proposed 7½ percent tax would diminish current funds for support of education and scientific research by at least $65 million a year. Emphasizes that even more serious is the desire of some critics to terminate the existence or tax exemption of all foundations after a period of years. Believes that foundations have been of immense value to the American society. Points out that through a system of matching grants, the Ford Foundation's Special Program in Education has stimulated many colleges and universities to develop resources considerably in excess of the original grants; likewise, Rockefeller, Sloan, and Carnegie Foundations have made major contributions to education. Maintains that without such assistance, there is serious question whether the independent sector of our dual, private/governmental system of higher education can survive.

Contends that a tax on foundation income would bring a major reduction of that assistance. Feels that Congress should legislate against specific abuses rather than to diminish the funds with which foundations make their vital contributions to the private educational system. Points out that private foundations contribute substantially to the training of our doctors, research technicians, nurses, and other medical personnel. Believes that even more important, they provide vital assistance in medical education such as establishing new medical schools and by assisting in the development of new techniques of medical education, new curricula, and new methods of relating medical facilities to the provision of health care of our citizens. States that financial assistance in these areas is difficult, if not impossible, to obtain.

Points out that foundations have afforded key support to State and municipal colleges and universities. Urges that the south, with an enormous burden of children to educate and fewer dollars to do the job than any other region, is especially vulnerable to any change in public policy that would limit the flow of private funds for education and make equalization of educational opportunity more difficult. Concludes efforts to transform talented but underprivileged youth from public liabilities to productive, educated citizens provide further dramatic evidence of the dividends accruable from strategic foundation investment in human development.

III. Effect of the Tax as Seen by Foundations

GEORGE HARRAR, PRESIDENT, ROCKEFELLER FOUNDATION, NEW YORK, N.Y.; ALAN PIFER, PRESIDENT, CARNEGIE CORPORATION OF NEW YORK; DAVID FREEMAN, PRESIDENT, COUNCIL ON FOUNDATIONS, NEW YORK, N.Y.

Tax on foundations

Opposes the 7½ percent tax on foundation income. Believes enactment would be contrary to national interest.

Role of tax exemption for charitable purposes

Points out that no distinction has ever been made between types of charitable organizations under the sec. 501(c)(3) income tax exemption. Maintains that an income tax on foundations would destroy this principle and constitute a breach of long-standing national practice; would serve as a precedent for future taxation of other classes of charitable organizations; would encourage other levels of government to impose income taxes; and would lead to a weakening of the private nonprofit sector by endangering the freedom of private institutions through possible arbitrary increases in tax or restrictions on activities.

Justification for private foundations

Considers voluntary philanthropic system to be the essence of free enterprise in its flexibility to enter new fields of social concern. Emphasizes that, while Government has entered into social welfare extensively, work of private foundations continues to be necessary in meeting vast social needs.

How the tax would affect foundations

Rockefeller Foundation (p. 129 of committee print).—Indicates that the foundation has appropriated all its income and over $230 million of its principal to philanthropic projects, many of which have preceded Government activity in the field of social welfare. Claims that the proposed tax would cost the foundation's beneficiaries more than $3 million per year, and also hamper its overseas programs.

Carnegie Corporation.—Notes that the corporation has distributed $400 million since 1911, and that the proposed tax would reduce future grants by $1.2 million per year.

Smaller foundations (p. 136 of committee print).—States that foundations across the country concentrate giving on local educational and charitable institutions. Questions whether Congress intends to discourage development of these local organizations by reducing the available funds from foundations.

Other arguments against tax

Maintains that burden of tax will fall on educational, health, and welfare agencies; the tax applies indiscriminately against all foundations, and would be ineffective in correcting abuses; the tax will produce insignificant governmental revenue, yet will be a serious blow to charitable institutions as tax will be more than a user fee; the tax is inconsistent with continued policy of tax exemption; and the tax is a punitive measure, not reform, against only one form of charitable organization.

Proposed alternative to foundation tax

Recommends an annual fee assessable on foundations in proportion to assets, with the amount of fee determined annually to assure adequate supervision of foundations.

IV. Effect of Program Limitations

MERRIMON CUNINGGIM, PRESIDENT, DANFORTH FOUNDATION, ST. LOUIS, MO.

Grants to individuals

Maintains that the partial prohibition against grants to individuals might still handicap unduly some worthy programs. Recommends modifications in the wording of the bill which would allow the continuance of worthwhile programs, carefully defined, publicly announced and impartially administered.

Any attempt to influence legislation

Argues that this provision (sec. 4945(c), pp. 44–45 of the bill) is potentially the most serious issue raised for foundations by any part of the bill and it would inhibit or prevent presently approved activities by foundations that would adversely affect their freedom to contribute to general welfare. Maintains that the bill seems to have intended only to make sure that foundations do not engage in partisan political activity. Recommends changes in the language of the bill concerning this prohibition to avoid the proscription of worthy foundation activity.

HOMER WADSWORTH, PRESIDENT, KANSAS CITY ASSOCIATION OF TRUSTS & FOUNDATIONS, KANSAS CITY, MO.

General

States that this group of spokesmen do not oppose provisions of the bill that outlaw self-dealing, requirements that would assure that private foundations spend their income for charitable purposes, and provisions that would require full disclosure of all foundation activities.

Proposed tax on private foundations

Opposes as fundamentally punitive and totally inconsistent with the effort of our Government over many years to encourage private giving and private efforts to accomplish worthy public purposes. Supports a fee payment to provide the Treasury with sufficient funds to maintain an adequate staff for review annually of all foundation activities to assure compliance with the law.

Contact with Government officials

Points out that the bill would restrict severely foundation contact with government officials and can only have the effect of numbing foundation efforts and driving foundation money away from the areas in national life that are of current concern. States that private foundations and other exempt organizations have *less* sanction in present law and regulations for presenting their views to public bodies than business organizations. Suggests that the bill be amended to protect the rights and privileges of private foundations.

Expenditure responsibility

Indicates that this provision of the bill means that "the private foundation is fully responsible—to see that the grant is spent solely for the purpose for which made, to obtain full and complete reports from the grantee on how the funds are spent, and to verify the accuracy of such reports, and to make full and detailed reports with respect to such expenditures" to a designated government official. Suggests that the amount of follow-up and inspection which the bill requires is excessive, and perhaps even impossible to provide. Urges a rule of reason (responsibility of applying reasonable diligence to foundation relations with grantees) rather than as an insurer, with absolute liability for the grantee's conduct.

W. RUSSELL ARRINGTON, PRESIDENT PRO TEMPORE, ILLINOIS STATE SENATE, TESTIFYING FOR THE CITIZENS CONFERENCE ON STATE LEGISLATURE, CHICAGO, ILL.

Possible consequences to the citizens conference on State legislatures

Points out that the citizens conference's activities provide advisory and technical services to some 16 State citizen commissions that study and recommend procedures for legislative modernization, conduct research and publish comparative information about legislative improvement, conduct media conferences to provide for an exchange between State legislators and editors, publishers, station owners and managers, and inform the public how the electorate has supported or rejected amendments concerning legislative articles of State constitutions. Asserts that the abandonment of the "substantial activities" test will effectively proscribe the above-described activities and will prohibit the private sector from working to improve government at any level.

Recommends that the bill be revised to allow organizations classified as private foundations to mobilize public support to study, recommend, and change, if need be, governmental units. Suggests safeguards—that the activity be nonpartisan in nature, national in scope, that it not engage in support of or opposition to candidates, that the activity be general in nature rather than advocating particular legislation, that partisan election campaigns be avoided and that all financial transactions be disclosed between a tax-exempt organization and government officials.

V. Effect of Distribution Requirements (Including Problems Raised by Definition of Qualifying Distributions)

JULIUS STRATTON, CHAIRMAN OF THE BOARD, THE FORD FOUNDATION, NEW YORK, N.Y.

Private foundations

States that "private foundation" is a term newly introduced to the Internal Revenue Code by the proposed legislation, lumping together for the first time as "private foundations" all 501(c)(3) organizations except certain specified categories. Contends that because of this new definition, many important and worthwhile nonprofit institutions which are not primarily grantmaking organizations, which depend heavily on foundation support, and which have never before been thought of as foundations may now be considered so and subject to the new restrictions in the bill.

Warns that there are three far-reaching consequences of such redefinition:

(1) Such organizations would be subject to the proposed taxes, thereby reducing the funds available for their educational, research, and scientific activities.

(2) They would be subject to the many other regulations and program limitations in the bill, limitations which earlier witnesses have discussed.

(3) They would have far greater difficulty in obtaining support from philanthropic foundations.

Qualifying distributions

Maintains that although the broad requirement of paying out current income would not cause serious problems for most foundations, difficulties arise because of the uncertainties surrounding who would be eligible to receive foundation grants and how these grants should be disbursed and managed.

Recommends that:

(1) A more precise definition of "private foundations" should be formulated—a definition which would include only what have commonly and logically been regarded as philanthropic foundations.

(2) A simply test should be established—based on a concept in the current Internal Revenue Code relating to operating foundations—under which grants that flow promptly to charity would be qualifying distributions.

(3) The penalty provisions in the bill should be reconsidered. Warns that without clarifying changes of the sort suggested, the traditional role foundations have played in our national development may be seriously impaired.

WHITNEY NORTH SEYMOUR, CHAIRMAN, COUNCIL ON LIBRARY RESOURCES AND THE INTERNATIONAL LEGAL CENTER, NEW YORK, N.Y.

Operation foundation

Describes the organization and work of the Council on Library Resources, an independent, nonprofit organization established in 1956 for the sole purpose of aiding in the solution of library problems. States that the council engages in no self-dealing activities, all of its income is spent in furthering the purpose for which it was formed, it has no endowment, it controls no businesses, it owns no stock.

Fears, however, that the language of H.R. 13270 defining operating foundations, eligible to receive qualifying distributions from other foundations, might mean that the council might possibly be forced to terminate its greatly-needed activities. States that although the council meets unreservedly the provision that all of its income be expended directly for the active conduct of the activities for which it was organized, it cannot devote more than half of its assets to this purpose since it has no "assets" as indicated by the examples in the House report, and its support comes entirely from one source, the Ford Foundation. Feels that although philosophically the council is an operating foundation, it might not be considered so under the definition which seems to be established by the legislation.

Expresses concern on similar grounds in regard to the International Legal Center. Points out that its accomplishments would not have been possible without the initial underwriting provided by the Ford Foundation, that a nonprofit service-type organization cannot become viable from inception or even launched without such financial backing. Feels that the center, like the council, might be placed in jeopardy by ambiguities in the provisions of the bill now before the committee. In this connection, asks the committee to clarify that portion of the definition of an operating foundation which refers to assets, and to the word "directly" as applied to the use of assets. Expresses the belief that it cannot be the Congress' intention to disrupt the efforts in the public interest of organizations like the council and the center. Urges the committee to consider carefully and rewrite the provisions he has cited in such a way as to eliminate the evils which called them into being, and at the same time clarify them so that the effectiveness of honorable and essential institutions may be destroyed.

VI. Restrictive Efforts on the Development of Philanthropy and Operation of Foundations (Including Effects of "Expenditure Responsibility" and Heavy Penalty on Trustees)

DANA S. CREEL, PRESIDENT, ROCKEFELLER BROTHERS FUND, NEW YORK CITY

Treatment of private foundations under the tax reform bill

Claims the penalties and remedies proposed in the reform bill are excessive and tend to diminish the funds of foundations available for legitimate philanthropy. Believes these penalties subject management, both staff and trustees, under very substantial personal liabilities, and would greatly reduce the ability of foundations to attract the best caliber of management. Also, that these penalties create onerous and in some cases impossible requirements on foundation administration.

Indicates a preference for State regulation of private foundations, but suggests that at this point this would not be satisfactory because of the past failure of a number of States to undertake effective programs of enforcement. Believes States should be encouraged to undertake such responsibility. Proposes for the present a system of sanctions by the Revenue Service, modified as follows:

(1) Penalties should not be imposed on foundations but rather on individual wrongdoers, for foundations are inanimate and can function only by the acts of individuals;

(2) Penalties should be flexible, reasonable in nature, with a maximum limit, and appropriately related to the acts or failures to act which are penalized;

(3) Proscribed acts or failures to act should be so defined so that transgression can be readily ascertained;

(4) A notice procedure of proposed penalties should be established, and an opportunity granted for correction of improprieties within a reasonable time before a penalty is imposed;

(5) A reasonable statute of limitations should be established with respect to penalties.

JAMES R. KILLIAN, JR., CHAIRMAN, BOARD OF TRUSTEES OF MASSACHUSETTS INSTITUTE OF TECHNOLOGY, CAMBRIDGE, MASS.

Treatment of private foundations under the tax reform bill

Educational institutions, such as MIT, derive a substantial portion of their contributions from "private foundations." Believes that at a time when there is deep concern about the funding of all higher education and about the financial future of our private institutions, ways should be found to increase and not diminish private funds for education.

States the provisions of the reform bill appear to be so severe that they will probably constitute the "death knell" of foundations as we know them, and the incentive to form new foundations will be lost. Approves the objectives of the bill aimed at eliminating abuses of private foundations, but believes the penalties imposed are too harsh and are indiscriminately imposed against both the offenders and the innocent.

In addition, notes that penalty taxes are applied to existing foundations as well as those established hereafter, and suggests it is unfair to impose penalties on existing foundations established in reliance on present law which has encouraged their formation and operation.

JOHN J. M'CLOY, ATTORNEY, NEW YORK CITY

Treatment of private foundations under the tax reform bill

States the provisions of the reform bill dealing with private foundations could have a detrimental effect on American cultural, scientific, social, and educational life. Although it appears there has been some abuse of use of foundation funds, believes this has led to an abrupt and too far-reaching reversal of Congress' policy of encouraging charitable foundations through tax incentives (which have been a major influence in the progress of American private philanthropy).

States that no comprehensive or objective study of the impact of foundation grants on our life has yet been made—those who contend that foundations have not been beneficial to this country should have the burden of proof.

Contends there is an inherent inconsistency in imposing any tax on a foundation if it serves a charitable or publicly beneficial should be stimulated—if they are evil, they should be extinguished. Urges Congress not to impose a discriminatory tax on the income or assets of private foundations until it is firmly proven that this is justified.

States that a comprehensive, objective, and sustained review of the affairs of the foundations should be made based on regular audits by the Government—preferably by the Revenue Service. More should be known about the manner in which foundations' funds are distributed and spent, about the results achieved and the effect the withdrawal or diminution of these funds would have on educational, scientific, and charitable beneficiaries. Sustained audits and supervision of the foundations by the Government should be financed by an annual fee charged the foundations; however, it should not be a tax to provide general revenue.

The reform bill does contain good features with respect to private foundations; for example, those calling for fuller reporting, elimination of self-dealing, undo accumulation of funds, better enforcement procedure by the Treasury, and better cooperation with the State authorities to encourage the States to do their own policing.

OTHER WITNESS

JOHN W. MACY, JR., PRESIDENT, CORPORATION FOR PUBLIC BROADCASTING

Expenditures by private foundations with respect to public broadcasting

Notes that tax reform bill deals with "taxable expenditures" by a private foundation, generally defines such expenditures as those paid to influence legislation or the outcome of any public election, and imposes penalties on private foundations making such expenditures. Suggests this presents a question of whether a public broadcasting organization may be given a foundation grant without penalty to the foundation if the station then uses the grant to pay for presenting public affairs programs (e.g., such as news programs, documentaries, panel discussions, political debates, and interviews). Contends that it does not appear the House intended to prevent public broadcasting stations from presenting public affairs programs with the assistance of financial support from private foundations.

Recommends the bill be amended to generally exclude public broadcasting from the taxable expenditures provision by not imposing any penalty with respect to amounts paid for the production or distribution of public affairs programs which are broadcast over noncommercial educational broadcast stations.

THE CASE AGAINST THE CRITICS

Mr. DOLE. Mr. President, in the past several weeks we have heard increasing criticism of President Nixon's Vietnam policies. The President has been repeatedly attacked for failing to make "meaningful changes" in U.S. policy toward this tragic conflict. The minority leader, the distinguished Senator from Pennsylvania (Mr. SCOTT) has requested a moratorium, but the criticism continues unabated.

We are all aware that the Vietnam war has had a demoralizing effect on the American people and a devastating impact on our economy. What I cannot understand is how the President's critics can reasonably expect him to end in 10 months what the previous administration could not end in 8 years.

Maybe the answer to that question is that these critics are not asking the President to act reasonably because they see personal political gain in embarrassing and discrediting the President.

Mr. David S. Broder, writing with a refreshing detachment that is often not present in Washington, has posed this same question in a column in the Washington Post today. I urge Senators to read the article for the thought-provoking ideas it expresses.

I ask unanimous consent that Mr. Broder's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

(By David S. Broder)

CAMBRIDGE, MASS.—If there are any smart literary agents around these days, one of them will copyright the title "The Breaking of the President" for the next big series of nonfiction best-sellers. It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.

The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can readily be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like any discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used.

The essentials of the technique are now so well understood that they can be applied with little waste motion.

First, the breakers arrogate to themselves a position of moral superiority. For that reason, a war that is unpopular, expensive and very probably unwise is labeled as immoral, indecent and intolerable. Critics of the President who are indelicate enough to betray partisan motives are denounced. (That for you, Fred Harris.) Members of the President's own party who, for reasons perhaps unrelated to their own flagging political careers, catapult themselves into the front ranks of the opposition are greeted as heroes. (Hooray for Charley Goodell.)

The students who would fight in the war are readily mobilized against it. Their teachers, as is their custom, hasten to adopt the students' views. (News item: The Harvard department of biochemistry and molecular biology last week called for immediate withdrawal from Vietnam.)

Next, a New England election (the New Hampshire primary is best but the Massachusetts Sixth Congressional District election will do as well) surprisingly shows that peace is popular at the polls. The President's party sees defeat staring it in the face unless it repudiates him, and the Harris poll promptly comes along to confirm his waning grip on public trust. The Chief Executive, clearly panicky, resorts to false bravado and says he will never be moved by these protests and demonstrations, thus confirming the belief that he is too stubborn to repent and must be broken.

And then, dear friends, Sen. Fulbright and the Foreign Relations Committee move in to finish off the job.

All this is no fiction; it worked before and it is working again. Vietnam is proving to be what Henry Kissinger once said he suspected it might be—one of those tragic, cursed messes that destroys any President who touches it.

That being the case, any President interested in saving his own skin would be well-advised to resign his responsibility for Vietnam and publicly transfer the assignment of ending the war to Congress or the Vietnam Moratorium Committee or anyone else who would like to volunteer for the job.

But we cannot. And that is the point the protesters seem to overlook. Assume that they and the President are both right when they assert the time has come to end this war. Assume that the protesters know better than the President how to do so—despite the conspicuous absence of specific alternatives to the President's policies in their current manifestos.

There is still a vital distinction, granting all this, to be made between the constitutionally protected expression of dissent, aimed at changing national policy, and mass movements aimed at breaking the President by destroying his capacity to lead the nation or to represent it at the bargaining table.

The point is quite simple. Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace.

Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam Moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

There is also the matter of time. It is one thing to break a President at the end of his term, as was done last year. It is quite another thing to break him at the beginning, as is being attempted now.

The orators who remind us that Mr. Nixon has been in office for nine months should remind themselves that he will remain there for 39 more months—unless, of course, they are willing to put their convictions to the test by moving to impeach him.

Is that not, really, the proper course? Rather than destroying his capacity to lead while leaving him in office, rather than leaving the nation with a broken President at its head for three years, would not their cause and the country be better served by resort to the constitutional method for removing a President?

And what a wonderful chapter it would make for Volume 2 of "The Breaking of the President" series.

TRADE: A VISION FOR THE SEVENTIES

Mr. JAVITS. Mr. President, there are many good reasons for the United States to follow a policy of world trade expansion, and few American businessmen have expressed these reasons more forcefully than Arthur K. Watson, chairman of IBM World Trade Corp. When the Foreign Trade Club of Philadelphia recently presented an award to Mr. Watson for his work in forming the Emergency Committee for American Trade, he offered a very well reasoned analysis for broader trade policies that I believe deserves greater attention. Mr. Watson had recently returned from the trips to Latin America with Governor Rockefeller and had just completed a term as president of the International Chamber of Commerce. Both responsibilities had shown him the importance of rising levels of world trade and added to his already fine credentials in international trade.

His speech is in my opinion, a clear exposition of where enlightened American business stands on the two most important economic issues facing the world today—trade and development.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TRADE: A VISION FOR THE 70's

(By Arthur K. Watson)

There is an old tradition which requires that speakers submit a title for their speech long before they know what they are going to talk about. Consistent with this, Dr. Bralle asked me, last July, for a title and I told him it was: "Trade: A Vision for the 70's."

I thought that had a nice ring.

After all, if you ask a man to leave his family for the evening, and pay $14 for dinner, the least you can promise is a vision.

I did have another title: "Trade Policy at the Crossroads." I dropped that because I was afraid one of you would remember that I gave the same speech two years ago.

Still it is an honest title. Whatever my credentials as a visionary, I ought to be an expert on trade crossroads. As President of the International Chamber of Commerce I spent two years at one. I don't think things have moved much since I left office last June.

The crossroads, if you will forgive a tired metaphor, is between protectionism and freer trade. It is, more broadly, between two visions of the world.

One is an old vision, a vision of the nation state, sovereign, self-sufficient, self-seeking and grandly unconcerned about much of anything beyond its borders.

The other is the vision of an economically interdependent world where man, goods and capital move freely from one country to another.

Neither camp, free trader nor protectionist, ever carries its arguments to their logical extreme. Protectionism, pushed to its extreme, is impossible. There are now 140 nations more or less in the world and new ones are coined constantly. They all have to buy from the world, so they all have to sell to it. As a further embarrassment, times of high protectionism have usually coincided with economic stagnation and often with political disaster. We ought to remember that the Smoot-Hawley Tariff—with rates so high it stopped trade cold—was passed in 1930.

The free trade camp, and I consider myself a member in good standing, is also uneasy about its ultimate vision. However fine it might be, it is hard to imagine a world where man, capital and goods really move with unfettered freedom. To function, this would need a world of closely integrated social, economic and governmental institutions.

With a Common Market that cannot agree on a common monetary policy, with a Latin American Free Trade Area that cannot agree on much of anything, the free trade idea borders, I would have to admit, on the visionary.

Still, if I must choose, I'll take the visionary.

As the old joke goes, show me a man with both feet on the ground and I'll show you a man who can't put his pants on.

Furthermore, the decision is not between the extremes, it is one of direction. Of trend. And that is the significance of the crossroads and the danger of this protracted pause.

It began, to put a date on it, in May, 1967. That was the month when we learned of the successful end to the Kennedy Round negotiations and along with a lot of others I was convinced that freer trade had won a definitive victory.

It had not.

We got tariff cuts only to see ingenious non-tariff barriers erected in their place. The mind boggles at the range and resourcefulness of the barriers. We've seen new import quotas—voluntary, so called, and involuntary—we have seen import licensing, subsidies, discriminatory customs valuation schemes, prior deposit schemes, border taxes and so on. There is little man could devise that has not been done to thwart the spirit of the Kennedy Round and avoid the letter of the GATT.

Our own country, I regret to say, has not been least among the sinners.

One said little story illustrates this. During the winter the United States gets most of its tomatoes from Florida or northern Mexico. Well, last winter, at the height of the growing season, the Florida growers persuaded the Department of Agriculture to impose restrictions on the size of tomatoes—they had to be of certain size, or larger, to be shipped in our market. The effect of this was to exclude much of the Mexican crop—it rotted on the ground.

The Mexicans were furious, I can't blame them, the American housewife payed more for her tomatoes and got a tasteless thing that was picked green instead of the vine ripened.

Who won? The Florida tomato growers—at the expense of everybody else.

Even the dollar, in the hands of an American businessman is no longer a free currency. Voluntary restraints on capital exports are now mandatory restraints and we borrow from tomorrow to shore up the dollar today.

What has happened, from the dollar to tomatoes, to steel, to textiles and shoes?

The euphora that followed the Kennedy Round quickly turned to apprehension. Businessmen, all over the world, worried about the bogeyman of foreign competition. With tariffs going down they suddenly expected to see their home markets flooded by imports. The fact that is did not happen was not enough to allay the fear. Businesmen did what they have done for years. They went to their government demanding protection, and in too many instances, they got it.

At the same time, though not directly related, there was a marked deterioration in the international monetary picture. Six monetary crises have swept through the world in 24 months and governments, like businessmen, decided that trade restrictions were the easiest way, if not the best, to protect their balance of payments.

Furthermore, those nations with balance of payments surpluses have not been overly helpful. There seems little question but that the German mark is undervalued, and so probably is the Japanese yen. Both of these great nations are amassing huge surpluses and neither is willing yet to fully meet its responsibilities as world trading partners.

There is another factor, far less tangible, but perhaps more important. The leader was not leading anymore. It was our country that sparked the Kennedy Round. It was the United States that pushed and prodded a reluctant world toward liberalization. President Kennedy had a trade mandate from Congress that Johnson never got. From July, 1967 on, Johnson became the first President since 1934 without any tariff cutting authority from his Congress and President Nixon, today, has none. This is a technical point, but symbolic. While protectionists did not control Congress under Johnson, and don't today, they may be strong enough to wield a veto power. This, in fact, could account for our current pause at the crossroads. Neither side has mustered the force to prevail in its view, each has the ability to block the other on anything important. The United States, the leader, is no longer leading and nobody else can.

We could, those of us on the free trade side, play for a draw. That is exactly what we did in 1968 after a handful of us organized the Emergency Committee for American Trade and persuaded over 50 of the biggest companies in America to join the effort. Protectionism had such a grip on the Congress by then that we were relieved when the year passed without any protectionist legislation passing.

With 1969 three-quarters gone, I expect results will be about the same this year.

The Administration may offer a trade bill, I hope that it does, but the mechanics of its passage make it unlikely that anything will be written into law this year.

Next year may be better. But the danger, the danger that prevented action in the Johnson Administration is still present. The trade bill could become a Christmas tree decorated with quota riders to protect everything from Chinese gooseberries to lamb.

If this sounds farfetched, keep in mind that more than 90 Senators and more than 350 Congressmen sponsored or co-sponsored import quotas last year covering everything from Chinese gooseberries to frozen lamb.

Washington is not peculiar in this respect. The same tune is being played in other capitals of the world. Through the Emergency Committee for American Trade, I have been in regular touch with free trade forces in many other countries. Like us, they are busily plugging holes in their dikes. The struggle to protect trade is now worldwide.

What is the issue? What are the stakes?

At first glance it is all trifling. Why not give the harassed gooseberry growers some protection from foreign competition? And, while we are feeling generous, let's not overlook shoes and textiles and apparel and consumer electronics and autos and bicycles and motorcycles and steel and a long, long list of other gestures we might make.

Why not? The answer is retaliation. Our trading partners will return the compliment in full measure and we will be on our way to a trade war—the one kind of war where everyone inevitably loses.

At stake is not gooseberries or lamb. It is the world economy. It is what Peter Drucker calls "the one positive achievement of the period since World War II." This world economy is an achievement that we can measure in economic terms, but the social and political significances far overshadow the economic.

Let me remind you of the numbers: the dollar value of world trade has grown from $101 billion to $230 billion during the sixties. That is a growth rate of nearly 8% compounded. During the same time, the sales of multinational corporations, from their foreign production, has grown from around $70 billion to something like $185 billion, a compound growth rate of 10%. These are rough estimates, there is no world census.

The trade translates, in American terms, to nearly three and one-half million jobs created by exports. It translates, in the Delaware Valley alone, to one hundred thousand jobs or more.

Predictions are hazardous, but I will offer one just to redeem my promise about the 1970's. The dollar volume of free world trade will increase to well over $400 billion in the next decade. Philadelphia, obviously, will get its share of this vast increase. But the catch is a trade war—that projection could go down as well as up.

The period ahead, months, perhaps several years, will be exasperating for all of us.

Our international monetary arrangements as yet are imperfect and international monetary problems set a tone for protectionism. Internationally, we have no central bank or Federal Reserve. Still, I believe we are moving in that direction. With SDR's, special drawing rights, and what I think is a serious possibility, the so-called crawling peg for currencies, we may build into a system both the expansion mechanism it has needed, and the adjustment mechanism it lacks.

We have no commonly accepted law for international business and, through the GATT, only the rudiments of trading arrangements.

Like the bumble bee, which theoretically cannot fly, I believe it could be proved that the free world economy theoretically cannot exist. Yet it does exist, and it flourishes.

But the next stage, the one we face in the 70's, is going to be harder than the booming sixties. If growth is to continue, we must face the inevitability of readjustments here in the United States. Some of our labor intensive industries may be hurt by foreign competition. It will be competition from manufactured goods made in cheap labor countries with all the emotional overtones that implies.

But isn't that one of the purposes of trade? Are we spending $23 billion a year on higher education in the United States to raise another generation of mill hands and common laborers? That is absurd. Our future lies in our multinational corporations and in the exports of high technology and the products of our farms—which, incidentally, is one of our highest technologies by world standards. There are businesses, over the longer run, we should not emphasize. There are low paying jobs Americans will not want to take in the 1970's—and shouldn't take. I don't airily dismiss the problems, the industries and the workers affected deserve help from our government. They were promised such help in the Trade Expansion Act of 1962 but never got it. That law ought to be strengthened.

But just because we face adjustments, we should not lose sight of the goal. The real effect of these adjustments is to trade low paying jobs for high paying jobs, and to trade low profit industries for high profit industries. That is our future and I believe we are shortsighted indeed if we fail to understand it.

Abroad, the stakes are even higher. I was one of the advisors on Governor Rockefeller's, more accurately President Nixon's Mission to Latin America, and after twenty countries, and twelve hostile demonstrations, a man returns with some rather vivid impressions of Latin America.

To put what I want to tell you in perspective I should explain that these demonstrations seemed a lot more dramatic when you read about them up here than when you went through them there.

My dear wife worried more about the trip than I did.

That said, and it remains that a sizable minority, perhaps even a majority of Latin Americans distrust the United States and many dislike it. The Mission was a catalyst for these emotions.

Viewed from the Latin American perspective, I think all of us here might feel about the same way.

After thirty or forty years of Good Neighbor policies, Point Four programs, Partnerships for Progress and Alliances for Progress, Latin America is still dirt poor and deeply frustrated. It blames much of its trouble on us.

It blames too much on us. But we are not the Good Samaritans that we may think we see in our own mirrors.

Today's U.S. aid to Latin America, sixty-five percent of it, is not a gift but a loan and often a loan made with costly restrictions. Last year, the Alliance for Progress loaned Latin America $862 million, but it collected $366 million on earlier loans.

The U.S. private sector actually took more out of Latin America than it put in—$812 million more.

I could talk about what we have done for Latin America. Government-to-government aid may not be the most efficient road to development, but its achievements are not inconsiderable. The U.S. private sector may have disinvested last year in Latin America, but it still has nearly $11 billion invested there. This direct investment creates around 800,000 jobs and is the nucleus around which much of modern Latin American industry has grown.

The arguments, ours and theirs, are by no means simple but one message came through loud and clear in my visits with the private sector and with government officials.

What Latin Americans want now is *not aid*, but trade.

They are reaching the end of the line on import substitution, they are reaching the end of the line on servicing foreign debt. They simply must find a way to break out of the old bind of tropical exports and raw materials. It is debatable whether or not the terms of trade have gone against Latin America. It is not debatable that Latin America's share of world exports has dropped almost fifty percent over the last fifteen years.

Latin America has to find a way to export the products of its factories and the United States is their logical market.

Some of the stories you hear down there are heartbreaking. A Central American businessman was encouraged to build a factory to produce cotton gloves for the U.S. market. He bought machinery in the United States, he bought cotton in the United States. After he had shipped a few gloves, we suddenly created an import quota on cotton gloves. The amount we allowed him to sell to us was a few days of his production. There his machines sit, a glove factory in the tropics where nobody wears gloves.

As long as we are visiting the theatre of the absurd let's look at sugar. Many of these little Caribbean countries we visited have nothing much to export but sugar. Still, we keep them on strict quotas while we subsidize beet sugar production in the United States.

I came back from Latin America persuaded that we had to emphasize the private sector and we have to emphasize trade, not aid, as the healthier solution for Latin America. The Governor, as you know, has presented his report to the President and I hope something to this effect is in it.

When you believe strongly in a cause there is a danger, I freely admit, that you may perceive as the apex what is merely a facet. I have tried to discount this temptation—I have tried to look at freer trade and at multinational business in perspective and recognize that they are only part of an international system.

I can't convince myself.

They, it seems to me, are the very heart of the system and if you tamper with them, you tamper with the heart. It is nearly a quarter of a century now since World War II ended and I must agree with Peter Drucker that the most viable and significant thing we have done is build the firm beginnings of an international economy. That is an accomplishment that can endure when the NATOS and SEATOS are footnotes in history.

Our choices, our options, are not infinite. Fundamentally, as I see it, we will revert to protectionism or sit paralyzed at the crossroads while the situation deteriorates. We have been sitting there while the dollar became partially a blocked currency, we have been sitting there while everybody built petty trade barriers and quibbled. We sit there, now, and listen to the opening guns of a world trade war.

That is an option, and that is the one our protectionist friends would choose.

The other is to *seize the initiative again*, and we can do it.

Our own economic house is going to be put in order. I'm convinced of that. We are going to stop this erosion of the dollar and with it this incredible increase in imports.

We already have the competitive muscle to hold our own in the world. There is no industrial system anywhere that matches our efficiency and sophistication. There are no workers, anywhere, with the training, the education and the productivity of the American worker. There will be some industries where we can't compete. But that, in nearly every case, will be an industry we should not be in.

The answer is not to build a fence around sick industries. The answer is to aggressively open markets for industries where we have the advantage. Like many of you, I'm a world traveler, and I never cease to be surprised to find that no matter where I go I am almost always on an American made plane. In air frames we compete. Should we foolishly give away these billions in sales and hundreds of thousands of jobs to protect some inefficient domestic industry? That is what you are talking about when you talk protectionism.

We can go on the trade offensive again and win. We can win for ourselves and the world.

We have, I am convinced, more than enough bargaining power to persuade our trading partners to drop some of their unfair barriers. And we will drop ours.

We are going to solve our monetary problems and we don't have to wait to prove it. The world already believes it. It is time some of our trading partners took a hard look at their own currencies. Whatever the psychological gratification of surpluses, the ledger finally must balance and they know it. It's time to bargain again—but bargain up the road to liberalization, not back to 1930.

And what can *we* do, and do personally? Nearly everyone in this room believes in free trade, and nearly everyone has a personal stake in it.

Let me suggest, let me *urge* a three-point program:

(1) Don't leave a protectionist argument unchallenged. Whether you hear it at a party or read it in the press, go back at it—hard and fast. Expose the thinking behind it, and the motives behind it.

(2) Really support these free trade organizations. Thousands of speeches have to be made, millions of pamphlets have to be published. The American people must understand what freer trade means to them as consumers and workers.

(3) Most of all, talk and write to the Congressmen and Senators that you know. They are the ones who are going to make the decisions. Up until now they have been bombarded by protectionist demands but have heard precious little from our camp. Let them know what we believe.

Gentlemen, and ladies, this erosion cannot be allowed to go on. The world *will* take a road, one of them or the other. It has to be toward freer trade. We have got to go to work to be sure that it is.

PUBLIC HEARINGS—TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today the Committee on Finance began its second day of public hearings with respect to that part of the House tax reform bill which relates to the tax treatment of private foundations. The first witnesses consisted of a four-man panel which described to the committee the impact these proposed foundation provisions would have on advanced study groups. A number of other distinguished individuals outlined the effects these provisions would pose on their respective foundations, committees, societies, and schools.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that a summary of the testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

PANEL ON IMPACT OF FOUNDATION PROVISIONS ON ADVANCED STUDY GROUPS

JOINT STATEMENT OF CARL KAYSEN, DIRECTOR, THE INSTITUTE FOR ALVANCED STUDY; O. MEREDITH WILSON, DIRECTOR, CENTER FOR ADVANCED STUDY IN THE BEHAVORIAL SCIENCES, INC.; KERMIT GORDON, PRESIDENT, THE BROOKINGS INSTITUTION; AND CARYL P. HASKINS, PRESIDENT, CARNEGIE INSTITUTION OF WASHINGTON

Private foundations

Explain the position of centers of advanced study and research, and other academic institutions not organizationally connected with universities and colleges, with respect to the House proposals. Contend the treatment of educational institutions under the House bill does not correspond to the facts of the higher education system.

State that advance study institutions are involved in a variety of ways in scientific and scholarly research advance training, and the dissemination of the results of research to academic and general public—none of them is engaged in partisan political activity.

Object to the proposed 7½ percent tax on net investment income, and state it would be a financial burden. Note, also, that grant-making private foundations themselves would be subject to the tax and will consequently have less money available for grants.

Point out that if and to the extent that private foundations make grants to advanced-study institutions, the proposed "expenditure responsibility" rules would require a granting foundation to exercise substantial control over the recipient's use of the funds. Suggest this obviously would impair the traditional independence and academic freedom enjoyed by advanced-study institutions.

Urge that the status of advance-study institutions be clarified by the adoption of a specific category that would accommodate them clearly outside the category of "private foundations". Believe the best way to do this would be by revising the definition of "educational organization". As an alternative, suggest another exclusion could be added to the definition of "private foundation", and that it could be framed so that an advance-study organization would have to meet several definite tests.

Urge that if they cannot be placed clearly outside the definition of private foundations, that the definition of "operating foundation" be clarified so that there will be no doubt they can qualify.

In addition, urge an amendment on behalf of those who may not be able to qualify for "operating foundation" status, which would expand the definition of "qualifying distributions".

Suggest that the proposed "expenditure responsibility" requirement which is to be exercised by a grant-maker over a grant recipient be rephrased so that the test can be met by "best efforts" or "reasonable diligence".

OTHER FOUNDATION PROBLEMS

HON. BROOKS HAYS, CHAIRMAN, SOUTHERN COMMITTEE ON POLITICAL ETHICS

Private foundations

States that he has a very favorable impression of foundations based upon his personal experience with foundation programs over two decades—feels they have been, and are, of particular importance to the uplifting of the Southern States. Notes that the Southern Committee on Political Ethics has no self-interest in this matter, since it is not tax-exempt and receives no foundation support.

Points out that when the House Select Committee to Investigate Foundations was established in 1952, the activities of a few foundations had caused apprehension and concern. However, in its investigation, the Committee found that generally foundations were not diverting their resources from their basic purposes and were not working against the interest or traditions of the United States.

States that the Committee also found that the larger and older foundations were rendering great service to the country, and that the larger foundations favored public accounting and disclosure—while some small ones opposed it. States that the Committee recommended full disclosure of all grants.

HOWARD J. PRIVETT, COUNSEL, JAMES IRVINE FOUNDATION

Private foundations

Outlines the nature of the James Irvine Foundation as follows:

(1) The Foundation is the trustee of a charitable trust which owns 54.55 percent of the stock of The Irvine Company of Orange County, California, by virtue of a gift from Mr. James Irvine.

(2) The stock had a value of $5.6 million when it became absolute and has produced income of more than $10 million which has been distributed on a current basis to the universities, colleges, hospitals, youth organizations and similar charities in the community served by the Foundation.

Urges the members of the committee to proceed with measures designed to curb specific abuses and to reject a broad sweeping compulsory divestiture rule which would defeat the intentions of donors of existing foundations and operate as a powerful deterrent to the making of substantial gifts of corporate stock to charity in the future.

Alternatively recommends that if the committee should conclude that the divestiture proposal should be adopted, then

(1) an exception should be made for foundations in existence on May 26, 1969, with respect to all business interests acquired before that date;

(2) an exception should also be made with respect to business interests which foundations are directed to retain by the terms of governing instruments which were irrevocable on May 26, 1969; and

(3) provision should be made for an unrestricted ten-year period for the disposition of stockholdings in excess of the prohibited amount, with authority in the Secretary of the Treasury to extend the period in cases of hardship.

Recommends that the requirement that foundations distribute out of capital each year the amount by which their annual net income is less than 5 percent of the market value of their assets should be modified to except therefrom:

(1) Existing trusts established by instruments which do not permit distributions out of capital;

(2) The value of investments which the trustees have no power to change;

(3) For a transition period of ten years, the value of investments now held by foundations which do not produce income equal to the minimum investment return rate; and

(4) For a reasonable period the value of unproductive assets acquired by means other than purchase.

Recommends that the minimum investment return rate should be based upon the estate or income tax savings on the bequest or gift to charity and the income tax savings on realized capital gains. States that it should not be applied to unrealized appreciation in the value of assets on which no tax saving has been realized.

Supplement statement

Believes that the time of the Committee on Finance of the United States Senate should not be used to review the legal squabbles of a dissident minority shareholder with the management of a private corporation; nor do they believe that the merits or demerits of such controversies are in any way relevant or material to the determination of a national tax policy applicable to private foundations.

States that Mrs. Smith's charges against the Foundation are without substance in fact or in law and that her submittals to your Committee and to the Committee on Ways and Means are calculated not to serve the public interest but to benefit her private interests at the expense of the charitable beneficiaries of Mr. Irvine's trust.

JOAN IRVINE SMITH, JAMES IRVINE FOUNDATION

Private foundations

Describes the nature of the James Irvine Foundation and its assets holdings.

Contends that The James Irvine Foundation under the management of N. Loyall McLaren, President, has engaged in self-dealing practices.

Recommends to the Committee on Finance, that the provisions relating to (1) divestment by private foundations of stock held in corporations whose business is unrelated to the charitable activities of foundations; (2) the income tax of 7½ percent based on value of the investment assets of foundations; and (3) the 5 percent annual income distribution applicable to all foundations, be approved by your committee with the following revisions, to wit: that the divestment period commence with the year 1970 on a basis of at least 20 percent instead of the 10 percent provided in H.R. 13270 at the end of 1971 and that there be an annual 20 percent divestment provision during each of the remaining 4 years so that at the end of the 5-year period, as now provided in H.R. 13270, the James Irvine Foundation will have been required to divest itself of all stock that it holds in The Irvine Company. Also adds that the 7½ percent income tax be made applicable to the year 1969 in order that this new tax will be paid on April 15, 1970, and that the 5 percent income distribution provision be made applicable to the year 1969 in stead of 1970.

BYRON P. HOLLET, MEMBER, BOARD OF DIRECTORS, LILLY ENDOWMENT, INC.

Foundation problems

Recommends that the distribution requirement be based on an average of asset values over a period of years (ten years, for example) rather than on current market values, and that the required annual distribution should not exceed the return that could be reasonably expected from a well-managed portfolio containing common stocks.

Suggests revision of the stock ownership limitations so that the voting stock of any one corporation held by a foundation would be limited to 20 percent, as the bill provides, but when combined with the holdings of disqualified persons the limitation would be 35 percent. "Disqualified persons," for this purpose, would include only substantial donors who are living, their spouses and lineal descendants, and managers of the foundation.

Recommends that the exception in the bill for an organization created by an inter vivos trust that was irrevocable on December 31, 1939, and meets certain other requirements, be enlarged to include incorporated foundations existing on that date that hold interests in corporations whose common stock is traded on public exchanges or in the over-the-counter market.

Recommends changing the 7½ percent tax on investment income to a supervisory fee.

ROSS L. MALONE, PRESIDENT, AMERICAN BAR FOUNDATION

Private foundations

Outlines the nature of the American Bar Foundation as a non-profit research and educational organization sponsored by the Amerian Bar Association and devoted to study of the operation of law in society and to improvement of the administration of justice.

Feels that the House bill can be interpreted as subjecting the American Bar Foundation to the restrictions, liabilities and tax consequences of a private foundation. Believes this result is at variance with the policy expressed in the Act and an unintended consequence of technical complexities in drafting.

Contends that these adverse consequences can be avoided by minor amendments, drafts of which are presented in the Technical Explanations of their statement.

LINCOLN GORDON, PRESIDENT, JOHNS HOPKINS UNIVERSITY, ON BEHALF OF THE ASSOCIATION OF AMERICAN UNIVERSITIES

Charitable contributions

States that private giving is essential to the health of higher education not only because it needs the money, but also because such help—as contrasted with governmental support—provides universities with resources that help them to determine their own character and their own priorities.

States that the House bill will tend to curtail the volume of gifts and grants from private sources; urges that provisions which seriously threaten or restrict private giving be modified or removed.

Considers the Limit on Tax Preferences as sound; however, believes the value of appreciation of property should not be counted as a preference item when it is given as a charitable gift. Points out that charitable gifts, in contrast with every other tax preference item, do not generate income for the taxpayer.

Also considers the Allocation of Deductions proposal as sound in principle, but believes charitable gifts should not be considered a personal itemized deduction subject to allocation. Points out that all other items subject to allocation are involuntary expenses of the taxpayer, and that charitable gifts do not logically fall in this category because they are discretionary.

Private foundations

Opposes the 7½ percent tax on the investment income of private foundations—believes it should be replaced by the concept of a supervisory fee based on actual costs of supervision.

Expresses concern with the House provision which would define as a taxable foundation expenditure any attempt to influence legislation through an attempt to affect the opinion of the general public. States that the meaning of the prohibiting is so vague and ambiguous, and the penalties on individual foundation managers so harsh, that foundations would be inhibited from making grants in many fields where the participation of academic people in public affairs is urged and expected.

JOHN G. SIMON, PROFESSOR OF LAW, YALE UNIVERSITY

"Private Foundations

States that certain provisions of H.R. 13270 are likely to have the unanticipated effect of aggravating rather than solving the questions of "foundation power" which are of concern to many Members of Congress.

States that the birth rate of the larger foundations largely depends on contributions to foundations of property which is (a) appreciated and/or (b) represents some part of a donor's corporate control stock. Feels that contributions of both types of property to foundations would be heavily discouraged by H.R. 13270.

Points out that over time, many of the 300 existing foundations in the over-$10 million class will be dissolved, leaving only a few of these foundations operating in any one field of activity or in any one geographical region. Emphasizes that this shrinkage will narrow the options available to organizations seeking substantial foundation funds for new ideas and new approaches, unless a reasonable foundation birth-rate is maintained in the over-$10 million category. Adds that new entry is desirable here in "private charitable enterprise," as it is in private commercial enterprise, in order to diffuse power. States that decentralization into nongovernmental hands becomes dangerous if there are too few hands.

Feels that discrimination against private foundations regarding appreciated property will heavily discourage gifts of appreciated property to foundations, in addition to having some overall negative impact on charitable giving.

States that the stock ownership provision will make it very difficult or unattractive for a man whose nest egg consists of corporate control stock to endow a foundation with that nest egg; consequently, this provision will discourage the creation of new foundations and may also have a negative effect on overall charitable giving.

Maintains that of the three specific evils attributed to foundation control of business enterprises in the House Ways and Means Committee Report, one does not appear to present a significant problem, and the other two can be cured by application of other provisions of H.R. 13270 and existing law, supplemented if necessary by certain fairly simple amendments. Proposes that if the stock ownership prohibition and the appreciated property provision are to be justified, it must be on the ground that there is some positive advantage in diverting charitable giving away from foundations to nonfoundation charities.

Because the case for diverting charitable giving away from foundations has not been made, and in view of the strong public policy reasons for maintaining a reasonable birth-rate among the larger foundations, recommends that the committee (a) refrain from approving an appreciated property rule which discriminates against foundations, and (b) refrain from adopting the stock ownership prohibition, or at least minimize the deterrent impact of such a prohibition by substantially extending the deadline for divestiture beyond the 5-year period set forth in H.R. 13270.

RAYMOND B. ONDOV, MEMBER, HORMEL FOUNDATION

Private foundations

Describes the Hormel Foundation as a philanthropic organization incorporated under the Laws of the State of Minnesota in December 1941, for religious, charitable, scientific, literary or educational purposes. Points out that the Foundation owns approximately 10 percent of the voting stock of the Hormel Company, but in addition it is the trustee of various Hormel family trusts which own approximately 47 percent of the voting stock of which some trusts require that approximately 10 percent of the stock is to be distributed to certain members of the Hormel family; upon the death of the family members, the Foundation will own absolutely 47.817 percent of the stock.

States that:

(1) The Foundation has not engaged in self-dealing.

(2) The Foundation distributes its income on a current basis.

(3) The founders of the Foundation and of the Hormel Company never served on the Foundation board.

(4) The Foundation has never engaged in speculative trading activities.

(5) In the first few years of existence the Foundation borrowed small sums on a short-term basis to meet its commitments; however, it has been approximately twenty years since the last borrowing was paid. The Foundation has not and does not lend money to anyone.

(6) The Foundation has no unproductive assets except a small tract upon which the Hormel Institute is located and another two acres of negligible value.

(7) The Foundation has never attempted to influence legislation or a public election.

(8) The Foundation never engages in financial transactions unrelated to its charitable purposes.

(9) The Foundation submits all required reports to federal and state authorities and its financial statements are audited.

(10) In order to protect the community in which the company was conceived, nurtured and developed by the Hormels, the founders vested controlling stock interest in the Foundation.

Feels that the present act will completely destroy the Foundation's by-laws requirement that a management be maintained which is interested in the purposes of the Foundation and the welfare of the community. States that the founders of the company greatly feared a take over by industry giants and the resultant calamity to Foundation and the community. Feels that the present act provides the avenue of destruction and opens the doors to leave a community destitute.

Contends that the Hormel Company possesses all of the desired factors making it vulnerable to a take over resulting in the company's general offices being removed and the plant facilities substantially reduced or completely eliminated. Feels that the result would be the tragic uprooting of families.

Suggests that this calamity can be avoided without disturbing the purpose and effectiveness of the Act by removing the stockholding limitation in its entirety. States than an alternative would be to provide a "Grandfather Clause" or exception which would permit the Foundation to retain its holdings.

Requests a modification in paragraph 5(B), page 84, which would permit a family member to serve on the controlled company's board of directors.

Emphasizes that the Tax Reform Act is designed to establish greater equity in the tax laws but feels that the divestiture provisions create a new gross inequity in The Hormel Foundation case. States that equitable principles have never condoned punitive measures against the innocent.

CHARLES STEWART MOTT, CHARLES STEWART MOTT FOUNDATION

Nature of foundation

Mentions a few of the accomplishments of his foundation during the past years. Indicates that the foundation helps people through opportunities in education, health, and recreation primarily in the community of Flint, Michigan. States that foundation services carry out avowed governmental objectives in education, health, and social services—which re-enforces the concept of tax exemption for funds so used.

States that if some foundations do a poor job, they should be regulated, rather than place penalties upon foundations clearly operated for the public advantage. Indicates that the foundation functions as Government's equivalent of industry's research and development department.

Tax on investment income

Opposes the 7½ percent tax on foundation income. States that if spending foundation income for acceptable purposes is good, then a tax on that income is not logical.

Prohibitions on self-dealing

States that the proposed prohibition of all dealings between foundations and donors could create unreasonable problems. Indicates that it is not difficult to imagine circumstances under which a foundation might need to borrow money or lease property. Indicates that the Mott Foundation has not relied upon such practices, but believes that circumstances could exist where a foundation might have justifiable need of legitimate dealings with one or more of the donors contributing to it.

Distributions of income

States that the proposed distribution of annual income or 5 percent of the fair market value of investment assets within 12 months could be unduly restrictive and detrimental. Indicates that it would improve investment in growth businesses which require reinvestment of current earnings for greater future value and earnings.

Stock ownership limitation

Believes the proposed stock ownership limitation would be most unfair, unworkable, and destructive of proposed changes. Indicates that this would prevent reasonable latitude of investment management to produce maximum current and future income to carry forward foundation programs. Points out that required divestiture could result in serious loss of income and consequent cutback of services.

Limitations on use of assets

Supports the proposed limitation on use of assets, and the requirements for disclosure and publicity on operations. Suggests that possibly a voluntary association of foundations could establish what would be, in effect, an accreditation standard of objectives, methods, and practices.

EUGENE T. HACKLER, VICE PRESIDENT, AMERICAN ASSOCIATION OF HOMES FOR THE AGING, AND TREASURER, EVANGELICAL LUTHERAN GOOD SAMARITAN SOCIETY:

Tax-exempt organizations

Supports provisions to deal with *Clay Brown* debt financing, taxation of unrelated business income, taxation of interest, rents and royalties from controlled corporations, and taxation of income from advertising and trade journals.

States that "long-term institutions and homes for the aging" should be specifically exempted as a sec. 170(b)(1)(B) type exempt organization, the same as hospitals.

Gifts of appreciated property

Requests that gifts of appreciated property to "long-term care institutions and homes for the aging" be exempt from any taxation of the appreciation.

Tax on foundation income

Suggests that the proposed 7½-percent tax on investment income, or even the 2-percent tax, not be applied to long-term care institutions and homes for the aging. States that if there must be a tax for administration purposes, it should not be applied against reserves for continuation of service (life care contract obligations) and reserves for improved services, expansion, replacement and working capital.

Political activities

Considers the political activities prohibition section of the bill to need clarification, so that long-term care institutions and homes for the aging are not restricted in their right to communicate to legislators or advocate a cause for the elderly.

Distribution of foundation assets

States that evaluation of noncharitable assets will present administration problems in appraisals of real estate. Suggests that taxpayers not be burdened with the cost of preparing annual appraisals.

Disclosure requirements

Requests clarification of the provision so that every institution having auxiliaries, ladies aids or similar small organizations should not have to go to the expense of reporting.

MITCHELL ROGOVIN, LOUIS AND HENRIETTA BLAUSTEIN FOUNDATION INC.

Stock ownership limitation

Argues that the attribution rules are too broad in that they would cause private foundations with no voting stock to dispose of all their nonvoting securities because of stock owned by family members. States that rules of attribution should not apply in determining whether a private foundation has excess business holdings, and that nonvoting stock should not be equated with control and no attribution should be allowed where no voting stock is held by the foundation.

Indicates that where involuntary divestiture of excess business holdings is required, the bill should preclude adverse tax consequences on the disposition of closely held stock, since no market is generally available for closely held securities—other than issuing corporation. Recommends that redemption by issuing company of excess business holdings not trigger (a) dividend consequences to the donor or (b) assertation of the penalty tax for unreasonable accumulations by the redeeming corporation.

Charitable contributions of appreciated property

Contends that the proposal to limit the tax advantage of gifts of appreciated property to some organizations creates illogical and discriminatory distinction between groups of charity. Maintains that provision would shift contributions from private foundations to other organizations.

Tax on investment income

Opposes the tax on investment income of private foundations. Notes that other tax-exempt organizations would not be required to "make a small contribution * * * toward the cost of government." Contends that the precedent of taxing investment income will cause State and local authorities to tax foundation investment income. Suggests that *all* exempt organizations be required to pay a small "user charge," measured by their capital, to pay for the audit program.

Distribution of income

Maintains that the 5-percent minimum distribution requirement is unrealistic. States that foundations should only be required to distribute earnings currently. Proposes, as an alternative, that the yield minimum be lowered to 3 percent.

Clay-Brown

States that the provision is sound and long overdue. Indicates, however, that the language of sections 514(b) and (c)(1)(C) of the bill could be interpreted to include a foundation borrowing money in order to make a contribution in furtherance of a charitable purpose where it pledges recently acquired donated property as collateral for the loan. Recommends that the language be clarified in the Committee Report.

ELVIS J. STAHR, PRESIDENT, NATIONAL AUDUBON SOCIETY

Private foundations

Expresses the opinion that the House bill would be a serious setback to the conservation movement. States that although it would have no direct effect on any of their organizations (because they are not "private foundations"), it would indirectly curtail the activities of nonprofit conservation organizations that depend upon philanthropy.

Expresses concurrence with the Administration's suggested removal of charitable gifts from the area of Limit on Tax Preferences and Allocation of Deductions.

Believes private foundations should pay the administrative costs for the Government's supervision of private foundations, however, recommends that it be a true license fee and that the Administration's proposal of a 2 percent rate be adopted.

Believes that a minimum distribution requirement is sound, and agrees that when donors receive immediate and sometimes substantial tax benefits from contributions, charitable organizations should receive greater benefits.

Expresses concern with the divestiture provisions of the House bill, and believes the limitation of 20 percent to be both unnecessary and harmful—hopes the divestiture provision will be removed completely or at least substantially liberalized.

PROTECTION OF COASTAL WETLANDS

Mr. CASE. Mr. President, an article published recently in the New York Times illustrates two important points I have been trying to make for some time.

The article tells the story of 180 young girl students at the Thomas School in Rowayton, Conn., who became concerned about the protection of coastal wetlands along Long Island Sound which were being subjected to indiscriminate dumping and filling.

The girls, in grades 6 through 12, conducted an intensive campaign to save the wetlands. Their campaign was culminated successfully on October 1 when a new Connecticut law became effective.

The article, I believe, demonstrates that our youth, operating through traditional channels, can have an impact on our society if they are willing to devote the effort needed to accomplish a worthwhile objective.

At the same time, the article emphasizes the need for greater governmental attention to the protection of our environment. In order to bring about the added focus on protection of the environment at the Federal level, I have introduced a bill calling for establishment of a cabinet level Department of Conservation and the Environment. Once the bill is enacted, I hope that State and local officials will use it as a model to structure their governments so that our environment can be considered in the decisions of government at all levels.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Connecticut Schoolgirls Lose Marsh of Their Own, but Gain Enactment of an Ecological Protection Law

(By Bayard Webster)

ROWAYTON, CONN., October 4.—For 180 young girl students in this quiet, tree-shaded town bordering Long Island Sound, the month of October is a glorious one. It is the month when Connecticut Senate Bill No. 419 became effective.

The new law, in force on Oct. 1, calls for the survey and preservation of Connecticut's coastal wetlands which, up to now, had been unprotected by law from the ravages of indiscriminate dumping and filling.

The passage of the bill by the Legislature was primarily the result of a campaign by the 180 students of The Thomas School here, a private girls' school for grades six through 12.

For several years the girls had used a tidal marsh near their school as an outdoor classroom for the study of biology and wildlife. When they arrived this spring they found it was being used as a dumping ground by contractors.

GIRLS DECIDE TO ACT

They also found that Connecticut had no law prohibiting the filling-in of ecologically valuable bog areas, which provide spawning ground for fish and are rich sources of shellfish. That was when the girls determined to get such a law passed.

"It all started when we went out for our first class in the marsh last spring," said Susan Middleer, a 17-year-old senior, as she pointed to a filled-in section of Farm Creek Marsh, about a half-mile from the school.

"This is what we found. There's very little life here left to study," she added, looking at the small houses, built on dumped fill, that hemmed in the once-spacious marsh.

"The first thing we did," said Mary Cabral, a petite 16-year-old senior, "was organize a mourn-in. We made black crepe-paper sashes, had an early breakfast at the school and led a silent march to the swamp." A dozen legislators were invited, but only two showed up.

The students were discouraged, but with the help of two science instructors, Mrs. Joy Lee and David L. Cherney, the class organized the whole school into a conservation group, known as PYE (pronounced "pie") for Protect Your Environment.

GIRLS DESIGN EMBLEM

Susan and Mary, aided by their art instructor, designed the club's emblem, a circle of yellow (sunlight) with triangles of blue (water) and green (the earth) inside.

At first they fashioned homemade bumper stickers and lapel buttons showing the PYE emblem. Later, contributions and money from the sale of the emblems enabled them to afford machine made insignia. Their campaign to convert the Legislature got underway in earnest.

How do you "convert" a Legislature?

Bombard all 213 of them with a total of 800 hand-written letters. Invite them to breakfast for talks. Sell or give away more than 20,000 bumper stickers—to anyone, not just the legislators. Distribute and sell 25,000 lapel buttons.

Get up at 4:30 in the morning, go down to the train station and tell sleepy-eyed commuters about the threat to the scenic wetlands in their area. Hold conservation seminars in the community, talk to civic groups. Girl Scout meetings, garden clubs, League of Women Voters chapters—anyone who'll listen.

After you think you've got everyone aroused, get your area legislators to introduce a bill. Nurse it out of committee. Cross your fingers as the State Senate passes it, hold your breath when the House does too. Then breathe a sigh of relief when the Governor signs it.

Representative Edward S. Rimer, Jr., of Wilton, who helped the girls with the legislation, said:

"Those kids were just great. Their sincerity and youthful exuberance were what won everybody over. There's no question that the bill wouldn't have passed without their efforts."

The bill was passed by voice vote in the Senate on May 30. The girls worried about the vote in the House, but the bill passed unanimously there on June 2. On July 1 Governor John N. Dempsey signed the bill into law.

Before the effective date of the bill there were no restrictions on the dredging or filling-in of tidal marshlands in the state. Connecticut is one of the last states to pass such legislation.

"Many people think a salt water marsh isn't good for anything—they don't understand its value," said Mr. Cherney, the biology instructor, as he led his class toward a swampy area at Wilson's Cove, about one-half mile farther from the sound than Farm Creek Marsh.

He explained the importance of a tidal marsh: "It's a great source of food—it has mussels, clams, oysters—and it's the place where fish spawn and the young fish grow up before going out into Long Island Sound."

He also pointed out that the salt swamp, washed by the tides of the sound, is a major source of food for ducks, geese and migratory birds.

Mr. Cherney looked at the bog he had found to take the place of the other one. He pointed to a spot where an oil spill last spring had killed most of the swamp grass and animal life. The area was beginning to come back to life, but signs of an oily scum were everywhere. "This marsh isn't great," he said, "but it's all we have."

As the girls returned to their science laboratory at school, Mrs. Edward T. Faber, a science instructor who has also worked with the students this fall on the PYE program, sat on a stool and talked of her enthusiasm for her students' accomplishments.

"I think the whole movement is just fine," she said as the school janitor walked in, wearing the familiar yellow, blue and green button on his shirt. "It not only gives them a chance to learn biology and ecology but it enables them to become political activists—to see what the political process is all about.

"They lost a marsh," she added, "but they gained a broader vista of life."

ADDRESS BY SECRETARY OF DEFENSE LAIRD BEFORE AFL–CIO CONVENTION

Mr. SCOTT. Mr. President, today Hon. Melvin Laird, Secretary of Defense, addressed the eighth convention of the AFL–CIO in Atlantic City, N.J. Mr. Laird was the first Secretary of Defense ever to address a national convention of the AFL–CIO. Mr. Laird's remarks on Vietnam and the significance of the current Vietnamization program are worthy of review by all Members of Congress.

Therefore, Mr. President, I ask unanimous consent that these remarks be included in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Address by the Honorable Melvin R. Laird, Secretary of Defense, Before the Eighth Convention of the AFL–CIO, October 7, 1969

It is an honor to be the first Secretary of Defense ever to address a national convention of the AFL–CIO.

As George Meany and others in this audience know, this is not my first contact with organized labor. For 17 years I have had close contacts with your national leaders, first as a member of Congress and now as Secretary of Defense.

The outstanding contributions made by labor in keeping our Nation secure and free have become even more apparent to me in my present office. I know firsthand how much the skill and productivity of American labor mean to our defense forces.

As an illustration of labor's support of defense, let me recall the action three years ago of the Building and Construction Trades Department. At that time the Navy was seeking to recruit apprentices and journeymen to bolster the Seabee units in Vietnam that were undertaking a backbreaking construction job. In response to the Navy's appeal, some 5,000 building tradesmen came out of your ranks into the Seabee's.

I could relate many other instances of this kind that have meant so much to the young Americans in the military forces in Vietnam—such things as the help of maritime unions in unsnarling the tie-up in Saigon harbor.

The positions taken by organized labor in the areas of foreign and military affairs have been uniformly wise, farsighted, realistic, and free from illusion. The support of your Executive Council for the President's decision to begin on the SAFEGUARD Antiballistic Missile System was of major importance in bringing about favorable Congressional action on this proposal. I know I voice President Nixon's sentiments when I thank you for this support.

The AFL–CIO has also supported the efforts of our Government to assure the right of self-determination to the people of Vietnam, and this forms a background for my remarks today. This policy now being carried out by the Nixon Administration offers the best hope of ending heavy American involvement within a reasonable time and of making it possible for the people of South Vietnam to chart their own political course in peace and freedom.

Make no mistake about it. To carry out his policy, the President needs the support of a united people. The young Americans in Vietnam need that support. Hanoi's strategy is clear: the leaders in Hanoi expect to achieve victory by waiting for us to abandon the conflict as a result of anti-war protest in this country. From their experience with the French and from their reading of events in the United States last year, they are encouraged to believe that they can get all they want if they merely wait long enough. The President will not bow to acts and utterances by those Americans who seek to pressure him into capitulation on Hanoi's terms. Those acts and utterances serve only to encourage the enemy to keep on fighting in South Vietnam and to keep on stalling in Paris.

The Paris talks had made little headway by the time the Nixon Administration assumed office in January. They remain stalemated today. At Paris, the North Vietnamese can endlessly block our efforts to end the war through negotiation by rejecting all proposals. For this reason, the President decided at an early point in his Administration that we could not leave all our eggs in the negotiation basket. The President continues to give his full support to our Paris efforts because, clearly, negotiations could provide the speediest resolution to the war. But this course requires a sincere effort by both sides, not by the United States and South Vietnam alone.

In January, the U.S. Government had no alternative plan to influence the course of events should the continuing efforts at Paris fail. Today, there is an alternative course of action that at the same time complements our efforts at Paris. That program is Vietnamization.

Vietnamization is something new. Those who view it as a mere continuation of the program for modernizing South Vietnam's armed forces are quite mistaken. It is much more than that. The Vietnamization program represents a major change not only in emphasis but also in objectives. Troop modernization until early this year had the negative goal of partially de-Americanizing the war. Vietnamization has the positive goal of "Vietnamizing" the war, of increasing Vietnamese responsibility for *all* aspects of the war and handling of their own affairs. There is an enormous difference between these two policies.

The previous modernization program was designed to prepare the South Vietnamese to handle only the threat of Viet Cong insurgency that would remain *after* all North Vietnamese regular forces had returned home. It made sense, therefore, only in the context of success at Paris. It was a companion piece to the Paris talks, not a complement and alternative. Vietnamization, on the other hand, is directed toward preparing the South Vietnamese to handle both Viet Cong insurgency and regular North Vietnamese armed forces regardless of the outcome in Paris.

In other words, we felt we could not stand pat with the past. Vietnamization has put some aces in the Free World's poker hand.

As I noted, Vietnamization embodies much more than merely enabling the South Vietnamese armed forces to assume greater military responsibility. It means, in South Vietnam, building a stronger economy, stronger internal security forces, a stronger government, and stronger military forces.

The American public must understand and support this if it is to be made to work in Vietnam. By making Vietnamization work, we create a powerful incentive for the enemy to negotiate meaningfully in Paris.

The enemy needs to know that time is not on his side, that the passage of time is leading to a stronger, not a weaker South Vietnam.

As the President has said time and again, we hold firmly to a single objective for Vietnam: permitting the people of South Vietnam freely to determine their own destiny. We want peace as speedily as possible, but we cannot acquiesce to a peace that denies self-determination to the South Vietnamese.

The President has also said: "I do not want an American boy to be in Vietnam for one day longer than is necessary for our national interest."

Vietnamization offers us the best prospect for bringing our men home quickly while achieving our objective in Vietnam.

The last thing I want to do is convey false hopes or promises to the American people. I do want to give as full a picture as I can of the situation we face in Vietnam and what we are trying to do about it. I cannot promise a miraculous end to the war. I cannot promise that our losses in combat will remain, as they were last week, at the lowest level in almost three years. But I can say to you that we are on the path that has the best chance of minimizing U.S. casualties while resolving the war in the shortest possible time without abandoning our basic objective.

In the Vietnamization program, high priority actions are underway. Let's look briefly at the four facets of Vietnamization for just a moment: stronger economy, stronger police for internal security, stronger government, and stronger military forces.

In the economic field, a significant factor is the opening up of waterways and roads for farmers to bring their produce to market and the growing confidence of farmers in using them. In addition, South Vietnamese have replaced Americans in the operation of the civilian port facilities at Saigon and at supply and warehousing facilities in various parts of the country. In the past three years, South Vietnam has trebled its funding of imports while the amount spent for this purpose by the Agency for International Development has dropped by a third. South Vietnam is moving toward restoration of self-sufficiency in rice production. Of course, progress in an economy distorted by war is bound to be uneven. Vietnam suffers from the chronic wartime malady of steep inflation but the government of Vietnam is attempting to face up to this problem with American help.

In the field of local security, the police force has been expanded and its training strengthened. Partly for this reason, the Viet Cong infrastructure is being weakened and rooted out in many areas. The infrastructure includes the hard-line Communist civilians who control and direct the acts of terrorism, assassination, and kidnappings at the local level—as well as the military activities of the local guerrillas and main force units. One measure of success in local security is the extent of the denial to the enemy of the base of popular support he needs for supplies, concealment, intelligence, and recruits and, more important, the reduction in terrorist activities which intimidate the population.

In the political field, progress is measured by the extent of the peoples' trust in their government. It is at the grass—or "rice"—roots level where we find encouraging signs. Locally elected governments are spreading throughout the country. Self-government has been brought this year to more than 700 villages and hamlets in recently pacified areas, bringing the total with self-government to about 8 out of every 10. There has been a notable increase in the number of citizens willing to seek local office and hence to face the threat of Viet Cong terrorism which has taken such a toll of local officials in past years. However, much remains to be done. The government of South Vietnam is continuing its efforts to strengthen popular support for their elected government officials at all levels, to improve administrative practices, and to provide better services to people in such fields as education and public health.

The success of the whole Vietnamization program would be jeopardized without progress in the political field. The political system and policies of South Vietnam are not our responsibility, but we are anxious to see them succeed.

The military area is where progress in Vietnamization has been most visible. We have begun to replace American with Vietnamese troops. Already this year, in two installments, we are cutting the size of our forces by 60,000 in Vietnam, and, in a related development, by 6,000 in Thailand. Contingent on one or more of the three criteria expressed by the President—progress at Paris, progress in Vietnamization, and reduction in the level of enemy activity—additional numbers of Americans can and will be brought home.

The troop redeployment so far announced have not been made possible by any progress in Paris or by any convincing evidence that Hanoi wants to reduce the level of combat. They have been made possible principally by the improved capability of South Vietnamese military forces. The armed forces of South Vietnam have increased substantially. Since January of this year, fourteen more battalions have been put in the field. They are better trained and better equipped. They are increasingly taking up the burden of combat. For more than a year, their ground forces have not been defeated in any engagement of units of battalion size or larger.

These, then, are some of the encouraging signs. But there remains much to be done, particularly in strengthening the economic and political spheres. I don't want to suggest for a moment that everything is going our way, for there are still serious problems before us.

But we are not the only with problems. One might gather from some statements of both our critics and our supporters that the North Vietnamese and Viet Cong are eight feet tall, that they enjoy unreserved popular support, and that victory for them is inevitable. With Vietnamization well underway, I think it is time to pause and view the more balanced perspective of the problems faced by both sides.

Although the controlled press in North Vietnam does not parade criticism of their war effort, we see their problems in other ways. First of all, there are the staggering casualties they have endured numbering well over half a million men lost in combat since 1961. The impact of their casualties on the war effort is compounded by the growing difficulties encountered in recruiting replacements for the Viet Cong in South Vietnam. Add to this recent floods, epidemics, agricultural production difficulties, and a sagging economy. Finally, North Vietnam has lost its tough leader of many years, Ho Chi Minh, who served as a unifying symbol of so-called liberation wars in Southeast Asia. We cannot know what effect such difficulties will have in the future course of the war, but we must keep them in mind in our assessments.

I have explained to you today what this Administration is seeking to do in Vietnam, and why we believe our dual approach of Vietnamization and negotiation is the best path to follow.

There are those who claim that the United States should establish a formal and fixed timetable for U.S. troop reductions in Vietnam. On May 14th, President Nixon offered to withdraw our forces from South Vietnam by a fixed timetable if North Vietnam would do the same. The place to establish a fixed timetable is in Paris or in some other mutual context, rather than by unilateral action in the United States. The President's offer has received no response from Hanoi, and from some statements I have read, seems to have been ignored by many in this country.

We believe there are other reasons why the unilateral setting of a fixed timetable would be unwise at this time.

First, the readiness of South Vietnamese forces to supplant American forces may not coincide with a predetermined timetable. We have achieved a momentum behind Vietnamization. It is of the greatest importance that this momentum be maintained. An arbitrary timetable could disrupt this momentum.

Second, any hope of progress in the Paris talks would evaporate. Knowing that American troops would be removed by a certain day, the Communist negotiators would be even more inclined to yield nothing and more encouraged to wait us out.

Third—and this is particularly important—we cannot at any stage of this process subject the American troops left in Vietnam to the danger of being overwhelmed by an enemy force. Any timetable set now could work out so as to leave a small band of Americans as a sacrifice to illusion, impatience, or frustration.

A timetable set now might prove to be too slow or too fast. We are not setting one because it would not be fair to our men in Vietnam or to our allies, and it certainly would retard progress toward ending the war.

I cannot tell you how or when the war in Vietnam will end. It has been my policy in office not to make optimistic forecasts; there have been too many of those in the Department of the Department of Defense. We are now embarked on a new course that we believe has the best prospect for ending American combat involvement. We shall persist in assisting the South Vietnamese to attain self-determination. We will not abandon South Vietnam. As President Nixon has said.

"Abandoning the South Vietnamese people would jeopardize more than lives in South Vietnam. It would bring peace now but it would enormously increase the danger of a bigger war later.

"If we simply abandoned our efforts in Vietnam, the cause of peace might not survive the damage that would be done to other nations' confidence in our reliability."

I am sure of one thing. The day that we all hope and pray for when there are no more American troops in combat will be speeded if the American people make it clear that they are united behind their President's policy.

As we press toward a resolution of the situation in Vietnam, we must not lose sight of the larger world stage. We must be vigilant in the face of a continuing threat from abroad to our security and a growing challenge here at home to the military foundation so vitally needed for a policy of peace.

The President has said we are entering an era of negotiations. We are trying to make negotiation work in Paris. We would like to see it work in arms limitation talks. We hope to make it work in all areas of contention as we approach the decade of the 70's.

You men of labor know a great deal about negotiation. Two things in particular you have learned and applied in your long history. The first is to persist and persevere, regardless of how difficult the course, because the goal is worthy. The second is to negotiate from strength.

On Vietnam, we are persevering in negotiating for peace and we are strengthening our hand through Vietnamization.

On the larger front, we have a strong military base that we must maintain so that we can always negotiate from strength while assuring our ability to defend our interests should negotiation fail.

We need your continuing help in keeping America aware of the need both for strength and perseverance in building a policy of peace. We know we will get it.

Thank you very much.

A MAJOR STATEMENT ON NATIONAL SECURITY BY SENATOR BROOKE

Mr. PEARSON. Mr. President, yesterday I had the privilege of introducing the distinguished junior Senator from Massachusetts (Mr. BROOKE) to the students and faculty and guests of Kansas State University. Senator BROOKE was on the campus at Manhattan to deliver a major speech as a part of the university's distinguished Alf M. Landon Lecture Series.

Senator BROOKE's speech, entitled "National Security: Dollars, Demands, and Dilemmas," was one of the most lucid and most learned statements I have had the privilege to hear regarding the great and complicated issues of national security and how we as a society are and should be reacting to these issues.

Mr. President, this is an extremely valuable and useful statement which I want to bring to the attention of the Senate and the public; therefore, I ask unanimous consent that Senator BROOKE's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

NATIONAL SECURITY: DOLLARS, DEMANDS, AND DILEMMAS

(The Landon Lecture, Kansas State University, Oct. 6, 1969)

It is a great honor to be with you today and to have the opportunity to present the Landon Lecture. Alf Landon brought great distinction to this State and to the Nation. And the lectures which have borne his name have brought eminent men to this campus. I am very gratified that you have invited me to take part in this important series of programs.

Some of you no doubt recall the famous Civil War general, Joseph Hooker, whom Abraham Lincoln appointed to replace the slow-moving General McClellan. General Hooker made a special effort to demonstrate that he was a true man of action, and in his first few days in command sent to the President a dispatch headed, "Headquarters in the Saddle." Mr. Lincoln was not exactly impressed. "The trouble with Hooker," he remarked, "is that he's got his headquarters where his hindquarters ought to be."

A lot of Americans are wondering in 1969 whether those responsible for the Nation's defenses have their "headquarters" in the right place, namely on the job of meeting our national security needs economically and effectively. We are witnessing an unprecedented display of citizen's ire against the military establishment. Not only the uniformed military, but the civilian leaders and private contractors engaged in defense activities are bearing the brunt of unusual public criticism.

Part of this criticism stems, of course, from the frustration and bitterness engendered by the Vietnam war. However one assesses that conflict, it has triggered a major loss of confidence in the capacity of our Government in general and of our military in particular. But the new and growing skepticism toward the military is compounded of other political and economic factors, as well.

There has long been a need for responsible criticism in the field of national security policy, but there are obvious reasons why it has been difficult to develop. Defense policy is intimidating. Replete with complicated technologies, awesome weapons, arcane strategies, and stratospheric budgets, it quite understandably has scared off many of those who might normally have contributed independent judgments. Furthermore, much relevant information has been classified and withheld from public debate, sometimes necessarily, often, one suspects, merely for convenience. And the horrors of the nuclear age numb the mind; many aspects of contemporary defense policy have seemed unthinkable to some of our citizens. Thus, the inclination to leave this vital field of policy to the experts has been a powerful one.

This context has altered rapidly, however, in recent months. In and out of Congress, a swelling body of aroused individuals has begun to plunge into issues of national security with a vigor and determination rarely seen. A new breed of journalism has begun to flourish, exposing serious problems in defense procurement and management. The small group of dedicated congressional investigators who have plowed these fields for many years—these have been joined by a large number of allies, including several on the Senate Armed Services Committee. Individual members of the House and Senate have struck out on their own to uncover dubious contract practices, to highlight the dangers of certain weapons systems, to press the case for non-military approaches to security such as the pending strategic arms negotiations with the Soviet Union.

The need for strategic arms talks should be evident. It was in 1945 that we exploded the first atomic device, and shocked the world and ourselves with the awesome power of this new technology. In 1949 the Soviet Union detonated a similar weapon. For the past quarter century, the two most powerful nations in the world have held each other at bay. Changes have occurred within both blocs; allies have challenged the leadership of the United States and the Soviet Union alike; but the nuclear stalemate goes on.

The American people have become increasingly aware over the years that the great power of nuclear weapons is sufficient only to insure mutual deterrence; it does not and cannot provide meaningful military superiority against a nation also armed with thermonuclear weapons and ballistic missiles. This view apparently has been accepted by the leaders of the Soviet Union also. At the present time neither side can hope to attain "superiority." Both the United States and the Soviet Union have over 100 long-range missiles. These weapons, armed with nuclear warheads, can be either land or sea-based. In the case of the Soviet Union, nearly all are land-based. Nearly half of the U.S. missiles are located at sea on our Polaris submarine fleet.

In addition, the Soviet Union has constructed a rudimentary anti-ballistic missile system around the major cities of Moscow and Leningrad. Some theorists have argued that an ABM system, by protecting the major population centers, could give the Soviet Union a "first strike capability." That is, in time of major international tension, the Soviets could conceivably launch what is known as a "pre-emptive" attack upon the United States, knowing that their initial attack would wipe out a portion of our offensive capability and that their ABM system could protect their administrative and population centers against the remainder of our missiles. It was this consideration which prompted many of our citizens to support the construction of a similar anti-missile system for the United States. However, the Soviet ABM system is not as technologically advanced as the one we are planning to construct, and the Soviets seem to have stopped deploying the original system because it will not work adequately against U.S. missiles.

Thus, for the time being, both sides are left with a rough comparability in strategic weapons, and confusing as it may be, offensive weapons—numerous and powerful enough to devastate an opponent even if he were to strike first—are our best insurance against the outbreak of war.

Now, however, we are faced with a new technology which threatens to disrupt this carefully maintained balance of power. I refer specifically to MIRV, the innocent-sounding acronym for multiple independently targetable re-entry vehicles, MIRV's are multiple warheads, placed on a single missile. Instead of a single nuclear bomb in the tip of a missile, we and the Soviets are now developing the capability of placing three or more bombs in the nose of each rocket; and through complicated electronic engineering, each of these bombs can be guided to a separate target.

With this new generation of weapons about to sprout from the arsenals of the Soviet Union and the United States, I have been joined by almost half the Senate and a sizable number of House Members in calling for joint moratorium on flight tests of the so-called MIRV systems. These weapons, multiple independently targetable re-entry vehicles, are by far the most dangerous technology to be devised in years. MIRV would multiply the offensive forces of the two sides several-fold.

The significance of MIRV has tended to be lost in the intense controversy over the proposed ABM deployment. Many of us have opposed ABM deployment at this time, but even if the decision is made to proceed, it will be years before the system is operational. During that period we will have many opportunities to re-assess the need for such a defense. In other words, ABM deployment remains a *controllable* decision, in the sense that unilaterally or cooperatively with the Soviets we still have an opportunity to limit or terminate the program, if that promises greater mutual security.

By contrast the insidious quality of MIRV technology lies in the fact that we are very near the stage at which these systems will no longer be controllable by technically practical and politically feasible means. Once an intercontinental missile is resting in its silo, we may no longer be sure whether it has one or several warheads, or whether it is capable of striking one or several targets.

It has become increasingly clear to close students that, short of a highly improbable system of on-site inspection of deployed missiles, the most promising approach to controlling MIRV is to prohibit the test programs which are necessary to perfect multiple warhead devices. By banning MIRV test flights, which can be observed with some confidence by both sides, it may be possible to forestall actual deployment of these weapons by preventing the achievement of the reliability and accuracy that would be required. At the least, a MIRV test moratorium should slow the development of this menacing weapon, allowing additional time to seek workable arms control agreements in this realm.

And time has become the most precious commodity where MIRV's are concerned. The United States is nearly half-way through the test series that may lead to initial deployment of the Minuteman III and Poseidon MIRV systems late next year. While the Soviet Union appears to be working on a less flexible system, it also has conducted a number of tests of a large weapon capable of striking more than one target. If these tests continue unabated, each nation will have to assume that the other has actually deployed MIRV.

Why is this likely to be so critical a turning point in the history of the arms race? The reasons are many, but the fundamental points can be stated briefly. MIRV threatens to erode one of the basic barriers to nuclear war, namely, the utter certainty that neither the Soviets nor the Americans could carry out a nuclear attack without suffering devastating retaliation. But when a single missile becomes capable of destroying several other missiles, a nuclear war may become more likely. This is not to say that MIRV deployment condemns us to inevitable holocaust. But in moments of acute crisis, when each side knows that the other has the capacity to wipe out much of its retaliatory force, the tendency to strike first will probably grow.

When the risks are so grave, the disaster of war so total, we cannot afford to tempt fate. It may be possible to survive in a world populated by MIRV's, but it would be far preferable to live in a world free of them.

The uncertainties such a system would add to the present balance of terror would make a significant arms control agreement exceedingly difficult to achieve, and would lead us into a less stable strategic relationship with the Soviet Union. The likely result would be yet another offensive-defensive arms race, with ever-increasing burdens and ever-decreasing security on both sides. It is my profound hope that the President will accept the proposal to seek a joint MIRV test moratorium. Without it, I have grave doubts that the planned negotiations can be successful in turning us away from the perilous path on which we have been proceeding.

There has been far too little sense of urgency in the Nation and in the Government regarding those negotiations, the so-called strategic arms limitation or SALT talks. The Soviet Union initially accepted the American suggestion for such talks over a year ago, but the invasion of Czechoslovakia, the U.S. election campaign and other factors combined to delay them. President Nixon indicated four months ago that the United States was prepared to proceed with these vital negotiations. But the clock has been ticking and the Soviets seem to have grown even more wary of these talks.

At present it is clear that the issues for the SALT talks have been vastly complicated by the rapid advance of technology on both sides during recent months, but the opportunity still exists for earnest and productive diplomacy to curb the arms race. MIRV tests continue, ABM deployments proceed, weapons decisions are made—but the cause of enlightened negotiation is stymied.

This is no time for considerations of national pride or calculations of narrow advantage to intrude. The stakes in these negotiations are nothing less than the future security of mankind.

The SALT talks, when and if they begin, will no doubt be prolonged and complex. Yet the fundamental questions they must address can be reduced to a single point: Are the two powers prepared to build their future strategic relationships on the doctrine of mutual deterrence? That is in fact the question which President Nixon put to the Soviet Union in his notable speech of March 14. The President, for the first time, confirmed that the United States has adopted a policy of strategic sufficiency, and has concluded that neither side can successfully or safely pursue the elusive goal of military superiority. He made clear his understanding that the United States and the Soviet Union should forego certain weapons not only because they are costly but because they jeopardize strategic stability. For example, the President rejected a heavy city-oriented ABM system and a massive expansion of our offensive forces precisely because they would threaten the Soviet Union's capacity to retaliate. Such deployments would force them to take countermeasures of a very dangerous character.

President Nixon has expressed a vivid appreciation of the central paradox of our time, namely, that mutual security depends on mutual vulnerability.

If the Soviets respond affirmatively in the SALT talks by agreeing that mutual deterrance must be the touchstone of future security arrangements, many specific consequences will follow. Agreement on a number of issues should become more feasible. For example, in agreeing that mutual deterrence should be a common goal, the two sides should also be able to agree that unlimited deployment of ABM systems would be incompatible with mutual deterrance. A freeze on the number of offensive delivery systems should also become more possible, since continued expansion of such forces undermines mutual deterrence, especially if MIRV technology is not inhibited. And even some limitation of anti-submarine warfare may become workable, since a breakthrough in ASW might erode the distinctive deterrent value of missile-launching submarines.

These are not easy or comfortable questions. An ideal world would not have to contend with them, for it would have no nuclear weapons, no intercontinental ballistic missiles, and, for that matter, no wars. But in the world as it is, those concerned about the well-being of life on this plant must come to grips with these problems in a realistic and constructive way. The SALT talks offer a precious opportunity to do so. That opportunity must not be squandered.

As we confront these momentous issues, these paralyzing questions of life and death, it is easy to drown in self-pity and anxiety. Indeed some have ascribed much of the unrest among today's younger generations to the overwhelming sense of impending doom which nuclear weapons have imposed on mankind. Professor George Wald of Harvard recently described today's youth as the generation without a future. He declared that this awful perception was at the root of campus tension.

Perhaps there is some truth in his view. The insight is plausible enough, and the spread of student disturbances to many countries cries out for explanation. But the distinctive feature of the recent waves of student activism is not that it occurs in the nuclear age. In truth the most notable point from our perspective is that the traditional outbursts which have so often occurred in

European, Latin American and Asian Universities have now been matched in the United States. For some reason American students have adopted some behavior patterns which have disrupted other countries' schools for centuries.

It is difficult to attribute this phenomenon to the fact that we have entered an age in which students everywhere are oppressed by *ANGST*. A terrible sense of dread about the fate of the world. Thoughtful students always and everywhere have been concerned about these great issues.

Most campus disputes have involved immediate issues, though local, some of those issues are common to many schools. The quality and relevance of education, the difficulties of personal learning in gigantic institutions, the demand for greater student freedom and greater student involvement, all these important questions would surely be with us whether or not we had ever heard of nuclear weapons.

In short, while the anxieties of the thermonuclear age are real and painful, while they no doubt compound the other stresses of modern life, it is unreasonable to blame all our troubles on the fact that we are fated to inhabit a world plagued with such absolute weapons. Apocalyptic visions tend more ~~to~~ numb the believer than to stimulate ~~him~~ to constructive action.

To cope with the challenge of controlling nuclear weapons, we cannot afford to wallow in a mood of hopelessness and helplessness. We need clear heads to identify and isolate the special problems of nuclear arms control, and this mammoth task is not made easier by chaining ourselves in interesting but irrelevant speculations.

Nuclear weapons worry young people; nuclear weapons also worry older people. We need to control nuclear weapons, not because they trouble our students, but because they threaten the well-being of all men.

I make this point to anticipate another: the limitation of nuclear weapons and the prevention of nuclear war are feasible. Rather than succumb to frustration and despair, we ought to take stock of what we have done and what we can do in this field. The record is by no means entirely bleak. For several years the United States had a virtual monopoly on nuclear weapons and could have exploited them to rule the world. Yet there was never any real likelihood that it would do so. Having the power to dominate, America made clear its goal of a just world order by declining to use that power.

In later years, the Soviet Union has overtaken the United States lead in nuclear weapons, and peace has come to rest on a balance of terror. The recognized fragility of that balance has been a powerful incentive to seek better and more dependable foundations for peace. The lesson has impressed itself on every informed mind:—National security is inseparable from international security—in the words of Maxim Litvinov: "Peace is indivisible."

The fruits of this lesson have ripened slowly, but they have begun to ripen. By the decade of the sixties it became possible for the Soviet Union and the United States, after arduous negotiations, to reach significant arms control agreements. The nuclear test ban treaty, concluded in 1963, not only inhibited nuclear fall-out from the atmosphere; it also curtailed further development of even more refined and destructive nuclear devices.

Another agreement sought to stop the threatened extension of such weapons into the untouched environment of outer space. Antarctica has been declared off limits to military installations.

Recognizing that the quest for a durable peace would be jeopardized by the continued spread of nuclear weapons, most members of the United Nations supported efforts to devise a non-proliferation treaty, which has now been concluded. A "hot line" has been installed to maintain emergency communications between Moscow and Washington, and to reduce the dangers of accidental conflict. At this stage prospects are hopeful for additional limitations on military uses of the ocean floor and on the horrendous chemical-biological weapons of which we have all read.

Perhaps more important than these formal arrangements to reinforce world stability have been the tacit and unilateral steps taken by the great powers. Both sides have come to employ space-based observation systems which provide vital information about the number and kinds of weapons available to the two countries. In a sense technology has given us the "open skies" which President Eisenhower proposed over a decade ago. The contribution of such peacekeeping systems is immeasurable.

Furthermore both nations have learned that a stable balance of power cannot rely on vulnerable weapons which are only usable in a first strike. Hence, the Soviet Union has followed the American lead in deploying weapons suitable for a second strike but less vulnerable to an initial attack. And both Moscow and Washington have gone to great lengths—in Cuba, in Vietnam, in Berlin, in the Middle East—to avoid even minor clashes between Soviet and American military units. In some respects the fear of escalation has been enormously healthy, it has induced the kind of Soviet-American restraint that must prevail if crises are not to become calamities. It is this kind of mutual restraint which has allowed us time to explore non-military approaches to the problems of national security.

These promising measures are, of course, only half-steps toward the world we seek. But they are solid accomplishments which demonstrate that we can begin to erect a peaceful order through cooperative undertakings. Given time and hard work, we and the Soviets can transform our realization of common peril into appreciation of our common interests. And those common interests are the basis for fashioning meaningful limitations on the types and levels of weapons we maintain.

It would be naive to conclude that these halting beginnings are a guarantee of major future successes at the conference table. But it would be equally naive and far more dangerous to the values we hold most dear if we fell prey to the misconception that attempts to achieve arms control are condemned to failure. Anxious concern is fully warranted; a pervasive sense of futility is not.

The rewards for progress on the arms limitation front are measured not only in increased security for all nations. They also appear in the vast opportunities to reallocate resources now devoted to military expenditures. At present some $200 billion a year is spent on national security programs throughout the world. If we can liberate even a small fraction of that sum, by reducing the necessity for such expenditures, think what it could mean for the prosperity of this globe. Programs to speed development of the impoverished lands, to relieve the blight infecting urban communities in every country, to feed and clothe and heal those in need—even a diversion of but 10% of the world's military budgets would be a boon to mankind.

Again, my message is that it can be done. Already, on our own and without requiring parallel action by the Soviet Union, we are finding ways to shift resources away from some military programs and into other priority efforts. A year ago those of us advocating adjustments in U.S. defense spending discussed the possibility of a $5 billion reduction in the budget; no one really expected that to occur. But in the period since January of this year, executive and legislative action has in fact trimmed defense spending by very nearly that amount. The budget for 1970 will be in the $77 billion range, as opposed to the more than $81 billion recommended by the previous administration. It could be even less, depending on how the $2 billion cut proposed by the Senate Armed Service Committee is finally resolved. Thus progress toward controlling the defense budget has been dramatic and substantial.

The dilemmas of national security are complex and must be aired widely, if the collective wisdom of the American people is to be informed enough to be effective. Problems like these defy dogmatic and idealogical judgments. In wrestling with them I often recall the encounter a century ago between the Archbishop of Canterbury and Cardinal Hensley. Leaving a meeting at which he had been with the Cardinal, the Archbishop offered him a ride. "After all," he said, "We're both engaged in God's work."

To which the Cardinal replied, "Yes, you in your way, and I in His."

None of us can claim the mantle of Divinity when it comes to the great decisions of national security and public welfare. But God has equipped us with intelligence and compassion which, coupled with determined effort on our part, can lead to more humane and progressive policies. And those policies will be a living testament to the peace and justice America seeks for herself and for all nations.

HAS A RECESSION BEGUN?

Mr. YARBOROUGH. Mr. President, for the last several months, the Nixon administration's fiscal and monetary policies, and in particular, its policy of high interest rates, have been detrimental to the country. As I have repeatedly stated, the high interest rates fostered by the Federal Reserve, combined with the Nixon administration's cutback in Federal construction and in vital domestic programs, will eventually cause a recession without curbing inflation.

The revelations in this morning's newspapers seem to indicate that this is exactly what is beginning to happen. It was reported in this morning's edition of the Washington Post that unemployment rose from 3.5 to 4 percent of the labor force in September after seasonal adjustments. The magnitude of this monthly increase, the largest in 1 month since the 1960–61 recession, has shocked many of the Nation's economists. While the Nixon administration tends to view the unexpected increase in unemployment as evidence that the Government's anti-inflation program is beginning to take hold, in my opinion, the increase signifies the beginning of a damaging recession. As Mr. Harold Goldstein, assistant commissioner of labor statistics, pointed out, there is serious cause for concern due to the steady increase in the quarterly unemployment rate from 3.3 percent in the January–March period to 3.5 percent in the April–June period and to 3.7 percent in the past 3 months.

As the article in the Post notes, unemployment normally falls sharply in September as youngsters, who have a high jobless rate, leave the summer labor force to return to school. But this year there was an actual September rise of 90,000 in the unemployed ranks causing the unemployed to reach 3 million. After seasonal adjustment, the increase in unemployment came to 365,000.

XUM

And who are these newly unemployed? They are the blue-collar workers, the factory worker, and the skilled and unskilled laboring man. The unemployment rate for blue-collar workers jumped from 3.8 to 4.4 percent, while that for the white-collar employee held steady at 2.2 percent.

Mr. President, Prof. Milton Friedman, noted Chicago University economist and campaign adviser last year to President Nixon, testified before Senator William Proxmire's Subcommittee on Economy in Government on October 6, 1969, that unless the administration and Federal Reserve quickly relax their tight money policy, the Nation faces "an unnecessarily severe recession next year" with unemployment ranging higher than 7 percent. His views are contained in an article by Hobart Rowen in today's edition of the Washington Post. I ask unanimous consent that this article be printed in full in the Record at the conclusion of my remarks.

Former Vice President Hubert Humphrey, in a speech to the AFL–CIO yesterday discussed the bankruptcy of the Nixon administration's economic policy. In an article by Robert C. Maynard, appearing in today's edition of the Washington Post, Mr. Humphrey's remarks are reviewed. I ask unanimous consent that this article be printed at the conclusion of my remarks in the Record.

Mr. President, the economic posture of our Nation is a matter of serious concern. As I have recurringly stated, the real cause of inflation in this Nation is the needless and fruitless Vietnam war. Increasing interest rates have only added to the inflationary spiral generated by war spending.

Mr. President, in all American history, this is the only administration I know of that boasts about more unemployment. The administration becomes elated every time the unemployment rate goes up a percentage point, raising the cry that this means we are stopping inflation. But we all know, Mr. President, that the unemployment rate is not the proper criteria for measuring inflation and recessions since the war in Vietnam has taught us the cruel lesson that we can have a recession and inflation at the same time.

So, the administration instead of holding its head high with boastful pride with each increase in the unemployment rate, ought to try to do something about the "forgotten American" as Mr. Humphrey called him. The real forgotten American is the adult citizen who pays higher interest rates and suffers in a recession, while at the same time paying higher prices and suffering in an inflation. And the administration's high-interest rate policy, with its resulting unemployment indicates that the administration has forgotten about the forgotten American.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Fed Sparking a Recession, Senators Told

(By Hobart Rowen)

Unless the Federal Reserve quickly relaxes its tight money policy, the nation faces "an unnecessarily severe recession next year," with unemployment ranging higher than 7 per cent.

That was the somber judgment offered yesterday by Prof. Milton Friedman, the noted Chicago University economist and campaign adviser last year to President Nixon.

A long-time critic of the Fed, Friedman testified before Sen. William Proxmire's subcommittee on Economy in Government, and later elaborated on his fears of a recession to reporters.

The committee also heard testimony from Brookings Institute economist Charles L. Schultze and from Ralph Nader on the need for efficiency and new incentives to improve government operations.

Nader complained that regulatory agencies do not make compliance surveys regularly—indeed, in some cases not at all.

"Endemic non-enforcement voter time builds up a corruption of the political legal process that is difficult to overestimate," he said.

Schultze, former Budget director, cited a number of subsidies for business, industry and farm groups that he said work inefficiently, at great cost to taxpayers.

One major drawback in managing public enterprise, Schultze said, results from the Budget Bureau's failure to charge the right departments with all the costs they incur. An example that fascinated the committee is that the Defense Department is not charged with the cost of atomic warheads for its nuclear weapons.

Proxmire (D.–Wis.) said he would ask Budget Director Robert P. Mayo to comment on this and other aspects of Schultze's testimony.

Unemployment rates in the vicinity of 7 per cent would be the highest since the 1958 recession, Friedman said. And he warned that the Federal Reserve "has but little time" in which to reverse its policy.

"But I see no signs that they are prepared to do so," the controversial economist told the impromptu press conference.

Friedman's assessment of the Fed's posture appeared to be borne out by public and private statements by Federal Reserve Board governors indicating that a solid majority thinks it is too early to loosen the money strings.

Over the weekend, for example, Governors Andrew F. Brimmer and William Sherrill said in separate speeches that the present level of restraint, measured by zero growth in the money supply, would have to be continued for a time.

Fed Chairman William McC. Martin told the House Banking Committee yesterday that current signs of a slow-down in the economy were only slight. In fact, he said, "it's hard to see interest rates going down."

But Friedman, internationally noted as the principal exponent of the theory that monetary policy is the single most important determinant of the shape of the economy, said that signs were already present that the over-heated economy is slowing down, in response to tight money.

"There is a serious danger that the Fed is over-doing the matter," he told the Proxmire committee. He cited figures showing that the money stock—currency and checking accounts—which had been increasing by an annual rate of slightly more than 4 per cent for the first half of the year, has not been increasing at all for the past few months.

"That's a very sharp change," Friedman argued, "and it means they probably have gone too far."

His prescription for the right policy, would be a return to a 4 or 4.5 per cent rate of growth in the money supply, which he said would be compatible with the sustainable level of real growth in the economy.

The Fed was unresponsive to Friedman's argument. Nor were they changing their minds because of publication yesterday of labor force figures showing a sharp jump in the September unemployment rate to 4 per cent. Brimmer told the Washington Post that there was still "nothing to suggest" that there has been an improvement in "price behavior."

HHH Hits Nixon on Economics

(By Robert C. Maynard)

Atlantic City, N.J., October 6.—Former Vice President Hubert Humphrey, looking and sounding more like a political candidate than a college teacher, lambasted the economic policies of the Nixon administration today as "cruel and mean."

Noting that interest rates have risen this year to their highest point in a century, Humphrey said of the man who defeated him almost a year ago, "I didn't think his administration would go back that far for its standards."

In his most sweeping post-election condemnation of Mr. Nixon to date, Humphrey accused the President of failing to provide moral leadership and found every phase of his domestic program wanting or worse.

His only reference to Mr. Nixon's foreign-policy performance was a plea for support against deployment of anti-ballistic missiles lest one day an epitaph read, "Here lies America, armed to the teeth but rotten to the core."

WRY GREETING

Humphrey chose as the occasion for his attack on Mr. Nixon the convention of one of his staunchest supporters in last year's election, the AFL-CIO.

"My dear friends of the AFL-CIO," he said after entering the hall here to a standing ovation, "I come to you as a private citizen—through no fault of yours. I know how much you did for me and I hope you know how I wanted to do for you. If everyone had done as well as you did, I would have had this meeting in the East Room of the White House, and you would have been my guests."

A scattering of neatly printed placards ("HHH" and "HHH for Unity) waved in the bright television lights in the basement ballroom of the Traymore Hotel.

The former vice president got right down to business by explaining why he has withheld comment until now on the administration of President Nixon and Vice President Agnew.

"Since they had so little time to get to know each other, they deserved a honeymoon, but they have been together now for more than nine months: I think something should issue from this union."

Clearly still smarting from the 1968 Republican campaign slogan, "The Forgotten American," Humphrey snapped that it was stolen from Franklin D. Roosevelt and then said that Mr. Nixon's version of the "forgotten American" was "all of those who oppose social reform—their friends in the corporate board rooms—their Republican friends in the South, especially that leader of southern Republicanism, Sen. Strom Thurmond."

The consequence, Humphrey trumpeted, was "unprecedented inflation, the highest interest rates since 1859, a let-up in civil rights enforcement—you name it, the Nixon-Agnew administration has remembered its friends and forgotten the rest of us."

But it was in the field of economic policy that Humphrey gave the President the lowest marks of all.

He accused him of a "virtual abdication of . . . responsibility" by not putting more pressure on both business and labor to hold prices and wages in check as Presidents Kennedy and Johnson had done.

"If your son or son-in-law tried to buy a house, he knows what it means to be forgotten by the Nixon administration. Assuming you are lucky enough to find someone willing to lend the money, the 15 per cent increases since January in the cost of maintaining a home mortgage means that the three-bedroom home you could afford last year has now become a two-bedroom home."

PRICE SPIRAL CITED

Turning to the consumer price situation, Humphrey said that "any housewife shopping knows what it means to be a forgotten American—meat, fish and poultry have gone up as much the last seven months as in the previous 10 years."

Almost as though it had been staged, an AFL-CIO aide handed Humphrey an Associated Press story reporting that unemployment rose to 4 per cent during September, the highest level in two years.

After reading the news, Humphrey told his audience, "You shouldn't be surprised. It has always been thus. It has always been thus. Beware of the signs of the times."

SENATOR BROOKE OPPOSES REPEAL OF AMMUNITION CONTROLS

Mr. BROOKE. Mr. President, there is at present on the Senate calendar a bill, H.R. 12829, providing for an extension of the interest equalization tax and other related matters. I have reviewed the proposed legislation and the report of the Committee on Finance and find them, as usual, comprehensive and well-reasoned.

There is, however, one provision of the proposed legislation which is totally unrelated to the economic issues at hand and which causes me great concern, both on substantive and on procedural grounds. I refer to section 5 of the bill which would amend the section of the United States Code pertaining to ammunition recordkeeping requirements.

Just a little over a year ago, the Senate agreed, by a vote of 41 to 36, to include controls on the sale of all ammunition as a major provision of the Firearms Control Act.

I do not wish at this time to reiterate all of the arguments in support of such a requirement. I would only stress, as I have before, that the showing of identification before a purchase of ammunition can be made does not impose an unreasonable burden upon any legitimate sportsman or law-abiding citizen. It does, however, serve as an impediment to the purchase of ammunition by known criminals for illegitimate purposes. It also provides that ammunition which has been purchased and used for illegal purposes stands a better chance of being traced, for even if a person used a false name or false identification to make the purchase, his face or something about him may be remembered by the salesman, thus facilitating his apprehension.

Mr. President, it seems to me to be simply a matter of commonsense that some restrictions should be placed on the purchase of lethal materials. Cars and motorcycles, private planes, and in some cases even bicycles must be registered by their owners, and operators of these vehicles must be certified to use them. This is only reasonable, for such vehicles use the public highways and airways, and their safe operation is an insurance for all concerned. By the same token, most States require some identification before alcohol or cigarettes can be sold, in order to prevent the sale to minors of products which have been proven harmful. Identification must be shown before checks can be cashed or purchases charged in a store, in order to protect the welfare of the customers and the banks or businesses concerned. No one regards these measures as an infringement of fundamental rights. Rather, they are seen as a means of protecting the entire community, and most Americans respect and abide by that principle.

But until last year the most deadly of all instruments, and the one most often used in crimes of passion or premeditation, was available to all Americans regardless of age or background, with no restrictions at all. The passage of the Firearms Control Act was a small but significant step toward protecting the rights of all Americans—not just the hunters and sportsmen, nor the criminals and vandals—but all Americans.

Even so, the National Rifle Association and other likeminded individuals and organizations have opposed the reasonable restraints of this act, presumably on the grounds that any restrictions on their right to keep and bear arms is a step toward the denial of that right and toward eventual Federal dictatorship. They now seek to repeal one of the major provisions of that act, and they would do so not by public hearings and the proposal of a measure specifically for that purpose, but by attaching a rider to an innocuous tax bill in the hopes that their proposal will be carried quietly through the Senate on the silent wings of interest equalization.

Mr. President, there are less than a million members of the NRA. There are two hundred million Americans, nearly 80 percent of whom, or 160 million, are strongly in favor of legislation to curb the widespread and unrestricted availability of guns and ammunition in America. The figures should speak for themselves. Shall it be said that this Congress was dictated to by an interest group speaking in opposition to the known will and best interests of the vast majority of our citizens? Or shall we in fact hear the voice of the people, the so-called "forgotten Americans," whose concerns and wishes should be our own? To repeal the present, modest controls on ammunition sales would be to ignore the larger needs of our society.

I urge the Senate to reject this unnecessary and unwise provision, and to give the existing statute a fair opportunity to demonstrate its value.

NIXON PUTS A HALF MILLION MEN OUT OF WORK

Mr. WILLIAMS of New Jersey. Mr. President, yesterday the administration reported that unemployment had reached a 2-year high of 4 percent. This represented an increase of one-half of 1 percent in a 1-month period, the largest single increase since the last years of the Eisenhower administration.

Since the announcement was made, economists have debated the effect of the unemployment rate on the inflationary economy. The debate has been joined by several administration officials. An assistant secretary of the treasury predicts the unemployment rate will increase 5 percent by next year. One of President Nixon's campaign advisers has even predicted unemployment of 7 percent or higher next year. They talk in terms of percentages, economic progressions, gross national product.

But what does this really mean? It means that last month, in 1 month alone, 90,000 Americans lost their jobs, 365,000 more Americans, after seasonal adjustment, were unemployed. It means that since Richard Nixon was sworn in as President his economic policies have put more than one-half million men out of work. It means that one-half million Americans, so far, have paid the price of Richard Nixon's false economic stability.

And what does the White House have to say about the harsh economic adversities facing these one-half million Americans it has forced out of work. It merely says: "We are not happy with the increase in unemployment."

The banking industry has increased its interest rate over 30 percent since last year pushing inflation to terrifying levels and the administration does nothing. The auto industry, steel industry and oil industry increased their prices, compounding the inflationary spiral, and the administration does nothing. But when American workers seek to increase their salaries in order to catch up with industry's price increases, the administration acts swiftly enough against America's working men and women to cut back on three-fourths of the Federal construction jobs. It stimulates increased unemployment and then characterizes the rising unemployment rate, in the words of a high Treasury official, as "some success in the battle of inflation."

Yes, American workers, once again a Republican administration is treating you as the "cannon fodder" in the battle against inflation. When you're out of work, they know that they are winning their battle. The fact that prices are still increasing, that interest rates are higher than they have ever been in the history of the country does not seem to trouble this administration.

These are all clear signs that we are heading into a phenomenon which can only occur, and has only occurred, in Republican administrations. In the midst of general inflation, we are approaching a severe recession for those least able to withstand it, and the administration will not take one step, not even one small step, to curb the excessive profits of big business, to curb the voracious appetites of financial institutions. The administration sings in unanimous chorus, "while the rich get richer the poor will just have to struggle along as best they can."

The half million Americans who have been put out of work by Mr. Nixon do not have to worry anymore about price increases; they do not even have the income to buy at last year's prices, let alone tomorrow's prices. And by this time next year the Treasury Department confidently predicts an unemployment level of 5 percent which means that another three-fourths of a million Americans will be unemployed. If the administration

XUM

has its way, by next year a total of almost 5 million Americans will be unemployed. And all Mr. Nixon can say is:

> We are not happy with the increase in unemployment.

The American workingman must rise up and demand action where action is needed and deserved. Prices must be stabilized. Corporate profits must be restrained, and the mortgage lenders must not be permitted their finance charges which more than double the price of housing and increase the price of everything, even the food we eat.

We have a right to expect the President to come to grips with the reality of inflation. We have a right to expect the President to squarely face the needs of America's 78 million working women and men. We can only hope that the President does not become the first "do nothing" President since the depression.

REPRESENTATIVES OF 52 NEW YORK COLLEGES PROTEST CHANGES IN TAX LAW ON CONTRIBUTIONS

Mr. JAVITS. Mr. President, representatives of 52 private colleges in New York and of the State University of New York met with my colleague from New York (Mr. GOODELL) and me today to protest provisions of the tax reform bill pending in the Senate which they feel strongly will gravely endanger gifts and grants from private sources indispensable to their ability to continue to meet today's high educational standards.

The spokesman for the group was John W. Chandler, president of Hamilton College. He was accompanied by Samuel Babbitt, president of Kirkland College; Joseph Palamountain, president of Skidmore College; and by representatives of other colleges.

It is the overwhelming experience of each of these institutions that gifts of appreciated property represent the backbone of their contributions—particularly the very large contributions which are so vitally essential.

These representatives have also expressed considerable concern that the proposed tax treatment of the so-called "charitable remainder trust" will severely restrict the present desirability of this type of trust as a means of making charitable gifts. Such trusts also represent a significant source of contributions to these institutions of higher learning.

Educational requirements are increasing at a tremendous rate. It is these institutions which must rise to meet these needs. It is vital to our national interests that we do not disastrously weaken these institutions in the name of tax reform.

I ask unanimous consent that the statement of position of these 52 New York Universities and a news release from Hamilton College be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEWS RELEASE FROM HAMILTON COLLEGE

CLINTON, N.Y.—A group of college and university officials from New York State will go to Washington next week to urge the Senate not to restrict tax incentives for gifts to educational institutions.

John W. Chandler, president of Hamilton College and spokesman for the group, said it will include about 12 officials, representing the views of 34 private institutions and the State University of New York.

President Chandler said he expects the group to include other college presidents as well as vice presidents and officials concerned with fund-raising and development.

They will meet with Senators Jacob K. Javits and Charles Goodell at 3 p.m. on Tuesday (October 7) at the Capitol, Mr. Chandler said. The group will present to Senators Javits and Goodell a statement outlining the colleges' position, he reported. The statement was drafted by a group of development officers and has been endorsed by all the institutions represented.

In essence, the colleges are asking that owners of securities which have gone up in value continue to be allowed to deduct the higher value from their taxable incomes when they give the securities to charitable or educational institutions, President Chandler said.

The institutions which have endorsed the statement are: Alfred University, Canisius College, Cazenovia College, Clarkson College of Technology, Colgate Rochester Divinity School, Colgate University, Cornell University, D'Youville College, Eisenhower College, Elmira College, Hamilton College, Hartwick College, Hobart and William Smith Colleges, Ithaca College, Keuka College, Kirkland College, Le Moyne College, Nazareth College, Niagara University, Paul Smiths College, Rensselaer Polytechnic Institute, Rochester Institute of Technology, Rosary Hill College, Russell Sage College, St. Bernard's College, St. Bonaventure University, St. John Fisher College, St. Lawrence University, St. Rose College, Skidmore College, Syracuse University, State University of New York, Union College, Utica College, Wells College.

STATEMENT OF POSITION BY 52 NEW YORK COLLEGES AND UNIVERSITIES REGARDING PROPOSED 1969 AMENDMENTS TO INTERNAL REVENUE CODE

As Presidents of public and private institutions of higher education, we are deeply concerned over certain features of the program of Federal tax reform now pending. We recognize that the present system requires reform, but we question the need for changes that will drastically limit our ability to meet the urgent and ever-increasing demands for more and better educational facilities and programs.

A single example suggests the degree to which private colleges and universities are dependent on the large individual gifts that would be curtailed by proposed changes in the tax law concerning gifts of appreciated property. Listed below are five buildings under construction or recently completed at Syracuse University. Though the buildings were sorely needed, not one of the projects would have been undertaken without the major individual contributions of appreciated securities that provided crucial incentive for additional private support.

Building	Cost	Major individual donation
The Ernest Stevenson Bird Building	$13,100,000	$3,095,349
The William Bayard Heroy Geology Building	2,867,000	1,000,000
The Ruth Van Arsdale Henry Health Center and Hospital of the Good Shepard	1,000,000	400,000
Dr. Perle B. Brockway Hall	2,030,000	629,000
Ronald K. Lawrinson Hall	4,090,000	600,000
Total	23,087,000	5,724,349

You will note that Syracuse was able to initiate a building program, in this case, of $23,087,000 on the strength of major gifts in the amount of $5,724,349. Assuming a cost basis of zero for the appreciated securities comprising these gifts, the maximum tax revenue to be realized would be $1,431,087.25. There is substantial evidence to indicate a loss of revenue in the amount of $350,000 was more likely.

The benefit to society in this case is $23,000,000 in educational physical plant. Congress must weigh the total social benefit justly against the individuals' tax savings benefit.

More is at stake than buildings, of course. The privately supported educational institutions can venture imaginatively into unknown and untested areas of research, development and experimentation. They can explore new areas of study, areas which, though not of immediate public interest, may prove with time to produce the greatest benefits to society. Much of the daring to find "a better way to do it" in this country has been generated by the private support of higher education.

Obviously the private colleges and universities would be hardest hit by tax reform that curtailed private contributions, but public education is threatened as well. All colleges and universities, not only the private ones, receive financial support from alumni and friends. Furthermore, if the private institutions are rendered less able to meet their responsibilities, the already heavy demands made upon the public ones will increase accordingly. Without substantial private gifts to higher education, in other words, public colleges and universities will require appreciably increased tax support.

Because of the crucial role that philanthropy plays in the financing of higher education in the United States, Federal legislation has long recognized the wisdom of granting tax incentives for contributions to colleges and universities. Gift-supported institutions require these incentives if they are to meet the needs of society. They have always depended upon the contributions of individuals, and now they depend on them more heavily than ever. Campaigns for annual operating expenses today are on a scale previously reserved for "once-in-a-lifetime" capital campaigns. And, as the representative figures set forth in the appendix to this document demonstrate, gifts in the form of securities are crucial to any successful campaign.

The costs of government must be met; so must the costs of higher education. It is respectfully submitted that the development of human resources provided by our institutions of higher learning should continue to be strengthened through tax incentives to private donors. To undermine those incentives at a time when the youth of our nation will be called upon to assume heavy burdens of leadership in a rapidly changing world may prove disastrous. The financial pressures on the private sector of higher education are severe already, and the possibility of a massive educational deficit is distinct and threatening. The need for better teaching and training, for increased educational innovation and research, and for greater public service from our institutions of higher learning must be met.

While each of our institutions has different constituencies and resources upon which it relies for support, together we submit the following conclusions for your consideration:

Gifts of appreciated property

We urge that donor-tax payers not be taxed on unrealized gains to charities, either directly or indirectly.

Under the Tax Reform Act of 1969, H.R. 13270, the unrealized gains are indirectly and partially taxed because the appreciation on the charitable gifts reduces the donor's itemized deductions under the "allocation of deductions" provision and may be taxed under the "limit on tax preference" provision. The tax under the allocation of deductions provision would reduce a donor's itemized deductions for interest, taxes, medical expenses, and charitable contributions. By indirectly taxing the appreciation on property gifts, such a provision would greatly inhibit important support from the private sector. We see no reason why this incentive should not be retained in the case of all gifts of tangible property and future interests.

Limit on tax preference and allocation of deductions

We urge that unrealized gains not be regarded as "tax preference" income and that charitable contributions not be included under the "allocation of deductions" provision. Unrealized appreciation is, by its nature, not income received by the donor as is true of the other preferences. Giving is a voluntary act, and one which results in actual net costs to those who make gifts to charities. Inclusion of unrealized gains as a preference is really a further limitation on the deductibility of the charitable contribution of appreciated property.

Including charitable contributions under the allocation of deductions provisions places the contributor in the position of decreasing all other deductions by making gifts, as well as decreasing charitable deductions. A contribution should not be considered in the same context as payments of mortgages, state and sales taxes, and medical expenses.

The computations required by these provisions are so involved as to make it virtually impossible for a donor to plan major gifts. The effect, in fact, would be to discourage substantial gifts, which are so important in the support of colleges and universities, public and private.

Gifts of remainder interests (life income plans)

We urge that the present laws governing charitable remainder trusts and life income contracts be continued. The present law provides that there is no capital gain on the transfer of appreciated property to fund a charitable remainder trust or life income plan; nor is there a capital gain if the property transferred is later sold by the trust and the gain permanently set aside for the charity. H.R. 13270 would require payment of a fixed percentage of the principal or a fixed dollar amount on an annual basis and, thus, would almost certainly lead to an invasion of the principal to the detriment of the college or university. With respect to irrevocable trusts, no tax should be imposed on subsequent gains which under the current law escaped taxation as being "permanently set aside" for the benefit of the college or university.

Retroactive legislation

We urge Congress make all new tax law prospective. The possible retroactive effect of the proposed legislation has already caused serious loss of support to charitable institutions.

The Presidents of the following institutions are signatories to this statement.

Alfred University, Alfred.
Canisius College, Buffalo.
Clarkson College of Technology, Potsdam.
Colgate Rochester Divinity School, Rochester.
Colgate University, Hamilton.
College of New Rochelle, New Rochelle.
Cornell University, Ithaca.
Dowling College, Oakdale.
D'Youville College. Buffalo.
Eisenhower College, Seneca Falls.
Elmira College, Elmira.
Finch College, New York City.
Good Counsel College, White Plains.
Hamilton College, Clinton.
Hartwick College, Oneonta.
Hobart and William Smith Colleges, Geneva.
Ithaca College, Ithaca.
Iona College, New Rochelle.
Keuka College, Keuka Park.
Kirkland College, Clinton.
LeMoyne College, Syracuse.
Manhattan College, Bronx.
Manhattanville College, Purchase.
Marist College, Poughkeepsie.
Mills College, New York City.
Mount Saint Mary College, Newburgh.
Nazareth College, Rochester.
Niagara University, Niagara.
Pace College, New York City.
Paul Smiths College of Arts & Sciences, Paul Smiths.
Polytechnic Institute of Brooklyn, Brooklyn.
Pratt Institute, Brooklyn.
Rensselaer Polytechnic Institute, Troy.
Rochester Institute of Technology, Rochester.
Rosary Hill College, Troy.
Russell Sage College, Troy.
St. Bernard's College, Rochester.
St. Bonaventure University, St. Bonaventure.
St. John Fisher College, Rochester.
St. Lawrence University, Canton.
St. Rose College, Albany.
Sarah Lawrence College, Bronxville.
Siena College, Loudonville.
Skidmore College, Saratoga Springs.
State University of New York.
Syracuse University, Syracuse.
Union College, Schenectady.
University of Rochester, Rochester.
Utica College, Utica.
Vassar College, Poughkeepsie.
Wagner College, Staten Island.
Wells College, Aurora.

APPENDIX

An average of 46.5% of gifts received from individuals by twenty-three New York colleges and universities during the past six years consisted of securities. In dollar value, the total is $94,709,000.

Institution	Years involved	Value of securities donated by individuals	Ratio of securities to total gifts from individuals
Alfred	1968–69	$138,000	29
Canisius	1964–69	136,000	25
Clarkson	1968–69	518,000	45
Colgate	1964–69	6,236,000	66
Cornell	1963–69	39,500,000	49
Eisenhower	1967–69	768,000	24
Elmira	1964–69	1,977,000	50
Hamilton	1964–69	5,759,000	79
Hartwick	1964–69	2,348,000	64
Keuka	1964–69	730,000	76
Kirkland	1968–69	412,000	54
Le Moyne	1967–69	115,000	51
Rensselaer Polytechnic Institute	1968–69	1,290,000	70
Rochester Institute of Technology	1963–68	3,963,000	25
Russel Sage	1964–69	1,050,000	66
St. John Fisher	1964–69	623,000	46
St. Lawrence	1964–69	4,100,000	66
Skidmore	1964–69	1,516,000	23
Syracuse	1964–69	14,951,000	38
Union	1964–69	601,000	17
University of Rochester	1968–69	6,863,000	81
Utica	1964–69	75,000	3
Wells	1965–69	1,040,000	29
Total		$94,709,000	46.5

A RISKY NEW AMERICAN SPORT: THE BREAKING OF THE PRESIDENT

Mr. GRIFFIN. Mr. President, the distinguished columnist, David S. Broder, has written a penetrating article concerning contemporary American politics.

The article is particularly timely in light of a demonstration which is being planned for October 15 to protest the war in Vietnam. This demonstration has been given the name of "The Vietnam Moratorium".

Mr. President, I seriously wonder whether the promoters of this demonstration have considered fully the potential ramifications of their actions.

Is the cause of peace served by efforts which may possibly undermine the President's capacity to lead us to a lasting peace in Southeast Asia?

Mr. President, with the hope that all the backers and all the participants of the so-called Vietnam moratorium will read Mr. Broder's thoughtful article, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objeciton, the article was ordered to be printed in the RECORD, as follows:

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

(By David S. Broder)

CAMBRIDGE, MASS.—If there are any smart literary agents around these days, one of them will copyright the title "The Breaking of the President" for the next big series of nonfiction best-sellers. It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.

The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can ready be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like any discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used.

The essentials of the technique are now so well understood that they can be applied with little waste motion.

First, the breakers arrogate to themselves a position of moral superiority. For that reason, a war that is unpopular, expensive and very probably unwise is labeled as immoral, indecent and intolerable. Critics of the President who are indelicate enough to betray partisan motives are denounced. (That for you, Fred Harris.) Members of the President's own party who, for reasons perhaps unrelated to their own flagging political careers, catapult themselves into the front ranks of the opposition are greeted as heroes. (Hooray for Charley Goodell.)

The students who would fight in the war are readily mobilized against it. Their teachers, as is their custom, hasten to adopt the students' views. (News item: The Harvard department of biochemistry and molecular biology last week called for immediate withdrawal from Vietnam.)

Next, a New England election (the New Hampshire primary is best but the Massachusetts Sixth Congressional District election will do as well) surprisingly shows that peace is popular at the polls. The President's party sees defeat staring it in the face unless it repudiates him, and the Harris poll promptly comes along to confirm his waning grip on public trust. The Chief Executive, clearly panicky, resorts to false bravado and says he will never be moved by these protests and demonstrations, thus confirming the belief that he is too stubborn to repent and must be broken.

And then, dear friends, Sen. Fulbright and the Foreign Relations Committee move in to finish off the job.

XUM

All this is no fiction; it worked before and it is working again. Vietnam is proving to be what Henry Kissinger once said he suspected it might be—one of those tragic, cursed messes that destroys any President who touches it.

That being the case, any President interested in saving his own skin would be well-advised to resign his responsibility for Vietnam and publicly transfer the assignment of ending the war to Congress or the Vietnam Moratorium Committee or anyone else who would like to volunteer for the job.

But he cannot. And that is the point the protesters seem to overlook. Assume that they and the President are both right when they assert the time has come to end this war. Assume that the protesters know better than the President how to do so—despite the conspicuous absence of specific alternatives to the President's policies in their current manifestos.

There is still a vital distinction, granting all this, to be made between the constitutionally protected expression of dissent, aimed at changing national policy, and mass movements aimed at breaking the President by destroying his capacity to lead the nation or to represent it at the bargaining table.

The point is quite simple. Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace.

Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam Moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

There is also the matter of time. It is one thing to break a President at the end of his term, as was done last year. It is quite another thing to break him at the beginning, as is being attempted now.

The orators who remind us that Mr. Nixon has been in office for nine months should remind themselves that he will remain there for 39 more months—unless, of course, they are willing to put their convictions to the test by moving to impeach him.

Is that not, really, the proper course? Rather than destroying his capacity to lead while leaving him in office, rather than leaving the nation with a broken President at its head for three years, would not their cause and the country be better served by resort to the constitutional method for removing a President?

And what a wonderful chapter it would make for Volume 2 of "The Breaking of the President" series.

THE WHITE REACTION

Mr. BYRD of West Virginia. Mr. President, the recent disturbances in Pittsburgh, where white workmen took to the streets to protest the demands of black militants, have great significance for our entire Nation.

In a current series titled "The White Reaction," the Evening Star of Washington is examining that significance, along with the frustrations of the white working class—frustrations created by the continual surrendering to the demands of a vocal minority of militants. The first part of the five-part series reports on the incidents in Pittsburgh and calls the counterdemonstration by whites "the opening of a new chapter in the story of America's anguish."

The article warns that whites such as the construction workers in Pittsburgh—whites who have heretofore been too busy working to demonstrate—are now "threatening to take things into their own hands."

Mr. President, the article, written by Mr. Haynes Johnson, appeared on Monday, October 6, and I ask unanimous consent that it be reprinted in the RECORD.

There being no objection, the article was ordered reprinted in the RECORD, as follows:

THE WHITE REACTION

(NOTE.—This is the first of five articles examining the reaction of white Americans, from low-income and blue-collar workers to upper-income professional groups to the Negro's drive for full equality. The articles, prepared by a team of reporters consisting of Haynes Johnson, John Mathews, Christopher Wright and Woody West, attempt to report candidly on the changing attitudes of some of those white Americans.)

(By Haynes Johnson)

PITTSBURGH.—There had been black demonstrations, speeches, demands and warnings, and then, at the end of August, the white workers marched on their own. "We Are the Majority and This Is Unrest" and "We Build the City Not Burn It Down," their posters proclaimed.

"I was in my office that day and I could look down and see them coming up Fifth Avenue," a white businessman recalled. "I remember thinking that something new and important was happening right before my eyes. Secretaries were leaning out of the buildings, cheering and throwing confetti down on them, and as they passed along the street, there were tremendous bursts of applause from the white people watching them. And I remember thinking, 'My God, I'm glad they're in a jovial mood. Those guys are big enough and tough enough to tear down a building.' You know, we've never been confronted by the phenomenon of whites really on the rampage. Suppose they get mad?

"What struck me most, I think, was the women. It was like they were cheering their favorite football team. And the other thing that made a strong impression was the police. The police had escorted the other demonstrators—the Negroes—too, but you could see they didn't like it. You could feel it. But when those white construction workers marched, it was, 'Hi, Charlie,' and big waves, and smiles all around. So you've got these white groups with a great cause in common, and don't tell me it isn't racial. It sure as hell is."

He had watched the opening of a new chapter in the story of America's anguish. It is still a story of racial upheaval, but this chapter has a reverse twist. The focus is on a white, not black, revolt. Here, today, in the birthplace of the American labor movement, whites are threatening to take things into their own hands.

"In 30 years in this town, I've never seen anything like the change in attitudes now," says a union president who is proud of having been in the forefront of the civil rights movement. "I'd have to say we're turning anti-Negro."

From businessmen to secretaries, suburban housewives and blue-collar workers, one hears the same report: Antagonism toward blacks is increasing. It would be naive, and misleading, to suggest that white, blue-collar racial prejudice is something new. As one man correctly said, "It's always been there below the surface. Now, it's bubbling up all over. It's there for everyone to see."

What is new and disturbing is the outspokenness, the explicit air of violence, and is heard from whites in Pittsburgh today.

Just a year ago, for instance, after Pittsburgh experienced its first racial disturbances in the wake of Martin Luther King's murder, the city's Human Relations Commission warned that citizens were "living in a tense and polarized atmosphere of hate and distrust." It added: "Blacks and whites do not want to negotiate their differences—more and more, they prefer to act out their hostilities in provocative words and violent actions."

Today, the situation is worse.

The immediate source of friction is easily identifiable. Blacks are fighting for admission in numbers into the highest skilled—and highest paid—craft unions. The unions, largely white, are resisting them.

In a sense, this struggle represents the final flowering of a vital phase of the Negro's upward move in America. The craft unions, particularly the building trades, have long been a primary obstacle to Negro progress. The unions, through their apprenticeship programs, their system of passing on jobs from father to son, until now have effectively barred the doors.

Statistics tell only part of the story. Of 24 building trades unions in Pittsburgh, only 2 percent of the membership is black. For other highly paid crafts—electricians and iron workers among them—the membership today is entirely white. And the pattern of discrimination does not end there. For years, even whites who have not been "in" have been unable to join these most favored unions.

The system is the antithesis of democracy: Membership in an all-white fraternal lodge or order is more a guarantee of work than individual merit. It is the system that is being challenged, the system that is drawing so emotional a response here and in the Chicagos, and New Yorks and Seattles of America where the same bitter battle is taking place between whites and blacks.

The result is evident to all: These two sides are dangerously close to outright warfare. In Pittsburgh today, the air is full of talk of stockpiling of weapons and plans for violent action. Whites, their language laced with racial epithets, talk of having it out once and for all. Blacks tell of getting ready to shoot down on the city from the "Hill" district where most of them live.

Taken alone, this labor crisis is disturbing enough to make Pittsburgh a center of national attention. But the Pittsburgh story goes deeper than jobs, economics and opportunities.

What is coming to the surface here is white reaction to a host of problems: high taxes, high prices, inflation, difficulties in schools and neighborhoods, anger at governmental strictures and actions, and vague fears and frustrations over "the way things are going." A single factor binds this all together into one explosive package. Race.

One cannot be sure whether this white reaction reflects a national malaise, the first faint stirrings of a white rebellion to progress won by Negroes. But after a week of interviews in all parts of the city, one comes away with new questions about the prospects for achieving a truly integrated society.

A sense of foreboding persists even though, and despite the depth of the bitterness here, Pittsburgh, like the nation at large, has not experienced unusual racial strife this past year.

Incomes are up, for blacks as well as whites. Businesses are engaged in new programs to guide blacks into higher-paying positions. Negroes continue to move into white neighborhoods with few incidents. And time and again, individual whites will say they have no animus toward blacks, and seem to mean it—in the abstract. It is when they get to specifics that whites begin to condition their statements. They will say they believe that every man should have an equal chance. But, having said that, they will express their fear and anger over what they say are black efforts to take advantage of the new equality.

In part, of course, this white reaction is the fruit of the past few years of tensions, riots, the threatening voices of militancy and the rise in crime, which, for most whites is a black problem.

Every person interviewed for this article mentioned watching and hearing the scenes and sounds of racial strife in America on their television sets in their homes at night. The impact has been profound.

Fear and unease are overlaid with resentment. Repeatedly, Pittsburgh whites assert that now it is they who are being discriminated against. The constant focus upon black problems has caused the needs of whites to be overlooked, they say.

The resentment has some basis in fact. When the Pittsburgh Human Relations Commission looked into the city's racial tensions last year, it found that community services in some of the poorer white neighborhoods had been neglected, while government money was poured into black areas.

"I think that's partly responsible for some of the trouble we've had on the upper Northside," says David B. Washington, the commission director. Washington, a Negro, says that "in the push to produce new black services, they should have hit the white areas, too."

Washington has this to say about race relations in Pittsburgh and the current hardening in white attitudes:

"I think we have to face the fact that we're starting to come to grips with the real issues and questions. There's a realization that government can't solve all questions. What we're really talking about is attitudes, about people behaving responsibly and trying to live together peacefully with respect for one another."

He is the philosophical view. Others are not so dispassionate. They are emotional, angry, disturbed. Here are some of the voices one hears these days in Pittsburgh:

A supermarket store manager, 32, of German descent, talking about his all-white neighborhood in the suburbs:

"Sure, people are more disgusted. They didn't mind when 'they' wanted this or that. To be honest about it, they felt guilty about the colored. But now, this is it, man, plain and simple: People are talking about killing them. These are people I know, not just people talking in bars. It's a sad state of affairs, and I've got four children myself. The main thing, I think, is fear. Like, they feel if 'they' come, they won't be able to stop them. Now even here in the store (I've got a mixed clientele from white-collar people to workers), people say they're going to take their jobs away. And the news media, they can bring hysteria. . . ."

A butcher, in another store in a different section:

"They don't want to take orders. Their whole attitude is, they don't want to start at the bottom. They want my job. Now, the colored people are entitled to a chance, but they shouldn't be given any privileges the white people aren't given. That's discrimination against the white side. And the people are getting more bitter. Like me. Why, hell, I never thought about it one way or another. If he works next to me, okay. But now everybody's disgusted. That's the kind of talk you hear. I even know people who never had anything to say about the colored people who say, 'They're getting out of hand. Something has to be done about it.' There isn't a day that goes by that you don't hear more demands on those TV programs. They want this. They want that. More often than not, you hear men say, 'There's going to be trouble, there's going to be shooting.'"

A small-shop owner:

"What I don't understand is why this country puts up with it. I mean, my school taxes went up $70 this year and that's from the burning and breaking 'they' did, and why should I pay for it?"

A girl in her 20s, off work in a neighborhood tavern:

"Five years ago, I liked them. I liked them like a white person. I've even smoked a cigarette after one. I've been in their homes. But now it's discrimination against white. They even make more money than I do. And the way they go and mop off. You know how cocky and arrogant they are."

A white minister, in a low-income white neighborhood called "Dutchtown":

"There is a strong feeling against the blacks. What I think they fear are the organized blacks, and this is where I wonder if it's more jealousy than racial prejudice. They see black people, by organizing, getting more things than they have, getting more concessions. But I definitely do see a change. There's a stronger animosity toward the blacks, and quite honestly it does worry me. I hear remarks that I didn't hear a few years ago, remarks from people right here in the church. Like, 'what needs to be done is they ought to shoot the bastards.' They say that to my face. For the most part, I think that kind of talk by most people is just blowing off steam. I do know, though, that on the part of some individuals, it isn't. They mean it."

A white principal in a school where there have been racial disturbances:

"The willingness to fight is more evident now among blacks and whites, and it's no longer fighting one to one. Now it's in groups." He spoke about the problem of combating wild racial rumors, and then told of a young seventh-grade white girl who came to his office in tears. After careful questioning, she admitted that she was afraid to go to school with Negroes. When the principal asked why, she blurted out: "They carry knives." She heard it at home.

That last comment points up perhaps the most disheartening attitude encountered. As the black director of a poverty program put it: "The most discouraging part is to see the young people moving farther apart. Many liberals who were on the fence are sliding off the other side. But it's the kids that get you most. Now you find many black homes where they're teaching as much prejudice today as the whites have done all the years. You know, 'Love Black. Hate White.' This is definitely increasing and it's frightening."

His fears were echoed by another man, the only white working man interviewed who identified himself with the black cause. He summed up this way:

"The white people definitely are waiting for trouble. They expect it, and they almost welcome it—that's the frightening part. It's a feeling that 'we'll put an end to this once and for all.'

"Take the people right here in this store. Last week, I was in the men's room and I heard them talking about Mayor Barr—how he should keep the black people out. They feel the black man is going to take something from them, and I don't believe this is true. If the black man is assured of his rights, we're all better off. But I have to shut up around here . . . if you're for seeing the colored people get a break, you have to keep it to yourself.

"Probably the reason I feel as strongly as I do is I'm one of 14 children. Dad was a carpenter and no matter how hard he worked, we never had enough and I don't think the average middle-class American has any conception of how the Negro feels when he sees that he has no chance of changing his situation. They just can't realize the feeling. And then you hear a guy right here in the store say he won't give any more money to his church because they gave it to the colored. This is the working people starting to fight back. And that's what's happening.

"So in the end I think the blacks are going to have to pay for all our other problems."

That was a voice of blue-collar moderation, not often heard in this part of America these days.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 210. An act to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, and for other purposes; and

H.R. 12605. An act to amend section 613 of the Merchant Marine Act, 1936, as amended; to the Committee on Commerce.

H.R. 372. An act to modify the reporting requirement and establish additional income exclusions relating to non-service-connected pensions for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, and for other purposes;

H.R. 10106. An act to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree; and

H.R. 10912. An act to amend title 38, United States Code, to liberalize the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans; to the Committee on Finance.

H.R. 11711. An act to amend section 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba; to the Committee on Foreign Relations.

H.R. 5968. An act to amend the Act entitled "An Act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes", approved September 5, 1962; and

H.J. Res. 224. A joint resolution to change the name of Pleasant Valley Canal, California, to "Coalinga Canal"; to the Committee on Interior and Insular Affairs.

H.R. 13696. An act to amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, with respect to the settlement of claims against the United States by civilian officers and employees for damage to, or loss of, personal property incident to their service; to the Committee on the Judiciary.

H.R. 13304. An act to provide for educational assistance for gifted and talented children; and

H.R. 13310. An act to provide for special programs for children with specific learning disabilities; to the Committee on Labor and Public Welfare.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett announced that the House had passed, without amendment, the following bills of the Senate:

S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), as amended; and

S. 2462. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission.

The message also announced that the House had passed the joint resolution (S.J. Res. 112) to amend section 19(e) of the Securities Exchange Act of 1934, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 210. An act to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, and for other purposes;

H.R. 372. An act to modify the reporting requirement and establish additional income exclusions relating to non-service-connected pensions for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, and for other purposes;

H.R. 5968. An act to amend the Act entitled "An Act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes", approved September 5, 1962;

H.R. 10106. An act to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree;

H.R. 10912. An act to amend title 38, United States Code, to liberalize the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans;

H.R. 11711. An act to amend section 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba;

H.R. 12605. An act to amend section 613 of the Merchant Marine Act, 1936, as amended;

H.R. 13304. An act to provide for educational assistance for gifts and talented children.

H.R. 13310. An act to provide for special programs for children with specific learning disabilities;

H.R. 13696. An act to amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, with respect to the settlement of claims against the United States by civilian officers and employees for damage to, or loss of, personal property incident to their service; and

H.J. Res. 224. A joint resolution to change the name of Pleasant Valley Canal, California, to "Coalinga Canal."

WATER QUALITY IMPROVEMENT ACT OF 1969

The **PRESIDING OFFICER**. Pursuant to the previous order, the Chair lays before the Senate Calendar 346, S. 7, which will be stated by title.

The **ASSISTANT LEGISLATIVE CLERK**. A bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The **PRESIDING OFFICER**. Without objection, the Senate will proceed to the consideration of the bill.

The Senate proceeded to consider the bill which had been reported from the Committee on Public Works with an amendment to strike out all after the enacting clause and insert:

TITLE I—WATER QUALITY IMPROVEMENT

SECTION 101. This title may be cited as the "Water Quality Improvement Act of 1969".

SEC. 102. Sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of the Federal Water Pollution Control Act, as amended, is redesignated as section 22. Sections 11 through 16 of the Federal Water Pollution Control Act, as amended, are redesignated as sections 16 through 21. The Federal Water Pollution Control Act, as amended, is further amended by inserting after section 10 five new sections to read as follows:

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 11. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which has been initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except in any case in which such vessel is engaged in commerce;

"(4) 'United States' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' means any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels having installed on board such devices; and

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel.

"(b) (1) Not later than two years after the enactment of this section, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereinafter referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with the standards issued under this subsection and with maritime safety and the marine navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a device or devices installed pursuant to the requirements of State statute, regulation, or recommended levels of control set forth in the Handbook on Sanitation and Vessel Construction (Public Health Service, 1965) prior to the promulgation of the initial standards and regulations required by this section shall be deemed in compliance with this section until such time as the device or devices are replaced or are found not to be in compliance with such State statute, regulation, or recommended level.

"(c) (1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to the regulatory authority established by this section, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels, and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated thereunder shall apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of any standards and regulations established pursuant to this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation with respect to the design, manufacture, installation, or use of any marine sanitation device in connection with any vessel subject to the provisions of this section, except that nothing in this subsection shall restrict the authority of a State to prohibit the discharge of sewage in any waters within a State where implementation of applicable water quality standards requires such prohibition.

"(g) (1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of the procedures set forth by the Secretary and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to, or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdiction to restrain violators of subsection (h) of this section. Actions to restrain such violators shall be brought by, and in, the name of the United States. In any such action, subpenas for witnesses who are required to attend a district court in any district may run into any other district. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section, shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penatly, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the Department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enfrocement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the Department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, board and inspect any vessel upon the navigable waters of the United States, and execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) The several district courts of the United States are invested with jurisdiction for any actions arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

"CONTROL OF OIL DISCHARGES

"SEC. 12. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(3) 'vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel;

"(4) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation or political subdivision thereof, except in any case in which such vessel is engaged in commerce;

"(5) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means, as the context requires, any person owning, operating, or chartering by demise, a vessel, or any person owning or operating an onshore or offshore facility or an onshore or offshore drilling-production facility;

"(7) 'person' includes an individual, firm, corporation, association, or a partnership;

"(8) 'remove' or 'removal' includes removal of the oil from the water and shorelines and the taking of actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private shorelines;

"(9) 'contiguous zone' means the entire zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

"(10) 'onshore or offshore drilling-production facility' means any facility of any kind and related appurtenances, thereto located in, on, or under, the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States, which is used or capable of being used for the purpose of exploring for, drilling, or producing oil;

"(11) 'onshore or offshore facility' means any facility, other than an onshore or offshore drilling-production facility, of any kind and related appurtenances thereto located in, on, or under, the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States, which is used or capable of being used for the purpose of processing, transporting, or transferring oil, or for the purpose of storing oil for any commercial purpose, but does not include any facility, other than a marine facility, used or capable of being used to store five hundred barrels of oil or less; and

"(12) 'act of God' means an act occasioned exclusively by violence of nature without the interference of any human agency.

"(b)(1) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, deem appropriate. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

"(2) Any vessel, onshore or offshore facility, or onshore or offshore drilling-production facility from which oil is knowingly discharged in violation of the provisions of paragraph (1) of this subsection shall be subject to an in rem civil penalty of not more than $2,500 for each offense. No penalty shall be assessed unless the owner or operator of the vesesl or of the onshore or offshore facility has been given notice and an opportunity for a hearing with respect to such discharge. Any such penalty also may be compromised. In determining the amount of such penalty, or the amount agreed upon in compromise, the gravity and nature of the violation, the history of discharges by such vessel or facility, the giving of notice pursuant to subsection (c), and any action taken to minimize or mitigate damage, including removal of discharged oil in accordance with the provisions of this section and the regulations promulgated thereto, shall be taken into consideration.

"(c) In order to facilitate the removal of oil and minimize or mitigate damage resulting from the discharge thereof, any person in charge of a vessel, an onshore or offshore facility, or an onshore or offshore drilling-production facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of subsection (b) of this section or the regulations promulgated thereunder, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $5,000, or imprisoned for not more than one year, or both. Notification received pursuant to this subsection shall not be used by the United States Government to enforce the provisions of any other Federal law or to provide any information obtained from such notice to any State for the purpose of any criminal prosecution.

"(d)(1) Within one hundred and eighty days after the effective date of this section, the President shall, consistent with maritime safety, marine and navigation laws, and applicable water quality standards, issue regulations (A) relative to the procedures, methods, and equipment for preventing discharges of oil, (B) establishing criteria relating to the procedures, methods, means, and equipment used in the removal of discharged oil, and (C) establishing criteria for the development and implementation of oil removal contingency plans. The regulations shall also provide procedures for the review and approval of such plans, where appropriate.

"(2) Any owner or operator of a vessel, onshore or offshore facility, or onshore or offshore drilling-production facility who fails or refuses to comply with the provisions of any regulation issued under paragraph (1) of this subsection, shall be subject to an in rem civil penalty of not more than $1,000 for each such failure or refusal. No penalty shall be assessed until such owner or operator has been given notice and an opportunity for a hearing on such charge. Any such penalty also may be compromised. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity and nature of the violation, the history of previous violations, and the demonstrated good faith of the owner or operator charged in attempting to achieve rapid compliance, after notification of an offense, shall be taken into consideration.

"(e) Whenever any oil is discharged in violation of subsection (b) of this section, unless removal is immediately undertaken by the owner or operator of the vessel, onshore or offshore facility, or onshore or offshore drilling-production facility from which the discharge occurs pursuant to the regulations promulgated under subsection (d) of this section, the President shall remove or arrange for the removal thereof. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such oil at any time.

"(f) (1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, such owner or operator of any vessel from which oil is discharged, or which causes the discharge of oil, into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (e) for the removal of such oil by the United States Government in an amount not to exceed $125 per gross ton of such vessel or $14 million, whichever is lesser, except that where such discharge was the result of negligence or a willful act, such owner or operator shall be liable to the United States Government for the full amount of such costs.

"(2) (A) Each owner or operator of a vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States, shall establish and maintain, under regulations prescribed by the designated Federal agency, evidence of financial responsibility of $100 per gross ton of the liability to which the vessel could be subjected under paragraph (1) of this subsection. Financial responsibility may be established and maintained by any one of, or a combination of, the following methods acceptable to the designated Federal agency: (i) evidence of insurance, (ii) surety bonds, (iii) qualification as a self-insurer, or (iv) other evidence of financial responsibility satisfactory to the designated Federal agency.

"(B) If a bond is filed with the designated Federal agency, then such bond shall be issued by a bonding company authorized to do business in the United States.

"(C) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection.

"(g) Each owner or operator of a vessel subject to the provisions of this subsection shall designate a person in the United States as his legal agent for service of process under this section.

"(h) The Secretary of the Treasury shall, upon request of the delegate of the President, withhold, at the port or place of departure from the United States, the clearance of a vessel, other than a public vessel, required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), which (1) is liable to the United States Government for any costs or penalties under subsection (b) or (f) of this section until such costs or penalties are paid or until a bond or other satisfactory surety is posted, or (2) has failed to meet the requirements of subsection (f) (2) of this section.

"(i) (1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, the owner or operator of any onshore or offshore facility from which oil is discharged into or upon the navigable waters of the United States or adjoining shorelines shall be liable to the United States Government for the actual costs incurred for the removal of such oil by the United States Government in an amount not to exceed $125 per ton of oil which such facility is capable of (i) processing, (ii) transporting, (iii) transferring, in any twenty-four hour period, or (iv) storing in the largest unit of such facility, whichever is greater, except where the discharge was the result of negligence or a willful act, the owner or operator shall be liable to the United States Government for the full amount of such costs.

"(2) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, the owner or operator of an onshore or offshore drilling-production facility from which oil is discharged, or which causes the discharge of oil, into or upon the navigable waters of the United States or adjoining shorelines shall be liable to the United States Government for the actual costs incurred in the removal of such oil by the United States Government in an amount not to exceed $8,000,000 except, where the discharge was the result of negligence or a willful act, the owner or operator shall be liable to the United States Government for the full amount of such costs.

"(j) (1) In any case where an owner or operator removes oil discharged from a vessel into or upon the navigable waters of the United States or adjoining shorelines or the waters of the continguous zone or removes oil discharged into or upon the navigable waters of the United States or adjoining shorelines from an onshore or offshore facility or an onshore or offshore drilling-production facility, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act of a third party.

"(2) In any case where recovery of costs is obtained by an owner or operator pursuant to this subsection and the discharge involved was caused by an act of a third party, the United States Government shall be subrogated to any rights such owner or operator may have against such third party due to causing such discharge.

"(3) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

"(4) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

"(k) (1) The President is authorized to delegate the responsibility of administering the provisions of this section to one or more appropriate Federal agencies. Any moneys in the fund established by this subsection shall be available to such Federal agencies to carry out the provisions of subsections (e) and (j) of this section. Each such agency, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal agencies.

"(2) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $50,000,000. Any funds received by the United States Government under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(l) The liability established by this section shall in no way affect any rights which (1) the owner or operator of a vessel, an onshore or offshore facility, or an onshore or offshore drilling-production facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

"(m) Anyone authorized by the President to enforce the provisions of this section may (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n) (1) Where as determined by the President there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private shorelines within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from a vessel, the delegate of the President shall have the right to take immediate possession of such vessel so far as to remove it or take such other action as may be appropriate to eliminate or mitigate such threat, and to prevent any unnecessary injury, and no one shall interfere with or prevent such removal or other action, except that the head of the agency charged with removal or other action under this subsection may, in his discretion, give notice in writing to the owner or operator of any such vessel requiring them to act. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

"(2) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private shorelines within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore drilling-production facility or an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat.

"(o) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (j) (1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

"(p) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal agency relative to onshore or offshore facilities or onshore or offshore drilling-production facilities under this Act or any other provision of law or to affect or modify any State or local law not in conflict with the provisions of this section.

"(q) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

"CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

"SEC. 13. (a) The President shall, in accordance with the procedures set forth in this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 12 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, criteria for the removal of such substances, including criteria relative to the methods and means of removal.

"(b) In the development of such regulations, the President or his delegate shall consult with other interested Federal agencies, representatives of State agencies, and other interested persons and organizations. Consideration shall be given to the latest available scientific data in the field, the technical feasibility of the regulations, and experience gained under this Act.

"(c) The President shall from time to time publish any such proposed regulations in the Federal Register and shall afford interested persons a period of not less than thirty days after publication to submit written data or comments. Except as provided in subsection (d) of this section, the President may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such regulations with such modifications as he may deem appropriate.

"(d) On or before the last day of any period fixed for the submission of written data or comments under subsection (c), any interested person may file with the President written objections to a proposed regulation, stating the grounds therefor and requesting a public hearing. As soon as practicable after the period for filing such objections has expired, the President shall publish in the Federal Register a notice specifying the proposed regulations to which objections have been filed and a hearing requested, and shall promptly hold a public hearing for the purpose of receiving relevant evidence. After completion of the hearing, the President shall make findings of fact on such objections, and the President may promulgate the regulations with such modifications as he deems appropriate, or take such other action as he deems appropriate. All such findings shall be made public.

"(e) Any aggrieved person may, within sixty days after promulgation in the Federal Register of any regulation for which a hearing was held under subsection (d), file with the United States Court of Appeals for the District of Columbia a petition praying that such regulation be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the President, and thereupon the President shall certify and file in such court the record upon which the President made his decision, as provided in section 2112, title 28, United States Code. The court shall hear such appeal on the record made before the President. The findings of the President, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or remand the proceedings to the President for such further action as it directs. The review provided by this subsection shall be the exclusive review available to such person of any such regulation and such regulation shall not be the subject of any review during any procedure leading to the enforcement of such regulation. The filing of a petition under this subsection shall not stay the application of the regulation complained of, unless the court so orders, upon finding that there is a substantial likelihood that the President's findings are erroneous, and that irreparable injury will result without such a stay.

"(f) Any regulation promulgated under this section shall be effective upon publication in the Federal Register unless the President specified a later date.

"(g) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge. Any such person who knowingly fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $5,000, or imprisoned for not more than one year or both. Notification received pursuant to this section shall not be used by the United States Government to enforce the provisions of any other Federal law or to provide any information obtained from such notice to any State for the purpose of any criminal prosecution.

"(h) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

"(i) Any owner or operator of a vessel or onshore or offshore facility who fails or refuses to comply with the provisions of any regulations promulgated under this section shall be subject to an in rem civil penalty of not more than $5,000 for each such failure or refusal. No penalty shall be assessed until such owner or operator has been given notice and an opportunity for a hearing on such charge. Any such penalty also may be compromised. In determining the amount of the penalty, or amount agreed upon in compromise, the gravity and nature of the violation, the demonstrated good faith of the owner or operator charged in attempting to achieve rapid compliance after notification of a violation, and the history of previous violations shall be considered.

"(j) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

"(k) Anyone authorized by the President to enforce the provisions of this section may (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(l) The several district courts of the United States are invested with jurisdiction for any actions arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone such actions may be brought in the United States District Court for the District of the Canal Zone.

"(m)(1) For the purpose of this section the definitions in subsection (a) of section 12 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

"(2) For the purpose of this section, the term—

"(A) 'remove' or 'removal' includes removal of the hazardous substances from the water and shorelines and the taking of actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private shorelines;

"(B) 'owner or operator' means, as the context requires, any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise, controlling the operations of an onshore or offshore facility; and

"(C) 'offshore or onshore facility' means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes and hazardous substances designated under this section.

"(n) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, the most appropriate measures for enforcement and recovery of costs incurred by the United States if removal is undertaken by the United States, and methods of imposing civil or criminal sanctions where removal is impossible or impractical. In carrying out this study, the President shall consult with the interested representatives of the various public and private interest groups that would be affected by such legislation as well as other interested persons.

"(o) The President is authorized to delegate the responsibility of administering the provisions of this section to one or more appropriate Federal agencies. Any moneys in the fund established by section 12 of this Act shall be available to such Federal agencies to carry out the purposes of this section. Each such agency, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal agencies.

"Area Acid and Other Mine Water Pollution Control Demonstration

"Sec. 14. (a) The Secretary in cooperation with other Federal agencies is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

"Pollution Control in Great Lakes

"Sec. 15. (a) The Secretary, in cooperation with other Federal agencies, is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property or services, the value of which shall be determined by the Secretary.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended."

Sec. 103. (a) Redesignated section 16 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"Cooperation by All Federal Agencies in the Control of Pollution

"Sec. 16. (a) (1) Each Federal agency having jurisdiction over any real property, facility or actiivty of any kind, shall, consistent with an approved plan for implementation, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d) (4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity, Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

"(2) There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"(b) Each Federal agency which leases any Federal property or facility of any kind or which contracts for the operation of any Federal property or facility or which contracts for the entire operation of any other facility, shall insure compliance with applicable water quality standards and the purposes of this Act in the administration of such lease or contract. Any certification obtained for a Federal license or permit pursuant to subsection (c) shall be evidence of compliance with water quality standards for the purposes of this subsection.

"(c)(1) Any applicant for a Federal license or permit to construct or operate any facility or to conduct any activity which may result in any discharge into the navigable water of the United States shall provide certification form the State in which the discharge originates or, if appropriate, the interstate water pollution control agency to the licensing or permitting agency and notice thereof to the Secretary that there is reasonable assurance that such facility or activity will comply with applicable water quality standards, except that in any case where standards for interstate water have not been approved or where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, such certification shall be obtained from the Secretary. Such State or if appropriate interstate agency or the Secretary shall, within one year of receipt of any application for such certification, notify the applicant of such certification or of intent not to certify. Whenever such discharge may affect, as determined by the Secretary, the applicable water quality standards of any other State or States, the Secretary, within sixty days of the date of notice of application for a Federal license or permit shall notify such other State or States. If, within thirty days after receipt of such notification, such other State or States determine that such discharge will adversely affect their water quality standards, the Secretary, within thirty days after the State or States make such determination, shall review such determination and, if he finds that such discharge will adversely affect the water quality standards of such State or States, shall require before such license or permit is issued such conditions as may be necessary to insure compliance with applicable water quality standards. No license or permit shall be granted without such certification and such conditions as the State or, as appropriate, the interstate agency or, as appropriate, the Secretary may reasonably require, including, but not limited to, provision for suspension or termination of any issued license or permit for failure to be in compliance with applicable water quality standards. In any case where such conditions required by the Secretary are more stringent than, or in conflict with conditions required by the certifying State or, if appropriate, interstate agency, the licensing or permitting agency, upon request of the applicant for a license or permit, shall hold a hearing and make finding of fact on the conditions to be included in any license or permit, except that no such findings shall be adopted that are less stringent than the conditions required by the certifying State. The licensee or permittee shall provide the certifying State or, if appropriate, the interstate agency, or the Secretary, with notification of any changes in the proposed facility or activity which may affect applicable water quality standards.

"(2) The certification obtained pursuant to paragraph (1) of this subsection shall fulfill the requirements of this subsection with respect to any other Federal license or permit required for such facility or activity, unless, after notice of application for such other Federal license or permit has been given by such Federal agency, the State or, if appropriate, the interstate agency or the Secretary, notifies within sixty days after receipt of such notice such Federal agency of a change since providing such certification in (A) the nature of the activity, (B) the design of the facility, (C) the natural characteristics of the waters into which such discharge is made, or (D) the water quality standards applicable to such waters, and that, due to such change, there is no longer reasonable assurance that there will be compliance with applicable water quality standards.

"(3) Prior to the operation of any federally licensed or permitted facility or activity, not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State and, if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring compliance with applicable water quality standards. Upon notification by the certifying State or, if appropriate, the interstate agency or the Secretary that the operation of any federally licensed or permitted facility or activity will not comply with applicable water quality standards, such Federal agency shall suspend such license or permit until notification is received that there is reasonable assurance that such facility or activity will comply with applicable water quality standards.

"(4) Upon notification by the Governor of the certifying State, or, as appropriate, the interstate agency or the Secretary, that any such federally licensed or permitted facility or activity has been found by a court of competent jurisdiction, pursuant to applicable State or Federal law, to be in violation of the applicable water quality standards such license or permit may be suspended or terminated as the circumstances require.

"(5) No Federal agency shall be deemed to be an applicant for the purpose of this subsection.

"(6) In any case where actual construction of a facility for the conduct of any activity has been commenced pursuant to a

Federal license or permit prior to the date of enactment of the Water Quality Improvement Act of 1969, no certification under this subsection shall be required for any Federal operating license or permit respecting that activity issued within two years following such date: *Provided*, That any operating license or permit issued during the two-year period following such date of enactment without such certification shall terminate at the end of that period unless prior to such date the licensee or permittee submits to the Federal agency that issued such license or permit a certification which otherwise meets the requirements of paragraph (1) of this subsection.

"(7) Except as provided in paragraph (6), any application for a license or permit that is (a) pending on the date of enactment of the Water Quality Improvement Act of 1969 and (b) that is issued within one year following the date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit: Provided, That any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification which otherwise meets the requirements of this subsection.

"(8) (A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

"(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, or not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

"(d) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

"(e) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts."

Sec. 104. Section 5 of the Federal Water Pollution Control Act, as amended, is amended as follows:

(1) by amending paragraph (2) of subsection (a) to read as follows:

"(2) make grants-in-aid to public or private agencies and institutions and to individuals for research and demonstrations, and provide for the conduct of research and demonstrations by contract with public or private agencies and institutions and with individuals without regard to section 3648 and 3709 of the Revised Statutes; and";

(2) by changing the semicolon at the end of paragraph (3) of subsection (a) to a period and striking paragraphs (4) and (5);

(3) by striking out subsection (g) and inserting the provisions of such subsection in section 21 in lieu of the provisions in subsection (b) thereof, except that in paragraph (4) of such inserted provisions, strike out "and June 30, 1969" and insert in lieu thereof "June 30, 1969, and June 30, 1970";

(4) by redesignating subsection (h) as subsection (k), and by adding the following new subsections after subsection (f):

"(g) (1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

"(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

"(4) The Secretary shall submit, through the President, a report to the Congress by September 30, 1970, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained; the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendation on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

"(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

"(i) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to the removal of oil from any waters and to the prevention and control of oil pollution, and shall publish from time to time the results of such activities. In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

"(j) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require."; and

(5) by amending the first sentence of redesignated subsection (k) to read as follows: "There is authorized to be appropriated to carry out this section, other than subsection (g) (1) and (2), not to exceed $65,000,000 annually for the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g) (1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g) (2) of this section $2,500,000 annually for the fiscal years ending June 30, 1970, and June 30, 1971.".

Sec. 105. Section 6 of the Federal Water Pollution Control Act, as amended, is amended—

(1) by changing in subsection (e) (1) the word "three" to "five"; and

(2) by changing in subsection (e) (2) and (3) the word "two" to "four".

Sec. 106. Redesignated section 19 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

Sec. 107. Section 10 of the Federal Water Pollution Control Act, as amended, is amended by adding in subsection (c) (3) the word "navigation," immediately following "industrial," in the second sentence.

Sec. 108. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

TITLE II—ENVIRONMENTAL QUALITY

Sec. 201. This title may be cited as the "Environmental Quality Improvement Act of 1969".

FINDINGS, DECLARATIONS, AND PURPOSES

Sec. 202. (a) The Congress finds—

(1) that in the pursuit of social and economic advancement man has caused changes in the environment;

(2) that the degree of such changes endangers a harmonious relationship between man and his environment;

(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment, increasing the severity of the physical, social, psychological, and economic problems of our society; and

(4) that changes in the environment should be restricted, insofar as possible, to avoid adverse effects on man, other species and the environment itself.

(b) The Congress declares—

(1) that there is a national policy for the environment which provides for the enhancement of environmental quality, which is enuniciated in the—

(A) Federal Water Pollution Control Act;

(B) Clean Air Act;

(C) Solid Waste Disposal Act;

(D) title 23 of the United States Code, relating to highways;

(E) Omnibus Rivers and Harbor and Flood Control Acts;

(F) Appalachian Regional Development Act of 1965;

(G) Public Works and Economic Development Act of 1965; and

(H) Tennessee Valley Authority Act of 1933;

(2) that the primary responsibility for implementing this policy rests with State and local governments;

(3) that the Federal Government shall encourage and support implementation of this policy through appropriate regional organizations; and

(4) that Federal and federally assisted public works programs and projects shall, in all instances, be developed and implemented in a manner consistent with the enhancement of environmental quality.

(c) The purposes of this title are—

(1) to provide for the development of criteria and standards to assure the protection and enhancement of environmental quality in all Federal and federally assisted projects and programs; and

(2) to authorize and to provide staff for an Office of Environmental Quality.

FEDERAL PUBLIC WORKS ACTIVITIES

SEC. 203. Each Federal department or agency conducting or supporting public works activities which affect the environment shall implement the policies established by the President pursuant to this title.

OFFICE OF ENVIRONMENTAL QUALITY

SEC. 204. (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (herein referred to as the "Office"). There shall be in the Office a Director and a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The compensation of the Director and the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Director and the Deputy Director of the Bureau of the Budget.

(c) The Director is authorized to employ such officers and employees as may be necessary to enable the Office to carry out its functions under this title.

(d) In carrying out the provisions of this section the Director shall—

(1) assist and advise the President on policies and programs of the Federal Government affecting environmental quality;

(2) provide staff and support for any cabinet level council or committee established by the President to coordinate Federal activities which affect the environment;

(3) review and appraise existing and proposed projects, facilities, programs, policies, and activities of the Federal Government which affect environmental quality and make recommendations thereon;

(4) review the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(5) promote advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(6) develop proposed policies and programs to protect and enhance environmental quality;

(7) recommend priorities with respect to problems involving environmental quality;

(8) assure evaluation of new and changing technologies for their potential effects on the environment prior to their implementation;

(9) review and comment on the coordination of the programs and activities of Federal departments and agencies which affect, protect, and improve environmental quality;

(10) review and comment on the development and interrelationship of environmental quality criteria and standards established through the Federal Government; and

(11) consult with and advise representatives of State and local governments and assist the President in efforts to achieve environmental quality in the community of nations.

(e) In carrying out the provisions of this section, the Director is authorized to contract with public or private agencies, institutions, and organizations, and with individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) for research and surveys regarding any potential or existing problem of environmental quality.

(f) In carrying out the provisions of this title the Director shall—

(1) not later than six months after the effective date of this Act and not later than January 10 of each calendar year beginning after such date, report to the Congress on measures taken toward implementing the purpose and intent of this title;

(2) collect, collate, analyze, and interpret data and information on environmental quality and issue reports thereon, as he deems appropriate; and

(3) organize and convene a biennial forum on current problems and issues concerning environmental quality, population, and the future, and publish the proceedings thereof, and participants in such forums shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, psychology, medical sciences, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

ADVISORY COMMITTEES

SEC. 205. (a) In order to obtain assistance and independent advice in the development and implementation of the purposes of this title, the Director of the Office of Environmental Quality shall from time to time establish advisory committees. Committee members shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of the other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, medical sciences, psychology, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

(b) The members of the advisory committees appointed pursuant to this title shall be entitled to receive compensation at a rate to be fixed by the Director, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

AUTHORIZATION

SEC. 206. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1969, and for each of five succeeding fiscal years, such amounts as may be necessary for the purposes of this title.

TITLE III—PROPERTY ACQUISITION

SEC. 301. (a)(1) The Architect of the Capitol, under the direction of the Senate Office Building Commission, is hereby authorized to acquire on behalf of the United States, in addition to the real property heretofore acquired as a site for an additional office building for the United States Senate under the provisions of the Second Deficiency Appropriation Act, 1948, approved June 25, 1948 (62 Stat. 1028) and Public Law 85–591, approved August 6, 1958 (72 Stat. 495–496), by purchase, condemnation, transfer, or otherwise, for purposes of extension of such site, all publicly, or privately owned property contained in lots 863, 864, 892, 893, 894, and 905 in said square 725 in the District of Columbia, and all alleys or parts of alleys and streets contained within the curblines surrounding such square, as such square appears on the records in the Office of the Surveyor of the District of Columbia as of the date of enactment of this Act.

(2) Any proceeding for condemnation brought under paragraph (1) shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368).

(3) Notwithstanding any other provision of law, any real property owned by the United States and any alleys or parts of alleys and streets contained within the curblines surrounding square 725 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol, and any alleys or parts of alleys or streets contained within the curblines of said square shall be closed and vacated by the Commissioner of the District of Columbia in accordance with any request therefor made by the Architect of the Capitol with the approval of such Commission.

(4) Upon acquisition of any real property pursuant to this section, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith.

(5) The jurisdiction of the Capitol Police shall extend over any real property acquired under this section and such property shall become a part of the United States Capitol Grounds.

(b) For carrying out the purposes of this section, there is hereby authorized to be appropriated $1,250,000. The Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this section.

PRIVILEGE OF THE FLOOR

Mr. RANDOLPH. Mr. President, during the consideration of S. 7, I ask unanimous consent that the necessary members of the staff of the Committee on Public Works be permitted to have the privilege of the floor for the purpose of assistance to and consultation with the members of the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT subsequently said: Mr. President, I ask unanimous consent that during the consideration of S. 7 or amendments thereto, or S. 1075, two minority members of the staff of the Committee on Interior and Insular Affairs may be permitted on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. What is the pending business?

The PRESIDING OFFICER. The pending business is S. 7. The question is on agreeing to the committee amendment in the nature of a substitute.

The Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, today the Senate begins consideration of a major water pollution control measure which provides for specific approaches to deal with particular kinds of water pollution problems.

S. 7, if enacted, will authorize the Federal Government to clean up disastrous oil spills which seriously jeopardize the Nation's waters and beaches.

This legislation requires Federal licensees and permittees to comply with water quality standards as a precondition of the license or permit.

Vessel sewage which fouls many of the Nation's marinas, harbors, and ports will be subject to new methods of control.

The bill authorizes the designation and cleanup of hazardous substances which present a substantial endangerment to health and welfare when discharged into the Nation's waters.

Authorizations for continued research and new authority to deal with eutrophication—the natural process of aging of lakes—and acid mine drainage are also important provisions of the bill.

Title II of S. 7 provides for meaningful consideration of the environmental policies set by the Federal Water Pollution Control Act, the Clean Air Act, and the Solid Waste Disposal Act in all federally supported public works activities. Other provisions of title II are intended to bring those environmental policies into all other programs of the Federal Government.

Title III provides for the acquisition of land for use of the U.S. Senate. This title will be discussed by the junior Senator from North Carolina (Mr. JORDAN), chairman of the Subcommittee on Buildings and Grounds.

TITLE I

For the past 6 years, Congress has recognized that the success of our effort to clean up the Nation's waters depends on an urgent commitment of organization, planning, engineering skill, and funds. We have ackowledged the need for clean water in the broadest sense. But the demand for clean water is so great and is growing so rapidly that we cannot afford to overlook any opportunity to increase the available supply of water, or to prevent and control sources of pollution which threaten the existing supply. This legislation will provide new tools to accomplish these tasks.

The provisions of S. 7 are not entirely new. While the committee has refined the language, the basic provisions of this bill are similar to those to which the Senate gave unanimous agreement in S. 3206 last year and in S. 2760 in 1967.

Several of the features of the bill either will be discussed by other members of the committee, or are analyzed in detail in the report. I would like to concentrate my remarks on three principal provisions of title I and on title II in its entirety.

The part of title I which establishes oil pollution liability for vessels and on- and off-shore facilities has received a great deal of attention and consideration from the subcommittee and the full committee.

As introduced, S. 7 provided that liability on vessels and onshore and offshore facilities would be based on a test of negligence with the burden of proof on the owner or operator of the vessel or onshore or offshore facility to show that a discharge of oil was not negligent.

Expert testimony to the committee indicated that while the cost of cleanup of a barrel of oil might average $75, the possibility of any single vessel or facility discharging its entire capacity was remote even in a catastrophic disaster. The figures recommended by the committee, $125 per gross ton for vessels and nonproduction facilities and $8 million for drilling or production facilities, would be adequate in the judgment of the committee, to finance the cleanup cost of the largest oil spills on record.

The type of liability to be imposed presented the committee with troublesome questions. Lengthy testimony was presented in the 13 days of hearings held by the subcommittee and extensive discussion took place in executive sessions concerning the factors which should be considered in determining the type of liability. Among those factors were: First, the effect of a rigid liability on maritime commerce; second, the availability of insurance for the owner of the vessel or the shipper of oil; and, third, the impact of different types of liability on the U.S. Government and the people of the United States.

Heretofore, maritime liability has concerned the vessel, its cargo, and its employees. Insurance covers the hull, the cargo, personal injury, and death, and has been designed to protect people who either work for, use, own, or operate a vessel. Were these risks comparable to those associated with oil pollution, the imposition of negligent liability would not be questioned. However, the discharge of oil often affects the general public, persons, and property wholly unrelated to the vessel, who have no control over it, and who have no interest in it.

It can be argued that the public interest would be completely protected only by absolute and unlimited liability; negligence and limited liability would protect only private interests. If Congress imposed negligence liability, it followed that there should be no limits on such liability.

The representatives of the insurance industry and the oil industry testified that they could not imagine a circumstance where a discharge of oil could occur without negligence. In fact, the witness for the British Maritime Insurance Brokers stated in a letter dated August 1, 1969:

> Presumable (sic) this means negligence of the shipowners servant as I read the words and surely it is realized that almost every marine casualty is caused by negligence.

Therefore, it appeared to the committee that negligence liability with a reverse burden of proof and absolute liability are similar in practical application. One practical advantage to absolute liability is the avoidance of litigation on the question of responsibility.

Parenthetically, it is important to note that this section deals only with the costs of the cleanup of discharges. The bill in no way affects the rights of third parties against the party alleged responsible for the discharge.

After deciding to recommend unlimited negligence liability and limited absolute liability, the committee then determined that some exceptions to absolute liability were justified. The committee decided that an owner or operator of a vessel or facility should not be held liable if he could prove that a discharge was caused solely by an act of war.

The committee also decided that an owner or operator should be exempt from liability if he could prove that the discharge was caused solely by an act of God about which he could have no foreknowledge, could make no plans to avoid, or could not predict. Under this exception, only discharges resulting from grave natural disasters, which could not be anticipated in the design, location or operation of the facility or vesssel in light of historic, geologic, or climatic circumstances or phenomena, would be outside the scope of the owner's or operator's responsibility.

It was brought to the attention of the committee that there have been circumstances in which a negligent act of Government was the cause of a discharge of oil. The committee decided that an owner or operator should not be held liable if he could prove that such act of U.S. Government negligence was the sole cause of discharge.

Finally, the committee included a discharge which occurs solely due to an act of a third party.

The committee decided that while the owner or operator should not be liable if he could prove that a discharge was caused by one of these acts, it was also necessary that such exceptions be allowed only when the owner or operator proved the discharge to be solely the result of one of the exceptions. Any culpability on the part of the owner or operator would vitiate the exception.

The committee recognized that no discharge of oil from a vessel, affecting the coastal waters of the United States, has approached the liabilities imposed by this bill. However, the risk of such spills and the possibility of major catastrophic discharges from onshore or offshore facilities or from oil-drilling operations must be considered.

During hearings in Washington and throughout the country, representatives of local governments, industrial concerns, community and conservation groups, and the public have questioned repeatedly the justification for requiring compliance with water quality standards in their activities when Federal agencies are not subject to a similar requirement.

If the Nation is to have an effective water pollution control program or any effective environmental control program whatever, Federal agencies must consider the environmental aspects of their programs as a matter of first priority.

Recognizing that point, Mr. President, this committee, under the leadership of the distinguished Senator from Delaware (Mr. BOGGS) has pressed for years for an upgrading of the performance of the Federal Government in the field of pollution control and environmental improvement.

S. 7, as reported, provides an orderly mechanism for insuring that all Federal activities will comply with the philosophy and intent of the Nation's water quality program. This section calls for Federal agencies to control their own wastes and to require control by Federal licensees and permittees. This task will be neither easy nor inexpensive. Nevertheless, the committee expects that it will be accomplished.

The existing water quality standards program envisions preventive policies rather than abatement procedures as the best method of pollution control. This provision of S. 7 applies that policy. It does not impose an unjust burden on any applicant for a Federal license or permit, since the committee assumes that Federal licensees and permittees, like any other organization or individual that intends to use the waters of the United States, will anticipate pollution control in the construction or the modification of any facility.

The committee expects that communication between the applicant and the appropriate pollution control agency relative to the planning of any facility which will affect water quality will take place at the earliest possible time. Site location is an essential aspect of the effective implementation of the Nation's water quality program. There are some sites where no such facility should be constructed because pollution control technology is not adequate to assure the maintenance and the enhancement of water quality. Those who make decisions concerning site locations should be aware of this fact and deal with it before making any investment in new facilities.

Waste from watercraft is one of the many sources of pollution that has an impact on the water quality of our Nation. This pollution is most severe in bays, lakes, harbors, and marinas where the concentration of vessels is heaviest and where there is minimum natural dilution of contaminants. The increasing use of our waterways will further compound these problems. This new section provides for the economic and practical control of discharges of raw or inadequately treated sewage from vessels into the navigable waters of the United States at the earliest possible date.

The committee recognized that many States have moved to control inadequately treated or untreated discharges of waste from vessels and praises the efforts of those States. However, conflicting regulations and standards for marine sanitation devices present a hardship to recreational boaters who move between States and present potentially serious restrictions on the interstate movement of commercial vessels.

In order to avoid these difficulties, the committee has provided for Federal preemption of the authority to regulate the design, use, manufacture, and installation of marine sanitation devices. No State shall have authority to require any device of any kind on any vessel subject to the provisions of this section after the effective date of the standards and regulations.

The committee is nonetheless aware of the necessity to relate any sewage treatment control measure to existing water quality programs. Consistent with this philosophy, the committee has provided authority for the States to prohibit entirely the discharge of any sewage from vessels without regard to the regulations set by this act if an approved plan for the implementation of water quality standards requires such restrictive measures.

This exception is not intended to be broadly construed. A State cannot prohibit vessel waste discharges for all of its rivers, lakes, and coastal waters unless the State has adopted standards which establish uses for all of those waters consistent with an absolute prohibition. The committee intends that any State prohibition apply only to areas designated for the protection of public drinking-water supplies, shellfish beds, and areas designated for body-contact recreation.

The committee expects that the States will provide alternative facilities for disposal of sewage from vessels wherever necessary.

This provision is substantially the same as that passed by the Senate and the House in 1968 and evaluated in the report language found in Senate Report No. 1371 of the 90th Congress which accompanied S. 2525.

The provision for acid mine drainage which was included in S. 2760 in 1967 as two sections has been combined into one section authorizing $15 million for both research and demonstration programs and is substantially the same as provisions passed in 1967.

The clean lakes provision, originally sponsored by Senators WALTER MONDALE and QUENTIN BURDICK, has been expanded to authorize the development of necessary research facilities but is otherwise identical to the legislation which passed the Senate unanimously in 1967.

The committee was also confronted with the dilemma of how to deal with the problem of the discharge of hazardous substances—other than oil—which present an imminent and substantial endangerment to the public health and welfare, but for which there is no clear Federal cleanup authority. The record on this subject was inadequate. Information indicated only that such discharges do occur and that the damage caused by such discharges of oil and other materials is often extensive. The list of discharges of oil and other materials since January of this year, on page 59 of the report, records several discharges of hazardous substances.

S. 7, as reported, authorizes the President to designate as hazardous any substance, the discharge of which in any quantity presents an imminent and substantial endangerment to public health or welfare, and to require notice of the discharge of any such substance after such designation. The Federal Government is authorized to clean up those discharges where practical. The committee recognized that many of the substances which will be designated are water-soluble or for other reasons cannot be cleaned up effectively. This section will primarily serve to notify downstream water users of a dangerous discharge.

The committee expects a report from the President by November of 1970 which will discuss the types and amounts of liability which should be imposed to recover the cost of cleaning up hazardous substances. The findings of that will be the subject of future legislation.

The committee has included in this legislation a provision offered by Senator STEPHEN M. YOUNG and identical to one passed by the House of Representatives. It provides relief for the citizens of the Great Lakes area who are confronted with a rapid deterioration of their vital water resources.

This section authorizes the Secretary to grant up to 75 percent of the cost of projects demonstrating new methods to control and eliminate pollution in the Great Lakes drainage basin. There is no question that this legislation is essential. The Great Lakes are perhaps the Nation's most vital inland water resource, yet Lake Erie is dying and Lake Michigan is the subject of serious concern. No Federal dollars will be better spent than those which produce effective methods to deal with the critical problems of the Great Lakes, for not only will those dollars help remedy an already critical situation but they will undoubtedly demonstrate methods which can be used to prevent the accelerated eutrophication of other lakes and reservoirs which are equally important to other regions of the country.

The committee has been increasingly concerned about the availability of trained technical personnel to operate sewage treatment plants. As a result of that concern the committee authorized a study of manpower and training needs in the Clean Water Restoration Act of 1966. That study was transmitted to the

Congress in mid-1967 and was printed as Senate Document No. 49 on August 31, 1967. On the basis of that report, which indicated a demand for 18,500 new plant operators and the need to upgrade the skills of many existing plant operators, and on the basis of another report prepared for the Subcommittee on Air and Water Pollution by the General Accounting Office on the effects of inadequately trained personnel on the operation of federally assisted sewage treatment plants, the committee was pleased to receive and include in the bill a proposal by Senator HUGH SCOTT to authorize pilot programs for training plant operators and technicians.

The committee recognizes that a great deal more than a pilot program will be required if Federal funds for sewage treatment plant construction are invested wisely, but it believes that experience with a pilot program would provide a sound base for expanded legislation in the near future.

Title I of S. 7 is as significant as any water pollution legislation ever reported by the Committee on Public Works. It provides authority to deal with a variety of critical yet definable water pollution problems. Unlike prior measures which have been reported by this committee, title I does not develop a new policy for water pollution control but rather provides additional tools to implement the national policy of water quality enhancement established by the Water Quality Act of 1965. Effective control of water pollution cannot be obtained without these additional preventive and enhancement measures. The sources covered by this title require specific attention.

TITLE II

In recent years, and especially since 1963, Congress has developed a strong policy for the enhancement of environmental quality. This policy is based on the knowledge that man and his environment are closely interrelated and that environmental quality is necessary to the improvement of living standards for all men—and, indeed, possibly for the survival of the human race.

The legislation which has formed this broad policy has been developed through the efforts of many congressional committees, including the Senate Committee on Agriculture, Banking and Currency, Commerce, Finance, Government Operations, Interior, Labor and Public Welfare, and Public Works. Participation in this development has been broad-based because the problems of environmental quality transcend artificial divisions of committee jurisdiction.

Much of the substantive legislation in this area has come from the Public Works Committee and its Subcommittee on Air and Water Pollution. The committee's work has resulted in the Clean Air Act of 1963, and the 1965 and 1966 amendments; the Air Quality Act of 1967; the Water Quality Act of 1965; the Clean Water Restoration Act of 1966; and the Solid Waste Disposal Act of 1965.

Originally drafted to meet specific pollution problems which demanded immediate abatement actions, legislation from the Public Works Committee evolved to the point where it is based on the concept of the prevention of pollution and the enhancement of the quality of the air, water, and land environment.

A strong partnership among governmental agencies at the Federal, regional, and State levels is the basis for this broad strategy. The States have been delegated the primary responsibility to protect and enhance the quality of the environment within their jurisdictions and—in cooperation with neighboring States—within river basins and air sheds common to those States. Water and air quality standards are to be adopted, implemented, and enforced at the State and regional levels on the basis of criteria promulgated by the Departments of the Interior and Health, Education, and Welfare. The Federal Government has the responsibility to develop these criteria; to act to set or enforce standards where States do not fulfill their obligations; to conduct research to improve our understanding of environmental threats and develop new means of protection; and to protect the environment in the conduct of its own activities.

The opportunity to act first has been given to the States because the national policy of environmental enhancement recognizes the need to involve individual citizens and communities in any decisions concerning the environment in which they live. The best way to put this policy into practice—to make participation in the decisionmaking process as close to individual citizens as possible, within the guidelines of the criteria.

The committee has emphasized, however, that the opportunities for local control are not open-ended. If the States and regions fail adequately to carry out their responsibilities under these sets or are unable to do so, the Congress has expressly authorized the Federal agencies administering these programs to assume the responsibilities.

The States cannot succeed in meeting their obligations without the complete cooperation of all Federal departments and agencies. The Federal responsibility to protect the environment in the conduct of its programs which are not subject to State regulation has often gone unmet. This shortcoming is present in every Federal department and agency and is in direct conflict with the Nation's environmental policy and the purposes and provisions of the legislation which has developed that policy.

It is clear that there is no one answer to the problem of environmental regulation of the Federal Government's own activities. The committee believes that it is the responsibility of each standing committee in Congress to examine carefully the activities of those departments and agencies within its jurisdiction and to insist that the policy of the enhancement of environmental quality is strictly followed.

The Public Works Committee is committed to reviewing all legislation and Federal activity under its jurisdiction with these duties in mind and expects to initiate this review during this Congress. Furthermore, title II of S. 7 explicitly requires that all federally supported public works projects and programs be planned, developed, and administered with full consideration of their impact on our air, water, and land and with strict adherence to the national policy of environmental enhancement.

More and more public officials and individual citizens share this concern of the committee and have recognized the need for the integration of environmental consideration in all programs and policies of the Federal Government. We are confronted with problems of accelerating environmental deterioration on the one hand, and the inadequacies of our public and private institutions to deal with these problems on the other.

The Public Works Committee has focussed on several measures designed to remedy these inadequacies and has concluded that the problems of management are even more urgent than the problems of organization. Therefore, the committee has proposed in title II an Office of Environmental Quality in the Office of the President. This office would have the management capability to bring coherence and consistency into the environmental activities of the Federal Government. The committee has given careful study to other proposals and has concluded that an independent environmental staff in the Executive Office of the President is crucial to the effective coordination and administration of all Federal programs in line with the Nation's policy of environmental enhancement.

The Office of Science and Technology presently supplies the staff for the President's Cabinet Council on Environmental Quality. Unfortunately, the Office of Science and Technology has widespread responsibilities, is thinly staffed, and must look to the departments and agencies of the Federal Government for staff assistance. Thus, the advice and assistance the President receives concerning the programs and policies of the Federal agencies comes from the agencies themselves. No matter how well intentioned, this arrangement will not produce a critical and independent review of Federal departments and agencies.

No Federal department or agency which is not primarily oriented to environmental matters can be expected to have either the sufficient expertise or the proper perspective to evaluate their own programs satisfactorily by themselves. This assumption is the basis for both section 16 of title I and the provision establishing the Office of Environmental Quality in title II.

The most difficult task facing the President and the Congress in the area of environmental quality is the review and analysis of the administration of the environmental programs and policies of the Federal Government, a function which should be coordinated from the Office of the President. The committee strongly feels that the President requires a competent, independent staff, not affiliated with any other Federal agency, to accomplish this purpose.

The Office of Environmental Quality would provide the independent staff required by the new Cabinet Level Council and would make available to the President the professional competence to review and analyze all programs and policies relating to the air, water, and land environment. The office would also provide reports on environmental issues to the appropriate committees of Congress, the Council, and the public.

The bill reported by the committee does not tell the President how to organize his administration to deal with environmental problems. It provides him with staff for whatever arrangement he determines most appropriate to his approach to the administration of the executive branch.

One of the principal advantages of this legislation is the recognition that progress can be made in enhancing the quality of the environment only if the national policy has the full support of both the President and the Congress. The Office of Environmental Quality should increase the capacity of the President to support that policy.

Mr. President, I conclude what may appear to be a lengthy analysis of the bill, but which, in fact, in the light of its broad coverage, is a brief analysis of the bill.

I would like, at this time, to express my appreciation to all members of the committee, but specifically, to the distinguished Senator from West Virginia (Mr. RANDOLPH), chairman of the full committee, the distinguished Senator from Kentucky (Mr. COOPER), the ranking Republican member of the full committee, and my good friend and longstanding right hand in this fight against pollution, the distinguished Senator from Delaware (Mr. BOGGS), for the excellent cooperation which we have had.

I must say that our experience with this bill has been one of the most reassuring that I have had in my years in the Senate and in my years of dealing with this kind of legislation.

We had long hearings, but, more than that, we had extensive executive sessions beginning in March and continuing through June and July—sessions which were attended most of the time by the full membership of the committee, all of whom participated in the discussion of problems which surfaced in an effort to come to grips with them and solve them soundly, from the legislative point of view, without regard to partisan considerations. I do not believe there is a partisan comma in the bill. It reflects the work of members on both sides of the aisle, and for them I would like to express my appreciation, through Senator BOGGS, to all his colleagues on the Republican side of the committee.

I yield to the distinguished Senator from Delaware.

Mr. BOGGS. Mr. President, I thank the distinguished Senator from Maine, chairman of the subcommittee and manager of this bill, for his very kind and generous remarks.

I rise to support S. 7, the Water Quality Improvement Act of 1969, and to associate myself with the remarks of the distinguished Senator from Maine (Mr. MUSKIE), chairman of the Subcommittee on Air and Water Pollution.

Under his able and thoughtful leadership, we have conducted an exhaustive investigation into the various aspects of the water pollution problem and we have written a bill that I consider as important as any seeking to enhance environmental quality that will come before the Senate for many years.

Before I discuss the merits of this legislation and try to further clarify some points that may be of interest, I wish to thank the Senator from Maine (Mr. MUSKIE) and the other members of the subcommittee for their efforts on behalf of the bill. I also wish to thank especially the distinguished chairman of the full committee, Senator RANDOLPH of West Virginia, and the distinguished ranking minority member, Senator COOPER of Kentucky. They both have been great to work with, and they each have contributed so much in the consideration and writing of this proposed legislation

It has been a great privilege to work on this committee and serve with the distinguished chairman of the subcommittee, who is recognized as an able leader in this field. As he has stated so eloquently, there has been completely bipartisan approach in the consideration of the provisions of this bill. This bipartisan cooperation began with the introduction of the bill, and went through the hearings, the markup, to the bringing of this bill from the committee to the floor.

We have sought legislation that will meet a need—a pressing need. And in this effort, we have received great work and cooperation from the committee staff.

The chairman of the subcommittee has already discussed the need for legislation that will obligate the owner of a vessel or a drilling facility to clean up an oil spill. I shall not detain the Senate by restating his persuasive arguments. However, I should like to point out that such legislation is not new to the Senate. These provisions are an outgrowth of S. 2760, which passed the Senate in December 1967. This earlier legislation imposed unlimited dollar liability for oil cleanup costs, with an exception for acts of God. S. 7 places a dollar limit on liability, except when negligence is proven, and exempts acts of God, acts of war, acts of Government, and acts of a third party. These were limitations that were discussed at great length in committee, and raised repeatedly in hearings with representatives of the oil and shipping industries. It was the committee's belief that such exemptions have the effect of protecting the public in nearly every case, while safeguarding private interests at rare times of great disaster.

There is one important point I should like to add in relation to the oil cleanup liability section of the bill. The emphasis in this section is on the word "cleanup," not "liability." It is the intent of this legislation, and I cannot stress this point too strongly, that the polluter should clean up any oil spill on his own, and that the Government should not need to act. The Government should take action only when the polluter fails, himself, to take prompt and effective action. This is a responsible approach, fitting the sense of public responsibility held by the vast majority of American businesses.

In Delaware, my home State, I recall an incident when an oil barge of the Hess Oil Co. ran aground off Rehoboth, spilling oil. Hess Oil went in at once and cleaned up that spill, spending its time and effort and not throwing the burden on the Government. That is what this bill seeks to encourage. The liability standard only will take effect, I feel certain, in the rare cases of businesses that lack this public spirit.

That 1967 legislation and a bill that the Senate passed in July 1968, S. 3206, dealt with many other aspects of water pollution also handled in the current bill. This bill, S. 7, and the previous legislation, authorizes research and development on problems of lake pollution, demonstration projects for controlling acid mine drainage, and provisions insuring cooperation among all Federal agencies in maintaining water quality standards.

Last year's legislation contained a provision authorizing a national standard for devices to treat sewage from vessels. A similar provision appears in S. 7. I should point out that the new legislation adds wording that gives to each State the right to bar vessel discharge where necessary to protect that State's waters for such purposes as drinking, recreation, shellfish production. This is a right the States should have. This means that if water quality at a specific location would be degraded below applicable water quality standards by a discharge, treated or otherwise, the State may prohibit the discharge in that area to protect the lake, marina, oyster bed, or municipal water intake location.

Some boatowners have argued that States would act capriciously, and establish a variety of restrictive standards in their waters. This cannot happen. There would be only two standards: A discharge standard and a no-discharge standard. When an automobile driver crosses State lines on a trip, he is required to know a new set of laws. Why is it any more of a burden for a boatowner to know where there is a discharge and where there is a no-discharge policy in another State he intends to visit?

It should be emphasized further that the language permits a discharge prohibition only when "applicable water quality standards require such prohibition." Thus, if a State acts capriciously, the boatowners may go to court to halt such unreasonable action by the States.

This provision has created some controversy among boatowners. They argue the provision gives States the rights to bar discharges in some locations, an unnecessary restriction on boatowners.

We have discussed this at great length. Following the filing of the report on this bill, I received a letter from an executive who had forcefully brought to committee members his objections to the S. 7 discharge language. The letter says:

> I also believe that if the administrators will follow the intention and guidance of the Committee, as I understand it in the Report, and if common sense and practicality prevails, the owners and operators of both recreational and small commercial vessels will be able to live with the situation and will be glad to cooperate toward the objective that we all have, namely, cleaner waters for the use and enjoyment of everyone in our great country.

I discuss these several points and their legislative history to demonstrate that the pending legislation holds a direct inheritance from legislation previously adopted by this body.

The distinguished Senator from Maine has discussed many of the new provisions, such as the authorization of a study on cleanup of other hazardous substances, plus a most essential provision establishing in the White House an Office of Environmental Quality. I endorse these portions of the bill, as I do the entire measure, but, in addition, there is one further provision of the bill I wish to mention briefly. This is section 16(g), dealing with manpower training, suggested to the committee by the distinguished minority leader, Senator SCOTT. The cost to implement this provision is small: $5 million during this fiscal year, $7.5 million in fiscal 1971. But the rewards should be great. The paragraph authorizes pilot projects to train technicians to operate sewage treatment plants. The Federal Water Pollution Control Administration estimates that these funds will finance the training of 9,000 technicians, toward filling a national shortage of 30,000 such technicians. This will offer to the Nation greater assurance that the waste treatment plants we are building under the Clean Water Restoration Act of 1966 will not stand idle or inefficiently utilized. As we look ahead toward the enhancement of our environment, this training section should have an impact for good far beyond its cost.

For the reasons that I have enumerated, I am happy to support this legislation. I urge my colleagues to give it orderly consideration, and I hope they will support it. It is most essential legislation.

I again, in conclusion, wish to thank the distinguished chairman of the committee, the Senator from Maine (Mr. MUSKIE), for his outstanding leadership and ability, and for the great privilege it has been to work with him and the other members of the committee on this legislation.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. MUSKIE. I thank my good friend from Delaware, and I appreciate his comments. I shall yield in a moment to the distinguished Senator from Virginia (Mr. SPONG). Before I do, however, I should like to say, in response to something the distinguished Senator from Delaware has said, that I neglected to give appropriate credit to the distinguished Senator from Kansas (Mr. DOLE) for the provision in the bill dealing with hazardous substances. He took a special interest in that matter, and developed the amendment and presented it to the commitee, and I should like to give him full credit for that provision.

Mr. BOGGS. I join with the distinguished chairman.

Mr. MUSKIE. I yield to the Senator from Virginia.

Mr. SPONG. Mr. President, the bill before the Senate represents a forward-looking response to the national concern over the deteriorating condition of our water resources.

The measure is the product of most careful consideration by the Subcommittee on Air and Water Pollution, and its parent Committee on Public Works. We are indebted to the leadership of the Senator from Maine (Mr. MUSKIE) and the Senator from West Virginia (Mr. RANDOLPH) during the development of this important and far-reaching legislation. We also are grateful for the contributions made by Senators BOGGS, COOPER, and BAKER.

Because I represent a coastal State, I am particularly interested in those provisions of the bill which deal with oil pollution, thermal pollution, and the discharge of wastes from vessels.

After lengthy deliberations, the committee decided to recommend absolute liability upon vessel owners or operators for the cleanup costs of oil spills. Liability would be limited to $125 per gross ton of the offending vessel or $14 million, whichever is lesser. This concept places the risk on the responsible party, not innocent third parties and the general public. Our objective was to protect the taxpayers from potential cleanup costs, without imposing liability in excess of reasonable risks. It is the understanding of the committee that the limits in the bill are sufficient to cover the costs of the most expensive spills.

Fortunately, there have been no spills from vessels in the coastal waters of the United States which even approach the limits. Moreover, the outer limit of $14 million would be sufficient to cover the liability, at $125 per ton, of any vessel presently capable of using U.S. ports. However, the committee was of the opinion that the danger from potential spills from vessels, as well as from onshore and offshore oil facilities, should be taken into account in the development of this legislation.

The owner or operator, not the Government, would be given first opportunity to clean up a spill. If an owner or operator later proved the discharge was caused solely by an act of God, an act of war, negligence on the part of the U.S. Government, or an act of a third party, he could recover his costs from the Government.

If the owner or operator failed to act, the Government would clean up the spill and be entitled to recover its costs. If the Government could prove a spill is the result of negligence or a willful act, it would be entitled to recover all costs regardless of the liability limits.

Vessel owners or operators would be required to provide evidence of financial responsibility of $100 per gross ton for vessels over 300 gross tons. The committee believes that the exceptions it has recommended with respect to absolute liability will enable owners or operators to obtain insurance to cover their financial responsibility of at least $100 per ton. Owners or operators may then determine the extent to which their risk may exceed their insurance coverage, or self-insurance.

The liability standards for offshore and onshore facilities are similar to those for vessels. However, liability would be limited to $125 per ton of oil which any processing, transporting or transferring facility can pass through in a 24-hour period, or which can be stored by the largest unit of a tank farm. The limit for drilling-production facilities would be $8 million.

The vessel pollution section provides for Federal preemption of authority to regulate the design, use, manufacture, and installation of marine sanitation devices. The committee adopted this approach to avoid a proliferation of conflicting State regulations which would work a hardship upon recreational boaters who enjoy the waters of several States.

However, in order to relate this section of the bill to the water quality standards of the States, the committee has proposed that States be allowed to prohibit the discharge of any sewage from vessels in areas where such a restriction is necessary for the implementation of applicable water quality standards. The committee has emphasized in its report on the bill its intention that a prohibition should apply only to areas from which public water supplies are drawn, to areas where there are shellfish beds, and to areas designated for body contact recreation. In other words, a prohibition against discharges must be tied to water quality standards.

The section would not apply to ships and boats which do not have installed toilets. In addition, the committee recognizes, because of shortcomings in technology, that it may be necessary to waive the applicability of the standards for various classes, types, and sizes of vessels. It obviously will be necessary to exercise common sense in the administration of this aspect of the legislation. This is not to suggest, however, that there should be footdragging in the implementation of the program.

The Secretary of the Interior would be empowered under the vessel pollution section to develop performance standards indicating what a sewage treatment or holding device must accomplish to be acceptable for marine use. Because of its expertise in marine engineering and design, the Coast Guard would be vested with enforcement authority, and with authority to develop regulations governing the design, installation and operation of marine sanitation devices. The Coast Guard is particularly well suited to administer these matters; it has the capability to work out a practical and workable system of implementation.

Mr. President, I hope the Department of Defense will expedite its program to equip naval vessels with sanitation devices, and will request the funds necessary to carry out the intent of this legislation. Pollution from Navy ships constitutes a substantial problem in many of the country's ports. The Navy has a public responsibility to demonstrate by continuing affirmative action its willingness to cooperate in the effort to resolve environmental problems.

The bill takes a preventive approach toward activities over which the Federal Government already exercises a degree of control. Section 16 is directed primarily at thermal discharges, and pollution from dredged spoil.

Applicants for a Federal license or permit to build or operate any facility which might discharge pollutants into navigable waters would be required un-

XUM

der the section to provide certification of reasonable assurance that the facility will comply with applicable water quality standards. In most instances, the certification would come from the State in which the discharge occurs.

Nuclear-power electric generating facilities and other activities requiring more than one Federal license or permit would be required to provide only one certificate of compliance, unless there is a change in the nature or design of the activity, or a change in the water quality standards applicable to the waters involved.

There is provision for the suspension or termination of a certificate in the event a court of competent jurisdiction finds that a facility is operating in violation of water quality standards.

Pollution from dredging posed a special problem to the committee because only one State has developed water quality standards for temporary turbidity and the disposal of spoil resulting from this activity. The committee recommended that certification not be required as a precondition of a dredging permit until such time as the States have developed appropriate water quality standards. However, at any time following the development of water quality standards for dredging, an applicant for a new license or permit would be subject to other provisions of the section.

Mr. President, S. 7, the Water Quality Improvement Act of 1969, is a major piece of legislation carried over as unfinished business from the 90th session of Congress. The measure is not punitive. The committee's overriding interest in the development of the legislation was to establish procedures which will be helpful to preserve and protect our water resources.

Our existing laws have serious gaps which threaten the success of our efforts to abate pollution. This bill will fill the gaps. It will go a long way toward putting the responsibility for pollution control where it rightfully belongs—on the polluter.

I again commend the distinguished Senator from Maine (Mr. MUSKIE) for the leadership he has afforded.

Mr. MUSKIE. I want to thank the distinguished Senator from Virginia for his continuing interest and dedication to solving the pollution crisis. He has been a diligent contributor to the subcommittee's work in this area and the full Senate is indebted to him.

Mr. LONG. Mr. President, I applaud the Senate Public Works Committee and its distinguished chairman, Senator RANDOLPH, and the chairman of its Subcommittee on Water Pollution, Senator MUSKIE, for the devoted efforts they have made since the beginning of this Congress to meet the mounting public concern over the depletion and spoilage of our waterways by various types of pollution. Obviously, it is in the national interest to update and extend the requirements and prohibitions of the Federal Water Pollution Control Act and to assure that, for centuries to come, the water resources of the United States will meet the highest possible standards of purity.

However, as chairman of the Senate Merchant Marine Subcommittee and as one who only last week urged the Senate to provide millions of dollars of additional Federal funds for the construction of new merchant ships to save our merchant fleet from sinking into almost total obscurity, I feel I must express my deep concern regarding the very adverse effect the provisions of sections 12(f) (1) and (2) of S. 7 might have upon the ability of the American merchant marine to continue to operate at all.

As I read section 12(f)(1) of the bill, in the event a vessel of the American merchant marine is involved in an oil spill which its owner cannot prove was caused by, first, an act of God; second, an act of war; third, negligence on the part of the U.S. Government, or, fourth, by an act of a third party, the owner is automatically liable to the United States for the actual costs of the cleanup, up to an amount equal to $125 per gross ton of the vessel or $14,000,000, whichever is lesser. If, on the other hand, the Government can show that such discharge was the result of simple negligence on the part of the vessel, then the vessel owner is liable to the United States "for the full amount of such costs," even if they far exceed $14,000,000.

Section 12(f)(2) of the bill, however, permits vessels of the American merchant marine to sail if they are able to establish "financial responsibility" (in the form of insurance or a bond) of only $100 per gross ton for any and all oil cleanup costs. Thus, under the bill, a vessel of 10,000 gross tons is authorized to sail if it can establish to the satisfaction of the Federal Government that it carries $1,000,000 worth of insurance for oil cleanup costs; while a vessel of 100,000 gross tons, including tankers, is permitted to sail if it carries $10,000,000 of insurance to cover cleanup costs in the event it becomes involved in an oil spill.

Clearly, therefore, S. 7 makes vessels of the American Merchant Marine subject to liabilities ranging up to $125 per gross ton for oil cleanup costs while the bill simultaneously requires them to carry insurance of only $100 per ton—and the first mentioned liability of $125 per ton can arise even in cases where an oil spill occurs without any negligence whatsoever on the part of the vessel owner or operator involved.

Indeed, if negligence is proved to exist, under S. 7, the owner has an unlimited liability, whereas, as indicated, the bill permits him to sail with insurance in an amount equal to only $100 per ton.

Obviously, if this were only an oversight or mistake in the drafting of this bill, it would be a simple matter to correct it here on the Senate floor. We could merely increase the "financial responsibility" requirement of section 12(f)(2) to $125 per gross ton, and then, absent negligence, American merchant marine vessels would be covered against at least the minimum, automatic liability provisions of section 12(f)(1). The "unlimited liability" exposure would thereby be limited to cases of proved negligence only.

Unfortunately, however, I am advised that these serious, substantial liability differences are not the result of mistake at all. On the contrary, it is my understanding that section 12(f)(2) enables American vessels to sail with proof of "financial responsibility" of only $100 per gross ton because, in fact, that is the maximum amount of insurance for oil cleanup costs which can be obtained, both here in the United States and from all of the other worldwide marine insurance underwriters located in England.

Thus, if S. 7 required each and every American vessel to establish "financial responsibility" of $125 per gross ton under section 12(f)(2), the result would be that most American vessels would have to remain in port, that is without insurance—and thus without clearance from the Government under S. 7—they would be unable to sail. S. 7, as I have said, avoids that catastrophe by limiting the "ability to sail" requirements to only $100 per ton—that is, to a clearly insurable amount.

But, simultaneously section 12(f)(1) of the bill goes on to provide that, when and if an oil spill actually occurs, the American vessel is liable for cleanup costs up to $125 per ton; that is, in an amount which apparently S. 7 itself recognizes to be uninsurable. And, of course, if $125 per ton is not insurable, it follows, as day follows night, that unlimited liability for a negligent oil spill is equally uninsurable beyond the $100 per ton figure mentioned before.

The result for the American merchant marine is obviously intolerable and it promises to force many of the smaller vessel operators out of business. In effect, each vessel operator must, under S. 7, become a self-insurer for the difference in liability between $100 per ton, which is insurable, and the unlimited amount of liability which can be assessed against him in the event of a negligent oil spill.

Thus, in a moment, a small operator whose vessel is insured for only $1,000,000 can, under S. 7, become liable for $14,000,000 or more in oil cleanup costs if his vessel unavoidably collides with an oil tanker off the coast of the United States. Sudden liability in such a staggering uninsured amount would immediately bankrupt most American shipping concerns which are struggling to continue to remain in business today.

And, sadly, the inability of such a vessel to pay the oil cleanup costs assessed against it would still leave the United States in the position where it would have to pay the costs of the oil cleanup itself.

For all of these reasons, therefore, as chairman of the Senate Merchant Marine Subcommittee, I have come to the conclusion that the better solution, for both the United States and the American merchant marine, would be to adopt the provisions of section 17(e) of H.R. 4148, which the House unanimously passed on April 16 of this year, whereby each vessel of the American merchant marine would be held liable for oil cleanup costs in the clearly insurable amounts of $100 per gross ton or $10,000,000, whichever is lesser, unless it is able to prove affirmatively that it had no responsibility whatsoever for the oil spill which made the cleanup necessary in the first place.

Under the House bill, the liabilities assessed are clearly insurable and funds will thus be available up to those insurable limits to defray for the United States at least the statutory portion of all oil spill costs for which a vessel of the American merchant marine is responsible.

Because of the very complicated situation which has been created for all concerned by the conflicting provisions of section 12(f) of S. 7 mentioned above, I shall not endeavor by amendment here on the Senate floor to resolve that which the committee has been unable fairly to rectify after months of consideration. However, because the two differing versions of this legislation will ultimately have to be ironed out in conference, I strenuously urge the Senate conferees to keep in mind during those crucial deliberations the existing plight of our American merchant marine; the fact that it is presently at its lowest ebb in modern history and is thus unable to self-insure risks far beyond that which the marine insurance industry will dare to underwrite; that the merchant marine is vital to the national defense of the United States; and that both Congress and the administration are currently seeking to establish programs whereby hundreds of million of dollars of Federal funds will be spent on ship construction simply to keep the merchant marine alive. In the face of these conditions and developments, it seems academic to me that we should not simultaneously proceed to try to drive large segments of the industry out of business by saddling its fleet with statutory liabilities which cannot be insured either here in the United States or abroad.

Mr. President, I ask unanimous consent to have printed at this point in the Record a statement which was prepared for delivery today by the Senator from Alaska (Mr. Gravel), who is necessarily absent.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Mike Gravel

Mr. President, I would like to associate myself with the remarks of the distinguished Chairman of the Senate Merchant Marine Subcommittee. Like him, I strongly favor and support the basic purposes of the pending legislation which are to combat pollution of our nation's waters and to provide means whereby cleanup costs connected with damaging oil spills or oil leaks along our coastlines will be defrayed, to the maximum extent possible, by those who are actually responsible for such water pollution. My State of Alaska is obviously deeply concerned over the possibility of such catastrophes and thus I join the Senator from Louisiana in congratulating the distinguished Chairman of the Public Works Committee, Senator Randolph, and the brilliant Chairman of the Senate Subcommittee on Water Pollution, Senator Muskie, for the untiring efforts they have made to bring this bill to the floor for early action.

At the same time, I am also deeply disturbed by those provisions of Section 12(f) of the bill which require all vessels over 300 tons which utilize American ports or waterways to establish "financial responsibility" for oil cleanup costs of only $100. per gross ton, but which simultaneously provide that, in the event of an *actual oil spill*, the vessel's statutory liability for cleanup costs, depending on the circumstances involved, might be as high as

(1) $125 per gross ton, or

(2) an unlimited sum equal to the "full amount" of such cleanup costs, regardless of how large that amount might be.

My concern regarding these provisions of Section 12(f) would not be so profound if evidence were available that adequate marine insurance could be obtained by all vessels of our merchant fleet to cover these statutory risks and liabilities. Unfortunately, however the testimony presented before the Senate Public Works Committee on this subject, by both the American and British marine insurance industries, was to the contrary. Indeed, during the past several days, as a member of that Committee, I have received copies of letters addressed to our Chairman by representatives of the British insurance underwriters (companies which I understand actually underwrite most of the marine insurance around the world) stating that "the capacity of the market to insure this kind of liability at the present time is *$100 per gross registered ton or $10,000,000, whichever is the less*." These letters to the Committee bluntly conclude with the statement that "Insurance above those amounts is, we are satisfied, *unobtainable*."

If these warnings from the marine insurance industry are correct, then under Section 12(f) of the pending bill, the $100 per ton "financial responsibility" requirement in S. 7 actually represents all that can be insured. It follows as the distinguished Senator from Louisiana demonstrated, that the $125 and unlimited oil cleanup liabilities, specified in the bill for assessment against any vessel in the event of an oil spill, are simply uninsurable.

What effect this "uninsurability" might have on some segments of the American Merchant Marine in their present low position of prosperity, I am unable to say at this time. Clearly, all vessels with maximum insurance of only $100. per ton will, in the event S. 7 becomes law, be sailing as *self-insurers* of the two statutory liabilities S. 7 assesses in excess of that amount. Considering the pitiful condition of our merchant fleet, it seems highly unlikely that many would be able to assume this additional risk, but even if they do, patently their vessels will be face-to-face with financial disaster, if, perchance, they become involved, innocently or negligently, in a very costly oil spill.

And, of course, just as Alaska cherishes its beautiful unscarred coastlines and thus strongly favors all measures aimed at protecting its shores against destructive oil spills, it also depends upon the maritime industry for most of its daily needs and to service the requirements of its blossoming oil industry. Therefore, we are concerned, seriously concerned, about the adverse effects the "uninsurable provisions" of Section 12(f) might have upon the Merchant Marine and upon the ability of our shipping interests to continue to operate for the well being and progress of Alaska as they have in the past.

In conclusion, therefore, what I urge here is that every possible effort be made by the distinguished members of the Public Works Committee who are and will be in charge of this legislation both here on the floor and in conference with the House, to reach some acceptable solution with reference to Section 12(f) which will (1) meet the basic needs of water pollution control but (2) establish clean-up liabilities for the Merchant Marine which are, beyond dispute and peradventure, insurable.

Mr. RANDOLPH. Mr. President, the Water Quality Improvement Act of 1969—S. 7—is another significant step toward controlling one of the major environmental problems facing this Nation. It will extend society's control over water quality and insure against further degradation of our priceless water resources both in the inland fresh lakes and streams and along our coastal shores.

Senator Muskie, our able and informed chairman of the Subcommittee on Air and Water Pollution, who is floor manager of S. 7, is discussing the general features of this legislation.

I shall focus my remarks on three particular sections of the measure which are especially noteworthy because they attack three of the very real water pollution problems of today. These are: acid and other mine drainage pollution; pollution from dredging operations; and oil pollution.

Acid and alkali pollution discharged into various local watercourses are carried by the natural flow of stream systems into our major river basins, thus creating extensive pollution problems, both intrastate and interstate. The specific impact of mine drainage pollution is characterized by stream sterility. This is a condition in which the normal stream ecology, or balance between living organisms and their environment, is disrupted by the presence of large volumes of acid or alkali mine drainage wastes. If the "wild" upstream portions of streams and rivers are virtually destroyed by such problems as acid mine drainage, how much hope is there that the waters reaching the major cities will be able to serve our growing population?

It has been estimated that 3.5 million tons of acid are discharged into more than 6,000 miles of the Nation's streams, resulting in damage to aquatic life and potential severe loss of recreational capacity of the waterways. In addition, untold damage occurs to vessels, dams, bridges, water and sewer works, and other facilities downstream.

The impact of acid pollution is compounded by other than direct effects on our rivers and streams. The many seepage areas around mines are barren of plantlife to such an extent that as much as 1,000 times as much sediment is washed from them into streams by erosion than from forest and grass lands. There are more than 30,000 surface acres of impounded waters and reservoirs which are seriously affected by surface and subsurface mining operations.

The most serious problem is the fact that 80 percent of acid mine drainage comes from abandoned and orphaned mines. Though laws and regulations in some States control present and future mining operations, there appears to be no simple way to achieve control over the thousands of abandoned mines.

The Department of the Interior has identified several priority areas for the major attack against acid mine drainage under this new legislation. There is, for example, a very real need for more basic research and development into the mechanisms of formation of acid mine drainage in order to find new and different methods of preventing its formation.

In addition to basic research, the Department expects to move quickly to find new techniques and mechanisms at various stages of acid drainage formation. The priorities include: development of new mining techniques to reduce or prevent mine drainage and new or improved mine drainage treatment processes, the most promising of which is the development of rapid oxidation of ferrous iron from the mineral wastes; isolation of byproducts having economic value, with a special emphasis on iron oxide; and new methods for settling and thickening sludges resulting from the neutralization of acid mine waters and new methods for economically disposing of that sludge, including possible use on agricultural lands.

Though much research has been carried out, Federal efforts have been sporadic and poorly coordinated, and current programs of practical scale reclamation are not nearly ambitious enough to meet the problem. Testimony before the committee strongly suggests that the cooperative State-Federal effort envisioned in the demonstration provisions of this bill would be an important step toward the total solution.

The bill would also add a new section to the act authorizing the Secretary of the Interior to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of feasible and practical areawide methods of controlling acid pollution resulting from mining activities. Another key provision directs the use of "various abatement techniques" for acid mine water elimination or control rather than limiting the approach to a particular process. This is important because the techniques used and the relative importance of each will vary from area to area.

In the Appalachian areas where the acid mine drainage problem is most severe, quality agricultural land is at a premium. Recreational opportunities have also been limited by the relatively small number of natural lakes. Land reclamation demonstration projects could provide both new and improved agricultural land and new recreation sites near heavily populated metropolitan areas.

This new attack on acid mine drainage will benefit peoples in all parts of the Nation, from those in the depressed mining regions like West Virginia and Ohio to those who depend on the flow of clean, pure waters along the length and breadth of the country. This section of S. 7 not only assures cleaner waters, but less loss of minerals and industrial products, less sedimentation and subsequent silting of our reservoirs, better control of the topographic blight in mining regions, and more areas for farming, building, recreation, and other uses for our expanding population.

A second major area of water pollution which S. 7 will bring under control is sediment from dredging operations in the Nation's lakes and rivers. At the outset, the committee makes it clear that under section 16, all dredging—Federal, State, or private—shall comply with applicable water quality standards.

Approximately 400,000,000 cubic yards of material are dredged annually from the Federal project waterways by the Corps of Engineers. If the amounts dredged by private contractors from slips, berths, private channels and for reclamation work are added to the Federal work, it is estimated that the total may be about three-fourths billion cubic yards.

In enacting section 10(c)(3) of the Water Quality Act of 1965, Congress directed that water quality standards be prepared, considering, in the words of the act, "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses." The Committee on Public Works has taken the further step of adding language in section 10 of the basic act to specifically include navigation.

Although turbidity, or muddiness, is included as a measure of water quality in existing standards, the committee was informed that, with one exception, such standards were not drawn to accommodate or otherwise consider temporary turbidity relating to dredging. We noted the specific provision dealing with dredging turbidity in the approved water quality standards of Michigan as one approach to the problem. We expect the States to review their standards to deal with this problem of temporary turbidity in order to conform with the intent of section 10(c)(3) of the basic act as amended by this bill.

In order to accomplish the objective of providing for essential dredging without adversely affecting water quality, the committee expects the Secretary to provide the States with technical assistance required to evaluate both the real and potential pollution associated with dredging and disposal of dredge spoil. The pilot study of dredging and water quality problems in the Great Lakes being conducted by the Corps of Engineers should be of material assistance in this effort.

It should be noted that nothing in this bill should be construed as requiring the disposal of all dredge spoil on land. Where spoil is determined to be nonpolluting and causes no long-term environmental damage, we feel it may be properly discharged into lakes or rivers where permitted under appropriate State or Federal license.

In the interim period during which the States will be reviewing their water quality standards, no arbitrary or unreasonable restrictions shall be imposed on dredging essential for the maintenance of interstate commerce. This applies to dredging and disposal activities of private dredgers as well as the Corps of Engineers.

I feel very strongly that this vital operation must continue unimpaired for the period in which the States and the Federal Government are developing standards for temporary turbidity. There is no question that dredging activities for the maintenance of navigation in our waterways are important to the growth and vitality of the Nation. The States must develop meaningful long-term solutions to dredging, and especially to the ultimate disposal of dredging materials, if they are to continue to reap the benefits of these operations.

What this bill provides, therefore, is an interim solution to the problem, allowing a period of adjustment while the States work out their own definitions of water quality and determine the trade-off between continued water quality and necessary dredging. For the long run, however, new answers must be found for the ultimate protection of the overall quality of the Nation's waters.

On another front, S. 7 will provide broad protection against such oil pollution disasters as the one which befell Santa Barbara earlier this year. It would also provide protection against such tanker spills as the 1967 *Torrey Canyon* incident or the spill which took place in the San Juan Harbor when the *Ocean Eagle* broke up.

A vital key to the oil pollution problem is that of adequate research associated with the spilling of oil and its cleanup. A great deal of testimony before the Subcommittee on Air and Water Pollution, especially in light of the difficulties associated with cleanup in Santa Barbara, dealt with the inadequacy of technology to effectively contain and remove oil spills. Several witnesses noted that the use of straw to absorb oil on the water and on the beaches is a technique which has been available for centuries. More modern techniques such as various types of booms are often inadequate due to the nature of the tides and winds. A variety of dispersant chemicals have been applied but, because so little information existed on potential adverse ecological effects, the Department of the Interior is properly reluctant to allow uncontrolled or excessive use.

Dispersal of oil as a method of cleanup must be evaluated on the basis of possible long-term effects. Once oil is dispersed, there is potential for incorporation of hydrocarbons in aquatic organisms harvested for human consumption. The Committee on Public Works expects the Federal agencies to carry out research activities on the potential effects of accumulation of hydrocarbons in the food chain in order to determine the desirability of cleanup methods which do not involve actual physical removal of the oil.

The highest priority, therefore, is the development of effective techniques to deal with oil spills and making those techniques readily available at appropriate locations throughout the country.

The primary responsibility for research is placed in the Department of the Interior, but the committee intends that the Secretary should transfer some research functions and funds to the Coast Guard for those activities over which that agency has significant responsibility. Other agencies should be encouraged to conduct and support research along similar or different lines.

The Department of the Interior must gather and develop information on the effects of oil spills and chemicals and other methods used to disperse oil. The Department should also be investigating improved methods to control oil discharges in connection with ongoing efforts to achieve and maintain compliance with water quality standards.

This oil pollution research section is an integral part of the entire Federal effort to bring under control those types of pollution which have eluded us under the current laws. This is one of the most important parts of the overall approach of S. 7 to provide the basic framework for continual upgrading of water quality standards to insure that future generations of Americans will have access to pure, clean water.

Throughout our entire deliberations on S. 7, the Committee on Public Works followed a single strong thread, which is woven through the entire fabric of recent legislation by the committee. This thread is the committee concern for maintaining and enhancing the quality of our environment.

The heart of our concern is the growing awareness that we can no longer fail to take into consideration the effects of our activities on the total environment. As the President's Science Advisory Committee report of 1965, "Restoring the Quality of our Environment," so aptly pointed out:

> The public should come to recognize individual rights to quality of living, as expressed by the absence of pollution, as it has come to recognize rights to education, to economic advance, and to public recreation . . . There should be no "right" to pollute.

It is this awareness that brought about title II of the Water Quality Act of 1969. Title II weaves together the many strands of environmental quality which make up the pattern for a national policy for environmental quality, to insure that Americans now and in the future have that right to clean water, clean air, clean land, and freedom from physical and psychological insults of all kinds. This concept, I would point out, was embodied originally in S. 2391 which was cosponsored by myself and 41 of our colleagues in the Senate early this year.

Title II of S. 7 provides for more effective coordination of Federal air quality, water quality, and solid waste disposal programs, for the consideration of environmental quality in all public works programs and projects, and for the coordination of all Federal research programs which improve knowledge of environmental modifications resulting from increased population and urban concentration.

What we have come to realize, of course, is that environmental quality goes beyond water and air pollution and solid waste management. Assurance of environmental quality means that every man, woman, and child has the opportunity to live in a world which will in no way insult his body, mind, or spirit.

It is a sad fact that nearly all of the important and critical environmental problems—air and water pollution, the growing pervasiveness of pesticides, mounting solid wastes, the effects of smoking—have emerged as serious health problems only after a series of crises have crystallized public attention. Each of these problems has been an undesired and unforeseen byproduct of goods or services which society has wanted. But it has been our habit to take action only after a crisis develops, rather than to prevent its occurrence. We fail to heed the old saying that an ounce of prevention is worth a pound of cure.

In the past we have relied on what has been termed the "natural assimilative capacity" of nature to reprocess or destroy most of the waste of our civilization, with little concern for its long-term capability to perform this function. Only recently have we become acutely aware of the fact that we are exceeding nature's ability and capacity to reprocess the kinds and qualities of wastes which are being produced by modern technology.

The majority of the Nation's streams and rivers are no longer able to support the life which has for eons processed the wastes of man and the animals and plants upstream. Experiences in the late 1950's and early 1960's with nondegradable detergents dramatically underscored the lack of planning and understanding of our waste systems and the effects of our newly developed materials on vital water resources.

The urgency of finding new solutions to the problems of water pollution is apparent when we reflect that by 1980 this Nation will be producing enough sewage and other waterborne wastes to consume all of the oxygen of all the flow in dry weather in the 22 river systems of the United States. At the same time the need for fresh, clean water will increase from our present consumption rate of 370 billion gallons per day to 600 billion gallons a day. The supply of fresh water is limited. The total daily flow in the United States is about 1,100 billion gallons. By the year 2000, because of population growth and industrial expansion, our withdrawal rate will be almost four-fifths of the total available supply, and we will return approximately two-thirds of the total available supply with some degree of waste.

Air pollution loomed as a major problem in 1963, when 809 people died in one air pollution catastrophe in New York City, and the Nation suddenly awoke to the perils of tainted air.

The illusion that man has conquered nature through science and technology has been abruptly challenged by nature herself. Only slowly are we beginning to realize that it is not the conquest of nature that we seek to achieve, but a harmonious balance with nature through which we may enhance the quality of human life.

There will never be—on a nationwide basis—absolutely clean air or pristine pure water. There is a necessary and acceptable amount of each pollutant that society will understand and accept. Because of varying uses of land and air and water, the right amount of pollution—the desirable compromise—is not the same everywhere. Some communities may determine the economic and industrial development is more important than fishing, and that some pollution of their streams is acceptable. Others, like the untouched wilderness areas of the great Northwest, will find that low tolerances—but not impossibly low—will be the goal for recreational areas.

The broad problems of solid waste management are just now being recognized as a crisis of gigantic proportions. Americans throw away billions of tons of solid materials each year. From our homes and offices each person contributes almost 5½ pounds of garbage and miscellaneous trash every day to our overstrained and underdesigned refuse system. The cost is more than $4.5 billion a year. And the figure will reach 8 pounds per person a day by 1980. Added to that, industrial solid waste contribute another 3.2 pounds per person per day to the environment; agricultural wastes from animal feedlots, packinghouses, lumbering operations, and related industries produce another 30 pounds per person; and 7 million automobiles are junked each year.

The thrust of these remarks is to remind my colleagues that what is important is not the isolated pollution problem nor the quick solution to an immediate crisis. We are pleased that S. 7 solves some of the problems which we have recently experienced. It clarifies and tightens Federal regulations over water pollution generally and provides rigid penalties for operations like the disastrous oil well blow-out that spilled oil on the beaches around Santa Barbara.

What we must plan for, however, is environmental quality for the future. Today, the Committee on Public Works is working with an official advisory panel of experts—scientists, engineers, and specialists from a variety of disciplines—to help determine the problems of environmental degradation before they become problems. We are assessing the impact of land mismanagement from highway construction, from urban redevelopment, from mining, or from sanitary landfills. We are looking at the question of biological imbalances created by dredging, thermal pollution, pesticides, and air pollution. And we are probing problems connected with flooding and dam construction, the effects of building reservoirs, and the use of nuclear energy for power or construction.

I am aware that the solutions to many of these problems do not now exist and that the search for technology—economically feasible technology—may be a costly one. It is for this reason that I have, as chairman of the Committee on Public Works, emphasized so heavily the importance of Federal coordination and support for research and development in all of these areas.

But the problem is not one of research in itself. Nor can it rest solely on the Federal Government. Industry, the States and local governments must take a big share in the solution, as their share in the product of a clean and wholesome environment will be large.

Today, society places higher priorities on the values of our physical environment, and these priorities must be incorporated in the technology that serves us. Americans are ready, I believe, to improve the environment, and in so doing we will build a better society for ourselves and for future generations.

S. 7—and especially title II—will provide the basis for the long-term enhancement of the quality of the environment for which we are all striving. I urge the speedy adoption of this legislation.

Mr. President, since report No. 91–351

of the Committee on Public Works was filed August 7, 1969, by the distinguished chairman of the Subcommittee on Air and Water Pollution, Senator MUSKIE, of Maine, to accompany S. 7, with amendments, several letters have been addressed to me as chairman of the committee. They offer interpretations of certain sections of the pending measure which are said to impose liabilities on shipowners which are alleged to be commercially uninsurable.

Among the communications to which I make reference is one dated August 20, 1969, from London, England, signed by 14 persons or firms noting in the first paragraph that they are "fourteen of the leading insurers of shipowners' liabilities and represent approximately 705 of the world shipping tonnage."

And, Mr. President, their letter further notes in the opening paragraph:

> Even with this wide spread of tonnage it would not be possible for us to insure the liabilities we do without adequate reinsurance and to obtain this it has been necessary to have recourse to the insurance markets of the world. Therefore this letter is also written on behalf of the Reinsurers and, therefore, represents the views of the world market for the insurance of shipowners' liabilities.

Continuing, the letter's second paragraph makes this comment:

> We have carefully examined S. 7, in the form reported out by the Senate Committee on Public Works on August 7th and the Committee Report accompanying the Bill, in relation to the shipowners' interests which we represent, and in the light of the insurance markets' capacity to insure the liabilities, which the Bill seeks to impose. While we have nothing but praise for the ideas behind the Bill and no criticism of most of its provisions, we most respectfully wish to bring the following facts to your notice. (1) The provisions of Section 12(f)(2)(C) relating to the rights of direct action against an insurer, *as written*, makes the liability imposed by Section 12 of the Bill *completely uninsurable*. (2) The provisions of Section 12(f)(1) imposes an *unlimited liability* for the discharge of oil resulting from negligent acts—*even those of members of the crew. Such unlimited liability is, as such, uninsurable.*

I will not read the complete letter at this time, but I will make a copy available to the manager of the bill so that he may give cognizance to it and make comments on it.

Also, Mr. President, I ask unanimous consent to have the letter from London on behalf of the 14 insurance firms printed in the RECORD at this point, together with a response I made to it September 18, 1969.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THOS. R. MILLER & SON,
(INSURANCE) LTD.,
London, August 20, 1969.

Re S. 7.
Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, Senate Office Building, Washington, D.C.

DEAR SENATOR RANDOLPH: We the undersigned are fourteen of the leading insurers of shipowners' liabilities and represent approximately 70% of the world shipping tonnage. Even with this wide spread of tonnage it would not be possible for us to insure the liabilities we do without adequate reinsurance and to obtain this it has been necessary to have recourse to the insurance markets of the world. Therefore this letter is also written on behalf of the Reinsurers and, therefore, represents the views of the world market for the insurance of shipowners' liabilities.

We have carefully examined S. 7, in the form reported out by the Senate Committee on Public Works on August 7th and the Committee Report accompanying the Bill, in relation to the shipowners' interests which we represent, and in the light of the insurance markets' capacity to insure the liabilities, which the Bill seeks to impose. While we have nothing but praise for the ideas behind the Bill and no criticism of most of its provisions, we most respectfully wish to bring the following facts to your notice.

(1) The provisions of Section 12(f)(2)(C) relating to rights of direct action against an insurer, *as written*, make the liabilities imposed by Section 12 of the Bill *completely uninsurable*.

(2) The provisions of Section 12(f)(1) impose an *unlimited liability* for the discharge of oil resulting from negligent acts—*even those of members of the crew. Such unlimited liability is, as such, uninsurable.*

For the sake of simplicity, we will first set out shortly what can be insured, since we cannot believe that it is the purpose of the Senate to impose on shipowners liabilities which are totally uninsurable; or that to do so is in the best interests of the people of the United States.

(1) As insurers, we have no objection to a requirement of evidence of financial responsibility, but if such provisions include the right of direct action against the insurer certain safeguards must be included in order to make such liabilities insurable.

(2) Limitation of Liability should be permitted in cases of negligence or wilful acts of a member of the crew as distinguished from those of the Owner personally or, in the case of a corporate owner, those of someone in a managerial position. We know that the capacity of the market to insure this kind of liability at the present time is $100- per gross registered ton or $10,000,000-, whichever is the less. Insurance above the maximum of $10,000,000- is, we are satisfied, unobtainable.

We will now proceed to develop in detail the objections which we have to the two mentioned Sections of the Bill. Neither the Protection and Indemnity Associations, nor the world market Underwriters (who together make up the insurance market for shipowners' liabilities) will accept insurance of shipowners' liabilities with provisions for direct action against them unless certain safeguards are incorporated. At the very least, it would be necessary to modify Section 12(f)(2)(C):—

(a) by the inclusion of a provision placing the insurer in exactly the same position vis a vis the Government, as plaintiff, as the assured would have been in, had the action been brought against the assured; i.e. any defences which would have been available to the assured under the law would be equally available to the insurer; and

(b) by the inclusion of a provision expressly preserving to the insurer any defences which would have been available to the insurer in an action by the assured against the insurer under the policy. We attach to this letter suggested language modifying Section 12(f)(2)(C) on the lines of the language in the Draft Convention on Oil Pollution Liability, adopted by the Comite Maritime International at its Tokyo meeting last April. Without some such modification, we must repeat that the provisions of Section 12(f)(2)(C) make the Bill, from the point of view of the shipowners' liabilities which it imposes, *totally uninsurable.*

We now turn to the liabilities imposed by Section 12(f)(1). This section makes an owner liable to the United States Government for the costs of removal of discharged oil, in an amount not exceeding $125 per gross ton or $14,000,000, whichever is the lesser. The Section then continues:

"except that where such discharge was the result of negligence or a wilful act, such owner or operator shall be liable for the full amount of such costs".

These words appear to be in direct conflict with the figures of limitation given in the immediately preceding phrase, since they make a shipowner liable in an unlimited amount in every conceivable circumstance except those of act of God, act of war, act of a third party, and negligence of the U.S. Government where, under the wording of the Section, he can escape liability completely. In our unanimous opinion, and in that of our legal advisers, there is, in practice, no other case to which the purported limitation figures could apply and they are therefore meaningless.

We respectfully submit on this point, that what was quite properly in the minds of the legislators, was that a shipowner should not have the right to limit his liability in the event of *his personal negligence or wilful act* as distinguished from the negligence or willful act of a crew member. To make a shipowner liable for an unlimited amount, where he is guilty of personal negligence or willful misconduct, is in accordance with established principles of international maritime law, including the United States Limitation of Liability Act, Title 46, United States Code, Sections 183–189; however, to make a shipowner liable in an unlimited amount where the negligence is purely that of a member of the crew or other such minor employee, is to impose upon him a burden which is not only unfair but also contrary to universally accepted principles of maritime law on the basis of which marine insurance has been written for centuries. The universal distinction made in the Statutes and International Conventions relating to shipowners Limitation of Liability, is not between negligent and nonnegligent conduct, but between negligence of employees and negligence of the shipowner himself (or in the case of a corporate shipowner, negligence of someone acting in a managerial capacity, e.g., the Operations Manager of the Company).

From the evidence given to both Senate and House Committees, it is clear that such an unlimited liability is uninsurable; such a provision would have no effect whatever on the prevention of oil spills, since, in the case of American vessels at least, the owner has absolutely no choice in the selection of crew members below the rank of Chief Officer and First Assistant Engineer. Moreover, such a provision must have the effect, *as must any provision which imposes on a shipowner liabilities beyond the capacity of the market to insure*, of seriously dislocating trade to the country imposing such liabilities and of a most undesirable proliferation of single ship Companies.

As spokesmen for, and insurers of, 70% of the world's ocean tonnage, we must say to you that unless S. 7 is modified so that shipowners are not to be required to be self-insurers beyond the amounts for which they can get insurance, the Bill will make trading to the United States or between United States ports virtually impossible for many shipowners. Limitation of a shipowner's liability has been universally accepted not out of charity to shipowners but so that the people of all nations can enjoy the benefits of seaborne traffic. When limits of liability are increased to a point at which this is not possible to insure, the nation which imposes such limits is inevitably deprived of the benefits which it could reap from seaborne traffic, particularly coastal traffic, such as ability to export its goods or to receive its imports at a reasonable cost or indeed at all. If S. 7 were to become law in its present form, it would surely be a reckless shipowner who allowed his ship to enter United States waters with the liabilities imposed by the Bill uncovered by insurance and a reckless shipowner would be unlikely to be able to provide evidence of financial responsibility. As indicated to you, the practical limits of liability within the capacity of the world market to insure are whichever is the lesser of $100-per gross registered ton or $10,000,000.

You will realize from this letter that we are commenting on only two sections of the Bill. We have already respectfully submitted a rewording of Section 12(f)(2)(C) and now attach the minor amendments which in our opinion, are required in Section 12 (f)(1). In our view it would be better in that Section to omit altogether the words which we have put in parentheses in our suggested redraft. These comments are made in a sincere effort on our part to make the Bill succeed and we trust that the Senate will decide to accept the short but vital amendments we have suggested.

Finally, you will know that an IMCO Convention on the whole subject of oil pollution is imminent. The Senate may well wish to consider not deferring the legislation, but including a section whereby the operation of the provisions concerning shipowners' liabilities are held in abeyance for, say, six months after enactment. This would enable Congress to incorporate in or alter its legislation in any way it felt appropriate in the light of the International Convention. In particular, it is obviously desirable to all concerned that regulations concerning evidence of financial responsibility be common among the 100 or so coastal States who will require such evidence; we submit that any regulations on this subject included in the United States legislation should be deferred until it is known what is internationally agreed.

Yours sincerely,

The Britannia Steamship Insurance Association Limited, per: Tindall, Riley & Company, Managers; The Steamship Mutual Underwriting Association Limited, per: Alfred Stockton & Company Limited, Managers; The Sunderland Steamship Protecting and Indemnity Association, per: John Rutherford & Son, Secretaries; The West of England Steamship Owners Protecting and Indemnity Association Limited, General Manager; The United Kingdom Steamship Owners Mutual Assurance Association Limited, per: Thos. R. Miller & Son, Managers; The United Kingdom Steamship Owners Mutual Assurance Association Limited (Bermuda), per: Thos. R. Miller & Son (Bermuda), Managers.

The Liverpool and London Steamship Protection and Indemnity Insurance Association Limited, for Management; The London Steamship Owners Mutual Insurance Association Limited, per: A. Bilbrough & Company Limited, Managers; The Newcastle Protecting and Indemnity Association, Secretary; The North of England Protecting and Indemnity Association Limited, Deputy General Manager; The Standard Steamship Owners Protecting and Indemnity Association Limited, per: Charles Taylor & Company, Managers.

Assuranceforeningen Skuld, Oslo, Norway; Assuranceforeningen Gard, Arendal, Norway; Sveriges Angfartygs Assurans Forening, Gothenburg, Sweden; Reinsuring Underwriters: Lloyd's Leading Underwriters: Syndicate 615. Guy Janson Esq & Ors; Syndicate 418. R. J. Merrett, Esq & Ors; Syndicate 277. C. B. Gilroy, Esq & Ors.

Lloyd's Syndicates following the above: Insurance Companies Members of the Institute of London Underwriters; Insurance Companies Members of the Liverpool Underwriters Association; Insurance Companies in the United Kingdom, United States of America, Germany, Switzerland, Sweden, Finland, Japan, Australia etc.; Per: Thos. R. Miller & Son (Insurance) Limited, Director.

SUGGESTED REWORDING OF SECTION 12(f)(1)

(New Material Italicized)

"(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, such owner or operator of any vessel from which oil is discharged, or which causes the discharge of oil, into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (e) for the removal of such oil by the United States Government in an amount not to exceed *$100 per gross ton of such vessel or $100,000,000*, whichever is lesser (except that where such discharge was the result of *the actual fault or privity of the owner or operator*, such owner or operator shall be liable to the United States Government for the full amount of such costs).

SUGGESTED REWORDING OF SECTION 12(f)(2)(C)

(New Material Italicized)

When the owner or operator of such vessel has applied for a suspension of payments or has been adjudicated bankrupt or, if a company, is being or has been wound up, any claim for costs incurred by such vessel may be brought against the insurer or any other person providing evidence of financial responsibility as required under this subsection, *provided, however, that where such direct action is exercised the insurer or any other person providing evidence of financial responsibility shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.* (Adapted from Article 8(7) of the CMI Draft Convention approved at Tokyo, April 4, 1969).

THOS. R. MILLER & SON
(INSURANCE) LTD.,
London, August 20, 1969.

Re S. 7.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, Senate Office Building, Washington, D.C.

DEAR SENATOR RANDOLPH: Just a short personal note to advise you that I have sent copies of this letter to all Members of the Senate Public Works Committee.

I do hope this is correctly in accordance with Senate protocol, but if this is not so please forgive me!

Yours sincerely,

PETER MILLER.

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., September 18, 1969.

Mr. PETER MILLER,
THOS. R. MILLER & SON (INSURANCE) LTD.
London, England.

DEAR MR. MILLER: Thanks for your letter of August 20, 1969, advising me of your position and that of the other thirteen insurers of shipowners' liabilities regarding the provisions of S. 7, The Water Quality Improvement Act of 1969. Your comments are being discussed with the members of the Committee on Public Works.

Your expressed concern relating to rights of direct action against an insurer under the provisions of section 12(f)(2)(C) is noted. It is the Committee's intent that the insurer have available to him any defenses available to the assured, and I would therefore have no objection to further clarification on this matter.

Your question relating to the handling of unlimited liability in the case of the negligence of shipboard employees is a subject to be resolved either during Senate consideration of S. 7 or in the House-Senate Conference on the many points of difference between H.R. 4148, as passed by the House, and S. 7. The issues which you raise are worthy of fullest consideration, and assuredly will have attention.

With appreciation for your further information and counsel, I am

Truly,

JENNINGS RANDOLPH,
Chairman.

Mr. RANDOLPH. Mr. President, in addition to the communication received from London on behalf of the 14 insurance firms whose representatives signed it, letters were received by me as chairman of the Committee on Public Works from the following, to whom I responded substantially as I did to Peter N. Miller and the 13 associated with him in the August 20, 1969, letter:

American Institute of Marine Underwriters, 99 John Street, New York, N.Y., by G. Doane McCarthy, Jr., president, August 18, 1969.

American Petroleum Institute, 1101 Seventeenth Street NW., Washington, D.C., by E. S. Checket, September 18, 1969.

Maritime Law Association of the United States, Special Committee on Oil Pollution, John F. Gerity, chairman, 120 Broadway, New York, N.Y., August 28, 1969.

Labor-Management Maritime Committee, Earl W. Clark and Hoyt S. Haddock, co-directors, 100 Indiana Avenue NW., Washington, D.C., September 3, 1969.

Chamber of Shipping of the United Kingdom, 30–32 St. Mary Axe, London E.C.3, England, by Francis E. Hill, president, August 27, 1969.

Mr. President, I will not read the letters I have cited, but I will make a copy of each available to the manager of the bill so that he may give cognizance to it and make comments on it.

And, Mr. President, I ask unanimous consent to have the five letters printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN INSTITUTE OF MARINE
UNDERWRITERS,
New York, N.Y., August 18, 1969.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR MR. RANDOLPH: The American Institute of Marine Underwriters representing more than 125 marine underwriting organizations in the United States wishes to record its strong objection to the proposed legislation as set forth in the text of S. 7 as reported by your Committee on August 7 (Report No. 91–351).

It is the considered judgment of this institute that this bill as presently reported will create insurance exposures to American-flag ship operators which are uninsurable without incorporating underwriting limits set by the insurer as described below.

We base this judgment on the provisions provided in the text of S. 7 *for direct rights of action against the insurer without any adequate safeguards as being the basic reason* which will prevent any insurance capacity in any measurable amount being made available for the insurance exposures created by the proposed legislation.

Clause 12 (F) (2) (C) creates in this proposed legislation a potentially uninsurable situation since in our judgment those American underwriters engaged in undertakings of a shipowner's liability insurances and P&I insurances may, under circumstances to be reviewed in each policy, refuse to accept such insurances of these liabilities when the controlling legislation permits direct action to be available against them.

We would reiterate the advices informally given to the Marine Committee of the New York Brokers Association who testified at earlier hearings that the probably available limits of insurance for this type of coverage are as follows:

(1) If the basis of liability is negligence (including the doctrine of reversal of burden of proof) the probable insurable limit available the world market would be in the area of $100. per gross registered ton or $10,000,000 each accident each vessel, whichever amount proves to be the lesser.

(2) If the doctrine of absolute liability were enforced the probable maximum world market would be in the area of $67. per gross registered ton or $5,000,000 each accident each vessel, again whichever amount is the lesser.

We reiterate that in our judgment there will be no insurance market available if the doctrine of direct rights of action against the insurer, with no adequate safeguards provided, is to be enforced. *Here we strongly feel that any insurer must be permitted to place himself in the same position against the claimant as is the assured.* Further we believe that any defense under the law which the insurer would have against the assured must be preserved.

It must be stipulated—and understood—that while there exists an American insurance capacity to meet American-flag operators' third party marine liabilities, this capacity in America exists to the best of our knowledge only because of the existence of a far greater capacity for such risks in the English market for reinsurance. Such liabilities as the American underwriters enjoy to utilize this English reinsurance market tends to establish the capacity (or limits) beyond which the American underwriter cannot venture.

Sincerely yours,
G. Doane McCarthy, Jr.,
President.

American Petroleum Institute,
Washington, D.C., September 18, 1969.

Hon. Jennings Randolph,
Chairman, Committee on Public Works, U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Senator Randolph: I believe the testimony on behalf of the American Petroleum Institute before both House and Senate Committees over the past several years is ample evidence of the petroleum industry's deep concern with the problem of oil pollution from vessels and of our desire to see the enactment of meaningful and workable legislation dealing with this problem. If such legislation is to be workable, it must not impose liabilities on shipowners which are commercially uninsurable. Therefore, after having reviewed S. 7 as reported out by the Committee on Public Works, I respectfully call your attention to several provisions of Section 12 of the Bill which in my opinion do make such liabilities uninsurable.

We concur in your earlier comments that some of the previous testimony on what liabilities of a shipowner were insurable and the amount of insurance available to him under varying conditions of liability was confusing to those unfamiliar with marine insurance. However, I do believe, and trust you will agree, that the latest communications from the insurance industry, both in this country and abroad, clarify any past confusion and make the following points crystal clear.

First, Section 12(f) (2) (C) providing for direct action against the insurer means, as a practical matter, that the liabilities imposed by Section 12(f) (1) on the owner or operator of the vessel cannot be underwritten. This results from the fact that marine underwriters simply will not accept policies with this kind of unqualified right of recourse against them, as they have formally advised your Committee. The Bill, therefore, would force shipowners to be totally self-insured for those liabilities when operating within the navigable waters of the United States. This is a risk which, I submit, no prudent independent shipowner would assume.

I feel sure that it was not the intent of the Committee to create such a situation and I accordingly urge your serious consideration of the modifications to Section 12(f) (2) (C), as recently recommended to you by various leading insurance underwriters and reinsurers, to make the shipowner's liability insurable.

Second, the provisions of Section 12(f) (1) impose an *unlimited* liability to the U.S. Government for the cost of cleanup where the discharge of oil was the result of a negligent act—even that of the least skilled crew member.

Such unlimited liability is uninsurable, the underwriters having informed you that they are unwilling to issue policies covering negligent spills in excess of $100 per gross registered ton or $10 million dollars, whichever is the lesser. The shipowner would thus be faced with assuming all of the risk above those amounts. Again, I submit that the small independent ship operator might well refuse to assume such a risk which could force him into bankruptcy.

At the same time we support the proposition that the shipowner or operator should not have a right of limitation for his own personal negligence or willful act and, therefore, we would suggest that the language in question be amended to read as follows:

"Except that where such discharge was the result of the personal fault or privity of such owner or operator, the latter shall be liable to the United States Government for the full amount of such costs."

Third, even with this change in language the dollar limitations in Section 12(f) (1) of $125 per gross ton or $14 million dollars, whichever is lesser, should be reduced to limits that are insurable, i.e. $100 per gross ton or $10 million.

In my testimony before the Subcommittee on Air and Water Pollution, I stated that shipowners through their mutual assurance clubs already are bearing the first $1.4 million of loss per vessel per incident. We believe it is unfair and unrealistic to require a shipowner, particularly a small independent owner, to assume an additional financial burden in excess of what he can protect himself against through insurance.

In conclusion, I should like to reiterate our desire to see legislation enacted which will effectively protect the U.S. harbors, rivers and coastlines against oil pollution but which will not at the same time pose a serious threat to the United States Merchant Marine and the inland waterways industry and present a deterrent to our waterborne commerce, both domestic and international. I must state my conviction that S–7 as presently drawn does pose such a threat and if enacted in its present form will not be in the best interests of the United States. However, if S–7 is modified in line with the foregoing, it will protect the public interest without imposing an unbearable hardship on the shipping industry or our waterborne commerce.

Respectfully yours,
E. S. Checket.

Maritime Law Association of the United States, Special Committee on Oil Pollution,
New York, August 28, 1969.

Hon. Jennings Randolph,
Chairman, Committee on Public Works, U.S. Senate, New Senate Office Building, Washington, D.C.

Dear Sir: The Maritime Law Association of the United States, through its President, and the statements of the undersigned Special Committee on Oil Pollution, have had the privilege of appearing before the Public Works Committees of the Congress in connection with the above entitled legislation. This committee has also submitted numerous documents in a sincere effort to assist the Congress to enact laws for the betterment and preservation of our environment from pollution by oil of the Inland waters of the United States and of the Seas. Such assistance as we could render for consideration by the Committees of the Congress, we hoped would permit the enactment of legislation upon which the liabilities to be imposed would be insurable and would not be a serious deterrent to the continuity of the domestic and foreign trade and commerce of the United States, including the trade of the Merchant Marine of this and other countries to and from our shores. We submit, with respect, that H.R. 4148 embraces all of the principles required by responsible legislation which apparently shipowners can insure as a risk and, our waters will be adequately protected.

With respect, we are compelled to say that the legislation proposed by material sections of S. 7 do not meet these elementary standards. *On advice we have received, the liability and financial responsibility sections plus unrestricted rights of direct action against underwriters are totally uninsurable as written.* It is equally apparent that S. 7, in these respects, can only work to the serious detriment of the American Merchant Marine as a whole and the ocean commerce of the United States—dry cargo vessels and tankers alike. *Many of the proposals are also repugnant to settled principles of United States' maritime law and the laws of many maritime nations.* We sincerely regret this turn of events in the legislation to be proposed by S. 7.

May we, Sirs, take this opportunity to respectfully urge the Committees of the Congress to fully consider the constructive content of letters which we are advised have been written by what may be substantially described as the world's marine insurance markets and shipping industry associations, so that the uninterrupted continuity of our maritime trade can be preserved. We can foresee situations in which, if S. 7 in material respects is enacted into the law of the United States, many shipowners will be required to either (a) trade at their own risk without insurance, but with realistic risk of ultimate bankruptcy by putting all of their assets at the disposal of our Government to secure any damage by pollution of our waters or (b) obtain some nominal insurance, if available at all, at a cost which may well be commercially prohibitive to an economically depressed Merchant Marine plus needed material assets to meet the financial responsibility requirements or (c) trade elsewhere.

Why must such legislation as proposed in S. 7, as above, be unnecessarily punitive against the entire maritime commerce of the United States? We appeal for maritime legislation rooted in reason and written with legal force and clarity to fully achieve the intended objective, protection of our waters, such as exemplified by H.R. 4148.

We are, dear Sir,
Respectfully yours,
John F. Gerity,
Burton H. White,
Gordon W. Paulsen,
John F. Gerity, *Chairman.*

Labor-Management
Maritime Committee,
Washington, D.C., September 3, 1969.

Hon. Jennings Randolph,
U.S. Senate,
Washington, D.C.

Dear Senator Randolph: We have been advised that S. 7, a bill amending the Federal Water Pollution Control Act, known as the Water Quality Improvement Act of 1969, will be on the floor of the Senate for legislative action. We are concerned with the risks imposed by S. 7 which would remove all limits for negligent oil spills and according to marine insurance sources are uninsurable anywhere in the world. This could have an extremely detrimental effect on the entire merchant marine.

We favor H.R. 4148 recently passed by the House of Representatives.

Sincerely yours,
Earl W. Clark,
Hoyt S. Haddock,
Co-Directors.

Chamber of Shipping
of the United Kingdom,
London, 27th August, 1969.

Hon. Jennings Randolph,
Chairman, Committee on Public Works,
Senate Office Building, Washington, D.C.

Dear Senator Randolph: As President of the Chamber of Shipping of the United Kingdom which represents over 19 million gross tons of shipping on the U.K. register, I am taking the liberty of addressing myself to you in view of your particular interest in the problems of oil pollution and your major role in the shaping of S–7.

As you can imagine, it is not only United States shipowners who have been following with interest the progress of S–7. The Bill affects all vessels calling at U.S. ports, whether tankers or dry cargo, and as at present drafted, would have some startling, and we believe, unintended results.

To us the most difficult clause is that which provides that a negligent shipowner shall not be able to limit his liability. As you have heard, the market cannot insure unlimited liability. This proposal would therefore make it impossible for shipowners to insure and yet the Bill goes on to provide that every single vessel over 300 g.r.t. shall produce evidence that it is satisfactorily covered!

British shipowners naturally like to obtain cover against their liabilities for oil pollution; the one certain way to stop them doing so is to make insurance impossible, which is what I am afraid the Bill in its present form does.

As the Senate is aware, it is difficult to produce legislation on liability for oil pollution which is not self-defeating—IMCO itself has narrowly avoided one or two traps of this sort—and we hope that on this point of insurability, you will, in the interests of the United States, heed the expert opinion that has been given by insurance representatives.

There are other features of the Bill which U.K. shipowners do not favour, but I would not wish to complicate this letter by listing them. I would, however, like to leave with you the thought that the interests of the United States, as well as its shipping lines, will best be served by a single worldwide agreement on liability. All the schemes that have been discussed will give the shipowner a powerful incentive to avoid pollution; the choice of one rather than another will therefore not affect by one ounce the amount of pollution on the beaches. That depends on the preventive measures we are all devising; accordingly, nothing would be lost and much might be gained if the special problem of liability was held over until the end of the year when there will be available a finished convention agreed by all coastal states as being a sound and effective solution.

Please let me know if there is any aspect of this subject on which we here can help you further.

I am writing in the same terms to Senator Edmund Muskie.

Yours sincerely,
Francis Hill.

Mr. RANDOLPH. Mr. President, the communications and information which I have placed in the Record I am sure will not be of interest for discussion by my colleagues in the Senate this afternoon, but I am sure they will be helpful as Members of the Senate read the Record in reference to the legislation which is before us and the position of the insurers from the standpoint of companies that ship in the coastal waters of the United States.

I hope the importance of this legislation will cause the Senate to act, of course, with deliberation, but with a certain promptness.

I have spoken longer than I should have, but I felt that, as chairman of the Public Works Committee, in cooperation with the chairman of the Subcommittee on Air and Water Pollution, I should lay out, as it were, the broad, productive provisions which have been encompassed in Senate bill 7.

Mr. MUSKIE. Mr. President, may I respond to the distinguished Senator's remarks? When I yielded to him earlier, I was engaged in discussion and could not pay proper tribute to his efforts, interest, and cooperation in this field, not only in connection with Senate bill 7, but in air and water pollution legislation over the years. No chairman could have been more cooperative or more understanding, not only in making facilities and staff available, but in contributing to the substance of the legislation with which we deal. I express my appreciation to him.

Mr. RANDOLPH. I thank the Senator. And I wish to acknowledge again the outstanding leadership which the distinguished Senator from Maine has given to environmental improvement legislation in his role as chairman of the Subcommittee on Air and Water Pollution. This effort has been supported and strengthened by a bipartisan approach led by the able junior Senator from Delaware (Mr. Boggs), ranking minority member of the subcommittee, and my good friend from Kentucky (Mr. Cooper), ranking member of the full committee.

I would add, Mr. President, that S. 7 was reported unanimously, a fact that attests to the effort and attention given to this legislation by every member of the committee; in addition to those I have mentioned I commend for their contributions to this legislation, Senator Steve Young, Senator B. Everett Jordan, Senator Bayh, Senator Montoya, Senator Spong, Senator Eagleton, Senator Gravel, Senator Baker, Senator Dole, Senator Gurney, and Senator Packwood.

Mr. YOUNG of Ohio. Mr. President, the Water Quality Improvement Act of 1969—S. 7—provides America with a powerful lever against three major sources of pollution which have continued to ravage our water resources; oil pollution, vessel pollution, and thermal pollution.

Despite the enactment of the Water Quality Act in 1965, the quality of the Great Lakes and the territorial and contiguous waters of this Nation has been continuously damaged and seriously polluted and poisoned. Industry, shipping and oil interests have blatantly continued to dump and spill materials often intentionally, into these formerly clear, pure, and precious waters. For 200 years we Americans have had every reason to be proud of our beautiful Great Lakes and their pure uncontaminated waters. Also, we of the Midwestern States have been proud of the fact that the Ohio River and other rivers were free of pollution and contamination.

As our report on S. 7 points out, frequent oil spills from vessels and from on-and-off-shore facilities have ruined Atlantic and Pacific Ocean beaches and lowered the quality of our rivers and shore waters. They have jeopardized not only animal and vegetable life, but human life as well. Terrible tragedies in recent months and years, such as the Santa Barbara oil well leak which spilled tens of thousands of barrels of oil on beautiful beaches along the California coast, have underscored these problems. Spills from the *Torrey Canyon* off the coast of Great Britain and other similar incidents have alerted us to the dangers of having supertankers carrying oil along our shores.

We in Ohio and the Great Lakes region are all too aware of the problems of pollution. We are particularly concerned over the spillage of oil and shipping wastes. Only recently we witnessed several disasters and near-disasters in and around the Great Lakes which should have been avoided.

While many have already written the obituary for Lake Erie and are mourning the imminent deaths of the other Great Lakes, we in the Midwest are determined not to write off these vital bodies of water. These lakes are surrounded by the heartland of America with a dense population with growing needs for clean, fresh water.

However, in Lake Erie great green skiens of algae have broken loose from rocky moorings and washed ashore to rot on the once beautiful beaches. Near Chicago, the beaches of Lake Michigan are lined with dead fish caused by such pollution as the 440 million gallons of waste water dumped daily from United States Steel Corp.'s south works. Amazing as it may seem, the oil-thick Buffalo River, which flows into Lake Erie, has been declared a fire hazard by the Buffalo Fire Department.

This deplorable situation is exactly what the pending legislation is intended to correct. Under provisions of the Water Quality Improvement Act of 1969, this pollution will be halted and the quality of the lakes improved.

Let me point specifically to section

16(h) of the bill, which would authorize the Secretary of the Interior to enter into contracts or issue grants for research aimed at the roots of pollution. These grants and contracts would be "for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation." This section would also provide funds for the construction of publicly owned research facilities for such purposes.

Beyond this, however, section 15 would authorize a special demonstration program to attack the unique and critical problems of the Great Lakes region. This program is in addition to the authority in the legislation to control lake pollution or lake eutrophication in general.

Under this program, the Secretary of the Interior, in cooperation with other Federal agencies, is authorized to enter into agreements with any State, regional or local agency. These agreements would provide support for demonstration projects to test new methods and techniques and to develop preliminary plans for the elimination or control of pollution in and around the Great Lakes.

This program goes farther than simply the Great Lakes themselves. It specifically includes "all or any part of the watersheds of the Great Lakes."

The Committee on Public Works recognized that pollution must be controlled at its source before it enters the bodies of water. Only then can we insure the quality of the waters in and around the United States.

The bill would authorize $20 million for the Great Lakes pollution control program. The States or local agencies would share the cost of these projects.

Most of the States adjoining the Great Lakes have already undertaken significant programs against pollution. This underscores their willingness to meet their obligations in this intergovernmental effort.

Special efforts as called for in S. 7 are needed to accomplish substantial remedial action in order to reverse the tide of pollution on the Great Lakes and to insure cleaner waters for future generations.

Thermal pollution has become a nationwide problem only in recent years as nuclear power plants have sprung up and more industries have been built on the edge of the waterways and lakes. They disgorge water at temperatures far exceeding normal ones. This is not only harmful to fish and aquatic animals, but long-term changes in the atmosphere can result from the circulation of air over these waters. The vegetation in and around these areas will change, often to the detriment of animal and human inhabitants.

S. 7 provides the Government with new authority for controlling thermal pollution in the Nation's lakes and streams.

Another key provision of the new water quality bill is section 11, which would control sewage discharges from vessels.

Waste from water craft is one of the most obvious sources of pollution both in the inland waterways and in our coastal waters and contiguous zones. It is most severe in bays, lakes, harbors, and marinas where vessels congregate and traffic is heaviest and water circulates the least. As our use of these waters increases, the problem will become more acute.

Section 11 will assist in preventing discharge of untreated sewage into navigable waters by pleasure or commercial vessels, and provide for continuing upgrading of technology to bring a complete halt to this practice.

To insure and enforce this stronger vessel anti-pollution legislation, the bill gives the Coast Guard fuller and more specific authority to develop and promulgate the regulations concerning the design, installation, and operation of marine sanitation devices and to certify these devices as complying with regulation standards. These regulations must also assure compliance with the standards of performance issued by the Secretary of the Interior.

Many States have already moved to control vessel discharge. However, conflicting regulations and standards have presented hardships to recreational boaters who move between States and present potentially serious restrictions on interstate movement of commercial vessels. For this reason, the bill would provide State authority to prohibit entirely the discharge of any sewage from vessels in line with its designated water quality standards.

This section of the bill, I feel, will go a long way in upgrading the quality of the waters of the Great Lakes Region as well as the inland waterways and coastal waters of the entire Nation.

It is essential, in addition, that America have a coordinated policy for the quality of the environment—a policy which will insure not only cleaner water, cleaner air, and freedom from solid wastes, but will provide future generations of Americans with the type of environment necessary for good health and well-being.

Title II, entitled the "Environmental Quality Improvement Act of 1969," simply and succinctly states that:

> There is a national policy for the environment which provides for the enhancement of environmental quality.

We have come to the point where we can no longer ignore the consequences of our actions in the name of economy. Two hundred years ago, when our country was young and growing and the population was fairly well dispersed, we could afford to turn our backs on the impact of industrial pollution in favor of building our industrial might.

Today, we are more than 200 million, and will be 320 million by the year 2000. Today, industries dot every shore; highways stretch endlessly across the continent; buildings rise where there was once only wilderness. Today, there is little of nature left, except in isolated patches of heretofore unwanted or undevelopable land.

With pollution at the crisis level—air and water pollution, noise pollution, thermal pollution—and space at a premium, it is high time that we squarely face the issue of environmental quality.

Title II of S. 7 intends that all Federal moneys spent on public works activities which affect the environment would be reviewed and found not to be detrimental to the environment. It would establish an Office of Environmental Quality within the Executive Office to assist and advise the President and to help coordinate Federal activities affecting the environment.

There can be no question that this important first step must be taken in the direction of Federal coordination of activities involving our natural environment. We must pledge ourselves to the upgrading of the quality of life—all life—on this planet, now and in the future.

Senator JENNINGS RANDOLPH, chairman of the Committee on Public Works, and the distinguished junior Senator from Maine (Mr. MUSKIE), chairman of the Subcommittee on Air and Water Pollution, deserve the gratitude of all Americans for their outstanding leadership and hard work in formulating the pending bill which is a powerful vehicle for the attack against environmental degradation. I urge its enactment.

AMENDMENTS NOS. 226 AND 227

Mr. AIKEN. Mr. President, I submit two amendments, which I ask to have printed and lie on the table. I hope the chairman of the Public Works Committee and the chairman of the subcommittee handling the bill will see fit to accept these amendments, but if they do not, I shall endeavor to offer and explain them later. At this time I simply submit them.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

Mr. MUSKIE. Mr. President, I yield to the distinguished Senator from Florida (Mr. GURNEY), or if the Senator wishes to have the floor in his own right, I yield the floor to him.

Mr. GURNEY. I wanted to make general remarks on the bill. Did the Senator wish to comment on the amendments just submitted?

Mr. MUSKIE. Not at this time.

Mr. GURNEY. Mr. President, I strongly support passage of S. 7. This legislation is a very thorough and comprehensive effort on the part of the Senate Public Works Committee to provide meaningful and effective methods for combating water pollution problems.

Several of my colleagues, especially those who have worked most carefully on the legislation, have already presented the statements on some sections of the bill, describing them in detail. I will make only a few remarks at this time.

Certainly, one of the most controversial areas is that of pollution caused by oil spills, and the process of creating some liability guidelines in this area. As the vessel traffic and volumes of oil increase, this naturally enhances the risk of major oil spills in our waters.

The Public Works Committee, after long discussion and thorough consideration, provided for centralized authority for cleanup and spelled out very specifically financial responsibility in the case of oil spills. Certainly, this part of the bill constitutes major new legislation. It will be landmark law making.

The problem of water pollution has grown to such magnitude that it is imperative for the Congress to enact effective legislation, and certainly the time for S. 7 has indeed arrived.

In spite of the amounts we are spending for pollution—and we have committed large amounts in recent years in the Congress—it appears that the Federal Government itself has been lax in enforcing compliance with water quality standards. The Government has been charged with a leadership role in combating pollution, and has required communities and private industry to make large investments in sewage treatment facilities. Ironically enough, many Federal agencies have made only token efforts in this area.

In my own State of Florida, there are 187 military installations alone. In addition, the Atomic Energy Commission and, of course, NASA have large facilities there. Bearing this in mind, it is not hard to arrive at the conclusion that Florida could certainly suffer from Federal pollution. Other States are in similar circumstances. Certainly, the Federal Government must be willing to share its responsibility for those activities.

I feel we must require that activities over which the Federal Government has direct control be conducted in a manner to assure compliance with applicable water quality standards.

Mr. President, one thing that I would particularly like to call to the attention of my colleagues is the matter of clean lakes, and the necessity of cleaning them up and correcting pollution in that area.

There are over 7,700 lakes in the State of Florida. My native State of Maine, the State from which Senator MUSKIE comes, has about 10,000 lakes.

In Florida many of those lakes have been slowly choked to death by aquatic weeds. Those of you from Louisiana, Alabama, Hawaii, and New York will be especially familiar with this problem. Other States are faced with this problem also.

Several of my colleagues in the House joined me in a bipartisan effort last year to control and eradicate these obnoxious weeds. The main thrust of the legislation was to get some coordination in the field of aquatic weed research so we could expand effective control programs.

During my research on the bill, I found that over 39 different agencies were involved in lake pollution efforts in the State of Florida. It occurred to me that interagency rivalry, lack of authority, and just plain lack of interest in some cases was evident. Needless to say, with a system of centralized control, coordination, and concentration of effort, we could do a better job. That is what my bill sought to do. I was not able to get it passed.

But one thing S. 7 does is provide for a means to concentrate presently scattered efforts into a coordinated attack on lake pollution. The bill creates a Federal Water Pollution Control Administration in the Department of the Interior. This new administration will be charged with centralizing and coordinating the now scattered efforts at weed control. Certainly, this is a major step forward, long overdue, and ought to make a major contribution to water pollution control, at least as far as lakes are concerned.

The problems caused by lake pollution are becoming of such a magnitude that the matter is creating an emergency situation in our waterways, lakes, and streams. In Florida again—and this is true of many other States—water intakes of all sorts of systems are becoming clogged because of the weed problem alone. Dangers of flooding are imminent because runoff water cannot escape. Boats cannot be used in my home city of Winter Park, Fla. We have a system of five lakes that are connected with canals. It is one of the greatest resources we have as far as recreation is concerned. Within the past 2 years, at one time or another, one or two, and sometimes more, of the lakes have been completely closed to boating and water skiing because of the aquatic weed problem.

This bill provides a major step forward to do something about the problem. I think the coordination of the effort and the concentration of money, rather than scattering it out among 39 different agencies, is one of the major factors in getting ahead with the problem.

There are many good features in the bill, as the Senator from Maine, the chairman, the Senator from West Virginia, and the ranking member of the committee have explained to the committee. I hope we will achieve general support in the Senate today or tomorrow, when we vote on this measure, for S. 7 is a major landmark bill in the area of helping solve our great water pollution problem.

Mr. MUSKIE. Mr. President, I wish to express my appreciation to the distinguished Senator from Florida for his very active interest and participation in the development of S. 7. His participation in both the hearings and the markup sessions was conscientious and constructive, and extremely useful to all of us.

Mr. GURNEY. I thank the Senator.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield to the Senator from Alaska.

Mr. STEVENS. It is my understanding that the committee has a committee substitute for S. 7, and it is my further understanding, from the Parliamentarian, that I should offer the amendment that the Senator from Massachusetts and I have left at the desk before the Senator makes a motion to adopt that substitute.

Will the Senator tell me when he anticipates making that motion?

Mr. MUSKIE. Not until every Senator who has an amendment has had an opportunity to offer it. I will go out of my way to make sure that no Senator is denied such opportunity.

Mr. STEVENS. I thank the Senator. I want him to know that I have listened to his address today, and I think he has done a yeoman's task in this field. I happen to come from a State that has no problems with water or air pollution except in one small area. We are, however, trying to do everything possible to help the rest of the Nation get back to the pristine quality of environment we have thus far been able to maintain.

Mr. MUSKIE. With reference to the Senator's amendment, perhaps I have slipped in not focusing more on that problem. I was not aware that I had, but in any case, I shall do everything I can to help the Senator solve his problem.

Mr. STEVENS. I thank the Senator for that comment.

I point out that the problem of pollution we are dealing with is a problem involving some 178 villages located on rivers. Because of pollution, as you go up the river, the death rate goes down. This is an area where one-fifth of the children die in their first year, and the reason that they die, we now know, is strictly bad water. It is pollution. There are no sanitation facilities, there is no running water, there are no sewers. Only 8 percent of the homes even have inside toilets. Less than 8 percent have running water.

What we are dealing with is the most basic problem of pollution, and that is clean water for the purpose of preserving human life. I think the major part of this bill deals with the esthetic portion of the pollution problem, the problem of how to restore clean rivers and lakes, which is what the Senator from Florida has been talking about.

But we are talking about fighting pollution in the sense of trying to preserve life and give these native children a better chance. It is my hope that the Senator from Maine would not look at this matter casually, when one-fifth of the children die in their first year and their parents have an estimated expectancy of only 34 years, because of the same problem of persistent pollution.

We have done everything we can, and this is a crash program that the Senator from Massachusetts and I tried to devise after our return from the Arctic last spring. I invite the attention of the Senate to this phase of the problem again, before the Senate votes tomorrow.

Mr. MUSKIE. I understand, and I thank the Senator from Alaska.

I yield now to the Senator from Kentucky; and I use this opportunity to thank him for the marvelous cooperation he has given us over the years.

Mr. COOPER. I thank the Senator.

Mr. President, this subject has been discussed very fully and comprehensively by the Senator from Maine, the Senator from Delaware (Mr. BOGGS), and others. I shall dwell on only a few aspects of the legislation.

I should like at this point to say something about the work of the Senate Public Works Committee. I have served on the Committee on Public Works continuously since 1957. Prior to that time, when I spent 2 years in the Senate in 1947 and 1948, I was a member of the Committee on Public Works. In times past, our subjects were matters under the jurisdiction of the Corps of Engineers, which is very important in dealing with flood control, navigation and water supply; the Federal-aid highway system—which is also of vital importance to the country—and public buildings. Later, we added responsibility in connection with large watershed projects.

XUM

In the last 8 or 10 years, as the country has become aware—and it is sad that it has been such a short time ago—of this problem of pollution and its effect upon the environment, the Senate Committee on Public Works has assumed an entirely new significance and undertaken to deal with new environmental problems of the greatest importance.

Largely due to the initiative of the Senator from Maine (Mr. MUSKIE), this committee has been developing programs for the prevention of water pollution, air pollution, solid waste pollution. Most recently we have considered the special problem of oil spillages, not a new field in the sense that it is an aspect of the pollution problem, but a very difficult topic for legislation and one which has caused long study by the committee.

So I express, without any reservation whatever, my appreciation and that which I think the country owes to the Senator from Maine, who serves as chairman of the subcommittee, and his coworker, the Senator from Delaware (Mr. BOGGS), along with the guidance and help of the chairman, the Senator from West Virginia (Mr. RANDOLPH). I pay tribute also to all the members of the committee. I am particularly proud, upon the minority side, to have noted among those who have worked hard on this bill the Senator from Delaware, to whom I have referred, the Senator from Tennessee (Mr. BAKER), the Senator from Kansas (Mr. DOLE), the Senator from Florida (Mr. GURNEY), and the Senator from Oregon (Mr. PACKWOOD), who, although new members, have been assiduous in their efforts.

In our executive meetings—I believe we had 12, as well as many informal conferences—it was challenging and very helpful that we had a full attendance of the committee membership practically all the time. Everyone was interested, and everyone contributed to the writing of the bill, including the new members of the Senate. While I have not mentioned those on the majority side, I am sure that the Senator from Maine (Mr. MUSKIE) has given them his praise, and I join with him in his accolades—or, as a fellow I talked with the other day said, he was very happy to hear I had an "allocade" for him.

I shall discuss the matter very briefly. S. 7 represents an important step in response to the public's demand that the degradation of our environment be halted and its quality enhanced. S. 7 is a comprehensive bill with provisions dealing with a wide range of difficult water pollution problems. Its provisions relate to nearly every aspect of the water environment and will affect nearly every major industry of our country. In addition to the water quality provisions, S. 7 incorporates in title II a timely contribution to the broad issue of the Federal Government's response to the quest for environmental quality.

The impact of Federal activities is clearly great, especially in the area of public works, and over the years many statutes, agencies, policies, and procedures have been created that, if not running counter to the objective of environmental quality are at least inadequate to meet the challenges that face our environment. Title II will go a long way toward resolving this paradox, and along with other legislation before Congress offers a program to update Federal performance. Such an effort would have great effect beyond the Federal performance and hopefully be duplicated throughout State and local governments as well as the private sector.

S. 7 is extremely important legislation. It is legislation on which the Committee on Public Works, in 1969 alone, held some 13 days of public hearings. These hearings were followed by more than 20 markup executive sessions; the bill has been thoroughly considered, thoughtfully drafted, and has been reported unanimously. In 1968 the Senate and the House each passed a water pollution measure, however, agreement in conference was not obtained and the adjournment of the 90th Congress required that we begin the legislative process once again in the 91st Congress.

The vessel pollution provisions of S. 7 are basically the same as those designed to combat the problem of the discharge of sewage from all types of watercraft contained in the 1968 bill.

I am sure that the Senator from Maine has pointed out that, with respect to the equipment which is required to be installed upon watercraft, the Federal Government preempts authority to regulate the design, manufacture, installation, and use of marine sanitation devices. However, certain matters should be discussed, particularly the matter of Federal preemption.

Because many waters are navigable in nature, and therefore, cross State lines and because watercraft are easily transported for use in many States, it is essential that the boatowner or the vesselowner and the equipment installed on his boat or vessel satisfy uniform requirements and regulations. This, of course, can be achieved through Federal regulations. S. 7 provides that only the Federal Government can adopt and enforce regulations with respect to the design, manufacture, installations, or use of any marine sanitation device in connection with any boat or vessel subject to the provisions of S. 7.

There remains, however, a substantial and vital interest of each State in certain local characteristics of the waters under the jurisdiction of that State. Only a State is in a position to know its waters so well as to know where water supply intakes, bathing beaches, oyster beds, or other use of its waters demand high purity and consequently, only States are in a position to permit the discharge of sewage into these waters. Consequently, the bill, S. 7 makes provision that the States retain authority to prohibit absolutely, and only prohibit absolutely, the discharge of sewage, treated or not, in any waters within such State but only where implementation of applicable water quality standards requires such prohibition. Certainly States cannot act arbitrarily or capriciously. In addition the States have a distinct duty to encourage the development of vessel sewage equipment service facilities; a suitable and effective way of communicating to the boating public the exact areas subject to such a prohibition; and, of course, suitable public participation in the establishment of any prohibited zones.

The committee received much citizen reaction on this provision, and it is carefully drawn to make it clear under what situations the States can act. It is not anticipated that this provision will bring undue hardship to any boat or vessel owner and will result in those regulations which are necessary to achieve, in fact, water quality.

The *Torrey Canyon*, *Ocean Eagle*, Santa Barbara, and most recently the Buzzards Bay oil pollution have caused great damage and have aroused great concern among the public. It is clear that the tremendous increase in the transport of oil, has given rise to the almost certainty that oil will be discharged into the waters of the United States. We must, therefore, take every precaution to see that the public's interest in these waters and the adjacent shores is protected and damage minimized, and at the least direct expense to the public.

The problem is complex, it involves vessels, it involves onshore facilities, and of course it involves offshore facilities. The writing of provisions to deal with these potential threats has been extremely difficult and one on which the committee labored long.

I suppose that one of the most complicated and controversial questions was that of fixing a measure of liability for the cost of removal of oil discharges. In order for legislation to be responsive, it is necessary that it be clear, not complicated, applied equally to all and in all situations, and most importantly, enforceable. It is submitted that the framework adopted by the bill in imposing liability for removal costs meets this standard. Since this is indeed national legislation it is imperative that the standard of liability be a uniform standard. This can only be achieved if, to the fullest extent possible, the common law standard of negligence is avoided. If negligence were to have been the principal test, every discharge of oil would require that the Federal district court, in an action by the United States to recover costs, would be forced to refer to the relevant State law for a determination of negligence. It is likely that many different standards of liability would ensue.

To avoid this the committee adopted a framework of liability that begins with absolute liability; that is, liability without reference to fault, and then provides exceptions to this standard; the exceptions being where the owner or operator can prove either the discharge was caused solely by, first, an act of God; second, an act of war; and third, or an act of a third party, and in the case of vessels, negligence on the part of the U.S. Government. Although this liability has been called absolute, it is not, and the exceptions bring it very close, if not equivalent, to the standard that can be referred to as strict liability which is the standard that the international community is likely to adopt in the International Convention dealing with the discharge of oil. In testimony before the committee, the legal advisor of the Department of State testified that although the original position advocated by the United States at the international convention was absolute liability, the international community generally preferred a somewhat lesser standard which is referred to as strict liability that makes exceptions, as does the bill S. 7 to what otherwise would be considered absolute liability. It should be pointed out that the international convention when it is finally completed might include in its provisions liability for third party damages. On August 15, the United States notified the Intergovernmental Maritime Consultative Organization—IMCO:

> The United States continues in its preference for the strict liability provision set forth in alternative B.

I should like to quote the provisions of alternative B:

> 1. The owner shall be liable for any pollution damage caused by oil that has escaped or been discharged from his ship, except as provided in paragraphs 2 and 3 of this Article.
>
> 2. No liability shall attach to the owner with respect to pollution damage resulting directly from an act of war, hostilities, civil war, insurrection or a grave natural disaster of an exceptional character.
>
> 3. If the owner proves that the pollution damage resulted wholly or partially from an act or omission done with intent to cause damage by the person who suffered the damage, the owner shall be exonerated wholly or partially from his liability to such person.
>
> 4. No claim for compensation for pollution damage shall be made against the owner otherwise than in accordance with this Convention. No claim for pollution damage under this Convention or otherwise, may be made against the servants or agents of the owner.
>
> 5. Nothing in this Convention shall prejudice any right of recourse of the owner against third parties.

This is basically compatible with the liability provisions of S. 7.

The bill, S. 7, imposes liability only for the cost of removal of oil, should it be necessary, by the United States. The provisions of the bill further impose a dollar limit for the standard of liability that I have outlined. In accordance with general concepts of negligence, however, the bill goes on to provide that where the United States can show that a particular discharge was the result of negligence then there shall be no limit to the amount of liability and that such liability will extend to the full cost of removal to the United States. It should be noted that the testimony revealed no discharges in which the costs of cleanup have been as high as the dollar limits of the strict liability provision. Testimony was also received that no spill requiring costs of cleanup in excess of those limits are anticipated. Therefore, the unlimited liability provision, assuming negligence could be proved by the United States, is a highly unlikely eventuality and is included to cover those extreme events such as a negligent discharge, from perhaps a supertanker or a rupture in the proposed pipeline on the north slope of Alaska; hopefully these will never occur but this does not excuse the Government from advance preparation.

In order to impose on all vessels a uniform standard of liability, the bill requires that all vessels using the ports or waters of the United States must show evidence of financial responsibility to meet liability for the cost of removal to a limit of $100 per gross ton. The legislative record developed by the committee clearly indicates that the amount, $100 per ton, is insurable under this standard of liability and has, therefore, been chosen by the committee as a figure that will adequately protect the interests of the public.

It has been alleged that because the bill does not impose a dollar limit for negligent liability that it is uninsurable. This argument is misleading and does no justice to the carefully drawn framework of S. 7.

Under any standard of common law negligence, liability, upon proof of negligence is theoretically unlimited and is measured only by the amount of damage. Thus, each one of us is liable without limit for all damages caused as a result of the negligent act resulting in an automobile collision. Such theoretical liability is, of course, uninsurable. A continuation of this analogy is helpful. Many States require every automobile owner to obtain certain levels of insurance coverage; this is equivalent to the evidence of financial responsibility enclosed in the bill, S. 7. Should a citizen desire, he may negotiate with an auto insurance company for a higher level of coverage based upon anticipated risk and his willingness to pay.

It is anticipated that shipowners will engage in this same type of negotiation with the maritime insurance industry and arrive at a limit of insurability which will at least be $100 per gross ton as required by the bill, and may be higher based upon the anticipated risk and the vessel owner's willingness to pay. The bill, S. 7, does not, I repeat, does not require insurance to the full theoretical amount of liability for the cost of removal.

Of course, because of the great publicity involved in the Santa Barbara occurrence, much attention has been directed toward spillage at sea and in territorial waters. However, the bill also covers onshore facilities. We adapted to the provisions dealing with onshore facilities a formula to measure liability similar to that which was provided for spillage by vessels.

Since onshore facilities is a broad term and covers a wide range of operations, from small storage to large bulk storage, from marinas to large refineries, it was necessary to devise a formula which would base the limit of liability upon some measure of the risk, just as in the case of vessels and discharges from offshore facilities.

I suggested a formula which does not require any great originality. I was following the standard fixed for vessel spillages and suggested a formula that under the standard of strict liability, a dollar limit of liability was imposed of not to exceed $125 per ton of oil which such facility is capable of processing, transporting, transferring in any 24-hour period or storing in the largest unit of such onshore facility. The committee adopted this language unanimously.

In considering this legislation the committee was faced with a difficult problem of dealing with other substances whose discharge poses a threat to the water environment along with oil. Testimony received was inadequate to enable the committee to impose the same framework developed for oil as does the House bill. Therefore, through the initiative of Senator **Dole**, the bill proposes to treat hazardous substances separately in section 13 and he is to be commended for his timely and important contribution. This section provides that the President shall designate hazardous substances which when discharged in any quantity in the navigable waters of the United States present a threat to public health and welfare.

The section also provides authority to the President to prepare regulations regarding the removal of such hazardous substances. Both in the designation and the promulgation of regulations the bill requires that the public, especially affected parties, be given full opportunity to participate. One critical problem faced in the discharge of any toxic material into water is notice to downstream water users. In both the oil and the hazardous substance sections, therefore, the bill requires that, upon discharge, the person in charge of a vessel or on- or offshore facilities shall immediately notify the United States. Failure to notify results in a criminal sanction. It is anticipated that under these two authorities, the United States will develop an efficient and wide-ranging network that will enable such information to be received and disseminated almost instantly. Such a system is clearly in the public interest.

Because the record did not support imposing liability for the cost of removal of hazardous substances, as it does in the case of oil, the Committee has authorized the President to submit a report to the Congress specifying what techniques are available for removal of hazardous substances and under what framework of liability costs could be recovered. This report is to be filed with the Congress by November 1, 1970. It is anticipated that this report will enable the Congress to effectively legislate to enable the recovery of the costs of removal of discharged hazardous substances.

There has been some misunderstanding of the kind of discharge to which section 13 would apply. It should be noted that this section does not attempt to alter the basic provisions of the Water Quality Act of 1965 providing for water quality standards and enforcement provisions for such standards. Section 13 is designed to respond to those situations where hazardous substances have been discharged suddenly and inadvertently into waters of the United States. This could be a ruptured pipeline, an overturned truck, a leaking storage tank, or a vessel breaking up at sea. It should be emphasized that this matter does not grant to the Federal Government any authorities in excess of those granted in the Water Pollution Control Act of 1965 dealing with the abatement of continuous pollution from an industrial or other facility.

It is clear to those of us who sit on committees dealing with environmental matters that research simply does not exist in sufficient amounts to enable the development of programs, regulations, and procedures to remedy many forms of pollution. The research is not only lacking on the effects of these pollution problems; research does not even exist in sufficient quantities on the nature of the pollutant itself. S. 7 should go a long way to remedying the deficiency of knowledge that surrounds acid and mine drainage pollution that confronts many of our Appalachian communities and waterways. This is an urgent problem and I look forward to following the implementation of section 14 of this bill.

Another problem that none of us can be complacent with is the continuing and rapid deterioration of the Nation's Great Lakes. Special efforts are needed by all levels of Government to accomplish such remedial action as necessary to avoid irreversible deterioration of the water quality of the Great Lakes. Section 15 providing for demonstration projects to control pollution in the Great Lakes is designed as a limited step in that direction.

One of the paradoxes of our age is the fact that the Federal Government directly and indirectly contributes substantially to the degradation of the environment. Many Federal activities contribute directly to water pollution and these include such diverse activities as naval vessels discharging sewage and waste into the waters of the United States, dredging activities of the Corps of Engineers, and sewage and waste disposal from Federal facilities of all kinds. Indirectly, the Federal Government contributes to water pollution in its licensing activities over such things as nuclear power plants, hydroelectric power plants licensed by the Federal Power Commission and dredge and fill permits issued by the Army Corps of Engineers. S. 7 will require, without exception, that all Federal activities that have any effect on water quality be conducted so that water quality standards will be maintained. In the case of all Federal activities the bill declares a congressional mandate that these activities be conducted in compliance with water quality standards. This of course raises a problem of enforcement. However, if a Federal agency continues to pollute it would seem that private citizens affected by such pollution, and in a very real sense this would include each and every citizen, should be able to bring an abatement proceeding on their own behalf in a Federal court.

With respect to Federal licensing activity, the bill S. 7 requires that, as a part of the license activity, applicants must furnish certification from the State and affected States that the activity will comply with applicable water quality standards. During the course of consideration of the bill the committee was faced with difficult question regarding the application of this provision to dredging that demands further discussion analysis. Section 16 of the bill provides an integrated and comprehensive program designed to require compliance with applicable water quality standards in all Federal activity and federally licensed or permitted activity. While incorporating certain provisions necessary to provide for special characteristics of certain Federal licensing and permitting procedures, especially dredging, section 16 makes no exception for any licensed or permitted activity from its operative principle of State certification. Furthermore, section 16 is consistent with, and arises out of the policy of the 1965 act that the primary responsibility for controlling water pollution rests with the States. The committee has on innumerable occasions adhered to this principle and section 16 is another manifestation of it.

Under the Rivers and Harbors Act, 33 United States Code 403, no dredging or filling can be conducted in the navigable waters of the United States without a permit from the Corps of Engineers. This includes, inter alia, dredging for navigation purposes, sand and gravel exploitation and, real estate development.

Dredging for any of these purposes can and does affect water quality both in the active removal of spoil and in the open water disposal of dredge spoil. Both activities, it should be noted, in some circumstances, may be accomplished without any long-term degradation of water quality.

In drafting section 16 the committee has intensely studied its provisions vis-a-vis dredging and other federally-licensed or permitted activities. With respect to the special characteristics of dredging, the following steps have been incorporated into section 16.

First. The committee recognized that water quality standards considering temporary turbidity resulting from dredging operations involving otherwise nonpolluting spoil socially do not exist. Consequently, report language to accommodate this fact and give directions to the Secretary and to the States was prepared.

Second. The committee recognized that the disposal of dredged spoil, particularly from the contaminated sediments in major Great Lakes and marine ports, precludes dumping in open water if water quality standards are to be maintained. Consequently, alternative methods of spoil disposal must, in such cases, be adopted. Therefore, subsection (e) has been included in section 16 to make available to private dredgers, at a reasonable charge Federal spoil disposal areas.

Third. The committee has further recognized that the implementation of section 16 will cause an adjustment in practices followed in dredging and, of course, in all other activities conducted pursuant to a Federal license or permit. I suggested a "grace period" in which to develop new practices and procedures in order to achieve compliance with water quality standards in dredging operations. Consequently, paragraph (7) of subsection 16(c) provides that applications for Federal licenses or permits pending on the date of enactment is the Water Quality Improvement Act of 1969, which licenses and permits are issued within 1 year of such date, shall not require certification for 1 year following the date of such issuance. This provides, in effect, that a pending application could have from 1 to 2 years from the date of enactment before a certification of compliance would be required.

Fourth. The committee took the further step of providing that where there are no applicable water quality standards, in being or in preparation, no certification will be required. However, a Federal licensing or permitting agency, in such event, must impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of the act.

The Federal Water Pollution Control Act accomplished, for purposes relevant to understanding section 16, five things:

First, it states the policy of this Nation that there shall be enhancement of water quality;

Second, it declares that the primary responsibility to control water pollution rests with the States;

Third, it provides a factual test of maintenance and enhancement of water quality; that is, water quality standards;

Fourth, it provides that in the formation of water quality standards other policy interests must be considered;

Fifth, it provides that the court in reviewing alleged violations of standards, shall give consideration to "the practicability and to the physical and economic feasibility of complying with such standards." It should be noted that any court reviewing any challenged standards would look to this language as addition to 10(c)(3).

Consequently, there is built into the water pollution control procedure a system of checks and balances with two levels of objectivity: First, a measurable standard for determining compliance with water quality; and second a measure that can be challenged in a court of law to test whether the standards have been drawn consistent with the intent of Congress with regard to legitimate uses and feasibility. To make it absolutely clear that navigation is to be considered in the development of standards the committee adopted my amendment that inserts "navigation" into the factors to be considered in the development of standards under section 10(c)(3).

Testimony from all sources has revealed a great need for manpower and training to satisfy the technological demands required for pollution abatement. Senator SCOTT submitted an amendment that has been adopted by the committee and incorporated as section 17 to provide for a manpower training program designed to stimulate and develop professionalism, career achievement and satisfy the demand for servicing sewage and waste treatment facilities and operations. Without this kind of a program no amount of money or construction will be truly satisfactory for in the last analysis people are necessary to make programs and facilities operate efficiently. I look forward to the report that will be filed September 30, 1970, that will state future manpower needs and recommended improvements in training programs.

Lake eutrophication, a natural phenomenon, that has been greatly accelerated by man's activity in a process that demands full understanding. If we are to remedy the eutrophication that is now occurring at an accelerated rate on all of our Nation's estimated 10,000 lakes. S. 7 authorizes research necessary to achieve such understanding.

The remaining sections of title I provide necessary research authority to the Secretary of the Interior. I have already dwelled on the essential nature of research to the overall environmental quality effort and I only say now that these provisions should be vigorously implemented by the agency.

The legislative record from all committees on both sides of Congress has given a wealth of information on the Federal Government, its organization and policies, as they relate to environmental quality. It is obvious there is extreme fragmentation, there is poor communication, there is, in fact contradictory authority. For instance, the Department of the Interior is charged with, and has an extensive program in wetland preservation. On the other hand the Department of Agriculture has a program, and expends large amounts of money, for wetland reclamation. These problems have historical components; they have bureaucratic components; they have interest group components, and many others that all combine to make the Federal response to environmental quality one of the most complex problems facing this Congress.

The Committee on Public Works has held hearings on many aspects of environmental quality. It has had testimony from many agencies of government concerning their policies, procedures, and activities. Other committees such as the Committee on Interior and Insular Affairs has received similar testimony, the Committee on Commerce, the Committee on Labor and Public Welfare as well. On the House side the Committee on Merchant Marine and Fisheries, the Committee on Science and Astronautics, the Committee on Government Operations, have all received testimony indicating the depth of this problem.

From all of this testimony, a synthesis or integration can be made and an attempt begun that will enable us to reverse the trend of fragmentation, of overlap, of poor information exchange that now prevails. Title II of S. 7 represents one attempt to learn from all of the experience that is now available to us. It provides that there shall be established in the executive branch in the Office of the Presidency an Office of Environmental Quality. This Office is charged with reviewing the Federal operation and making recommendations to the President to implement through his Council of Environmental Quality, a Cabinet-level action organization designed to implement Presidential decisions and policy.

It is absolutely essential that we avoid placing this kind of responsibility in an agency or office of historical orientation and personnel staffing that would preclude it from operating efficiently in this area. It requires an office in the Executive Office of the President because the problems are found in all agencies and in all departments, therefore, only with the perspective of the Office of the Presidency will it be possible to make the necessary overview and analysis and the proper recommendations. It must be an office, too, that includes staffing of the character that will enable it to consider the broad and diverse issues involved in environmental quality.

These are simply not scientific matters, although there is a scientific component, they are not simply economic matters although there is an economic component, these are not simply fiscal matters although there is a fiscal component; rather these are problems that demand a new approach and orientation that can only be found from a new organization and cannot be found in any existing executive organization.

Many activities of the Federal establishment affecting environmental quality are under the jurisdiction of the Committee on Public Works. These include the rivers and harbors activities of the Corps of Engineers, the Federal highway program, and of course much of the economic development programs. All of these programs must be reviewed for their effect on environmental quality. The Office of Environmental Quality should help perform that review. This does not, however, allow us to escape our responsibilities and I hope that taking the policy enunciated in title II the Committee on Public Works will begin to review the statutory base on which these operations are made, the policies and procedures that have been developed in implementing these statutes, and of course the end product of these activities. It is expected the Committee on Public Works will soon begin a review of all activities within its jurisdiction for an analysis of the effect the operations have for environmental quality.

It is submitted that this Office of Environmental Quality combined with the President's establishment of a Council on Environmental Quality represents a comprehensive program that will contribute to the development of a truly responsive Federal Government.

Mr. President, I close by saying that I echo what the distinguished Senator from Florida (Mr. GURNEY) has said—that this is a landmark bill.

Without a quality environment we will never succeed in developing a quality of life. It is a first priority of this Nation, we cannot escape it and we must face this responsibility. I would hope that all of my colleagues share my concern on these issues because the public demands it and the public deserves it. The matter of environmental quality goes to each individual, rich and poor, white and black. A deteriorating environment does not discriminate, it affects us all and makes all of those problems which we do face much more difficult. When viewed in this light it becomes urgent that we begin to restore the quality to our environment and we must begin now.

AMENDMENT NO. 178

Mr. TYDINGS. Mr. President, I call up my amendment No. 178.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. TYDINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

AMENDMENT NO. 178

On page 73, between lines 15 and 16, insert the following:

"SEC. 106. Subsection (c) of section 8 of the Federal Water Pollution Control Act is amended to read as follows:

"'(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. All sums in excess of $100,000,000 and not in excess of $400,000,000 appropriated pursuant to subsection (d) for any fiscal year beginning after June 30, 1969, shall be allotted among the States eligible for reimbursement pursuant to the seventh and eighth sentences of this subsection in the proportion that the amount each State is so eligible to receive on the first day of such fiscal year bears to the total such amounts on such day for all States, and such allotment shall not exceed the sum advanced and shall be available until the termination of six months following the fiscal year for which made only for the purpose of reimbursing such State pursuant to the seventh and eighth sentences of this subsection. All sums in excess of $400,000,000 appropriated pursuant to subsection (d) for each fiscal year ending after June 30, 1969, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States. Sums allotted to a State under the three preceding sentences which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, or for other reasons, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made for lack of funds: *Provided, however*, That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second, fourth, and fifth sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section, except that in the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section but was constructed without such assistance, such allotments for any fiscal year shall also be available, together with the allotments under the third sentence of this subsection, for payments in reimbursement of State or local funds used for such project to the extent that assistance could have been provided under this section if such project had been approved pursuant to this section and adequate funds had been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotments shall also be available for payments in reimbursement of State or local funds used for such project to the extent that assistance could have been provided under this section if adequate funds had been available. Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.' "

On page 73, lines 16, 19, and 23, redesignate sections 106, 107, and 108 as sections 107, 108, and 109, respectively.

Mr. TYDINGS. Mr. President, the amendment is designed to provide urgently required financial relief to those States that have advanced the Federal share of construction costs for water quality treatment plants and have not yet received reimbursement from the Federal Government.

The amendment allocates up to $300 million from the annual appropriations to those States eligible for reimbursement.

This amount would be sufficient to repay the seven States that advanced the Federal share.

The principal method to restore the quality of our waters is by construction of water quality treatment facilities. This is an enormous task, because many plants are required throughout the Nation. Recognizing this, in 1966, Congress passed the Clean Water Restoration Act authorizing $4.7 billion in grants over a period of 6 years to States with pollution programs for construction of such facilities.

To receive Federal assistance, States were required to have their own program. A Federal-State partnership was thus created to clean up our waters. Unfortunately, Federal funds were not forthcoming in the amount either anticipated or required. In fiscal year 1966, $150 million was authorized, $121 million was appropriated. In fiscal year 1967, $150 million was again authorized and this time actually appropriated. But in fiscal year 1968, $450 million was authorized and less than half, $203 million, appropriated. In fiscal year 1969, $700 million was authorized, only $214 appropriated. For fiscal year 1970, a full $1 billion has been authorized, yet the appropriation request of the administration is for only $214 million. Thus, there is a great gap between the authorizations and the monies actually spent or actually appropriated.

To illustrate this gap, Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table I have prepared entitled, "Gap in Funds for Construction of Water Quality Treatment Plants," as well as a chart entitled, "The Water Pollution Control Funding Gap," published in the September 1969 issue of Nation's Cities.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GAP IN FUNDS FOR CONSTRUCTION OF WATER QUALITY TREATMENT PLANTS

Fiscal year	Authorized	Appropriated
1961	$50,000,000	$46,000,000
1962	80,000,000	80,000,000
1963	90,000,000	90,000,000
1964	100,000,000	90,000,000
1965	100,000,000	93,000,000
1966	150,000,000	121,000,000
1967	150,000,000	150,000,000
1968	450,000,000	203,000,000
1969	700,000,000	214,000,000
1970	1,000,000,000	[1] 214,000,000
1971	1,250,000,000	
Total, including 1971	4,120,000,000	1,291,000,000
Total, excluding 1971	2,870,000,000	1,291,000,000

[1] Requested.

THE WATER POLLUTION CONTROL FUNDING GAP

AUTHORIZATIONS VERSUS ALLOCATIONS UNDER THE 1966 CLEAN WATERS RESTORATION ACT

[In millions]

States	1968		1969		1970		1968–70 Funding Gap Total [1]			
	Authorized	Allocated	Authorized	Allocated	Authorized	Allocated	Total dollars authorized	Total dollars allocated	Total dollars gap	Percent not funded
Total	$450.0	$203.0	$700.0	$214.0	$1,000.0	$214.0	$2,150.0	$631.0	$1,519.0	70.7
Alabama	8.4	4.1	12.9	4.1	18.3	4.1	39.6	12.3	27.3	68.9
Alaska	1.2	.9	1.5	.9	1.9	.9	4.6	2.7	1.9	41.3
Arizona	3.8	2.0	5.6	2.1	7.8	2.1	17.2	6.2	11.0	64.0
Arkansas	5.2	2.9	7.6	2.8	10.6	2.8	23.4	8.5	14.9	63.7
California	35.3	14.6	56.9	14.9	82.8	14.9	175.0	44.4	130.6	74.6
Colorado	4.7	2.4	7.1	2.4	10.0	2.4	21.8	7.2	14.6	67.0
Connecticut	6.2	2.9	9.7	2.9	13.9	2.9	29.8	8.7	21.1	70.8
Delaware	1.6	1.1	2.3	1.1	3.0	1.1	6.9	3.3	3.6	52.2
District of Columbia	2.3	1.3	3.3	1.3	4.6	1.3	10.2	3.9	6.3	61.8
Florida	11.8	5.3	18.6	5.4	26.8	5.4	57.2	16.1	41.1	71.9
Georgia	9.8	4.6	15.1	4.6	21.6	4.6	46.5	13.8	32.7	70.3
Hawaii	2.2	1.4	3.0	1.3	4.1	1.4	9.3	4.1	5.2	55.9
Idaho	2.5	[2] .5	3.4	1.6	4.5	1.6	10.4	3.7	6.7	64.4
Illinois	22.9	9.6	36.7	9.8	53.4	9.8	113.0	29.2	83.8	74.2
Indiana	11.1	4.9	17.5	5.0	25.2	5.0	53.8	14.9	38.9	72.3
Iowa	6.9	3.3	10.7	3.3	15.3	3.3	32.9	9.9	23.0	69.9
Kansas	5.7	2.8	8.6	2.8	12.2	2.8	26.5	8.4	18.1	68.3
Kentucky	7.8	3.7	12.0	3.8	17.0	3.8	36.8	11.3	25.5	69.3
Louisiana	8.3	4.0	12.7	4.0	18.1	4.0	39.1	12.0	27.1	69.3
Maine	3.1	1.9	4.5	1.9	6.1	1.9	13.7	5.7	8.0	58.4
Maryland	7.5	3.5	11.8	3.6	17.0	3.6	36.3	10.7	25.6	70.5
Massachusetts	12.0	5.3	19.1	5.4	27.6	5.4	58.7	16.1	42.6	72.6
Michigan	18.0	7.7	28.7	7.8	41.6	7.8	88.3	23.3	65.0	73.6
Minnesota	8.4	3.9	13.1	3.9	18.7	3.9	40.2	11.7	28.5	70.9
Mississippi	6.2	3.4	9.2	3.4	12.8	3.4	28.2	10.2	18.0	63.8
Missouri	10.3	4.7	16.3	4.8	23.4	4.8	50.0	14.3	35.7	71.4
Montana	2.4	[2] .7	3.3	1.5	4.5	1.5	10.2	3.7	6.5	63.7
Nebraska	4.0	2.2	5.9	2.1	8.2	2.1	18.1	6.4	11.7	64.6
Nevada	1.2	.9	1.7	.9	2.2	1.0	5.1	2.8	2.3	45.3
New Hampshire	2.2	1.4	3.0	1.4	4.0	1.4	9.2	4.2	5.0	54.2
New Jersey	14.0	6.1	22.4	6.2	32.4	6.2	68.8	18.5	50.3	73.1
New Mexico	3.1	[2] .7	4.4	1.9	6.0	2.1	13.5	4.7	8.8	65.1

Footnotes at end of table.

THE WATER POLLUTION CONTROL FUNDING GAP—Continued

AUTHORIZATIONS VERSUS ALLOCATIONS UNDER THE 1966 CLEAN WATERS RESTORATION ACT—Continue

[In millions]

States	1968		1969		1970		1968–70 Funding Gap Total [1]			
	Authorized	Allocated	Authorized	Allocated	Authorized	Allocated	Total dollars authorized	Total dollars allocated	Total dollars gap	Percent not funded
New York	37.6	15.5	60.7	15.8	88.4	15.8	186.7	47.1	139.6	74.8
North Carolina	11.1	5.2	17.4	5.2	24.9	5.1	53.4	15.5	37.9	71.0
North Dakota	2.3	[2].3	3.3	1.6	4.3	1.6	9.9	3.5	6.4	64.6
Ohio	22.1	9.4	35.5	9.6	51.5	9.6	109.1	28.6	80.5	73.8
Oklahoma	6.1	3.1	9.3	3.1	13.2	3.1	28.6	9.3	19.3	67.5
Oregon	4.7	2.4	7.1	2.4	10.1	2.4	21.9	7.2	14.7	67.1
Pennsylvania	25.7	10.8	41.3	11.0	60.0	11.0	127.0	32.8	94.2	74.2
Rhode Island	2.7	1.6	3.9	1.6	5.3	1.6	11.9	4.8	7.1	59.7
South Carolina	6.5	3.4	9.7	3.4	13.7	3.3	29.9	10.1	19.8	66.2
South Dakota	2.5	[2].3	3.5	1.7	4.6	1.8	10.6	3.8	6.8	64.2
Tennessee	9.0	4.3	13.9	4.3	19.8	4.3	42.7	12.9	29.8	69.8
Texas	22.0	9.4	35.2	9.6	51.0	9.6	108.2	28.6	79.6	73.6
Utah	2.9	[2].7	4.1	1.8	5.6	1.8	12.6	4.3	8.3	65.9
Vermont	1.8	1.4	2.4	1.3	3.0	1.3	7.2	4.0	3.2	44.4
Virginia	9.7	4.5	15.1	4.5	21.7	4.5	46.5	13.5	33.0	71.0
Washington	7.0	3.3	11.0	3.3	15.7	3.3	33.7	9.9	23.8	70.6
West Virginia	5.2	2.7	7.8	2.8	10.8	2.8	23.8	8.3	15.5	65.1
Wisconsin	9.5	4.4	15.0	4.4	21.5	4.4	46.0	13.2	32.8	71.3
Wyoming	1.5	[2].005	2.1	1.2	2.6	1.2	6.2	2.4	3.8	61.3
Guam	1.6	[2].8	1.6	1.5	1.7	1.4	4.9	3.7	1.2	24.5
Puerto Rico	6.6	3.5	9.8	3.5	13.7	3.5	30.1	10.5	19.6	65.1
Virgin Islands	1.5	1.5	1.5	1.4	1.6	1.4	4.6	4.3	.3	6.5

[1] 1970 appropriations still pending.

[2] Actual amounts used by these 8 States although they were entitled to use more. Unused amount totaling $8,300,000 from these 8 reallocated to other States.

Source: Federal Water Pollution Control Administration.

Mr. TYDINGS. The result of this gap has been a severe setback for pollution control.

Congress did recognize, however, at the time the bill was written and passed, that immediate appropriation of all construction grant funds was not likely and that several States, New York and Maryland, to name just two, were prepared to move ahead on their own more rapidly than the availability of Federal funds. These States recognized the danger to our environment of water pollution and had set aside, or were prepared to set aside, money to help abate it. Yet they were understandably reluctant to forge ahead without sufficient Federal assistance if other States, by waiting until both the scale of authorizations and level of actual funding increased, would receive greater financial support.

These States would then have been penalized for being progressive.

Congress therefore included in the 1966 act a provision permitting Federal reimbursement of those projects, approved by both the State water pollution agency and the Secretary of the Interior, for which the States had advanced the Federal share of project cost. In their partnership with the Federal Government, several States prefinanced the Federal share so as not to lose momentum and time in the task of cleaning up the waters.

They did so, of course, with the understanding and belief that the Federal Government would honor the partnership, live up to the bargain, and repay the amounts advanced.

The Federal Government has not done so. Reimbursables, in the sum of nearly $300 million, have not been forthcoming to those States which have moved ahead in cleaning up their waters.

The inevitable result has been financial trouble for those States which have shown initiative and progress. They have not been repaid, and their water pollution programs are thereby in jeopardy.

The States affected are Connecticut, owed $60,900,000; New York, owed $150,315,000; Maine, owed $3,500,000; Massachusetts, due $8,500,000; Vermont, due $677,000; Pennsylvania, $16,095,000; and Maryland, owed $52,957,000.

The Federal Government owes these seven States a total of $292,944,000.

It is ironic that in a time when we increasingly emphasize the need to revitalize State and local governments, we are penalizing the very States we should be rewarding.

In a time when there is much talk about revitalizing State government, we have before us an example of seven States which acted on their own, with their own money, to meet head on a major problem. They are now being rewarded with sympathy rather than the money they deserve.

These seven States should be paid back. Fair play demands it.

My amendment, if adopted, would do it.

It provides for an allotment of up to $300 million to States eligible for reimbursement. It states that funds appropriated for construction of water quality treatment plants, in excess of $100 million and not more than $400 million, shall be allotted to States which prefinanced the Federal share.

Section 8 of the Federal Water Pollution Control Act deals with construction grants. Subsection (d) provides the authorizations for grants till fiscal year 1971. Subsection (c) determines how funds appropriated will be distributed. It also includes the reimbursement provision and is the section of the act I seek to amend.

Essentially, three patterns or bases of distribution are apparent in 8(c). The first is population. Of the sums appropriated, the first $50 million and all funds in excess of $100 million are distributed on the basis of population of the State. The specific basis is "the ratio that the population of each State bears to the population of all the States." The second pattern is per capita income. Of the first $100 million appropriated, the second $50 million is distributed "in the ratio that the quotient obtained by dividing the per capita income of each State bears to the sum of such quotients for all the States." What this means, in simple language, is that the poorer State gets a little better break. The third pattern of distribution is what I shall call, for lack of a better term, Federal involvement. There is a provision in 8(c) which provides additional funds for a State whose pollution problem is heightened by the presence of Federal installations or construction activities.

In a sense there is another pattern, found in 8(d). There, a provision states that of the first $100 million appropriated for water pollution construction grants, at least half shall go to municipalities with populations of 125,000 or under.

This amendment eliminates none of these patterns of distribution. Funds appropriated would still be allocated on the basis of population, per capita income, Federal involvement, and the size of municipality.

What it does is to add another pattern. Funds appropriated would also be distributed on the basis of the amount of the Federal share a State has advanced in anticipation of reimbursement.

The amendment provides that the second, third, and fourth hundred million dollars appropriated, thus a sum of up to $300 million, shall be alloted to States eligible for reimbursement from the Federal Government. The specific basis for distribution of these money—whether it be $300 million, $200 million, or $100 million—is the ratio that the amount each State has prefinanced bears to the total amount of prefinancing done by all the States.

For example, if a State has prefinanced X and the sum total of all the prefinancing is Y, then the amount the State receives under my amendment is Xk/Y, where k is the money appropriated and allocated by this amendment. In no case, however, could this be over $300 million. It might be less, depending on the 8(d) appropriation.

To make it clearer, I have prepared a small chart entitled "Allocations of Reimbursement Funds Under Proposed

Tydings Amendment, Revised," and I ask unanimous consent that it be printed in the RECORD at the conclusion of my prepared statement. The table shows how my amendment would work.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **TYDINGS**. Mr. President, looking at it, we see that Maine has prefinanced $3.5 million for water pollution control. This represents the Federal portion of Maine's program which the State has advanced on her own. It is the amount she is eligible for reimbursement. It represents 1.19 percent of the $292,944,000 total prefinanced by the seven States.

Under my amendment, which allocates "all sums in excess of $100,000,000 and not in excess of $400,000,000 appropriated pursuant to subsection (d)," Maine would receive $3,700,000 if the appropriation were $400 million or more. If this were the case $300 million would be alloted for reimbursement. Maine's program would be paid for. If it were less, the amount would be reduced proportionately.

The chart indicates that under the maximum amount permitted by the amendment, $300 million—which will be available as long as the 8(d) appropriation exceeds $400 million—the seven States would be allotted funds a little over the amount they actually prefinanced.

The purpose of my amendment is to ensure the Federal Government pay what it owes to these States. It is not to get them additional funds above and beyond what they prefinanced. Thus there is language in the amendment which says that any reimbursement "shall not exceed the sum advanced."

In cases where there are funds left over, where the amendment allocates money that is not obligated, provision is made for these funds to be redistributed by the Secretary according to regulations he promulgates.

Maryland is another example of a State that would justly benefit from this amendment. Conscious of how important her water resources are, Maryland embarked on a major effort to restore their quality. The State has prefinanced 79 projects worth $52,957,000, a significant sum for a State the size of Maryland. Like the other six, she is waiting for the Federal Government to pay her back.

Should the section 8(d) appropriation be $300 million, the amendment would provide $200 million for reimbursement.

Maryland's percentage of total prefinancing is 18.08 percent. She would thus receive 18.08 percent of the funds available—$200 million—which is $36,160,000.

I wish to make it clear that the amendment does not affect the level of fiscal year 1970 appropriations for water quality treatment facilities. This is found in the public works appropriation bill which should come to the floor late in the session. My amendment affects title I of S. 7 which amends the Federal Water Pollution Control Act.

I am concerned, with this amendment, not with the level of appropriations but the distribution of whatever funds are appropriated.

The present appropriation request is $214 million. This is clearly inadequate as the Citizens Crusade for Clean Water has pointed out. It is likely that the Senate committee will up the $214 million to $600 million. I hope they will. I would fully support such an increase and feel it is required if we are ever to clean up our waters and restore the quality of our environment.

The amendment thus does not alter the level of appropriations.

Neither does it eliminate the present distribution pattern of appropriated funds. Population, per capita income and size of municipality are allotted funds prior to the amendment's taking effect. So, in part, is population, although some funds for this pattern could be diverted for reimbursement. Yet with the expected $600 million appropriation there will be ample funds for both population and reimbursement patterns.

Nor does the amendment make forever permanent the section 8(c) distribution patterns; 8(d) authorizations expire at the end of fiscal year 1971. Renewal will require extensive hearings at which further consideration can be given to the prefinancing problem; 8(c) could be changed at this time. In the meantime, however, seven-State water pollution programs are in financial jeopardy. They should be reimbursed now, without having to wait any further.

They require and deserve immediate reimbursement.

Such repayment by the Federal Government is essential. Without it, the financial integrity and stability of these programs are threatened. The success and continuity of the national effort to clean our waters depend on our paying for the water treatment facilities we construct.

The amendment will help us pay what we owe, some $292,944,000. It will help restore the confidence of the States in the grant programs of the Federal Government. This confidence has been severely shaken by instances such as this where the Federal Government fails to reimburse and violates the State-Federal partnership.

By adopting the reimbursement provision, the United States placed its good faith and credit on the line. If the Federal Government fails to meet its end of the bargain, the States trust in Federal programs will erode even further.

As David Dominick, the present Commissioner of the Federal Water Pollution Control Administration has noted:

> It is most important that we make every effort in Washington to keep faith with the states that have already begun construction on their own.

The amendment will reward State initiative and provide an incentive for other States to move ahead.

Indeed, one of the original reasons for accepting the reimbursement provisions was the incentive it would offer States to finance water pollution programs prior to receiviing Federal assistance. That it was successful is evident in a letter of May 17, 1968, which I received from James B. Coulter, then Maryland's Assistant Commissioner Environmental Health Services and now Deputy Secretary of Maryland's Department of Natural Resources. Mr. Coulter wrote:

> The provision for repayment of state funds advanced to cover deficiencies in federal grant offers has made it possible for us to arrange a financing scheme combining state and federal funds designed to eliminate our backlog needs for municipal sewage treatment plants by 1971.

Another advantage to the States was pointed out by the distinguished junior Senator from Maine, Senator MUSKIE, during the 1966 water pollution hearings. Senator MUSKIE noted that the reimbursement provision would actually save money. Said Senator MUSKIE:

> As a matter of fact, I think it is an economy provision, because if we can enable the States like New York, which are in a position to do so, to press ahead with construction early with this prefinancing measure, they will build plants at lower cost than those who have to build them later. I think we will save money.

State government must now play a greater role in our affairs. We have learned that the Federal Government cannot do everything. Yet State responsibility for water quality control has always been primary, as the act's declaration of policy specifically states. Some States have met this responsibility and require now only that the Federal Government keep its part of the bargain. My amendment will bring this about.

It put the money where the action is.

In determining which projects are to receive Federal assistance, the Secretary is required in section 8(c) to consider "the propriety of Federal aid." Surely there are no projects more deserving of such assistance than those whose Federal share of costs have been advanced by the States.

It should be noted that section 8(d) contains the statement:

> Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project.

But with the acceptance of the reimbursement provision, a promise was undertaken and agreement made.

The term used in drafting the provision was "prefinancing." The use of the prefix indicates that the States were financing before the Federal Government paid its share, not instead of the share itself. Were that the case, there would be no need for a partnership.

Maine, Maryland and the other five States advanced the Federal share of projects costs; they did not assume the share.

The 1966 report on S. 2947—Report No. 1367, 89th Congress, second session, July 11, 1966—in its section on reimbursement speaks of a "prefinancing provision" that will provide the Federal share "as it becomes available." The sentence does not read, "if it becomes available." The presumption is that it will and that the States will be paid back. But they have not been. My amendment merely provides that they are and is consistent with the philosophy of the water pollution legislation.

The "certain risk" which the report says is assumed by States which prefinance refers to a delay in reimbursement, not to the issue of whether reimbursement takes place. It is a time risk rather than a payment risk.

Mr. President, I would like now to answer three criticisms which this amendment has received. The first concerns the maximum amount available for reimbursement. The amendment provides up to $300 million for this purpose. It is argued that this is too much. Three hundred million dollars is half the expected fiscal year 1970 appropriation, and leaves 43 other States with practically nothing.

I would answer that the sum of $300 million was selected with great care, and for a simple reason. It is approximately what the Federal Government owes the seven States—the actual figure is $292,944,000. It is what they are due. It leaves, moreover, $300 million—assuming a $600 million appropriation—for normal distribution. This is above the $214 million fiscal year 1969 appropriation, above the administration's $214 million fiscal year 1970 budget request, and is a significant sum of money.

The second criticism involves those States that moved ahead in pollution control with their own money prior to the adoption of the reimbursement provision. To be consistent, should not they receive Federal assistance also? Have not these States shown real leadership in meeting their responsibilities? Do they not deserve to be rewarded?

The answer to the last question is no. These States, and I applaud their action indeed—Maryland is also one of them, in this case moved without advancing Federal funds and without anticipating reimbursement. The acceptance of the reimbursement provision constituted a new, distinct, and specific partnership between State and Federal Governments that came into being as soon as the act passed. Reimbursement is due only those States that acted within its framework. It is not due States that acted prior to the existence of the partnership. These States could not and did not expect reimbursement.

Finally, the last criticism involves the amendment's deletion of the provision limiting reimbursement only to July 1, 1971. The reasoning behind the inclusion of the expiration date was to avoid an open ended commitment and insure acceptance of the reimbursement provision by the Senate. But this expiration date has had an unfortunate effect. It has forced the seven States to conclude that quite possibly unless they are reimbursed before July 1, 1971, they may not be reimbursed at all. As can be imagined, this has caused them great concern. The deletion of this provision would be a sign to these States that the Federal Government in good faith intends to repay them, if only eventually. It would assuage their fears and restore some of their confidence in the reimbursement provision and in the Federal Government itself.

Mr. President, the seven States have waited long enough. It is high time they are reimbursed for the funds they advanced in order to have progressive, worthwhile water pollution control programs.

It is the purpose and effect of my amendment to provide these funds.

Mr. President, I ask unanimous consent that following the printing in the RECORD of the tables referred to in my speech, a fourth chart entitled "State Funds Advanced in Lieu of Federal Funds for Construction of Sewage Treatment Facilities" be printed in the RECORD. This chart offers additional information about the prefinancing problem. I also ask unanimous consent that the text of my amendment be printed in the RECORD, as well as a letter to me from James B. Coulter dated June 18, 1969; a letter to me from Louis S. Clapper of the National Wildlife Federation dated September 9, 1969; the testimony of Maryland Gov. Marvin Mandel to the Appropriations Committee's Subcommittee on Public Works dated June 9, 1969; a resolution of the Maryland General Assembly's Legislative Council Committee on Intergovernmental Cooperation; a fifth chart entitled "Tentative State Allocations of Fiscal Year 1970 FWPCA Grant Funds Under Selected Levels of Appropriations" which indicate how different levels of section 8(d) funds would be distributed under present law without my amendment; an excellent article by Raymond L. Bancroft, managing editor of Nation's Cities, in their September 1969 issue entitled, "Are the Cities Trapped in the Water Pollution Control Funding Gap?"; a letter to me from C. W. Metcalf, director municipal services for the New Hampshire Water Supply and Pollution Control Commission dated September 30, 1969; and a letter to me from J. W. Penfold, conservation director of the Izaak Walton League of America dated September 30, 1969.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE FUNDS ADVANCED IN LIEU OF FEDERAL FUNDS FOR CONSTRUCTION OF SEWAGE TREATMENT FACILITIES

States	Number of projects	Cost	Federal grant entitlement	Federal grants made	State funds advanced (eligible to be reimbursed)
Total	295	$948,787,000	$334,077,000	$41,133,000	$292,944,000
Connecticut	38	121,400,000	64,280,000	3,380,000	60,900,000
New York	70	548,000,000	165,823,000	15,508,000	150,315,000
Maine	7	11,700,000	6,300,000	2,800,000	3,500,000
Massachusetts	12	20,800,000	9,900,000	1,400,000	8,500,000
Vermont	3	2,400,000	1,287,000	610,000	677,000
Pennsylvania	86	125,493,000	27,063,000	10,968,000	16,095,000
Maryland	79	118,994,000	59,424,000	6,467,000	52,957,000

AMENDMENT No. 178

On page 73, between lines 15 and 16, insert the following:

"SEC. 106. Subsection (c) of section 8 of the Federal Water Pollution Control Act is amended to read as follows:

"'(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. All sums in excess of $100,000,000 and not in excess of $400,000,000 appropriated pursuant to subsection (d) for any fiscal year beginning after June 30, 1969, shall be allotted among the States eligible for reimbursement pursuant to the seventh and eighth sentences of this subsection in the proportion that the amount each State is so eligible to receive on the first day of such fiscal year bears to the total such amounts on such day for all States, and such allotment shall not exceed the sum advanced and shall be available until the termination of the six months following the fiscal year for which made only for the purpose of reimbursing such State pursuant to the seventh and eighth sentences of this subsection. All sums in excess of $400,000,000 appropriated pursuant to subsection (d) for each fiscal year ending after June 30, 1969, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States. Sums allotted to a State under the three preceding sentences which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b) (1) of this section and certified as entitled to priority under subsection (b)(4) of this section, or for other reasons, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made for lack of funds: *Provided, however*, That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second, fourth, and fifth sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section, except that in the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section but was constructed without such assistance, such allotments for any fiscal year shall also be available, together with the allotments under the third sentence of this subsection, for payments in reimbursement of State or local funds used for such project to the extent that assistance could have been provised under this section if such project had been approved pursuant to this section and adequate funds hade been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotments shall also be available for payments in reimbursement of State or local funds used for such project to the extent that assistance could have been provided under this section if adequate funds had been available. Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available for the Department of Commerce.' "

On page 73, lines 16, 19, and 23, redesignate sections 106, 107, and 108 as sections 107, 108, and 109, respectively.

JUNE 18, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senator,
Washington, D.C.

DEAR SENATOR TYDINGS: You hit the nail on the head in your letter of June 4, 1968 when you observed: "Leadership in water pollution control among the states should be rewarded, not penalized." I am sure that is not only your goal but that of our friends in the Federal Water Pollution Control Administration. However, even though I am certain no one intended to harm Maryland's program, two provisions of the Administration's bill, H.R. 15907 and companion bill S. 3206, would hurt us badly. These are the proposals to do away with the reimbursement feature and the requirement that bonds sold to prefinance Federal grant offers be taxable.

I have been in touch with Congressman Fallon's office and he has been very helpful. Enclosed is a copy of a statement I prepared for the record at the request of Congressman Blatnik. Mr. Maurice Tobin in Congressman Blatnik's office talked with me as a result of my correspondence with Congressman Fallon. The statement contains a brief summary of the Federal-State-local program that is working so well for us and the difficulties we would encounter under H.R. 15907. However, I might be able to more precisely pinpoint the exact problems in funding that we visualize.

First of all, Maryland is advancing the full amount of both Federal and State grants as sewage treatment plants are constructed. Therefore, there would be no reason for our communities to enter into the proposed contract arrangement with the Federal Government.

When the General Assembly considered prefinancing of Federal grants, the reimbursement provision added by Section 204, PL 89–753, the Water Quality Act of 1965, proved a powerful incentive. In 1967, the General Assembly authorized 50 million dollars and in this last session an additional 100 million dollars was added to a Sanitary Facilities Fund. When a Federal grant offer is made, money is made available from this fund to cover the outright State grant and any deficiency in the Federal offer. Should future Federal appropriations be sufficient to reimburse the money advanced, the reimbursement would go back into the Sanitary Facilities Fund to be used to finance still more sewage treatment works. With only a moderate degree of optimism, we believed that the fund would insure catching up with backlog needs by 1971 and staying abreast of growth needs into the early 1980's.

It was our hope that the reimbursement feature would be renewed when it expired in 1971. To terminate it on July 1, 1968, as proposed in the current amendments, would be a cruel blow to our program aspirations. I don't see how the State could continue to fund Federal grant offers if there was no statutory basis for hope that the money would be reimbursed. If we cut our rate of construction back to the present rate of Federal dollars allotted to Maryland, it would take 15 years to do what we now plan to do by 1971; i.e., bring all plants up to a level of secondary treatment with disinfection of all effluents by 1971.

We might be able to amend the State law (but that in itself would cause delay and introduce a large element of uncertainty) to take advantage of the contract arrangement whereby the Federal Government would pay principal and interest on bonds sold to finance the Federal share, but the proposed taxable requirement for bonds sold for that purpose rules it out. Our bonds are of the general revenue type retired from real estate taxes. A special issue is not sold to finance sewage treatment plant construction. Rather, from time to time as need dictates, the State borrows money through sale of bonds and distributes the proceeds to various capital improvement projects and funds such as the Sanitary Facilities Fund. Our estimated needs during a quarter, or some other period of time, are lumped with the needs of other activities and one sale of State bonds is made to cover all of the needs.

Assuming, but not conceding, that the taxable provision is justifiable and desirable, placing a Federal tax on general revenue bonds of the State would be objectionable if not downright unconstitutional. If someone wants to fight that issue, I wish they would choose something other than water pollution control works for the test case. Besides, the complications resulting from setting up special bond issues for this purpose, establishing the contracts, and keeping records on the status of repayment on myriads of grant offers would drastically worsen an already bad bookkeeping problem.

Please be assured that we are grateful for your assistance in this matter and your continuing support of Maryland's Environmental Health Program. If we can be of assistance in return, please do not hesitate to call on us.

Sincerely yours,

JAMES B. COULTER,
Assistant Commissioner,
Environmental Health Services.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., September 9, 1969.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: We have been interested in learning of your intention to propose an amendment to S. 7, amending the Federal Water Pollution Control Act, and welcome an invitation to comment upon it.

As we understand it, your proposed amendment would provide that construction funds in excess of $100 million and up to $400 million would be allocated to those States which have pre-financed Federal contributions. In short, this amount (up to $300 million) would go to seven States.

The National Wildlife Federation has been gravely concerned about the failure of the Federal Government to live up to its commitments to the States in grants for the construction of municipal waste treatment plants. It is this reason, principally, that our organization has supported efforts of the "Citizens' Crusade for Clean Waters," asking the President to seek the full $1 billion authorized in construction grants. It naturally follows that in the most precarious financial conditions are those States which prefinanced grants on the assurance that the Federal share would be forthcoming. Therefore, we fully understand and appreciate your concern in this regard, and it is our opinion that the full $1 billion authorized should be appropriated in order that the Federal Government can meet all of its commitments. If this is done, the allocation of $300 million for priority treatment to those States which already have financed the Federal share would not appear to be unreasonable.

Sincerely,

LOUIS S. CLAPPER,
Conservation Director.

RESOLUTION

Resolution of the Legislative Council Committee on Intergovernmental Cooperation concerning appropriations to the states for Water Pollution Control Programs

Whereas, the Congress of the United States enacted a Water Pollution Control Act which became effective in 1957 for the purpose of encouraging and assisting the states in the development of facilities to carry out the intent of the Act; and

Whereas, the State of Maryland has vigorously cooperated in this program since its inception, having authorized bond issues between 1957 and 1968 totalling more than $176 million for this purpose; and

Whereas, the Federal Government has provided funds for the cost of qualifying projects in Maryland only to the extent of about $21,500,000 as opposed to an amount of approximately $90 million more than the State would have received if adequate funds had been authorized and appropriated; and

Whereas, the amount authorized by Congress for Fiscal 1970 is $1 billion, while the administration budget provided for an appropriation of only $214 million—Maryland's share of which would be only approximately $3,550,000; and

Whereas, this State is still faced with a very great cost for facilities to eliminate water pollution; now, therefore, be it

Resolved that the Legislative Council Committee on Intergovernmental Cooperation of the Maryland General Assembly urges its Congressional Delegation to take whatever action may be necessary to increase the appropriation for the 1970 Fiscal Year to the full authorization; and to bring about a sufficient increase in future authorizations and appropriations of monies to fully implement the purposes of the Water Pollution Control Act; and be it further

Resolved, That copies of this Resolution be submitted to each Maryland Congressman and United States Senator.

TENTATIVE STATE ALLOCATIONS OF FISCAL YEAR 1970 FWPCA GRANT FUNDS UNDER SELECTED LEVELS OF APPROPRIATION

Total	$214,000,000	$300,000,000	$600,000,000	$1,000,000,000
Alabama	4,135,700	5,681,300	11,072,900	18,261,700
Alaska	906,100	1,013,100	1,386,300	1,883,900
Arizona	2,125,400	2,741,500	4,890,700	7,756,300
Arkansas	2,835,800	3,681,000	6,629,000	10,559,900
California	14,882,600	22,318,800	48,258,800	82,845,600
Colorado	2,414,900	3,244,800	6,139,500	9,999,100
Connecticut	2,942,200	4,141,700	8,325,700	13,904,600
Delaware	1,100,300	1,311,500	2,047,900	3,029,900
District of Columbia	1,315,300	1,676,800	2,937,600	4,618,900
Florida	5,386,400	7,729,100	15,901.500	26,797,900
Georgia	4,589,000	6,454,600	12,962,500	21,639,600
Hawaii	1,355,700	1,655,000	2,699,400	4,091,800
Idaho	1,589,400	1,905,000	3,005,900	4,474,000
Illinois	9,784,300	14,553,900	31,192,300	53,376,700
Indiana	5,008,400	7,214,300	14,909,400	25,169,300
Iowa	3.311,000	4,615,600	9,166,700	15,234,600
Kansas	2,812,700	3,843,400	7,439,000	12,233,000
Kentucky	3,827,100	5,264,500	10,278,700	16,964,300
Louisiana	4,009,800	5,550,700	10,926,000	18,093,300
Maine	1,853,100	2,311,700	3,911,300	6,044,100
Maryland	3,552,100	5,019,100	10,136,500	16,959,700
Massachusetts	5,382,800	7,818,700	16,315,900	27,645,500
Michigan	7,809,500	11,510,900	24,422,500	41,638,100
Minnesota	3,919,100	5,534,200	11,168,600	18,681,000
Mississippi	3,350,200	4,380,800	7,975,600	12,768,900
Missouri	4,760,400	6,804,100	13,933,700	23,439,700
Montana	1,535,700	1,854,900	2,968,500	4,453,300
Nebraska	2,115,500	2,783,200	5,112,400	8,218,000
Nevada	959,600	1,094,500	1,565,300	2,192,800
New Hampshire	1,409,300	1,696,500	2,698,100	4,033,700
New Jersey	6,176,800	9,4074,100	19,059,900	32,410,300
New Mexico	2,058,000	2,508,000	4,077,600	6,170,400
New York	15,832,500	23,772,500	51,470,200	88,400,700
North Carolina	5,050,800	7,206,300	14,725,900	24,751,900
North Dakota	1,583,900	1,883,100	2,926,700	4,318,300
Ohio	9,555,500	14,147,900	30,167,500	51,527,100
Oklahoma	3,086,900	4,188,400	8,031,200	13,154,700
Oregon	2,429,000	3,265,800	6,184,800	10,076,800
Pennsylvania	11,029,600	16,385,000	35,066,600	59,975,400
Rhode Island	1,568,500	1,975,100	3,393,500	5,284,700
South Carolina	3,342,700	4,470,000	8,402,400	13,645,600
South Dakota	1,777,400	2,099,400	3,222,600	4,720,200
Tennessee	4,314,600	6,002,300	11,889,500	19,739,100
Texas	9,592,800	14,125,200	29,935,800	51,016,600
Utah	1,780,700	2,202,100	3,672,100	5,632,100
Vermont	1,282,200	1,466,600	2,110,200	2,968,200
Virginia	4,510,200	6,387,100	12,934,300	21,663,900
Washington	3,327,200	4,677,100	9,386,300	15,665,000
West Virginia	2,796,100	3,676,300	6,746,700	10,840,700
Wisconsin	4,388,100	6,257,700	12,779,700	21,475,700
Wyoming	1,172,700	1,328,900	1,873,700	2,600,100
Guam	1,445,500	1,477,200	1,588,000	1,735,500
Puerto Rico	3,504,900	4,616,500	8,494,200	13,664,700
Virgin Islands	1,414,000	1,429,200	1,482,400	1,553,100

ARE THE CITIES TRAPPED IN THE WATER POLLUTION CONTROL FUNDING GAP?

(By Raymond L. Brancroft)

(The Gulf Between Congressional Authorizations and Appropriations Grows Wider Each Year as Cities Struggle to Meet Tougher Standards.)

Hopes were high back in 1966 when the Congress approved the Clean Waters Restoration Act. NATION'S CITIES called it "one of the 89th Congress' most sweeping accomplishments."

And indeed it was. The act called for a steady and steep rise in federal assistance for sewage treatment facility construction—from $150 million in fiscal 1967 to $450 million in 1968, $700 million in 1969, $1 billion in 1970, and $1.25 billion in 1971. Financially hard-pressed cities and counties were enthusiastic about the prospects of really being able—with increased federal help—to meet the water quality standards then being drafted by state water agencies under the Water Quality Act of 1965.

While the lofty money authorization levels set in the 1966 act remain intact, however, the appropriations to match them have not been made by Congress. In fact, as the table on page 8 shows, the appropriations from fiscal year 1967 through 1970 (including $214 million asked for '70) totals $781 million, only a third of $2.3 *billion* authorized. Construction grant officials in the Federal Water Pollution Control Administration said in July that applications for non-existent funds continue to pile up. A total of 4,648 applications for construction grants are now languishing in FWPCA regional offices or in state water pollution bureaus.

The result of the lag in federal funds for wastewater construction projects naturally has "put the burden back on the localities" to pay for needed projects, says Robert Canham, acting executive secretary of the Water Pollution Control Federation, a national association representing both industry and government.

"This whole situation has tended to lead to a lack of confidence by local and state officials in what federal aid levels will be," Canham adds. "The states are recognizing the problem where it counts . . . through their taxpayers with the expectation of federal assistance later."

The fact that municipalities and states are taking up the slack in waste treatment facility building left by inadequate federal assistance is borne out in a new WPCF publication, *Water Pollution Control Facts*.

"The influence of the federal grants program for the construction of wastewater treatment facilities, even at its $214-million per year level, assures the proper encouragement of construction by municipalities," the report states. "Witness the 1968 increase over 1967; it showed a 20 per cent increase for a total of $1.35 billion, despite the fact that the level of federal grants funds did not increase. Fiscal 1970 continues at the $214 million level, the same as fiscal 1969. At least this will keep up the momentum."

Canham, however. wonders what will happen to the fight against water pollution when the 1966 act's current authorization expires in fiscal 1971, particularly if increased federal appropriations aren't forthcoming.

"The whole effort is bound to suffer," he says.

In advocating that Congress appropriate the full $1 billion authorized for fiscal 1970 construction grants. the National League of Cities has pointed out the bind in which many cities will find themselves if they cannot get federal assistance.

"Local improvements must be made since the act provides for enforcement through the courts," said NLC President C. Beverly Briley, Mayor of Nashville, in a letter to President Nixon urging his support of the full appropriation.

"Local units will be compelled to proceed with major improvements and expenditures whether or not the federal government meets its obligations. The sad product will be that cities will be forced to clean up the waterways but will do so at the expense of improving housing, education, and other critical local needs which draw upon the same resource base."

Already communities in Pennsylvania, Missouri, Florida, California, and New Jersey have faced state-imposed restrictions on future residential and commercial construction because of water pollution problems.

But many observers, including the NLC, feel it is unfair for cities to be forced to comply with water quality standards while many are not able to financially meet them because Congress has failed to appropriate funds already authorized.

Mayor Briley urged the Administration to either support efforts to get full appropriations or, if this is not possible, to modify the schedule of compliance to permit cities a longer period of time in which to meet water quality standards.

1968 MUNICIPAL WASTE INVENTORY [1]

	Primary treatment			Secondary treatment			No treatment	
Size of place 1960 census	Total plants	Communities identifiable	Population served	Total plants	Communities identifiable	Population served	Communities	Population served
Unknown	112	65	6,284,805	643	302	8,049,603	15	271,725
Under 500	261	239	587,361	1,231	1,117	1,820,942	252	79,640
500 to 1,000	355	338	249,101	1,422	1,334	1,322,214	333	228,444
1,000 to 2,500	623	550	980,302	2,160	1,945	3,422,129	491	685,556
2,500 to 5,000	368	318	1,110,813	1,329	1,103	4,325,341	215	704,898
5,000 to 10,000	279	239	2,532,269	961	781	5,763,512	143	1,649,878
10,000 to 25,000	242	211	3,453,900	771	519	8,875,655	82	1,354,855
25,000 to 50,000	106	83	3,063,100	258	166	6,588,635	25	839,075
50,000 to 100,000	48	41	3,374,220	158	74	6,192,422	14	1,071,710
100,000 to 250,000	35	18	3,419,215	97	39	6,604,168	8	1,224,070
250,000 to 500,000	17	9	3,307,525	76	10	4,200,285	2	858,905
Over 500,000	22	6	15,372,410	77	9	18,620,880	2	2,305,900
Totals	2,468	2,117	43,735,021	9,183	7,399	75,785,786	1,582	11,274,656

[1] Includes 1962 rather than 1968 conditions for the States of New York, New Jersey, Pennsylvania, Iowa, and Arkansas.

Source: "The Cost of Clean Water and Its Economic Impact," vol. 1, 1969 (preliminary data). Federal Water Pollution Control Administration.

The primary reason for lack of adequate federal financing of the 1966 Clean Waters Restoration Act is the same given for other domestic program appropriation lags: the Vietnam War. Under prodding from the budget cutters, the Administration has sent Congress an alternative plan for financing waste treatment plant construction. Under the plan, the Secretary of the Interior could enter into contracts up to 30 years in length with a local or state government to pay the federal share of the costs of treatment plants. This means larger bond issues would have to be floated and the locality or state would have to pick up the interest on the federal share. Federal payments to the state or local government would be made up to 30 years to cover that U.S. share. The National League of Cities and other groups representing local governments are opposed to the plan. "We think it stinks," said one NLC staffer.

As Joe G. Moore, Jr., the former commissioner of the Federal Water Pollution Control Administration, expressed it at a conference earlier this year:

"Congress . . . will again this year wrestle with the problem of how to provide additional funds for the construction of waste treatment facilities without appropriating money."

David D. Dominick, Moore's successor, expresses disappointment at the length of time it took to get the alternate financing proposal to Congress. But, he adds, "we must make the best of a tight budget situation because right now we are lagging in the fight for clean water."

Dominick's FWPCA is caught in the middle of the financing dilemma. It pushed hard for an appropriation of $600 million for construction grants in the proposed 1970 budget but the Bureau of the Budget chopped that request to $214 million, the same as that appropriated in 1969.

"It is most important that we make every effort in Washington to keep faith with the states that have already begun construction on their own," Dominick says. "We must keep faith with the municipalities which need additional financial assistance in order to meet the water quality standards to which they have agreed."

FWPCA officials in the field also feel the pinch of congressional promises in the light of funding realities. Richard A. Vanderhoof, director of FWPCA's Ohio Basin Region, notes the "clearly incompatible" nature of water quality standards and the funds available to meet them.

"We're making progress in water pollution control if everyone would stand still," Vanderhoof says. "But we must run faster. The combination of industrial growth and municipal growth almost puts us in a position of status quo, particularly with the level of funds we have available."

Although it is generally agreed that there is a whopping backlog of unmet sewage treatment needs in the U.S. (a 1967 FWPCA estimate put the total at $8 billion to provide secondary treatment for most of the urban population), the 1969 edition of FWPCA's *The Cost of Clean Water and Its Economic Impact* comes up with a much smaller backlog estimate of less than $2 billion.

"Only a fault in basic assumptions or a significant change in circumstances can account for the variation found to exist between various estimates of the cost of water pollution and control," the agency report says.

"It may be argued," the report continues, "that the concept underlying almost every cost estimate that has been made—that is, the idea of a fixed backlog—is no longer a valid assumption in light of the current status of waste treatment as reflected in the 1968 Municipal Waste Inventory.

"Water pollution is a process as well as a condition. It is dynamic in its occurrence; fluctuating in its circumstances. So water pollution control must be flexible in its approaches; and time forms an essential element in estimates of its cost.

"This document [the report], then, views the municipal costs of water pollution control within a context of dynamism. It gropes with the question of determining an *appropriate rate of investment* rather than establishing a final cost of water pollution control. In substituting the dynamic view for the static one, it recognizes the disagreeable fact that pollution control will continue to require expenditures, that pollution cannot be ended by spending any single sum. It loses something in apparent precision. It is felt, however, that the view compensates for any lack of definition by bringing us closer to a manageable statement of real conditions.

"The changed way of looking at things imposes a broader view and forces recognition of problems in relating federal programs to events in such a way that the programs will not be out of date or mis-scaled by the time they are initiated. While all the ramifications of the approach are not understood, analyses now being undertaken can be expected to yield some insights over the coming year. These may be useful in recasting legislation after the expiration of current authorization in fiscal year 1971."

The FWPCA report also points out that new treatment plant investments are fairly close to the estimated need for construction and that rates of investment for interceptors and outfalls are very close to the level of indicated requirement. "But sewer, replacement, and expansion shortcomings seem to be developing," it adds. "Since 1963 the construction of new waste treatment plants has been declining relative to the other major categories of investment that qualify for FWPCA construction grants—replacements, additions, and installation of interceptor sewers."

But the FWPCA notes that the decline in new treatment projects should not be a surprise. An "enormous number" of new plants—more than 7,500—have been built between 1952 and 1967 and the great majority of the population with sewers now receives some sort of waste treatment.

Since only four cities over 250,000 population (Honolulu, New Orleans, Memphis, and parts of New York City) remain available for *initial* waste treatment investments, the coming investment in new plants is concentrated in small towns. The FWPCA report says communities under 10,000 population now account for almost half of the dollar value of investment for new waste treatment plants, up from slightly more than a third during the 1952–55 period.

Estimates from the states in their program plans indicate that municipal waste handling investments over the 1969 through 1973 period will amount to about $6 billion, roughly equal to that spent over the past five years, the FWPCA report says. It is very likely that spending for upgrading, expansion, and replacement needs in 1969 will exceed the outlays for new plant investments. "There seem to be great expansion and replacement needs in cities of all sizes," the report notes.

Adding to this trend will be the need for advanced waste treatment to meet the stricter state water quality control standards. Tertiary or advanced waste treatment is a state goal for many Indiana communities by 1977, is contemplated for some Ohio towns, is being phased into the Chicago system, and is planned for part of Long Island. Construction costs zoom upward for advanced treatment facilities.

The need for advanced treatment, the increased emphasis on upgrading operational efficiency, and the need to raise operator wages will increase operating and maintenance costs of municipal waste treatment plants "very sharply in the immediate future," the FWPCA report notes. Already these operating and maintenance costs total $150 million to $200 million a year, a doubling in the last decade.

In summarizing its findings, the FWPCA concludes:

"It would appear, then, that there may be a substantial gap opening between the amount the nation expects to spend—as measured by state program plans and by the level of federal construction grant appropriations—and the amount that will be required to complete the connection of all sewered places to waste treatment plants and to expand, replace, and upgrade treatment where it now exists.

"The fact that the states as a group anticipate programs that will involve a level of spending very close to that of the last six years is a cause for major concern, despite the major accomplishments of the last six years.

"The findings of this report show that investment requirements imposed by new plant construction, expansion, replacement and upgrading of plants, accelerating acceptance of industrial wastes in the municipal plant, increasing levels of waste reduction being required, and the fact that a very significant portion of needed new investment occurs in precisely those places where cost experience in the past has been highest, will all result in pressing capital requirements upward significantly for many years."

ST. JOSEPH, MO., FACES ITS FINANCIAL BIND

As an example of one city's efforts to meet its water pollution control responsibilities, here are excerpts from the testimony of Mayor Douglas A. Merrifield of St. Joseph, Mo. (pop. 80,000), before the Public Works Subcommittee of the Senate Appropriations Committee June 9. He was speaking on behalf of the National League of Cities and U.S. Conference of Mayors in support of full funding for fiscal 1970 of the $1 billion authorized for waste treatment project assistance.

"In the past few years, St. Joseph has placed in operation or put under construction nearly $7 million worth of water and sewer improvements. I am proud of this record, and believe it exemplary of the efforts of municipalities around the nation. The city is currently pushing ahead on another $2,512,000 of construction. For this program we have been advised that a grant of $1,290,000 is approved as a reimbursable grant if waste treatment funds are appropriated. In good faith, the city is underwriting this new construction and advising our citizens that the federal government, in due time, will reimburse us for a portion of the improvement costs. St. Joseph has planned another ambitious project, costing about $3 million, to complete its primary treatment program. However, it will be very difficult for us to finance this project unless increased federal aid to provide the 50 per cent matching share is assured. . . .

"Municipal bond interest rates are now at an all time high. In 1961 St. Joseph issued local sewer bonds at a 2.98 per cent interest rate. Today municipal water and sewer bonds are marketed at rates of 5 to 6 per cent and more. This means that debt service charges for long term financing projects such as waste treatment facilities will often exceed principal payments over the life of the bond. Despite record high interest rates, municipal bonds are becoming more difficult to sell. Large commercial banks, the traditional purchasers of municipal bonds, cut their net holdings of municipal bonds by nearly $1 billion in the first quarter of 1969 although a record number of municipal bond issues were presented for sale. . . .

"For clean water programs of the future, even greater levels of financing will be needed. But demands for more local action are simply not realistic unless federal support is increased. In St. Joseph we are told that programs of secondary sewage treatment must be operational by 1972. I do not believe we can construct the $4 million facility required before 1974, and even that will be impossible unless federal aid is available for the full 50 per cent share.

"In the distant future, the Interior Department is calling for separation of storm and sanitary sewers. Such a program could cost St. Joseph another $13 to $15 million and is estimated to cost between $15 billion and $30 billion nationally. My citizens will never vote bonds for this unless there is assurance of massive federal and state grants to back the local effort."

THE STATE OF NEW HAMPSHIRE
WATER SUPPLY AND POLLUTION
CONTROL COMMISSION,
Concord, September 30, 1969.

Hon. Joseph D. Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: Quite recently there appeared in a National Wildlife Federation memorandum a reference to an amendment which you are drafting to the Water Quality Improvement Act. According to the brief statement, special consideration would be given to the "seven States" which have prefinanced at least a portion of the Federal share.

Although we realize it is impossible to be acquainted with legislative action in all fifty states, the Commission is most anxious to have it made a matter of record that the New Hampshire General Court passed a bill in the 1967 session which would prefinance the 50% Federal share.

As indicated in paragraph 376:1 of the enclosed Act, this State will prefinance "a maximum grant of ninety percent of the original costs involved in the construction of needed sewerage and/or sewage or waste treatment facilities". To finance this work over the next two years, New Hampshire's Legislature authorized bonding in the amount of one million, four hundred and ninety-nine thousand dollars. State payments on all prefinanced projects will be made over the life of the municipality's bond issue.

We would like to conclude by pointing out that the prefinancing of pollution abatement facilities has also been assumed by several New Hampshire municipalities. These communities have bonded for the entire cost of treatment works, or about 11½ million dollars up to the present time, with the hope that they will be reimbursed the 50% Federal share at a later date.

Respectfully yours,
C. W. Metcalf,
Director, Municipal Services.

H.B. 162

An act to aid municipalities for water pollution control by state contribution for costs prior to receipt of federal funds

Be it Enacted by the Senate and House of Representatives in General Court convened:

376:1 Prefinancing of Federal Grant. When, for lack of adequate federal funds at the time of acquisition and construction of sewage and/or waste disposal facilities by any municipality, hereby defined as county, city, town or village district, the state of New Hampshire, in addition to contributions provided for under RSA 149–B, shall pay not in excess of fifty percent of the yearly amortization charges on the original costs resulting from the acquisition and construction of sewage and/or waste disposal facilities by it. The word "construction" and the term "original costs" shall have the same meaning for the purposes of this section as they have for the purposes of RSA 149–B. The purpose of the additional payment as established herein is to provide each municipality, in the absence of federal funds, with a maximum grant of ninety percent of the original costs involved in the construction of needed sewerage and/or sewage or waste treatment facilities.

376:2 Prefinancing of Secondary Treatment. The state of New Hampshire, in addition to contributions provided for under RSA 149–B, shall pay an additional fifty percent of the yearly amortization charges on the original costs resulting from the acquisition and construction of secondary treatment facilities in the cities of Concord, Lebanon, Manchester, and Nashua, and the town of Plymouth. The word "construction" and the term "original costs" shall have the same meaning for the purposes of this section as they have under the provisions of RSA 149–B. The purpose of the additional payment as established herein is to provide the cities of Concord, Lebanon, Manchester, and Nashua, and the town of Plymouth, in the absence of federal funds, a grant of ninety percent of the original costs involved in the construction of secondary treatment facilities.

376:3 Appropriation. There is hereby appropriated for the purposes of carrying out the provisions of section 1 of this act and to furnish aid provided for in RSA 149–B, for any municipality which shall acquire or construct sewage and/or waste disposal facilities, as authorized hereunder, the sum of seven hundred fifty-nine thousand dollars for the fiscal year ending June 30, 1970, and the sum of seven hundred forty thousand dollars for the fiscal year ending June 30, 1971. The sums hereby appropriated shall be administered by the water supply and pollution control commission and shall not lapse but shall be added to the appropriation of the commission for any succeeding fiscal year to be used for the purposes herein contained.

376:4 Bond Issue. For the purpose of providing funds for the appropriations made in section 3 hereof the state treasurer is hereby authorized, under the direction of the governor and council to borrow upon the credit of the state not exceeding the sum of one million, four hundred and ninety-nine thousand dollars, and to issue bonds and notes in the name and on behalf of the state of New Hampshire. Said bonds and notes shall be issued under terms, and conditions as provided by RSA 6–A, as inserted by 1967, 88:1.

376:5 Effective Date. This act shall take effect July 1, 1969.

Approved July 2, 1969.

THE IZAAK WALTON LEAGUE
OF AMERICA, INC.
Washington, D.C., September 30, 1969.

Hon. Joseph D. Tydings,
U.S. Senate,
Washington, D.C.

Dear Senator Tydings: We have studied with keen interest your proposed amendment No. 178 to S. 7 to amend the Federal Water Pollution Control Act; also your remarks which provide the background and rationale for the amendment. We agree that the Federal Government has a moral obligation to reimburse the 7 states (and some municipalities) which prefinanced the Federal share of construction costs for water quality treatment plants—costs totalling about $300 million. It would be unfair should the Federal Government default on this debt, and thus penalize states which have moved ahead aggressively to fulfill their responsibilities for clean water.

The problem which your amendment would resolve, as far as the 7 states are concerned, is part of the larger problem which affects all 50 states: the failure of Congress to meet the commitment made in the Clean Water Restoration Act of 1966. As you point out, the 1966 Act authorized $150 million for FY 1966, $150 million for FY 1967, $450 million for FY 1968 and $700 million for FY 1969. Appropriations through FY 1969 have totalled $731 million, about half the $1,450 million authorized for that period and upon which sum the 50 states had every reason to base their planning.

Failures to match appropriations with authorizations has seriously hurt the clean water program, slowed the momentum built up over the past two decades and shaken the faith of the public in the Federal commitment to clean water. This larger inequity affects all 50 states, including the 7 which prefinanced the Federal share, and it will be compounded, if Congress fails to appropriate the full billion dollars for FY 1970 as authorized.

It must be noted that an appropriation of $600 million for FY 1970, which you consider to be likely, would be inadequate. Earmarking the 2nd, 3rd and 4th $100 millions to reimburse the 7 states would leave a balance of $300 million for allocation among the 50 states, only $86 million above the budget request figure of $214 million. This is not enough to get the state programs back in high gear or make much of a dent in the 2¼ billion backlog of project applications.

In our judgment the direct way to resolve the problem and eliminate inequities is for Congress to appropriate the full 1 billion dollars for FY 1970 and the full $1,250 million as authorized for FY 1971 and, before the 91st Congress adjourns, extend the program authorizations beyond the end of FY 1971. It would be logical at that time to make such changes in the allocation formulae as are desirable.

Such actions will enable the states to catch up with existing backlogs, permit reimbursement to the seven states and restore the faith and confidence needed at all levels to push on aggressively toward the clean water goal.

Sincerely,
J. W. Penfold,
Conservation Director.

P.S.—The attached paper developed by the National League of Cities dramatically points to the fact that the appropriation—direct grant method produces the greatest return on the dollar invested in sewage treatment facilities.

EXHIBIT 1.—ALLOCATIONS OF REIMBURSEMENT FUNDS UNDER PROPOSED TYDINGS' AMENDMENT

States	States funds advanced	Percentage of total prefinancing	Possible appropriations		
			$300,000,000	$200,000,000	$100,000,000
Connecticut	$60,900,000	20.79	$62,370,000	$41,580,000	$20,790,000
New York	150,315,000	51.31	153,930,000	102,620,000	51,310,000
Maine	3,500,000	1.19	3,570,000	2,380,000	1,190,000
Massachusetts	8,500,000	2.90	8,700,000	5,800,000	2,900,000
Vermont	677,000	.23	690,000	460,000	230,000
Pennsylvania	16,095,000	5.50	16,500,000	11,000,000	5,500,000
Maryland	52,957,000	18.08	54,240,000	36,160,000	18,080,000
Total prefinancing	292,944,000				

Mr. SPONG. Mr. President, I suggest the absence of a quorum.

Mr. JAVITS. Mr. President, will the Senator from Virginia kindly withhold his request. I understand that the Senator from Kansas (Mr. Dole) wishes to speak generally to the bill, and then I will try to get into colloquy on the amendment.

Mr. SPONG. I am glad to withhold my request, and to yield to the Senator from Kansas, but I believe the Senator in charge of the bill has the floor.

Mr. TYDINGS. Mr. President, I ask

unanimous consent that I may yield to the Senator from Kansas without losing my right to the floor.

The **PRESIDING OFFICER.** Without objection, it is so ordered, and the Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I rise in support of S. 7, the Water Quality Improvement Act of 1969. For the past 9 months, the Subcommittee on Air and Water Pollution of the Senate Public Works Committee has worked industriously to draft appropriate legislation to prevent and control water pollution. Of course, the Santa Barbara incident had a dramatic effect on our deliberations. After that unfortunate incident, it became apparent there would have to be legislative action. This fact is made even more apparent as we read of the increasing size of oil tankers and the potential threat of pollution.

Throughout our subcommittee hearings, there was a wide diversity of views presented on S. 7. All sides were heard and after all the testimony and all our deliberations a bill was offered that will, in my opinion, protect the public interest and at the same time not inhibit the operation of the oil and maritime industries.

Mr. President, I wish to address myself to a specific section of the bill which is of particular interest to me. Each year more and more substances of great toxicity are transported by rail, pipeline, truck, and boat in greater and greater quantities. This, of course, increases the likelihood that substances will be accidentally discharged. The people of this Nation expect the Government to be prepared in advance to respond to such discharges.

During the course of its consideration of the provisions of S. 7, the committee became aware that hazardous substances simply could not be treated as an equivalent of oil and subject to the same provisions of liability for the cost of removal. Two important differences require that hazardous substances be treated separately: First, oil is a readily recognizable substance that is not miscible with water; hazardous substances, on the other hand, cover a tremendous range of chemical elements and compounds with various characteristics, and, second, oil is, at least in most circumstances, removable from water; hazardous substances, on the other hand may or may not be. Faced with this difficult situation, I offered an amendment to segregate hazardous substances out of the oil liability provisions for separate treatment to enable a response to the clear problem of the sudden discharge of hazardous substances into our navigable waterways.

The amendment I proposed, which with certain modifications has been adopted by the committee, provides essential authority to give this Nation the ability to respond. First, section 13 of the bill, S. 7, provides authority and establishes a procedure by which the President shall designate hazardous substances. The test established by this provision is whether the substance, when suddenly discharged into the waters of the United States in any quantity presents a threat to public health and welfare. It is necessary to avoid the use of a subjective test such as "substantial quantities" because the threat to health and welfare depends on many factors such as the characteristics of the water into which the substances are discharged; the concentrations of the substances discharged; and the nature of the substance discharged. The bill therefore provides that the President shall conduct an intensive study of each substance proposed to be designated as hazardous including provision for a detailed procedure involving public participation and recourse to the courts to protect everyone's interest in the designation of a substance as hazardous for the purpose of this act.

The bill further provides that the President shall, along with designating hazardous substances, promulgate regulations, where applicable, for methods and means of removal of said substances. It is necessary that substantial expertise be brought to bear on the technological problems involved in cleanup and only the Federal Government can respond to this demand.

Once a substance has been designated as hazardous pursuant to section 13, the bill provides that for any discharge of such substance from either a vessel or an offshore facility any person in control of such facility must immediately notify the United States of such discharge. This provision is patterned after the notification requirement under the oil pollution provisions and is absolutely essential if we are to avoid damage to downstream water users that may result from the discharge of hazardous substances. It is also essential if remedial measures are to be applied in time.

Because information is simply lacking on what form of liability could be imposed upon a discharger of a hazardous substance, it is necessary to authorize the President to recommend to the Congress, after a detailed study, methods and means of assessing liability against those who discharge hazardous substances. Consequently, section 13(n) of the bill provides that the President submit a report to the Congress on the need for and desirability of legislation imposing liability for the cost of removal of hazardous substances. After this study is made, it is expected that the Congress will be in a position to legislate in this area.

Mr. President, I ask unanimous consent to have printed in the Record a letter from the Commissioner of the Federal Water Pollution Control Administration in response to information I requested on the problem of legislating to control the discharge of hazardous substances. This letter includes a tabulation of spills of materials other than oil since June 1, 1967 to March 1, 1969. I think the Commissioner's letter clearly establishes the need for legislation dealing with hazardous substances.

There being no objection, the letter and table were ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Federal Water Pollution Control Administration,
Washington, D.C., July 10, 1969.

Hon. Robert Dole,
U.S. Senate,
Washington, D.C.

Dear Senator Dole: You requested information on the need for regulatory, rather than study, authority in S. 7 to control hazardous substances which when discharged into waterways have adverse effect as serious or more serious than oil on the health and welfare, including fish and wildlife.

The joint Interior-Transportation report of February 1968, which was devoted to the oil pollution problem also recommended "Legislation should be developed making persons who discharge or deposit hazardous substances other than oil into the navigable waters of the United States responsible for removing these substances. The legislation should empower the Secretary of the Interior to act when such persons fail to act and to recover the costs. Such legislation would parallel the cleanup provisions of the Oil Pollution Act of 1924."

At that time, however, the public attention was aimed primarily at the oil problem as depicted by the Torrey Canyon. We had not developed sufficient information on the need for such control measures for other hazardous substances. Subsequently, in October of last year FWPCA's the North Atlantic Water Quality Management Center in New Jersey published a manual on emergency procedures to control hazardous substances in the water environment (copy enclosed).

In addition, a number of spills of hazardous substances other than oil have begun to catch the public's eye and concern. A list of some of these spills is enclosed. The most dramatic of these occurred only a few days ago. This was the massive fish kill in the lower Rhine River in Germany which has now been traced to an insecticide, endosulfan, used on vegetables, trees and other crops. It has been reported that fish placed in the affected water died within seven minutes. (A report on this spill is enclosed.) We note this spill only as an example because if it had occurred in this country, we may not have been able to do much to cleanup the spill even with authority to do so. However, the polluter would have been required to report the spill and downstream users would have had early warning in order to shut down water supply systems and take other measures to protect public health.

1. BASED ON EXPERIENCE, IS CONTROL AUTHORITY NEEDED?

We believe that there is a need for authority to control these spills when they occur with the best means available to us. The Indiana chemical spill of January 1968 which caused a fish kill of 65 miles in Buck Creek serves to emphasize the point. A complete report of the incident is enclosed.

The most recent spill of hazardous material occurred on July 9, 1969, when the acid leaching material, about 450,000 gallons, was released into the San Francisco River where 51,000 dead fish have been counted so far in the first four miles of the River. Additional information on this spill is enclosed.

It should be noted that in 1968, the largest fish kill reported occurred on the Allegheny River, Bruin, Pennsylvania where 4,029,000 fish died. A petroleum refinery lagoon overflowed releasing chemicals into the stream. Suds six feet high were created as the mixture flowed along the stream.

Phosphate mining operations were responsible for the second greatest fish kill in 1967. A settling basin dam broke moving a mass of phosphate slime into the Peach River, suffocating nearly one million fish along 76 miles of the River.

2. DEFINITION OF HAZARDOUS SUBSTANCES

At present, it is very difficult to develop a definition, except in the very broadest of terms, which leaves it open to attack for vagueness and which requires the exercise of judgment by someone on a case-by-case basis, that would cover presently known and future hazardous substances. Thus, we believe that the best approach to this problem is to establish and publish procedures for identifying particular hazardous substances and for developing methods of control which could be applied by the discharger and Federal and State pollution control agencies. Once finally published they would be enforced in the same manner as oil discharges. This is the approach followed in the drafting service furnished for you to Mr. Jorling of the Committee staff.

The reasons for adopting this approach, rather than defining the term, are based on the fact that if discharged in water numerous factors may be responsible for the concentrations to be found in the critical zone and the degree of associated water pollution hazards. The more important factors include:

1. Quantity and type of material spilled.
2. Distance of spill from the use area.
3. Available dilution.
4. Type and nature of the water body.
5. Flow rate and tidal patterns.
6. Temperature.
7. Biodegradability and other properties of spilled material.
8. Effect of the material or reaction compounds on the water use.

The toxicity of a material may be immediately lethal or accumulative. There may also be synergism or antagonism with substances already in the water or a reaction with chemicals added during treatment. The toxic level for humans is ordinarily estimated from results of animal experimentation and normally expressed as LD_{50}, the single dose which will kill one-half of the animals in the test group. Chronic toxicity generally is not a problem with spills since the material will not remain in the vicinity sufficiently long. The toxicological effect of materials on aquatic life may be direct, or indirect by precipitating changes in the environment, and is normally expressed as TLm, the concentration at which 50% of the aquatic animals can survive. In cases where protection against chronic toxicity is necessary, safety factors of 20 or more are applied to the TLm values.

Substances in water may produce odors directly or by reactions with other materials through oxidation, reduction, etc. The products of these reactions may be more or less odorous than the original substance. The threshold odors of pure compounds may also be modified by synergistic or antagonistic effects. Taste-producing substances in water can be absorbed by the flesh of fish, making them inedible or at least unpleasantly flavored.

The effect of acid and alkali spills will be strongly influenced by the nature of the substance, degree of ionization, natural alkalinity, dilution available in the water body, and particular construction materials comprising pipes, equipment and appurtenances coming in contact with the substance. Acids and alkalis may be toxic to the acquatic environment, harm crops, cause corrosion, impart taste to drinking water or irritate the skin of those using the water for recreational purposes.

3. ARE CONTROL TECHNIQUES AVAILABLE?

Full information is not presently known on effective treatment of all toxic substances, but we do have some knowledge on this problem as explained below.

Pollution control measures are intended as possible alternatives to denying a use until natural conditions dissipate the spilled material from the use area. Control measures would normally be applied when the concentration is low enough to permit effective and practical neutralization, removal or destruction of the pollutant. However, when the spill occurs relatively close to the use and the material is highly resistant to degradation or cannot be rapidly dispersed, the use may be denied until treatment measures can feasibly be employed.

Since the present procedures are only a guide, some judgment must be made in each case to assure the safest course of action. For example, it should be noted that many of the procedures for organic compounds are based on taste and odor controls because these threshold ranges apparently provide a large margin of safety compared to the toxic levels. However, toxic levels are generally derived from tests conducted with rats and other animals. As to taste and odor thresholds, there can be substantial variation among individuals tested, conditions of the test, and effects of other compounds present in the water. Thus, taste and odor measurements must be conducted simultaneously with analytical measurement. If taste or odor are not detected but the concentration is above the maximum of the threshold range reported, the water use should be shut down and reopened only after careful consideration of the actual concentration and toxicological data. In order to estimate a safe limit of concentration for compounds in water supplies where no such limit was previously established, safety factors of 100 to 1000 were applied to the LD50 values. In certain cases, the water pollution control agency may decide to establish a concentration limit lower than the taste and odor thresholds shown herein.

Carbon treatment is the primary procedure recommended for removal of organic contaminants. Effectiveness of adsorption depends on the size and structure of the organic molecule and other factors. However, it appears that 12 to 24 inches of fresh activated carbon placed on top of the sand filter beds would be the most satisfactory treatment method for the organic materials given in the following sheets. Exhausted carbon is removed by backwashing the filter and collecting the material in a screen container. An alternate method is to slurry powdered carbon in water and to effect removal in the settling basins. Organic pollutants may also be removed by oxidation with chlorine or other oxidizing agents. Although breakthrough chlorination may be appropriate with some of the organics, carbon adsorption appears more generally applicable, dependable and practical.

In summary, while the state of the knowledge in this area is far from perfect, we believe that enough is known to institute a control program with the procedures mentioned above. Most importantly, such a program must include requirements for notification of discharges of any substance so that action can be taken to prevent adverse effects. Early warning, even if we do not have adequate cleanup techniques in all cases, will significantly help to protect public health and avoid damage to water use facilities and in some cases protect the fish and wildlife environment.

If we may respond further, or additional information is required, please do not hesitate to let us know.

DAVID D. DOMINICK,
Commissioner.

SPILLS OF MATERIALS OTHER THAN OIL, JUNE 1, 1967, TO MAR. 1, 1969

Location	Material	Quantity/source	Damages	Waters affected	Company responsible	Remarks
Carbo, Va.	Alkaline fly ash slurry.	400 acre-feet; dike failure	216,000 fish killed. Seriously damaged 102 miles of stream.	Clinch River, Va. and Tenn.	Appalachian Power Co.	Study of methods for handling fly ash was initiated.
Dunreith, Ind.	Acetone cyanohydrin.	1,200 gals. (2,800) lb. cyanide from railroad tank car.	Fish killed. Cattle died after drinking water.	Buck Creek, a tributary of the Big Blue River.	Pennsylvania RR. and Norfolk & Western RR.	Cyanide liberated when chemical got into alkaline waters. H. & H. added to stream water neutralize cyanide. Penn Central RR. reimbursed State for chemical costs. Residents of town evacuated.
Chambersburg, Pa.	Ethyl benzene	1,000 gals. from railroad tank car (railroad accident).	None reported	Conococheaque Creek, tributary of Potomac.		Material flowed over ice and evaporated.
Lampson, Ala.	Cyanide compound and muriatic acid.	Unknown quantity; 2 railroad cars.	Residents of town evacuated. No report of damage to water resource.	Goose Creek	Southern Railroad	Little, if any, cyanide escaped. Small quantity of muriatic acid escaped, but was contained by dike.
Morgan City, La.	Xylene	500 bbls.; ruptured barge	None reported	Atchafalaya River		Area cordoned due to fire hazard. Spilled material evaporated.
Detroit, Mich.	Suspected chemical waste and coal dust.	Unknown quantity; effluent from storm sewer.	do	Detroit River	Unknown	Slick dissipated overnight.
Belle, W. Va.	Methyl acrylate	1000, gals.; industrial plant	Fish killed, water intakes closed down.	Kanawha River, Winfield.	E. J. Dupont Chemical Co.	Riverflow diluted concentration.
Cheektowga, N.Y.	Styrene	10,000 gals.; railroad tank car ruptured.	None reported	Buffalo River	Union Carbide Co./Penn Central RR.	Material flowed from railroad yard into sewer system draining to river.
Freeport, Tex.	Caustic soda	400 tons from barge	do		Dow Chemical Co.	Company removed remaining cargo from damaged barge and collected samples of water in area of spill. Material apparently diluted because no increase in pH was noted.
Everett, Mass.	Xylene	500 gals. from ruptured storage tank.	Potential fire hazard.	Island End River	Carpenter-Morton Paint Co.	Fire department flushed sewer due to fire hazard.
Bordentown, N.J.	Ethylated fatty synthetic alcohol.	8,000 gals. discharged from plant.	Unsightly accumulation along 2 miles of riverbank.	Delaware River	Stephan Chemical Co.	Material contained by tide. Removed from water and shore by the company.
Westbrook, Maine	Chemical wastes	Unknown quantity from papermill.	None reported	Presumpscot River	S. D. Warren Co.	Dissipated in less than 24 hours.
Livingston, Tex.	Analine	Railroad tank car ruptured	No information on.	Trinity River	Santa Fe RR	10 workmen employed by Santa Fe RR. to clean tracks were hospitalized by analine burns.

Mr. DOLE. Mr. President, it has been suggested that the provisions of section 13 of S. 7 are contradictory to the 1965 Water Quality Act in that they provide for the establishment of a Federal effluent standard. Such an interpretation represents a misunderstanding of the provisions of section 13 which like the oil provisions of section 12 are aimed at the sudden and unintended release of hazardous substances into the waters of the United States. These provisions are not directed at the normal release of effluents from a manufacturing or other process. This is clearly the intent of the committee and to interpret otherwise is to misinterpret what the committee desires to achieve.

Mr. President, I urge the Senate to approve this bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, my amendment No. 178 is pending, and I would appreciate it if I could get the views of the distinguished chairman of the Subcommittee on Air and Water Pollution.

Mr. MUSKIE. Mr. President, may I say, in response to the distinguished Senator from Maryland, in commenting on his amendment, that I have a great deal of sympathy for it, especially since, as he knows, my own State would benefit from its application.

May I say, in addition, that when the amendments of 1966 were approved, I felt one of the most important provisions in those amendments was the reimbursement provision, to which the Senator's amendment is addressed.

But let me make the third point, that that provision was, nevertheless, geared to the total authorizations of that bill, which, as the Senator in his comments has pointed out, have never been fully funded, or even reasonably funded, I think, since that time.

For that reason, the problem that the Senator's amendment poses for us is whether or not, on the basis of current funding, or even anticipated funding, the Senator's amendment would be a fair allocation of the funds as between the authorization provisions of the public law and this reimbursement provision.

Frankly, I do not consider myself to be in a fair position to pass on that point, so I would like to suggest to the Senator two things: First, that we will hold hearings next year, as we had planned, on the whole question of funding the program; second, we are hopeful, from conversation we have had on this side and from discussions with Members of the House, that the waste treatment program will be funded up to $600 million this fiscal year.

If it is, I think we will have a strong base in next year's hearings to adequately support the principle that the Senator is interested in. We will hold those hearings. We had planned to hold them, in any event. I think, if we can get the favorable action from the Appropriations Committees in both Houses that we expect, we will be in a good position to move next year on the reimbursement provision.

The distinguished Senator from New York is also interested in this problem, and it might be useful to engage in a colloquy at this point.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield to the Senator from New York.

Mr. JAVITS. As a Senator from a State which has half of the advance funding, and who has always expressed interest in such funds, naturally I would vote with the Senator from Maryland (Mr. TYDINGS), if it came to a vote.

We have faced this problem, and we realize that we had a pretty slippery hill to climb in trying to allocate an appropriate amount with respect to expenditures. So I proposed an amendment, which I have had printed, which sought to allow the Secretary of the Interior to apply to reimbursable payments at least the difference between what was appropriated for the States and what was actually spent by the States; that is, what was actually left over. For example, if $600 million had been appropriated and $100 million had not been actually spent, the net $100 million would go to reimburse States which had been engaged in advance funding, a total of 32 States actually involved.

I have conferred with the manager of the bill on this matter and with the Senator from Maryland (Mr. TYDINGS).

I hope very much the Senator from Maryland will consider this amendment I now propose as an interim effort intended to be of some help to the 32 States concerned, which include Maryland, my own State, and five other States to which the Senator from Maryland has referred. In addition—not in substitution for, but in addition—to provisions of existing law allowing the Secretary of the Interior to apply unobligated construction grant funds to projects approved under this act for which grants have not been made because of lack of funds, I am suggesting an alternative application of the funds; "or for the purpose of making reimbursements pursuant to the sixth and seventh sentences of this subsection, or both."

The sixth and seventh sentences provide for reallotment in the way I have described for money not actually expended, and now I am suggesting also giving accommodation to States where not only State funds but local funds may have been spent in lieu of Federal funds.

Really, it expands the options of the Secretary.

It may be that, subject to the study which the committee may make which may dictate a mandatory reallocation—which incidentally I think is very properly sought by the Senator from Maryland (Mr. TYDINGS)—this proposal would at least give the Secretary more latitude. Then we would hope, in making our presentation to the committee of the Senator from Maine (Mr. MUSKIE), that the committee would feel persuaded that we ought to have some provision along the lines of what the Senator from Maryland (Mr. TYDINGS) has suggested.

While I favor the amendment of the Senator from Maryland, in view of the position of the chairman of the committee; I doubt very much that it would get anywhere for either of us, so I would hope perhaps that the Senator from Maine (Mr. MUSKIE) could at least expand the options of the Secretary as an interim measure. I hope the Senator from Maryland would join me in such substitute and then that the committee would go ahead and study whether even more might be done for the States which engage in such extended forward operations.

Mr. TYDINGS. Mr. President, as the Senator mentioned, I conferred with him earlier. I think his amendment is a sound one. I would be happy to join with him in the substitution of his amendment for mine. I think one thing it does is put Congress clearly on record that, as funds become available, those States which provide an advanced funding under the Water Quality Standards Act of 1966 will be reimbursed.

Mr. JAVITS. Mr. President, if the Senator will yield for that purpose, I will submit, for the Senator from Maryland (Mr. TYDINGS) and myself, a substitute amendment.

The PRESIDING OFFICER. Does the Senator from Maryland wish to withdraw his amendment or modify his amendment?

Mr. JAVITS. Mr. President, I would suggest that he leave it. Let me offer my amendment. If it is adopted, at least he has not compromised his position.

Mr. TYDINGS. Mr. President, I will follow the suggestion of the Senator from New York.

The PRESIDING OFFICER. The substitute amendment offered by the Senator from New York and the Senator from Maryland will be stated.

The legislative clerk read the amendment, as follows:

On page 73, between lines 15 and 16, insert the following:

"SEC. 106. Section 8(c) of the Federal Water Pollution Control Act is amended in the fourth sentence by inserting after 'because of lack of funds' the following: 'or for the purpose of making reimbursements pursuant to the sixth and seventh sentences of this subsection, or both'."

On page 73, lines 16, 19, and 23, redesignate sections 106, 107, and 108 as sections 107, 108, and 109, respectively.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment.

Mr. MUSKIE. Mr. President, just a word to express my support of the amendment offered by the Senator from New York and the Senator from Maryland. Each of our States is involved in this problem, and I think it is a healthy thing to reemphasize that there has been, by this amendment, a restatement of the moral commitment which I think we have made. I am delighted to support the amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to the Javits-Tydings substitute amendment for the original Tydings amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TYDINGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. I thank my colleague.

Mr. TYDINGS. I thank the distinguished chairman of the committee.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Maryland as amended by the substitute amendment.

The amendment, as amended, was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TYDINGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Rivers, Mr. Philbin, Mr. Hébert, Mr. Price of Illinois, Mr. Fisher, Mr. Bennett, Mr. Stratton, Mr. Arends, Mr. O'Konski, Mr. Bray, Mr. Bob Wilson, and Mr. Gubser were appointed managers on the part of the House at the conference.

The message also announced that the House had passed, without amendment, the following bills of the Senate:

S. 265. An act for the relief of John (Giovanni) Denaro;

S. 330. An act for the relief of Dr. Konstantinos Nicholaos Babaliaros;

S. 620. An act for the relief of Richard Vigil; and

S. 1110. An act for the relief of Nickalos George Polizos.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 9825) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), amended;

S. 2462. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission;

H.R. 3165. An act for relief of Martin H. Loeffler;

H.R. 3560. An act for the relief of Arie Rudolf Busch (also known as Harry Bush); and

H.R. 11249. An act to amend the John F. Kennedy Center Act to authorize additional funds for such Center.

ORDER FOR RECESS TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER (Mr. Bellmon in the chair). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUGHES TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that upon disposition of the Journal tomorrow the distinguished Senator from Iowa (Mr. Hughes) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SMITH OF MAINE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow at the conclusion of the remarks of the distinguished Senator from Iowa (Mr. Hughes), the distinguished senior Senator from Maine (Mrs. Smith) be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO PERIOD FOR CONSIDERATION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, there will be no period for the transaction of routine morning business tomorrow. It is anticipated that at the conclusion of the remarks of the senior Senator from Maine (Mrs. Smith) the Senate will resume the consideration of the pending business until approximately the hour of 2 p.m.

ORDER FOR RECOGNITION OF SENATOR CHURCH TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow at 2 p.m., or as close thereto as possible, the distinguished Senator from Idaho (Mr. Church) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the information of the Senate, if the pending business is not completed before the Senator from Idaho (Mr. Church) is recognized, we will resume consideration of the pending business after the Senator from Idaho completes his remarks.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(For nominations this day received, see the end of Senate proceedings.)

WATER QUALITY IMPROVEMENT ACT OF 1969

The Senate resumed the consideration of the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Mr. MUSKIE. Mr. President, I have sent a technical amendment to the desk, which I now call up.

The PRESIDING OFFICER. The amendment offered by the Senator from Maine will be stated.

The bill clerk read the amendment, as follows:

On page 44, line 4, after the period insert the following:

"In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.".

On page 57, line 4 strike out "and".

Mr. MUSKIE. Mr. President, since reporting S. 7 it has come to the attention of the committee, as a result of correspondence from the British maritime insurance underwriters, that the liabilities provided in this legislation will be uninsurable unless the insurer or person providing evidence of financial responsibility, as required by subsection (f)(2), is specifically guaranteed the same rights as available to the owner or operator of a discharging vessel. The amendment which I am now offering carries out that purpose and has the same defenses as would have been available in an action between the insurer and the vessel.

The committee intended that the insurer have the same rights and defenses as an owner or operator. This amendment is technical to the extent that it clarifies the committee intent. The committee wants to make absolutely certain that the liabilities established in this legislation are not made uninsurable by a misunderstanding of the legislative intent.

I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maine.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **MUSKIE.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **MATHIAS.** Mr. President, will the Senator yield?

Mr. **MUSKIE.** I yield to the distinguished Senator from Maryland.

AMENDMENT NO. 205

Mr. **MATHIAS.** I thank the Senator from Maine for yielding to me.

I call up my printed amendment No. 205, which is a very simple amendment. It merely provides for a further opportunity for the public to participate, where that is appropriate, in the process of the granting of a license or an application, or of some change in an application or a license, and that when proper demand is made, with proper notice, there shall be a right of public hearing.

That is really all that the amendment provides, and I think it is so simple and so consistent with what we have been trying to do in every area of government, which is to provide, for the public interest, that there be a valid explanation or defense, that I respectfully solicit the support of the Senate for this amendment.

The **PRESIDING OFFICER.** Does the Senator wish to call up his amendment at this time?

Mr. **MATHIAS.** I call up the amendment.

The **PRESIDING OFFICER.** The amendment will be stated.

The **BILL CLERK.** The Senator from Maryland (Mr. MATHIAS) proposes an amendment (No. 205) as follows:

> On page 62, line 25, after "cation," insert "and after providing an opportunity to interested persons for a public hearing.".

Mr. **MUSKIE.** Mr. President, as I understand the amendment of the distinguished Senator from Maryland, it would apply to section 16(c), which requires that there be State certification of compliance with water quality standards on any application for a Federal license or permit. What the Senator from Maryland would propose is that a public hearing be held, or be required, in any State involving certification of such an application.

Mr. **MATHIAS.** If interested persons so request.

Mr. **MUSKIE.** That is right. I think it is a reasonable amendment, Mr. President; indeed, I compliment the Senator on offering it. It has been the general thrust of the committee's approach to this problem to require public hearings, so that interested members of the public as well as the parties directly involved could have an influence upon the public policy that is developed.

So I am happy to support the amendment in behalf of the committee.

Mr. **GRIFFIN.** Mr. President, I rise to voice my support to the amendment offered by the distinguished junior Senator from Maryland.

An important step forward in the prevention of water pollution would be taken in the Water Quality Improvement Act of 1969 by requiring federally licensed facilities to obtain State certification that water quality standards will be met before a construction or operating license is issued.

The amendment before us will strengthen the certification process provided in the legislation by permitting a public hearing to be held at the request of an interested party before certification is granted. One of the primary purposes of this proposal is to deal with the unique problem of thermal pollution from nuclear reactors. Since the Atomic Energy Commission has no jurisdiction to consider environmental effects in its licensing function, the potential hazards of thermal discharges have not received adequate preinstallation consideration. Consequently, in order to provide the fullest opportunity for expert analysis of this problem, provision for a public hearing is absolutely necessary.

Although all of the States have adopted or are in the process of adopting temperature standards, there is still much to be learned in terms of the effect on the reproductive cycle of fish and the development of slime and aquatic weeds through the diminution of dissolved oxygen in the water. A report by a special committee on nuclear discharges appointed by Lake Michigan area States and the U.S. Department of the Interior states:

> Because of relatively limited attention to thermal pollution in the past, there are few experts in the disposal of waste heat and many gaps in knowledge of behavior of waste heat in receiving waters, of its effects on water quality and uses, and of the most efficient and economical methods of disposal without damage to the aquatic environment. For example, methods of calculating the patterns that will be assumed in lake waters by heated water discharges, and the rates of cooling that may be anticipated in the receiving waters are in the developmental stage. Much additional research will be necessary before it will be possible to predict with assurance what heated water will do when discharged to a lake.

Probably one of the most uncertain factors is the quantitative effect of many nuclear powerplants. By 1980, it is estimated that 30 percent of the Nation's generating capacity will come from nuclear power. At present, in Michigan, there are two operable nuclear plants with five more in the planning and construction stages. Also, within the next 10 to 15 years there may be as many as 10 nuclear plants discharging into Lake Michigan. Thus, the almost certain large increase in nuclear facilities is reason enough for close scrutiny of each proposed plant.

Mr. President, I believe that the proposed amendment will improve the provisions in S. 7 and, by not requiring a hearing in every instance, will not unduly hamper the certification process. I might point out that Michigan is one of several States which requires that proposed uses of State waters meet applicable water standards and which provides for public hearings before approval of the use is granted. The success and feasibility of Michigan's statutory scheme emphasizes the need to insure that all State pollution standards are adhered to before any damage has occurred.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment (No. 205) of the Senator from Maryland.

The amendment was agreed to.

The **PRESIDING OFFICER.** The bill is open to further amendment. What is the will of the Senate?

Mr. **MATHIAS.** Mr. President, I move to reconsider the vote by which my amendment (No. 205) was agreed to.

Mr. **MUSKIE.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER.** What is the will of the Senate?

Mr. **ELLENDER.** Mr. President, will the Senator from Maine yield?

Mr. **MUSKIE.** I am happy to yield to the Senator from Louisiana.

Mr. **ELLENDER.** As chairman of the Subcommittee on Public Works of the Appropriations Committee of the Senate, I have under my jurisdiction the duty of providing funds for the Atomic Energy Commission. A question has lately arisen about pollution that may result from the construction of atomic powerplants throughout the United States.

My question is whether or not this bill is broad enough to require that those who apply for a license to construct a nuclear plant will be regulated under the bill now before us.

Mr. **MUSKIE.** Yes; they will be subject to regulation under the bill, but I think I ought to go into a little bit of detail on that, so that the Senator may fully understand how it does so.

Under section 16(c)(1) there is a requirement, on page 62 of the bill, which reads as follows:

> Any applicant for a Federal license or permit to construct or operate any facility or to conduct any activity which may result in any discharge into the navigable waters of the United States shall provide certification from the State in which the discharge originates or, if appropriate, the interstate water pollution control agency to the licensing or permitting agency and notice thereof to the Secretary that there is reasonable assurance that such facility or activity will comply with applicable water quality standards.

In order to trigger that provision of the bill, may I say to the Senator, it is necessary that the States develop water quality standards applicable to this problem. The States have not, up to this point, done so, as they would need to do if we are really to come to grips with the problem which concerns the Senator. It seems to us that this is the machinery which we ought to get started on this problem.

Under the water quality setting standards of the 1965 act, the Secretary can apply pressure, especially following this mandate, upon the States to develop those standards, and once such standards are developed, they are subject to the Secretary's approval, and then subject to enforcement under the 1965 act, first by the States, but ultimately by the Secretary.

So there will be a little time involved, but this legislation will be effective so that, at some point in the not too distant future, it will begin to bite.

Mr. ELLENDER. But the States, as the Senator has stated, would first have to act?

Mr. MUSKIE. Yes.

Mr. ELLENDER. They would have to set State standards?

Mr. MUSKIE. Yes; most of the States may now have legislation adequate to such standards. I think they do, under the 1965 act.

Mr. ELLENDER. As the Senator may know, I understand that of the 17 or 18 plants that have been completed, some have been closed down because of the fact that there was an indication that water in the neighborhood, or even in the general environment of the place, was becoming polluted from the operation of such atomic-powered electric powerplants; and it would seem to me that we ought to place in this bill, if it is not already there, language which would permit the Federal Government to step in, in order to prevent the construction of powerplants from which there may result pollution, as a result of either their construction or their operation.

Mr. MUSKIE. Mr. President, it is my best judgment, and I so state to the Senator, that I think that we have written that kind of provision into the act, though there will be the inescapable time delay to which I have referred.

May I point out to the Senator that the provision of the bill I read applies to the construction or operation of plants that are subject to Federal license or Federal permit. There are other forms and other sources of thermal pollution, to which the Senator has addressed himself which are not subject to Federal permit or license.

Large industrial plants also discharge heated water into streams. There are coal- and oil-fired plants which do the same. Since those plants do not require Federal licenses or permits unless the construction is under the authority of the Corps of Army Engineers, there will be a great deal of thermal pollution in this country that will not be subject to the provisions of the act.

Mr. ELLENDER. Mr. President, why would it not be advisable to cover that phase of the problem?

Mr. MUSKIE. Mr. President, the States could, under their water standard setting authority, act in the matter. It is our hope that under this example set by the Federal Government they will act to cover other forms of thermal pollution within their borders.

I think we will have to keep putting pressure on.

I point out to the Senator, whose dedication I have learned to respect, that, sitting as he does on the Appropriations Committee, he is in perhaps a more effective position than I am to watch the implementation of the policy upon the nuclear powerplants.

I urge him to do so. I welcome enthusiastically his interest in this matter as I know of his influence.

We are trying to do our job on the legislation, but I welcome the interest of the Senator in it.

Mr. ELLENDER. Mr. President, I have set hearings for next week. Members of the AEC will be present to testify as to the plants already in existence.

Unless we are certain of the environmental effects of these nuclear plants, some day we may find that we have created a monster. Before the matter goes too far, I am very hopeful that we will be able to do something about it. I understand that the discharge in some areas is very bad and that it contaminates not only the water but also the air.

Mr. MUSKIE. The Senator is correct. As I think I told the Senator in conversation the other day, we had testimony in a hearing before our committee that as much as 50 percent of the flow of a river might be necessary to cool the discharge from one of these nuclear powerplants.

JUDGE CLEMENT F. HAYNSWORTH, JR.

Mr. WILLIAMS of Delaware. Mr. President, Judge Clement F. Haynsworth, Jr., has been nominated to fill a vacancy on the Supreme Court, and the Senate will soon be voting on the question of the confirmation of his nomination.

Personally, I have not made any decision as to how I shall vote on this nomination and will not do so until I have had a chance to study the record and hear the arguments regarding the allegation that some of his financial transactions may have been improper or that they interfered with his court duties.

But there is one point which has been raised that in my opinion needs to be answered; and that is, the argument that since Mr. Haynsworth and Bobby Baker had at one time—in 1958, 5 years prior to Mr. Baker's exposure—both owned stock in the same company, this association automatically raises a cloud over his qualifications.

In 1963, I took no small part in exposing the questionable financial transactions of Bobby Baker and his associates, and it was upon my insistance that those charges were presented to the Department of Justice. I am not here today to defend either Mr. Baker or any of his partners who were engaged in these questionable financial arrangements; they were a major scandal and a disgrace to the Senate.

During the 2 years of the Senate investigation into Mr. Baker's activities I spent many hours trying to unravel his various financial manipulations, and since Mr. Haynsworth's name was recently mentioned as having been connected with Mr. Baker, I have again reviewed my files. I can find no reference which would connect Mr. Haynsworth with Bobby Baker in an improper manner. If there are those who have such evidence, then in fairness they have a responsibility to present it and let it be considered on its merits. It should also be pointed out that the memorandum which Mr. Haynsworth submitted to the Judiciary Committee supports this contention.

But while we may condemn Mr. Baker and his partners who were engaged in these illegal activities, I caution the Senate not to resort to a policy of guilt by association. Such a policy may prove embarrassing to those who would promote this as an argument against the confirmation of the nomination of Mr. Haynsworth.

To emphasize this I remind the Senate of certain points which may have been overlooked:

First. Prior to 1963, when Bobby Baker's activities were first exposed, Mr. Baker held the position of secretary to the majority, and in that capacity was a daily associate of every one of us who was serving in the Senate at that time.

Second. Senator Lyndon Johnson was a close friend of Bobby Baker's and the majority leader of the Senate at the time Bobby Baker was appointed to the position of secretary to the majority. Mr. Johnson was later elected President of the United States.

Third. Mr. Abe Fortas, a friend and the personal attorney for Bobby Baker when the charges against Mr. Baker were first initiated, later severed his relationship as Baker's attorney and subsequently was appointed and his nomination confirmed by the Senate as a Justice of the Supreme Court.

Fourth. Mr. David Bress, a Washington attorney, represented Mr. Baker and and was subsequently appointed and his nomination confirmed by the Senate, to the position of U.S. attorney in Washington, D.C.

Fifth. Mr. Sheldon Cohen was a tax specialist in the Fortas law firm at the time Mr. Fortas was representing Mr. Baker during the Senate investigation. Mr. Cohen was later appointed, and his nomination confirmed by the Senate to the position of Commissioner of Internal Revenue.

Sixth. Prior to the time of Mr. Baker's exposure the then Senator from Florida, Mr. Smathers, and Mr. Baker had been associated in a business venture in Florida.

Seventh. Two former Cabinet officers, Secretary of Commerce Luther Hodges and Secretary of Treasury Henry Fowler, prior to the exposure of Mr. Baker's questionable activities and prior to their appointment, had financial interests in companies with which Mr. Baker was a stockholder. The wife of Secretary Fowler had served as an officer of one of these companies. The nominations of both of these men were confirmed by the Senate.

Eighth. One further point: I remind Senators that the Committee on the Judiciary, which will be voting on this nomination tomorrow, still carries Bobby Baker's wife on the committee payroll at a salary of $17,500 per year.

I outline this record here today not for the purpose of casting any reflection upon the integrity of any of those mentioned as having been friends or associates of Bobby Baker prior to 1963, when his questionable activities were first exposed, but merely as a reminder to the Senate of the danger of discrediting any man on the basis of "guilt by association."

I frankly admit that as one Member of the Senate who daily saw Bobby Baker for several years during the time he was serving as secretary to the majority

I liked the young man, and it was a great disappointment to me when his questionable financial transactions were first called to my attention and the necessity arose for his denunciation.

I am sure that the members of the Judiciary Committee, which committee still retains Mr. Baker's wife on its payroll, the Members of the U.S. Senate who, like me, were associates of Mr. Baker while he served as the secretary to the majority, and the Members of the Senate who voted for the confirmation of the nominations of several nominees referred to above will all agree that "guilt by association" is not a basis for arriving at our decision.

I repeat, I have not made any decision as to how I shall vote on this nomination and will not do so until I have had a chance to study the record and hear the arguments regarding the allegation that some of his financial transactions may have been improper or that they interfered with his court duties. These points do merit our consideration.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. COOPER. Mr. President, the Senator was kind enough to show me this statement before he made it.

We all recall that it was the Senator from Delaware (Mr. Williams) who brought to the Senate the information upon which the inquiry into Bobby Baker's case was initiated.

I was a member of the Committee on Rules and Administration which conducted the investigation at that time. Again and again, throughout that very sad period, the Senator from Delaware bore the chief burden of presenting evidence and of insisting upon a full investigation.

I think the Senator has done what is typical of him with respect to his fairness. I point out that it is enough to say that the Senator has done what is typical of him with respect to being absolutely fair.

I find myself in the same position as the Senator from Delaware. I have not determined how I will vote on the matter.

I commend the Senator from Delaware for his statement.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator.

Two of the men I mentioned came before our committee for confirmation. I knew about their previous friendship with Bobby Baker. We saw nothing wrong with it. I was the one who moved that their nominations be reported favorably to the Senate.

There have been other nominations that I have opposed, but I think we should make our decision based upon the merits in each case. As I have stated, I am not taking any position as to what my vote on this nomination will be, although I do not doubt that there will be those who will try to read into my statement an indication of what my position will be. I merely want to emphasize that I will try to arrive at the decision on the basis of the merits of the case and not on the basis of any guilt by association.

Since this question as to Mr. Haynsworth's connection with Mr. Baker has arisen in the press several reporters have asked me, "Do you know anything about it?" I thought I had better make one clear statement for all concerned. So far as I can determine I have seen nothing whatever in the files that would indicate any improper connection.

I am merely trying to clarify my position, in fairness, and I do that as one who may or may not vote, in the final analysis, for confirmation. My decision will be based on factors other than this.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER QUALITY IMPROVEMENT ACT OF 1969

The Senate resumed the consideration of the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Mr. CURTIS. Mr. President, I have an amendment at the desk, and I ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 66, line 6, strike out the word "two" and insert "three"; and in line 7, strike out the word "two" and insert "three".

Mr. CURTIS. Mr. President, under section 16(c)(6) it is provided that for any facility being constructed under a Federal license on the date of enactment of S. 7, no certification under section 16(c)(1) is required for any Federal operating license necessary for such facilities, if such operating license is issued within 2 years following the date of enactment. The subsection further provides that after 2 years, the licensee must provide certification or see its operating license terminate.

This provision is directed principally at facilities licensed under the Atomic Energy Act and is designed to require those facilities to comply with applicable water quality standards particularly as they relate to thermal pollution. This objective is laudible and I support it. However, the 2-year period of time for facilities being constructed to revise their specifications is possibly too short. The installation of facilities necessary to achieve compliance with water quality standards involves millions of dollars and requires considerable time for design and construction. I, therefore, submit, and the basis of my amendment is, that the 2-year time period in order that facilities under the provisions of subsection 16(c)(6) be given added time to achieve necessary compliance.

I think this amendment is necessary to avoid undue hardship while at the same time achieving compliance with water quality standards. The amendment would merely extend the time 1 year.

I urge the adoption of the amendment. It is my hope that the distinguished chairman of the committee, who is in charge of the bill, will see fit to accept it.

Mr. MUSKIE. Mr. President, I have discussed this amendment with the distinguished Senator from Nebraska and the distinguished Senator from Delaware (Mr. Boggs). It does not in any way change the thrust of this provision of the bill or the principle underlying it. It is a question of allowing more time for plants that began their construction before the date of enactment of this bill to adjust to its requirements. I have no objection to the amendment.

Mr. CURTIS. I thank the distinguished Senator very much.

I ask for a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

AMENDMENT NO. 132—ADDITIONAL COSPONSORS

Mr. NELSON. Mr. President, I call up my amendment No. 132, and I ask unanimous consent that the names of the following Senators be added as cosponsors of the amendment: Mr. Muskie, Mr. Randolph, Mr. Bayh, Mr. Brooke, Mr. Burdick, Mr. Cannon, Mr. Case, Mr. Church, Mr. Cranston, Mr. Dodd, Mr. Eagleton, Mr. Goodell, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hollings, Mr. Inouye, Mr. Javits, Mr. Kennedy, Mr. Magnuson, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mondale, Mr. Moss, Mr. Pell, Mr. Proxmire, Mr. Tydings, Mr. Williams of New Jersey, and Mr. Young of Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

AMENDMENT NO. 132

On page 69, line 7, in lieu of "(k)" insert "(l)".

On page 72, between lines 8 and 9, insert the following: "(j)(1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) criteria reflecting the latest scientific knowledge useful in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such criteria whenever necessary to reflect developing scientific knowledge.

"(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the Secretary shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment, which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The Secretary shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection."

On page 72, line 9, in lieu of "(j)" insert "(k)".

Mr. NELSON. Mr. President, in a recent grim scenario, a noted ecologist, Dr. Paul Ehrlich, projects the end of the oceans as a significant source of life in 10 years. Mass starvation of mankind follows, then war.

Dr. Ehrlich says if present trends continue, such a disastrous end to life on earth could be perilously near.

Not surprisingly, pesticides were a key part of Dr. Ehrlich's setting for disaster. As the first dramatic danger signal of the threat to life in the sea, the ecologist cites the report in 1968 that DDT slows down photosynthesis in marine plant life.

In his article in Ramparts magazine, Dr. Ehrlich spells out the implications:

> It was announced in a short paper in the technical journal, Science, but to ecologists it smacked of doomsday. They knew that all life in the sea depends on photosynthesis, the chemical process by which green plants bind the sun's energy and make it available to living things. And they knew that DDT and similar chlorinated hydrocarbons had polluted the entire surface of the earth, including the sea.

Events moved inexorably from that point on in the Ehrlich scenario, with pesticides continuing to play a major role. Through the present, all events he cites are fact. For the future, he bases his conjecture on current trends.

Implausible to project the end of the oceans and man in 10 years? There have been too many "implausibles" or "impossibles" in this century that have come true: World War I, World War II, the atomic bomb, the hydrogen bomb, the war in Vietnam, the riots in American cities and universities, the assassination of a President, a candidate for President, and an international civil rights leader. One can readily understand the perceptive comment of Nobel Prize Winning Biologist Dr. George Wald that today's youth are the first generation that believes, and with good reason, that there may be no future.

And as we move into the last third of the 20th century, it has become dramatically clear that the danger we face from the destruction of the habitat and life support systems of man by overpopulation and pollution is as great as that from nuclear holocaust.

Only a short time ago, anyone discussing our environmental problems could not have thought to include pesticides as a major threat. Like other technological innovations that have brought shocking byproducts, pesticides have come into being and then into mass use with stunning speed.

DDT DISCOVERED

For instance, DDT was first formulated in 1874. But its properties as an insecticide were not discovered and put into use until World War II. Almost immediately, DDT became known as the miracle insecticide that helped control tropical disease and win the war.

Since then, thousands of millions of pounds of DDT and other synthetic pesticides have been applied to millions of acres to regulate economic plant or animal populations, to protect food and fibre crops, reduce vectors of disease, and abate pest nuisances.

Their fame spread as did their use. Billions upon billions of pests have fallen victim to their dust, spray, or powder.

But new strains of pests developed with increased resistance to DDT and other common pesticides.

Too often, instead of seeking more effective, more selective means of pest control, the reaction of many users has been to apply more, perhaps two, three, 10 times as much, to overcome the pest's newly attained resistance.

Today, nearly 900 million pounds of pesticides, including insecticides, herbicides, fungicides, rodenticides, and fumigants, are sold annually in the United States alone, more than 4 pounds for every American. Last year, the sales of pesticides increased some 10 percent over the previous year, and by 1985, it is estimated that they will increase another sixfold.

Reports indicate that about 1 acre of every 10 in America is treated with an average of nearly 4 pounds of pesticides every year.

And in little over 25 years, DDT and other pesticides have been spread by the soil, wind, the tide, and the chain of life itself to the farthest reaches of the earth. This and other highly persistent, mobile pesticide compounds are now one of the most easily distinguishable marks of the presence of man.

GLOBAL CONTAMINATION

Six years ago, two U.S. scientists hypothesized that the entire globe may already have been contaminated by DDT. To find out, they went to Antarctica. If any area of the world were to be free of pesticide residues, it would be that isolated continent, where there are no pests, few animals or plants, and where the nearest pesticide use is thousands of miles away.

The scientists found pesticide residues in four of 16 Adelie penguin they tested, four of 16 Wedell seals, and 15 of 16 skuas—a sea bird. The evidence was inescapable. Worldwide pesticide contamination was confirmed.

Another scientist, who measured residues in the Antarctic snow melt, estimated that over the last two and a half decades, about 2,600 tons of DDT could have accumulated in the Antarctic snow and ice.

Scientists have yet to discover exactly how DDT and other pesticides have spread so far, so fast. But some things are clear: DDT, with a half life of 10 years, is remarkably hard to break down, especially in the natural environment where nature has not developed the means to decompose this synthetic compound. And pesticides such as DDT and Dieldrin are highly mobile, able to travel through the environment by any number of means.

The pesticide residues tend to concentrate to progressively higher levels when they are picked up around the globe by tiny organisms, then passed up the food chain.

A well-researched example of this characteristic was documented in California. In order to control a troublesome flying insect that was hatching in a lake in that State, the water was treated with the insecticide DDD—similar to DDT—yielding a concentration of 0.02 parts per million. Plankton, which includes microscopic waterborne plants and animals, accumulated the DDD residues at five parts per million. Fish eating the plankton concentrated the pesticide in their fat to levels from several hundred to up to 2,000 parts per million. Grebes, diving birds similar to loons, fed on the fish and died. The highest concentration of DDD found in the tissues of the grebes was 1,600 parts per million.

If it were simply a case of another compound sprawling over the earth like dirt or air, there might be little cause for concern. But the implications of the pervasive pesticide accumulation are far more serious.

ACTIVE AGAINST LIFE

Dr. Charles Wurster, an organic chemist and nationally known pesticide expert assisting the Environmental Defense Fund, likens the pesticide spread to mass use of biocides, agents which are known by scientists as "active against life."

"In general, if an organism has nerves, DDT or Dieldrin can kill it," Wurster believes. He says the action of other hard, chlorinated hydrocarbon pesticides such as Aldrin, Endrin, Heptachlor and Toxaphene is similar. Thus, Wurster says these compounds "are toxic to almost the entire animal world."

During a recent conference on pesticides in Stockholm, evidence was presented that DDT, even in very small quantities, could affect human metabolism. One of the studies cited was Russian research that indicated that workers whose jobs bring them in contact with DDT and other organochlorine pesticides were found to suffer from changes in the liver which slowed down the elimination of wastes from the body.

A major study published this summer by the National Cancer Institute found that at least 11 pesticides out of 123 chemical compounds tested induced a significantly increased incidence of tumors in laboratory animals. The 11 tumorigenic compounds included five insecticides p.p' –DDT, Mirex, bis(2-chlorethyl)-ether, chlorobenzilate and strobane; five fungicides PCNB, Avadex, Ethyl selenac, ethylene thiourea, and bis (2-hydroxyethyl) dithiocarbamic acid potassium salt; and one herbicide N-(hydroexthyl) hydrazine.

While the researchers have reserved judgment on whether these pesticides should be considered as a potential cause of cancer, it appears very certain that growing concern about the threat of pesticides to human health is entirely warranted.

In 25 years, then, we have turned loose on the earth a massive dose of compounds that can cripple or kill, and which are tragically indiscriminate in their attacks. When DDT is applied to do one job, it lingers and accumulates in the environment as a toxic threat to fish, wildlife, and possibly even to man.

Already, the petrel of Bermuda, the bald eagle and peregrine falcon of America and the blue shell crab of the sea are each being pushed to the brink of extinction by the spread of pesticides through our environment.

Like so many other environmental disasters, it is shocking that this has happened. But what is almost beyond belief is that, even from the beginning, the pesticide dangers were known.

The fact that DDT would kill wildlife was determined in 1945, the same year that the pesticide was released for civilian use. The discovery was made by wildlife biologists working in U.S. Department of Agriculture studies.

From that point on, scientific concern continued to mount worldwide, but, unfortunately, the debate simmered out of the public eye for almost two decades.

"SILENT SPRING"

Then, in 1962, came a dramatic turning point: The New Yorker magazine serialized a book by a lady biologist in the U.S. Department of Interior that brought home to the public for the first time the rapidly building dangers from pesticide misuse. The book was "Silent Spring," by Miss Rachel Carson.

Challenging the myth that pesticides were the panacea that they were being proclaimed, Miss Carson said:

> As crude a weapon as the cave man's club has been hurled against the fabric of life.

Translated into 30 languages, the book was read by millions in the United States and around the world. Almost singlehandedly, it bridged the gap between the scientist and the concerned citizen which so often exists in our complex society today.

In 1963, Miss Carson testified before the Senate Government Operations Committee, chaired by our colleague, Senator ABRAHAM RIBICOFF.

Also in 1963, a report by the President's Science Advisory Committee, chaired by Jerome Wiesner, concluded that the goal of our national efforts should be "elimination of the use of persistent toxic insecticides."

In the following Congress, I initially introduced legislation to ban the interstate sale and shipment of DDT. I subsequently introduced the same legislation in the 90th and 91st Congresses, and similar measures have since been introduced in the House. During the past three Congresses, no committee hearings have been held on these proposals.

However, interest around the country in achieving effective pesticide controls continued to build, and there was growing citizen impatience with the failure of State and Federal agencies to act.

Yet, despite the urgent warnings and concern, our government agencies have failed miserably to respond responsibly to this massive problem. Not a single Federal office has taken any significant action that would lead to the goal of "eliminating" the use of persistent toxic pesticides that was established 6 years ago by the Presidential committee.

AGENCIES INEFFECTIVE

The fact is that the Federal Government has been perpetuating this grave environmental and health problem, rather than resolving it.

It was recently revealed that the U.S. Department of Agriculture, which is charged with regulating pesticide use, has been sponsoring a program with the Air Force and other Government agencies under which 250,000 pounds of dieldrin has been applied to 56 military and civilian airports across the country over the past 15 years.

This program, which has raised strenuous objections from scientists, was twice reviewed and approved by the Interdepartmental Federal Committee on Pest Control.

The committee, which is billed as the regulator of Federal pesticide use, recently confirmed that the General Services Administration and the Office of the Capitol Architect have not even submitted their pesticide programs to the committee for review.

Clearly, the Federal effort at regulating itself has been as ineffective as has the regulation of pesticide use at large.

Ironically, a number of States, as well as several foreign countries, have shown far greater willingness to act than the U.S. Government. DDT has been banned by the States of Michigan and Arizona, and overseas, by Denmark and Sweden. And countless cities and towns have stopped using DDT in their mosquito control and tree disease eradication programs. In addition, a number of States, including Wisconsin, and California, are considering steps to drastically restrict the use of DDT and other hard pesticides within their borders.

These recent State and local measures are a reflection of the citizen demand for action that has been building at a heartening pace.

For instance, the idea of creating an Environmental Defense Fund grew out of a suit filed in April 1966, against the Suffolk County Mosquito Control Commission, by Victor J. Yannacone, Jr., a young lawyer, on behalf of his wife, Carol, and all other people of Suffolk County, Long Island. The court challenge was based on a report that a DDT dumping by commission employees was the cause of a fish kill in a nearby lake.

The New York suit was successful in leading to a temporary ban on the use of DDT in Suffolk County by public agencies, and gained public recognition as one of the first attempts to argue that the citizen has the right under law to protect his environment.

Then in November of 1967, the Environmental Defense Fund brought its first court action in its own name, seeking to prevent the use of dieldrin in a Japanese-beetle control project in Michigan by the Michigan and U.S. Departments of Agriculture. Several Michigan Conservation Department affidavits, including one holding that the spraying would threaten Lake Michigan's new coho salmon fishery, were disallowed on a technicality when the State attorney general's office refused to let the department officially enter the case. The tragic results of pesticide misuse for the coho were to become evident 3 years later.

In the Michigan suit, Yannacone got a temporary order from the State court of appeals to stop the dieldrin spraying, but this injunction was dissolved after a 6-hour trial.

WISCONSIN DDT HEARINGS

One year later, the battleground shifted to the other side of Lake Michigan, to Madison, Wis., where citizen groups and the Environmental Defense Fund joined forces in a petition asking the State Department of Natural Resources to ban the use of DDT in the State under any circumstances where the pesticide can enter world circulation patterns and further contaminate the biosphere. With EDF, the petitions groups were the Citizens Natural Resources Association of Wisconsin and the Wisconsin division of the Izaak Walton League.

In the State hearing which began last December, the Alliance of Concerned Scientists and Lawyers presented extensive testimony outlining the growing pollution of the environment by persistent pesticides in the chlorinated hydrocarbon family.

Dr. Robert W. Risebrough, an environmental scientist at the University of California at Berkeley, stated that the effect of pesticides on man may be very serious. He said that man accumulates 12 parts per million of DDT in his fatty tissues before the body discharges it. He said that this is enough to stimulate enzyme production, which acts as a catalyst for bodily processes, such as digestion. Risebrough added that the death of some birds has been traced to enzyme induction by DDT, impairing their ability to reproduce.

Dr. Charles F. Wurster, Jr., an organic chemist at the State University of New York, Stonybrook, testified on the range of the pesticide residues through the world.

Other witnesses have testified that DDT goes into the atmosphere along with evaporating water, builds up to extremely high levels in predator birds and animals, and has caused new insect problems by killing predators that once held those insects in check.

Dr. Joseph Hickey, a University of Wisconsin wildlife ecologist, said that DDT has been linked to reproduction failures of certain birds, including the eagle, the osprey, and the peregrine falcon. Dr. Hickey and other researchers have traced the presence of pesticide residues to a decrease in weight and thickness of the shells of eggs produced by these birds.

In related testimony, Lucille Stickel, the pesticide research coordinator of the Interior Department's Patuxent Wildlife Research Center, stated that the presence of small quantities of DDT and its derivative DDE in the diets of mallard ducks decreased eggshell thickness, increased egg breakage, and decreased overall reproductive success.

Although the second half of the hearings, held last spring, was billed as the time for the defense against the arguments of the environmentalists , the pesticide industry, which historically has promoted more pesticide use and fought new controls, made a weak defense.

Industry witnesses who were knowledgeable about the environmental impact of pesticides were few and far between. Instead, defense witnesses relied on shopworn repetitions of the past triumphs of DDT and trotted out research from a decade ago which purported to show that the health of pesticide workers was not impaired by constant exposure to the compounds.

In fact, witnesses for the defense often provided the environmentalists with valuable evidence to support their contentions. For example, a Shell Development Co. scientist confirmed the fact that DDT does not remain in the soil, but has a great deal of mobility and persistence which enables it to infiltrate the atmosphere, the waters, and the total environment.

Another witness for the DDT defense, a U.S. Department of Agriculture pesticide official, admitted that his agency relies almost totally on industry claims regarding health and environmental effects.

An initial decision on the environmentalists' petition is expected before the end of this year.

COHO SALMON SEIZED

Midway through the Wisconsin hearings, a new and dramatic confirmation of pesticide dangers was announced to Wisconsin and the Nation: The U.S. Food and Drug Administration was seizing 28,150 pounds of frozen Lake Michigan Coho salmon because it said high DDT and dieldrin residues had made the fish unfit for human consumption.

According to the FDA, the concentration of DDT in the salmon was found to be up to 19 parts per million, while the accumulation of dieldrin was just short of 0.3 of a part per million, both levels considered hazardous by the FDA and the World Health Organization.

The contamination of the Coho challenges a basic foundation of the pesticide argument that has been sounded for a quarter of a century—that pesticide use is invariably an economic benefit, that is to say, an "economic" poison.

One might ask the commercial fisherman who sees the Coho salmon as a great new opportunity in a lamprey-ravaged Great Lakes fishery whether the current pesticide approach is "economic." One might also ask the same question of the resort owner in northern Michigan who saw his business skyrocket with the introduction of the salmon in Lake Michigan in 1965.

One might ask the economic benefit question of the Michigan Department of Natural Resources, which during the 1966 EDF suit attempted to warn of the danger to the Coho, and which has invested millions of dollars to plant Coho salmon fry in Lake Michigan only to see nearly a million of the fry killed by the pesticide contamination. And, finally, one might ask the economic effects if the national recreation resource of the Great Lakes, enhanced by millions of State and Federal tax dollars, is further damaged by the pesticide peril to the salmon and other lake resources, including the very quality of the water itself.

Ironically, the Lake Michigan Water Pollution Conference in 1968 was warned that the pesticide concentration in Lake Michigan was at the crisis point. W. F. Carbine, Great Lakes Regional Director for the Bureau of Commercial Fisheries, stated:

> Lake Michigan has the highest concentration of pesticides of any of the Great Lakes, which now are only slightly below levels that are known to be injurious to man or aquatic life. . . . A continuation at high levels or an upsurge in pesticide application in the Lake Michigan Basin could increase the pesticide concentration prevailing in the open lake from the present non-lethal level to a lethal value.

The evidence is already clear that for the United States, the Lake Michigan tragedy is only the beginning. On June 17 of this year, 52 cases of jack mackerel, caught on the west coast, were confiscated in New York by the Food and Drug Administration because of high DDT levels. The mackerel appeared to be the first ocean fish from American waters to be declared unfit for human food because of DDT.

In several central and northern New York lakes, lake trout have either been eliminated, or their reproduction seriously impaired, because of high pesticide levels. DDT concentrations in the lake trout of up to 3,000 parts per million in the fatty tissues have already been reported.

NATIONAL PESTICIDE SURVEY

A 2-year national pesticide study recently completed by the U.S. Bureau of Sport Fisheries and Wildlife found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the United States.

The study results showed DDT ranging up to 45 parts per million in the whole fish, a count more than nine times higher than the current FDA guideline level for DDT residues in fish.

Residues of DDT reached levels higher than the FDA's temporary limit of five parts per million in 12 of the rivers and lakes, including the Hudson in New York; the Delaware; the Cooper in South Carolina; St. Lucie Canal and the Apalachicola in Florida; the Tombigbee in Alabama; the Rio Grande in Texas; Lake Ontario; Lake Michigan; the Arkansas and the White in Arkansas; and the Sacramento in California.

Residues of dieldrin, a pesticide even more toxic to humans than DDT, were found in excess of the 0.3 parts per million FDA limit in 15 rivers and lakes including the Connecticut; the Hudson; the Delaware; the Savannah in Georgia; the Apalachicola; the Tombigbee; the Rio Grande; Lake Ontario; Lake Huron; the Illinois in Illinois; the Arkansas and the White; the Red River in Minnesota; the San Joaquin in California; and the Rogue in Oregon.

In summary, the comprehensive survey found DDT in almost 100 percent of the fish samples, dieldrin in 75 percent, heptachlor and/or heptachlor epoxide in 32 percent, and chlordane in 22 percent.

Related research over the 4-year period, ending in 1968, has determined that more than 1,640,000 fish were killed by pesticide pollution in the Nation's waters, the result of pesticide spills or runoff and concentration in our waters. Millions of more fish no doubt went unborn due to reproductive failures caused by pesticides.

Laboratory research has proven that pesticide levels in water, of even the low parts per billion, can be toxic to adult fish. Levels in low parts per trillion have been found to affect reproduction.

Already, the pesticide levels in Lake Michigan, the most pesticide-polluted of the Great Lakes, are in the low parts per trillion range.

And findings released just this month by the U.S. Public Health Service reported the detection of pesticides in 76 of 79 samples of drinking water supplies around the country. Although the PHS report noted that so far the pesticide levels have not exceeded recommended permissible limits, the health service was concerned. The PHS said:

> The high frequency of occurrence and our lack of knowledge of the long-term health effects of this class of compounds dictate the need for increased surveillance and research as well as for increased recognition of the potential of this problem by state and local health departments.

In summary, the already massive and still accumulating evidence on pesticides makes it clear that these toxic compounds have become one of the most serious problems of our environment, and are threatening even greater worldwide damage. Pesticides have concentrated to the far ends of the earth; they are killing fish and wildlife; they have inhibited fish and wildlife reproduction; high pesticide residues have pushed some fish-feeding birds and other animals to the edge of extinction, and now, there is increasing concern and evidence about the threats posed to man.

The problem of pesticides in the environment is showing up most dramatically and seriously in our rivers and lakes. Although the bulk of pesticide application is on land, the compounds, especially hard pesticides like DDT and dieldrin, are persisting long enough to be carried by agricultural and urban runoff into water bodies. There, as I have pointed out, they enter and are concentrated through the food chain of marine life and fish-feeding birds.

There is little question that pesticides are a grave pollution threat, one which we have barely acknowledged, let alone dealt with. And if we continue to delay action to protect the environment and man from these compounds, I am gravely concerned for the probable consequences.

Fortunately, there is an excellent vehicle already available to us to deal with the pollution aspects of the pesticide problem—the Federal Water Pollution Control Act, and particularly the provisions added by the Water Quality Act of 1965.

PESTICIDE AMENDMENT

It is to this act which my amendment to Senate bill 7 is directed. Most simply stated, the amendment provides congressional direction to the Secretary of the Interior to take certain steps to deal with water pollution problems of pesticides under the authorities granted him by the pollution control statute.

I ask unanimous consent that an analysis of the amendment be printed in the RECORD at this point.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANALYSIS OF NELSON PESTICIDE POLLUTION AMENDMENT

Under this two-part amendment, the Secretary of the Interior would utilize the authorities granted him by the Federal Water Pollution Control Act to deal with water pollution caused by pesticides.

Part One directs the Secretary to develop and issue to the states within two years water quality criteria for all pesticides. The criteria would list safe pesticide levels in water for public water supplies, propagation of fish and wildlife, recreational purposes, and other legitimate uses.

The criteria would be issued for the purpose of setting pesticide standards as part of the interstate water quality standards already adopted by the 50 states for other pollutants under Federal and state laws.

For the purpose of setting the standards,

XUM

Section 10C of the Federal Water Pollution Control Act provides that ". . . if the Secretary or the Governor of any State affected by water quality standards . . . desires a revision in such standards, the Secretary may . . . prepare regulations setting forth standards of water quality to be applicable to interstate waters. . . ."

Under this procedure, the Secretary would ask the states to revise their interstate water quality standards to include pesticide limits. If a state does not act, the Secretary is authorized to set the standards. Also, a state may, on its own, request a revision of its standards.

In addition to serving as a basis for these interstate water quality standards, the pesticide criteria would also give the Secretary a useful tool in ongoing and any future federal-state pollution abatement conferences where pesticide pollution might be occurring.

As is the case with present water quality standards, responsibility for enforcing the pesticide standards would rest primarily with the states under an implementation plan adopted by each state as part of the standards.

In the setting and implementing of the standards, Federal law provides that consideration must be given to their practicability and physical and economic feasibility.

Means of implementing the standards could include: state administrative or legislative action to restrict the use of a pesticide pollutant statewide or in the affected watershed; interstate action; integrated pest control; use of less persistent pesticides; development of agents to decompose pesticides; and biodegradability and toxicity standards on the pesticides themselves.

Part Two of the amendment directs the Secretary of the Interior, in consultation with appropriate Federal agencies and other concerned parties, to conduct a study on methods of controlling the release of pesticides into our nation's lakes and rivers and the environment. The study will include examination of the persistence of pesticides in the water and alternatives thereto. Within two years, the Secretary will submit a report on this study to Congress, together with his recommendations for any necessary legislation.

This study will assist the Secretary in perfecting existing means of dealing with pesticide pollution and in determining new ones.

Mr. NELSON. Mr. President, part 1 of the amendment requires the Secretary to develop within 2 years water quality criteria for all pesticides. The criteria would set forth the effects of various pesticide levels in water on fish and wildlife, man and the environment. Because they would outline maximum safe levels, they would represent the essential basis for action to deal with the pesticide pollution problem.

Under his existing authorities, the Secretary has already developed criteria for a wide range of pollutants, from municipal sewage to industrial waste, and these are serving as the basis for the interstate water quality standards which have been set by all 50 States as the key to the national pollution cleanup effort. Criteria have been developed for some pesticides, but they are general and incomplete, and technical personnel have advised that 2 years is a reasonable time to allow development of comprehensive pesticide criteria.

STATE STANDARDS INADEQUATE

After a review of the water quality standards already adopted by the States under the Federal act, it is very clear that pesticides are dealt with only in the most general way in the standards, and it is doubtful that this approach will lead to effective control.

For instance, only three States—Alaska, California, and South Dakota—have set specific numerical limits for pesticides in their water quality standards. Two other States—Idaho and Virginia—specifically mention pesticides in toxicity sections of their standards. Otherwise, the State standards deal with pesticides only as they would be covered in general narrative statements on toxicity or by public water supply or aquatic life criteria.

I requested the Federal Water Pollution Control Administration to do a State-by-State summary of pesticide provisions in the water quality standards, and I ask unanimous consent that it be printed in the RECORD at the end of this statement.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. Mr. President, based on the preliminary criteria already developed by the Interior Department, the comprehensive pesticide guidelines required by this amendment would no doubt indicate what level of a specific pesticide in water is hazardous to a specific species of fish. In addition, safe levels for pesticides would no doubt be determined for other water uses, including those of drinking, swimming, and boating.

The comprehensive pesticide criteria would be issued by the Secretary to the States for the purpose of setting pesticide standards as part of the interstate water quality standards already adopted by the States under Federal and State laws.

For the purpose of setting the standards, section 10(c) of the Federal Water Pollution Control Act provides:

> If the Secretary or the Governor of any State affected by water quality standards . . . desires a revision of such standards, the Secretary may . . . prepare regulations setting forth standards of water quality to be applicable to interstate waters. . . .

Under this procedure, the Secretary would ask the States to revise their interstate water quality standards to include pesticide limits. If a State does not act, the Secretary is authorized to set the standards. Also, a State may on its own request a revision of its standards. The Federal law provides that consideration must be given in the standard setting to practicability and physical and economic feasibility.

In addition to serving as a basis for interstate water quality standards, the pesticide criteria would also give the Secretary a useful tool in ongoing and any future Federal-State pollution abatement conferences where pesticide pollution might be occurring.

The step-by-step procedure that would be followed under the Federal Water Pollution Control Act for standard setting and implementation follows:

First. The Secretary, after consultation with interested, concerned parties, would prepare and publish regulations setting forth water quality standards for pesticides, based on the criteria he had developed.

Second. The States would then adopt pesticide standards for their interstate waters, subject to the review and approval by the Secretary as meeting his comprehensive criteria. The States could adopt more stringent standards than provided by the criteria. If the States did not adopt pesticide standards and did not petition the Secretary for a public hearing on the question, the Secretary is authorized to promulgate the standards.

Third. Responsibility for enforcing the standards would rest primarily with the States, under an enforcement plan adopted as part of the standards. Implementation of the present water quality standards for other pollutants generally means the issuance by the States of orders to polluters to take remedial steps. If the orders are not followed, State court action could follow. Issuance of pollution cleanup orders must be preceded by further public hearings.

It is unlikely that action to implement pesticide standards under the water pollution control law would be by court action against pesticide users.

This is true principally because, unlike municipal sewage which is discharged from one point, pesticides usually enter the water in a generalized fashion from a wide range of sources. For instance, DDT may be coming to a river from 100 farms, or 15 towns, in one watershed.

IMPLEMENTATION OF STANDARDS

Fortunately, there are more equitable and efficient means available to implement and enforce pesticide standards, approaches which would be carried out by cooperative efforts between users, pollution control and other pesticide regulatory agencies, and pesticide manufacturers:

First, State administrative or legislative action to restrict or prohibit the use of a pesticide pollutant statewide or in the affected watershed. As pointed out earlier, a number of States, and cities and towns are already taking this approach.

Second, interstate action, through compacts, or the Federal-State pollution control conference provided in Federal law, to restrict or prohibit the use of certain pesticides. For instance, a committee to the Federal-State conference on Lake Michigan made specific recommendations for pesticide limits and other interstate or uniform State actions.

Third, increased use of less persistent pesticides as substitutes for compounds such as dieldrin and DDT which remain in a toxic state for years. This would be coupled with more efficient means of pesticide application. The feasibility of this approach is demonstrated by the fact that for virtually all crops, the U.S. Department of Agriculture lists more than one pesticide as being able to control harmful pests; I ask unanimous consent that a list of readily degradable pesticides prepared by the U.S. Department of Agriculture be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

READILY DEGRADABLE INSECTICIDES (INCLUDING MITICIDES)

Common name (or trade name*)	Chemical name (or source)	Type of compound
Abate*	*0,0*-dimethyl phosphorothioate *0,0*-diester with 4,4′-thiodiphenol	Organophosphorus.
Aldicarb	2-methyl-2-(methylthio) propionaldehyde *0*-(methylcarbamoyl)oxime	Carbamate.
Allethrin	2-allyl-4-hydroxy-3-methyl-2-cyclopenten-1-one ester of 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylic acid.	Pyrethroid.
Azinphosethyl	*0,0*-diethyl phosphorodithioate *S*-ester with 3-(mercaptomethyl)-1,2,3-benzotriazin-4(3*H*)-one	Organophosphorus.
Azinphosmethyl	*0,0*-dimethyl phosphorodithioate *S*-ester with 3-(mercaptomethyl)-1,2,3-benzotriazin-4(3*H*)-one	Do.
Azodrin*	3-hydroxy-N-methyl-*cis*-crotonamide dimethyl phosphate	Do.
Barthrin	6-chloropiperonyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropane-carboxylate	Pyrethroid.
Baygon*	*o*-isopropoxyphenyl methylcarbamate	Carbamate.
Bidrin*	3-dydroxy-*N,N*-dimethylcrotonamide dimethyl phosphate	Organophosphorus.
Binapacryl	2-*sec*-butyl-4,6-dinitrophenyl 3-methyl-2-butenoate	Aromatic ester.
Bux*	*m*-(1-methylbutyl)phenyl methylcarbamate and *m*-(1-ethylpropyl)-phenyl methylcarbamate (3:1 mixture)	Carbamate.
Carbaryl	1-naphthyl methylcarbamate	Do.
Carbofuran	2,3-dihydro-2,2-dimethyl-7-benzofuranyl methylcarbamate	Do.
Carbophenothion	*S*-[[(*p*-chlorophenyl)thio]methyl] *O,O*-diethyl phosphorodithioate	Organophosphorus.
Ciodrin*	*alpha*-methylbenzyl 3-hydroxycrotonate dimethyl phosphate	Do.
Coumaphos	*O,O*-diethyl *O*-(3-chloro-4-methyl-2-oxo-2*H*-1-benzopyran-7-yl) phosphorothioate	Do.
Dasanit*	*O,O*-diethyl *O*-[*p*-(methylsulfinyl)phenyl] phosphorothioate	Do.
Demeton	*O,O*-diethyl *S*(and *O*)-[2-(ethylthio)ethyl] phosphorothioates (mixture)	Do.
Diazinon	*O,O*-diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate	Do.
Dichlorvos	2,2-dichlorovinyl dimethyl phosphate	Organophosphorus.
Dimethoate	*O,O*-dimethyl phosphorodithioate *S*-ester with 2-mercapto-*N*-methylacetamide	Do.
Dimethrin	2,4-dimethylbenzyl 2,2-dimethyl-3-(2-methylpropenyl) = cyclopropanecarboxylate	Pyrethroid.
Dimetilan	1-(dimethylcarbamoyl)-5-methyl-3-pyrazolyl dimethylcarbamate	Carbamate.
Dioxathion	*S,S′*-*p*-dioxane-2,3-diyl *O,O,O′,O′*-tetraethyl phosphorodithioate diphenylamine	Organophosphorus.
Diphenylamine	Diphenylamine	Aromatic amine.
Disulfoton	*O,O*-diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate	Organophosphorus.
Dursban*	*O,O*-diethyl *O*-3,5,6-trichloro-2-pyridyl phosphorothioate	Do.
Dyfonate*	*O*-ethyl S-phenyl ethylphosphonodithioate	Do.
EPN	*O*-ethyl *O-p*,nitrophenyl phenylphosphonothioate	Do.
Ethion	*S,S′*-mehtylene *O,O,O′,O′*-tetraethyl phosphoro dithioate	Do.
Formetanate	*m*-[[(dimethylamino)methylene] amino] phenyl methylcarbamate	Carbamate.
Galecron*	*N′*-(4-chloro-*o*-tolyl)-*N,N*-dimethylformamidine	Aromatic amidine.
Gardona*	2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethnyl phosphate	Organophosphorus.
Imidan*	*O,O*-dimethyl phosphorodithioate *S*-ester with *N*-(mercaptomethyl)-phthalimide	Do.
Landrin*	2,3,5-trimethylphenyl methylcarbamate and 3,4,5-trimethylphenyl methylcarbamate (mixture)	Carbamate.
Malathion	diethyl mercaptosuccinate *S*-ester with *O,O*-dimethyl phosphorodithioate	Organophosphorus.
Matacil*	4-(dimethylamino)-*m*-tolyl methylcarbamate	Carbamate.
Methomyl	*S*-methyl *N*-[(methylcarbamoyl)oxy]thioacetimidate	Do.
Methyl parathion	*O,O*-dimethyl *O-p*-nitrophenyl phosphorothioate	Organophosphorus.
Methyl Trithion*	*S*-[[(*p*-chlorophenyl)thio]methyl] *O,O*-dimethyl phosphorodithioate	Do.
Mevinphos	methyl 3-mydroxycrotonate dimethyl phosphate (*alpha*-isomer)	Do.
Mobam*	benzo[*b*]thien-4-yl methylcarbamate	Carbamate.
Mocap*	*O*-ethyl *S,S*-dipropyl phosphorodithioate	Organophosphorus.
Monitor*	*O,S*-dimethyl phosphoramidothioate	Do.
Naled	1,2-dibromo-2,2-dichlorethyl dimethyl phosphate	Do.
Neo-pynamin*	2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylic acid ester with *N*-(hydroxymethyl)-1-cyclohexene-1,2-dicarboximide.	Pyrethroid.
Nicotine	(principal active ingredient from *Nicotiana tabacum*)	Natural product.
Parathion	*O,O*-diethyl *O-p*-nitrophenyl phosphorothioate	Organophosphorus.
Phorate	*O,O*-diethyl *S*-[(ethylthio)methyl] phosphorodithioate	Do.
Phosphamidon	dimethyl phosphate ester with 2-chloro-*N,N*-diethyl-3-hydroxycrotonamide	Do.
Pyrethrins	(active insecticidal constituents of *Chrysanthemum cinerariaefolium*)	Natural product.
Rotenone	(principal active ingredient of derris and cube)	Do.
Ruelene*	4-*tert*-butyl-2-chlorophenyl methyl methylphosphoramidate	Organophosphorus.
Ryania	(powdered stemwood of *Ryania speciosa*)	Natural product.
Sabadilla	(alkaloid mixture isolated from seeds of *Schoenocaulon officinale*)	Do.
SBP-1382 (Penick)	(5-benzyl-3-furyl) methyl 2, 2-dimethyl-3-(2-methylpropenyl) = cyclopropanecarboxylate	Pyrethroid.
Schradan	octamethylpyrophosphoramide	Organophosphorus.
Sumithion*	*O, O*-dimethyl *O*-4-nitro-*m*-tolyl phosphorothioate	Do.
Trichlorfon	dimethyl (2, 2, 2-trichloro-1-hydroxyethyl) phosphonate	Do.

READILY DEGRADED, INACTIVATED, AND RELATIVELY NONPERSISTENT HERBICIDES[1]

Common name	Activity code	Chemical name	Type of compound
Acrolein	1	Acrolein	Acrylaldehyde.
Amitrole	1	3-amino-*s*-triazole	Triazole.
AMS	1	Ammonium sulfamate	Ammonium salt.
Atrazine	2	2-chloro-4(ethylamino)-6-(isopropylamino)-*s*-triazine	*s*-triazine.
Benefin	2	*N*-butyl-*N*-ethyl-*alpha,alpha,alpha*,-trifluoro-2,6-dinitro-*p*-toluidine	Aromatic amine.
Bromacil	3	5-bromo-3-*sec*-butyl-6-methyluracil	Uracil.
Ametryne	2	2-(ethylamino)-4-(isopropylamino)-6-(methylthio)-*s*-triazine	*s*-triazine.
Amiben	1	3-amino-2,5-dichlorobenzoic acid	Benzoic acid.
Atratone	2	2-(ethylamino)-4-(isopropylamino)-6-methoxy-*s*-triazine	*s*-triazine.
Barban	1	4-chloro-2-butynyl *m*-chlorocarbanilate	Carbamate.
CDAA	1	*N,N*-diallyl-2-chloroacetamide	Aliphatic amide.
CDEC	1	2-chloroallyl diethyldithiocarbamate	Carbamate.
Chloroxuron	2	3-[*p*-(*p*-chlorophenoxy)phenyl]-1,1-di-ethylurea	Urea.
Chlorpropham	1	isopropyl *m*-chlorocarbanilate	Carbamate.
2,4-D	1	(2,4-dichlorophenoxy) acetic acid	Phenoxy acid.
Dalapon	1	2,2-dichloropropionic acid	Aliphatic acid.
2,4-DB	1	4-(2,4-dichlorophenoxy)butyric acid	Phenoxy acid.
2,4-DEP	1	tris[2-(2,4-dichlorophenoxy)ethyl] phosphite	Phenoxy salt; organophosphorus.
Dicamba	2	3,6-dichloro-*o*-anisic acid	Benzoic acid.
Dichlobenil	3	2,6-dichlorobenzonitrile	Aromatic nitrile.
Dichlorprop	1	2-(2,4-dichlorophenoxy)propionic acid	Phenoxy acid.
Diphenamid	2	*N,N*-dimethyl-2,2-diphenylacetamide	Aralkyl amide.
Diquat	1	6,7-dihydrodipyrido[1,2-*a*:2′,1′-*c*]pyrazinediium salt	Heterocyclic quaternary salt.
EPTC	1	*S*-ethyl dipropylthiocarbamate	Carbamate.
Fenuron	2	1,1-dimethyl-3-phenylurea	Urea.
Fenuron TCA	2	1,1-dimethyl-3-phenylurea monotrichloroacetate	Do.
Ioxynil	1	4-hydroxy-3,5-diiodobenzonitrile	Aromatic nitrile.
Linuron	2	3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea	Urea.
MCPA	1	[(4-chloro-*o*-tolyl)oxy]acetic acid	Phenoxy acid.
Monuron	2	3-(*p*-chlorophenyl)-1,1-dimethylurea	Urea.
Norea	2	3-(hexahydro-4,7-methanoindan-5-yl)-1,1-dimethylurea	Do.
Paraquat	1	1,1′-dimethyl-4,4′-bipyridinium salt	Heterocyclic quaternary salt.
Prometone	2	2,4-bis(isopropylamino)-6-methoxy-*s*-triazine	*s*-triazine.
Prometryne	2	2,4-bis(isopropylamino)-6-(methylthio)-*s*-triazine	Do.
Propham	1	isopropyl carbanilate	Carbamate.
Pyrazon	1	5-amino-4-chloro-2-phenyl-3(2*H*)-pyridazinone	Pyridazine.
Sesone	1	2-(2,4-dichlorophenoxy)ethyl sodium sulfate	Phenoxy salt.

Footnotes at end of table.

READILY DEGRADED, INACTIVATED, AND RELATIVELY NONPERSISTENT HERBICIDES [1]—Continued

Common name	Activity code	Chemical name	Type of compound
Simetone	2	2,4-bis(ethylamino)-6-methoxy-*s*-triazine	*s*-triazine.
Simetryne	2	2,4-bis(ethylamino)-6-(methylthio)-*s*-triazine	Do.
2,4,5-T	1	(2,4,5-trichlorophenoxy)acetic acid	Phenoxy acid.
TCA	1	Trichloroacetic acid	Aliphatic acid.
Trifluralin	2	α,α,α-trifluoro-2,6-dinitro-*N*,*N*-dipropyl-*p*-toluidine	Aromatic amine.
Metobromuron	2	3-(*p*-bromophenyl)-1-methoxy-1-methylurea	Urea.
Molinate	1	*S*-ethyl hexahydro-1*H*-azepine-1-carbothioate	Carbothioate.
MSMA	2	Monosodium methanearsonate	Organoarsenical.
Naptalam	1	*N*-1-naphthylphthalamic acid	Phthalic acid.
Neburon	1	1-butyl-3-(3,4-dichlorophenyl)-1-methylurea	Urea.
Nitralin	2	4-(methylsulfonyl)-2,6-dinitro-*N*,*N*-dipropylaniline	Aromatic amine.
Nitrofen	1	2,4-dichlorophenyl *p*-nitrophenyl ether	Diphenyl ether.
PCP	1	Pentachlorophenol	Phenol.
Pebulate	1	*S*-propyl butylethylthiocarbamate	Carbamate.
Propachlor	1	2-chloro-*N*-isopropylacetanilide	Anilide.
Propanil	1	3′4′-dichloropropionanilide	Do.
Propazine	2	2-chloro-4,6-bis(isopropylamino)-*s*-triazine	*s*-triazine.
Siduron	2	1-(2-methylcyclohexyl)-3-phenylurea	Urea.
Silvex	1	2-(2,4,5-trichlorophenoxy)propionic acid	Phenoxy acid.
Simazine	2	2-chloro-4,6-bis(ethylamino)-*s*-triazine	*s*-triazine.
Swep	1	Methyl 3,4-dichlorocarbanilate	Carbamate.
TCA	1	Trichloroacetic acid	Aliphatic acid.
Terbacil	3	3-*tert*-butyl-5-chloro-6-methyluracil	Uracil.
Triallate	1	*S*-(2,3,3-trichloroallyl) diisopropylthiocarbamate	Caramate.
Trietazine	2	2-chloro-4-(diethylamino)-6-(ethylamino)-*s*-triazine	*s*-triazine.
2,4-D	1	(2,4-dichlorophenoxy)acetic acid	Phenoxy acid.
2,4-DB	1	4-(2,4-dichlorophenoxy)butyric acid	Do.
2,4-DEB	1	2-(2,4-dichlorophenoxy)ethyl benzoate	Do.
2,4,5-TES	1	sodium 2-(2,4,5-trichlorophenoxy)ethyl sulfate	Phenoxy acid, salt.
Vernolate	1	*S*-propyl dipropylthiocarbamate	Carbamate.
Bromoxynil	1	3,5-dibromo-4-hydroxybnezonitrile	Aromatic nitrile.
Butylate	1	S-ethyl diisobutylthiocarbamate	Carbamate.
CDEA	1	2-chloro-*N*,*N*-diethylacetamide	Aliphatic amide.
Chlorazine	2	2-chloro-4,6-bis(diethylamino)-*s*-triazine	*s*-triazine.
Cycloate	1	S-ethyl N-ethylthiocyclohexanecarbamate	Carbamate.
Cycluron	2	3-cyclooctyl-1,1-dimethylurea	Urea.
DCPA	1	Dimethyl tetrachloroterephthalate	Phtholic acid.
Diallate	1	*S*-(2,3-dichloroallyl) diisopropylthiocarbamate	Carbamate.
Dinosam	1	2-(1-methylbutyl)-4,6-dinitrophenol	Nitrophenol.
Dinoseb	1	2-*sec*-butyl-4,6-dinitrophenol	Do.
Diuron	2	3-(3,4-dichlorophenyl)-1,1-dimethylurea	Urea.
DNOC	1	4,6-dinitro-*o*-cresol	Nitrophenol.
DSMA	2	Disodium methanearsonate	Organoarsenical.
Endothall	1	7-oxabicycle (2.2.1) heptane-2, 3-dicarboxylic acid	Phtholic acid.
Erbon	1	2-(2, 4, 5-triclorophenoxy)ethyl 2, 2-dichloropropionate	Phenoxy acid.
Fenac	3	(2, 3, 6-trichlorophenyl) acetic acid	Do.
Fluometuron	2	1, 1-dimethyl-3-(a, a, a,-trifluoro-*m*-tolyl) urea	Urea.
HCA	1	1, 1, 1, 3, 3, 3-hexachloro-2-propanome	Hexachloroacetane.
Ipazine	2	2-chloro-4-(diethylamino)-6-(isopropylamino)-*s*-trazine	*s*-triazine.
Isocil	3	5-bromo-3-isopropyl-6-methyluracil	Uracil.
KOGN	1	Potassium cyanate	Cyanate.
MCPB	1	4-[(4-chloro-*o*-tolyl)oxy]butyric acid	Phenoxy acid.
MCPES	1	2-[(4-chloro-*o*-tolyl)oxy]ethyl sodium sulfate	Do.
Metham	1	Sodium methyldithiocarbamate	Carbamate.

[1] Herbicides whose degradation, inactivation, and persistent characteristics are such that their use, in accordance with treatments registered for selective control of weeds on cropland, pose no significant problem with respect to registered tolerances for herbicide residues or crop production in following seasons. This list is not all inclusive, particularly with respect to new materials. The herbicides listed are coded as to their degradability, persistence, and inactivation in soil. The legend for the code numbers is as follows:

1. Compounds normally degraded or inactivated, and usually do not persist more than 12 months.
2. Compounds that may persist for more than 12 months, but are normally degraded or inactivated in less than 24 months.
3. Compounds that may persist for more than 24 months, but are normally degraded or inactivated, and usually do not persist for more than 48 months.

READILY DEGRADED, RELATIVELY NONPERSISTENT FUNGICIDES

Common name (or trade name*)	Chemical name	Type of compound
Captan	*N*-[(trichloromethyl)thio]-4-cyclohexene-1,2-dicarboximide	Chlorothiocarboximide.
Chloranil	2,3,5,6-tetrachloro-*p*-benzoquinone	Chlorinated quinone.
Chloroneb	1,4-dichloro-2,5-dimethoxybenzene	Chlorinated aromatic ether.
Daconil 2787*	2,4,5,6-tetrachloroisophthalonitrile	Chlorinated aromatic nitrile.
DCNA	2,6-dichloro-4-nitroaniline	Chlorinated aniline.
Dichlone	2,3-dichloro-1,4-napthoquinone	Chlorinated quinone.
Difolatan*	*cis*-*N*-[(1,1,2,2-tetrachloroethyl)thio]-4-cyclohexene-1,2-dicarboximide	Chlorothiocarboximide.
dinocap	2-(1-methylheptyl)-4,6-dinitrophenyl crotonate	Dinitrophenyl ester.
dodine	Dodecylguanidine acetate	Alkyl guanidine salt.
Dyrene*	2,4-dichloro-6-(*o*-chloroanilino)-*s*-triazine	Chlorinated triazine.
ethoxyquin	6-ethoxy-1,2-dihydro-2,2,4-trimethylquinoline	Ethoxyquinoline.
ferbam	Ferric dimethyldithiocarbamate	Ferric thiocarbamate.
folpet	*N*-[(trichloromethyl)thio]phthalimide	Chlorothiocarboximide.
Glyodin	2-heptadecyl-2-imidazoline acetate	Alkyl imidazoline salt.
Lanstan*	1-chloro-2-nitropropane	Chloronitroalkane.
Lime sulfur	30% calcium polysulfide and various small amounts of calcium thiosulfate plus water and free sulfur	Calcium polysulfides.
Maneb	Manganese ethylenebis [dithiocarbamate]	Manganese thiocarbamate.
Morestan*	6-methyl-2,3-quinoxalinedithiol cyclic *S*,*S*-dithiocarbonate	Thioquinoxaline.
Nabam	Disodium ethylenebis [dithiocarbamate]	Sodium thiocarbamate.
Niacide*	Mixture of manganese dimethyldithiocarbamate and 2-benzothiazolethiol	Manganese thiocarbamate.
Pipron*	3-(2-methylpiperidino) propyl 3,4-dichlorobenzoate	Chlorinated piperidyl benzoate.
8-quinolinol	8-quinolinol	Hydroxyquinoline.
Sulfur	Sulfur	Elemental sulfur.
Thioquinox	2,3-quinoxalinedithiol cyclic trithiocarbonate	Thioquinoxaline.
Thiram	Bis (dimethylthiocarbamoyl) disulfide	Thiocarbamate.
Tricamba	3, 5, 6-trichloro-*o*-anisic acid	Chlorinated benzoic acid.
Zineb	Zinc ethylenebis [dithiocarbamate]	Zinc thiocarbamate.
Ziram	Zinc dimethyldithiocarbamate	Do.
Mertect*	2-(4-thiazolyl) benzimidazole	Thiabendazole.
Polyram*	Mixture of 5.2 parts by weight of ammoniate of [ethylenebis (dithiocarbamato)] zinc with 1 part by weight ethylenebis [dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides.	Dithiocarbamate.
Streptomycin	2, 4-diguanidino-3, 5, 6-trihydroxycyclohexyl 5-deoxy-2-*O*-(2-deoxy-2-methylamino-α-glucopyranosyl)-3-formyl pentofuranoside.	Antibiotic (produced by *Streptomyces griseus*).
Vitavax*	2, 3-dihydro-5-carboxanilido-6-methyl-1, 4-oxathiin	1, 4-oxathiin derivative.

READILY DEGRADABLE, RELATIVELY NONPERSISTENT NEMATICIDES

Common name (or trade name*)	Chemical name (or source)	Type of compound
EDB	1,2-dibromoethane	Hydrocarbon.
DBCP	1,2-dibromo-3-chloropropane	Do.
DD	1,3-dichloropropene and 1,2 dichloropropane	Do.
Methyl bromide	Monobromomethane	Do.
Chloropicrin	Trichloronitromethane	Do.
Penphene*	2,3,4,5-tetrachlorothiophene	Do.
Dazomet	3,5-dimethyltetrahydro-1,3,5,2H-	Carbamate.
Aldicarb	2-methyl-2-(methylthio) propionaldehyde O-(methylcarbamoyl) oxime	Do.
Methomyl	S-methyl N-(methylcarbamoyl)oxy) thioacetimidate	Do.
Metham-sodium	Sodium *N*-methyldithiocarbamate	Do.
Parathion	*O,O*-diethyl O-p-nitrophenyl phosphorothioate	Organophorus.
MENCS	methyl isothiocyanate	Do.
Mocap*	*O*-ethyl *S,S*-dipropyl phosphorodithioate	Do.
Dasanit*	*O,O*-diethyl *O-p*-(methylsulfinyl)phenyl phosphorothioate	Do.
Bay 68138	Ethyl 4-(methylthio)-m-toyl isopropylphoramidate	Do.
Thionazin	*O,O*-diethyl *O*-2-pyrazinyl phosphorothioate	Do.
Diazinon	*O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate	Do.
Carbofuran	2,3-dihydro-2,2-dimethyl-7-benzofuranyl methyl-carbamate	Do.
V-C 13 Nemacide*	*O*-(2,4-dichlorophenyl) *O,O*-diethyl phosphorothioate	Do.

Mr. NELSON. Mr. President, fourth, is the increased use of systems of integrated pest control, combining biological and chemical controls, and additionally, developing pest-resistant crop strains. This approach is showing increased success as an effective economic means of pest control.

Fifth, further development of agents which cause the persistent pesticides to decompose more rapidly in the soil and water after they have been applied to a crop and accomplished their task; and,

Sixth, the development of standards on the biodegradability and toxicity of pesticide components.

COMPREHENSIVE STUDY

Part 2 of the amendment directs the Secretary of the Interior, in consultation with appropriate Federal agencies, and other concerned parties, to conduct a study on methods of controlling the release of pesticides in our Nation's lakes and rivers and the environment. The study will include examination of the persistency of pesticides in the water and alternatives thereto. Within the 2 years, the Secretary will submit a report on this study to Congress together with his recommendations for any necessary legislation.

This study should assist the Secretary in perfecting existing means of dealing with pesticide pollution and in determining new ones, to assure equitable and enforceable standards.

There is abundant evidence to show that the six approaches—State action, interstate action, integrated pest control, use of less persistent pesticides, development of agents to decompose pesticides, and biodegradability and toxicity standards—will prove effective in the nationwide program of pesticide water quality criteria and standards which this amendment would establish.

For instance, a report published this month by the American Chemical Society described in detail a number of means by which the massive pesticide contamination can be minimized. I believe it would be helpful to outline some of the information provided by this and other reports which we have studied.

First, since pesticides have been billed as a panacea for controlling all pests, heavy application has become a national habit, whether it is needed or not. For example, cotton is often sprayed with toxic, persistent pesticides every 5, 7, or 10 days.

BETTER PESTICIDE USE

Yet, with effective use of our improved knowledge of the life cycle and behavior of both the crop and the pest, pesticide application could be cut down to only that period of the time when a pest is in fact endangering a crop.

In addition, acceptance of the valid idea that 100-percent pest control need not be achieved would further cut pesticide use. Often, damage to crop production could be prevented with just a 75-percent control of the pests.

Another valid application method which would further cut pesticide use, expense, and pollution, is treating only the areas that are heavily infested with pests. As an example, mountain water in North Carolina was found to contain more than 0.3 part per billion of DDT when an entire oak-hickory forest was treated for a tree disease. Later, when only the region of the forest affected by the disease was treated, it was impossible to find any trace of DDT in the waters. And the disease was still controlled.

If improved application equipment were used, there would be another significant reduction in pesticide use.

A Mississippi study on the aerial application of the persistent pesticide heptachlor showed that only 17 percent of the compound was applied at the proper rate on the crop. The remainder either missed the crop, was applied at a rate much lower than necessary, or was applied at a rate much higher than necessary. In another study, only 10 to 20 percent of a pesticide dust reached the plant, with the remainder missing its target entirely.

Concentrated efforts to eradicate whole pests populations also offer great promise. For example, if just three pests, the boll weevil, the boll worm, and the codling moth, were eradicated, it would be possible to reduce the amount of insecticides applied each year in the United States by some 40 percent.

BIOLOGICAL CONTROL

Insect sterilization has become one of the most effective ways to eliminate a total insect population. This was the technique that was used to eradicate the screw-worm fly from the Southeast United States. The U.S. Department of Agriculture raised millions of screwworm flies weekly, with radioactive cobalt used to make the flies reproductively sterile.

Massive numbers of sterilized flies were air dropped regularly over thousands of square miles infested by native screwworm flies. The sterile flies mated with the native females, and the resulting eggs failed to hatch. Repeated releases of sterile flies reduced screw-worm numbers, until the pests finally disappeared.

Presently, the Agriculture Department is maintaining a barrier zone along the United States-Mexico border to keep out new screwworms through continuously releasing sterile flies along that area.

The American Chemical Society says that the ideal pesticide should be as effective as possible against one or several pests and as safe as possible to all other forms of life, including beneficial insects and predators, fish and other wildlife, domestic animals, and man. As one of its main recommendations in its recent report, the Society urged:

> Persistent pesticides should only be used in minimal amounts and under conditions where they have been shown not to cause widespread contamination of the environment. Where possible, highly persistent materials should be replaced by rapidly degradable materials.

The feasibility of this approach is demonstrated by the fact that, as pointed out earlier, for virtually all crops, there are several pesticides, some very persistent and some not, which can effectively control harmful pests.

In several parts of the country, the cost of pesticide use has increased so drastically, that other systems of pest control with little or no reliance on chemical formulations have been adopted with great success.

INTEGRATED PEST CONTROL

Among these approaches is integrated pest control, which can be best defined as an insect population management system that depends primarily on the use of beneficial predator insects with limited reliance on the use of selective chemicals.

Presently there are successful integrated pest control programs in operation on the following crops: cotton, citrus fruits, apples and pears, tomatoes, potatoes, avocados, olives, grapes, corn, eggplant, lettuce, strawberries and others.

This means of pest control is based on the principles of applied ecology. In order for success to be achieved, the fields must be placed under periodic surveillance to determine when and where specific pest infestations occur. When a problem is discovered, predators, parasites, or disease organisms specifically related to that pest are released to bring the pests back into a favorable balance. Very limited amounts of pesticide may be used, but only when absolutely necessary, and only on the infested area of the crop.

While many farmers and other pesticide users resist giving up chemical means of pest control because they feel that other alternatives may be more costly, the opposite has been proven true with regard to integrated pest control.

LOWER COST

Prof. Robert VandenBosch of the College of Agricultural Sciences, University of California at Berkeley, cites this example: The cost of pest control using chemical pesticides for 4,000 acres of cotton in California was $185,000. When integrated pest control replaced the use of chemical pesticides, the cost dropped to $20,000 a year. The statistics for spotted alfalfa in California are very similar, where in 1957, the cost of pest control with chemical pesticides was at least $12 million. Today, after the introduction of integrated pest control, the cost has been reduced to only $3 million, with little or no pest problems remaining.

A recent edition of the Western Fruit Grower cites additional cases of the successful and economical application of integrated pest control in place of the use of chemical pesticides. One expert in biological control has enabled a producer of Valencia oranges to reduce the cost of pest control from $200 per acre, using chemical control, to only $60 an acre with integrated pest control. Another orange grower has been able to reduce his cost per acre for pest control to just $35 per acre, using integrated pest control, and has had higher yields than ever in the history of the grove.

Another pest control approach showing major promise is the use of hormones. The principle is to give an insect its own hormone at the wrong stage of its life, so that it upsets the bug's growth processes and causes it to destroy itself.

Finally, the search is now underway for a catalyst which would cause DDT to self-destruct after it had accomplished its insect control tasks. If successful, this would be a major breakthrough in dealing with the tendency of hard pesticides to persist in the environment long after they are needed. Secretary of the Interior Walter Hickel recently announced the award of a contract to test this approach.

America and the world cannot afford to wait much longer to decide that hurling the crude weapon of hard pesticides against the fabric of life, the apt description by Rachel Carson, is not the answer to our pest control problems.

Our approach must be much more sophisticated than that, and as I have outlined above, there is an abundance of alternatives. And there is no reason why the job cannot be done more effectively and far more economically than the present massive, indiscriminate pesticide use. The savings would accrue to the farmer and all other pesticides users, to our environment, and most importantly, to future generations of life on earth.

I believe the pesticide amendment to S. 7 is a major step in the right direction. Criteria would be developed, standards would be set and implemented, and the means to meet these standards brought into use.

I urge the Senate's adoption of the amendment, and I am heartened and deeply appreciative of the cosponsorship of this proposal by 31 Senators, including the chairman of the Senate Public Works Committee, Senator RANDOLPH, and the chairman of the Subcommittee on Air and Water Pollution, Senator MUSKIE, who is the author of S. 7.

This board support is without question a confirmation of the growing insistence of Congress that the quality of the American environment and the quality of life for all Americans be given the protection that is so urgently needed.

EXHIBIT 1

U.S. DEPARTMENT OF THE INTERIOR,
FEDERAL WATER POLLUTION CONTROL ADMINISTRATION,
Washington, D.C., August 25, 1969.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: In accordance with Mr. John Heritage's recent request by telephone to Mr. Bern Wright of our Water Quality Standards Branch, a review has been made of the States' water quality standards requirements on pesticides and the following information and enclosed summaries are being provided for your use.

Most of the State standards contain one or more requirements by which limits on specific toxic substances may be imposed on a case-by-case basis. These controls are found in the standards in the form of a general narrative statement on toxicity, or they may be included in the public water supply or aquatic life use criteria. Three of the States have specific numerical limits for pesticides and at least two others specifically mention pesticides in their toxicity standards.

SPECIFIC NUMERICAL STANDARDS ON PESTICIDES

Alaska

Standards of the State of Alaska contain a pesticide limit of 0.001 of the 96-hour LC$_{50}$. (96-hour LC$_{50}$ means the lethal concentration of a substance that will result in a 50% kill of the test organism in a 96-hour period.)

California

Tidal Waters Inland from the Golden Gate within the San Francisco Bay Region—No individual pesticide or combination of pesticides shall reach concentrations found to be deleterious to fish or wildlife at any place.

Goose Lake—The total chlorinated hydrocarbon pesticide content shall not exceed 0.10 micrograms per liter as determined by the summation of the individual concentrations, and the individual pesticide content shall not reach those levels found to be detrimental to aquatic life and wildlife.

Idaho

Toxic or Other Deleterious Substances (pesticides, phenolics and related organic and inorganic materials)—Toxic chemicals of other than natural origin in concentrations found to be of public health significance or adversely affect the uses indicated. Guides such as the Water Quality Criteria published by the State of California Water Quality Control Board, Second Edition, 1963, will be used in evaluating the tolerances of the various toxic chemicals for the use indicated.

South Dakota

Pesticides, herbicides and related compounds shall be treated as toxic materials and taste and odor producing chemicals and controlled under the provisions of Chapter II, Section II, Subsection 2 and 4.

Chapter II, Section II, Subsection 2—*Toxic Materials*. No materials shall be discharged to any surface water or watercourse in the State which produce concentrations of chemicals toxic to humans, animals or the most sensitive stage or form of aquatic life greater than 0.1 times the acute (96-hour) median lethal dose for short residual compounds or 0.01 times the acute median lethal dose for accumulative substances or substances exhibiting a residual life exceeding 30 days in the receiving waters.

Chapter II, Section II, Subsection 4—*Taste and Odor Producing Chemicals*. No materials shall be discharged which will result in concentrations in the receiving water sufficient to impart objectionable tastes and odors to edible aquatic life.

Virginia

Salt water (shellfish)—Area is not to be so contaminated with radionuclides, pesticides, herbicides or fecal material, that consumption of the shellfish might be hazardous.

PUBLIC WATER SUPPLY CRITERIA

Several States have included the Public Health Service (PHS) Drinking Water Standards as requirements for establishing the quality of water to be maintained as an acceptable source of public water supply. These standards establish a limit of 0.2 mg/1 for Carbon Chloroform Extract (CCE). This is intended to be a general safety control for the detection of "ill defined" chemicals which could include pesticides. The CCE control is not intended for replacement of specific limits on pesticides and other toxic substances.

Those States which expressly include the PHS requirements for waters designated for public water supply use are as follows: Alabama, Alaska, California, Connecticut, Georgia, Maine, Michigan, Minnesota, Montana, Nebraska, North Carolina, Rhode Island, Vermont, West Virginia, Wyoming.

AQUATIC LIFE-TOXICITY STANDARDS

All of the States standards provide for the protection of aquatic life from toxic substances. Appendix A is a summary of these requirements as they relate to aquatic life.

A copy of the "Report of the Committee on Water Quality Criteria-Federal Water Pollution Control Administration" is also enclosed for your reference use. Pages 56, 58, 59 of this report provide discussions on "Toxic Substances" and "Bioassay" which may be helpful to you in interpreting the standards on toxic substances. You will also find on pages 62–65, 82–83, 116, 118, 131, 137, 156 of this report information on pesticides. Each of the State water pollution control agencies have been provided a copy of this report and it is being widely used by the States as a guide in the updating of their water quality standards.

If you have any further questions concerning specific requirements in the standards, please let me know.

Sincerely yours,

DAVID D. DOMINICK,
Commissioner.

APPENDIX A—*TOXICITY STANDARDS For Surface Waters Used For FISH PROPAGATION AND WILDLIFE*

(Toxic substances—Maximum allowable (mg/1))

Alabama: Only amounts not injurious to fish and aquatic life, including shrimp and crabs, or the propagation thereof. 1/10 of 48-hour TL$_m$ or other approved limits.

Alaska: Less than acute or chronic problem levels as revealed by bioassay. None which causes tainting of flesh of edible species.[b] Pesticides: 0.001 of 96-hour LC$_{50}$[b].

Arizona: Biocide concentrations shall be

Footnotes at end of article.

kept below levels which are deleterious to human, animal, plant, or aquatic life, or in amounts which interfere with this use.

Arkansas: Shall not be present in quantities toxic to human, animal, plant, or aquatic life or which interfere with the normal propagation of aquatic life. 1/10 of 48-hour TL_m.

California: At all times less than the concentrations toxic or harmful to wild or domestic animals or to aquatic life.

Colorado: Free from biocides, toxic, or other deleterious wastes in concentrations or combinations sufficient to be harmful to aquatic life.

Connecticut: Free from chemical constituents in concentrations or combinations which would be harmful to human, animal, or aquatic life. Bioassays shall be performed as needed.

Delaware: None in concentrations harmful (synergistically or otherwise) to humans, fish, wildlife, and aquatic life.

District of Columbia: None from waste sources in concentrations or combinations which are harmful to human, animal, plant, or aquatic life or which interfere with this use.

Florida: Free from waste substances toxic or harmful to human, animal, or aquatic life. F: 10.0 Cu–0.5, Zn–1.0, Cr^6–0.05, Pb–0.05, Fe–0.3, As–0.05. Cn: none detectable.

Georgia: None in concentrations that would harm man, fish and game, or other beneficial aquatic life.

Territory of Guam: Free from waste materials that will be toxic or irritating to humans, animals, plants, or aquatic life.

Hawaii: Free from biocides, toxic, or other deleterious substances in concentrations harmful to human, animal, or marine life, or which cause unpleasant taste in seafood.

Idaho: No toxic chemicals of other than natural origin, in concentrations of public health significance or which adversely affect this use.

Illinois: 1/10 of 48-hour TL_m. As–1.0, Ba–5.0, Cd–0.05, Cr^6–0.05, Cr^3–1.00, Cu–0.04, Cn–0.025, Pb–0.1, Ag–0.05, An–1.00.

Indiana: 1/10 of 96-hour TL_m from continuous-flow bioassays where the dilution water and toxicant are continuously renewed, or other factors when justified and approved.

Iowa: NH_3–N–2.0, As–1.0, Ba–5.0, Cd–0.05, Cr^6–0.05, Cr^3–1.00, Cu–0.02, Cn–0.025, Pb–0.10, Zn–1.0. Maximum of 5.0 for entire heavy metal group.

Kansas: Pollutional substances will be maintained below maximum permissible concentrations which would be detrimental for recreational requirements.

Kentucky: 1/10 of 48-hour TL_m. Free from waste substances in concentrations or combinations which are toxic or harmful to human, animal, plant, or aquatic life.

Louisiana: 1/10 of 48-hour TL_m. None present in quantities that alone or in combination will be toxic to animal or plant life.

Maine: No chemical constituents from waste sources, which are harmful to humans, animal, or aquatic life, or which adversely affect this use.

Maryland: Free from toxic wastes which interfere with this use or which are harmful to human, animal, plant, or aquatic life.

Massachusetts: None at levels harmful to human, animal, or aquatic life, or which make the waters unsuitable for fish or their propagation, or impair their palatability.

Michigan: 1/10 of 96-hour TL_m. from continuous flow bioassays.

Minnesota: Cr-tr, Cu-tr, Cn-tr, NH_3(N)-tr[b1], Cr-1.0, Cu-0.2, Cn-0.02, NH_3(N)-1.0[c], Cr-1.0, Cu-0.2, Cn-0.02, NH_3(N)-2.0[d]. None directly or indirectly harmful.[e]

Mississippi: 1/10 of 48-hour TL_m.

Missouri: None which have harmful effect on human or animal life.

Montana: 1/10 of 96-hour TL_m for short residual materials and 1/100 of 96-hour TL_m for pesticides.

Nebraska: None in combinations or concentrations which render the water unsafe or unsuitable for this use.

Nevada: None present in concentrations, from other than natural origin, which are deleterious to animal, plant, or aquatic life, or which exceed the 1962 PHS "Drinking Water Standards."

New Hampshire: None in toxic concentrations or combinations. Free from chemicals and conditions inimical to fish life or the maintenance thereof.

New Jersey: None which would affect humans or be detrimental to the natural aquatic biota.

New Mexico: 1/10 of 48-hour TL_m. Shall not change the ecology to an extent detrimental to existing forms of life nor be toxic to humans, plants, fish, or animals.

New York: None alone or in combination with other substances or wastes in sufficient amounts to be injurious to fish life or impair the waters for this use.

North Carolina: 1/10 of 48-hour TL_m. Shall not change the ecology to an extent detrimental to existing forms of life nor be toxic to humans, plants, fish, animals.

North Dakota: No waste materials, either in concentrations or combinations, which result in the waters being toxic or harmful to human, animal, or aquatic life.

Ohio: 1/10 of 48-hour TL_m. Free from waste substances in concentrations or combinations which are toxic or harmful to human, animal, or aquatic life.

Oklahoma: 1/10 of 48-hour TL_m. Shall not be present in such quantities as to cause the waters to be toxic to human, animal, plant, or aquatic life.

Oregon: No conditions deleterious to fish or other aquatic life or which affect the palatability of fish.

Pennsylvania: None in amounts sufficient to be inimical or harmful to this use.

Commonwealth of Puerto Rico: None alone or in combination with other substances or wastes in amounts injurious to edible fish or their culture, taste, or propagation.

Rhode Island: Bioassays shall be performed as required by the appropriate agencies. None which would be harmful to human, animal, or aquatic life.

South Carolina: Free from waste materials which are toxic or harmful to human, animal, plant, or aquatic life, or which interfere directly or indirectly with this use.

South Dakota: 1/10 of 96-hour TL_m for short residual compounds. 1/100 of 96-hour TL_m for substances of residual life exceeding 30 days. Cn–02[d1e1fg] 0.05[h]

Tennessee: There shall be no substances added that will produce toxic conditions that affect fish or aquatic life.

Texas: Shall not exhibit acute or chronic toxicity to human, animal, or aquatic life to such an extent as to interfere with this use.

Utah: No waste materials in concentrations or combinations which are toxic or which produce undesirable physiological responses in humans, fish, and other animal life, and plants.

Vermont: Bioassays shall be performed, including assessment of taste and odor. Free from chemical constituents harmful to human, animal, or aquatic life.

Virginia: Free from toxic substances attributable to waste, in concentrations or combinations which interfere directly or indirectly with this use.

Virgin Islands of the United States: Free from waste substances in concentrations or combinations which are toxic or harmful to human, animal, or aquatic life.

Washington: Below concentrations which may cause acute or chronic toxic conditions to the aquatic biota.

West Virginia: No concentrations of materials poisonous to man, animal, or fish life.

Wisconsin: None present in amounts which by bioassay or other tests indicate acute or chronic levels harmful to animal, plant, or aquatic life.

Wyoming: Free from toxic substances of other than natural origin in concentrations or combinations which are toxic to human, animal, or aquatic life.

FOOTNOTES

[b] Standard reserved from approval by FWPCA.

[b1] Applies to propagation and maintenance of warm and coldwater sport or commercial fishes.

[b2] Standards apply only to coastal waters.

[c] Applies to propagation and maintenance of sport or commercial fishes.

[d] Applies to propagation and maintenance of fish species common to the area waters.

[d1] Fish life propagation—coldwater permanent.

[e] Applies to use by wildlife.

[e1] Fish life propagation—coldwater marginal.

[f] Fish life propagation—warmwater permanent.

[g] Fish life propagation—warmwater semipermanent.

[h] Fish life propagation—warmwater marginal.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. NELSON. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the Senator from Wisconsin has often appeared before the Committee on Public Works and its subcommittees in reference to the matters of cleansing the air and purifying the water. I will not mention the long list of affirmative actions he has initiated in the Senate. I am not sure how many cosponsors on the amendment, but I do know there is a considerable list. I am delighted I could join him in the amendment.

In joining with him we recognize his leadership in this field. I think his explanation this afternoon of the presence of pesticides and the danger that can be wrought by this type pollution is a real one. I express my thanks for his constructive efforts.

Mr. NELSON. I thank the distinguished chairman of the Committee on Public Works for his gracious remarks. I might add, however, the reason I appeared before the Committee on Public Works, of which the Senator from West Virginia is chairman, is that that committee has been doing such extensive work in the field of enhancing the quality of air and water in this country. They have made it possible for conservationists and Members of Congress to appear in connection with legislation of this nature to which his committee has devoted so much time.

Mr. MONDALE. Mr. President, I rise in support of the amendment (No. 132) introduced by the Senator from Wisconsin (Mr. NELSON) to S. 7.

I have already stated the many reasons that I support the Water Quality Improvement Act of 1969, and I appreciate this opportunity to direct specific remarks to the amendment now proposed by my distinguished colleague from Wisconsin.

Under the proposed amendment, the Secretary of the Interior is directed to take certain steps that would guarantee water quality criteria for all pesticides. The criteria would be based on the effects of various pesticide levels on fish and wildlife, as well as man and his environment. The criteria would outline maximum safe levels for the presence of pesticides in water, and these would represent

XUM

the essential basis for State or Federal action to deal with the pesticide pollution problem.

It is clear that persistent pesticides are so polluting our rivers, lakes, streams, and oceans that fish can and have been killed; that fish reproduction can and has been inhibited; that high pesticide residues in water have affected birds and other animals; and, that now, even man is threatened.

Specifically, the amendment would permit the Secretary of the Interior, after consultation with all interested and concerned parties, to prepare and publish regulations setting forth water quality standards for pesticides that will clearly not have a deleterious effect on fish or man. Responsibility for enforcing the standards would rest primarily with the States. Standards could be implemented by issuing orders to polluters to take remedial measures.

A particularly significant aspect of this amendment is that it permits the establishment of a system for tabulating, monitoring, and recording precisely what pesticide residues should be permitted.

As chairman of the Senate Subcommittee on Migratory Labor, I have become particularly aware of the need to establish similar procedures insofar as farmworkers may be affected by pesticide use.

There is mounting evidence concerning the harmful effects of pesticides on our Nation's migrant and seasonal farmworkers. Experts from the Department of Health, Education, and Welfare concede that perhaps as many as 800 farmworkers are killed and 80,000 injured by pesticides each year. We know that the agricultural industry experiences one of the highest occupational disease rates in the United States. Just last week we learned that a substantial proportion of farmworkers experience symptoms of chemical poisoning which include dermatitis, rashes, eye irritation, nausea, vomiting, fatigue, excess sweating, headaches, double vision, dizziness, skin irritations, difficulty in breathing, loss of fingernails, nervousness, insomnia, bleeding noses, and diarrhea.

It is clear from our hearings that proper safeguards and protections for farmworkers do not exist in the use of pesticides. In fact, under present State and Federal regulations, information about how, when, and where chemicals are used is seldom available to the farmworker or to the public.

The hearing record is painfully lacking in any firm evidence that the pesticides to which farmworkers are daily exposed in fact have no deleterious short- or long-range effects on their health and well-being. Further, it was shocking to learn of the pitifully inadequate funding of programs devoted to research on occupational hazards to farmworkers; and to discover that programs aimed at protecting the farmworkers are neither adequately funded nor enforced.

We do know, however, from recent accounts in medical and scientific journals, that the wrong kinds of chemicals, in the wrong amounts, and in the wrong places are sometimes used with inadequate regard of the health and safety of their workers. Furthermore, we know that recent scientific investigations have produced evidence that DDT causes cancer in animals and provides very strong indications that DDT may produce cancer in man.

Mr. President, I support this amendment, because it establishes a mechanism for the Secretary of the Interior to determine maximum safe levels of pesticides in water that would represent the essential basis for action to deal with the pesticide pollution problem in water. Additionally, enactment of this amendment may serve as a workable model for necessary legislation to protect farmworkers through establishment of a meaningful system for monitoring pesticide effects on man.

Mr. MUSKIE. Mr. President, the amendment offered by the Senator from Wisconsin (Mr. NELSON) is a constructive addition to the legislation which is pending before the Senate. I have discussed this proposal with the Senator from Wisconsin and agree with the need to provide the Secretary of the Interior with a specific directive to formulate criteria which indicate the effects of pesticides on the water environment.

There is a growing national concern regarding the use of pesticides. Conservationists, scientists, medical experts, and ecologists are speaking out against indiscriminate use of pesticides while other scientists, health officials, and agricultural experts oppose actions to limit their availability and use.

Existing information is sufficient to suggest that we have not exercised due care in either the amount or type of pesticides we use. Inadequate attention has been paid to developing less toxic more degradable pesticides and thus, today, we are confronted with the potential of banning entirely the use of some materials which have been extremely helpful in expanding the Nation's productivity and protecting the Nation's health.

I am not prepared, at this time, to suggest that all pesticides, herbicides, fungicides, and insecticides should be banned or even that some of them should be banned. I support Senator NELSON's amendment because we need to know a great deal more about the health and welfare effects of these pollutants and because existing scientific information needs to be assembled and evaluated.

The criteria to be published by the Secretary should provide useful assistance to the States in determining the extent to which the use of pesticides and water quality requirements are in conflict.

In some States it may be necessary to establish limitations on the availability of certain types of pesticides and, in other cases, it may be necessary to limit use of specific pesticides in certain watersheds. Whatever course is taken in controlling use of persistent pesticides, care should be taken to assure that publice health responsibilities such as malaria control are not hindered.

Enforcement procedures must consider the differences between point source control available to municipal and industrial wastes as opposed to the general diffusion of the pollutant in this case. The inability to effectively control this type of pollutant after application suggests the need to consider legislation which will establish uniform standards on the biogradability and toxicity of pesticides to assure environmental protection prior to the indiscriminate introduction of pesticides into the environment.

The Senator from Wisconsin (Mr. NELSON) has indicated an intent to introduce such legislation in the near future. I will cosponsor his proposal and the Subcommittee on Air and Water Pollution will hold hearings early next year.

I would like to ask the distinguished Senator this question. First of all I share the Senator's concern about the growing dilemma of pesticide pollution. In many ways I think it is perhaps the most serious in its potential impact upon the environment, upon wildlife, and upon human life itself. It is the most persistent and most difficult to come to grips with once pesticides are released in the environment. In that sense, it is like air pollution. Once discharged, it cannot be controlled; so, as in the case of pesticides at the dispersal point.

Since the problem of control is, for that reason, somewhat different from that of other air pollutants, the enforcement problem is different in the same way. So we have to come to grips with that problem.

The amendment offered by the distinguished Senator from Wisconsin is a major advance, I think, toward restoring and preserving the quality of our waters that are now threatened by pesticides.

In addition to leading to specific standards for safe concentrations of pesticides in interstate rivers and lakes, I believe that the amendment serves an equally important purpose of establishing a comprehensive program for research in the Department of the Interior, to study the problems of persistent pesticides and alternatives that can eliminate this contamination of our environment.

That is the point which, I think, is at the heart of resistance to the control of pesticides.

I ask the Senator from Wisconsin whether he believes that the standards that would be developed as a result of his amendment can be met without hindering efforts to control insects, weeds, fungus, and other pests that can cause damage to farmers and can pose a potential hazard to human health.

Mr. NELSON. I do not think there is any question about that. No Member of Congress is more familiar with the Water Pollution Control Act than the Senator from Maine (Mr. MUSKIE) who conducted the hearings, drafted the bill, and engineered its passage in the Senate.

As the Senator knows, under section 10(c) the Secretary can establish criteria, but he must consider the practicability and the economic feasibility of any standards that are proposed to be used. He must take these factors into consideration.

I make one other point. The Department of Agriculture prescribes an alternative pesticide for every chlorinated hydrocarbon, so far as I can ascertain, that is listed for use on virtually every crop in this country. In other words, there is another, more readily degrading pesticide that is readily available. As I review the application rates recommended by the Department and the current prices of pesticides, the cost of hard pesticides compared with readily degradable pesticides is roughly the same.

I believe that the Senator knows Michigan and Arizona have already banned the use of DDT. My own State of Wisconsin is moving to drastically improve the controls on it and has created a board to determine if it is necessary to use certain pesticides. There is integrated pest control which has been initiated successfully in California in which they do not indiscriminately spray the crop. They use whatever biological methods they can, including certain organisms which prey on insects. But whatever method they use, biological or chemical, it is limited to the area where the pest is.

In my earlier remarks, I outlined those programs and the cost per acre, which is dramatically less for a program of integrated pest control. Unfortunately, so many people just hire an airplane and go out and spray indiscriminately all over the place.

So in answer to the Senator, I believe that many practical, alternative means are available right now. But again I say, the Secretary must consider the practicability and the economic feasibility for any standards. So that is the protection against arbitrariness on anything he may propose.

Mr. MUSKIE. That is the value of the Senator's amendment. It increases the pressure to recognize the availability of other means of controlling pests than with hard pesticides. If we do not concentrate on that and enlarge the possibilities in this respect, we will be wasting, perhaps, the last chance we will have to avoid the massive dispersal of hard pesticides into the environment.

I am delighted to cosponsor the amendment. I compliment the Senator on becoming, in my judgment, the most knowledgeable expert in the Senate on this problem.

Mr. NELSON. Mr. President, incidentally, I might say to the Senate, that my staff and the staff of the Senator from Maine will get together and develop a legislative proposal establishing standards for the components of pesticides, taking into consideration their persistence, degradability, and toxicity. This is the next step that must follow so that we can determine if pesticides, like detergents, should be subject to certain standards in order to protect the environment.

Mr. MUSKIE. I thank the Senator.

Mr. TYDINGS. Mr. President, as a cosponsor of amendment No. 132, I congratulate the junior Senator from Wisconsin (Mr. NELSON) for his tireless efforts to call attention to the environmental danger stemming from the widespread and often indiscriminate use of persistent pesticides.

Toxic residues of these chemical compounds are showing up in our air and water, and, through the multiplying effect of the food chain, in human beings as well.

The effect of these poisons on fish and wildlife are well known. Our animal resources can be killed outright, as the Coho salmon were, or face gradual destruction, if not extinction, as are the brown pelican and the bald eagle.

The effect of pesticide residues on man are not yet fully known. Presently there is no evidence that the increasing amounts of pesticides in fact harm human beings. Yet common sense tells us that absorbing poisonous chemicals is not healthy.

The long-term health impact on man of persistent pesticides may well be most damaging.

Mr. President, in late July I introduced wide ranging pesticide protection legislation. The bill, S. 2747, directs the Secretary of Health, Education, and Welfare to make a complete study of the use and effects of pesticides. It transfers the pesticide regulatory functions from the Department of Agriculture to the Department of Health, Education, and Welfare. It removes the exemption from registration and labeling of those pesticides intended solely for export. Finally, the bill places a 4-year moratorium on four of the more persistent and powerful pesticides.

It is perhaps the most comprehensive legislation on pesticides yet introduced in the Senate. But it is unlikely to go anywhere and now will serve only as a point of discussion.

Yet what is required now is not just talk but action as well. Senator NELSON's amendment is the first step toward protecting our environment from toxic pesticides. I fully support his amendment and again congratulate the Senator for alerting us to the threat.

Mr. HART. Mr. President, I am very pleased to cosponsor Senator NELSON's amendment to S. 7 which would require the Secretary of the Interior to develop water quality criteria for pesticides. These criteria would then be used by the States as a basis for the adoption of standards to effectively control pesticide pollution of our lakes and rivers.

As with most of our clean water efforts, the need to develop standards which will help to reduce the quantity of persistent pesticides entering our water is long overdue. For many years scientists have been warning that the large-scale and indiscriminate introduction of these chemicals into our environment may be doing serious harm. But only today are people generally beginning to realize that although agricultural production has increased and disease control has been improved through the use of persistent pesticides, these short-term gains may have been purchased at the price of irreversible disruption of many ecological systems.

The so-called magnification effect of pesticides on fish and wildlife has now been well documented. Fish, feeding on miscroscopic organisms which contain persistent pesticides, assimilate these chemicals into their own systems. In addition, through normal gill action, a fish appears to effectively filter pesticides directly from the water. In both cases, the pesticide is stored up in the body fat of the fish where it becomes increasingly more concentrated. Then, moving upward in the food chain, each successive predator assimilates greater and greater concentrations of these pesticides from the smaller fish on which it feeds. Fish at the end of the food chain, such as the Lake Michigan coho salmon, now contain DDT concentrations ranging up to 19 parts per million, and fish-eating birds, such as the osprey and eagle, contain even higher levels of this pesticide.

The effects of such concentrations of persistent pesticides on fish and wildlife are daily becoming better understood. For example, Prof. Howard Johnson of Michigan State University has reported upon the reproductive problems DDT has created for the Lake Michigan coho salmon. Apparently the female salmon passes some of the DDT on to her eggs in concentrations ranging between five and seven parts per million. After the fry hatches from these eggs, they begin to absorb the yolk sac, but as they do, the DDT remaining in the yolk becomes more and more highly concentrated. At the last stages of absorption, DDT concentrations become six to 12 times higher than those in the actual body tissue of the fry and this high level of DDT has proven fatal to a high percentage of the fry.

Slightly different problems have occurred with fish-eating birds. Here the high concentrations of DDT apparently upset the bird's liver enzyme balance and as a result affect its calcium metabolism. The result has been that these birds have produced eggs which have exceptionally brittle shells. In most cases the mother is unable to hatch these eggs, because she accidentally breaks the shell. In one case reported by the Audubon Society, an embryo was born without a shell altogether; it was encased only in a membrane.

Last week the Commerce Committee's Subcommittee on Energy, Natural Resources, and the Environment, which I chair, held field hearings in Michigan to consider the effects of pesticides on sports and commercial fisheries. At these hearings Prof. Joseph Hickey of the University of Wisconsin commented on the serious disruption which DDT has caused to fish-eating bird populations. Branding DDT as the "compound of extinction," Professor Hickey stated:

> In a series of closely integrated studies, British, Canadian, and American scientists have proven that similar reproductive failures (1) occurred in 1947 in peregrine falcons; (2) involve fish-eating birds like bald eagles, ospreys, brown pelicans, double-crested cormorants, and herring gulls; (3) are producing regional extinction in some species and continentally wide extinction in others; and (4) are due to DDT. There is simply no scientific doubt about these statements.

He then went on to state:

> We have lost at least 95 per cent of our nesting peregrine falcons—perhaps the supreme example of avian evolution—in the United States south of Canada, and we may very well lose its entire subspecies in North America. We are going to lose our national bird, the bald eagle, as a nesting species on the shores of the Great Lakes, not necessarily on inland lakes. We have lost the brown pelican on the west side of the Gulf of Mexico. And we will lose it on the coast of California. These are pollution effects due to DDT. The facts are solid and the result of careful, painstaking research.

Much more speculative at the present time are questions about whether consumption of DDT or other persistent pesticides by man could seriously harm his health or well-being. Nevertheless, the evidence of its harm to birds and fish is sufficient to cause grave concern. And recent research efforts are beginning to produce additional disturbing results. For example, earlier this year I released a report of a study which had been conducted for the National Cancer Institute. This study revealed that when a group of mice was fed a mixture containing 140 parts per million of DDT over a period of 81 weeks, 63 percent developed tumors. With a control group of mice, only 16 percent developed tumors, indicating that the mice exposed to DDT were approximately four times more likely to develop tumors than mice not so exposed. In describing the DDT-induced tumors, the report states:

> It seems more reasonable to conclude that the great majority had malignant potentiality.

In addition, at the Environmental Subcommittee hearings on pesticides which were held last May, we asked the Food and Drug Administration whether they could summarize some of their work on the mutagenic effects of pesticides. One of the investigations which they described involves a study of 40 volunteers who are heavy pesticide users and 20 control subjects who are examined monthly to determine what leukocyte chromosome damage can be associated with the exposure to pesticides. According to the FDA:

> Preliminary results indicate that during mid-summer the exposed group had something on the order of five times as many chromosome abberations as the control group. So far this study has not been able to make comparisons between the groups at other times of the year.

The Food and Drug Administration, concerned with the results of the expanding volume of research on pesticides, has moved to set pesticide tolerances on many food products. In the case of fish, an interim tolerance level of five parts per mission has been established. Although there is little question that the FDA is taking proper precautions in setting these tolerances, there is also little doubt that this action will seriously disrupt, if not destroy, the fishing industry on Lake Michigan. The coho salmon can no longer be marketed in interstate commerce because of its high DDT concentrations, and other commercially important fish which are lower down in the lake's food chain, such as the chub, now appear to be building up DDT concentrations in excess of the minimum FDA tolerances. Analyses by the Michigan field office of the Bureau of Commercial Fisheries indicate that the DDT concentration in some chubs now exceeds nine parts per million. Lake Michigan lake trout, too, also frequently contain concentrations in excess of the FDA's minimum tolerances.

To preserve many of our country's unique forms of life from extinction, to reverse the grave ecological damage which we are presently causing, and to restore the vitality of our freshwater fisheries, it is imperative that we begin now to upgrade the quality of our water. Establishing water tolerance levels for pesticides—and then rigidly enforcing these standards—is an essential step toward this goal. We should emphasize, however, that because very minute quantities of persistent pesticides within water—measured in terms of parts per trillion—cause severe harm to aquatic organisms which concentrate these pesticides within their systems, water quality standards should be based on the pesticide levels found in fish taken from the water, and not on the water itself. Only in this manner can we readily determine when the amount of pesticides in our waters is reaching dangerous levels.

Mr. President, I reiterate my great pleasure in supporting this amendment, and I earnestly hope that not only is it adopted, but that meaningful standards are forthcoming in the very near future.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment, No. 132, of the Senator from Wisconsin.

The amendment was agreed to.

Mr. **MUSKIE**. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. **BYRD** of West Virginia. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. **NELSON**. Mr. President, I ask unanimous consent to have printed in the RECORD a series of technical studies taken from various scientific and conservation magazines.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Scientific American, March 1967]

TOXIC SUBSTANCES AND ECOLOGICAL CYCLES

(By George M. Woodwell)

The vastness of the earth has fostered a tradition of unconcern about the release of toxic wastes into the environment. Billowing clouds of smoke are diluted to apparent nothingness; discarded chemicals are flushed away in rivers; insecticides "disappear" after they have done their job; even the massive quantities of radioactive debris of nuclear explosives are diluted in the apparently infinite volume of the environment. Such pollutants are indeed diluted to traces—to levels infinitesimal by ordinary standards, measured as parts per billion or less in air, soil and water. Some pollutants do disappear; they are immobilized or decay to harmless substances. Others last, sometimes in toxic form, for long periods. We have learned in recent years that dilution of persistent pollutants even to trace levels detectable only by refined techniques is no guarantee of safety. Nature has ways of concentrating substances that are frequently surprising and occasionally disastrous.

We have had dramatic examples of one of the hazards in the dense smogs that blanket our cities with increasing frequency. What is less widely realized is that there are global, long-term ecological processes that concentrate toxic substances, sometimes hundreds of thousands of times above levels in the environment. These processes include not only patterns of air and water circulation but also a complex series of biological mechanisms. Over the past decade detailed studies of the distribution of both radioactive debris and pesticides have revealed patterns that have surprised even biologists long familiar with the unpredictability of nature.

Major contributions to knowledge of these patterns have come from studies of radioactive fallout. The incident that triggered worldwide interest in large-scale radioactive pollution was the hydrogen-bomb test at Bikini in 1954 known as "Project Bravo." This was the test that inadvertently dropped radioactive fallout on several Pacific islands and on the Japanese fishing vessel *Lucky Dragon*. Several thousand square miles of the Pacific were contaminated with fallout radiation that would have been lethal to man. Japanese and U.S. oceanographic vessels surveying the region found that the radioactive debris had been spread by wind and water, and, more disturbing, it was being passed rapidly along food chains from small plants to small marine organisms that ate them to large animals (including the tuna, a staple of the Japanese diet).

The U.S. Atomic Energy Commission and agencies of other nations, particularly Britain and the U.S.S.R., mounted a large international research program, costing many millions of dollars, to learn the details of the movement of such debris over the earth and to explore its hazards. Although these studies have been focused primarily on radioactive materials, they have produced a great deal of basic information about pollutants in general. The radioactive substances serve as tracers to show the transport and concentration of materials by wind and water and the biological mechanisms that are characteristic of natural communities.

One series of investigations traced the worldwide movement of particles in the air. The tracer in this case was strontium 90, a fission product released into the earth's atmosphere in large quantities by nuclear-bomb tests. Two reports in 1962—one by S. Laurence Kulp and Arthur R. Schulert of Columbia University and the other by a United Nations committee—furnished a detailed picture of the travels of strontium 90. The isotope was concentrated on the ground between the latitudes of 30 and 60 degrees in both hemispheres, but concentrations were five to 10 times greater in the Northern Hemisphere, where most of the bomb tests were conducted.

It is apparently in the middle latitudes that exchanges occur between the air of upper elevations (the stratosphere) and that of lower elevations (the troposphere). The larger tests have injected debris into the stratosphere; there it remains for relatively long periods, being carried back into the troposphere and to the ground in the middle latitudes in late winter or spring. The mean "half-time" of the particles' residence in the stratosphere (that is, the time for half of a given injection to fall out) is from three months to five years, depending on many factors, including the height of the injection, the size of the particles, the latitude of injection and the time of year. Debris injected into the troposphere has a mean half-time of residence ranging from a few days to about a month. Once airborne, the particles may travel rapidly and far. The time for one circuit around the earth in the middle latitudes varies from 25 days to less than 15. (Following two recent bomb tests in China fallout was detected at the Brookhaven National Laboratory on Long Island respectively nine and 14 days after the tests.)

Numerous studies have shown further that precipitation (rain and snowfall) plays an important role in determining where fallout will be deposited. Lyle T. Alexander of the Soil Conservation Service and Edward P. Hardy, Jr., of the AEC found in an extensive study in Clallam County, Washington, that the amount of fallout was directly proportional to the total annual rainfall.

It is reasonable to assume that the findings about the movement and fallout of radioactive debris also apply to other particles of similar size in the air. This conclusion is supported by a recent report by Donald F. Gatz and A. Nelson Dingle of the University of Michigan, who showed that the concentration of pollen in precipitation follows the same pattern as that of radioactive fallout. This observation is particularly meaningful because pollen is not injected into the troposphere by a nuclear explosion; it is picked up in air currents from plants close to the ground. There is little question that dust and other particles, including small crystals of pesticides, also follow these patterns.

From these and other studies it is clear that various substances released into the air are carried widely around the world and may be deposited in concentrated form far from the original source. Similarly, most bodies of water—especially the oceans—have surface currents that may move materials five to 10 miles a day. Much higher rates, of course, are found in such major oceanic currents as the Gulf Stream. These currents are one more physical mechanism that can distribute pollutants widely over the earth.

The research programs of the AEC and other organizations have explored not only the pathways of air and water transport but also the pathways along which pollutants are distributed in plant and animal communities. In this connection we must examine what we mean by a "community."

Biologists define communities broadly to include all species, not just man. A natural community is an aggregation of a great many different kinds of organisms, all mutually interdependent. The basic conditions for the integration of a community are determined by physical characteristics of the environment such as climate and soil. Thus a sand dune supports one kind of community, a freshwater lake another, a high mountain still another. Within each type of environment there develops a complex of organisms that in the course of evolution becomes a balanced, self-sustaining biological system.

Such a system has a structure of interrelations that endows the entire community with a predictable developmental pattern, called "succession," that leads toward stability and enables the community to make the best use of its physical environment. This entails the development of cycles through which the community as a whole shares certain resources, such as mineral nutrients and energy. For example, there are a number of different inputs of nutrient elements into such a system. The principal input is from the decay of primary minerals in the soil. There are also certain losses, mainly through the leaching of substances into the underlying water table. Ecologists view the cycles in the system as mechanisms that have evolved to conserve the elements essential for the survival of the organisms making up the community.

One of the most important of these cycles is the movement of nutrients and energy from one organism to another along the pathways that are sometimes called food chains. Such chains start with plants, which use the sun's energy to synthesize organic matter; animals eat the plants; other animals eat these herbivores, and carnivores in turn may constitute additional levels feeding on the herbivores and on one another. If the lower orders in the chain are to survive and endure, there must be a feedback of nutrients. This is provided by decay organisms (mainly microorganisms) that break down organic debris into the substances used by plants. It is also obvious that the community will not survive if essential links in the chain are eliminated; therefore the preying of one level on another must be limited.

Ecologists estimate that such a food chain allows the transmission of roughly 10 percent of the energy entering one level to the next level above it, that is, each level can pass on 10 percent of the energy it receives from below without suffering a loss of population that would imperil its survival. The simplest version of a system of this kind takes the form of a pyramid, each successively higher population receiving about a tenth of the energy received at the level below it.

Actually nature seldom builds communities with so simple a structure. Almost invariably the energy is not passed along in a neatly ordered chain but is spread about to a great variety of organisms through a sprawling, complex web of pathways. The more mature the community, the more diverse its makeup and the more complicated its web. In a natural ecosystem the network may consist of thousands of pathways.

This complexity is one of the principal factors we must consider in investigating how toxic substances may be distributed and concentrated in living communities. Other important basic factors lie in the nature of the metabolic process. For example, of the energy a population of organisms receives as food, usually less than 50 percent goes into the construction of new tissue, the rest being spent for respiration. This circumstance acts as a concentrating mechanism: a substance not involved in respiration and not excreted efficiently may be concentrated in the tissues twofold or more when passed from one population to another.

Let us consider three types of pathway for toxic substances that involve man as the ultimate consumer. The three examples, based on studies of radioactive substances, illustrate the complexity and variety of pollution problems.

The first and simplest case is that of strontium 90. Similar to calcium in chemical behavior, this element is concentrated in bone. It is a long-lived radioactive isotope and is a hazard because its energetic beta radiation can damage the mechanisms involved in the manufacture of blood cells in the bone marrow. In the long run the irradiation may produce certain types of cancer. The route of strontium 90 from air to man is rather direct: we ingest it in leafy vegetables, which absorbed it from the soil or received it as fallout from the air, or in milk and other dairy products from cows that have fed on contaminated vegetation. Fortunately strontium is not usually concentrated in man's food by an extensive food chain. Since it lodges chiefly in bone, it is not concentrated in passing from animal to animal in the same ways other radioactive substances may be (unless the predator eats bones!).

Quite different is the case of the radioactive isotope cesium 137. This isotope, also a fission product, has a longlived radioactivity (its half-life is about 30 years) and emits penetrating gamma rays. Because it behaves chemically like potassium, an essential constituent of all cells, it becomes widely distributed once it enters the body. Consequently it is passed along to meat-eating animals, and under certain circumstances it can accumulate in a chain of carnivores.

A study in Alaska by Wayne C. Hanson, H. E. Palmer and B. I. Griffin of the AEC's Pacific-Northwest Laboratory showed that the concentration factor for cesium 137 may be two or three for one step in a food chain. The first link of the chain in this case was lichens growing in the Alaskan forest and tundra. The lichens collected cesium 137 from fallout in rain. Certain caribou in Alaska live mainly on lichens during the winter, and caribou meat in turn is the principal diet of Eskimos in the same areas. The investigators found that caribou had accumulated about 15 micromicrocuries of cesium radioactivity per gram of tissue in their bodies. The Eskimos who fed on these caribou had a concentration twice as high (about 30 micromicrocuries per gram of tissue) after eating many pounds of caribou meat in the course of a season. Wolves and foxes that ate caribou sometimes contained three times the concentration in the flesh of the caribou. It is easy to see that in a longer chain, involving not just two animals but several, the concentration of a substance that was not excreted or metabolized could be increased to high levels.

A third case is that of iodine 131, another gamma ray emitter. Again the chain to man is short and simple: The contaminant (from fallout) comes to man mainly through cows' milk, and thus the chain involves only grass, cattle, milk and man. The danger of iodine 131 lies in the fact that iodine is concentrated in the thyroid gland. Although iodine 131 is short-lived (its half-life is only about eight days), its quick and localized concentration in the thyroid can cause damage. For instance, a research team from the Brookhaven National Laboratory headed by Robert Conard has discovered that children on Rongelap Atoll who were exposed to fallout from the 1954 bomb test later developed thyroid nodules.

The investigations of the iodine 131 hazard yielded two lessons that have an important bearing on the problem of pesticides and other toxic substances released in the environment. In the first place we have had a demonstration that the hazard of the toxic substance itself often tends to be underestimated. This was shown to be true of the exposure of the thyroid to radiation. Thyroid tumors were found in children who had been treated years before for enlarged thymus glands with doses of X-rays that had been considered safe. As a result of this discovery and studies of the effects of iodine 131, the Federal Radiation Council in 1961 issued a new guide reducing the permissible limit of exposure to ionizing radiation to less than a tenth of what had previously been accepted. Not the least significant aspect of this lesson is the fact that the toxic effects of such a hazard may not appear until long after the exposure; on Rongelap Atoll 10 years passed before the thyroid abnormalities showed up in the children who had been exposed.

The second lesson is that, even when the pathways are well understood, it is almost impossible to predict just where toxic substances released into the environment will reach dangerous levels. Even in the case of the simple pathway followed by iodine 131 the eventual destination of the substance and its effects on people are complicated by a great many variables: the area of the cow's pasture (the smaller the area, the less fallout the cow will pick up); the amount and timing of rains on the pasture (which on the one hand may bring down fallout but on the other may wash it off the forage); the extent to which the cow is given stored, uncontaminated feed; the amount of iodine the cow secretes in its milk; the amount of milk in the diet of the individual consumer, and so on.

It it is difficult to estimate the nature and extent of the hazards from radioactive fallout, which have been investigated in great detail for more than a decade by an international research program, it must be said that we are in a poor position indeed to estimate the hazards from pesticides. So far the amount of research effort given to the ecological effects of these poisons has been comparatively small, although it is increasing rapidly. Much has been learned, however, about the movement and distribution of pesticides in the environment, thanks in part to the clues supplied by the studies of radioactive fallout.

Our chief tool in the pesticide inquiry is DDT. There are many reasons for focusing on DDT: it is long-lasting, it is now comparatively easy to detect, it is by far the most widely used pesticide and it is toxic to a broad spectrum of animals, including man. Introduced only a quarter-century ago and spectacularly successful during World War II in controlling body lice and therefore typhus, DDT quickly became a universal weapon in agriculture and in public health campaigns against disease-carriers. Not surprisingly, by this time DDT has thoroughly permeated our environment. It is found in the air of cities, in wildlife all over North America and in remote corners of the earth, even in Adélie penguins and skua gulls (both carnivores) in the Antarctic. It is also found the world over in the fatty tissue of man. It is fair to say that there are probably few populations in the world that are not contaminated to some extent with DDT.

We now have a considerable amount of evidence that DDT is spread over the earth by wind and water in much the same patterns as radioactive fallout. This seems to be true in spite of the fact that DDT is not injected high into the atmosphere by an explosion. When DDT is sprayed in the air, some fraction of it is picked up by air currents as pollen is, circulated through the lower troposphere and deposited on the ground by rainfall. I found in tests in Maine and New Brunswick, where DDT has been sprayed from airplanes to control the spruce budworm in forests, that even in the open, away from trees, about 50 percent of the DDT does not fall to the ground. Instead it is probably dispersed as small crystals in the air. This is true even on days when the air is still and when the low-flying planes release the spray only 50 to 100 feet above treetop level. Other mechanisms besides air movement can carry DDT for great distances around the world. Migrating fish and birds can transport it thousands of miles. So also do oceanic currents. DDT has only a low solubility in water (the upper limit is about one part per billion), but as algae and other organisms in the water absorb the substance in fats, where it is highly soluble, they make room for more DDT to be dissolved into the water. Accordingly water that never contains more than a trace of DDT can continuously transfer it from deposits on the bottom to organisms.

DDT is an extremely stable compound that breaks down very slowly in the environment. Hence with repeated spraying the residues in the soil or water basins accumulate. Working with Frederic T. Martin of the University of Maine, I found that in a New Brunswick forest where spraying had been discontinued in 1958 the DDT content of the soil increased from half a pound per acre to 1.8 pounds per acre in the three years between 1958 and 1961. Apparently the DDT residues were carried to the ground very slowly on foliage and decayed very little. The conclusion is that DDT has a long half-life in the trees and soil of a forest, certainly in the range of tens of years.

Doubtless there are many places in the world where reservoirs of DDT are accumulating. With my colleagues Charles F. Wurster, Jr., and Peter A. Isaacson of the State University of New York at Stony Brook, I recently sampled a marsh along the south shore of Long Island that had been sprayed with DDT for 20 years to control mosquitoes. We found that the DDT residues in the upper layer of mud in this marsh ranged up to 32 pounds per acre!

We learned further that plant and animal life in the area constituted a chain that concentrated the DDT in spectacular fashion. At the lowest level the plankton in the water contained .04 part per million of DDT; minnows contained one part per million, and a carnivorous scavenging bird (a ring-billed gull) contained about 75 parts per million in its tissues (on a whole-body, wetweight basis). Some of the carnivorous animals in this community had concentrated DDT by a factor of more than 1,000 over the organisms at the base of the ladder.

A further tenfold increase in the concentrations along this food web would in all likelihood result in the death of many of the organisms in it. It would then be impossible to discover why they had disappeared. The damage from DDT concentration is particularly serious in the higher carnivores. The mere fact that conspicuous mortality is not observed is no assurance of safety. Comparatively low concentrations may inhibit reproduction and thus cause the species to fade away.

That DDT is a serious ecological hazard was recognized from the beginning of its use. In 1946 Clarence Cottam and Elmer Higgins of the U.S. Fish and Wildlife Service warned in the *Journal of Economic Entomology* that the pesticide was a potential menace to mammals, birds, fishes and other wildlife and that special care should be taken to avoid its application to streams, lakes and coastal bays because of the sensitivity of fishes and crabs. Because of the wide distribution of DDT the effects of the substance on a species of animal can be more damaging than hunting or the elimination of a habitat (through an operation such as dredging marshes). DDT affects the entire species rather than a single population and may well wipe out the species by eliminating reproduction.

Within the past five years, with the development of improved techniques for detecting the presence of pesticide residues in animals and the environment, ecologists have been able to measure the extent of the hazards presented by DDT and other persistent general poisons. The picture that is emerging is not a comforting one. Pesticide residues have now accumulated to levels that are catastrophic for certain animal populations, particularly carnivorous birds. Furthermore, it has been clear for many years that because of their shotgun effect these weapons not only attack the pests but also destroy predators and competitors that normally tend to limit proliferation of the pests. Under exposure to pesticides the pests tend to develop new strains that are resistant to the chemicals. The result is an escalating chemical warfare that is self-defeating and has secondary effects whose costs are only beginning to be measured. One of the costs is wildlife notably carnivorous and scavenging birds such as hawks and eagles. There are others: destruction of food webs aggravates pollution problems, particularly in bodies of water that receive mineral nutrients in sewage or in water draining from heavily fertilized agricultural lands. The plant populations, no longer consumed by animals, fall to the bottom to decay anaerobically, producing hydrogen sulfide and other noxious gases, further degrading the environment.

Location	Organism	Tissue	Concentration (parts per million)
United States (Average).	Man	Fat	11.0.
Alaska (Eskimo)			2.8.
England			2.2.
West Germany			2.3.
France			5.2.
Canada			5.3.
Hungary			12.4.
Israel			19.2.
India			12.8–31.0.
United States:			
California	Plankton		5.3.
Do	Bass	Edible Flesh	4–138.
Do	Grebes	Visceral Fat	Up to 1,600.
Montana	Robin	Whole Body	6.8–13.9.
Wisconsin	Crustacea		0.41.
Do	Chub	Whole Body	4.52.
Do	Gull	Brain	20.8.
Missouri	Bald Eagle	Eggs	1.1–5.6.
Connecticut	Osprey	do	6.5.
Florida	Dolphin	Blubber	About 220.
Canada	Woodcock	Whole Body	1.7.
Antarctica	Penguin	Fat	0.015–0.18.
Antarctica	Seal	Fat	0.042–0.12.
Scotland	Eagle	Eggs	1.18.
New Zealand	Trout	Whole Body	0.6–0.8.

Note: DDT residues, which include the derivatives DDO and DDE as well as DDT itself, have apparently entered most food webs. These data were selected from hundreds of reports that show DDT has a worldwide distribution, with the highest concentrations in carnivorous birds.

The accumulation of persistent toxic substances in the ecological cycles of the earth is a problem to which mankind will have to pay increasing attention. It affects many elements of society, not only in the necessity for concern about the disposal of wastes but also in the need for a revolution in pest control. We must learn to use pesticides that have a short half-life in the environment—better yet, to use pest-control techniques that do not require applications of general poisons. What has been learned about the dangers in polluting ecological cycles is ample proof that there is no longer safety in the vastness of the earth.

DDT RESIDUES AND DECLINING REPRODUCTION IN BERMUDA PETREL

(Abstract. Residues of DDT [1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane] averaging 6.44 parts per million in eggs and chicks of the carnivorous Bermuda petrel indicate widespread contamination of an oceanic food chain that is remote from applications of DDT. Reproduction by the petrel has declined during the last 10 years at the annual rate of 3.25 percent; if the decline continues, reproduction will fail completely by 1978. Concentrations of residues are similar to those in certain terrestrial carnivorous birds whose productivity is also declining. Various considerations implicate contamination by insecticides as a probable major cause of the decline.)

Many oceanic birds nested on Bermuda in 1609 when the first settlers arrived, the most abundant apparently being the Bermuda petrel, *Pterodroma cahow*. Within 20 years man and his imported mammals virtually exterminated those species; for nearly 300 years it was considered extinct. Several records of specimens since 1900 were followed in 1951 by discovery of a small breeding colony (1), and in 1967 22 pairs nested on a few rocky islets off Bermuda. With a total population of about 100 the petrel is among the world's rarest birds.

A wholly pelagic species, *P. cahow* visits land only to breed, breeds only on Bermuda, and arrives and departs only at night. The single egg is laid underground at the end of a long burrow. When not in the burrow the bird feeds far at sea, mainly on cephalopods; when not breeding it probably ranges over much of the North Atlantic (1).

Reproduction by *P. cahow* has declined recently. The data since 1958 (Table 1) show an annual rate of decline of 3.25±1.05 percent; the negative slope of a weighted regression is significant (P, .015; F test). If this linear decline continues, reproduction will fail completely by 1978, with extinction of the species. Many recent reports have correlated diminished reproduction by certain carnivorous birds with contamination by chlorinated hydrocarbon insecticides (2–7). As the terminal member of a pelagic food chain, presumably feeding over much of the North Atlantic, the petrel may be expected to concentrate by many orders of magnitude any stable, lipid soluble chemicals, such as chlorinated hydrocarbon insecticides, present in lower trophic levels (2, 3, 8). In fact it should serve as an ideal environmental monitor for detection of insecticide contamination as a general oceanic pollutant, rather than contamination resulting directly from treatment of a specific land area (9). When we analyzed several specimens of *P. cahow* for chlorinated hydrocarbon insecticides, all samples contained DDT residues (10).

During March 1967 five unhatched eggs and dead chicks were collected from unsuccessful petrel burrows and stored frozen. The small size of the population precluded the sampling of living birds. Samples were analyzed for DDT, *o,p*-DDT, DDE, DDD, dieldrin, and endrin by electron-capture gas chromatography; the results are summarized in Table 2. No *o,p*-DDT, dieldrin, or endrin was detected, but an independent laboratory detected a trace of dieldrin.

Certain identifications were confirmed by thin-layer chromatography (*11*) as follows: After Florisil cleanup (*12*), the unknown sample was spotted on a thin-layer plate with 1-μg authentic standard samples on both sides. After development, the unknown was masked by a strip of paper, and the standards were sprayed with chromogenic reagent (*11*). When spots were visible following exposure to ultraviolet light, the masking was removed, horizontal lines were drawn between the standard spots in order to locate corresponding compounds in the unknown, and these areas were scraped from the plate and extracted with a few drops of a mixture of hexane and acetone (9:1 by volume). Injection into the gas chromatograph confirmed the presence of DDT, DDE, and DDD by showing the appropriate single peaks for these compounds. This confirmation procedure was employed because the electron-capture detector is more sensitive than the chromogenic spray reagent in detecting minute amounts of these materials.

Coincidental with diminishing reproduction by the Bermuda petrel is the presence of DDT residues averaging 6.44 parts per million (ppm) in its eggs and chicks. In itself this coincidence does not establish a causal relation, but these findings must be evaluated in the light of other studies. Whereas a healthy osprey (*Pandion haliaetus*) population produces 2.2 to 2.5 young per nest, a Maryland colony containing DDT residues of 3.0 ppm in its eggs yielded 1.1 young per nest, and a Connecticut colony containing 5.1 ppm produced only 0.5 young per nest; the Connecticut population has declined 30 percent annually for the last 9 years (*4*). In New Brunswick, breeding success of American woodcocks (*Philohela minor*) showed a statistically significant inverse correlation with the quantity of DDT applied to its habitat in a given year. Furthermore, during 1962 and 1963, birds from unsprayed Nova Scotia showed breeding success nearly twice as great as did those from sprayed New Brunswick, where woodcock eggs averaged 1.3 ppm of DDT residues during those years (*5*).

TABLE 1.—REPRODUCTIVE SUCCESS OF THE BERMUDA PETREL BETWEEN 1958 AND 1967[1]

Year	Pairs	Chicks	Success (percent)
1958	6 (1)	4	66.7
1959	5 (2)	2	40.0
1960	13 (3)	6	46.2
1961	18 (1)	12	66.7
1962	19	9	47.4
1963	17 (1)	9	52.9
1964	17 (1)	8	47.1
1965	20	8	40.0
1966	21	6	28.6
1967	22	8	36.4

[1] Percentages of established adult pairs under observation whose chicks survived 2 weeks after hatching. Numbers of pairs of unknown success (not included in calculations) appear in parentheses. Data from 1961 to 1967 are believed to represent the total breeding population; earlier, not all burrows had been discovered. The decline in reproductive success follows the linear relation $y=a+bx$ (y, reproductive success; a, a constant; b, annual percentage decline in success; x, year). The regression weighted by numbers of pairs: $y=251.9-3.25x$.

In Britain five species of raptors, including the peregrine falcon (*Falco peregrinus*) and golden eagle (*Aquila chrysaetos*), carried residues of chlorinated hydrocarbon insecticides in their eggs, averaging 5.2 ppm; each of these species has shown a decline in reproduction and total population during recent years. By comparison, residues in the eggs of five species of corvids averaged 0.9 ppm, and breeding success and numbers have been maintained (*6*). It is noteworthy that during the last decade the peregrine has become extinct as a breeding bird in the eastern United States (*13*). Residues in bald eagle (*Haliaetus leucocephalus*) eggs averaged 10.6 ppm, and this species also shows declining reproduction and population (*7*). Lake Michigan herring gulls (*Larus argentatus*), exhibiting very low reproductive success, averaged 120 to 227 ppm of DDT residues in the eggs (*3*), the suggestion being that susceptibility varies widely between species.

In most of the above instances, including *P. cahow*, reduced success in breeding resulted primarily from mortality of chicks before and shortly after hatching. Bobwhites (*Colinus virginianus*) and pheasants (*Phasianus colchicus*), fed sublethal diets of DDT or dieldrin, gave similar results (*14*); a mechanism explaining chick mortality from dieldrin poisoning during the several days after hatching has been presented (*15*).

From studies of these birds and other avian carnivores a very widespread, perhaps worldwide, decline among many species of carnivorous birds is apparent. The pattern of decline is characterized by reduced success in reproduction correlated with the presence of residues of chlorinated hydrocarbon insecticides—primarily DDT. Our data for the Bermuda petrel are entirely consistent with this pattern.

Observations of aggressive behavior, increased nervousness, chipped eggshells, increased egg-breakage, and egg-eating by parent birds of several of the above species (*3, 6, 13*) suggest symptoms of a hormonal disturbance or a calcium deficiency, or both. Moreover, DDT has been shown to delay ovulation and inhibit gonadal development in birds, probably by means of a hormonal mechanism, and low dosages of DDT or dieldrin in the diet of pigeons increased metabolism of steroid sex hormones by hepatic enzymes (*16*). A direct relation between DDT and calcium function has also been demonstrated, and these endocrine and calcium mechanisms could well be interrelated; DDT interferes with normal calcification of the arthropod nerve axon, causing hyperactivity of the nerve and producing symptoms similar to those resulting from calcium deficiency (*17*). Dogs treated with calcium gluconate are very resistant to DDT poisoning (*18*); female birds are more resistant than males (*19*), perhaps because of calcium-mobilizing action of estrogenic hormones.

TABLE 2. RESIDUES OF DDT (10) IN PARTS PER MILLION (WET WEIGHT) IN EGGS AND CHICKS OF THE BERMUDA PETREL, COLLECTED IN BERMUDA IN MARCH 1967; PROPORTIONS OF DDT, DDE, AND DDD ARE EXPRESSED AS PERCENTAGES OF THE TOTAL

Sample	Residues parts per (million)	Percentages		
		DDT	DDE	DDD
A, egg[1]	11.02	[2] 37	[2] 58	[2] 5
A, egg[1 3 4]	10.71	[2] 34	[2] 62	[2] 4
B, addled egg[1]	3.61	15	65	20
C, chick in egg[5]	4.52	33	64	3
D, chick in egg[5]	6.08	33	62	5
D, chick brain[4 5]	.57	30	54	16
E, chick, 1 to 2 days old	6.97	[2] 29	[2] 66	[2] 5
Average	6.44	31	62	7

[1] Egg showed no sign of development.
[2] Identity confirmed by thin-layer chromatography (11).
[3] Analysis 5 months later by Wisconsin Alumni Research Foundation, which also detected dieldrin at 0.02 p.p.m.
[4] Not included in averages.
[5] Fully developed chick died while hatching.

Of major importance, then, was the discovery that a significant ($P<.001$) and widespread decrease in calcium content of eggshells occurred between 1946 and 1950 in the peregrine falcon, golden eagle, and sparrowhawk, *Accipiter nisus* (*20*). This decrease correlates with the widespread introduction of DDT into the environment during those years, and further correlates with the onset of reduced reproduction and of the described symptoms of calcium deficiency. These multiple correlations indicate a high probability that the decline in reproduction of most or all of these birds, including *P. cahow*, is causally related to their contamination by DDT residues.

Other potential causes of the observed decline for the Bermuda petrel appear unlikely. The bird has been strictly protected and isolated since 1957, and it seems that human disturbance can be discounted. In such a small population, inbreeding could become important, but hatching failure is now consistent in pairs having earlier records of successful breeding, and deformed chicks are never observed. Furthermore, the effects of inbreeding would not be expected to increase at a time when the total population, and probably the gene pool, is still increasing. The population increase results from artificial protection since 1957 from other limiting factors, especially competition for nest sites with tropic birds (*21*).

It is very unlikely that the observed DDT residues in *P. cahow* were accumulated from Bermuda: the breeding grounds are confined to a few tiny, isolated, and uninhabited islets never treated with DDT, and the bird's feeding habits are wholly pelagic. Thus the presence of DDT residues in all samples can lead only to the conclusion that this oceanic food chain, presumably including the plankton, is contaminated. This conclusion is supported by reported analyses showing residues in related seabirds including two species of shearwaters from the Pacific (*22*); seabird eggs (*9, 22*); freshwater, estuarine, and coastal plankton (*2, 8, 23*); plankton-feeding organisms (*2, 8, 9, 22, 23*); and other marine animals from various parts of the world (*8, 22*). These toxic chemicals are apparently very widespread within oceanic organisms (*8, 22*), and the evidence suggests that their ecological effects are important.

CHARLES F. WURSTER, Jr.,
Department of Biological Sciences, State University of New York, Stony Brook

DAVID B. WINGATE,
Department of Agriculture and Fisheries, Paget East, Bermuda.

REFERENCES AND NOTES

1. R. C. Rurphy and L. S. Mowbray, *Auk* 68, 266 (1951); A. C. Bent, *U.S. Nat. Museum Bull. 121* (1922), pp. 112–7.

2. E. G. Hunt and A. I. Bischoff, *Calif. Fish Game* 46, 91 (1960); E. G. Hunt, in *Nat. Acad. Sci.–Nat. Res. Council Publ. 1402* (1966), p. 251.

3. J. P. Ludwig and C. S. Tomoff, *Jack-Pine Warbler* 44, 77 (1966); J. A. Keith, *J. Appl. Ecol.* 3 (suppl.), 57 (1966); J. J. Hickey, J. A. Keith, F. B. Coon, *ibid.*, p. 141.

4. P. L. Ames, *ibid.*, p. 87.

5. B. S. Wright, *J. Wildlife Management* 29, 172 (1965).

6. S. Cramp, *Brit. Birds* 56, 124 (1963); J. D. Lockie and D. A. Ratcliffe, *ibid.* 57, 89 (1964); D. A. Ratcliffe, *ibid.* 58, 65 (1965); *Bird Study* 10, 56 (1963); 12, 66 (1965).

7. L. F. Stickel *et al.*, in *Trans. North American Wildlife Natural Resources Conf. 31st* (1966). pp. 190–200; J. B. DeWitt, *Audubon Mag.* 65, 30 (1963); A Sprunt, *ibid.*, p. 32.

8. G. M. Woodwell, C. F. Wurster, P. A. Isaacson, *Science* 156, 821 (1967); G. M. Woodwell, *Sci. Amer.* 216, 24 (March 1967).

9. N. W. Moore and J. O'G. Tatton, *Nature* 207, 42 (1965); N. W. Moore, *J. Appl. Ecol.* 3 (suppl.), 261 (1966).

10. Residues of DDT include DDT and its decay products (metabolites) DDE and DDD; DDT, 1,1,1-trichloro-2,2-bis(*p*-chlorophenyl)-ethane; DDE, 1,1-dichloro-2,2-bis(*p*-chlorophenyl) ethylene; DDD (also known as TDE), 1,1-dichloro-2,2-bis(*p*-chlorophenyl) ethane.

11. M. F. Kovacs, *J. Assoc. Offic. Anal. Chemists* 49, 365 (1966).

12. J. G. Cummings, K. T. Zee, V. Turner, F. Quinn, R. E. Cook, *ibid.*, p. 354.

13. R. A. Herbert and K. G. S. Herbert, *Auk* 82, 62 (1965); J. J. Hickey, Ed., *Peregrine*

Falcon Populations, Their Biology and Decline (Univ. of Wisconsin Press, Madison, in press).

14. J. B. DeWitt, *J. Agr. Food Chem.* 3, 672 (1955); 4, 863 (1956); R. E. Genelly and R. L. Rudd, *Auk* 73, 529 (1956).

15. J. H. Koeman, R. C. H. M. Oudejans, E. A. Huisman, *Nature* 215, 1094 (1967).

16. D. J. Jefferies, *Ibis* 109, 266 (1967); H. Burlington and V. F. Lindeman, *Proc. Soc. Exp. Biol. Med.* 74, 48 (1950); D. B. Peakall, *Nature* 216, 505 (1967); *Atlantic Naturalist* 22, 109 (1967).

17. J. H. Welsh and H. T. Gordon, *J. Cell. Comp. Physiol.* 30, 147 (1947); H. T. Gordon and J. H. Welsh, *ibid.* 31, 395 (1948).

18. Z. Vaz, R. S. Pereira, D. M. Malheiro, *Science* 101, 434 (1945).

19. D. H. Wurster, C. F. Wurster, R. N. Strickland, *Ecology* 46, 488 (1965); L. B. Hunt, unpublished manuscript, University of Wisconsin, 1965.

20. D. R. Ratcliffe, *Nature* 215, 208 (1967).

21. D. B. Wingate, *Can. Audubon* 22, 145 (1960).

22. R. W. Risebrough, D. B. Menzel, D. J. Martin, H. S. Olcott, *Nature* 216, 589 (1967); J. Robinson, A. Richardson, A. N. Crabtree, J. C. Coulson, G. R. Potts, *ibid.* 214, 1307 (1967); W. J. L. Sladen, C. M. Menzie, W. L. Reichel, *ibid.* 210, 670 (1966); J. O. G. Tatton and J. H. A. Ruzicka, *ibid.* 215, 346 (1967); J. O. Keith and E. G. Hunt, in *Trans North American Wildlife Natural Resources Conf. 31st* (1966), pp. 150–77.

23. P. A. Butler, *ibid.*, pp. 184–9; *J. Appl. Ecol.* 3 (suppl.), 253 (1966).

24. Aided by a grant from the Research Foundation of the State University of New York; transportation by the Smithsonian Institution, Washington, D.C. The Bermuda petrel conservation program was financed by Childs Frick and the New York Zoological Society. We thank G. M. Woodwell for criticizing the manuscript.

THE PEREGRINE SITUATION IN GREAT BRITAIN 1965–66

(By D. A. Ratcliffe)

(Monks Wood Experimental Station—The Nature Conservancy)

INTRODUCTION

In order to follow latest trends in the breeding population of the British Peregrine (*Falco peregrinus*), a sample census was continued in 1965 and 1966 on a scale similar to that of 1963–64. This paper summarises the results, and gives data on chemical analysis of the small samples of eggs taken during these two years.

CENSUS DATA

Observations on 200 territories in 1965 and 213 territories in 1966 (representing 240 different territories of the two-year period) are given in Table I, according to the six different regions of Great Britain recognised previously (Ratcliffe 1963). This sample is approximately one-third of the mean annual total of 650 territories estimated to be occupied regularly in Great Britain during the standard period 1930–39, or just under one-third of the total of 718 territories occupied at least once since 1930. Census data for 1961–64 are given for comparison. However, because of a bias against visiting previously deserted territories and reporting negative observations during the period 1963–66, the figures for these years are not directly comparable with those for 1961–62, and a correction has to be made (see Table I).

It is evident that there has been no appreciable change in level of breeding population since 1964, for although only 41 successful eyries were known in 1966, against 45 in 1965, this is not a significant difference. The data certainly give no hint of overall improvement in the Peregrine situation during the last two years. Few records for the mainland of the North and West Highlands are available for 1965–66, and most of the data referring to this region are for Orkney and Shetland. It is clear that parts of the South and East Highlands are still the stronghold of the Peregrine in Britain, and breeding success has remained good in this region; but even here, a quarter of the inspected territories held apparently nonbreeding birds in 1966. In England and Wales together, successful breeding was limited to ten pairs in 1965 and seven pairs in 1966, and at least four-fifths of the territories visited were unoccupied in both years.

When the figures for 1965–66 are compared with those for 1963–64, the proportion of deserted territories is seen to have been fairly constant throughout, i.e. about 60 percent of the number of known territories visited, when correction for observation/recording bias has been made. Regarding breeding success, it should be noted that in 1965 and 1966 there were, respectively, 17 and 12 eyries where eggs were probably or certainly laid, but which were not re-visited to determine the final outcome; whereas in 1963 and 1964 there were only 4 and 3 such eyries. As the other data suggest that at least half the 'outcome unknown' eyries would be successful, the figures for successful nesting in the 1965–66 census samples would almost certainly be higher than those given in Table I. Even so, it is doubtful if there is valid evidence for a significant change in breeding success during the whole four-year period 1963–66; this has fluctuated from about 13 to 16 per cent of the number of known territories visited. There may have been a slight recovery in 1964 after the low ebb of 1963, but the figures may indicate merely the normal fluctuation of a population which has become relatively stabilised at a much reduced level; while, in any case, there is likely to be a degree of sampling and observational error.

TABLE 1.—OCCUPATION OF PEREGRINE TERRITORIES, 1963–66

Year and region	Number of territories examined	Birds apparently absent	1 or both of the pair present but not proved to nest	Nesting, outcome unknown	Nested, but unsuccessfully (eggs or young lost)	Successful nesting (young reared)
1961: Total for Great Britain	431	173	118	17	41	91 (9)
1962: Total for Great Britain	488	247	119	22	35	77 (9)
1963: Total for Great Britain	200	110	34	4	13	39 (0)
1964: Total for Great Britain	203	109	28	3	15	48 (0)
1965:						
Southern England	42	40	----------	1	----------	1
Wales	34	26	6	----------	----------	2
Northern England	30	17	2	----------	4	7
Southern Scotland	31	12	3	3	5	8
South and East Highlands	47	4	8	7	4	24
North and West Highlands	36	18	6	6	3	3
Total for Great Britain	220	117	25	17	16	45 (1)
1966:						
Southern England	42	40	----------	----------	----------	2
Wales	40	34	3	1	----------	2
Northern England	24	13	4	1	3	3
Southern Scotland	32	11	6	2	4	9
South and East Highlands	44	7	11	1	2	23
North and West Highlands	31	12	5	7	5	2
Total for Great Britain	213	117	29	12	14	41 (3)

Notes: To make approximate correction for comparison with 1961–62, the figures for 1963–66 regarding "birds apparently absent" should be increased by 1/7, and those for "successful nesting" should be reduced by 1/3. These factors are derived as follows: The sample of eyries visited in each of the years 1963–66 is similarly biased (toward territories likely to give positive rather than negative records) by comparison with the much larger sample for 1961–62, and many eyries visited with negative results have evidently not been reported to me. If the 1962 data are subsampled to give a list of those eyries which were acutally visited during 1963–66, simple calculation gives values of 44 percent for territory desertion and 24 percent for successful breeding pairs. The figures calculated from the full 1962 data are, however, 50 and 16 percent respectively, i.e. approximately 1/7 more for territory desertion and 1/3 less for successful pairs. As the samples for 1961 and 1962 were closely comparable, the above correction factors apply also to 1961.

Actual breeding success for 1961 and 1962 is 19 and 13 percent, respectively, when broods taken by falconers are regarded as failures (as in Ratcliffe 1963), but to show more accurately the proportion of healthy broods potentially able to fledge, those taken by falconers have been included and give breeding success as a theoretical 21 and 16 percent. Broods taken by falconers (illegally after 1961) are bracketed alongside the totals.

By comparison with the fuller data for 1961–62, it would seem that the rapid decline of those years continued into 1963, but that the population then leveled off, and, at most, has since shown marginal improvement in breeding success alone. On the other hand, when data for each region are examined seprately, the population of Southern Scotland has shown evident improvement in breeding success since 1963; in 1963, only 3 out of 19 inland territories visited had successful pairs, whereas in 1966, 8 out of 24 reared young. M. Gilbertson (pers. comm.) also reports an apparent improvement in Northern Ireland, where a total of only 5 young was reared in 14 territories examined in 1964, compared with a total of 11 young in 16 territories in 1966. These are the regions closest to the Scottish Highlands, and therefore the ones in which any recovery of the Peregrine population might be expected to show first.

PESTICIDE RESIDUES

Although only 12 Peregrine eggs have been analysed (by gas-liquid chromatography) for organo-chlorine pesticide residues in 1965–66, the results (Table II) are revealing. Despite the higher levels, compared with 1963–64, the sample is too small for the data to be regarded as valid evidence of an increase in contamination. However, the figures suggest that the voluntary restrictions on use of aldrin, dieldrin and heptachlor, in 1964, have (up to the spring of 1966) had no effect in reducing the contamination of the British Peregrine by residues of these pesticides. The figures for heptachlor in particular indicate that, despite statements to the contrary, there was still a considerable local use of this chemical during 1965–66.

Whilst only 5 egg analyses are available yet for the central part of the South and East Highlands, they show an appreciably lower mean level of contamination than the 22 eggs from Northern England and Southern Scotland, though the difference lies largely in the DDE component of the residues. This matches the differences between the first region and the second two in regard to both state of the population and breeding success; and it supports the earlier contention (Ratcliffe 1963, 1965) that contamination risk to the Peregrine is lower in the South and East Highlands than in most other parts of the British Isles. Even within the 5 Highland eggs there are suggestive differences; the two from Angus (within Peregine reach of rich arable farm land) contain appreciably higher residues of DDE, dieldrin and heptachlor expoxide than those from the three Inverness-shire eyries, which were all remote from agricultural land.

The egg analyses for 1963–64 showed no difference between those from eyries which failed and those which produced flying young from the remaining eggs (Ratcliffe 1965). Now that more data are available, a slight difference shows when all egg analyses are thus separated; the figures are (total organo-chlorine residues) 17.4 p.p.m. for eggs from failed eyries and 12.7 p.p.m. for eggs from successful eyries. The difference is not statistically significant but it is suggestive.

In 1966, two eggs were examined for residues of mercury; one was blank (Table IIB, 1966/1) but the other (Table IIB, 1966/3) contained 0.3 p.p.m.

BREEDING SUCCESS, BROOD SIZE AND REPLACEMENT OF LOSSES

Of the 30 eyries which failed in 1965–66, egg breakage or disappearance of eggs (usually one by one and apparently due to parental destruction) was the cause of failure in 26. Mean brood size in successful eyries has continued to be low in regions south of the Highlands (average of 1.8 young for 24 known broods) and normal in the South and East Highlands (average of 2.5 young for 28 known broods).

I have recently been provided with data collected by the late W. C. Lawrie at a regular Lakeland eyrie between 1910 and 1939. The history is incomplete, but the following records are available of all successful nestings in which the brood-size was definitely known:

1913, 3 young
1914, 3 young
1920, 3 young
1922, 3 young
1924, 4 young
1925, 2 young
1926, 4 young
1927, 4 young
1928, 1 young
1930, 4 young
1931, 3 young
1936, 4 young
1939, 4 young

The mean of these 13 broods was 3.2 young, an appreciably higher figuer than the national pre-war average of 2.5 young. Unspecified broods were also reared in several other years and there are in existence several clutches of eggs taken from this locality during the same period. The haunt was never known to be deserted between 1910 and 1939, and the only cause of breeding failure was egg collecting, apart from one year in which the birds deserted after being kept off the nest for many hours. At least two different females were involved during this period.

The recent history of occupation at this same haunt is as follows:—

1961 3 eggs; two were later broken, the third hatched but the chick died.

1962 3 eggs; all disappeared later, evidently through parental destruction.

1963 3 eggs; one taken fresh for chemical analysis (Table IIB, 1963, No. 3), the other two hatched; one chick died and the other fledged.

1964 3 eggs; only one chick hatched and it later died.

1965 3 eggs; one broken later, one bad (Table IIB, 1965, No. 4) and the third hatched; the single chick fledged.

1966 No trace of the birds.

TABLE II.—ORGANO-CHLORINE RESIDUES IN PEREGRINE EGGS

A. CENTRAL SCOTTISH HIGHLANDS

Year	No.	County	pp DDE	pp TDE	pp DDT	Dieldrin	Heptachlor epoxide	BHC isomers	Total o/c residues
1963	[1] 1	Inverness	6.9			0.5	0.2	(2)	7.6
	[1] 2	Angus	5.4	0.6	0.8	.6	1.9	0.2	9.5
1966	[1] 1	Inverness	3.6		(2)	.1	(2)		3.7
	[1] 1	do.	2.8		.1	.3	(2)		3.2
	[1] 3	Angus	7.8	.1	(2)	1.6	1.2		10.7
Mean			5.3	.1	.2	.6	.7	[3] .1	6.9

B. NORTHERN ENGLAND AND SOUTHERN SCOTLAND

Year	No.	County	pp DDE	pp TDE	pp DDT	Dieldrin	Heptachlor epoxide	BHC isomers	Total o/c residues
1963	[4] 1	Westmorland	15.8		0.4	0.7	2.9	0.2	20.0
	[4] 2	Cumberland	10.0			.4	.7	.1	11.2
	[1] 3	do.[5]	30.8			1.1	4.1	.1	36.1
	[4] 4	Dumfries[5]	2.6		.1	.1	.1	(2)	2.9
	[1] 5	Peebles	4.4		.1	.4	.6	(2)	5.5
	[4] 6	do.[5]	21.2		.1	.5	.6	.2	22.6
	[4] 7	do.[5]	23.2			.3	.5	.1	24.1
	[4] 8	Kirkcudbright	14.1			.7	.4	.1	15.3
	[4] 9	do.	9.0		.1	.1	.4	.2	9.8
Mean for 1963			14.6		.1	.5	1.1	.1	16.4
1964	[4] 1	Dumfries[5]	4.7	(2)	(2)	1.3	.2	.6	6.8
	[4] 2	do.	7.3			1.8	.7	.8	10.6
	[4] 3	Kirkcudbright[5]	10.8	0.5	.5	.1	.1	.5	12.5
	[4] 4	Peebles	12.0			.8	.4	.1	13.3
Mean for 1964			8.7	.1	.1	1.0	.4	.5	10.8
1965	[4] 1	Kirkcudbright[5]	22.3	.2	.3	.5	4.3	.4	28.0
	[1] 2	Dumfries[5]	10.2	.2	.2	.5	.2	.2	11.5
	[4] 3	Peebles	18.1	.1	.7	.5	.2	.2	19.8
	[1] 4	Cumberland[5]	25.0			.6	.8	.1	26.5
	[4] 5	Westmorland	24.0			.8	1.0		25.8
Mean for 1965			19.9	.1	.2	.6	1.3	.2	22.3
1966	[4] 1	Kirkcudbright[5]	22.0	.2	.2	.3	1.0		23.7
	[4] 2	do.	22.0			.6	1.0		23.6
	[4] 3	do.	13.0		.1	.2	.1		13.4
	[4] 4	Westmorland	23.0	(2)		.6	.5	2.8	28.9
Mean for 1966			20.0	.1	.1	.9	.7	.7	22.5
Overall mean			15.7	.1	.1	.7	.9	.3	17.8

[1] Successful eyrie; at least 1 young reared from remaining eggs.
[2] Trace.
[3] Less than figure shown.
[4] Unsuccessful eyrie; remaining eggs broken or failed to hatch.
[5] Same female for the same locality.

While the two eggs containing total organo-chlorine residues of 36 and 27 p.p.m. (dieldrin+heptachlor epoxide 5.2 and 1.4 p.p.m.) were from clutches from which single young were fledged, this level of contamination was associated with a marked reduction in brood size, compared with pre-war years. This haunt was one of only five (out of 30) once regularly occupied territories in Northern England which were continuously occupied throughout the period 1960–65; and 1966 was the first year since 1910 when Peregrines were absent. Probably the same female occupied the haunt from 1961 to 1965, but it was a different bird from that present in 1939.

The summarised figures in Table I conceal the details of change occurring within a population which as a whole remains stable. For instance, in Southern Scotland, 27 territories were visited in both 1965 and 1966, and 16 were found occupied in each year, but only 13 were occupied in *both* years. Since 1960, it is usual for this region and Northern England to show small gains and losses in any year, by comparison with the preceding and succeding years, so that fresh gaps are still appearing as old ones are filled.

The output of young Peregrines annually from the whole of the Scottish Highlands would seem adequate to allow a slow recovery, at least in occupation of territories, and it is perhaps surprising that even in this region, about 47 per cent of territories visited remained deserted or held by non-breeders in 1966. However, the annual surplus has also to fill gaps caused by mortality amongst the established breeding population, and when birds move away from their birthplace to depleted areas, they are themselves increasingly exposed to pesticidal contamination, with the implication of increased risks of mortality and breeding failure. As not all Peregrines are likely to reach sexual maturity at one year old, many probably pass their juvenile stage in country away from breeding haunts and may then be more at risk, as regards pesticides, than if they were able to occupy a nesting place in their first year.

Walpole-Bond (1914) noted that a barren female Peregrine refused to mate or to allow a prospecting pair to settle on her breeding cliffs, but after she was shot, a new pair soon appeared and nested. It could be that many of the non-breeding Peregrines recently holding territories also defend them against potential breeders which arrive from other areas. Cade (1960) has suggested that the tenacity with which Peregrine eyries are usually held over a long period depends on the survival at all times of one bird of the occupying pair, and that when both of the pair die simultaneously, continuity is lost and the haunt may then be left deserted for a period. Many Peregrine breeding haunts south of the Highlands seem to have been totally deserted for several years, and this loss of continuity may be an additional factor working against their re-occupation. Even so, rate of re-occupation of totally deserted haunts in Southern England was fairly rapid after intensive human 'control' ceased in 1945. The continued failure of the Peregrine to restore its previous breeding numbers is most likely to be explained by lack of improvement in the adverse factor which originally depleted the areas concerned.

CONCLUSIONS

The continued investigations of 1965–66 reinforce earlier conclusions (Ratcliffe 1963, 1965) that the persistent organo-chlorine pesticide residues have been a causal factor in the post-1955 decline of the Peregrine in Britain. In view of the evident maintenance of contamination levels in the environment, it is not surprising that the breeding population has shown no clear tendency towards recovery. Moreover, there would seem to be no sign of general resistance to these chemicals developing in this species.

SUMMARY

A sample census of about one-third of the Peregrine breeding population of Great Britain in 1965 and 1966 indicates that there has been no significant change in proportion of occupied territories or breeding success of remaining birds during this period.

Comparison with earlier data suggests that the Peregrine decline ceased after 1963, and that the population has since remained relatively stable, with occupied territories at about 40 per cent of the pre-war level and breeding success (pairs rearing young) varying between about 13 and 16 per cent of the maximum possible level (former mean annual number of pairs). Breeding success may have improved marginally after 1963 on the national scale, and more significantly in Southern Scotland and Northern Ireland.

The geographical pattern is unchanged, with population level, breeding success and brood size lowest in England and Wales, and highest in the South and East Highlands of Scotland.

Analysis of Peregrine eggs gives no evidence of a decrease in contamination by any organo-chlorine residue since 1964. Eggs from Northern England and Southern Scotland were more heavily contaminated than those from the South and East Highlands during the period 1963–66, though the difference lies mainly in the DDE component.

Failure of young Peregrines from successful eyries to build up the breeding population of depleted areas is probably a reflection primarily on the lack of improvement in the adverse factor which initiated decline.

ADDENDUM

Since this account was written, preliminary data for 1967 have become available. They indicate a slight recovery of population, in both occupation of territories and breeding success, in the east and central Scottish Highlands, Northern England and Northern Ireland. In the southwest Highlands and Southern Scotland, breeding success was lower than in 1966, but there was no decrease in number of occupied territories. Analysis of ten eggs in 1967 shows a decrease in organo-chlorine residue levels, especially of dieldrin and heptachlor epoxide, compared with 1956–66, and also confirms that residue levels are significantly lower in the Central Highlands than in other regions of the south. Slight recovery of the population in more northerly regions is thus consistent with a decrease in environmental contamination, at least in these more marginal arable farming districts, which were least affected by the original population decline.

It has recently been shown (Ratcliffe 1967) that the post-war prevalence of egg breaking in the British Peregrine correlates closely with a widespread decrease in egg-shell weight/size ratio (i.e. probably thickness) which appeared in 1947 and has persisted ever since, except in some parts of the Central Highlands. The connections between these phenomena, and their possible relationships to contamination of the species by organo-chlorine residue, are being examined.

Problems With DDT in Fish Cultural Operations

(J. P. Cuerrier, J. A. Keith, and E. Stone)

ABSTRACT

Various concentrations of DDT and residues have been detected in eggs and fry of speckled, rainbow, and cutthroat trout obtained from local sources and from commercial suppliers and handled at the Maligne River Trout Hatchery, Jasper National Park, Alberta. Concentrations of DDT and metabolites exceeding 400 ppb in eggs resulted in a 30 to 90 per cent mortality among the fry 60 fingerlings during the days following the swim-up stage. All commercial dry feeds analysed contained DDT. Among ingredients used in the manufacturing of trout feeds, only brewer yeast was found almost free of contamination.

INTRODUCTION

Because of the very wide distribution of DDT, it would seem that all forms of life are being exposed, directly or indirectly, to this chemical insecticide. Extensive research has been done on the toxicity of DDT to insects, the primary target, but comparatively little is known of the effects of secondary contamination of animals, particularly during the very early stages of development. The purpose of this paper is to present data on DDT contamination of trout in fish hatcheries.

Mack and co-workers (1964) found DDT concentrations in whole fish ranging from 0.2 to 7 ppm; certain tissues or organs contained up to 40 ppm. Burdick and co-workers (1964) found as much as 500 ppm of DDT by weight in ether-extracted oils from lake trout eggs taken from Lake George, New York State. They found that 90 per cent of lake trout eggs containing 2.95 ppm of DDT and above died at the fry stage. With landlocked salmon at Sebago Lake, Maine, Anderson and Everhart (1966) found that ovaries of three-year-old salmon contained 0.87 ppm of DDT, while ovaries of older salmon showed 6.0 ppm of DDT.

Mortality at the yolk-sac stage of lake trout in George Lake and other waters in the State of New York, and of the landlocked salmon in Sebago Lake, has been ascribed to DDT contamination.

For many years, gill diseases were thought to cause mortality at different stages of development of the various trout species raised at the Maligne River Trout Hatchery, Jasper National Park, Alberta. Recent investigations by the Pathology Section of the Canadian Wildlife Service, with the co-operation of the U.S. Bureau of Sport Fisheries and Wildlife, have revealed the occurrence of such diseases as "cold-water disease", infectious pancreatic necrosis, and "kidney disease", in addition to gill diseases. Mortality has also been caused by dissolved copper and zinc from pipes and valves in the hatchery. In spite of these hazards and the Damocles' sword ever present in fish culture operations, in 1966 the Maligne River Hatchery produced more than one and one-half million trout of various species and sizes for plantings in the Mountain Park waters.

However, some mortality could not be explained by viral or bacterial infections and DDT contamination was suspected. Samples of eggs, alevins, and commercial dry feeds were analysed. All analyses were performed under contract by Dr. D. J. Ecobichon, Pharmacology Division, University of Guelph, using electron capture gas chromatography and the extraction procedure of Saschenbrecker and Ecobichon (1967).

TROUT EGGS AND ALEVINS

Trout eggs handled at the Maligne River Trout Hatchery come from various sources: (a) local collections from wild stocks originating from annual hatchery plantings; (b) local collections from domestic stocks held at the hatchery; (c) commercial suppliers located in the United States; and (d) provincial and federal fisheries agencies. Table 1 presents data on DDT and metabolite levels found in eggs and alevins of various species of trout.

In view of the preliminary and exploratory nature of this report, no attempt is being made to establish a relationship between the levels of each type of residue found in the various samples. However, in samples with levels of total DDT and residues below 200 ppb, residues of DDT and metabolites appear in the following order: the lowest levels are of *o,p'*-DDT, followed by DDD, *p,p,'*-DDT, and DDE. DDE was the major component, with about twice as much of it as of the other residues combined.

TABLE 1—DDT AND METABOLITES IN PARTS PER 10^9 (PPB) WET WEIGHT IN EGGS AND FRY OF VARIOUS SPECIES OF TROUT

Sample catalog	Description [1]	Concentration in parts per 10^9, ppb, wet weight					Losses [2] (percent)
		DDE	o,p'-DDT	DDD	p,p'-DDT	Total	
B-477	RT eggs, wild, Jasper	65	8	23	25	123	−15
B-479	RT eggs, commercial	57	19	28	44	148	−15
B-480	RT eggs, commercial	63	29	33	53	178	
B-726	RT eggs, commercial	79	(3)	(3)	(3)	79	
B-727	RT eggs, commercial	129	(3)	26	21	176	
B-728	RT eggs, commercial	46	(3)	11	7	64	
B-729	RT eggs, commercial	62	(3)	6	(4)	68	
B-730	Cutth. T. eggs, domestic	166	(4)	378	23	567	30
B-420	EBT domestic, fry	333	44	(3)	87	464	70
B-417	RT f.sp., yolk fry	1,022	54	294	52	1,422	90
B-418	RT f.sp., yolk fry	971	(4)	178	(4)	1,149	90
B-478	EBT fry, domestic	217	16	51	201	485	90

[1] Abbreviations: RT equals rainbow trout; f.sp. equals fall spawning; EBT equals eastern brook or speckled trout; Cutth T. equal cutthroat trout.

[2] Losses during the 2-month period following the swim-up stage.

[3] Indicates undetected, the limit of detection being 1 ppb.

[4] Indicates traces in the range of 1 to 5 ppb.

Eggs collected from wild rainbow trout in Lake Edith, Jasper National Park, where annual plantings are carried out, showed a total level of 123 ppb of DDT and metabolites. Losses during the 60 days following the swim-up stage were less than 15 per cent. Spring-spawning rainbow trout eggs from commercial sources contained levels ranging from 64 ppb to 178 ppb. Losses in alevins from these eggs were less than 15 per cent during the 60 days following the swim-up stage. Losses of this magnitude are considered normal for that stage. However, cutthroat trout fry resulting from eggs purchased from a commercial supplier showed a total concentration of 567 ppb of DDT and metabolites; losses were about 30 percent.

Eastern brook trout fry resulting from eggs extracted from a domestic brood stock held at the Jasper Hatchery had a mortality of 70 per cent. The total level of DDT and metabolites was 464 ppb.

Rainbow trout yolk-sac fry from an autumn-spawning strain obtained from a commercial supplier contained 996 ppb of DDT and 236 ppd of DDD for a total of 1,285 ppb of DDT and metabolites. Losses amounted to close to 90 per cent in the two-month period which followed the swim-up stage. Similar heavy losses were experienced with brook trout fry resulting from eggs obtained from a domestic brood stock held by a government agency. The concentration of total DDT and metabolites was 485 ppb, mostly DDE and *p,p′*-DDT.

The fish with high levels of mortality were not exposed to disease more than the others, but during the period of this study, mortality above 25 per cent seemed to be associated with comparatively high levels of DDT and its metabolites. Therefore, we conclude that insecticide residues were responsible for this high mortality. In their paper on chronic effects of DDT on cutthroat trout, Allison and coworkers (1964) stated that "there was a critical period shortly after hatching when mortality was noticeably higher in offspring of the high-dosage lots".

The relationship between mortality, level of DDT contamination of the eggs, and temperature of the water during yolk-sac absorption is under experimental study. Incubation and hatching during the winter and spring seasons at the Maligne River Trout Hatchery take place at a water temperature of 40° F. Brook trout fry and alevins which experienced a 90 per cent mortality at our Maligne River Trout Hatchey had less than 15 per cent mortality at the hatchery where the eggs came from. At that establishment, incubation of trout eggs is carried out at a water temperature ranging from 32° F. to 36° F.

COMMERCIAL TROUT DRY FEEDS

Fry are fed with commercial dry feeds after reaching the advanced swimup stage. Samples of dry feeds were analyzed. Results are presented in Table 2 but for obvious reasons, brand names and sources are not given. Analyses revealed the presence of DDT in all samples, with levels ranging from 2 ppb to 234 ppb. One sample also contained 17 ppb of dieldrin.

TABLE 2.—DDT AND METABOLITES IN PARTS PER 10^9 (ppb) WET WEIGHT IN MANUFACTURED DRY FEEDS FOR TROUT

Sample catalog number	Concentrations in parts per 10^9, ppb				
	DDE	o,p′-DDT	DDD	p,p′-DDT	Total
473-476	104	27	38	65	234
483-476	45	19	42	54	160
491-493	45	35	38	78	196
B-1348	71	(1)	33	46	150
B-1349 [2]	59	(1)	20	28	107
B-1351	75	(1)	67	54	196
B-1352	56	(1)	47	39	132
B-1456	44	(1)	96	74	214
B-407	2	(1)	(1)	2	4
B-408	2	(1)	(1)	2	4
B-490	16	(3)	(3)	(3)	16
B-723	19	(3)	26	9	54
B-724	33	50	67	238	388
B-1166	125	126	249	157	657
B-1456	44	(1)	96	74	214
B-146	60	(1)	67	24	151

[1] Indicates undetected, the limit of detection being 1 ppb.
[2] This feed also contained 17 ppb dieldrin.
[3] Indicates traces in the range of 1 to 5 ppb.

Presence of metabolites, from low to high levels, is as follows: *o,p′*-DDT, DDD, *p,p′*-DDT, and DDE. This same order was observed with the samples of rainbow trout eggs with low levels of DDT and metabolites. Some ingredients utilized in the manufacturing of dry feeds were analysed for DDT residues. Data obtained indicated that of all the ingredients examined, only brewers' yeast contained residues no higher than 5 ppb; soybean meal and fish meal contained less than 100 ppb.

CONCLUSION

Various levels of DDT and residues have been found in brook, rainbow, and cutthroat trout handled at the Maligne River Trout Hatchery in Jasper National Park. When levels of DDT and metabolites exceeded 400 ppb in eggs, mortality in the resulting fry ranged from 30 per cent to 90 per cent in the 60-day period following the swim-up stage. All commercial dry trout feeds analysed were found to contain chlorinated hydrocarbons. Of several ingredients used, only brewer's yeast was found to be almost free of contamination.

From operational observations, it would seem that DDT in manufactured trout food is detrimental to the growth of trout raised under hatchery conditions, when DDT and metabolites in the eggs and fry exceed certain levels.

REFERENCES

Anderson, R. B., and W. H. Everhart, 1966. Concentrations of DDT in landlocked Salmon (*Salmo salar*) at Sebago Lake, Maine. Trans. Amer. Fish. Soc. 95: 160–164.

Burdick, G. E., E. J. Harris, H. J. Dean, T. M. Walker, Jack Skea, and David Colby, 1964. The accumulation of DDT in Lake Trout and the effect on reproduction. Trans. Amer. Fish. Soc. 93: 127–136.

Mack, G. L. *et al*. The DDT content of some fishes and surface waters of New York State. N.Y. Fish and Game Journal, 11(2): 148–153.

Saschenbrecker, P. W., and D. J. Ecobichon, 1967. Extraction and gas chromatographic analysis of chlorinated insecticides from animal tissues, J. Agric. Food Chem. (in press).

Chlorinated Hydrocarbons and Eggshell Changes in Raptorial and Fish-Eating Birds

(Abstract. Catastrophic declines of three raptorial species in the United States have been accompanied by decreases in eggshell thickness that began in 1947, have amounted to 19 percent or more, and were identical to phenomena reported in Britain. In 1967, shell thickness in herring gull eggs from five states decreased with increases in chlorinated hydrocarbon residues.)

New perspectives on the role of chlorinated hydrocarbon insecticides in our environment have come into focus in recent years. Successive discoveries have demonstrated that these compounds are systematically concentrated in the upper trophic layers of animal pyramids (1). Raptorial bird populations have simultaneously suffered severe population crashes in the United States and Western Europe (2, 3, 4). These involve reproductive failures which, at least in Britain, are characterized by changes in calcium metabolism and by a decrease in eggshell thickness resulting in the parent birds' breaking and eating their own eggs (4, 5, 6). Such a derangement of calcium metabolism or mobilization perhaps could result from breakdown of steroids by hepatic microsomal enzymes induced by exposure to low dietary levels of chlorinated hydrocarbons (7).

We have examined the possibility that the eggshell changes reported in Britain (6) have also occurred in the United States and that the raptor population crashes in Europe and North America may have had a common physiological mechanism. The population changes are without parallel in the recent history of bird populations (8). They include the pending extirpation of the peregrine falcon (*Falco peregrinus*) in northwestern Europe, the complete extirpation of the nesting population of this species in the eastern half of the United States, and simultaneous declines among other bird- and fish-eating raptors on both sides of the Atlantic.

We examined 1729 blown eggs in 39 museum and private collections. Shells were weighed to the nearest hundredth of a gram. In 29 percent of these, we were able to insert a micrometer through the hole drilled by the collector at the girth of the shell and to take four measurements of thickness 7 mm from the edge of the blow hole; these were then averaged to the nearest 0.01 mm for each shell. Thickness in each case then represented the shell itself plus the dried egg membranes. Peregrine falcons, bald eagles (*Haliaeetus leucocephalus*), and ospreys (*Pandion haliaetus*) were selected as having one or more regionally declining populations; golden eagles (*Aquila chrysaeetos*), red-tailed hawks (*Buteo jamaicensis*), and great horned owls (*Bubo virginianus*) were selected as representative of reasonably stationary populations that may be slowly declining as their habitats are gradually destroyed by man, but for which widespread reproductive failures are currently unknown. In addition, 57 eggs of the herring gull (*Larus argentatus*) were collected from five colonies in 1967. The shells of these were dried at room temperature for 4 months before being measured, and residues of the entire egg contents were analyzed by the Wisconsin Alumni Research Foundation for chlorinated hydrocarbons but not for polychlorinated biphenyls. Analytical procedure followed that outlined by the U.S. Food and Drug Administration (*9*). Analyses were conducted on a gas chromatograph (Barber Coleman, model GC 5000, and Jarrell-Ash, model 28–700) with electron-capture detectors. The glass column (0.6 cm by 1.2 m) was packed with 5 percent DC 200 (12,500) on Cromport XXX. The column temperature was 210°C, and the nitrogen flow rate was 75 cm^3/min. Each portion of the ground and dried samples was extracted for 8 hours or more in a Soxhlet apparatus with a mixture of ether and petroleum ether (70:170). Portions of the extracts were further purified by putting them through a Florisil column.

In California, where the peregrine falcon population is in "a serious condition" (*10*), a change of 18.8 percent in shell weight occurred from 1947 to 1952. Ratcliffe (*6*) found a corresponding decrease of 18.9 percent in Britain. The change in California involved a decrease in shell thickness and had no precedent in the previous 57-year recorded history of the peregrine in that state (Fig. 1). In the eastern United States, where the nesting population of peregrines has now been wiped out (*3*), fragmentary data indicate that the same change took place (Table 1). Broken eggshells in a North American peregrine eyrie were observed for the first time in 1947 by J. A. Hagar 60 miles (6.9 km) from the Massachusetts eyrie cited in this table (*11*). They were next inferred in Quebec in 1948 when egg-eating was observed at the same site in 1949 (*12*), and were observed in Pennsylvania in 1949 and 1950 (*13*). Chlorinated hydrocarbon data for this now-extinct regional population are completely absent. For nine surviving adult peregrines in Canada's Northwest Territories in 1966, the data are reported to have averaged 369 parts per million (ppm) (fresh weight) in fat (*14*). For four adults in another migratory population in northern Alaska, values were even higher (*15*).

For the five other raptorial species we have studied, the data do not permit a precise delineation of the onset of the change in calcium metabolism or mobilization, but the decrease (Table 1) in shell weight (and hence thickness) has involved only declining populations and not stationary ones. Change in shell thickness occurs in poultry as a result of dietary deficiencies and age (*16, 17*). This phenomenon would probably

XUM

not occur simultaneously on two continents 1 year after the chlorinated hydrocarbon insecticides came into general usage. Other chemicals affect shell thickness in poultry (*17*), but the finding of high concentrations of chlorinated hydrocarbons in the eggs of wild populations of raptors and the time correlation of shell changes with the introduction of DDT [1,1,1-trichloro-2,2-bis (*p*-chlorophenyl) ethane] tend strongly to suggest that chlorinated hydrocarbons are the major contributing cause, although it is not unlikely that other chemicals could be contributory.

TABLE 1.—WEIGHTS OF RAPTOR EGGSHELLS IN MUSEUM AND PRIVATE COLLECTIONS

Region	Period	Number	Weight (g)		Population trend (or reproduction)
			Mean±S.E.[2]	Change (percent)	
Red-tailed hawk: California (23)[1]	1885–1937	386	6.32±0.032		
	1943–44	6	6.09±0.237	−3.6	Stationary.
	1953–67	8	6.49±0.214	+2.7	Do.
Golden eagle: California (23)	1889–1939	278	13.03±0.083		
	1940–46	28	12.70±0.161	−2.5	Do.
	1947–65	33	13.41±0.232	+2.9	Do.
Bald eagle (24a):					
Brevard County, Fla	1886–1939	56	12.15±0.127		
	1947–62	12	9.96±0.280	−18.0	Declining.
Osceola County, Fla	1901–44	25	12.32±0.240		
	1959–62	8	9.88±0.140	−19.8	Do.
Osprey (24b):					
Maryland-Virginia	1890–1938	152	7.05±0.054		
	1940–46	21	6.91±0.164	−2.0	Stationary.
	1955	3	6.85	−2.8	Do.
New Jersey	1880–1938	117	7.08±0.069		Do.
	1957	6	5.30±0.446	−25.1	Declining.
Peregrine (25):					
British Columbia	1915–37	29	4.24±0.061		
	1947–53	15	4.18±0.081	−1.4	Stationary.
California (23)	1895–1939	235	4.20±0.031		
	1940–46	49	4.07±0.038	−3.1	No data.
	1947–52	31	3.41±0.084	−18.8	Declining.
New Hampshire to New Jersey [3]	1888–1932	56	4.38±0.034		
Vermont	1946	3	4.30	−1.8	Stationary.
Massachusetts	1947	3	3.47	−20.8	Extirpated.
New Jersey	1950	3	3.24	−26.0	Do.
Great horned owl:					
California (23)	1886–1936	154	4.50±0.033		
	1948–50	12	4.62±0.119	+2.4	Stationary.

[1] Citations (23–25) refer to the data for the population trend.
[2] S.E., standard error of the mean.
[3] Including Vermont and Massachusetts.

In order to test the hypothesis that these recent changes of thickness in raptor eggshells were the result of differences in exposure to chlorinated hydrocarbons we analyzed 10 to 14 eggs taken in 1967 from each of five colonies of the herring gull (*Larus argentatus*). Mean shell weight and thickness in 55 eggs collected in the same five states prior to 1947 disclosed no geographic gradients or significant differences. The 1967 mean thicknesses for each colony were therefore compared to mean levels of residual DDE [1,1-dichloro-2,2-bis (*p*-chlorophenyl) ethylene] on a fresh-weight basis, with the result shown in Fig. 2, the *r* value being significant, with $P = .001$. The residues of polychlorinated biphenyls (*18*) have not been studied in these ecosystems, but DDE has been consistently high in the Lake Michigan birds, averaging (fresh weight) 1925 ppm (S.E. 274) in the fat of 12 healthy adults collected in 1963–64 (*19*).

Reproduction in these gull colonies was generally normal in 1967 except perhaps in Wisconsin. At the latter colony where an 11 percent mean decrease in shell thickness occurred, some egg breakage and shell flaking was evident in 1967, although not at the frequency seen in previous years. Excessive reproductive failure occurred at this site in 1964 when about 18 percent of eggs lost about one-third of the shell due to flaking, when clutch size decreased and embryonic mortality was high, and when DDE residues averaged 202 ppm (S.E. 34) in nine eggs (*20*). (If linear extrapolation of the 1967 values is carried out to 202 ppm, the shell thickness in 1964 could be estimated as having decreased by about 32 percent.) The effectiveness of DDE in the enzymatic metabolism of aminopyrine has been reported by Hart and Fouts (*21*), and our data suggest that this compound, because of its prevalence, has played a major role in inducing the hepatic microsomal metabolism of steroids that in turn resulted in the eggshell changes we have encountered in museum collections. Without doubt DDE is the commonest insecticide or insecticide analog now being found in avian tissues (*22*). In 1966, it was found to average 284 ppm (S.E. 62) in the fat of nine arctic-breeding peregrine falcons (*14*) and about 414 ppm in four others on a wet-weight basis (*15*). Concentrations of this compound and other chlorinated hydrocarbons in the peregrine populations that crashed farther south can be assumed to have been as high—and they may have been much higher.

From the above evidence and that accumulated by others (*2, 4, 6, 8*), we have reached these conclusions: (i) many of the recent and spectacular raptor population crashes in both the United States and Western Europe have had a common physiological basis; (ii) eggshell breakage has been widespread but largely overlooked in North America; (iii) significant decreases in shell thickness and weight are characteristic of the unprecedented reproductive failures of raptor populations in certain parts of the United States; (iv) the onset of the calcium change 1 year after the introduction of chlorinated hydrocarbons into general usage was not a random circumstance; and (v) these persisting compounds are having a serious insidious effect on certain species of birds at the tops of contaminated ecosystems.

JOSEPH J. HICKEY,
DANIEL W. ANDERSON,
Department of Wildlife Ecology, University of Wisconsin, Madison.

REFERENCES AND NOTES

1. E. G. Hunt and A. I. Bischoff, *Calif. Fish Game* 46, 91 (1960); review in R. L. Rudd, *Pesticides and the Living Landscape* (Univ. of Wisconsin Press, Madison, 1964), pp. 248–264.

2. C. Demandt, *Ornithol. Mitt.* 7, 5 (1955); P. Linkola, *Suomen Luonto* 18, 3, 34 (1959); P. Linkola, *ibid.* 19, 20 (1960); P. Linkola, *ibid.* 23, 5 (1964); K. Kleinstäuber, *Falke* 10, 80 (1963); C. Kruyfhooft, in *Working Conference on Birds of Prey and Owls* (International Council Bird Protection, London, 1964), p. 70; J. F. Terrasse, *ibid.*, p. 73.

3. D. D. Berger, C. R. Sindelar, Jr., K. E. Gamble, in *Peregrine Falcon Populations: Their Biology and Decline*, J. J. Hickey, Ed. (Univ. of Wisconsin Press, Madison, 1968), p. 165.

4. D. A. Ratcliffe, *Bird Study* 10, 56 (1963).

5. ———, *Brit. Birds* 51, 23 (1958).

6. ———, *Nature* 215, 208 (1967).

7. D. B. Peakall, *ibid.* 216, 505 (1967); L. G. Hart, R. W. Shulties, J. R. Fouts, *Toxicol. Appl. Pharmacol.* 5, 371 (1963); A. H. Conney, *Pharmacol. Rev.* 19, 317 (1967); D. Kupfer, *Residue Rev.* 19, 11 (1967).

8. J. J. Hickey, Ed., *Peregrine Falcon Populations: Their Biology and Decline* (Univ. of Wisconsin Press, Madison, 1968).

9. U.S. Food and Drug Administration, *Pesticide Analytical Manual*, vol. 1 [U.S. Dept. of Health, Education, and Welfare, FDA Adm. Publ. (1963, revised 1964 and 1965)].

10. B. Glading, in Hickey (*8*), p. 96.

11. J. A. Hagar, in Hickey (*8*), p. 123.

12. G. H. Hall, *Brit. Birds* 51, 402 (1958).

13. J. N. Rice, in Hickey (*8*), p. 155.

14. J. H. Enderson and D. D. Berger, *Condor* 70, 149 (1968).

15. T. J. Cade, C. M. White, J. R. Haugh, *ibid.*, p. 170.

16. A. L. Romanoff and A. J. Romanoff, *The Avian Egg* (Wiley, New York, 1949), pp. 154–157.

17. T. G. Taylor and D. A. Stringer, in *Avian Physiology*, P. D. Sturkie, Ed. (Cornell Univ. Press, Ithaca, N.Y., ed. 2, 1965), p. 486.

18. D. C. Holmes, J. H. Simmons, J. O'G. Tatton, *Nature* 216, 227 (1967).

19. J. J. Hickey, J. A. Keith, F. B. Coon, *J. Appl. Ecol.* 3 (suppl.), 141 (1966).

20. J. A. Keith, *J. Appl. Ecol.* 3 (suppl.), 57 (1966).

21. L. G. Hart and J. R. Fouts, *Arch Exp. Pathol. Pharmakol* 249, 486 (1965).

22. E. H. Dustman and L. F. Stickel, *Amer. Soc. Agron, Spec. Publ.* 8, 109 (1966).

23. J. B. Dixon, B. Glading, W. C. Hanna, E. N. Harrison, S. B. Peyton, personal communication.

24a. A. Sprunt, IV, personal communication.

24b. W. A. Stickel in Hickey (*8*), p. 337.

25. Except for the California data (23) the data on population trends are given in (8) by F. L. Beebe for British Columbia; by W. R. Spofford for Vermont; by J. A. Hagar for Massachusetts; and by D. D. Berger *et al.* for New Jersey.

26. Research carried out under contract with the Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, U.S. Dept. of Interior. W. H. Drury, J. T. Emlen and M. E. Slate provided gull eggs for analysis. E. N. Harrison, W. C. Hanna, and many other oologists greatly facilitated our measurements of eggshells. We thank D. A. Ratcliffe for advice throughout the entire study.

16 July 1968

Mr. PROXMIRE. Mr. President, I have an amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Wisconsin proposes an amendment, on page 73, line 24, insert the following new section:

SEC. 109. Section 1705(h) of Public Law 90–448 is amended by striking the word "or" where it appears before the word "domitory" and by inserting after the word "domitory" the following: ", water, or sewer".

Mr. PROXMIRE. Mr. President, the Water Quality Improvement Act of 1969 which the Senate is considering today is mainly concerned with the control of pollution whether by oil, sewage flow, acid mine drainage, or related pollutants into our rivers and harbors. This bill would authorize appropriations to alleviate polluted conditions and to provide for better coordination between Federal, State, and local water pollution control programs. I congratulate the distinguished Senator from Maine for the excellent leadership he has shown on environmental policy. His work on the Water Quality Improvement Act is but one example of his continuing efforts over the years to combat air and water pollution.

I understand that the Public Works Committee will later consider legislation on the very important subject of providing additional financing to State and local governments for the construction of needed water and sewer facilities. In 1968, State and local governments borrowed nearly $3 billion to provide capital for financing water, sewer, and conservation programs. The Water Quality Improvement Act of 1968 was passed by the Senate, but was not enacted into law because time ran out in the 90th Congress before differences in the House and Senate versions could be resolved. This 1968 act would have enabled State and local government units to raise between $6 and $7 billion in capital by means of municipal bond issues in order to pay for needed construction.

The amendment I offer today would afford to the State and local government units access to the capital market now enjoyed by State and local governments when they issue bonds for housing, university, and dormitory purposes. Having access to a competitive capital market will enable the State and local governments throughout the country to borrow money for water and sewer construction at the lowest possible cost. It is my belief that in view of the astronomically high interest rates which are now being paid, it is more imperative that new water and sewer construction be paid for by raising capital under the most advantageous conditions. Furthermore, as I mentioned earlier, the fact that the Public Works Committee has not yet considered legislation relating to financial assistance by the Federal Government for the raising of such capital is an additional reason why it is important at this time that every advantage of a competitive market be given for State and local borrowing for water and sewer needs.

Mr. President, the Committee on Banking and Currency has considered this amendment in some detail and hearings have been held on it. The Senator from Maine (Mr. MUSKIE) is familiar with the action taken, as he serves as a member on that committee. It has also been discussed on the floor before, and I would hope, as it is discussed now with the distinguished Senator from Maine, that he will be able to accept the amendment.

Mr. MUSKIE. Mr. President, I support the adoption of the amendment offered by my distinguished colleague from Wisconsin. The Subcommittee on Air and Water Pollution has given considerable thought and study as to how capital is to be available to our hard-pressed States and cities for the construction of waste treatment facilities. I believe that every Member of Congress is aware of the acute need in every State and community for such facilities. Many different financing proposals have been considered by the subcommittee and by the full Public Works Committee. The Clean Water Restoration Act of 1966 authorized $3.5 billion for substantial Federal grants for this purpose. However, appropriations have fallen far short of the authorized amounts. This situation will be partially rectified this year if the Congress appropriates the amounts included by the House Appropriations Committee in the Public Works appropriations bill.

In the meantime, State and local government units have continued to raise the capital for both their share and the Federal share of a project cost by the issuance of bonds. They will continue to raise needed State and local capital by this method in the future. The amendment now under consideration would enable the public issuers to have access to the same capital markets now available for Federal financing thereby insuring that they may borrow in a competitive market at the lowest cost.

Mr. President, for many reasons the amendment is thoroughly consistent with the objectives of the committee, struggling against budgetary restrictions over the past 3 or 4 years, to find alternative ways to make it possible for States and communities to find the capital to build these facilities.

I compliment the Senator for offering his proposal. It has been heard by committees. It is demonstrably sound on the basis of the hearings held, and I am delighted to take the amendment into the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 33 minutes p.m.), the Senate took a recess until tomorrow, Wednesday, October 8, 1969, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 7, 1969:

U.S. CIRCUIT JUDGE

Charles Clark, of Mississippi, to be U.S. circuit judge, fifth circuit vice Claude F. Clayton, deceased.

U.S. ATTORNEY

Paul C. Camilletti, of West Virginia, to be U.S. attorney for the northern district of West Virginia for the term of 4 years vice John H. Kamlowsky, resigned.

U.S. MARSHAL

Robert D. Olson, Sr., of Alaska, to be U.S. marshal for the district of Alaska for the term of 4 years vice George A. Bayer.

Leon T. Campbell, of Tennessee, to be U.S. marshal for the middle district of Tennessee for the term of 4 years vice Elmer W. Disspayne, retired.

Benjamin F. Westervelt, of New York, to be U.S. marshal for the eastern district of New York for the term of 4 years vice George J. Ward.

ASSISTANT COMMISSIONER OF PATENTS

John Henry Schneider, of Virginia, to be an Assistant Commissioner of Patents, vice Gerald D. O'Brien, resigned.

EXTENSIONS OF REMARKS

YOU CANNOT VOTE

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. SCOTT. Mr. Speaker, Virginia is one of two States holding statewide elections this year, and I do not think enough could be said about the importance of the individual vote. Not only is Virginia reaching a crucial period in its political history, but the entire Nation needs for all of its citizens to exercise their right to vote. A very fine editorial appeared on October 2, 1969, in the Globe newspapers which circulate in my district which I would like to share with my colleagues:

YOU CAN'T VOTE!

Those are fighting—and frightening—words. Or they should be, especially in Virginia and especially this year of 1969.

Yet, sometime within the next few weeks, those same words will be told to thousands of men and women who live here in Northern Virginia. They won't be able to vote because they didn't bother to qualify, didn't take the time to register.

No matter how strongly you may feel about the forthcoming elections, no matter what your opinion is about the various candidates at the state and local level, it won't make any difference at all unless you are registered and thereby a qualified voter.

But the opportunity to do something about your government, about the leadership of that government, still exists for all Virginians. It's not too late. There is still time to qualify, still time to take an active interest in the affairs of this state of your community.

Which is just another way of saying, if you are realistic and honest, there's still time to take an active part in your own life. The very existence of each citizen is continually and consistently affected by government at every level. Taxes are merely the most obvious, the most familiar and perhaps the most annoying. The highways upon which you drive, the schools your children attend, the house in which you live, the very food you eat—all are touched in some way by the process of government in Richmond.

You can affect that government by the votes you cast in November. When you choose the next Governor, when you cast your ballot for the next Lieutenant-Governor, for the new Attorney General, you are affecting your life and the lives of your family. When you make your choice for the members of the House of Delegates to represent you in the General Assembly, you are making a choice for the kind of immediate world you want to live in.

Don't lose the right to make this choice. Don't cheat yourself of the opportunity to make your opinions known, your voice heard. Don't throw away your right to vote.

The deadline for keeping this powerful right, this precious responsibility, is October the fourth. That's the last day to register, the final date to qualify yourself for voting in November.

Whether you are a Democrat, a Republican, an Independent, be sure to register by this Saturday. Don't let anyone say, "You Can't Vote!"

THE UNITED STATES—A MARITIME NATION

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, October 7, 1969

Mr. SCOTT. Mr. President, I invite the attention of the Senate to an address given by Edwin M. Hood, president of the Shipbuilders Council of America. Speaking before the annual dinner of the Port of Philadelphia Maritime Society, Mr. Hood stressed the firm confidence held by the maritime industry in President Nixon.

The United States is a maritime nation and I stand with the maritime industry in its support of the President's goal of restoring the United States to a first-class maritime power.

I commend Mr. Hood's remarks to the Senate and ask unanimous consent that they be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE UNITED STATES—A MARITIME NATION

(By Edwin M. Hood)

Many months ago, I accepted Wills Brodhead's invitation to speak at your Annual Dinner with a certain amount of hesitation. I anticipated that it would be difficult to select an appropriate subject for a gathering such as this, representing a significant cross-section of the American maritime community and knowledgeable of the true facts affecting the American merchant marine.

You know perhaps better than I and better than most people that the American merchant marine is in "bad shape." The new Maritime Administrator used exactly that term only last week while appearing before a Committee of the Congress at the Nation's Capital.

You know that only 5 percent of U.S. international trade and commerce—by volume—is carried in American bottoms.

You know of the relationship of shipping to the national security and the balance of international payments.

You know of the high factor of obsolescence which continues to mount in the American-flag shipping fleet.

You know that levels of ship replacements have failed to stem the never-ending creep of obsolescence.

And, you know that the inadequacy of the shipping capability presently registered under the American-flag to move the materials of defense and the substance of trade and commerce can be quickly demonstrated.

It is also not new to you that these conditions result from a variety of factors:

The absence of a suitable national commitment;

The absence of sufficient national priority;

The absence of a firm national policy;

The absence of clear national objectives, and

The absence of effective national leadership and funding.

One might reason, with logic and history on his side, that these voids would have been obviated by the demands of the conflict in Southeast Asia and the many obligations of the United States around the world. But, as you know, the opposite has very much been the case, again for a variety of reasons mostly centering on fiscal and political considerations.

With all of what I have just said as background, it is interesting to note that both major political parties, in the platforms adopted at their national conventions last summer, took a strong stance favoring the elevation of maritime problems on the scale of national priorities.

The Democrats said: "To assume our proper place as a leading maritime nation, we must launch an aggressive and balanced program to replace and augment our obsolete merchant ships with modern vessels built in American shipyards."

The Republicans said: "For reasons of security, as well as economics, the decline of our merchant marine must be reversed. We therefore pledge a vigorous and realistic ship replacement program to meet the changing pattern of our foreign commerce . . ."

The platform of the American Independent Party even took note of the evidence that "our merchant marine fleet has dwindled," and registered its support of "all steps necessary to return our Merchant Marine fleet to its rightful place among the maritime nations of the world."

These pronouncements, remarkable for their consistency, reflect a cross-section of contemporary political thinking and public opinion, but the *Dictionary of American Politics* suggests that political platforms "are regarded as of less importance than candidates' campaign statements." It was therefore with more than passing interest that Candidate Nixon's "position paper," outlining his views on sea power, merchant marine and shipbuilding matters, released on September 25, 1968, in Seattle, Washington, was greeted by the maritime community and the American public.

Mr. Nixon pledged, if elected, his efforts toward the prompt restoration of the United States as a first-rate maritime power. He promised support for a domestic shipbuilding program to produce a fleet of American-flag merchant ships capable of carrying 30 percent of the nation's trade and commerce instead of the present 5 percent.

During the 1968 campaign, Candidate Humphrey was less specific though he promised an "imaginative and innovative" merchant marine program, if elected. At the close of his term of office as Vice President, however, Mr. Humphrey conceded: "We have starved our maritime service—our merchant marine—at a very dangerous time in world history."

Tangible evidence of the cult of starvation can be found in the level of funds—$15.9 million—requested for merchant ship construction in the Fiscal 1970 Budget presented to the Congress by President Johnson on January 15, 1969. In only one year since 1950 has a lower amount been appropriated for shipbuilding under the auspices of the Federal Government. Taking into account the availability of so-called "carry-over" funds from previous years plus $15.9 million in new funds, the Maritime Administration will only be able to enter into commitments for 10 ships in the coming fiscal year.

With this prospect and the record of the past eight years, one is reminded of a passage from a humorous poem which goes like this:

> Little by little we subtract
> Faith and fallacy from fact
> The illusory from the true
> And starve upon the residue

So it is, it would seem the American merchant marine will "starve" on the "residue" of inadequacy for another year. Meanwhile, American shipowners have evidenced a desire to place contracts of upwards of 75 ships with American shipyards in the next year if the Federal Government were willing to support a program of that magnitude.

The gap between an annual shipbuilding effort of 10 and 75 is of course great and will not be bridged in a single year. All of the mistakes and omissions of the past decade could not possibly be corrected in the span of twelve months. And, the cumulative consequences of inertia for more than a decade will never be rectified without annual expenditures greater than those anticipated for the coming fiscal year.

In terms of U.S. maritime affairs, an era of unfilled promises is hopefully coming to an end. In 1964, President Johnson promised "a new policy for our merchant marine," but he left office, four years later, without fulfilling that pledge. There were many "trial balloons." There was much pontificating. But, in point of fact, no positive actions were taken, and the American merchant marine deteriorated more in that time.

Hopefully, a new era of resolute purpose is about to begin. The epoch is near. There is a disposition to excuse the expediencies of the past on the grounds that the high costs of our military entanglement in Vietnam necessarily had precedence. Now, there is increasing realization that the point of further expediency has long since passed and that further procrastination in the reconstruction of the nation's sealift capabilities could be suicidal. There is recognition that further delay could be costly not only from the standpoint of monetary outlay but from the standpoint of national well-being.

President Nixon has set forth his objectives for maritime redevelopment in a manner far more comprehensive and far more specific than have any other occupants of The White House. He has indicated an intention to give the merchant marine high priority attention and evidenced a willingness to sponsor a national commitment to accomplish the goals he has defined.

Throughout history, unusual circumstances have often frustrated good intentions, but more frequently lofty aspirations, associated with pressing needs, have been fruitful. If our new President can produce the ships which the merchant marine so urgently needs, he will have succeeded in an area where his immediate predecessors have been eminently unsuccessful. Though there is much optimism favoring full achievement, even partial accomplishment will result in a greater shipbuilding effort than has been the case during the past eight years. A program to do this, it is said, will be presented by the Nixon Administration within the next 60 to 90 days.

These are the seeds of change—as Tennyson once wrote: "The old order changeth, yielding place to the new."

There are other signs of change.

Under the aegis of American ingenuity and inventiveness, a quantum jump in shipping technology and the art of shipbuilding has been experienced in recent years. The United States has pioneered the development and construction of containerships and other sophisticated types of cargo vessels. And, American shipyards have moved, once again, to the forefront in the advancement of new concepts and techniques for ship construction.

There has been a substantial movement toward a new spirit of unity within the maritime community. Ship operators are consolidating their interests; subsidized and unsubsidized operators are attempting to minimize any differences that separate them; shipbuilders and shipowners are endeavoring to improve the total ship procurement environment; and labor and management leaders are seeking to develop a mutual approach to the solutions of merchant marine problems.

It would be unrealistic to expect absolute unity for unanimity on complex issues can be an illusive thing. The American people were not united when they went to the polls last November, and it will be a majority or a plurality, not unanimity, that will determine the outcome of the next election. That is the democratic way, that is how it always will be in a republican form of government, and that is how it always will be in the maritime industry. Even so, among all segments of the industry, there is an unprecedented disposition to cooperate with the new Administration and to give President Nixon and his associates a reasonable period of time in which to develop a workable and effective program.

The same kind of attitude prevails on Capitol Hill. Fortunately, it is bi-partisan in nature. If anything, members of the Congress have been more outspoken than the Executive Agencies over recent years in their expressions of concern with respect to the qualitative and quantitative deficiencies of the American-flag merchant marine, Russia's incessant endeavors to achieve mastery of the oceans, and the inadequacy of levels of Federal appropriations for ship construction purposes.

Senator Warren G. Magnuson of Washington, Chairman of the Senate Committee on Commerce; Congressman L. Mendel Rivers of South Carolina, Chairman of the House Committee on Armed Services; Congressman Edward A. Garmatz of Maryland, Chairman of the House Committee on Merchant Marine and Fisheries; and Congressman Charles E. Bennett of Florida, Chairman of the House Special Subcommittee on Sea Power, are providing notable leadership, and they will continue to be influential in the shaping of legislation to carry out President Nixon's objectives.

From the Commonwealth of Pennsylvania, your distinguished Senior Senator, the Honorable Hugh Scott, a member of the Senate Committee on Commerce, and from the City of Philadelphia, the Honorable James A. Byrne, an influential member of the House Committee on Merchant Marine and Fisheries, are dedicated to assuring sufficiency and stability in the nation's commitment to merchant shipbuilding.

Sooner or later, this commitment must be made. It is inevitable that the actions required to restore the United States as a first-rate maritime power will be taken. The alternative would be to place the destiny of the American people in the hands of other nations, whose policies and directions may not necessarily or always be compatible with ours. In that event, our whole reason for existence as a free people will have been negated.

Action more later than sooner constitutes procrastination fraught with hazards and problems. The constant phenomenon of inflation adds to the cost of ships. Construction of ships in limited numbers provides few opportunities to take advantage of the economies that accompany production of larger numbers. And, a minimal or sporadic volume of shipbuilding work fails to utilize the available and potential shipyard capacity of the nation.

There are at this moment vacant shipbuilding ways in our shipyards. Nevertheless, in the logical expectation that a merchant shipbuilding effort, of larger dimensions than those of the last ten years, is inevitable in the national interest, every major shipyard in the country is now engaged on either a capacity expansion or upgrading program. Last year, two yards doubled their capacity. Two completely new yards will be in operation next year, and several other shipyard companies have plans to expand or modify existing facilities for the precise purpose of increasing output. There have also been reports of plans to reopen the Brooklyn, New York, Naval Shipyard as a facility for the contruction of commercial vessels.

The shipbuilding industry of the United States has invested more than $400 million in the last decade in new or improved facilities, and the plans, to which I refer, could involve a doubling of this expenditure should a major shipbuilding effort become a reality. Assurances of a continuing program would, of course, have the effect of accelerating the rate of investment. But, all signs point toward continued heavy capital expenditures well into the 1970's. These investments, actual and prospective, reflect a confidence and faith that this nation will, in the years immediately ahead, restructure shipbuilding programs to deal realistically with the block obsolescence that has overtaken the merchant fleet as well as the naval fleet.

These developments provide assurance that the U.S. shipbuilding can reasonably accommodate the demand for new ships for registry under the American-flag as it crystallizes. This opinion has been confirmed by independent surveys, and U.S. shipbuilders firmly believe they can handle additional contracts for 35 to 40 merchant ships annually, with existing facilities. Indeed, current expansion and projected modifications strengthen the conviction that this number would be a minimum.

Whatever the number, the shipyard industry of the United States stands ready to work with the Nixon Administration, the Congress, and the shipping lines in the formulation and fulfillment of a program to provide merchant ships on an orderly schedule, at optimum costs, to restore the United States to a position of primacy as a maritime power.

To this end, the level of funding must obviously be raised above that contemplated for Fiscal 1970 and maintained at an increased level if a national commitment is to be valid and if the potentials for cost economies in ship construction are to be realized. To this end, many hardened attitudes of the past must be changed.

While on the topic of changing attitudes, it should be mentioned that American shipbuilders and shipowners seek no monopoly for themselves or the American merchant marine. What they do seek is a national policy similar to that which applies with most other maritime powers—a policy, properly implemented, to encourage growth, sufficiency and stability in the national interest.

Surely, the world's leading trading nation—the United States—should carry more than 5 percent of its own international commerce in its own ships; with most other maritime countries, including the Soviet Union, the comparable figure is approximately 50 percent or more.

Surely, the most powerful nation in the world should build for American citizens more ships in its own shipyards than are built in foreign shipyards. Yet, in the past 20 years, some 1230 ships of 41.7 million deadweight tons have been constructed in the shipyards of other countries for U.S. companies and their affiliated interests. In the same time span, U.S. shipyards have built 388 ships totaling 7.3 million deadweight tons for American companies.

As U.S. trade and commerce expands, as surely it will, it will as always be shared with the fleets of other nations. But, the American merchant marine should carry more cargoes in ships produced by American shipyards. A target of 30 percent which President Nixon has already defined is eminently reasonable and logical in the national interest. There appears to be no disagreement on this point.

The challenge and opportunities of the new era encompass everyone in this audience, either directly or indirectly. They apply across the full spectrum of maritime activity. We, who represent the American merchant marine, should strengthen those things that unite us. We should look to the future with faith in each other and in the rightness of the importance of maritime strength and adequacy to national security and national well-being. For these are prerequisite to restoration of the United States as a first-rate maritime power.

THE HANDICAPPED BUT DETERMINED YOUNGSTERS OF ROOSEVELT SCHOOL OF BRIDGEPORT, CONN.

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. WEICKER. Mr. Speaker, I would like to share with my colleagues today a story about two groups of young people from Bridgeport, Conn.

In one group, the youngsters are handicapped and attend a special class at the Roosevelt School in Bridgeport.

The second group are the young men of Panta Delphion Fraternity at Sacred Heart University, Bridgeport.

Last spring the boys and girls in the special class and their teacher Mrs. Maureen Linderfelt decided to earn money to come to Washington as a class to see their Government in action and visit the historic sites that they had read about.

Skeptics felt that it would be impossible for the 16 youngsters to make such a trip.

Last week, the handicapped but determined youngsters came to their Nation's Capital and toured the many historic shrines of our Government in their wheelchairs and on crutches.

To earn the money to pay for their trip, the youngsters of the special class at Roosevelt School all pitched in on many projects such as selling festival programs, a cake sale and a car wash. Each of the boys and girls was expected to help to the best of their ability. The youngsters even washed cars from their wheelcars to earn money to visit our Capital.

In their efforts the youngsters were aided by several groups including the Bridgeport Rehabilitation Center, the Bridgeport East Side Civic Club, the Barnum Festival Committee, and the East Side Lions Club. But, special help was provided by the Panta Delphion Fraternity of Sacred Heart University who made the class trip of the handicapped children from Roosevelt School its 1969 civic project.

The young men in the fraternity gave their time and energy. They came to Washington with the youngsters and helped the handicapped children with compassion and brotherly love.

The will and determination of the young people in this special class at Roosevelt School should be an inspiration to us all. When the going gets a little tough and things look impossible, remember these boys and girls who washed cars from their wheelchairs to come to see their Government in Washington although some said the trip was impossible.

And let us not be hasty in our judgment of the Nation's youth when we read of the actions of the radical minority. For I believe that there are many more concerned young people such as the men of Panta Delphion who are concerned about their fellow man, than there are ostentatious radicals who pay lipservice to concern while engaging in destruction.

JOHN A. DURKIN, NEW HEAD OF STATE OF NEW HAMPSHIRE INSURANCE DEPARTMENT

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Tuesday, October 7, 1969

Mr. COTTON. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an article entitled "Durkin of New Hampshire" and published in the Journal of American Insurance for September–October 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DURKIN OF NEW HAMPSHIRE

New Hampshire blends the best of several worlds; the historic and modern, the scenic and the industrial.

The names of its famous capital city, Concord, and its best-known son, Daniel Webster, ring stirring historical notes. Yet its current role is that of the fastest-growing state in the Northeast.

New Hampshire is one of the great playgrounds of the nation, with its wooded White Mountains, clear blue lakes and beautiful river valleys. But on the basis of the percentage of its people employed in manufacturing, it is the second most industrialized state in the nation.

Skiers best remember the White Mountains. This region is also an attraction to hunters and, in the summer, to hikers and to motorists seeking scenic drives. Fishing, boating and swimming are attractions in the region of lakes south of the mountains, and along the seashore.

New Hampshire was settled only three years after the Pilgrims landed at Plymouth and was one of the first states to declare its independence from Great Britain. Its state seal still features a naval frigate, a reminder of early New Hampshire's militancy, as well as its orientation toward sea and sail.

Farming, especially in the fertile bottomlands of the Connecticut and Merrimack rivers, is also a traditional economic activity. And the state has long been known for its granite, to be found in many buildings throughout the East.

But in recent years, New Hampshire's farms, forests, mines and fisheries have provided employment for only a small part of the state's workers. Manufacturing is the leading occupation both in number of workers and in income.

A leading industry in value of goods produced has been the making of leather and leather goods. The second most valuable industry has been textile manufacture, a leading pursuit since the installation of the first power loom at Manchester in 1819.

Current industrial growth is taking place chiefly in southern New Hampshire. The spread of industry outward from the Boston area has resulted in the location of many branch plants of national companies along the southern border.

Fastest-growing of New Hampshire's diversified industries today is the electrical products industry. Other industrial segments showing significant growth include machinery, primary metals, and printing and publishing.

Assuring the financial stability for these enterprises is New Hampshire's insurance industry. The latest available statistics show some 575 insurance companies licensed by the New Hampshire Insurance Department to do business in the state. Of these, 29 are domiciled in New Hampshire. In all, insurance companies write annual premiums in the area of $196 million.

The long, stable relationship of property insurance with the state is indicated by official records of fire insurance companies showing that the Sutton Mutual Insurance Company of Rochester was founded more than 100 years ago, in 1849.

Throughout the years, the insurance industry has made a substantial direct contribution to the state. Today, insurers pay approximately $3.1 million annually in premium taxes. Companies, brokers, agents and rating bureaus pay an additional $159,000 each year in fees.

The job of collecting these funds for the state and regulating the insurance industry in general is handled by the State of New Hampshire Department of Insurance, under the direction of Commissioner John A. Durkin. Prior to taking office July 1, 1968, Commissioner Durkin served the state as an assistant attorney general.

Commissioner Durkin was born March 29, 1936, in Brookfield, Massachusetts, and graduated in 1959 from Holy Cross College. He received his law degree from Georgetown University Law Center in Washington, D.C., in 1965. After graduation, Mr. Durkin served on the legal staff of, and as legislative assistant to, James J. Saxon, Federal Comptroller of the Currency.

Mr. Durkin is a member of the American, New Hampshire, and Massachusetts Bar Associations. With the National Association of Insurance Commissioners, he is presently serving on the Committee on Laws and Legislation, the Property, Casualty and Surety Committee, and the Federal Liaison Committee.

Mr. Durkin is married to the former Patricia R. Moses. They live with their two children in Manchester, New Hampshire. At nearby St. Mary College, Mr. Durkin serves as an instructor in commercial law.

STATEMENT BY JEFFREY ST. JOHN, AUTHOR, "COUNTDOWN TO CHAOS"

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. BROCK. Mr. Speaker, one of the most provocative analysis of the New Left movement and its implication is contained in a new volume on the bookstands called "Countdown to Chaos" by Jeffrey St. John. I commend this incisive look at one of our greatest problems today to the attention of my colleagues. I include the following remarks in the RECORD:

COUNTDOWN TO CHAOS

(By Jeffrey St. John)

"The Great Political Riot" in this city a year ago this week represented a new phase of a domestic revolutionary movement's attempt to polarize and paralyze with violence America's educational, social, political, and economic institutions.

Next month the legal system of America will come into the revolutionary gunsights of some of the same New Left radicals who helped disrupt last year's convention. For next month the major radical leaders involved in last year's disorders will stand trial: an event the New Left will use as a pretext for initiating fresh violence and disruption. It will be their intent to try to cast the legal system in the same light as the 1968 Democratic Convention corrupt, repressive, and in need of revolutionary overthrow.

As an example of what we can expect at next month's trials, we should consult the New Left protests over the trial of Black Panther leader Huey Newton in Oakland, California. The "Free Huey" campaign became a nationwide rallying point for New Left radicals and revolutionaries. Without question the threats of violence and incessant protests played a powerful role in the decision of the Oakland jury and judge—for they were intimidated to modify Newton's sentence.

New Left efforts did not "Free Huey" but the precedent was set for a minority to use threats of violence and disorder in order to force legal decisions in their favor. Last year at the convention a radical minority sought to use violence and disorders to make political decisions.

Not far from the Oakland courtroom where Newton was convicted, just five years ago this September, the so-called "student rebellion" at the University of California at Berkeley had burst into headlines. Berkeley set the precedent of using violent confrontations to bring about changes in the university—a technique that soon spread to other educational institutions across the country.

In the five years since Berkeley we have seen the emergence of a pattern out of the revolutionary past. Student protests began in the university and then fired violent protests in other areas of the society: be it in ghetto "Uprisings" at the Pentagon in October 1967, or Columbia University in the spring of 1968. The latter two events are described in my book, "Countdown to Chaos," as preludes to the disorders at the Democratic Convention.

"The Great Political Riot" of last year, in turn, proved to be the prelude to violent events at San Francisco State, Cornell, and Harvard, and other areas of the country in late 1968 and most of this year. It was the fulfillment of Rennie Davis's promise shortly after the '68 convention disorders that "we expect a lot of action at the universities, there will be Columbias all over the country."

Thus, in less than five years, we have seen how violence employed by a minority has disrupted our educational, municipal, and political system. And in the wake of the Chicago 1968 disorders, student-adult radicals injected themselves into labor disputes from coast to coast: for example, the grape boycotts and welfare protests, and many other areas of our social and economic life.

We have, therefore, seen violence move from our educational system to governmental, social, political, and economic institutions—all within a short five years. This pattern, as I said a moment ago, is much like earlier revolutionary movements in Europe in the late 19th and 20th centuries—revolution was preceded by an "uprising of the young." It began in the university and spread to the society as a whole. Currently, as in the past, the success of student-adult revolutionaries is due to official mistakes, incompetence, and cowardice.

Chicago 1968, like the violence of the entire 1960's was only possible because of the default of the established order. In "Countdown to Chaos" no one comes off as a hero; the howling success of the radicals who came to disrupt the convention succeeded beyond their wildest dreams because of the failure of Mayor Daley, the police, Senator Eugene McCarthy, certain members of the mass media, attorney Daniel Walker and others. Each contributed to the convention disorders or to the later misunderstandings because they lacked the deeper insight to understand that what we are faced with is *not* dissent, but the *calculated use of violence to ulti-*

mately bring down the social, political, and economic order. That certain innocents were involved in the Democratic Convention disorders only demonstrated that, like past revolutionary movements, the idealistic and morally concerned are often used as a revolutionary battering ram.

The violent events of last year here in Chicago and those of the entier "sick Sixties" make it mandatory that President Nixon act. He should ask for the establishment of a special Senate-House Committee to investigate the entire disruptive and violent decade of the 1960's. In the past, most governmental investigations have concentrated on only a particular aspect of this disruptive decade. But what is needed is an investigation that takes an "overview" look to determine whether the nation is beset by a revolutionary movement intent on destroying the social-political, and economic institutions as we know them today.

Chicago 1968 was but an important milestone in this attempt at the Second American Revolution. To ignore this fact further is to invite more Chicago and further peril to the liberties made possible by the only true revolution of the last 200 years: the American Revolution of 1776.

INFLATION AND THE SST

HON. WILLIAM PROXMIRE

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Tuesday, October 7, 1969

Mr. PROXMIRE. Mr. President, the Richmond Times-Dispatch of Friday, October 3, contains an excellent editorial on the proposal for a supersonic transport aircraft.

The editorial makes the point that this inflationary period is a poor time for such an expensive project, especially since other national needs are more urgent. The chief editorial writer of the Richmond, Va., Times-Dispatch is Overton Jones.

I ask unanimous consent that the editorial, entitled "Inflation and the SST," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

INFLATION AND THE SST

Congress has an opportunity to take a small but definite step against inflation. It can flatly reject President Nixon's request for $662 million for development of supersonic transport aircraft.

Virginia's U.S. Senator Harry F. Byrd Jr. has added his voice to those of others opposing this expensive boondoggle.

He told the Senate Wednesday:

Congress would be setting a poor example for the nation if it were to approve huge expenditures for the SST at a time when it is vital that the inflationary cycle be halted by getting federal spending under control.

Government expenditures for the supersonic transport (SST) are unjustified at this time for other reasons than the inflationary aspect. Here are some of them.

Supporters claim the plane wouldn't fly at faster-than-sound speed over populated areas, but once the plane is operational, who can doubt that there won't be great pressure to remove any such restriction. In fact, some supporters already are saying people will grow accustomed to the booms and won't mind them. The sonic boom from the 1,800 mph aircraft could wreak havoc on human beings, livestock and man-made structures. As the Louisville Courier-Journal puts it: "It is a strange kind of progress that discomfits, annoys or damages the property of hundreds of millions so that a few dozen can fly a little faster and a little higher, and probably be stacked up a little longer over airports that can't handle the planes we already have."

The total cost of developing the SST is estimated now at $1.5 billion (and estimates usually are low), with the taxpayers bearing 85 per cent of that bill. As Senator Byrd says: "Aviation manufacturers and the airline industry stand to profit from the SST. I believe that they can be asked to bear considerably more than 15 per cent of the financial burden."

If the money is to be spent, the $662 million could be used for far more worthwhile and productive purposes in the field of transportation: for improvement of airports so they could better handle present aircraft, for mass transit, for highway construction or for the merchant fleet. Or it could be used for certain health and education programs that are being curtailed due to lack of funds.

There is considerable doubt that the SSTs, so costly to build and fly, could be operated on a paying basis.

In announcing his decision to ask for SST funds—contrary to the recommendations of two study commissions, incidentally—Mr. Nixon said he wants the United States to continue leading the world in air transport. But France and England already have an SST in the air, so they're at least five years ahead of us, for whatever it may be worth to them. American prestige does not demand that we go ahead with an SST now, especially since no question of national security or vital national welfare in involved.

Senator Byrd appropriately sums it up:

"There may come a time for development of a supersonic transport. That time is not now."

ON LIBRARIES

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. SCOTT. Mr. Speaker, I would like to insert in the RECORD an editorial reprinted in the Loudoun Times-Mirror, a newspaper published in my congressional district. The editorial originally appearing in the Christian Science Monitor is a thoughtful discussion of the need for and changing role of libraries.

The editorial follows:

ON LIBRARIES

Among the best free things in life are libraries. At any given moment they offer experiences no less intense than TV and with every volume another channel, far more varied.

The public library today, of course, is amply used, even though it is not adequately praised or funded. Students crowd it after suppertime. Retired folks and notworking wives stop in during the day.

But the libraries in America's cities could do more to bring the enrichment of books and periodicals into the lives of the disadvantaged. A number of cities have been experimenting with traveling bookmobiles, storefront reading rooms, job information programs, to make the library more real and helpful to the underprivileged. And, the U.S. Office of Education has just launched a study of such programs to find out which ideas work. The findings should help all libraries improve their services.

This is a worthwhile project. Much is made of the dominance of TV among communications means today. And for immediate visual coverage of events it is a wonder. Yet the library need not take second place. As a repository of thoughts and adventures and knowledge, all of which can be brought alive by nothing more than taking a book in hand, it will hold its importance. Hence the library's attempts to stay abreast of the social patterns of the times is most encouraging.

NO TIME TO BAIL OUT

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. CHAMBERLAIN. Mr. Speaker, with all the justified concern about what is happening on the Nation's college campuses, I feel sure that a recent statement by a leading business executive on the question of continued financial support of our educational institutions will be of particular and widespread interest. The views of Mr. Robert Anderson, former vice president of Chrysler Corp. and presently vice president of North American Rockwell Corp., are contained in a guest editorial entitled "No Time To Bail Out," and appearing in the October issue of Ward's Auto World, and I commend it to the attention of my colleagues:

NO TIME TO BAIL OUT

Industry and commerce today depend as never before on the product of the colleges and universities.

That's why in 1950, corporate enterprise gave $43 million to institutions of higher learning. That's why last year it was $325 million—almost one-third of a billion dollars.

In addition, businessmen gave countless thousands of hours of executive talent to educational causes, some of it administrative, much of it for the hard, thankless job of raising funds for buildings, scholarships, faculty salaries, or payment of deficits.

Our first concern, of course, is a selfish one—to get good people into our companies. The need of business for better educated, more knowledgeable people is growing faster than the "production rate" of the colleges. We need such people in every part of our business, from engineering and personnel to accounting and research. We need them today in specialties that weren't even dreamed of twenty years ago; and we will need them tomorrow in specialties that we can now only dimly perceive.

But colleges have been seriously hurt by disturbances, by disruption of classes, by diversion of time and effort to negotiate student demands, and by the expense of repairing or replacing facilities.

That raises the question of just what is the role of business in the crisis of the colleges? What is the businessman to do in this new, strange and unexpected situation?

There are no easy answers to those two questions—or if there are, I don't know them. I *do* know, however, what we must *not* do.

We must not bail out. We must not wash our hands of this situation because we find it annoying, or unpleasant, or troublesome. Too much is at stake for us to permit ourselves that simple and self-defeating course.

It would be a natural thing to respond to outrageous student demands by reducing our personal, corporate or foundation gifts to the colleges. It would be quite a human reaction for a corporate executive on a college board of trustees just to walk away from a situation in which a band of militant radicals challenges his principles and his right to serve the college. A "confrontation" with self-righteous, arrogant adolescents is no fun. We have a hundred demands on our time and two hundred requests for money. We have our first job to do: to run a company, turn out a product, make a profit, and keep the stockholders satisfied. And so the impulse may be a strong one to say, "Who needs it?" and to walk away from responsibility.

And yet if we reduce our contributions of time and money—if we walk away from responsibility—we do so at the time when the colleges need us the most. The college administrator needs help and encouragement as never before. The chancellor is on the firing line. He, too, has his impulse to bail out—to retreat to the quiet academic life he thought he was getting into when he took the job. He is not helped by criticism that he is too weak, too soft, in a difficult situation. If we expect the college administrator to cope with the disruptions on his campus and to counter the onrush of the militant young, he at least deserves the support of the business community. Support, I might add, that is tactful, patient, and probably unobtrusive.

As a people, we should draw together to do the work that needs to be done and to realize the opportunities that lie ahead. As businessmen, we should continue to accept and act on our responsibility to the colleges and to the young people who will determine our national future.

BEST WISHES WALLACE R. BUNN

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. FULTON of Tennessee. Mr. Speaker, my congressional district of Metropolitan Nashville-Davidson County is losing one of its outstanding business and civic leaders, Mr. Wallace R. Bunn, vice president and general manager of South Central Bell Telephone Co.

His company has recognized his exceptional talents and abilities, and he has been named vice president for the company's regional operations in a five-State area with headquarters in Birmingham, Ala., and has also been elected to the company's board of directors and named to the executive committee.

For the past 4 years, Mr. Bunn has involved himself in every major project to improve his adopted community. As president of the Nashville Area Chamber of Commerce, he has lead our business community in its growth and progress. His civic activities are many and varied, and all benefited from his participation and initiative.

With the cooperation of Mr. Bunn and the Nashville Area Chamber of Commerce, and my office, a major statewide conference on comprehensive health planning was sponsored with the Tennessee Health Department. Largely through Mr. Bunn's genuine concern for the health and welfare of all of our citizens, this conference was a singular success.

On every occasion that I have called upon Mr. Bunn for advice, counsel, and assistance, he has unswervingly made himself available to work for the betterment of our community. He has proven a good friend, and objective adviser to me, personally, and a dedicated citizen to our community.

We are pleased over his advancement, but deeply regret that his new duties and responsibilities will deprive Nashville and Davidson County of his impressive talents to get things done.

Our community's regards for Mr. Bunn are stated in editorial comments in both the Nashville Tennessean and the Nashville Banner, and they are submitted at this time as part of my own personal esteem for this outstanding citizen:

[From the Nashville Banner, Sept. 30, 1969]

BEST WISHES, WALLACE R. BUNN

Personal and community esteem show in shared appreciation when a friend gets distinguished recognition; and in that spirit congratulations go to Wallace R. Bunn on the promotion yesterday announced by South Central Bell Telephone Co. Vice president and general manager of its operations in Tennessee, he has been named vice president of the firm's five-state territory.

Nashville's regret is that it takes him away. In his new capacity, effective Oct. 1, his headquarters will be in Birmingham.

His years here have been good for the city; in close association with its business and civic life; a leader whose tireless service has contributed much to the advancement of a truly Nashville-Plus. His tenure as president of the Nashville Area Chamber of Commerce has enhanced that program, with time given generously also to such other publicly-beneficial enterprises as the Middle Tennessee Council of the Boy Scouts of America, the YMCA, hospital and college interests, etc.—constructive in vision and accomplishment.

In the experience of this city, the telephone company's format of executive stature consistently has fitted responsibilities of community relationship. And Mr. Bunn has typified that, along with the professional standards requisite to successful operations of the industry he has directed.

He will be succeeded here by V. E. New, who has been vice president of personnel of Southern Bell in Atlanta. Nashville welcomes Mr. New.

Best wishes go to both men.

The heart-felt congratulations extended are tinged only with widely-shared regret that Mr. Bunn will be moving away. He will be missed.

[From the Nashville Tennessean, Oct. 2, 1969]

MR. BUNN WILL BE MISSED HERE

Mr. Wallace R. Bunn, Vice President and General Manager of South Central Bell Telephone Company, operations in Tennessee since 1965, has been named Vice President for the company's regional operations in a five-state area with headquarters in Birmingham.

Mr. Bunn's departure from Nashville will leave a void in the business and civic life of the community. As telephone officials usually do, he has taken an active part in many vital community projects.

He is the current President of the Nashville Area Chamber of Commerce, a post in which he has served with distinction. He is also a member of the Board of Trustees of the United Givers Fund, Director of the Middle Tennessee Boy Scout Council, the UMCA, and a director or member of a number of other civic organizations.

In addition to becoming Vice President of South Central Bell's regional operations, Mr. Bunn was also elected to the company's board of directors and named to the Executive Committee.

The people of Nashville congratulate Mr. Bunn on his business promotion but they will regret the loss of his services to the community.

LEGISLATION TO PROHIBIT THE SALE OR SHIPMENT FOR USE IN THE UNITED STATES OF DDT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. REID of New York. Mr. Speaker, I am today introducing legislation to amend the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 to prohibit the sale or shipment for use in the United States of the chemical compound known as DDT.

DDT is a persistent and pervasive pesticide, with at least four characteristics which make it a serious threat to the environment:

First. It does not stay where it is put, being borne away by air and water;

Second. It does not decompose rapidly;

Third. It does not dissolve in water readily; and

Fourth. It does dissolve in fatty tissue.

As living organisms take up DDT, they tend to concentrate it in their fatty tissue instead of excreting it. It induces enzyme activity which, in turn, causes compounds such as sex hormones to break down.

It has been discovered that many forms of wildlife, including the bald eagle, peregrine falcon, osprey, and brown pelican, have large quantities of DDT in their systems and in their eggs and are, in some areas, no longer capable of reproducing. DDT is known to be accumulating in man's tissues as well, although there is not yet proof that this accumulation is doing biological damage.

It would be deplorable to delay further the banning of the use of this chemical which poses such a threat to wildlife and man himself, especially since there are now available other pesticides which are both adequate and safe.

I therefore urge prompt action by the House and the other body on this measure.

IN THE INTEREST OF FAIR PLAY

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. BURKE of Florida. Mr. Speaker, we hear a good deal of talk lately about exercising fair play in the appointment of Federal judgeships, but fair play is a two-way street.

An interesting editorial has appeared in the Tampa Tribune concerning the nomination of Judge Clement F. Haynsworth as a Supreme Court Justice, which I would like to bring to the attention of my colleagues—in the interest of fair play:

HAYNSWORTH'S BIG SINS: SOUTHERN CONSERVATIVE

Pressure is on President Nixon to withdraw the nomination of Judge Clement F. Haynsworth to the Supreme Court.

On the facts thus far disclosed at the Senate Judiciary Committee hearings, there is no valid reason why Judge Haynsworth should not serve on the high court.

His real fault, in the eyes of his critics, is that he is a conservative Southerner.

The attackers, naturally, do not say this.

They point instead to "conflicts of interest" in which Judge Haynsworth was involved.

One concerned litigation between a labor union and a textile firm which did business with a Greenville, S.C., vending machine company in which Judge Haynsworth owned a one-seventh interest. Judge Haynsworth cast the deciding vote in favor of the textile firm. There was no evidence, however, that the vending machine company profited in any way from the decision.

The second case was one in which Judge Haynsworth, on the recommendation of his broker, had bought stock in the Brunswick Corporation while a foreclosure suit by the company against a bankrupt bowling alley was pending in his court. The suit involved a claim of about $100,000; the Brunswick company does a business of some $400 million a year, and the court decision could not conceivably have affected the value of the stock. Moreover, the three-judge panel had already agreed, unanimously, on the decision before the Haynsworth stock was purchased.

We think Judge Haynsworth would have been wise to disqualify himself in both cases, to avoid even the appearance of conflict. His failure to do so apparently was the result not of too little moral perception but of too many investments. During his 12 years on the Fourth Circuit Court of Appeals he bought and sold shares in a number of companies, and his current portfolio of securities is worth some $800,000. Shareholding was so routine that the matter of conflict in these cases evidently did not occur to him.

In view of the unethical conduct of resigned Justice Abe Fortas and Justice William O. Douglas it is well that the Senate committee explore fully the financial transactions of Judge Haynsworth. The Senate should have the complete picture of his business dealings; and if it found actual improprieties there, it would be justified in rejecting his nomination.

But if Judge Haynsworth is kept off the court, either by pressures upon the President or by Senate rejection, it will be his philosophy rather than his conduct which bars the door.

In his judicial service he has refused to adopt the theory that a presumption of right automatically follows labor unions and minorities into court. Nor has he shown a willingness to stretch the Constitution to cover social change which, however, desirable, should be achieved by legislation rather than by decree.

Accordingly, he has encountered the opposition of spokesmen for organized labor, civil rights groups and card-carrying liberals. As the New York Times, no Haynsworth admirer, conceded in a recent analysis of the controversy:

". . . The real reason why Judge Haynsworth is being opposed so earnestly is not that he is suspected of dishonesty but because there are doubts, as Senator Edward M. Kennedy put it, 'whether the candidate is a contemporary man of the times.'"

Man of the times?

Times and tides change but the principles of our constitutional systems are chiseled in granite. A Justice of the Supreme Court should have the wisdom and integrity to apply those principles, without first running to the window to see which way the crowd is going.

It is on Judge Haynsworth's qualifications to interpret the law fairly, not on his ability to follow political fashions, that the Senate's decision ought to be made.

END THE VIETNAM WAR

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. CONYERS. Mr. Speaker, as one who participated in the thoughtful discussions that led to the statements which follow, I am privileged to recommend to the attention of my colleagues what was said to President Nixon this summer concerning a way to bring the Vietnam war to a long overdue conclusion. It is no less valid now than it was then. As a matter of fact it is a matter of greater urgency than ever.

The statements follow:

NATIONAL COUNCIL OF THE
CHURCHES OF CHRIST,
New York, N.Y., June 30, 1969.

President RICHARD NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In pursuance of its long-standing, deep concern with the Vietnam war, the National Council of Churches convened on June 20–21 a meeting of highly qualified people to consider the present stage of the conflict. The results are embodied in the main text herewith transmitted, which the signatories, six of whom were prevented from participating personally in the meeting, hope will be helpful in your efforts to secure peace.

Since the composition of this letter, press reports have conveyed statements by representatives of the Hanoi Government which pose severe difficulties that the group I am certain would recognize. Congressman Morse and McCloskey wish me to report their view that the announcement of a date for troop withdrawal (point 3 of the letter) and the pursuit of the negotiations suggested (point 1 of the letter) present particularly difficult objectives in the light of these recent Hanoi statements. In regard to these statements, however, we all continue to be convinced of the necessity of a broadly representative interim body and subsequent government in South Vietnam, as suggested in the group letter.

Sincerely,

ARTHUR S. FLEMMING.

NATIONAL COUNCIL OF THE
CHURCHES OF CHRIST,
New York, N.Y., June 30, 1969.

President RICHARD NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As Americans who join you in the hope for an early and permanent peace in Vietnam, we support your decision to withdraw United States forces from Vietnam, beginning by the redeployment of 25,000 combat soldiers from the area this summer. We welcome the direction of the Vietnam policy of your Administration as indicated in your address to the nation on May 14 and your press conference on June 19, particularly your public commitment to accept any government in South Vietnam that results from the free choice of the South Vietnamese people, and not to perpetuate military bases in Vietnam or seek military ties with the future South Vietnamese government.

We believe, however, that additional steps are now required. The demands of the American public, the repression in South Vietnam, and the meager progress in Paris necessitate new initiatives to end, and not simply de-Americanize, the war. We therefore propose the following:

1. To press vigorously toward an early negotiated settlement of the Vietnam War by *simultaneously—*

(a) Replacing the strategy of maximum military pressure on the other side in South Vietnam by a policy of reducing the scale of fighting in every possible way, looking toward the prompt achievement of a standstill cease-fire, and

(b) Seeking agreement through the Paris negotiations on an interim body which will be broadly representative of all political, religious, social and ethnic groups in South Vietnam (and not merely the Government of the Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam), designed to lead to the creation of a government that gives full expression to the political will of the people of South Vietnam, this government to have, by prior agreement in Paris, the specific authority to:

(i) Require the withdrawal of external military forces from South Vietnam, and

(ii) Determine its future relationship with North Vietnam, and with other countries.

2. To make clear that the United States will not continue to support any regime in South Vietnam that is not broadly representative and does not extend normal political liberties to its people;

3. To make clear to the American people, as well as the Vietnamese, a specific date by which the United States will have completed the withdrawal from South Vietnam of all its military forces; and

4. To repeat again in clear terms the moral commitment of this country to help meet humanitarian needs in Vietnam, both North and South.

In our judgment, Mr. President, the interconnected actions we have outlined are now politically possible here at home, and essential in Vietnam to any "peace we can live with and be proud of." Believing that the United States now has a unique opportunity, we pledge our whole-hearted support for such an honest ending of this war.

Yours sincerely,

Arthur S. Flemming, President, National Council of Churches, New York, N.Y.

R. H. Edwin Espy, General Secretary, National Council of Churches.

Ernest A. Gross, Chairman, Department of International Affairs, National Council of Churches.

Morris B. Abram, President, Brandeis University, Waltham, Mass.

William B. Arthur, Editor, Look Magazine, New York.

Harold J. Berman, Professor, Harvard Law School, Cambridge, Mass.

Robert S. Bilheimer, National Council of Churches.

Robert S. Browne, Professor, Fairleigh Dickinson University, Teaneck, N.J.

John H. Burt, Bishop, Episcopal Diocese of Ohio, Cleveland, Ohio.

Jeffrey Cohelan, United States House of Representatives (California), Washington, D.C.

John Conyers, Jr., United States House of Representatives (Michigan), Washington, D.C.

Andrew Cordier, President, Columbia University, New York, N.Y.

Gerhard Elston, National Council of Churches.

Paul C. Empie, Lutheran Church in America.

George F. Harkins, Lutheran Church in America.

Tracey K. Jones, Jr., Chairman, Advisory Committee for Peace, National Council of Churches.

Mrs. Martin Luther King, Jr.

Paul N. McCloskey, Jr., United States House of Representatives (California), Washington, D.C.

Kenneth W. Morgan, Professor, Colgate University, Hamilton, N.Y.

Hans J. Morgenthau, Professor, University of Chicago, Chicago, Ill.

F. Bradford Morse, United States House of Representatives (Massachusetts), Washington, D.C.

Allan M. Parrent, National Council of Churches.

Edwin O. Reischauer, Professor, Harvard University, Cambridge, Mass.

Howard Schomer, National Council of Churches.

John Coventry Smith, Commission on Ecumenical Mission and Relations, United Presbyterian Church in the U.S.A.

John Sommer, Author, *Vietnam—The Unheard Voices,* New York.

David M. Stowe, United Church of Christ.

Joseph D. Tydings, United States Senate (Maryland), Washington, D.C.

ACT FOR CLEAN WATER NOW

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. PATTEN. Mr. Speaker, the House will consider the appropriation bill for Public Works for Water, Pollution Control, and Power Development and the Atomic Energy Commission this week. I believe that my State of New Jersey and also our great Nation must consider this legislation one of its major priority items of domestic legislation before this Congress. We must move to correct this problem now and stop putting this matter off to the future before the current crisis becomes much greater.

The Home News of New Brunswick, N.J., published an enlightening editorial on October 5, 1969, that I believe sets forth the call for action in regard to this important appropriation bill. The editorial follows:

ACT FOR CLEAN WATER NOW

Striking while the iron is hot is a maxim that has political as much as, if not more than, any other application.

In American politics, this would appear to be a vintage year for striking on some long-standing basic issues.

Currently we have the drive to abolish the Electoral College in favor of direct popular election of the president. With the near-disaster of the 1968 election still reasonably fresh in the public mind and the political climate therefore favorable as perhaps never before, the House has passed and President Nixon has now come out in favor of the proposed constitutional amendment. There is now just the faintest chance that the procedure for electing the American president may be rescued from the 18th century and brought into the 20th by 1972.

Earlier we had taxes, the rare spectacle of congressmen in numbers exercising themselves not, as usual, over raising more but over simplifying, even easing, the citizen's burden. With signals of an imminent taxpayers' revolt flashing all over the horizon, it was clear that the time for tax reform had clearly come. The final results aren't in yet, but both Congress and the administration have taken advantage of the mood of the moment to tackle the most far-reaching overhaul of the tax system in recent history.

In this grab bag of issues, there is yet another item, not as exciting perhaps but probably even more important in the long run, where, hopefully, Washington will show itself equally willing to follow where public opinion leads.

For a long time now pollution has rivaled the weather as a subject generating a great deal of talk but precious little action. We all know by now what we are doing to our environment, the dire predictions for the near future and how far we are falling short in taking the steps necessary to prevent them from coming to pass.

The public is clearly in favor of action. A recent Gallup Poll reported 85 per cent of the population concerned about water pollution and 73 per cent ready to spend money—i.e., taxes—to combat it. Washington also seemed to be in step with the passage of the Clean Water Act back in 1966, which was supposed to channel a steady flow of federal funds into state and local pollution-control programs.

Unfortunately, the flow has been more of a trickle. Actual fund appropriations have consistently fallen short of clean-water authorizations. In 1968, $450 million was authorized and $203 million finally appropriated. In 1969, it was $214 million appropriated against $700 million authorized. In this current budget, the administration has again asked for $214 million, where Congress authorized a round billion.

It is sorely needed. Without the promised federal funds, the cleanup program would eventually collapse despite efforts by local governments, which have passed bond issues to raise their share of needed funds, and even, increasingly, industry. And that, with the consequent accelerated deterioration of our water resources, is something we can much less afford.

A HEARTBREAK INSTEAD OF HONEYMOON

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. SNYDER. Mr. Speaker, no one will remember my words here but I know that all of us will remember the brave young men who have given their allegiance and their lives without protest to the defense of America and free men everywhere.

There may be questions of policy or skepticism over tactics but no one can doubt the valor of our fighting men.

Mr. Speaker, our sympathy and the sympathy of millions of Americans goes to the fiance, the parents, and the family of Thomas Jefferson Gabbard, who paid the ultimate sacrifice for his country in Vietnam. But we owe him more than sympathy. We owe him our highest debt of gratitude, for he died for all of us.

The October 4, 1969, article about his sacrifice, from the Kentucky Post, by Sigman Byrd, appears below:

A HEARTBREAK INSTEAD OF HONEYMOON

(By Sigman Byrd)

Plans for a November honeymoon dissolved in tears and heartbreak today as a Highland Heights family awaited the return of another slain serviceman.

Army Sgt. Thomas Jefferson Gabbard, 21, was killed on Sept. 28 in a combat operation in Quang Tri Province, Republic of Vietnam.

At their pretty frame house at 2519 S. Main Avenue, Highland Heights, the young hero's parents, brother and fiancee tried in vain to comfort each other.

The parents are Mr. and Mrs. Brown Gabbard. The father is a welder employed by Vulcan Manufacturing, Woodlawn, O. The couple has another son, Johnny, 17.

Sgt. Gabbard's fiancee, pretty Sharon Reusing, blond and blue-eyed, has been living in the Gabbard home for the past year, awaiting the return of her high-school sweetheart.

"Everything was arranged," she sobbed today. "He had only 17 or 18 more days in the field and about a year before coming home.

"I was going to meet him in Hawaii for the wedding and honeymoon."

Miss Reusing is an information operator for Cincinnati and Suburban Bell.

Said Sgt. Gabbard's mother:

"I've kept his car all clean and waiting for him; he loved the '57 Chevrolet. Now he'll never drive it again!"

And his father added:

"Tommy lived for just four things. To come home, marry Sharon, start a family of his own and study commercial art at Northern Kentucky State. He had a lot of talent."

"He was a wonderful artist," Sharon said. "Tommy used to drive to the Telephone building in Cincinnati and wait for me to get off work.

"And while he waited for me he'd draw sketches of me, from a photograph or from memory."

Mrs. Gabbard was bitter about the tragedy. "I suppose they'll want to take Johnny next and send him out there to get killed.

"Oh, it wouldn't be unbearable to give to a worthwhile cause. But my son died for nothing—just nothing."

"You should see all the dishes I bought," said Sharon. "I feel like breaking them now."

Tom Gabbard graduated from Campbell County High School in 1967. He and Sharon met at a Christmas party three years ago while she was a student at Our Lady of Providence.

He was employed by the Disabled American Veterans Headquarters at Cold Spring when he was called to the service in February 1968.

After training at Ft. Benning and Ft. McClellan, he was ordered to Vietnam on Armistice Day, Nov. 11, 1968, with Co. C, 11th Infantry, Fifth Division.

"He made sergeant fast," his father said proudly. "His job when he was killed was leading a squad of 10 infantrymen."

Sgt. Gabbard was born in Covington. He was 21 last Sept. 16.

In notes prepared for The Kentucky Post, Sharon Reusing wrote:

"He was MURDERED on Sept. 28, 1969." News of the young sergeant's death came to the Gabbard home last Tuesday.

Two days later Sharon got a letter from him. It concluded;

"I just hope I get home alive and well. Love forever."

Sharon says she'll never leave the Gabbard home. Her dead sweetheart's parents agreed. "We hope she'll stay with us always," said Mrs. Gabbard.

Funeral arrangements await the arrival of Sgt. Gabbard's body.

Burial will be in Owsley County, Ky., following services directed by Dobbling Funeral Home, Ft. Thomas.

IMMEDIATE NEED FOR EDUCATION FUNDS

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. DELLENBACK. Mr. Speaker, I join wholeheartedly in cosponsoring the resolution introduced today by Mr. COHELAN to provide funds immediately for the Office of Education at the levels appropriated in H.R. 13111.

Delayed funding of Federal education programs works almost as great a hardship on schools as underfunding does. As a result, school administrators are forced to estimate how much Federal money they will eventually receive. Because of the constant fluctuations of Federal education funding in recent years, such estimates must often be merely wild guesses; yet definite commitments must be made on the basis thereof.

The House has already indicated its readiness to support generous funding for Federal education programs by its overwhelming approval of H.R. 13111 on July 31. Now the House ought to demonstrate its readiness to get this money to the schools immediately, not months from now.

The delay in funding vocational education is especially pernicious. The 1969 funds now being used simply do not stretch to cover the additional authorizations provided for by the 1968 vocational education amendments. Instead of the progress which Congress intended to encourage in this important area, we may see actual decline in vocational programs.

The resolution introduced today reaffirms the intent of Congress in passing not only H.R. 13111, but also the vocational education amendments and every authorization which has pledged Federal assistance to education. I strongly believe that this resolution deserves the full support of every Member of this body.

THE SST DECISION

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. SHRIVER. Mr. Speaker, newspapers in all parts of the Nation have spoken out in favor of the President's decision to give the green light to development of a supersonic transport.

I call the attention of my colleagues to the accompanying sample of editorial comment:

[From the Kansas City Star, Sept. 24, 1969]

A GO-AHEAD FOR AVIATION PROGRESS IN NIXON'S SST DECISION

Too much was at stake for President Nixon to say "No" on proceeding with the supersonic transport (SST) project. So he has given the SST the green light after eight months of uncertainty and deliberation.

The next move will be up to Congress. That body can be expected to vote the 96 million dollars in new funds to round out another year of work on the program. For such a sum to be spent otherwise could scarcely make a dent in this country's large social and economic problems. So the contention of some critics that the United States cannot afford an entry in the international supersonic sweepstakes is not valid.

On the contrary, to scrap the American SST undertaking could be irreparably damaging. It would mean forfeiting the longtime international leadership of the United States in aircraft development and production. The loss of prestige would be enormous. And it would mean passing up the potential military advantages of being able to move troops across the ocean in three hours.

There is the further consideration of how inconsistent it would be to spend 24 billion dollars to fly to the moon and then balk at the ultimate 1.4 billion-dollar price tag of an SST that can have huge value as a superswift carrier of the public. Of course Americans will be able to travel on U.S. or foreign airlines flying either the British-French Concorde or Russia's Tupolev-144. The two foreign versions of the SST will be in service as much as half a dozen years before their American competitor. But they will have the disadvantages of less speed by several hundred miles an hour and being able to carry fewer than half as many passengers. America's SST is designed to convey 300 persons comfortably at a speed of 1,800 miles an hour.

Thus various airlines, both U.S. and foreign, prefer the forthcoming American aircraft as they look to the travel market of the late 1970s and the 1980s. This choice is backed up by reservation deposits on 122 of the as-yet unbuilt jet liners. Royalties on purchases will enable the U.S. government to recover its investment. Sales to foreign carriers can aid greatly toward relieving this country's chronic balance-of-payments headache.

Some problems in our SST effort remain to be solved. The foremost of these is the noise of the sonic boom. But America's aeronautical experts have overcome past difficulties more defiant than the jolting blast of faster-than-sound flight. Thus there can be little doubt that the most ambitious of the world's three supersonic designs will be flying on a test basis in late 1972 and over airline routes by 1978. With his affirmative decision on the SST's future, President Nixon has declared for continuing aviation progress by the United States.

[From the Plain Dealer, Sept. 24, 1969]

RIGHT APPROACH TO THE SST

President Nixon's request for congressional appropriation of $662 million spread over five years for development of the supersonic jet transport (SST) makes good sense.

Scaling the work on the two prototype planes to a slower pace fits the trend of the times against new high spending commitments. But either this is a national project or it isn't. Three presidents in a row now have said it is. We agree.

This 298-passenger craft is to overwhelm the half-size, slower-speed British-French and Russian competition.

The SST is highly important to the United States for more reasons than commercial air transportation. It's development should produce a vast technological "fallout" of value to industrial and military applications and in many other areas as well.

Airliners that can make New York-London in 3 hours or West Coast-Tokyo in 4½ hours are going to be built by someone, and the airlines will be forced by competition to buy them. If the United States failed to develop an SST, America could wind up a double loser. Its own airlines would be spending dollars overseas on foreign airplanes (increasing the balance of payments problem) and the domestic aircraft industry would be losing out on overseas sales.

And the Ohio economy would be a loser, too. The Boeing SST is to be powered by four General Electric engines made in Cincinnati.

Boeing believes it will sell 500 SSTs for about $40 million each. When enough planes are sold, the government is to get back all it advanced, with interest.

The Federal Aviation Administration acknowledges that once the high-risk development phase is over, it should be up to the companies to raise their own money. President Nixon concurs with Presidents Johnson and Kennedy that developing the SST demands a national effort. Each president faced sincere reports antagonistic to the SST effort. Each president overruled the objections. In 1963 President Kennedy first declared that the national interest required development of an American SST.

Although the United States is three to four years behind the British-French Concorde and the Russian TU144, backers of the Boeing SST say it will far outsell the others because it will carry 298 passengers, more than double the others' seating capacity, and will fly 1,800 miles an hour to their 1,400.

By spreading development over the five years President Nixon has pushed production back into the late 1970s. Such timing purposely gives the SST a lower priority on the government scale than solving mass transit problems, especially in the urban areas. This is logical.

The government's word that no supersonic flights will be allowed over populated areas should eliminate fears of a 50-mile-wide bang zone trailing sonic booms after each SST. The planes will have to slow down under the sound barrier. The sonic boom problem is a serious one and will remain so until a solution is found.

Yet Cleveland can find a great advantage in the decision not to allow supersonic flights over the continental United States. This should permit planning for a new airport to handle SSTs. With no sound barrier problem, SSTs could take off from this area for London and Tokyo just as easily as from New York or the West Coast. And far more easily for the convenience of passengers from all over the Middle West.

[From the Salt Lake Tribune, Sept. 24, 1969]

PROGRESS DICTATES SST

After what he described as a "spirited debate" within the administration, President Nixon has decided to gamble $662 million more on the Boeing supersonic transport plane (SST) despite a number of technological problems yet to be overcome.

In asking Congress for an additional $96 million this year to assure construction of two prototypes of the 1,800-miles-per-hour, delta wing superjet, Mr. Nixon has set the stage for what may become another anti-ballistic-missile-type national debate.

As in the missile battle, which went down to the wire and a one-vote victory in the Senate, the SST battle will be between experts evaluating identical data but coming up with opposite opinions. In such an atmosphere "facts" are hard to believe and the ultimate congressional decision will no doubt be made as much on personal emotion as on careful reasoning.

President Nixon seemed to have come down to that himself. He said he was recommending the go ahead on construction of prototypes because "I want the United States to lead the world in air transport." He said he was convinced that technical factors associated with the SST—mainly sonic booms and financing—can be overcome.

The government already has put about half a billion dollars into development of the SST. Test flights are not expected before 1972 and initial deliveries to the airlines is not scheduled before 1978. The British and French have jointly built a smaller and slower SST as have the Russians. The British-French plane, the Concorde, is expected to make its first supersonic test flight this week. The Russian plane, similar to the Concorde, is now undergoing test flights.

Arguments against going ahead with the SST are both convincing and difficult to refute. Development is expensive. Return on both government and private investment in the SST is doubtful at this stage. Sonic booms, in the present state of technology, are annoying and destructive. Time saved by the SST under today's airport-to-city bottlenecks, is less than spectacular. There are other urgent national needs that demand immediate attention. The plane could hurt U.S. balance of payments instead of help them.

All these and many more points against the SST constitute a powerful case that will be exploited to the full in congressional debate. But they run headon into mankind's unsuppressable urge to advance, to do things better, to go places faster, to grow. This urge has long found its most ambitious expression in the United States.

President Nixon seems to have based his decision on recognition of this will to advance. Surely he, too, realizes the possible drawbacks. But he must also have realized that if it is possible to build an 1,800-mph, 300-passenger plane, some one is going to build it. He wanted that "someone" to be the United States and we don't see how he could have decided otherwise.

[From the Seattle Post Intelligence, Sept. 26, 1969]

THE SST DECISION

A P-I View: President Nixon's decision to proceed with the development of the supersonic transport plane (SST) should greatly aid this nation in keeping the aviation leadership it has enjoyed over the past 60 years.

The Boeing Co. people got a tremendous

XUM

shot in the arm with President Nixon's announcement he would push forward with plans to develop two prototypes on the supersonic transport aircraft.

Although the proposal faces tough going in the Congress, particularly the House of Representatives, the President's action has done much to improve the sagging morale of Boeing officials and employees involved in the project. After a somewhat lengthy delay in waiting for Mr. Nixon's decision, his remarks were most encouraging.

We applaud the President's "difficult" decision in giving the go ahead for construction of the SST. At the same time we don't see how he could very well have failed to do so.

The SST—a monster able to carry 300 passengers at a speed of 1,800 miles an hour—admittedly is almost as controversial as the ABM antiballistic missile system. And for very good reasons.

Its practical economic value is unproven. Its potential sonic booms over residential areas could be intolerable. Many engineering and technological problems remain unsolved. Its immedaite development program promises to cost a tremendous amount of money—ultimately as much as $4.5 billion.

To many of the critics, it is the cost of the program which should rule it out at this time of urban crisis and the war in Vietnam. "They insist—and will insist in the coming congressional appropriation debate—that the SST does not merit its recommended priority treatment.

All these are pretty impressive reasons for continuing to stall on a plane which was first planned under the Kennedy administration. Yet the fact is that other nations are not stalling. Russia's supersonic airliner, the TU-144, and its British-French counterpart, the Concorde, already have been test flown for many hours.

To President Nixon, and to us, this fact overrides all others. As happened in the space race, it is imperative this nation catch up and recapture leadership in another of mankind's major thrusts into the future.

Technical problems, even sonic booms, can be solved if we really try. Money will be found for the war and for our social problems. What we must not lose, and certainly not by default, is the world pre-eminence we have earned by topping the competition in every really important challenge.

SAM WYLY APPOINTED CHAIRMAN OF MINORITY ENTERPRISE ADVISORY COUNCIL

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. PRICE of Texas. Mr. Speaker, I commend President Nixon in his appointment of Sam Wyly of Dallas, Tex., as Chairman of the Minority Enterprises Advisory Council. This appointment was a critical one because, the Minority Enterprise Advisory Council will play a vital role in coordinating the administration's program to provide self help for our Nation's minority groups.

The President made a judicious choice when he appointed Sam Wyly to this important post. Mr. Wyly comes to his new position with a wealth of successful business experience behind him. His experience will be of special benefit because throughout his career, Sam Wyly has not been afraid to initiate, to innovate, or to challenge. These qualities will stand him in good stead on the Council.

In addition to his commercial success, Mr. Wyly has long been an active participant in community affairs; and, in addition, has distinguished himself through various civic and philanthropic activities. As Council Chairman, his enlightened social consciousness will provide an invaluable perspective from which to encourage the development of minority enterprise.

Sam Wyly is a man of many talents. His is a credit to the business community and the State of Texas. I know his tenure as Chairman of the Minority Enterprise Advisory Council will be marked by distinguished and effective service.

IMPROVING THE FERTILIZER INDUSTRY

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. JONES of Alabama. Mr. Speaker, the fertilizer industry is a basic part of American agriculture, a segment of the economy which generally fails to receive the attention and appreciation it is due.

Mr. Edwin M. Wheeler, president of the National Plant Food Institute here in Washington, presented an excellent paper on the status and future of the fertilizer industry at a fertilizer production and marketing conference in Memphis, October 3.

Mr. Wheeler is an attorney with extensive experience in private industry. The National Plant Food Institute was formed in 1955 when two much older fertilizer industry related organizations united to advance their common goals.

Mr. Wheeler gives strong support to the vital work of the Tennessee Valley Authority's National Fertilizer Development Center at Muscle Shoals, Ala.

He points out that the savings to the American farmer from improved fertilizer and marketing methods resulting from work of the TVA Fertilizer Center produce a line of benefits which extends to the fertilizer industry and to the eventual food and fiber consumer as well.

So that my colleagues may know of the importance of the fertilizer industry, I include Mr. Wheeler's comments as a part of my remarks at this point:

BUILDING A HEALTHY INDUSTRY

(Edwin M. Wheeler)

A healthy industry is a mature industry—and the U.S. fertilizer industry is growing up.

It's reaching maturity in a number of ways—maturity that it has never known before. Let me give two or three indicators that make me feel this way:

For one thing, the industry is no longer afraid to let the skeletons shake in the closet. It has seen its problems . . . and it's doing something about them. One of the first steps was the successful initiation, one year ago, of the NPFI monthly Fertilizer Index. For the first time, industry voluntarily disclosed data to a private, independent, confidential business research firm on production, disappearance and inventory of the major fertilizer products. This is the closest we've ever come to having accurate figures in a month-by-month comparative index. The reality was a shock to some, a vindication to others—but an eye-opener to all.

INDEX A FACTOR IN CUTBACK

This rendezvous with a reality certainly was part of the reason for the sharp fertilizer production cutback early this year. Whatever you call it—a period of reassessment or adjustment—it was the first time U.S. fertilizer companies have trimmed their production since World War II.

The strengthening effect of this cutback was weakened somewhat by a heavily waterlogged spring season in the Midwest, which caused fertilizer sales to plummet drastically.

But yet, it's interesting that, even with a discouraging spring season, most representatives of the fertilizer industry feel fairly confident that next year will be better—that the industry is on the way toward a strong recovery. At least, the ones I've talked to leave that impression, and I don't think I've been talking to "Pollyannas"—because they don't last long in this business.

Let me emphasize that the optimism lies not in the fact that a production cutback was obtained—because no industry rides forward on cutbacks—but the optimism arises from the fact that industry is gaining a market-wise attitude, an improved knowledge of what's going on across the country. Improved statistics, I think, build the basis for this attitude.

TO GATHER FINANCIAL DATA

The Institute hopes to follow on the heels of the Fertilizer Index with another "first" for industry—an accumulation of key financial data—information too long unavailable. The plan is to gather critical data—primarily from balance sheets and profit-and-loss statements—for several major industry categories. The objective is to provide ratios and comparisons that will aid each company in financial management and serve as a useful public relations tool in helping explain the essential role which this 100-year-old industry holds in the basic agricultural economy of this nation—and much of the world.

There's going to be an increased effort to accumulate fertilizer transportation statistics to aid in sustaining a just balance of freight rates for the industry's product—a product whose price to the farmer is made up of fully 25%-35% transportation costs.

As many of you know, the Institute, on behalf of the major portion of industry, has for years backed the Association of American Fertilizer Control Officials in efforts toward more uniform state monthly reports. At midyear, a significant agreement was reached between major fertilizer companies and AAFCO for faster reporting of consumption information with modern computer facilities which industry and states are obtaining in increasing numbers. Thirty-three states can now accept tonnage reports in one or more forms from computers. Eleven states have adopted the AAFCO approved uniform reporting system, providing monthly information on consumption—another sign of maturity.

POSITIVE STAND ON POLLUTION

I'll mention a couple more. The fertilizer industry has adopted a postive stance toward those who criticize fertilizers as alleged water pollutants. The Institute is helping, using our members' dollars, co-sponsor a USDA research project in the Midwest to help establish answers to questions about fertilizer application and soil runoff. The industry isn't hiding behind the skirts of ignorance—nor is it slapping blindly at its acquisition.

As the Institute's past Chairman Jaral D. Aston said at the NPFI convention this summer: "The public shall know the facts. It is the minimum that the public deserves. The industry can abide the facts—but we will not abide innuendo, allegation and emotional appeals . . ."

The industry is not assuming a head-in-sand position on pollution. If there's a problem regarding use of fertilizer and environmental pollution—we want to know about it—but we want to know facts—not supposition, not innuendo, not half-truths designed to grab headlines. And, the Institute and industry are searching for the facts.

MORE SUPPORT FOR AGRICULTURE

A healthy industry is an industry which thinks not only of its own problems, but of those of others as well. We at the Institute are becoming more involved, on the industry's behalf, in helping develop increased support for agriculture. It is *essential that this be done.*

As Under Secretary of Agriculture Phil Campbell so aptly phrased it at our meeting this summer . . . "Somehow we must bring home to the 19 out of 20 who are not farmers that agriculture is basic to this country—and that sound agricultural programs are vital to the nation."

Most Americans, I'm afraid, couldn't care less.

This indifferent attitude is evident in Congress; it's evident in the state houses. We have to make the non-farm public care at least a little bit about agriculture and the businesses that serve it.

As Under Secretary Campbell pointed out—after all, agriculture is a 50-billion-dollar-a-year customer in the American economy—with farm exports alone providing one million non-farm jobs.

That seems important enough to care a little about!

The Institute has been hammering at this theme for several months now—but, as you know, it takes a heavy hammer to make a dent in the urban-oriented media.

One hopeful effort is an NPFI award program that has just been initiated with the National Agricultural Advertising and Marketing Association. The object is to honor the NAAMA member judged most creative in telling agriculture's story to the non-farm audience.

The fertilizer industry is concerned about agriculture's problems, because they are our problems, too. They're *your* problems. If agriculture fails to prosper, most of us are going to find a lack of prosperity in our current occupation, too.

HEALTH IS UNITY; GROWTH

A healthy industry is a united industry. I think you're likely aware of the efforts toward unification among the National Plant Food Institute, the Agricultural Nitrogen Institute, and the National Fertilizer Solutions Association. In June, the NPFI Board passed a resolution approving such unification in principle and setting overt actions into motion to accomplish such an objective.

A healthy industry is a growing industry. You can look back over the past 20 years of fertilizer industry activity and note a definite growth pattern—both in tonnage and in dollar value of sales.

Although industry has cut production in this adjustment period, I firmly believe that there is no future in continued retrenchment. The industry must—and will—continue to grow. The growth won't be as rapid as we've seen it in the past decade, but potential is still there. I'm convinced it will be a great deal more orderly. There's no way to meet increased food and fiber needs without increased use of fertilizer and other proven production practices—it's just that simple.

Here, I'd like to give a well-deserved pat on the back to the National Fertilizer Development Center. The industry's thanks, although not always too vocal in the past, are nonetheless sincere.

AGGRESSIVE R. & D. ESSENTIAL

Industry leaders recognize the value—and necessity—of a strong, aggressive program in research and development. Without the type of program activated here at the National Fertilizer Development Center, obsolescence would overtake industry rapidly.

Those of you who have guided the work of the Center have long realized, I think, that along with the recognition of leadership in fertilizer research and development comes the responsibility of providing continuing programs for introduction of new and better fertilizer products. It's a responsibility not only of national, but also of world, importance.

Savings to the American farmer from improved fertilizers and marketing methods are the nucleus of the TVA research and development contribution . . . and the line of beneficiaries extends to include the industry and the eventual food and fiber consumer as well.

The fact that fertilizers are truly international products is not a profound one, but its increasing importance is sometimes overlooked in considering potential growth of underdeveloped nations. It is becoming more and more evident that the economies of most nations hinge on their country's agriculture, and on the ability of their farmers to adapt to the use of modern production inputs.

ROLE IN LEADERSHIP

The National Fertilizer Development Center has played a vital role in helping our industry become the world leader in providing the best possible fertilizer products economically to U.S. farmers. Maintaining this posture becomes more difficult daily, as world competition sharpens. Refining plants along the Dead Sea—ammonia plants on the Persian Gulf—phosphate plants in Russia—all place increased burdens on TVA research and development and on the adaptability of U.S. industry.

You may be assured that the nation's fertilizer industry will continue to look to the National Fertilizer Development Center for world leadership in this area.

CONCENTRATION ON BUYER

The next decade is going to see a decided change of emphasis in fertilizer marketing. As important as the product is, I firmly believe that fertilizer marketers must concentrate more on the man who buys the product than on the product itself. The farmer is changing faster than industry—faster than the county agent—faster than the agricultural scientist—faster than any of us may realize.

The old marketing cliche, "Know your customer," has a new urgency to it. And, fertilizer's customers in the 1970's are going to be a great deal different from the ones in the 1950's and 1960's.

We know something about this new farmer—but we don't know enough. We must know more about "who" he is, rather than "what" he has accomplished.

One thing we're finding out—he's a lot more sophisticated, a lot more demanding, with a great deal more *"savvy"* than every before.

WHEN IS MARKETING SEASON?

Just recently, Lane Palmer, editor of *Farm Journal*, told of some things his regional editors had found about farmers' decisions on buying fertilizer.

The decision-making process on fertilizers starts, for many farmers, as early as September, and most have their plans made by January—with a full third of the buying decisions already made before that time.

The term "fertilizer marketing season" is losing its validity. The top farmer is thinking of and planning for his needs all the time.

This is having a profound effect on our industry. To help him reach buying decisions, the one-out-of-three farmer, who produces 80% of our farm output, want more than a colored brochure on the product. He demands factual information—and that demand is almost insatiable. He demands service—and he demands more convenience.

He expects a tailored fertilizer formula to fit his precise soil-and-crop needs—not some general state grade list. For the fertilizer industry, this means an increasingly heavy investment in on-site facilities.

FEWER BUT BIGGER

Candidly, there will be fewer fertilizer retail outlets in the next 10 years, but the ones left will be bigger and offers more service and more information to serve the large producer.

It's a new situation—and an exciting prospect. The outlook is for an increasingly strong, more viable fertilizer industry than ever before—with a realistic, market-wise maturity.

It's a promising future—and a welcome one.

A BRIEF HISTORY OF THE ISSEI OF DELANO, CALIF.

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. MATHIAS. Mr. Speaker, I am happy to insert in the RECORD, at the request of Mr. Joe Katano of the Japanese American Citizens League in Delano, Calif., a brief history of the Issei of Delano. Since Mr. Tsurumatsu Nagatani first came to Delano in April of 1905, the Japanese Americans have made many social, economic, and political contributions to the Delano area and to the entire State of California.

I think it is only fitting that we recognize the long and distingiushed history of these outstanding people.

Mr. Speaker, I commend this brief history of the Issei of Delano to my colleagues and to the general public:

A BRIEF HISTORY OF THE ISSEI OF DELANO, CALIF.

Like a novel from the Western Era, the Japanese Issei's life in Delano began. April of 1905, Mr. Tsurumatsu Nagatani came to Delano from San Francisco through the employment office to work in the Railroads. To his surprise, he was asked to leave after sleeping one night at the R. R. Boarding House at the end of a gunpoint. He left for Fresno and returned once more in 1912 and purchased land of 20 acres and started orange grove near Ducor.

1911—Mr. Ichita Kawata was the first Japanese to purchase and plant 20 acres of grapes on Cecil Avenue.

1911—Mr. Tatsuguma Ota started 20 acres of oranges.

1911—Mr. Yorizani purchased land for oranges.

1912—Mr. Tsurumatsu Nagatani bought and started 20 acres of oranges.

1912—Mr. K. Tahara purchased land in Pixley area.

1912—Mr. H. Hirose purchased 20 acres of land near Richgrove and started orange grove.

1912—Mr. Einosuke Misono leased 640 acres of land and raised rice near Pond for 5 years. His daughter May went to school by buggy.

1912—Mr. Norikane started nursery for Mr Wallace on Cecil Avenue and later purchased 40 acres of land which later was sold to Mr. Stradley. Mr. Oishi bought land and started farming with Mr. T. Jo as partners.

1917—Mr. Misono started raising watermelons and cantaloupes 60 acres in Delano.

1917—Mr. Takeshi Kawata, Tadashi Ogata, and Mr. Kinichi Sakai all went into farming.

1919—Mr. Gohachi Kawano with another partner started Rice Farming on the C. L. Cole place.

1918–19—Business started in Grocery by Mr. Juneaku Nozaka. Mr. Furuchi started a

XUM

restaurant. Mr. Yano Fish Market. Many others followed in various business and farming.

1920—Japanese-American Friendship League formed in response to the Anti-Japanese feeling that was rampart at that time. Mr. Ichiro Kawata was first President.

1925—The Japanese-American Friendship League was changed to Japanese Association of Delano with Mr. Kawata president; Mr. Sakai, second; and Mr. Misono, third.

1925—Japanese School was built and all the children in the community and families of about 100 enjoyed the facilities inter non-denominating as one. During the World War II it was burned. Mr. Orimo first school teacher.

1925—Mr. Ushi Yonaki came to Delano and went into farming.

1925—Mr. Harry R. Katano started Pool Hall.

1925—Mr. Komasuke Nakagama started farming various crops as cantaloupes, etc.

1925—Mr. Kikichi Nakayama went into farming. Mr. Shigeru and Isamu Ichinaga purchased and operated a Gas Station and Grocery in Pixley.

1926—Mr. Morima Kono started farming. Mr. Ikemiya became foreman for Setrakian.

1926—Mr. Gohachi Kawano started the Westside Grocery until 1940; he went to Japan. Mr. Sam Okasaki continued the business.

1927—Mr. Yamane purchased land near Earlimart.

Mr. Soichi Enoki purchased 80 acres land and went into farming. Various Labor Camps started in the later 20's and early 30's.

1927—Mr. Setoguchi at McGivitt; Mr. Johnny Katano, Mr. Takahashi, and Mr. Miyake were some of the individual camps.

Mr. M. Watanabe—Individual camp.

Di Giorgio Corporation had Camp I, II, and III with the following Issei's operating: Mr. Tanimura, Morita, Tagawa, Hyodo, Fujita, Yoshihara, Nakajima, Yamamoto, and Yamashita. Mr. Yoshihara was one of the men instrumental in helping the community grow.

1929—Mr. Tsuda with his family started the Laundry. The following businesses were thriving until evacuation of 1942: Nitta Hotel and Barber Shop; Sato Hotel; Yano Hotel; Takaki Drugs; U.S. Grocery—Honda; Yamaguchi Fish Market; Westside Grocery; Misukami Fountain; Arita Cafe; Dan Lunch Room; Nozaki Asahi Sushi; New Chop Suey; Tokyo Chop Suey; Hamaoka Pool Hall; Iwazawa Pool and Barber, and Yasuhira Pool Hall.

1931—Mr. Morihiro purchased 160 acres near Earlimart.

There were 3 Packing and Shipping Sheds formed by the Japanese farmers. Early ones were: Sakai Packing Shed—In Earlimart; Delano Growers Exchange—With Mr. Frank Fukuda—Shipper, and Farmers Assn. United Brokers—Mr. Matsuoka—Shipper.

1930—Buddhist Church was built but the actual Buddhist Church was not affiliated with the North America Buddhist Churches until 1940. Mr. Shigemi Fujii was one of the many men active in this with about 40 families.

1934—Mr. Sakushi Kubota came to Delano and was associated with Westside Grocery.

1939—Sakai and Yoshimura bought land before World War II.

1940—Mr. Tsurumatsu Nagatani purchased 160 acres near Earlimart.

1949–50—With Doshi Kai sponsored, there was a commemorating party for Mr. Seiji Fujii winning the Repeal of Alien Land Law case which made it possible for Issei to purchase or lease land by 300 person.

1945—Mr. Tsurumatsu Nagatani returned with his family and resumed farming later being Incorporated and built the Nagatani Farms & Packing shed. 1948—Purchased 640 acres; 1950—380 acres; 1952—160 acres; totaling 1,340 acres.

Mr. K. Tahara returned to his land near Pixley.

Mr. Yonaki families returned, and he helped at the Texaco Gas Station and Garage until his retirement.

Mr. Sakushi Kubota and Mr. Sam Okasaki opened the Grocery Store Sam's Market on Fremont Street. Later in 1954 moved to present location on Cecil Avenue called City Food Basket. Mr. Kubota is sole proprietor to this day.

Mr. Kikichi Nakayama resumed farming in Richgrove area and later opened the Kiichi's Restaurant & Bar on Glenwood until retirement. Mr. Katsutaro Kono and Mr. Eiji Yamashita started camp for Mr. Pagliarulo.

Mr. Frank Fukuda returned to Delano and started farming and shipping cantaloupe, lettuce and tomatoes.

1946—Mr. Einosuke Misono returned to Delano and worked for Mr. Butera raising lettuce, and various crops, and later went into farming with Mr. Pandol until retirement.

1946—Mr. Tsunekusa Kawasaki started camp in Deer Creek Orchard and in 1947 Michinori Honbo resumed the camp until 1947.

1947—Michinori Honbo, Eiji Yamashita, Tadao Yamamoto, and Katsutaro Kono opened once more the Di Giorgio Sierra Vista Camp #2.

1947—Mr. Morima Kono returned and went into farming, later working for Molica Inc.

1947—Mr. Enosuke Fukawa and family went into farming near McFarland until his retirement.

Mr. Gohachi Kawano returned from Japan, and resumed responsibilities in the community working at the City Food Basket until retirement.

1947—Mrs. H. Okino lived with the Kubota family until she passed away in the Delano Hospital.

1949—Mr. Tsunekusa Kawasaki came to Delano taking over Camp 18 for Di Giorgio Fruit Corp. In August 1949 resumed the Camp #2 having both camps until 1951 when he let his nephew have Camp 18 and he with his son had Camp #2 until his retirement. He was instrumental in the refugee program and the exchange student program which the Japanese Government gave him recognition.

1949—The Delano Pioneer Club was formed with Mr. Tsurumatsu Nagatani president, and all the members totaling very few namely—Einosuke Misono, Eiji Yamashita, Morima Kono, Sakushi Kubota, Kumaemon Tahara, Inosuke Fukawa, Katsutaro Kono, Tsunekusa Kawasaki, Kurazo Okasaki, Michinori Honbo, Gohachi Kawano, and Tomokazu Kawasaki.

1956—The Buddhist Church organization was formed again with Mr. Tsunekusa Kawasaki as president. With the building burned during the war years, there were no church to hold the meetings so it was held at Camp #2 Sierra Vista Ranch. The services are held once a month, and after the closing of Sierra Vista Camp #2, it is held at the Honbo Camp each month at present.

1958—Michinori Honbo opened the Caratan Camp on Cecil and Zachary and at present operating.

1964—Mr. & Mrs. Kuwahara moved to Delano from Bakersfield.

AWARDS

Mr. Einosuke Misono

1 Foot Silver Trophy for instrumental in Japanese School.

Dai Nihon Mokai—Recognition.

Gaimusho or State Department Recognition.

Agriculture Dept. Recognition.

Mr. Tsurumatsu Nagatani

Agriculture Dept. Recognition.
State Dept. Recognition.

Mr. Gohachi Kawano

State Dept. Recognition.

Mr. Tsunekusa Kawasaki

State Dept. Recognition.
Agriculture Recognition.
Sacred Fifth Order Recognition.
Kern County Council Recognition.
18'' Trophy from Refugee.
Radio from Delano Japanese Organizations.
Clock & Pen Set from Wakayama Club.

Mr. Michinori Honbo

State Dept. Recognition.

Mr. Morima Kono

Agriculture Dept. Recognition.
State Dept. Recognition.

CLEANER AIR WEEK A NATIONAL COMMITMENT

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. TAFT. Mr. Speaker, as my colleagues know, each year, during October, communities throughout the country join in a week long series of public observances of Cleaner Air Week. It is a time when we focus attention on what has finally come to be recognized as one of our most serious domestic problems.

Cincinnati, Ohio, is fortunate to have the chairman of Cleaner Air Week, Mr. Charles N. Howison, as a resident of our community. He was the originator of what has grown to be a nationwide program.

On September 26, Mr. Howison, in an address before the East Central Section Convention of the Air Pollution Control Association, commented on the growth and potential of Cleaner Air Week.

I believe the following remarks are worthy of our consideration:

CLEANER AIR WEEK: THE COMMUNITY COMMITMENT TO THE 70's

(By Charles N. Howison)

Program Chairman, Henry Mayer, extended an opportunity and a challenge when he invited me here today to join members and guests of Air Pollution Control Association's East-Central Section in a preview of the air quality management in the '70's.

An invitation to assess the community role in air quality management over the next ten years is indeed a challenge—particularly in view of the superlative contributions of yesterday's speakers. Their estimates of the roles of research and development, environmental health, industry and government, in restoring air quality, provided us with a penetrating insight into the "decisive decade."

It was a rewarding experience, indeed, to hear Mrs. Swigart, Mr. Jones, Mr. Pickard, Mr. Ronald and Mr. Bowling examine prospects for increased public participation in air quality management at this morning's session.

The insight and thoroughness they displayed in projecting an expanded role for the public in air conservation makes my assignment much easier.

My primary interest, of course, is enlistment of all air quality interests in a coordinated approach to community-wide air problems under the banner of Cleaner Air Week.

This morning's panelists provided information which we can use in future Cleaner Air Weeks and perhaps some of our Cleaner Air Week education instruments may prove useful to you in future endeavors of your own.

Information is the currency of the air conservation realm and we need all of it we can get in coping with the new air problems that arrive with every population gain and every new industrial process.

The approach of Cleaner Air Week's 21st observance—just a month away—recalls a late October Monday in Perth Amboy, New

XUM

Jersey, schoolyard where students and teachers gathered around a cluster of yellow balloons.

It was morning recess time and the pupils were out for the Annual Balloon Ascension—signaling Cleaner Air Week in the New Jersey port city.

Each balloon carried two attachments: a little card inviting whoever might recover it to report the time and place of the balloon's capture, and a child eager to release his aerial messenger.

The balloons shot skyward except for one. A little boy, representing the first grade, refused to let go of his; he decided to retain possession of his balloon, and perhaps he still has it as a memento of the nation's first observance of Cleaner Air Week.

As 126 metropolitan centers prepare to celebrate Cleaner Air Week's 21st birthday, many important things will be said about this successful public relations program but the essence of Cleaner Air Week is commitment of the individual.

There was little or no air pollution control in 1949 when Cleaner Air Week opened for business. Eight years of World War II production had worn out existing air conservation systems and defense priorities had made it impossible to manufacture replacements. Smoke trails located industrial stacks and home chimneys in every corner of our metropolitan centers. Clouds billowed after railroad engines and identified scrap yards. Anything less than a community-wide approach would be futile in attacking the air problems of 1949. And yet, how do you achieve community-wide action?

Community-wide action calls for the awareness on the part of every individual of his involvement in the problem and his personal stake in its solution. True, everybody realized we had an air pollution problem 21 years ago but there was little or no individual commitment, and little awareness that the individual, who suffered most from polluted air, was also the source of pollution.

As a matter of fact, there was very little hope for individual action, even among Cleaner Air Week's first sponsors. Like the youthful nonlauncher, they went along with the idea but didn't exactly go into orbit.

Cleaner Air Week gained in momentum and expanded in scope during the '50's—but for most of the metropolitan population it remained a spectacle. People read the posters, enjoyed the balloon launching, followed the conservation panel shows on TV, read the newspaper advertisements and stopped to see the Cleaner Air Week displays in store windows. These devices and events serve to dramatize community-wide problems but continue to present solutions in general rather than specific terms.

It seems to this observer that the participation stage—marking the individual Cleaner Air Week supporter's employment of his own resources to do something about the air took over in the '60's. Cleaner Air Week activity throughout the country began to reflect a thinking man's approach to his own special air quality problems.

Control officials were no longer satisfied just to conduct a community tour of a new industrial air-cleaning system but measured the air cleaning device in terms which enabled each visiting neighbor to evaluate the new installation as an investment in his air interests.

Economists briefed the community residents, who ultimately foot all of the air conservation bills, on his economic stake in community air resource management.

Women's clubs beat the drums for carburetor checks, furnace overhauls and scores of other opportunities open to the individual to lessen his additions to contamination of the air he—and his fellow citizens—had to breathe.

Seventy metropolitan centers carried the Cleaner Air Week banner into the '60's and now as we enter the '70's, their number has risen to 126.

If Cleaner Air Week grew from a spectator event in the '50's to a vehicle of personal participation in the '60's, then the approaching '70's confront this late October public relations event with the biggest challenge in its 21-year history: to provide the individual community resident with information that will enable him to exert influence on the adoption of community air quality safeguards that best serve his needs.

The Air Quality Act of 1967, in effect, wrote an order for Cleaner Air Week by providing for regional air quality control with procedures and schedules for setting regional air quality standards.

William Megonnell, Assistant Surgeon General, gave the key to the Cleaner Air Week Committee's educational role in New York on Wednesday, April 9 of this year. Mr. Megonnell said that the Secretary of Health, Education and Welfare will study the hearings' records carefully and if he finds strong public support for the adopted standards, he will be inclined to accept them, provided, of course, that they are consistent with health effects criteria.

As a result, Cleaner Air Week Committees around the country are engaged in developing information programs in these vital areas of information to the resident of the air quality region.

A. Just as each of us help create our air pollution problems, so we may contribute to their solution within the over-all context of a community-wide air pollution control program. Universal involvement is essential in the community-wide effort to bring control technology abreast of production advances.

B. Scope of the hearings. Only two pollutants, representing a fraction of the over-all air pollution problem, are being considered in the 1969 hearings. It is important for the individual resident to know that the cost and other factors involved in the approaching areas apply only to a segment of the problem.

C. Control equipment required to meet standards set at these hearings may be inadequate to meet standards for the control of other pollutants, the determination of which is at least a year away.

E. Progress reports. Reduction in particulate and sulfur concentrations, improved airport ceiling visibilities and other progress data are vital public information before and during the hearings. The local Cleaner Air Week Committee consults metropolitan center air pollution control directors and other government agencies for this type of information.

F. Schedules for continuing reduction of pollutants are indispensable information to every community resident.

G. Cost/benefits ratio. The cost differential between extremely tight standards and slightly less-stringent standards that would still protect public health may be of vital importance to every community resident. These comparative figures may be reduced to cost-per-light customer in the case of utilities.

H. Who pays the control costs? A vital information point is that air conservation costs are borne by the community resident in the price of goods and services, taxes and limitation of economic opportunity. The community resident needs this information in terms of significance to him as an individual in order to determine in his own interest the degree of air quality that best meets requirements. This is a formidable commitment, indeed, for the Cleaner Air Week of the '70's: individual involvement not as an observer, not just as a participant, but a decision maker. In order to make the regional air quality program work to the advantage of the community resident, he must have this information and Cleaner Air Week is well equipped to provide it.

Some Cleaner Air Week Committees are considering year-around operation in order to better serve their community interest in regional air standards.

Other Cleaner Air Week Committees are being formed for the first time with the objective of public enlightenment as a means of securing adequate regional air quality standards.

Some say it is too big a job for a volunteer organization. Well, they said we couldn't attract and hold the public interest in the '50's and again in the '60's many critics put us down as an entertainment spectacle incapable of inducing individual action.

Twenty years ago the Advertising Council told us that we could successfully "sell" the public the idea of breaking a match to prevent forest fires but anything beyond the simple dimensions of this assignment was too much to ask of Cleaner Air Week.

My answer to the Advertising Council is contained in the Cleaner Air Week Handbook for 1969.

First graders in all of Chicago's school districts won the competition for attention among competing Cleaner Air Week events, hands down, by electing Cleaner Air Week queens. Scores of congregations read the Cleaner Air Week message in their church bulletins. Suburban community residents took part in special Cleaner Air Week events and newspapers joined radio and television in bringing Cleaner Air Week information to almost every area resident.

The New York Giants football team literally kicked off Cleaner Air Week during pregame ceremonies at Yankee Stadium.

The Indianapolis Cleaner Air Week Committee conducted a survey that indicated 85% of the people are more concerned with what they see—too much dirt in the air. They also indicated that they want information about methods of controlling air pollution.

Indianapolis rewarded outstanding performances in safeguarding air quality with "good neighbor" citations.

Twelve thousand Cleaner Air Week brochures were distributed in Tampa, and window displays played important Cleaner Air Week roles in Minneapolis.

Cleaner Air Week in Newport News featured educational billboards sponsored by the Anti-Tuberculosis and Respiratory Disease Association of Tidewater, Virginia. "Operation Weather Study" engrossed third grade students in Rockville Center, New York, Albuquerque posters asked "Wouldn't you like the air to stay clean?".

As we approach the decisive '70's, ladies and gentlemen, I invite you to join your Cleaner Air Week Committee in the critical task of providing residents of air quality regions with the information they need to make intelligent decisions in safeguarding their community air resources.

BIG TRUCK BILL

SPEECH OF

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorial for today is from the Caldwell, Idaho, News-Tribune in the State of. Idaho. The editorial follows:

BIGGER TRUCKS? NO!

The trucking industry is back before Congress this year with a bill to permit the operation of heavier and bigger trucks on the nation's interstate highway system. Congress, as it did with a similar measure last year, should reject the proposed changes.

Foremost among the opponents of the legislation is the American Automobile Associa-

XUM

tion, whose executives testified recently before the House Public Works Committee. The AAA's opposition is based on two points. The first is that bigger trucks will constitute a hazard on the highways because their bulk diminishes the visibility of other drivers and their length makes passing more risky.

The second point the AAA stresses is that the increased weight of tractor-trailers and tractor-two trailers will punish pavements and bridges and increase not only the costs of upkeep but also the construction of new roads built to withstand the heavier loads.

Highway costs warrants concern, but the argument Congress should find most persuasive is the likelihood of greater danger on the nation's already unsafe roads. A 70-foot truck, more than eight feet wide and weighing as much as 15 tons, is an intimidating object. To allow such snorting behemoths on the public roads is not in the public interest.

SENATOR BAKER'S VICTORY

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. KUYKENDALL. Mr. Speaker, I would like to include an editorial in the RECORD telecast by one of the leading TV newscasters and editors in Memphis, Tenn., Mr. Norman Brewer, news director of WMC–TV.

It goes without saying, I share Mr. Brewer's views on my friend and colleague, Senator HOWARD BAKER.

SENATOR BAKER'S VICTORY

(By Norman Brewer, telecast of Sept. 25, 1969)

Well, the Senate Republicans just made a mistake. But that's the price they paid for not consulting with us Tennesseeans before voting for a new minority leader. It should have been a landslide for Howard Baker. Actually, the junior Senator from Tennessee probably fell victim to the Congressional seniority system—just slightly more precious on the Hill than the free haircuts provided United States Senators. Hugh Scott of Pennsylvania had been a member of the club longer than Howard Baker and that was that. It would have been a signal victory for Baker, one almost unprecedented in Senate history because of his youth. That he did not pull it off, however, does not spell defeat. The veterans of intra-Congressional politics tell us that there is some kind of victory in the fact that a man of 43 years and only three years in the Senate came as close as he did. It was a measure of the esteem in which Baker is held by his colleagues; evidence that he has made a mark on the Senate, an institution not easily marked. "Newsweek" magazine, reporting on the activities of freshmen Senators a couple of years ago, took note of that fact when it said of Baker, "His speeches have shown careful research and his parliamentary skill helped defeat a restircting bill backed by his father-in-law, Everett Dirksen."

Last year at the Republican convention, Baker was seriously mentioned as a Vice-Presidential candidate. He was a leader of the Nixon floor forces at the convention and he helped forge Nixon's winning "Southern strategy." In just three years, Howard Baker has accomplished what some Senators never accomplish and what takes others decades to accomplish—he has proven himself an articulate, effective spokesman for his state and his nation. And his future is filled with more promise.

The vote Wednesday was not an end for Howard Baker, but a beginning.

INDEPENDENT BUSINESSMEN SUPPORT BAN ON UNSOLICITED CREDIT CARDS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. OTTINGER. Mr. Speaker, for 2 years I have sought to convince the Congress and the administration of the urgent need for new controls to curb the unfair practices and abuses arising from the mailing of unsolicited credit cards. In the 90th Congress and again this year, I have introduced legislation to accomplish this, and I am pleased to announce that a nationwide survey by the National Federation of Independent Business, Inc., found 80-percent support for my bill.

I hope that this survey will spur congressional action on my bill, H.R. 858, which is pending before Subcommittee No. 4 of the Committee on the Judiciary.

I present herewith for inclusion in the RECORD a copy of the National Federation of Independent Business, Inc., news release on the survey, and a copy of my statement before the Federal Trade Commission in connection with recent hearings on unsolicited credit cards:

NEWS RELEASE OF NATIONAL FEDERATION OF INDEPENDENT BUSINESS, INC.

(The Brief Facts: Mailing credit cards to virtually every household—without application or request—has made "easy credit" more of a reality than ever. Loss, theft and illegal use of credit cards has been a problem, and many think the unsolicited card has encouraged more people to live beyond their means. A bill to prohibit the mailing of any unsolicited credit cards, H.R. 858, was put before the Congress by Representative Richard Ottinger of New York. Voting through the National Federation of Independent Business, the independent business owners react in this way: 80 percent favor the measure, 16 percent oppose it, and 4 percent have no opinion.)

Mass mailing of credit cards has no mass appeal for the nation's independent business owners.

The practice of mailing credit cards to "everybody in the phone book", instead of only to those who request them or those with good credit histories, is frowned upon by the independents, says the National Federation of Independent Business.

This technique has been used by banks in promoting their credit card plans and by some major oil companies.

Credit never came so easy. Too easy, say critics of mass credit merchandising, including Representative Richard Ottinger of New York, who has introduced a bill to prohibit entirely the mailing of unsolicited credit cards. Independent businessmen polled by the National Federation of Independent Business concur; 80 percent endorse this action, which supports the position taken by the Nixon administration, only 16 percent object, and 4 percent have no opinion.

In (Name of State), —— percent favor the restriction, —— percent are against it, and —— percent are undecided.

The bill to amend the U.S. mail regulations carries a $10,000 fine for a violation.

The businessmen's strong stand against unsolicited credit card mailings comes despite the fact that many independent retailers are participating in bank credit card plans. The Federation's continuous field survey shows that 35 percent of the retailers make credit card sales and do 18 percent of their volume on them.

Many small retailers find this preferable to carrying accounts themselves, and it gives them "easy credit" to rival the big stores' revolving credit plans.

Nevertheless, four out of five independents want to see Representative Ottinger's bill become law. Many unsolicited cards are lost or stolen which can result in a person being billed for charges he did not incur on a credit card he did not ask for and never received. A legal cloud hangs over such situations.

Banks claim more screening of mail lists has reduced such problems.

Fundamentally, too, many businessmen believe that credit should be granted only to those who ask for it and have demonstrated they will make good on their obligations. Many complain of the many "deadbeats", the problems of collecting past-due accounts, and the ease of bankruptcy.

Some independents are alarmed at the magnitude of consumer credit, nearly $100 billion in short-term debt, and fear possible economic collapse if uncollectibles mounted. Mass mailing of credit cards—which has increased consumer debt sharply—is reprehensible, in this view.

The Federation research staff concludes that, whatever the individual businessmen may think about the "credit card explosion" and the trend to a "cashless society", a huge majority firmly supports regulation of credit card distribution.

STATE BREAKDOWN FIGURES—A BILL TO PROHIBIT THE MAILING OF UNSOLICITED CREDIT CARDS

State	Percent in favor	Percent against	Percent undecided
Alabama	78	14	8
Alaska	65	33	2
Arizona	79	18	3
Arkansas	79	15	6
California	82	14	4
Colorado	79	17	4
Connecticut	86	9	5
Delaware	83	15	2
Florida	76	19	5
Georgia	80	15	5
Hawaii	80	17	3
Idaho	78	19	3
Illinois	83	13	4
Indiana	83	12	5
Iowa	82	13	5
Kansas	79	17	4
Kentucky	78	17	5
Louisiana	74	20	6
Maine	80	14	6
Maryland	85	12	3
Massachusetts	78	18	4
Michigan	84	13	3
Minnesota	81	15	4
Mississippi	77	19	4
Missouri	80	16	4
Montana	73	23	4
Nebraska	82	14	4
Nevada	79	20	1
New Hampshire	82	14	4
New Jersey	87	9	4
New Mexico	64	29	7
New York	85	12	3
North Carolina	83	13	4
North Dakota	80	17	3
Ohio	80	16	4
Oklahoma	79	15	6
Oregon	79	15	6
Pennsylvania	83	13	4
Rhode Island	74	21	5
South Carolina	81	15	4
South Dakota	82	14	4
Tennessee	78	17	5
Texas	75	21	4
Utah	72	23	5
Vermont	75	19	6
Virginia	82	16	2
Washington	82	13	5
Washington, D.C.	100		
West Virginia	79	17	4
Wisconsin	85	11	4
Wyoming	73	25	2

STATEMENT ON MAILING OF UNSOLICITED CREDIT CARDS

(By Congressman RICHARD L. OTTINGER, of New York, for inclusion in the public record of the Federal Trade Commission trade regulation rule proceeding)

Mr. Chairman, I appreciate this opportunity to express my views, at this public hearing, for a proposed rule which would prohibit the mailing of credit cards in the absence of an expressed written request, or an expressed written consent from the recipient.

I hope the hearing today will emphasize the urgent need for new controls to curb the unfair practices and abuses arising from the mailing and issuing of these cards, and that the Federal Reserve, having jurisdiction over commercial banks—which in my view are among the major unsolicited credit card offenders—and those regulatory agencies having jurisdiction over common carriers and air carriers (exempted from any rule which might be promulgated by the Federal Trade Commission) will consider and initiate new supervisory regulations in this area.

In April of 1968, I urged the Post Office Department to prohibit, by regulation, the mailing of unsolicited credit cards and require that requested cards be sent by registered mail. I was told by the Postmaster General that this practice did not appear to violate the provisions of any postal law, and, legally, an Act of Congress would be required to achieve my purpose.

In response to the apparent need for Legislation to protect consumers from the possible adverse affects of issuing companies mailing practices, and in response to the encouraging number and quality of mail I received supporting my position on credit cards, I introduced a bill on June 11, 1968, to restrict the mailing of credit cards.

I am particularly concerned over the number of Americans who carry and use credit cards; the number of credit cards that are in circulation in the United States; the volume of credit that is extended through the use of credit cards, and the possibility of a credit card being intercepted and used fraudulently before it reaches the prospective customer.

It would be very much in the public interest for the Commission to issue a Trade Regulation Rule to curb the widespread practice of mailing unsolicited credit cards, and I urge that such action be taken without delay.

I submit that the practices and abuses arising out of the mailing and issuing of credit cards such as issued by retail department stores, marketers and retail dealers of gasoline, travel and entertainment credit card establishments and other credit card issuers—the subject of this hearing—and the obvious adverse affect bank and check credit cards can have on our economy and the individual consumer, indicate an urgent need for control over the mailing and issuing of these cards.

Extremely vital issues are at stake here—individual consumer credit and the economy of the nation. We cannot afford to overlook them or take them lightly. These issues warrant action, now.

COOPERATION OF BUSINESS WITH GOVERNMENT URGED

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. ZWACH. Mr. Speaker, there is an ever-increasing awareness of the need for Federal-State-local cooperation in financing and managing the many programs for the benefit of all of our people.

There is also an ever-growing awareness of the need of added cooperation between business and the Government.

This awareness is evidenced by the following editorial which appeared in the Brainerd Daily Dispatch in the Minnesota Sixth Congressional District on Friday, September 19. I commend the reading of this editorial to my colleagues:

COOPERATION OF BUSINESS WITH GOVERNMENT URGED

Cooperation of business with government is being urged by the president of the Chamber of Commerce of the United States.

Jenkin Lloyd Jones, who is also publisher of the Tulsa Tribune, believes that the opportunity has now arrived for a level of cooperation between business and government which hasn't existed for many years.

"If businessmen ignore recent pleas by government for cooperation and counsel, it will be a grievous error," Jones told a group of business executives in Washington. "Cussing the government is fun, but we see on every hand areas where cooperation makes a lot of sense."

The Chamber president cited government-business cooperation in such areas as training the hard-core unemployed, working to improve the vocational training programs, and government pleas to the construction industry to devise new building techniques for low-cost housing in mass volume.

As a result of such cooperation, Jones said, the old tendency to pile one government agency on another is being dampened. Instead, private firms are contracting to operate economic and social development projects.

Business-government cooperation works both ways, he pointed out. Without the aid of government, for example, business wouldn't get very far with a satellite communications system.

Observers recently have noted an increased tendency on the part of the government bureaus toward the idea of enlisting groups of citizens, particularly members of the business community, in joint efforts toward solving problems.

Today's Chamber leadership believes businessmen should respond with warmth to these invitations from governmental leaders.

GREEN BERET AFFAIR

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. DANIELS of New Jersey. Mr. Speaker, Columnist William S. White, in a recent newspaper column, discussed the unfortunate Green Beret affair. Mr. White, in criticizing the manner in which the entire matter was handled, notes the remarks of my distinguished colleague from New Jersey, PETER RODINO, as well as those of the Honorable CARL ALBERT of Oklahoma, and the Honorable PAUL ROGERS of Florida.

Congressman RODINO has been especially active in seeking protection for the accused soldiers. I wish to commend him and the other Members who took it upon themselves to insure that the soldiers received fair treatment.

Columnist White's article follows:

BAD GREEN BERET DECISION

(By William S. White)

WASHINGTON.—The Army will long regret its decision to try the Green Berets for murder in a field military court martial whose verdict, by the very nature of the circumstances, will be forever debatable.

Already, there had been an ugly odor arising from this cloak-and-dagger case, which involves the killing of a South Vietnamese, Thai Khac Chuyen, claimed by defense counsel to have been a double agent. For the principal defendant, Col. Robert Rheault of the Special Forces in Vietnam, had had a record of marked heroism and devotion to duty, and the issues raised here have frightening implications.

Already, some Americans with past experience in the darker and clandestine side of warfare had been wondering aloud whether the colonel and his associates were perhaps being thrown to the wolves under pressure from the South Vietnamese government or, alternatively, simply because they followed the harsh orders of wartime in an action that backfired upon higher authorities.

Such suggestions may, of course, be utterly unwarranted, given all the inside facts, and this columnist, for one, strongly suspects that just this is the case. Nevertheless, a court martial in the field, with all its inherent power to retreat behind security clampdowns, is the very last forum for a satisfactory inquest into this business.

The plain truth is that all sorts of sinister and quite likely fantastically false rumors have been flying about for months—whispers that the Central Intelligence Agency had reason to want Thai Khac Chuyen liquidated; and that some of the regular Army types were jealous of the elite Green Berets; and so on.

The mere existence of such rumors strongly supports the wisdom of protests made in Congress that this extraordinarily difficult thing should have been transferred to Washington for trial and ventilation under supervision of the very highest authorities in the Pentagon.

Rep. Peter Rodino of New Jersey, for example, declares "no confidence" in the fairness of a court martial in a battlefield area, given all that has been muttered about this affair. Rep. Paul Rogers of Florida fears we may be seeing the establishment of a precedent under which "any American fighting man could be charged with murder for carrying out an order which resulted in the death of an enemy."

The Democratic leader of the House, Rep. Carl Albert of Oklahoma, is concerned that the most basic rights of American soldiers might become "bargaining points" in this country's relationship with allies.

Now, none of these three members of Congress knows the full story, of course. But this is the very point. They should know it or be able to learn it. And at all events, none of the three is a jaw-flapping politician and all three are men of the highest sense of responsibility.

One can sympathize with the dilemma of Secretary of the Army Stanley Resor, who has declined to intervene against the field court martial on the ground that he should not tamper with the ordinary course of military justice. But this is any thing but an ordinary case.

Apart from the central fact that it involves the liberties and honor of men who have repeatedly put their lives on the line for the rest of us, there is another immense consideration. The entire military service has long been under sustained and even savage attack from the new pacifists.

Already, it is hard enough to find young men willing to take on the hard role of the combat officer.

Any suspicion, however false, that such officers can be destroyed by hindsight judgments to placate either an ally or an antimilitary bloc here at home must be smashed. And it can only be smashed in the full light of day. The critics of the Army here are as friends; not its enemies.

Everybody concerned, including a CIA unable by its function to talk back in public, would be better off by a method of justice not only done, but justice also seen to have been done.

PROGRAMS AND PROGRESS

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. LUKENS. Mr. Speaker, it is with pride and privilege that I rise to draw attention of the Members of this body to an outstanding youth organization which has done and is doing much to involve youth in the American political system.

The Teen Age Republicans—TARS—has just prepared a report of their activities that was presented to the National Federation of Republican Women's recent convention here in Washington.

As former chairman of the Young Republicans, I presided over the growth of TARS to a truly national organization and have been very interested in their subsequent development under the tremendous leadership of the current national director, Barbara Wells.

I think the Members will be interested to see how this organization is providing an opportunity for our youth to "plug-in" to the political system.

Mr. Speaker, I include this report in the RECORD at this point:

PROGRAMS AND PROGRESS

(By Barbara Wells)

NATIONAL TAR HEADQUARTERS

National TAR Headquarters was established in December, 1965. The purpose was to get young people involved in constructive political action: first by educating them in the traditional Republican principles of free enterprise, constitutional government, and patriotism; and second by training them in the techniques of practical politics to help elect Republican candidates to local, state, and national office.

State TAR Directors have been appointed in all 50 States to coordinate TAR activity. (In most states, each Congressional District also has a TAR coordinator.) Contact has been established with TAR Clubs, Advisors, and general membership in all parts of the country.

The direction and operation of the TAR office has—from the beginning—been the responsibility of National TAR Director, Barby Wells. TAR Headquarters employs three full time secretaries, two part time college students, and one part time bookkeeper. However, this past summer the National TAR staff consisted of 3 TAR Field Representatives, four College Young Republicans, and two Teen Age Republican volunteers. TAR Headquarters from its establishment has been self supporting and receives no funds from either YRNF or RNC.

Upon opening, TAR Headquarters received a TAR mailing list composed of 257 names. Today, we have a TAR leadership list of 21,000 names categorized into 5,082 Clubs representing a total national TAR membership of approximately 101,000 Teen Age Republicans nationwide.

The TAR office houses and maintains its own list. Scriptomatic allows us a wide range of selectivity and by simple end notching we are able to classify important information. Following the Election, TAR Headquarters acquired the national Youth for Nixon names. TAR staffers processed all 7,000 names and added to our TAR mailing list those persons who were 17 years old and younger. By punching the "year of high school graduation" on each card we are able to keep our mailing list current and also supply the College Republican National Committee with the names and addresses of all high school graduates.

NATIONAL TAR LEADERSHIP CONFERENCE

The first annual National TAR Leadership Conference was held in Washington June 16–21 at Trinity College, and by everyone's estimate, was an overwhelming success. *One hundred fifty-two state and local TAR officers participated in the Conference representing a total of 33 states.* The TARS who attended arrived full of excitement and anticipation, as they came seeking an insight into some of the problems that confront us today. The TARS challenged, debated, and questioned many of the speakers as they discussed such topics as: "Cold War Hot Spots", "Semantic Warfare", "The New Left", "The Volunteer Army", "Biafra", "Voluntary Action", "Vietnam," "Campus Unrest", "Communism", "Free Market Economics", and "Systematic Conflict." The list of speakers included Senators Goldwater, Thurmond, and Packwood; Congressmen Frey, Buchanan, Lukens, Riegle, and Goldwater; Phil Luce, Dr. Walter Judd, Dr. Erik Vesely, and many others. TARS found the White House Panel composed of Harry Dent, Pat Buchanan, and Tom Cole particularly interesting along with Miss Alice Hipsley of HUD; Martin Anderson, who is a special assistant to the President; and Lea Meyers, a staff member of the White House Voluntary Action Committee.

One of the most exciting events of the week was the reception for all of the TARS in the East Garden of the White House. Tricia Nixon was the hostess for this event, and all the TARS were given an opportunity to talk with her and get autographs. The White House photographer was on hand to take pictures. Following the White House tour and reception, the group loaded back into the waiting buses to go to Capitol Hill for an afternoon session on how some of the major House and Senate Committees are run and to talk with Congressmen and Commitee staff members. Immediately following this session, which was held in the House Ways and Means Committee room, a Congressional reception was held in honor of the TARS in the Rayburn Building. A great many of the GOP Congressmen and Senators were on hand to welcome these TAR leaders to Washington. Our Republican "Cheerleaders" were at the reception for a "warm-up" preceding the annual Congressional Ballgame which was held that evening. All of the TARS again loaded on the buses and headed for D.C. Stadium where they cheered our Republican team on to victory as they once again defeated the Democrats by 6–2.

The banquet held on Thursday night at picturesque Evans Farm Inn in nearby Virginia was designed as a special treat for all the TARS. TARS arrived in plenty of time to visit the Antique Shop and wander the grounds prior to the banquet. National YR Chairman, Jack McDonald, was the featured speaker.

Although the Conference schedule was a full one from early morning until late in the evening, the TARS in attendance still found time to organize a number of committees to discuss problems and make suggestions regarding TAR programming, fund raising, membership recruitment, National TARS, and many other items that are essential for good TAR organization. Some of these committees were hard at work until the early morning hours and as a result many good suggestions came from the committee reports presented to the entire conference on Saturday.

NATIONAL TAR CAMPS

The 5 camps this summer were held during the month of August in the following locations:

TAR Camp East, Camp Caesar, Webster Springs, West Virginia.

TAR Camp West, Boise State College, Boise, Idaho.

TAR Camp Midwest, Boone 4-H Camp, Boone, Iowa.

TAR Camp South, Centenary College, Shreveport, Louisiana.

TAR Camp New England, State YMCA Camp, Winthrop, Maine.

This summer's National TAR activities drew TARS from 46 states including the District of Columbia. The largest National TAR Camp was TAR Camp South held in Shreveport. All 12 Southern states were represented.

Speaker at the camps included such Republican personalities as Senator Ted Stevens of Alaska, Governor Arch Moore of West Virginia, Lieutenant Governor Jepson of Iowa, Congressmen Orval Hansen, James A. McClure, and Buz Lukens; Former Congressman Stan Tupper of Maine, State Representative Martin Linsky of Massachusetts, News Commentator Fulton Lewis III, and many other GOP leaders.

In addition to the many outstanding speakers at each of the camps, TARS learned a great deal by organizing their own activities. During the TAR Camp "mock legislatures" TARS were given an opportunity to discuss current problems facing us today and offer possible solutions. The debate teams organized at camp allowed TARS to discuss the pros and cons of issues directly affecting them such as the 18 year old vote, drugs, and the voluntary army, while other activities such as the camp newspaper gave them practical experience in writing and producing a newsletter.

Workshops at the camp covered the following topics: Modern campaign techniques, American Domestic & Foreign Policy; TAR Club Organization, Community Action, Free Market, Economics, The New Left: Vietnam, Precinct Organization, Computers in Politics and the Urban Crisis.

For the third year, seminars were held at each camp in Drug abuse education. We were fortunate this year to have representatives from the Bureau of Narcotics and Dangerous Drugs, State Youth Councils on Drug Abuse, and at four of the camps the students had a unique opportunity to hear and talk with a former addict about his experiences with marihuana, speed, LSD, heroin, and other drugs.

A member of the TAR Staff and a Field Representative attended each of the National Camps this year and during the week met with each individual state delegation at the camp to discuss particular problems within their state and to find new ways to expand their organizations. In addition, the Field Representative gave a seminar at each camp on TAR Club programming and activities as well as services available through National TAR Headquarters. TAR Staff personnel held meetings with adults at the camp to discuss ways in which adult advisors could most effectively assist TAR groups in their areas.

Between seminars, various committees were organized by the TARS to exchange ideas and suggestions for membership recruitment, finance, campaigning, programing, community service, special projects and many other areas essential for an effective TAR organization.

NATIONAL TAR FIELD PROGRAM

TAR Headquarters launched a summer Field Program and hired three immediate past State TAR Chairmen to participate in this new program. In the course of the summer, the TAR Field Representatives traveled to twenty nine state TAR Camps and Workshops to meet with state, county, and individual TAR Club officers and assist them in organizational techniques and TAR Club programming.

Due to time, money, and limited number of people, National TAR Field Representatives only spent 2 or 3 days in each State. States are already requesting that field personnel spend a minimum of a week for the purpose of traveling throughout "target counties" assisting State TAR leadership in organizing new TAR Clubs and "beefing up" existing ones.

The overall success of the TAR Field Program was phenomenal and National TAR Headquarters plans to not only continue—but greatly expand—TAR fieldwork in the years ahead.

TAR SERVICES

Organizational materials

TAR organization materials ranging from helpful hints on increasing TAR membership and better Club progamming to precinct booklets and Advisors' manuals are all available at National TAR Headquarters. On an average we send out some 3,000 pieces of literature each month and since the opening of the TAR office we have distributed approximately 132,000 pamphlets, manuals, books, brochures, and guides. New manuals which have been written during the past 3 months include TAR Financing, an updated version of TAR Club Programming, TAR Campaign Guide, SOS Manual, and What Republican Leaders Say. The TAR Drug Abuse Manual will be available on October 1, 1969.

Film library

TAR Headquarters has built a library of thirty two films and hopes to purchase an additional eighteen more by October. All of the films have been previewed and are officially recommended by the TAR office. Thus far this year we have answered 161 requests for films from numerous TAR Clubs. Films are sent to TARS free of charge and the only cost to the Club is that of return postage and insurance. The number of requests has significantly increased since last November's elections as TARS are turning to new means of recruiting additional TAR members.

Books and seminars

During the past 3½ years TAR Headquarters has distributed thousands of paperback books free of charge to TAR Clubs. To name a few of the books:

"Economics in One Lesson" (Henry Hazlitt).

"Reflections on the Failure of Socialism" (Max Eastman).

"Reclaiming the American Dream" Cornuelle).

"Intelligent Student's Guide to Survival" (Luce & Hyde).

"Masters of Deceit" (J. Edgar Hoover).

"Road to Revolution" (Philip Luce).

Seminars on Freedom vs. Communism, Basic Economics, and Practical Politics are available at the TAR office, and additional seminars are currently under preparation.

TAR publicity

Since August, 1968, TAR Headquarters has subscribed to a national Press Clipping Service and each week receives news coverage of Teen Age Republicans across the country. The clipping service is invaluable in that it keeps TAR Headquarters up to date on numerous TAR activities, and alerts us to many newly organized Clubs.

Letters of congratulations are sent to those TAR Clubs and Club leaders who receive newspaper coverage, and as a follow-up TAR Headquarters sends lists of all new TAR Clubs to each State TAR Director.

It's amazing how much publicity Teen Age Republicans all across the country receive and during the campaign TAR Headquarters was receiving over 150 clippings a week!

Speakers bureau

Prominent political leaders on tour are being made available to State, District, and local TAR meetings. TAR Headquarters is in constant contact with numerous Congressional offices and attempts to keep an overall schedule of the out-of-district speaking engagements of those Members of Congress (104) serving on the National TAR Advisory Committee. As a result TAR Clubs are able to avoid paying transportation costs as the visiting dignitary addresses the area TARS *in addition* to his other speaking commitments in the community.

NATIONAL TAR NEWSLETTER

The response to TARGET—the official newsletter of Teen Age Republicans—has been tremendous. Through TARGET, Clubs and their Advisors are kept informed of the various national projects and services available in Washington as well as appraised of activities of other TAR Federations and Clubs across the country. In essence, the newsletter serves as a clearing house of ideas and new programs for Club development.

TAR Clubs—as well as individual TARS—are encouraged to "subscribe" to TARGET for $2 yearly. However, TARGET is mailed to all TARS (21,000) on the National TAR mailing list regardless of whether they have officially subscribed.

TAR NEWSLETTER EXCHANGE DIRECTORY

TAR Headquarters has been in the process of mailing a NEWSLETTER EXCHANGE SURVEY to all State and TAR Club officers. State TAR Federations and individual TAR Clubs who wish to be listed in a Newsletter Exchange DIRECTORY are returning these forms to the TAR Headquarters and consequently will be listed in this new directory to be available October 1. It was the consensus at all the National TAR Camps that new ideas for programming, recruitment, and fund raising projects could be more easily obtained through a national Newsletter Exchange program. Here again, TAR Headquarters is encouraging closer communication between TAR Clubs on a State and Regional level.

DRUG ABUSE PROGRAM

Drug abuse is one of the most important issues facing young people today. National TAR Headquarters strongly feels that teenagers should be knowledgeable on the subject of "dangerous drugs" and should be aware of the dangers—both physical and mental—resulting from the use of narcotics, and has therefore launched a nation-wide education program aimed at the Junior and Senior High School students throughout the country.

By working with other state and national organizations who specialize in drug abuse education, TARS are now able to obtain literature and films about this important subject through the TAR office. TAR Headquarters has been in close contact with a number of organizations including the Bureau of Drug Abuse and Control, Justice Department, Smith, Kline, and French Laboratories, D.C. Drug Addiction Rehabilitation Center, Department of Defense, the Food and Drug Administration, Blue Shield, American Pharmaceutical Association, American Medical Association, National Association of Retail Druggists, National Institute of Mental Health, Oregon Council on Drug Problems, Smart Set international, and others. In addition, we are working closely with the officers of Congressman Gil Gude and Bill Steiger, as well as other Members of Congress interested in this important subject.

TAR Headquarters has previewed ten films on drug abuse and three of them are being officially recommended to TAR Clubs. These will be added to our film library and loaned to local TAR Clubs free of charge. In addition, a wide range of pamphlets, brochures, flyers, and posters have been read and sorted by the TAR Staff in preparing a packet of materials that will best suit the needs of today's teenagers in . . . the ghetto . . . suburbs . . . and rural areas. These materials cover the psychological, physical, and legal aspects of the drug problem, and the packet of materials can be easily updated as more current information becomes available. We are also planning to use materials and information compiled by the Republican National Committee in order to have a completely coordinated program.

In developing this program, National TARS—for the third year—held drug abuse seminars at all of the National TAR Camps. A two-part program was presented in which TARS learned the various types of narcotics, their potency, and the body's reaction to these stimulants and depressants. During the second session, TARS had the unique opportunity of hearing a testimonial from an ex-addict who related his personal experiences with drugs such as Marijuana, LSD, Speed, Heroin, and others. This program proved to be one of the most popular topics discussed at the camps and many of the TARS are already launching drug education programs in their schools and communities.

A number of Washington area TARS have assisted with this program in providing guidance and direction to our efforts. With their help we have been able to find out what approach and which materials are the most effective with teenagers. Our aim is to provide the facts, eliminating the scare tactics and the appeals to the emotions too often used. It is only through early drug abuse education that we will finally be able to slow the traffic in drugs which is rising at such an alarming rate and claiming the lives and futures of our nation's young people.

COMMUNITY ACTION

"Freedom is neither automatic nor confirmed by the happenstance of birth of geography. Freedom must be earned again by each succeeding generation through the sound exercise of its citizenship responsibilities."—National Governors' Conference Report.

Recognizing that effective citizenship must start at the local level and be locally initiated, National Teen Age Republicans urges—and persistently encourages—all TAR Clubs to initiate monthly community service projects.

TAR Headquarters distributes free of charge copies of Reclaiming The American Dream and has an assortment of community service manuals available.

In addition to their organizational, educational, and campaign activities, TARS all across the Nation find plenty of time to be involved in community action projects.

SUPPORT OUR SERVICEMEN

National TAR Headquarters' Support Our Servicemen program has met with phenomenal success and hundreds of TAR Clubs are supplying Military Hospitals in Vietnam and men in the field with needed personal items. TARS working with the American Red Cross are also supplying SREO Units and Clubmobiles with such items as tape recorders, projectors, cameras, and record players.

In addition, many TAR Clubs have adopted a South Vietnamese child while others are making Friendship Kits containing small toys, jump ropes, and balloons which are distributed by our Marines as part of the Pacification Program.

TARS are also writing individual servicemen in Vietnam. National TAR Headquarters has established a close working relationship with the Chapel Foundation of Saint Louis, Missouri. TARS who do not know soldiers in Vietnam are now able to obtain names of individual servicemen from their own states.

A great majority of TAR Clubs have appointed SOS Chairmen and the newly published SOS Manual is available at National TAR Headquarters.

AMERICANS FOR BIAFRAN RELIEF

National TAR Headquarters has endorsed the Americans For Biafran Relief and TARS all across the country are participating in this project.

A special "Biafra" mailing was sent to our entire National TAR mailing list and articles promoting this program have appeared in the May issue of "Notes From Here and There" and the June–July issue of TARGET. In addition, a comprehensive Biafra packet has been designed containing materials and specific instructions on how to participate in this worthwhile project.

TAR Clubs throughout the United States are enthusiastically raising money for the continuation and expansion of the airlift to Biafra, and this National TAR Program—like SOS—continues to be one of the most popular TAR projects.

STARS AND STRIPES FOREVER

National TAR Headquarters is proud to announce the adoption of a new project allowing Teen Age Republicans across the nation to display their patriotic colors by distributing colorful red, white, and blue plastic American flag decals free of charge. In cooperation with the Gulf Oil Corporation, National TARS will have available a large supply of American flag decals for distribution by TARS to be placed in the window of any automobile or home.

We encourage all Americans to join with the Teen Age Republicans in proclaiming a faith in America by proudly displaying the "Stars and Stripes." Make every day American Flag Day.

TAR PAGE PROGRAM

The TAR Page Program was first established at the 1965 National Young Republican Convention. TAR Pages were again selected to serve at the recent Young Republican National Convention held in Chicago, Illinois.

A number of TARS (approximately 70) were chosen to represent their own states and to serve as Pages to Convention officials and state delegations. The TAR Page Program—sponsored by National TARS—not only provided personnel to assist with convention business, but also gave these high school students the opportunity to see a political convention in full operation. During nonconvention hours a special program for TARS took place and throughout the week informal meetings and "coke sessions" were held in the TAR Suite at the Hilton Hotel.

AWARDS FOR OUTSTANDING TAR SERVICE

At the Young Republican National Convention in July, TAR Director Barby Wells, presented awards to the Outstanding TAR Boy and Outstanding TAR Girl in the Nation as well as to the Outstanding TAR Club in small, medium, and large categories. Also—for the first time, an award was presented to the Outstanding State TAR Director.

The recipients of these awards are:

Tar boy: Jeff Hollingsworth . . . selected Outstanding TAR in Maine and also serves as State Treasurer and Chairman of the Belfast TARS. In June he attended Maine Boys State and was elected Governor.

TAR girl: Kathi Drew . . . Chairman of the Dallas County TAR Federation in Texas and has done a fantastic job as leader of this 785 member TAR organization. She was also selected as the Outstanding TAR Girl in the State of Texas.

TAR director: Mrs. Stevie White . . . State TAR Director of Kentucky. Mrs. White has devoted "hundreds of hours" during the past two years to building a strong TAR Federation in Kentucky and has been the major force behind their success. She also is the Young Republican National Committeewoman.

Small club: Steam Boat Rock TARS . . . This Club of 25 members was also chosen this year as the Outstanding TAR Club in Iowa. Steam Boat Rock TARS, although small in number, have enthusiastically participated in all phases of TAR activity.

Medium club: Scranton TARS . . . Working out of their own headquarters in Scranton, Pennsylvania, this 125 member Club was also national winner of the Operation Kinfolk Contest. Special congratulations go to this Club for their exceptional work in the precincts.

Large club: Dallas County TARS . . . Wth close to 800 members Dallas TARS were one of the major factors in the victory of Congressman Jim Collins. Like the other Club winners this TAR Club also participates in a wide range of TAR activities.

Supplementing these awards, National TAR Headquaters is initiating a brand new awards program to further stimulate interest and action in TARS at all levels. National TARS will recognize the Outstanding TAR Boy and Girl in each State . . . Outstanding TAR Club in three categories within each State . . . Outstanding State TAR Newsletter in the country . . . the "five" most Outstanding State TAR Directors.

1968 CAMPAIGN REPORT

Activities of literally thousands of TAR volunteers all across the country played a major role in putting dozens of Senatorial, Congressional, and State House candidates over the top last November.

Just one example is the victory of Bill Whitehurst. Over 500 TARS (under the leadership of State TAR Chairman, Sammy Howlett of Norfolk, Va.) worked long hours spending afternoons, Saturdays, and Sundays blitzing shopping centers with literature; assisting at Whitehurst Headquaters; and conducting voter registration drives. Even on school mornings the youngsters were up at dawn manning their TAR "Coffee Booth," serving free coffee and distributing brochures at factory entrances. They hand made and placed over 3,000 yard signs and canvassed thousands of homes in the heavily Democratic 2nd District. The result: a Republican was elected to Congress . . . the first Republican to hold this seat in 40 years!

Nixon-Agnew pumpkins

On Halloween Night, 1968, thousands of TARS blitzed precincts throughout the United States and informed neighbors they were not asking for treats, but "giving" them by distributing Nixon-Agnew literature along with brochures promoting Congressional and local candidates. In addition to circulating campaign literature, TARS affixed to each doorknob a large orange pumpin reading "Even the Great Pumpkin Is Voting Nixon-Agnew". Headquarters printed and distributed the pumpkins to hundreds of clubs across the country. At the final tally some 202,000 pumpkins had been distributed by TARS.

Operation kinfolk

This project sought to encourage people who are old enough to vote, to support the Nixon-Agnew ticket. TARS sent postcards to their voting friends and relatives, urging them to support the Nixon-Agnew team. All Operation Kinfolk cards were furnished to Club Chairmen by National TAR headquarters. Each club submitted a report after the cards had been mailed and prizes were awarded to winning clubs in each of three divisions based on the size of the club. Each of the winning clubs received a gold engraved plaque, TAR sweatshirts for each member, and the Club President and Operation Kinfolk Chairman had the opportunity to visit the White House in June. The winning clubs were:

Large Club: Scranton, Pennsylvania TARS.

Medium Club: Geneseo, Illinois TARS.

Small Club: Merrill, Wisconsin TARS.

Campaigning with coffee

The TAR "Win Votes with Coffee" program which was co-sponsored by TAR Headquarters and the National Coffee Information Service was a tremendous success. The heart of the program was a specially prepared TAR Campaigning Manual, "Hitting the Victory Trail", which outlines specific how-to information. Among the vote-getting devices described is a coffee booth for use at shopping plazas, football stadiums, commuter stations, factories, and any other high traffic location.

TARS who attended National Camps learned about the "Win Votes with Coffee" program first hand at an hour-long seminar discussing specific coffee campaigning techniques and including the construction of a sample Campaign Coffee Booth. Following the seminar, delegates took part in a workshop during which they created a demonstration TAR Campaign Coffee House where they later relaxed and enjoyed fancy coffee house drinks. The program was also presented at as many State Camps as possible.

The manual and coffee booth kit are still available at TAR Headquarters and many TAR Clubs are using the booth to promote the GOP at State and County Fairs.

A sign-in at the supermarket!

Thousands of TARS participated in the Nixon-Agnew volunteers day and played a major role in making this program successful by blitzing neighborhoods and shopping centers.

TARS set up a series of shopping center blitzes and stationed teams of TARS both inside and outside the numerous stores. Many TAR Clubs used their "Campaigning with Coffee" booths, displaying the penants, banner, and bunting. Others ad libbed with crepe paper, Nixon signs, and literature, and set up a half dozen decorated card tables in their local shopping areas. They decorated several "blitz boxes" so people would have a place to put their newly signed "commitment cards."

A total of one million five hundred thousand "commitment cards" were distributed by TARS in all fifty states.

Certificates of appreciation

Following the Election, TAR Headquarters supplied to all TAR Club presidents special "Certificates of Appreciation" which were presented to the many, many deserving TARS who had put forth that "extra bit of effort" in helping to elect Republicans to local, state, and national office.

INTELLIGENCE REPORT ON TODAY'S "NEW REVOLUTIONARIES"

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. ASHBROOK. Mr. Speaker, those who viewed the program "The FBI" last Sunday evening saw Efrem Zimbalist, Jr., as Inspector Erskine, give information at the end of the regular program concerning Cameron D. Bishop, a member of Students for a Democratic Society—SDS—who is currently being sought by the Bureau. The case of Bishop is illustrative of the severe threat posed by two organizations, the SDS and the Black Panther Party, to the peace and order of our Nation.

The average citizen has neither the time nor the facilities to keep abreast of the activities of these and other violence-prone organizations whose excesses have made headlines in the recent past. Consequently, the October issue of the Reader's Digest renders the public a service by providing a compact and easily readable rundown of recent cases of terror and destruction not unlike the guerrilla tactics of the Vietcong in present-day Saigon.

The article, "Intelligence Report on Today's 'New Revolutionaries' " compels the reader to realize with a shock that the hate-filled violence of today is not confined to Vietnam, but now occurs in the law-based society here at home. The author, William Schulz, long familiar with the workings of subversive and disruptive elements of the home-grown variety, has availed himself of the "documented findings by congressional probers, U.S. law-enforcement agencies, and State and local authorities" to sound a note of warning to those understandably engrossed in the more peaceful exigencies of everyday living.

The maintenance of a free and ordered system is, in varying degrees, everyone's business. But no longer can we content ourselves with faithful compliance with the laws alone. The adequacy of law-enforcement facilities, the judgments of parole boards and local and Federal judges, permissiveness and individual culpability—these are but a few of the areas which require public involvement.

A thoughtful reading of the above-mentioned excellent article by William Schulz in this month's Reader's Digest should help engender added public concern toward eliminating these anarchistic elements from our midst, and for this reason I insert it in the RECORD at this point:

INTELLIGENCE REPORT ON TODAY'S "NEW REVOLUTIONARIES"

(By William Schulz)

At New York University, members of the Students for a Democratic Society slip into an auditorium where the Ambassador from South Vietnam is scheduled to speak. At a given signal, they storm the stage, manhandle the Ambassador and flee the hall. The young activists then proceed to another room, batter down the doors and forcibly prevent New York *Times* columnist James Reston from delivering his speech.

During a period of agitation by student radicals in Claremont, Calif., a secretary at Pomona College removes a bulky package from a college mailbox. As she does, the box explodes, blinding the woman in one eye, causing loss of two fingers and badly disfiguring her face.

At Tougaloo College in Mississippi, students from Negro colleges in the South and East attend a closed-door "defense workshop," discuss the elimination of mayors and police chiefs, the kidnaping of college authorities, the instruction of ghetto residents in the manufacture of Molotov cocktails and use of firearms.

These recent incidents, by no means isolated, are graphic illustrations of a new breed of revolutionary violence that is gravely threatening America. Its iron-fisted methods, often masked behind a shield of legitimate concerns, are doing severe disservice to honest protest in our society. "This has gone beyond the issues," says Prof. Harvey Mansfield of strife-torn Columbia University. "It is naked force against the democratic process."

The FBI supplies grim statistics: in 12 months more than 225 campuses were rocked by organized terror and violence; campus radicals accounted for more than $3 million in damages as research labs, ROTC buildings, even auditoriums were bombed; police in more than 40 cities were the target of guerrilla attacks.

Not surprisingly, apprehensive citizens in all parts of the country are asking: Who *are* the New Radicals? How do they operate? Who is financing them? How extensively are they assisted from abroad?

Here, then, is an intelligence report based upon months of nationwide research and the accumulation of documented findings by Congressional probers, U.S. law-enforcement agencies, and state and local authorities. In the words of Sen. John McClellan (D., Ark.), whose U.S. Senate Permanent Investigations Subcommittee has conducted extensive hearings: "The public now deserves to be acquainted with the cold, irrefutable facts."

Alliance of Terror. The revolutionary menace consists of a highly dangerous minority of perhaps 20,000 activists embedded within an overall movement of 200,000 radical dissidents. At the core of the movement, security officials agree, are two groups, one white and one black, both with grandiose plans for the overthrow of a "decadent" American society. They are:

The Students for a Democratic Society, activated in 1962 by a handful of students from less than a dozen campuses. Today, SDS claims 70,000 followers on 350 campuses, and its national leaders—virtually all non-students—proudly rattle off a string of revolutionary victories scored last year at schools from Havard to San Fancisco State.*

The Black Panther Party, a virulent, self-styled "armed revolutionary vanguard." In less than two years, the Panthers have mushroomed from a 125-man contingent based solely in Oakland, Calif., to a nationwide operation with 60,000 sympathizers and chapters in two dozen cities. "Schooled in the Marxist-Leninist ideology and the teachings of Mao Tse-tung," reports the FBI, "Panther members have perpetrated numerous assaults on police officers and engaged in violent confrontations with police throughout the country."

Throughout the early part of 1969, national leaders of SDS and the Black Panther Party held top-secret strategy sessions to discuss plans and coordinate strategy. The meetings were hardly surprising, for the extremist blacks and the revolutionary whites have much in common: a hatred for present-day America, and idolization of Fidel Castro and Mao Tse-tung, and abiding faith in violence as the means of destroying American society.

Bombs and Bombast. Thus, last fall, activists attending the SDS national council meeting at Boulder, Colo., were supplied copies of a pamphlet that set forth detailed instructions on the manufacture of fire bombs, train mines, even hand grenades. This and other manuals were circulated widely among SDS and other activists from coast to coast—with predictable results.

At Washington University in St. Louis, a 22-year-old SDS member, Michael S. Siskind, was arrested and convicted of the attempted fire bombing of an ROTC installation. At Ann Arbor, Mich., a bomb ripped through the local offices of the CIA causing extensive property damage, and SDS claimed credit. Finally a 26-year-old Army deserter, SDSer Cameron D. Bishop, became the first campus radical to make the FBI's Ten Most Wanted List—charged with the dynamite sabotage last January of defense-plant transmission-line towers near Denver. "It's not reform we're after," one SDSer told reporters at last summer's national convention in Chicago. "It's the destruction of your stinking, rotten society—and you better learn that fast."

The pronouncements of Black Panther leaders are strikingly similar. "Let us make it clear that the Panthers do not seek the objective of civil or legal rights," announced the party's minister of education, George Mason Murray, while visiting Cuba in August 1968. "We are organized like guerrillas," he said. Their purpose: to assassinate police, blow up bridges, burn factories.

This is not mere rhetoric. Panther members receive detailed instruction in the revolutionary use of "anti-property and anti-personnel grenades and bombs." Senate testimony reveals that last year, in Mobile, Ala., Panther Field Marshal Donald Lee Cox held classes for young Negroes in the manufacture and use of acid bombs. Result: a wave of terrorist bombings, mostly of Mobile business establishments. At least 58 of the bombings were attributed to such explosives.

From Havana With Hate. Substantial quantities of revolutionary propaganda are imported from China and Cuba by the Panthers and various New Left groups. One widely circulated tract, originally published in Cuba, advocates extensive sabotage, the derailing of trains, the use of fire bombs, homemade flamethrowers and explosive booby traps. Finally, "advanced instruction" in the revolutionary arts is available outside the United States.

Twenty-year-old Christopher Z. Milton told the SDS national convention this year that he spent three years behind the Bamboo Curtain, where he was a member of the revolutionary Red Guard. New Yorker Robert Steele Collier, 32, visited Cuba in 1964 as part of a tour organized by the pro-Peking Progressive Labor Party and paid for by the Castro govenment. While in Cuba, Collier is reported to have received training in explosives from a major in the North Vietnamese army. He returned home, established contact with Cuban U.N. diplomats, and was a leader of a Black Liberation Front set up to carry out terrorist acts.

Collier mapped ambitious plans to blow up the Statue of Liberty, the Washington Monument and the Liberty Bell—but was "betrayed" by an undercover policeman who had infiltrated his group. Convicted of conspiracy in June 1965, he was sent off to federal prison—only to be released with time off for good behavior in March 1967. The "rehabilitated" Collier went on the New York City payroll as a recreation supervisor and moved into the Black Panthers. In April 1969 he was behind bars again—one of 21 Panthers charged with conspiracy to bomb department stores and to murder police. Collier is only one of hundreds of young Americans who have traveled to Cuba in recent years. In August 1968, for instance, 34 SDS members made their way to Cuba via Mexico. Part of the group of SDSers met with Huynh Van Ba, of the National Liberation Front of South Vietnam, who urged them to marshal U.S. anti-war sentiment, organize draft resisters, and solicit funds for the Vietcong.

Fat cats and foundations

The dollars that fuel the New Left and Black Power movements come from a variety of sources—foreign and domestic, legal and illegal. Many New Leftists come from affluent homes with indulgent parents whose generous allowances cover travel and minimum living expenses. Operating costs of the movement are high, however. Just to maintain the SDS national office, for instance, costs more than $80,000 a year.

Some of this is covered by membership dues and the sale of literature. But nearly 60 perecnt of the SDS budget comes in the form of contributions—including substantial amounts, curiously, from wealthy benefactors. As FBI director J. Edgar Hoover told Congress, four individuals—a Cleveland industrialist, the wife of a millionaire Chicago attorney, a New England heiress, and a wealthy New York lecturer and writer—have contributed a total of more than $100,000 to New Left activities.

Several tax-exempt foundations have helped finance the New Left. Hoover disclosed that one such group, located in New York, has supplied more than $250,000 during the past seven years to individuals and groups, most of which have had close ties to the New Left or Communist Party-U.S.A.

Piece of the action

All too frequently, report experts, campus unrest is also financed by unsuspecting students and taxpayers. For example, at San Francisco State College (enrollment 18,000), several hundred student radicals took advantage of campus apathy and captured the student government in a little-noticed election.

Once in control of the $400,000-a-year associated students fund, derived from required student fees and some bookstore profits, the radicals ousted the business manager and his staff, slashed allocations for traditional activities—athletics, service clubs, various extracurricular groups—and embarked on a wild orgy of revolutionary spending. From then until State Attorney General Thomas Lynch impounded the fund last February, they approved pay and allowances for each other, purchased guns, commissioned "Hate Whitey" movies for ghetto showings, hired Panthers as lecturers.

---

* See "SDS: Engineers of Campus Chaos," The Reader's Digest, October '68.

The militants discovered other sources of money, including funds available from government agencies to Bay Area colleges, which were to enable them to conduct Community Action programs in the slums. College radicals promptly maneuvered themselves and their allies into many of the 300 to 500 work-study student jobs, each paying up to $3.50 an hour. These work-study students, operating in pairs throughout the ghetto, organized protest marches and school boycotts, picketed defense plants, fomented rent strikes and promoted "lie-ins" to halt troop trains.

The use of anti-poverty funds for disruption and violence is not confined to the Bay Area. Indeed, from coast to coast, black and white extremists of all descriptions have managed to grab a piece of the action:

Item: Black Panther leaders Bobby Seale, Huey Newton and George Murray all spent time on the anti-poverty payroll. In Jersey City, that city's chief Panther kept his anti-poverty job even after he was arrested for assaulting a policeman.

Item: In New York City, officials put up $30,000 for a "Free Store," designed to aid hippies and other "alienated youth." Free Store facilities were used to distribute leaflets on the manufacture of fire bombs and to recruit demonstrators for the 1968 Democratic national convention in Chicago.

Item: Little more than a year ago, Cleveland police walked into an ambush in the steaming Glenville ghetto—and were cut down one by one by trained marksmen. In 30 minutes, two patrolmen and a lieutenant were dead, 14 more were wounded. The leader of the uprising, black militant Fred (Ahmed) Evans, had received nearly $7000 in local anti-poverty funds—and boasted he had used part of the money for purchasing the murder weapons.

Capacity for Chaos. The largest source of Panther funds is not the poverty program, however, but the armed robberies and the shake downs committed in the name of revolution. The Panthers' so-called "Breakfast Program" is a perfect example.

Tough young recruits swagger through the ghetto informing merchants that the Panthers are running pre-school chow lines for underprivileged black kids. Contributions—in the form of foodstuffs or money—are demanded. "You wouldn't want someone to burn down your store," smiled one Los Angeles Panther.

The merchants get the message. In the San Francisco area, an auto dealer who refused to give the Panthers money arrived at work the next day to find his plate-glass window shattered. A Chinese grocer in Oakland who refused to continue donations saw his place badly damaged by fire. In Harrisburg, Pa., "uncooperative" merchants were firebombed. "Most merchants are petrified," explains an East Coast police official. "So they kick in—$25, $50, $100 a week."

Such "voluntary contributions" finance an insidious program of revolutionary indoctrination. Impressionable school-age children—second, third and fourth graders—are fed not only bacon and eggs (usually in church basements) but massive doses of racist propaganda. A coloring book that show blacks mutilating policemen with guns, knives and hatchets has been distributed in at least five different programs.

Other Panther projects are financed by armed robberies, as ex-Panther Larry C. Powell told the McClellan Subcommittee. As a member of the elite black guard, Powell related, he had been assigned to one of the "rip-out" squads that carried out the daily robberies ordered by the Black Panther Party Central Committee. Stores were carefully targeted—"A place wasn't worth robbing unless it had $500 or more"—with one third of the take going to the Panther treasury and the other two thirds split among the robbers.

The Panthers are no more representative of American blacks than the Students for a Democratic Society are of the country's seven million collegians. But both groups have a capacity for disruption that far exceeds their numbers. By carefully selecting issues—from the Vietnam war to "police brutality"—and by exploiting them fully, they have stirred to action thousands who would not normally become involved. And the havoc they have wreaked has had far-reaching consequences. It has jeopardized the struggle for civil rights, severely disrupted the normal processes of our academic system and posed a major threat to the continued existence of our democratic system.

COURT VACANCY FOR THE SOUTH—NO ACCOMMODATIONS FOR JEWISH REPRESENTATION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. CLAY. Mr. Speaker, I have addressed myself on several occasions to the well-displayed prejudices of the present administration. Racism, when practiced in its true form, knows not just color distinctions. Citizens of Jewish heritage are acutely aware of the nature of discrimination and their sufferings—as a result of it, are tragically documented throughout history.

It was proclaimed a milestone when President Wilson appointed Justice Brandeis to the Court in 1916—a justice who set an incredibly high standard for any who aspire to that office of this Government. He was nobly followed by Justices Cardozo, Frankfurter, Goldberg, and Fortas.

Now, to that seat, the Senate is asked to place Clement Haynsworth. Judge Haynsworth's nomination is being weighed against only the general requirements for Court service, and his record clearly falls short. But should we judge this aspiring justice in terms of the record, character, performance, and contributions of the men whose seat he hopes to occupy, we must conclude with greater dismay the irresponsibility of this appointment.

I commend to the attention of my colleagues the views of the NAACP as reported in the Kansas City Call of September 26, 1969:

FAILURE TO APPOINT JEW TO SUPREME COURT DECRIED BY NAACP

NEW YORK.—President Nixon's failure to to appoint a Jewish American to the United States Supreme Court "was a sad blow to the aspirations of all Americans for full participation of all of our people in the affairs of government," the National Association for the Advancement of Colored People charges in a resolution adopted by its board of directors at its regular quarterly meeting here on Sept. 8.

The text of the unanimously adopted resolution was made public by Bishop Stephen Gill Spottswood, chairman of the Association's 64-member National Board, after he had dispatched a copy to the President on Sept. 9. The resolution also reaffirmed and ratified the statements issued and steps taken by Executive Director Roy Wilkins in opposition to the President's selection of Judge Clement F. Haynsworth for the Supreme Court.

The NAACP board's objection to the appointment encompasses more than opposition to Judge Haynsworth's "lamentable record in civil rights matters" and his anti-labor decisions. In addition to these considerations, the board's opposition is based "on the refusal of the President of the United States to follow the tradition of his eminent predecessors . . . of recognizing the vast political and social contributions, particularly with respect to our legal institutions, made by Jewish Americans."

The resolution cited the records of Justices Louis D. Brandeis, Benjamin N. Cardozo, Felix Frankfurter, Arthur Goldberg and Abe Fortas as "major developments and contributions to the legal and political structure of the United States over the past half-century."

President Nixon, the resolution points out, passed over two opportunities within the last three months to extend the tradition initiated by President Woodrow Wilson in 1916 with the appointment of Justice Brandeis.

"We fear, or at least we suspect," the resolution continues, "that this cavalier treatment of a group of persons who have been in the forefront of the fight for the protection of the rights of all Americans is thought to be justified because, after too long a denial, a Negro American has been appointed to the Supreme Court."

Rejecting such political reasoning and "cynical politics," the resolution decries the apparent effort "to require us to compete with our fellow defenders on the rights of all people for a place on the Supreme Court.

The resolution questions Judge Haynsworth's "apparently distorted views of the propriety of the use of legal institutions for the purpose of imposing a regressive notion of society on this nation" and warns "the country, and particularly the President of the United States, that no people, black or white, can be 'kept in their place,' by the use of force. Under the guise 'law and order,' the country will not tolerate an effort to establish a 19th Century class structure with its inherent discrimination against black people, poor people and working people of whatever color.

"We regard the appointment of Judge Haynsworth as aimed in that direction," the resolution concluded.

PEACE IN VIETNAM IS U.S. GOAL BUT MUST BE PEACE WITH HONOR

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. GRIFFIN. Mr. Speaker, it is alarming and disturbing to me that prominent leaders are supporting the Vietnam moratorium. Even though peaceful rallies are scheduled, there are many militant students planning to turn them into violent demonstrations.

The vigils, teach-ins, and rallies are pointed in the wrong direction. They should be directed toward Hanoi—not Washington. It is Hanoi which is prolonging the war. It is Hanoi which is mistreating American prisoners. It is Hanoi which is bringing death and destruction to the innocent people of South Vietnam.

Washington's objective is peace. Hanoi's objective is continued war.

I support President Nixon in his dedication to peace with honor. Instant surrender of gradual surrender should be rejected.

The Jackson, Miss., Clarion Ledger carried an excellent editorial on this subject on October 1, and I am pleased to call it to the attention of my colleagues. It follows:

PEACE IN VIETNAM IS U.S. GOAL BUT MUST BE PEACE WITH HONOR

President Nixon's policy concerning further troop withdrawals makes it abundantly clear that the United States sincerely desires peace in Vietnam, but that it must be peace with honor. Our government obviously will not negotiate away the right of South Vietnam's people to determine their own future, free of Communist dictation.

Our government has renounced an imposed military solution, has proposed free elections under international supervision and has said we will retain no military bases if the Reds will make a similar pledge.

President Nixon's statements and actions show he is walking the extra mile in quest for peace. It is up to Hanoi to see that he does not walk it alone or wait in vain.

Americans of both parties and in all walks of life are elated that there will be 60,000 fewer troops in South Vietnam at the end of this year than there were at the beginning. They are relieved because it has signified the President is determined to de-escalate and eventually end the long, bloody, costly war.

At the same time, Americans are also relieved because the Administration has made it clear that our desire for peace does not mean a unilateral and craven retreat which would amount to unconditional surrender to Hanoi, as its delegation at the Paris Peace talks seemingly expects.

Peace is the American objective, to be sure—but it must be peace with honor for us and justice for those who are pledged to help. This is the kind of peace most Americans want, we believe, and it is the kind of peace the United States is determined to achieve.

President Nixon has shown his sincerity. It is now time that his opponents at home pledged their full support to that effort, and time our enemies abroad became aware that responsible Americans are behind this quest for peace with honor.

CORAL GABLES JAYCEES' GOODWILL MISSION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. FASCELL. Mr. Speaker, over Labor Day weekend a group of citizens from my district engaged in a most commendable gesture of good will toward other people. In an unofficial capacity, yet representing the true spirit of friendship existing between all Americans and our Latin American brothers, more than 70 Coral Gables Junior Chamber of Commerce members and their wives visited Quito, Ecuador, and Panama City, Panama.

The trip, under the direction of Richard Kelly and the Coral Gables Jaycee president, David Christianson, Jr., was coordinated with the Jaycees in Quito. The president of the Quito Jaycees, Manuel Sans, acted as an unofficial guide insuring that the group had a memorable stay in Quito.

The Coral Gables Jaycees did not go emptyhanded. Their major purpose in visiting Quito was to bring gifts and clothing to hospitalized children and to supply approximately $15,000 worth of medicine and medical supplies to a children's hospital. The group also presented to the mayor of Quito a resolution from the Coral Gables City Commission and a key to the city of Coral Gables.

The Ecuadorians expressed their appreciation for the gifts. The President of Ecuador, Jose Maria Velasco Ibarra, honored the Jaycees at a reception and the Quito Jaycees honored them with a banquet. Representatives of the Coral Gables Jaycees also appeared on a national TV show with political commentator Edison Taran.

The group from Coral Gables felt the trip to be very rewarding. Dave Christianson said:

There was tremendous hospitality and good will all around our visit, and I know our gift to the hospital was tremendously appreciated. We have as a country a big stake in the friendship of the Ecuadorians and a visit like this keeps that friendship strong.

The Coral Gables Jaycees have now added Quito, Ecuador, to the list of countries and cities they have visited as ambassadors of good will. Some of their past good-will missions were to Caracas, Venezuela; Cartagena, Colombia; and Guatemala. Dave Christianson tells me that Ecuador has invited them back next year at the expense of Ecuador for the purpose of bringing additional medical supplies and foods needed in two other hospitals in Quito.

As chairman of the Inter-American Affairs Subcommittee of the House Foreign Affairs Committee, and as the Congressman representing these citizens, I feel especially proud of the Coral Gables Jaycees' undertaking. Aid to our Latin American friends is a very important implementation of our foreign policy. In an official capacity loans, agricultural and technical assistance, Peace Corps activities, and other programs play an essential role in aiding people and providing some understanding of the United States. But perhaps this form of people-to-people sharing of material and ideals, though it often goes unnoticed, expresses best the real community of man which is so essential for a world of peace and brotherhood.

I commend the Coral Gables Jaycees and wish them continued success in their endeavors toward international peace.

AMERICAN LEGION SUPPORTS STRONG MERCHANT MARINE

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. GARMATZ. Mr. Speaker, since the American merchant marine is essential to our Nation's economic health and national defense, its continuing decline should be a matter of concern to every American citizen. Unfortunately, many Americans are blithely unaware of the crisis confronting our maritime industry, and it is extremely difficult to convey this message to our citizens.

One of the most effective methods of spreading the word is through individual organizations which have large memberships. The American Legion, which has a membership of over 2 million, has always been a powerful ally of the merchant marine, and it has set an example which other organizations would do well to follow.

During its 51st annual convention which it held in August of this year, the American Legion adopted two resolutions urging that certain actions be taken by Congress and the administration to revitalize the American merchant marine.

I want to take this opportunity to congratulate the American Legion for its outstanding record of patriotism; it should also be commended for its persistent efforts to educate both its membership and the general public as to the urgent need for a healthy and viable merchant fleet. If enough organizations launched similar educational programs, they might generate sufficient public concern to force rapid implementation of a comprehensive program to revitalize the American merchant marine. The American Legion should be commended for its efforts in this direction.

I have just received copies of the resolutions adopted by the American Legion, and I insert them into the CONGRESSIONAL RECORD.

The resolutions read as follows:

RESOLUTION NO. 482

Whereas, The American Legion has long been aware of the declining status of our Merchant Marine fleet which now numbers less than 1000 vessels, 80 percent of which are more than 25 years old and, the normal useful life of such ships is 20 years; and

Whereas, we recognize the superiority of the Soviet merchant fleet comprised of modern vessels, two-thirds of which are less than 10 years old, with accelerated new ship construction at an alarming rate to further increase their superiority; and

Whereas, The American Legion has long despaired our second rate position to the Soviet Union and feels that this vital Fourth Arm of our National Defense should be brought to a position of superiority; and

Whereas, The American Legion has consistently, year after year, urged the Congress and the Administrator to take required action to revitalize our Merchant Marine; and

Whereas, The American Legion feels that further delay in this revitalization will be disasterous to our national defense; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Atlanta, Georgia, August 26, 27, 28, 1969, that we urge the President and the Congress to take immediate action to rebuild and revitalize The American Flag Fleet to a position second to none in the world.

Whereas, the Maritime Commission today is a sub-division of the Commerce Department; and

Whereas, the Merchant Marine, as being a part of the Commerce Department, has not received recognition and financial support as our present world involvement demands; and

Whereas, due to the present and foreseeable future of the world situation, it is imperative that the United States maintain a strong and adequate merchant fleet to meet our commitments as a world power; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Atlanta, Georgia, August 26, 27, 28, 1969, that Congress enact legislation to establish an independent Maritime Department.

TREATY BARRING NUCLEAR WEAPONS ON SEABED

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. FRELINGHUYSEN. Mr. Speaker, a draft treaty agreement prohibiting the placement of nuclear weapons and other weapons of mass destruction on the seabed was agreed upon this morning, and has been submitted to the Committee on Disarmament in Geneva, Switzerland. Agreement on the text of the treaty was reached by the United States and Soviet Cochairmen of the Conference.

This agreement, Mr. Speaker, represents a great step forward in the area of arms control. As a congressional adviser to the Disarmament Conference, I am aware of the many hours of hard work which have gone into the formulation of this draft treaty.

I insert the text of the seabed treaty in the RECORD at this time:

DRAFT TREATY ON THE PROHIBITION OF THE EMPLACEMENT OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION ON THE SEABED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF

The States Parties to this Treaty,

Recognizing the common interest of mankind in the progress of the exploration and use of the seabed and the ocean floor for peaceful purposes,

Considering that the prevention of a nuclear arms race on the seabed and the ocean floor serves the interests of maintaining world peace, reduces international tensions, and strengthens friendly relations among States,

Convinced that this Treaty constitutes a step towards the exclusion of the seabed, the ocean floor and the subsoil thereof from the arms race and determined to continue negotiations concerning further measures leading to this end,

Convinced that this Treaty constitutes a step towards a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,

Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas,

Have agreed as follows:

ARTICLE I

1. The States Parties to this Treaty undertake not to emplant or emplace on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone provided for in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone any objects with nuclear weapons or any other types of weapons of mass destruction, as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

2. The States Parties to this Treaty undertake not to assist, encourage or induce any State to commit actions prohibited by this Treaty and not to participate in any other way in such actions.

ARTICLE II

1. For the purpose of this Treaty the outer limit of the contiguous zone referred to in Article I shall be measured in accordance with the provisions of Section II of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone and in accordance with international law.

2. Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to rights or claims which such State Party may assert, or with respect to recognition or nonrecognition of rights or claims asserted by any other State, related to waters off its coasts, or to the seabed and the ocean floor.

ARTICLE III

1. In order to promote the objectives and ensure the observance of the provisions of this Treaty, the States parties to the Treaty shall have the right to verify the activities of other States Parties to the Treaty on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone, referred to in Article II, if these activities raise doubts concerning the fulfillment of the obligations assumed under this Treaty, without interfering with such activities or otherwise infringing rights recognized under international law, including the freedoms of the high seas.

2. The right of verification recognized by the States Parties in paragraph 1 of this Article may be exercised by any State Party using its own means or with the assistance of any other State Party.

3. The States Parties to the Treaty undertake to consult and to cooperate with a view to removing doubts concerning the fulfillment of the obligations assumed under this Treaty.

ARTICLE IV

Any State Party to the Treaty may propose amendments to this Treaty. Amendments must be approved by a majority of the votes of all the States Parties to the Treaty, including those of all the States Parties to this Treaty possessing nuclear weapons, and shall enter into force for each State Party to the Treaty accepting such amendments upon their acceptance by a majority of the States Parties to the Treaty, including the States which possess nuclear weapons and are Parties to this Treaty. Thereafter the amendments shall enter into force for any other Party to the Treaty after it has accepted such amendments.

ARTICLE V

Each Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized the supreme interests of its Country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

ARTICLE VI

1. This Treaty shall be open for signature to all States. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of ------------------ which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall forthwith notify the Governments of all States signatory and acceding to this Treaty of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE VII

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the States signatory and acceding thereto.

In witness whereof the undersigned, being duly authorized thereto, have signed this Treaty.

Done in ---------------- at ---------------- this ------ day of ----------.

SORRY COMMENTARY ON THESE TIMES

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. HANNA. Mr. Speaker, I submit for some pondering on the part of my colleagues and as a warning to labor the following articles:

[From the Register, Sept. 24, 1969]

500 WILL LOSE JOBS; MORE LAYOFFS AHEAD?

(By Kirk Wels)

The late-Tuesday announcement that Garden Grove's largest manufacturing employer will cease operations by Oct. 10 just brings closer to home . . . and in sharper focus . . . the warnings sounded in this column over the past several years.

And it underlines a Tuesday news item out of Washington which tells of a delegation of congressmen, businessmen and union officials meeting with President Nixon to seek voluntary limits on importation of shoes into the United States.

Randolph Rubber—formerly the California Rubber Co. locally—makes shoes and had $37 million sales last year. It's products include Bob Cousy sneakers and other popular deck shoes which I wore happily.

The company announcement attributed the termination of more than 500 employes for many reasons.

But they all added up to one: an inability to remain competitive and profitable in the products handled at this location.

This is no snide comment, nor snear at management or anyone else.

It's a combination of things—all of which are nearing climax for most industries of this country.

The fact is that we've been pricing ourselves out of the worldwide market . . . through increased costs of money; labor; transportation; governmentally-required reports, actions, and legal staffs; by increasing requests for government services which increases the tax load; and by such judicial decisions as those jury verdicts which push insurance costs out the window by holding manufacturers liable for product reliability despite abuse or lack of common sense in consumer use.

As the old druggist said in "Somebody Up There Likes Me,": . . . You can walk away without paying the check for the soda you just drank; but somewhere, sometime you'll have to pay that check.

As a nation, a state and a county of people, we've been walking away from too many "soda checks." We have been demanding and getting services, with the payment of check delayed.

The already-committed costs of government which met the Reagan and Nixon administrations were far beyond our ability to pay . . . unless we materially cut our governmental and individual standards of living . . . or unless some tremendous technological advance increased production so extensively that unit costs would come down and we could compete internationally.

Workers—including myself—are feeling the pinch as costs go up and pay stays the same. It's only human nature to fight for more . . . to demand more wages for the job we're doing, in order that we don't have to cut back on what we offer our families.

But now we're seeing the fruits of demanding more without increasing production at least to the point of paying for that increased cost.

DOLLAR LOSS WILL BE FELT

The loss of income to Garden Grove and other Orange County governmental units and commercial and service establishments will be considerable enough to create problems . . . just from this loss of 500-plus jobs. It isn't something which can't be absorbed, perhaps, but what happens if the individual units up prices a bit to take up the slack?

Will this increase pressures for higher "collective bargaining" settlements that help put more firms in the position of Randy?

Many intelligent people are making strong cases to put up trade barriers . . . all aimed at cutting down on "foreign" competition. That's another way of saying: Keep my business from going under and increase the costs of all people who now buy the item . . . whether it be shoes of shirts or steel or. . . .

But, as other intelligent men have pointed out, this action also incenses people of other nations who might easily be led to do war against a country which tries to throw walls around its affluency. And the costs of such a war—"hot" or "cold"—also are high.

Out of just this were kings overthrown and dynasties felled by barbarians throughout history.

No . . . there's really only one answer . . . and that's the one of "paying the check," individually and collectively. It will be paid . . . one way or another, by all of us.

I remember 1929. Do you?

The delegation meeting with Nixon in Washington Tuesday was one led by Sen. Margaret Chase Smith, R–Maine. The group represented areas of the country which manufacture shoes and which complain that current imports are harming the domestic industry.

The tariff on shoe imports is generally about 8 per cent.

Mrs. Smith presented Nixon with a Senate petition calling for voluntary import limitations. It was signed by 72 of the Senate's 100 members, and represented 43 of the 50 states. Earlier this year Rep. James Burke, D–Mass., sent the White House a similar petition signed by about 300 House members.

FIVE HUNDRED AND THIRTY-TWO GG RUBBER WORKERS TO BE BOUNCED BY FIRM

Garden Grove's largest manufacturing employer—Randolph Rubber Co., 10631 Stanford—will terminate all 532 employes and cease operations by Oct. 10, officials confirmed late Tuesday.

An announcment to that effect will be posted on the bulletin board this morning at the plant which had its origin in Latvia in 1922 and was first opened in Garden Grove 21 years ago.

The notice, signed by Julian S. Weinstein, executive vice president, Randolph Rubber Co., said:

"We are sorry to have to announce that a decision has been made by the management of Randy Industries to cease all manufacturing operations in the Garden Grove plant by Oct. 10, 1969.

"As manufacturing operations are completed, department by department, employes will be terminated. This is not a hasty decision, but was made necessary by increasing financial losses, changes in manufacturing processes such as injection molding, and marketing conditions, and foreign competition has caused the closing of the plant."

Rumors of the pending action circulated through the plant early this week before officials late Tuesday confirmed them after further telephone conferences with company headquarters back East.

The announced action will leave Air Industries, Inc. and Swedlow, Inc., each with something over 500 employes locally, as Garden Grove's largest employers.

Thus ends the Orange County chapter of a saga which began in Riga, Latvia, back in 1922 when the footwear enterprise was started by two Shrage brothers, Michael and David.

By 1930 the Shrages were employing 2,500 workers in three plants—Riga, Latvia; Lodz, Poland, and Kaunas, Lithuania.

In 1938, the firm was confiscated by the Hitler regime. In 1940 the brothers started anew in Cuba and, eight years later, opened a plant on a 12-acre site at 10633 Stanford Ave., Garden Grove.

Meanwhile, in 1959, the Castro regime confiscated the Cuban plant.

Two years later, Imperial Commodities of New York acquired a controlling interest in the company.

Known as Rubber Corp. of California, the firm was acquired next by Randolph Manufacturing, Randolph, Mass., in October of 1963 when president Jack Smith reported employment at 320 persons.

In July of last year the Garden Grove plant employed about 800 people when the parent firm, including plants in Randolph and in Derry, N.H., was acquired by Tel-A-Sign, Inc., Chicago-based sign manufacturer, and became a Delaware corporation.

Randolph was described as one of the largest manufacturers of canvas footwear, with such brands as the Randy Boatshu and the Bob Cousy basketball sneaker.

In almost constant confrontation with some type of union action since 1963, the firm in 1965 appealed an NLRB order that it bargain with the AFL–CIO United Rubber Workers. Finally, late this summer, "Randy" employes voted to accept union representation in an NLRB-supervised election.

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. BOLLING. Mr. Speaker, I am not an admirer of many of President Nixon's policies. However, I must say that I was impressed by the observations of David S. Broder in his column in the October 7 issue of the Washington Post. The main point Mr. Broder makes is that the only honest approach to breaking a President is the constitutional avenue of impeachment. Indirect and, often devious and violent guerrilla tactics, usually clothed in self-righteousness and real or pretended moral fervor, are not legitimate techniques. It is always fair to criticize a President—"after all he asked for the job." But criticism should be based on issues, not on personality, and should be made in the context of the welfare of the country and not self-serving ends. Moreover, the tactics used against both President Johnson and President Nixon obscure that necessary boundary across which political critics should not pass. It is one thing to criticize the President but it is quite another to let criticism maim the institution of the Presidency itself.

The article follows:

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

(By David S. Broder)

CAMBRIDGE, MASS.—If there are any smart literary agents around these days, one of them will copyright the title "The Breaking of the President" for the next big series of nonfiction best-sellers. It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.

The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can readily be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like any discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used.

The essentials of the technique are now so well understood that they can be applied with little waste motion.

First, the breakers arrogate to themselves a position of moral superiority. For that reason, a war that is unpopular, expensive and very probably unwise is labeled as immoral, indecent and intolerable. Critics of the President who are indelicate enough to betray partisan motives are denounced. (That for you, Fred Harris.) Members of the President's own party who, for reasons perhaps unrelated to their own flagging political careers, catapult themselves into the front ranks of the opposition are greeted as heroes. (Hooray for Charley Goodell.)

The students who would fight in the war are readily mobilized against it. Their teachers, as is their custom, hasten to adopt the students' views. (News item: The Harvard department of biochemistry and molecular biology last week called for immediate withdrawal from Vietnam.)

Next, a New England election (the New Hampshire primary is best but the Massachusetts Sixth Congressional District election will do as well) surprisingly shows that peace is popular at the polls. The President's party sees defeat staring it in the face unless it repudiates him, and the Harris poll promptly comes along to confirm his waning grip on public trust. The Chief Executive, clearly panicky, resorts to false bravado and says he will never be moved by these protests and demonstrations, thus confirming the belief that he is too stubborn to repent and must be broken.

And then, dear friends, Sen. Fulbright and the Foreign Relations Committee move in to finish off the job.

All this is no fiction; it worked before and it is working again. Vietnam is proving to be what Henry Kissinger once said he suspected it might be—one of those tragic, cursed messes that destroys any President who touches it.

That being the case, any President interested in saving his own skin would be well-advised to resign his responsibility for Vietnam and publicly transfer the assignment of ending the war to Congress or the Vietnam Moratorium Committee or anyone else who would like to volunteer for the job.

But he cannot. And that is the point the protesters seem to overlook. Assume that they and the President are both right when they assert the time has come end this war. Assume that the protesters know better than

XUM

the President how to do so—despite the conspicuous absence of specific alternatives to the President's policies in their current manifestos.

There is still a vital distinction, granting all this, to be made between the constitutionally protected expression of dissent, aimed at changing national policy, and mass movements aimed at breaking the President by destroying his capacity to lead the nation or to represent it at the bargaining table.

The point is quite simple. Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace.

Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam Moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

There is also the matter of time. It is one thing to break a President at the end of his term, as was done last year. It is quite another thing to break him at the beginning, as is being attempted now.

The orators who remind us that Mr. Nixon has been in office for nine months should remind themselves that he will remain there for 39 more months—unless, of course, they are willing to put their convictions to the test by moving to impeach him.

Is that not, really, the proper course? Rather than destroying his capacity to lead while leaving him in office, rather than leaving the nation with a broken President at its head for three years, would not their cause and the country be better served by resort to the constitutional method for removing a President?

And what a wonderful chapter it would make for Volume 2 of "The Breaking of the President" series.

THE MILITARY-INDUSTRIAL COMPLEX—A PERSPECTIVE

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. SIKES. Mr. Speaker, the Honorable Eugene M. Zuckert has presented a very interesting discussion on the military-industrial complex in a speech made before the Defense and Contract Procurement Administration Conference. Mr. Zuckert served longer as Secretary of the Air Force than any other individual in U.S. history and his service in that important post was outstanding. I am glad to insert his speech in the CONGRESSIONAL RECORD, as follows:

THE MILITARY-INDUSTRIAL COMPLEX: A PERSPECTIVE

(By Eugene M. Zuckert)

For twenty-five years I worked in a variety of capacities to help build a proper and productive relationship between government and industry—a relationship necessary to meet the needs of our national defense. Today I am saddened. That relationship has been misunderstood, has been criticized, has been denigrated, and the term "military-industrial complex" has been used as a mark of opprobrium. This has been true even though it took the same skills and the same resources of the very same complex to produce the much-applauded Apollo 11!

How and why has this come about?

What I hope to do this evening is to give you some views, based on my own experience, what I believe lies behind the public controversy which now pours more heat than light on the problems of our national defense and defense establishment.

I am proud of the Defense Establishment of today, that I have had some share in building it to its present level of effectiveness. But, at the same time, I am not blind to the faults, the failings and the built-in inefficiencies that one can find in the Defense Establishment or in any huge organization, particularly one which does not have to sell its products to the public to stay in business.

I have spent a good part of a lifetime looking for those faults and for ways to correct them. I only wish that the current critics of the Defense Establishment were looking sincerely for genuine faults and positive corrections. But basically, that is not at all what the most vocal of the critics are after.

What is the thread of the allegations against the military and its supporting industry? It goes far beyond a concern for the proper level of military expenditures. There is an underlying charge that a conspiracy exists among our military and the defense industry that results in wasteful spending for arms with consequent profits to industry and an inordinately swollen military posture. From that running start, the charges fan out and derive nourishment from sensationalized treatment of a variety of examples of mistakes and inefficiencies, real or alleged.

At the same time, a whole host of newly qualified military experts spring up on all sides; there is a startling discovery that the military has run wild because of perfunctory scrutiny of the defense budget. That is particularly ironical to me because I recall the vigorous McNamara budget process. The fashionable criticism in those days was that our military suffered an excess of civilian control with a resulting downgrading of experienced military judgment.

It is my considered judgment that the current furor over the military industrial complex is really an attack on an unpopular war. Wasn't it Arnold Toynbee, the great historian, who said that war weariness is a most useful tool for dictators and demagogues? The critics of the Vietnam war have been raging on the Potomac since 1965, and they are not likely to subside soon. The professors, politicians and pundits who are already in the fray are enjoying it immensely, and they have friends who also are bound to claim a piece of the action."

There is a long list of things which the storm over the military industrial complex is not:

It is *not*—as advertised—a Great Debate over American Defense and Foreign Policy. A Great Debate, in my opinion, is desperately needed. But this isn't it.

It is *not*—as some claim—a popular uprising against militarism and procurement hanky-panky in the Pentagon. Waste there is and always will be. But these critics are opposed to the Defense Establishment no matter how well run.

Nor is it—as claimed—a "concerned dialogue" over national priorities. How can you have a "dialogue" on whether we should have obsolete weapons systems or higher vertical slums? The two serious problems deserve serious attention, not rhetorical flimflam.

What we're experiencing is not even a rational discussion of the weapons systems our current national defense posture requires. One cannot find in all the arguments an effort to define our needs and then measure the Defense Establishment against the requirements.

Superficially, the controversy over the military-industrial complex might seem to arise from any or all of these issues, depending on what syndicated column or Washington newsletter you read.

But don't you believe it. All the sloganeering just doesn't add up: How we must reassess our national priorities by cutting back our defense expenditures; how we have to get the military under civilian control; how we are headed down the road to militarism and fascism.

The controversy over the military industrial complex is the same tired old combination of *unilateral disarmament* and pious hopes that we have seen played on the Washington circuit off and on for well over a quarter of a century! The young ones don't know it, and the old ones too often have forgotten, but we've seen and heard it all before.

To be sure the format has been updated. Now it's a kind of ideological Western. The military industrial complex is cast in the role of the bad guys. Forty years ago it was the "Merchants of Death"—but the plot was the same.

All reasonable persons can applaud conscientious dispassionate inquiry into and search for evidence of stupidity, incompetence, favoritism and waste in military procurement. Responding to such inquiries is a legitimate part of the job for the uniformed and civilian Defense leaders who must defend their management before Congress.

The cost of the C5A transport or blunders on the Cheyenne helicopter and the effectiveness of the supertank—these are all appropriate subjects for Congressional investigation by the able committees charged with that responsibility.

But what I regard as dangerous and illegitimate is the highly organized and furiously pressed propaganda assault on our defense institutions disguised as a selfless effort by "concerned" intellectuals to save the nation from takeover by an alleged combination of defense industry profiteers and a warminded military.

Some there are who may say this merely is symptomatic of the malaise of our times—part of the current attack on so many of our established traditions and institutions. Some there are who will insist that a better-educated and more enlightened populace has finally risen in righteous wrath and indignation against a longtime evil.

Actually, however, the scenario is old hat.

It was first staged in the early '30s by a curious combination of far-out Liberal intellectuals and a group of Republican isolationist Senators of that era. The isolationist Senators just did not want the United States in any more European wars. Some of the involved intellectuals believed that the French and British were about to join with Hitler in common cause against Russian communism. But whatever the motivations, and they were mixed, everybody in the combination wanted to make sure that Wall Street and the munitions-makers of World War I were blamed for whatever past, present or future problems could be claimed.

So what played the Washington circuit then was a truly memorable extravaganza. A Senate Committee (to become famous as the Nye Committee) set out to investigate the relationship between Wall Street and American War profiteers and munitionsmakers who stood accused of having dragged the United States into World War I. The production played to standing room only. It received tremendous publicity and developed a new "devil image" for Wall Street and American Big Business, the evil.

Congress rushed to pass the Neutrality Act of 1935. Free from the machination of the Merchants of Death we were all, presumably, safe.

Sure we were—until the roof caved in on us at Pearl Harbor.

Today, many of the players are different. But the archvillain is the same—something called this time the military-industrial complex.

But what the nation could endure in the peaceful, non-nuclear '30s becomes an irrational luxury in the nuclear, cold war '60s. We can see the danger now that a colossal demonstration of pacifist sentiment may well lead to hasty and ill-advised actions designed to fetter our defense establishment and impair our defense posture. This, in turn, could be misread as a sign of our weakness, and it could trigger the very confrontation that the anti-military group presumably wants to avoid.

Does this sound far-fetched? I don't think so. Let's look at what happened in the '40s, the '50s, as a result of so-called "popular demand":

Remember the frantic demobilization of our fighting forces and the defense industry we had built to meet the needs of World War II? We paid heavily for that spasmodic reflex to strident, fomented hysteria. I had a ringside seat at the anti-military fights that went on before, during and after that struggle. (I was then Special Assistant to Stuart Symington, Assistant Secretary of War for Air.) The critics hastily cut the armed forces and just as hastily rebuilt them for Korea.

In 1949 I watched the late Defense Secretary, Louis Johnson—acting under Presidential orders to economize—cut the military budget to the bone. That was the year when Russia developed her own A-bomb, on which *we* were supposed to have a monopoly for at least twenty years!

It took the communist invasion of Korea in 1950 to teach us the hard way that the ill-considered demobilization and disarmament after World War II was a disaster never again to be invited.

That's when we started, painfully and expensively, to rebuild the defense establishment we had deliberately and ruthlessly wrecked.

The furious controversy over our development of nuclear and thermonuclear weapons compounded the difficulties of recapturing and rebuilding our initiative in nuclear technology. This was brought home to me when I served as an Atomic Energy Commission member from 1952 to 1954.

I went back to the Pentagon in January of 1961 as Secretary of the Air Force under a truly great Secretary of Defense—Robert S. McNamara. During that tour of duty, in the Administrations of Presidents Kennedy and Johnson, I saw the Defense Establishment revitalized in muscle and posture.

There was a sharp break with former Treasury Secretary Humphrey's insistence that a balanced national budget must be accorded priority over the requirements of national security.

A defense policy based on the Dulles doctrine of massive retaliation was replaced with President Kennedy's posture of "flexible response" to aggression.

He made a unique contribution of great permanent significance in substantially improving the quality of information that forms the basis of the decision process in the Pentagon.

And probably most important, Secretary McNamara made giant strides toward the nation's goal of actually unifying the missions of our armed forces which the Unification Act, as amended in 1958, called for.

Secretary McNamara put together a defense establishment under civilian control of which the nation can be proud. And he established the elements of the sound and proper relationship between our military leadership and the nation's defense industry which I devoutly hope will endure in the years ahead.

This is only part of what is being threatened today.

In Vietnam our soldiers fight in a war that could well be won for the enemy on the propaganda front at home. Right here.

In the new concept of revolutionary warfare—between an open society like ours and the closed systems of Russia, China and North Vietnam—our public opinion environment becomes the decisive battleground. Both Ho Chi Minh and General Giap have repeatedly declared that the propaganda front of American public opinion will be the theater of the final and decisive communist victory in the Vietnam War. You may be sure they have taken great care to secure Hanoi's homefront against the kind of disruptive tactics which are a daily occurrence here.

In North Vietnam, offenses such as "disrupting public order," speaking against the war, staging student demonstrations or "undermining the solidarity of the people" draw penalties ranging up to life imprisonment and death.

None of us would want to see any of our freedoms so constrained. We must use self-restraint as we exercise our hard-won rights of free speech. And we must face realities. We must understand that a major war goal for Ho Chi Minh and General Giap is a psychological one—the dramatic and enduring humiliation of the United States with a significant influence on the shadow and substance of American power, particularly in Asia.

For the President (any President) and the Senate (any Senate) Vietnam presents an issue of American foreign policy which will *not* be solved simply by bringing our troops home in a blind rush.

Vietnam is a test of the Truman Doctrine, established in 1947 by a Democratic President with the solid approval of the Republican 80th Congress. A defeat for the policy in Vietnam will invite similar challenges elsewhere.

These are strange times indeed. The Democratic party seems to be abandoning the Truman Doctrine. The stance of many of its leaders in the fight against deployment of an ABM carried overtones of a reversion to the Dulles policy of "massive retaliation." Some of the Liberal intellectual rhetoric sounds like an echo of the old arch-conservative rallying cry of "Fortress America."

I don't get it.

One thing I do get. Inevitably and unavoidably, in the absence of clearly defined policies or clairvoyance of the future, the military establishment must plan to fight almost every kind of war that could be thrust upon us.

Another anomaly. So many ardent supporters of the late President Kennedy are now enthusiastic participants in the campaign against the Vietnam War and the offshoot crusade against the military industrial complex. Have they forgotten the words of President Kennedy in his Inaugural Address? He said:

"We dare not tempt them with weakness. For only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed."

I haven't forgotten.

You are all familiar with the government's long-established policy against undue concentration of *economic* power in our giant corporations and you are seeing the grim spectre raised of undue power in the military industrial complex.

But I have heard no such hue and cry raised against the undue concentration of *propaganda* power that results from the ideological interlock among our Liberal mass news media and certain faculty members of our universities, and the editors of most journals of opinion.

Yet all too often, in the name of free expression and academic freedom, we find this great concentration of propaganda power attempting to preempt the functioning of the Presidency and the Congress in the field of foreign policy.

Just as the interpreters of the Constitution have concluded that the economic freedom guaranteed to us does not include the power to monopolize or near-monopolize to the detriment of all of us, so I believe that the freedom of speech guaranteed to us by the Constitution does not intend that any group of like-thinkers should spawn a complex of *propaganda* power—a complex so potent in our kind of society today, that it makes the economic weight of the military and industry seem puny by comparison.

As a lawyer and a Liberal Democrat I am dedicated to the principle of free speech. As a longtime public servant I've taken the oath to support and protect the Constitution of the United States which guarantees that freedom. But I've also had some responsibility for the preservation of the security of this country and for equipping our young people for modern warfare and assigning them, men and arms, to battle in far-flung places.

Small wonder then that I cannot accept that "anything goes" under the banner of free speech and academic freedom.

In an age of instant and all-pervasive mass communications a pressure-group democracy such as ours should not, dare not, permit the exercise of a form of monopoly propaganda power over the public dissemination of information.

Since 1959, the propaganda power conglomerate has accomplished much. And much that is not good.

It has *preempted* the Constitutional role of the President as the nation's voice in its foreign affairs. *Challenged* and influenced by indirection the President's powers and responsibilities as Commander-in-Chief. *Systematically eroded* the nation's will to defend its interests and its capability to wage modern warfare. *Convinced our enemies* as well as our allies that our Constitutional anarchy is an open invitation to calculated aggression or institutional subversion.

We have seen an effective, powerful and liberal President practically driven from office, the Truman Doctrine discredited as a basic American bipartisan policy, the credibility of the Kennedy doctrine of flexible response to communist-supported "wars of national liberation" undermined.

And once again we have a defense establishment with morale impaired, its competence, integrity and effectiveness challenged.

There are those who profess to believe that it is the government, particularly the Defense Department, which is trying to monopolize public information. Persons who believe this do not understand the real world of information. A government can only make information available to the news media. It cannot hide information. There are no secrets from a hard-working press. The government, day-in-day-out cannot even communicate directly with the public. It must do so through privately owned news media which transmit the information or ignore it or reshape it as it sees fit. In our society, the government cannot monopolize information; only a combination of news media can do that.

I base my opposition to the concentration of information power on the danger it poses in our kind of open society, but I also would like to point out that the record of the people who enjoy this great power today is very poor on the basic foreign-policy challenge of this century. Our great problem is to survive with our free institutions in the face of a Communist movement that wants to change our institutions. It has been well demonstrated that alert and firm American leaders can check the Communist, but it also has been well demonstrated that too many of the persons who dominate the information media today are neither alert nor firm. To put it bluntly, they are starry-eyed in a world that is tough and realistic about power.

I believe that with strength and skill we can indeed negate the aggressive Communist power and gradually arrive at live-and-let-live agreements so indispensable in a world of nuclear weapons. But it won't be easy and it won't be quick. And it won't come at all if we follow the lead of the writers, the professors and the politicians who seek us to disarm, be sweet, hope for the best.

What these people are really doing is assuring us that they can predict the future and that the future will pose no problems to us that cannot be handled with good will. No problems in our hemisphere, no problems in Europe or Africa or Asia which will threaten our interests and which cannot be handled with clever phrases.

That's just not the real world. The institutions of enlightened societies are all too often changed by the physical power of some group of men of ill-will. Often the power need not even be used. Its existence, its implied threat of use, can change the governments of other countries.

There is nothing in the record of the Communist countries to indicate that they are ready to bubble over with good will if only we will disarm ourselves and talk to them nicely.

The historic fact is that we have treated the Soviet Union with considerable generosity. In the early '30s we as a country tried to be decent to Stalinist Russia at a time when many other leading nations wouldn't recognize the Communist government. We helped defend the Soviet Union during World War II when we could have stood back and watched the Nazis and Communists chew each other to bits. We gave the Soviet Union a free hand in Eastern Europe. We offered to share our nuclear secrets with her.

It would be hard to convince anyone that our restraint has brought increased civil liberties, free speech, academic freedom and anything else good to any group of human beings. But firmness has. Those who remember way back into the late '40s will recall that some of the greatest democracies in Europe were about to lose their freedoms under Communist pressure. There were no overt threats of Soviet invasion, merely the existence of power on one side of the Iron Curtain and weakness on the other. By placing our power on the side of Western Europe we blunted the threat.

Now, some of the critics of the defense establishment may well claim that this is not what the so-called dialogue is all about. They don't want to knuckle under to Communist pressure; they merely want to deprive American militarists of unneeded money.

One would have to be very young, quite oblivious to history or short on common sense to believe this. The campaign of these intellectuals adds up to isolationism and pacifism or it adds up to nothing. If they were sincere about wanting to improve the military establishment, wanting to get the best defense for the dollar, wanting to tailor our arms to our potential needs, then the current debate would be changed drastically.

Let me emphasize that I believe that the military establishment does need change and improvement. And let me also offer some specific areas in which truly concerned people can carry on fruitful discussion. I don't have instant answers to the issues which I will list here, but I can assure all of you that there will be profit to our nation and to our freedom if we address these issues in a responsible way.

1. *Our Foreign Policy Philosophy and Posture*. If our international role is to be one of *pacifism in isolation* the people of the United States should know that fact from their elected representatives. They should not have to rely on contrived consensus. If it is to be *isolationism* in *Fortress America* they should know the implications from their elected representatives.

If our elected representatives believe that our true course lies in a responsible *international* role, then a rational dialogue should include such questions as these: What values—material, moral, spiritual—are we prepared to fight for? . . . Real estate? Access to vital resources? The values of the Judeo-Christian civilization? National honor?

This question—what are we prepared to fight for?—arises in many forms. In the Middle East, Israel, West Berlin, Africa and Latin America.

Rational dialogue would develop a viable and credible foreign policy, a realistic defense strategy and a stable defense planning and funding policy.

2. *Can we, in this day and age, develop a bipartisan foreign policy matrix?* The creation of West Germany, the Berlin Airlift, the Marshall Plan, the Japanese Peace Treaty are milestones of bipartisan cooperation. I believe it could work for us again. Perhaps a Special Commission, consisting of members appointed by the President, the President of the Senate and the Speaker of the House might be able to develop such a matrix by 1972.

3. *How do we avoid undermining the homefront in a real albeit undeclared shooting war?* The Founding Fathers just never had to consider the possibility of limited and undeclared wars in which the propaganda front is as vital as the military front. But these struggles constitute a fact of life in our times. Perhaps (when American Forces are actively engaged in some undeclared conflict) it might be possible to have, say, a "State of Belligerency" proclaimed. When our men are asked to risk their lives on a foreign field of battle, can the rules at home be the same as in peacetime?

4. *Should there be a ceiling on the Defense Budget?* There may be ways of stabilizing the Defense budget. There is merit in the idea that the President place his prestige behind a determination that there be allocated a certain percentage of the Gross National Product to national defense under conditions of "normalcy." In conditions short of formally declared war or a Special State (such as Belligerency) the percentage of GNP could then more likely be held firm, regardless of what political party may be in office.

5. *Why not periodic review of our Commitments and Contingency Plans?* Some steps are already being undertaken by a subcommittee of the Senate Foreign Relations Committee under Senator Stuart Symington. It is a highly constructive idea, long overdue, and it can produce reasoned, dispassionate conclusions. After all, the level of our Defense expenditures is based primarily on the number and nature of our foreign commitments—not on the pie-in-the-sky desires of the generals and admirals.

6. *Why should not concerted effort be made to improve the military reality and thereby the Military Image?* Technology has changed the face of war. Propaganda has created a new dimension of war in a clash between our open society and a closed system. Our Armed Services should be encouraged to modernize their philosophy, doctrine and education curricula.

Perhaps impartial civilian review of procurement policies and practices on a periodic basis under any Administration would be a step forward in this direction. But, more important, starting with the Service Academies, the military services must make concerted effort to build leaders with an understanding of the separate and combined roles of all the Armed Services. The ability to communicate modern military values to men under their command should be encouraged and nurtured as an essential of military leadership.

7. *Rapport between the Business Community and the Intellectual Community.*[*] In what remains of the century there will be a reengineering of the nation's social, economic, educational, military and political institutions. Industry—the productive core of the "complex" we've been talking about—*must* help solve the problem of achieving equitable distribution of abundance while preserving basic free institutions.

Like industry, our intellectual community is indispensable to this effort. There ought to be a cease-fire in the cold war between the intellectuals and business which has been going on for much too long. Each needs the other in the common cause.

I could go on, but these few agenda items will show that there is real need for a concerned public discussion.

Because this is a world where widespread unrest and conflict are manifest against the background of the unsolved and growing problems of nuclear weapons, I close with a note of warning sounded by the late President Kennedy in his first State of the Union Message. Listen:

"I speak today in an hour of national peril and national opportunity. Before my term has ended we shall have to test anew whether a nation organized and governed such as ours can endure. The outcome is by no means certain."

That test of our survival is now upon us.

CONGLOMERATES—GOOD OR BAD?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. TEAGUE of Texas. Mr. Speaker, within the past 6 months to a year, we have seen much to do about conglomerates, what they are, what they do, the amount of control they exercise over certain areas of our economy, and so forth. Under leave to extend my remarks, I wish to include an editorial whch appeared in the Fortune magazine for July 1969:

PITCHFORK BEN, MEET WHEELBARROW JOHN

(Sun, stand thou still upon Gibeon; and thou, Moon, in the valley of Ajalon.—Joshua 10:12)

The Attorney General of the United States, John N. Mitchell, has thrown the weight of his office on the side of an extreme and simplistic interpretation of how antitrust law should be applied in merger cases. In so doing, he has used arguments that disclose, more unmistakably than any previous pronouncement of any federal official, the reactionary bias that underlies the trend of the Nixon Administration's antimerger policy.

The Department of Justice, Mitchell says, "may well oppose any merger among the top 200 manufacturing firms or firms of comparable size in other industries." Moreover, it "will probably" oppose a merger between any of the top 200 with "any leading producer in any concentrated industry." These candid new formulations contradict all those passionate denials by previous antitrust enforcers who said that they were not opposed to bigness as such. Under Mitchell's policy, antitrust enforcers will no longer feel it necessary to engage in those tortuous analyses that purported to show how a given merger, because of "verticle" relations or "horizontal" overlap of markets, would diminish competition. Henceforth the Antitrust Division, never noted for acute or diligent research, will be obliged to prove only size—which it can do by buying a copy of FORTUNE or asking a man who owns one.

---

[*] This subject was considered in detail in my Stanford Business Conference speech of February, 1967.

The Attorney General's reasoning is even more alarming than the conclusions that emerge from it. After reciting that the top 200 manufacturing companies now "control" 58 percent of U.S. manufacturing assets (up from 46 percent twenty years ago), Mitchell says this fact "leaves us with the unacceptable probability that the nation's manufacturing and financial assets will continue to be concentrated in the hands of fewer and fewer people."

This is unacceptable in a way that Mitchell doesn't mean. In the first place, nobody knows whether the recent trend he notes will continue or be reversed; some observers of business, for instnce, believe that "deconglomeration" will be the trend of the 1970's. More significantly, an arithmetic concentration of assets by a number of *firms* does not by any means imply concentration in the hands of "fewer *people.*" Most of these 200 companies, especially the conglomerates at whom his aim is directed, are highly decentralized operations; thousands of individual managers and experts participate in their decisions.

The 200 top manufacturing companies have millions of stockholders, with newly reinforced influence derived from mutual funds, take-over bids, and the general liveliness of the capital markets. Nearly all of these companies sell in increasingly competitive markets where technological improvement and consumer discretion sharply reduce the security of any product line; moreover, competition from foreign firms in the U.S. market is becoming more vigorous.

A POPULIST ECHO.

Consumers, whose protection (as Mitchell notes) is the ultimate aim of the antitrust laws, are in a stronger position than ever before, because prosperity and the widening range of choice enables them to postpone purchases or to shift purchases from one industry category to another. A nationwide market, subject to world competition, has long since broken the concentrated power that many *local* monopolists, some of them small if measured on a national scale, formerly exercised over the necessities of life.

In the same speech (to the Georgia Bar Association) Mitchell disclosed that one of the objectives of his antitrust policy is to preserve the small town and city from what he regards as a growing concentration of power in metropolitan centers. "Most of you," he said in a direct appeal to the projudice of his audience, "represent economic interests—distant from the centers of financial and managerial power—which may be injured by the current merger trend." Just in case any members of the Georgia bar were too obtuse to get the point, Mitchell added that lawyers outside metropolitan areas "should have the opportunity to act as counsel." He continued: "We do not want our middle-sized and smaller cities to be merely 'branch store' communities; nor do we want our average consumers to be 'second class' economic citizens."

This sentiment, of course, is not novel. Playing upon the fear of large corporations and of metropolitan centers was the stock in trade of such Populist orators as William Jennings Bryan, Pitchfork Ben Tillman, Sockless Jerry Simpson, Huey Long, and Alfalfa Bill Murray. When they denounced overconcentration, in many cases using "Wall Street" as its symbol, they had the excuse of not being able to foresee that the rise of large-scale business would in fact become a great liberating movement, dispersing power, generating competition, and giving consumers more and more influence over the allocation of the economy's resources.

But in 1969 an Attorney General of the United States, himself not a crossroads demagogue but a Wall Street lawyer, has no excuse for failure to take cognizance of American business as it actually is. If Mitchell keeps on making these countryboy speeches, somebody is going to call him Wheelbarrow John.

A CHOICE OF HAUNCHES

The anti-bigness, anti-metropolitan bias in American politics has Thomas Jefferson's revered name attached to its origin. For a long time this bias was the chief asset and the chief liability of the Democratic party, whose grip upon the South loosened only when that region began to catch up, thanks to the belated presence there of corporations of national scale. Georgia, where Mitchell spoke, today exemplifies two societies: one of the most backward rural and small-town areas of the U.S. surrounds Atlanta, one of the most progressive metropolitan areas in the U.S. Where are the "second class" economic citizens of Georgia to be found? Are they around Atlanta, which teems with educated, independent decision makers (whether working for "branches" or for local entrepreneurs who wouldn't be there except for the "branches")? Or are "second class" economic citizens to be found in those red-clay counties where most of the people have very little choice about anything except which haunch to scratch?

At the very beginning of his Georgia speech Mitchell revealed a defective premise that may account for his policy. Noting a twelvefold increase in the U.S. national income (in current dollars) since 1890, when the Sherman Antitrust Act was passed, he went on to say that this economic growth "strongly supports our belief that the antitrust laws have served us well." It's true that the antitrust laws, enforced during most of those eighty years with respect for the free and legitimate evolution of business, have served the nation well. But to speak as if these laws were the main cause of the growth of the nation's prosperity is surely a ludicrous example of the logical fallacy known as *post hoc ergo propter hoc.* (A caused B to happen because B happened later than A.)

A CHOICE OF JEFFERSONS

If the ex-officio prophets of antitrust think that antitrust created the present U.S. economy, then naturally they will assume that they can now bid the economy, as Joshua bade the sun and moon, to stand still. Mitchell prefers the sun to pause over Gibeon; he likes the look of the moon as it shines upon the valley of Ajalon.

But John Mitchell isn't Joshua. If government is to determine the proper size and shape of economic and social units, then the American people would probably prefer to have such decisions made by the likes of Pitchfork Ben rather than the likes of Wheelbarrow John. Any effort to freeze the 200 leading American corporations into their present shape, any effort to freeze the community structure of the U.S., can only result in a most un-Jeffersonian society where the police power of the central government becomes the concentrated site of economic and social decision making. We have here a conflict between two Jeffersons, the one who believed in a free society not shaped by government and the squire of Monticello who believed in small-scale economic units and who hated cities. Mitchell is backing the wrong Jefferson.

CONSUMERISM

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. OBEY. Mr. Speaker, Commerce Secretary Stans recently expressed concern about growing "consumerism" in this country.

It seems a strange warning to sound at a time when the consumer needs more and not less support from all levels of Government. If consumerism appears to him the "wave" he said it did, Mr. Stans must be viewing consumer protection through a magnifying glass.

I am inserting in the Record a column by Mr. Art Buchwald, whose comments, I think, reveal how close to fantasyland the remarks of the Secretary of Commerce really lie. I commend this article to the attention of my colleagues:

Free Enterprise Endangered by Wave of "Consumerism"

(By Art Buchwald)

Is the consumer revolution doing more harm than good? Secretary of Commerce Maurice Stans seems to think so.

In a recent meeting with trade association officials in Washington, he expressed the fear that the consumer revolution—in which consumers demand more protection from the federal government—could get out of hand. He said the country should evaluate where it was heading, and ask ". . . whether we are going to let the wave of consumerism move too far and destroy the freedom of choice of the consumer."

It was the first time any high official of the government had mentioned the dangers of "consumerism" which, if allowed to go unchecked, could destroy the free enterprise system.

FBI statistics show that there are more unhappy consumers in this country than communists, and efforts must be made to eradicate "consumerism" before it spreads throughout the nation.

The best way to do this would be to hold hearings in front of the House Anti-Consumerism Committee. Harold Feldkamp, an unfriendly witness, is called to the stand.

"Feldkamp, we understand that on Jan. 20, 1969, you showed up at the Godfather Motor Company and made a scene in front of the customers. Is this true"

"Yes, sir. You see, I bought a new car and the first day I drove to work the door fell off it."

"We didn't ask you to make a statement, Feldkamp."

"But I paid $4,500 for the car, and I figured the door shouldn't have fallen off it . . . at least not the first day."

"You realize, Feldkamp, that this is the kind of thing that breeds consumerism."

"I'm sorry."

"All right, let's proceed. Feldkamp, have you now or have you ever been a member of the Consumer Party?"

"No, I've never been a member of the party."

"But you have flirted with consumerism."

"Let's say I've been on the fringes. I'm not for the violent overthrow of the National Association of Manufacturers. But gee whiz, you'd think you could get a car with a door that would stay on. I'd also like to say I'm not too thrilled with tires either."

"Feldkamp, I must warn you again that you are not here to make speeches. Now, how many consumers are in your cell?"

"I don't belong to a cell."

"Don't tell us, Feldkamp, that you operate alone. We all know that consumerism is a worldwide conspiracy."

"I'm not a member of any conspiracy."

"Do you know a Milton Orshefsky?"

"Yes, I play poker with him."

"Did you know he was a consumer."

"No, I didn't."

"Did you know he bought a new washing machine and when the lint filter on it wouldn't work, he threatened to sue the company that manufactured it?"

"No, I didn't know that."

"Do you know a Frank White?"

"Yes, he was in my car pool until the door fell off my car."

"Did you know his wife went to school with Ralph Nader?"

"No, I didn't? He never talked about his wife."

"Does the name Dmitri Kessel mean anything to you?"

"I played golf with him once or twice."

"Did you know that Dmitri Kessel's wife bought some bad hamburger at a supermarket and reported the store to the health authorities"

"I wasn't aware of it."

"Feldkamp, it would be easier for you if you told us the names of all the consumers you know. If you confess, the Department of Commerce will show some leniency towards you."

"I'm innocent."

"All right, Feldkamp. You've had your chance. We're turning over your file to Secretary of Commerce Stans. He's not as broad-minded about these matters as we are."

SENATE—*Wednesday, October 8, 1969*

(Legislative day of Tuesday, October 7, 1969)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. Metcalf).

Most Rev. John S. Spence, D.D., Auxiliary Bishop of the Archdiocese of Washington, Washington, D.C., offered the following prayer:

Heavenly Father, from whom all blessings flow, we implore Your special blessing upon the Members of this great legislative body. In the past Your guidance has been manifest in the skill with which they have found solutions to so many complex problems affecting the well-being of our Nation. But, dear Lord, never has any Congress had to grapple with such gigantic, ramified, and fundamental issues as does this present Senate. We beg You to fill every lawmaker with Your gifts of wisdom and prudence, in upholding justice and charity in all of their deliberations and conclusions. Dispel upon them some of Your celestial light, through which they may be enabled to choose those things which are of primary importance and which demand immediate action, and those which can be allowed a lower priority, all according to Your most holy will.

You, who created all men and who know all men and their needs, pilot our Senators rightly and safely between the urgencies of domestic and foreign issues, between the dangerous eddies of a just and lasting peace on the one hand, and a prolonged and devastating war on the other; between the costly conquest of space and the even costlier neglect of human needs on this planet. In all of their dilemmas, O God, we implore Your omnipotent and never failing guidance, so that whatever they do may be in accord with Your will and the world's happiness. Amen.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, October 7, 1969, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the order of yesterday, the Senator from Iowa (Mr. Hughes) is now recognized for not to exceed 1 hour.

Mr. SCOTT. Mr. President, will the distinguished Senator from Iowa yield to me 1 minute?

Mr. HUGHES. I am happy to yield to the Senator from Pennsylvania.

Mr. SCOTT. I thank the distinguished Senator from Iowa.

THE 25TH ANNIVERSARY OF THE DEATH OF WENDELL WILLKIE

Mr. SCOTT. Mr. President, I wish to note that today is the 25th anniversary of the death of Wendell Willkie; that the hearts of many of us are filled with the warmth of recollection, with an awareness of how much this one man contributed to one world, and with a sense of indebtedness for the inspiration which he gave to all of us, particularly those of us who—like myself and like President Nixon, who today has written me a letter, which I will later include in the Record, in observance of this anniversary—began our national political lives as advocates and earnest speakers in the cause of Wendell Willkie.

When Wendell Willkie died, a magazine said his death had run like a seismic shock through the populace, a feeling of half angry disbelief, a shudder, and a realization. And then the people said, "There was a man."

So it is an honor for me to recall the passage through this life of a really great man and a great inspiration to mankind, and to note the presence in the Capitol of Wendell Willkie's widow, the very lovely Mrs. Wendell Willkie.

At a later date I shall ask unanimous consent to have printed in the Record the proceedings at a breakfast of commemoration which was held in the Capitol this morning.

I ask unanimous consent to have printed in the Record the letter from President Nixon.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, October 7, 1969.

Hon. Hugh Scott,
Minority Leader,
U.S. Senate,
Washington, D.C.

Dear Hugh: My very first personal connection with national politics came in 1940, when I made a number of local speeches in California for Wendell Willkie. I have always regarded his words, his life, and his character as an important source of personal inspiration.

I am pleased to know that the twenty-fifth anniversary of Wendell Willkie's untimely death is being observed on Capitol Hill this Wednesday. At such a time, it would be appropriate, I believe, for all of us to think—and think seriously—about the philosophy that Willkie called his creed, and which he expressed in words that are now inscribed on a marker near his grave in Indiana.

"I believe in America," he said, "because in it we are free—free to choose our government, to speak our minds, to observe our different religions. Because we are generous with our freedom, we share our rights with those who disagree with us. Because we hate no people and covet no people's lands. Because we are blessed with a natural and varied abundance. Because we have great dreams and because we have the opportunity to make those dreams come true."

At a time when many in our nation are preoccupied by our problems, Willkie's words remind us of our strengths. When many dwell only on what is wrong with America, his words speak as persuasively today as they did a generation and more ago about what is right with America. And, finally, his words remind us of the great challenge which still is ours—the challenge of realizing ever more perfectly the ideals which he expressed so well and worked for so ardently, the challenge of "making those dreams come true."

"I would rather lose in a cause that I know some day will triumph," Wendell Willkie once said, "than to triumph in a cause that I know some day will fail." How important those words are for all of us. I am happy to join you in saluting the memory of a great American.

Sincerely,

Richard Nixon.

Mr. HUGHES. Mr. President, the Senator from Iowa is more than honored to join the distinguished minority leader in this tribute to Wendell Willkie.

SENATE RESOLUTION 268—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT CERTAIN MEASURES SHOULD BE TAKEN BY THE GOVERNMENT OF SOUTH VIETNAM

Mr. HUGHES. Mr. President, I submit a resolution on behalf of myself, the Senator from Missouri (Mr. Eagleton), the Senator from Minnesota (Mr. Mondale), the Senator from Texas (Mr. Yarborough), the Senator from South Dakota (Mr. McGovern), the Senator from Ohio (Mr. Young), the Senator from California (Mr. Cranston), the Senator from Minnesota (Mr. McCarthy), the Senator from Idaho (Mr. Church), and the Senator from Oregon (Mr. Hatfield).

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, will be printed in the Record.

The resolution (S. Res. 268) was referred to the Committee on Foreign Relations, as follows:

S. Res. 268

Resolved, That it is the sense of the Senate that the Government of South Vietnam should promptly be urged to take the following steps within the next sixty days:

1. Grant liberty and amnesty to all of those presently held in custody as political prisoners;

2. Lift the censorship of all communications media, foreign and domestic, including especially those newspapers which have been closed down;

3. Permit political parties the freedom to organize and operate without governmental controls; and

4. Present a plan for a provisional government, broadly representative of the main political, ethnic, and religious groups of South Vietnam, whose principal functions will be to maintain government effectively during the transition from war to peace.

and

Resolved, further, That it is the sense of the Senate that if each of these conditions is not satisfied, in whole or in substantial part, then the United States should declare officially that its commitment to the present Government of South Vietnam is ended, and that with all responsible haste it will terminate its military, political, and economic assistance to that Government.

Mr. HUGHES. Mr. President, a few day ago, the minority leader of the Senate, the distinguished Senator from Pennsylvania (Mr. SCOTT), backed by other administration spokesmen, made the proposal that a 60-day moratorium be invoked on criticism of the administration's Vietnam war policy.

It seems to me that this suggestion might deserve serious consideration if linked to substantive plans for effecting the disengagement from the Vietnam war that Mr. Nixon promised the American people.

An increasing number of American citizens of all political faiths have reached the point that they are no longer willing to sacrifice American lives—and the lives of other nationals as well—to prolong this war in its present sterile impasse.

Clearly, a new initiative, a fresh plan of action, is imperative.

There is growing talk these days of timetables for withdrawal. Even President Thieu has asked Mr. Nixon for a timetable for the withdrawal of American troops.

It occurs to me that within the 60-day period suggested by Senator SCOTT, a timetable of action could be set that could conceivably break the impasse blocking the peace negotiations without being inconsistent with the main line of national policy in Vietnam.

We all sympathize with Mr. Nixon's vast problems in trying to end a war which he inherited, and we honor his sincere desire for peace.

But it is my conviction that he will continue to fail to make significant progress toward peace until something decisive is done about a major roadblock—the present Saigon government.

If Mr. Nixon believes it is necessary to continue supporting the present Saigon regime, which support is apparently contributing to the deadlock of peace negotiations, I believe he might seriously consider certain measures that would effect desperately needed reforms within South Vietnam and at the same time open up new possibilities for negotiation.

The Hughes-Eagleton resolution sets forth these suggested measures.

In brief, the resolution expresses the sense of the Senate that, within 60 days, the present regime in South Vietnam should end press censorship, release political prisoners, allow political organizations to operate without interference, and develop a plan for a provisional government, broadly representative of the main political, ethnic, and religious groups of South Vietnam.

The resolution further provides that if each of these conditions is not satisfied, in whole or in substantial part, then the United States should declare officially that its commitment to the present Government of South Vietnam is ended, and that it will terminate, with all responsible haste, its military, political, and economic assistance to that Government.

I want to make it clear that this resolution relates specifically to suggested new initiatives that Mr. Nixon might take and does not in any way contradict proposals for cease-fire, accelerated troop withdrawal, and other substantive peace moves that have been recommended in recent months. Nor does it indicate any lessening of my support for the October 15 Vietnam student moratorium which the New York Times has described as "an appeal by deeply concerned students to the Nation's conscience."

I do not want to belabor the obvious points about the imperative need to end this war. We are all sick of the vicious conflict that has resulted in the loss of more than 40,000 American lives, a quarter of a million American wounded and expenditures of more than $100 billion in economic resources, critically needed at home.

However, it seems to me that in our preoccupation with certain essential aspects of disengagement—for example, troop withdrawal and cease-fire—we are losing sight of some points that can, in their own right, produce a stymie in our peace efforts.

It is ironic that part of our effort in Vietnam is in support of a military junta-type government that practices censorship, throws its political opponents in jail, and exerts harsh control over the activities of other political parties.

But the important point we need to make at this juncture is that these practices and conditions have an important bearing on the deadlock of the peace moves.

Mr. President, as you know, dozens of newspapers have been closed and have remained closed—even after it was announced by the Government that censorship was to be lifted.

Conservative estimates indicate that there are at least 20,000 non-Communist political prisoners that have been jailed by the Thieu regime, including student leaders, newspaper editors, and leaders of the Buddhist struggle movement. I want to make it clear that in speaking of political prisoners I refer to individuals who have been placed in prison purely as a consequence of political activities—not prisoners of war.

So long as these injustices, plus the repressive control of political parties, exist within the Saigon regime, it is obvious that talk of free elections and other democratic political institutions does not carry much conviction.

The truth is that in South Vietnam the political balance of power is decisively against the Government we are supporting. The only way that Government can survive is by keeping in jail the elements that oppose it.

This situation can be preserved only by the massive American military presence. Even if there were no NLF, it is doubtful if the Saigon regime could serve on a truly democratic basis. The present administration simply does not represent a majority of the non-Communists of South Vietnam.

The four-point proposal contained in the Hughes-Eagleton resolution could provide the Nixon administration with the kind of mandate it needs to get free of the Thieu regime's dominating partnership so that the United States could maneuver more effectively for peace.

It could create the kind of climate for productive peace negotiations, a climate that might help loosen the stiff backs of the North Vietnamese at the negotiating table.

Sixty days may not seem like a very long period in which to accomplish these objectives, but time is of the essence because additional time means the expenditure of more American lives. And it must be recognized that at any point the present low level of engagement could be drastically escalated. Despite the optimistic statements of some of our military leaders these days—and these statements have a fatal resemblance to earlier rosy statements made by our generals throughout this vicious war—the present comparatively subdued level of hostilities reflects a withholding of forces rather than any substantial change in the military balance.

It is unrealistic to trust a regime that jails peaceful citizens who are politically opposed to it.

It is unrealistic to expect such a regime to organize "free" elections.

Moderate leaders, opposed to the present military triumvirate in Saigon, are either in jail or otherwise restrained from part in the political life of that country.

It all adds up to the fact that the emphasis on elections, under the control of the present regime, moves away from the objective of true representation in Government, rather than toward it.

The essential precondition to meaningful elections is a provisional government that enjoys the confidence of at least the major political groups in the country.

The idea of a provisional government is to connect the end of violence with the conception of some kind of just and workable political compromise.

The provisional government would be a domestic, caretaker government whose main job would be to preserve peace.

The central thrust of the Hughes-Eagleton resolution is not to effect a total unilateral withdrawal, but to create the political preconditions for ending the war. If these conditions can not be met, an appropriate change of policy is indicated.

In other words, by calling for the steps contained in this resolution, we are exploring the last remaining possibilities for sustaining our involvement in South Vietnam on any constructive basis.

Neither this nor any other plan of action toward disengagement in Vietnam is guaranteed to be free of flaws. But the steps outlined in this resolution are feasible within the framework of present national policy. And it must be recognized that the present status quo course in South Vietnam simply cannot be allowed to continue.

The present status of the peace talks is hapless and hopeless. The Thieu regime and the Nixon administration have hardened their already tough lines on the war in recent weeks. Hanoi shows no likelihood of budging or even of adopting a civilized attitude about the American prisoners of war in North Vietnam.

Largely because of the rigidity of our relationship with the present Saigon regime, we have not been able to make a positive move for negotiation at Paris—or even to respond to Hanoi's. Whatever one thinks of Hanoi's proposals made last May, the fact remains that these were formal and serious proposals raising most of the important, relevant issues. This administration had a number of months of relative freedom from stringent criticism to find a way of settlement. Hobbled by its relationship with the Saigon regime, however, the administration has made no progress either in Paris or South Vietnam.

Mr. President, I sincerely believe that the steps outlined in this resolution would open new vistas in the peace talks.

To those who have contended that we should keep pampering the Thieu regime in order to have strength at the negotiating table, I commend the words of Ambassador Harriman:

> While one can consider different sorts of strength that might be desirable in negotiation, there is one kind of strength that is absolutely essential . . . that is the strong determination to come to an agreement.

In summary, Mr. President, we are presently locked into a vicious cycle in our relationship with the Government of South Vietnam. Our massive military presence stifles the Vietnamization of the war because the Thieu regime, with its limited popular support, relies more on the U.S. Armed Forces for its stability and less on the people.

Conditions imposed by the Thieu regime on the negotiations put any meaningful settlement out of sight.

I do not mean to suggest that the North Vietnamese, on the other hand, are anything but difficult to deal with at the negotiating table and elsewhere, but they are our enemy in this conflict, not our ally. We have a right to expect a more cooperative, less inflexible attitude from our allies.

The fighting and the killing continue. The enormous economic waste goes on. The time has come to pursue peace by making an energetic effort to get at the most obvious and accessible bottleneck in the quest for peace—the Saigon regime in its present image.

Mr. EAGLETON. Mr. President, will the Senator from Iowa yield?

Mr. HUGHES. I am very happy to yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, first of all, I compliment the Senator from Iowa for a thorough and workmanlike presentation of the issues involved in the present and ever-continuing dilemma of Vietnam.

The Senator from Iowa has an incisive mind which is reflected in the presentation he has just made.

I would ask the indulgence of the Senator from Iowa so that I might expand briefly on his remarks and then perhaps other Senators may wish to expand thereafter.

Mr. President, after 14 years of American aid to Vietnam, 5 years of hot war, and 9 months of administration inaction, the war continues and the President asks for silence.

There are very basic differences between those who support the administration policy, or lack of it, and those who oppose it. For many, the disagreements go beyond the timetable for American withdrawal and to the very core of what the Vietnam struggle means to America.

Secretary Laird stated President Nixon's policy:

> We hold firmly to a single objective for Vietnam: permitting the people of South Vietnam freely to determine their own destiny. We want peace as speedily as possible, but we cannot acquiesce to a peace that denies self-determination to the South Vietnamese.

According to this and previous administrations, our wealth and youth have been sacrificed in the pursuit of this goal.

But beyond the high wall of noble rhetoric one will find the shabby reality of Vietnam. In fact, American interference propped up the successive governments of Diem, Minh, Tho, Khanh, Huong, Oanh, Quat, Ky, and most recently the Thieu-Ky regime—governments unable to stand on their own in the dangerous eddies, cross currents, and tides of nationalistic Vietnamese politics.

These successive governments have enabled an elite to remain in power—an elite all too often engaged in the pursuit of personal gain and advantage rather than in the quest for social justice and reform.

And it is American power that enables the Saigon regime to ignore the various neutralists, even those who are not pro-communist but pro-peace; allows the government to repress dissent and censor news; and prevents the numerous and diverse groups in Vietnam—the nationalists and Communists, Catholics and Buddhists, northerners and southerners, military men and civilians—from finding the right mix and balance of power from which Vietnamese stability must ultimately come.

As long as American lives, wealth and fortune are pledged in support of the Thieu-Ky government, the artificiality in Vietnamese politics will continue. And so will the instability. And so will the killing.

Mr. President, every American President since President Eisenhower has recognized the legitimacy of withholding support if reforms were not instituted.

As President Eisenhower stated on October 23, 1954, almost 15 years ago to this very day, in his original commitment of aid to South Vietnam:

> The purpose of this offer is to assist the Government of Vietnam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means. The Government of the United States expects that this aid will be met by performance on the part of the Government of Vietnam in undertaking needed reforms. It hopes that such aid, combined with your own continuing efforts, will contribute effectively toward an independent Vietnam endowed with a strong government. Such a government would, I hope, be so responsive to the nationalist aspirations of its people, so enlightened in purpose and effective in performance, that it will be respected both at home and abroad and discourage any who might wish to impose a foreign ideology on your free people.

This is the premise upon which aid was originally committed 15 years ago by President Eisenhower to Vietnam, a commitment that had these conditions of reform at the time the aid was given.

Sadly, 15 years later, there is not a government which is responsive to the nationalist aspirations of its people, there is not a government that is so enlightened in purpose and effective in performance, there is not a government that is respected abroad or at home.

Mr. President, I said on July 28:

> Unless and until we are willing to take the final step of withdrawal if reforms are not instituted, the small, elite group of Vietnamese running a government distinguished primarily by its corruption, repression, and inefficiency will continue to exercise great control over American lives, American wealth, and American destiny.

This control by Thieu and Ky over American policy must end. I believe today, as I stated on September 3:

> This can be done by explicitly and categorically stating our commitment to a reasonable but unequivocal timetable, similar to the so-called Clifford formula, for the withdrawal of all American combat troops from Vietnam while at the same time demanding that the Saigon government be broadened to include the many diverse and still unrepresented elements of South Vietnam.
>
> If the second demand is met the United States should continue its orderly withdrawal on schedule. Such a course of action is not without uncertainties and dangers.
>
> The Saigon regime may not be able to respond quickly enough to win the support of its people.
>
> Even with massive American material aid, it may not be able to fight its own war.

As I said then, and repeat now:

> But as John F. Kennedy said of the Vietnamese over 6 years, $100 billion, and 200,000 American casualties ago: "In the final analysis, it is their war. They are the ones who have to win it or lose it."
>
> It is time to heed that wise counsel.
>
> If, however, the Government of Vietnam, after a reasonable amount of time had elapsed, refuses to take the necessary steps toward reform and accommodation, refuses

> to give representation to the unrepresented, continues to be controlled by a military and social elite for the betterment of that elite, the United States should withdraw with all possible speed, consistent with the safety of American troops.
>
> This position must be made clear to the rulers in Saigon. If it is impossible for our present Ambassador to South Vietnam, Ambassador Bunker, to convey these demands to the Thieu, Ky, and Khiem regime, he should be replaced by someone who can.

That is the end of the quotation from the September 3 speech.

Today's resolution, as introduced by Senator HUGHES and myself, and other Senators, is the partial embodiment of that thinking.

In the resolution the "reasonable amount of time" is specifically stated as 60 days. The necessary steps toward reform are clearly outlined.

To send thousands more American men to their deaths and countless thousands more to be maimed in the cause of protecting the present Saigon regime is unconscionable.

I believe the American people now recognize the wisdom of this resolution and the folly of shedding more American blood in a futile war, in a distant land, in a cause betrayed by Saigon's leaders themselves.

I thank the Senator from Iowa for yielding to me. I commend him once again for his leadership in the drafting and the presentation of the resolution which he has made here today.

Mr. HUGHES. I thank the distinguished Senator from Missouri who has displayed a very penetrating insight into this problem, ever since he first spoke on the floor of the Senate.

Over the course of the last few months he has embodied in previous speeches on the floor of the Senate many of the ideas suggested and incoporated in the resolution which is being offered this morning by the Senator from Missouri, by me, and by other Senators. So I am very pleased to have the opportunity this morning of joining with the Senator from Missouri in presenting the resolution for consideration by the Senate.

Mr. CHURCH. Mr. President, will the Senator yield.

Mr. HUGHES. I yield to the Senator from Idaho.

Mr. CHURCH. Is the object of the resolution offered this morning such that it could be summed up as a warning to the Saigon government in this simple way: "Either shape up or we ship out"?

Mr. HUGHES. I think, in a sense, the resolution this morning says to the Saigon government: "There are certain things you can and must do. These are reasonable things that should have been done long ago, and are certainly long overdue, in order to gain the popular support of your people in South Vietnam who are going to have to support any government in Saigon that proposes to officiate in any free and open elections there. Unless you meet these basic requirements in substantial part or in whole, we are going to proceed with all responsible haste to take care of the interests of the U.S. Government, cease support of the government, militarily, economically, and politically, and proceed to handle our own interests and proceed with our disengagement in Vietnam."

Mr. CHURCH. I am wholeheartedly in sympathy with the resolution. I think, from what the Senator has said, it can be accurately characterized as a plainspoken warning to Saigon: "Either shape up or we ship out."

As the Senator well knows, there is very little likelihood, in view of the past performance of any number of Saigon governments, that within the next 60 days any significant shaping up will take place.

I recall that when President Eisenhower made the first commitment of American aid to the Government of South Vietnam, it was carefully conditioned upon an understanding that the Saigon government undertake reforms of the kind that we felt would give it a broader base of popular support. Those reforms were never implemented, either by the government at that time, or by the successor governments that followed.

Despite this, our own aid increased steadily until we reached the point where we actually substituted our own Army in place of the South Vietnamese forces to protect the Saigon government from collapse.

I must say, in all candor, that in view of the many years we have tried to persuade the authorities in Saigon to undertake the kind of reforms necessary to broaden the base of the Government and to give it the kind of popular support necessary if it is to survive, I have no real hope that we can now achieve that goal.

Nevertheless, I want to say to the Senator and to his associate, the distinguished Senator from Missouri, that the resolution has much merit, because it once again puts it up to Saigon to do the things it must do if it is going to win over the support of its own people. Failing that, the resolution will constitute another reason why we should adopt forthwith a policy of full and complete disengagement from the war.

I think the time has come when we must face up to this necessity, when we must look to our own national interests, when we must stop sacrificing so many American lives, for the benefit of a regime in Saigon which has continuously failed to undertake those internal reforms necessary to give it broad-gaged, indigenous support.

For these reasons, I am happy to commend the Senator for the step he has taken this morning. I want to associate myself with it, and I would be honored if he would permit me to add my name as a cosponsor of the resolution.

Mr. HUGHES. I would be delighted to have the name of the distinguished Senator from Idaho entered as a cosponsor of the resolution. I am also delighted he is here to add his comments and remarks as he has, week in and week out, through the long effort of trying to bring some reason and sanity into our position in Vietnam and Southeast Asia.

I am also deeply appreciative of the fact that he seems to express little hope or little confidence that this effort will succeed, due to past performance on both sides; but I do think, in light of the administration's and the minority leader's request for a 60-day moratorium on criticism if it is fair to consider any moratorium at all, it is fair to expect that during that period of time these steps toward peace be taken, that we engage in some kind of activity through which we could hope to break the deadlock, and that we continue to move positively toward the goal we have espoused—withdrawal and disengagement.

The ACTING PRESIDENT pro tempore. Without objection, the name of the Senator from Idaho will be added as a cosponsor of the resolution.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. HUGHES. I am delighted to yield to the distinguished Senator from California.

Mr. CRANSTON. I think the Senator from Iowa has introduced a resolution that is of great significance and can be a very constructive move in the unhappy situation in which the people of this land and the people of Vietnam find themselves associated.

I do not believe that the current American objective—the de-Americanization of the war or, putting it in a more positive sense, Vietnamizing the military aspects of that war—is enough to meet our purposes. I do not believe we can accomplish the de-Americanization or the Vietnamization of that conflict without reforms in Vietnam exactly along the lines the resolution calls for.

Without these reforms, it is plain that the people of South Vietnam do not feel they have a stake that is worth their losing their lives, or their shouldering the burden of the conflict. If that is the view of the people of South Vietnam in their own land, it seems to me that we Americans, who have now lost so many lives and spent so many dollars there, should also wonder whether there is a government there that is worthy of further sacrifice.

It seems to me totally incredible that we are fighting a war to keep in power a government that does not have public support, and that does not respond in any way to the popular will of the people of South Vietnam, and prohibits an expression of that popular will. Is this self-determination for the people of South Vietnam—the avowed objective, according to our President and our most recent ex-President, of our effort in South Vietnam?

How can there be self-determination when we are helping prop up a government that denies self-determination to its own people?

It seems to me that it is plain that the United States stands as a symbol, in Southeast Asia, against Communist dictatorship; but that the United States also stands as a symbol in support of a corrupt dictatorship in South Vietnam. The United States does not, under present policy, represent a clear voice and a positive force for democracy in Southeast Asia.

It is conditions bred by corrupt, self-serving, self-seeking dictatorships, like the regime with which we are now alined in South Vietnam, which produce the circumstances and the conditions where communism can be most successful in finding support among oppressed and unhappy people. Therefore, as long as we prop up the present government, without demanding change in that government in its approaches to democracy and to political problems and to the institutions of self-government, we are helping breed the very conditions where communism flourishes here and is most easily able to progress.

We must not support a rigid, authoritarian military elite, devoted only to its own interests and totally disinterested in building a free and modern nation. The points the Senator has set forth in his resolution state the very minimum we can expect of that government if the people of Southeast Asia and South Vietnam are to have a stake in their own self-defense.

There has been some confusion in some minds about two aspects of the Senator's resolution. I should like to ask him about those two points.

He speaks of the necessity for the freeing of political prisoners in South Vietnam. I assume that he is referring to the Buddhists, the Catholics, and others who have voiced their opposition to procedures and policies that might lead to the negotiation of a successful peace. I assume he was not speaking of enemy agents and terrorists who are presently held in prison for purposes plainly related to the defense of that country.

Mr. HUGHES. I certainly am not referring to those people who are known to be enemy agents and terrorists. It has been estimated that there are considerably more than 20,000 political prisoners in the jails and prisons of Southeast Asia. But I point out to the distinguished Senator from California that many of the people in the jails are being held up to 2 years on suspicion alone, without any representation, in many instances without any charges having been brought, and without even the opportunity of proving their innocence.

So, if the people of whom the Senator speaks are concerned about releasing prisoners of war or known terrorists or those people who have been, by destructive methods, trying to overthrow the regime in Saigon, the answer certainly is no; but if they are concerned about newspaper editors and those who have been in disagreement with the policies of the Saigon regime, or political opponents of those presently in power, the answer would be yes, we need to have a look at it.

I might, at this point, read some points put into the Record on July 22 of this year by the distinguished chairman of the Committee on Foreign Relations (Mr. Fulbright) as to what has been going on in some of these areas. This is a quotation from an article published in the St. Louis Post-Dispatch. I quote from page S8377 of the Record:

> A four-week inquiry into the situation by the Post-Dispatch has produced a mass of evidence that President Thieu is operating a semipolice state. There is not much dispute about this, but there is wide disagreement as to whether it is necessary.
>
> Some of the bitterest comments encountered came from a Vietnamese lawyer to whom high American embassy officials had repeatedly referred the reporter as a reliable source.
>
> The attorney supplied details of several cases of false arrest and torture. He said the fingers of one of his clients had been broken in the course of third-degree interrogation the previous day. He denounced the arrest and imprisonment of Thich Thien Minh, a prominent Buddhist monk, and Nguyen Lau, publisher of the Saigon Daily News.
>
> "We have authoritarian rule in South Vietnam," the lawyer said. "According to the constitution, we have freedom. Actually we have none. We have an unofficial police state."
>
> Somewhere between 15,000 and 35,000 South Vietnamese citizens are now in prison for alleged political crimes ranging from active participation in the Viet Cong to merely advocating coalition with the Viet Cong or a neutral Vietnam.

So I think it can be seen that when we talk about political prisoners, we have a wide cross section, and an investigation is needed.

Mr. CRANSTON. I think it is plain that we understand that language in the resolution in the same sense. I certainly am as opposed as is the Senator to the concept of preventive detention in South Vietnam by a government with which we are so closely associated, just as I am sure we agree that we do not want anything like preventive detention in the United States of America, where we have heard suggestions that it might be wise to have it.

In the meat of the Senator's resolution, after the four conditions that he asks be met by the Government of South Vietnam, the four steps that he would require them to take if we are not to declare officially that our commitment to the present Government of South Vietnam is ended, I would have preferred the language "any commitment" in the resolution. I am not certain what commitment we have to them. I am not certain that any commitment was ever made to them.

I have been surprised to learn, of late, that we were never asked by South Vietnam to send combat troops to that country. I would gather, and I suppose that we have to face the fact, that there were some implied commitments to them, based upon what we have thus far done; but I would like to ask the Senator one further question. In the event that the Government of South Vietnam heeds this call and complies with these steps, what then should our policy be in relationship to the government in Saigon?

Mr. HUGHES. I think if the present heads of the government in Saigon comply with these steps, they would certainly weaken their own position in the government, and they would have to appeal to the broad spectrum of the public of South Vietnam which is not now supporting the government in Saigon.

It is said that about 20 percent of the people of South Vietnam support the Saigon government, about 20 percent support the Vietcong, and about 60 percent do not support either one, but form a great neutral mass of people who are simply tired of war and seeking peace.

So I think, very simply, our attitude toward the government in Saigon is going to have to be in the interests of the people, and, as we move toward a negotiated government, if they will not participate in it, we are going to have to move without them. We are going to have to proceed as scheduled, or hopefully as scheduled, with the withdrawal of our fighting men from Vietnam.

Mr. CRANSTON. In any event?

Mr. HUGHES. In any event. Hopefully, we will continue the so-called Vietnamization of the war, we will bring about the release of all political prisoners, and we will achieve free expression of views by political parties, looking toward a free and open election of a government that will be truly representative of the people of South Vietnam. I think we must proceed on schedule, in any event.

Mr. CRANSTON. If the Government took these steps, and we then found a society and institutions worthy of our support, it is my understanding that the resolution would mean that then we would still, in accordance with the best steps consistent with safety of American troops, get them out of combat in Vietnam, but that we would continue economic and other forms of assistance to the people of South Vietnam, if they were able to have institutions and a society worthy of our support.

Mr. HUGHES. I agree with that statement completely. Of course, I believe that if those steps were taken, we would have, in short order, a cease-fire. We would be disengaged from combat and, in very short order, would be negotiating some sort of peaceful withdrawal and a stabilization of government, and not be worried about losing lives and suffering an increased number of casualties.

Mr. CRANSTON. I totally share that belief. I believe that those steps would lead to a solution of the conflict in Vietnam.

Mr. President, I ask unanimous consent that I may join the Senator from Idaho (Mr. Church) and be a cosponsor of the resolution.

Mr. HUGHES. I thank the distinguished Senator from California. I deeply appreciate his generous support and contributions to the discussion this morning, just as he has always made them in the past, as well.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. HUGHES. I am happy to yield to the distinguished Senator from Texas.

Mr. YARBOROUGH. Mr. President, after I came to the Senate, some years ago, I attended a joint meeting with the House of Representatives. The speaker was Mr. Diem, then the head of the Government of South Vietnam. He made an eloquent statement and appeal. He said he was fighting Communists in South Vietnam. Does the Senator from Iowa know what happened to Mr. Diem?

Mr. HUGHES. Mr. Diem was killed.

Mr. YARBOROUGH. He was strongly anti-Communist, was he not?

Mr. HUGHES. So it was indicated, yes.

Mr. YARBOROUGH. Did the Communists or the Vietcong kill Mr. Diem and his brother?

Mr. HUGHES. I am not certain how the records indicate that.

Mr. YARBOROUGH. It was not the Communists and it was not the Vietcong that killed the Government leaders of South Vietnam, was it? It was assassination among leaders which was how power was achieved in South Vietnam.

Mr. HUGHES. The strange thing is that political assassinations in South Vietnam are not the policy even now, so the political assassination of Diem was unusual.

Mr. YARBOROUGH. Not the policy of what government?

Mr. HUGHES. It does not seem to be the policy of the Vietnamese people. They use prisons and jails, but they have not had a taste for political assassination.

Mr. YARBOROUGH. They do not take people out, line them up against the wall, and shoot them, do they?

Mr. HUGHES. That is called execution.

Mr. YARBOROUGH. They do line up people in villages and shoot them when they are found to be sympathetic to the Vietcong.

Has the Senator read an article published in the Wall Street Journal, describing how people are taken out and shot without a trial?

Mr. HUGHES. Yes; and I also read a clipping just yesterday, reporting that General Ky had indicated that, if the inflationary spiral continued, the businessmen who were contributing to it might be sent before a firing squad and shot.

Mr. YARBOROUGH. I want to commend the Nixon administration for controlling inflation by reducing jobs, and not killing people, as is done in Vietnam.

I wish to express my commendation of the Senator for his leadership in submitting the resolution. Is the Senator familiar with the fact that during the so-called election in South Vietnam, anyone who wanted the war to be settled was not permitted to vote? If one was in favor of settling the war, he was disfranchised. In order to vote, he had to certify that he wanted to continue the war.

Mr. HUGHES. Yes; I am aware of the fact that anyone who proposed neutrality or did not advocate the policies of the government was not permitted to vote.

Mr. YARBOROUGH. So the very few who were permitted to vote were the ones who supported General Ky.

We read news releases about the great numbers of people in Vietnam who turned out to vote for the administration, when, as a matter of fact, they had already been disfranchised because they wanted to settle the war.

Mr. HUGHES. I have heard the distinguished Senator from Texas describe what happened in some villages to people who were thought to be sympathizers with the Vietcong.

Mr. YARBOROUGH. I do not think Americans ought to support assassinations. I think it was wise that the charges against the Green Berets were dropped. I participated in the war crimes trials following World War II, trials which were conducted under the rules established by the Americans. We supported the rules that were laid out for us. The higher-ups were tried first. If assassinations had been committed, we were to follow the rules that were made for trials in Germany and Japan, and try those high in authority first.

If we are going to spend the lives of our people, we ought not to spend them in support of a government which does not follow the basic rules of humanity.

On the floor of the Senate a few days ago, I mentioned the rumors that are rampant in South Vietnam. They were told to me by a number of Americans last November and December, when I was over there. I was told that Marshal Ky's wife was getting a rice plantation in her own name. I do not know if the rumors are true, but I hope that some committee of the Senate, whether the Committee on Armed Services or the Committee on Foreign Relations, will investigate this charge. If true, we ought to know it; if not, the rumor ought to be laid to rest. The rumor was told to me by Americans in Vietnam.

Stories are told of favoritism and of the rapid accumulation of vast wealth by some of the district chiefs, I think they are called. They are not called by the title "governor" because the French used that title. In one instance, a Cabinet officer was sent from Saigon to become the chief of a province.

If the wife of Marshal Ky has obtained a rich rice plantation in South Vietnam, as I have been told she has, that is something about which the American people are entitled to know. I hope that a committee of the Senate will investigate it and determine whether we are permitting the leaders of that country to pile up wealth while we are paying for the conduct of the war.

If we are supposed to be supporting basic democracy, I think we ought to be supporting basic democracy, and not a couple of dictators who are getting rich from this war.

Every time a South Vietnamese newspaper criticizes Thieu and Ky, the operations of that newspaper are suspended. There should be an end to censorship of the newspapers and a granting of liberty among them and a granting of freedom to those who are held as political prisoners. We should not continue to support with our blood and money, any government that does not follow the principles of democracy.

Mr. HUGHES. I thank the Senator from Texas for his penetrating insights into the problems of government in South Vietnam. Since becoming a Member of the Senate, I have listened to him as he has presided as chairman of the Committee on Labor and Public Welfare. He has fought for adequate programs in the fields of health and education and the well-being of the people of America. After listening to the testimony of almost every agency of the Government, we realize that the funds for these programs are so scarce that we cannot obtain them, regardless of the fact that we recognize that they are not being done, because we are spending $3 billion a month in this tragic conflict and are basically supporting a government that does not have the support of its own people. Certainly it does not seem to be the moral thing to do under this set of circumstances.

In recapitulation and in conclusion, I merely wish to say that I think we are all concerned with and share the agonies of our President, Mr. Nixon, during these trying times, when he has been seeking a way to peace. We attribute to him the same desires that all of us have to bring this tragic conflict to an end. But I know that many among the American people feel that when a request is made to remain silent for 60 days more; when there are no signs on the horizon, visible or invisible, that anything material is being done; while we continue to support a government in Saigon which apparently has the support of only 20 percent of the South Vietnamese people, which seems to be guilty of jailing over 20,000 people as political prisoners, which suppresses the press and political parties that advocate neutrality or disagree with the government in Saigon—while we continue supporting a government of this kind, we cannot reasonably hope to make a breakthrough in negotiations.

So, Mr. President, again I submit that, if this moratorium is to be seriously considered, the President of the United States, reenforced by this sense of the Senate resolution, could take the proper steps, during this 60-day period, to make a major breakthrough for peace. At the same time, this does not conflict with the calls for cease fire. It does not conflict with any proposed plan of disengagement of troops, whether it be 100,000 by December or 200,000 by the end of the year. It does not even conflict with the request for total disengagement that has been made by some Members of this body. But it is, in my opinion, a progressive step in the right direction that can be taken with little effort on the part of our Government. It would be a major breakthrough, in my opinion, in our negotiations and in our relationship with the people of South Vietnam. It could result in the saving of thousands of lives, tens of thousands of injuries, the heartache of the Vietnamese people and the heartbreak of the people of our country as we tend to destroy ourselves from within while we are so horribly engaged with this soul-draining conflict without.

Mr. President, I thank the distinguished Senators from Texas, California, Missouri, and Idaho, who have joined in this discussion with me this morning.

I yield back whatever time I have remaining.

THE NOMINATION OF JUDGE HAYNSWORTH TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mrs. SMITH of Maine. Mr. President, a week ago on September 30, 1969, I informed the President of the United States that I did not feel that I could support the Haynsworth nomination and that I hoped Judge Haynsworth would request that the nomination be withdrawn.

I wrote the President:

> Lest my silence at the Leadership meeting this morning be misleading, I feel obliged to tell you that I do not feel that I can support the Haynsworth nomination. I felt very strongly against the Fortas nomination for reasons very similar to those on the Haynsworth nomination. I do not believe that I can adopt a double standard which would be applied against his Democratic predecessor and for nominee Haynsworth because he was nominated by a Republican President.

> I feel that there is much more opposition to the Haynsworth nomination among Republican Senators than is generally realized.
>
> I would hope that Judge Haynsworth would himself resolve the situation which has become embarrassing to many Republican Senators by asking you to withdraw his name from nomination.

Mr. President, I feel that any nominee for the Supreme Court of the United States—and most particularly for the seat vacated by the resignation of Mr. Fortas under the conditions under which he resigned—should be free from suspicion.

However unfair and however unwarranted, Judge Haynsworth is not free from suspicion. There is considerable public doubt about him.

Next to ending the war in Vietnam, one of the most important objectives of the administration should be to reestablish confidence in the Supreme Court and the judiciary.

The Haynsworth nomination will not help restore or reestablish such desperately needed confidence in the Supreme Court and the judiciary.

To the contrary, it will further damage the public confidence in the Court.

Perhaps it is not valid to observe that how things look sometimes seems more important than how things really are—that appearance seems more important than fact.

But of one thing I am sure—that a judge cannot allow even the appearance of impropriety. The very canons of judicial ethics demand that a judge avoid impropriety and the appearance of impropriety.

The confirmation of the nomination of Judge Haynsworth would at best be a pyrrhic victory for the President.

These observations are not original with me nor exclusive with me.

They have clearly and pointedly been made to the President.

No one of us is perfect—none of us is without our own errors.

But I do not believe that the recognition of this should cause us to falter in striving for as much perfection as possible on a Supreme Court nomination.

Last year at this time when I was in the hospital, in response to the request of Senator GRIFFIN, I authorized pairing me against the Fortas nomination.

Now, a year later, I agree with Senator BAYH's opposition to the Haynsworth nomination for the same basic and fundamental reason that I agreed with Senator GRIFFIN's opposition to the Fortas nomination a year ago.

I do not believe in a double standard. Nor do I see a political justification for it or placing party loyalty ahead of conscience.

I am not a lawyer and I may very well be naive. But it has been my concept that the role, mission, duty, and work of a judge or Justice is to judge and to judge as wisely as possible.

The relation of the mere words of "judge" and "judgment" make crystal clear the imposition of exercising impeccable judgment on any judge not only with respect to his official duty and work on the bench but as well to his unofficial life, including his financial transactions.

I think that a Supreme Court Justice should be a person of impeccable judgment. Yet, Judge Haynsworth has admitted to some faulty judgment in his financial affairs as related to his judicial status.

To me, his admitted faulty judgment alone is sufficient for me to withhold my approval of his sitting on the highest court in the land where we must always strive for impeccable judgment.

Let us not forget that Justice Fortas was forced to resign because of his outside business transactions.

And in remembering that so recent matter, let us recognize that the amount of evidence that should be necessary to justify refusing a confirmation is much less than the amount properly required to justify demanding his resignation after one has been confirmed and served.

Mr. MANSFIELD. Mr. President, I can only say that, as always, the distinguished senior Senator from Maine has expressed her conscience as she sees things. No one is in doubt as to what her position is, and I commend her for the consistent course she has taken down through the years in carrying out her responsibilities—and they are great—and her duties as a Senator of the United States.

Mrs. SMITH of Maine. Mr. President, I thank the majority leader from the bottom of my heart for his kind remarks. He has always been so very generous.

WATER QUALITY IMPROVEMENT ACT OF 1969

The PRESIDING OFFICER (Mr. ALLEN in the chair). Under the order of the Senate, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. KENNEDY. Mr. President, I understood the Committee on the Judiciary had scheduled a meeting earlier today. A number of members of that committee from this side of the aisle were prepared to meet and consider what I think all of us realize is one of the most important measures to come before the Committee on the Judiciary, the nomination of Judge Haynsworth. I think it is extremely appropriate that these meetings take place and proceed in an orderly and responsible way, that questions which are raised be raised within that committee, and if additional time is necessary, the committee should make that determination.

I think it is extremely important for Members of this body to realize that the postponement or delay of that meeting was not at the suggestion of Members from this side of the aisle. When we hear so much talk and read so much about delays of action by Congress, it is appropriate to mention at this time that delay in the committee meeting this morning was not at the suggestion of Members from this side of the aisle.

I am hopeful that meetings will take place expeditiously and that we can get on with the business of the nomination.

Mr. MANSFIELD. Mr. President, has the unanimous-consent request been agreed to?

The PRESIDING OFFICER. Yes.

Mr. MANSFIELD. Mr. President, for the information of the Senate I have dispatched a telegram to all Democratic members of the Committee on the Judiciary asking them to be present at 10 o'clock tomorrow morning, when the next meeting of the committee will be held. It is my understanding that the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), will make the same request of the Republican membership. It is our hope that this matter will be faced up to and disposed of one way or another, so that the Senate can fulfill its responsibility and get on with the various matters of business which are at hand.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider executive business.

AMBASSADORS

The assistant legislative clerk proceeded to read sundry nominations of Ambassadors.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations of Ambassadors be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations of Ambassadors are considered and confirmed en bloc.

DISTRICT OF COLUMBIA COUNCIL

The assistant legislative clerk read the nomination of Henry S. Robinson, Jr., of the District of Columbia, to be a member of the District of Columbia Council.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

INCREASE IN THE MAXIMUM RATE OF PER DIEM ALLOWANCE FOR GOVERNMENT EMPLOYEES TRAVELING ON OFFICIAL BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 446, H.R. 337.

The PRESIDING OFFICER. The bill will be stated for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 337) to increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations, with amendments, on page 1, line 4, after the word "thereof", strike out " '$22' " and insert " '$25' "; at the beginning of line 6, strike out " '$35' " and insert " '$40' "; in line 7, after the word "thereof", strike out " '$15' " and insert " '$18' "; at the beginning of line 10, strike out " '22' " and insert " '$25' "; on page 2, line 1, after the word "thereof", strike out " '$35' " and insert " '$40' "; in line 2, after the word "thereof", strike out " '$15' " and insert " '$18' "; and after line 2, insert a new section, as follows:

> SEC. 3. The seventh paragraph under the heading "Administrative Provisions" in the Senate section of the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b), is amended by striking out "$16" and inserting in lieu thereof "$25"; and by striking out "$30", and inserting in lieu thereof "$40".

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. HARRIS subsequently said: Mr. President, I am happy to note that the Senate has passed today, unanimously, H.R. 337, which provides for an increase in the maximum rate of per diem allowance for employees of the Federal Government traveling on official business. The Government Operations Committee, of which I am a member, amended H.R. 337 to increase the maximum rate of per diem allowance from $22 per day as passed by the House to $25 as proposed in my bill on this same subject, S. 820. This increase, of course, is long overdue, because it is not possible at today's prices for Government employees traveling on official business to meet their expenses at the present figure of $16 per diem. I feel that the increase to a maximum of $25 per day as recommended by the Senate Committee is fully justifiable, and I certainly hope that the House will accept H.R. 337 as enacted by the Senate. Thank you.

AMENDMENT OF SECURITIES EXCHANGE ACT OF 1934

Mr. SPARKMAN. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 112.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the resolution (S.J. Res. 112) entitled "Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934", which were to strike out all after the resolving clause, and insert:

> That section 19(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(e)) is amended—
>
> (1) by striking out in paragraph (1) "September 1, 1969" and inserting in lieu thereof "September 1, 1970"; and
>
> (2) by striking out in paragraph (4) "$875,000" and inserting in lieu thereof "$945,000".

And to strike out the preamble, and insert:

> Whereas additional time is required for the Securities and Exchange Commission to complete its institutional investors study, and file a report with respect thereto, pursuant to section 19(e) of the Securities Exchange Act of 1934: Now, therefore, be it

Mr. SPARKMAN. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

S. 3003—INTRODUCTION OF A BILL PROVIDING MORE EFFECTIVE CONTROL OVER EXPENDITURE OF FUNDS BY DOD AND NASA FOR INDEPENDENT RESEARCH AND DEVELOPMENT

Mr. PROXMIRE. Mr. President, several weeks ago, during the course of the debate on the military authorization bill, we discovered a relatively unknown expense item called independent research and development. At the time very little was known about this special type of research and development. We assumed that research and development was performed under Government contracts. After looking into this independent research and development some truly amazing facts concerning its funding and regulation were discovered.

What we found was both surprising and shocking. First of all, the Government neither contracts for, nor directs independent research and development. The contractor simply decides to start work on a project. He decides what he will do and how much money should be spent. But the most shocking fact is that, after all this, the Defense Department pays for the work. In fact, last year the Department of Defense paid over $685 million for such work. The Department has little or no idea what it is paying for until the work is completed. It has no assurance that the work will be of any value to the Defense Department or the Government as a whole. And, yet, the Defense Department pays for the work.

What is even more astonishing is that the Defense Department does not even require that the work be related to its interests. It actually encourages contractors to do work which is of little value to the Defense Department's requirements or those of the Government in general. Defense Procurement Circular No. 7 specifically states that the Armed Services Procurement Regulation requirements do not mean that independent research and development projects must directly benefit, or be related specifically to products for which the Government has contracts.

But there is more. A most frightening new development is the proposed amendment to the Armed Services Procurement Regulation under which it appears that the Government will give up what little control it now exercises over independent research and development. It would throw in the towel completely. Under the proposed revision a straight formula for the payment of I.R. & D. costs would be substituted for the present policy of limited acceptance of such costs. What is more, the revision would eliminate any existing requirements that I.R. & D. projects bear any relationship to Government product lines.

Upon discovering these astonishing facts about independent research and development—I.R. & D.—my first question was, just what is independent research and development? I found, first of all, that it is totally unrelated to what is otherwise called research and development. Also, the term has both a general and a specific meaning. Independent research and development, as used in its general sense, includes three types of related technical effort. The first is independent research and development, a specific type of technical effort undertaken by a contractor without a Government contract. Second is bidding and proposal—B. & P.—expense. Third is a category known as other technical effort—OTE. These three collectively are referred to as independent research and development. If this seems confusing, the reason is that the types of technical effort involved in each category are very similar, so similar that many experts consider the differences between the three categories to be only a matter of opinion.

Mr. President, I was so disturbed when I learned all of these details about independent research and development that I proposed an amendment to eliminate these expenditures. Upon conferring with both the distinguished Senator from New Hampshire (Mr. McIntyre) and the distinguished chairman of the Armed Services Committee (Mr. Stennis), we decided that since large sums of money were involved, the best course of action would be to place a ceiling of $468 million on these expenditures for this year. We also agreed that this matter needs further study and that I would introduce a bill later calling for the elimination of the program which would provide the basis for extensive hearings to be conducted by the Armed Services Committee. In all of these, the Senate unanimously agreed and expenditures for I.R. & D. were cut by one-fifth of the amount that would have been allocated for such expenses this year in the military authorization bill.

Today, I am introducing a bill which would bring the independent research and development policies of the Department of Defense and the National Aeronautics and Space Administration into line with the policy of the Atomic Energy Commission. Essentially the bill would prohibit payment to any contractor for I.R. & D., B. & P., or OTE unless such effort was specifically called for in the contract, or unless such work is of direct or indirect benefit to the contract work.

To understand the purpose of this bill, it is necessary that we achieve a full understanding of independent research and development and those elements which it includes. One essential characteristic of all three costs is that the Government does not contract for the work. In effect, the Defense Department is presented a bill for services rendered which it never specifically requested. Of crucial importance is the fact that none of the work included in these three categories has to be directed toward the completion of Defense Department or even Government contract work. It can be, and often is, totally unrelated to either Defense Department or Government business. In this respect, it is fundamentally different from regular research and development which must be directed toward the completion of Government contract work. This is a crucial difference between the two programs. I.R. & D. is not contracted for.

Under I.R. & D. programs, the contractor, and not the Government, decides what type of work will be done, whether it will be related to Government or commercial business, and how much will be spent. Thus, unlike regular research and development, independent research and development is not controlled or specifically directed by the Government. The Government accepts independent research and development purely as an overhead cost. It is written off, and reimbursed by the Government, as a normal cost of doing business, whether or not that business is Government business.

DIFFERENCES IN GOVERNMENT HANDLING OF I.R. & D. COSTS

Although, as I have already stated, the type of technical effort involved in all three categories, independent research and development, bidding and proposal expenses, and other technical effort, is very similar, there are some critical differences in the way the Government handles each category.

The differences as to how the Government handles I.R. & D. as it is narrowly defined have already been explained. The second category, namely, bidding and proposal expenses, are by definition those costs involved in preparing bids and proposals for not only the Government, but commercial contracts as well. Unlike I.R. & D. costs which are subject to limited acceptance, bidding and proposal expenses are not subject to even these minor limitations. Although the types of costs involved are very similar to I.R. & D. costs, the Government normally pays 100 percent of those costs the contractor decides to call bidding and proposal expenses.

This practice has even provided an incentive for contractors to classify the narrowly defined I.R. & D. efforts as bidding and proposal expenses to insure their acceptability. The full significance of this practice will become clear shortly.

OTHER TECHNICAL EFFORT

Like bidding and proposal expenses, other technical costs are normally underwritten 100 percent by the Government. These too, are closely related to I.R. & D. work. Yet, despite repeated efforts, I have been unable to obtain a clear definition of other technical effort. No one seems to be able to define this category. Yet the Government normally accepts 100 percent of the costs labeled "OTE" by the contractor. Since no one can precisely define other technical effort, no one can say what should, or should not, be included under this expense item. This is truly the contractor's dream: Since the Government itself is not sure what "OTE" is, it simply allows, generally without any limitation, those costs labeled "OTE" by the contractor. What a way to run a railroad.

The outstanding characteristic about the entire I.R. & D. program is the almost total lack of Government control over these expenditures. Supporters of the program confidently assure the public that because of the use of advance agreements, in which the Government agrees to the amount of I.R. & D. work it will finance, and because of the use of frequent technical evaluations, I.R. & D. work will be valuable to the Government. They also state that this insures that the cost will be reasonable. A careful evaluation of these two forms of alleged control leads one to quite different conclusions.

CONDITIONS NOT FULFILLED

Advance agreements negotiated between the Government and the contractor before the work on an I.R. & D. program starts are intended to limit the amount of I.R. & D. costs which the Government will pay. They are also intended to provide the Government with information on the contractor's I.R. & D. program in order that a judgment can be made as to the value of the I.R. & D. projects to the Government. Unfortunately, neither of these requirements have been fulfilled in recent years.

A special U.S. Army audit of the I.R. & D. work of 28 major Government contractors revealed the following concerning the use of advance agreements:

First, in many cases, advance agreements have never been entered into, even though the circumstances warrant such agreements.

Second, most have not contained cost-sharing arrangements, and accordingly, a contractor has no incentive to carefully manage costs.

Third, most are entered into after-the-fact and accordingly, the very problems the agreements attempt to avoid have been present during subsequent negotiations.

AGREEMENTS AFTER THE FACT

Concerning the failure to negotiate advance agreements prior to cost incurrence, a special GAO study of all advance agreements negotiated by DOD for 1966 found that only 38 percent of them had been established in advance of cost incurrence. One firm studied had not completed an advance agreement before starting I.R. & D. work since 1962. The Army audit study declared:

> In fact, in most instances the agreements were consummated after the fact and in some instances as much as a year or two after the incurrence of the costs.

Quoting the Army audit report again:

> At one contractor I.R. & D. costs rose from $145,000 a year to over $1.8 million in just five years. Despite the significant increase, a substantial amount of these costs continued to be allocated to Government work without benefit of any advance agreement whatsoever.

At another contractor whose identified I.R. & D. approximated $8 million a year, there were no advance agreements at all for I.R. & D. work done from September 1961 to September 1964. During this period the Government continued to pay for I.R. & D. work it had never even reviewed, much less approved.

What is even more astonishing is that the present regulations actually encourage contractors not to negotiate advance agreements. The Armed Services Board of Contract Appeals ruled on August 8, 1967, that even if there is no advance agreement the DOD is still authorized to allow up to 100 percent of a contractor's I.R. & D. costs.

PROVISIONS OF AGREEMENTS NOT FOLLOWED

Even where advance agreements have been entered into, contractors have frequently completely ignored the provisions of the agreement and have done whatever they wished. Quoting the Army audit report once again:

> Our audits disclosed that contractor's performance under I.R. & D. agreements did not follow proposed plans in the areas of technical performance, cost, and in the assignment of key personnel. As a result, the Government's objectives for entering into I.R. & D. advance agreements with contractors were *not* attained.

Contractors' brochures describing the proposed I.R. & D. work to be undertaken are important if the Government is to have any control over the type of work being done and its value to the Government. Yet, contractors have consistently ignored the plans contained in their own brochures and started entirely different projects. The Army found numerous cases where this had occurred. One contractor whose work was studied added over $400,000 of new programs which were not included in the original brochure presentation, or considered during the negotiations of the advanced agreement. The same contractor, although originally budgeting only $35,000 for a particular project actually spent over $118,000 for the program. Another contractor in the Army study had a cost overrun of 85 percent on a particular project while spending only 40 percent of the budgeted amount on another project. When the auditor attempted to obtain the details about these overruns and underruns, the contractor stated he was not required to furnish such data to the Government.

In one case studied by the Army a contractor either did not start or substitute for 75 percent of the projects presented in the original brochure which had been used to evaluate the contractor's I.R. & D. program. Of the 29 original I.R. & D. projects listed by the contractor, with an estimated cost of $2.6 million, nine projects were never undertaken while 13 new projects which were not in the approved program were later started. These cost almost half a million dollars. Despite this flagrant abuse of the original agreement, the Government still paid for the entire program. Thus, the Government ended up paying for a program which was almost entirely different from the one originally approved. This, despite the fact that the original program had been rated only "average" as far as its benefits to Government interests.

In another case studied the contractor's brochure emphasized the qualifications of those technical personnel who would perform the I.R. & D. work. The Army representative stated that these personnel profiles were given significant weight in his evaluation of the program. After approval of the program, the contractor substituted inexperienced personnel for those listed in the original brochure. Of the new personnel assigned to the work, six had no previous experience at all, while four had graduated only 2 years before. The Government was never consulted before these personnel changes were made. The Government paid for the entire project.

TECHNICAL EVALUATIONS NOT EFFECTIVE

The second major argument used by supporters of the I.R. & D. program is that frequent technical evaluations of contractor I.R. & D. projects insures their value to the Government. Once again the facts lead one to a very different conclusion.

The Army audit report made the following conclusions concerning the effectiveness of technical evaluations:

> Our review disclosed that members representing the three armed services were performing evaluations independently and were not functioning as a committee as prescribed in the Department of Defense instructions. Thus, the intent of bringing the full weight of available Government technical and scientific knowledge to bear on the evaluation of the proposed IR&D program is not being accomplished. This has resulted in an inconsistency of ratings submitted by individual technical evaluators.

Just how thorough the technical evaluators were is indicated by the Army audit report:

> In some instances, the report contained only an overall contractor appraisal regarding its status of operations, reputation, competence, etc. We were informed that the ratings were supposed to be indicative of the potential degree of benefit of the programs to the Government. However, there was no information in these reports which would give guidance as to what percentage of the cost should be supported by the Government.

Just how careful the technical evaluators are in their work is shown by the following comment from one Navy investigator:

> I believe that as long as a "creative atmosphere" is maintained, the IR&D project is justified.

A special GAO study confirmed the Army audit conclusions:

> We found that the Government laboratories (which do the evaluations of contractor IR&D work for the government) do not usually devote much time to technical evaluation.

DUPLICATION OF REGULAR RESEARCH AND DEVELOPMENT EFFORTS

One of the most important functions of these technical evaluations is to prevent duplication of effort between individual contractors, and more important, duplication of regularly contracted R. & D. work. Despite the fact that the Government invests almost $8 billion a year in regular R. & D., the facts show that very little is being done to make sure that I.R. & D. does not duplicate regular research and development done under Government contracts.

The Army audit reported that no systematic records of contractor I.R. & D. effort are kept. According to the report:

> As a result, there are no means of avoiding underwriting an IR&D program when another contractor has already effected a break through, and may be operating in the same area under a regular government sponsored R&D contract.

The Army audit further points out that:

> It is also conceivable, under the present procedures, that unknowingly one of the military services is supporting a program which was previously supported by another service and was abandoned.

The GAO study found that most technical evaluators do not even make an effort to avoid duplication of I.R. & D. programs with regularly contracted R. & D. work. To quote the study:

> Army laboratory personnel that we contacted were aware of only one case in which laboratory work had been specifically redirected because of contractor IR&D studies. Although Army laboratory personnel are now required to report duplication of research effort to the Army ASPSC member, no such requirements exist in either the Air Force or the Navy.

Thus almost no effort is made to insure that the Government is not spending millions for I.R. & D. work which duplicates existing or previous research and development done under Government contracts.

I.R. & D. EXPENDITURES OUT OF CONTROL

Mr. President, the almost total lack of Government control over I.R. & D. expenditures is absolutely unjustified. Just how serious this problem is, is indicated by a recent Department of Defense audit covering 94 of the Department's major contractors. From a total of $459 million in 1963, I.R. & D. and related costs have skyrocketed to $685 million in 1968. Although sales by these 94 contractors to the Department of Defense have increased by only 28 percent between 1963 and 1968—$17,916,000,000 to $22,875,000,000—the amount of I.R. & D. and related costs reimbursed by the Government for the same period to these contractors has increased almost 50 percent—49.2 percent. Thus I.R. & D. costs reimbursed by the Government rose almost twice as fast as the increase in sales to the Department of Defense.

I.R. & D. WORK UNRELATED TO GOVERNMENT NEEDS

The most disturbing fact about the entire I.R. & D. program is that much of the work done is unrelated to Government and military contract needs. Increasingly I.R. & D. work is being directed toward the promotion of commercial business and toward the solution of domestic problems unrelated to military contracts. Current armed services procurement regulations state that an I.R. & D. project, to be acceptable, "must be related to the product lines for which the Government has contracts." Unfortunately the interpretation of the term "product lines" has never been clear. The term has been construed so broadly that almost anything has been accepted.

One method which contractors have used to insure acceptance of questionable I.R. & D. projects has been to classify expenses relating to these projects as bidding and proposal expenses. As stated earlier, the types of costs involved in these categories are quite similar, and it is often difficult to differentiate between I.R. & D. expenses and bidding and proposal costs. There is one very crucial difference between I.R. & D. and B. & P., however. Unlike I.R. & D. costs, bidding and proposal costs are underwritten 100 percent by the Government. This fact has provided an incentive to contractors to classify I.R. & D. efforts which they know would never be accepted, as bidding and proposal expenses which are not questioned. What is more, it is almost impossible to challenge projects included under B. & P. expenses since according to the Army audit study:

> The various types of technical effort are so similar that separate identification is almost a matter of opinion.

For example, the bid and proposal expenses of one large military contractor increased 263 percent from 1961 to 1963 while the sales volume of the contractor increased by only 36 percent. Thus the contractor's bid and proposal expenses rose almost 7 times as fast as his increase in sales. Additionally, this same contractor projected for 1964 a figure in

XUM

excess of 50 percent over the 1963 figure, while forecasting a decrease in sales volume for the same period.

The Army audit's analysis of another contractor's recorded bidding expenses for a 10-month period showed a total of almost $400,000 which actually represented independent research and development work out of a total reported $1,083,000. The Army found that the contractor had spent almost $190,000 for development of a new type of command reconnaissance vehicle which originally had been budgeted for only $10,000. The additional $180,000 of unsolicited work was charged off to bid and proposal expenses, and was completely paid by the Government.

The most flagrant examples of abuse, however, are found in the practices of the very largest of military contractors. In a report prepared by the Comptroller General released in 1967, it was reported that at least half of the $3.8 million of B. & P. expenses claimed by one of the largest Government contractors "were either similar to independent research and development costs or were not, in our opinion, clearly necessary to support the contractor's bids and proposals." According to the study the items in question were costs incurred, first, after the Government indicated it was not interested in the proposal; second, before the time a request for proposal was received; third, after a bid or proposal had been presented to the potential customer; and, fourth, to develop capability to respond to future anticipated requests for proposals.

In one case this contractor undertook an analysis and commentary on a proposal prepared by Eurospace, a private nonprofit organization set up to promote space activities in Europe. The contractor, as a corresponding member had been invited to undertake the study. The contractor charged the costs of the study to bid and proposal expense and ultimately allocated these costs to U.S. Government contracts. The contractor attempted to justify the work by showing that the purpose was to establish a capability for future participation in new program areas. As such they were totally unrelated to any Government work being done by the contractor.

This same contractor claimed almost a quarter of a million dollars for studies pursued on three different projects after it had been notified the Government was not interested in its proposals. These costs were charged to B. & P. expenses.

In another case, this same contractor continued work on an advanced orbital proposal after it had been notified that funds were not available for this program, and that the Government was no longer interested in the proposal. Almost $21,000 was paid by the Government for work it had specifically requested it did not want done.

As I stated earlier many times a contractor will charge I.R. & D. projects of very questionable value to the Government to bid and proposal expenses. This is particularly true when the Government has imposed a ceiling on I.R. & D. expenses which it will accept. The Army audit study reported one instance where a contractor undertook research on the extraction of water from rocks. Quoting the Army audit report:

> We feel that this effort should have been charged to IR&D. However, since the contractor's IR&D costs had already reached the ceiling limitation, had the cost of this effort been included in IR&D, the amount would have been unallowable as an excess over ceiling. By classifying these costs as B&P expenses, the contractor avoids any form of government review of the project and insured its acceptability.

At a major space contractor studied by the Army Audit Agency whose workload was practically 100-percent Government, over 50 percent of its unsponsored technical effort were included in other cost classifications such as conceptual studies, technical operations, and so forth. In the opinion of the Army Audit Agency most of the work should have been classified as I.R. & D. Yet these programs were not submitted to the Government for review and evaluation even though the costs were allocated to Government contracts.

NEED FOR A CHANGE

It is clear from these examples that the Government is supporting a great deal more I.R. & D. work than reported figures would indicate. What is more, it is supporting work it has no knowledge of, has never reviewed, much less approved.

Mr. President, the record of the I.R. & D. program has not been good. Not only is the I.R. & D. program running out of control, but much of the work being performed is either duplicating regular R. & D. efforts, or is of little value to the Government. Despite repeated requests, the Department of Defense and NASA have failed to tighten up on I.R. & D. funding principles. The need for major revisions in the I.R. & D. program are clear.

The simple fact is that much of the research being done is both unrelated to the mission of the agency and of little or no value to the Government. Just saying that any research, related or unrelated to the agency's mission or to the Government needs, is good can no longer be tolerated.

The Government can no longer accept vague promises when it spends the taxpayer's money. It must be assured that the purpose of the project undertaken is of value to the agency. Only by limiting R. & D. to work that is related to the mission of the agency can we accomplish this goal. We must restore the fundamental principle to our R. & D. effort that the Government will pay for only that work which it requests and which it needs. The Departments must know what they are paying for. They must know in advance.

The abuses of these fundamental funding principles under the present system can no longer be tolerated. The money which is being wasted on unneeded I.R. & D. is needed badly elsewhere.

The Government has spent over $3 billion on I.R. & D. in the last 6 years. Last year alone, the Government spent over three times the amount on the I.R. & D. program that it spent on Federal pollution control efforts. The question which must be answered is, Did we get our money's worth? How many valuable projects have actually come out of contractor I.R. & D. programs? More important, could the same amount of value have been obtained at much less expense through the normal research and development program? Unless supporters of the I.R. & D. program can show projects worth the expenditure of over $3 billion, the program should be stopped.

Mr. President, there is no question that research is needed if the country is to maintain its position of technological superiority. However, before the Government pays for such research it has the obligation to know the purpose of what it is paying for. Blind faith that something good will come out of it is not enough. We do not have money to throw down dark alleys merely in the hope we can produce a few rays of light at the other end. There are too many urgent needs in the country for us to spend money frivolously. I.R. & D. supports neither specific research nor fundamental research. It is little more than a bonanza for the fortunate.

It is for these reasons that I am introducing today a bill which will insure money spent for independent research and development by the Department of Defense or NASA will be related to the mission of the agency. It will also bring the future I.R. & D. policies of the Department of Defense and NASA into line with those policies of the Atomic Energy Commission, thus eliminating many of the problems caused by lack of a uniform Government policy.

It will provide proper controls over independent research and development expenditures. The Government will know what it is buying and will pay for that which it wants and needs. Research unrelated to the Department needs will not be supported. That is a legitimate expense of the companies.

Mr. President, let me also make it very clear that this bill will not prevent the Department of Defense from funding certain valuable I.R. & D. projects now being undertaken. The bill is designed to eliminate only those I.R. & D. projects which are of little or no benefit to the agency sponsoring them. The bill will insure that the Government knows what it is supporting, and that the project will be of value. It will guarantee both the taxpayer and the Government the most for his research dollar.

Mr. President, action on the I.R. & D. problem is needed. The need is now urgent. Every Federal dollar spent increases the inflationary danger. Priorities must be established. We are already spending over $8 billion every year for regular research and development. Spending an additional half a billion dollars each year on additional independent research and development simply cannot be justified in the face of so many other crying needs. The Congress can no longer afford to merely pay lipservice to the need to cut spending. The need for action is now. The need for action is urgent. Cutting back on the I.R. & D. program is the first step.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3003), to provide for more effective control over the expenditure of funds by the Department of Defense and the National Aeronautics and Space Administration for independent research and development, and for other purposes, introduced by Mr. PROXMIRE, was received, read twice by its title, and referred to the Committee on Armed Services.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, is it so ordered.

WATER QUALITY IMPROVEMENT ACT OF 1969

The Senate resumed the consideration of the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

AMENDMENT NO. 217

Mr. STEVENS. Mr. President, I call up my amendment, No. 217, offered on behalf of myself and the Senator from Massachusetts (Mr. KENNEDY), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment offered by Mr. STEVENS is as follows:

At the end of the bill insert the following:

"TITLE IV—ALASKA VILLAGE SAFE WATER FACILITIES

"SEC. 401. The Federal Water Pollution Control Act is amended further by inserting at the end thereof a new section as follows:

"ALASKA VILLAGE SAFE WATER FACILITIES

"SHORT TITLE

"SEC. 23. (a) This section may be cited as the 'Alaska Safe Water Facilities Act'.

"FINDINGS OF FACT

"(b) The Congress hereby finds and declares that—

"(1) in numerous villages in the State of Alaska there are presently no facilities for the provision of safe water and hygienic sewage disposal;

"(2) because of the absence of such water and sewage facilities in such villages and the attendant insanitary conditions stemming from such absence, there is a widespread incidence of sickness and disease which is responsible for serious, and in some instances, permanent impairment or even death to the residents of such villages; and

"(3) it is the responsibility of the Federal Government, in providing for the health and general welfare of Indian and native Alaskan citizens of the United States, to take appropriate measures to protect the lives and health of residents of such villages by enabling them to enjoy the benefits of safe water and hygienic sewage disposal facilities.

"DECLARATION OF POLICY

"(c) It is therefore the policy of this section to establish a special emergency program designed to provide safe water and hygienic sewage disposal facilities in Alaskan villages which presently do not have such facilities.

"PROVISION OF FACILITIES

"(d) (1) In order to provide safe water and hygienic sewage disposal facilities in villages in Alaska which presently do not have such facilities, the Secretary of the Interior (hereinafter in this section referred to as the 'Secretary') is authorized to institute and carry out a program designed to provide for the installation of such safe water and hygienic sewage disposal facilities in Alaskan villages as are necessary to assure that there will be at least one facility for safe water and hygienic sewage disposal in each village.

"(2) (A) Any facility constructed under this subsection shall be available for use by the general public and be housed in a suitable structure, designed to assure year-round use of such facility, and shall include, at a minimum, a source of clean water (such as a well with pumping facilities or utilization of surface water treated so it is safe and healthy for use), shower bath facilities, an adequate means of hygienic sewage disposal, and facilities for the washing of clothes. The building housing any such facility shall, if the Secretary determines it to be feasible and appropriate, also contain suitable quarters to be used as a community health service office.

"(B) The location of any facility constructed under this subsection shall be determined after consultation with the village council (or other comparable governing body) of the village in which such facility is located, as well as with appropriate public agencies (such as, but not limited to, the Alaska State Housing Authority and the Federal Field Committee for Development Planning in Alaska), in order to achieve maximum coordination in public development plans and activities affecting the community in which the facility is to serve.

"(3) (A) The Secretary shall provide for the construction of facilities under this subsection in the most expeditious manner feasible, and is authorized to provide for such construction by contract or through grants to public agencies or private nonprofit organizations, or otherwise. No contribution toward the cost of the construction of a facility will be required from the users thereof.

"(B) Payments of any grants made under this subsection may be made in advance or by way of reimbursement and subject to such conditions as the Secretary may impose to assure that the purposes of this section will be properly carried out.

"(C) In the construction of any facility under this subsection, there shall be utilized to the maximum extent feasible workmen from the village in which such facility is being constructed.

"(4) It shall be the responsibility of the village council (or other comparable village governing body) to maintain and operate the safe water and hygienic sewage disposal facility constructed therein under this subsection, and, upon completion of such facility, the Secretary shall execute such transfers of title as may be necessary to vest complete ownership of such facility in such council or body. The Secretary shall not construct under this subsection any facility in any village unless he first receives satisfactory assurances from the village council (or other comparable governing body) thereof that such council or body will, upon completion of such facility, accept ownership thereof and will accept responsibility for the operation and maintenance thereof.

"(5) For purposes of carrying out the provisions of this subsection, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1970, and such sums as may be necessary for each of the next three fiscal years thereafter. Funds appropriated for any fiscal year under this paragraph shall remain available until expended and be utilized for both construction of the facilities and for the engineering and administrative costs necessary to design and plan such construction.

"(e) (1) The Secretary shall conduct through the health aide, in each community wherein there is located a safe water and hygienic sewage disposal facility provided under subsection (d), an appropriate educational and informational program designed to familiarize the residents of such community as to the health advantages to be achieved by their full utilization of such facility.

"(2) Whenever the Secretary determines that the village council (or comparable governing body), which has accepted ownership and responsibility for operation and maintenance of a facility provided under subsection (d), has financial resources which (when combined with the financial assistance available to it from the village, State, or other sources) are less than the amount necessary to enable such council or body properly to operate and maintain such facility, then the Secretary may make grants to such council or body in amounts which (when combined with the amounts available from other sources) will be sufficient to enable such council or body properly to operate and maintain such facility.

"(f) The Secretary of the department actually administering the provisions of this section shall for the fiscal year which ends June 30, 1970, and for each of the succeeding three fiscal years, submit to the Congress a full and complete report of the activities undertaken pursuant to the authority contained in this section, which report shall indicate each of the villages wherein safe water and hygienic sewage disposal facilities under subsection (d) have been established, the extent to which such facilities are being utilized, and the contribution made toward such utilization by the educational and informational program established pursuant to subsection (e) (1). The report of such Secretary for the fiscal year ending June 30, 1970, shall be submitted not later than July 30, 1970, and the report for each of the three succeeding fiscal years shall be submitted not later than the July 30 which immediately follows the close of such fiscal year.

"(g) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and for each succeeding fiscal year, such sums as may be necessary to carry out the provisions of subsections (e) and (f) of this section.

"(h) In order to prevent duplication of effort and to promote economy of administration, the Secretary shall to the maximum extent feasible utilize the facilities of the Department of Health, Education and Welfare or the facilities of other appropriate public agencies in the administration of the provisions of this section."

Mr. STEVENS. Mr. President, we have offered this amendment to bring to the attention of the Senate the great problem of pollution in the rural areas of Alaska, particularly in the native and Indian areas.

I accompanied the Senator from Massachusetts (Mr. KENNEDY) on his hearings in our State during the early part of this year. As a result of that trip, our staffs collaborated and prepared this amendment to S. 7 as an approach that would be feasible, in our opinion, to deal with the pressing problems in these areas.

In 178 villages, only 8 percent of the homes, as I pointed out yesterday, have any kind of inside sewage or water facilities.

The purpose of the amendment would be to attempt to bring into each village a safe water facility as quickly as possible.

We realize, after our trip through these areas, that it would be impossible, from a financial point of view, to put water and sewage facilities into every one of these village homes, which are substandard, and which we are trying to replace. It would be uneconomical to attempt to put sewage and water facilities into each home, as we would envision replacing the homes under the remote housing program and the Bartlett housing program.

I am indebted to the Senator from Massachusetts for his support and also to the chairman of the committee for his consideration.

I have discussed this matter with the chairman and I understand the position he is prepared to explain in connection with the amendment.

Mr. KENNEDY. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I yield.

Mr. KENNEDY. During the spring of this year, when the Subcommittee on Indian Education traveled through Alaska, our prime interest and responsibility was to try to review in some detail the educational opportunities, or, more accurately, the lack of educational opportunities, for the native population, Indian as well as Eskimo.

During the three and a half days of extremely comprehensive travel throughout the State of Alaska, in which we were joined by the distinguished Senator from Alaska (Mr. STEVENS), the subcommittee was constantly reminded not only of the inadequacy of education, but also of one of the greatest impediments in the pursuit of education; namely, the lack of basic and fundamental sanitary conditions.

This appeared to me as a condition which I never realized could exist in this country of ours, a country which has such extraordinary affluence and wealth. Upon visiting many smaller, and even moderate-sized villages, we found absolutely no kind of sanitary facilities at all. Children were drinking polluted water, and from this contracting a variety of diseases which prohibited their even attending school. Eighty-five percent of the native children there had ear infections, which directly affect their whole learning process. Nearly 15 percent of native children were hospitalized by serious sicknesses last year.

In our conversations with a number of schoolteachers, they pointed out that many of the native children, Eskimo and Indian children, were not learning well because they suffered from hearing deficiencies.

In talking with Public Health officials, we found that the principal reason for their suffering was lack of clean and adequate water supplies. As a result of using polluted water to bathe and wash in, and even drink, they were contracting diseases peculiar to Alaska, particularly the southwestern part of that State.

We could elaborate, and I know the Senator from Alaska (Mr. STEVENS) could elaborate, on the details of the conditions we found there, but they were some of the most desperate I have seen, including those in the barrios of Latin America and the hovels of Asia.

It seems to me that an important step which should be made—and could be made—is providing fundamental kinds of sanitary facilities to many of the smaller communities and villages. I think it would go a long way toward permitting these people to live in some kind of human dignity.

I want to say how much I appreciated working with the Senator from Alaska (Mr. STEVENS) on this problem. We realized full well we have not had the kinds of extensive hearings on this measure that perhaps a measure of this kind should have; but the reason why we are moving in this way is the emergency nature of the situation. It exists today.

We know that this measure, S. 7, provides us with knowledge from members of the committee who have a profound knowledge and understanding of this kind of legislation. If we do not get action at this time, another year will pass by, and any kind of progress will be interminably delayed. We feel that this is no time for delay.

So we are extremely hopeful that some benefit will come from what I think is an emergency measure. We have seen how the Senate can act in times of emergency, whether it be a hurricane in Louisiana or the tragedy of an earthquake in Alaska. We are talking about a human tragedy which deserves as much expeditious consideration as natural disasters do.

Mr. STEVENS. I thank the Senator from Massachusetts for his comments. One of my colleagues asked yesterday why Alaska, with its new-found wealth, did not finance this program. I would like to point out that this is Federal land. These are villages which are under the supervision of the Bureau of Indian Affairs, and our Public Health Service is responsible for their health. The measure contemplates a working relationship between the Secretary of Interior and the Secretary of Health, Education, and Welfare. There are less than 500 acres of land in private ownership in this area, which is twice the size of California.

The reason why the State cannot move in that area is that it does not own the land. It has no way to get security for the advancement of any funds. There is no way for the State of Alaska to deal with this problem today. The Federal Government has both the title to the land and supervision over the people. They are wards of the Government until there is action taken on the Alaska native land claims settlement bill. This is another reason for the urgency of the matter.

The State is now in a position where it can move ahead and try to improve the lot of the people through better housing conditions, schools, and roads, but until the State has some legal right to do it, we must rely upon the Federal Government. I feel we must move into this area now with a bold program to try to prevent the rapid increase in the death rate.

Yesterday I pointed out that one-fifth of the children in this area die in the first year of their life, and those who survive have a life expectancy of 34½ years. These are most appalling statistics.

Mr. KENNEDY. Mr. President, will the Senator yield on the point of the infant mortality rate?

Mr. STEVENS. I yield.

Mr. KENNEDY. The infant mortality rate for Alaskan native children is the highest of any group in this country.

Mr. STEVENS. It is 10 times higher than any other group.

Mr. KENNEDY. Once again, it can be directly related, I think, as was brought out in our conversations with the Public Health personnel there, to the question of basic and fundamental sanitary conditions. That is one of the prime reasons for that condition, as we heard from the Public Health personnel who were there dealing with this problem and have made many, many surveys of the health problems.

On another point, as the distinguished Senator from Alaska pointed out, these are Federal land areas. I think all of us realize we have additional kinds of responsibility, not only in the field of Indian education, for example, where the Federal Government has had an opportunity and unfortunately has reneged on that responsibility, but in trying to provide the kinds of facilities which are essential to a decent kind of existence.

The statistics given by the Senator from Alaska are most dramatic in terms of human misery. Once again, I think they reinforce the emergency nature of our proposal.

Mr. STEVENS. I thank the Senator. I pointed out that this is not something that is impossible. Each one of the villages has a school run by the Bureau of Indian Affairs, in which the children can use hot and cold running water and showers. The trouble is they go from their 20th century daytime schoolhouse into their stone age home at night. They go into homes which have one room, in which 10 to 20 people live, with no kind of water or sanitary facilities.

There is great difficulty in teaching

these children who have no continuity in life. They have the highest school dropout rate. They have the lowest attainments in terms of educational levels. And one of the basic problems they face is polluted water. Safe water is one thing we can make available to them now.

I know the chairman of the subcommittee would like to comment on this matter, but first I ask unanimous consent that the amendment we have offered show that it is cosponsored by Senators McGOVERN, MONDALE, HUGHES, WILLIAMS of New Jersey, YOUNG of North Dakota, YOUNG of Ohio, and SMITH of Illinois, who have joined the Senator from Massachusetts and me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STEVENS. I yield first to the majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be included—as a cosponsor of the proposal by the Senator from Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I have, as the Senator from Alaska has indicated, discussed this matter with him. May I say at the outset that I sympathize completely with the Senator's objectives, and I compliment the distinguished Senator from Alaska and the distinguished Senator from Massachusetts for developing the facts relative to this situation and bringing them to the attention of the Senate, first at the time this amendment was introduced last spring and then this morning. I think this part of the record is important.

I point out that when the amendment was submitted last spring, on May 20, the committee had already completed its hearings on S. 7, and, indeed, we had already embarked on executive sessions, which stretched from March until late June, undertaking to work out the provisions of the bill which are now pending before us.

We entertained the hope at that time that before this session was ended, we would get to additional hearings on the problems of financing waste treatment plants. So last spring we indicated to the Senator from Alaska that, in connection with those hearings which we hoped to hold, we would have hearings on his amendment, with a view to developing a viable solution to the problem.

Unfortunately, other developments in connection with the funding of waste treatment plants have taken place or are underway in Congress this year. I have high hopes that, with the assistance of the able and distinguished Senator from Louisiana, the funding level can be raised through the appropriations process. For that reason, and in order to submit our efforts on the appropriations process this year, we did not get into the questions of alternative means of funding waste treatment plants; and as a consequence, we have not gotten to hearings on the Senator's proposal.

But because of the obvious merit and urgency of the problem, I have agreed with the Senator to take his amendment to conference, if the Senate approves, for the purpose of bringing it to the attention of the House of Representatives as well as the Senate. I would not predict what the conference result may be, but at the very least, I think, by this procedure we can alert the House of Representatives to the urgency of the problem and lay the basis for further and perhaps more effective consideration by our committee later on.

So I am willing to take this amendment on that basis.

Mr. STEVENS. I thank the Senator for his comments. I am sure that the Senator from Massachusetts and I understand the problem that is involved in the committee's consideration, and we are grateful to the chairman for his comments and his appreciation of the problem and his willingness to work with us to try to solve it.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the substitute committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The committee amendment in the nature of a substitute is open to further amendment.

Mr. MUSKIE. Mr. President, yesterday there was some discussion of the oil pollution liability section of S. 7; and in view of the comments made on the insurability of the liabilities set forth in the bill, I should like to briefly to discuss the considerations which led the committee to conclude that the reverse burden of proof—limited negligence concept would not adequately protect the U.S. Government in the event of a catastrophic oil spill.

These provisions in the legislation, Mr. President, sparked a great deal of controversy. A number of representations have been made to members of the Committee on Public Works and other Senators by representatives of the British insurance industry, the international merchant marine, and the American merchant marine, recommending the adoption of negligence liability, with limits of $100 per gross ton or $10 million, whichever is lesser.

I should like briefly to discuss why this concept, which was included in the House passed bill, was not accepted.

The Committee on Public Works did not ignore the need to protect the ability of the United States to transport oil by vessel. It was for precisely this reason that the committee established the limitation of liability at $125 per gross ton, or $14 million, whichever is lesser, for any oil spill which was not the result of negligence or a willful act. It was also for this reason that the committee provided certain exceptions suggested, I might say, by the industry, which, if proved by the owner or operator of the discharging vessel, would relieve the vessel from liability.

In other words, if the owner cleans up the spill and is later able to prove that the discharge was caused solely by one of the four exceptions which the committee included in the bill, the U.S. Government will reimburse the owner for his costs up to $14 million.

Mr. President, I think it is important, at this point, to suggest some facts relative to the risks which are involved from this kind of spill and discuss the relationship of liability to those risks.

The House bill would limit the liability of a vessel owner or operator to $100 per gross ton or $10,000,000, whichever is lesser. That bill would provide that, regardless of how willful or how negligent the discharge happened to be, the innocent beach owner, the innocent boatowner, or the innocent commercial fisherman would have to pay those cleanup costs in excess of $100 per gross ton of the discharging vessel even though that beach owner, that fisherman, that boatowner had absolutely no responsibility for the spill.

Mr. President, this approach would greatly reduce the capacity of the United States to collect cleanup costs for the discharge of oil from a major supertanker. Today, $100 per gross ton would provide maximum liability coverage for a 100,000-gross-ton vessel. However, we are approaching the era of the supertanker. The recent success of the tanker *Manhattan* in breaching the Northwest Passage for commercial purposes will cause construction of immense supertankers which will transport oil from Alaska's north slope to the east coast of the United States. Already one oil company has ordered two supertankers to move oil from the north slope of Alaska to California.

If the committee's figures are accurate and they were almost all supplied by the oil companies and the insurance industry, a disaster on the order of the *Torrey Canyon*, in which the vessel was lost, cost approximately $118 per gross ton to clean up based on the settlement figures.

If a 200,000 gross ton tanker were to break up off the coast of the United States and if the cost of cleanup were to be only $118 per gross ton, the cost to the United States would be $23.6 million. Under H.R. 4148, the United States would be out of pocket $13.6 million even if negligence was proved. Under the legislation proposed by the committee the major oil company which will own that supertanker would be liable for the entire cost of cleanup if the U.S. Government were able to prove negligence. If that discharge occurred without fault on the part of the discharging vessel, the oil company would be liable for a maximum of $14 million. If the oil company owning the vessel could prove that the discharge was solely the result of an act of God, an act of war, an act of third party or an act of U.S. Government negligence there will be no liability whatsoever. In fact, if the oil company which owned the vessel cleaned up the spill and later proved that the discharge was a result of one of the exceptions that oil company could be reimbursed by the United States for the cost of cleanup.

Mr. President, in a matter of equity as between the discharging vessel and the American public, I have to choose for the American public. I firmly adhere to the position taken by the committee that the negligence on the part of anyone involved in the operation of the vessel should remove liability limits and the cost of cleanup should be borne by the vessel, not the innocent beach owner, fisherman or boatowner.

I ask unanimous consent that there be included in the Record at this point a letter commenting on the liability provisions of S. 7, from Allan I. Mendelsohn.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Washington, D.C.,
September 26, 1969.

Senator Edmund S. Muskie,
Old Senate Office Building,
Washington, D.C.

Dear Senator Muskie: In a recent New York Times article, George Horne described several of the current efforts by the British marine underwriters, joined by the American shipowners, to oppose your legislation revising and modernizing the archaic limitations of liability that have up to the present time protected foreign and U.S. flag tanker owners in the event of oil spills causing extensive pollution damage to the beaches and sea coasts of this country.

As a former treaty negotiator for the United States Government on this and similar limitation subjects and as former Chairman of the joint United States Government-industry committee on international maritime law, I believe I might be of some help to you in presenting the other and public side of this controversy.

The British marine insurers, together with the American flag shipowners, have traditionally and consistently opposed every effort, domestic as well as international, to raise the archaic United States limitations of shipowner liability up to realistic amounts. It is scandalous that, by reason of the limitations of liability enacted by the United States Congress in 1851, a Torrey Canyon disaster occurring off the coast of Miami or Cape Cod would result in *no* recoveries for the American citizens whose fishing, wildlife, hotel and beachfront interests are seriously damaged. It is even more scandalous that if the 1851 limitation law, as amended in 1936, is applied to the survivors of the 90 victims of the 1965 Yarmouth Castle disaster, no survivor would recover more than $2,700 per victim.

Yet, each time some effort is made to modernize these limits, the marine insurers and the shipowners join together in opposition. As is the case with your bill, one of their usual arguments is that the capacity of the insurance market is incapable of meeting the risks that could be involved if high limits are adopted. In short, the marine insurance market does not have enough money or enough avenues by which this money can be obtained.

But this argument is plainly inadequate. I do not believe it is necessary, in this respect, again to point your attention to the many inconsistencies that appeared in the testimony of the British insurers on the several occasions they testified before your Committee. In an article to be published in next month's issue of the George Washington University Law Review, I describe and analyze these inconsistencies in some detail, pointing up how their testimony changed in each of the successive hearings held by the House Committees and your Subcommittee. Suffice it to say now, however, that each time they appeared, market capacity seemed to shrink and costs seemed to increase finally to the point even of doubling for halved limits.

For my part, I have no doubt whatever that if your bill were to pass with *no* limitations of liability much less the limitations now proposed in your bill, the marine insurance industry would find the necessary market capacity within at most a 6 month period—if only to be able to continue today's lucrative oil tanker trade. One need only mention, in this respect, that when limitations of liability for international airline crashes were raised in 1966 from $8,300 to $75,000, the international aviation insurance market discovered the capacity almost overnight even though prior to the event they too had argued, like the marine underwriters today, that the capacity was not there. In domestic aviation, where there are no limitations of liability the U.S. airlines are presently gearing up for potential liability, with the new 747 jumbo jets, of upwards of $100 million per aircraft per accident. Yet the British marine underwriters can argue that their market cannot absorb even a limit as low as $15 million.

Moreover, one questions the role of the oil companies in this controversy. It is a fact that 7 major American oil companies own almost half of the total tanker tonnage operating under the American flag. It is also a fact that the 7 oil companies operating the largest amounts of American flag tanker tonnage also happen to be among the 9 oil companies enjoying the largest allocations under this country's oil import quota system. It is still further a fact that the oil companies and tanker owners have realized immense savings with the introduction of the giant tankers ranging anywhere from 200,000 to 500,000 dead weight tons. A 200,000 ton tanker alone can carry upwards of roughly 55,000,000 gallons of crude oil. Certainly, with the profits realized through these automated and, indeed, subsidized (by way of the import quota system) operations, oil should and must be expected to pay its way by assuring that the insurance market capacity is in fact adequate. For if the oil tanker and oil industry do not pay their way, that way will necessarily be paid through lower, inadequate recoveries by private American citizens who fall victim to future pollution disasters.

To be sure, I am not enamored of all the provisions of your bill. For example, I fail to see why, if there is to be a limit at all, there should be any exceptions to liability. Under modern legal principles, such as exist in international air law today, a limitation may be accorded to the carrier but only in return for that carrier's accepting absolute liability. If a carrier can avoid liability by proving, for example, that the accident resulted not from his fault but rather from acts of God, war, or third parties (the present exceptions in your bill), then, failing such proof, he should be entitled to no limitations of liability and thus be liable for damages in full. This latter situation prevails today in domestic United States aviation. Yet, in your bill, the carrier enjoys the exceptions but still has a limited liabilty. Moreover, even if absolute liability is adopted, I fail to see any persuasive reason why an overall ceiling must be included. It is enough to provide only a per ton limit and, indeed, I might add that this was the system that appeared in your Committee Print No. 3. To change that system by incorporating an overall ceiling of $10 million or $14 million does no more than protect the largest tanker owners who presumably need this protection the least.

Moreover, the most significant failing of your bill is that it covers only clean-up costs of government and does not at all change the repressive 1851 limitations as they apply to suits by private citizens. I realize, of course, that this failing is not of your doing and that you, together with the members of your Committee, would have preferred to have broadened the bill but were unable to under the circumstances.

But with all these defects in the bill, it still remains the first major and long overdue breakthrough in this country's maritime limitation law. If the British insurers, the oil industry, and the American shipowners succeed, by imposing their groundless apprehensions on you, in blocking the passage of even this first step of progress, I fear for the consequences to the American public in all of the future steps of progress that are so necessary in our maritime limitation law.

It is for these reasons and despite its defects that I vigorously support your bill and offer you my assistance in any way towards its enactment. The only compromise that should be acceptable—and one that I would personally prefer—is an unbreakable limit (notwithstanding negligence or willful misconduct) of $150 per ton, no overall limit, and a system of absolute liability with only one exception, namely, the unique case where the Government itself causes or contributes to the causing of the accident. Adoption of such a system would be fully in accord with modern tort law principles which predicate liability not on grounds of fault or negligence but on ability to absorb and distribute risk.

Perhaps in view of the present circumstances, the various concerned industries might be more prone to accept this proposed compromise system than the one presently in your bill. If so, this system, with all of its legal and practical advantages in offering certainty and avoiding litigation, should be adopted. But if not, your bill is the next best alternative and, despite the objections traditionally heard from the insurers and shipowners, it should be enacted forthwith.

Sincerely yours,
Allan I. Mendelsohn.

Mr. BAKER. Mr. President, I fully concur with the distinguished chairman of the subcommittee in his description of the liability provisions of S. 7; particularly the position that in the final analysis the provisions of S. 7 establish the principle that as between the public and an owner or operator, the owner or operator shall bear expenses associated with cleanup.

I would like to add only a few points.

A paramount concern of the committee is a desire to apply a uniform standard of liability. To do so it was necessary to adopt an approach that would enable the relevant courts to decide issues of liability with as little reference as possible to State law. Consequently, the committee adopted a standard of liability that would give complete and sufficient guidance to the Federal courts in deciding basic issues. The only deviation from this pattern is where an exception is made from limitation of liability where the United States can prove negligence. In considering an allegation by the United States of such negligence, the Federal court, of course, would refer to relevant State law.

The basic liability standard, however, avoids immediate reference to State law by adopting liability in the nature of absolute liability, then providing exceptions from this liability where an owner or operator can prove that a particular discharge was caused solely by an act of war, act of God, or negligent act of the Government or the act of a third party. It is hoped that the exceptions are sufficiently clear in the bill so that, along with the report language, a Federal court will be able to decide the issue of liability with a minimum reference to State law and thus achieve as close to a uniformly applied standard as is possible.

The bill defines an act of God to mean an act occasioned exclusively by violence of nature without the interference of human agency. This does not mean, therefore, a common law or statutory definition of act of God that exists under State law. This language provides a higher standard, and one that means a violent act of nature that could not have been avoided by the exercise of foresight and prudence. In the words of the testimony of the American Petroleum Institute this would include an event such as an earthquake or tidal wave in an area without any prerecorded history of such event.

The remaining exceptions are clear on their face and should enable a Federal district or other court to determine all issues with little reference to State law.

S. 7 has been written to avoid a full range of controversy that is inherent in any reference in a statute to burden of proof or prima facie case. The record should show that there is no such thing as a simple reversal of the burden of proof and as responsible legislators we should avoid such a procedural trap.

If we used language of burden of proof we could not describe what burden we are talking about for such matters are properly matters of State law. To use such language, therefore, would raise the same problems we are attempting to avoid in refraining from using negligence as the basic test of liability.

Burden of proof is a variously defined concept. It can mean the burden of going forward with the proof, or the burden which disappears with any proof to the contrary or one that requires substantial proof to overcome the presumption, or even an irrebuttable presumption.

If we get into the procedural aspects of presumptions and reversal thereof, it seems to me we have sown the seeds of very extensive litigation.

That there is in fact the manner in which burden of proof language would be interpreted let me quote from a brief filed by the Maritime Law Association on this very point:

> Further, the liabilities imposed by the two bills are comparable neither in theory nor application. The *prima facie* case established in Section 17(e) (2) of H.R. 4148 would be satisfied by proving that one's acts or omissions did not proximately cause the damage. This initial *burden of evidence* being satisfied, the plaintiff Government, as other plaintiffs, would properly proceed with its *burden of proof* as to the proximate cause of a spill.

It is exactly this procedural quagmire we seek to avoid in S. 7.

Mr. President, a question has been raised concerning the applicability of cleanup liability provisions to facilities to receive supertankers currently being designed and constructed beyond 3 miles of the coast of the United States.

It is my understanding, and I think shared by members of the Committee on Public Works that to the extent liability is not established by other provisions of law the liability established by this act shall apply if any essential part of such facility, such as a pipeline, passes through the navigable waters of the United States. Under the definition of on or offshore facilities of section 12(a) (11) a facility includes "related appurtenances." As used in that definition "related appurtenances" should not be interpreted as meaning only those appurtenances occurring in the navigable waters but to include all essential parts of a particular facility no matter where located. Therefore, a terminal facility beyond 3 miles that has the pipeline or other necessary part passing through the navigable waters can be included in the liability provisions of S. 7.

Mr. MUSKIE. Mr. President, I send to the desk an amendment in the nature of a substitute to title II of S. 7.

The PRESIDING OFFICER. The amendment in the nature of a substitute will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered, and the amendment will be printed in the Record.

The amendment in the nature of a substitute for title II is as follows:

On page 74, beginning with line 1, strike out all through line 21 on page 80, and insert in lieu thereof the following:

"TITLE II—ENVIRONMENTAL QUALITY

"Sec. 201. This title may be cited as the 'Environmental Quality Improvement Act of 1969'.

"FINDINGS, DECLARATIONS, AND PURPOSES

"Sec. 202. (a) The Congress finds—

"(1) that in the pursuit of social and economic advancement man has caused changes in the environment;

"(2) that the degree of such changes endangers a harmonious relationship between man and his environment;

"(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment, increasing the severity of the physical, social, psychological, and economic problems of our society; and

"(4) that changes in the environment should be restricted, insofar as possible, to avoid adverse effects on man, other species and the environment itself.

"(b) The Congress declares that there is a national policy for the enviornment ennunciated in laws relating to air, water and land pollution which—

"(1) provides for the enhancement of the quality of our air, water, and land environment;

"(2) recognizes the primary responsibility for implementation of this policy rests with State and local governments; and

"(3) encourages and supports implementation of this policy through appropriate regional organizations.

"(c) The purposes of this title are—

"(1) to assure that each Federal department or agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law and by the President pursuant to this title; and

"(2) to authorize and to provide staff for an Office of Environmental Quality.

"OFFICE OF ENVIRONMENTAL QUALITY

"Sec. 203. (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (herein referred to as the "Office"). There shall be in the Office a Director and a Deputy Director who shall be appointed by the President, by and with theadvice and consent of the Senate.

"(b) The compensation of the Director and the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Director and the Deputy Director of the Bureau of the Budget.

"(c) The Director is authorized to employ such officers and employees as may be necessary to enable the Office to carry out its functions under this title.

"(d) In carrying out the provisions of this section the Director shall—

"(1) provide assistance to the President on policies and programs of the Federal Government, including review of existing and proposed projects, facilities and activities, which affect environmental quality, and recommended priorities thereon;

"(2) provide staff and support for any board, council or committee established by the President or authorized by the Congress to coordinate Federal activities which affect policies and programs established to protect and enhance environmental quality;

"(3) review the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

"(4) promote advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

"(5) assure evaluation of new and changing technologies for their potential effects on the environment prior to their implementation;

"(6) review and comment on the coordination of the programs and activities of Federal departments and agencies which affect, protect, and improve environmental quality;

"(7) review and comment on the development and interrelationship of environmental quality criteria and standards established through the Federal Government; and

"(8) collect, collate, analyze, and interpret data and information on environmental quality and issue reports thereon, as he deems appropriate;

"(9) develop and maintain an inventory of existing and future natural resource development projects, engineering works, and other major projects and programs contemplated or planned by public or private agencies or organizations which make significant modifications in the natural environment;

"(10) establish a system of collecting and receiving information and data on ecological research and evaluations which are in progress or are planned by other public or private agencies or organizations, or individuals; and

"(11) perform such other duties and functions as directed by the President.

"(e) In carrying out the provisions of this section, the Director is authorized to contract with public or private agencies, institutions, and organizations, and with individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) for research and surveys regarding any potential or existing problem of environmental quality.

"EFFECT ON EXISTING AUTHORIZATIONS

"Sec. 204. The policies and goals set forth in this title are supplementary to existing authorizations of Federal agencies.

"AUTHORIZATION

"Sec. 205. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1969, and for each of five succeeding fiscal years, such amounts as may be necessary for the purposes of this title."

Mr. **MUSKIE**. Mr. President, I will ask for the yeas and nays on the substitute both as an indicator of the Senate's interest in this proposal and as instructions to the Senate conferees to support the agreed-upon compromise language for S. 1075.

The statement I am about to make on title II involves title II of S. 7 and S. 1075, sponsored by the distinguished chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON). The Senator from Washington (Mr. JACKSON) will make a statement to the same effect, which is the essence of our agreement on these two bills.

The substitute amendment for title II of S. 7 is largely similar to the title as reported by the committee. The justifications as discussed in my remarks and the committee report still exist without modification. The language has been modified to assure minimum of overlap or conflict with the proposed version of S. 1075.

The substance of title II remains the same: all Federal and federally assisted public works projects would be directed to implement environmental policies established by the President and existing air, water, and land pollution laws; and there would be established in the Executive Office of the President, an Office of Environmental Quality to assist the President in review and development of environmental programs and policies.

As revised, title II of S. 7 no longer provides for establishment of advisory committees by the Director of the Office of Environmental Quality, nor is the Director authorized to conduct a biennial forum on environmental problems. Both of these functions would be transferred to S. 1075 as activities more properly conducted by the Board of Environmental Quality Advisers.

As revised, the Office of Environmental Quality would be available to provide staff support to the Board of Environmental Quality Advisers, the President's Council on Environmental Quality and to the President directly.

Also, the Office would carry on certain data collection and analysis functions previously included in S. 1075. This ongoing monitoring function would provide a means of developing needed information to determine potential environmental changes which are caused or could be caused by any activity in which the Federal Government is involved.

The report required under title III of S. 1075 would be transmitted in whole or in part to the committees which traditionally have exercised jurisdiction over the environmental subject matter contained therein. For example, if such a report discusses the problems of air quality, either that section of the report or the report in its entirety would be referred to the Committee on Public Works as well as other committees which might have interest in other portions of the report. This type of distribution to the appropriate congressional committees will provide maximum participation in the development of a meaningful legislative response to the problems posed by this report from the President.

The revisions included in this substitute essentially would clarify the staff role of the Office of Environmental Quality while leaving to Senator JACKSON's proposed Board of Environmental Quality Advisers the function of independent oversight of Federal policies and programs which affect the environment. Because Senator JACKSON will discuss the board's function in some detail. I will confine my remarks to the compromise version of S. 1075 as it relates to title I, the so-called national policy statement.

Mr. President, at this point, I ask unanimous consent that the text of the revised version of S. 1075 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1075

A bill to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Board of Environmental Quality Advisers.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physical and biological surroundings and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that the policies, regulations, and public laws of the United States, to the fullest extent possible, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

(a) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(b) identify and develop methods and procedures, subject to review and approval of the Board of Environmental Quality Advisers established by Title III of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations;

(c) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action;

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) alternatives to the proposed action;

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any established agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, including those authorized to develop and enforce environmental standards, shall be made available to the President, the Board of Environmental Advisers and to the public as provided by 5 U.S.C. 552 and shall accompany the proposal through the existing agency review processes.

(d) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(e) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment; and

(f) review present statutory authority, administrative regulations, and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President such measures as may be necessary to make their authority consistent with this Act.

SEC. 103. Nothing in section 102 shall in any way affect the specific statutory obligations of any Federal agency (a) to comply with criteria or standards of environmental quality, (b) to coordinate or consult witn any other Federal or State agency, or (c) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

Sec. 104. The policies and goals set forth in this Act are supplementary to existing authorizations of Federal agencies.

TITLE II

Sec. 201. To carry out the purposes of this Act, the Board of Environmental Quality Advisers is hereby authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality to the extent that such activities do not overlap or conflict with similar activities authorized by law and performed by established agencies;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes; and

(c) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps.

Sec. 202. To carry out the purposes of this Act, all agencies of the Federal Government in conjunction with their existing programs and authorities, are hereby authorized—

(a) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(b) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(c) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Federal agencies; and

(d) to assist the Board of Environmental Quality Advisers established under title III of this Act and any council or committee established by the President to deal with environmental problems.

Sec. 203. There is hereby established in the Office of Science and Technology an additional office with the title "Deputy Director of the Office of Science and Technology." The Deputy Director shall be appointed by the President by and with the advice and consent of the Senate, shall perform such duties as the Director of the Office of Science and Technology shall from time to time direct, and shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

TITLE III

Sec. 301. (a) There is created in the Executive Office of the President a Board of Environmental Quality Advisers (hereinafter referred to as the "Board"). The Board shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interest of this Nation. The President shall designate the Chairman and Vice Chairman of the Board from such members.

(b) Members of the Board shall serve full time and the Chairman of the Board shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Board shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

Sec. 302. (a) The primary function of the Board shall be to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation. In carrying out this function, the Board shall—

(1) report at least once each year to the President on the state and condition of the environment;

(2) provide advice, assistance, and support to the President on the formulation of national policies to foster and promote the improvement of environmental quality; and

(3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

(b) The Board shall periodically review and appraise Federal programs, projects, activities, and policies which affect the quality of the environment and make recommendations thereon to the President.

(c) It shall be the duty and function of the Board to assist and advise the President in the preparation of the annual environmental quality report required under section 303.

(d) The Board shall carry out its duties under the provisions of this Act at the direction of the President and shall perform whatever additional duties he may from time to time direct.

Sec. 303. (a) The President shall transmit to the Congress, beginning June 30, 1970, an annual environmental quality report which shall set forth: (a) the status and condition of the major natural, manmade, or altered environmental classes of the Nation; and (b) current and foreseeable trends in quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

(b) Such report shall be referred in whole or in part to the committees of each house of the Congress which have exercised jurisdiction over the subject matter contained therein.

Sec. 304. (a) In order to obtain assistance and independent advice in the development and implementation of the purposes of this title, the Board may from time to time establish advisory committees. Committee members shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of the other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, medical sciences, psychology, social sciences, ecology, agriculture, economics, law, engineering, and political science, who have demonstrated competence with regard to problems of the environment.

(b) The members of the advisory committees appointed pursuant to this title shall be entitled to receive compensation at a rate to be fixed by the Board, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(c) The Board shall organize and convene a biennial forum on current problems and issues concerning environmental quality, population, and the future, and publish the proceedings thereof, and participants in such forums shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, psychology, medical sciences, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

Sec. 304. The Board may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Board may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

Sec. 305. There are hereby authorized to be appropriated $1,000,000 annually to carry out the purposes of this title.

Amend the title so as to read: "A bill to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers."

Mr. MUSKIE. Mr. President, as Senators are aware, the Subcommittee on Air and Water Pollution has been examining specific air, water, and solid waste pollution problems since its creation in 1963. It is worthy of note that the subcommittee has heard over 1,100 witnesses and accumulated 15,877 pages of testimony in the past 6 years on environmental matters. Prior to that time, and as far back as 1899, the Committee on Public Works and its predecessors have initiated or handled pollution control legislation.

The fact that the Nation has a capacity to deal with air pollution, water pollution, and to a lesser extent, solid wastes, is due in a large part to the activities of this subcommittee and the continued, unanimous support of the Committee on Public Works.

The legislation which has been enacted on these subjects is indicative of two important trends in the Nation's concern for the quality of its environment; first, that we are willing to make a commitment of our financial resources to finding and applying solutions to difficult pollution problems; and second, that there is a need for orderly pollution control procedures, both in identifying the extent of control required and in establishing implementation programs.

The philosophy of air and water quality legislation has been first to develop the criteria which indicate the effects of pollutants on the various aspects of the public health and welfare and then to apply available, feasible control technology. This philosophy has been based on two elemental concepts—that only those measures which were designed to enhance air and water quality would be acceptable and that local and State government have the prime responsibility to implement those measures.

It was against this background of study, hearings, discussion and legislation that members of the subcommittee became concerned with the potential interpretation of title I of S. 1075, as passed by the Senate. Section 102(c) of the bill would require every Federal agency to include as a part of any legislative proposal, report on legislation or any major action, which has a significant effect on the quality of the environment, a finding of environmental impact, adverse environmental effects, commitments of resources, and other potential justifications for the legislation or activity.

The concept of self-policing by Federal agencies which pollute or license pollution is contrary to the philosophy and intent of existing environmental quality legislation. In hearing after hearing agencies of the Federal Government have argued that their primary authorization, whether it be maintenance of the navigable waters by the Corps of Engineers or licensing of nuclear powerplants by the Atomic Energy Commission, takes precedence over water quality requirements.

I repeat, these agencies have always emphasized their primary responsibility making environmental considerations secondary in their view.

It is for this reason that the legislation pending before the Senate includes a provision which would require water quality compliance by Federal agencies in both their own activities and the activities in which they are involved. Section 16 of S. 7 would require water quality compliance as a precondition of Federal activities; it would not leave the determination of water quality effects to the polluter. By requiring compliance certification from the water pollution control agency, section 16 would assign policing responsibility to those agencies most qualified to make an environmental decision and not to those committed to carrying out some other function at minimum cost.

The proposed compromise language developed for section 102(c) clearly indicates the extent to which the polluter is involved in determining environmental effects. This language eliminated the requirement that a "finding" be made but provides that environmental impact be discussed as a part of any report on legislation, or any decision to commence a major activity. The requirement that established environmental agencies be consulted and that their comments accompany any such report would place the environmental control responsibility where it should be.

Other provisions of the compromise on S. 1075 include elimination of the requirement that the President designate a lead agency to conduct data collection and make grants to carry out the purposes of the act. To a large extent these functions are either presently delegated to existing agencies or would be carried on by the office of environmental quality.

Mr. President, S. 1075 brings into focus the Senate's continuing concern for the quality of the Nation's environment. S. 1075 focuses attention on an environmental need which is not included in either bill pending before the Senate today and is only covered in part by existing legislation.

The Clean Air Act and the Federal Water Pollution Control Act provided for specific development of criteria which define the impact of water and air pollutants on health and welfare. Pending solid waste legislation would require the same type of systematic analysis of the relationship of pollutants to the land environment.

On the basis of these criteria, standards of environmental quality have been and are being developed. But obviously criteria and standards designed to protect and enhance the quality of our air and water and enhance our ability to deal with our solid wastes in an orderly, efficient, and healthful manner do not provide an effective or orderly manner to consider all forms of environmental degradation. For example, there are no criteria which indicate the various levels of noise which affect the health and welfare of people nor are there criteria on which local or even national esthetic judgments can be based.

We need to begin to focus our attention on developing legislation which will provide for the development of criteria which would indicate the effects of a nuclear test on a wildlife refuge or the effects of development of a permafrost region on the ecology of the area.

We cannot afford to fight out environmental battles on a crisis-by-crisis basis not can we afford to shut down tomorrow on the basis of today's fears. By development of meaningful methods of measurement of environmental impact, through development of standards-setting procedures at the local level, through careful analysis of existing and future land uses, we can begin to order our progress without environmental chaos.

Mr. President, it is in the spirit and with this approach in mind that the distinguished Senator from Washington (Mr. JACKSON), the ranking Republican, the distinguished Senator from Colorado (Mr. ALLOTT), the distinguished Senator from Delaware (Mr. BOGGS) and myself from the Public Works Committee, as well as the Senator from West Virginia (Mr. RANDOLPH), the chairman of the full committee, have undertaken to resolve our differences with respect to the relationship of S. 7 and S. 1075.

I think that we have succeeded in doing so in a way which does violence to neither and which advances the broad objectives which we both seek to serve.

Mr. JACKSON. Mr. President, I fully agree with the purposes of section 16(c) of S. 7. It is my understanding that there was never any conflict between this section and the provisions of S. 1075. If both bills were enacted in their present form, there would be a requirement for State certification, as well as a requirement that the licensing agency make environmental findings.

The compromise worked out between the bills provides that the licensing agency will not have to make a detailed statement on water quality if the State or other appropriate agency has made a certification pursuant to section 16(c).

Mr. AIKEN. Mr. President, I commend the Senator from Maine for bringing out this bill; it goes a long way toward cleaning up some forms of stream pollution with which we are afflicted. What I particularly wish to ask him is, am I correct in assuming that under the new section 16, all nuclear powerplants are covered, but only some of the conventional fuel powerplants are covered?

Mr. MUSKIE. That is correct. As conventionally fueled powerplants increase in size, they will be increasingly subject to certificate by reason of the need to obtain a permit from the Corps of Engineers for one reason or another.

I think the Senator from Vermont might like me to read into the RECORD at this point testimony by Mr. Ramey, Commissioner of the Atomic Energy Commission, on this point.

Mr. AIKEN. Yes.

Mr. MUSKIE. This testimony reads as follows:

> We have been informed that a substantial percentage of conventionally fueled plants of the larger sizes—sizes comparable to the currently popular sizes of nuclear plants—need some sort of Federal permission.
>
> For example, we understand from an examination of data developed by the Corps of Engineers that during 1967, 12 conventionally fueled plants over 400 megawatts—electrical—in size went on the line.
>
> Of these 12 relatively large sized plants, eight or 66⅔ percent, required and had secured a Federal permit.
>
> Seven of the plants required a permit from the Corps of Engineers because their construction plans included structures on navigable waters; one plant had intake and outfall structures located on U.S.-owned land and required a permit.
>
> One additional plant was built by the Tennessee Valley Authority and did not require a permit.

This suggests, I think, some of the reasons why the proposed legislation might apply to some of the larger fossil fuel plants but might not apply to all of them.

Mr. AIKEN. I think that is a sound explanation. It is well to go as far as the bill goes in that direction. I am sorry it cannot cover all of the smaller fossil fuel plants.

The real reason I asked the question is that we hear various kinds of propaganda which is designed to alarm the people and cause them to believe that only atomic powerplants create thermal pollution. That, of course, is not true. According to information furnished by the Federal Water Pollution Control Administration there were 10 cases of fish kill caused by discharge from power generating plants during the years 1962 to 1968. Every one of them was from a conventional powerplant. To date, to my knowledge, there has been no case whatever of fish kill being caused by thermal discharges from a nuclear powerplant. I wanted to make that clear.

Yesterday I submitted two amendments in somewhat of a hurry, and they were printed. Upon further study of the situation, I realized that probably the bill which the Senator from Maine is now sponsoring would go as far as it is possible to go legislatively at this time and therefore I will not call up these amendments.

I have one other question. It is about a matter which disturbs me considerably, in that apparently the certification procedure in the bill does not cover all industrial plants. We have had experiences in my State with paper mills, tanneries, and other types of industrial plants which contribute heavily to the pollution of our lakes and rivers. To what extent, if any, will the bill cover that type of pollution?

Mr. MUSKIE. It will cover it in one possible respect and in another clear respect. To the extent that any large industrial plant might require a permit from the Corps of Engineers because of intrusion upon navigation, that permit will make the industry subject to section 16.

But beyond that, the procedures established by the Water Quality Act of 1965, the Secretary of the Interior is in a position to assume leadership by requiring the setting of standards by the States to deal with thermal pollution from all sources. That authority is on the books. The States are required, under that legislation, to set standards.

I think this RECORD might be a good place in which to urge the Secretary to use his mandate and begin tightening these standards.

As the Senator from Vermont probably knows, water quality standards have been set pursuant to the Water Quality Act of 1965. We have used the section 16 approach in order to put the Federal Government's house in order. This, we hope, will be followed by the States, in order to enforce their own water quality standards.

Mr. AIKEN. I think some of the Federal agencies can stand some improvement in this respect. The reason why I have raised the question at this time is that there are so many different types of industrial plants which I do not believe are covered.

For a long time there has been a paper mill on the New York side of Lake Champlain. Vermont has, I think, pretty good water quality standard laws. New York has only recently tightened its standards. But before anything was done, probably the lower quarter of Lake Champlain had become so contaminated that the people who live on the Vermont side could not use the water for domestic purposes. Of course, for a long time the Vermont standards were much higher than they were across the lake, in New York.

Now the paper company on the New York side of Lake Champlain is building a very large mill, just up the lake from the old mill. Their representatives have told me that they will use about a thousand cords of hardwood a day. That is a very sizable mill. When the paper company representatives came to see me they told me that they can control, and plan to control the waste and contamination from the mill which would otherwise, as it did from the old mill, have emptied practically untreated into the lake. They now plan to recover the fiber, and possibly the chemicals, and other matter which contribute to pollution. I do not know how far they will go, and I hope they are right. I am watching the situation closely.

The new mill has been granted a license by the Corps of Engineers to construct an intake and outfall pipe into Lake Champlain.

One thing which caused me to be a little apprehensive was that in looking at the plans, I found that the discharge pipe from the paper mill empties on the Vermont side of the lake. I wanted to be sure that this bill could correct a situation like that, in the event that the mill does not control all the population which it will create.

Mr. MUSKIE. These discharges would be controlled by the Water Quality Act and the standards that have been set under that act by both States. If those standards are not adequate, I should think that the appropriate State agencies ought to review and revise them.

Mr. AIKEN. Assuming that the pollution is not controlled and that it is emptied on the Vermont side of the lake or the New York side for that matter, what recourse would Vermont have then? Of course, it is Federal water anyway, but how could the State control any possible pollution? Under the Senator's bill, would the Federal Government enter the picture and require the enforcement of the law?

Mr. MUSKIE. The enforcement provisions of the 1965 act would be applicable.

Mr. AIKEN. I hope the Senator is correct.

Mr. MUSKIE. The bill now before us would not be needed to deal with that situation.

Mr. AIKEN. The paper company officials insists that they will have the situation under control so that the amount of pollution will be almost zero. It will be a great step forward if that is done.

Mr. MUSKIE. The Senator from Vermont and I have had considerable experience with this kind of situation in the past. I think the best point in time at which to make sure is before the plant is built.

Mr. AIKEN. Many of the people of Vermont depend on the water of Lake Champlain for domestic purposes. We have large water systems which draw water from the lake for distribution to many farms and homes.

I shall not insist on offering my amendments because, frankly, I do not know how far the Senator's bill will go. But I hope it will go a long way toward correcting situations which never should be permitted to exist.

Mr. MUSKIE. The bill represents what we believe is a meaningful first step in dealing with thermal as well as other pollution, and we intend to consider future amendments to cover situations included in the Senator's amendments, to the extent they may not now be covered.

Mr. AIKEN. Let me assure the Senator from Maine that I will be delighted to cooperate with him in securing effective legislation.

Mr. MUSKIE. I thank the Senator from Vermont.

Mr. JACKSON. Mr. President, first of all, I compliment the able and distinguished Senator from Maine (Mr. MUSKIE) for his very fine statement. He has indicated that we have been able to work out the differences—in which I concur—in a way which is satisfactory to both committees. More important, of course, is the fact that this agreement will be extremely helpful in seeing to it that appropriate legislation is enacted in this all-important area of environment administration.

I express my appreciation to the distinguished Senator from Maine, the chairman of the subcommittee, who has been handling these matters. I also want to express my appreciation to the chairman of the full committee, the Senator from West Virginia (Mr. RANDOLPH), who has taken a keen interest in this matter.

We have had a number of discussions on the minority side with the able and distinguished Senator from Colorado (Mr. ALLOTT), the ranking minority member, who has followed all this closely and has been extremely helpful, especially to the chairman of the Committee on Interior and Insular Affairs, in trying to work out an appropriate solution to this problem. I express to him my deep appreciation for his support.

Mr. President, a number of questions have been raised in recent days regarding the relationship between S. 1075, the National Environmental Policy Act of 1969, which was passed by the Senate on July 10 and by the House on September 23, and title II of S. 7, the Water Quality Improvement Act of 1969 now before the Senate.

All of these questions have been carefully considered by the respective chairmen and by other concerned members of the Public Works Committee and the Interior and Insular Affairs Committee.

As a result of a review and a comparison of the two measures it has been agreed that an effort will be made to modify the provisions of title II of S. 7 by offering an amendment in the nature of a substitute. In addition, it has been agreed that the Senate conferees of S. 1075 will seek to have certain changes incorporated into the provisions of S. 1075 when that measure is considered by the conference committee.

The agreement on this matter was made after it was discovered that the Interior Committee and the Senate had acted and that the Senate was about to act upon different, but, in some respects, parallel legislative proposals which involve the creation of new governmental institutions for the overview and administration of Federal programs related to the management of the Nation's environment. This duality of effort by the two committees does not, as I understand it, involve any direct conflict in purpose or intent. Both measures can, however, be improved in some respects by adoption of the agreed-upon changes. For the most part, these changes are designed to insure that duplication of effort does not occur and that congressional directives to the executive branch in the two proposals are consistent.

The proposed changes are reflected in the amendment in the nature of a substitute to title II of S. 7 which has been introduced, and in a copy of S. 1075 which will be printed in the RECORD when the motion is made later today to disagree to the amendments of the House to S. 1075 and to agree to the conference requested by the House.

Mr. President, this rather unusual procedure is, in part, the outgrowth of some basic and still unresolved questions relating to the jurisdiction of the standing committees of both Houses of the Congress on legislative matters relating to Federal policies on preserving and main-

XUM

taining the quality of man's environment. The historic committee jurisdiction on routine legislation—air and water pollution legislation, outdoor recreation proposals, minerals policy, rivers and harbors projects, and so forth—has been long established and, insofar as I am aware, is not challenged.

In new and emerging areas of legislative concern, however, the die has not been cast, and many different committees of the Congress have quite properly expressed interest. Examples here include weather modification, national land-use planning, the establishment of policies for the resources of the Outer Continental Shelf, some areas of water resource policy, and policies related to the management of man's environment.

In these areas, jurisdiction is either shared by committees or it has gravitated by the force of precedent to the committee or committees which have actively participated in hearings on the particular subject matter involved.

With respect to legislation related to "pollution control" it is clear that the Public Works Committee has exercised jurisdiction and will continue to have jurisdiction over future proposals related to air, water, and solid waste pollution. Legislative jurisdiction over "pollution control" does not, however, mean that the Public Works Committee—or any other committee—has jurisdiction over all matters which relate to maintaining and improving the quality of the human environment. Maintaining and improving the quality of the surroundings and the quality of life enjoyed by the American people is a basic and fundamental task of all the committees of Congress and of all of the agencies of the executive branch.

The Committee on Interior and Insular Affairs has historically played a very large and a very important role in this area. The legislation handled by the committee and enacted by the Congress over the past 10 years shows the scope of the Interior Committee's role and the diligence with which it has been pursued.

The committee has approved the following general legislation in recent years: the National Water Commission Act, the Water Resources Planning Act, the Water Resources Research Act, the Federal desalting program, the Federal Water Projects Recreation Act, the land and water conservation fund, the Public Land Law Review Commission Act, the reclamation program, the Wilderness Act, the Wild and Scenic Rivers Act, and many other general measures related to resource, environmental, and land use policies.

In addition, over the past few years, the committee has approved measures to set aside for future generations four new national parks, eight new national recreation areas, nine new national seashores and lakeshores, almost 100 new wilderness areas, national monuments and historic sites. All of these measures relate to the quality of the human environment.

The committee's legislative activities over the past 10 years in the area of new governmental institutions and policies for resource and environmental management are set out in the legislative history section of the committee's report on S. 1075.

The important role played by the Interior Committee in preserving, protecting, and improving the quality of the environment does not, however, give the Interior Committee predominant jurisdiction in this area.

The concept of "environment," like that of "economics" cuts across the jurisdiction of all congressional committees. Actions taken by the Finance Committee, for example, on depreciation, charitable contributions, foundations, and the taxation of trusts will have a major impact on the future role private enterprise and individual action will play in preserving our environment for future generations. The same may be said with respect to other committees: the Commerce Committee's action on the development of an estuarine program, a transportation policy, and an alternative to the internal combustion engine; the Agriculture Committee's actions on pesticide control, soil erosion, and the development of new opportunity in rural America; the Banking and Currency Committee's activities in the development of urban programs; and the activities of many other committees of the Congress.

It is clear that all committees have an important role to play in this area. The Legislative Reference Service tabulated over 100 bills in the 90th Congress which were directly concerned with environmental issues. In the present Congress there are even more. Recent reports indicate that of the 16 standing committees of the Senate, eight have broad jurisdiction in this area. Of the 21 House standing committees, 11 are similarly involved.

On a subject so pervasive, broad, and important as "environment" and the "quality of life," no committee may exercise exclusive jurisdiction. It is also clear that there is a need to give specialized and regularized consideration to these subjects. Because of this need, I have proposed, and I plan to join with other Members of the Senate and, I hope, Members of the House of Representatives, to sponsor and to advance legislation to establish a nonlegislative joint committee on the environment.

The enactment of S. 1075 and S. 7 will give the Nation an environmental policy as well as appropriate governmental structures in the executive branch to implement the policy. The next logical step, in my view, is to insure that the legislative branch has an institution equally well adapted to provide continued oversight on environmental matters. A joint committee would provide such an institution.

During my service on the Interior Committee, I have found that the lack of an overall national policy on the environment often frustrates efforts to preserve, protect and to improve man's surroundings. A recent example may be seen in connection with the water supply and jet airport controversy which currently threatens the existence of the Everglades National Park. Under present law, the Corps of Engineers and the Department of Transportation apparently do not have a clear statutory mandate to see that the environmental and natural values found in the park are not damaged or endangered by their flood control and transportation activities.

It is my belief, based on extensive committee hearings, that the problems associated with the Everglades could have been avoided if there had existed a clear statement of goals and procedures designed to make clear that all Federal agencies have a responsibility for the preservation and protection of environmental values. S. 1075, as passed by the Senate, clearly states the Nation's goals and the responsibilities of all Federal agencies with respect to the maintenance of a safe, healthy, productive and esthetically pleasing environment. Enactment of S. 1075 will prevent many of the environmental problems caused by Federal agencies and their activities.

The Interior Committee has experienced similar problems in other contexts. The controversy over the construction of dams in the Grand Canyon, for example, could have been resolved at a much earlier date if the Department of the Interior had been required to present Congress with alternative proposals where, as in that case, there were unresolved major environmental conflicts. Section 102(d) of S. 1075 would go far toward resolving such problems by requiring the development and presentation of alternatives in all future legislative reports on measures involving major unresolved environmental conflicts.

Other basic provisions of S. 1075 are also designed to minimize the conflict between resource development and the maximization of environmental values. Subsection 102(a) requires all agencies to utilize the expertise and learning of all relevant disciplines in planning and decisionmaking on actions which may have an adverse impact on man's environment. Subsection 102(b) requires the development of procedures designed to insure that all relevant environmental values and amenities are considered in the calculus of project development and decisionmaking. Subsection 102(c) establishes a procedure designed to insure that in instances where a proposed major Federal action would have a significant impact on the environment that the impact has in fact been considered, that any adverse effects which cannot be avoided are justified by some other stated consideration of national policy, that short-term uses are consistent with long-term productivity, and that any irreversible and irretrievable commitments of resources are warranted.

The agreed-upon changes mentioned previously would change the language of some of these requirements, but their substance would remain relatively unchanged.

The provisions of S. 1075 are designed to establish a policy and a set of planning procedures which will prevent instances of environmental abuse and degradation caused by Federal actions before they get off the planning board. It is my hope that the House will accept these provisions in conference committee on S. 1075.

If enacted, titles I and II of S. 1075

will give all agencies a mandate, a responsibility, and a meaningful tool to insure that the quality of America's future environment is as good or better than today's. Departments such as the Departments of Defense, Transportation, Commerce, and Housing and Urban Development will then no longer have an excuse for ignoring environmental values in the pursuit of narrower, more immediate, mission-oriented goals. Agencies such as the Atomic Energy Commission which now contend they have no legislative authority to consider environmental values will be given the authority, the responsibility, and a directive to do so. In view of the recent public concern over AEC activities in connection with Project Bronco and the Amchitka test, it is time that AEC be given a larger mandate against which to weigh the environmental impact of its planned and proposed activities. The same is true of many other agencies.

Mr. President, I ask unanimous consent that a comparison of the present provisions of S. 1075 as passed by the Senate, S. 7 as reported by the Public Works Committee, and S. 1075 as amended by the House be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent that a memorandum discussing the agreed-upon changes in S. 1075 and title II be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibits 1 and 2.)

Mr. JACKSON. Mr. President, the purpose of the agreed-upon changes is to avoid duplication and to avoid any inconsistent directives to agencies in the executive branch. Some of the changes insure that there will be coordination between agencies and that appropriate agencies will be given an opportunity to comment upon activities of other agencies which may have adverse environmental consequences. A new proposed section 103 in S. 1075 would be added to make explicitly clear that section 102 does not in any way affect the specific statutory obligations of Federal agencies to comply with environmental standards, to coordinate their activities, or to condition their actions upon and State or Federal certifications now required by law or which may be required by law. The language of this section is designed to insure that the provisions of section 16, and particularly section 16(c) of S. 7 are consistent with the requirements of section 102 of S. 1075. Section 16(c) of S. 7 would have the effect of exempting the Corps of Engineers, the Atomic Energy Commission, and some other agencies from the requirement in S. 1075 for a detailed statement on the environmental impact of proposed actions involving any discharge into the navigable waters of the United States. Under the terms of section 16(c) of S. 7 as now drafted, the State or other appropriate organization would be charged with certifying that any discharge in substantial compliance with appropriate water quality standards. This certification would be a condition precedent to obtaining any Federal license or permit required by law before making any discharges into the navigable waters of the United States.

Mr. President, the major precepts of an environmental policy are not controversial though, as we have found over the past few weeks, the specific language may be difficult to draft. What is involved is a declaration that we do not intend, as a government or as a people, to initiate actions which endanger the continued existence or the health of mankind. That we will not intentionally initiate actions which will do irreparable damage to the resources which support life on earth.

An environmental policy is a policy for people. Its primary concern is with man and his future. The basic principle of the policy is that we must strive, in all that we do, to achieve a standard of excellence in man's relationships to his physical surroundings. If there are to be departures from this standard they will be exceptions to the rule and the policy. And as exceptions they will have to be justified in the light of public scrutiny.

S. 1075 as passed by the Senate, and with the changes which have been agreed upon, will provide the American people with a policy that is in the best interests of present and future generations. I am hopeful that the major provisions of this policy will emerge from the conference committee.

EXHIBIT 1

COMPARISON OF ENVIRONMENTAL QUALITY MEASURES

S. 1075	S. 7	H.R. 12549 (S. 1075 AS AMENDED)
Title	*Title*	*Title*
National Environmental Policy Act of 1969.	Environmental Quality Improvement Act of 1969 (Title II).	An Act to provide for the establishment of a Council on Environmental Quality.
Declaration of policy	*Declaration of policy*	*Declaration of policy*
Six-part Congressional declaration of policy (sec. 101(a)).	Statement of environmental problems and citation of existing statutes (section 202 (a) and (b)).	Brief statement of policy.
Recognition of environmental rights	*Recognition of environmental rights*	*Recognition of environmental rights*
Congress recognizes right of persons to healthful environment (sec. 101(b)).	No provisions.	No provision.
Directions to Federal agencies as follows:	*Directions to Federal agencies as follows:*	*Directions to Federal agencies as follows:*
Congress authorizes and directs all Federal agencies to perform functions and make certain findings in support of the policy (sec. 102). All agencies shall:	Public works agencies are directed to implement the policies established by the President pursuant to the Act (Sec. 203).	No provision. (Council to make recommendations.)
1. Interdisciplinary approach	*1. Interdisciplinary approach*	*1. Interdisciplinary approach*
1. Utilize itnerdisciplinary approach to planning and decision-making (sec. 102(a)).	No provision.	No provision.
2. Environmental values	*2. Environmental values*	*2. Environmental values*
2. Develop methods to include presently unquantified values in decisions (sec. 102 (b)).	No provision.	No provision.
3. Make findings	*3. Make findings*	*3. Make findings*
3. Must make findings in connection with proposals and decisions that:	No provision.	No provision.
a. environmental impact		
(a) Environmental impact has been considered.		
b. adverse effects		
(b) Adverse effects are justified.		

S 1075—Continued	S. 7—Continued	H.R. 12549—Continued (S. 1075 AS AMENDED)
c. short-term uses (c) Short-term uses are consistent with long-term productivity.		
d. irreversible commitments (d) Irreversible commitments are justified.		
4. Alternatives 4. Study and present alternatives where conflicts occur.	*4. Alternatives* No provision.	*4. Alternatives* No provision.
5. International effects 5. Support international programs for the environment.	*5. International effects* No provision.	*5. International effects* No provision.
6. Present authority 6. Review existing statutory authorities and recommend legislation to conform to this Act.	*6. Present authority* No provision.	*6. Present authority* No provision.
Supplement to existing enabling acts Act is made supplementary to existing mandates and authorizations of Federal agencies (sec. 103).	*Supplement to existing enabling acts* No provision.	*Supplement to existing enabling acts* Nothing in act shall change existing authorities (sec. 9).
Data collection and dissemination Federal agencies are authorized to collect and disseminate environmental and ecological data (sec. 201).	*Data collection and dissemination* No provision.	*Data collection and dissemination* No provision.
Grant program The President is authorized to designate agencies to: 1. Administer a grant program (sec. 202 (a) (1)).	*Grant program* Contract authority vested in office (sec. 204(e)).	*Grant program* No provision.
Project inventory 2. Inventory resource projects (sec. 202 (a) (2)).	*Project inventory* No provision.	*Project inventory* No provision.
Ecological research 3. Collect ecological research data (sec. 202 (a) (3)).	*Ecological research* No provision.	*Ecological research* No provision.
Assistance to States 4. Assist State (sec. 202(a) (4)).	*Assistance to States* No provisions. (Office will consult, sec. 204(c) (11).)	*Assistance to States* No provisions. (Council will consult, sec. 7(a)).
Deputy Director for Office of Science and Technology Establishes new Deputy Director in OST (sec. 203).	*Deputy Director for Office of Science and Technology* No provision.	*Deputy Director for Office of Science and Technology* No provisions.
Board of Environmental Quality Advisors (Council, Office) Creates a 3-man Board in the Executive Office of the President. Appointed by President with advice and consent of Senate (sec. 301).	*Board of Environmental Quality Advisors (Council, Office)* Creates an Office of Environmental Quality in Executive Office of President. Director and Deputy appointed by President with advice and consent of Senate. Compensation keyed to salary of Director and Deputy Director of Bureau of the Budget (sec. 204 (a) and (b)).	*Board of Environmental Quality Advisors (Council, Office)* Creates a Council of Environmental Quality in Executive Office of President. Composed of 5 members appointed by President (sec. 3).
1. Annual report to President 1. Make annual report to the President (302 (a) (1)).	*1. Annual report to President* No provision.	*1. Annual report to President* Make annual report to President (sec. 6).
2. Assist President 2. Advise, assist, and support President (302(a) (2)).	*2. Assist President* 2. Advise and Assist President (sec. 204 (c) (1)).	*2. Assist President* 2. Prepare reports as President directs (sec. 5(e)).
3. Collect data 3. Collect and disseminate information on environmental quality (sec. 302(a) (3)).	*3. Collect data* No provision.	*3. Collect data* 3. Gather data and prepare reports (sec. 5(b)).
4. Review Federal activities 4. Review, appraise and make recommendations concerning Federal programs, projects, activities, and policies (302(b)).	*4. Review Federal activities* 4. Review, appraise, and make recommendations on proposed projects, facilities, programs, policies and activities of certain agencies (sec. 204(c) (3)).	*4. Review Federal activities* 4. Appraise programs and activities (sec. 5(c)).
5. Assist in President's report to Congress 5. Assist President in preparation of annual report on the environment (sec. 302 (c)).	*5. Assist in President's report to Congress* No provision.	*5. Assist in President's report to Congress* 5. Assist and advise President in preparing annual report (sec. 5(a)).
6. Other assignments 6. Other duties directed by President (sec. 302(d)).	*6. Other assignments* No provision.	*6. Other assignments* 6. Make such studies as requested (sec. 5(e)).
7. Support Cabinet Council 7. All Federal agencies (sec. 201(g)).	*7. Support Cabinet Council* 7. Provide staff and support for Cabinet Council (sec. 204(c) (2)).	*7. Support Cabinet Council* 7. No provision.

S 1075—Continued	S. 7—Continued	H.R. 12549—Continued (S. 1075 AS AMENDED)
8. Review monitoring system 8. President designates agency (sec. 202 (a) (3)).	*8. Review monitoring system* 8. Review existing environmental monitoring system (sec. 204(c) (4)).	*8. Review monitoring system* 8. No provision.
9. Promote knowledge 9. All Federal agencies (sec. 201(a)).	*9. Promote knowledge* 9. Promote advancement of scientific knowledge and methods (204(c) (5)).	*9. Promote knowledge* 9. No provision.
10. Develop policies 10. Board to assist President (sec. 302 (a) (2)).	*10. Develop policies* 10. Develop policies and programs (sec. 204(c) (6).	*10. Develop policies* 10. Develop and recommend policies (sec. 5(d)).
11. Recommend priorities 11. No provision.	*11. Recommend priorities* 11. Recommend priorities (sec. 204(c) (7)).	*11. Recommend priorities* 11. No provision.
12. Evaluate techniques 12. All agencies (sec. 102(b)).	*12. Evaluate techniques* 12. Assure evaluation of new technologies (sec. 204(c) (8)).	*12. Evaluate techniques* 12. No provision.
13. Coordinate programs 13. Board reviews programs (sec. 302(b)).	*13. Coordinate programs* 13. Review and comment on coordination of programs (sec. 204(c) (9)).	*13. Coordinate programs* 13. No provision.
14. Review criteria 14. Board reviews policies (sec. 302(b)).	*14. Review criteria* 14. Review and comment on environmental standards (sec. 204(c) (10)).	*14. Review criteria* 14. No provision.
15. Consult with state and local government 15. All agencies advise states, counties, etc. (sec. 201(d)).	*15. Consult with state and local government* 15. Consult with and advise state and local governments (sec. 204(c) (11)).	*15. Consult with state and local government* 15. Consult with state, local and private groups (sec. 7(a)).
Annual report to Congress President shall submit report to Congress (sec. 303).	*Annual report to Congress* Director reports to Congress annually on progress (sec. 204(f) (1)). Other reports as he deems necessary (sec. 204(f) (2)).	*Annual report to Congress* President shall transmit to the Congress (sec. 2).
Employment of officers Board may employ (sec. 304).	*Employment of officers* Director may employ (sec. 204(c)).	*Employment of officers* Council may employ (sec. 4).
Appropriations For grant programs, $500,000 first year, $1 million each successive year (sec. 202(b)). For Board—$1 million annually (sec. 305).	*Appropriations* Open ended (sec. 206).	*Appropriations* $300,000 for first year. $500,000 for second year. $1 million annually thereafter (sec. 10).
Biennial forum No provision.	*Biennial forum* Director to convene a biennial forum on current environmental problems and issues (sec. 204(f) (3)).	*Biennial forum* No provision.
Advisory committees No provision.	*Advisory committees* Director shall establish committees of part-time advisers as he deems appropriate (sec. 205).	*Advisory committees* No provision.

EXHIBIT 2

AGREED-UPON CHANGES IN S. 7 AND S. 1075

TITLE II OF S. 7 AND THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The amendment in the nature of a substitute would make the following changes in Title II of S. 7 as reported by the Public Works Committee.

1. Section 202(b) would be stricken and new language inserted. This section had declared that is a national policy for the environment found in certain Acts previously considered by the Public Works Committee. The amendment in the nature of a substitute states that there is a policy and states this policy in general terms as being "the enhancement of the quality of our air, water and land environment."

2. Section 202(c) is rewritten to state that the purposes of this title are to assure that each Federal agency supporting public works activities which affect the environment implement existing policies and policies established by the President pursuant to this title.

3. Section 203 is stricken and its substance is incorporated into section 202(c).

4. Section 204 is changed to Section 203. This section establishes an Office of Environmental Quality.

Subsection (d) of section 203 which sets forth the duties of the Director of the Office has been substantially revised. The purpose of these revisions is to insure that the duties and functions performed by the Office and the Board of Advisers established by title III of S. 1075 are consistent and do not result in duplication, over-lap or conflict.

Subsections 203(d) (3), (6), (7), and (11) have been deleted because these duties are more appropriately functions to be performed by the Board of Environmental Advisers established by S. 1075. Subsections 203(d) (1) and (2) have been rewritten to clarify the type of assistance, staff and support the Office would give the President and other councils or committees charged with environmental responsibilities. Subsections 203(d)(2) recognizes that Congress may soon establish a Board of Environmental Advisors as proposed in title III of S. 1075.

The new subsection 203(d)(8) was drawn from subsection 203(f) which would be stricken.

Subsections 203(d) (9) and (10) were taken from subsections 202(a) (2) and (3) of S. 1075. These functions of data collection and inventory systems are more appropriately duties of an Office than of a semi-independent Board of Environmental Advisers.

5. Subsection 204(f) and Section 205 of Title II of S. 7 are deleted and the authority to convene a biennial forum on environmental problems and to establish advisory committees is vested with the Board of Advisers established by Title III of S. 1075.

6. A new section 204 making the provisions of this Act supplementary to existing authorizations of Federal agencies is inserted. This language parallels language found in title I of S. 1075.

PROVISIONS SENATE CONFEREES WILL SUPPORT IN CONFERENCE ON S. 1075

The Senate Conferees will support in Conference Committee certain agreed-upon changes in S. 1075 which are designed to avoid any inconsistency or duplication with provisions of Title I and with Title II of S. 7. The major agreed-upon changes are briefly described below.

1. The directive to the agencies set out in Section 102(b) is made subject to the review and approval of the Board of Environmental Advisers.

2. The requirement for a "finding" by the responsible official in Section 102(c) is changed to a requirement for a "detailed statement."

The directives to the responsible official which are set out as subsection 102(c) (i) through (iv) of S. 1075 are revised.

New language is added to Section 102(c) which will require the responsible official to consult with and obtain the views of other agencies having jurisdiction or special expertise with respect to the particular environmental impact involved in the proposed action. Language is also added requiring that copies of the responsible official's statement and the comments of other agencies be made available to the President, the Board and the public.

3. A new Section 103 is added to make explicitly clear that section 102 does not in any way affect the specific statutory obligations of Federal agencies to comply with environmental standards, to coordinate their activities, or to condition their actions upon any State or Federal certifications now required by law or which may be required by law. The language of this section is designed to insure that the provisions of law such as Section 16(c) of S. 7 not affected by the requirements of Section 102 of S. 1075. Sec-

tion 16(c) of S. 7 would have the effect of exempting the Corps of Engineers and the Atomic Energy Commission and some other agencies from the requirement for a detailed statement on the environmental impact of proposed actions involving any discharge into the navigable waters of the United States. Under the terms of Section 16(c) of S. 7 as now drafted, the State or other appropriate organization would be charged with certifying that any discharge is in compliance with water quality standards. This certification would be a condition precedent to obtaining any Federal license or permit required by law before any discharges into the navigable waters of the United States.

4. Title II of S. 1075 would be revised to make clear that the functions set out in subsections 201 (a), (b), and (c) are functions to be performed by the Board of Environmental Advisers.

5. The remaining functions set out in Section 201 would continue to be functions all Federal agencies are authorized to undertake under a new section 202.

6. Section 202 would be deleted and part of the authority would be transferred to the Office of Environmental Quality established by Title II of S. 7.

7. Portions of Section 203 would be deleted in recognition that under title II of S. 7 the Office of Environmental Quality would provide staff and support for the President's interdepartmental Council on the Environment.

8. Section 303 would be revised to explicitly provide that the annual environmental quality report would be referred in whole or part to any or all of the Committees of each House of the Congress having jurisdiction over the subject matter of the report.

9. New language would be added to Title III authorizing the Board of Environmental Advisers to establish advisory Committees and to organize and convene a biennial forum on environmental problems. This language was taken from Title II of S. 7.

Mr. CHURCH. Mr. President, today the decisions reached by the Senate on legislation pertaining to the quality of our environment, in my judgment, marks an important milestone in the life of every American. I want to especially commend the junior Senators from Washington and Maine, Mr. Jackson and Mr. Muskie, for their leadership and great personal contribution in the efforts of Congress toward improving the quality of the life of all of our citizens. I believe that the amendments to title II of S. 7 and the proposed revision of S. 1075, now ready for conference, display the skill and creative leadership of these two Senators in resolving what is admittedly a very special problem of overlapping committee jurisdiction. But rather than seeking to delay and argue over jurisdiction, both Senators have commendably, and I might add, characteristically, reasoned and resolved any differences by the time-honored method of legislative compromise.

It is especially crucial that all levels of government move as quickly as possible toward wiser management of our environment. The public interest demands that we act wisely and with all deliberate speed. Time is growing short. It is no longer safe to substitute words in lieu of action to implement the needed remedies to this growing national problem. I think that the efforts today on the pending bill and the forthcoming consideration of S. 1075, will have the overwhelming support of the American people. I believe our citizens are more aware than ever before that we of this generation are trustees of our Nation's resources and of our total environment. We must assume our duty to preserve and enhance our habitat as we prepare to pass it along to future generations. As a member of the Senate Interior Committee, I will be honored to serve as a conferee on S. 1075. In my judgment this far-reaching legislation is one of the most important conservation-environmental measures that has been considered by the Congress of the United States in many years. It marks an effort for the first time to impress and implant on the Federal agencies an awareness and concern for the total environmental impact of their actions and proposed programs. This awareness will be built into the agencies' planning processes at the lowest levels, where, as we all know, most decisions are formulated and even finalized. In the future it may be possible to avoid conflicts of one program objective with others through the mechanisms provided in this bill.

It is good and necessary legislation which should be written into law as quickly as possible.

Mr. BOGGS. Mr. President, I wish to associate myself with the remarks of the Senator from Maine (Mr. Muskie) in his discussion on the amended language of title II, the Environmental Quality Improvement Act of 1969. These changes, together with the changes to S. 1075, create a necessary resolution of a very real controversy. This is a controversy that goes beyond the jurisdictional interests of various committees in this vital field of environmental enhancement and extends to the very definition of the words "environment" and "pollution."

A policy of environmental quality cannot be segregated from a policy for pollution control, for they are inevitably linked. We would not today consider important issues of pollution if pollution did not damage our environment. We would not be considering environmental quality policy today if our environment were not endangered by pollution.

It is my position, and I believe the position of the membership of the Public Works Committee, that a national policy for the environment has been laid down in legislation already in existence. This policy dates to nearly the creation of the Public Works Committee in 1946.

A number of water pollution control bills have been reported by the Public Works Committee, and enacted into law. In 1948, the Congress passed the Water Pollution Control Act, Public Law 80–845. Four years later it adopted an extension of the Water Pollution Control Act, Public Law 82–579. In 1956, the Congress adopted the Federal Water Pollution Control Act, Public Law 84–660. Congress amended the Water Pollution Control Act in 1961 with Public Law 87–88. Each of these bills, as well as the water pollution legislation passed in 1965 and 1966, was reported to the Senate floor by the Public Works Committee.

The Public Works Committee's concern for the field of air pollution, and its impact on the environment, has been as strong. In 1955, the Congress passed a bill to provide research and technical assistance relating to air pollution control, Public Law 84–159. This legislation was reported to the Senate floor by the Public Works Committee. In 1959, with the signing of Public Law 86–365, Congress extended the life of the air pollution legislation, and 2 years later adopted legislation that was to become Public Law 87–761. In 1963, at the urging of the Public Works Committee, the Congress adopted the Clean Air Act, Public Law 88–206, and since then has amended that law twice and in 1967 passed the Air Quality Act.

Another pervasive form of pollution is the solid wastes that clutter our cities and landscapes. The Public Works Committee pioneered in this field with the Solid Waste Disposal Act of 1965. The committee as recently as last week held 4 days of hearings in the consideration of a bill, S. 2005, to extend and augment the Solid Waste Disposal Act.

Clearly, a national policy already exists to create a quality environment in America. The new language of title II reiterates and reinforces this policy, and augments its implementation through the creation of an Office of Environmental Quality. This office will serve as an important adjunct to the President's Environmental Quality Council.

I do not wish to detain the Senate any longer in its deliberations. However, I would like to state my personal thanks to the committee chairman (Mr. Randolph), the chairman of the subcommittee (Mr. Muskie), the Senator from Washington (Mr. Jackson) and the other members of the Public Works and Interior Committees for their efforts toward achieving an America with a quality environment. I commend this amended language to my colleagues.

Mr. ALLOTT. Mr. President, I appreciate the remarks of both the distinguished junior Senator from Maine and the distinguished chairman of the Committee on Interior and Insular Affairs on this matter. I have not actually been a participant in any of the discussions that have gone on between the two Senators, but the chairman of the Committee on Interior and Insular Affairs, I believe, has kept me informed of the progress of these matters for some time.

Before commencing a short statement, I note that on page 36 of the report No. 91–351, the Air and Water Pollution Subcommittee of the Committee on Public Works held extensive hearings on title I of S. 7. These hearings included statements from various agencies of the Federal Government. The administration testified through the Department of the Interior, the Department of Transportation, and the Atomic Energy Commission. However, my review of the report fails to disclose any information concerning hearings on title II. Since title II creates a new office within the Executive Office of the President, I would be most interested in learning what the administration's reactions and comments were with respect to this title.

Therefore, I would direct this question to the distinguished chairman of the subcommittee, if he would direct me to the appropriate reference in the report concerning the administration's views on title II of S. 7.

Mr. MUSKIE. May I say to the distinguished Senator that we did not have specific hearings on title II. May I point out that the 1-day hearing on S. 1075 was on a different version of S. 1075 than was reported. I do not recall that there were hearings on title I of S. 1075. I am not sure about title II, but I have now reviewed S. 1075 with that in mind.

S. 1075 in its present form was introduced in the Senate on May 29 of this year. The 1 day of hearing on April 16 was on a bill that was introduced in February. So both the provisions of title II of S. 7 and S. 1075 might be faulted in their provisions, in their floor version in that they were not subject to hearings.

But may I say that title II of S. 7 was extracted from S. 2391, which I introduced in July of this year with 42 Senate cosponsors. Title II is taken from that bill.

That bill was the product of some 6 or 7 years of hearings we held on such environmental matters as air quality and water quality and solid waste.

Title II was developed as representing subjects, problems, points of view that had been discussed in those hearings over that period. Those hearings included some 1,100 witnesses, some 16,000 pages of testimony, much of which is relevant to title II.

The accurate answer to the Senator's question is that there is no specific testimony in the hearings this year on title II. I repeat that the same point can be made with respect to many of the provisions of S. 1075.

Mr. ALLOTT. I cannot agree with the last statement. I would like to ask the Senator——

Mr. MUSKIE. May I suggest that there be included on this point the text of the bill (S. 1075), as it existed at the time of the hearing on April 16 this year?

Mr. ALLOTT. I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1075

A bill to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to promote and foster means and measures which will prevent or effectively reduce any adverse effects on the quality of the environment in the management and development of the Nation's natural resources, to produce an understanding of the Nation's natural resources and the environmental forces affecting them and responsible for their development and future well-being, and to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans, through a comprehensive and continuing program of study, review, and research.

Title I

Sec. 101. The Secretary of the Interior (hereinafter referred to as the "Secretary"), in order to carry out the purposes of this title, is authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(c) to develop and maintain an inventory of existing and future natural resource development projects, engineering works, and other major projects and programs contemplated or planned by public or private agencies or organizations which make significant modifications in the natural environment;

(d) to establish a system of collecting and receiving information and data on ecological research and evaluations which are in progress or are planned by other public or private agencies or organizations, or individuals;

(e) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps;

(f) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment.

(g) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(h) to encourage other public or private agencies planning development projects to consult with the Secretary on the impact of the proposed projects on the natural environment;

(i) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Secretary and which are under the jurisdiction of other Federal agencies; and

(j) to assist the Council on Environmental Quality established under title II of this Act.

Sec. 102. In carrying out the provisions of this title, the Secretary is authorized to make grants, including training grants, and enter into contracts or cooperative agreements with public or private agencies or organizations, or individuals, and to accept and use donations of funds, property, personal services, or facilities to carry out the purposes of this Act.

Sec. 103. The Secretary shall consult with and provide technical assistance to other Federal agencies, and he is authorized to obtain from such departments and agencies such information, data, reports, advice, and assistance as he deems necessary or appropriate and which can reasonably be furnished by such departments and agencies in carrying out the purposes of this Act. Any Federal agency furnishing advice or assistance hereunder may expend its own funds for such purposes, with or without reimbursement by the Secretary.

Sec. 104. The Secretary is authorized to participate in environmental research in surrounding oceans and in other countries in cooperation with appropriate departments or agencies of such countries or with coordinating international organizations if he determines that such activities will contribute to the objectives and purposes of this Act.

Sec. 105. Nothing in this Act is intended to give, or shall be construed as giving, the Secretary any authority over any of the authorized programs of any other department or agency of the Government, or as repealing, modifying, restricting, or amending existing authorities or responsibilities that any department or agency may have with respect to the natural environment. The Secretary shall consult with the heads of such departments and agencies for the purpose of identifying and eliminating any unnecessary duplication of effort.

Sec. 106. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

Title II

Sec. 201. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of this Nation. The President shall designate the Chairman and Vice Chairman of the Council from such members.

Sec. 202. (a) The primary function of the Council shall be to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation. In carrying out this function, the Council shall—

(1) report at least once each year to the President on the state and condition of the environment;

(2) provide advice and assistance to the President on the formulation of national policies to foster and promote the improvement of environmental quality;

(3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

(b) The Council shall periodically review and appraise new and existing programs and activities carried out directly by Federal agencies or through financial assistance and make recommendations thereon to the President.

(c) It shall be the duty and function of the Council and the Secretary of the Interior to assist and advise the President in the preparation of the biennial environment quality report required under section 203.

Sec. 203. The President shall transmit to the Congress annually beginning June 30, 1970, an environmental quality report which shall set forth (a) the status and condition of the major natural, manmade, or altered enivronmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; and (b) current and foreseeable trends in quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

Sec. 204. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

Sec. 205. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title.

Mr. ALLOTT. Of course, it was changed from the time it was introduced.

XUM

Mr. MUSKIE. And so was S. 7.

Mr. ALLOTT. But we had hearings on S. 1075.

Mr. MUSKIE. I would be glad to put in the RECORD an analysis of the points in the present bill, S. 1075, that were not covered in the hearings of April 16.

Mr. ALLOTT. Then, I understand the Senator's reply to be that there is nothing in the record from the administration commenting upon title II of S. 7.

Mr. MUSKIE. I thought I had already answered the Senator's question. There is no comment.

Mr. ALLOTT. I thank the Senator.

Mr. President, the last thing I would want to do would be to try, even if I could, to reflect on the work that any Senator has done in any given field or area; and the Senator from Maine is well known for his work in this area, particularly in the field of water and air pollution, and he has been acting in this field for many years now.

I think I should make it clear that while the distinguished Senator from Maine, chairman of the subcommittee, and the chairman of the Committee on Interior and Insular Affairs do have a clear understanding about how they want to handle the matter, I personally am not a party to that agreement. I think the Senator will agree with that.

Mr. MUSKIE. I was not aware of that fact, but I accept the Senator's statement. The Senator has participated in the discussions, and I just assumed he was a party to it, but if he wishes to disassociate himself from it, I have no objection, and it will make no difference in my attitude.

Mr. ALLOTT. I shall disassociate myself from it in a moment. The only discussion I have ever participated in with the Senator from Maine was for about 10 minutes in the Democratic cloakroom yesterday afternoon. I think he will agree to that.

Mr. MUSKIE. I was present for that time. Is was my impression that the Senator from Colorado was present for longer than that time. But I am interested in the fact that we have undertaken to achieve an agreement and now I understand the Senator does not support it.

Mr. ALLOTT. Mr. President, I just want to make my position clear. The Senator from Washington, our chairman, has always known that I had some reservations about this particular matter.

Mr. MUSKIE. Will the Senator yield for a question?

Mr. ALLOTT. I yield.

Mr. MUSKIE. It is a very important question. It relates to what the Senator has just said. As I say, I am not trying to impose a position on the Senator. That is not my responsibility; it is his. But an important part of this compromise was the assurance I had from the distinguished Senator from Washington, the Senate conferees on S. 1075, who will include the Senator from Washington and the Senator from Colorado, will do their best to see that the compromise provisions of S. 1075 are accepted by the conference. I take it, from what the Senator from Colorado is saying, that this may not be correct with respect to him. If it is not, then I hope he will make it clear, because that might change my view of this compromise.

Mr. ALLOTT. If the Senator will permit me to continue, I will make my position clear.

I have stated before, and I should not have to state this again, that the chairman of the Committee on Interior and Insular Affairs has kept me faithfully informed of all of the discussions that have gone on about this matter, so I cannot say that I am uninformed in any respect about the discussions, and I do not pretend to be, nor am I trying to insinuate in any sense that the Senator from Colorado was not made fully aware of the discussions that have led to this point.

I do not know why this should be necessary, but I will say that whatever the Senate does here today with respect to the appointment of conferees, the Senator from Colorado will fulfill his obligation to the Senate just as much as the Senator from Maine or any other Senator would. I want to make that very clear. I do not think any Senator will accuse the Senator from Colorado of ever having done less.

The thing that I wish to discuss—and I am sorry that we got the discussion off on this basis—is the situation in which we find ourselves here today.

Both houses of Congress have passed S. 1075, which is intended to halt the rapid degradation of our environment; and believe me, there is no one on this floor, and no one in the United States, for that matter, who has an exclusive concern with our environment. Today we are considering S. 7, a bill which, according to its title, is also intended to halt this degradation of the environment.

I should like to take just a moment to explore the consequences of the impending vote, as I see them.

The adoption of title II of S. 7, together with the enactment of S. 1075, in my opinion, will create an administrative two-headed monster. It is two-headed because of the duplication of functions of both the proposed new high level environmental organizations, and a monster because of the problems which that duplicity will create.

The President created a Council on Environmental Quality earlier this year. The Senate's version of S. 1075 adds an Environmental Quality Board of three persons, and title II of the pending bill, S. 7, creates an Office of Environmental Quality within the Executive Office of the President.

As I look at it, Mr. President—and I have analyzed these bills very carefully, and have had my staff working on them for a long time—these organizations are both new and separate creations within the Executive Office of the President. Both organizations are high level creations in the President's Office and let me explain what I mean when I say high level.

The three board members created by S. 1075, are all subject to Senate confirmation, and the chairman is to be remunerated at level 2 of the executive pay schedule. The Director of the Office of Environmental Quality is also subject to Senate confirmation, and his salary may be set at the same level as that of the Director of the Bureau of the Budget, which means that these two officers are at a very high level of governmental employment.

Both organizations have as their main goal and purpose to advise and assist the President on problems of environment.

Both organizations are to prepare reports and make recommendations to the President on the problems of environment.

Both organizations are authorized to employ experts and consultants.

Both organizations will deal with the same subject matter, that is, the environment, and both will be reviewing Federal and other public programs which affect the environment.

Mr. President, I think there is a little too much of a tendency, probably not in the committees involved here, but on the part of the public, to regard environment as involving only air pollution and water pollution. That is probably because these two problems have become so prevalent, and therefore are on the minds of the people of this country today perhaps more than some of the other environmental problems which may come to the fore in the future.

In our studies of this matter, I believe we determined that there are some 20 or 21 agencies of the Government which are directly involved with problems which affect the environment. For example, it is impossible to think about future environments without thinking about the Department of Housing and Urban Development of our Government. It is impossible to think of them without thinking of HEW, because the environment does not involve only water and air; as suggested by the distinguished Senator from Maine, it involves noise—and we are all becoming acutely conscious of this factor. More and more as time goes on—environmental questions will also involve land distribution, land planning for the future, what kind of future cities we will plan, and what we will do about the ghettos—for the ghettos are a part of the environmental picture, and, as a responsibility of HUD, are also a part of this question.

We could go on endlessly, bringing in the various departments and agencies of Government which, sooner or later if not now, will be actively engaged in problems and fields which do involve the environment.

To sum up, I simply wish to repeat that the environmental situation is not one which is confined merely to air, water, and noise. The degradation of our environment can occur in all these ways. It can even occur from the improper farming methods of those who erode and waste our soil. So the Department of Agriculture could be a part of this movement. It also plays a part in preserving the environment through its supervision of our forest lands. As I have said, I could continue almost endlessly to discuss the environmental problems which the great pressure of population in this country has brought on us and will continue to bring on us. I am, therefore, no less concerned than the Senator from

Maine and have given the population and food problems considerable study as they affect the future environment of our country.

Although I have never spent much time in the State of the Senator from Maine, I am aware that it is a great and beautiful State. I am certainly aware of the beauty of my own State and of the State of Washington and of other States. I think that some of us who are fortunate enough to come from such beautiful places are aware of the threats from environmental impairment—and I use the words "environmental impairment" in the whole context of which I am speaking. I am aware of the threats that come from environmental degradation. We who are fortunate enough to live in places that are relatively free from such degradation appreciate what the dangers to our environment are probably as much as those who are now directly afflicted with, for example, acute water pollution, acute air pollution, or acute noise pollution.

So it seems to me that with respect to the matter that we are discussing today, instead of the application of Parkinson's law and the natural propensities of bureaucracy to create agencies and to advise and assist the President, when the President has not been asked to comment on the provisions of title II of S. 7 we have placed the President in the position of being an arbitrator between the two agencies. In addition, the President has already created the Environmental Quality Council, which he considers to be of such great importance that he retains the chairmanship of it himself.

I wish to say one concluding word on this subject. Since the understanding has been reached between the distinguished chairmen of the two committees, the chairman of the Committee on Interior and Insular Affairs and the chairman of the subcommittee, I have not indicated to any Senator how he should vote on this question; but I feel so strongly that our population pressures and the changes in our country in the next few years will create environmental problems, some of which we are not even aware of now, and some of which we can only surmise in our minds, that we should create a clean-cut type of organization to handle it.

The President's council now exists; and now, title II of S. 7 will authorize the Office of Environmental Quality; and S. 1075, will create the Board of Environmental Quality Advisers. I am afraid we are creating something that is administratively unsound. Therefore, I shall be compelled to vote against the motion, which I believe is the parliamentary situation, to agree to the amended version of title II. I should think, as I look at the situation, that I would be fulfilling less than my duty as a Senator, having analyzed and studied the proposal in the manner that I have, if I did not cast my vote against it.

I am sure that the motion to adopt the amendment will be agreed to overwhelmingly. Nevertheless, I shall support the bill even if the amendment is included, because I feel that the subject of title I is of such importance to the Nation that Congress must deal with it quickly and effectively. Whatever other Senators may do is for them to decide, and I have made no effort to proselytize other Senators. But I feel strongly that we are going to have to face up to the problem and provide administrative structure that is really workable. I should much prefer, for my own part, however, to have a single office created in the executive branch—as the focal point—to deal with the problem.

I yield the floor.

Mr. MUSKIE. Mr. President, a great deal of labor has gone into developing a resolution of the relationship between S. 1075 and S. 7. I have no desire to indulge in provocative or argumentative statements and upset that settlement. Nevertheless, I think, in the light of the comments made by the Senator from Colorado, that in order to assure as complete a record as I can make, I should make some points.

First, with respect to title II of S. 7, in common with all of S. 2391, of which it was part: it is the product, in a real, evolutionary sense of some 7 years of hearings held by the Subcommittee on Air and Water Pollution, involving some 16,000 pages of testimony and 1,100 witnesses.

Second, title II is extracted almost bodily, as it was reported to the Senate, from S. 2391, which was cosponsored by 42 Senators. The bill was introduced on June 12, 1969, and all the executive agencies were solicited for comments. We have received none as of this point.

The next point I should like to make is that with respect to the Board of Environmental Quality Advisers, provided by S. 1075, on which a 1-day hearing was held on April 16, Secretary of the Interior Hickel said this:

> It is our belief that the proposed new Environmental Quality Council makes unnecessary the kind of council proposed in S. 1075.

The Secretary further said:

> It is our recommendation that legislation such as that contained in Title I of S. 1075 not be enacted until the new council has had a full opportunity to address itself to this need.

I may say this in addition: I have been involved in environmental pollution-control legislation for many years. We have always listened responsively and constructively to recommendations of the executive branch under President Kennedy, under President Johnson, and under President Nixon. We have undertaken to support such recommendations as stood up after hearings. But we have never been reluctant, and we are not reluctant now, to initiate legislative proposals ourselves. We regard this as a part of the prerogatives of the legislative body.

Every piece of legislation in the air and water quality field that we have reported to the Senate has the unmistakable mark of the Committee on Public Works and the Subcommittee on Air and Water Pollution, standing independently of presidential recommendations. This was true of the Clean Waters Restoration Act of 1966. It was true of the Air Quality Act of 1967. It was true of the automobile exhaust legislation in 1965, which the administration opposed totally when we held our hearings. But we formed our own judgment, reported it to the Senate, and the Senate approved.

I think that record of approval suggests the confidence in which the Senate came to hold our recommendations.

S. 7 is a similar piece of legislation. We have responded to executive testimony whenever it was available, but we did not hesitate to incorporate in legislation ideas that our judgment indicated were sound, and everything in S. 7 bears that stamp.

I am not holding against S. 1075 Secretary Hickel's adverse comment on the Board of Environmental Quality Advisers. Whatever reservation I may have had about the process under which S. 1075 was considered, I took it to be the considered judgment of Senator JACKSON and his committee that they thought this to be a sound proposal.

So when we got down to the task of meshing these two bills, I did not reprove them and have not reproved them on the Senate floor because they did not do what Secretary Hickel asked them to do, and I do not reprove them now. He opposed it. They disagreed with him and reported it to the Senate.

What I have undertaken to do, with Senator JACKSON, is to marry the two into a viable organizational structure. I think we have done that, and I have no apologies for the result.

The Senator from Colorado is privileged to vote as he pleases on this matter, and I do not consider him bound to any other vote than that dictated by his own convictions; but I thought that these additions to the record were essential if the record is to have some semblance of balance on these points.

I am ready to vote.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. RANDOLPH. Mr. President, this discussion permits me the privilege of indicating that I believe that the Members of the Senate—yes, of the House of Representatives, as well—have often failed in their responsibility to write legislation on Capitol Hill rather than just to pass measures which have been forwarded from the agencies of the executive branch of the Government.

I think we have failed ofttimes in our responsibilities to do what we should do—that is, to write legislation as well as to pass it.

In broad concept, any administration has the responsibility to forward to Congress the outlines and the policies of the administration, and the proposed legislation is then referred to the respective committees.

I call attention to our failure to act effectively and responsibly in such situations as that referred to by Senator MUSKIE—when we determine, on the basis of testimony and considered study and judgment, that committee action must depart from the legislative recommendations of the executive branch.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. MUSKIE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. RANDOLPH. I return to my basic belief that if the Committee on Public Works, or the Committee on the Interior, or any other committee, is in disagreement with the administration, then we in good conscience have the responsibility to work our will as elected Members of Congress. There can be comity between the legislative and executive branches of our Federal Government. However, there must not be capitulation.

Mr. President, with respect to the specific matter of the agreed upon language modifying S. 1075 and title II of S. 7, I ask unanimous consent to include in the RECORD at this point a telegram I recently received from the major conservation organization.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Senator JENNINGS RANDOLPH,
Senate Committee on Public Works,
Washington, D.C.

The undersigned commend you for your continuing leadership in the field of environmental quality that brings us close to an early major policy and legislative enactment. We trust there will be full discussion on the floor of the Senate in conjunction with S. 1075 to the end that the strongest and best measure will be agreed to and reported promptly by the Senate-House conference committee. This is a unique opportunity for the country to take a major step forward in protection of environmental values.

Joseph W. Penfold, Izaak Walton League of America; Dr. Ira Gabrielson, Wildlife Management Institute; Stewart M. Brandborg, Wilderness Society; Thamas L. Kimball, National Wildlife Federation; William E. Towell, American Forestry Association; Dr. Elvis Stahr, National Audubon Society; Dr. Spencer Smith, Citizens Committee on Natural Resources; and Lloyd Tupling, Sierra Club.

Mr. RANDOLPH. Mr. President, the proposed modifications of S. 1075 and the committee substitute language for title II of S. 7 are the product of many hours of conferences between the staffs as well as the members of the Committee on Public Works and the Committee on Interior and Insular Affairs. These conferences resulted in, I believe, a strengthened version of S. 1075 and a further clarification of title II of S. 7.

Taken together these two measures represent a major step forward in coordination and strengthening of our efforts to improve the quality of the environment. Taken together these two measures represent the accord between the two principal committees in the Senate dealing with environmental problems. The conferences and the language agreed on have resolved difficult problems between the two committees stemming from differing viewpoints on the substance of this legislation and from the jurisdictional ambiguities inherent in a field as broad as the environment.

Members and the staff of the two committees are to be commended for reaching a constructive resolution of these problems. Especially to be commended are the able chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON), and the knowledgeable chairman of the Subcommittee on Air and Water Pollution (Mr. MUSKIE), for their reasonable and cooperative approach toward a difficult and complex situation.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The question is on agreeing to the amendment of the Senator from Maine.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from South Dakota (Mr. MCGOVERN), are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. WILLIAMS), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from New Mexico (Mr. MONTOYA) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from Michigan (Mr. GRIFFIN) and the Senators from Illinois (Mr. PERCY and Mr. SMITH) are detained on official business.

If present and voting, the Senator from Michigan (Mr. GRIFFIN), the Senators from Illinois (Mr. PERCY and Mr. SMITH) and the Senator from Ohio (Mr. SAXBE) would each vote "yea."

The result was announced—yeas 77, nays 6, as follows:

[No. 115 Leg.]

YEAS—77

Aiken
Allen
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goldwater
Goodell
Gore
Gurney
Hart
Hatfield
Holland
Hollings
Hughes
Jackson
Javits
Jordan, N.C.
Kennedy
Long
Mansfield
Mathias
McClellan
McGee
Metcalf
Miller
Mondale
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tydings
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—6

Allott
Curtis
Hansen
Hruska
Jordan, Idaho
Tower

NOT VOTING—17

Fulbright
Gravel
Griffin
Harris
Hartke
Inouye
Magnuson
McCarthy
McGovern
McIntyre
Montoya
Moss
Percy
Russell
Saxbe
Smith, Ill.
Williams, N.J.

So Mr. MUSKIE's amendment to the substitute committee amendment was agreed to.

Mr. MUSKIE. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I commend the distinguished Senator from Maine for the fine work that he and his Subcommittee on Air and Water Pollution have done in reporting this bill. I was in communication with him while the bill was still in committee and voiced some reservations about certain provisions that were contained in an earlier version of the bill. As revised and reported, I believe the sections of the bill of particular interest and concern to me—dealing with water pollution control by Federal agencies—have been substantially improved. They are not 100 percent what I would like them to be, but they are sufficiently close to the mark to permit me to support their passage.

Among the bill's new requirements is one that any applicant for a Federal license or permit to conduct any activity which may result in any discharge into the navigable waters of the United States must provide to the Federal licensing agency involved certification from the State in which the discharge will originate that there is reasonable assurance the activity will comply with applicable water quality standards. Without the required certification such Federal agency cannot issue the license or permit.

Moreover, if the certification is obtained and the license or permit is issued, it must contain any conditions which the Secretary of the Interior finds necessary to insure compliance with the water quality standards of any downstream States which might be adversely affected by discharges from the licensed facility.

The Atomic Energy Commission and the Corps of Engineers are prime examples of the Federal agencies affected by this legislation. In the case of the AEC, while the legislation does not impinge upon or in any way interfere with the AEC's comprehensive regulatory controls over the radiological effects of source, byproduct, and special nuclear material, except as certain of these authorities may be transferred to qualified States, it does have the effect of assuring that, in addition to the AEC's exhaustive radiological health and safety review, the design of nuclear powerplants will be reviewed by appropriate State and Federal authorities from the standpoint of their thermal effects upon adjoining waters.

Nuclear plants are, of course, already subject to water quality standards adopted by the States and approved by the Secretary of the Interior pursuant to the Water Quality Act of 1965. Now, however, we will have the added protection of a prelicensing review to assure that the plants have been designed in such a way as to assure compliance with applicable water quality standards.

At least as to those activities subject to Federal approvals, this will add an important ounce of preventive medicine to the curative measures already available. My chief regret is that not all nonnuclear powerplants will be subject to these new controls. As I understand the bill, only coal, oil, and gas-fired powerplants that occasionally require a Federal license or permit will be covered by the bill. Unfortunately, even this limited coverage was opposed by representatives of the coal industry during the subcommittee's hearings on the legislation.

Another principal regret relates to proposed new section 16(a) of the Federal Water Pollution Control Act. As a member of the Appropriations Committee, I find this section somewhat disturbing. It would require that each Federal agency take whatever measures were needed to insure that property and activities under its jurisdiction shall comply with applicable water quality standards and the purposes of the act. The subsection would also authorize appropriations of "such sums as may be necessary to carry out the provisions of this section."

I notice that S. 7, as reported by the committee, is silent with relation to an exception being made in connection with Federal agencies in the case where the interests of the United States might be involved either as to national defense or other important national activities, whereas the House passed bill, H.R. 4148, explicitly makes such an exception.

I prefer the House version for reasons that are obviously understandable in the national interest.

I do not propose an amendment at this time to insert such an exception in S. 7 but would strongly suggest and recommend to the conferees that this matter be exhaustively discussed in conference and that the House version be given all possible weight in the national interest.

On this point, I should like to ask my distinguished colleague what his off-the-cuff reaction is to the statement I have just made with regard to the national interest, in making an exception in cases of that kind.

Let us assume, for example, that we are in a state of war. I am wondering how much the Government will be obligated to comply with some of these provisions if the national interest is paramount to the prevailing subject or issue at hand. Take the Hanford production reactor, for example, which produces material for the national defense.

Mr. MUSKIE. Is the Senator addressing himself to the impact of section 16?

Mr. PASTORE. Yes. Section 16(a), and in large measure section 16(b) as well.

I do not want to press the Senator too much, but the House committee went into this matter to quite some extent. It is going to be in conference, and I hope the Senator, as usual, will lend a very attentive ear to the arguments made in that regard.

Mr. MUSKIE. I will do so.

In other portions of the bill, dealing with other questions, we have recognized the point the Senator has raised.

For example, in the application of the vessel pollution requirements as to ships of war, we have recognized this point and have made provision for it; and I assure the Senator that we will look into this point as well.

Mr. PASTORE. Under the pending bill considerable autonomy is given to the States in regard to operation of Federal facilities. In effect activities being carried on for Federal purposes will be subject to water quality standards adopted by the States in which they are located. The grassroots public opinion, more or less, is given a say in the matter of thermal effects, and I think that is proper, because, after all, they are the people who have to bear the brunt. And, insofar as thermal effects are concerned, I believe the States are fully and well qualified to set such standards.

But sometimes a State could be obstinate in the case of an emergency, and there ought to be an overriding consideration in the case of an emergency. I am not saying a willy-nilly situation; but in one in which the national interest is involved, I think we ought to make some provision. The House has done it, and the Senator from Maine has not said one way or the other whether we should or should not, but I would hope that he would consider that very seriously in conference.

Mr. MUSKIE. I assure the Senator of my interest, and we will do that.

Mr. BROOKE. Mr. President, over the last several months the coastline and estuaries of Massachusetts has been ravaged by one oil spill after another. From January through mid-July, the shoreline of the Bay State has been hit on six different occasions by oil slicks that have killed fish and birdlife, closed beaches and caused property damage to docks and pleasure craft. Three weeks ago, a seventh spill dumped more than 134,000 gallons of home heating oil onto the waters and shoreline of eastern Buzzards Bay. From this disaster, the Smithsonian's Center for Shortlived Phenomenon has documented the destruction of more than 25 different varieties of the areas of marine life. This oil spill has denuded one of Cape Cod's finest striped bass fishing grounds. Not even the Cape Cod National Seashore, a national landmark and tourist attraction offering some of this Nation's most beautiful beaches has been immune to the desecration of negligent and thoughtless tanker captains, who use the first opportunity of open water to eliminate residue oil from their ballast tanks and bilges. This oil covers the beach like asphalt, leaving it unusable by anyone.

In the final analysis, I doubt that we can ever eliminate the threat of oil pollution entirely. The opportunity for accident is simply too great. Of the ships involved in trade along the Atlantic coast, one vessel in every five carries oil as its principal cargo. As long as tankers and barges ply our coastal and inland waterways there will be navigational errors, faulty towlines, and untrained captains. New England, because she has no pipeline for the transportation of her oil products from the refineries located to the south, must rely on ships and barges to supply a large percentage of these petroleum products.

It might even be said that the threat of oil pollution is a byproduct of our own advancing industrial development. Nowhere is the demand for oil of every grade and variety greater than in the industrial areas which depend on our great port cities such as Boston, New York, Baltimore, Norfolk, Charleston, and many others. The ever-expanding demand for oil in these areas has increased the chance of accident and the possibility of disastrous oil spillage. The cost of cleaning up one barrel of the type of oil used to run a power turbine might run as high as $75. Most coastal tankers carry hundreds of thousands of barrels of oil. If we are to protect our environment against this undesirable side effect of industrial development, we must have strong oil pollution control provisions to handle the cleanup of this menace.

We surely cannot forbid the use of tankers and barges in the transportation of oil. However, we can regulate oil transportation in such a way as to make the constant threat of oil pollution a more manageable one. The provisions in S. 7 which provide for liability on vessels and onshore and offshore facilities to be based on a test of negligence with the burden of proof on the owner is a badly needed provision. By utilizing a concept of absolute liability, the possibility of damage and loss that would result from an oil spill is now as great a risk to the vessel owner as to the public.

With the enactment of title I of this bill, the Federal Government will have significant new authorization to step in and clean up oil spills after they have occurred. However, the Federal Government should simultaneously be considering other programs stressing prevention as much as S. 7 stresses cure. It is accepted that ships are equipped to move with adequate accuracy and general safety across the remote reaches of the high seas. The immediate concern is with the heavily traveled areas nearshore such as bays, channels and harbors of the Nation's convoluted coastline. There should be a drastic updating of effective standards and certification systems that govern licensing of officers and rating of crewmembers to assure that those responsible for the operating of vessels are properly trained for their work. Such standards and certification should be expanded to require special training for all personnel responsible for handling of oil and other hazardous materials, including the off-landing of vessels. Particular attention should be given to uniform standards, training, and certification of personnel on towboats not presently subject by law to Coast Guard licensing. It is presently possible to tow an oil barge through the narrow and sinuous Cape Cod Canal—an Army Corps of Engineers facility—without ever having been through before, even in daylight. A rigid system of certification should be a minimum for the use of any Government-owned or operated facility such as the Cape Cod Canal.

The use of sea lanes for traffic routing is a major step toward reducing the risks of collisions in congested areas. Such lanes are already in use around most of our major ports. Particular efforts should be made to extend traffic patterns to all ports receiving appreciable amounts of oil.

Furthermore, substantial research is needed to determine the feasibility of some form of shorebased-guidance system to promote safe movement of shipping. Such a "sea traffic control system" could be similar to our present air traffic control system which is operated by the Federal Aviation Administration. This system could reserve special lanes for use by ships or barges transporting hazardous substances such as oil.

Work is already underway on some of the provisions I have mentioned. For instance, the House is today holding hearings on the licensing of towboat captains. The fight against oil pollution will not and should not stop with the passage of S. 7. All aspects of this problem must be given the closest scrutiny.

S. 7 is a vital step in the direction of reducing the threat of oil pollution. It effectively underscores that responsibility for clean water does not reside solely with the Federal Water Pollution Control Water Administration, but rather it belongs with every agency of the Federal Government. Mr. President, I am pleased to support S. 7.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, informed the Senate that pursuant to the provisions of section 2(a), Public Law 89–801, the Speaker appoints as a member of the National Commission on Reform of Federal Criminal Laws, Mr. Mikva of Illinois, to fill the existing vacancy thereon.

The message announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11039) to amend further the Peace Corps Act (75 Stat. 612), as amended; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Morgan, Mr. Zablocki, Mr. Hays, Mr. Adair, and Mr. Mailliard, were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the bill (S. 267) for the relief of Lt. Col. Samuel J. Cole, U.S. Army, retired, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 1471. An act to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes;

S. 1857. An act to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81–507, as amended; and

S. 2564. An act to amend the Act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park.

The message also announced that the House had passed the following bills in which it requested the concurrence of the Senate.

H.R. 1703. An act for the relief of the Clayton County Journal and Wilber Harris;

H.R. 1783. An act to incorporate the Paralyzed Veterans of America;

H.R. 2477. An act for the relief of Comdr. John N. Green, U.S. Navy;

H.R. 4560. An act for the relief of Sa Cha Bae;

H.R. 5106. An act for the relief of Rogelio Tabhan;

H.R. 6402. An act for the relief of Sanborn Lumber Co., Inc.;

H.R. 6600. An act for the relief of Panagiotis, Georgia, and Constantina Malliaras;

H.R. 9857. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes;

H.R. 9906. An act for the relief of J. Burdette Shaft and John S. and Betty Gingas;

H.R. 10156. An act for the relief of Lidia Mendola;

H.R. 11968. An act for the relief of Maj. Louis A. Deering, U.S. Army;

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife; and

H.R. 13218. An act for the relief of Mr. and Mrs. Joseph E. Begnoche.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 265. An act for the relief of John (Giovanni) Denaro;

S. 330. An act for the relief of Dr. Konstantinos Nicholas Babaliaros;

S. 620. An act for the relief of Richard Vigil;

S. 1110. An act for the relief of Nickolas George Polizos; and

H.R. 9825. An act to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 9857. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes; to the Committee on Agriculture and Forestry.

H.R. 1703. An act for the relief of the Clayton County Journal and Wilber Harris;

H.R. 1783. An act to incorporate the Paralyzed Veterans of America;

H.R. 2477. An act for the relief of Comdr. John N. Green, U.S. Navy;

H.R. 4560. An act for the relief of Sa Cha Bae;

H.R. 5106. An act for the relief of Rogelio Tabhan;

H.R. 6402. An act for the relief of Sanborn Lumber Co., Inc.

H.R. 6600. An act for the relief of Panagiotis, Georgia, and Constantina Malliaras;

H.R. 9906. An act for the relief of J. Burdette Shaft and John S. and Betty Gingas;

H.R. 10156. An act for the relief of Lidia Mendola;

H.R. 11968. An act for the relief of Maj. Louis A. Deering, U.S. Army;

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife; and

H.R. 13218. An act for the relief of Mr. and Mrs. Joseph E. Begnoche; to the Committee on the Judiciary.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that some time toward the shank of the afternoon, there be a time set aside for the transaction of morning business, with speeches limited to the usual 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVENTION BETWEEN THE UNITED STATES AND THE KINGDOM OF BELGIUM, RELATING TO CONSULAR RELATIONS—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive F, 91st Congress, first session, the consular convention with the Kingdom of Belgium, signed at Washington on September 2, 1969, and two exchanges of notes related thereto, transmitted to the Senate today by the President of the United States, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

EXECUTIVE F, 91–1

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the consular convention between the United States of America and the Kingdom of Belgium, signed at Washington on September 2, 1969, and two exchanges of notes related thereto.

The convention deals with the conduct of consular relations between the two countries and the functions, privileges, and immunities of their respective consular officers. Upon entry into force it will replace the consular convention of March 9, 1880 between the United States and Belgium. Like other recent consular conventions of the United States, the new convention with Belgium covers such important matters as the obligations of the two countries to assure free communication between a citizen and his consul, to inform consular officers of the arrest or detention of their countrymen, and to permit visits by consuls to any of their countrymen who are in prison. It covers consular functions and responsibilities in such fields as the issuance of visas and passports, and the performance of notarial services. It provides for the inviolability of consular communications, documents, and archives, and the obligations of the host country to protect consular premises against intrusion or damage.

I recommend that the Senate give early and favorable consideration to the convention and related exchanges of notes and give its advice and consent to the ratification thereof.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention and exchanges of notes.

RICHARD NIXON.

THE WHITE HOUSE, *October 8, 1969.*

ORDER IN THE SENATE

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order. Will the Chair direct the Sergeant at Arms that all attachés either take seats or leave the Chamber?

The PRESIDING OFFICER. The Sergeant at Arms is directed to make sure that attachés leave the Chamber or take seats.

Mr. YOUNG of Ohio. Mr. President, a point of order. That rule will be in effect throughout the remainder of today, will it not?

The PRESIDING OFFICER. The Senator from Ohio is correct.

Mr. YOUNG of Ohio. I thank the Chair.

ESTABLISHMENT OF A BOARD OF ENVIRONMENTAL QUALITY ADVISERS

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1075.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1075) to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers, which was to strike out all after the enacting clause and insert:

That the Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, both living and nonliving, and the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, urban and rural planners, industry, labor, agriculture, science, and conservation organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fufill the social, economic, and other requirements of present and future generations of Americans.

SEC. 2. The President shall transmit to the Congress annually beginning June 30, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development, and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

SEC. 3. There is created in the Executive Office of the President a Council on Environmental Quality (hereafter referred to as the "Council"). The Council shall be composed of five members who shall be appointed by the President, one of whom the President shall designate as chairman, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to analyze and interpret environmental information of all kinds, to appraise programs and activities of the Government in the light of the policy set forth in subsection (a) of this section, and to formulate and recommend national policy to promote the improvement of our environmental quality.

SEC. 4. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this section, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 5. It shall be the duty and function of the Council—

(a) to assist and advise the President in the preparation of the Environmental Quality Report;

(b) to gather timely and authoritative information concerning the conditions and trends in environmental qualities both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in subsection (a) of this section, and to compile and submit to the President studies relating to such conditions and trends;

(c) to appraise the various programs and activities of the Federal Government in the light of the policy set forth in subsection (a) of this section for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(d) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet social, economic, and other requirements of the Nation; and

(e) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 6. The Council shall make an annual report to the President in May of each year.

SEC. 7. In exercising its powers, functions, and duties under this section—

(a) the Council shall consult with such representatives of science, industry, agriculture, labor, conservation, organizations, State and local governments, and other groups, as it deems advisable; and

(b) the Council, shall, to the fullest extent possible, utilize the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided.

SEC. 8. (a) Section 5313 of title 5, United Sattes Code, is amended by adding at the end thereof the following:

"(20) Chairman, Council on Environmental Quality."

(b) Section 5315 of title 5, United States Code, is amended by adding, at the end thereof, the following:

"(92) Members, Council on Environmental Quality."

SEC. 9. Nothing in this Act shall increase, decrease, or change any responsibility or authority of any Federal official or agency created by other provision of law.

SEC. 10. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $300,000 for fiscal year 1970, $500,000 for fiscal year 1971, and $1,000,000 for each fiscal year thereafter.

And, amend the title so as to read: "An act to provide for the establishment of a Council on Environmental Quality, and for other purposes."

Mr. JACKSON. Mr. President, on July 10, 1969, the Senate passed S. 1075, the Environmental Policy Act of 1969. On September 23 the House of Representatives passed H.R. 12549, "a bill to provide for the establishment of a Council on Environmental Quality, and for other purposes," by a vote of 372 to 15. Following adoption of H.R. 12549, a motion was offered to strike all after the enacting clause of S. 1075, and to substitute therefor the text of the House passed bill, H.R. 12549.

The motion was agreed to, the House insisted on its amendments to the Senate bill—S. 1075—and requested a conference on the disagreeing votes of the two Houses.

Mr. President, upon the conclusion of my remarks on the history and content of the House and Senate passed bills, and the important differences in the two measures, I intend to call up S. 1075, and move that the Senate disagree to the amendments of the House, agree to the conference requested by the House, and appoint the conferees for the Senate.

Mr. President, over the past decade there have been some very remarkable changes in public attitudes toward the manner in which the Nation's natural resources are administered. In the past, the public was concerned about policies designated by the terms "conservation," "preservation," and "multiple use." Today, a new set of words and concepts have come into wide public use in discussing the Nation's irreplaceable natural resource base. These words and concepts include "ecology," "environment," and the "inter-relatedness" of all aspects of the physical environment.

These changes in public attitudes and the growing public awareness and concern over man's limited natural resource base were perhaps best articulated during the decade of the sixties by former Secretary of the Interior Stewart Udall. Secretary Udall made the inadequacy of the Nation's knowledge, policies, priorities and institutions for the administration of the public's resources and man's total environment an important public issue.

XUM

The inadequacy of present knowledge, policies, and institutions is reflected in our Nation's history, in our national attitudes, and in our contemporary life. It touches every aspect of man's existence. It threatens, it degrades, and destroys the quality life which all men seek.

We see increasing evidence of this inadequacy all around us: haphazard urban and suburban growth; crowding, congestion, and conditions within our central cities which result in civil unrest and detract from man's social and psychological well-being; the loss of valuable open spaces; inconsistent and, often, incoherent rural and urban land-use policies; critical air and water pollution problems; diminishing recreational opportunity; continuing soil erosion; the degradation of unique ecosystems; needless deforestation; the decline and extinction of fish and wildlife species; faltering and poorly designed transportation systems; poor architectural design and ugliness in public and private structures; rising levels of noise; the continued proliferation of pesticides and chemicals without adequate consideration of the consequences; radiation hazards; thermal pollution; an increasingly ugly landscape cluttered with billboards, powerlines, and junkyards; growing scarcity of essential resources; and many, many other environmental quality problems.

LEGISLATIVE HISTORY

S. 1075

The need for a comprehensive national policy on resource, conservation, and environmental administration has long been a matter of active concern to the Senate Interior and Insular Affairs Committee. This history of active concern is set out in the legislative history section of the committee's report on S. 1075.

Senate passage of S. 1075 in July of this year culminated 10 years of active consideration of legislation on conservation, resource, and environmental policy and the need for new governmental institutions in this important area of Federal responsibility.

During the 86th Congress 4 days of hearings were held on Senator Murray's bill, S. 2549, the Resources and Conservation Act which was introduced in 1959. The concept that there is a need for a high-level Council of Conservation, Resource, or Environmental Advisers first found legislative expression in this measure. This measure also represented the first expression of need for a unified and comprehensive statement of conservation, resource, and environmental policy.

During the 87th Congress hearings were held on a similar measure sponsored by Senator Engle and others.

In subsequent sessions of Congress the same and related measures have been introduced and referred to the Interior Committee for consideration.

In the 89th Congress hearings were held before the Interior Committee on S. 2282, Senator NELSON's Ecological Research and Surveys Act. The major provisions of this measure were later incorporated into S. 2805, introduced by Senator Kuchel and myself in the 90th Congress. S. 2805 would have authorized a program of ecological and environmental research and established a Council of Environmental Advisers in the Executive Office of the President.

S. 2805 and other measures dealing with environmental and resource policy were discussed at a unique joint House-Senate colloquium to discuss a national policy for the environment, sponsored by the Senate Interior Committee and the House Science and Astronautics Committee in July 1968. All concerned Members of the Congress were invited and many attended.

Prior to the colloquium, a special report entitled a "National Policy For The Environment" was prepared for the Interior Committee as a background document on the need for a policy. After the hearings, a congressional white paper on "A National Policy for the Environment" was prepared. This paper summarized the colloquium proceedings, discussed alternatives for congressional action, and attempted to state the elements of a national policy.

During the 91st Congress, three separate major bills dealing with environmental and resource policy and the establishment of new institutions for overview and oversight purposes were introduced and referred to the Interior Committee. The bills were S. 237, MCGOVERN; S. 1075, JACKSON; and S. 1752, NELSON. Hearings were held on these measures on April 16, 1969.

Following a staff review of the hearing record, amendment No. 25, an amendment in the nature of a substitute of S. 1075, was introduced on May 29, 1969. This amendment added a new title to S. 1075 and was substantially incorporated into S. 1075 as ordered reported to the Senate on June 18.

Before the committee's report was filed, the Bureau of the Budget requested that the committee reconsider the measure and recommended further amendments. The bill was reconsidered on July 8, amendments were adopted and the measure was ordered reported. The committee report was filed on July 9 and the bill was passed by the Senate on July 10.

S. 1075 was not referred to committee in the House because of a question over which committee or committees had legislative jurisdiction over the subject matter of the bill. The measure was held at the Speaker's desk until the House passed H.R. 12549, a measure similar to S. 1075 in many respects.

S. 1075 AS AMENDED BY THE HOUSE (H.R. 12549)

On September 23, the House passed H.R. 12549 and substituted the text of the House-passed bill for the text of S. 1075. The House disagreed with the language of S. 1075, requested a conference and appointed conferees.

H.R. 12549—DINGELL and others—and a number of other identical and similar measures were the subject of hearings before the House Merchant Marine and Fisheries Committee in May and June of this year. H.R. 12549 is similar to title III of S. 1075 in that it would establish a Council of Environmental Advisers and require the President to submit an annual Environmental Quality Report to the Congress.

Following committee consideration, H.R. 12549 was amended and was ordered reported to the House on July 11. In late September a rule was granted by the House Rules Committee and the measure was scheduled for debate. Following floor debate on September 23, and the adoption of amendments, H.R. 12549 was passed. S. 1075 was then amended by substituting the text of the House-passed bill. The House insisted upon its amendments to S. 1075, and a conference was requested.

S. 1075 as passed by the Senate included a number of provisions which are not in the House version. Among these provisions are some which are essential if the Congress is to enact a sound national policy for the environment.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a statement on the differences in the Senate- and House-passed versions of S. 1075; the legislative history; excerpts from a special report of the Committee on Interior and Insular Affairs; excerpts from a congressional white paper on a national policy for the environment; a comparison of the measures, and a section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIFFERENCES IN THE SENATE- AND HOUSE-PASSED VERSIONS OF S. 1075

The following major provisions of S. 1075 as passed by the Senate are not included in the House bill:

TITLE I—DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

The House version includes, as Section 1, a brief statement of Congressional policy recognizing the importance of environmental management as a function of the Federal government. This statement, however, does not include the specific statement of goals and requirements for specific action on the part of Federal agencies which are set forth in Title I of the Senate version.

Congressman Daddario offered an amendment on the floor of the House which would have incorporated the Senate language of Title I into the House bill. A point of order was raised on procedural grounds, however, and the House did not have an opportunity to consider the amendment on its merits.

Title I of the Senate version includes the following provisions:

Sec. 101 (a) is a declaration by the Congress of a national environmental policy. It recognizes mankind's dependence upon the environment and the increasing pressures of population growth and technological advancement. Six broad national goals are set forth to guide the environmental management efforts of the Federal establishment.

Sec. 101 (b) asserts congressional recognition of each person's fundamental right to a healthful environment.

Sec. 102 provides for the integration of the policies and goals set forth in Section 101 into the existing activities of the Federal agencies.

In many areas of Federal action there is no body of experience or precedent for substantial and continuing consideration of environmental factors in governmental decisionmaking. In some areas of Federal activity, existing legislation does not provide clear authority to consider environmental factors which are in conflict with other objectives. In other areas, lack of express authority has been interpreted to prohibit consideration of environmental factors.

To permit all Federal agencies to implement the goals and policies stated in the Act, Sec. 102 authorizes and directs all agencies to follow certain operating procedures:

(a) to utilize a broad interdisciplinary team approach in the planning of Federal projects and activities which have an impact on environmental values,

(b) to develop new methods of evaluating environmental values which are at present not considered in cost-benefit analysis and other methods used in Federal decision-making,

(c) to accompany each proposal for major activities with explicit findings concerning the environmental impact which will or which may result from the proposed activity,

(d) to study and describe alternatives in instances where environmental conflicts cannot be avoided;

(e) to support international efforts to protect the environmental quality of other nations and the world, and

(f) to recommend legislation which will facilitate the implementation of the policies set forth in the Act.

Sec. 103 provides that the policies and goals set forth in the Act are supplementary to the existing mandates and authorizations of Federal agencies.

TITLE II

Sec. 201 provides authorization for the Federal agencies to include certain environmental management functions among their ongoing activities. These activities include the collection, utilization, and dissemination of ecological and environmental data; research on environmental matters; and assistance to the Council.

Sec. 202 authorize the President to designate an agency or agencies to perform certain specific functions regarding environmental management including:

1. a program of training and research grants, in the amount ultimately of $1 million annually,
2. an inventory of Federal projects,
3. an information retrieval system, and
4. assistance and advice to State and local governments.

Sec. 203 would establish a second Deputy Director's position in the Office of Science and Technology. This position was requested by the Bureau of the Budget, and is required to strengthen the organization of OST to support its increasingly broad functions. Among the duties recently assigned to OST is staff support for the President's newly formed Environmental Quality Council.

LEGISLATIVE HISTORY

S. 1075, the National Environmental Policy Act of 1969, was introduced in the 91st Congress on February 18, 1969, by Senator Jackson. Hearings on this and two related bills introduced by Senators Nelson (S. 1752) and McGovern (S. 237) were held on April 16, 1969, before the full Committee on Interior and Insular Affairs.[1] Following a staff study and consultations with the staff of the Office of Science and Technology and with representatives of a number of the Federal departments, the committee considered S. 1075 in executive session on June 18, 1969. Following the adoption of a number of committee amendments, the measure was ordered reported to the Senate on June 18, 1969. At the request of the Director of the Office of Science and Technology and representatives of the Bureau of the Budget, the committee voted, on July 8, 1969, to reconsider the measure for the purpose of considering additional amendments. The amendments were proposed by the Bureau of the Budget in a July 7, 1969, letter to the chairman of the committee. The proposed amendments to titles I and II of S. 1075 were adopted. Amendments proposed to title III by the Bureau of the Budget were adopted in part and rejected in part. Following the adoption of other amendments suggested by members of the committee, the measure was ordered reported to the Senate on July 8, 1969.

S. 1075, as introduced, was substantially the same measure as S. 2805 which was introduced in the 90th Congress on December 15, 1967, by Senators Jackson and Kuchel. The far-reaching objectives of S. 2805 and similar legislation introduced in the 90th Congress by Members of both Houses were considered at a unique joint House-Senate colloquium convened by the chairmen of the Senate Committee on Interior and Insular Affairs and the House Committee on Science and Astronautics on July 17, 1968, to discuss a national policy for the environment.[2]

Following the colloquium, a "Congressional White Paper" was prepared at the request of Cochairman Henry M. Jackson and George Miller by the Legislative Reference Service, Library of Congress. This document, issued as a joint committee print by the Senate Interior Committee and House Science and Astronautics Committee and distributed to the entire Congress in October 1968, summarized the key points raised in the dialog between Members of the Congress and the colloquium participants which included five Cabinet Secretaries, the President's Science Adviser, Mr. Laurance Rockefeller, and Dean Don K. Price of Harvard.

A special report to the Committee on Interior and Insular Affairs on "A National Policy for the Environment" was prepared for the committee's use and was printed as a committee print on July 11, 1968. The report was prepared by Dr. Lynton K. Caldwell of Indiana University and William J. Van Ness, Special counsel to the committee. The report was used as a background document for the colloquium. It raises and discusses in detail many of the issues and questions implicit in establishing a national environmental policy.

Many of the concepts and ideas incorporated in S. 1075 were drawn from ambitious measures introduced in previous Congresses. Of particular relevance were S. 2549, the Resources and Conservation Act, introduced by Senator Murray in 1959 and S. 2282 introduced by Senator Nelson in the 89th Congress. The Murray bill, endorsed by a distinguished group of Senators in the 86th and subsequently in the 87th Congress, called for the establishment of more efficient machinery in the President's Office to coordinate resource conservation on the basis of national goals. The Nelson bill included broad provisions to cope with inadequate use and application by Federal agencies of ecological knowledge and research methods for attaining better management of our physical environment. Extensive hearings were held on each of these and other environmental measures before the Senate Interior Committee.[3]

Other concepts and ideas incorporated into S. 1075 were drawn from the proceedings of the previously mentioned joint House-Senate colloquium, from technical reports, conferences and symposia, and from books and journals dealing with environmental problems.[4]

In addition, the committee has reviewed and drawn upon concepts and ideas incorporated into many measures introduced in this and previous Congresses related to various aspects of environmental management.[5]

STATEMENT BY SENATOR HENRY M. JACKSON

Over the years, in small but steady and growing increments, we in America have been making very important decisions concerning the management of our environment. Unfortunately, these haven't always been very wise decisions. Throughout much of our history, the goal of managing the environment for the benefit of all citizens has often been overshadowed and obscured by the pursuit of narrower and more immediate economic goals.

---

[1] National environmental policy, hearings held before the Committee on Interior and Insular Affairs, U.S. Senate, 91st Cong., first sess., on S. 1075, S. 1752, and S. 237, Apr. 16, 1969. S. 1752, as introduced by Senator Nelson, would create a five-member Council on Environmental Quality in the Office of the President. This Council would be responsible for assisting the President in preparing an annual environmental quality report which would be transmitted to Congress. The report would be reviewed by a Joint Committee on Environmental Quality. The measure would also authorize the Secretary of the Interior to conduct studies of the natural environment, evaluate and disseminate such information, and consult with and provide technical assistance to departments and agencies of the Government.

S. 237, as introduced by Senator McGovern, would require that the President transmit to the Congress an annual report on the state of the environment. The measure would also authorize the creation of a Council of Advisers on Resources, Conservation, and the Environment which would be in the Executive Office of the President. The three-member Council would assist the President in the preparation of the annual report and in developing and recommending national policies to maintain and improve the environment. For the purpose of consideration of the annual report and plan, this bill would establish in the Senate and the House, special committees to be known as the Select Committees on Resources, Conservation, and Environment.

[2] The proceedings were published under the title: "Joint House-Senate Colloquium To Discuss a National Policy for the Environment," hearing before the Committee on Interior and Insular Affairs, U.S. Senate, and the Committee on Science and Astronautics, U.S. House of Representatives, 90th Cong., 2d sess., July 17, 1968.

[3] Proposed Resources and Conservation Act of 1960, hearings before the Committee on Interior and Insular Affairs, U.S. Senate, 86th Cong., second sess. on S. 2549, Jan. 25, 26, 28, and 29, 1960. Ecological Research and Surveys, hearings before the Committee on Interior and Insular Affairs, U.S. Senate, 89th Cong., second sess., April 27, 1966, on S. 2282.

[4] For a detailed listing of these documents see app. A, entitled "A Documentation on Environmental Problems," p. 25, in A National Policy for the Environment, committee print, Senate Interior and Insular Affairs Committee, July 11, 1968; see also the "Bibliography on Environmental Issues," pp. 192–204 in National Environmental Policy, hearing before the Committee on Interior and Insular Affairs, U.S. Senate, 91st Cong. on S. 1075, S. 237, and S. 1752, Apr. 16, 1969.

[5] In the closing days of the 90th Cong., the Legislative Reference Service tabulated over 100 bills which were directly concerned with environmental issues, covering a broad area of interest—cleaning up the Nation's rivers and better approaches to smog control, improving the use of open space and prevention of disorderly encroachment by super-highways, factories and other developments, improved protection of areas of high fertility, wiser application of pesticides, whose residues affect both man and wildlife, and the control of urban sprawl, unsightly junkyards, billboards, and power facilities that lower the amenities of landscape.

In the present Congress, an initial tabulation indicates that over 40 bills have been introduced which are concerned either with a national policy for the environment or the establishment of machinery to study the overall problems of the human environment. Of the 16 standing committees of the Senate, eight have broad jurisdiction of this type of legislation. Of the 21 House standing committees, 11 are similarly involved. See "A National Policy for the Environment," app. B, p. 29, committee print of the Senate Interior and Insular Affairs Committee, July 11, 1968; "Congressional White Paper on A National Policy for the Environment," app. p. 17, Senate Committee on Interior and Insular Affairs and the House Committee on Science and Astronautics, October 1968; and Legislative Reference Service Multilith, TP 450, SP 170 entitled "Environmental Quality: Selected Bills and Resolutions," June 20, 1969.

It is only in the past few years that the dangers of this form of muddling through events and establishing policy by inaction and default have been very widely perceived. Today, with the benefit of hindsight, it is easy to see that in America we have too often reacted only to crisis situations. We always seem to be calculating the short-term consequences of environmental mismanagement, but seldom the long-term consequences or the alternatives open to future action.

This report proposes that the American people, the Congress, and the administration break the shackles of incremental policymaking in the management of the environment. It discusses the need for a national environmental policy and states what some of the major elements of such a policy might be. It also raises a number of questions implicit in the establishment of such a broad-based and far-reaching policy.

The report does not purport to deal exhaustively with these subjects. Rather, it attempts to place some of the fundamental questions concerning the need for and the elements of a national environmental policy in the arena of public debate. If the report is successful in encouraging discussion and in refining some of the issues involved, it will have performed a worthwhile purpose. In the last few years, it has become increasingly clear that soon some President and some Congress must face the inevitable task of deciding whether or not the objective of a quality environment for all Americans is a top-priority national goal which takes precedence over a number of other, often competing, objectives in natural resource management and the use of the environment. In my judgment, that inevitable time of decision is close upon us.

If we are to make intelligent decisions which are not based in the emotion of conservation's cause celebre of the moment or in the error of simply perpetuating past practices, there is a very real need to develop a national capacity for constructive criticism of present policies and the development of new institutions and alternatives in the management of the environmental resources of land, air, water, and living space. Developing this capacity will require that representatives from all elements of our national life—industry, the university, Federal, State, and local government—participate in forming this policy. It will require the creative utilization of technology to improve environmental conditions and to prevent unanticipated future instances of costly abuse. It will also require that government, business, and industry pay closer attention to a far greater range of alternatives and potential consequences when they make environment-affecting decisions than they have in the past.

Finally, it needs to be recognized that the declaration of a national environmental policy will not alone necessarily better or enhance the total man-environment relationship. The present problem is not simply the lack of a policy. It also involves the need to rationalize and coordinate existing policies and to provide a means by which they may be continuously reviewed to determine whether they meet the national goal of a quality life in a quality environment for all Americans. Declaration of a national environmental policy could, however, provide a new organizing concept by which governmental functions could be weighed and evaluated in the light of better perceived and better understood national needs and goals.

This report was prepared for the use of the Senate Interior Committee by Prof. Lynton K. Caldwell, chairman, Department of Government, Indiana University, with the assistance of Mr. William J. Van Ness, special counsel to the committee, and the Natural Resources Division, Legislative Reference Service, Library of Congress. Professor Caldwell's contribution was, in part, made possible through an arrangement with the Conservation Foundation.

A National Policy For the Environment

INTRODUCTION

This report is based upon the assumption that the threat of environmental mismanagement and deterioration to the security and welfare of the United States has been established. (See app. A.) There are differences of opinion as to the severity and relative urgency of various hazards to the environment. Some scientists believe that man's environmental relationships have reached a point of crisis; others do not see the condition of the environment generally as having yet reached a critical stage. But there is, nevertheless, general consensus throughout most walks of life that a serious state of affairs exists and that, at the least, it is approaching a crisis of national and international proportions. The focus of this report is therefore on national policy to cope with environmental crisis, present or impending, rather than with documenting the facts related to environmental deterioration.

PART I—REQUIREMENTS FOR POLICY EFFECTIVENESS

Effective policy is not merely a statement of things hoped for. It is a coherent, reasoned statement of goals and principles supported by evidence and formulated in language that enables those responsible for implementation to fulfill its intent. This section of the report describes some of the interrelating conditions that appear necessary to an effective national policy for the environment. The discussion will be developed under the following five headings:

(1) Understanding Imminent Need.
(2) Recognizing Costs.
(3) Marshaling Relevant Knowledge.
(4) Facilitating Policy Choice.
(5) National Policy and International Cooperation.

1. Understanding imminent need

An effective and enlightened environmental policy is a response to the needs of man in relation to his environment. The response may involve the control of man's behavoir on behalf of the larger interests of mankind where those interests are clearly perceived and widely held. Man's relationship with his environment are, of course, multitudinous and complex. Control by governments, by international organizations, or by other institutions, cannot feasibly be extended to every aspect of the environment nor to more than a fraction of the actual points of impact of individual man upon his environment. Policy effectiveness consequently depends very largely upon the internalization, in the human individual, of those understandings, values, and attitudes that will guide his conduct in relation to his environment along generally beneficial lines. A major requisite of effective environmental policy is therefore intelligent and informed individual self-control.

There is substantial evidence to indicate that large numbers of Americans perceive the need for halting the spread of environmental decay. It is also evident, however, that few recognize the connection between the conditions which they deplore, and the absence of any explicit and coherent national policy on behalf of environmental quality.

Man is confronted by a circumstance that is totally new in human history. He has rapidly completed the occupancy of the easily inhabitable areas of the earth while his numbers have increased at an exponential and accelerating rate. Simultaneously, unprecedented economic power and advances in science and technology have permitted man to make enormously increased demands upon his environment. In no nation are these coincidental developments more dramatically evident than in the United States. And yet many Americans find it difficult to understand why sound environmental management should now suddenly become "everybody's business." Long-accepted ways of thinking and acting in relation to one's surroundings are now being called into question. Understanding of what has happened can be helped by a simple exercise in arithmetic.

At the time of the American Revolution the total human population of the present-day continental United States could hardly have exceeded 3 million individuals. The demands of the American Indian and European colonists on the Atlantic seaboard were very light when contrasted with current exactions. By the close of the 20th century, if the population of this same area approximates 300 million, the daily stress man places on the environment will, on the basis of mere numbers, have increased 100 times over. Technology has alleviated some forms of stress (as on forests for fuel or on wildlife for food), but it has greatly increased environmental stress in general. The net result has been enormously increased demands upon the environment in addition to the increase in population. Calculation of an average per man-year stress upon the environment, estimated from A.D. 1700 to 2000, and adjusted for technological factors at particular historical periods, would be a powerful persuader of the need for a sensitive and forward-looking national environmental policy. The exponential increase in the pressure of man and his technology upon the environment, particularly since World War II, is the major cause of the need for a national environmental quality effort.

The rate at which the Nation has changed since 1890 when the frontier officially ceased to exist has been unexceeded by any other social transformation in history. Scarcely one long generation removed from the last days of the frontier, America has become an urbanized and automated society with publicly institutionalized values in social security, labor relations, civil rights, public education, and public health that would have been utopian less than a century ago. In the absence of a system for adequately assessing the consequences of technological change, who could have predicted the many ways in which applied science would transform the conditions of American life? Powerful new tools applying the discoveries in chemistry, physics, biology, and the behavioral sciences were put to work for improving the health, wealth, comfort, convenience, and security of Americans. Utilizing the vast natural resources of the American environment, the world's highest standard of living was achieved in an amazingly short period of time. Unfortunately, our productive technology has been accompanied by side effects which we did not forsee. Experience has shown us that there are dangers as well as benefits in our science-based technology. It is now becoming apparent that we cannot continue to enjoy the benefits of our productive economy unless we bring its harmful side effects under control. To obtain this control and to protect our investment in all that we have accomplished, a national policy for the environment is needed.

Although Americans have enjoyed prodigious success in the management of their economy they have been much less successful in the management of natural resources. As a people we have been overly optimistic, careless, and at times callous in our exactions from the natural environment. The history of soil exhaustion and erosion, of cut-over forest lands, of slaughtered wildlife document a few of our early failures to maintain the restorative capacities of our natural resources. Fortunately many of these early failures have been corrected or are now being remedied. But our exploding population and technology have created more subtle dangers, less easily detected and more difficult to overcome.

These more recent dangers have been documented in testimony before the Congress and in the reports of scientific committees (app. A). They confront us with the possibility that the continuation of present trends affecting, for example, (*a*) the chemistry of the air, (*b*) the contamination of food and water, (*c*) the use of open land and living space, and (*d*) the psychophysical stress of crowding, noise and interpersonal tension on urban populations, may infinitely degrade the existence of civilized man before the end of this century. These are not the exaggerated alarms or unsubstantiated predictions of extremists; they are sober warnings of competent scientists supported by substantial demonstrable evidence. The practical course is, therefore, to forestall these threats before they have outgrown our technical, economic, legal, and political means to overcome them. Fortunately, we still have a choice in this matter. We still have a relatively wide range of alternatives available in managing the environment.

It may be contended that the problems of the environment must wait until more urgent political issues are resolved. Problems of national security, poverty, health, education, urban decay, and underdeveloped nations have just and appropriate claims for priority in national attention and public expenditure. Yet many aspects of these problems involve environmental policy. Three of the most urgent—the slums and ghettos of the great cities; increasing disability and death from diseases induced by environmental factors (for example, cancer, emphysema, mental disorders); and the decline and decay of rural areas (for example, in Appalachia) furnish persuasive reasons for a national environmental policy. Before billions of dollars are spent in attempts to alleviate these social ills, it would be wise to be sure that environmental factors causing or accompanying these conditions are properly identified and remedied. We may otherwise worsen the state of our economy and environment without solving the underlying social problems.

In summary, within the present generation the pressures of man and technology have exploded into the environment with unprecedented speed and unforeseen destructiveness. Preoccupied with the benefits of an expanding economy the American people have not readily adopted policies to cope with the attendant liabilities. Popular understanding of the need to forestall the liabilities in order to preserve the benefits is now becoming widespread, and provides the political rationale for the development of a national policy for the environment, and for a level of funding adequate to implement it.

2. Recognizing costs

The nation long ago would probably have adopted a coherent policy for the management of its environment, had its people recognized that the costs of overstressing or misusing the environment were ultimately unavoidable. This recognition was arrived at belatedly for several reasons: *First,* environmental deterioration in the past tended to be gradual and accumulative, so that it was not apparent that any cost or penalty was being exacted; *second,* it seemed possible to defer or to evade payment either in money or in obvious loss of environmental assets; *third,* the right to pollute or degrade the environment (unless specific illegal damage could be proved) was widely accepted. Exaggerated doctrines of private ownership and an uncritical popular tolerance of the side effects of economic production encouraged the belief that costs projected onto the environment were costs that no one had to pay.

This optimistic philosophy proved false as many regions of the Nation began to run out of unpolluted air and water, as the devastation of strip mining impoverished mining communities, as the refuse of the machine age piled up in manmade mountains of junk, as the demand for electricity and telecommunications arose to festoon the Nation with skeins of cables strung from forests of poles, and as the tools of technology increasingly produced results incompatible with human well-being. Under the traditional "ground rules" of production, neither enterprise nor citizen was called upon to find alternatives or to pay for measures that would have prevented or lessened ensuing loss of environmental quality. Payment contained to be exacted in the loss of amenities the public once enjoyed, and in the costs required to restore resources to usefulness and to support the public administration that environmental deterioration entailed. When the public began to demand legislation to control pollution and to prevent environmental decay, the reaction of those involved in environment degrading activities was often one of counter-indignation. Businessmen, municipalities, corporations and property owners were confronted with costs in the form of taxes or the abatement of nuisances that they had never before been called upon to pay. They were now about to be penalized for behavior which America had long accepted as normal.

What is now becoming evident is that there is no way in the long run of avoiding the costs of using the environment. The policy question is not whether payment shall be made; it is when payment shall be made, in what form, and how the costs are to be distributed. Hard necessity has made evident the need for payment to obtain air and water of quality adequate to meet at least minimum standards of health and comfort. Scientific knowledge and rising levels of amenity standard have added to public expectation that protection against environmental damage will be built into the products and production costs of manufacturers.

Lack of a national policy for the environment has now become as expensive to the business community as to the Nation at large. In most enterprises a social cost can be carried without undue burden if all competitors carry it alike. For example, industrial waste disposal costs can, like other costs of production, be reflected in prices to consumers. But this becomes feasible only when public law and administration put all comparable forms of waste-producing enterprises under the same requirements. Moreover it has always been an advantage to enterprise to have as clear a view as possible of future costs and requirements. When public expectations and "ground rules" change, however, as they have been changing recently on environmental quality issues, the uncertainty of resulting effects upon business costs, and the necessity for adjustment to unexpected expenses and regulations, is disconcerting and hardly helpful.

A national policy for the environment could provide the conceptual basis and legal sanction for applying to environmental management the methods of system analysis and cost accounting that have demonstrated their value in industry and in some areas of government. It has been poor business, indeed, to be faced with the billions of dollars in expense for salvaging our lakes and waterways when timely expenditures of millions or timely establishment of appropriate policies would have largely preserved the amenities that we have lost and would have made unnecessary the cost of attempted restoration. A national system of environmental cost accounting expressed not only in economic terms but also reflecting life-sustaining and amenity values in the form of environmental quality indicators could provide the Nation with a much clearer picture than it now has of its environmental condition. It would help all sectors of American society to cooperate in avoiding the overdrafts on the environment and the threat of ecological insolvency that are impairing the national economy today.

It is not only industrial managers and public officials who need to recognize the unavoidable costs of using the environment. It is, above all, the individual citizen because he must ultimately pay in money or in amenities for the way in which the environment is used. If, for example, he likes to eat lobster, shrimp or shellfish, the citizen must reconcile himself to either paying dearly for these products or indeed finding them unobtainable at any price, unless we find ways to preserve America's coastline and coastal waters. The individual citizen may also have to pay in the cost of illness and in general physical and psychological discomfort. And these costs, of course, are not incurred voluntarily.

In the interest of his welfare and of his effectiveness as a citizen the individual American needs to understand that environmental quality can no longer be had "for free." Recognition of the inevitability of costs for using the environment and of the forms which these costs may take is essential to knowledgeable and responsible citizenship on environmental policy issues.

In summary, the American people have reached a point in history where they can no longer pass on to nature the costs of using the environment. The deferral of charges by letting them accumulate in slow attrition of the environment, or debiting them as loss of amenities will soon be no longer possible. It is no longer feasible for the American people to permit it. The environmental impact of our powerful, new, and imperfectly understood technology has often been unbelievably swift and pervasive. Specific effects may prove to be irreversible. To enjoy the benefits of technological advance, the price of preventing accidents and errors must be paid on time. From now on "pay-as-you-go" will increasingly be required for insuring against the risks of manipulating nature. This means merely that provision must be made for the protection, restoration, replacement, or rehabilitation of elements in the environment before, or at the time, these resources are used. Later may be too late.

3. Marshaling relevant knowledge

For many years scientists have been warning against the ultimate consequences of quiet, creeping, environmental decline. Now the decline is no longer quiet and its speed is accelerating. The degradation is destroying the works of man as well as of nature. We are confronted simultaneously with environmental crisis in our cities and across our open lands and waters. The crisis of the cities and the crisis of the natural and rural environments have many roots in common, although they may erroneously be viewed as extraneous to one another, or even as competitive for public attention and taxation. In fact, both crises stem from an ignorance of and a disregard for man's relationship to his environment.

An effective environmental policy in the past might have prevented and would certainly have focused attention upon the wretched conditions of urban and rural slums. It would surely have stimulated a search for knowledge that could have helped to correct and prevent degraded conditions of living. It is now evident that the fabric of American society can no longer contain the growing social pressure against slum environments. Today, remedial measures are being forced by social violence and by the social and economic costs of environmental decay;

but it is not certain that the remedies take full account of the nature of the ailment. The pressure upon the urban environment is acute and overt; it is dramatized, it has obvious political implications, and it hurts. Conversely, the degradation of natural and rural environments is more subtle. Stress may reach the point of irreparable damage before there is full awareness that a danger exists. What is needed therefore is a systematic and verifiable method for periodically assessing the state of the environment and the degree and effect of man's stress upon it, as well as the effect of the environment and environmental change on man.

One would expect to be able to look to the universities and to the great schools and institutes of agriculture, engineering, and public health as constituting an environmental intelligence system. Unfortunately however, no such system exists. Man-environment relationships per se have seldom been studied comprehensively. Various disciplines have concerned themselves with particular aspects of environmental relationships. Geographers, physiologists, epidemiologists, evolutionists, ecologists, social and behavioral scientists, historians, and many others have in various ways contributed to our knowledge of the reciprocal influences of man and environment. But the knowledge that exists has not been marshaled in ways that are readily applicable to the formulation of a national policy for the environment. At present, there are many gaps in our knowledge of the environment to which no discipline has directed adequate attention.

It should not be surprising that there is a lack of organized knowledge relating to environmental relationships. Society has never asked for this knowledge, and has neither significantly encouraged nor paid for its production. By way of contrast, public opinion has supported the costs of high-energy physics as reasonable, even though direct and immediate applications to public problems are relatively few. But public opinion has been guided in part by the judgment of the scientific community and of the leaders of higher education. Only recently have the scientific community and the universities begun to interest themselves institutionally in man-environment relationships, perceived in the totality in which they occur in real life.

Environmental studies in the universities are as yet largely focused on separate phases of man-environment relationships. This, in itself, is not undesirable; it is in fact necessary to obtain the degree of specialization and intensive study that many environmental problems require. The inadequacy lies in the lack of means to bring together existing specialized knowledge that would be relevant to the establishment of sound policies for the environment. There is also need for greatly increased attention to the study of natural systems, to the behavior of organisms in relation to environmental change, and to the complex and relatively new science of ecology. There is need for synthesis as well as for analysis in the study of man-in-environment.

A reciprocal relationship exists between the interests of public life and the activities of American universities. Public concern with a social problem when expressed in terms of public recognition or financial support, stimulates related research and teaching in the colleges and universities. Research findings and teaching influence the actions of government and the behavior of society. This relationship has been exceptionally fruitful in such fields as agriculture, medicine, and engineering. It has not, as yet, developed strength in the field of environmental policy and management. Nevertheless a beginning is being made in some colleges and universities, and in a number of independent research organizations and foundations, to provide a more adequate informational base for environmental policy.

Recognition of the need for a more adequate informational base for environmental policy has not been confined to academic institutions or to government. Speaking to the 1967 plenary session of the American Institute of Biological Sciences, Douglas L. Brooks, president of the Traveler's Research Center, declared that "* * * We need to recognize environmental quality control as a vital social objective and take steps to establish the field of environmental management as a new cross-disciplinary applied science professional activity of extraordinary challenge and importance."

To date, action by Government to assist the marshaling of relevant knowledge has been uncoordinated and inconstant. With the exception of defense and space-related technical investigations, the amount of money made available for environmental research has been relatively meager and has been allocated largely along conventional disciplinary lines. Specialized aspects of research on man-environment relationships have been well funded by the Atomic Energy Commission, the Department of Defense, and the National Aeronautics and Space Administration. But much of this work is highly technical and is appropriately directed toward problems encountered in the missions of these agencies. More broadly based are the interests of the National Science Foundation, but the Foundation's resources for funding academic research relating to environmental policy are small. For a brief period the most promising source of support for the kind of knowledge needed for environmental policy effectiveness was the U.S. Public Health Service. In the mid-1960's, the Service began to assist the establishment of broadly based environmental health science centers in selected universities. But a shift of emphasis in the Public Health Service brought this effort to an untimely standstill. The National Institutes of Health fund a significant body of health-related environmental research, but little of it appears to be policy-related.

The Science Information Exchange of the Smithsonian Institution, surveying the general field of Government-funded research for the Senate Interior and Insular Affairs Committee, found (not unexpectedly) that there were heavy concentrations of research where Government funding was heaviest—notably in physical science and the biomedical aspects of the environs. Government-funded research of broadly cross-disciplinary or policy-oriented character appeared to be almost negligible in volume and in funding. It is probable that policy problems are investigated in the course of substantive research; but it is evident that we have not yet made a conscious decision to organize and fund the effort which students of environmental policy and management see as the necessary first step to an adequate environmental information system.

To provide facilities and financial support for new research on natural systems, environmental relationships and ecology on an independent, but publicly financed basis, a National Institute of Ecology has been proposed by a group of scientists associated with the Ecological Society of America and assisted by the National Science Foundation. The functions proposed for this institute are worth restating in brief, as indicative of the contribution that ecologists would like to make toward strengthening the Nation's capacity to cope with its environmental problems. Defining ecology to be "* * * the scientific study of life-in-environment," the proponents of a National Institute of Ecology state that it is needed (1) to conduct large-scale multi-disciplinary field research beyond the capacities of individual researchers or research institutions, (2) to provide a central ecological data bank on which ecologists and public agencies can draw, (3) to coordinate and strengthen activities of ecologists in relation to ecological issues in public affairs, and to promote the infusion of ecology into general education at all levels, and (4) to perform advisory services for government and industry on active programs affecting the environment. The principle purpose of the proposed institute is not, however, to study public policy or education, but to do more and better ecology.

These efforts and proposals, and many others unreported here, are constructive contributions to the task of marshaling the knowledge needed for an effective national policy for the environment. They do not, however, add up to a national information system, nor do they necessarily present information and findings relative to the environment in forms suitable for review and decision by the Nation's policymakers. The ecological research and surveys bill introduced by Senator Gaylord Nelson in the 89th Congress would have established a national research and information system under the direction of the Secretary of the Interior. Similar proposals have been incorporated in a number of bills introduced in the 90th Congress, including S. 2805 by Senators Jackson and Kuchel. (See app. B.) An important difference between the proposals before the 90th Congress and the efforts and proposals described in the preceding paragraphs is that in pending legislation the knowledge assembled through survey and research would be systematically related to official reporting, appraisal, and review. The need for more knowledge has been established beyond doubt. But of equal and perhaps greater importance at this time is the establishment of a system to insure that existing knowledge and new findings will be organized in a manner suitable for review and decision as matters of public policy.

In summary, to make policy effective through action, a comprehensive system is required for the assembly and reporting of relevant knowledge; and for placing before the President, the Congress, and the people, for public decision, the alternative courses of action that this knowledge suggests. With all its great resources for research, data processing, and information transmittal, the United States has yet to provide the financial support and operational structure that would permit these resources to implement a public policy for the environment.

4. Facilitating policy choice

The problem of organizing information for purposes of policy-oriented review leads directly to the need for a strategy of policy choice. Environmental policymaking presents certain organizational difficulties. It must draw heavily upon scientific information and yet it embraces important considerations and issues that are extraneous to science policy. Insofar as environmental policy is dependent upon scientific information, it is handicapped by the insufficiency of the research effort and the inadequacies of information handling described in the preceding paragraphs. In a review of U.S. science policy by the Organization for Economic Cooperation and Development, the European examiners cited environmental problems as one of the areas of inquiry that American science was not well organized to attack. The criticism was directed not at the accomplishments of American science in support of major technical undertakings; it was instead concerned with the absence of a system and a strategy adequate to deal with the problems of the environment, and of social relationships and behavior, on a scale which their comprehensive and complex subject matters require.

Insofar as science is an element in environmental policymaking, the Office of Science and Technology affords a mechanism for enlisting the resources of the scientific community, for establishing study groups and advisory panels on specific issues, and for presenting their recommendations to the President. In the coordination of scientific aspects of environmental policy, the Federal Council of Science and Technology, in association with the Office of Science and Technology, is the more general of several coordinative or advisory bodies in the executive branch. (See app. C.) The establishment of special councils for marine resources and engineering development, for water resources, for recreation and natural beauty, among other purposes, complicates to some extent the function of policy advice. None of these bodies are constituted to look at man-environment relations as a whole; none provide an overview; none appear fully to answer the need for a system to enable the President, the Congress, and the electorate to consider alternative solutions to environmental problems.

Possible answers to the need for a system to assist national policy choice may be found in legislative proposals to create councils on environmental quality or councils of ecological advisers. These councils are conceived as bridges between the functions of environmental surveillance, research, and analysis, on the one hand, and the policymaking functions of the President and the Congress on the other. The particular and indispensable contribution of the Council to environmental policy would be twofold. The first would be, using S. 2805 for purposes of illustration, "* * * to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation." Most proposals call for a report on the state of the environment from the Council to the President and from the President to the Congress. S. 2805, for example, states that the Council shall provide advice and assistance to the President in the formulation of national policies, and that it shall also make information available to the public. The bill further provides that "* * * The Council shall periodically review and appraise new and existing programs and activities carried out directly by Federal agencies or through financial assistance and make recommendations thereon to the President."

From this enumeration of the Council's functions several inferences may be drawn. *First,* the proposed environmental advisory councils are not science advisory bodies. They are instructed in pending legislative proposals to take specified factors, including the scientific, into account in the course of their analysis and recommendations on environmental policy issues. *Second,* the councils are not primarily research or investigating bodies even though they have important investigatory functions. They are essentially policy-facilitating bodies. *Third,* their functions are those of analysis, review, and reporting. Their nearest functional counterpart is probably the Council of Economic Advisers. *Fourth* and finally, councils on the environment, such as proposed by some of the measures listed in appendix B, must be located at the highest political levels if their advisory and coordinative roles are to be played effectively. For this reason the proposals have generally established the Council in the Executive Office of the President. However, the Technology Assessment Board proposed by Representative Emilio Q. Daddario, which would perform many functions similar to those of the environmental councils, would be an independent body responsible primarily to the Congress.

This brings the discussion to the role of the Congress in facilitating policy choice. Some have found the formal committee structure of the Congress to be poorly suited to the consideration of environmental policy questions. Senator Edmund Muskie has proposed a Select Committee of the Senate on Technology and the Human Environment to facilitate consideration of related environmental issues that would normally be divided among a number of Senate committees. Others have proposed that a Joint Committee on the Environment, representative of the principal committee of the House and the Senate concerned with environmental policy issues, should be established to review a proposed annual or biennial report of the President on the state of the environment. Many Congressmen, however, feel that the policy of establishing new committees to deal with each new problem area should be resisted and that the present committees should assume their legislative and oversight responsibilities in this area. Meanwhile the informal and practical operations of legislative business permits the present standing committees to function with remarkable speed and dexterity where the will to legislate exists.

In summary, policy effectiveness on environmental issues will require some form of high-level agency in the executive branch for reviewing and reporting on the state of the environment. No existing body seems appropriate for this function. To meet this need, and under various names, a council for the environment has been suggested and has been incorporated in numerous legislative proposals. Provision for a policy assisting body in the executive branch suggests to some the desirability of a comparable committee in the Congress.

5. National policy and international cooperation

In his address to the graduating class at Glassboro State College on June 4, 1968. President Lyndon B. Johnson called for the formation of a permanent "international council on the human environment." The ecological research and surveys bill first offered in 1965 by Senator Gaylord Nelson authorized participation by the United States with "other governments and international bodies in environmental research." Similarly, S. 2805 and other pending measures authorize "* * * environmental research in surrounding oceans and in other countries in cooperation with appropriate departments or agencies of such countries or with coordinating international organizations * * *."

These and other expressions of the willingness and intent of the United States to cooperate with other nations and with international organizations on matters of environmental research and policy reinforce the argument for a national environmental policy. Although the United States could cooperate internationally on many specific issues without a national policy, it could do so more effectively and comprehensively if its own general position on environmental policy were formally and publicly enunciated.

The United States, as the greatest user of natural resources and manipulator of nature in all history, has a large and obvious stake in the protection and wise management of man-environment relationships everywhere. Its international interests in the oceanic, polar, and outer space environments are clear. Effective international, environmental control would, under most foreseeable contingencies, be in the interest of the United States, and could hardly be prejudicial to the legitimate interests of any nation. American interests and American leadership would, however, be greatly strengthened if the Nation's commitment to a sound environmental policy at home were clear.

PART II—QUESTIONS OF IMPLEMENTATION

What significance would adoption of a national policy for the environment hold for the future of government in the United States? At the least, it would signify a determination by the American people to assume responsibility for the future management of their environment. It would not imply an all-inclusive Federal or even governmental environmental administration. The task to too widespread, multitudinous, and diverse to be wholly performed by any single agency or instrumentality. There are important roles to be played at every level of government and in many sectors of the nongovernmental economy. Nevertheless a new policy, and particularly a major one, is certain to arouse some apprehensions.

In the Federal agencies, among the committees of the Congress, in State governments, and among businesses whose activities impinge directly upon the environment and natural resources, there would be understandable concern as to what changes for them might be implicit in a national policy for the environment. The objection is certain to be raised that Government is already too large and that there are already too many agencies trying to manage the environment. "Please—not one more," will be an oft-repeated plea. These fears, however, are largely those that always accompany a new public effort regardless of its purpose, direction, or ultimate benefit. Very few people oppose, in principle, public action on behalf of quality in the environment. It is implementation that raises questions and arouses apprehension.

It would be unconvincing to assert that no interest, enterprise, or activity will be adversely affected by a national environmental quality effort. There is no area of public policy that does not impose obligations upon, nor limit the latitude for action of important sectors of society. But while activities harmful to man's needs and enjoyments in the environment must necessarily be curbed, it is also true that all Americans, without exception, would benefit from an effective national environmental policy. In brief, although all would benefit, a relative few might be required to make adjustments in business procedures or in technological applications.

For the foregoing reasons, a report on the need for a national policy for the environment would be incomplete if it did not raise, at least for purposes of discussion, some major questions that the establishment as such a policy would imply. These are mainly questions of how a decision to establish a national policy would be implemented in practice. They are questions to be answered by the Congress and by the President. But in their answers, the policy-determining branches of Government will need to consider a number of issues subsidiary to those major questions.

To better illustrate the issues involved in these questions, reference will be made to S. 2805. No claim of special priority is implied by these references. Many of the bills now pending on this issue have similar provisions. Any one bill might serve as well as any other.

1. What are the dimensions of an environmental policy and how are they distinguishable from other areas of national concern?

This is the fundamental question. It would be unreasonable to expect that its metes and bounds could be defined more clearly than those of the more familiar policy areas of national defense, foreign relations, civil rights, public health, or employment security. The field of definition can be narrowed, however, by identifying those concepts with which it might be confused but from which it should be clearly distinguished.

Environmental policy, broadly construed, is concerned with the maintenance and management of those life-support systems—natural and man made—upon which the health, happiness, economic welfare, and physical survival of human beings depend. (See app. D.) The quality of the environment, in the full and complex meaning of this term, is therefore the subject matter of environmental policy. The term embraces aspects of other areas of related policy or civic action, and it is important that environmental policy and environmental quality, in the broad sense, be distinguished from these related but sometimes dissimilar policies or movements.

Environmental policy should not be confused with efforts to preserve natural or historical aspects of the environment in a perpetually unaltered state. Environmental quality does not mean indiscriminate preservationism, but it does imply a careful examination of alternative means of meeting human needs before sacrificing natural species or environments to other competing demands.

Environmental quality is not identical with any of the several schools of natural resources conservation. A national environmental policy would however, necessarily be concerned with natural resource issues. But the total environmental needs of man—ethical, esthetic, physical, and intellectual, as well as economic—must also be taken into account.

Environmental policy is not merely the application of science and technology to problems of the environment. It includes a broader range of considerations. For this reason S. 2805, in proposing a Council on Environmental Quality, does not stipulate that its five members be scientists, although it obviously would not preclude scientists among them.

One of the few differences in emphasis among the environmental policy bills now before the Congress has to do with the role of ecologists and of the science of ecology in the shaping of national policy. The need for a greatly expanded program of national assistance for ecological research and education cannot be doubted by anyone familiar with present trends in the environment. The science of ecology can provide many of the principal ingredients for the foundation of a national policy for the environment. But national policy for the environment involves more than applied ecology, it embraces more than any one science and more than science in the general sense.

The dimensions of environmental policy are broader than any but the most comprehensive of policy areas. The scope and complexities of environmental policy greatly exceed the range and character of issues considered, for example, by the Council of Economic Advisors. One may therefore conjecture, without derogation to the unquestionable importance of the economic advisory function, that a council on the environment would, in time, perhaps equal and even exceed in influence and importance any of the specialized conciliar bodies now in existence. For this reason its membership should be broadly representative of the breadth and depth of national interests in man-environment relationships. The ultimate scope of environmental policy, and the relationship of a high-level implementing council to existing councils, commissions, and advisory agencies, are not questions that can be, or need to be, decided now, nor even at the time that a national policy may be adopted. The important consideration is to develop a policy and to provide a means that will permit its objectives to be considered and acted upon by the Congress, the President, and the executive agencies. If we wait until we are certain of the dimensions of environmental policy and of how it will relate to other responsibilities and functions of Government, our assurance will be of no practical value. It will have come too late to be of much help.

2. Upon what considerations and values should a national environmental policy be based?

If it is ethical for man to value his chances for survival, to hope for a decent life for his descendants, to respect the value that other men place upon their lives, and to want to obtain the best that life has to offer without prejudicing equal opportunities for others, then the cornerstone of environmental policy is ethical. That cornerstone is the maintenance of an environment in which human life is not only possible, but may be lived with the fullest possible measures of personal freedom, health, and esthetic satisfaction that can be found. No government is able to guarantee that these values can be realized, but government is able to assist greatly in the maintenance of an environment where such values are at least realizable.

Ethics, like justice, is not easily quantifiable, yet few would argue that society should not seek to establish justice because justice cannot be adequately defined or quantified. Environmental policy is a point at which scientific, humanistic, political, and economic considerations must be weighed, evaluated, and hopefully reconciled. Hard choices are inherent in many policy issues. The sacrifice of a plant or animal species, for example, or of a unique ecosystem ought not to be permitted for reasons of short-run economy, convenience, or expediency. The philosophy of reverence for life would be an appropriate guiding ethic for a policy that must at times lead to a decision as to which of two forms of life must give way to a larger purpose.

The natural environment has been basically "friendly" toward man. Man's survival is dependent on the maintenance of this environment, but not upon the unaltered operation of all of its myriad components. Pathogenic micro-organisms, for example, are not reverenced by man. Protection against them is a major task of environmental health and medicine. But even here, respect for the incredible variety, resilience, and complexity of nature is a value that environmental policy would be wise to conserve. Frontal attacks upon man's environmental enemies or competitors, identified as pathogens or as "pests," have miscarried too often to encourage the thought that direct action on threats in the environment are always wise, economical, or effective.

The range of values to be served by environmental policy is broad and an indication of how its scope might be defined may be obtained from the provisions of S. 2805 which specify the considerations to which the Council on Environmental Quality should respond: "Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of this Nation."

The assessment and interpretation of these needs and interests is obviously a function that the members of the Council would have to perform to the best of their ability. No more than in the election of legislators or in the appointment of judges, would it be possible to stipulate how these or other values should be understood and weighted. The reputations and characters of the individuals appointed to the Council would offer the best indications of how the specifications of the law might be construed. But the findings and conclusions of the Council need not be wholly subjective or based upon speculative data. The methods of systems analysis, cybernetics, telemetry, photogrammetry, electronic and satellite surveillance, and computer technology are now being applied to a wide range of environmental relationships. New statistical and computerized simulation techniques are rapidly bringing ecology from what has been described as "one of the most unsophisticated of the sciences," to what may become one of the most complex, intellectually demanding and conceptually powerful of the sciences.

In brief, the values and considerations upon which a national environmental policy should be based should be no less extensive than the values and considerations that men seek to realize in the environment. In the interpretation of these values and considerations science can play a role of great importance. But neither science, nor any other field of knowledge or experience, can provide all of the criteria upon which environmental policies are based. The full range of knowledge and the contributions of all of the scientific and humanistic disciplines afford the informational background against which value judgments on environmental policy may most wisely be made.

3. How should the information needed for a national environmental policy be obtained and utilized?

Of all major questions on the implementation of environmental policy, this one is probably the least difficult. It is in part a technical question; yet to describe it as technical is not to suggest that it can be easily answered. There is no present system for bringing together, analyzing, collating, digesting, interpreting, and disseminating existing information on the environment. There is accordingly no reliable way of ascertaining what aspects of man-environment relationships are unresearched or hitherto unidentified. The question is less difficult than others primarily because it is clearly possible to design an information system, to fund its implementation, and to put it into effect. The particular form in which the data should finally appear, and the method of its subsequent disposition are more problematic.

Title I of S. 2805, and other measures proposed on behalf of a national environmental policy, make provision for the functions of information gathering, storage and retrieval, dissemination, and for enlarging the available information through assistance to research and training. The detailed provisions of S. 2805 on an environmental information system are numerous and need not be repeated here. The significant feature of these provisions is that they create an information system designed and intended to serve the policymaking processes of government.

Most of the environmental quality bills place this information function under the direction of the Secretary of the Interior. But they relate its data-gathering functions to those of other Federal agencies and they provide for the transmittal of its findings to a high-level reviewing body and to the President and the Congress. In the provision for organizing environmental information into a form that is usable for policy formation, this proposal represents a step toward greater rationality in government and toward the more effective use of modern information systems and technology to serve public purposes.

4. How should a national environmental policy be implemented and periodically reviewed for refinery or revision?

Some innovation and restructuring of policy-forming institutions will be required to achieve the purpose of a national environmental policy. Our present governmental organization has not been designed to deal with environmental policy in any basic or coherent manner. (See app. C). The extent to which governmental reorganization may be necessary cannot be determined absolutely in advance of experience. But it does seem probable that some new facility at the highest levels of policy formulation will be needed to provide a point at which environmental policy issues cutting across the jurisdictional lines of existing agencies can be identified and analyzed, and at which the complex problems involved in man's relationships with his environment can be reduced to questions and issues capable of being studied, debated, and acted upon by the President, the Congress, and the American people. As we have seen, some of the bills on environmental policy now pending in the Senate and the House of Representatives (see app. B) provide a point of focus for this new area of policy through a high-level board or council. Many of these bills provide for periodic reports on the state of the environment to the policy-determining institutions of the Nation—the President and the Congress—and, as these reports are matters of public record, to the American people who must be the final judges of the level of environmental quality they are willing to support.

As noted in the preceding paragraphs, improved facilities for the finding, analysis and presentation of pertinent factual data are needed. A vast amount of data is now collected by Federal agencies and by private research organizations; but this data is uneven in its coverage of the various aspects of environmental policy. For example, there is a superabundance of technical information on some aspects of environmental pollution, but comparatively little research on the social and political aspects of environmental policy. Much of the data now available is in a form unsuitable for policy purposes. The sheer mass of data, much of it highly technical on certain major environmental problems, is a serious impediment to its use. For this reason, the legislative proposals on national environmental policy provide a system for reinforcing, supplementing, and correlating the flow of information on the state of the environment.

These two major needs, (*a*) a high-level reviewing and reporting agency and (*b*) an information gathering and organizing system, are the essential structural innovations proposed in bills now before the Congress for implementing a national environmental policy. Would these additions to the present structure of government be sufficient to implement a national environmental quality program and how in particular would the proposed high level Council be related to other agencies in the federal structure of government?

New policies and programs imply structures appropriate to their functions and may call for new relationships among existing agencies. To construct a comprehensive structure for environmental administration will require time, and meanwhile the need for leadership in informing the people and in formulating policy recommendations and alternatives grows more urgent. It is for this reason that some of the measures which have been introduced propose that a Council for Environmental Quality be established in the Executive Office of the President. In effect, the Council would be acting as agent for the President. It would need information from the various Federal departments, commissions, and independent agencies that, under prevailing organization, it could not as easily obtain if it were located at a level coequal or subordinate to the division of Government whose programs it must review. Reinforcing this consideration is the distribution of environment-affecting activities among almost every Federal agency.

Objections may be raised that there are already too many councils and committees established in the Executive Office of the President. Some students of public administration argue that a simplification of structure and a clarification of existing responsibilities should take precedent over any new programs or agencies. The answer to this objection lies in an assessment of relative priorities. Is each of the councils or comparable agencies now established in the Executive Office of the President more important, of greater urgency, or of more direct bearing upon the public welfare, than the proposed Council on Environmental Quality? What criteria indicate how many conciliar bodies are "too many"? These questions are not merely rhetorical. Although they cannot be answered here, they are obviously germane to the issue of governmental organization and to the way in which national environmental policy is formulated and made effective.

A strong case can be made a major restructuring of the Federal departments in which public responsibility for the quality of the environment would, like defense or foreign relations, become a major focus for public policy. Proposals tending in this direction and chiefly affecting the Department of the Interior have been made over several decades. A prominent news magazine took up this line of reasoning in a recent editorial declaring that "* * * the Secretary of the Interior ought to be the Secretary of the Environment." But a major restructuring of functions in the Federal administrative establishment cannot be accomplished easily or rapidly. Such a development would be most plausible as a part of a more general restructing of the executive branch. The multiplication of high-level councils and interagency committees may indicate that a restructuring is needed. (See app. C.) Some of the complexity of present arrangements for policy formulation and review reflects the confusion often attending a transition from one set of organizing concepts to another.

Among the concepts that have been proposed to reduce the burden of the Presidential office and to provide a more simple and flexible administrative structure, is that of the "superdepartment." One of these agencies already exists as the Department of Defense. A Department of the Environment might be another. The substance and character of the organizational changes that superdepartments might imply are germane to a discussion of environmental administration, but they require no further exploration in this report beyond the following three points: *First*, they would be fewer in number than present departments, probably no more than seven to nine; *second*, they would be oriented broadly to services performed for the entire population, and *third*, they would be planning and coordinative rather than directly operational, assuming, to some degree, certain of the tasks that now fall heavily on the Executive Office of the President.

There may be another answer to the need for a more effective review and coordination of related functions in diverse agencies in the concept of "horizontal authority" or matrix organization. This organizational arrangement has been employed in multifunctional, cross-bureau, projects in the Department of Defense and in the National Aeronautics and Space Administration. Under a temporary structure for project management, it structures across normal hierarchal lines and working relationships among the necessary personnel and skills. The concept might be applicable to interagency attack upon specific problems of environmental policy.

Review of national policy, and revision if and when needed, are functions that the Congress performs for all major policies of Government. The device of an annual or biennial report from the President to the Congress on the state of the environment offers the logical occasion for an examination by the Congress, not only of the substance of the President's message, but of national policy itself. In many respects, the transmission of an annual report on the state of the environment accompanied by a clear and concise statement of the Nation's goals, needs, and policies in managing the environment could attain many of the ends sought by those who propose reorganization.

SUMMATION

Although historically the Nation has had no considered policy for its environment, the unprecedented pressures of population and the impact of science and technology make a policy necessary today. The expression "environmental quality" symbolizes the complex and interrelating aspects of man's dependence upon his environment. Through science, we now understand, far better than our forebears could, the nature of man-environment relationships. The evidence requiring timely public action is clear. The Nation has overdrawn its bank account in life-sustaining natural elements. For these elements—air, water, soil, and living space—technology at present provides no substitutes. Past neglect and carelessness are now costing us dearly, not merely in opportunities foregone, in impairment of health, and in discomfort and inconvenience, but in a demand upon tax dollars, upon personal incomes, and upon corporate earnings. The longer we delay meeting our environmental responsibilities, the longer the growing list of "interest charges" in environmental deterioration will run. The cost of remedial action and of getting onto a sound basis for the future will never be less than it is today.

Natural beauty and urban esthetics would be important byproducts of an environmental quality program. They are worthy public objectives in their own right. But the compelling reasons for an environmental quality program are more deeply based. The survival of man, in a world in which decency and dignity are possible, is the basic reason for bringing man's impact on his environment under informed and responsible control. The economic costs of maintaining a life sustaining environment are unavoidable. We have not understood the necessity for respecting the limited capacities of nature in accommodating itself to man's exactions, nor have we properly calculated the cost of adaptation to deteriorating conditions. In our management of the environment we have exceeded its adaptive and recuperative powers and in one form or another must now pay directly the costs of obtaining air, water, soil, and living space in quantities and qualities sufficient to our needs. Economic good sense requires the declaration of a policy and the establishment of an environmental quality program now. Today we have the option of channeling some of our wealth into the protection of our future. If we fail to do this in an adequate and timely manner we may find ourselves confronted, even in this generation, with environmental catastrophe that could render our wealth meaningless and which no amount of money could ever cure.

Appendix A—Documentation on Environmental Problems

Following is a partial listing of recent writings on environmental problems subdivided under five headings: (1) "Technical Reports," (2) "Conferences and Symposiums," (3) "Journals," (4) "News Articles and Speeches," and (5) "Books, Yearbooks, and Pamphlets."

PART 1—TECHNICAL REPORTS

The Adequacy of Technology for Pollution Abatement. Report of the Research Management Panel through the Subcommittee on Science Research, and Development to the Committee on Science and Astronautics. U.S. House of Representatives, 89th Congress, 2d session. Washington, 1966.

Air Pollution: A National Sample. U.S. Department of Health, Education, and Welfare, Public Health Service Publication No. 1562.

Alleviation of Jet Aircraft Noise Near Airport. A report of the Jet Aircraft Noise Panel. Office of Science and Technology. March 1966. Executive Office of the President.

Disposal of Radioactive Waste on Land. National Academy of Sciences—National Research Council. Publication 519, 1957.

Effective Use of the Sea. Report of the President's Science Advisory Committee.

Energy R. & D. and National Progress. An interdepartmental study. (The President designated the Director of the Office of Science and Technology and the Chairman of Economic Advisers as Chairman and Vice Chairman of the Steering Committee.)

Environmental Improvement: Air, Water and Soil. Department of Agriculture Graduate School.

Environmental Pollution: A Challenge to Science and Technology. Report of the Subcommittee on Science, Research, and Development to the Committee on Science and Astronautics. U.S. House of Representatives, 89th Congress, 2d session. Serial 8. Washington, 1966.

Municipal Refuse Disposal. Prepared by the American Public Works Association, Public Administration Service, Chicago, 1966.

Interagency Environmental Hazards Coordination: Pesticides and Public Policy. Report of the Committee on Government Operations, U.S. Senate, made by its Subcommittee on Reorganization and International Organizations. July 21, 1966. Government Printing Office, Washington, D.C.

Kehoe, Robert A. *Public Health in an Industrial Society.* From the *Proceedings of the Conference on "Man Versus Environment."* May 5–6, 1958. Published with the support of DHEW

McKiever, M. F. *National Health Findings of Occupational Health Interest.* Public Health Services Publication No. 1418.

Radioactive Contamination of the Environment: Public Health Action. Report to the Surgeon General by the National Advisory Committee on Radiation.

Report of the Committee on Environmental Health Problems. Report of the Subcommittee on Air Pollution. U.S. Department of Health, Education, and Welfare, Public Health Service Publication No. 908, 1962, pp. 65–96.

Restoring the Quality of our Environment, Report of the Environmental Pollution Panel, President's Science Advisory Committee, The White House. November 1965.

Report of Select Committee on National Water Resources. Senate Report 29, 87th Congress, 1st session, January 1961.

Report of the Subcommittee on Water Supply and Pollution Control. U.S. Department, of Health, Education, and Welfare, Public Health Service Publication No. 980, 1962, pp. 215–253.

The White House Conference on International Cooperation. Natural Resources Conservation and Development Committee.

Securing Health in Our Urban Future. Report to the Surgeon General, Public Health Service, by his Advisory Committee on Urban Health Affairs.

A Strategy for a Livable Environment. Report to the Secretary of Health, Education, and Welfare by a Task Force on Environmental Health and Related Problems.

Use of Pesticides. Report of the President's Science Advisory Committee.

Waste Management and Control. National Academy of Sciences-National Research Council. Publication 1400, 1966.

Weather and Climate Modification. Report of the Special Commission on Weather Modification, National Science Foundation.

Weather and Climate Modification Problems and Prospects. Report of the National Academy of Sciences-National Research Council.

PART 2—CONFERENCES AND SYMPOSIUMS

Beauty for America. Proceedings of a White House Conference.

Darling, F., and Milton, F. P., eds. *Future Environments of North America.* The record of a conference convened by the Conservation Foundation in April 1965 at Airlie House, Warrenton, Va. Garden City, N.Y., National History Press, 1966, 767 pages. (HC95 D33)

Eckardt, R. E. *Challenge of Our Environment.* Archives of Environmental Health 9:127–132. July 1964. Discussion 10:131–134. January 1965.

Lowenthal, D. *Conference on the Future Environment of North America.* Geographical Review 55:438–441. July 1965.

Minimum Habitable Surfaces. Family Housing Commission of the International Union of Family Organization. 1957. Conference in Cologne. Published in Brussels.

Texas Conference on our Environmental Crisis, organized by the School of Architecture, the University of Texas, November 21, 22, and 23, 1965. Austin, Tex., 1966. 255 pages.

PART 3—JOURNALS

Abrams, C. *Uses of Land in Cities.* Scientific American 213:150–156. September 1965.

Air Conservation. Report of the Air Conservation Commission of the American Association for the Advancement of Science. Publication No. 80, AAAS, Washington, D.C., 1965.

Altshuler, A. *Goals of Comprehensive Planning.* Response to Altshuler: "Comprehensive planning As a Process." J. Friedmann. American Institute of Planners Journal 31:186–197. August 1965.

Arnold, D. O., and Gold, D. *Facilitation Effect of Social Environment.* Public Opinion Quarterly 28:513–516. Fall 1964.

Bacon, E. N. *City As An Act of Will.* Architectural Record 141:113–128. January 1967.

Baer, R. A. *Land Misuse: A Theological Concern.* Christian Century 83:1239–1241. October 12, 1966. Discussion 83:1445, 1480. November 23–30, 1966.

Bailey, J. *City Meets the Space Age.* Summer study on science and urban development, Woods Hole, Mass. Architectural Forum 126: 60–63+. January 1967.

Barker, R. G. *On the Nature of the Environment.* Journal of Social Issues 19:17–38. October 1963.

Barnes, E. L. *Remarks on Continuity and Change.* Perspecta No. 9–10, 291–298. 1965.

Becket, W. *Creating Man's Environment in Tomorrow's Cities.* Archives of Environmental Health 9:609–614. November 1964.

Brower, S. *Expressive Environment.* Architectural Forum 124:38–39. April 1966.

Cliff, E. P. *A More Beautiful America—Forestry's Latest Challenge,* Southern Lumberman 211 (2632); 102–103. December 15, 1965.

Coleman, W. *Science and Symbol in the Turner Frontier Hypothesis.* American Historical Review 72:22–49. October 1966.

Craig, J. B. *Natural Beauty—The Follow Through.* American Forests 71(10): 12–15, 54–55. October 1965.

Dickinson, William B., Jr. *Noise Suppression.* Editorial Research Reports. October 20, 1963.

Edgerton, R. B. *Cultural Versus Ecological Factors in the Expression of Values, Attitudes, and Personality Characteristics.* American Anthropologists 67:442–447. April 1965.

Environment and Behavior. American Behavioral Scientist 10:3–31. September 1966.

Galbraith, J. K. *Economics and Environment.* American Institute of Architects Journal 46:55–58. September 1966.

Johnson, L. B., and Freeman, O. L. *Natural Beauty and Conservation.* Soil Conservation 30:213. April 1965.

Libby, W. F. *Man's Place in the Physical Universe.* Bulletin of the Atomic Scientists 21:12–17. September 1965.

Llewelyn-Davies, R. *Ekistics, the Future Pattern of Human Settlements.* Architectural Review. 138:399–401. December 1965.

Lynch, K. *City as Environment.* Scientific American 213:209–214+. September 1965.

Man and His Habitat: Symposium. Bulletin of the Atomic Scientists 21:18–30, March; 16–26, April; 2–11, May; 6–25 June 1965.

Man's Response to the Physical Environment. Journal of Social Issues 22:1–136. October 1966.

Michelson, W. *Empirical Analysis of Urban Environment Preferences.* American Institute of Planners Journal 32:355–360. November 1966.

Pierce, Charles D. *Pollution of Water Supplies.* Editorial Research Reports. December 8, 1960, pp. 905–917.

Rockefeller, L. S. *Our Outdoor Heritage—What We Are Doing To Preserve It.* Planning and Civic Comment 30:5–8. March 1964.

Schmid, A. A. *Quality of the Environment and Man: Some Thoughts on Economic Institutions.* Journal of Soil and Water Conservation 21:89–91. May 1966.

Shaffer, Helen B. *Air Pollution.* Editorial Research Reports. Vol. 1, pp. 303–318, April 26, 1967.

Skotheim, R. A. *Environmental Interpretations of Ideas by Beard, Parrington, and Curti.* Pacific Historical Review 33:35–44. February 1964.

Sonnenfeld, J. *Variable Values in Space and Landscape.* An inquiry into the nature of environmental necessity. Journal of Social Issues 22:71–82. October 1966.

Thiry, P. *Total Design.* American Institute of Architects Journal 45:75–78. June 1966.

Thompson, B. *Reflections on Environment.* Architectural Record 139:110–120. January 1966.

Twiss, R. H., and Litton, R. B. *Resource Use in the Regional Landscape.* Natural Resources Journal 6(1):76–81. January 1966.

Udall, S. L. *The Conservation Challenge of the Sixties.* Planning and Civic Comment 30:1–4, March 1964.

Wadleigh, C. H. *Coming to Terms With Nature.* Journal of Soil and Water Conservation 20:43–45. March 1965.

Wolman, A. *Impact of Population Changes on the Environment.* American Journal of Public Health 55:1032–1038; same American Water Works Association Journal 57:811–818. July 1965.

Worenop, Richard L. *Water Resources and National Water Needs.* Editorial Research Reports. Vol. II, pp. 585–601, 1965.

PART 4.—NEWS ARTICLES AND SPEECHES

U.S. Dept. of Agriculture. *Creative Conservation of Natural Beauty.* Address by John A. Baker, Assistant Secretary, Department of Agriculture, before Virginia Nurserymen's Association, Arlington, Va. January 23, 1966. Washington, 1966. 9 pages.

——— Statement by Secretary of Agriculture Orville L. Freeman before 14th annual American Association of Nurserymen industrial landscaping awards luncheon, Washington, D.C. November 15, 1966. 10 pages.

America the Beautiful. Economist 214:778. February 20, 1965.

American City: Crisis or Renaissance. Senior Scholastic 86:6–9. April 29, 1965.

Brophy, B. *Menace of Nature.* New Statesman 70:351. September 10, 1965.

U.S. Department of Commerce. Remarks by Secretary of Commerce John T. Connor, prepared for delivery to White House Conference for State Legislative Leaders, June 16, 1966. Washington, 1966. 9 pages.

Diamond, H. L. *Politics of Beauty.* Excerpt from addresses. Parks and Recreation 1:138–141 +. February 1966.

Malde, H. E. *Environment and Man in Arid America.* Science 145:123–129, July 10, 1964.

Man and His Bruised Planet. Science News 91:5–6. January 7, 1967.

U.S. President (Lyndon B. Johnson.) *Preserving Our Natural Heritage.* Message from President of the United States transmitting programs for controlling pollution and preserving our natural and historical heritage. Washington Government Printing Office, 1966. 10 pages (H. Doc. 387, 89th Cong., second sess.)

Revelle, R. *Environment: Land, Air, Water.* New Republic 151:25—28+. November 7, 1964.

Rockefeller, L. S. *Business and Beauty.* Address, December 2, 1965. Vital speeches 32:291–221, January 15, 1966. Same, Audubon Magazine 68: 112–115, March 1966.

Rockefeller, L. S. *Quality of Environment.* Excerpts from remarks, May 21, 1965. American Forests 71:11. June 1965.

Train, R. E. *America the Beautiful.* Keynote address American Forests 71(10): 16–19, 46–47, 49–50. October 1965.

PART 5—BOOKS, YEARBOOKS AND PAMPHLETS

Abrams, C. *The City Is the Frontier.* New York, Harper & Row, 1965. 394 pages. (HT123 A6)

Becker, H. F. *Resources for Tomorrow.* New York, Holt, Rinehart & Winston, 1964. 78 pages. (S930 B4)

The Big Water Fight. Produced under the auspices of the League of Women Voters Education Fund, 1966. The Stephen Breene Press, Brattleboro, Vt.

Dasmann, R. F. *The last Horizon.* New York, Macmillan, 1963. 279 pages. (HC55 D33)

Eisenbud, Merril. *Environmental Radioactivity*. 1963. McGraw-Hill, New York.

Hamm, R. L., and Nason L. *Ecological Approach to Conservation*. Minneapolis, Burgess, 1964. 366 pages.

Heimann, Harry. *Effect of Air Pollution on Human Health*. In Air Pollution. World Health Organization. Columbia University Press, 1961, page 182.

Herfindahl, O. C., and Kneese, A. V. *Quality of the Environment*. An economic approach to some problems in using land, water, and air. Washington, Resources for the Future, 1965. 96 pages. (HC55 H5)

U.S. Department of Housing and Urban Development. *Beautifying Urban America*. Questions and answers on Federal beautification and open-space land programs. Revised September 1966. Washington, 1966. 8 pages. (HUD IP–No. 6)

Hunter, David R. *The Slums: Challenge and Response*. Free Press 1964.

Landsberg, H. *Natural Resources for U.S. Growth: A Look Ahead to the Year 2000*. Baltimore, Johns Hopkins Press, 1964. 260 pages (HC 103.7 L3)

Marsh, G. P. *Man and Nature*. Edited by David Lowenthal. Cambridge, Belknap Press of Harvard University, 1965. 472 pages (GF31 M35)

Parson, R. L. *Conserving American Resources*. 2d ed. Englewood Cliffs, N.J., Prentice Hall, 1964. 521 pages. (S930 P3)

Platt, R. B., and Griffiths, J. F. *Environmental Measurement and Interpretation*. New York, Reinhold, 1964. 235 pages.

Rudd, Robert R. *Pesticides and the Living Landscape*. University of Wisconsin Press, 1964.

U.S. President's Task Force on the Preservation of Natural Beauty. Report. Washington, Government Printing Office, 1965. 28 pages. (QH77 U6A5)

Radiation Protection Norms. May 1963. Organization for Economic Cooperation and Development. OECD.

A report on natural beauty to the President, from the Secretary of Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Health, Education, and Welfare, Director, Office of Economic Opportunity, and the Administrator of the Housing and Home Finance Agency, October 1, 1965. Washington, Government Printing Office, 1965. 16 pages. (QH77 U6R4)

Report of the United Nation's Scientific Committee on the Effects of Atomic Radiation General Assembly. Official Records: 17th session. Supplement No. 16 (A/5216). 1962. United Nations, New York.

Resources for the Future. *Environmental Quality in a Growing Economy*. Essay from the Sixth RFF Forum, by Kenneth E. Boulding and others. Baltimore, Johns Hopkins Press. 1966. 173 pages. (HM206 R43)

Schnore, L. F. *Urban Scene: Human Ecology and Demography*. New York, Free Press, 1965. 374 pages.

Science and the City. 1967 HUD MP–39.

Stapledon, G. *Human Ecology*. London, Faber, 1964. 240 pages.

Teilhard de Chardin, P. *Man's Place in Nature; the Human Zoological Group*. Translated from the French by Rene Hague. London, Collins, 1966. 124 pages. (QH368 T4)

Urban Life and Health, chapter 3, in "Our Synthetic Environment" by Lewis Herver, 1962. Alfred A. Knopf, New York.

U.S. Department of the Interior. *America's Department of Natural Resources*. Washington, 1966. 46 pages.

———. *Quests for Quality*. Conservation yearbook of The Secretary's annual report for 1964. Washington, Government Printing Office, 1965. 96 pages.

Water Research. Edited by Allen V. Kuse and Stephen C. Smith. 1965. The Johns Hopkins Press.

Wilner, Daniel, et. al. *The Housing Environment and the Family Life*. A longitudinal study of the effects of housing on morbidity and mental health. 1962. Johns Hopkins University Press.

The Economics of Air Pollution. Edited by Harold Wolozin. 1966. W. W. Norton & Co., Inc., New York.

Appendix B—Environmental Legislation Introduced in the 90th Congress

The two problems—one with respect to national environmental (or resource) policy and the other regarding executive organization—have been the subjects of a large body of proposed legislation. In the 86th Congress, Senator James E. Murray proposed S. 2549 which called for the establishment of a Council of Resource and Conservation Advisers in the Office of the President. Similar or related bills have been introduced in subsequent Congresses. A partial list of bills introduced in the 90th Congress is given below:

SENATE

S. 843. Mr. Mondale and others. February 6, 1967. Government Operations. Full Opportunity and Social Accounting Act: Establishes a Council of Social Advisers, and directs it to compile and analyze social statistics, devise a system of social indicators, help develop program priorities, evaluate the effectiveness and impact of our efforts at all levels of government, and advise the President in the establishment of national social policies.

Requires the President to transmit to Congress an annual report on the state of the Nation's social health, specifying progress made, listing goals for the future and specifying policies for achieving these objectives.

Provides for a joint committee of Congress to review the President's annual report on the state of our social health, just as the Joint Economic Committee exercises oversight responsibility in economic matters.

S. 886. Mr. Moss and others. February 7, 1967. Government Operations. Department of Natural Resources Act: Redesignates the Department of the Interior as the Department of Natural Resources. Transfers various departments from the Department of the Interior and others to the Department of Natural Resources.

S. 1305. Mr. Allott and others. March 15, 1967. Labor and Public Welfare. Provides that the President shall transmit to the Congress by January 20, of each year, a report on science and technology which shall set forth (1) the existing major policies of both Federal and non-Federal research organizations, (2) the impact of major developments of science in the progress of such programs, (3) major goals of the Federal Government and of private research organizations, (4) financial information on the funding of science and research projects across the Nation, and (5) his recommendations for necessary legislation.

Establishes a Joint Committee on Science and Technology composed of eight Members of the Senate appointed by the President of the Senate and eight Members of the House, appointed by the Speaker, to assist the President by holding hearings and collecting relevant data, in the compilation of material for the report.

S. 1347. Mr. Javits. March 21, 1967. Labor and Public Welfare. Establish a 12-member Federal Council of Health within the Executive Office of the President, appointed by the President for 3-year terms to (1) make recommendations and continuous evaluation of policies and programs related to the Nation's health, including disaster planning, (2) initiate study and development measures designed to assure the provision of adequate health manpower, services, and facilities and to moderate the rising trend in the cost of medical care, and (3) to advise and consult with Federal departments and agencies, including the Budget Bureau, on policies and programs concerned with health services, manpower, and facilities.

S. 2789. Mr. Nelson. December 14, 1967. Interior and Insular Affairs. Authorizes the Secretary of the Interior to conduct a program of research, study and surveys, documentation and description of natural environmental systems of the United States for the purposes of understanding and evaluating the condition of these systems and to provide information to those concerned with natural resources management. Authorizes the establishment of an advisory committee.

S. 2805. Messrs. Jackson and Kuchel. December 15, 1967. Interior and Insular Affairs. Authorizes the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality. Establishes a Council on Environmental Quality.

S. 3031. Mr. Nelson. February 26, 1968. Public Works. Requires the President to make an annual environmental quality report to Congress and provides that the report set forth (1) the status and condition of the major natural, manmade, or altered environmental systems of the Nation, and (2) the current and foreseeable trends in management and utilization of such environments and the effect of those trends on the social, economic, and other requirements of the Nation.

Creates a five-member Council on Environmental Quality, members to be appointed by the President and by and with the advice and consent of the Senate, in the Executive Office of the President and directs it to oversee the program of the Federal, State, and local governments to (1) determine to what extent these activities are contributing to the achievement of environmental quality and (2) gather, analyze, and interpret conditions and trends in environmental quality.

Provides that the principal task of the Council be to develop within a 5-year period comprehensive national policies and programs to improve and maintain the quality of our environment.

S. Res. 68. Mr. Muskie and others. January 25, 1967. Government Operations. Provides for the establishment of a Select Committee on Technology and Human Environment.

HOUSE

H.R. 258. Mr. Bennett. January 10, 1967. Interior and Insular Affairs. Authorizes the Secretary of the Interior to conduct a program of research, study and surveys, documentation, and description of the natural environmental systems of the United States for the purposes of understanding and evaluating the condition of these systems and to provide information to those concerned with natural resources management. Authorizes the establishment of advisory committees.

H.R. 3753. Mr. Dingell. January 25, 1967. Government Operations. Consolidates water quality management and pollution control authorities and functions in the Secretary of the Interior who shall administer such functions through the Federal Water Pollution Control Administration.

H.R. 4480. Mr. Hathaway. February 1, 1967. Government Operations. Marine and Atmospheric Affairs Coordination Act: Establishes an Executive Department of Marine and Atmospheric Affairs headed by a Secretary appointed by the President with the advice and consent of the Senate. Provides for the appointment of an Under Secretary and three Assistant Secretaries in the same manner.

Transfers to the Department of Marine and Atmospheric Affairs the functions of the major Government agencies concerned with marine and atmospheric affairs.

Establishes as a function of the Department a new coordinating Office of Marine Geology and Mineral Resources.

Establishes a Joint Committee of Congress for Marine and Atmospheric Affairs to carry out the policies outlined in the act.

H.R. 4893. Mr. Moss. February 6, 1967. Government Operations. Consolidates water quality management and pollution control authorities and functions in the Secretary of the Interior who shall administer such functions through the Federal Water Pollution Control Administration.

H.R. 6698. Mr. Daddario. March 7, 1967. Science and Astronautics. Creates a five-member Technology Assessment Board whose members shall be appointed by the President.

Gives the Board the duty of (1) identifying the potentials of applied research and technology and promoting ways and means to accomplish their transfer into practical use, and (2) identifying the undesirable by-products of such research and technology, in advance, and informing the public of their potential in order to eliminate or minimize them.

Provides for a 12-member General Advisory Council to advise the Board, and provides that the Council members be appointed by the President.

H.R. 7796. Mr. Dingell. March 23, 1967. Interior and Insular Affairs; referred to Science and Astronautics, April 17, 1967. Directs the President to submit to Congress beginning June 30, 1968, an annual environmental quality report setting forth the status and condition of the major natural, manmade, or altered environmental classes of the Nation, with a view toward improving man's living conditions.

Creates a three-member Council on Environmental Quality, appointed by the President, to assist in the compilation, coordination, and preparation of environmental data for the report, together with its recommendations for development and improvement of the Nation's environment.

H.R. 8601. Mr. Blatnik. April 17, 1967. Interstate and Foreign Commerce. Provides for the establishment of regional airshed quality commissions and airshed quality regions when so requested by a Governor of one of two or more contiguous States, and when it is found that there is a threatening air pollution situation in such States, an adequate abatement program does not exist, and that action is necessary to protect the public health. Makes provisions for administration of the airshed quality regions and the commission's duties.

Creates a Federal Air Quality Improvement Administration to administer the provisions of this act and the Solid Waste Disposal Act. Provides that the head of this Administration be appointed by the Secretary of HEW, and provides for the appointment of an additional Assistant Secretary of HEW who shall assist the Secretary in supervising the Federal Air Quality Improvement Administration.

H.R. 10261. Mr. Ottinger. May 23, 1967. Government Operations. Establishes a Council of Social Advisers, and directs it to compile and analyze social statistics, devise a system of social indicators, help develop program priorities, evaluate the effectiveness and impact of our efforts at all levels of government, and advise the President in the establishment of national social policies.

Requires the President to transmit to Congress an annual report on the State of the Nation's social health, specifying progress made, listing goals for the future, and specifying policies for achieving these objectives.

Provides for a joint committee of Congress to review the President's annual report on the state of our social health, just as the Joint Economic Committee exercises oversight responsibility in economic matters.

H.R.13211. Mr. Tunney. September 28, 1967. Science and Astronautics. Creates in the Executive Office of the President a Council of Ecological Advisers composed of nine members to be appointed by the President by and with the advice and consent of the Senate. Directs the Council to study the national environment and national ecology of the Nation and report to the President. Grants it necessary powers.

H.R. 15614. Mr. Rosenthal. February 27, 1968. Government Operations. Establishes within the executive department a Department of Health to be headed by a Secretary of Health who should be appointed by the President by and with the advice and consent of the Senate. Provides for the appointment of five Assistant Secretaries and a General Counsel to be appointed by the President by and with the advice and consent of the Senate. Transfers to the new Department are the U.S. Public Health Service, the Vocational Rehabilitation Administration, and St. Elizabeths Hospital.

H. Con. Res. 307. Mr. St. Onge. April 6, 1967. Rules. Establishes a 10-member joint congressional committee to study all the problems involved in the extraordinary pollution of air and the navigable waters of the United States, including the Atlantic and Pacific Oceans and the Gulf of Mexico, by the extraction, manufacture, transportation, or storage of substances harmful to human, animal, or plant life.

H.J. Res. 1321. Mr. Ottinger. June 13, 1968. Judiciary. Amends the Constitution by adding a "conservation bill of rights" asserting the "right of the people to clean air, pure water, freedom from excessive and unnecessary noise, and the natural, scenic, historic and esthetic qualities of their environment."

APPENDIX C—FEDERAL ADMINISTRATION OF ENVIRONMENTAL PROGRAMS

The Federal offices, agencies and committees listed below contribute a substantial share of their time and operating effort to administration and study of environment-oriented programs.

1. FEDERAL AGENCIES

Department of Agriculture

Secretary

Under Secretary:
Agricultural Stabilization and Conservation Service.
Farmers Home Administration.
Rural Community Development Service.
Forest Service.
Soil Conservation Service.
International Agricultural Development Service.
Agricultural Stabilization and Conservation Service.
Agricultural Research Service.
Cooperative State Research Service.
Federal Extension Service.

Department of Commerce

Secretary

Under Secretary:
Assistant Secretary for Science and Technology.
Environmental Science Service Administration.
Environmental Data Service.
Weather Bureau.
Institutes for Environmental Research.
National Environmental Satellite Center.
Coast and Geodetic Survey.

Department of Defense

Secretary

Corps of Engineers.

Department of Health, Education, and Welfare[1]

Secretary

Under Secretary:
Public Health Service.
Office of the Surgeon General.
Bureau of Disease Prevention and Environmental Control.
National Institutes of Health.
National Center for Air Pollution Control.
National Center for Urban and Industrial Waste.
National Environmental Sciences Center.
Food and Drug Administration.

Department of Housing and Urban Development

Secretary

Under Secretary:
Assistant Secretary for Metropolitan Development.
Deputy Assistant Secretary:
Land and Facilities Development Administration.
Urban Transportation Administration.
Office of Planning Standards and Coordination.

Department of the Interior

Secretary

Under Secretary:
Office of the Science Adviser.
Office of Ecology.
Office of Water Resources Research.
Assistant Secretary:
Fish and Wildlife and Parks.
Commissioner of Fish and Wildlife.
Bureau of Commercial Fisheries.
Bureau of Sport Fisheries and Wildlife.
National Park Service.
Assistant Secretary of Mineral Resources:
Office of Oil and Gas.
Office of Mineral and Solid Fuels.
Office of Coal Research.
Bureau of Mines.
Geological Survey.
Assistant Secretary of Public Land Management:
Bureau of Indian Affairs.
Bureau of Land Management.
Bureau of Outdoor Recreation.
Assistant Secretary of Water and Power Development:
Bureau of Reclamation.
Bonneville Power Administration.
Southeastern Power Administration.
Southwestern Power Administration.
Assistant Secretary of Water Pollution Control:
Office of Saline Water.
Federal Water Pollution Control Administration.

Department of Justice

The Attorney General

The Deputy Attorney General.
Land and Natural Resources Division.

Department of State

International Boundary and Water Commission—United States and Mexico.
International Scientific and Technical Affairs.
Agency for International Development.
International Joint Commission—United States and Canada.

Department of Transportation

Secretary

Under Secretary:
Transportation Policy Council.
Federal Aviation Administration.
Federal Highway Administration.
Federal Railroad Administration:
Office of High Speed Ground Transportation.
Coast Guard.

Executive Office of the President

The President

Bureau of the Budget.
Council of Economic Advisers.
Federal Committee on the Economic Impact of Pollution Abatement.
Office of Science and Technology:
President's Science Advisory Committee:
Panel on the Environment.

---

[1] Currently reorganizing.

Federal Council for Science and Technology:

Committee on Environmental Quality.

Committee on Water Resources Research.

President's Council on Recreation and Natural Beauty.

National Council on Marine Resources and Engineering Development.

Independent agencies

Atomic Energy Commission.

Civil Aeronautics Board.

Federal Power Commission.

National Aeronautics and Space Administration.

National Science Foundation.

Tennessee Valley Authority.

Water Resources Council.

Appalachian Regional Commission.

Delaware River Basin Commission.

Smithsonian Institution.

2. QUASIGOVERNMENTAL BODIES

National Academy of Sciences-National Academy of Engineering-National Research Council:

Environmental Studies Board: Oversees all environmental quality studies of the NAS, NAE, and NRC. Provides a forum for development and exchange of new ideas and their application to environmental problems.

Committee on Persistent Pesticides.

Committee on Resources and Man.

Committee on Agricultural Land Use and Wildlife Resources.

U.S. National Committee for the International Biological Program.

Agricultural Board.

Committee on Solid Wastes Management.

Committee on Air Pollution.

Committee on Water Quality Management.

Committee on Remote Sensing of the Environment.

Committee Advisory to the Environmental Science Services Administration.

Committee for the Development of Criteria for Nonrail Transit Vehicles.

Committee on Environmental Physiology.

Committee on Water.

Advisory Committee to the Federal Radiation Council.

Building Research Advisory Board.

Committee on SST-Sonic Boom.

Committee on Ocean Engineering.

Committee on Geography.

Committee on Toxicology and the Advisory Center on Toxicology.

Committee on Hazardous Materials.

Ad Hoc Committee on Human Factors in Environmental Change.

Committee on Urban Technology and Committee on Social and Behavioral Urban Research.

Highway Research Board.

Committee on Hearing, Bioacoustics, and Biomechanics.

3. INTERAGENCY COMMITTEES

Source: Federal Council on Science and Technology:

Interdepartmental Committee for Atmospheric Sciences.

Committee on Environmental Quality.

Committee on Scientific and Technical Information.

Committee on Solid Earth Sciences.

Committee on Water Resources Research.

Interagency Committee on Meteorological Services and Interagency Committee on Applied Meteorological Research.

Federal Committee on Pest Control.

Armed Forces Pest Control Board.

Interagency Aircraft Noise Abatement Advisory Committee.

Federal Advisory Committee on Water Data.

Interagency Committee on Coordination of Sewer and Water Programs.

Steering Committee: United States-German Cooperative Program in Natural Resources, Pollution Control and Urban Development.

Congressional White Paper on a National Policy for the Environment

PART I. ASPECTS OF ENVIRONMENTAL MANAGEMENT

The colloquium[1] focused on the evolving task the Congress faces in finding more adequate means to manage the quality of the American environment.

In the recent past, a good deal of public interest in the environment has shifted from its preoccupation with the extraction of natural resources to the more compelling problems of deterioration in natural systems of air, land, and water. The essential policy issue of conflicting demands has become well recognized.

Several social attitudes have become the action force in the movement for improved environmental policies and programs. One is the desire for esthetically attractive surroundings. Another is the recognition of the folly of excessive population densities. Still another is the mounting irritation, disgust, and discomfort (aside from actual economic loss) resulting from such anomalies as smoggy air and polluted streams and seashores.

The broad public interest in the natural environment was succinctly defined by a report of the National Academy of Sciences thus:

"We live in a period of social and technological revolution in which man's ability to manipulate the processes of nature for his own economic and social purposes is increasing at a rate which his forebears would find frightening * * * there is a continuing worldwide movement of population to the cities. The patterns of society are being rapidly rearranged, and new sets of aspirations, new evaluations of what constitutes a resource, and new requirements in both types and quantity of resources are resulting. The effects on man himself of the changes he has wrought in the balance of great natural forces * * * are but dimly perceived and not at all well understood. * * * It is evident that the more rapid the tempo of change is becoming, the more sensitive the whole system of resource supply must become in order to cope with the greater rapidity and severity with which inconsistencies, conflicts, and stress from independent innovations will arise. * * * If divergent lines of progress are seen to give rise to ever-greater stresses and strains too fast to be resolved after they have risen and been perceived, then obviously the intelligent and rational thing to do is to learn to anticipate those untoward developments before they arise."[2]

The statements of participants in the colloquium itself are evidence that the issues of the human environment are important to a broad segment of society.

"Mr. Rockefeller. * * * there is a strong and deep seated concern among the American people for a better environment. The quality of our surroundings is emerging as a major national social goal (p. 4).[3]

"Secretary Udall. One of the things that I take the most encouragement from is simply the growth of sentiment in the Congress, the number of conservationist Congressmen, the number of organizations, however they define themselves, that are interested in the city problem, that are interested in the total environment problem * * * (p. 62)."

The long-term quality of the environment is seen to be dependent on today's decisions. The means of relating the present to the future is not clear, however.

"Secretary Udall. The real wealth of the country is the environment in the long run. We must reject any approach which inflates the value of today's satisfactions and heavily discounts tomorrow's resources (p. 14).

"Mr. Rockefeller. * * * we have not set down in clear terms what our goals are for the long-run future (p. 5)."

If America is to create a carefully designed, healthful, and balanced environment, we must (1) find equitable ways of charging for environmental abuses within the traditional free-market economy; (2) obtain adequate ecological guidance on the character and impact of environmental change; (3) where corporate resource development does not preserve environmental values, then consider the extension of governmental controls in the larger public interest; (4) coordinate the Government agency activities, which share with industry the dominant influence in shaping our environment; and (5) establish judicial procedures so that the individual rights to a productive and high-quality environment can be assured.

These and other aspects of environmental management—discussed at the Colloquium and submitted in the form of letters or reports for inclusion in the record—are briefly highlighted below.

A. Relationships Among Population Growth, Enviromental Deterioration, and the Quality of Life

In an exchange of views on this subject, Secretary Robert Weaver (HUD) pointed out that by 1980 there will be almost 240 million and by the year 2000 about 312 million people in the 48 contiguous States and the District of Columbia, if present projects are borne out. Secretary Stewart Udall (DI) argued that a reasonable adjustment between population growth and our finite resources is required for sound environmental management, while Assistant Secretary Philip Lee (DHEW) contended that we do not presently have the kind of information to determine what the ideal population for this country would be, Dr. David Gates submitted the following observations in the worldwide context:

"It is clear that all segments of the world—all soils, waters, woods, mountains, plains, oceans, and ice-covered continents—will be occupied and used by man. Not a single solitary piece of landscape will go untouched in the future and in fact not be used repeatedly for as long as man survives. Everything between soil and sky will be moved about, redistributed and degraded as man continues to exploit the surface of the planet. * * * The population will grow until it reaches some equilibrium level. * * * An alternate ultimate destiny is for an earth of half-starved, depressed billions gasping for air, depleted of eutropic water, struggling to avoid the constant presence of one another and in essence continuing life at a degraded subsistence level limited in numbers not by conscience but by consequence. A third possibility exists which is to maintain a reasonable quality for life by means of population control, rational management of ecosystems, and constructive exploitation of resources. * * * (p. 174)."

The issue of high population densities as a source of growing stresses in our society, with profound effects on health and safety, raised a number of comments. Senator Henry Jackson observed that the apparent cause-and-effect relation of congestion and violence should be a consideration in arriving at any decisions concerning what constitutes an optimum population density.

Dr. Paul Weiss submitted the following caveat:

---

[1] Joint House-Senate Colloquium to Discuss a National Policy for the Environment. Hearings before the Committee on Interior and Insular Affairs, U.S. Senate, and the Committee on Science and Astronautics, U.S. House of Representatives, 90th Cong., 2d sess., July 17, 1968.

[2] NAS–NRC Publications 1000 and 1000A (1962).

[3] Page nos. in parentheses following quotations refer to the hearing transcript, op. cit.

"A stress free environment offering maximum comfort and minimum challenge is not only not optimal but is detrimental. To be exposed to moderate stress is a means of keeping the human faculty for adapting to stress * * * lacking the opportunity for such exercise, man loses that faculty and becomes a potential victim of an unforeseen, but inevitable, stressful occurrences. The optimum environment consists of a broad band of conditions bounded by an upper limit far short of the stress limit and by a lower limit considerably above the ideal zone of zero stress. Within those margins of reasonable safety or tolerance, man must navigate his own responsibility (p. 224)."

Senator Clifford Hansen suggested that the Federal Government might well consider programs which would provide incentives and opportunities leading to a wider and more balanced dispersal of our people. Assistant Secretary John Baker (USDA) agreed and proposed the creation of new community centers as a matter of national environmental policy. Secretary Weaver commented that any Government policy which has to do with such dispersal must be based on the democratic principle of free choice—including for all of our people the alternatives of living in existing large population centers, suburbia, or new towns.

B. Broadening the scope of cost accounting

Narrow utilitarian views governing the use of environmental resources were cited as the root of many conflicts and a major barrier to sound environmental management.

"Dr. Donald Hornig. In my view national policy must recognize the very wide array of appropriate and necessary uses of air and water and land. It would recognize, too, the existence of a number of beneficial but noncompatible uses, and make provision for resolving these conflicts. It should result in an environment that is safe, healthful, and attractive and that is economically and biologically productive, yet that provides for sufficient variety to meet the differing requirements and tests of man (p. 31)."

Congressman Emilio Q. Daddario questioned whether the industrial objective of immediate profit can be made compatible with long-term environmental management objectives. Congressman Joseph Karth observed that the self-interests of some organizations do not coincide with the public interest. Secretary Wilbur Cohen (DHEW) commented that environmental controls may be costly in the short run, but in the long run they are a bargain both for industry and the public it serves: "What we are really seeking is an enlightened self-interest that industry and commerce have often exhibited."

Dr. Lynton K. Caldwell contended that the social costs of environmental management should not be an undue burden on the business community if all competitors carry it alike:

"Scientific knowledge and rising levels of amenity standards have added to public expectation that protection against environmental change will be built into the products and production costs of manufactures (p. 99)."

The point at which compromise among conflicting uses is reached furnishes one test of adequacy of policy.

"Mr. Rockefeller. * * *

"If you take a black and white approach, you are never going to resolve it. You have a lot of hostility and you don't represent the public constructively (p. 63.)"

C. The role of ecology

Ecologists dedicated to the study of man-environment relationships were urged to show a greater willingness to engage with industry in what was termed "ecological engineering." However, Dr. Dillon Ripley argued that this subject involves a kind of ecological study which is still in the formative stage:

"I think it may take a generation perhaps to achieve even the beginnings of the kind of training, the kind of production of original minds and talents that will be able to perform the sorts of—studies—which we stress the urgency of (p. 75)."

By contrast, several participants contended that the science of ecology has already established a number of basic principles, or propositions, which could guide the attitudes and actions of both industry and government toward the environment. The following examples are paraphrased from submissions by Dr. Paul Weiss:

"(i) Organic nature is such a complex, dynamic, and interacting, balanced and interrelated system that change in one component entails change in the rest of the system. Isolated analytical study of separate components cannot yield desired insight. To find solutions to separate problems of hydrology, waste disposal, soil depletion, pest control, et cetera, is not adequate to achieve the optimization of environmental resources generally. All factors and their cohesive impact on each other need to be simultaneously considered.

"(ii) The significance or insignificance of mixtures of components and environmental conditions cannot be judged from sheer data on bulk or averages. This fallacy is a pitfall ignored today by some planners, developers, builders, and other practicing manipulators of the environment. Our tendency to maximize a specific change or result too often sacrifices other interrelated parts without optimizing the total result.

"(iii) Similarly, the concept of single, rigid, linear cause-to-effect chains of natural events has given rise to organically unreal and practically untenable conclusions. More attention should be given to the network type of causal relations in an integrated system that establishes a multiplicity of alternative routes to such a goal of optimizing the development of environmental resources."

Commenting on the complexity of the total systems approach, Mr. Don Price stated:

"I am left with the vaguely uneasy feeling that if we see the continuous complex here as one set of interconnecting realities that have to be understood as a total system, we may be broadening our interest so much that it's impossible to act on it at all (p. 64).

"Dr. Hornig. It is a great thing to talk about systems analysis, but the trouble with that is that you have to put in some facts. And, if you do the analysis when the facts aren't available, you are in trouble.

"* * * it needs a basis in sound research that understands, that gives us clear understanding of what the nature of these long-term liabilities are (p. 51)."

D. Redirecting research activities

In addition to increased ecological research, the colloquium touched on the need for the entire scientific community to direct a greater share of its total effort to long-term environmental problems. Mr. Laurance Rockefeller argued that we have not yet fully harnessed this Nation's vast technological talent in the effort for a better environment. Dr. Walter Orr Roberts pointed out that cross-disciplinary research on environmental problems offers the utmost challenge from the intellectual standpoint, and also cited the following as an example of neglected research:

"Only modest efforts have been made to mount a sustained research program on the medical effects involved in the slowly developing health impairments, like aging, that result from low-level but long-persistent alterations of the atmospheric environment. Subtle alterations of the chemical constitution of the atmosphere, through pollutants added in the form of trace gases, liquids, or solids, result from industrial activity or urbanization. This is an area of biometeorology that has significance in every living person, and yet we have not yet seen even the first beginnings of an adequately sustained research effort in this area (p. 216)."

Future values are difficult to judge, particularly when they include non-economic aspects of environmental quality. Social science research and ecology were singled out for increased support.

"Dr. Hornig. One of the central problems in weighing the future against the present is that we don't know about the future. The reason we can't muster political forces and the reason we can't make decisions is that for the most part the information is not there (p. 51)."

The establishment of criteria for judgment is a primary task of environment management.

"Secretary Weaver. There are too many things we do not know, basic matters such as how we define quality in the urban environment, how we measure it, and how we strike a balance among competing values (p. 19)."

"Mr. Price. There has been a lot of talk lately about social indicators out of a conviction that narrow economic statistical consideration are not an adequate guide to economic policy, and here we are talking about a field in which it is not enough to know about the chemical industry and the biology (p. 67)."

Technology was seen to be the savior as well as the villain in many environmental quality problems.

"Mr. Price. There is a tactic or an approach which has received a good bit of attention recently in technological and scientific literature. Mr. Weinberg, I think, called it the technological fix (p. 66).

"It is obviously true that the development of the specific techniques has proved to be not only the basis of our accumulation of wealth which now makes it possible for us to ask these more sophisticated questions about our environment, to have very much higher standards of environmental control to insist on (p. 68)."

E. International aspects of environmental alteration

The urgent necessity of taking into account major environmental influences of foreign economic assistance and other international developments was underscored by Mr. Russell Train.

Dr. Ivan Bennett commented that the Federal Government is now participating, through the Organization for Economic Cooperation and Development, in a series of cooperative programs that will encourage the exchange of environmental information.

Senator Henry Jackson recalled President Johnson's remarks at Glassboro State College on June 4 in which he said:

"Scientists from this country and the Soviet Union and from 50 other countries have already begun an international biological program to enrich our understanding of man and his environment. I propose that we make this effort a permanent concern of our nations (p. 83)."

Dr. Roberts questioned whether these and similar ongoing cooperative efforts were fully adequate, and proposed that a broader international scheme of cooperative "bench mark" observations be made. As an example he described the neglected area of stratospheric contamination:

"It is now very difficult for us to say anything quantitative or certain about the degree to which the atmosphere above New York City, or Zurich, Switzerland, or the rural regions of the United States, Europe, and Siberia has been changing in respect to the burden of liquid or solid wastes that jet aircraft carry. I have seen many occasions when the skies over my home city of Boulder, Colo., are crisscrossed with expanding jet airplane contrails. Often these grow, in hours, to a general cirrus cover that blankets the entire sky. On these days it is eminently clear that the jet exhausts are stimulating the formation of a cloud deck. Theory suggests that these clouds, in turn, almost certainly modify the strength of incoming sunlight, and the degree to which outgoing infrared radiation is permitted to escape from the earth to outer space. No one can say for sure, today, to what degree, if any, this alters the weather (p. 217)."

Dr. Ripley summarized the feeling of the colloquium:

"* * * to speak about environmental quality without at least referring to the fact of the international components and consequences of even our activity as Americans and considering our own acreage and our own problems with the environment, appears to me to be somewhat shortsighted (p. 74)."

Senator Edmund Muskie argued that existing conservation policies deal too heavily with the permitted levels of resource exploitation at the expense of the equally important objective of enhancing these same resources.

To overcome this difficulty, Mr. Don Price suggested that countervailing policies might be established which would encourage and even make it profitable for private developers not to pollute, but actually upgrade the quality of our environment through the development of new resource-processing methods.

Assistant Secretary Lee mentioned that in the public health area a great deal of consideration has been devoted to the subtle health effects of many pollutants, but that the management problem of setting standards is made all the more difficult by the constantly changing character of chemicals being added to the environment. As part of the standard setting process, he proposed that it may eventually be necessary to require industries

"* * * to demonstrate a positive beneficial effect, or an enhancement of the environment as suggested by Senator Muskie, rather than just an absence of deleterious effect (p. 71)."

Dr. Harvey Brooks argued that we could easily move too far and

"* * * place a presumption so much against new technology that in fact the disincentives to innovation would create more penalties to the society than the protection to the environment that might be afforded (p. 71)."

Standards which are derived from criteria should not be absolute and unchanging, thereby compounding further the difficulties in the management decisionmaking process.

"Dr. Hornig. * * * the minute one sets standards—standards which cost people money—the question immediately comes: what is the basis for these standards? If they don't have a strong credible basis, not only to the Congress, but to the public, we can't enforce the standards (p. 51).

"Mr. Price. How do we set standards? How do we know what we want to do until we can define more accurately our problems and develop some better measurements for it? (p. 67).

"It gets especially harder when you move away from the physical or the chemical pollution and you get into the esthetic type of consideration (p. 67).

"Mr. Train. * * * I'm suspicious of talk of absolute standards. I think that there must be a great deal of diversity in whatever we get at (p. 81).

"Senator Muskie. We ought to avoid the straitjacket of Federal standards * * * (p. 44)."

F. The goals of enhancement and recycling

The American landscape is under extraordinary pressure from man-made refuse and other discarded material. Secretary Udall singled out the empty metal beer can as an example:

"Science should come up with containers that readily degrade, disappear, or are made reusable. If we work hard at it, the expense won't be any burden and we won't foist on our grandchildren a mess of some kind as we do so frequently today (p. 50)."

Dr. Gates suggested that the solution to this ubiquitous problem rests in the analogy between natural and human recycling of resources.

"A natural ecosystem recycles its mineral resources. The minerals are taken up into the biomass and on death and decay are returned to the soil. Man leaves his debris of automobiles, cans, bottles, plastics, chemicals, and pavement scattered about the landscape and lets his organic refuse of garbage and sewage be funneled into the rivers and streams to be washed to sea.

"He does not return the used minerals to the factory for reprocessing or the nutrients to the soil, but draws on new concentrated supplies available in nature. Clearly, such a way of life cannot continue indefinitely. Recycling will never achieve 100-percent efficiency; but if it can reach much greater efficiencies than at present, man's lifespan on earth will be much longer (p. 176)."

G. New approaches in Government

Senator Henry Jackson argued that new approaches to environmental management are now required, and urged the Colloquium to provide thoughts on the possible "action-forcing" processes that could be put into operation.

Secretary Udall pointed out the difficulty of reorganizing the executive branch on a strictly environmental basis:

"Let no one suppose there is any organizational panacea for dealing with environmental problems at the Federal level * * *. To combine all programs affecting the environment in one department would obviously be physically impossible.

"Each agency should designate responsible officials and establish environmental checkpoints to be sure they have properly assessed this impact.

"Whether or not new institutional arrangements are accepted, the Bureau of the Budget and the Office of Science and Technology must play a central role in collecting facts, anticipating impacts and providing an early warning system for environmental protection (p. 18)."

Secretary Cohen outlined existing patterns of agency leadership:

"In certain discrete, well-defined areas activities have been organized under the 'lead agency' concept * * *. The second pattern involves multiple rather than single agency leadership, primarily because it must accommodate a variety of interests, no one of which takes precedence (p. 38)."

Dr. Donald Hornig stressed the power of the Presidency to coordinate and translate policy into action:

"The principle, the authority for oversight and coordination—and in fact, Executive responsibility for management—is vested in the President; it is exercised through the Executive Office of the President, particularly by the Office of Science and Technology and the Bureau of the Budget in this respect. We have been working very hard on this problem of coordination, and we have made much progress. But, if our efforts turn out to be insufficient, further steps will surely be necessary and new organizational forms may be needed in the Executive Office (p. 32)."

Assistant Secretary Baker related early experiences of the USDA with the systems approach:

"We [Agriculture] are developing a Department-wide systems analysis capability for evaluating and interpreting the on-going programs. * * * We seek to organize our efforts in ways that will make them compatible with efforts that may be undertaken by other agencies (p. 26)."

Secretary Weaver warned of the difficulties in obtaining a regional or "problem-shed" management of environmental quality:

"There is a serious problem of stubborn resistance to change in our political institutions. This is true at the local and State level, where the term 'metropolitan government' is a spark to the tinder, and where needed cooperation among neighboring local governments is sometimes resisted for fear it will lead to metropolitan government * * *. This means that at the Federal level, we should and we have helped create institutions for metropolitan subsystems that can handle problems affecting the environment of whole areas (pp. 20 and 21)."

Mr. Laurance Rockefeller stressed the value of a commission comprising legislative, executive, and private sector members:

"I suggest to you that an effective means of proceeding might be a Commission on Environmental Policy Organization.

"It may be that this tack can be done by some entity less formal than a Commission. The Citizens Advisory Committee on Recreation and Natural Beauty plans to make the environment subject one of its major interests during the coming year.

"The Committee is, of course, directed to make its recommendations to the President and the President's Council on Recreation and Natural Beauty. (pp. 6 and 7.)"

The Congress was discussed in terms of its own organizational confusion in treating environmental issues.

"Mr. Rockefeller. The layman is confused by the organization of Congress in the environmental field. (p. 6.)

"Secretary Udall. There is still a lack of overview. (P. 13.) * * * I think Congress ought to be much less bashful about spending more money on strengthening its staff so it can provide the kind of oversight that is needed. (p. 54.)

"Secretary Cohen. We recommend that the Congress examine its own organization in order to improve its ability to deal in a comprehensive and coordinated manner with the total problem of environmental quality. (p. 40.)

"Senator Allott. * * * Congress has abrogated its responsibilities to a great extent with respect to legislative oversight. (p. 54.)

"Mr. Price. Congress too might have an eye to its own organization in these matters: How far it would be possible to go on from this kind of occasional informal exchange of views toward either special nonlegislative committees like the Joint Committee on the Economic Report, perhaps in conjunction with some development within the President's Office; how far pieces of jurisdiction could be carved out for legislative committees; how far the burden of coordination could be forced on the Appropriations Committee * * * (p. 69.)"

PART II. ALTERNATIVES FOR CONGRESSIONAL ACTION

An impressive number and variety of legislative proposals for improving the quality of our environment have been set before the 90th Congress (see appendix). Support for action has come from diverse segments of American society: from the scientific community, from business, and from public affairs groups.

The Congress should move ahead to define clearly the desires of the American people in operational terms that the President, government agencies at all levels, the courts, private enterprise, and the public can consider and act upon.

The ultimate responsibility for protecting the human-serving values of our environment rests jointly with the legislative, executive, and judicial branches of our Government. The Congress, as a full partner, has the obligation to provide comprehensive oversight of all environment-affecting programs of the executive branch, and also to participate in the overall design of national policy, thus serving both as architect of environmental management strategy and as the elaborator of goals and principles for guiding future legal actions.

Under the present organization of the Congress, varying aspects of environmental management (including air and water pollution control, strip mine reclamation, outdoor recreation, housing and space planning in urban areas, highway construction, atmospheric research, oceanography, and rural conservation) are committed to different committees. While there has been a steady expansion of independent committee interest in specific environmental problems, the Congress so far has not evaluated this field in its entirety with a view toward evolving a coherent and unified policy for national environmental management.

It should be recognized that the declaration of a national environmental policy will not alone better or enhance the total man-environment relationship. The present problem is not simply the lack of a policy. It also involves the need to rationalize and coordinate existing policies, and to provide the means by which they may be reviewed continuously, made consistent with other national policies and ranked in reasonable priority.

The proper development of such a far-reaching body of policy raises many difficult organizational, economic and legal problems. Some individuals who were present at the July 17 colloquium suggested that a congressional mandate on the subject of environment, which would necessarily encompass a very wide range of problems and issues, would be impractical and ineffective. Yet others pointed out that equally broad mandates and satisfactory organizing concepts for managing our economic welfare and for guiding the development of atomic energy have been tested over a period of years, with effective machinery now operating both in the executive and legislative branches to evaluate the extent to which national goals and activities in these fields are meeting public expectations and needs.

In any event, to those involved in the colloquium and recent hearings on this subject, it is clear that two functions must be served: coordination and information gathering. Environmental problems cut across so many existing operational organizations that coordination in both the executive and legislative branches must be improved. Further, an effective channel of information exchange and overview must exist between the Congress and the administration. If, for example, an environmental council were established in the Executive Office of the President, as has been proposed, it should be complemented with a corresponding joint congressional committee for purposes of efficient and continued interaction.

The acquisition and evaluation of information specifically for the Congress must be improved. Raw facts and data from ecological and economic studies must be interpreted to be useful in the legislative process. This function should be performed in an organization reporting directly to the Congress; for example, a strong joint committee staff or an expanded Legislative Reference Service environmental unit.

Congress (regardless of present or future executive branch approaches) may exert a meaningful influence on the formulation of national environmental policy by embarking on one or a combination of the following steps: [1]

A. A *concurrent resolution* could be introduced declaring the strong interest of the Congress in establishing national environmental policy.

This would represent a firm expression of concern on the part of the Congress about environmental deterioration, but would not be a direct confrontation with the task of defining national policy. The resolution might urge the creation of an appropriate body to investigate all matters relating to environmental management; to analyze the means and methods whereby the organization, administration, and funding of government programs affecting the environment may be improved; and, to determine the ways whereby nongovernmental entities could be encouraged to participate in overcoming further deterioration of the environment in the national interest. Hearings on the resolution could provide a forum for a wide range of opinion.

B. A *joint resolution* calling for an amendment to the Constitution on the subject of environmental values could be introduced.

This would require approval by two-thirds of the Congress and ratification by three-fourths of the States. The amending process is both slow and cumbersome. Moreover, acceptance would require a tremendous groundswell of support. However, a proposed amendment would generate wide discussion and involve the State legislatures which are vitally important in achieving environmental quality goals. The advantage of constitutional amendments lies in the unanimity of national commitment. Such an amendment for the environment could place expanded emphasis on the judicial process as an instrument of controlling future abuse of environmental values.

C. A *joint committee or committees on environmental management* could be established to provide across-the-board oversight on Federal programs, to conduct studies with the assistance of professional staff, and to recommend legislation. Alternatively, select or permanent committees could be established in each House.

Such committees could draw membership from existing legislative committees involved with environmental matters, and perhaps focus primarily on the review of policy and coordination matters dealt with by such groups as the Office of Science and Technology, Water Resources Council, the Council on Recreation and Natural Beauty, and various interagency coordinating committees.

D. A new *environmental surveillance unit* to conduct research and information-gathering services for the Congress could be organized.

In the past, Congress has shown reluctance to add new appendages of this sort to the legislative branch. An alternative might be an expansion of the functions of the General Accounting Office to make continuing studies of environmental conflicts and to prepare appropriate reports for transmittal to the Congress. New staff positions and additional funding would be required.

E. The Congress could establish a *nongovernmental task force* to carry out in its belief a special study of environmental policy needs.

Such a task force could engage the services of private research organizations and draw its membership from the finest talent available in the academic community. The task force could be administered directly by the Congress or made the responsibility of some arm of the Congress such as the Legislative Reference Service, Library of Congress, which has the authority to employ experts on short-term assignments.

F. A temporary *environment management council* could be organized.

Such a council might be similar in organization and operation to the National Council on Marine Resources and Engineering Development. Its purposes could be to identify all unmet needs and opportunities in the environmental field, to study impediments to sound environmental management, conflicts of interest and gaps in existing agency and congressional activities, and to develop recommendations for legislative action within a specified period of years.

The Congress would retain an overview of the council and would control the budget for its operation. Establishment of a policy planning group in the Executive Office of the President forces the generation of proposals to the Congress. A receiving committee should be set up to correspond to this Council, similar to the Joint Economics Committee and the Council of Economic Advisers.

G. A governmental *commission* could be established for the same purposes.

The commission could be composed entirely of Congressmen, perhaps the chairman of key committees which deal with environmental matters. Or it could be a Joint Commission including representation from the executive branch and the public at large. A third type would be a Presidential Commission with members chosen at the discretion of the Chief Executive. Through a combination of studies and hearings, the Commission could be asked to produce a blueprint for legislative action in the environmental field.

H. The *Legislative Reference Service* could be directed to add a central research and evaluation on environmental matters.

A precedent is the establishment of the Science Policy Research Division in 1964.

I. An *environmental counselor* could be placed on the staff of each appropriate standing committee of the Congress.

The purpose would be to increase the technical staff available for committee work. Each counselor could be given the permanent responsibility of advising the committee to which he was assigned on the probable environmental impact of all pending legislation.

PART III. ELEMENTS OF A NATIONAL POLICY FOR THE ENVIRONMENT

The following language is suggested for a statement of policy, and reflects primarily the proposed position and attitude of the Federal Government, but also could be used for the guidance of State and local governments, private sector industry and commerce, and individual actions. Activities and relationships which involve man and the physical environment (as contrasted with purely person-to-person or person-to-institution relationships) are the subject of this statement.

It is the policy of the United States that:

Environmental quality and productivity

---

[1] This white paper deals with action alternatives for the Congress. Obviously the spectrum of organizational and administrative alternatives for policy in the executive branch is equally important. These range from definition of rights with court defense, to regulation by Federal agency, to standard setting, to incentives for voluntary conformance, to subsidy of technology for restoration and maintenance.

shall be considered in a worldwide context, extending in time from the present to the long-term future.

Purposeful, intelligent management to recognize and accommodate the conflicting uses of the environment shall be a national responsibility.

Information required for systematic management shall be provided in a complete and timely manner.

Education shall develop a basis of individual citizen understanding and appreciation of environmental relationships and participation in decisionmaking on these issues.

Science and technology shall provide management with increased options and capabilities for enhanced productivity and constructive use of the environment.

The requirement to maintain and enhance long-term productivity and quality of the environment takes precedence over local, short-term usage. This policy recognizes the responsibility to future generations of those presently controlling the development of natural resources and the modification of the living landscape. Although the influence of the U.S. policy will be limited outside of its own borders, the global character of ecological relationships must be the guide for domestic activities. Ecological considerations should be infused into all international relations.

World population and food production must be brought into a controlled balance consistent with a long-term future continuation of a satisfactory standard of living for all.

Energy must be allocated equitably between production and the restoration, maintenance, and enhancement of the environment. Research should focus on solar energy and fusion energy for the long term, and on energy conversion processes with minimum environmental degradation for the short term.

In meeting the objectives of environmental management, it will be necessary to seek the constructive compromise, and resolutely preserve future options.

Priorities and choices among alternatives in environmental manipulation must therefore be planned and managed at the highest level of our political system. All levels of government must require developments within their purview to be in harmony with environmental quality objectives.

Alteration and use of the environment must be planned and controlled rather than left to arbitrary decision. Alternatives must be actively generated and widely discussed. Technological development, introduction of new factors affecting the environment, and modifications of the landscape must be planned to maintain the diversity of plants and animals. Furthermore, such activities should proceed only after an ecological analysis and projection of probable effects. Irreversible or difficultly reversible changes should be accepted only after the most thorough study.

The system of free enterprise democracy must integrate long-term public interests with private economic prosperity. A full range of incentives, inducements, and regulations must be used to link the public interests to the marketplace in an equitable and effective manner.

Manufacturing, processing, and use of natural resources must approach the goal of total recycle to minimize waste control and to sustain materials availability. Renewable resources of air and water must be maintained and enhanced in quality for continued use.

A broad base of technologic, economic, and ecologic information will be necessary. The benefits of preventing quality and productivity deterioration of the environment are not always measurable in the marketplace. Ways must be found to add to cost-benefit analyses nonquantifiable, subjective values for environmental amenities (which cannot be measured in conventional economic terms).

Wherever the maintenance of environmental productivity or the prevention of environmental deterioration cannot be made economical for the private sector, government must find appropriate means of cost-sharing.

Ecological knowledge (data and theories) must be greatly expanded and organized for use in management decisions. Criteria must be established which relate cause and effect in conditions of the environment.

Indicators for all aspects of environmental productivity and quality must be developed and continuously measured to provide a feedback to management. In particular, the environmental amenities (recreational, esthetic, psychic) must be evaluated. Social sciences must be supported to provide relevant and dependable interpretation of information for environmental management.

Standards of quality must not be absolute—rather, they should be chosen after balancing all criteria against the total demands of society. Standards will vary with locality, must be adjusted from time to time, and we must develop our capabilities accordingly.

Decisions to make new technological applications must include consideration of unintended, unanticipated, and unwanted consequences. Technology should be directed to ameliorating these effects so that the benefits of applied science are retained.

Public awareness of environmental quality relationships to human welfare must be increased. Education at all levels should include an appreciation of mankind's harmony with the environment. A literacy as to environmental matters must be built up in the public mind. The ultimate responsibility for improved maintenance and control of the environment rests with the individual citizen.

APPENDIX—SELECTED ISSUES AND REPRESENTATIVE LEGISLATION INTRODUCED IN THE 90TH CONGRESS

Senate

The bills are grouped as to committee referral. Nineteen committees and over 120 members are represented.

[Bill number and introduced by]

Committee on Agriculture and Forestry

Resource and development projects for fish and wildlife, S. 852, Mr. McCarthy.

Pesticides: Sale and shipment of DDT prohibited, S. 1025, Mr. Nelson.

Federal Pesticide Control Act, S. 2058, Mr. Ribicoff.

Committee on Commerce

Tanker Disaster Act, S. 1586, Mr. Magnuson et al.

Alewife control preventing damage to the ecology, S. 2123, Mr. Nelson.

Endangered Species Act, S. 2984, Mr. Yarborough.

Committee on Finance

Tax treatment of damages for crop injury through pollution, S. 84, Mr. Holland.

Incentive tax credits applicable to air or water pollution control and abatement facilities. Similar bills introduced by Senators Carlson, Cooper, and Ribicoff, S. 187, Mr. Smathers.

Committee on Foreign Relations

Endorsement of International Biological Program, S. Con. Res. 26, Mr. Harris.

Committee on Government Operations

Select Committee on Technology and Human Environment, S. Res. 68, Mr. Muskie.

Full Opportunity and Social Accounting Act; establishment of a Council of Social Advisers, S. 843, Messrs. Mondale, Clark, Hart, Harris, Inouye, Kennedy, McGee, Muskie, Nelson, Proxmire.

Department of Natural Resources Act, S. 886, Mr. Moss.

Committee on Interior and Insular Affairs

National Water Commission, S. 20, Mr. Jackson et al.

Wild Rivers Act: Public lands reserved for National Wild Rivers System, S. 119, Mr. Church.

Nationwide System of Trails, S. 827, Messrs. Jackson and Nelson.

National Mining and Minerals Policy Act, S. 522, Mr. Allott et al.

Land and water conservation fund, S. 1401, Mr. Jackson et al.

National Lakes Preservation Act, S. 2001, Mr. Nelson.

Research program on natural environmental systems of the United States, S. 2789, Mr. Nelson.

Council on Environmental Quality: Investigation of U.S. ecological systems, natural resources, and environmental quality, S. 2805, Messrs. Jackson and Kuchel.

Mined land reclamation, S. 217, Mr. Lausche.

Inventory and study of the Nation's estuaries, S. 2677, Mr. Metcalf.

Committee on Labor and Public Welfare

Annual Presidential report on science and technology; Joint Committee on Science and Technology, S. 1305, Mr. Allott et al.

Federal Council of Health, S. 1347, Mr. Javits.

Safe Drinking Water Act, S. 3147, Mr. Hill.

Committee on Public Works

Air Quality Act of 1967, S. 780, Messrs. Muskie, Baker, Bartlett, Bayh, Bible, Boggs, Brewster, Clark, Cooper, Fong, Gruening, Hartke, Inouye, Long (Mo.), Mansfield, Metcalf, Mondale, Montoya, Morse, Murphy, Nelson, Randolph, Ribicoff, Spong, Tydings, Yarborough, Young (Ohio).

Federal Water Pollution Control Act amplified by: Industrial Air Pollution Abatement and Prevention Act, Navigable Waters Pollution Control Act, S. 847, S. 2410, S. 849, Mr. Nelson.

Clean Lakes Act, S. 1341, Mr. Mondale et al.

Highway Beautification Act amendment, S. 1666, Mr. Cooper.

Acid mine pollution control, S. 1870, Messrs. Randolph, Clark.

Improved control of pollution from vessels, S. 2525, Mr. Muskie et al.

R. & D. program by Department of Interior for improved control and prevention of pollution, S. 2760, Mr. Muskie et al.

Regional water pollution control advisory boards, S. 2820, Mr. Tower.

Environmental Quality Prevention Act, Council on Environmental Quality, S. 3031, Mr. Nelson.

Extension of Federal assistance for solid waste disposal planning, S. 3201, Mr. Muskie et al.

House

Committee on Agriculture

[Bill number and introduced by]

Federal Pesticide Control Act, H.R. 11846, Mr. Dingell.

Control of noxious plants on federally controlled land, H.R. 14158, Mr. Foley.

Committee on Banking and Currency

Federal development grants for open space land, H.R. 5865, Mr. O'Hara.

Committee on Government Operations

Consolidation of water quality management and pollution control authorities in Department of the Interior, H.R. 3753, Mr. Dingell, H.R. 4893, Mr. Moss.

Establishment of Department of Marine

and Atmospheric Affairs, H.R. 4480, Mr. Hathaway.

Uniform land acquisition policy in urban areas, H.R. 5523, Mr. Dwyer.

Council of Social Advisers, H.R. 10261, Mr. Ottinger.

National Commission on Urban Living, H.R. 12494, Mr. Goodell.

Establishment of Department of Health, H.R. 15641, Mr. Rosenthal.

Committee on Interior and Insular Affairs

National scenic river system, H.R. 90, Mr. Saylor.

Investigation of the natural environmental systems in the United States by Department of the Interior, H.R. 258, Mr. Bennett.

Fresh water supply for the Northeastern United States, H.R. 1022, Mr. Ottinger.

Public Land Law Review Commission, H.R. 12121, Mr. Aspinall.

National Study Commission Act, H.R. 1416, Mr. Ullman.

National Study Commission on Water Conservation and Utilization, H.R. 5020, Mr. Wyatt.

Review of Nation's water resource problems, H.R. 6800, Mr. Helstoski.

Land and water conservation fund, H.R. 8578, Mr. Foley.

Wild and Scenic Rivers Act. Similar bill: H.R. 15429 (Mr. Fulton of Tennessee), H.R. 15690, Mr. Fraser.

Nationwide trails system, H.R. 4865, Mr. Taylor.

Committee on Interstate and Foreign Commerce

Pesticides; standards, H.R. 495, Mr. Dingell.

HUD study of potential damage to environment from erection of overhead electric transmission lines and towers, H.R. 4150, Mr. Ottinger.

Air Quality Act of 1967: The act incorporates provisions which appear as sections of numerous other bills. Some Members who authored similar bills are: Messrs. Horton, Halpern, Springer, Dingell, Adams, Eckhardt, Minish, Ryan, Long of Maryland, McCarthy, Moorhead, Rosenthal, Adams, Dent, Farbstein, Delaney, Gilbert, Murphy, Van Deerlin, Walker, Mrs. Kelly, Messrs. Johnson of Pennsylvania, Patten, Howard, Corman, Helstoski, Tunney, Eilberg, Fino, Pucinski, Roybal, H.R. 4279, Mr. Staggers.

Establishes regional airshed quality commissions and airshed quality regions, H.R. 8601, Mr. Blatnik.

Prohibits construction of power transmission lines on interior-designated public lands, H.R. 11509, Mr. Reuss.

Control and abatement of aircraft noise, H.R. 14896, Mr. Scheuer.

Solid wastes: extend and amend Public Health Service Act, H.R. 15768, Mr. Staggers.

Committee on the Judiciary

Conservation bill of rights, H.J. Res. 1321, Mr. Ottinger.

Marine Resources Conservation and Development Act, H.R. 17369, Mr. Willis.

Committee on Merchant Marine and Fisheries

Development and preservation of U.S. estuarine areas, H.R. 25, Mr. Dingell.

Navigable Water Pollution Control Act, H.R. 486, Mr. Dingell.

Protection of fish and wildlife resources from effects of Federal projects, H.R. 6731, Mr. Ottinger.

Coast Guard R. & D. related to release of harmful fluids from vessels, H.R. 9116, Mr. Howard.

Establishment of Marine Sanctuaries, H.R. 11584, Mr. Keith.

Congressional policy concerning authority to control fish and wildlife resources, H.R. 14849, Mr. Vander Jagt.

Endangered Species Act, H.R. 11618, Mr. Lennon.

Coast Guard studies of oil pollution, H.R. 14852, Mr. Keith.

Prevention of damage to fish and wildlife from pesticides, H.R. 15979, Mr. Karth.

Environmental Science Services Administration Commissioned Officers Corps Act, H.R. 17993, Mr. Garmatz.

Committee on Public Works

Federal Water Commission Act, H.R. 1252, Mr. Ryan.

Detergent Pollution Control Act, H.R. 8752, Mr. Eilberg.

Department of Interior's R. & D. program to improve the quality of lake waters, H.R. 10751, Mr. Hanley.

Federal highway system beautification, H.R. 11705, Mr. Adams.

Clean Lakes Act, H.R. 13407, Mr. Zwach.

Control of acid and mine water pollution; similar bill introduced by Mr. Bevill (H.R. 16133), H.R. 14000, Mr. Nedzi.

Oil and Hazardous Substance Pollution Control Act, H.R. 15906, Messrs. Fallon, Blatnik.

Water pollution control, Federal installations, prevention of discharge of heated effluents, H.R. 16852, Mr. Dingell.

Committee on Rules

Joint congressional committee to study problems of extraordinary pollution of air and navigable waters in the United States, H. Con. Res. 307, Mr. St. Onge.

House Standing Committee on Urban Affairs, H. Res. 1062, Mr. Cowger.

Select Committee on Technology and Human Environment, H. Res. 1116, Mr. Brown of California.

Committee on Science and Astronautics

Congressional support of international biological program, H. Con. Res. 6698, Mr. Miller of California.

Technology Assessment Board and General Advisory Council, H.R. 6698, Mr. Daddario.

Council on Environmental Quality, H.R. 7796, Mr. Dingell.

Council of Ecological Advisers, H.R. 13211, Mr. Tunney.

Council of Ecological Advisers, H.R. 14605, Mr. Matsunaga.

Council of Ecological Advisers, H.R. 14627, Mr. Corman.

Committee on Ways and Means

Incentive tax credit for construction of air or water pollution control facilities; similar bills presented by Messrs. Collier, Corbett, Feighan, Casey, Fuqua, Anderson, Perkins, Slack, Byrne, Reifel, Berry, King, Johnson of Pennsylvania, McClory, Zion, Whalley, Schweiker, Halpern, Schneebeli, Andrews, Steiger, Cederberg, Kupferman, Keith, Hall, MacGregor, Mize, Meskill, Smith of New York, Teague, H.R. 385, Mr. Clancy.

Clean Lakes Act, H.R. 16257, Mr. Blackburn.

Comparison of Environmental Quality Measures

PROVISION	S. 1075	H.R. 12549 (S. 1075 AS AMENDED)
Title.	National Environmental Policy Act of 1969.	An Act to provide for the establishment of a Council on Environmental Quality.
Declaration of policy.	6-part Congressional declaration of policy (sec. 101(a)).	Brief statement of policy.
Recognition of environmental rights.	Congress recognizes right of persons to healthful environment (sec. 101(b)).	No provision.
Directions to Federal agencies as follows:	Congress authorizes and directs all Federal agencies to perform functions and make certain findings in support of the policy (sec. 102). All agencies shall:	No provision (Council to make recommendations).
1. Interdisciplinary approach.	1. Utilize interdisciplinary approach to planning and decision-making (sec. 102(a)).	No provision.
2. Environmental values.	2. Develop methods to include presently unquantified values in decisions (sec. 102 (b)).	No provision.
3. Make findings.	3. Must make findings in connection with proposals and decisions that:	No provision.
a. environmental impact.	a. environmental impact has been considered.	
b. adverse effects.	b. adverse effects are justified.	
c. short-term uses.	c. short-term uses are consistent with long-term productivity.	
d. irreversible commitments.	d. irreversible commitments are justified.	
4. Alternatives.	4. Study and present alternatives where conflicts occur.	No provision.
5. International effects.	5. Support international programs for the environment.	No provision.
6. Present authority.	6. Review existing statutory authorities and recommend legislation to conform to this Act.	No provision.

PROVISION	S. 1075	H.R. 12549 (S. 1075 AS AMENDED)
Supplement to existing enabling acts.	Act is made supplementary to existing mandates and authorizations of Federal agencies (sec. 103).	Nothing in act shall change existing authorities (sec. 9).
Data collection and dissemination.	Federal agencies are authorized to collect and disseminate environmental and ecological data (sec 201).	No provision.
Grant Program.	The President is authorized to designate agencies to: 1. administer a grant program (sec. 202(a)(1)).	No provision.
Project inventory.	2. inventory resource projects (sec. 202(a)(2)).	No provision.
Ecological research.	3. collect ecological research data (sec. 202(a)(3)3.	No provision.
Assistance to states.	4. assist state (sec. 202(a)(4)).	No provisions (Council will consult, sec. 7(a)).
Deputy Director for Office of Science and Technology.	Establishes new Deputy Director in OST (sec. 203).	No provisions.
Board of Environmental Quality Advisors (Council, Office).	Creates a 3-man Board in the Executive Office of the President. Appointed by President with advice and consent of Senate (sec. 301).	Creates a Council of Environmental Quality in Executive Office of President. Composed of 5 members appointed by President (sec. 3).
Duties of Board, Office, Council.		
1. Annual report to President.	1. Make annual report to the President (302(a)(1)).	1. Make annual report to President (sec. 6).
2. Assist President.	2. Advise, assist, and support President (302(a)(2)).	2. Prepare reports as President directs (sec. 5(e)).
3. Collect data.	3. Collect and disseminate information on environmental quality (sec. 302(a)(3)).	3. Gather data and prepare reports (sec. 5(b)).
4. Review Federal activities.	4. Review, appraise and make recommendations concerning Federal programs, projects, activities, and policies (sec. 302(b)).	4. Appraise programs and activities (sec. 5(c)).
5. Assist in President's report to Congress.	5. Assist President in preparation of annual report on the environment (sec. 302(c)).	5. Assist and advise President in preparing annual report (sec. 5(a)).
6. Other assignments.	6. Other duties directed by President (sec. 302(d)).	6. Make such studies as requested (sec. 5(e)).
7. Support Cabinet Council.	7. All Federal agencies (sec. 201(g)).	7. No provision.
8. Review monitoring system.	8. President designates agency (sec. 202(a)(3)).	8. No provision.
9. Promote knowledge.	9. All Federal agencies (sec. 201(a)).	9. No provision.
10. Develop policies.	10. Board to assist President (sec. 302(a)(2)).	10. Develop and recommend policies (sec. 5(d)).
11. Recommend priorities.	11. No provision.	11. No provision.
12. Evaluate techniques.	12. All agencies (sec. 102(b)).	12. No provision.
13. Coordinate programs.	13. Board reviews programs (sec. 302(b)).	13. No provision.
14. Review criteria.	14. Board reviews policies (sec. 302(b)).	14. No provision.
15. Consult with state and local government.	15. All agencies advise states, counties, etc. (sec. 201(d)).	15. Consult with state, local and private groups (sec. 7(a)).
Annual Report to Congress.	President shall submit report to Congress (sec. 303).	President shall transmit to the Congress (sec. 2).
Employment of Officers.	Board may employ (sec. 304).	Council may employ (sec. 4).
Appropriations.	For grant programs, $500,000 first year, $1 million each successive year (sec. 202 (b)). For Board—$1 million annually (sec. 305).	$300,000 for first year, $500,000 for second year, $1 million annually thereafter (sec. 10).
Biennial Forum.	No provision.	No provision.
Advisory Committees.	No provision.	No provision.

SECTION-BY-SECTION ANALYSIS

Section 1

This section provides that this act may be cited as the National Environmental Policy Act of 1969.

Section 2

This section sets forth the purposes of the act. The purposes of the act are to declare a national environmental policy; to promote efforts to prevent environmental damage and to better the health and welfare of man; to enlarge and enrich man's understanding of the ecological systems and natural resources important to the Nation; and to establish in the Executive Offices of the President a Board of Environmental Quality Advisers.

TITLE 1

Section 101(a)

This section is a declaration by the Congress of a national environmental policy. The declaration is based upon a congressional recognition of mankind's dependence upon his physical and biological surroundings for material goods and cultural enrichment. It is further based upon a recognition of the increasing pressures exerted upon the environment as a result of population growth, urbanization, industrial expansion, resource exploitation, and technological development.

The continuing policy and responsibility of the Federal Government is declared to be that, consistent with other essential considerations of national policy, the activities and resources of the Federal Government shall be improved and coordinated to the end that the Nation may attain certain broad national goals in the management of the environment. The broad national goals are as follows:

(1) Fulfill the responsibilities of each generation as trustee of the environment for future generations. It is recognized in this statement that each generation has a responsibility to improve, enhance, and maintain the quality of the environment to the greatest extent possible for the continued benefit of future generations.

(2) Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings. The Federal Government, in its planning and programs, shall strive to protect and improve the quality of each citizen's surroundings both in regard to the preservation of the natural environment as well as in the planning, design, and construction of manmade structures. Each individual should be assured of safe, healthful, and productive surroundings in which to live and work and should be afforded the maximum possible opportunity to derive physical, esthetic, and cultural satisfaction from his environs.

(3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences. The resources of the United States must be capable of supporting the larger populations and the increased demands upon limited resources which are inevitable in the future. To do so, it is essential that the widest and most efficient use of the environment be made to provide both the necessities and the amenities of life. In seeking intensified beneficial utilization of the earth's resources, the Federal Government must take to avoid degradation and misuse of resources, risk to man's continued health and safety, and other undesirable and unintended consequences.

(4) Preserve important historic, cultural, and natural aspects of our national heritage, and maintain wherever possible an environment which supports diversity and variety

of individual choice. The pace of urbanization coupled with population growth and man's increasing ability to work unprecedented change in the natural environment makes it clear that one essential goal in a national environmental policy is the preservation of important aspects of our national heritage. There are existing programs which are designed to achieve these goals, but many are single-purpose in nature and most are viewed as being within the province of a particular agency of Government. This subsection would make it clear that all agencies, in all of their activities, are to carry out their programs with a full appreciation of the importance of maintaining important aspects of our national heritage.

This subsection also emphasizes that an important aspect of national environmental policy is the maintenance of physical surroundings which provide present and future generations of American people with the widest possible opportunities for diversity and variety of experience and choice in cultural pursuits, in recreational endeavors, in esthetics and in living styles.

(5) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities. This subsection recognizes that population increases underlie many of the resource and environmental problems which are being experienced in America. If the Nation's present high standards of living are to be made available to all of our citizens and if the general and growing desire of our people for greater participation in the physical and material benefits, in the amenities, and in the esthetic enjoyment afforded by a quality environment are to be satisfied, the Federal Government must strive to maintain magnitude and distribution of population which will not exceed the environment's capability to provide such benefits.

(6) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources. In recent years a great deal of the emphasis of legislative and executive action regarding environmental matters has concentrated upon the protection and improvement of quality of the Nation's renewable resources such as air and water. It is vital that these efforts be continued and intensified because they are among the most visible, pressing, and immediate concerns of environmental management.

It is also essential that means be sought and utilized to improve the effectiveness of recycling of depletable resources such as fiber, chemicals, and metallic minerals. Improved material standards of living for greater numbers of people will place increased demands upon limited raw materials. Furthermore, the disposal of wastes from the nonconsumptive single use of manufactured goods is among our most critical pollution problems. Emphasis must be placed upon seeking innovative solutions through technology, management, and, if necessary, governmental regulation.

Section 101(b)

This subsection asserts congressional recognition of each person's fundamental and inalienable right to a healthful environment. It is apparent that the guarantee of the continued enjoyment of any individual right is dependent upon individual health and safety. It is further apparent that deprivation of an individual's right to a healthful environment will result in the degradation or elimination of all of his rights.

The subsection also asserts congressional recognition of each individual's responsibility to contribute to the preservation and enhancement of the environment. The enjoyment of individual rights requires respect and protection of the rights of others. The cumulative influence of each individual upon the environment is of such great significance that every effort to preserve environmental quality must depend upon the strong support and participation of the public.

Section 102

The policies and goals set forth in section 101 can be implemented if they are incorporated into the ongoing activities of the Federal Government in carrying out its other responsibilities to the public. In many areas of Federal action there is no body of experience or precedent for substantial and consistent consideration of environmental factors in decisionmaking. In some areas of Federal activity, existing legislation does not provide clear authority for the consideration of environmental factors which conflict with other objectives.

To remedy present shortcomings in the legislative foundation of existing programs, and to establish action-forcing procedures which will help to insure that the policies enunciated in section 101 are implemented, section 102 authorizes and directs that the existing body of Federal law, regulation, and policy be interpreted and administered to the fullest extent possible in accordance with the policies set forth in this act. It further establishes a number of operating procedures to be followed by all Federal agencies as follows:

(a) Wherever planning is done or decisions are made which may have an impact on the quality of man's environment, the responsible agency or agencies are directed to utilize to the fullest extent possible a systematic, interdisciplinary, team approach. Such planning and decisions should draw upon the broadest possible range of social and natural scientific knowledge and design arts. Many of the environmental controversies of recent years have, in large measure, been caused by the failure to consider all relevant points of view in the planning and conduct of Federal activities. Using an interdisciplinary approach that brought together the skills of the landscape architect, the engineer, the ecologist, the economist, and other relevant disciplines would result in better planning and better projects. Too often planning is the exclusive province of the engineer and cost analyst.

(b) All agencies which undertake activities relating to environmental values, particularly those values relating to amenities and aesthetic considerations are authorized and directed to make efforts to develop methods and procedures to incorporate those values in official planning and decisionmaking. In the past, environmental factors have frequently been ignored and omitted from consideration in the early stages of planning because of the difficulty of evaluating them in comparison with economic and technical factors. As a result, unless the results of planning are radically revised at the policy level—and this often means the Congress—environmental enhancement opportunities may be forgone and unnecessary degradation incurred. A vital requisite of environmental management is the development of adequate methodology for evaluating the full environmental impacts and the full costs of Federal actions.

(c) Each agency which proposes any major actions, such as project proposals, proposals for new legislation, regulations, policy statements, or expansion or revision of ongoing programs, shall make a determination as to whether the proposal would have a significant effect upon the quality of the human environment. If the proposal is considered to have such an effect, then the recommendation or report supporting the proposal must include statements by the responsible official of certain findings as follows:

(i) A finding shall be made that the environmental impact of the proposed action has been studied and that the results of the studies have been given consideration in the decisions leading to the proposal.

(ii) Wherever adverse environmental effects are found to be involved, a finding must be made that those effects cannot be avoided by following reasonable alternatives which will achieve the intended purposes of the proposal. Furthermore, a finding must be made that the action leading to the adverse environmental effects is justified by other considerations of national policy and those other considerations must be stated in the finding.

(iii) Wherever local, short-term uses of the resources of man's environment are being proposed, a finding must be made that such uses are consistent with the maintenance and enhancement of the long-term productivity of the environment.

(iv) Wherever proposals involve significant commitments of resources and those commitments are irreversible and irretrievable under conditions of known technology and reasonable economics, a finding must be made that such commitments are warranted.

(d) Wherever agencies of the Federal Government recommend courses of action which are known to involve unresolved conflicts over competing and incompatible uses of land, water, or air resources, it shall be the agency's responsibility to study, develop, and describe appropriate alternatives to the recommended course of action. The agency shall develop information and provide descriptions of the alternatives in adequate detail for subsequent reviewers and decisionmakers, both within the executive branch and in the Congress, to consider the alternatives along with the principal recommendation.

(e) In recognition of the fact that environmental problems are not confined by political boundaries, all agencies of the Federal Government which have international responsibilities are authorized and directed to lend support to appropriate international efforts to anticipate and prevent a decline in the quality of the worldwide environment.

(f) All agencies of the Federal Government are directed to review their existing statutory authority, administrative regulations, policies, and procedures. The agencies are to propose to the President and to the Congress new executive legislative authority which they find to be necessary to make their authority consistent with the provisions and purposes of this act.

The committee expects that each agency will diligently pursue this review and that appropriate legislative recommendations will be prepared for presentation to the Congress within 1 year's time. The committee recognizes, however, that there is a wide difference in the complexity of legislation dealing with the activities of the various executive agencies and that a specific deadline might prove unreasonably burdensome on some agencies.

Section 103

This section provides that the policies and goals set forth in this act are supplementary to the existing mandates and authorizations of Federal agencies. They are not considered to repeal the existing authorizations. Where conflicts occur, they will be resolved under the procedure prescribed in section 102(f).

Section 201

This section provides authorization for the Federal agencies to include, as a part of their existing programs and their ongoing activities, certain environmental management functions which will be necessary to support the policies established by this act. No specific authorization of appropriations is provided for these activities. The committee believes that the agencies can perform the functions authorized as a part of the general administration and operation of their existing programs. To the extent that agencies are pursuing activities with environmental management implications, the costs of the functions authorized in this section are appropriate costs of their work. The functions authorized for each Federal agency are as follows:

(*a*) To conduct investigations and research relating to ecological systems and environmental quality. It is intended that such activities will be undertaken by each agency when its activities would have an adverse impact on an ecological system or on the quality of the environment.

(*b*) To collect and document information relating to changes or trends in environmental conditions including ecological systems. It is intended that each agency perform this function in its area of expertise and operation.

(*c*) To evaluate and publish environmental and ecological data which it has collected.

(*d*) To make available advice and information at its disposal relating to environmental management.

(*e*) To utilize ecological information in the planning and development of resource-oriented projects. Each agency which studies, proposes, constructs, or operates projects having resource management implications is authorized and directed to consider the effects upon ecological systems to be a part of the analyses governing its actions and to study such effects as a part of its data collection.

(*f*) To conduct ecological research and studies within the Federal lands under its jurisdiction.

(*g*) To assist to the fullest extent possible the Board of Environmental Quality Advisers established by this act and any environmental council or committees established by the President.

Section 202(a)

This section authorizes the President to designate an agency or agencies to carry out the following functions regarding environmental management:

(1) Administer a program of grants, contracts and cooperative agreements, training and research to further the programs of ecological study authorized by title II and to accept and utilize donations for this purpose.

(2) Develop and maintain an inventory of Federal projects and programs, existing and contemplated, which have made or will make significant modifications in the environment.

(3) Establish an information collection and retrieval system for ecological research materials.

(4) Assist and advise State and local governments and private enterprise in developing policies and procedures to enhance the quality of the environment.

Section 202(b)

Appropriations in the amounts of $500,000 annually for fiscal years 1971 and 1972 and $1 million annually for 1973 and each fiscal year thereafter are authorized for the purposes of this section. The funds appropriated would be allotted to the designated agencies as the President recommends.

Section 203

This section establishes in the Office of Science and Technology an additional Deputy Director to be compensated at the rate provided for level IV of the executive schedule pay rates.

The Office of Science and Technology (OST) was established by Reorganization Plan No. 2 of 1962 to provide a permanent staff in the Executive Office of the President to advise and assist the President on matters pertaining to or affected by science and technology. It is also directed to take on such other assignments as the President may request. The Director of OST, appointed by the President with the advice and consent of the Senate, also serves as the science adviser to the President.

Since it was provided statutory authority in 1962, the OST has broadened the range and scope of its activities extending beyond the province of research or policy for science and technology to the interrelations of science to broad national policies and programs. In this sense, the OST is concerned with assuring the most effective and beneficial use of technology in our society.

Thus, the OST deals with broad problems facing the country in health, education, the urban environment, energy policy and environmental quality.

The President's recent Executive order establishing an Environmental Quality Council directed the OST to provide the staff support and assistance to the work of the Council. The President's science adviser was named Executive Secretary of the Council.

In view of the importance of environmental management problems and the important role which the President's Council will have in resolving interagency conflict concerning environmental issues, and in coordinating the ongoing environmental programs of the Federal Government, a significant increase is expected in the already demanding work load of the OST.

The committee feels that the addition of a second Deputy Director as recommended by the Bureau of the Budget in its July 7, 1969, letter to the chairman, will be of great value in strengthening OST's capacity to contribute to effective environmental management.

TITLE III

Section 301(a)

This subsection creates in the Executive Office of the President a Board of Environmental Quality Advisers. The Board is to be composed of three members appointed by the President with the advice and consent of the Senate and who shall serve at the President's pleasure.

It is intended that the members of the Board shall be persons of broad experience and training with the competence and judgment to analyze and interpret trends and developing problems in the quality of the Nation's environment. The committee does not view the Board's functions as a purely scientific pursuit, but rather as one which rests upon scientific, economic, social, esthetic, and cultural considerations. The members of the Board, therefore, should not necessarily be selected for depth of training or expertise in any specific discipline, but rather for their ability to grasp broad national issues, to render public service in the national interest, and to appreciate the significance of choosing among present alternatives in shaping the country's future environment.

The President shall designate one member of the Board as Chairman and one as Vice Chairman.

Section 301(b)

This subsection provides that the members of the Board shall serve full time. The compensation for the Chairman of the Board is set at level II of the Executive Schedule pay rates and at level IV for the other two members. These provisions parallel the compensation provisions established by law for the Chairman and the members of the Council of Economic Advisers.

Section 302(a)

The primary function of the Board shall be to carry on continuing studies and analyses related to the status of the environment. The Board will seek to establish or cause to be established within the operating agencies of the Federal Government an effective system for monitoring environmental indicators, collecting data, and analyzing trends. It will further seek to relate trends in environmental conditions to short- and long-term national goals and aspirations.

In carrying out this function, the Board is required to perform a number of specified duties.

First, the Board is required to report at least once each year to the President on the state and condition of the environment. This report should represent the Board's considered and impartial judgment. The Board's report would be useful to the President in the preparation of the annual environmental quality report which the President is required to transmit to the Congress by section 303.

Second, the Board would provide advice, assistance, and staff support to the President in the formulation of national policies designed to foster and promote the improvement of the quality of the environment. The President is, of course, free to utilize the services of the Board in any manner in which he desires. The committee hopes, however, that the President would rely on the Board's impartial and objective advice in the formulation of national environmental policies.

Third, the Board is authorized to obtain information from all existing sources concerning the quality of the environment. The committee intends and fully expects that all Federal agencies will cooperate and provide any assistance and information necessary to enable the Board to fulfill its duties and responsibilities under this act. The Board is also directed to make information concerning the quality of the environment available to the American people. It is the committee's strong view that there needs to be some one place in Government to which the public and the news media may turn for authoritative and objective information on particular environmental problems. A current example of the need relates to the controversy over the impact of certain chemicals, pesticides, and insecticides. Many news reports and the opinions of many competent scientists indicate that some present practices in the use and application of these substances pose grave health dangers. The extent of the danger, however, is often minimized and, in some cases, even denied by the responsible Government agencies. The Board could provide a useful and needed public function by reviewing all of the facts and furnishing competent judgment and advice on problems of this nature.

Section 302(b)

This subsection provides that the Board shall periodically review and appraise Federal programs, projects, activities, and policies which affect the quality of the environment. Based upon its review, the Board shall make recommendations to the President.

The committee does not view this direction to the Board as implying a project-by-project review and commentary on Federal programs. Rather, it is intended that the Board will periodically examine the general direction and impact of Federal programs in relation to environmental trends and problems and recommend general changes in direction or supplementation of such programs when they appear to be appropriate.

It is not the committee's intent that the Board be involved in the day-to-day decision-making processes of the Federal Government or that it be involved in the resolution of particular conflicts between agencies and departments. These functions can best be performed by the Bureau of the Budget, the President's interagency Cabinet-level Council on the Environment or by the President himself. The committee does, however, strongly feel that the President needs impartial and objective staff support which can provide him with unbiased information and an accurate overview of the Nation's environmental trends and problems and how these trends and problems affect the future material and social well-being of the American people.

The Board's recommendations to the President are for his use alone, and his actions on their recommendations will depend on the confidence he places in the judgment of the persons he nominates to membership on the Board. Used properly, the Board's review and appraisal of Federal activities which affect the quality of the environment can add a new dimension and provide the President with a new insight into the long-range needs and priorities of the country. At the present time, the executive agencies' view of National needs, goals, and priorities in the field of environmental management appears to have been so thoroughly subjugated to budgetary and fiscal considerations that the nature of the fundamental values at stake has been obscured. It is the committee's view that the values which are at stake in the environmental management decisions which lie ahead need to be brought to the fore and made the subject of official decision at the highest levels of Government.

Section 302(c)

This subsection states that the Board will assist the President in the preparation of the annual environmental quality report required by section 303. The committee assumes that the Board would have the primary responsibility for the preparation of the President's annual report. It could, in large measure, be based upon the Board's report to the President required by section 302(a)(1).

Section 302(d)

This section provides that both the Board of Environmental Quality Advisers and the Office of Science and Technology shall carry out their duties under the provisions of this act at the direction of the President. This provision was not a part of S. 1075 as introduced, but was added as a committee amendment to make it clear that the duties and functions assigned to the Board and the Office of Science and Technology are to be carried out at the direction of the President as is true with regard to the other offices and bodies in the Executive office of the President. This provision will avoid any problems of duplication, coordination, and overlap which otherwise might subsequently arise between the activities of the Board and those of other offices or agencies.

The committee feels that this provision will enlarge the President's flexibility in organizing his staff and will enhance the overall policy-making capacity of the Executive office.

Section 303

This section provides that the President shall transmit to the Congress an annual environmental quality report. The first such report shall be transmitted on or before June 30, 1970. Subsequent reports shall be transmitted on or before June 30 in succeeding years.

The report is to include, but not be limited to, a current evaluation of the status and condition of the major environmental classes of the Nation. To the greatest extent possible, this information should be based upon measurements of environmental indicators relating quality and supply of land, water, air, and depletable resources to other factors such as environmental health, population distribution, and demands upon the environment for amenities such as outdoor recreation and wilderness. Significant current and developing environmental problems should be highlighted. Current and foreseeable environmental trends and evaluations of the effects of those trends upon the Nation's future social, economic, physical, and other requirements should be discussed.

It is the committee's strong view that the President's annual report should provide a considered statement of national environmental objectives, trends and problems. The report should provide the best judgment of the best people available on the Nation's environmental problems and the progress being made toward providing a quality environment for all Americans.

The report should summarize and bring together the major conclusions of the technical reports of other Federal agencies concerned with environmental management. Too often, these reports go unread and unevaluated. A succinct, readable summary and evaluation would be of great assistance to the Congress and the President.

It is anticipated that the annual report and the recommendations made by the President would be the vehicle for oversight hearings and hearings by the appropriate legislative committees of the Congress. It would also appear to be desirable to hear the views of the Board of Environmental Quality Advisers at an annual session similar to that now conducted by the Joint Economic Committee with the Council of Economic Advisers.

Section 304

This section provides that the Board may employ a professional and support staff and may acquire the services of experts and consultants. The committee intends that the Board should have available a professional staff comparable in size and qualifications to the staff which currently services the Council of Economic Advisers. The staff members, like the members of the Board, should represent many disciplines and professions. They should be broad-gaged people who are capable of furnishing the Board with a balanced and knowledgeable overview of the state of the Nation's environment.

Section 305

This section authorizes appropriations in the amount of $1 million annually to cover the salaries and operating expenses of the Board. The committee chose the $1 million ceiling because it is comparable to the appropriations which have been required over the past several years for the Council of Economic Advisers.

Mr. JACKSON. Mr. President, the substance of these two initial titles of the Senate version of S. 1075 is not included in the House version. There are, in addition, a number of differences between title III of the Senate version, establishing a Board of Environmental Quality Advisers and calling for an annual environmental quality report to the Congress, and the similar House provisions.

Titles I and II of the Senate version perform two functions which are essential for the realization of a sound national environmental policy. The first of these functions is the statement of policies and broad goals to guide Federal decisionmakers. The statement will represent the first comprehensive enunciation of national concern for environmental quality.

The second function is the provision of authority and direction which will permit the policies set forth in the act to become a real working part of all the activities of all Federal agencies and programs.

There are about 80 major Federal agencies with programs underway which affect the quality of the human environment. If an environmental policy is to become more than rhetoric, and if the studies and advice of any high-level, advisory group are to be translated into action, each of these agencies must be enabled and directed to participate in active and objective-oriented environmental management. Concern for environmental quality must be made part of every phase of Federal action.

Mr. President, following my motion to disagree to the amendments of the House to S. 1075 and agree to the conference requested by the House, a motion will be offered that the conferees on S. 1075 be instructed to insist upon the specific provisions of S. 1075, as modified by the agreed-upon proposed amendments that have been discussed in the debate and which will be set forth in the Record.

This procedure has been discussed by members of both committees, and while it is unusual, it has been accepted as a means which will insure that the Congress will have an opportunity to act on the conference report on S. 1075.

It is understood that the Senate conferees will make every possible effort to gain House agreement to the text of S. 1075 as passed by the Senate as well as the amendments discussed today and set forth in the Record. It is also understood, however, that the purpose of a conference committee is to compromise and adjust differences between the House and Senate passed bills, and that the final product of the conference committee will probably have to involve some changes in the language of both the House and Senate passed bills on S. 1075. It is, however, the hope and the intent of all concerned on the Senate side that these changes will not in any way affect the substance of what has been agreed upon.

In any event, any proposed changes from the agreed-upon text of S. 1075 will be discussed in advance by all of the parties involved.

Mr. MUSKIE. Mr. President, the statement just made by the distinguished Senator from Washington represents the agreement which we have reached.

Mr. JACKSON. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives and agree to the request for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to.

Mr. JACKSON. Mr. President, before the Chair names conferees on the part of the Senate, I move that the conferees on S. 1075 be instructed to insist upon the specific provisions of S. 1075, as modified by the agreed-upon proposed amendments that have been discussed in the debate and specifically set forth as follows:

S. 1075

A bill to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

Sec. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Board of Environmental Quality Advisers.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physical and biological surroundings and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surrroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve importance historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that the policies, regulations, and public laws of the United States, to the fullest extent possible, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

(a) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisiomaking which may have an impact on man's environment;

(b) identify and develop methods and procedures, subject to review and approval of the Board of Environmental Quality Advisers established by Title III of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(c) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action;

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) alternatives to the proposed action;

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) any irreversible commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any established agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, including those authorized to develop and enforce environmental standards, shall be made available to the President, the Board of Environmental Advisers and to the public as provided by 5 USC 552 and shall accompany the proposal through the existing agency review processes.

(d) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(e) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment; and

(f) review present statutory authority, administrative regulations, and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President such measures as may be necessary to make their authority consistent with this Act.

SEC. 103. Nothing in Sec. 102 shall in any way affect the specific statutory obligations of any Federal agency (a) to comply with criteria or standards of environmental quality, (b) to coordinate or consult with any other Federal or State agency, or (c) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

SEC. 104. The policies and goals set forth in this Act are supplementary to existing authorizations of Federal agencies.

TITLE II

SEC. 201. To carry out the purposes of this Act, the Board of Environmental Quality Advisers is hereby authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality to the extent that such activities do not overlap or conflict with similar activities authorized by law and performed by established agenices;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes; and

(c) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps.

SEC. 202. To carry out the purposes of this Act, all agencies of the Federal Government in conjunction with their existing programs and authorities, are hereby authorized—

(a) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the environment;

(b) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(c) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Federal agencies; and

(d) to assist the Board of Environmental Quality Advisers established under title III of this Act and any council or committee established by the President to deal with environmental problems.

SEC. 203. There is hereby established in the Office of Science and Technology an additional office with the title "Deputy Director of the Office of Science and Technology." The Deputy Director shall be appointed by the President by and with the advice and consent of the Senate, shall perform such duties as the Director of the Office of Science and Technology shall from time to time direct, and shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

TITLE III

SEC. 301. (a) There is created in the Executive Office of the President a Board of Environmental Quality Advisers (hereinafter referred to as the "Board"). The Board shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interest of this Nation. The President shall designate the Chairman and Vice Chairman of the Board from such members.

(b) Members of the Board shall serve full time and the Chairman of the Board shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Board shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 302. (a) The primary functions of the Board shall be to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation. In carrying out this function, the Board shall—

(1) report at least once each year to the President on the state and condition of the environment;

(2) provide advice, assistance, and support to the President on the formulation of national policies to foster and promote the improvement of environmental quality; and

(3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

(b) The Board shall periodically review and appraise Federal programs, projects, activities, and policies which affect the quality of the environment and make recommendations thereon to the President.

(c) It shall be the duty and function of the Board to assist and advise the President in the preparation of the annual environmental quality report required under section 303.

(d) The Board shall carry out its duties under the provisions of this Act at the direction of the President and shall perform whatever additional duties he may from time to time direct.

SEC. 303. (a) The President shall transmit to the Congress, beginning June 30, 1970, an annual environmental quality report which shall set forth: (a) the status and condition of the major natural, manmade, or altered environmental classes of the Nation; and (b) current and foreseeable trends in quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

(b) Such report shall be referred in whole or in part to the committees of each house of the Congress which have exercised jurisdiction over the subject matter contained therein.

SEC. 304. (a) In order to obtain assistance and independent advice in the development and implementation of the purposes of this title, the Board may from time to time establish advisory committees. Committee members shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of the other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, medical science, psychology, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

(b) The members of the advisory committees appointed pursuant to this title shall be entitled to receive compensation at a rate to be fixed by the Board, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(c) The Board shall organize and convene a biennial forum on current problems and issues concerning environmental quality, population, and the future, and publish the proceedings thereof, and participants in such forums shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, psychology, medical sciences, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

SEC. 304. The Board may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Board may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 305. There are hereby authorized to be appropriated $1,000,000 annually to carry out the purposes of this title.

Amend the title so as to read: "A bill to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers."

Mr. ALLOTT. Mr. President, as the ranking minority member of the Committee on Interior and Insular Affairs, I wish to congratulate our distinguished chairman, the Senator from Washington (Mr. JACKSON), for his unending efforts in obtaining passage of the National Environmental Policy Act of 1969, a measure of particular importance in this era of ever-degrading environment.

I believe that some background information would be helpful at this point. Let me take just a moment to trace the historical development of S. 1075.

The concept of a high level council on conservation, natural resources, and environment is not new. It first found support from a former chairman of the Senate Interior Committee, the late Senator Murray. In the 86th Conrgess, he introduced S. 2549, the Resources and Conservation Act, which would have established a high level council on environmental advisers along with the first expression of a comprehensive environmental policy.

The bill while not enacted into law, provided a vehicle for obtaining information in this vital area. The 4 days of hearings before the Senate Interior Committee still serve as a useful reference in this area.

This concept of establishing an environmental policy was carried on in subsequent sessions of Congress. In the 89th Congress, S. 2282 entitled the "Ecological Research and Surveys Act" was introduced by the Senator from Wisconsin (Mr. NELSON). The provisions of this bill were later incorporated into S. 2805, introduced in the 90th Congress by the chairman (Mr. JACKSON), and the former ranking minority member of the committee, Thomas Kuchel.

S 2805, and similar other measures, were the subject matter of a unique joint House-Senate colloquium held July 17, 1968. This colloquium, which was jointly sponsored by the Senate Interior Committee and the House Science and Astronautics Committee, provided a forum for Members of Congress and interested parties to meet and discuss these important issues.

During the 91st Congress three bills were introduced dealing with environmental policy and the creation of new overview institutions.

These bills—S. 237, S. 1075, and S. 1752—were all referred to the Senate Interior Committee, and open hearings were held on them in April of this year. Along with the usual notice in the RECORD, personal invitations were sent to Senators who had expressed a particular interest in this area, to attend and participate in the April hearings.

After the hearings, on May 29, 1969, the chairman introduced amendment Nc. 25. This amendment resulted from suggestions made by administration witnesses. There was general agreement by administration witnesses, including Dr. DuBridge, that a statutory declaration of a national environmental policy would be both appropriate and useful.

Senators will recall that President Nixon had committed himself in the 1968 campaign to a policy of improving the environment in his October 18, 1968, radio address entitled: "A Strategy of Quality: Conservation in the Seventies." In that address, Candidate Nixon characterized our environmental dilemma in these words:

> The battle for the quality of the American environment is a battle against neglect, mismanagement, poor planning and a piecemeal approach to problems of natural resources.

Acting upon that commitment, President Nixon established by Executive order the Environmental Quality Council in May of 1969. This Council is of the highest level. The President, himself, is chairman, and its membership includes the Vice President and five Cabinet members. The council provides the action mechanism to implement environmental policy decisions.

S. 1075, as passed by the Senate, was coordinated with the administration, and was intended to complement the actions taken by the President. As a result, the bill, as reported was cosponsored by every member of the Senate Interior Committee.

As Dr. DuBridge expressed it during the hearings:

> I agree completely that one must have independent evaluations of the activities and responsibilities of the various departments, that it must have the best outside advice that one can get, and operate out of the President's Office to bring the best adversary position . . . to the attention of the Council.

That is what the Board of Environmental Quality Advisers, as envisioned by S. 1075, is intended to do.

In June of this year, after thorough discussions, S. 1075 was ordered to be reported by the Committee on Interior and Insular Affairs. Subsequent to this order, the administration through Director Mayo, of the Bureau of the Budget, recommended further amendments. On July 8, the committee, in a unique move, reconsidered the bill and adopted several of the recommended amendments.

On July 8 the bill was once again ordered reported. The report was filed on July 9 and S. 1075 was passed by the Senate on July 10.

Mr. President, I believe that this historical development is most important for several reasons. First, it shows the amount of work and thought which has gone into this bill. Second, it shows the degree of openness that the committee has displayed during this time. The committee sought suggestions, aid, and participation from Senators, Members of the House, and from the administration. Our committee listened to and acted upon suggestions from many sources.

I believe that it is both timely and appropriate for the Senate to move forward in completing congressional action on this important and urgent matter by appointing conferees to resolve the differences between the House and Senate passed versions of S. 1075. It should be noted, Mr. President, that the House has already appointed its conferees.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to, and the Presiding Officer appointed Mr. JACKSON, Mr. CHURCH, Mr. NELSON, Mr. ALLOTT, and Mr. JORDAN of Idaho conferees on the part of the Senate.

WATER QUALITY IMPROVEMENT ACT OF 1969

The Senate resumed the consideration of the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Mr. MUSKIE. Mr. President, there are other matters involving the water pollution control provisions of the bill which will be discussed later in the afternoon, but at this moment I understand we will turn to the consideration of an amendment to be offered by the distinguished Senator from Delaware (Mr. WILLIAMS) involving a matter in which the distinguished Senator from North Carolina (Mr. JORDAN) is interested.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. WILLIAMS of Delaware. I would like to ask a question relating to title III, which begins at the bottom of page 80 of the bill and is entitled "Property Acquisitions."

I am not raising any question of germaneness; but would the Senator explain what the construction of a new Senate Office Building has to do with water and air pollution? I know our procedures are sometimes strange, but what is the relationship between the two subjects? Why are they tied together?

Mr. MUSKIE. May I say that substantively there is none. I think the Senator from North Carolina (Mr. JORDAN) is in a better position to explain how it happens to be here.

May I add that the problem of space for Senators is a pressing one. I know the Senator from North Carolina is more aware of it than I. When he posed to me and to the committee the proposal to include this provision in the bill, I told him I would agree to it, provided it was made clear to the Senate that it was here, that no one would be taken by surprise, that the Senate would have a full opportunity to consider it, and that there would be no effort to try to give it a quiet ride through the Senate. The Senator from North Carolina agreed to that.

Mr. WILLIAMS of Delaware. The reason I raised the question is that there are many who are in favor of the air and water pollution bill itself, but we question the wisdom of attaching a rider to it that we would oppose. I am wondering if this is not a method of getting a free ride on a bill for a measure that could not pass on its own merits.

As to the argument being made on the need for more space, there are two ways of approaching that problem. One is by the more expensive way of constructing another building. Another way, which would be more constructive, would be to cut back on some of the overstaffed subcommittees. A Senator can hardly get in and out of his office because of the number of subcommittees. The idea that the Senate should have enough subcommittees so that every Member can be a chairman results in Members almost being run by the staffs.

I remember when I came here 23 years ago our committees, subcommittees, and Senators, were all in one building. Since that time we have had another building. Now it is proposed to have a third. Let us face it, the Senate committees are overstaffed. I doubt if any Senator can name the subcommittees even on his own committee, there are so many of them.

The subcommittees are so overstaffed and overcrowded that they crowd the Senate floor. Ofttimes we can hardly get in the Senate because it is so overcrowded with staff members.

In order to check this inflationary spiral we are proposing the repeal of the 7-percent investment credit to encourage private industry to cut back on plant expansion, and the President of the United States, by Executive order, has called on State and local governments and all Government agencies to roll back construction of new projects by 75 percent in order to relieve some of the inflationary pressure. I just wonder if we in the Senate are setting the proper example. In the light of all the requests to private industry and all agencies of Government can we say to them, "We meant for all of you to cooperate; but ourselves—we want a new building."

Would it not be better to postpone and consider this matter at a later time?

Mr. MUSKIE. I think the Senator has served a useful purpose by giving the Members of the Senate an opportunity to make that decision.

Mr. WILLIAMS of Delaware. I will just make this innocent observation. Perhaps there is some relationship between the proposal for a new Senate Office Building and air pollution, so I will not raise a point its not being germane to the pollution problem. I await with interest to hear the explanation.

Mr. MUSKIE. I do not know of any relation, I will say to the Senator.

Mr. WILLIAMS of Delaware. I would not suggest there is—not for the moment.

Mr. SCOTT. Mr. President, I am extremely delighted that the Public Works Committee in reporting this most vital Water Quality Improvement Act of 1969 has seen fit to incorporate a most important amendment which would provide for the training of waste treatment plant operators.

I suggested this amendment, Mr. President, because of the magnitude of need and the critical shortage of trained operators in water pollution control plants throughout the Nation. I was particularly pleased that the distinguished Air and Water Pollution Control Subcommittee chairman, Senator MUSKIE, and the ranking Republican member, Senator BOGGS, incorporated my amendment. I would also like to thank the distinguished chairman of the Public Works Committee, Senator RANDOLPH, and Senator COOPER, the ranking member, as well as the other Senators on the Public Works Committee.

As I have stated before, it is estimated that Federal, State, and local governments will spend $8 billion by 1974 for new and improved water pollution control facilities. However, no adequate provision has been made to train personnel to run these plants once they are constructed.

There is a critical shortage of approximately 23,000 trained operators in water pollution control plants throughout the Nation. Many of our existing waste treatment plants are operating well below their reasonable potential, thereby causing unnecessary pollution of our streams and rivers. If the struggle for clean water is to be won, we must improve the skills of existing operators and add substantially to their numbers.

The magnitude of the need can be seen by looking at the situation in Pennsylvania. Pennsylvania has 307 square miles of inland waters. It has a total of 460 water treatment facilities and 1,142 communities with sewer systems. If each of these 1,142 communities and each of the 460 treatment plants employed one operator—and obviously some employ many more—you can quickly estimate the number of operators who are involved in one way or another with pollution control. Many of the existing operators will need additional training as plants are modernized and new treatment procedures initiated. When you add to this number the 665 communities in Pennsylvania that have no treatment facilities, but will be acquiring plants in the near future, you can see the amount of training which is needed for efficient operation of pollution control facilities. That is only one State.

It was to meet this need that I offered this amendment to the water quality improvement bill—S. 7—which would establish a 2-year pilot program for the training of plant operators. It would provide $5 million the first year, and $7½ million the second, to train about 9,000 men.

If my pilot program is successful, I foresee that training will be an integral part of all future pollution control planning. I quote from the Public Works Committee report:

> The committee was pleased to receive and include in the bill a proposal by Senator Hugh Scott to authorize pilot programs for training plant operators and technicians. The committee recognizes that a great deal more than a pilot program will be required if Federal funds for sewage treatment plant construction are to be invested wisely, but believes operating experience with a pilot program would provide a sound base for expanded legislation in the near future.

The pilot program which I have introduced is the first step in insuring that our Nation's antipollution efforts are backed up by well-trained personnel. I will study closely the operation of this training program, and I will be ready with followup legislation to expand it so that clean streams will become a reality, not a wish.

Again, I thank the committee for the favorable consideration of this amendment.

Mr. MUSKIE. In response to the distinguished Senator from Pennsylvania, I would like to express to him the appreciation of the subcommittee for his valuable contribution to the Water Quality Improvement Act. The amendment to provide for a pilot program of manpower training for waste treatment plant operators is an excellent example of how one program can accomplish two vital objectives.

First, this provision recognizes that the operation and maintenance of the Nation's waste treatment facilities will be only as good as the competence of the operators. Initial findings of the General Accounting Office have revealed that this competence has not been of the level necessary for the program's success. I hope that this pilot program, properly administered, will help correct this situation.

Second, this program will provide valuable job opportunities for many of the disadvantaged citizens in our Nation's metropolitan areas. By training the disadvantaged in a field which requires great technical expertise, this program should be a source of vital upward mobility for many Americans in the Nation's workforce.

I thank the Senator from Pennsylvania.

Mr. JORDAN of North Carolina. Mr. President, at the very outset, with respect to title III of the bill, I want to make it perfectly clear that this proposal was passed last year and sent to the House. It was not acted on, and it died in the House.

I want to make it perfectly clear that the bill before us does not contemplate building anything. I want to get that straight. I want to get it straight on the record. The Committee on Public Works does not contemplate building anything. So that part of the colloquy which we have had so far does not belong in this debate whatsoever.

The bill proposes to buy the land adjoining the New Senate Office Building, where the Capitol Hill apartment house is and where the Schotts Court apartment is now located. The purpose of the bill is to provide room, without building anything.

The Capitol Hill apartment building is approximately 30 feet, on C Street, from the New Senate Office Building, and completely in line. The Architect of the Capitol has stated, after exhaustive surveys, that a ramp could very easily and very inexpensively be built from the New Senate Office Building into that building. There are 58 apartments in the building. It has elevators, it has air conditioning, and it meets the fire standards of the District of Columbia. We could almost immediately get possession of the building after it is acquired, and move several of these subcommittees that the Senator has spoken of over into that building.

So we are not contemplating building anything. The Schotts Court apartments, which are there, we would contemplate still be rented, to the same renters if they want to rent them, and the Government would collect the rent. The sole purpose of this provision is to get some more room.

Last year, before I authored S. 2484, I sent out a letter to every Senator and to the chairman of every committee and every subcommittee, asking how much space, if any, they needed, because it is my unpleasant duty, as the chairman of the Senate Rules Committee, to allot space.

You cannot allot space you do not have. I do not think there is a day that some Senator does not come to me needing space. I know they do need it. Right now, we have one Senator who has part of his offices in the Old Office Building and part of them in the New Building. There is no place to put him otherwise. That is not very convenient. I know he is crowded, and so are the rest of us.

Mr. President, I made a little note here this morning, or had it made for me, to say why, in my opinion and in the opinion of a great many others, it is necessary for Senators to have bigger staffs today than they had when I came here something over 11 years ago. I had a survey made in my own office some time ago, to see what had happened to the correspondence in my office. I found, to my amazement, that my correspondence had increased about tenfold in the last 10 years.

This morning I have had four people come to see me—some of them I saw out here, and some of them in the office—about the tax bill which we have before us right now. I am sure the same thing is happening to every other Senator. People are interested in it; they have problems, they write us about them, and we have to try to get the answers and write to them. Mr. President, it takes help to do that.

Thirty-eight new agencies have been created in the last 10 years, which have generated mail, I do not know how many times over what it had been. On the gun bill, for example, my own office handled more than 50,000 letters on that one issue.

It takes people to do that. Every day something new comes along which creates a lot of new correspondence. I do not know how much mail the Elementary-Secondary School Act has created, but it has been substantial. There is no use for me to list all these 38 agencies; other Senators know them as well as I do. Incidentally, a great many of those agencies have had big buildings built for them downtown, with a hundred times more room than we anticipate getting out of this old apartment building.

This building and the land should have been bought at the time we acquired the land to build the New Senate Office Building. Senators at that time who were acquainted with the situation said we should have bought it all at that time, because we could have gotten it much cheaper than we can today. I emphasize, Mr. President, that we are not contemplating building anything. But we want to get this building, because we need it now. It is an economical way to provide space for Senators who badly need the space.

In response to my inquiry, 72 Senators wrote me that they needed space, and 25 chairmen of full committees and subcommittees are asking for space. I held hearings, and they came before the committee and testified. Some Senators now present on the floor testified before that committee.

One Senator came to me just the other day and asked, "When are you going to get me some more room?"

I said, "Vote for this bill, and maybe we can get it for you."

Mr. President, that is why we should buy it now.

Mr. WILLIAMS of Delaware. Mr. President, the Senator says that if the space is not needed now it soon will be. If the Senate does as it has in the past, we would no doubt create more subcommittees to fill the offices in short order.

My point is that the Senate already has more subcommittees now then Senators can supervise. The late Senator from Tennessee, Mr. Kefauver, 20 years ago created a committee which was to extend for 2 years, to investigate juvenile delinquency.

That committee is still in existence. The Senator has passed on, but the committee is still living as a monument. I do not know of a single subcommittee that once having been started, no matter what its function, has ever been terminated. Some Senator the other day suggested that we ought to have a subcommittee to determine how many subcommittees we have. It may be a good idea; I am sure no one knows.

But really, at a time when we are repealing the 7 percent investment tax credit, when we are suggesting to all the rest of the country that this is not a time to construct new buildings, we ought to be setting the example. The argument that we are not going to build a new building now does not impress me; if I know the Senate, once we buy the land there will be a building started on it in short order. The same argument was made a few years ago when the Senate decided to get the land for the second office building. It was said then, "Oh, all we are going to do is buy the land, and the building will take care of itself later." It did; the building is there.

Frankly, Mr. President, I do not think the Senate needs the space at this time. I think the functioning of the Senate would be much more efficient if we trim it down to size by eliminating many of the present subcommittees. I do not see why every Member of the Senate has to be a subcommittee chairman. If that is the only way he can enhance his prestige perhaps he does not deserve recognition.

Why not get rid of some of these subcommittees? Then Senators would have more time to spend on the floor of the Senate and handle the Senate's business.

Moreover, this proposal should not be a part of the air and water pollution bill. If it cannot ride on its own merits it should be rejected.

Mr. President, I send to the desk an amendment to delete that section from the bill, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Delaware (Mr. WILLIAMS) proposes an amendment, as follows:

On page 80, beginning with line 22, strike out all down to and including line 3 on page 83.

The language proposed to be stricken is as follows:

TITLE III—PROPERTY ACQUISITION

SEC. 301. (a) (1) The Architect of the Capitol, under the direction of the Senate Office Building Commission, is hereby authorized to acquire on behalf of the United States, in addition to the real property heretofore acquired as a site for an additional office building for the United States Senate under the provisions of the Second Deficiency Appropriations Act, 1948, approved June 25, 1948 (62 Stat. 1028) and Public Law 85–591, approved August 6, 1958 (72 Stat. 495–496), by purchase, condemnation, transfer, or otherwise, for purposes of extension of such site, all publicly, or privately owned property contained in lots 863, 864, 892, 893, 894, and 905 in said square 725 in the District of Columbia, and all alleys or parts of alleys and streets contained within the curblines surrounding such square, as such square appears on the records in the Office of the Surveyor of the District of Columbia as of the date of enactment of this Act.

(2) Any proceeding for condemnation brought under paragraph (1) shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368).

(3) Notwithstanding any other provision of law, any real property owned by the United States and any alleys or parts of alleys and streets contained within the curblines surrounding square 725 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol, and any alleys or parts of alleys or streets contained within the curblines of said square

shall be closed and vacated by the Commissioner of the District of Columbia in accordance with any request therefor made by the Architect of the Capitol with the approval of such Commission.

(4) Upon acquisition of any real property pursuant to this section, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith.

(5) The jurisdiction of the Capitol Police shall extend over any real property acquired under this section and such property shall become a part of the United States Capitol Grounds.

(b) For carrying out the purposes of this section, there is hereby authorized to be appropriated $1,250,000. The Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this section.

Mr. WILLIAMS of Delaware. Mr. President, there is no need to debate this issue for any length of time. Senators are well aware of what is involved. It is, to state the matter simply, Does the Senate wish to exclude itself from the rules we have laid down in calling on industry to postpone its expansion plans at this time in order to combat inflation? The Senate has called upon all State agencies to delay new public works construction. The question is, does the Senate wish to exempt itself from this rule? As one Member of the Senate my answer is, "No."

I will ask for a yea-and-nay vote on this amendment, but I shall have to suggest the absence of a quorum to obtain a sufficient second to ask for the yeas and nays. I am willing to withhold that request now if the Senator from North Carolina wishes to speak further at this time.

Mr. JORDAN of North Carolina. Mr. President, I only wish to say, for the benefit of the Senator from Delaware and everyone else who is present, that I have nothing to do with the creating of subcommittees. I did not create a single one of them, so I have no power to say we are going to get rid of them. That is something I have nothing to do with.

All I know is that they come to the Committee on Rules and ask for space. I try to provide it for them, because they are here, and I do not know what else to do. This is the only way we can do it. We do not want to build a building at all; there is nothing in the bill about building a building. All we want is more space.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from North Carolina is correct; he is only one Member of the Senate. He says he has no authority to get rid of subcommittees, but I might point out that he underestimates his position. It is his committee that approves the money for these subcommittees, and without the money the subcommittees would quickly vanish. As long as the Senator's committee makes the funds available, I am sure the subcommittees will flourish and proliferate.

I know that every year the Senator from Louisiana, myself, and a few other Senators have pointed out how much it is costing just to staff these subcommittees. That debate has been carried on by some of us over a period of years, but we have always been in the minority. Saving money is not too popular on the Potomac front.

It will be renewed again, and even to a greater extent, I suppose, next year, if the bill passes, because there is no doubt in my mind that, if it passes, the space will soon be staffed with more and more subcommittees. I think they might be designated numerically—1, 2, 3, and 4, because they will have run out of letters of the alphabet and also out of names. I still say that this is not the time to take such action.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the amendment of the Senator from Delaware (Mr. WILLIAMS).

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the distinguished Senator from Delaware. The yeas and nays have been ordered.

Mr. JORDAN of North Carolina. I am ready to proceed to the vote.

Mr. WILLIAMS of Delaware. Mr. President, I understand that the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. WILLIAMS of Delaware. Mr. President, I am perfectly willing to proceed to vote. The issue is very clear. This is an air and water pollution bill, supposedly, and I fail to see any connection as to why one section should be set aside to build a third Senate Office Building. The argument that it does not provide the building is immaterial. I know that if the Senate buys the land, the building will be built; and if it is not going to be built, why proceed with the procurement of the land?

At a time when we are asking private industry to cut back their expansion plans, at a time when all other public works projects are being cut back, I do not think the Senate ought to exempt itself from the rules laid down for all the people.

I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New Mexico (Mr. MONTOYA) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent and, if present and voting, would vote "nay."

The result was announced—yeas 25, nays 62, as follows:

[No. 116 Leg.]

YEAS—25

Aiken
Allen
Allott
Bennett
Byrd, Va.
Cooper
Curtis
Dole
Dominick
Ellender
Fannin
Goldwater
Griffin
Hansen
Jordan, Idaho
Miller
Mundt
Murphy
Packwood
Pastore
Proxmire
Scott
Smith, Maine
Tower
Williams, Del.

NAYS—62

Anderson
Baker
Bayh
Bellmon
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Church
Cook
Cotton
Cranston
Dodd
Eagleton
Eastland
Ervin
Fong
Fulbright
Goodell
Gore
Gurney
Hart
Hatfield
Holland
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Kennedy
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Mondale
Muskie
Nelson
Pearson
Pell
Percy
Prouty
Randolph
Ribicoff
Schweiker
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tydings
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—13

Gravel
Harris
Hartke
Inouye
Long
Magnuson
McCarthy
McGovern
Montoya
Moss
Russell
Saxbe
Williams, N.J.

So the amendment of Mr. WILLIAMS of Delaware was rejected.

Mr. MUSKIE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. JORDAN of North Carolina. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the previous order——

Mr. MANSFIELD. Mr. President, I ask unanimous consent that in view of an arrangement which has been made between the Senator in charge of the bill and the Senator from Idaho (Mr. CHURCH), the order of business be delayed until final passage of the pending bill.

Mr. CHURCH. And that it be expedited as much as possible.

Mr. MANSFIELD. Of course.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I think we have worked out all the amendments and the colloquies so that we may be able to proceed to final passage within 10 minutes.

At this time, I ask for the yeas and nays on final passage.

Mr. President, I withdraw that.

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. **KENNEDY**. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment offered by Mr. KENNEDY is as follows:

> On page 72 strike out lines one through eight and insert in lieu thereof the following:
>
> "(1) the Secretary shall
>
> "(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to the removal of oil from any waters and to the prevention and control of oil pollution;
>
> "(B) publish from time to time the results of such activities; and
>
> "(C) by June 30, 1970, develop and publish standardized specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.
>
> In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals."

Mr. **KENNEDY**. Mr. President, this amendment to S. 7 has as its purpose the strengthening of the research program authorized by section 104 of this bill.

My reason for offering this amendment is to reemphasize the intent of the Congress in offering all possible assistance to our State and local governments faced with major oil-spill disasters.

Section 104 of this bill amends section 5 of the Federal Water Pollution Control Act. Section 5, which authorizes the various research programs in water pollution control, would be amended to include a similar authorization for research into the prevention and control of oil pollution. In its most thorough report on S. 7, the Committee on Public Works clearly states its intention that research in this field, "be expedited and should receive priority in planning future budget requests." The report further states:

> The Committee believes that developing effective techniques to deal with oil spills and making those techniques readily available at appropriate locations throughout the country is of the highest priority.

The complexity of the technical problems involved in the cleanup of accidental oil spills requires us to launch a major research effort into the technical aspects of cleanup operations. There are, today, over 2,400 chemicals—dispersants, emulsifiers, gelling agents, floating absorbents—whose properties suggest their potential use in oil spill cleanup efforts. However, the hard lesson of experience—learned during the *Torrey Canyon*, *Ocean Eagle*, Santa Barbara, and other serious spills—is that the injudicious application of chemicals can bring greater damage to our fish, and other natural resources than the oil itself. We need guidelines and standards for the use of these chemicals. We need to have immediate access to information about these chemicals. We need to insist that anyone involved in the cleanup of an oil spill be aware of the hazards and crucial disadvantages of the casual application of some types of chemicals.

Subsection (1) of section 104 grants general authority to the Department of the Interior to conduct the research into oil spill cleanups. However, it does not require the Secretary to set specific standards. My amendment would require the Secretary to develop and publish standardized specifications and other technical information on these chemicals by June 30, 1970. This would give our State and local officials the information they need to bring the full arsenal of chemical agents to bear on oil spills of various types, with minimum damage to fish and wildlife.

There is ample evidence that we are not moving fast enough in this area. Certainly, the interval between the San Juan spill and the Santa Barbara spill was significant enough to permit the completion of substantial research. But, when we were faced with the Santa Barbara incident, the Interior Department had no further knowledge about chemicals at its disposal than it did 11 months earlier, and had to delay cleanup efforts until determination on chemicals could be made.

By setting a deadline of June 30, 1970, we guarantee our coastal communities that the necessary research will be undertaken immediately, and that it will be available to them in the case of future, potentially disastrous, spills. We also insure that the intent of the Congress in this matter will be carried out by the Department of the Interior without delay.

Let me take this opportunity to commend, again, the committee for its fine and responsible work, and let me urge the adoption of this amendment.

Mr. President, in conclusion, I think the amendment is needed. We have seen that for too long the Department has failed to issue specifications and regulations. I think it is a reasonable time for the Secretary to establish those standards and specifications. I am hopeful the amendment will be agreed to.

Mr. **MUSKIE**. Mr. President, may I say, in response, that I have discussed the amendment with the distinguished Senator from Massachusetts; that the request for the mandate included in the amendment is within the general authority of the Secretary at the present time; and I think this specific mandate is wholly appropriate. I am willing to accept the amendment. I urge the adoption of the amendment by the Senate.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The committee amendment is open to further amendment.

If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, in the form of a substitute, as amended.

The committee amendment, as amended, was agreed to.

Mr. **MUSKIE**. Mr. President, I ask unanimous consent that the Committee on Public Works be discharged from further consideration of H.R. 4148.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MUSKIE**. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4148.

The **PRESIDING OFFICER**. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. **MUSKIE**. Mr. President, I move to strike out all after the enacting clause in H.R. 4148 and insert in lieu thereof the language of S. 7 as amended.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment.

The amendment was agreed to.

The **PRESIDING OFFICER**. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. **JAVITS**. Mr. President, will the Senator yield?

Mr. **MUSKIE**. I yield.

Mr. **JAVITS**. The bill will now contain the same manpower provisions as the Senate bill did. Is that correct?

Mr. **MUSKIE**. The Senator is correct.

Mr. **JAVITS**. I had understood from the Senator and he had given me assurances that in the implementation of these new manpower provisions every consideration would be given to the unemployables and those who are disadvantaged in terms of employment. I trust that the Secretary, in prescribing the terms and conditions of his agreements with public and private agencies would insure that every effort would be made to provide opportunities for such persons.

Mr. **MUSKIE**. That is right. We discussed it with the distinguished minority leader. I agree that this is a very appropriate program to be guided by those considerations.

Mr. **SCOTT**. Mr. President, if the Senator will yield further, I appreciate the courtesy of the distinguished Senator from Maine. This was an amendment of mine, in which I had a great interest. I am most appreciative that it is being given consideration.

Mr. **MUSKIE**. I thank my colleague.

Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

Mr. **PERCY**. Mr. President, our American society has finally come to recognize and to deal with an emerging national crisis: survival in the midst of a polluted environment. The clamor for survival has spread from a handful of conservationists to an ever-increasing number of Americans. We so often seem preoccupied with the problems which are exclusively urban in their effect. But environmental quality concerns us all because it affects—indeed it threatens—us all. Mr. President, we have reached the point, I believe, where the enhancement of environmental quality must be a major national goal.

Now that we have reached this point, we must look ahead to our needs for future legislation, as well as the direction and speed of Government administration of existing laws. The sacrifices, the plans, the strategy that we are to pursue to reach the goal of cleaning up this country's waterways must be clearly defined. I submit that the bill which we are considering today makes significant advances in providing some of these much-needed and long-awaited answers. But, as encouraged as I am with this current effort, let me stress that it is only a beginning in our fight against the pollution of our environment.

The bill before us has numerous advantages in preparing us to fight the pollution battles. It lays down rules for dealing with oil spill catastrophes; it establishes standards for marine sewage discharges from vessels; it requires Federal licensees and permittees to comply with water quality standards; it provides for the identification, designation, and cleanup of hazardous substances other than oil; and it permits extended research authorizations, official encouragement, and development of an overall labor force trained to assist in the elimination of problems of operation and maintenance of pollution abatement equipment.

Of equal importance, the bill creates the Office of Environmental Quality. The Office will be primarily concerned with providing for representation of environmental interests in the numerous and varied policymaking forums across this country, both public and private. It is heartening that in the last few years there has occurred a new emphasis on ecology in the management of our natural resources. Failure in the past to give warranted attention to the interrelations between living organisms and their environment in the development and use of resources has had unfortunate, often disastrous, consequences. The creation of this Office of Environmental Quality will acknowledge Congress' new pledge to a "national policy of enhancement of environmental quality, a policy based on the concept that man and his environment are interrelated and that a quality environment is necessary to the improvement of living standards for all men."

Mr. President, I would suggest that this new Office is not an attempt to skirt the real issues but is rather an important, necessary means of filling a void, and providing a voice that too long has gone either inadequately represented or not represented at all.

In addition to the establishment of the Office of Environmental Quality, I am very enthusiastic that this bill gives recognition to some of the critical problems we are encountering in the Great Lakes. Nearly 30 million persons—15 percent of the Nation's inhabitants—live in the Great Lakes basin. These lakes supply this great population in America's heartland with water, food, transportation of raw materials, and manufactured goods, and outdoor recreation. But the pollution problems with which the citizens of this region must now contend are notorious. DDT is destroying the marine life in Lake Michigan, pollution is choking Lake Erie, industrial wastes threaten Lake Superior, algae and pesticides assault Lake Ontario, and the pollution of Lake Michigan and the industrial wastes of Saginaw Bay spill into Lake Huron. The $20 million authorized by this bill to study the pollution problems of the Great Lakes is a good beginning, though, obviously, it, too, is only a beginning. But it is a step we must take now in the war against pollution.

Mr. President, our thousands of rivers and lakes are suffering from the grave threat of pollution. The question is no longer whether we should abate pollution; rather, the question is how much time remains for us to save our environment. The bill now under consideration provides a beginning to our water cleanup effort. I commend the committee on its fine work and urge my colleagues to vote in favor of this bill.

Mr. BIBLE. Mr. President, I rise in support of the bill.

The Water Quality Improvement Act and the Environmental Quality Improvement Act embodied in this legislation are vitally needed. It has been well said that of the many threats facing this Nation and all of civilization today none is more alarming than the deteriorating quality of the natural environment in which we must live and work.

Our Nation has reached unsurpassed heights of technological and material progress. We have achieved a standard of living undreamed of at the turn of the century, and unmatched anywhere else on the planet. In our search for economic advancement and the comforts and convenience of a good life for all our people we have marshaled our natural resources and technological know-how with unparalleled sophistication. We stand as the economic wonder of the world.

I would not have it otherwise. But I am concerned—and all thinking Americans are concerned—over the impact our growth has had on our irreplaceable water resources, the air we breathe, our forests, and our grasslands. We have imposed too harshly on nature's bounty. We have taken our rivers and lakes for granted. We have ignored or overestimated their limited capacity to dilute and assimilate waste. Factories and powerplants belch their smoke and the life-giving air in our cities is dangerously smog laden. Industrial wastes and raw or poorly treated sewage has fouled our rivers, and endangered the very existence of many of our major fresh water lakes.

Lake Tahoe, which is shared by my own State of Nevada and by California, is without question one of America's most highly-prized natural assets. It is renowned for its scenic beauty and pristine clarity and purity.

This beautiful lake was able to resist pollution when human activity began accelerating as a result of settlement and early logging operations, but it is no match for the demands of modern man.

Recent years have seen explosive growth and development throughout the Tahoe Basin and along the lake shore. New highways and the postwar boom in tourism and outdoor recreation have changed Lake Tahoe from a quiet summer resort to a year-round major recreation area.

Rapid population and commercial growth has posed a serious threat to the Tahoe Basin. Ominous signs of water pollution are becoming all too evident. Not only the scenic beauty of the region but the very quality of its natural environment is now at stake.

In southern Nevada, the Lake Mead National Recreation Area is another of our endangered resources. Lake Mead is one of the most attractive, heavily used recreational areas in the United States. Its location near Las Vegas places it in one of the fastest growing metropolitan areas in the Nation, and this invaluable resource is feeling the pressures that come with increasing population and industrial densities. Sewage effluent and industrial wastes from the Las Vegas Valley are a contributing cause. They introduce high concentrations of plant nutrients into the lake and tributary waters. The result has been a gradual proliferation of aquatic algae, which consumes the oxygen in the water and is the prelude to stagnation and the ultimate death of irreplaceable water resources.

Fortunately, we in Nevada are only too well aware of these threats to our natural resources. We are not satisfied with the progress that is being made. In 1967, I offered a four-point program designed to coordinate the efforts of the Federal, State, and local governments to combat the Lake Mead problem. As a result, a local level interagency task force was established to go into the matter in depth and propose effective measures. The Federal Water Pollution Control Administration has provided valuable support. Some—but not enough—progress has been made. The pollution has not been abated, and I will not be satisfied until the deterioration of Lake Mead's water quality has ended.

Regarding Lake Tahoe, both Nevada and California have taken major steps to bring order and good planning to the development of the Tahoe Basin. Both have approved a regional planning compact that will establish ground rules for future development—standards that will see to the protection of the public interest in preserving the beauty and purity of the lake and basin for generations of Americans to come.

Early this session I introduced legislation to grant Congress' consent to this regional compact. I have pressed for action, but delays have been encountered due to the failure of the administration until recently to submit its report to the Judiciary Committee. This is essential legislation. The States are ready and anxious to get on with the business of protecting this unique resource. The Federal Government's interest would be fully protected under the compact, and I have high hopes the committee's schedule will permit the measure to be reported favorably to the Senate very soon.

Mr. President, I have referred to Nevada's water pollution problems. They typify problems faced by virtually every State in the Union—problems that demand the utmost in effort at all levels of government if we are to leave other than a legacy of waste for the future.

I know of nothing that should be of more fundamental concern to the Congress than the perils of pollution of our environment. What we do in this area we do to assure our children and grandchildren the quality of life our forebears enjoyed, but which now stands impaired.

The legislation now before the Senate is another in a line of measures enacted over recent years bespeaking the Nation's concern. I refer to the Water Pollution Control Act Amendments of 1963 and 1965, the Solid Waste Disposal Act of 1965, the Clean Water Restoration Act of 1966, and the Air Quality Act of 1967. I have supported these and every meaningful effort to provide for the preservation, protection, and restoration of our endangered resources.

Title I is a further step in the right direction. It will provide authority to establish Federal standards for the performance of marine sanitation devices to control sewage discharges from vessels. Waste from watercraft has a serious impact on the water quality of our bays, lakes, harbors, and marinas where vessels are concentrated. Both Lake Tahoe and Lake Mead will benefit from this.

Oil pollution is a major source of concern—particularly in light of the Santa Barbara Channel problem and the spectacular spills from the *Torrey Canyon* and the *Ocean Eagle*. The bill properly provides centralized authority to clean up oil spills regardless of the source, and for recovery of costs when the cleanup is done by the Federal Government.

Very importantly, title I of S. 7 seeks to insure compliance with water quality standards by Federal agencies, and by activities conducted under licenses and permits granted by the Federal Government. It requires that the Government itself, and those it licenses begin to consider the environmental aspects of their programs as a matter of first priority. The bill would require preconstruction water quality planning, and seeks to eliminate Federal participation in activities that are at odds with our national water quality programs.

I think this aspect of the bill is long overdue. We can hardly tolerate Federal oversight of water quality standards we have urged on the States, cities, and communities all across the Nation.

The bill also provides for the identification, designation, and cleanup of discharges of hazardous substances other than oil that foul and pollute our water resources.

I particularly applaud the bill's special attention to the problems confronting our fresh-water lakes. As the committee has pointed out in its report, at the present time there is no research facility anywhere exclusively devoted to basic and applied research in the causes and cures of lake pollution. Individual research is being conducted on various facets of the problem, but we lack a concentrated, coordinated attack.

Such an all-out campaign to overcome and put a stop to the degradation of our lake resources—in Nevada, in the Great Lakes, and throughout the Nation—is sorely needed.

Lake eutrophication research—so important if we are to overcome the problems facing the Great Lakes and others such as Lake Mead and Lake Tahoe would be pressed forward. I cannot overstress the importance of this kind of work.

New emphasis would also be placed on finding more effective means of removing oil pollution and combatting the acid-mine drainage that has so long impaired waterways in mining regions throughout the country. I think the report on the bill does an excellent job of reviewing the problems we face in each of these areas. It goes almost without saying that we must bend every effort toward overcoming these critical problems.

Mr. President, I also applaud the objective of title II of the present bill to provide the President with the management capability needed to bring coherence and consistency into the environmental activities of the Federal Government. Certainly Federal activities and federally assisted activities have a major impact on the environment.

Title II very properly requires that all federally supported public works projects and programs be planned and implemented in full recognition of their ecological impact.

The establishment of a full-time council or office on environmental affairs to review and analyze the administration of all environmental policies, programs, and activities of the Federal Government is long overdue. These problems cannot be handled effectively on an ad hoc or part-time basis. They require the kind of independent continuous high-level attention envisaged by title II of this legislation. An office of environmental quality—independent of other Federal agencies—is needed to make available to the President the substantive review and analysis of all matters relating to the environment.

Mr. President, I commend the committee for bringing forward an excellent bill, and urge its approval by the Senate.

Mr. HART. Mr. President, as we prepare to vote I wish to applaud the inclusion in this bill of the Great Lakes demonstration section, section 15, which authorizes $20 million for a concentrated attack on pollution in the Great Lakes. This is an absolutely critical item for our region, and indeed for the health and well-being of the whole country. For the sake of this section alone, S. 7 is deserving of our favorable action.

Mr. KENNEDY. Mr. President, one of the hard lessons of this decade has been the realization that the unchecked application of technology has resulted in the gradual and continuing destruction of our natural resources. And, although the Congress and the Nation have gone on record time and again as opposed to further despoilation of our environment, it continues today. For we continue to allow the pollution of our air and water resources at a rate not significantly less than that tolerated 5 or 10 years ago.

The only hope we have for the restoration of the resources we have denied to future generations of Americans is a true commitment to that restoration—a commitment of action, not of rhetoric; of funds, not of promises. We must launch an attack on every front—on air pollution; on water pollution; on solid waste disposal; and on thermal pollution. And we must do it now.

Since 1960, we in the Congress have taken steps to insure that such a commitment is made. We have enacted legislation to set standards, inaugurate programs, conduct research, and establish a good Federal-State partnership in a national pollution control effort. Since 1963, we have enacted the Clean Air Act, the Air Quality Act, the Water Quality Act, and the Clean Waters Restoration Act—to cite but a few of the major pieces of legislation designed to deal with the various aspects of this national disgrace. But we have not adequately funded any of the programs authorized in this legislation. To illustrate the current funding gap in this area, I ask unanimous consent that a chart, entitled "The Water Pollution Control Funding Gap," taken from the September issue of Nation's Cities, be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Mr. President, our failure to provide these necessary funds is a failure to respond to the demands of our citizens. A recent survey conducted by Newsweek magazine indicated that 56 percent of working Americans—taxpaying Americans—feel that we should allocate more funds to rid their communities of air and water pollution. It is my hope that this Congress, as the last of this decade, will make a commitment of funds that will allow us to progress toward our goal of total elimination of existing pollution and control of the causes of future pollution.

Today the Senate considers S. 7, a bill to amend the Federal Water Pollution Control Act. This legislation is important and necessary. Its passage will go far to indicate our congressional intent to maintain and expand our program to erase the stigma of pollution from our national and coastal waters.

S. 7 is based, in large part, on similar legislation considered by the Congress last year—S. 3206. I share in the disappointment that S. 3206 was part of that session's unfinished business. But I commend the committee, its distinguished chairman, Mr. Randolph, and the subcommittee and its honored chairman, Mr. Muskie, for not allowing its measures to remain as unfinished business. The bill they have reported to the Senate today is both comprehensive and farsighted.

It embodies the significant proposals of S. 3206 and introduces new language to deal with a problem of major national concern. The problem, brought to light this year at an all too alarming rate, is the increased incidence and the continual treat of accidental oil spills in our coastal waters.

It is this section of S. 7, Mr. President, section 12, on which I would like to comment. In recent years, and at an increased rate this past year, accidental oil spills have brought untold damage to our coastal waters and beaches and to the biological, marine, and birdlife which inhabit these areas. Considerable and sometimes irreparable damage has also been done to the ecological balance of these waters. Only last month, in my own State of Massachusetts, another potentially tragic oil spill occurred. Damages are still being investigated, but there is no question that they will be the most substantial inflicted to date in this area in terms of marine life. At the time of this most recent spill, I took the floor of the Senate to indicate my distress and to suggest possible measures and amendments to existing legislation to establish national policy and Federal responsibility in such matters. At that time, I most strongly urged further development of an interagency contingency plan; the requirement of a bonding mechanism for all vessels engaged in the ocean transport of oil cargoes; a liability requirement which would place the burden of proof of absence of negligence on the vessel owner or operator; and, finally, the development of a comprehensive research effort in the use of chemicals and other technology in spill cleanup efforts.

The work of the committee is again worthy of commendation in this regard. The comprehensive report on S. 7 indicates that, as a result of extensive hearings, section 12 was drafted to incorporate many of these measures.

This section, and other sections of S. 7, specifically direct the President to delegate responsibility for the administration of the provisions of this and all sections to the Federal agencies which have jurisdiction over the areas and waters involved. I would like to suggest, however, that the President direct these agencies to establish from among their personnel a board of advisers who are both technical and logistical experts in such matters to be ready to fly to the scene of a major spill as soon as possible after notification of occurrence. The Civil Aeronautics Board employs such a team to fly to the site of aircraft disasters to determine cause and to aid in the removal of debris from the site. This is a good program and one which I feel easily evidences its transferability to oil spill disasters.

Section 12 requires that owners of vessels engaged in the transport of oil establish and maintain evidence of financial responsibility. Although this measure is not as broad as one I intended to introduce, it is my determination that it is adequate and will be effective.

Liability standards as outlined in section 12 also satisfy my intention. Under the terms of this section, the burden of proof is placed directly on the vessel operator to prove absence of negligence on his part.

Section 104 of S. 7 amends section 5 of the Federal Water Pollution Control Act to authorize the Secretary of the Interior to broaden the research program authorized by the act to include the conduct of research into the removal of oil from our waters. It is my feeling that directives to the Secretary in this matter should be more specific. He should be directed to conduct specific research on the use of dispersants, floating absorbents, gelling agents, and other chemicals. He should also be directed to establish standards for such chemicals. Therefore, I will introduce an amendment to strengthen the research authorization of S. 7.

EXHIBIT 1

WATER POLLUTION CONTROL FUNDING GAP—AUTHORIZATIONS VERSUS ALLOCATIONS UNDER THE 1966 CLEAN WATERS RESTORATION ACT

[In millions]

States	1968		1969		1970		1968-70 funding gap total [1]			
	Authorized	Allocated	Authorized	Allocated	Authorized	Allocated	Total dollars authorized	Total dollars allocated	Total dollar gap	Percent not funded
Total	$450.0	$203.0	$700.0	$214.0	$1,000.0	$214.0	$2,150.0	$631.0	$1,519.0	70.7
Alabama	8.4	4.1	12.9	4.1	18.3	4.1	39.6	12.3	27.3	68.9
Alaska	1.2	.9	1.5	.9	1.9	.9	4.6	2.7	1.9	41.3
Arizona	3.8	2.0	5.6	2.1	7.8	2.1	17.2	6.2	11.0	64.0
Arkansas	5.2	2.9	7.6	2.8	10.6	2.8	23.4	8.5	14.9	63.7
California	35.3	14.6	56.9	14.9	82.8	14.9	175.0	44.4	130.6	74.6
Colorado	4.7	2.4	7.1	2.4	10.0	2.4	21.8	7.2	14.6	67.0
Connecticut	6.2	2.9	9.7	2.9	13.9	2.9	29.8	8.7	21.1	70.8
Delaware	1.6	1.1	2.3	1.1	3.0	1.1	6.9	3.3	3.6	52.2
District of Columbia	2.3	1.3	3.3	1.3	4.6	1.3	10.2	3.9	6.3	61.8
Florida	11.8	5.3	18.6	5.4	26.8	5.4	57.2	16.1	41.1	71.9
Georgia	9.8	4.6	15.1	4.6	21.6	4.6	46.5	13.8	32.7	70.3
Hawaii	2.2	1.4	3.0	1.3	4.1	1.4	9.3	4.1	5.2	55.9
Idaho	2.5	[2].5	3.4	1.6	4.5	1.6	10.4	3.7	6.7	64.4
Illinois	22.9	9.6	36.7	9.8	53.4	9.8	113.0	29.2	83.8	74.2
Indiana	11.1	4.9	17.5	5.0	25.2	5.0	53.8	14.9	38.9	72.3
Iowa	6.9	3.3	10.7	3.3	15.3	3.3	32.9	9.9	23.0	69.9
Kansas	5.7	2.8	8.6	2.8	12.2	2.8	26.5	8.4	18.1	68.3
Kentucky	7.8	3.7	12.0	3.8	17.0	3.8	36.8	11.3	25.5	69.3
Louisiana	8.3	4.0	12.7	4.0	18.1	4.0	39.1	12.0	27.1	69.3
Maine	3.1	1.9	4.5	1.9	6.1	1.9	13.7	5.7	8.0	58.4
Maryland	7.5	3.5	11.8	3.6	17.0	3.6	36.3	10.7	25.6	70.5
Massachusetts	12.0	5.3	19.1	5.4	27.6	5.4	58.7	16.1	42.6	72.6
Michigan	18.0	7.7	28.7	7.8	41.6	7.8	88.3	23.3	65.0	73.6
Minnesota	8.4	3.9	13.1	3.9	18.7	3.9	40.2	11.7	28.5	70.9
Mississippi	6.2	3.4	9.2	3.4	12.8	3.4	28.2	10.2	18.0	63.8
Missouri	10.3	4.7	16.3	4.8	23.4	4.8	50.0	14.3	35.7	71.4
Montana	2.4	[2].7	3.3	1.5	4.5	1.5	10.2	3.7	6.5	63.7
Nebraska	4.0	2.2	5.9	2.1	8.2	2.1	18.1	6.4	11.7	64.6
Nevada	1.2	.9	1.7	.9	2.2	1.0	5.1	2.8	2.3	45.1
New Hampshire	2.2	1.4	3.0	1.4	4.0	1.4	9.2	4.2	5.0	54.3
New Jersey	14.0	6.1	22.4	6.2	32.4	6.2	68.8	18.5	50.3	73.1
New Mexico	3.1	[2].7	4.4	1.9	6.0	2.1	13.5	4.7	8.8	65.2
New York	37.6	15.5	60.7	15.8	88.4	15.8	186.7	47.1	139.6	74.8
North Carolina	11.1	.52	17.4	5.2	24.9	5.1	53.4	15.5	37.9	71.0
North Dakota	2.3	[2].3	3.3	1.6	4.3	1.6	9.9	3.5	6.4	64.6
Ohio	22.1	9.4	35.5	9.6	51.5	9.6	109.1	28.6	80.5	73.8
Oklahoma	6.1	3.1	9.3	3.1	13.2	3.1	28.6	9.3	19.3	67.5
Oregon	4.7	2.4	7.1	2.4	10.1	2.4	21.9	7.2	14.7	67.1
Pennsylvania	25.7	10.8	41.3	11.0	60.0	11.0	127.0	32.8	94.2	74.2
Rhode Island	2.7	1.6	3.9	1.6	5.3	1.6	11.9	4.8	7.1	59.7
South Carolina	6.5	3.4	9.7	3.4	13.7	3.3	29.9	10.1	19.8	66.2
South Dakota	2.5	[2].3	3.5	1.7	4.6	1.8	10.6	3.8	6.8	64.2
Tennessee	9.0	4.3	13.9	4.3	19.8	4.3	42.7	12.9	29.8	69.8
Texas	22.0	9.4	35.2	9.6	51.0	9.6	108.2	28.6	79.6	73.6
Utah	2.9	[2].7	4.1	1.8	5.6	1.8	12.6	4.3	8.3	65.9
Vermont	1.8	1.4	2.4	1.3	3.0	1.3	7.2	4.0	3.2	44.4
Virginia	9.7	4.5	15.1	4.5	21.7	4.5	46.5	13.5	33.0	71.0
Washington	7.0	3.3	11.0	3.3	15.7	3.3	33.7	9.9	23.8	70.6
West Virginia	5.2	2.7	7.8	2.8	10.8	2.8	23.8	8.3	15.5	65.1
Wisconsin	9.5	4.4	15.0	4.4	21.5	4.4	46.0	13.2	32.8	71.3
Wyoming	1.5	[2].005	2.1	1.2	2.6	1.2	6.2	2.4	3.8	61.3
Guam	1.6	[2].8	1.6	1.5	1.7	1.4	4.9	3.7	1.2	24.5
Puerto Rico	6.6	3.5	9.8	3.5	13.7	3.5	30.1	10.5	19.6	65.1
Virgin Islands	1.5	1.5	1.5	1.4	1.6	1.4	4.6	4.3	.3	6.5

[1] 1970 appropriations still pending.

[2] Actual amounts used by these 8 States although they were entitled to use more. Unused amount totaling $8,300,000 from these 8 reallocated to other States.

Source. Federal Water Pollution Control Administration.

Mr. YARBOROUGH. Mr. President, the United States is probably the most affluent Nation in history. Our citizens enjoy a higher standard of living than any other country in the world. Our technology is increasing at a fantastic rate. We take for granted today things which our forefathers would have found unbelievable. Man has walked on the moon. And this is only the beginning.

However, while man has been marveling at his accomplishments, he has been blind to the quiet, insidious decay of his environment. Many of us live in environments dominated by polluted air, filthy water, ugliness, and noise, and are almost completely unaware of the subtle changes which have worsened our situation over the years. A person may not realize what has happened until a certain threshold is reached and his eyes water, his water stinks, his plants die, and the paint peels from his house.

Mr. President, we have reached this threshold. We must act decisively now if we are to stop this deadly degradation of our environment. We must begin now to analyze the full cause-and-effect linkage of all of our actions, not just the immediate results of a few. We can no longer afford to have our environment contaminated by persistent pesticides. We can no longer tolerate the pollution of our air and water by the refuse of our affluent society.

S. 7, of which I am a cosponsor, is a positive step toward the preservation of the quality of our environment. As reported by the Committee on Public Works, this bill would among other things: control the discharge of sewage from vessels into the navigable waters of the United States; provide for the control and cleanup of oil discharges into inland waters of the United States, of the territorial seas, and of the 9-mile zone contiguous to the territorial sea; provide for the identification, control and cleanup of hazardous substances other than oil; authorize a demonstration program on areawide control of acid and other mine water pollution resulting from active or abandoned mines; authorize a demonstration program to eliminate or control pollution within the watersheds of the Great Lakes; require Federal agencies to insure compliance with applicable water quality standards in the administration of their property, facility, or activity; provide for the training of personnel to operate and maintain existing and future water treatment works; and establish in the Executive Office of the President an Office of Environmental Quality and provide for the establishment of an advisory committee having a broad range of concern including population growth, environmental quality, and planning for the future.

Of particular significance to States such as Texas that border on the sea, are the provisions in title I of S. 7 which provide centralized authority to clean up oil spills. The recent disastrous oil spill off the coast of Califorina at Santa Barbara has taught us a tragic lesson in what can happen to people and property when large quantities of oil are discharged into our coastal waters. Oil spills, such as that one, pose an extremely grave threat to Texas because of the tremendous number of offshore oil operations and heavy ship traffic that is found along the gulf coast. For example, if a large quantity of oil was discharged into the waters of the Houston Ship Channel, not only would the waters and beaches around Houston and Galveston be polluted but also the intercoastal canals thus causing heavy damage to the large rice crop that is produced in this area. In light of the danger to the people of the coastal areas and their property, it is only right that the expense of cleaning up oil spills be charged to the owners and operators of vessels transporting oil and oil products and the offshore and onshore facilities that discharge this dangerous oil.

Mr. President, just this week I offered the Joint Resolution 156 to establish an interagency commission for planning this country's participation in the 1972 United Nations Conference on the Human Environment. In offering that legislation, I pointed out that pollution is a problem of worldwide dimensions and there is no doubt that this is true. Since, according to Dr. Edward D. Goldberg of Scripps Institute of Oceanography, La Jolla, Calif., the United States is "responsible for around one-half to one-third of many of the contaminates introduced into the atmosphere or ocean," this Nation is obligated to take the lead in dealing with the pollution of our environment.

The United States must undertake a crash program to deal with pollution within our boundaries and along our shores. This bill will constitute a great step forward in such a program.

By adoption of this bill we can set an example for the rest of the nations of the world to follow and demonstrate that we are willing to embark upon an all-out attack upon the problem of pollution before it is too late.

We cannot afford to underestimate the gravity of the problem, for as David M. Gates, director of the Missouri Botanical Gardens and an expert ecologist, in an article placed in the CONGRESSIONAL RECORD this week by Senator TYDINGS, warns us, our continuing assault on the natural environment "could produce an earth populated by 'half-starved, depressed billions gasping in air depleted of oxygen and laden with pollutants, thirsting for thickened, blighted water.' "

This is the reason why, Mr. President, I am proud to be a cosponsor of this bill and why I urge, with all the candor at my command, my colleagues to support this legislation.

Mr. MONDALE. Mr. President, water is a precious commodity.

The U.S. Senate has again, today, recognized the need to preserve and protect our existing supply of water by passage of S. 7, legislation which contains the Water Quality Improvement Act of 1969 and the Environmental Quality Improvement Act.

I am doubly pleased by today's action since S. 7 contains the Clean Lakes provision first introduced by myself and Senator Burdick in 1966. This provision will allow basic research into the cause, cure, and prevention of lake pollution. It will provide funds for the construction and operation of research facilities for these purposes. The outcome of such research should give us a greater understanding about the effects of treated sewage, fertilizers, pesticides, siltation and other substances which ultimately drain into our fresh water community lakes.

Now that we have taken this basic and long-needed first step, I will shortly introduce legislation to authorize the next step. The National Clean Lakes Act of 1969 would provide grants for operational programs to counter and eliminate pollution of fresh water community lakes.

Mr. President, our lakes are so much a part of our life in Minnesota and across this country. Yet there are thousands of lakes in this country which are decaying and in danger of becoming extinct because of pollution and siltation. My State of Minnesota is known as "The Land of 10,000 Lakes." We do not want to subtract from this slogan.

Like Minnesota's other natural resources, lakes are not impervious to man's vandalism and natural decay. Throughout Minnesota and the Nation, lakes are suffering from the pollution epidemic—they are smothering to death in organic waste and untreated posions.

Now, building on the vehicle provided by the Senate today— and the legislation I will introduce—I am convinced we can expand the life cycle of many of this Nation's tens of thousands of lakes.

Thoreau wrote:

> Nothing so fair, so pure . . . as a lake, perchance, lies on the surface of the earth . . . Nations come and go without defiling it . . . It is a mirror . . . whose gilding Nature continually repairs . . . which retains no breath that is breathed on it.

I am afraid that there is more poetry than truth in those beautiful words. Nations have defiled their lakes. The restorative powers of nature do not work on the still waters of a lake to the same effect that they work on the flowing waters of a stream.

Our fast-flowing rivers are equipped with unbelievably recuperative powers. This built-in natural recovery process has enabled many of our rivers to take the worst that man has been able to throw at them in the way of pollution punishment. Rivers have a faculty of rolling with the pollution punch that the more placid lake waters lack. At one and the same time—if we are to save our lakes—we must develop ways of keeping pollutants out of lakes; remove, insofar as possible, those pollutants already in our lakes; and, finally, to neutralize the effects of those pollutants which cannot otherwise be eliminated.

When the natural aging process of a lake is speeded up, we find a condition called accelerated eutrophication. The scientist may define it as "the state of a body of water resulting from intentional or unintentional, natural or man-made modifications to the aquatic environment to the extent that the ecological system supports an imbalance in the biological production and creates a nuisance or interference with a water use."

The layman may not be concerned with definitions, but he knows that a polluted lake is ugly to look at, unfit to swim in, unpleasant to boat on, devoid of prize sport fish. His livelihood may suffer from lost property values, deserted resorts, reduced value of the commercial fishery, and impeded navigation. The public water supply of his community may be impaired. The citizen has a large stake in clean lake waters.

We do not fully understand eutrophication. We do know that manmade wastes contain nitrates, phosphates, and other nutrients which stimulate biological production and promote the premature aging of a lake. The algal bloom is a sign of advancing eutrophication. Profusion of algae and other vegetation and siltation make the lake waters more shallow and hasten the process. When sunlight penetrates the shallow waters, vegetation climbs to their surface and chokes the lake. The vegetation decays, disagreeable odors result, and fish often die from the loss of oxygen. Industrial wastes, municipal wastes, individual waste disposal systems, agricultural runoff, and siltation from soil erosion all contribute to the influx of manmade pollution into the Nation's lakes.

The impairment of water quality of our lakes is a problem complex in its causes, widespread in scope, and difficult in solution. We do not have the final answers to these problems. We may never—but a nation which can reach the moon in a decade certainly should be able to—come up with practical solutions to some if not all of the problems of aging lakes.

But we are confident that through an expanded research, development, and demonstration effort, we will be able to do a far better job than we now are doing to control the eutrophication process in fresh water community lakes.

Mr. President, there are a number of reasons for proceeding now with full scale demonstration and operational programs even though we are just beginning research and development programs. These reasons include: a substantial knowledge base upon which to act; the need for action programs to interact with development programs; and the demand to immediately counterbalance periods of seemingly irreversible pollution where eutrophication is taking place.

Briefly, the National Clean Lakes Act of 1969 would provide funds for a variety of programs including dredging and cleansing already polluted lakes including disposal costs, removal of effluents and nutrients from sewage treatment plants, and soil conservation programs to retard the drainage of siltation, nutrients, and other pollutants.

The measure will seek authorizations over a 3-year period; $200 million for the first year, doubling to $400 million in the second, and increasing to $500 million for the third.

This funding will permit the Interior Department to finance feasibility studies, preliminary research, full-scale demonstrations, and operating facilities. It would also provide assistance to resort owners, farmers, and construction workers to permit various programs to halt siltation and the passing of nutrients into fresh water community lakes.

Moneys shall be on a matching provision with funds put up by State municipalities and by businesses and industries contributing to pollution and having a stake in the cleansing of the lakes. This funding should be at a rate of 90 percent for those projects which are purely of a demonstration nature, and 75-percent Federal funds for the more operational grants where the success of the facility is more certain.

The National Clean Lakes Act will be tied directly to total land management plans for individual States and areas. The States will be given a leading role in the establishment and enforcement of standards.

Mr. President, it is my hope that with the perfection of the tools and technology of restoring fresh water community lakes, our municipalities all across the Nation will be encouraged to begin the task of cleaning their lakes and to take immediate steps to prevent further pollution.

There is no lack of interest in such projects in the States. Rather, there is frustration at the enormous size of the job and the realization that, without Federal assistance, most such projects are impossible.

The Minnesota Department of Conservation estimates that dredging and cleaning a lake costs a minimum of 25 to 50 cents a yard. To deepen an acre of water by only 1 foot costs about $4,000. In Minnesota, there are 17 lakes that are over 10,000 acres in size. To deepen one of these lakes by 5 feet would cost about $4 million. It is obvious that such an expense cannot possibly to borne by a lake community, and even for a major metropolitan area, the cost is virtually prohibitive.

Thus, in the National Clean Lakes Act of 1969 which I will introduce, I am proposing that lakes be given treatment comparable to other bodies of water in the protection against pollution.

I urge my colleagues to join with me in support of this bill to rejuvenate and beautify our lakes.

Mr. MUSKIE. Mr. President, Senator MONDALE is to be congratulated for his excellent contribution to the work of Subcommittee on Air and Water Pollution. The Senator has provided significant leadership in providing legislative recommendations to deal with the difficult problem of lake eutrophication.

As the Senator has so eloquently pointed out, many of the Nation's lakes are dying at an accelerated rate. We must retard this process.

We will not be successful in this effort unless we can develop the necessary technical capacity to halt lake pollution. And we will not be successful unless we make a meaningful national commitment now.

The Senator from Minnesota has led this effort and on behalf of the members of the committee, I want to express our appreciation. I look forward to reviewing the additional proposals which the Senator intends to offer.

Mr. MURPHY. Mr. President, as a cosponsor of S. 7, I rise in support of the measure. Last year, as a member of the Subcommittee on Air and Water Pollution, I supported a similar measure that passed the Senate. Although no longer a member of that subcommittee, I have continued my great interest in the subject of pollution, both air and water. I regard the increasing pollution of our environment as one of the paramount problems facing our Nation and, indeed, the world community of nations.

S. 7, when its provisions are fully implemented, will constitute a giant step forward in the water pollution fight. It should be a particularly effective deterrent against the despoliation of our lakes, rivers, bays and, significantly too, in my State, California, our magnificent coastlines.

No piece of legislation can be a complete defense against the type of catastrophe that ravaged Santa Barbara beaches earlier this year, or that ravaged the beaches of Southern England as a result of the *Torrey Canyon* grounding several years ago. However, the provisions of S. 7, insure that immediate cleanup operations can be commenced and ultimate financial liability fixed.

In this regard the bill before the Senate contains the provisions I urged in testimony before the House Committee on Public Works on February 13, 1969. I said:

> Present water pollution control legislation dealing with the spillage of oil . . . is clearly inadequate. Financial responsibility must be placed on the owners and operators of both ships and shore facilities. Present law limits liability to dischargers who are 'grossly negligent or willful.' I supported legislation which passed the Senate establishing the responsibility of the party to either clean up or authorize the government to do it and later recover the costs from the party responsible.

Thus, S. 7 contains provisions declaring the discharge of oil to be unlawful; authorizes the establishment of regulations relative to discharge and removal of oil; establishes penalties for violation of these regulations; provides authority for the operator to immediately remove any oil discharge or spill or in the event he either refuses to clean up or does not adequately clean up the discharge, the Government may remove the oil to prevent damage and decrease the cost; establishes liability on vessel owners of $125 per gross ton of his vessel or $14 million whichever is lesser for such spills and requires evidence of the ability of vessel owners and operators to cover up to $100 per gross ton of liability in the event of discharge; and establishes a $50 million revolving fund for operation of the entire cleanup program.

In addition, I have long felt the need for contingency plans in the event of a disaster such as the Santa Barbara incident and as stated in my testimony before the House Committee on Public Works:

> The Santa Barbara incident has underscored once again the need to accelerate a research development and testing program to increase and improve our capabilities for preventing, controlling, and cleaning up of oil spills and other hazardous substances. I recommend an amendment to the research section of the Federal Water Pollution Control Act to authorize an additional $5 million for the acceleration of research on marine pollution problems, such as that posed by oil spillages. This was one of the recommendations of the Commission on Marine Science, Engineering, and Resources, the Commission

> which earlier this year issued a report charting the future direction of the nation's ocean exploration efforts.
>
> I urge that contingency plans be developed at the local, state and regional levels to provide for a quick response to oil spills and similar disasters. I understand that no such plans presently exist today. This is a serious deficiency in our pollution control arsenal and should be remedied immediately. In my judgment, such contingent plans should be an integral part of the state and federal water pollution control programs.

Under S. 7, the President has broad authority to issue regulations for preventing oil discharges and for developing and coordination between the various levels of Government oil removal contingency plans.

I long have been concerned about the increasing level of pollution in the San Francisco Bay-Delta area. Since the Navy is the chief polluter of the bay, I recently urged the Secretary of the Navy to stop this polluting. As a member of the Senate Armed Services Committee, I intend to do whatever I can to see that this pollution is stopped and to make certain that the Federal Government cleans up rather than pollutes. I ask unanimous consent that a copy of the telegram I sent to the Secretary of the Navy be printed at this point in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

> When I was in San Francisco with Secretary of the Interior Hickel recently, it was reported that a principal part of the pollution in the San Francisco Bay was caused by Navy ships and installations. As one who believes that the Federal Government should set an example for the nation in our battle against pollution, both air and water, I request the Navy to stop this pollution of the Bay. As a member of the Senate Armed Services Committee and a former member of the Senate Public Works Subcommittee on Air and Water Pollution, I stand ready to urge the Armed Services Committee and the Congress to help the Department of the Navy in its efforts to stop this pollution.

Mr. MURPHY. In testimony prepared for the House Subcommittee on Conservation and Natural Resources, the Federal Water Pollution Control Administration, in its report, stated:

> It is estimated that 250 million gallons of shipboard and sanitary sewage are discharged into the San Francisco Bay-Delta area each year from vessels using the twelve deep water ports, numerous port and docking facilities, and 250 small craft harbors. It has also been estimated that the 60 assigned military vessels operating in the Bay-Delta waters contribute approximately ninety per cent of the annual wastes discharged from all vessels. Other vessels operating in these waters include 96,000 small craft, 800 fishing vessels, and 5,000 commercial vessels entering through the Golden Gate each year.

When the provisions of S. 7 concerning shipboard discharge of sewage become effective, Federal standards will be established for marine sanitation devices and the means by which sewage may be discharged from vessels. These regulations are applicable to military as well as private vessels unless there are clear overriding defense considerations.

I urge the Secretary of the Navy not to wait until the provisions of this section are applicable but that he commence forthwith to develop and test appropriate marine sanitary devices for use in the San Francisco Bay.

Mr. President, since coming to the Congress I have supported every single piece of legislation that has advanced our Nation's battle against air and water pollution. Some years ago a great American, Teddy Roosevelt, saw what we were doing to our natural resources and led a movement to stop the senseless destruction. Today our environment and natural resources are again being threatened by pollution. I sincerely believe that one of the most serious if not the most serious problem facing our Nation is this question of pollution. I am happy that we are taking this most significant and positive approach toward its control. However, the citizens of our Nation must become aware and must make the commitment once again if we are to save America, the beautiful.

Mr. MUSKIE. Mr. President, I would like to express my personal appreciation and that of the members of the Committee on Public Works to the staff of the committee and the Members who have worked on this legislation. The continual cooperation of majority and minority committee staff and effective consultation with the staffs of members of the committee has expedited the Senate consideration of the comprehensive environmental quality legislation.

Specifically, Mr. President, I would like to acknowledge the efforts of Mr. Richard Royce, chief clerk and staff director of the committee; Mr. Bailey Guard, minority clerk; Mr. Barry Meyer and Mr. Tom Jorling for his majority and minority counsel; Mr. Leon Billings, Mr. Richard Grundy, and Miss Adrien Waller, professional staff members; Mr. Donald Nicoll and Mr. Eliot Cutler of my staff, and Mr. Hal Brayman of Senator Boggs' staff.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), and the Senator from Georgia (Mr. Russell) are necessarily absent.

I further announce that the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Magnuson), and the Senator from New Jersey (Mr. Williams) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from Washington (Mr. Magnuson), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator Georgia (Mr. Russell), and the Senator from New Jersey (Mr. Williams) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. Saxbe) is necessarily absent.

The Senator from Utah (Mr. Bennett) and the Senator from New York (Mr. Goodell) are detained on official business.

If present and voting, the Senator from Utah (Mr. Bennett), the Senator from New York (Mr. Goodell), and the Senator from Ohio (Mr. Saxbe) would each vote "yea."

The result was announced—yeas 86, nays 0, as follows:

[No. 117 Leg.]

YEAS—86

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Gore
Griffin
Gurney
Hansen
Hart
Hatfield
Holland
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Mansfield
Mathias
McCarthy
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—14

Bennett
Goodell
Gravel
Harris
Hartke
Inouye
Long
Magnuson
McGovern
Montoya
Moss
Russell
Saxbe
Williams, N.J.

So the bill (H.R. 4148) was passed.

The title was amended, so as to read: A bill to amend the Federal Water Pollution Control Act, to establish an Office of Environmental Quality, to provide for certain property acquisition, and for other purposes.

Mr. MUSKIE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MUSKIE. Mr. President, I ask unanimous consent that S. 7 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the Senate amendment to H.R. 4148, and that the bill be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. I move that the Senate insist on its amendment and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Muskie, Mr. Randolph, Mr. Bayh, Mr. Montoya, Mr. Boggs, Mr. Cooper, and Mr. Baker conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, there is no doubt that this singular success—the unanimous approval of the Water Pollution Control Act amendments—is attributable to the expertise and legislative skills of the floor manager of the bill, the distinguished chairman of the Air and Water Pollution Subcommittee of the Public Works Committee, the Senator from Maine (Mr. Muskie). His tireless efforts in committee and on the floor have gained for him the deepest gratitude of the Senate and the Nation. His efforts, may I say, will serve to provide a better environment for all of us. We are grateful. He has added a magnificent achievement to his already abundant record of public service.

We are grateful also to the Senator from West Virginia (Mr. Randolph) and to the Senator from Delaware (Mr. Boggs), the chairman and ranking minority member, respectively, of the Public Works Committee. They joined to assure the efficient and swift disposal of this measure. They added their always thoughtful, always perceptive views to the discussion.

Especially, our thanks must go also to the distinguished Senator from Washington (Mr. Jackson). The cooperation he exhibited was characteristic. His support was outstanding, and we are grateful.

The Senate may be proud of another fine achievement.

Mr. MUSKIE. Mr. President, during the last 24 hours, both Washington newspapers, the Post and the Evening Star, have published editorials in support of full funding of the $1 billion authorization for Federal grants for the construction of municipal waste treatment facilities.

Regardless of the outcome of the vote on this question in the House today, I intend to press for full funding in the Senate, as we have in the past.

The chairman of the Subcommittee on Public Works of the Appropriations Committee, the distinguished Senator from Louisiana (Mr. Ellender) has committed his support to increased funding for the program, and I hope that the committee will find it possible to recommend full funding.

Although the administration has requested only $214 million for fiscal 1970, recent reports have indicated that the administration may be seeing the light of overwhelming public support for the program.

I hope they do change their mind, but in any case, I pledge my support for full funding, and I promise a vigorous effort in behalf of it.

I ask unanimous consent that the editorials to which I have referred be included in the Record at this point.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, Oct. 8, 1969]

$1 Billion for Clean Water

A major test of whether this country is sincere in trying to clean up its polluted rivers and lakes will come in the House of Representatives today. In principle, the Congress, the administration and the country are thoroughly committed to the cause of clean water. It is one of the most popular crusades of the day. But lip service and even authorizing legislation do not remove filth from our streams. Sewage-treatment plants must be actually constructed, and Congress has to date provided only meager funds for this purpose.

New hopes were raised in 1966 when Congress approved a sharp rise in federal assistance to states and cities for the construction of clean-water facilities. The program was to expand from $150 million in fiscal 1967 to $1 billion in fiscal 1970. But out of the $2.3 billion authorized for the last four years, including this one, Congress has appropriated only $567 million for the three past years, and the current budget request is for only $214 million for fiscal 1970. In other words, the real cleanup program, as distinguished from the reassuring words and good intentions, has not yet gotten off the ground.

Fortunately, the great gap between promise and performance has not gone unnoticed on Capitol Hill or among the millions who are now demanding restoration of a healthful environment. A large number of organizations representing conservation groups, organized labor, professional societies, civic associations and city and county officials have united their efforts in a Citizens Crusade for Clean Water, and more than 220 members of the House have pledged themselves to vote a billion dollars for clean water when the big test comes.

One vital element in the situation is the plight in which many cities find themselves. Under the prodding of Congress, state legislatures have been raising standards of sewage treatment which the cities will have to meet. But if they are denied the federal aid that was contemplated when the higher standards were set they will have to choose between failure to comply and the diversion of funds from education, housing, law enforcement and so forth to meet the new demands for clean water. It is reported that more than 4,600 applications for aid to cities in the construction of sewage-treatment facilities are awaiting action, largely for want of funds.

The plain fact is that Congress has reneged on its clean-water pledge to the country. The technical know-how for restoration of the Nation's streams and lakes to a tolerable condition is readily at hand. Much of the needed legislation is already on the books, although Secretary Hickel is seeking authority to help pay for treatment facilities on an installment basis through contracts with cities and states, which would greatly ease the demand for current appropriations. The missing element is immediate funds to change the clean-water drive from a remote hope to a current reality.

We agree with the National League of Cities, the League of Women Voters and the many other groups and individual leaders who are calling for the immediate appropriation of a billion dollars for the 1970 cleanup effort. On the eve of the test vote there are indications that the administration will accept substantial expansion of the clean-water budget item it carried over from the Johnson budget. But compromise at this point is not enough. The judgment of Congress as expressed in the Clean Water Restoration Act that $1 billion would be needed this year for grants in this area was sound. It should be adhered to today. In a matter of such vital concern to the country, Congress simply cannot afford to put itself into the position of withdrawing from an obligation it has assumed and sought to impose on the states and cities.

[From the Evening Star, Oct. 7, 1969]

Keeping Promises

Several months ago, we were critical of Congress for retreating from its commitment to the states and localities to provide $1 billion in matching grants for water pollution control. What bothered us at the time was not so much the enforced slowdown in this important program but rather the immorality involved in mousetrapping local governments into commitments they can ill afford, and then not coming across.

In this context, it is especially gratifying to note that over 220 congressmen have gone on record as favoring the full $1 billion appropriation for waste treatment plants. At present, the House money bill contains $600 million for this program—itself a considerable improvement over the $214 million originally earmarked. Interested lawmakers will offer an amendment on the House floor this week to up that to $1 billion. If they all vote the way they have talked, this amendment should sail through easily.

The next move would then be up to the Senate. To date there has not been a comparable show of support in the other chamber for a full-funding of the water pollution program. But this is perhaps because the quite remarkable ground-swell of concerned public opinion on this subject has so far been focused on the House.

It should be understood, of course, that this is definitely a time when budgetary restraint is indicated. Accordingly, a number of important government programs are in imminent danger of severe cutbacks. Even so, there are two good reasons for not stinting on water pollution control, quite apart from its merit as a program. First, local governments have already been induced to commit their own limited resources for this purpose. And second, there appears to be broad public support for the program. In this case at least, there is reason to give the public what it wants.

COMMISSIONER DOMINICK CONFIRMS FWPCA'S COMMITMENT TO ENHANCEMENT PRINCIPLE

Mr. COOPER. Mr. President, I would like at this time to bring to the Senate's attention an excellent and most appropriate addition to the disscussion of S. 7. It is a speech given on September 23 in Kansas City by Commissioner David D. Dominick before the Association of State and Interstate Water Pollution Control Administrators.

In this speech, which I would ask unanimous consent to include at the end of my statement, Commissioner Dominick spells out the goals of the Federal Water Pollution Control Administration and its activities. He affirms the necessity of strong Federal, State, and local partnerships and cooperation for the success of pollution control programs of all kinds.

One of the most significant statements of the speech is the confirmation of the administration's commitment to the principle of enhancement of water quality articulated as follows:

> The keystone of the Water Quality Act of 1965 was enhancement of water quality, and this has become the keystone of State and Federal water quality standards. I do not believe that we can afford to go any other way. In most parts of the country, the day has long since passed that we could rely on the

"assimilative capacity" to protect us from water quality degradation and, eventually, curtailment of such water uses as swimming and propagation of high quality fisheries associated with clean waters. The traditional assimilative capacity concepts have ignored the more subtle water pollution control parameters that they become so important to the protection of legitimate water use.

I commend the entire text of Mr. Dominick's speech to my Senate colleagues.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks by David D. Dominick, Commissioner, Federal Water Pollution Control Administration, U.S. Department of the Interior, Before the Association of State and Interstate Water Pollution Control Administrators, Kansas City, Mo., September 23, 1969

Good morning, Gentlemen. It is a privilege to be meeting here with you in Kansas City and to lead off on what promises to be an important annual meeting of the Association of State and Interstate Water Pollution Control Administrators.

You have asked me to comment on the Federal Water Pollution Control Administration goals and directions for the future. This is an excellent forum to give you such comments because I would hope that our goals would be essentially your goals. And I know that in many instances our problems are your problems as well. In a simple sense the goals of FWPCA are to come to grips with and find solutions for the issues which are presently impeding progress in the fight for pollution abatement and environmental quality.

There is an urgency to our mutual efforts which has never existed before. I am sure that I don't have to remind you of the public demand for cleaner water because it is you, as State administrators, who are on the front line in the action which is being demanded. But I did want to assure you that we in Washington are well aware of this urgency, this public demand and this unique awareness on the part of our American citizenry of environmental problems on a global scale. You and I are certainly tied to one of the highest visibility programs in the United States today.

To get down to specifics, I would like to discuss with you three areas of mutual concern in which we are actively developing and promulgating new policies. These would be the areas of enforcement, financing, and the question of a requirement for secondary treatment of municipal wastes.

In addition, there are a number of issues which we can explore in somewhat less depth but which we will identify as questions or problems facing FWPCA and problems for which we are seeking policy solutions.

So first let me turn to the question of enforcement. As you know, Secretary of the Interior Walter J. Hickel has just recently announced a new, tough enforcement policy. Acting on information available to FWPCA, the Secretary has set in motion the first stages of informal proceedings against a city, four steel companies, and a mining firm allegedly polluting interstate waters and being in noncompliance with water quality standards. If our upcoming meetings with these various entities does not lead to satisfactory action on their part, the next step which could be taken by the Secretary of the Interior would be formal court proceedings following a 180 day notice.

The Secretary has said, "the people of America have made it abundantly clear that they will no longer tolerate pollution of their environment." He said that, "the Administration believes this to be a reasonable demand, and we have a mandate to satisfy it quickly and thoroughly. We will do this through court action, if necessary, and through tough, new legislation which we will seek from the Congress."

And the Secretary made it quite clear that his actions in these areas were not a one shot burst for a short haul. Rather, he emphasized that, "this is just a beginning. We intend to continue the identification of polluters all over the Nation, followed by the enforcement of schedules for prompt cleanup and pollution elimination."

The water quality standards, in effect, set compliance schedules all over the Nation. We intend to see that these compliance schedules are met. To do otherwise would be to fail to make full use of the water quality standards tool that has been mandated to us by the Congress. The standards must be seen as a means to an end. We are taking steps immediately at FWPCA to insure that fair and consistent mechanisms are developed for the full implementation and enforcement of water quality standards.

Let me turn briefly to the question of financing. We are all keenly aware that the existing program which was established in 1966 has not served to keep current with identified needs. The need for treatment plant construction is most urgent and this need is clearly recognized in Washington. State approved applications for matching grant funds totaling $2.3 billion from States and local governments are now on file with the Federal Water Pollution Control Administration.

I acknowledge that the question of financing is the most difficult issue facing all of us right now. A resolution of this issue is directly tied to the issue of how and when we meet our water pollution control goals in the municipal sector. I cannot give you an answer to these pressing needs at this time but can only assure you that work is going forward at the highest levels of the Administration to seek some equitable resolution. The one thing which I can tell you at this time is that the new Clean Water Team in Washington is keenly aware of the need for long-term planning when we come to the question of construction of municipal waste treatment works. Piecemeal financing, and year-to-year uncertainties occasioned by the appropriation process envisioned by the previous legislation, clearly does not allow for the lead time and planning which is required at the State and local level. So one of four top priorities in seeking any resolution to the financing issue is to come up with a program which will give firm assurances as to the future availability of funds and upon which firm planning for construction needs can be based.

Let me turn to the last of the major issues which I will be able to cover with you this morning. I hope by now that all of you State and Interstate Water Pollution Control Administrators have received our proposals to revise the construction grants policies. We are considering revisions to the existing rules and regulations for construction grants which would upgrade the minimum treatment which any project applying for Federal funds would have to provide.

The present rules specify that the minimum treatment that a system must provide to be eligible for Federal grant assistance is primary treatment or its equivalent, unless water quality standards or other recommendations require a higher level. In view of our present water pollution control needs and policies, we believe that a more stringent minimum treatment requirement is now clearly appropriate. From reading the water quality standards established by the States, I also note that with very few exceptions the States themselves now recognize the appropriateness of secondary treatment as a minimum.

For these reasons, we are proposing that the minimum treatment level for federally-supported projects discharging to interstate or intrastate fresh waters should be complete removal of all floatable and settleable materials, disinfection, and at least 85 percent removal of five-day biochemical oxygen demand and suspended solids based on design flow. We have avoided using the term, "secondary treatment" in the proposal in order to provide a performance type of definition, without implying necessarily specific processes associated with secondary treatment. However, as "secondary treatment" is a good shorthand term, I will use it in my later discussion of this policy with the disclaimer that it is just this—only a shorthand term.

Because of the critical need to protect estuarine aquatic life and uses, we believe that the minimum treatment for projects discharging to estuaries should be set at the same level as for fresh water discharges. For discharges to the open ocean through ocean outfalls, a lesser degree of treatment might be justified. Thus, we are proposing a minimum level of complete removal of all floatable and settleable materials for discharges to open ocean waters at this time. The proposed revisions to the rules and regulations would define "open ocean waters."

There are some specific aspects of the revised construction grants policy which I would like to clarify briefly. For instance, this policy would be intended to apply not only to applicants for projects providing a complete treatment system, but also to applicants for a Federal grant for portions of a system, such as interceptor sewers, pumping stations, outfalls and other appurtenances. To qualify for a Federal grant, projects to construct interceptor sewers and other portions of a treatment system would have to comply with the adequate levels of treatment as determined under this new policy. As another point, discharge to the ocean will be evaluated on a case-by-case basis to determine the appropriate level of treatment to insure compliance with water quality objectives.

In addition, we examine all plans for construction very carefully to be assured that in the design and engineering stages adequate consideration has been given to projected population growth demands. The recent experience of the new Administration on the Potomac River indicates that insufficient thought has been devoted in the past to population increase factors. The design of new treatment plants must be flexible enough to provide for increased capacity as well as providing for the possibility of process changes leading to higher levels of waste treatment.

Finally, we will not give any Federal funds to communities that bypass their sewage treatment plants and drop raw sewage into the streams. The Federal government will not be a party to any such practice leading to gross pollution of our water-ways. Our streams will be kept clean.

We are seeking your comments on these revisions prior to publication of revised rules in the *Federal Register*. I hope to obtain your support for these proposed regulations, and to proceed to publication within the near future. The revisions will be open to further comment, of course, in a more formal fashion after they are published in the *Federal Register*, but I did want to solicit your views at the earliest possible stage in the development of this new policy.

I would like to discuss our reasoning for seeking such a change in policy at this time. The present rules and regulations, of course, provide that a proposed construction grant project seeking Federal funds meet the water quality standards. And, as I noted earlier, these accepted standards, with a few limited exceptions, provide for a minimum of secondary treatment.

I think we are all looking forward to the day when the minimum treatment that will be provided anywhere in the country will be the equivalent to secondary treatment.

We all know that some areas of the country are at this very moment preparing to meet or have already met much higher treatment requirements.

For many years, primary treatment was recognized as a basic treatment requirement for municipal wastes. However, even before the establishment of water quality standards, secondary treatment has increasingly become the new basic requirement for municipal and industrial wastes. In the face of population and industrial growth, treatment requirements have had to be steadily upgraded; waste loads have grown as prodigiously as populations and industries. History has shown that slow but steady deterioration of many waters has been the inevitable accompaniment of "progress" because treatment goals in the past were set too low. After many years of inadequate waste treatment, serious water quality degradation is a fact in most developed parts of the country.

If we are to make water pollution control programs and the water quality standards approach effective, a substantial reduction of pollution from all municipal and industrial waste sources will be necessary. Secondary treatment, and in selected areas treatment levels beyond that, should be considered a necessary goal to allow us to get ahead of the pollution problems—to prevent pollution rather than wait to abate it after damage has occurred.

The keystone of the Water Quality Act of 1965 was enhancement of water quality, and this has become the keystone of the State and Federal water quality standards. I do not believe that we can afford to go any other way. In most parts of the country, the day has long since passed that we could rely on "assimilative capacity" to protect us from water quality degradation and, eventually, curtailment of such water uses as swimming and propagation of high quality fisheries associated with clean waters. The traditional assimilative capacity concepts have ignored the more subtle water pollution control parameters that have become so important to the protection of legitimate water uses.

For the present, secondary treatment is an economically feasible technique and a reasonable means of assuring that assimilation of wastes will no longer be the sole or primary use of any of our waters. In some areas, where installation of high levels of treatment may occasion economic hardships, I think we are prepared to be realistic and flexible about the timing—and I emphasize the word *timing*—for necessary waste treatment improvements. However, I do not believe that we can afford to be shortsighted about our ultimate goals and that these goals must be high enough to meet the needs of the future.

The secondary treatment issue is but one of a number of areas in which the Federal Water Pollution Control Administration will be setting forth clear policy positions. We hope to continue to develop policy guidelines for a number of our programs, including such things as the disposal of wastes into the open ocean, the thermal pollution question, the operation and maintenance of sewage treatment plants, and the establishment of additional water quality standards criteria for radiological discharges and for pesticides. We are now in the midst of intensive inhouse efforts to develop programs or policy statements in many of these areas. We in the Department of the Interior solicit your input and guidance as additional policies are developed. To this end, as you now are all aware, Assistant Secretary Carl Klein and myself have initiated a number of meetings with State Administrators throughout the country. We intend to continue these meetings until we have had an opportunity to sit down and discuss major program and policy questions with all of you. In addition, please feel free to pick up the phone or to write to Assistant Secretary Klein and myself on any matter which is of concern to you or your State or interstate agency.

We, at the Federal level, may not always find ourselves in agreement with you at the State, interstate or local levels. But both Mr. Klein and myself are of the very firm opinion that disagreement should not be a bar to communication. One thing is abundantly clear when we discuss environmental programs—all levels of government are in the fight together. And if we are to make progress, progress which is now urgently needed and urgently demanded, it is clear that we must eventually agree that we have a single mutual goal. We must agree together that our job is to stop pollution today, and to bend every effort to guaranteeing clean water for America tomorrow.

CASUALTIES IN THE WAR IN VIETNAM

Mr. FULBRIGHT. Mr. President, I desire to place in the record some figures concerning casualties in the war in Vietnam and to comment on them. The figures have just been calculated, based upon information received from the Department of Defense.

They show the average monthly total of dead, wounded, and missing during the administrations of President Kennedy, President Johnson, and President Nixon—granted, of course, that the level of fighting during the administration of President Kennedy was relatively low.

The average monthly total of dead during the Kennedy administration was 4.97; in the Johnson administration, 592.4; and in the Nixon administration, it has been 992.57. That is not quite double the average monthly total of dead in the Johnson administration.

The monthly average totals of the number of wounded are similar. In the Kennedy administration, it was 13.66 per month; in the Johnson administration, 3,201.5; and in the Nixon administration, thus far, it is 6,131.59. Again, that is almost twice—almost 100 percent—the total number of wounded in the Johnson administration, monthly.

For the missing, the proportion is not the same. In the Kennedy administration, only one person was listed missing. In the Johnson administration, the number was 29.4. Under President Nixon, the number thus far is 9.

These figures graphically show, it seems to me, that the level of fighting, instead of having declined during the last 9 months, has substantially increased, both with respect to the wounded and the dead. It is true that in the last 2 or 3 weeks there has been a decline, but these figures are the averages since the beginning of the war.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire tabulation of figures which have been collected. They are based upon official information received from the Pentagon and deal also with other aspects of the same problem.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Number of men missing from Vietnam

1961–62	21
1963	20
1964	28
1965	151
1966	309
1967	911
1968	367
1969 (to Sept. 20)	88
Total	1,895

Cost of the Vietnam war

[In millions of dollars]

Fiscal year:	
1965	103
1966	5,812
1967	20,133
1968	26,547
1969	28,812
1970	24,862
Total (which equals $106,369,000,000 spent)	106,369

Aircraft casualities in South Vietnam since Jan. 1, 1969

Fixed wing:	
Hostile	387
Non-hostile	1,536
Total	1,923
Helicopter:	
Hostile	1,311
Non-hostile	1,712
Total	3,023
Total aircraft lost in Vietnam in the South	4,946

In North Vietnam since Aug. 4, 1964

Fixed wing (hostile)	921
Helicopter (hostile)	10
Total aircraft lost in North Vietnam	931
Total aircraft casualties	5,877

NUMBER OF MEN KILLED IN VIETNAM FROM 1961 THROUGH SEPT. 20, 1969

	Hostile action	Nonhostile	Total
1961 to 1962	42	23	65
1963	78	36	114
1964	147	48	195
1965	1,369	359	1,728
1966	5,008	1,045	6,053
1967	9,378	1,680	11,058
1968	14,592	1,919	16,511
1969 (to Sept. 20)	8,114	1,514	9,628
Totals	38,728	6,624	45,352

NUMBER OF MEN WOUNDED IN VIETNAM FROM 1961 THROUGH SEPT. 20, 1969

	Need hospital	No hospital	Total
1961 to 1962	43	38	81
1963	218	193	411
1964	522	517	1,039
1965	3,308	2,806	6,114
1966	16,526	13,567	30,093
1967	32,371	29,654	62,025
1968	46,799	46,021	92,820
1969 (to Sept. 20)	27,967	31,509	59,476
Totals	127,574	124,305	252,059

NUMBER OF TROOPS IN COUNTRIES WITH WHICH WE HAVE PREVIOUSLY BEEN AT WAR (AS OF THE PRESENT)

Germany	220,000
Japan	40,000
Korea	56,000

AVERAGE MONTHLY TOTALS FOR DEAD, WOUNDED, AND MISSING DURING THE ADMINISTRATIONS OF PRESIDENTS KENNEDY, JOHNSON, AND NIXON

	Kennedy	Johnson	Nixon
Dead	4.97	592.4	992.57
Wounded	13.66	3,201.5	6,131.59
Missing	1	29.4	9

Note: The figures for President Kennedy were figured for 3 years in office; the figures for President Johnson were figured for 5 years in office; the figures for President Nixon were for 9.7 months.

Mr. AIKEN. Mr. President, I did not return to the Chamber in time to hear all the remarks of my distinguished chairman. I heard him comparing war casualties during the administrations of Presidents Kennedy, Johnson, and Nixon. When President Kennedy took office there were no combat troops in Vietnam. At President Kennedy's death, 35,000 troops were in Vietnam.

President Johnson's tenure brought the number up to almost 550,000, the number which President Nixon inherited. Therefore, it stands to reason that there would have been more casualties, with 550,000 men engaged in combat, than there would have been when there were only 35,000, or even 300,000, the number which President Johnson had sent in by the time I advised him on October 19, 1966 to declare the war over, to say that "we had won it," and to withdraw those troops.

Unfortunately, he did not take my advice but sent in 230,000 more troops. So when President Nixon took office, he found 550,000 troops already engaged in combat in Vietnam. That easily explains the real difference in the great number of casualties.

It should be noted that since the withdrawal of our troops began, the number now in Vietnam is down to about 509,700, as of October 3, 1969. The number of casualties also have declined. I believe that the infiltration from North Vietnam has declined and that the situation now is infinitely better than the President's critics would have us believe.

Mr. HOLLAND. Mr. President, while I appreciate having the figures which the distinguished Senator from Arkansas has placed in the RECORD, it seems to me that, in simple fairness, the figures with respect to the Johnson administration should be broken down by years.

I should like to have the Senator, if he has them, supply for the RECORD the figures for each of the last 2 years of the Johnson administration, because they should be more nearly comparable with the figures for all the period so far during the present administration.

Mr. FULBRIGHT. I stated that there was a difference since President Kennedy's death.

Mr. HOLLAND. I wish the Senator would supply such a breakdown, because it will provide a much more accurate comparison than the percentage he has given.

Mr. FULBRIGHT. The Senator from North Carolina (Mr. JORDAN) does not wish me to delay longer, but I will speak to the Senator from Florida later. The Senator from North Carolina has asked me not to engage in further colloquy on this subject now.

But the Senator from Florida is correct. We all know that we have more troops in Vietnam now than there were during most of the period of the Johnson administration. But what is significant is the order to the people in the field to determine whether they should deescalate and try to stop the fighting, and bring about, if not a legal cease-fire, or an agreed one, at least an effective cease-fire. Obviously, that has not been done yet.

What bothers me very much, frankly, is that apparently the enemy has been decreasing its level of fighting, but we have, according to the press, been unloading as many tons of bombs from B-52's as ever.

It would indicate that we are making no effort to cooperate in a de facto deescalation of the war.

Mr. HOLLAND. If I correctly understood the Senator's figures, they were broken down so as to cover the annual period for the Kennedy administration, which was some 1,000 days.

Mr. FULBRIGHT. These figures are as follows: 3 years of the Kennedy term, 5 years for Johnson's term, and 9.7 months for President Nixon. The figures I gave were for each month, average monthly totals.

Mr. HOLLAND. But that was average monthly for the Johnson administration for 5 years.

Mr. FULBRIGHT. Five years—three years, and 9.7 months.

Mr. HOLLAND. The point I make is that I think a fair comparison would look at the last 2 years, each of them separately, of the Johnson administration. I simply want the record to be fairly presented, and I do not think it is fairly presented as stated by the Senator from Arkansas.

Mr. FULBRIGHT. It is factually presented. The Senator can present it in a different way, if he wishes, but these facts are from the Defense Department.

Mr. AIKEN. I think if one compares 1968, the last year of the Johnson administration with 1969, it will be found that there has been a material falling off in the number of men killed. I cannot give the exact figure. I think it is about a third less than it was last year. As the troops are being withdrawn—and they are being withdrawn, and more of them will be withdrawn—casualties will naturally drop.

It is only natural that when Lyndon Johnson assumed Presidency in 1963 with only 35,000 troops there, he could not possibly have as many casualties as he had when the number in Vietnam amounted to over 500,000, 5 years later.

Mr. HOLLAND. Mr. President, I was simply trying to get each of the last 2 years of the Johnson administration put in. I think the last year would be the one that would be the most closely comparable. But that would give us a chance to compare fairly. I do not know whether the facts are one way or the other, but I want the comparison to be fair in the RECORD.

Mr. AIKEN. But we should also have the number of troops present in South Vietnam at the time to compare that with the number of casualties for each year, and that would explain it.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 424, H.R. 12829.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance with amendments on page 2, line 2, after the word "out" strike out "August 31" and insert "September 30"; on page 9, line 12, after the word "sale", insert "or lease"; in line 15, after the word "sale", insert "(or not less than 85 percent of the value of the property subject to the lease is attributable to the use)"; on page 11, line 6, after the word "or", strike out "both" and insert "are debt obligations acquired in carrying on the trade or business described in paragraph (1)"; on page 13, line 15, after the word "year"; insert "(3 years in the case of tax liabilities)" at the top of page 19, insert:

(i) CERTAIN LEASE TRANSACTIONS.—

(1) Section 4914(c)(6) (relating to certain export leases) is amended—

(A) by inserting "tangible" before "personal property" in the matter preceding subparagraph (A),

(B) by inserting "(i)" after "(A)", by striking out "(B)" and inserting in lieu thereof "(ii)", and by striking out the period at the end of such section and inserting in lieu thereof "; or", and

(C) by adding at the end of such section the following new subparagraph:

"(B) (i) payment of such debt obligation (or of any related debt obligation arising out of such lease) is guaranteed or insured, in whole or in part, by an agency or wholly owned instrumentality of the United States, or

"(ii) the lease is entered into with such foreign obligor and the United States person acquiring such debt obligation enters into the lease in the ordinary course of his trade or business and not less than 85 percent of the value of the property subject to the lease is attributable to the use of tangible personal property which was manufactured, produced, grown, or extracted in the United States, or to the performance of services pursuant to the terms of the lease by such United States person (or by one or more includible corporations in an affiliated group, as defined in section 1504, of which such person is a member) with respect to such personal property, or to both."

(2) Section 4914(j) (relating to loss of entitlement to exclusion) is amended by striking "or (6)" each place it appears therein and inserting in lieu thereof "(6) (A), or (6) (B) (ii)".

(3) Section 4920(a)(1)(A) (relating to definition of debt obligation) is amended by

adding at the end thereof the following new sentence:

"For purposes of the preceding sentence, the term 'indebtedness' includes obligations arising under a lease which is entered into principally as a financing transaction."

(4) The amendments made by this section shall apply with respect to acquisitions of debt obligations made after the date of the enactment of this Act.

And, on page 20, after line 20, insert a new section, as follows:

Sec. 5. Ammunition Recordkeeping Requirements.

Section 4182 (relating to exemptions from tax on certain firearms and ammunition) is amended by adding at the end thereof the following new subsection:

"(c) Records.—Notwithstanding the provisions of sections 922(b)(5) and 923(g) of title 18, United States Code, no person holding a Federal license under chapter 44 of title 18, United States Code, shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles, .22 caliber rimfire ammunition, or component parts for the aforesaid types of ammunition."

LEGISLATIVE PROGRAM

Mr. SCOTT. I should like to ask the Senator from Montana what his plans are for the rest of the day and for the future order of business.

Mr. MANSFIELD. Mr. President, it is anticipated that the Senate will have the pending bill under consideration today and tomorrow. I am hopeful that we may conclude action then, although that is not at all certain.

On Friday, it is the hope of the leadership that we shall be able to take up the two potato bills.

Sometime toward the end of this week or the first part of next week, it is hoped that we may take up the bill relating to the Eisenhower dollar. We always like to cooperate with the Republicans and would like to complete action, by the Senate at least, prior to October 14, which is the important date in this respect.

Then there will be the poverty program bill, which may be taken up next week.

Also, it is hoped that we may consider the legislative appropriation bill next week.

On Monday, we shall take up Calendar No. 189, Senate Joint Resolution 54, a joint resolution seeking the extension and renewal of the interstate compact to conserve oil and gas.

That is about as far as I can advise the Senator at present.

I must tell the distinguished Republican leader and my other Republican colleagues that, together, the Democrats and Republicans have done a pretty good job of keeping the Senate Calendar as bare as Mother Hubbard's cupboard. We hope that this type of cooperation, understanding, and mutual trust will continue in the weeks and months ahead.

Mr. SCOTT. Mr. President, I may say to the distinguished Senator from Montana, above the roaring sound of applause in the Chamber, that I appreciate the bipartisan nature of his remarks.

EMPLACEMENT OF WEAPONS OF MASS DESTRUCTION ON THE SEABED

Mr. AIKEN. Mr. President, today at the Disarmament Conference in Geneva the United States and the Soviet Union submitted a joint draft of a treaty prohibiting the emplacement of weapons of mass destruction on the seabed.

After months of negotiation this progress is encouraging. The draft will now be the subject of further discussion at the Geneva Conference before it is reported later this fall to the United Nations General Assembly.

Although all negotiations involve some give or take on both sides if they are to be successful, I think this joint draft treaty testifies to the negotiating skill of the administration's delegation at Geneva. Originally the Soviet Union proposed a ban on all military activity on the seabed, a result widely considered impractical and unworkable. Among other things, it would have prohibited underwater surveillance systems for detecting such things as hostile submarines. The Soviet Union finally agreed with the United States position that the treaty's prohibition be against the emplacement on the seabed of weapons of mass destruction. Such a ban would cover chemical and biological weapons as well as as nuclear weapons.

We, in turn, agreed that the proscription should apply beyond a 12-mile coastal band rather than a 3-mile band as we originally proposed.

Mr. President, I ask unanimous consent that the text of the joint draft Seabed Treaty be printed in the Record.

There being no objection, the text was ordered to be printed in the Record, as follows:

Draft Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, October 7, 1969

The States Parties to this Treaty,

Recognizing the common interest of mankind in the progress of the exploration and use of the seabed and the ocean floor for peaceful purposes,

Considering that the prevention of a nuclear arms race on the seabed and the ocean floor serves the interests of maintaining world peace, reduces international tensions, and strengthens friendly relations among States,

Convinced that this Treaty constitutes a step towards the exclusion of the seabed, the ocean floor and the subsoil thereof from the arms race and determined to continue negotiations concerning further measures leading to this end,

Convinced that this Treaty constitutes a step towards a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,

Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas,

Have agreed as follows:

ARTICLE I

1. The States Parties to this Treaty undertake not to emplant or emplace on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone provided for in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone any objects with nuclear weapons or any other types of weapons of mass destruction, as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

2. The States Parties to this Treaty undertake not to assist, encourage or induce any State to commit actions prohibited by this Treaty and not to participate in any other way in such actions.

ARTICLE II

1. For the purpose of this Treaty the outer limit of the contiguous zone referred to in Article I shall be measured in accordance with the provisions of Section II of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone and in accordance with international law.

2. Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to rights or claims which such State Party may assert, or with respect to recognition or nonrecognition of rights or claims asserted by any other State, related to waters off its coasts, or to the seabed and the ocean floor.

ARTICLE III

1. In order to promote the objectives and ensure the observance of the provisions of this Treaty, the States Parties to the Treaty shall have the right to verify the activities of other States Parties to the Treaty on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone, referred to in Article II, if these activities raise doubts concerning the fulfillment of the obligations assumed under this Treaty, without interfering with such activities or otherwise infringing rights recognized under international law, including the freedoms of the high seas.

2. The right of verification recognized by the States Parties in paragraph 1 of this Article may be exercised by any State Party using its own means or with the assistance of any other State Party.

3. The States Parties to the Treaty undertake to consult and to cooperate with a view to removing doubts concerning the fulfillment of the obligations assumed under this Treaty.

ARTICLE IV

Any State Party to the Treaty may propose amendments to this Treaty. Amendments must be approved by a majority of the votes of all the States Parties to the Treaty, including those of all the States Parties to this Treaty possessing nuclear weapons, and shall enter into force for each State Party to the Treaty accepting such amendments upon their acceptance by a majority of the States Parties to the Treaty, including States which possess nuclear weapons and are Parties to this Treaty. Thereafter the amendments shall enter into force for any other Party to the Treaty after it has accepted such amendments.

ARTICLE V

Each Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized the supreme interests of its Country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

ARTICLE VI

1. This Treaty shall be open for signature to all States. Any State which does not sign

the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of ————, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall forthwith notify the Governments of all States signatory and acceding to this Treaty of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE VII

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the States signatory and acceding thereto.

In witness whereof the undersigned, being duly authorized thereto, have signed this Treaty.

Done in ———— at ———— this ———— day of ————.

EVERGLADES NATIONAL PARK, FLA.

Mr. **BIBLE**. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2564.

The **PRESIDING OFFICER** laid before the Senate the amendment of the House of Representatives to the bill (S. 2564) to amend the Act fixing the boundary of Everglades National Park, Florida, and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park, which were, on page 1, line 7, after "purposes," insert: "(72 Stat. 280, 286; 16 U.S.C. 410p),"; and on page 2, line 3, strike out "$800,000" and insert "$700,200".

Mr. **BIBLE**. Mr. President, first, I should like to make a brief explanation.

The House passed the bill and sent back to the Senate a different version only with respect to the cost tag for the land to be acquired. The House has amended the bill to acquire some very valuable holdings in the famous Everglades National Park in Florida for the sum of $697,200 plus incidental expenses, such as title work, in the sum of $3,000, for a total of $700,200.

I have been in communication with George Hartzog, Director of the Park Service. He assured me this morning that he will be able to acquire the land, which is under an option that will expire on November 16, 1969, for that figure.

This being his assurance—he said he would furnish us with the necessary documentation—I move that the Senate concur in the amendment of the House and that the bill be sent to the White House.

The distinguished senior Senator from Florida (Mr. HOLLAND) has had a long standing interest in the Everglades. He has sponsored the legislation and has moved it along with his usual expedition because of the need to meet the November 16 deadline.

I think, now, that we can pass the bill today and meet the deadline.

Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. **HOLLAND**. Mr. President, I thank the distinguished Senator from Nevada for having expedited this measure in such a perfect way.

Mr. **GURNEY**. I, too, wish to express my great pleasure at the expediting of the bill affecting the Everglades National Park and also speak of the keen interest of my senior colleague from Florida in this very important national park not only during the years he has been a Member of the Senate, but also before that, when he was Governor of Florida.

His interest in and his work for the Everglades National Park has been one of the most important factors in keeping it a great national park and a great natural resource of Florida and of the country.

THE ADMINISTRATION'S POLICIES IN VIETNAM

Mr. **SCOTT**. Mr. President, I rise to comment on the well-considered and temperate proposals made this morning by the distinguished Senator from Iowa, (Mr. HUGHES). I am pleased that the Senator has stated that my suggestion for a 60-day moratorium on criticism of the administration's Vietnam policies "might deserve serious consideration if linked to substantive plans" which he elaborates. I am aware, and the President is most of all aware, that an increasing number of Americans have reached a point of disillusionment and frustration. Many are unwilling to prolong this war further. I have said before this war must end just as quickly as means for ending it can be found.

I cannot agree, however, with the Senator that President Nixon's policies for peace—a peace which we all want to come swiftly—is a "sterile impasse." The President has demonstrated his overwhelming and sincere concern for peace. He is searching all avenues, and not only in Paris. There is a timetable for action. The significant troop withdrawals, the lull in fighting, the decreased infiltration are all evidence that we are not in a "sterile impasse."

I assure Senators, from my own knowledge, that the President is confronting every day the problems which the Senator from Iowa refers to with regard to the South Vietnamese Government. He is embarked upon a course of action. The Senator said:

> We all sympathize with Mr. Nixon's vast problems in trying to end a war which he inherited and we honor his sincere desire for peace.

The President would be grateful and pleased with this tolerance and understanding of his vast burdens. The Senator has asked the President to consider certain measures which would effect reforms within the South Vietnamese Government and open up new possibilities for negotiation. I do not speak for the President on these matters but I can say that I am certain that many, if not all, of the Senator's suggestions have been under consideration and will be pursued in every way conceivable within the context of our search for peace. It has been considered American policy not to impose or force its own will or its own desire for reform on the present South Vietnamese Government. Prior interference with an earlier Siagon regime had some unexpected efforts—chaos resulted. But the President has made it quite clear that he believes that there must be a final political solution to this terrible war within South Vietnam—even if that solution might well involve a coalition including Communists but installed by the virtue of free elections. No President has made such a far-reaching and unselfish peace offer. No other President has dared to say this. No other President has gone and is going so far to assure the American people that this war will be ended.

I respect the Senator's suggestions regarding a halt of press censorship—a tolerance of other political organizations to operate without interference. Speaking of prisoners in the South, I might suggest that the release of our own American prisoners now jailed under intolerable conditions in North Vietnam—and we do not even know how many—deserves most serious consideration in the context of the Senator's other suggestions.

I am certain that the President is aware that there are problems such as the Senator notes and is vigorously attempting to remedy them within the context of his far-reaching policy for peace.

I know that the President desires that the South Vietnamese develop that government which will be more politically responsive to the political, ethnic, and religious groups in that war-burdened country.

Again, I want to assure the Senator that his tolerant and far-reaching suggestions today have my sympathy. They are good suggestions, and deserve the consideration for which he calls. I suggest that they must continue to be pursued. But, again, I do ask for tolerance. As the Senator from Iowa has recognized so well, the President has far ranging and difficult burdens with regard to ending this war with all the deliberate speed which the situation permits.

This is the kind of constructive debate which I had hoped would emerge. My suggestion that we hold down our differences to the quiet and reasonable consideration of alternatives has been respected by the distinguished Senator from Iowa. It is this spirit, this recognition of the problems which can only be resolved by our prime negotiator, the President of the United States, which should continue to flavor our discussions.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order, the Chair recognizes the Senator from Idaho (Mr. CHURCH) for a period not to exceed 1 hour.

VIETNAM: DISENGAGEMENT NOW

SENATE RESOLUTION 270—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE RELATIVE TO THE VIETNAM WAR

Mr. CHURCH. Mr. President, in the second year of the American Revolution, the great William Pitt rose in the House of Lords and spoke words which, in a less civilized nation, might have been taken for treason. He declared:

> My lords, you cannot conquer America. . . You may swell every expense and every effort still more extravagantly; pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful German prime that sells and sends his subjects to the shambles . . . your efforts are forever vain and impotent, doubly so from this mercenary aid on which you rely, for it irritates, to an incurable resentment, the minds of your enemies . . . If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never—never—never—never![1]

The England to which Pitt counseled was not a decrepit nation but rising empire still approaching the peak of its power. The inglorious end of the American war, from the British point of view, was not followed by a worldwide loss of confidence in Britain's word or Britain's power. Yorktown was followed by Waterloo, and in the 19th century Great Britain acquired vast new domains, becoming the vital center of world commerce and industry. The real loser of the American Revolutionary War was America's ally, France, whose prodigal waste of resources—all for the sake of humbling England—almost certainly helped bring about the French Revolution of 1789. To compound the irony, when the British Empire finally did disintegrate, it was not in the wake of defeat but of British "victories" in the two World Wars.

The paradox turns back upon us full circle. The victory denied George III by ragtag American rebels, fighting to end foreign rule, has now, nearly two centuries later, been denied to us in distant Vietnam by stubborn, native guerrilla fighters equally determined to drive the foreigner from their land.

Faced with their implacable resolve, what kind of "victory" can be won? The victory of holding a proud people hostage? The victory of inflicting a "favorable kill ratio" upon an enemy who will not quit? The victory of maintaining a puppet government in Saigon propped up by the money we lavish on it, and sustained in the field by the troops we send—and others we hire—to fight for it? No, there is no victory we can win in Vietnam worthy of the name. President Nixon himself concedes as much when he says: "We have ruled out attempting to impose a purely military solution on the battlefield."

In fact, our favored euphemism regarding Vietnam is not victory at all but an "honorable settlement," a term allowing of almost unlimited possibilities of interpretation. In the present circumstances, however, its meaning seems clear enough. On the one hand, we have been unable to suppress the rebellion; on the other hand, we do not wish to acknowledge that fact. We do not wish to acknowledge it to the Communists, for fear their appetite for conquest will be whetted. We do not wish to acknowledge it to our allies for fear their confidence in our power will be diminished. And most of all, we do not wish to acknowledge it to ourselves, for fear that our own, surprisingly fragile confidence in ourselves will be undermined. And so we seek an honorable settlement, an agreement under which no one will say what everyone knows: that the United States of America has made a bad mistake and finds it necessary to liquidate that mistake.

The time has come for the pretense to end; for the prideful nonsense to stop about securing an honorable settlement and avoiding a "disguised defeat." The truth is that as long as our troops stay in South Vietnam, we shall occupy a hostile country. There is no way that the United States, as a foreign power and a Western one at that, can win a civil war among the Vietnamese. Even now, 5 years after we entered the conflict, it remains a struggle between rival factions of Vietnamese for control of the government in Saigon. The outcome rests, now as before, on the Vietnamese themselves.

If we can find the resolution to end our protracted involvement in this war, we shall suffer no lasting injury to our power or prestige. I do not think that the liquidation of our intervention in Vietnam will mean the loss of our global greatness, any more than the loss of the American colonies cost England her greatness in the 18th century, or any more than the loss of Algeria and Indochina cost France her national stature. On the contrary, the end of empire was not a defeat for France but a liberation, in the wake of which a demoralized nation recovered its good name in the world and its own self-esteem. The termination of our war in Vietnam would represent a similar liberation for America, and even a victory of sorts—a victory of principle over pride and of intelligent self-interest over messianic delusion.

I. THE NATIONAL INTEREST

The U.S. Government is not a charity-dispensing institution; its primary obligation is not to the Saigon generals, or to some portion of the Vietnamese people, but to the American people, to their security and well-being. When all is said and done about our "honor" and "commitment," the fact remains that our presence in Vietnam can be justified—if it can be justified at all—in terms of American interests, correctly defined as the freedom and safety of the American people.

Before anyone can prescribe an American course of action for Vietnam, it is necessary to be absolutely explicit about what our interests are in that benighted country and what they are not. I do not agree with President Nixon that, having crossed the bridge of intervention, it is useless to belabor the original issue[2]—as if the presence of half a million American troops and the loss of nearly 40,000 American lives represented an investment that had to be redeemed by sacrificing still more lives, regardless of the wisdom of our continued presence there. It is quite essential that we reexamine the decisions of preceding administrations, not for the sake of political retribution, or even for the sake of history, but for the express purpose of identifying our interests. Why we intervened in Vietnam in the first place has everything to do with whether and how we should get out.

"A great nation," the President says, "cannot renege on its pledges."[3] What pledges, indeed, have we failed to keep? The amount of money, weapons, ammunition, food, equipment, and supplies we have funneled into South Vietnam is beyond belief, vastly exceeding the outside help given North Vietnam and the Vietcong by all the Communist governments combined. To fight for the south, we have sent an American expeditionary force of a half a million men; no Russians or Chinese have been imported to fight for the north. Hanoi and the Vietcong do their own fighting. I say that Saigon—with larger and better armed forces in the field than any arrayed against it—must stop relying on us to fight its war. We have kept our pledges, and done far more besides. We did not undertake to make South Vietnam the 51st American State; we did not promise to stand guard over the 17th parallel as though it were an American frontier.

But, the President argues, if we were to allow the Vietcong and the North Vietnamese to prevail, "the cause of peace might not survive the damage that would be done to other nations' confidence in our reliability." Here Mr. Nixon espouses Mr. Rusk's concept of an exemplary war, which presumably demonstrates to other countries that the United States stands willing to intervene wherever necessary, in order to put down threats of internal Communist subversion as well as external Communist aggression. Yet, the President himself has now announced to the world that the United States has a new policy: in the future, Asian governments must defend themselves against subversion from within, and not look our way again. The motto, "No more Vietnams" cannot be reconciled with the fiction that we are still fighting an exemplary war in that country.

---

[1] November 20, 1777.

[2] Address of May 15, 1969.

[3] Address of May 15, 1969.

Withdrawing from Vietnam, according to President Nixon, "would bring peace now but it would enormously increase the danger of a bigger war later."[4] The assertion that by fighting in Vietnam we prevent other wars is pure speculation, rooted not in evidence but in analogy, the analogy of the thirties when appeasement whetted Nazi Germany's appetite for aggression.

No good historian will buy that analogy. History unfolds more in paradoxes than in parallels. Mark Twain once observed:

> We should be careful to get out of an experience only the wisdom that is in it—and stop there; lest we be like the cat that sits down on a hot stove-lid. She will never sit down on a hot stove-lid again—and that is well; but also she will never sit down on a cold one anymore.[5]

In the case of Vietnam we would do well to settle for the unwisdom that is in it and stop the sacrifice of real American lives for the sake of saving hypothetical ones in some conjectural war in an unforecastable future.

We dare not, says the President, abandon the South Vietnamese to "a massacre that would shock and dismay everyone in the world who values human life." Here again we are dealing with something that might happen; in the meantime does no one who values human life feel "shock and dismay" by the senseless sacrifice of American lives in endless assaults on useless hilltops and by death tolls of hundreds of GI's every week? Surely there is another way to protect those South Vietnamese who may feel the need for sanctuary, if it comes to that. Better that we open our own gates to them, than keep on sending Americans to die for them in their own land. As for the Saigon generals, there should be ample facilities for them on the French Riviera.

What indeed does Vietnam have to do with the vital interests of the United States, which is to say, with the freedom and safety of the American people? I attempted to define those interests 4 years ago shortly after our full-scale intervention in Vietnam began. As to freedom, I said:

> Freedom, as a matter of fact, is not really at issue in South Vietnam, unless we so degrade freedom as to confuse it with the mere absence of communism. Two dictatorial regimes, one sitting in Hanoi, the other in Saigon, struggle for control of the country. Whichever prevails the outcome is not going to settle the fate of communism in the world at large, nor the problem of guerrilla wars. They did not begin in Vietnam and will not end there. They will continue to erupt in scattered, farflung places around the globe, wherever adverse conditions within a country permit Communist subversion to take root.

And as to the safety of the American people, I added:

> Nor can it be soundly contended that the security of the United States requires a military decision in South Vietnam. Our presence in the Far East is not anchored there. Saigon does not stand guard over Seattle. We conquered the Pacific Ocean in the Second World War. It is our moat, the broadest on earth, from the Golden Gate to the very shores of China. There is no way for the landlocked forces of Asia to drive us from the Pacific; there is no need for us to retain a military base on the mainland of Asia.[6]

After 4 years of futile warfare, I see no reason to alter that evaluation of American interests. The plain fact is that we did not then, and do not now, have a vital interest in the preservation of the Thieu-Ky government, or even in the preservation of a non-Communist government, in South Vietnam. Nor do we have a vital interest in whether the two Vietnams are united or divided. We have preferences, to be sure, and our pride is at stake after committing ourselves so deeply, but preference and pride are sentiments, not interests. From the standpoint of our interests, we have been fighting an unnecessary war for 5 long years, making it possibly the most disastrous mistake in the history of American foreign policy. It can never be vindicated; it can only be liquidated.

II. AN UNSUCCESSFUL WAR

The war in Vietnam has been more than unnecessary; it has been unsuccessful as well, and that, in the hard world of politics, is usually the greater crime. The Dominican intervention was unnecessary, illegal, and destructive of our relations with Latin America, but it achieved its immediate objective, the suppression of a revolution, with the result that the issue has not remained to plague and divide us. Had Mr. Rostow and his colleagues been right in 1965 in their supposition that the war in Vietnam could be won with "surgical" air strikes and a few months of ground warfare, the question of the war's necessity would not be the lacerating issue that it is today. But the Vietnam strategists were neither wise nor prescient nor lucky. With disastrous insensitivity to the thought processes of an alien culture, and with contemptuous disregard of the warnings offered by some of us in the Senate, they applied their "scientific" theories of warfare in the apparent belief that the Vietnamese would respond to "graduated" degrees of punishment as they themselves would have responded—by weighing immediate costs against prospective gains. But the Vietnamese turned out not to be scientists. They reacted irrationally and unaccountably by refusing to give up. Their calculations of cost and gain trned out to be different from ours; their willingness to endure punishment turned out to be greater than we had thought possible.

Our strategy in Vietnam has failed but neither the Johnson administration nor—thus far—the Nixon administration has been willing to acknowledge that failure. In lieu of the tortured rationalizations of the previous administration, President Nixon experiments with a cautious troop withdrawal tied to the tenuous hope of a growing South Vietnamese military capacity. In their Midway communique Mr. Nixon and Mr. Thieu rejoiced in hamlet elections, in "the failure of the other side to achieve its objectives," and in the new-found strength of the Saigon army, while Mr. Thieu himself recited appropriate lines about the "constant duty" of the Saigon forces "to assume a greater share of the burden in South Vietnam."

Perhaps this time, for the first time, the optimistic prognosis will be borne out. But so studiously does it ignore hard issues and well-known facts, that one strongly suspects that what we are confronted with today is not a new strategy but a new "image" for the discredited old strategy, a new device for postponing difficult decisions, a new expedient for holding off the critics of the war. It would appear that President Nixon, like President Johnson, is becoming preoccupied with politics to the neglect of policy.

This, in turn, leads to the frustration which gives rise to a search for scapegoats. In much the same way that the German general staff—which had actually initiated Germany's surrender in World War I—later perpetuated the myth of defeat by betrayal on the home front, the men who led us into the Vietnam quagmire have sought to place the blame for the catastrophe on their domestic critics, on those of us who said that we never should have entered the quagmire in the first place and who now insist that we ought to get out. The "real battlefield," according to this self-serving doctrine of the architects of failure, is not in Vietnam but in America, where, if only the critics would be silent, the will of the enemy would supposedly be broken. In its crude form as a spurious, jingoist "patriotism," the argument runs that the war critics are near-traitors, provisioners of "aid and comfort to the enemy." In the scarcely more august language of our last two Presidents, the critics are "nervous nellies" and "neoisolationists"—deriders of patriotism, as Mr. Nixon put it, a "backward fetish."[7]

The critics are also credited with the failure to make progress in over a year of negotiations at Paris. With a cold eye fixed on the agitated state of American opinion, so the argument runs, the enemy is emboldened to resist our "reasonable" proposals.

> It's awfully hard to play chess with twenty kibitzers at your elbow, Mr. Kissinger complains, all of them demanding explanations of the purpose of every move, while your opponent listens.[8]

The "kibitizers" who are such an inconvenience to Mr. Kissinger are the very dissenters whose protest finally persuaded President Johnson to stop the escalation of the war and go to the conference table.

Had these critics remained silent as the warmakers would have had them do, the limited war in Vietnam might by now have escalated into a full-scale war with China. Whatever hope of peace there now is, it is the "kibitzers' " gift to the architects of failure. Long may they "kibitz," acting, let it be remembered, on their own concept of patriotism—which is not the patriotism of silent acquiescence in a policy they detest, but the patriotism of Camus, who would have us love our country for what it ought to be, and of Carl Schurz, that "mugwump" dissenter from McKinley imperialism, who proclaimed:

---

[4] Ibid.

[5] Pudd'nhead Wilson: Pudd'nhead Wilson's Calendar, ch. 11.

[6] "The Vietnam Imbroglio," *Congressional Record*, 89th Cong., 1st sess., vol. 111, part 11, Senate, June 24, 1965, p. 14631.

[7] Speech at the Air Force Academy, June 4, 1969.

[8] Quoted by Stewart Alsop in "The Powerful Dr. K.," *Newsweek*, June 16, 1969, p. 108.

> Our country, right or wrong. When right, to be kept right; when wrong, to be put right.

For all the misjudgment of generals and policymakers—and for all the allegedly disruptive dissent at home—the root cause of failure lies not with ourselves but with our Vietnamese allies. Had an honest and patriotic government ruled in Saigon, it would probably have beaten the Vietcong long ago, with no more than material support from the United States. The Vietnamese people are not lacking in military courage and resourcefulness; the Vietcong have demonstrated that. What is lacking is the ability of the Saigon government to inspire either the confidence of its people or the fighting spirit of its army. There is little mystery as to why this ability is lacking. An American study team made up primarily of prominent churchmen recently reported, after a trip to Vietnam, that the Thieu government ruled by terror, using torture and brutality to suppress political opposition, and that the regime relied "more upon police state tactics and American support to stay in power than upon true representation and popular support."[9]

Of all the misrepresentations which have been perpetrated about Vietnam, none has been more insulting to the intelligence and offensive to the moral sensibilities of young Americans than the portrayal of the Saigon regime as an upholder of freedom and democracy.

Mr. Clark Clifford, our last Secretary of Defense, who found the courage to tell President Johnson the truth about Vietnam, had this to say of the Saigon generals:

> There is complete callousness about the cost of the war to us. They have no concern over the loss of our men or treasure. They see us as a big, rich country, well able to afford it. They are going one way and we are going another. I see no likelihood of our goals getting closer together. But they have become very adroit at saying what the American public wants to hear. . . . They are sweet talking us.

What is more, I would add, they are exercising a veto over American policy in Vietnam. At his latest press conference, President Nixon reiterated that we were willing to negotiate on anything, except "the right of the people of South Vietnam to choose their own leaders. Then, calling for internationally supervised elections," Nixon said:

> We will accept the result of those elections and the South Vietnamese will as well, even if it is a Communist government.

Mr. Nixon may think so, but not Mr. Thieu. His immediate rebuttal was plain enough. The Saigon government, he said, had no intention of accepting a "coalition with the Communists" or "domination by the Communists" under any circumstances whatever. This is hardly surprising, since Mr. Thieu has consistently defied American policy. No sooner had he returned to Saigon from his love feast with President Nixon at Midway last June, than he proclaimed:

> I solemly declare that there will be no coalition government, no peace cabinet, no transitional government, not even reconciliatory government.[10]

In neither instance, did any disavowal issue from the White House. President Nixon, like his predecessor before him, appears to be manacled to the Saigon generals. Lyndon Johnson flew five times to mid-Pacific rendezvous with these same men. Now President Nixon has followed in that beated path and emerged, like Mr. Johnson, with the same pretensions of harmony. Lacking either the willingness to depend on their own army or the support of their own people, the Saigon generals have held an ace-in-the-hole which has kept them in power and in command of events: their influence amounting to a veto over America's war policy. Had they anything like the same influence in Vietnam that they have had in Washington, Thieu and Ky would have overpowered the Vietcong years ago.

Well, we have an ace-in-the-hole, too: the fact that this war is not now and never was essential to our interests, which is to say, to the freedom and safety of the American people. Pride has cheated us of the power deriving from our own interests, because, in order to gain access to that power, we would have to admit error. That same pride has been Saigon's lever over America's war policy: they survive on it, while Americans die for it.

III. THE STRATEGY OF PEACE

Sooner or later, Vietnam will revert to the control of the Vietnamese. Whether on the basis of a negotiated peace or an unnegotiated withdrawal, American forces will eventually have to be removed from Vietnam. When that happens, if not before, the Vietnamese civil war will be settled—as it should and would have been settled long ago but for American intervention—by the interplay of indigenous forces within Vietnam. If a formal settlement comports with the indigenous balance of forces, whatever it may be, the settlement will be a lasting one. If it does not, it will be overthrown.

There are—as we have learned and should have known without this trial by fire—limits to the ability of an alien power to work its will in a hostile environment. Our own Civil War provides an example: after 4 years of savage warfare and 11 years of military occupation, the Union finally withdrew its forces from the South, allowing that region to revert to the political domination of the same people who had dominated the secessionist Confederacy. Another example is provided by the Boer War, Britain's turn-of-the-century "Vietnam." After more than 2 years of frustrating warfare against a guerrilla force of provincial rebels—in the course of which the mighty British Empire became an object of universal scorn and detestation—the British finally beat the Boers, organized the Union of South Africa and then, perforce, turned the political control of the country back to the defeated Boers, who have dominated South Africa ever since.

The common factor in the American Civil War,, the Boer War, and the Vietnam war is that each confronted a dominant alien power with an intolerable dilemma: it could impose its will only by the sustained application of overwhelming force; the alternative was to withdraw that force, leaving the indigenous factions to strike their own natural balance more or less as they would have if the alien power had not intervened in the first place. In the one instance "victory" becomes insupportable, in the other meaningless.

Weighing this dilemma along with the other main considerations I have set forth—that this war is a failure and was never in our interests to begin with—what is to be inferred for a strategy of peace?

The point of departure is the clear, candid acknowledgment of our own lack of vital interest in the internal regimes of the two Vietnams. This means that we must break through the pride barrier which has thus far deterred us from admitting that, from the standpoint of our own interests, this war is and always been a mistake. The purpose of this admission is not flagellation but freedom—the freedom of action which will be ours only when we end our thralldom to the Saigon generals and begin to act in our own interests and no longer on the basis of theirs.

In recent weeks, there has been increasing talk of changing the military mix in Vietnam by replacing American ground troops with Vietnamese, while retaining American supply and support troops in their combat role. This is not a formula for extricating the United States from Vietnam; it is, rather, a formula for keeping up to 300,000 American troops engaged in Vietnam indefinitely. Its purpose is not to get out, but to stay in.

The imperative is that we get out. This does not mean, of course, that the South Vietnamese Government would have to follow suit, or that it would be helpless in the face of its enemies. It would still have 1,500,000 men under arms as against 135,000 Vietcong and 90,000 North Vietnamese soldiers now in South Vietnam. If the ARVN could be inspired to defend the Saigon government, it would survive; if it could not be so inspired, then the government does not deserve to survive. In any case, we have done enough. We have fought their war for 5 long years and sacrificed almost 40,000 American lives. It is enough.

The process of disengagement need not be a long, protracted one. We can initiate it immediately by starting to withdraw forces on a significant scale—not the token scale initiated by the Nixon administration. At the present rate of withdrawal, American troops will be engaged in Vietnam for the next 8 to 10 years.

Nearly everyone now recognizes that our intervention in Vietnam was in error.

---

[9] *The Washington Post*, June 11, 1969.

[10] *The New York Times*. June 10, 1969.

Two years ago, our political skies were still filled with hawks; today, scarcely a hawk can be seen on the wing. President Nixon himself, once a ferocious hawk, may not openly admit, but he implicitly acknowledges, that this country has no vital interest at stake in Vietnam. Otherwise, we could not possibly leave the outcome for others to decide, even in a free election.

But we have our own hang-ups: 20 years of obsession with communism—deeply ingrained in the wormwood of our politics. Mr. Nixon keeps searching for a settlement that will be popular, or at least welcome, here at home. He keeps pushing for an American-style election in Vietnam, presided over by a special electoral commission composed of all factions, and internationally supervised, and then wonders aloud why so "generous" a proposal should fall on such deaf ears. For an answer, we might ask ourselves how, during our own Civil War, the Union Government would have responded to a British or French proposal for an internationally supervised plebiscite on southern secession.

A policy wrong from the start cannot be made to come out right. Our country is accustomed to imposing unconditional surrender on its enemies; there can be no compromise settlement of the war in Vietnam which will be applauded by the American people. Nor can there be any settlement worthy of reliance, regardless of its terms, for once we have left, no force remains to keep it.

Still, Mr. Nixon stalls for time, trying to pry loose a settlement with modest troop withdrawals. He talks of bringing pressure on Hanoi. But you cannot bring pressure on an enemy by starting to leave. His real purpose is to bring pressure on Saigon to dignify our exit by accepting a transitional arrangement that will make it seem to the American people that the war has not been entirely pointless, and that all the sacrifice has not been in vain.

So we wait, month after month, for some miracle to occur in Saigon or Hanoi that will bring the moribund peace talks back to life. We hint to Hanoi that progress at the conference table, or a winddown of the war, will mean faster withdrawal of American troops, while we tell Saigon that the pace will depend on the demonstrated ability of their forces to replace our own. In the resultant muddle, all we have succeeded in doing is to place the timetable out of our hands and into theirs. I say American policy must wait no longer upon the pleasure of either Saigon or Hanoi. It is time to come home!

For our own part, we have neither the need nor the right to sacrifice a single American life for any objective exceeding our own vital interest, which is the preservation of the freedom and safety of the American people. If this be thought ungenerous or unaltruistic, I put it to you that no nation has the moral right to be generous or altruistic with the lives of its own citizens. Perhaps a totalitarian nation, conceiving itself a spiritual entity transcending its individual citizens, may claim that right. A democratic nation cannot; its very existence is for the purpose of protecting and serving its citizens.

That is why it has become so necessary to disengage from Vietnam, leaving it to the indigenous forces in that tortured land to vote, negotiate or fight their civil war through to the conclusion which, but for our intervention, would long ago have been reached.

IV. WHY WE MUST GET OUT

We must get out of Vietnam because a process of deterioration has begun in our society which cannot be arrested, much less reversed, until we do get out. Dividing the American people as no issue since the Civil War has divided them, the war in Vietnam has been the cause and catalyst of great domestic ferment in the United States. The crisis it has directly caused is a moral one: the deep offense done to so many Americans by the blatant incompatibility of this war with the traditional values of our society. At the same time, by diverting financial and political resources, and by dividing and demoralizing the American people, the war has incapacitated us for effective action in respect to the worsening crises of race and poverty, crime and urban deterioration, pollution and ecological decay.

None of this has to do with simple war-weariness, or, as President Nixon seems to think, with weariness "of the weight of free world leadership that fell upon us in the wake of World War II."[11] Something more fundamental than fatigue is involved. Twenty-five years ago the American people were simultaneously fighting two great wars on a vastly greater scale and at an even larger cost than the war in Vietnam, and their spirit never flagged. It is not just the burden of leadership or the exertions of warfare that outrage so many of our citizens, but this war, with its blood-soaked strategy of attrition, its unsavory alliance, and its objectives both irrelevant to our interests and offensive to our principles. Nor is "weariness" in any way descriptive of what the war critics are experiencing; they are not tired but angry—angry about the needless killing and the stubborn pride which has kept us from putting a stop to it.

I recently received a letter from a young man who is deeply troubled by these matters. With your indulgence I will read a portion of my reply:

> The deep disillusionment of young people in their country has its roots in the Vietnam war. When the power of the state is used to force young men to fight a war they believe to be wrongful, under penalty of imprisonment if they refuse, the seeds of sedition are sown. We now reap the bitter harvest, manifested in angry uprisings on campuses from coast to coast . . .
>
> Whenever the limb is shaken, all the leaves tremble. Once the moral authority of the government is rejected, on an issue so fundamental as a wrongful war, every lesser institution of authority is placed in jeopardy. Every sacred principle, every traditional value, every settled policy becomes a target for ridicule or repudiation. Cauldrons of anarchy soon begin to bubble and boil.
>
> So it has happened that our country is coming unstuck. The ferment distorts every issue; perspective is lost . . .
>
> I am convinced we must end the war—or at least our participation in it—before we can begin to stick this country back together again. Then we must have the help of men like you, men who haven't abandoned all faith, and who regard the job as worth doing.

Even now there is one thing in which we can take hope, and that is the great force of our American moral traditions. Out of all the dissent and disruption, we have learned something about ourselves—that we still believe in our own values, that Jefferson's idea of liberty and Lincoln's idea of equality and Woodrow Wilson's idea of a world community of law are still capable of moving us and guiding our behavior. We have learned, to be sure, that we are capable of violating our traditional values, but we have also learned that we are not capable of violating them easily, or permanently, or indeed without setting in motion the regenerative forces of protest and moral reassertion.

There will be time enough, when peace is restored, to contemplate the "lessons of Vietnam." Perhaps, if peace comes in the way that I believe it must come, some of our recent and present leaders will take it as the war's "lesson" that America has shown itself unworthy of world leadership. Others will conclude that we must develop more sophisticated techniques of intervention, or that we must improve our "social science," or substitute political and economic for military means of intervention. Still others, at the opposite extreme, will probably judge that we must never again involve ourselves in war on a distant continent. All of these propositions, and variations upon them, will undoubtedly be put forth as the "lessons" of Vietnam, but my own hunch is that none of these will stand as a definitive "lesson" or as a reliable guideline for the future.

It may be that there is no lesson in Vietnam other than the modest one suggested by Jim Thomson of Harvard: "never again to take on the job of trying to defeat a nationalist anticolonial movement under indigenous Communist control in former French Indochina."[12] Or the equally modest lesson: that we have got for a time—not necessarily forever—to tend to neglected matters at home. Or perhaps we will have learned nothing more than we are a people with a moral tradition, a people who discriminate among their wars and who do not easily act against their own traditional values.

(The following colloquy, which occurred during the address by Mr. CHURCH, is printed at this point in the RECORD by unanimous consent.)

Mr. FULBRIGHT. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I did not want to interrupt the chain of the Senator's thought, but his comment on the architects of failure, so well stated, reminds me of what I read in the paper, I believe yesterday, about General Walt.

---

[11] Air Force Academy Speech, June 5, 1969.

[12] James C. Thomson, Jr., *No More Vietnams? The War and the Future of American Foreign Policy* (Richard M. Pfeffer, ed., New York: Harper & Row, Publishers, 1968), p. 258.

He was one of the architects of failure as a general in Vietnam. He served for a long time with General Westmoreland Yesterday he was reported to have made a speech, just as the Senator from Idaho has stated, to the effect that if it were not for the dissenters, if it were not for those who disagree about the war, it would have already been won—and won last year.

He, with his little hatchet, and General Westmoreland would have won the war already if it had not been for dissenters in this body and elsewhere.

I can think of nothing more artificial or more ridiculous.

As the Senator from Idaho has so rightly pointed out, it is exactly what the German general staff said after World War I, that they were stabbed in the back by the people in Germany who had been taken into World War I by the German general staff.

Mr. CHURCH. It was on that lie, as the Senator knows, that Hitler himself rose to power.

Mr. FULBRIGHT. It was. It is a very dangerous doctrine. I regret very much that the present military establishment sends General Walt about the country as one of its spokesmen. He has been the military's elocutionist, I think for about a year. He makes speeches hither and yon, to service clubs, to colleges, anywhere they will have him, telling them about the war in Vietnam, and how successful it would have been if everyone had supported General Westmoreland and General Walt.

I think it is a very unwise, an untrue, and a dangerous thing to do.

I think the Senator from Idaho is entirely correct in his comments in that last paragraph.

Mr. CHURCH. Let me suggest that the Pentagon ought to be sending a former Commandant of the Marine Corps, rather than General Walt, about the country to tell the truth about the war in Vietnam.

Mr. FULBRIGHT. Yes; so long as they are engaging in that kind of activity, they should send out men like General Shoup. He has had some very colorful things to say.

Mr. CHURCH. At least, in fairness, they should send General Shoup along with General Walt, so that he could furnish the rebuttal.

Mr. FULBRIGHT. I should think that what the Senator has said here, incidentally, in regard to that paragraph and also the preceding paragraphs, is extremely well presented. I hope that the attention of the country as a whole will be called to the Senator's remarks. I congratulate him on a very forceful speech.

Mr. GORE. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. GORE. I wonder whether it could be barely possible that except for the work and influence of those who have been described as dissenters which ultimately brought about a change of policy, and a stoppage of the process of the escalation of the war, we just might, by now, have been in war with China?

One can stretch his imagination in both directions so that the general who thinks the war could be won without the benefit of those who raise questions about the wisdom of policy might also say, without the support of those, that we may have now suffered an even greater calamity by war with China.

Mr. CHURCH. I concur wholeheartedly.

Mr. FULBRIGHT. I am not so sure that some of those would not welcome us having a war with China because there are generals—I think of the recent general who commented, I believe, that, "We could bomb them all back to the Stone Age"—I think maybe some of them would say it was a great mistake not to engage China and Russia, too, I suppose.

I am not so sure that they would agree with the Senator that this is a tragedy. I agree with the Senator. It would be a disaster of incalculable proportions, but there are people, I am afraid, who think that we should eliminate from the face of the earth all Communists, by force, if necessary, or by force of arms with nuclear weapons. I think the Senator is quite correct. My own feeling is that the dissenters did offer a restraint which very likely has prevented escalation of the war to include China.

The Senator's statement in the letter he has just read brings to mind what to me is one of the most shocking examples of the deterioration of even our Military Establishment. I cannot remember anything that has happened before like what is now being revealed in the subcommittee headed by the distinguished Senator from Connecticut (Mr. RIBICOFF). I refer to a high-ranking member of the Armed Forces who engaged in just ordinary, petty, fraudulent—I do not know what the right word is—activities. From generals down to the top sergeants in the Army there seems to be evidence of stealing money from their own colleagues in the noncommissioned officers clubs, and on up. At least this is what we know from this morning's newspapers. According to the hearings, a general solicited guns from various police departments, and sold them as his own. He solicited them in behalf of the Army.

I have never heard of anything quite so disgusting or revolting as high-ranking military officers engaging in such practices. The Senator's description of the undermining of the authority of all institutions goes right into the Army itself. It is almost unprecedented, so far as I can recall. It is a very serious thing. We know about the corruption in other areas, corruption which has been almost commonplace.

Mr. CHURCH. I agree that it is a very disturbing matter. Perhaps it suggests that an immoral policy, in the sense of a war that runs contrary to our historic principles, against which so many of our people, particularly our young people, protest so vigorously, breeds other immorality.

I think of the spreading violence in our land. Every night the typical American family sits before its television set, watching the latest episodes of violence from the battlefront in Vietnam, brought to them in color. After a time, the pictures of bombed-out villages, the napalming of little children, the mangled dead, the piles of corpses stacked up like cordwood, become so commonplace that we are no longer shocked, and violence increasingly infects our own land.

This war has taken a terrible toll in America. But my hope is, as I say in the concluding paragraphs of my address, that an aroused American conscience will force the Government to listen, will force changes in the policy that will bring our participation in this war to an end. I do not know how else a free society should act. Do those who support the war want us to behave like a totalitarian society? Do they want everyone who objects to fall silent? Is that their notion of how a free people should act?

I cannot understand the reasoning of those who say that all of us must march in step and take our orders regardless of our convictions.

Mr. FULBRIGHT. The Senator referred to soldiers stacked up like cordwood. I was just reading in the New York Times Magazine of October 5, on page 125, a passage concerning Col. George S. Patton III, commander of the 11th Armored Cavalry Regiment in Vietnam:

> Last Christmas Patton sent out Christmas cards which read: "From Colonel and Mrs. George S. Patton, III. Peace on Earth." Glued to the cards were colored photos of dismembered Vietnamese soldiers stacked up like cordwood.

Can the Senator imagine sending out Christmas cards reading, "Peace on Earth," with such an enclosure?

Mr. CHURCH. I think this is a part of the general manifestation of the brutalizing effect that this war has had upon our own society, upon our perspective, and our values.

I have sometimes sat in the committee of which the distinguished Senator from Arkansas is chairman and listened to American ambassadors being asked if they know what certain agents of the United States are doing in foreign countries to which they are assigned. They often answer, "Senator, we have a general idea, but we do not want to know the particulars. We do not want to know the methods. We would rather not know."

Is not that what the Nazis said? Was not that what the war trials were all about?

Mr. YOUNG of Ohio. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield now to the distinguished Senator from Ohio.

Mr. YOUNG of Ohio. The distinguished senior Senator from Idaho has today rendered a real and needed service to our Nation. He has made a magnificent address concerning what we should do now to end our involvement in the ugly civil war in Vietnam.

He has truly said that the process of disengagement need not be a long, protracted one; rather, we should initiate it immediately by starting to withdraw our forces on a significant scale now, not simply by the kind of token withdrawals that have been made in recent months.

We must get out of Vietnam. It is time to come home.

I wish that every American were able to read the Senator's words. He has truly said that our citizens are not weary or tired, but our people are angry over the needless killing and the stubborn—and I might add foolish— pride that has prevented two Presidents from putting a stop to it.

In every community of the Senator's State of Idaho, just as in every community of my State of Ohio, there has been the tragedy of the loss of the life of at least one high school graduate in Vietnam. Such tragedy has struck everywhere. The people are demanding that we get out. We should, of course, never have become involved in that civil war. As Walter Lippmann bluntly put it:

> We are fighting to save face.

The great Chinese sage Confucious wrote many, many centuries ago:

> A man who makes a mistake and does not correct it makes another mistake.

Surely, that goes for a nation. Our Nation has made a great mistake, and we have not corrected it as yet. So we continue to make additional mistakes.

May I say to the distinguished senior Senator from Idaho and to the other Senators in the Chamber that I also have a secret plan to end our fighting in Vietnam and to get out of there. I did not disclose this secret plan of mine in New Hampshire, or in various States in the Union, late last year, nor have I done so up to the present time. Another person said he had a secret plan, and he has been President of the United States since January 20. We still do not know the secret plan. However, I am going to disclose my secret plan to end our involvement in Vietnam.

We should withdraw all our soldiers, sailors, airmen and marines just as quickly as we can. We should pull them out of Vietnam in the same way that we sent them there—by ships and by planes. If it is claimed that it is not logistically feasible to withdraw all of the more than 500,000 men in our Armed Forces in Vietnam before the end of this year, then those remaining should be withdrawn to coastal bases temporarily, where they would be under the protection of our airpower and our 7th Fleet. We should disengage immediately. We should stop the fighting immediately, and then bring our forces home by ships and planes.

My secret plan includes having just one plane left over after all of our troops have been withdrawn from Vietnam. I read in the New York Times not long ago of the lavish villa that the First Lady of South Vietnam, Madame Thieu, purchased in Switzerland. It has not been denied. Also, it is well known that the flamboyant Air Marshal Ky and Thieu have unlisted bank accounts in Hong Kong and Switzerland. We should leave that one plane to take Thieu and Ky to Switzerland immediately, so that they can rendezvous with their unlisted bank accounts and General Thieu can join Madame Thieu in her lavish villa.

We sometimes hear about our commitments to South Vietnam. The Senator from Idaho knows, and some of the American people now know, that it is an untruthful statement that we have our troops there because of the commitments made by three American Presidents.

The initial commitment, so-called, is attributed to President Eisenhower in 1954, in a letter he wrote to the President of South Vietnam—that is, of the Saigon government—in which he stated:

> I am instructing the American Ambassador . . . to examine with you . . . how an intelligent program of American aid . . . can serve to assist Vietnam in its present hour of trial.

Then he added:

> The purpose of this offer is to assist the government of Vietnam in developing and maintaining a strong, viable state capable of resisting attempted subversion or aggression through military means . . . The United States Government hopes that such aid, combined with your own continuing efforts, will contribute effectively toward an independent Vietnam endowed with a strong government.

Who will assert that Thieu and Ky, both of whom were born in what is now called North Vietnam, have a viable government, when they received only 34 percent of the votes cast? In that election the soldiers of the regime of South Vietnam would cast one vote at their army posts and another vote in their villages. Ky barred all neutralists, and many Buddhists from voting. He threw in jail some of the contenders before the election. After the election the runner-up was jailed and still remains there. Of course, Thieu and Ky do not represent more than 20 percent of the people of South Vietnam.

When General Eisenhower left the Presidency, our force of advisers in South Vietnam had increased from a total of 327 in 1953 to 685. It is crystal clear that President Eisenhower's commitment, so called, was a very "iffy" commitment, if indeed it was a commitment at all. There was certainly no comment from the late, great John F. Kennedy. On September 3, 1963, shortly before his assassination, he said:

> I don't think that, unless a greater effort is made by the government to win popular support—

That is, the Saigon government.

> that the war can be won out there. In the final analysis, it is their war. They are the ones who have to win it or lose it. We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it—the people of Vietnam—against the Communists.

Therefore, it is evident that we are not fighting a land war in Southeast Asia because of commitments made by Presidents Eisenhower and Kennedy.

Mr. CHURCH. May I say to the Senator that I think it is tragic that President Kennedy's caveat did not remain the line of demarcation. It seems to me that it was the line that President Kennedy was attempting to establish in the final days of his administration. There was wisdom in his statement.

A foreign country cannot win a civil war in another land. This is, and remains, a Vietnamese war, and ultimately only the Vietnamese can work out a solution.

I am distressed that our emphasis upon a settlement obscures the fact that no settlement, whatever its terms may be, is really worthy of reliance; because once we leave, there is no power left to keep it.

President Kennedy was right in pointing up that, although we could give material aid to the Saigon forces, eventually it was up to them to fight for the regime, to win their war, or to lose it, as the case might be.

I appreciate the comments that the Senator from Ohio has made.

Mr. YOUNG of Ohio. The Senator is correct when he says that we involved ourselves in a civil war in South Vietnam. The distinguished senior Senator from Idaho first spoke out against our involvement there in 1964 and 1965 terming it a civil war.

In October 1965, I spent nearly a month in South Vietnam. I was in every section of South Vietnam. At that time, General Westmoreland told me that the bulk of the VC fighting us in South Vietnam were born are reared in South Vietnam. His deputy, Gen. Richard Stillwell, stated that 80 percent of the VC fighting in the Mekong Delta were born and reared in that area. The Mekong Delta, as the Senator from Idaho knows, is south and west, but mostly south, of Saigon.

I said, "Then, General, we are in an ugly civil war."

He did not like that. He answered, "Well, it could be termed an insurrection that we are in."

I am sure the Senator from Idaho no longer receives what I imagine he received back in 1964 and 1965—some abusive letters from his constituents. They no longer come in because the great majority of our people are against our continuing and deepening involvement in Vietnam which has cost so many lives in combat deaths, and the wounding of hundreds of thousands of young Americans. In addition, the Senator knows, and we all know, that many thousands of the finest young men in America who have been in Vietnam have been afflicted with malaria fever, hepatitis, bubonic plague, and other jungle diseases. Many of our servicemen have died, and many thousands of them will suffer from those jungle diseases as long as they live. That is another part of the penalty.

Mr. CHURCH. It is part of the tragic cost.

Mr. YOUNG of Ohio. It is part of the tragic cost we are paying because of the huge mistake of our intervening in a civil war in a faraway, distant little country which is of no importance whatsoever and never will be to the defense of the United States.

Mr. CHURCH. The Senator is correct. I thank him for his comments.

Mr. President, I yield to the Senator from Michigan.

Mr. HART. Mr. President, I rise to thank the distinguished senior Senator from Idaho who in his eloquent way has made clear to the country and to his colleagues the urgency of waging all-out peace.

The Senator from Ohio has mentioned, and I wish to reiterate, that the Senator from Idaho (Mr. CHURCH) was perhaps the very first, and certainly he was among the very first voices to be raised in what at that time was a very unpopular call to our consciences. I wish I had joined him many months before I did. I would have been much slower had it not been for his frequent appeals to our understanding.

It is now fashionable to deplore the war in Vietnam. That is not enough. We have to end it. It is not enough just to state that objective. We have to have a program to end it. This is where the army gets a little disorganized, and I do not mean the U.S. armed services; I mean those of us who hope to persuade the achievement of the objective which is to stop the killing in Vietnam. When it comes to the program, to the method, we are not in step.

I think one of the great values in the address by the Senator from Idaho today has been the program to achieve the objective. It is for that reason that I ask unanimous consent that I be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I am very happy to welcome the cosponsorship of the Senator from Michigan. His remarks this afternoon are typical of the generosity of his nature. The RECORD should show he has become one of the outspoken critics of this war and that he stands in the front ranks of those who are working for peace.

I would also like to say, in relation to the remarks of the Senator from Ohio, that, as we go from place to place, we frequently hear people say that we should either win the war in Vietnam or get out. For a long time, we have tended to denigrate this simple formula. It seemed too easy. It obviously did not require the person using it to choose one alternative or the other. Yet, like so often is the case with commonsense remarks one hears on the street, there is much force to the statement: "either win the war or get out."

President Nixon himself has admitted that, under the circumstances, victory is not our objective in Vietnam; that is to say, winning the war in the old-fashioned sense. In his address of May 15, the President said:

> We have ruled out imposing a purely military solution on the battlefield.

If this is the case, then the alternative is to get out. That is what the people are saying. They are saying: "Face up to it, and move the United States out of the war."

If we were to advise Saigon that this has become our intention, believe me, it would not take long for the various Vietnamese factions to find an accommodation. But as long as the Saigon government believes it can rely on a large American expeditionary force to fight in Vietnam indefinitely, whether that force consists of infantry along with supply and support forces, or whether it consists of supply and support forces alone, that long will we wait for a settlement in Vietnam.

I now yield to the Senator from California.

Mr. CRANSTON. I thank the Senator from Idaho. Two days ago the Senator from Idaho took a leadership role in bringing together a nonpartisan group of Senators and Representatives of both parties from all parts of the country who met for the purpose of stating their support of the young people who, on October 15, will speak their views and seek to bring their views to the attention of all Americans. These young people are those who, apart from those now in battle in Vietnam, face the greatest risk from our policy in Vietnam. Certainly all of us in a democracy must listen to their views and join them in the search for peace they quite rightfully demand.

Today the Senator from Idaho is again playing the part of leadership in bringing to the people of this land again a bipartisan resolution setting forth a proposed policy and the reasons for it, designed to seek our extraction from Vietnam and an end to our participation in that conflict.

The first words of that resolution show that it is the desire of the Senate to give advice and consent to the executive in the conduct of foreign affairs. It states:

> In view of the continuing war in Vietnam, the exercise of such responsibility is the highest form of service to be performed.

The Senator is performing that service.

It is plain that the combined efforts of young Americans, Americans in the Senate, in the House of Representatives, along with the executive branch, and those in the fighting forces are required if we are to end our unhappy participation in that tragic war.

I am delighted to be able to join the Senator on this resolution and in the battle we are waging until peace is accomplished.

Mr. CHURCH. I thank the Senator very much for his remarks. I am happy that he is joining in the sponsorship of the resolution.

I yield to the Senator from Iowa.

Mr. HUGHES. Mr. President, I wish to join with Senators in saying to the Senator from Idaho that certainly today he is again concisely and with a great deal of brilliance setting in context the problem and probably the only solution that can and will ever come about. In addition to that which he set out so intelligently here today is undoubtedly the need to set out some of the internal effects in our country resulting from the war in Vietnam.

As the Senator knows, in my freshman year here I have had the opportunity to be the chairman of a small subcommittee looking into problems of alcoholism and narcotic and drug abuse in this country.

I came to the conclusion last week that when a question was asked by one of our most brilliant witnesses, "Are we an intoxicated society?", I asked him if he would reply to his own question and give me an answer as to what he thought about it.

He said, indeed, that the United States and its citizens was an intoxicated society, that we look around us and see the problems we have all been so concerned with primarily in this past decade being unmet; but in spite of great imagination, great initiatve, and many innovations over recent years, the centers of our cities still rot; the races are still separated; the conflict still goes on among the poor, the middle class, and the well-to-do; the current throes of the educational process still continue; as well as the neglect of our public health in spite of massive programs; our aged sit around the country in small rooms, tucked away, living on meager incomes, with the inflationary spiral continuing upwards; the unemployment rate increasing, as I read in the paper in recent days, while inflation again continues to grow; we have at least six and one-half million alcoholics with another 25 million people affected by them; with hundreds of thousands of narcotics addicts, with 10 to 12 million people using marihuana, without estimating those in between who use the amphetamines, the barbiturates, the hallucinogenics, on down the line; and as we look at family needs, all continuing the thread that this follows in the United States of America today, it is an almost unbelievable situation.

For me to say to the Senator today that this is all a result of the war in Vietnam certainly would be unrealistic, but——

Mr. CHURCH. Would the Senator allow me to interject there, considering his long list of problems we face at home, perhaps this is why they are fighting so fiercely in Vietnam. After all, they have been told that we intend to take the Great Society to Southeast Asia.

We do have difficult problems at home to solve, but we will never solve them, as the Senator so well knows, unless we sober up and begin to attack the problems that plague our own people, and stop squandering our treasure on exotic military adventures in the jungles of distant lands on the opposite side of the world, for the purpose of restructuring their societies. This certainly is one of the lessons we must draw from our experience in Vietnam. Perhaps out of the agony will come a reappraisal, a reexamination of American foreign policy which will arrange our priorities in such form that we can begin, at last, to pay sufficient attention to the very problems the Senator from Iowa has so well described.

Mr. HUGHES. Mr. President, I think, in context, when we look at our massive internal problems, when for so many years we have been planning things, that we cannot approach those problems because of the cost of the conflict and the need for internal weapons systems for the defense of our country, we have suddenly realized that not only are we in the technological age of polluting ourselves out of existence, to mention one more of our great problems, but we have also entered a pollution state of mind, the fact that we close every day almost with capsulized news, indicating there is no hope, that we have no solutions, that there is no answer, that our total commitment is to the end of life on this planet rather than to the living of life, with hope for the future for all the people in this country, as well as the rest of the world.

So, as we place the problems of U.S.

involvement in Vietnam in context, I think it is well that we place it in context with the fact that we are not meeting the internal needs of this great Nation, that it is imperative we realize that probably the greatest threat to this Nation lies from the unmet problems within our borders rather than outside them.

Mr. CHURCH. The Senator is absolutely right in making that assessment. He reminds me of the admonitions we received in the early days of our Republic from our first Presidents, who used to say to us—

> Build a society here in the western world that is just and free, build it sturdily upon the concepts of the Declaration of Independence and the Constitution of the United States, and we will set an example the rest of the world will wish to emulate.

Our early Presidents understood the importance of making our own society strong and free, knowing that the force of an example is always greater than the force of arms. They were proven everlastingly right, because in the first century of our national experience, the force of the American example helped foment revolution in Europe; revolution which brought down or modified nearly every monarchy of Europe; and it all happened without using a single American soldier or a single American marine.

Mr. HUGHES. I wish to thank the Senator from Idaho for his indulgence and again express my appreciation for his very thoughtful focus of attention on this particular problem.

Mr. CHURCH. I thank the Senator for his valuable contribution.

Mr. TYDINGS. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. TYDINGS. I am delighted to add my voice to those of the Senator's colleagues who have congratulated him on the delivery of this message.

I must say that it is one which really should be delivered to every American who loves his country because it puts in readable and understandable prose the problem of Vietnam and, indeed, the only solution to it that moral and reasonable men can accept.

I think it is unfortunate that the present leadership of the National Government is not willing to exercise the same candor with the American people that the Senator from Idaho has this afternoon. The American people appreciate the truth. The American people appreciate honesty. What this Nation really needs is an opportunity to hear reason and honesty with relation to the tragic events in Vietnam.

The Senator from Idaho has accomplished this, as I indicated to him after I had read the speech. It is a brilliant presentation, in organization as well as delivery.

I cannot help thinking that the remarks of the Senator from Iowa (Mr. HUGHES) were also very pertinent.

I was moved by the letter on page 10 from the young constituent who was troubled by these matters and referred to the problems of keeping this great democracy stuck and not becoming unstuck.

It is the responsibility of Congress and the Members of this body to speak the truth and tell the truth to the American people, regardless of the popularity or unpopularity of the truth, in some cases, in some forms.

I, for one, appreciate the leadership and the work which obviously have gone into this presentation. With the possible exception of our distinguished majority leader and the Senator from South Dakota, I think that no Member of this body is able to present a message which could be presented to the American people more clearly than the Senator from Idaho has done, not only in this instance, but also ever since I have been privileged to be a Member of the Senate.

I only wish we could make certain that a copy of this speech would be read in every American family across the country, because I think it would help resolve some of the problems we face.

Mr. CHURCH. I thank the Senator very much for his kind remarks.

(This marks the end of the colloquy which occurred during the address by Mr. CHURCH and which was ordered to be printed in the RECORD at this point.)

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CHURCH. Yes; I am happy to yield to the distinguished majority leader.

Mr. MANSFIELD. First, Mr. President, I must apologize to the distinguished Senator from Idaho for not being able to hear all of his speech or to have had the opportunity to read his speech. I will make up that deficiency at the first available opportunity. But I do want to commend the distinguished Senator from Idaho and the distinguished Senator from Oregon (Mr. HATFIELD) for introducing a resolution today seeking to face up to the basic difficulties which confront us in Vietnam.

I likewise want to commend the distinguished Senator from Iowa (Mr. HUGHES) and the distinguished Senator from Missouri (Mr. EAGLETON) for undertaking the same kind of project earlier in the session today.

I was impressed with the emphasis placed on the subject of Vietnam by the distinguished Senator in which he refers to the war over there as a "rebellion," meaning, of course, that it is basically a civil war, contrary to what has been said by many people relative to this struggle over the years.

It always has been a rebellion between South Vietnamese. It still is a rebellion basically, and I believe that statement will stand up even though it must be recognized that a considerable number of North Vietnamese in the past several years have infiltrated southward—as a supplement to the civil war, and not necessarily as a catalyst of the civil war.

It appears to me that there is some movement in the area of South Vietnam and North Vietnam at the present time because, if my information is correct, approximately 20,000 North Vietnamese—or perhaps I should say only as many as approximately 20,000 North Vietnamese—have infiltrated down into South Vietnam since March of this year, a period of 7 months. About this time last year the usual monthly rate of infiltration was anywhere from 8,000 to 15,000 or more.

There must be some significance to that. I do not think the significance is that North Vietnam and its armed forces have been weakened to that extent. Perhaps it is a significant sign.

There has also been a letdown in fighting over the past several months, and most especially over the past few weeks. But even with such a letdown, the casualties are still too high. Too many Americans are still being killed. Too many Americans are still being wounded. And something must be done, not just to cut down the casualty rate, but to try to bring this war—this tragedy—to a conclusion.

It is true that the President has moved in the right direction in ordering a reduction of 60,000 U.S. troops. I only wish more could be withdrawn more expeditiously, to the end that, within a reasonable length of time, this country could withdraw not only from Vietnam but from Laos and Thailand as well, on a lock-stock-and-barrel basis.

As far as South Vietnam is concerned, as the distinguished Senator indicated when he emphasized what the late President John F. Kennedy said, the future of that area is going to have to be decided by the South Vietnamese themselves. We can coat it all we want, but the South Vietnamese, all factions and all fractions, are the ones who, in the last analysis, are going to have to decide what the future of their country will be, what kind of government it will have, and what kind of commitments it will make. That includes the Vietcong, who are South Vietnamese. Never lose sight of that fact. That includes the neutralists, who are South Vietnamese, but who, like the Vietcong, were not allowed to participate in the elections 2 years ago last September. It includes the Catholics and the Buddhists, the Cao Dai, the Hoa Hao, and other groups even such as the animists and montagnards, who have not been given much consideration. It appears to me that, somehow, some way, in some fashion, the South Vietnamese must get together to decide their own future. We cannot do it for them, nor should we attempt to.

And, if they will go that far, perhaps there will be a revival of the Geneva Accords of 1954, which called for all-Vietnamese elections 2 years after those accords were signed, or in 1956. That part of the agreement was never adhered to.

Some day, somehow, I assume that there will be all-Vietnamese elections, both north and south.

If I understand what the administration has said over the past several months, the one factor on which we are holding out, the one factor on which we will not budge, is the right of self-determination for the people of South Vietnam. I assume that includes all the people of South Vietnam. And if that assumption is correct—and I think it is—then it includes all the elements that I mentioned a few moments ago.

We have also said—and I think the President himself said it, I believe in his last press conference, and if not, shortly before—that if the South Vietnamese would decide among themselves what kind of government they want, we would accept that government, no matter what its coloring or connotation.

Well, I would like to see this war brought to a conclusion, no only so far as it affects the two Vietnams directly, but so far as it involves Cambodia—which has been affected indirectly. There are a number of Vietcong and North Vietnamese who, seeking haven or whatever in the northern part of Cambodia have caused a great deal of trouble for Prince Sihanouk in that kingdom. Then, of course, we have a situation developing and which has been in existence in Laos for some time, and also a situation affecting Thailand, in which there are a number of U.S. bases.

I would like to see, if at all possible, the neutralization of all of the old Indo-Chinese states—North and South Vietnam, Laos, and Cambodia—as well as Thailand, so that that area could be given some degree of surcease from war. I would like to see that neutrality guaranteed by all of the great powers, including the Soviet Union, mainland China, and the United States, among others.

It would be a small price to pay for stability. It would give these countries—especially the two Vietnams, which have been at war for approximately a quarter of a century—a chance to rehabilitate themselves and reconstruct their economy, and in that way perhaps be able to achieve, at long last, a rightful place in that part of the world, and in the world as a whole.

I must say, if the distinguished Senator from Idaho will allow me, that I have been very impressed with the Nixon doctrine for the Pacific, based upon the Guam Declaration, in which the President said this country is primarily a Pacific power and that as far as our interests on the Asian mainland are concerned, they are only peripheral.

Certainly, we should have learned a lesson in Korea. Certainly, I hope we will learn a lesson from Southeast Asia and recognize that our great interests are in the Pacific and not on the Asian mainland, and recall the fact of history that there have been invaders time and time again and that always the invaders were finally taken over by the people whom they had conquered temporarily.

The most important case in that respect is China, which has been invaded time and time again down through the centuries, but which always, in the long run, has absorbed the conquerors.

But, getting back to the Nixon doctrine, I have an idea that, because of our involvement on the Asian mainland and the President's desire—and it is a real desire—to get out of the mess, to be rid of this tragedy, to get away from this impasse, he laid down a thesis which perhaps establishes a groundwork for no more Vietnams or Koreas in the future.

As far as I am concerned, I think that it is a sound doctrine. I think it is long overdue. I think it faces up to the realities of today and tomorrow, and moves us away from the responses of the past, which may have been good 20 years ago or a quarter of a century ago, but which have outlived their usefulness.

So I would hope, on the basis of the emergence of such factors as the Nixon doctrine for the Pacific, the resolution introduced by the distinguished Senators from Idaho and Oregon, and that introduced by the distinguished Senators from Iowa and Missouri, that we will be able to take a new look at this situation, to try once again to find ways and means out of this morass, and in that way bring an end to an unhappy chapter in the history of this republic, wipe the slate clean, if possible, and try to revive the American image, which meant so much to the world such a few years ago, but which unfortunately has been called into question of late in all too many areas, mostly because of our involvement in Vietnam.

Mr. President, I have taken up too much time. I do want the distinguished Senator from Idaho (Mr. CHURCH) to know that I was certainly interested in and appreciative of what he had to say. I intend to study his speech more in detail, and also to look with interest at these resolutions. I say to him that he has been a fighter for a long time in a worthy cause. He has done much to bring home to the American people and to two administrations just what South Vietnam meant to us, and what might have been attempted to bring this tragedy to a conclusion. I want him to know that he has my personal thanks for what he has done this afternoon, as well as what he has done on so many previous occasions.

Mr. CHURCH. I thank the distinguished majority leader very much for his remarks, and I wish to associate myself with what he has said about the new Nixon doctrine for Asia. I think if that doctrine is implemented, it will mean that we shall, in due course, withdraw all our forces not only from Vietnam, but from the other parts of Southeast Asia. The sooner we do so, the better.

The resolution that I now send to the desk, Mr. President, is consistent with that objective, and, in my opinion, will help to bring about those accommodations in Vietnam that are necessary if this war is to be brought to a close.

So, Mr. President, I submit, on my own behalf and that of the distinguished senior Senator from Oregon (Mr. HATFIELD), a sense-of-the-Senate resolution calling for the more rapid withdrawal of American troops, and a national commitment to a policy of full and complete disengagement from South Vietnam.

Mr. President, I ask unanimous consent that the resolution be received and referred to the appropriate committee.

During the course of the afternoon a dozen Senators have indicated their desire to join in the resolution. I shall disclose their names during the days to come, as they make their intentions known.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution (S. Res. 270) was received and referred to the Committee on Foreign Relations, as follows:

S. RES. 270

Resolved, The Senate of the United States takes cognizance that: (1) It is the duty of the Senate to give advice and consent to the Executive in the conduct of foreign affairs. In view of the continuing war in Vietnam, the exercise of such responsibility is the highest form of service to be performed.

(2) The war in Vietnam was caused by no one man and no one party, but it is the responsibility of all men and both parties to bring the war to an end. In the past five years, some 40,000 American soldiers have died. Since the beginning of this year, more than 8,000 American fighting men have been killed. In light of the thousands of lives being lost, there can be no moratorium on discussion and no halt to the necessity for leadership in terminating further American participation in the combat.

(3) The President has taken a step in the right direction by his announced withdrawal of 60,000 American troops. But this is only a small beginning to what must be done to extricate the United States from this war. At the present rate of wtihdrawal, American troops will be engaged in Vietnam for the next eight to ten years. The policy of the United States can no longer wait upon the pleasure of either Saigon or Hanoi.

(4) The future of South Vietnam must be shaped by the will of the South Vietnamese. The continued presence of United States military forces can only postpone the political accommodations essential to ending the conflict: Now, therefore,

Be it Resolved, That in the sense of the Senate that, having furnished South Vietnam with an American shield for the past five years to allow for the development of its political and military capacities, the time has arrived for the people of South Vietnam to take charge of their own destiny; and be it further

Resolved, That this can be accomplished only through a more rapid withdrawal of American troops, and a commitment by the United States to fully disengage from South Vietnam, pending such reasonable interval as may be necessary to effect an orderly transition on the battlefield, and provide for the safety of American troops and those who may wish to leave with them.

HATFIELD-CHURCH RESOLUTION ON WITHDRAWAL OF TROOPS STRENGTHENS THE PRESIDENT'S HAND

Mr. HATFIELD. Mr. President, I should like to make perfectly clear at the outset of this discussion of our joint resolution that President Richard M. Nixon and I are allies, not opponents.

Senator FRANK CHURCH and I are today joining in cosponsorship of a resolution calling for a more rapid withdrawal of American troops from Vietnam. We do not set a date for compulsory withdrawal. We do point out that if passed it would be the sense of the Senate that we should like a more rapid withdrawal. The resolution calls for a commitment by the United States to fully disengage from Vietnam, pending such reasonable interval as may be necessary to effect an orderly transition on the battlefield, and provide for the safety of American troops and those who may wish to leave with them.

It seems to me that by introducing this resolution, I am indicating my complete backing of the President's efforts to end the war in Vietnam, for he has said that he hopes to end this war before the end of 1970. I would hope for a total troop withdrawal by the end of 1970 and have so written the President.

In his September 16 news conference, President Nixon also stated:

> Once the enemy recognizes that it is not going to win its objective by waiting us out, then the enemy will negotiate and we will end this war before the end of 1970. That is the objective we have.

Also, on June 20 of this year, President Nixon said in a televised news conference that he hoped to beat a timetable calling for withdrawal of 100,000 American troops and all ground combat forces which former Secretary of Defense Clark M. Clifford proposed.

A Washington Post story said that twice in the news conference, the President said he hoped to better the timetable suggested by Clifford that "about 100,000 troops be pulled out this year and all remaining American ground combat troops be withdrawn next year.

The President said during that telecast:

> We have started toward the withdrawal that Mr. Clifford has advocated.

And added that he hoped "we will not be in Vietnam as long as he—Clifford—suggests we will have to be there."

It seems to me that the President and I are in accord on this matter.

What we are really doing in this resolution is undergirding the President, strengthening his resolve to end this war and withdraw American troops.

There are forces within this country, both military and political, as well as pressures from the Thieu regime in South Vietnam, which are exerting tremendous efforts to dissuade the President from his course of action in de-Americanizing the war. They advocate more war, not less; more deaths for Americans and Vietnamese, not less. And we in the Senate who are urging a complete withdrawal of American troops are, I think, playing a constructive role in attempting to strengthen the President's hand.

To believe, as some men do, that a declaration and implementation of all-out war will reduce the problems of this conflict is to ignore the conditions of the struggle that is taking place. Even if military victory were possible, which under humanitarian and moral reasons is not, the South Vietnamese people would still be vulnerable due to the lack of support of their own Government.

When we were pursuing a heavy bombing policy there was not a significant reduction of infiltration or supplies nor did it impair the North Vietnamese capacity to wage war. What the bombing of the North accomplishes was a tremendous loss of lives, both military and civilian, and a loss of international good will and sympathy, and perhaps a naive but growing fear by emerging nations that America was becoming colonial in our actions.

The entire handling of accounts of "military progress" has left nothing but doubts in the minds of the American public.

If we followed the Johnson administration's statements we were to have "won" years ago, but the present situation only established the Vietnam war as the longest and one of the most costly in history. Where we have failed in our battle is to attract the allegiance of the South Vietnamese people. As long as this is ignored there remains no possibility of genuine "victory."

But let us imagine that we do have an all-out war. What options are left to us? We could drop more bombs, but on what targets?

Military targets in North Vietnam are nearly nonexistent. We could destroy the Haiphong Harbor, destroying Russian and Chinese ships and, therefore, risking war with these two nations.

If we increase ground activity, the draft calls would have to be enlarged, fewer student deferments would be granted, taxes would have to be substantially increased, economic controls would surely have to be instituted and the unrest at home would surely reach the breaking point.

Political solutions to the war would be enhanced if the major adversaries in the conflict were Asian. For this reason I have for some time maintained that the first thing to be negotiated in Paris or elsewhere is the time and implementation of our military withdrawal from the Asian mainland. This would greatly strengthen the possibility of finding a just solution to Vietnam within the framework of an Asian diplomatic offensive. For this reason I look with hope to President Nixon's promise of troop withdrawals over the next year.

Responsible dissenters to our policy in Vietnam—and I count myself one of these—are sincerely convinced that our past policies are wrong, and that they must be corrected if the best interests of the United States are to be served. To argue that such dissent is prolonging the war and encouraging the enemy is fallacious. The entire reasoning behind this charge is based on the assumption that the enemy is demoralized, desperate, and hangs on only out of hope that American public opinion will demand an American withdrawal.

I have seen no evidence that Hanoi or the NLF is either demoralized or desperate. In fact, the continuing aggressiveness and determination of these people only demonstrates that they are capable of pursuing the war indefinitely and determined to do so, irrespective of what critics may be saying in the United States.

Yes, we do owe our men fighting and dying in Vietnam all the support and material they need, but we owe them more still.

We owe them an uncompromising promise and total effort directed to extricating them from this war, to finding alternatives to futile policies that have failed for 20 years. This, to me, is the highest duty of those in positions to have their voices heard and their influence felt. This is why I and others have dissented from our present course in Vietnam.

President Nixon has called for the Vietnamization of this war, just as I have done since 1966 when I called for an All Asia Conference at which the Asian nations themselves would provide plans for mutual and self-defense. The President has advocated this as well.

The President is aware of these dangers. He is a politically sensitive and extremely intelligent man—he knows the consequences of escalating the war. This effort on my part is to not let emotional calls for all-out war gather momentum in this country.

If we have all-out war, the military and civilian casualties and deaths would increase. We could adopt a policy of hot pursuit into Cambodia and Laos which would bring more fire and destruction to these countries, already troubled by insurrections. We could launch a successful and expensive invasion of North Vietnam, risking high casualties due to the preparedness of the North Vietnamese for just such an invasion.

This risks Chinese and Russian reaction and a vast growth in the scope and tragedy of the war. Should we win such an invasion, there would still be hundreds of thousands of Vietcong nationalists in South Vietnam with which to contend.

No; escalation is not the answer. Escalation is far from a rational policy. And President Nixon is painfully trying to extricate us from the massive "escalations" of the war he inherited.

How can we de-Americanize this conflict? As our main objective, we must win the allegiance of the South Vietnamese people, and to do this we must place our emphasis on seeing that the South Vietnamese Government prove worthy of allegiance and establish a concerned relationship with the people. We must abandon the Americanization of the war which has, in essence, made the South Vietnamese mere spectators to their own conflict.

The complete domination of South Vietnam by the United States further harms the development of self-sufficiency of the South Vietnamese in the political, economic, and social realm.

The Johnson administration wanted to establish an anti-Communist, democratic, self-sufficient, pro-American, anti-Chinese strong central government in Saigon. The South Vietnamese peasant wants something less grand and more tangible. The loyalty of the people has never been to a central government but to their local hamlets and ethnic groups.

They want reform, they want food. We must direct our policies to conform to the ambitions of the South Vietnamese people themselves.

In the October 1967 issue of Foreign Affairs Quarterly, Richard Nixon wrote an article entitled "Asia After Vietnam" which indicates that the President and I are not too far apart on our essential goals for this country's disengagement from the mainland of Asia.

Although Nixon at that time in the article did justify the intervention in Vietnam, Nixon spoke prophetically of future U.S. reluctance to immerse itself into endless land wars in Asia.

The President said:

> One of the legacies of Vietnam almost certainly will be a deep reluctance on the part of the U.S. to become involved once again in a similar intervention on a similar basis.
>
> The war has imposed severe strains on the U.S., not only militarily and economically, but socially and politically as well.

> Bitter dissension has torn the fabric of American intellectual life—

The President continued,

> And, whatever the outcome of the war, the tear may be a long time mending.
>
> If another friendly country should be faced with an externally supported communist insurrection—whether in Asia or in Africa or even Latin America—there is serious question whether the American public or the American Congress would now support a unilateral American intervention, even at the request of the host government.
>
> This makes it vitally in their own interest that the nations in the path of China's ambition move quickly to establish an indigenous Asian framework for their future security—

This is still the future President speaking—

> If another war is to be prevented, every step possible must be taken to avert direct confrontations between nuclear powers. To achieve this, it is essential to minimize the number of occasions on which the great powers have to decide whether or not to commit their forces. . . .
>
> Military security has to rest, ultimately, on economic and political stability.

This is what the future President said in 1967, and it is, essentially, what I am saying today and have been saying since 1965.

The fabric of our national life is literally being torn apart by this war. We are threatened with anarchy and continued unrest. The young are losing faith in the ideals of our democratic society, and we need these young people to build America.

We have lost in blood and treasure the vital young men needed to build our countries, and the billions of dollars needed not only for our own people's needs, but to help build and stabilize the economies of the underdeveloped countries where most of the world's hungry and oppressed live.

I could not agree with the President more than when he said in the Foreign Affairs article that, in the final analysis, the Asian countries themselves must provide for defense against internal aggression. He has since repeated this call, and it is a fact of life which the nations of the East must face.

Let us join together, Democrat and Republican, to help the President extricate us from policies that were proved, in 1968 to be against the will of most of the American people.

President Johnson used the ploy that he merely carried out the policies of his Republican predecessor. However, facts prove that in 1954 Eisenhower merely promised economic aid to South Vietnam with the understanding that Diem would institute the reforms necessary to gain the support of his people. When Eisenhower left office in 1961 there were only a few hundred U.S. military advisers in South Vietnam.

The momentum with which the Vietnam war has escalated since these early days of 600 advisers is frightening to look back upon. And what we want to do now is to gather momentum for a more rapid deescalation effort.

In 1961 there were 3,200 U.S. troops; in 1964 23,030.

Then began the rapid escalation President Johnson promised would not take place: 184,300 troops in Vietnam in 1965; 385,000 in 1966; 485,000 in 1967; 536,000 in 1968 and 537,000 in 1969.

During this time there have been more than 45,000 Americans killed in Vietnam and well over 200,000 wounded.

The President is keeping his 1968 promise to try to end the war and has committed us to 60,000 troops to be withdrawn as of October 1969, and I am hopeful that 100,000 men will have left that tragic country by the end of this year.

I also hope that the President's expressed wish to end the war by the end of 1970 will, in fact, take place.

I am sure the public is aware of the tremendous pressures on the President to escalate this war which I earlier mentioned. These very real pressures come from very powerful military and political men in this country who want the President to increase our troop strength and escalate the war. This escalation would lead us further into the morass of an endless land war, kill thousands more Americans and Vietnamese, and still further threaten to embroil us into nuclear confrontation with either the U.S.S.R. or China.

We must avoid this. The President said this as well in the Foreign Affairs article in 1967. My motive for introducing this resolution, and in supporting the moratorium on October 15, is to strengthen the President's hand—working for peace—not weaken it.

INTEREST EQUALIZATION TAX EXTENSION ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 12829) to provide an extension of the interest equalization tax, and for other purposes.

Mr. BENNETT. Mr. President, the pending business is H.R. 12829, to extend the interest equalization tax until March 31, 1971.

The expiration date for the tax in present law is September 30, 1969. Since that date has passed, the bill reinstates the tax as of that time and continues it until March 31, 1971. The bill also modifies the President's discretionary authority to vary the rate of the tax so as to provide a means by which our reliance on this tax can be reduced.

The purpose of the interest equalization tax is to increase the cost to foreigners of obtaining capital in the American markets and, thereby, help protect our balance of payments while we are attempting to correct the more fundamental problems which underlie our continuing balance-of-payments deficit. The tax presently is imposed at rates which are the equivalent of a three-quarters of 1 percent increase in the interest rate foreigners must pay to obtain funds here. By narrowing the differential between foreign interest rates and the somewhat lower interest rates in the United States, the tax discourages foreigners from borrowing here.

EXTENSION OF THE TAX IS NECESSARY

It is necessary to further extend the interest equalization tax because our balance of payments, although it has improved since the tax was first enacted in 1963, is still in a precarious position. If the tax were allowed to expire, it is likely that substantial capital outflows would result which would seriously aggravate our balance-of-payments situation. Moreover, unlike the case in former years, we no longer have a favorable trade balance to offset outflows resulting from our capital transactions with the rest of the world. The inflation in the United States in recent years has made our goods less competitive in the world markets. This is likely to continue until we can obtain better control of the inflationary pressures in the United States. Once this occurs, our goods should again become more competitive, thus, improving our export position and accordingly our balance of payments. Until these more fundamental imbalances underlying our continuing balance-of-payments deficit are corrected, however, we are not in a position to let the interest equalization tax expire.

As I mentioned, the purpose of the tax is to discourage foreigners from borrowing in the United States, and thereby to prevent significant outflows of our capital. One may wonder why foreigners would want to borrow in the United States at the present time with the high interest rates which now prevail.

The answer is simple. Our interest rates, as high as they are, are still lower than interest rates abroad. For example, the average interest rate of a U.S. domestic corporate bond issue in August was 7.27 percent. The rate abroad, however, was about 7.55 percent. Moreover, the simple fact is that our securities markets are quite attractive to foreigners, because they are more effectively organized than foreign capital markets. This is true even though the interest equalization tax has compelled foreigners to place increased reliance on foreign capital markets as a source of funds and thereby has aided in the growth of those markets.

Another important reason why we need to continue the interest equalization tax is that, in its absence, it is likely that Americans would purchase substantial amounts of securities which American companies have issued abroad to finance their foreign direct investments. In 1968 alone, these issues by American companies totaled $2.1 billion. Any significant amount of purchases by Americans of these securities would have a substantial adverse effect on our balance of payments.

The extension of the tax also is necessary to support the program of voluntary cooperation to reduce capital outflows that was begun in 1965. The voluntary program is designed to reduce the amount of credit supplied to foreigners by banks and other financial institutions. Without the interest equalization tax, those participating in the voluntary program would feel that they were shouldering an inequitable share of the burden of reducing our capital outflow.

Finally, it is important to emphasize the significance of this tax to foreign holders of dollars. The willingness of foreigners to hold dollars, and their view of the dollar's stability as a reserve currency, are dependent in large measure on how they regard our attitudes and intentions toward our balance-of-payments deficit. Failure on our part to extend the interest equalization tax would be regarded by them as evidence that we are not concerned about the balance-of-payments deficit and do not intend to control it. This reaction by itself would endanger our chances of successfully carrying out our program to improve the international monetary and trade system, such as the Special Drawing Rights under the International Monetary Fund designed to provide an expansion of international monetary reserves and, thus, facilitate the growth in world trade.

EFFECTIVENESS OF THE TAX

I would like to comment briefly on the way the interest equalization tax has helped us deal with our balance-of-payments problem.

I believe the evidence is clear that the interest equalization tax has strengthened our balance of payments by decreasing the foreign demand for U.S. capital. This can be seen by comparing U.S. purchases of foreign securities before and after the tax went into effect in the middle of 1963.

Before the middle of 1963, long-term private capital outflows from the United States had increased from the $2.9 billion level of 1962 to a $4.6 billion annual rate in the first 6 months of 1963, an increase of 60 percent. Increased purchases of new foreign securities accounted for a substantial part of this increase. In the first half of 1963, these purchases rose from the $1 billion level of 1962, to a $2 billion annual rate. Since 1963, purchases of new foreign securities from countries subject to the interest equalization tax have declined to practically zero. The tax clearly has been the primary factor responsible for this decrease.

An additional source of evidence of the effectiveness of the tax, and an indication of what might have occurred in its absence, is the increase in purchases by U.S. citizens of new securities from countries not subject to the interest equalization tax. These purchases have more than doubled since 1962, increasing from an annual level of $722 million to $1,656 million in 1968. If there had been no tax and had purchases from countries where the tax was, in fact, imposed increased at the same rate as in the case of the exempt countries, these purchases would have amounted to $815 million in 1968. In other words, in this area alone our balance of payments position would have been almost a billion dollars worse than it was in 1968 in the absence of this tax.

The interest equalization tax also has caused a decrease in purchases by U.S. citizens of outstanding foreign securities. In the first half of 1963, net purchases were at an annual rate of $300 million. The tax reversed this and up until 1966 U.S. citizens were net sellers of foreign securities. In 1967 and 1968, however, U.S. citizens became net purchasers again—about $110 million on the average—which is still some $200 million less than before the tax, and probably is much more than that below the level which would have existed without the tax.

Commercial bank loans to foreigners also have been restrained by the interest equalization tax. Originally bank loans were not subject to the tax, but the law granted the President discretionary authority to apply the tax to them if it became clear that bank loans were being substituted for the sale of foreign securities in the United States. In late 1964 it became apparent that this substitution, in fact, was occurring and on February 10, 1965, the President applied the tax to loans with maturities of 1 year or more. The effect of the tax, the voluntary program to limit loans to foreigners, and tight money, has been to reduce the amount of long-term bank loans extended to foreigners and to substantially cut back the increase in short-term loans, as the comparison of the 1962 and 1968 levels shows. In 1962, long-term bank loans increased by $126 million; in 1968 they decreased by $358 million. Short-term bank loans increased by $324 million in 1962, and by 1968 the increase was down to $89 million, although data for the first half of 1969 indicates the 1969 level will be higher.

In other words, if we had not had the interest equalization tax, our balance-of-payments position in 1968 would have been close to $2 billion worse than it was.

PRESIDENTIAL AUTHORITY TO REDUCE THE TAX RATE ON NEW ISSUES

As I mentioned earlier, the bill also modifies the President's existing authority to vary the rates of tax by permitting him to apply a lower rate to new issues of foreign securities than to outstanding issues. Under present law, the President has the authority to vary the rate of tax between zero and the equivalent of a 1½-percent increase in the annual interest rate which must be paid to obtain funds in the United States, but the rate must be the same for both new and outstanding securities.

This modification was requested by the administration to provide a means by which our reliance on the interest-equalization tax could be reduced. Reducing the rate of tax on new issues is a step in reducing our reliance on the entire tax. It would be most unwise, however, to decrease the rate of tax for outstanding securities, when there is such a large volume of them and when U.S. citizens are still net purchasers even at the present rate of tax. Such an action, no doubt, would result in a large increase in purchases by Americans of outstanding foreign issues. In other words, the present tax rate on outstanding securities is likely to be necessary in order to prevent the flooding of our capital markets with the large backed-up volume of already outstanding foreign securities. On the other hand, purchases of new foreign securities, however, have been nearly nonexistent. Therefore, it seems appropriate to permit the rate of tax on new issues to be reduced to a lower level than the rate for outstanding securities.

The remaining interest-equalization tax provisions of the bill involve minor amendments which are technical in nature. Generally, these amendments are designed to make the provisions of the tax more workable and to aid in the enforcement of the tax. I will include a summary of these minor amendments in the Record following my remarks.

The adverse effect on our balance of payments of not extending the interest equalization tax as provided in this bill would be substantial. We must be particularly careful to avoid the large increase in capital outflows, which would result if the tax were allowed to expire, because, as I said earlier, we no longer have the trade surplus of former years to offset our capital outflows. Any sharp increase in capital outflows would, therefore, add directly to an otherwise already precarious balance-of-payments situation. We just cannot allow that substantial adverse effect on our balance of payments to occur.

Mr. President, in addition to the technical amendments I have just included the committee added an amendment to the bill unrelated to the interest equalization tax. This amendment would modify certain ammunition registration requirements of present law.

Under Treasury Department regulations, persons purchasing ammunition must give name, address, and date of birth; date of purchase; manufacturer, caliber, gage, or type of component, and the quantity of the ammunition purchased; and the purchaser's driver's license or other type of identification must be shown.

I feel that this is nothing more than back-door ammunition registration, and I offered an amendment which would repeal that section of the Gun Act.

The committee amendment would make no change in these requirements as they apply to pistol and revolver ammunition for these are the weapons most commonly used by criminals in the commission of a crime. However, the committee did feel that such detailed registration of sportsmen purchasing shotgun, rifle, or .22 caliber rimfire ammunition, or component parts of the same types of shells, creates an enormous and unnecessary administrative burden on the Treasury, on firearms dealers, and on the Nation's sportsmen who purchase this type of ammunition. At the same time, these burdensome requirements do not contribute to an increase in public safety when they relate to the type of ammunition used mostly in sporting types of firearms.

Mr. President, I realize my amendment has caused a great deal of controversy, and that the controversy has delayed action on the interest equalization bill for some 8 days, now. This has begun to create serious problems. In order to make it possible to move the bill through promptly, I, who am the author of the ammunition amendment, agree that some accommodation and comprise must be offered in order to have the bill handled quickly.

I expect to speak at a little greater length on this subject tomorrow; but at the present time, I ask unanimous consent that the committee amendments to the pending bill be agreed to en bloc, with the exception of the language of the committee amendment beginning on line 21, page 20, through line 7, page 21, which shall remain the pending question, and that the language of that amendment be modified by striking out on page 21, lines 5 and 6, the words "22 caliber rimfire ammunition."

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

(The committee amendment, as modified, not agreed to is as follows:)

SEC. 5. AMMUNITION RECORDKEEPING REQUIREMENTS

Section 4182 (relating to exemptions from tax on certain firearms and ammunition) is amended by adding at the end thereof the following new subsection:

"(c) RECORDS.—Notwithstanding the provisions of sections 922(b)(5) and 923(g) of title 18, United States Code, no person holding a Federal license under chapter 44 of title 18, United States Code, shall be required to record the name, address, or other information about the purchaser of shotgun ammunition, ammunition suitable for use only in rifles or component parts for the aforesaid types of ammunition."

Mr. BENNETT. The effect of the amendment which has just been agreed to is to leave in the bill, subject to the elimination of registration requirements, shells for sporting rifles and shotgun shells. This, then, reduces the pending business to a consideration of this ammunition section of the bill, and I understand that will be discussed tomorrow.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to revise fees for services provided by the Immigration and Naturalization Service and U.S. marshals, October 7, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on the status of war reserve materiel in Europe, Departments of the Army, Navy, and Air Force, B–146858 (with an accompanying secret report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on the readiness posture of the Seventh Army units in Europe, Department of the Army, B–146964 (with an accompanying secret report); to the Committee on Government Operations.

REPORT ON SETTLEMENT OF GOVERNMENT CLAIM AGAINST THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE

A letter from the Assistant Attorney General, Civil Division, reporting on the disposition of the Government's claim against the Southern Christian Leadership Conference (SCLC) for the costs of restoring the Federal area occupied by SCLC under a permit issued by the National Park Service in connection with the "Poor People's Campaign"; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Harlan R. Hosch, of Illinois, to be U.S. marshal for the Eastern District of Illinois; and

Leon B. Sutton, Jr., of Tennessee, to be U.S. marshal for the Eastern District of Tennessee.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S.J. Res. 158. Joint resolution to authorize the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower (Rept. No. 91–451).

EISENHOWER DOLLAR—REPORT OF A COMMITTEE

S. REPT. NO. 91–451

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency, I report favorably, the joint resolution (S.J. Res. 158). This joint resolution would provide for the minting of dollar coins that do not contain silver. These coins would be made of cupronickel clad on copper. The coins would bear the likeness of President Dwight D. Eisenhower.

In considering the materials to be used in this new dollar coin, the committee decided in favor of the cupronickel now used in our dimes and quarters.

The committee in making this recommendation is following the recommendation of the Joint Commission on the Coinage.

In March of this year, the Secretary of the Treasury established a special task force to review all major silver and coinage issues. In May, the task force completed its study and presented a report to the Secretary of the Treasury outlining its recommendations. The recommended program was reviewed by and received the full approval of the Joint Commission on the Coinage. It was recommended that the cupro-nickel material be used for all of our coins.

Next Tuesday, October 14, 1969, is President Eisenhower's 79th birthday. It would be fitting if the Congress could complete passage of this legislation honoring him before that date.

I, therefore, urge prompt action by the Senate on this joint resolution.

The PRESIDING OFFICER. The report will be received and printed; and the joint resolution will be placed on the calendar.

SENATE RESOLUTION 269—AUTHORIZING EXPENDITURES FROM THE CONTINGENT FUND OF THE SENATE—REPORT OF A COMMITTEE

Mr. LONG, from the Committee on Finance, reported the following original resolution (S. Res. 269) which was referred to the Committee on Rules and Administration.

S. RES. 269

Resolved, That the Committee on Finance is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLAND (for himself and Mr. GURNEY):

S. 3001. A bill to provide for the conveyance, for recreation and other public use, to the city of Tallahassee, Fla., of a portion of certain real property of the United States heretofore donated to the United States by that city; to the Committee on Interior and Insular Affairs (by unanimous consent).

(The remarks of Mr. HOLLAND when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. RANDOLPH:

S. 3002. A bill for the relief of Samuel M. Santibanez and Patria Santibanez; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 3003. A bill to provide for more effective control over the expenditure of funds by the Department of Defense and the National Aeronautics and Space Administration for independent research and development, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. PROXMIRE when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. HART:

S. 3004. A bill for the relief of Adel Haidar; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3005. A bill for the relief of Michele Giampaolo; and

S. 3006. A bill for the relief of Fabrizio Fedrizzi; to the Committee on the Judiciary.

By Mr. GURNEY:

S.J. Res. 159. A joint resolution authorizing the President to proclaim the period of November 2 through November 8, 1969, as "National Zero Defects Week"; to the Committee on the Judiciary.

S. 3001—INTRODUCTION OF A BILL PROVIDING FOR THE CONVEYANCE OF PROPERTY FOR RECREATION AND OTHER PUBLIC USE

Mr. HOLLAND. Mr. President, I introduce for myself and my colleague, Senator GURNEY, a bill to provide for the conveyance, for recreation and other public use, to the city of Tallahassee, Fla., of a portion of certain real property of the United States heretofore donated to the United States by that city.

I ask unanimous consent that the bill be referred to the Committee on Interior and Insular Affairs.

The ACTING PRESIDENT pro tempore. The bill will be received and, without objection, referred to the Committee on Interior and Insular Affairs.

The bill (S. 3001), to provide for the conveyance, for recreation and other public use, to the city of Tallahassee, Fla., of a portion of certain real property of the United States heretofore donated to the United States by that city, introduced by Mr. HOLLAND (for himself and Mr. GURNEY), was received, read twice by its title and, by unanimous consent, referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSORS OF BILLS

S. 2974

Mr. **BAKER**. Mr. President, at the request of the Senator from Kentucky (Mr. Cook), I ask unanimous consent that, at the next printing, his name be added as a cosponsor of S. 2974, to amend certain provisions of the Federal Food, Drug, and Cosmetic Act.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

S. 2979

Mr. **DOMINICK**. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Maryland (Mr. Mathias), and the Senator from South Carolina (Mr. Hollings) be added as cosponsors of S. 2979, to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SENATE RESOLUTION 268—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT CERTAIN MEASURES SHOULD BE TAKEN BY THE GOVERNMENT OF SOUTH VIETNAM

Mr. **HUGHES** (for himself and other Senators) submitted a resolution (S. Res. 268) expressing the sense of the Senate that certain measures should be taken by the Government of South Vietnam.

(See the above resolution printed in full when submitted by Mr. Hughes, which appears earlier in the Record.)

SENATE RESOLUTION 270—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE RELATIVE TO THE VIETNAM WAR

Mr. **CHURCH** (for himself and Mr. Hatfield) submitted a resolution (S. Res. 270) expressing the sense of the Senate relative to the Vietnam war.

(See the above resolution printed in full when submitted by Mr. Church, which appears earlier in the Record.)

EISENHOWER DOLLAR—AMENDMENT

AMENDMENT NO. 228

Mr. **DOMINICK**. Mr. President, I submit an amendment in the nature of a substitute to Senate Joint Resolution 158 and ask that it be printed. Senate Joint Resolution 158 was offered by the Senator from Utah (Mr. Bennett) yesterday. It authorizes minting a nonsilver dollar coin inscribed with the image of our late President, Dwight David Eisenhower.

As you know, I introduced S. 2582 together with 28 cosponsors, to mint an Eisenhower silver dollar containing 40 percent silver. This coin would be identical to the Kennedy half dollar. The arguments in support of this bill apply as well to my substitute.

In essence my substitute would provide for the initial minting of at least 300 million Eisenhower silver dollars with 40 percent silver, to be followed thereafter by a cupro-nickel coin as suggested by Senate Joint Resolution 158.

I am aware of the President's desire to have an Eisenhower dollar passed and presented to him for signature by October 14, Dwight D. Eisenhower's birthday. I would certainly concur in the desire to honor this great man and I feel quite strongly that the coin that bears his image should intrinsically carry the prestige he so richly deserves.

This country will soon have no prestige coins left. The coin of the realm will be mere tokens. It does not seem fitting to honor a man who served his country in war and in peace with a token to be used principally in slot machines and the tables in Las Vegas.

A silver dollar has an intrinsic value and is imbedded in the history of this country. Three hundred million silver dollars would insure that each citizen of this country could receive one. Means could be easily devised to insure that end if it be the desire of Congress.

I know my colleagues share these thoughts about Dwight D. Eisenhower.

There are other factors involved in this issue—economic factors. I would like to outline these points briefly. My amendment takes all of these factors into consideration.

We are selling our remaining silver surplus through weekly sales by GSA of 1½ million ounces per week. The average price on September 30 was $1.80 per ounce. By minting a 40 percent silver dollar and issuing it over-the-counter of the Federal Reserve Banks, the Treasury will realize $3.16 per ounce. Hence the minting and sale of 300 million 40 percent silver dollars would net the Treasury about $120 million more than present procedures by silver disposal.

It is argued that even more could be realized with a cupro-nickel dollar. This would be true because the cost of the necessary copper and nickel is less than silver, but it begs the issue of getting a fair return for our silver. Furthermore, both results would be obtained under my proposed amendment.

This silver dollar will not circulate widely. It will be a collector's item—a commemorative coin. Circulation can be accomplished through a cupronickel coin, I presume, if anyone wants to use them. There will be no simultaneous production so there can be no public uncertainty regarding the one with no intrinsic value. This is exactly what is proposed for the nonsilver half dollar in S. 2822.

It is stated over and over that there is a gap in domestic use and production. That is true. We use over 100 million ounces more annually than we produce. It is assumed and argued that the sales are necessary to fill this gap. The facts do not bear this out.

The users are not purchasing all the silver at the GSA sales. Over half is purchased by speculators and shipped out of the country, primarily to London. Over the last 8 weeks of the sales, over 12 million ounces have been sold and over 7 million went to speculators, not users. Eastman Kodak and Handy & Harman, two of the major purchasers of silver in this country, did not even submit bids on September 23 and September 30. On September 30, Englehard Industries, the largest purchaser of Government silver over the last year, bid for only about 300,000 ounces rather than the 1-million-ounce average bid they had been submitting. This was a bid at a price obviously not competitive in the current market. On several sales all the silver has gone to speculators.

If GSA sales are to hold down imports by the users to help the balance of payments, I submit they are not doing so because the users are not purchasing the silver. The GSA sales, at present rates will yield about 80 million ounces of silver annually. This is short of the 100 million necessary to fill the gap and less than half will be purchased by users. Eventually this silver being exported must be repurchased and imported at higher prices. The net effect over the next few years will be a loss in balance of payments over present levels.

I will point out one last factor. We have bullion reserves to last until approximately February of 1970. It is estimated there are and will be coins for melting possibly until December 1970. Then it will all be over. Little more than a year from now there will be no Government silver to sell. So whether we reserve the silver for the proposed Eisenhower dollar or permit continued GSA sales, we will be out of Treasury silver in about a year. It seems to me better to give more lead time for our mines to reopen and to start production as prices rise.

If we do not do this now the Treasury will have lost the $3.16 per ounce it could have made on a silver dollar—the silver will be gone. The question is whether we get $3.16 an ounce or $1.80 an ounce for the next year. That is the only question.

Mr. President, I further ask that my remarks made at the time I introduced S. 2582 be reprinted at the conclusion of my remarks today. This statement appears in the Congressional Record of July 10, 1969, pages S7829–S7830.

The **PRESIDING OFFICER**. The amendment will be received, printed, and will lie on the table; and, without objection, the remarks will be printed in the Record.

The amendment (No. 228) was ordered to be printed and to lie on the table.

The material, presented by Mr. Dominick, is as follows:

S. 2582—Introduction of a Bill Authorizing the Minting of Dwight David Eisenhower Clad Silver Dollars

Mr. Dominick. Mr. President, I am introducing a bill today to provide for minting and issuing an Eisenhower silver dollar. I am joined in this proposal by 26 cosponsors.

This will be a prestige coin of which this country can be proud. It will very possibly be the last silver coin to be minted by the United States. It will honor Dwight David Eisenhower, a man who symbolizes the highest traditions of service to his country in both war and peace. To the very last day of his life he was a symbol of strength and honor for the people of the United States and the world.

I am a member of the Joint Commission on Coinage. That Commission together with Secretary of the Treasury David M. Kennedy, announced on May 12, 1969, its decision to request authority to discontinue the minting of silver half-dollars and mint a silverless half-dollar and a new dollar coin with no silver content. I oppose that decision.

The decision has been made to sell our reserves of silver. We will retain only 165 million ounces in our strategic stockpiles under the Office of Emergency Preparedness and some minor reserves in other agencies.

The decision has been made to remove the U.S. Government from the silver market. Given these decisions I can see no better way to accomplish these goals, mark the end of an era in our country's history and pay a tribute to a truly great American.

This bill amends section 101(a) of the Coinage Act of 1965, 31 U.S.C. 391a. It simply adds the dollar coin containing 40 percent silver and an 800 fine cladding. It will be identical, in composition, to the Kennedy half dollar.

It provides that the coin shall bear the likeness of Dwight David Eisenhower.

It further provides that no less than 100 million coins annually shall be minted for 3 years from January 1, 1970. It is hoped that the number actually coined and issued will far exceed these figures. It does recognize the limitations of our present reserves and allows Congress the opportunity to review this matter after 3 years. These amounts are wholly realistic both in terms of remaining silver reserves and production capacity of the U.S. Mint.

The Treasury has approximately 150 million ounces left in reserves. We are auctioning one and one-half million ounces a week on the open market. The sales price of July 1, 1969, was $1.59 an ounce. The decision has been made to divest ourselves of these silver stocks. The Government will be out of the silver business in less than 2 years providing the sales continue. The silver held by the Treasury in the form of bullion and coins is an asset of the U.S. Treasury. There are two ways to divest ourselves of this asset. We can continue sales as we are now and get $1.59 an ounce, or whatever the market rate on the day of sale, or we can mint and issue a silver coin as we are doing with the Kennedy halves. The monetary value of silver received for a coin is $3.16 an ounce. Simply stated there is approximately one-third of an ounce of silver in a dollar coin as set out in this bill. When this coin is issued through the Federal Reserve bank the U.S. Treasury receives a dollar in exchange. If a person wanted to melt down the coins and sell the silver he must melt 3.16 dollar coins to obtain 1 ounce of silver. In other words the U.S. Treasury gets $3.16 an ounce for its silver. This holds true whether the coins are in circulation or not. The price of silver would have to reach $3.16 an ounce before as much could be realized by direct sales.

It has been argued that the Government can make even more with base metal coins, such as our quarters, because the materials only cost a few cents. This is certainly true, but what do we do with our assets of silver stocks? The only question remaining is where we can get the best price. We get the greater monetary return by minting and issuing coins. At a market price of $1.59 the increase in value is $1.57, almost double the sales price.

It has been argued that these coins will not circulate and this is the only purpose of money, as a medium of exchange. Certainly many of these coins will not circulate. It obviously is, in part, a commemorative coin just as was the Kennedy half-dollar.

Some will be collected or just held. Some will be melted down and the silver sold when it can be done at a profit. Some will return to circulation. The principal point still is, however, at what price do we sell our remaining silver—$1.59 an ounce or $3.16 an ounce. If the Treasury is concerned only with circulation they can mint and issue base metal coins simultaneously.

There are other complex issues involved concerning silver use and production. The die has been cast, however, so far as any direct role the Government will play by disposing of our silver assets. The silver market is affected by many factors. The sale of silver by the U.S. Treasury at $1.29 an ounce prior to 1967 artificially depressed the market. Sales at the market price since that time has seen a slight rise in the average price of silver. Wide fluctuations still occur. It has, however, been estimated that a reduction in sales to one-half million ounces a week from Treasury stocks would cause only a nominal rise in the price under current conditions. All of this only points out that this will give no special advantages nor cause any significant disadvantages to any silver interests.

We are divesting ourselves of our silver. The remaining reserves are adequate to mint an Eisenhower silver dollar and continue some sales at a lower level or decreasing level. We can receive a much higher value for our remaining silver assets by coining as opposed to outright sales.

More importantly, we will mint a coin of great prestige and value. We can honor Dwight David Eisenhower, a man who gave so much to our country. It is only fitting that we so honor our late President, as we did for the late John F. Kennedy, with a coin of real value. This great Nation should have a prestige coin. We cannot return to the old silver cartwheels just as we cannot return to the era of which they are a symbol. We can, however, mark the end of another era with a coin that reflects the greatness of this country and commemorates the man who devoted his life to service of that country. An Eisenhower silver dollar is a tribute not only to the man, but to the Nation and ideals he served.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore announced that on today, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), as amended;

S. 2462. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission;

H.R. 3165. An act for the relief of Martin H. Loeffler;

H.R. 3560. An act for the relief of Arie Rudolf Busch (also known as Harry Bush); and

H.R. 11249. An act to amend the John F. Kennedy Center Act to authorize additional funds for such Center.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 8, 1969, he presented to the President of the United States the following enrolled bills:

S. 265. An act for the relief of John (Giovanni) Denaro;

S. 330. An act for the relief of Dr. Konstantinos;

S. 620. An act for the relief of Richard Vigil;

S. 1110. An act for the relief of Nickolas George Polizos;

S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), amended; and

S. 2462. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission.

NOTICE OF PHILADELPHIA PLAN HEARINGS

Mr. ERVIN. Mr. President, recently in Chicago, an estimated 3,000 white construction workers fought with police and attacked Negroes outside a Labor Department hearing on job discrimination. The object of their anger was the Department's announcement that it intended to institute in Chicago a version of the revised Philadelphia plan.

Two weeks ago, Mr. President, I challenged that very same plan as an illegal racial quota system which violates title VII of the Civil Rights Act of 1964. I also observed that the revised Philadelphia plan is a breach of the doctrine of separation of powers and that it ignores the intent of Congress in passing the Civil Rights Act. But such niceties as law and congressional intent apparently do not concern the Labor Department, which is moving without temperance or reflection to impose the Philadelphia plan, one by one, on nine of the Nation's major cities. Other Members of Congress have shared my belief that this ill-considered plan is unconstitutional.

The disturbance in Chicago should be a clear warning that the Philadelphia plan is much more than an illegal racial quota system: It is a threat to peace within our metropolitan areas at a time when peace is desperately needed. A trail of disruptions may lead from city to city as the Labor Department tries to artificially raise the level of minority group employment by forcing Federal contractors to discriminate against qualified union members with prior experience on the job. Only last week, a New Jersey labor leader promised the Washington Star that workers would "raise the roof" if the Labor Department pursues its plan.

Yet the Department has ignored all these warnings. Armed with a Justice Department memorandum which attempts to justify the plan, the Labor Department is taking careless strides deeper into the crisis. I would only point out that this is the second time the Justice Department has felt compelled to uphold the legality of the revised Philadelphia plan. On the first occasion, the Department casually declared the plan legal without ever researching the law. It was not until the Justice Department received requests for a full legal memorandum—the memorandum it should have prepared orginially—that it went through the exercise of ratifying the Labor Department's desired conclusion.

Mr. President, it is an understatement to say that a great many union members are afraid of losing their jobs if Federal contractors are compelled to hire their employees by the methods of the Philadelphia plan. Historically, such fears have fomented serious hostilities. I do not think we can afford to watch our cities be further divided by a policy as unwise as the revised Philadelphia plan. I do not think we can safely accept further incidents such as occurred recently in Chicago, and before that in Pittsburgh. To me, Mr. President, the Philadelphia plan does nothing to advance the goal of equal employment opportunity according to ability. In fact, I believe it works against the ultimate goal of peace among all citizens.

In asserting the supremacy of Executive Order 11246 over an act of Congress, the Labor Department has worsened an already bad plan by flouting the doctrine of separation of powers. For that reason, I believe it is essential that the Subcommittee on Separation of Powers hold hearings on the revised Philadelphia plan and its implications. Those hearings are scheduled for October 27 and 28. It is my hope that when they are held, they will clear up many of the misgivings surrounding the Labor Department's plan and will redefine our goal of equal employment opportunity for all citizens.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Paul J. O'Neill, of Florida, to be a member of the Subversive Activities Control Board for a term of 5 years expiring August 9, 1974, vice Leonard L. Sells, term expired.

Thomas Edward Asher, of Kentucky, to be U.S. marshal for the eastern district of Kentucky for the term of 4 years, vice Archie Craft.

Seibert W. Lockman, of North Carolina, to be U.S. marshal for the western district of North Carolina for the term of 4 years, vice J. Paul Teal, Jr.

Denny L. Sampson, of Nevada, to be U.S. marshal for the district of Nevada for the term of 4 years, vice Beverly W. Perkins.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, October 15, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, October 15, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Charles Clark, of Mississippi, to be U.S. circuit judge, fifth circuit, vice Claude F. Clayton, deceased.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Dakota (Mr. BURDICK), chairman; the Senator from Arkansas (Mr. McCLELLAN), and the Senator from Nebraska (Mr. HRUSKA).

THE DISTRICT OF COLUMBIA'S DEPARTMENT OF VOCATIONAL REHABILITATION SELECTS MARTIN STRAUSS "EMPLOYER OF THE YEAR"

Mr. TYDINGS. Mr. President, the plight of the handicapped is a depressing one. Too often, a highly skilled individual is without a job, prohibited from contributing to society, because of a physical inability which in no way affects his potential as an employee. Just a few short years ago, it was unthinkable to hire the handicapped for highly specialized work. But each year more and more employers in this country realize that the fields of computers, electronics, and manufacturing provide innumerable positions which can be filled by these individuals. No longer does "handicapped" mean "unemployable."

Martin Strauss is one of those who has been a pioneer in training the handicapped in the demanding occupation of camera and electronic repair work. The son of an amputee, Mr. Strauss came to this country from Israel in 1948, a penniless immigrant. He opened a small camera repair shop at 930 F Street NW. This small shop has grown to a $1-million-a-year business, the largest individually owned camera repair outfit in the United States—including branches in six cities.

On October 1, Mr. Strauss received the "Employer of the Year" award from the District of Columbia's Department of Vocational Rehabilitation. His acceptance speech is a fine one, worthy of note, for his philosophy of employment is one in which the District can take pride.

Mr. President, I ask unanimous consent that Mr. Strauss' acceptance speech be printed in the RECORD, along with an article which appeared in the Washington Post citing his personal achievements.

There being no objection, the speech and article were ordered to be printed in the RECORD, as follows:

SPEECH OF MR. MARTIN STRAUSS

It is with deep feeling of humility that I accept this award in behalf of the handicapped who have made this possible.

It is certainly a long way for a refugee whose mother hid him under the rafters, so that the Nazis would not find him, while his handicapped father went to jail just for being a Jew.

So you see, I am somewhat familiar with the handicapped. The word "handicapped" may be descriptive, but certainly is limiting. I would call them the *motivated*, rather than the handicapped. Starting with my amputee father, I know how strongly these people are motivated to overcome their handicaps.

As a businessman I know that these motivated people make better than average employees if management provides proper opportunities. Their performance can completely cover up the label of 'handicapped'.

As a matter of fact, when I was asked to list the handicapped workers I employ, I simply forgot to include one of my best men who was handicapped when I hired him many, many years ago.

Lack of employment opportunity in our area, plus the lack of skills, is probably the main cause of one of our city's gravest problems—the rising crime rate.

We know that industry will locate where reliable manpower exists. The greater metropolitan area has attracted tremendous research and development business, most of it is located outside the city.

We are not exploring the growth potential of our blue collar industry which offers such vast opportunity for the handicapped and the disadvantaged.

I would like to share with you a cherished dream. We all know how scarce qualified service people are. By creating a pool of skilled labor, we can attract light industry and lower our crime rate.

Judges should not only consider a defendant's criminal record, but also his I.Q. and aptitudes. Sentences could be to trade schools, rather than the prisons. I would particularly like to see first offenders handled this way. The cost of these trade schools would be far less than the cost of crime. I dare the big manufacturers of cars, machinery not to participate with the city in a pilot program.

George Bernard Shaw once said, "The man who has a trade owns an estate". By creating pride in workmanship and accomplishment, we can eliminate the pick pocket, the purse snatcher and other criminals.

The handicapped, with their motivation, could be instrumental in creating this pride of workmanship and accomplishment by acting as leaders and teachers in such a program.

Our city is locked in a competitive struggle for industry with the outlying areas. Local leaders must help train and provide the necessary skilled personnel to prevent further exodus of our light industry. I sincerely believe our handicapped can help us open the door to a better life for many of our city's residents.

Just one more comment before I close—so many dissident groups focus only on our country's imperfections. May I state, as someone who has lived through a holocaust, that we live in the greatest country in the world. Even with all its imperfections it is still the best governmental system devised by man.

Only in America can an immigrant like me have the opportunity to grow, prosper, develop and most important of all, be of service to my fellow man.

Thank you.

[From the Washington Post, Dec. 2, 1967]

CAMERA REPAIR FIRM NOW NATION'S LARGEST

(By Claude Koprowski)

Martin Strauss came to the United States from Israel in 1948 with pennies in his pocket. Today he owns a $1 million a year photo repair service with branches in six cities.

At 43, Strauss still says, "I cannot believe it. Who would have thought of this when I started my one man shop on F street in 1949?" Then, he says, he slept in his shop because he could not afford to rent a room.

Today his Washington headquarters, at 1240 Mt. Olivet rd. ne., has 40,000 square feet of floor space and a staff of 60. According to its owner, Strauss Photo Technical Service is the largest individually owned camera repair outfit in the United States.

DESIGNS SPECIAL UNITS

It does factory warranty work for more than 35 major manufacturers and designs and builds special camera equipment for the Government and commercial firms.

Among Strauss' recent products are:

A camera for the Mercury flights;

A torpedo-shaped camera that glides through sewers automatically pinpointing leaks;

A "car camera" which simultaneously photographs the license plate number and speed of pursued vehicles.

Strauss said reason for the company's growth is twofold. He says his firm pioneered the concept of field station service work and was the first firm other than Kodak to perform Kodak warranty work.

He also observed that the mushrooming growth of scientific firms requiring photo-servicing has helped his firm grow—at a rate of 20 to 25 percent a year.

It has branches in Atlanta, Charlotte, N.C., Miami, St. Petersburg, and Jacksonville. Of its five Washington competitors who specialize in repairs, Strauss says two have been trained by him. Like a proud father, Strauss clucks over the fact that all but two of his technicians have been trained by himself, and most of his trainees stay on with the firm. All of his branch managers are men who have come up through the ranks and are offered partnerships in the branches.

STAFFING IS DRAWBACK

The Washington shop does repair work for every camera store in Washington and Baltimore, Strauss said.

"I want to go Nationwide soon," he added, but the drawback is in staffing. Not enough men want to come into the business even though they can earn more than $10,000 a year once they qualify."

A tall, graying man, Strauss himself was trained in Israel by Contax inventor Emanuel Goldberg. He still spends half of his time in the back room supervising, tinkering and inventing.

THE PESTICIDE PERIL—LXIII

Mr. NELSON. Mr. President, it is very reassuring to see that a growing number of farm publications across the country are recognizing the real and potential threat of persistent pesticides to our environment.

Progressive farm leaders know that American agriculture has thrived on the outstanding quality of our Nation's air, soil, and water resources. If these resources are contaminated, the future of agriculture in our country will be very dark.

More and more farmers are learning that there are effective, economical substitutes for the persistent pesticides now in use. The U.S. Department of Agriculture recommends a readily degradable pesticide as an alternative for persistent pesticides for virtually every crop in the United States.

Furthermore, the increased use of integrated pest control, combining biological controls with limited chemical means, has been found to be very successful, especially for cotton, citrus, and other fruits.

In a recent issue of the Louisiana Farmer magazine, the current pesticide controversy is discussed and the urgent need to use alternative, less dangerous pesticides is emphasized. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Word From Washington

(By Bill Kennedy)

Washington.—The hottest agricultural action here—although still smoldering beneath the surface—is the threatening crackdown on agricultural chemicals. The ghost of Rachel Carson leads a groundswell of public and political concern that has frightened the pants off some bureaucrats. And chemical companies are concerned that their fright will make them go overboard.

It could happen. The banning of DDT in such states as Michigan, Wisconsin, California and Arizona and the temporary suspension of the use of nine chlorinated hydrocarbons by USDA is only the beginning. By the time you read this, USDA's "review" of these chemicals will be complete and some of them will have been given poor prospects for the future. One high official in USDA (did not wish to be quoted) predicts that DDT has "had it" and that dieldrin—even more "persistent" than DDT—will be restricted to a very few selective uses.

There will be more, much more . . . And the labor unions are fanning the flame, trying to identify with consumers.

Jerome Cohen, general counsel for the United Farm Workers Organization, AFL–CIO (the union trying to boycott grapes), said in a Washington news conference that bonds between farm workers and consumers are illustrated by sickness caused by the use of DDT in the fields and a recent finding of the chemical in the milk of 15 nursing mothers.

"We will be damned and we should be if we will tolerate the systematic poisoning of our people," he said.

Jerome Gordon, president of a research firm in New York, added more fuel to the fire while testifying before the Senate Subcommittee on Migratory Labor. He attacked parathion, methyl parathion, tepp and malathion, calling them "first cousins chemically to a German nerve gas used in biological warfare."

"Fifty million pounds are being spread unchecked on America's farms and gardens," said Gordon. "The result is that uncounted thousands of the nation's migrant farm workers, farmers and suburban homeowners have been fatally overcome or seriously disabled."

He said more than 100-thousand cases of pesticide poisonings and several hundred fatalities occur each year.

At least four bills have been introduced in the Congress to either ban certain of the poisons or suspend and restrict their use. How far they get, how soon, depends on the rate of increase in public demand. A few more fish kills; a little more noise about "pollution" (air and water); another accidental death or so involving farm, garden or household chemicals . . . and Congress will go to work. So will state legislatures.

Both the Congress and USDA are more and more "consumer oriented." Department of Agriculture officials explain that they are taking precautionary and restrictive measures in hopes to forestall legislation. But the fact is, their action may work in reverse to bring it on. If the government agencies, including Agriculture, Interior and HEW Departments, stop the use of certain poisons—which they are already doing—it will further frighten citizens, congressmen and state lawmakers. While the government agencies use only about 5% of all the agricultural chemicals sold (USDA only 1%, not counting state cooperative programs), their actions will greatly affect public opinion.

"If they're afraid to spray dieldrin around airports, why should we have it sprayed around us?" the cry would be.

Farm chemicals in most danger of bans are DDT, dieldrin, chlordane and lindane—killing these alone could seriously hurt the farm economy. Orchard growers and southeastern cotton producers would be hardest put to find substitutes. Chlordane is about the only effective poison for White Fringed Beetle; taking lindane away from foresters for seedling treatment would (so they tell us) almost put a stop to transplanting small seedlings; and you know what halting these along with other suspended chemicals (endrin, heptachlor, BCH and toxaphene) would do for the boll weevil. Also, Mirex bait—the important poison used in fire ant control programs—has a base of chlorinated hydrocarbons—the group of chemicals now under review and attack.

USDA and FDA (Food and Drug Administration) are preparing to review other chemicals with the expectation of cracking down. Getting labels and USDA registration for new chemicals will be harder to get (and more expensive to chemical firms). Herbicides will come in for their part of the investigation . . .

. . . But the biggest blast of all will probably come when the public and the government go after *animal health chemicals and drugs*.

Bills now in Congress include:

H.R. 1057—to authorize Secretary of Interior to study effects of insecticides on fish and wildlife . . . transmit information to USDA as to warning statements on the labels.

H.R. 1059—to require all Federal pesticide programs to be cleared with U.S. Fish and Wildlife Service.

S. 1753—Senator Nelson's bill to prohibit sale or shipment of DDT in the United States.

H.R. 9868—same as S. 1753, to prohibit sale of DDT.

Latest—a new bill by Senator Tydings (D-Md.) calling for a four-year "moratorium" on the use of DDT, dieldrin, aldrin and endrin, and for transferring pesticide regulations from Agriculture to HEW.

Agriculture's best hope and best move is to keep government from pushing the panic button, over-reacting, encourage a thorough step-by-step approach to the problem (and we cannot pretend there *is* none), considering selective uses of the different chemicals—where they are not harmful—and also giving consideration to available substitutes.

The Department of Agriculture has sadly neglected the field of research that would develop alternate, less dangerous methods of combatting insect pests. The farmer *and* the consumer could pay a dear price for that negligence.

BUFFALO ENDORSES S. 2625, THE URBAN AND RURAL EDUCATION ACT OF 1969

Mr. MURPHY. Mr. President, the support for the Urban and Rural Education Act of 1969, which I introduced on July 15, has been overwhelming. Because of the importance of the bill in dealing with the educational crisis which exists in both urban and rural America, I have been placing in the Congressional Record endorsements that I have received from across the country.

Today I ask unanimous consent that a letter which I have received from Superintendent Joseph Manch of Buffalo, N.Y., strongly supporting S. 2625, be inserted in the Record.

Superintendent Manch said:

> It can be stated with stark simplicity that the crisis in urban education is the most important domestic problem facing the nation.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Board of Education,
Buffalo, N.Y., August 18, 1969.

Hon. George Murphy,
U.S. Senate,
Committee on Armed Services,
Washington, D.C.

Dear Senator Murphy: I appreciate being sent a copy of your remarks in the Congressional Record of July 15, on which date you introduced S 2625, Urban and Rural Education Act of 1969. As superintendent of schools in Buffalo, charged with the responsibility of educating more than 70,000 pupils, over one-third of whom are characterized as disadvantaged, I am particularly pleased at the opportunity to comment on this subject.

It can be stated with stark simplicity that the crisis in urban education is the most important domestic problem facing the nation. The history and nature of this problem were carefully and comprehensively reviewed in your remarks upon introducing S. 2625.

In much the same way, I have attempted in previous statements to describe the urban situation. Essentially, the process has been one of an inmigration of a needy population combined with an outmigration of the necessary human and fiscal resources. The result in cities such as Buffalo has been one of greater needs but lesser resources.

The educational result has been a concentration in the largest cities of disadvantaged children who start school with a handicap which, without compensatory programs and other assistance, widens during the school year, discouraging educational advancement and encouraging dropping out of school. Inevitably, this process reinforces the cycle of social and educational ineptitude.

We have viewed Title I of the Elementary-Secondary Education Act as an attempt to break the cycle of disadvantagement. This legislation is a direct attack on the problem and, were it not consistently underfunded, it would represent a massive assault.

I feel that S 2625 may be seen in the same light. It aims to restore equalization of educational opportunity, whereas growing inequality has become the unfortunate reality. In doing this, it does not just add funds to ESEA Title I, but prescribes these funds for use at elementary grade levels in districts experiencing greatest educational disadvantagement. Thus, it focuses its attack and makes more efficient use of limited funds.

Your bill merits support. It is a move in the direction of ameliorating the nation's most pressing domestic problem. Important as it is to create such imaginative legislative solutions, however, it is equally important to avoid the false economy of underfunding these solutions through inadequate appropriations. I would urge support of both the authorization and the full appropriation to accomplish the task.

Yours sincerely,

JOSEPH MANCH,
Superintendent of Schools.

VIETNAM

Mr. McGEE. Mr. President, we are in receipt recently of proposals which would express the Senate's desire to get out of Vietnam, the sooner the better. Yesterday, in the Evening Star, Crosby S. Noyes wrote from Saigon that a visitor there is impressed with the difference between this mood of frantic impatience in Washington and that prevailing in Vietnam. He writes:

> In Vietnam today, even the skeptics who take the trouble to look for themselves agree that things are coming under control.

Mr. President, I ask unanimous consent that Mr. Noyes' column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GROWING SUPPORT FOR SAIGON REGIME REPORTED

(By Crosby S. Noyes)

SAIGON.—A visitor to Vietnam is impressed by the contrast in moods: The frantic impatience in Washington to get the war over with at almost any price and the determination here to see it through, however long it takes.

This is not a contract between Western pragmatism and Oriental fatalism. It is rather a very different reading of what is actually happening in Vietnam that is shared here by Vietnamese and Americans alike.

Skepticism, to be sure, is justified. How many times since 1965 have we heard that we had finally turned the bend, that there was light at the end of the tunnel and that it was just a matter of time until things were under control?

The difference today, however, is that it is no longer a matter of time. Today, even the skeptics who take the trouble to look for themselves agree that things are coming under control. The military threat is being contained and the authority of the government is being extended in the hamlets and villages where the contest in Vietnam ultimately will be decided.

One can hear, of course, the snorts of derision and disbelief. For a good many Americans, the very possibility of such a thing is the purest anathema. In the mind of the opposition, the unpopularity of the "tyrannical and oppressive" regime in Saigon has become a fixation. Or, more important, it has become an essential club with which to force ever more disastrous concessions from a nervous administration in Washington.

Yet the facts are not really a matter of dispute. Whatever success has been achieved in "building democracy" from the top down—a problematical process, given the fragmentation of the country's political leadership—there is no question that impressive progress has been made in establishing a democratic foundation and a sense of participation at the village level.

The degree of local autonomy that has been achieved may be modest by Western standards, but it greatly exceeds anything that has existed in Vietnam since the time of the French administration. Until now, all local officials were appointed by central provincial administrations. And all local projects, from building of schools and roads to digging wells, have been at the direction of the central authority.

This system has been radically changed by a somewhat crude but effective program of systematic bribery.

This year, all villages have been offered direct, no-strings-attached funds by the Saigon government, to be spent on anything the villagers wished—but with an important condition. Villages with elected councils and chiefs received a stipend of 1 million piasters—or around $8,300 at official rates. Those with appointed leaders received 40,000 piasters. Needless to say, village elections have been held by the thousands throughout the land.

A serious effort, furthermore, has been made to build the prestige and the authority of the village chief. In a radical departure from past practice, the police, local self defense and popular forces have been placed under his direct authortiy. Each month, thousands of village and hamlet officials are taken to Vung Tau on the coast south of Saigon for a cram course in basic local administration, with a good deal of political indoctrination thrown in.

The upshot of this effort is that today for the first time there is the beginning of mass participation in the political life of the country. The main beneficiaries have been the local authorities, who have now become personages in their own right, and the central government which brought about the change. The chief casualty has been the local Communist infrastructure in the villages—the painfully constructed political and strong-arm apparatus in which the Communist main-force military units depend for supplies and support.

For those who believe that nothing of value is being accomplished in Vietnam and that the proper course for the United States is to throw in the towel as quickly as possible, this is, perhaps, a disturbing conclusion.

The fact is, however, that the most competent and cautious estimate here is that the present government in Saigon enjoys more solid support than any so far. And that, in these circumstances, it is very unlikely to make the sweeping concessions to the enemy that American doves have been demanding so insistently.

PUBLIC HEARINGS, TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today, the Committee on Finance concluded its hearings on the tax reform bill, H.R. 13270. This concluding testimony was directed toward the effects the House bill would have on foundations. Senators, a Congressman, and a number of other very distinguished individuals described to the committee their feelings on the foundation provisions.

So that Senators might follow the progess of these tax reform hearings, I ask unanimous consent that the attached summary of the testimony be inserted in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

FOUNDATIONS

HON. BEN B. BLACKBURN, U.S. REPRESENTATIVE, STATE OF GEORGIA

Tax-exempt organizations

Expresses a concern over the tax abuses of organizations enjoying special tax exempt status. Points out that the organizations operating under the provisions of section 501 (c)(3) of the Internal Revenue Code exists for specified purposes and that no substantial part of the activity of any such organization is to carry on propaganda or otherwise attempt to influence legislation. Indicates that the Code further prohibits participation in political campaigns. Believes that some organizations have flagrantly violated this section of the Code. Gives several examples of the abuses of the tax-exempt status of some organizations.

Expresses a concern in the political activities of labor organizations as classified under section 501(c)(5). Indicates that labor unions do not deny the use of union dues for political activities and that when a member of a union pays his dues he is paying for political activity. Points out that there have been numerous cases that have come before the Federal Judiciary in which union members have objected to use of dues for political activities.

Points out that the Internal Revenue Code provides that all organizations classified under section 501(c) cannot engage in support or opposition to any political candidate. Believes that the Internal Revenue Service has consistently ignored the mandate of the law.

States that in an examination of the tax returns of tax-exempt organizations, it is virtually impossible to determine how these funds are being used. Proposes that a full explanation be required for the purpose of each grant, contribution or gift made by a tax-exempt organization along with the identities of the chief officers and executive directors of recipient organizations. Indicates that only by requiring a full disclosure for tax-exempt organizations can the misuse of funds possibly be cured.

Proposal

Urges the Committee to give consideration to his proposal, H.R. 7432, which essentially is divided into two sections. Points out that the first section pertains to organizations classified under section 501(c)(3) which states that all organizations, classified under this section shall have the right to defend themselves whenever their tax-exempt status is threatened. States that they should be permitted to appear before Congressional committees and submit reports to them concerning matters of direct interest to the organization. Points out that these recommendations were originally proposed by the Subcommittee on Tax Exempt Organizations of the American Bar Association.

(1)

States that the second purpose of his bill is to prevent any tax-exempt organization from directly or indirectly contributing any material support for the promotion or opposition to any candidate or any political party.

MRS. BRUCE B. BENSON, PRESIDENT, LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Definition of private foundation

Expresses concern that unless it is absolutely clear that the League's Education Fund and Overseas Education Fund are *not* nonoperating private foundations, private foundations will withhold contributions. Indicates that the line between private foundations and publicly-supported charities in the bill is a shadowy one.

Suggests that (1) private foundations be defined more narrowly and (2) the effective date be deferred until after Treasury has promulgated final regulations. Supports the Treasury proposal to consider distributions to private foundations from other private foundations as "qualified" (and therefore immune from the tax on disqualified distributions) if the recipient organization applies the contributions directly to charitable activities within one year of receipt.

Activities to influence legislation

Feels that the proposed language on restricting activities to influence legislation will adversely affect the educational work of the League, since it will be difficult to define what is "nonpartisan research."

PAUL ANTHONY, EXECUTIVE DIRECTOR, SOUTHERN REGIONAL COUNCIL

Tax on private foundation investment income

Argues that the true effect of this provision would be to reduce by 7½ percent those funds available to private agencies.

Taxes on taxable expenditures

Expresses concern with the wording in the House bill concerning "any attempt to influence legislation through an attempt to affect the opinion of the general public or any segment thereof * * *." Believes that this provision would prevent responsible agencies now engaged in serious research and publishing from making any meaningful comments on society.

Limitation of no more than 25 percent support from any source

Argues that there is no more rationale to restricting a foundation to a maximum of 25 percent support for a deserving effort than restricting an agency of the Federal Government to the same limitation on any publicly funded program.

Expenditure responsibility

Believes that the enforcement of the three requirements under this provision of the House bill would be severely damaging to foundations and cause recipients to lose a substantial degree of their independence and autonomy. Maintains that it would also probably mean that the smaller foundations would have to cease giving to those affected by this provision, since they have neither the staff nor the resources to meet these requirements.

LAURENCE SPEISER, ESQ., DIRECTOR, WASHINGTON OFFICE, AMERICAN CIVIL LIBERTIES UNION

Attempts to influence legislation

Opposes and urges deletion of provisions in H.R. 13270 to restrict the so-called "political activities of private tax-exempt foundations." Considers the proposed restriction to be too broad and too vague, raising substantial questions under the First Amendment guaranteeing the right to publish, speak, and petition the government. Argues that it will be difficult or impossible to properly define "propaganda," "attempt to influence legislation," or "nonpartisan analysis." Maintains that many worthwhile research studies would be subject to prohibition. Feels that present law is adequate to regulate foundations to operate in the public interest.

Voter registration activity

States that H.R. 13270 also unduly restricts voter-registration activity supported by tax-exempt foundations. Indicates that abuses can be prevented without curtailing legitimate on-going voter registration merely because the resources available to a foundation be insufficient to support activities in 5 or more States.

REED LARSON, EXECUTIVE VICE PRESIDENT, NATIONAL RIGHT TO WORK COMMITTEE

Political activity by tax exempt institutions

Contends that because of special-privilege loopholes in our tax laws, millions of Americans are compelled, in order to work at their jobs, to help finance political and ideological objectives with which they may strongly disagree. Believes the Committee has the responsibility to apply, broadly and evenly, restrictions on political activities by tax-exempt organizations which spend for political purposes funds collected from individuals as a condition of employment. States that although officials of labor unions are the most notorious offenders in this connection, the practice is equally objectionable when carried on by any private organization.

States that the record of union political activity, including admissions by many union officials, demonstrates conclusively that the backbone of union political activity is based on compulsory dues and fees, and that contrary to a widely-held misconception, there is no effective means of escape for the compulsory union member who objects to the use of his dues for politics.

Supports Senator Fannin's proposed amendment which would deny tax exemptions to unions which use compulsory dues for political purposes, and recommends that it be broadened to include all private organizations.

RICHARD E. THIGPEN, ON BEHALF OF THE DUKE ENDOWMENT

Introduction

States that for 45 years The Duke Endowment has distributed 78 percent of its gross income and 90 percent of its net distributable income to charity, religion, and education in North Carolina and South Carolina. Points out that in 1968 these distributions were 83.65 percent of gross income and 99.5 percent of net distributable income.

The 7½ percent tax

Maintains that this tax would cost the tax-exempt beneficiaries of The Duke Endowment at least $1½ million each year. Urges that if imposed, this tax should not apply to trusts similar to The Duke Endowment, governed by irrevocable trust agreements.

Tax on undistributed income

Argues that if this tax is imposed it should not apply to trusts governed by irrevocable trust agreements prohibiting the invasion of corpus and requiring the retention of productive investments.

Tax on excess business holdings

Argues that the 55 percent exclusion should be enlarged to 75 percent and that the section imposing this tax be made inapplicable to a trust governed by an irrevocable instrument requiring the trustees to hold specified business interests.

Conclusion

States that if the House bill becomes law the payments to charity, religion, and education in North Carolina and South Carolina will be reduced.

HONORABLE JUSTICE ARTHUR J. GOLDBERG, ON BEHALF OF THE DENVER POST AND THE DENVER POST EMPLOYEES STOCK TRUST

Private foundations

Explains that in 1966, the Helen G. Bonfils Foundation received a gift of a 42 percent stock interest in the Denver Post, subject to the restriction that the stock be sold at a fair price to a trust for the benefit of the employees of that newspaper as the employees purchase interests in the trust. States that more than 400 Post employees have purchased interests in the trust in expectation of the full implementation of the plan.

States that the Post stock was thus received by the Foundation subject to a plan requiring complete disposition of such stock in a manner serving public interest in maintaining independent newspapers and, accordingly, no substantial legislative purpose would be served—while a desirable and socially useful plan would be frustrated—if this stock were required to be disposed of as contemplated in the House bill.

Submits an amendment, described as of narrow application, designed to prevent the destruction of this preexisting and socially beneficial plan:

DR. KENNETH B. CLARK, PRESIDENT, METROPOLITAN APPLIED RESEARCH CENTER, INC.

Restrictions on foundation support of social action-oriented research

Considers the proposed legislation restricting foundation support of social action-oriented research to be dangerous because it would: (1) deny congressional support for research in the public interest while Congress continues to subsidize profitable private interests; (2) undermine the unique system of private support for public good through foundations and would increase reliance on heavily committed public funds; (3) withhold from legislatures and the public the findings of action-oriented applied research; (4) curtail or destroy many promising experiments in education, social welfare, and civil rights by denying the right of a "private operating foundation" to receive more than 25 percent of its income from a single source; (5) injure the poor, the deprived, and minorities most of all; (6) encourage foundations to withdraw from applied social research or to "play it safe" by avoiding areas of public policy; and (7) weaken the confidence of the urban poor and young in the feasibility of nonviolent means of social change.

Maintains that the American democratic process has survived because it has developed flexible means of meeting social change, and contends that the proposed bill would greatly hinder this flexibility of the private sector.

JOHN M. STALNAKER, PRESIDENT EMERITUS, NATIONAL MERIT SCHOLARSHIP CORPORATION OF EVANSTON, ILL.

Individual grants by foundations

Expresses concern that the proposed requirement that individual grants be "awarded on an objective and nondiscriminatory basis pursuant to a procedure approved in advance by the Secretary or his delegate" may be so imprecise as to cause a private foundation to hesitate to award scholarships in light of the severe penalties should a grant be ruled to be a "taxable expenditure" by the foundation.

Hopes that the word "nondiscriminatory" will not be interpreted to preclude scholarship programs with criteria similar to ones that are limited to children of, for example, members of the armed forces, labor unions, low-income families, or who are Negroes, American Indians, and so forth.

States that some clarification of the bill is needed in grants to undergraduate students. Suggests that the ambiguity of the provision might be cleared up by exempting from the bill expenditures for undergraduate scholarships, the winners of which are chosen in a bona fide competition conducted by an independent organization which has been ruled exempt by the Treasury. Indicates that another approach might be to exclude from taxable expenditures, "scholarships and fellowship grants which are subject to the provisions of section 117(a) and are to be used for study at an educational institution described in section 170(b) (1) (B) (ii)."

Suggests modifications to avoid the possibility that scholarship awards might be prohibited from a private foundation to a student because the father was a substantial stockholder of a corporation.

ROGER A. CLARK, COUNSEL, MORRIS AND GWENDOLYN CAFRITZ FOUNDATION

Private foundations

Points out that during the past 15 years, the Cafritz Foundation has distributed over 123 percent of its annual income to charity, and indicates that three aspects of the House bill dealing with business ownership and self-dealing would have severe, unnecessary and completely unwarranted consequences on the Cafritz Foundation and other foundations similarly situated. States that passive real estate investments should be expressly exempted from the excess business holdings provision of the bill, that transition provisions of the bill need additional flexibility so as to permit orderly separation of interests owned by foundations in combination with disqualified persons, and that continuation of common management services should be permitted.

With respect to real estate investments, states that those of a passive nature have traditionally been recognized as appropriate investments for charitable foundations, and that the Treasury Department has consistently recommended that they be excluded from the business ownership limitation.

With respect to common management services, recognizes that Congress may be concerned about granting an exception to the general prohibition against self-dealing. Urges, however, that any such concern should be more than outweighed by the severity of the consequences to charity and upon a valuable business of blind application of the self-dealing rules in a situation that presents no realistic potential for abuse.

LYMAN C. CONGER, CHAIRMAN OF THE BOARD, KOHLER COMPANY, KOHLER, WIS.

Private foundations

Opposes section 4943 relating to excess business holdings. Argues that the provision goes beyond the raising of revenue and correction of abuses and penalizes foundations which have not been guilty of abuses. States that it adversely affects not only foundations but the corporations owned by the foundations. Argues that the bill would encourage acquisition of foundation controlled businesses by conglomerates.

Argues that the bill unrealistically establishes presumptions of control by assuming that a percentage of voting stock less than 50 percent constitutes control and that disqualified persons always act in unison. Suggests making actual control the test and including the stock of disqualified persons only if they in fact control the foundation.

Proposes redefining "substantial contributor" as one who has contributed more than 5 percent of the total assets of the foundation.

Maintains that the 5 percent minimum investment return is unrealistic, since the average dividend yield of industrial corporations is about 3.5 percent. Suggests requiring current distribution of actual income and prohibiting foundations from investing solely for capital gain.

ALBERT E. ARENT, ATTORNEY, ON BEHALF OF THE PHOEBE WATERMAN FOUNDATION, INC., PHILADELPHIA, PA.

Private foundations

States that the provisions of the House bill which would force a private foundation to divest itself of stock in a family-controlled business are unsound as a matter of public policy and unfairly retroactive in stripping away family control. Contends that existing policy which encourages the use of business holdings to fund charity has enlarged the scope and dimension of charitable giving, and has helped to preserve the independence of family-controlled businesses.

Believes that specific abuses arising in connection with the operation of private foundations can be and are dealt with by specific provisions relating to the abuses. Suggests that persons who, in reliance upon the long-standing public policy favoring the creation of private foundations, have committed to charitable purposes stock needed for the protection of a family business from corporate raiders should not have their control jeopardized by new ground rules having retroactive effect. States that at the very least, the divestiture provisions of the bill should not apply to existing arrangements.

ISAAC N. P. STOKES, CHAIRMAN OF THE BOARD AND GENERAL COUNSEL OF PHELPS-STOKES FUND

Nature of fund

States that the Phelps-Stokes Fund is a relatively small, independent foundation, devoted primarily to the improvement of Negro education in the United States and Africa. Indicates that its investment income is substantially all required for foundation and other administrative expenses, and that the Fund depends on grants from larger foundations, the U.S. Government, and other contributors to finance its operations. Indicates that the House bill would subject this Fund to restrictions on its activities and on grants to it that would seriously impair its usefulness.

Proposed amendments of section 509(a)

Suggests that contributions to a foundation from tax-exempt organizations—as distinct from individuals or business corporations—be included without limitation in determining whether it comes within the description of broadly supported organizations that are excluded from the definition of private foundation by the proposed section 509(a) (2) (A) of the Code. Suggests, also, in the same definition, that contributions from governmental agencies be included without limitation.

Tax on private foundation investment income

Opposes this provision in the House bill. States that it would impose a special hardship on organizations which now devote substantially all their investment income to administrative expenses relying on outside support for their operating budgets.

Termination of status

Suggests that the waiting period for termination of status as a private foundation under section 507(e) should be left to administrative discretion instead of being fixed at 60 calendar months.

Influencing legislation

States that the provisions regarding influencing legislation would involve unreasonable restrictions on the rights of foundations and their members to communicate with legislative and other officials. Indicates that the constitutionality of these restrictions on free speech should be studied. Suggests that section 4945(c) be amended to permit communications regarding a Government grant to a foundation in the public interest.

Expenditure responsibility

States that under section 4945(b) (4) which require a private foundation making a grant to another private foundation—other than an operating foundation—to assume expenditure responsibility, would unnecessarily discourage grants from large private foundations to small ones like the Phelps-Stokes Fund. Suggests that the definition of "expenditure responsibility" in section 4945(f) should be amended to place reliance on audits by accrued independent certified public accountants.

Definition of operating foundation

Believes that the definition of operating foundation should be clarified. Suggests that the 25 percent limit on support from any one exempt organization should be increased to 33⅓ percent or made inapplicable to grants that are subject to expenditure responsibility. Believes that Government support should be included without limit.

WILLIAM H. BALDWIN, PRESIDENT AND TRUSTEE, KRESGE FOUNDATION

Private foundations

Notes that the Kresge Foundation has net assets with a present market value of approximately $410,000,000 and has given away about $100,000,000 in grants during the 45 years of its existence.

Maintains that the proposed 7½ percent tax on net investment income is discriminatory, reverses long standing policy and deprives both public and private health, welfare and educational institutions of badly needed support. States that if the foundations must provide funds for their own supervision it should be done by an audit or filing fee of one percent.

Urges that long-term capital gains not be included in the concept of net investment income. Recommends that allowable deductions from gross investment income should include all expenses reasonable and necessary to carry out the exempt purpose which are not excessive. Adds that this formula should also be used in calculating adjusted net income in the distributions section of the act.

Requests that the application of the minimum investment return concept in connection with required distributions should be delayed until taxable years following January 1, 1975. Suggests, in addition, that the applicable percentage of 5 percent used to calculate such return is too high and should be reduced to 3½ percent or 4 percent. States that the valuation provisions to be used in calculating minimum investment return should be clarified. Also adds that conditional challenge grants which are charged to income at the time of appropriation should be given the status of qualifying distributions.

Recommends that the provisions concerning speculative investments (sec. 4944) should be eliminated or clarified.

Expresses the concern that restrictions on programs, explicit and implicit, in the taxable expenditures section, creates a dangerous precedent for future more wide-spread regulation of foundation activities.

SYDNEY HOWE, PRESIDENT, THE CONSERVATION FOUNDATION

Private foundations

States that the House bill as now written will seriously impair the Foundation's ability to carry out its tax exempt purposes and that several provisions of the bill will inhibit the work of a large number of other conservation groups throughout the country.

Tax on net investment income

Maintains that the tax will harm this foundation and other conservation organizations by reducing the amount of funds available for grants to the organization and from the private foundations. Believes that the resulting limitations upon the Foundation's activities and those of other conservation organizations are not in the public interest. Suggests in lieu of a tax upon investment income of private foundations, that a foundation registration fee be imposed and that this fee should be set at a level necessary to finance full enforcement of existing law and any new legislation needed to correct existing abuses.

Definition of private foundation

Fears that a host of educational, research, and civic organizations could not qualify as private operating foundations under the present definition. Doubts that many endowed private foundations would continue to make grants to another private foundation if this would subject the donor to tax.

Tax penalty on each taxable expenditure

Believes that the provision of the House bill concerning "any attempt to influence legislation" is perhaps the most dangerous provision in the bill. Argues that it is so broad and general that it places under a cloud all but the most theoretical or scientific and technical work of many organizations. Urges the Committee to consider the problem of handling public information directed toward the solution of environmental problems since in the environmental field virtually all issues require decisions based on social, economic, scientific and *political* considerations. Believes in lieu of the approach taken by the House bill that Congress should hold hearings to explore thoroughly the adequacy of existing legislation on lobbying—in a positive instead of a punitive framework, and with full consideration of the impact of any new legislation upon *all* institutions in our society.

OIL REFINERY AT MACHIASPORT

Mr. HANSEN. Mr. President, last Sunday a most interesting article concerning the proposed Occidental Oil Corp. refinery at Machiasport, Maine, appeared in the Washington Post. The article announced the Sierra Club's strong opposition to the construction of the refinery at Machiasport. I am sure that all Senators are familiar with this organization and its sincere concern for the protection of the Nation's environment.

It is most important that we make every effort to protect the unspoiled open areas nearest our great centers of population. The coast of Maine provides a unique opportunity to citizens of our crowded Northeast to enjoy the great outdoors without having to travel thousands of miles across the Nation.

The Sierra Club points to the stormy weather, nearby rocky shoals, and an inadequately sheltered docking site at Machiasport as factors which might cause one of the huge oil tankers to break up while unloading petroleum for use at the refinery. Such a disaster could spill 35 times more oil into the ocean than was spilled by the recent disaster at Santa Barbara.

Mr. President, I ask unanimous consent that the Washington Post article entitled "Refinery in Maine Opposed by Sierra" be printed in the Record and urge my colleagues to give serious consideration to the position stated by the Sierra Club.

There being no objection, the article was ordered to be printed in the Record, as follows:

Refinery in Maine Opposed by Sierra

(By Spencer Rich)

The Sierra Club, a leading conservation organization, has launched a sharp attack against Occidental Oil's proposed new refinery at Machiasport, Maine, which is already the center of a massive oil industry controversy.

The club says that if the Machiasport refinery is built to bring in low-cost foreign oil and reduce New England fuel costs, it could threaten the Northeast Coast with an oil pollution disaster that would dwarf the 1967 Torrey Canyon incident or last January's offshore oil rig blowout in Santa Barbara Channel.

Occidental's proposal calls for the company to build a 300,000-barrel-a-day refinery at Machiasport, supplied with low-cost Middle East oil. Part of the final product would be re-exported, and therefore would need no import quota permit.

Under Occidental's proposal, about one-third would receive import quotas and would be sold at relatively low prices to New England consumers, thereby reducing the high cost of fuel in Maine.

Other U.S. oil companies oppose the plan because they claim it would give Occidental an excessively high share of the annual oil import quota and would breach the quota system, which helps keep domestic oil prices substantially higher than the world market price.

The Sierra Club charged that oil pollution could spoil the Maine coast if one of the huge tankers should begin leaking or break up in a storm.

The club cited the size of the tankers which it said would carry 84 million gallons of oil each. This is more than twice the 35 million gallons spilled in the Torrey Canyon disaster, when a big tanker broke up off the English coast (cleanup cost totaled $18 million).

It is also an enormously greater amount than the 231,000 gallons spilled from Union Oil's rig off the Santa Barbara coast.

The club says that stormy weather, rocky shoals nearby and an inadequately sheltered docking site increase the possibility of "oil pollution in disastrous quantities" if the Machiasport refinery is built.

TEACH-IN

Mr. NELSON. Mr. President, because of the grave mistakes of their elders, the youth of today face an ugly world of the near future with dangerously and deadly polluted air and water; sprawling, crowded development; festering mounds of debris; and an insufficient amount of open space to get away from it all.

Biologist Barry Commoner, chairman of the St. Louis Committee for Environmental Information, warned recently that:

> We don't really know what the long-term effects of various types of environmental deterioration will be, and the kids are the guinea pigs.

Fortunately, the new generation appears not to be content to be the guinea pigs of a society that has lost its sense of priority. One of the most dramatic developments of this decade has been the insistence of our youth that in the last third of the 20th century, the quality of life and of the environment have the same priority as that given national defense and the pursuit of the gross national product.

The concern of our youth is there, and I am convinced that all we need to do to bring an overwhelming insistence of the new generation that we stem the tide of environmental disaster is to present the facts clearly and dramatically.

To marshal such an effort, I am proposing a national teach-in on the crisis of the environment to be held next spring on every university campus across the Nation. The crisis is so imminent, in my opinion, that every university should set aside 1 day in the school year—the same day across the Nation—for the teach-in.

On that day, prominent ecologists, biologists, political scientists, journalists, public officials, and political leaders could meet with students and faculty in symposiums, convocations, and panel discussions to talk about environmental topics selected by the student body.

Each year, new species of animals are added to the endangered species list. Man in his arrogance appears to think that he can escape that list. He will find, however, that the species man cannot long watch the animals disappear without seeing his own end in sight, too. Man may ironically be the creature that left as his monument a planet nearly as incapable of sustaining life as its barren neighbors in the dead vacuum of the solar system.

In the regard, I ask unanimous consent that a recent editorial in the Milwaukee Journal and a recent article in Time magazine be printed in the Record.

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

[From the Milwaukee Journal, Oct. 1, 1969]

A Better Earth

Sen. Nelson of Wisconsin has proposed a nationwide college "teach-in" on the first day of spring next year to focus on the great need to protect and conserve the environment. There would be discussions and lectures on the problems and the necessary steps to prevent the irrevocable deterioration of man's surroundings.

It is not a bad idea. There is much to be alarmed about. Smog waters eyes and blisters paint in many major cities. Lake Erie is essentially a dead lake. The same fate could be in store for Lake Michigan. Southeastern Wisconsin regional planners over a year ago announced their pessimism about the chances of stopping the deterioration of the streams of this area for at least two decades.

Then there is the frightening report of Thor Heyerdahl about the condition of the Atlantic Ocean during his recent sail on the Ra. He and his crew not only found floating plastic bottles and tubes in the middle of the Atlantic but on five instances ran into large patches of oily particles that smelled like sewage and rotting fish. On one occasion the water was so dirty that the crew would not wash their dishes in it.

Nelson's aim at youth on this issue is right. They are the ones who should be most concerned.

[From Time, Oct. 10, 1969]

Ecology

AMERICA THE BEFOULED

Wisconsin Senator Gaylord Nelson is convinced that the hottest growth stock in U.S. protest is conservation. In fact, Nelson himself is toiling to make the nation's campuses erupt next spring—in a giant, peaceful teach-in about environmental evils. As he has been telling audiences across the country for the past month: "The new generation is not satisfied with coming out on the losing end of man's drive for progress and profit."

Youth is not alone. In Missoula, Mont., for example, housewives outraged by the foul smells from a local pulp plant have organized GASP (Gals Against Smoke and Pollution). Similar groups have used the same acronym in other cities including Washington, where GASP stands for Greater Alliance to Stop Pollution. In Berkeley, a group called Ecology Action has developed a kind of street theater to dramatize pollution protests. To celebrate "Smog-Free Locomotion Day," the members recently took to pogo sticks, stilts, bicycles, unicycles, roller skates—any and every alternative to the internal combustion engine.

Later they symbolically buried an auto engine painted black and splattered with mock blood.

Last week the eco-activists staged a "Damn DDT Day" in San Francisco's Union Square. The movement has its own songs including a cutting eco-version of *America the Beautiful*. The lyrics:

Oh, Cancerous for smoggy skies, for
pesticided grain . . .
Irradiated mountains rise above
an asphalt plain.

America, America, thy birds have fled
from thee;
Thy fish lie dead by poisoned streams
from sea to fetid sea . . .

America, America, thy sins prepare
thy doom:
Monoxide cloud shall be thy shroud
. . . thy cities be thy tomb.

LUNG CANCER AND SMOKING

Mr. COOK. Mr. President, H.R. 6543, the Public Health Cigarette Smoking Act of 1969, is pending before the Senate Commerce Committee. Because of the importance of this matter, I would like to bring to the attention of the Senate two recent newspaper articles.

The Kansas City Star reports that a paper presented by Dr. Rune Cederlof of the National Institute of Public Health in Stockholm, Sweden, questioned much of the world-wide research which indicates that people die of lung cancer simply because they smoke. The paper also attributed coronary heart disease to reasons other than smoking. This is significant because the National Institute of Public Health is the prestigious body which advises the Nobel Prize Committee about their choices for medical honors.

Also, the Richmond Times-Dispatch reported that a panel of six nationally known doctors agreed that it had not been medically proven that lung cancer is associated with smoking.

I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Kansas City Star, Sept. 26, 1969]

SWEDE LIGHTS UP TOBACCO FUSS

ROME.—The hall of the medical congress was only half filled. Many delegates were shaking hands in the corridors, packing bags in hotels and catching planes. The last of about 150 scientific papers was being read, as drily and noncommittally as possible, by a Swedish professor. The applause, when he finished was perfunctory and everyone ran for taxis.

But the final paper turned into a time bomb with a delayed action fuse. That was two weeks ago and the phones hardly stop ringing in the Gregory Mendel Institute of Medical Genetics and Geminology, a big squarish glass-walled research building in the heart of Rome, where the meeting was held.

The reason for all the fuss is that this final paper questioned much of world-wide research that indicates that people die of lung cancer simply because they smoke. They smoke and they die, but not because they smoke, the paper argued.

The study casts doubt on the arguments of government officials who have been trying to ban cigarette ads from television, newspapers that have refused such advertising and doctors who have denounced smoking.

The physician who lighted the fuse, Dr. Rune Cederlof of the National Institute of Public Health in Stockholm, prudently folded his manuscript, refused to allow it to be released and ran for his plane. Only a few quotes were authorized. The Swedes and their American collaborators are still sitting on the volcano.

The study started in Sweden in 1961 when the National Institute of Public Health began to collect data on the lives of twins, mainly to find out how smoking affected them. They drew in the National Research council in Washington, which pulled together the results from the largest of America's 14 "Twin Institutes."

Some of the American Twin Institutes are in Connecticut (24,000 pairs), New York (25,000) and California (76,000).

As he fled and before the phones began to ring, Dr. Cederlof threw over his shoulder the cautionary remarks: "My personal convictions have nothing to do with the results of my researches." The other scientists echo him.

The prestigious National Institute of Public Health in Stockholm is the body that advises the Nobel prize committee about their choices for medical winners of the world honors. Your other Swedish doctors, all from the Karolinska Institute in Stockholm, signed their names to the result. The only American named is Zdenek Hrubec of the National Research council.

The Swedes in their eight years have sent out questionnaires to 10,927 pairs of twins over 40 years old. Studies were also made of smokers in their 20s. But only 20 sets of smokers had one twin with heart disease.

Among identical twins, neither young nor old smokers showed any tendency to lung cancer or coronary disease as a cause of death. Among unlike twins, the older smokers were similarly free of fatal effects. In the remaining group, the young but unlike twins, the smokers appear to be slightly more durable than the non-smokers.

The real reason smokers get coronary heart disease, say the scientists, is "drinking habits, physical excess, change of employment and occupational adjustment."

The study concedes an "obvious" connection between smoking and lung cancer, but refuses to agree that the nicotine is the decisive blow. Where each of identical twins had different smoking habits, "There was no difference in the over-all prevalence of cancer."

When the healthier partners of several sets of twins are grouped apart from the less healthy and the two groups are compared, "There is no noticeable difference in smoking habits between them."

So far the cigarette companies have refrained from joyously breaking down the institute's doors or smothering the Swedes in funds. Only one company, Philip Morris, sent a man to Rome in pursuit of the undivulged original text.

The real trouble is that not enough twins have died yet. "The number of deceased twins in pairs with different smoking habits is small," the study says. "Only time will tell whether the trends found are stable."

[From the Richmond Times-Dispatch, Oct. 1, 1969]

PANEL SPLIT ON LUNG CANCER AND SMOKING TIES

(By David D. Ryan)

A panel of six nationally known doctors appearing on an educational television program here last night split on whether lung cancer is associated with smoking, but agreed that it had not been medically proven.

One doctor said flatly that it not only has not been proven but "probably will never be proven."

The six appeared on Channel 23's (WCVE-TV) program, "The Smoking Question," and were evenly divided in their presentations on the pros and cons of the questions.

Supporting the idea that cancer is related to smoking were Dr. Oscar Auerbach, a pathologist and senior medical investigator for the Veterans Administration Hospital in New Jersey; Dr. James W. Brooks, an associate professor of surgery at the Medical College of Virginia; and Dr. Daniel Horn, director of the National Clearinghouse for Smoking and Health in Washington.

Supporting the idea that smoking is not a proven cause of cancer were Dr. Hirmam T. Langston, a clinical professor of surgery at the University of Illinois College of Medicine in Chicago; Dr. Sheldon C. Sommers, director of laboratories at Lenox Hill Hospital in New York; and Dr. Theodore D. Sterling, a professor of applied mathematics at Washington University in St. Louis.

In answer to the question for a television viewer as to, "Has it been medically proven that smoking causes lung cancer?" Dr. Langston said, "No. This is not true at all.

"I realize there is a vast amount of statistical data that associates lung cancer with smoking," Dr. Langston continued, "but one has to decide from experience and I treat patients with cancer. Cancer of the lung rarely occurs on both sides of the lung at the same time and presumably we inhale bilaterally."

Dr. Sommers said that although the theory that smoking causes cancer "is not a proven fact," it "is an associated fact."

Dr. Auerbach, who also showed slides which he said showed a relationship between smoking and emphysema, said that his studies have shown cigarette-smoking is the single most important factor in the cause of lung cancer. He said that his personal studies on lung cancer patients made him believe cancer in the respiratory system is found more in smokers than in nonsmokers.

Dr. Horn, who also believes that cancer is related to smoking, said he thought the panel was "hung up on the words medically proven." This, he continued, "probably will never be proven."

However, he continued that from his own point of view the death rate was higher among smokers than nonsmokers.

He said that in order to prove that smoking causes cancer, there would have to be human experimentation, "which I know no one on this panel wants to participate in."

The only cigarette-smoker on the panel, Dr. Sterling, said that he has yet to find the "first case where cancer was produced in animals by smoking.

"People who die from lung cancer do not die younger if they smoke," he said, and added, "There are many confusions about it and one cannot say it is medically proven. One could say it is medically not proven."

The panel was often at odds over the way studies on cancer and smoking were conducted and exactly what they said.

For example, a question was asked as to why all the antitobacco literature was directed to cigarettes and not to pipes and cigars.

Dr. Auerbach said his studies showed the rate of lung cancer among cigar and pipe-smoker fell between rates for cigarette-smokers and nonsmokers.

Dr. Sterling questioned Dr. Auerbach's findings and said, "I have found no pathologists who can distinguish between nonsmokers and smokers and I can't understand how you can distinguish between cigar- and cigarette-smokers."

The controversy over findings even carried over to an antismoking advertisement that said 100,000 doctors had given up smoking.

Dr. Horn said he was responsible for the estimate and that it was a "conservative" figure derived from a survey of doctors.

As he did on most statistics given by the three doctors saying smoking causes cancer, Dr. Sterling also questioned this figure.

He said that in Dr. Horn's survey, of 5,000 questionnaires sent out in one case, only 1,800 were answered.

"If anything, that indicates whether doctors are concerned with the problem at all," Dr. Sterling said.

Dr. Horn came back: "I would be delighted if someone would give you a grant and let you make the study. I would bet you dollars to donuts that you would come up with this figure" (100,000).

INDEPENDENT CONSUMER COUNCIL ACT

Mr. HART. Mr. President, I ask unanimous consent to have printed in the Record at this point the text of a bill I introduced on September 25, 1969, entitled the "Independent Consumer Council Act," S. 2959. Because of the considerable interest that has developed in this bill, I would like to make it available in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2959

A bill to establish an Independent Consumer Council as an independent nongovernmental organization to represent the economic interests of consumers of goods and services made available to them through the trade and commerce of the United States before Federal departments and agencies, to receive complaints and arbitrate voluntary adjustments thereof, to gather and disseminate information for the benefit of consumers, to authorize governmental assistance and support, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Independent Consumer Council Act".

FINDINGS OF FACT AND DECLARATION OF POLICY

Sec. 2. The Congress hereby finds and declares that—

(a) direct representation of consumer interests in the formulation and implementation of policies of Government will aid in the free flow of interstate and foreign commerce in consumer products;

(b) the encouragement and support of research in consumer products, the assembling and discrimination of information on consumer products and trade practices are appropriate matters of concern to the Federal Government in the maintenance and promotion of a free market system;

(c) it is necessary and appropriate for the Federal Government to support, complement, assist, and add to programs for the development of research and the assembling and dissemination of information on consumer products and services as a means of promoting free competition in a free market.

(d) trade practices and goods and services which are detrimental to consumers' economic and other interests tend to obstruct the free flow of interstate commerce;

(e) the establishment of a convenient and effective means of consideration and voluntary settlement of complaints of consumers concerning products and services distributed or furnished through interstate or foreign trade and commerce promotes the free flow of such trade and commerce; and

(f) in order to implement these findings, it is the purpose of this Act to establish an Independent Consumer Council as an independent nongovernmental organization for the purpose of carrying out the declared policy of Congress to assist consumers, manufacturers, and Government departments and agencies in the goal of a free market economy in consumer goods and services.

DEFINITIONS

Sec. 3. As used in this Act—

(1) The term "consumer" means a person who purchases or otherwise acquires goods for use or services to satisfy his needs rather than to resell them or to produce other goods with them.

(2) The term "goods" means goods, wares, merchandise, or commodities of any kind which are manufactured, produced, or distributed for the use of consumers, as distinguished from economic goods intended for use in production of other goods.

(3) The term "Council" includes the Independent Consumer Council, any local unit thereof, and any person duly designated to act for and on behalf of the Council.

(4) The term "Government agency of the United States" means any department or agency in the executive branch of the Government of the United States, any independent board, commission, corporation, or other instrumentality of such Government which is charged with the administration of any statute of the United States, and any officer of any such department, agency, or instrumentality, but does not include the Council.

(5) The term "government agency of a State" means any department agency, board, commission, or other instrumentality of the government of a State or any political subdivision thereof which is charged with the administration of any statute, regulation, or ordinance of such State or political subdivision, and any officer of such instrumentality.

(6) The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the Virgin Islands, Guam, and American Samoa.

ESTABLISHMENT OF THE INDEPENDENT CONSUMER COUNCIL

Sec. 4. (a) The following persons: James M. Nicholson, Clay Buckhout, Truman B. Clark, William D. Drake, John J. Flynn, Henry A. Hill, Benny L. Kass, James S. Kemper, Junior, Olga M. Madar, Augustine R. Marusi, Margaret S. Moritz, Philip G. Schrag, June L. Sears, Gary Burns Sellers, David A. Swankin, and Aaron S. Yohalem, are created a body corporate by the name of "Independent Consumer Council" (hereinafter referred to as the "Council"). The Council shall be known by such name, shall have perpetual succession, and shall have the powers set forth in this Act, subject to the limitations contained herein.

(b) The right to repeal, alter, or amend this Act at any time is expressly reserved by the Congress.

ORGANIZATION OF THE COUNCIL

Sec. 5. (a) The first Board of Directors of the Council shall be composed of the persons named in section 4(a), and the person first named therein shall serve as Acting Chairman of the Board. Within ninety days after the date of enactment of this Act the first Board of Directors shall meet at the call of the Acting Chairman. At that meeting the first Board of Directors shall adopt bylaws of the Council which shall fix the number of persons and the names of the persons who shall thereafter serve for the first regular term as members of the Board of Directors and as the Chairman of such Board for the term and under the conditions hereinafter set forth in this Act. After the expiration of a Director's first regular term, his successor shall be elected as specified in the bylaws of the Council, which shall provide for such election by local units in conformity with democratic principles of election which shall be set forth with particularity in such bylaws. Upon the expiration of a regular term of a member of the Board, he shall be eligible for election for one or more later terms, except that no person may serve as a member of the Board for more than two consecutive regular terms.

(b) (1) Except as provided in paragraphs (2) and (3) of this subsection, the term of office of members of the Board of Directors of the Council shall be five years.

(2) The first directors designated to serve for regular terms at the first meeting provided for in subsection (a) of this section shall continue in office in equal numbers for terms of two, three, four, and five years respectively as determined by lot at the first meeting of the Board of Directors.

(3) Any Director of the Council appointed or elected to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed or elected shall be appointed or elected only for the remainder of such term. A Director may serve after the expiration of his term until his successor has taken office. A vacancy in the Board of Directors shall not impair the right of the remaining Directors to exercise all the powers of the Council.

(c) A majority of the Board of Directors shall constitute a quorum.

(d) After the first meeting of the Board of Directors as hereinbefore provided, the Board of Directors shall meet semiannually and at such other times as the Chairman of the Board may deem necessary.

ADMINISTRATOR AND STAFF

Sec. 6. (a) The Council shall have an Administrator who shall be appointed by the Board of Directors. The Administrator shall be the chief executive officer of the Council and shall administer the activities of the Council in accordance with the bylaws of the Council and the directives of the Board of Directors consistent with the provisions of this Act.

(b) The Board of Directors may appoint and fix the compensation of such additional officers and employees as it deems necessary to carry out the objects, purposes, and functions of the Council. The compensation of the Administrator and such additional personnel shall be fixed by the Board at rates in general conformity with rates prescribed by subchapter II and subchapter III of chapter 53, title 5, United States Code, for Government personnel engaged in the performance of similar duties. Board members shall receive compensation at the rate of $100 per day for each day on which they engage in the work of the Council, and shall be reimbursed for travel and other expenses incurred by them in the performance of work of the Council.

NONPOLITICAL NATURE OF COUNCIL

Sec. 7. The Council, and its members, officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office, nor involve in any manner the Council in any campaign for elective public office.

OBJECTS AND PURPOSES OF COUNCIL

Sec. 8. (a) The objects and purposes of the Council shall be to represent and promote the economic and other interests of the people of the United States as consumers of goods and services made available to them through the trade and commerce of the United States.

(b) The functions of the Council include the following:

(1) to represent the viewpoint of consumers of goods and services within the United States in the formulation and implementation of policies of the Government of the United States and of the several States which affect the economic and other interests of consumers;

(2) to receive, evaluate, and negotiate voluntary adjustments of complaints of consumers concerning consumer products and services and trade practices detrimental to the economic and other interests of consumers, and to receive, evaluate, and negotiate the voluntary adjustment of complaints of

consumers with Government agencies of the United States and of the States;

(3) to receive, assemble, evaluate, act upon, and disseminate information helpful to consumers of the United States in performing their economic function more efficiently;

(4) to consult experts on consumer education and representatives of organizations engaged in fostering and protecting the economic and other interests of consumers of goods and services within the United States, for the purpose of obtaining information, recommendations, and suggestions necessary or desirable for the effective performance of the functions of the Council; and

(5) to perform the duties hereinafter vested in the Council.

LOCAL UNITS AND MEMBERSHIP

SEC. 9. (a) Bylaws of the Council shall include, but shall not be limited, to provisions—

(1) for the organization and management of local units of the Council by consumers within the several States and within political subdivisions thereof;

(2) prescribing the powers, duties, and functions of such local units in conformity with the powers, duties, and functions conferred upon the Council by this Act;

(3) requiring that members of the governing body of each such local unit, and members of each such local unit chosen as delegates to such conferences as the Council may conduct, be elected by the membership of such local unit by procedures in conformity with democratic principles of election; and

(4) providing for the election of members of the Board of Directors of the Council, on and after the expiration of the terms of members of the first board of directors, by such local units in conformity with democratic principles of election.

(b) Membership in the Council and in local units thereof shall be open to all individuals in the United States who are consumers. The Council may specify from time to time in the bylaws of the Council a sum not to exceed ___________ dollars per annum as a membership fee.

PERMANENT HEADQUARTERS OF COUNCIL

SEC. 10. (a) The permanent national headquarters of the Council shall be located in the metropolitan area of the District of Columbia, but its activities may be conducted in all States. The Board of Directors of the Council may from time to time conduct such conferences and establish such arrangements in cooperation with local units as the Board may determine to be convenient and effective in carrying out the objects and purposes of the Council.

(b) The Council shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the Council, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the Council.

REPORTS TO THE PRESIDENT AND CONGRESS

SEC. 11. The Council shall as soon as practicable after the 1st day of January of each year make and transmit to the President of the United States a report of its proceedings and activities for the calendar year next preceding, and a copy of said report shall be transmitted to the President of the Senate and to the Speaker of the House of Representatives.

PROHIBITION AGAINST DISTRIBUTION OF ASSETS AND ISSUANCE OF STOCK

SEC. 12. (a) No part of the income or assets of the Council or any local unit thereof shall inure to the benefit of any member, officer or director of the Council or any local unit thereof or be distributed to any such person except for the payment of duly authorized salaries and expenses, and neither the Council nor any local unit thereof may make any loan to any officer, director, employee, or member of the Council or any local unit thereof.

(b) Neither the Council nor any local unit thereof shall have power to issue any shares of stock or other evidence of proprietary interest in capital, or to declare or to pay any dividend, its objects and purposes being limited solely to the rendition without profit of a service to consumers in order to protect and promote the interests of consumers in the trade and commerce of the United States.

REPRESENTATION OF CONSUMERS IN THE PUBLIC INTEREST

SEC. 13 (a) Whenever there is pending in or before any Government agency or court of the United States or any State any investigation, hearing, or other proceeding except a criminal proceeding which may, in the opinion of the Council, affect the economic and other interests of consumers within the United States, the Council through its duly designated attorney may intervene and, pursuant to the rules of practice and procedure of that agency or court, may enter an appearance in that proceeding for the purpose of representing the interests of such consumers.

(b) Upon any such intervention, the Council, through its attorney, shall present to the agency or court, subject to the rules of practice and procedure thereof, such evidence, briefs, and arguments as it shall determine to be necessary for the effective representation of the economic and other interests of such consumers. The attorney of the Council designated by the Council for such purpose shall be entitled to enter an appearance before any Government agency of the United States without other compliance with any requirement for admission to practice before such agency for the purpose of representing the Council in any proceeding.

STUDIES AND CONSUMER COMPLAINTS

SEC. 14 (a) It shall be the duty of the Council and its local units to conduct studies, and to receive and evaluate complaints from consumers of the United States without regard to membership in the Council, concerning—

(1) consumer products and commercial and trade practices employed in the production, distribution, and furnishing of goods and services to or for the use of consumers which may be detrimental to their economic or other interests; and

(2) governmental action or inaction on the part of Government agencies of the United States detrimental to the economic or other interests of consumers.

(b) Upon receipt of any complaint disclosing the distribution of a product, the rendering of a service, or the use of any commercial or trade practice detrimental to the economic or other interests of consumers within the United States in any consumer products industry or by any producer, distributor, or supplier of consumer goods or services, or governmental action or inaction detrimental to the economic or other interests of consumers, which in the opinion of the Council does not violate any law of the United States or any State, the Council or a local unit thereof may undertake to provide for the adjustment of that complaint with the consent of the parties to the controversy through voluntary negotiation or arbitration. If in the opinion of the Council such practice is in violation of any law of the United States or any State, the Council shall refer the complaint to the Government agency whose regulatory or other authority provides the most effective available means to obtaining appropriate relief or to proceed against such violation of law.

(c) If the Council finds that no equitable voluntary adjustment of the complaint can be obtained, that no public law has been violated or if violated the Government agency having jurisdiction to enforce the law violated fails to act or is dilatory in action, that in its opinion legal remedial action is available by individual or class action for relief, and the matter involved in the complaint has sufficient economic effect upon consumers generally, the Council, subject to applicable statutes and rules of practice and procedure, may (1) furnish legal and other assistance necessary to the filing and prosecution of an appropriate remedial action in a State or Federal court of competent jurisdiction, or (2) institute and prosecute a class action to obtain appropriate civil relief for the benefit of a designated class of consumers.

(d) The Council may provide for the training of persons in local areas in the practice of the adjustment or settlement of consumer complaints through voluntary negotiation or arbitration. Such persons may be used by the Council and its local units in any voluntary negotiation or arbitration entered into for the adjustment of consumer complaints. If deemed more convenient or effective, the Council may employ the services of any arbitration organization whose personnel are trained and experienced in the techniques and processes of negotiation and arbitration. Such negotiators or arbitrators shall be responsible to the local unit of the Council in the local area in which the consumer complaint involved arose.

(e) The Council shall publish from time to time and disseminate to the public, in such manner and form as the Council may determine to be most effective, information concerning—

(1) the functions and duties of the Council; and

(2) problems encountered by consumers generally within the United States, including particular commercial and trade practices which are detrimental to the economic interests of consumers.

PUBLICATION OF PRODUCT INFORMATION

SEC. 15. (a) The Council shall formulate and publish criteria for the comparison of specific consumer products or categories of such products which will facilitate the determination of values by consumers. Such standards may be determined by the Council, derived from Government departments and agencies, from non-Government organizations, or from cooperative programs with manufacturers of such products.

(b) The Council shall publish from time to time in useful form such information for consumers with respect to such specific products or categories of products affecting consumers. It may distribute such publications to public libraries and such other depositories as it deems in the interest of consumers. It shall encourage and promote programs for the distribution of such product information, with or without compensation, through electronic systems and information media of all kinds, public organizations, private businesses, educational institutions, and other organizations. It may operate or cooperate with other organizations in the operation of programs and systems for that purpose.

(c) Such product information may be made public only in a form disclosing factual information with respect to such products, and not as recommendations of a product of any particular producer, or any division or subsidiary thereof, over the product of another.

(d) Nothing contained in this Act shall be construed to authorize the Council to engage in any program of testing for the purpose of recommending as among the products of different producers, the relative merits or suitability of products of any class or type over other products of the same class or type or to publish any such recommendation.

SURVEYS AND INVESTIGATIONS

SEC. 16. (a) It shall be the duty of the Council in the public interest—

(1) to conduct surveys and investigations with respect to matters involved in the production and distribution of consumer products and services which affect the economic and other interests of consumers;

(2) to determine the extent of existing information relating to goods affecting consumers in the possession of Government agencies of the United States useful to consumers which is not published in a form useful to consumers by such agencies in the performance of their functions; and

(3) to collect, analyze, and disseminate to the public information obtained through such investigations and surveys in such manner and form as may be best adapted for public information and use by consumers.

CONSULTING SERVICE AND COOPERATIVE ACTIVITIES

SEC. 17. (a) In the performance of its functions, the Council is authorized to—

(1) appoint and defray the expenses of such advisory committees as it may determine to be necessary for the effective performance of its functions;

(2) designate representatives of the Council to serve on such committees as the Council may determine to be necessary or desirable to maintain effective liaison with Government agencies of the United States or any State, and with nongovernmental organizations which are engaged in activities related to the functions of the Council; and

(3) to the extent authorized by law, use the services, personnel, facilities, and information, of Government agencies of the United States or any State and of private agencies and instrumentalities with the consent of such agencies and instrumentalities, with or without reimbursement.

(b) Upon request made by the Council, each Government agency of the United States is authorized and directed—

(1) to make its services, personnel, facilities, and information available to the greatest practicable extent to the Council in the performance of its functions; and

(2) subject to provisions of law and regulations relating to the classification of information in the interest of national defense, to furnish to the Council such readily available information, suggestions, estimates, and statistics as the Council may determine to be necessary for the performance of its functions.

GENERAL POWERS

SEC. 18. (a) For the purpose of carrying out its functions the Council shall have power to—

(1) sue and be sued in its corporate name in any court of law or equity of the United States or any State;

(2) acquire, hold, and dispose of interests in real and personal property;

(3) establish, maintain, and operate such laboratories, reference libraries, and other facilities as it shall determine to be required for the performance of its functions;

(4) enter into and perform such contracts, leases, cooperative agreements, or other transactions as it may determine to be necessary on such terms as it may determine to be appropriate;

(5) make, issue, rescind, or amend bylaws, regulations, and rules, not inconsistent with this Act, Governing its organizational structure and the manner of its operation and the exercise of its functions;

(6) adopt, alter, and use an official seal which shall be published in the Federal Register and be judicially noticed;

(7) engage in, and support, by grant or contract, research with respect to, and development of, objective standards for nonperishable manufactured goods affecting consumers;

(8) charge and collect membership dues, subscription fees, and other fees for services rendered; and

(9) receive money and other property donated, bequested, or devised, without condition or restriction other than that it be used for the purposes of the Council; and to use, invest, reinvest, sell, or otherwise dispose of such property and the proceeds thereof for the purpose of carrying out the functions of the Council.

(b) The Council shall not accept during any fiscal year any gifts, grants, or donations of money from any single source other than appropriations made under this Act in amounts which exceed in the aggregate 15 per centum of the total amount of all gifts, grants, and donations of money accepted by the Council during that fiscal year from all sources other than appropriations made under this Act.

BOOKS AND RECORDS; INSPECTION

SEC. 19. The Council and each of its local units shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, Board of Directors, and committees having any of the authority of the Board of Directors; and the Council shall keep at its principal office a record of the names and addresses of its members and units entitled to vote. All books and records of the Council may be inspected by any member or local unit entitled to vote, or the agent or attorney thereof, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 20. (a) The accounts of the Council shall be audited annually, in accordance with generally accepted auditing standards, by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the Council are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Council and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the Council's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Council during the year including the results of any publishing or other commercial-type endeavor carried on by the Council, together with the independent auditor's opinion of those statements. The report shall not be printed as a public document.

LIQUIDATION

SEC. 21. Upon final dissolution or liquidation of the Council, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the Council may be distributed in accordance with the determination of the Board of Directors of the Council and in compliance with the bylaws of the Council and all Federal and State laws applicable thereto.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 22. The Council shall have the sole and exclusive right to use the names "Independent Consumer Council." The Council shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as may be adopted and used by the Council in carrying out its program. Nothing in this Act shall interfere or conflict with established or vested rights.

SAVING PROVISION

SEC. 23. Nothing contained in this Act shall be construed to alter, modify, or impair any provision of any Act providing for the regulation of the trade or commerce of the United States, or to prevent or impair the administration or enforcement of any such provision of law.

APPROPRIATIONS

SEC. 24. There are hereby authorized to be appropriated to the Council such sums as may be required to carry into effect the provisions of this Act.

THE WORLD-FAMOUS CASPER TROOPERS

Mr. HANSEN. Mr. President, we of Wyoming have much of our State to brag about. We can boast about our majestic mountains and our beautiful lakes and rivers. We can describe with glowing phrases our national parks and other scenic wonders. We may even exaggerate just a bit when we spin romantic tales about our colorful Western history.

But we can never say too many good things or overstate our praise of the world-famous Casper Troopers—a group of high-stepping, high-spirited young Wyomingites who have thrilled young and old and who have captured the hearts of citizens in every corner of this country—and other countries, as well.

One would have to travel to Wyoming to truly appreciate the magnificence of our scenery. But there are thousands of Americans who have never been to Wyoming, but who have thrilled to the beat of a Trooper's bass drum or marveled at the split precision of an intricate drill. Anyone who has seen the Troopers in action, as I have, must know why Wyoming so loves these young people and what they are doing, and why we hasten to claim a tie with the State they so ably represent during their travels as good will ambassadors and masters of their art.

Many magazines and newspapers have hailed the accomplishments of this group. And well they should. The organization has skyrocketed in fame and recognition from the point where, in 1962 its members had to pay their own way like spectators to the VFW national corps competition at Minneapolis, to a star-studded position today which finds them marching away from competition all over the world with top honors and their collective weight in trophies.

The goal of sponsoring and coaching a group of Wyoming youngsters who could compete with any drum and bugle corps anywhere on the face of the earth was the dream of Jim Jones of Casper—a man who was intimately connected with such groups from the time he was a child.

A November 17, 1968, feature story on the Troopers in the Empire magazine published by the Denver Post noted that, "troopers aren't born. They're made."

And Jim Jones is the man who has inspired young people to respond to the challenge of becoming a first-rate trooper and who still provides the spark and the leadership for an ever-changing group that attracts the immediate adoration of all who see and hear them.

This year, the Troopers competed with crack drill teams in Wisconsin, New York, Connecticut, Pennsylvania, Toronto, Ontario, and Massachusetts, to name a few. The corps took first place in six contests, including the World International Drum and Bugle Corps competition at Lynn, Mass. The Trooper Color Guard won its seventh world championship at the VFW nationals in Philadelphia.

Supporters of the group in Wyoming—and that pretty much includes every citizen of the State—now are working on a project to send the Troopers on a world tour. If anywhere in this country there is a group of citizens that could inspire admiration for America in the hearts of people of other nations, it is Wyoming's own Casper Troopers. And if Wyomingites have anything to say about it, there will be no lack of support for this undertaking.

Mr. President, I ask unanimous consent that an article entitled "Casper's Troopers—They're Wonderful," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CASPER'S TROOPERS—THEY'RE WONDERFUL

(By Zeke Scher)

THE WORLD'S BEST JUNIOR DRUM AND BUGLE CORPS IS IN THE ROCKY MOUNTAIN EMPIRE—AND THE REST OF THE NATION KNOWS IT!

Some 37,000 spectators at the Denver Broncos football game in Bears Stadium stood up at 3:40 p.m. Sept. 29 and gave a thundering ovation to the performers on the field. And there wasn't a Bronco in sight. Tears welled in the eyes of some. Others were too choked up to speak.

What the huge crowd had just experienced was 11½ minutes of 97 youngsters executing the world's best drum and bugle corps performance. The boys and girls, ranging in age from 14 to 21, are members of the Casper Troopers.

Dressed in replicas of blue U.S. Cavalry uniforms of 100 years ago, carrying well-polished bugles of all sizes, snare drums, rifles and standards with flowing colors, the Wyoming group executed routine and technical maneuvers with unbelievable precision. Their bell-clear sounds were breath-taking.

A super sports fan in the west stands forgot his frustrations of the moment (the Broncos were deadlocked at the half with Boston, 10–10) and murmured in disbelief: ". . . from Casper, *Wyoming?* How did they get so good?"

The between-halves performance had started briskly with two girls—one carrying the U.S. flag and one a saber—leading the way. Then came a color guard commander (in white), eight "rifles," another color guard commander and 22 color guard "flags," all girls.

Drum Major Jim McIntyre led the musicians forward—three snares and four tenor drums, two triple drums, three bass drums, four cymbals, seven lines of six bugles each (including sopranos, mellophones, bass baritones and French horns) and finally one line of four contra bugles.

They opened with the stirring *How the West Was Won*, the Troopers marching snappily off the line at 130 steps a minute, a bit faster than most corps. Their movements were brisk: the spinning rifles, the twirling standards, the right, left and angle turns, the section separations and regroupings.

Colors were presented with a moving arrangement of *Battle Hymn of the Republic*. Then—as only drums and bugles can play it—they presented *Tumbling Tumbleweeds*, a tune as Western as the players.

The marching stopped for the next 3 minutes and 15 seconds as the corps offered "in concert" a Beatles' song, *Never, My Love*, and then the soaring *Up, Up and Away*. Then the Troopers quickly stepped off in all directions to the *F Troop Fanfare* (from a TV western show).

Playing *Black Saddle*, the 97 boys and girls as if magically assembled from all sections of the gridiron to form a neat circle. The circle then "exploded" and the marchers spread out like the rays of the sun to booming ovations from the spectators.

And as neatly as they had separated in mid-field, they resumed formation. Playing *When Johnny Comes Marching Home*, they paraded the length of the field.

The response was deafening. "More . . . more!" the spectators urged. This was no insult to the Broncos, although players returning to the field may have interpreted it that way.

"Weren't they marvelous?" exclaimed a woman, dabbing at her eyes.

Troopers aren't born. They're made. The process is long and arduous—and it takes place, for the most part, in a steady wind that seems peculiar to Casper. The fact that they can be produced at all should dispel many fears the older generation has for the younger.

James Edward (Jim) Jones Jr., 47, is the founder and director of the Troopers. The Troopers' story is his own.

Born in Casper October 26, 1921, Jones discovered at an early age that drum and bugle corps "ran in his family." His parents were active in the American Legion and at the age of 12 he accompanied them to a Chicago convention where he witnessed the Legion's drum and bugle corps national competition.

In 1934 his mother and a friend organized a women's drum and bugle corps in the Casper Legion Auxiliary and they raised money to buy instruments. The women's corps soon folded, but a Sons of American Legion corps began. And young Jones was there as a snare drummer.

(Twenty-three years later, the Troopers started with the same drums used by the "Sons." They later were handed down to the new Trooper "taxi squad"—called the Cadet Corps—and in 1964 to the Douglas, Wyo., Diplomats, another such corps.)

Jones attended Legion nationals in St. Louis and Cleveland in 1935 and 1936. When adult leadership in the Sons dwindled in 1937, Jones—all of 15 years old—took over the Casper corps and directed it until he left to attend the University of Nebraska.

In his senior year at Natrona County High School he was commander of his ROTC company and was chosen "outstanding cadet." At Nebraska, he studied chemical engineering and instructed two drum corps in Lincoln. He also assisted an Indian drum corps at Fort Washakie, Wyo.

Jones placed second in snare drum individuals—a tenth of a point out of first—at the 1939 Legion nationals in Chicago. On New Year's Day 1941 he was lead drummer in the Cornhusker band at the Rose Bowl. He was named an ROTC captain at the start of his senior year and won an appointment to the U.S. Naval Academy.

But with Pearl Harbor, he ended his college career at 3½ years (he never returned for his degree) and joined the Army Air Corps. He received aviation cadet pilot training and received his commission at the age of 20. During the next four years he flew over "The Hump" between India and China.

Leaving the Air Corps as a captain (he's a lieutenant colonel in the Reserve now), he flew freight for the Flying Tigers line before returning to Casper in 1948 to become a building contractor. He had married his college sweetheart, Grace Leaders, in 1946 and wanted to settle down in a job that wouldn't require him to travel. (A bank director and officer in several companies, and with the Troopers' expanding schedule, he travels more than ever.)

His corps interest remained avid in the mid-1950s and he helped reactivate the Legion Senior Corps, expanding his contacts with drum corps people all over the United States. By 1957 he had crystallized an idea to give "River City"—Casper is on the North Platte—the best boys and girls drum and bugle corps in the nation.

On Oct. 3, 1957, The Casper *Tribune-Herald* carried a routine legal notice of the incorporation of the Troopers Drum & Bugle Corps Inc.

Purpose of the corporation: " . . . to aid, encourage and promote the welfare of the youth of the community by providing the opportunity for boys and girls of all races and creeds to have and receive instruction, supervision and encouragement in the use of musical instruments, and to form a community junior drum and bugle corps thereby implementing in the youth of the community an appreciation of music, and promoting, aiding and encouraging a means through which the community leaders may foster in relation with the youth a sanguine solution to many of the current social problems of youth."

Six weeks later the first tryouts were announced. Jones revealed his plans for a 54-piece drum and bugle corps. "We're going to be a crack outfit," he told the youngsters. "The corps will be rigidly disciplined. We'll play classical Western stuff."

A $4,000 PERSONAL LOAN GOT THE TROOPERS STARTED IN 1957

The initial turnout wasn't overwhelming but it was encouraging. Jones and two friends went to the Casper National Bank and on Dec. 5, 1957, signed a personal note—at 5½ per cent interest—for a $4,000 loan to get the Troopers started.

From the outset, Jones felt that the corps should be more show business than military. But eligibility requirements for membership for the 12- to 21-year-olds would do justice to a West Point application.

To become a Trooper, the youngster must understand and sign a legal-looking contract that requires him to:

Be and remain in good physical condition.

Maintain good scholastic average.

Be able to take constructive criticism.

Practice at least one hour daily on his own.

Participate in *all* corps activities.

Be present and on time for all drills and parades—100 per cent regardless of the weather. (Ditching rehearsal is cause for immediate dismissal).

Be responsible financially for all equipment and uniforms in his possession which must be kept spick and span at all times.

Be certain that conduct and appearance at all times shall reflect a credit to self, family and the corps.

Avoid chewing gum or smoking when in uniform or at rehearsal.

Maintain corps discipline and obey corps officers during all corps activities.

The parent also has an exacting pledge to sign:

"I will use my best efforts to insure that said applicant observes all the rules and regulations for membership in said corps. I further agree that the applicant will not use the equipment or uniform issued to him or her by said corps in a negligent or malicious manner, and I further agree to be financially responsible for any unnecessary damage caused to said equipment or uniform while in the applicant's possession."

The first Trooper uniform—it lasted five years—consisted of light blue Air Scout pants, with gold striping added, navy blue

Cub Scout shirt, a garrison belt and a black cowboy hat and surplus cords, tassels and metallic cross sabres attached. The appearance was frontier western, patterned after the 11th Ohio "Horse Soldier" Volunteers who served in Wyoming during the 1860s and 1870s. One of its officers, Lt. Caspar Collins, was killed in going to the rescue of a wagon train under Indian attack.

(The city was named for the lieutenant but Washington postal officials misspelled it. The residents stuck with Casper, although the historic site of the Army fort near town is Ft. Caspar).

The 1957 Trooper outfit cost the member $8 and the corps $5. Today the member contributes $15 a year dues and the corps provides a field uniform (costing $73) and Class A dress ($80), the latter being worn in the Denver appearance. Jones says the Philadelphia manufacturer of the uniforms is an old firm which attempts to make them as authenic as possible to the 11th Ohio Volunteers.

On June 27, 1958, the 54 charter members made their first public performance at Riverton, Wyo., during a department convention of the Legion. They were a long way—about six years—from national recognition.

Drum and bugle corps are "big" in the East and Midwest. There are found the bulk of nearly 8,000 such corps in the United States. The attitude of Eastern corps leaders, until the Troopers came along, was that beyond Chicago there was a complete wasteland. How could any corps be developed out there when there's no competition around?

In the beginning, Jones did everything—wrote all the musical arrangements, designed all the marching maneuvers, drilled all the kids and handled all the business details. And public support was a little slow in coming forward.

(Support really began in 1962 when the Casper newspapers took on the project of raising $11,000 to send the Troopers to the Portland Rose Festival. By running daily coupons over a two-month period, the morning and evening papers raised $14,000. "That taught me the value of advertising," Jones says.)

Competition is the name of the corps game—and Jones realized he would have to draw on national talent to put Casper in the same league as the Eastern corps. Music arrangers and instructors were flown in from the East Coast.

Equipment was upgraded. Honorary memberships and sponsorships were sold to raise money to get the best bugles, the best drums. The Cadet Corps was formed to handle the increasing number of applicants—and to provide a training ground for Trooper replacements. The minimum age of 12 is the same for both units but the younger members, naturally, are in the Cadet Corps.

The Troopers went to their first Legion nationals at Denver in 1961 and came in fourth. The following year at Las Vegas the corps was 3rd. The VFW Nationals—the most prestigious of all corps competitions—was first visited by the Troopers in 1962 at Minneapolis. "Visited" is the correct word because the Troopers were so far down they had to buy tickets to get in and see the finals.

But the hours, days and months of practice on any vacant space in the Casper area began to pay off, as did Jones' emphasis on the basics. "The first thing we teach them is posture and bearing," he says. "We go back to this no matter how good they are. It's much like football. Without blocking and tackling, all the fancy plays are no good."

At Seattle in 1963 the Troopers scored second in the VFW Nationals. But there were few top corps competing. The next year in Cleveland the Troopers fell to 11th, but the Color Guard was rated 2nd. And all the top corps were there!

It was 1965 that the Casper Troopers stood the drum and bugle corps world on its ear. They won the World Open Championship, the Color Guard was 1st and the corps 4th in the VFW Nationals, and they captured a flock of additional titles during an extended Eastern tour.

In the October 1965 issue of *Drum Corps Digest*, a columnist wrote: "The main question being asked by everyone is how on earth did they do it." Another writer offered special congratulations "to the Troopers who were crowned World Open Champions. That's packing the titles into the Midwest fellas!"

Casper in the Mid-what?

The Troopers continued their drive for perfection. When weather permitted they took over the large paved parking area at the Central Wyoming Fairgrounds to practice their wide-open maneuvers, an audience-winning distinction of the Casper corps. In harsher weather they went inside the Industrial Building at the fairgrounds.

The Trooper year runs from October to September with a vacation of about three weeks in between years. Vacancies in the 97-member Troopers are filled from the 69-member Cadet Corps (22 Color Guard, 9 drums, 38 horns) and the competition can be fierce. The pressure builds in tryouts and drill-downs until the choices are made.

Practice from October to Christmas is held for 2½ hours each Thursday night—plus the one-hour-a-day minimum at home. During Christmas and Easter vacations, the music and marching experts come to Casper and the Troopers work with them three or four days in a row for us to five hours a day.

From January to the end of school, the regular practices are Thursday night and Sunday afternoon (with three to four hours of maneuvering then). The big push comes in June because the major contests and extended trips are scheduled in July and August. Practice on three to five nights a week plus daytime work by various sections can run up to 20 hours or more. In July and August it's all Trooper-time.

How do they do it?

"They sleep at sleeping time, eat at eating time, rehearse at rehearsing time, perform at performing time, and play at playing time—if there's any playing time left," Jones says. "In the A-Corps, we claim the lives of these children.

"For the middle or lower income groups, this is an unparalleled education in living. We've gone to the New York World's Fair, Seattle World's Fair and Expo 67. We've visited cities all over the United States.

The Troopers grabbed the VFW Nationals title in 1966, placed second in the World Open and accumulated numerous lesser titles. In 1967 it was 2nd in the VFW Nationals. This past summer the Troopers traveled more than 10,000 miles through 14 states and Canada and brought home six titles including the North American Invitational Meet in Toronto, where they had an unprecedented four encores. (They were 3rd in the VFW Nationals although the Color Guard was ranked 1st.)

Jones, a friendly sort with close-cropped gray hair, gives the impression he is relaxed among his myriad of endeavors. Matter-of-factly he appraises the Troopers this way: "We're considered No. 1 in the country by our competitors—and the others are no slouches. Hard work has done it. We'll spend a month on a 1½-minute drill to get it right.

"We try to select music that is emotionally inspiring. I try to write the drill to match the music. It's an exciting show. People are gripped by the spectacle—the emotional impact of the music, the marching maneuvers, the uniforms. That's show biz."

While the Troopers are a nonprofit corporation, it is a money-consuming operation. This years' budget involved some $43,000 and next year's is expected to be around $50,000.

The Troopers own three large cross-country buses and an equipment truck with specially built interior to hold the musical instruments, flags and rifles. Members carry their own sleeping bags and suitcases on trips. They're used to sleeping on floors.

During last summer's 23-day trip East the Troopers' accommodations varied from dorms at the State School for the Blind in Batavia, N.Y. (no hot water), to the floor of a recreation hall in Mount Clemens, Mich., (two showers but one broke down).

When the Troopers came to Denver for the Broncos game, they spread out on the floors of the Colorado National Guard Armory at Logan St. and Speer Blvd. the night before. The girls took over a big room upstairs; the boys took the gym. They unrolled their sleeping bags—and slept like troupers.

(They had good reason to sleep well. The youngsters had gotten up at 4 a.m. Saturday to make the long trip to the Air Force Academy's home game against the University of Wyoming, before continuing to Denver. When that game ended, they marched on the field and gave a complete performance. Eighty per cent of the spectators remained in their seats!)

Boston was a highlight of the 1968 tour. The boys and girls were put up in private homes with both food and laundry provided by their hosts. When on these extended trips, each member is expected to take along enough pocket money to last. It doesn't always work out that way. Fortunately a parent or two traveling along as hard-working chaperones come up with loans.

The rigid discipline—and good physical conditioning—are credited by Jones with making each Trooper put forth the utmost at all times. But they're human beings and five required medical treatment during this summer's trip. One boy, 18, a soprano bugle, was hospitalized overnight for exhaustion.

When the corps returned home from the East on Saturday night, Aug. 31, there were 7,000 relatives and fans waiting for them in the Natrona County High School stadium. It was termed both a welcoming and victory celebration. A special eight-page Troopers section was carried by the Casper *Star-Tribune*.

Many Casper cars carry "Go Troopers" license plates. A downtown store devotes its show window to a display of Trooper trophies.

In Mid-September a full-page ad by Safeway Stores (three in Casper) announced "Corps Day." This was a voluntary unsolicited promotion to give the Troopers a percentage of sales. It produced $1,292. It also produced pouting letters from other Wyoming Safeway managers. They wanted to know why they weren't permitted to join in the promotion.

Besides the honorary memberships (sold by the Chamber of Commerce) and business sponsorships (the flags borne by the color guard carry the names of major sponsors), funds come from such sources as an Art Guild auction, garage sales, raffles, a melodrama by the Red Dog Saloon Players and fees.

"We'll play for anybody if it's legal or moral," Jones says, "so long as they pay us."

Fees range from $150 to the $2,500 received for a Legion convention in Sioux Falls, S.D. Travel expenses usually far exceed the fee figure. Jones uses the same rate the charter companies use—65 cents a mile per bus—but rounds it off to $2 to cover the three buses and the equipment truck. The Denver trip, for example, had travel expenses of $1,164.

Jones feels the Troopers represent the entire Rocky Mountain Empire in their contacts with the "outside world." The Wyoming Legislature last year officially designated them as the state's "Musical Ambassadors," Wyoming's congressmen haven't been backward about letting the nation know about the Casper Troopers.

On Sept. 8, 1965, two pages of the Congressional Record were devoted to the Troopers, including a complete roster. The report stated, in part:

"Mr. Jones had a theory that the corps would be an excellent character building activity for Casper young people and a source of pride for the entire city and area.

"The corps has proven to be everything that Mr. Jones envisioned. . . . For a city no larger than Casper—a city of some 40,000—to produce a 130-member (sic) marching unit that can capture world honors is truly phenomenal"

"Jim runs this corps," says the father of a Trooper. "It's Jim's baby. He's done a great job with the kids. I hate to think how much this has cost him in time."

Gene Monterastelli, 23, a Northwestern University industrial engineering graduate who worked with the Troopers the past three summers, was in charge when the corps visited Denver, because of a death in Jones' family. He related the Troopers' secrets of success this way:

"Perseverance by everyone is No. 1. Jim's got good people around him but the kids really do it themselves by following directions and putting out the effort. The townspeople are fantastic in providing support in every way. And Jim himself is an amazing person. Anyone can talk to him about any concern—gripes or otherwise."

The Troopers rarely have a discipline problem. After working so hard and so long to reach the A-Corps, members don't want to jeopardize their position. Miss Casper College and Miss 16 of Casper (and later of Wyoming)—and their predecessors in those titles—have been Troopers. It's the "in" thing to be.

Jones lives with the Troopers around the clock. His contracting office is in the basement of his large home at a busy Casper intersection. Troopers, parents and a variety of guests—and his wife, four daughters (3 Troopers, 1 ex-Trooper) and Jim III, 9—pop in and out, upstairs and downstairs.

The mailman is also a frequent visitor. About 700 letters followed one appearance, a televised pre-season football game in Dallas between the Cowboys and Green Bay Packers in August 1967.

In striving for success, Jones has the help of devoted aides.

Willard K. Maxon, 44, a painting contractor, Casper native and former Navy man, became interested when his daughter joined in 1960. He filled in as a drill instructor and in 1962 found himself appointed director of the Cadet Corps.

Bob Hede, 40, a commercial photographer with a daughter in the corps, heads an ex-officio finance committee of fathers. They have big plans for a 100-year-old refurbished Wyoming covered sheep wagon and four donated mules to pull it. The wagon will be a moving vending machine from which Western items, postcards and pennants will be dispensed, all for the benefit of the Troopers. They're visualizing $15,000 a year income.

The youngsters themselves offer a variety of reasons why they think the Troopers are great—and they all do. Some mention the fun of travel. Some speak of the excitement of competition. Some are proudest of the feeling of accomplishment for their city and state. And all are aware of the life-long benefits they are receiving from the discipline instilled by the corps.

This discipline—and the confidence to solve any corps problem—saved the Troopers from embarrassment on their Denver visit. A week before the game they received a request from Bronco management to play *The Star Spangled Banner* before the game.

Because they are a specialty group that performs in competition or at halftime of football games, they had never been asked to play the national anthem! They just didn't know it.

An *Empire* reporter-photographer team was in Casper to study the corps in practice when Jones handed out his brand new arrangement of the anthem. As talented as the buglers are, the first performances were, to be charitable, painful. Jones made it clear that if they couldn't perform the song well, they would not attempt it, and the Broncos would use a phonograph record.

One week later the Troopers stood in Bears Stadium. The stands came to attention. The corps delivered a forceful performance of *The Star Spangled Banner*. It could have been in their repertoire for years.

These Wyoming youngsters have evoked immediate adoration throughout the nation. Perhaps it's the glimpse into the past that they offer. Perhaps it's a promise of youth for the future. It is pure Americana, and it's wonderful.

A TOTAL OF 55 NATIONS RATIFIED POLITICAL RIGHTS OF WOMEN CONVENTION—UNITED STATES STILL MISSING FROM LIST

Mr. PROXMIRE. Mr. President, the total number of nations which have ratified the Political Rights of Women Convention is 55.

In 1968, the Government of Chile decided that ratification of this human rights convention was not only in the interest of universal establishment of human dignity, but also very much in its own national interest.

I do not believe that the people of Chile or Albania or Ghana or Pakistan care more about political equality for their female citizens than we in the United States do. But the conclusion is inescapable. These governments have all ratified the Political Rights of Women Convention and our Government has not.

I ask unanimous consent that the list of 55 nations which have ratified the Political Rights of Women Convention be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COUNTRIES WHICH ARE PARTIES TO THE POLITICAL RIGHTS OF WOMEN CONVENTION

Afghanistan, Albania, Argentina, Belgium, Brazil, Bulgaria, Byelorussia, Canada, Central African Republic, Chile, China, Congo (Brazzaville), Costa Rica, Cuba, and Czechoslovakia.

Denmark, Dominican Republic, Ecuador, Finland, France, Gabon, Ghana, Greece, Guatemala, Haiti, Hungary, Iceland, India, Indonesia, and Israel.

Jamaica, Japan, Lebanon, Madagascar, Malawi, Mongolia, Nepal, Nicaragua, Niger, Norway, Pakistan, Philippines, and Poland.

Republic of Korea, Rumania, Senegal, Sierra Leone, Sweden, Thailand, Trinidad & Tobago, Turkey, Ukraine, U.S.S.R., United Kingdom, and Yugoslavia.

BOTSWANA: THE COURAGE TO BE FREE

Mr. BROOKE. Mr. President, on Wednesday, September 24, the President of Botswana, His Excellency Sir Seretse Khama, addressed the General Assembly of the United Nations. It was an historic moment for Sir Seretse and his people, for it was the first appearance of the President of this young but vigorous and self-reliant state before the world body. His speech was fully worthy of the occasion.

It was my privilege, nearly 2 years ago, to visit the newly independent Republic of Botswana. I shall never forget my first impressions of that state: we flew in a small charter plane through a narrow corridor of land, being careful to avoid the airspace of Rhodesia on the left and South Africa on the right. We landed in a bleak and barren land—dusty, rocky, with a few low trees and bushes seeming to shrink from the unremitting sunlight. We drove over unpaved roads, past the first secondary school in the country, to the ancestral home of Botswana's President, Sir Seretse Khama. And we were greeted with a warmth, a hospitality, and a sincerity unrivaled anywhere in Africa or the world.

Botswana at that time was two-thirds Kalahari Desert and game preserve. It had less than 10 miles of paved road. Its resources were unassessed and unexploited. It contained some of the most primitive peoples in the world—and, we were to learn, some of the most intelligent, progressive, and serious people as well. It was a black African state almost totally surrounded by the repressive and apartheid governments of South Africa, Southern Rhodesia, and the overseas territories of Portugal. Only a narrow corridor 300 yards wide linked it with the independent nation of Zambia to the north. Botswana used South African currency, participated in the South African customs union, and its sole link with the outside world was over the Rhodesian-South African Railway. How in the world, we wondered, would Botswana ever survive? And if it survived, how would it ever maintain its principles and its integrity as an independent black African state?

Many of these questions were answered in the remarkable speech which Sir Seretse Khama delivered before the United Nations. Botswana's geographic position has not forced it to compromise its principles where the question of apartheid is concerned. Refugees from the white-dominated governments which surround Botswana are granted asylum in accordance with the United Nations Convention; with the help of the U.N. High Commission they are granted food and shelter, taught skills, and allowed to live in Botswana until such time as an acceptable government permits them to return to their homeland. Nor has economic dependence forced the people of Botswana to refrain from participation in or encouragement of economic sanctions against Rhodesia. President Khama made a strong appeal to the world body to maintain sanctions against the government of Ian Smith, and noted that Botswana, in keeping with those sanctions, refused to permit arms and military supplies to be transported on the railway, and was in the process of developing alternate trade routes in and out of the country.

What is more, vast mineral resources, including diamonds, have now been found in the Kalahari Desert. With the help of private investment and economic aid, Botswana will soon be in a position to provide employment for many of its people, to meet its financial needs, and to begin to provide the necessities of life—roads, schools, communications links, and other public services—for all the people of the country.

The leaders of Botswana are wise for their years, and they and their people are united in a common effort to develop their country and keep it free.

Botswana, in some ways more than any other nation, occupies a key position in the fight for human rights. If the people of Botswana can win their struggle and accomplish the tasks they have set for themselves, they will have set an inspiring example for the peoples of the world. Such a brave effort to secure and to keep the rights which we ourselves have long proclaimed deserves our fullest support and understanding. That we may better appreciate the courage and determination of the people of Botswana, I commend the speech of its President, Sir Seretse Khama, to the attention of my colleagues, and ask unanimous consent that it be printed in full at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Statement by the President of the Republic of Botswana, His Excellency Sir Seretse Khama, in the General Debate at the 24th Session of the United Nations General Assembly, September 24, 1969

Madam President, it gives me great pleasure to congratulate you on your election to this important office. I feel confident that with your long experience of the work of this organization, you will steer this session through to a successful close.

May I also express my sorrow at the untimely death of the President of the twenty-third session of this Assembly, Mr. Emilio Arenales Catalan, whose short term of office will be long remembered for the courage he displayed.

I should like on behalf of my people to pay tribute to the Secretary-General's work for world peace and his untiring devotion to the service of humanity.

Botswana is within a week of celebrating the third anniversary of its independence. My country is thus a comparative newcomer to the United Nations, and this is my first opportunity to address this General Assembly. Botswana is a small country in terms of population if not in area. As a small and poor country we set a particularly high value on our membership of the United Nations and those of its specialized agencies which our budgetary restrictions have permitted us to join. I should like to emphasize the particular importance of the United Nations for states like Botswana which, because of development priorities, are obliged to restrict their conventional bilateral contacts and keep their overseas Missions to a bare minimum. Here in New York we can make contacts which would otherwise be difficult to achieve. The United Nations offers many advantages to a state like ours. The United Nations enables us to keep in touch with international opinion, and to put our views before the world.

The United Nations is also regarded by small states as an institution which protects their special interests. Together with its specialised agencies, it is of course also a major source of development finance and technical assistance from which Botswana benefits greatly. I am conscious of Botswana's indebtedness to the United Nations, and I am honoured to have the privilege of putting some of Botswana's problems before the world through the members of this Assembly.

I am aware that there are many international problems which will come before this Assembly during this its twenty-fourth session. Botswana shares the general alarm at the prolonged impasse in the Middle East and the dangerous military escalation which has marked the last months. We are looking, like most member states with anxious eyes towards Vietnam and praying that this tragic and long-drawn out conflict will soon be resolved at the conference table.

We are watching the civil conflict in Nigeria with even greater anxiety, since our own continent is directly affected. Botswana sympathizes fully with those member States both inside and outside Africa who want to see the fighting and the human suffering it involves brought to an end, and the work of reconstruction and reconciliation begin. Yet we believe the foundation for the effective resolution of this dispute in the best interests of *all* the peoples of Nigeria remains the work of the Organization for African Unity. Our efforts earlier this month at Addis Ababa may not have been crowned with immediate success. But there is no magic key which will unlock this complex problem in which so many conflicting interests including interests outside Africa are involved. If the United Nations has a contribution to make to the resolution of this conflict it lies in restraining the external powers involved from taking actions and adopting policies which could further delay a negotiated settlement. Botswana favours any initiative acceptable to both principal parties involved which will lead to a peaceful and lasting settlement and which will not threaten the stability and unity of other African states.

Our basic approach to all international problems stresses the need to resolve conflict by peaceful means. The weak of the world can hardly in logic support the recourse of violence, which must inevitably favour the strong.

Because Botswana is part of a region which faces the threat of violent conflict, I want on behalf of my people to lay particular emphasis on the need to find peaceful solutions to our problems. Southern Africa lives with the dangers of violent racial conflict. I want this afternoon to discuss the threat of racialism as it affects southern Africa, and in particular my own country, Botswana. And, within Southern Africa, I should like in particular to draw this Assembly's attention to a problem which I fear some powerful countries would prefer to forget. I refer to the problem of Rhodesia, which the people of Botswana are in no position to forget.

May I remind you of our geographical position and our historical circumstances. Botswana is almost entirely encircled by minority-ruled territories. We have a long and indefensible border with Rhodesia, and a long border with Namibia and with South Africa itself. The only railway running between Rhodesia and South Africa passes through Botswana. Not only is this railway operated by Rhodesia Railways, but it is vital to both Rhodesian and South African interests. It is also vital to Botswana because it provides our only outlet to the sea and to export markets overseas. Through this route must come the capital goods necessary for our development. Unlike some other states in Southern and Central Africa we have no practical alternative outlet.

We are for historical reasons part of a customs area dominated by the industrial might of the Republic of South Africa. We share the monetary system of the Republic of South Africa. Our trade and transport systems are inextricably interlocked with those of South Africa.

So meagre are our own employment prospects that we have for many years been obliged to permit some of our young men to go and work in the mines of South Africa. In the immediately foreseeable future we can find no way of providing alternative employment for all these men, nor can we afford to dispense with their earnings.

Botswana thus faces unusual and onerous handicaps, but we also face an unusual and challenging opportunity. I should like to describe our position because I believe it will give member states a useful insight into the problem the world faces when considering the question of minority-rule in Southern Africa. I should like to explain how Botswana is responding, not only to the challenge of underdevelopment, but also to the challenge posed by our powerful neighbours whose way of life is not our way of life and whose values are the reverse of our own.

When my government took office in 1965 we were faced with a problem of underdevelopment of classic proportions. Such development programmes as were initiated under colonialism no more than scratched the surface of our problems. Most important of all, in contrast to other British colonies, there had been practically no attempt to train Botswana to run their own country. Not one single secondary school was completed by the colonial government during the whole seventy years of British rule. There was little provision for vocational training even at the lowest levels. The roads, water supplies, power supplies on which industrial development is based were totally inadequate. We were in the humiliating position of not knowing many of the basic facts about Botswana on which development plans could be based. We are still learning about the resources of our own country.

But we are now tackling the problems, and if I appear to boast of the progress we have made, it is to praise the efforts of my people rather than to vaunt the achievements of my colleagues in government and myself. We have received generous budgetary assistance and development aid from the British who have done much to make up for earlier neglect. We have received aid from other member states and from the agencies of the United Nations itself. What is more, all this aid has come without political strings. There has been no attempt to use aid to change our domestic or external policies. We will reject all donors who do not show the same forebearance.

Nevertheless, we depend on foreign aid for more than half our revenue. On what then is based our claim to be an independent state? Can we aspire to help in developing the prosperity, unity and freedom of our continent and hence play a constructive role in world affairs? I believe we can. Because, although we are for the moment dependent on foreign aid, we are also self-reliant. Because my people are mobilising their own resources, both human, physical and financial, we can accept overseas assistance without loss of pride. Furthermore, we believe that we have succeeded in attracting the major part of this aid because we are making great efforts ourselves, and because it is recognised that we have something to offer towards a solution of one of the world's most pressing problems, the future of minority-ruled Southern Africa.

Botswana is now on the threshold of new and major development. Since independence it has been discovered that we are blessed with mineral resources, which if exploited, offer us a prospect of financial self-sufficiency during the 1970's and in the long run the hope of healthy balanced development in all sectors. My government is in the midst of negotiating international loan finance for these developments. It is a matter of the greatest concern for us that this money is raised from the right source on the right terms. For despite all the handicaps of geography, climate and the legacy of colonial neglect, the people of Botswana have now embarked on the struggle to reduce our dependence on neighboring minority-ruled territories.

Only in this way can the people of Botswana reap the full benefits of independence. We feel that only in this way can the fruits of our labours be fully enjoyed. We did not win our independence from the British to lose it to a new form of colonialism from any source whatever.

Yet we accept that we are part of Southern Africa and that the harsh facts of history and geography cannot be obliterated overnight. We recognise that in our present circumstances we must continue to remain members of the Southern African Customs Union and the South African Monetary area. We have noted South Africa's assurances of friendly intentions towards Botswana and other independent states. We have noted South Africa's offers to assist other African states in their development. Botswana, together with Lesotho and Swaziland are in the process of concluding lengthy negotiations with South Africa on a new customs agreement. In these negotiations we have not been seeking aid. Our objective has been to secure an equitable distribution of the revenues of the customs area, and the opportunity to protect our infant industries while retaining access to the South African market. We welcome private investment in Botswana from any source which seeks to build in partnership with our people and not to drain us of our resources with little or no return to the country. We are confident that we can co-exist with the Republic of South Africa without sacrificing our national interest or our fundamental principles.

For we have made no secret of our detestation of apartheid. Although for obvious reasons we are obliged to interpret strictly the principle of non-interference in the affairs of other sovereign states, we have not hidden our views.

Our voice has been heard in this Assembly and in other international forums in favour of universal self-determination, in support of peaceful solutions to international conflicts throughout the world, and in place for a realistic appraisal of what can be achieved by this organization.

Living, as we do, face to face with the realities of apartheid, we have little sympathy with token demonstrations and empty gestures. Yet we have unequivocably condemned the theory and practice of apartheid and we deplore its intensification and particularly the extension of the full apparatus of apartheid to the International Trust Territory of Namibia. Nevertheless, for obvious reasons however, Botswana must maintain diplomatic contacts with South Africa. For equally obvious reasons we decline to consider an exchange of diplomatic representatives until South Africa can fully guarantee that Botswana's representatives will in *all* respects, at *all* times and in *all* places be treated in the same way as diplomats from other countries.

We have expressed our opposition to Portugal's unyielding refusal to permit any progress towards self-determination in Angola, Mozambique and Guinea (BFISSAU). We have declined to entertain diplomatic relations with the Portuguese in the absence of any commitment on the part of Portugal to allow the indigenous people of their so-called overseas provinces to proceed to independence. Our criticism of Portugal's policies is not based on an argument about the timing of a programme for progress towards self-determination, but on the point blank refusal of the Portuguese government to concede that these territories can ever choose to move towards independence.

I would like to draw attention at this point to the firmly stated preference, endorsed by all independent African states in the Lusaka manifesto, for the achievement of self-determination through negotiation.

It was thus that Botswana achieved majority rule, and eventually independence, and this has been the path which most African states have been fortunate enough to tread. It is the wish of the government and people of Botswana that the indigenous populations of the neighboring territories should eventually share this experience.

One consequence of our geographical position is that Botswana has provided a refuge for many who have found themselves unable for one reason or another to continue to live in neighbouring minority-ruled territories. Botswana recognizes a responsibility to these victims of political circumstance, and we are trying to discharge this responsibility as well as our resources permit. Refugees come to Botswana from Angola, Mozambique, Rhodesia, South West Africa and South Africa. At present there are more than 4,000 recognized refugees in Botswana. My government acceded to the United Nations General Convention and to the 1967 Protocol relating to the status of refugees in January this year.

Botswana grants asylum and assistance to genuine political refugees who seek our aid. The financial burden of doing so would have been heavy were it not for the generous assistance we received from the United Nations High Commissioner for Refugees, the World Food Programme, the World Council of Churches and other international bodies. For our part we have granted refugees recognition of their status. We have allowed them to settle in various parts of our country and find jobs or open their own businesses. And where possible, we educate them as well as our limited educational and training facilities permit. Equally important, we issue United Nations Travel Documents with a return clause to those refugees who wish to travel to other countries, where suitable training establishments are able to accept them.

The majority of refugees in Botswana have come from Angola. These people have been settled on a hundred square mile farming scheme.

Through training in agriculture and fishing, we hope that they, like many other refugees, will become integrated with the citizens of Botswana. We have welcomed them to our country. They can make their home with us until their own countries achieve a government acceptable to them.

I have already referred to certain constraints which Botswana faces when considering its position on Southern African issues. I have also mentioned certain principles which guide us. Our constant concern is to respect those constraints while not violating those principles.

The future of Rhodesia is of utmost possible concern to Botswana. I have referred to our long and indefensible common frontier. My government from the outset condemned the unilateral declaration of no independence before majority rule. For that reason we joined the majority of Commonwealth countries in rejecting the "Fearless" proposals. We condemned in no uncertain terms the illegal regime's constitutional proposals which entrench discrimination and separate development, and which definitely block the possibility of a peaceful transition to majority rule for which the 1961 constitution, at least in theory, provided. We recognise that these proposals endorsed by an unrepresentative electorate end the prospect of a peaceful transition to majority rule without some form of external intervention to secure this. These proposals are now being implemented by the Smith regime.

I warned the white minority in Rhodesia that by taking this course they were increasing the risk of violent conflict and endangering the stability of the region. Botswana is on record as favouring the re-assertion of British rule in Rhodesia. This course is the only one which offers a hope, however faint, of peaceful transition to majority rule. I recognise that the white minority in Rhodesia, conscious of the injustice it has implemented and fearing the justifiable bitterness of the oppressed African population, will feel the need for some guarantee that the transition to democratic nonracial government should be gradual and peaceful.

One way in which Britain could restore its authority is by the use of force. But I think that we must now accept, whether we approve of this decision or not, that Britain is not under present circumstances prepared to resort to force. Botswana feels that it follows that alternatives to force must be considered. There comes a point when one policy, having been pushed to its limits, must be accepted as having failed, and must give way to another. It is essential that Britain be held to her legal and moral responsibility to the African majority in Rhodesia. There must be no absolution.

This I have to admit leaves us with a policy which, as many member states have argued in past debates has been far from successful. I refer to mandatory sanctions. Yet for all the frustrations and disappointments which the tardy application of sanctions has given rise to, it remains essential that they are in fact maintained and intensified. We feel that these sanctions serve an important purpose, even if they are not extended to include South Africa. Just as it is clear that neither Britain nor any other country will use military force against the Smith regime, it is clear that a boycott of South Africa on this or any other issue cannot be achieved. The existing sanctions are thus at the present time all that stand between the rebel regime's success and failure. That being the case, rather than dismissing the sanctions weapon as totally ineffective, it is surely wiser to try and make them as effective as possible.

While it is important not to over-estimate the impact of sanctions it should not be too readily accepted that sanctions have had no effect at all on Rhodesia. From our vantage point we can see some of the effects of sanctions and I can assure this Assembly that they are not negligible.

To permit them to be eroded at this point would be unnecessarily to concede defeat. Certain consequences would follow. The way would be opened to diplomatic recognition by powers which are at the moment hanging back from this step. Rhodesia's links with Portugal and South Africa would be enormously strengthened and the whole minority position in Southern Africa would be consolidated. There are, I am convinced, elements both in South Africa and Portugal, and in the world at large, who have serious doubts about the viability of Rhodesia as a white-ruled state, given its rapidly expanding African population and its handicapped economy. Lifting sanctions would liberate the fettered Rhodesia economy and serve to restore the confidence of such observers in the viability of continued white supremacy.

For this reason Botswana appeals to all member states to make what contribution they can to rendering sanctions more effective. And here I should like to pay tribute to the work of the United Nations Supervisory Committee and of the Commonwealth Sanctions Committee. On their efforts and those of the member states of this organization are pinned the last hopes of preventing the illegal regime from imposing permanently its own version of apartheid on the people of Rhodesia, for whose welfare this organization has assumed a certain degree of responsibility. The present international isolation of the illegal regime and those who support it must be maintained. Our own difficulties in the matter of sanctions are obvious, but we are attempting to play our part within the limitations imposed by our frail economy and our landlocked position. We have prevented Rhodesia from using their railway to import arms and military supplies. Botswana's airline has ceased to fly into Rhodesia. We are preparing to do more. Botswana has committed itself to diverting long-standing trade with Rhodesia, despite the very considerable economic and administrative problems which such a course presents. Contingency planning is well advanced.

Our contribution to this struggle can only be a small one, for we are not a rich and powerful country. But we are hopeful that it will help to check the erosion of sanctions. There are other powers who live less closely with this problem than ourselves but who can make greater contribution towards solving it.

May I conclude on a more general point, but one which also relates to Southern Africa. I have referred to Botswana's prospects of mineral development and of our hopes that this will permit us to dispense with budgetary aid and to develop a balanced and prosperous economy and a healthy non-racial democracy. We hope this for the sake of our people, but we also look forward to it with all the more eager anticipation because we recognise that it will permit us to make a greater contribution to solving the problem of our region. By this I do not mean that we will depart from our principle of non-interference in the affairs of neighbouring sovereign states. But Botswana as a thriving majority-ruled state on the borders of South Africa and Namibia will present an effective and serious challenge to the credibility of South Africa's racial policies and in particular its policy of developing so-called Bantu homelands and its stated goal of eventual independence for these Bantustans. It could force them to abandon the policy or attempt to make it a more immediate reality and even face the prospect of surrendering sovereignty to genuinely independent states. Either reaction would have important political consequences. A prosperous non-racial democracy in Botswana immediately adjacent to South Africa and Namibia will add to the problems South Africa is already facing in reconciling its irrational racial policies with its desire for economic growth.

If Botswana is to sustain this role, which you will recognise is not an easy one, its independence must be preserved. This means that we must ensure that we are insulated from any instability which the policies of neighbouring white-ruled countries may provoke. It also means that Botswana needs the support and sympathy of friendly nations. We recognise that our independence ultimately depends on the durability of our political institutions and on our success in achieving economic development. But our independence is also buttressed by our external relations. We have friends in all continents. Our membership of the United Nations is in itself a source of strength. I should like to appeal to all member states in their deliberations on the question of Southern Africa to recall not only Botswana's particular problems, but also our potential contribution to achieving change by peaceful means.

TAX REFORM

Mr. MURPHY. Mr. President, Dr. Norman Topping, the distinguished president of the University of Southern California, one of the Nation's outstanding private educational institutions, has prepared a statement for the Senate Finance Committee regarding the Tax Reform Act of 1969 and its effect on higher education. I ask unanimous consent that President Topping's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF NORMAN TOPPING, PRESIDENT, UNIVERSITY OF SOUTHERN CALIFORNIA, LOS ANGELES, CALIF.

SUMMARY OF PRINCIPAL POINTS

Certain provisions of the Tax Reform Act of 1969 will discourage vital gifts to higher education.

Specific damaging provisions include those relating to gifts of appreciated assets and allocation of deductions; life income trusts; donative sales; short-term trusts; tax and other regulations concerning foundations.

Tax reform can be achieved without harm to independent higher education.

Independent higher education already faces a financial crisis, and giving should be further encouraged by Congress.

Let me first express my appreciation for the opportunity to be heard by the committee out of the scheduled order of subjects. I was required to be in Europe most of last month while these hearings were being held. The matters you are hearing are of such great importance to higher education that I felt I must accept this opportunity to make my views heard.

Independent higher education is vital to our system of society—to our unique way of life in the United States. Congress in the past was right to encourage charitable gifts. In principle, the Tax Reform Act of 1969 also encourages gifts—it includes a provision increasing the ceiling on deductibility. In practice, it will not work to encourage gifts.

You have heard many hours of expert testimony. I will summarize four major points.

1. Gifts of appreciated assets are the major form of gifts above a thousand dollars. They provide more than half of the dollars in gifts to independent higher education. The allocation of deductions provision in the bill before you would severely restrict this kind of gift.

2. Life income trusts would be virtually eliminated. This form of gift has been growing in usefulness during recent years. For the year ending with June, 1968, independent higher education received nearly $45 million in gifts subject to life income or annuity. This is more than twice the estimated additional revenue to the government from the tax reform provisions affecting charitable deductions. Government would benefit very little; private higher education would suffer substantially.

Most independent colleges and universities do not enjoy a huge endowment. Huge funds at Harvard and Yale and at a handful of other fine universities are the exception. The University of Southern California, for example, receives only three per cent of its annual revenue from endowment. Before this bill, we had looked to the life income trust as a major means of increasing this vital guarantee of annual revenue.

3. Donative sale gifts and short-term trusts no longer would be useful means of giving. Additionally, there are retroactive provisions in the bill which will cost us at USC a two-million dollar short-term trust created last May. I am certain other institutions will be similarly deprived.

I think it is important to note that through all these forms of gifts, the donor decreases his spendable income. He does not make money from his gift to higher education or other charitable activities—unlike other kinds of tax preferences.

4. Additionally, many of the provisions regarding foundations would decrease gifts to higher education. Any tax will, of course, decrease the total amount foundations have to give away. Even the 2% tax proposed by the Treasury—let alone the 7.5% provided in the House bill—is significant. Half or more of the $25 million estimated to be produced by a 2% tax would otherwise go to education. For many independent colleges, this loss will be critical.

We oppose the 20% ownership of a corporation provision as unduly restrictive. It would penalize many fine foundations which have acted with great responsibility and are principal benefactors of higher education.

The point is pertinent to certain of the provisions in the Tax Reform Act. They are intended to penalize a few persons or institutions which have abused their privileges, or to make laws equitable where only a relative handful have not paid a fair share. Unfortunately these provisions result in hurting others.

We all favor equitable tax laws. Congress is to be commended for this vital effort to eliminate abuse. But surely these objectives can be achieved without critical damage to independent higher education. Indeed, we do not oppose many of the provisions—for example, those which would insure that everyone would pay a share of taxes—which will serve to eliminate injustice.

Higher education everywhere, and independent higher education especially, is already in a state of financial crisis. Independent institutions have already been forced to become supported by governments. Others may soon be forced to close.

All the statistics—the taxes required to run state systems, the gifts needed by independent institutions, the percentage of actual giving as opposed to the percentage allowable under our present tax laws—all these statistics and others indicate to me that charitable gifts should be encouraged, not made more difficult.

We have created a great nation in large measure owing to our system of combined public and private education. Each complements the other. Each helps to keep the other strong. Where would we be with only one system? Yet that is the very real danger presented by provisions in this Tax Reform Act. Independent higher education can only be weakened, with an ever greater burden on government for education as the inevitable result.

I urge this distinguished Committee to create a bill which will continue to aid higher education, one which will make our tax laws equitable without damaging our American way of life.

MEETING THE NATIONAL CAPITAL CRIME CRISIS

Mr. TYDINGS. Mr. President, this morning's newspapers indicate President Nixon plans to send Congress a message soon urging passage of a number of pieces of legislation. Statements by leaders of the President's party indicate the message will be the opening gun in an attempt to smear this Congress with a "do nothing" label in order to promote Republicans for office next fall.

Certain officials of the administration have, within recent days, zeroed in on the crime crisis as a major area where the President will try to blame Congress for increasing crime rates. As chairman of a Senate committee which has been hard at work all year to find answers to the crime problem, I particularly resent this political tactic.

As I have frequently said, I believe the crime issue ought to be above politics. I am disappointed the administration has decided to make law enforcement a political football. No good end can be served when the administration tries to blame Congress for delay on a Presidential program which was not even submitted to Congress until midsummer.

The blame for any delay in the crime fight lies squarely with the administration. I warned on July 1 that that delay could cost a full year in the war against crime.

Take the National Capital crime programs, for example.

At midyear we had received no Presidential bill on narcotics, no bill on courts, no bill on armed violence, no bill on tightening bail procedures. In fact, we had received no National Capital crime bills at all from the President.

At this October date, we will have not

received any bill to provide the kind of narcotics treatment facilities necessary to reduce narcotic addict crime, no legislation to make the prison system work, and no legislation to help State and local law enforcement agencies in this area help combat crime.

We have waited patiently for these bills, just as we waited for the administration's other bills. We want to have the President's views. In the case of court reform, we had to postpone our hearings three times because the administration was not ready. Finally we had to tell the administration that we would go forward without them unless they came up with a bill.

Now it looks like we will also have to go forward in antinarcotics law, prison reform, and State and local law enforcement assistance without any help from the administration.

We have moved as rapidly on the bills the President has submitted as responsible legislative consideration permits. The administration's court reform bill was finally sent to Congress July 11. It was reported by this committee on September 4, and passed by the Senate September 18, 70 days after it was first submitted to Congress.

We have concluded hearings on all the rest of the crime legislation the President sent us in July and are preparing to report that legislation as well.

Unfortunately, a significant part of the President's crime program for the District of Columbia, his bill on juvenile crime, did not reach Capitol Hill until 10 days ago, eight months after it was promised.

I think that if a charge of delay is appropriate at all on the crime issue, that charge must be answered by the administration. The administration's failure to present Congress with crime legislation and to respond promptly to Congress' request for the administration's views on other crime bills has created any delays which have occurred.

Take, for example, the case of the urgently needed legislation to beef up the Bail Agency in the National Capital. During our crime hearing last spring we found that once defendants were released under the Bail Act, literally no one kept track of them to make sure they conformed to the conditions of their release or even appeared for trial. So, we introduced a bill on January 22 to correct that situation. When we asked the Department of Justice to comment on the bill, it declined to do so, saying the President was preparing his own bill on the same subject. That was in April.

So we waited. Then on July 1, concerned at the administration's delay, we reported our own bill, S. 545 to the Senate. The Senate passed it on July 8. The administration finally submitted its bill on July 11.

My information is that this pattern of administration delay seems also to have afflicted other committees as well, retarding their anticrime efforts.

Apparently the administration is better at writing speeches than at writing legislation. We cannot enact a message, letter, or speech from the President or the Attorney General on crime. We need concrete legislative proposals.

I remain gravely concerned that the administration's delay in submitting its crime legislation, particularly that relating to the National Capital region, is going to cost us a full year in the war on crime before it can be enacted.

I repeat again that this committee will do its best to overcome these administration delays and to enact the crime laws we need as soon as we responsibly can.

Since last February 1, we have conducted more than twenty days of crime hearings concentrating on narcotics and criminal laws. We have enacted bills to reform the courts for the first time in a century, to speed criminal trials, to help control pretrial crime by those on bail and to provide extradition for juvenile delinquents.

We have also recommended a number of important law enforcement steps which the administration can take without legislative action. But we have been frustrated by the administration's failure to take action on a number of them.

In March, I asked that all major crime suspects be tested to see if they are narcotics addicts. If they were, I asked that they be detained for treatment, rather than released to prey on the community. No such action has been taken.

At the same time, I asked the President to support the creation of a regional narcotics treatment facility in Washington to which addicts could be committed until they were no longer a danger to the community. The President has so far failed to act.

The Metropolitan Washington Council of Governments has twice this year asked for funds from the Justice Department for important local law enforcement projects in the Washington metropolitan area. Both times they received less than was necessary to do the kind of job we need.

This committee, the first to take action on any part of the President's crime program, will continue to do its part to meet the crime crisis. We will try to meet our responsibilities without buck-passing or partisanship.

The American people deserve and demand protection against the crime wave. They want no politics or foot-dragging on this issue. They look to the President for leadership and action, not speeches and excuses. We will continue to cooperate fully with the President in his efforts against crime and do everything we can to put the needed laws on the books as soon as possible.

Mr. President, I have had prepared a brief summary of some of the committee's activities this year, particularly those relating to the crime question and to the President's program as it has been received by the committee. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

PARTIAL SUMMARY OF ANTICRIME ACTIVITIES OF SENATE COMMITTEE ON THE DISTRICT OF COLUMBIA

I. Court Reform to Cut the Backlog of Criminal Cases

Feb. 18. Senator Bible introduces S. 1067 and S. 1068 on Court Reform.

Feb. 28. Senator Tydings introduces S. 1214 and S. 1215 on Court Reform.

March 25–26. Hearings on court reform cancelled because Administration bill not ready. Committee begins own hearings on narcotics instead.

May 19–22. Hearings scheduled for May 19–22 on Administration bill cancelled. Administration bill still not ready. Hearings held on S. 1067, S. 1068, S. 1214, S. 1215 instead.

June. Court hearings postponed again because Administration not ready.

July 1. Chairman Tydings warns in speech to Board of Trade "I have made every effort possible to wait for the Administration. But I cannot postpone the final court hearings any longer. The Committee will conclude its court hearings the week of July 17 and will proceed in due course to report a bill. I hope the Administration can be ready by mid-July. But we can have no more delays."

July 11. President sends his "D.C. Crime" bill to Congress.

July 15–16–17. Hearings on President's bill (S. 2601).

Sept. 4. Committee orders Court Reform portions (80%) of President's bill reported.

Sept. 16. Report filed in Senate.

Sept. 18. President's Court bill passes Senate.

II. Amendments of Criminal Law and Procedure

July 11. President's bill received.

Sept. 18, 25 and Oct. 2. Hearings held and concluded. Scheduled to be reported to Senate by November.

III. Strengthening the Bail Agency to Reduce Pre-Trial Crime

Jan. 22. Senator Tydings introduces legislation (S. 545).

Feb. 1. Hearings held.

April 22. Department of Justice declines to comment on bill.

July 3. Committee reports S. 545.

July 8. Senate passes S. 545.

July 11. President submits his own bill as part of his "D.C. Crime" bill.

IV. Juvenile Crime

June 5. Senator Tydings introduces legislation (S. 2335) for extradition of juvenile delinquents.

Aug. 8. Hearing on S. 2335.

Aug. 11. S. 2335 ordered reported by full Committee.

Sept. 18. Passed Senate.

Sept. 26. President's Juvenile Court bill, promised last spring, is sent to Congress.

Oct. 1. Senator Spong opens hearings on violence in Public Schools.

V. Narcotics

Feb. 11. Senator Tydings asks courts and Bail Agency to institute narcotics addiction tests on criminal defendants.

March 2. Senator Tydings asks President to support creation of Metropolitan Washington Regional Narcotics Treatment facility.

March 25–26, April 9–10–11, June 17. Narcotics hearings.

March 26. Senator Tydings calls for Grand Jury to indict major narcotics traffickers.

April 21. Senator Tydings Asks Metropolitan Washington Council of Governments to establish task force to coordinate area antinarcotics program.

July 29. Narcotics Crime Conference of Baltimore and Metropolitan Area Law Enforcement Officers, called by Senator Tydings, plans regional narcotics crack-down cooperation.

COMMITTEE ACTION ON OTHER PARTS OF THE PRESIDENT'S D.C. PROGRAM

I. Mass transit development

May 16. President's bill introduced by Senator Tydings (S. 2185).

June 10–11. Hearing held.

July 1. S. 2185 ordered reported by Full Committee.

July 8. Passed Senate.

II. Home rule

April 25. Committee bills on Home Rule introduced.

April 30. Hearings on Committee Bills.

May 13. President sends his Home Rule bills to Congress.

September 25. President's bills reported to Senate.

October 1. Senate passes President's Home Rule Bills.

III. Revenue

August 11. D.C. Revenue Bill passed by House (H.R. 12982) (As a tax measure, it had to originate in the House).

August 12–13. Hearings on H.R. 12982.

August 13. H.R. 12982 formally referred to Committee by Senate.

September 24. H.R. 12982 reported to Senate.

October 3. Senate passes H.R. 12982.

SENATOR BROOKE DEPLORES CONTINUED CAPTIVITY OF THE TWO IMPRISONED ISRAELIS

Mr. BROOKE. Mr. President, recent press reports have provided a slim ray of hope for those of us—and they are many—who remain deeply concerned about the fate of the two Israeli citizens still held captive by the Government of Syria. I refer to the fact that 10 nations have now called the U.N. General Assembly to inscribe upon its agenda a resolution calling for "effective measures" against international air piracy.

It is no minor matter when more than 50 incidents of air piracy occur in a single year. The world has become more closely bound together than ever before. International trade and tourism depend upon the reliable transfer of goods and people among the several nations of the world. Thousands of flights, millions of people, and billions of dollars in goods are involved in this international traffic each year. Nearly every nation has at least one airline, some privately and some publicly operated, upon which it depends in great measure. And every nation which has such an airline must rely on the good will of other states for the safe operation of its planes and the safe conduct of its passengers and crew.

No nation's welfare is served, therefore, when one state chooses to harbor international criminals and to keep their victims imprisoned. For if one country can so violate the codes of decency in international relations and escape retribution, then we may be verging on a state of anarchy in international affairs unparalleled since the days when the Elizabethan "seadogs" plundered the trade of friend and foe alike.

I shall have more to say on this subject in the near future, for the entire issue of air piracy is of deep and growing concern to me. However, I do wish to take this opportunity to welcome the proposal of the 10 member states and to express my hope once again that the Government of Syria will realize the danger of the course upon which it has embarked and will take immediate steps to release the two remaining passengers and deal justly with their abductors.

THE TEACHERS CORPS PROGRAM

Mr. MURPHY. Mr. President, I continue to hear good reports regarding the Teachers Corps program.

As a member of the Senate Education Subcommittee, I am always pleased to hear that programs are working well at the local and State level and they are accomplishing the purpose as intended by the enacted legislation.

Last year, I spoke on the Senate floor supporting increased funding for this program.

On August 10, the Los Angeles Times carried a story about the Teachers Corps rural-migrant programs at the University of Southern California. Teachers Corps interns see problems in our society, but unlike some of the young people who get so much of the media's attention, the Teachers Corps are constructively trying to do something about the conditions that they see and to help build a better America for all our citizens. I ask unanimous consent that the article written by Los Angeles Times writer, Arlene Van Breems, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Aug. 10, 1969]

MEXICAN HERITAGE ADDED TO CLASSROOM

(By Arlene Van Breems)

Education came only in English wrapped in "Anglo" culture for the Mexican-American children of migrant workers in Tulare County.

When these students came to school each day, their Mexican heritage and their facility in Spanish were left at home, waiting for them when they returned.

But things changed with the Teacher Corps: Rural Migrant people and program came to their towns and schools.

The children were asked to bring their Mexican environment and their special problems to the classroom.

"These students have the same educational needs as English-speaking students," says Mrs. Patricia Cabrera, the program's director, "but they require different teaching techniques because of their Mexican background.

The school district of Tulare County asked for help, and we knew that our interns with the program behind them could give that extra help," she added.

Teacher Corps: Rural Migrant has been training career teachers for three years. Currently, 32 interns are going through the program and are almost evenly divided between the first and second year.

PUT INTO TEAM

Each is put into a team of five or six, headed by a team leader who has come from a professional teaching background.

A total of 17 completed both years of training and were graduated in July. Seven out of the total are returning to Tulare as regular teachers.

The two-year program is part of the nationwide Teacher Corps program federally funded by the U.S. Office of Education. Five colleges in California design and operate the Teachers Corps projects: San Diego State College; San Francisco State College; San Jose State College; University of the Pacific in Stockton; USC.

Teacher-interns earn the base pay of regular teachers with comparable training and experience in the school system where they serve, plus stipends during preservice training.

The classrooms in Tulare County in the San Joaquin Valley are summertime quiet, but the interns of the Teacher Corps: Rural Migrant program are caught up in preparation for the fall when school begins.

Since the problems of teaching children of Mexican-American migrant parents do not take a summer vacation, neither do the interns.

Some are in Mexico taking intensive language courses in Spanish after completing education courses at USC. Others are working on special projects of their own design which will produce material, skills or both for the coming school year.

LONG DAYS

When the interns sign up for the training program, they sign up for long days and extra involvement in the problems of the people and community where they serve, while getting a master's degree in teaching and community work from USC.

"We will deliver the goods, the degree," said Mrs. Cabrera, "if they are willing to give up two years and spend seven days a week extending themselves into the problems of the community.

"We are not looking for the kind of teacher who goes home at 8 o'clock, thinking that the day is finished," Mrs. Cabrera added.

Coming as strangers in a strange place, the interns give up more than time. No one asks them to shave off a mustache or lengthen a miniskirt. They do these things on their own because they want to be accepted into a community different from their own.

"These things become very unimportant," said Romola Katz, a first-year intern, "when you have to build up the confidence and trust of the community.

"You make things more difficult if you alienate people by your dress," she added.

Two-thirds of the interns are Mexican-Americans, many from the Tulare community. "We made it," said Manuel Montano, "and we are trying to show them by example that they can, too."

Breaking down old stereotypes is an important part of their mission. "Too many people think that Chicanos are stupid and lazy," said Victor Vaca, another first-year intern. "When the children start to believe this, they start having educational problems."

Interns have two years' worth of time to fill in the gap between their college-born idealism and the reality of poverty with creative programs and new teaching strategies.

"If I were handing out ribbons to interns," said Mrs. Cabrera, "I would give them out for developing new strategies—anything new and different has a greater chance of opening up a closed rural society."

Last year the interns unleashed their creativity in projects ranging from furniture manufacturing to classroom experiments in bilingual education.

A toy loan was started by Deane Lamb when she realized how difficult it was for a family to buy toys when they barely had enough to eat.

BORROW TOYS

Now the children borrow toys in a way similar to checking out books from a library except there are no fines. A Brownie troop in Moraga and a 4–H Club in Woodlake collected the first batch of new or used toys.

Since her two years with the program are over, she has passed the project on to another intern.

Intern Mike Mayo began a course in Mexican heritage and culture for Woodlake High School in his garage. His arts and crafts project attracted so many students that he was invited to move it to the high school.

When the interns go into the classrooms of Culter-Orosi, Woodlake and Stone Corral, they go to help the regular teachers not to replace them. "We don't tell the teachers that we are better qualified to teach than they are," said Joe McFadden, team leader.

"We don't come on as experts but as learners," he added. "The teachers realize that we are there to serve them and the community.

"If we come to community meetings, we don't say 'do this, this and this,' we wait until those in the community show us how they want to be helped," said McFadden.

Politics and social issues are not outside of their domain as teachers. "If you are not involved in the community of these children," said Gary Potten, a second-year intern who just was graduated, "you can't be an effective teacher."

During the spring floods, he and other interns helped evacuate Mexican-Americans from their homes. They worked an 18-hour day for five days and earned respect rather than dollars from the community.

One long-time resident of Tulare County was heard to say, "They are not just Anglos—they're Teacher Corps interns."

OTHER PROGRAMS

This program is spinning off other programs to aid the Spanish speaking community. Teacher Corps-Vista, a two-year work-study program out of USC, began this spring. For the 30 low-income young adults, Mexican-Americans and others, the program will lead to a California teaching credential and a bachelor of science degree in TESOL—Teaching English to Speakers of Other Languages.

For 23 graduates of HEP (High School Equivalency Program) a two-and-a-half month program was begun in June to prepare them as assistants in the TESOL program.

DECLINE IN FARM EXPORTS CALLS FOR POSITIVE RESPONSE

Mr. SPARKMAN. Mr. President, for many years I have been concerned with the deterioration of the U.S. balance of payments and the building of profitable export markets for American goods and services.

During this period, a number of myths about our country's position as a trading nation have been rudely shattered, as our commercial surplus declined from $6.7 billion in 1964 to the vanishing point in 1968. A recent blow to whatever complacency may still exist about these matters came in the report that fiscal year 1969 showed a 10-percent decline in agricultural exports, to their lowest level since 1963. In fact, this decline was the second in a row, as the following figures show:

Total U.S. farm exports

	Billion
1966–67	$6.7
1967–68	6.3
1968–69	[1] 5.7

[1] Source of the figures is in a newspaper article: "Farm Exports Decline 10%," *Washington Post*, August 26, 1969, Financial Section.

There are a variety of causes for this bad news, which only underscores the necessity for our Government and private industry to cooperate in making it possible for both large and small U.S. farmers and businessmen to compete effectively for world markets.

They must also compete imaginatively as world conditions change, new forms of agriculture emerge and other traditional relationships shift with the times.[1]

A number of us in the Senate have been trying for some time to improve the agricultural export picture. For instance, during the past several Congresses we have introduced two bills, currently numbered S. 2079, calling for an annual conference of the U.S. beef industry to assess world trade trends and opportunities, and S. 2190, calling for a concerted effort to refine agricultural statistics so that the Congress would be in a better position to assess judgments on agricultural export and import trade policies.

These measures are currently pending before subcommittees No. 3 and No. 4 respectively of the Senate Committee on Agriculture and Forestry, and I urge favorable consideration of these measures by both the executive branch and the subcommittees, especially in the light of the serious nature of the country's balance-of-payments problems.

THE PRICE OF BEEF

Mr. HANSEN. Mr. President, there seems to be some indication of a slowing down in the spiraling rise in prices of the past few years. For example, as I and several other Members pointed out recently, meat prices have leveled off and, in some cases, already reflect a recent drop in wholesale prices.

And, while I have repeatedly expressed my concern over high food prices and higher and higher prices for all the necessities of life, I do not believe the prices of meat, particularly beef, has risen at a disproportionate rate when compared with other basic foods.

I therefore welcome the hearings called in the other body to investigate increases in meat prices. When all the facts and factors have been considered, I believe the record will be clear that beef can still be purchased at comparatively reasonable prices. And this certainly does not imply that I would not like to see all food and other costs of living go down.

I am concerned, however, that a group would single out meat for a boycott of food stores here in the Washington, D.C., area. A news article about this movement in an afternoon newspaper quoted statistics collected by this group in local supermarkets during the past several weeks.

For emphasis, I presume, the particular cut of meat chosen by the group was porterhouse steak. This particular group may ordinarily buy porterhouse steaks, although I would consider a less select cut as more of a norm of what the average housewife would buy.

Nevertheless, the prices quoted for a pound of porterhouse steak ranged from $1.99 to $1.39 in September. I have noted in trips to the supermarket with my wife that meat prices vary during the week and are usually lower toward the weekend, at specially advertised prices, during which many housewives, including my wife, may stock up for a few days.

A full-page weekend special in this morning's Washington Post listed beef prices at one supermarket for less even for porterhouse steak than the lowest price found by the ladies who gathered the statistics.

Choice porterhouse steak was advertised at $1.29 per pound. And here are other meat prices advertised by this same supermarket today: Choice sirloin steak, $1.19; choice chuck steak, 65 cents; chuck roast, 59 cents; arm round bone, steak or roast, 99 cents; and stewing beef, 89 cents.

So I would say that either the ladies were not shopping for bargains or the price of beef has dropped since they made their survey. And also that there are some good cuts of beef at considerably lower prices, whether on sale or not.

In that regard, may I also point out a recent bulletin issued by the California Beef Council, which asks the question "Are beef prices really high?"

The council notes:

> 1. Beef and veal prices were only 12.9% higher this May than they were in 1951.
>
> 2. Overall food costs were 29.7% higher this May than in 1951.
>
> 3. The cost of living index rose 40.1% between 1951 and May 1969.
>
> 4. Our income rose from an average of $57.80 a week (or $1.45/hr.) in 1951 to $113.55 a week (or $3.02/hr.) in May 1969—a 96.2% increase. The average worker put in 39.9 hours to earn his weekly wages in 1951, compared to 37.6 hours a week in May 1969.
>
> 5. In 1951, one hour's labor bought 1.7 pounds of beef. In May, 1969, one hour's labor bought 3.2 pounds of beef.
>
> 6. On the average, a pound of U.S.D.A. Choice beef cost 88.2¢ in 1951—94.8¢ in May, 1969.
>
> 7. In 1921, a family of five spent 6.7% of its annual income for 670 pounds of meat.
>
> In 1966, a family of five spent 4.5% of its annual income for 850 pounds of beef.
>
> In 1969, a family of five will spend 4.5% of its annual income for 915 pounds of meat—an additional 65 pounds for the same percent of income.
>
> 8. In 1969, Americans will spend about 17½% of their annual income for food—compared to 26% in England, 28% in West Germany, 31% in France, 40% in Japan, and 50% in Russia.

BIRDS ALERTED FOR WAR

Mr. FULBRIGHT. Mr. President, this morning's Washington Post carries an article entitled "Birds Alerted for War," written by Thomas O'Toole. The item concerns a $600,000 contract given the University of Mississippi by the Department of Defense to "see if birds can be trained to do certain things," a Pentagon spokesman explained. Those things, according to the contract, are aerial photography, gunnery, steering of missiles, detection of mines, and search-and-destroy operations.

The article raises a number of questions, such as how the birds are going to be taught to tell friend from foe once they have mastered these techniques for destruction. I am reminded of a popular Alfred Hitchcock movie of a few years ago, "The Birds," in which normally timid birds went berserk and ganged up to wage a talon and beak war on an entire community of humans. The birds won, too, if I recall correctly. Apparently, someone in the research section of the Pentagon saw the movie also and decided to go Mr. Hitchcock's birds one better. One thing that can be said for the Pentagon plan; if it succeeds it should make bird-watching one of the most popular avocations in the Nation—solely as a matter of citizen self-protection.

This contract illustrates quite clearly how far afield the Department of Defense has gone in financing research programs which have no direct relationship to legitimate defense needs. The purpose of my amendment to the defense procurement bill, which the Senate adopted by a vote of 49 to 44, was to eliminate just such projects as that described in the Post article. The amendment not only cut $46 million for several research categories, including $8 million for Project Themis, under which the University of Mississippi project was funded, but it also, for the first time, provided that all research projects have a "direct and apparent relationship to a specific military function or operation." The House bill contains an identical provision, so there is no doubt that the limitation will become law. I have written to Dr. John S. Foster, Jr., director of research for the Department of Defense, to determine how the Department plans to implement the restriction. If the Department takes the view that a project to arm birds has a "direct and apparent relationship" to a proper military requirement, further action will be necessary to insure that the intent of Congress is followed.

---

[1] See, for instance, "'U.S. Role in The World's Feed-Livestock Economy, by Assistant Secretary of Agriculture Clarence D. Palmby, *Foreign Agriculture* magazine, September 22, 1969, p. 5.

I ask unanimous consent that the Post article, a listing of Project Themis contracts with universities, and a copy of my letter to Dr. Foster be printed in the RECORD. I might note that the only project listed for the University of Mississippi is one for "Biocontrol Systems," discreet terminology for work to turn birds into killers.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 8, 1969]

FLYING OFF TO COMBAT?—BIRDS ALERTED FOR WAR

(By Thomas O'Toole)

Would you believe that war is for the birds?

So much so that hawks and doves might fight side by side or that parrots, ducks, chickens, pigeons and even mynah birds could be drafted to help defend the flag in some future war?

Whatever you might think of the scheme, the Pentagon is all for it. Consider the description of the $600,000 contract the Defense Department has with the Psychology Department of the University of Mississippi:

"This program is based," the contract reads, "on the supposition that birds will eventually replace humans for activities that are dangerous, difficult, expensive or boring."

Among the activities the Pentagon has in mind are "aerial photography, gunnery, steering of missiles, detection of mines and search and destroy operations."

Just how the Pentagon plans to get birds to do all these things is anybody's guess, but it does mean to try.

"Much of the research will relate to complex forms of stimulus control," the contract with the University of Mississippi reads, "for example, visual search, auditory pattern recognition, pursuit and tracking, controlled locomotion and operation of manipulanda while flying."

"This is not a development contract," explains a Pentagon spokesman. "What we're trying to do here is to see if birds can be trained to do certain things."

The Pentagon admits it won't be able to use all birds in its research but it would like to train most species of wild birds for combat flying. "Especially crows, ravens, jays, hawks and vultures," the contract goes on, including "doves, parrots, mynahs, chickens and pigeons."

The use of warbirds is not a new one, though its past is hardly glorious.

The most serious attempt to use bird-like creatures was in a program called X-Ray, in which bats carrying incendiaries were to be flown into Tokyo during World War II. The idea was to get the bats to roost in the eaves of Tokyo's wooden buildings, where the bombs would go off when the bats flipped upside down to sleep.

"The trouble with that one," said one scientist who worked on Project X-Ray, "was that it almost burned down an Air Force base in New Mexico." X-Ray never made it to Japan.

The latest scheme for warbirds came to roost when the Pentagon circulated a letter advertising for ornithologists to work on it.

"I read it, I re-read it, and I read it again," one scientist said, "and I still couldn't believe it. It's insane."

Critics notwithstanding the Pentagon is going ahead with its bird scheme.

"This program is just getting started," it says. "Hopefully, it will go on for 10 or 20 years."

The project is supported by a three-year "Project Themis" contract, at $200,000 a year. Project Themis is a program aimed at beefing up basic research in universities that have not had strong science programs.

PROJECT THEMIS

The enclosed list shows all the Themis projects funded through FY 69. The original four year plan called for fifty new starts for each of FY's 67, 68, 69 and 70 for a total of 200 programs. During the first three years only 118 of the planned 150 new starts were approved. The FY 70 budget request for $33 million provides for (1) 25 additional new projects to be started during FY 70 which would require $10 million, and (2) the renewal of the ongoing Themis programs which would require $23 million.

PROJECT THEMIS PROGRAMS—FUNDING BY FISCAL YEARS

[In thousands of dollars]

Military department	State and institution	Program topic	Fiscal year 1967	Fiscal year 1968	Fiscal year 1969
	Alabama:				
A	Auburn University	Information processing	343	171	170
AF	University of Alabama	Structural mechanics			400
A	Alaska: University of Alaska	Human ecology	404	202	
	Arizona:				
N	Arizona State	Human performance in isolation	380	190	
AF	do	Detection devices, techniques and theory		409	200
AF	University of Arizona	Precision optical systems		409	203
AF	University of Arizona at Tucson	X-ray and XUV radiation physics			400
	California:				
AF	University of California, San Diego	Transport phenomena in flow systems	398	200	225
N	University of California, Riverside	Solar radiation effects			400
	Colorado:				
N	Colorado State	Tropical weather disturbances, surface effects		500	250
N	do	Predictability of low-altitude winds		430	215
AF	Colorado State at Fort Collins	Effects of environment on sensors			400
	Connecticut:				
AF	University of Connecticut	Structural fatigue		410	205
	Delaware:				
A	University of Delaware	Fluid mechanics and heat transfer	563	281	280
N	University of Delaware at Newark	Oceanography			480
	District of Columbia:				
AF	Georgetown University	Laser technology	404	202	202
N	Catholic University	Vitreous state structure and dynamics		386	193
N	do	Dynamics of cable systems		402	201
N	do	Underwater acoustics			500
	Florida:				
AF	University of Florida	Solid state materials	400	200	200
A	do	Logistics and information processing	340	170	170
N	Florida State	Geophysical fluid dynamics	600	300	350
A	do	Prediction of tropical weather phenomena		500	250
N	do	Computer aided instruction		460	230
	Georgia:				
A	Georgia Tech	Low speed aerodynamics	339	170	170
AF	do	Interface phenomena	350	195	200
N	University of Georgia at Athens	Statistical analysis and information retrieval			215
	Hawaii:				
N	University of Hawaii	Astronomy research	350	175	220
AF	do	On-line computer systems		409	205
A	University of Hawaii at Honolulu	Vector borne tropical diseases			400
	Illinois:				
AF	Illinois Institute of Technology	V-STOL aerodynamics		409	205
A	Illinois Institute of Technology at Chicago	Degradation of structural materials			400
	Indiana:				
AF	Indiana University	Environmental hazards	400	198	200
N	Notre Dame University	Deep sea engineering	400	200	200

PROJECT THEMIS PROGRAMS—FUNDING BY FISCAL YEARS—Continued

[In thousands of dollars]

Military department	State and institution	Program topic	Fiscal year		
			1967	1968	1969
	Iowa:				
N	Iowa State	Automatic navigation and control	400	200	200
AF	Do	Ceramic and composite materials	449	224	225
A	University of Iowa	Vibration and stability of military vehicles		500	250
N	Do	Application and theory of automata		400	200
	Kansas:				
A	University of Kansas	Remote sensing instrumentation	400	200	200
AF	do	Social and behavioral science	400	200	200
AF	Kansas State	Performance in altered environment	400	200	200
N	do	Nuclear radiation effects on electronic components		577	288
	Kentucky:				
AF	University of Kentucky	Metal deformation processing		408	204
A	Kentucky University at Lexington	Research in electrochemical processes			400
AF	do	Environmental stress physiology			400
A	University of Louisville	Performance assessment and enhancement		399	200
	Louisiana:				
A	Louisiana State	Infectious and communicable diseases	342	171	170
AF	do	Digital automata	398	400	200
	Massachusetts:				
N	University of Massachusetts	Deep sea structures	360	180	180
N	Boston College	Elementary chemical kinetics			440
AF	Michigan: Michigan State University at East Lansing	Behavioral studies			400
	Minnesota:				
N	University of Minnesota	Infrared detector and laser technology	380	190	190
N	do	Gas turbine technology	400	200	200
N	do	Organization performance and human effectiveness			415
	Mississippi:				
A	Mississippi State	Rotor and propeller aerodynamics	278	139	140
AF	University of Mississippi	Biocontrol systems		409	204
	Missouri:				
A	University of Missouri at Columbia	Fluid transport properties	446		220
N	University of Missouri at Rolla	Aqueous aerosols in atmospheric processes		400	200
AF	do	Basic studies on electronic materials			400
A	do	Terrestrial science research			400
AF	Washington University at St. Louis	Control, guidance, and information studies			400
AF	do	Optimum detection systems			400
AF	Nevada: University of Nevada	Cloud physics	399	199	250
AF	New Hamphsire: Dartmouth College	Time shared computing systems	460	290	290
	New Jersey:				
AF	Rutgers University	Fluid flow aerodynamics	400	200	
N	Stevens Institute	Nonlinear physics of polymers	324	162	162
A	do	Cryogenic sciences and engineering	342	171	170
A	do	Evaluation of terrain vehicle systems		460	200
	New Mexico:				
N	New Mexico Institute M&T	Environmental sciences	406	203	268
N	University of New Mexico	Radiation effects on electronics	370	185	185
	New York:				
AF	SUNY-Albany	Modification of environment	399	199	200
N	SUNY-Buffalo	Environmental physiology	600	300	350
A	Rensselaer Polytechnic	Electrochemical power sources		460	230
N	do	Radiation effects		430	215
A	do	Optimum digital signal processing			400
N	Yeshiva University, New York City	Research on thin film materials			390
	North Carolina:				
N	North Carolina State	Materials response phenomena	400	200	200
AF	do	Digital encoding systems		396	200
A	North Dakota:				
D	North Dakota State	Control of vectors of diseases of military importance		393	197
N	Union of North Dakota	High pressure physiology		527	263
	Ohio:				
A	Case-Western Reserve	Research in R. & D. management	300	150	150
A	Ohio University	Low level navigation	407	200	200
AF	Kent State University	Liquid crystal detectors		410	205
A	University of Cincinnati	Internal aerodynamics in air-breathing engines		400	200
	Oklahoma:				
A	Oklahoma State	Electronic description of the environment	482	241	240
N	University of Oklahoma	Mechanism and theory of shock		405	202
N	Oregon: Oregon State	On-line computer environmental research	580	290	290
	Pennsylvania:				
A	Drexel Institute of Technology	Powder metallurgy		510	255
AF	Do	Forecasting by satellite observations		408	204
N	Jefferson Medical College	Pathogenesis of acute diarrheal disease		390	195
A	Lehigh University	Nonlinear wave propagation		400	200
N	Do	Low-cycle fatigue in joined structures		400	200
N	Do	Fluid amplification			400
N	Hahnemann Medical College	Biomanies in stress			520
A	Rhode Island: Rhode Island University at Kingston	Photoelectronic imaging devices			400
A	South Carolina: Medical College of South Carolina	Resuscitation and treatment of wounded		368	184
N	South Dakota: South Dakota School of Mines	Modification of convective clouds	260	130	100
	Tennessee:				
N	University of Tennessee, Knoxville	Dynamic sealing	300	150	150
AF	do	Remote sensor research		408	204
AF	University of Tennessee, Tullahoma	MHD power generation		400	200
A	Vanderbilt University	Coating science and technology		550	275
	Texas:				
N	Texas A. & M.	Optimization research	400	200	155
A	Do	Meteorology research	430	215	215
A	Do	Aircraft dynamics subsonic flight		388	194
A	Texas Christian	Human pattern perception	272	100	135
N	University of Houston	Information processing	380	190	190
N	Rice University	Coherent and incoherent EM radiation		350	175
A	Do	Remote sensing of gamma ray signatures			400
AF	Southern Methodist	Automatic navigation	400	200	200
N	Do	Statistics in calibration methods		502	296
A	Texas Tech	Performance and man-machine effectiveness		470	235
AF	Utah: University of Utah	Chemistry of combustion	398	200	200
AF	Vermont: University of Vermont	Isolation and sensory communication		410	257
	Virginia:				
A	University of Virginia	Learning control systems	342	171	170
AF	do	Atomic interactions in gases		408	200
N	do	Cyrogenic instrumentation			400
A	Virginia Polytech, Blacksburg	Vehicle engineering and control			400
N	West Virginia: West Virginia University	V/STOL aerodynamics		416	208
	Total		19, 375	28, 180	29, 239

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., October 8, 1969.
Dr. JOHN S. FOSTER, Jr.,
Director, Defense Research and Engineering,
Department of Defense, Washington, D.C.

DEAR MR. FOSTER: I noted the enclosed article in this morning's Washington Post, concerning a contract with the University of Mississippi under Project Themis.

As you know, both the House and the Senate have added a provision to the military procurement bill which requires that all Department of Defense research have a "direct and apparent relationship to a specific military function or operation." I am interested in having your views on how this amendment will be implemented by the Department after it becomes law, along with some estimate of the types of contracts, and the amounts in dollars, that may be cut out in carrying out this intent of the Congress. I would also like to know if in your view the contract described in this article would be possible under the terms of the amendment.

Sincerely yours,

J. W. FULBRIGHT.

ISSUES WHICH PREVENT PEACE IN THE MIDDLE EAST

Mr. SCOTT. Mr. President, in spite of cease-fire agreements that supposedly became effective many months ago, border fighting and guerrilla warfare continue to disturb the peace of the Middle East.

It is more than 2 years since the end of the June 1967, Arab-Israel war, and still no negotiations have taken place between the parties to the conflict.

It is time that the people of the United States turned very serious attention to the obstacles which have made it impossible to achieve peace in the Middle East.

These matters are discussed in an informative editorial appearing in the current issue of Prevent World War III, which is published by the Society for the Prevention of World War III, Inc., of 50 West 57th Street, New York, N.Y. 10019.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ISSUES WHICH PREVENT PEACE IN THE MIDDLE EAST

Although Middle East peace seems no nearer today than it was a year ago, the issues which prevent it have at least become somewhat more clearly visible.

Among the many causes which keep belligerency alive, the following stand out:

Refusal of the Arab states to negotiate with Israel.

Soviet determination to claim the whole Middle East area as a sphere of influence.

Escalation of the guerrilla fighting—to the extent that the 1967 "ceasefire" has become almost meaningless.

Failure of the United Nations to achieve an even-handed approach to the contending forces in the region.

The much discussed "Four Power Initiative" can hardly be expected to make progress on any of these basic matters. Except that it may provide a forum for some talk about Soviet intentions, this series of meetings has served mainly to arouse deeply disturbing fears of an "imposed settlement." This is a somewhat ridiculous apprehension, indeed, when one stops to consider that such a "settlement" would be meaningless unless coupled with a long-term American-Soviet armed guarantee—which the two powers are certainly not apt to agree upon in the foreseeable future. Meanwhile, the sensibilities of the Israelis, and the feelings of some Arab governments as well, have been trodden upon—and tensions have, if anything, been increased.

ARAB INTRANSIGENCE CONTINUES

The official Arab map of the Middle East today shows Israel only as "occupied territory of Palestine"—exactly as we noted on this page a year ago. Until the 14 governments of the Arab League—or at least the four whose territories surround Israel—are ready to modify this unrealistic approach, there is little possibility of real progress.

The state of Israel is recognized today, and has been recognized for 20 years, by virtually all of the world's sovereignties, including those of the Soviet Bloc as well as the Western world. Israel is a full-fledged member of the United Nations, and no international lawyer would dare question her statehood. Nevertheless, President Nasser and his allies cling to the timeworn myth that "Israel does not exist."

The myth, however, is getting to be pretty thin: after fighting three wars in a generation with a "nonexistent" enemy, reasonable observers would think that negotiations are in order.

To the contrary, however: one cannot even get an official Arab spokesman to debate with an official Israeli spokesman on neutral territory—as American TV producers and leaders of discussion clubs have long since discovered.

ISRAEL'S STATEHOOD NOT IN QUESTION

One cannot even argue about the "seniority" of the governments concerned. None of the Middle Eastern states existed in the days of World War I—and the juridical existence of eight of the Arab states is actually shorter than the 20-year history of Israel. Indeed, Israel was the 59th country to be admitted to the United Nations. In that regard, she is a comparatively "old" county, 67 others having been admitted since. (Only 6 of the Arab League states were members of the United Nations at the time of Israel's admission; the other 8 are all "younger" states, by this standard.)

Impatience with this "we won't talk" attitude is beginning to be more and more visible in America. On the 21st anniversary of Israel's existence, for example, a clear majority of all the members of the Senate and House of Representatives joined in a widely publicized statement "in Favor of Direct Arab-Israel Peace Negotiations," in which the legislators declared that "there is no substitute for face-to-face negotiations." "The parties to the conflict must be parties to the settlement. We oppose any attempt by outside powers to impose halfway measures not conducive to a permanent peace," the lawmakers said.

We wholeheartedly agree with this view—which has also been enunciated by President Johnson and by President Nixon.

The mission of Ambassador Jarring was initiated with the idea that it might pave the way to talks, by at least exploring attitudes on specific issues. Thus far, talks seem as far away as ever.

Secretary of State Rogers has made it clear that the purpose of the much-publicized "Big Power" talks would not be to impose a peace—but only to try to get the belligerent parties together. It is clear that the Soviets—on whose help as a supplier of armaments the Arab governments have been almost wholly dependent—could do a great deal to promote such talks. Thus far, however, the voice of Moscow has not been heard on the point, and there are no indications of any change forthcoming.

The result, of course, is a stalemate—and so it must remain until changes in the attitude of the Arab governments make it otherwise.

There are many cases in the world where responsibility for failure to negotiate can be divided between two or more parties. In this particular instance, there is not even a possibility for dividing the responsibility.

SOVIET AMBITIONS VERSUS PEACE

Israeli diplomacy, correctly enough, has taken the position that its responsibility is primarily concerned with the conduct of relations with the neighboring Arab states.

From a world point of view, however, and particularly from the American standpoint, the problem of peace in the Middle East is a far different one. It is a problem of meeting the Soviet ambition to make of the entire area an added sphere of influence and control. With the ending of the British and French colonial controls, a vacuum has developed—and Moscow sees an opportunity to realize a centuries-old ambition to gain an outlet to Africa, the Mediterranean and the Indian Ocean.

Difficult though the question of Arab intransigence may be, the problem of Soviet penetration is even more threatening.

Except for Soviet arms, Nasser's Egypt would never have been able to mount an offensive against Israel—nor would the multitude of guerrilla bands now flourishing on Arab soil.

For the first time, the Soviets have a major naval force in the Mediterranean. They have strengthened their position with the addition of a new Communist-oriented Arab state at the strategic entrance to the Red Sea—the People's Republic of Southern Yemen.

Egypt's Nasser publicly acknowledges that "the Soviet Union has made up for all the arms that we have lost," and the head of Iraq's new dictatorship swears eternal loyalty to Marxist ideology.

It is obviously to the Soviet advantage to keep the Middle East in turmoil—and the best means of doing this is to keep the Arab hatred of Israel inflamed. Anti-Israel policy in Moscow today, indeed, goes even to such far-out extremes as requiring that gift foodboxes sent by Israeli Jews to relatives in the Soviet Union be returned unopened.

These attitudes are reflected in the propaganda which flows both from the Arab capitals and from Moscow. It is directed in fairly equal parts against the United States and Israel.

On the eve of the Six Day War, for example, Nasser's radio proclaimed:

"We challenge you, Israel. No, in fact we do not address the challenge to you, Israel, because you are unworthy of the challenge. But we challenge you, America. . . . To Israel and to American gangsterism we hold death in store."

For El Fatah and the guerrillas, this hatred extends also to the United Nations—as shown in El Fatah's basic "political statement" of last October, which denounced "the Security Council Resolution and all the Zionist and imperialistic schemes laid before the United Nations."

DETENTE ENDANGERED

To the non-communist world, the challenge of a possibly Soviet-dominated region covering the entire Middle East becomes a life-and-death matter. In terms of world peace, the present precarious balance between the "super-powers" would be upset, and the danger of any Middle East local war becoming a world holocaust would be multiplied. This is the kind of situation which President Nixon must have had in mind when he warned that "the island of American democracy cannot survive in a sea of totalitarian dictatorships."

For the United States, the preservation of national self-determination in the Middle East thus becomes a vital matter. For the world, unrestricted communist expansion in that area could spell the end of the Cold War "detente."

Both American and Soviet diplomacy must therefore be addressed to the question of making the Middle East an "open" region, and all peace-loving members of the United

Nations should support that end. To the extent that the Soviets have armed their client states, the United States must make certain that the remaining democratic nations (Israel, Turkey, Iran) are strengthened, in the hope that a balance of arms may at least delay an upheaval. The ultimate objective should be agreement by outside powers to limit or end all military support to Middle East states—but that is a far-off prospect. In the meanwhile, a strong Israel is the best hope for a balance of power that will at least delay the unfortunate day when the Middle East might become the scene for an inescapable East-West confrontation.

NEEDED: A CEASEFIRE FOR TERRORIST

If peace ever is to be secure in the Middle East, the problem of the guerrillas—and the open support given them by the Arab goverments—is perhaps the first question that cries out for attention.

What we are witnessing today is a "ceasefire" instituted by the United Nations, and accepted by the "official" governments—while large-scale fighting in fact continues, exactly as before, under the aegis of El Fatah, the Palestine Liberation Organization and related guerrilla groups.

It is difficult for fair-minded people to realize exactly what is taking place. When the United Nations succeeded in establishing a ceasefire, most observers assumed that it applied to everybody. The Arabs, however, have not taken that view; in their opinion, guerrillas, terrorists and self-styled "freedom fighters" are to be permitted to operate *outside* the ceasefire rules.

Opening the first session of Egypt's new National Assembly, in Cairo, January 20, 1969, President Nasser praised *"the growth of the Palestinian resistance organizations, their increasing role, and the consequent escalation of their operations."*

"These organizations have a positive role in sapping a part of the enemy's energy and blood," Nasser said. *"Brothers, I want to convey on your behalf a greeting of admiration and appreciation to the four resistance organizations—Fatah, the Popular Front, the Palestine Liberation Organization* (PLO) *and the Arab Sinai Organization. . . . The UAR unconditionally places all its resources at the disposal of these organizations,"* he continued, with strong applause from the Assembly audible over the international radio.

EL FATAH IGNORES U.N.

Nasser left no doubt as to how his position related to United Nations policies: "It was the right of the Palestine resistance organizations to reject this (United Nations) resolution," he said—in spite of the fact that "the UAR itself has accepted" it.

In other words, we see here the strange picture of a government which on the one hand declares its acceptance of an international cease-fire, while at the same moment it announces that "all of its resources" have been placed behind a continuation of the identical warfare by "unofficial" or guerrilla groups. The peace of the world can never be secure under such circumstances.

This is not a new policy with the Arab states, as a perusal of nearly any official Arab publication for the last year would demonstrate.

For example, we find the following comment in the September, 1968, issue of Arab News and Views (official publication of the Arab Information Center, in New York, as spokesman for the 14 Arab League states):

"Recent Arab commando actions in Israeli-occupied territories may be described as major operations in the struggle to regain Arab territory. . . . Throughout the Arab world, Arabs have expressed pride over the recent successes of the Palestinian commandos. Headlines in newspapers from Beirut to Baghdad lauded the activities and spoke of the commandos striking at 'Israel's heart.' "

Another page of the same publication records a resolution of the Arab Students Organization of the United States and Canada calling upon the UAR, Jordan and Syria "to encourage armed struggle along the ceasefire lines."

And on February 8, 1969, the newly-elected leader of the combined "liberation organizations," Yassir Arafat, declared that these guerrilla units would *"move with their men and equipment into occupied Palestine* (i.e., Israel) to *fight along with their comrades in arms."*

"We see a peace achieved through the muzzles of guns carried by revolutionaries determined to liquidate the Zionist entity"—proclaimed the Voice of Fatah in a broadcast to the Arab world by Radio Cairo at about the same time that President Nasser was addressing the Assembly.

We could lengthen this discussion indefinitely with similar quotes from Iraqi and Jordanian leaders.

What we have in the Middle East today seems, indeed, to be a dual system of international relationships: one official, and one unofficial. The "official" government proclaims support for U.N. resolutions—while at the same moment, the "unofficial" one rounds up recruits for commando bands, and boasts of guerrilla achievements. Meanwhile, the "official" government goes on making appropriations for support of the "unofficial" units, while at the same time proclaiming its "peaceful intentions."

For Americans to understand the meaning of these commando activities, it is necessary to use a little imagination. During the 18 months from the effective date of the U.N. cease-fire, until the end of 1968, 281 Israeli civilians and soldiers were killed by terrorists or guerrillas. A little bit of arithmetic will suffice to translate this into American terms. Considering the ratio of Israel's population to ours, this would be equivalent to about 20,800 Americans being killed during the same time, by terrorists crossing our borders from Canada or Mexico. If this were actually happening here, it is easy to imagine the result: no public meeting could be held, no candidate for office could be heard, no newspaper could be printed, without major attention to "the bandit menace."

HOW THE UNITED STATES RETALIATED

In actual history, the last time such a situation occurred on this continent, it involved a few casual raids by a Mexican guerrilla leader named Francisco Villa, who attacked a town and burned a number of ranches in New Mexico and Western Texas, killing several United States citizens in the process. The reaction of President Woodrow Wilson was definitive: he sent General Pershing with a good part of the American army, to pursue Villa half-way across Mexico, in retaliation.

We must therefore understand the extreme burden put upon the peace of the Middle East by the operations of these El Fatah and PLO units. Israel has, we believe, been more than patient under the circumstances—much more patient than the United States would have been.

Israel, like any other sovereign government, has found it necessary to retaliate—and international law reserves that right to any power whose boundaries are thus invaded.

Meanwhile, almost continuous fighting has developed along the Suez Canal line, involving regular armed units of the opposing armies.

How much longer can this situation continue to exist without escalating into full-scale warfare? That is the most urgent question of the day.

There is no effective counsel of moderation in such a case. It is the duty of a government to protect its citizens against illegal attack across its borders. No government can long exist if it does not perform this duty. It is likewise a first responsibility of sovereignty for any government to prevent groups based on its soil from violating its borders to make unauthorized warfare upon a neighbor. This is a duty which none of the Arabs states is performing. As a result, the peace of the world falls into constant peril.

DOUBLE STANDARD AT THE U.N.?

Because of the manner in which the Security Council of the United Nations is weighted, and because of the constant threat of a Soviet veto in the background, an appallingly one-sided attitude toward the Arab-Israeli conflict has developed at the United Nations.

When Israel reports to the UN observers that Arab guerrillas have crossed the borders, nothing is done. Indeed, reports of more than 1200 such crossings have been recorded in the period since the 1967 ceasefire.

When an El Al plane is attacked at Athens, and an Israeli citizen killed, the matter is passed over without action by the Security Council. When Israel, acting in accordance with long established international practice, retaliates at Beirut—killing no one, and taking extraordinary precautions to see that no one is injured—the Security Council promptly votes a reprimand.

The story could be continued almost without end. As matters stand, one of the most used gambits of Arab propagandists is the theme, "Israel has been reprimanded." An even-handed editor would have to balance reports along this line with headlines such as "United Nations Ignores Arab Warfare."

The disparity in treatment accorded the two protagonists is so obvious that it hardly requires proving—and it is equally dangerous to the peace of the Middle East and to the future credibility of the United Nations itself, as an instrument for the protection of world order.

The Arab plea that "we are not responsible for the guerrillas" has long since worn so thin that no one believes it. The Palestine Liberation Organization was established four years ago at a formal meeting of the Arab League states, and given an initial budget of 2.3 million dollars—a sum which has since been many times multiplied. As we have already noted above, President Nasser quite openly assured the guerrillas of the fullest support—not in a secret meeting, but in his opening address to the Egyptian parliament, this very year. Everyone knows these facts—but the Security Council pretends not to know them. This is an insanity which, if persisted in, can only bring the United Nations itself into disrepute.

A TEST FOR U.N.

Even if we grant that retaliation is dangerous to stability, the alternative is even worse, for this principle would then put every country in the world at the mercy of whatever guerrilla band might wish to invade it. International law has therefore long recognized the right of retaliation—and it is time that the United Nations should act in accord with this age-long practice, or else itself take steps to put an end to illegal commando and terrorist depredations.

Of course, some delegates are silent because they do not want to risk a Soviet veto: but can we achieve peace by that method? The answer is a resounding "No."

Some of the problems we have discussed can be met by the action of one or more of the parties in the Middle East. The question of Arabs and Israelis "talking with each other" is such an issue. The perils of Soviet penetration are a matter of power politics. But the question of the guerrillas, and the problem of securing even-handed justice at the United Nations, are things which confront the diplomats at the world organization—and subjects to which they should turn earnest and prompt attention.

THE SEABED ARMS CONTROL AGREEMENT

Mr. PELL. Mr. President, the United States and the Soviet Union yesterday presented a draft seabed arms control agreement at the Geneva Disarmament Conference.

For the past 2 years, Mr. President, I have been urging that the United States assume leadership in seeking an agreement to prevent the spread of the nuclear arms race to the seabeds. The Subcommittee on Open Space of the Foreign Relations Committee in July of this year held a public hearing on the seabed arms control issue. As chairman of that subcommittee, I am heartened by the United States and Soviet Union agreement on a draft treaty.

I ask unanimous consent, Mr. President, that the text of the draft treaty and the text of a joint statement issued by myself and the senior Senator from New Jersey (Mr. CASE), the minority member of the subcommittee be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DRAFT TREATY ON THE PROHIBITION OF THE EMPLACEMENT OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION ON THE SEABED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF

The States Parties to this Treaty,

Recognizing the common interest of mankind in the progress of the exploration and use of the seabed and the ocean floor for peaceful purposes,

Considering that the prevention of a nuclear arms race on the seabed and the ocean floor serves the interests of maintaining world peace, reduces international tensions, and strengthens friendly relations among States,

Convinced that this Treaty constitutes a step towards the exclusion of the seabed, the ocean floor and the subsoil thereof from the arms race and determined to continue negotiations concerning further measures leading to this end,

Convinced that this Treaty constitutes a step towards a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,

Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas,

Have agreed as follows:

ARTICLE I

1. The States Parties to this Treaty undertake not to emplant or emplace on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone provided for in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone any objects with nuclear weapons or any other types of weapons of mass destruction, as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

2. The States Parties to this Treaty undertake not to assist, encourage or induce any State to commit actions prohibited by this Treaty and not to participate in any other way in such actions.

ARTICLE II

1. For the purpose of this Treaty the outer limit of the contiguous zone referred to in Article I shall be measured in accordance with the provisions of Section II of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone and in accordance with international law.

2. Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to rights or claims which such State Party may assert, or with respect to recognition or nonrecognition of rights or claims asserted by any other State, related to waters off its coasts, or to the seabed and the ocean floor.

ARTICLE III

1. In order to promote the objectives and ensure the observance of the provisions of this Treaty, the States Parties to the Treaty shall have the right to verify the activities of other States Parties to the Treaty on the seabed and the ocean floor and in the subsoil thereof beyond the maximum contiguous zone, referred to in Article II, if these octivities raise doubts concerning the fulfillment of the obligations assumed under this Treaty, without interfering with such activities or otherwise infringing rights recognized under international law, including the freedoms of the high seas.

2. The right of verification recognized by the States Parties in paragraph 1 of this Article may be exercised by any State Party using its own means or with the assistance of any other State Party.

3. The States Parties to the Treaty undertake to consult and to coperate with a view to removing doubts concerning the fulfillment of the obligations assumed under this Treaty.

ARTICLE IV

Any State Party to the Treaty may propose amendments to this Treaty. Amendments must be approved by a majority of the votes of all the States Parties to the Treaty, including those of all the States Parties to this Treaty possessing nuclear weapons, and shall enter into force for each State Party to the Treaty accepting such amendments upon their acceptance by a majority of the States Parties to the Treaty, including the States which possess nuclear weapons and are Parties to this Treaty. Thereafter the amendments shall enter into force for any other Party to the Treaty after it has accepted such amendments.

ARTICLE V

Each Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized the supreme interests of its Country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

ARTICLE VI

1. This Treaty shall be open for signature to all States. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of ——, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall forthwith notify the Governments of all States signatory and acceding to this Treaty of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

ARTICLE VII

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the States signatory and acceding thereto.

JOINT STATEMENT BY SENATOR CLAIBORNE PELL AND SENATOR CLIFFORD CASE ON GENEVA SEABED ARMS CONTROL PROPOSAL, OCTOBER 7, 1969

In acknowledgment of today's tabling at the Geneva Disarmament Conference of a joint U.S.-Soviet draft seabed arms control agreement prohibiting the emplacement of weapons of mass destruction on or in the ocean floor, Senator Claiborne Pell (D.-R.I.), Chairman of the Subcommittee on Ocean Space of the Foreign Relations Committee and Senator Clifford Case (R.-N.J.), minority member of the Subcommittee, issued the following statement.

"The draft seabed arms control treaty tabled today in Geneva under the co-sponsorship of the United States and the Soviet Union signifies a meaningful compromise between the earlier draft treaties offered separately by the two countries, and it represents a genuine attempt to prevent the future contamination of seventy percent of the globe with a new generation of mass destruction weaponry designed for deployment on the seabed and deep ocean floor. Forbidding the use of this 140 million square miles as another arena for the deployment of nuclear weapons will serve as a monumental reminder of man's earnest quest for peace and survival in an age of extreme peril and uncertainty.

"President Nixon and the Administration are to be congratulated on their unwavering efforts to reach the kind of effective compromise encompassed in the treaty proposal now before the conferees in Geneva. President Nixon's efforts and those of Gerard Smith, Director of the Arms Control and Disarmament Agency and Ambassador James Leonard, our chief negotiator in Geneva, are clearly deserving of the Nation's full respect and sincere gratitude.

"We would hope that this latest step forward in prohibiting the deployment of atomic weaponry may serve to bring to a halt the delay in opening the Strategic Arms Limitation Talks. The Pandora's box is already half way open, and any further delay can only serve to dampen the progress made today in Geneva."

THE WHITE REACTION

Mr. BYRD of West Virginia. Mr. President, the Evening Star of Washington is currently running a series of articles entitled "The White Reaction." As the title suggests, the series deals with the reactions of white Americans to the frequent and vocal demands of a minority made up of black militants.

The second part of the series, written by Mr. Christopher Wright, appeared in the Tuesday, October 7, edition of the Evening Star. It deals with growing racial unrest in the Midwestern section of America and states:

Representative midwestern whites are showing a hardening of attitudes on racial matters.

According to the article, "the workingman is beginning to feel persecuted and, indeed, threatened" and states that "Government policies and the church's support of black militants have added to the workingman's confusion."

Mr. President, the series of articles is offering a valuable insight into the feelings of the white workingman—into the feelings of the majority of Americans. I ask unanimous consent that the second article in this five-part series be reprinted in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The White Reaction

(Note.—This is the second of five articles examining the reaction of white Americans, from low-income and blue-collar workers to upper-income professional groups to the Negro's drive for full equality. The articles, prepared by a team of reporters consisting of Haynes Johnson, John Mathews, Christopher Wright and Woody West, attempt to report candidly on the changing attitudes of some of those white Americans.)

(By Christopher Wright)

Kansas City, Mo.—He is white-collar America. White, Anglo-Saxon, Protestant, middle class, college graduate, professional, married to a white college graduate, two children, living in a fine home in an exclusive suburb. You might call him a WASP. He says he's not a racist, nor an extremist. He's worried.

"We're really upset over this. We don't know what we should do," says this insurance executive while sitting in his elegant, Tudor-style home outside Kansas City.

Parishioners in the Methodist church he attended discovered recently that their contributions had been used to buy a station wagon for a Black Panther group now organizing in the city's ghetto. The vehicle, they learned, had been equipped with a police radio receiver and was being used to harass officers responding to emergencies in Negro areas.

The station wagon was taken back by the church, but the congregation split over the issue. Now, the insurance executive and his family no longer go to that church. He speaks of the dispute as one might of a shattered love affair—hurt, confused and not sure what the next step should be. He questions his own attitudes and actions.

"If I was black and knew I had only one life to live, I don't know what I'd be doing," he says. "But I'd be out there trying to get everything I could. I might even be a Panther."

Sitting in his paneled kitchen drinking scotch and listening to him and his neighbors, one becomes aware that "the Negroes" are a constant topic of conversation in Kansas City.

In the rich midland of America, the racial bitterness of the industrial cities of the East is becoming a reality to whites and blacks. So far, the violence has been minimal compared with Watts and Washington, but the lines are forming, the fear is spreading.

Across the wheat fields, 175 miles to the southwest in Wichita, the talk is also of race. In both places men and women—representative Midwestern whites—are showing a new hardening of attitudes on racial matters.

Here, on the edge of the Great West, where golden sunflowers bob beside the roads and an absence of problems has become a way of life, blue-collar and middle-class whites are drawing back at the threats of black militants and the rumors of riots to come.

To many whites, it seems the tables have been turned. It is the Negro who is showing his prejudice now, they say. It is the Negro who is exploiting the white now.

Vast changes in housing patterns have robbed the white man of the feeling that his home is his castle—or, rather, that his neighborhood is his preserve. He has begun to think the Negro is getting something for nothing, something at his expense.

Government policies and the church's support of black militants have added to his confusion. The working man—his traditional institutions of job, neighborhood and religion now beset with controversy—is beginning to feel persecuted and, indeed, threatened.

Take Wier Bass, for instance. In his Standard service station on the edge of the business district of Wichita, he voices his fears about the blacks.

"All they want to do is get their hooks into you. They want to take everything," he says, looking up from a roll of cash-register tape he is checking in the spotless red-white-and-blue station. 'They want to take everything you've got. I never give credit to a colored man anymore. I've been stuck too many times.

"Sure, we talk about what's going on, but what can you do? The police, they don't tell you nothing. Three blacks held up a store around the corner the other day, but you never hear anything about it. There's seventeen thousand million of them downtown on relief. What can you do? They're taking over.

'I've been saying there'd be war for 20 years and when you declared it, there'd be a colored man with a knife in your back."

Allusions to some "all-out war" that blacks and whites will have to fight in the shadowy and uncertain future seem out of place in this rich land of wide fields and great, bustling industry.

But, in fact, Kansas City and Wichita have experienced racial disturbances, fire bombings and hostilities in schools.

"Outside agitators" are often blamed for the racial bitterness creeping into communities which once thought big-city troubles would pass them by.

The Black Panthers now organizing groups of militant youths in Kansas City are Communists, some say. "The militants came on the scene to disrupt when things were going well. Maybe deep down they didn't want progress," suggests one man. Maybe somebody said, 'things are going too well out there.' "

The rise of the Panthers has caused whites in all walks of life to reconsider their attitudes. I'm sympathetic, but I'll be goddam if I'll support a guy who says he'll run over me," says one businessman.

For some, the choice has become simpler. The whites don't like the blacks and the blacks don't like the whites," said a Kansas City cab driver. One moved into my neighborhood on a Friday and I moved out on the following Monday.

"My brother-in-law, he thought different. Two years later, he sold a $25,000 home to a man in a public housing project for $15,000.

"I tell you, I think we may have war before this is all over."

The middle ground is becoming hard to find, even in those areas that in the past instantly invoked pastoral images. Journey beyond the cities to the broad farmland west of the Missouri River. There, the sounds of racial strife are still a far-off rumble for many. Yet the uneasiness is there, too, even though the fear has yet to make this journey.

"To tell the truth, we don't know much about the colored man out here," says Roy V. Swaney, looking over his fields waiting for winter wheat, one thumb hooked into the bib of his overalls.

"There's a couple in the Derby High School, but they don't cause any trouble. A few people are kind of prejudiced, but most figure there's good Negroes just as there's good white people.

"Of course, if you was down where there was a lot of trouble, I guess you'd feel different. This tearing up the city ain't doing no good. I can't see that. But they don't bother us out here."

In Wichita, where rioting occurred a year ago last April and fighting in the high schools forced cancellation of classes this fall, many people still say there is less friction than in other cities.

Even so, the blue-collar white worker senses that his values are being threatened, that he is no longer master in his own city.

"They know all the cotton picking answers," says Gentra Goodwin, the two-fisted secretary of a Wichita construction workers' union. "They'll just cut you off and tell you they'll get a lawyer. What are you going to do with cattle like that? You can't sit down and talk to them anymore.

"They're all worked up; everybody's on edge," he says, leaning back in the swivel chair in his cinderblock office.

The union is about 40 percent black, mostly laborers. There's not too much open friction among members, he says. "Oh, sure, some of the white fellers say they think the Negro ought not have a place at all in this world. I think they ought to be treated like human beings. We got some worthless white people, too. People all got to the point they don't think they have to work.

"But there's quite a bit of unrest. You just don't know when they're going to throw a Molotov bomb. Still, you got to take some chances. If you let them know you're scared, they'll worry the life out of you."

At the Oasis bar in the west end of town, where workmen from the vast airplane factories come to drink, Thelma Hallmark wipes up a small pool of beer.

"You'd be surprised how many of these people voted for Wallace. It's cause they hate the blacks. They feel like the blacks are trying to take away their jobs.

"If a white guy has a job, he's gonna work. Work's all he knows. He's got all the education he's going to get. He can't do nothing else. And he feels threatened.

"And soon as they think taxes, they think welfare, and when they think that, they think black. I always say, "There's just as many whites won't work as blacks," but they say, 'yes, but . . .' You see, it's that they're white. It always comes back to skin."

Despite such talk, most upper-class whites in Wichita feel the black-white battle plaguing bigger cities will pass them by.

"Events in the country leave Wichita fairly much untouched," said one matron. "We feel isolated and we isolate ourselves. We seem to work out our problems as a group and we have a basic feeling of 'I want to trust, I want to try.' "

Most of the violence which followed Martin Luther King's murder was contained in the city's northeast corner, a totally Negro neighborhood. Busing has caused some outbreaks of violence in the schools, but most people consider that the fault of youth rather than a whole society.

Blacks, who make up 8 percent of the city's 300,000 population, are being integrated into the business community. The vice president of the chamber of commerce is a Negro.

Says the president of one of the city's largest banks, "My philosophy is to try to pick them out myself while I can still choose. I'd rather find them myself."

Wichita probably will have a black mayor next year.

Price Woodard, a prominent black attorney now president of the city commissioners, is due to be rotated into the mayor's seat and nobody seems the least bit excited. A successful businessman who handles white and black clients, Woodard may be an Uncle Tom to some groups in the community, but he has the admiration of the whites. "He's just terrific. He's a self-made man first and a Negro second," says one woman.

Woodard, a big man with a dark craggy face and a short mustache, lets you know right away that he and the forces of moderation are in control in Wichita.

"Sure," he says, "the Negro community was upset too in 1968. And that trouble subsided because the Negroes in this town went out and said, 'We're not going to have you burn down this community. We'll put you in the street in a dead body first.' "

The Negroes of Wichita are much more interested in economic development than in prolonging tensions, he says. "You take the medals and I'll take the money. And incidentally, a lot of people in this town would rather be called Negro than black. Actually, we're not black, we're a shade of brown."

In Kanasas City, "they" are black.

Cal Johnson and Tom Edwards work in the shipping department of one of the Midwest's biggest frozen food distributors. Both have sold their homes and moved in the past few years because of block-busting techniques prevalent in Kansas City. Both worry that attitudes are hardening as Negroes dig in and begin to exercise their power.

"If a guy can make it and has ability, more power to him," says Johnson. "But they seem to be trying to get all they can get too fast. They're going to jam this down our throat until we won't take it any longer."

Johnson is a short, burly man dressed in a neat pair of khaki trousers and a short-sleeved khaki work shirt. Just below the sleeve on his left arm is a red-and-blue tattoo which says "USN" in a circle.

"And the government," he says. "This giving it to them on a platter, I can't see that. What about that public housing? That was a nice project. But you go down and look at it. It looks like a dump."

The neighborhood, where he was living went from all-white, to integrated, to just about all-black, he says.

"I practically had to give my house away. It got to be too much. My kids couldn't play in the yard without having some bigger kid come along and take their bicycle or ball. They beat up my 12-year-old on the way to school.

"Now that's the hell of it. I wouldn't let my kids beat up on some colored kid just because he's colored. There's got to be somebody behind this, stirring things up, in a year I was the only one there."

"I don't see how they can keep taking and keep taking. I wouldn't be surprised if we had all-out war."

Tom Edwards is in charge of dispatching trucks. When the first Negroes moved into his neighborhood several years ago, he got up in the local neighborhood housing association meeting and urged his neighbors not to panic and to stay where they were. "It ended up, in a year I was the only one here."

"I don't think it's right to keep a man down, but things have done a complete switch. I think it's the blacks is prejudiced now. They got everything going for them now."

In the American subconscious, the West has stood for the frontier, the land of promise, the land of the future. Today, many Midwesterners are beginning to look at tomorrow with distrust.

A Wichita carpet dealer likened the course of America to that of declining Rome with its deteriorating morals and racial confusion. "It isn't today people are worried about," he said. "It makes you wonder what the next 20 years will be like."

ADJOURNMENT

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 1 minute p.m.) the Senate adjourned until tomorrow, Thursday, October 9, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate October 8 (legislative day of October 7), 1969:

Commission on Civil Rights

Manuel Ruiz, Jr., of California, to be a member of the Commission on Civil Rights, vice Hector P. Garcia.

Diplomatic and Foreign Service

The following-named persons, now foreign service officers of class 2 and secretaries in the diplomatic service, to be also consular officers of the United States of America:

John F. Fitzgerald, of Pennsylvania.
Herbert Gordon, of Florida.

For appointment as a Foreign Service officer of class 3, a consular officer, and a secretary in the diplomatic service of the United States of America:

John J. O'Neill, Jr., of Connecticut.

For promotion from a Foreign Service officer of class 6 to class 5:

Harry C. Blaney III, of New York.

For promotion from Foreign Service information officers of class 6 to class 5:

John T. Burns, of Florida.
Miss Eleanor M. De Selms, of the District of Columbia.

For promotion from a Foreign Service officer of class 7 to class 6:

Philip A. King, of Florida.

For appointment as Foreign Service officers of class 6, consular officers, and secretaries in the diplomatic service of the United States of America:

Charles B. Cuenod, Jr., of California.
Richard A. McCoy, of New Jersey.

For appointment as Foreign Service officers of class 7, consular officers, and secretaries in the diplomatic service of the United States of America:

Gary S. Basek, of New York.
Nicholas S. Baskey, Jr., of Ohio.
Raymond F. Burghardt, Jr., of New Jersey.
James F. Collins, of Illinois.
Marc S. Heilweil, of New York.
Bruce Malkin, of Pennsylvania.
Harold Edward Meinheit, of Illinois.
Ray A. Meyer, of New Hampshire.
V. Edward Olson, of Minnesota.
Laurence E. Pope II, of Massachusetts.
David R. Patterson, of Arkansas.
Gerald W. Scott, of Oklahoma.
Daniel Anton Strasser, of California.

For appointment as Foreign Service officers of class 8, consular officers, and secretaries in the diplomatic service of the United States of America:

Richard Arthur Coulter, of Oregon.
Allen McDowell Hale, of Virginia.
Michael J. Hogan, of Utah.
James W. Swihart, Jr., of Maine.

Foreign Service reserve officer to be a consular officer of the United States of America:

Richard A. Kahane, of Louisiana.

Foreign Service reserve officers to be consular officers and secretaries in the diplomatic service of the United States of America:

F. Kinloch Bull, Jr., of South Carolina.
Frank R. Burget, of Washington.
Miss Julia Maria Cardozo, of the District of Columbia.
Eugene E. Craighead, of Maryland.
Clarence W. Edwards, of Washington.
Robert L. Fambrini, of California.
Alan D. Fiers, Jr., of Virginia.
Edgar J. Fredricks, of Michigan.
John C. Hannon, of Montana.
Claude Hargrove, of New York.
Richard C. Hile, of Washington.
Thomas L. Hughes, of Maryland.
Bernard Johns, of New York.
Paul M. Kittredge, of Maryland.
Bruce E. Kressler, of Nevada.
Arthur J. Laemmerzahl, of the District of Columbia.
Robert McDowell Lloyd, of New York.
William S. Lofgren, of Virginia.
Walter C. McCabe, of Maryland.
William D. Miller, Jr., of Maryland.
Julian C. Nicholas, of the District of Columbia.
Miss Virginia Kay Nygard, of North Dakota.
Jack S. Ogino, of Mississippi.
Domenic F. Perriello, of Maryland.
John D. Poulter, of Kentucky.
Donald M. Richardson, of Virginia.
Joseph F. Sartiano, of Virginia.
Peter V. Savage, of Pennsylvania.
Allen D. Smith, of Florida.
James C. Suggs, of Florida.
Lance H. Tyler, of Virginia.
William P. Wagner III, of Florida.
Robert J. Weatherwax, of Virginia.
Clarence S. Wilson, Jr., of New York.

Foreign Service reserve officer to be a secretary in the diplomatic service of the United States of America:

Frederick F. Simmons, of the District of Columbia.

Foreign Service staff officers to be consular officers of the United States of America:

Robert G. Deason, of California.
Rudolph L. Rivera, of California.
Eugene L. Scassa, of Pennsylvania.
John M. Scott, Jr., of New Jersey.
Thomas J. Tepper, of Illinois.
Miss Ruth V. Verdin, of Florida.
James A. Weiner, of California.

In the Army

The following-named persons for appointment in the Regular Army, by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be major

Lewis, John P., 113–20–8410.

To be first lieutenant

Bogue, Ronald A., 533–40–7033.
Day, Doel D., 242–58–4120.
Whitesell, Thomas C., 179–32–0905.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Copeland, Francis A., 115–26–7614.
Day, Edward H., Jr., 230–32–0631.
Greear, James N., 171–22–7209.
Schmidt, Carl F., 070–24–0042.
Sigler, Nolan M., 311–32–3870.
Stevenson, George D., 259–34–3371.

To be captain

Agee, Robert N., 284–34–7665.
Aldrich, Robert J. K., 575–28–7808.
Allan, Jon A., 004–36–8246.
Alling, Richard, 049–24–7092.
Allman, Cornell L., 560–46–0599.
Bateman, Robert E., 518–30–8310.
Benson, William L., 542–44–8864.
Braxton, George H., 223–42–5834.
Buck, Alfred S., 120–28–3948.
Carney, Richard L., 480–38–3054.
Christie, David C., 543–46–3304.
Clark, Carl M., 231–42–9193.
Cooper, Frederick E., 262–36–3135.
Courts, Dorothea A., 442–38–6265.
Desjardins, Robert H., 036–24–2223.
Dutton, Morris E., 111–28–7254.
Ecoppi, Joseph L., 357–24–6356.
Ekland, David A., 531–40–2691.
Enloe, Donald R., Sr., 488–36–6464.
Foley, Mary D., 025–30–0207.
Gass, Henry B., 419–58–6870.
Golden, Raymond L., Jr., 523–46–5948.
Grett, Stanley E., 492–40–2969.
Hoitt, Harold E., 023–28–3476.

Hutson, Heyward G., 249-54-3130.
Jablonsky, David, 216-36-3131.
Johnston, Richard H., 493-36-5162.
Kenyon, Lawrence R., 252-60-4139.
Lackie, Leo Dale, 440-28-8121.
Linares, Rafael, 578-52-1316.
L'Insalata, Rudolph P., 104-26-9164.
Ludlum, Charles D., 446-28-0194.
Macri, Anthony J., 144-30-7842.
Maloney, John W., 277-38-3037.
McShane, Franklin J., 140-30-4906.
Messick, Thomas R., 223-38-7726.
Moore, Charles R., 424-36-4784.
Moran, Eugene F., 102-26-0611.
Morrison, Robert N., 537-26-7370.
Napier, Wallace R., 406-44-6520.
Nelson, Donald C., 561-46-1536.
O'Neill, Stephen E., 502-36-7913.
Pearlman, Eliot J., 019-32-1651.
Perkins, Charles E., 430-72-1121.
Phillips, Llewellyn, 243-54-2435.
Rainess, Alan E., 103-28-2493.
Richardson, Clarence C., 104-26-1697.
Rozier, Jackson E., Jr., 227-44-5741.
Rude Franklin, Jr., 466-56-6179.
Shelter, Paul J., 569-48-8729.
Soule, James L., Jr., 002-24-4221.
Stevens, Jackson C., 271-34-3746.
Swallow, Charles T., 528-46-5550.
Tiesenga, Sidney W., 372-38-2564.
Tippens, Jack K., 579-12-3263.
Vaughan, Robert P., 451-56-4416.
Wallis, Cecil L., 466-32-6306.
Weeks, Leo J., 007-32-5844.
Williams, John C., 300-34-5561.

To be first lieutenant

Aulick, Louis H., 405-52-6348.
Barbara, James C., 130-32-6342.
Barrett, Thomas P., 423-52-8382.
Barron, Garrett W., 209-30-1740.
Bateman, Robert M., 238-64-5481.
Bircher, John E., 162-32-9809.
Boettcher, Wolfgang F., 466-64-5660.
Brewer, Lance O., 450-58-2579.
Broadie, Samuel F., 510-40-5996.
Butler, Charles A., 492-38-0853.
Carlin, James J., 573-46-2421.
Cart, Fredrick J., 502-46-5753.
Carzoli, Richard L., 478-42-3277.
Case, James W., 341-36-7655.
Cashmere, Thomas W., 195-30-1289.
Chambers, Roy E., 525-80-8974.
Clapper, John W., Jr., 505-56-1352.
Class, John B., 388-40-9431.
Clegg, Thomas A., 242-66-7995.
Cole, James W., 213-34-9863.
Collard, Nelson, B., Jr., 535-40-7254.
Collins, Kenneth R., 134-30-8475.
Collins, Michael H., 521-54-0910.
Collyer, Douglas C., 385-40-0166.
Couch, Kenneth R., 528-48-1496.
Cunkelman, George T., 171-32-8974.
Danek, Thomas E., 126-36-8762.
Davis, Richard C., Jr., 454-70-7791.
Dean, John D., 245-56-1352.
Eckel, Hasko K. W., 286-38-0088.
Ericksen, Harold J., 425-76-4885.
Ewing, Donna M., 211-30-6456.
Faint, Arthur J., 257-64-4982.
Ford, Dean C., 516-44-7161.
Fox, Leon F., 023-32-7312.
Fuller, John T., 423-54-9595.
Galda, Dwight W., 141-34-7531.
Garvey, James E., 277-36-1952.
Gilbert, David B., 482-50-9181.
Goodwin, Lawrence B., 403-52-9929.
Grant, Wallace C., 007-40-8045.
Hackett, John L., 157-32-7395.
Hall, Jack C., 501-26-5684.
Hall, Robert L., 465-58-8089.
Hamlett, James M., III, 412-70-9203.
Hermsdorfer, Arthur, 302-36-7446.
Hinton, Samuel M., 223-56-7919.
Hoffman, Carl M., 262-74-9667.
Hohengarten, John H., 570-52-4993.
Holley, Robert G., 075-32-0728.
Houser, Oscar S., Jr., 414-60-5746.
Huddleston, Prentiss, 265-68-5891.
Ireland, John C., 007-40-8073.
Johansen, Eldon R., 507-44-6766.
Johnson, Charles E., Jr., 265-52-3428.
Johnson, Martha S., 309-38-4564.
Johnston, John R., Jr., 015-34-2420.
Jones, Charles C., 249-58-1169.
Jones, Robert T., 243-52-7833.
Keel, Hugh N., III, 479-54-4155.
Kerekes, Karoly, 111-32-3667.
Ketchum, Robert V., 078-34-2988.
Klein, James A., 225-54-7929.
Lord, Kenneth P., III, 094-34-6331.
Markarian, Clement J., 012-34-5546.
Matthews, Cleve E., 510-40-0733.
McCall, Monty, W., 551-58-3789.
McCandless, James T., 185-32-9168.
Miezelis, Joseph A., 338-32-1509.
Miller, Bruce, 224-54-2698.
Miller, Martin W., Jr., 194-32-1062.
Moeller, Walter J., IV, 432-80-8639.
Moore, Robert T., 298-34-4944.
Morgan, Creed R., 539-30-1735.
Moriarty, Lauren M., 492-44-7193.
Mountcastle, John W., 227-54-4018.
Naugle, David N., 560-62-1871.
Newell, Clayton R., 526-64-5937.
O'Malley, Thomas A., 088-32-9814.
Parker, Joseph S., 224-56-9688.
Parry, John D., 108-32-3193.
Partin, Daniel H., III, 238-62-1147.
Patton, Jack T., 549-52-0628.
Paudler, Franklin T., 395-38-9514.
Perkins, Rudy C., 047-32-1011.
Quinn, Frank X., 181-30-8800.
Quinn, Joe L., 467-48-8928.
Robb, Ronald S., 513-44-1405.
Roberts, Nathaniel E., 264-60-1616.
Rooney, John M., 527-56-2210.
Rovinski, Charles J., 206-30-1073.
Sanford, Winston M., 258-64-5431.
Schlottman, James C., 208-32-9912.
Shaw, Robert W., 441-40-3585.
Smoot, William K., 493-50-8814.
Spencer, Dorothy E., 187-34-3316.
Sullivan, Leon W., Jr., 216-40-2805.
Thomas Nathaniel L., 254-60-5502.
Thompson, Robert R., 441-42-4741.
Thompson, Douglas A., 542-42-1459.
Tranel, David A., 485-60-1553.
Vaughn, John D. A., 057-32-6043.
Watters, Thomas S., 225-48-2078.
Westerberg, James F., 524-44-0183.
Wiley, Roger W., 353-32-6915.
Williams, Wilburn C., 460-68-7497.
Willoughby, Cole B., 279-38-8764.
Wimett, Joan J., 097-34-1126.
Wimett, William J., 108-32-3709.
Winarski, Stanley T., 142-30-3786.
Winston, Ora J., 440-52-2057.

To be second lieutenant

Beach, Martin H., 238-62-4210.
Beale, Donald L., 176-34-7729.
Beech, George W., 424-54-6926.
Chitwood, Mark J., 170-36-6967.
Confer, Kent L., 293-40-2185.
Cucullu, Gordon C, II, 438-64-3856.
Diaz, Rodriguez M. R. A., 583-01-9953.
Duckworth, Robert A., 486-46-4355.
Elmore, James H., Jr., 250-82-1759.
Evans, Ronald L., 531-38-9997.
Filip, Thomas J., Jr., 377-44-5689.
Frase, Richard J., 222-26-4869.
Gallup, Archibald M., 044-32-3099.
Gardner, Barry J., 230-64-0259.
Garrett, George B., 464-70-0877.
Gustin, Jerry J., 510-46-3311.
Hamer, Lawrence A., 481-54-2171.
Hendrickson, Gerald R., 471-42-9361.
Hess, Patricia A., 220-42-3864.
Hines, John G., 124-38-3107.
Krafft, Gary R., 555-64-2593.
Labounty, James W., 219-40-2869
Lechner, William R., 101-34-5781.
Leonard, Gary L., 510-46-2153.
Lindsey, Wilford D., 495-44-1724.
Mangold, Robert B., 276-40-5057.
Manor, Michael H., 103-34-8239.
Matthews, William P., 465-64-6079.
McCormick, John E., 524-44-8382.
Messinger, Keith J., 524-54-8153.
Morton, Clarence M., 450-66-1106.
Moss, Gerald B., 078-34-1358.
Otto, Charles R., 417-58-5644.
Pelton, Richard P., 085-34-7299.
Pybus, Wimpy D., 262-64-3054.
Schaefer, Ken M., 547-54-7600.
Smith, Rodney L., 433-60-9193.
Sommerfeld, Evan E., 340-32-7201.
Stanley, Stanislaw T., 025-32-1879.
Taylor, George T., Jr., 249-74-3586.
Tomlinson, Meredith, 228-58-7730.
Trahan, Joseph A., Jr., 437-60-9991.
Viall, Dallas A., 517-52-8579.
Walsh, Francis R., 133-32-1774.
Weimer, Robert M., 276-38-2463.
Wendling, Henry H., 518-50-0918.
Yager, Klaus D., 215-40-3842.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Allardyce, Burnis G.
Andrews, Francis L.
Arno, William A.
Bailey, Freddie W.
Bailey, Gary R.
Barger, Robert E.
Baxter, William S.
Beatty, Clifford G. III
Bird, James R.
Boehme, Charles
Bowers, Bruce D.
Brannon, Leslie R.
Britton, James R.
Brown, Terrence M.
Brubaker, David L.
Campbell, Ronald S.
Dent, Danny F.
Duffy, Brian P.
Gibson, Hubert L., Jr.
Grant, Kenneth E.
Hargadine, Rex A.
Harness, George W.
Harper, Ronald J.
Henson, Hamilton M., Jr.
Herman, David H.
Hood, Donald J.
Hunter, Robert B.
Johnson, Ronald F.
Kreger, Thomas D.
Kundel, John A.
Lacoste, Gene M.
Lewis, Craig R.
Marti, William J.
Meyer, Darwin W.
Moeller, Lonell L.
Monrad, Terry M.
Mote, Jerry Lee
Moyer, Laurence A.
Mushrush, Stephen R.
Newby, Duane A.
Payne, John C.
Pearson, James D., Jr.
Powell, John D. III
Reitzell, John R.
Ross, William H.
Schmieg, Michael M.
Schneider, Ronald D.
Sittingdown, Quincy D.
Sparks, Michael L.
Spira, David J.
Stanfield, Stephen L.
Stanton, John P. II
Stegall, Raymond L., Jr.
Stockdale, Parker F.
Walker, Johnny M.
Wax, Richard R.
Yost, Dennis E.
Zoesch, William E.

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Freeman, Richard L.
Halfant, Jerry
Occhi, Robert J.
Powell, James R.

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Adams, Thomas C.
Ailes, Robert H.
Alexander, Sherman G.
Alexander, William H.
Allemang, John D.
Allen, John E.
Allen, Richard O., Jr.
Allen, Robert L., Jr.
Allen, William D.
Allison, William R., Jr.
Almstedt, Theodore A., Jr.
Ames, Laverne W.
Anderson, James B.
Anderson, Jerry P.
Anderson, Richard W.
Andrade, Allan L.
Andrews, Bobie
Androski, Frank N.
Anthony, Phillip D.
Apple, John D., Jr.
Aquilino, Salvatore P.
Arcelle, Mark, Jr.
Arnold, Thomas F.
Artuso, Michael A.
Audilet, Garland O.
Ausley, Joe H., Jr.
Baals, John R.
Bailey, Donald C., Jr.
Baker, Robert C.
Banks, William K.
Barbour, William J., Jr.
Baril, Robert F.
Barlow, John R.
Barnes, James H.
Barnes, James A.
Barnett, Charles E.
Barnett, Stephen B.
Barney, Charles R.
Barnhart, Harold D.
Barret, Lee E., Jr.
Barrish, Paul D.
Bartholomew, James H.
Bartley, Robert H.
Bassett, Charles G.
Bate, Ronald D.
Bauman, John M.
Baumgartner, James A.
Beach, Milton D.
Beck, Richard E.
Bellinger, John R.
Benediktsson, Philip W.
Benjamin, Charles L.

Bennett, Peter C.
Berg, Milfred C.
Bergstrom, Kenneth I.
Berry, Roy A.
Bess, George D.
Best, Albert H., III
Bethel, Robert G.
Betts, Roger S.
Beversdorf, Donald W.
Beving, Duane U.
Beyl, David D.
Biggs, Robert R.
Bigler, William W.
Biles, George E.
Bilicki, Daniel R.
Billings, Alfred J.
Bird, Ralph G.
Bird, Thomas C.
Birdsall, David M.
Bixby, Harry L., Jr.
Blackburn, Harry L., Jr.
Blair, David B.
Blair, Peter S.
Blandford, James R.
Blankenship, James M., II
Bley, John E., Jr.
Bloise, James E.
Bloom, Donald D.
Blum, Brandon B.
Boebert, Frank L., Jr.
Boelter, Dan A.
Bolte, William S.
Booth, Peter B.
Borden, Archie D.
Borden, Robert C., Jr.
Bovey, Paul E.
Box, Roger E.
Boyd, Richard M.
Boyle, James T.
Breast, Jerry C.
Bredbeck, William J.
Bredderman, Rudolf T.
Breeding, Leslie E.
Breland, Edgar A.
Brennan, John F., Jr.
Brennan, Richard J.
Brenneman, Harold R.
Briggs, Braden R.
Briggs, Stanley
Brisbois, Marshall B.
Bronson, Hiram S., III.
Brooks, Charles G. W.
Brown, Charles E.
Brown, Donald B.
Brown, Nicholas
Brown, Ora D., III
Brown, William M.
Bruyere, Thomas E.
Bryan, John E., Jr.
Buehler, William S.
Buggy, Joseph S., Jr.
Bump, Stanley E.
Burdick, Howard F., Jr.
Burke, Francis J.
Burke, William C.
Brukel, John F.
Burrows, Donn T.
Bush, Vernon R.
Button, Ralph L.
Byng, Weston H.
Caccivio, John D.
Cahill, Walter A.
Camacho, Richard G.
Cameron, Jim F.
Campbell, Ronald K.
Campbell, Thomas G.
Canada, Donald E.
Cannon, James R.
Cargill, Denny B.
Carmichael, Eddie I.
Carpenter, Jack R.
Carr, James M., Jr.
Carre, David M., Jr.
Carrigan, Richard C.
Carroll, Peter A.
Carson, James T.
Carswell, Michael S.
Casey, Richard F.
Casey, Ronald C.
Cates, Gus V.
Catola, Stanley G.
Chamberlain, John D.
Chang, Ming E.
Charneco, Carlos M., Jr.
Chase, Henri B., III
Chatham, Walter L.
Chester, Scott A.
Chitty, Charles M., Jr.
Chrans, Ronald L.
Christensen, Cyrus R.
Christopher, Richard V.
Chumley, Sylvester G.
Cicchetto, Mario J.
Clark, Arthur R., Jr.
Clark, William E., Jr.
Clay, Jack D.
Clayton, George H., Jr.
Clifford, Norman
Cloud, Bruce L.
Clower, Claude D.
Clynes, Charles E.
Cobb, Roy L.
Cole, Charles W., Jr.
Coleman, Douglas C.
Coll, William A.
Colville, Robert E.
Combs, Lawrence L.
Connell, Earl W.
Connell, Philip J.
Connelly, James H., Jr.
Connelly, John J., Jr.
Connolly, Leo J.
Cook, John H., III
Cooke, Vincent E.
Cooley, David L.
Coons, Henry A.
Cooper, Estill A., Jr.
Cooper, Ross E.
Copeman, Thomas H., Jr.
Corkins, Charles W., Jr.
Corr, Peter S., Jr.
Costello, Donald H.
Costilow, Kenneth L.
Cotsonas, John P.
Covey, Edward J.
Crafton, Robert W.
Craig, John E., Jr.
Crain, Carroll O., Jr.
Cramer, Dean E.
Crater, George H., Jr.
Crawford, Paul G.
Cremo, John, Jr.
Crim, Billy R.
Crowell, George T., Jr.
Crowson, Christopher G.
Crudup, Everett H., Jr.
Crutchfield, Claud C.
Cumming, Richard S., III
Curry, Keith R. W.
Curry, Thomas H.
Curtis, Wayne
Cust, Harlan R.
Cyr, Byron A.
Czar, Raymond J.
Dage, Jerry D.
Dahill, Edward E., III
Dahl, Lowell D.
Daniels, Hal B.
Darby, Jack N.
Darling, David D.
Darnell, Jack
Daugherty, Donald N.
Daulton, James T.
Davis, Norman E
Davis, Robert G.
Dawson, Albert L.
Dean, Robert V.
Deangelo, Mark J.
Dearie, Cyril G.
Dechant, John A.
Deering, Robert M.
Demars, Bruce
Dennison, James R.
Denunzio, Nicholas J.
Desteiguer, John R.
Deweese, Everette D.
Dickerson, Kenneth A.
Diloreto, Lucio
Disher, John S.
Doebbler, Gordon B.
Doerr, Peter J.
Donahue, John F.
Donlan, William J.
Dore, Stanley M., Jr.
Dorow, William R.
Dorsey, James F., Jr.
Dowd, Gregory P.
Drake, Donald L.
Duffield, Frederick H., Jr.
Dunbar, Fredric A.
Duncan, John G.
Dungan, David A.
Dunleavy, Richard M.
Dunmire, Rance D.
Dunnam, William L.
Dyer, Nathaniel B., Jr.
Dyro, Stanislaus G.
Eagye, Vernon A.
Earnest, Charles M.
Eason, William G.
Easterbrook, Charles W., Jr.
Eaton, Robert H.
Eckert, John D.
Edmunds, Donald C.
Edney, Leon A.
Edson, Charles T.
Edwards, James C.
Edwards, Joe D.
Edwards, Leslie R.
Edwards, William F.
Egerton, James W.
Ehret, James D.
Ehrman, Robert G.
Elinski, Michael, Jr.
Eller, James B.
Ellingwood, Arthur R., Jr.
Ellis, Hal R., III
Elpers, William W.
Emmerson, Milo E.
England, Robert N.
Erie, Carl R.
Errickson, John J.
Eskew, Perry R., Jr.
Estes, Edward D.
Etheredge, Teddy B.
Evans, Frederic H.
Evans, James A.
Evans, Ronald E.
Eyler, Armand T., Jr.
Eytchison, Ronald M.
Fahey, William F.
Fairbanks, Wayne K.
Fallon, Thomas F., Jr.
Fantry, William T., Jr.
Farrar, Charles E.
Featherston, Rex W.
Felkins, Charles G.
Fellowes, John H.
Fenzl, George J., Jr.
Ferrarini, Richard L.
Festag, Albert P.
Fieser, Arnold K.
Fink, George E.
Fink, Siegfried A.
Finley, Dean M.
Fiore, Adolph A.
Fischer, Theodore A., Jr.
Fish, Benjamin L., Jr.
Fiske, Harry K.
Fitch, Edward S.
Fitzgerald, Maurice D.
Fitzsimmons, Eugene W.
Fitzwilliam, Peter K.
Flanary, Thomas N., II
Flannery, Gerard J., Jr.
Flather, Charles R.
Flatley, James H., III
Fleshman, Samuel A., II
Flory, Richard L.
Flower, John R.
Flynn, John J., Jr.
Flynn, William J.
Foote, Everett W.
Ford, Homer L., Jr.
Forest, Robert E.
Forgy, James P.
Forster, Robert M.
Fournier, Paul R.
Fox, Robert F.
Fox, Thomas R.
Frank, Thomas P.
Frank, Vernon E.
Franzen, Richard D.
Frazier, Donald L.
Fredrick, Russell E.
Fries, Charles L.
Friichtenicht, Richard D.
Froehlich, Kenneth R.
Fudala, Ernest M.
Fuld, Charles L.
Fuller, Fred R.
Fullerton, Frank E.
Fyles, Roderick A.
Gallotta, Richard A.
Gammell, Clark M.
Garber, Cecil E.
Garland, Keith P.
Garrison, Charles H., Jr.
Gates, Richard L.
Gelke, John J.
Gerrald, Benjamin W.
Gesling, Marion L.
Giacchino, Louis F.
Gibson, James C., Jr.
Giedzinski, Henry B.
Gifford, Robert M.
Gilbert, James C.
Gilbert, Robert L.
Gilchrist, Craig G.
Gilfry, Mason C.
Giuliani, Leonard E.
Glaeser, Frederick W.
Glasgow, Billy R.
Glasson, William A., Jr.
Glenn, William A., II
Gluse, Michael R.
Goben, Robert D.
Goewey, Lee E.
Golden, Edward E.
Goodale, Charles N.
Goodall, Thomas A.
Goodwin, Bruce G.
Gordon, Stewart R.
Grandjean, Charles A.
Grant, Freeman A., Jr.
Grant, Richard L.
Graves, William S.
Gray, Anthony W., Jr.
Green, Gerald E.
Green, William H.
Greenhaw, Karl J., Jr.
Grewe, Webster
Griffin, Robert F.
Griffith, Dwaine O.
Grimmell, Robert L.
Gross, Sidney L.
Grossoehme, Clyde
Grove, Ronald R.
Guerra, Albert H.
Hahne, Dayton R.
Hale, Frederick W.
Haley, George K.
Hall, Harley H.
Hall, Joe L.
Hall, Michael R.
Hall, Robert A.
Hall, Thomas J.
Hamilton, Edward A.
Hamlin, George A., Jr.
Hamman, Kenneth A.
Hammon, Colin P.
Hammond, Leroy L.
Hanley, William L., Jr.
Hannaford, William H.
Hansen, Herbert L.
Hanson, Deroy L.
Hanson, Donald C.
Hanson, Edwin E.
Hanson, Morton H.
Harden, Thad H.
Harmon, Jack E.
Harmon, Oliver E.
Harris, Robert H.
Harris, William R.
Harscheid, David G.
Hartley, Donald H.
Hasch, Ralph H.
Haskell, Hugh B.
Hastings, Ralph H.
Hatch, Ross R.
Hayes, Newton G.
Hayman, Douglas F., Jr.
Hazle, Hugh A.
Heiland, Charles E.
Heisinger, Duane L.
Hennessey, John P.
Herring, Paul E.
Hesse, Gerald H.
Hickerson, James M.
Hickman, Jimmie E.
Hill, Raymond W.
Hodge, William R.
Hodgkinson, John T.
Hodgskiss, William L.
Hoffman, Chauncey F.
Hoffner, Conrad C.
Hogg, James R.
Hohenstein, Clyde G.
Holland, John O.
Hollandsworth, Paul F., Jr.
Holm, John P.
Holmes, Richard B.
Honsinger, Vernon C.
Hood, Joseph W., Jr.
Horne, Roger B., Jr.
Hoskins, Perry D.
House, Wayne, Jr.
Howard, Charles B.
Howe, Jonathan T.
Howells, David A.
Hoyes, Donald J.
Hueber, Fred P.
Huhn, Samuel P.
Hullander, Robert A.
Humphreys, David W.
Hunter, Wallace R.
Husted, Murl E., Jr.
Husted, Richard C.
Huston, William G.
Hutton, James L.
Hyatt, Robert G.
Ingalls, Frederick G.
Inman, Ronald C.
Jaeger, Robert H.
James, Edgar L.
Jarratt, Guy C., III
Jarwin, Raymond J.
Jaudon, Jones P.
Jauss, Charles W.
Jebb, Robert D.
Jellison, Harry E.
Jensen, Richard S.
Jeremiah, David E.
Johannesen, Allen C.
Johe, Richard E.
Johns, Clifford M.
Johnson, James E.
Johnson, Jerome L.
Johnson, Virgil J.
Johnston, Donald W.
Johnston, Donald H., Jr.
Jones, Jerry E.
Jordan, Henry M.
Jourden, Bud A., Jr.
Jumper, Vernon L.
Karas, Robert E.
Karn, Alvin R., Jr.
Karnakis, Nicholas
Kasnicki, Edward J.
Keast, Paul H.
Keegan, Arthur E.
Keeley, Edward C.
Keiffer, Leo H.
Keller, William E., Jr.
Kelso, Frank B., II
Kemper, Robert D.
Kenaston, George W.
Keough, Edward P.
Keough, Robert J.
Kerslake, Ronald W.
Kersting, William H.
Ketchum, William H.
Kinert, John H.
King, Charles C.
King, Ural W.
Kinney, Ben J.
Kinney, Charles H.
Kinsel, Herman L.
Kirkpatrick, John H.
Kirkwood, Robert L.
Klein, Harry L.
Klugman, Dale R.
Knaus, Vincent L.
Knef, Andrew L.
Komisarcik, Adam
Kordek, Walter A.
Kraemer, Kenton K.
Kralik, Simon C.
Kramer, Rex W., Jr.
Kreutzberger, Donald J.
Kristof, John J.
Krogh, David E.
Krueger, Richard G.
Kruger, Allen L.
Kuehmeier, Joseph K.
Kuligowski, Theodore J.
Kurz, Walter C.
Kuykendall, Herbert B
Kvederis, James P.
Lacy, William A.
Lamberth, Billy C.
Lambright, Harold R., Jr.
Lamotte, Francis J.
Lengenheim, John P.
Langley, Thomas R., Jr
Lanning, Richard J.
Lapham, Joseph G.
Larison, John D., Jr.
Larsen, James L.
Larson, Charles R.
Lattig, Edward C.
Laurance, James D.
Laux, Arno H.
Lawrence, Donald W.
Lawson, Ramsay
Leblanc, James B.
Lees, Forrest A., Jr.
Lenhardt, Harry F., Jr.
Lewedag, Loren M.
Lewin, Theodore E.
Lewis, Harold S.
Lewis, Norman H.
Lightsey, James L.
Linch, Donald T.
Lincoln, John R.
Lindquist, Donald E.
Lohr, James R.
Loos, Donald G.
Loscavio, John M.
Loudon, Richard S.
Lowe, William L.
Lown, Paul C.
Lumbert, Albert W.
Lund, John R.
Lundquist, Donald R.
Lynch, Robert B., Jr.
MacCabe, Van L.
MacKay, Gerald W.
Mackin, Louis B., Jr.
MacQuarrie, Gary L.
Maguire, Thomas J.
Maliczowski, William
Maloney, John J.
Manes, William C.
Marnane, Thomas A.

Martin, Donald L.
Martin, Frank P.
Martin, James J., Jr.
Massimino, Andrew S.
Maston, Joseph H., III
Matson, Bruce W.
Matt, George E., Jr.
Matthews, John B.
Mautino, Richard L.
May, James L.
McBride, Michael A.
McBurnett, Kenneth S.
McCabe, George J.
McCaffery, Robert A.
McClenahan, Tom P.
McClure, Dale R.
McCracken, David J.
McDermott, John G.
McDivitt, Ronald M.
McEachen, Angus D., III
McGarry, John G.
McGlamery, James L.
McGrath, James J.
McHugh, John T.
McIntire, Wilton H.
McKenzie, John H., Jr.
McKinnon, John D.
McKissock, Donald J.
McLellan, Charles A.
McMillan, Lee Q.
McMorris, John A., II
McPherson, Albert A.
McRae, James F.
Mecaughey, Robert W.
Medwedeff, Channing W.
Meier, Leonard M.
Melcher, Roland O.
Melvin, Edmund W.
Melvin, Virgil B.
Mercer, William C.
Metzler, Charles D.
Meyer, "J" "D"
Michaels, Danny J.
Mikitarian, Samson
Miller, Forrest R.
Miller, James T.
Miller, John A.
Miller, Justin A., Jr.
Miller, Robert N.
Miller, Robert H.
Miller, Robert L., Jr.
Miller, Wayne W.
Miller, Wendell E.
Milligan, Jack R.
Millon, Donald H.
Minton, David C., III
Mirise, Kerry W.
Mobley, Arthur S.
Monk, Samuel W.
Montgomery, George C., Jr.
Moore, Harold A., Jr.
Moore, Harrison M.
Moore, Nelson E.
Moore, Paul M.
Moore, Robert W.
Moran, Thomas J.
Morano, Anthony
Moravec, Henry J., Jr.
Morgan, William N.
Morris, Charles S.
Morris, Hal B., Jr.
Morrison, Orrin L.
Mortimer, Edmund C.
Moyers, Gilbert E.
Mozier, Richard A.
Munn, Robert J., Jr.
Munro, William S.
Munsey, William D.
Murray, Frank S.
Murray, Paul A.
Murton, David B.
Myers, Charles E.
Myers, William K., Jr.
Nace, Larry D.
Nagel, "L" "D".
Nash, Michael J.
Nelson, Carl A.
Nelson, Roger E., Jr.
Nelson, Sven D.
Neuhard, Henry H.
Newbury, Alfred C.
Newman, Alvin S.
Newsom, Joe R.
Nicholson, Herbert H. J.
Nicholson, Harry E.
Nicholson, Robert C.
Nofziger, Larry B.
Norrington, Charles G.
Northam, Thomas A., Jr.
Notargiacomo, Joseph M.
Oberle, Ronald J.
Ochs, Dorance L.
O'Connell, Jerome A.
O'Connell, Robert L.
O'Connor, Edwin A.
O'Connor, William J. M.
O'Donnell, Daniel T.
O'Donovan, James P.
O'Halloran, William J.
O'Keefe, Martin P.
O'Kelly, James R.
Olson, Albert W., Jr.
O'Neil, William A.
Onhaizer, Jerry E.
Ord, Donald C.
Orrik, David N.
Orzech, Bernard P.
Osborn, Oakley E.
Overstreet, George H.
Oyler, Donald R.
Paine, Francis S., Jr.
Palmer, Jerry J.
Pardue, James I., Jr.
Parker, Elton C., Jr.
Parks, Charles L.
Pasquinelli, Francis C.
Patton, James M.
Peek, Robert F.
Peetz, Robert E.
Pellock, Lyle E.
Pendleton, Benjamin L.
Periolat, John J.
Perry, Albert J.
Perry, Henry B.
Peters, Vernon W.
Peterson, John R.
Peterson, Karl L.
Peterson, Peter C., Jr.
Petree, Noel H., Jr.
Petrich, Horst A.
Phillips, George L., Jr.
Phillips, Richard W.
Phillips, Ronald M.
Picciuolo, Stephen A. D.
Pitzen, John R.
Pizzo, Philip J.
Polfer, Clarence R.
Poole, Thomas E.
Poore, Thomas W.
Porter, Robert W.
Powell, Falvey C., Jr.
Powell, Wendell W.
Powell, William C.
Poyet, Emer F.
Presley, Jack C.
Previ, Wallace M.
Prokop, Phil G.
Proper, Vance D.
Purdy, Dale C.
Pyle, Roger G.
Quinn, James E., Jr.
Quinn, Robert N., Jr.
Rabuck, Leo V.
Ransom, James P., II
Ray, Willard D.
Rayome, Francis L.
Redhage, James L.
Redington, Jerome J.
Reed, William C.
Reese, Russell R.
Reifschneider, Jack L.
Reinhardt, Ellwood B., Jr.
Reis, Joseph J. Jr.
Rennaker, Charles L.
Renner, Lorraine E.
Rentschler, Richard L.
Repta, Robert S.
Rettig, Godfrey A.
Rice, Robert P.
Rich, Willis S.
Richardson, Fred D., Jr.
Riefler, George B.
Riggs, Donald E.
Ring, Stewart A.
Rinkel, Richard A.
Roach, John C.
Roberts, Charles R.
Roberts, Ned C.
Roberts, Tommie W.
Robertson, Hollis E.
Roche, Peter A.
Rodgers, Robert D.
Rowsey, James M., Jr.
Ruhle, Robert C.
Ruland, Donald O.
Russ, William M., Jr.
Russell, Kay
Ruthrauff, Clifford B.
Ryan, Gerald F.
Saavedra, Robert
Sabine, Frederick R.
Sackett, Dean R., Jr.
Sage, Rogert A.
Saleh, Richard E.
Salo, Elmer E.
Salo, Lennart Reino
Saltz, Newell J., Jr.
Samuelson, Charles A.
Sandler, Charles A.
Saunders, Richard E.
Saville, Robert E.
Sayers, Samuel L.
Scarborough, John R. L.
Schade, Eric H., Jr.
Schaedel, Joseph A.
Schafer, Alfred E.
Schaffert, Richard W.
Schaible, David L.
Schatz, Robert G.
Scherer, Francis H.
Scheyder, Ernest J.
Schilling, George F.
Schmidt, Robert H.
Schmidt, Robert P.
Schmitt, Arthur F., Jr.
Schnitzer, Lawrence E.
Schreadley, Richard L.
Schulze, John M., Jr.
Schuster, Eugene J.
Schwartz, Ralph C.
Scott, Philip J.
Scovel, Frank D.
Scranton, Herbert "H."
Scruggs, Richard M.
Seacat, Ralph L.
Sechrest, Edward A.
Seesholtz, John R.
Seiler, Melvin E.
Shafer, Richard W.
Shannon, Philip M.
Shaw, Charles I.
Sheets, James R.
Shelso, David A.
Shelton, Donald D.
Sheppard, Donald E.
Shinn, Robert A.
Shipley, Carl N.
Short, Benjamin F.
Short, John S.
Short, Leroy A., Jr.
Shultz, Theodore B.
Sibley, David N.
Sikes, James H.
Silberstein, George W.
Simonton, Bennet S.
Simpson, George T. K.
Sims, Robert B.
Sirch, Richard W. F.
Skelly, Arthur R.
Slawson, Bruce L.
Sleeman, Charles F.
Sloan, John H.
Smetheram, Herbert E.
Smith, Augustine J., Jr.
Smith, Delvin W., Jr.
Smith, Gene A.
Smith, John P.
Smith, Paul D.
Smith, Paul J.
Smith, Robert L.
Smith, Ronald E.
Smith, Vernon C.
Smith, William C.
Smith, William L.
Soriano, Joseph R.
Spadoni, Eugene A.
Spellman, Fred G.
Spencer, Barry W.
Spencer, Lane L.
Spink, Peter J.
Spoto, Victor S.
Stallings, Arthur C., Jr.
Stammer, Walter H., Jr.
Steele, Robert J.
Stelly, John M.
Stephenson, Paul D.
Sterling, John C.
Stetz, Elias J.
Stevenson, Barr S.
Stevenson, Connelly D.
Stock, Merlyn L.
Stocking, Sigurd I.
Stone, Lowell P.
Streuli, Joseph W.
Strong, Henry H., Jr.
Stuart, Charles J., Jr.
Sullivan, Eugene J., Jr.
Sullivan, Gerald T.
Sullivan, William K.
Sumner, Donald N.
Swan, Robert S.
Swan, William R.
Swanson, Harlan D., Jr.
Swinnerton, Ronald H.
Taff, Clarence O., Jr.
Tager, Bruce A.
Talbert, Joseph T., Jr.
Talbott, Merrill L.
Tarbuck, Richard R.
Taylor, Hugh R.
Taylor, James M.
Taylor, John D.
Taylor, Lawrence H., Jr.
Taylor, Lewis H.
Taylor, Robert C., Jr.
Teachout, David S.
Teague, Foster S.
Terrell, Jerry L.
Tettelbach, Fredrick M.
Thearle, William J.
Theodorelos, Pete "J"
Thilbault, George E., Jr.
Thomas, James G.
Thompson, Jack D.
Thompson, James K.
Thompson, Tommy L.
Thurber, John D.
Thurneysen, Jon S.
Tibbitts, Barrick F.
Tibbs, John C.
Tietgen, Charles A., Jr.
Timberlake, David W.
Timm, Dwight D.
Tinker, Charles L.
Titus, Edward D., Jr.
Toehlke, Walter A.
Tomlon, Jack W.
Toole, Morton E.
Treiber, Maurice L.
Tucker, Edwin B.
Tucker, James E.
Tullis, James V.
Turner, Robert C.
Turner, Warren D.
Ustick, Richard C.
Vanhorne, Alfred L.
Vannice, James R.
Vanoy, William E.
Vestal, Leroy N.
Villenave, Robert A.
Vispo, Peter P.
Vollmer, William E., Jr.
Wachob, James R.
Walder, Edward F., Jr.
Wales, George E.
Walter, Dale J.
Waltzer, Jacob
Ward, Compton E.
Wardell, William L., Jr.
Warren, James W.
Watkins, Robert L.
Watts, James W.
Way, Edward R.
Weber, Burtland B.
Weber, Gustave A., Jr.
Webster, John A., Jr.
Wehner, George D.
Weidman, Russell H.
Weir, Richard W.
West, Charles T.
West, Norman P.
Westall, Kenneth W.
Wheeler, James R.
Whitbeck, Charles J.
White, Laurence A., Jr.
White, Richard F.
White, Robert C.
Whittaker, Robert L.
Wicke, James O.
Wiggins, Larry C.
Wilbern, Jack M.
Wilde, John H., Jr.
Wilderman, Alvin L.
Wilkins, George H.
Wilkinson, Thomas A. R.
Wilkinson, Wilfrid P., III
Williams, Forrest R.
Williams, James D.
Williams, Richard E.
Wilson, Billy J.
Wilson, William E.
Windsor, Arthur D.
Winter, Richard A.
Witherspoon, Charles R.
Wolfe, Robert E.
Wolfe, Roderic L.
Wolfe, William F.
Womack, David R., Jr.
Wood, Clarence W.
Wood, Forrest H.
Wood, Sidney E., Jr.
Woodbury, Orpheus L., III
Woodlief, Frank L.
Woods, Herbert P.
Woolam, John E.
Woolnough, Robert M.
Wright. Frederick E.
Wright, Harry W.
Wright, Joseph M. P., Jr.
Wright, Orville, Jr.
Wuthrich, Richard E.
Wyly, James R., Jr.
Yarbrough, William P., Jr.
Young, Howard I.
Zagortz, Leonard A., Jr.
Zipperer, William R.
Zipse, Robert L.
Zirbel, William D.
Zwick, Stephen L.

IN THE MARINE CORPS

The following named (staff noncommissioned officers) for temporary appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications thereof as provided by law:

Baker, Lorenza T.
Bolick, Gerald J.
Campbell, Catherine A.
Corley, William B., Jr.
Evans, Collie, Jr.
Guckert, Edward B.
Hooper, Herbert H.
Jones, Charles M.
Reilly, James B.
Salas, Manual J.
Trahern, James F.

The following named (Navy enlisted scientific education program) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Badinger, Gerald D.
Boyle, John, IV
Clarke, Barton A.
Engle, Richard A.
Funk, Roland V.
Hazel, Homer L.
Milleson, Gene A.
Nickolaus, Paul S.
Robinson, James R., II
Seaman, Ronald R.
Taylor, Rex N.
Thompson, Wayne P.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 8 (legislative day of October 7), 1969:

AMBASSADORS

Clinton E. Knox, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Haiti.

Hewson A. Ryan, of Massachusetts, a Foreign Service information officer of the class of career minister for information, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Honduras.

Claude G. Ross, of California, a Foreign Service officer of the class of career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

DISTRICT OF COLUMBIA COUNCIL

Henry S. Robinson, Jr., of the District of Columbia, to be a member of the District of Columbia Council for the remainder of the term expiring February 1, 1970.

HOUSE OF REPRESENTATIVES—*Wednesday, October 8, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O give thanks unto the Lord; for He is good; for His mercy endureth forever.—Psalm 106: 1.

With grateful hearts, O God, we acknowledge that Thou art the creator of the world, the sustainer of life, and the rock upon which we can build security. We thank Thee for Thy constant care and Thy abounding goodness which are ours day by day. Truly Thy mercies are everlasting, Thy faithfulness endures through all generations, and Thy love abides forever. Therefore we put our trust in Thee.

Bless our country with Thy guiding spirit and by Thy grace enable her to walk in the way of Thy commandments. May we as a free people always be the champion of peace and justice in our world. Strengthen the ties of fellowship within our borders that we may live together with understanding, respect, and good will and give to every man the opportunity to live a full and a free life. May the love of Thy dear name bless every heart and every home.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1718. An act to provide for the conveyance to the city of Cheyenne, Wyo., of certain real property of the United States heretofore donated to the United States by such city.

DR. PHILIP CRANE WINS 13TH DISTRICT OF ILLINOIS PRIMARY

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHBROOK. Mr. Speaker, I take this time merely to offer my congratulations to Philip Crane, a very good friend, who was nominated as Republican candidate for Congress in the 13th District of Illinois yesterday. Dr. Crane, I believe, will be joining us in the Congress next January.

Dr. Crane certainly will add a great deal to our side of the aisle. He is a very intelligent man, and I might point out he is a person with conservative views.

We often have people ask us what direction the country is taking. I hear some say it is going in a moderate direction, some say it is going in a liberal direction, and some say it is going in a conservatve direction. I am one of those who believes the country is more conservative, and if our party will nominate conservative candidates, I happen to believe we can win in the elections.

I certainly congratulate Philip Crane for winning the 13th District primary election and the Republican voters there for showing such good judgment. Dr. Crane ran on the issues and took a sound, conservative position which he successfully articulated to his constituency. The result speaks for itself.

PROPOSED ESTABLISHMENT OF A SEPARATE DEPARTMENT OF HEALTH

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, I take this moment to advise my colleagues that I will today put in legislation calling for a separation of the Department of Health from the Department of Health, Education, and Welfare and the establishment of a separate Department of Health within the Federal Government. I call attention to remarks which will be in the body of the RECORD on this subject relating to this proposed legislation.

CALL OF THE HOUSE

Mr. EDWARDS of Alabama. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 208]

Albert
Berry
Blatnik
Brock
Brooks
Burton, Utah
Cahill
Carey
Chisholm
Clark
Clay
Cleveland
Davis, Ga.
Dawson
Denney
Dent
Diggs
Donohue
Foreman
Frelinghuysen
Goldwater
Harrington
Hawkins
Howard
Johnson, Calif.
Kirwan
McClory
McClure
Marsh
Miller, Calif.
Nelsen
O'Neill, Mass.
Ottinger
Pepper
Pike
Podell
Powell
Rees
Reifel
Rooney, N.Y.
St. Onge
Steed
Tunney
Whalley
Whitten
Wilson, Charles H.
Wright

The SPEAKER. On this rollcall 382 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON H.R. 11039, PEACE CORPS ACT AMENDMENTS

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11039) to amend further the Peace Corps Act (75 Stat. 612), as amended, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. MORGAN, ZABLOCKI, HAYS, ADAIR, and MAILLIARD.

PERMISSION FOR SELECT COMMITTEE ON ROBINSON-PATMAN ACT, COMMITTEE ON SMALL BUSINESS, TO SIT DURING GENERAL DEBATE TODAY

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Select Committee on the Robinson-Patman Act of the Small Business Committee may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HEARINGS SCHEDULED ON S. 952, TO PROVIDE FOR ADDITIONAL DISTRICT JUDGES

(Mr. CELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CELLER. Mr. Speaker, I am pleased to announce that Subcommittee No. 5 of the Committee on the Judiciary will begin several days of hearings on S. 952 which provides for the appointment of additional district judges, another measure relating to the organization and administration of the Federal district courts, beginning on Wednesday, October 29, at 10 a.m. in room 2141 of the Rayburn Building.

THE COURSE ON WHICH THE NIXON ADMINISTRATION IS LEADING OUR NATION

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSEN. Mr. Speaker, I want to call the attention of the Members of this body to the headlines in three editorials of the Washington Post. I think the headlines themselves have a story to tell about the course on which the Nixon administration is leading our Nation.

The headline in the Washington Post Thursday, December 12, 1968: "Nixon Announces His Cabinet." Elsewhere on page 1 was the headline, "Joblessness Hits 15-Year Low Point."

The lead headline in the Washington Post yesterday, October 7, 1969: "Jobless Rate Increases to 2-Year High."

And, if that is not bad enough, the headline on page 1 of the Washington Post today, October 8, reads, "Treasury Predicts More Joblessness."

OUR COUNTRY NEEDS TO BE UNITED

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, for weeks now Member after Member of this body has come to the well from both sides of the aisle to speak about the financial plight of the Nation and the conditions surrounding the war in Vietnam, and what we ought to do to solve these problems.

There are a number of the Members who have been here longer than I have, and perhaps who will stay here longer than I will, but what I am going to say now I say without any fear of contradiction from any one of the Members. It is this:

If we are going to solve the problems having to do with the economy of this country, the problems of the war in Vietnam, provide for a stable economy, and provide for the security of this country, we had better stop coming to the well of this House and talking about partisanship, and we had better start thinking about what this country needs, because if we ever needed to be united we need to be united now, and we are going in exactly the other direction.

When the Nation is in the peril it is in here at home and abroad, there can be only one rational course for rational men to take and that is the avenue that leads to nonpartisan solutions to nonpartisan problems.

The war in Vietnam is not a Republican war; it is not a Democratic war.

The inflation that is tearing this country apart belongs on neither the Republican or Democratic doorstep.

These are American problems.

Too many, both in and out of Government, seem willing to sacrifice this Nation for partisan benefit and for the benefit of their particular social and philosophical leaning. This must be stopped and stopped at once.

Whatever solution we finally and agonizingly come to in Vietnam must be one that will leave this Nation some dignity, some respect in the eyes of Americans, some semblance of national and international honor. If we cannot achieve that, God help us.

I, for one, am sick of partisanship when the life of my country is on the line and I believe the majority of Americans feel the same.

PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1970

Mr. EVINS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Arizona (Mr. Rhodes) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee (Mr. Evins).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14159, with Mr. Aspinall in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Tennessee (Mr. Evins) will be recognized for 1 hour and the gentleman from Arizona (Mr. Rhodes) will be recognized for 1 hour.

The Chair recognizes the gentleman from Tennessee (Mr. Evins).

Mr. EVINS of Tennessee. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, we bring you today the public works and Atomic Energy Commission appropriations bill for 1970.

This is an important bill—a significant bill—an all-American bill.

A bill that is vital to the growth and progress of our Nation—vital to the safety, health, and well-being of our citizens.

At the outset let me say that we miss our distinguished and beloved chairman here today, the gentleman from Ohio, Mike Kirwan.

TRIBUTE TO MIKE KIRWAN

I have visited Mike at Bethesda Hospital a couple of times recently, and regret to report that his condition is not encouraging at this time as we would hope. Today he is feeling well. We all miss him. We miss his great force for building strength for America.

Mike is "Mr. Public Works" to all of us—a great champion of water research development and progress for America.

I know that I speak for all when I say that we wish him a full recovery, and the best of good luck and success.

COMMEND COLLEAGUES, STAFF, AND REPORT

In the absence of Chairman Kirwan, all members of the subcommittee have participated in writing this bill—all have made their contribution.

I want to commend all members of the subcommittee—the gentleman from Massachusetts (Mr. Boland), the gentleman from Mississippi (Mr. Whitten), the gentleman from Alabama (Mr. Andrews), and the able and genial ranking minority member of the subcommittee, the gentleman from Arizona (Mr. Rhodes), the gentleman from Wisconsin (Mr. Davis), and the gentleman from New York (Mr. Robison).

I want to also commend the able staff of our Subcommittee on Public Works Appropriations, Gene Wilhelm, George Urian, and Don Richbourg.

These staff specialists know the details of this bill. They have helped to fashion this bill. We relied heavily on their expertise and experience, and we are grateful to them.

Let me commend to you the report of the committee. It is a well-documented report—an excellent summary of the committee's actions.

I commend this report for your reading and information.

OVERALL SUMMARY

By way of overall summary, President Johnson recommended a budget of $4,454,452,000 for public works for 1970.

The revised Nixon budget was $4,203,978,000.

We are recommending in the bill $4,505,446,500—a cut of $177,538,500 from fiscal year 1969.

This is a cut of 7 percent from the original budget and a cut of 12 percent below the 1969 budget.

It represents an increase of $301,468,500 over the Nixon budget.

The largest item in the bill is for the Atomic Energy Commission—$2,227,769,000.

We have made cuts and reductions in the AEC budget of $131,816,000—$79,531,000 for operating expenses and $52,285,000 for plant and capital equipment.

The largest single reduction in the AEC budget was a $32 million cut for the big Bev. accelerator. The committee has allowed $64 million for this work.

Actually, this bill represents a cut of $84,531,500 from the Nixon budget—excluding an increase of $386 million over the budget recommended for construction of waste treatment works.

I will discuss this item in greater detail, later in my remarks.

EFFECTS OF RECENT ADMINISTRATION REDUCTION

As you know the President on September 4 announced a cutback in Federal public works projects and construction contracts. We have all been concerned over this cutback order.

The President's order directed a 75-

percent reduction in funding new contracts.

A careful and detailed study of the impact of this order shows that only about 10 percent of total construction money in the bill will be affected.

The President's order applied to cutbacks in new construction contracts—it does not apply to ongoing contracts.

So—to repeat—only 10 percent of the construction contracts in Corps of Engineers and Bureau of Reclamation budgets will be affected by the President's order.

All funds recommended in this bill are for completing and finishing projects previously funded by the Congress.

That is with the exception of $8,962,000 for 25 small flood control projects which are urgently needed and considered critical at this time.

Eleven of these "starts" were included in the budget—we have added 14—making a total of 25 in all—and this minimal number of critically needed local flood protection projects will, we feel, have no appreciable effect on the problem of inflation.

We must move ahead—even on a reduced scale—to provide flood protection in these critical areas.

So we have made cuts and reductions to the maximum extent possible in the bill.

The AEC budget was cut and reduced by $131,816,000. We have made some other reductions.

Total reductions in the bill are $160 million.

We have added—as I have indicated—$8,962,000 for the small flood control projects mentioned and we have added $55 million to the bill for construction.

The increases which we have made are absorbed and offset by the cuts and reductions made in the bill.

These increases were considered necessary to meet critical funding deficiencies in projects under construction.

Overall we have cut $160 million for the bill and we have added a total of $63,962,000 for programs of the Corps of Engineers and Bureau of Reclamation.

I would point out that the budget estimate for 1970 is $200 million below the appropriation level for 1969, reflecting drastic reductions, in recent years, in water resource development programs.

Extensive testimony before our committee makes clearly evident that some adjustment is needed in these drastic reductions.

This is necessary to avoid increased construction costs, caused by slowdowns, stretchouts, and delay.

Reflecting this great interest, need, and concern, more than 200 Members of Congress testified before our committee in support of 389 projects over the budget.

The appeals and demands for moving forward on public works have been tremendous.

The stretchouts and slowdowns have increased over the years and the resulting costs in projects have mounted.

So, Mr. Chairman, the committee, in its judgment, has made some adjustments.

We have restored about 50 percent of the Nixon cutback on ongoing projects. Considering the fact that half of the year will have elapsed before this bill has been finally passed and enacted into law, the restoration is justified.

We have restored only 50 percent of the cutback—and only on small projects.

Although public works in this appropriations bill constitutes only about 11 percent of the total Federal public works—public works projects in this bill received the largest cuts by percentage of reduction.

Despite a low and inadequate funding level last year the budget recommendations for 1970 showed 27 percent reductions for Corps of Engineers and 25 percent for Bureau of Reclamation projects.

About 90 percent of the funds recommended in the bill are required to continue ongoing contracts.

All but $29 million is required for projects under construction.

It is estimated that construction delayed a year will cost from 6 to 8 to 12 percent more than currently estimated.

Delays will mean not only higher construction costs but also substantial losses in benefits.

The loss from electric power and water use in the Bureau of Reclamation alone is estimated at $98 million.

Higher construction costs, brought on by delays will total an estimated $182 million—making a total of $280 million in losses in these two areas.

In addition, losses in benefits from the projects will total an estimated $350 million—making a total in losses in the Bureau of Reclamation alone of $630 million.

ASSESSMENT OF WATER RESOURCES

In view of these sharp budget cutbacks, it is interesting to note the results of the latest and current assessment of our water resources.

In this assessment—and I direct your attention to pages 6 and 7 of the report—it is estimated that under the current level of funding of flood control projects, the flood damage potential for the Nation is expected to increase from $1.7 billion in 1966 to $5 billion by the year 2000.

Requirements for municipal water systems are expected to triple by the year 2000—increasing from 24 to 74 billion gallons a day.

Industrial water use will increase more than 400 percent.

Steam-electric power requirements will increase water withdrawals from 63 to 411 billion gallons a day by the year 2000.

Shipping tonnage on inland waterways is expected to increase six times in the next 50 years.

Pleasure crafts are expected to increase from 8 million to 30 million by the year 2000.

And the year 2000—I would remind you—is only 30 years hence.

It is also interesting to note that continued slowdowns and unfunding of authorized studies and projects has resulted in a backlog of 731 studies—planning not started—and planning completed, construction not started.

These 731 studies and projects involve $9,727,045,000—almost a $10 billion public works backlog, and increasing every year.

In recent years we have leveled off at about 65 new construction starts annually.

In 1968 there were 33 new starts—in 1969 there were eight new starts and in 1970—we are recommending only 11 new starts.

With the Corps of Engineers completing only 23 projects in 1970 at the current rate it will be many decades before we eliminate the current backlog.

At this rate the Nation will enter the 21st century choked with population inadequately served by public works projects and services.

So, Mr. Chairman, I repeat, the committee has provided some modest increases for ongoing construction contracts for next year. We consider they are fully justified.

GRANTS FOR WASTE TREATMENT WORKS

Concerning the vital matter of appropriations for antipollution control measures and waste treatment grants the picture is different.

The committee recognizes the seriousness and gravity of the water pollution problem. The committee is concerned over the budget crisis in recent years which has not permitted adequate funding for waste treatment works—as authorized by the Clean Water Restoration Act of 1966.

And so we are recommending in this bill $600 million for waste treatment grants to States. All the States will share and participate.

This is almost three times the budget request of $214 million.

This is where the net increase in this bill develops—excluding the increase for waste treatment grants, there is a reduction—an overall reduction except for the increases for matching grants to the States, and here we go over the budget, $386 million.

For waste treatment grants, the Johnson budget was $214 million. The Nixon budget was $214 million.

The committee recommendation is $600 million.

In addition to the $600 million in new money provided in the bill, there is a carryover balance of $65 million, which will make a total of $665 million for grants next year—almost three times the amount budgeted—and so we recognize the problem.

We all recognize the importance of restoring our streams and rivers and lakes to their natural unpolluted state.

We all recognize the pollution problem plaguing our States and cities.

Our committee has considered this matter thoroughly and carefully—and we are attempting to do something about it.

We have studied the tables of pending applications.

We have studied the grants formula.

We have studied the nature of the backlog.

And we have debated various levels of funding.

The subcommittee initially proposed a funding level of $450 million.

However, the full committee, on my motion, increased this amount from $450 to $600 million.

This amount plus $65 million in carryover funds will make $665 million available for funding waste treatment grant applications next year.

I repeat—this is more than a half billion—more than three times the level of funding for last year.

RECOMMEND READING REPORT AND TABLES

I understand an amendment will be offered to increase the appropriation to $1 billion. We have heard much through this publicity campaign. The committee has been most generous. We have tripled the budget recommendation.

The $600 million carried in this bill is all that can be efficiently utilized next year. The tables of pending applications show this clearly.

I strongly recommend the reading of the report and an examination of the tables showing the status of applications by State.

These charts show that as of September 1 there were 1,893 pending applications for Federal grants involving $841 million in State agencies and regional offices.

These tables also show an additional 2,931 applications at the local level.

These applications at the local level are in various stages of preparation.

In some instances eligibility has not been verified.

In other instances local elections on bond issues are required, and voting on local financing has not been held.

In some instances local governments are not prepared to fund their share at this time.

Adding to the problem is the nature of the grant formula which is based on population—rather than need.

There are other causes for delays. There are difficulties in the bond market at this time. There is the matter of capability of design engineers and construction engineers to absorb or handle the workload.

The committee's studies show that a significant portion of grants would be allocated to States that have indicated no need—because of the population formula of allocation.

Under the formula a substantial amount of funds will be distributed to States indicating no need.

Other States will receive more than they need.

And certain States like New York with a backlog of $1.3 billion—more than half the total backlog—would only get $83 million even if the entire billion dollar authorization was funded.

Twenty-five States, under the recommended appropriation of $600 million, would receive more than enough to meet their needs.

And 18 others will receive substantial increases in allocations—all that can be processed and handled efficiently.

And seven additional States could fully fund all applications at State and regional offices. So, Mr. Chairman, all the States would greatly benefit under the committee recommendation.

The committee believes that the $600 million—plus the $65 million in carryover funds—will be adequate and practical funding for this program at this time.

This is the maximum amount that can be efficiently and effectively used—without waste—and so I recommend support for the committee bill—the amounts funded in this bill.

I urge you to vote against the amendment, which I understand will be offered, to further increase this item.

Let us stand by the committee and support this bill—a good bill.

At this point I should like to read a letter from Walter J. Hickel, Secretary of the Interior:

OCTOBER 7, 1969.

DEAR MR. CHAIRMAN: Because of the President's critical effort to contain inflation, we must sustain in fact as well as in spirit, the statutory expenditure ceiling imposed by Congress and the President's expenditure ceiling, as well as protect the budget estimate submitted in April by the Administration. Therefore, I must renew my support of the Waste Treatment Program at the $214 million level recommended by both President Johnson and President Nixon.

In any event, it is our best estimate that existing capacity of the State, local and private sectors could support no more than $1.5 billion worth of new municipal waste treatment plant construction during the remainder of Fiscal Year 1970, so that no more than $600 million in Federal grants effectively could be used.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

I would like also to insert a table outlining the committee allowance by State at this point:

CONSTRUCTION GRANTS FOR WASTE TREATMENT WORKS—REPORTED NEED VERSUS AVAILABILITY, AS OF AUG. 31, 1969

States	Total pending applications reporting need	Funds available at $600,000,000 level	Deficit (−) or surplus (+) available funds compared to total reported need
STATES FULLY COVERED AT $214,000,000 LEVEL (17)			
Alabama	$479,700	$11,207,710	+$10,728,010
Arizona	1,829,080	5,280,697	+3,451,617
Colorado	1,453,652	6,467,431	+5,013,779
Delaware	710,350	2,047,900	+1,337,550
Idaho	128,470	4,390,357	+4,261,887
Kansas	3,892,883	8,876,288	+4,983,405
Kentucky	3,082,386	11,055,117	+7,972,731
Mississippi	1,764,310	10,409,896	+8,645,586
Montana	305,040	4,266,669	+3,961,629
Nebraska	3,521,850	6,849,941	+3,328,091
New Mexico	1,422,423	5,397,670	+3,975,247
North Carolina	5,653,460	15,757,418	+10,103,958
North Dakota	134,222	4,281,060	+4,146,838
Oklahoma	1,882,702	8,483,010	+6,600,308
South Dakota	2,485,531	4,400,180	+1,914,649
Utah	238,540	4,912,010	+4,673,470
Wyoming	275,732	2,977,320	+2,701,588
Guam		3,043,900	+3,043,900
Puerto Rico	2,622,000	10,291,390	+7,669,390
Virgin Islands		2,571,450	+2,571,450
Subtotal (17 States)	31,882,331	132,967,414	+101,085,083
ADDITIONAL STATES FULLY COVERED AT $600,000,000 LEVEL (8)			
Arkansas	4,557,153	6,723,977	+2,166,824
Georgia	8,711,772	13,339,981	+4,628,209
Iowa	6,326,224	9,428,788	+3,102,564
Louisiana	7,604,570	12,610,927	+5,006,357
Pennsylvania	28,903,080	38,158,761	+9,255,681
South Carolina	6,414,580	8,472,472	+2,057,892
Texas	20,327,857	31,593,670	+11,265,813
West Virginia	5,141,200	8,945,993	+3,804,793
Subtotal (8 States)	87,986,436	129,274,569	+41,288,133
Total States fully covered (25)	119,868,767	262,241,983	+142,373,216
ADDITIONAL STATES FULLY COVERED ONLY FOR APPLICATIONS AT REGIONAL AND STATE LEVELS UNDER $600,000,000 LEVEL (7)			
Alaska	$2,048,570	$1,387,100	$−661,470
Connecticut	29,591,250	10,009,143	−19,582,107
Hawaii	3,041,040	2,699,400	−341,640
Massachusetts	20,405,845	18,101,700	−2,304,145
Minnesota	29,382,600	11,361,865	−18,020,735
Rhode Island	9,363,200	4,950,718	−4,412,482
Vermont	2,377,870	2,178,015	−199,855
District of Columbia	36,795,000	2,937,600	−33,857,400
Subtotal (7 States)	133,005,375	53,625,541	−79,379,834
REMAINDER OF STATES (18)			
California	68,877,448	49,567,670	−19,309,778
Florida	37,728,978	16,008,652	−21,720,326
Illinois	128,862,798	31,307,014	−97,555,784
Indiana	34,682,131	15,046,027	−19,636,104
Maine	19,737,725	4,693,429	−15,044,296
Maryland	46,800,960	12,092,683	−34,708,277
Michigan	183,113,623	27,167,385	−155,946,238
Missouri	17,907,424	13,933,700	−3,973,724
Nevada	4,959,058	2,075,241	−2,883,817
New Hampshire	11,222,400	3,371,277	−7,851,123
New Jersey	48,201,480	19,059,900	−29,141,580
New York	1,290,631,200	52,292,666	−1,238,338,534
Ohio	44,867,124	31,303,365	−13,563,759
Oregon	16,017,220	6,335,987	−9,681,233
Tennessee	23,818,036	13,233,796	−10,584,240
Virginia	14,544,880	14,018,670	−526,210
Washington	17,086,410	9,386,300	−7,700,110
Wisconsin	94,324,180	12,779,700	−81,544,480
Subtotal (18 States)	2,103,383,075	333,673,462	−1,769,709,613
Grand total	2,356,257,217	649,540,986	−1,706,716,231

There are many other items in the bill.

In general—to summarize—we have made some cuts—mainly in AEC—and we have provided increases for 25 small flood protection projects.

We have also provided for substantial increases for waste treatment grants—the key factor in the overall increase.

In addition, we have restored about 50 percent of the cutback recommended by the President.

We have made increases only where Corps of Engineers of the Bureau of Reclamation have a "current capability"—and only on small projects.

There have been no increases in big projects—projects of $10 million and over.

These modest increases provided will not have an appreciable effect on 1970 expenditures—or on the inflation problem.

This is a good bill—an all-America bill—a much-needed bill, a bill which provides an investment in the future growth and strength of our country, and at the same general level of the past few years.

I urge approval of this appropriation bill.

I yield to my distinguished chairman, the gentleman from Texas (Mr. MAHON).

TRIBUTE TO HON. MICHAEL J. KIRWAN

Mr. MAHON. Mr. Chairman, I thank the gentleman.

Mr. Chairman, the distinguished gentleman from Ohio, MIKE KIRWAN, while necessarily—though temporarily—absent from this Chamber, is nonetheless well represented here today. Not only is his name on the front page of the pending bill and on the front page of the accompanying committee report, but his imprint is on the pages that recommend the appropriations and that explain them. The bill, importantly, reflects the work of his hands.

So, Mr. Chairman, if the distinguished gentleman from Ohio were here, he would present the bill on behalf of the committee. In his temporary absence, we present it on his behalf.

And it is no exaggeration to say that MIKE KIRWAN is abundantly represented here in the kindness and the warmth of the hearts of his colleagues.

As others have recalled, MIKE has always regarded this bill, and the Interior bill which he also chaired for so many years, as a bill for America.

President Kennedy once said:

> Any man can change the world, and every man should try.

MIKE KIRWAN has not only labored long and mightily and diligently for what he thought was paramount to the best interests of his and our beloved America, he has labored persuasively and successfully. His vision, his work continues to accrue to the benefit of the people of America, and will continue to accrue, even to coming generations.

MIKE KIRWAN is one of America's great champions. His love of America is inspirational and unsurpassed. It burns with the fierceness of a streak of lightning. He is, unquestionably, America's legislative champion of conservation. Across this vast and beautiful land stand countless and unnumbered monuments to him in the form of conservation and humanitarian projects for which he urged appropriations.

I am certain I bespeak, not only on behalf of all members of the Committee on Appropriations but of the House generally, the warmth of good wishes that all of us harbor in our hearts for this great American. We look forward to his early presence.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I am pleased to yield to my friend from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I rise to ask the gentleman if in his knowledge there is renewed activity at this time for a sea-level canal? I note that the committee is recommending the appropriation of $917,000 for the Atlantic-Pacific Interoceanic Canal Study Commission. Is there, in the gentleman's opinion, any danger that the Congress at this time, the fiscal situation being what it is, will be called upon to finance a sea-level canal? When is this study ever to end? I wonder how much has already been spent on a study of this particular issue.

Mr. EVINS of Tennessee. Certainly I am inclined to agree with the gentleman from Iowa. I do not think this is the time for going into a large construction program of this nature. It is not likely and it is certainly not recommended in this bill. This appropriation is only to continue, and largely complete, the study authorized by Congress. The Commission must make its report by December 1, 1970.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I am pleased to yield to my colleague, the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, further, I would like to say to my colleague from Iowa that no such canal has ever been authorized by the Congress for construction. Authorizing legislation would have to be passed by the Congress before proceeding with it.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, this thing has been studied backward and forward through the years. I am wondering how much more we are entitled to spend on a commission for a study of this particular project.

Mr. EVINS of Tennessee. The committee only granted modest funding for the Commission in order for it to continue its studies. The request was cut back $420,000 in the April 15 budget revision.

Mr. GROSS. Is this a reduction from last year?

Mr. EVINS of Tennessee. Yes, sir, by $3,983,000.

Mr. GROSS. It is?

Mr. EVINS of Tennessee. Yes, sir.

Mr. GROSS. I thank the gentleman.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I want to take this time to commend my friend, the very distinguished gentleman from Tennessee and his colleagues for bringing out what I consider to be a very good bill. Of course, the committee did not and could not allow all of the requests of the Members for unbudgeted items. But I think, on balance, it is a very good bill and I certainly want to thank the gentleman and the committee for the southern Illinois projects totaling $23.9 million. I know the committee is moving ahead in developing the natural resources of this Nation and we appreciate it.

Mr. EVINS of Tennessee. I thank my friend from Illinois.

Mr. FULTON of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to my colleague.

Mr. FULTON of Tennessee. Mr. Chairman, I want to take this occasion to commend the gentleman in the well, the dean of the Tennessee delegation and the most able chairman of the subcommittee, for the diligent work which he has put forth, and to commend the other members of the subcommittee as well as the staff for once again bringing to the floor of this House a good bill that will continue this Nation on the road of progress.

Mr. EVINS of Tennessee. I thank my friend.

Mr. RHODES. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, this is the first time since I have been in Congress that this bill has been brought to the floor without the presence of the great chairman of our subcommittee, the Honorable MICHAEL J. KIRWAN, of Ohio.

As all of his colleagues know, the gentleman from Ohio has been greviously ill for some time and is now at this very moment in the hospital. I am sure that all of my colleagues join with me in saying to MIKE KIRWAN that we miss him particularly today although we miss him every day. We appreciate all of the great work which he has done through the years in this effort to make the United States of America a better place in which to live and to preserve its environment for posterity.

I am sure also my colleagues will want to join me in wishing MIKE a speedy recovery and assure him that when he does come back here he will indeed be very welcome.

Now, Mr. Chairman, I would like to pay tribute to the members of the subcommittee, both the majority and the minority for the manner in which they have rallied around and got this job of marking up this bill completed without the presence of the chairman.

Mr. Chairman, the gentleman from Tennessee who preceded me has done a yeoman job. The gentleman from Tennessee is the chairman of one of the most important subcommittees of the Committee on Appropriations on a permanent basis but he has extended his activities to be acting chairman of the Subcommittee on Public Works also.

In conducting the hearings, the gentleman from Massachusetts (Mr. BOLAND), the gentleman from Mississippi (Mr. WHITTEN), and the gentleman from Alabama (Mr. Andrews), have been all very diligent, and they certainly in my opinion produced a good record, and a record which supports the bill which we have brought out.

I would also like to indicate my personal appreciation to the gentleman from Wisconsin (Mr. Davis) and the gentleman from New York (Mr. Robison) for their great support and their diligence as members of the minority on this subcommittee.

It is a good subcommittee, Mr. Chairman, with a top staff, headed by the very capable Gene Wilhelm. I think that the quality of the work that has been produced here is evidence of the fact that it is an effective subcommittee with a fine staff.

This is, as the gentleman from Ohio, Mike Kirwan, says, the all-American bill. It allocates whatever resources we are able to allocate to develop the natural riches of the United States of America, to preserve it for posterity, to provide a better environment in which our people might live and work. It also provides funds to use the power of the atom not only for the defense of the country and the free world, but also for the betterment of mankind in his peaceful pursuits.

So it is a broad bill, Mr. Chairman. It covers not only the requirements of the Bureau of Reclamation and the Corps of Engineers so far as the irrigation and flood control facilities are concerned, but it also covers water pollution and, very particularly, it covers Federal grants for the construction of sewage disposal plants.

I do not think that there is enough money in this bill. If I had my way about it, the bill would be at a much higher level than it now is. However, I certainly recognize the exigencies of the budgetary situation which were felt, not only by the Johnson administration, but which are also felt by the Nixon administration.

I also recognize the fact that this Congress has imposed a spending ceiling both on the previous incumbent of the Presidency and the present incumbent. I recognize that this was a wise act that the Congress did, but also an act which causes the President to have to cut down on many programs which he himself would like to fund, but which he finds he cannot do. But these are the facts of fiscal life, and therefore the bill is brought in at a level which is inadequate for the needs of the country and for the needs of the future.

I only hope, as I am sure most of my colleagues do, that as the budgetary situation rights itself, that in the future we may be able to devote much more of the riches of our country to the greater enjoyment of all individuals and the development of our natural resources so that the people who come after us can live better than we do.

One of the features in this bill is certainly near and dear to my heart because it is the first money to be appropriated for preconstruction planning for the central Arizona project. This is a project which was conceived many years ago. It was moribund through the 1950's because of the fact that there was a lawsuit in progress in the Supreme Court between the States of the lower basin of the Colorado River to determine their relative rights. Since the suit was completed, it has taken some time to plan a project to do all of the things which are necessary to get a project started, and to get it authorized. In the last Congress the authorization bill became law, so that this year we have been able to proceed with preconstruction planning.

This project is a rescue project which brings water from the Colorado River into the fertile valleys of central Arizona where it will preserve an existing agricultural economy for some years, but in the end I am sure the water will have to be used for municipal and industrial uses of the people who are, in great numbers, coming into those valley and making their homes.

I would remark in passing also that the water which goes into the city of Tucson, or which will go into the city of Tucson as a result of this project, will serve to take a title away from Tucson which it certainly does not desire to keep. Tucson is the largest city in the world which is completely dependent upon underground water supplies for its municipal and industrial water.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to my good colleague, the gentleman from Arizona, who represents Tucson.

Mr. UDALL. Mr. Chairman, I want to commend the gentleman from Arizona (Mr. Rhodes) for the excellent statement he is making concerning the central Arizona project. The gentleman is certainly one of the most able and valuable Members of this body. I have been most proud to work with him on the essential and urgent water needs of our State. Without his leadership in prior years, and on the Appropriations Committee this year, this vital project might well have been further delayed, or even abandoned. The entire State is indebted to him and I wanted to add these words of commendation.

He has accurately stated the desperate need for supplemental water in Arizona. The language he has authored and has had approved in the bill and the report will do much to get this project underway.

Mr. RHODES. Mr. Chairman, the gentleman from Arizona (Mr. Udall) was a member of the Committee on Interior and Insular Affairs at the time the central Arizona project was authorized. Without his great work on that committee, this bill could not have succeeded. He is a very valuable member of the Arizona delegation, appreciated by me, and also appreciated by his fine constituents of the Second District of Arizona, who keep sending him to Congress by large majorities.

I could not speak of the central Arizona project without referring to the Chairman of the Committee of the Whole, the gentleman from Colorado (Mr. Aspinall), who is also chairman of the Committee on Interior and Insular Affairs. His great efforts on behalf of all of the West in general and certainly his great efforts which led to the passage of the central Arizona project in particular have endeared him to the hearts of all his colleagues, especially those who represent the State of Arizona.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman.

Mr. FULTON of Pennsylvania. Mr. Chairman, I would like to say that we in Pennsylvania too support this project because we, like many Members from the West, have problems of too much water and problems of flood control as we had in the Eastern States.

So we in the Eastern States likewise should remember when you gentlemen need something for your citizens, to be sure we will be with you.

Mr. RHODES. I thank my colleague, the gentleman from Pennsylvania.

Mr. Chairman, the gentleman from Colorado (Mr. Aspinall) addressed a letter to the chairman of the Committee on Appropriations, the gentleman from Texas (Mr. Mahon). Chairman Mahon has given the letter to me and asked that I answer it in the Record at this particular time. In order to do this, I think I must read a part of it, but before I do I will make a few remarks in explanation.

In the report on this bill, there is a provision which allows the Secretary of the Interior and the Bureau of the Budget to enter into contract with private power companies for the construction of a powerplant at Page, Ariz. The plant is to be financed in part by prepayment by the Federal Government for power which will be used to lift the water in the central Arizona project so it can flow by gravity into the area to be served.

This is a rather unique situation, but it was brought about by a rather unique set of circumstances.

Always before electric power for reclamation projects was produced as part of the project, and used not only for sale, but also for whatever purpose the project itself required.

As the gentleman from Colorado will remember, the central Arizona project initially had two power dams which would be located in the Colorado River. Because of the great objection on the part of many people to the construction of those dams, they were deleted.

So it became necessary to find some means for the production of power for the project purposes. Rather than have the Federal Government build a powerplant itself, the committee of which the gentleman from Colorado is chairman authorized the Secretary of the Interior to enter into arrangements whereby power could be provided through the joint efforts of a consortium of private companies in the area and the Federal Government.

In order for the private companies to enter into this consortium, it was necessary that they and their bondholders be assured that the Federal portion would be paid and it would be paid as it became due. Therefore, it was necessary that under the contract there would be a provision which would obligate the Federal Government to pay its portion, whether or not the funds were appropriated. The gentleman from Colorado quite properly addressed himself to this particular portion of our report. In so doing he said these words:

> Since Section 303 of the Colorado River Basin Project Act has been used as the basis for giving the Central Arizona Project first call on reclamation program funds, I want to call your attention to another provision of the Act. Section 501(b) reads as follows:
>
> "(b) The Secretary is directed to proceed as nearly as practicable with the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel participating Federal reclamation projects concurrently with the construction of the Central Arizona Project, to the end that such projects shall be completed not later than the date of the first delivery of water from said Central Arizona Project:

The chairman of the Committee on Interior and Insular Affairs continued—

> My question, Mr. Chairman—

Speaking of the chairman of the Appropriations Committee—

> was whether these Upper Colorado River Basin projects will be given the same treatment from the Appropriations Committee as is being given to the Central Arizona Project.

I say to my good friend from Colorado that as one member of the Appropriations Committee, I do intend that the letter and spirit of the act which authorized the central Arizona project will be lived up to. I intend that there will be funds made available for the Colorado projects, or such of them as are found to be completely feasible. It will be the aim of the Appropriations Committee, as it is the aim of the Interior and Insular Affairs Committee, that these projects will be completed not later than the date of the first delivery of water from the central Arizona project.

Mr. REIFEL. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from South Dakota.

Mr. REIFEL. I thank the distinguished gentleman from Arizona. I desire to take this opportunity to express my appreciation first to the Committee on Interior and Insular Affairs, which was kind enough to authorize or to report out a bill which enables South Dakota to have the Oahe Irrigation Unit. In my concluding term in the Congress this is going to be one of the highlights of my experience here, and to the Congress, to the chairman of the Interior and Insular Affairs Committee, the gentleman from Colorado (Mr. ASPINALL), and to the ranking member, the gentleman from Pennsylvania (Mr. SAYLOR), we in South Dakota are deeply grateful. If my colleague, Congressman BERRY were here, he would concur in what I have had to say.

I also wish to express my appreciation, and in that Congressman BERRY would join me enthusiastically, for the Public Works Appropriations Subcommittee including $500,000 for planning and design of the Oahe irrigation unit. I think it is important for the House to recognize that the committee has wisely called to our attention in South Dakota that we must do something about lifting our ban on the migratory waterfowl, and there is every indication that this is going to take place at the coming legislature in South Dakota this next January. We will be deeply appreciative of all that this committee has done and will continue to do in the future as we find it necessary to come before you for additional funds.

Mr. RHODES. I thank the gentleman from South Dakota. The gentleman is a great Member of the Congress of the United States, and his State is very much in need of the resources which will be provided by the Oahe project. I congratulate him and his colleague, Congressman BERRY, for their successful efforts in obtaining this project for their people.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I thank my colleague from Arizona for yielding. I would like to take this opportunity to congratulate our colleague from South Dakota on the statement which he has just made. I would like to also compliment the committee for having granted the first money for planning for the Oahe project. I am deeply appreciative of the language which you have included in the report, calling to the attention of the people of South Dakota the need to treat the citizens of other States with equality in every respect. As the people of South Dakota look forward to the development of this great project they can be assured that the people of their 49 sister States wish them well and know that both they and their sister States will be better because of the Oahe irrigation project.

It is because of the assurance that members of the House Committee on Interior and Insular Affairs have received from our two colleagues from South Dakota we have not placed any limitations in other legislation before us at the present time. Feeling the Members of the Legislature from South Dakota are honorable gentlemen and having been assured by our colleagues, Mr. REIFEL and Mr. BERRY, that the Legislature of South Dakota intends to repeal the law discriminating against residents of the other States we fully expect the Legislature of South Dakota to measure up to its responsibilities.

Mr. REIFEL. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from South Dakota.

Mr. REIFEL. Mr. Chairman, I thank my distinguished colleague, the gentleman from Pennsylvania (Mr. SAYLOR) for his comments. I assure the gentleman we are going to insist and we will have to insist on changing this situation if we are going to come back to Congress for additional funds for wildlife protection.

Mr. RHODES. Mr. Chairman, in the few minutes I have remaining, I would like to address myself very briefly to the item in the bill which has to do with construction of facilities for waste treatment plants. This is a very necessary part of the program. I, for one, would support a program of much greater magnitude than the one we have been able to appropriate. However, I am constrained not to do so by various situations which have occurred.

First, of course, is the fact that we are in a budgetary crunch. We are in a period of inflation, we are in a period where the housewife of America is going to the store and many times finding the paycheck which her husband brought home—which is the biggest paycheck he has ever had in dollars—does not go far enough to feed her family properly and provide for their needs.

Also, the $600 million which is in this bill provides a program which is almost three times the program of last year.

Also, if more funds were added, about one-half would go to States which by the terms of the formula which is in the law, already are provided enough money. Since these States have as much money as they can properly spend or finance their own projects, so that most of it would be going into creating more carryover, Mr. Chairman.

From the $214 million appropriation of last year, there was a $64 million carryover. Why? Not because the money is not needed, but because the formula under which it is distributed has no provision for need as a test. The division formula is by population almost completely and it results in some States becoming entitled to money which the State cannot spend, and other States, which are badly in need and which will provide matching funds and have the projects ready, do not get enough money.

The gentleman from Florida, the ranking minority member on the House Committee on Public Works, has introduced a bill which I hope can be brought to the floor as soon as possible and enacted. That bill provides a new approach and provides a means for going ahead with this program as rapidly as we can, so that we can clean up this country and leave it better than we found it when we came onto this earth.

Mr. ASPINALL. Mr. Chairman, the Committee on Appropriations has brought out a responsible and supportable measure in H.R. 14159. The committee is to be commended for doing what it has done by way of more adequately providing for the implementation of needed water and land resources development projects throughout the Nation and particularly in the West. I am especially pleased that construction funds for the Bureau of Reclamation have been increased $16.5 million over the amounts sent up by the administration. The committee, in restoring about 50 percent of the cuts inflicted in the fiscal year 1970 revised budget, has made a constructive step in the right direction and should be, as a minimum, sustained by the House. The construction funds are far from adequate but I recognize the difficulties faced by the Appropriations Committee in increasing items in the administration's budget. However, we should understand that with an unfunded backlog of needed reclamation hardware of $5 billion and identifiable feasible projects not yet authorized of about twice that much, the increased amount of about $172 million fall far short of what the country really needs to underwrite this great program's base of economic productivity. In fact, the full needs of western water development should be supported at a level at least twice that in H.R. 14159.

Far more significant than the relatively small increase in dollars is the expression of congressional dissatisfaction with Executive usurpation of the public purse strings, at least insofar as the great Committee on Appropriations is concerned. I share and support this expression of dissatisfaction and I join with my colleagues on the Appropriations Committee in their efforts to assert the prerogatives of the Congress set forth in article I of the Constitution relative to the powers of the Congress to determine appropriations from the Treasury. I sincerely hope that this bill will be the first of a continuing series of demonstrations of congressional intent to regain total and lasting control of those powers of government that have recently been so substantially eroded away.

Mr. Chairman, there are those who will apologize for the budgetmakers and weep copiously for the difficulty that the Bureau of the Budget has in setting national priorities. I submit that such tears are wasted, for it is not the proper role of the Budget Bureau to set national priorities. It is the constitutional province of the people's representatives to make these judgments, and we are the only body that is properly constituted for that purpose. So let us, by our affirmative votes on H.R. 14159, as reported, affirm our intentions to accept our responsibilities in this field and let this be truly the first step on the long road back to the position of dignity and coequality that is rightfully ours.

Mr. Chairman, I do not intend to make a detailed commentary on the pluses and minuses of the pending bill. As I have said, the committee has done a fine job in view of the realities of the political and economic environment in which it is working. I would like to comment, however, that I notice a continuing tendency toward the sanctity of planning allowances, despite the lack of proper funds for program implementation. For example, the Bureau of Reclamation continues to request, apparently with the full sanction of the Bureau of the Budget, increases in the level of planning funds that it had down through the years. This despite the fact that this level of planning has resulted in an enormous backlog of authorized projects. While this is not a major item dollarwise, it seems to me to be imprudent if not outright foolish to perpetuate this situation, and I would hope that our Committee on Interior and Insular Affairs might work jointly with the Committee on Appropriations in succeeding years to restore a more reasonable balance between the rate of planning and execution. For one, I am committed to try to bring this about.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 15 minutes to the distinguished gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, the distinguished gentleman from Tennessee (Mr. EVINS) and the distinguished gentleman from Arizona (Mr. RHODES) in their usual competent fashion have ably reported and explained the bill that we are now considering. Both the gentleman from Tennessee (Mr. EVINS) and the gentleman from Arizona (Mr. RHODES) have served with distinction on this subcommittee for many years, and their knowledge of the details of the bill is a credit to their labor and industry.

I take this time also, Mr. Chairman, as the chairman of the committee, the gentleman from Tennessee (Mr. EVINS), and the gentleman from Arizona (Mr. RHODES) have already done, to commend the staff of this subcommittee. The Appropriations Committee is blessed with having a competent staff in all its subcommittees.

This subcommittee yields to no other subcommittee of the Appropriations Committee for the staff we have in the person of the chief of our staff, Gene Wilhelm, and his assistants George Urian and Don Richbourg.

The bill, and the accompanying report, bear the imprimatur of the chairman of this subcommittee, our beloved colleague from Ohio, the Honorable MICHAEL J. KIRWAN. MIKE came to the Congress in 1937. He was appointed to the Appropriations Committee in 1943—served as a member of and chairman of the Interior Appropriations Subcommittee from 1949 to 1965, when he relinquished that chairmanship, to assume the chair of the Public Works Subcommittee on Appropriations in 1965 to the present day.

Mr. Chairman, hospitalization keeps him from this floor today. He has undergone a serious physical setback—a setback that would have broken most men long before now. I visited with him last Sunday and am happy to report that he is regaining his strength and is slowly on the mend. I know that all of us in this House, who know and admire him so much, join in a prayerful hope that MIKE's health will continue to improve, and he will be back among us before too long.

As most of you are aware, MIKE KIRWAN has announced his retirement from the labors of this House when the 91st Congress ends. I know that one of his greatest regrets is that he is not with us today to shepherd this bill. I know, too, Mr. Chairman that all us share that regret.

No one believed more deeply, in what the Public Works and Interior appropriations bills sought to accomplish, than MIKE KIRWAN. In his own, truly unique, picturesque language, he painted the meaning of this bill—its significance to the land he loved so much—with a skill that no one could match.

Harken to him Mr. Chairman, as he discussed this bill a couple of years back:

> If there is any man or woman on the floor of Congress today who thinks Khrushchev was foolish when he said, "We Will Bury America", let us reflect that we may be contributing to this ourselves, by our failure to adequately prepare our country, *not for defense or war*, but to defend it against floods and other natural disasters, and the incredible waste by not protecting and developing our fantastic resources.

MIKE KIRWAN knew and understood this land as few have. From the coal mines of Pennsylvania, where he was born and raised, he traveled the length and breadth of this land in every conceivable fashion. As an eye witness to its greatness and its potential, he carried his convictions to this House.

And he did something about it. He vowed that this Nation would not be despoiled. He championed the programs that added to the strength of this land, by a constant attention to preserve and develop its resources.

> Land, wood and water—

He often proclaimed—

> Land, wood and water, these are the basic resources that give America its prosperity and its potential for greatness. Destroy these and you destroy America.

So, Mr. Chairman, he spent practically all of his time and his effort in this body, in pursuit of programs and projects, that protected, and developed our resources and the people of this country. Flood control, recreation, navigation, power supply, water supply, conservation, forest lands, national parks—all of these and many activities—have been the beneficiaries of his spirit and his dedication. This land is the richer and the better because he came this way. All over this country there are monuments to his determination and his foresight.

I know that when he leaves this Congress, he will carry with him the gratitude of Members, past and present, who understand what his service has meant to this country.

I would like to take this opportunity to pay tribute to two men who have made great contributions in the field of water resource development; Lt. Gen. William F. Cassidy, who until last August 1 was Chief of Engineers, and Floyd Dominy, who after this session of Congress will retire as Commissioner of the Bureau of Reclamation.

Since his graduation from the U.S. Military Academy at West Point in 1931, General Cassidy has had a most distinguished military career. He has been a leader in the water resources development field and much of the progress which has been made in this field over the years is the result of his dedicated efforts during his service with the Corps of Engineers. I was glad to learn that since his retirement as Chief of Engineers in August of this year he has been called back by the President to serve as Chairman of the Board of Engineers for Rivers and Harbors. His experience and training will be of great value in carrying out the important functions of the Board.

Floyd Dominy is, of course, best known by those of you from the reclamation States of the West, but I believe all of us are aware of the great contribution he has made to the development of the entire Nation. Floyd Dominy was appointed Commissioner of Reclamation in May of 1959 and has more than 35 years of Government service.

Both of these gentlemen have appeared before our Public Works Subcommittee on many occasions and have always demonstrated their wide knowledge and ability in the areas under their jurisdiction. I am sure the other members of the committee and Congress join with me in paying recognition to these fine Americans.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Massachusetts with reference to General Cassidy and Floyd Dominy.

Mr. Chairman, General Cassidy and Floyd Dominy have certainly performed great services to this country in the development of our natural resources which are absolutely incalculable in their value. They have not only been dedicated public servants, but they have also been the type of public servants who have leveled with the committee. They have come before us and given us the picture as it is, and we could always trust what they said.

We shall certainly miss them as they go on to other careers.

Mr. BOLAND. I appreciate the kind remarks of the gentleman from Arizona.

Now, Mr. Chairman, with respect to the bill itself, I agree with what has been said by the gentleman from Tennessee (Mr. EVINS) and by the gentleman from Arizona (Mr. RHODES). This bill has my support. It has my support for water pollution control and sewage treatment plants. As has been stated, the sum of $214 million was recommended by the Bureau of the Budget, but this was upped to $450 million by our subcommittee and to $600 million by the full committee, with some carryover of $65 million, for a grand total of $665 million available in fiscal year 1970.

My support of this amount is based on the fact that the Water Pollution Control Administration insists that this is all that can be used in fiscal year 1970 for this program. Everyone is for clean water. It is like being for the American flag and for motherhood. Everyone in this Chamber has voted for the Clean Water Act and all of us are in favor of it.

As has been stated here, the problem cannot be solved by the amount of money appropriated under this bill. The problem lies with the formula, and when we get to that portion of the bill where amendments will be offered to increase the amount, we can discuss that problem.

Mr. Chairman, let me now turn to an item that is not in the pending bill. That is the Dickey-Lincoln project. I dissented when the subcommittee eliminated the amount of $807,000 to continue the planning on the Dickey-Lincoln School project. It was deleted without prejudice by the subcommittee. It was deleted over my objection. I dissented from the action of the subcommittee and made an effort to restore the funds for the project in the full committee but lost by a fairly narrow margin.

Mr. Chairman, my support of the Dickey-Lincoln School project has not waivered since the day that the staff of this Subcommittee on Public Works reported that this project was feasible and that it ought to be built. This project was included in the Johnson budget and it was kept in the Nixon budget revision. The amount which was recommended was $807,000 and would be used to continue planning. It is a project which in my judgment is essential for adequate power sources in New England. During the past years New England has experienced some severe power shortages.

Mr. Chairman, let me dwell for a moment on the following justification:

Dickey-Lincoln School Reservoirs, Maine:	
Total estimated cost	$229,000,000
Appropriated to date	2,154,000
Budget estimate, 1969 (to resume planning)	807,000
Benefit to cost ratio—2 to 1	
Balance to complete planning after fiscal year 1970	539,000

The committee stated that it "continues to believe the project is fully justified and required to provide urgently needed hydropower in the area."

Testimony presented to the committee this year—pages 393 to 407 of part 1—clearly indicates that the project continues to be economically feasible with a benefit to cost ratio of 2 to 1, and will provide efficient hydroelectric power at reasonable rates for peaking purposes in the New England area as well as firm power to the preference customers in Maine.

The project compares very favorable with similar projects being constructed in other regions throughout the country.

Gov. Kenneth M. Curtis of Maine recently stated, in referring to three recent occasions when New England came seriously close to suffering serious power shortages:

> If New England is going to have to suffer through power shortages then the importance of building the Dickey-Lincoln project becomes more evident.

The Governor stated further:

> The present situation is a graphic illustration that the planned generating capacity for New England's power needs by the dominating private utilities has been underestimated and inadequate.

Expensive publicity campaigns have told us time and time again that the big Eleven Power loop would take care of all of New England's power needs. We were told that there was no need to build the Dickey-Lincoln Dam—that Dickey-Lincoln's power was not necessary.

The testimony again this year by the Corps of Engineers confirms the following concerning the project in answer to the critics:

> 1. A complete reanalysis and adjustment of the unit prices for the project has been made providing a current cost estimate of $229,000,000. The net increase of $10.6 million since last year includes price increases and pay costs, with offsetting savings, in part, in reduced costs for reservoir clearing, and savings on the siting of embankments.
>
> 2. All of the different combinations of plants that might be constructed to meet the regional needs in the area, including Federally funded thermal plants, gas turbines, diesel engines, pump storage, nuclear power, and the studies continue to indicate that there are no more economical alternatives than the Dickey-Lincoln School project.
>
> 3. The opponents of the project continue to make erroneous comparisons of the project in relation to the power plants being built by the private utilities. These comparisons pertain to the capital investment alone and disregard operating costs. It is not the initial investment that one should consider, but the power cost at the market.

The economic comparability test, which has been updated to this year's cost estimates (as shown on page 400 of Part 1 of the hearings) continues to show that the power cost at the market under the Dickey-Lincoln School project is 10.3 mills per kilowatt hour compared with 20.5 mills per kilowatt hour for a pumped storage unit and 25.7 mills for a nuclear-steam plant.

If a hydroelectric project for the generation of peaking power is as uneconomic as the New England utilities claim, why is it that the private utilities in the Northwest strongly support Federal construction of such projects in order that the low-cost peaking power can be integrated into their systems in cooperation with the Bonneville Power Administration.

Mr. HATHAWAY. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Maine.

Mr. HATHAWAY. Mr. Chairman, I thank the gentleman for yielding, and I want to commend the gentleman for his tremendous efforts not only this year, but in years past, in behalf of the Dickey-Lincoln School hydroelectric project which, when it is finally constructed—and I am sure it will be, as many other projects that have come before Congress, have taken many years of ups and downs before they finally were fully funded—will be of tremendous benefit not only to the people of Maine, but the people throughout all New England.

Mr. Chairman, I want to associate myself with the remarks made by the gentleman in the well.

It was with a great deal of interest and no little amount of satisfaction that I read a two-page advertisement in this Monday's New York Times concerning the "power crisis" faced by the United States.

The timely ad was placed by Electrical World, "the leading publication" for the private electric utility interest, because, in the words of the magazine's publisher:

> We have watched the power crisis grow to a point where we can no longer stand by.

We all know, Mr. Chairman, that the private electric utilities have long been in the vanguard of opposition to public power projects. Its vehement attacks on enabling legislation for such past enterprises as the Grand Coulee and Hoover Dams and the Tennessee Valley Authority are easily recalled, and its recent relentless opposition to the same kind of Federal project in New England is widely known.

But now, at last, the private utility interests seem to be admitting that they have stood by for too long in the face of the Nation's growing power needs. This is most encouraging.

It is encouraging that the private electric utilities seem finally to have begun to admit that "this country of ours is in the midst of a power crisis." It is encouraging that they are, at long last, facing up to "the chilling prospect of frequent blackouts." Encouraging, that they have finally admitted that "the margin of safety has shrunk 32 percent" since the blackout of November 9, 1965. Encouraging, that they "want to see the problem solved—before the lights go out."

XUM

Yes, Mr. Chairman, the private power utilities' ostensible support for the public interest in the matter of electric power—however long overdue—is indeed encouraging. My only regret is that—insofar as the interests of the New England citizenry are concerned—their support may have come too late to undue all of the damage caused by their earlier opposition.

For the past few weeks, Mr. Chairman, I have circulated among the Members of this body soliciting support for inclusion of an $807,000 appropriation for the Dickey-Lincoln power project in the bill now before us. My efforts were generally successful.

Despite them, however, and despite both the recent change of heart on the part of the private utilities and the fact that our own Appropriations Committee recognized that the project is "fully justified and required," lingering doubts about Dickey's real worth still seem to inhabit the minds of several of our colleagues.

Perhaps a review of the elements of Dickey's promise will help assuage some of these doubts.

Both before and after the Dickey-Lincoln hydroelectric power project was authorized for construction by the 89th Congress, intense studies of its need and feasibility were conducted by the executive and legislative branches of this Government. There is, in fact, good reason to believe that no other multipurpose hydroelectric project authorized by this Congress has ever received as much close scrutiny.

The project has been approved by all of the Federal agencies concerned with power development—the Interior Department, the Army Corps of Engineers, the Federal Power Commission, the Atomic Energy Commission, and the Bureau of the Budget. It has additionally been justified by the findings of an indepth study performed by the staff of our own House Appropriations Committee. And it meets all of the criteria for economic feasibility and multipurpose resource development required by the Congress and enunciated in the Senate document entitled "Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources."

Dickey-Lincoln is the first Federal multipurpose water resource project authorized by Congress for construction in New England. Its projected generation of 1.2 billion kilowatt-hours of power annually from facilities having an installed capacity of 830 megawatts would provide low-cost, nonpolluting power for all of New England. And it would provide this power at a lower cost than any other means of generation, including the conventional methods, as well as nuclear thermal plants or pumped storage hydroplants. Once constructed, it would save electric power consumers of the Northeast an estimated $9 million a year.

Studies made by our Appropriations Committee clearly illustrate, Mr. Chairman, that 650,000 kilowatts of peaking power from Dickey could be sold in Boston, Mass., for about $17.50 per kilowatt-year. A privately built pumped storage plant, on the other hand, would sell power for about $23.50 per kilowatt-year. Some 100,000 kilowatts of firm power from Dickey-Lincoln, moreover, could be sold in the State of Maine for a little more than $28, while private conventional plants and private nuclear facilities would sell the same amount for about $37 and $33.50, respectively.

The project will cost American taxpayers an estimated $229 million—a price viewed as "reasonable" and "sound" by spokesmen for both the Corps of Engineers and the Federal Power Commission. Especially reasonable when viewed in light of the fact that its benefit-to-cost ratio in the last year has risen from 1.9 to 1 to 2 to 1. This means, of course, that Dickey promises to return to the taxpayers $2 for every dollar spent for its planning and construction. Some close observers have even predicted that the entire cost, including the interest, will be paid for in close to 50 years. Surely, the life of this valuable asset will exceed 50 years. And as it does, and as it additionally continues to provide revenue even after its cost is completely recovered, it cannot but help to provide power at an even lower price.

Even the period of project construction will have a major economic impact on the area of New England, Mr. Chairman. More than 11,000 man-years of labor and wages totaling in excess of $12¼ million will be generated. Nearly 2,000 employees will be put to work for 6 years. Close to 600,000 tons of concrete will be required; 25,000 tons of reinforced steel. The project's powerplant alone will require $60 million in electrical equipment.

After its construction, its impact will be incalculable—its positive effects on the people, the businesses, and the industry of the New England area will be staggering. For the first time, Mr. Chairman, the Northeast will realize the benefits that Federal water and power resource development can bring. For the first time, New England will have the same "yardstick" of competition by comparison which has meant so much to the many other sections of the country which are served by public power from Federal dams.

There is no question in my mind or in the minds of the great majority of the people of New England but that the Dickey-Lincoln School hydroelectric project merits approval by this Congress and that the $807,000 recommended by President Nixon for fiscal 1970 preconstruction planning should be OK'd by this House.

It is my firm belief, Mr. Chairman, that our conviction will be borne out, and that before the measure now before us is finally enacted, funds to proceed with the planning of this worthwhile project will be made available by this Congress.

Mr. BOLAND. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I want to commend the gentleman from Maine (Mr. HATHAWAY) for his activities on this project. No one has worked harder or with a greater degree of dedication than the gentleman from Maine.

This project is a multiple-purpose project, and it really is about the only multiple-purpose project that could ever be built in New England. We have them all over the United States. Those of us in New England have supported the projects in the South, the Midwest, the Southwest, the Far West, and the Northwest. This is the only time and perhaps the last time that New England has a chance of getting a sizable multiple-purpose Federal project. Let us build this multiple-purpose project in Maine which is so essential to the power needs of that area.

Maine has the dubious distinction of enjoying the highest power rates in the Nation. This is the one way in which those power rates can be lowered.

So, Mr. Chairman, again I take this time to commend the gentleman from Maine for his efforts in behalf of this project.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Chairman, I wish to express my appreciation to the gentleman from Massachusetts for yielding. I take this time simply to express my deep appreciation to the gentleman from Massachusetts (Mr. BOLAND), the gentleman from Tennessee (Mr. EVINS), and the gentleman from Arizona (Mr. RHODES) for the great job that the committee has done.

I also particularly wish to join the gentleman from Massachusetts in his commendation to a variety of people who have contributed so much to the well-being of America, particularly General Cassidy and Commissioner Floyd Dominy.

Further, Mr. Chairman, if the gentleman will yield further momentarily, I would like to pay special tribute to our very wonderful friend, the chairman of the committee, the gentleman from Ohio, MIKE KIRWAN. This money will continue to make monuments to MIKE's firm belief in America, and what it takes to make America great. Certainly we all do miss MIKE today, and I want at this time to express my personal appreciation on behalf of the State of California for the great contributions that MIKE KIRWAN has made not only to our State, but to all America, and to join with the gentleman from Massachusetts in the many kind things that he has said about this great American.

Mr. BOLAND. I thank the gentleman from California for his remarks.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 14159 and congratulate the Committee on Appropriations on the fine job it has done.

H.R. 14159 is a good bill, and will make it possible to keep our essential and urgent water resource development programs moving. While many in this body would understandably like to see more money for a number of worthwhile projects—and I particularly regret the absence of construction funds for several very fine projects in Oklahoma—the bill, on balance, is a good one. It represents the solid judgment of an excellent subcommittee which has worked long and hard on a very difficult assignment.

I appreciate the eloquent words of the subcommittee's members who have paid tribute to their chairman, our beloved colleague, MIKE KIRWAN.

No man in America has done more to build our country in this century, than MIKE KIRWAN.

His contribution will enrich the Nation for decades to come, and will make possible a better life for the children of all of us.

If MIKE KIRWAN were here today, handling this bill on the floor, I am sure he would tell us: "This is an all-American bill, for all of America. It is a bill you can vote for with pride and with full confidence that your vote will strengthen America."

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman.

Mr. MIKVA. Mr. Chairman, I would like to pose a question to the gentleman from Massachusetts (Mr. BOLAND) regarding the committee's intention in certain language which it used in the report on the bill. This language relates to the Oakley Dam and Reservoir project, and is contained on page 52 of the committee report. I direct the question to the gentleman from Massachusetts because he was the member of the subcommittee who presided when testimony on this subject was heard by the subcommittee.

My question relates to the language on page 52 of the report which reads as follows:

> The Committee has allowed $100,000, which . . . should be adequate to continue land acquisition on the project pending settlement of the Allerton Park controversy.

I was interested and most gratified to note in reading through the hearings on the Oakley project that a memorandum of agreement and a waterways alternative have been concluded by the State of Illinois, the city of Decatur, the University of Illinois—which owns Allerton Park—and has been warmly endorsed by my good friend and colleague, the gentleman from Illinois (Mr. SPRINGER) in whose district the Oakley project is located. This agreement concluded on May 29, 1969, is printed at pages 546–558 of part 5 of the hearings. It seems to be a fine compromise in which everyone's interests are protected. The gentleman from Massachusetts indicated during the hearing that he was most happy to see that the agreement had been concluded.

Now what I wonder is whether, in light of the specific nature of the May 29 agreement and the waterways alternative and the fact that the Corps of Engineers has not yet accepted that agreement, what I wonder is whether the committee did not intend that whatever expenditures are made on the Oakley project, should be consistent with this May 29 agreement and waterways alternative. In other words, does the committee not contemplate that the corps will accept the May 29 agreement and the alternative subject to the corps finding that it is feasible.

Mr. BOLAND. I agree with the gentleman's interpretation. That is the committee's interpretation.

Let me say that the money we are appropriating for the Oakley Dam is to continue land acquisition, but it is land acquisition in those areas in which I think there is no controversy.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Illinois (Mr. SPRINGER) who has been very close to this project and in whose district the project is located.

Mr. SPRINGER. Mr. Chairman, I believe the statements made by both gentlemen are in the nature of approximate truth—as true as I think we can put it.

The money was limited to the purchase of land which was not in the area of Allerton Park—that was the limitation which was put on it.

At the present time there is a signed agreement between the State of Illinois, the city of Decatur, and the University of Illinois, and they are the only parties involved in this project before the Corps of Engineers go on with the Oakley Dam and Reservoir project and now being studied by the Corps of Engineers. It is subject to that feasibility study as to whether or not they would go ahead with the project as is, and if not feasible the corps would have to make a restudy of the project. I think in general what has been said is true.

Mr. MIKVA. I thank the gentleman from Massachusetts (Mr. BOLAND) and the gentleman from Illinois (Mr. SPRINGER) for allowing me to take the time to clarify this matter.

Mr. RHODES. Mr. Chairman, I yield 8 minutes to the gentleman from Wisconsin (Mr. DAVIS).

Mr. DAVIS of Wisconsin. Mr. Chairman, I am happy to support this bill as it has been reported from the Committee on Appropriations.

I do want to take this occasion to fully support the fine tributes which have been paid to our colleague, the gentleman from Ohio (Mr. KIRWAN), General Cassady, and Commissioner Dominy, by the gentleman from Massachusetts who just preceded me.

It is never a happy experience to find oneself supporting an appropriation bill which is substantially over the budget, and of course this bill is some $300 million over the budget, but it does appear that the issue here today is not the matter of our exceeding the budget, as much as it appears to be that we did not exceed the budget enough.

We are confronted for the second time in this session with what appears to be described as a full funding campaign. If this is to be the common practice—if authorizations, that is funding ceilings, are to be treated as funding floors, then the budget process and the appropriation process will become nothing but hollow mockeries and the Committee on Ways and Means might as well close up its shop, too, because it simply will find the responsibility of attempting to raise revenue to pay out money as fast as it is possible to be spent an impossible job of performance.

Mr. Chairman, we have marched up the hill twice in the past 2 years in a general way on behalf of fiscal restraint. Last year it fell to members of the Committee on Ways and Means to take the leadership.

They, I suspect, were rather tired of the onerous burden of attempting to close deficit gaps, a job which had not been accomplished over a period of many years. They simply felt that they could not accept the burden of raising revenue as fast as it was being paid out. And so that was the origin of last year's Expenditure and Control Act of 1968, when a definite and firm ceiling on the expenditures of the Government for the fiscal year was established.

Then that pattern, in a modified form, was repeated this year in the first supplemental appropriation bill that reached the floor. The Appropriations Committee did originate an overall spending ceiling for the fiscal year. But it provided for a flexible limit. It is a limit that goes up and down as a result of the actions or the inactions of the Congress in dealing with requests for various new sources of revenue or in dealing with appropriation requests as they affect expenditures as they came before the Congress. If this were not true, if this year's expenditure ceiling were not a modified one, a flexible one that does go up and down as we take action with respect to appropriations, then, I suppose, we would not need to be quite so much concerned about the efforts to substantially increase appropriation bills. If it read as last year's law, we could in effect say, "Well, go ahead, if you want to look foolish, because you have already legislated that the money cannot be spent." But because our action here in increasing the budget substantially would raise not only appropriations but it would likewise affect the expenditure ceilings which have previously been proposed, we must be concerned with the effect of our actions.

First of all, I think we must be concerned that our self-respect, for repeated increases in appropriations reflected in increases in expenditures will cast a cloud over our self-righteousness when we did approve the spending limitation earlier this year.

But, Mr. Chairman, to claim credit for imposing a spending limitation on the one hand and to become a champion of full funding on the other, such conduct cannot escape the criticism of the people that it is our responsibility to represent.

For those who are interested in the record, the record is clear that the $600 million provided for the waste treatment program plus the $64- to $65-million carryover is all that the administrative machinery—the administrative machinery of the Federal Government and the administrative machinery of our State and local governments, under existing law—that is all that they can absorb, and the Secretary of the Interior is on record to that effect. To increase that amount would be an invitation to waste—not to waste treatment—but to waste.

There have been these two major increases in the bill, one of them $386 million increase for the waste treatment works program, and I suppose that that can be justified as an action of the committee in attempting to deal with an emergency situation to the maximum capacity of our three levels of government to deal with. The other is a $55 million increase in reclamation and civil functions projects, and that increase, too, I believe is justified in avoiding the extra expense and the danger of delay that would otherwise accompany reduced funding on a certain number of projects within those programs.

So, Mr. Chairman, even though this bill is above the budget, I support the bill as is. I hope my colleagues, after examining the record and attempting to be responsible in providing only those funds that can be used and absorbed, will support the bill as is.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I join with my colleagues in the many tributes that have been paid to our subcommittee chairman, the Honorable MIKE KIRWAN, and to the other members of the subcommittee who have worked so hard and so long, alternating in handling the work of our beloved friend, the gentleman from Ohio, whose health has been such as to cause him to miss many of the committee hearings. My colleague from Massachusetts beat me to quoting from his all American announcement of his beliefs.

Also, I join in saying I believe the staff of the committee has as hard a job as any staff of any committee, and I take this time to compliment them.

I also pay tribute to the gentleman from Tennessee, who is handling this bill and who has done a fine job through the years on this program, and also to his counterpart on the Republican side, the gentleman from Arizona.

I also take this time to express the hope that some time we will give some attention to the fact that this bill is misnamed and it is inappropriate to refer to it as the public works bill. As we all know, through the years, this bill gets picked up and held out as what the Congress does for itself. May I say nothing could be further from the truth. This bill should be designated as the maintenance and development bill, representing the attention that our great country is being given, the attention that we are giving to protecting the country itself, the base on which everything else depends—that is the natural resources, our rivers and streams and watersheds and, yes, our harbors and rivers.

A few years ago someone said that some small country or other was the only country that had a balanced budget. It was said the country did not owe a dollar and did not have one. On our committee I feel we need to give attention to a balanced budget, but we really need to give attention to balancing the spending we do on those things and taking care of those things on which everything else depends. It is up to us who serve on this committee to promote and up to the membership here to look after our country. Of course, we look after the needs of the different districts, the needs of every section of the United States. As shown by our report this committee heard more than 1,600 witnesses, from every section of every State. We listened to the testimony of 208 of our colleagues. We were not trying to divide the cake and we were not trying to give everybody something, but we were trying not to overlook any section of the United States in our effort to protect our country, not only for today, but for our children tomorrow.

I could go on and on, but I repeat again: The more serious our problems are, and the greater our debts and the greater our obligations around the world, the more imperative it is that we look after the base on which the cure for all of them depend—our land and our natural resources, our rivers and our harbors.

I shall not try to repeat or add to the words that have been said about our great friend and great chairman, the gentleman from Ohio, Mr. MICHAEL KIRWAN, but I say again that all Americans, including those who will follow us for many generations, will be indebted to MIKE KIRWAN for whom we all pitch in today. I hope we may do him proud and that you will back us in our efforts.

This bill is needed today and more important, for tomorrow. Where are we going to put 150 million people, the expected increase in our population during the next 30 years.

I have heard the debate here. I support the committee action. We all agree we have a tremendous problem with respect to pollution.

Due to other assignments I have had, I have been in the older cities of this Nation, which I shall not identify here because they have enough problems without having this condition advertised. As one goes into many of the older cities he sees how much is old and worn out, how the sewerage systems are deteriorated, and sewage disposal systems outmoded or obsolete, leaving their waterfronts likened to open sewers, you know they need help.

We go to the Potomac and other places around the country and we can see that we need to give real attention to reclaiming what we have done in years past to create pollution of air and water.

Then, when one goes to other areas, such as mine, one sees the area is made up of small cities and small towns where, as of today, they do not have the serious pollution problems of our major cities, but, with this growth of population, now is the time to be intelligent enough to keep those areas from ever getting like they have gotten in many other areas of this country.

Even considering all that, there is only a limited amount of work we can get done in a limited amount of time. I say that we do not differ with our friends who talk about the pollution we face today and that which we must protect ourselves from developing tomorrow. But we should be practical about it. We should not inflame the country by going overboard at a time the dollar is getting cheaper and cheaper.

The committee has recommended an appropriation of $600 million, which is more than half the authorization. I want to say to my friends, many of whom are not here at the moment, I agree with my colleague from Massachusetts. If this House ever adopts the view that an authorization is a commitment by the Congress to carry it out fully in the shortest possible time we are going to have the bitterest fights every time there is an authorization bill, because if that is where the decision is going to be made on immediate spending there will be precious few authorizations that go through the Congress without the greatest amount of difficulty, since it will be necessary to match the authorization against income, and it will be necessary to match it all along the way with other problems.

It is wise, I believe, to have an authorization much higher than the funding which may be required at the moment. It actually allows us to have advanced planning. It allows us to have plans on the shelf, for the time when we can get out of this Vietnamese war. Authorizations on the shelf are fine for the operations of this country in season and out of season.

But we need them far beyond what we really are going to do now.

The other side of this is, if we were to appropriate the full amount that is authorized we would never get it spent, because they are not able to spend it in the months ahead during this fiscal year. They cannot do it at all.

Certainly it is in line with public opinion which has been whipped up on this subject. I agree that we need to meet this problem, but not to the point of being impractical and not employing commonsense to do the most about it we can in the shortest period of time.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from California.

Mr. COHELAN. I thank the gentleman from Mississippi for yielding.

I should like to take this opportunity to congratulate the gentleman for the very clear statement he is making on the subject of pollution. As a fellow member of the Appropriations Committee I should like to advise the committee that it was the gentleman from Mississippi (Mr. WHITTEN) who joined with others of us on the Appropriations Committee to persuade our committee to support $600 million instead of the subcommittee figure. As Members know, the original budget request was $214 million for the water pollution portion of the bill.

I want the Members to know that I support the appropriation of $600 million which was adopted after much debate in full committee. For myself, it would be very nice to be able to come in and say, "We put a billion dollars in the committee," but I am now convinced it would be unrealistic.

I must say, having listened to the arguments in committee and understanding the problem of the formula, it seems to me that this is the most practical immediate solution to the problem. I am delighted that the committee responded by coming through with the $600 million, and more particularly I want to congratulate the gentleman in the well for supporting the amendment to increase the subcommittee recommendation to $600 million.

Mr. WHITTEN. I thank my colleague from California, and I appreciate his own sound judgment and his effective action in this area.

It is always hard to hold ourselves in line with practicality, especially when the subject is as popular as the one with which we are dealing today, pollution of our streams. But the committee has gone as far as we can and properly spend the money and that is in my opinion as far as we should go.

Mr. Chairman, we dealt with the problems of all sections. Personally, I appreciate the support I had from my colleagues on the committee. Particularly am I pleased that we got funds for beginning work on the Yellow Creek Port on the Mississippi side of the Tennessee River; the amount of $450,000 represents the Tennessee Valley Authority's capability for the remainder of this fiscal year. The important thing is getting started, since the Budget Bureau has not recommended any funds at this time.

With regard to the port facilities at Yellow Creek in Tishomingo County, this should mean tremendous development for all northeast Mississippi and the expansion of heavy industry into that area.

In its report, our committee pointed out this is in Appalachia and will be helpful in meeting the economic problems of the area.

Other items which are of special benefit and interest to north Mississippi are the Upper Auxiliary Channel, which will prove of real benefit to six of the western counties of the second district, and the Ascalmore-Tippo and Opossum Bayou projects, which are directed to be started and which will benefit three other counties.

Included also are funds for development of facilities at Arkabutla, Enid, Grenada, and Sardis Reservoirs.

With regard to work on the Upper Auxiliary Channel, we pointed out that the work on the upper part of the project for the delta is essential, since this will keep it somewhat on a comparative level with the work being done in the lower delta.

The bill contains $500,000 which this subcommittee provided for continuation of engineering and design on the Tennessee-Tombigbee Waterway, and $50,000 for continuation of the survey on the Hatchie River in Alcorn and Tippah Counties, Miss., together with $1 million for flood control on the Bear Creek Watershed, Ala., and Miss.; $650,000 for flood control work on the Tennessee-Tombigbee Watershed, a substantial increase above the budget.

Mr. RHODES. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Chairman, I have heard some astounding statements made in the well of the House today, ones which I think might bode well for the future of the country. I say this because with due deference to the members of the Appropriations Committee and the other standing committees of the House, it is about time that all of the committees realized that the Committee of the Whole House on the State of the Union is the No. 1 committee in Congress, and that is the committee that we are in right now.

I was delighted to hear a statement by one of our colleagues that some of the authorizing bills might be looked at more carefully. This is a good sign because this is the way the Congress should act and not expect to rely upon one of the standing committees to bail them out.

Now, let us look at the situation that we are in with reference to this bill and especially with reference to one phase of it. That is the amount that we have provided for the elimination of pollution.

Now, Mr. Chairman, in 1966 the Congress considered the Clean Waters Restoration Act which first passed in the Senate without a dissenting vote and then was sent over to the House, reported out of the Public Works Committee and passed this body without a dissenting vote. Every Member of Congress who was here in 1966 voted for that bill. That bill said, among other things, that the Congress was gravely concerned about pollution in this country and that we realized that the job was bigger than just the Federal Government and that we call upon the States and the local communities to participate. Further, we said if the States would adopt the standards to improve the water quality in their own States and in their own communities the Federal Government would give them a certain proportion of the money necessary to clear up the domestic pollution. Well, we the Congress have never kept our word, but the States have gone ahead relying upon their Congressmen to keep their commitment.

Now, somebody has made a great to do that last year we did not spend that amount of money that was appropriated. I can tell you why we did not spend that amount of money. Because there is not a Representative here in the House who has not had a community in his State or in his own district that has not come down here with an engineer to the departments and asked if there was any money and been told that it is absolutely useless, that we the Congress did not provide enough money—to enable the States and local communities to go ahead with assurance.

We made a commitment to the people of this country, and it is up to the Congress to be as good as its word.

I do not know whether or not you folks kept in touch with what happened in the other body yesterday, but in that body they adopted an amendment, and that amendment said, among other things, that all States and all of the communities who have gone ahead and have not received any money from the Federal Government would be entitled to put in a claim for reimbursement. And if that passes in this body—and I will vote for it when it comes over here—we will already owe the States and the local communities over $600 million—just to pay for what has already been installed without any concern for those projects that are to be built this year.

Some people talk about the integrity of the budget. Let me tell you about the integrity of the budget. Consistency is apparently not the rule here in the House, because on July 31 of this year the Members of the House by a vote of 293 to 126 said they did not care what the budget was with regard to education; they voted $1 billion more.

Let me also say to you——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. RHODES. Mr. Chairman, I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, I thank the gentleman for the additional time.

Let me say to the members of the Committee of the Whole that unless we clean up the waters of this country, do not worry about education, because there will not be any children to educate. It is just that serious. The leading ecologists of our country tell us that by the year 2000 mankind may not survive on this earth because of water pollution and what we have done to cause it.

So the biggest thing that we owe to our own people, and to the world, is to see to it that sufficient money is provided to clean up the waters of this country so that mankind can survive.

Mr. Chairman, when the amendment is offered to increase and to keep the word of Congress, and make the appropriation of clean water $1 billion, I hope that the amendment will be adopted overwhelmingly.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MCFALL).

Mr. McFALL. Mr. Chairman, I wish to express my admiration for the subcommittee, and the work that they have done on this bill, in building America in the same tradition of the chairman of the committee, the gentleman from Ohio, MIKE KIRWAN, who is unable to be with us today. I wish to express my admiration, respect and affection for MIKE KIRWAN, and I hope that the gentleman from Ohio will be back with us before long.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, in considering the appropriations which are before us today, we take the future of our Nation's water resources in our hands. As the distinguished Appropriations Committee of the House of Representatives has so ably pointed out in its report, there is a truly compelling need for the expansion of the water resource development in this Nation.

Requirements for municipal and industrial water will increase by some 300 percent during the next half century as this Nation, already feeling the pressures of a growing population, faces a projected population of some 468 million people by the year 2020.

In the course of water development, a half century is not very long. It takes time to harness rampaging rivers and to put the flood waters which are devastating our lands and washing out to sea to beneficial work irrigating our crops, serving our homes and industries. It takes time to clean up polluted streams and lakes and to make them habitable for fish, wildlife and for people.

These facts have been recognized over the years by the House of Representatives Appropriations Committee and especially its Subcommittee on Public Works under the outstanding leadership of its dedicated, knowledgeable and farsighted chairman, MIKE KIRWAN.

The success we have had in the past in meeting the water needs of a growing and expanding Nation can be attributed directly to the efforts of this committee and its chairman.

As the Representative of much of the California region from which its water supplies spring, I want to say that the Congress has been good to the Golden State in providing a timely program of multiple-purpose water development over the years.

The needs continue, however, and I believe that the recommendations brought to the floor of the House of Representatives today for funding of Bureau of Reclamation and Army Corps of Engineers projects represent a sound investment in the future. And, I emphasize the word "investment."

These are projects in which the Federal Government is investing its resources in the future. These are all sound projects, which will yield good returns to the Federal Government. As far as specific construction projects are concerned, the Congress has reviewed them and found them all to have solidly favorable benefit-cost ratios.

As we invest in Bureau of Reclamation construction, we must remember that these are multiple-purpose projects which not only halt floodwaters, but will yield cash benefits to the Treasury through the sale of water and hydroelectric energy. The same can be said for most of the Army Corps of Engineers' multiple-purpose projects.

The sooner we complete them, the sooner we realize the benefits, and the sooner the cash register at the U.S. Treasury starts to ring.

One other point I would like to mention. Earlier this year, California experienced a major storm disaster. Floods hit many of our areas. The damages mounted to hundreds of millions of dollars.

Several millions of Federal dollars, I am most grateful to say, have been spent to rebuild stricken areas. Some of this expense could have been avoided through flood control development. Nowhere is the old saying "an ounce of prevention is worth a pound of cure" more applicable than in the development of flood control works.

MIKE KIRWAN knows this. Members of his fine subcommittee know this. The other members of the full Appropriations Committee under the distinguished chairmanship of our colleague, GEORGE MAHON, know this, and I want to commend them for the recommendations they bring to the floor today and urge my colleagues to lend their full support to the appropriations bill which we have before us today.

Mr. Chairman, in closing I want to say that we miss our old friend, MIKE KIRWAN, here today. On behalf of the people of California I want to say we hope he is back with us soon. California has come a long way in meeting the water needs of its people under the enlightened leadership of MIKE KIRWAN. We want to say thanks for all that he has done in the past and say we will work with him in the years ahead to continue to meet the water needs of this wonderful Nation of ours.

Mr. CULVER. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Iowa.

Mr. CULVER. Mr. Chairman, I want to commend the members of the Appropriations Committee, and particularly the Public Works Subcommittee, for their efforts to meet the most essential needs in this area at a time of understandable budgetary pressure.

I am especially grateful for the consideration which the subcommittee, under the able leadership that day of the gentleman from Massachusetts (Mr. BOLAND), gave to the testimony which we presented with local officials and civic representatives of the cities of Clinton and Dubuque, Iowa, on behalf of flood protection projects for those two communities.

This is not the easiest time for a committee to come before the House and ask for funds over and above the President's budget, and I recognize the reluctance of some Members of this body to accept those recommendations.

However, I cite the two flood control projects in my own congressional district as examples of the false economy which would result if either flood wall is delayed because of inadequate funding at this time.

Each year, the people of Clinton and Dubuque face the threat of extensive flooding when the Mississippi River thaws, with million-dollar flood fights and recovery efforts, and incalculable costs in terms of human misery and fear, illness, injury, and death.

Every flood season, the possibility of a repetition of the 1965 disaster causes months of apprehension and costly preparation, whether or not a flood actually ever occurs.

Losses in 1965 mounted to $8 million in Dubuque, a city of 65,000 people, and to $5.2 million in Clinton, with a population of 35,000.

The Corps of Engineers estimates that past floods have cost Dubuque more than $15 million since records have been kept, and in Clinton, the annual expenditures over the past 10 years have averaged $1,250,000.

Those recurrent costs are shared by Federal, State, and local governments as well as by private citizens and business concerns.

Last spring, the early weather predictions anticipated a Mississippi River flood approaching the record levels of 1965, and to avoid another disaster, massive preparations were made with unprecedented financial and technical assistance from the Federal Government.

It is a tribute to this heroic Operation Foresight, and the countless hours spent by the Corps of Engineers, city officials, and local volunteers, that temporary dikes were constructed in time to hold back the floodwaters and to minimize actual damages.

The Federal Government spent more than half a million dollars in Clinton and Dubuque each, in preparatory work by the corps and disaster relief assistance from the Office of Emergency Preparedness. Local, public, and private costs equaled or exceeded those Federal expenditures.

Although every effort will be made to preserve as much of this temporary work as possible in anticipation of future floods, there is no way to assure against similar annual expenditures until permanent protection is provided.

In the case of Dubuque, construction of that permanent floodwall is already underway, and the corps initially requested $3 million for fiscal 1970 to continue work on the project. The President reduced that request to $2.1 million, which would delay completion of the flood wall from the present timetable of November 1972 until after the 1973 flood season.

Appropriations of an additional $450,000—restoration of half of the President's cut—will enable the corps to complete all essential work before spring of 1973, and thus save the city from exposure to another flood threat, the cost of which would in all probability exceed any savings which we would realize by refusing to appropriate those funds this year.

In Clinton's case, this is the first time that we are seeking funds, for a project which Congress approved in the rivers and harbors bill last year.

The Corps of Engineers has advised us that an initial appropriation of $30,000 will enable them to meet their full planning capability for the current fiscal year.

We are therefore seeking that amount, which is only one-half of 1 percent of the cost to the Federal Government for temporary assistance to the city this year, so that we can proceed as expeditiously as possible toward actual construction and completion of the permanent floodwall for that city.

The Congress has already committed itself to both of these projects—by repeated support of Dubuque's budget request since 1966 when we approved the first construction funds, and by authorizing the Clinton project last year.

It would be not only false economy, but a rejection of that commitment, to refuse either appropriations request today, and I urge the members of this body to vote for both the $2,550,000 for Dubuque and the $30,000 for Clinton.

Mr. McFALL. Mr. Chairman, I especially wish to thank the subcommittee for their consideration of the essential needs of my State of California. We had tremendous amount of flood damage in California from a storm in January and February. There was some $150 million in damages caused by that storm, but there were $1.6 billion in damages that were saved by the projects which were Federal projects, and which had already been completed, the Federal contribution cost for which is about $985 million.

There are 10 projects in this budget which are continuing which, if they had been completed before that storm would have saved some $16,500,000.

This committee in providing for these ongoing projects is continuing in the same tradition of building America as our good friend, the gentleman from Ohio (Mr. KIRWAN), and I commend them all.

Mr. RHODES of Arizona. Mr. Chairman, I yield 15 minutes to the gentleman from New York (Mr. ROBISON).

Mr. SCHADEBERG. Mr. Chairman, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman.

Mr. SCHADEBERG. Mr. Chairman, I rise in support of the bill. I have frequently taken the opportunity of addressing my remarks in the House of Representatives to the need for controlled Federal spending. Yet, the question of the allocation of public tax moneys is not to be viewed as its own entity whereby funds are to be appropriated according to a percentage formula. Spending in one area is not to be balanced by a proportional spending in another area. Likewise, a reduction in one area is not to be balanced by a proportional reduction in another area. Spending by the Federal Government is really a matter of priorities. Where a pressing need exists and where Federal funds are necessary to meet the need, Federal funds and public tax moneys must be forthcoming at any cost Such an area of pressing need is construction grants for sewage treatment works as provided by the Clean Water Restoration Act of 1966.

Congress' mandate is to legislate on behalf of the public welfare and to provide the maximum number of citizens with the benefits that stem from living in our society. There is no question in my mind that the greatest problem facing this Nation, second only to finding an honorable solution to our involvement in Vietnam, is that posed by the pollution of our environment. By passing the Clean Water Restoration Act, Congress recognized the need to attack head on the major source of water pollution—municipal wastes, and the need to give assistance to the municipalities for the construction of waste treatment facilities. Under this act, appropriational authority was provided in the following amounts: $150 million in fiscal year 1967, $450 million in fiscal year 1968, $700 million in fiscal year 1969, $1 billion in fiscal year 1970, and $1.25 billion in fiscal year 1971. However, the actual amounts that have been appropriated in the past have fallen far below these marks: $203 million in fiscal year 1968, and $214 million in fiscal year 1969. The request for fiscal year 1970 amounts to only $214 million, far below the authority of $1 billion.

Were the need for water pollution abatement not so pressing, and were it possible to delay any solution until a later date, I could defer acting on any increase to the committee proposal until a later date. However, pollution of our lakes and rivers is a problem that will not take a vacation. More and more people are using an ever-increasing amount of space. Technology continues at a rapid rate. If we are to enjoy the bounteous nature of our country, and not be forced to shelter ourselves from nature we are rapidly corrupting, we must act now.

Besides the pressing nature of continuing pollution, there is another reason why the full $1 billion must be passed. In reliance upon the passage of the Clean Water Restoration Act of 1966, State and local governments have invested millions of dollars for sewer treatment facilities, and in many cases, bonded themselves to their constitutional limit to do so. The States have also made themselves legally liable for water quality standards which must pass Federal inspection. For Congress to fail in our obligation will be to breach the faith that the people of the United States have placed in Congress to meet the problems of pollution, and to destroy a workable Federal-State relationship.

In my district in southern Wisconsin, the people are one in their desire to provide adequately not only for programs of avoiding future pollution, but for existing pollution programs to take immediate steps to clean up the waters. They know that money alone is not enough and so they have gone out on a limb as individuals, as citizens of their respective communities, and of the great State of Wisconsin to provide tax moneys on every level, and human resources and interest, to get the job done. In providing for Federal funding, my constituents know it is their money that is being spent but are stymied in their efforts by a lack of available funds. Wisconsin is one of 18 States which will not have full funding even if the proposed $1 billion is appropriated. I cannot stand by idly while inadequate funding would make further severe cuts in what is needed.

A billion dollars is a lot of money. I want to be fiscally responsible. I do not, however, buy the argument that it is fiscally irresponsible to seek $1 billion for full funding of a commitment every Member of this House made to their people when they voted to authorize $1 billion for pollution abatement during fiscal year 1970. Being fiscally responsible does not mean that we spend no money. It means that we spend as a matter of priority.

A man who allows his family to go in rags; who forces his children to eat out of garbage cans; and who allows his house to become a slum dwelling, and yet boasts $20,000 in a bank account, is not fiscally responsible. So it is with this Nation. We must not allow the beauty of our land and waterways to deteriorate nor allow our environment to depreciate to a point which, if further neglected, will not sustain life. To do this would be fiscally irresponsible.

If we can spend approximately $50 billion for foreign giveaways, much of which has ended up in providing little for our people, either in pecuniary returns, friendship, or even self-satisfaction in a job well done; if we can contemplate spending $662 million for the development of the SST; if we can spend hundreds of millions of dollars for a multiplicity of research programs, some necessary, some unnecessary, some which might well be delayed; and if we can spend $2 billion a month to wage war in Vietnam, we can afford a billion dollars to fight effectively the pollution of our environment.

It is my understanding that the Nixon administration will bring before this House a new and exciting approach to the problems posed by pollution. If he indeed does—and he has my wholehearted support in this—the billion dollar funding we seek will still be needed.

Mr. Chairman, I represent a beautiful part of this country. The First District of Wisconsin is an area of beautiful waterways, lakes, and lands. My constituents appreciate our wonderful environment and have taken an active interest in its preservation. Individuals take time out from their work to press for solutions to problems of pollution which threaten our great area. They partake actively in local government in order to abate sources of pollution. Many have taken the opportunity to write me and to sign petitions in support of the full funding which is now under House consideration. It is with pleasure that I include a list of the names of a few of many individuals in my district who have signed the most recent petition in support of the $1 billion full funding I have received. These represent but a few of literally hundreds of my constituents who have made known their concern to me without solicitation from me.

LIST OF PETITIONERS

BELOIT, WIS.

Mr. and Mrs. Carl G. Balson.
Mrs. Richard G. Moon.
Mrs. Roy R. Gram.
Mr. and Mrs. Lloyd W. Page.
Mr. and Mrs. R. E. Schoenfield.
Mrs. William Voss, Jr.
Patricia A. Casucci.
Mrs. Richard Griffith.
Mr. and Mrs. Robert Brown.
Mrs. David Collins.
Mrs. R. E. Synstegard.
Mrs. Edmund Engebretson.
Joyce Ann Davis.
Mrs. Sydelle Popinsky.
Dr. and Mrs. H. Daniel Green.
Audry D. Pataquin.
Karen Prickette.
Mrs. Jane N. Deale.
Mrs. Charles Sequin.
Mrs. James Lamb.

JANESVILLE, WIS.

Mr. and Mrs. Robert Krug.
Cecelia A. Howe.
Mrs. J. R. James.
Mrs. Kathryn K. Shebil.
Mary H. Nason.
Frances A. Bailey.
Mrs. Ann A. Harsh.
Mrs. Carolyn Brandeen.
Jean Lovejoy.
Mrs. Nancy Stabb.
Beth Void.
Mrs. N. E. Simonsen.
Jane Moeller.
Mrs. Betty Joslin.
Mrs. Sally Basting.
Mrs. Bessie Poppas.
Mrs. Lois Partridge.
Mrs. A. W. Anderson.
Mrs. Judy Berg.
Nan Hartung.
Mr. Frank E. Sutherland.
Mrs. Art Siker.
Mrs. R. W. Kitson.
Walter Lindemann.
Otis P. Thorman.
Nancy Holt.
Grace W. Estes.
Ann S. Eckert.
Carol C. Tair.
Janice M. Kinnaman.
Mrs. Earl Fugate.
Mrs. James McNally.
Mrs. Henry Thom.

WHITEWATER, WIS.

Elsie Hilton.
Patricia Batham.
Clair C. Henneman.
Judith M. Beyerl.
Emily Saunders.
Ruth Miner.
Linda Henson.
Arlene Newhouse.
Marjorie Young.
Patricia Townsend.
Winnifred McDiarmid.
Susan M. Kunkle.
Edna C. Sorber.
Eileen A. Rosen.
Emma Lou Sederholm.
Mary Hivener.

Mr. Chairman, I support the amendment for full funding.

Mr. ROBISON. Mr. Chairman, neither this subcommittee nor probably any of its immediate predecessors has ever had to mark up a public works appropriation bill in the midst of quite the same conflicting pressures as those we felt this year.

Our annual product is always largely a creature of compromise—and that is more than normally true of this year's version.

No matter what the area of concern, the visible list of unmet demands by the individual, his community or State, or the Nation never seems to grow any shorter.

And insofar as certain of those demands fall within our jurisdiction, as our hearings progressed this year we were made keenly aware of them—and of the truly urgent nature of many of them.

Yet, at the same time, it was impossible for us as a subcommittee—or as individuals—to ignore the continuing fact of inflation running at a disastrous rate for the Nation, and its citizens; and that, traditionally, temporary restraint in so-called public works spending is one of several actions that can be taken by the Federal Government if it is serious about stabilizing its economy.

Thus, we have had to weigh the possibly inflationary impact of new or ongoing public works programs against the rather alarmingly increasing backlog of essential projects providing protection against ravaging flood waters, additional sources of water supply for rapidly growing urban centers, critically needed further capacity for certain deepwater seaports and navigational safety measures, as well as to provide an adequate planning and action base for meeting the future water resource needs of our Nation as the same are now being projected.

That always difficult question of priorities—which is something to which I have always sought to direct our subcommittee's attention during my years of service on it—thus became all important to us.

Accordingly we have wrestled this year over priorities between competing programs and projects in a manner that, not always in the past, was required of us.

That is good—and, as one result though his measure like most of its predecessors will probably be referred to by the news media and in editorial comment as our annual pork-barrel bill, H.R. 14159 clearly does not merit that sort of opprobrium.

But what of the day when our currently severe fiscal problem abates, as it eventually must?

Well, Mr. Chairman, I for one am extremely hopeful that the improved methodology for determining this Nation's true water-resource needs, and for obtaining that kind of coordination between Federal departments and agencies in this field that has for so long been missing—but that this subcommittee has been fostering largely through the efforts of the Water Resources Council—will enable us to continue to bring you public works bills from which all "pork" has been removed.

This is essential—the Council's first assessment of "The Nation's Water Resources," as published in November of 1968, projecting as it does our water and land resources, and their use and management problems, to the year 2020, clearly indicates the need for continuing, close congressional oversight into how those resources are marshaled and those problems met.

If the national goals we are preparing to set for ourselves are to be achieved, we have a tremendous task ahead of us—and there is no room for "pork," and no room for duplication of effort.

At stake is no less than the future of the human race—for I see this as a worldwide problem, extending far beyond our own Nation's borders and concerns, though it is within those limits that we now must deal.

For, as Prof. Richard A. Falk, of the Center for Advanced Study in Behavioral Sciences, says:

> The planet and mankind are in grave danger of irreversible catastrophe. . . . Man may be skeptical about following the flight of the dodo into extinction, but evidence points increasingly to just such a pursuit. . . . There are four interconnected threats to the planet—wars of mass destruction, overpopulation, pollution, and the depletion of resources. They have a cumulative effect. A problem in one area renders it more difficult to solve the problem in any other area. . . . The basis of all four problems is the inadequacy of the sovereign states to manage the affairs of mankind in the 20th Century.

Mr. Chairman, thankfully for its members, our subcommittee's responsibilities fall directly into only one of Professor Falk's four areas of concern—that of pollution of our national water supply—though, indirectly and in a longer-ranged context, we must also be concerned with the gradual depletion of our water resources, a fearful thought to man who, since the days of Malthus has chiefly been only worried about running out of fertile soil, fuels, minerals, and other such natural resources.

At one time, this Nation was tempted to view its supplies of clean water as virtually inexhaustible.

That was not a wise thought then; and it is an impossible dream now.

That first national assessment of our remaining water resources made certain facts unmistakably clear. We are shortly to experience a tremendous increase in our population. In the 48 contiguous States, the projection is for a population of about 300 million by 1995 and for 400 million by that year of 2020.

Practically all of this increase will be in urban centers, which presently contain about 72 percent of our population in a land area of 2 to 3 percent. As we were told, this concentration of the population will bring about many water and related land-use problems. The natural distribution of annual rainfall in this country does not conform to this concentration of population so that, in many areas, it will be necessary to store, divert and redistribute the available waters on a regional basis.

Those waters will also have to be used over and over again—and we are required to decide, now, how this is to be done.

That the American people, at long last, understand this and are willing to support the efforts that have to be made, has been made self-evident in many ways.

A recent Gallup poll indicated that 86 percent of Americans are concerned—over 50 percent "deeply concerned"—about the condition of their natural environment; and, to back that up, three out of every four persons interviewed said they would be willing to pay additional taxes to improve their natural surroundings.

It was as if the people were repeating to themselves these marvelous words from Pogo, the comic-strip character:

> We have met the enemy and he is us!

Out of such a background it was almost inevitable that a "Citizens Crusade for Clean Water" would emerge; and it was about as inevitable, if it is true, Mr. Chairman, that some 222 of my colleagues have already committed themselves to what they understand to be "full funding" of Interior's construction grant program for waste treatment plants.

Though this is only one of several programs we fund, all bearing on the same general problem—including some for the Atomic Energy Commission concerning which I shall comment later—naturally enough, this is the program that, this year, gave us the most trouble.

In admitting that, I do not wish to leave the impression that the subcommittee—or the full Committee on Appropriations—in coming to the final recommendation it has for this essential program, was only reacting to the efforts of the Citizens Crusade. They were a factor, of course. We would be less than candid, if we said they were not.

And, yet, it would be my assessment of the thoughts of a solid majority on this subcommittee that this was one Federal program—and a very basic one—in the whole national effort to preserve and improve our environment where performance was lagging far behind promise, and had been, for a number of years.

Thus, we were unhappy—it needs to be said—with the budget request of only $214 million as made for the purposes of this program by the out-going Johnson administration in January. We could well understand why President Nixon, in view of his overall fiscal problems and budgetary goals, decided not to increase that request but, in the minds of several of us, it was still an unrealistic figure.

What is a "realistic" figure for this

program—in view of the national problem with inflation, and the capabilities of the local municipal entities who in most instances must more than match the Federal grant moneys?

We firmly believe the $600 million we are suggesting you appropriate for this program, along with an unobligated balance of $64.9 million—which will make nearly $665 million available in this fiscal year—to be completely realistic, and we urge you, regardless of the tentative position you may have taken on this issue, to consider it as such.

We know that this year's authorization for this program is for $1 billion—and that this figure may, in some ways, be regarded as a Federal commitment of sorts; but we urge you to remember that seldom, if ever, are program authorizations considered to be spending floors, only spending ceilings that, periodically, need to be reviewed by the proper legislative committees. If the reverse were true, we suggest there would no longer be any need for an Appropriations Committee, as such.

We also ask many of you who have committed yourselves to the principle of full funding for this program—that we support, even as do you—exactly what it is you had in mind in making that commitment.

Was it full funding for your State?

If so, we ask you to check the information that has been made available to you, now, in table form at the committee desks, which shows the States whose needs under this program are fully funded at the $600 million recommended level—covering those needs as measured in terms of applications for grant moneys now pending in State or regional offices, and in terms of reported needs at the local level as well, which in most cases may represent applications that will not actually be processed or even filed for some months or years yet to come.

Is your State fully funded on either or both of those bases?

If not, it is quite likely that, just as with my State of New York, there is no possible way, under the present allocation formula as written into law, that it can be.

Why is that?

Well, as the committee report attempts to explain, of the total reported pending applications involving grant estimates of some $2.4 billion, some $1.7 billion reflects, for five States, estimates far in excess of the allotments to which they would be entitled even under the full $1 billion authorization.

That these are the five States with the greater reported need also indicates—at least in great part—that they are also the five States whose citizens have mounted the most vigorous attack on water pollution within their borders.

Herein lies one of the tragedies of the current allocation formula—something that certainly should be reviewed by the appropriate legislative committees of the Congress.

For there is no way, for instance, by which a Representative of the State of New York, like myself, could get full funding under this program at the present time insofar as our reported needs are concerned.

This is because $1.3 billion of that reported total backlog of $2.4 billion pertains to New York which, even under the full $1 billion authorization, could this year receive but $89.2 million.

So to those of you who, like myself, are from these few short-fall States under the present method of allocating funds for this program, and wish to support full funding for it, I suggest you direct your efforts at the Committees on Public Works of this and the other body. It is there, and there only, that we will obtain relief.

Now, quickly, I know it may be said that I am not quite accurate in that statement—and that, by going for the full $1 billion now, we may obtain full funding through a sort of back-door approach.

This is, at least, partially true in that, after about a 2-year period, the excess moneys for the States whose needs you would over-fund at a $1 billion level—or even at a $600 million level, for that matter—and I suggest you again look at your tables, will then revert into a kitty of sorts from which the Department of Interior can attempt to take care of the needs in the underfunded States.

This is, of course, always a possible "solution" for those of us from States like New York—but I hardly think it a responsible solution.

Within that rough 2-year period, while we wait for that "kitty" to build up in this roundabout fashion, two sessions of Congress will be held, during either one of which this whole problem of proper allocation of funds could be gone into, and two more Public Works Appropriation bills will come along, in either one of which such future adjustments as might be needed for this program, related to our then fiscal situation and the changing pattern of need, could be made.

Now, shortly, when the anticipated amendment to increase this committee recommendation to the full $1 billion is offered, we will be in one of these pushing and shoving matches we occasionally get into trying to prove we are more "for" clean water, in this instance, than the other fellow.

Well, I understand that urge, Mr. Chairman—it pulls on me, too.

But, if you vote for the $1 billion, you will be overfunding, under the allocation formula, eight more States than is the case at the committee figure, while still leaving 10 States less than fully funded insofar as applications pending at State or regional offices is concerned; or 18 States when considering reported local needs, as well.

There are two ways of measuring the total amount of such overfunding: It would amount to $337 million, or thereabouts, if you include in reported local needs, or $437 million if one just counts the dollar backlog of applications pending at State or regional offices.

It is true that, at the same time, New York for instance would become eligible in this fiscal year for $89.2 million if a full $1 billion were appropriated and obligated, as compared to only $52.3 million under the committee figure of $600 million in new obligational authority.

That is an increase for New York of $36.9 million in this fiscal year, and you may well ask why I am not reaching for it.

There are several reasons.

First, though if we got that much more Federal assistance we could surely use it, this seems to me to be a clumsy and irresponsible way of trying to make the best out of a bad allocation formula that is clearly in need of a rewrite job.

Second, I very much doubt that, even if we appropriate the full $1 billion, the administration would, in view of the serious fiscal problems it faces and its announced position relative to the need for temporary restraint in public works spending, allocate—or obligate—anywhere near that amount.

I am not even sure we could properly ask it to do so, while at the same time urging it—as some of us are—to agree also to release at least a major portion of the moneys over and above the budget requests we have already tentatively voted for various educational programs.

Certainly, some degree of realism and responsibility is required of us in this connection—no matter how strongly we wish to register our support of clean water.

Now, finally, if you have committed yourself to full funding, did you mean the full $1 billion authorization or the largest amount—under optimum circumstances—that could probably be used for this program's purposes this fiscal year?

As best I can find out, that figure would be very close to the $600 million we are recommending.

In round figures, about $850 million worth in applications for construction grants is now pending in State and regional offices. This is the action backlog, from all States. It is safe to assume that about 30 percent of this backlog—or $250 million of it—will not come to fruition in this fiscal year for lack of matching funds, engineering-design deficiencies, and like reasons.

This leaves the $600 million the committee recommends as the largest total that could probably be obligated—even if the administration were of a mind to do so. Of that amount, at a guess, perhaps as much as $400 million would be used to fund new projects, $100 million would be applied to reimbursement on those projects that have gone forward in a few States—under another section of the basic law that is also in need of review—without the benefit so far of Federal funds, and the remaining $100 million would be reallocated under the formula to take care of the needs of previously underfunded States.

This is why—if you have been able to follow all this—that even I, as a Representative from New York, the State with the greatest need under this program, support the committee figure, which is one I have worked hard to be able to bring you.

Now, again, I recognize that this—for New York—is not full funding; but I, for one, am going to work for that principle through asking the Committee on Public Works to give early consideration to a review and revision of the allocation formula under which this program is forced to operate, and asking it, too, to give consideration to such proposals as that made by the gentleman from Florida (Mr. CRAMER) and myself, under which construction grant moneys could be advanced to the local municipalities on an installment basis, rather than in a lump sum, which is an alternative approach to full funding at least until our fiscal situation eases.

And, finally, I am going to work for that principle by urging the Congress to give early consideration to the tax-sharing—or revenue-sharing—proposals the administration and many of us have made. I say this because it should be apparent to anyone who really studies this program and its workings, that one of the greatest inhibitors of progress toward clean water thereunder has been the inability of our local governmental units to come up with their share of construction moneys for waste treatment works.

Some years back, in a move I strongly favored, we did write incentives into this program's legislative structure which we hoped would bring the State governments into the national attack on water-pollution sources. This has not worked out as well as we had hoped, since only 14 States—Connecticut, Indiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New York, Oregon, Pennsylvania, Rhode Island, Vermont, and Wisconsin—now supplement local and Federal funds for waste treatment works. One has to assume that this is because the States, with the other demands being made upon them, are hard pressed to do so—and that, therefore revenue sharing would be one way to encourage them to try. In any event, this is one area wherein such articulate proponents of clean water as the League of Women Voters could be helpful, and to which they should direct their attention, for even if we are eventually successful in Congress in obtaining full funding in a real sense of the Federal commitment to clean water, the national challenge we face will never be overcome until local municipalities have the presently disproportionate burden for progress they bear somehow eased.

Mr. Chairman, as so often happens around here, there is much more in this bill that we should talk about than the one major issue—funding of the waste treatment program—that has developed out of it.

The Federal effort to protect and preserve our national supply of clean water has more than one facet to it. Indeed, it has many facets. I have already mentioned the work of the Water Resources Council, one of whose other missions is to strengthen the Federal-State partnership in the water resource field. Then, there is the water quality management planning and study work conducted by the Federal Water Pollution Control Administration, within the Department of the Interior, and its vital research and training programs, for all of which we have allowed increases over the 1970 budget estimates including, specifically, up to $2.2 million to begin developing new methods and techniques and preliminary plans for attacking pollution of the Great Lakes, one of our most important national resources. It is very late to begin such work, especially when one of those bodies of water, Lake Erie, is as near "death" as it is, but a beginning must be made, and this year.

And, then of course, there is the work of the Army Corps of Engineers and the Bureau of Reclamation, all bearing in some fashion on the control, management, and protection of our available water resources.

Considering the growing work backlog being experienced by both such agencies, it is unfortunate, of course, that we did not feel able to make more than minor adjustments in the budgetary requests. But, to revert a moment to Professor Falk's words as quoted at the beginning of my remarks, it is here evident that the four threats to mankind's future on this planet as he described them are interconnected—and that a problem in one area, having in mind the continuing cost burden of the war in Vietnam, does render it more difficult to solve problems in all other such areas.

As I have noted, our subcommittee is very conscious of the interrelationship between public works spending programs and inflation. There may be some argument about how direct that relationship is, but there is little argument over the fact that many public works projects, while essential, can be—and perhaps should be—deferred during periods of budgetary stringency without anyone being harmed. Similarly, they can be stretched out during such periods without a great deal of public damage. Of course, this is not always the case and, as I have noted, the subcommittee has carefully sought to determine wherein lay the true priorities on a project-by-project basis in this connection.

At the same time, there comes a point where such deferrals or such stretch-outs represent a "penny wise but pound foolish" approach. As we point out in our report, contracts delayed a year or more now can be expected to cost anywhere from 6 to 12 percent more than the current estimates simply because of the built-in inflation now being experienced by the construction industry. Similarly, it generally costs more to slow down a project that has begun that it does to go ahead and finish it even when money is tight.

Thus, the subcommittee has seen fit to restore some reductions as made during the Nixon revision of the Johnson budget, and in a few instances to fund a number of the smaller but urgently needed studies, planning and construction starts that did not find their way into—or were cut out of—the revised budget. It is important to note that, in so doing, we were able to cover the overall change we thus made in that portion of the budget before us by making offsetting cuts elsewhere—and, in fact, would still have been able to bring you a bill carrying a dollar total below the total budgetary request except for our action, as I have described it, on the waste treatment program where we simply read the national priorities differently than did the President.

I support this action on our part. It is necessary to continue to meet this Nation's needs for flood and hurricane protection, for the promotion of navigation, for water quality and water supply and related purposes, as for reclamation purposes—albeit on a reduced level—and to continue planning work on the more urgently needed of such projects against the day when they can be begun. We may be involved—overinvolved in my mind—elsewhere in the world, but we can ignore our true national needs only at our own peril. It is never easy to find the proper balancing point in such a time as this—but we have done our best in trying to do so.

Mr. Chairman, before leaving the Corps of Engineers' portion of our bill, I would like to take note—as I did frequently during our hearings—of the distressingly disproportionate share of the corps' construction and planning work being allocated in recent years to my State of New York and, for that matter, to the Northeast in general.

In the January budget, New York's share in such work amounted to only $11 million, or 1.3 percent of the national total. This figure—and percentage—was then reduced in the revised budget to $3.3 million and only 0.5 percent.

In view of the fact that the people of New York constitute over 9 percent of the Nation's population—and have some very urgent needs of their own to which attention is long overdue—our share would seem to be an unrealistically small share of the national total. Certainly, some corrective action in future years would seem to be very much in order, especially when one considers such vital projects as the channel-widening work needed for safety purposes in Newark Bay and the deepening of the New York Harbor anchorages. Both projects would serve the Port of New York through which oceanborne foreign trade generated, in 1968, more than $940 million in customs revenues, and thus nearly one-third of all customs revenues for the entire Nation. As against that $940 million figure, the $3.7 million as now recommended for these two vitally needed projects still looks pretty small, though I am, of course, thankful for the fact that these two items did have the cuts made in them by the revised budget partially restored by action of the subcommittee. Still, at this rate, it will take far more years to complete these projects than it should, and it needs to be remembered that the eventual benefits therefrom benefit not just New York but the entire Nation.

There are two other projects in—or affecting—New York that I would also like to mention in discussing the corps' activities.

The first affects Niagara Falls—truly one of the world's "wonders" if not specifically mentioned as such, and surely of lasting importance to honeymooners—where the corps has built a temporary cofferdam that closes off the American side of the falls, leaving that portion of the channel dry so that exploratory work can be undertaken in an effort to determine why our part of the falls has, literally, been falling down. We have allowed the full $600,000 budgetary request for the purposes of this surely unique study that is being conducted by and with the cooperation of the Canadian Government. In time, we should know what corrective measures, if any, can be taken to preserve this national monument.

The second relates to the nearly-finished, comprehensive restudy of the Susquehanna River Basin in the tri-State area of New York, Pennsylvania and Maryland. The $829,000 allowed by our subcommittee for this work will enable the corps, as the lead agency, to complete this project that I had the honor to help start, years ago, as a member of the Public Works legislative committee. This work will, in time, become a pilot for many other basin-type studies of the sort needed if we, as a people, are going to be able to plan and manage the protection and development of our great river systems. I am convinced this is the way in which we should proceed in our national effort to find a workable and acceptable framework within which to ensure against the mismanagement, and eventual exhaustion, of our water resources. Some tentative decisions—and a tentative plan—has emerged from this study of the Susquehanna's problems and potential, and these have been submitted to preliminary public scrutiny. Unfortunately, at some of the public hearings held by the corps in this connection the public got the idea that the corps was telling it what the corps planned to do in their river basin, rather than—as was the case—asking that same interested and concerned public to work with the corps, and the other interested Federal and State agencies, in an effort to decide what ought to be done. It is obvious, I think, that the corps still has a public-relations problem to resolve in this connection, and it ought to carefully reconsider its whole approach to this problem of arousing—and gaining—public interest in, and support of, developmental plans for river basins.

Turning now to some of the other programs in this bill, there is not much to add to what others may have said about the program of the Tennessee Valley Authority. As a more or less independent corporate agency of the Federal Government, we have only oversight authority over what it does, or does not, do; however, as I pointed out at the hearings, I feel the TVA people are going a bit too far when, as in their demonstrations in education and manpower development program, so-called, as for their Sequatchie Valley project, as I believe it is called, they propose to provide the local school districts with at least indirect Federal moneys for construction of school buildings. I would not question the fact that such new buildings are badly needed, or that they cannot perhaps be provided out of an inadequate local school tax base. But I doubt very much we really need a "demonstration" of this sort to prove that grant moneys—which is what TVA is contemplating—for school construction purposes would be a helpful thing anywhere in any of the 50 States, let alone in whatever economically depressed areas still remain within TVA's area of interest and concern.

The taxpayers in school districts all across the State of New York quite properly groan under the burden of school taxes they now have to pay. They need no one such as the TVA to "demonstrate" for them that Federal construction moneys in grant form—whether directly or indirectly given—would be helpful to them. Of course, they would be, and probably what I am really complaining about is that some of the rest of us outside the TVA area wish we had a TVA to help us with such demonstrations.

However, since this is an issue that Congress has previously marched up and down the hill on several times without coming to any final decision, I will endeavor to satisfy myself with the thought that this item is just one more boost for early congressional consideration of some form of revenue sharing with the States, and let it go at that.

With respect, Mr. Chairman, to the $917,000 we have recommended, and this is the budget estimate, for the further purposes of the so-called Atlantic-Pacific Interoceanic Canal Study Commission, it should be noted that this body's work is—or was—nearly finished. Mr. RHODES, Mr. DAVIS, and I were all in Panama and Colombia last December to review, and better understand, the work and problems faced by this Commission. We were impressed by the objectivity and thoroughness with which it has approached its mission—a most difficult one, involving engineering, economic, and political problems whose resolution it is difficult to foresee. Its study was supposed to be completed by December 1, of next year—with another $263,000 required to complete it in the next fiscal year. However, recent newspaper reports of a tentative agreement between Panama and Colombia with reference to a proposed compromise route for a new, sea-level canal partly in Panama and partly in Colombia may now have thrown the timetable for the Commission out of kilter.

In any event, it seems clear that this important work needs to go on during this fiscal year—after which we will just have to wait and see what develops.

This brings me finally, Mr. Chairman, to a discussion of the major portion of our bill that relates to the activities of the Atomic Energy Commission.

We have cut some of the AEC's programs rather severely—but, while there will be some unhappiness about this, I think responsible so in view of our other problems.

At the same time, as encouraged to do by the Joint Committee, we have added an unbudgeted $800,000—as provided for in this year's authorization bill—to enable the AEC to begin design and fabrication work on a radioisotope engine for an implantable artificial heart. This is under the circulatory support systems program—in the isotopes development program—for which a total of $1.59 million will now be available.

Mr. Chairman, as the record of our hearings this year and in prior years will show, this is a project that has had my strong backing and support. It is an exciting project—and one that I believe holds forth promise of a dramatic breakthrough on the true frontiers of medicine, today.

The National Heart Institute has an artificial heart program, on which progress has been made most slowly, largely because their attention has been directed, primarily, to preventive medicine research and to the development of what are called heart "assistor" devices.

But what we are talking about here, and what I firmly believe can be done, is a situation where we would replace the biological heart, itself—which is basically a pump—by inserting into the body a completely implantable, artificial heart which would be powered by nuclear energy. AEC has not yet been permitted to initiate such work but, in view of the promise it holds forth, we believe they should be since heart disease remains the Nation's No. 1 killer, and the problems encountered in finding human donors of biological hearts may never be fully overcome.

Mr. Chairman, I should like to conclude my remarks—though there really are many more items in this bill that deserve comment—by addressing myself to the serious situation we are getting into, in this Nation, with respect to the obvious need to use nuclear energy as a generating source for the tremendous increase in demand for electrical power we have already experienced—a demand that cannot help but go on doubling about every 10 years.

The AEC is charged both with the responsibility of regulating the use of nuclear energy and for promoting its use.

This is a situation that, by itself, seems to invite controversy, and the controversies that have developed across the Nation between those who are trying to help meet the mounting demand for electrical power through use, in part, of nuclear energy, and those who see virtually any domestic use of nuclear energy as presenting a serious environmental threat, have been increasing both in numbers and in intensity.

Unfortunately, the AEC—and often the Congress—finds itself in the middle on such disputes, and what we seem to be heading toward is a national stalemate shrouded, not to make a pun, in far more heat than light.

This is a very urgent matter, demanding our early and full attention in an effort at finding some reasonable accommodation—as the gentleman from California (Mr. HOSMER), has recently said—"between the demands of the environment and the social benefits of technology."

Without intending to be overly critical, I would have to say that I believe the AEC has been far too slow in recognizing the true dimensions of this problem or, indeed, that it even had a problem.

That problem is at least two-fold in nature—first, relating to the tremendous quantities of cooling water nuclear-powered steam-generating plants require, and to the hot waters that some regard as "thermal pollution" which they thus discharge, and secondly, to that always troubling question of radioactive pollution for it is probably impossible for any such plant to operate with zero release of radioactive elements.

There are, also, great problems to be solved with respect to the proper siting of nuclear-power generating plants. This phase of our problem needs badly to be further explored, and the preliminary study into this as made about a year ago under the auspices of the Office of Science and Technology picked up and carried forward.

There are available alternative methods for the design and construction of such plants that will help reduce the problem—and the hazards—of thermal pollution but, again, we need to do a great deal more research into this particular problem for we know far too little about it yet.

Finally, in view of the developing battle between conservationists and the AEC over radioactivity—something that, in Minnesota, at least, has become the subject of a court action to determine whether or not that State can prescribe more strict controls over radioactive discharges than does the AEC, as the licensing agency—it appears to me that the Joint Committee should, at an early date, do what it can to probe into the complex and highly technical issues here involved, and to help develop a broader base of public understanding than now exists about the true hazards of peaceful uses of nuclear power so that the "accommodation" of which the gentleman from California (Mr. HOSMER) spoke can, perhaps, eventually be arrived at.

Mr. Chairman, I wish I had more time to deveote to this subject—that I attempted to explore, in part, during our hearings this year, with especial reference being made to pages 58 through 95 of volume 4, thereof—for it is a very serious matter, as I have said, and one to which we must give attention.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Chairman, I thank the gentleman from Tennessee.

Mr. Chairman, I take this time to direct a question to the distinguished chairman of the subcommittee. In my part of the country in the past few years we have had one disastrous hurricane after the other. This committee has been very helpful and has appropriated what the Bureau of the Budget has recommended for the past several years, but each year the funds are not spent in their totality, which means that these projects are not moving ahead as fast as they could and as fast as Congress wants them to move ahead.

Just a few months ago, Mr. Chairman, we had a new hurricane, Camille, which devastated the Mississippi gulf coast, and Plaquemines Parish, La. Some projects in those areas are behind schedule. What good does it do us to appropriate these funds if they cannot be spent?

Mr. EVINS of Tennessee. I might point out first that the committee, to expedite construction, has restored, where applicable, 50 percent of the Nixon cutback in the April 15 budget revisions. We have restored funds on 90 projects. Only 50 percent was restored as about one-half of the fiscal year will have expired before this bill can become law. But I share the gentleman's concern about the freezing of funds by the Bureau of the Budget.

Mr. BOGGS. But, Mr. Chairman, 50 percent is still 50 percent of the 100 percent we have appropriated. These projects are all of an emergency nature. It is a great waste to the Government not to be building the projects.

It cost the National Government hundreds of millions of dollars in Louisiana and the southeastern United States 4 years ago after Hurricane Betsy and nobody knows what this latest hurricane will cost—yet it was developed in New Orleans this week at public hearings that $2 million which we appropriated for fiscal 1969 for hurricane protection was not spent.

Mr. EVINS of Tennessee. In another bill pending in the Senate we have provided about $50 million for disaster relief, I will say to my friend.

Mr. BOGGS. But the point I am making to my distinguished chairman is it is costly to have disaster relief every time a disaster hits, when the Public Works Committee and this subcommittee have provided funds to prevent some of that damage, but those funds have not been spent.

Mr. EVINS of Tennessee. I share the concern of the gentleman that these delays result in greatly increased costs as we emphasized in our report. We will continue to do everything we can to get the Bureau of the Budget to make the funds available.

Mr. BOGGS. Mr. Chairman, I thank the gentleman from Tennessee. I hope the gentleman will impress upon the Bureau of the Budget that these are emergency projects and the more we delay them, the more they will cost the Government.

Mr. RHODES. Mr. Chairman, I yield 5 minutes to the gentlewoman from Washington (Mrs. MAY).

Mrs. MAY. Mr. Chairman, for many years I have appeared before the Public Works Subcommittee of the Committee on Appropriations on behalf of the Fourth Congressional District of the State of Washington in order to outline the status of water resource development in our region and to identify those items which required the special attention of the committee. I have done this to help assure that our Federal investment is carried out in a manner which serves the orderly requirements of the region, which protects the public investment, and which prevents future crises in the interrelated balances which are always involved in comprehensive regional development.

We have, Mr. Chairman, a crisis in southeastern Washington State. The crisis is on the Columbia Basin project, started after World War II as a 1 million-acre undertaking to turn sagebrush into variety foodcrops. Today, nearly 25 years later, the project is virtually bogged down at the halfway point. We need, and we have needed for a long time, to construct Bacon Siphon and tunnel No. 2. This is the key to our future development and without it the remaining lands cannot receive water.

The committee, in its wisdom, has included $650,000 for the Bacon Siphon and tunnel No. 2. This action, if sustained, will make it possible for the Bureau of Reclamation to award the construction contract in January 1970. This construction is vitally needed, and the committee is to be congratulated for its concern about the Columbia Basin and its action.

The committee has, in addition, provided an additional $200,000 for the Wahluke Slope, block 251 of the Columbia Basin project. This is vital, too. Unless these funds are provided and utilized, there would be a break of at least 9 months in the continuity of construction on the Wahluke Slope. This program, as provided by the committee, can advance construction to begin this December.

The crisis to which I referred, Mr. Chairman, also extends to the Snake River in my State. Full use of both the Snake and the Columbia River water resources has again been delayed by slippages in completion of Lower Granite lock and dam on the Snake River. This and other slippages may cause serious power deficits from the Columbia River system and delay water storage for flood control as well as full and most economical use of the navigation benefits afforded by the series of locks and dams on the Columbia and Snake Rivers.

Lower Granite is the last lock and dam on the Snake River to extend navigation inland. Until this dam is in place and the lock and pool in use, the navigation benefits of the other series of locks and dams—Bonneville, The Dalles, John Day, McNary, Ice Harbor, Lower Monumental, and Little Goose—cannot be realized.

The committee, again in its wisdom, has taken a step to avoid further slippages in the timetable for completion of the Lower Granite project, by providing $1,000,000 for construction. This amount, when added to previously committed but unspent construction funds, should be sufficient to avoid further slippages and prevent a continuation of the heavy costs associated with delay. I am grateful to the committee for this action.

Second. Mr. Chairman, I should like to support the item provided by the committee for construction grants for waste treatment works. I share the committee's concern that the budget crisis in recent years has not permitted more adequate funding of grants for building waste treatment works to help clean up the Nation's streams and waterways.

We have much to do in this area. The committee's provision for $600 million will allow us to do a little more, and do it without throwing completely out of balance the interrelated activities of our water resources program as provided in this appropriations bill. And when we can bring inflation under control and the budgetary crisis is past, we can devote much greater efforts to water pollution abatement in our total water resources program.

But lest some feel that until that day comes we are making no progress at all, I would like to help dispel such feelings right now. Water quality problems are probably felt most severely in my congressional district in the State of Washington in the Yakima River. As an intrastate stream, the Yakima River is under the jurisdiction of the Washington Water Pollution Control Commission—WPCC. Irrigation is the major factor affecting the water quality. As with many other "irrigation streams" hot weather and low flows increase the adverse effects of irrigation return flows upon water quality.

The State of Washington is setting water quality standards for its intrastate waters. Public hearings on the proposed standards for the Yakima River were held this July. These hearings were held to, first, identify desired water uses, now and in the future; second, establish numerical criteria to protect water quality for those uses; and, third, to provide the basis for an implementation program to which the desired water quality.

The job of the Federal Water Pollution Control Administration—FWPCA—is to support State pollution control programs. The funds provided by FWPCA are for both financial and technical assistance to the States upon request. In the Yakima Basin, the State and FWPCA have helped municipalities finance sewage treatment plants. Snokist Growers in Yakima have an FWPCA research and development grant to demonstrate secondary treatment of fruit processing wastes. Other FWPCA grants are supporting research on controlling pollution caused by irrigation. FWPCA's Robert S. Kerr Laboratory in Ada, Okla., has national responsibility for staff research on the control of pollution from irrigation return flows.

The Bureau of Reclamation's proposal, which is to be transmitted to the Congress at a later date, will include additional storage in Bumping Lake Reservoir near Yakima for fish propagation. The increased flows provided by this storage will satisfy water quality needs in the Yakima Basin to the extent possible with available water supply and prior water use appropriations for irrigation, flood control, and recreation.

Mr. Chairman, the success of pollution control programs depends upon public knowledge and awareness and coordinated pollution control efforts at all levels, both in and out of government.

I am pleased the legislation before us today is designed to move forward in balanced progress.

Mr. RHODES. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Pettis).

Mr. PETTIS. Mr. Chairman, I thank the gentleman from Arizona for yielding to me.

I wish to express my full support for the public works appropriations report which we are considering today, particularly those programs which provide for flood control. In fact, I would have preferred to see additional funds appropriated for these vitally needed projects. I believe we are entertaining a penny-wise, pound-foolish approach in this area because the relatively few dollars we might save on appropriations today will be multiplied many times over in funds we will have to expend later in flood and disaster relief.

The report calls for a modest $4.5 million, approximately, for proposed and progressing projects in my own particular district, California's 33d, but I know that these works will ultimately avoid loss of life and save uncountable millions in public and private property damage.

The two big storms of January and February of this year wrought the greatest havoc ever caused by the elements in San Bernardino County's history—in terms of dollar loss. The damage estimate in both the public and private sectors totaled more than $80 million. No other disaster we have ever experienced comes close to that. The total damage caused by the devastating 1938 flood was $12 million, although if that were to be adjusted to the present-day value of the dollar, it might approach the impact of the 1969 losses.

Fortunately, the early 1969 floods did not result in a record loss of life. Fourteen deaths were attributed directly to the 1938 flood in San Bernardino County, compared with nine deaths this year, despite the fact that water flows equaled that of 1938 in many streams, and even exceeded them in some. And the population of the county has increased fivefold in that 30-year interval.

The point I would like to make here is that we have had this year storms comparable to those of 1938, yet fewer persons lost their lives although five times as many people were living in the path of the flood. We can attribute this in large measure to the flood control works completed and in operation in my district since 1938. Without those works, it is reasonable to estimate that 70 to 100 persons would have died in the January and February storms. We can talk about the value of flood control works as investments that are quickly repaid in dollar savings, after they handle efficiently the runoff from a couple of storms, and this is very true. But you cannot measure the true value without considering the life-saving aspects of flood control, nor the terrible disruption of the lives of those individuals whose homes are damaged or destroyed without flood control.

The public damage is bad enough, but roads can be repaired, bridges rebuilt, public buildings cleaned up or rebuilt—all it takes is money, and I hope Congress will give us a hand. The real heartache is in the losses suffered by individuals. We had 70 residential dwellings destroyed in San Bernardino County, and another 680 severely damaged. In almost every case, they were the homes of persons of modest means, and limited income. We have cases of persons who have worked all their lives, paying for their homes, finally reaching retirement when they had planned to settle down and try to make a small pension cover their living costs—something that might have been possible because their homes were paid for. Then they lost their homes—wiped out completely, or damaged so severely that they require considerable funds to bring back to livable conditions. The best we can offer them, apparently, is a loan at 3 percent interest, to rebuild. But they have to pay it back. And under present regulations, we cannot even do that, if they can arrange for loans from commercial sources at 7, 8, 9 percent.

Let us not wait for further massive damage totals to get us moving. Let us proceed in the most urgent fashion to build the facilities we need to prevent this damage, rather than wait until we have another flood and then scratch around for the money to bail ourselves out again.

We will have potentially damaging storms again. The record shows that California—and I am talking about my district in "sunny" southern California—has suffered severe damage from rainwater runoff at least 10 times in this century: In 1910, 1914, 1916—when nearly all the county's newly constructed bridges were wiped out—1938, 1943, two in 1965, 1966, and two so far in 1969. In 1938 and again in 1943, due to wash outs on Lytle Creek, the three major transcontinental rail lines running through San Bernardino Valley were cut and out of service for days. This posed a dire threat in 1943, when the rails were transporting war material for the buildup of supplies needed in the Pacific campaigns. This threat jolted the Federal Government into immediate action on flood works on Lytle Creek. It is worthwhile to note that, although the 1969 storm was comparable to those in 1938 and 1943, those rail lines were not damaged. That is an investment that certainly has paid off.

The San Bernardino County Flood Control District reports that projects totaling about $220 million in cost are needed to complete the flood control protection we need in the county. The local share of this cost will amount to about 20 to 30 percent. This means that for less than $200 million in Federal expenditure we can prevent damages of more than $50 million the next time we have storms such as we have had this year. At least $50 million. The next time, with the growth we are experiencing, the price would go up.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. Dingell).

Mr. DINGELL. Mr. Chairman, I rise to do something which I believe most of my colleague already have been informed about; that is, to announce that I will introduce an amendment to increase the funding of our water pollution abatement grant program to the full level authorized by law, $1 billion.

Before I discuss this matter I should like to sincerely praise the distinguished subcommittee and the full Committee on Appropriations for having recognized the great and urgent national need which exists in the field of water pollution abatement. I commend them for what they have done. I am proud that they have seen fit to recognize the great need. I say they have done good work in this area which is truly an appropriate and properly appreciated effort by all Americans.

However, I say, without regret, that I shall be compelled to offer an amendment which would increase the level of funding of this great program beyond that which is appropriated by the distinguished Committee on Appropriations. The national need is clear. Public opinion poll after public opinion poll has shown that the American people, while rejecting other kinds of governmental expenditures, and while objecting to taxes, support overwhelmingly the idea that we should clean up our pollution and that we should restore our environment to a decent, a wholesome and a livable environment, and that we should tax to the level necessary to accomplish that end.

Further, I would point out in election after election which reflect the true attitude of the people that bond issue after bond issue has been approved by overwhelming votes.

Mr. Chairman, my friends on the Appropriations Committee have told us that an authorization is not a commitment and it may be in some cases that they are correct, but in this particular case they are not correct. And, there is a very clear reason before us that we can all see. When we pass legislation setting up a schedule of Federal assistance to the States for the construction of waste treatment works, we require certain things. By law the Congress has required the establishment of water quality standards, and by law the Congress has said that if the States would take certain steps, not only would the Federal Government have a grant program, but that it would have a grant program which would afford certain levels of expenditures, including bonuses for certain kinds of behavior on the part of the States. Law requires that the States participating in the establishment of water quality standards so that the States could receive up to 55 percent of the cost of the abatement programs. In other words, that if the States participated and if they had water quality standards they would receive not only grants but a bonus, for compliance with requirements of Federal law.

Mr. Chairman, I think it is very clear that every Member of this House of Representatives at that time voted for that particular bill and was completely and fully aware of the fact that we were making a commitment to the American people, to the States, and communities and the municipalities of this Nation that there would be certain levels of Federal support. As a result of this action on the part of the Congress the States have come forward with bond issues which have been passed in State after State by overwhelming votes based upon the reliance of the promise which was made by this Congress. These votes have been taken in the reliance upon this program by the States and by the elected officials who brought about these referendums that there would be a certain level of Federal participation of funding. For instance, the State of Michigan voted a very large bond issue for this purpose as well as the State of New York and Ohio and any number of other States who have done the same thing in reliance upon our promises.

However, we now find that even with the level of funding authorized by the appropriation before this body today we will be a total of in excess of $800 million behind what the States and the municipalities had reason to expect.

Mr. Chairman, anyone having the idea that we can just turn our backs on this issue and it is going away or that it can be resolved by appropriating the level that is now pending before us is under a complete misapprehension.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. EVINS of Tennessee. Mr. Chairman, I yield the remaining time available on this side to the distinguished gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, first, I want to express my appreciation for the committee's consideration of the atomic energy authorization and its action on the appropriation.

I want to particularly express my appreciation to Mr. Wilhelm, the director of the subcommittee staff. Mr. Wilhelm was most considerate in granting time to the staff director of the Atomic Energy Joint Committee and aides to present information and data pertaining to the items in the Joint Committee's authorization bill.

The so-called Nixon budget was, as I remember it, something like $70 million less than the Johnson budget, and the authorizations followed that line pretty closely, and the final result was I think identical with the Nixon request.

Subsequent to that, President Nixon, on September 17 announced that the AEC should receive another $50 million cut. As I understand the action of the committee, there has been a cut of $79,531,000 cut by the House in obligation authority, and that is the equivalent to about $32,250,000 in expenditures.

Mr. Chairman, I would ask the chairman of the committee if that is correct?

Mr. EVINS of Tennessee. The gentleman is correct.

Mr. HOLIFIELD. Now, if that be so, I appreciate the commitee not cutting as much as the President asked to be cut on September 17, which was an additional $50 million cut. If the President withholds the balance of the cut he asked for, which is another $17,750,000, and if he defers, as his order on construction deferrals calls for, another $93 million, this is going to make a substantial cut in the atomic energy program.

I recognize that there is a difference in philosophy between the Nixon administration and the gentleman who is standing in the well of the House, but I just want to voice a note of warning. The Washington Post of October 7 showed a jobless rate increase of a 2-year high to 3.7 percent, or 4 percent, whichever way you want to figure it. The starts on housing have come down from 130,000 to 123,000 units. We are going to have a depression in this country.

You talk about controlling inflation, we are on the road—not to inflation, and not necessarily to the control of inflation—but to a depression, and a depression may hit this country a lot harder than inflation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRICE of Illinois. Mr. Chairman, I would like to affirm the need for the full appropriation of $96 million for the ongoing construction of the 200-Bev accelerator at the Enrico Fermi National Accelerator Laboratory at Weston, Ill., as authorized by the Joint Committee on Atomic Enery for fiscal year 1970.

It is most certainly recognized by all concerned that the major portion of those funds would be obligated for long leadtime items to provide the continuity and orderly progression necessary in a project of this size and importance. It should be noted that not even all of the $64 million voted by the Subcommittee on Public Works of the Committee on Appropriations will be spent this year—it will all be obligated, however. Probably somewhere around $25 to $30 million will be disbursed.

We frequently find ourselves making pious statements in favor of what we call economy when in reality we are worshiping an idol with clay feet. The cut in appropriations for the construction of the 200-Bev accelerator is false economy, and this is why I consider it false economy.

Dr. Robert Wilson, the project leader, has put together a talented, first-class group of scientists and engineers who are highly motivated to see this project through to completion—on time. As of now, they are on schedule. That means first beam by June 30, 1972 and completion of construction by December 31, 1973. However, a fiscal year 1970 construction appropriation of $64 million is expected to delay the project 1 year. It is estimated that this delay will cost some $30 million in increased salaries, services, and cost of materials. Right there we have lost all the economy we have tried to gain. But even worse than this upward creeping of total cost is the impact these delays will have on morale. Failure to provide required resources at this time will inhibit productivity and thwart the initiative and momentum of this group. Because of the reputation this will bring to the project, it will be difficult to hold first-rate people.

If such actions continue, the project will be left in the hands of second-rate people, and second-rate people do second-rate jobs. This is a vicious cycle, which undoubtedly will cost us even more time, talent, and money.

I urge that this House restore the full $96 million to the Enrico Fermi National Accelerator Laboratory so that the talented, dedicated group so concerned with following a tight, economical and sensible schedule can finish this very important and world renowned project as planned.

Mrs. MAY. Mr. Chairman, it would seem to me that the members of the Subcommittee on Public Works of the Committee on Appropriations were not fully informed by Atomic Energy Commission witnesses on two items. These are the requirement for the full $8 million for the new high-level waste storage tank construction at Hanford and the need to keep both K-reactors in full operation, not just in sequential operation as the Appropriations Subcommittee recommends. I have reviewed the record of the May 19, 1969, hearing of the subcommittee and regret to find that some of the answers did not present sufficient information to enable the members to make a sound decision.

The Atomic Energy Commission is an extremely conservative agency. This philosophy stems primarily from the necessity of having to crawl before we learn to walk. Let us recall that when the first high-level waste storage tanks were designed and constructed at Hanford. Nobody, but nobody, could even guess what the future might bring in terms of high-level, self-boiling wastes. Building these tanks was one of the cautious steps that eventually led to bigger ones. It should be noted that almost all of these tanks were built in 1955 and prior years. These tanks emulate human beings, too, since they suffer from senescence.

You may recall that four tanks were authorized in 1968, but that because of new construction methods, methods which guarantee no leaks, only two tanks could be built.

I contend that, contrary to incomplete testimony presented to the subcommittee, all four of the high-level waste tanks authorized by the Joint Committee on Atomic Energy for fiscal year 1970 are required, regardless of the on-line time of the K-reactors. They are required to provide a much needed back-up capability until such time as an agreed-to waste solidification program is established.

Now, Mr. Chairman, I would like to address myself to that other item, the operation of the K-reactors themselves.

Current AEC planning for the production of special nuclear materials and other special materials begins with providing for firm requirements as well as for contingent requirements associated with uncertainties. No basis has been defined on which to determine specifically how much constitutes an adequate production contingency. However, general guidance is and has been available from AEC statutory authority, from the Joint Committee on Atomic Energy, from Department of Defense and other agencies, as well as historical performance and records of supply-demand patterns.

The Joint Committee on Atomic Energy recognized the need for establishing reserve stocks of special nuclear material as early as 1956. In addition, uncertainties in requirements and the long leadtime needed for production of plutonium, particularly if shutdown reactors have to be restarted, were recognized by the Joint Committee in their report on authorizing appropriations for the AEC for fiscal years 1968 and 1969. The following statement for fiscal year 1969 is taken from page 13 of that report:

> Since lead times for production of special nuclear materials are generally greater than those for the production of nuclear weapons, the committee believes cutbacks in production of these materials should not be too closely gaged to current weapons production rates or the conservative estimates of requirements for peaceful application. Ample quantities of special nuclear materials should be maintained in stock to provide for contingencies—both for the weapons program and for peaceful uses. The Joint Committee will be observing closely the Commission's performance in meeting requirements for special nuclear materials.

Mr. Chairman, in view of the substantial uncertainties existing in the projection of future requirements for reactor products, I advocate the provision of an ample quantity of reactor products above currently firm requirements so that we do not have to resort to crash programs and incur heavy costs in the restart of existing standby reactors.

The Joint Committee on Atomic Energy, in acting on the fiscal year 1970 authorization bill, analyzed the supply-demand picture for reactor products and has concluded that continued operation of six reactors is necessary. Production commitments can be adjusted as changes occur to minimize costs yet still assure a response that is adequate to meet future changes that may occur through the planning period.

Mr. Chairman, under these conditions it is quite clear that the Nation has a heavy responsibility to insure that an adequate supply of reactor products is available. Let us not be in accord with the old axiom—pennywise and pound-foolish. It would be very shortsighted to plan the breeder programs and then find that there is an artificially created tight situation because not enough plutonium was available to get the program going. And the K-reactors are being used to test prototype fuel elements using uranium carbide and plutonium carbide for the fast breeder program. Sequential operation of the reactors, as provided in the bill before us, will slow down the program as well as increase hazards if the fuel must be shifted between reactors.

It would seem to me that $3 million to provide plutonium and to test new fuel concepts for the breeder programs is indeed a bargain price.

Mr. LUJAN. Mr. Chairman, I rise to commend the chairman and members of the Appropriations Committee for their long months of dedicated work on this vital legislation. We all are aware of the stringencies placed on them by the current national effort to combat inflation through reduced spending, and we all realize that there were hundreds of worthwhile programs that simply could not be funded this year.

The committee was faced with the almost impossible task of sorting through a huge backlog of projects and choosing those of only the utmost national importance for approval this year.

Each of us, in every State, has had the unhappy experience of seeing projects which were considered crucial at the local level being postponed or drastically reduced because of lack of money. Yet the result, as contained in this measure just passed, is recognized by all of us as a wise and prudent selection in the best overall national interest.

I wish particularly to commend the outstanding efforts of the Subcommittee on Public Works, which bore the brunt of this task. While many projects in my district were reduced along with the many hundreds of other projects across the Nation. The members of this subcommittee were responsive to an emergency flood situation that existed in Albuquerque and took time to study the matter most carefully. I join the stricken and endangered people in Albuquerque's flood section in thanking the subcommittee for its thoughtful and timely adjustment in the appropriation for the south diversion channel project. While we are very disappointed that the appropriation was not returned to its original requested amount, I am assured that the restoration made by the committee will enable us to proceed with this crucial flood-control construction, and I am certain the committee will recommend full funding as soon as the present fiscal emergency passes.

Mr. FEIGHAN. Mr. Chairman, it is most fitting that we Members of Congress express our appreciation to one of the most distinguished and able colleagues, MIKE KIRWAN. His effective work in this body on behalf of the welfare of the people of this great Nation is almost immeasurable.

I am certain that we all hope for his recovery and look forward to having his genial personality in our midst soon.

Mr. STOKES. Mr. Chairman, on April 16, I rose to support an amendment offered by my distinguished Ohio colleague (Mr. VANIK) which would have earmarked $100 million in authorization to combat pollution of the Great Lakes. I pointed out that Lake Erie was in grave danger of being murdered by polluters and that the Cuyahoga River was considered a fire hazard.

The major developments since that date are three: The Cuyahoga River has again caught on fire; Lake Erie has been proclaimed dead on a national television show; and the House Appropriations Committee has appropriated $600 million for pollution control, $2.2 million of which is earmarked for the Great Lakes. Naturally, only the third item provides much consolation to those of us in the Cleveland area who do not wish to end up as laboratory specimens in a formaldehyde of our own creation. For substantially raising the appropriation level, and for the earmarking, the first legislative recognition of the dire pollution problems of the Great Lakes, I applaud the distinguished chairman of the committee (Mr. MAHON).

But even the bill in its present status is not adequate. Grave difficulties must beget grave solutions or become insoluble difficulties. Certainly, such is the case with water pollution. Unless stringent measures are adopted forthwith, two-thirds of all the water in this country will be poisoned by the end of the next decade—and we will have made a substantial beginning on the ocean. The technology is available, the money is obtainable. All that is lacking is the necessary political courage.

Lewis Mumford, renowned expert on urbanology, stated in commenting on the relationship between environmental dissolution and urban decay in former civilizations:

> The displacement of Nature in the city rested, in part, upon an illusion—or indeed a series of illusions—as to the nature of man and his institutions: the illusions of self-sufficiency and independence, and the possibility of physical continuity without conscious renewal. Under the protective mantle of the city, seemingly so permanent, these illusions encouraged habits of predation and parasitism that eventually undermined the whole social and economic structure.

Those are frightening words, Mr. Chairman, when one considers how Americans have responded—or rather not responded—to the pollution of their environment. We must heed Mr. Mumford's warning or his words could well become our epitaph.

Mrs. GREEN of Oregon. Mr. Chairman, last night, Douglas Kiker's presentation on pollution in the environment on NBC's "From Here to the 70's" was both timely and frightening. Timely because it came on the eve of our debate here today on the funding for the Clean Water Restoration Act, frightening because of what Mr. Kiker had to say about our chances for survival in a world which we are very rapidly contaminating. Quite frankly, we are running out of time. Our efforts to preserve and clean up our environment are running behind our country's reckless pollution of the air, pollution of the water, dumping of solid waste garbage on our land, and uncontrolled urban growth.

The experts quoted last night in the NBC report gave us 10 years to solve the problem—10 years and that's all. After that the bitter satire contained in the recent issue of the Harvard Crimson may very well be true. It foresaw a land of silent springs, oceans of dark and deadly waters, a poisoned atmosphere that strangles what life might have survived on the exhausted earth.

If we do not reverse present trends by the end of this century, two-thirds of our water supply will be polluted by hundreds of chemicals being dumped into the water.

If we do not reverse the trend, the 3½ billion tons of solid waste that we dump onto the land each year will soon be towering over us.

If we do not reverse the trend, the 140,000 tons of fumes that are pumped each year into the air over our urban areas will pull a black and smelly shroud over our Nation's cities.

If we do not insist on quality as we plan our urban growth, our cities by the 1980's may very well be concentration camps created by advanced technology.

It is estimated that by the end of the 1970's, 85 percent of the population in the United States will be living in urban areas, but look what our urban growth is doing to the land in our country.

The United States has approximately 3,600,000 square miles of land, but we have already built 3,600,000 miles of roads.

There are 2,313,000,000 acres of land in the United States but each year 1 million acres of land are irretrievably given over to urban purposes. Half of this amount each year is taken from crop land, and at least 50,000 acres of our agricultural land each year is covered over with asphalt and concrete. The Agriculture Department reports that they are not overly concerned at this time at the rapid rate of urbanization of agricultural land because of our Nation's demonstrated capacity to produce an abundance of food.

But what is alarming is that as we add to the urbanization of the land and add to man's ability to contaminate his environment, we are also subtracting from nature's ability to clean up our countrysides. Every tree or field of green grass or crops contributes oxygen to the air and absorbs a number of other chemicals whose concentration would be dangerous.

For instance, if airports handling jet planes could be surrounded by acres of trees, the pollutant effects of jet exhaust into the atmosphere could be minimized. But the prospects of this happening are not encouraging. The Federal Aviation Administration estimates that on a typical day some 35 tons of pollutants are spewed over the National Capital area from planes landing and taking off from Washington's National Airport. To satisfactorily absorb this pollution at National Airport, it would be necessary to plant 125 acres of trees. It is even more discouraging to learn as cited in a recent HEW report on air quality that the amount of solid waste thrown onto our Nation's burnpiles from residential, commercial, and industrial sources is increasing at a compound rate of 3 percent per year.

The elimination of water pollution which is the purpose of this bill is of as great concern to the West, to my State of Oregon, as it is to the East. The horror stories of eastern rivers that have become fire hazards, as did one of the rivers which runs into Lake Erie, and of rivers which have become cesspools and give life support only to scavenger eels, as has parts of the Hudson in New York State, are not things which we wish to come true in our area. But the West may soon have its own horror story to tell. Portland, Oreg., has about 450,000 people and the Portland metropolitan area has about one million, however, the total daily effect of the pollution on the Willamette River and the Columbia River in the Portland area coming from municipal, industrial, and commercial sources is equal to the pollution caused by a large populated city of almost 4½ million. Local and State authorities are doing all they can with the money they have to put a stop to it.

The Federal Government has indeed taken the lead in fighting water pollution, its efforts date back to the Rivers and Harbors Act of 1899, in which the Congress prohibited the dumping of garbage and trash into any navigable waters. Important legislation passed in 1948 and 1956 established and strengthened the Federal water pollution control efforts. Under these laws and subsequent legislation, the Federal Government has aided in the construction of 9,251 waste treatment projects costing $5.7 billion, of this the Federal share was $1.3 billion. These projects have improved the water in about 74,000 miles of stream and have served an estimated 74 million people. Under the Clean Water Restoration Act which was passed in 1966, there are 4,525 State and local projects that are now being developed at a total cost of $5.1 billion. The Federal share for these projects would be $2.3 billion. The State and local governments have done an admirable job in allocating their own tax revenues for the purpose of water pollution abatement. A recent poll by the Gallop organization showed that 73 percent of the people answering their questionnaire were willing to pay additional taxes to improve their natural surroundings, including water pollution control. The Congress can be assured of wide support for efforts in this area.

It would simply be false economy at this time to approve anything less than the $1 billion which has been previously authorized by this Congress for Federal support for water pollution abatement programs. It is estimated that it already costs the United States of America $13 billion a year in economic losses due to the effects of pollution. To help retrieve this loss the expenditure of $1 billion of Federal tax moneys seems to me to be a very sound investment indeed.

Mr. POLLOCK. Mr. Chairman, I rise in support of the Committee on Appropriations' recommended allocation of $5,350,000 for the Snettisham power project in southeastern Alaska.

The critical importance of this project to the people and industry of the southeastern region cannot be overemphasized. Located near Juneau, Snettisham will be capable of supplying much-needed electric power to Alaska's capital city. In addition, Snettisham will substantially increase the level of industrial activity in the entire southeastern area of Alaska. Companies which have already located in the area will expand their operations, and new firms will be attracted. Several large companies have already expressed their interest in building new plants near Snettisham. However, these plans are necessarily contingent on a dependable and low-cost supply of electric power.

Mr. Chairman, of the 34 public works projects included in the Corps of Engineers' civil works program for Alaska, only one—Snettisham—is presently under construction, and any reduction in funding for this project will jeopardize its future completion. In 1961, when Snettisham was first proposed, it was estimated that the entire project would cost $41.6 million. Today, the total cost is expected to be $52.6 million. In 1961, the estimated cost to the consumer of hydroelectric power produced at Snettisham was 7.1 mills per kilowatt-hour. The present predicted price is 12 mills. A reduced appropriation for Snettisham will further delay the project's completion, and costs will skyrocket still further.

I could understand the reluctance of some House Members to appropriate the full $5,350,000 if it were not for one crucial fact. The entire Federal investment of $52.6 million for Snettisham will be fully repaid to the Treasury from revenues to be derived from the sale of hydroelectric power produced by the project.

Mr. Chairman, southeastern Alaska is confronted with a critical shortage of hydroelectric power. The people of this region are not asking the Federal Government to pay the bill to eliminate this power deficit. All that they ask is that the Congress help to make the Snettisham power project self-supporting. Once this status is achieved, the Government will be able to recoup its investment, and the people of southeastern Alaska will no longer be plagued by a severe shortage of dependable, low-cost electric power. My distinguished colleagues, I urge you not to pare any funds for Snettisham from the moneys recommended by the Committee on Appropriations in its carefully considered report.

Mr. MONAGAN. Mr. Chairman, I rise in support of H.R. 14159, the public works appropriation bill especially as it appropriates funds for the construction and planning of flood control and water pollution abatement facilities.

Three flood control projects in the Fifth District of Connecticut, which I represent, are provided for in this bill. Of the $6,636,000 for Connecticut flood control projects in this bill, $4,955,000 is earmarked for Fifth District planning and construction. These flood control projects are sorely needed and I can personally attest to the importance of the Derby, Trumbull Pond Reservoir, and Ansonia-Derby projects to the people in my district.

These projects are part of a Connecticut complex of flood control dams, reservoirs, dikes, levies, and pumping stations for which I have worked and in which I have had the cooperation of the Public Works and Appropriations Committees, and my colleagues in the House, during the past 10 years. We are on the threshold of the completion of this complex which was designed for the safety of our people and the protection of our industry and property.

I have been an early advocate of the national endeavor to curb water pollution. I was a sponsor of the Clean Water Restoration Act. I, therefore, support the amendment to authorize $1 billion for fiscal year 1970, for implementation of the Clean Water Restoration Act.

For too long we have deferred full dedication of Federal endeavor to meet our responsibilities in this field. Many States have gone into debt in anticipation of receiving Federal funds under the Clean Water Restoration Act and one of these is my own State of Connecticut which has prefinanced from State funds the pledged Federal contribution. We must honor our pledges.

To date, Connecticut has prefinanced approximately $40 million in promised Federal funds and has received only $5.8 million. It is for this reason that I support the $1 billion authorization, for if Federal funds are not forthcoming promptly Connecticut will be embarrassed not only by inability to carry out its immediate water pollution control commitments but also by a situation of deficit financing caused by our failure to act.

Mr. ANDERSON of Illinois. Mr. Chairman, in the construction of the 200-Bev accelerator at the Enrico Fermi National Accelerator Laboratory at Weston, Ill., it is extremely important that the full $96 million for construction, as recommended by the Joint Committee on Atomic Energy, be appropriated to permit keeping the entire $250 million project on schedule. I would like to call to your attention the fact that the difference between the $96 million authorized and the $64 million voted by the Subcommittee on Public Works of the Committee on Appropriations for construction does not represent a savings of $32 million for fiscal year 1970. Let us, if you please, consider these funds in their true perspective.

There are many extremely long leadtime items associated with the 200-Bev accelerator. In order to keep to the planned 5-year construction schedule it becomes necessary to order, well in advance of delivery, some very expensive pieces of equipment. If the AEC has the obligational authority in fiscal year 1970, it can order this equipment at today's prices, but payment will not be made until the items are delivered. Without the full obligation authority, the AEC cannot order on a timely, orderly basis.

If the obligatory authority is not there, it will cause a delay in ordering, it will cause a delay in the time the first beam is available, and most certainly will cause a significant increase in the total price of the facility. To replace these words with numbers, I would like to state specifically that a reduction of $32 million in obligational authority for fiscal year 1970 will most likely result in a year's delay and in an overall increase in cost for the facility of $30 million.

The planning and design for this accelerator have progressed very satisfactorily and are on schedule, but the momentum and efficiency of this operation must be maintained. If the rate of funding is uncertain or insufficient on a large construction project of this kind, it will be subject to increases in cost, managerial inefficiencies, morale problems, and delayed schedules, with the result that the usefulness of the completed facility may be impaired. It is urgent that the budgetary allocations for construction of this facility follow the schedule that has been established to meet the goal of its first beam operation by June 30, 1972.

I strongly recommend that the full $96 million in new obligation authority be given the AEC to proceed with the Enrico Fermi National Accelerator Laboratory.

Mrs. HANSEN of Washington. Mr. Chairman, today we have before the House for its consideration, the 1970 appropriation bill for public works for water, pollution control, and power development and Atomic Energy Commission.

On page 1 of House Report 91–548, which accompanies H.R. 14159, there is the phrase "Mr. Kirwan, from the Committee on Appropriations, submitted the following report." Although the report contains 107 pages to describe the funding provided in this bill, I am sure those of us who have had the great privilege to know the gentleman from Ohio, could paraphrase any report he might make in this connection in three words—"invest in America."

Although our beloved colleague is not able to be on the floor today to guide this bill through the legislative procedure as he has done for many years, he has put much time and effort in the bill which is before you today for your consideration.

While it might be difficult to choose one individual as the "greatest American," I am sure there are many in this House today who would join me in proclaiming Mike Kirwan as one of our greatest Americans.

I am speaking of a man who started as a young boy in the coal mines of Pennsylvania and by the dint of his own efforts worked himself up through the various levels until it was commonplace for him to sit with and counsel the leaders of our country. In the course of doing this, he gained a knowledge of and appreciation for this Nation which few have attained.

I am speaking of a man who first came to this Congress in 1937 from the 19th District of Ohio and who has been a member of the House Committee on Appropriations during the past 26 years, during which time he has served successively from 1949 as the chairman of the Subcommittee on Interior and Related Agencies and the Subcommittee on Public Works. In his role as the chairman of these subcommittees, Mike Kirwan has had one philosophy—protect the natural resources of this Nation and make America a better place in which to live.

During our lifetime we are blessed with many pleasant experiences and privileges. For me, one of the greatest of these is the association I have had during the past several years with the "Irishman from Ohio." I deeply regret that he is not able to be with us today and I earnestly trust he will soon be back in this Chamber once again exhorting all of us to "invest in America."

Mr. BLATNIK. Mr. Chairman, increasingly over the past 3 years, we have heard the cry of State and municipal governments for Federal funds to carry out their waste treatment projects begun in response to congressional promises of funds back in 1966. Not only are the States and local governments plagued by the lack of Federal funds, but they are also having to face a threat of legislation which may alter existing programs. The time has now come for the Federal-State partnership to put up the authorized funds. This is the challenge we face today. We must accept the fact that this funding effort is not an isolated drive, and that in funding in full the Clean Water Restoration Act, we are fulfilling a promise we made—by unanimous vote—to the States and municipalities over 3 years ago, and that this drive has been carried on, virtually alone, largely by the municipalities with increasing help from State governments ever since that promise. They just cannot be forced to carry on alone any longer. Therein lies the challenge.

The irony of the challenge we face today is that it comes from ourselves. It seems, curiously, that we Americans have always been at odds with our environment. When the environment was a thing to be overcome, to be conquered, it was like a third person to us, or an object. We never identified the land we devoured as part of ourselves, until now. And even now, perhaps, we do not realize the full implications of that identity. What we have converted to our own uses becomes irretrievably ours as our bodies are ours. And as we are dependent on our bodies for our continued existence, so we are dependent on the land and the air and the water which sustain those bodies. I quote from an editorial by Charles Ogburn, Jr., which appeared in the Washington Post:

> Thanks to our vaulting technology, the fate of the continent . . . and of the life it supports, our own and that of the infinite variety of . . . plants and animals, is now largely in our hands. To the extent that we can desolate the earth or glorify it, we have displaced the rule of nature, or, as

> Jefferson had it nature's God: At least we have made ourselves the surrogates of the Supreme Power.
>
> Along with attaining . . . breathtaking possibilities we have shouldered awful possibilities . . . supplant a king, and the functions of a king inescapably devolve upon you. Supplant a God, and his equally are yours to discharge.

In truth, we have supplanted nature herself, now we must take up her responsibilities.

We have ignored the symbiotic balance between ourselves and our environment. We have (see State legislative speech), devoured the magnificent forests, gouged greedily from the earth the abundant minerals, ravaged the agricultural lands.

Today we continue to torture this good land by—

Pouring some 130 million tons of dangerous pollutants into the air each year. We find that every major metropolitan airshed in the country is polluted, to one degree or another;

Continuing to savagely pollute all of our water systems, seriously threatening this Nation's supply of fresh water. Many of the major rivers and one of the Great Lakes are for all practical purposes denuded of the free oxygen needed to support marine life. In the Appalachian region, about 10,500 miles of streams in eight States are affected by mine drainage. About 5,700 miles of streams are continually polluted, mostly from acid. Eighty percent of the acid mine drainage in Appalachia comes from abandoned mines, whose former owners are not going to pay the bill; and

We continue to pollute our environment with harmful pesticides. We find the earth's biosphere—that thin, fragile envelope of air, water and land that sustains all life—we find it laden with 500 million pounds of DDT, a persistent and nearly immortal pesticide.

A recently released 2-year study by the Bureau of Sport Fisheries and Wildlife shockingly revealed that DDT was found in 584 samples of fish taken from 45 rivers and lakes across the United States.

Study results showed DDT ranging up to 45.27 parts per million in whole fish. A count more than twice as high as that found in the thousands of pounds of Lake Michigan coho salmon seized recently by the U.S. Food and Drug Administration as being unfit for human consumption, and nine times higher than the FDA interim tolerance level for fish.

The study also found dieldrin, a pesticide even more toxic to humans than DDT, in fish from 15 of the rivers and lakes reaching levels higher than the 0.3 part per million FDA guideline limit for this pesticide in fish.

And what about the problem of the thermal and radiological pollution rising from the increase in nuclear powerplants across the country. Heat from atomic power generation plants and industrial cooling sources is raising the temperature of many streams and estuaries and a few lakes up to several degrees, enough to drive out or kill aquatic organisms.

Industrial and household wastes, soaps and detergents are hard on stream animals, creamery wastes, pickling liquors from steel mills, ore tailings from mines, and a hundred other types of wastes, including that from paper mills, are changing aquatic environments.

And we have the growing problem of solid wastes. From one end of this country to the other, the American people are piling up refuse at a staggering rate. Each day, each American gets rid of about five pounds of refuse—paper, garbage, ashes, metal, glass—you name it. This amounts to nearly a ton of trash per person per year—360 billion pounds of solid wastes annually for the country. And what of the tons of scrap automobiles that are discarded on the landscape. Odd that the automotive industry spends millions to market its product, but refuses to spend a dime to help the Nation rid itself of the ugly, wornout vehicles.

We could go on and on pointing out the methods we are using to choke out our very existence, but there is really no need to do that. The point is that the U.S. Congress has recognized the seriousness of the pollution problem for a good many years, and despite much opposition and what at times seemed insurmountable opposition and executive apathy, has passed meaningful legislation to fight the growing pollution.

The Federal Water Pollution Control Act, legislation which I had the privilege to author and introduce, was enacted in 1956. This was the first permanent national law for the prevention, control, and abatement of water pollution.

The importance of the act was that it brought the U.S. Government into full partnership with the States and localities in the clean water fight.

Since 1956, the bill has been strengthened in 1961, 1965 and 1966. With the expected enactment of the Water Quality Improvement Act of 1969. This legislation will become an even more effective instrument for the management of water quality in the Nation's lakes and rivers, estuaries, and coastal waters.

The water pollution control legislation is a monument to the dedication, knowledge and leadership of the U.S. Congress. Back in the early days it was a pretty lonely fight. There was no national commitment to cleaning up the dirty water. The interest in Congress was only mediocre, and there was downright stiff opposition from many of this Nation's industrial giants.

But the Congress finally realized its obligation in the field of the water pollution control, and passed sweeping legislation as proof of its commitment.

But now I think it is high time we take a good look at the Federal water pollution control program for what it really is—long on promises of financial aid and extremely short of actual funds. What we have done is to leave the States, localities and private operators with a bag full of Federal regulations with relatively little financial aid to implement them.

Sure, we can be commended for taking the lead in the early days. We raised the water pollution control program from a minor agency within the Public Health Service to sub-Cabinet departmental level under an Under Secretary of Interior with direct contact with a Cabinet member.

However, twice, both under this administration and the last, we have pulled the rug from under the water pollution control program by inadequately funding it.

The Clean Water Restoration Act of 1969 authorized $700 million for fiscal year 1969, but only $214 million was actually appropriated. For 1970, the act authorized $1 billion, but the administration's appropriation request was $214 million. The Appropriations Committee has raised that figure to $600 million, but, gentlemen, that is nowhere nearly enough, and we know it.

Currently there are 1,445 applications on file in the State agencies requesting more than a half-billion dollars in Federal construction grant funds. In addition, there are 448 applications in the Federal Water Pollution Control Administration's regional offices, requesting $287.9 million, and almost 3,000 applications at the municipal level for a total amount of $1.5 billion. The combined total is about 4,800 applications, pending and in preparation, involving $2.3 billion in Federal funds.

In addition to the pending applications, there are 726 projects which have proceeded with a lesser amount of Federal aid than authorized by law, representing additional Federal fund needs of $792 million.

On the basis of the President's budget request of $214 million for construction grants, only one-fourth of the communities in the Nation could be assisted.

If we can spend billions on ABM, if we can afford a multi-billion dollar program to get man to the moon, if we can spend $25 billion annually in Vietnam, then the Federal Government can and must appropriate the full $1 billion for water pollution control as authorized by Congress without a single dissenting vote.

We have ignored our identity with our environment long enough. We cannot continue to do so. We dare not.

This $1 billion we ask today is itself still not enough, but it is a start, and it will continue the momentum built up over the past 2 years among the States in response to our promise.

Let us accept the challenge we have made for ourselves. Let us appropriate the money we promised 2 years ago, and go on to save our waters for the future and for ourselves.

Mr. ANNUNZIO. Mr. Chairman, the low level of Federal support provided for clean water over the past 3 years has forced many local governments to borrow substantial amounts of money to pay for completion of projects for which they thought Federal aid would be available.

The greater level of local borrowing for water pollution facilities is forcing localities to pay higher interest costs which would have been avoided if Federal grants were available and has increased severe strains on the general municipal bond market.

In addition, the increased borrowing has added to the inflationary pressures our economy faces nationally. Each dollar of local government borrowing is a new dollar pumped into the economy. It is these borrowed dollars on which inflation is built. Federal aid dollars are for the most part dollars that go from taxpayers back to local government. Though they constitute the same facility, Federal aid dollars do not have the same inflationary push as locally borrowed dollars.

We cannot continue to rely on local borrowing ability to maintain momentum of the water pollution program. In many States and localities borrowing capacity is exhausted. For nearly 2 months now the index of municipal bond interest rates has been in excess of 6 percent. But local general obligation bonds in 24 States and revenue bonds in 20 States have statutory interest ceilings of 6 percent or less. Thus new bonds cannot be issued.

Many localities have also issued as many bonds as they can within bonded indebtedness ceilings, and the tightness of available bonds financing is preventing other municipalities from marketing bonds even if they could within interest and bond indebtedness limits.

If we are to keep the water pollution control effort going and avoid inflationary pressures and increasingly exorbitant interest rates which result from local borrowing, we must provide the full $1 billion authorized for the program. Appropriation of the full authorization is needed and needed now to carry this program for the next year.

Mr. ESCH. Mr. Chairman, I want to take this opportunity to reaffirm my strong support for the appropriation of the full $1 billion authorized for the Federal fight against water pollution.

There are few issues facing the Congress and the Nation, and indeed the world, today more important than the quality of our environment. Man has been so careless and thoughtless that our water and air have become befouled, our wildlife killed, and our supply of fresh water and air seriously limited. We have discussed this great problem for many years in this body and time after time we have made paper commitments to solve it. We have sanctimoniously approved legislation committing the Federal Government to major expenditures to halt water pollution.

But year after year we have not lived up to our commitments. Year after year we have appropriated funds at a level far below that which, through our authorization, we have admitted are necessary.

As I indicated in my speech in support of full funding on August 13, I believe it is high time that we live up to our commitments and I intend to express that belief in my vote here today.

Mr. WOLFF. Mr. Chairman, a total clear water restoration appropriation, if passed, could provide us with one of the most effective means of restoring a healthful environment to the United States. Moreover, it would also stand as a vote of confidence to our States, that have been fighting the scourge of pollution by spending as much as they can to build essential sewage treatment plants and other pollution control facilities.

Our action in this area, in the past, has not been very meritorious, I am sad to say. Although we have acknowledged the imminent dangers of pollution which has been creeping throughout our lakes and streams, we have done little to act upon these warnings. Out of the $2.3 billion authorized for clean water restoration in the past 4 years, Congress has appropriated only $567 million in the first 3 of these years and the administration has asked for only $214 million for fiscal 1970. This is a far cry from meeting the Federal responsibility to control water pollution.

Mr. Chairman, I have joined with more than 220 of my colleagues, a significant number of citizens, and such groups as the League of Women Voters and the National League of Cities in taking this cause to heart. I have pledged to vote for the full $1 billion funding of this program because I am convinced that a massive attack on water pollution is the only way we can insure that our generation and the generations to come will have clean water for their needs.

This morning's Washington Post editorial on clean water restoration summed up my feelings when it said:

> It is a matter of such vital concern to the country Congress cannot afford to put itself in the position of withdrawing from an obligation it has assumed and sought to impose on the states and cities.

Should we fail to reach into the congressional purse to supplement this essential and well-planned attack, we will be permitting the pollution problem to spread.

What good will it do to horde funds with the intention of financing other domestic programs if we are setting the stage for the real possibility that one day we will awaken to a land without water resources for its population needs?

Mr. Chairman, I trust that we will accept our duty and vote for the billion dollars authorized. All of us deserve clean water to take with our aspirins as we tackle the congressional headaches that still lie ahead.

Mr. KLUCZYNSKI. Mr. Chairman, there is much in the appropriation bill before us that is essential and significant, but there is probably no single item as absolutely vital to the national well-being as the funding for the water pollution control program.

The Congress has wisely committed itself to a massive effort, not only to clean up the pollution that exists, but to prevent its increase in future years. I know we are confronted with difficult choices in priorities, but we have been confronted with the same kinds of difficult choices throughout our history and presumably will continue to be in that situation.

In this case, if we continue to talk but fail to act, we may find ourselves facing, not a choice, but a national disaster.

I have worked side by side with the members of the Public Works Committee and other Members of this body for the enactment of legislation that will make it possible for us to do an effective job of water pollution control. I will continue to do so, not only for the benefit of the people of my own area, but for the good of the entire country. I therefore support, without reservation, the maximum appropriation for water pollution control. And when the appropriation is granted, I will continue to work with my fellow Members to insure that the money is put to effective, well-planned use.

Mr. FLOOD. Mr. Chairman, I know I speak for the Members of the House when I say that we all miss the presence today of the distinguished chairman on Public Works, the Honorable MICHAEL J. KIRWAN, who has been hospitalized.

Some of the Members may not know that MIKE was born in my congressional district and we have always been honored to call him one of our most outstanding native sons. What a career he has had. At a very early age, something like 8 or 9 years of age, he went to work in the coal mines. That, of course, was before the enactment of child labor laws. He was so small in stature that he had to carry his lunch pail on his shoulders when it snowed and the walking was tiring and difficult to and from work. Anyone who has ever worked in or around the coal mines, especially in those days, knows what I am talking about. It was never easy. MIKE later became a streetcar conductor and subsequently held jobs that were physically hard. He was never afraid of work and it was this characteristic that brought him to the high positions which he has held in our Government.

I know all the Members join with me in wishing MIKE the very best. He has been a valued Member of this body and we truly miss his wise counsel and great experience. He has always been most kind and thoughtful to me personally. I recall, clearly, how he took the time from an extremely busy schedule to come to Wilkes-Barre and, along with the late Speaker Sam Rayburn and Senator Paul Douglas, joined with my constituents in tendering me a testimonial. That was an evening I shall long cherish and remember. And MIKE KIRWAN helped to make it a most memorable evening. That is the kind of man he is. Never too busy to be a true friend.

Mr. PICKLE. Mr. Chairman, I rise in support of H.R. 14159, the public works appropriations bill for water pollution control, power development, and Atomic Energy Commission. Also, I express my appreciation to the subcommittee and the full committee for the diligent work in the preparation of this bill. I know that the members of the subcommittee gave special consideration for projects warranted on facts and merits. I was particularly pleased to see some of the smaller projects get some planning funds so they could move ahead with the work that eventually must be done, such as the Palmetto project in my district. The committee also carried forward funds for land acquisition for the San Gabriel Reservoirs, a much needed development in central Texas.

Each of us, I am certain, would have wanted more money for his State and his district—but the Nation is in a belt-tightening period. Congress, with this bill prepared by the committee, has exercised its fiscal responsibility. There was no mad dash for spending and this is recognition of the inflationary times. Government spending in this instance has been kept at a minimum, yet needed projects have not suffered greatly in the process.

Mr. FLOWERS. Mr. Chairman, I rise in support of the pending legislation and the significant increase for water pollution control. I am greatly concerned over the crisis facing our Nation with respect to clean water—and indeed clean air and a clean environment.

Twenty, 30, 40 years from now, Americans will need more of everything, but especially, we will need to depend on our natural resources—water, air, minerals, and land. No doubt we are making some progress in protecting or restoring this whole range of resources—but not enough. The problems are growing faster than our current efforts to meet them.

Conservative predictions estimate that by the year 2000, we will need 215 percent more land for homes, schools, and factories. We will need 125 percent more land for transportation. We will need 180 percent more land for reservoirs. We will need 133 percent more land for wildlife refuges, and we will need 300 percent more land for recreation and other outdoor pursuits. Municipal water use will more than double; manufacturing use of water may quadruple.

And this is just to stay even with the quality of life which we now have.

The problems associated with this pending crisis are staggering to the imagination. The differing demands for our resources become evermore competitive and, in addition, it is imperative that we worry about quality as well as quantity.

I do not want my children and grandchildren in the year 2000 to be confronted with water pollution, air pollution and, really, when you get right down to it, the pollution of our entire environment which exists at the present time.

I want my children and grandchildren to be able to enjoy nature—to be able to go hunting and fishing, or water skiing, or merely for a walk in the woods without out of the stench of sulfur fumes and automobile exhaust filling every breath they take—without the fear of what dangerous substance may be contained in the streams and rivers around them.

After many years of inaction, most levels of government are finally beginning to meet the challenges laid before them. The Congress, State legislatures, and municipal governing bodies are enacting an ever-increasing number of water pollution and air pollution measures; yet, there are problems involved here which cannot be solved by Government alone—which cannot be dealt with by passing a prohibitory law.

As we all know, there is a present crisis with respect to electrical power supplies up and down the east coast. New York City operated on reduced power for over 30 days this past summer. The power company which serves the Washington area made repeated public appeals for its customers to cut off the air conditioning during some of the hottest days in August.

Yet, the most feasible method of increasing our power supply—nuclear generators—may possibly have serious side effects. A nuclear reactor uses vast quantities of water—you might even say a whole river—in making electricity. The water is circulated through the reactor as a coolant and then returned to its source. There is no danger from radioactivity, but the "used" water is several degrees higher in temperature and this temperature change may adversely affect the ecology of the entire area.

This is a classic example of competing demands on our resources. On the one hand, the demonstrated need for electricity is increasing between 10 and 20 percent per year. On the other hand, an obvious solution results in a new, and possibly more disastrous, pollution.

The answer here is better technology. In order to prepare ourselves for the conservation crisis, the human resources of this Nation must be marshaled and coordinated so that a vast effort can be maintained and this bill under consideration today is certainly a step in the right direction.

It is no longer enough to establish criteria for determining what is an acceptable level of pollution in our water. Positive action must be initiated in order that the technological problems associated with reducing the level of pollution can be solved. I hope that most of us will still be here in the year 2000 and I do not want to look around and say to one another, "Oh, if only we had acted 30 years ago!"

As we look toward that future—hopefully, a time when we will all be wiser in the ways of dealing with our rich resources—let us remember the only sure way to bring it about is by fostering better understanding between Government and industry, conservationists, and those who think of themselves as just plain, but vitally interested citizens.

It is our environment, it belongs to all of us together—and together we must manage it.

Mr. OTTINGER. Mr. Chairman, I am votin gagainst the public works appropriations bill today as a protest.

First, I protest the inadequacy of the funds allocated to water pollution abatement. While I appreciate the substantial increase made by the committee, it is so grossly inadequate to meet the crying needs of the country to clean up its polluted water as to be unconscionable.

The Nation has a true crisis on its hands. It is a further distortion of our national priorities to provide billions for ABM's, SST's and even ships neither the Pentagon nor the President ever requested, and yet to turn down these vitally needed funds.

Second, I protest that part of the AEC appropriations allocated to weapons development and testing in connection with ABM and MIRV development and to nonmilitary testing of weapons that pose threats to the environment as was the case with the recent tests on Amchitka Island in the Aleutian Islands.

Third, I protest the continuation of very large public works appropriations for reclamation and dam building projects at a time of such heavy inflation. This simply is not the time for such expenditures.

Thus the bill in many ways represents to me an example of distorted priorities that I feel it is imperative that we reverse, if we are to tackle meaningfully our pressing domestic needs.

Mr. WHITEHURST. Mr. Chairman, the appropriation bill we are today considering contains many increases in unbudgeted items, for which I am very grateful, since many of them directly benefit the Second Congressional District of Virginia.

However, there is one item not included in this bill that I feel should be—$35,000 to begin a study to find a replacement for the Craney Island disposal area.

Craney Island was a unique experiment, which provided a convenient place for the disposition of spoil from harbor dredging projects in Hampton Roads, and thereby saved the U.S. Government hundreds of thousands of dollars.

If Craney Island continues to be filled at the current rate, it will be beyond use within the next 5 to 8 years. Since it took 14 years from proposal to completion for Craney Island to become a reality, the time to begin a study on its successor is at hand.

Thus, it is not only for my constituents, but also for efficiency, economy, and reason that I hope some way can be found to include these funds in this year's appropriation.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

TITLE I—ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

For necessary operating expenses of the Commission in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; hire, maintenance, and operation of aircraft; publication and dissemination of atomic information; purchase, repair and cleaning of uniforms; official entertainment expenses (not to exceed $30,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles; $1,884,269,000 and any moneys (except sums received from disposal of property under the Atomic Energy Community Act of 1955, as amended (42 U.S.C. 2301)) received by the Commission, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended: *Provided*, That of such amount $100,000 may be expended for objects of a confidential nature and in any such case the certificate of the Commission as to the amount of the expenditure and that it is deemed inadvisable to specify the nature thereof shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided further*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That no part of this appropriation shall be used in connection with the payment of a fixed fee to any contractor or firm of contractors engaged under a cost-plus-a-fixed-fee contract or contracts at any installation of the Commission, where that fee for community management is at a rate in ex-

cess of $90,000 per annum, or for the operation of a transportation system where that fee is at a rate in excess of $45,000 per annum.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the 3 minutes I had before was not quite adequate to say what I wanted to say, and therefore I have asked for this time under the 5-minute rule.

As I said, our jobless rate is increasing very rapidly; it is at a 2-year high, and I pointed out that the housing starts have come down from 130,000 to 123,000.

In California the construction business is just about ended because of the high interest rate. There has been no effort on the part of the Nixon administration to handle the high interest rate problem.

There has been no appeal to the banks and no appeal to the wage earners who are striking for higher wages.

There has been no attempt on the part of the President to influence this highly inflationary trend which is cutting the heart out of our economy.

I want to direct my remarks at this time particularly to the members of the Committee on Appropriations and offer a little information. I hope the chairman of the Committee on Appropriations and the chairman of the subcommittee will give me their attention because I want to give you some information, because I am afraid you do not have the information.

From 1960 to 1968 inclusive, U.S. corporate profits after taxes have gone up from $26.7 billion to $49.8 billion. That is an 86-percent increase in corporate profits.

The individual Americans savings in banks and institutions from 1960 to 1968 inclusive have gone up from $165 billion to $356 billion. That is a 115-percent increase. Our public debt—the public Federal debt has gone down from 57 percent to 38 percent in relation to the gross national product and the gross national product has gone up from $506 billion to $932 billion during that 8-year period.

The figures I am giving you have one purpose, to illustrate that America is not in a position of fiscal crisis. We are not in a position where we cannot do the things we need to do in America, to enrich the life of America and to correct the deficits in America.

I am afraid that the philosophy of this House and the philosophy of the Committee on Appropriations is a philosophy of fear of the fiscal situation in this country. I would have them consider the figures I have given to them as being evidence that we are not in a fiscal crisis where we have to cut the guts out of everything in America that is for America.

Mr. EVINS of Tennessee. Mr. Chairman will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. EVINS of Tennessee. Mr. Chairman, I share the concern the gentleman has expressed. As the gentleman knows, we did not follow the Bureau of the Budget. We restored on many projects 50 percent of the reductions made in the April 15 budget revision.

More than that, we did follow, to the extent we could, the Joint Committee on Atomic Energy, the committee which the distinguished gentleman serves as chairman. We allowed three items carried in the authorization bill which were not in the budget.

Mr. HOLIFIELD. I will say to the gentleman, I am not directing my complaints to the subcommittee's action on the atomic energy bill. I want that to be very plain because I know exactly what the pressure was from the President to make this extra $50 million cut.

The complaint I am directing is to the philosophy of denying the things we need to build America. I say we are rich enough in America to afford it. The figures I have given you have come from the Bureau of the Budget and from the Congressional Library Reference Service and proves that we are a strong nation, a productive nation with a high degree of employment and we can go ahead and do those things that need to be done in America. We do not have to run under the bed because somebody yells "fiscal crisis."

Mr. Chairman, I include with my remarks a series of figures which I have compiled. They illustrate beyond challenge the great economic strength of our country.

Those who decry recent deficits may compare them with the annual and cumulative deficits of the 1941–49 figures.

I trust they will note that the Federal public debt today is 38 percent when it is offset against the gross national product. This is the lowest figure percentagewise in more than 25 years. It has decreased in the 1961–69 period from 57.1 percent to 38 percent.

The Bureau of Labor Statistics confirms that the seasonally adjusted figure for unemployment was increased from 3.5 in August 1969 to 4.0 in September 1969. Comparison from previous years set forth below.

CIVILIAN EMPLOYMENT

	Employed[1]	Unemployed[1]	Yearly average[2]	Unemployed rate[1]
December 1968	76,765,000	2,603,000	3.6	3.3
September 1969	78,127,000	3,232,000	3.6	4.0

[1] Adjusted.
[2] Unadjusted.

During the 3-month period of June to August 1969, the number of active duty personnel in the Armed Forces increased by 9,175, while the civilian employees of the Federal Government decreased by 48,000. It does not appear this is a factor.

It is noted that agriculture employees dropped from 3,842,000 in December 1968, to 3,634,000 at the end of August 1968. A decrease of 208,000. Over the same period, nonagricultural employees changed from 72,923,000 to 74,553,000. An increase of 1,630,000.

U.S. housing starts—total private and public in units (including farm) nonseasonally adjusted

[In thousands]

August 1967	130.2
August 1968	141.0
August 1969	123.6

U.S. CORPORATE PROFITS 1960–68

[In billions of dollars]

Year	Total corporate profits after taxes: Total before taxes	Profits after taxes	Dividends paid	Total reinvested in business
1960	49.7	26.7	13.4	13.2
1964	66.8	38.4	17.8	20.6
1968	91.1	49.8	23.1	26.7

PERCENTAGE INCREASE

	Total profits (percent): Before taxes	After taxes
Year:		
1960–64	34.4	43.8
1964–68	36.4	29.6
1960–68	84.3	86.5

INDIVIDUAL AMERICAN CUMULATED SAVINGS IN BANKS AND SAVINGS INSTITUTIONS, 1960–68

[In billions of dollars]

Year	Banks	Institutions	Total
1960	62	103	165
1964	94	158	252
1968	149	207	356

PERCENTAGE INCREASES

1960–64	53
1960–68	115
1964–68	41

I have appended some charts which portray on an annual and cumulative basis the figures I have presented:

CHART (A).—CUMULATIVE DEFICITS FOR 1941–49 OF $203,200,000,000 AMOUNTED TO 11.4 PERCENT OF THE CUMULATIVE TOTAL GROSS NATIONAL PRODUCT FOR THOSE 9 YEARS OF $1,780,300,000,000

Year	Calender years—gross national product (billions)	Fiscal years—public debt year end	Percent of gross national product
1941	109.4	55.3	50.5
1942	139.2	77.0	55.3
1943	177.5	140.8	79.3
1944	201.9	202.6	100.4
1945	216.8	259.1	119.5
1946	201.6	269.9	133.9
1947	219.8	258.4	117.5
1948	257.6	252.4	98.0
1949	256.5	252.8	98.0
Total	[1] 1,780.3		

[1] Cumulative.

CHART (B).—CUMULATIVE DEFICITS FOR 1961–69 OF $62,500,000,000 AMOUNTED TO LESS THAN .9 PERCENT OF THE CUMULATIVE TOTAL GROSS NATIONAL PRODUCT OF $6,162,200,000,000 FOR THOSE 9 YEARS

Year	Gross national product (billions)	Public debt year end	Percent of gross national product
1961	506.5	289.2	57.1
1962	542.1	298.6	55.1
1963	573.4	306.5	53.4
1964	612.2	312.5	51.0
1965	653.5	317.9	48.7
1966	718.7	320.4	44.6
1967	763.1	326.7	42.8
1968	860.7	348.1	40.4
1969 (estimate)	932.0	345.3	38.0
Total	[1] 6,162.2		

[1] Cumulative.

NNUAL DEFICITS FOR 2, 9-YEAR PERIODS IN OUR HISTORY

[In billions of dollars]

Fiscal year	Amount
1941	6.2
1942	21.5
1943	57.4
1944	51.4
1945	53.9
1946	20.7
1947	[1].8
1948	[1]8.9
1949	1.8
Net cumulative deficits	203.2
1961	3.9
1962	6.4
1963	6.3
1964	8.2
1965	3.4
1966	2.3
1967	9.9
1968	25.2
1969	[1]3.1
Net cumulative deficits	62.5

[1] Surplus.

ANNUAL DEFENSE EXPENDITURES (ADMINISTRATIVE BUDGET)

[In billions of dollars]

Fiscal year	Amount
1941	6.1
1942	24.0
1943	63.2
1944	76.8
1945	81.3
1946	43.2
1947	14.4
1948	11.8
1949	12.9
Cumulative expenditures	333.7
1961	47.5
1962	51.1
1963	52.8
1964	54.2
1965	50.2
1966	57.7
1967	70.8
1968	80.5
1969	81.1
Cumulative expenditures	546.6

The figures in these charts completely refute the claims of the people who continually state that the United States is in a "fiscal crisis."

I state that we are not in a "fiscal crisis" based on the economic facts as portrayed in these chart figures which are taken from the U.S. budgets and from figures supplied by the Library of Congress.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and five Members are present, a quorum.

Mr. RHODES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I listened with great attention and great interest to the remarks of my friend, the gentleman from California (Mr. HOLIFIELD). He has some figures which certainly tend to indicate that this is a prosperous country. I do not think anybody would doubt that it is a prosperous country. We have had great growth in this country. We intend to continue great growth in the country. As I said in my prepared remarks, I think this particular bill is much too low. It is much too low for the needs of the country. But I would point out to my good friend from California that while he has some very impressive figures, he did not use some figures which are also impressive and which have to be used in considering the total overall fiscal considerations as they affect the country today. The figures which the gentleman has referred to for the last 10 years do indicate we can expect the next 10 years to be even more prosperous. But at the same time today, on the 8th day of October, this Government has found itself the victim of many years of deficits in the public sector which have caused our people in the Treasury to have real difficulty in actually defending the dollar.

Here is what has happened abroad, and the gentleman from California, I am sure, will recognize this. The German Government allowed the mark to drift for some time, and as soon as the mark was allowed to drift, the dollar went down in value as compared to the mark, which indicates that, insofar as the monetary markets of the world are concerned, the dollar is not as strong as the gentleman from California and I would like to have it. This has been caused by one situation and one situation only, and that has been the deficits which we had here in the Federal Government, year after year, in the Kennedy-Johnson years. In one year alone, we had a $25 billion deficit. No wonder the dollar became suspect.

What I am saying and what the gentleman from California said are both true, and they point out anachronism. This is a wealthy country. We can do most of these things. But the anachronism probably has more to do with the timing of the acts than with the acts themselves.

But at this particular day and time, believe me, the bill which we have brought out here is every penny which this Government, I feel, with the Vietnam war going on, every penny which we can afford to obligate for these purposes. I wish it were otherwise. The gentleman knows I do. But at the present time I think it is up to us to think of the housewives of America, the people whose income does not prove to be adequate to meet the needs of their families, and to give them a break by spending less money through the public sector and keeping the purchasing power of the dollar up. This is the only argument which the gentleman and I have, and I think it is an argument of timing rather than of aim, because I am sure the gentleman and I have the same aim so far as desiring a better country is concerned.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction): $671,982,000, to remain available until expended: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which are authorized by law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That in connection with the rehabilitation of the Snake Creek Embankment of the Garrison Dam and Reservoir Project, North Dakota, the Corps of Engineers is authorized to participate with the State. of North Dakota to the extent of one-half the cost of widening the present embankment to provide a four-lane right-of-way for U.S. Highway 83 in lieu of the present two-lane highway: *Provided further*, That funds appropriated for the Robert S. Kerr Lock and Dam, Oklahoma, shall be available to provide a 9-foot deep auxiliary navigation channel and 1,000-foot-long turning basin along Sans Bois Creek, with appropriate widths and an overall length of approximately ten miles: *Provided further*, That $600,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

AMENDMENT OFFERED BY MR. STAFFORD

Mr. STAFFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: On page 6, line 16, strike the figures "$671,982,000" and substitute therefor the figure "$671,482,000".

Mr. STAFFORD. Mr. Chairman, the amendment which I offer today is a very simple one. It simply reduces the total available for general construction, on page 6 of the bill, from $671,982,000 to $671,482,000, or a reduction in total of $500,000.

If the committee will accept the amendment which I offer today, it will save the taxpayers of this country $500,000 this afternoon, and eventually, over the next 4 years, $27 million, which still is a substantial sum of money.

Here are the reasons for the amendment which I have offered to this bill:

As can be noted on page 49 of the committee report, the Army Corps of Engineers proposes in the line item for the Gaysville Reservoir an amount of $500,000. It is proposed to spend $500,000 in fiscal year 1970 for planning and design of a flood control dam in the Gaysville area in Vermont.

For the taxpayers of Vermont, let me say, Mr. Chairman, we would rather the taxpayers of the United States have this $500,000 than that it be spent by the Corps of Engineers to plan and design some more on a dam which they first began planning and designing on in 1936. Let us relieve them of this responsibility.

As is known, Vermont is small and is a very mountainous State for the most part. Someone once said if it were flattened, it might be almost as big as Texas, but it is small, it is mountainous, the valleys are few, they are verdant and highly productive when used for farming, and they are beautiful, and to us they are precious.

If we go ahead with a $500,000 expenditure this year for planning and design and construction beginning next year, or the year after, 110 homes will have to be razed, 30 farms will have to be taken out of production, six public buildings will have to be razed, and one industry will have to be torn down and removed. In place of these lost homes, farms, and businesses, we will get a pile of dirt 195 feet high and 750 feet long at a cost of $27 million. In addition to this, we will get a 1,000 acre pond in the summer and a 300-acre pond in the winter surrounded by 700 acres of mud.

The people in the towns affected, in Rochester, in Stockbridge, and in Pittsfield, have voted 8 to 1 not to have this dam built.

I believe the present Governor of my State has already asked or will ask the Army Corps of Engineers not to build a dam in this location in Vermont.

We are not insensible to the needs of our neighboring States below us on the Connecticut River watershed. There are already five major flood control dams in Vermont, and 18 other locations in the State are under consideration for possible construction by the Army Corps of Engineers. But I repeat there are five dams now, almost as many as there are in Massachusetts, and more than there are in Connecticut. Indeed, there are more than there are in New Hampshire.

So I say, Mr. Chairman, let us today save the taxpayers $500,000 in fiscal year 1970, let us suggest the Army look at some of the alternative sites by denying this $500,000 this year, and thereby let us save the taxpayers $27 million over the next 4 years and also save one of Vermont's most beautiful valleys.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I reluctantly oppose the amendment offered by the distinguished gentleman from Vermont. He is one of the nicest Members of the Congress and a very effective Member, too. He does represent a very beautiful State, perhaps one of the finest scenic States in all this great land of ours. The gentleman does indicate if the $500,000 is eliminated, we would save the $500,000 this year, and it is true we would in the end save $27 million for the total cost of the dam—but this would be done at the expense perhaps of jeopardizing the lives and property of the people who live in New England.

This dam, Mr. Chairman, is one of the most important dams in the comprehensive flood control for the entire Connecticut River Basin. The $500,000 in this bill is, as the gentleman has said, to continue the planning on this project. There will be additional funds next year perhaps, to complete the planning, and then, on the completion of planning, the Corps of Engineers, I assume, would ask for construction funds.

The Corps of Engineers has testified, Mr. Chairman, that from studies it has conducted in the Connecticut River Basin, in order to have an effective flood control program for that area, this dam is essential. I need not repeat the history of floods that have been visited on New England, devastating floods. This area has suffered a great deal of damage to lives and property over the 33 years that the U.S. Government has been engaged in the matter of building dams to protect the people and their property.

So, Mr. Chairman, because this is an appropriation which will continue the planning, there will be an opportunity for the Corps of Engineers to get a look at the other sites.

As the gentleman said, there may be 18 other sites. There may be, but some of the other sites may be useless in the comprehensive plan the Corps of Engineers envisions for adequate protection not only for Massachusetts and Connecticut, but also Vermont, in the overall flood control program for this basin. So, Mr. Chairman, reluctantly, I oppose the amendment offered by the gentleman from Vermont. I can understand his problem. This is the problem of any Member who has a dam built in any area of the United States. The people who live in the area do not want the dam built there.

My colleagues know as well as I do we cannot have an adequate and proper flood control program unless we have dams. The dams have to go somewhere. Some people have to move and some property has to be taken. We could not have a flood control program unless we had dams and reservoirs.

In the judgment of the experts this is a dam which is one of the most important in the comprehensive plan for New England. Consequently, I oppose the amendment offered by the gentleman from Vermont.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. STAFFORD).

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 26, noes 39.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT: On page 6, line 16, after "Government to construction)" strike out "$671,982,000" and insert "$672,097,000".

Mr. SCOTT. Mr. Chairman, my amendment adds $115,000 to the committee recommendation to restore funds for preconstruction planning for the Salem Church Dam and Reservoir on the Rappahannock River within my congressional district.

While this is a Corps of Engineers project, the committee apparently yielded to a suggestion of the Department of the Interior that the matter be further studied to determine whether the plan should be modified to minimize the adverse effects on natural values in the area.

The Department of the Army, in a reply to Interior's suggestion, stated that it had no objection to a study of natural environment but saw no need to stop advanced engineering work on the project during the period Interior was conducting a study.

As is true of most projects of this nature, the matter has been studied for many years. In fact, because of recorded floods dating back to 1889, the Corps of Engineers made a comprehensive study of the Rappahannock River in 1933 and concluded that the Salem Church Dam was economically sound. That was 36 years ago. The Congress authorized this project in 1946, with a 220-foot above sea level limitation but, in a further preconstruction study in 1952, the corps indicated that the cost-benefit ratio at his level was marginal. Thereafter, in 1955, the House struck the 220-foot elevation limitation to meet the objection of the Department of the Army and authorized a higher dam, but the Senate requested further study. This most recent study lasted for 12 years and resulted in a voluminous report being furnished the Congress in 1967 by the Corps of Engineers. Thereafter the authorization for a 240-foot dam was included in last year's public works authorization bill.

Frankly, I am concerned that this measure will be studied to death. Even with two authorizations of the Congress, one at a 220-foot level in 1946 and one at a 240-foot level in 1968, the people who do not want any dam may ultimately prevail through a process of attrition.

Mr. Chairman, this project is to meet the long-range water needs of the fastest growing area of Virginia. Prince William County, which lies directly below Fairfax County, and other counties in the urban corridor between Washington and Richmond need water. It will also reduce the hazards of flooding from the Rappahannock River, particularly in the general area of Fredericksburg. The lake created by the dam will help meet the recreational needs of people along the eastern seacoast.

Mr. Chairman, the initial preconstruction planning funds for this fiscal year are only $150,000 as recommended by the President in his budget. I submit that it should be restored by the House and ask the cooperation of the members of the committee on both sides of the aisle in obtaining this restoration.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. Yes, I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I merely want to take this time to say to my friend, the gentleman from Virginia (Mr. SCOTT), that the Salem Church Reservoir in my opinion is a good project and one which should be built. I am sure the gentleman realizes that the subcommittee has supported the project and hopes to continue to do so.

The problem involved, of course, is that the Secretary of the Interior has advised the committee that he intends to initiate a study to reevaluate the recreational aspects of the Salem Church project, and since this has been done, the subcommittee felt that it was constrained to act as it did. However, I assure the gentleman from Virginia that this does not mean that the subcommittee has lost interest in the project or has given up the idea of building it at some time in the immediate future.

Mr. EVINS of Tennessee. Mr. Chairman, I share in the views as expressed by the gentleman from Arizona with reference to the Salem Church project. It is controversial. More than 40 percent of the project's benefits are for recreational purposes. There are many conservation groups opposed to it. We heard considerable testimony before the committee in opposition to it. We allowed $35,000 to restudy the project because the Secretary of Interior insisted upon restudying the conservation and recreational potentials of the area. So, I think the committee has done the proper thing and I urge the defeat of the amendment.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Virginia.

Mr. SCOTT. The $35,000 that the committee is retaining in the bill; is that for the Department of the Army or the Department of the Interior?

Mr. EVINS of Tennessee. For the Department of the Army to restudy and cooperate with Interior on the matter. In light of this, the committee has recommended that funds be limited to the restudy and not be utilized to initiate planning.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MYERS

Mr. MYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. MYERS: On page 7, line 16, strike out the period and insert a colon and the following: "*Provided further*, That the sum of $35,000 appropriated herein for the Big Walnut Reservoir shall be available for pre-construction planning."

Mr. MYERS. Mr. Chairman, this amendment will not add a single dollar to this appropriation bill, somewhat like the previous amendment. This amendment has to do with the Big Walnut Reservoir situated in my congressional district in Indiana, which is a multiple-purpose reservoir with a cost-benefit ratio of 2.3 to 1.

Big Walnut is in the President's budget recommended for $50,000 for preconstruction planning. This reservoir would be restudied again according to the present bill, and according to the committee print. I would like to advise the Committee at this particular time that this reservoir has been studied, studied, and restudied since 1938, and every study has come up with the same conclusion recommending the Big Walnut Reservoir be constructed as a multiple-purpose reservoir. It would have a cost to the Federal Government of $21,871,000, non-Federal of $14,729,000, or a total of $36,600,000. This has an estimated flood control benefit in the lower reaches of approximately $1.5 million annually.

This area happens also to contain a particular area which has now been designated as possibly for a national landmark. It is said to be unique, and I quite agree from personal experience, as well as the studies, and I have gone quite extensively into this; I have visited the particular area. It is unique to the rest of the United States, but not unique to Indiana. It has been designated as a possible national landmark, but none of the owners at the present time, even after a year and a half, has requested registration as a national landmark.

The area to be designated as a possible national landmark is in the upper reaches of the reservoir, and the particular areas that are of national significance and uniqueness are the areas that contain Canadian yew, which is not at all a foreign or unique vegetation to Indiana.

There are a number of areas around that part of the country that have large inhabitations of Canadian yew. There is also hemlock and there are some other flowers.

But I want to advise the House that in my experience in visiting out there and through contacting the Corps of Engineers, as for the area that has the Canadian yew there would be one small inhabitation of Canadian yew taken by the normal pool. None of the hemlock and only one small area of Canadian yew would be taken. The flood pool would touch part of another area of Canadian yew, but this would only happen, the Corps of Engineers advises me, once in every 20 years.

Now, I am a naturalist also, and I love nature, if this were going to destroy an area that was unusually unique to that area I certainly would not be in the well today asking that these funds be transferred from a restudy into actual preconstruction planning.

A similar area in the last year has been designated as a national landmark, Pine Hills, just 25 miles from this site, and exactly like the area in interest here. Big Wilmat Reservoir is not going to destroy a unique area, but it may complement it. Some of the witnesses who testified in the subcommittee admitted that they did not know the effects of water on some of the vegetation.

Let me also tell you that there is another lake within 20 miles of this site where there are hemlock, in controversy here, growing out of the water, which have been growing out of the water for 20 years, and they are thriving.

So I say today that I agree that this is a beautiful part of the country, but this project is needed for flood control, and it is going to save the people living in the lower reaches a million and a half dollars each year. It has been suggested, possibly, a Federal fish hatchery, might be added. It is going to give quality control of water downstream to a city of 8,700 people. It also will be a possible supply of water to the city of Indianapolis in the next 25 years, as the need for water and normal growth continue to expand.

Again I say it is not going to cost the taxpayers any more, in fact, it is going to save this country money, because the $35,000 would not be spent for a restudy which we do not need. I appreciate the committee keeping it alive by the restudy, but I say today that we do not need any more study.

Of the more than 2,500 pieces of correspondence that I have received, 98 percent favor the construction of this reservoir and only 2 percent do not favor it.

I think that is pretty favorable. I feel the subcommittee did not have the information pertaining to these extra facts so I am only asking the Committee this afternoon that this $35,000 be transferred to preconstruction planning. I think it is a legitimate request.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is with reluctance that I oppose any water resource project. The issue here is similar to that on the Salem Church project. The problem has not yet been solved, so it is not appropriate to institute planning at this time.

The real controversy is between the conservationists and the proponents of the project. Members of Congress are also divided on the matter.

We heard extensive testimony before our committee against it. They do not want further study, they want to solve the problem.

Here is what the Chief of Engineers testified. He said:

> The objections still remained in spite of the modifications that were done in the planning.

He also testified and said:

> The District Engineer had tried to overcome those problems by planning the development of the project to include some rather special features. For instance, a nature center and arboretum were planned, so that students could use the area to study this unusual ecology.

Then he was asked what the 1970 funds were required for, and he said, "To solve the problem."

So the Chief of Engineers and the division engineer recognize the need to first find a solution to protection of this area. The people of the area are divided about the matter.

We have left some money here to try to solve the problem so the project will be eligible for engineering and design funds. I trust the members of the committee will stand with your committee.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman.

Mr. MYERS. Mr. Chairman, my friend, the gentleman from Tennessee, spoke of the Chief of Engineers who had earlier also recommended this. It was recommended in the Wabash River Basin comprehensive report.

In the final report the construction was recommended. Every governmental agency recommended this with the exception of a few conservationist groups. I very honestly do not understand the opinion that the conservation area will be destroyed. As I explained earlier, the yews and hemlocks in these areas are not to be covered by this.

True, it is going to change the ecology, but would not the national landmark that these conservation groups are also interested in; would not that also change the ecology of the area? Lightning could strike out there and change it all.

Mr. EVINS of Tennessee. If the gentleman will yield, we are providing funds in a hope this controversy can be worked out.

The division engineer testified that the 1970 funds would be utilized solely for the following:

> To establish coordination with the appropriate State and Federal agencies to consider the details of forming a task group to seek a mutually satisfactory resolution of the diverse views held on this project.

Mr. EVINS of Tennessee. Mr. Chairman, I would call the attention of my colleagues to a speech in the RECORD by one of our colleagues who said:

> An ill-conceived and poorly justified proposal of the Army Corps of Engineers threatens to destroy the Big Walnut Valley. The valley has been declared as a national natural landmark, one of only 130 sites in the entire United States to be declared of that quality and one of only two sites in Indiana now eligible for this nationally significant designation.

He then went on to list several reasons why he could not agree with the Corps of Engineers concerning the justification for the project. He then stated:

> Mr. Speaker, I would like to add that my opposition to the Corps' plan is shared by every major conservation group in the State of Indiana.

He also stated that he "would urge that instead of using the budget request to initiate advance engineering and design that the Army Corps of Engineers be instructed to study and select one of the many alternate sites for the proposed reservoir."

He said this is valid. So I would say to my friends that there is controversy and there is opposition. I believe the money should be retained in the bill, as inserted by the committee, to solve the matter.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman.

Mr. MYERS. If I may make just one comment. I have letters from De Pauw University where—the geology department and other departments there recommend the construction of this reservoir. They are the people closest to it. They know better than anyone the situation—better than any association outside that area.

Mr. EVINS of Tennessee. I would say, as I said earlier, that I am reluctant to oppose this project. We have a policy in committee where there is diversity in the area, every effort should be made to find a satisfactory solution before we proceed with the project. That is what we are proposing here.

The CHAIRMAN. For what purpose does the gentleman from Indiana rise?

Mr. ZION. Mr. Chairman, I move to strike out the last word and rise in favor of the amendment.

Mr. Chairman, my district is just downstream from the gentleman from Indiana, and I have received a lot of correspondence on this project.

There are a lot more arguments, mostly sound, in opposition to going ahead with this—and sound in the sense of noise.

My area would be adversely affected were we not to proceed.

It is the No. 1 project in which the Wabash Valley Association has an interest. They have been promoting this for many years. There is little question but that the dollars saved because of this project should prompt us to begin construction soon.

I would urge my friends to assist us here and adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. MYERS).

The question was taken; and the Chairman being in doubt, the committee divided, and there were—ayes 22, noes 36.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

> For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $74,600,000, to remain available until expended, including funds for completion of the construction of road crossings of the Panola-Quitman Floodway at Crowder and Paducah Wells, Mississippi.

Mr. SNYDER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to take this opportunity to convey my personal gratitude and the gratitude of my constituents in the Fourth District of Kentucky to you, my colleagues of the House, and to those on the subcommittees and committees of the House who all were instrumental in bringing a process which should rectify many long-standing ills in northern Kentucky.

You have today made possible several projects of utmost necessity and importance to the people of the Fourth District. But of these, I would especially like to single out the salutary nature of the proposed Falmouth Dam.

Two years ago we had no flood control projects of any consequence in the upper bluegrass—the fastest growing area of Kentucky. The Falmouth Dam, of the flood control projects which this body has today approved, should do the most good.

It has been 32 years since the Falmouth Dam project was first approved. It was reactivated in 1964, as a result of flood damages along the Licking and Ohio Rivers. But during this long period of waiting, the area suffered many severe floods and untold damage as the result of them. Floods of a serious nature have occurred in this area in 1937, 1939, 1948, 1950, 1961, and 1964. Had this same Falmouth project been completed prior to the 1964 flood, it would have reduced the flood stage by 2½ feet and lowered the damages at least $3 million in Cincinnati alone. It is readily apparent what a beneficial step this assembly has taken today for the people and the general Economic health of the northern Kentucky—and Cincinnati—area.

What I have mentioned so far certainly is good reason to have approved the project. But let me cite you several more reasons why what we have done is so justified:

Three-fourths of the city of Falmouth was under water in 1964. When constructed, the Falmouth Dam will provide full protection and/or reduction of flood damage along the 60-odd miles of the Ohio River after its confluence with the Licking.

Another feature recommending it is the 1.4 to 1 benefit-cost ratio. This ratio finds Falmouth an economically justifiable flood control project—but as I have said, the money for the project is not the sole consideration.

Situated as it is, it will provide the benefits of water conservation, water quality control, and recreation facilities for the entire metropolitan area of Cincinnati, and for northern Kentucky.

The Kentucky Department of Natural Resources not only has listed this as a "must" in their water resources program, but the Kentucky Water Resources Authority has gone on record by announcing its intention to purchase storage from this for industrial purposes.

The Licking River is one of the major unpolluted streams in this part of the country. The quality of its water is far superior to that of the Ohio River as was substantiated by the Secretary of the Interior.

The cities of Cincinnati, Covington, and Newport presently draw water from the Ohio River. On the basis of water quality, these cities find the development of the Licking River as a future water supply essential. Furthermore, this project will give Cincinnati and northern Kentucky the assurance of a future water supply needed for long-range planning of industry and industrial parks essential to sustain increases in employment and productivity. Thus, the development of an adequate reservoir of clean water through the Falmouth Dam is integral to the development of the entire area.

Further delay in this project would have meant more property destruction and, in addition, this vast reservoir of clean water would have been wasted.

The House today has prevented enormous losses and assured continued development of the area.

For these reasons, humanitarian and pecuniary, I wish to express the sincere and grateful appreciation of myself and my constituents for this most beneficial and urgently needed project.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, GENERAL

> For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; activities of the California Debris Commission; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation; $245,700,000, to remain available until expended.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask a question about the California Debris Commission.

I must confess that this is the first time I have ever heard of a debris commission whether in the State of California or elsewhere.

Will someone explain what a debris commission does? Apparently, this commission is funded to a certain extent out of money appropriated in this particular item.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. EVINS of Tennessee. This is a part of the operation and maintenance appropriation of the Corps of Engineers and concerns cooperation with the local agencies that participate in maintenance on completed projects.

Mr. GROSS. What kind of debris does this commission administer or collect.

Mr. EVINS of Tennessee. It involves the control of silt primarily I believe in the Sacramento River.

Mr. GROSS. Does it take a commission to do that?

Mr. EVINS of Tennessee. It participates in study and control work.

Mr. GROSS. To study debris? How do you study debris?

Mr. EVINS of Tennessee. I believe the study would be directed to the question of how to better control and alleviate the problem.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I believe California has a special control problem in this regard. That is the reason.

Mr. GROSS. If that is the reason, it occurs to me that there might well be such a commission in New York or Massachusetts. I know there is none in Iowa. Perhaps the State should have one.

Mr. BOLAND. I believe siltation is more of a problem in California than in Iowa, Massachusetts, or New York because of certain mining operations. I would think that maybe one of the gentlemen from California could answer the question.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from California.

Mr. JOHNSON of California. We do have debris dams in California. They were the result of hydraulic mining. Whether this commission is set up to study that phase of it or not, we still have two of those dams in place at this time, one on the Yuba River and one on the American River.

Mr. GROSS. The gentleman will understand that never before in my short life had I heard of a debris commission. It fascinated me. I thought I had heard of every kind of commission known to mankind.

Mr. JOHNSON of California. Due to hydraulic mining in California these debris dams were built to halt the silt that was being washed off the mountains.

Mr. GROSS. More power to the California Debris Commission.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CEMETERIAL EXPENSES

SALARIES AND EXPENSES

For necessary cemeterial expenses as authorized by law, including maintenance, operation, and improvement of national cemeteries, and purchase of headstones and markers for unmarked graves; purchase of seven passenger motor vehicles for replacement only; maintenance of that portion of Congressional Cemetery to which the United States has title, Confederate burial places under the jurisdiction of the Department of the Army, and graves used by the Army in commercial cemeteries, to remain available until expended, $15,125,000, together with $991,000 to be derived by transfer from the appropriation "Cemeterial Expenses" contained in the Public Works and Atomic Energy Commission Appropriation Act, 1968: *Provided*, That this appropriation shall not be used to repair more than a single approach road to any national cemetery: *Provided further*, That this appropriation shall not be obligated for construction of a superintendent's lodge or family quarters at a cost per unit in excess of $17,000, but such limitation may be increased by such additional amounts as may be required to provide office space, public comfort rooms, or space for the storage of Government property within the same structure: *Provided further*, That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

AMENDMENT OFFERED BY MR. SCHERLE

Mr. SCHERLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHERLE: On page 10, line 21, strike the period and insert in lieu thereof: ": *Provided further*, That none of the funds appropriated in this section shall be available for use in connection with the proposed permanent gravesite or memorial for Robert F. Kennedy at Arlington National Cemetery."

Mr. SCHERLE. Mr. Chairman, my amendment states simply that no Federal funds will be used to construct and maintain a memorial to the late Senator Robert F. Kennedy in Arlington National Cemetery.

Plans for the proposed memorial consist of a reflecting pool surrounded by a granite wall. This bill would appropriate $181,000 hard-earned tax dollars for visitor access, approach walk, exit stairways, related landscaping, and relocations.

My sole objection to this project is that the expenditure of public funds for this purpose is contrary to the existing policy for erecting memorials in national cemeteries. No one buried in Arlington Cemetery is presently entitled to anything more than that accorded any American serviceman who died in World War I, II, Korea, Vietnam, or any other war. The Government provides the family of every veteran with a headstone costing between $22 to $34. If they wish something more elaborate, they are free to finance it themselves. This established principle has been strictly adhered to by all families of deceased veterans.

The American people are aroused over this proposal for a Federal subsidy. Since my objection appeared in the distinguished Allen-Goldsmith Washington Report, I received over 100 letters from all over the country—from New Hampshire to California, from Minnesota to Florida, and from Massachusetts to Texas, urging that the Congress not establish a precedent—where would this stop?

However, time does not permit me to read all these letters. I would like to share with you a few excerpts.

A lady from Dewitt, N.Y., writes:

> Perhaps this letter is but a small voice against the loud roar of the very important and influential people but as this great and wonderful country affords me the opportunity of having my say. I wish to state my opinion about a matter in which you have taken a stand for which you have my deep appreciation.
>
> I, too, raise the question of the necessity for the very hard-working taxpayers to contribute to a proposed memorial for the late Senator Kennedy. Not only is it unfair when there is untold wealth in this family, but he was a Senator, not a President, and there is no sound reason for the citizens to foot part of the bill for a reflecting pool and granite wall near the grave.
>
> Perhaps to people of great wealth, this figure . . . to be raised seems a drop in the bucket, believe me it certainly is far from that. If the federal government realized how many tax dollars could be saved by a bit of economy, the hard-working tax-paying citizens would be more inclined to cooperate in more ways than we are presently doing. I am a housewife who budgets and I don't care if you operate on a small household budget or a large government budget, all levels of our government could stand to pinch pennies.

From Tyler, Tex.:

> I am a young man with a wife and child and I am just about to go under from being taxed. I don't mind paying my share for living in this great country but when the elected leaders, who are supposed to be looking out for my interest, start spending money in this manner, I am just about ready to rebel.

From Sanborn, Iowa:

> I feel they should have the same type grave any veteran has if they are buried in a National Cemetery.

From Mount Pleasant, Mich.:

> I approve of your stand against the government giving a contribution to the Robert Kennedy Memorial fund (Arlington National Cemetery.) While I admired Mr. Kennedy, this is not the business of our government.

From Woodbine, Iowa:

> Using . . . federal funds for any senator or representative is ridiculous!

From St. Petersburg, Fla.:

> In this era of inflation, when so many of us are struggling to meet high taxes and living costs, it is indeed inappropriate to spend tax money in this manner.

From St. Paul, Minn.:

> I also feel it is a waste of taxpayers' money, especially at a time when other priorities are so pressing.

From Ypsilanti, Mich.:

> There is no precedent for federal(ly) funding memorials to U.S. Senators.

From Council Bluffs, Iowa:

> Although I am only 20 years old and not old enough to vote, I support your position against the use of federal funds for a Robert Kennedy Memorial in Arlington National Cemetery.

From Tyler, Tex.:

> I have sympathy for the Kennedy family but I do not think I owe them a memorial any more than I expect one from them.

From Ft. Lauderdale, Fla.:

> Robert Kennedy has a fine memorial in the Washington, D.C. Stadium.

From Detroit, Mich.:

> If the Kennedys want a memorial let them build it with the Kennedy millions.

From Lubbock, Tex.:

> The Kennedy family is financially able to place any memorial they desire there, but we do hope taxpayers money will not be used.

From Clovis, N. Mex.:

> I congratulate you for opposing the government's helping to pay for the Kennedy Memorial.

Warwick, R.I.:

> I am in complete agreement with your stand against the proposed allotment of $250,000 in federal funds for a memorial for Robert Kennedy.

The Montana chapter of the Veterans of World War I opposes this proposal and the National Convention of World War I Veterans which recently concluded their meeting in Milwaukee, Wis., went on record as opposed to Federal support for the Kennedy Memorial.

The Veterans of World War I point out that General of the Army John J. Pershing "rests in that small plot with the usual headstone." Furthermore, they can see no justice in the "allotment of the larger plots, depriving 50, 100, or 150 veterans of the U.S. military service from burial there."

The issue is clear: whether this Congress is going to allow Federal dollars to be spent for a memorial which could result in denying many other veterans their hard-won resting place in Arlington National Cemetery.

It must be remembered that a million-dollar memorial to the late Senator Robert Taft of Ohio, who three times was a serious contender for the Republican nomination for President, was built entirely from private funds.

My amendment should be adopted so that the Congress will make it clear that all American veterans will be treated equally and honored equally by their country.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, the money which is in this bill which pertains to the Kennedy gravesite is for access walks and stairs. I wonder if the gentleman from Iowa is aware of that? The original plan did provide for the Federal Government to pay for a certain portion of the plaza which was to be built over the gravesite, so the public could stand and view the gravesite. This is no longer in the plan.

Mr. SCHERLE. I do. However, I also realize that this bill still calls for $181,000 of taxpayers' money. I know of no other veteran buried in Arlington Cemetery, even the three astronauts, who were granted this preferential treatment at taxpayers' expense.

Second, I question the precedent that might be set at this time. It is very important that we be very cautious and not establish a policy that is irreversible.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the gentleman from Missouri.

Mr. HALL. Is it not still true that depending upon which predeceases the other, space is so limited in the Arlington National Cemetery that man must be buried above wife in the same grave plot, or the reverse?

Mr. SCHERLE. That is true. The gentleman from Missouri serves on the Committee on Armed Services, and I understand that in recent years has looked into this problem, building of Fort Myer, and additional land acquisition for the memorial cemetery. I welcome his succinct question.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to my colleague from Iowa.

Mr. GROSS. I commend the gentleman for his amendment. There is no reason whatever for the expenditure of $181,000 of the taxpayers' money for this purpose. There is no justification whatever for the singling out of this gravesite for any such expenditure. The Appropriations Committee ought to have rejected this request out of hand.

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment.

I do not know of any particular monument which has been surrounded with more misinformation than the Robert F. Kennedy gravesite in Arlington National Cemetery.

Mr. Chairman, the item for the site was submitted by President Nixon through the Bureau of the Budget to the Congress, for $258,000 for access walks and exit stairways to the Robert F. Kennedy gravesite. The access walks and exit walks tie in with the present gravesite of the late beloved President John F. Kennedy.

The amount of money appropriated in this bill is not for the Kennedy family. It is for the convenience of the public—purely, simply, solely, and only for the convenience of the public.

Last year 5 million visitors went to Arlington National Cemetery and visited the gravesite of President Kennedy and the gravesite of Robert F. Kennedy.

This is an unusual circumstance. I know every Member in this body, including the Member from Iowa, would hope that the incidents that gave rise to these sites would never occur in the history of this land again. And they probably never will, because of the circumstances—the incredible circumstances that surrounded the lives of President John F. Kennedy and Senator Robert F. Kennedy.

What is provided in this proposal is for the access walks and exits from the gravesite. We are not providing for the memorial at all. The monument is being paid for by the Kennedy family, $496,000.

The site is located in an area that would not be used for any other purpose. It does not lend itself to a great number of gravesites because of the slope of the land and the particular makeup of the land and the soil. Use of this site does not affect the number of veterans that can be buried in Arlington.

This does not provide for a reflecting pool. It does not provide for the monument itself. It provides only for easy access for the handicapped, for the millions of visitors who go there—better than 5 million this year, and probably more next year.

This is a fact we have to face. Because of it the Congress ought to provide ingress and exit to and from the site.

I noted the gentleman from Iowa talked about the site which was provided for General Pershing and indicated that the World War I veterans were concerned because General Pershing does not have as large a site. The fact of the matter is that he does. He is welcome to it. I have no quarrel with this.

All I am saying is that in these circumstances this particular item was submitted not by the past administration, let me say—and it should have done so—but by this administration. This came as an amendment to the budget, and the committee acted favorably. It resulted in a reduction of $77,000, as the gentleman from Iowa indicated, doing away with that part of the walk which actually traversed the monument itself.

So, Mr. Speaker, I would hope this would not become an issue and it ought not to become an issue. All we are doing here is providing access and egress for the people who use the cemetery. That is all.

Mr. Chairman, I hope that this amendment will be resoundingly defeated.

Mr. ROBISON. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from New York.

Mr. ROBISON. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Massachusetts (Mr. BOLAND).

This is an item that gave many of us considerable difficulty. The subcommittee looked into it carefully. We came to the conclusion that this was a necessary project and that it had to be done and that a limited amount of Federal money was necessary and appropriate for the limited purposes described in our report.

Mr. Chairman, I might add to the comments that have already been made by the gentleman from Massachusetts that the gravesite is within the reservation set aside for the late President Kennedy. So, there is no elimination by virtue of this plan of gravesites for other veterans.

Mr. BOLAND. I am delighted that the gentleman made reference to that fact. As was indicated, the Robert F. Kennedy gravesite is within the area reserved for former President John F. Kennedy.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the correspondence I receive indicates that the people of my district are not interested in spending Federal money for the walkways to the Kennedy gravesite.

I would call to the attention of this House the fact that very severe limitations were placed by the Department of the Army, in February 1967, upon burials in Arlington National Cemetery. Even under the severe limitations which now exist, 70 percent of our veterans cannot be buried in this cemetery.

I think it would be unwise when this committee refuses to fund a project that is desired by the people, at least my congressional district, and then to appropriate funds that the people do not want. In my opinion, this is a private, not public, project and the funds should be raised from private sources and the Kennedy family.

I hope this amendment should be adopted.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Iowa (Mr. Scherle).

Mr. SCHERLE. Mr. Chairman, I am surprised that the esteemed gentleman from Massachusetts would try to confuse and cloud the issue by expressing indignation and consider my amendment a personal affront to anyone. This is not the case. We are discussing the expenditure of $181,000 of the taxpayers' money. That is the issue, nothing else. There is no precedent in Congress where taxpayers' dollars have been spent for one particular individual buried in Arlington Cemetery.

We all respect the late Senator. We are all humbled by the tragic assassination that took his life. We have a great many veterans in this country who I think are equally entitled to the same consideration as is allowed the late Senator Kennedy in this bill. Only they will not get it. This is no personal attack upon anyone and the gentleman from Massachusetts knows it.

I still insist and hope that the House will adopt my amendment and not "open the door" for future raids on the Treasury. The public has expressed strong resentment against such a policy.

Mr. GROSS. Mr. Chairman, it has been said that the amendment ought to be defeated because President Nixon has approved this unnecessary expenditure.

Mr. Chairman, I am going to vote for the amendment to save the President from his liberality in this case.

Mr. OTTINGER. Mr. Chairman, I rise in strongest opposition to the Scherle amendment.

To attack funds for the gravesite of our late Senator, Robert F. Kennedy, on the grounds of hate mail by those who passionately disagreed with him, seems to me to be in the poorest of taste.

The gentleman says he holds the late Senator in esteem, but his amendment is hardly any way to demonstrate that esteem.

The gentleman says it is a question of precedent. If we provide such funds for the late Senator Kennedy, we might be called upon to do so for every other Member of Congress. The argument is patently ludicrous. There is no parallel in our history nor is there likely to be one.

Senator Robert F. Kennedy was not just a Senator who passed away in the course of his service. He was a candidate for President of the United States, assassinated in the midst of his campaign. And all of this was on top of the assassination of his brother, the late President. He was the idol of millions of Americans.

To cater to the base emotions of those who passionately disagreed with him by opposing the funds needed to permit the hundreds of thousands who come to pay him homage to have access to his gravesite would be demagoguery at its worst.

I hope the amendment will be soundly defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Scherle).

The question was taken; and on a division (demanded by Mr. Scherle) there were—ayes 27, noes 74.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION GRANTS FOR WASTE TREATMENT WORKS

> For grants for construction of waste treatment works pursuant to section 8 of the Water Pollution Control Act, as amended, to remain available until expended, $600,000,000.

AMENDMENT OFFERED BY MR. MINSHALL

Mr. MINSHALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Minshall: On page 14, line 17, strike out "$600,000,000." and insert "$1,000,000,000.".

Mr. MINSHALL. Mr. Chairman, it was after some great thought that I, a member of the esteemed Committee on Appropriations, offer this amendment.

We are going to hear a lot of debate this afternoon over this amendment, but the issue is very clear and very simply it is clean water versus dirty water. That is what today's debate will be all about: clean water versus dirty water, and you have your choice.

This Congress made a commitment back in 1966 when we established by unanimous vote the Clean Waters Restoration Act. I was one of its most enthusiastic supporters. I still am. I said then, and honestly believed we were taking a significant step forward in the nationwide campaign against water pollution. Apparently the oratory that resounded in this Chamber some 3 years ago in behalf of cleaning up our streams, rivers, and lakes, was simply that, a lot of talk. Congress has failed to live up to the obligations we assumed 3 years ago. The Nation is still waiting for the action we promised. The American people are being shortchanged on probably the only American major domestic issue in which all America is united; the need to do something, and to do something now, about water pollution.

Here we are again today with an appropriation bill which will not properly fund our municipalities in the construction of the treatment plants they need. And so the water that comes from Cleveland taps will continue to be Lake Erie yellow, unappetizing, unpalatable, and so unwholesome that some health experts are linking it to a virus-caused illness, and, yes, even death. Yet Clevelanders are expected to drink it, cook with it, bathe in it. A simple drink of water will continue to be a health hazard in many areas, fish and wildlife will go on dying, our beaches will remain off limits for recreational purposes because of contamination.

Now, I hear a lot of talk about economy, and over the years Congress has spent billions of dollars to put a man on the moon, to finance far-out and often silly research programs, to pay farmers for not growing crops, even to finance cultural centers which originally were supposed to be paid for by public subscription. Yet we balk at giving our State and local governments the funds we promised them, funds that they must have if they are to eliminate pollution problems associated with solid waste disposal practices and inadequacies.

Nearly 12 million people live in the Lake Erie Basin. They are under the constant threat from pollution to their economic vitality, their environment, and their very health.

The "Report to the International Joint Commission on the Pollution of Lake Erie, Lake Ontario, and the International Section of the St. Lawrence River" arrived in my office this morning. It underscores the hazardous conditions of which I speak.

I would like to read, in part, from that report as follows:

> There is a large volume of evidence to indicate that many of the treatments afforded sewage are not adequate with respect to viruses; viable viruses have been isolated in effluents from sewage plants. Some sewage enters the lake untreated and most probably would contain viruses. Such conditions of pollution prevail in many areas of Lake Erie. Approximately one-third of the United States shoreline is either continuously or intermittently fouled with bacterial contamination, in particular Michigan beaches near the mouth of the Detroit River and those near Cleveland.

The report further states that the viruses which have been most intensively studied in connection with water supplies are of the enteric group—poliomyelitis, echo, coxsackie, and so forth—which are pathogenic to humans. The report recommends an allout effort to install a new sewer system and to update existing ones no later than 1972.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. MINSHALL asked and was given permission to proceed for 5 additional minutes.)

Mr. MINSHALL. I have fought long and hard for adequate antipollution funds during the years I have served in Congress. I have frequently spoken out on this floor calling for Congress to give more than lipservice to its pledge. I have even investigated the possibility of obtaining disaster funds to clean up Lake Erie.

I do not propose to go home to the people I represent in the 23d District and tell them they have been shortchanged again, that Congress once more has refused to honor its promise to help clean up the mess they must live with every day of their lives.

The State of Ohio's reported need for sewage treatment and water treatment facilities, as of August, was nearly $45 million. Undoubtedly, eligible communities have applied for funds since then. But the $600 million appropriation proposed today would give Ohio only $31 million to meet its needs. This is more than $13 million less than its requirements 2 months ago.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman.

Mr. EVINS of Tennessee. The gentleman is not supporting the $214 million in the budget for this proposition, I gather?

Mr. MINSHALL. I am supporting the amendment I have just offered.

Mr. EVINS of Tennessee. Would the gentleman tell us how he voted in committee?

Mr. MINSHALL. Mr. Chairman, I refuse to yield further.

Mr. Chairman, I have checked the RECORD on the vote taken in this House on October 17, 1966. It was 247–0 and I would point out to the gentleman from Tennessee (Mr. EVINS) that he was one recorded as voting in favor of the Clean Water Restoration Act which authorized $3.9 billion for fiscal years 1967–71—247 to 0.

Live up to your promise. Not one of you dissented when you voted for that legislation 3 years ago. I urge you to join me in appropriating the full billion authorized by the House Committee on Public Works. There is no economy in permitting these desperately needed programs to go by the board.

It is wrong, ethically wrong and economically wrong, to turn your back on the pledge we made to our fellow citizens in 1966. All of you who know me are aware that my record stands toward the top of the list among congressional economizers. I work hard every day in committee toward eliminating waste from Federal spending. But you are looking for economy in the wrong place if you gentlemen do not vote for the full $1 billion authorization. The price America will pay if you do not will be far greater than the so-called economy move would achieve. I urge you to support me in supporting this amendment.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from New York.

Mr. PIRNIE. Mr. Chairman, the amendment to increase the funding for water pollution control programs deserves, indeed requires, our support.

Originally, it was my intention to endorse the committee's recommendation for $600 million but late-breaking developments have prompted me to reassess the situation and join in the request for additional funding.

I share our Nation's commitment to the elimination of pollution from one of our most vital natural resources. This commitment is widely supported by the people of my State and the district I am privileged to represent.

Nearly 4 years ago, a $1 billion bond issue for water pollution control was approved by 80.9 percent of the voters of New York State and now this widely acclaimed pure waters program is universally accepted as a model for the entire country.

This program, in addition to providing substantial amounts of State funds for water pollution control projects, also makes available more than $150 million for prefinancing an anticipated Federal share of the cost for these projects. New York took the lead in this effort and yet, rather than receiving financial encouragement for its foresight, the State, in effect, is being penalized for being so progressive. Seven States and 25 communities in other States have followed New York's example, although on a more modest scale, and now along with us find themselves in the paradoxical position of being penalized for their progressiveness.

Yesterday, during Senate consideration of the Water Quality Improvement Act of 1969, the distinguished senior Senator from New York, Senator JAVITS, was successful in securing approval of an amendment having particular relevance to this discussion. As the Senator explained his amendment, it would "allow the Secretary of Interior to make available for reimbursement payments to States and local governments, those unobligated construction grant funds which the Secretary is now entitled to reallot to States merely having approved projects."

This amendment is of great significance. It would allow the Secretary of the Interior to reimburse States and cities which heretofore have advanced the Federal portion of water pollution control projects.

I wish to reemphasize that the only funds which would be available under this amendment would be those which had not been spent during the fiscal year. If $1 billion were appropriated for water pollution control for fiscal year 1970 and only $800 million were actually spent by the Federal Water Pollution Control Administration, the remaining $200 million could, at the discretion of the Secretary of the Interior, be used to reimburse States and cities which have been moving ahead on their own.

There is another important feature of this amendment worthy of special mention. Such a provision in the law should serve as an incentive to more States and localities to advance the Federal share for these important water pollution control projects.

In the past, with the exception of New York State, the other jurisdictions which have launched prefinancing programs for water pollution control projects have done so on a limited basis. They have been reluctant to move too far ahead because of the uncertainty of reimbursement. Favorable action on the Javits amendment would lay to rest that fear and serve as a springboard for new ventures.

It is recognized that pollution is in the process of destroying the greatness of our Great Lakes. It is acknowledged that two-thirds of our Nation's waterways are polluted. It is admitted that the situation is steadily deteriorating. And it is a hard and real fact of life that State and local governments across the country are finding it nearly impossible to fund necessary water pollution control facilities—facilities that must be constructed in compliance with the law.

There should be no hesitancy about the direction in which we must proceed. We should approve $1 billion for water pollution control during fiscal year 1970 and solidify with deeds rather than words our commitment to clear water in this great Nation.

Mr. MINSHALL. I thank the gentleman.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I rise to support the pending amendment. Earlier this year, before a regional conference of the United Auto Workers, I told it like it is and said that the Federal Government is not living up to its end of the bargain. My vote today will be cast for living up to the bargain; for the first time to appropriate the entire funds authorized.

The citizens of this great and prosperous Nation have been expressing with increasing volume and frequency a concern over what they feel is a failure of the Federal Government to "keep the faith." There is before us on this day a shining example of such a failure. No one has risen to deny that a critical situation exists with an increasingly polluted environment, particularly water pollution.

The Congress of the United States created the Federal Water Pollution Control Administration. The Congress of the United States introduced the concept of water quality standards. The Congress of the United States asked that each State set water quality standards, with final approval thereof resting with the Federal agency. Well, Illinois established water quality criteria and plans of implementation covering interstate and waters within its borders. In effect, these standards have created a State-Federal partnership to protect the quality of our waters. The Federal Government has imposed very strict requirements on sewage treatment on both State and local governments. Illinois was one of the first States to comply with the Federal requirements, but Illinois has found it exceedingly difficult to obtain the funds necessary to meet those demands. For example, in 1967, Illinois received 133 applications for Federal grants totaling $20 million. Of the $6 million authorized for this purpose to Illinois, $5.3 million was appropriated. In 1968, 181 applications for Federal grants were received totaling $34 million. Of the $22.8 million authorized, Illinois received $10 million. In 1969, 218 applications totaling $50 million were made, and Illinois received only $9.5 million, although $53 million was authorized. For fiscal 1970, the Illinois allotment under the budgeted proposals would have been only approximately $9.8 million as compared with the $53.3 million under the authorized $1 billion total. The Committee on Appropriations has recommended a total of $31.2 million, which is an improvement over the past treatment. However, continued breaches of faith by the Federal Government should be put to an end. The time is now.

If we are ever to regain the faith of the States and those dedicated professionals working so hard at saving us from a slow death by pollution poison, we must live up to our promises. The Central States Water Pollution Control Association has called for an end to lipservice. They report that since the 1966 passage of the Clean Waters Restoration Act, appropriations have lagged a monstrous $773 million behind the authorizations. I have met with many mayors of local communities in my district. They have been forced by the Federal-State partnership to improve water quality and sewage treatment. They have asked the logical question, "With what funds are we to do all this?" Well, once again we are asked to go back home and mumble our platitudes about budgetary problems and the like. When I go home, I do not intend to mumble excuses, I will have fought the fight. I do not intend to disappoint the mayors and the Leagues of Women Voters and all the other citizens who have asked me to vote for full funding.

Mr. MINSHALL. I thank the gentleman.

Mr. VANDER JAGT. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from Michigan.

Mr. VANDER JAGT. Mr. Chairman, at the November 1968 election the citizens of the State of Michigan by a 1,906,385 to 796,079 vote, 70.5 percent in favor, amended the Michigan constitution to allow bonds totaling $335 million to be sold for water pollution control facilities. These bonds represent the State share of a total program costing $1.2 billion in Michigan. Local governments would provide 25 percent of this cost.

The Federal Government, in 1966, in the Clean Water Restoration Act, agreed to provide 50 percent of the costs of approved sewage treatment works in a State if acceptable water quality standards were adopted by that State. The Congress, in its great wisdom, provided the incentive to States and local governments to proceed to establish programs for the elimination of water pollution. Not only did it offer Federal funds to match State and local dollars, but it obviously implied that the States had not been doing the job up to that time which was certainly the case.

The States have met this challenge. Most have adopted accepted water quality standards. Many have begun substantial sewage treatment programs based on these new standards.

Michigan, for example, passed its bond issue in 1968 and only yesterday sold the first $30 million of bonds for this purpose.

There can be no doubt in the mind of anyone that the need is great. In western Michigan we are doubly aware of the acute need for an all-out war on water pollution because we are witnesses to the accelerating degradation of Lake Michigan, one of the greatest natural resource assets with which any people could be blessed. The entire shoreline of the lake provides evidence of accelerating eutrophication which I am told is aging the lake at a rate 350 times what could be expected without man's direct contribution to the process. One river alone contributes more than 15,000 pounds per day of phosphate fertilizer to the lake, a key element in the growth of certain types of algae that mass and die and smell and breed flies on our beaches, clog our water supply intakes and are the precursors of total destruction of the lake as a recreational asset.

Many beaches on Lake Michigan are closed to swimming. The water is unsafe for human use because of high bacteria and virus levels. The sediments of many harbors now support only sludge worms and other pollution tolerant forms of life. The life forms which support desirable species of fish in the lake are beginning to disappear.

What we are faced with is an ecological catastrophe. It is a catastrophe being brought about by human irresponsibility and irresolution.

There may have been an excuse many years ago for tolerating human activities causing these problems, but today there can be no excuse. We know what we are bringing on ourselves. We know what can be done to prevent this catastrophe. It is imperative that we take such corrective action.

In Michigan alone there are 54 communities which applied for funds for water pollution control projects for fiscal 1969 totaling $85 million. The Michigan Water Resources Commission has received 192 applications for projects for fiscal 1970 totaling $363 million.

The Johnson administration made available $203 million in 1967 and $214 million for this purpose in fiscal 1968. The Nixon administration has proposed a like amount for fiscal 1970. The Clean Water Restoration Act called for $400 million in fiscal 1968, $700 million in fiscal 1969, and $1 billion in fiscal 1970. We are $683 million behind the carefully considered need and will fall further behind if we do not vote to appropriate $1 billion today for this fiscal year.

If we can by an overwhelming vote indicate our resolve in this effort, and thereby encourage the expenditure of these funds, Michigan would receive $42 million. This is the Federal share called for by those projects in the 54 communities for fiscal 1969. We would be 1 year behind in our programs. Can we possibly tolerate falling even further behind by appropriating less?

The citizens of my district and of the State of Michigan have indicated their overwhelming sentiments. I implore the Congress and the administration to recognize the disaster which faces our great natural resources if we do not today accept our human responsibilities and provide those funds which will get us back on the right side with the people on this great issue.

Mr. MINSHALL. I thank the gentleman.

I should be glad to yield to the gentleman from Ohio, if he wishes me to do so.

Mr. BOW. I expect to ask for time on my own.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to my colleague from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Chairman, I intend to support the gentleman's amendment and speak in support of it.

Mr. MINSHALL. I thank the gentleman.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I rise in support of the amendment of the gentleman from Ohio (Mr. MINSHALL) to increase the appropriation for construction grants for waste treatment works under the Clean Water Act.

I have come to this decision after very careful thought and study of the arguments on both sides of this critical issue. Indeed, Mr. Chairman, I have given careful thought to the entire subject of Federal grants to supplement local and State contributions to water pollution control facilities. On the subject of water pollution, there can be no question about the need for Federal leadership, Federal financial support, and substantial enforcement authority—particularly with respect to interstate waters.

In my 12th District of Illinois, there are a number of bodies of water which have these interstate characteristics—including the Fox River, the Des Plaines River, and more particularly, Lake Michigan.

Let me add that the waters in Lake Michigan are a vital resource which affect more than my congressional district, or even my State of Illinois. Residents along the shores of Wisconsin, Indiana, and Michigan are as equally concerned as are the residents of Illinois about the continuing deterioration of Lake Michigan.

Under the Clean Water Restoration Act, the State of Illinois has applications for Federal grants as of May 31, 1969, totaling $120 million. Only $9,800,000 of these grant applications could be served by holding to the budget figure of $214 million—or 8 percent of the recognized need. Even with an appropriation of $60 million, Illinois would be entitled to receive only $21 million or 26 percent of its requirement. A full funding of the amount authorized by the Public Works Committee would make available $53,376,000, or 44 percent of the amount needed.

Giving particular attention to the requests for funds in my 12th Congressional District, I find that there are 56 applications pending, with a total need of about $30 million to complete these sewage treatment works.

The local and State officials who are urging support for this amendment are not alone. The overwhelming sentiment in my congressional district is wholeheartedly in support of funds for this vital human need. There are actions pending against industries and against municipalities to reduce or eliminate water pollution. The North Shore Sanitary District which covers the entire lakefront of my district has voted funds totaling $75 million—the limit of its bonding authority—in order to provide sewage treatment works. Leaders in conservation have joined with municipal and county officials in behalf of this amendment.

The influential Chicago Tribune, which is not known for its advocacy of wild spending schemes, has taken a strong and convincing editorial stand in favor of an appropriation of $1 billion for pollution-control purposes.

It has been argued that $600 million is all that can be used for these purposes. If that is so, the Federal spending will not be affected by the larger appropriation. On the other hand, if the need does exist—as I believe it does—and the additional funds are used, then the public itself will benefit from cleaner water, from the advantages of healthier marine life, greater recreational opportunities, better quality water for domestic purposes, and the many other benefits which flow from cleaner water.

Mr. Chairman, I urge adoption of the amendment offered by the gentleman from Ohio. Furthermore, I further urge the President and the Secretary of the Interior to support a policy of water pollution control consistent with this action which I believe the House will take today.

Mr. MINSHALL. I thank the gentleman.

Mr. BOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is the first time in my many years in the Congress that I have opposed an amendment offered by one of my friends from Ohio, and he is a dear friend of mine. But I think it would be utterly irresponsible to support the amendment offered by the gentleman from Ohio. I recognize that he lives on Lake Erie. But I am not so sure that the amendment he offered is going to clean up pollution in the lake.

The gentleman from Tennessee has asked the gentleman from Ohio (Mr. MINSHALL) how he voted in committee, and I would say the gentleman from Ohio (Mr. MINSHALL), who offered this amendment did vote against the item which we have, and he is consistent in that. But may I say to my colleague that last year, as I recall, there was $225 million in the Johnson budget, and we appropriated $214 million. Now this committee comes in today with a request for $600 million. We have tripled the 1969 appropriation. But when it was $214 million last year, I did not hear much complaint on the floor of the House. Now we have tripled it to $600 million. We have been told by the Secretary of the Interior that that is all they can spend. It seems to me, Mr. Chairman, if we are going to be responsible we ought to defeat this amendment.

Six hundred million dollars will do the job, and we will move forward from there on. But let us not fool ourselves by grandstanding this matter, implying that for $1 billion we will be able to clean up all the pollution. This is silly.

I have gone to this committee with others and asked for projects in my district—and I am sure other Members have done the same thing. But the mere fact that we are going to increase this to $1 billion does not mean we are going to have $1 billion to spend. This committee has given $600 million. I urge we support the committee on this, because I think they have done a magnificent job. I favor this committee report. Unfortunately, I will say, I think the gentleman from Ohio has been misled. He has gone down the garden path some place.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, I will say to my friend, the gentleman from Ohio (Mr. BOW), that with the appropriation of $600 million, it is estimated there will be $100 million more than can be obligated this fiscal year. The Department advised us only about $500 million can be committed because of the many problems and delays involved in administering the program.

Mr. BOW. That is correct. I am from Ohio, from northern Ohio, and I am close to the Great Lakes. I know of the pollution in Lake Erie, but I will say if my friend, the gentleman from Michigan (Mr. DINGELL) could get the people there to cut out the pollution that comes out of Detroit, our lake would not be so bad. But unfortunately we have this bad situation, and there is bad pollution in Lake Erie and the other lakes, but we are moving from $214 million to $600 million. Now that is supposed to be crippling?

Mr. Chairman, I think the committee has done a good job on this. I hope we will support the committee on this.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in view of the fact that the distinguished chairman of the subcommittee, the gentleman from Ohio (Mr. KIRWAN), was not able to be active in the concluding phase of the hearings this year, I kept in especially close touch with the details of this bill this year.

Members of the House almost without number during the year have expressed their interest in certain projects that involve their districts. I have been in touch with the staff and the members of the subcommittee in regard to the needs of the individual Members. I spent most of a Saturday not long ago going through these various projects in which Members are interested. I told the Members who talked to me that I would seek, insofar as I could, to be reasonably helpful to the Members with the projects in which they are interested.

However, we must remember that all legislation is a matter of compromise, and there were some things we could do logically and there were some things we could not do logically, but we did the best we could under all the circumstances. In dealing with the problems of individual Members which affect them directly in their districts and have political implications, we did the best we could, and there was no partisan flavor to what was done. The pleas of those in the minority party and of those in the majority party were equally well considered.

I think the subcommittee and the full Committee on Appropriations did a good job with this bill. Several Members have expressed their gratitude in regard to this matter. I hope their gratitude will be exhibited, if I may be plain about it, in trying to hold this bill together.

We were troubled about the clean water matter. I do not know one Member who is against clean water. President Johnson had asked for $214 million, and President Nixon had asked for the same sum, $214 million. We thought we could not live with that.

We thought this was too low, so we agreed in the subcommittee on $450 million, but when the full committee met—and I think I divulge no confidences—we tried to estimate the situation, the needs, the temper of the House, and what ought to be done, and after a great deal of discussion and controversy, we almost unanimously—I say almost unanimously—agreed that, if we put $600 million in the bill, that would satisfy most Members. The increase to $600 million was sponsored by the subcommittee.

It seems to me now, as it seemed to me then, that the $600 million is a reasonable compromise of a very difficult problem.

I should like to see the country devote billions to this problem as rapidly as it can reasonably be done, because the pollution problem is very acute. Nobody can be more outspoken in favor of doing something about our environment than I can be, but this seems to be a reasonable action to take at this time.

Some have previously committed themselves to the $1 billion, thinking at the time it was a choice between $1 billion and $214 million. But that is not now the case. The pending bill provides $600 million, not $214 million.

Under all the circumstances, I believe it would be more responsible for us to settle on this compromise figure of $600 million which has been thoroughly weighed in the light of the technicalities involved. Just appropriating $1 billion will not necessarily get the money spent in the way Members may desire, because of guidelines and the legislation itself.

I would hope we could all agree on the $600 million figure. While it is not as much as I would like—I would like more than this—and others would like more, this is all that can reasonably be utilized at this time.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 1 additional minute.)

Mr. MAHON. So, Mr. Chairman, we go from $214 million last year to $600 million this year plus a carryover of about $65 million. I can defend this in my district, and I believe any Member can defend this action in his district.

We talk about economy, yet we are exceeding the budget by nearly $400 million in this item of appropriation. I believe we are justified under the circumstances. But let us stick together on this and feel, as I believe the Members will, that we have done a reasonably good job of handling a very difficult issue.

Thank you.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is one of the most important subjects and one of the most serious problems with which the House has had to wrestle.

I should like to emphasize the fact that for focusing attention on this problem we should give fullest credit to the distinguished gentleman from Michigan, my good friend JOHN DINGELL. He is one of the great conservationists, one of the leaders in the fight for the preservation of America. I believe he, more than anybody else, is responsible for the fact that we are at long last facing up to the problem of pollution control in a realistic way.

Having said this, Mr. Chairman, I am also going to state that I believe the amendment should be defeated. I believe it is unrealistic from a number of standpoints. Certainly there is no assurance or even likelihood the money would be spent if voted. I do not believe it could be considered an exercise of responsibility for the House to appropriate nearly five times as much as the $214 million which was recommended by the President's budget. No plans have been developed for expenditures even remotely approaching a billion dollars in scope.

Please remember the figure in the committee bill is almost three times as much as the budget recommends.

It very probably is more than can actually be spent. It is not a question of what is needed. We know there is serious need for additional pollution control measures. But we should be practical, not political. The fiscal year is far along. It is going to require an almost superhuman planning effort to make preparations to properly expend $600 million if that amount finally is approved.

If the House approves the committee figure of $600 million we will have taken one of the most significant and one of the most meaningful steps in history to combat pollution in a thoroughgoing way and to begin a realistic fight to insure clean water for America.

Mr. LATTA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to increase the amount for construction grants for waste treatment facilities to the $1 billion as authorized. I wish to commend the gentleman from Ohio for offering it and also to compliment the gentleman from Michigan for all of his efforts in this area. I further wish to commend all those Americans who have recognized that we do have a pollution problem in these great United States and want to do something about it.

Mr. Chairman, regardless of the good wisdom shown by the Appropriations Committee in upping this amount from $214 million appropriated last year under the Johnson administration and requested by the new administration to $600 million, I still think that there is an opportunity to show greater wisdom than this great committee has shown by upping it to $1 billion which would be the amount authorized under the Clean Water Restoration Act.

Secondly, when the campaign for cleaner water really took hold, it was incumbent upon the committee to take cognizance of that fact and they did. The subcommittee, as the chairman indicated, went to $450 million. And apparently the full committee realized that they did not show sufficient wisdom in this area and increased it to $600 million.

Therefore, I think this House should now show greater wisdom and fund this program for the full amount authorized.

Let me say that I think this is one of the crying needs of this Nation today. The need for action is now! Not next year or the next year, but now. The pollution is here now. Now is the time for this Congress to act and not next year. If you think we do not have a problem now, all you have to do is to visit one of our Nation's lakes or streams. You will find it polluted and unfit for swimming or fishing to say nothing of the fact that our communities are taking drinking water from them.

Mr. Chairman, when we are asked for $662 million so that a private aircraft company can build an airplane to fly at supersonic speeds across the ocean, is $1 billion too much to ask for clean water? Why just a week ago the military authorization bill passed this House with an increase of more than $1 billion over the amount that the administration had requested.

By comparison, Mr. Chairman, is $1 billion too much to ask to clean up our lakes and streams of this great Nation so that our people will have clean water in which to swim and fish? Is this too much to spend to give this great Nation cleaner water to drink?

Mr. Chairman, I think it is a shame—a shame on America—to do what has been done to these streams and to these lakes in this great country of ours. Should not our children and their children inherit something better from our generation?

We are all for conservation and for doing something about this problem but now is the time to prove it. I think we can afford it. I am convinced we must afford it. Let us consider the matter of priorities for a moment. If we do not want to increase the budget, then cut it someplace else—cut it someplace else. This problem is upon us and it cannot wait.

I say this House can measure up to its responsibility in this area today by adopting the amendment offered by the gentleman from Ohio (Mr. MINSHALL).

Mr. Chairman, I yield back the balance of my time.

Mr. COHELAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say that this may appear to some of you to be somewhat of a role reversal for me. I am sure the Committee knows that I have had occasion to come to the well of this House in both support of, and in opposition to, certain appropriation matters. I have not been reluctant to express my disagreements when in my judgment the occasion warranted.

I have had the honor to serve on this committee for some time, and I can tell you when the full Committee on Appropriations had the kind of debate it did on this particular issue, and when we actually increase the appropriation in the full committee, as many of us on the committee urged, this is a meaningful and important event. And it is on this basis that I come into the well supporting my committee's action and opposing the amendment of the gentleman from Ohio.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. COHELAN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I want to congratulate the gentleman on his position here. I too was one of those who signed the proposal to raise the appropriation to $1 billion. I did it because the alternative seemed to me to be $214 million. Now, when the committee decided to vote out $600 million, this seemed to me to be a sensible and realistic program, and I think we would be irresponsible to go any higher than that.

Mr. COHELAN. I thank the gentleman for his contribution.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. COHELAN. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I thank the gentleman for yielding.

I believe we should make it clear that it was not a matter of the full committee overruling or overriding the subcommittee handling the bill. It was the gentleman from Tennessee (Mr. EVINS), himself, the chairman of the subcommittee, who made the motion, after extensive debate, that we fix the figure at $600 million rather than at the $450 million figure which had been tentatively agreed upon before.

Mr. COHELAN. The chairman is quite correct.

Mr. MAHON. I thank the gentleman.

Mr. COHELAN. And it was on the basis of the details which I will recite here that permits me and others on our committee to come before you today and urge you to stay with the committee on this particular measure.

Our colleagues from Ohio (Mr. LATTA and Mr. MINSHALL) both have made this a black-or-white issue. I want to say this: Those of you who know me know that I yield to nobody, including the gentleman from Michigan (Mr. DINGELL), in my devotion to his cause, and I have nothing but the utmost admiration for his long term goals.

I suggest that we are going to accomplish those goals.

In my own area, you know we have problems and I would be the last person to stand in this well and say that we should not be in there batting for everything that you can get. I honestly believe the committee has done an adequate job for this fiscal year allowing for the formula under which funds are allocated.

I argued with many of my colleagues in support of the amendment to increase the appropriation to $600 million and it was only after this discussion that I agreed to support the amendment on the floor. This figure, as has been pointed out, has been combined with a $65 million carryover. This represents an increase of $386 million over the budget estimates that we have all heard about.

Mr. Chairman, I therefore rise in opposition to the amendment. It is not easy to oppose this amendment because the cause of pure water is one that I wholeheartedly support. In my own district, the San Francisco Bay provided eloquent testimony to the effects of not planning for fresh water. The indiscriminate use of the San Francisco Bay as a repository for industrial waste, the dimunition of fresh water outflow, and random and unplanned land fill projects have contributed to the pollution of the bay.

In the full Appropriations Committee, I argued along with several of my colleagues in support of an amendment to increase the appropriation to $600 million. This figure is combined with a $65 million carryover. This represents an increase of $386 million over the budget estimate of $214 million and the same increase over last year's appropriation. Yet, now we have before us an amendment that seeks to increase the appropriation still further. This proposed increase does not take into account the fact that the current allocation formula would not be able to handle even the $600 million passed by the committee. The current formula, which appears in the Water Pollution Control Act, allocates the first $100 million on a relative per capita income and population base.

The balance of the annual appropriation must be allocated on a population basis only, regardless of the current need as evidenced by a backlog of pending projects. What this means, in effect, is that even if a total of $1 billion were appropriated many States could not get rid of their backlog of pending projects because many of their projects would not qualify under the current formula.

There is legislation pending that would enable the Secretary of the Interior to enter into agreements, within the limits of the annual appropriation, with State and local government units to pay a grant or installment over a period of years not to exceed 30 years. It is necessary that such an agreement pass in the enabling legislation before these needed funds are tied up in an appropriation item that cannot be adequately utilized.

In addition, as I understand it, the current legislative formula requires that a large part of any increased appropriation would require that funds be used by States reporting no additional need. With the $600 million Appropriations Committee figure, 25 States would receive $142.4 in excess of their application for projects. Under the $600 million figure, my own State of California will receive approximately $49 million which is more than three times the original budget request. Since, however, the allocation formula is based on population not demonstated need, six States—New York, California, Illinois, Maryland, Michigan, and Wisconsin—which represent 75 percent of the current backlog would only receive 29 percent of the Federal funds available at various funding levels. Hence there is a definite need to restructure the allocation formula.

In conclusion, Mr. Chairman, under the additional $386 million passed by the Appropriations Committee, there are more than adequate funds to meet the needs of the various States under the current formula. I would concede, however, that the figure is inadequate to mount a meaningful attack on the problems of water pollution if projects were ideally planned. I, therefore, urge my colleagues who wish to have an additional $1 billion for pure water, to change the allocation formula and when this is done then funds can be expended according to demonstrated needs. Under such circumstances I could support an even higher appropriation. Until that time I am convinced that the $600 million figure is the highest that can be effectively used under the current allocation formula and I intend to support the committee bill.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. COHELAN. I yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, in listening to this debate, it becomes abundantly clear that the Congress is responding very well today to the call for clean water and a positive program of improving the water quality.

Whether the $600 million or the $1 billion figure carries in the legislation being considered is not as important as the fact that Congress is committing itself to accelerating the pollution abatement and sewage treatment program very substantially.

During the past few years our authorizing Committee on Public Works has offered our recommendations, legislatively, to attack the pollution problem head on.

Following extensive hearings and subsequently, we have found that additional legislative action will be required in order to change and develop a more equitable formula so as to permit States like our own California to accelerate its effort as requested by our Governor Reagan.

I will be urging the Nixon administration and Secretary Hickel to work with our Public Works Committee to develop a bold and realistic program for the future with major emphasis on equitable formula, broader funding, and tax incentives for industry, coupled with strict enforcement.

We can and must clean up the waters of America. I believe we are taking a major step forward today toward that goal.

Mr. ROBISON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, just like the speaker who preceded me, I yield to no one in my support of clean water.

I do not know why anyone even has to say that here. But evidently the measure of one's support for clean water has become whether or not you are for "full funding" of this program.

I want full funding or this program, for my State and for my Nation, but, Mr. Chairman, my vote for this amendment would not produce full funding either for New York or 17 other States whose needs under this program far exceed the amounts that they would become entitled to even under the full $1 billion authorization.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman.

Mr. EVINS of Tennessee. Mr. Chairman, the gentleman now standing in the well addressing us is a very distinguished and able member of the committee as well as a member of the subcommittee. The gentleman comes from the State of New York which is the one State that would not be fully funded even if the full $1 billion were appropriated under the formula as written by the Congress which is based upon population rather than need. The gentleman is emphasizing the need for revising the formula and the legislative committee should address itself to this problem.

Mr. ROBISON. The gentleman is exactly correct. But it would not be New York, alone, that would not be fully funded under the $1 billion, if that is what we want to appropriate, but 17 other States, as well, based upon their reported needs.

New York's total reported need, toward the meeting of which applications totaling $202.2 million are now pending at Albany or at the FWPCA's regional office, is in excess of $1.2 billion.

Toward the meeting of that need, under this amendment, New York would receive but $89.2 million.

Mr. Chairman, that is hardly "full funding" under anybody's estimate.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman from Arizona.

Mr. RHODES. I have done a little quick arithmetic and have come to the conclusion that it would take an appropriation of $15 billion, under the present formula, to catch New York up to its backlog. Does the gentleman agree with that?

Mr. ROBISON. I would agree—though I have not checked your figures.

Now, admittedly, that $89.2 million is $36.9 million more than New York could hope to receive under the committee figure of $600 million. We could certainly use that additional amount, if the administration were in a position to release it, which I doubt. But, Mr. Chairman, the real barrier to full funding—the real villain—here is not so much the level of Federal appropriations but the allocation formula under which the program is forced to operate.

I believe the committee's recommendation of $600 million for the program's purposes is a realistic compromise in view of that fact. It is probably the maximum amount the administration can hope to use in what remains of this fiscal year, and is a figure that ought to be supported.

I also believe that the only way for "short-fall" States like New York ever to obtain full funding is to band together to encourage the Committees on Public Works in this and the other body to review and revise the present allocation formula, which is clearly not working; and to give attention, too, to the Cramer proposal that passed the House last year in practically the same form, under which construction grants would be made to local municipalities in annual installments over a 30-year period, which would certainly permit us to do a great deal more than we have in these years of budgetary restraint.

Finally, one of the greatest inhibitors of progress under this program has been the failure of local government to come up with its share of construction moneys for these kinds of projects, which, in turn, reflects the failure of all but 14 of the States to contribute anything towards the cost of this one facet of the national effort to abate sources of water pollution. And one approach which we could use towards our common goal of clean water would be to support and promote the revenue-sharing proposals the administration has made, and that might give the States a further incentive than they now have to make this a full Federal-State and local partnership attack on sources of pollution.

Mr. Chairman, I urge the defeat of the amendment.

Mr. BLATNIK. Mr. Chairman, I rise in support of the amendment.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from New York.

Mr. FARBSTEIN. I thank the gentleman for yielding.

Mr. Chairman, I vigorously support the amendment offered by my colleague from Ohio to increase the appropriation for waste treatment grants under the Clean Water Act to allow the full authorized amount of $1 billion to be allocated for fiscal 1970.

There is no river in this country more in need of the assistance of the Federal Water Pollution Control Administration than the majestic Hudson River which flows by my district. Once described by Baedecker as "more beautiful than the Rhine," this priceless natural heritage now contains long stretches which can support no marine life except eels which have been known to attack humans. The sludge which has settled on its bottom in other areas makes any form of biological life next to impossible except disease-causing bacteria.

We are, all of us, responsible for the pollution and despoliation of the Hudson and for hundreds of other Hudson rivers throughout this country. We allow raw sewage by the ton to be dumped into its waters. We countenance industrial waste being poured into it and pollution from the vessels which ply its waterways.

We in New York City are already reaping the whirlwind of our neglect in the almost yearly droughts which afflict us because we cannot clean up the water in sufficient quantities in times of crisis.

The technology which serves 15 million metropolitan New Yorkers is responsible for the state of the river. This same technology must serve to reverse the condition of the river. Sewage treatment plants on the island of Manhattan are needed to stop the discharge of raw sewage into the river and the harbor below, and in order to process industrial wastes. We must also upgrade the operation of existing plants to obtain increased purification of the wastes which they treat.

Even were we to stop tomorrow morning the pouring of all wastes and sewage into the river, it would take several lifetimes to bring it back to anything approximating its original state. Apparently, we're not willing to do that. At best we propose facilities to clean up the junk which we still intend to dump. Such facilities cost money, though—and that is what this amendment is about.

Pollution is no longer the problem solely of the community which it surrounds. It is an interlocking problem which stretches from town to town, from city to city, from State to State. Local initiative is, of course, necessary for combating this problem. But it is becoming so serious—rather, it is already so serious—that the aid of the Federal Government is required.

This Congress originally proposed an authorization of $1 billion to assist in the clean-up of all America's waterways. If you will pardon the expression, even this amount is a mere "drop in the bucket." At best, it can barely begin the process in only a few rivers. It could not even clean up all of New York State's rivers—but it is a step in the right direction, and none too soon.

To cut back from the authorized moneys in our appropriation is, to me, merely committing delayed suicide, because it spells an earlier death for even more of our rivers and, eventually, for us all as we continue to destroy this vital segment of our environment.

I cannot urge my colleagues too strongly to join in support of Congressman MINSHALL's amendment for restoring the $1 billion for clean water.

Mr. BLATNIK. Mr. Chairman, I shall try to make my remarks brief. I have permission to revise and extend my remarks.

There is no need for me to recapitulate the history of this legislative program which this body, to its everlasting credit, initiated in 1955 and 1956.

Mr. Chairman, one of the most critical domestic problems facing this country today with its marvelous natural resources is the problem of adequate supplies of water that are capable of use for all our domestic needs. It is a gigantic problem, even though we have been on it since 1956, because we have neglected and even refused to meet head on the problem of preventing the pollution of our waterways. Now we must further accelerate our efforts and shift into high gear. We no longer can afford the luxury of allowing our waters to flow untreated into our rivers, lakes, and coastal waters. We must begin now with determination and daring to take great strides not in words, but in deeds. We no longer can afford dirty rivers, dead lakes, and filthy cesspools moving past our cities.

If we in the Congress really meant what we declared to be national policy in 1966, then we must proceed today—now—to live up to our commitment and appropriate the entire authorized amount of $1 billion for fiscal year 1970.

When we first passed the Water Pollution Act of 1956, sponsored by our Committee on Public Works, we went along on a very limited basis for 10 years, in a modest way and in a responsible manner, exploring and feeling out the possibilities and the needs. This chart will show, starting in 1958, what the situation has been. The red bar shows the applications and the gray bar shows the appropriations. We went along well and worked beautifully together, but we found we were falling further and further behind.

In 1965 the Congress and the Nation took a great step forward when we enacted the Water Quality Act of 1965, which authorized the establishment of water quality standards on all the country's interstate rivers, lakes, and coastal waters. This passed without one dissenting vote. This act represented the first effort in the history of our Nation to attack the problem of water pollution on an entire river basis. It recognized the State's primary role in this field by requiring the States to establish adequate water quality criteria applicable to interstate waters.

In 1966, again without a dissenting vote and in what has been referred to by many as "one of the 89th Congress' most sweeping accomplishments," we enacted the Clean Water Restoration Act wherein we recognized that in order to make progress in the battle against water pollution the partnership arrangement between the Federal, State, and local governments was needed. We recognized that only with all levels of governmental participation could this program be a success. In order to effectuate this partnership, the Congress greatly accelerated the schedule of annual appropriations and authorized as the Federal share of the agreement $3.4 billion for construction grants for sewage treatment plants for fiscal years 1968 through 1971. The amounts authorized for each year were $450 million for 1968, $700 million for 1969, $1 billion for 1970, and $1.25 billion for 1971.

So much for history—now what does the record show for accomplishments? It shows that since we decided to really move forward, we on the Federal side have reneged on our commitments to our partners.

Look at this blackboard chart. In 1965, in 1966, and in 1967, we were appropriating as much, or a little less, or about what we authorized. Suddenly, 2 years ago, when we authorized the $450 million for 1968 we appropriated only $203 million or 45 percent of the authorized amount. Last year we authorized $700 million, but we appropriated $214 million or 30 percent of what we had authorized. Now, with the authorization of $1 billion—the administration's request is $214 million—we are offering only 20 percent of the actual need.

The Appropriations Committee, to their credit, raised this wholly insufficient amount of $214 million to $600 million—a vast improvement—I commend the committee and in particular Chairman MAHON and the gentleman from Tennessee, Congressman EVINS. We are still not keeping faith with our partners. Even if the $600 million were approved, we still would have appropriated less than half of what we promised for fiscal years 1968 through 1970.

In short, even if we approve the $600 million appropriation, we are going to be $1,126 million behind what we have promised. We did not just authorize. We made a commitment to the people. On the basis of that commitment, the States and municipalities moved ahead and voted bond issues. So today we have a backlog of $2.3 billion worth of projects ready to go—certainly of that, $1 billion are ready to go offhand.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent, Mr. BLATNIK was allowed to proceed for 2 additional minutes.)

Mr. BLATNIK. So here is what our needs are today. After 14 years of experience, after the problem has been examined and talked about all over the country, here is what Congress in this body, without one dissenting vote, authorized 3 years ago in the 1966 act. That is what we are asking for today. This is what we started out with a few months ago and what the administration wanted to get by with.

Mr. Chairman, this is not a partisan matter. Our own administration did the same thing last year, giving us about 40 percent of what we needed. That is all backlog. This is not even facing into the future what we will have to do to insure clean water 50 years from today.

So much for the history.

Mr. Chairman, we have made a solemn commitment. We made a promise. We are obligated to live up to our word. The States cranked up their machinery and the municipalities went ahead on the basis of our promise and they accelerated their programs.

Look at the way the application requests came in. The long bar is the application requests coming in. That is $2.3 billion. Where is our appropriation? Way down here, dragging.

I say we have absolutely no excuse whatsoever for defaulting on the solemn pledge, on the commitment we made to our own taxpayers and our immediate posterity and to our children.

I realize that it is difficult in these times of tight budgets, inflationary pressures, and critical international problems to vote for additional appropriations, particularly in view of the statements that have been made and, I suppose, will be made that the administrative capability at the State and Federal level to process applications is limited, that the local ability and readiness to fund their share of the costs is suspect, and that the capacity of design engineers and equipment industries to handle the expanded workload is insufficient to handle a $1 billion appropriation.

In my judgment, based on a review of all the pertinent available information, if we appropriate $1 billion as the Federal share, the money can be utilized. Obviously there will be administrative problems. Why should not there be? We have never permitted the program to gear up to what we promised. Through lack of sufficient appropriations we have hampered the Federal Water Pollution Control Administration's ability to mature and grow to where it should be. I say let us finally get the ball rolling. There is no better time to start than now.

Mr. Chairman, the people of this country are tired of promises. They recognize that in the battle against water pollution there has been a credibility gap of the first order. I urge my colleagues in this great body to join with me in voting for appropriating the entire authorized $1 billion so that we can get moving forward with our battle against water pollution.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(On request of Mr. EVINS of Tennessee, and by unanimous consent, Mr. BLATNIK was allowed to proceed for 1 additional minute.)

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. The formula which the distinguished gentleman and his committee wrote is such that 17 States are fully funded under the amount, eight additional States are fully funded with a surplus of $142,373,000. The gentleman has not discussed the fact that after these funds are allocated they lay over for 18 months, and if not utilized can be reallocated to other States with need.

The gentleman and the committee wrote the formula under which many States receive more funds than they need, and after 18 months these funds can be reallocated to other States as they need them and request them.

Our table shows $142,372,000 in excess funds for 25 States.

Mr. BLATNIK. I merely want to respond to the gentleman by saying I truly appreciate the problems which the subcommittee and the full committee have. I want it shown on the record and made public that no one is more aware of the tremendous effort our Appropriations Committee made, with help on both sides of the aisle, to raise the amount from $214 million to $600 million.

Without any reflection on those efforts, I do admit that the formula has to be corrected. I say it can be corrected in the near future.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

(On request of Mr. PUCINSKI, and by unanimous consent, Mr. BLATNIK was allowed to proceed for 2 additional minutes.)

Mr. PUCINSKI. Mr. Chairman, will the distinguished gentleman yield for a question?

Mr. BLATNIK. I yield to the gentleman from Illinois.

Mr. PUCINSKI. As I understand the chart which is before the House right now, even if we accept and approve the Dingell amendment, which I hope we will, we are still going to be $726 million short of the commitment that we made to the local communities of this country to make some meaningful progress toward cleaning up water supplies and sewers, is that correct?

Mr. BLATNIK. The gentleman is correct.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I am pleased to yield to the gentleman from Arizona.

Mr. RHODES. Would my friend from Minnesota agree with me that coupled with the commitment, so far as the money is concerned, is also the formula under which the money would be distributed. Some of the States which have gone way over their entitlements, since they must have been able to do arithmetic, must have known what their entitlements would be to a penny. Even if every dime authorized had been appropriated, they still would not have received enough Federal funds to take care of their backlogs.

Mr. BLATNIK. I agree. The distinguished chairman of the subcommittee explained earlier that there is a deficiency and an inadequacy and too much rigidity in the formula. It should be studied for possible revisions. We are prepared to accept improving amendments to it.

Mr. RHODES. Could that be done this session?

Mr. BLATNIK. Yes. If not, we hope we can do it early next year.

I say, as seriously as I can, I cannot think of any valid excuse for not living up to our commitment, and for shortchanging our people on their needs for water by three-fourths of a billion dollars. We are that far behind, not at all caught up with the commitment.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Connecticut.

Mr. GIAIMO. Am I correct in understanding that approximately $1 billion worth of the applications pending are to be found in one State, New York State?

Mr. BLATNIK. Yes.

Mr. GIAIMO. As I understand it, $1.3 billion.

Mr. BLATNIK. I believe that is about correct.

Mr. GIAIMO. Under the formula which presently exists, New York would not be eligible for all of this money even if we were to appropriate $1 billion now?

Mr. BLATNIK. That is true.

Mr. GIAIMO. So that in effect when you point to the fact——

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

(By unanimous consent (at the request of Mr. GIAIMO), Mr. BLATNIK was allowed to proceed for 1 additional minute.)

Mr. GIAIMO. You speak of the gap between the several billions in authorization and the lag in appropriations. Even if we were to give the entire $1 billion in appropriations, even if we were to go over that amount, under the existing formula would we be able to meet these needs in a State like New York which has $1 billion in applications pending. It is because of the formula that we cannot meet these needs.

Mr. BLATNIK. I understand the question and I understand the gentleman's argument, but out of all due respect, I wish to reiterate once more the fact and that is I do not care what route you use, as long as we keep on shortchanging and shortcircuiting our commitment and as long as we keep on welching on our commitment, we will have a backlog that continues to grow bigger and bigger and bigger. In other words, we will never have the capability to undertake what we have authorized. We have got to start sometime. We should have started last year as we promised and we should certainly start this afternoon.

Mr. FALLON. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the Chairman of the Committee on Public Works, the gentleman from Maryland (Mr. FALLON).

Mr. FALLON. Mr. Chairman, a brief summary of water pollution legislation to date may be helpful in understanding the issue we have before us today.

Prior to 1955, water pollution control was limited. Until the enactment of the Federal Water Pollution Control Act of 1948, the only role the Federal Government had in water pollution control was contained in three acts: the River and Harbor Act of 1899, the Public Health Service Act of 1912, and the Oil Pollution Act of 1924.

The Water Pollution Control Act of 1948 was experimental and limited to a trial period of 5 years but was subsequently extended to June 30, 1956. On July 9, 1956, there was enacted into law the first comprehensive Federal Water Pollution Control Act. Among its provisions were: first, grants to assist States and interstate agencies for water pollution control activities; second, Federal grants of $50 million a year—up to an aggregate of $500 million—for the construction of municipal sewage treatment works; and third, a permanent procedure governing Federal abatement action against interstate pollution.

On July 20, 1961, the Federal Water Pollution Control Amendments were enacted into law. The amendments, among other things, first, strengthened abatement enforcement of interstate and navigable waters, and second, increased Federal assistance to municipalities for construction of waste treatment works by increasing the grant authorization to $80 million in 1962, $90 million in 1963, and $100 million for each of the fiscal years 1964–67.

The Water Quality Act of 1965, in addition to creating the Federal Water Pollution Control Administration, increased the grants to $150 million for the fiscal years 1966 and 1967. It doubled the dollar limitation on grants for construction of waste treatment works from $600,000 to $1,200,000 for individual project, and from $2.4 to $4.8 million for a joint project in which two or more communities participate. The removal of the dollar limitation up to a full 30 percent of the project cost was authorized if the State matched the full Federal contribution. It further provided that an increase in the basic grant of an additional 10 percent of the amount of the grant if the project conformed to a comprehensive plan for a metropolitan area.

In 1966 the Congress recognized that while it had commenced an aggressive role for the Federal Government in planning and enforcement by these prior acts, insufficient financial assistance had been offered to the States and the local governments to actively fight water pollution. This had been evidenced by the fact that while sewage treatment plants were being constructed as originally contemplated, they were insufficient to keep up with the problem. Thus, it became clear to the Congress that more tools were needed to fight this battle, and mainly the tools needed consisted of more Federal funds.

Therefore, in 1966, the Congress at the recommendation of the Committee on Public Works enacted the Clean Water Restoration Act. This legislation, which is based on the concept of a Federal-State-local government partnership, authorized $3.4 billion for construction grants for sewage treatment plants for the fiscal years 1968–1971. The amounts for each year are $450 million for 1968, $700 million for 1969, $1 billion for 1970, and $1.25 billion for 1971. We did away with the dollar limitation on grants and in all cases the basic amount authorized for a Federal share for a single project or a combined one is 30 percent of the total cost. However, where the State agrees to match 30 percent of the total cost of a project, the Federal share is increased to 40 percent. In addition, if water quality standards have been established, the Federal share is increased to 50 percent. Hopefully, this was a major breakthrough in the fight against water pollution.

We all believed, and so advised our constituents, that the authorization for Federal assistance for construction of sewage treatment facilities would result in aiding our towns and cities in meeting the water quality standards which we had required to be established under the Water Quality Act of 1965.

However, we were mistaken. We learned again that authorizing a program does not insure that the program will be funded. Instead of $450 million in 1968, appropriations were limited to $203 million. In 1969, instead of $700 million, appropriations were $214 million. And now in 1970, despite the fact that the Congress authorized $1 billion as recently as 1966, the administration in its budget request asked for $214 million. The Appropriations Committee has recommended that the appropriation be raised to $600 million.

In my judgment, anything less than $1 billion constitutes a default on our obligations. We have promised assistance; instead, the obligation for carrying out the water pollution control program has been shifted back to the cities and towns.

Mr. Chairman, I earnestly urge that this great body appropriate funds for sewage treatment facility construction in the amount of $1 billion.

Mr. KLUCZYNSKI. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Illinois (Mr. Kluczynski).

Mr. KLUCZYNSKI. Mr. Chairman, since the beginning of recorded time, man has built his civilizations, his cities, and his homes along great rivers, streams, lakes, and oceans. Since the beginning of recorded time, man has discovered that one of the paramount needs for his continued existence on this earth of ours is water. Water to provide the means of transportation, of developing his industries, of providing his food, and most important of all, water for his very health and existence. We are told that the water table of this earth has remained constant during all this period. There is only so much water for our needs. It is an asset infinitely more precious than the diamonds, rubies, and emeralds that many treasure. Like the air we breathe and the food we need as fuel for our bodies, it is a necessity without which we as individuals cannot continue. Yet with this background and this knowledge, man has recklessly and thoughtlessly squandered this priceless heritage.

Today we are faced with the fact that the once abundant supply of water—the water that would never end—is not an unending stream. It has become contaminated and polluted. Ironically, the development of our great civilization and our great technology has also brought about this contamination. As we have advanced in our civilization, we have at the same time been systematically destroying water.

A few short years ago Congress recognized this problem. A few short years ago Congress enacted legislation known as the Clean Water Restoration Act to protect and preserve our waters and their uses for all of us. We have enacted meaningful legislation to protect our streams and to enforce standards set up for this purpose. We have authorized a monetary program to get underway, in a meaningful fashion, a program for cleaning up and preserving our Nation's waters. With all of this the Congress as of the very moment I speak has made no real effort to fund this program properly. We are told that the need for funding runs into the billions of dollars, and we have appropriated only a tiny portion of this sum.. This is an intolerable situation, one which cannot be allowed to continue.

Today this body has the opportunity of funding for the first time a meaningful sum of money to get our treatment plant program underway. For the first time, we have the opportunity to honor fully the commitment we made to the American people for a clean water program. For the first time, we have the opportunity to enter into a full-scale partnership with the States and communities to whom we gave this commitment when we passed the legislation covering this program. One billion dollars is a large sum of money, and yet by approving it this year, we will only be scratching the surface. However, in approving the $1 billion appropriation, we will finally go on record that we do fully recognize the need for this program and recognize the fact that we are determined to see that it is properly carried out.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Missouri (Mr. Hungate).

Mr. HUNGATE. Mr. Chairman, I urge adoption of this amendment, an item first proposed by my colleague, the gentleman from Michigan (Mr. Dingell).

I would like to read an outline of the problems facing St. Joseph, Mo., in its efforts to control water pollution. And, these problems are often repeated in many cities along the Missouri and Mississippi Rivers in my district in Missouri.

[From Nation's Cities, September, 1969]

ST. JOSEPH, MO., FACES ITS FINANCIAL BIND

As an example of one city's efforts to meet its water pollution control responsibilities, here are excerpts from the testimony of Mayor Douglas A. Merrifield of St. Joseph, Mo. (pop. 80,000), before the Public Works Subcommittee of the Senate Appropriations Committee June 9. He was speaking on behalf of the National League of Cities and U.S. Conference of Mayors in support of full funding for fiscal 1970 of the $1 billion authorized for waste treatment project assistance.

In the past few years, St. Joseph has placed in operation or put under construction nearly $7 million worth of water and sewer improvements. I am proud of this record, and believe it exemplary of the efforts of municipalities around the nation. The city is currently pushing ahead on another $2,512,000 of construction. For this program we have been advised that a grant of $1,290,000 is approved as a reimbursable grant if waste treatment funds are appropriated. In good faith, the city is underwriting this new construction and advising our citizens that the federal government, in due time, will reimburse us for a portion of the improvement costs. St. Joseph has planned another ambitious project, costing about $3 million, to complete its primary treatment program. However, it will be very difficult for us to finance this project unless increased federal aid to provide the 50 per cent matching share is assured . . .

> Municipal bond interest rates are now at an all time high. In 1961 St. Joseph issued local sewer bonds at a 2.98 per cent interest rate. Today municipal water and sewer bonds are marketed at rates of 5 to 6 per cent and more. This means that debt service charges for long term financing projects such as waste treatment facilities will often exceed principal payments over the life of the bond. Despite record high interest rates, municipal bonds are becoming more difficult to sell. Large commercial banks, the traditional purchasers of municipal bonds, cut their net holdings of municipal bonds by nearly $1 billion in the first quarter of 1969 although a record number of municipal bond issues were presented for sale. . . .
>
> For clean water programs of the future, even greater levels of financing will be needed. But demands for more local action are simply not realistic unless federal support is increased. In St. Joseph we are told that programs of secondary sewage treatment must be operational by 1972. I do not believe we can construct the $4 million facility required before 1974, and even that will be impossible unless federal aid is available for the full 50 per cent share.
>
> In the distant future, the Interior Department is calling for separation of storm and sanitary sewers. Such a program could cost St. Joseph another $13 to $15 million and is estimated to cost between $15 billion and $30 billion nationally. My citizens will never vote for bonds for this unless there is assurance of massive federal and state grants to back the local effort.

I urge full funding of $1 billion of this Clean Water Restoration Act in this bill.

Mr. BYRNE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Pennsylvania, Mr. BYRNE.

Mr. BYRNE of Pennsylvania. Mr. Chairman—

> Water, water everywhere and not a drop to drink. Water, water everywhere and all the boards did shrink.

All of us recall these famous lines from Samuel Taylor Coleridge's "Rhyme of the Ancient Mariner." They were written many years ago, but I think they are just as applicable in 1969. In many parts of our Nation there is indeed water, water everywhere but not a drop for drinking, for bathing, or for recreational purposes. The water is polluted. It is contamined. It smells. It is a menace to health. This was once pure, pristine water. What has happened to it?

All of us in this body know what has happened to it. It has been polluted in many ways by many people, by all of us. As we advanced in civilization and built this great country we at the same time found untold methods of using water and destroying it, making it unfit for human consumption or any consumption whatever.

This is the problem before us today. It is a real one. It is one we have recognized through the legislative process but it is not one we have recognized through the appropriation process. The American public is aware of this and you and I in this body today are aware of this fact. It is one thing to authorize a program, but it is another thing to supply the money to move it forward. We have failed to do this in this water pollution program. We can no longer put ourselves in that position.

The reports of experts in this field, the reports of those who fully understand the problem, indicate that there is need for billions of dollars to clean up our Nation's waters properly. They tell us with each passing year we fail to act to provide money to the States and local communities as we promised we would in the Federal-State program to build the treatment plants they need for these purposes, that with each day that goes by, the price will be higher and the problem more difficult. The answer is obvious. It is true we face a period of inflation. It is true we face a problem of budget control. We also face a question of basic priorities and certainly one of the basic priorities is water. Clean water we need for our very existence.

The record is clear. The history of the program is well known. There is no need to delay. We cannot delay. I urge this House to support an amendment to increase the appropriation for sewage treatment plants for the fiscal year to $1 billion.

Mr. GIAIMO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what the gentleman from Minnesota said is correct. In the past, the Appropriations Committee has not been as generous in this regard as I would have liked it to be. I certainly want to see every available dollar spent in order to get underway the job of cleaning up pollution.

We have made a great start this year. The fact is that our committee did increase the budget figure from $214 to $600 million. We brought the appropriation nearer to the authorization figure in this area.

In addition to the $600 million, there are $65 million in carryover funds. This means that we have $665 million available of the $1 billion authorization. This is before we go over to the other body and before we go to conference. In my opinion, this figure will be a minimum of $600 million, plus $65 million in carryover funds.

Mr. Chairman, the gentleman from Minnesota (Mr. BLATNIK) has expressed his thoughts about getting started in this area. But the fact is that changes must be made in the formula so we can get all available moneys to the States which are ready to begin. Witness the case of New York and 17 other States that are being shortchanged because of the formula. New York has on hand requests for $1.2 billion of this total of over $2 billion. Yet, even if we were to vote the $1 billion appropriation today, the State of New York could not obtain this money because of the formula.

Further, I have been a supporter of the proposal offered by the gentleman from Michigan (Mr. DINGELL) to go to the $1 billion figure. However, it makes no sense to do it today for several reasons. I very much doubt that under the existing formula we could dispose of the whole $1 billion immediately. I very much doubt that the Bureau of the Budget, which only asked for $214 million, is going to expend $1 billion even if we appropriate it, let alone $600 million. The fact of the matter is that this committee has acted responsibly. It is in the ball park. It is saying, in effect, that we are serious about clean water; we will make a great start, even though your authorization is $1 billion. But in view of what is going on in the States as a result of the formula and in view of the applications pending, how can we come into this House responsibly and ask for more than $600 million, plus $65 million in carryover funds?

Mr. Chairman, in my opinion this committee has done a great job and is entitled to our support for a job well done.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I wonder if what the gentleman says is correct, and the committee is trying to act responsibly, how would the gentleman explain that in 1968 the committee reduced the authorization by $247 million, in 1969 by $486 million, and now in 1970 by $400 million, all told more than $1 billion in 36 months after the authorizing committee studied and made their recommendations?

Mr. GIAIMO. The committee may be guilty of past sins, but the fact is that today in the 1970 fiscal year budget the committee is putting its shoulders to the wheel. It is shouldering its responsibilities and is making a valiant effort to catch up in this area. I suggest that if we change the formula so that we can get more equitable treatment for large States, States like New York, we can do an even better job.

Mr. MADDEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to commend members of the committee who are insisting that the Federal Government carry through its original program which provides $1 billion to continue the fight to clean up the polluted waters in the lakes and streams of America. This much-needed program has been too long delayed. Medical reports state that it is impossible to estimate how many millions of our citizens are submitted to unnecessary illnesses and health hazards in 1 year's time by reason of drinking contaminated water which has been unnecessarily polluted by industries, sewage systems, and other sources which dump refuge in America's fresh water supply. Towns and cities along rivers throughout our Nation and adjacent to the lakes must take immediate steps to preserve the health of millions of American families.

Daily I receive many letters from my district and elsewhere protesting the administration's recommendations that the promised appropriation of $1 billion toward cleaning up water pollution should be cut to $214 million. This proposed weakening of the battle to preserve the health of millions of Americans against the drinking of contaminated and occasionally poisonous water in the urban areas of the Nation is beyond belief. The message which I am receiving from citizens, not only from my own district, but other parts of Indiana and the Midwest, is that they feel that this cut will be a major setback to cities and States and all citizens in their fight against water pollution.

A great number of Members of the House, including myself, have been working for legislation to restore the $1 billion in the 1970 budget which was set up to support the Clean Water Restoration Act.

The Congress must take the initiative to provide the necessary matching funds to aid the States and cities to purify the Nation's water supply in our rivers and lakes. Our Government must give full support to compel the mammoth industries and cities and towns to install the proper machinery to terminate water pollution in our congested urban areas.

It is no excuse for the Government or the Congress to protest lack of sufficient funds to combat this water and air pollution scourge on the present and future health of millions of American families. The tax reform legislation if enacted this year will provide additional billions to amply supply funds to combat water and air pollution.

The tax reform bill, it appears now, is receiving the old legislative trick of postponement and stalling with the hope that public interest for tax reform will subside. The bill passed by the House is now apparently dormant in the other body, judging from the Associated Press dispatches in the papers recently. The postponing of this tax reform bill until next session of Congress will mean that the Federal Treasury will not only suffer a loss of many billions of Federal tax dollars from large tax loopholers, but it will afford a better opportunity for the continuation of the unnecessary 10 percent surtax for another year, running it into 1971.

Further, any Member of Congress who opposes this $1 billion fund to curb water pollution and protect the health of millions cannot in good conscience give as his reasons that this necessary appropriation for pure water is beyond the possibility of the Federal Government to spend. During the recent tax reform legislation debate I and other Members submitted uncontested figures wherein if just the fabulous, and in some cases fraudulent, tax loopholes of big oil were repealed upwards of $4–$5 billion would come into the Federal Treasury.

As an example from 1962 through 1966 the Atlantic-Richfield Oil Co. had profits of $411,621,000. But after deducting its 27½ percent oil depletion allowance, "intangible drilling costs" and other items it came up with a whole string of goose eggs. Its total income tax obligation for those 5 years was zero.

In 1962 the Marathon Oil Co. had a net profit of $36 million. After deducting its depletion allowance and other items, Marathon not only paid no income tax but received a tax credit of $2.2 million.

Let us consider the tax "bonanza" enjoyed by the 27½ percent exemptions under the oil depletion allowance. In this case you determine your income from a producing well and deduct 27½ percent of that amount before beginning to calculate your income tax. You do the same next year, and the year after that and every year as long as that well produces. You do not stop when you have retrieved your investment; in fact, the average well is "depleted" 12 times over. If your drilling cost was $50,000, your total income tax deductions on its production might be $600,000. This bill reduces the depletion loophole 7½ percent and most Members feel that it should be repealed entirely.

I am not going to take the time to narrate the additional billions that could be brought in by closing loopholes on foundations, real estate, capital gains, and inheritance exemptions, and so forth, which would further ridicule the contention that our Federal Government cannot afford to spend $1 billion next year toward eliminating water pollution.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman.

Mr. PUCINSKI. Would the gentleman agree, if you look at the chart, that one could argue effectively they are not appropriating anything for 1970 because actually the $600 million they are recommending in this bill does not even meet the $247 and the $486 million they shortchanged us in 1968 and 1969?

Mr. MADDEN. Mr. Chairman, I decline to yield further.

Mr. Chairman, what a ridiculous situation comes out here this afternoon when the gentleman from Ohio offers this amendment to increase this money by $400 million to provide eventually clean drinking water for 15, 20, or 25 million families, and then to hear Members of this House oppose this amendment.

Mr. FEIGHAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, life, in every conceivable form, is dependent for its very existence, on water. Nowhere in this country do we see this precious commodity so threatened as in Lake Erie. Unless drastic action is taken to control the threat of water pollution, the present condition of this virtually dead lake could be a foreboding of what lies ahead for many more of our Nation's waterways.

In 1965, the U.S. Public Health Service estimated that the cleanup of Lake Erie at that time, without provision for future control, would be a $75-billion program. They projected that failure to take this remedial action would lead to the complete death of the lake—the point at which it would be unable to support any form of life.

Although one might conclude that such dire predictions would not be ignored, industrial and municipal pollutants continue to be dumped into Lake Erie daily. Nearly 1½ million pounds of pollution discharge into Lake Erie from just one source—the Detroit River. In addition, the bacteria count in the Cuyahoga River which flows into Lake Erie is four times the level expected in an ordinary stream of raw sewage.

It has been estimated that it will cost $100,000 per year simply to remove the floating debris from the few square miles of the Potomac River in the District of Columbia area. Lake Erie, on the other hand, covers a surface area of 9,910 square miles. The pollution, however, has penetrated far below the surface. Vast areas of bottomland are devoid of oxygen, and the deoxygenated areas are expanding. The longer we procrastinate in the halting of this continuously spreading blight, the more difficult—and more expensive—it will become to control this threat to the more than 11 million Americans who depend on Lake Erie.

Prior to the passage of the Clean Water Restoration Act of 1966, the assessment of blame for the polluted condition was on the persons in the specific areas who tolerated the industrial and municipal sewage and waste pollutants that were dumped into the waters. Finally, we have recognized that it is not solely a local area problem, but one of national concern and responsibility.

Despite the recognition by Congress of the problem and commitments to take the lead in the fight against water pollution, the Federal Government has spent just over $200 million per year during the past 2 years for pollution control. The city of Cleveland alone, with a population of approximately 835,000, has voted a $100 million bond issue for better waste-treatment facilities, relying on Federal participation.

If we are to achieve those goals contained in our commitment, we must appropriate the full $1 billion authorized in 1966. Settling for anything less would be compromising the present and future welfare of our great Nation. A token appropriation at this time will not lead to a solution.

I urge the approval of the amendment offered by our distinguished colleague (Mr. MINSHALL) of the amount of $1 billion, which is necessary to meet the catastrophic conditions that exist and will multiply unless we take a firm stand to eradicate water pollution, which is a national problem and a responsibility of great magnitude.

Mr. OLSEN. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman.

Mr. OLSEN. Mr. Chairman, I wish to speak out on behalf of appropriating the full $1 billion for waste treatment plant construction grants in the public works appropriations bill—H.R. 14159—under consideration today.

We have heard a lot about "compromising" and I fully understand that this procedure is both prudent and necessary at times. However, the $1 billion itself was a compromise. To further compromise a compromise, in my opinion, is to make a gesture that can border on dereliction of duty.

For the benefit of newcomers to this body, or for those who have forgotten, I should like to outline what happened when this authorization was enacted back in 1966.

First, however, let us examine the situation in perspective.

Earlier this year, the Federal Water Pollution Control Administration issued a report on the cost of water pollution abatement and control. The report shows that, if costs continue to rise, the total bill is expected to amount to $26 to $29 billion in the next 5 years. Broken down, this is $8 billion for municipal works, $6.2 billion for sanitary sewer construction, $2.6 to $4.6 billion for industrial waste treatment plus another $1.8 billion for cooling equipment, and $5.3 billion to $5.7 billion for municipal and industrial operating and maintenance costs.

You will recall that this authorization was contained in the Clean Waters

Restoration Act of 1965—an enactment somewhat overoptimistically named. Prior to passage of this landmark legislation, the Secretary of the Interior asked for $3.45 billion over a 6-year period. The Senate, however, allowed $6 billion over 5 years while the House granted initially only $2.3 billion for the same period. The final authorization of $3.4 billion over 4 years thus was a compromise.

However, even though many States went ahead with their commitments on the assurance that Federal help would be forthcoming, the Congress has not come through. In fiscal 1968, we allowed only $203 million of the $450 million authorized. In 1969, the figure was $214 million on an authorization of $700 million. Thus, we are already far behind in meeting our commitments. Anything less than the full $1 billion authorized will compound the problem.

The reluctance to appropriate the Federal share sometimes is difficult to understand when poll after poll, conducted by Members of the House among their constituents as well as by national surveying organizations, reveal a deep concern on the part of the public.

A survey conducted earlier this year by the Gallup Organization, Inc., for the National Wildlife Federation showed that three-fourths of the people are concerned about contamination of the environment and 73 percent are willing to pay additional taxes to improve their natural surroundings.

Since 1964, the voters of nine States have voted in statewide elections on water pollution control bond issues. Of these nine, seven were approved and the other two attracted majority voter support. Of 17,625,254 citizens who voted on the nine proposals, 11,725,444—66 percent—said "yes."

To conclude, Mr. Chairman, I am but one among many who feel that our national priorities need to be reviewed. And, when we do, water pollution control must rank high in the list. It is difficult to keep our eyes on the stars when standing up to our ankles in crud.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman.

Mr. TIERNAN. Mr. Chairman, I rise in strong support of the amendment.

The U.S. Congress put itself firmly on the record in 1966 in support of maintaining an environment of quality for all of our citizens.

The Clean Water Restoration Act authorized additional matching Federal grants to municipalities in construction of sewage plants. It also called for a steady increase over a 5-year period in funds to States, ranging from $150 million in fiscal 1967 to $450 million in 1968, $711 million in 1969, $1 billion in 1970, and $1.25 billion in 1971.

The Appropriations Committee has now recommended—in H.R. 14159—a total of $600 million for 1970, but this is far short of the $1 billion that was originally authorized and is direly needed. The backlog of demands by States for these matching funds has grown to more than $6 billion since 1966. The $1 billion appropriations is still a paltry sum when compared to the magnitude of the problem. The trouble with the problem of water pollution is that by the time we fully study the problem, discuss its ramifications and fund it adequately, we will have passed the point of catastrophe. Oceans, rivers, and lakes are just like any other sink; they have a finite capacity for waste, after which they clog up.

According to a report on last night's NBC special, "From Here to the Seventies," by the end of this century, two-thirds of the entire fresh water supply of this country will be polluted. The oceans will be next. Experts tell us that we have 10 years to solve this problem. I repeat, 10 years. We are living with the distinct possibility that we may drown in our own sewage. We must realize that environmental control in the 1970's will of necessity cost hundreds of billions of dollars, if we hope to begin the reversal of the tragic path we are on. We must begin to fund this program adequately and realistically. The preliminary programs which have already been established are inadequate when measured against the problem we have ahead of us. To put it candidly, the ratio of talk to action is far to high.

We are forcing cities to meet Federal water quality standards even though they do not have the Federal appropriation to help meet the programs. We are trying to recreate an environment that is safe, healthful, attractive, economically and biologically productive. In looking at the past, we know that lack of adequate funding has often resulted in deferment of programs and sometimes the permanent loss of opportunities. I personally do not think that we can afford not to appropriate the full $1 billion, we cannot delay any action that will stop the dumping of inadequately treated sewage into our waters.

We, as Members of Congress, have a strong say as to the priorities of America now and in the future. The choice must be made—are we to take the road to deterioration and destruction of our environment, or will we choose to develop an environment that not only sustains but enriches human life. Our success or failure depends on the goals we set our sights on, our willingness to establish adequate machinery to meet these goals, and appropriation of funds to preserve our environment.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, there are few issues which rate a higher priority in West Virginia and the Nation than clean water and pure air. We are losing ground in our fight against water and air pollution. I cannot for the life of me figure out how Congress one week can vote $1 billion above the President's budget for ships the Department of Defense has not asked for, and then turn around and fail to vote the necessary money to protect our environment. Unless we clean up the air we breathe and the water we drink, this Nation will not have much left to defend with our huge military expenditures.

I believe that the State of West Virginia has fallen down on the job in our efforts to get cleaner water. If this amendment should fail, I feel that part of the responsibility falls on the State of West Virginia. In today's RECORD, commencing on page 28834, the gentleman from Michigan (Mr. DINGELL) who has done such herculean work in leading the fight for clean water, has included communications from officials of nearly every State setting forth the needs of the States in graphic terms. I regret very much that no information has been supplied by the State of West Virginia, and a few minutes ago I asked the gentleman from Michigan (Mr. DINGELL) the reason for the omission. He commented that although he had asked for and received information from every other State, the State of West Virginia had failed to respond to the inquiry.

As far as I can ascertain, West Virginia will need $55 million in Federal assistance during the fiscal years 1969 through 1973 to help build waste treatment works. If the pending amendment fails, West Virginia will receive only $6,646,700; if the amendment succeeds, West Virginia will receive $10,840,700. I certainly hope that this amendment passes, because the total authorization of $1 billion is sorely needed throughout the Nation in order to fight water pollution.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman.

Mr. KOCH. Mr. Chairman, I would like to give you the position of one who has always lived in the city and like so many who have grown up in our city's streets has been appalled by the despoliation of our natural resources.

Only a quarter of a century ago Loren Eiseley wrote:

> If there is magic on this planet, it is contained in water.

The magic of water is not limited to the esthetics of water, but it is in the fact that water is the essential link that both supports and provides the environmental medium for life in our ecology. We in this country are witnessing the death of water's splendor, as our lakes have become devoid of life and as our garbage-strewn rivers spew their filth into the sea.

Our expanding population and technology has required more agriculture and industry. Each requires more water and has produced more wastes. The increased demand on water will continue with the spiraling complexity of our society. New chemical compounds in agriculture and industry are daily released into our environment in quantities which are poisoning it for those now alive and perhaps beyond repair for our future generations. We must undertake to improve our environment in order for it to continue to support mankind and protect it from the savage attacks man has made upon it. We have soiled our own well.

Our country and our world have seen the trends of urbanization to the point that more than 70 percent of this Nation's population now inhabits a mere 1 percent of our space. The future will see this density rise, making our ecological problems more accute. Waterborne wastes in metropolitan areas do more than destroy the physical beauty that relieves the oppressiveness of the city, prevent water-related recreation, and deny water its miracle of life.

Manhattan is one of the country's most densely populated areas, and every day New York City produces 1,400 million gallons of raw sewage. Currently, only 1,000 million gallons are treated per day in the existing sewage treatment plants for that area which leaves 400 million gallons of raw sewage to be dumped directly into New York rivers.

The Hudson River, which once was a scenic resource, is now an open sewer between Albany and Manhattan. Daily, rivers such as the Hudson and East receive untreated sewage, the effluent of riverside factories. And the problem mounts as the volume of the wastes increase.

We must recognize the inadequacy of this year's $600 million appropriation. In 1965 the Water Quality Act authorized a concerted nationwide attack on water pollution. And in 1966 the Clean Water Restoration Act authorized Federal matching grants to local governments for treatment plant construction between 1967 and 1971.

These are the important Federal programs now contending with water pollution. However, we are not meeting these projects fiscally, as last week Congress only appropriated three-fifths of the funds required to continue projects of the Clean Water Restoration Act for fiscal year 1970. Between the additional $400 million needed for 1970 programs and gaps between requests and appropriations for the last 5 years, the program is now short $1,126,000,000 of the $2½ billion originally designed for 6 years' work.

The fiscal dilemma is especially difficult for New York City. Currently, there are 13 sewage treatment plants in New York City, one of which will be abandoned. Two more plants are to be built. The present estimated construction costs for the 14 total plants in New York City amounts to $934 million which may be increased during the actual construction depending upon engineering feasibility of the existing plans. New York State pays 30 percent of the construction costs and can pay an additional 30 percent of prefinanced construction costs while Federal grants from the Federal Water Pollution Control Administration under the Clean Water Act of 1966 can amount to 55 percent of the total cost. These figures represent the maximum cost sharing percentages of the FWPCA grant formula. Instead of paying the 55 percent, the Federal Government is in fact now paying only 1 percent.

Federal funding is made on a per capita basis according to State rather than on the criterion of need which does not rationally deal with this problem. Hence, in addition to the need to fully fund the water restoration program we must work to reorient the program by redesigning the grant formula so it will realistically respond to the needs of our Nation.

Mr. Chairman, let this 91st Congress be remembered as one which held dear the goal of clean water and provided the moneys to achieve that mission.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman.

Mr. BIAGGI. Mr. Chairman, the Nation, the President, and the Congress are all against inflation; and Government spending has been labeled a major factor to be controlled. Yet within any given budget limit, there must be choices made and priorities set. That is what this bill before us today does—it sets a high priority for action to restore the quality of our lakes, streams, and estuaries.

Thus, I do not believe that arguments against the full $1 billion appropriation on the basis of fiscal conservatism are sound. The total Federal budget may well be limited, possibly by an expenditures control act as occurred in 1968—but the willpower and the purse power of the taxpayers are behind water pollution control and the Congress has a clear responsibility to legislate.

Furthermore, we are only asking that we live up to our own authorization passed in the Clean Water Restoration Act of 1966. In that act, on the basis of years of study, testimony, and surveys of State and local community needs, a financing and construction program was agreed upon. The bill passed both Houses with hardly a single dissenting vote. The echoes of speeches supporting clean water are still ringing in this Chamber. Representatives and Senators have been congratulating themselves ever since on their leadership role in bringing Government powers to bear on pollution.

I do not demean our authorizing legislation. Rather I applaud it and regard it as right today as it was right in 1966. The Congress did know what was needed and nothing in the intervening years has come to light to lessen the conviction with which we acted.

But there is more than a little hypocrisy in our appropriations for grants for sewage treatment plant construction since the glorious days of the authorization act. In 1968 we appropriated $203 million instead of $450 million authorized; 1969, $214 million out of $750 million and this fiscal year the authorized amount is $1 billion. So the question is one of sincerity of purpose as well as setting a scale of priorities for the financial resources of the world's richest Nation.

Let us match our authorization rhetoric with appropriation dollars so as to realize abatement results.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman.

Mr. MIKVA. Mr. Chairman, I rise in support of the amendment of the gentleman from Michigan (Mr. Dingell) to provide $1 billion for Federal aid to local water pollution control programs. I commend his extensive and energetic efforts in the cause of cleaner water for all Americans. I believe that in light of the high water quality standards which Congress has set for States and local communities throughout the Nation, we must take the next step of providing sufficient Federal financial assistance to help them achieve those standards.

The Public Works Subcommittee increased the amount for construction grants for local waste treatment facilities from the totally inadequate amount—$214 million—requested by the administration. The subcommittee is to be commended for its action in raising this amount to $450 million. The full Appropriations Committee increased the amount still further, to $600 million. This, too, deserves the thanks of all of us interested in cleaner water for our citizens.

But, Mr. Chairman, these increases by the subcommittee and full committee are still not enough. The proper amount must be measured not by what the administration requested—for that amount is inadequate by anyone's standards. The two measures ought to be: first, what this Congress authorized when it enacted legislation authorizing Federal aid for construction of local waste treatment facilities; and second, the backlog of requests which the Water Pollution Control Administration already has received from local governments which want Federal funds to aid such construction. By both of these standards, we are obligated to pass the Dingell amendment. We have made promises to the local communities and to our constituents; now it is time for us to ante up. Nothing less than the $1 billion figure will fulfill our commitment to our citizens and meet the pressing need already demonstrated by requests for Federal assistance now awaiting action.

Mr. Chairman, anybody can talk about clean water. None of us can walk on the water but we must stand on it. Now is the time for those who really care about the quality of water Americans must swim in, live with, and drink, to really do something about it. The figures which the gentleman from Michigan has put in the Record show how much each of our States will benefit from the additional funding in his amendment. If we really feel that turning the tide of environmental spoliation is a job worth doing, if we really want to keep our promises to America about cleaner and safer water, then we must pass this amendment.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman.

Mr. JOHNSON of California. Mr. Chairman, Tuesday night the National Broadcasting Co. televised a 2½-hour program entitled "From Here to the Seventies."

Its purpose was to highlight the turbulent events of the sixties and to use these as a basis to project what problems we will face and how they might be resolved in the seventies.

This was a fine program.

It highlighted the key issues before the country today. One of these the program hit hard was pollution. Pollution in all forms, including pollution of our Nation's waters. The point was made that experts in the field indicate we have less than 10 years to find ways and means of cleaning up our polluted waters. If we fail to so act, we will have destroyed this very land we love. We will be left with nothing but our empty technology, our towering buildings, and a land that has lost its great natural assets.

You and I are aware of this. The American public is aware of this. I believe the people are ahead of us. They want action, and action now.

Today we have the opportunity to provide some of that action. Today we have the chance to finally place some meat on the skeleton of the water pollution program, to start to breathe life into it and to move it forward so that our waters can be restored.

Some will say you have the budget. Others will say you have inflation. Others will say, what about your priorities. To all this, I say priorities, indeed. Budget, indeed. Inflation, indeed. There is no more important priority than the protection of our country and our well-being. This is a must. The funding for the program you are asked to adopt today will be a signal that we do indeed consider the preservation of the country top priority.

We can wait no longer. I urge adoption of the amendment.

Mr. SYMINGTON. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman.

Mr. SYMINGTON. Mr. Chairman, in 1950, my father, serving as chairman of the National Security Resources Board commissioned a study of resources which indicated that in a quarter of a century the resource which would suffer the most serious depletion was clean, fresh water. Like many such reports, it was received with the indifference of a nation engaged in more pressing commitments. Twenty-five years seemed a long time. Fifteen passed before the Clean Water Act was passed. Never fully funding it, we are actually asking ourselves today whether we can afford to turn back the tide of pollution at its crest. It is no longer a question of putting a finger in the dike. There is no dike. We have a dead lake to show for it, and many a dying one.

The Federal Water Pollution Control Administration reports that 4,525 State and local projects are being developed which will call for $2.3 billion in Federal aid in constructing water facilities having a total cost of $5.1 billion. Others doubtless will be proposed later but these early plans demonstrate the urgency of the need.

Under the pollution abatement construction grants—the primary program funded under the Clean Water Restoration Act—Missouri last year received $4.9 million for primary and secondary treatment plant construction. This level of funds was, as is the present administration request for Missouri, at least three times below the level of funds needed for pollution abatement construction in our State. Jack Smith, executive secretary of the Missouri Water Pollution Control Administration, has estimated that the need stands at more than $14 million. There are 42 cities in Missouri, including our own St. Louis metropolitan area, which require and are eligible for funds for primary and secondary treatment plant construction. Even the committee provision for Missouri, in the amount of $10,368,900, is less than sufficient for the pressing need throughout the State.

The Second District of Missouri has seven project applications for water pollution control funds. The total estimated cost of the projects is $18,519,722. One-third of this or $6,000,136 is being requested from the Federal Water Pollution Control Administration. The Metropolitan St. Louis area has applied for seven different grants under this program. Other applicants include the St. Louis Metropolitan St. Louis Sewer District and the city of Ballwin.

Mr. Chairman, some years ago I described St. Louis as—

The fairest of the daughters
Born on a journey wild
Of the Father of the Waters;
The Mississippi's child.

That vagabond has brought her
Many gifts since then
But her dowry of water
Makes her beautiful to men.

The Nation's dowry of water is threatened. Its beauty is tarnished. And we do not have 25 years to think about it. I support the amendment.

Mr. MINSHALL. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to my colleague from Ohio.

Mr. MINSHALL. I wish to commend my colleague from Cleveland and tell him how much I appreciate his support of the amendment I have previously offered. I know that he has long been in the forefront of the effort to obtain clean water in Lake Erie, and to obtain additional money for bringing about an end to the pollution problem of Lake Erie. I hope the amendment will pass.

Mr. FEIGHAN. I thank my able colleague for his kind and generous remarks.

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment.

I would like to thank the gentleman from Ohio for offering the amendment which was to be offered by and on behalf of seven of us today, by Mr. Feighan, Mr. Wright, Mr. Saylor, Mr. McCloskey, Mr. Blatnik, Mr. Reuss, and the present Speaker in the well.

I would like to begin by stating that I believe it is important that this amendment be adopted.

Mr. Chairman, I would like to begin by reading the remarks of Secretary Hickel, which I believe tend to set out in some clarity the reasons why the House should adopt this amendment. I quote from an article published in the Chicago Tribune dated September 20, 1969, as follows:

Must Have Money

> "The technology for cleanup is here," Hickel told the Executives Club of Chicago. "But without money, we cannot do the job. And during the administration's current fight against inflation the prospects for sizable increases in appropriations for the financing of new municipal waste treatment plants are not only slim, but will not solve the problem. So we must innovate.
>
> Hickel said it is futile to depend on the conventional congressional appropriations method to solve a problem that has been building for the last 30 years. Congress never appropriates funds for water pollution control grants in the amount that it authorizes, he said.
>
> Congress had authorized a billion dollars for water pollution control grants in 1970, but it has indicated 214 million dollars will be appropriated.
>
> "This may sound like big money," said Hickel, "but we now find that one-billion dollars will be merely a token sum compared to what we really need. We have come to the realization that we must spend a much larger amount of money and that we would spend it regardless of what that amount is."

Mr. Chairman, my remarks on this amendment appear in the Congressional Record which appeared on the desks of Members of Congress today at page 28834 and following.

They set out the responses received by me from Governors and from organizations and from individuals, and they set out a number of circumstances, including editorial comments in matters of this kind, which I believe make clear the needs before us.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, certainly the gentleman from Michigan has been in the forefront in the fight for water pollution control funds. But I would like to inform the gentleman from Michigan that Secretary Hickel and I yesterday had a conversation, which is more current than the gentleman's testimony, in which the Secretary said that we should hold the line at $214 million on account of inflation, but he said that in no event should we go beyond $600 million. He said if we do, he would have excess funds which he could not obligate and could not commit, and he would have to tool up and get more people, and he could not obligate this amount of money at this time.

Mr. DINGELL. Let me comment, Mr. Chairman.

The gentleman from Tennessee and his committee have done a good job, and I wish to praise the gentleman and the committee, because raising this figure to $600 million in the committee and subcommittee was a great achievement and deserves the compliments of all of us.

But let me also say, the money we are appropriating today is then available until expended. Second, it is spent rather slowly. According to the Department of the Interior, only 5 percent will be spent in the first year, 20 percent in the second year, 40 percent in the third year, 30 percent in the fifth year, and 5 percent during the last year.

In 18 months the funds we appropriate today—and I am satisfied the House is going to do this thing—will be eligible for reallocation and can be reallocated on any basis, on the basis of need or on a basis of reimbursement.

If we fail to vote this fund today, it means that cleanup will be set back as much as 2 years or as much as 5 years, depending on when we bring this fight to the floor again.

The Senate has already adopted an amendment offered by the Senator from New York (Mr. Javits), which would authorize the utilization of a portion of this fund for reimbursement to meet the needs of the States which have spent so much money, such as New York State.

If the Members will look at my remarks in the Record of yesterday, they will see I have referred to the levels of allocation for reimbursement and other things of that kind.

Another thing to remember is this. The committee that handles water pollution, the Committee on Public Works, has already indicated it is possible and they will shortly begin their endeavors to arrive at a better formula, so I think the question of formula and matters of that kind are not necessary to be discussed now.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I am sure I speak for many Members of the House in commending our colleague, the gentleman from Michigan, who is in the well, for the Herculean effort he has put forward in offering this amendment. He has gotten 220 Members to join him in offering this amendment. I congratulate the gentleman from Michigan on his tremendous achievement. I am sure many people in the country will benefit from the gentleman's efforts.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New York.

Mr. McCARTHY. Mr. Chairman, the gentleman from Michigan mentioned the amendment offered by the gentleman from New York, Senator Javits, which was adopted in committee in the other body.

The dean of the House had a short colloquy, which the gentleman from Connecticut alluded to, and I would simply reiterate what the gentleman from Michigan said about the need to rework the formula and to meet the needs of the States, such as New York, and the problem mentioned by the gentleman from Connecticut and alluded to by the dean of the House.

Mr. DINGELL. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I mentioned that Secretary Hickel referred to the failure of this House to appropriate funds. Not only did that appear in the Chicago Tribune, but it also appeared in the Committee on Public Works, where Secretary Klein said that it should be noted the level of expenditures outlined in the State program plans is strongly influenced, by the authorizations approved in providing and maintaining adequate programs for the communities.

The quote follows:

> It should be noted that the level of investment outlined in State Program Plans is strongly conditioned by the anticipated level of Federal assistance. Therefore, unless this rate of investment is increased, the Nation will fall behind in its goal of providing and maintaining adequate waste treatment for its sewered communities.

Mr. Chairman, at this point in the Record, I offer a further collection of letters and telegrams, in support of full funding of the grant program to support construction of water pollution abatement facilities under Public Law 660 as amended:

October 1, 1969.

Hon. John D. Dingell, Hon. John Blatnik, Hon. John Saylor, Hon. Henry Reuss, Hon. Michael Feighan, Hon. Jim Wright, Hon. Paul McCloskey,
House of Representatives, Washington, D.C.

Dear Congressmen: Congratulations on your efforts and those of your many colleagues to secure full funding, to wit $1 billion, for the Clean Water Restoration Act. Conservation, labor, and many other citizen, civic and professional organizations, representing millions of concerned people, firmly believe water pollution prevention and abatement should be given very high national priority. Only full funding for the Clean Water Restoration Act will restore public confidence and meet expectations for progress in cleaning up the Nation's waters. You have our full and wholehearted support.

SIGNERS

American Association of University Women.
American Society for Landscape Architects.
Pollution Control Administrators.
Association of Interpretive Naturalists.
Consumer Federation of America.
League of Women Voters of the United States.
The National Wildlife Federation.
United Steelworkers of America.
National Audubon Society.
Citizens Committee on Natural Resources.
The Wilderness Society.
The Conservation Foundation.
American Fisheries Society.
Sport Fishing Institute.
The Long Island Environmental Council.
The Adirondack Mountain Club.
The Sierra Club.
The United Auto Workers.
National League of Cities.
National Conference of Mayors.
National Consumers League.
The Wildlife Society.
Oyster Institute of North America.
Trout Unlimited.
Wildlife Management Institute.
Northern Virginia Conservation Council.
Citizens Council for Clean Potomac.
Fairfax County Federation of Citizens Association.
National Recreation and Parks Association.
National Fisheries Institute.
Conservation Committee, the Garden Club of America.
American Institute of Planners.
American Institute of Architects.
Izaak Walton League of America.

Lansing, Mich., *October 8, 1969.*

Representative John Dingell,
Washington, D.C.:

Today, Michigan sold the first $30 million of $335 million clean water bonds mandated by Michigan citizens last November. Again, I and all Michigan citizens urge your support for full funding for the Clean Water Restoration Act for fiscal year 1970 so that adequate State and Federal funds are made available to Michigan communities to achieve our water pollution control goals. I sincerely hope you can lend your support to this timely and vital measure.

William G. Milliken,
Governor.

Washington, D.C., *October 7, 1969.*

Congressman John D. Dingell,
House of Representatives,
Washington, D.C.:

Society of American Foresters greatly appreciate the efforts you and your colleagues are making to secure funding for restoring the quality of the Nation's water. We trust your efforts will be successful.

H. R. Glascock, Jr.,
Executive Secretary.

Northampton, Mass,
October 7, 1969.

Representative John D. Dingell,
House of Representatives,
Washington, D.C.:

We would like to know which Mass. Congressmen are not supporting your fight for a billion dollars for water pollution control. We may start a petition to urge them to vote the full amount.

Miss Jean Moczulewski.

Grand Rapids, Mich.,
October 7, 1969.

Representative John D. Dingell,
Washington, D.C.:

I urge your support of full funding of "clean water bill."

Peter M. Wege.

Grand Rapids, Mich.,
October 7, 1969.

Representative John D. Dingell,
House of Representatives,
Washington, D.C.:

Strongly support your efforts to obtain one billion dollars appropriation for clean water.

West Michigan Environmental Action Council.

Grand Rapids, Mich.,
October 8, 1969.

Representative John D. Dingell,
Rayburn House Office Building,
Washington, D.C.:

Michigan division of the Izaak Walton League favors the appropriation of one billion dollars for the clean water restoration program.

Jack C. London,
President.

Mr. Chairman, I also insert editorials of a group of newspapers in support of our effort for full funding:

Keeping Promises

[From the Washington Star, Oct. 1969]

Several months ago, we were critical of Congress for retreating from its commitment to the states and localities to provide $1 billion in matching grants for water pollution control. What bothered us at the time was not so much the enforced slowdown in this important program but rather the immorality involved in mousetrapping local governments into commitments they can ill afford, and then not coming across.

In this context, it is especially gratifying to note that over 220 congressmen have gone on record as favoring the full $1 billion appropriation for waste treatment plants. At present, the House money bill contains $600 million for this program—itself a considerable improvement over the $214 million originally earmarked. Interested lawmakers will offer an amendment on the House floor this week to up that to $1 billion. If they all vote the way they have talked, this amendment should sail through easily.

The next move would then be up to the Senate. To date there has not been a comparable show of support in the other chamber for a full-funding of the water pollution program. But this is perhaps because the quite remarkable groundswell of concerned public opinion on this subject has so far been focused on the House.

It should be understood, of course, that this is definitely a time when budgetary restraint is indicated. Accordingly, a number of important government programs are in imminent danger of severe cutbacks. Even so, there are two good reasons for not stinting on water pollution control, quite apart from its merit as a program. First, local governments have already been induced to commit their own limited resources for this purpose. And second, there appears to be broad public support for the program. In this case at least, there is reason to give the public what it wants.

[From the Washington Star, Oct. 7, 1969]

DOLLARS AGAINST POLLUTION

SIR: During the past several months more than 220 members of Congress, dozens of state governors and mayors, 40 national organizations and a good segment of the American public have worked diligently to rescue the Clean Water Restoration Act from fiscal oblivion.

This effort has cut across party lines and political thought. It has united organizations and men often opposed to each other. It has resulted in one of the most unusual coalitions ever to come out of Washington, the Citizens Crusade for Clean Water, consisting of conservation, labor, consumer, professional and industrial organizations. It has challenged the Bureau of the Budget's Keynesian assumption that any federal program can be meat-axed for inflation without public censure—even one that is vital to the restoration of the nation's waters. It has articulated public demands for a healthier and saner environment and public willingness to see a greater share of its tax dollar used to that end. It has, in the words of the New York Times rejected the "hypocritical Congressional practice of passing grandiose programs only to undermine them later by quietly slashing appropriations that are vital to their fulfillment." And it has created the climate for major debate on the floor of the House when the public works appropriations bill comes to a vote this week.

This week the public works appropriations bill comes to a vote in the House. An amendment to increase the Committee's $600 million recommendation to the full $1 billion Congress authorized in 1966 will be offered. At least 220 Members of Congress, to their great credit, have indicated their determination to win the day for cleaner waters for the nation. The $1 billion to be sought will help take care of a $2.5 billion backlog created by consistent underfunding. It will only begin to touch $8 billion worth of water pollutants.

TED PANKOWSKI,
Conservation Associate, The Izaak Walton League of America.

UNITED STEELWORKERS OF AMERICA,
Washington, D.C., October 7, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: A bipartisan coalition—Citizens Crusade for Clean Water—has been working to develop support for the full funding of the war against water pollution. The coalition also represents many labor, conservation, municipal and state groups.

The original budget request of $214 million has been increased to $600 million by the Appropriations Committee. But this amount falls far short of the $1 billion authorization and has a serious impact on the states' progress toward construction of necessary water pollution abatement works.

Just recently, the House Armed Services Committee increased the military authorization by $1 billion over Nixon's request. It is inconceivable that, at a time when there is a serious questioning of our ability to reorder national priorities, Congress is unwilling to commit itself at least to its own authorization goal.

We urge that you vote to amend the Appropriation Committees' recommendation so that the full $1 billion will be made available to local communities to construct waste treatment plants.

Sincerely,

JOHN J. SHEEHAN,
Legislative Director.

THE LEAGUE OF WOMEN VOTERS OF OHIO,
Columbus, Ohio, October 7, 1969.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR MR. DINGELL: Mrs. Clusen of the League of Women Voters tells me you are interested in putting news clippings re need for funds for sewage treatment in Congressional Record right up to day House considers appropriations bill—These may be too late but if you can use any of 12 enclosed please do—I do hope you can return them to me—I would like very much to have them back for our record—thank you—

Sincerely yours,

Mrs. HOWARD T. MOORE,
Water Reservoir Chairman.

[From the Cleveland (Ohio) Plain Dealer, Sept. 30, 1969]

CLEAN WATER MONEY

There is good news from Washington in the fight against water pollution.

A majority of congressmen—219 so far—have pledged to fight for an appropriation of $1 billion in fiscal 1970 to help cities and states build wastewater treatment plants.

The pledges were lined up by Rep. John D. Dingell, D-Mich., Rep Michael J. Feighan, D-21, of Cleveland and five colleagues in the House who formed an ad hoc committee to attain a higher priority for the long-neglected battle for pollution control.

Like other domestic programs, the cleanup effort initiated by the Clean Water Act of 1966 was pushed into the background because of spending on the Vietnam war. From the beginning, appropriations fell short of the authorizations. Both the Johnson and Nixon administrations, for example budgeted only $214 million for sewage plant grants in fiscal 1970, although Congress had authorized $1 billion.

Now Congress is saying that regardless of the war and in spite of a general desire to reduce federal spending, water pollution must be attacked. The battle can be put off no longer.

We like that sentiment. We have argued for it a good many months. We believe Congress should appropriate the full $1 billion. It will be the best $1 billion ever spent, helping hundreds of communities across the country to build treatment plants that simply must be built to protect a precarious resource from ruin.

[From the Findlay (Ohio) Republican Courier, Aug. 28, 1969]

LWV SAYS ONLY NINE OHIO CONGRESSMEN FAVOR MORE MONEY FOR SEWAGE TREATMENT

COLUMBUS.—Only nine of Ohio's 24 congressmen are supporting a move to raise the federal appropriation to construct sewage treatment facilities, the Ohio League of Women Voters said Wednesday.

Although $1 billion was authorized for that purpose in fiscal 1970, the league said it is likely only the $214 million suggested in President Nixon's budget will be forthcoming.

The league, part of a 35-member national organization called the Citizens Crusade for Clean Water, is trying to get the appropriation hiked.

Mrs. Carolyn Moore, representing the league, said 218 votes are needed in the U.S. House of Representatives to bring about the increase. Only 160 are committed, she said.

Only nine Ohio congressmen have said they will work for the boost, Mrs. Moore told a news conference. She urged Ohioans to write letters to the others.

Ned Williams, executive director of the Ohio Water Development Authority, said the $214 million now earmarked would mean that Ohio would receive $9.4 million, the same as last year.

Over the next 5 years, he said the same amount each year would still leave a deficit of $302 million in cleaning up a backlog of work that should be done now.

"As of March 1969, there were 224 communities on orders from the Ohio Water Pollution Controls Board to construct additional sewage treatment facilities," he said.

The cost of the construction, he said, would be $459 million at 1969 prices. This, he said, includes only construction and not the cost of collection systems and other improvements.

Mrs. Moore noted that Ohioans favor water pollution control "but these 15 congressmen are still hesitant." A $100 million bond issue for water pollution was approved by Ohioans last November.

In addition, the legislature passed the bill allocating the money and set it up so the $100 million could be used as seed money for loans to help municipalities build facilities.

If more federal money is made available, he said, it will mean the seed money can go to finance facilities other than treatment plants.

"The city of Cleveland alone estimates the cost of cleaning up all pollution at $1.5 billion," Williams said. "The total in the state could exceed $10 billion."

The U.S. House is expected to take up the issue Sept. 10, Mrs. Moore said.

The nine Ohio Congressmen supporting the boost were listed as William Harsha, Thomas Ashley, J. William Stanton, Charles A. Mosher, Wayne Hays, Michael A. Feighan, Charles A. Vanik, William E. Minshall and Donald E. Lukens.

[From the Portsmouth (Ohio) Times, Aug. 28, 1969]

HARSHA FOR BILL TO FIGHT POLLUTION

COLUMBUS, OHIO—While Ohioans favor water pollution control efforts, 15 Ohio congressmen still are hesitant to seek more money for sewage treatment facilities, the League of Women Voters says.

Carolyn Moore, representing the league, told newsmen Wednesday that voter approval last November of a $100 million bond issue for water pollution was an indication that Ohioans want to clean up their lakes and waterways.

But, she said, only nine of Ohio's 24 congressmen have come out in support of a move to raise the federal appropriation to construct sewage treatment facilities.

The nine include Portsmouth's William H. Harsha Jr., 6th District Republican.

Although $1 billion was authorized for that purpose in fiscal 1970, Mrs. Moore said, it is likely only the $214 million suggested in President Nixon's budget will be forthcoming.

She said 218 votes are needed in the House to raise the appropriation, and only 160 are committed so far.

Mrs. Moore urged Ohioans to write to their congressmen in support of the increase. She said the House is expected to take up the issue Sept. 10.

The league is a member of the Citizens Crusade for Clean Water, a coalition of 35 groups seeking to get the appropriation hiked.

Ned Williams, executive director of the Ohio Water Development Authority, also spoke at the news conference in favor of increasing the federal funds.

He said the $214 million now earmarked would mean Ohio would receive $9.4 million, the same as last year. The same amount each year over the next five years would leave a deficit of $302 million in cleaning up a backlog of work that should be done now, he said.

"As of March 1969, there were 224 communities on orders from the Ohio Water Pollution Control board to construct additional sewage treatment facilities," he said.

The cost of this construction, Williams said, would be $459 million at 1969 prices.

[From the Steubenville (Ohio) Herald Star, Aug. 28, 1969]

HAYS SUPPORTS APPROPRIATION HIKE: 15 OHIO CONGRESSMEN DO NOT FAVOR INCREASES

COLUMBUS, OHIO.—While Ohioans favor water pollution control efforts, 15 Ohio congressmen still are hesitant to seek more money for sewage treatment facilities, the League of Women Voters says.

Carolyn Moore, representing the league, told newsmen Wednesday that voter approval last November of a $100 million bond issue for water pollution was an indication that Ohioans want to clean up their lakes and waterways.

But, she said, only nine of Ohio's 22 congressmen have come out in support of a move to raise the federal appropriation to construct sewage treatment facilities.

Although $1 billion was authorized for that purpose in fiscal 1970, Mrs. Moore said, it is likely only the $214 million suggested in President Nixon's budget will be forthcoming.

218 VOTES NEEDED

She said 218 votes are needed in the House to raise the appropriation, and only 160 are committed so far.

Mrs. Moore urged Ohioans to write to their congressmen in support of the increase. She said the House is expected to take up the issue Sept. 10.

The league is a member of the Citizens Crusade for Clean Water, a coalition of 35 groups seeking to get the appropriation hiked.

Ned Williams, executive director of the Ohio Water Development Authority, also spoke at the news conference in favor of increasing the federal funds.

HAYS BACKS INCREASE

The cost of this construction, Williams said, would be $459 million at 1969 prices.

He added that the cost of eliminating all water pollution in Ohio could exceed $10 billion.

The nine Ohio congressmen listed as supporting the appropriation increase were William Harsha, Thomas Ashley, J. William Stanton, Charles A. Mosher, Wayne Hays, Michael A. Feighan, Charles A. Vanik, William E. Minshall and Donald E. Lukens.

[From the Marietta (Ohio) Daily Times, Aug. 28, 1969]

URGE VOTERS TO SEEK INCREASE IN FEDERAL AID

COLUMBUS.—Ohio residents have been asked to write their congressmen urging an increase in federal aid for sewage treatment facilities to help fight water pollution.

The League of Women Voters of Ohio told a news conference Wednesday that voters should contact their representatives in Washington quickly, before a vote is taken next month on the appropriation for construction grants for treatment facilities.

Mrs. Carolyn Moore, the league's water pollution specialist, said that although $1 billion is authorized for treatment plant construction next year, it is likely that a House Appropriations subcommittee will recommend only $214 million when Congress returns in September.

Mrs. Moore said 160 congressmen have pledged to support an increase in the appropriation.

"But there are many congressmen as yet uncommitted, and it is these men that we would like to reach," she said. "We want to encourage each citizen in Ohio to write a letter to his congressman urging that he join those who support increased appropriations."

Only nine of Ohio's 24 congressmen support higher grants, Mrs. Moore said.

Ned E. Williams, executive director of the Ohio Water Development Authority, told the news conference that Ohio would receive only $9.4 million under the current proposal as recommended by the Nixon administration.

Williams said this would mean Ohio would be able to construct only $31 million worth of sewage treatment facilities per year, and the state already has ordered construction of $459 million worth of community projects.

However, Williams said that if Congress is persuaded to raise the appropriation to $1 billion as suggested by the League of Women Voters, Ohio will receive $43.9 million a year, other sources will provide $102 million, and the state will be able to more than wipe out its construction deficit in five years.

[From the Toledo (Ohio) Blade, Sept. 8, 1969]

LATTA SUPPORTS FULL WATER FUND: WANTS ORIGINAL $1 BILLION GRANTED

(By Frank Kane)

WASHINGTON.—Support for the drive to win appropriation of the $1 billion originally authorized for contruction grants to curb water pollution has been voiced by Rep. Delbert Latta (R., Bowling Green).

Mr. Latta, whose fifth congressional district includes part of Toledo, said that Congress recognized the paramount importance of cleaning up the nation's lakes and rivers when it passed the Clean Water Restoration Act of 1966.

FORMULA ADOPTED

At that time, a formula was adopted which called for spending $700 million in federal funds in fiscal 1969, but Congress appropriated only $214 million. The act authorized $1 billion for fiscal 1970, but the Administration has requested only $214 million again.

"I understand the Administration's budgetary difficulties, but I believe that one of our priorities should be clean water for all Americans," Mr. Latta said.

CALLS FUNDS ESSENTIAL

He termed it essential that congress provide the $1 billion because "We cannot afford any unnecessary delay which would increase the ultimate cost of abating pollution" or would endanger the health and welfare of Ohioans.

Rep. Thomas L. Ashley also is supporting the campaign to provide the full $1 billion.

[From the Sandusky (Ohio) Register, Aug. 28, 1969]

LEAGUE OF WOMEN VOTERS URGE AID FOR SEWAGE FACILITIES

COLUMBUS.—Ohio residents have been asked to write their congressmen urging an increase in federal aid for sewage treatment facilities to help fight water pollution.

The League of Women Voters of Ohio told a news conference Wednesday that voters should contact their representatives in Washington quickly, before a vote is taken next month on the appropriation for construction grants for treatment facilities.

Mrs. Carolyn Moore, the league's water pollution specialist, said that although $1 billion is authorized for treatment plant construction next year, it is likely that a House Appropriations subcommittee will recommend only $214 million when Congress returns in September.

Mrs. Moore said 160 congressmen have pledged to support an increase in the appropriation.

"But there are many congressmen as yet uncommitted, and it's these men that we would like to reach," she said. "We want to encourage each citizen in Ohio to write a letter to his congressman urging that he join those who support increased appropriations.

Only nine of Ohio's 24 congressmen support higher grants, Mrs. Moore said.

Ned E. Williams, executive director of the Ohio Water Development Authority, told the news conference that Ohio would receive only $9.4 million under the current proposal as recommended by the Nixon administration.

Williams said this would mean Ohio would be able to construct only $31 million worth of sewage treatment facilities per year, and the state already has ordered construction of $459 million worth of community projects.

However, Williams said that if Congress is persuaded to raise the appropriation to $1 billion as suggested by the League of Women Voters, Ohio will receive $43.9 million a year, other sources will provide $102 million, and the state will be able to more than cancel out its construction deficit in five years.

[From the Akron (Ohio) Beacon Journal, Sept. 5, 1969]

LWV ENLISTS CLEAN WATER CRUSADERS

To the EDITOR:

The time has come for everyone who wants the elimination of water pollution to do something about it.

Everyone who is concerned about the deterioration of our environment shculd write to President Nixon, Senators Young and Saxbe, and Congressman Ayres. Tell them that you want more of the tax money you are already sending to Washington spent to clean up our lakes and streams.

The immediate issue is an appropriation for construction of sewage treatment facilities in cities with inadequate systems which dump raw sewage into lakes and streams—a major cause of water pollution.

Federal money for this purpose is to be matched by state and local money. Ohio is prepared to do its share because of the bond issue the voters have already approved.

For the last several years the need for federal money in pollution control has been far greater than the appropriations. This year the need is for $1 billion; the administration has asked for only $214 million. A flood of letters is needed telling the President and Congress to spend the full billion before pollution overwhelms us.

Twenty-five nationwide organizations, including the League of Women Voters, are joining in a Citizens Crusade for Clean Water. They are asking you to write now and tell Washington that the citizens want more of their federal tax money spent for Clean Water Restoration.

Several Ohio Congressmen have already joined a bi-partisan group in the House in a drive for full funding of the Clean Water Act. If Congressman Ayres has not yet joined this group, it is possible that he is waiting for expressions of interest and concern from his constituents.

Please join the Citizens Crusade for Clean Water. The future of your environment is at stake.

MRS. JAMES R. SMALL,
President, League of
Women Voters of Akron.

[From the Newark (Ohio) Advocate and American Tribune, Sept. 2, 1969]

WOMEN VOTERS URGE OHIO WATER CLEANUP

COLUMBUS, OHIO.—While Ohioans favor water pollution control efforts, 15 Ohio congressmen still are hesitant to seek more money for sewage treatment facilities, the League of Women Voters says.

Carolyn Moore, representing the league, told newsmen Wednesday that voter approval last November of a $100 million bond issue for water pollution was an indication that Ohioans want to clean up their lakes and waterways.

But, she said, only nine of Ohio's 24 congressmen have come out in support of a move to raise the federal appropriation to construct sewage treatment facilities.

Although $1 billion was authorized for that purpose in fiscal 1970, Mrs. Moore said, it is likely only the $214 million suggested in President Nixon's budget will be forthcoming.

She said 218 votes are needed in the House to raise the appropriation, and only 160 are committed so far.

Mrs. Moore urged Ohioans to write to their congressmen in support of the increase. She said the House is expected to take up the issue Sept. 10.

The league is a member of the Citizens Crusade for Clean Water, a coalition of 35 groups seeking to get the appropriation hiked.

Ned Williams, executive director of the Ohio Water Development Authority, also spoke at the news conference in favor of increasing the federal funds.

He said the $214 million now earmarked would mean Ohio would receive $9.4 million, the same as last year. The same amount each year over the next five years would leave a deficit of $302 million in cleaning up a backlog of work that should be done now, he said.

"As of March 1969, there were 224 communities on orders from the Ohio Water Pollution Control Board to construct additional sewage treatment facilities," he said.

The cost of this construction, Williams said, would be $459 million at 1969 prices.

He added that the cost of eliminating all water pollution in Ohio could exceed $10 billion.

The nine Ohio congressmen listed as supporting the appropriation increase were William Harsha, Thomas Ashley, J. William Stanton, Charles A. Mosher, Wayne Hays, Michael A. Feighan, Charles A. Vanik, William E. Minshall and Donald E. Lukens.

[From the Upper Sandusky (Ohio) Daily Chief Union, Aug. 28, 1969]

POLLUTION BILL SHORT OF VOTES

COLUMBUS, OHIO.—While Ohioans favor water pollution control efforts, 15 Ohio congressmen still are hesitant to seek more money for sewage treatment facilities, the League of Women Voters says.

Carolyn Moore, representing the league, told newsmen Wednesday that voter approval last November of a $100 million bond issue for water pollution was an indication that Ohioans want to clean up their lakes and waterways.

But, she said, only nine of Ohio's 24 congressmen have come out in support of a move to raise the federal appropriation to construct sewage treatment facilities.

Although $1 billion was authorized for that purpose in fiscal 1970, Mrs. Moore said, it is likely only the $214 million suggested in President Nixon's budget will be forthcoming.

She said 218 votes are needed in the House to raise the appropriation, and only 160 are committed so far.

Mrs. Moore urged Ohioans to write to their congressmen in support of the increase. She said the House is expected to take up the issue Sept. 10.

The league is a member of the Citizens Crusade for Clean Water, a coalition of 35 groups seeking to get the appropriation hiked.

Ned Williams, executive director of the Ohio Water Development Authority, also spoke at the news conference in favor of increasing the federal funds.

He said the $214 million now earmarked would mean Ohio would receive $9.4 million, the same as last year. The same amount each year over the next five years would leave a deficit of $302 million in cleaning up a backlog of work that should be done now, he said.

[From the Ashtabula (Ohio) Star-Beacon, Sept. 23, 1969]

COUNCIL ASKS U.S. FUND FOR PURE WATER

A resolution calling for Congress to appropriate the full amount of $1 billion for implementation of setting water quality standards was passed Monday night by Ashtabula Council.

City Manager David P. DeLuca requested the resolution be passed. He noted that the federal authorities has asked for $214,000,000 for fiscal 1970 to set water quality standards.

The resolution calls the $214 million "woefully inadequate" to provide for the carrying out of the Clean Water Restoration Act of 1966.

City Manager DeLuca announced that he had received preliminary reports on the water pollution study being done by Environmental Pollution Control Inc.

"There are definite violations of the water pollution laws of Ohio," he said.

He told council that additional reports on both air and water pollution would be forthcoming. When the reports are complete he will discuss them with council.

The city manager also noted that he planned meetings with the industries involved in the pollution problem to go over the reports.

These meetings will not be open to the news media, he said, so that both sides could speak freely.

"There will be no holds barred," he said. "They've asked for facts and proof and we will furnish facts."

[From the Bowling Green (Ohio) Daily Sentinnel-Tribune, Sept. 24, 1969]

WATER POLLUTION CLEANUP FUNDS ARE REQUESTED

TO THE EDITOR:

We are seeking the help of fellow citizens with a problem that is vital to Bowling Green, the State of Ohio and our nation—water pollution.

Congress has promised to help communities improve their sewage treatment plants by authorizing $1 billion dollars for grants-in-aid for construction of such facilities. However, the amount asked by the Nixon administration for 1970 (the same amount as that appropriated under the Johnson administration) is $214 million. Ohio's share will be only $9.4 million.

The Ohio Pollution Control Board has ordered 224 Ohio communities to improve their sewage treatment. Ohio voters passed State Issue No. 1 last November—an indication of our willingness to spend more tax dollars for clean water. But, the $9.4 million in federal grants, even when added to state and local monies, will not be enough to provide the estimated $450 million for the required construction in Ohio. Funds are lacking also for separation of storm and sanitary sewer systems, collection facilities and community growth.

One-hundred and seventy representatives from both parties have already shown their concern by pledging their support for appropriation of the full $1 billion. Thirty-five citizen organizations, including AFL–CIO, American Association of University Women, National Wildlife Federation and the U.S. Conference of Mayors have banded together in a "Citizens' Crusade for Clean Water" and are actively working for the entire $1 billion appropriation.

Our representative, Mr. Latta, has shown continued interest in improved water quality but has not committed himself on this issue.

If you share our conviction that more of the national budget should be used to combat water pollution, please write Mr. Latta requesting his support for increased appropriations for sewage treatment construction. A concerned constituency can influence his decision.

MRS. WILLIAM R. ROCK,
Water Resources Chairman.
MRS. HAROLD T. HAMRE,
President, League of Women Voters of Bowling Green, Ohio.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. OTTINGER, and by unanimous consent, Mr. DINGELL was allowed to proceed for 2 additional minutes.)

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I rise to congratulate the gentleman from Michigan on a gallant fight, and I believe an effective fight, and I associate myself with the remarks of the gentleman from Michigan.

Mr. Chairman, the question which confronts us is one of priorities. We must ask ourselves how important clean water is, how dangerous and how desperate present conditions are, how much it will cost to make some substantial progress in cleaning up our polluted streams, and how much that is worth to us. Those are the questions. Once we answer those to our satisfaction, we will know how much we are willing to spend this year for clean water.

Simply as a matter of perspective, the administration's request for $214 million would have amounted to approximately $1.07 per citizen for the year's efforts. The committee bill would represent approximately $3 per citizen for the year, and the amendment would be about $5 per citizen. How much is clean water worth?

We are wasting at least 20 billion gallons of water each day by pollution. This is water which could be used and reused if treated properly. It is ravaged water, a menace to health.

This wasted water today represents better than one-fourth of the country's pure water needs.

Every major stream in the country is contaminated to an alarming degree, and the condition is getting worse.

How dangerous is a contaminated stream? A cup full of water taken from the Connecticut River near Hartford was found to contain 26 different infectious bacteria. The Hudson River which runs sluggishly through New York City could have saved the Northeast from the 1965 drought, but it is too foul to drink.

Lake Erie is described as "dying." Because it is fed by 20 grossly polluted streams, it has a dead core at its center measuring more than 2,600 square miles in which marine life cannot live.

An epidemic in Riverside, Calif., which afflicted 18,000 and claimed at least a few lives, was traced to the city's water taps.

At the level requested by the administration, $214 million for the year, we would be losing ground in the struggle against pollution. At the level of $600 million recommended by the Appropriations Committee, we might be just about breaking even. We might be assisting enough communities to clean up old sources of pollution at just about the same level that new sources will arise. The infection might cease to grow, but the degree of infection might be just about the same.

With $1 billion, we can make progress. We can begin to make appreciative headway on a national basis. To do so will cost about $5 per citizen per year. In our scale of priorities, I think that much is easily worthwhile for pure water. And I believe the American public feels the same way.

Mr. DINGELL. Mr. Chairman, I thank my friend, the gentleman from Texas.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I congratulate the gentleman from Michigan for the remarkable job he has done on this amendment.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my friend from Michigan.

Mr. WILLIAM D. FORD. I should like to associate myself with the remarks made by the gentleman in the well.

Mr. DINGELL. I thank my friend.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman. I should like to join the gentleman from Michigan (Mr. DINGELL) and to thank him for his very effective leadership in this fight.

Mr. Chairman, it has been a privilege to work with him in this effort to obtain an appropriation of $1 billion for fiscal year 1970 for the sewage treatment plant programs as authorized by the Committee on Public Works in the Clean Water Restoration Act.

All of the Members of this body are fully aware of the program. All of the Members of this body are aware of its importance. All of us are aware of the fact that the American public today sees the need for the cleanup of our waters as a paramount issue. One need only turn to the news media, the radio or television, to discover the intense interest of the American people in clean water.

Between fiscal year 1965 and fiscal year 1967, a total of $400 million was authorized for the sewage treatment plant program, and a sum of $407 million was made available. There was no gap in those years between authorization and appropriation, but when one looks at recent history, the gap is tremendous. For fiscal year 1968, $450 million was authorized and $203 million appropriated, or a difference of $247 million not appropriated. In fiscal year 1969, when $700 million was authorized for the program, only $214 million was appropriated, a gap of $486 million. Today the Appropriations Committee has increased the budget recommendation of $214 million to $600 million. That is a major step forward, but it is still $400 million short of the authorized figure of $1 billion. It is time to fund this program on the same level as the authorization. Funds authorized for this program remain available for the Secretary of the Interior until expended. If this money is not allocated for new construction during the next 18-month period, it can at the end of that period of time be reallocated to those States where a crying need exists. It can be used to reimburse those States who have been forward looking enough to face up to this problem. To those who say this money, if appropriated, cannot be used, I say the facts are to the contrary. Every cent can be put to proper use.

Of course, it is necessary to change the allocation formula. It should be on the basis of need.

To assist States such as New York, I have introduced H.R. 12956, which amends the current reallotment policy so that only those States which are currently receiving 50-percent grants will be eligible for the reallotment of unused funds. These States would divide the reallotment funds in the ratio that their current year's allotment bears to the total of all the allotments for 50-percent States.

The Senate yesterday passed the Tydings amendment as amended by the Javits amendment to the Federal Water Pollution Control Act, which will assist those States such as New York and Maryland, which have advanced the Federal share of construction costs and have not been reimbursed.

If the full authorization of $1 billion is appropriated, it will be on hand when the formula is changed. There is no reason to continue the gap between authorization and appropriation.

It took many years for the people of this Nation to face up to the mounting problem of water pollution. As its proportions became fully recognized, Congress responded with the series of Federal Water Pollution Control Acts. This has been landmark legislation which has leveled a frontal attack on the problem. From the citizen's nascent concern with the dangers of bacterial contamination of our waters and the consequent threat to the public health, water pollution has come to be recognized as a multifaceted, long-range evil. Congress' legislation has paralleled this growing concern with the authorization of continually higher funding to aid the cities in controlling pollution. A major victory was achieved in the Clean Waters Restoration Act of 1966 with the authorization of Federal matching grants totaling $2,150 million through fiscal 1970.

People who had become alarmed at the degradation of our precious water resource were filled with optimism by this 1966 act. The Federal Government was seen taking the required lead in the attack on the problem. The Nations Cities magazine referred to the act as "one of the 89th Congress' most sweeping accomplishments."[1] Not only conservationists were pleased by the bill; those responsible for managing our cities and overseeing their desperate financial headaches were overjoyed. These same overburdened cities were experiencing mounting pressure from their State governments to construct the treatment facilities necessary to meet the water quality criteria promulgated by the Water Quality Act of 1965.

These people and these municipalities have seen their rising expectations cruelly shattered. Of the $2.3 billion authorized, only $567 million has been appropriated through fiscal year 1969. Including the $214 million requested for fiscal year 1970, the total will be only $781 million unless we act today to reduce the funding gap as much as possible. Less than a third of the money available has been tapped; and even the full amount would be but a start at coping with the problem.

It has been extremely heartening to me to witness the growing list of Representatives alined behind the proposition that the administration must secure full funding of the $1 billion authorized for 1970. The expansion of this drive is demonstrative of the groundswell of public opinion voicing disgust over the degraded condition of our waters.

In its August-September issue, National Wildlife ran an article entitled "Our National E Q—the First National Wildlife Federation Index of Environmental Quality." I wish to quote in its entirety the brief assessment of our Nation's water quality.

> Water flows through all the problems facing man and his environment. Water, essential to life, is quickly becoming a conveyor of death.
>
> The 1969 Water Quality Index: BAD! The Trend: We're still losing!
>
> Virtually every stream, river, lake and estuary in the country is polluted to some degree. The Great Lakes are becoming dirtier every year. Lake Erie is the worst, followed by Lakes Ontario, Michigan, Huron and Superior. The once great commercial and sport fishing industry in Lake Erie is dead, and recent DDT threats to Lake Michigan foretell the same fate for it.
>
> Water pollution takes many forms: Municipal wastes and industrial effluent; pesticides and fertilizer runoff from agricultural operations; heat released through cooling operations; radiation from atomic generating plants; and chemical disposal from military uses.
>
> Pollutants in our waters can be measured but we have too few monitoring devices. And the effect each has on the health of humans and other forms of life is still largely unknown.
>
> Although the water quality picture is gloomy, we have made some progress. Best legislative efforts are the Federal Water Pollution Control legislation which requires every state to establish its own water quality standards—or have the Federal government do it.
>
> Early this year, the last states adopted acceptable water quality standards, though some still have "exceptions." Horrible example: More than 2,000 communities still discharge raw sewage into our waterways.
>
> Another weakness of these standards in some states is they have been set to allow high pollution levels so the situation can deteriorate and still fall within that state's water quality standards.
>
> For this reason, the Department of Interior is trying now to get all states to adopt "nondegradation" policies which would place the quality standard at the present level of pollution, allowing no further deterioration. *Thirty states have not done this.*
>
> Biggest problem is money. The Federal government holds out the carrot in form of grants and matching funds. Applications have been made for $2.25 billion in water pollution abatement projects by state and local governments. But the big hang-up is that Congress has *authorized* $1 billion in appropriations for 1970, but only $214 million has been *requested*. In the last six years (including 1970) Congress has *authorized* $2.5 billion for treatment plants but may only *appropriate* $1 billion.
>
> In spite of the public's willingness to pay more taxes to control water pollution (Gallup Survey, *National Wildlife*, April–May 1969), we are afraid the $26 billion [a 1968 Water Resources Council Report figures 20 billion] needed in the next five years will not be raised by Federal, state and local governments, and industry.
>
> This at a time when the quality of our water is bad, and getting worse.

The same article goes on to give figures concerning the funding of municipal sewage treatment facilities. For 1969, $214 million was appropriated in response to requests for over $2,224 million. The administration budget request for fiscal year 1970 of $214 million, the same appallingly small request as for 1969, appears paltry indeed when stacked against the more than $8.6 billion it is estimated will be needed for sewage treatment facilities in the years 1969 to 1973.

---

[1] "Are the Cities Trapped in the Water Pollution Control Funding Gap?" *Nations Cities*, Sept. 1969, p. 9.

The American people are concerned with water pollution, and they are willing to spend more money to cope with it. A recent Gallup poll, which asked people how deeply they were concerned about water pollution—among other ills—and sought support for that concern in an expressed willingness to pay, found that half of those interviewed were "deeply concerned," a third were "somewhat concerned," and only 12 percent were "not very concerned." [2]

Beyond this very informative expression of national concern, we can witness the huge bonding issues people have voted through, the most striking of which was New York State's $1 billion issue. Since 1964, the citizens of nine States have voted in statewide elections on water pollution control bond issues. Of these nine, seven were approved and the other two attracted majority voter support. Of 17,625,254 citizens who voted on the nine proposals, 11,725,444—66 percent—voted "Yes."

Clearly, people want clean water for themselves and their children—water to swim in, to boat on, and to fish from, water just to have around, water that is as clear as they remember it from their own childhood, from their rural backgrounds, or from their last vacations into one of this Nation's last refuges from this ubiquitous disgrace. As I said before, their priorities are clear. What then is the difficulty? Irving Fox, a prominent water resources expert, has commented that the United States has the money, the technology, and the will to clean up her waters, and that all that is missing is a way of deciding who will pay and how much. This bottleneck was seemingly overcome by the 1966 Clean Waters Restoration Act, and yet we still are sliding toward an unprecedented ecological and economic catastrophe.

The "Conservation Bill of Rights" reads:

> The right of the people to clean air, pure water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment, shall not be abridged.

The people want a higher quality environment, with air that does not bring tears to their eyes and filth to their lungs, with water that is more nearly the colorless, oderless, liquid it is supposed to be, not oily sludge that will not support even the lowest forms of aquatic life, a land not barren of trees, crawling with cars and their highways, and laced with utility lines. They do not want a war which drains $30 billion each year, and they harbor grave doubts as to the wisdom of rushing to land on Mars, of intensifying the arms race, or of the SST.

The key to our Nation's future lies in the cities, and our continued world leadership will be determined by how well we handle the difficult problems which have developed and are festering there.

The roots of our cities' problems are in our country's exploding and urbanizing population. The Water Resources Council report of 1968 anticipated a "population of about 468 million in the coterminous United States in 2020. In 1965 the Nation's population was 195 million and in late 1967 is past the 200 million mark. This projection of 468 million by 2020 approximates the population growth rate of the period 1950–65."

Not only are there more people, but these people are more concentrated. From rural beginnings, we have come to the point in less than two centuries that nearly three-quarters of our people live in metropolitan areas. The Water Resources Council report notes:

> There has been considerable migration of population from rural to urban areas. About 72% of our population is now concentrated in urban areas. If current trends continue, almost all of the projected population increase would occur in expanding urbanized areas. The transition will be accompanied by many water and related land use problems.

That is about as dour a statement as possible to describe one of the major population migrations in human history, and the monumental problems it has caused.

Increasing population size and urbanization still do not tell the whole story. Our growing population was using, it was reported in 1954, 50 percent of the raw material resources consumed in the world each year. The same article [3] went on to estimate that by 1980 we might be using up to 80 percent of those resources. We are the most productive and the most wasteful people on earth. As one consequence, our waters are the most polluted.

Ignoring for the purposes of this message the effects of industrial, agricultural, and utility pollution—which are fully as staggering as municipal—let us examine what happens when raw or inadequately treated sewage is flushed into our waters.

First there is the distinct possibility of pathogenic or disease-bearing bacterial pollution, particularly for those waters which receive completely untreated wastes. It is incredible to discover that, in our most advanced Nation, the sewage of 11 million people still is not treated in any way whatsoever.[4]

The remainder of our population's wastes receive either primary, secondary, or, in rare instances, tertiary treatment. Primary treatment simply removes solid matter from the waste water. It follows this removal with chlorination which effectively kills the disease-causing bacteria. But this is so only when the waste is treated, and all too often it is not treated at all because of our ancient combined sewerage systems. During heavy rainfall, the additional water brought to the plant often makes it impossible to treat any of it, and the sewage, along with the rainwater, is released to our rivers and lakes. When this happens beaches must be closed to prevent outbreaks of disease. The cost of separating storm from sanitary sewers in our older cities is high, and has led to other ways of dealing with this massive flow of water. The most common method is storage of some sort, whether in the mains themselves as in Detroit, or in the forthcoming deep tunnel storage in Chicago. The problem is that Detroit's method is adequate for only a small rain, and Chicago's is, like so many other things, very expensive.

But even on an average day a city with only primary treatment pollutes the water heavily. Though the bacteria are well controlled, only about half of the oxygen demand is removed from the sewage effluent. Thus, when the partially treated sewage is released to the receiving water, it is attacked by naturally occurring bacteria which reduce it to its elemental, inorganic form; in doing this, they use up oxygen dissolved in the water, oxygen vital to the life of the aquatic ecosystem as a whole. With prolonged oxygen depression, fish of high quality, which generally require more oxygen in the water, are replaced by trash fish.

Once the sewage is broken down what happens? It acts as fertilizer and produces blooms of algae which clog our waters, ruin our beaches when they wash up in malodorous heaps, and work to further destroy the aquatic environment.

Secondary treatment, through controlled bacterial action, manages to remove most of the oxygen-demanding material in the wastewater. But it does not substantially eliminate the nutrients, the fertilizers phosphorous and nitrogen, from entering the receiving waters. In moving water this enrichment often is not too serious, but in standing water it is sure, if slow, death.

The most striking examples of death by enrichment are Lakes Erie and Michigan. If it is not already dead, Lake Erie is moving inexorably in that direction, and Lake Michigan is following the other's demise with alarming speed. Any lake grows old, and will eventually die due to natural processes. But man's activity around Lake Erie has accelerated the natural aging. By dumping many billions of gallons of partially treated sewage into the lake each day, especially from Detroit and Cleveland, we have so enriched it that it is filling with algae. Algae, like any green plant, gives off oxygen during the day through photosynthesis, but it also takes oxygen in through respiration, during the night. The result of large algae blooms is that the level of dissolved oxygen in the water is very low at night. Since the point of lowest oxygen will determine what species of fish can survive, the very low night oxygen level in Lake Erie means that valuable fish such as lake trout, whitefish, and blue pike can no longer survive there. Thus man's waste products, with considerable help from other pollutants and the lamprey eel, to be sure, have obliterated a thriving fishing industry in Lake Erie. As for recreation, only three of the many beaches on Erie's southern shore are considered completely safe for water contact sports.

The same things are happening to Lake Michigan. Increasingly more beaches around the southern basin must be closed due to pollution. Algae blooms are increasing at an alarming rate. We have seen what can happen to a lake in the case of Lake Erie, and yet we continue to pour wastes into Lake Michigan as though convinced—as we must have been in Lake Erie—that our little bit of pollution cannot possibly hurt such an immense body of water. But there is one very major difference between the two lakes: Erie flushes every 2½ years or so; Michigan's flushing action is imperceptible, particularly in the heavily populated, shallow southern basin, so that pollution, once introduced, remains.

---

[2] George H. Gallup, Jr., "The U.S. Public Looks at Its Environment," IUCN Bulletin, July/Sept., 1969.

[3] Walter E. Howard, "The Population Crisis is Here Now," *Bioscience*, 19:9, Sept. 1969, page 782.

[4] "The Cost of Clean Water and Its Economic Impact," FWPCA, 1969.

With the exception of a few towns in California, tertiary treatment, which removes the nutrients, is only a dream in the conservationist's eye. Eventually we must move to this stage of treatment, but it is first essential that we get some treatment for all our cities, and at least secondary treatment for the major ones. More than that, we must get effective secondary treatment that will continue to function under conditions of heavy rainfall.

As I said before, the future of our country lies with our cities. These cities need clear water for water supply, for recreation, for industrial use, transportation and its amenity value. Polluted water is one of the reasons behind the finding of Gallup's recent poll that only 13 percent of our urban dwellers would continue to live there if they had a choice. These cities, already on the financial ragged edge in their attempts to deal with deteriorating housing, inadequate and worsening education and transportation systems and a host of other troubles, are being forced to absorb an increasing fiscal beating due to the administration's reneging on water pollution control funding. If they are to comply with the standards set up after the Water Quality Act of 1965, they must do so without the promised Federal aid and at the expense of other urgently needed programs.

The year 1973 was set as the deadline for compliance with the standards established by the Water Quality Act of 1965. The bold and insightful legislation by Congress in 1965 and 1966 has helped to crystallize a growing public awareness of the extreme gravity of our water pollution problem. Yet, with the present funding gap, our chances of meeting the 1973 deadline are rapidly nearing zero, and public confidence is and will continue to be deeply shaken. Can we really afford not to meet the funding needs, now when a growing number of our citizens are questioning whether our Government can respond effectively to crisis, and wondering whether our democracy is truly viable? Public momentum and trust are being jeopardized by the failure of the Federal Government to carry through its promises.

In lieu of Federal financial aid, many cities have gone ahead, dangerously stretching their bonding capacities. Others have faced even sterner measures, as the Nations Cities article reports:

> Already communities in Pennsylvania, Missouri, Florida, California, and New Jersey have faced state-imposed restrictions on future residential and commercial construction because of water pollution problems.[5]

It is proposed by the Secretary of the Interior that long-term—up to 30 years—financing plans be worked out to repay the cities for the Federal shares they are due. However, this plan is clearly not appealing to the cities since they will have to put up the whole cost to begin with and in addition, will have to pay the interest.

A recent, 10-State survey of consulting engineers indicated that they are ready to handle the design work for treatment plants if, and when, the money is available.[6] The funding gap, though, is crippling progress.

> A total of 4,648 applications for construction grants are now languishing in FWPCA regional offices or in state water pollution bureaus.[7]

This situation is deplorable; we must rectify it.

In signing the Clean Waters Restoration Act of 1965, former President Johnson voiced the dark mood of our people on this subject:

> The clear, fresh waters that were our national heritage have become dumping grounds for garbage and filth. They poison our fish, they breed disease, they despoil our landscapes.[8]

Our Nation's waters, once symbolic of our strength, have become a disgrace. With the other degraded aspects of our environment—smog-filled air, cluttered and noisy cities, strangling traffic jams, and an increasingly defaced countryside—they speak to us in awful harmonies of the consequences of our historic unwillingness to realize that our heritage of natural wealth and beauty, the wellsprings of our greatness, are not limitless and can be irrevocably defiled. We must realize that our world is finite and delicate. Acceptance of two concepts is necessary: The first is that of the spaceship earth and the second is that of the stewardship of the land. The first tells us that we must care for our world and husband well its resources, for once we have rendered it uninhabitable, there is nothing left, just the void. This is an appeal to the rational, intellectual side of our natures. The second speaks of moral responsibility, a responsibility that comes with our birth to love and care for that which nourishes us, and which instructs us to think of the earth as something not to be conquered and exploited, but as something to care for, to guard, and to pass on undiminished in quality.

The introduction of a report delivered to the Secretary of Health, Education, and Welfare in 1967 phrases these ideas well:

> At the two-thirds point of the 20th Century, man has discovered that he cannot act toward his surrounding with the abandon of a caveman. For countless thousands of years, man has treated this planet as a dumping ground, boundless in its ability to absorb insults.
>
> For generations we assumed Nature had the ability to absorb an increasing number and variety of environmental insults. And for a while it did. Now Nature has rebelled. The lashback today threatens metropolis, town, and village, and to a growing degree open countryside as well. Sadly deficient in precise knowledge of the growing and changing array of hazards in our environment, we know enough to realize that we must mend our ways.
>
> We cannot keep adding more wastes to the air.
>
> We cannot turn more rivers and streams into open sewers, and lakes into cesspools.
>
> We cannot befoul the land with the discards of abundance.
>
> In short, we cannot engage in biological and chemical warfare against ourselves. Our health and well-being—and those of future generations—are at stake.
>
> Man lives in delicate equilibrium with the biosphere—on the precious Earth-crust, using and re-using the waters, drawing breath from the shallow sea of air. While these can cleanse themselves, they can do so only to a finite point. That point is being reached and passed in many places in the United States. It is not only necessary that we take preventive action, it is also urgent that we take steps to restore the quality of our environment.[9]

Though it takes as its subject the whole environment, this report is clearly applicable to our Nation's water resources. As it said:

> We know enough to realize that we must mend our ways.

I believe that a movement to mend our ways has started, and a failure to provide the promised funding for this movement would constitute an unconscionable breach of promise.

Mr. **DINGELL.** I thank the gentleman.

Mr. **ECKHARDT.** Mr. Chairman, will the gentleman yield?

Mr. **DINGELL.** I yield to the gentleman from Texas.

Mr. **ECKHARDT.** Mr. Chairman, I congratulate the gentleman from Michigan for his excellent work in this matter and I wish to associate myself with his remarks.

Mr. Chairman, it shocks me that Texas speaks with so divided a voice on a question in which there is such a clear need for water pollution control. Governor Smith has made his position clear. In a telegram to me he said if the billion dollar authorization of the Clean Water Restoration Act were restored in the Appropriations Act, this "would be significant to controlling water pollution and to the economy of Texas." He is undoubtedly right.

Some time ago I invited Hugh Yantis, executive director of the Texas Water Quality Board, to accompany me and others in an oyster boat on Galveston Bay. Looking over the side he remarked that the pea green water of the bay indicated the degree of pollution. We ended up at the San Jacinto Monument, traveling through the India ink waters of the bayou.

I have also heard him say that we have not made a quantitative improvement of the quality of Buffalo Bayou though he feels that progress has been made in educating and in controlling some of the plants that contribute to industrial pollution.

Thus, I was surprised to find in the

---

[5] *Nations Cities.* (page 10) September, 1969.

[6] Ibid. page 12.

[7] Ibid. page 9.

[8] "A New Era for America's Waters," FWPCA, 1967.

[9] *A Strategy for a Livable Environment,* a report to the Secretary of Health, Education, and Welfare by the Task Force on Environmental Health and Related Problems, June 1967.

Congressional Record distributed the same day—October 7—that I received the telegram from Governor Smith a copy of a letter from Mr. Yantis to John Dingell in which the following curious language appeared:

> Speaking specifically to the questions in the third paragraph of your letter, the Texas water pollution control and abatement program has not been held back by the present level of funding and it has been unnecessary to make special arrangements resulting from any lack of Federal funds.

He then goes on to say:

> The municipalities of Texas have historically provided their share of construction funds without calling upon the resources of the state and, accordingly, this state does not presently have a funded state construction grants program, although one is authorized in the legislation organizing the Texas Water Quality Board.

I cannot see how one can be so complacent under conditions where municipalities, largely due to lack of funds and resources, are the biggest contributors to water pollution. The city of Houston is, understandably, the biggest polluter of Buffalo Bayou, and certainly it needs help.

That Texas cities such as Houston realize the need for these additional Federal funds for the construction of municipal sewage treatment plants is made clear by the letter in the Record of October 7 from the Association of Metropolitan Sewerage Agencies. This association, which includes Houston and Dallas, states:

> The full one billion dollar appropriation can be utilized this fiscal year.

Mr. Chairman, I strongly support this amendment, and I think it is necessary to point out this disparity between the position of the State officer specifically involved with pollution and the Governor of Texas and its municipalities. I feel that there may be misunderstanding within the Texas delegation, and a few votes which may be pulled away from this amendment by the disparate position of Mr. Yantis may well cause defeat of the amendment.

Mr. DINGELL. I thank the gentleman.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, I, too, wish to join my colleagues in commending the gentleman in the well, the gentleman from Michigan (Mr. Dingell) and I rise in support of his amendment.

I commend the distinguished gentleman for the great leadership he has displayed in focusing the attention of this Congress on a matter of extreme gravity and urgency. I urge enthusiastic support of the Dingell amendment offered by the gentleman from Ohio (Mr. Minshall), to increase to $1 billion the 1970 fiscal year appropriation for waste treatment grants under the Federal Water Pollution Control Act.

Mr. Chairman, for as long as I can remember, the Board of Water Supply in Honolulu, Hawaii, has been identified with the slogan: "Pure water—man's greatest need." Pure water is indeed man's greatest need, and it is a sad commentary that what man needs greatest he has neglected most. We have been so engrossed in making ours the most industrialized nation in the world, that we have given too little thought for too long to this basic essential of life—pure water. And now time is running against us. Our Nation's lakes and rivers are polluted to the extent that even the fish die and add to the pollution.

The 89th Congress, of which I am proud to say I was a Member, did recognize the enormity of the task of cleaning up the Nation's polluted rivers and lakes, and did make an initial grant of $150 million for fiscal year 1967 under the Clean Water Restoration Act of 1966. That act authorized annual increases until the sum of $1.25 billion would be provided in fiscal year 1971 for matching grants to the States for sewage treatment facility construction. For fiscal year 1970 the sum of $1 billion was authorized. The present amendment, if adopted, would fund the Clean Water Restoration Act fully for the first time since its enactment in 1966.

By adopting this amendment, we will be keeping a commitment made to the States and municipalities that we would assist them in their struggle to clean up our Nation's water. The challenge that the Congress issued in 1966 to the States and the cities across the Nation is now being answered. This is evidenced by the tremendous number of grant applications which have been filed and which are being prepared for submission. We are told that as of August 31, 1969, a total of 1,893 applications involving $841 million in grants were pending, and that another 2,931 applications, involving approximately $1.5 billion in grants, were being prepared. My own State of Hawaii too has responded enthusiastically in this nationwide drive for clean water. We in Congress have a responsibility to keep up this enthusiasm.

The Congress can ill afford to compromise the sound judgment it exercised in the 1966 act. Appropriating a lesser sum than $1 billion for the 1970 fiscal year would constitute a negation of that sound judgment.

Our cities are being compelled to meet Federal water quality standards. Without the funds that they have been promised, they cannot be expected to comply. It would then be painfully clear to the American people, as it was stated in today's editorial of the Washington Post, that "Congress has reneged on its clean-water pledge to the country."

Mr. Chairman, let us not renege on that pledge. Let us adopt the Dingell amendment.

Mr. DINGELL. I thank the gentleman from Hawaii.

Mr. CULVER. Mr. Chairman will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Iowa.

Mr. CULVER. Mr. Chairman, I commend the gentleman for his leadership in this area and for providing necessary funds in this critical area of national need.

Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Michigan (Mr. Dingell) and to commend him for his leadership in this area of vital national concern.

I realize the budgetary restrictions under which the Appropriations Committee has been forced to operate in considering this legislation and appreciate the very difficult decisions they have been required to make. Certainly, they have recognized the inadequacy of the budget recommendations for water pollution control by more than doubling funds for construction grants.

However, with more than 4,500 projects awaiting some $2.3 billion in Federal funds, additional appropriations are essential, and I support the gentleman from Michigan and the Citizens Clean Water Crusade for full funding of the Clean Water Restoration Act.

In my own congressional district there are already 13 outstanding projects, either in the active planning stage or pending at State or regional offices. The Federal share of those projects is nearly $1.5 million.

What is more, studies are presently underway which will in all probability result in orders for secondary treatment plants in most of the major cities along the Mississippi and Missouri Rivers, in compliance with State and Federal water pollution control regulations. One community in my district—Clinton, Iowa—has just received word that secondary treatment will be required, at an estimated cost of at least $1 million, and they will be unable to meet that requirement without Federal assistance.

Technical experts tell us that we have less than 10 years left if we are to control pollution on our Nation's waterways. We cannot afford to delay the massive effort which that challenge demands, and to which we committed ourselves in enacting the Water Quality Act of 1965 and the Clean Water Restoration Act of 1966.

I urge the House to approve the full $1 billion authorized for this essential program for the current fiscal year.

Mr. MINSHALL. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Ohio.

Mr. MINSHALL. Mr. Chairman, I would be most remiss if I did not commend my good friend and colleague, John Dingell, of Michigan, for the outstanding work he has done on this matter of pollution.

I have known John Dingell ever since I came to Congress 15 years ago. He is one of the country's outstanding conservationists, a fisherman, hunter, and outdoors man. Above all, he is a patriot and an American first.

Mr. DINGELL. I thank the gentleman.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend from Ohio.

Mr. HARSHA. I thank the gentleman for yielding. I congratulate the gentleman.

Mr. Chairman, I commend the gentleman from Michigan and the gentleman from Ohio, authors of the amendment for their leadership in bringing this matter before the House. I was one of

those 222 Members who signed the letter requesting the administration to support a $1 billion appropriation for pollution control grants. Living in Ohio I am fully cognizant of the pollution problems in the waters of our Nation. Lake Erie is the No. 1 pollution problem in the country and unless we begin now to stop polluting that great body of water and the other waters of this Nation our very existence on this earth is in jeopardy.

Ohio has applications for Federal assistance exceeding $44 million in grants for municipal treatment plants. Under the $600 million appropriated by the committee, Ohio will still be shy in excess of $13 million.

Under the amendment of the gentleman from Ohio (Mr. MINSHALL), Ohio will receive enough to fully fund those pending applications. How are we to clean up our waters if only part of the applications are funded? Money spent on funding part of the applications is poorly spent when other cities are permitted to pour pollutants into the streams because their applications were not funded.

Let us go about resolving this problem once and for all, let us establish a national priority to clean up our waters. Let us demonstrate once and for all that the Congress is willing to assume its share of the responsibility by providing the money needed to meet this regrettable situation.

Time is of the essence—each day we delay in preserving our most precious natural resource is time we can ill afford.

I urge the adoption of this amendment.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope I can have the attention of Members. I believe some impressions have been left here that it would be unfortunate to leave, since we all in this body are working for the same purpose, for the same country. I should like to keep that situation.

What has not been made clear here is that these large figures the Members see on the blackboard offered by the gentleman from Minnesota (Mr. BLATNIK) as to total requests, are an accumulation of the requests for funds. They are the sum totals of the requests which in many cases mean estimates of needs that have come into the Water Pollution Control Administration. I am sure they do evidence need and requested grants, but in many cases there is no showing that they are backed up by action by the applicants. In other words they do not represent firm request for money that can be released now.

It is my belief that the pollution needs of this country probably run as high as $20 million over the next 5 years, but this problem, like any other, has to be met in a proper and organized way—both to get the job done, to do it right with a minimum of essential expense.

It looks from the board as though the Committee on Appropriations has deliberately cut back the authorization committee in its authorization each and every year. That is the impression one gets from reading the figures on the blackboard. The facts are that each and every year we ask the Federal Water Pollution Control Administrator, "How much money can you use?" We have gone along with what he said he could use as reflected in the budget requests, which has been much less than the sum total asked for by the prospective recipients of the grants. This is the basis for the difference in these figures. It relates to the applicant's readiness to do its part to meet the requirements of the law. Again that is the reason for the difference from the requests that have been gathered together and sent in and the amounts the Federal Water Pollution Control Commission has told us they could use.

If one were in Ohio, listening to all my good friends and you were Governor of Ohio, if you did not send in a big figure you probably would not be there long after that, because the need is really tremendous. The question is how soon can we meet it and when can Ohio be ready for us to help.

This is an accumulation of the items, or the sum total of all these requests. Before the Federal grant is really released there must be a showing that 25 percent of the work has been completed. That is another slowdown as to how fast we need appropriations. That is the reason why we have $65 million now unused and uncommitted.

Let me repeat again: the $600 million recommended by the committee is in excess of what they told us they could properly use.

Now, the Secretary of Interior who heads the Department says if you give him more money they cannot and will not use it.

We have got to go along with what the man says who handles the grants and who says how much can be used. I know that the Public Works Committee wants the ceiling high enough so if the applications come in and are approved he would have the money there to use and that, therefore, we should provide the money for that purpose.

If you appropriate this money under a formula whereby the first $100 million goes out on the basis of population and per capita income and the rest on population alone, you will have a lot of States with a lot of money to their credit which they cannot use and when you try to bring in a change in the law so as to change the formula, you can imagine where we would be in trying to recapture these funds for common distribution.

Mr. Chairman, I repeat that these large figures represent something which they say they could use now but if you wrote them and asked them what they could use next year they would probably tell you they could use twice that much.

Mr. Chairman, the figure which has come from the Committee on Appropriations is based upon what the man who makes the grants said he could grant with the great number of applications which have been received and approved. We must take his word.

Mr. Chairman, the law does not require the party making the request to make any showing that he has issued any bonds or that he has any money with which to pay his share.

I am saying to the members of the Committee of the Whole House on the State of the Union that the pollution job with which we are confronted is tremendous. However, we will be able to get it solved in a better fashion if we proceed judiciously, effectively, and apparently the Secretary of Interior is going to see that we do that whether we try to do otherwise or not.

There is an indication on the part of our good friends on the legislative committee that he went as far as he could. But, mind you, we in this country operate on a fiscal year basis and anyone who says that we have committed another Congress beyond this session has not been reading his history. There is no one who has been in this Congress who can say that we can commit additional funds prior to the beginning of the fiscal year because we, of course, work on a fiscal year basis.

I repeat, Mr. Chairman, that the committee has appropriated the money in line with what the man who handles it said he could use and not based upon the estimates of the number of applications to be sent in.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Arizona.

Mr. RHODES. Would the gentleman agree with me also that even with reference to these smaller appropriations, appropriations smaller than the authorizations, we have had carryovers and the main reason we have had carryovers is because of the manner in which the formula was operating in some of the States. In other words, they just could not use it. Further, the appropriation bill is not the way to cure these defects. That has got to be done through legislative committees.

Mr. WHITTEN. That is right. The Appropriations Committee or the Congress in this action today, if it goes over the figure and under the formula puts a whole lot of money to the credit of some State that cannot use the money, it is going to have to wrestle with that problem in the future.

Mr. EVINS of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude at 5:30.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. SAYLOR. Mr. Chairman, I object.

Mr. VANIK. Mr. Chairman, I object.

Mr. EVINS of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 5:45.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. ASHLEY. Mr. Chairman, reserving the right to object, how many Members are on their feet? One minute is not enough.

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. The question is on

the motion of the gentleman from Tennessee.

The motion was agreed to.

The CHAIRMAN. On the limitation of debate on this amendment, each Member who was standing on his feet at the time will be recognized for 1¼ minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. Mr. Chairman, we have for each of us a question of national priorities, whether the fight on water pollution is worth $1 billion out of a total expenditure of something like $190 billion.

Fortune magazine, hardly a radical journal, says we ought to put in $3 billion. Certainly $1 billion is not exorbitant.

I think this is a beautiful amendment, and I commend the authors, and in just a moment when the teller lines are formed let the Members favoring the amendment flow through that teller line like a mighty river of clean, pure water.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Saylor).

Mr. SAYLOR. Mr. Chairman, I just want to say to you, when you go back home and you try to tell your constituents who are trying to get a sewage disposal plant that the Committee on Appropriations said that they were worried about a formula as to the application of funds for sewage treatment plants, that you will not be back in Congress. Those are just the political facts of life.

Your constituents are not going to be impressed by the fact that you say that certain States might be overfunded, and certain States may be underfunded; the constituents back home are worried about clean water, and they are waiting for Congress to keep its word.

Those of you who were here in 1966—and every one of you voted for it because on a record vote there was not a single dissenter—said that you would this year appropriate $1 billion for sewage treatment plants. This is your opportunity. If you do not, and you do not come back in the 92d Congress, remember this day, especially those of you who will insist that in about a week or so you will be perfectly willing to give $3 or $4 billion in foreign aid. I know your folks back home will love that when you refuse to give them $400 million more to keep them alive, with pure water you are willing to vote billions for foreign aid, where we have no friends.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Obey).

Mr. OBEY. Mr. Chairman, I think that the passage of this amendment can be the most important action taken by this Congress to preserve our environment at this session.

Mr. Chairman, I should like to congratulate the Appropriations Committee for its constructive action in raising substantially the amount of funding for the Clean Water Restoration Act for fiscal year 1970.

It became clear quite early that the $214 million requested by the administration for funding the act for 1970 was grossly inadequate. It was then gratifying to note that the Appropriations Committee responded to the Citizens Crusade for Clean Water by raising the appropriation to $600 million in the bill reported to this body.

But, Mr. Chairman, $600 million is still not nearly enough. And that is why this amendment should be passed.

When the Federal Government authorized $1 billion for aid to local units of government for construction of sewage treatment facilities, it was an indication of national commitment to one of our most pressing national problems. Acting upon this authorization, thousands of local communities applied to the Federal Water Pollution Control Administration for assistance in dealing with municipal pollution. More than 4500 of those applications are now pending in FWPCA regional offices or in State water pollution bureaus.

Something must be done about those pending applications which will call for $2.3 billion in Federal aid in constructing water treatment facilities, having a total cost of $5.1 billion.

In Wisconsin's Seventh Congressional District alone, 87 projects are undergoing development. These 87 projects will cost an estimated $12,809,553. An estimated $4,688,543 in Federal funds has been requested. These requests total more than will be allowed for the entire State of Wisconsin during the coming year, unless Congress acts to raise the amount the administration has asked for.

The inadequate funding of pollution abatement programs becomes ironic when we contemplate the ease with which Congress can supply funds that exceed the budget requests of the administration. On June 10, for example, the House approved a budget which gave the National Aeronautics and Space Administration $256 million more than it had originally requested. It provided for 10 manned space flights to the moon over the next 3 years rather than the six originally planned. I voted against the NASA budget. The $256 million in excess funds which we so generously voted for NASA could have more than doubled the administration's requested funds for aid to local units of governments for water treatment facilities.

We know that without water there is no life. And, the water we must have to sustain life on this planet is in serious danger. The extent of pollution of that water is critical.

During the past few months I have cited example after example of lakes and streams in this country that are dying or are already dead. Those examples are far too numerous to chronicle today.

In our efforts to halt this disastrous trend of pollution, we have fallen further behind each year since the Clean Water Restoration Act was approved in 1966. We have continued to lose ground in this battle because our promises have far outdistanced our performance. In fact, the appropriations from fiscal year 1967 through 1969 total only $567 million—less than half of the $1.3 billion authorized.

It is essential that we provide at least the full $1 billion to fund the Clean Water Restoration Act promised for fiscal year 1970. I urge the Congress to respond to the millions of Americans who have joined in the citizens crusade for clean water by voting for this amendment. The Moon and Mars can wait. Our water cannot.

Mr. Chairman, the Washington Post this morning called today's vote on the funding for the Clean Water Restoration Act—and I quote—"a major test of whether this country is sincere in trying to clean up its polluted rivers and lakes." Indeed it is.

The Congress made clear its commitment to the cause of clean water in the words of that far-reaching authorization measure passed just 3 years ago. But we have yet to make good on the promises of the Clean Water Restoration Act of 1966. We have an opportunity to do so today by voting for this amendment to raise the appropriation to the full $1 billion authorized by the act. I am pleased to rise in support of this amendment. I urge that my colleagues join now in reiterating our commitment to clean water by voting for it and I congratulate the gentleman from Michigan (Mr. Dingell) for his leadership on this question.

Mr. Chairman, some of our colleagues may not have seen the lead editorial in this morning's Washington Post. It is an excellent statement on the issue before us today, and I include it at this point in the Record:

One Billion for Clean Water

A major test of whether this country is sincere in trying to clean up its polluted rivers and lakes will come in the House of Representatives today. In principle, the Congress, the administration and the country are thoroughly committed to the cause of clean water. It is one of the most popular crusades of the day. But lip service and even authorizing legislation do not remove filth from our streams. Sewage-treatment plants must be actually constructed, and Congress has to date provided only meager funds for this purpose.

New hopes were raised in 1966 when Congress approved a sharp rise in federal assistance to states and cities for the construction of clean-water facilities. The program was to expand from $150 million in fiscal 1967 to $1 billion in fiscal 1970. But out of the $2.3 billion authorized for the last four years, including this one, Congress has appropriated only $567 million for the three past years, and the current budget request is for only $214 million for fiscal 1970. In other words, the real cleanup program, as distinguished from the reassuring words and good intentions, has not yet gotten off the ground.

Fortunately, the great gap between promise and performance has not gone unnoticed on Capitol Hill or among the millions who are now demanding restoration of a healthful environment. A large number of organizations representing conservation groups, organized labor, professional societies, civic associations and city and county officials have united their efforts in a Citizens Crusade for Clean Water, and more than 220 members of the House have pledged themselves to vote a billion dollars for clean water when the big test comes.

One vital element in the situation is the plight in which many cities find themselves. Under the prodding of Congress, state legislatures have been raising standards of sewage treatment which the cities will have to meet. But if they are denied the federal aid that was contemplated when the higher standards were set they will have to choose between failure to comply and the diversion of funds from education, housing, law enforcement and so forth to meet the new demands for clean water. It is reported that more than 4,600 applications for aid to cities in the construction of sewage-treatment facilities are awaiting action, largely for want of funds.

The plain fact is that Congress has reneged on its clean-water pledge to the country. The technical know-how for restoration of the Nation's streams and lakes to a tolerable condition is readily at hand. Much of the needed legislation is already on the books, although Secretary Hickel is seeking authority to help pay for treatment facilities on an installment basis through contracts with cities and states, which would greatly ease the demand for current appropriations. The missing element is immediate funds to change the clean-water drive from a remote hope to a current reality.

We agree with the National League of Cities, the League of Women Voters and the many other groups and individual leaders who are calling for the immediate appropriation of a billion dollars for the 1970 cleanup effort. On the eve of the test vote there are indications that the administration will accept substantial expansion of the clean-water budget item it carried over from the Johnson budget. But compromise at this point is not enough. The judgment of Congress as expressed in the Clean Water Restoration Act that $1 billion would be needed this year for grants in this area was sound. It should be adhered to today. In a matter of such vital concern to the country, Congress simply cannot afford to put itself into the position of withdrawing from an obligation it has assumed and sought to impose on the states and cities.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I want to congratulate my very good friend, the gentleman from Michigan (Mr. DINGELL) for his leadership in promoting this amendment. I wish to speak in support of appropriating the full $1 billion authorized for waste treatment plant construction grants in the public works appropriations bill—H.R. 14159—under consideration today. The Federal Government must meet its commitments to the States and municipalities as promised in the Clean Water Restoration Act of 1966. We have appropriated only $417 million of the authorized $1.15 billion in the last few fiscal years.

In the face of these underappropriations for matching grants for waste treatment plants, Carl L. Klein, Assistant Secretary of the Interior for Water Quality and Research has ordered a get-tough policy against the many municipalities concerned, whom he calls the Nation's No. 1 polluters. His statements appear in an article in Monday's New York Times which I will ask to have included in the RECORD when we return to the House. Mr. Klein, in ordering the crackdown, stated that the administration planned amendments to the Clean Water Restoration Act to eliminate "foot dragging" by the municipal agencies. I agree with the crackdown, but I believe we cannot expect to obtain stricter control and then not live up to the commitments made to States and municipalities under the 1966 act.

New York passed a record $1 billion pure waters bond issue, the largest in the Nation, in response to and reliance on the Federal legislation.

Unfortunately, to date the State has only committed $18 million of this bond issue and has spent on water pollution control only $59 million. The Governor has used as an excuse for his failure to clean up New York's waters the failure of the Federal Government to provide the funds it promised.

We must remove this excuse if we are to see New York's serious pollution problems remedied.

I strongly urge adoption of the amendment.

The article referred to follows:

LOCALITIES TOLD TO CLEAN WATER—U.S. OFFICIAL BIDS THEM ACT REGARDLESS OF FEDERAL AID

(By Gladwin Hill)

DALLAS, October 6.—The nation's top water pollution official admonished states and cities today that they would have to clean up their sewage whether or not they got promised Federal subsidies.

Outlining a new and stricter policy on water quality, Carl L. Klein, Assistant Secretary of the Interior for Water Quality and Research, also said that the Administration planned amendments to the Clean Water Restoration Act of 1966 to eliminate "built-in delays" in administrative procedures that permit "foot-dragging" by polluters.

Addressing members of the Water Pollution Control Federation, Mr. Klein said: "We can't have procrastination by anyone saying he's not getting enough money from the Federal Government."

At the same time, Mr. Klein said he now rated industry as only the third ranking contributor to the nation's water pollution, behind municipalities and agriculture.

FIVE THOUSAND TO BE THERE

Mr. Klein was the principal speaker at the opening session of the federation's 42nd annual conference at Dallas Memorial Auditorium. About 5,000 members, including water officials and engineers, are expected to participate in what has been described as the biggest water pollution meeting in history. It will continue through Thursday.

Federal subsidies represent a point of contention with states and cities. The Government has been pressuring the states and cities to clean up their water. But so far this year, the Administration has sanctioned the outlay of only $214-million out of a $1-billion 1969–70 program of assistance grants for building sewerage works.

When several participants chided Mr. Klein about unfilled Federal aid promises, the Interior Department official suggested that this had just been an excuse for inaction.

New Jersey officials came to my office the other day and said: "Where's the money?" Mr. Klein said. "But they admitted that even if the Federal Government had given them everything: 'we wouldn't have the matching money anyway.'

PIECEMEAL TECHNOLOGY

"We need new laws—tough laws, to save us from ourselves and our thus far piecemeal technology," Mr. Klein said. "We shall be asking Congress for these laws."

Asked at a news conference what laws would be sought, Mr. Klein would specify only the desire to eliminate "built-in delays in enforcement procedures."

The Federal Water Pollution Control Administration has about 40 outstanding pollution abatement actions against various states. Some of the actions have been protracted, under existing laws, for a decade.

Mr. Klein enumerated a dozen new cleanup actions initiated under a recent policy to "move in on polluters" and give them six months to come up with remedial programs.

Among other "get tough" actions, he said, was the determination of the Secretary of the Interior, Walter J. Hickel, to stop the city of Richmond from pouring 30 million gallons of raw sewage daily into the James River while it enlarged its existing sewage treatment plant.

CITY GIVEN WARNING

The city has been notified, he said, that all Federal water quality funds will be cut off if it does not spend the extra money necessary to keep the plant operating during alterations.

While industries were the target of several of the new actions, Mr. Klein said he thought industry had generally been doing an effective enough cleanup job.

Mr. Klein, a former Illinois legislator, who specialized in water pollution, was joined at the conference by Martin Lang, director of New York City's Bureau of Water Pollution Control. Mr. Lang said he was pleased with Mr. Klein's emphasis on equality in enforcement because "it will help explain to the people in New York City why we're doing what we're doing."

"The citizens of New York City put their money where their convictions are," Mr. Lang said, only to have the effort counteracted by "the flow from another state." Apparently he was referring to New Jersey.

(By unanimous consent, Mr. OTTINGER yielded the remainder of his time to Mr. ASHLEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. Mr. Chairman, I thank my colleague from New York for yielding me his time.

Mr. Chairman, on September 3, just a very few weeks ago, the city of Toledo, Ohio, was singled out by the Department of the Interior and identified as a municipality contributing to the pollution of Lake Erie.

This was pursuant to a new policy on the part of the Department of the Interior to insist upon strict compliance with the water quality standards that have been adopted pursuant to legislation passed by this Congress.

Tomorrow in the city of Cleveland there is going to be a hearing to determine the extent to which Toledo is a guilty party. We in Toledo applaud a policy of strict antipollution enforcement. But I find it strange and difficult to understand how the gentleman from Tennessee can get on his feet and read a letter from the Secretary of the Interior saying—No, he does not want a billion dollars or $600 million—and that all he wants is $214 million which averages up, no matter how you cut it, to $4 million or $5 million per State per year for the fight against pollution.

What are we saying? That the Federal Government will stake out for itself the role of law enforcement but will transfer to the States the full responsibility for financing the pollution abatement facilities? What kind of new federalism is this, pray tell?

It was established some years ago by the Congress that responsibility for cleaning up our rivers and waterways was a joint responsibility shared by the Federal Government, the States, and the cities and towns and other political subdivisions. Since that time, however, the Federal Government has not met its commitment. It has promised but it has not performed. The result, of course, has been to shift the burden of financing treatment facilities to the States and local communities and they simply have not been able to manage the job with their own limited resources.

The situation was summed up well by Richard A. Vanderhoof, director of FWCA's Ohio Basin region when he said:

> We're making progress in water pollution control if everyone would stand still. But we must run faster. A combination of industrial growth and municipal growth puts us in a position of status quo, particularly with the level of funds we have available.

Mr. Chairman, the status quo is not good enough. What "status quo" means is that every day our water resources become more contaminated and just that much more difficult and expensive to clean up.

Clearly there is no question as to need for full Federal funding for waste treatment works and I believe I am accurate in saying that the Department of Interior has acknowledged the backlog of project applications could well absorb the billion-dollar level of Federal contributions proposed in the amendment before us.

The real question arises, as we all know, with respect to the budget impact of fully funding the authorization bill approved by the Congress. In light of the Interior Department's recent policy of strict enforcement of water quality standards, it must be assumed the administration wants compliance at the State and local level—and let there be no doubt about it, compliance means construction and construction means the expenditure of public funds.

The issue, then, is where these funds are to come from.

To the extent that the construction of pollution abatement facilities contributes to inflation, these pressures are not eased or obviated by shifting Federal responsibility to the States and local communities. If we are going to have clean water, it is going to cost dollars and, from the standpoint of inflation, it does not make any real difference where these dollars come from.

But from the standpoint of getting the job done, it does make a difference. The States were led to believe by the Congress that the financial burden would be shared and they have acted on this premise. Last fall the voters in Ohio approved a bond issue earmarking $120 million for pollution abatement and a number of municipalities, including Toledo, approved separate issues for the same purpose. In addition, the State legislature established the Ohio Water Development Authority which is empowered to sell bonds for an additional $350 million for antipollution facilities. For its part, the Federal Government budgeting $9½ million for Ohio for the current fiscal year, roughly 20 percent of what it promised and what the State of Ohio was led to believe it could count upon.

Mr. Chairman, we have sophisticated ways of measuring increases in our cost of living but no one yet has put a dollar amount on the cost of polluted water because there simply is no way of doing so. But it is a fact that Lake Erie, one of the great inland bodies of water in the entire world, is a dying lake because of the wanton and undisciplined behavior of many millions of Americans. If disaster is to be averted, if our water resources are to be preserved for the generations to come, then action can no longer be postponed until it better suits the convenience of our economy. We must act now and the amendment before us gives us this opportunity.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, I want to quote the words of a gentleman who has impeccable qualifications as a most conservative individual, the Governor of my State, Ronald Reagan.

He says that the lack of funds for the construction grant program under the Clean Water Restoration Act, referred to in your letter of June 6, has indeed held back the Water Pollution Control Act abatement in California.

He goes on to cite statistics that are very pertinent to this discussion here.

He says the authorization in the act of $700 million for the fiscal year 1969 and $1 billion for the fiscal year 1970 lead communities to believe ample funds will be available.

That is the fact, and that is the issue here. I compliment the Committee on Appropriations for increasing the funds to the $600 million level—but that is 60 percent of our commitment. Let us meet all of that commitment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I am supporting the amendment being offered today to provide for full funding of the Department of the Interior's waste treatment plant construction program. The Congress has authorized $1 billion for this vital program in fiscal year 1970. The administration requested only one-fifth of that: $214 million. I am pleased that the Appropriations Committee has increased the amount for pollution control construction to $600 million.

But as a representative from the Lake Erie Basin, as one who represents a congressional district which lies along the shores of what must be the most polluted body of water in the world, I know that $600 million is inadequate. Indeed, $1 billion is totally inadequate to meet the pollution problems of this Nation. It is estimated that to stop pollution flows into Lake Erie alone would require more than a billion dollars. The money which we appropriate today is allocated by the State governments, and, from past history, it is clear that very little of this money will go for the solution of massive, billion dollar pollution problems such as face Lake Erie and the other Great Lakes.

At the present rate of pollution control appropriations, our natural resources and clean water supplies will soon be totally destroyed and our health increasingly threatened.

I would like to point out at this time that another pollution control program, passed by this Chamber, is in serious danger because of opposition by the administration. Included in the Tax Reform Act, which passed the House August 7, was a provision providing for rapid depreciation for pollution control facilities. The reform bill amended the tax code to permit rapid 5-year amortization of expenditures for certain facilities for the control or abatement of air and water pollution. This provision was included in the tax reform bill by the Ways and Means Committee to assist industry in financing costly pollution control devices. The measure would be particularly important to industries in central city areas and along waterfronts where construction and land costs are particularly high. In addition, it would help many small businesses in meeting the demands placed upon them by the Water Pollution Control Acts of recent years. The measure will cost $400 million per year, but the committee felt that the problem of pollution is so serious that the provision was justified.

On September 4, the Secretary of the Treasury appeared before the Senate Finance Committee and questioned the necessity for this provision and recommended that it be amended, cutting the incentives for pollution control to $180 million. I find this recommendation by the administration incredible in light of all their talk about incentives and in light of the administration's request to the Senate Finance Committee that the corporate tax rate be cut 2 percent: The cut in the corporate tax rate will cost the Treasury $1.6 billion by 1972. This money will be returned to America's corporations as a simple profit. It will not be earmarked for any social goal. It will not be required to be used in the battle against pollution.

The position of the administration on this issue is indefensible. At this time of pollution disaster in Lake Erie and other areas of the country, we must mobilize all of our available resources against further pollution. It is my hope that the other body will approve the House provision in its entirety and reject the administration's attempts to weaken the provision.

Next year I expect to urge the authorization of at least $100 million for the handling of national pollution disaster areas such as Lake Erie and other parts of the Great Lakes, San Francisco Bay, New York Harbor, various parts of the Gulf of Mexico, and portions of the coast of southern California.

The problem of water pollution is so critical that it requires multiple approaches. One approach is to stimulate industrial treatment by legal enforcement and tax incentives. Federal funding should be designed to stimulate the development and construction of public waste treatment facilities but Federal funding must also be provided to meet national pollution disasters which are of a dimension beyond the control of local governments.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHBROOK).

PARLIAMENTARY INQUIRY

Mr. ASHBROOK. Mr. Chairman, I would like to propound a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ASHBROOK. Mr. Chairman, would it be in order before the vote on the pending amendment to offer an amendment to increase it to $2 billion?

The CHAIRMAN. It would be in order.

Mr. ASHBROOK. I thank the Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I want to say for the record that I am vigorously opposed to this amendment providing unbudgeted money for water pollution control.

I am not against water pollution control per se, for I yield to nobody in my desire to have our waters remain pure and uncontaminated. I was, in fact, one of the cosponsors of a bill establishing a Council on Environmental Quality legislation just recently approved by this body.

But we must come to grips with the fiscal facts of life, governing ourselves according to certain spending priorities. The fact of the matter is that it will be of little avail if, in endeavoring to promote pure water, we pollute our budgetary process beyond the point of no return. It is not enough to say pure water over and above everything else, because there are also other practical and important considerations.

It is interesting to observe that the budget approved by the administration for this water pollution control program is $214 million. I am willing to go above this figure and, in fact, support the $600 million figure recommended by the House Committee on Appropriations. This committee has studied this matter long and diligently, recommending the $600 million figure as one practically designed to cope with the problem. I do not think we should turn our backs on the collective wisdom of this committee.

Undoubtedly in the discussion of this issue, a great cry will go out that this $1 billion amount must be spent because Government must fill the vacuum left by private industry in dealing with water pollution control. In my congressional district, I know of at least one big industry that is spending vast sums of money toward the end of controlling the pollution of both air and water. Other industries are equally concerned and active in this area. If anything, I fear that the expenditure of this vast sum of money would have the effect of discouraging rather than encouraging these private industries to carry on with their yeoman work with water pollution control.

Mr. Chairman, in my mind the $600 million figure recommended by the House Committee on Appropriations is both realistic and practical. In effect, it promises to deal with the problem of water pollution by making a substantial amount of money available for dealing with it. On the other hand, it recognizes that even highly worthy programs have to submit to some disciplines in spending, for otherwise they stand to be cured at the expense of creating a disability in another part of our Government structure.

I am a conservationist, and I am for the preservation of our natural resources, one of the most important of which is an abundant supply of pure water. I am also a realist and, as I said previously, I know we must accept what can be done without threatening the stability of our economic system, particularly while we are saddled with the burdensome expenses imposed on us by the war in Vietnam. The $600 million is, in my mind, an ideal compromise. I give it my strong support, and I encourage my colleagues to do likewise.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, the expression has been used about commitments and about welching out on commitments. Here is another facet of the argument, I think we should consider in these closing moments.

In 1965 and then again in 1966, the Clean Water Act was strengthened. Every Member of this body who was here in 1966 is today bound to support adequate funding for water pollution control. The reason is the House in 1966 voted 247 to zero for authorizations for each year from 1967 to 1971.

There was a lot of oratory 3 years ago but regardless of the talk when the roll was called not one single Member who was present and recorded, voted in the negative. Who would deny that such a vote was a commitment that we clean up our water by providing treatment plants for the waste created by all of our municipalities and industries?

It is my opinion, Mr. Chairman, that the Congress by several votes which in the first instance gave the authority to the executive branch to establish water standards and then followed these enactments for authorizations for funds made a solemn commitment not only to our municipalities and industries but to all America that we meant business in the attack against the growing menace of water pollution control in these United States.

If we fail to adequately fund this appropriation bill in title III which provides for funds for the Federal Water Pollution Control Administration, including not only pollution control operations but also research, then we renege on our expressed promise. We welsh on our commitment.

We have a great opportunity today not only to redeem the covenant made with the American people in 1966 when we authorized these funds but we have presented to us the chance to do something about our environment and to pass on a cleaner environment to the generations who come after us. We all like to orate. We have campaigned in the past 2 years for water pollution control. The time is past for any more lipservice. Now is the time to fish or cut bait. Now is the time, not next year.

The States, municipalities, and private industries have been depending upon the Federal Government to do its share. The States and all of our municipalities have cranked up their programs. Last week we said we could afford the defense procurement bill and that was certainly a high priority. The health of America is one of our highest domestic priorities. Who can say we can be sure of good health in this country if our families are subject to being stricken by drinking water polluted by waste of those who live upstream? People are aroused about contaminated water. It is time that we were concerned.

We have set up water standards. Since that time we have gone around the country saying to municipalities and industries, "You are going to have to meet these standards." What we have said to those people is not merely a commitment. They have been forced, sometimes under court order, to act. They have been trapped into a situation. It is our obligation today to meet that commitment. This will also give reassurance to the little communities of the Nation and their officials who have been elected on the promise of no bond issues until the Federal Government puts up its funds. We must redeem that commitment and take them out of that trap.

Yes, last week we voted for some protection for America in the defense procurement bill. This is a chance to vote for our health. In the next few weeks there will be a much easier choice when we have to decide whether we send more money to Africa or Asia.

We have authorized in fiscal year 1965 through fiscal year 1970 funds to construct sewage treatment plants in the amount of $2½ billion. We have appropriated only $1.4 billion, leaving a $1.1 billion gap. If we continue this course we will get further and further behind. Our job is increasing. Our pollution problems are increasing. The time to start on the task of attacking one of our most serious problems of water pollution control is now. We should not wait. We cannot wait.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. MCCARTHY).

Mr. McCARTHY. Mr. Chairman, we have talked about the failure to meet our commitment to municipal polluters. I think it should be pointed out that our failure to act has created an environment which encourages private and other polluters to continue to seek exceptions to the law.

In recent months, in the Buffalo area, we have had several major polluters—the Bethlehem Steel Corp., the Hanna Furnace Co., and even the State of New York—seek exceptions to existing regulations to dump waste and other materials in the desperately polluted Lake Erie. So I think what we are doing here is not only assisting municipalities but setting a tone and letting these people know that we are serious.

I have had them say to me, "Why do you complain when we seek this exception, when you, yourself, in the Congress are not providing full funding?" What is our answer to that? We really do not have an answer, but I think we can provide it today.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Michigan. It is imperative that we belatedly recognize our responsibility and fulfill our commitment to the States and cities and to the people of this country by appropriating the necessary funds to combat effectively the pollution of our vital water resources. I need not repeat the shocking figures representing the ever-widening gap between the amounts authorized by this Congress and the amounts subsequently appropriated for water pollution control. Each year the gap has grown and each year the waters of this country become more and more polluted.

When we passed the Water Quality Act of 1965 and the Clean Water Restoration Act of 1966, we meant to begin an active cleanup campaign. We recognized a serious problem and took action by authorizing a strong Federal program to combat the contamination of our lakes, rivers, and streams. But this strong program loses its significance and becomes a meaningless series of words on paper if we do not appropriate the funds to carry it out.

There has been a good deal of talk about the promise made by this Congress. It is true: we did make a promise and many of our States and cities have acted on the understanding that we would keep that promise. Millions of local dollars have been spent, in the expectation that Federal matching grant funds would be available. Now we threaten to keep only six-tenths of our promise. Six hundred million dollars is, of course, almost three times as much as the administration proposed, but it is still much less than is needed. In fact, $1 billion is less than is needed to do a really good job of cleaning up our waters. It has been estimated that it will take at least $6 billion in the next 4 years to provide adequate sewage treatment facilities. The $1 billion proposed in this amendment is only a beginning.

There are those who say that it would be irresponsible to appropriate funds that could not be spent. They argue that the States and cities could not gear up to spend $1 billion this year. I strongly disagree. The States and cities are prepared to spend the funds. The only problem is that the funds have not been available, and it seemed until relatively recently that the funds would not be available this year either. Now we have a chance to make the funds available, and I believe that we must jump on that chance. By not appropriating the full amount authorized by the Clean Water Restoration Act, we would be compounding the errors of the past few years.

Already the Federal Water Pollution Control Administration has $2.3 billion in pending grant applications. While some of these pending applications represent requests for more funds than certain States would be entitled to even with the $1 billion appropriation, many other applications are being prepared by other States and cities which would not only be entitled to the funds but which also desperately need them.

Perhaps the most compelling argument is that Federal law—the Water Quality Act of 1965—absolutely requires the States and cities to meet Federal water quality standards by a certain date. But these standards cannot be met without the promised Federal grant funds. The States and cities simply cannot do it alone. Already many cities are up against their bond limits. Our cities are in trouble. Polluted water is only one of the many serious problems which they face. We can, of course, be of assistance in other areas as well, but as a start we must honor our promise to help clean up the water.

Let us not forget that we are not just cleaning up the water to provide pleasant recreation areas for swimming and boating. We are cleaning up the water that we and our children drink every day, the water with which we cook, the water in which we bathe and wash our clothes and dishes. No wonder that nationwide polls show that an overwhelming majority of people in this county are in favor of spending more money on water pollution control. No wonder that local bond issues are easily passed. The issue is one of life or death—good health or disease. In these days of inflation and high Government spending on all levels, there are very, very few programs for which the people of this country are willing to spend more money. But water pollution control is one of those programs.

Mr. Chairman, I urge that we respond to the public demand, that we exercise our responsibility in this area, that we honor our promise to the States and cities of this country. I urge that we approve the amendment to provide full funding of the Clean Water Restoration Act.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in support of the amendment. I believe it may very well be the most important single vote in this session of Congress. If we do not do something meaningful to help communities build adequate sewage treatment facilities, the damage to this country will be beyond any comprehensive assessment. Lake Michigan, the greatest natural resource in the world, will be dead in 10 years.

I say, Mr. Chairman, in my judgment it is absolute folly to suggest that there is a community or State in this Nation that cannot use this money. In my own State, the chief engineer is not accepting any more applications because his funds already are committed for the next 4 years. I think we are already tragically behind time. All we are doing here now is trying to restore more than $700 million that the Appropriations Committee has trimmed out in 2 previous years. This $400 million will still leave us $750 million short of the absolute minimum needs to those communities to which we are committed to give Federal aid.

So I agree with those who have said that this may very well be the most important vote in this session. I urge adoption of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, I rise in support of the amendment that would increase the appropriation for waste treatment construction grants to the amount originally authorized by Congress—$1 billion in fiscal year 1970.

I recognize that the administration recommended that we freeze the level of spending for water pollution control facilities at the 1969 level—$214 million—and I want to strongly commend a courageous Committee on Appropriations and the members of the Public Works Appropriations Subcommittee for reporting to the House a bill containing nearly three times the budget estimate. The committee recommendation that we allocate $600 million for waste treatment construction grants is a major step in the right direction, but considering the very high priority that all Americans place on the task of restoring our water resources, this step does not stretch far enough. It still means a 40-percent cut in the original authorization.

There is no way to overstate or to overemphasize the seriousness of this Nation's water resources crisis. We have come to the incredible point where Americans take for granted filthy lakes, stinking rivers, and closed bathing beaches. In most of our densely populated areas we are long past the point of prevention in the fight for clean water—we have reached the stage where if we do not place a crisis priority on antipollution programs and expenditures, we will lose many bodies of water to irretrievable death by pollution.

Before the passage of the Clean Water Restoration Act of 1966, I accompanied a Subcommittee of the Government Operations Committee to the eastern Great Lakes area, where we held hearings and toured by land, air, and water, the Lake Ontaria-Lake Erie area, in the vicinities of Rochester and Buffalo. What we saw then was horrible. At that time the biological death of Lake Erie was imminent, and beaches in both metropolitan areas were closed to swimmers. At that time, Lake Erie was acknowledged as the most polluted major body of water in the country. Today, just 3 years later, there are many other lakes and rivers competing for this sad title. A report released today by the International Joint Commission on Great Lakes Pollution cites the worsening nature of this problem.

Both before and since this inspection tour, I have placed pollution control measures at the top of my Federal budget priorities, along with education and housing. I have both introduced and supported numerous bills that would add teeth and dollars to the Federal campaign to save our water resources.

Mr. Chairman, I feel that we can and must afford to live up to our commitment to the public to provide the full measure of funds authorized for antipollution facilities.

Some have argued that even at the $600,000,000 level, many States, under the population-based allocation formula, will be allotted more funds than they need for pollution facilities in the next fiscal year. While this argument has some validity on its surface, it fails to recognize two important factors.

First, several States, and notably my home State of New York, have applications for projects under this program that vastly exceed funds available under the committee bill. Of a potential backlog of Federal Water Pollution Control Administration applications for funds totaling $2.4 billion, over $1.3 billion are from New York State. Thus, funds for New York under the committee bill would provide only 3 percent of the State's needs, whereas they provide a much higher percentage to other States. This is because population density and the presence of water resources, not solely population, determine the level of need for pollution facilities improvements.

Congress, in its wisdom, has allowed the Secretary of the Interior to redistribute funds that are not fully obligated to States receiving them under the population-based formula. Under present law, approved projects in States such as New York would certainly receive additional funds under this redistribution. The FWPCA has estimated that there would be nearly $100 million in nonobligated funds at the $600 million funding level, and that this amount—available to States which need additional funds—would grow to between $200 and $250 million if we were to appropriate the full billion dollars. Without looking at the facts, this looks like a great deal of money to have to redistribute. In fact, even these amounts would not fully fund the backlog of projects in those States which—facing the most serious pollution problems—have expended the most effort to correct them.

New York, which as of May 30, 1969, had a backlog of grant requests of $1.306 billion, would receive only $51.5 million under the committee bill. On the initial allocation of funds, it would receive $88.4 million under a full $1 billion appropriation, but this does not consider the substantial amount that would be redistributed to States which have large backlogs. I am proud to represent the State which has marshaled the greatest effort, out of all States in the Nation, to lick the problems of pollution. At a time when taxes are high and budgets are tight, it is difficult to win public support for major undertakings by State government. But the people of New York overwhelmingly approved a $1 billion bond issue for the pure waters program.

The State and local governments in New York have embarked on dramatic projects and programs to clean up our lakes and rivers and keep them clean. No one pretends that this is an inexpensive venture. In fact, New York has largely gone ahead without waiting for the Congress to make good its promises of full funding. The State has, through its pure waters program, advanced most of the Federal share of local antipollution projects, so that this problem can be tackled before it is too late.

The second compelling reason for supporting full funding of the authorization for this program lies in the fact that the Senate yesterday adopted an amendment to S. 7, the Water Quality Improvement Act of 1969, which would allow the Secretary of the Interior to make good the Federal Government's moral commitment to reimburse State and local governments to the extent they have advanced all or part of the Federal share of these projects.

This amendment offered by Senator JAVITS, if adopted in conference, will mean that nonobligated funds under this program can be used for such reimbursements. Because of the vigor of their programs, and the priority they have put on ending water pollution in New York State, my State has put up a full 44 percent of the State and local funds that have been advanced to cover the Federal share of many of these projects and make up for inadequate Federal appropriations.

As of August 31 of this year, New York has prefinanced $308,612,970 toward the Federal share of waste treatment projects within its borders. Obviously, this cannot be reimbursed in a single year. But the fact that this State, and other States faced with catastrophic water pollution problems have substantial application backlogs indicates the necessity of full funding of this program. By making good our moral commitment to reimburse those States which could not wait for adequate Federal funding, we will free additional State and local funds so they can be applied to antipollution projects that are still pending.

We must once and for all decide that the Federal Government will not reduce or quibble its commitment or its priority to control pollution. We must start by full funding of the 1970 fiscal year authorization and continue to fully fund this program until the job is done. Pollution will not wait for us, it has in fact passed us by. We must act now to make up for lost time, and to allow Americans to enjoy once again the health, recreation, and the beauty which pure waters will bring.

One billion dollars is not too much to pay in 1 year to begin the restoration of now-filthy lakes and streams. There are other programs in the Federal budget which deserve far less priority than this one. I cannot agree with those who say we can do this job and cut the authorization by 40 percent at the same time. A full commitment to this task requires full funding over a long term of years. I am willing to do my share to honor this commitment, and hope my colleagues will do their share by supporting this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. MCCLOSKEY).

Mr. McCLOSKEY. Mr. Chairman, fiscal year 1970 requests for Federal grants have already exceeded $59 million and there are additional California applications presently pending which will exhaust the full $83 million-plus to which California would be entitled under the full $1 billion funding.

The single most persuasive argument against this amendment has been that there have not been sufficient applications to use the funds actually funded in the past.

I suggest, however, that one of the reasons for this lack of applications in many areas has been caused by the uncertainty that sufficient funds would be available even if the municipality or county government went through the procedures of making formal application.

By voting the full $1 billion today, establishing the priority for clean water that the problem deserves, Congress will be making a clear and unmistakable declaration of its priorities. Such declaration cannot help but stimulate the confidence of local governments that funds will be available when applied for, and I suggest that this in itself will promote the goal we have adopted in the 1966 act—a major attack by local government on the pollution of streams which have long been the greatest treasures of the American Government, and which will be again if we in Congress will only be consistent in our leadership and commitment.

I hope we will overwhelmingly adopt this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. RUPPE).

Mr. RUPPE. Mr. Chairman, the people of the State of Michigan have been among those who have most enthusiastically supported the clean water program. I am proud to say that last year our people passed a bond issue in the amount of $355 million for that particular purpose. The success of the bond issue depends on the support the Federal Government can give to it by full funding of this particular measure.

The success of the bond issue depends on the support of the Federal Government, however, which can be given today by full funding of this particular measure. I endorse the amendment.

The people in my own particular district support our actions here today. Even those people living along Lake Superior—which, incidentally, is the only large body of fresh water left in the United States today—wholeheartedly endorse the program. In my own poll several weeks ago they indicated by a 3-to-1 majority that they support this legislation and want full funding of the clean water legislation.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MCCLORY).

Mr. McCLORY. Mr. Chairman, the No. 1 domestic issue in my district today is water pollution. I know from the volume of mail I have received that most of my constituents will be looking to this Congress to see what constructive efforts we are going to make.

I came reluctantly to the philosophy of Federal grants for water pollution control, but I am convinced now we must not only give Federal leadership, we must give Federal financial support.

In my area of Illinois, the residents of the North Shore Sanitary District voted $75 million, their constitutional limit, for pollution control. It seems to me that that is the kind of local support we are getting from the people. If we provide $1 billion, we meet the commitment in Illinois of only 44 percent of the requirement. It seems to me that is the least we can do today.

I congratulate the leaders of the effort to obtain full funding. No matter the outcome today, all of us who supported funding at the level of $1 billion, and especially the sponsors of the amendment, should be aware that the move to increase the appropriation already has had a salutory effect. Quite obviously, the support of more than 200 of my colleagues for the $1 billion figure has encouraged the committee to virtually triple the $214 million provided in the budget. If nothing more is accomplished, the sponsors of the amendment deserve to take credit for the huge increase in appropriation which has resulted from the move for full funding.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Price).

Mr. PRICE of Illinois. Mr. Chairman I rise in support of the amendment to restore funds vital to the success of the national water pollution control program. Many construction projects throughout the United States will be delayed or stopped unless we appropriate the full $1 billion we authorized this year for the clean water program. I want to commend the subcommittee for recognizing the seriousness of the problem. It did a good job in increasing the administration's request of $214 million to $600 million, yet I believe the Committee of the Whole should give its approval to the full authorization of $1 billion.

We have heard from time to time the term "credibility gap." I think the phrase might apply to the present situation. Or perhaps we should talk of the "pollution gap." In any event we are faced with the proposition of foresaking our commitment to improving the quality of our Nation's environment unless we vote for this amendment.

Unfortunately the administration recommended only $214 million for fiscal year 1970. We may well be castigated by the administration for voting the nearly $800 million addition as we were in adding almost $1 billion to the education budget. I am not worried about this, however, because I know the American people are extremely concerned, and rightly so, about their environment and their schools. These are part of the Nation's agenda, unfinished business, if you will.

If we review the rather sad record of the alarming gap between authorizations and appropriations for clean water we note that for the Nation as a whole only 30 percent of the funds authorized for water pollution control construction have actually been allocated. In Illinois the figure is even lower. Only 25 percent of the funds actually needed have been allocated. This is shameful and we must remedy the situation now.

In terms of dollars, the Congress in the 1968–70 period has authorized over $2.1 billion under the Clean Waters Restoration Act; yet only a paltry $631 million has been allocated. In Illinois, the figures are comparable. Its authorization share is $113 million, but the State has received only $29.2 million. In this fiscal year alone, the State of Illinois' authorization is $53.4 million and were we to abide by the Nixon administration budget recommendation Illinois would receive only $9.8 million.

We have heard a great deal of discussion about the Federal Government's responsibility to our local governments. I fully agree with these sentiments. Our local governments must become more viable, but how can they when they are forced to meet certain Federal standards without commensurate Federal assistance. During the 1967–69 period, for example, over $4.1 billion was spent on waste treatment facilities but only $567 million of that amount was in Federal assistance. At the same time, local and State governments were under pressure to meet new Federal and State water quality standards set by the 1965 Water Quality Act. It is obvious that our local and State governments somehow aggregated enough money to move ahead.

But this type of partial action is far from comforting. Time is running out and the demands increase. In my own district seven communities have applications pending with the Federal Water Pollution Control Administration. The estimated cost of the projects is over $4 million of which approximately $1.3 million is in Federal assistance. They include Nameoki, Mitchell, Bethalto, Collinsville, Wood River Township, and Rosewood Heights in Madison County and Mascoutah in St. Clair County. Another eight communities in the Madison-St. Clair Counties area are probable applicants at some point. They include East Alton, Hartford, Granite City, Roxana, and Wood River in Madison County and Dupo, Sauget, and East St. Louis in St. Clair County. It is fair to say that if we were to accept the administration's recommendation of $9.8 million for Illinois for fiscal year 1970 the prospects for funding these projects is discouraging.

It is time, Mr. Chairman, for the Congress and the White House to meet their obligations and honor their commitments to improving the quality of the Nation's environment. Water and air pollution have reached crisis proportions.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. Thompson).

Mr. THOMPSON of Georgia. Mr. Chairman, it is very evident this is not a partisan issue, the issue is clean water. I do not know when I ever have seen such a bipartisan effort in order to achieve full funding. Last year certainly, with the $700 million authorization and only $214 million appropriation, there was not full funding under a Democratic administration. This year, with the bipartisan effort, perhaps there will be full funding. With our urban areas growing and the need for sewage disposal becoming more pressing, we are going to have to increase our appropriations.

Mr. Chairman, I certainly support this amendment for full funding of $1 billion.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. Gude).

Mr. GUDE. Mr. Chairman, I rise in support of the amendment to provide full funding for the Clean Water Restoration Act of 1966. Those who have spoken here today have dramatized the fact that we, as a Nation, are at last facing up to our responsibility in the area of water pollution. The bind we find ourselves in today was started several years ago when the previous administration failed to honor its commitments as a partner with the States and localities in working to assure a supply of clean water and good water for recreation. We in Maryland, with others, took that commitment at face value and willingly put up our share of the funds. Along with other States sharing the Potomac Basin, Marylanders are concerned that the river is becoming an open sewer—an intolerable condition for any of our great rivers, and especially the river running through the Nation's Capital. The Patuxent, the Patapsco, and other Maryland rivers will also benefit from this amendment.

In addition, I am pleased that this legislation includes appropriations for the Bloomington Dam. Until we clean up our river, we must act to provide adequate augmentation from the upper basin. Surveying and planning for Bloomington are already in progress, and this measure will push it further toward completion. It is one part of an insurance policy against water shortage in the Washington metropolitan area.

I am also very gratified to see that additional funds have been appropriated for a study leading to the construction of the Chesapeake Bay Basin hydraulic model. This bill also includes further funding for the enlargement of the Chesapeake and Delaware Canal, a project which, when completed, will be a great boost to the port of Baltimore and to the economy of the mid-Atlantic region. However, bay experts advise us that the enlarged canal could jeopardize another of our economic resources, the bay. The intrusion of saline water into the bay upon enlargement of the canal could have a profound effect on its ecology. The population of oysters, rockfish, and other staples of our seafood industry could be drastically reduced. We need, therefore, to study the physical, ecological, and biological changes which could result from the canal's diversion of water from the bay, and scientists tell us that the bay hydraulic model is an essential tool for such a study. I would caution that it would be unwise to complete the enlargement of the Chesapeake and Delaware Canal until we have had a complete investigation in the context I have outlined.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. Karth).

Mr. KARTH. Mr. Chairman, I rise in support of the amendment.

Three years ago Congress made a promise to the American people in the enactment of the Clean Water Restoration Act of 1966 that we were no longer going to tolerate the continuing and accelerating deterioration of our Nation's waterways. On the contrary, Congress boldly decided in that act that it would authorize increasing sums of money during the next 5 years to mount an attack which would turn the corner in the fight against water pollution and permit us to begin the huge task of reclaiming and preserving what remains of our clean water supplies.

The Clean Water Restoration Act was an ambitious commitment to the American people. It promised Federal matching expenditures for construction of sewage treatment facilities amounting to $150 million in fiscal 1967; $450 million the following year; $700 million in fiscal 1969; $1 billion in the current fiscal year, 1970, and $1¼ billion in the next fiscal year. That would have been a total of $3 billion, $650 million over the 5-year period.

Now let us see how we have done. In the first fiscal year—1967, we appropriated $173 million; in the next, $203 million; in the third, $214 million, and for the current fiscal year the budget request was $214 million. Overall, then, for the first 4 fiscal years of the 5-year authorization period, the cumulative deficit—the gap between the promises and performances—would amount to about $1.5 billion if the Congress should go along with the administration's budget request for the current fiscal year. Let us assume for the sake of discussion that Congress should go along with the figure recommended by the Appropriations Committee in the bill before us today. Then the cumulative 4-year deficit would amount to about $1.1 billion. No matter how you slice it, Mr. Chairman, we have not been living up to the promises proclaimed with great fanfare when we passed the Clean Water Restoration Act. Even with the full $1 billion appropriations authorized for this fiscal year by that act, we would have quite a distance to go if we wanted to make good on our promises of 4 short years ago.

Mr. Chairman, our country cannot afford not to spend what is needed—and to spend it now—in order to curb the runaway pollution of our remaining clean water. This is quite literally a matter of life and death. We must assume our responsibility and appropriate the funds needed to assist in building the sewage treatment plants which represent our first line of defense in this battle.

We made a promise 4 years ago. I urge my colleagues to reject those who would renege on that promise. I urge support for the Dingell amendment.

Mr. Chairman, following is a fact sheet resulting from a national survey conducted by the Gallup Organization, Inc., on the water pollution subject:

WATER POLLUTION FACT SHEET

The People Want Clean Water: A national survey conducted in early 1969 by the Gallup Organization, Inc., shows:

51% of the people are "deeply concerned" about the effects of water pollution, air pollution, and soil erosion on the environment.

35% of the people are "somewhat concerned."

12% of the people are "not very concered."

73% of the people are willing to pay additional taxes to improve the natural surroundings, including water pollution control.

9% of the people are not willing to pay additional taxes.

18% of the people "don't know."

36% of the people consider air pollution as the most pressing environmental problem.

32% of the people consider water pollution as the most pressing problem.

Since 1964, the voters of 9 states have voted in statewide elections on water pollution control bond issues. Of these 9, 7 were approved and the other two attracted majority voter support. Of 17,625,254 citizens who voted on the 9 proposals, 11,725,444 (66%) voted "yes."

The Federal Grants to Local Governments: Here is what Federal grants to local governments for the construction of waste treatment plants have accomplished:

As of March 31, 1969, the Federal program aided in the construction of 9,251 waste treatment projects costing about $5.7 billion, of which the Federal share was $1.3 billion. These projects serve an estimated 73.8 million people and have improved the water in about 74,000 miles of streams.

The Federal "GMG" or "Growing Money Gap":

WASTE TREATMENT PLANT CONSTRUCTION GRANTS (IN MILLIONS)

	1965	1966	1967	1968	1969	1970	Total
Authorization	$100	$150	$150	$450	$700	$1,000	$2,550
Appropriation	93	141	173	203	214	[1] 214	1,038
The gap	7	9	−23	247	486	786	1,512

[1] Budget request.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, I take this brief opportunity to commend the many in the House who perhaps somewhat belatedly are now voting for full funding of this program.

This is particularly gratifying, Mr. Chairman, when we consider the silence was penetrating when this bill was offered at $214 million last year. I think it is very significant that now we have those, who made no effort to fund beyond the $214 million last year, who are now for the $1 billion.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, after listening to this debate, I feel like Gunga Din. I am also remindful of the quote from "The Ancient Mariner," "Water, water everywhere, and not a drop to drink."

(By unanimous consent, Mr. BOLAND yielded his time to Mr. EVINS of Tennessee.)

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, I ask Members to listen for a few moments to figures. If we put in $1 billion for this particular purpose, because of the formula there will be about $340 million overfunded. It will not be possible under the formula for the States to use the money which is allocated. It will not be possible to spend the money.

Please let us not do anything foolish. Let us put first things first. The first thing is to get this program off the ground—and we all want to do that—and that requires revising the formula in the legislation so that the money will go where the need is.

If this is done, we will not have any problems with the Appropriations Committee, because we are perfectly willing to fund the program and fund it to the highest capacity.

We do not intend to do anything silly, and we do not believe the Members of the House will, either.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. EVINS) to close debate.

Mr. EVINS of Tennessee. Mr. Chairman, what we are considering here today is a $4.5 billion bill. Excluding AEC, $2.3 billion is for water resource programs, all of which directly or indirectly contribute to water quality and pollution control.

So when Members vote for this bill they are voting for clean water, for water quality to the tune of $2.3 billion.

This is repetitious, but last year the appropriation for waste treatment grants was only $214 million. For the present year the budget estimate was $214 million. The committee has raised this to $600 million, which is nearly three times what we funded last year. We believe this is a very generous amount.

I offered the amendment myself in the full committee to raise the amount from $450 to $600 million, so we have gone a long way in providing clean water.

Under this formula, I would repeat, the backlog of 25 States will be fully funded even for applications still pending at the local level. Seven more States will receive funding of all applications pending at the State and regional office levels. The remaining, and 18 States will receive grants totaling $334 million.

Following this, at the end of 18 months there may be a surplus of as much as $142 million that can be reallocated.

We believe the committee has provided very generously for this program. These applications are in various stages of preparation. Some of them have not even been verified. There is no assurance local funds are available. The bond markets and the interest rates make it very difficult to proceed as fast as some of us would like to proceed on this matter.

I read earlier, and I note again, the letter from the Secretary of the Interior, who says that because of inflation, because of the fiscal situation, he asks us to stand by the budget, but then says in any event not to go beyond $600 million. That is all he believes can be effectively used.

Under the bill we will have $100 million more than the Department says it can obligate. I urge the defeat of the amendment and ask the Members to stand by this bill, for $4.5 billion.

Mr. HELSTOSKI. Mr. Chairman, today this House can show its sincerity in trying to clean up the country's polluted rivers, streams, and lakes.

The bill before us is a major test as to our real determination in this fight for clean water.

The Congress, the administration, all segments of State and local governments are thoroughly committed to the cause of clean water. This is one of the most important and most popular crusades of the present time. But discussing it and forming committees to provide for the cleanup of our water supplies does not solve the problem and does not remove the filth from our water supply. In our fight for clean water, we must aid the municipalities to construct sewage treatment plants, but Congress has provided only a meager part of the funds necessary for these projects.

Congress, in 1966, raised the hopes that clean water would be made available to our Nation. At that time we approved a significant rise in Federal assistance to States and cities for the construction of clean water facilities. This program was to expand from $150 million in fiscal 1967 to $1 billion in fiscal 1970. Yet out of the $2.3 billion authorized in the last 4 years, including this one, Congress has appropriated only $567 million for the 3 past years, and the current request is for $214 million for fiscal 1970. In other words, while we were talking about a real water cleanup campaign, with good intentions and reassuring words, it has not gotten off the ground.

It is fortunate, however, that the great gap between our promises and performance has not been unnoticed by many Members of Congress or by the millions of American citizens who are now demanding the restoration of a healthy environment. A large number of organizations representing conservation groups, professional societies, organized labor, civic associations, city and county officials, and State governments have united their efforts in the crusade for clean water. Furthermore, Mr. Chairman, more than 200 of us in this House have pledged ourselves to vote a $1 billion appropriation for clean water when the big test comes.

One vital element in this situation is the plight in which cities find themselves. Under the prodding of Congress, State legislatures have been raising standards of sewage treatment which the cities will have to meet. But if they are denied Federal funds which were contemplated when the higher standards were set these cities will have to choose between failure to comply and the diversion of funds now allocated for education, housing, law enforcement and other programs to meet the new demands for clean water. It has been reported that more than 4,600 applications for sewage-treatment facilities are awaiting action, largely for lack of funds.

The plain fact is, Mr. Chairman, that Congress has reneged on its clean water pledge to the country. The technical knowhow for restoration of the Nation's streams and lakes to a tolerable condition is at hand. Much of the needed legislation is already on the books, and the missing element to help pay for treatment facilities is the immediate funding of these projects. Such action would change the clean water drive from a remote hope to a current reality.

I agree with the League of Women Voters, the National League of Cities, and the many other groups and individual leaders who are calling for an immediate appropriation of a billion dollars for the 1970 cleanup effort.

There are indications that the administration will accept substantial expansion of the clean water budget item it carried over from the Johnson budget. But we cannot compromise this issue. The judgment of Congress as was expressed in the Clean Water Restoration Act that $1 billion would be needed this year from the Government for grants in this area was sound. We have a chance, today, to adhere to this judgment. In a matter that is of such vital importance to the country, we simply cannot afford to put ourselves into a position of withdrawing from an obligation we have assumed and sought to impose on the States and cities.

Mr. Chairman, last week we authorized over $21 billion for military purposes, many of them at overinflated values, many of them of dubious value and some of them unproven. Today we can, and should, provide this $1 billion to clean up our water sources for the benefit of American mankind.

Let us not now go back on our past promises to adequately fund this water pollution program. Let us move forward and provide the money that is needed now—for tomorrow may be too little and too late.

Mr. REID of New York. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Ohio (Mr. Minshall) to provide the full $1 billion funding for the fiscal year 1970 construction grant program of the Clean Waters Restoration Act.

It is clear that both the $214 million recommended for this program in President Nixon's budget and the $600 million recommended by the Appropriations Committee would be inadequate. Just this week, the Assistant Secretary of the Interior for Water Quality and Research, Mr. Carl L. Klein, told members of the Water Pollution Control Federation that States and cities would have to clean up their sewage whether or not they get Federal subsidies promised under the Clean Waters Restoration Act.

According to the president of the National League of Cities, Mayor C. Beverly Briley of Nashville:

> Local improvements must be made since the act provides for enforcement through the courts. Local units will be compelled to proceed with major improvements and expenditures whether or not the federal government meets its obligations. The sad product will be that cities will be forced to clean up the waterways but will do so at the expense of improving housing, education, and other critical local needs which draw upon the same resource base.

The full funding which would be provided by the amendment now under consideration would make a significant difference to New York State. At the present time, New York has pending application involving estimated Federal grants of $1.3 billion. If the full $1 billion funding is approved, New York would be eligible for Federal construction grants for waste treatment works totaling $88,400,700. This represents an increase of approximately 72 percent over the $51,470,200 which would be allocated to New York under the $600 million appropriation recommended by the committee, and an increase of about 460 percent over the $15,832,500 which would have been allotted to New York under the $214 million requested by the administration.

It is clear, in view of the fact that New York State alone has application for Federal assistance totaling $1.3 billion now pending, that even the $1 billion appropriation we are considering will be inadequate to meet the enormous need for construction of waste treatment works. Municipalities, now considered the foremost contributors to the Nation's water pollution, have shown their determination to do their share of the job of cleaning up the Nation's waterways. However, as Mayor Briley pointed out, any reduction in Federal assistance for waste treatment works must result in the cities' shortchanging other critical areas in order to combat pollution.

I, therefore, urge my colleagues to support this amendment to provide full funding for the Clean Waters Restoration Act for fiscal 1970, and to renew their efforts for the coming fiscal years. This problem can no longer be ignored if we are to keep America's lakes and rivers from turning into open sewers. I urge that the Dingell amendment be adopted.

Mr. PODELL. Mr. Chairman, daily the tide of pollution rises higher, threatening to inundate and destroy the fabric of our national life. Communities and industries alike are pouring filth into our finite supply of clean water, and if action is not taken immediately and forcefully, we shall be too late. Any dollar we do not spend now in the name of false economy will cost us several dollars tomorrow in the name of national survival. The hour is late. Our leeway is almost gone. Words will not suffice. Immediate legislative action is imperative, to be followed by forceful national implementation by the Government.

The previous administration sought to meet this impending national disaster by passage of the Clean Water Restoration Act of 1966. It provided for matching grants to States and local governments for construction of sewerage and other sanitary facilities. This act authorized $1.6 billion for the total Federal contribution, $1 billion of which was slated for fiscal year 1970. This year the Nixon administration aimed a crippling body blow at this vital effort by allotting $214 million to it. States and municipalities have believed the word of the Federal Government, and their applications for assistance grants have poured in as water pollution's tide rises daily. State after State has adopted standards and drawn up plans which will come to naught without a Federal commitment of the most generous sort.

If any American citizen desires a classic illustration of how the administration has reversed national priorities, here it is. Our very life depends on clean water. Without an end to water pollution, America as a viable society will perish—utterly and disastrously. It is quite understandable that the administration has gutted park acquisition funds, consumer protection, model cities, aid to education, libraries, hospitals, and civil rights enforcement. These are programs which would help segments of society which simply do not figure in the President's political order of priorities. It is quite understandable that he would dismantle OEO, VISTA, Job Corps, and medical research, for these, too, are expendable in his scheme of things.

But the assault on water pollution and waste disposal threatens all of our society. Pollution knows no boundaries and the situation is already close to being totally out of hand. This year, $1 billion was the figure to be committed, and there can be no compromise. Full funding is a "must," and the Congress can and should act accordingly.

It is an act of national suicide to take any other position. No State, municipality, industry, or farm will act to prevent pollution without a major Federal fund commitment or example. Tough talk to polluters is all well and good, but it has failed in the past and will fail in the future unless we provide the monetary wherewithal to do the job.

I simply cannot comprehend how any administration can close its eyes to raw sewage pouring into water slated for drinking purposes farther downstream. Or to the devastating spectacle of Lake Erie. Or to the Cuyahoga River, which has been declared a fire hazard. Or to DDT pouring into watersheds. Or to paper plants and steel mills heaving billions of gallons of filth into irreplaceable bodies of water. Or massive fish kills and heaps of dead wildlife. Or bathing beaches closing down everywhere. Or ruined commercial fishing industries. Or oil spills and tankers flushing their bilges off our coasts.

Cumulatively, this spells the end of our society. No one is immune. No one is safe. No one can afford to ignore the ominous picture appearing with greater clarity every day before us.

I say there is no room for compromise on this issue. The full $1 billion appropriation for clean water must be voted by this House. Any other action would be total betrayal of the struggle for a clean environment.

Mr. Chairman, many societies have risen and fallen throughout man's recorded history. Some have perished because of war. Others of pestilence or rupture of their frameworks because leaders have not heeded the inevitable warning signs. Unfair taxation, repression, and outdated institutions have caused others to disintegrate. Our society is daily tearing apart the delicately balanced structure of our natural heritage. Nature always strikes back at those who abuse her. If we do not act now to redress the already perilous imbalance we have created, we shall perish too, in an overwhelming tide of filth, pollution, and disease, all done by our own hand. We shall not go out with a bang, but like a last spark winking out in a garbage dump.

Mr. EDWARDS of California. Mr. Chairman, I support the amendment to increase funding for the Federal Water Pollution Control Administration to $1 billion.

We have heard about the problems of many areas of the Nation, including Lake Erie, where a $1 billion appropriation would only be a start to meeting the massive problems of that now dead lake. We need only drive down to the Potomac River to witness another massive problem.

Even so, many Members still may fail to realize the full extent and cost of meeting water pollution problems. I would like to cite an example from my hometown and congressional district. San Jose, Calif., is not yet one of the most famous cities of this Nation. It is, perhaps, best known for two songs, one "Do You Know the Way to San Jose?" and the other a humorous song involving San Francisco and garbage, but that is another story

Even so, San Jose is the fourth largest city in California and it has faced massive water pollution problems. In fact, the city and the surrounding area has already spent more than $30 million to combat its problems and has committed more than $30 million to further improvements in its sewage treatment system. The total expense of the San Jose-Santa Clara sewage treatment system will exceed $70 million.

The administration's original request for water pollution construction grants was a mere $214 million, not enough money to take care of even three San Joses, not to mention Lake Erie.

In addition San Jose, which fronts on south San Francisco Bay, has a responsibility to help with the total problem of bay pollution. The solution to that problem will cost more than $1 billion additional. Finally, the great city of San Francisco has no adequate sewage treatment program and its failure in sewage treatment is one of the major causes of soiling the bay. Cost of an adequate sewage treatment system for San Francisco is estimated to cost another $1 billion.

Thus, in the relatively small area in which I live, the cost of meeting sewage treatment problems will exceed $2 billion. We are but a small part of the United States and our massive problems are only indicative of the total problem.

One of the three great crises of our time is the struggle to retain and improve our environment and to do so before man poisons this planet and destroys all life on it. I believe this appropriation is at least as important, if not more important, than the military appropriations we recently approved.

In today's world our battle for survival is against man's mistakes and his own poisons. Armaments will not help, this appropriation will help.

Mr. HANLEY. Mr. Chairman, I rise in vigorous support for the amendment offered by Mr. MINSHALL. As one whose district suffers sorely from the problem of polluted streams, rivers and lakes, I know firsthand how badly this amendment, and the full funding it contains, are needed. My district contains a body of water, Onondaga Lake, which has been described by the FWPCA as one of the worst examples of pollution in the entire Northeastern United States. And like other areas of the Nation, Syracuse and Onondaga County have inadequate waste treatment facilities, so that a bad situation becomes worse every day.

Mr. Chairman, in 1966 the Congress made a commitment to the Nation that we would move ahead with proper funding for pollution control and abatement. We have not kept faith with the Nation on that commitment. Today we can attempt to rectify the situation. Today we can make good our promise of 3 years ago to fund fully the Clean Water Restoration Act.

Every Member in this Chamber realizes the severity of the problem. Every Member knows that there is an almost unbelievable backlog of applications from cities and States across the country, all seeking help on their treatment facilities programs. The cities and counties cannot be expected to handle this problem alone. Neither can the States. It is up to us to act responsibly. It is up to us to provide the funds and the leadership in this fight. Surely if we could authorize last week hundreds of millions of dollars for military procurement programs, many of which were not even sought by the Pentagon, we can appropriate adequate funds for the battle against pollution control, funds which are desperately needed and desperately sought by local and State governments.

The amendment offers a vehicle for waging all-out war on one of the most devastating developments on the domestic scene: the corruption, through misuse, abuse and negligence, of our natural resources. We cannot wait any longer. I urge every Member to stand up and be counted in this battle. I urge a vote of overwhelming support for the amendment.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of the Minshall amendment authorizing full funding for construction for waste treatment facilities. We must give a top priority to our programs to clean up the Nation's environment.

Pollution of our waterways, as well as of our air, is getting worse, and it is costing us in terms of money, health, and recreation. Virtually every stream, river, lake, and harbor is becoming uglier and more dangerous. In 1968, over 15 million fish were killed by water pollution—an increase of 30 percent since 1965. To quote the comic strip character "Pogo," "We have met the enemy and they are us."

Our population is rapidly increasing and, in order to accommodate our citizens, preservation of our planet and its resources must not be denied. Congress has the opportunity to realize the goal of "clean water" by appropriating the full amount authorized under the Clean Water Restoration Act.

Last week this body authorized over $20 billion for military defense. How can we deny $1 billion to clean up and protect our environment?

Mrs. MINK. Mr. Chairman, I rise in support of the amendment to the public works appropriation bill which requires full funding for water pollution control.

Pure water is one of man's most basic requirements. The Federal Government must assist communities by giving the financial assistance contemplated and promised by our legislation.

Denial of realistic assistance to communities seeking to provide pure water denies the reality of access to pure water. That is why I urge that we join forces in support of the necessary appropriations

That there is widespread public demand for Federal assistance with control of water pollution is attested to by the enormous backlog of applications for construction grants—more than 4,600—waiting for nonexistent funds in the offices of Federal Water Polution Control Administration and State water pollution bureaus.

Caught between high standards set by States in compliance with the Water

Quality Act of 1965 and the demands of citizens on the one hand, and inadequate funds on the other, municipal governments are hard put to build the water treatment plants and sewage systems they need today, not to mention what they will need in an immediate tomorrow. And by municipal I do not mean cities only. Communities under 10,000 now account for almost half of the dollar value of new waste treatment plants. Meanwhile, the press of population and expanding industry is forcing most cities to upgrade, expand, and replace existing systems.

The question is, Will the Federal Government meet its commitment to the people of the Nation to help them keep their water supplies pure?

Reliance on Federal assistance with the vital work of restoring and maintaining pure water supplies was encouraged by the 1966 act. The funds authorized were meaningful. There was hope on the horizon. The funds actually appropriated have been so far short of the authorizations that citizens might well question the integrity of Congress in approving the original bill.

More than 70 percent of the funds authorized for water pollution control for 1968 to 1970 have not been appropriated. Put another way, we have done only about one-third of what we led the people to believe we would do to help them provide clean water for their communities.

The Conservation Foundation newsletter of August 7, 1969, reports that the Federal Water Pollution Control Administration estimates that $8,200,000,000 in total capital outlays are needed for municipal treatment plants in the 5-year period of 1969–73 if quality water standards are to be met. A 1968 inventory showed that 1,582 communities, with a population of 11.3 million, had no waste treatment. Another 2,117 communities. with a population of 43.7 million, had only primary treatment.

Naturally, each of us is most familiar with the struggle against water pollution in his own State. At present, various local agencies in Hawaii have projects planned which will cost an estimated $10,386,000. Some $3,348,000 has been requested, and is urgently needed from the Federal Water Pollution Control Administration to carry out the work.

The city and county of Honolulu has requested $803,040 for use in a project estimated at a total cost of $2,676,801.

Mauue County has requested $200,870 for use in a project estimated at a total cost of $608,700.

The Nanakuli Interceptor project has requested $495,000 for use in a project estimated at a total cost of $1,500,000.

The Makaha Section 3 Interceptor project has requested $115,000 for use in a project estimated at a total cost of $350,000.

The Kailua Interceptor project has requested $297,000 for use in a project estimated at a total cost of $900,000.

Kawaihae-Puako has requested $247,500 for use in a project estimated at a total cost of $750,000.

Lihue-Nawiliwili has requested $280,500 for use in a project estimated at a total cost of $850,000.

Honokowai has requested $494,000 for use in a project estimated at a total cost of $1,500,000.

Kaunakakai has requested $247,500 for use in a project estimated at a total cost of $750,000.

Lanai has requested $165,000 for use in a project estimated at a total cost of $500,000.

These figures demonstrate the heavy burdens that local communities are assuming in their efforts to keep their water supplies pure. I am voting to assist them in their efforts when I vote today for the amendment which will appropriate the full authorization for 1970.

Let us do what we said we would do and begin to mount a truly national campaign against water pollution.

Mr. GILBERT. Mr. Chairman, I rise in support of the Minshall amendment, which is the same as the proposal of my colleague, Mr. DINGELL of Michigan, to increase the appropriation for public works for water pollution control to $1 billion, which is the amount Congress authorized in passing the Clean Water Restoration Act.

I am deeply concerned about water pollution in my State of New York. In 1965 a $1 billion bond issue for water pollution control was approved by over 80 percent of the voters. New York State currently has $1,299,528,965 in matching grant applications pending before the Federal Water Pollution Control Board. If the administration request of $214 million is approved, New York will receive only $15.8 million. If we appropriate the full $1 billion authorized, New York State's share will be $88.4 million.

I am concerned about two major water pollution projects in my district: one planned for Hunts Point in the Bronx, and one for which the initial grant has been approved for an interceptor sewer, pumping station, and forced main, now underway on Rikers Island, south Bronx. These are important steps toward water pollution control in my State, and there are, of course, a number of similar urgently needed projects planned or already approved and begun, which will have to be curtailed or abandoned if the full $1 billion is not approved.

Mr. Chairman, I think all of us in this Chamber agree that the dangers posed by water pollution are so great that control and abatement actions deserve top Federal priority.

Mr. DONOHUE. Mr. Chairman, I support this amendment, to provide the originally authorized amount of $1 billion for the construction of waste treatment works, and I urge and hope that the House will overwhelmingly approve it.

It is undeniable that water pollution has become a major danger to the people of this country. Right now and day after day, vast quantities of all kinds of polluted matter are being poured into our water supplies through human waste and industrial byproducts.

Of course, this is a period and a time when budget restraint and expenditure reduction is entirely in order. To that essential objective we are all commonly pledged. The only hard and real question is, In what order is the restraint and reduction to be exercised?

Many of us, committed to the support of the increased funding proposed in this amendment are so committed because we believe that water pollution control is virtually a matter of life or death to millions of Americans and, eventually, our entire population. We also believe there can be no higher order of priority and prudent spending than the protection and preservation of human life.

I would further remind my colleagues that, in previous legislative actions here, the Congress virtually promised the various States and localities throughout the country that $1 billion would be provided in matching grants to them for their local water pollution control programs. Depending upon this promise these various States and communities have initiated some 4,000 to 5,000 applications for Federal assistance and the urgent projects involved in these applications cannot be started or carried on without Federal assistance. In every area throughout the country, including my own State of Massachusetts, every local resources has been exhausted in preparing and planning these projects, on the assumption that Federal aid would be available. To deny such aid now would be tantamount to the betrayal of a trust.

Mr. Chairman, the control of water pollution is imperative in the national interest. The necessity to carry forward existing control projects and initiate new ones grows increasingly urgent every hour. Authoritative polls clearly show that the great majority of the American people well recognize the danger and heartily approve the full funding of $1 billion for the construction of waste treatment facilities throughout the Nation as a giant step toward complete water pollution control and correction. Therefore, in accord with the expressed will of the great majority of the American people, I again urge the adoption of this amendment.

Mr. HALPERN. Mr. Chairman, there is a sardonic little folk song that dramatizes just how backward America is when it comes to controlling water pollution. The lyrics are an effrontery to the people of my State, New York, for they suggest just how little we are doing to reestablish the ecological balance resulting from our wasted environment.

"The breakfast garbage they throw out in Troy, they drink at lunch in Perth Amboy . . ." is the way Tom Lehrer describes the Hudson River. And unless New York receives its fair share of the full $1 billion appropriation for antiwater pollution projects authorized by the 1966 Clean Water Restoration Act for fiscal 1970, then I am afraid, our society will not be able to realize its goals for water purification.

For anyone alarmed by the prospect that children must drink chemically purified water in most regions of the Nation today, the very idea of minimizing our commitment to clean water is repugnant.

Indeed, any attempt to reduce the scope of our efforts to clean water is senseless, because we are already two or three decades behind in terms of controlling our environment. And I am haunted by the thought that whole generations will soon not know what "better" or "pure" means.

XUM

Unfamiliar with their environment and narcotized by the artificial world they have inherited, they may see little value in restoring the ecological balance between man and nature's water reserves.

Today, in New York it is unsafe to swim in lakes and rivers which have become aquatic deserts filled with dead plants and fish, to say nothing about the number of cases of respiratory diseases resulting from sulfur dioxide and other chemicals which permeate the atmosphere.

In a nation where 70 percent of the people are crowded onto 1 percent of the land in our cities, polluted water and the disappearance of recreational water facilities suggest that blightedness has overtaken our environment. We are fouling our rivers, lakes, and streams with so much organic waste and bacteria that in some areas the natural composition of water—including its ability to retain oxygen—is being threatened.

What is being done? The Clean Water Restoration Act of 1966 allocated about $200 million annually to help municipalities construct waste treatment plants, and the Water Quality Act of 1965 authorizes States to define and enforce regional water quality standards. Incentives are offered business to construct industrial waste treatment facilities, but they are not sufficient, and not nearly enough funds are allotted to help urban areas establish modern sewage systems.

However, the Clean Water Act authorized over 5 years in Federal matching grants to States for sewage treatment facility construction—from $150 million in fiscal 1967 to $450 million in 1968, $700 million in 1969, $1 billion in 1970, and $1.25 billion in 1971.

To date only $567 million has been appropriated. The administration's $214 million request for fiscal 1970 would have increased this to $781 million, roughly one-third of the $2.3 billion authorized.

What this means for New York was spelled out by Governor Rockefeller in a telegram to me yesterday:

> State projects are entitled to 50 to 55 percent federal construction grants, but now receive on the average only four percent due to inadequate federal appropriations, result is that the state has already committed $150 million to prefinance the federal share in addition to state grants of 30 percent.
>
> With federal and state construction aid, municipalities, should pay 15 to 20 percent, but inadequate federal funding has meant they must put up 40 percent. Local Governments in New York have already committed $160 million which is rightfully a federal obligation. In total, New York and its municipalities have advanced $310 million because the federal government has not met its obligations in the urgent attack on water pollution.
>
> The House Appropriations Committee recognized the complete inadequacy of present funding in recommending an increase from the present $214 to $600 million, but even with full funding of the $1 billion authorization, New York's share of $88 million would be far short of the $752 million to which it is entitled for eligible projects in fiscal 1969–70.

Mr. Chairman, I cannot overemphasize the importance of full funding for the fiscal 1970 appropriation of the clean water law. The funds are desperately needed if we are to break the inertia that hampered State, local, and Federal agencies in the fight to reestablish the ecological balance between man and one of nature's basic elements, water.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. MINSHALL).

Mr. EVINS of Tennessee. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the chairman appointed as tellers Mr. MINSHALL and Mr. EVINS of Tennessee.

The Committee divided; and the tellers reported that there were—ayes 146, noes 148.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. EVINS of Tennessee (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. Are there any points of order?

Are there any amendments to be offered?

Mr. RANDALL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to ask the chairman of the subcommittee the gentleman from Tennessee (Mr. EVINS), a question for the purpose of making legislative history.

On page 52 there is a statement on the Little Blue River Reservoir project, Missouri, the first part of which reads:

> The Committee has no objection to the proposed advance of funds by Jackson County to expedite land acquisition in the project area to alleviate hardship and pressure cases.

My question is, May the county court of Jackson County, Mo., proceed to advance its own funds as a part of its contribution to this project to expedite land acquisition in those cases where zoning changes may make the cost of land double or triple in cost? In other words, Mr. Chairman, does the passage of this appropriation bill today give our county court of Jackson County, Mo., the green light to proceed to acquire lands for reservoirs in those areas where delay would be costly? Could you answer these questions?

Mr. EVINS of Tennessee. The gentleman is correct. When we act today, we have given consent of the House. It would be wise to wait until the other body has acted before actual purchase. We have no control over the other body. As far as the House is concerned, Jackson County can proceed to acquire these necessary lands as a part of their local contribution to this project.

Mr. OLSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to thank the committee for the attention given to the transmission line from Great Falls to Browning, Mont.

I want to thank the committee for that appropriation. I would like to ask the committee if they think this agreement that is mentioned on page 77 between the Bureau of Reclamation and the private power company will take a long time to complete?

Mr. EVINS of Tennessee. I would say to my friend that I would hope the negotiations can be speeded up as much as possible and expedited. I have long felt that this matter should be resolved.

Mr. OLSEN. I thank the gentleman very much.

Mr. BOLAND. I think we ought to give the gentleman from Montana the assurance that if a satisfactory agreement is not reached, the Federal line will be constructed.

Mr. OLSEN. I thank the gentleman very much.

The point I wanted to make is that this is a very large Indian reservation with a large population of very progressive people. They have waited 100 years for this service.

I thank the committee for their consideration to see to it that they get it.

Mr. EVINS of Tennessee. We are very sympathetic to the proposition.

Mr. OLSEN. I thank the gentleman.

Mrs. SULLIVAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to ask a question of the chairman of the subcommitee about an item on the Atlantic-Pacific Interoceanic Canal Study Commission. I notice on page 29 of the bill, you have appropriated $917,000 for the continuation of the Commission. Last year we authorized $6,500,000 additional funds for this Commission to operate until 1970.

Can the gentleman tell me how much is left of that $6,500,000?

Mr. EVINS of Tennessee. I will say to my colleague, the gentlewoman from Missouri, that the money appropriated in the bill to wind up the work of the Commission is within the authorization ceiling and is needed to complete the analysis and prepare the final work.

Mrs. SULLIVAN. Does the gentleman mean that the entire $6,500,000 will be used up from the amount that is appropriated in this fiscal year?

Mr. EVINS of Tennessee. I understand that an additional $263,000 under the authorization is planned for fiscal year 1971 to generalize the report scheduled for December 1, 1970.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DINGELL: On page 14, line 17, strike out "$600,000,000" and insert in lieu thereof "$750,000,000."

POINT OF ORDER

Mr. EVINS of Tennessee. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. EVINS of Tennessee. Mr. Chairman, we have already passed that item in the bill.

The CHAIRMAN. Does the gentleman from Michigan wish to be heard on the point of order?

Mr. DINGELL. Mr. Chairman, the gentleman from Tennessee just made a unanimous-consent request that the bill be considered as read, printed in the RECORD, and open for amendment at any point. I would consider that under the unanimous-consent request, regardless of whether we have read beyond the point, the amendment would be very much in order.

The CHAIRMAN. The Chair will advise the gentleman from Michigan that the unanimous-consent request of the gentleman from Tennessee was that the remainder of the bill be considered as having been read and open to amendment at any point, and the Clerk had read two paragraphs beyond the paragraph to which the amendment would apply. So the Chair upholds the point of order.

For what purpose does the gentleman from Michigan (Mr. O'HARA) rise?

Mr. O'HARA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'HARA. Would it be possible to offer an amendment to the language on page 14, lines 15 through 17, in the House after the Committee rises?

The CHAIRMAN. That request would have to be taken care of at the time a motion ordering the previous question is made.

Mr. O'HARA. But if the previous question were not ordered, the amendment would then be in order?

The CHAIRMAN. That question would be determined by the Speaker of the House.

Mr. EVINS of Tennessee. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ASPINALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14159) making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the bill to final passage.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee.

Mr. DINGELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGELL. If the previous question is voted down, would it then be in order to offer an amendment to raise the sum for water pollution control grants to the States in the sum of $1 billion?

The SPEAKER. The Chair will state that, if the previous question is voted down, it would be in order to offer an amendment. The Chair is not going to pass on the amount at the present time.

Mr. DINGELL. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGELL. Would I be recognized for that purpose? It would be my intent so to do.

The SPEAKER. The Chair is not going to give a preliminary opinion as to whom the Chair might recognize.

The question is on the motion offered by the gentleman from Tennessee.

The question was taken; and there were—yeas 215, nays 187, not voting 29, as follows:

[Roll No. 209]

YEAS—215

Abbitt
Abernethy
Albert
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Aspinall
Ayres
Baring
Belcher
Bell, Calif.
Bennett
Bevill
Blackburn
Blanton
Boggs
Boland
Bow
Bray
Brinkley
Brock
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Bush
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cohelan
Collier
Colmer
Conable
Conte
Cowger
Cramer
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Dennis
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Edmondson
Edwards, La.
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Fuqua
Galifianakis
Gettys
Giaimo
Goldwater
Goodling
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Hastings
Hébert
Henderson
Hosmer
Hull
Hunt
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
King
Kleppe
Kuykendall
Kyl
Landgrebe
Landrum
Langen
Lennon
Lloyd
Long, La.
Long, Md.
Lukens
McDade
McEwen
McFall
McKneally
Mahon
Mailliard
Mann
Marsh
Martin
May
Mayne
Meskill
Michel
Mills
Mize
Mizell
Montgomery
Morton
Myers
Natcher
Nelsen
O'Neal, Ga.
Passman
Patman
Patten
Perkins
Pettis
Pickle
Poage
Poff
Pollock
Price, Tex.
Pryor, Ark.
Purcell
Quie
Rarick
Reid, Ill.
Reifel
Rhodes
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Roth
Roudebush
Ruth
Sandman
Satterfield
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Steed
Steiger, Ariz.
Stubblefield
Stuckey
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Utt
Waggonner
Wampler
Watkins
Watson
Watts
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wyatt
Wylie
Young
Zion
Zwach

NAYS—187

Adair
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Annunzio
Ashley
Barrett
Beall, Md.
Betts
Biaggi
Biester
Bingham
Blatnik
Bolling
Brademas
Brasco
Broomfield
Brown, Calif.
Brown, Mich.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Button
Byrne, Pa.
Celler
Chamberlain
Chisholm
Clark
Clay
Cleveland
Conyers
Corbett
Corman
Coughlin
Culver
Daddario
Daniels, N.J.
Delaney
Dent
Derwinski
Diggs
Dingell
Donohue
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Farbstein
Fascell
Feighan
Fish
Flood
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Horton
Hungate
Hutchinson
Jacobs
Johnson, Calif.
Jones, Tenn.
Karth
Kastenmeier
Kee
Keith
Kluczynski
Koch
Kyros
Latta
Leggett
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McCulloch
McDonald, Mich.
Macdonald, Mass.
MacGregor
Madden
Matsunaga
Meeds
Melcher
Mikva
Miller, Ohio
Minish
Mink
Minshall
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Philbin
Pike
Pirnie
Preyer, N.C.
Price, Ill.
Pucinski
Quillen
Railsback
Randall
Reid, N.Y.
Reuss
Riegle
Rodino
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ruppe
Ryan
St Germain
Saylor
Schadeberg
Scheuer
Staggers
Stanton
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Taft
Taylor
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Weicker
Whalen
Wilson, Charles H.
Wolff
Wright
Wydler
Wyman
Yates
Yatron
Zablocki

NOT VOTING—29

Berry
Burton, Utah
Cahill
Carey
Collins
Dawson
Denney
Edwards, Ala.
Foreman
Holifield
Howard
Kirwan
Lipscomb
McClure
McMillan
Mathias
Miller, Calif.
Nichols
O'Konski
Pelly
Pepper
Podell
Powell
Rees
Rivers
St. Onge
Stepher
Tunney
Whalley

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Holifield for, with Mr. St. Onge against.

Until further notice:

Mr. Carey with Mr. Berry.
Mr. Miller of California with Mr. Lipscomb.
Mr. Howard with Mr. Edwards of Alabama.
Mr. Pepper with Mr. Burton of Utah.
Mr. Rivers with Mr. Cahill.
Mr. Podell with Mr. Pelly.
Mr. Rees with Mr. Dawson.
Mr. Tunney with Mr. McClure.
Mr. Kirwan with Mr. Denney.
Mr. Nichols with Mr. Collins.
Mr. McMillan with Mr. Foreman.
Mr. Stephens with Mr. Mathias.
Mr. Whalley with Mr. O'Konski.

Mr. **BURKE** of Massachusetts, Mr. **STAGGERS**, and Mr. **BETTS** changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The **SPEAKER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. **BOW**. Mr. Speaker, I offer a motion to recommit.

The **SPEAKER**. Is the gentleman opposed to the bill?

Mr. **BOW**. I am, Mr. Speaker.

The **SPEAKER**. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Bow of Ohio moves to recommit the bill H.R. 14159 to the Committee on Appropriations.

Mr. **EVINS** of Tennessee. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The **SPEAKER**. The question is on the motion to recommit.

Mr. **MINSHALL**. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER**. The gentleman will state his parliamentary inquiry.

Mr. **MINSHALL**. I understand that under the precedents of the House, the senior member of the Appropriations Committee does have precedence in making the motion to recommit. I would just state that if that had not been the case, I would have resubmitted my motion.

The **SPEAKER**. The Chair will state, that is a statement and not a parliamentary inquiry.

The question is on the motion to recommit.

The motion to recommit was rejected.

The **SPEAKER**. The question is on passage of the bill.

Mr. **GERALD R. FORD**. Mr. Speaker, on that I demand the yeas and nays.

The question was taken; and there were—yeas 397, nays 3, not voting 31, as follows:

[Roll No. 210]

YEAS—397

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Perkins
Pettis
Philbin
Pickle
Pike
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—3

Bow
Ottinger
Saylor

NOT VOTING—31

Berry
Brademas
Burton, Utah
Cahill
Carey
Collins
Dawson
Denney
Edwards, Ala.
Foreman
Holifield
Howard
Kirwan
Lipscomb
Lukens
McClure
McMillan
Miller, Calif.
Nichols
O'Konski
Pelly
Pepper
Pirnie
Podell
Powell
Rees
St. Onge
Stephens
Teague, Tex.
Tunney
Whalley

So the bill was passed.

The Clerk announced the following pairs:

Mr. Holifield with Mr. Pelly.
Mr. St. Onge with Mr. Edwards of Alabama.
Mr. Carey with Mr. Cahill.
Mr. Teague of Texas with Mr. Berry.
Mr. Miller of California with Mr. Lujan.
Mr. Podell with Mr. O'Konski.
Mr. Howard with Mr. Burton of Utah.
Mr. Rees with Mr. Foreman.
Mr. Nichols with Mr. Collins.
Mr. Kirwan with Mr. Denney.
Mr. Tunney with Mr. Lipscomb.
Mr. Brademas with Mr. McClure.
Mr. Pepper with Mr. Pirnie.
Mr. McMillan with Mr. Stephens.
Mr. Dawson with Mr. Powell.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **EVINS** of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just passed, and on the Minshall amendment, and that they may include tables in the RECORD.

The **SPEAKER** pro tempore (Mr. EDMONDSON). Without objection, it is so ordered.

There was no objection.

SPECIAL ORDER VACATED

Mr. **McCLOSKEY**. Mr. Speaker, I ask unanimous consent that the special order I have for today be vacated.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

ROGERS CALLS FOR A CONGRESSIONAL INVESTIGATION OF U.S. DEFENSES

(Mr. **ROGERS** of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **ROGERS** of Florida. Mr. Speaker, I am becoming increasingly concerned, as additional details are made public, as to how a Cuban Mig fighter plane was able to fly over an American submarine base, through American air space to an American Air Force base and literally land his plane next to the plane of the President of the United States, practically undetected and most certainly unchallenged.

Apparently the Secretary of Defense's order to cut back on funds for Air Force radar picket planes took effect just after the President flew into Miami and before the Cuban Mig flew in. Two of the three regularly scheduled picket planes were taken off their 9-hour shifts, leaving only one picket plane to survey the Caribbean and Gulf of Mexico on a single 9-hour shift each day.

As fate would have it, the single plane which is responsible for detecting any low flying aircraft which might come in under our radar, was not in the air. And fortunately for us, as fate would have it, the Cuban Mig was not on a military mission.

The point I would make here is that we have voted some $780 million for work on a supersophisticated anti-ballistic-missile system—ABM—to stop some supersophisticated missiles which may or may not someday come at this Nation from thousands of miles away.

Yet a military plane from an unfriendly nation only 90 miles from our coast enters this country and our only response of record was a single, short radar sighting which was unidentified and unverified.

Mr. Speaker, does this mean that the only protection the southeastern part of this Nation gets via the $80 billion defense budget is an unidentified blip?

Are there so many more pressing items in the Secretary of Defense's budget that we cannot afford to protect the people and the military installations in south Florida and the rest of the southeastern part of the Nation?

It looks to me that we may have built some sort of maginot line around some portions of this Nation and left the southeastern part of the Nation open completely. This despite the fact that while we fret about China and her potential danger, Cuba, just 90 miles away, represents a real and serious danger.

I think the Secretary of Defense should restudy his priorities and give serious consideration to this matter. Before we prepare for China of the 1970's and 1980's, we had better think of today and the possibilities of another Mig, or a rocket, or missile from 90 miles away.

The most immediate and minimal response to this situation, I would feel, would be to put the proper number of picket planes in the air over Florida. Eventually, I would think that a body-type radar system stationed in the straits between Cuba and Florida would also be considered.

All this is not to mention the fact that I consider the entire incident a serious breach of security to the President of the United States himself.

Mr. Speaker, I am writing the chairman of the House Armed Services Committee urging him to immediately investigate the incident.

A FUNDING SON LOOKS AT THE FOUNDING FATHERS

(Mr. ADAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, in the September 26, 1969, issue of Life magazine, there appears a fine article by our colleague from Missouri (Mr. SYMINGTON). This article titled "A Funding Son Looks at the Founding Fathers" was written as a review of the Broadway musical "1776," which Mr. SYMINGTON says "is an intriguing glimpse of history as seen through an 18th century laugh-in."

He goes on to say:

> Poetic, or at least prosaic, license is taken with the events and discourses of the period.

At the opening curtain, the Founding Fathers reprimand their testy, independence-minded colleague John Adams with a lusty chorus of "Sit Down, John." Mr. SYMINGTON goes on to say:

> I have heard this kind of suggestion whispered under the breath of my colleagues during the pronouncements of their brethren, but I've never been treated to the sight of the whole assembly bursting into song.

In looking at what Mr. SYMINGTON calls the "generation gap" between his colleagues and the granddaddy of all Congresses, he says he mourns the infrequency of humor or robust extemporania in present-day sessions.

> With press and public in the gallery, we are daily answerable—for style as well as content—to a skeptical constituency. We mute our performance accordingly.

Mr. Speaker, I think this article written by Mr. SYMINGTON deserves recognition. Although much of the article is written in a very humorous vein, a number of the serious problems of this House are highlighted. Humor is a refreshing way to examine ourselves.

I would like to introduce the article as an insert in the CONGRESSIONAL RECORD and congratulate my colleague on a fine job, well done:

[From Life magazine, Sept. 26, 1969]

A Funding Son Looks at the Founding Fathers—"1776"

(NOTE.—James W. Symington, folk-singing congressman from Missouri and son of Senator and former Air Force Secretary Stuart Symington, recently got around to seeing the musical "1776" and drew some conclusions about the generation gap between his colleagues and the granddaddy of all Congresses.)

Will Rogers used to say that when he needed a laugh he just read what Congress had done that day. The Broadway musical *1776* suggests that even July 4 of that year was just another congressional day—although what was "done" was the adoption of the Declaration of Independence. A freshman congressman like myself soon learns to "doubt a little of his infallibility," as Ben Franklin counseled. But what seems to have escaped my studies—and the notice of historians I had relied on—is that the acrimonious debate over independence was also marked by good-natured raillery and impromptu barbershop. With its cast of caricatures, *1776* is an intriguing glimpse of history as seen through an 18th Century laugh-in.

Poetic, or at least prosaic, license is taken with the events and discourses of the period. An amiable confusion of fact, fiction and farce characterizes this musical as it undoubtedly characterized the Congress depicted, and others since. At the opening curtain the founding fathers reprimand their testy, independence-minded colleague John Adams with a lusty chorus of "Sit Down John!" I have heard this kind of suggestion whispered under the breath of my colleagues during the pronouncements of their brethren, but I've never been treated to the sight of the whole assembly bursting into song. Senator Dirksen, the choirboy of the Western World, did pirouette around his desk to question the utility of introducing dance into Head Start programs. He lost his point, but won the gallery, and the infrequency of such moments is to be mourned. We need to get back to the time, as in *1776*, when that irrespressible trio Jefferson, Franklin and Adams would link arms to relieve the tensions of nation-building by engaging in lighthearted minstrelsy. Their "Egg" song, beginning "Chirp, chirp, chirp," and celebrating the hatching of the American Eagle, would bring any House down.

So would Ben Franklin's hardy colloquies with Pennsylvania loyalist delegate John Dickinson. "What's so terrible about being called an Englishman?" Dickinson asks at one point. "The English don't seem to mind."

"Nor would I," says Franklin, "were I given the full rights of an Englishman. But to call me one without those rights is like calling an ox a bull—he's thankful for the honor but he'd much rather have restored what's rightfully his."

Update the cast, substitute "American" for "Englishman" and this exchange could be quite contemporary. But while matters touching on "patriotism" or judgment on grave issues still evoke earthy exchanges in Congress (read the record of the ABM discussions), not since the Douglas-Kerr debates of the last decade has there been such robust extemporania. With press and public in the gallery, we are daily answerable—for style as well as content—to a skeptical constituency. We mute our performance accordingly.

Moreover, we have a thousand proposals to review; they had but one, independence, and they had years of experience and months of debate to savor its implications. Their mandate was clear and simple—go thou and create a nation. No lobbyists' dinners and breakfasts, staff meetings or hometown drop-ins. No tours of the Capitol; they had the wisdom not to build one until nationhood was established, a lesson in fiscal logic for us Funding Sons.

The Continental Congress had no President to deal with, only a king, remote in time, distance and understanding. A President with dams to offer here, airport or park construction there, defense contracts, school, job and housing programs everywhere has resources to divide and confuse the resolve of Congress should a near majority seek to oppose him on a major question. Nor were there political parties as such in the Continental Congress, only biases from which parties would spring, and the sectional interests of each of the 13 colonies. This was also an advantage to an assembly with one overriding issue before it, because party loyalty could not be thrown up to any member to "keep him in line," only loyalty to conscience and country. Without Presidents, parties, interviews, telegrams, telephones, news conferences and other confusing obstacles to the rational use of time, they could actually study the issue they were called upon to decide. Legislation without contemplation was not their problem; it is ours.

It is a very big problem, which we attempt to solve by assigning each legislative proposal to a committee, with the hope that it will there receive attention, respect and appropriate action. It is said that the sum total of human knowledge doubles every 10 years. With good reason, then, members of Congress today do not consider themselves or each other to be experts in everything. The fact is that when a bill comes to the floor many vote on it without having given it extensive consideration. They look to colleagues they trust, and who ought to know, for guidance. Frequently they hope the vote will be taken in an anonymous manner such as the voice vote, a shouting contest, or the teller vote, where members simply file by and are counted in favor of or in opposition to a proposal. A rollcall vote requires each member to answer "aye" or "nay," and is recorded. The vote on independence had to be nearly unanimous and certainly recorded. If it is true, as the play suggests, that the Pennsylvania delegate James Wilson voted "aye" only to be identified with a majority, regardless of the consequences, we are given an insight into one weakness in man's nature which the parliamentary system could neither correct nor conceal—the desire to go with the crowd to avoid censure or, at worst, share it with good company.

The modest tensions of the play range from the delegates' vacillation to petulance and apprehension on receipt of General Washington's pessimistic messages from the field. At least one of the general's reports, "Is anybody there? Does anybody care?", sounds more like a dispatch from our obedient servant Winnie the Poo than the father of our country. The audience found such moments convincing. Could one be in Congress only eight months and already be out of touch with the people?

One raisin in this hasty pudding is the issue of whether to delete the denunciation of slavery from the first draft of the Declaration in order to secure Southern signatures. In light of current dialogue the audience recognized the question as more than something to chew on—the all-American jawbreaker, the oversized pebble in the mouth of every Demosthenes who has taken the national stage these men built. Quickly enough the complicity of our Northern seafaring ancestors was brought to our attention, *our* attention, because at this point in the play we and the Founding Fathers are one, reliving the original sin of our creation. Franklin argues that a less than immaculate conception is better than none at all; the "offensive" passage is deleted and the Southern delegates sign.

1776 looks back at this point with fife and drum, and we with sadness. Thomas Jefferson's deleted passage on slavery, which says of the king: "He has waged cruel war against human nature itself . . ." should give us pause. For since that day, the king's prerogative has been our own. His sovereign power is ours, and his indifference.

VIETNAM MORATORIUM COMMITTEE

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, prominent people around the country, including some of my congressional colleagues, have endorsed the efforts of the Vietnam Moratorium Committee to protest the Vietnam war by organizing work stoppages on October 15, especially in the colleges and universities across the Nation. Perhaps these well-intentioned individuals would have withheld their approval had they been fully aware of the facts.

The Vietnam moratorium is not an independent attempt to influence our Vietnam policy. It is a part of an ambitious program of agitation, propaganda, and disruption known as the "Fall Offensive," a program formulated at a Communist-saturated conference held in Cleveland, Ohio, in July and hosted by the regional affiliates of the National Mobilization Committee To End the War in Vietnam, organizer of last year's violence in Chicago during the Democratic National Convention

The Cleveland conference created the New Mobilization Committee To End the War in Vietnam to carry on the work of the now defunct National Mobilization Committee To End the War in Vietnam and act as the umbrella group to organize the fall offensive. Leaders of the New Mobilization Committee include: Arnold Johnson, an official of the Communist Party, USA; long-time Socialist Workers Party leaders Fred Halstead, Harry Ring, and Gus Harowitz; Peter Vinther of the Young Socialist Alliance, the youth section of the Socialist Workers Party; David Dellinger, self-professed non-Soviet Communist; Irving Beinin, staff employee for the Communist newsweekly Guardian; Prof. Donald Kalish, reportedly, by his own admission, somewhat to the left of the Communist Party; and Leroy Wolins, leader of Veterans for Peace in Vietnam and an identified member of the Communist Party. The evidence therefore points to Communist domination of the New Mobilization Committee's plans and operations.

Two other groups playing key roles in the fall offensive are the Student Mobilization Committee and Students for a Democratic Society. SDS plans activity in Chicago around the theme "Bring the War Home." I reported to the House on September 18, 1969, the plans of the SDS to launch massive demonstrations in Chicago during the period of October 8 to 11, 1969.

The Student Mobilization Committee, which has specifically endorsed and whose functionaries are actively supporting the Vietnam moratorium, was initiated by Communist Party member Bettina Aptheker in 1966. During 1968, however, the Student Mobilization Committee passed into the hands of members of the Young Socialist Alliance, and it remains today under tight control of the Young Socialist Alliance. The Student Mobilization Committee is organizing its own student strike for November 14, just before the New Mobilization Committee's Washington and San Francisco marches. YSA member and SMC leader Carol Lipman serves with Vietnam Moratorium Committee organizer David Hawk on the New Mobilization Committee's steering committee.

These few facts are only a minute sample of the overwhelming mass of evidence that the fall offensive, of which the Vietnam moratorium is an integral part, is not designed as a legitimate protest movement aimed at correction of defects in our foreign policy. It is rather a propaganda maneuver designed and organized by Communists and other revolutionaries who desire a victory by the North Vietnamese, not to help, but to weaken and harm the United States.

INCREASE OLD-AGE BENEFITS UNDER SOCIAL SECURITY

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKUBITZ. Mr. Speaker, almost every day I receive heart-rendering letters from elderly people telling me that they cannot make it on their meager social security checks. All their lives they have worked hard to set aside something for their old age. Now that inflation has gobbled up their savings they are forced to depend on their social security check as a means of survival.

For this reason I introduced a measure early this session which increases social security benefits under the old age, survivors, and disability insurance program. In addition, it provides for an automatic adjustment of benefits to increases in the cost of living.

I am delighted that the President has asked for an increase in social security benefits.

However, I do not favor the President's proposal of an across-the-board increase. Any increase given to those now on social security is an outright gift to the recipient—not something earned. Therefore, it seems to me that the increase should be based on need and surely those in the lower category need more consideration than those in the top category. After all, the fellow who gets a minimum $55 a month must pay as much for a loaf of bread or electricity or medicine as one who receives the maximum.

If enacted, my bill would raise the minimum social security benefits from $55 to $80 and would create an actual percentage increase ranging from 45.4 percent for those recipients at the lowest level to 5.6 percent for those at the highest benefit level. The people who would be assisted most by such a change are those at the lowest end of the scale and have the greatest need for increase in their social security payments.

In addition to the present need for greater benefits, the rising cost of living will make further increases necessary in the future. As suggested by the President's proposal, my bill provides for benefits to automatically increase as the cost-of-living index rises. This would be on a percentage basis applying equally to all benefits.

Who pays the bill for any social security increases? The President apparently wants to charge it to those who now pay social security.

I cannot agree with this proposal. In my opinion, the costs should be borne out of the general fund. Can anyone here advance one single reasonable argument to show why one who pays social security should pick up the chit while the President, the Supreme Court Justices, and Members of Congress, who respectively received $100,000, $39,500, and $12,500 salary increases, should go scot-free? Any reason why any person not on social security should go home free?

My bill differs from the President's proposal in that it authorizes a contribution from general funds for the amount of the increased benefits. These would be benefits over and above what the recipients previously contributed to social security. The responsibility for taking up the slack belongs to all of society and should be financed by all segments of our economy—not just those persons paying into the social security fund.

I might add that a recent poll of my district shows that 74 percent of the persons polled favor my proposal of taking funds out of the general funds so that all taxpayers pay their fair share.

One of the most appealing aspects of my social security program is a provision to allow older persons to collect benefits while still earning an income. My bill would raise the present earning limit of $1,680 to a new limit of $1,800. The President's bill calls for this change.

Under the present retirement test, persons who earn more than the exempt amount of $1,680 continue to have $1 in social security benefits withheld for every $1 they receive.

To avoid this, my bill would eliminate this $1 reduction for each $1 earned and replace it with the same reduction for each $2 earned above $3,000. This change increases the incentive to work for older persons who badly need this income to meet today's inflation.

Often our elderly citizens must suffer because of meager incomes, and every rise in the cost of living increases their plight, for this burden hits hardest those who live on a fixed income.

If enacted, my bill would immediately raise the benefit payments to the elderly and would not allow the cost of living to destroy these gains by reducing their purchasing power. Thus, the present and expected future problems of social security recipients can be substantially relieved.

In conclusion, I agree with the administration proposal that the social security benefits should be increased on a cost-of-living basis and that people should be allowed to earn more before losing benefits.

In any event, something should be done as soon as possible. Three out of every ten older persons are living in poverty. Most of them were able to support themselves in decency until they became older.

Unless positive action is taken, these older persons are going to suffer even more. For this reason I feel it is urgent that we make the needed changes in the social security laws.

GREECE

(Mr. YATRON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATRON. Mr. Speaker, during the recent period of congressional recess I, along with my wife Millie and daughter Theana, was a guest of the Pan-Arcadian Society of America at its annual convention in Athens, Greece.

I was extremely pleased to have been offered the opportunity to make this 2-week journey for a couple of reasons. One, Greece is the country of my parents' birth. I was consequently nurtured in ways Greek since the days of my youth. This opportunity was the very first that I have had to see the country about which I had heard so much in the past. For the first time, I met relatives who had been but names before. I and my family were the recipients of their hospitality and welcomed to our own family.

The second reason which prompted my visit to Greece at this time was the desire to make my own appraisal of the current Greek Government. As a member of the Committee on Foreign Affairs, I have felt it incumbent upon me to ascertain the realities of Greece's current political situation. Certain newspaper stories and magazine articles have been published, Mr. Speaker, which place the government in Athens in an extremely unfavorable light. Although I was apprehensive that these stories of torture and repression might prove true, I was quite anxious to arrive at my own conclusions on the matter. It is these conclusions about which I should now like to comment.

Mr. Speaker, Greece is justifiably proud of being characterized as the cradle of democracy. I myself am certainly pleased that this designation has been bestowed upon the land of my ancestors. It is, therefore, at once paradoxical and even, on the surface at least, unfortunate to verify the existence of a military government in Greece.

Be that as it may, however, I must submit that the government which now rules Greece is a necessary expedient. When the conditions which have prompted its establishment have disappeared, however, I would be most anxious to observe the resumption of parliamentary processes in Greece. When this time arrives, I hope it will be acknowledged by the present government and that these leaders will relinquish their positions and allow themselves to be guided by the choices of free Greeks voting in a fair election.

Because the ruling junta has served to forestall a possible Communist takeover in Greece, however, its existence was at least born of justifiable aims. Certainly a Greece run by Communists would be far less palatable than a Greece run by former colonels. This is obviously so especially when one views Greece in the context of its role as a member of the North Atlantic Treaty Organization. Greece has been an integral part of NATO since its formation 20 years ago. Greece continues to serve as an important link in the chain which constitutes our military defense network.

It must also be said here that the junta has enacted certain vitally needed reforms that for one reason or another were not implemented by King Constantine and the Greek Parliament. Farmers have seen their debts erased by the Government, social security benefits have been increased, students no longer pay tuition at Greek universities, the educational system as a whole has been vastly improved, the Greek economy is a vigorous one, and civil peace predominates.

If I may, Mr. Speaker, I should like to emphasize this latter point. The absence of a law-and-order problem in Greece was one of my most satisfying observations. Yet this is hardly consonant with the armed camp visions that one usually associates with a dictatorial government. Conversely, whereas crime is rampant in other large cities of the world, its existence in Athens, the surrounding countryside, and throughout the Greek nation is unobtrusive. The feeling, instead, was one of safety in the streets.

The question that must now be posed, of course, is whether external appearances of order mask nefarious conduct behind the scenes. And, more specifically, whether political prisoners are being brutalized into cooperative submission. In order to determine the credibility of reports indicating that repressive and coercive conduct is prevalent within the confines of Greek police stations, I made a special effort to get out and talk with the Greek citizenry. I sought the people's impressions of their Government and whether they felt it encouraged or even tolerated the repressive activities attributed to it. In following this course, Mr. Speaker, I probably spoke to 100 different people during my 2 weeks in Greece. None of these gave me any evidence to support the truth of the reports about torture. In fact, none could even acknowledge the accuracy of such reports. And none, Mr. Speaker, had ever been the victims of these alleged brutalities.

While I recognize that 2 weeks in Greece is hardly a sufficient period upon which to base a definitive critique on the Greek Government's activities, Mr. Speaker, I am able to state that my impressions were—and it is only my impressions on which I comment—that the reports of systematic torture perpetrated for political reasons in Greece are not well founded. If there was any substance to such reports it seems that I would have been able to gain at least some indication of this from the scores of persons with whom I conversed.

In my discourses with Prime Minister George Papadopoulos, I was assured that his government was neither conducting nor sanctioning the conduct of closed-door malevolence for political reasons. In fact, Mr. Papadopoulos recognized that free elections must be held in Greece. Although he was unwilling to establish a date for such elections, he did indicate a desire to hold them at the earlist possible opportunity. His position was, however, that Greece must first gain the strength with which to adequately govern itself and the tenacity to resist negative influences.

I must say, Mr. Speaker, that I am extremely hopeful these conditions will materialize at an early date. I yearn for the return of democracy to Greece. And though the path of its return may wind, I am hopeful democracy's strength at the end of this interim period of autocracy will be sufficient to justify a temporary digression from the previous way.

THE MORATORIUM

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, the moratorium is a worthy effort by the young people of America to express their grave concern over an issue which deeply involves all Americans, but which involves our young people more critically than any other group. This peaceful expression is in the best tradition of our democracy and should be encouraged. I expect to address myself to this issue on the floor of the House of Representatives next Wednesday.

JUVENILE DELINQUENCY

(Mr. NELSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NELSEN. Mr. Speaker, on Friday, October 3, 1969, I introduced for myself and Mr. Gerald R. Ford, Mr. Springer, Mr. O'Konski, Mr. Harsha, Mr. Broyhill of Virginia, Mr. Winn, Mr. Steiger of Arizona, Mrs. May, Mr. Hogan, Mr. Cramer, Mr. Poff, and Mr. McClory, H.R. 14188, a bill to amend chapter 23 of title 16 of the District of Columbia Code to revise proceedings regarding juvenile delinquency and related matters, and for other purposes. My distinguished colleagues from the Democratic side of the aisle, Mr. McMillan, Mr. Dowdy, Mr. Fuqua, Mr. Hagan, Mr. Hungate, Mr. Blanton, and Mr. Kyros, introduced a similar bill, H.R. 14224 on October 7, 1969.

I include in the Record the text of a statement setting forth my reasons for introducing H.R. 14188:

For some time now there has been general concern on the part of the Administration, many of the Members of Congress, representatives of the District Government, representatives of various community organizations, and citizens of the community itself with the rapidly increasing serious and violent crimes being committed by juveniles in the Nation's Capital. For instance, I note that recent statistics show that in the last six years, robbery by 16- and 17-year-olds has increased 258 percent. At the same time, Mr. Speaker, I have been concerned with the recognized deficiencies in existing legislation for protecting the due process rights of arrested juveniles.

The Department of Justice, in consultation with expert representatives of the Department of Health, Education and Welfare and the District Government, has undertaken an extensive revision of the Code of Juvenile Procedure for the District of Columbia. The Administration's proposed Code of Juvenile Procedure for the District of Columbia, which is contained in this bill, is held to be a balanced and comprehensive approach to the problem of juvenile crime in the District of Columbia. It supplements the provisions of H.R. 12854, which I introduced on July 15, 1969 and which was subsequently referred to the District of Columbia Committee. H.R. 12854 provides for a comprehensive reorganization of the current court system and the judicial environment in which family problems would be handled in the District of Columbia. The restructured court of general jurisdiction, the Superior Court, would have a Family Division in which would be vested all of the jurisdiction of the now existing Juvenile Court of the District of Columbia and the Domestic Relations Branch of the Court of General Sessions of the District of Columbia. It is intended that all family-related problems, such as delinquency, parent-child problems, etc. would come within the jurisdiction of the Family Division of the Superior Court.

In its proposed legislation, the Administration has provided that those 16- and 17-year-olds who commit specified crimes of violence most dangerous to the peace of the community, such as murder, rape and robbery, will be ineligible for treatment as juveniles. Instead they will be prosecuted as adults with the whole panoply of correctional services available, including supervision and treatment pursuant to the Federal Youth Corrections Act. Retention within the juvenile system of these matured, sophisticated and experienced 16- and 17-year-olds who commit such violent crimes would appear in many instances to only undermine the rehabilitative potential of other juveniles. Together with its proposed waiver provisions in H.R. 12854 and H.R. 13689, the Administration has chosen to limit the benefits of juvenile treatment to those youngsters with the requisite rehabilitative potential and to exclude those who lack such potential and might adversely affect the rehabilitation of others.

The Administration's proposed code of juvenile procedure also incorporates and thereby codifies the requirements of due process outlined by the Supreme Court in its recent decisions. Clear notice of the charge made, provision for counsel at all critical stages, and hearings to determine probable cause for detained juveniles are among the numerous procedural protections accorded juveniles in the proposed code. In addition, the Administration has carefully and wisely established different procedures for handling delinquent children, neglected children, and children in need of supervision. Mental examinations of juveniles are specifically provided for in the bill, and other procedures relating to the juvenile mentally ill are provided for in the proposed code.

By providing a fair and well-delineated balance between the rights of juveniles and the protection of the public, Mr. Speaker, it is submitted that the Administration has recommended a Code of Juvenile Procedure for the District of Columbia which merits prompt consideration as a measure to stem the increasing tide of serious and violent crime being committed by juveniles in the Nation's Capital.

THE PRICE OF GREATNESS IS RESPONSIBILITY

(Mr. HAGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HAGAN. Mr. Speaker, some things lose their effectiveness with time while other things, like the spoken word, can be vividly remembered and reflected upon for an endless number of years. I draw this particular parallel because I wanted to call to the attention of my colleagues some remarks made back on May 30 of this year by Mr. L. Eldon James, the 1968 commander of the American Legion. Mr. V. H. Monette, Smithfield, Va., sent me the copy of Mr. James' speech. While a little time has passed since this speech was made, I still feel as does Mr. Monette and I believe you will agree that his comments are still timely and will remain timely as long as each of us takes pride in and welcomes the price we must pay for a "free and individual republic"—responsibility.

The speech follows:

The Price of Greatness Is Responsibility

(By L. Eldon James)

Those words spoken by a great leader—Sir Winston Churchill—should ring loud and clear across this land this morning—this beautiful Friday morning—for this is Memorial Day 1969.

Winston Churchill not only spoke words of greatness—he wrought deeds of responsibility.

So it behooves every American this morning—May 30th 1969—to think seriously about the Price of Greatness.

There is no more fitting time than now to ask these questions:

1. Do you consider this nation one of greatness?

This answer is simple—of course you do.

The second question should be equally easy to answer—but strangely there is much confusion about it today—that second question is—

2. Who made this nation great—and who will keep it great?

The meaning of Memorial Day gives us a key to the answer to this question.

"Let no ravages of time testify to coming generations, that we have forgotten as a people the cost of a free and individual republic."

So spoke General John Alexander Logan over 100 years ago. A young lawyer from Illinois, "Black Jack" Logan fought his way up in the Union Army—a volunteer he was—and after the War Between the States was credited with originating Memorial Day—yes others had a part—even the Confederate women in Mississippi who decorated graves of Union Soldiers—all—to the end as General Logan put it.

That ". . . no ravages of time"—would cause us to forget ". . . as a people—the cost of a free and individual republic."

Yet at this very moment there are men of words—without responsibility—using this day—as an opportunity to degrade our flag—and tear down the institutions—and instrumentalities of Government that have permitted men of action to make us a great nation.

So today—on Memorial Day 1969 we assemble here to do honor to men of responsibility who have gone before us—men whose sense of responsibility have made our nation great—perhaps the most magnificent honor we act with responsibility where the welfare of our land is at stake.

The place to start is by showing us—for what it is—the irresponsibility of those who turn their back upon the principles on which this land was built.

Today we are engaged in the longest war in which the United States has participated. Over 35,000 Americans have given their lives, facing their responsibility. They cry out today for other Americans to face theirs.

Our Military Community—the Professional Soldier and the Citizen Soldier when called upon to bear arms have faced their responsibility magnificently. Yet some headline hunting public figures seek to take upon themselves the wisdom to direct military tactics and strategy.

I can't believe that Winston Churchill's Yardstick for Greatness would dictate that we should have 100 U.S. Senators each running our military operations.

The best tribute these men can make to our hero dead—is to remember that our military leaders today—are sons—are fathers—are grandfathers—yes—are men—men of responsibility to do their job.

When a U.S. Senator publicly attacks specific military operations he helps our enemy and harms our land. I will not trespass on your time to justify Hamburger Hill. Anyone who will take the time to inform himself will find no reason to challenge a military leader who found it necessary to eliminate a serious strategic threat to the overall safety of his men and their mission.

Reckless military criticism is only one of the ways some of our citizens are showing their lack of greatness today.

Lack of initiative in meeting problems on our campuses is one—failure to use discipline and firmness where violent confrontations occur is another.

But let me make my point with just this one last observation.

There is no sense of responsibility that I can find in those people today—who practice one thing—destruction. Yes I know before we build something new we must clear away the old. But if those who would tear down—have nothing constructive and good to offer in its place—then they do not understand Mr. Churchill's Yardstick for Greatness—they have no sense of responsibility.

President Thieu of South Vietnam is attempting to form a coalition in his country. Little men in our country are clamouring that he has only 48% of people in his country in his coalition—so they say we should not support him. I was there and saw his government shape and come to power. It offers the greatest stability his land has ever known. Now—compare his support with that of others.

The present British Government about 47%.

Our own present administration, 43%.

Do those who would criticize and depose Thieu for having only 48% do the same to our present leadership because it was elected with 43%?

"The Price of Greatness Is Responsibility." On Memorial Day 1969 every American would do well to say to himself and to those who have given to us and helped to preserve freedom—yes we are a great nation—and I will bear my responsibility to my land—by backing my words—with deeds that prove I know "the cost of a free and individual republic."

DEMAND FOR PASSAGE OF CRAMER WATER POLLUTION CONTROL FINANCING BILL RENEWED AND PINELLAS COUNTY, FLA., SEWAGE TREATMENT PLAN EVIDENCES NEED FOR IT

(Mr. CRAMER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CRAMER. Mr. Speaker, I am proud to bring to the attention of my colleagues the highly successful sewage treatment program developed in Pinellas County, Fla.

Development of this program demonstrates how a community, through proper planning, can overcome the problems inherent in water pollution control.

Following is a synopsis of the Pinellas County development program which I believe will be of interest to my colleagues as well as to communities throughout the United States.

This also demonstrates the need for legislation which I have introduced to provide for the long-range financing of sewage treatment plant facilities in order to carry out long-range programing over and above the funds made available by appropriations, which is contained in H.R. 13358 and H.R. 13562, and which legislation has been cosponsored by over 48 other Members.

One of the most serious problems in America today is the pollution of our lakes and streams and all communities should be encouraged to develop long-range programs similar to those being encouraged in my district.

It is my hope that such long-range financing, which in effect provides for the Federal Government to guarantee the Federal share for sewage treatment plant construction over the life of the bonds with proper bonuses going to the States to encourage them to provide State matching funds up to 25 percent or more, will be implemented in that I believe this partnership program approach is necessary; that is, local, State, and Federal, if stream pollution is to be eliminated and clean water preserved.

Of course, even this is just a start in that there are many other pollutors in addition to sewage treatment plants, including industrial, acid mine drainage, silt runoff, aquatic growth, and boat and ship spillage, including oil pollution. A united attack on all fronts is essential if future generations are to be assured of an adequate supply of clean water.

Pinellas County, Fla., occupies a peninsula which is formed by the western shores of Tampa and Old Tampa Bays and includes the offshore, barrier islands in the Gulf of Mexico, west of that peninsula. The rapid development of unincorporated areas in Pinellas County has persisted since the 1930's. As early as 1935 the county government, faced with the problem of providing safe, potable water to residents of the offshore islands and to other developing unincorporated areas, created the Pinellas County water system. Septic tanks and drainfields provided sewage treatment and disposal in most of these areas until, during the early 1950's, it became apparent that the population densities in many areas had reached, or were rapidly approaching the point, where septic tanks could not provide adequate protection for the public health.

Realizing that only positive action on their part could prevent the development of health hazards in the unincorporated urbanized areas, the board of county commissioners, after consulting with the Pinellas County Health Department, the Florida State Board of Health, and with officials of interested municipalities, authorized Briley, Wild & Associates, consulting engineers, to conduct an engineering study of sanitary sewerage requirements on a countywide basis. The study was authorized April 10, 1956, and a report presenting the results of the study and entitled "A Countywide Sanitary Sewerage Project for Pinellas County" was submitted to the county commission during the spring of 1957.

The 1957 report found only 11 municipal sewer systems in operation. These systems in conjunction with a few privately owned subdivision systems provided adequate sewerage service to less than 20 percent of the area of the county. The 1957 study, serving as a catalyst, has been expanded into a series of feasibility studies and other engineering work which have resulted in the formation of the following sanitary districts whose sewerage systems have been constructed and are in operation:

South Cross Bayou Sanitary District created March 19, 1960;

McKay Creek Sanitary District created November 8, 1960;

Boca Ciega Sanitary District created May 2, 1961;

Jungle Terrace Sanitary District created May 8, 1962; and

Bear Creek Sanitary District created July 24, 1962.

Numerous privately owned sewer systems within the sanitary districts have been acquired by the districts, their treatment plants have been phased out of service and their sewers integrated into the district systems. Other private systems, not within districts, have been acquired directly by the county and are being operated by the county pollution control department until such time as they can feasibly be integrated into the large area sewerage systems.

Capacity has been provided at the two large new county pollution control facilities for the treatment of sewage flows from adjacent municipalities. Another facility, which is in the planning stage, will also be designed in accordance with this policy of assisting the municipalities. Several municipalities are already delivering their sewage to the county for treatment and discussions are in progress with several others faced with the problem of either upgrading and rebuilding obsolete facilities or arranging for the county to receive and treat their wastes.

The board of county commissioners has placed the operation of all of the district and county systems under the control of a recently formed county pollution control department and has remained abreast of the ever continuing development with timely expansion and extension of the district sewerage systems.

Some of the early—pre-1960—subdivisions and all of the more recent ones which could not be served by existing sanitary districts were furnished with sanitary sewerage systems and small sewage treatment plants by the developers. As in the case of septic tanks, increasing development pressure resulted in proliferation of these small sewage plants until by 1967 there were 47 such privately owned small treatment systems and it became apparent that not only would the cost of inspecting these private systems, as would be required if adequate standards of operation were to be maintained, became excessive but, also, that the multiplicity of small plants could soon become completely unmanageable. Sanitary sewerage facilities had progressed to a point where the recommendations of the 1957 report and those of intervening studies based upon that report, required an intensive review—a review which would highlight the effects upon the county's sanitary sewerage requirements, of changing land use patterns, increasing development pressures and increasing emphasis on the need for a higher degree of sewage treatment prior to the disposal of effluent. The board of county commissioners on July 23, 1968, authorized an overall study and formulation of a master plan for sanitary sewerage systems. The plan and a plan report were submitted on March 31, 1969.

Many of the basic policy recommendations of the master plan are restatements or modifications of those contained in the 1957 and subsequent reports. The county commission has assumed responsibility for sanitary sewerage systems in the unincorporated areas of the county; is pursuing an alert policy for the timely acquisition of private systems and of consolidating these systems as warranted by development progress; and is prepared to assist some of the municipalities by providing treatment capacity at existing or planned, large, conveniently located, county pollution control facilities, thus permitting overloaded and inadequate private and municipal plants to be phased out. These activities are all in keeping with the recommendations of the master plan.

Timely action by the board of county commissioners has resulted in the expansion of sanitary sewers from the modest 20-percent area coverage found in the 1957 report to a point where sanitary sewers are available in substantially all of the developed areas in the midcounty and south county areas and plans which are now being prepared will, within 5 years, extend coverage to all of the developed areas in the county.

POLLUTION OF THE MERRIMACK RIVER

(Mr. MORSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MORSE. Mr. Speaker, I am presenting here for the consideration of my colleagues the last of a series of articles on a study of the Merrimack River Basin pollution problem by Lowell Sun reporter, Franz Scholz.

This final installment treats the problem in more technical terms; that is, that rivers are systems, and as such are susceptible to the new management techniques that have proved so successful in our aerospace and defense-related industries. It is written by Dr. Bela Fabuss, director of the Lowell Technological Institute Research Foundation and author of a study on a comprehensive modern management pollution control program which is the basis for the demonstration systems-approach project I have proposed to clean up the Merrimack River Basin.

Dr. Fabuss is highly qualified to speak on the problem. He joined Franz Scholz during the canoe trip on the Merrimack, and his commentary, which follows, is very much worth a careful reading:

POLLUTION OF THE MERRIMACK RIVER

(By Bella M. Fabuss, of the Lowell Technological Institute Research Foundation)

Water and air are man's most fundamental resources. Our water crisis is at the present time more serious than the average American realizes and we must make everyone understand that this problem must become a high-priority matter on our agenda of unfinished business.

To insist upon clean water is meaningless until we decide how much cleanliness we want and are willing to pay for. Cleaning up is a program that will cost billions of dollars over the next ten years and each of us will pay his share of the expense—in additional city, state or federal taxes, higher water prices and higher prices for the products of industry.

Let us look first at the cost question. A recent report of the Federal Water Pollution Control Administration estimated that in the years 1969 to 1973, almost $15 billion must be spent on water treatment facilities or about $3 billion annually, which is more than 0.35 per cent of the gross national product. What do these figures mean in practical terms? In the year of this study (1968), the entire industry of the United States (from automobiles to meat products and from furniture to cigarettes) spent about 23 billion dollars for new plants and equipment. Compared to this figure, the water treatmet industry will spend more than 13 per cent for building new facilities. To put it even into simpler form, we will spend more on water treatment than we will spend on all washing machines, dryers, air conditioners, dehumidifiers, fans, and air heaters.

These numbers clearly show that water treatment is a most important problem. We must talk and think in terms of a large scale water treatment industry rather than about a small treatment plant to be built at the end of our sewer line. The water treatment and supply industry will shortly represent more than ten per cent of the U.S. industrial capacity and must be discussed in these terms.

PRINCIPLES OF TREATMENT

With the development of urban areas, it became necessary to provide drainage or sewer systems to carry the wastes away. Normally, the wastes were disposed of in the nearest watercourse. It soon became apparent that rivers and other water bodies could handle only a limited amount of waste without turning into open sewers. This led to the development of purification or treatment facilities in which chemists, biologists, and engineers have played an important role.

Natural water bodies can oxidize organic matter without the development of nuisance conditions, but the organic loading must be kept within limits of the oxygen resources in the water. This means that certain levels of dissolved oxygen must be maintained at all times, not only to provide oxygen for the removal of organic waste but also to preserve aquatic life. The removal of excess organic matter, that cannot be disposed of safely in the water, is performed in the wastewater treatment plant.

Figure 1 shows the operating scheme of a wastewater treatment plant.

This plant operates using the "activated sludge process." It was found that a light, flocky sludge full of living bacteria develops when air is blown into a sewage tank. In the presence of air, the bacteria consume most of the organic material in the sewage as food. When the mixing and bubbling of air is stopped, the contents of the tank separate into purified water and settled sludge. To carry out this operation in a continuous manner and for fast removal of the organics from the sewage, plenty of bacteria must be present. Therefore, a part of the settled sludge containing these bacteria is returned to the tank and mixed with the fresh sewage. The products of this process are purified water and sludge.

The figure shows the process carried out in a continuous manner. As currently practiced, the sewage entering from the interceptor sewer is screened and then passes into a large settling tank. This is called primary treatment, which removes 25 to 40% of the organic matter and 40 to 70% of the suspended solids. At the same time, primary treatment removes 25 to 75% of the bacteria from the sewage. The water purified by primary treatment is usually not clean enough and must be further treated. The water flows into the aeration basins together with the activated return sludge. These aeration basins are normally 10 to 30 feet wide and 100 to 400 feet long. Air is introduced into these basins and the aeration period is usually 4 to 8 hours. From the aeration basins, the material passes into a second settling tank in which the sludge settles. Part of the sludge is returned to the aeration basins, the excess is disposed. This part of the process is called secondary treatment, and can remove 95% of the organic matter, suspended solids, and bacteria. The final product water is usually chlorinated and is discharged into a river.

Primary treatment of all waste waters is a must and in most parts of the country, secondary treatment must be carried out to reduce waste loads. Even further treatment techniques, so-called tertiary treatment, must be applied in some critical locations.

THE MERRIMACK RIVER

A very important challenge in water pollution control is to define the real nature of pollution. Frequently, when an industrial plant asked a governing body to state the stream standards, the plant was told to define its own waste water and then the governing body would tell the plant whether its waste water was acceptable for discharge into the stream. The reasons for this game "if you don't tell me, I won't tell you" are that there are many unclear problems. For example, there is the question of the capacity of a stream to keep itself clean. The river can assimilate a limited amount of waste, but full use of the capacity would limit community and industry growth and prevent the improvement or further development of water recreation areas.

One of the best measures of river conditions is the dissolved oxygen content in the river. During the summer months, the river can dissolve about nine milligrams per liter oxygen. Five milligrams oxygen per liter are necessary for boating, fish habitat, and industrial water supply but are not enough for swimming or drinking. In the summers of 1964 and 1965, the dissolved oxygen was never over this value in the Merrimack on its entire length from New Hampshire to the ocean. The oxygen content was frequently less than two and even zero values were found on some occasions.

This all means that the Merrimack River is highly polluted and effective actions must be taken immediately.

CONCLUSIONS

Since we are considering the rapid development of one of the major industries in our country, we should apply all resources and know-how to reduce the cost and to increase the benefits.

Some 20 state, federal, and regional agencies are today dealing with water pollution and water resources, such as the Federal Water Pollution Control Administration, Army Corps of Engineers, Geological Survey, Federal Power Commission, Fish and Wildlife Service, and many others. They all have their tasks, viewpoints and plans. When will the Merrimack River be cleaned up?

Each city and town along the river is preparing its own plans for pollution abatement. A village of 500 people and a city of 100,000 are equally eligible for Federal and State funding. At the same time, the building cost is about $175 per capita in a community of 500 people and about $40 per capita in a city of 100,000 people. Which one to clean up first?

In the Rochester metropolitan area in New York State, there are 33 separate wastewater treatment plants serving 600,000 people. These plants are operated by villages, districts, and the city. The result is polluted waters, an impossible job for the regulatory agency, and a manpower nightmare in trying to operate and staff the facilities. The comprehensive plan just adopted calls for consolidation and coordination into three large facilities which can develop professional staffs and meet the objectives. Are we trying out the same round-about way?

When do we finally realize that carrying out such a tremendous task as cleaning up an entire river basin, which affects the lives and future of more than a million people in the Merrimack River area, calls for a modern systems approach utilizing all the techniques that have resulted in the high productivity, efficiency, and organization of our industrial complex?

AGRICULTURE APPROPRIATION BILL

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I take this time in order to advise Members that it is my understanding that the distinguished gentleman from Mississippi (Mr. WHITTEN), will seek unanimous consent tomorrow to send to conference the bill H.R. 11612, the Department of Agriculture and related agencies appropriation bill for fiscal year 1970.

REQUESTS FOR SPECIAL ORDERS

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent that following legislative business and any special orders heretofore entered into the following Members may be permitted to address the House:

Mr. Albert, today, for 10 minutes.

Mr. Gonzalez, today, for 10 minutes.

Mr. Culver, today, for 10 minutes.

Mrs. Sullivan, today, for 15 minutes.

Mr. Conyers, today for 60 minutes.

Mr. McCarthy, October 9, for 60 minutes.

Mr. Hanna, on October 9, for 60 minutes.

Mr. Leggett, on October 14, for 60 minutes.

Mr. Ryan, on October 14, for 60 minutes.

Mr. Hungate, on October 14, for 60 minutes.

Mr. McCarthy, on October 14, for 60 minutes.

Mr. Ottinger, on October 14, for 60 minutes.

Mr. Koch, on October 14, for 60 minutes.

Mr. Waldie, on October 14, for 60 minutes.

Mrs. Chisholm, on October 14, for 60 minutes.

Mr. Moorhead, on October 14, for 60 minutes.

Mr. Tiernan, on October 14, for 60 minutes.

Mr. Kastenmeier, on October 14, for 45 minutes.

Mr. Fraser, on October 14, for 60 minutes.

Mr. Bingham, on October 14, for 60 minutes.

Mr. Helstoski, on October 14, for 60 minutes.

Mr. Scheuer, on October 14, for 60 minutes.

Mr. Brademas, on October 14, for 60 minutes.

Mr. Clay, on October 14, for 60 minutes.

Mrs. Green of Oregon, on October 14, for 60 minutes.

Mr. Vanik, on October 14, for 60 minutes.

Mr. Conyers, on October 14, for 60 minutes.

Mr. Stokes, on October 14, for 60 minutes.

Mr. Reuss, on October 14, for 60 minutes.

Mr. Sikes, on October 15, for 30 minutes.

Mr. Pucinski, on October 15, for 30 minutes.

The SPEAKER pro tempore. Is there objection to the several requests of the gentleman from Massachusetts?

Mr. HALL. Mr. Speaker, reserving the right to object, does not the sum total of reservations requested under unanimous consent total more than 24 hours on October 14?

The SPEAKER pro tempore. Would the gentleman from Massachusetts tell us the total amount of time requested?

Mr. HARRINGTON. I would be happy to do so.

The SPEAKER pro tempore. The Chair did not keep track of the total time requested.

Mr. HALL. The gentleman from Missouri could hardly be expected to keep track of that.

Mr. HARRINGTON. Mr. Speaker, the total time requested on October 14 is 21 hours and 45 minutes.

Mr. HALL. Mr. Speaker, further reserving the right to object, would the distinguished majority leader tell us whether other regular business is expected on that day to extend more than 3 hours, which would total the 24?

Mr. ALBERT. It is entirely possible, I would say to the gentleman. We have just agreed tentatively with the gentleman from Arizona (Mr. Udall) to program the Federal pay bill on Tuesday.

The SPEAKER pro tempore. The Chair will note that there already have been four or five special orders granted for October 14.

Mr. HALL. Mr. Speaker, without reference to individuals and without any lack of comity for our colleagues, and with full realization of their right to have special orders, but in utter lack of feasibility, and in view of the work of the House on that day, I will be constrained to object unless some of those orders are withdrawn so that we can have a normal working day and then those who wish to stay for the remainder of the 16 or 24 hours may do so.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I will say to the gentleman from Missouri, it is my understanding the rules of the House will not permit special orders following legislative business of one day to encroach on the legislative business of the following day, so that, in effect, if special orders should be requested by a sufficient number of Members to run through the night, they could not in any case encroach on the legislative business of the following day.

Mr. HALL. Mr. Speaker, as the gentleman from Indiana well knows, I am thoroughly familiar with the rules of the House. I would certainly confirm the gentleman's statement. But that is not the point involved here. The point involved here is asking unanimous consent to do something that is utterly impossible, without question and without reference to any one individual, so I repeat, I will be constrained to object unless some of those named are withdrawn.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I would imagine the large number of requests for special orders on the 14th is because many of those Members will not be here on the 15th. They will be out there holding candles on Moratorium Day.

I would like to tell my colleague that some of us have taken special orders for the 15th to discuss the alternatives to the problem of Vietnam, alternatives that might be a little more meaningful than what some people plan around the country for the 15th.

Mr. HALL. Mr. Speaker, all power to the gentleman from Illinois and his colleagues who have developed adverse colloquy—perhaps that is a good term—on the 15th, but I would be just as firm in my objection to lining up impossible hours, more hours than there are in the day, for the one side as I would for the other side. I want that clearly understood.

Mr. JACOBS. Mr. Speaker, will the gentleman yield further?

Mr. HALL. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I wonder if the gentleman from Missouri recalls the day last year when it occurred that we went all night long on the question of making an exception to the television rules and regulations in order that a television debate might take place on the presidential campaign.

Mr. HALL. Mr. Speaker, again I will tell the young man I have been responsible for prolonging the sessions of Congress myself in the days before the gentleman was a Member, and most of the Members know that. I am fully aware of all the tricks and rules and procedures of the House, and all the latitude that is allowed, as well as the protection the minority Members are given, but I think the gentleman's other question is not apropos.

The SPEAKER pro tempore. Is there objection to the unanimous-consent requests?

Mr. HALL. Mr. Speaker, further reserving the right to object.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I will simply say to the gentleman I recall once when Speaker Rayburn was in the chair and a Member objected to a unanimous-consent request for a special order, and the Chair observed that such an objection could become contagious. Therefore, the gentleman from Indiana would have to be constrained to recall the objection to the legitimate right or the privilege that is traditional in this House to request special orders and take that into consideration when others are requested in the future.

It could be catching.

Mr. HALL. Mr. Speaker, I appreciate the admonition from the gentleman, which he obviously drags up from history since the good former Speaker had long since been dead before the gentleman came here.

Mr. JACOBS. Mr. Speaker, I happened to be present on that occasion.

Mr. HALL. Be that as it may, I object to any over the first 12 hours of special orders that were written for the 14th, and if the request should be amended to include only those for the first 12 hours, I shall be glad to withhold the objection.

The SPEAKER pro tempore. Objection is heard.

Are there further requests from the gentleman from Massachusetts?

Mr. ALBERT. Mr. Speaker, in view of the fact that there has been objection and that some of the special orders will be necessarily stricken and Members who are not here now are involved, I would request the gentleman from Massachusetts not to make the request tonight, in order that it might be made tomorrow when those concerned are present.

NIXON'S POLICY OF GENEROUS UNEMPLOYMENT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ALBERT) is recognized for 10 minutes.

Mr. ALBERT. Mr. Speaker, the administration, through some kind of double-think thought process only it understands, is now attempting to convince the Nation that economic progress in the United States is directly equated to the rate at which unemployment increases. If we are to accept the administration line, we should all rejoice in the knowledge that joblessness in the country rose from 3.5 to 4 percent from August to September. Our faith in the administration's ability to guide our economy, according to utterances from the White House, should be reinforced by the fact that there are nearly 3 million persons out of work and if our luck holds the figure may nearly double by this time next year. The goal seems to be to return to the employment levels that existed during the last Eisenhower administration when joblessness was climbing toward 7 percent.

Evidence of the administration's new policy is contained in the remarks of White Hosue spokesmen following announcement of the latest increase in joblessness.

Assistant Treasury Secretary Murray Weidenbaum, a key economic policymaker in the Government, was inspired to say that "we may be turning from an overheated, overemployed condition to more sustainable levels." There is no indication of what, in Mr. Weidenbaum's view, these levels might be. But there is every indication that Mr. Weidenbaum has absolutely no commitment to a full employment economy, witnessed by a further observation that no change in policies were contemplated.

Presidential Press Secretary Ronald Ziegler allowed as how he did not think anybody was happy about the unemployment rate but he added that the increase in unemployment seems to be consistent with other evidence that the economy is beginning to cool. A fair translation of that remark means that increased unemployment is consistent with the administration's efforts to combat inflation. "There is a movement toward the beginning of a trend," Mr. Ziegler is quoted as saying.

Indeed, Mr. Speaker, there is evidence of the trend established by administration policies. Since the beginning of the year, some 350,000 people have been "trended" out of their jobs, and the increase in available jobs has dropped from 250,000 a month to 100,000 a month. Any more of this administration policy and the trend we are on will lead us right into the middle of a recession, at which point the cautious Mr. Ziegler will probably observe that the economy seems to have cooled off quite a bit.

Mr. Speaker, the economic policies of this administration are placing an intolerable burden on the people of this Nation, particularly on our low- and moderate-income families. High interest-tight money conditions have virtually excluded all those with incomes of less than $15,000 a year from homeownership, which is another way of saying that only those in the higher income brackets deserve the privilege of buying a home of their own.

Mr. Speaker, I call on the Nixon administration to reverse its economic policies which seems to be leading this Nation down the path to disaster.

CULVER SPONSORS COALITION FARM BILL

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 10 minutes.

Mr. CULVER. Mr. Speaker, I have introduced, with the gentleman from Texas (Mr. PURCELL), a companion measure to the coalition farm bill, which has been drafted with the cooperation of 22 national farm and commodity organizations.

As a representative of one of the major farm producing States in the Nation, ranking second in terms of annual farm sales, I have long been concerned about the apparently competing voices we hear in Congress from national organizations representing various segments of our agricultural economy.

This is one of the reasons why I take Congressmen from eastern urban areas to visit farms in my congressional district, to see the common problems Iowa and American farmers do face, and to emphasize the importance of sound agricultural legislation for our entire interdependent economy.

However, if we ever hope to gain the majority support of the House of Representatives, where the farm bloc has declined to less than 50 seats, then the national organizations must begin pulling together, or they will pull the farmer apart.

That is why this farm bill is so significant, because it represents an historic coalition of 22 separate groups:

The National Farmers Organization.

The National Farmers Union.

The National Grange.

The National Corn Growers Association.

The National Association of Wheat Growers.

The Midcontinent Farmers Association.

The United Grain Farmers of America.

The National Milk Producers Federation.

The Pure Milk Products Cooperative.

The North Carolina Peanut Growers Association.

The National Rice Growers Association.

The National Potato Council.

The Virginia Council of Farmer Coops.

The Farmers Cooperative Council of North Carolina.

The Grain Sorghum Producers Association.

The Western Cotton Growers Association.

The National Wool Growers Association.

The Soybean Growers of America, Inc.

The Virginia Peanut Growers Association.

The Peanut Growers Cooperative Marketing Association.

The American Rice Growers Co-op Association.

The Webster County Farmers Organization.

The coalition bill is a package approach to the problems of balancing supply and demand and improving farm prices, through permanent extension of the commodity programs authorized by the 1965 Food and Agriculture Act, with improvements where the coalition feels they are necessary, based on experience since enactment of that legislation.

In addition, it assumes responsibility for hunger and malnutrition in America through a provision directed toward an adequate national food stamp program.

Mr. Speaker, our present farm program expires at the end of the 1970 crop year. To plan efficiently, farmers need some assurance now of the kind of program that will be available beyond that date.

There may be some question about certain provisions of this bill, and other proposals which should be heard as well, before the Congress finally acts on any one piece of legislation. However, this coalition bill represents the most concerted voice of the American farmer which has ever been heard in the Halls of Congress, and deserves the closest consideration by the committee and the full House as such.

I include at this point in the RECORD a statement by the coalition on the measure, as well as the text of the bill itself:

STATEMENT BY COALITION OF SPONSORING FARM ORGANIZATION

Unity exists between general farm organizations and major commodity groups. Farm commodities—each with its own growing cycle and market system—are closely related. The resources and productive capacity of the nation's agriculture are essential to the security of the nation and the well-being of its people. Farm income must be maintained and improved in order to protect the social and economic structure of America.

Permanent extension of the 1965 Food and Agriculture Act is the first step in improving it. We must not be forced to return again and again to pass legislation already approved by Congress. Our purpose must be to improve it. Some improvements cannot wait, and we are proposing them this year.

We reject a massive cropland retirement program as a substitute for existing commodity programs. Programs must be tailored to fit individual commodities. Cropland adjustment should work in combination with commodity programs. The cotton, rice and wool programs must be continued.

We have presented our views to Secretary of Agriculture Hardin. In addition to permanent extension of the 1965 Act, we urged the following improvements:

Establishment of Consumer Protection Reserves of wheat, feed grains, soybeans, and cotton. Consumers must be assured of stable supplies, despite crop failures. Reserves will make supply-management workable by removing the threat of shortages. Production can be planned more accurately to fit market needs.

Export certificates for wheat comparable to domestic wheat certificates.

Increase in direct payments and price support loans for corn, and equivalent increases in other feed grains.

Soybean program to permit the Secretary of Agriculture to call for acreage reductions, and make diverted acreage payments.

We urge the following improvements: amendments to the Agricultural Marketing Agreement Act to provide for improvements to the Class I Base Plan and to provide for authority for advertising, research, and promotion for milk and dairy products.

Another amendment to the Agricultural Marketing Agreement Act to extend the provisions of the Act to all agricultural commodities when and if farmers want them.

A fully adequate food stamp program to effectively combat hunger and malnutrition in the nation with removal of the present limitation on expenditures.

H.R. 14206

A bill to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Stabilization Act of 1969".

TITLE I—DAIRY: CLASS I BASE PLAN

SEC. 101. (a) The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by striking in subparagraph (B) of subsection 8c(5) all that part of said subparagraph (B) which follows the comma at the end of clause (c) and inserting in lieu thereof the following: "(d) a further adjustment, equitably to apportion the total value of the milk purchased by any handler, or by all handlers, among producers and associations of producers on the basis of their marketing of milk during a representative period of time, which need not be limited to one year, and further adjustments to provide for the accumulation and disbursement of a fund to encourage seasonal adjustments in the production of milk, and (e) a further adjustment, equitably to apportion the total value of the milk purchased by any handler, or by all handlers, among producers and associations of producers, on the basis of their marketing of milk during a representative period of time, which need not be limited to one year and which may be either a fixed period of one or more years, or a moving average of one or more years, as provided in the order, and which may be adjusted, and readjusted from time to time, to reflect the utilization of producer milk by any handler or by all handlers in any use classification or classifications. In the event a producer holding a base allocated under this clause (e) shall reduce his marketings, such reduction shall not adversely affect his history of production and marketing for the determination of future bases, or future adjustment of bases, except that an order may provide that, if a producer reduces his marketing below his base allocation in any one or more use classifications designated in the order, the amount of any such reduction shall be taken into account in determining future bases or future adjustments of bases. Bases allocated to producers under this clause (e) may be transferable under an order on such terms and conditions as may be prescribed in the order if the Secretary of Agriculture determines, in connection with such order, that transferability will be in the best interest of the public, existing producers, and prospective new producers. Provision shall be made in the order for the allocation of bases under this clause (e) to new producers and for the alleviation of hardship and inequity among producers, and prescribing terms and conditions under which new producers may obtain bases on an equitable basis with old producers. Producers holding bases so allocated or obtained shall thereafter participate pro rata in the market in the same manner as other producers. In the case of any producer who during any accounting period delivers a portion of his milk to persons not fully regulated by the order, provision may be made for reducing the allocation of, or payments to be received by, any such producer under this clause (e) to compensate for any marketings of milk to such other persons for such period or periods as necessary to insure equitable participation in marketings among all producers. Notwithstanding the provisions of sections 8c(12) and the last sentence of section 8c(19) of this Act, order provisions under this clause (e) shall not be effective in any marketing order unless separately approved by producers in a referendum in which each individual producer shall have one vote and may be terminated separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subparagraph 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or other terms of the order."

(b) Such Act is further amended (1) by adding to subsection 8c(5) the following new paragraph:

"(H) Marketing orders applicable to milk and its products may be limited in application to milk used for manufacturing."; and (2) by amending subsection 8c(18) by adding after the words "marketing area" wherever they occur the words "or, in the case of orders applying only to manufacturing milk, the production area."

(c) The legal status of producer handlers of milk under the provisions of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, shall be the same subsequent to the adoption of the amendments made by this Act as it was prior thereto.

(d) The Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by adding at the end of subsection 8c(5) the following new subparagraph (I):

"(I) Establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. Producer contributions under this subparagraph may be deducted from funds due producers in computing total pool value or otherwise computing total funds due producers and such deductions shall be in addition to the adjustments authorized by subparagraph (B) of subsection 8c(5). Provisions may be made in the order to exempt, or allow suitable adjustments or credits in connection with, milk on which a mandatory checkoff for advertising or marketing research as require under the authority of any State law. Such funds shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order. Such agency may expend such funds for any of the purposes authorized by this subparagraph and may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order. All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected. Programs authorized by this subparagraph may be either local or national in scope, or both, as provided in the order, but shall not be international. Order provisions under this subparagraph shall not become effective in any marketing order unless such provisions are approved by producers separately from other order provisions, in the same manner provided for the approval of marketing orders, and may be determined separately whenever the Secretary makes a determination with respect to such provisions as is provided for the termination of an order in subsection 8c(16)(B). Disapproval or termination of such order provisions shall not be considered disapproval of the order or of other terms of the order."

(e) The first sentence of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446), is amended by striking the words "milk, butterfat, and the products of milk and butterfat" and inserting in lieu thereof the words "and milk". Paragraph (c) of section 201 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446(c)), is amended to read as follows:

"(c) The price of milk shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price therefor as the Secretary determines necessary in order to assure an adequate supply. Such price support shall be provided through purchases of milk and the products of milk."

The amendments made by this subsection shall become effective for the marketing year beginning April 1, 1970.

TITLE II—WOOL

SEC. 201. Section 703 of the National Wool Act of 1954 (7 U.S.C. 1782) is amended by striking out the second sentence thereof.

TITLE III—CORN AND FEED GRAINS

SEC. 301. (a) Section 105(a) of the Agricultural Act of 1949, as amended, is amended to read as follows:

"(a) Notwithstanding the provisions of section 101 of this Act, beginning with the 1969 crop, price support shall be made available to producers for each crop of corn at a national average rate of not less than 90 per centum of the parity price therefor, including any payment, with a loan rate of not less than $1.15 per bushel."

(b) Section 105(e) of such Act is amended by striking out "the 1966 through 1970 crops" each time it appears and inserting in lieu thereof "the 1966 and subsequent crops".

(c) The seventh sentence of section 105(e) of such Act is amended by striking out "may" and inserting in lieu thereof "shall".

(d) Section 105(e) of such Act is further amended by inserting after the fourth sentence thereof a new sentence as follows: "In no event shall the farm projected yield for any crop of feed grains for any year be reduced by more than 5 per centum below what it was for the immediately preceding crop if the actual yield from such farm was reduced as the result of drought, flood, or other natural disaster."

SEC. 302. The first sentence of paragraph (1) of section 16(i) of the Soil Conservation and Domestic Allotment Act, as amended, is amended by striking out "the 1966 through 1970 crops" and inserting in lieu thereof "the 1966 and subsequent crops".

TITLE IV—COTTON

SEC. 401. (a) The proviso at the end of section 344a(a) of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows: "*Provided*, That the authority granted under this section may be exercised beginning with the calendar year 1966, and all transfers hereunder shall be for such period of years as the parties thereto may agree".

(b) The first sentence of section 346(e) of such Act is amended by striking out "through 1970" and inserting in lieu thereof "and subsequent".

(c) The first sentence of section 350 of such Act is amended by striking out "through 1970" and inserting in lieu thereof "and subsequent".

SEC. 402. Paragraph (1) of section 103(d) of the Agricultural Act of 1949, as amended, is amended by striking out "through 1970" and inserting in lieu thereof "and subsequent".

SEC. 403. Section 402(d) of the Food and Agricultural Act of 1965, as amended, is amended to read as follows:

"(b) Section 408(b) of the Agricultural Act of 1949, as amended, is amended, effective beginning with the 1966 crop, by changing the period at the end of the first sentence thereof to a colon and adding the following: '*Provided*, That for upland cotton a cooperator shall be a producer on whose farm the acreage planted to such cotton does not exceed the cooperator percentage, which shall be in the case of the 1966 crop, 87.5 per centum of such farm acreage allotment and, in the case of each subsequent crop, such percentage, not less than 87.5 or more than 100 per centum, of such farm acreage allotment as the Secretary may specify for such crops, except that in the case of small farms (that is farms on which the acreage allotment is ten acres or less, or on which the projected farm yield times the acreage allotment is three thousand six hundred pounds, or less, and the acreage allotment has not been reduced under section 344(m) the acreage of cotton on the farm shall not be required to be reduced below the farm acreage allotment.' "

TITLE V—WHEAT

SEC. 501. (a) Section 506 of the Food and Agriculture Act of 1965 is amended by striking out the language preceding the colon and inserting in lieu thereof the following: "Section 107 of the Agricultural Act of 1949, as amended, is amended to read as follows".

(b) Section 107 of the Agricultural Act of 1949, as amended by section 506 of the Food and Agriculture Act of 1965, is amended—

(1) by striking out that portion which precedes paragraph (3) and inserting in lieu thereof the following:

"SEC. 107. Notwithstanding the provisions of section 101 of this Act, beginning with the 1969 crop—

"(1)(A) Price support for wheat accompanied by domestic wheat certificates shall be at 100 per centum of the parity price therefor; and (B) price support for wheat accompanied by export certificates shall be at such level not more than 90 per centum or less than 65 per centum of the parity therefor as the Secretary determines appropriate taking into consideration the factors specified in section 401(b).

"(2) Price support for wheat not accompanied by marketing certificates shall be not less than $1.25 per bushel after subtracting national average storage and interest costs, as determined by the Secretary, in cases where wheat is placed under Government loan."

(2) by adding at the end of such section a new paragraph as follows:

"(5) For any crop of wheat harvested during the calendar year 1969 and any subsequent calendar year, the Secretary shall provide, in the case of each farm, for the payment of a special export wheat payment of 65 cents per bushel on a number of bushels determined by multiplying not less than 40 per centum of the number of acres in the farm acreage allotment for wheat by the projected farm yield (as defined in section 301(b)(13)(K) of the Agricultural Adjustment Act of 1938, as amended). Export payments under this paragraph shall be in addition to any price support payments otherwise provided and shall be available only to cooperators."

SEC. 502. The Agricultural Adjustment Act of 1938, as amended, is amended as follows:

(1) Paragraph 13(K) of section 301(b) is amended by striking out the period and inserting in lieu thereof a comma and the following: "and in no event shall the projected farm yield for any crop of wheat for any farm be reduced by more than 5 per centum below what it was for the immediately preceding crop if the actual yield from such farm was reduced as the result of drought, flood, or other natural disaster".

(2) Subsection (d) of section 332 is amended by striking out "in the calendar years 1966 through 1969" and inserting in lieu thereof "in the 1966 and subsequent crop years".

(3) The first sentence of section 339(b) is amended by striking out "in the calendar years 1964 through 1970" and inserting in lieu thereof "in the 1966 and subsequent calendar years".

(4) Section 379b, as amended by section 502 of the Food and Agriculture Act of 1965, is amended by striking out "in the calendar years 1966 through 1969" in the first sentence, and inserting in lieu thereof "in 1966 and subsequent calendar years".

(5) Section 379c(e) of such Act is further amended by adding at the end thereof a new sentence as follows: "A producer shall be entitled, under such rules and regulations as may be prescribed by the Secretary, to receive, at the time he agrees to participate in the wheat marketing allocation program, an amount in cash equal to not less than 50 per centum of the face value of the domestic and export marketing certificates to be issued to him."

(6) The last sentence of section 379e is amended by striking out "for the marketing years for 1966 through the 1970 wheat crops" and inserting in lieu thereof "for the 1966 and subsequent marketing years for wheat".

SEC. 503. The Agricultural Act of 1964 is amended as follows:

(1) Amendment (7) of section 202 is amended by striking out "effective only with respect to the crops planted for harvest in 1965 through 1970" and inserting in lieu thereof "effective beginning with the crop planted for harvest in calendar year 1965".

(2) Amendment (13) of section 202 is amended by striking out "effective only with respect to the crop planted for harvest in the calendar years 1965 through 1970" and inserting in lieu thereof "effective beginning with the crop planted for harvest in calendar year 1965".

(3) Section 204 is amended by striking out "effective only with respect to the marketing years beginning in the calendar years 1964 through 1969" and inserting in lieu thereof "effective beginning with the marketing year which begins in the calendar year 1964".

SEC. 504. Section 502 of the Food and Agriculture Act of 1965 is amended by striking out the language preceding the colon and inserting in lieu thereof the following: "Section 279b is amended to read as follows".

TITLE VI—SOYBEANS AND FLAXSEED

SEC. 601. The Agricultural Act of 1949, as amended, is amended by adding at the end of title I a new section as follows:

"PRICE SUPPORT FOR SOYBEANS AND FLAXSEED

"SEC. 108. (a) Notwithstanding any other provisions of law, beginning with the 1969 crop, price support shall be made available to producers for each crop of soybeans and flaxseed at such level of the parity price therefor as the Secretary determines is fair and reasonable taking into consideration such factors as he deems appropriate, including those in section 401(b) of this Act. Notwithstanding the preceding sentence, in the case of any crop for which an acreage diversion program is in effect for soybeans and flaxseed, the level of price support for such commodities for such crop shall be at such level not less than 75 per centum of the parity price therefor as the Secretary determines necessary to achieve the acreage reduction goal established by him for such crop.

"(b) The Secretary shall require, as a condition of eligibility for price support on any crop of soybeans and flaxseed which is included in any acreage diversion program formulated under section 16(j) of the Soil Conservation and Domestic Allotment Act, as amended, that the producer shall participate in the diversion program to the extent prescribed by the Secretary, and if no diversion program is in effect for any crop, he may require as a condition of eligibility for price support on such crop of soybeans and flaxseed that the producer shall not exceed his soybean-flaxseed base. Any acreage on any farm which is diverted from the production of soybeans or flaxseed pursuant to a contract entered into after the date of enactment of this section under the cropland adjustment program shall be deemed to be acreage diverted from the production of soybeans and flaxseed for purposes of meeting the foregoing requirements for eligibility for price support.

"(c) Such portion of the support price for soybeans and flaxseed acreage included in the acreage diversion program as the Secretary determines desirable to assure that the benefits of the price-support and diversion programs inure primarily to those producers who cooperate in reducing their acreage of soybeans and flaxseed shall be made available to producers through payments-in-kind of feed grains. Such payments-in-kind shall be made available on the maximum permitted acreage, or the Secretary may make the same total amount available on a smaller acreage or acreages at a higher rate or rates. The amount of the payment-in-kind in feed grains shall be determined by the Secretary, taking into consideration the feeding value of soybeans and flaxseed meal in relation to feed grains, the yield per acre, the equivalent dollar value of soybeans and flaxseed, as compared with feed grains, and such as other factors as the Secretary deems necessary to arrive at a fair and equitable payment. For purposes of such payments, producers on any farm who have planted not less than 90 per centum of the acreage of soybeans and flaxseed permitted to be planted shall be deemed to have planted the entire acreage permitted.

"(d) An acreage on the farm which the Secretary finds was not planted to soybeans or flaxseed because of drought, flood, or other natural disaster shall be deemed to be an actual acreage of such commodities planted for harvest for purposes of such payments provided such acreage is not subsequently planted to any other crop for which there are marketing quotas or voluntary adjustment programs in effect.

"(e) The Secretary shall make not to exceed 50 per centum of any payments hereunder to producers in advance of determination of performance.

"(f) Payments-in-kind shall be made through the issuance of negotiable certificates which the Commodity Credit Corporation shall redeem for feed grains (such feed grains to be valued by the Secretary at not less than the current support price made available through loans and purchases, plus reasonable carrying charges) in accordance with regulations prescribed by the Secretary and notwithstanding any other provision of law, the Commodity Credit Corporation shall, in accordance with regulations prescribed by the Secretary, assist the producer in the marketing of such certificates. The Secretary shall provide for the sharing of such certificates among producers on the farm on the basis of their respective shares in the soybean and flaxseed crop produced on the farm, or the proceeds therefrom, except that in any case in which the Secretary determines that such basis would not be fair and equitable, the Secretary shall provide for such sharing on such other basis as he may determine to be fair and equitable.

"(g) If the operator of the farm elects to participate in the acreage diversion program, price support for soybeans and flaxseed included in the program shall be made available to the producers on such farm only if such producers divert from the production of such commodities, in accordance with the provisions of such program, an acreage on the farm equal to the number of acres which such operator agrees to divert, and the agreement shall so provide, In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section preclude the making of payments-in-kind, the Secretary may, nevertheless, make such payments-in-kind in such amounts as he determines to be equitable in relation to the seriousness of the default.

"(h) The Secretary is authorized to use the capital funds and other assets of the Commodity Credit Corporation for the purpose of making payments under this section and to pay the administrative expenses necessary for carrying out this section."

SEC. 602. Section 16 of the Soil Conservation and Domestic Allotment Act, as amended, is amended by adding at the end thereof a new subsection as follows:

"ACREAGE DIVERSION PROGRAM FOR SOYBEANS AND FLAXSEED

"(j) Notwithstanding any other provision of law—

"(1) Whenever the Secretary determines that the total combined stocks of soybeans and flaxseed of the Commodity Credit Corporation (including such stocks under Government loan) as af August 31 of any year (A) exceed one hundred and fifty million bushels (including the bushel equivalent of any soybean and flaxseed meal and oil held by the Corporation), or (B) exceed by 15 per centum or more the number of bushels or such commodities utilized (domestic and export) in the immediately preceding years, he shall formulate and carry out during the next crop year an acreage division program for soybeans and flaxseed, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments shall be made to producers who divert acreage from the production of soybeans and flaxseed to an approved conservation use and increase their average acreage of cropland devoted in 1967 and 1968 to designated soil-conserving crops or practices including summer fallow and idle land by an equal amount. Payments shall be made at such rate or rates as the Secretary determines will provide producers with a fair and reasonable return for the acreage diverted, but not in excess of 50 per centum of the estimated basic county support rate, including the lowest rate of payment-in-kind, on the normal production of the acreage diverted from the commodity on the farm based on the farm projected yield per acre. Notwithstanding the foregoing provisions, the Secretary may permit all or any part of such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, and plantago ovato, if he determines that such production of the commodity is needed to provide an adequate supply, is not likely to increase the cost of the price support program, and will not adversely affect farm income subject to the condition that payment with respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, but in no event shall the payment exceed one-half the rate which otherwise would be applicable if such acreage were devoted to conservation uses. Such soybean-flaxseed diversion program shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from erosion, insects, weeds, and rodents. The acreage eligible for participation in the program shall be such acreage (not to exceed 50 per centum of the average acreage on the farm devoted to soybeans and flaxseed in the crop years 1967 and 1968 or twenty-five acres, whichever is greater) as the Secretary determines necessary to achieve the acreage reduction goal for the crop. Payments may be in kind from feed grain stocks in accordance with such rules and regulations as the Secretary may prescribe. In determining the amount of the payment-in-kind in feed grains to be made to any producer the Secretary shall consider the feeding value of soybeans and flaxseed meal in relation to feed grains, the yield per acre, the equivalent dollar value of soybeans and flaxseed as compared with feed grains, and such other factors as he deems necessary to arrive at a fair and reasonable payment. The Secretary may make such adjustments in acreage as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography. Notwithstanding any other provision of this paragraph, the Secretary may, upon unanimous request of the State committee established pursuant to section 8(b) of this Act, adjust the soybean-flaxseed bases for farms within any State or county to the extent he determines such adjustment to be necessary in order to establish fair and equitable soybean-flaxseed bases for farms within such State or county. The Secretary shall make not to exceed 50 per centum of any payments to producers in advance of determination of performance.

"(2) Notwithstanding any other provision of this subsection, not to exceed 1 per centum of the estimated total soybean-flaxseed bases for all farms in a State for any year may be reserved from the soybean-flaxseed bases established for farms in the State for apportionment to farms on which there were no acreages devoted to soybeans or flaxseed in the crop years 1968 and 1969 on the basis of the following factors: Suitability of the land for the production of soybeans or flaxseed, the past experience of the farm operator in the production of soybeans or flaxseed, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of soybeans or flaxseed on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable soybean-flaxseed bases. An acreage equal to the soybean-flaxseed base so established for each farm shall be deemed to have been devoted to soybeans and flaxseed on the farm in each of the crop years 1968 and 1969 for purposes of this subsection except that producers on such farm shall not be eligible for conservation payments for the first year for which the soybean-flaxseed base is established.

"(3) There are hereby authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this section.

"(4) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts.

"(5) Payments in kind of feed grains shall be made through the issuance of negotiable certificates which the Commodity Credit Corporation shall redeem for feed grains in accordance with regulations prescribed by the Secretary and, notwithstanding any other provision of law, the Commodity Credit Corporation shall, in accordance with regulations prescribed by the Secretary, assist the producer in the marketing of such certificates. Feed grains with which Commodity Credit Corporation redeems certificates pursuant to this paragraph shall be valued at not less than the current support price made available through loans and purchases, plus reasonable carrying charges.

"(6) Notwithstanding any other provision of law, the Secretary may, by mutual agreement with the producer, terminate or modify any agreement previously entered into pursuant to this subsection if he determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of soybeans or flaxseed."

TITLE VII—CONSUMER PROTECTION RESERVE

SEC. 701. It is the policy of the Congress to establish and maintain reserves of storable agricultural commodities adequate to meet any foreseeable food and fiber shortage which might arise in the Nation as a consequence of any natural disaster, adverse food production conditions for one or more years, military actions, or other causes and to assist other nations of the world in any food or fiber emergency. It is further the policy of Congress to establish such reserves in years of surplus production and to maintain them to the maximum extent practicable in the control of procedures, to assure their segregation from the commercial market so that existence of the reserves will not adversely affect the level of market prices.

SEC. 702. Whenever, during any marketing year the uncommitted stocks of wheat, feed grains, soybeans or cotton owned by the Commodity Credit Corporation fall below the reserve level for such commodity specified below, the Commodity Credit Corporation may purchase at prevailing market prices such quantities of the commodity at such times and places as will effect the orderly establishment and maintenance of the Commodity Credit Corporation's stocks of the commodity at such reserve level. The reserve level of the commodity under this section for any marketing year shall be:

For wheat	bushels	200,000,000
For feed grains	tons	15,000,000
For soybeans	bushels	35,000,000
For cotton	bales	3,000,000

In any marketing year for any crop for which the Secretary determines that the estimated production from such crop will exceed estimated domestic consumption and exports during such marketing year by more than 10 per centum, the reserve level under this section shall be increased by one hundred million bushels for wheat, seven and five-tenths million tons for feed grains, fifteen million bushels for soybeans, and one million bales for cotton.

SEC. 703. (a) In order to assure that the Commodity Credit Corporation reserve stocks of wheat, feed grains, soybeans, and cotton will be insulated from the market, whenever the Commodity Credit Corporation's stocks of any such commodity are below the level specified for such commodity in the schedule prescribed in subsection (b) of this section, the Commodity Credit Corporation, notwithstanding the provisions of any other law, shall not sell for unrestricted domestic use or value for redemption of payment-in-kind certificates such commodity at less than the price specified in such schedule.

(b) The following stock levels and prices shall apply with respect to the Commodity Credit Corporation:

(1) For wheat, when the Commodity Credit Corporation's uncommitted stocks are not more than two hundred million bushels, the minimum price shall be 100 per centum of the current parity price, adjusted for class, grade, and location, less than current cost of the marketing certificate charged to processors.

(2) For feed grains, when the Commodity Credit Corporation's uncommited stocks are not more than fifteen million tons, the minimum price shall be 100 per centum of the current parity price, adjusted for class, grade, and location, less the current price support payment rate with respect to the maximum permitted acreage for the feed grain.

(3) For soybeans, when the Commodity Credit Corporation's uncommitted stocks are not more than thirty-five million bushels, the minimum price shall be 100 per centum of the current parity price, adjusted for class, grade, and location.

(4) For cotton, when the Commodity Credit Corporation's uncommitted stocks are not more than three million bales, the minimum price shall be 100 per centum of the current parity price, adjusted for class, grade, and location.

SEC. 704. Notwithstanding any other provision of this or any other Act, for the purpose of efficient management of the reserve stocks, including rotation thereof, Commodity Credit Corporation may sell any commodity in its reserve at the domestic market price, but any such sale shall be offset by a prompt purchase of a substantially equivalent quantity of such commodity at the domestic market price.

SEC. 705. (a) The Secretary shall make available a program for extending the maturity dates of price support loans for any crop of wheat, feed grains, soybeans, or cotton if he determines that the estimated production from such crop will exceed estimated domestic consumption and exports during the marketing year for such crop. The Secretary shall estimate the production from each crop and the domestic consumption and exports for the marketing year for such crop within thirty days after the beginning of such marketing year and at any subsequent time during the marketing year when he finds that changed circumstances require a new estimate. If in any marketing year when the Secretary has made such a determination, extended loans on wheat, feed grains, soybeans or cotton of any crop are called and the quantity of the commodity under such extended loans is not substantially offset by the quantity placed under the extended loan program from the current crop, the Commodity Credit Corporation shall purchase such additional quantity of the commodity at the prices specified in section 602 of this title as will substantially offset the quantity of the commodity under extended loans which are called.

(b) The Secretary shall make extended loan programs available under subsection (a) or otherwise and exercise the right to call extended loans in a manner which will enable producers to maintain at the end of each marketing year carryover stocks under such programs of approximately one hundred and fifty million bushels of wheat, seven and five-tenths million tons of feed grains, and twenty million bushels of soybeans. In the case of any marketing year for any crop for which the Secretary determines that the estimated production will exceed domestic consumption and exports during such marketing year by more than 10 per centum, the Secretary may conduct the program in a manner which will enable producers to maintain the end of such marketing year carryover stocks of up to two hundred million bushels of wheat, fifteen million tons of feed grains, and thirty-five million bushels of soybeans.

(c) The Secretary shall offer to enter into agreements with producers under which the producers shall agree to keep such commodity in storage under his control for periods of not to exceed three years, and the Secretary shall agree not to call the loans in such cases unless the prevailing marketing price for the commodity has reached the level at which the Commodity Credit Corporation may sell such commodity for unrestricted domestic use under the pricing schedule provided in section 603 of this title and the Secretary determines that the commodity is needed to meet a shortage which has arisen as a consequence of a natural disaster, adverse food or fiber production conditions for one or more years, military actions, or other causes. Notwithstanding the foregoing restrictions, the Secretary may call the loans in the cast of commodities which have substantially deteriorated in quality or as to which there is a danger of loss or waste through deterioration or spoilage or for the purpose of establishing claims arising out of contract or against persons who have committed fraud, misrepresentation, or other wrongful acts with respect to the commodity. The Secretary is authorized to provide incentives necessary to encourage farmers to store under such agreements approximately one hundred and fifty million bushels of wheat, seven and five-tenths million tons of feed grains, and twenty million bushels of soybeans. To the extent that the quantity of any commodity stored by producers under this subsection falls below such level, the Commodity Credit Corporation may purchase an additional quantity of the commodity to offset the deficiency.

TITLE VIII—MARKETING ORDERS

SEC. 801. The Agricultural Adjustment Act of 1933 as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows:

(1) Section 8c(2) is amended by inserting after the third sentence ending with the words "Southwest production area." the following: "Notwithstanding any of the commodity, product, area, or approval exceptions or limitations in the foregoing sentences hereof, any agricultural commodity or product thereof, or any regional or market classification thereof, shall be eligible for an order, exempt from any special approval required by the preceding sentences hereof, if after referendum of the affected producers of such commodity the Secretary finds that a majority of such producers voting in such referendum favor making such commodity or product thereof or the regional or market classification thereof specified in the referendum, eligible for an order: *Provided, however,* That such referendum shall not be required for any commodity or product for which an order otherwise is authorized under the preceding sentences of this subsection (2) and for which no special approval or area limitation is specified therein."

(2) Sections 8(c)(6) (A), (B), (C), (D), and (E) are amended by inserting ", species or other classification" after the words "grade, size, or quality" wherever the latter words appear.

(3) Section 8c(6), as amended, is further amended by adding the following at the end thereof:

"(J) With respect to orders providing for minimum prices on a classified use basis (i) providing for the payment to all producers or associations of producers of uniform minimum prices for the commodity or product marketed by them (within their allotments, if any), irrespective of the use or disposition thereof, subject, however, to adjustments specified by the order, including but not limited to adjustments for place of production or delivery, grade, condition, size, weight, quality, or maturity, or any other adjustments found to be appropriate to provide equity among producers, and (ii) providing a method for making adjustments in payments as among handlers (including producers who are also handlers), to the end that the total sums paid by each handler shall equal the value of the commodity or product purchased or acquired by him at the classified use minimum prices fixed pursuant to such order."

(4) Section 8c(6), as amended, is further amended by adding the following at the end thereof:

"(K) Notwithstanding any other provisions of this title—

"(i) allotting, or providing methods for allotting, the quantity of such commodity or product or any grade, size, or quality thereof, which each producer may be permitted to market or dispose of in any or all markets or use classifications during any specified period or periods on the basis of (a) the amount produced or marketed by such producer or produced on or marketed from the farm on which he is a producer in such prior period as the Secretary of Agriculture determines to be representative, subject to such adjustment for abnormal conditions and other factors affecting production or marketing as the Secretary may determine, or (b) the current quantities available for marketing by such producer, or (c) any combination of (a) and (b) to the end that the total allotment during any specified period or periods shall be apportioned equitably among producers. Allotments hereunder may be in terms of quantities or production from given acres or other production units. If the Secretary determines that such action will facilitate the administration of a marketing order hereunder and will not substantially impair the effective operation thereof he may fix, or provide a method for fixing, a minimum allotment applicable to producers and producers whose production does not exceed such minimum shall not be subject to the regulatory provisions of the order except as prescribed therein;

"(ii) any producer for whom allotment is established or refused under the authority of this subsection may obtain a review of the lawfulness of his allotment as prescribed by the order of the Secretary establishing the allotment and rules and regulations thereunder, which shall constitue the exclusive procedure for review thereof and section 8c(15)(A) of this title shall not apply thereto. Under such order, rules or regulations any officers or employees of the Department or any committees or boards created or designated by the Secretary of Agriculture may be vested with authority to perform any or all functions in connection with such review proceedings including ruling thereon. Committees or boards created or designated for this purpose shall be deemed agencies of the Secretary within the meaning of subsection 8c(7)(C) and section 10 of this title. The ruling upon such review shall be final if in accordance with law. The producer may obtain a judicial review of such ruling in accordance with the provisions of section 8c(15)(B) of this title; and

"(iii) when allotments for producers are established under this subsection the order may contain provisions allotting or providing a method for allotting the quantity which any handler may handle so that any and all handlers will be limited as to any producer to the allotment established for such producer, and such allotment shall constitute an allotment fixed for each handler within the meaning of section 8a(5) of this title."

(5) Amend section 8c by adding at the end thereof a new paragraph (20) as follows:

"PRODUCER ADVISORY COMMITTEES

"(20) The Secretary of Agriculture may establish a producer advisory committee with respect to any commodity, or group of commodities, for which a marketing order is potentially authorized. Such committee shall be composed of producers of the commodity or commodities for which the committee is established. Such committees may be called on by the Secretary of Agriculture to provide advice and counsel with respect to the initiation of proceedings for the promulgation of a marketing agreement or marketing order for such commodity or commodities and may also formulate specific proposals for purposes of a public hearing concerning such a proposed marketing agreement or marketing order. The establishment of such a committee shall not, however, be deemed necessary to the initiation of any such proceeding to promulgate a marketing agreement or marketing order."

(6) Amend section 10(b)(2) by adding at the end thereof a new subparagraph (iv) as follows:

"(iv) If the order contains provisions authorized by section 8c(6)(K) it shall provide that the assessments payable by handlers under subsection (ii) shall initially be payable pro rata by the producers of the commodity to such handlers thereof, who shall be responsible for the collection thereof from producers and payment to the authority or agency established under such order."

SEC. 802. Nothing in this title shall supersede the provisions of other statutes relating to marketing quotas, acreage allotments or limitations or price support, with respect to agricultural commodities and no action taken or provisions in an order issued under this title shall be inconsistent with the provisions of such other statutes or actions taken by the Secretary of Agriculture under such other statutes.

TITLE IX—CROPLAND ADJUSTMENT

SEC. 901. (a) The first sentence of section 602(a) of the Food and Agriculture Act of 1965 is amended by striking out "calendar years 1965 through 1970" and inserting in lieu thereof "1965 and subsequent calendar years".

(b) Subsection (k) of section 602 of such Act is hereby repealed.

TITLE X—RICE

SEC. 1001. The first sentence of paragraph (7) of section 353(c) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out "for 1966, 1967, 1968, 1969, or 1970" and inserting in lieu thereof "for 1966 or any subsequent year".

TOO MUCH, TOO LITTLE, OR NO INFORMATION ON THE CYCLAMATES?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Missouri (Mrs. SULLIVAN) is recognized for 15 minutes.

Mrs. SULLIVAN. Mr. Speaker, after noting a news article this morning that Secretary Finch of the Department of Health, Education, and Welfare is upset over "varying assessments" by the Food and Drug Administration of the dangers, if any, from the cyclamate sweeteners, I tried to obtain a copy of his remarks but was told there was no transcript available of his comments to the press on this matter. The article in the Washington Post indicates, however, that Secretary Finch is unhappy because some experiments conducted by FDA scientists have been widely publicized.

These experiments indicated—did not prove, but indicated—that birth defects could possibly result from the use by expectant mothers of foods containing artificial sweeteners. The experiments involved only chicken eggs and chicks, not humans. The Commission of Food and Drugs was then quoted as having said the findings are only tentative as to animals and may not mean a thing in the case of humans.

Mr. Speaker, I do not see any "waffling" on this by FDA, to use the Secretary's words. All we know for sure is that 15 percent of the chicks born from eggs which were injected with cyclamates were defective. There is no reason in the world why this information should have been suppressed. It is legitimate information for the public to have.

SUPPRESSION OF SCIENTIFIC DATA?

It certainly does not prove that cyclamates added to soft drinks or other foods cause birth defects in humans. But I hope the Secretary is not now planning to suppress scientific information which, at the least, sounds a warning to prospective mothers about the unrestricted use of any food product. The implications of the Secretary's statement as quoted in the Post this morning are very disturbing if they indicate a possible crackdown on carefully stated scientific information. The Food and Drug Administration requires certain warnings now on the labels of soft drinks containing cyclamates. This has not seemed to reduce their use. If there is any reason why expectant mothers should be particularly cautious, we should know about it.

Mr. Speaker, the article referred to is as follows:

[From the Washington Post, Oct. 8, 1969]

FINCH RAPS FDA ON SWEETENERS

Secretary Robert H. Finch roundly criticized a unit of his own Department of Health, Education, and Welfare yesterday for its handling of safety questions about the widely used artificial sweeteners that contain cyclamates.

"I am not at all satisfied with the present situation there," Finch said. "I think it's just inevitable that we're going to have some rather substantial reorganization of procedures and personnel in the Food and Drug Administration."

The secretary was particularly critical of what he termed varying FDA assessments of possible health hazards associated with cyclamate use.

He singled out a recent FDA experiment, widely reported on national television, demonstrating a 15 per cent incidence of birth defects after cyclamate injection into chicken eggs.

"We have appeared to waffle on it," Finch said in an interview. "Some have been overzealous saying, 'Sure, this may not be final or conclusive' . . . but we still ought to run up the flag and sound the bugle," he said. "And others have gone too far the other way."

Finch mentioned no names. But he apparently was referring to Dr. Jacqueline Verrett, the FDA scientist who conducted the chick experiment, and to FDA Commissioner Herbert L. Ley Jr.

Dr. Verrett has been quoted as advising pregnant women to exercise care with cyclamates unless and until all doubts are removed.

[In an interview last week on NBC television, Dr. Verrett was asked, "What statement can you make?" She replied that cyclamates have "serious effects on chick embryos . . . work should be done on mammals to see if there is crossing of the placenta . . . and any possible damage . . . Next step is to find out if there are some effects in other animal species." As for pregnant women, she advised that they "avoid everything unnecessary unless okayed by an M.D."]

Dr. Ley has emphasized that the findings are tentative from the cyclamate studies on animals. Also, he said, the effect of the drug on a lower animal is not always the same as on man.

SHOULD BE USED ONLY BY PERSONS WHO MUST RESTRICT INTAKE OF ORDINARY SWEETS

Mr. Speaker, if the Food and Drug Administration had definite evidence that the cyclamates were dangerous to use as food additives, it could prohibit their further use. Obviously, the agency does not have such proof. But it has been working on this matter for some time because of the fact that there are doubts. Consumers have been advised by the Government for some years that products containing the artificial sweeteners "should be used only by persons who must restrict their intake of ordinary sweets." It always disturbs me to see healthy, active, and even underweight children drinking quantities of soft drinks bearing such a warning on the label but, as I said, there is no proof that they are being harmed. The quicker this issue is cleared up, the better we will all feel about it.

But I would certainly hate to have the Secretary of Health, Eduction, and Welfare suppress scientific data dealing with possible harm from the use of this product merely because the information is not absolutely conclusive. If there should be conclusive information that the product is dangerous, the public would no longer have any need for the information because the product by then would have had to be removed from the market.

Mr. Speaker, I yield back the balance of my time.

SENATOR BIRCH BAYH TAKES A CLOSER LOOK AT JUDGE HAYNSWORTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes.

Mr. CONYERS. Mr. Speaker, BIRCH BAYH, the able junior Senator from Indiana, has performed, in my judgment, an invaluable service to those in the other body who need further factual information with regard to the nomination of Judge Clement F. Haynsworth to be an Associate Justice of the Supreme Court.

It is an examination that dispassionately speaks for itself and hopefully will be carefully studied by those who may be called upon to ratify the President's nomination.

The statement is as follows:

STATEMENT BY SENATOR BIRCH BAYH, OCTOBER 8, 1969

In recent years our judicial system has come under increasing attack, not only by the citizenry at large, but by lawyers and members of the legislative branch of both national and state governments. As our ideas, opinions and judgments of law and its application have changed over the past 180 years, so have changed the expectations of the American public of our public officials. Particularly now, when public confidence in the integrity of the federal judiciary at the highest level has so recently been severely shaken, it is of the utmost importance that only men who are truly distinguished and truly above reproach sit on the bench of our highest court.

Since the nomination of Judge Clement F. Haynsworth to be Associate Justice of the Supreme Court, numerous facts that raise a serious question as to the propriety of his conduct while a member of the Federal Judiciary have come to my attention. An intensive investigation aimed at uncovering the truth has resulted in the following bill of particulars which has convinced me that Judge Haynsworth falls short of the demanding ethical standards required of an Associate Justice of the Supreme Court. I issue the bill of particulars with no malice toward Judge Haynsworth but with some considerable regret. The question is not whether Judge Haynsworth is dishonest but whether he has shown the temperament necessary to sit in the highest judicial council.

CAROLINA VEND-A-MATIC

Judge Haynsworth was an organizer and founder of Carolina Vend-A-Matic in 1950, with an original investment of $2,400.00.

He was Vice President and a director of Carolina Vend-A-Matic until 1963. He stated that he orally resigned from the Vice Presidency in 1957, but the corporation records show he was listed as Vice President until 1963 and indeed regularly attended meetings of the Board of Directors and voted for slates of officers through the years. He was in fact paid director's fees in amounts as high as $2,600.00 per year, and the records show his wife, Dorothy M. Haynsworth, served as Secretary of the corporation for two years while he was on the Federal bench.

Although the Judge claims he was an inactive officer, the minutes of the corporation indicate that such was not the case. Directors were active in locating new business and Judge Haynsworth took an active part in director's meetings, often making motions himself. While he was director of Carolina Vend-A-Matic, he took part in decisions to buy and sell land to himself and other directors and the profit sharing trust.

Judge Haynsworth endorsed notes for the corporation in amounts as high as $501,987.00. Some of these notes were endorsed after he assumed the bench.

In 1963 more than three-fourths of CVAM's total business was with textile concerns. Thus any precedent setting decision affecting the textile industry would also affect CVAM through its customers.

For some years there had been an exodus of textile concerns from the North to the South in an effort to take advantage of lower wages as a result of strong regional pressures against collective bargaining in the South. The *Darlington Mfg. Co.* v. *NLRB* case was a landmark case in the textile industry because it enabled textile concerns to close plants attempting to organize. Thus, it gave them an important weapon.

The case of *Darlington Mfg. Co.* v. *NLRB* came before the Fourth Circuit Court of Judge Haynsworth in both 1961 and 1963, while CVAM had a vending contract with Deering Milliken Corp., Darlington's parent company, for $50,000 per year. While the litigation was still pending, CVAM signed a new contract with Deering Milliken Corp., increasing their vending business with that company to $100,000 per year. The Darlington case was eventually decided in favor of Darlington, with Judge Haynsworth casting the deciding vote and thus establishing an important legal precedent for the textile industry in a decision later substantially modified by the Supreme Court.

In 1957, after Judge Haynsworth assumed the bench, the gross sales of CVAM and its subsidiaries increased tremendously. Gross sales increased only slowly from $169,355 in 1951 to $296,413 in 1956. But in 1957, the year Judge Haynsworth assumed the Federal bench, sales jumped to $435,110 and continued a precipitous climb, reaching $3,160,665 in 1963, the last full year in which Judge Haynsworth owned a major share of the company.

Between 1958 and 1963 Judge Haynsworth sat on at least six other cases involving customers of CVAM.

1. *Homelite* v. *Trywilk Realty Co., Inc.* 272 F2d 688 (1959). Gross sales to Homelite by CVAM in 1959 totaled $15,957.22.

2. *Kent Mfg. Corp.* v. *Commissioner of Internal Revenue* 288 F2d 812 (1961). CVAM gross sales to Runneymeade, a subsidiary of Kent Mfg. Corp., in 1961 totaled $21,323.63.

3. *Textile Workers Union of America* v. *Cone Mills Corporation* 268 F2d 920 (1959). CVAM gross sales to Cone Mills and its subsidiaries Carlisle Mill and Union Bleachery in 1959 totaled $97,367.12.

4. *Leesona Corp.* v. *Cotwool Mfg. Corp., Deering Milliken Research Corp. and Whitin Machine Works* 315 F2d 895 (1963). CVAM gross sales to Deering Milliken plants in 1963 totaled $100,000.00.

5. *Leesona Corp.* v. *Cotwool Mfg. Corp., Deering Milliken Research Corp. and Whitin Machine Works* 308 F2d 895 (1962). CVAM gross sales to Deering Milliken in 1962 totaled $50,000.00.

6. *Textile Workers Union of America* v. *Cone Mills* 290 F2d 921 (1961). CVAM gross sales to Cone Mills and its subsidiaries in 1961 totaled $174,314.92.

OTHER CASES INVOLVING CONFLICT OF INTEREST

There are at least five cases in which Judge Haynsworth held a financial interest in one of the litigants substantial enough to require disqualification under 28 USC 455 and to constitute impropriety under the Canons of judicial ethics.

Brunswick Corp. v. *Long* 392 F2d 348 (1967).

Farrow v. *Grace Lines Inc.* 381 F2d 380 (1967).

Merck v. *Olin Mathieson Chemical Corp.* 253 F2d 156 (1958).

Darter v. *Greenville Community Hotel Corp.* 301 F2d 70 (1962).

Donohue v. *Maryland Casualty Co.* 363 F2d 442 (1966).

DEMONSTRATED LACK OF CANDOR

I. Denial of active participation in the business of CVAM.

In a letter to the Chairman of the Judiciary Committee dated September 6, 1969, Judge Haynsworth said:

(Paragraph 12) "The specific locations of vending machines were simply not a matter of interest to me and, as stated before, I was never involved in any way in securing new vending machine locations."

In testimony before the Judiciary Committee on September 16, 1969, the following exchange occurred:

"CHAIRMAN. Did you have anything to do with the preparing of bids or soliciting business for Carolina Vend-A-Matic?

"Judge HAYNSWORTH. Nothing whatsoever.

"Senator TYDINGS. As a part of your work, or as a part of your association with Carolina Vend-A-Matic, did you formally or informally seek to obtain business for Carolina Vend-A-Matic?

"Judge HAYNSWORTH. Never. I did not."

Fact: Judge Haynsworth was consistently and intimately involved with the operation of Carolina Vend-A-Matic from June 1957 until October 1963 and regularly accepted funds from CVAM during that period subsequent to a resolution by the Board of Directors which appears in the minute books of the corporation and states that: "it was pointed out that the main sales and promotional work of CVAM had been done by its directors who are also the officers of the corporation and that any new locations were the result of many conversations, trips and various forms of entertainment of potential customers by one or more of the directors or officers over an extended period of time. A review was had of the various locations that had been acquired during the past several years and new locations that were being considered and practically without exception, these were the result of the Board of Directors."

II. Denial of having sat on any cases in which he had a substantial financial relationship with one of the litigants.

In a letter to the Chairman of the Judiciary Committee, dated September 6, 1969, Judge Haynsworth said:

(Paragraph 13) "I have disqualified myself in all cases in which my former law firm or any of its members were counsel, cases in which certain relatives were counsel, and all cases in which I had a stock interest in a party or in one which would be directly affected by the outcome of the litigation."

And in testimony before the Judiciary Committee on September 17, 1969, Judge Haynsworth said:

"And I suggest to you that I have not made or retained any investment in any concern which was likely to be involved with frequency in my court."

Fact: Judge Haynsworth sat on at least five cases in which he had a substantial stock interest in litigants before him:

Brunswick Corp. v. *Long*, 392 F2d 348 (1967).

Farrow v. *Grace Lines Inc.*, 381 F2d 380 (1967).

Merck v. *Olin Mathieson Chemical Corp.*, 253 F2d 152 (1958).

Darter v. *Greenville Community Hotel Corp.*, 301 F2d 70 (1962).

Donohue v. *Maryland Casualty Co.*, 363 F2d 442 (1966).

III. Denial of having retained positions as a director and officer in Carolina Vend-A-Matic and the Main Oak Corporation.

In testimony before the Subcommittee on Improvements in Judiciary Machinery on September 17, 1969, Judge Haynsworth said:

"Of course, when I went on the bench I resigned from all such business associations I had, directorships and things of that sort. The only one I retained is the trusteeship of this small foundation which I mentioned in my main statement, and I think that perhaps the best rule for a judge to go by now is stop doing even that."

Fact: Judge Haynsworth retained his position as director and officer of the Main Oak Corporation and CVAM when he went on the bench and until October, 1963.

He also had remained as a trustee of the Furman Charitable Trust from the time he went on the bench until today.

VIOLATION OF 29 USC 301–308

The Welfare and Pension Plan Disclosure Act provides that an administrator of a pension fund must file with the Secretary of Labor an initial description of the plan and annual reports thereafter. Willful violation of the act can lead to six months imprisonment or a fine of $1,000 or both. Judge Haynsworth was a trustee of the CVAM profit sharing and retirement plan from 1961 until 1964 and qualified as an administrator with the Secretary of Labor. On September 17, 1969, the director of the Office of Labor-Management and Welfare-Pension Reports of the U.S. Department of Labor advised my office by letter, "Our records do not show that any reports have been received under the name of Carolina Vend A Matic Company, Inc., for a Profit Sharing and Retirement Plan."

VIOLATIONS OF THE CANONS OF ETHICS OF THE ABA

I. Canon 4 states: "Avoidance of Impropriety. A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior, not only upon the Bench and in his performance of judicial duties, but also in his everyday life, should be beyond reproach."

Judge Haynsworth has violated 29 USC 301–308 by his failure to comply with the Welfare and Pension Plan Disclosure Act and has violated 28 USC 455 and the law of due process as interpreted by the U.S. Supreme Court in *Tuney* v. *Ohio* 273 US 510 (1927), *In Re Murchison* 349 US 133 (1955) and *Commonwealth Coatings Corp.* v. *Continental Casualty Co.* 393 US 145 (1968), no less than 12 times by sitting on cases involving customers of CVAM and in cases in which he held stock interest in a litigant as cited above.

II. Canon 13 states: "Kinship or Influence. A judge should not act in a controversy where a near relative is a party; he should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favor, or that he is affected by the kinship, rank, position or influence of any party or other person."

By sitting on cases involving customers of CVAM and ruling in their favor at least five times in five years Judge Haynsworth conducted himself in such a manner as to "justify the impression" that he may have been improperly influenced.

III. Canon 24 states: "Inconsistent Obligations. A judge should not accept inconsistent duties nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions."

By acting as a director and Vice President of CVAM, Judge Haynsworth clearly accepted duties likely "to interfere or appear to interfere" with the proper administration of his official functions. Shortly after investigating bribery charges in the 4th Circuit Court of Appeals in 1963–64, Judge Simon Sobeloff, in an article for the *Federal Bar Journal* observed:

"One can readily see that if a judge serves as an officer or director of a commercial enterprise, not only is he disqualified in cases involving that enterprise, but his impartiality may also be consciously or unconsciously affected when persons having business relations with his company come before him."

IV. Canon 25 states: "Business Promotions and Solicitations for Charity. A judge should avoid giving ground for any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce others to patronize or contribute, either to the success of private business ventures, or to charitable enterprises. He should, therefore, not enter into such private business, or pursue such a course of conduct, as would justify such suspicion, nor use the power of his office or the influence of his name to promote the business interests of others; he should not solicit for charities, nor should he enter any business relations which, in the normal course of events reasonably to be expected, might bring his personal interest into conflict with the impartial performance of his official duties."

Judge Haynsworth's financial interest and active participation in the affairs of CVAM constituted a clear breach of this standard. The remarkable rise in gross sales of CVAM after he assumed the Federal Bench justified the *suspicion* that the prestige of his office was used to promote his own interests as well as those of his fellow stockholders. In addition, his practice of taking part in cases involving customers of CVAM furnishes further grounds for the belief that his office was used to promote patronization of a business in which he had substantial interest.

V. Canon 26 states: "Personal Investments and Relations. A judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and after his succession to the Bench, he should not retain such investments previously made longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible, refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.

"He should not utilize information coming to him in a judicial capacity for purposes of speculation; and it detracts from the public confidence in his integrity and the soundness of his judicial judgment for him at any time to become a speculative investor upon the hazard of a margin."

Judge Haynsworth breached this Canon on at least six occasions. His largest investment has been Georgia Pacific Corp., which was the subject of a consent decree by the S.E.C. in 1966. The decree was entered in the Second Circuit, but fraudulent stock transfers could have led to litigation in the Fourth Circuit. In the Brunswick case, Judge Haynsworth bought stock in Brunswick while a case involving that company was before his court. Other investments made by Judge Haynsworth can be considered investments which "are apt to be involved in litigation in the court" since in fact W. R. Grace Co., Greenville Community Hotel Corporation, Maryland Casualty Ins., and Monsanto Chemical Corp. did appear before his court.

VI. Canon 29 states: "Self-Interest. A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved. If he has personal litigation in the court of which he is judge, he need not resign his judgeship on that account, but he should, of course, refrain from any judicial act in such a controversy."

By deciding cases involving customers of CVAM on at least seven occasions, he exercised judicial discretion which could have affected the business of CVAM and hence Judge Haynsworth, a clear breach of this canon. In interpreting Canon 29, Opinion #170 of the Ethics Committee of the ABA clearly states that a judge shall exercise no act of judicial discretion in cases where he owns stock in a corporate litigant. In the Brunswick case, by participating in the decision and denying the motion for an extension of time, Judge Haynsworth clearly violated Canon 29 as interpreted by the ABA. Similarly, by sitting in the W. R. Grace Co., Maryland Casualty Ins. Co., Greenville Community Hotel Corp., and Olin Mathieson Chemical Corp. cases the Canon was breached.

VII. Canon 33 states: "Social Relations. It is not necessary to the proper performance of judicial duty that a judge should live in retirement or seculsion; it is desirable that, so far as reasonable attention to the completion of his work will permit, he continue to mingle in social intercourse, and that he should not discontinue his interest in or appearance at meetings of members of the Bar. He should, however, in pending or prospective litigation before him be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that his social or business relations or friendships constitute an element in influencing his judicial conduct."

By sitting in cases involving important customers of CVAM Judge Haynsworth gave grounds for the *suspcion* that business relations influenced his conduct.

VIII. Canon 34 states: "A Summary of Judicial Obligation. In every particular his conduct should be above reproach. He should be conscientious, studious, thorough, courteous, patient, punctual, just, impartial, fearless of public clamor, regardless of public praise, and influences; he should administer justice according to law, and deal with his appointments as a public trust; he should not allow other affairs or his private interests to interfere with the prompt and proper performance of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity.

Judge Haynsworth in view of the facts detailed above has obviously not conducted himself in such a manner that his conduct is above reproach "in every particular."

I would like to point out in closing that this bill of particulars is less complete and comprehensive than I would like due to the extreme difficulty we have experienced in gaining access to all of the material we have requested. It is unfortunate that the Justice Department has not only been less than candid with the Senate Judiciary Committee but appears to have embarked on a calculated effort to sanitize the records upon which individual members of the Senate must decide this important question. Some records are incomplete and because of countless delays we have had less time than we would like to assess the material that has recently become available. I consider this to be in the nature of a preliminary report which will be updated as we acquire more complete records and have the opportunity to study at greater length those we already have.

COMPREHENSIVE AMENDMENTS TO THE SOCIAL SECURITY LAW

(Mr. BUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BUSH. Mr. Speaker, I am today introducing legislation providing comprehensive amendments to the social security law. My bill is in nearly all essentials identical with the comprehensive proposal that President Nixon has made for fundamental improvements in our social security law. However, my bill provides for a benefit increase effective on January 1 of next year and also includes a minor technical improvement in existing law.

The bill proposes a series of improvements that include:

A 10 percent across-the-board benefit increase effective January 1, 1970, for all social security beneficiaries.

An increase in the amount social security beneficiaries can earn without suffering diminution in benefits from $1,680 to $1,800. An amendment would also be included insuring that no earnings would reduce benefits by more than $1 for every $2 earned. Earnings in excess of $2,880 in a year reduce benefits under present law by $1 for every $1 earned.

Increase the amount of benefits a widow would receive under present law from 82½ percent of her husband's benefit to 100 percent. Combined with the across-the-board benefit increase, this would provide widows with approximately a 33-percent increase in benefits.

Provide that benefits will be kept up to date through automatic increases commensurate with increases in the cost of living. This would afford social security beneficiaries protection similar to that now enjoyed by civil service retirees, the military, and other individuals under some private pension plans.

Provide that the amount a social security beneficiary may earn without incurring a loss in benefits will be automatically adjusted in the future as earnings levels increase.

Provide that the wages of a worker that will be included in computing his benefits in the future will automatically be increased as earnings levels increase.

Additionally, the bill includes a series of technical amendments that will simplify the law, improve administration, and improve equity in a number of very worthwhile cases. These technical improvements reflect the President's emphasis on improving the "nuts and bolts" aspects of Government—the administration of basic programs that are important to all our people even though they may not be politically glamorous. Among the amendments in this category, the bill includes proposals that would:

Improve the formula on which a male worker's benefits are computed by extending to them a more generous computation formula that is now only available in the case of women.

Provide parent's benefits in the case of retired or disabled workers. Under present law benefits are provided only for the parents of deceased workers.

Provide disability benefits for a child who becomes disabled after 18 and before age 22. Present law provides disability benefits in these cases only where the disability occurs before age 18.

Provide noncontributory wage credits for individuals who served on active duty in the military between 1957 and 1967. Under existing law there is a gap in the scope of protection that individuals who served in this period enjoy.

The President's proposal also courageously faces up to the need not only to adequately finance the huge deficit in the hospital insurance trust fund that was inherited from the previous administration, but also completely finances the liberalization in benefits provided in his recommendation. In doing this it is important to point out that the administration has actually reduced the rates below the level that are scheduled to prevail under existing law. One of the most important factors in providing this sound financing is the recommendation for automatically adjusting the taxable wage base in the future. In view of the escalation in payroll taxes as well as other taxes in our economy, the President is to be commended for working out a package of meaningful improvements within a framework that will enable us to reduce taxes below the levels scheduled in existing law.

Many economists have contended that the increasing level of payroll taxes may reach a point of diminishing returns, having an adverse impact on employment. Certainly we must all be concerned that the increasing level of these taxes may discourage the healthy growth we have experienced in private savings mechanisms and private pension programs in recent years. The bill I have introduced today should go a long way toward alleviating the anxieties that many of us have experienced in this area.

PROPOSED ESTABLISHMENT OF A SEPARATE DEPARTMENT OF HEALTH

(Mr. BROWN of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BROWN of Ohio. Mr. Speaker, as a member of both the Interstate and Foreign Commerce Committee, which has jurisdiction over most national health programs, and of the Government Operations Committee, which has jurisdiction over the organization and reorganization of the executive branch, including the creation of new Cabinet-level departments, I have for some time felt that the Department of Health, Education, and Welfare needs a complete reorganization. Toward this end, and with a view toward stimulating public discussion and consideration of this problem, I am today introducing legislation to establish a separate Department of Health.

I think that it is intolerable to continue all of the many vital social programs enacted in the last two decades under one roof. The Department of Health, Education, and Welfare, while still a relatively young department, has the second largest budget, and its $50 billion budget is many times the size of the third largest departmental budget—Treasury at $17 billion. This budget, and its fantastic growth over the past few years, reflects a growing concentration on national social problems. It seems that most of our concerns—most of our Federal programs today—are administered by one Department—the Department of Health, Education, and Welfare.

The result of this phenomenal growth in only one Department has not been surprising—growth in bureaucracy and chaos, but little growth in policy and less in performance. I do not blame the officials at the Department of Health, Education, and Welfare—whether Democrats or Republicans. Rather I do not expect anyone to be able to successfully administer the multitude of not only programs and people—but totally diverse areas of responsibility. Not only are these areas diverse and unrelated, but they are of enormous significance—so significant that besides the national security protected by the Department of Defense, the Department of Health, Education, and Welfare commands the largest budget concerned with specialized domestic problems.

I believe that this Department should be reorganized and divided into at least two separate departments so that the many vital special programs presently committed to it can be better administered.

Of its $50 billion budget, the Department of Health, Education, and Welfare spends nearly one-third of it on health programs—over $13 billion. Further, this impressive figure represents only 75 percent of the total Federal health expenditures, a total above $18 billion. I believe that as many of these programs as possible and appropriate should be transferred to a new executive department and administered by a secretary solely responsible for the health needs of our Nation. I know that many dedicated public servants at the top level of the Department of Health, Education, and Welfare are concerned with our health needs—but they must also be concerned with education and welfare and cannot devote the time and talent necessary to assure a sane, logical, and effective development of our national health needs.

I hope that such a separate department could correct what appears to me to be the two most pressing deficiencies in our health field—the lack of any overall health policy and the fragmentation of our health programs. Today, according to the American Medical Association, 10 executive departments and at least as many agencies have programs related to health. Even worse, within the Department of Health, Education, and Welfare itself, the health and medical programs are not all under a single Assistant Secretary with primary responsibility for health care.

Mr. Speaker, the bill I am introducing today does not pretend to have resolved all of the questions evoked by a Department of Health nor does it pretend to have thoroughly answered which agencies and programs ought to be administered by a Secretary of Health. Rather, I am introducing a bill today which I hope will arouse the public discussion and participation by all of the parties concerned in the hope that I can refine this idea for reintroduction next session. I am open to all suggestions and comments from my colleagues, the executive department personnel concerned, and the many private organizations and individuals concerned with the health care of our citizens. I am not irrevocably committed to any of the ideas presented in this legislation—perhaps we should make three separate departments out of the Department of Health, Education, and Welfare rather than two; but I do know that we must do something.

I am pleased to say that it is the position of the American Medical Association to establish a separate Department of Health and that I have had their cooperation in my efforts so far.

ROGERS INTRODUCES DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT OF 1969

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, I am today introducing the Developmental Disabilities Services and Facilities Construction Act of 1969 which would amend and extend for 3 years, the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963. The present authorization expires on June 30, 1970.

I am joined in introducing this legislation by my colleagues Mr. JARMAN, Mr. NELSEN, Mr. SKUBITZ, Mr. CARTER, Mr. KYROS, Mr. PREYER of North Carolina, Mr. RHODES, Mr. HASTINGS, Mr. VAN DEERLIN, Mr. BLANTON, Mr. PICKLE, Mr. MURPHY of New York, Mr. DINGELL, Mr.

STUCKEY, Mr. ROONEY of Pennsylvania, and Mr. SATTERFIELD.

Mr. Speaker, this bill makes significant and progressive changes in the present law in an effort to broaden existing Federal grant programs by providing a new range of services and facilities for the mentally retarded and other persons affected by developmental disabilities.

The term "developmental disability" is defined in the bill as:

> A disability attributable to mental retardation, cerebral palsy, epilepsy, or a neurological impairment of an individual which originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

Title I of the bill would assist the States in preparing and implementing comprehensive plans for the care and treatment of persons suffering from mental retardation or other serious chronic mental or physical disabilities originating in childhood.

In addition, title I of the bill would combine parts C and D of the existing act which authorizes funding of construction grants and grants for the staffing of community mental retardation facilities. The combination of these separate parts into a single part which would authorize grants for planning, provision of services, and construction of facilities will enable us to reach more of the developmentally disabled through a more effective coordination of effort at the State level.

Moreover, this bill would permit State agencies to combine grant funds with other program funds where proportionate benefit to the developmentally disabled will result. This is desirable because under present practice, many State health departments do not have the primary responsibility for mental retardation and other developmental disabilities. Even in the States which include mental retardation within the scope of their mental health agencies, there is no assurance that the mentally retarded will receive their proportionate share of funds. In the Partnership for Health Act, Congress recognized that, more often than not, State health departments do not have the primary responsibility for mental health. Therefore, Congress sought to protect the existing programs for mental health services and facilities by requiring that at least 15 percent of the basic formula grant to each State for health services must be placed at the disposal of the State mental health authorities. No such protective provision was made available for the mental retardation program.

This legislation would remedy that by providing specific Federal financial assistance to the States for mental retardation services and facilities and would permit each State to apportion its mental retardation grants among its various governmental agencies in accordance with the particular State plan devised under the Partnership for Health Act, and to include persons with related disorders.

I am proposing that $60 million be authorized for this combined grant effort in 1971, $85 million for 1972 and $105 million for 1973.

Title I would also establish a National Advisory Council on Services and Facilities for the Developmentally Disabled which would consist of 12 members to be appointed by the Secretary of Health, Education, and Welfare. The Council would first, advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by him in the implementation of the title I; and second, study and evaluate programs authorized by this title with a view to determining their effectiveness in carrying out the purposes for which they were established.

The Secretary, moreover, must by March 1, 1970, after consultation with the Council, prescribe the kinds of services which are needed to provide adequate programs for persons with developmental disabilities; standards for the scope and quality of services; and the general manner in which a State shall determine priorities for services and facilities.

After such determination by the Secretary, grants to the States may be made for planning and compensation of personnel to provide services. Such grants shall provide financial assistance to a State for 6 years and 3 months from the first day of the first month such grant is made and the grant will be made on the basis of diminishing Federal participation: a maximum of 75 percent of the cost for the first 15 months; 60 percent for the first year thereafter; 45 percent for the second year thereafter; and 30 percent for the third, fourth and fifth years thereafter.

I might add that the definition in the bill of "services for persons with developmental disabilities" means "specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual affected by such a disability, and such term included diagnosis, evaluation, treatment, personal care, day care, special living arrangements, training, domiciliary care, education, sheltered employment, recreation, counseling for the individual affected by such disability and of his family, protective and other social and socio-legal services, and information and referral services."

Title II of the bill would extend part B of the act for 3 fiscal years, through 1973, and would expand the area of impact to provide construction, demonstration, and training grants for university-affiliated mental retardation facilities.

I am proposing that $10 million be authorized for the fiscal year 1971, $12 million for 1972, and $15 million for 1973.

In addition, I am anxious to see the junior colleges participate more fully in the university-affiliated facilities program, and, consequently, I am proposing that the Secretary shall give priority to any application for a demonstration or training grant when such application shows that the applicant has made arrangements for a junior college to participate in the programs for which the application is made.

There is an urgent need for training new types of personnel to meet the critical shortage in our existing system of care for the mentally retarded. The key lies in the area of paramedical personnel, and I believe there is an untapped resource of such potential personnel in our junior colleges. Young men and women in these institutions must be encouraged to enter the field of care for the developmentally disabled, and to pursue educational careers in this area after their graduation from junior college.

Mr. Speaker, we are making significant progress in helping the mentally retarded to realize self-sustaining and productive lives in society, and we have done most of this since 1963, when the Congress first enacted the Mental Retardation Facilities Construction Act, as part I of a combined mental health-mental retardation bill—Public Law 88-164.

In 1967, the basic act was amended to provide staffing grants to complement these community facilities construction grants. By July 1969, the month in which the grants were awarded, 285 applications requesting $14.4 million in Federal funds had been received. Yet, only $8.3 million had been appropriated. As of September 1, 1969, 237 staffing projects were operational, and all of the $8.3 million appropriated for fiscal year 1969 had been obligated.

The university-affiliated facilities construction program has not received the consideration and support that it has needed and consequently, only 19 university training programs, out of some 60 proposed, have been made possible.

However, approximately 300 community mental retardation facilities have been assisted with Federal funds, at a total cost of only $56 million, less than one-third the total cost of these facilities.

In its forthcoming report entitled "MR 69," the President's Committee on Mental Retardation notes that some three-quarters of this Nation's retarded people could become self-supporting if given the right kind of training early enough; another 10 to 15 percent could become partially self-supporting. Some 5 million of the Nation's estimated 6 million mentally retarded are never reached by any kind of service developed specifically to meet the needs of the retarded. Many of the 200,000 institutionalized mentally retarded persons continue warehoused in dehumanizing residential programs that make no serious attempt to rehabilitate residents.

This report will tell us as a nation that we have much to do to improve the care and rehabilitation of the developmentally disabled. I believe that the legislation which I am introducing today will contribute to that effort, but State and local governments must do more, and the private sector must take a more active interest in this national problem if the battle is to be won.

One group within the private sector that has for many years been a guiding force in obtaining better care and facilities for the developmentally disabled is the National Association for Retarded Children. This voluntary organization of some 1,375 affiliated units work together to help the developmentally disabled help themselves. This association of 215,000 parents and friends of the mentally retarded is presently holding its 20th annual convention in Miami Beach, Fla., and I commend that group for their untiring effort.

LAW AND ENVIRONMENT—PART II

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the second article in the Christian Science Monitor series on "law and environment" discusses some of the broad legal implications of the suits filed by citizens to protect the Nation's environment. It is pointed out that some advances have been made toward establishing working principles for bringing the suits but so far, the court victories have been mainly procedural.

The conservationist's goal is to achieve a "landmark" decision dealing with the environment. That goal may seem a long way off but I am encouraged by the dedication and perseverance of many individuals and groups all over the country in pressing for a "law of the environment." The path to such a concept is strewn with obstacles, not the least of which are the tremendous costs, but as the Monitor indicates, there is hope.

The article follows:

Law and Environment—II: Battle Just Starting To Guard Land Against Pollution

(By Robert Cahn)

Washington.—At first glance, conservation groups appear to have won some significant victories in recent court skirmishes against land-changing development activity by big business or big government. But the battle has only begun.

Consolidated Edison has been blocked thus far in its efforts to build a power plant that would alter the scenic area near Storm King Mountain along the Hudson River.

In another case, a United States district court upheld a conservation argument that federal government agencies had acted illegally in issuing a land fill permit to build a six-lane Hudson River Valley expressway.

Housing subdevelopers had their bulldozers ready to bite the earth in a Colorado area being considered by Congress for a national scenic monument when conservationists got a court injunction to stop the work temporarily.

IMPLICATIONS DISCUSSED

All of these were valuable conservation achievements as far as they went. The problem is that they were either procedural victories or holding actions. So far, however, not a single case has resulted in a clear-cut Supreme Court decision on environmental conflict that could be as basic to the conservationists as Brown v. Board of Education was in the field of civil rights.

At the recent "law and the environment" conference in Warrenton, Va., a select group of lawyers discussed the implications of major cases already decided, or now in court. They looked for the possibility that in these cases, or in new methods yet untried in courts, they could establish national precedents.

Most participants in the conference agreed that the scenic Hudson (Storm King) decision has been the most important case to date. Conservationists representing citizens in the area sought to block a bid by Consolidated Edison Company of New York for a Federal Power Commission license to construct a pumped storage hydroelectric project at Storm King Mountain along the Hudson River 50 miles north of New York City.

The Federal Power Commission took the position that citizens could not obtain court review of the decision made by the FPC to grant the license because the citizens were not "aggrieved" parties.

The federal court of appeals in December, 1965, reversed the FPC decision and declared, "The Constitution does not require that an 'aggrieved' or 'adversely affected' party have a personal economic interest" to bring a lawsuit. Thus the FPC had a duty to consider noneconomic concerns of citizens such as the environment.

The FPC is now reconsidering the application and examining all environmental factors. Consolidated Edison may still get its power plant. But a precedent has been established in at least one section of the country that citizens have standing to raise environmental issues and request review of governmental decisions. The scenic Hudson decision has been used ever since to support citizen efforts elsewhere around the country. Although the decision is not binding outside the Second Circuit, it is extremely influential.

COST A KEY PROBLEM

Discussion at the law and the environment conference extended beyond the issue of standing. David Sive, lawyer for the Sierra Club, which has intervened in the case that has not yet been decided, noted both the length (four years so far) and expense of such citizen action. The amount spent by the scenic Hudson people is "several hundred thousand dollars," and the major legal firm involved is charging only one-third of its usual rates.

Another type of legal remedy discussed at the conference is the injunctive approach. Lawyer Victor J. Yannacone Jr. explained how the Defenders of Florissant, the group he represented, was able to get a temporary restraining order against a land company which was poised to start residential development on 1,800 acres within the proposed 6,000-acre Florissant Fossile Bed National Monument near Colorado Springs.

A bill to authorize establishment of the proposed national monument, which would preserve for posterity fossil beds 34 million years old, had passed the Senate and was being considered by the House Interior Committee last July, when the land developers prepared to start bulldozing.

Mr. Yannacone's request to the United States district court for a temporary restraining order was turned down. He immediately went to the three-man federal appeals court. Although Mr. Yannacone admitted that no specific statute would be violated by the planned real estate excavation, the arguments on the public interest persuaded the appelate court to issue a temporary restraining order on the basis that the fossil beds "are a unique, natural resource" and that excavation would "result in serious, permanent, and irreparable damage."

While the restraining order was still in effect, Congress passed the authorization act establishing the Florissant National Monument.

CITIZEN PRESSURE NEEDED

The Florissant case was cited at the conference as an example of how courts can sometimes act quickly when no administrative remedies are available to citizens and when proceeding with development might result in irreversible environmental damage. It also showed the importance of legislative response to conservation pressure. If Congress had not acted quickly, the injunction might not have been upheld, and the citizens might eventually have lost the case.

In another type of legal maneuver, an injunction is being sought to prevent the Hoerner-Waldorf Paper Mill of Missoula, Mont., from polluting the air.

As lawyer for the Environmental Defense Fund Mr. Yannacone is attempting in this case to establish the Ninth Amendment of the Constitution as a basis for environmental litigation. The Ninth Amendment provides that rights guaranteed by the Constitution "shall not be construed to deny or disparage others retained by the people."

Thus Mr. Yannacone contends that the people in the Missoula regional ecosystem have a constitutional right to a salubrious environment free of smog produced by a paper mill. He is arguing that it is technologically feasible for the paper company to abate smog pollution, and that no other administrative remedies are immediately available. The case is still before the United States District Court.

CONSTITUTIONAL HELP DEBATED

In discussing the merits of use of the 9th Amendment, a number of participants said that it is too vague and does not satisfactorily resolve conflicts posed by other individual rights. Among these would be property rights or even the public interest of the consumer. Such interest might, in some cases, favor development over some degrees of pollution abatement.

Another approach to environmental litigation is illustrated by the Hunting Creek case, where citizens near Washington, D.C., are seeking to prevent the granting by the State of Virginia of submerged lands in the Potomac River estuary to a developer for the construction of a high-rise complex.

It is being argued that the state holds these submerged lands "in trust" for the people, a carryover of common law from olden times when the king owned all lands and held them for the people. The citizens argued that this land could not be given to a private person for private purposes. The case is still before the United States District Court.

Expanding on this use of the "trust doctrine," Anthony Roisman told the conference that the trust-doctrine theory could also be expanded to cover the use of privately owned property. The trust theory, however, was acknowledged to be a theory requiring additional legal research and testing.

Most participants seemed to feel that courts may not be comfortable at present with such sweeping theories as the 9th Amendment or the trust doctrine. Instead, many recommended approaches toward finding legal ways to shift the burden of proof away from the environmental plaintiff to the user or developer who is intending to change the environment.

GI BILL ACTION NEEDED NOW

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, 2 months ago, the House passed and sent to the Senate H.R. 11959 which would increase GI education and training allowances by approximately 27 percent.

It had been the hope of many of my colleagues that the Senate would act promptly so that the rate increases could have been effective with the beginning of the fall semester. Inasmuch as hearings began on similar proposals in the Senate in June I am very much disturbed that it does not expect to pass this much needed legislation until the end of October.

Living and education costs have skyrocketed since the last rate increase and it is particularly unfair to make these ex-GI's continue to bear this increased inflationary cost.

Mr. Speaker, as part of my remarks I would like to insert an editorial which recently appeared in the Army Times and invite my colleagues to read it:

[From the Army Times, Oct. 1, 1969]

GI Bill Delay

Sen. Ralph Yarborough (D., Tex.) chairman of the Senate Labor and Public Welfare Committee which has jurisdiction over GI

Bill legislation, seems to be placing the blame at the wrong door for delay in advancing that program.

And while he's doing so, the more than 635,000 GI Bill beneficiaries who had planned on a raise in educational allowances this fall aren't likely to get one now until next semester—thanks to foot-dragging by the Senate committee.

The fault can be found closer to the old homestead.

Some of the blame for delay in raising GI Bill allowances rests with Sen. Alan Cranston (D., Calif.), chairman of the Labor Committee's subcommittee on veterans affairs.

His group began hearings on the legislation on June 24. Here we are, going into October and the subcommittee still hasn't come up with a rate increase proposal to present to the full committee.

The best guess is that if and when the smaller body does act its recommendations won't receive full committee consideration until some time after mid-October.

In addition to its own recommendations, the subcommittee has before it legislation already approved by the House which would raise GI Bill allowances by 27 percent. Under the House-approved legislation, allowances for single veterans would go from $130 to $165 monthly; for married veterans from $155 to $197 monthly, and for men with two dependents from $175 to $222.

Now it's up to the Senate Labor Committee and to Senators Cranston and Yarborough to get something started—and real soon—on their side of the national legislature.

Senator Yarborough also ought to put aside some of his politically-motivated and unsoundly-based charges against the Veterans' Administration and the Department of Defense. In numerous speeches recently, he has accused these two government agencies of "deliberately" holding down GI Bill enrollment, charging that they want to "spend money on a war in Southeast Asia worse than they want to educate our young people."

We feel that GI Bill enrollments aren't as woefully low as Senator Yarborough would like people to believe. The VA expects a 22 percent gain in GI Bill enrollment this fall over last year, a record for the three-year-old program. This would bring enrollment up to 635,000 compared to 520,524 last fall and 380,037 in 1967.

It is true that enrollment figures among the disadvantaged veteran aren't what they should be. Only one out of 10 veterans without high school diplomas have taken advantage of GI Bill educational opportunities. The VA through its "outreach" program is making a bigger effort to get more of these veterans into school.

But unless Congress approves an increase in allowances, and soon, all of these efforts will be to small avail. Now is the time for action on a GI Bill rate increase.

GILBERT GUDE: THE QUIET CONGRESSMAN

(Mrs. HECKLER of Massachusetts asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. HECKLER of Massachusetts. Mr. Speaker, the Washington Post on October 6, 1969, published a very fine profile of one of our colleagues, Gilbert Gude, the distinguished Republican Member from Maryland's Eighth Congressional District.

It was an article worthy of attention as a justified tribute to a Member who, while accurately described as quiet, modest, and one of the "forgotten Americans—the nice guys," has proven his passion for and deep commitment to many worthy causes and purposes. Gil Gude is not the forgotten American in terms of accomplishments.

As a member of the Maryland Legislature, Mr. Gude did battle for improvements in the quality of our environment as well as conservation in general. He has carried the thrust of these concerns into the halls of Congress. His signal achievements in the Congress, despite the fact that this is only his second term, include his successful sponsorship of an air pollution control measure for the District of Columbia and his strong efforts to curb pollution of the Potomac River. His leadership in attempting to enhance the role of the District of Columbia to give it power to really act on today's urban problems is much to be commended.

All of us who live in the Washington area—who have suffered as a result of untended urban ailments and neglect—should be personally grateful for Mr. Gude's dedication to the best interests of the area, including his constituents, and of the Nation as well.

The text of the Washington Post article follows:

Representative Gilbert Gude: Quiet, Diligent, Interested in Conservation, District of Columbia

(By Peter Osnos)

"Now I want you to understand," Rep. Gilbert Gude (R-Md.) said to a visitor recently, describing his views on a conservation bill, "I'm really very much in earnest about this."

It was, say those who know him well, an apt self-characterization. The genial congressman from Maryland's Eighth District is known to be earnest about nearly everything.

And by all accounts it is a quality that has served him well. As Gude moves into the second half of his second term in office, he carries the considerable plus of a reputation for sincerity and good will.

"Gilbert Gude will never bowl you over with dynamism," a congressional aide said last week, "but he's hard to fault on the way he does his job."

The congressman has garnered that sort of praise by diligent membership on the District of Columbia committee—which he wants to revamp—and by pursuing a lifelong interest in conservation.

Notwithstanding an occasional dramatic tour of local sewers or a turn on an aging merry-go-round, Gude goes about his business quietly while at the same time, two other area Republicans embroil themselves in one brouhaha after another.

Reps. Joel T. Broyhill (R-Va.) and Lawrence J. Hogan (R-Md.) are both noted for their conservative views, although Hogan is considerably less rigid than Broyhill. Gude, on the other hand, has one of the highest ratings among Republican congressmen from the liberal Americans for Democratic Action.

His 67 per cent voting record means that on selected issues the ADA agreed with Gude's votes about two-thirds of the time. His rating from the conservative Americans for Constitutional Action is a meager 29 per cent.

Among Gude's "liberal" votes in the 91st Congress have been those to seat Adam Clayton Powell and to tighten restrictions on cigarette advertising.

The ADA disapproved of the congressman's stance for extending the income tax surcharge and preventing picketing at the Pentagon and against permitting future "Resurrection City" type demonstrations on federal property.

Gude belongs to a group of GOP congressmen who favor a closer look at military expenditures; he thinks President Nixon's decision to go ahead with the supersonic transport was a mistake and he thinks Vietnam is an awful mess.

Overall, Gude's attitude seems determinedly moderate, much like his temperament, with just enough of a liberal streak to please the large middle ground of a generally white, well-to-do constituency like Montgomery County. There the Democratic registration edge is 5–3.

But it would be wrong to portray Gude as a man devoid of deep commitment. His passion for preserving our natural resources is real, born from an association with the family's decades-old nursery and landscaping company.

Gude has sponsored several conservation measures in the House and has been an active member of the Government Operations Committee's conservation and natural resources subcommittee.

Introducing two bills in June aimed at protecting the Potomac Valley, Gude said in a statement on the floor of the House:

"I wish to make it crystal clear that the important debate and choice is not among these and other proposals but rather a choice between beginning action toward saving the valley environment as opposed to the deadly inertia of the past.

"The choice is between a river comprised of wilderness, open space, developed recreation areas and farmland, interspersed with towns and areas of commerce or a mammoth open storm drain running through a nightmarish strip of oversized cities, suburbs and Coney Islands."

The congressman was, obviously, in earnest. In our cynical age, the term is often slightly mocking, but Gude's concern for the endangered Potomac has won him the respect of both his constituents and his colleagues.

Gude's concern for the quality of environment extends to his work on the District of Columbia Committee where he successfully sponsored an air pollution control measure for the city. The act, the congressman proclaimed in a 1968 campaign pamphlet, "stands as my major legislative accomplishment as a freshman member of a minority party."

This congressional session, Gude's major effort has been a bill to completely overhaul the District Committee by transforming it into a 35-member committee on urban and Washington affairs.

The burden of Gude's argument is that many members of the present District Committee can't or won't devote as much time to the city's needs as is needed. And, since "the overwhelming number of Washington's problems are the same as those of other cities," it seems logical to create a body that would have broad jurisdiction over urban areas.

Gude claims support for his idea from two other members of the District Committee, Brock Adams (D-Wash.) and Andrew Jacobs (D-Ind.). Seven other congressmen have also cosponsored the legislation.

For the moment, however, the bill is bottled up in committee and shows little sign of movement.

Gilbert Gude is basically a modest person say his friends, but he wouldn't be in politics if he didn't have a zest for power. Therefore, few who know him rule out a bid someday for higher office, the Senate perhaps.

If and when Gude gets tapped, they say, it won't be because of the headlines he earned or the searing quality of his legislative proposals. Instead, their contention is, it will be a victory for one strain of the forgotten Americans—the nice guys.

FDA MUST ACT URGENTLY ON CYCLAMATES

(Mrs. **HECKLER** of Massachusetts asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. **HECKLER** of Massachusetts. Mr. Speaker, the serious questions raised over an extended period of time by the news media and the scientific community on the possible health hazards involved in their use underscore the urgent need for the Food and Drug Administration to accelerate its current evaluation of pertinent data on the effects of cyclamates and, in fact, to take immediate steps to warn the public against unrestricted use of cyclamates until a final determination of the drug's hazards has been made.

Unfortunately, the evidence indicates that the FDA has not been vigorous or decisive on the question of cyclamates. As the reputable Consumer Reports magazine observed in its May 1969, issue:

> The Food and Drug Administration certainly seems to have had second thoughts—nearly 20 years after it gave cyclamates a clean bill of health.

The article refers to FDA studies based primarily on animal experiments in 1955 and 1965 after which, in each instance, the FDA concluded that cyclamates were safe.

In 1967, said Consumer Reports, the issue was reopened when England's Food Additives and Contaminants Committee reported new evidence of harmful effects of cyclamates and called for further investigation "a matter of urgency." Consumer Reports continued:

> By the summer of 1968, FDA had commissioned still another study by the National Academy of Sciences—National Research Council; an interim report of that study was released by FDA late last year. The interim report, like the previous ones FDA funded, was mainly a review of the available scientific literature, as well as of several unpublished studies.

Last October 3, FDA Commissioner Herbert Ley ordered a similar study of more current findings, with a report due within 30 days, on the basis of which he said he "will decide the best method of restricting the use of cyclamates." It is to be devoutly hoped so, for that decision is long overdue.

Last April, Dr. Ley proposed restrictions—that is, labels on products stating cyclamate content in milligrams and warning adults and children against ingesting more than specified amounts—but the new bottle of artificial sweetener in my office carries no such labels.

Again, this is an action that is long overdue. Precautionary labeling is an essential first step—and a justifiable step—which should be taken at once for the public's protection.

It seems to me that these facts are indeed a sad commentary on the FDA capacity to fill its watchdog assignment. It does little good to shuffle papers, or study a subject to death, when there are innumerable indications that cyclamates may indeed be as harmful to man as to the animals used in tests.

Newsweek magazine of September 29 introduced an article called "Bitter Sweeteners?" with the following relevant summary:

> This year, weight-watching Americans will consume almost 20 million pounds of cyclamates, the artificial sweeteners used in dietary soft drinks, and as liquid and solid sugar substitutes. A spectacular rise in consumption of these sweeteners in recent years (the 1967 production was only 13 million pounds) has been accompanied by increasing doubts about their safety. The doubts concern not the cyclamates themselves, but cyclohexylamine, a product created in the human body, probably by the interaction between the cyclamates and substances in the digestive system. This happens—for some reason—in at least one-third of the population. Moreover, in tests done with animals, cyclohexylamine has been suspected of breaking down chromosomes and harming fetuses.

Scientific researchers have reported experiments using varying doses of cyclamates for injections which caused chromosome breaks in both bone-marrow cells and reproductive cells of rats, retardation of growth of rats and pigs, heart lesions in hamsters which resemble the human coronary attack, and so forth. The FDA's own chief researcher, Dr. Marvin Legator, was quoted in the Washington Post of September 13 as stating:

> Unless you can show differences between how animals handle a given material—such as that used in these experiments—and how it would be handled in man, you must allow the animal results to stand unless and until refuted.

There is real reason to consider the unrestricted use of cyclamates a matter of grave concern. It is a time for the FDA to demonstrate, through positive action, that it is willing to fulfill its watchdog function as protector of the American public.

Until labeling regulations and other warnings are put into effect, dieters, diabetics, and other unsuspecting Americans of all ages will continue their unrestricted consumption of products containing cyclamates. The real issue here may be the adequacy and efficacy of the FDA itself.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Denney of Nebraska (at the request of Mr. Gerald R. Ford) for October 8 and balance of week, on account of official business.

Mr. Griffin until October 21 on account of official business.

Mr. Pepper of Florida (at the request of Mr. Boggs), for today through Monday, October 13, on account of official business for the Committee on Crime.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Pucinski, for 60 minutes, on October 14.

(The following Members (at the request of Mr. Albert):)

Mr. McCarthy, for 60 minutes, on October 9.

Mr. Hanna, for 60 minutes, on October 9.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Aspinall (at the request of Mr. Rhodes) to follow the remarks of Mr. Rhodes during general debate on H.R. 14159.

Mr. Price of Illinois to follow the remarks of Mr. Holifield during general debate on H.R. 14159.

Mrs. May to follow the remarks of Mr. Price of Illinois during general debate on H.R. 14159.

Mr. Ottinger immediately prior to the vote on the amendment offered by Mr. Scherle in the Committee of the Whole today.

(The following Members (at the request of Mr. McCloskey), and to include extraneous matter:)

Mr. Dickinson.
Mr. Hosmer in two instances.
Mr. Steiger of Wisconsin in two instances.
Mr. Bob Wilson in four instances.
Mr. Hutchinson.
Mr. Wyman in two instances.
Mr. Carter.
Mr. Hall.
Mr. Lujan in two instances.
Mr. Don H. Clausen.
Mr. Scott.
Mrs. Heckler of Massachusetts in two instances.
Mr. Hunt.
Mr. Schwengel in two instances.
Mr. Esch.
Mr. Ashbrook in three instances.
Mr. Derwinski in two instances.
Mr. Blackburn.
Mr. Coughlin.
Mr. Michel.
Mr. Price of Texas in two instances.
Mr. Reid of New York.
Mr. Anderson of Illinois.

(The following Members (at the request of Mr. Harrington) and to include extraneous matter:)

Mr. Rodino.
Mr. Stuckey.
Mr. Minish in two instances.
Mr. Wolff in two instances.
Mr. Daddario in five instances.
Mr. Powell in six instances.
Mr. Teague of Texas in six instances.
Mr. Gonzalez.
Mr. Byrne of Pennsylvania.
Mr. Obey in six instances.
Mr. Koch in two instances.
Mr. Long of Maryland in two instances.
Mr. Fraser in four instances.
Mr. Celler.
Mr. Hungate.
Mr. Bingham in two instances.
Mr. Gallagher.
Mr. Stokes in four instances.
Mr. Biaggi in two instances.
Mr. Hanna in two instances.
Mr. Colmer in two instances.
Mr. Rarick in three instances.
Mr. Blatnik.
Mr. Hagan in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1718. An act to provide for the conveyance to the city of Cheyenne, Wyo., of certain real property of the United States heretofore donated to the United States by such city; to the Committee on Government Operations.

ENROLLED BILL SIGNED

Mr. **FRIEDEL**, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9825. An act to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The **SPEAKER** announced his signature to enrolled bills of the Senate of the following titles:

S. 265. An act for the relief of John (Giovanni) Denaro;

S. 330. An act for the relief of Dr. Konstantinos Nicholaos Babaliaros;

S. 620. An act for the relief of Richard Vigil; and

S. 1110. An act for the relief of Nickolas George Polizos.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. **FRIEDEL**, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On October 7, 1968:

H.J. Res. 851. Requesting the President of the United States to issue a proclamation calling for a "Day of Bread" and "Harvest Festival".

On October 8, 1969:

H.R. 3165. For the relief of Martin H. Loeffler;

H.R. 3560. For the relief of Arie Rudolf Busch (also known as Harry Bush);

H.R. 9825. To amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; and

H.R. 11249. To amend the John F. Kennedy Center Act to authorize additional funds for such Center.

ADJOURNMENT

Mr. **HARRINGTON**. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 7 minutes p.m.) the House adjourned until tomorrow, Thursday, October 9, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1232. A letter from the Comptroller General of the United States, transmitting a report on the status of war reserve materiel in Europe, Departments of the Army, Navy, and Air Force; to the Committee on Government Operations.

1233. A letter from the Comptroller General of the United States, transmitting a report on the readiness posture of 7th Army units in Europe, Department of the Army; to the Committee on Government Operations.

1234. A letter from the President, Panama Canal Company, transmitting a report of a violation of a fiscal year 1969 Panama Canal Company allotment under section 3679 of the Revised Statutes; to the Committee on Appropriations.

1235. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting a report on borrowing authority for the period ended June 30, 1969, pursuant to the provisions of section 304(b) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

1236. A letter from the acting executive director, Blinded Veterans Association; transmitting the audit of the association for the fiscal year ended June 30, 1969; to the Committee on the Judiciary.

1237. A letter from the executive director, Military Chaplains Association of the U.S.A., transmitting the audit of the association for the fiscal year ended December 31, 1968; to the Committee on the Judiciary.

1238. A letter from the Administrator of Veterans' Affairs, transmitting reports of Veterans' Administration activities during fiscal year 1969 for sharing medical facilities and exchanging medical information, pursuant to the provisions of 38 U.S.C. 5057; to the Committee on Veterans' Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROGERS of Florida (for himself, Mr. Jarman, Mr. Nelsen, Mr. Skubitz, Mr. Carter, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Rhodes, Mr. Hastings, Mr. Van Deerlin, Mr. Blanton, Mr. Pickle, Mr. Murphy of New York, Mr. Dingell, Mr. Stuckey, Mr. Rooney of Pennsylvania, and Mr. Satterfield):

H.R. 14237. A bill to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to assist the States in developing a plan for the provision of comprehensive services to persons affected by mental retardation and other developmental disabilities originating in childhood, to assist the States in the provision of such services in accordance with such plan, to assist in the construction of facilities to provide the services needed to carry out such plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Ohio:

H.R. 14238. A bill to establish the Department of Health; to the Committee on Government Operations.

By Mr. BUSH (for himself, Mr. Conable, Mr. Beall of Maryland, Mr. Blackburn, Mr. Brown of Ohio, Mr. Buchanan, Mr. Cowger, Mr. Cunningham, Mr. Denny, Mr. Duncan, Mr. Erlenborn, Mr. Fish, Mr. Grover, Mr. Gude, Mr. Hastings, Mr. Hosmer, Mr. Hogan, Mr. King, Mr. Kleppe, Mr. Lloyd, Mr. Lukens, Mrs. May, Mr. Michel, Mr. Miller of Ohio, and Mr. Pelly):

H.R. 14239. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. BUSH (for himself, Mr. Pollock, Mr. Scott, Mr. Sebelius, Mr. Steiger of Wisconsin, Mr. Teague of California, Mr. Thompson of Georgia, Mr. Thomson of Wisconsin, Mr. Vander Jagt, Mr. Weicker, Mr. Williams, Mr. Whitehurst, Mr. Winn, and Mr. Zion):

H.R. 14240. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increases in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. BYRNE of Pennsylvania:

H.R. 14241. A bill to amend the Federal Cigarette Labeling and Advertising Act to require cigarette packages to bear a statement of the fire hazards presented by smoking; to the Committee on Interstate and Foreign Commerce.

By Mr. CASEY:

H.R. 14242. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. CLARK:

H.R. 14243. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 14244. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mrs. DWYER (for herself, Mr. Reid of New York, Mr. Horton, Mr. Erlenborn, Mr. Wydler, Mr. Brown of Ohio, Mr. Vander Jagt, Mr. Myers, Mr. Cowger, Mr. Gude, Mr. McCloskey, Mr. Findley, Mr. Buchanan, Mr. Weicker, and Mr. Steiger of Arizona):

H.R. 14245. A bill to establish a Commission on Population Growth and the American Future; to the Committee on Government Operations.

By Mr. FRASER:

H.R. 14246. A bill to amend the District of Columbia Teachers' Salary Act of 1955, as amended; to the Committee on the District of Columbia.

By Mr. FULTON of Tennessee:

H.R. 14247. A bill to extend certain benefits to the National Guard technicians, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Armed Services.

By Mr. GUBSER:

H.R. 14248. A bill to provide for the termination of programs of price support for agricultural commodities by December 31, 1975; to the Committee on Agriculture.

By Mr. HANNA:

H.R. 14249. A bill to amend section 4005 of title 39, United States Code, to restore to such section the provisions requiring proof of intent to deceive in connection with the use of the mails to obtain money or property by false pretenses, representations, or promises; to the Committee on Post Office and Civil Service.

By Mr. MEEDS (for himself, Mr. Hathaway, Mr. Clay, Mr. Adams, Mr. Anderson of California, Mr.

Burke of Florida, Mr. Gibbons, Mr. Hanna, Mr. Helstoski, Mr. Bingham, Mr. Waldie, Mr. Symington, Mr. Don H. Clausen, Mr. Moss, Mr. Fisher, Mr. Brown of California, Mr. Matsunaga, Mr. Mikva, Mr. Esch, Mr. Fish, Mr. Conte, Mr. Buchanan, Mr. Gude, Mr. Riegle, and Mr. Córdova):

H.R. 14250. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes; to the Committee on Education and Labor.

By Mr. MEEDS (for himself, Mr. O'Hara, Mr. William D. Ford, Mrs. Hansen of Washington, Mr. Foley, Mr. Hicks, Mr. Price of Illinois, Mr. Fulton of Tennessee, Mr. Howard, Mr. Boland, Mr. Charles H. Wilson, Mr. Rosenthal, Mr. Pryor of Arkansas, Mr. Gallagher, Mr. Corman, Mr. Kyros, Mr. Tunney, Mr. Pelly, Mrs. May, Mr. King, Mr. Brock, Mr. Burton of Utah, Mr. Wyatt, Mr. Harvey, and Mr. Scherle):

H.R. 14251. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes; to the Committee on Education and Labor.

By Mr. MEEDS (for himself, Mr. Perkins, Mrs. Green of Oregon, Mr. Thompson of New Jersey, Mr. Dent, Mr. Pucinski, Mr. Daniels of New Jersey, Mr. Brademas, Mr. Carey, Mr. Hawkins, Mrs. Mink, Mr. Scheuer, Mr. Gaydos, Mr. Ayres, Mr. Ashbrook, Mr. Bell of California, Mr. Reid of New York, Mr. Erlenborn, Mr. Dellenback, Mr. Eshleman, Mr. Steiger of Wisconsin, Mr. Collins, Mr. Hansen of Idaho, Mr. Ruth, and Mr. Boggs):

H.R. 14252. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes; to the Committee on Education and Labor.

By Mr. MELCHER:

H.R. 14253. A bill to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit; to the Committee on Interior and Insular Affairs.

By Mr. QUILLEN:

H.R. 14254. A bill to amend the Internal Revenue Code of 1954 to provide that an individual may deduct amounts paid for his higher education, or for the higher education of any of his dependents; to the Committee on Ways and Means.

By Mr. SLACK:

H.R. 14255. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. BROWN of Michigan:

H.R. 14256. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GARMATZ:

H.R. 14257. A bill to amend section 11(a) of the Merchant Ship Sales Act of 1946 to require the use by the United States of privately owned U.S.-flag vessels, when available, to carry cargo; to the Committee on Merchant Marine and Fisheries.

By Mr. GRIFFIN:

H.R. 14258. A bill to prohibit the use of Federal funds for sex education in elementary and secondary schools; to the Committee on Education and Labor.

By Mr. HANNA:

H.R. 14259. A bill to provide for the more efficient development and improved management of national forest commercial timberlands, to establish a high-timber yield fund, and for other purposes; to the Committee on Agriculture.

H.R. 14260. A bill to establish in the Department of the Interior and the Department of Agriculture and the Department of Labor a Youth Conservation Corps; to the Committee on Education and Labor.

By Mr. MEEDS (for himself, Mr. Burton of California, Mr. Stokes, Mr. Rees, Mr. Roybal, Mr. Addabbo, Mr. Edwards of California, Mr. Halpern, and Mr. Button):

H.R. 14261. A bill to authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning the use of drugs and for other related educational purposes; to the Committee on Education and Labor.

By Mr. SCHEUER:

H.R. 14262. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in the monthly benefits payable thereunder, with a minimum primary benefit of $80 and subsequent cost-of-living benefit increases, to liberalize the retirement test to provide that the costs of these changes shall be paid from appropriated funds; to the Committee on Ways and Means.

By Mr. STUCKEY:

H.R. 14263. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 14264. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 14265. A bill to amend title XIX of the Social Security Act to require that reasonable arrangements be made under a State's medical assistance program to permit patients in skilled nursing homes to be temporarily absent for legitimate purposes without losing their rights to continued accommodations in such homes; to the Committee on Ways and Means.

By Mr. COHELAN (for himself, Mr. Rees, Mr. Powell, Mr. Hammerschmidt, Mr. Frelinghuysen, and Mr. Reifel):

H.J. Res. 937. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. CRAMER:

H.J. Res. 938. Joint resolution to authorize the President to proclaim the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.J. Res. 939. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education, and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111 which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. QUILLEN:

H.J. Res. 940. Joint resolution to supplement the joint resolution making continuing appropriations for the fiscal year 1970 in order to provide for carrying out programs and projects, and for payments to State educational agencies and local educational agencies, institutions of higher education and other educational agencies and organizations, based upon appropriation levels as provided in H.R. 13111, which passed the House of Representatives July 31, 1969, and entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes"; to the Committee on Appropriations.

By Mr. RYAN:

H.J. Res. 941. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. WHALEN:

H.J. Res. 942. Joint resolution to designate Route 70 of the National System of Interstate and Defense Highways as the Eisenhower Memorial Highway; to the Committee on Public Works.

By Mr. GRIFFIN:

H. Con. Res. 400. Concurrent resolution urging the adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. FINDLEY (for himself, Mr. Biester, Mr. Coughlin, and Mr. Leggett):

H. Res. 573. Resolution relating to withdrawals from Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 14266. A bill for the relief of Daniel Chien-Sheng Lee; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 14267. A bill for the relief of Antoinette Bruck; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 14268. A bill for the relief of Joseph Waselak; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 14269. A bill for the relief of Dr. Julian Casimiro Gregorio; to the Committee on the Judiciary.

By Mr. MIKVA:

H.R. 14270. A bill for the relief of Dusko Curcic; to the Committee on the Judiciary.

By Mr. PETTIS:

H.R. 14271. A bill for the relief of Jack A. Duggins; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 14272. A bill for the relief of Halcie Welcome; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

NIXON ADMINISTRATION COMMITMENT TO U.S. FISHING INDUSTRY

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. PELLY. Mr. Speaker, Under Secretary of Interior Russell E. Train on October 6, addressed the Third Annual Fisheries Exposition in Seattle. I was pleased that this exposition was conducted in my hometown and honored that I had the opportunity to participate in it.

But, in Secretary Train's remarks, he reiterated the commitment of the Nixon administration to the U.S. fishing industry which is close to the pledge made by candidate Richard Nixon prior to the 1968 general election as he was campaigning in Seattle. Secretary Train said:

> I pledge to you that the Nixon Administration is determined to manage and conserve the resources off our coasts in the best interest of the American people, to develop new opportunities for the fishing skills of the commercial fishermen of this Nation, and finally to see a new day dawn for the fishing industry of our country.

Mr. Speaker, the fishing industry needs dynamic leadership from the executive branch, combined with wholehearted support from the legislative branch. I hope Secretary Train's words soon will become reality and that "new day" of which he spoke will make itself known to the U.S. fishing industry.

Under unanimous consent I include the text of Secretary Train's speech at this point in the RECORD:

COMMERCIAL FISHERIES—MEETING THE CHALLENGE

(Remarks by the Honorable Russell E. Train, Under Secretary of the Interior, before the Third Annual Fisheries Exposition at the Seattle Center, Seattle, Wash., Oct. 6, 1969)

I am delighted to be with you tonight at this splendid banquet and this great gathering of people from across the Nation who are associated with our Commercial Fishing Industry. It is fitting that this Third Annual Fisheries Exposition should be held here in Seattle, the great port city of the Northwest whose growth and vitality, and doubtless its future, are so intimately associated with the resources of the sea.

On Saturday a week ago I visited Gloucester, Massachusetts, to see at first hand the problems facing the fishing industry there. I inspected the Bureau of Commercial Fisheries' experimental trawler, Delaware II; toured the harbor; boarded several of our Gloucester fishing vessels; and talked with a number of our fishermen. There were a number of modern foreign vessels at the docks—particularly from Iceland and Canada—and the comparison with our own obsolete vessels and equipment was positively shocking.

Tonight I am glad to have the opportunity to speak on the subject of commercial fishing because I believe that this industry faces many challenges which must receive top priority attention. The marine resources of our nation represent a challenge and an opportunity of major dimensions. The wisdom with which we manage those resources could well decide the future well-being of the American people. During the eight months I have been in office, I believe that I have devoted personally more time to marine matters than to any other program area. I have recently been the chairman of an interagency task force on coastal zone management, which is examining the proposals of the Commission on Marine Science Engineering and Research, as well as alternative plans for more effective management of the estuaries and other coastal areas of the United States. I have been directly involved in the consideration of United States policy toward the sea bed, including the question of the physical limits of national jurisdiction and also the question of possible international arrangements for the management of the deep ocean floor.

Let me assure you tonight that this Administration is firmly committed to the protection and development of our marine resources. They are of crucial value not only to your industry, but to the entire nation. This is a subject of special concern to Secretary Hickel.

The position of world leadership occupied today by the United States results in large part from the rich natural resources of this country. Our rapid growth, our physical prosperity, and our current strength rest upon this base. The future of our nation position also will depend upon our access to and use of natural resources. We disregard this principle at our peril. Marine resources are among the most important of our natural resources. In terms of petroleum, natural gas, and hard minerals development from the sea bed, our nation probably leads the world in the sophistication of its technology. However, when it comes to the living resources of the sea, our record is a sorry one. We rank sixth among the nations of the world in fish production. As the people of the world turn more and more to the oceans for energy, for minerals, and for protein, we simply cannot afford to abdicate American leadership in this fashion.

Before I tackle the specifics of commercial fisheries, I should like to take a very few minutes to set your problems in perspective; to set them within the broad spectrum of environmental problems that face our Nation today.

The Department of the Interior has key responsibilities in the water-land-air complex that forms the livable skin of the planet. It is a thin skin; and so must ours be, if we are to sense its problems and react wisely.

This thin skin of land and air and water, loaded as it is with the resources that support life, is being pressured as never before to serve increasing numbers of people in an ever-growing variety of ways. Where once we only required it to feed us, now we demand that it fuel our automobiles, light our cities, carry away massive loads of pollutants, yield its metal for our creature comforts, and provide a playground to meet the increasingly sophisticated demands of an ever more affluent and leisurely society.

All these factors have a multiplier effect. The fabric of our world is straining at its seams. In some cases it is ripping apart.

The interrelationships of all parts of the environment—land, air, water and also all forms of vegetation and animal life—should perhaps be understood best by commercial fishermen. Your living depends largely upon preservation of our estuaries and other marine habitat, and I know you are keenly aware of the difficulty of preserving a productive and uncontaminated environment in those areas. The Department of the Interior is concerned with all factors which may adversely affect the environment. With regard to the fishing industry we are concerned with protection of the marine habitat which forms the essential foundation for the fishing industry.

Fishery problems are present on every coast of the country. These include the following:

1. The appearance of massive foreign fishing fleets off our coasts.
2. The rising cost of vessels and operations.
3. The need to compete with heavily subsidized foreign vessels.
4. The resource failures in certain major species.
5. The restraints imposed by various governmental regulations.

In recent years the cost of vessels, equipment and operations has increased more rapidly than the prices you receive for fish. This has burdened our fishing industry with a serious economic squeeze. The vessel construction subsidy program, initiated in 1969, has not been adequate. For example, during the period the subsidy has been in operation, only one vessel has been completed in the Pacific Northwest and only two more are even under construction.

The presence of huge foreign fleets with which we must compete on the fishing grounds is a critical threat, since these vessels are in a position to exploit heavily the resources on which our fisheries depend.

In recent years we have faced some major resource depletions. Off the West Coast, Pacific ocean perch stocks—once a mainstay of the local trawl fleet—have been greatly reduced as a result of international fishing activities. Certain agreements for international management now have been implemented, but it could be years before these depleted stocks return to a level economically feasible for commercial harvest.

In New England, haddock stocks have declined to a point where the Secretary recently declared a resource disaster and took emergency action to restore the stocks and assist fishermen in that area.

Many other of our fishery resources appear to have suffered the same fate. The yellowfin, sole, and king crab resources of the Bering Sea are examples. The resolution of this problem requires the development of international management schemes which can make effective decisions and make them in time.

The Department of the Interior is working to develop alternate resources to fill in for these depleted stocks. The Department is also conducting research in new technology.

Harvesting studies are being carried out on sablefish, which now must be caught on long lines. King crab pots, now tragically empty, seem to work and indications are that some such method will soon serve to increase substantially sablefish production.

The Bureau of Commercial Fisheries' Exploratory Fishing and Gear Research Base in Seattle in carrying on resource assessment work on Pacific saury, hake and clams. Gear research from this Base is emphasizing improved efficiency of shrimp separator trawls. Use of lights to aggregate and purse seining for harvest of saury are likewise being tested at the Seattle Base.

The Juneau Exploratory Fishing and Gear Base research has been rewarded by a much increased use of the latent tanner crab resource, mainly by fishermen from the declining king crab industry.

The Bureau of Commercial Fisheries' Technological Laboratory in Ketchikan, Alaska, is developing techniques for processing the Alaskan pink shrimp. Problems with color and texture under some mechanized processing techniques need solving, but the resource is a large one and the potential more than justifies the research and experimental effort involved.

Work is proceeding in Seattle on fish protein concentrate methodology, in conjunction with the plan to construct the first experimental and demonstration plant in this area. Currently in the design phase, this plant should open the way for eventual full use of many underutilized species.

While I have been emphasizing projects related to the Pacific Coast, comparable efforts are under way with respect to the Gulf and Atlantic fisheries.

We also intend to complete the long-overdue inventory of our own fishery resources. What is there, and where is it most likely to be found? In many instances, it has been embarrassingly apparent that the research activities of foreign fleets have provided them with better information about the magnitude and distribution of fishery resources off our own coasts than has our own Nation. In the first three-year period during which the Soviet Union engaged in fishing our coastal waters, the resource information they compiled was *double* that of all the U.S. research efforts over the last 30 years.

The United States should not find itself sitting at an international conference table telling another power they are overfishing our resources, only to find *they* know more about these resources than we do. We are determined to reverse that situation.

I also wish to refer briefly to the mass of regulations, both Federal and State, which apply to commercial fishermen. These regulations raise many questions.

Are they based on good scientific information?

Are they indeed needed for sound conservation?

What do they do to the efficiency of the fisherman, and is this effect justified by the results?

These regulations affect numbers of allowable fishing hours, types of gear and kinds of technology. They often have the effect of limiting efforts and efficiency and raising costs. We intend to make a fresh review of the Federal regulations to determine whether modifications would be appropriate.

Please do not misunderstand me. I did not come here to paint a glowing picture of performance by the Department of the Interior in protecting and developing the Nation's fisheries. Far from it. The fact is that the record of past years is not one of which we can be satisfied.

What I want to make clear is this—the new Administration is determined to do a far better job and is, in fact, moving ahead in a number of positive ways.

The Department of the Interior is taking the lead in the entire marine resources field. As the former Governor of Alaska, a State which depends heavily on its fishing industry, Secretary Hickel knows at first hand the value and potential of fisheries and the problems that face it. During the few months he has been in office, he has taken positive action to give fisheries more assistance than they have had in the past. We intend to develop new and imaginative programs for our national fisheries.

As a personal sidelight, I would like to mention a trip I made in August with several members of President Nixon's Cabinet to participate in a Joint United States-Japan Cabinet meeting on Trade and Economic Affairs. As the Department of the Interior representative, the subject of fisheries took much of my attention during our sessions. You will be interested to know that my wife and I got up at 5:00 a.m. one morning to visit the Tokyo fish market, the largest fresh fish market in the world. This market covers many acres and requires thousands of employees to handle the huge catch which pours in to the city each night, is auctioned off and taken away by the following noontime. To personally witness this efficient, high-speed operation was an eye-filling, nose-wrinkling experience I am sure I shall never forget.

While I was in Japan, I met with the Minister and Vice-Minister for Agriculture and Forestry, who have responsibility for commercial fish. I also talked with the President of the All-Japan Fisheries Association. I urged liberalization of Japanese restrictions on United States fishery imports, focusing my appeal on pollock, hake, herring, kelp, saury, salmon and salmon roe.

The responsible ministers agreed to actively encourage Japanese trading firms to increase the imports of these U.S. fishery products. We are now preparing to transmit a list of the items and quantities that we feel we can export to the Japanese market. They in turn have said they will distribute this list to Japanese importing firms. We hope this may lead to an expansion of our exports to Japan.

In my remaining few minutes I am anxious to discuss with you the threat posed by man himself, to the renewable resources of the ocean. These resources are dependent on an environment which man constantly seeks to alter. Whether measured by volume or by value, the species that spend at least part of their lives in estuaries account for 65 percent of the commercial fish harvest. The annual catch of these species totals more than 3 billion pounds, with a value of $260 million. Yet these estuarine areas, so valuable to you as fishermen, are also increasingly in demand for transportation, for mining, for the dumping of human waste, refuse and industrial products, for housing developments and for marine recreation facilities.

Some ecological systems can withstand a variety of usages without damage. Estuaries are not among them. They are among our most fragile resource zones and uses which put too much pressure on them generally causing irreversible loss.

More and more the need today is to see our resource problems from a broader context. We can no longer look upon the resources of the sea, land, and air as separate resources presenting isolated problems. We must instead recognize all resources as related points of a complex whole which is the total environment. In addition to the efforts of the Department of the Interior which I have described to solve immediate problems of the commercial fishing industry, the Department is also conducting a broad range of other programs in the fields of oceanography, marine science and marine engineering. We are also making an effort to integrate our programs which focus on land problems with those which focus on marine problems to provide better management of resources along our coastal zone—the interface between land and sea.

The Federal government is presently giving close attention to the need to give greater emphasis and better organization to its programs relating to marine problems.

A matter of great current interest is the proposal of the Commission on Marine Science, Engineering and Resources (the so-called "Stratton Commission") for the establishment of a National Oceanographic and Atmospheric Agency (NOAA).

This new agency would consolidate most of the Federal Government's civilian oceanographic activities. As I am sure you are well aware, the proposal envisages the transfer of the Bureau of Commercial Fisheries from the Department of the Interior to NOAA. The President has referred the proposal to his Committee on Executive Reorganization for study, as well as for consideration of other alternative reorganization proposals dealing with marine resources.

In the Department of the Interior we are seriously concerned by the proposal to establish this new agency. We are convinced that it would be a mistake to separate management of our fishery resources from the other marine and marine-related programs of the Department of the Interior. We strongly believe, however, that it is essential to give better coordination to the marine programs of the Federal Government. We also applaud the objective of the Stratton Commission to give the Nation a new sense of commitment to the opportunities and challenges of our Nation and the sea.

I pledge to you that the Nixon Administration is determined to manage and conserve the resources off our coasts in the best interest of the American people, to develop new opportunities for the fishing skills of the commercial fishermen of this Nation, and finally to see a new day dawn for the fishing industry of our country. For too long, we have turned our backs to the oceans. We can afford this neglect no longer. From the sea, came much of the strength and vitality of our nation when it was young. We must turn our face to the sea once more. The success with which we learn to utilize wisely the resources of the seas will directly affect the leadership of the United States abroad and the well-being of our people at home.

RED WATER REX: NATIONAL FIELD TRIALS CHAMPION

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. GRIFFIN. Mr. Speaker, earlier this year, at the National Championship Field Trials in Grand Junction, Tenn., the performance of a Mississippi bird dog was nothing short of sensational.

Red Water Rex, long heralded as a champion pointer won this coveted national championship collar over an outstanding field of 46 of the Nation's finest bird dogs. During the day, Rex, a 7-year-old white and liver pointer, distinguished himself with eight perfect finds and a single back of his bracemate during the 3-hour trial at Ames Plantation.

Red Water Rex's triumph was underscored in that it made his handler, Hoyle Eaton of Booneville, Miss., the first handler since 1961 to put national titles back to back. This outstanding Mississippi sportsman won the same event last year with Riggins White Knight, now retired.

I take personal pleasure and pride in this outstanding achievement. Red Water Rex's owners, W. T. Pruitt and E. B. Alexander of Jackson, are personal friends who have contributed greatly to outdoor conservation and recreation. They are avid sportsmen who deserve recognition for their endeavors.

As a part of my remarks, Mr. Speaker, I am including Concurrent Resolution 114 of the Mississippi State Senate in recognition of this achievement. The resolution was sponsored by Hon. Jean Muirhead, senator from Hinds County:

SENATE CONCURRENT RESOLUTION 114

A concurrent resolution commending W. T. Pruitt and E. B. Alexander, owners, and Dexter Hoyle Eaton, handler of Red Water Rex, National Championship Field Trials winner

Whereas, at the 1969 National Championship Field Trials in Grand Junction, Tennessee, Mississippians came home with the championship trophy; and

Whereas, Red Water Rex again captured the Ralston Purina Award for the Top Field Trial Bird Dog in the Nation by winning a total of 2,740 points in field trial competition; and

Whereas, Red Water Rex, a Mississippi bird dog owned by W. T. Pruitt and E. B. Alexander of Jackson, Mississippi, won the coveted national championship collar, bringing honor to his owners and the Magnolia State; and

Whereas, Dexter Hoyle Eaton of Prentiss County, Mississippi, handler and trainer of Red Water Rex, trained the 1968 national champion, Riggins White Knight, now retired to stud, as well, with Red Water Rex providing Eaton with the fourth Continental Trials champion under his tutorship; and

Whereas, Red Water Rex is the only Mississippi bred, Mississippi raised, Mississippi trained and Mississippi owned dog to win the coveted National Championship; and

Whereas, Mississippi through its Game and Fish Commission has for many years exerted a positive influence in the improvement of and encouragement of hunting, fishing, and field trials, and enhancement of these sports as attractions to tourists and homefolk alike; and

Whereas, the interest of Mississippians officially and individually has resulted in increased efforts and results in all areas of endeavor connected with nature sports as is evidenced in Eaton's recent feat:

Now, therefore, be it resolved by the Senate of the State of Mississippi, the House of Representatives concurring therein, That we do commend and congratulate W. T. Pruitt and E. B. Alexander of Jackson, Mississippi, and Dexter Hoyle Eaton, handler and trainer, for their recent conquest in having their Mississippi bird dog, Red Water Rex, "collared" as the champion in the 1969 National Championship Field Trials.

Be it further resolved, That a copy of this resolution be supplied to each of the owners and the trainer and to members of the Capitol Press Corps.

THE HONORABLE PETER RODINO

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. BIAGGI. Mr. Speaker, I am sure that we were all thrilled by the decision of the Secretary of the Army, Mr. Stanley Resor, to drop courtmartial proceedings against eight Special Forces troops. These men were, in effect, charged with criminal activity simply because they performed their duty no matter how unpleasant that duty may have been.

The cause of justice, I am happy to say, was amply served by a Member of this House, the distinguished Member from New Jersey, Representative PETER RODINO. Congressman RODINO, having been made aware that a gross miscarriage of justice was unfolding, immediately set into motion the necessary machinery to avert such a development.

We shall perhaps never know the full details of this unfortunate case. Suffice it to say that in war, unlike some of the nobler human endeavors, the activities of those who bear the brunt of battle are essentially brutal, simply because war itself is brutal.

It appears that the Army at first chose the course of punishing men whose actions were dictated by good conscience and pure motives. Fortunately, Congressman RODINO, a man who has dedicated his public life to justice for his fellow man, saw in his conscience that any punishment of these men would constitute a gross violation of the elementary principles of our system of law.

Congressman RODINO joins a long list of devoted legislators who, through the history of this Republic, have loyally supported their constituents, faithfully lived by the principles of justice, and bravely opposed injustice.

I can only hope that such ill-advised decisions by the military, or any other public agency, will always be avoided. In the event that this does not prove to be the case, we may at least rest assured that gentlemen of the calibre of Congressman RODINO will be present to right wrongs.

HOLD OUT FOR CLEAN WATER

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. OBEY. Mr. Speaker, the action last week by the House Committee on Public Works in recommending an appropriation of $600,000,000 to aid local units of government in construction of sewage treatment projects is a significant step in the right direction. But $600,000,000 is not nearly enough to cover our need. The more than 200 Members of Congress, including myself, who have joined with various citizens groups in an effort to secure full funding of $1 billion for sewage treatment construction have been cheered in recent weeks by expressions of support by the Nation's press. A great many newspapers have offered editorials demanding that the full $1 billion be made available by the Congress and the administration.

An example of this concern for the preservation of our environment appeared in the September 29 issue of the Appleton, Wis., Post-Crescent. I commend it to my colleagues, as follows:

HOLD OUT FOR CLEAN WATER

In the past several years an alarmed America has been making a lot of noise about its dirty air, water and land—all of which are getting dirtier. But this country has not done nearly enough to clean itself up.

As we mess up our world with the waste products of our living, we talk, talk, talk. But we will not get anywhere until we put up the money.

Look back to 1965 when Congress set clean water as a national goal, and decided that it would cost money to reach that goal. Ever since the federal bureaucracy has been blowing its horn about clean water, and stirring up the populace.

Yet Congress and the administration have repeatedly failed to budget the amounts authorized. If President Nixon's proposed allocation for 1970 goes through, less than one-third of the $2.1 billion authorized over the past three years will have been approved.

That is a very poor performance, especially when you look at the volume of our waste problem. Right now municipal ties are waiting for $2.2 billion in federal funds so that they can construct improvements to their sewage treatment plants. The $214 million Nixon has asked is less than one-tenth of the amount needed.

Finally a great deal of pressure is being applied to budget $1 billion for 1970, the full authorized amount. A coalition of interested groups is waging a war for clean water in Washington. More than 200 congressmen now have signed up to support the full $1 billion figure. Meanwhile there are indications that Nixon will again try to take the middle road, suggesting that the budgeted amount be raised to about $600 million.

That kind of compromise just isn't enough now. It is already too late to compromise, for pollution, peace and population are the chief problems facing this world. Even the full $1 billion is only a fraction of what is needed. We urge the clean water crusaders to hold out.

DISSENT GOES TOO FAR

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. DERWINSKI. Mr. Speaker, as we note the thoroughly organized PR campaign being built around the October 15 anti-Vietnam demonstration, an understanding of the full impact of this situation must be realized. The San Diego Union in an editorial Friday, October 3, hits the nail on the head with a penetrating commentary on the way the country will be affected by the demonstrations being planned.

The editorial follows:

DISSENT GOES TOO FAR—ANTI-VIETNAM BLOC REGROUPS

There is something ugly about the new wave of anti-Vietnam pronouncements emanating from Washington.

The tones range from near hysteria to pious pulpit-pounding, but the words add up to the same thing: the United States of America should cut and run. It is proposed that we not only abandon the people of South Vietnam to communism, but that we turn our back on formal treaties, moral commitments, and the standards of decency that have made this nation something that men in other lands have looked up to since 1776.

Isn't it strange that in a day when the world has grown frighteningly small, when our enemies' weapons of mass destruction are only 20 minutes away from every home in America, that a certain brand of citizen wants to divorce us from the problems of our planet?

And now, an unsavory note of partisanship is added because the same largely Democrat bloc of liberals who earlier tormented President Johnson is baying at a Republican president. But it would be a mistake to write off the "abandon Vietnam" shouts as merely party politics. The temptation to capitalize on the Vietnam War is not confined to one party. Witness Sen. Charles Goodell's bill that would cut off all appropriations for the Vietnam War at the end of 1970.

President Nixon was charitable. He called Goodell's suggestion "well intentioned."

He may apply the same term next week when 24 Democrats—12 in the House and 12 in the Senate—submit their promised resolutions calling for immediate withdrawal of U.S forces. The term, "well intentioned" may be used, too, by others on Oct. 15 to excuse the student mobilization committee's demonstrations against the war.

But we cannot be that charitable.

Honest differences of opinion are one thing. Dissent, when expressed within the bounds of decency, is to be defended. But what is now being espoused by the anti-Vietnam claque in Washington has moved far beyond these boundaries. We actually are hearing members of Congress endorsing the contemplated Oct. 15 demonstration with full knowledge of the past history of such displays, the type of people who foment them and the melancholy effects they have on people, property and decency.

Certainly the American people are tired of this war. Think how tired the people of Vietnam must be after 20 years of fighting, and a half million dead. But their love of freedom, their hatred of communism, their determination to have a destiny of their own has inspired them to incredible sacrifice.

This is a moment when our national and political figures can demonstrate their fiber. Certainly some will find it easy to encourage frustration and discontent. Some will find it tempting to seize a cheap way out of trouble.

But it isn't Vietnam that they would give away by their actions.

It is the United States of America!

MISSING LATIN AMERICAN POLICY MUST DEAL WITH POPULATION

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. BUSH. Mr. Speaker, I fully recognize that there are many tough problems that must be considered in constructing and enacting foreign policy. However, the problem of overpopulation must be considered as the most urgent of these problems. As chairman of the Republican Task Force on Earth Resources and Population, I understand the difficulties of propagating population control for foreign countries when the United States lacks a population policy of her own. Nevertheless, we cannot ignore the fact that the lack of success in economic development in too many countries is directly related to a population explosion.

President Nixon, in his population message, emphasized the need to enlarge the scope of our responsibilities through international cooperation. The President also put his administration machinery to work on better coordination of domestic family planning programs and requested the Congress to establish a Commission on Population Growth and the American Future. It seems to me that this initial broadcast of American concern over the problems of population growth justifies increased earmarkings of AID funds for population programs in recipient countries.

Mr. Speaker, I offer the following article from yesterday's Washington Post for the RECORD for the benefit of my colleagues:

MISSING LATIN AMERICAN POLICY MUST DEAL WITH POPULATION

(By Marquis Childs)

In a curious atmosphere of unreality the Nixon administration seems increasingly to be trying to cope with the problems not of the future nor even of the present, but of a past that is in itself irrelevant to the point of unreality.

The White House and the State Department are currently brewing up a policy for Latin America which has been nonexistent in the first nine months of the Nixon dispensation. Presumably, the new mixture will be grounded on the findings of Gov. Nelson Rockefeller, whose unhappy mission to the Americas to the south generated violence and destruction in almost every capital.

What Rockefeller could have added to the voluminous reports of the diplomatic and aid missions the United States maintains throughout the hemisphere was never clear. For the simple truth is that there is one overwhelming reality and it is written in letters of fire across the southern sky—the population explosion. The figures for 1969 from the Population Reference Bureau show Latin America with the highest net increase of any area in the world.

This tidal wave of human fertility swamps the grandiose plans of the Alliance for Progress. All that the Agency for International Development pours in is absorbed by new mouths to feed and the pressing demand for education and technical training that fall so far short of the need.

Unless population planning on a vastly enlarged scale is central to a new policy for Latin America, it will be wasted money and effort. The old politics and the old diplomacy are as outmoded as the stagecoach. The takeover by a military junta, the rise of another dictatorship, a bloody revolution put down—these are symptoms of a deep underlying malady that will never be cured by merely more transfusions of aid, whether in money or goods.

Little Costa Rica holds the record with a net increase of 3.8 percent, which means doubling the population in roughly 20 years. But the big countries of South America are not far behind. Colombia and Ecuador are each 3.4 and, given the nature of statistics in underdeveloped areas, the actual figure is probably closer to 4. Brazil is 2.8; Chile, where population planning has at least had a start, 2.3; Paraguay 3.4; Peru 3.1. By comparison, in Western Europe where the rate of increase has been steadily dropping, Belgium is 0.1, West Germany 0.4, France 1, the Netherlands 1.1. The rate of increase in the United States is 1 per cent.

Throughout Latin America illegitimacy is steadily rising, as is the incidence of illegal abortion. In desperately poor countries, such as Colombia, septicemia and other illnesses growing out of crude induced abortions absorb the painfully small supply of penicilin and other therapeutics. The human misery that results is incalculable. It is one more penalty for the poverty in which most Latin Americans live.

With half the population throughout most of the nations to the south under 25 or even under 20, education and training are all but impossible, measured against the need. Crime and subversion are the end result, as more and more of the young find no place in organized society. Even a highly developed nation with advanced technology would find it difficult to absorb the flood of youths in search of education and some means of livelihood.

President Nixon, in his message to Congress in July on the population problem, went further than any chief executive has gone to stress the urgent need for action at home and abroad if the shattering consequences of the people explosion are to be contained. He called for stepped-up efforts by all agencies concerned with aid and cooperation abroad. With rather more complacency that seems justified, the President said, "Already we are doing a great deal in this field." Actually, only a small proportion of aid funds goes into population control. This must be rapidly expanded, not only in Latin America but in Asia and Africa, if AID is to mean more than a temporary and feeble barrier to hold back the flood of poverty with its dire concomitants of hunger, instability and eventual breakdown.

Whether AID could be made conditional on expending programs of population control is a ticklish question. This gets into a national pride and religious and political prejudice. But it should not be impossible to find a way to relate the menace of the tidal wave of people to the form that American assistance takes.

The pessimists can find many reasons why population control will never work—inertia; prejudice; the inability, including lack of funds and trained personnel, to set up proper methods of birth control; and ignorance. These may defeat the best intentions and mock the direct warnings. But unless the enormous strides in death control are matched by population control, the world by the year 2000 will founder with an estimated seven and a half billion people.

PHILIP SANG TO BE HONORED BY THE WEIZMANN INSTITUTE OF SCIENCE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. PUCINSKI. Mr. Speaker, recently the Chicago Sunday Tribune carried an excellent article about Philip Sang who has spent a lifetime in search of historical truths for students and scholars of history.

Mr. Sang is himself one of our Nation's most highly respected and distinguished scientists.

The Chicago Tribune article quite properly calls attention to the fact that Philip Sang will be honored for his great contribution to historical research by the Weizmann Institute of Science in Rehovat, Israel—one of the top 20 scientific institutions of the world.

I am pleased to place in the CONGRESSIONAL RECORD today this penetrating article about Mr. Sang's meaningful contribution in the field of historical education.

Miss Kathy Burns, author of this article, has captured the true spirit and the true contributions of Philip Sang.

We in Chicago are proud to list him among our most illustrious citizens and the honor being paid him by the Weizmann Institute is well earned and well deserved.

The Chicago Tribune article follows:

SCIENTIST SPENDS 45 YEARS COLLECTING HISTORICAL DOCUMENTS

(By Kathy Burns)

To the uninformed, the young, the haphazard student, or the strict modernist, the study of history may be nothing but a boring rundown on little-remembered dates, strange places, and entirely too many people.

To others, history may be a life's work, fraught with the care of a surgeon, the patience of a scholar, and the perserverance of saint.

Philip Sang of River Forest, a scientist by training, has applied this same methodical approach to his pursuit of the past.

In addition to his business affairs, Sang has spent 45 years gathering historical documents for use of students and scholars thruout the world. His efforts will be recognized by the Weizman Institute of Sicence, Rehovat, Israel, one of the top 20 scientific institutions of the world.

HONORED ON NOVEMBER 4

Rabbi William Novick, midwest director of the institute, explained the reasoning behind Sang's selection. "Several committees consider many names of outstanding contributors in the sciences over a 3- to 12-month period before anyone is chosen. This year, 10 men from all over the world will be honored on Nov. 4, the 25th anniversary of the institute.

Sang is the first Chicagoan as well as the first native resident west of New York to be honored. "In him there has been a marriage between the sciences and the humanities," Novick said.

The institute is named after Dr. Chaim Weizmann, the first president of Israel. Born in Russia in 1874, Weizmann migrated to England where he was involved in high level chemical research. He discovered the bacteria that convert sugars and starches into acetone and butyl which lead to the mass production of industrial chemicals and commodities.

BEGAN COLLECTING DOCUMENTS

While a student at Crane High School, 2250 W. Van Buren st., Sang began collecting historical memorabilia on a small scale. Later, as a student of mechanical engineering at the Illinois Institute of Engineering, Sang had a teacher who he remembered simply as Mr. Hutchinson.

"That man really encouraged his students to pursue history," Sang said. "He was so exciting and had such an infectious approach that he sparked my interest."

In 1923, after his graduation, Sang began to pursue historical collecting as a serious hobby. One of his first "important" finds was an original photo of Mark Twain, with the inscription, "Be good and you'll be lonesome," written in the corner.

Sang said his study of history has been based on the written word, especially as recorded in letters. "The sweep of American history can be found in letters. In former years, writing was the art of the day. These people were great correspondents. Language was their handicraft."

One of his first concentrated areas of research was America. He decided to collect letters written by all 56 signers of the Declaration of Independence.

"It was a great challenge because some of the signers had lived much longer than others. One of the most valuable is that of Button Gwinnett who was killed in a duel a year after signing the document," he said.

In the 1930s Sang said he began to realize that the American Presidency was "the most powerful position in the world and would have much to do with the shaping of the world." He started gathering personal letters written by the Presidents. He now has a collection of documents from Washington thru Nixon. In 1960, he and his wife, Elsie, an avid historian and antique collector on her own, assembled an exhibit of presidents and near presidents for display in colleges and universities throughout the country.

At the University of Kentucky exhibit alone, 10,000 persons came to see the presidential panorama. He received letters from both 1960 candidates, praising the display.

ASSEMBLED DOCUMENTS

In 1966 he arranged to have a broadside [one large sheet, with writing on one side only] printed of Lyndon Johnson's Thanksgiving message. One thousand copies were sent to educational institutions. Sang himself received a dedicated copy, signed by the President and the secretary of state.

Other contemporary memorabilia now include: "As We Remember Joe," by John F. Kennedy, one of the limited copies published by the President on his older brother; signed copy of Kennedy's inaugural address; Eisenhower's monogrammed golf balls; personal notes to Sang from Lady Bird Johnson and Jacqueline Kennedy; signed copy of Truman's "Years of Decision," and the only prayer which he ever wrote; one of the official copies of the U.N. charter, signed by the secretary of state; and L. B. J.'s doodles explaining war strategy in Viet Nam, drawn on May 17, 1966. They were made aboard Air Force One as the President was briefing some senators and congressmen en route to a Democratic dinner.

Altho the major trend of Sang's historical perspective is directed towards Americana, he also has materials of a world-orientation. He has Mussolini's copy of "Thus Spoke Zarathrustra," with the parts on the Superman philosophy marked off.

ACQUIRED BOOKS

In his collection of international materials are books from the Index and Bibles dating from 1609. He also has acquired four-edge books from 19th century Europe which have paintings on the gold gilt edges, visible when the pages are slanted together.

A modern link with past are some scientific treaties by Newton and Galileo. Quite unexpectedly, the Sangs' acquired an unusual book recently which predicted the moon voyage 300 years ago.

"We were in London, in an old book store, the day of the Apollo 11 moon shot, when we found 'Discovery of a World in the Moone, which was written by the Episcopal bishop of Chester in 1638," Sang said.

According to the scientific bishop, some "other means for conveyance to the moon [would be created] tho it may seem a terrible and impossible thing ever to passe thru the vast spaces of aire. Yet, know that there would be some men who durst venture this as well as other" undreamed of feats.

RECEIVED HONORARY DEGREES

The River Forest historian is not limited to collecting written records only of others. Turning back the pages of his own life is like leafing thru an encyclopedia of top-notch achievements, both in quantity and quality.

Sang has received honorary degrees from five colleges and universities. In 1945, he cosponsored the founding of Freedom Hall, Oak Park, which has received national recognition three times in the last six years.

His diverse interests extend to the Modern Poetry association, Alliance Francaise, Chicago Symphony orchestra, Chicago Medical school, and the Illinois State Historical society, to name but a few.

In commemoration of his recognition by the Weizmann, Sang and his wife are donating a continuing research grant for leukemia study at the institute. Mrs. Sang said several members of her family had died from the disease and as such was the basis of their choice.

History, as a life's work for Sang, has not been one without humor. He was asked somewhat facetiously by Rabbi Novick why he hadn't yet acquired the stone tablets Moses had brought down from the mountains.

"I won't take them cracked," he replied.

WHY?

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, recently a constituent of mine, Mr. Franklin H. Bolton of Springfield, Va., sent me a copy of a poem written for his wife, Ruth, by their oldest of three daughters, Judy, who is now grown, married and teaching school away from home.

Like so many young ladies, Judy now looks back on her formative years with a different view than that she held as a teenager. Mr. Bolton feels, and I agree, that many of our young people today could benefit from Judy's reflections concerning her mother. I, therefore, insert her poem at this point in the RECORD:

WHY?

My mother used to say to me,
"When you're older you will see.
When you've grown and gone away
You'll understand what I say."
The years have steadily passed by, now it is I who wonders why.
Why did I in years before not see her waiting in the door?
Why did I not see her there working at homely chores with care?
Why did I not heed her call as she prayed for both big and small?
Why did I not sense or feel the love for me that was real?
Why did I not thank each day she who held my hand along life's way?
Now I ask myself, dear mother, since I would never have another,
Why did I not say to you those simple words—I love you!?

JUDY.

STABILITY AND CHANGE IN AFRICA

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. REID of New York. Mr. Speaker, last Thursday, His Excellency, Julius K. Nyerere, President of the United Republic of Tanzania, delivered a major address at the University of Toronto, Canada.

President Nyerere's speech, entitled "Stability and Change in Africa," was basically a message to the North American continent, a warning to the leaders of the Western world. His message was the essence of the Africa position: He said that the principles of self-determination and national freedom are the goal of every African nation, and that these are great Western traditions and Western values. The West thus has an opportunity to assist African nations in reaching with a minimum of violence those goals for which we too have struggled.

But President Nyerere is deeply concerned about the potential consequences of the West's failing to support the achievement of these principles. Under such circumstances, he says:

> The freedom movements will therefore get their arms from the Communist powers.

President Nyerere cautions:

> We know our own motives in these actions. We are not Communists; we are nationalists desiring freedom.

President Nyerere's words are ones which I hope our Government will heed. I recently had the privilege of meeting President Nyerere in Dar es Salaam, his capital, and I was impressed with the integrity of his position and with the strong leadership he has provided in Tanzania and in East Africa. His authorship, with others, of the Lusaka Declaration is a case in point. I came away from our meeting convinced that change will come to Africa and only if we, the United States and other nations, act now will that change be peaceful and with a

XUM

minimum of bitterness. Tanzania's internal policies in this regard were summed up by President Nyerere in his address when he said:

> Tanzania is attempting to achieve change by deliberate policy, and to maintain stability by involving all the people in both the direction and the process of change.

It is my belief that it is essential that the United States come down on the side of majority rule and the consent of the governed, and that to do otherwise is to betray their principles.

Mr. Speaker, for far too long America has ignored Africa and the changes that are bound to come on that continent. We cannot afford, as a people and as the leader of the free world, to continue that policy. A review of our African policy is now underway at the State Department and the White House, and I hope that from it will emerge a much higher priority for Africa. I hope, too, that President Nyerere's address will be given serious consideration during that review, and I include it in the RECORD at this point:

STABILITY AND CHANGE IN AFRICA

Mr. President, Ladies and Gentlemen, this is my first visit to the University of Toronto but it is very far from being my first contact with it. People from the University have worked at our University College in Dar es Salaam and in many different sectors of our Government; they have made great contributions to our progress. We have many old and valued friends here: people to whom we are indebted for good service gladly rendered.

Let me begin, therefore, by expressing to this University our appreciation for the cooperation and assistance we have received. You have released good people to work with us, and not just sent the people you could gladly spare! Let me also say "thank you" to the individuals concerned. They have helped us to implement our policies; they have helped us to see and to understand the problems we are faced with; when we have asked, they have suggested alternative solutions to these problems—though I must hasten to add that they bear no responsibility for our failures. The decision to accept or reject their suggestions is one we have always reserved to ourselves!

This kind of technical assistance is very valuable to us. It also has a by-product which is, I believe, important to Canada as well. For not only have we learned something about Canada from these workers. As intelligent people who have lived with us and worked with us, they have learned something about us. When they return to this country, they are therefore frequently able to spread an understanding of what we are trying to do. They can tell of our successes and our failures; more important, they can also put our actions into the context of our circumstances and our motives. I believe this to be important to both countries. For Tanzania's policy of self-reliance does not imply that we dream of isolating ourselves. We recognize that we are involved in the world and that the world is involved in us.

Involvement without understanding, however, can be embarrassing and even dangerous. And while the involvement is inevitable, a lack of understanding about Africa is only too easy. Our very existence as nations is exotic. And now our voices on the international scene are strident; we complain about things which others take for granted; we make demands on other nations of the world, which appear unreasonable to more traditional habits of thought. The reaction is natural. Our actions and our demands are looked upon with all the suspicion which is normally directed towards upstarts. And everything we do is judged in the light of attitudes which grew out of the aftermath of the second world war. In other words, every possible attempt is made to squeeze African events into the framework of the cold war or other big power conflicts.

The big question is always: "Is this or that African country pro-East or pro-West?".

These kinds of question are understandable because of the recent history of Europe and America. But they are the wrong questions for anyone who wishes to understand what is happening in Africa. They are based on a very fundamental mistake—and, I would add, an unwarranted degree of arrogance! They imply that Africa has no ideas of its own and no interests of its own. They assume the exclusive validity of the international conflicts which existed when we achieved nationhood. They are based on the belief that African actions must inevitably be determined by reference to either the Western liberal tradition or to communist theory or practice.

In fact, I hope that Africa has learned, and will continue to learn, from total human experience—from peoples in the West, East, North and South, whether we use these compass points as political or geographical terms! But what we are, in fact, trying to do is to solve the problems of Africa—and in our case, of Tanzania—as we experience them. And we are making this attempt as Africans and as Tanzanians: as people who have been shaped by a history which goes back further than the century or so of colonialism. Further, we look at the world as people who believe that they have something to contribute to mankind, as well as something to gain from it.

OUR NEED FOR BOTH CHANGE AND STABILITY

Yet we are new nations. Like every other people in the world we have always had a desire to be our own masters. We lost our freedom through defeat by the technically superior forces of Europe. Our first concern was to regain it, and our first priority now is to guard that freedom and to make it a reality.

When we did regain our freedom, however, we gained control over a different structure. In Tanzania it was more than one hundred tribal units which lost their freedom; it was one nation which regained it. By the forces of history we have been brought politically into this twentieth century world; our new freedom can only be maintained if we adopt other aspects of twentieth century life as well.

Another fundamental change makes other demands upon the national government which were not made on the traditional tribal governments. The Tanzanian people now know that our property, our ignorance, and our diseases, are not an inevitable part of the human condition. Once we accepted these things as the will of God; now they are recognized as being within the control of man. Political freedom is therefore no longer enough for us.

We in Tanzania are thus conscious of two over-whelming needs. We are determined to maintain our mastery over our own destiny—to defend our national freedom. We are also determined to change the condition of our lives. It is to meet these two needs that we must have both change and stability. Somehow these two must be combined, because in the circumstances of Tanzania, and indeed of Africa, neither is possible without the other.

CHANGE TO MAKE FREEDOM A REALITY

For although political and social stability is necessary to any real national or personal freedom, so too is change in our circumstances. At present our national freedom often exists on paper only, for our country is so poor, and so weak relative to other nations, that we do not play our rightful part in the human community. Decisions on matters which vitally concern us can be—and often are—made without any reference to us. And this is understandable. Even defending our national integrity against the intervention of foreign powers strains us to the utmost. A very great change in our economic well-being is necessary before we can meet these responsibilities of national freedom.

Nor is it only in national terms that real freedom is undermined by our poverty. What freedom has our subsistence farmer? He scratches a bare living from the soil provided the rains do not fail; his children work at his side without schooling, medical care, or even good feeding. Certainly he has freedom to vote and to speak as he wishes. But these freedoms are much less real to him than his freedom to be exploited. Only as his poverty is reduced will his existing political freedom become properly meaningful and his right to human dignity become a fact of human dignity.

This essential economic change will not, and cannot, take place in isolation. It depends upon, and it brings, social and political change. It is not even possible simply to expand the social and political organization which was introduced into the country by the colonial power. These were based on an individualistic philosophy which is contrary to both our traditions and our aspirations for human equality. And they were directed at the problems of imposing and maintaining an alien law and order, not at securing mobilization for the improvement in living conditions which our people now demand.

THE NEED FOR STABILITY

Yet stable government, and stability in the society, is also essential to our freedom. For without political stability African countries will remain the playthings of others. Without it, alien forces can influence our policies for their own benefit, and outside powers can wage their wars on our territories and with our peoples. It is perfectly true that many of us in Africa are in danger of getting a phobia about foreign plots, and of attributing to foreign machinations all the evils we suffer from. But although the original failures may be ours, no intelligent and knowledgeable person would deny that outside forces do take advantage of African division for their own benefit, or that they exacerbate our conflicts when this suits their purpose.

Quite apart from the defense of our national integrity, however, stability is also essential for economic development. We cannot increase agricultural production, organize markets for home-produced goods, meet export orders, or arrange for the supply of essential investment goods, unless there is stability and security in the country. An effective administration, secure communications, and personal safety, are prerequisites for any attack on the poverty which now oppresses us.

In brief, change causes disturbance and thus upsets stability, but positive change is impossible without stability. And stability is itself impossible in Africa without change. Africa's task is therefore to achieve a difficult balance between the conflicting and complementary needs for change and stability.

TANZANIA'S INTERNAL POLICIES

Tanzania is attempting to achieve change by deliberate policy, and to maintain stability by involving all the people in both the direction and the process of change. We are under no illusions about the difficulty of the task we have undertaken. With few socialists we are trying to build socialism; with few people conscious of the basic requirements of democracy we are trying to achieve change by democratic means; with few technicians we are trying to effect a fundamental transformation of our economy. And with an educational elite whose whole teaching encouraged motives individualistic advancement, we are trying to create an egalitarian society!

It is not my intention to speak about these internal policies today. I will only say that so far we have retained our balance. But I am optimistic about our future, provided that factors outside our control do not prevent us from continuing with our efforts.

CHANGE AND STABILITY IN SOUTHERN AFRICA

For Tanzania is one small part of Africa, and our future is linked with that of the continent as a whole. Even if we wished, we could not be unaffected by what happens on this land mass. But in fact none of us in Africa has learned to think in exclusively nationalistic terms—we still think of ourselves as Africans. It is, of course, true that there are some conflicts between African states and within African states. Yet these are like the conflicts between the Provinces of Canada—important provided there is no overwhelming external challenge to the principles on which the existence of each state is based. Our part of Africa feels itself to be involved with all other parts. We are learning—indeed I think we have learned—that the people from one free state have no right or duty to intervene in the affairs of another free state. We recognize that each nation has to deal with the conflicting needs of stability and change in its own way. If we think other free peoples are wrong, or if they fail in their endeavours, we still have no choice but to adapt ourselves to deal with the problems that their policies create for us.

But the situation is very different in relation to Southern Africa and to the remaining Portuguese colonies in Africa. In Mozambique, Angola and Portuguese Guinea, the African peoples are being governed by an external power which categorically rejects the principle of self-determination. In Southern Rhodesia the colonial power claims to accept the principle of self-determination, but has utterly failed to assert its authority against a racialist minority which denies this principle. In South Africa the apartheid policy is imposed on the Africans and other non-white peoples, and maintained by the most ruthless suppression. And the United Nations has failed to take any effective steps to dislodge this same tyranny from South-West Africa. In all these cases, outside forces are suppressing Africans, and Africans are being humiliated and persecuted simply for being what they are—black or coloured Africans.

In relation to all these areas of our continent, therefore, Africa as a whole recognizes a challenge from external forces and from a racialism which denies our rights as human beings. We cannot be uninvolved. Just one African state does not have a recent experience of colonialism—and for many years that was independent in name only. We have all suffered from some degree of racial discrimination. If we accept the continuation of such conditions in Southern Africa, we are denying our own moral right to freedom and human equality, and are forced to justify our existence on the grounds of an economic and military strength which we do not, in fact, possess. We cannot adopt this attitude.

But in any case, whatever the emotions may be, the fact is that Tanzania's freedom is itself in jeopardy while colonialism and racialism remain dominant on our borders. As long as we insist on making a reality of our freedom, and pursuing policies which uphold the dignity of African people, our existence is a threat to the colonialist and racialist states of Southern Africa. They would inevitably take steps to reduce the effectiveness of our policies and to control our actions. For just as their policy of racialism makes it daily more difficult for us to build a state on the basis of non-racialism, so they cannot secure their slave systems while the rest of Africa uses its freedom for the benefit of its people. The principles of freedom and equality have no validity unless they are of universal validity; and the principle of racial supremacy is invalid unless it is universally valid. Conflict between these two conceptions of humanity is inevitable. Where they meet, the conflict will become an active one.

Tanzania's concern with the situation in Southern Africa is thus not something which is extraneous to our other policies. It is a matter affecting our security. It is central to everything we try to do. It is not that we are great altruists who love freedom so much that they will fight for it everywhere and anywhere. We know our limitations. We also know that people can only free themselves—no-one else can prevent them from trying to win their freedom, and no-one else can do it for them. But in the case of Southern Africa, we and the other free states are all involved. We are all Africans; we all need to work together for the real development of any of us; and a continuing freedom struggle in one part of the continent affects the security of all other parts. This involvement is acutely realized in Tanzania because we are a border state between free Africa and colonial Africa; but the same considerations apply to a greater or lesser extent to all free African states. Very little can be understood about Africa until this is understood.

Let me therefore try to sum up our position on this matter. The common objective of the African people is self-determination for the peoples of Southern Africa and the other Portuguese colonies, and an end to the official propagation and practice of racialism in our continent. That is all. We are not anti-white terrorists wishing to impose a reverse racialism; we wish to uphold human equality and to give human dignity and non-racialism a chance to grow in our lands.

As far as the free states of Africa are concerned, what comes after freedom is an affair of the peoples of those territories. It is not for us to decide what sort of government they will have or what sort of system they will adopt. Tanzania must support the struggle for freedom in these areas regardless of the political philosophy of those who are conducting the struggle. If they are capitalists, we must support them; if they are liberals, we must support them; if they are communists, we must support them; if they are socialists, we must support them. We support them as nationalists. Our own commitment to socialism in Tanzania is irrelevant to the right of the people of Mozambique (and the other areas) to choose their own government and their own political system. The right of a people to freedom from alien domination comes before socialism. The right of a man to stand upright as a human being in his own country comes before questions of the kind of society he will create once he has that right. Freedom is the only thing that matters until it is won. The support which is given to the freedom struggles by Tanzania and by other African states is neither a disguised form of new imperialism nor an evangelical mission for socialism or capitalism. It is a recognition of the oneness of Africa.

BY PEACE OR VIOLENCE?

Yet there remains a big question. Is the freedom struggle to be waged by peaceful methods or by violence? Is Africa to support the freedom movement regardless of the methods used, or could we make our support conditional?

There are some people who appear to believe that there is virtue in violence and that only if a freedom struggle is conducted by war and bloodshed can it lead to real liberation. I am not one of these people; the Government of Tanzania does not accept this doctrine, and nor do any of the other free African Governments as far as I am aware. We know that war causes immense sufferings, that it is usually the most innocent who are the chief victims, and that the hatred and fear generated by war are dangerous to the very freedom and non-racialism it is our purpose to support. We have a deep desire for a peaceful transfer of power to the people. We believe that if a door is shut, attempts should be made to open it; if it is ajar, it should be pushed until it is open wide. In neither case should the door be blown up at the expense of those inside.

But if the door to freedom is locked and bolted, and the present guardians of the door have refused to turn the key or pull the bolts, the choice is very straightforward. Either you accept the lack of freedom or you break the door down.

That, unfortunately, is the present position in Southern Africa and, unless there is some new outside influence which forces a reversal of policy on those now in power, that is the choice now before us.

Portugal has proclaimed that its colonies in Africa are part of the metropolitan country and that self-determination for the peoples of these territories is therefore not a matter for discussion. Political organization is prohibited, all attempts at peaceful protest are suppressed, and change by negotiation is ruled out. In Rhodesia, the people's organizations have been banned and the leaders imprisoned. Even the British Government's absurd suggestion that the white minority should promise to bring discrimination to an end gradually has been answered by a clear statement of determination to maintain perpetual white supremacy. To the South African Government, discrimination on racial grounds is a basic article of faith which admits no argument.

In all these areas the demand for freedom has been rejected in principle. The door to progress is shut, bolted and barred.

In such a situation the only way the people can get freedom is by force. A peaceful end to oppression is impossible. The only choice before the people is organized or unorganized violence. But chaos will result, not freedom, from spontaneous uprisings when the frustrations get too great to be borne, or when some fresh turn of the screw goads the people to madness. Indeed, spontaneous uprisings in a modern and ruthless state are little more than mass suicide; they only achieve the release of death for many, and increased suffering for the others. When every avenue of peaceful change is blocked, then the only way forward to positive change is by channeling and directing the people's fury—that is, by organized violence, by a people's war against their government.

When this happens, Tanzania cannot deny support, for to do so would be to deny the validity of African freedom and African dignity. We are naturally and inevitably allies of the freedom fighters. We may decide, as we have decided, that no Tanzanian will take part in these wars; we may recognize the fact that we cannot arm the freedom fighters. But we cannot call for freedom in Southern Africa, and at the same time deny all assistance to those who are fighting for it, when we know, as well as they do, that every other means of achieving freedom has been excluded by those now in power.

THE INVOLVEMENT OF THE WEST

But it is not only African states which are inevitably involved in this conflict. All the traditional friends and allies of the powers concerned are also involved. Portugal is a member of N.A.T.O. To say the very least—much less than we believe to be the case!—the resulting military support allows Portugal to devote a greater proportion of her men and resources to the occupation of her African colonies than would otherwise be the case. Further, Portugal is a member of E.F.T.A.; it derives great benefit from selling to its Western allies goods which originate in the African colonies. Such economic links are another factor in the ability of the poorest state in Europe to spend something like 47 per cent of its Budget on "overseas defence"—which really means on the maintenance of colonialism in Africa.

About South Africa's position, I am sure it is unnecessary for me to say very much. It has great wealth and economic strength derived in part from past foreign investment. Its continuing economic development also owes much to new investment and re-investment by Western firms, and its international trade links with the West are very important to both sides. Indeed, the size of the Western involvement in South Africa's economy can be gauged by the indignation with which African demands for an economic boycott are met.

The illegality of the Southern Rhodesian regime has led to an economic boycott being imposed on that country. Nonetheless, the refusal of the colonial power either to make the boycott a total and effective one, or to enforce its decisions by direct intervention, has a reason. It reflects a sense of involvement with that administration and the people it represents—in other words, the dominant minority.

But my real point is not the fact of the West's economic involvement with Southern Africa. My concern is with their ideological involvement. I am not accusing the Western powers of conscious racialism, but of a preoccupation with conflicts which are at present irrelevant to the situation in Africa.

N.A.T.O. is a Western military alliance against East European communism—perhaps against communism itself—and Portugal is a member of N.A.T.O. South Africa claims to be a bastion against communism in Africa. The regime in Rhodesia claims that it is defending its part of Africa against communist-inspired chaos. These states are all anxious that their struggle against the freedom movements should be interpreted in the West as part of a world-wide anti-communist struggle. The real danger which worries me is that the West will accept this interpretation, and that it will, in consequence, betray its own principles by supporting these Southern African regimes.

The principle of self-determination and of national freedom is part of the democratic ideal; it is enshrined in all the greatest philosophies and documents of the Western world. But will the West recognize that this is the question at issue in Southern Africa, or will it be confused by this talk of "Western civilization" fighting "Eastern communism"?

If the struggle in Southern Africa is seen as the freedom struggle which it in fact is, the policies of Western states—both governments and peoples—will be determined only by the degree of their willingness to sacrifice immediate economic interests to political principles. But if the West accepts the South African and Portuguese argument that they are fighting on behalf of the "free world" against communism, then I believe that in time this interpretation will become defensible—at lease as regards their enemies. For if the West supports these racialist and fascist states, the freedom struggle will in reality become a part of the world ideological conflict—as it is now wrongly alleged to be. Further, I believe that if this is allowed to happen, we are liable to finish up with an even more disastrous conflict—a conflict of the races. For Africa and the West will be on opposite sides of the barricades; and Africans will have the support of Asia and large parts of Latin America.

Let me explain my fears and what I believe can be done by countries of the Western bloc to avoid such catastrophes.

PRESSURE FOR PEACEFUL CHANGE

Africa is anxious for peace in Southern Africa. But the possibility of this depends upon the possibility of ending the present injustice without war. Neither free Africa nor the Western world has the right to ask the peoples of Southern Africa to accept indefinitely the present humiliation, oppression and foreign domination; and in any case they would not pay heed to any such demands. The only chance for peace in Southern Africa is if change can be secured without violence. If this is possible, no one will be happier than the people of Africa. But we have tried peaceful methods and we have failed. The people of Southern Africa are therefore resorting to war, and the free African states are supporting them. The only chance for peace now is if the allies of the Southern African states are willing and able to exert the kind of pressure which brings change with the minimum of violence.

Do the Western powers have the ability to exert such pressure? I believe that they have a great deal of power if they are willing to use it for this purpose. Both South Africa and Portugal gain great benefit from their association with the Western nations; they will not wish to lose that benefit.

It is possible that South Africa would refuse to make any concessions to the democratic sensibilities of its allies, even at the cost of complete international isolation. I say this is possible because many people in South Africa believe in apartheid as a religion and will defend their faith until death. But there are other South Africans who rejoice in, and who support, the segregationist policies of that Government because of the material benefit and the position of privilege it gives them. I believe this is the majority. Such people give a support which is conditional to the extent that it is not based on fear; there is a limit to the degree of international isolation they would be willing to accept rather than accept an organized move towards individual human equality. At the very least, therefore, strong Western pressure on South Africa could introduce a new uncertainty and new insecurity among the dominant group. The police state machine would thus lose the virtually total white support which it at present enjoys. In that case, the violence may not be of such long duration or of such bitterness.

But what ever the situation in South Africa, it is quite certain that Portugal could not withstand real pressures for change exerted by its N.A.T.O. allies. A nation can withstand pressures from outside when it is united in hostility to that pressure. But a poor nation cannot maintain its domination over territories twenty times its own size, and over populations 50 per cent greater than its own unless it has the support of more powerful countries. In relation to the Portuguese colonies at least, members of the Western alliance do have the power to secure peace in Africa. They have the power to make a continuation of their support conditional upon Portugal's accepting the principle of self-determination.

Thus, in one case certainly, and in the other case possibly, it is the West which makes the choice between peace and war in Southern Africa. The question is not whether the Western powers are able to exert pressure on Portugal and on South Africa, but whether they are willing to do so. It is the implications of that question which I hope the people of this and other countries will carefully consider.

For I must stress that the choice before the free states of the world—which includes both Canada and Tanzania—is not between peaceful change and no change. The choice is between peaceful change and conflict. In the absence of peaceful change and real prospects of its continuing, the African people will fight for their rights. They will destroy stability rather than suffer under the stability of oppression. They have already begun to do so. We are not at the eleventh hour; we are past the twelfth. Already peace has to be re-established and confidence regained—both of which are harder things to do than to prevent war or to retain trust. So what is the alternative to a change in Southern Africa which is combined with stability?

THE IMPLICATIONS OF WAR

Portugal, South Africa and the regime in Southern Rhodesia are all heavily armed with modern weapons and they have access to more weapons. They even manufacture some. If the freedom fighters are to succeed in war, they too must have arms. Not even the most skilled guerrilla movement can fight machine guns with bows and arrows, or dig elephant traps across surfaced roads. Africa cannot supply these arms: we do no make them, and we have no money to buy them.

But if the Western powers will not put pressure on their friends to secure peaceful change, is it likely that they will supply arms to those who in desperation have decided to get change by force? We all know the answer. The freedom movements will therefore get their arms from the communist powers. And these communist powers will be their exclusive suppliers.

In these circumstances it is no use anyone telling the freedom fighters—or telling the free states of Africa—about the evils of communism, or about the possibility that the supplying states may present a bill for their support. We all know of that possibility; we do not imagine that communism makes great powers less subject to the temptations of greatness. But we are much less concerned about possible future dangers—which may never develop—than we are with present facts. And those facts are that Africa is occupied by an alien power now; its people are suffering under minority domination now. We have to fight these things. So, we accept arms from communist states, and say "thank you" for them.

On the same basis, the nationalists of Southern Africa get their training where they can and from whom they can. Sometimes free African states can help in this; sometimes they cannot. And when they cannot, it is again communist countries which offer to help, and again we accept with gratitude.

We know our own motives in these actions. We are not communists; we are nationalists desiring freedom. We recognize the possibility that those who are helping us may have different motives. That is what we are told and we have no proof that it is not so. But we do have proof of our existing need and of practical offers to help.

So the freedom fighters use communist arms and are trained in communist countries because they have no choice. This is happening now and it will continue. And then South Africa and Portugal will proclaim to their allies this 'proof' that they are fighting communism. They will show captured communist weapons and display some hapless prisoner-of-war (whom they will call a criminal) in order to persuade those opposed to communism to support their war against the freedom fighters. They will also show evidence of cruelties, and tell tales of fear and suffering experienced by noncombatants on their side. And they will argue that this is the kind of people their opponents are—communists and racialists. Some of this evidence will be forged, but some will be true. Wars are always ugly and brutal, and guerilla warfare is no exception.

In the face of this kind of psychological pressure, I am afraid that Western states would strengthen their support for the Southern African regimes. They would argue that for their own protection it was necessary to prevent Africa from falling into the hands of communists. They will therefore strengthen their economic support, and then agree to sell arms—or to give them—to the regimes of Southern Africa. Even the democratic and liberal people of the Western states will lose sympathy for the freedom movements, because they will come to believe that these have been captured by the communists. And gradually this conflict will become the ideological conflict which at present it is not.

At that point, because Africa does not look at things through cold war spectacles, the nature of the conflict may change again; it may become a confrontation between the poor, coloured world and the rich, white world. Only support for the freedom fighters from the Russian and East European communists would be breaking the colour pattern, and perhaps saving the world from this disaster. Indeed, it may be that the liberal humanitarians of Western Europe and North America may find themselves grateful to the white communists!

I am talking of what seems to me to be a terrifying series of events unless some effort is made to break the chain of logic in African and Western bloc relations. Of course, I have grossly simplified what would really happen; but we in Africa are not very sophisticated people, and indeed I do not believe the masses in any country are politically sophisticated. Therefore, I think that the pattern I have outlined is the way things might well look to us from our different sides. The people in the West would be seeing us as communists who wish them ill; we would be seeing them as supporters of racialism and of tyranny.

THE INEVITABLE CAN BE AVOIDED

These possibilities are real. If they develop, the effect on Africa could be terrible, and Africa's freedom struggle will bring great trouble to the world instead of releasing new energies for human growth—which is what we would like to think will happen. Yet knowing all that, we cannot draw back. For these are dangers and, however, inevitable they may appear in logic, they are possibilities only. Our oppression is real and present.

Yet I believe that the dangers I have outlined can still be avoided, or at least very greatly reduced, if the Western powers look at the Southern African question in its proper framework, and if they now take the necessary action to de-fuse the situation. I know that it is not easy for the Western states to put pressure on their allies; all developed states are reluctant to interfere in what they regard as the internal affairs of another developed state. I know too that international trade is of mutual benefit, and that—as far as the Western states are concerned—their partners' gain from this trade is incidental to their own. I know that the West has heavy investments in Southern Africa which they wish to protect. But I do not believe that these facts necessarily determine the issue, for I do not believe that the only thing which the West cares about is economics. I am neither a Marxist nor a Capitalist. I do not believe that every human value is, or need always be, sacrificed to economic interests. I believe that the basic philosophy of Western democracy has its own life and its own power, and that the people's concept of freedom can triumph over their materialism.

However, even if I did believe that economics was the only thing which mattered to the West, I would still ask myself whether short-term or long-term factors will determine the West's policies. For although South Africa may now be a bigger trading partner than all the rest of Africa put together—I do not know whether this is true for Canada—this will not always be the case. The population of South Africa is about 18 million; that of the rest of Africa is in the region of 250 million. However great the difference in wealth, these stark figures have their own logic—especially as the rest of us develop and become better markets because we are richer.

Further, the value of investments depends on their productivity. They are no use if the cost of protecting them is more than the return they give. And investments in areas of inevitable and foreseeable instability are surely of less value than investments where instability is a present but passing danger. For Southern Africa is still fighting for the right to begin change. Except to the extent that the kind of change develops out of the nature of the struggle, the real problems of African development in these areas will remain to be settled when freedom is won.

CONCLUSION

Mr. President, when you asked me to speak at this University, it may be that you were expecting me to speak about the internal affairs of Tanzania or about the relevance of our experiment in socialism for other countries—though you were too kind to express your wishes. But I have chosen to talk of change as an essential element in the stability which we need, and to emphasize this in relation to Southern Africa. I have done this for a very particular reason.

This is a Canadian University, and we in Tanzania have very great respect and admiration for the people of Canada. We believe that this country has both the opportunity and the willingness to try to build bridges in the world, and in particular to build a bridge across the chasm of colour. I therefore chose to discuss this question with you because I believe you will understand what I am trying to say, and will care about these matters.

I know, of course, that Canada has its own problems of cultural conflict, of peoples with different languages and different backgrounds living together. I know that within your own society you are now trying to work out new modes of co-operation, which allows a full expression of democracy without jeopardizing the special cultural interests of any minority. These are real problems for you; indeed your efforts in this matter are of world-wide interest. It would therefore not be surprising if such questions preoccupied the attention of the Canadian people. But the world is very small now. Canada's actions—or lack of them—in relation to Africa are also important to your future as well as to ours. For the questions are there; and the threat to peace is there. They will not go away because this large, wealthy and peace-loving state wishes to concentrate on its internal problems. You cannot escape giving an answer to the challenge of the freedom movements in Africa—even if it is only an answer by default.

Let me make it quite clear that I am not promising peace, stability, democracy, humanity or an absence of oppression in Africa, provided Canada (either alone or with its allies) recognizes the freedom struggle in Southern Africa for what it is, and adopts attitudes in comformity with its own principles. Africa has too many problems for that kind of optimism. When national freedom exists all over Africa, and when racial minorities cease to dominate any part of our continent, we will still have daunting difficulties to face and few resources with which to tackle them. We may still fail to make good use of our opportunities; we may be as slow to develop real individual freedom from both economic and political oppression as the worst states in the world. But we are determined to gain the chance to try to deal with these problems. And we can only give top priority to these questions of developing individual freedom and individual dignity when the whole of Africa is free.

The questions remain. Will Canada at least understand that freedom means as much to us in Africa as it does to any other people? And, if Canada cannot support our struggle, will it at least be able to refrain from giving comfort and help to those who would deny freedom and dignity to us? For the sake of Tanzania and Africa most of all, but also for the sake of future relations between men of different colours and different creeds, I hope that Canadians will be able to give attention to these problems. I hope that Universities like this one will help the people of this country to consider all the implications of their choice.

VIOLENCE ON TELEVISION

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. GUDE. Mr. Speaker, an editorial published Saturday, October 4, 1969, in the Washington Post contained some thought-provoking observations on violence on our television screens, and I would like to add a comment of my own by way of introduction. Because I share the widespread concern for the increase in crime, especially violent crime, I have sponsored legislation to reform the District's courts and its bail procedures and continue to urge speedy enactment of many of the administration's anticrime proposals. At the same time, we must be aware that swifter justice to criminal offenders will not cure the disposition to violent acts which too many people acquire at an early age. Violence does not always begin at home, but thanks to television, it can be learned there. A steady diet of television programs where sometimes even the good guys are hotheads and bullies sets nothing but bad examples for our children.

Certainly censorship creates more problems than it solves. It would not dull the public taste for violence or the eagerness of the networks to cater to it. I wish, therefore, to commend those networks which are taking voluntary steps to reduce the level of hostilities in this year's programing, especially in programs viewed by children. It is now up to all of us as citizens and parents to let the networks know in no uncertain terms that we support these efforts.

The editorial is as follows:

VIOLENCE ON THE SCREEN

Both the blessing and the curse of television are readily apparent to anyone with young children. The temptation to gain a bit of quiet and to get some work done without interruption by letting the kids park themselves in front of the tube, particularly on Saturday mornings, is almost overwhelming. Yet, for those of us who worry about what our children are learning, every moment of that freedom has been plagued with a sense of unease about the fare that has spilled out of the television sets.

As a result, the report of the National Commission on Violence about television programing and the reaction of the networks to it support both our fears and our hopes. The report says that the "constant portrayal of violence" on television panders "to a public preoccupation with violence that television itself has helped to create." In simpler words, the commission suggests that our society has become interested in and perhaps tolerant of violence because its members have seen so much of it in the non-news programing of the last two decades. It may be, although the data are not yet conclusive, that part of the surge in crime can be attributed to the diet of television shows in which violence is an accepted method of reaching desired ends. A child brought up on programs in which the good guys win by beating up, shooting, or otherwise mutilating the bad guys may well come to believe that this is acceptable conduct. And it is the kind of conduct that has filled far too many so-called children's programs as well as the adult programs of the early evening that attract many children.

The networks have responded to this report not, as they have done sometimes in the past, by denying the implications but by pointing to the changes made in programing in recent months. The amount of violence on television is down sharply this fall from what it was just two years ago and Saturday mornings, particularly, have been cleansed to a great extent of the shows that sent tremors up the back of every sensitive parent. It is much more comfortable for the parents, and probably much better for the future of the nation, to have that long morning full of friendly and humorous cartoon characters than of the titans who battled across the tube previously. At the same time, the first reports on the new fall "season" indicate that the amount of violence portrayed during the prime evening hours has also been reduced. All this is to the good and television deserves a thank-you for it. But there are still programs that ought to be cleaned up and perhaps the commission's comments will help accomplish this.

One recommendation of the commission deserves special notice. It is the backing the commission has given to efforts of the Corporation for Public Broadcasting to obtain adequate financing from Congress. Public television can be the leader in developing both better fare and the appetite for it among both adults and children; surely the National Education Network's "Miste Roger's Neighborhood" is a model program for children both in its content and, if our experiences are indicators, in its audience-pulling power. NET's new programs look promising, especially its ambitious mornings for children, and Congress ought to speed action on the corporation's request for interim and long-term financing so that it can expand this kind of experimental programing.

LIBERALS BECOME SILENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. RARICK. Mr. Speaker, last July, I introduced House Resolution 497 to create a select committee to conduct a full and complete study of the demography of the United States with the view toward providing relief from racial tensions by more equal distribution of underprivileged racial groups throughout the several States, and in the political subdivisions of each State.

On September 8, I called for cosponsors, especially from those who had earlier indicated their approval of such social weapons as forced busing to overcome racial imbalance.

If assignment of schoolchildren on racial percentages is to be a solution to the racial tension and forced busing is regarded as an acceptable expedient for eliminating imbalance, then those experts on solving the race problem in my State should, in the national interest, enthusiastically lead in any program to overcome national racial imbalance.

If it is morally right to forcibly transfer the children of my district from school to school—and distance should not be a factor in morality—then it must be just as moral to bus children, or for that matter, entire families from State to State to overcome racial imbalance nationwide. In fact, with this philosophy it would be immoral not to do so.

However, as anticipated, I have no offers to cosponsor or inquiries to support my bill from those socially aware and personally committed civil righters, who righteously profess indignation over racial imbalance in my district. They conveniently overlook their theme of a "fully integrated society" when it comes to their district or their State.

Examining the most recent census figures on racial imbalance in the United States, one can easily determine why support for my bill, House Resolution 497, is not forthcoming from those usually outspoken leaders in the field of civil rights.

I include an excerpt from the text of House Resolution 497 and the census figures as follows:

EXCERPT FROM HOUSE RESOLUTION 497

The committee is authorized and directed to conduct a full and complete study of the demography of the United States with the view toward providing relief from racial tensions by more equal distribution of underprivileged racial groups throughout the several States and in the political subdivisions of each State.

Negro population by States, 1960

Rank and State:		
1	New York	1,417,511
2	Texas	1,187,125
3	Georgia	1,122,596
4	North Carolina	1,116,021
5	Louisiana	1,039,207
6	Illinois	1,037,470
7	Alabama	980,271
8	Mississippi	915,743
9	California	883,861
10	Florida	880,186
11	Pennsylvania	852,750
12	South Carolina	829,291
13	Virginia	816,258
14	Ohio	786,097
15	Michigan	717,581
16	Tennessee	586,876
17	Maryland	518,410
18	New Jersey	514,875
19	District of Columbia	411,737
20	Missouri	390,853
21	Arkansas	388,787
22	Indiana	269,275
23	Kentucky	215,949
24	Oklahoma	153,084
25	Massachusetts	111,842
26	Connecticut	107,449
27	Kansas	91,445
28	West Virginia	89,378
29	Wisconsin	74,546
30	Delaware	60,688
31	Washington	48,738
32	Arizona	43,403
33	Colorado	39,992
34	Nebraska	29,262
35	Iowa	25,354
36	Minnesota	22,263
37	Rhode Island	18,332
38	Oregon	18,133
39	New Mexico	17,063
40	Nevada	13,484
41	Alaska	6,771
42	Hawaii	4,943
43	Utah	4,148
44	Maine	3,318
45	Wyoming	2,183
46	New Hampshire	1,903
47	Idaho	1,502
48	Montana	1,467
49	South Dakota	1,114
50	North Dakota	777
51	Vermont	519
	National total	18,871,831

Source: 1960 U.S. Census.

Percentage of Negro population by States, 1960

Rank and State:		
1	District of Columbia	53.9
2	Mississippi	42.0
3	South Carolina	34.8
4	Louisiana	31.9
5	Alabama	30.0
6	Georgia	28.5
7	North Carolina	24.5
8	Arkansas	21.8
9	Virginia	20.6
10	Florida	17.8
11	Maryland	16.7
12	Tennessee	16.5
13	Delaware	13.6
14	Texas	12.4
	National average	10.5
15	Illinois	10.3
16	Michigan	9.2
17	Missouri	9.0
18	New Jersey	8.5
19	New York	8.4
20	Ohio	8.1
21	Pennsylvania	7.5
22	Kentucky	7.1
23	Oklahoma	6.6
24	Indiana	5.8
25	California	5.6
26	West Virginia	4.8
27	Nevada	4.7
28	Connecticut	4.2
29	Kansas	4.2
30	Arizona	3.3
31	Alaska	3.0
32	Colorado	2.3
33	Massachusetts	2.2
34	Nebraska	2.1
35	Rhode Island	2.1
36	Wisconsin	1.9
37	New Mexico	1.8
38	Washington	1.7
39	Oregon	1.0
40	Iowa	0.9
41	Hawaii	0.8
42	Minnesota	0.7
43	Wyoming	0.7
44	Utah	0.5
45	Maine	0.3
46	New Hampshire	0.3
47	Idaho	0.2
48	Montana	0.2
49	South Dakota	0.2
50	North Dakota	0.1
51	Vermont	0.1

Source: 1960 U.S. Census.

A REPLY TO ATTACK ON NATIONAL STUDENT ASSOCIATION—NSA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. FRASER. Mr. Speaker, a few days ago I received through the mail some "stop NSA" literature being distributed by one of the Members of this House.

In an effort to make sure that all Members have at hand some of the answers to questions raised by the Member, I have asked the National Student Association to let me have some of their material which, with unanimous consent, appears in the RECORD below:

What is NSA's membership base?

NSA has, since its founding in 1947, been a confederation of student governments.

Membership in NSA is and always has been restricted to student governments at accredited two or four year institutions of higher learning. There is no individual or *ad hoc* group membership.

NSA membership—Is it declining?

A frequent charge of the Far Right has been that NSA membership has steadily declined since the CIA disclosures in March, 1967.

The truth is that NSA membership has steadily increased from roughly 280 in March 1967 to the present membership of 390.

Membership in NSA is affected through a campus democratic process, whether it be by action of the elected student legislature or by a referendum of the entire student body.

There is every indication that NSA membership will continue to increase, and there is no indication that it is decreasing.

What is NSA's tax status? What does it mean?

In August, 1968, NSA received official confirmation of a C–3 tax status which means that the Association is, by definition of the Internal Revenue Service, a tax free, non-legislative, non-profit organization. As such NSA cannot run legislative campaigns, nor endorse political candidates.

At the National Congress in August, 1968 (at Kansas State University), the assembled NSA delegates overwhelmingly adopted what was known as the "Dual Corporation Proposal." Following the model of the Urban Coalition, the NAACP, the AFL–CIO, and the Center for Community Change, NSA has been in the process of creating a legislative arm which would be able to involve itself in the political concerns of students. As in the case of the above mentioned organizations, the *C–4* corporation would be governed by the same parties as the C–3 corporation. The activities of the "legislative arm" are specifically restricted by mandates of the National Congress. To repeat, *when this proposal is accepted by the IRS,* NSA legislative activities will be limited to five (5) specific areas, selected by the delegates to the national meeting, through democratic processes. Even under the "dual corporation" NSA would still be unable to endorse candidates for office.

What are the political activities of NSA?

NSA does not engage in legislative or partisan political activity, at the present, due to its tax status. (Note: See question on "Tax Status.")

What are NSA resolutions?

While (as the previous two answers indicate) NSA cannot involve itself in legislative activity, this does not mean that NSA cannot act as a forum for expression on the central concerns of students.

NSA conceives of students as "participants," and the member student governments have repeatedly decided that they do not desire to remain silent on such questions. As a matter of relevancy, representatives from student governments have felt a need to take stands on issues that concern them.

NSA resolutions are approved at the National Congress through an internal democratic procedure, utilizing the committee and petitioning processes. There is ample provision, within the Congress Rules, for minority statements.

The resolutions carried at the Congress, while becoming the official policy of N.S.A., only represent those in the room voting "yes," and are not interpreted to represent either member student governments, student bodies, the institutions that delegates attend, or the American student community as a whole.

Whatever representative quality an NSA resolution has, is restricted to those voting delegates who supported that piece of legislation. NSA resolutions are a viewpoint of those delegates, and are interpreted as such.

However, only a small part of NSA's 12 to 15 day Congress is spent in consideration of NSA policy and resolutions. In the past, a good deal of the time was spent in plenary sessions, but this has been steadily decreasing, as illustrated by the following list of the number of resolutions considered (not approved) at the last four Congresses:

1965, University of Wisconsin	130
1966, University of Illinois	80
1967, University of Maryland	25
1968, Kansas State University	12

It should also be noted that many of the resolutions were for internal NSA student government programming, and only a few pertained to international and national policies.

The vast majority of time is spent in educational workshops, panels, small group discussions, symposia and so on.

At the conclusion of each Congress, NSA codifies and publishes the resolutions, which are then available to anyone upon request.

Is NSA representative? Does it claim to be?

It would be simply ludicrous for NSA to assert that it represented the American student community, or that it even represented the over 1.6 million students enrolled at NSA member schools.

NSA represents and services those students governments which decide to affiliate with NAS and to take advantage of the numerous programs of the Association.

At the XXI National Congress, in 1968, NSA made a survey of the "type" of delegate who attends NSA meetings. These are some of the results:

(A) 87% of those attending held some student government office.

(B) 72% declared themselves either Republican or Democrat, as far as party preference.

(C) 52% stated that their family income was between $8,000 to $15,000.

(D) 28% were members of Greek societies, and 30% came from campuses where none existed—only 9% stated they "strongly disapproved" of such societies.

(E) 81% stated that they attended religious services (35% once a week).

(F) 80% said they would not attend the 1968 Democratic convention in Chicago.

(G) 76% said that their student government's affiliation with NSA was becoming stronger or remaining strong.

(H) 97% said the reason for their school's affiliation with NSA was because of either the services, educational reform or student rights programs.

(I) 72% said they were liberal politically, 6% said they were radicals, and 22% claimed to be conservative.

(Copies of this poll are available on request.)

This poll certainly disproves any assertion that NSA is a leftist-radical organization operating on the outer political fringe of society.

Who is Behind the STOP–NSA movement?

Operating under such innocuous titles as the "Committee for Responsible Student Government," and "Committee for an Open Campus," it is still not too difficult to determine, from the continual repetition of the same charges, in the same style, and even in the same words, that the major source of the literature is STOP–NSA.

Stop-NSA is an adjunct of the Young Americans for Freedom, a far-right student organization with only a sprinkling of campus support. In Congress, a former President of the YAF, Buz Lukens (R–Ohio), is the spokesman and leader of the anti-NSA sentiment. Congressman Lukens has been sending a fund raising letter for STOP–NSA in which he encloses an anti-NSA article written by Edith Kermit Roosevelt, a granddaughter of President Theodore Roosevelt. Miss Roosevelt appears periodically in several far right publications. In 1964, she was a faculty member at the Christian Crusade Anti-Communist Leadership School, and her speaking engagements have been made by the American Opinion Speakers Bureau of the John Birch Society.

It is important to consider anti-NSA material in its *real* political context.

What are NSA's connections with radical student groups?

NSA has no formal or informal affiliation or working relationship with SDS or any other radical political group.

YAF, in its anti-NSA materials, finds a good resource in utilizing far left literature which usually is not too complementary to NSA . . . therefore it is somewhat surprising that YAF can assert that NSA and SDS are working "hand-in-hand."

NSA, it has been said, is a "militant anti-Greek" organization, pledged to the destruction of sororities and fraternities. True?

Hardly.

NSA policy, since 1958, has officially favored "cooperation and understanding" with Greek societies. This stance has only been qualified by the position of NSA on discrimination and against restrictive clauses within fraternal charters. This statement is:

"No incoming group shall be allowed on campus which contains in its constitution and/or by-laws, discriminatory clauses with regard to race, color, religion, creed, political belief, or national origin. In the case of existing organizations which do discriminate, the institution and the student body should make every reasonable effort to obtain the elimination of such discriminatory practices as rapidly as possible." (1965)

NSA, for some time, both in its own practices and its recommendations, has, without qualification, opposed racist practices. In this light, NSA is not opposed to fraternal organizations as long as they do not practice racial or religious discrimination. Where Greek societies are free of such practices, NSA would be willing to work with them like any other group.

It has been said that NSA officers must keep the Association going to preserve their "lavish salaries." Is this true?

Ludicrous, pure and simple.

NSA officers (one President and two Vice Presidents) receive $4,500 per year, and each has a travel budget of $1,500. NSA officers rarely serve beyond their one year term and usually return to school.

NSA staff receive between $4,500 and $6,500, dependent on how long they have been with NSA and what their responsibilities are.

NSA honoraria for speaking engagements are, almost without exception, returned to the Association.

What is the draft status of NSA staff and officers?

At present, the draft status given a member of the NSA staff is entirely dependent upon his individual relationship with his local board. Now, as in the past (and presumably in the future), NSA officers and staff members have received 1–A classifications. The important point is that NSA has no external influences working on its behalf to insure any type of deferment.

How is NSA financed?

There are basically three sources of NSA income:

(1) *Dues from Member Schools.* These account for but a tiny fraction of income. With an annual budget of $700,000, dues rarely run in excess of $20,000 per year.

(2) *Services.* NSA services, which provide income to student governments, have not exceeded $50,000 in the last three years. Currently, NSA is considering ways in which its services can be handled professionally, thereby greatly increasing income, for both NSA and student governments.

(3) *Grants.* The remainder of NSA's income comes from private foundations and government grants which are given the Association to carry out specific programs for students. Examples of past and present sources of grants are: U.S. Office of Education, Office of Economic Opportunity, National Institute of Mental Health, U.S. Department of Labor, Ford Foundation, Danforth Foundation, and Stern Family Fund.

The budget of NSA is adopted by the National Supervisory Board, and financial statements are made on a quarterly basis.

What is the structure of NSA? What kind of people are involved?

General and final authority for the direction and policy of the Association rests with the assembled delegates at the National Student congress.

At the Congress, each of the four (4) broad geographical areas (West, South, Midwest, and Northeast) elect members to the National Supervisory Board (NSB). The NSB, which is composed of ten (10) members who remain full-time students, meets no less than three (3) times a year to determine NSA policy within the limits of that set at the Conrgess. The NSB acts as a Board of Directors.

At the Congress, the delegates elect a President, an Executive Affairs Vice President, and a Campus Affairs Vice President to serve for a term of one year. The officers of NSA take a one year leave of absence from school to work full-time in the National Office. The officers, with the direction of the NSB and within the limits of Congress policy, direct, coordinate and supervise the activities of the Association and carry full responsibility for its actions. NSA officers and staff members are, for the most part, individuals who have held various positions in student government—many have been or are presently student body presidents.

The CIA: What are NSA's present international involvements?

After it was disclosed by *Ramparts* magazine in March, 1967, that NSA had received, over a period of years, large sums of money from the Central Intelligence Agency, the officers and staff of the Association began a very critical examination of international involvement.

Up until 1967, as appropriations and Congress resolutions suggests, NSA, as the American student organization, was "knee deep" in attending foreign conferences, in arranging international conferences here, in receiving representatives from foreign unions and so on. By the time the disclosures were made, NSA had severed all ties with the CIA, but was still continuing international programs, had an International Commission, and was a member of the International Student Conference (a pro-western, anti-communist federation).

In August, 1967, through a series of resolutions, the Congress formally admitted and then severed all ties with the CIA, withdrew from the ISC, and even changed the title of the international vice president, thus ending one of the most tragic chapters in the history of student organizations.

While there is an enormous amount of information available, on request, about the CIA–SNA relationship, the important present facts are as follows:

(1) NSA is not now, nor does it plan in the forseeable future, any participation in the international area.

(2) NSA is neither a member of the International Student Conference or the International Union of Students, and it does not plan on affiliating.

(3) NSA has *no* connections with the Central Intelligence Agency or any other secret government agencies.

What is NSA's general philosophy?

Student governments basically have affiliated with the Association for four reasons:

(1) Student Governments feel a responsibility to develop basic services for student welfare.

(2) Student Governments within NSA have shared a fundamental belief in the basic rights of students.

(3) Student Governments within NSA share the belief that students have an important role to play in the decision making processes at the university.

(4) Student Governments feel a responsibility to involve themselves in the central political questions of the day.

NSA is committed to finding ways and formulating programs to meet those student needs which the member student governments feel.

OUTDATED MATERIAL

A word of caution: YAF has no great flare for accuracy or for timeliness. The great majority of right wing material against NSA was prepared in the early 1960's, so as a matter of factual accuracy, most of its material is out of date, irrelevant, and inaccurate.

In Congressman Buz Luken's statement in the *Congressional Record* (March 3, 1969), he lists a large group of NSA disaffiliates, which he states were taken from the NSA Codification of "January, 1961." It is therefore not surprising (with the passage of eight years) that the list is over 30% inaccurate.

CELLER RECALLS PRESIDENTS AND DAYS OF CURBSTONE CAMPAIGNING

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. KASTENMEIER. Mr. Speaker, for more than a decade now I have considered it to be a particular honor to serve on the Judiciary Committee under the wise chairmanship and guidance of the gentleman from New York (Mr. CELLER). During his many years of distinguished service in this House, Mr. CELLER has gained not only the respect and admiration of his colleagues, but also the esteem of a vast majority of the American people.

The most recent of his many triumphs and accomplishments was the overwhelming passage of the electoral reform bill calling for direct popular election of the President. His preeminent role in gaining the passage of this vital and much needed piece of legislation has been widely acknowledged and applauded throughout the country. One example of the public recognition of the signal service Mr. CELLER has rendered over the years may be found in the following account which appeared recently in the Christian Science Monitor of October 4, 1969:

CELLER RECALLS PRESIDENTS—AND DAYS OF CURBSTONE CAMPAIGNING

(By Richard L. Strout)

WASHINGTON.—"Mr. Speaker, on that I demand the yeas and nays!" cried Rep. Emanuel Celler (D) of New York.

The House tensed. Motion froze.

"The question is on the passage of the joint resolution," intoned the Speaker impersonally.

Suddenly alarm bells rang stridently all over the House, and in the three immense House office buildings—even in coat closets.

The yeas and nays were ordered. And the Congressional Record quietly added: "The question was taken; and there were—yeas 339, nays 70, not voting 21."

So Mr. Celler, who has sponsored three amendments to the United States Constitution, had successfully launched a fourth—to abolish the archaic electoral college.

"President Nixon's endorsement of it was like a cool wind in the heat of summer." Mr. Celler told a reporter in his office the other day.

WAVERING SENATORS

"I hope it will have a decisive effect on wavering senators."

Mr. Celler paused. Then the man who was considered a firebrand 47 years ago when he entered the House, but whose truculent bulldog face has long since mellowed into philosophic wrinkles, added:

"I hope the President will not only endorse it but will actually roll up his sleeves and do some fighting for it. And, if necessary, do some tickling of toes, and twisting of arms."

In 1968 Mr. Nixon said he wanted the presidential candidate with the most popular votes to win. As President he said he still favored direct popular election but feared it could not pass, so he was supporting the "district" plan—giving a candidate one electoral vote for each district, and two for each state.

When Mr. Celler won an overwhelming majority for the direct-election plan, Mr. Nixon telephoned his congratulations. But Mr. Celler hopes for a lot more than that, he explained wistfully as he rocked in his big swivel chair, with the autographed pictures behind him of all the presidents he has known. "Let's see, that's eight, no nine: Harding, Coolidge, Hoover, Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and now Nixon."

TRUMAN FAVORED

Who was the one you enjoyed most? the visitor asked.

"Oh, Truman; he was simple and direct and straightforward. He was a man of the people. He will rank high in history, I think."

Who was the greatest?

A pause.

"Roosevelt was the greatest, I suppose. But he had his faults."

Mr. Celler has been chairman or ranking minority member of the powerful House Judiciary Committee since 1949. He was born in 1888 in a frame house on Sumner Avenue and Floyd Street in Brooklyn. Nobody else now in Congress has served so long.

He worked his way through Columbia, and Columbia Law School, and squeaked to election victory in 1922 in a hitherto Republican district by 3,111 votes. Now he normally wins his district by 3-to-1, or 5-to-1.

Those were the days! Mr. Celler's eyes light. It was curbstone campaigning, and you spoke from the tailgate of an open truck with a fife-and-drum corps playing and a burst of Roman candles and fireworks to gather the crowd which you then haranged.

Grandfatherly Mr. Celler salts his life with humor. There was this woman, he recalls, who listened to a rip-roaring speech in Brooklyn and gushingly asked him at the end if it wouldn't be printed. Mr. Celler wasn't so proud of the florid effusion but replied, deprecatingly:

"Yes, perhaps posthumously."

Quite pleased, the woman cooed that she "hoped this would be soon."

Mr. Celler can also be fierce, scornful, and curmudgeonly in debate, but he laces it more frequently now with humor. He stared once at a conservative questioner in the House and said, gently:

"We can give you the answer. But we cannot give you understanding."

And this same man who got House passage of the Civil Rights Act of 1957 (first comprehensive act in 82 years), 1960 school and voting rights, 1964 public accommodations; and three subsequent civil-rights acts also unbends in the living room and, before disbelieving eyes of grandchildren, can turn a napkin into a rabbit that jumps.

FLATBUSH RECALLED

As an old Brooklyn boy himself, the reporter reminisced with Mr. Celler about the tree-lined Flatbush of former days, with ice wagons, and horse-drawn streetcars.

The congressman's office looks out on a park, with an angel-wing begonia on the sill and some original Celler sketches inconspicuously hung on one wall, drawn during speeches instead of doodling—David Ben-

Gurion, Adlai, Truman, Rayburn, Khrushchev.

"Herbert Hoover!" exclaimed Mr. Celler at one point, with a glance over his shoulder at the photograph behind him. "He lacked the gift of phrasemaking." He looked at the picture of the shy, uncomfortable-looking, high-collared president:

"Or something. . . . I was there when he dug the first earth for the great new Commerce Department Building. He was all for commerce, you know. He got a big spadeful of earth, and it had some worms in it. The only remark he mumbled on this historic moment was: 'Earthworms are very good for agriculture.' "

The walls of the room in the suite next to his office are lined with fountain pens under glass: each one a ceremonial presidential pen used to sign some bill that Mr. Celler had helped to pass. There are enough there to start a stationery shop, each with formal date, occasion, and presidential name attached. (Sometimes a president will use 30 pens for one "signature.")

As for those constitutional amendments he piloted, Mr. Celler recites them quickly—the 23rd (District of Columbia suffrage); 24th (antipoll tax); 25th (presidential disability)....

Will there be a 26th? Mr. Celler sighs. He got the plan for direct majority vote brilliantly through the House with full Republican help.

What happens now in the Senate and the states, he says, will depend in part on presidential leadership.

PELLY SUPPORTS MOVE AGAINST DDT

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. PELLY. Mr. Speaker, the Washington State director of agricuture will hold a hearing in Seattle next week on a petition of the Washington Environmental Council seeking a ban against DDT. Specifically, the petition calls for the cancellation of the registration for any use of all pesticides containing DDT.

This petition clearly points out that concentrations of DDT are found in many living organisms including man; and that the toxic effects of these concentrations in man still are largely unknown.

I have prepared a brief statement for inclusion in next week's hearing, and I insert these remarks at this point in the RECORD:

BAN AGAINST DDT

(Statement of Hon. THOMAS M. PELLY, Representative, First District, Washington)

Mr. Chairman, I appreciate very much this opportunity to submit a statement expressing in my views toward the further use of DDT in the State of Washington.

It is my opinion that the insecticide DDT is posing a complex dilemma. It has caused an undetermined amount of damage to the world's fish and wildlife resources, as well as causing serious and subtle changes in the environment. It is apparent that DDT is toxic to man and may persist for years with consequences unknown. Evidence shows that in the headlong rush to rely on expedient chemicals, many mistakes have been made and many safer alternatives have been passed up. There have been unintended damaging side effects and evidence suggests that man may be serioulsy harming himself in the process.

Experiments indicate that DDT in very small concentrations can reduce growth and photosynthesis in certain marine plankton. Photosynthesis by marine plankton is estimated to account for more than half of the world's oxygen supply—some scientists theorize that we are already in an oxygen deficit situation. It has been said that marine organisms are extremely sensitive to persistent pesticides. As little as 0.6 parts per billion in the water will kill or immobilize a shrimp population in two days.

Oysters also have been harmfully affected. Nearly a million coho salmon were killed recently because of DDT, say Dr. Howard Johnson and Charles Pecor of Michigan State University who deduced that residues were accumulated in the egg yolk of adults and their fry were poisoned during final absorption of the yolk sac. In order to infect the salmon, the DDT had to travel hundreds of miles through air, water and soil and had to be consumed through the normal food chain of half a dozen organisms.

And, there has been a widespread loss of birds where elm trees are treated with DDT for Dutch elm disease. When leaves fall from a sprayed tree, they are eaten by worms. DDT does not harm the worms, but it accumulates in their tissues. When birds eat the worms they accumulate it in ever and finally lethal doses.

There have been innumerable cases in which frogs and snakes have been killed by pesticides and sometimes in massive numbers. Scientific studies also have linked pesticides with cancer, and there have been many deaths attributed to the misuse of pesticides in the home.

Mr. Chairman, the concern in America today over the misuse of pesticides is great indeed. Several States have restricted their use, and the State of Michigan's Department of Agriculture has issued two notices, one of them as late as June 30, 1969, cancelling the registration of DDT which makes the sale of the products illlegal in Michigan. In addition, legislation is pending in 17 State Legislatures regarding the use of DDT.

These examples of the harm that DDT can cause are just several of the many that I have come across in my studies of pesticides. I firmly believe that the use should be restricted, and I strongly support the petition filed by the Washington Environmental Council.

And, again, Mr. Chairman, I thank you for this opportunity to submit a statement expressing my strong and sincere feelings on this matter of the harmful effects of DDT on our environment.

THE REMEDY IS REAL GOLD, NOT "PAPER GOLD"

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. ULLMAN. Mr. Speaker, the International Monetary Fund meeting in Washington last week has endorsed a new experiment to meet the world's monetary problems. The IMF approved activation of a plan authorizing special drawing rights for its members on a new pool of paper currency. This "paper gold" would join real gold and dollars as an addition to the world's monetary reserves.

The aim of SDR's is commendable. World monetary reserve assets are shrinking. Dollars are not currently added to the pool. Until recently, at least, central bankers have refrained from buying new gold stocks under the so-called two-tiered gold price agreement.

But though the activation of SDR's represents an encouraging effort in international cooperation to expand the reserves, I have grave doubts that it offers more than a temporary palliative. Indeed, by giving false hope, it may prove to be a mistake and may further weaken the dollar.

The scale of the IMF's plan to create initially $9.5 billion in paper currency over the next 3 years is not grand enough to bring real relief to the world's liquidity problem. SDR's appear to offer only a cheap, temporary solution to individual IMF members with chronic balance-of-payments problems. Europeans have registered concern that the United States might pursue such a course.

The failure of nations to cope with their international payments problems is the key to the weakness of the world's monetary system. No amount of SDR's can set this right.

My chief concern with SDR's, however, lies with their possible effect on the dollar. Milton Friedman, the eminent Chicago economist and monetary expert, has most clearly described the danger. Friedman argues that the two-tier gold system has in effect made SDR's obsolete before the system comes into being. SDR's might have been useful as a reserve asset in the days when central banks were free-wheeling in the world gold market. But now, with the supply of official gold virtually frozen, the central banks are holding tightly to their own gold stocks. SDR's then, Friedman believes, will not stimulate the circulation of gold reserves, but may be viewed by the banks as an asset to replace dollars. As the central banks accumulate SDR's they could dump dollars on the market, Friedman concludes, and the United States could face yet a deeper monetary crisis.

I agree with Friedman that reliance on SDR's is potentially dangerous to U.S. monetary stability. This, of course, is tantamount to saying that world stability is also threatened. The experiment in SDR's raises the same risk as we face in the use of untested drugs—the side effects may well do irreparable damage to the patient.

It seems to me that at this time the free world has no alternative but to rely on real, not paper gold. The United States could end the world's liquidity problems virtually overnight by raising the price of gold. By doubling this price to $70 an ounce, the United States, for example, would almost double its own international monetary reserves, as would many of the other nations in the free world. This action could be coupled with other needed reforms.

The pressure on the United States to make all the major adjustments within the present international monetary framework would be turned off. The need to pursue riskier, more complicated solutions would be eliminated.

ST. LOUIS GLOBE-DEMOCRAT SERIES PROVES CRISIS NATURE OF NEED FOR LEGISLATION TO REGULATE INLAND WATERWAY SAFETY

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mrs. SULLIVAN. Mr. Speaker, yesterday, in connection with the bill, H.R. 13304, to provide for educational assistance for gifted and talented children, I traced the 12-year history of efforts to write into a law a program I first proposed in August 1957 to train teachers in the specialized skills of teaching all categories of exceptional children, including the gifted. The bill we passed yesterday completes that objective.

It is nearly 8 years since I first introduced legislation to require the licensing of key personnel and the inspection for safety of diesel-powered towboats and tugs in our inland waterways. We are finally on the verge of reaching agreement in the House Committee on Merchant Marine and Fisheries that some legislation in this field absolutely must be enacted in order to assure greater safety to those who work on the rivers and to the lives and properties of millions of Americans living or working alongside our major navigable rivers. It is tragic that we have taken so long to take even moderate legislative steps to solve this problem.

The first bill on the subject was introduced by me January 16, 1962, based on information developed by officials of Local 28, International Association of Masters, Mates, and Pilots, AFL–CIO, of St. Louis, and by national officers of that organization. They had come to me in my capacity as a Representative from St. Louis serving on the Merchant Marine Committee to ask my help in solving the already serious safety problems on the inland rivers. But at that time, the Coast Guard was not aware that the problem was important enough or urgent enough to require any Federal legislation. So I asked the union to draft a bill which I could introduce for the purpose of obtaining hearings on specific proposals. That bill was H.R. 9700, of the 87th Congress, and, in introducing it, I said:

> The bill which I am introducing by request as a means of bringing a long-standing problem before the Committee in a manner which will assure thorough hearings and consideration of the underlying issue, would extend to diesel-powered towboats the same requirements for inspection and certification now required in the case of steam-propelled towboats. Insofar as the inland waterways are concerned, I am informed that steam-powered towboats have virtually disappeared.
>
> I am not personally conversant with the technical details of inspection and certification proceedings, but as one who was born and reared in one of America's great inland ports located on our greatest river, I am certainly aware of the importance of taking whatever steps are necessary to assure the safe use of our rivers by the mammoth trains of barges which carry tremendous amounts of industrial cargo.
>
> In previous discussions of this problem with the Coast Guard, I was informed that accident statistics have not disclosed so far any emergency situation as regards the operation of uninspected and uncertified towboats on the rivers. Nevertheless, as long as the danger of serious accidents exists, I believe we should take appropriate steps to extend the Coast Guard's inspection requirements, if that course of action is feasible and practicable. The purpose of my bill is to provide the vehicle by which the whole problem can be brought up for hearings in committee, with the expectation that if the supporters of this bill can establish the soundness of their position, we can then correct any deficiencies in the present law.
>
> Other provisions of the legislation would require licensing of pilothouse employees on diesel-driven towboats just as they are now required to be licensed in steam-driven vessels of the same type.

COAST GUARD ASKS TIME TO CONDUCT OWN INQUIRY

After that bill was introduced in the first few weeks of 1962, the Coast Guard asked the Committee on Merchant Marine and Fisheries not to schedule it for hearings until the agency itself could make a full inquiry into the need, if any, for the legislation. Such an inquiry was made, and the results compiled and disclosed nearly 2 full years later, in November 1963, when the Treasury Department, in a formal report to the House, stated not only that legislation was urgently needed, but that the bill I had introduced 2 years earlier did not go far enough in many particulars.

I thereupon introduced H.R. 9130 of the 88th Congress, on November 14, 1963—an administration bill which the then Secretary of the Treasury Douglas Dillon, said was needed to cope with "the ever increasing traffic in dangerous liquid cargoes and the fact that collision is a major source of marine casualties." In view of these facts, he added:

> An obvious potential hazard is involved in permitting such cargoes to be towed by vessels which at present are neither subject to the requirements for safety inspection nor subject to the licensing and certificating of their personnel.

That was in 1963, Mr. Speaker. The situation since then has become alarmingly more serious. But legislation has not yet been enacted. The Committee on Merchant Marine and Fisheries held hearings on my bill in 1965, with the Johnson administration strongly supporting it. But virtually every barge line and tug operating firm opposed it—not every one but virtually all of them. And the legislation died in committee.

H.R. 13987 PROVIDES PARTIAL SOLUTION

I have reintroduced this legislation, as H.R. 156, in every Congress since then. But while this bill, requiring inspection for safety of most of the cargo vessels working the rivers, as well as certification of key personnel, remains bitterly opposed by most of the operators, the glaring need for some solution to our dangerous conditions on the inland rivers has led to the introduction by Chairman Edward A. Garmatz of the full committee, with cosponsorship by 21 other Members, including myself, of a new bill, H.R. 13987, requiring that a licensed pilot be on board every tugboat of more than 15 gross tons or more than 26 feet long, and that a licensed engineer be aboard all tugboats of 750 horsepower or more. This legislation would affect only about 1,800 of the 6,000 tugs now in operation. It is, as I said, only a partial solution—but is the first forward step since the 1965 hearings in coming to grips with the problem.

Hearings on this legislation are scheduled for tomorrow and Thursday in the Subcommittee on Coast Guard, Coast and Geodetic Survey, and Navigation. I am sure there will be strong opposition from many of the tug operators to even the modest requirements of this so-called compromise bill.

ALLAN HALE ARTICLES EXPLAIN WHY STRONG LEGISLATION IS NEEDED

The urgent need for strong legislation, Mr. Speaker, has been documented in an outstanding series of newspaper articles in the St. Louis Globe-Democrat by Allan Hale, a staff writer who has devoted months, and great effort, to this assignment. His series is a remarkable example of journalistic achievement in digging into a complex subject and bringing the facts to public view. Along with these articles, in chronological sequence, are companion articles or editorials dealing with the information developed by Mr. Hale, or based on developments here in Washington in connection with proposed legislation.

The newspaper articles referred to are as follows:

[From the St. Louis Globe-Democrat,
May 24–25, 1969]

A River Tragedy Points Up a Need

(By Allan Hale)

"It's not me I'm afraid of, or the river. It's the fact that the man I meet coming down may not know what he's doing."

Dave Carlton is a licensed Mississippi River pilot. The Marine Officers Association, of which he is a member, said that perhaps half of the pilots on the river are licensed.

"The public would really be surprised if they were informed," said another pilot. "There are no requirements at all. Anybody can be a pilot, no matter what kind of cargo he's got . . . you can take a taxi-cab driver, put him on the boat and tell him to be a pilot, and you're not breaking any law."

The men who move the big cargoes on the river, the long strings of barges with 20 to 40 thousand tons of cargo get a certain grim amusement out of the fact that the people of the river cities like St. Louis don't know what's floating past their front windows—or what might happen if something went wrong.

On May 12 a barge explosion which killed four persons at La Grange, Mo., underlined the reason for an increase of interest among the river cities in what's going on in front of them.

George Reeves, pilot of the barge that exploded at La Grange, is licensed as a "tankerman" but not as a pilot, an attorney for his employer said.

Reeves testified before a Marine Board of Investigation that the barge that exploded on May 12 was involved in an accident on May 9, when it hit a bridge pier after getting caught by a current.

The city of New Orleans got a demonstration in April when a towboat pushing three barges was involved in collison with a Chinese nationalist freighter one midnight, directly under the Greater New Orleans Mississippi River Bridge. The lead barge, loaded with 9,000 barrels of crude oil caught fire.

Flames soaring 100 feet into the air seared an 80-foot area of the bridge, buckled the steel rails of the sidewalk guards and damaged the understructure. Twenty-five Chinese crewmen aboard the freighter died.

It could happen any day, in any river city, say the towboat men.

"Now if this boat had also—I might mention that there were thousands of people gathered to watch this burning ship and barges—if this boat had also had a barge of chlorine in the tow, which you do sometimes have and it had exploded in downtown New Orleans, maybe 1,300 tons of it, it would have wiped out no telling how many," says Carlton. "This could happen at Alton, anyplace."

Carlton works out of St. Louis, lives at Cape Girardeau and mostly handles the two biggest towboats of the river, the 1,000-ton twins "America" and "United States," owned by Federal Barge Lines here.

It was a deputation of St. Louis towboat men which in 1962 went to U.S. Congresswoman Leonor K. Sullivan, 3rd District. They were deeply concerned, she said. They said they were working under great hazards and with no safety regulations," she said.

The river men convinced her that there was a case for regulations requiring the licensing of pilots and the inspection of boats. The result was a two-month session of hearings before a subcommittee of the Congressional Committee of Merchant Marine and Fisheries.

There had been similar hearings on the same subject before. In 1935, when nothing was done. In 1951, when nothing was done. In 1965 the same thing happened.

The record of the hearings fills a book three-quarters of an inch thick. The book is so far the sole concrete result.

The regulations were blocked solid, Mrs. Sullivan explained, by the opposition of the majority of towboat operators. The men who work the boats came forward and spoke for a regulation. The towboat operators, with the exception of some of the largest and most reputable firms were against it.

The La Grange explosion, and the April disaster at New Orleans, coupled with an earlier one near New Orleans last year when 21 died in a towboat-freighter collision have convinced Mrs. Sullivan that the time has come to try again.

She has now asked the chairman of her committee to request those in favor of regulation and those again to sit down and reason out together what provisions of the bill they can and cannot live with. This will be no ordinary house hearing, she points out. "This is not the normal way legislation is written, but I think it's an effective way when it's stymied," she says.

[From the St. Louis Globe-Democrat, May 24–25, 1969]

BARGE INQUIRY ENDS: BLAST UNEXPLAINED

The Coast Guard board investigating the barge explosions at LaGrange, Mo., ended its inquiry Friday without determining what caused the blast that killed four and left two others missing earlier this month.

Capt. Robert Barber, head of the board of inquiry, said nothing was brought out that would point to the need for disciplinary action despite the occurrence of certain actions which "apparently were not in the best judgment."

He said the case would be forwarded to the Coast Guard commandant in Washington, D.C. for review and a final decision, which may take two or three months.

His announcement ended a two-day investigation of a series of explosions and fires on May 12 that gutted a towboat and two barges unloading gasoline at an oil refinery owned by the Triangle Refineries, Inc. Two members of the crew of the towboat Martin and two Triangle dock employees lost their lives in the holocaust.

Towboat pilot George T. Reeves testified Friday that the stove in his galley was turned on while the towboat was moored near the unloading gas barges and he did not feel this was safe.

In other testimony, a Martin crew member said he detected an odor of gas about 45 minutes before the explosion. He said he mentioned this to towboat Capt. W. R. Opitz, who told him it would be all right. Opitz died of injuries from the explosion.

[From the St. Louis Globe-Democrat, May 26, 1969]

INEPT RIVER PILOTS—INVITATION TO DISASTER

(By Allan Hale)

On a fine day, it's a pretty sight to watch the towboats, painted in crude, bright colors, pushing their strings of barges up and down the river.

From the St. Louis levee, from the tall office buildings of downtown you can look and turn away with a renewed sense of America's industrial capacity, as demonstrated by those great, heavy-laden barges.

From the river overlooks dotted along the shore, from the gardens of homes that edge the water, the children wave at the pretty boat. Sometimes the man in the pilothouse waves back.

He knows something they don't.

That a wrong touch on the steering levers, a sudden current or a wrong decision . . . and he could send a wave of burning gasoline and crude oil boiling into the city like a huge napalm bomb. Or flood the streets with chlorine gas.

He knows something else, also.

That no regulations exist to require him or any other pilot he may meet on the river to pass an examination of competency.

There is an examination, set by the Coast Guard, and many men take it. Large barge lines like to use certificated men. Before taking the examination a man must produce letters of recommendation from employers he has worked for, usually as a mate.

For years now, and more particularly for the last five years, the licensed pilots and some of the larger companies have been trying to get legislation through Congress requiring examinations for towboat officers and inspection of boats.

Tows of barges on the Mississippi are growing larger all the time.

Such pilots work a 12 hour day, divided into two watches, six on, six off. They earn around $15,000 a year and are entitled to a rest day for every day they work, which means a man may, if he wishes, work six months, rest six months.

Capt. Bill Jackson is a licensed pilot and a member of the executive board of the Marine Officers Association.

He explains: "Originally boats were placed under the marine inspection law by the steamboat inspection service of the Commerce Department. Now, slowly and methodically, steam has been replaced by diesel."

Few steamboats are left on the river today. The only commercial steamboat which now visits St. Louis is the excursion sternwheeler "Delta Queen."

When steam changed to diesel Capt. Jackson says, the regulations died with steam. Diesel boats are not required to have licensed officers or be subject to inspection while under construction or in use.

"The lobby of the diesel engine manufacturers, the industry, as represented by the American Waterway Operators—a powerful lobby in itself, which far supersedes anything we have to offer in the way of a lobbying group—have become so powerful that we can't even really be heard, so far as the need for inspection laws is concerned," Jackson says.

One of the arguments of the towboat operators against the regulation and licensing of officers is that the examinations set by the Coast Guard—the regulatory agency which administers the examinations—are unrealistic, involving river men in subjects like celestial navigation, which they will never need.

"There is a small degree of truth in this," Jackson admits.

"The Coast Guard are mainly salt water people and there is a certain degree of salt water interrogation in the examination for a pilot. It's not a thing that couldn't be overcome with compromise in a committee."

Compromise in a committee is the thing now being sought by U.S. Congresswoman Leonor K. Sullivan (Dem.), St. Louis, who, after being approached by a deputation of river men in 1962, introduced a bill which would have required the regulation of key personnel aboard towboats and inspection of the boats.

Hearings were held on it in 1965 and nothing happened. Small operators came forward and said it would ruin them, Mrs. Sullivan says.

One argument put forward by the operators is that they have pilots who are perfectly competent, but have no talent for taking formal examinations.

Asking about this at a recent meeting of the Marine Officers executive board, Jackson waved his hand around the table.

"Each and every man in this room has passed a Coast Guard license examination," he said. "We've all made it. There's quite a few people for whom it takes a little longer, but they have made it. It's simply a matter of studying and knowing you job."

Mrs. Sullivan, whose bill has made no progress, is now asking that both sides sit down round a table and discuss what sort of regulation they could or could not live with.

Meanwhile, night and day, the cargoes pass up and down the river. In many wheelhouses there hangs a thin, printed pamphlet, listing the dangerous cargoes which a pilot, experienced or inexperienced, licensed nor not, may suddenly find included in his tow.

Where a page is marked with a skull and cross bones—and many are—it means that the cargo is deadly.

Nor does the pilot get any choice about what goes into the makeup of his tow. He is told by radio-telephone to pick up, at some designated point, barge XYZ–12.

The river men pay their toll in life. In two major accidents since March last year a total of 46 men have died. At La Grange, Mo., May 12 four died and two are missing in a tanker barge explosion.

Dave Carlton, another board member of the Marine Officers Association was talking to another pilot about it the other day. "What would people think if you allowed trucking companies to operate with men without a driver's license or any training whatsoever? Just put a man on a big diesel rig and send him out on the highway where you're driving up and down with your family?"

"Yeah," said the other pilot. "But you know? One day, one Saturday afternoon when the St. Louis downtown is crowded with shoppers, there's going to be a chlorine barge hit a pier of one of the bridges and rupture."

Carlton takes it up "If he hit the Eads Bridge on Saturday afternoon . . . pouf! Thirteen hundred tons of chlorine and here it all comes in a big green cloud. Remember the barge that sank at Natchez? They said if it ruptured and released that 1,100 tons of chlorine it would, with proper atmospheric conditions, have killed everything within 40 miles."

[From the St. Louis Globe-Democrat, May 29, 1969]

COAST GUARD TO BEGIN RIVER BARGE INSPECTION

(By Allan Hale)

Starting at midnight Sunday, Coast Guard teams will begin boarding every tow of barges that moves on the Mississippi and

Ohio rivers asking for a list of all barges containing dangerous cargo.

The action is unprecedented and follows closely upon two river disasters within two months this year in which 31 are believed to have died. In each case a fuel-laden barge was involved.

The inquiry has been ordered by Rear Adm. Russell R. Waesche, commanding the 2nd Coast Guard District, which has its headquarters in St. Louis.

However, the survey had been under consideration for six months, explained Capt. R. F. Barber, Coast Guard chief of operations, here Wednesday.

The survey will be carried on 24 hours a day throughout the month of June, with teams stationed at two points on the Mississippi and one on the Ohio.

One team will be at Lock 26, Alton, one at Memphis, Tenn., and the other at Gallipolis Lock, near Huntington, W. Va.

Towboat masters are required by law to be aware of any dangerous cargoes included in their tow, Capt. Barber said. The purpose of the survey is to take a sampling of exactly how much dangerous cargo is passing up and down the rivers.

"For years now, authoritative people have said it's growing, but nobody has any figures," Barber said. "No government agency has ever made an attempt to make a comprehensive picture of this.

"Some of the cargoes moving, such as liquid chlorine and anhydrous ammonia, which will combine readily with water are potentially extremely dangerous if the contents are released accidentally.

"Until now there has been no serious release of such dangerous cargoes on the western rivers. Unfortunately, the potential for disaster continues to grow. The Coast Guard feels it is absolutely necessary to determine what hazardous cargoes are being transported on the river."

[From the St. Louis Globe-Democrat, May 29, 1969]

Disaster on the Way To Happen

The federal government has strict laws protecting migratory game birds and other waterfowl that use the nation's rivers. Why, then, is not the same concern shown for people?

Globe-Democrat staff writer Allan Hale, in two articles on river pilots, has revealed gross dereliction which exists toward regulation of this exacting occupation.

The shocking truth is that there are no requirements at all, with the result that only about half of the pilots on the river are licensed.

Dave Carlton, licensed Mississippi river pilot and a board member of the Marine Officers Association, aptly compares the situation to allowing trucking companies to operate with men who have no driver's license or any training whatsoever.

It would be like putting a man with absolutely no experience on a big diesel rig and sending him out on a crowded highway.

As another licensed pilot puts it, "Anybody can be a pilot, no matter what kind of cargo he's got . . . you can take a taxicab driver, put him on a boat and tell him to be a pilot, and you're not breaking any law."

It's a potentially deadly situation—literally.

The slightest mistake by an inexperienced towboat pilot could cause barges to crash into a bridge, sending a wave of burning gasoline or crude oil into a city like a huge napalm bomb, or a lethal blanket of chlorine gas over a wide area.

Carlton and other licensed pilots say a disaster could happen on any day at any river city.

In the face of this grim possibility, the need for rigid regulations for river pilots is obvious.

Such legislation has been proposed by United States Rep. Leonor K. Sullivan of St. Louis, who in 1962 introduced a bill to require the regulation of key personnel aboard towboats and inspection of the boats.

Nearly seven years have passed and still Congress has taken no action on Mrs. Sullivan's bill.

How many more disasters such as the recent explosion at New Orleans—when three barges and a Nationalist China freighter collided, killing 25 Chinese crewmen—will occur before the nation's lawmakers decide it's time to give people the same protection as fowl?

[From the St. Louis Globe-Democrat, May 29, 1969]

Cites Need for Federal Regulation of River Pilots

To the Editor:

The two articles on river pilots by Allan Hale were excellent. Having had to swim ashore from a sinking boat myself, when one of the most respected pilots in the profession was involved in an accident. I know that even the best trained men can have accidents due to the frequent changes in conditions found on the river.

Therefore, when you try to make a pilot of a man who can barely read or write, as was recently brought out in the investigation of an accident in which lives were lost below New Orleans, you are making matters worse.

If a man cannot read or write, how can he keep up with the various new navigation bulletins which are constantly published?

Because the Coast Guard inherited the exams from the old Bureau of Marine Inspection the exams for mates and masters may need updating, but the exam for pilots still requires them to draw a chart of the river showing the course of the channel, the bars, dikes, bridges, ferry crossings, etc. This along with his past experience is considered before granting a license.

The Waterway Journal recently carried an article urging the use of the Waterways to carry surplus poison gas when it is disposed of. Knowing the government's propensity for giving work to the lowest bidder, and since fly-by-night operators with untrained personnel would be able to underbid competent operators, I do not think that is anything to look forward to.

I certainly hope Congress will pass Rep. Leonor K. Sullivan's bill requiring the regulation of key personnel aboard towboats, as it is the only answer to the problem.

Walter Hass,

St. Louis, Mo.

[From the St. Louis Globe-Democrat, June 3, 1969]

Check of Tow Cargoes Is Begun by Coast Guard

(By Allan Hale)

Coast Guard Lt. Gary Steiger, who rose early to spend a day by the river Monday, began by catching two big steel barges, one of which carried a corrosive and the other a potential explosive.

It isn't illegal to transport either on the river, but it is illegal for a towboat master not to know what's in his tow, listed in manifest or log.

Steiger, making his first boarding of the day from his station at Lock and Dam 26, Alton, Ill., wrote up a violation citation and described the incident as "fairly common."

"No manifest and nothing listed in the log," he said. "This is something you find. It's fairly common. Neither the captain nor anybody else knows what he has."

Wandering among the mixed tow Steiger found one barge marked "Caustic Soda." The other he had to list as some "petroleum product" because nobody knew what was in it.

Listing potentially dangerous cargoes passing through the lock is his main duty for the next month, as the Coast Guard carries out the first attempt at a comprehensive survey of what proportion of the barges moving past river-side cities like St. Louis represent explosion, fire, gas or poisoning hazards to the people living there.

Steiger's team is one of three, all of which began work early Sunday and will work round the clock through June. Others are at Memphis, Tenn., and near Huntington, W. Va.

In uniform, hard hat and lifejacket, Steiger, 26, from Napa, Calif., moved up and down vertical ladders and across steel decks in a biting, gale-force wind. He was checking every loaded tow passing through the lock and trying to check every empty barge used for carrying a dangerous substance.

A Coast Guard book he carried lists 112 of these, most of them with names nobody but a chemist ever heard of, but which carry notations like "Highly toxic" or "Corrosive to living tissue" or "If released inform state water pollution or state health authorities."

By the time the information gathered by its observing teams is digested, the Coast Guard believes it will have an accurate sampling of what proportion of river cargoes on the Mississippi and Ohio is dangerous.

The commander of the 2nd Coast Guard District, here, Rear Admiral Russell R. Waesche, ordered the survey because although it has been said this proportion is continually growing, no adequate survey ever has been made.

Although the survey has been in preparation for six months, its beginning follows two disasters, one at New Orleans, the other at La Grange, Mo., in which 31 lives were lost. In each case a fuel barge was involved.

Monday checking a pair of tanker barges loaded with a total of 5,000 barrels of gasoline, Steiger found everything in perfect order, almost.

Each barge's certificate of inspection, mandatory for tanker barges, was in place in its little tube and up to date. Pump valves, banged with Steiger's fist, rattled, indicating they are free and working. Fire screens were intact. Usually the tanker men are careful.

Then, jumping across to the bow of the second barge, he found a portable gasoline pump lying on deck. "Highly spark producing," he murmured, and glanced toward the towboat wheelhouse.

To the captain, minutes later, he said, courteously, but firmly . . . "Must be removed as soon as possible. There are 15 or 20 theories about what happened at La Grange, of which that is one."

[From the St. Louis Globe-Democrat, June 5, 1969]

Towboat Owners Support Licensing of River Pilots

The American Waterways Operators, an organization of towboat and barge owners, believes that tow boat pilots should be licensed. But it opposes the inspection and certification of tow boats, laying down of crewing standards and the licensing of crewmen other than pilots.

In a statement of The Globe-Democrat, the association's president, Braxton B. Carr, said:

"The reason for this opposition is quite simple. Based on the record of the cause of accidents, the proposed returns in safety of operations from implementation of the bill requiring inspection and certification, full crew licensing and manning scales would not be commensurate to any appreciable degree with the financial cost which would be imposed upon the industry, upon shippers using this mode of transportation, and finally upon the government itself for enforcement purposes."

The association says that in 1968, according to U.S. Coast Guard figures, 33.3 per cent of all accidents investigated—or one-third of the total—were ascribed to "Fault on the part of unlicensed personnel."

The next highest percentage in the table of cause of accidents is 19.6—"Fault on the part of other vessel or other person."

"Fault on the part of licensed personnel" was ascribed in 12.2 per cent of accidents.

The next highest cause of accidents, in 8.6 per cent of cases, was failure of equipment.

Weather and currents accounted for 7.9 per cent of accidents and various other causes, including "calculated risk" for the remainder.

In 765 accidents, the association says, 10 lives were lost—6 in collisions, 1 in a foundering, 1 in a capsizing, and 2 in explosions and fires.

"Responsible men will, I believe, agree that this is not the record of a careless and irresponsible industry or of careless, callous, untrained, irresponsible men," Carr said.

"This is a part of the record of U.S. transportation which is characterized by the mobility of men, machines and goods. No one condones accidents. No one excuses them. No one plans operations without providing the best assurance against accidents that can be provided within the capabilities of humans and machines and within the limits of our competitive free enterprise system."

He went on to say that the association believes the safety record can be improved and ~~its~~ members desire to do so.

Carr says that since 1965 the association has "actively sought" the enactment of congressional legislation to license men in charge of navigating towboats, and supports the bill introduced by Rep. Edward A. Garmatz (Dem.), Maryland, who is chairman of the House Merchant Marine and Fisheries Committee.

He says that industry representatives working in co-operation with the Coast Guard already have drafted regulations for the licensing of men in charge of navigation, ready for the enactment of legislation.

He added:

"The industry's desires and efforts to have Mr. Garmatz's proposal enacted into law has been frustrated primarily because of another piece of legislation dealing in part with the same subject.

"That legislation is incorporated in a bill introduced by St. Louis Representative Leonor K. Sullivan (Dem.) which would give the Coast Guard authority to inspect and certificate all towing vessels of 15 gross tons or 26 feet or over in length during construction and periodically afterwards, set the number of men required to operate such individual vessels and license and certificate the crews of towing vessels."

Failure to resolve the points of view of advocates of both concepts has prevented the enactment of the Garmatz legislation, he says.

Commenting on Carr's statement Mrs. Sullivan said this week:

"I have refused to compromise on a bill that would simply license the pilot . . . I say in all seriousness that merely licensing the pilot is not an answer to the problem."

She said that although not "wedded" to any of the language in the bill, she would not compromise until there had been a "confrontation" with some of the main barge line operators, the Coast Guard and the men who crew the boats, before the members of the house committee. To pass the Garmatz bill for the licensing of pilots alone would mean that there would be no more chance of passing further legislation, she asserted.

[From the St. Louis Globe-Democrat, June 5, 1969]

HOUSE PANEL TO MEET ON TOWBOAT REGULATIONS

(By Allan Hale)

An unscheduled meeting of a group of members of the U.S. House of Representatives committee concerned with towboat regulation has been called for Thursday in Washington.

Representatives of the U.S. Coast Guard also have been asked to attend.

The action follows closely upon two river disasters this year in which a total of 31 lives were lost, and a series of newspaper articles on a lack of regulations to govern towboat officers and towboats.

The meeting has been called by Rep. Edward A. Garmatz (Dem.), Maryland, who is chairman of the Committee on Merchant Marine and Fisheries. A subcommittee held a series of unproductive hearings on the subject in 1965.

Garmatz denied Wednesday that the calling of the meeting had been provoked by newspaper publicity, saying "I haven't had any pressure, but common sense will show you that something should be done."

The question was last discussed at a meeting between interests involved about a year ago, he said.

Representatives of the towboat owners and the men who crew the boats have not been invited to Thursday's meeting, Garmatz said, which will consist of "just three or four committee members and the Coast Guard."

Rep. Leonor K. Sullivan (Dem.), St. Louis, who has since 1962 been a consistent advocate of the licensing of towboat key personnel and the laying down of standards for inspection and manning, will not be able to attend Thursday's meeting, although she was invited.

Her office in Washington said Wednesday that she is fully occupied this week with the business of a committee investigating the lending of money to people in ghetto areas.

She is chairman of this committee.

Mrs. Sullivan has recently urged the reassembly of the groups concerned—boat owners, boat workers and Coast Guard—around a table, to discuss what provisions of a towboat regulation bill the parties "could or could not live with."

At present towboat pilots are not required to be licensed.

Among the points at issue are the necessity for the inspection of boats, both under construction and in operation, and the laying down of crewing standards.

The most recent meeting between the parties a year ago, Garmatz said Wednesday, failed to produce any agreement.

Asked what he expected to come of Thursday's meeting, he replied: "I don't know. We will stay right on it."

[From the St. Louis Globe-Democrat, June 6, 1969]

TOWBOAT SAFETY LOGJAM BROKEN BY HOUSE PANEL

(By Allan Hale)

A Congressional logjam on towboat safety which has existed for four years, broke up Thursday in the course of a two-and-a-half hour committee session in Washington, D.C.

An agreement described by Rep. Leonor K. Sullivan, (Dem.), St. Louis, as a "major breakthrough," authorized the U.S. Coast Guard to draft three new bills governing safety on the rivers.

All three are expected to be in the hands of the staff of the Committee on Merchant Marine and Fisheries by Monday morning, Mrs. Sullivan said Thursday.

The action, resulted from a suddenly-called meeting of the committee, following two river disasters this year and a series of Globe-Democrat articles pointing out the lack of regulations governing the licensing of towboat pilots and the inspection of towboats.

Mrs. Sullivan has since 1962 consistently attempted to have the licensing of key towboat officers, the inspection of boats and other aspects of towboat safety made subject to regulation.

Until Thursday's meeting, called by committee chairman Rep. Edward Garmatz, (Dem.), Maryland, there had been no progress since the calling of a series of hearings before a subcommittee in 1965.

At those hearings, and subsequently at several informal meetings between the interests involved, it was found impossible to reconcile the supporters of a bill introduced by Mrs. Sullivan and another by Garmatz.

The Garmatz bill concentrated on the licensing of pilots. Mrs. Sullivan's bill also required the licensing of other key towboat personnel and the inspection of boats.

The agreement reached at Thursday's meeting, Mrs. Sullivan said, will have the effect of withdrawing both bills.

Instead the Coast Guard will submit three bills to be considered by the committee as a package. The first will be a bill requiring the licensing of pilots and possibly some engineers. The other two will deal with the mandatory installation of ship-to-shore radio and the enforcement of "rules of the road," the compliance with river signs and regulations which is at present "haphazardly" observed, Mrs. Sullivan said.

The question of inspection, which throughout has been most bitterly opposed by towboat and barge owners, is shelved for the present, except, Mrs. Sullivan said, that the Coast Guard does not want to drop it altogether.

The principal reason the Coast Guard is ready to at least delay the introduction of inspection, she said, is that it would add a large item to their budget.

Thursday's meeting was attended by Garmatz, Mrs. Sullivan, Rep. William S. Maillaird, of California, who is the senior Republican member of the House committee, and five Coast Guard officers, headed by the Commandant of the Coast Guard, Adm. Willard J. Smith, Towboat owners and crew representatives were not invited.

Afterwards Mrs. Sullivan said "I think that the log jam has been broken and action will be seen now."

[From the St. Louis Globe-Democrat, June 13, 1969]

VETERAN SAILOR BLAMES LACK OF LICENSE LAW FOR DEADLY ENGINE ROOM RIVER GAME

(By Allan Hale)

> "But what about ould Sandy,
> In the engine-room doon below?"
> —Traditional Scottish Seaman's Song.

Clarence McLaughlin is a ship's engineer, licensed to operate anything that floats. A deep sea man, he spent about half his working life in freighters, the rest on the inland waterways. He will tell you that he has been engineer aboard the biggest towboats on the Mississippi.

He is semi-retired now, but spends much of his time behind an office desk in the Cotton Belt Building, from where he runs the St. Louis office District 2 of the Marine Engineers Beneficial Association. This is a union, whose members are all marine engineers. For District Two, set in the heart of the St. Louis downtown, this means towboat engineers.

Attention lately has been concentrated on the lack of regulation and certification of towboat officers, more particularly the pilots. What about the man in the engine room, or the lack of a man in the engine room?

"First of all it's a dangerous game," says McLaughlin slowly. "The engine room game is one of the most dangerous there is. Very few people understand why it has been lax so far. Why that licensing law is so opposed."

He is referring to a series of proposals which would make the licensing of pilots and other key officers mandatory and lay down standards of inspection and crewing. The industry's organization, the American Waterways Operators, has said it will accept the licensing of pilots only and oppose the other proposals.

Until this month, and following a Globe-Democrat investigative and editorial campaign, legislation had been logjammed in the U.S. House of Representatives Committee on Merchant Marine and Fisheries for four years, since a series of 1965 hearings in which Rep. Leonor K. Sullivan, (Dem.), Mo., attempted to resolve opposition to her strong bill to regulate the industry.

"When I started in this business, which was before World War I," McLaughlin explains carefully, "Even up until the late 40s, 90 percent of our boats were steam-engined . . . traffic wasn't nearly as heavy then as it is now, but in the engine room—I don't care whether you were chief engineer or assistant engineer—you were coming down the river and you stayed at the throttles all the time.

"Then came the little towboats, grabbing one barge here and one barge there, half a dozen somewhere else and they cut us up piecemeal.

"But the reason they could get by with that was by reason of one thing and one thing only. There are absolutely no laws of protection, regardless of what you might say. I can be going down the river with 40,000 tons of freight and a 9,000 horsepower towboat, diesel engine, and I can take a farmer from Little Rock, Ark., anywhere, he might never have seen a towboat, but you can put him captain and you can put his yard boy in the engine room, and there's no law to prevent it. Now that's wrong.

"You run into somebody else, you drown a whole bunch of people. There's no law to prevent it. There's nothing you can do to that man, and that man goes back to the farm and you grab another and put him on there. That's wrong.

"Now I've got a license for anything that floats. I've got a chief engineer's license, there's no limit on my tonnage and no limit on my qualifications, and I've got the experience behind me. I've got to risk my license right now, and I've had my license since 1918. Everything that I've worked for all that time, and yet you can go down and run into one of the damned little towboats that run out in front of you, kill a bunch of men on my boat, kill a bunch of men on the little upstream boat there that's got one barge or a two of gasoline. He jumps in front of you and you have to cut off and hit a bridge pier . . . and there's nothing you can do. There's no law.

"Yet every man on the big towboats is accountable to the Coast Guard. There's no law to make him have a license, but he does have one and when an investigation comes, what happens? That man loses his license, and everybody that hasn't got one says 'Well, get yourself a job driving a freight truck.' "

McLaughlin pauses for breath and hooks a thumb into the heavy leather belt of his tan-colored outfit, the lightweight work shirt and pants of a ship's engineer, which he still wears at his desk job.

"There's no justice in that," he says vehemently.

In the engineer's day to day work, getting around the boat's engines without risking your life depends, at present, on the integrity of the boat-builder and of the companies, McLaughlin says, adding "There is no law to say you can't build it any which way and 90 per cent of them don't."

A handful of the larger companies, he says, do make provision for the safety of the man working among the spinning motors, he says.

"But the danger is still there because there's no law that makes those people crew those boats halfway decent. They cut the crews so short and there's no law of inspection."

There is an examination of competency which towboat engineers can take, but no precise figures exist to show what proportion of men on the rivers today have passed it.

The Marine Officers Association here estimates less than 50 per cent of towboat engineers are licensed, says member Bob Busse, who worked eight years as an engineer before losing an eye in a towboat accident.

A crucial step in crew reduction was taken, Busse says, when towboat owners began to employ monitoring devices over the engine room gauges.

It was then claimed by companies that a monitoring panel in the pilot house, with another in the chief engineer's cabin with a buzzer to awaken him if anything went wrong, Busse says, obviated the need for a man to be continually on duty in the engine-room.

He dislikes the system and so does McLaughlin—emphatically.

"In the first place, a man has to sleep once in a while," said McLaughlin. I don't care how many gauges a chief engineer has got in his bedroom, once in a while he's got to go to sleep. Now what good are they, or all the alarms in the world?

"Now coming out of the Missouri River you'll be making 15 miles an hour lots of times. Much of the time you average 10. The tow is running anywhere up to 600 feet in length, besides the boat. It's impossible. When something happens it's happened, and you haven't got time to correct mistakes then.

"By the time that man rolls out of bed and gets down to the engine room he's consumed five minutes, at least . . . and possibly 10. He's not going down there barefooted.

"Quite frankly," he said, "I don't want to go up into an air conditioned room, tired and worn out after being in that hot engine room for six or eight hours and then expect a buzzer to wake me up and get me down in the engine room in time to put out a flash fire. Those things just don't happen!"

[From the St. Louis Globe-Democrat, June 17, 1969]

MARITIME LABOR OFFICIALS PUSH FOR SAFETY LAWS

To the EDITOR:

Allan Hale's two articles last month on river hazards and The Globe-Democrat's editorial on the subject were very welcome news to those of us in maritime labor who've been urging enactment of safety legislation for the riverboat industry.

For several years we've been encouraging Rep. Leonor Sullivan of Missouri in her courageous fight to license and certificate the officers and crews of river craft and to obtain Coast Guard inspection of diesel vessels operating on the rivers.

Unskilled pilots are not the only problem—we also need qualified engineers, skilled crew members, and safe boats. A bad pilot can steer the boat wrong and collide with a bridge, but an engine breakdown, or an explosion in the engine room because of shoddy equipment can produce the same disastrous results.

The boats are getting more powerful, the tows are getting larger and the danger is increasing.

The Globe's articles are making a major contribution to river safety. We hope you'll continue them and that Congress will take heed.

CHARLES RICHARDSON,
Vice President, District 2, Marine Engineers Beneficial Association.

[From the St. Louis Globe-Democrat, June 17, 1969]

VALLEY LINE HEAD SCORES LACK OF U.S. LAWS FOR TOWBOATS

(By Allan Hale)

"There are things going on, on these rivers today that shouldn't be allowed," says Wesley J. Barta, flatly.

"I can tell you of a company carrying the most dangerous cargo which used to have an engineer sleep on a cot in the engine-room, on duty 24 hours a day. Inexperienced men in the pilot house. I believe it's doing the same thing today."

Barta is no disgruntled deckhand or hired union official. He is president on one of the six biggest towboating firms on the rivers of America, the Valley Line, with 800 hands on the payroll, 17 towboats of its own and a fleet of 500 barges.

Barta has for years supported rigorous standards of crewing, licensing and inspection which are opposed by probably every other towboat company in the nation.

He was the only towboat owner out of about 50 who testified at a Congressional hearing in 1965 to speak out in favor of federal laws for the towobat industry.

The argument has started again, following a series of Globe-Democrat articles and an editorial, and Barta has been asked by U.S. Rep. Leonor K. Sullivan if he would testify again. He says he will.

"I have felt this way for all of the 21 years I have been associated with the towboat industry," he says. Barta has been 34 years in shipping, starting on the Great Lakes.

He served a shipyard apprenticeship, later sailed as a licensed marine engineer, was six years a ship surveyor for the American Bureau of Shipping and joined the old Missississippi Valley Barge Line, now the St. Louis-based Valley Line, as superintendent of maintenance in 1947.

"This is a matter of public interest," he says. "Perhaps some of that comes from the fact that my background is that of an engineer and a shipbuilder. I haven't changed my views.

"I'm particularly interested in proper vessel construction and inspection," he goes on. "If you want to build any kind of a building there are building codes and regulations established for the general public safety. It is through a series of unfortunate circumstances that we don't have this."

He specifies two of these circumstances—the replacement of steamboats subject to strict regulation by diesel boats subject to no regulations; and the transfer of control over the inland waterways from the Bureau of Marine Inspection and Navigation of the Commerce Department to the Coast Guard. The Coast Guard, he says, and he doesn't blame them, had to familiarize itself with the business.

"It became obvious to many of us that we did need regulation," he says. "We recognized this in this company when we made the change from steam to diesel, and we've always built our vessels in accordance with American Bureau of Shipping Standards and the known rules of the Coast Guard.

"We have always maintained a policy of hiring licensed engineers and licensed pilots and masters."

To his knowledge, Barta estimates, the leading common carriers, perhaps six out of several hundred companies, make a policy of building their boats in accordance with Coast Guard regulations and American Bureau of Shipping regulations.

"So far as I know," he says, "only three of those adhere to the licensing principle.

"I made a conservative estimate, I thought, 10 years or so ago that reasonable rules for construction and operation were only being followed on about 15 per cent of the boats operating. I think that percentage has gone down since then."

Why are other companies against towboat regulation? "I can see some increased costs that come with it," Barta says. "But at the same time I see better operations and a better industry in which we have some hope of reducing insurance costs and many other costs of business so that the cost of doing business as a result of being embarrassed by the Coast Guard will probably be offset in some other areas."

To inspect a perfectly sound vessel, he admits, is time-consuming and costly. There would probably also be regulations imposed that are not completely acceptable to even the best companies.

"I recognize that, but the gain is having a much better industry, that's the way I look at it."

[From the St. Louis Globe-Democrat, June 25, 1969]

ONE IN FIVE BARGES HAS DANGEROUS CARGO, SURVEY INDICATES

(By Allan Hale)

Perhaps one in five of all the barges moved on the Mississippi and Ohio this month has been carrying a dangerous cargo, officially classified as being in some way potentially hazardous to life or health.

This is a rough estimate based on figures gathered during the first 23 days of a month-long survey being made by the U.S. Coast Guard.

The survey was ordered by the commander of the St. Louis-based 2nd Coast Guard District, Rear Adm. Russell R. Waesche, in an effort to determine what proportion of towboat cargo is dangerous, and whether, as has been alleged, that proportion is growing.

Final results of the survey will not be known until the figures are tabulated after the field work ends at midnight June 30.

Although the survey had been planned for six months, its start, in the early hours of June 1, coincided with a series of Globe-Democrat articles and an editorial on river transport dangers.

The U.S. House Committee on Merchant Marine and Fisheries has since resumed discussion of towboat regulations which had been logjammed for four years.

For the survey the Coast Guard established three boarding teams, two on the Mississippi and one on the Ohio.

A check made Tuesday with the three teams showed that, although there were slight variations at each station, officers' estimates, were, in each case roughly the same—about one fifth of the cargo on the river is potentially hazardous.

At one station, Memphis, Tenn., Lt. John Krumpelman said they had worked out exact figures for the first nine days of the survey.

"Over 9 days we worked out that 20 percent of the barges were tanker barges with hazardous cargo," he said. "Two out of every 10."

Hazardous cargo, according to Coast Guard classification, is petroleum distillates, various chemicals, any cargo which might burn, explode, release a dangerous gas or a poison.

Sometimes they come in bunches—he has noted as many as 21 hazardous cargo barges together—sometimes one or two scattered among a mixed tow among others carrying steel or grain.

He estimates around 160 barges pass the team's station each day and of these 35 will have dangerous loads.

At Lock and Dam 26, Alton, Lt. Gary Steiger, giving what he emphasized as "a very rough estimate" believes his team sees 20 dangerous cargoes a day. On a typical day the lock handles about 150 barges.

The third of the teams, at Gallipolis Lock, on the Ohio, boards around 25 dangerous cargo barges a day, estimates Lt. Cmdr. William Drew, and the lock handles around 120 barges daily.

Here, he says, the number of dangerous cargoes has been less than expected. They had expected around 30 daily.

There are at present no government regulations requiring a towboat pilot or any other towboat officer to pass an examination of competency and take out a license such as is required by a deep sea ship's officer.

Since 1962 Congresswoman Leonor Sullivan (Dem.), St. Louis, has been a consistent advocate of strong regulation for the industry, including licensing, inspection of towboats and crewing standards.

[Editorial from the St. Louis Globe-Democrat, June 30, 1969]

RULES FOR RIVER SAFETY

A compelling reason why there should be regulations drawn up covering river towboats and their crews can be found in the preliminary findings of a survey being conducted by the U.S. Coast Guard.

Figures gathered in the first 23 days of the month-long study show that approximately one-fifth of all the barges moved on the Mississippi and Ohio rivers in June carried a dangerous cargo, officially classified as potentially hazardous to life or health.

The survey is an attempt to determine what proportion of towboat cargo is dangerous. Although final results will not be known until the statistics are tabulated after the field work ends June 30, the argument for better controls over towing operations seems documented.

It is alarming to think that with dangerous river cargo—such as petroleum distillates and various chemicals which might burn, explode or release a noxious gas—passing almost at the doorstep of private dwellings and industries, there are no government regulations requiring a towboat pilot or other officer to pass an examination of competency and take out a license. Nor are there adequate standards for the condition of the towboats themselves.

More adequate regulations for the industry are needed, similar perhaps to those long proposed by Congresswoman Leonor Sullivan of St. Louis, calling for licensing, the inspection of towboats and standards for crews.

Since the towboats ply federal waterways, it is logical that Washington supervise their operations. In this the Coast Guard could perform a valuable function by drawing up and administering rules for river safety.

[From the St. Louis Globe-Democrat, July 2, 1969]

TWO-HUNDRED-THOUSAND-DOLLAR FIRE ON TOWBOAT

LACON, ILL.—A flash fire Tuesday aboard the towboat City of Joliet caused damage estimated by firemen at $200,000. All nine crew members escaped unhurt.

The fire, of unknown origin, started in the engine room as the boat was pushing 11 barges through the Illinois Waterway to Chicago.

The cargo was mixed. Two barges were loaded with chemicals but the fire was confined to the towboat owned by the American Commercial Barge Co. of Jeffersonville, Ind.

[From the St. Louis Globe-Democrat, July 16, 1969]

RIVER SAFETY BILL LEAKING; REPRESENTATIVE SULLIVAN HITS LOOPHOLES

(By Edward W. O'Brien)

WASHINGTON.—A bill touted as improving safety on shipping on inland waterways sprang two big leaks Tuesday.

To their dismay, House committee members discovered that the measure requiring ship-to-ship radio-telephones would apply to only a small fraction of the vessels capable of smacking into each other.

One exemption would excuse vessels in the Mississippi River above Louisiana from complying.

Another exemption would limit the proposed law to tugs and towboats of 300 tons or more. Of 6,000 towing vessels in the nation, only 355 are large enough to be covered.

After sitting through two hours' testimony on the bill, Rep. Leonor K. Sullivan (Dem.), St. Louis, exploded in a denunciation of shipping operators, who she accused of blocking safety legislation "year after year."

"They don't want to be regulated," she said.

"Accidents continue to happen. Week after week there are fires on barges and tugs. Barges are coming loose, and barges are getting sunk.

"It's never anyone's fault," she added caustically.

The courtly southerner who was presiding in the House Merchant Marine Committee, Rep. Alton Lennon (Dem.), North Carolina, appealed to a representative of the American Waterways Operators, Inc., a trade association, to put aside "financial considerations" and "go as far as you humanly can" in strengthening the bill.

He said, "I would hate" to support a bill covering such a small percentage of the vessels "that could be involved in a tragic accident."

He pressed the witness, William C. McNeal of New Orleans, to say what would be "objectionable" in requiring all commercial vessels to be equipped with the radio-telephones, which would enable pilots to talk back and forth as they approached in tight passages.

McNeal, who was accompanied by Gerald V. Flynn, of St. Louis, president of Mid-Valley Towing Co., Inc., and two other AWO representatives, said he would have to consult with AWO directors before committing the association to a tighter bill.

McNeal gave AWO's official endorsement to the pending bill, which was introduced by the committee chairman, Rep. Edward A. Garmatz (Dem.), Maryland.

McNeal testified that "a majority" of the vessels on the Mississippi are already equipped with modern bridge-to-bridge two-way radio.

But he indicated concern among operators in various waters about the radio operating rules imposed by the Garmatz measure.

The exemptions in the bill were strongly opposed by a high-ranking official of the U.S. Coast Guard, which regulates maritime safety.

Rear Adm. Charles P. Murphy, chief of merchant marine safety, said the service considers the bill "an essential step in prevention of collisions" and believes that the coverage limitations "are not in the best interests of safety."

He told the committee that two recent collisions on the lower Mississippi, which killed 46 people, each involved a large cargo vessel and a tug of less than 300 tons pushing crude oil barges.

The freighter skippers had modern two-way radios for talking to each other. The tugs did not.

Murphy also reminded the committee that very-high-frequency radio-telephones have been available since World War II, when they were "invaluable" in assisting zig-zagging ships in convoy on the oceans.

"The size and speed of vessels are continually becoming greater, increasing the dangers of collisions," he said.

"Masters and pilots should be provided with all practicable means to help them maneuver their vessels safely by one another."

The admiral said that the exemptions originated several years ago in order to "obtain general agreement" on proposed legislation that time.

He said that recently, the Coast Guard solicited the opinions of 200 or 300 shipping interests on proposed legislation. The AWO witnesses denied their association had written the Garmatz bill.

The bill under discussion is one of three which make up a legislative "package" designed to bring the inland waterways under regulation. There are at this time no regulations requiring licensing of officers, inspection of towboats or crewing standards.

At the first day's hearing Monday, Mrs. Sullivan protested at the presentation of just one of the three bills, which she said were to have been presented to the committee and the House as a package.

She withdrew her own strong bill which would have regulated the industry after a small meeting of members of the committee in June had agreed to a new package deal including a bill to be written by the Coast Guard which would require the licensing of pilots and perhaps some engineers.

Legislation in the committee had been logjammed for four years. Meetings began again after a Globe-Democrat investigative and editorial campaign had pointed out the lack of regulation.

[From the St. Louis Globe-Democrat, July 18, 1969]

CONGRESS URGED TO ORDER RADIOS ON INLAND WATERWAY VESSELS

(By Edward W. O'Brien, chief of the Globe-Democrat Washington bureau)

WASHINGTON.—Congress was urged strongly Thursday to pass a bill requiring two-way boat radios on inland waterways and to close wide holes in proposed legislation.

Representatives of maritime unions, two port cities, and the Federal Communications Commission (FCC) testified that safety on rivers and harbors would be immensely strengthened if pilots could talk to each other by simple radio-telephones.

An influential member of the House Merchant Marine Committee, Rep. Alton Lennon (Dem.), North Carolina, said three days of hearings brought him to the same conclusion.

A law forcing vessel operators to install the radio equipment is "essential," he said, even if some shipping interests object because of the cost, or other reasons.

Lennon again pressed for changes in the pending bill so that the law, if enacted, will apply to a higher percentage of commercial power vessels on inland waterways.

But the committee chairman, Rep. Edward A. Garmatz (Dem.), Maryland, who introduced the bill with the broad exemptions on coverage, refrained from expressing any strong position like Lennon's.

At Thursday's hearing, Ernest A. Clothier, president of the American Pilots' Association, testified that bridge-to-bridge radio is now in use in many ocean ports, and "has contributed immensely to safety of navigation."

Clothier recommended wider coverage than proposed in the Garmatz bill, which would not apply to the Mississippi River above Louisiana, or to power vessels under 300 tons.

Another witness, Patrick J. King, representing the Masters, Mates, and Pilots' Union–AFL–CIO, said his organization "wholeheartedly and enthusiastically" endorses the radio bill.

A group speaking for pilots, ship operators, and port officials in Baltimore, said there is "an over-riding need" for mandatory two-way radio.

They said the bill should apply to all tugs and towboats of 26-foot length or more.

[From the St. Louis Globe-Democrat, July 22, 1969]

GETTING NOWHERE ON RIVER SAFETY

After three days of congressional hearings on improving safety in inland water shipping, only one thing is clear: A lot needs to be done.

This was brought out during the first day of the hearings on proposed legislation when Congresswoman Leonor K. Sullivan of St. Louis pointed out the bill under discussion by a House committee didn't go far enough toward regulating inland waterways.

She protested that stronger measures should have been presented to the committee and the House as a legislative package, including a wide range of changes needed to improve river safety.

The bill before the committee calls for two-way boat radios, but is so loaded with exceptions that it leaks like a sieve. A law is needed requiring vessel operators to install radio equipment, but it should be a stronger one than that proposed by Rep. Edward A. Garmatz of Maryland. His bill would not apply to the Mississippi river above Louisiana, or to power boats under 300 tons.

An even more critical need is for the mandatory licensing of all towboat pilots and engineers, and requiring periodic inspections for all boats.

Such strong legislation had been proposed by Mrs. Sullivan but she withdrew it after agreeing to the package deal including a bill to be written by the Coast Guard on licensing regulations.

It's time the Coast Guard came out of dry dock and fulfilled its obligation to improve inland shipping safety.

[From the St. Louis Globe-Democrat, July 24, 1969]

CITY URGED: ENFORCE OWN RIVER RULES

(By Allan Hale)

In the absence of federal regulation the city of St. Louis should enforce its own controls over river traffic, it has been suggested by the Marine Officers Association in a draft ordinance submitted at the city's request.

It would give the city the right to inspect barges carrying dangerous cargo for safety and to insure they are not polluting the river, check fire and safety protection for personnel, inspect "all marine equipment moored within the harbor to determine the security of the moorings" and oversee loading and unloading operations.

Capt. Charles L. Jones, president of the association's Local 54, said Wednesday that the suggestions had been drafted at the request of the public safety department, members of the board of aldermen and street department.

The street department, which at present controls the riverfront, is consulting a number of interested parties, among them the Marine Officers—an association of towboat pilots—the U.S. Coast Guard and the city fire department, in order to prepare a new body of regulations for the riverfront, said Walter Abell, administrative assistant to the director, Wednesday.

New regulations have been under consideration since the June 28 storm in which the riverboat restaurant Becky Thatcher broke loose and drifted two miles downstream before colliding with a pier. There were no casualties and the 100 diners were rescued by a towboat.

The Marine Officers also have suggested that all towboats shifting barges in the harbor shall have a licensed pilot at the helm.

At present there is no federal law requiring a towboat pilot to pass an examination of competency and take out a license.

A Coast Guard survey made in June showed that close to a million tons of hazardous cargo—explosive, inflammable or poisonous—passes through the St. Louis harbor in a month.

The Marine Officers suggest that the city ordinance should require the master or operator of any towboat to report any damage which would release any pollutant into the water or air of the harbor and give the city power to order repairs to be made.

The requirement to report damage would apply to all tows passing the city. The other requirements apply only to cargo being loaded, handled or discharged here. Figures for 1967, the most recent available, show that the city stands first among the river ports on the Mississippi, handling more than 11 million tons of cargo a year. Only the deep-water access ports handle more.

The Marine Officers believe that a Supreme Court decision "Cooley vs. Wardens of the Port of Philadelphia" established a precedent for city control of river activities.

The draft ordinance, if adopted, would give the city powers similar to those embodied in federal legislation now stalemated in the U.S. House of Representatives Merchant Marine Committee.

The need for regulation of towboat traffic has been under discussion at intervals in the committee since 1935.

During three days of inconclusive hearings last week Rep. Leonor K. Sullivan (Dem.), St. Louis, accused the towboat interests of blocking safety legislation "year after year."

[From the St. Louis Globe-Democrat, July 26–27, 1969]

NOT A SINGLE FIREBOAT—THAT'S THE STORY OF ST. LOUIS, NO. 1 PORT ON MISSISSIPPI RIVER

(By Allan Hale)

In terms of the waterborne tonnage passing across its wharves, St. Louis stands number one on the Mississippi river. In terms of waterborne fire protection it stands nowhere.

More than 11 million tons of cargo comes and goes by water here each year. Three million tons more than the city's nearest inland competitor, Memphis, Tenn. Four million tons more than the combined total for Minneapolis-St. Paul. Only at each end of the waterway, where Chicago and New Orleans have access to deep water freight is that total exceeded.

St. Louis probably makes more use of its waterfront entertainment potential than any other river city. A determined effort has been made to re-focus the center of entertainment around the Gateway Arch.

Excursion boats, showboats, riverboat restaurants, exhibition and museum boats jostle for space in the shadow of the arch.

The muddy Mississippi, rolling steadily past the city at its inexorable 4 miles an hour, carries great tows of barges, loaded with highly explosive petroleum distillates and crude oil. No regulations exist to require towboat officers to pass an examination of competency, nor are their boats subject to inspection. The moored showboats rock in their wakes night and day.

Nor do the boats always stay moored. A month ago the riverboat restaurant Becky Thatcher broke loose in a violent storm and took 100 diners for a terrifying two-mile drift downriver before smacking into a chemical company wharf in a shower of sparks.

There was no official rescue service to save them. If the boat had caught fire, there was no official agency available to intervene in time to prevent the boat being burned to the waterline. The Coast Guard is not equipped for such emergencies and the city is not equipped for any river emergency. Period.

The city is broke. Fireboats cost money, anywhere from $40,000 to $300,000. Also, they have to be crewed. The number of men needed as a crew varies with the type of boat. A typical crew is seven, an officer and six men. To keep the boat standing by 24 hours a day requires three eight-hour watches, 21 men. Allowing for men on days off, or sick, say 25 men.

River fire-fighting is a highly specialized business. All these men will require special training. Where are they to come from and how are they to be financed? Also, they may stay on watch, doing nothing more visible than polishing the brasswork, for 365 days a year, waiting for something to happen. How do you justify that to the taxpayers?

The first question is who buys the boat? If the city can't, who would want to?

The city port commission, an advisory body of rivermen and associated interests which advises the Board of Public Service, points silently to a map of the St. Louis harbor, showing the industrial river frontage.

Over a distance of about 19 miles, between the Chain of Rocks Bridge and the Jefferson Barracks Bridge are clustered 55 industrial enterprises with dock frontages, two military establishments and two waterworks.

About six months ago the Port Commission began considering a plan to pass the hat, arguing that self-interest combined with public spirit might encourage industry to fill it.

It was considered and shelved because, says Larry C. Unland, president of the Board of Public Service, the Fire Department, which had previously thought it possible to find crews from among its existing personnel, found itself faced with a demand for economies.

If you have no spare men, how do you find a fireboat crew? About a year and a half ago the city of Toledo, Ohio, bought its Fire Department a 34-foot jet-propelled fireboat at a cost of $43,000 and Fire Chief Eulan Tucker found the crew to man it 24 hours a day without adding a single man to his department.

"We took 13 men from the nearest firehouse and put them through a course of training," he said. "We have more men in training now. Normally they work with their company and when the boat is needed they go and crew it.

"We've used it several times, also for rescue work and to combat oil spill. I'd like to have another, bigger one."

At each end of the great Mississippi waterway the fireboats cruise. The Chicago Fire Department has seven of them. New Orleans has three. St. Louis, number one inland port, has none.

Should it have? Should schools have fire escapes?

[From the St. Louis Globe-Democrat, July 29, 1969]

Incompetents Fear Radio Check, River Pilot Says

(By Allan Hale)

If radio talk between towboats was monitored in the same way that the Federal Aviation Agency records the conversation of airline captains, it would establish how many towboat pilots are incompetent.

This, veteran master pilot Walter I. Hass, charged Monday, is one reason why towboat owners are against the compulsory use of radio aboard all towboats, even though all but a handful of the boats already are radio-equipped.

"You could probably count them on the fingers of both hands, over the entire river system," he says.

Hass, a St. Louisan, has been a river man for 39 years and a master pilot for 30. He presently is captain of one of the biggest boats on the river.

Representatives of the American Waterways Operators Association, a trade organization, were urged at a Congressional committee hearing July 15 to "put aside financial consideration" and accept stronger legislation governing the use of radio.

A representative told the House Merchant Marine Committee that he would have to consult with AWO directors before committing the association to a tighter bill. A bill presently before the committee would bring under regulation only the 355 biggest towboats in the nation's 6,000.

Hass said Monday that if radio equipment was installed and operated according to federal regulations "It would give the federal agency a chance to then monitor these conversations and disprove some of the allegations of the operators that they are putting competent people on there. Because if you just listen to the radio their incompetence is obvious."

He cites instances: "I met up with a boat just above Yellow Bend, one night. (Yellow Bend is near Greenville, Miss.) I saw a searchlight, we had quite a large tow, so I called him and asked if he was going to wait for me below there." (At many points on the river, at certain water stages, two tows cannot pass without risking collision).

Hass says the oncoming pilot agreed and told him he would "Wait down by the elevator."

"Now at that time there was no elevator in Yellow Bend. So I said to him 'You're kind of lost, aren't you? There's no elevator down there.'

" 'Well', he said, 'Tell you what. You just tell me where to go and I'll go there and wait for you.'

"That's the point. You see, when pilots talk to each other they use landmarks as reference points," Hass explains. "If you're a pilot you talk to him and tell him you're going to wait below the Yellow Bend light or above the dock and he'll know just exactly where you'll be. But when a man doesn't know his reference points, it's very difficult to tell him where to go."

There is at present no regulation requiring a pilot to take the Coast Guard examination which includes drawing a map of the river and its landsmarks from memory.

U.S. Rep. Leonor K. Sullivan (Dem.), St. Louis, has been trying to get this and other aspects of the industry regulated since 1962.

"I met another boat one night 'below Brown's Point,' " Hass goes on. "The river current runs pretty fast, so I was going to back up from point to point. As a result I wanted to come down around the buoys. He said 'I'm not on the buoys now,' so I said 'Just get over to the shore.' He said 'There's an eddy in there and I've got a long tow, 1,000 foot of tow and I can't get in that eddy.'

"I said 'There's no eddy there, and so far as the length of the tow, I've got 1,200 feet here myself.' I finally had to put my foot down and make him get over to the shore, which he did.

"But these things are so unnecessary," Hass continues. "If you had trained people. The training does not involve a long period. The Coast Guard regulations are a matter of 10 trips. Only two or three need to be recent. But by having 10 trips the man does have some knowledge of the river and the condition of the river at various times."

There is at present no regulation requiring a pilot to take an examination of competency and qualify for a license. In June, Mrs. Sullivan withdrew her strong bill to license towboat officers and provide for crewing standards and inspection of boats, logjammed in committee for four years, and accepted a compromise package of three bills, to license pilots and some engineers, make use of bridge-to-bridge radio compulsory and codify rules of the road.

The waterways operators have said they will accept only pilot licensing and oppose everything else. The only action in the Merchant Marine Committee since the June compromise has been three days of inconclusive hearings on the radio bill.

[From the St. Louis Globe-Democrat, July 30, 1969]

A River Barge Will Soon Carry As Much as Train, Says Drennan

(By Allan Hale)

A single river barge will soon be able to carry as much as an average freight train, forecast barge line president E. Thomas Drennan, Tuesday.

Speaking in a program on transportation, at Durango. Colo., he said that such barges would hold 1,500 to 1,800 tons of cargo and be made into tows of up to 60,000 tons.

He said the modern towboat can now transport 40,000 tons of cargo "The equivalent of four 10,000 ton trains, four Liberty ships or 27 average-size freight trains."

Drennan, president of the St. Louis-based Sioux City and New Orleans Barge Lines, predicted an increase in co-operation between barge lines and railroads.

This, he said, will be a major source of transport savings in the 1970s.

He also foresees door to door containerized service, whereby cargo loaded into a container in Kansas can be railroaded to a barge, the barge towed to a port, floated aboard a barge-carrying ocean-going ferry and taken to Europe.

At the European end the barges will be floated out. tied into a string of river barges and forwarded to railroad and consumer.

"Relatively small boats with relatively small horsepower can push huge flotillas of barges over thousands of miles at startling low costs," Drennan said.

"If you are able to combine water transportation with economies which result from volume handling of products—bargeloads of 1,000 tons, trainloads of 10,000 tons joined to movement of 10 barges—the overall economies can be very substantial indeed.

"You can put money in your pocket by thinking not in terms of truck loads or car loads, but of unit trains of 7,500 to 10,000 tons, of 10-car cuts which can fill a barge.

"Combine the best efficiencies of these different modes and you might put $1 or much more a ton in your pocket from transport savings alone, and also reach into new markets where your product attracts a higher price."

Drennan, whose company operates on the Mississippi and Missouri Rivers was addressing the agricultural extension service conference at Fort Lewis College, Durango.

He told them that although efficient transport has always been one of the major keys to farm profits, this has never been more true than it is today.

"Freight transport accounts for 10 cents out of every dollar of production cost for the nation as a whole," he said. "For agricultural commodities, transport costs may take an even larger share of the total. For example, as a rule of thumb, perhaps 20 per cent of the price of grain at the ports is in transportation. So transport is far more important to the farmer and to agricultural business generally than is often realized."

[From the St. Louis Globe-Democrat, Aug. 23, 1969]

An SOS for Fireboats—Safety Chief William Trantina Says Growing Number of Entertainment Craft On Riverfront Are In Need of Protection

(By Allen Hale, Globe-Democrat staff writer)

St. Louis doesn't need a fireboat, says city Director of Public Safety William Trantina. In his opinion it needs three of them.

"One on the mid-north shore, one on the mid-south and one in the middle," he said. "To have only one would be as ridiculous as having one fire company and expecting it to answer all the calls in St. Louis."

Trantina believes he was the first city official to become concerned "several years ago" with the lack of fire protection on the river.

His concern was sparked primarily, he says, by the increase in entertainment activity on the riverfront. "The craft being brought up here, the old paddle-steamers, primarily as places of public assembly. Wherever you have a large concentration of people there is a problem of safety."

His anxiety is accentuated by the city's position as a port for the embarkation and discharge of cargo; and the amount of river traffic passing through.

"Barge loads are increasing every day," he says. "We have the movement of many dangerous materials. Tons and tons of explosive products of all types."

According to the Waterborne Commerce Statistics Center, in 1967, the latest year for which figures are available, more than 11 million tons of cargo passed across the wharves here, to make St. Louis the number one inland port on the Mississippi.

A Coast Guard survey carried out in June showed that close to 1 million tons of cargo officially classified as "hazardous"—explosive, inflammable or poisonous—passes in front of the city every month.

The wakes of these boats has set up a rocking motion extending as far inland as City Hall.

There the port commission, a voluntary body of men with river interests, is engaged in studying a new code of regulation for the riverfront and river traffic.

One of their interests is fire protection. Trantina has already sketched out tentative plans for fire coverage.

First he rejects the idea of having a boat manned part-time, by a crew trained in river fire-fighting but doing regular land duty in a firehouse near the river.

"For one thing, what would happen if they were out on a call?" he inquires sensibly. "Nobody chooses the time when an accident happens."

His plan calls for 24-hour manning by three crews of 4 men, an officer and three privates. He visualizes the men and their quarters as entirely mobile.

The boat would float, secured and partially weather-protected in a roofed floating dock. From the boat a gangway would lead to the riverbank and two trailers, which can be moved to conform with the stages of the river. One would be a trailer firehouse for the men. The other an equipment store and workshop.

Trantina says he would prefer good-sized boats, costing around $80,000 and equipped with powerful pumps and monitor fire-jets capable of throwing water or foam.

Crews would be trained in the techniques of scuba diving and rescue, as well as the highly specialized techniques of shipboard fire-fighting.

He sees riverfront fire protection as absolutely necessary, pointing to the breakaway of the riverboat restaurant Becky Thatcher on the night of June 28, when 100 diners were swept two miles down river, and eventually rescued by a towboat, as a near-miss with disaster.

"Even the people on the boat that night don't realize how lucky they were," he says. Moreover, he says, if proper fire protection is to be provided along the river, the money will have to be raised among the people to whom the river frontage is a means of livelihood, the users not just of the levee, but of the whole 19-mile complex of industry and barge-operating companies spread out along both sides of the river.

"We would expect the people who would benefit to pay, or to subsidize to some extent," he says.

[From the St. Louis Globe-Democrat, Aug. 23–24, 1969]

Fifty Thousand Dollar Fireboat Urged for St. Louis

The St. Louis riverfront needs a $50,000 fireboat, according to a list of top priorities listed in a six-month study of the city's fire protection.

The study, by Gage-Babcock and Associates, Mount Kisco, N.Y., was presented to the city Thursday.

It said "Fireboat service is needed to provide a good level of protection to river boats and waterfront property."

The city has no fireboat, although one was first requested by the fire department about 10 years ago.

The boat suggested in the study would have a crew of three and be capable of a speed of 25 knots, and have the capacity to fight oil or gasoline fires.

[From the St. Louis Globe-Democrat, Aug. 23–24, 1969]

Thirteen River Accidents—Close Brushes With Fire and Death

(By Allan Hale)

South St. Louis came close to being swept with a brush of fire Jan. 24 . . . and almost nobody knows about it. Cahokia lay under the same threat. Few, if any, of the people who live there heard of it.

Clarksville, Mo., might have had a similarly unlucky day on June 13 . . . and if you were near the Chain of Rocks Canal on the afternoon of May 14, say in Granite City, that was the day you just escaped seeing flames in the sky.

In all these instances, people never knew.

In each of these cases towboats laden with gasoline, thousands of gallons of gasoline, collided.

There have been 13 accidents in 30 months on one stretch of the Mississippi, some involving gasoline barges, some not. Any one of them could have blocked traffic on the river for hours, days or weeks.

The 13 were itemized in a warning given towboat operators in the course of a speech by an Army Corps of Engineers officer at Greenville, Miss., on July 25.

From the details given it appears that 11 of the 13 were legally reportable to the U.S. Coast Guard. A check of files shows only seven appear to have been reported.

In these seven cases, only three pilots are recorded as holding a license to pilot a towboat. There is no legal requirement for a man to take the entirely voluntary examination for a towboat pilot's license.

Nobody needs a license to operate a towboat. Nobody needs a license to be engineer on a towboat. Nobody has authority to supervise design of a towboat. Nobody has authority to inspect a towboat. Not the Federal government. Not the state government. Not the Coast Guard. Not the Interstate Commerce Commission. Nobody.

And on Jan. 24, in the dark cold hours of the early morning, an unlicensed pilot, with an uninspected boat which had an equipment failure, came close to starting a roaring fire rolling along the south St. Louis riverfront.

It was 1:40 a.m. when a southbound towboat, groping its way downriver among the floating ice, found its searchlight suddenly blacked out.

The pilot attempted, in the dark, to swing in reverse into the shelter of the Mobil Oil dock, on the Illinois side, at Cahokia a spot about level with the 3500 block of South Broadway in St. Louis.

There's a bad current there, and in the dark, a barge laden with gasoline smacked into a barge moored at the dock. More than 100,000 gallons of gasoline gushed out. At the same time a jagged steel segment of the shattered gasoline barge pierced the moored barge, loaded with petroleum distillate.

Then, for long minutes, nothing happened. The miracle had come to pass. There was no explosion and no fire. A call to the Coast Guard brought craft to flood the area with fire foam. Only then, slowly and gingerly, could the two enmeshed barges be backed apart, steel grating on steel that might at any moment produce a spark.

Had anything sparked off that 100,000 gallons of gas—and gas is slow to evaporate in 19-degree temperature, which it was that night—the effect would have been one which the St. Louis Fire Department doesn't even like to think about.

The collision happened at an oil company dock. Right across the river are three more oil company docks and a petroleum dock. The whole stretch on the St. Louis side is thick with industry.

On the Illinois side, barge fleets tie up along Arsenal Island, loaded with the hundreds of kinds of cargo the river carries, some of them explosive, some of them inflammable, some of them poisonous.

And behind this industrial frontage and intermingled with it are the little residential streets of the south side, Holly Hills and Montana and Gasconade and Piedmont and Chariton. Osceola, Oregon, Dakota, Eichelberger.

Floating gasoline burns rather than explodes, fire fighters know. Their vision of what could have happened is of a rolling fire, leaping from water to shore, to office buildings and construction shacks to storage tanks, an explosion, and more flames, leaping to picket fences.

This incident of Jan. 24 has been the most potentially hazardous so far this year, but it has not been the only one.

On May 14 a downbound tow with six barges of gasoline hit the wing wall at Lock 27, Granite City, cracking open the bow compartment of one of the lead barges.

Gasoline barges are compartmented and the bow compartment had been kept empty as a precaution against just such an accident.

However, the impact was enough to impale the barge on the wing wall of the lock with the concrete spur almost reaching the next, and laden, compartment.

It was found that the only way to free the barge was to swing it to and fro, steel grating against concrete. The fear of the men at the lock was that in the course of this spark-producing process the second compartment would burst. The manuever was attempted only after the nose of the barge and the wing wall had been smothered in fire foam.

On June 13 a tow bound upriver, with two gasoline barges, hit and damaged the landside leaf of the upper mitre gates at Lock 24, Clarksville, Mo. There was no spillage, but the whole gate could have been put out of action, stopping traffic past that point.

On July 2 a downbound tow hit the bridge at Cape Girardeau and spilled about 50 gallons of heptane, a petroleum product, into the river, a minor spillage compared with others.

It was the third time in 30 months that a bridge has been hit in that area. On April 17, 1967, a downbound tow hit the bridge at Chester, Ill. and spilled 5,600 gallons of gasoline.

On April 22, this year, a barge hit the bridge at Thebes, Ill., drifted downriver and sank. This was not a gasoline barge, but it was a hazard to navigation.

So the list lengthens. One expert informant who contributed information for this article commented: "It's anarchy. Nobody regulates them. They do as they damn please."

Of the 13 accidents which happened over a 300-mile stretch of river between Saverton, Mo., and Cairo, Ill., five involved possible danger from gasoline or a petroleum product. All, either by damaging structures or sinking could have stopped river traffic.

Two of the 13 are not considered reportable to the Coast Guard, which is supposed to receive reports of all serious accidents on the river, because action by other towboats or by men at the docks prevented the situation from developing.

These involved breakaway barges drifting into or toward a dam, and action was taken before there was lots of life, serious injury, grounding or damage totalling more than $1,500. The occurrence of any of these things makes the accident reportable to the nearest Coast Guard marine inspection office.

Of the remaining 11, which appear officially reportable, in four cases no record can be found by the Coast Guard to show that they were ever reported.

Supporters of regulation of the towboating industry have long contended that official figures of accidents are misleading because many accidents are never reported.

The common feeling among the men who supplied material for this article is that there is bound to be a disaster some time. Their only hope is that it won't happen in this area.

At New Orleans in April a towboat collided with a Chinese Nationalist freighter. In the resultant fire 25 seamen died and flames soared 100 feet into the air, buckling steel guard rails on the Greater New Orleans Mississippi River Bridge above.

It could happen any minute of any day here. It may be happening as you read this.

[Editorial from the St. Louis Globe-Democrat, Aug. 26, 1969]

THREAT OF UNLICENSED TOWBOATS

It has now been revealed that an accident involving an unlicensed towboat operator earlier this year splashed 100,000 gallons of gasoline into the Mississippi near south St. Louis.

This was only one of 13 river accidents involving towboats in a 300-mile stretch from Saverton, Mo., to Cairo, Ill., in the past 30 months.

Only the rarest of luck prevented the riverfront from being turned into a roaring inferno as the towboat crashed into a gasoline barge as the Mobil Oil dock at Cahokia, opening a gash that loosed a torrent of gasoline on the river.

What would have happened if a fire had spread to the St. Louis side of the river where it could have fed on a long row of oil and fuel company docks and other industries lining the riverfront?

First of all, the city wouldn't have the single most important weapon to fight this roaring blaze—a fireboat. It would have to fight it as best it could from the shore because St. Louis is "economizing" by not having a fireboat.

This is astounding when one considers that nearly 1 million tons of explosive, inflammable or poisonous cargo pass in front of the city every month!

If such a fire had gutted industries along the riverfront, perhaps taking many lives as well, there would be an outcry: "Why was an unlicensed towboat operator plying the Mississippi? Who is responsible for this?"

The Globe-Democrat doesn't want to wait for a tragedy of this kind before getting regulations for towboat operations.

In a continuing series of articles by staff writer Allen Hale it has been pointed out that:

Anyone, and we mean anyone, can operate a towboat without a license.

Anything goes in the design and construction of towboats, since there are no inspections or regulations on design of any kind.

The waterways industry seems determined to do nothing to remedy the situation.

At any time, St. Louis could find its riverfront aflame, just as New Orleans did in April when three barges collided with a Nationalist Chinese freighter and 25 lives were lost.

Or it could be the scene of an explosion similar to the one which hit La Grange, Mo. in May and killed four persons.

Rep. Leonor K. Sullivan originally submitted a bill that would have licensed towboat operators and called for inspection of these vessels.

She withdrew it when she was promised that a package of three bills would be offered to provide for licensing, inspection and two-way radio communication systems.

To date, however, the only bill offered was a watered-down two-way radio bill that would exempt all but the larger towboats.

It appears there has been another sellout to the water commerce industry.

Mrs. Sullivan should reintroduce her own bill, and demand provisions for licensing towboat engineers, specifying minimum crews, proper design and safety standards.

We would urge her to act with as much speed as possible. The city she saves could be her own.

[Editorial from the Globe Democrat, Sept. 20, 1969]

TOWBOATS' "UNSAFETY" RECORD

The National Transportation Safety Board has strongly reinforced what The Globe-Democrat has been saying through a series of articles and editorials—that a major holocaust is a real possibility if towboat operators are not licensed and if safety precautions aren't heeded.

Analysis of 12 major accident cases "showed the potential for a major catastrophic accident involving hazardous materials."

Casualties on towing vessels have increased 22 per cent in recent years. Fatalities are up 50 per cent in just two years. Groundings and collisions have increased by 20 per cent. Fires, founderings, capsizings and floodings accounted for 19 per cent of the casualties.

The study covering the fiscal years 1956–'68 found a "significant proportion" of casualties involved personnel errors.

It further made a strong case for licensing pilots when it found that more than twice as many unlicensed towboat operators were involved in collisions as were licensed operators.

This report should clinch the case for a law to license towboats and require safety inspections of all such craft. Tow vessels also should be required to have two-way radio communications, minimum crews and meet other safety standards that now are often ignored.

Here in St. Louis we already are well aware of the potential for a disaster on the river. It was revealed only recently that an accident involving an unlicensed towboat operator spilled 100,000 gallons of gasoline into the Mississippi near south St. Louis. In the past 30 months there have been 13 river accidents involving towboats in a 300-mile stretch of the Mississippi from Saverton, Mo., to Cairo, Ill.

Congress has an obligation to act as quickly as possible to end the threat of an explosion or fire that could cause immense loss of life and property at any time or place along the thousands of miles of inland waterways.

It can do this by passing the licensing and safety standards act for towboats. The danger is too great to delay further.

[Editorial from the Globe Democrat, Sept. 24, 1969]

REALISTIC RIVER SAFETY BILL

A bill requiring towboat pilots and engineers to be examined and licensed, expected to go before the House Merchant Maritime Committee within the next few days, is a long overdue step in the right direction toward regulating the nation's inland waterways industry.

Sponsored by Representatives Leonor K. Sullivan of St. Louis and Edward A. Garmatz of Baltimore, the bill would put an end to the current dangerous practice which allows virtually anyone—experienced or not—to operate a towboat.

This is a sensible piece of legislation which needs to be adopted. A continuing Globe-Democrat investigative and editorial campaign has pointed to the hazardous-accident potential under the lack of regulation of the towboating industry.

The proposal is not as tough as it should be. It represents a compromise between Mrs. Sullivan's strong bill for regulation of the waterways, introduced in 1962, and a pilot licensing bill backed by Garmatz. Also needed are crewing standards, which the new bill does not require.

But the plan is a realistic one in that it is probably the best that could be hoped to win acceptance. If it's approved by Congress—as it should be—it opens the door for more comprehensive regulations to increase safety on inland waterways.

[From the St. Louis Globe-Democrat, Sept. 24, 1969]

HOUSE GROUP TO WEIGH RIVER PILOT LICENSING BILL

(By Allan Hale)

A bill requiring towboat pilots and engineers to be examined and licensed is expected to go before the House Merchant Marine Committee in Washington within a few days, according to Congresswoman Leonor K. Sullivan (Dem.), St. Louis.

The bill stands in her name and that of Congressman Edward A. Garmatz (Dem.), Baltimore, and represents a compromise between her strong bill for regulation of the inland waterways industry, introduced in 1962, and a pilot licensing bill by Garmatz.

Dangerous accidents and lack of regulation of the towboating industry have recently been the subject of a continuing Globe-Democrat investigative and editorial campaign.

In a memorandum accompanying the draft bill, Garmatz urges its adoption, saying "For several years, it has been apparent that action must be taken to increase safety on our inland waterways. At present, no licenses are required for any operators of towboats in that area and there have been an increasing number of casualties."

Mrs. Sullivan's original bill would have required the licensing under Coast Guard supervision of all key towboats officers, including pilots and engineers, the laying-down of crewing standards, the construction of boats to approved design and their inspection while in operation.

The Garmatz bill would have required only the licensing of pilots.

The compromise bill will require the licensing of pilots in all boats of more than 15 gross tons, which means effectively all the 6,000 boats in the industry.

It also will require all boats of 750 horsepower or more to have a licensed engineer. The adoption of the horsepower of engines as a standard controlling whether or not the boat must have a certificated engineer can be regarded as a gain for the proponents of licensing of engine-room officers.

The horsepower standard will bring considerably more engineers under licensing control than the standard set in an earlier draft of the same bill, which would have required licensed engineers only aboard boats of 100 tons or more.

The bill leaves open the door to further regulation of the industry, by requiring the Secretary of Transportation to carry out a study of the "need for, if any, inspection of towing vessels" and "any other matter which he deems necessary to provide for safety on the navigable waters of the United States."

The Transportation Secretary is required to submit an interim report six months after the passing of the bill into law and a final report at the end of two years.

In his memorandum accompanying the circulated draft bill, Garmatz says, "This bill is the result of considerable study both by Mrs. Sullivan and me with respect to the causes of casualties, and we have come to the conclusion that by far the major number of casualties has been the result of inefficiencies in the pilot-house."

A report issued last month by the National Transportation Safety Board said there has been a 20 per cent increase in towboat accidents in the last four years.

[From the St. Louis Globe-Democrat, Sept. 26, 1969]

TWENTY-TWO IN HOUSE PUSH TOWBOAT BILL—PROVIDES FOR LICENSING, INSPECTIONS

(From the Globe-Democrat Washington bureau)

WASHINGTON.—Following up swiftly a federal finding that more than twice as many unlicensed towboat operators were involved in collisions as were licensed operators, 22 members of the House of Representatives have just introduced a bill to step up licensing requirements.

The measure would require a licensed pilot on every tugboat of more than 15 gross tons or more than 26 feet long. It would prohibit a pilot's working more than 12 hours in every 24, except in emergencies.

In addition, all tugboats of 750 horsepower or more would be required to carry a licensed engineer. This would affect about 1,700 of the 6,000-odd tugs now in operation.

(At present there is no law requiring any towboat officer to take an examination of competency and hold a license. This and other dangerous circumstances on the inland waterways have been the subject of a continuing Globe-Democrat investigative and editorial series.)

The bill also directs the Secretary of Transportation to carry out an intensive study of the need for requiring inspection of all towing vessels on inland waterways. This would affect virtually all such craft. Last year, for example, 6,101 tugs were not inspected, only 68 were inspected by the Coast Guard.

The secretary would be required to file interim reports on the survey every six months, including statistics on accidents during each period. His final report is due Jan. 1, 1972.

The bill was co-sponsored by Rep. Edward A. Garmatz (Dem.), Maryland, and Rep. Leonor K. Sullivan (Dem.) Missouri, chairman and next ranking majority member, respectively, of the House Merchant Marine Committee.

The committee will hold hearings on the bill Oct. 7, 8 and 9, Mrs. Sullivan said. A committee source indicated it was expected to move ahead rapidly.

The bill as drafted represents a compromise, it was reported, as Garmatz originally had not supported licensing of engineers.

The need for licensing was pointed up by the National Transportation Safety Board recently in an analysis of Coast Guard figures on tugboat accidents.

"Unlicensed towing vessel operators," the board said, "were involved in twice as many collisions as were licensed operators."

The board said the figures "revealed the need for more competent operators, knowledgeable in the rules of the road."

The Coast Guard had reported in detail on 108 major accidents. In one, for example, a towboat pushing a barge hit a major highway bridge, knocking out a section of the span.

"The operator of the towboat was unlicensed, and had only four months' experience," the Coast Guard said.

In another case, two tows collided on a straight stretch, both with unlicensed pilots, because each failed to take proper precautions. A third accident saw two vessels with unlicensed operators collide because they failed to stay on their own sides of the channel.

In a fourth instance, an unlicensed pilot tried to rush his towboat across the bow of an oncoming tow. His towboat was capsized and one of two men in the crew drowned.

REPRESENTATIVE BYRNE ADDRESSES PULASKI DAY OBSERVANCE

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. ZABLOCKI. Mr. Speaker, those who were privileged to attend the 1969 Pulaski Day observance in Philadelphia's Independence Square on Sunday, October 5, were fortunate to hear a stirring address by our esteemed and honorable colleague from Pennsylvania, Representative JAMES BYRNE.

Sponsored by the Polish American Congress for the eastern district of Pennsylvania, the ceremony honored Marine Maj. Robert J. Modrzejewski, a recent recipient of the Medal of Honor for heroism in Vietnam. As Congressman BRYNE points out in his speech, Major Modrzejewski embodies those same qualities of respect for freedom and human dignity which inspired Gen. Casimir Pulaski.

In many ways Congressman BYRNE's remarks lend meaning and significance to an important reality in our American tradition—the fact that we all come from different national heritages but are joined together in the common cause of our love for America. It is for that reason that I am pleased and honored to place it in the RECORD at this point and recommend it to the attention of my colleagues:

ADDRESS BY REPRESENTATIVE BYRNE

Mayor Tate, Reverend clergy, honorable government officials—city, state and Federal—Major Modrzejewski, President Czaplicki, General Chairman Wyszynski, Grand Marshall Walczak, ladies and gentlemen:

We gather here today, at this historic shrine of liberty and independence, to honor two heroic sons of Poland—one who died 190 years ago this month in the gallant struggle to create this nation; and one, who we are thankful is among us today, who is continuing the fight for freedom.

Actually, we are honoring more than just two men; we are honoring them as representatives of an American community renown for its contributions in all fields of endeavor.

Casimir Pulaski was born a Pole and died an American. Our guest of honor today, Marine Major Robert J. Modrzejewski, was born an American, but he, too, stands up proudly and declares: "I am a Pole."

This is entirely proper, for this is the American way. We are proud, indeed, of being Americans, but we look back with fondness, respect and nostalgia to the land that gave us birth—or from which came our parents or grandparents.

Casimir Pulaski had a dream. If not for that dream, he might never have come to our shores. And without the heroism of Pulaski, there is a serious question of whether the Stars and Stripes would be flying here today—or at least whether those eight long years of our struggle for independence would not have been many more.

Casimir Pulaski could have been one of the viewers instead of one of the doers. After all, he was a nobleman, with wealth and position. He did not have to put his life and position on the block.

But he had a dream, and within himself that inner voice kept repeating and repeating, ever in stronger tones, "Someday, Poland will be free!"

Pulaski did not live to see that dream become a reality. He died on his adopted shore, many thousands of miles from his native and beloved land, so that America could be free.

But Pulaski's dream did not die. It remains in the hearts and on the lips of free men everywhere even unto this day: "Someday, Poland will be free."

May it be in our lifetime, or at least in the lifetime of our children!

As commander of the Polish Patriotic Forces, Pulaski and his comrades fought hard and well, but they faced unsurmountable opposition. Poland was not freed; and Casimir Pulaski was forced to flee for his life.

There were not many avenues open to him; there were few lands which would welcome a revolutionist—despite the legitimate cause for which he fought.

But the American colonies, where the thoughts, if not the words, that declared that all men are created equal permeated the populace, offered him refuge.

He more than amply repaid the debt he owed America with his bravery, ability and his life.

It was at the Battle of Brandywine, on September 11, 1777, that the military genius of Casimir Pulaski was truly realized. The British had landed a huge army on the Chesapeake and were marching on Philadelphia, the capital of the fledgling nation.

Near Chadds Ford, in Delaware County, at the banks of Brandywine Creek, an American Force, under the command of General George Washington, the Marquis de Lafayette and Count Casimir Pulaski took a stand to stop this superior force and save their capital.

I guess under present day terminology, Brandywine would be called a lost battle, for Philadelphia was not saved. It fell to the British and their Hessian mercenaries two weeks later and the Continental Congress fled to York.

But, in reality, and in the end, Brandywine was an American victory because the British were forced to go around the American army, leaving them the rich farms to feed them for the winter and the many forges to produce their cannon and rifle barrels.

Before the Continental Congress left in the face of the advancing British, in these very buildings, the Congress promoted Casimir Pulaski to brigadier general and named him the chief of all cavalry forces of the Continental Army.

Subsequently, Pulaski added more luster to his name at the Battle of Germantown and the battles of the winter of 1777–1778.

Following that bitter experience, he formed a corps known as the Pulaski Legion, with which he defended Charleston, South Carolina, in May, 1779. A few months later, fighting the Battle of Savannah, he was mortally wounded and taken out to the U.S.S. *Wasp* in the harbor.

There, on October 11, 1779, he died and was buried at sea. We have no gravestone at which to lay floral tributes. But we have a place for him in our hearts.

Our other honored son of Poland, Major Modrzejewski, was born July 3, 1934, in Milwaukee, Wisconsin, and, by coincidence, attended Pulaski High School there.

Upon graduation from the University of Wisconsin, he was commissioned a second lieutenant in the United States Marine Corps, and he has been a Marine for more than 12 years now.

He, too, won military recognition thousands of miles from his native land, and for this his nation honored him with its highest decoration for valor, the Congressional Medal of Honor; and for this we pay him homage today as the symbol of the young men of our nation.

It was March of last year President Lyndon B. Johnson placed around the neck of this young man a symbol honored by fighting men more than a general's stars.

He received this medal, and may I quote from his citation, "For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as commanding officer, Company K, Third Battalion, Fourth Marines, Third Marine Division, in the Republic of Vietnam from 15 to 18 July, 1966."

If I may, I would like to read the entire citation, I think you ought to know the type of man you are honoring here today.

"On 15 July, during Operation Hastings, Company K was landed at an enemy infested jungle area to establish a blocking position at a major enemy trail network.

"Shortly after landing, the company encountered a reinforced enemy platoon in a well organized, defensive position. Major (then Captain) Modrzejewski led his men in a successful seizure of the enemy redoubt, which contained large quantities of ammunition and supplies.

"That evening, a numerically superior enemy force counterattacked in an effort to retake the vital supply area, thus setting the pattern of activity for the next two and one-half days.

"In the first series of attacks, the enemy assaulted repeatedly in overwhelming numbers but each time was repulsed by the gallant Marines.

"The second night, the enemy struck in battalion strength and Major Modrzejewski was wounded in this intensive action which was fought in close quarters.

"Although exposed to enemy fire, and despite his painful wounds, he crawled 200 meters to provide critically needed ammunition to an exposed element of his command and was constantly present wherever the fighting was heaviest.

"Despite numerous casualties, a dwindling supply of ammunition and the knowledge that they were surrounded, he skillfully directed artillery fire to within a few meters of his position and courageously inspired the efforts of his company in repelling the aggressive enemy attack.

"On 18 July, Company K was attacked by a regimental size enemy force. Although his unit was vastly outnumbered and weakened by the previous fighting, Major Modrzejewski reorganized his men and calmly moved among them to encourage and direct their efforts to heroic limits as they fought to overcome the vicious enemy onslaught.

"Again he called in air and artillery strikes at close range with devastating effect on the enemy, which together with the bold and determined fighting of the men of Company K, repulsed the fanatical attack of the larger North Vietnamese force.

"His unparalleled personal heroism and indomitable leadership inspired his men to a significant victory over the enemy force and reflected great credit upon himself, the Marine Corps and the United States Naval Service."

That, ladies and gentlemen, is the end of the citation of this young man who we honor here today. Actually, it is we who are honored, Major Modrzejewski, by your presence among us today.

Would that it were within my power to award the Congressional Medal of Honor to each of the young men of Company K, those who survived and those who gave their lives in their nation's service.

But it is not.

Therefore, Major Modrzejewski, as a representative of your grateful nation, may I salute you for your individual accomplishments, as a representative of all our brave young men, and as a worthy son of a proud and noble people.

Thank you.

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. QUIE. Mr. Speaker. There are ramifications to the October 15 moratorium which should be considered by all genuinely concerned about peace in Vietnam and the future role of the United States in international affairs. David Broder, in his column appearing in today's Washington Post, exposes some of the very far-reaching dangers which could result from this exercise in "breaking the President."

As Mr. Broder points out, American men are being withdrawn from Vietnam and the level of hostilities appears to be deescalating. Steps are being taken to turn the fighting over to the Vietnamese if peace is not negotiated.

The country will be in very great danger if the demonstrations against the war weakens the authority of the President or his ability to lead the Nation. While the right of reasonable dissent should not be restricted, there is an admitted interest among some agitators in the breakdown of the constitutional governmental system in this country. Participants in the Vietnam moratorium would do well to consider the possible outcome of their actions.

I submit the Broder column for printing in the RECORD at this point:

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

CAMBRIDGE, MASS.—If there are any smart literary agents around these days, one of them will copyright the title "The Breaking of the President" for the next big series of nonfiction best-sellers. It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.

The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can readily be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like any discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used.

The essentials of the technique are now so well understood that they can be applied with little waste motion.

First, the breakers arrogate to themselves a position of moral superiority. For that reason, a war that is unpopular, expensive and very probably unwise is labeled as immoral, indecent and intolerable. Critics of the President who are indelicate enough to betray partisan motives are denounced. (That for you, Fred Harris.) Members of the President's own party who, for reasons perhaps unrelated to their own flagging political careers, catapult themselves into the front ranks of the opposition are greeted as heroes. (Hooray for Charley Goodell.)

The students who would fight in the war are readily mobilized against it. Their teachers, as is their custom, hasten to adopt the students' views. (News item: The Harvard department of biochemistry and molecular biology last week called for immediate withdrawal from Vietnam.)

Next, a New England election (the New Hampshire primary is best but the Massachusetts Sixth Congressional District election will do as well) surprisingly shows that peace is popular at the polls. The President's party sees defeat staring it in the face unless it repudiates him, and the Harris poll promptly comes along to confirm his waning grip on public trust. The Chief Executive, clearly panicky, resorts to false bravado and says he will never be moved by these protests and demonstrations, thus confirming the belief that he is too stubborn to repent and must be broken.

And then, dear friends, Sen. Fulbright and the Foreign Relations Committee move in to finish off the job:

All this is no fiction; it worked before and it is working again. Vietnam is proving to be what Henry Kissinger once said he suspected it might be—one of those tragic, cursed messes that destroys any President who touches it.

That being the case, any President interested in saving his own skin would be well-advised to resign his responsibility for Vietnam and publicly transfer the assignment of ending the war to Congress or the Vietnam Moratorium Committee or anyone else who would like to volunteer for the job.

But he cannot. And that is the point the protesters seem to overlook. Assume that they and the President are both right when they assert the time has come to end this war. Assume that the protesters know better than the President how to do so—despite the conspicuous absence of specific alternatives to the President's policies in their current manifestos.

There is still a vital distinction, granting all this, to be made between the constitutionally protected expression of dissent, aimed at changing national policy, and mass movements aimed at breaking the President by destroying his capacity to lead the nation or to represent it at the bargaining table.

The point is quite simple. Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace.

Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam Moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

There is also the matter of time. It is one thing to break a President at the end of his term, as was done last year. It is quite another thing to break him at the beginning, as it being attempted now.

The orators who remind us that Mr. Nixon has been in office for nine months should remind themselves that he will remain there for 39 more months—unless, of course, they are willing to put their convictions to the test by moving to impeach him.

Is that not, really, the proper course? Rather than destroying his capacity to lead while leaving him in office, rather than leaving the nation with a broken President at its head for three years, would not their cause and the country be better served by resort to the constitutional method for removing a President?

And what a wonderful chapter it would make for Volume 2 of "The Breaking of the President" series.

AGE—AN ASSET

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. MILLER of California. Mr. Speaker, the Alameda Times Star, published by Abe Kofman, carried an editorial the other day, "Age—An Asset" which I commend to my colleagues in the House.

It pertains to the employment of men over 40. In this day and age when the emphasis is on youth, the agitators on the campuses, throughout the country, and also some of them in this very House, forget the truth that age will some day catch up with them.

In Shakespeare's great tragedy, "Hamlet" there is a graveyard scene in which Hamlet is handed the skull of he who

was once a great jester. In closing his soliloquy, as he tosses it back into the grave, he say, "Get thee to my lady's chamber and tell her, let her paint an inch thick, to this favour she must come."

The editorial appears below:

AGE—AN ASSET

Special emphasis is being placed on the value of workers who have passed age 40—at least some quarters are trying to prevail upon corporations to not rule out those in the plus-40 age bracket.

Governor Ronald Reagan points out that "scientific and statistical evidence" relegates to the category of the old wives' tale the idea that persons past 40 are somehow less knowledgeable and less efficient than those under 40.

There is need for such statements and such efforts to bring pressure on industry to revise the restrictive employment policies as related to age which have become accepted practice in too many places.

A talk show last week brought into graphic focus this very problem. Station KGO broadcast the conversation of a man who described himself as 43, an electronics engineer with a master's degree who has consistently kept abreast of state-of-the-art.

Although he did not identify the corporation by name, it was a big one on the San Francisco Peninsula. The axe had struck him, he said—he was terminated. And some 5,000 persons are in the same category, he charged. All are due for the pink slip, in line with that corporation's policy of weeding out persons over 40.

Under the free enterprise system, a policy such as this is considered the inviolate right of management. Government can suggest, perhaps even cajole, but it can exert little effective control over preventing such a harsh, impersonal policy from being implemented.

The personal damage done to individuals who fall under the age guillotine is unmeasureable. It is an ego-shattering experience, and can change the whole direction of not only one individual's career, but of his entire family.

And there is no question but what such a policy is shortsighted and destructive of the asserted goals of management—"team effort, efficient, quality production."

Most people grow in their work situations. They're better men at 40 than they were at 30, and they're better at 60 than they were at 50. Experience can be acquired only by doing.

Disregarding the cruel, immoral aspects of an age-restricted employment policy, it cannot be demonstrated that firing people at age 40 is good for the output of any organization.

A small step has been taken by Congress in making it unlawful to discriminate because of age. But proof is next to impossible to obtain. And since the average age continues to drop, those in power positions in industry probably will go right on being arbitrary, arrogant, brutal.

Maybe an "over-40 picket line" might be considered. Would that be too far-fetched? Not if you're a victim!

DR. GEORGE MUELLER, PLANNER-TECHNICIAN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. TEAGUE of Texas. Mr. Speaker, on Wednesday, July 23, 1969, the New York Times carried an article on Dr. George Mueller, Associate Administrator of the National Aeronautics and Space Administration. Having been associated with Dr. Mueller quite closely since he took over this post, I can frankly say that he is one of the most dedicated and sincere employees our country has. His vast knowledge and experience, I believe, was the major contributing factor to the success of our Apollo program and the ultimate moon landing. I have nothing but respect and admiration for George Mueller, a dedicated and loyal American. The Times article follows:

PLANNER-TECHNICIAN—GEORGE EDWIN MUELLER

(By Richard Witkin)

Some of the top officials directing day-to-day preparations for Apollo lunar flights became seriously worried 18 months ago about the dizzying complex of computer programs for the rockets, the spacecraft and the ground-support network. They feared the computer programs might not mesh as precisely as they had to if the voyage to the moon was to succeed. Following conventional wisdom, the officials decided they needed a preference for the job was anything but conventional. He was Dr. George Edwin Mueller, their boss.

As associate administrator of the National Aeronautics and Space Administration in charge of all manned space projects, Dr. Mueller might have been expected to be too busy with his vast administrative and planning duties to be able to take on the extra assignment, however important. He found the time.

"The computer programing was the biggest job of its kind anybody had ever attempted." Lieut. Gen. Samuel C. Phillips, director of Project Apollo, said yesterday. "Some would disagree, but I believe the special effort George directed produced a lot of positive results."

It was no surprise to those who had followed his career that Dr. Mueller (he pronounces it Miller) could turn so readily from broad policy matters to the most intricate technical questions.

Intense, often called brilliant, he has been a professor of electrical engineering at Ohio State and later held a top position with a company that helped the Air Force pull together the many complex parts of its missile program.

Recruited for NASA, he brought to Washington a passion for work—16 to 18 hours a day. He became intimate with almost every piece of Apollo hardware and training equipment, staying out of the training centrifuge only because the doctors thought the gravity forces might be too much.

During the Apollo 8 mission he was home with flu. But he was constantly on the phone with the Mission Control Center and between calls he built himself a color TV set.

Important as his role has been, he has not been highly publicized. "In Washington," he once said, "if you stick your head above the waterline, you get it shot off. So when I took this job I made up my mind that, to get it done, I'd remain submerged."

In his NASA post, Dr. Mueller has been looking far ahead of Project Apollo, lest the valuable assets put together to produce the miracle of a lunar landing might be dissipated if the country did not set itself some new goals.

Pressing that point yesterday, he told a news conference in Houston:

"It seems quite clear that the planets of the solar system are well within our ability to explore, both manned and unmanned, at the present time."

But some of his highly-placed associates say there is a blemish in the picture of the successful spaceman. As one of them put it, "he has leadership problems."

Slight in stature, indirect in his personal approaches, he is not generally considered the model of an inspirational leader. His critics suggest he is distrustful of others and therefore unable to command their respect. Others say he is so single-minded about his assignment that, despite a casual informal manner he often rides subordinates too hard.

One of his stout defenders is Gen. Bernard A. Schriever, retired, who ran the Air Force missile program.

"I always had the sure confidence that he could understand technical details and at the same time glue a management together," General Schriever said yesterday. "No one can snow him."

Dr. Mueller was born in St. Louis exactly 51 years before the launching of the Apollo 11 spacecraft at Cape Kennedy on July 16.

He and his wife, the former Maude E. Rosenbaum of St. Louis, live in an attractive townhouse in the Georgetown section of Washington with one of their two daughters. The other is married to a Norwegian who is studying here for the ministry.

OPERATION INTERCEPT

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, yesterday I inserted the text of a statement on drugs issued by Gov. Ronald Reagan commending the administration's "Operation Intercept." Today I include in the RECORD a letter to the editor of the Los Angeles Times from a Beverly Hills doctor which raises serious questions concerning administration motives and judgment in implementing this border crackdown. The good doctor, to put it mildly, expresses his views quite adamantly. Since I believe that honest debate on the different approaches to the problem will result ultimately in the adoption of the best method of handling it, I am submitting the letter for your perusal.

Dr. Rickles, among other things, speaks to the underlying causes of drug use by young persons. He feels that the continuation of the war in Vietnam and the catastrophic conditions in the ghettos create a need to escape among our disenchanted youth. Ending the tragedy that is the Vietnam war and erasing the poverty, malnutrition, and hopelessness that exists in the ghetto areas, he surmises, will help to alleviate the narcotics problem. In this respect, we are in agreement. The pruning of a diseased tree will do no lasting good if the diseased core is not removed.

The letter follows:

MOTIVES QUESTIONED: CRACKDOWN ON MARIJUANA

You gave considerable publicity (Sept. 14) to a massive crackdown on the illicit traffic in marijuana. I am not objecting to this plan by the government. But I seriously question the motives behind and the reasoning espoused by the Justice Department.

I quote directly from your article. "The Nixon Administration hopes to turn young persons away from marijuana by choking off supplies and pushing the price beyond their reach. This, Dep.-Atty. Gen. Richard G. Kleindienst said, would send the price of marijuana skyrocketing, so that unlike

XUM

today, it will be beyond the reach of our young people who are using it so commonly."

His reasoning was that, "It's not an addictive drug like heroin." Asked whether the task force had considered legalizing marijuana, Kleindienst replied quickly and crisply: "No, we believe it should be a crime . . . it has adverse effects on our citizens, based on the literature I have read."

What literature? As a doctor of medicine, I have read the literature too, but all the literature not just that which is adverse. By far, the preponderance of authentic writings state just the opposite. But that isn't the issue. Alcohol isn't an addictive either. A similarly aroused government created the Volstead act in 1918 to prohibit the sale of alcohol. And with what dire results. We created a nation of law breakers and encouraged and abetted gangsterism which still plagues us and according to the FBI, is the greatest menace to our country today. And so once again we play into the hands of organized crime.

How stupid and arrogant can the establishment be? Hasn't the rebellion of youth reached their closed minds? People will not be forced to stop drinking alcohol, nor will the youth be forced to stop smoking pot. We have by conservative figures at least 10,000,000 alcoholics in the United States today. And from government figures at least 30,000 users of grass. What does the government want to do increase that figure to 50,000,000?

Is our government truly so blind and stubborn that it must continue the same strong-arm tactics to force obedience to established though questionable laws? Can't they see that maybe, just a possible maybe, that it is their approach and attitude that could be wrong?

Why won't they learn from bitter experience? Why won't they listen to informed behavioral scientists as to the harm of rigid controls where human emotions are concerned? Why won't they find out why our children have flocked to marijuana, to the land of lotus eaters as a surcease from the pain and anxiety of bitter disillusionment?

The government or no other agency can stop anyone from taking pills or alcohol by prohibition. But they can cut down on the intake by eradicating the causes and the motivation.

Two persistent overwhelming factors contribute today to the meteoric increase in drug consumption. One is the catastrophic condition in our ghettoes, with poverty and inequities primarily involved with minorities. The second is the stupid continuation of a colossal blunder in Vietnam. Concentrate our man power to the eradication of these two evils and there will be an immediate let down in the need to escape on the part of our disenchanted youth.

Continue the blind enforcement of rigid controls and we will all end up lotus eaters!

OCTOBER 15 MOBILIZATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. RARICK. Mr. Speaker, the Chinese Reds are reported to be feverishly mobilizing to meet an October 15 deadline.

Is the October 15 mobilization just another Communist gimmick? Can it be that the crumbling and corrupt Red dictatorship is merely using the Russian Bear as a catalyst to renew the nationalist spirit of the Chinese people?

Or, are the Chinese Communists actually mobilizing against a threatened military attack which they feel the Russians could claim was an anticipatory retaliation in view of the Red Chinese nuclear threat.

Mr. Speaker, I include several news clippings:

[From Parade magazine, Oct. 5, 1969]

REPORT FROM RED CHINA

One of the best yardsticks of how things are going in Red China is the number of illegal Chinese refugees making their way into Hong Kong.

The Chinese refugees swim rivers, cut through or scale barbed-wire fences, hide in junks, undergo unimaginable hardships to flee their homeland.

Last year 2000 of them made it to Hong Kong. This year the number approaches 8000. which means that conditions must be bad indeed in China.

According to Chinese escapees, who are generally allowed to remain in Hong Kong, the monthly food ration per person in Kwantung Province is now down to ten ounces of meat and four ounces of oil. Rice, the daily staple, is down to 30 pounds per month. The yearly clothes allowance is five yards of cloth. Matches are limited to two small boxes per month.

Worse yet, Mao has issued the nationwide call: "Prepare for war." Fear is rampant and the stockpiling of reserves is feverish to meet an Oct. 15th deadline, which is about when the Chinese expect the Soviet Union to attack them in the start of a full-scale war.

The trains from Canton, which arrive at the station in front of the Peninsular Hotel in Hong Kong, carry passengers who report widespread student unrest and juvenile delinquency in China. Worst offenders, they say, are the former Red Guards, who seemingly prefer perpetual rebellion to hard work, either in or out of school. Others report that Mao has instituted a crash program to move the Chinese nuclear installations from Sinkiang Province on the Soviet border to safer, more secret underground locations farther to the south.

As usual, the truth of what is really going on in Red China is extremely difficult, almost impossible to come by.

[From the Washington Star, Oct, 5, 1969]

RUSSIA SET TO ATTACK CHINA?

(By Victor Zorza)

LONDON.—The pace of the Chinese nuclear program is quickening again, after the disruptions due to the "Cultural Revolution," and this cannot fail to cause concern to Russia.

Last week China tested what it described as "a new hydrogen bomb." The week before, the U.S. Atomic Energy Commission picked up seismic signals from China equivalent to an underground nuclear test in the low to intermediate range.

No previous Chinese tests were held in such quick succession and both tests were held in the Lop Nor area of Sinkiang Province, which has long housed some of the most important Chinese nuclear installations.

Intelligence reaching the Indian government recently suggested that China was moving its nuclear installations from Lop Nor, near the Soviet border, to Tibet, where they would be less vulnerable to Soviet attack. But the latest tests suggest that an important part of the Chinese installations still remains in the Lop Nor area.

MAY STILL HAVE TIME

If, therefore, the Russians are to try to destroy the installations, they may still have time to do so—though not much. The longer they wait, the more difficult the task would become.

Moreover, the longer they wait, the more likely the Chinese are to assemble an arsenal of nuclear weapons which, however small, could threaten to destroy some of the large Russian cities in the Far East, such as Vladivostok and Khabarovsk which are virtually just over the border.

The most primitive means of delivery, such as the old Soviet bombers still in service with the Chinese air force, could accomplish the job—and the Russians know it. It will be some time before China has the rockets which could pose a similar threat to the United States.

A Moscow paper recently acknowledged—quoting U.S. Defense Secretary Melvin R. Laird—that China will not be in a position to threaten the United States with nuclear weapons within the next few years, and it therefore went on to suggest that "Peking's nuclear ambitions are connected with plans to spread the Chinese revolution to neighboring countries."

Other signs in the Soviet press have suggested for some time the existence of two factions in the Soviet leadership, with some urging the elimination of the Chinese nuclear threat while there is still time, while others advocate moderation.

Striking confirmation of this has appeared in an article by a Russian journalist, Victor Louis, written for publication in the West.

In a dispatch sent from Moscow to the London Evening News, Louis said that "some circles," which he did not identify, were asking why the Brezhnev doctrine—under which Russia invaded Czechoslovakia—"should not be extended to China."

China was indeed much larger than Czechoslovakia and might offer active resistance, but according to the "Marxist theoreticians" who were his sources, this was "no reason for not applying the doctrine."

His "well-informed sources" in Moscow were "surprised at Western excitement over the Soviet plan to launch an air attack on Lop Nor," Louis wrote. "Whether or not the Soviet Union will dare to attack Lop Nor, China's nuclear center, is a question of strategy and so the world would only learn about it afterwards."

A DIFFERENT APPROACH

Just like the invasion of Czechoslovakia? Not quite.

This time the Kremlin is actually saying, almost in so many words, that it is considering an attack on the Chinese nuclear installations.

In the case of Czechoslovakia, the Russians made no direct threats in public, and the threats they made privately to Alexander Dubcek were so indirect that even he was disinclined to believe that they meant business. This time, the Kremlin is evidently trying to make sure that its warning is recognized and is heeded.

But why choose Louis to say it? Because if the Kremlin were to say it directly, in Pravda or in a diplomatic communication to China, it would lay itself open to the charge that it is warmongering, and that it is using the threat of aggression as an instrument of policy.

Moreover, the aim is not only to convince the Chinese that the Kremlin means business this time, and that they will be punished with the utmost severity unless their border "provocations" cease.

The aim is also to spread the word around, to get the diplomatic and military experts in the world's capitals used to the idea that a Soviet strike against Lop Nor is a distinct possibility, so that it should not be too great a surprise if and when it comes.

Louis' story has had precisely that effect.

Louis himself has been described in the Western press as "a Soviet citizen believed to have close connections with the Soviet secret

XUM

police." He has carried out in the past "special tasks" in the field of foreign propaganda, "apparently at the bequest of the Soviet KGB, or secret police, or the Soviet foreign office, or both."

As far back as August 1967, the New York Times reported that "Western intelligence services have long suspected Mr. Louis as an agent of a KGB department used by the Soviet government to pipe expedient information toward the West."

In the Italian Corriere Della Sera, the paper's former Moscow correspondent, who had known Louis for a number of years, described his "privileged position" in the Soviet capital in an article entitled "Half Journalist, Half KGB Spy."

INDIGNANT AT QUESTION

This spate of articles two years ago was provoked by Louis' intervention in the Svetlana Stalin affair, when he brought to London a copy of her memoirs in order to arrange their publication before her own publishers had done so, and thus deprive her book of the impact it was expected to produce throughout the world.

The London Observer said that he had often been asked "why his activities often seem to fit in with the purposes of the Russian government." His reply, the paper said, was indignant. "Everyone expects that I should be a Soviet agent. Why cannot they believe that I am a professional journalist?"

It is a matter of public interest of the greatest importance that when Victor Louis writes, as he does in the Lop Nor dispatch, of "well-informed sources in Moscow," these should be recognized for what they are.

When he says, further, that still unreported developments on the Sino-Soviet frontier are "causing the military considerable concern"—and suggests that anti-Mao forces in China "could produce a leader who would ask other Socialist countries for fraternal help"—he is virtually writing a scenario for a Soviet invasion of Sinkiang.

Has the Kremlin given the order to the military to go ahead? My considered reply is that it has, that Louis would not have been allowed—or told—to send out his article if this decision had not been made.

It was about a month before the invasion of Czechoslovakia that analytical evidence made it possible to conclude that the hawks in the Kremlin had prevailed over the doves, and that an invasion was to be expected. The same sort of evidence now suggests that a similar decision has been reached with regard to China.

The evidence is not "hard," any more than the earlier evidence was, because it is the nature of this type of analysis that it must be tentative. Moreover, any orders given to the military may be countermanded before they have been carried out, and the Kremlin "doves" will no doubt continue trying until the very last moment to restrain the "hawks."

But the failure of Premier Alexei Kosygin's mission to Peking suggests that the hawks have a better chance of carrying their plans through to a conclusion than the doves have of restraining them.

True, there has been no further news of frontier skirmishing, but there have been similar periods of silence in the past, which were later shown to have concealed serious clashes on the border.

It is still possible that the Chinese will accept the proposal for talks at deputy minister level, which Kosygin put to Peking, and that this may put off the day of reckoning. But there probably will be those in Moscow who would regard this as a delaying tactic, and would argue that any delay now is going to cost more Soviet lives later.

Could Cite Czech Invasion

Soviet inspired rumors last month that Mao was dead or dying may be belied by his reappearance in Peking, but they also suggest that the Kremlin is reckoning with the possibility of his sudden disappearance from the scene.

The Kremlin's old dilemma is becoming more acute. What would serve its interests best? Immediate intervention might prevent the consolidation of power by the Maoist faction, which has pledged undying hatred of the Soviet Union. If Russia stands back to allow Mao successors to fight it out, there is always the chance—as the Kremlin hawks would argue—that the anti-Soviet faction would win and would go on to pose a much greater threat to the Soviet Union in the future.

This is precisely how they argued before the invasion of Czechoslovakia, and they won the day then. They can now claim that the consequences of that invasion were not as disastrous as the doves feared they might be, and that this justifies the application of the Brezhnev doctrine to China—which is what Louis' Moscow "sources" advocate in so many words.

Last month U.S. Secretary of State William P. Rogers said the Soviet Union had "moved a lot of equipment towards the border." It has moved more than equipment—it has moved men and weapons, and both are in a state of battle readiness.

It may be that the military movements are intended to warn the Chinese, and that this is also the purpose of Louis' dispatch. But there is a point at which a warning becomes a threat, and the threat becomes the first in a chain of actions that is more likely than not to culminate in hostilities. This point has now been reached.

[From the Washington Star, Oct. 7, 1969]

Peking Meeting Would Take Up Border Dispute

Hong Kong.—Communist China asked the Soviet Union today to help defuse their potentially explosive border dispute, Peking Radio reported.

The Red Chinese proposed a military pullback in key disputed areas and agreed to resumption of formal border talks in Peking by vice foreign ministers of the two countries, Peking said. Time of the talks was not stated.

* * * * *

These positive public gestures are viewed by observers here as part of a broad effort to exert all possible leverage, political and psychological, on Peking to induce the Chinese leaders to negotiate a solution of the Sino-Soviet conflict and avert further dangerous incidents.

The Russians appear convinced that this is the time when such a hard-sell campaign may prove effective for they believe that China is wracked by dissension and turmoil at many levels from the top down.

Even while refraining from direct criticism of China, the Soviet press has quoted foreign reports of internal disturbances and mass repression there.

* * * * *

The Chinese statement said the border dispute was the most serious issue in the long quarrel between the two Communist giants.

The statement indicated that the increasing tension along their 5,000-mile border had made war a very real threat.

The Chinese also raised the specter of nuclear war, implying that the Soviet Union was threatening preventive strikes against strategic Chinese areas.

The statement said Chou and Kosygin met on Sept. 11 in Peking and had an exchange of views on the boundary question and the relations between the two countries.

The Chinese statement said Soviet assertions that China was threatening war, particularly a nuclear war, were "nonsense" and "ridiculous." But it also warned Russia that China "does not fear any war, even nuclear war."

WOULD FIGHT AGGRESSION

Referring to reports Russia might be considering a preventive strike, Peking said:

"If the handful of warmongers want to do the most ridiculous thing in the world and launch an attack against the strategically important places in China, this is a war, it is an invasion.

"The 700 million people of China will rise up and fight. We will use revolutionary war to destroy aggression."

* * * * *

Yet a curious parallel presents itself between the present Sino-Soviet confrontation and Soviet dealings with the Alexander Dubcek regime in Czechoslovakia in the months prior to the invasion by the Warsaw Pact powers.

Quite likely this similarity occurred to the Chinese leaders when Kosygin requested the Peking meeting with Chou to present the Soviet position.

For it was Kosygin who journeyed to Prague before the invasion to persuade the Czech leaders to accept Moscow's views and demands.

It would be rash to assume by stretching this reasoning that an invasion of China is imminent. But even while speaking softly on behalf of the negotiated solution and improved relations, the Russians continue to hold a big stick in abeyance.

At the present stage, this is a part of their political and psychological effort. But should that effort fail and violence break out again, the possibility of the kind of preemptive strike envisaged by the writer Victor Louis is not to be excluded.

This was originally hinted in Pravda's Aug. 28 editorial headlined "Pekin's Adventurist Course," wherein the Communist party paper bluntly accused the Chinese of preparing all-out war against the Soviet Union.

A SOUTH AFRICAN VIEW OF THE UNITED STATES

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. KASTENMEIER. Mr. Speaker, it has come to my attention that Mr. Colin Eglin, national executive chairman of the Progressive Party of South Africa, and a former Member of Parliament, has prepared a most thoughtful report on his recent visit to this country. During his brief stay here, Mr. Eglin met with various congressional and national leaders for an informal exchange of views on contemporary problems in the United States and the Republic of South Africa. In his report, Mr. Eglin shows particularly keen insight in analyzing current tensions and violence in this country. He describes our racial conflict as being of a temporary nature which will eventually lead to a greater awareness by this country of its social responsibilities.

It is no secret that in South Africa the leadership of the ruling National Party has sought to draw comfort from our own racial difficulties. In doing so, they are mistakenly seeking vindication of their own raical separation policies. Mr. Eglin's report puts this situation in its proper perspective, particularly for South Africans who may have a simplistic view of race relations elsewhere and who may too easily draw the wrong conclusions. It would be useful for Americans to see their own society succinctly analyzed by a perceptive, intelligent foreign observer.

The report follows:

Report From U.S.A.—July 1969: Frustration, Close to the Point of Anger

(By Mr. Colin Eglin)

We arrived in Boston in time to watch—on colour T.V.—space capsule "Charlie Brown" streaking across the sky and splashing down with uncanny accuracy to make its mid-Pacific rendezvous with the aircraft carrier U.S.S. Princeton. Three astronauts had completed a seven day reconnaissance journey to the moon.

I was at once aware of the personal drive, the technological skill, the industrial power which have become the hallmarks of the American society. Indeed one cannot visit the United States without being impressed, to the point of almost being overwhelmed, by the magnitude of American achievements.

Many of these stand out visibly before even the most casual of visitors—towering buildings, vast urban renewal schemes, highways, bridges, tunnels, airports, a sophisticated network of communications, universities, art galleries, cultural centres. One senses the throbbing power of the gigantic economic machine. And when one looks further there is the achievement in the field of research, the humanities, education, community projects, yes and even in the field of civil rights and intergroup relationships.

But what was equally interesting and impressive to me, a visitor from South Africa, was to watch the American people engaged in a critical examination of themselves and their society. No slavish acceptance of existing norms, no meek acquiescence with the ideology of a central authority, no 'closing the ranks' on criticism from outside or action against non-conformist critics from within. To many Americans the debate with its thrust and counter thrust, its issues, its confrontations might seem interminable—but to me at least it was a refreshing contrast to the present South African scene.

I left the United States not only impressed and refreshed, I left it perplexed and disturbed, for, in spite of the unity generated by the momentum of the mighty economic machine, powerful, centrifugal forces are developing in the United States society. These forces are delicately poised between two contrasting courses of action—they could prove to be constructive, invigorating, adding a new sense of purpose to the American society and its institutions. But equally they could erupt, erupt with violence, destroying much that is worthwhile, leaving scars on the American people and putting back the clock of progress both in the United States and around the world.

I am not suggesting that the American nation is or should be ashamed or afraid of these forces. They are the inevitable products of the technological age, of the big cities, of a shrinking continent in a shrinking world.

In looking closer at the origins of the forces I could not help being struck by the changes in the mood of the United States during my visits there over the past decade.

The apparent purposefulness and thrust of the nation as it swung in behind President Kennedy at the end of 1960.

Five years later, growing disillusionment and mounting disenchantment. For then, in spite of a massive legislative programme initiated by President Johnson—the civil rights bill, the medicare, poverty programs etc.—the gaps between promise and performance were starting to grow. And by then the Vietnam war was escalating.

And now in 1969 America is in a mood of frustration—frustration close to the point of anger.

Students, young people, frustrated with an establishment that has not lived up to its professed standards, which has so often forfeited its claims to credibility. Black Americans frustrated with a society that has given to them as American citizens equality in law, but denied to so many of them equality in practice. Non-students, non-Black Americans frustrated at students for flouting authority and defying convention, at Black Americans for their "impatient demands in the face of all that has been done for them in the past 15 years."

Student unrest, Black power, White backlash acting and reacting one upon the other. Acting and reacting in a society living at a dizzy pace. A society constantly confronted by new social problems constantly required to make adjustments following in the wake of technological achievement and above all acting and reacting all under the shadow of the Vietnam war. The war which by now no-one wants. A war which now has no glories, no heroes, no victories. A war steadily eating away at the human and material resources of the nation, sapping its moral fiber, leaving its nerve ends raw and exposed.

The United States death toll in Vietnam, now at 35,000, exceeds the death toll in both the Korean War and the Great War. Exceeded only by United States deaths in the last world war it makes the Vietnam war in terms of casualties "The United States' second most costly war".

And in the centre of this awesome arena stands newly elected President Nixon. Defeat and victory have taught him to recognise and to understand the temper and the mood of his fellow Americans. He knows that he was elected to office on a tide of frustration. He knows too that unless it is turned that same tide on which he rose to be president will dash him on to the rocks of defeat.

And so President Nixon appears to have set as his first objective to get the American 'pot off the boil'. His first five months in office have been sedate and relatively uncontentious. No dramatic changes in policy or personnel, no promises, no legislation, no confrontations. Of course there is as yet no peace in Vietnam and here is one area in which no initiative could prove disastrous for, as days turn to months "Johnson's" war could well become "Nixon's" war. Nixon's recent meeting with South Vietnam's President Thieu, his subsequent statement and his decision to withdraw the first 25,000 United States troops indicates that he can no longer delay taking some meaningful action. Americans will hope that he can pull them out of the morass of Vietnam. The ending of United States involvement in the Vietnam war is a prerequisite to the easing of tensions at home.

President Nixon's ability to lead the nation to the solution of its pressing domestic problems, his ability to move the forces in the United States society towards constructive effort and away from eruption, hinge more than anything else on his ability to end the Vietnam conflict.

STUDENT UNREST

During the past year there has been a massive stirring among the students at America's 2,500 universities. At some this stirring has gone no further than discussion and debate on the character, quality and purpose of the universities and the American society. At others it has led to requests, demands, demonstrations, confrontations: at some it has erupted into violence.

Some people have attributed the cause of this wave of student unrest to "a small group of agitators". It cannot be denied that there are anarchistic elements within the student body. It is true that the militant S.D.S. (Students for a Democratic Society) appears bent on breaking down rather than on building up. But to see the events only as the result of the actions of a few militants would be quite wrong.

Although only 2 percent of universities have been the scene of unrest and disturbances, polls indicate that the majority of students around the country agree with the goals, if not the methods, of those who have staged campus demonstrations.

The student unrest cannot be dismissed lightly. It is fundamental in nature and serious in content. It has already had a profound effect on American universities, their staff, their curriculae and their administration. It is receiving the thoughtful attention of authorities at city, state and federal level.

Wherein lie its origins? What are its goals?

"It is rooted in the complete disillusionment of the younger generation with an establishment that has not lived up to its professed standards and has so often forfeited its claims to credibility," was the opinion of a young clergyman attached to a mixed urban congregation.

"It starts with cynicism, cynicism because of the gap between promises and performances of those who wield power. Cynicism heightened by the war in Vietnam and the injustices and inequalities still to be found on the domestic scene," said an executive member of an organization dealing with projects for young Americans.

The National Commission on the Causes and Prevention of Violence headed by Milton S. Eisenhower recently expressed itself in this way:

"Although much of this discontent often focuses on grievances within the campus environment, it is rooted in dissatisfactions with the larger society that the campus can do little about.

"Students are unwilling to accept the gaps between professed ideals and actual performance. They see afresh the injustices that remain unremedied.

"Students see a nation which has achieved the physical ability to provide food, shelter and education for all, but has not yet devised social institutions that do so.

"They see a society, built on the principle that all men are created equal, that has not yet assured equal opportunity in life. They see a world of nations—states with the technical brilliance to harness the ultimate energy but without the common sense to agree on methods of preventing mutual destruction.

"At a time when students are eager to attack these and other key problems, they face the prospect of being compelled to fight in a war most of them believe is unjustified. This traumatic experience has precipitated an unprecedented mass tension and frustration

"Students attribute the shortcomings they see to the smugness of their elders and the weaknesses of social institutions."

The findings of the Eisenhower Commission support the view that, while the student unrest is rooted largely in dissatisfaction and disillusionment, its driving force is a spirit of idealism and a desire to improve and reform.

"Most students, despite their view of society's failures, accept as valid the basic structure of our democratic system; their main desire is to improve its ability to live up to its stated values.

"With the fresh energy and idealism of the young they are impatient with the progress that has been made but seems to them to be indefensively slow."

It is apparent that the social awareness of American students is at a new high level. The demonstrations have mainly occurred, not at universities serving the poorer sections of the country, but at those established institutions serving primarily students from the privileged section of the community.

A recent poll showed that 51 percent of all students interviewed had done social work and that 65 percent of those students who took part in demonstrations had done such work. Of interest too is that, asked what occupation they expected to be in at 40 years of age, no less than 29 percent responded that they would be teachers.

The question might well be asked "If student dissatisfaction is with the establishment and with the society, why attack the universities?" The fact is that students see the universities as they exist today as part of the establishment and therefore in need of reform as much as numerous other institutions.

But more than this "they see the university, guardian of man's knowledge and source of his new ideas, as an engine for powering the reform of the larger society, and as the first institution they are in a position to reform." Under searching student examination many universities, some among the most prominent in the United States, have been found to be inadequate in one way or another. Too often they have reflected the attitudes and norms of the establishment, too often they have been insensitive to the needs of a changing society, too seldom have they been "engines for powering reform".

Under pressure from students, faculty and administration have in the main shown considerable restraint and understanding. There has been a willingness to admit the need for reform and to meet student representations. Significant changes have been made in curriculae, administrative procedures, admission rules, staff performance, students have been given a greater say in decision making, universities have been made more socially aware. Under pressure from students investments in South African stocks have been sold and federal grants with military implications have been turned down.

Said a senior Professor to me "I can't say that confrontations with students are always pleasant affairs but on the whole I think that our universities are better institutions as the result of the student unrest."

In the United States one always has the uncomfortable feeling that violence is just around the corner. Provided violence on the campuses can be curtailed and provided student unrest does not provoke counter violence, the United States will emerge from the era of the student revolt more aware of its social responsibilities and better equipped to grapple with them.

BLACK POWER

Black Power. Black is beautiful. Black studies. Black dormitorics. Black states. Black Panthers. Black Americans. These are household phrases in America today. A sophisticated network of mass communications has brought "black" into every American home. It has made non-black Americans aware as never before of their black compatriots who form 11 percent of the nation. It has also made black Americans aware of themselves as a power in the land.

Black power. It is not a party, it is a phenomenon. It is not an organization—it is a force.

But to what extent is Black power the counterpart of White *baasskap* in South Africa? Is it *apartheid,* black *apartheid?* Is it ideological as White exclusivism in South Africa is ideological? Or is it a tactical ploy?

"You would be wrong if you were to think of Black Americans as a monolithic group." These were the opening words of Mr. James Farmer, himself a Black American, a former leader of CORE (Congress of Racial Equality) and at present Assistant Secretary of Health Education and Welfare in the Nixon administration.

Certainly if political leaders and forms of political expression are a guide Mr. Farmer is correct; black Americans do not form a monolithic group. Black Panthers talk of revolution, Black Muslims of separation, Black militants on the campuses of black dormitories, black universities, black studies, and black areas in cities erupt and burn. On the other hand black citizens join the Democratic and Republican Parties, others become councillors, mayors, congressmen and senators through the ordinary processes of ballot box democracy. A black judge sits on the bench in the Supreme Court. Mr. Farmer himself holds a key post in the federal administration.

Those who believe in violence and revolution are relatively few in number. Many more would not be shocked by violence for in one way or another they have lived with or close to it for much of their lives. But most Black Americans want to become full citizens, full in the meaningful sense of the word, they believe they have to marshal their forces, their talents, their votes, their energies in order the assert themselves.

But why not as ordinary Americans—why as Black Americans? Why Black Power? Why "Black is beautiful"?

Again and again Mr. Farmer and others with whom I discussed this question explained. Firstly, in spite of the progress, especially over the past two decades, in spite of Bills and judgments which declare them equal in law, Black Americans are not full, equal citizens in the real sense of those words. Years, often generations, of living in underprivileged conditions have left many of them in a position where they cannot use the opportunities which equality in law would appear to have given them. And even when there are no such obstacles Black Americans find that while legal barriers have been removed racial barriers have remained. They have become convinced that the remaining obstacles can only be removed if they assert themselves at all levels in the society and government. Black power represents the harnessing of this collective effort.

But there is a second reason given for this apparent reversion to Black exclusiveness. Black Americans don't feel that they are full Americans. They sense that they are 'out' while others are 'in'. America is emotionally a White society to which they do not fully belong.

"Why," said a Black American to me, "my child in his readers at school always sees American children depicted as White, in the films ordinary Americans are always White—Black Americans only appear in character roles."

They believe that they will never be part of the mainstream as long as that mainstream is emotionally 'White'; the mainstream will have to cease to be exclusive; some of their 'blackness' will have to rub off on it. But again this will only happen through the efforts of Black Americans and it will never happen if they are ashamed of their blackness. It certainly cannot happen if they 'try for White'. And so 'black is beautiful'—away with the idea that black is the colour of the outcast or the inferior.

Other immigrant communities brought with them a culture, a history, a tradition, often a language and a religion. They tended to congregate in areas and this gave them a sense of security and a measure of political power. And in due course they were absorbed into the mainstream of American society—a process made easier by the fact that they were White and so was the society.

But the Negro, the Black American was different. He had been pried loose from his African heritage, his communal links were broken, in slavery he was not able to set down any new roots; he was without any political power. And what was more, 'absorption' was to be ever so much more difficult because he was visibly different from the established American society.

Today it is Black studies, Black art, Black history, a search in Africa for a heritage from which their forebears were forcibly removed. These things are to provide the cultural base, with Black power to provide the political base. Then like other immigrant communities black Americans will feel secure and strong enough to move out as equals into a wider society. Then they will be in a position to assert themselves, to change the exclusive character of the American society. And when that society has blackness as one of its facets 'Black Americans will be able to be just "Americans".

Racist? Ideological?

No, said the people with whom I discussed these matters. Of course there is the dangerous extremist element who would like to subvert black power for their own revolutionary purposes. The Black American is not anti-white, but he does want an America of which he can be a part. "Anti racist racialism", said Mr. Farmer.

REACTION

Action generally provokes reaction. Forces of change are often partly counter-productive. And in this the American society is no exception. Indeed, just as the United States constitutional system operates through an involved system of checks and balances, so 200,000,000 Americans belong to a society which is constantly adjusting the balance in an effort to resolve the forces developing within the society.

And so the United States society is reacting to both student unrest and black power.

In the main, leadership in government and at the Universities have reacted with considerable understanding. There has been no outright condemnation even when the pressures to reform have resulted in outbreaks of violence. Violence and law breaking have been condemned but when doing so great care has been taken not to allow the condemnation of violence to cloud the issues at stake or to allow this to be interpreted as ignoring or rejecting the need to reform. A broad strata of thinking Americans recognizes violence and unrest as symptoms of shortcomings within their society.

But it would be idle to deny the growth of a considerable force at grass roots level which is unsympathetic if not hostile to both student and black demands.

To date violence has not resulted in counter violence on any equivalent scale. But the danger is always there—the danger not only that citizens will respond with unlawful violence but that under pressure of reaction the laws will be changed to give the authorities and the police the opportunity to react with violence within the law.

Either of these forms of violent reaction could start a chain reaction of violence that could disrupt the nation. Responsible authorities from President Nixon down appreciate the dangers inherent in the present situation. This is why, while talking in terms of firmness, they are urging restraint and a need for understanding of the underlying probelms.

In spite of these restraining and calming words from above the force of grass roots reaction is very real. With greater frequency one hears calls for "tough measures." Local election results recently have shown a considerable swing away from the tolerant point of view.

In Los Angeles retiring Mayor Sam Yorty, one of the least illustrious people to occupy the Mayoral chair, came in towards the end of his election campaign with a part racist, part tough law-and-order appeal. In an 80 percent white electorate this was enough to have him selected over moderate Negro Councillor Bradley. This, despite the fact that Bradley had strong backing from Party leadership and that opinion polls showed him to be way ahead a couple of weeks before the election. In the mayoral election in the midwestern city of Minneapolis ex-policeman Stenvig, also fighting under a tough law-and-order banner, recently beat his more liberal opponent by a two to one majority.

Will the potentially dangerous forces in American society be resolved? I believe that they will, although not necessarily without some further eruptions of violence.

Student revolt and the reaction to it could be de-escalated and even abated by making reforms which do not appear to require fundamental adjustments by the society as a whole.

The resolution of the forces of black power and the reaction to it is more difficult. For this involves a fundamental emotional change on the part of millions of white Americans to their society, a change away from the concept of a white America in which there are also 20 million Negroes to the concept of an American society that is neither white nor black but a synthesis of the two.

In the short term the forces of reaction may retard this process of change. But the very dynamic of American society, I hesitate to call it the American machine, makes the changes, seen in any historical perspective, quite irresistible.

How are the forces which are developing and the events which have occurred likely to affect South Africa and American-South African relationships?

In the long term I believe that America will emerge from this period even more aware than before of its social responsibilities. It will have a more integrated society—integrated not only legally and economically, but integrated emotionally as well. And, to an increasing extent, at all levels within this new society, black Americans will be playing their part as ordinary Americans. *Apartheid*, race discrimination, *baasskap* will seem more and more archaic and less and less defensible. If, by that time, white South Africans have abandoned present policies based on race discrimination, either in favour of non-discrimination in a single South Africa or non-discrimination in a South Africa fragmented with the consent of all South Africans, we could enjoy warm and co-operative relationships with the United States. But, if we do not, we can anticipate an era of mounting hostility between the United States and ourselves.

What of the short term, say the next few years?

I see no significant change from the present position—cordial government to government relations limited by the United States' public condemnation of *Apartheid* and its international commitments through its membership of the United Nations.

With pressing problems at home and the all pervading problem of the Vietnam war Americans have little interest in South Africa. There is certainly no general desire for United States involvement in South African affairs.

In some ways events have worked in favour of the South African Government.

To an extent, but this should not be overrated, the reaction to violence and to black power has taken the sharp edge off some of the criticism of South African policies. Events in the United States and around Africa have led to an appreciation of the very real problems in plural societies. There is a wide acceptance of the fact that embargoes and boycotts have not proved to be effective instruments of reform.

On the other hand the American nation as a whole remains firmly commited to non-discrimination. In spite of its stability and its strategic location South Africa, because of its policy, remains an embarrassment to the United States in the arena of world politics.

America would dearly like to see South Africa reform her race policies. But at the same time she is coming to realize that there is little or nothing she can do that will be effective in forcing this reform from outside. Measures could be taken which would be punitive, but they would be unlikely to persuade white South Africans to change their policies. Indeed, there is the growing realization that punitive measures can prove to be counterproductive.

This presents a dilemma for Americans in positions of power. On the one hand a tough line towards South Africa could well consolidate whites around the present regime; on the other hand should the United States appear to be more passive towards South African polices this would all too readily be interpreted, domestically and internationally, as United States indifference to or even support for Nationalist Government policies.

In all the circumstances it is likely that the demands within America for action relating to South Africa will be intensified. These demands will be strengthened as student unrest leads to a new wave of 'social awareness' and as black Americans in increasing numbers take their places in the power structure of the American society.

Already students are demanding that university managements sell stocks held in South African companies; 140 black American leaders have called for the cancellation of the South African Airways' flights into New York; there is a congressional move not to renew South Africa's sugar export quota to the United States.

The Nixon Administration is clearly not seeking a confrontation with South Africa. It is not persuaded that embargoes and boycotts will be effective. And yet in response to pressures at home and in the interest of the United States abroad it might have to consider action and attitudes which will be demonstrative of the United States' abhorrance of apartheid.

NET PRESENTS AN EXCELLENT DOCUMENTARY "IN SEARCH OF REMBRANDT"

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. WEICKER. Mr. Speaker, a recent documentary on the famous masterpieces by Rembrandt was expertly presented through the joint cooperation of the National Gallery of Art and National Educational Television. Following the commentary an article appeared in the New York Times, on October 2, by Jack Gould who very skillfully described the the production.

Mr. Speaker, I think it is appropriate at this time to insert in the RECORD the above-mentioned article for my colleagues to see before debate begins tomorrow on the educational television and radio amendments:

TV REVIEW

(By Jack Gould)

A superlative documentary, "In Search of Rembrandt," that beautifully and imaginatively used the television medium to explain to a general audience the genius and complexity of the artist, was presented last night by National Educational Television. The program was seen locally on Channel 13.

The occasion was the 300th anniversary of the death of Rembrandt, but R. F. Siemanowski, who wrote, directed and produced the documentary, lifted the hour from the level of the all-too-familiar televised tribute or tour. He achieved what could be described as an exquisite primer in art appreciation.

His program incorporated a fund of information, yet in one sentence he described the difficulties of trying to reduce Rembrandt to words: "Why try to describe a sunrise?"

After the desultory opening of the commercial TV season, the N.E.T. production raises a viewer's spirits. There are people concerned about good television. Mrs. Cordella S. May, art patron and philanthropist of Pittsburgh, made the generous grant that allowed camera crews to go abroad to do the film. The National Gallery in Washington, where the film will be available for further showings, fully cooperated, and N.E.T. had the benefit of the advisory expertise of Dr. Seymour Slive, professor of fine arts at Harvard University and a Rembrandt scholar.

James Mason served as an effective narrator, and "In Search of Rembrandt" was a full reflection of its title. With inspired brevity, Mr. Siemanowski left to the program's very end a rundown of the vital statistics about Rembrandt. He let the artist's own words detail different chapters in his creativity, aided by some of the most polished and sophisticated commentary heard on TV in a long time.

In the unfolding of "In Search of Rembrandt," the viewer was accorded lingering and unhurried glances at many of Rembrandt's notable works, everything from his portrait of Tulp, the anatomist, to his unforgettable understanding of the "Good Samaritan" and his famed "Night Watch."

But surely a catalogue of Rembrandt is not required. The importance of the hour was the viewer's own discovery of so many unforgettable faces, particularly his depiction of Jewish residents of Amsterdam with such total dignity and honor.

And as the set-owner watched Mr. Mason drop in just the right number of Mr. Siemanowski's words, calling attention to Rembrandt's use of subtle shadings of light and his willingness to spend more than 10 years perfecting what is so widely known as "the hundred guilder print," all that his masterpiece brought when personal fortune first fell his way.

"In Search of Rembrandt" is really what public TV is all about and the nation is indebted to Mrs. May for quietly and modestly showing how the best in our society can harness its energies to fruitful ends in the electronic age. Mr. Siemanowski's only problem now is to resist commercial temptation, and it is N.E.T., not the big boys of commercial video, that has registered the first cultural bang in September.

If Congress does not get on with the job of making sufficient funds available for public television, the only possible excuse is that it has not been looking.

N.E.T., with its delicate but never disagreeable observation of how contemporary artists try to treat some of the same themes that attracted Rembrandt, put in a word for both all that has endured for 300 years and the efforts of those who are now trying in their own modern way.

Mrs. May is an activist angel representing the finest in TV; financial support and taste, a rare combination.

THE UNITED STATES AND DEMOCRACY IN KOREA

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. ZABLOCKI. Mr. Speaker, three often-repeated canards of the so-called new left are these:

First, the United States, while professing to espouse the cause of democracy and constitutional government throughout the world, has done little or nothing to further that cause.

Second, the United States inevitably supports coercive and unpopular regimes against the legitimate grievances and revolutionary activities of their citizens.

Third, the United States readily acquiesces in the overthrow of legitimate, democratic governments by military groups.

The falsity of each of those statements is demonstrated in a recent article by Dr. John Kie-Chang Oh, entitled "Role of the United States in South Korea's Democratization." Published in the summer, 1969, issue of Pacific Affairs, the article documents the important assistance given by the United States in helping the Koreans toward maintaining and preserving constitutional democracy in South Korea.

I believe Dr. Oh, an associate professor of political science at Marquette University, has presented a strong case for believing that the United States even apart from defending the South against the Communist North, has had a beneficent effect on the development of a free and democratic society in Korea.

For that reason, I am inserting the article, together with a biography of Dr. Oh, into the RECORD at this point and urge the attention of my colleagues to it:

ROLE OF THE UNITED STATES IN SOUTH KOREA'S DEMOCRATIZATION

(By John Kie-chiang Oh)

Although the role of the United States in Japan's democratization has been extensively studied, its similar role in Korea has seldom been examined. It is probable that other American involvements in Korean affairs—as in the Korean War, the maintenance of military security, economic rehabilitation, or the *Pueblo* incident—have demanded a higher priority of attention. These involvements alone, however, do not constitute the total, or the more lasting, picture of the U.S. role in Korea. There has been a less visible but possibly more significant side of the role. This article attempts to illuminate some aspects of the U.S. role in establishing and, to a limited degree, maintaining the basic political orientation of South Korea for the first twenty years since the establishment in 1948 of the Republic of Korea.

The overall American influence in the Korean democraticization would be undeniable to anyone who asks what would have happened if South Korea had been occupied by a different power after the Second World War. The situation in North Korea suggests the most obvious answer. Further, it is undeniable that the Supreme Commander of the Allied Powers (SCAP), and the United States Army military government in Korea that functioned under the general supervision of SCAP, were pursuing a deliberate policy of democratizing such occupied countries as Japan and Korea. Parts of the document on the United States Initial Post-Surrender Policy for Japan[1] and numerous pronouncements including those by the Assistant Secretary of State for Occupied Areas (who was specifically charged with coordinating all policy matters for occupied areas), leave little doubt as to the U.S. policy orientation. According to one pronouncement, the basic objection of American policy with respect to occupied areas, including Japan and Korea, was "to create conditions under which political and economic democracy can flourish. . . . Formulation of the political pattern upon which the foundation may be laid for developing occupied countries on democratic principle is privilege and responsibility of the first order."[2]

The most obvious problem of the political independence of Korea was disposed of by August 1948 with the establishment of the independent Republic of (South) Korea. Indeed, the occasion of national independence under the supervision of the United Nations and the United States provided a golden opportunity to the new Korean elite that emerged during the American occupation to launch a modern, democratic political system.

The 1948 Constitution of the Republic of Korea declared that the Koreans were engaged in the "re-establishment" of a "democratic" state and were determined "to establish a democratic system of government." The "General Provisions" in chapter I declared that "the sovereignty of the Republic of Korea shall reside in the people" from whom all state authority emanates. Article 5 stated that in all fields of political, economic, social, and cultural life, the Republic of Korea "shall be responsible for respecting and guaranteeing the liberty, equality, and initiative of each individual and for protecting and adjusting these for the purposes of promoting the general welfare." The various rights of citizens of the Republic were carefully spelled out and guaranteed in chapter II. These were astoundingly radical departures from the political theories, systems, and practices with which generations of Koreans had been familiar.[3]

The Supreme Commander of the Allied Powers, General Douglas MacArthur, stated in his speech at the inauguration that the birth of the Republic meant "liberty reborn," and added that "nothing shall prevent" the Korean people from being "free men of a free nation."[4] It is undeniable that American influence was the most significant force in triggering the chain reaction that led to the far-reaching democratization of Korean legal-institutional complexes.

Soon after the establishment of this Republic, President Truman made a rare declaration of the United States "foreign policy aims" in Korea in his message to Congress of June 7, 1949, on economic assistance to Korea:

"Korea has become a testing ground in which the validity and practical value of the ideas and principles of democracy which the Republic is putting into practice are being matched against the practices of communism which have been imposed upon the people of North Korea . . . the Korean Republic, by demonstrating the success and tenacity of democracy in resisting communism, will stand as a beacon to the people of northern Asia in resisting the control of the communist forces which have overrun them."[5]

The President of the United States in an official communication had thus characterized the Republic of Korea as a testing ground of democracy that should stand as a beacon to all peoples of Asia. Having flatly stated that the ideals and principles of democracy were being put into practice in the Republic, President Truman declared in effect that helping the Republic survive and develop as a showcase of the success and tenacity of democracy was a foreign policy aim of the United States.

The democratic suprastructures so launched, however, lacked congruity with the then existing socio-economic foundations or substructures that were just emerging from debilitating colonial domination, which in turn succeeded a feudalistic-monarchical rule at the turn of the twentieth century. The governmental systems were not founded on the existing political realities of South Korea; in fact, there existed a huge gap between the idealistic aspirations and functional capabilities of the system. In a very real sense, this gap was to become one of the villains in the operation of the system, tending to divide the Koreans from Americans and, indeed, leading to sharp disagreements.

Autocratic tendencies within South Korea became evident almost immediately after the establishment of the Rhee administration, in which the awesome personalism of Rhee triumphed over democratic institutionalism. The Yŏsu-Sunch'ŏn mutiny, touched off on October 19, 1948, barely two months after the inauguration of the Republic, was the starting point of this tendency. Furthermore, the Yŏsu-Sunch'ŏn rebellion gave a great impetus to the open suppression of civil liberties in South Korea, so that the political environment became increasingly suspicious, intolerant, and oppressive. It was in this atmosphere that President Rhee proposed in a message to the Assembly on March 31, 1949, that the National Assembly elections that had been scheduled for May 1950 should be postponed indefinitely.

The official United States reaction to this irregular and apparently undemocratic move was predictably stern. In an *aide-mémoire* to the Korean Ambassador to Washington, Secretary of State Dean Acheson voiced the American government's "concern" over the reported intention of President Rhee: "the United States aid, both military and economic, to the Republic of Korea has been predicated upon the existence and growth of democratic institutions within the Republic. Free, popular elections, in accordance with the constitution and other basic laws of the Republic, are the foundation of those democratic institutions."[6] Acheson also threatened to review the entire Korean aid program unless vigorous anti-inflationary measures were forthcoming. With the existence of the Republic thus threatened, President Rhee declared that elections would be held on schedule and that taxes would be raised as an anti-inflationary measure.

When the Communist North Korean armies suddenly invaded the Republic on June 25, 1950, it was not surprising that President Rhee should appeal for urgent United States assistance for the defense of what President Truman called the "bulwark of democracy in the east."[7] None would claim that the United States fought in the Korean War solely for the defense of democracy in Korea. It remains a fact, however, that the United States resolutely participated in the bitter war and suffered 157,530 casualties, including 33,625 battle deaths. This was indeed the single most significant and costly role that the United States played in Korea.

By the time the Korean War ended, however, many of the democratic rights of the Korean people had been given crippling blows. The Rhee administration had won its fight against the National Assembly in July 1952, when the first of a series of constitutional amendments which Rhee desired in order to strengthen his regime was passed by a lopsided vote of 163 to 0. The war and emergency powers of the president were utilized to the fullest extent to bolster the political position of Rhee and his followers. Meanwhile the United States was preoccupied with the expedients and daily challenges of war.

Even after the war was over, the continued existence of the Communist regime in North Korea provided Rhee and his apologists with an excuse to usurp the powers of the legislature. In this sense, communism not only constituted a visible, external, physicial threat to "democracy" in South Korea but also accelerated the formation of an extreme rightist autocracy in a country that was supposedly "democratic." This process culminated in the National Security Law promulgated on December 26, 1958.[8] The Rhee administration claimed that the law was aimed at domestic Communists, but the possibilities of applying it against political opponents were unlimited.[9]

Predictability, Rhee's opposition was almost completely cowed in the 1960 elections

---

Footnotes at end of article.

which were rigged on a massive scale under the personal direction of the Home Minister.[10] The crude and often violent manipulation of elections now meant that the people were denied the last legal, if only intermittent channel of expressing their political views. Accumulated resentments of the people exploded in Masan, where police stations, the Liberal party building, and other public buildings were destroyed. The Masan incident set off violent chain reactions in virtually all urban centers throughout South Korea. Hundreds of thousands of college and high school students literally threw themselves against the police, and they were soon joined by cheering crowds.[11] This was the "Righteous Uprising of April 19," or the "Student Uprising," or the "Student Revolution."[12] President Rhee announced that these riots were the work of Communist agents, declared martial law, and made it retroactive to the moment when the police guarding his mansion fired against students. Heavily armed soldiers were moved to Seoul.

The President had just taken these defensive measures when he found his position challenged from an unexpected source. In the afternoon of April 19, the United States Secretary of State, Christian A. Herter, called in the Korean Ambassador, You Chan Yang (Yang Yu-chan), for a meeting. On the very ~~same day,~~ possibly even before a coded message from the Korean Embassy in Washington reached President Rhee, the Director of the Office of News of the State Department read a statement to correspondents: "Ambassador Yang was informed that this Government believes that the demonstrations in Korea are a reflection of public dissatisfaction over the conduct of the recent elections and repressive measures unsuited to a free democracy." [13] This was a forceful refutation of the statement made only three days earlier by President Rhee and echoed by Ambassador Yang himself, that the turbulence in Korea was the "work of communist agents." The State Department spokesman continued: "The Secretary suggested that the Korean government should, in its own best interest in order to restore public confidence, take necessary and effective action aimed at protecting democratic rights of freedom of speech, of assembly and of the press, as well as preserving the secrecy of the ballot and preventing unfair discrimination against political opponents of a party in power." [14] At a crucial moment of the "Student Revolution" the United States government had once again, as it did through Secretary Dean Acheson in 1950, intervened publicly and loudly in the domestic situation in defense of the "democratic rights" of the Korean people. Secretary Herter justified this intervention on the basis that the United States "has, in the eyes of the world, always been closely associated with Korea as a friend, supporter and ally."

The United States government evidently chose to become "a friend, supporter and ally" of the Korean people demonstrating against the Rhee administration. The impact of this move by the U.S. government was immediate. As the American Ambassador to Korea, Walter P. McConaughy, drove toward the presidential mansion on the night of April 19, the milling crowds cleared a path for his limousine and he was enthusiastically cheered by Koreans on the streets of Seoul.

The American government was evidently determined to go further than issuing a sharp note. The United Nations Command, under General Carter M. Magruder of the United States Army, had tactical control of the Korean Army. The UN command allowed the Martial Law Command of the Korean Army the use of tanks—but without live ammunition.[15] Thus, the United States played a decisive role in furthering the cause of anti-administration demonstrators.

By now the hated police force that had been blindly loyal to Rhee had been demoralized; the Army under the Martial Law Commander, Lieutenant General Song Yo-ch'an, showed no intention of shooting at demonstrating students. In fact, the Army seemed to maintain "neutrality" between the Rhee administration and the demonstrators.[16] While the very life of the Rhee administration trembled in the balance, the brutal coercive powers of the regime evaporated. The seemingly impregnable, twelve-year-old regime was toppled when Rhee resigned a week after the uprising of April 19.

The Constitution of the Second Republic, which was established in the wake of the Student Uprising, was a product of full-scale amendments to the fundamental law of the First Republic of President Rhee. These amendments were adopted on June 15, 1960, by an Assembly vote of 208 to 3. They were designed to give substance to the constitutional guarantee of the rights of citizens in chapter II: abandoning the presidential system in favor of a cabinet system of government, and establishing the Central Election Management Commission and Constitutional Court to give political parties constitutional recognition, and a guarantee of freedom of action.[17]

As the government of the Second Republic under the presidency of Yun Po-sŏn and premiership of Chang Myŏn was formed, the July 29, 1960, elections were officially observed by the United Nations Commission for the Unification and Rehabilitation of Korea and also by observation teams of the United States Embassy (reportedly eight). These teams toured the provinces and found no evidence of official interference, coercion, or other attempts by the government to influence the vote. American Ambassador Walter P. McConaughy noted that the elections had "strengthened democracy" in Korea.[18] It is hardly an exaggeration to say that the Second Republic was the brief heyday of democracy in Korea. Freedoms of the press, speech, and assembly were conspicuously enjoyed by more Koreans than ever before, or since.

But with the government paralyzed by the split of the Democrats and the New Democrats in the Assembly, freedoms now effectively guaranteed by the amended Constitution tended to be abused to the point of directly menacing the very existence of the republic. There were vague rumors of another political crisis,[19] but South Korea remained generally calm on the surface until May 16, 1961, less than nine months after the formation of the first Chang cabinet, when some elements of the Army swiftly executed a *coup d'état*.

Though the United Nations Command headed by General Magruder had, according to the 1950 Taejŏn Agreement, the operational control over the South Korean military forces, the American General was apparently caught by surprise when the coup came. The General and the American *Chargé d'Affaires*, Marshall Green, learned in the predawn hours of the military takeover from the Korean Army Chief of Staff, General Chang To-yŏng. But the picture was far from clear to them.[20] Nevertheless, the American military commander and the ranking U.S. diplomatic representative quickly reached an important decision to initiate a move aimed at restoring the *status quo ante* in South Korea. They agreed to issue separate statements immediately, before the 10:30 a.m. deadline of afternoon dailies in Seoul, although no advice had yet been received from Washington.

Magruder's statement read:

"General Magruder, in his capacity as Commander-in-Chief of the United Nations Command, calls upon all military personnel in his command to support the duly recognized Government of the Republic of Korea headed by Prime Minister Chang Myun.

"General Magruder expects that the chiefs of Korean Armed Forces will use their authority and influence to see that control is immediately returned back to governmental authorities and that order is restored in the armed forces."

Green stated:

"The Position taken by the Commander-in-Chief of the United Nations Command in supporting the freely elected and constitutionally established Government of the Republic of Korea is one in which I fully concur.

"I wish to make it emphatically clear that the United States supports the constitutional Government of the Republic of Korea as elected by the people of the Republic last July and as constituted by election last August of the Prime Minister."

Thus the two top ranking Americans urgently chose to make it crystal clear that the U.S. representatives on the spot irrevocably supported the democratic government headed by Premier Chang. The tone of the statements reflected both their conviction that the "freely elected" Chang government had to be restored and their expectation that the bulk of the Korean armed forces would remain loyal to the "constitutionally established" government and actively subjugated the revolutionary troops. The American military commander, with the full and public support of the chief American diplomat on the spot, was in fact urging that the Korean armed forces follow his command, both politically and militarily. Both the full authority and the prestige of the United States were emphatically invoked. These statements by the American officials were the only voices that could be heard defending a "freely elected" or democratic government in South Korea on the morrow of the military coup.

These statements were rushed to Seoul newspapers by messengers, and another set was sent to the American-controlled Voice of the United Nations Command. Though the Voice once began broadcasting the statements, Korean newspapers were already under strict censorshop by the coup forces. Stories on the statement were literally "blacked out," and the impact on Koreans was largely lost.

President Yun, having heard the Voice broadcast of the Magruder-Green statement, urgently summoned the two Americans to the presidential mansion. The Americans lost no time in demanding presidential sanction to launch a counter-revolution. Magruder wished to order the mobilization of 40,000 men—many times the strength of the revolutionaries holding the Seoul area at the time, he said—to encircle the capital and force the revolutionaries to return to their posts. The American general asked Yun, as the chief of state and commander-in-chief of the Korean armed forces, to agree to this plan. Magruder now estimated—shortly after 11 AM—the revolutionary strength in the Seoul area at 3500 men, almost precisely correct.[21]

Green then emphasized that the coup was unconstitutional and declared flatly that the United States could not support it. If this coup succeeded, the American Minister told the Korean President, there would be second and third coups, all of which would thwart the development of democracy in Korea. The American Minister fully backed the American commander's request for the President's approval of counter-revolutionary actions. Korea stood at the brink of civil war. On President Yun depended whether or not the Korean armed forces would be split into two warring camps.

Yun resolved that South Korea could hardly afford such a peril, particularly in view of the ever-present menace from the Communist army poised in North Korea.

Footnotes at end of article.

XUM

Yun's answer to Magruder and Green was No. The President of the Second Republic, who was merely a ceremonial head of state, also observed that a military revolution, though not desirable, was perhaps inevitable, since the Chang Myon government had lost the people's confidence. Nevertheless, General Magruder subsequently called an emergency staff meeting at his headquarters and decided that the coup forces had to be crushed since "the coup did not reflect the will of the Korean people.[22]

General Magruder decided that units of the Korean First Army and of the U.S. armored division had to be immediately mobilized and so instructed Lieutenant-General Yi Han-lim and General John L. Ryan, commander of the First U.S. Corps. General Magruder subsequently visited General Yi at the latter's headquarters for a strategy session. However, the Korean First Army had already been paralyzed for any counter-revolutionary moves because of effective infiltration of both the general and special staffs by determined pro-revolutionary officers. It was becoming increasing clear to General Yi that any order to march against the revolutionary forces in Seoul would be violently rejected by numerous officers and men of his field army. General Yi probably saw the handwriting on the wall—he could not become a heroic defender of democracy and constitutionally-established government alongside the Americans.[23] Some three hours after the visit by General Magruder to the First Army headquarters, a public statement in the name of General Yi was issued simultaneously by General Yi's headquarters and the military junta in Seoul stating that General Yi supported the revolution "together with all of the officers and men under his command." [24]

This clinched the success of the military take over. With the May 17 announcement, anti-coup strength among Korean military forces dissipated. If any forces were to crush the revolutionary movement, they now had to be American troops only. Such an action was probably unthinkable to the United States. For nearly two days after the coup, U.S. State and Defense departments refused to comment on the Korean development on the ground that it was in a "fluid" condition. As hopes of reversing the military coup collapsed, State Department officials were reported to be "concentrating on trying to salvage some vestige of democratic rule in Korea." [25] Under-Secretary of State Chester Bowles was now reported to have said that the coup leaders were mainly interested in cleaning up corruption and not setting up a permanent military dictatorship. Obviously, Washington was attempting to adjust to the *fait accompli* in Korea. On the morning of May 18 Premier Chang, after two days of hiding, contacted General Chang Toyong through his American consultant, Donald Whittaker. Escorted by Chang and Whittaker, pale-faced Premier Chang was driven to the Capitol to preside over the last cabinet meeting of the nine-month-old Democratic administration. When the final cabinet session of May 18 was over, the Second Republic of Korea was formally declared dead.

Throughout these developments, some members of the Military Revolutionary Committee had felt nagging apprehensions about the attitude of Washington toward a military regime in South Korea. After all, South Korea had been heavily dependent on United States assistance, both economic and military. Washington did not dissociate itself from the Magruder-Green statements of May 16 which urged the revival of the Democratic administration. In an extraordinary move, Lieutenant-General Chang To-Yong, now chairman of the Military Revolutionary Committee, on May 18 sent a special message to President John F. Kennedy expressing the Committee's desire to maintain "the most friendly ties" with the United States. The uncustomary message stated, in part:

"On behalf of the Military Revolutionary Committee I wish to express my sincere respect and gratitude to the Government and people of your country for the assistance and contribution made toward the progress and prosperity of the Republic of Korea. It is the aim of the Republic of Korea *to uphold democracy, based on liberty, equality* and good neighborliness.

"Although the April revolution of 1960 carried out by students was successful with the overwhelming support of the Korean people and international sympathy, after one year since the assumption of power by the Democratic Party the people still find themselves in the condition of starvation and despair, and the Government continues to follow the ill practices and corruption of the past. This situation has resulted in endangering our capacity to combat effectively the Communist threats.

"Unable to let the situation deteriorate any further, at dawn on May 16, 1961, the military acted to overthrow the Government and took complete control of the executive, legislative and judiciary powers of government. Thus, we embarked upon the sacred revolutionary task of overthrowing the corrupt and inefficient regime and of saving the people and the country.[26]"

This message, which read more like a hastily written and translated plea or apology, then summed up the first five of the six revolutionary pledges which had been announced on the morning of the coup. It continued:

"Finally, at any time upon completion of our mission we will hand over the control of the Government to clean and conscientious civilians and to [*sic*] return to our proper duties of the military.

"Please rest assured, Excellency, of the integrity of the Committee, and we sincerely hope that the most friendly ties existing between our two countries will continue to be strengthened. . . ."

The official State Department spokesman, Lincoln White, broke the silence on the day after the dispatch of the unprecedented message and read a statement "understood to have been cleared by President Kennedy.[27] The terse statement, the first one to be formally issued by the Department of State on the fourth day after the coup, read:

"It has been our purpose in Korea to help the Korean people achieve, *through democratic processes*, stability, order, constitutional government and the rule of law as the essential basis for sound economic growth and improvement in the welfare of the people as well as for the defense of the country against any possible communist threat.

"This continues to be our purpose.

"We are encouraged by the strong intent of the military leaders in Korea to return the government to civilian hands.[28]"

A formal response of a sort to General Chang's message to President Kennedy was made more than a week later, not in the name of the President but by Minister Green, addressed to the Korean Foreign Minister under the military junta, Kim Hong-il, a retired general, but not to General Chang. Minister Green acknowledged the May 18 message to President Kennedy and stated that his government "noted with approval the pledges set forth in General Chang's message." The American Minister then singled out a pledge, as did the State Department spokesman, that the United States government "notes with satisfaction the expression of intention to return the Government to civilian control." [29] Green then reminded General Kim that the United States had endeavored to assist the government and people of Korea in their efforts to "maintain freedom through democratic progress." The message concluded: "My Government trusts that the traditional friendly relations between our two countries will continue and that we shall together continue our cooperation in promoting the well-being and strength of Korea. . . ." [30]

The democratic trimmings of the Second Republic had been almost completely eliminated by this time, and the political dynamics of post-coup Korea were most dramatically reflected in the awesome centralization of power in the military Supreme Council for National Reconstruction. The basic rights of the citizens, so painstakingly guaranteed in numerous provisions of the Constitution, were now contracted drastically "to such extent as is not inconsistent with the fulfillment of the tasks of the Revolution," according to Article 3. The General Provisions of the law, however, declared: "The Supreme Council for National Reconstruction shall be established as an extraordinary measure intended for the *reconstruction of the Republic of Korea as a genuine democratic republic* . . ." (italics added).

Under the aegis of the military revolutionary leaders, the Constitution that had been revised twice during each of the two preceding regimes was rewritten extensively for the fifth time in about fourteen years of its existence.[31] The amended Constitution was promulgated by General Park on December 26, 1962. Despite the sweeping series of amendments, however, the Constitution retained in the very first article, ringing proclamations that "the Republic of Korea shall be a democratic republic" and that "the sovereignty of the Republic of Korea shall reside in the people and all state authority shall emanate from the people." Foremost among the main features of the new constitution was the restoration of a presidential system.

In fact, the position of the president became far stronger under the new constitution than under that of the First Republic. This presidential system left little room for the executive-legislative tensions and conflicts that had paralyzed functional capabilities of the government, particularly during the Second Republic. A compact, streamlined, unicameral legislature was consciously made amenable to presidential policies, through his broad emergency and veto powers. The judicial structure was equally subject to presidential hegemony, partly through his influence on the Judicial Recommendation Council. The orientation of the government was now one of centralization at the expense of institutional differentiation and autonomy.

The military leaders pledged that they would restore the government to "honest and conscientious civilians" and they would return to their "proper military duties." On August 2, 1961, General Park announced that the turnover of the government to "civilian control" was planned for the summer of 1963. The text of the brief August 2 statement contained three resounding phrases asserting that the revolutionary government was endeavoring to establish "the foundation for new democratic institutions," to create "a true democratic political order," and to establish "a firm foundation for democratic prosperity of the nation." [32] On March 16, 1963, however, General Park made the startling announcement that the military junta had decided to extend military rule for four years. He then proposed a plebiscite in which the people would be given a chance to vote either "Yes" or "No." It was soon reported that General Park had sent a letter to President Kennedy explaining his proposal for the four-year extension of military rule. After an ominous silence for several days, the official State Department spokesman, Lincoln White, stated on March 25:

Footnotes at end of article.

XUM

"We believe that prolongation of military rule (in Korea) could constitute a threat to stable and effective government, and we understand that this whole matter is being reconsidered by the Korean government. . . . We hope that junta and the major political groups in Korea can work out together a procedure for transmission to civilian government that will be acceptable to the nation as a whole." [33]

White added that he was certain that President Kennedy was aware of the U.S. policy behind the State Department's statement. At the same time the United States flatly turned down the military junta's request for an additional $25 million in economic aid, "to underscore its determination to bring constitutional government to Korea." Washington observers noted that the White statement was made at the time to "correct any misapprehensions that the United States was in favor of continued rule by strong-man General Park Chung-hee and his military junta." [34] The U.S. Embassy in Seoul immediately echoed the Washington statement, and American Ambassador Samuel D. Berger on April 2 delivered a reply from President Kennedy to General Park's letter.

The General actually reversed his position and once again pledged, on July 27, that the transfer of government to civilians would be made within the year. This announcement marked the resumption of flurries of activities among civilian politicians. General Park resigned from active military service on August 30 and on the same day joined the Democratic Republican party. On the very next day, he accepted the presidential nomination of the party, a move that had been carefully prepared for under the direction of Kim Chongp'il. The presidential elections were to be held on October 15, just a month and a half later. The military junta forces were ready for the elections with both a presidential candidate whose image had been sharply and freshly etched on the minds of the electorate and a political party which throbbed with youthful energy. The opposition groups were divided, quarrelsome, and meagerly funded. It was believed that the United States government had already given its official blessings to the elections so long as they were "free and fair" and had indicated its willingness to honor the result of such elections.

Park was the winner in the presidential elections of October 15, 1963, though his winning margin over Yun Po-sŏn was slim indeed—156,026 votes, or a mere 1.42 per cent. Park again defeated the same opponent in the May 3, 1967, presidential elections, but this time with a margin of 1,162,125 votes. This difference was of landslide proportions when compared with the 1963 margin. It has been generally accepted that these presidential elections were conducted fairly, though there were numerous irregularities in the June 8, 1967, National Assembly elections.[35]

To conclude, it is evident that the initial impulses for Korean democratization were generated by the United States, and thus she played a significantly creative role in the development of Korean polity. What was noteworthy was that the ruling elite that emerged in South Korea after three years of American military occupation eagerly embraced Western democracy and launched democratic legal-institutional complexes. The birth of the "democratic" republic was apparently a product of a joint cooperative venture of the new South Korean elite and its American mentor.

Because of the incongruity between the idealistic aspirations and the functional capabilities of the constitutional system in the Korean environment, and also because of the constant and real Communist menace from the North, there occurred numerous instances of violently spasmodic political readjustments in South Korea. These tended to narrow the gap between the supra- and infra-structures, and to liquidate the crises of authority, particularly during the Second Republic, and the consequent immobility of the system. When these upheavals threatened to undermine and destroy the essentially democratic orientation of the Korean polity, however, the United States government exercised its considerably military-economic influence in Korea to steer the nation onto a basically democratic path. The cost of such influence has been considerable also, but the price so paid by the United States, particularly during the Korean War, probably made the American influence explicable, if not always wholeheartedly and immediately acceptable to the Koreans.

No assertion is made here that the United States has interfered frequently and tyrannically in essentially domestic affairs of Korea. Nor is it asserted that the South Koreans always slavishly followed the advice or bent to the pressures of the United States. There were often realistic dialogues and interactions between the Americans and South Koreans. For instance, President Yun refused to launch the counter-coup which the Americans advocated in 1961. The United States exercised its influence quietly and judiciously as a protector of a democratic system in Korea. Had it not been for this influence and interaction, the South Korean policy today would be quite different from what it is.

While this American role has been played out, a significant development has been taking place among Koreans themselves. The democratic orientation that has been more or less maintained for two decades now, and certain practices and processes such as the general elections in which Koreans participated some thirteen times in one form or another, have created certain lasting impacts on the political culture of the Korean nation. Also, the educational system that has taught democratic principles, theories, and values to a new generation of young Koreans, may have left indelible imprints on the minds of those students who have experienced and possibly contemplated the results of the Student Uprising that toppled what appeared to be a formidable regime. The Korean masses, too, have begun to show a considerable degree of political sophistication. Whenever elections were relatively fair and free, the anonymous and seemingly acquiescent Korean people exercised keen collective judgment that stunned many politicians or caused them to renew their confidence in the people.

The future of what is left of democracy in Korea will ultimately depend on these developments among the Korean people themselves, and American influence and "interference" may have purchased some valuable time for the Korean people to develop in the generally democratic path. Whether or not this development has gone far enough to sustain and periodicaly rejuvenate a democratic orientation in the future, remains an unanswered question at present.

FOOTNOTES

[1] Specifically, part I (*b*), Part III, and Part IV, 2 of the documents of August 29, 1945.

[2] "American Policy in Occupied Areas," *Department of State Bulletin*, XV (August 18, 1946), p. 291.

[3] John Kie-Chiang Oh, *Korea: Democracy on Trial* (Ithaca: Cornell University Press, 1968), chap. I.

[4] Donald G. Tewksbury (ed.), *Source Materials on Korean Politics and Ideologies* (New York: Institute of Pacific Relations, 1950), pp. 90–2.

[5] U.S. Congress, Senate, *The United States and the Korean Problem: Documents 1943–1953*. 83rd Cong., 1st sess. (Washington, D.C.: Government Printing Office, 1953), pp. 29–32.

[6] Tewksbury, *op. cit.*, p. 145.

[7] Harry S. Truman, *Memoirs* (2 vols.; Garden City: Doubleday, 1956), p. 336.

[8] For the original text, see Republic of Korea, *Kwanpo* (Official Gazette), No. 2206.

[9] For statements of the opposition leaders, Cho Pyŏng-ok and Chang Myŏn, on the question, see *Kyŏnghyang Shinmum* (Seoul, Korea), December 26, 1958. Also, Cho Pyŏng-ok, *Minjujuuiwa na* [Democracy and I] (Seoul: Yongsin munhwasa, 1959), p. 267.

[10] Hanguk hyŏngmyŏng chaep'ansa p'yŏnch'an wiwŏnhoe, *Hanguk hyŏngmyŏng chaep'ansa* [The History of Revolutionary Trials in Korea] (Seoul: Hanguk hyŏngmyŏng chaep'ansa p'yŏnch'an wiwŏnhoe, 1962), p. 106.

[11] According to an official report, there were eighteen universities, thirty-six four-year colleges, and five junior colleges in South Korea, enrolling a total of 85,920 university and college students as of April 1959, a year before the massive demonstrations (Korean Research and Information Office, *Korea Report: Report from the Cabinet Ministers of the Republic of Korea* [Washington, D.C., 1959], VI, pp. 104–106). An estimated total of middle and high school students in 1706 schools was 800,000 in 1960. Potentially, therefore, a million youths could protest against the Rhee regime.

[12] See among others, Cho Tŏk-sŏng (ed.), *Sawŏl hyŏngmyŏng* [April Revolution] (Seoul: Ch'angwŏnsa, 1960), *passim;* Min Yong-bin (ed.), *Sawŏlui yŏngungdul* [April Heroes] (Seoul: Ilsinsa, 1960), *passim.*

[13] U.S. Department of State, Historical Office, *American Foreign Policy: Current Documents 1960* (Washington D.C.: U.S. Government Printing Office, 1964), p. 680.

[14] *Ibid.*

[15] Yi Ki-ha, *Hanguk chŏngdang paltalsa* [A History of the Development of Korean Political Parties] (Seoul: Uihoe chŏngch'isa, 1961), pp. 439–40.

[16] Sin Sang-ch'o, "Yi Sŭng-man p'okchŏngŭi chongyŏn" [End of the Tyranny by Syngman Rhee] *Sasangge Monthly,* VIII, No. 6 (June, 1960), p. 84.

[17] Han T'ae-yŏn, "Chei konghwaguk hŏnbŏpŭi kyŏnghyang" [The Tendency of the Constitution of the Second Republic], *ibid.,* p. 50.

[18] Ambassador Walter P. McConaughy's replies on August 3, 1960, to a written questionnaire submitted by the Associated Press.

[19] *Kyŏnghyang Shinmun,* Feb. 23, 25, 1961.

[20] Chang telephoned Magruder to inform him of the coup activities. When Magruder asked Chang about the "real character" of the turbulence, Chang replied: "I don't know whether it's a mutiny or revolution" (Walter Briggs, "The Military Revolution in Korea: On Its Leader and Achievements," *Korean Quarterly, V,* No. 2 [Summer, 1963], p. 29).

[21] *Ibid.*, p. 31.

[22] Hanguk kunsa hyŏngmyŏngsa p'yŏnch'an wiwŏnhoe, *Hanguk kunsa hyŏngmyŏngsa* [The History of the Korean Military Revolution] (Seoul: Tonga sŏjŏk hoesa, 1963), I–B, pp. 4–5.

[23] Yi Han-lim was a graduate of the Military Academy of Manchukuo under the Japanese domination, as was General Chung Hee Park (Pak Chŏng-hi). Yi also attended the U.S. Army Infantry School at Fort Benning, Georgia.

[24] *Korean Times,* May 18, 1961.

[25] United Press International, Washington, D.C., May 17, 1961.

[26] U.S. Department of State, Historical Office, *American Foreign Policy: Current Documents 1961* (Washington, D.C.: Government Printing Office, 1965), p. 974. (Hereafter referred to as *Current Documents 1961*. Italics added.)

[27] United Press International, Washington, May 19, 1961.

[28] *Ibid.* (Italics added.)

[29] *Current Documents 1961,* p. 975.

[30] *Ibid.*

[31] Oh, "The Political Role of the Korean Military: The Making of the Third Republic," *Studies on Asia 1967* (Lincoln: University of Nebraska Press, 1967), pp. 71–86.

[32] *Current Documents 1961*, p. 977.

[33] United Press International, Washington, D.C., March 27, 1963.

[34] *Ibid*. March 25, 1963.

[35] Pujŏng sŏnkŏrŭl ttajinda" [Contesting the Rigged Elections] *Shindonga*, No. 35 (July, 1967), pp. 96–107, and related topics on the same theme, pp. 72–132. The *New York Times* editorialized on July 13, 1967, that while Park's own election was "sufficiently honest," the June 8 elections were: "so crooked that Washington has not yet got over a sense of embarrassment." The *Washington Post* condemned on June 20, 1967, "government harrassment of the opposition" during the elections and declared that Park government "is essentially a military regime backed by the United States."

BIOGRAPHY OF DR. OH

Dr. John Kie-chiang Oh is an Associate Professor of Political Science at Marquette University. He is the author of a book entitled *Korea: Democracy on Trial* published in 1968 by the Cornell University Press and of many scholarly articles on Asian and international politics. For instance, articles by Professor Oh and about his works appear in the current issues of the two most noted scholarly journals concerning Asia, the *Journal of Asian Studies* and *Pacific Affairs*. He is currently working on another book-length study of contemporary Japanese politics, and for this project he has traveled three times to the Far East in the past two years. He has regularly presented papers to the national and regional meetings of the Association for Asian Studies. He is again scheduled to present a paper to the upcoming Midwest Conference on Asian Affairs. He will also be the chairman of a panel on Japan.

Professor Oh was a member of the Republic of (South) Korea delegation to the United Nations Command Delegation to the Panmunjom armistice negotiations that terminated the Korean War. He was subsequently a member of the Korean Mission to the United Nations, New York.

He received his undergraduate training at the Seoul National University and Marquette University. He did his graduate work at Columbia University and Georgetown University, and received his Ph. D. from the latter institution.

POST OFFICE EXCEEDING AUTHORITY GRANTED IN PUBLIC LAW 90–590

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. HANNA. Mr. Speaker, I have introduced a bill today which will rectify a serious error in Public Law 90–590, which dealt with, among other things, the use of the mail for fraudulent purposes.

Apparently, since the passage of this legislation the Post Office has taken upon itself the authority to act as censor in all types of areas. I do not believe this was the intent of the Congress when the legislation was passed.

An area that has been particularly hard hit, and unfairly, is health publications. The National Health Federation in its June publication reports that at least six books have been banned from the mails, and at least three others are threatened. Three cases are currently before the courts.

In an exchange of letters with the Post Office Department on this question, it is clear that standards for censorship have not been set up, decisions are being made without justification, and a lot of honest citizens are finding themselves shabbily discriminated against by the Government.

I sincerely hope this matter will be expeditiously taken up by the committee. When freedom of expression is challenged and the justification offered is the authority granted by legislation passed by Congress—then Congress has the clear obligation to remedy the situation.

MOUNTAIN STATE FOREST FESTIVAL PROCLAIMS GRANDEUR OF WEST VIRGINIA AUTUMN—WILLIAM L. LINDHOLM DELIVERS THOUGHTFUL ADDRESS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, October 8, 1969

Mr. RANDOLPH. Mr. President, early October is the time when the mountains and forests of West Virginia are at the peak of their display of autumn color. Each year at this time the people of West Virginia observe the bounty of the State's woodlands, not only for the beauty but also for the important role they perform in its economy.

This tribute is appropriately held in my hometown of Elkins, situated high in the mountains of West Virginia surrounded by our awe-inspiring forests.

This year's Mountain State Forest Festival, the 33d, was held last week with activities running from October 1 through October 5. It was my pleasure to join with the 40,000 to 50,000 visitors to Elkins for the festival.

The principal event on Thursday, October 2, was the annual distinguished guests dinner. More than 500 people from all parts of West Virginia attended. They heard an address by William L. Lindholm, president of the Chesapeake & Potomac Telephone Co. Mr. Lindholm presented a very thoughtful discussion of the positive aspects of the United States at a time when, I believe, we need to realize that there is another side to our national life in addition to the problems about which we hear so much.

On Friday, Miss Charlotte Buzzard of Moundsville, W. Va., the daughter of Mr. and Mrs. Hugh A. Buzzard, was crowned Queen Sylvia XXXIII to reign over the Forest Festival. The Honorable Arch A. Moore, Jr., Governor of West Virginia, presided over the coronation ceremony. This young woman, a splendid representative of the youth of West Virginia, carried out her duties at the festival with the dignity and grace that has typified other wearers of the crown over the years.

Other public officials participating in festival activities included Representative HARLEY O. STAGGERS and the Honorable John D. Rockefeller IV, Secretary of State of West Virginia, Lysander Dudley, Commissioner of Commerce for our State, T. R. Samsell, director of the West Virginia Department of Natural Resources, State Senator Carl Gainer, and Elkins' Mayor Ralph Shepler.

On Friday night the firemen's parade provided displays by volunteer and professional firemen from many communities.

The festival's largest event was the Grand Feature Parade on Saturday, a 2-mile-long spectacular exhibition of pageantry. The parade consisted of 30 floats and 59 bands from five States to make it among the outstanding in festival history. Most of the bands were high school musical groups, and I was again reminded that such worthwhile events cannot take place without their participation and contribution of talent. I was gratified that more than 3,000 young musicians participated in the Mountain State Forest Festival.

Mr. President, the success of such a gala celebration as the Forest Festival can only be achieved through the diligence and dedication of many people. With the leadership provided by individuals such as W. Grady Whitman, president of the Forest Festival Association, and William J. Loy, director-general of the festival, those responsible have again made it a memorable occasion.

The address delivered by Mr. Lindholm at the distinguished guests dinner has a message for all Americans. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered printed in the RECORD, as follows:

THE CASE FOR AMERICA

(By William L. Lindholm)

Not long ago I read an article that said, "If you are wondering whether there is anything right about America, look beyond the troubled cities. Look to the towns and countryside. There you will find the stability that has long sustained the nation."

Elkins and the festival you celebrate this week are perfect examples of the truth of that statement and give it substance. It is reassuring to me to be in a town where order, stability and progress march so well together. And I tell you that in all sincerity. In fact, Elkins illustrates the theme of my talk so well that I could almost just state my thesis and then point to this town and others like it across the country as prime evidence and say, that is what I mean. Because tonight I want to talk to you about this country we love so deeply and about the sources of her strength.

My theme is simply this: that it is not in our vast geographical resources, nor in our military armament, nor in our great wealth that our real strength is to be found, but in the spirit of the American people. Tonight I say to you, let us renew that spirit and our faith in ourselves and in our country.

Just now I think we stand greatly in need of faith in ourselves. Reports of our ills and failures and shortcomings over the past few years have hit us hard and have caused a good many people to wonder whether there is anything about us that is good and worth keeping.

Almost every day we have been reminded of our woes as magazines, newspapers, and the airwaves have chanted the catechism of failure. According to these reports we are a nation in which millions wallow in poverty and millions are functional illiterates. According to them there has been little or no racial progress. We are a nation of haters. Unemployment is rampant and getting worse. We are choking on polluted air and gagging on polluted water in our decaying cities. We ignore hunger in the midst of plenty. We have student anarchy, a rising wave of crime, dissent over Vietnam while at the same time we are charged with suppressing dissent. Of Americans themselves, we hear that we don't care for one another, that it's every man for himself, that we are miserable, tense and worried, and sit shamefacedly in collective guilt.

Before I go any further, let me say clearly that I cannot refute some of these charges. I cannot say they are false because regrettably many have some basis in fact. Neither do I agree with some who say that the news media have been malicious and conspiratorial in their reporting of our problems. It's the job of the news media to report the news as they find it, and I think for the most part they have done that. I do think that more weight has been given to editorial comment than is justified. And I think that more attention, too repetitive attention, has been given to the dark side of the news than is perhaps necessary.

But rather than talk about who or what is to blame, I want to talk about effects—the effects upon us of continually being told how bad we are without also being told that we have some good things going for us.

I think we have become victims of a strange boomeranging kind of psychological warfare we have waged upon ourselves without knowing it.

In the specialized world of psychological warfare, there are said to be two kinds of power tools.

One is offensive, designed to reduce the enemy's belief in his own cause, to make him mistrust his leaders and his colleagues, to raise serious doubts as to the justice of his system, to make him lose faith in stated objectives of his society.

A second kind is designed to close ranks behind one's cause, to reaffirm one's own ideals and purposes, and to bring moral courage and dedication to things one genuinely holds to be essential to his way of life.

Our incessant attention to our problems and weaknesses has had the demoralizing, debilitating effect upon us of the first kind of psychological tool. We have had all too little of the kind that unites us, encourages us and gives us hope that we can ever overcome our difficulties.

And the effects upon us are as devastating as a broadside from a cannon. We are a people with faith in one another, and when we lose that faith, we become weak, however heavily we may be armed.

The dangers of always hearing how bad we are, are first, that we might believe it; that we might become what our critics say we are. And second, that we might dissipate our energy in frenzied activity trying to answer all the alarms at once without doing anything really productive.

I remember a story that illustrates that point quite well. It's said to have actually happened. It's about a high school football player in his first varsity game. He was a pretty good player and his coach told him he was going to let him make the opening kickoff. The young man got a real good case of the jitters and became very nervous and tense about it because he wanted to perform well and live up to his coach's expectations of him. When he walked out on the field, the referee sensed his tension so he talked to him and gave him some advice. He said, "Now, all you have to do is just keep your eyes on the ball, and when you hear my whistle, run up there and kick that ball as far as you can." Well, he followed that advice to the letter. He heard a whistle, ran forward, kicked the ball and watched it sail off on the longest kick he had ever made. Then he ran after it as hard as he could, saw everyone in the stands rise to their feet, and he suddenly realized he was the only person moving. About that time he heard his coach yelling for him to stop. The whistle he had heard was the band director's whistle to begin the national anthem.

The point I'm making is that when we get so "psyched-up" about our problems, we can waste a lot of energy just worrying about them or running around in circles, without ever really accomplishing anything productive.

I think it's a mistake to allow ourselves to become so preoccupied with our problems and failures that we forget our strengths and successes.

As the German poet Goethe noted, "If one treats a person as if he were what he ought to be and could be, he will become what he ought to be and could be."

I believe that. And I believe it applies to nations as well as individuals. So now in the remaining minutes I would like to speak of our strengths as individuals and as a nation, as a way of reminding ourselves of what we are and what we can become.

First, I want to consider the strengths of the individual. Development of this point is admittedly simplistic. Yet it is a firm belief of mine that within every human being there are powerful, yet untapped resources of utterly amazing strengths. They remain unused mostly, until some unique circumstance which demands heroic action brings them out.

For example, a few years ago newspapers carried an account of a mother who lifted a small foreign car off her son on whom it had fallen. While she held up the car, the son scrambled to safety. She performed this amazing physical feat even though she stood less than five feet tall and weighed less than 100 pounds.

Not long afterwards, another story told about a man who saved his son under similar circumstances. The son had his car—a normal-sized American car—jacked up with the rear wheels removed. The jack slipped and the car fell on the boy. The father grabbed the rear of the car and lifted it so his son could slide out.

I have seen great feats of dedication to service and duty occur within my own business on innumerable occasions.

And there are sources of moral as well as physical strength within us. Each of us knows that down deep within us there is a tremendous capacity—an urge—for good. And again, it is often the unusual circumstances that calls it out in us in most spectacular form. For example, we are seldom so friendly to one another or so willing to help one another as when we are fighting together against a common threat. After Hurricane Camille left the Gulf Coast area and parts of Virginia and West Virginia devastated, there was an immediate outpouring of clothing, food, money and honest sympathy from all over this country. People were so generous as a matetr of fact, that disaster officials had to ask that we stop sending goods because they just couldn't handle it all.

The strength of this country lies in the physical, moral and spiritual strength of her people—people who have a sense of what is right and what is wrong. It is that spirit that is so evident here in Elkins. And the strengths we possess individually we possess collectively as a nation. The strengths of kindness, the boundless capacity for working together, our social, political and technological skills—all these strengths have led us to do the world's work with a minimum of supervision and leadership. And these are strengths that lurk in the commonest American.

Eric Hoffer, the widely-quoted longshoreman-philosopher, spoke of those traits in a book called "The Temper of Our Times." And he told a story that illustrates the point so well, I want to pass it along to you.

He says that once during the Depression, a construction company that had to build a road in the San Bernardino mountains in California sent two trucks down to Los Angeles to hire workers. Anyone who could climb onto the trucks was hired on the spot.

When they had two truckloads full they drove off and dumped those men on the side of a hill up there in the mountains, where they found bundles of supplies and equipment. The company had only one man on the spot. So the men began to sort themselves out. There were so many carpenters, so many electricians, so many mechanics, cooks and so on. They put up tents, fixed latrines, built a cook shack, and went on to build the road. Hoffer says that "If we had to write a constitution we probably would have had someone who knew all the whereases and wherefores." He says, "We were a shovelful of slime scooped off the pavement of skid row, yet we could have built America on the side of a hill in the San Bernadino mountains." That's what I mean about our strengths.

And what have our strengths and abilities led us to do? To create the healthiest, wealthiest, most generous nation in the history of the world.

A few statistics will give you some idea of just how successful we are. These figures were reported by U.S. News & World Report and they're a real eye-opener.

Just listen to this:

With 7% of the world's land area and 6% of the world's population, we account for one-third of the world's production of goods and services.

Our farmlands produce 13% of the world's wheat, 46% of its corn and 21% of its meat—enough to feed 200 million Americans and much of the world besides.

Our factories produce a flow of goods almost equal in size to the combined output of the Soviet Union and Western Europe.

Fifty-three percent of all the cars in use throughout the world are found on American streets and highways.

Per capita disposable income in America (1967 figures) comes to more than $2,700—45% more than in Canada and the United Kingdom and 70% more than in France.

No other country can even come close to matching a record like that. We're immensely successful and there's no reason to be ashamed of it.

That's the record of the free enterprise system. From time to time we hear about the great advances Communist countries have been making in recent years, and we sometimes get the idea that they're about to overtake us. But don't you believe it. As a matter of fact, if we wanted to match the Soviet Union in just about any area, we would have to decrease our production.

We would have to destroy about two-thirds of our railway mileage.

Destroy about 60 percent of our houses.

Destroy 60 percent of our steel mills.

Destroy nine out of every ten telephones.

Move about 60 million people back to the farms.

Reduce our overall standard of living a full 60 percent.

There's just no contest.

We are the strongest nation the world has ever seen, and we have shared our wealth as no nation has ever done.

Since the end of World War II, we have supported the hopes, the welfare, and, by and large, the unity of the whole non-communist world.

Contrary to what some of our critics say, we are not imperialists. We are not sick. We are not on the downhill. The problems we face are problems of success, and of all the ills we could suffer, success is by far the best.

Now let's look specifically at some of the problems we face. First, the problems of poverty, unemployment and lack of racial progress. We must admit that those do exist in America today. But we do not have to accept the reports that imply that little or nothing is being done about them. The fact is that we have made enormous progress in these areas.

According to the U.S. Census, from 1948 to 1963 the percentage of non-white males in the $6,000–$10,000 salary bracket went up by almost twenty-five times. As you can well imagine, a move from a family income of, say, $5,000 a year to $10,000 a year is more significant in human terms than a jump from $10,000 to $20,000. It is precisely in this area that extraordinarily large numbers of Negroes have been making their great leap forward. Altogether, more than 14 million Americans have left poverty behind in the past seven years.

We are making progress. The reason for this is that a larger number of people today are getting jobs—and a lot of them who are, are people who have never been able to get jobs or hold on to them before. According to the Department of Labor, unemployment has been declining twice as fast in poor neighborhoods as in the nation as a whole. In one year there has been a 20% drop.

I know this is a sore point with West Virginia. You got tagged in the late 1950's with being a state with a high unemployment rate.

Some people have a hard time realizing nothing's static, that situations change. The rate of unemployment has changed very much for the better in West Virginia and I think you can be very proud of that change. In 1959, the unemployment rate was 14.5%; in 1964, it was 8.8%; in 1968 it was 6.4%; and for the first seven months of 1969 it has been at the very low figure of 5.4%, the lowest in decades. And that indeed is progress.

More people are earning better salaries and wages, because they are working at more and better jobs, and because they are getting a better education.

As a matter of fact, Americans today are the best educated people the world has known. More Americans have completed high school than any other people. No other nation comes close to matching the 6.5 million students enrolled in our colleges and universities. More than that, a young person in the United States, no matter what his color, is more likely to go on to college than is a citizen of any country except France. Education, in fact, is now our biggest industry and, says U.S. News & World Report, it involves even more people than does national defense.

Well, what else? We hear that we have become unfeeling, uncaring about other people. I'll answer that by pointing to the fact that last year alone we Americans contributed more than 14 billion dollars to charitable causes. Some people might think that came mostly from foundations and big business. But it didn't. Three-fourths of that 14 billion came from private individuals like you and me, digging deep down into our pockets to help our fellow man. In addition to giving money, more than 50 million Americans donate their time to charity.

Equally available evidence tends to discount another widely heralded "weakness" of America—that its people are ridden by frustrations, are despairing of their lot in life and are just plain miserable.

According to one study I ran across, however, the average housewife (if there is such a person) has been married to the same man for 22 years; she's not strong on clubs; she thinks she's happier than her mother was; drinks little or not at all; is wrapped up in her home and family.

And on another related subject, a Gallup Poll taken last year found that 45 percent of all Americans attend church often, and 70% thought religion very important. More than that, in spite of the "God is Dead" theology that has become somewhat popular recently, the poll found that 97% of adult Americans still believe He's alive.

There is indeed a great absence of misery in this country today—absence of misery in that number of children who don't die in infancy; in the tens of millions of once certain illiterates who instead can read and write; in the millions of Negroes now in the ranks of the middle class, and in the considerable number who are moving up. There is an absence of misery in the millions of men who will retire healthy and compensated at 65 or 62; in the hundreds of thousands of farmers who own their own farms and do not have to share-crop; and in the hundreds of thousands of women who will never again have to work in sweatshops. These non-miserable millions, and millions more like them, populate this land we love and call America—a country that in 50 years has ended two world wars and started none, fought and is fighting to prevent communist take-over in two other wars, a country that has beat off a savage depression, played the major role in rebuilding a shattered world, and almost as an afterthought, created the most healthy, wealthy and learned a nation the world has ever seen at any time or at any place.

And as Eric Hoffer has pointed out, all these good things have happened in the "only nation founded by the ordinary people, by the masses. All other societies have been shaped by exclusive kings, nobles or priests."

These are the good things about America. There are many more that I would like to remind you of, but I don't have time.

I want to say just one thing more and then I'm going to stop. And that is this: that of all the good things about America, the best of all is her people. If we lose faith in ourselves, we will become what our critics say we are.

Tonight, I've attempted to show you that we have amazing resources of strengths as individuals and as a nation. There is much to be proud of. Some feel there is much to be ashamed of. We have problems, of course, some very serious ones, and we have a lot more to do. But my plea is that we on one side and those on the other not bicker and harangue or curse one another as we decide how best to heal our wounds and cure our ills. We can love this country without hating others. And we can contine the debate on how we can become what we've yet to be. But while the debate continues, so must the country.

So what we must ask of each other is that, through it all, we cherish this country, that we have a feeling of pride and confidence in her—an enduring feeling, not a fleeting one.

For all time, our task is to keep America signing. And Elkins—and towns like it all across the country—I am sure, will provide the strongest chorus.

LET'S FIND OUT

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. SCOTT. Mr. Speaker, I would like to insert in the RECORD an editorial which was published in three newspapers in my district known as the Tidewater Weeklies. This editorial, I think, is especially timely as a small group of our Members attempt to second guess the President. I hope their statements do not handicap his efforts to bring about peace in Southeast Asia or embarrass our negotiators at the peace table. The editorial is set forth in full below:

[From the Montross (Va.) Westmoreland News, Oct. 1, 1969]

LET'S FIND OUT

With nearly everybody picking on the military, President Nixon has set up a blue-ribbon panel to make a 12-month study of the Defense Department's management, research, procurement and decision-making machinery.

In charge, he wisely placed a top grade businessman who cannot remotely be considered a part of the defense supply industry—Gilbert W. Fitzhugh, chairman of the board and chief executive officer of the Metropolitan Life Insurance Company. The need for a new fact-finding panel was in fact foreseen by the Administration at the time it took office and was recommended by Defense Secretary Laird some weeks ago.

At the same time, the President tightened the procedures under which the Budget Bureau examines our Vietnam and other military spending. Whereas defense budgets under the Johnson Administration went directly to the President with the Budget Bureau role limited to the right to appeal, they now will go, like all others, to the Bureau for final approval. The Defense Department, in turn, has the right to appeal to the President.

The new Administration does not accept as gospel all the shrill cries of those critics who see a conspiracy between the military and manufacturers behind every procurement contract. It wants the facts—and invites the public in to help find them.

It is worth noting that the new Fitzhugh Panel should not be confused with the blue-ribbon Holifield Procurement Commission now being proposed in the Congress, with bi-partisan support. This Commission aims to reform all types of government purchasing—civilian as well as military—and does not duplicate the Nixon-Fitzhugh Panel. Both of these investigations make more sense than some of the emotional talk we endure today, and both deserve public support.

KAREN SEPPA—4-H REPORTER TO THE NATION FOR 1969

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, this morning I had the pleasure and privilege of visiting with an attractive and outstanding young lady from my congressional district who is one of 11 "4–H Reporters to the Nation for 1969."

Miss Karen Seppa of Petaluma, Calif., is the epitomy of American youth, and certainly restores one's faith in the future of our Nation and the world.

So that my colleagues may know of the accomplishments of this outstanding example of American youth, I am including a copy of Karen's biography so that all of the Members may know of her outstanding record, not only in 4–H work, but also in the community at large. To say that I am proud of her, would be an understatement of fact.

As a former 4–H Club member, myself, I am very familiar with the principles and programs the organization espouses. America desperately needs to expand the 4–H concept and youth programs. Also, all America should adopt their motto, "To Make the Best Better."

I include Karen's biography in the RECORD, so that history and this CONGRESSIONAL RECORD will permanently recognize and record her accomplishments:

Karen Seppa

Karen might be twins for all she's done in 4–H in nine years. A California "All-Star," she won a trip to National 4–H Congress in food preservation. But she also has a long list of citizenship and other activities. Her parents are Mr. and Mrs. Emil Seppa, both former 4–H'ers and now leaders; her two brothers were 4–H'ers and her sister is now. A Finnish visitor at the Seppa's wrote and published a long illustrated feature about Karen and her family in a Finland paper.

Since 1961, in plant and animal science projects, she has raised 4 steers, 9 lambs, and set out 1300 plants in plant propagation and home grounds beautification. She helps with the family garden and orchard, and preserves fresh fruits and vegetables from them.

She has canned, dried, frozen, and otherwise "put up" a 100 to 650 containers a year for seven years; has prepared about 650 dishes and dozens of meals, always thinking of good nutrition and balanced diets. She learned a little foreign cookery from an "IFYE" brother from India, and taught him food preservation. She has made nearly 40 garments and moderated 4–H dress revues. In junior leadership four years, she had led 122 younger members in citizenship and food preservation. She and her 4–H juniors canned 174 quarts of tomatoes in three years for the County Rescue Mission.

She has further helped "the less fortunate" by collecting clothing for some Alaskan Indians, a Turkish orphanage, Russian River flood victims, and others; has made useful articles and gifts for the sick and elderly in rest homes, and for patients in a local hospital; encouraged "letters to servicemen" and food treats for returning wounded from Vietnam; worked in March of Dimes, UNICEF's "Trick or Treat," and Easter Seal campaigns; and gathered coupons for a Braille reader for the blind.

She's helped clean up country roadsides, planted wild flowers, aided in anti-litter efforts, beautified local landmarks, attended the Mayor's Beautification Conference, and served on her town's first committee for a Congress for Community Progress; stressed fire safety education, promoted car safety checks, made anti-smoking health displays—one with a goofy manikin "Hopeless Harry" she helped create; has given resuscitation demonstrations with her "Bill Blow" manikin to 4–H'ers and non-4–H'ers; taught "Flag Facts and Etiquette," urged owning and displaying flags, appreciating our American heritage, and "getting out the vote;" served on the County 4–H Citizenship Committee, and been 4–H broadcaster and District Fair interviewer on KTOB.

Outside 4–H, she belongs to the Petaluma Youth Action Council, has attended the Governor's Traffic Safety Conference, been active in a "Model United Nations," been Senior High president, in the College Executive Cabinet; church youth president, pianist, choir singer. Her hobbies—tennis, snow skiing. Her career aim—teaching.

Karen is one of 11 4–H Reporters-to-the-Nation for 1969, representing the Nation's 3¼ million members in all 50 States. Each Reporter serves singly and with others to tell the 4–H story to national organizations; leaders in government, business, industry, agriculture, education, and to the general public through mass media.

POSTAL REFORM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, I would like to call the attention of my colleagues to an editorial which appeared in the September 13, 1969, issue of the Sheboygan Press. The Postmaster General has, like the rest of us, one thing to gain from reform of our present postal system and that is improved postal service. As the Press appropriately states:

> Mr. Blount's refreshing candor in criticizing the system which put him in charge of the Post Office should not be lost in Congress when the postal reform bill is taken up.

The text of the editorial follows:

Worth Trying Something

Postmaster General Winston M. Blount presented a strong case for postal reform Monday when he addressed some 2,000 business executives attending the national postal forum held annually at Washington to discuss mail problems and ways to improve postal service. He said no organization could operate smoothly and efficiently "under such a revolving door management."

He said: "I am the sixth postmaster general in this decade, and each officeholder has some new policies and politics. No organization could be expected to operate smoothly and efficiently under such a revolving door management.

"Piecemeal changes to the present system will not do the job," he warned in an appeal for support of the administration's bill to establish a government-owned and operated postal corporation. "A basic change of direction is necessary."

Mr. Blount's refreshing candor in criticizing the system which put him in charge of the Post Office should not be lost in Congress when the postal reform bill is taken up.

STUDENTS LEAGUE AGAINST NARCOTIC TEMPTATION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. HUNGATE. Mr. Speaker, I would like to bring to the attention of my colleagues a project currently in operation by the Missouri Jaycees. The project, Students League Against Narcotic Temptation—SLANT—is aimed at educating young people with the facts of drug use and abuse. Following is a statement by the Missouri Jaycees on the project and its growth:

Students League Against Narcotic Temptation

FLORISSANT, MO.

One of the three greatest problems facing our country today is the alarming increase in drug abuse among young people. It presents a serious challenge to society. As Jaycees we are faced with an urgent responsibility in combatting the menace of drug and narcotic addiction through programs of preventive education. It is of critical importance that maximum effort be given to this first line of defense.

The aim of SLANT is to have "Youth bring the message to Youth". To make the students ambassadors to their fellow students.

There have been narcotics programs presented to students in the past. They have showed movies and gave information about the penalties for use or possession of narcotics and how a police record would affect their quest for future employment. We don't feel that these programs were actually getting to the students. The SLANT program will, "Tell them like it is." We want to give the students the right information on the use of drugs. The effects that it will have on their bodies. How it causes kidney, liver, heart and brain damage, and even death.

The idea for SLANT came from a narcotics conference sponsored by the National District Attorneys Association held in Chicago last summer and attended by Bob Lowry, Chief of Detectives of the Florissant, Missouri Police Department, a past president of the Florissant Valley Jaycees and a member of the Board of Directors of the Florissant Valley Jaycees. The Florissant Valley Jaycees conducted a SLANT Program in two Florissant area High Schools and presently have 500 SLANT members in the two schools.

In June of 1969 at the Executive Committee Meeting, held in Columbia, Missouri the SLANT Program was presented to the Executive Committee of the Missouri Jaycees and was accepted as a state program.

At the time of this writing 33 local chapters in the state of Missouri are planning on conducting a SLANT Program in their local area High Schools. We have also had indications from chapters in Illincis, Minnesota, Michigan, South Dakota, Iowa and Wisconsin that they are also planning on conducting SLANT Programs in co-operation with the Missouri Jaycees.

We can't impress upon you enough just how important we feel the SLANT program is. We feel that it is so important each chapter in the State of Missouri should be conducting a SLANT program in their local schools.

TONY BROCKMEYER,
SLANT Chairman.

BIRDS ALERTED FOR WAR

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. CARTER. Mr. Speaker, last week we were told that the fat and unnecessary spending had been cut out of the military procurement authorization bill.

I was greatly disillusioned, disappointed, downhearted, and disturbed to read that $600,000 is to be spent by the Defense Department with the psychology department of the University of Mississippi for a program which is based on the supposition that birds will eventually replace humans for activities that are dangerous, difficult, expensive, or boring.

The insanity of such a program is obvious.

Unless such foolish programs as this are cut from the military budget, I expect to vote against the appropriation.

I urge the Military Services Subcommittee on Appropriations to cut the many forms of waste from this program. The citizens of our country are greatly worried at the manner in which the taxpayers' money is being spent on these wasteful, absurd projects, and I include the article from today's Washington Post, "Birds Alerted for War," by Thomas O'Toole, to be printed in the RECORD:

Birds Alerted for War—Flying Off to Combat?

(By Thomas O'Toole)

Would you believe that war is for the birds?

So much so that hawks and doves might fight side by side or that parrots, ducks,

XUM

chickens, pigeons and even mynah birds could be drafted to help defend the flag in some future war?

Whatever you might think of the scheme, the Pentagon is all for it. Consider the description of the $600,000 contract the Defense Department has with the Psychology Department of the University of Mississippi:

"This program is based," the contract reads, "on the supposition that birds will eventually replace humans for activities that are dangerous, difficult, expensive or boring."

Among the activities the Pentagon has in mind are "aerial photography, gunnery, steering of missiles, detection of mines and search and destroy operations."

Just how the Pentagon plans to get birds to do all these things is anybody's guess, but it does mean to try.

"Much of the research will relate to complex forms of stimulus control," the contract with the University of Mississippi reads, "for example, visual search, auditory pattern recognition, pursuit and tracking, controlled locomotion and operation of manipulanda while flying."

"This is not a development contract," explains a Pentagon spokesman. "What we're trying to do here is to see if birds can be trained to do certain things."

The Pentagon admits it won't be able to use all birds in its research but it would like to train most species of wild birds for combat flying. "Especially crows, ravens, jays, hawks and vultures," the contract goes on, including "doves, parrots, mynahs, chickens and pigeons."

The use of warbirds is not a new one, though its past is hardly glorious.

The most serious attempt to use bird-like creatures was in a program called X-Ray, in which bats carrying incendiaries were to be flown into Tokyo during World War II. The idea was to get the bats to roost in the eaves of Tokyo's wooden buildings, where the bombs would go off when the bats flipped upside down to sleep.

"The trouble with that one," said one scientist who worked on Project X-Ray, "was that it almost burned down an Air Force base in New Mexico." X-ray never made it to Japan.

The latest scheme for warbirds came to roost when the Pentagon circulated a letter advertising for ornithologists to work on it.

"I read it, I re-read it, and I read it again," one scientist said, "and I still couldn't believe it. It's insane."

Critics notwithstanding, the Pentagon is going ahead with its bird scheme.

"This program is just getting started," it says. "Hopefully, it will go on for 10 or 20 years."

The project is supported by a three-year "Project Themis" contract, at $200,000 a year. Project Themis is a program aimed at beefing up basic research in universities that have not had strong science programs.

LESOTHO INDEPENDENCE DAY, OCTOBER 4, 1966

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. POWELL. Mr. Speaker, the Kingdom of Lesotho attained its independence and full sovereignty 3 years ago when the British Government agreed to terminate its protectorate.

Lesotho is a landlocked high plateau country in South-East Africa, completely surrounded by the Republic of South Africa. Its area is about 12,000 square miles and its population is just under 1 million. Its sturdy and fighting tribes were formerly ruled by a powerful tribal chief, and fought fiercely for their way of life. In mid-19th century, the country was taken over by the British and annexed to the Cape Colony, much against the wishes of the people. In 1884, indirect British rule was restored, and gradually local government administration was instituted. By the end of the last war the people had developed their own tribal-national identity and worked for their independence. Subsequent to a period of preindependence status, the Lesotho people attained their goal on October 4, 1966, proclaiming their leader as their monarch, their chief of state.

The Kingdom of Lesotho is somewhat better off than some other new African states in that its population is fairly homogeneous, they are well trained to submit to the Central Government, thus causing no tribal feuds in Lesotho. They all speak one language—Sesotho—and the Government officials are also well versed in English. It is an agricultural country, and its economy is largely based on livestock production and farming. All land is held in trust for the nation by the Government, but its good and equitable distribution and effective use is also assured by the Government. Its industrious and hard-working people are making progress under the Government's paternalistic and well-conceived soil erosion program. On the third anniversary of their independence day we wish peace and prosperity to the people of the Kingdom of Lesotho.

CIGARETTES AS FIRE HAZARDS

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. BYRNE' of Pennsylvania. Mr. Speaker, I have this day introduced a bill to require cigarette manufacturers to print on their packs, in addition to the present "Caution: Cigarette Smoking May Be Hazardous to Your Health," or any stronger statement which may be subsequently determined by this Congress, a warning pointing to the extreme fire hazard that cigarette smoking has created in our Nation.

The additional warning reads:

> The smoking of cigarettes is a dangerous fire hazard which results in hundreds of deaths and many million dollars in damage each year. You are urged never to smoke in bed or when in a drowsy condition and to be absolutely certain that each cigarette before it is disposed of—is completely extinguished.

My bill also calls for a penalty of a $100,000 fine for manufacturers who are convicted of violations.

My intention in making this proposal, Mr. Speaker, is not to denigrate the extremely serious and lethal health hazards which cigarette smoking represents.

This very fact was remphasized and reiterated just last month when the U.S. Public Health Service presented its 1969 supplement to its 1967 review of the health consequences of cigarette smoking.

The USPHS presents still more evidence that cigarette smoking is harmful to the heart, lungs, mouth, and even the umborn babies of smoking mothers.

The health hazards of smoking cannot be emphasized too strongly. But at the same time, we seem to be ignoring another consequence of cigarette smoking, which albeit not of the magnitude of death through illness created by this habit, is yet substantial enough to warrant our attention.

And this is the fire hazard of smoking cigarettes. Let me give you some idea of the magnitude.

My city of Philadelphia, which enjoys the best fire record of any major city in the Nation, had 6,665 fires in the calendar year of 1968. Of this total, 4,524 of these blazes were in single or multiple dwellings, and 1,046 were industrial fires.

A full 36.6 percent of all the fires were attributed directly or indirectly to smoking of cigarettes.

During that year, 77 persons lost their lives in these blazes—75 of them in residential fires and two in industrial conflagrations. Of these 77 deaths, a full 32—almost half—were as a result of fires directly or indirectly caused by smoking cigarettes.

These are not my opinions. These are the hard facts established by the fire marshal of Philadelphia in his investigations of each and every fire.

I do not have the current figures nationally because of weaknesses of reporting systems. However, if we realize that the population of the city of Philadelphia represents almost exactly 1 percent of the total population of the United States, and even taking into account Philadelphia's fine fire record, we need only multiply the Philadelphia statistics by 100 and come up with a tragic and pitiful national disgrace.

I can give no guarantees, Mr. Speaker, that my bill will put an end to fires and blazing deaths caused by cigarettes. This would be unrealistic, wishful thinking.

But if just one person who read the warning took heed from smoking in bed, or completely extinguished a potential lethal weapon, if just one fire were averted and just one life saved; then I believe passage of this bill will have been justified.

I deeply regret that the cigarette companies themselves, with the billions of dollars they derive in profits and the millions spent annually in advertising, have thus far never seen fit to spend a single dime to remind people of this extreme fire hazard and threat of life and property which cigarette smoking represents.

MORATORIUM DAY

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. LUJAN. Mr. Speaker, as all Members know, October 15, 1969, has been designated "Moratorium Day," as a means of forcing the President to unilaterally withdraw all our forces from Vietnam. The leaders will admit, when asked, that this action is designed to do just that.

However, Mr. Speaker, the universities and colleges in this Nation are not being told this.

The University of New Mexico Board of Regents for example were told that this was a day to be set aside where both sides of the issue could be discussed. With this understanding, the board of regents endorsed Moratorium Day.

Mr. Speaker, I only point this out so that when a large participation is noted on October 15, that it is understood that it will not be a representation of a large feeling for unilateral withdrawal, but that it will simply indicate that the universities are interested in their students discussing both sides of this question.

LEGISLATION DEALING WITH OBSCENE MATERIALS MAILED TO MINORS

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. DICKINSON. Mr. Speaker, I believe all the Members should be aware of some very pertinent testimony before the Committee on the Judiciary this morning. My dear friend and fellow Alabamian, the Honorable JACK EDWARDS, clearly pointed out the need for a tightening of legislation dealing with the mailing of obscene materials into homes with minors. The text of his remarks are as follows:

> Today almost any youngster can walk into a store in his town and purchase a book or magazine or pamphlet or picture that is aimed at appealing to his prurient interests. He can see any number of movies of a pornographic nature often times in spite of self-imposed restrictions by the movie houses and the industry. But in these areas parents can exercise parental control over what the child may be exposed to.
>
> However, the villainous purveyors of smut are no longer waiting for their victims to come to them. They have now taken to the mails and through many devious means are mailing pornographic materials to homes where children reside. Unknowingly children will open these mails and be exposed to materials which they are not psychologically and emotionally prepared to understand.
>
> There is little legislation on the books that will stop the use of the mails for this purpose. It is for this reason that I have introduced H.R. 5190. This will give the Postmaster General the legislative muscle needed to dry up the ever-growing flow of smut to homes with children.
>
> Our present Postmaster General Winton M. Blount, a fellow Alabamian, has been making every effort to hamper the use of the mails by these fly-by-night business concerns who deal in smut. Last week his Department revoked the post office box privileges of eight dealers in sexually oriented materials.
>
> This is the first significant action by a Postmaster General in a long time to stop the mailing of pornography. But the use of administrative authority by the Postmaster General is a weak tool. The bill being considered here today will strengthen that tool and add measurably to his Department's powers to control these harmful mailings of smut.
>
> I believe a review of some of the measures on the books at the moment will give you an indication of the vital need for this legislation.
>
> A few years ago in Congress, we passed a law to provide that persons receiving this material could return it to the Post Office with orders that no more mailings from that particular source be sent to the home. This was a step in the right direction, but not enough. I am sure you will agree with me that this suffers on two accounts. First, it does nothing to prevent the initial mailings. The damage to a child's psyche or moral fiber may already have been done. Second, it is a long and complicated process to stop the materials, starting with the necessity of the postal patron to fill out forms to prevent further mailings. Even this is ineffective since companies that deal in pornographic materials change names and status frequently.
>
> In 1967 I proposed a bill setting up a commission to study the problem and make recommendations. Legislation very closely following the proposal I made was approved in October of that year. Now is the time to take a definite step to curtail all mailings of pornographic materials to minors or homes wherein minors reside.
>
> There is a great urgency in this matter as the amount of unsolicited pornography mailed into the homes is growing by leaps and bounds. As an indication of the rising incidence of pornographic material being mailed, the Post Office Department provided me with information indicating that under the pandering law that went into effect in April 1968, 334,928 persons have requested that these mailings be stopped during the first 16 months. The Post Office was able to issue 257,133 orders to that effect based on the complaints. And these are only the complaints. How many people received the pornographic mailings and simply discarded them? How many were unaware that there was something they could do about these mailings?
>
> Let me quote some other statistics that show the astronomical rise in the peddling of smut. In the fiscal year of 1967, 140,000 complaints were received by the Post Office Department from patrons who had been mailed pornographic materials. In fiscal 1968 that number rose to 167,000. And in the fiscal year just concluded that number has jumped to over 234,000 complaints.
>
> We must act now to stop this threat to the very roots of the moral fiber of the nation—the developing child. We must attack the source—those vile, perverted individuals who prey on the innocence of our little children. We must take a real step forward in eliminating such vice from the mails. I believe this bill is such a step. It attacks the violator directly by making the act of mailing unsolicited pornography a crime. I strongly urge you to report this bill out of committee and submit it to a vote of the House.

POLICEMEN AND THE FLAG

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. GAYDOS. Mr. Speaker, never before in the history of the United States has the American Flag been so dishonored as it has been in the past decade.

Hippies, yippies, and others of their ilk find it expedient for their purposes to desecrate the flag. They defile it in ways which make an American's blood seethe in anger. They spit on it. They burn it. They tear it and wear it. They get a twisted pleasure from pulling the flag down from its standards and running up one belonging to a nation responsible for the deaths of 40,000 Americans.

These are the same people who heap abuse upon law enforcement officers at every opportunity. They scream insults and obscenities. Their actions would not be tolerated by any man. Yet police officers must endure the degradations or be accused of brutality.

How ironical it is that police officers, targets of the most despicable acts, should be the ones to take the boldest steps to restore the flag to the level of esteem it so richly deserves.

Police officers in the cities of Duquesne and Clairton in my 20th Congressional District, have elected to make a shoulder patch of the flag as part of their uniform. They wear it with pride. An attack upon an officer thus becomes an attack upon the flag itself, upon every American who takes pride in it, and upon the United States of America.

Other police departments in the Nation have followed the example set by the Duquesne and Clairton officers. These two organizations and Duquesne Police Capt. Debs Melegari, who inaugurated the idea in the district, have received the salutes of staff writers for the Pennsylvania division of the American Federation of Police and by Earle Wittpenn, managing editor of the New Daily Messenger in Homestead, Pa.

Mr. Speaker, I share the pride of many Americans in the initiative taken by these officers. I commend the Pennsylvania division of the Federation of Police and Mr. Wittpenn for lauding them in public print.

I insert their writings in the RECORD and I call the attention of my colleagues to them:

POLICEMEN AND THE FLAG

"Old Glory," the "Stars and Stripes," the "Star-Spangled Banner"—our flag! Any American citizen, when he sees the flag, sees the nation itself, sees the country and our government, our ideals, our traditions and our history.

In peace and war, the Flag is always taken for granted. It is a symbol of our strength and of the blood shed in our nation's development.

You can link names like Benjamin Franklin, George Washington, Betsy Ross and Francis Scott Key, but don't ever forget the names of those who died for the Flag. They represent every nation in the world—the Smiths and Messners, the Beesons and McKeevers, the Patellis and Alahouzos, the Urbanskis and Hrivnaks, the Tognarinas and Saccos, the Mendelwitzes and Ginsbergs—they as much as threaded the needle for Betsy Ross to sew the stars on the Flag.

The Flag has been planted firmly on the pinnacle of the American faith and has found itself in many foreign lands as an inspiration to millions. Now it has a place on the moon, as a symbol of the heritage of all free men.

The Flag has found itself a place also on the uniform of the policeman as a reminder to the citizens that the police officer is a guardian and that, when he is attacked, the American people and their Flag are attacked.

The writers salute the Duquesne Police Department, along with Captain Debs Melegari, for the inauguration of this project that has been copied by police departments all over the nation. The policeman wears the shoulder patch with pride to be an American and to stand behind the Flag.

It's Our Flag—Duquesne Pride Evident

Enthusiasm for the American flag, once a paramount trait among freedom-loving peoples, is being rejuvenated across the nation and this is good.

For too many years of late, respect for the flag has diminished and the strength of the nation has been jeopardized. This was not the case in years previous when people believed in and respected the flag.

Domestic strife has tainted the image of the flag because of the public's apathetic attitude.

But those who believe in it are once more leading the way and it's proving contagious.

Just recently the Duquesne Police Department, first in the valley, attached to its uniform a flag shoulder patch. This proves their pride and respect for our national standard.

Other departments in the nation are cognizant of what's happening in Pennsylvania and are following the example. This can only mean a rebirth of the spirit that has helped to make America the great nation it is.

In still many other areas, but not yet here in the Steel Valley, official council, or elective bodies have begun the practice of opening meetings with the Pledge of Allegiance. This, too, is good for democracy and sets an excellent example for the young people of the nation whose minds have not been fully inculcated with the idea of patriotism.

Parents, too, are displaying more enthusiasm for the flag. The evidence is particularly strong during national holidays when home owners display the standard to commemorate whatever the holiday might be.

Communities, like Homestead and Clairton, have also stressed the importance of the flag. The impressive display of the standard along the business areas of these two communities is without equal in any other city across the land.

So, Mr. and Mrs. America, we are finally recognizing the need for more emphasis on patriotism. Perhaps now we can settle down to deal with some of the internal problems which created a deterioration of our patriotic feelings.

Perhaps now we can, with a measure of reason, discuss and overcome the problem of racial strife, college turmoil and any other problem before us.

These problems are serious and require constant attention and effective solution. But this can be done without diminishing our belief in the principles on which the nation was founded.

The Duquesne police, like many other people across the land, have set an excellent example. Let it spread wide and far as quickly as possible so that we and our neighbors in other parts of the world will readily recognize that we are still the strongest and most patriotic people in the universe.

BIG TRUCK BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. SCHWENGEL. Mr. Speaker, my editorials for today are from the News Gazette, the Sterling, Ill., Gazette, the Chicago Daily News, and the Elgin, Ill., Courier-News, in the State of Illinois. The editorials follow:

[From the News Gazette, Aug. 1, 1969]

Larger Trucks Allowed? No

A proposal now pending in Congress would allow operation of larger and heavier trucks on the Interstate highway system.

We are opposed to the bill and believe a majority of citizens will be, if the facts are known and digested.

Already, the American Automobile Association and its affiliated clubs have voiced strong opposition to the proposed legislation.

The present "big truck" bill is almost identical to the measure proposed in Congress last week which brought an avalanche of critical public opinion and much editorial criticism in the nation's press. Many leaders in the motor safety and highway uses field, concur with the view expressed by Gerald W. Cavanagh, Chicago Motor Club president, that passage of this bill "would result in premature damage to pavement and bridges and would constitute a major hazard to others using the traffic lanes."

The current bill calls for raising the weight limit for single axles to 20,000 pounds (up from 18,000) and for tandem axles to 34,000 pounds (up from 32,000) and for permitting truck lengths up to 70 feet and widths up to 102 inches.

The measure is called a permissive bill, as it would simply permit the states to authorize larger truck sizes on interstate highways within their borders. But in the past, most states have been quick to go along with the trucking interests. They have strong lobbies in the state capitals. And inasmuch as trucks have to get off the big interstate highways to make pickups and deliveries, they presumably would be permitted on smaller roads as well.

The measure is defended by trucking interests as a way of enabling construction of "safer trucks" and as an overdue "unfreezing" of truck size limits set by the 1956 highway act. For truckers, bigger vehicles mean bigger loads and more profits.

In opposing the measure, Cavanagh declared that the men "who have been charged with the responsibility of constructing and maintaining our highways at both the state and the federal level have made it known that the increases in axle loadings permitted by the legislation will not only reduce the life of pavements in use, but will also necessitate the expenditure of billions of dollars for reconstruction of older pavements, and additional costs in highways yet to be constructed."

While basic research into the accident hazards posed by larger, wider trucks is lacking, we believe most operators of passenger vehicles don't want to see any larger trucks and semi-trailers plying the highwyas than are now in legal use.

We agree with the AAA officials that before any such bigger truck legislation is even considered in Congress, some basic research should be done first on this question. The lives and property of more than 100 million drivers are involved in such a decision. As one official commented, "we cannot ask them to be guinea pigs by increasing the sizes and weights and then researching the effects."

From several standpoints, including safety of passenger vehicles and motorists, avoidance of further traffic congestion and more difficult driving conditions, and the probable greater wear-and-tear on the highways and expressways if larger trucks should be allowed, we think adoption of the current proposal should be speedily killed in Congress.

For those who so agree, a letter to a congressman or senator expressing your view, probably would be helpful.

[From the Sterling (Ill.) Gazette, July 23, 1969]

Bid for Bigger Trucks

The trucking industry, engaged in a determined campaign for the last year or so to persuade the government to give even larger trucks the run of the nation's road, has lately come up with a new argument to bolster its case.

Industry spokesmen asserted in congressional hearings that the size and weight hikes desired would actually contribute to highway safety. Their reasoning is that by abandoning the present weight limit—73,280 pounds—for trucks on the interstate system and adopting instead an axle-spacing formula, weight distribution would be improved. Trucks might be heavier—up to 92,500 pounds—and wider, but also better-balanced, and therefore less of a hazard to truckers, passenger car drivers, bridges and the roadways themselves.

There is no question that trucking is a vital element in the transport system of a consumption-happy society or that there are valid arguments for bringing existing regulations into line with changing needs of the industry and public improved technology and highway facilities.

But this is one that is likely to be difficult to sell to drivers who have had white-knuckled experienced maneuvering around and among present width and weight trucks, or struggled to keep a car on the road in the gale-force winds frequently created in passing or being passed by trucks.

[From the Elgin (Ill.) Courier-News, Aug. 6, 1969]

Trucks, Buses Big Enough

Public opinion last year set up a roadblock against a Senate-passed bill permitting states to increase the weight and width of buses and trucks operating on the interstate highway system.

Now the bill has turned up again in the House public works subcommittee on roads, and trucking and bus interests are attempting to get a favorable recommendation.

The Senate-approved bill would allow states to increase the maximum weight of single-axle trucks from 18,000 to 20,000 pounds; of tandem-axle trucks from 32,000 to 34,000 pounds; and to replace the existing gross weight limit of 73,280 pounds with a sliding scale formula based on the distance between the front and rear axles and the number of axles on the vehicle. The maximum width would be increased from 92 to 102 inches.

The American Automobile Association has charged that the 1968 legislation would open the door to triple-trailer trucks on the interstate system. Motorists who find it difficult to pass the mammoth trucks on highways today would be up in arms if triple-trailer trucks were permitted.

Even a six-inch increase in the width of trucks would increase the safety hazards. The problem exists mainly on highways and streets removed from the interstate system. Drivers of many of the huge trucks already find it difficult to make turns at right-angle intersections.

Even though the federal legislation permits states to raise limits, the bill should be blocked in the House. Residents of Illinois and other states are all too familiar with the success of the trucking lobby in heading off increases in license fees and in diesel fuel taxes and getting its way on other legislation.

[From the Chicago Daily News, Aug. 9, 1969]

Trucks Are Big Enough

The highway-busters are at it again, trying to persuade Congress to ease the rules limiting the weight, length and width of trucks on interstate roads. They got such a bill through the Senate last year, but luckily it died in the House. Now the measure is up for hearings before a House subcommittee and the truck and bus lobby is mounting a powerful pressure campaign in its behalf.

The proposed new limits exceed in most respects those permitted on Illinois highways. The bill, applicable at first only to in-

XUM

terstate routes, would sanction trucks 70 feet long, compared with the general 55-foot limit in Illinois. Truck width, now limited by federal and Illinois law to eight feet, would be broadened by six inches. The gross load limit of 73,280 pounds, now in effect on most state and federal highways, would be increased through a new formula based on length and number of axles.

If such behemoths were restricted to the new interstate freeways, which are usually built to withstand more abuse than the average state highway, a plausible case might be made for relaxing the rules. But as a practical matter the trucks must get off the freeways at various points to deliver their cargo. This means going over state and local roads and bridges that cannot take the pounding administered by the mastodons.

Truck lobbyists would be rushing to state capitals to persuade the legislatures to change state regulations to conform with federal standards. Civics books to the contrary, most Illinoisans know that our own Legislature in Springfield is particularly susceptible to the blandishments of the truckers. It would be only a matter of time before state officials caved in and gave the truckers what they want. Building state, county and local roads to handle the behemoths would result in an enormous increase in Illinois highway costs.

When Gov. Ogilvie proposed a substantial boost in diesel fuel taxes and truck licensing fees, pointing out that the fees hadn't been hiked in 18 years, the truckers insisted it was a specious argument and persuaded the Legislature to pare the governor's request. In Washington, the truckers are arguing that the best case for easing truck-size limits is that they haven't been changed in 13 years. Who's being specious now? Certainly not Gov. Ogilvie, who was quite right in saying that truckers have not borne their fair share of increased Illinois highway costs since 1951.

Congressmen should bear in mind what the trucking bill would cost their constituents back home, and defeat it. The sharp recent increase in Illinois road taxes should make this state's delegation in the House especially sensitive to the bill's local ramifications.

THE MARIHUANA PROBLEM

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. MINISH. Mr. Speaker, the use of marihuana has expanded to frightening proportions in the United States. The number of people who have experimented with marihuana is estimated at 12 million, and that number is expected to increase. It is alarming to note that many college students have experimented with marihuana. If marihuana has some harmful effect on its users, we must discover it immediately.

I am, therefore, cosponsoring a measure, that will be dropped in the hopper shortly, to provide for the establishment of a Presidential Commission on Marihuana. This Commission would be composed of professionals who would consider the legal, social, and medical ramifications of marihuana smoking. The Commission's work should be concluded in 1 year, and would submit to the public its conclusions and recommendations. This would be a firm basis for comprehending and dealing with the problem, which is growing rapidly. We cannot permit such a large number of our people, many of them young, to use a drug we know little about.

There are many questions about marihuana use that are presently unanswered. Our statistics about the number of users are not verifiable. Moreover, the pharmacology of marihuana is almost completely unknown. The immediate and long-term effects marihuana has on its users is anybody's guess. Its relationship to aggressive behavior and crime is a cipher, its relationship to the use of other drugs has never been answered.

It is high time that we educated ourselves about these important questions. I believe that an authoritative study that provided these facts would enable us to deal with the problem effectively. The problem is weighty. We must seek the answer.

TIMBER PRODUCTION AND THE NATIONAL HOUSING GOAL

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. HANNA. Mr. Speaker, the events of recent months have focused attention on the glaring disparity between promise and performance in meeting national housing needs. Over the last few months it has become clear that there has been little effort to correlate Federal programs with the lofty 10-year national housing goals. In no area has this lack of coordination been more apparent than the timber sales program, which is administered by the Department of Agriculture. For nearly three-quarters of a century that Department has been responsible for disposing of all the timber made available from our national forests. This represents approximately one-third of the total annual timber output. At the present time, over 95 percent of all sales of timber from national forests are made at auctions conducted by the Department of Agriculture as long as the total amount of timber put up for sale exceeds $2,000 in value, the sale is made at an auction.

The only test of a potential buyer's qualifications to bid at the auctions conducted by the Department of Agriculture is his ability to pay. Therefore, there is no assurance that the timber sold will be available to meet domestic housing needs. In point of fact, a large share of the logs are bought by foreign firms.

The basic premise of this bill is that our scarce timber resources should be carefully husbanded and, when used, should be utilized in that manner which best serves the interests of the American public. That interest has been emphatically enumerated in the statement of our Nation's housing goals. I think it is appropriate to note that the principle embodied in this proposal is particularly pertinent to the production of our national forests. These forests are, literally, the property of the people. Many of the forests have—since the founding of the States of our Nation—known no owner save the Government. The wisdom of our early leaders in preserving these lands for public purposes is evident in many ways. It would be made more clearly manifest were we to enact the bill I propose and, thereby, insure that the public forests are used to serve the public welfare.

I would hope that this legislation would be viewed as a measure to advance the achievement of a priority national public policy goal, the national housing goal of providing a decent home and suitable living environment for every American family. This goal was mandated by the Congress and deserves to be implemented through the adoption of effective programs.

I am introducing a second bill today. It will complement the first by providing a badly needed supply of manpower to assist in making the management of our national forest resources more efficient. As the situation now stands our federally owned forests which represent over half of our total timber acreage produce scarcely one-third of our total timber production. Hopefully, the manpower that will be made available through the Youth Conservation Corps will enable us to greatly increase the output of the federally owned and managed timber lands.

In addition the bill will provide a means for young people to pool and motivate talent that can immeasurably increase the managerial skill needed to make our national forests more productive.

Finally, the corps will further the cause of conservation of our natural resources. It will provide needed additional personnel for our national conservation areas, such as national parks and wildlife sanctuaries. It will provide young Americans with a better understanding of the important role conservation of natural resources can play in American life, and of the role they as individuals can play in furthering this conservation effort.

By working on new methods of increasing the yield of our national forest timberlands; by working on land and water reclamation projects and by communicating their ideas and enthusiasm to all types of conservation projects, young Americans if given the opportunity through the Youth Conservation Corps can make a vital and lasting contribution in an area of national significance.

THE LATE HONORABLE JOSEPH RESNICK

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. BOGGS. Mr. Speaker, permit me to join my colleagues on both sides of the aisle in paying tribute to the memory of former colleague Joe Resnick, of New York, whose sudden and untimely passing leaves us all deeply saddened.

Joe Resnick came to the 89th Congress in 1965 and left in 1968. In the 4 years that he served here, he made his presence felt throughout this Chamber through the force of his intellect, the power and warmth of his personality,

XUM

and his determination to serve his people to the best of his ability.

In his first term in Congress, Joe Resnick played a vital role in passing the historic legislation that makes the 89th Congress a high-water mark in American history.

All of us are richer for having known and worked with him. Though he served only two terms in Congress, his example of a dedicated, hard-working Congressman will be remembered long after all of us are gone.

Mrs. Boggs and I have lost a friend. Together, we express our deep sense of loss to Mrs. Resnick and their four children.

THE LATE HONORABLE JOSEPH Y. RESNICK

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. DULSKI. Mr. Speaker, I want to join my colleague from New York (Mr. Wolff) in expressing my shock and my sorrow at the untimely death of our former colleague here in the House, the late Honorable Joseph Y. Resnick.

Joe Resnick was a fine legislator. He was fearless in dealing with causes which he felt were right. For example, when he could not get official action in areas he felt needed attention, he did not hesitate to launch his own unofficial hearings to air the controversy.

His tenure in Congress was too short. He made a strong bid for a seat in the U.S. Senate last year, but lost out in a bitter three-way race.

Joe Resnick earned high respect among his colleagues, especially those who entered Congress with him in 1965. He was as industrious as a legislator as he was in his business life where he built a prosperous electronic business in cooperation with two brothers.

He was with us in Congress—and in life—too short a time. Our Nation needs Joe Resnicks. We all miss him.

Mr. Speaker, in connection with my remarks I am including the text of the obituary on Mr. Resnick which appeared in a Washington newspaper:

[From the Washington (D.C.) Star,
Oct. 7, 1969]

Ex-Rep. Resnick Dies; Electronics Expert

Former Rep. Joseph Y. Resnick, 44, of Ellenville, N.Y., who made a fortune in the electronics field, died yesterday of a heart attack while in Las Vegas on a business trip.

Mr. Resnick, elected to the House in 1964 was the first Democrat in recent history to win a congressional seat from his central Hudson Valley district.

He dropped out of the House a year ago to run for the U.S. Senate, but lost his party's nomination to Paul O'Dwyer, a Vietnam dove, in a bitter three-way race that also included Eugene H. Nickerson, the Nassau County executive.

A strong supporter of the Johnson administration's Vietnam policy, Mr. Resnick earned the reputation of a "hawk" in the senate race.

DEVELOPED BUSINESS

Mr. Resnick and his brothers Harry and Louis started Channel Master Corp. in 1947 to manufacture a pre-assembled television antenna. The business developed from a $7,000 operation in an Ellenville barn to a corporation with 1,000 employes and sales of $45 million a year.

Mr. Resnick held several patents for electronic devices, including the one for the first preassembled television antenna, which he conceived while installing unwieldly antennas on roofs during cold weather.

The Channel Master Corp. now makes transistor radios and televisions sets, and is engaged in plastic research.

Mr. Resnick was born in Ellenville, the son of a poor Russian immigrant. Before being elected to the House, the only political experience he had was a successful race for the Ellenville school board.

He won relection to the House in 1966, and during his second term took up the cause of Lt. Cmdr. Marcus A. Arnheiter who was removed as commander of the U.S. destroyer Vance on charge of irregularities.

Mr. Resnick held three days of unofficial hearings and called for the resignation of Paul R. Ignatius as Secretary of the Navy.

ATTACKED FARM BUREAU

His best known campaign in Congress was against the American Farm Bureau Federation. Mr. Resnick repeatedly attacked the organization's tax exempt status, noting the Farm Bureau was in several profit-making ventures, including the sale of insurance policies.

Congressional investigations of the Farm Bureau were promised by several of Mr. Resnick's colleagues, but no major action was ever taken.

Mr. Resnick defeated incumbent Rep. J. Earnest Wharton, a Republican during the 1964 Johnson landslide. In 1966 he defeated Hamilton Fish Jr. Fish won Mr. Resnick's seat in 1968.

Mr. Resnick is survived by his wife, Ruth, and four children Jeffery, Todd, David and Debbie, his two brothers, all of Ellenville, and two sisters.

Services will be tomorrow in Ellenville, with burial in Ezrath Israel Cemetery in Warsing, N.Y.

THOMAS P. REILLY: DEDICATED LAW ENFORCER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. BIAGGI. Mr. Speaker, I was recently notified by the executive secretary for the New York State Association of Chiefs of Police of the tragic events which occurred on the evening of September 8, 1969, resulting in the deaths of a police patrolman—that same evening—and of the newly elected association president, Chief Thomas P. Reilly, on September 13.

Reading this report brought to mind the great many similar statements I read during my more than 20 years as a law-enforcement officer. In each case then—as in the present case—a great sadness rests within me. At this point in the Record I would like to commend this report to the attention of my colleagues:

On Monday evening, September 8, 1969 at approximately 9:30 in the evening a report was received by Oneida Police Department describing the car and a description of the driver of the car who had just held up a gas station in Canastota with the use of a fire arm. The Village of Canastota, City of Sherrill, and the City of Oneida are on a radio net together and in a few moments Sherrill Patrolman, Robert Mumford radioed that he had a suspect in custody. The suspect was stopped about one thousand feet from President Reilly's home, and he immediately went to the aid of his patrolman. At the same time, two patrol cars from the City of Oneida and a patrol car from the Village of Canastota with the complainant in the car proceeded to the site in Sherrill where the suspect was being detained. I also drove towards Sherrill in an effort to give any assistance to President Reilly that I could. President Reilly and I were in radio contact and he advised me not to take unnecessary chances, that the suspect had identified himself with his registration, operator's license and credit cards, and that he was very cooperative and was under control. Suddenly, President Reilly radioed back that he and Patrolman Mumford had been shot and the suspect was heading East. The suspect, according to President Reilly, was standing with his back towards President Reilly, facing Patrolman Mumford and was about three feet distant from President Reilly when he suddenly whirled with a gun in his hand and told the president to put his hands up. President Reilly reached for the suspect and the suspect shot him in the chest and in the same instance grabbed Reilly's gun from his holster emptying the gun as he whirled and fired three shots from a .38 revolver at Patrolman Mumford, one bullet entering Mumford's body just below the heart and spun around the rib cage destroying his pancreas, his liver, his lung and cutting the large intestine. President Reilly tried to crawl towards his car to summon radio help and was shot twice while he was on the ground. On bullet entering his left arm causing a compound fracture of the bone near the shoulder and the second bullet entering the right abdomen which cut an eight inch gash in the large bowel and cut the colon.

Patrolman Mumford died later that night and at this writing, President Reilly is still considered to be in critical condition. His condition is neither improved nor deteriorated since he was wounded. The Doctor tells us that each day increases his chances of recovery. I was allowed to see him last night for two minutes.

When I arrived at the scene of the shooting, and I believe I was the first one there, Chief Reilly's concern was not for himself, but for the quick medical aid for his Patrolman and to make sure that I had the description, name, registration and credit card of his assailant. President Reilly lived up to every tradition of the New York State Association of Chiefs of Police and that of a good police officer and did it without regard for himself or any fear. May God let him live so that he can lead us for the remainder of the year as our President and remain with us for many years.

September 14, 1969—It is with deep regret that I announce the death of President Thomas P. Reilly. He suffered a cardiac arrest on September 13, 1969.

Mr. Speaker, I extend my deepest sympathy to his family for the great loss they have suffered.

POP FESTIVALS—NOT THE HARMLESS DIVERSIONS CLAIMED

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. HUNT. Mr. Speaker, we may all recall the news accounts in mid-August of the Woodstock Music and Art Fair, characterized as a gathering of "beautiful" people whose peaceful conduct was only surpassed by the utopian aura surrounding the entire collection of some 400,000 adherents to the cult of ignorant bliss. Of course, in this light, any incidents of unlawful conduct were muted, because in such a paradise, law represents nothing more than the provocation of violence.

At the risk of offending the sensitivities of some who have hailed these festivals of recent months as islands of paradise, I call the attention of my colleagues to the police reports of the Atlantic City Pop Festival, preceding the Woodstock Festival by 2 weeks. Among a crowd, estimated to number about 160,000, the record shows that within a 3-day period there were 229 general police investigations, 32 arrests for narcotics, lewdness and disorderly conduct, six arrests for drinking while driving, 34 traffic complaints, 19 motor vehicle accidents of which one was fatal, and nearly $45,000 in stolen property. In addition, 247 persons were treated at local hospitals, 53 for use of narcotics and other drugs.

In the August 1969 issue of the Triangle, the official publication of the New Jersey State Police, the prevention of a major disorder was attributed to the visible presence of an adequate number of law enforcement officers. Some may dispute this, but recent history is permeated with strong evidence that, unfettered by any semblance of order, people will destroy not only themselves, but anything within their reach. I submit the observation that within this decade, defiance of the law and the permissiveness of public authorities in tolerating lawlessness in the first instance are perhaps our major social problem, the effects of which hinder the achievement of every other social objective, however meritorious. I am sure it disturbs our constituencies to think that mass gatherings, in some instances, have been given virtual immunity from the law while this same law punishes those who exceed its limitations in individual actions.

I include the full text of the Triangle's account of the Atlantic City Pop Festival, not the harmless type of diversion which many have claimed:

The hirsute, the hip, the hangers-on and the ardent devotees of rock music by the thousands made the trip to Atlantic City on Friday August 1, for a deafening three days at the Atlantic City Pop Festival and a tribal gathering of the New Generation.

Early arrivals began camping out on grounds, on and adjacent to the (Atlantic City Race Track), in established campgrounds and private lots that had been turned into campgrounds by the owners.

A 211-man State Police detail, under the direct supervision of Captain John Carpani, was used for policing the perimeter of the Atlantic City Race Course. Security at the track was provided by 100 guards hired for the duration of the festival by the promoters.

A large contingent of Division manpower was visible throughout the three days and presumed responsible for preventing any civil disturbance such as rock throwing, gate crashing, personal injury, and destruction of property which marred the recent gatherings in Newport, Denver and Los Angeles.

Even without the violence, there was no preventing the major traffic problem, filth and debris that usually accompanies this form of invasion. Anyone who might think that pop festivals are harmless diversions should be reminded of the following police activities: 229 general police investigations; 32 arrests for narcotics, lewdness and disorderly conduct; 6 arrests for drinking driving; 34 traffic complaints; 19 motor vehicle accidents (one fatal); 139 motor vehicle summonses; 186 dismounted posts; and nearly $45,000 in stolen property reported ($3,758 was recovered).

During the three days, 247 persons were treated at local hospitals for illness or injury—53 for the use of narcotics and other drugs.

At the conclusion of the festival, there was 114,100 paid attendance reported. However, it was estimated that 160,000 persons were in and around the track during the three day period.

WILLY BRANDT: NEW LEADER FOR GERMANY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. FRASER. Mr. Speaker, last week there was an unfounded attack on the new head of government of West Germany, Willy Brandt, appearing in these pages.

I think a much more balanced view is included in Time magazine for October 10, 1969. With unanimous consent I enter it at this point in the RECORD:

WEST GERMANY: OUTCASTS AT THE HELM

Bismarck barred them from political life, and Kaiser Wilhelm scourged them as an unpatriotic rabble. Konrad Adenaur, who presided over the rebirth of West Germany, dismissed them as unfit to govern, and for years millions of his countrymen agreed. Last week, in the wake of one of the closest elections in the 20-year history of the Federal Republic, the Social Democrats, long the outcasts of German politics, prepared to take power. Unless the coalition carefully pasted together with the Free Democrats suddenly comes unstuck, Willy Brandt will be sworn in as the Chancellor of West Germany on Oct. 21, thus becoming the first Socialist to lead a German government since 1930.

This was an election that could easily have earned Germany new notoriety in the international community. The right-wing National Democrats of Adolph ("Bubi") von Thadden might have won 5% of the national vote and thereby earned the right to sit in the Bundestag (parliament); in that case, fears of renascent Nazism would have chilled much of the world. As it turned out, the National Democrats were able to draw only 4.3%. Far from becoming a black mark against West Germany's name, the election turned into what could well prove a historic turning point.

It was Brandt's own daring as much as the actual election results that brought the Socialists to the brink of power. Neither of the two major parties won an outright majority. The long dominant Christian Democrats, who had promised "no experiments," remained the largest party, with 15.2 million votes or 46.1% of the total—a 1.5% decline from the last election in 1965. The Socialists, who pledged to "Build the Modern Germany," won 14 million votes, increasing their 1965 percentage by 3.4% and capturing 42.7% of the electorate. Ironically, the party that ended up holding the balance of power was the one that had lost the most: the Free Democrats, an unlikely assortment of conservative and far-left liberals, had lost 19 of their 49 seats in the Bundestag, and their share of the total vote dropped from 9.5% in 1965 to a mere 5.8%—just above the 5% required for representation in the Bundestag. After three days of intense negotiations, the Free Democrats, who are led by Walter Scheel, threw their slight but decisive weight behind Brandt. At week's end the onetime outcast of West German politics informed President Gustav Heinemann that he was prepared to form a government in coalition with the Free Democrats and rule the Federal Republic.

CONSIGNED TO THE PAST

It was an auspicious moment for a party that not too long ago seemed irretrievably locked into the role of the opposition, unable to break its blue-collar mold and incapable of attracting much more than one-third of the voters. Throughout the country there was a deep and exciting awareness that a watershed had been reached. After 20 years of uninterrupted rule Chancellor Kurt Kiesinger's Christian Democrats prepared to take their places on the opposition benches. Said the conservative *Bayern Kurier:* "The political generation of postwar times finally belongs to the past."

Not unlike the Democrats and Republicans, Germany's two major parties share many fundamental beliefs, including a firm commitment to NATO and a desire for British entry into the Common Market. But in style as well as substance, there are important differences. While the Christian Democrats are older and more cautious, the Social Democrats emphasize youth and a flair for innovation. While the Germany of Adenauer, Ludwig Erhard and Kiesinger was a reliable if overly dependent partner of the West, Brandt's Socialists are certain to be more assertive and fluid, especially in foreign relations.

In an effort to ease the tensions that have contorted Central Europe since the end of World War II they are committed to launch bold new initiatives toward the Soviet Union and its East European allies. At home, the Socialists promised to bring an innovative approach to problems of university reform, youthful unrest and individual rights. Among their first acts is likely to be an upward revaluation of the muscular German mark, probably fixing its price around the 26.5¢ level to which it has floated since it was cut loose from its old 25¢ price the day after the election (*see* BUSINESS). Also expected swiftly is ratification of the nuclear non-proliferation treaty—a move that could persuade several smaller, weaker countries to sign the document.

A change of power was bound to be beneficial for West Germans. Twenty years in office is a long time for any party, especially in Germany, with its authoritarian heritage. Furthermore, West Germany has lacked an effective political opposition since the Socialists joined Chancellor Kurt Kiesinger's Grand Coalition three years ago

There were also risks. Willy Brandt's partnership with the Free Democrats might prove precarious from a practical standpoint because the Free Democrats are a schizophrenic party. It was formed in 1948, composed largely of business and professional men who found the C.D.U. too "black" or Catholic and the S.P.D. too "red" or socialistic. At first the F.D.P. was dominated by a rightwing of naysayers—businessmen who thought there was too much welfare spending. Protestants wary of the C.D.U.'s heavy Catholic influence, nationalists who felt Bonn was too pro-American. Scheel belonged to the Free Democrats' younger left wing, and when he took over 21 months ago, he set about transforming party policy from right of the C.D.U. to left of the S.P.D. on a number of important issues. Since there are are still conservatives in his party that resent the leftward move, the party could conceivably break apart under the strain of government and leave Brandt

XUM

stranded without a majority in the Bundestag.

There is some question whether Brandt will make a good Chancellor. Reserved and thin-skinned, Brandt may find the perpetual pummeling that high office brings unbearable. Furthermore, his own past—his illegitimate birth, his "defection" from Nazi Germany and acceptance of Norwegian citizenship—turns many Germans from him. Those very credentials, however, enable him to speak far more candidly about Germany's past than Kiesinger, who had been a Nazi official. As mayor of West Berlin and later as Vice Chancellor and Foreign Minister in the Grand Coalition, Brandt performed admirably. In Berlin, he cooly faced down the Soviets during the 1959 crisis, when Nikita Khrushchev threatened the city's links to the West. As Bonn's foreign policy expert since 1966, he began an *Ostpolitik* diplomacy, seeking new amity with the East that his government is certain to emphasize with new vigor.

LITTLE COALITION

Seldom has such a momentous political change been caused by such a small shift in the vote. As the first returns trickled in, computers forecast that the Christian Democrats would make a strong showing. The outcome seemed so certain that in the early evening President Nixon sent a congratulatory message via the Washington-Bonn "hotline" teletype to Chancellor Kurt Kiesinger.

Later, as the trend changed by mere fractions of points, the C.D.U.'s lead dwindled until it was left with 242 seats, seven short of a majority in the 496-seat Bundestag. Together, the Socialists with 224 seats and the Free Democrats with 30 held a margin of twelve seats over the C.D.U. Earlier, Brandt had declared that he would need a majority of 13 to 30 seats to put together a coalition with the Free Democrats. The moment he caught a whiff of power, however, he lowered his sights. Surrounded by a dozen close colleagues in Bonn's drab Socialist headquarters, which are aptly called "the Barracks," Brandt announced just before midnight: "I'll do it, even if we have only a majority of two." With that, he telephoned the Free Democrats' Walter Scheel to ask if he were interested in trying to form a coalition.

Brandt offered Scheel the foreign ministry, plus two middle-level posts (interior and agriculture) in the 15-member Cabinet. Belatedly, the C.D.U. weighed in with an even more generous offer, including both the foreign and finance ministries. Said one Free Democrat: "The C.D.U. is willing to give us everything but the chancellorship." Too late. In a party caucus, the Socialists unanimously voted for the "Little Coalition" with the Free Democrats. With three members abstaining, the Free Democrats also endorsed the union. According to the present schedule, President Heinemann will nominate Brandt as Chancellor on Oct. 19, the Bundestag will vote on the proposal two days later, and if he wins the election, Brandt will be formally installed the same day.

Manfully, the Christian Democrats insisted that it might not be so bad, after all, to play the role of the opposition against a shaky coalition. As the largest party, the Christian Democrats will have a tight grip on the many key committees; they also will be able to delay and block legislation in the Bundesrat (upper house), where they still command a 21-to-20 majority.

WORTH THE RISK

After an initial period of indecision, Kiesinger decided that he would direct the opposition in the Bundestag himself. But the C.D.U. leaders were also confronted with some fundamental decisions about the party's direction. There will be a chorus of voices, probably led by Bavarian Party Chief Franz-Josef Strauss, favoring a move toward the right to attract those who may desert the defeated National Democrats. There are certain to be strong tugs in the other direction as well to keep the party in the middle of Germany's political spectrum. The Christian Democrats will not only have to resolve those conflicting pressures but also to produce new faces and more attractive ideas. A promise to preserve the status quo is no longer an appealing platform.

For Brandt, the swift move to snatch the chancellorship from the C.D.U. is obviously the gamble of his career. In the unlikely event that the Free Democrats do not hold to their bargain, his action in hastily forming a government will appear overeager and precipitous. Once in power, he will still face severe problems of operating with a narrow majority. There is also the possibility that the Christian Democrats may try to induce defections among the Free Democrats who belong to the conservative wing of the party. Brandt is betting that the Socialists will do so well in office that even if the Free Democrats should defect after a year or so, he could call new elections and win a substantial margin of seats. In any event, to Brandt it is worth the gamble if it means the Socialists can once again hold the power that has so often eluded them.

German socialism is rooted in the French Revolution, the dialectics of Hegel and the philosophy of Karl Marx, who as a German exile in London took a special interest in the activities of his brethren in the homeland. The party itself was not formally founded, however, until 1869, when the German Workers Party was born in Eisenach.

Power did not come easily to the Socialists. Though they are Germany's oldest political party, until now they have been in power for only two brief periods during the 100 years of their existence. As advocates of internationalism, democracy, a distinct separation between church and state and improved social conditions, the Socialists naturally aroused deep suspicions in the monarchical, clerical, nationalistic Germany of the 19th century. "For me, every Social Democrat is an enemy of the Realm and of the Fatherland," declared Kaiser Wilhelm II. "That party, which dares to attack the foundations of the state, which revolts against religion and does not even stop at the person of the Almighty Rule, must be crushed."

Instead, the Socialists helped crush the Kaiser by leading the revolution that broke out in the closing days of World War I. When the Weimar Republic was established in 1919, the first government was led by the Socialists, who ruled for two years. It was a dubious honor. Socialist Foreign Minister Hermann Müller was obliged to sign the harsh Versailles Treaty, putting the onus of Germany's defeat on the party that many nationalists already blamed for stabbing the country in the back by calling for the overthrow of the monarchy while the war was still going on. In 1928, another Socialist-led government took power. But Germany, beset by inflation and plagued by increasing political violence, proved ungovernable. After the Socialists resigned over cuts in unemployment insurance in 1930, the Weimar Republic fell increasingly under the power of the Socialists' enemies—the brown-shirted Nazis of Adolf Hitler.

STREET FIGHTER

The rivalry between the Nazis and Socialists spilled over into bloody street battles that erupted all over Germany. In the Baltic seaport of Lübeck, the Nazis met a tough opponent in a husky, square-jawed youth named Herbert Karl Frahm, a member of the Socialist youth club. The son of an unmarried shopgirl whose lover had deserted her before the child's birth, Herbert Karl and his mother lived as boarders in the home of a chauffeur whose own wife had little patience with the child. Perhaps to compensate for his unhappy circumstances, the boy excelled at school, winning a scholarship to the Lübeck gymnasium, and developed an abiding interest in politics. Because of his lower-class origins, his inclination was instinctively socialist. "Social responsibility and a sense of justice are probably rooted more deeply when they are based on personal experience," he once said. He soon attracted the attention of one of Germany's most influential Socialists, Julius Leber, who represented Lübeck in the Reichstag. Leber encouraged the gifted youngster to write articles for the local party newspaper, which he did under the pen name Willy Brandt. As Brandt later wrote: "I had grown up without a father; there was an emptiness in my life. Leber filled it."

In 1933, only a few days after Hitler had seized power, Julius Leber was beaten by Nazi storm troopers and put under arrest. His young protégé helped organize a protest rally. Then, in danger of arrest by the newly formed Gestapo (secret police), the 19-year-old youngster hopped aboard a fishing boat in Lübeck and made his way to Norway. When the Germans invaded Norway in 1940, Brandt put on a Norwegian soldier's uniform in an attempt to evade detection by the Gestapo, who would have arrested him for his resistance connections. The ruse worked, and after a four-week internment as a prisoner of war, Brandt was released as harmless. He quickly made his way by auto and foot across Norway to neutral Sweden, where he later was joined by his Norwegian wife, Karlota. While in Stockholm, Brandt learned that Julius Leber had been executed as one of the conspirators in the plot to kill Hitler and end the war.

THE OTHER GERMANS

After Germany's defeat, Brandt, who by then had become a Norwegian citizen, returned to his shattered former homeland to cover the war-crime trials at Nürnberg for Scandinavian papers. While reporting on the trials, Brandt wrote a thoughtful book entitled *Criminals and Other Germans*, in which he pointed out that while the guilty Nazis should be punished, there also were decent Germans who could be counted on to build a democratic nation.

In late 1946, Brandt arrived in Berlin as a Norwegian major assigned to liaison work with the Four Power Control Commission that was run by Britain, France, the Soviet Union and the U.S. As a member of the occupying force, Brandt enjoyed privileges and comforts of the victors, but he felt a growing obligation toward Germany.

A major influence on him was Ernst Reuter, a Socialist professor who had returned from exile in Turkey. Reuter was leading the struggle in Berlin against Russian attempts to force the Socialists to join the Communists in a single party. At the end of 1947, Brandt became a German citizen again, explaining to his Scandinavian friends: "It is better to be the only democrat in Germany than one of many in Norway or another country where everyone understands democracy."

As the rivalry between the U.S. and Russia deepened, Berlin, 110 miles behind the Iron Curtain, became the principal tension point. As an aide to Reuter, who had been elected mayor, Brandt was in the front trench of the Cold War. In 1949, after the Allied airlift and the resistance of West Berliners had forced the Soviets to lift their 332-day blockade of the city, Brandt became West Berlin's representative to Bonn, where a new West German government was being formed. Though the Socialists felt they deserved to lead the new Germany, they won only 29.2% of the vote in the first national election. As a result, the newly formed Christian Democratic Union, led by Konrad Adenauer, came to power with the margin of a single vote in the Bundestag.

Adenauer's Christian Democrats steered West Germany into a close alliance with the West and presided over the great economic boom—the *Wirtschaftswunder*—that brought unparalleled prosperity to the country. The Socialists meanwhile remained locked in the "30% ghetto," unable to broaden their support beyond workers and left-wing intellectuals. The Socialists' leader, Dr. Kurt Schumacher, was strangely out of tune with the political realities of West Germany. He favored neutrality at a time when West Germans wanted the Western Allies to protect them from the Russians; he called for a tightly controlled economy at a time when Germany was just emerging from the tightly centralized direction of the Nazi period. At a time of great social flux, Schumacher retained the party's unfortunate old image of proletarians who were not *salonfähig*—fit to be brought into the parlor.

DUMPING MARX

Willy Brandt also felt locked into a more personal ghetto. Though the Socialists ruled West Berlin, the fact that he was not a native Berliner handicapped his rise within the party. As he turned 40, Brandt was an extremely frustrated man. Then, in the course of one night in 1956, Brandt became the hero of West Berlin. The occasion was a protest rally in West Berlin against the Soviet suppression of Hungary. A crowd of nearly 100,000 West Berliners was headed toward the Soviet sector of Berlin at Brandenburg Gate, crying "Russians, get out!" Brandt commandeered a sound truck and managed to divert most of the marchers to the memorial for the victims of Communist tyranny, far back from the sector borders. But even as Brandt addressed the crowd, word came that a small breakaway group had pushed through police lines near the gate and was advancing toward the East German guards. Rushing to the scene, Brandt averted a certain blood bath by persuading the column to turn back. His plucky courage impressed even the self-assured Berliners, to whom he suddenly became *"unser Willy"*—our Willy. The following year Brandt was elected governing mayor of West Berlin.

Brandt's victory coincided with a changing mood within the Socialist Party in West Germany. Restless Socialists, less interested in rigid dogmas than a chance to get into the parlor, demanded a change. Under the guidance of Herbert Wehner, an irascible former Communist who is the party's chief strategist, the Socialists at a crucial meeting at Bad Godesberg in 1959 dumped their Marxist ballast and sought to transform themselves from a party of the workers into one of the people. Instead of the old dogma about class warfare and the rule of the proletariat, the Socialists endorsed a mixed economy, the profit motive, parliamentary democracy and a close military alliance with the West. They even settled their old feud with the church. "Socialism," proclaimed the Bad Godesberg platform, "is not a substitute for religion."

Brandt became the standard-bearer for the revitalized party. In the 1961 elections, he waged a U.S.-style campaign, stomping the country and pumping hands, that raised the S.P.D. share of the vote to 36.2%. In 1965, the Socialists' showing rose to 39.3%, but the C.D.U. remained in power under Ludwig Erhard as Chancellor. It was Brandt's second straight defeat, and once again his party had failed to break through the 40% barrier. Discouraged, Brandt went into a personal decline, marked by long periods of introspection. Observers revived his old nickname, *"Weinbrand Willy,"* because of his liking for brandy. During this period he collected a series of essays under the title *Draussen* (Outside). He had no idea how close he was to the inside.

In late 1966, in a protest against tax hikes, the Free Democrats suddenly resigned as partners in Erhard's coalition Cabinet. For five weeks, West Germany drifted without an effective government, while Socialist Strategist Wehner pondered a dilemma: Should the S.P.D., out of power for 36 years, seek a coalition with the unpredictable Free Democrats and risk making a mess of things? Or should it bide its time and join a C.D.U.-led Grand Coalition to show voters that they were capable of governing the country? Wehner chose the second course, and the experiment turned out to be a success.

In the Grand Coalition, the nine Socialist Ministers (out of 19) were the stars of the government. Socialist Economics Minister Karl Schiller guided West Germany out of its economic slump; Transportation Minister Georg Leber (no relation to Julius) began unclogging Western Germany's *Autobahnen* by forcing freight off the roads and back onto the deficit-ridden rails. Foreign Minister Brandt conducted an imaginative eastward-looking policy. Meanwhile the Free Democrats were moving away from conservative policies and closer to those of the Socialists. Last March, Socialist and Free Democrat members of the Bundestag joined forces to elect Gustav Heinemann as the first Socialist head of state in the 20-year history of the Federal Republic. It was a harbinger of things to come.

The Free Democrats' Scheel began to consider the possibility of a more lasting alliance with the Socialists. Engaging and affable ("I'm a court jester, just a king's fool"), Scheel is nonetheless considered to be a skillful politician, who, as Foreign Minister, will bring a light and sensitive touch to German diplomacy.

METAPHYSICAL "LEDERHOSEN"

Last week's pattern of voting buttressed the Socialists' optimism. In a country whose population is steadily growing younger, increasingly affluent and more urbanized, they outdrew the Christian Democrats handily among first-time voters, well-paid workers and city dwellers. They made inroads into the Catholic vote and the female vote, two blocs usually overwhelmingly loyal to the C.D.U. In the Bonn area, the Socialists scored an 8.6% increase, a testimonial that the government employees like to work for them.

Much of the credit for the electoral gains belongs to the team around Brandt. In pre-election polls, Brandt trailed both Kiesinger and his own Economics Minister Karl Schiller, who emerged as West Germany's popular politician. But Socialist publicists wisely played up the theme, "we have the right men."

A striking feature of Brand't team is its relative youth in a land where *"Opa"*—grandpa—was long presumed to know best. Ever since the trauma of the Nazi atrocities and World War II, Germans have shouldered a heavy burden of guilt—their "cartel of anxiety," as they refer to it. But today, two-thirds of the men and half of the women among West Germany's 61 million people are under 40 and had little or nothing to do with the war. If many of them are "Hitler's children," born during his rule, the Führer would surely disown them. They are painfully aware of their country's Nazi past; two years ago, a public opinion poll showed that 60% of those between the ages of 16 and 29 would rather live in another country.

A similar poll conducted today might show that many more would be willing to stay at home and work at changing the country. To be sure, there are free love communes in West Berlin, pot-smokers and hippies in most large cities, but the mood of the young is, by and large, activist. Significantly, Nobel prize-winning Novelist Hermann Hesse no longer exerts a strong pull on young West Germans. To them, Hesse's romantic mystique of the outsider and his preoccupation with passive Oriental philosophies has about it what British Critic D. J. Enright calls "the smell of metaphysical *Lederhosen."* Hesse's appeal is largely to those racked by uncertainty and disillusion, which explains his vogue on U.S. campuses, and, in the early postwar period, among Germany's youth.

Opinion surveys show that the majority of students are willing to accept the existence of East Germany as a separate state and to write off the territory beyond the Oder-Neisse line. German students have a deep revulsion to anything that reminds them of Hitler—and that sometimes includes their own parents. At the same time, students who only a few years ago looked to the U.S. as a model are now somewhat disenchanted, largely because of the Viet Nam war and U.S. racial disturbances. German students are also strongly antimilitaristic, a fact that will probably prompt the Socialists to cut the tour of duty for draftees from 18 months to 15; at present, 200,000 German youths between 19 and 24 are conscripted each year.

Old habits do not vanish overnight, however, and discipline is still next to godliness in the eyes of many Germans. According to one well-known barb, Germans obey the law because it's against the law not to do so. Yet there are signs that even in Germany, discipline is giving way to what Sociologist Ralf Dahrendorf, who also happens to be the Free Democrats' leading thinker, calls "the individual search for happiness by people freed of the fetters of tradition and thrown into the affluent society." Writes Dahrendorf in *Society and Democracy in Germany:*

"Discipline, orderliness, subservience, cleanliness, industriousness, precision, and all the other virtues ascribed by many to the Germans as an echo of past splender have already given way to a much less rigid set of values, among which economic success, a high income, the holiday trip, and the new car play a much larger part than the virtues of the past. Younger people especially display little of the much praised and much scorned respect for authority, and less of the disciplined virtues that for their fathers were allegedly sacred. A world of highly individual values has emerged, which puts the experienced happiness of the individual in first place and increasingly lets the so-called whole slip from sight."

THE NEWEST WAVE

At the same time, more and more Germans seem willing to take an active role in shaping their surroundings. Emulating the questioning, self-critical approach of youth, Germans are beginning to examine their institutions and seek to run them. Parents, once the silent partners of the German Parent-Teacher Associations, demand a voice in how the schools are run. Churchgoers want a say in the allocation of the vast West German church tax resources and even in the selection of priests and higher church officials. Journalists seek the right to participate in the shaping of editorial policy. Germany finally seems to be developing what Novelist Günter Grass calls "voter initiative," a long step toward developing a true participatory democracy.

Recently the Germans have also begun to take a much more objective view of themselves. In the 1950s, according to opinion surveys, only 32% of them felt that their country alone was responsible for the war; now fully 62% believe that the blame was Germany's, a view more in line with the opinion of the rest of the world. In the 1950s, a majority of Germans felt that their image abroad was bad because foreigners were envious of Germany; now they concede that it might be because Germans have some negative characteristics and still have an abominable past to live down.

Even more striking perhaps than the restless mood of youth and the gradual erosion of traditional authority is that enduring wonder, the German economy, which continues to pour forth much of the world's most sought after goods. There are more jobs than workers to fill them. Unemployment in West Germany is a scant one-half of 1% in a labor force of 26.3 million, and 1,400,000 foreign workers, mostly from the Mediterranean countries, have been imported.

As befits Teutonic efficiency, West Germans enjoy the world's most perfect color TV, and some the most incisive documentaries shown anywhere. In the past few years, however, the German literary scene has become less lively. Günter Grass's latest book, *Örtlich Betäubt* (roughly translated as Locally Anesthetized) is only a faint echo of *Tin Drum;* Uwe Johnson and Helmut Kirst have not published for several years. It may be that the wartime themes, the grist for German novels for the past 25 years, are beginning to pale. The best-received plays come from Vienna's experimental theaters. But the Stuttgart Ballet may be the world's most exciting dance group, and the German classical theater and opera remain first-rate.

In each successive phase in Germany's postwar development, the country has been seized by a different craze. First the hungry Germans gorged themselves in the *Fresswelle* (eating wave), then took to wheels in the *Vespawelle* (motorscooter wave) that was followed by the *Autowelle* (auto buying). Next came the *Wohnungswelle* (home buying) and *Reisewelle* (traveling). Now Germans are inundated by the *Sexwelle*.

Naked girls adorn just about every magazine cover. Under the guise of adult sex education, film makers are cranking out movies with such titles as *Your Wife, the Unknown Creature,* in which live models demonstrate an astonishing variety of positions for intercourse, while a narrator (naturally a *Herr Doktor*) supplies clinical comments. Beate Uhse's sex boutiques in eleven cities offer all manner of sexual paraphernalia. Complains one Austrian, who deplores the Germanic lack of spontaneity: "There is a certain plodding quality in the German approach to sex. Boom. Boom. Boom. Now we have discovered sex and we will conquer it." Some Germans claim to see in the *Sexwelle* a new desire for Germany to place individual happiness ahead of duty to state or community.

PRIORITIES AND POLICIES

In this atmosphere, Brandt will seek to prove—even more conclusively than it was proved in the Grand Coalition—that his Socialists are eminently *regierungsfähig*, or able to govern.

And what of Brandt's own ability? He hardly fits the old steretoype of the super-efficient German. Though he usually struggles into his office by 9:00 a.m., he hates to get up and must be handled gingerly until he has had coffee and the first of the 40 or so Attache cigarillos he smokes each day. "The man is useless until noon," says one of his aides. A night creature, Brandt grows more animated as the hour grows later.

During the campaign, his early-afternoon speeches were wooden and broken; by 4 p.m., they were more coherent but still lacked vibrance; by 8, he was witty and forceful, holding the audience in his spell while tossing off withering asides to hostile hecklers. After that, while throwing back glasses of Benedictine and brandy, he often talked with local politicians and swapped political jokes with newsmen until 3 a.m. One of Brandt's favorites: After the Soviet-Czechoslovak summit confrontation at Cierna last summer, Soviet Party Boss Leonid Brezhnev turns to Premier Aleksei Kosygin and asks: "Did you see that beautiful watch Svoboda was wearing?" "No," replies Kosygin. "Let me see it."

Brandt has been attacked by conservatives for the permissive attitude he and his second wife Rut show toward their two hippie sons. Peter, 21, was arrested last year for participation in a riot, sentenced to a $50 fine and a four-week suspended jail term. Lars, 18, whose blond hair almost reaches his shoulders, said last week that even though he considers himself a member of A.P.O. (the far-left Anti-Parliamentary Opposition), he favored his father's coalition. But he expressed serious reservations about having to move from the Brandt home in Venusberg to Bonn's Palais Schaumburg, the residence of German Chancellors.

Vater Brandt has no such reservations. Once in the Palais, he can be expected to deal immediately with mark revaluation and the signing of the nuclear non-proliferation pact (which Kiesinger resisted on the ground that it could leave Germany at a disadvantage in peaceful nuclear research). Brandt's main task will be to look eastward. He and Scheel are agreed on an approach to East Germany, which the Christian Democrats preferred to pretend did not exist. In hopes of easing the economic lot of the people in the East, Brandt aims to stop short of full diplomatic recognition but to seek closer travel and communications links and trade opportunities with the East Germans.

Brandt also harbors grander schemes for Europe that would break down the barriers between the East and West blocs. While some critics feel he is overly optimistic, he wants to accept the Soviet proposal for a European security conference, provided the U.S. would be invited to attend. He would be prepared to renounce Germany's claim to its lost territories that comprise some 40,000 square miles in Poland, in order to wind up the business left over from World War II.

SOVIET CONSIDERATIONS

The question is, would the other side cooperate? The Soviets were rooting for a Brandt victory as the lesser of two evils in the election, and *Izvestia* called him "more realistic on certain foreign policy questions." Perhaps they might sign a mutually attractive trade deal or grant Lufthansa landing rights in Russia. But so far, it seems unlikely that the collective leadership of Brezhnev and Kosygin would agree to any far-reaching accommodation with West Germany. One reason the Soviets moved against Czechoslovakia was that Brandt had opened negotiations in Prague that might have led to diplomatic relation and Germany investments in Czechoslovak industry. Soviet diplomats subsequently warned Brandt's aides that they do not want the Germans poking around in Eastern Europe. Still, Brandt is not likely to give up easily. For years the Soviets have unfairly castigated West Germany as a haven of unrepentant Nazis. It is a charge Brandt and the West Germany that helped bring him to power are both singularly well qualified to refute.

Brandt's administration means, in fact, a new era in which the power in West Germany has largely passed to the untainted Germans—those who were too young to be accomplices in Hitler's crimes. When Brandt cries, "Twenty years is enough!", it is not so much a plea for absolution as a reminder that a new generation is arriving and should not be condemned in advance.

The Germany of this new generation will be somewhat different and perhaps a bit difficult for its old allies. Yet it may well be a Germany that is far more attractive than any of the earlier generations were able to make. In one of Helmut Kirst's novels about World War II, a German soldier in Russia expresses the hope that maybe some day there may even be a Germany that is fun to live in. With luck, Brandt's Germany could be that place.

HARD TO BELIEVE—BUT TRUE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. CLAY. Mr. Speaker, in this day of great national concern for the elimination of job discrimination against blacks, it is unbelievable, but true, that a black mayor would refuse to rectify blatant discrimination against black employees in an office under his control.

Even more reprehensible is the fact that Mayor Walter Washington of the District of Columbia, in his defense of racial discrimination, would resort to the antiquated cliches of bigots and racists.

In attempting to "whitewash" the case against a black employee, Mayor Washington may have served notice of his successful completion of the course in "white brainwashing" to which he has subjected himself in recent months. Apparently, he passed with honors.

I commend to the attention of my colleagues the following editorial from the Washington Afro-American of September 27, 1969:

MAYOR'S DISAPPOINTING STAND ON DISCRIMINATION COMPLAINT

The disappointment and outrage of several parties over the mayor's ruling in the case involving a housing inspector's complaint of discrimination is justified.

Mayor Walter E. Washington dismissed as baseless the charge of Joseph Watkins that he had been denied promotion because of prejudice in the D.C. Department of Licenses and Inspections.

The mayor's action was taken despite findings to the contrary by two reputable bodies, one of which was appointed by the mayor. Both the D.C. Human Relations Commission, then under the directorship of Mrs. Ruth Bates Harris and a three-member ad hoc committee established by Mayor Washington determined after hearings that the evidence "amply supports the charge of discrimination in promotion to vacancies as they occurred in the Housing Division since the inception of that division."

The mayor's refusal to confirm the findings of the investigators is all the more surprising in that he admits that the record statistically supports a past pattern of discrimination existed within the Department of Licenses and Inspections.

After making this concession, Mayor Washington makes the contradictory statement that it does not follow that there was any discrimination against Watkins or other nonwhites in the department.

How can patterns of discrimination exist unless exclusion has been practiced against individuals in promotions and hiring? And wasn't Mr. Watkins one of these individuals?

The mayor asserts that conditions which may have impaired equal opportunity in the Dept. of Licenses and Inspections have been eliminated (this is another admission of past discrimination) with the departure of "responsible parties" and the agency is moving aggressively to insure equal employment and opportunity under the present director of the Department, Julian Dugas.

We understand the mayor's pride in singling out the progress made in the department under the leadership of Mr. Dugas, who is one of the mayor's appointees. But we do not think that the mayor should use any present day record of achievement to defend past inequities or even to suggest any new appointments or promotions counterbalance and offset what has been denied others.

The mayor's own committee, in a 3,600 page document reported these denials (AFRO, Sept. 20, 1969):

(1) Watkins, with an associate degree in sciences and advanced training with 14 years' experience in the Department received no promotion. At the time of the hearing (before the ad hoc committee), he was GS–8 by virtue of job upgradings. In the meanwhile, one Hobart Seese, a high school graduate, a retired military man, was promoted over Watkins and four other black employees with higher educational qualifications in September, 1967.

(2) As of July 16, 1967, there were 66 white employees in the Housing Division of L and I in grades GS–7 and above and 20 non-white employees in the Housing Division in grades GS–7 and above.

As for education, 69 percent of the white employees in GS–7 or above had only high school or less while 69.2 percent of non-white employees had some college or better education.

The record is studded with examples of individuals by name who were bypassed for promotion while whites advanced. The American Civil Liberties Union Fund, which provided legal services for Watkins, pointed out that evidence at the hearing showed that with a single exception of one black, every white employee who started service with Watkins has attained a GS–11 or better.

Thus, it is abundantly clear that black employees at the Department of Licenses and Inspections have been the victims of past discrimination. It has been just as obvious that the mayor, through his aides, has tried to rectify the situation but it seems to us, that one of the first steps in instituting justice is to see to it that those who have been the past victims of inequity be provided relief.

We are at loss to understand the mayor's attitude unless this statement issued by him provides a clue:

"I do not see in the record any basis for compensation to individuals because of alleged past discrimination. Furthermore, I have been advised that the District Government has no legal authority to make such payments."

Perhaps it was from fear that monetary judgment for the black employees would be sought (and maybe won from the District Government) for past Department wrongs that the mayor overrode the conclusions of the exhaustive hearings. We hope this consideration had no bearing on his ruling for what can be forgiven on principle will not be tolerated for expedience.

A TRIBUTE TO ANDREW G. LOHMAN

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. HUTCHINSON. Mr. Speaker, in rural America we still occasionally find instances where one man, by his foresight, character, and leadership, molds the economic prosperity of an entire community. Such a man is Andrew G. Lohman, of Hamilton, Mich., who retired on September 30 after 48 years as manager of the Hamilton Farm Bureau Cooperative. When he took over as manager, the cooperative was considered a failure with assets placed at a minus $3,000. At his retirement, the Hamilton Farm Bureau Cooperative is the best known and one of the most prosperous farmer cooperatives in Michigan. Its sales volume is now $7 million a year, and that on only $13,820 of actual cash invested by stockholders. All of the business growth, except for this amount, has been financed out of reinvested profits.

The Hamilton community is an unincorporated village southeast of Holland, Mich. It is basically a community of thrifty farmers of Dutch descent. Back in 1921, when Andy Lohman became manager of the then struggling cooperative, diversified livestock and crop farming were the mainstay of the economy. Within 5 years, however, Lohman saw the opportunities in egg production, and he led the community into that specialized type of agriculture. Hamilton became known for egg production, and the cooperative became the economic center of the community. It remains the economic center today.

Through the years it has been frequently said that the cooperative is Hamilton and Andy Lohman is the cooperative. True leader that he is, Lohman modestly states that the success of the cooperative has not been accomplished by one individual. This is far from the facts, he says, because no single individual could have accomplished what has been done. Many individuals, he points out, played a big part in the development and success of the Hamilton Farm Bureau. The community accepts that remonstrance from him, but, in spite of it, they know that, without him, Hamilton would not be the prosperous farmers' village it is today.

While the fame of the Hamilton Farm Bureau Cooperative and much of its financial success rests in the egg business, Mr. Lohman believed in the importance of offering a wide variety of services to farmers. The development of a large dressed-poultry business was an obvious line of endeavor. Since feed is the most important item in the cost of producing eggs, and also a factor in quality, Mr. Lohman gave constant attention to poultry feeds. New and improved feed mills have been regularly installed. A poultry farm was organized as a separate corporation to run tests on feeds, to try out and demonstrate new ideas, to provide chicks from high-laying strains to the poultrymen of the area, and to operate on a profitable basis. Through the years, the Hamilton Farm Bureau has worked closely with the agricultural services of Michigan State University. The cooperative also operates enterprises in lumber and building materials, hardware and appliances, petroleum products, and a garage, which are used largely to service poultry enterprises in the community.

A man with an eighth-grade education plus a course at a business college, Andrew Lohman was endowed with a natural ability to learn quickly through observation and experience. He had good business judgment and the courage to undertake new ventures which appeared likely to succeed. Like many successful men of his generation he can claim the distinction of a self-made man. But while many have been motivated to accumulate personal fortunes, Andy Lohman has dedicated his career to the success of a community through the vehicle of a cooperative. It is truly said of him that Andy has done for his community what others have done for themselves.

MEXICAN AMERICAN CASUALTIES IN VIETNAM

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. ROYBAL. Mr. Speaker, I include in the CONGRESSIONAL RECORD an article entitled "Mexican American Casualties in Vietnam," written by Dr. Ralph Guzman, Ph. D., professor of political science at Merrill College, of the University of California at Santa Cruz.

Dr. Guzman's study indicates that casualties among persons of Mexican American descent so far during the Vietnam war have been more than 50 percent greater than the ratio this minority group bears to our overall population.

These somber statistics prove once again, as similar experience in World War II and the Korean conflict showed, that the Spanish-surnamed community in the United States has traditionally shouldered its share, and more, of the burden of military service in America.

In commenting on the sizable military contribution of the Mexican American soldier, and his impressive record of heroism in time of war, Dr. Guzman notes that:

> There is a concomitant number of casualties attending this Mexican American patriotic investment.

The article follows:

MEXICAN AMERICAN CASUALTIES IN VIETNAM

(By Ralph Guzman)

Mexican American military personnel have a higher death rate in Vietnam than all other servicemen. Analysis of casualty reports for two periods of time: one between January, 1961 and February, 1967 and the other between December, 1967 and March, 1969, reveals that a disproportionate number of young men with distinctive Spanish names do not return from the Southeast Asia theatre of war. Investigation also reveals that a substantial number of them are involved in high-risk branches of the service such as the U.S. Marine Corps.

In the southwest, where the majority of the people of Mexican American descent reside, Spanish named casualties remain consistently high in both periods. During the first period (January, 1961 to February, 1967) casualties with home addresses in the states of Arizona, California, Colorado, New Mexico, and Texas, totalled 1,631 deaths from all causes. Of these, 19.4 percent had distinctive Spanish names (see Table 1). In the second period (December, 1967 to March, 1969) there were 6,385 deaths. Casualties with distinctive Spanish names represented 19.0 percent of the total.

Casualty figures for each period are high when compared with the total Spanish surnamed population living in the southwestern

United States. According to the 1960 report of the U.S. Bureau of the Census 11.8 percent of the total southwestern population had distinctive Spanish surnames and were, therefore, presumably Mexican American. The figures remain high when the comparison is based only on males of military age, meaning individuals between age 17 and 36 years. Mexican Americans are estimated to represent 13.8 percent of this age group.

While these figures are estimates, they are sufficient to indicate orders of magnitude. If one were to project birthrate, immigration, natural death and other factors, the statistical relationship would not be substantially different. It is probable that Spanish surnamed individuals would be slightly more numerous. It is significant that the percentages of Spanish named casualties for each period remains nearly constant at 19.0 percent.

War deaths by branch of service indicate that a great number of Mexican Americans choose high-risk duty. For example, during the first period, 23.3 percent of all southwest Marine Corps casualties had distinctive Spanish surnames. The Army, also supplies an important number of ground troops, 19.4 percent of the casualties reported between January, 1961 and February, 1967, had Spanish surnames and were presumably of Mexican parentage. In the later period, between December, 1967 and March, 1969, Spanish surnames represented 17.5 percent of all southwestern Army casualties.

When these figures are analyzed by state, California shows both the greatest number of total deaths from all causes and the greatest number of Mexican American casualties. During the first period 821 servicemen from California were killed. Of these, 15.0 percent had Spanish surnames, which is well above the 10.0 percent estimate of Spanish surnames in the total population of the state. During the second period 3,543 servicemen from California were reported as casualties in Vietnam, 14.8 percent had Spanish surnames. The State of Texas ranks second in total deaths and in Mexican American casualties. During the first period 554 Texans died in the war. Of these, 22.4 percent were presumably Mexican American. In the more recent period, between December, 1967 and March, 1969, there were 1,921 deaths with home addresses in Texas. Casualties from Texas with Spanish surnames represented 25.2 percent of the total. In both California and Texas, Mexican American deaths are consistently high and disproportionate to the size of this minority group.

An adequate interpretation of the data is impossible without more information from official sources. For example, there is a gap between February, 1967 and December, 1967. Data were not available when this report was written. In a different sense, Spanish-surnamed servicemen may be over-represented in the Vietnam reports because they are over-represented among those who are drafted for military service and those who volunteer.

Historically, Mexican Americans have been a suspect, "foreign," minority. Like the Japanese Americans during World War II they have been under great pressure to prove loyalty to the United States. However, there are other reasons why Mexican Americans join the military. The reasons are several. One is the desire for status that the military life offers. Another is economic. Mexican Americans, particularly those from extremely poor families, help their families with their service allotments. Still others wish to prove their Americanism. Organizations like the American G.I. Forum, composed of ex-GI's of Mexican American identity, have long proclaimed the sizable military contributions of the Mexican American soldier. According to the American G.I. Forum and other Mexican American groups, members of this minority have an impressive record of heroism in time of war. There is a concomitant number of casualties attending this Mexican American patriotic investment.

Only a relatively small number of Mexican Americans have been able to circumvent obligatory military service by attending college. Student deferments for residents of our southwestern *barrios* are scarce. The reason, of course, is the under-representation of Mexican Americans in institutions of higher learning. At the University of California, Mexican American students number less than one percent (1%) of the total student population of 97,000.

There are other factors that motivate Mexican Americans to join the Armed Forces, some may be rooted in the inherited culture of these people while others may be more deeply imbedded in poverty and social disillusion. Whatever the real explanation, we do know with a high degree of certainty that Mexican Americans are over-represented in the casualty reports from Vietnam and under-represented in the graduating classes of our institutions of higher learning.

TABLE 1.—VIETNAM CASUALTIES FROM ALL CAUSES IN THE 5 SOUTHWESTERN STATES, BY BRANCH OF SERVICE, BETWEEN JANUARY 1961 AND FEBRUARY 1967

	All causes			Combat			Noncombat		
		Spanish surname			Spanish surname			Spanish surname	
	Total	Number	Percent	Total	Number	Percent	Total	Number	Percent
Total	1,631	316	19.4	1,335	274	20.5	296	42	14.2
Army	927	180	19.4	765	155	20.3	162	25	15.4
Air Force	88	8	9.1	55	5	9.1	33	3	9.1
Marine Corps	520	121	23.3	459	109	23.7	61	12	19.7
Navy	96	7	7.3	56	5	8.9	40	2	5.0

TABLE 2.—VIETNAM CASUALTIES FROM ALL CAUSES IN EACH OF THE 5 SOUTHWESTERN STATES BETWEEN JANUARY 1961 AND FEBRUARY 1967

	All causes			Combat			Noncombat		
		Spanish surname			Spanish surname			Spanish surname	
	Total	Number	Percent	Total	Number	Percent	Total	Number	Percent
Arizona:									
Total	83	14	16.9	68	11	16.2	15	3	20.0
Army	50	8	16.0	41	7	17.1	9	1	11.1
Air Force	4	0	0	4	0	0	0	0	0
Marine Corps	26	5	19.2	22	4	18.2	4	1	25.0
Navy	3	1	33.3	1	0	0	2	1	50.0
California:									
Total	821	123	15.0	685	108	15.8	136	15	11.0
Army	454	75	16.5	383	65	17.0	71	10	14.1
Air Force	39	2	5.1	29	2	6.9	10	0	0
Marine Corps	270	45	16.7	235	40	17.0	35	5	14.3
Navy	58	1	1.7	38	1	2.6	[1] 20	0	0
Colorado:									
Total	108	26	24.1	85	22	25.9	23	4	17.4
Army	55	16	29.1	45	15	33.3	10	1	10.0
Air Force	6	1	16.7	2	0	0	4	1	25.0
Marine Corps	37	9	24.2	33	7	21.2	4	2	50.0
Navy	10	0	0	5	0	0	5	0	0
New Mexico:									
Total	65	29	44.6	54	25	46.3	11	4	36.4
Army	35	12	34.3	28	10	35.7	7	2	28.6
Air Force	2	1	50.0	1	0	0	1	1	100.0
Marine Corps	25	13	52.0	23	13	56.5	2	0	0
Navy	3	3	100.0	2	2	100.0	1	1	100.0
Texas:									
Total	554	124	22.4	443	108	24.4	111	16	14.4
Army	333	69	20.7	268	58	21.6	65	11	16.9
Air Force	37	4	10.8	19	3	15.8	18	1	5.6
Marine Corps	162	49	30.2	146	45	30.8	16	4	25.0
Navy	22	2	63.6	10	2	20.0	[1] 12	0	0

[1] Includes 1 member of the Coast Guard.

TABLE 3.—VIETNAM CASUALTIES FROM ALL CAUSES IN THE FIVE SOUTHWESTERN STATES BY BRANCH OF SERVICE, BETWEEN DECEMBER 1967 AND MARCH 1969

Branch of service	Total number of casualties	Distinctive Spanish surnamed casualties	SSN percent of total	Non-Spanish surnamed casualties	Non-SSN percent of total	Percent total
Army	4,056	753	17.5	3,303	82.5	100.0
Air Force	116	9	7.8	107	92.2	100.0
Marine Corps	1,977	465	23.5	1,512	76.5	100.0
Navy	236	25	10.6	211	89.4	100.0
Total	6,385	1,252	19.0	5,133	81.0	100.0

TABLE 4.—VIETNAM CASUALTIES FROM ALL CAUSES IN EACH OF THE 5 SOUTHWESTERN STATES, BETWEEN DECEMBER 1967 AND MARCH 1969

State	Total number of casualties	Distinctive Spanish-surnamed casualties	SSN percent of total	Non-Spanish surnamed casualties	Non-SSN percent of total	Percent total
Arizona	354	86	24.3	268	75.7	100.0
California	3,543	525	14.8	3,018	85.2	100.0
Colorado	336	66	19.1	270	80.9	100.0
New Mexico	231	91	39.4	140	60.6	100.0
Texas	1,921	484	25.2	1,437	74.8	100.0
Total	6,385	1,252	19.6	5,133	80.4	100.0

A CONSTITUENT'S POINT OF VIEW

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. RODINO. Mr. Speaker, the following letter, together with a recent statement by Monsignor Flemming, president of Seton Hall University, arrived from my constituent, Mrs. E. V. Connell. Because of her request, and the commonsense and forthright views that point up some of the most vexing issues of our day, I would like to share her letter and President Flemming's statement with all the Members of the House:

NEWARK, N.J.,
October 6, 1969.

DEAR MR. RODINO: First of all let me congratulate you on your interest in and quick action on the "Green Beret" case. This most unfortunate "inter-agency" fight at the expense of our Country was unbelievable—even to the laymen. Certainly no one in his right mind *wants* war, but our boys who are there must be backed up all the way and God knows we don't want those who have sacrificed their lives (like my own nephew) to have died in vain because of politics at home!

My second point is the enclosed copy of Monsignor Flemming's much discussed message to the Student Body at Seton Hall. The papers as usual give a few quotes. However, I believe this message is one of the best I've read in this permissive age we're living in. I am sure all America would be interested in reading such a message from a man with such moral fortitude and stamina. Accordingly, it would seem to me to be an excellent item to have entered in the CONGRESSIONAL RECORD.

Would you be so kind as to take such action?

Again thanking you for your interest, I am
Sincerely yours,
AGNES O. S. CONNELL.

MONSIGNOR FLEMMING'S MESSAGE GIVEN TO STUDENT BODY AT SETON HALL

We begin the school year today as a faculty and student body praying the Mass to God the Holy Spirit, that we might gain one great grace: wisdom to see the road ahead this year in the light of the needs of time and eternity. I sometimes think that we are so close to what is happening here at Seton Hall we may fail to grasp the real vision of what we are striving to accomplish, even to appreciate what we are praying for today.

The ever burning question is still pressing for an answer. What are we primarily striving to do and how are we doing it? Or—to rephrase the question—why have a great Catholic university, or any Catholic university at all? The answer it would seem should necessarily show that a Catholic university has a role as a university, and precisely as a Catholic university, fulfilled by no other. Only then would this institution fulfill its mission with unsparing devotion. Only then would it be proud of its place in the world.

We have reached, I believe, a certain critical moment in the history of Seton Hall, for it is the moment that reveals to us the need to be more clear and more articulate in our understanding and our basic philosophy of Christian education. In a word, our future does not involve Seton Hall's becoming some sort of nebulously religious-oriented school, but to be and to become a real genuine Catholic university.

Those who would refashion our society, the church, and specifically, Seton Hall into something of their own image, no matter how sincere and well-intentioned they may be, must be confronted with the fact that there are real basic principles which we cannot and will not compromise 'till hell freezes over.

Last May the International Association of Catholic Universities met in Europe and reaffirmed to all the world that the objective of a Catholic university is to assure a Christian presence in the university world while confronting the great problems of contemporary society. Seton Hall fulfills her role as a Catholic university: (1) If she is a Christian inspiration to you and to the community. (2) If she continually reflects in the light of Christian faith upon the growing treasure of human knowledge. (3) If she is faithful to the Christian message as it comes to us through the Church. (4) If she commits herself as an institution to the service of Christian thought and education.

If you and I would walk down the long rows of crosses in the cemeteries of this state, we could ponder and reflect upon a silent brigade of priests and laymen these one hundred and thirteen years who have given their lives that Seton Hall might be just such a Catholic university.

It was a Protestant educator who reminded us recently that ours is the richest and most constant spiritual and intellectual tradition in the world. Because of that tradition it is the destiny of the Catholic university to bear witness to the incarnation of the Son of God. The Destiny of Seton Hall in itself is its own justification. It must stand forever as a sign—a sign that the Son of God really entered our human history and that in so doing, He sanctified all truth.

If Seton Hall is to fulfill its mission, you and I must learn that no one is unimportant because all of us have the same basic dignity as members of Christ. All truth, all grace, all dignity from Pope to peasant is from Christ. And because we are His life, faculty and students alike, we must reorder, revivify, redeem the world by our lives, we must take our intimate part in the prayer life of the Church that we may all grow inwardly and to the full maturity of the Life of Christ.

In this Christian context you are not exclusively all head, all heart, all piety, or all muscle. The world already has enough half formed men. You and I must grow organically, i.e. in knowledge and virtue. This is the beginning of wisdom. This alone can make each of us more fully man.

If within these walls we are to grow together, faculty—all faculty, students and administrators on all levels, God forbid that anyone or any thing would try to divide us. Though faculty and students share the responsibilities of the educative process, they are not equal partners since students, by definition, are here to study and to learn under the directions of the faculty. I believe firmly in community government in so far as this means everyone's voice should be effectively heard in accord with his competency.

I should like to speak briefly about student life in the context of a Christian community. Over the past five years we have endeavored to revise and restructure student life so as to provide an atmosphere that will encourage a growth of personal responsibility. Rules are necessary in any social group, but they must always exist within the framework of personal responsibility. They are directed at preserving good order that a serious pursuit of learning demands. They are directed to the common good.

We hope that Seton Hall will be with us as a unique institution of education for the thousand tomorrows. Discipline will be part of the education here during those tomorrows. So will values and standards. Just a few years ago many pages of rules were reduced to a half page of a few essential rules. If anyone sincerely believes he cannot become educated at Seton Hall without drunken orgies, or partying through the wee hours of the morning, or if he feels that his personal freedom is impossibly restricted, then I believe the only honest reaction is to get free of Seton Hall—not to expect this institution to lose its unique character and become just another school. Seton Hall has changed greatly and will change more, for better, one hopes. But set principles must guide the change, permanent values must remain.

We prayed in the Mass today "come Holy Spirit, fill the hearts of the faithful." The joy of being a student is to have one's heart filled, to find out what one should be. It is to answer that vocation with a great respect for the gift of intelligence and with a passionate dedication to the truth wherever one finds it and no matter how much it costs.

To many, the greatest problem facing Seton Hall this year, and I do not mean to underestimate it, is crowded physical space. How can we fit so many into our dining facilities, gymnasium, playing field? Yet there is an opposite problem of even greater long range impact in our lives. It is not whether we are going to be too crowded physically, but whether we are going to be too confined intellectually and spiritually. Are we going to reach out for the unexplored realm of the Spirit, or merely moan the physical confines of our academic planet. Hence I ask you: can our organizations, societies, fraternities and sororities develop enough interest in truth of the Spirit to ask: what it means to be a student in this Catholic university. Can our student leaders conceive of constructive projects with great minds and great hearts, or will they settle for something which caters to their own whims and fancies? Is our student body interested enough in truth to go out into the community that surrounds us, into their hearts and their minds as well as in their automobiles? Are they concerned enough to bring back to this campus not only the middle class morality they find so easy to copy, but also the inarticulate aspirations for holiness that whisper there? I wonder if the student community has the vision to ask the administration for something more than bigger and better weekends and bigger and better parties. I wonder if they have the courage to ask for something more than a good time. I wonder if we can create together through understanding and love a Christian community living in the Spirit. Then you will not have missed the reason for Seton Hall and you will have shared with us the ideals and principles for which we are giving our lives.

WHO IS TAMPERING WITH THE SOUL OF AMERICA?

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. HALL. Mr. Speaker, Jenkin Lloyd Jones, editor of the Tulsa, Okla. Tribune, and president of the U.S. Chamber of Commerce, recently appeared on television station WVEC–TV in Virginia.

Mr. Jones spoke on the subject, "Who Is Tampering With the Soul of America?"

His observations were so timely, and well stated, that I thought his remarks should be shared with others.

The speech follows:

WHO IS TAMPERING WITH THE SOUL OF AMERICA?

(By Jenkin Lloyd Jones)

This, ladies and gentlemen, is to be a jeremiad.

I am about to inflict upon you an unrelieved, copper-bottomed, six-ply all-wool

XUM

howl of calamity about the present moral climate of America. And before you tag me for being a fogey, let's turn around.

The pathway of history is littered with the bones of dead civilizations and fallen empires. Most of them had rotted out before the barbarians battered down the gates. They had rotted out with corruption and dishonesty and the search for kicks. And in most cases the arts and sciences which they had developed went into a long eclipse before they were replaced by superior arts and sciences.

Nearly 1,000 years elapsed between the fall of Western Rome and the rise of the Renaissance, and in between we had the Dark Ages in which nearly all of Man's institutions were inferior to those which had gone before.

I don't want my children's children to pass into the limbo of social chaos, because in chaos liberties die and the man on horseback with a whip is the bringer of the new order.

It is too bad that morals are popularly regarded as the preserve of the professional moralist. Because professional moralists are often unpleasant and unreasonable people. We have the image of the thundering preacher threatening all backsliders with hellfire and damnation, of the dour man in the funeral costume, so beloved by prohibition-era cartoonists, who is opposed to anything that's fun.

There is a difference between a moral precept and a taboo. A taboo is a capricious rule that may be utterly devoid of common sense. Puritans could not wear silver buckles. The Alaskan Indian could not eat the flesh of the animal sacred to his totem. These are taboos.

A moral principle should be a very different thing. Consider the Ten Commandments. Long before Moses came down from Mount Sinai men had observed the devastating effects of chronic murder and theft. They had observed cruelties brought about by false-witness, and social turbulence produced by stealing or trading wives. These things were frowned on in an effort to make the society work. And Moses brought down a codification of these frowns.

Well, how are we doing?

In reply to the admonition "Thou shalt not kill" we hear sniper fire in our cities excused as an expression of despair.

Overwhelmed by the rising tide of petty theft San Francisco has decided police are wasting too much time taking culprits to the police station. So it is issuing citations like traffic tickets, asking the thief to please step over and see the judge.

In opposition to the Biblical injunction—"Honor thy father and thy mother"—we hear the zippier slogan "Don't trust anybody over 30." And the way some mothers and fathers have bugged out on the ancient task of directing their children into the paths of rectitude and righteousness, there is a good question about how much honor is due them.

I believe we should look upon morals as a pragmatic search for ways in which human beings can live together successfully. And successfully means this: communities in which people respect each other's dignity, in which people take pride not merely in being self-supporting but in pulling up the brothers and sisters who haven't made the grade, in which tolerance for honest differences is balanced by a healthy intolerance of those who would prey upon the innocent and blight the community with debauchery and turbulence and fear.

The excuse for morality is good living. Any revised moral theories that deliver an unworkable society do not deliver good living. If being "mod" means promoting a system of human relationships in which the honest and the diligent must carry on their backs the swingers and the kick-seekers then "mod" can't work because the "squares" hold the ultimate power in this world. But for them, nobody eats, and the patience of the "squares" may not be limitless.

What we are suffering from in the United States is a gradual erosion of integrity. And integrity is merely the effort to apply some objective standards to desirable human performance.

As an example of this loss, let's look at modern art. The ancient and Renaissance scupltors and painters subjected themselves to rigid objective disciplines. Michaelangelo risked prison to dissect cadavers so that he might understand the placement of every muscle.

Today it is hard for any similarly-disposed artist to gain a prize. The blue ribbons go to the splatterers and the finger-painters. People who can't draw an apple hang garlands around the necks of people who can't draw an apple.

Talent is for squares. Whatever you can recognize is no good. If you have the spark of a Titian or a Rembrandt you can stay at the foot of the class, because you'd spoil the game. And our museums, are filled with splashes, cubes and blots being stared at by confused citizens who haven't the guts to admit they're confused.

But fakery in art is a light cross we bear. Much more serious is the collapse of moral standards and the blunting of our capacity for righteous indignation.

Our Puritan ancestors were preoccupied with sin. They were hag-ridden and guilt-ridden and theirs was a repressed and neurotic society. But they had horsepower.

They wrested livings from the rocky land, built our earliest colleges, started our literature, caused our industrial revolution, and found time in between to fight the Indians, the French and the British, to bawl for abolition, women suffrage and prison reform and to experiment with graham crackers and bloomers. They were tremendous people.

And for all their exaggerated attention to sin, their philosophy rested on a great granite rock. Man was the master of his soul. You didn't have to be bad. You could and should be better. And if you wanted to escape the eternal fires, you'd damned well better be.

In recent years all this has changed in America. We have decided that sin is largely imaginary.

There has arisen the environmentalist school of sociology. If the surroundings of an individual are poor, then it is Society's fault, and Society cannot blame the individual for what he does. We hear the cry arise that the persons responsible for the rocketing crime rates in our inner cities, the illegitimacy and rising tide of dope addiction, cannot be charged with what they do because Society has failed to provide them with excellent surroundings.

The environmentalist theory has now become a rigid dogma among many of our best-intentioned people. It is an article of faith in many universities. You cannot be a lover of humanity unless you embrace it.

It is, oddly enough, a new theory. Always before Americans had assumed that you didn't have to be poor and dirty. Lincoln came from a plain but clean cabin. Al Smith was raised in a scrubbed Brooklyn tenement. He was sent off to school, ragged but eager, not to pull a switchblade on the teacher, but to learn.

The plain fact is, of course, that people make rats. The most expensive public housing can become overrun with vermin if the halls are used as latrines and garbage thrown down the elevator shafts.

It may be more fun to send dead rats to City Hall, but it is more practical to put the lids on the trash cans.

It has been truly charged that the inhabitants of inner cities are often deprived of modern stores and inexpensive merchandise. But shoplifting losses are added to the prices that honest customers must pay. When what is stolen exceeds three per cent of volume, self-service stores begin to close. The merchant who has suffered his 20th hold-up tends to grow discouraged.

It is bad, indeed, to raise children under chaotic conditions where disorder rules the streets, where prostitutes and pushers abound, where radio and TV sets blare all night, where errant fathers flit from household to household. But sometime soon we're going to have to revive the now unfashionable idea of individual responsibility.

When enough individuals grew tired of riot and disorder in the gold camps of the Old West they took collective action and the situation dramatically improved. They didn't sit around bawling for more appropriations. There weren't any appropriations to bawl for.

The doctrine of an individual's responsibility to himself and his neighbors is not one of cruelty, but of kindness. It is the tolerance of irresponsibility that is cruel, because as long as it prevails tigers prowl the streets and no outpouring of federal funds will cut away the jungle.

The pernicious idea that the individual cannot be charged with his performance failure has made a mockery of public education in New York City. There all pupils have been promoted each year, whether they have learned anything or not. New York City is producing high school graduates who can hardly read.

What kind of kindness is this? How would you feel if you hadn't understood anything on the blackboard for years? Wouldn't you want to burn the place down?

By pretending that bad work is just as good as good work we destroy what motivation there is in the weakly-motivated, and we guarantee them disappointment when they discover that the world thinks there's a great deal of difference.

No one wants to cross a bridge built by an engineer who could never read a slide rule. No one wants to go to a brain surgeon who was given his diploma out of pity.

Many American universities are now faced with demands that they admit, in the name of social justice, students who couldn't pass the entrance requirements. What kind of social justice is this?

Colleges that succumb to this pressure must either water down their standards of teaching, and thus cheat the students who have properly prepared themselves and who have only a few precious years to absorb what the university can give them, or they must doom to bewilderment and frustration unprepared students who have labored under the impression that mere contact with halls of ivy will give them wisdom.

Wherever integrity bites the dust, confusion will take over. The basic honesty of college administrations—their ability to level with the student body—will be on trial this year as never before. Last year some of the faculties of our most celebrated institutions didn't do too well as they bowed before storm troopers carrying guns and set up courses of study based more on myth than fact.

We Americans must now consider whether we can drown our children in sex and pornography and see them grow to adulthood without any detectable damage to their characters.

I would question our current experiments in "anything goes," not necessarily because they violate most of the religious and ethical prohibitions of western civilization, but because I think they will be destructive of the experimenters.

Many gentle and intelligent people just don't know what's going on. They express horror at the thought of censorship in any form, but they keep away from the cesspools that are bubbling out of the ground.

I think they ought to have the courage to do some sniffing.

A couple of years ago I was dismayed by a book called "Candy." Since then, the paperback shelves in drugstores and supermarkets have sagged under the literary opuses that make "Candy" read like "Rebecca of Sunnybrook Farm."

It will be hard to top the best-seller, "Portnoy's Complaint," but let us not underestimate the imaginations of certain human minds, particularly when there's a buck around.

Last year a U.S. District Attorney in Iowa sent me three books on which he had obtained pornography convictions. I haven't the guts to give you a reasonably-accurate synopsis, but "Three Way Apartment," "Call Her Lesbian," and "Two Women in Love" produced a photo-finish between filth and bad writing.

Still, as the D. A. had feared, the three-judge U.S. Circuit Court of Appeals in St. Louis overturned all the convictions.

The august judges bought the argument by the defense that, and I quote, "the frank and sordid discussion of sexual perversion is itself the social importance to be weighed."

"Three Way," a particularly gamey tale aimed at the fo'c'sle of a minesweeper, received the blessing of one judge who wrote as follows:

"The mere suggestion of 'wife-swapping' is offensive to me. However, my personal offense is not the test. There is a possible 'moral' to the story, perhaps even a psychological lesson that may be of value to marriage counselors."

Oh, come on!

If "Three Way" passes the judicial test of social value then it would be impossible to imagine any scatology that would fail.

What we seem to be hung up on in America is a fear of making a value judgment. We seem paralyzed at the thought that we might be accused of dogmatism and prudishness. Yet there is no effrontery to common sense equal to the smut peddler's pretense that the pursuit of the dirty dollar is a crusade for liberation of the human mind.

Value judgments are always subject to error. There will always be honest arguments whether the line was drawn a millimeter to high or too low. But the fact that there is a thin dividing line between a ball and a strike, a tiny point of distinction between an apparently idiotic pass and a grounded football doesn't mean that we must fire all umpires or referees.

As to the condition of American movies, we have finally reached the ultimate in the dirty western. We not only have what columnist Jim Fiebig calls the bare-bottom syndrome, but the portrayal of homosexuals and lesbians, and broad hints of specific perversions leapfrog each other in what the movie blurbs describe as "new horizons of honesty and boldness."

Honesty and boldness, maybe, but perhaps the true Hollywood motive was best expressed in the titles of two recent excursions into sadism—"For a Fistful of Dollars" and "For a Few Dollars More."

I liked what Broadway producer Dave Merrick said when he was asked if he had seen the copulatory film, "I am Curious—Yellow." He said he was more yellow than curious.

And the stage has finally succeeded in selling the Port Said peep-show at $10 a seat. We used to have costume plays. Now we have no-costume plays. It was, perhaps, unconsciously significant that one of the latest naked capers, "O Calcutta," is named after one of the most hopeless cities in the world.

It is argued that pornography is healthy. Look magazine recently ran an article lauding the Danish experiment in removing all restrictions. Look ecstatically quoted a number of Danish professors to the effect that this freedom will sublimate the dark frustrations of the deviates and everyone will have a more healthy attitude.

I'm willing to be convinced. I'm willing to acknowledge that all moral laws since the beginning of the human social system have been wrong if it can be proven that ogling the worst makes everybody better.

Anyway, we should soon know. If drowning our children in sex from the ring-around-the-rosy age onward is going to make more stable family relationships the statistics should begin to prove it. If free love brings happiness the psychiatrist benches should begin emptying and divorces should diminish. If incipient sex criminals are cured by slavering over X movies the incidence of rape and mutilation should reflect it.

Unfortunately, up to this moment the statistics have all been going the other way. If the swingers are delirious with happiness they don't show it. If unwanted pregnancies have brought joy to teenagers I haven't heard of it.

In the past 12 months compared to the previous 12 months forcible rapes in America rose 17 per cent. Where is this promised sublimation?

While we have moved into this eclipse of taste and behavior we have also seen a questioning of ancient loyalties and disciplines. Homes were important things because both parents and children found in them mutual responsibility and protection. And a man was supposed to be proud of his ability to plow a straight furrow or shoe a fractious horse or lift the heaviest bale. It has been said with some sarcasm that we were a work-oriented society—and so have been.

These values are now doubted. Not long ago at Monterey, California I sat in the shadow of the lighthouse while a shaggy haired gentleman in beard and beads lectured to me about the right of man to do his thing, regardless of whether it had any apparent value. And all the time he munched on a poor-boy sandwich produced by squares in Kansas or Iowa who had risen before dawn and labored in the fields and hog lots. Maybe making sandwiches for hippies was "their thing."

We have always had bums. But this is the first time bums as a class have become philosophers. Yet there is an interesting thing about this philosophy. There is no mortification of the flesh in it. It is an easy philosophy. You get a chick, a sack of pot and a cuddly pad. It is easier to go to Canada than to go to work. It is fun to demonstrate for peace and paint daises on a Volkswagen in hopes that the atom bomb will go away. The messy business of answering bugle calls in the rain on the Rhine is for the pterodactyls.

The question before the house is Who is Tampering with the Soul of America? For nations do have souls. They have collective personalities. They differ in their ability to perform, their ability to react intelligently to crises, the level of honesty which the people expect of their servants, and the level of their pride in themselves and their traditions. What is happening to our morale as a people?

J. Edgar Hoover recently wrote:

"We are giving too much attention to various dissident elements which have a lot of noisy energy but little purpose. Many of them are complaining about conditions which they helped create. Now, they want our whole society to plead guilty to mass inaptness. This is ridiculous."

Many crimes, of course, have been committed in the name of patriotism. But great nations that cease to believe in themselves are not long for greatness. The mystique of nationhood, the sense of belonging to a tradition bigger than oneself and deserving of loyalty if not of sacrifice is important in the development of a human character.

Here is America that has poured more than a third of a trillion dollars worth of its labor into an effort to feed the world's hungry, to educate the world's ignorant, to deliver machines to those who never knew anything but tools, and to protect weak states against their predatory neighbors.

Sometimes we were clumsy. Sometimes our unprecedented excursions into international philanthropy backfired. But no nation in human history ever tried so hard to be a good neighbor. No nation ever shed so much blood in wars from which it could not profit.

We have the most successful economic system the world has ever seen, if you can measure such a system by its ability to put creature comforts into the hands of the most people. And our technological genius is unsurpassed—behold! two men on the moon.

Yet we are, as Lyndon Johnson sadly remarked, deep in the business of "poor-mouthing" America.

In a recent commencement address Dr. Daniel Boorstin of the Smithsonian Institution said that apology has become the American posture.

"The liberal virtue of self-criticism," said Doctor Boorstin, "has become the national vice of self-hate. We seem to see everything about ourselves except what is good, everything about our past except what we have achieved. Grovelling has become that national disease."

How right Dan Boorstin is! And much of the responsibility must go to our mass media. It is one thing to accurately chronicle the voice of dissent. It is quite another to play down the positive and accentuate the negative.

Never before in America has treason enjoyed such a wonderful press. Never before have the irresponsible damners of the American dream been followed by so many reporters with open notebooks and poised pencils.

Let a patriotic parade be held with 50,000 marchers and half million appreciative spectators, and let 100 placard waving revolutionaries try to block the march. The cameras of all television networks will rush to the spot to give the impression that the American people greeted with violence and disgust the display of the flag.

There are some interesting features to much of this so-called dissent. Many of the same voices that are denouncing the draft as unconstitutional not only had no word of criticism for it when Russia was sorely beset by Hitler, but they were bawling for an early second front.

Add up the program of the so-called Students for a Democratic Society. End military research by the universities. Dismantle the so-called military-industrial complex. Don't deploy any defensive missiles. Knock out R.O.T.C. Fold up NATO.

Is it rude to ask which powers in the world would profit from the SDS program? The tanks that crunched into Czechoslovakia are by no means out of gas.

It is also interesting how selective the militant left is about free speech. They have a long list of revolutionaries who, they insist, must be brought to every campus to strip the scales from the student's eyes about the evils of the Establishment. Yet we have seen high government officials repeatedly shouted down in the college halls by activists who have taken over the first six rows. This is a peculiar kind of freedom.

It occurs to me that it is time the vast majority of decent, hard-working American citizens got off the floor. It is time they quit being cowed by the yammering of characters who would destroy our institutions by riot and fire, but who seem to have nothing to offer in their place but the dictatorship of the self-annointed.

There is nothing at all unthinkable about removing federal subsidies from students who would wreck universities as teaching institutions and turn them into cadres for revolution.

There is nothing cruel and unusual about prying off the federal payroll those ostensible uplift workers who spend their time gathering guns and promoting race warfare.

Let the people who want to set American against American and rip to tatters the fabric

XUM

of our country at least knock off their demands on the federal treasury.

This is a great country.

Its population, drawn from all the races and traditions of humankind, is history's most successful amalgam of human beings.

It retains position No. 1 in the popularity poll among all persons who would leave their country for another.

The contrast between its way of life and the life offered in the communist states grows more embarrassing to the dialecticians every year. After half a century communism has been unable to deliver on its promises of material blessings, and it has not dared to offer any measurable amount of freedom.

That's why the winds of cynicism and disillusion are rising behind the Iron and Bamboo curtains, and why the Red leaders view with new urgency the job of pulling America down.

And America can be pulled down.

Without moral disciplines a nation is fat for the kill. There is no protection in flower children. There is no national inspiration in the wacky dreams of chemical hallucination. Nothing is defended by people high on marihuana. There is no social uplift in the easy business of demand, unless demand for opportunity is accompanied by a determination to learn the hard way and to work with reliability and devotion.

There is no future to the philosophy that says: "Because we are not satisfied with the social order we will burn it down. And don't ask us now about alternatives. After the destruction is over we will think of something."

The strength of America is in its "Squares." The squares answer the alarm clocks. They go forth each day in the cold and the heat to the mill and the barn, the shop and the office.

They drive the cabs and peddle the steel and pull the carrots and fix the carburetors. Usually they give up more in taxes than they consume of government services, and thus they provide the surplus that underwrites education and makes charity possible.

The squares provide the integrity without which prosperity would wither. They are responsible for that level of honesty that makes possible the convenience of a credit card civilization, for there is no trust in a nation of thieves and grifters.

The squares acknowledge their kids. They bring the paychecks home. They try to provide guidance to the young superior to that offered by the leering billboards of the glittering movie palace; by the filthy lyrics of the far-out rock combos.

The squares have the old-fashioned idea that there is something more to education than setting the dean on fire, something more to life than self-indulgence, something more to literature than restroom graffiti, and something more to love than erotic exercise.

The squares have been confused too long by the purveyors of ugliness and degradation, by the screeching voices of disruption and hate, by the admirers of our enemies and the sneerers at our traditions.

Since the welkin has been ringing with the complaints and curses of the oddballs, the drop-outs, and the fellow-travelers, maybe it should be the privilege of America's squares to speak their pieces now and raise a little hell.

GOODLING'S ACCOMPLISHMENTS MERIT COLLEAGUES' PRAISE

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. COUGHLIN. Mr. Speaker, Pennsylvanians are proud that a member of our delegation, GEORGE A. GOODLING, recently received the Distinguished Alumnus Award of the Pennsylvania State University.

As secretary of the Pennsylvania Republican delegation, I have been asked to extend the congratulation of the entire delegation to the gentleman from the 19th District, and call the award to the attention of the Members of Congress.

The principal purpose of the Distinguished Alumnus Award of the Pennsylvania State University is to recognize and salute the achievements of outstanding alumni—a purpose perhaps best expressed by the inscription on the reverse side of the medallion symbolic of this honor:

> Presented to George A. Goodling whose personal life, professional achievements, and community service exemplify the objectives of The Pennsylvania State University.

Our colleague has had a long career in public service. He served seven terms in the Pennsylvania Legislature and is now in his fourth term in the Congress.

In honoring him, Pennsylvania State University cited his exceptional record as a conservationist and his contributions in the field of agriculture, and noted his years of community leadership in his native York County in education and other public services. This is best summed by by the citation itself:

> To George A. Goodling, for a career of legislative service to state and nation; for nearly half a century of successful agricultural pursuits; for an exceptional record as a conservationist; and for community leadership in education and other public services.

In his native-State of Pennsylvania and in the Congress of the United States Representative GEORGE A. GOODLING has enjoyed a distinguished legislative career. Beginning in 1942, he was elected to serve 7 terms in the Pennsylvania Legislature, where, in addition to his chairmanship of House committees, he was chairman of Joint State Government subcommittees. Now a member of the Agriculture and Merchant Marine and Fisheries Committees of the 91st Congress, Representative GOODLING also held seats in the 87th, 88th, and 90th Congresses. His roots are deep in his York County birthplace, which he represents along with Adams and Cumberland Counties in the 19th District. This south central Pennsylvania district has a population of some 425,000.

Representative GOODLING attended York County schools, the York Collegiate Institute, and Bellefonte Academy before enrolling at Penn State. His fellow students recall his considerable musical ability, he not only performed with the band but sang in the choir and the Glee Club. After obtaining a bachelor of science degree in horticulture in 1921, the future Congressman taught vocational agriculture for 2 years, he then became the owner and operator of a fruit farm which he still maintains. His interest in education led him to become a school director, a post he held for 28 years, serving as president of the board, treasurer, and a member of the building committee. In addition, he was one of the organizers of the Loganville Fire Co., and has been its secretary for 32 years.

An ardent conservationist, Representative GOODLING succeeded against precedent—since he was a freshman Congressman and a member of the minority Republican Party—when a bill he introduced to protect the golden eagle was enacted into law. The population of the golden eagle, which is valuable to agriculture in the control of rodents, had declined at an alarming rate. The new law, Public Law 87-884, also provides a shield for the bald eagle, the U.S. national symbol, which was often killed by persons mistaking it for the golden eagle.

During the last 2 sessions of Congress, Representative GOODLING has introduced resolutions ranging from creating a select committee on ethics and standards for House Members to permitting nondenominational and voluntary prayer participation in the public schools and other public institutions. He has also sponsored resolutions to broaden present Federal control over oil pollution in coastal waters, a Human Investment Act to extend a tax incentive to employers providing training to upgrade workers' skills, and a resolution to reassert U.S. rights and privileges in the Panama Canal Zone.

A former member of the Civil War Centennial Commission and the Migratory Bird Conservation Commission, Representative GOODLING served as a past president and is currently executive secretary of the Pennsylvania State Horticulture Association. His other memberships include the Agriculture Extension Association, Grange, Pennsylvania Farmer's Association, and Izaak Walton League.

We of the delegation are pleased that this honor has come to one of our numbers, and we salute him.

USE OF THE FEDERAL LABORATORIES

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. DADDARIO. Mr. Speaker, my Subcommittee on Science, Research, and Development has been studying for sometime the use of the Federal laboratories. We know that agency missions change from time to time and that the expertise in one laboratory may be useful in a developing program of another agency. However, the transfer of responsibilities and funds is a difficult bureaucratic problem. We will continue to urge a greater flexibility for the use of these scientific resources which must be considered as national resources rather than those of a particular agency.

An interesting example of the problem is covered in the remarks of AEC Commissioner James T. Ramey at a conference September 5. I insert an excerpt from the paper in the RECORD at this point:

The Next 5 Years in Nuclear Development and Regulation

(Remarks by James T. Ramey, Commissioner, U.S. Atomic Energy Commission, Before the Briefing Conference on Nuclear Power)

INTRODUCTION

It is a particular privilege for me to address this luncheon gathering of distinguished lawyers, engineers, scientists, and management leaders in the nuclear industry.

As a matter of fact, I am pleased to have this opportunity to discuss the next five years in the atomic energy program. As you may recall, President Johnson somewhat unexpectedly reappointed me to a new five-year term which began this past July. The unexpected nature of the reappointment related to the fact that my term had one year to run, which caused one member of the Joint Committee to inquire at my confirmation hearing as to whether the move was Churchillian, Machiavellian or Johnsonian!!

In any event, this circumstance caused me to do some thinking about the next five years, and I even brought my music, in the form of some notes on the next half decade, projects may call for marshaling of resources of several states or even of several countries. They will involve coordination of large-scale agriculture, industry and the creation of major population centers. Perhaps management lessons for such projects could be derived from the experience of regional organizations in the Tennessee Valley, in the Northwest, and certain international consortia.

THE AEC AND MEDICAL RESEARCH

Not all important AEC development programs involve multi-million or billion dollar funding problems. Even so, some, such as the development of the artificial heart and the liquid centrifuge, have the potential for major impact on our lives. These programs are encountering management problems that are just as real and difficult to solve as their more opulent brethren that I have been discussing.

The artificial heart

Another low-budget developmental program with tremendous potential—but with many management and funding problems—is the effort to develop a nuclear-powered artificial heart. The primary role of the AEC is the development of the tiny and dependable radioisotopic heat source that will be essential to the practical application of such a device. Obviously, there are some rather substantial technical problems, but our preliminary development work has been encouraging.

We have estimated it would cost only a few million dollars to develop and test a workable prototype isotopic engine which would be a major step toward an artificial heart, but we have not been able to get the necessary funds or authority to proceed. The Bureau of the Budget has, in their bureaucratic wisdom, made us a sort of subcontractor to the National Institutes of Health. This is contrary to all of our successful experience in developing prototype devices under our own authority and funding. Furthermore, NIH does not have funds for developing a nuclear-powered device, and while interested in our development, has other interests and priorities as well.

So there obviously is a management problem here with the usual manifestations of bureaucratic delay. But this problem should be solved, because the artificial heart could help some of the 100,000 Americans who need help each year and for whom transplants or preventative measures are not feasible.

As I have suggested to the Joint Committee on Atomic Energy, if this project is going to move ahead we will need to set up some sort of a joint effort with the NIH to coordinate the various activities. And, I believe the AEC must be able to exercise its authority to develop the isotopic heat source-engine to the prototype and demonstration stage.

The liquid centrifuge

The development of the liquid centrifuge is, literally, an example of "spin-off" in the atomic energy program. The liquid centrifuge was developed at Oak Ridge National Laboratory as an outgrowth of its isotope separation program. It is an improved instrument for biological research and has isolated and purified influenza viruses for use as vaccines from large quantities of material. It has also isolated cancer viruses. It will undoubtedly have other uses.

How does one bring about the transfer from the laboratory to early and widespread use by the drug industry of a machine such as the vaccine centrifuge? Such machines are within the capability of small business to manufacture, but how do you get industry to participate with the necessary investment to prove out this technology and bring about its large-scale use? It is not always clear why such problems loom so large to industry when the machine offers the potential for producing a greatly improved vaccine product with no side effects. I have heard some cynics wonder if the drug industry doesn't have a greater interest in selling palliatives than in developing and adopting preventatives.

This represents again the problem of demonstrating a technology. Unfortunately, in some of these areas of atomic energy, such as the isotope program, we never seem to be able to get a demonstration program adequately funded and our relationships with user agencies and industry sufficiently coordinated. Therefore, we have a greater time lag in moving these technological advances into the mainstream of U.S. industry than in the field of atomic electric power.

MIRV AND THE DANGERS TO PEACE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, as the time approaches for the commencement of strategic arms talks with the Soviet Union, I think it would be useful to refresh our memories on the concern which has been expressed in this Congress over the development of multiple independently guided reentry vehicles, popularly known as MIRV. I think it is significant to note that over 40 Senators and over 100 Representatives have sponsored a resolution urging the administration to propose to the Soviet Union a mutual moratorium on the flight testing of multiple-warhead missiles.

There is a great deal of agreement in both the political community and in scientific and academic circles over the dangerous implications posed by MIRV. It is generally felt that this new member of the weapons family is not only unnecessary, but that it is a provocative weapon that would spell a new escalation in the arms race and would make virtually impossible a meaningful arms agreement once it is deployed.

For this reason, Congressman COHELAN and I have introduced our resolution aimed at heading off MIRV while it is still in the testing stage and before it has passed the point of no return. We are hopeful that the administration will sense the urgency of a MIRV moratorium now and will make it the first item of business when the SALT talks with the Soviets begin.

During the time the Congress was in recess, a letter appeared in the Washington Post from Mr. Adrian Fisher, formerly the Deputy Director of the Arms Control and Disarmament Agency. In this letter, Mr. Fisher presents an excellent rebuttal to the arguments of MIRV proponents and spells out the need for a mutual moratorium on the flight testing of MIRV's. I commend this article to the attention of my colleagues. The letter follows:

MIRV and the Dangers to Peace

(By Adrian Fisher)

The article on MIRV's—multiple independently targeted re-entry vehicles—in your Aug. 19 edition describes a statement by G. Warren Nutter, Assistant Secretary of Defense for International Security Affairs, to a subcommittee of the House Committee on Foreign Affairs, considering the foreign policy and strategic issues raised by MIRV. In this statement, which was concurred in by Dr. John S. Foster Jr., Director of Defense Research and Engineering, the position was taken that the passage by Congress of a resolution calling for a cessation of MIRV testing by the United States, if reciprocated by the USSR, would adversely affect the U.S. negotiating position in the strategic arms limitation talks which we all hope will soon be taking place.

This statement shows a complete insensitivity on the part of its authors to the dangers to peace involved in the development and deployment of these hydra-headed weapons. It shows a surprising disregard for the consequences of an escalation of the arms race by a development which would increase by many times the number of nuclear warheads in the missiles which we and the Soviets have aimed at each other and by the steps which both sides might take to counter MIRV deployment by the other. It overlooks the dangers to peace in the deployment of a weapon which—certainly in the Soviet case and quite possibly in ours—seems more suitable for a first nuclear strike than for retaliation, and which would therefore increase the temptation to launch such a strike in times of crisis.

In stating that the passage by Congress of a resolution calling for a cessation of MIRV testing would adversely affect the U.S. negotiating position in the forthcoming talks, the authors of this statement attempt to shrug off the fact that what is under consideration is a cessation of MIRV testing which would remain in effect only if it were observed by both sides. They attempt to do so with the statement that, "The appropriate trade-off for the U.S. MIRV is not a Soviet MRV or MIRV, as a mutual moratorium implies." They go on to argue that a limitation of U.S. MIRV's must be counter-balanced by limitation on Soviet ABM capabilities which the MIRV system was originally designed to penetrate.

In their statement, as distinct from their testimony, they make no mention of two facts: (1) the original basis for the decision to go forward with MIRV's was based on a belief that the Soviet so-called "Tallinn" system—involving a very large number of defensive missiles—was an ABM system; and (2) the intelligence community no longer believes this to be the case, a fact which they admitted on cross-examination before the Subcommittee. It is generally agreed that the real Soviet ABM capability is limited to the 64 "Galosh" missiles deployed around Moscow. No one, so far as I know, has attempted to justify the deployment of MIRV's as necessary to counter these 64 Galosh missiles.

In opposing congressional steps looking toward a mutual cessation of MIRV tests by

XUM

the United States and the USSR, these two officials appear to be embarked on a course of conduct which would render meaningless the assurance contained in the letter of July 9 from President Nixon to Senator Brooke, reported in your Aug. 19 article. According to your article, President Nixon advised Senator Brooke that the United States would be prepared to consider the possibility of a ban on MIRV tests in discussions with the Soviet Union. Your article pointed out that this statement did not involve any commitment on the ultimate resolution of the MIRV issue, but it is fair to conclude that this statement would not have been made unless the President felt that a verified mutual restriction on MIRV's was at least a possibility at the present time.

This is the case at the present time because neither the United States nor the U.S.S.R. has developed a MIRV system with sufficient confidence in its effectiveness to justify deployment, and an understanding under which both sides refrained from further MIRV testing could be verified by national means now available to us. But this situation will not last very long. The series of MIRV tests begun by the U.S. in September 1968 is scheduled to end in June of 1970. Dr. Foster testified we are between one-third and halfway through. The Soviets have also begun a series of tests which, in the opinion of Dr. Foster, looks toward the development of a MIRV, although one substantially less flexible than that of the U.S. Dr. Foster has also testified that it is generally agreed that the Soviets have not completed their tests to the point of developing a satisfactory system, but it is of course not possible to know their future plans.

We therefore still have a chance to deal with the MIRV problem, but if either the United States or the Soviet Union continues to press its tests series to a point where MIRV's are ready for deployment, the possibility of dealing with MIRV's will no longer exist. A limitation on MIRV testing, after we had completed our own tests series, but before the Soviets had completed theirs, would be non-negotiable with the Soviet Union. Such a limitation would not be acceptable to the United States if the situation were reversed. A limitation on MIRV deployment without any form of inspection would not be acceptable to the United States. A verified limitation on MIRV deployment, once they were developed and tested, would have to involve the disassembly and inspection of nose cones in the missiles actually deployed in silos and submarines. This would not be acceptable to either the U.S. or the USSR. Therefore, unless some form of mutual restriction on MIRV testing is worked out promptly, the possibility of dealing with the MIRV problem—the possibility referred to in President Nixon's letter to Senator Brooke—will disappear.

The late George Santayana defined fanaticism as redoubling one's efforts after losing sight of one's aim. The present drive to complete the MIRV program, when the purpose for which it was started no longer exists and when the danger that it will frustrate the strategic arms limitation talks is greatly increased, seems to fit that definition.

THE 58TH ANNIVERSARY OF THE REPUBLIC OF CHINA

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. PELLY. Mr. Speaker, Friday is the birthday of one of America's staunchest allies in the Far East: It is the 58th anniversary of the uprising against the Manchu dynasty and the beginning of a republican form of government in China. From the turmoil and tragedy of her early decades, China now stands as a strong symbol of Asian anticommunism as well as a shining example of successful development by a dedicated and talented people.

Once a recipient of substantial American aid, China has grown so prosperous that not only is she able to stand alone, but she also gives technical assistance to numerous other countries.

A three-stage land reform program broke the subsistence cycle of traditional agriculture, doubling farm production and yielding enough food to feed her people.

Such a firm agricultural base and a stable government provided hospitable climate for industry, and industrial growth has regularly exceeded 10 percent annually over the past decade. Foreign investment and trade have been welcomed, opening many new jobs and encouraging the growth of a sophisticated system of harbors and communications. China's citizens have the second highest per capita income in all of Asia, and it is still growing.

Nor has China neglected her international commitments while concentrating on domestic growth. The government has been usually successful in balancing the demands of development against the needs of a constantly modernizing military force, maintaing a large and well-trained army capable of rallying over million men for emergency military service.

China also encourages continuation of classical Chinese scholarship, thus preserving the traditions of China.

We often hear of poverty and economic needs of Asian nations. We are concerned today with the instability of governments and popular unrest. Yet, President Chiang Kai-shek has ruled China peacefully, while building the nation into a showcase of prosperity for the world. Mr. Speaker, I salute the Republic of China on its national day and wish its citizens continued progress and prosperity.

FORMER JOHNSON AIDE DEBUNKS SOME MYTHS ABOUT COMMUNISM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. DERWINSKI. Mr. Speaker, as the Senate Foreign Relations Committee under the junior Senator from Arkansas prepares for another performance that will have the result of encouraging Communist aggression in Southeast Asia, the Middle East, and other world trouble spots, a column by Dumitru Danielopol is extremely timely. Mr. Danielopol, the distinguished international columnist of the Copley Press, writing in the Aurora, Ill., Beacon-News September 12, comments on a recent statement by Prof. John R. Roche. A good deal of the commentary pertains to the junior Senator from Arkansas and he will no doubt perform in typical fashion when he convenes his committee for the next series of television shows. The article follows:

FORMER JOHNSON AIDE DEBUNKS SOME MYTHS ABOUT COMMUNISM

(By Dumitru Danielopol)

WASHINGTON.—"From the viewpoint of American policymakers what difference does it make whether communism is monolithic or polycentric?" asks Prof. John P. Roche.

The former national chairman of the ultra liberal Americans for Democratic Action and one time special assistant to President Johnson, has been debunking some myths about communism that have been so popular among liberal thinkers.

It is a dangerous fallacy to conclude that polycentric communism is less pernicious than a monolithic system, he said.

Ho Chi Minh supposed to be a polycentrist, did not hesitate to flaunt both Moscow—by ignoring the 1962 agreements to neutralize Laos, and Peking by barring Mao's little red book from mass circulation. Nor did his polycentrism make the war in Vietnam less bloody.

"Communist imperialism is no less imperialistic by being polycentric," says Roche.

"The meaningful criterion . . . for distinguishing among Communist states is whether they are internationally quiescent . . . or imperialist as is true of Hanoi, Peking and . . . Moscow."

This is not the first time that the Brandeis professor of politics has been at loggerheads with some of his unrealistic, day-dreaming fellow liberals.

In his parting speech in April 1965 as chairman of ADA, Roche lambasted the organization for its anti-Vietnam war attitude and accused it of "part-time pacifism and liberal isolationism."

"I am convinced," he said, "that the absence of liberal realism in the analysis of international relations has a dangerous effect on national opinion.

"I recall distinguished liberal and socialist spokesmen informing us that Hitler was just a rational spokesman for German national interests and an understandable consequence of the 'evils of Versailles.' "

In a recent article Roche bitterly attacked the "liberal canonization" of Sen. J. W. Fulbright, D-Ark., because their views on Vietnam happen to coincide with those of the senator.

"It's a classic example of what happens to liberal judgment when one issue . . . is allowed to overpower all others."

Roche upbraided the Arkansas senator for what he called his unfair handling of AFL-CIO President George Meany at a recent Senate hearing.

"The chairman of the Foreign Relations Committee charged flatly that Meany had been 'paid off' by President Johnson . . . for labor support for the war in Vietnam," he said. "Fulbright's behavior deserves the condemnation of all those who value fair play."

Roche is just what the liberal community needs. His credentials are impeccable and his vision is remarkable. Let's hope his colleagues pay heed to his words.

GREEN BERET RECEIVED SOLDIER'S MEDAL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. LONG of Maryland. Mr. Speaker, a constituent of mine, CWO Edward M. Boyle of Dundalk, was one of the Green

Berets charged by the Army with murdering a South Vietnamese double agent. Though charges against him were dropped, he suffered a great deal of anguish and embarrassment as a result of this case. I find it both tragic and ironic that the Army could have charged this man with murder when only 8 months before, it awarded him the Soldier's Medal for saving the lives of many Vietnamese citizens. I should like to share this citation with my colleagues at this time.

January 16, 1969.

Award of the Soldier's Medal

1. TC 320. The following award is announced

Boyle, Edward M., W3101489, SSAN 062-34-7409, Chief Warrant Officer W2 United States Army, 5th Battalion (Provisional), 525th Military Intelligence Group, APO 96307.

Awarded: Solder's Medal.

Date action: 7 September 1968.

Theater: Republic of Vietnam.

Reason: For heroism not involving actual conflict with an armed enemy in the Republic of Vietnam: Chief Warrant Officer Boyle distinguished himself by valorous actions on 7 September 1968 in the Dakao District of Saigon. While driving on Le Van Duyet Street, Mister Boyle saw a fire burning out of control in a residential area. Leaving his vehicle, he raced into the buildings and began helping the occupants escape the inferno. After making sure that the nearby homes had been evacuated, he formed a bucket brigade and fought the blaze with every available water container. When fire fighting equipment arrived Mister Boyle led a team of firemen to the source of the conflagration, saving several dwellings from being consumed. Once the water supply was exhausted, he climbed to the burning rooftops and used a fire extingusher until he was driven away by intense heat and flames. Returning to the street, he reunited members of the families who had been separated in the confusion. Chief Warrant Officer Boyle's heroic actions were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, and the United States Army.

Authority: By direction of the President under the provisions of the Act of Congress, approved 2 July 1926.

Leo B. Jones,
Brigadier General, U.S. Army, Chief of Staff.

CONGRESSMAN MIKVA WORKS TO PRESERVE OUR ENVIRONMENT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. OBEY. Mr. Speaker, 2 weeks ago, Representative Abner J. Mikva, Democrat of Illinois, and I coauthored a bill to ban the use of the pesticide DDT except under certain emergency conditions. Twenty-eight of our colleagues in the House have joined in cosponsoring this legislation. The work that Representative Mikva has been doing on this bill is outstanding. I am pleased to submit an editorial from the September 27 issue of the Chicago Sun-Times that outlines the role that Representative Mikva has played in this area. I commend the following editorial to my colleagues in the hope they will lend their support to this important bill:

DDT at the South Pole

The Department of Agriculture is finally taking action on the problem of DDT. It has ruled that DDT and two other "persistent" or "hard" pesticides (chemicals that retain their toxicity for years after use) that are now used in federal-state insect control programs will no longer be used. Other, less persistently toxic pesticides, will be substituted.

This is a move in the right direction. The evidence against DDT and other hard pesticides has been piling up. In areas where the hard pesticides are used the very ground is poisoned for years. The life cycles of birds and other wildlife are endangered. Drainage from the ground areas where the hard pesticides are used goes into streams, rivers and lakes and contaminates the fish.

DDT is found everywhere in the world. Concentrations of DDT have been found in penguins and seals in the Antarctic and in reindeer in Alaska—far from the areas where the pesticides were used to kill insects.

Rep. Abner J. Mikva (D-Ill.) has sponsored a bill to ban all use of DDT after June 30, 1970. Mikva says that the DDT situation has become so serious that DDT concentrations in mother's milk have been found to be more than twice as great as the concentrated permitted by the federal government in cow's milk to be sold for public consumption.

There is no arguing the fact that DDT and other hard pesticides contaminate everything they touch and the contamination remains for years. The federal government's action in suspending the use of DDT and two other hard pesticides is welcome but it does not go far enough. The same pesticides will continue to be used in insect control at civilian and military airfields by the federal government.

Mikva has 28 co-sponsors for his bill to ban DDT. No other illinois member of the Congress is listed as a cosponsor of the bill. We hope that all will join Mikva in his effort. And we suggest that Mikva amend or rewrite his bill to ban the use of all the hard pesticides, not just DDT.

TESTIMONY ON TAX REFORM

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. PRICE of Texas. Mr. Speaker, last week I submitted testimony before the Senate Finance Committee on the subject of tax reform. I advised the committee that the areas of: oil depletion, capital gains, State and local bond interest, and farm losses, generally encompass the major disagreements I have to the Tax Reform Act of 1969, as presently written.

During the coming days, I plan to insert in the Record various portions of the testimony I gave to the Senate Finance Committee. I do so because the debate on tax reform issues is a continuing one in the State of Texas and throughout the Nation. I hope my remarks will contribute to the general understanding of the complex issues involved in the subject of tax reform.

My insert today is confined to that portion of my testimony relating to the revision of the tax treatment of oil and gas.

The item follows:

Oil Depletion

Mr. Chairman, I submit that the oil depletion allowance must be retained at its full 27½ percent, because maintaining a healthy and active oil and gas industry is vital to the continued well being of the nation.

Our economy is heavily dependent on the production of oil and gas. Together, they provide nearly three-fourths of all the energy consumed in the United States. The Department of the Interior has aptly summarized the national dependence on oil and gas as follows:

The importance of petroleum to the national life of the United States at this particular moment in history is abundantly in evidence. It supplies nearly three-fourths of all energy consumed. Virtually all movement of goods and people depend upon it. The Armed Forces would be immobilized without it. Countless industrial processes employ it exclusively, and nine-tenths of all space-heating is provided by it. And quite apart from its use as a fuel, petroleum forms the base for 88 percent of all organic chemicals manufactured in the United States.

Petroleum is truly the life blood of the Nation.

Throughout our history, the petroleum industry has met our national consumer and defense needs for oil and gas. I need not remind the Committee of the major crises our nation has met by virtue of the fact we had a healthy and active petroleum industry. The list is long, and our memories poignant.

At the core of the vitality of our oil and gas industry is the depletion allowance. More than any other single factor, the oil depletion allowance has provided the means by which oil producers could keep abreast of ever-growing consumer and national defense demands.

The reason why the depletion allowance is of such critical import to the petroleum industry lies in the very nature of the business. Extracting oil and gas from the land is a risky proposition in terms of financial success. Only one out of nine drillings produce some oil, while merely one well in forty-five is even profitable. Moreover recent industry experience shows that, on the average, only about one out of 50 exploratory wells will find oil and gas in significant quantities; that is, the equivalent of at least one million barrels of oil. These risks are just as real today as they were 10, 20, or 50 years ago. In spite of all our scientific progress and technological advancements, there is still only one way to establish the presence of oil and gas in the ground; and that, is to drill a hole.

Searching for oil and gas is an expensive business. Capital for the search is provided by a mix of federal and private funds. Industry-wide averages show that for every dollar the industry recovers through depletion, it must spend another four dollars from other sources to capitalize the hunt for and development of new reserves.

If the reduction in the oil depletion allowance made by the House is allowed to stand, several undesirable effects will follow. The incentive for the oil producer to assume the risks associated with the oil business will be reduced especially for the small independent producers who produce a significant percentage of our oil and gas. With reduced incentive, fewer oil operators will take the risk of drilling wells. With the lower level of federal recovery money flowing in, fewer investors will finance oil ventures. The inevitable result will be that our production of oil and gas will decline, with the decline stemming from the independent producers segment of the industry which would either be forced out of business by the decline in revenue, or absorbed by the major oil companies.

The decline in the production of oil and gas will have a two-fold effect on our economy: the price of gasoline and petroleum products will be increased to the ultimate consumer, and our oil reserves will be lowered to such a point that the United States will be forced to rely more on foreign oil. As we all are well aware, the political situation

XUM

in the oil-rich Middle East is too uncertain and too volatile for the United States to rely on the area as a prime source of supply.

We all remember the crises we faced only a few years ago when our supply of foreign oil was cut off by the Mideast war.

A reduction in the depletion allowance will also overburden the petroleum industry; which is, contrary to popular opinion, carrying its fair share of the federal tax burden. In fact, the petroleum industry bears an overall direct tax burden exceeding that borne by other industries, even though its federal income tax bill is reduced by the depletion allowance. The reason for this is that the lower income taxes are offset by the heavier burden of other direct taxes such as severance and property taxes. As a result, in 1966 the total taxes paid by the petroleum industry, exclusive of motor fuel and excise taxes, were equivalent to 6.0 percent of revenues. This is contrasted with the fact that mining and manufacturing corporations paid direct taxes equal to 5.8 percent of revenues in the same year, and all business corporations paid taxes equal to 4.8 percent of revenues.

The income structure of the petroleum industry reveals a similar disparity. Last year, 99 petroleum producing and refining companies earned 12.9 percent return on net assets compared with an average return of 13.1 percent for all manufacturing companies. This does not represent an unusual year; the rate of return on net assets for the petroleum industry has been lower than the average for all manufacturing companies in eight of the last ten years.

In conclusion, I re-emphasize the importance to the consumer, the petroleum industry, and the nation, that the 27½ percent depletion allowance has. It *should not* and *must not* be reduced.

EDWARD PINKOWSKI, EMINENT HISTORIAN, IS PICKED FOR PHILADELPHIA COMMISSION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. DULSKI. Mr. Speaker, people in the American-Polish communities throughout the Nation are looking with pride at the high honor which has come to an eminent historian, Edward Pinkowski.

He has been chosen by Mayor James Tate of Philadelphia, to be a member of the Philadelphia Historical Commission. He is the first commissioner of Polish extraction to be named since the commission was established.

Mr. Speaker, the honor for Mr. Pinkowski has been a lead story in American-Polish publications and I include with my remarks the text of the story which appeared in both the Am-Pol Eagle, in my home city of Buffalo, N.Y., and in the Polish American Journal, which is published in Scranton, Pa., dated September 25 and September 27, respectively:

ON HISTORICAL COMMISSION: PINKOWSKI ONE OF MAJOR HISTORICAL RESEARCHERS

PHILADELPHIA.—Edward Pinkowski, one of the major historical researchers in the country, has been appointed to the Philadelphia Historical Commission.

His appointment was made by James H. J. Tate, Mayor of Philadelphia, who said Pinkowski was highly recommended to carry on the work of the Historical Commission "in the preservation and classification of Philadelphia's historic buildings."

Pinkowski is the first commissioner of Polish origin to serve on the Philadelphia Historical Commission since it was established by City Council in 1955.

Although born 53 years ago in Holyoke, Massachusetts, Pinkowski has spent the greater part of his life in Pennsylvania, first in Mount Carmel, a coal mining town in which his grandfather had settled in the 1890's, and for the past thirty years, off and on, in Philadelphia.

After taking a mail-order course in journalism, he earned a living by pounding a typewriter for newspapers and magazines. He served as a writer in the U.S. Navy for three and a half years during World War II.

Afterwards he owned a newspaper.

AUTHOR OF BOOKS

He first attracted nationwide attention in 1953 as the author of "Washington's Officers Slept Here." The book, advertised as a "remarkable roll call of houses that played an important role in the American Revolution," was the first time that one of the houses that General Pulaski occupied was described thoroughly and enriched the history of American Poles.

Among other books that he has written are "John Siney: The Miners' Martyr," "Lattimer Massacre," "Forgotten Fathers," and "Anthony Sadowski: Polish Pioneer."

His first involvement with colonial architecture, almost two decades ago, ended in a bitter controversy with the Valley Forge Park Commission over the quarters occupied by General Friedrich Wilhelm von Steuben during the winter encampment of 1778.

The commissioners thought they would get rid of the Polish thorn in their side by razing the building in 1965, but Pinkowski would not quit.

PROVED STEUBEN CASE

He showed proof that Steuben occupied at least four different quarters at Valley Forge and forced the Park Commission to call the last one the German drillmaster used "Steuben's Quarters." For this he received a gold medal from the Steuben Society of America.

Within recent years Pinkowski has earned a reputation as a finder of many hitherto unknown facts about important Polish figures in American history.

One of his major discoveries was the grave of Anthony Sadowski (1669–1736) in Douglassville, Pa., as well as his last will and testament.

In addition to many Sadowski facts, he found in the most historic part of Philadelphia, the last residence in America of General Thaddeus Kosciuszko. The house, built in 1775, is located at Third and Pine sts.

He also found, in the woods of Spottsylvania County, Virginia, the grave of Ladislaus Wankowicz, a Confederate officer during the Civil War who inherited part of Kosciuszko's estate.

His discoveries of Pulaski memorabilia are endless, ranging from one of the Polish general's quarters in New Jersey to the names of soldiers and officers who were in his famous legion.

AN EXCELLENT CHOICE FOR FCC

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. WINN. Mr. Speaker, a recent editorial in the Topeka State Journal has pointed up the outstanding qualifications of a native Kansan for the post of Federal Communications Commissioner. I commend President Nixon for his appointment of Robert Wells to the FCC. The article follows:

AN EXCELLENT CHOICE FOR FCC

For the first time in history, a working broadcaster has been nominated to serve as one of the seven commissioners on the Federal Communications Commission. It is significant that President Nixon chose a Kansan.

Robert Wells, 50, of Garden City, has a long record of community service in his home town and western Kansas. He has served as chairman of the Kansas Fish, Forestry and Game Commission. In Garden City, he has been active in church, civic and business affairs. He served two terms as president of the Kansas Association of Radio Broadcasters and currently serves on the Radio Code Board of the National Association of Broadcasters.

Wells is general manager of Radio station KIUL in Garden City and also supervises the broadcast operations of Harris Publications, including radio station KTOP in Topeka. He is publisher of the Garden City Daily Telegram.

Those who are knowledgeable about radio and TV say that Kansas is blessed with some of the better managed radio and TV stations in the country. Wells, with his fine record of community service, is typical of what citizens should expect from good broadcasters.

In private conversations with friends, Wells has let it be known that he feels the FCC should be tough with radio-TV operators who take advantage of their licenses. And he's well qualified to know what constitutes a good broadcaster, one who is really dedicated to serving his community.

Wells will be on the spot as the first man chosen from the ranks of broadcasting to help regulate the industry. He'll have one of seven votes, and if nothing else, he should help bring to the commission a better understanding of some of the practical problems of radio-TV operation.

President Nixon has also nominated Dean Burch of Arizona to be FCC chairman. One of the top endorsements for Burch is a letter from former FCC Chairman Newton Minow to the New York Times. Minow, a Kennedy appointee with a record as a tough FCC chairman, noted that Burch had served on a commission studying political campaign financing with Minow as chairman. Minow said . . . "In our close work together, I have observed his unswerving and impartial dedication to the public interest in all our deliberations. He has an incisive mind, and I have repeatedly seen him demonstrate fairness and courage . . ."

The President has nominated two new names for this top agency, subject to Senate confirmation. It's obvious the President deliberated carefully and made good choices. It's also good to know a Kansan is among the seven who will supervise the nation's air media.

HANK VISCARDI—A DEDICATED MAN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. WOLFF. Mr. Speaker, I would like to bring to my colleagues attention a man who has quietly, yet continually been a courageous example and a champion of many handicapped persons across the Nation.

XUM

Henry "Hank" Viscardi, whom I have been privileged to know as a friend for a considerable number of years, was born without legs. Yet the pace that he has maintained and the positive attitude he has always held, would rival many men who have never experienced any handicap.

Throughout the many years I have been friendly with Hank Viscardi I have always greatly valued his warm and gentle nature. It is a nature however which does not belie a strength of purpose.

In the past 15 years, he has helped to train thousands of paraplegics at the Human Resources Center, in Albertson, N.Y., which is within the Third Congressional District which I am proud to represent here in Congress. The Human Resources Center is a large plant which trains handicapped persons to be productive members of society.

Hank Viscardi's philosophy of life can best be summed up in his own words taken from a graduation speech he gave last June to 10 mostly wheelchaired high school students about to receive high school diplomas:

> To succeed you must look for opportunity in every difficulty and not fear the difficulty in every opportunity.

During my association with this distinguished gentleman I have come to see how closely he lives by this homily. Moreover, I have seen him give others the strength to overcome the too-easy tendency to wallow in self-pity. He has time and again shown many handicapped persons that an individual who has a handicap is totally capable of living a worthwhile and happy life, and that self-esteem is a birthright to be coveted rather than to be traded for self-pity and self-deprecation.

Thanks to Hank Viscardi, our country is richer with the skills of many handicapped persons.

At the same graduation last June, another talented and distinguished friend of mine, Newsday Publisher Bill Moyers, also delivered a commencement address.

Mr. Speaker, I would like to take this opportunity to include excerpts from his speech in the RECORD, since I believe it is ample testimony to the accomplishments of Hank Viscardi and the fine school with which he is so closely associated.

The excerpts follow:

NEWSDAY PUBLISHER BILL MOYERS AT HUMAN RESOURCES SCHOOL COMMENCEMENT

The more difficult the world to tame, the more each of us must return to those around us for help. As we do, we have much to learn from communities like the Human Resources Center. It may sound strange, but I suspect a common sentiment of visitors to this school is one of envy; envy of the emphasis on the individual, but envy, too, of the irrepressible spirit of community which pervades every corner of the place. There is a spirit here all too rare in our agitated world. We are living in a time not unlike that described by Jeremiah "The fathers have eaten a sour grape, & the children's teeth are set on edge." But that is not true here. With the leadership of the remarkable Henry Viscardi & of Headmaster Switzer, you are realizing the ideas of human dignity & personal worth.

For this is an uncommon facility serving uncommon children, children so severely disabled that they cannot attend an ordinary school . . . uncommon children . . . but seeking the common destiny which every child wants & deserves . . . a chance to learn . . . a chance to participate . . . a chance to play & laugh . . a chance to contribute . . . a chance to know not pity & consolation from society but pride & challenge within society.

* * * * *

This school & this center are examples of how LI can be mobilized not for the destructive power of war but for the uplifting power of compassion. We are told that the power of the atom's nucleus is dependent upon the speed of light; the power of the nucleus of man, which is love, is dependent upon the speed of human enlightenment. And this is what Human Resources is all about.

* * * * *

Because of their own will to achieve, & because there were people willing to help, they have shown us the grace of triumph against all odds. What they have done, this country can do. The lesson at this center & of this school is clear: Show some superiority to misfortune. I believe in time all America will hear.

HYDROGEN POWER CALLED FEASIBLE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. BOB WILSON. Mr. Speaker, as a part of today's discussion on the Atomic Energy Commission's appropriation bill, I wish to call the attention of my colleagues to a significant scientific breakthrough in nuclear research.

A San Diego scientist, Dr. Tihiro Ohkawa, announced that a plasma—or hot gas—has been held in a magnetic field for .07 of a second. Confinement of plasma is an essential condition for controlling thermonuclear fusion for the production of power. Dr. Ohkawa heads the controlled thermonuclear research program which is jointly sponsored by his company, Gulf General Atomic, and the Atomic Energy Commission.

A thermonuclear power reactor would have many advantages, including the use as fuel of heavy hydrogen cheaply produced from the ocean.

The details of this noteworthy achievement are contained in an article from last Friday's San Diego Union, written by science writer, Bryant Evans.

The article follows:

HYDROGEN POWER CALLED FEASIBLE BY SAN DIEGO SCIENTIST

(By Bryant Evans)

A San Diego scientist from the Gulf General Atomic laboratory here disclosed at a meeting of nuclear scientists in Russia yesterday what is believed to be a milestone in the effort to control the awesome power of the hydrogen bomb for peaceful purposes.

Dr. Tihiro Ohkawa, director of the GGA fusion project, said in Dubna, U.S.S.R., he had been able to contain a thin gas at a temperature of a million degrees for a fourteenth of a second. This is several times longer than has been done before.

Before leaving for Russia, Ohkawa told The San Diego Union he believed the way is clear to scale up his experiment to create a true fusion, or thermonuclear, power reactor.

He said it may be possible to build such a reactor on a laboratory scale in as little as five years. Building a practical power plant could require another 15 years of engineering development.

Dr. Edward C. Creutz, vice president and technical director of Gulf General Atomic, said, "Now it has become necessary to recognize the fusion process, the basic source of heat of the starts, as one which will be of economical importance within the lifetime of most people now living."

A thermonuclear reaction is the opposite of the reaction that takes place in atomic fission reactors. Instead of splitting heavy atoms, such as uranium, to release power, the thermonuclear reaction fuses light atoms together to yield energy. Hydrogen nuclei are joined to make helium.

A thermonuclear reactor would have many advantages. Its greatest is that it could be fueled from the inexhaustible supply of heavy hydrogen that can be cheaply extracted from the oceans. In addition, it would be inherently safe and would produce none of the poisonous fission products that offer difficult disposal problems.

For 15 years physicists have been trying to make hydrogen atoms collide and fuse in a controlled system. Since such a reaction requires temperatures of millions of degrees, no solid substance could be used to contain the hot gas—or more correctly, plasma—for the reaction to take place. The solution had to come in the creation of a magnetic bottle to hold the jumping atoms of the plasma.

BOTTLES LEAK

This proved hard to do. The magnetic bottles leaked so fast that they were no good. One physicist described the problem as similar to squeezing an invisible inflated rubber balloon with soapy hands.

Seven years ago Ohkawa conceived a machine he called the "multipole." It was a big tub that could build up a doughnut-shaped electric field. Four metal rings that conducted a powerful current created the doughnut shape. Each of them, however, built up a magnetic pressure that made the field bulge inwardly. This gave the doughnut a cross section that looked something like a Maltese cross.

"The shape of the field was such," Ohkawa explained, "that if an atom was looking for a way to get out, it found that it was fighting a pressure that increased, no matter which way it went."

Ohkawa's first multipole machine worked well enough to be encouraging, but supports for the rings caused a loss of energy. Some energy leaked through the walls. Then Ohkawa built a larger machine which tended to overcome these losses.

This is the machine that can contain the million-degree plasma for .07 of a second.

By making a computation that involves the temperature, the density of the gas and the magnetic pressure. Ohkawa said he was able to attain a "magic number." By this he meant a number that had to be obtained before it was clear that the method was good enough to be scaled up for a true thermonuclear reaction.

The next step will be to build a machine that is 100 times hotter and contains plasma 1,000 times denser than the multipole. To do this, Ohkawa said he will have to get rid of the metal conducting rings. He has built another smaller machine that uses the plasma itself to conduct electricity. It is called "the doublet."

It will take three years, he said, to design, build, and test a bigger doublet. If it produces the calculated results, then it will be time to start designing a reactor, Ohkawa said.

DESIGN LIKELY

In his comment on the development, Creutz said, "Dr. Ohkawa and his group have succeeded in containing plasma long enough to demonstrate that the design of a full-scale

XUM

thermonuclear reactor may be within the time planning period of a company such as Gulf.

"Similar progress has been made in the Soviet Union. It appears now that the long-time dream of obtaining abundant power from the heavy hydrogen of the ocean will be realized."

TRUMPED UP CHARGES AGAINST JUDGE HAYNSWORTH

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. WATSON. Mr. Speaker, the campaign against Judge Haynsworth by the liberals has no parallel for sheer ruthlessness in recent political history. Their trumped up charges against him are nothing short of libel. However, if one confined himself to reading the Washington Post and New York Times, it might be understandable why there would be opposition to President Nixon's nomination. Fortunately, these newspapers, and I use the term rather loosely, are only read by a fraction of the American people, and I venture to say, even among their most avid patrons there no doubt exists a great deal of skepticism as to their accuracy.

Judge Haynsworth has the support of the overwhelming majority of the American people. Americans are not going to be duped by the terrible smear being waged against him. The supporters of Judge Haynsworth in Congress have submitted numerous editorials and articles from throughout the country endorsing him. Just this past Monday, the Evening Star had an excellent editorial as well as a column by David Lawrence pointing out the fallacies in the various arguments being advanced against his nomination. As a part of my remarks I would like to include these items as follows:

[From the Washington Evening Star, Oct. 6, 1969]

Haynsworth Nomination

As the Senate Judiciary Committee prepares to vote on the nomination of Judge Clement F. Haynsworth, Jr., to the Supreme Court, there is growing evidence of anxiety on the part of his supporters.

This emerged most clearly last week in the letter written by President Nixon to Senate Minority Leader Scott, and made public by Senator Hruska of Nebraska, a Haynsworth supporter. This was an unusual thing for a President to do, and in effect it will put Mr. Nixon's prestige on the line when the Senate gets around to voting on the nomination.

The President said he was familiar with the complaints raised against the nomination and that he had "most carefully" examined the report. "There is nothing whatsoever," he continued, "that impeaches the integrity of Judge Haynsworth. There is no proper faulting of his position vis-a-vis civil rights or labor."

We fully agree with these conclusions. The testimony of those who opposed Judge Haynsworth because of his supposed attitude on civil rights and labor was so weak as to be meaningless. The ridiculous attempt to link the judge with Bobby Baker and thereby discredit him merely reflects discredit on the authors of this shabby undertaking.

On the matter of integrity, the President again was right. The Haynsworth opponents, however, as we understand their position, do not contend that he is lacking in integrity. The thrust of their complaint is that his stock dealings while a member of the federal judiciary are indicative of a certain lack of sensitivity with respect to proper ethical standards. There has not yet been any showing that Judge Haynsworth permitted his stock holdings to influence his judicial ruling or that he profited improperly as a result of any court decision in which he joined. Unquestionably, the record in this respect leaves something to be desired. One hopes Judge Haynsworth exercises greater care in the future. But we do not believe that this record, as it stands now, can justify a vote against confirmation.

Haynsworth Battle a Political One

(By David Lawrence)

What's really behind the opposition that has been manifested in the Senate against the confirmation of Clement H. Haynsworth, Jr., as a justice of the Supreme Court?

The answer is to be found in analyzing closely the political game. Those senators, for instance, who are fighting the man who has been serving as chief judge of the Fifth U.S. Circuit Court of Appeals take their cue for the most part from expressions that have come from the leaders of the AFL–CIO and the National Association for the Advancement of Colored People and other Negro organizations. The theory appears to be that the rank and file will be convinced that Judge Haynsworth is anti-labor and anti-Negro.

A United Press International poll says that 21 Democrats and eight Republicans thus far are opposed to confirmation, while 31 are for it. There are 40 "undecided," which means really that they hesitate to reveal at this time how they feel.

One of the reasons why the eight Republicans are willing to go on record as against Judge Haynsworth is that they come from populous states. They doubtless think that they have to take into account the situation in the big cities where the Negro and labor votes could make the difference between victory or defeat for them in the elections in 1970 or 1972.

Of the 31 senators who have told the UPI that they favor Judge Haynsworth, 14 are Democrats and 17 are Republicans. Most of the Democrats are from the South, and they look askance at the utterances by spokesmen for "civil rights" groups who have come out against Judge Haynsworth.

As for the labor leaders, it is well known that they maintain organizations which do a lot of electioneering in political campaigns and openly boast that they have the backing of a majority in the House of Representatives. They have substantial support in the Senate, too. The AFL–CIO does not hesitate to issue each year a list showing the percentage by which each member has supported the pro-labor side in legislative battles.

On the surface, the main weapon of opposition to Judge Haynsworth is an alleged lack of ethics in sitting on cases which supposedly could affect his financial holdings. Nobody has brought forth any proof of dishonesty or of prejudice related to his possession of securities. Judge Haynsworth did own some stocks in a company whose principal customer was a defendant in a lawsuit before the Court of Appeals on which he served, but the significance of this has been exaggerated. A smear campaign has been launched in the press in which several senators have participated.

It so happens that these charges were once investigated by the late Attorney General Robert F. Kennedy and were considered as no barrier to continuance on the lower court. The American Bar Association also has found nothing wrong in Judge Haynsworth's behavior. But how is the public to make up its mind when the anti-Haynsworth senators deliberately ignore such findings while making headlines by implying there was dishonesty?

The Senate Judiciary Committee has made a thorough inquiry, and its report will recommend confirmation of Judge Haynsworth. President Nixon has had every fact related to the record of Judge Haynsworth and his personal holdings of securities studied thoroughly and, despite the planted rumors of a withdrawal of the nomination, the White House says that nothing of the sort is contemplated. If the President backed down, he would lose the respect of a huge number of white voters as well as millions of citizens who don't like to see artificially stimulated suspicions and unproved charges of lack of integrity hurt the reputation of an honest man who has been named to be a Supreme Court justice.

It is obviously unfair for critics to base their opposition on political grounds, including attempts to curry favor with labor unions and "civil rights" organizations. Incidentally, a substantial number of senators didn't allow such bias to interfere with the confirmation of a Negro lawyer, Thurgood Marshall, or of a former counsel of labor unions, Arthur Goldberg, as associate justices of the Supreme Court just a few years ago.

THE JEWISH BRAILLE INSTITUTE OF AMERICA

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. CELLER. Mr. Speaker, it is a pleasure and privilege for me to salute the Jewish Braille Institute of America, which on October 2, 1969, dedicated its new international headquarters at 110 East 30th Street, Manhattan.

I was invited to speak at the dedication ceremonies by the institute's president, Judge Emil N. Baar, and it was a pleasure for me to submit a message, which was read by Judge Baar to the large audience of distinguished community, religious, and public leaders. The institute has worked magnificently in behalf of the blind, not only in this country but in 30 other nations around the world.

I want to call attention to some of the services performed by the Jewish Braille Institute of America, Inc., and give recognition to the dedicated Americans all over the country for their support of the institute.

At the dedication ceremonies the distinguished speakers, in addition to Judge Baar, included Charles Friedman, vice president of the institute, who was chairman of the program; Rabbi Nathan Perilman of Temple Emanu-El, who gave the invocation; Mrs. Sol Henkind, president of the National Women's League United Synagogue of America; Mrs. Meyer Karlin, president, Women's Branch, Union of Orthodox Jewish Congregations of America; Dr. Edwin Lewison, professor of American history at Seton Hall University, who is blind and who has been helped by the institute since the age of 7; Mrs. David M. Levitt, president, National Federation of Temple Sisterhoods; Dr. Jacob Fried, executive director of the institute; Hon. Rehaveam Amir, New York City Consul General of Israel, who fixed a Mazuzah on the entrance door of the reception room—a Mazuzah that was presented to the institute by the blind of Israel and Rabbi Judah Nadich of Park Avenue Synagogue, who made the benediction.

My remarks, which follow, clearly outline the work of the institute and its efforts to help people to help themselves. I therefore submit these for the RECORD:

STATEMENT OF HON. EMANUEL CELLER

As we dedicate this new building of the Jewish Blind Institute of America, we dedicate more than mortar and bricks. We dedicate the dedicated heart.

When I view all of the problems pressing in upon us (and it seems to me that all of them come across my desk), I reach the same conclusion over and over again—that many of these problems can be solved if enough people care. When I first came to Congress in 1923, there was a social atmosphere in the country of "let the devil take the hindmost," a national shrug of the shoulders, so to speak. The national conscience refused to face the facts of poverty, disease, illiteracy; to face the need of helping people who could not help themselves. There was no discourse, public or private, save for a figurative handful, on "one-third of a nation, ill-fed, ill-housed, ill-clothed".

But then consider what happened. It was as if a nation had begun to dream and to try to translate those dreams into reality. People, their lot in life, *did* matter. We may conclude that the tragic advent of the Great Depression was the spur, but whatever the spur it is the deepest meaning of our lives to have witnessed the growth of the conscience of a nation. I know now that compassion and understanding will endure though the road toward them will many a time twist and dip.

You share that optimism with me because if you did not, you would not this day be engaged in this ceremony of dedication.

Until the Jewish Blind Institute undertook its mammoth task, the blind and near blind were excluded from the history and heritage of Judaism. Jewish blind and near blind, scholars of history and theology suffered the deprivation of secure and documented knowledge. Jewish youth could not be prepared for their spiritual right—the Bar Mitzvah. So the blind were doubly blind, divorced from the world within as well as the world without. Today the Jewish Blind Institute includes a library of 20,000 Braille volumes of Judaica. It has completed its first introduction of a Hebrew Conversation Course in Braille. It has more than 1,300 full length talking books on records and 500 on tapes. There is the unique Fragrance Garden so that blind visitors through the sense of smell and touch can have some realization of the beauty of plant life. And the plants are identified by plaques in Braille. I need not enumerate further. You who are here know about the cultural evenings, the aid to University students, the service to every land throughout the world to give the blind and near blind concrete participation in the synagogue and community, to share with the sighted the holiness and history of a people. Thus, this is a structure that houses the light of learning. So it must be, for we are People of the Book. And if the Jewish people have any mission at all in the world, it is to open the paths of learning, to commingle the secular and spiritual so that man be complete in body and soul.

I said earlier that the giant conscience of America is astir and awake. It will not be silenced and while there will be periods of public lethargy, of public indifference, and even public fatigue in wrestling with the great social problems, the national conscience will never sleep again. I believe this. And I believe this not out of intuition, nor innocence, but out of the experience and struggle which has come to me in holding public office for 47 years. We will take our wealth and put it at the service of the poor, the diseased, and the illiterate. Bitter though the struggle may be, we *will* rebuild our cities and give decent housing, decent schooling, equality of opportunity to all the residents. Thus, I am reminded of a story. A Hollywood mogul ordered a castle built for him with every luxurious appointment he could think of. After the first night's occupancy of that castle, he awoke all sweaty and hot. He looked out the window and realized he had no trees for shade. Forthwith he ordered his workmen to plant huge trees outside the bedroom window, and lo and behold, that very night it was done. The next morning the mogul awoke out of a blissful sleep and he viewed the trees from his window he sighed plaintively, "what God couldn't do if He had money."

Some of our missions will come to pass because more and more people have learned, as you have learned, the beauty and the fulfillment of caring. Technology, of course, will help just as it is helping now in the area of your great interest. The computer is being put to use to electronically transform a letter into Braille so that it can be felt. I am sure that this development has caught your interest and that you will pursue it in determining its usefulness and practicality.

In speaking of the future, I am *not* saying that evil and greed and prejudice and jealousy and lust for power will be eliminated. These are part of the human conditions and unless we recognize that these forces exist and will continue to exist, we cannot go forth to do battle. Hysteria as well as rigid doctrine arise out of fear, as do hatred and retreat. As we examine our own fears and begin to understand their nature, then and only then will we be prepared to understand, grapple with and conquer evil, step by step if need be.

It is not necessary that each one of us take on every big battle, engage in every "good" cause. It will suffice if we commit ourselves to, let us say, two or three endeavors. That you stand ready to accept commitments is demonstrated by the very existence of this building. You have brought and will bring the sightless nearer to God and man. You have imaginatively touched their out-stretched hands and have brought blessings upon them and yourselves.

GROWING SUPPORT FOR SAIGON REGIME REPORTED

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. MICHEL. Mr. Speaker, it would appear that there is an unofficial contest underway in some quarters to see who can come up with the most unrealistic plan to get our troops out of South Vietnam at the earliest possible moment, and never mind the consequences.

As we all know, one of the most loudly repeated arguments of those who are opposed to our policy in South Vietnam is that the Government of South Vietnam is "undemocratic" and does not represent the true feelings and aspirations of the people in that unhappy land. Strangely enough, those preaching that line have nothing to say about conditions in Czechoslovakia, but that is another story.

A column appearing in the October 7, 1969, edition of the Washington Evening Star by the respected and knowledgeable expert on foreign affairs, Mr. Crosby Noyes, points out the dramatic progress being made in South Vietnam with respect to strengthening local government throughout the country at the expense of the local Communist infrastructures which the Communist military units have depended upon for supplies and support.

I recommend that all of my colleagues take the time to read this encouraging report by Mr. Noyes and include the column in the RECORD at this point:

GROWING SUPPORT FOR SAIGON REGIME REPORTED

(By Crosby S. Noyes)

SAIGON.—A visitor to Vietnam is impressed by the contrast in moods: The frantic impatience in Washington to get the war over with at almost any price and the determination here to see it through, however long it takes.

This is not a contrast between Western pragmatism and Oriental fatalism. It is rather a very different reading of what is actually happening in Vietnam that is shared here by Vietnamese and Americans alike.

Skepticism, to be sure, is justified. How many times since 1965 have we heard that we had finally turned the bend, that there was light at the end of the tunnel and that it was just a matter of time until things were under control?

The difference today, however, is that it is no longer a matter of time. Today, even the skeptics who take the trouble to look for themselves agree that things are coming under control. The military threat is being contained and the authority of the government is being extended in the hamlets and villages where the contest in Vietnam ultimately will be decided.

One can hear, of course, the snorts of derision and disbelief. For a good many Americans, the very possibility of such a thing is the purest anathema. In the mind of the opposition, the unpopularity of the "tyrannical and oppressive" regime in Saigon has become a fixation. Or, more important, it has become an essential club with which to force ever more disastrous concessions from a nervous administration in Washington.

Yet the facts are not really a matter of dispute. Whatever success has been achieved in "building democracy" from the top down—a problematical process, given the fragmentation of the country's political leadership—there is no question that impressive progress has been made in establishing a democratic foundation and a sense of participation at the village level.

The degree of local autonomy that has been achieved may be modest by Western standards, but it greatly exceeds anything that has existed in Vietnam since the time of the French administration. Until now, all local officials were appointed by central provincial administrations. And all local projects, from building of schools and roads to digging wells, have been at the direction of the central authority.

This system has been radically changed by a somewhat crude but effective program of systematic bribery.

This year, all villages have been offered direct, no-strings-attached funds by the Saigon government, to be spent on anything the villagers wished—but with an important condition. Villages with elected councils and

XUM

chiefs received a stipend of 1 million piasters—or around $8,300 at official rates. Those with appointed leaders received 40,000 piasters. Needless to say, village elections have been held by the thousands throughout the land.

A serious effort, furthermore, has been made to build the prestige and the authority of the village chief. In a radical departure from past practice, the police, local self defense and popular forces have been placed under his direct authority. Each month, thousands of village and hamlet officials are taken to Vung Tau on the coast south of Saigon for a cram course in basic local administration, with a good deal of political indoctrination thrown in.

The upshot of this effort is that today for the first time there is the beginning of mass participation in the political life of the country. The main beneficiaries have been the local authorities, who have now become personages in their own right, and the central government which brought about the change. The chief casualty has been the local Communist infrastructure in the villages—the painfully constructed political and strong-arm apparatus in which the Communist main-force military units depend for supplies and support.

For those who believe that nothing of value is being accomplished in Vietnam and that the proper course for the United States is to throw in the towel as quickly as possible, this is, perhaps, a disturbing conclusion

The fact is, however, that the most competent and cautious estimate here is that the present government in Saigon enjoys more solid support than any so far. And that, in these circumstances, it is very unlikely to make the sweeping concessions to the enemy that American doves have been demanding so insistently.

THE TORCH STILL BURNS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. REID of New York. Mr. Speaker, today, October 8, 1969, we commemorate the 25th anniversary of Wendell Willkie's death. He was a man ahead of his time whose leadership inspired a generation and moved the world.

Wendell Willkie understood long before our landing on the moon that we are in fact one world and all must ride on one planet together. He saw clearly that minority rule was not possible, that all men were equal and that freedom was indivisible.

Wendell Willkie particularly appealed to the youth of our country and in some ways he was happiest when young men and women were seated around him.

He provided a new sense of purpose to the Republican Party and at a critical time in World War II always placed the Nation first. Narrow partisanship was not in him, a quality clearly recognized by President Roosevelt.

Wendell Willkie could light up a room by entering it and he could lift the hearts of a nation. More importantly, he had the vision to see the future and the courage to march forward toward it. The New York Herald Tribune was proud to be the first major newspaper to endorse him for the Presidency and the whole world, I believe, treasures his spirit and values his contribution to all mankind.

I am including in the RECORD an editorial which captures much of the spirit of Wendell Willkie and which his wonderful wife and helpmate throughout the years, Edith Willkie, believes particularly apt today. I join with other Members of the House in expressing our simple thoughts and admiration to Mrs. Willkie and Philip and all their family from a grateful nation.

The editorial referred to, follows:

THE TORCH STILL BURNS

Two years ago, in the bright beauty of an October afternoon, Wendell Willkie came home to Indiana, to return to the rich earth from which he sprang. On a green hillside over which flamed the tapestry of October, the man whom Indiana gave to the world was laid to rest. On the place where he slept, the leaves came drifting down from the hackberry and linden sentinels for his eternal rest.

The great voice that had been raised for freedom was still. But even death can not quench a dream, and a flaming spirit lives beyond mortality. Wendell Willkie had fired the thoughts of men, and touched their hearts, and the world picked up his torch. His words live, and his dream moves on toward realization. Greatness does not die.

Symbolic recognition of that truth is afforded, as fully as can be expressed in stone, by the memorial that has just been placed at his grave. This is truly a shrine to freedom. It has the idealism of the cross, the sword of the spirit, the torch of humanity, the book of inspiration, and the laurel of victory.

It is the torch and the book that will carry the message of Wendell Willkie to those who come in the years ahead to the East Hill cemetery in Rushville, there to pay homage to one who was a friend to all mankind. There is no fire in the granite torch. Rather the flame is in the words graven on the book that all may read as they rest and meditate. They are the words that were Mr. Willkie's creed:

"I believe in America because in it we are free—free to choose our government, to speak our minds, to observe our different religions.

"Because we are generous with our freedom, we share our rights with those who disagree with us.

"Because we hate no people and covet no people's lands.

"Because we are blessed with a natural and varied abundance.

"Because we have great dreams and because we have the opportunity to make those dreams come true."

Mr. Willkie lived those words, as all Americans should live them. And his heritage to his fellow countrymen is contained in these other lines on the book taken from his speeches and "One World":

"There are no distant points in the world any longer—our thinking in the future must be world wide.

"We must establish beyond all doubt the equality of men.

"The world is awakening at last to the knowledge that the rule of people by other peoples is not freedom.

"Freedom is an indivisible word—we must be prepared to extend it to every one, whether they are rich or poor, whether they agree with us or not, no matter what their race or the color of their skin.

"The only soil in which liberty can grow is that of a united people—we must have faith that the welfare of one is the welfare of all—we must acknowledge that all are equal before God and before the law.

"Only the productive are strong, only the strong are free.

"It is inescapably true that to raise the standards of living of any man anywhere in the world is to raise the standard of living by some slight degree of every man, everywhere in the world.

"Whenever we take away the liberties of those whom we hate we are opening the way to loss of liberty for those we love.

"The moral losses of expediency always far outweigh the temporary gains.

"The test of a people is their aim and not their color."

Those words still speak to a world that has yet to know their full meaning. They are as true as the ages. And as long as there are living men to read them, and warm hearts to respond, the spirit of Wendell Willkie will endure. His torch still burns.

TOMORROW'S SHIPPER REQUIREMENTS

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. STUCKEY. Mr. Speaker, our Nation's capacity to move freight is vital to the economic well-being of our commerce both domestic and foreign. Each of us knows that despite continuing steps forward, many problems exist in the transportation lifeline.

Mr. Speaker, I call the attention of my colleagues to the remarks of Mr. G Russell Moir presented at the 24th Annual National Defense Transportation Association Forum at Atlanta, Ga., on September 23, 1969. Mr. Moir is the chairman of the Freight Forwarders Institute and of the U.S. Freight Co.

The remarks follow:

TOMORROW'S SHIPPER REQUIREMENTS

(By G. Russell Moir)

When I was originally invited to participate in this panel, I had some reservations because of the theme "Tomorrow's Shipper Requirements." The question in my mind was whether participation should not be confined to shippers, however, I soon concluded that it was equally important for carriers to project tomorrow's requirements, therefore, I am happy to be a part of this program today.

As many of you probably know, U.S. Freight Company is involved in a varied number of transportation activities, however, for the purpose of these remarks, I will address myself only to our freight forwarder operations. I also have the privilege of serving as Chairman of the Board of Governors of the Freight Forwarder Institute, therefore, I am here today as a representative of the freight forwarding industry as well as my own company.

The freight forwarder, of course, is an *important* part of the national transportation complex. The 62 Class A forwarders regulated by the Interstate Commerce Commission handled approximately 17 million shipments in 1968 with revenues of almost $600 million dollars. Our bill for salaries alone came to $81 million. It is quite obvious, therefore, that our contributions to the American transportation system are considerable.

Furthermore, we are no "Johnny Come Latelys" on the transport scene. Freight forwarding's origins go back to the infancy of the American railroads. We grew, literally as well as figuratively, side by side. One of the forwarders' most important functions in the 19th Century was to coordinate L-C-L service on the sprawling but disconnected rail lines. Our "partnership" with the railroads has

XUM

long been a successful "case history" of private enterprise transportation working together for the shippers' benefit as well as our own. As one result, freight forwarders are, today, the nation's most experienced and most skilled small shipment specialists. Small shipments are not a sideline with us; they are our lifeblood!

Most important, the early forwarders envisioned the rail, highway and water carriers of their day as separate but *interdependent* parts of the country's transport system . . . a significant historical and intellectual contribution in view of today's emphasis on coordinated transport. Freight forwarders a Century or more ago were joining together the capabilities of existing carriers and offering shippers service on a single bill of lading with the forwarders assuming full responsibility for the move. This great service concept was revolutionary at the time and it remains today, a cornerstone of our industry. In short, freight forwarding innovated the concept of intermodal coordination in the mid-1800's, long before its more recent "discovery" by the politicians, the press and the publicists.

Freight forwarders serve more than the nation's business/industrial community, however. We provide regular service to and from every significant military installation in the United States. Our International services handle traffic routed to bases abroad and we are prime movers of cargo destined for Vietnam. Among the membership rolls of N.D.T.A. itself can be found the names of many forwarders who give unstintingly of their time, talent and experience to help ensure our nation's transportation pipeline will operate at maximum efficiency in times of emergency.

The pioneering part played by forwarders in developing and implementing important technological advances in transportation history has long been recognized. More particularly, I refer to containerization and its application in the form of piggybacking.

History shows that forwarders and some railroads, working closely together, were the first to make containerization a realistic transportation tool. Universal Carloading was a highly successful container operator in the 1920's until a decision of the Interstate Commerce Commission in 1931 torpedoed the freight-all-kind rate that made containerization a practical and economical shipping alternative for both customer and carrier.

A brief quote from the Commission's 1931 report shows the role of the forwarder in that early venture in containerization:

Quote: "It is impossible to have an accurate conception of container service without considering the part played by the forwarding companies. The Universal Carloading & Distributing Company . . . is the largest operator of containers.

"The forwarding company not only performs a concentration service at origin, but a distribution service at destination. Each is important. If a large wholesaler has 4,000 pounds of freight for one destination, divided into 20 consignments, he could not use the container unless he had an agent at destination to deliver the shipments. The forwarding company is just as essential to him as it is to 20 different shippers at origin who have freight for one destination," unquote.

The forwarder was ready but the regulatory climate was not ripe for containerization that day. However, the innovative spirit of the forwarders plus a good deal of hard, imaginative effort and a willingness to experiment laid the groundwork for later ventures into piggybacking when the regulatory climate was more amenable to change. That time arrived in 1958 when the railroads published piggyback rate plans 3 and 4 that finally permitted forwarders to revive the transportation "revolution" that they had helped to generate decades before. Since that time, piggybacking has grown at phenomenal speed and once again it was the forwarders who demonstrated what could be done.

Unfortunately, the forwarders' success in pioneering new forms of coordinated intermodal transportation has not been equaled in the legislative arena. Even after more than a Century of public service we are still victims of contradictory law that inhibits us from maximizing our skills and knowhow in small shipment transportation and putting them to work for the American shipper.

One of the great structural weaknesses of common carriage is the chaotic state of transportation law. This has been common knowledge for a number of years but efforts to correct the situation have met with little success. Our regulators and the Department of Transportation are fully aware of this condition and if we are ever to have some semblance of order and even-handed justice in transport law the main thrust for change must come from outside the industry itself. The position of the forwarding industry in this regard serves as a graphic illustration.

I will refer briefly to only two respects—and I do not exhaust the list—in which Part IV of the Interstate Commerce Act, enacted in 1942, unrealistically inhibits the usefulness of the forwarding industry. One involves the gathering and distributing operations of the industry and the other pertains to the relationships between forwarders and the railroads with whom they work.

In providing completely coordinated transportation, forwarders work with motor carriers primarily for the assembly and distribution of individual shipments of freight within cities and for some distance around them, and with railroads primarily for the long-haul movement of consolidated lots of freight between forwarder terminals. Forwarders need the ability to make arrangements with both types of carriers on a flexible and realistic basis, so that maximum efficiency may be obtained from complete coordination.

Unfortunately, by administrative determination made in the early days of forwarder regulation and never changed, the "terminal areas" of forwarders have been frozen at the formula prescribed for line-haul motor carriers which, with minor exceptions, extends a maximum of 5 miles beyond city limits. Beyond those areas forwarders must arrange with common carrier truckers to assemble and distribute their freight and, even though they may do so by contract in most cases, the flexibility of being able to use local or forwarder-owned trucks, geared to the forwarders' operations, is destroyed.

The express agency, which like freight forwarders uses rail service primarily for longer hauls and trucks in the shorter distances, always has been permitted to fix its terminal areas to suit its operations, and the I.C.C. has reaffirmed the right of REA to do so. Forwarders require the same flexibility to coordinate the motor and rail segments of their service which REA has been granted. We intend to again make a plea for flexibility in our terminal areas before the regulatory agency.

Even more frustrating is the legal "iron curtain" that prevents forwarders from dealing with their railroad partners as common carriers, from tackling, together, a total problem and instead relegates forwarders to the role of shippers in their dealing with rail carriers. The real irony of this situation is brought into focus by the situation that exists today in piggybacking. Truckers, who are the most formidable competitors of both the rails and the forwarders, have the lawful right, as the law has been interpreted to ship their trailers by rail at tariff rates—the only basis open to forwarders—or on the basis of joint rates and divisions, or under undisclosed contract charges. This, I say, is bad policy, indefensible law, and uncommon sense.

We have not given up the battle for administrative and legislative relief—the necessity for equality of treatment is essential not only for the forwarders but for that vast multitude of voiceless shippers who must suffer constantly spiraling transportation costs. Is it any wonder that private carriage is gnawing ever more deeply into the vitals of public transport? Of the 16 million trucks registered in the United States less than *one* million are for-hire, subject to I.C.C. regulation and the disparity is growing.

To alleviate at least part of this problem, and to give the small shipper a more competitive alternative, a bill was introduced in Congress earlier this year that would authorize the railroads to publish, if they so choose, tariffs for use by other regulated common carriers . . . motor, water and freight forwarders. These tariffs would enable railroads and freight forwarders to establish even closer working arrangements. There would be nothing secret about these arrangements, of course. The rates, if established, would be processed through the regular rate-making machinery of the railroads and published and filed with the I.C.C. Railroads would have complete control of terms and conditions as well as the level of charges.

Transportation law at present is such that it places the rail carriers and their forwarder partners in a straight jacket which prevents them from combining their services in a manner that would produce the most efficient and economical service for the shipping public. This lack of flexibility, plus rising costs, have combined to force the forwarder out of literally all short haul operations. As a result, the shipper has for all practical purposes one choice of short haul service remaining—that of the motor carrier.

Passage of the legislation can re-open competition in the short-haul transportation market. Of that I have no doubt. History shows that competition is the most important regulator of both transportation services and transportation rates. The I.C.C. can fix rates but it cannot prescribe efficiency nor enforce operational economy. As you know all too well, where there is no competition there is no incentive for a carrier to operate efficiently or economically. The monopolist's own failures then are passed on to the customer in the form of higher rates for the same inadequate service he had been receiving previously.

In closing I would like to quote from a speech given a few months ago by Ben Biaggini, President of the Southern Pacific Railroad. His remarks place the naturally close relationship of the railroads and the forwarders in crystal clear perspective.

Quote: ". . . Today the forwarders are, in a practical if not a legal sense, an L-C-L arm of the railroads. Changed conditions make it fitting that this should be the case, because forwarders perform certain jobs they are now doing better than the railroads can. My view of how private enterprise transportation ought to work in this great nation is that those who can handle the business most efficiently ought to be allowed the chance to do so." unquote.

To which sentiment we forwarders echo a fervent "amen." Thank you very much for your kind attention.

CONGLOMERATES—GOOD OR BAD?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. TEAGUE of Texas. Mr. Speaker, we seem to be going through an era wherein certain people have the feeling that there is an inherent evil about big business. Under leave to extend my remarks in the RECORD, I include an article which appeared in the June 30 edition of Barrons entitled "Curse of Big Business":

XUM

Curse of Bigness: The Trust-Busters Have Declared War on Success

The world of anti-trust, so Alan Greenspan, noted economist and adviser to the Nixon Administration, wrote in Barron's years ago, smacks of Alice in Wonderland. These days the most exciting writings in the field unexpectedly also seem to share the kind of literary distinction once reserved for James Joyce's Ulysses; while not banned in Boston, they have come perilously close to being suppressed in Washington, D.C. The U.S. Department of Justice, to illustrate, in May belatedly released the Task Force Report on Anti-Trust Policy prepared at the behest of President Lyndon Johnson and submitted to him last July. Justice, however, was blind to an even more provocative survey of the same realm made for Mr. Nixon by George J. Stigler, Charles R. Walgreen Distinguished Service Professor of American Institutions at the University of Chicago, and a group of colleagues. Not until the privately owned Bureau of National Affairs published most of the text—and an enterprising Senator put it in the Congressional Record—did its contents see the light of day. Thanks to International Telephone & Telegraph Co., finally, the American people were treated to a tidbit, in the form of a Working Paper for the Nixon Task Force on Productivity and Competition, by Professor Stigler on the tantalizing issue of corporate reciprocity (you scratch my back and I'll scratch yours).

Scholarly inquiry has never been too popular in bureaucratic circles, especially when it clashes with (in George Stigler's famous phrase) "the promiscuous collection of conventional beliefs and personal prejudices" that all too often passes for public policy. In the case of antitrust enforcement, philosophic prejudice—if not, as some angry critics have charged, political or personal bias—lately has run wild. With the full support of Attorney General John Mitchell, the Anti-Trust Division of the Department of Justice, headed by Richard M. McLaren, has shockingly escalated the cold war on big business. Lacking a mandate from Congress—in a brazen effort to push existing law beyond generally accepted bounds—Messrs. McLaren et al. have brought suit against so-called conglomerates. The trust-busters also have launched an attack on reciprocity, i.e., the widespread practice of buying from customers and selling to suppliers. They have gone so far as to decree, without a shred of discernible authority, that the top 200 U.S. manufacturing concerns, and those of "comparable size" in retailing, mining or other lines, henceforth may be barred from effecting any merger or acquisition whatsoever.

Highhandedness came naturally to the New Frontier and Great Society; in the low-key, tolerably conservative Nixon Administration, however, it is unbecoming to say the least. It also flouts a mounting weight of evidence, academic and otherwise, which suggests that in theory and practice alike, anti-trust activity makes less and less sense. Thus, Professor Stigler in his Working Paper shrugs off reciprocity as "quantitatively negligible," and, in most cases, "harmless and pointless." As to conglomerate mergers, the Nixon Task Force cautions the trust-busters against moving "on the basis of nebulous fears about size and economic power"; the Johnson group actually has a kind word to say for mergers and their spur to efficiency. The proposed ban on the top 200 corporations, finally, strikes us as a naked affirmation that official policy is aimed not at corporate wrongdoing, however vague or ill-defined, but at mere bigness. At long last, anti-trust has carried its built-in biases to their logical conclusion. It has indicted success.

To judge by the recent burst of anti-trust activity, malefactors of great wealth, real or imaginary, overnight have occupied the nation's executive suites. In barely six months' time, Assistant Attorney General McLaren has filed suit to block conglomerate mergers involving Northwest Industries, Ling-Temco-Vought and ITT. As if to show equal disapproval of the fat-cat Establishment, the trust-busters also threatened to bring action against First National City's proposed acquisition of a large insurance company, a move that effectively killed the deal; they also recently charged U.S. Steel with violating the antitrust laws by engaging in reciprocity, thereby impelling the company hastily to sign a consent decree. Early this month, in what has been described as "perhaps the toughest anti-trust speech delivered by a top government official since the time of Franklin Delano Roosevelt." Attorney General Mitchell assailed "super-concentration" and promised to balk the top 200 U.S. manufacturers in their monopolistic designs.

Bread and circuses from the Democrats, sound and fury from the Republicans, the significance of which (like most of the effort in this murky realm) persistently eludes qualified critics. On reciprocity, for example, Professor Stigler points out that such transactions, to be acceptable to both parties, must hew to competitive terms, i.e., those freely available throughout the marketplace. Such dealings, he goes on to state, by definition harm nobody, including would-be competitors who merely sell their output elsewhere. "Reciprocity," sums up Professor Stigler, "is probably much more talked about than practiced, and is important chiefly where prices are fixed by the state or a cartel." The Nixon Task Force report echoes these views: "The economic threat to competition from reciprocal buying arrangements is either small or non-existent."

As to conglomerate mergers, neither Task Force supports the vendetta which Justice has launched. Here is the pertinent passage from the Stigler report: "We seriously doubt that the Antitrust Division should embark upon an active program of challenging conglomerate enterprises on the basis of nebulous fears about size and economic power." The Johnson study goes further. "An active merger market," it found, "suggests a healthy fluidity in the movement of resources and management in the economy toward their more effective utilization." As Barron's pointed out in March, the conglomerate thrust largely mirrored the excessive, and short-lived, availability of low-cost credit, and the encouragement of a bull market in stocks which now has painfully expired. Merger stories are hard to come by these days. On the contrary, if General Host and Ling-Temco-Vought are any guide, the sale of corporate assets may be the order of the day. Wall Street, as we have said before, liquidates mistakes; Washington perpetuates them.

What it is seeking to perpetuate today is the myth that there is something inherently evil about bigness. If the implications weren't so grim, the newly announced policy of discrimination against the 200 top manufacturers would be ludicrous. Size evidently is measured not by sales or earnings but assets, a yardstick which in future will encourage deconsolidation of foreign affiliates, spin-off of subsidiaries and other devices to escape the less-than-charmed circle. Some of the unlucky 200, moreover, scarcely seem deserving of the dubious honor. Numbers 44 and 154 happen to be Anaconda and Cerro, which stand to lose a chunk of their assets to the Chileans and Peruvians. The list also includes the major cigarette companies, which a hostile government is virtually forcing into other lines of work. The top, it has been said, is a slippery place; the trust-busters would add immeasurably to the risk. By penalizing success, they also willy-nilly put a premium on mediocrity.

On this score Alan Greenspan, who taught us that "Bad History, Worse Economics Spawned Anti-Trust" (Barron's, February 5, 1962), deserves the next-to-last word. "Whatever damage the anti-trust laws may have done, whichever distortions of the structure of the nation's capital may have been thrown in the way of business organizations, these are less disastrous than the fact that the effective purpose, the hidden intent and the actual practice of the anti-trust laws in the United States have resulted in the condemnation of the productive and efficient members of our society because they are productive and efficient." Perhaps Messrs. McLaren and Mitchell should catch up on their reading.

CONGRESSMAN DOWDY DISCUSSES THE GREATEST VIRTUE

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. COLMER. Mr. Speaker, throughout the lifetime of man there have been discussions, and sometimes arguments, on the greatest virtue. More often than not these thought-provoking gatherings have begun with a question like, "What is the greatest gift you can give to your children?" Many words come to mind such as honesty, kindness, generosity, sincerity, and on and on without end. On Saturday, September 27, 1969, our esteemed colleague, Congressman John Dowdy, Democrat of Texas, spoke to the Southeast Texas IOOF and Rebekah Association meeting in Vidor, Tex., on this very subject.

Mr. Speaker, I would like to bring to the attention of all of my colleagues this outstanding and very timely presentation entitled, "A Pledge To Care":

A Pledge to Care

In July of 1957 the British people opened and dedicated what they call the House of Citizenship on its beautiful new premises and in its beautiful new building near Aylesbury. Lady Mountbatten, wife of England's great wartime hero, made the dedicatory address, and in the course of it she said that if she had her choice of human qualities, these are the ones she would choose in order of priority: first, courage; second, loyalty; and third, tolerance.

A commentator in an English magazine, *Time and Tide*, objected to what Lady Mountbatten gave by way of advice to the young people in the audience. He pointed out quite rightly that all three of these virtues or qualities were secondary in the sense that any gangster might have all three. He might have incredible courage to do things he had no business to do, and inordinate loyalty to the gang who supported him, and a certain kind of tolerance toward a man who would rather be a mobster than a monk!

He wished that something better than that could have been offered to the young people in the audience, and therefore he raised this interesting question: what would be your choice of the most important virtue? If we are middle-aged, we might begin with the traditional cardinal virtues—justice, prudence, temperance, fortitude. Or we might be so bold as to put humility first.

The commentator's answer, however, rather surprises us. He said, "I think I should put kindness first." *Time and Tide* is not a religious periodical, mind you, but a purely secular one, and yet this anonymous commentator protested against courage, loyalty, and tolerance as claiming first place

XUM

in a man's life, and suggested kindness in their place—although the same objection might be made to kindness that he made to the other three. A gangster can be kind.

Suppose we change and strengthen the word: Kindness, I am afraid, has become too mild a term for what the commenator probably had in mind.

Compassion is a better word. It comes a little closer to what was meant and suggests some of the passion that is implied, a feeling with and for other people, a capacity to suffer with and for other people, I suggest that the much-used word care is even better.

Care can mean anxiety, and, as such, of course, all sane men and women shun it and try to root it out of their lives. But care, turned round, can mean that deep concern of one person for another, that amazing composite of a cultivated imagination and an insatiable desire to be part of life and to be of use. It means that capacity in human beings to get outside of themselves and to care about people and to care about life, to affirm life because they believe it is good, because in spite of all the shadows which darken their path, they approach life positively as they care about it and yield themselves to it. Whether it is to music or sports or work or the rocks of their geological surveys or the stars above them or the sea around them, whatever it is, they care about it and they care deeply.

In fact, if you reflect for a moment, you might almost divide the people of the world into two groups, those who care and those who don't.

Sooner or later, every man and every woman has to decide where he wants to stand, in which group he would like his life to be lived. You may question: What has this to do with our gathering here today? I hope you will see that the answer is everything. We Odd Fellows and Rebekahs are especially committed by the teachings and principles of our common fellowship to the practice in everyday life of that commanding ideal of care, translated into terms of service to our brothers and sisters and to all men everywhere. The principles and ideals of Oddfellowship embrace courage, loyalty, and tolerance, to be sure, but at their heart is that imperative quality we have designated as caring. We care.

Think for a moment how the great biblical incidents which are so important to us all embody and proclaim this golden motif of caring.

The story of Isaac and Rebekah, so beautifully told in the 24th chapter of Genesis, is probably the oldest and certainly the greatest love story in ancient literature, breathing as it does an atmosphere of gentleness, of respect, and of loyalty which contrasts vividly with the harsh spirit of that age and time in which women were little better than chattel slaves. The person of Rebekah speaks to us across the centuries in terms of that dignity and modesty which the Judaeo-Christian tradition helped to secure for women. It is a story which truly hallows marriage and family life as well.

Then the story of Jonathan and David. How often in moments of confusion we can best win through to victory over some lesser or greater difficulty by pressing boldly forward to meet and resolve it. In Bible times, the young David ran to meet the giant Goliath and overthrew him.

But reckless courage is not enough. David carefully chose the stones for his sling before going into battle. David understood that God lovingly governs his universe; he turned in prayer to this divine intelligence, acknowledged its unfailing presence and power, and was conscious of its direction of his meeting with Goliath. Knowing that God is good and all-powerful, evil could be nothing more than a deception and an illusion. Goliath seemed solid enough, but David was not frightened by his threatening bulk, because he knew that the Lord was with him, and he proceeded to successful combat.

And in like manner, as we are enlightened by the tenets of oddfellowship, we see right through the flimsy pretensions of strife and turmoil in our daily living, and go boldly forward to dispel them.

In the great drama of David and Jonathan we see both courage and loyalty revealed in mutual care and affection, one bond of trust. Their abiding friendship is portrayed in several passages in the 1st book of Samuel (18:1–4, 19:1–7, 20:1–42, and 21), notably in the very moving account of their mutual pledge or promise: "Then Jonathan said to David, 'Go in peace. And as regards the oath that both of us have sworn in the name of the Lord, may the Lord be witness between you and me, between your descendants and mine for ever." * This remarkable example of trust and friendship on the part of Jonathan and David at the very moment that the former's father, King Saul, was seeking to destroy David, is among the greatest moments of the Hebrew Bible.

In the 2nd book of Samuel we may read (9:1–13 and 21:7) how in after years, Saul and Jonathan both dead, David the king remembered his pledge to protect the seed of Jonathan and so showed kindness to Meribaal, Jonathan's crippled son, who from that day "always ate at the king's table." Later, in a time of famine and war, when David was prevailed upon by the Gibeonites to destroy the surviving descendants of Saul, only Meribaal, Jonathan's son, was spared "on account of the oath by the (name of our) Lord that bound them together, David and Jonathan." It is a note of humanity and fidelity in that grim narrative of blood-vengeance and hatred.

Last, but far from least, we turn to the life and example of Jesus, and to his matchless parables. He talked constantly about care—the father who cared for his wayward son, the shepherd who cared about the lost sheep, and the Samaritan who cared about the man who was stripped and left for dead. Here is a parable which includes and demonstrates all the qualities we have mentioned—courage, as shown by the willingness of the Samaritan to stop by the roadside and involve himself in human need when he might have passed by safely and quickly (what a message for us today when fear or indifference leads so many to turn away); tolerance, as shown by the unquestioning response of the Samaritan to the plight of a Jew, despite the bitter hatred which existed between the two peoples; and loyalty, the quality of steadfast concern which moved the Samaritan to return later to make certain that all was well. And, finally, overarching all else, care.

The story of the good Samaritan was told in answer to a question asked by a lawyer, "And who is my neighbor?" The answer of the parable is any and every man in need whom you are able to help. Jesus himself cared, especially for the people nobody else cared for, the people who had been left out in life, and He gave only one test to those who would follow Him, and the test was this—that they care about their fellow men.

Indeed, St. John, in his first epistle, put it in the most point-blank way he could when he went so far as to say that God is care: "God," he wrote, "is love." Baron Von Hugel, the great English spiritual counselor and philosopher, at the end of his life of Christian devotion (in 1925), put it even more emphatically, more plainly, when he said, "Caring is everything. Nothing matters but caring."

Of course, sometimes, even though we have prayed, as did David, the scene still seems confused and discouraging. Then is the time to pause and reflect on our teachings. In God's presence, there are no contests. To infinite, ever-present love, all is love, and there is no defeat. As we advance in the certainty of divine direction, evil is powerless, and we win through to victory.

Today's challenge may appear to threaten our health or the health of someone near to us. It may concern our home, our friendships, our business or professional affairs. It may be a temptation to insist on following our own way instead of God's, or it may suggest that we have no responsibilities to our fraternity, and need have no concern for others in our community. Whatever form it takes, we do best to face them squarely and under God's guidance, just as David, to meet them promptly.

In this way our thoughts and actions are divinely guided at each step to expose our most menacing problems as no more than delusions. Thus we do not shrink from close action, but go forward fearlessly. Thus today's challenges are successfully met; our problems are overwhelmed; our victories are decisive.

Thus, through our troubled nation and all the world today are afflicted with violence and conflict, yet we see that the violence and conflict have their roots in the lack of human caring and concern. It is our privilege in this society to uphold and to practice those ideals which are at the very heart of our religious heritage, ideals sorely needed in these difficult days. May we find fresh inspiration and resolve in the teachings and principles of oddfellowship, that we may better serve our nation, our world, and our God.

OUR RHODESIAN POLICY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. STOKES. Mr. Speaker, the Government of Rhodesia should be an anathema to this Nation. The white minority of that country, who have consciously and legally separated themselves from the black majority and have forcefully and arrogantly superimposed white will on them, has violated every value the United States professes to hold as cherished.

Yet, our Government has not only refused to sever our ties with Rhodesia, but has also begun to subtly shift America's policy from Lyndon Johnson's "negative neutrality" to a "positive neutrality."

This is an extremely dangerous course of action. Our foreign policy is only as strong as the moral base which supports it. Whatever base our Rhodesian policy had during the Johnson years is now being rapidly eroded. It must change, or the United States will slip yet further in the eyes of all conscientious nations of the world community.

The distinguished columnist, Mr. Carl Rowan, has recently written a brilliant column on this country's Rhodesian policies. The article precisely points out the bankruptcy of current American action in Rhodesia, and some of the negative reactions to them from the third world nations. It is well worth reading, and I urge my colleagues to do so. The article follows:

NIXON SILENCE ON RHODESIA COSTLY

(By Carl T. Rowan)

President Nixon went to the United Nations with a forlorn plea to the 126 nations represented there to pressure Hanoi into peaceful settlement of the Vietnam war.

---

* From the *Jerusalem Bible.*

Nixon will get no help, no sympathy, no consolation from most of these 126 nations. The reason is that, in the eyes of much of the world, whatever moral justification we once had in Vietnam is rapidly disappearing.

If the President wonders why, all he need do is look at White House policy—or lack of policy—where the racist, outlaw regime in Rhodesia is concerned.

There has been a not-so-subtle shift of attitude in the White House from the Johnson administration to the Nixon administration, with the latter showing a lot more sympathy for the tiny white minority that has seized Rhodesia under conditions where, barring ultimate violent overthrow, that minority will forever rule and supress the black majority.

For two months, the white House has sat on a State Department recommendation that the United States pull its consulate out of Rhodesia, but the White House has declined to do so. Thus, the U.S. consul general, Paul O'Neill, recently returned to Salisbury, an act that the ruling regime called the best possible boost to the morale of the white minority.

A U.S. that pursues this kind of policy cannot possibly have good relations with black Africa. So whatever little help the African countries might give in extricating the U.S. from a grievous dilemma in Asia is not going to be forthcoming.

A country that ignores basic principles of human worth and decency, that overlooks a brazen trampling of the rights of self-determination in Rhodesia, will never be convincing when it says it is in Vietnam only to guarantee to the South Vietnamese the right to decide their own destiny.

White Rhodesians are in the process of approving a new "constitution" that will make that land an even more pernicious police state than it has been these last several years.

That constitution will make it impossible for Rhodesia's 4,800,000 Africans ever to wrest power legally from the 228,000 whites.

In theory Africans might someday achieve "parity"—that is, an equal number of seats in parliament. But there is a neat little stipulation that this can concur only after Africans pay an equal share of income taxes.

The hooker here is that Africans now pay only about one percent of the taxes. One reason is that while the average wage for a European is about $4,000, it is only $400 for an African.

Not in a millenium will Africans reach the economic level where they can meet the tax qualification. Nevertheless, the Ian Smith regime has raised other qualifications for voters, an act designed to exclude thousands of blacks from elections.

Finally, the whites have put in another hooker providing that even after "parity," half the black seats in parliament will be named by the chiefs, who are mostly Uncle Tom servants of the whites, and thus under effective control of the minority regime.

Another outrage is the way the Smith regime has divided up the land. It has set aside 45 million acres for 4,800,000 Africans and 45 million acres for 228,000 whites.

The regime is now in the process of chasing Africans out of "islands" within the areas reserved for whites. The courts ruled that the Africans had the right to remain, but parliament got around this simply by passing a new law.

The new constitution extends to the government the right to censor the press and other publications, a right already exercised on radio and TV. Enshrined in the new constitution is the right of "preventive detention," without bail or speedy trail, of anyone arrested on charges of trying to overthrow the white dictatorship.

This is the kind of regime the White House can't make up its mind about—despite the existence of a United Nations resolution calling upon member states to withdraw their consulates.

The rationale coming out the White House is that there are 1,100 Americans in Rhodesia, about 850 of whom are missionaries, and that we need a consulate to look after their interests.

We didn't even have a consulate in Southern Rhodesia until 1949 and the American missionaries there prior to that time managed to get along fairly well.

The other argument is that we need eyes and ears in Rhodesia to send back reports on what is going on in the southern end of Africa. We could post observers 10,000 miles away and the odor wafting out of Rhodesia would make it clear what is going on.

Someone in the White House apparently scoffs at the notion that morality—racial, social, or otherwise—ought to be a big ingredient in foreign policy. They assume that you go with power, and obviously the whites in Rhodesia have the power. They say you go with strength, and obviously the economic interests who want U.S. relations with Rhodesia to continue have more strength in Washington than do the weak, divided African countries that look with so much anger and disquiet on what is happening in the southern end of their continent.

But it was precisely this disdain for the moral elements in foreign policy, it was this notion that might ultimately makes right, that got the United States in the Vietnam dilemma that becomes a tighter, stronger web around Nixon every week.

ARTHUR GODFREY—CLEAN WATER CHAMPION

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. BLATNIK. Mr. Speaker, those of us who led the battle today for full funding of the water pollution program are deeply indebted to Arthur Godfrey for the help he so generously gave us just 2 weeks ago in launching the drive that culminated in today's vote nearly tripling the funds for water pollution control.

With his modest and humble manner, and with an earnest, deeply moving speech, he made a great impression on the 200-plus Congressmen and representatives of conservation organizations, labor groups, and the untiring League of Women Voters, who were gathered for the kickoff.

In addition to a factually sound and truly thought-provoking presentation, Mr. Godfrey further impressed all of us with his pledge to dedicate the rest of his public life to the cause of a cleaner, healthier environment. In a more recent speech, Mr. Godfrey stated his views on this subject with such clarity, such eloquence, and such precision that I feel it should be called to the attention of my colleagues. I insert Mr. Godfrey's statement in the RECORD:

ADDRESS BY ARTHUR GODFREY TO THE NATIONAL WATER WELL ASSOCIATION, ST. LOUIS, MO., SEPTEMBER 29, 1969

According to the Bureau of Vital Statistics, Arthur Hanbury and Kathryn Godfrey, who lived in a flat just off Amsterdam Avenue on 114th Street in Manhattan, reported a child (male) born to them on August 31, 1903.

According to my dear mother, what she had brought forth looked like nothing either parent had ever seen so it was some time before they decided it was me. The birth certificate doesn't record that I was given the name Arthur Morton. Apparently, that wasn't decided for some days during which the matter was argued back and forth. Finally, my father's first name and my mother's surname were agreed upon one night in a moment of extreme passion.

My arrival upon this planet was always shrouded in weird mystery to me—until recently, in deep analysis, it was established that my appearance was (a) a complete and rather inconvenient surprise, though entirely (if barely) legal; and (b) that I weighed in at a whopping 4½ pounds and was so puny and cold that my maternal grandmother took immediate charge as was her wont.

The birth took place in the kitchen where they had been preparing breakfast for my father who was home on his honeymoon. Grandmother, thinking I was freezing to death, jammed me into the oven. About an hour later, father noted the sudden appearance of freckles and red hair, removed me—thinking I was done. This later gave rise to the expression "half-baked."

1903: That was the year Orville Wright said to his brother Wilbur, "meet me at the bicycle shop in the morning and let's see what we can dream up." The automobile had already been invented, but no one could drive one without sending a man out on foot ahead to warn the people. Pollution in those days was of a different order and odor.

Ninety-nine percent of the vehicles were drawn by horses whose well-organized, compacted by-products were disposed of primarily by volunteer groups of English sparrows brought over a century before for the purpose. Secondary treatment was accomplished by white-uniformed street cleaners with great brooms and shovels followed by water-wagons in lieu of rain.

In those days New Yorkers actually looked each other in the eye and smiled as they passed. Stepping ever so carefully down a Manhattan street today—usually in the wake of some huge dog—I can't help but recall wistfully that horses seldom walked on the sidewalks.

The population of greater New York was only a couple of million then and, although raw sewage was emptied into the Hudson along with the wastes of a few factories, it was but a fraction of today's gook. Furthermore, the tides were able to keep the waters fairly fresh and clean. Staten Island beaches were sparkling and we even used to swim at Hunt's Point and Great Neck. Coney Island was like Waikiki and Far Rockaway was a paradise out of this world.

Every spring we had great shad runs up the Hudson, although the salmon had gone by the time I came along. So had the sturgeon. Would you believe that America used to export Hudson River caviar to Russia? It's a fact! And crabs: Oh man, beautiful blue crabs we pay seven and eight bucks a pound for today. The rivers and inlets around New York, New Jersey and Connecticut, and the north and south shores of Long Island Sound, on down the Jersey coast, Delaware River, Chesapeake Bay and so on were alive with crabs and clams and fish.

Garbage and trash weren't really much of a problem for the average household in those days, probably because we ate everything that came from the grocery. No non-biodegradables. No plastic bags or bottles. Glass containers were saved and used again and again. No beer cans: one rushed the growler: a bucket of suds from the corner saloon. Among men only a few swells ever smoked cigarettes: women never did. Most working men smoked a cigar down to a lip-scorching butt and then stuffed it into a corn-cob pipe for the morrow. Old newspapers were bundled up and sold to the junkman when he came around once every six months or so in his disreputable old one-horse wagon with its line of tarnished brass bells dangling noisily across the tail-gate.

Not that New York smelled anything like lilacs then. The abbatoirs, for instance, the slaughter houses—were located on what is now posh Sutton Place—and what a stench they put out! The East River was no mountain stream then, either! I know it's hard to imagine, but parts of it smelled even worse than today!

Fortunately, financial reverses forced my parents to move out of New York when I was still very young. Heh! Financial reverses: that's the wrong word. If we'd had reverses, we would have been rich. We were poverty-stricken, as mother used to say. We moved over to Hasbrouck Heights in Jersey where we could get a house and a yard and a garden for $25.00 per month, and we used to get dispossessed for non-payment of rent every so often even at that!

But nothing better could have happened to me because Hasbrouck Heights, though only ten or twelve air-line miles away, was a hick-town. Man, it was country—with farms and orchards and woods—real, deep thick woods and a great swamp at the foot of the hill—where I keep my airplanes nowadays—Teterboro Airport.

Being hungry and poor, I had to work—before and after school every day: mowing lawns, clipping hedges, beating rugs, delivering papers, later delivering bread and rolls and milk every morning and working on the farms and in the orchards. And I hunted and fished and trapped and learned the lore of the wilderness. Used to trap muskrats just about where runway 19 is now at Teterboro. [That was the big money: 90 cents to a $1.05 a pelt which, I am told, is exactly what they are bringing today. Heh! Computing the inflation, I guess I used to get fifteen or twenty bucks a skin, didn't I?]

Well, the point of all this is that it was all beautiful background for the role I am playing today. Although the idea is often rejected by some, I am an entertainer of sorts and, reputedly, a salesman. Many of my contemporaries accord me the dubious distinction of having been the originator of my brand of broadcasting which they happily and profitably imitate and vastly improve upon. The difference between us is that I have done my homework. For decades, like all hunters and fishermen, pilots and sailors and farmers, I have been keenly aware of the progressive deterioration of our environment, especially since the end of World War II. The fishing has been getting worse all the time—not only in the streams but in the bays and inlets and in the ocean itself. Ducks and geese are 'way down. Many predator birds have vanished from some areas and, indeed, are now threatened with complete extinction.

We have more deer than we ever had in America (even when the Indians owned the place!) but that's because the predators—the wolves and coyotes and bears and pumas have vanished from the scene. The only predators left for deer are people—most of whom are lousy shots. Also, the big, deep woods are gone and have been replaced by plowed fields edged with thin little strips of woodland full of browse upon which deer thrive, until over-population sets in. When there are too many deer for the available browse, nature takes her toll during the winter. When the snows have melted we who haunt the woods stumble over hundreds of rotting carcasses.

We who sail have watched the once blue waters of western Long Island Sound turn to a sickly, smelly, yellowish gray. We who fly have observed the air in the sky getting thicker and thicker and browner and browner—higher and higher! Recently, I flew a sleek little Learjet to Ft. Lauderdale for the PATCO convention in Miami. I flight-planned the trip for 41,000 but later asked for 45,000 and found the top of the visible pollution to be no less than 43—all the way to Florida—even 150 miles off Jacksonville!

Last June I was in Rome for four days attending the International Board meeting of the World Wildlife Fund. The trip over was made at night, but I came back on Sunday afternoon via Alitalia with one stop in London. All across Europe at 34,000 the gook was high above us *and all the way across the Atlantic!* Not clouds—not weather—Gook! Smog! Eeachh! Yesterday I flew my Gulfstream in from Virginia at 18,000 feet. It was what most people call a clear day. However, even with a head wind of 60 knots playing out of the northwest, it was almost impossible to see the ground through the smog.

This is what man—with his runaway technology has done to himself. For billions of years the vast atmosphere had the ability to keep itself fairly clean—clean enough, at least, to sustain life.

So did our rivers and streams and bays and gulfs and reefs and beaches. The forests were the water-sheds and the moisture, that fell from the clouds, was filtered through the soils, to the aquifers, through the streams, to the lakes and the oceans, clean and sparkling to be re-cycled through evaporation back to the clouds aloft.

And this process endured through the first two million or more years of man's existence. We didn't live in sufficient numbers to do much damage to our environment. There were never as many as one billion people alive on the face of the earth until about 1830, about which time his technology began to mushroom. Lo and behold, by 1930—one century later—we counted two billion souls. The third billion required only 30 more years and we are now, in 1969, well on the way to the fourth billion.

At this horrible rate of geometric progression, 30 years from now—at the turn of the 21st century—the world population will have reached over 7 billion! This once beautiful little planet was never meant to hold that many people!

But don't worry about it. We'll never make it. My ecologist friends tell me that they are very pessimistic. They say that man is fouling his environment much faster than nature can clean it up and, in consequence, will suffocate in his own filth. Not in a hundred years—or a thousand years—but within the next thirty years! That's no time at all, is it? 30 years? Let's see: 30 years ago Hitler struck in Czechoslovakia. To my generation that seems like just yesterday. That makes 30 years from *now*—just tomorrow! We haven't got much time, have we? Not in view of the fossil poisons we're spreading through the atmosphere, which includes our water. Business leaders are accustomed to reading graphs: here's the growth rate and here's the pollution rate. Sometime ago they crossed. The higher we bring the growth curve—the higher goes the pollution—and they'll never cross again.

The scientists have known about this for a long time and they've tried to tell us about it. But there have been no listeners to amount to anything. For years, mine was the only voice, in command of any kind of a national audience, that was ever heard on the subject. Until about three and a half years ago, it had been very difficult to document anything. What the bureaucrats knew, they weren't telling anybody, and as a result, were and *are* often at cross-purposes. Then along came a book called: "Moment in the Sun", by Bob Rienow and his wife Leona, who spent 30 years documenting the facts. I've been quoting it and touting it ever since. And others: Barry Commoner's "Science and Survival," Wesley Marx' "The Frail Ocean," Paul Ehrlich's "The Population Bomb."

To my great satisfaction, the media are now full of conservation and ecology stories these days. Almost daily in the newspapers, magazines, news radio and on TV. I can tell you now that we of these media are very sensitive to public opinion and we have known for sometime that public concern far exceeds that of our leaders. In fact, it has become more than concern: it is a cry of outrage! According to the National Wildlife Federation, during April and May of 1969, 55% of the American public is very much concerned and 75% of them are willing to pay even higher taxes to help fight pollution.

But just for once, let's not look for a scapegoat. No person or group of persons in particular is to blame. We are all equally culpable. Do you remember reading about the slaughter of the buffalo? I'm sure it never occurred to a single greedy hide shooter that there would ever be an end to that herd of 75,000,000 bison. The factories which emptied their wastes into the rivers never dreamed they were polluting the open sea! The cities which pumped their raw sewage into the same rivers cared little about the complaints from those who lived down-river, who, in turn, shrugged and added their own filth. Nor did the power plants and factories spewing their smoke into the air dream that the atmosphere would one day become saturated with sulfur oxides. Add to that the carbon monoxide and the hydro carbons poured into the air—by the automobiles and motorcycles and trucks and motorboats. Eighty-six million tons per year, 70% of the total air pollution. Did I mention airplanes? We who fly have been dragging the horrible stuff ever higher until now, as I have said, it is to be found as high as 43,000 feet! Rain—which used to be the purest water available, washes the pollutants out of the air thus contaminating the soil and the sea. Imagine: rain water no longer pure! The girls tell me they no longer can use it to wash their hair.

Remember that beautiful photograph the astronauts brought back from the moon? There is our little planet, a beautiful jewel shining against that black cosmos—and the atmosphere—our air which we breathe is, proportionately, about as thick as the skin of an apple. We don't seem to realize: this is all the air we've got! That picture could have been the end of the Apollo project for my money. The view we thus obtained of our planet was the greatest contribution of all, in my opinion. Who needs those rocks they brought back?

And what do you think another of the worst polluters of water turns out to be? The out-board motor which by design actually dumps overboard—unburned!—anywhere from 10% to a third of the mixture of the fossil fuels—gasoline and oil that is required to run them. The amount depends upon how recently the motor was built.

I'm sure the last thing a vacationing boating enthusiast ever thinks of, as he joyously churns up and down our rivers and lakes, is that he is destroying with hydro-carbons the very environment he loves! And I'm told there are seven million of them in daily use in America alone!

The Goggi brothers of Staten Island have perfected a device which, because it re-cycles this fuel back into the motor, actually pays for itself in a season of use—but more important, it absolutely prevents the pollution of the water by even so much as one drop of fuel.

Everybody knows the story of DDT by now. It was regarded as a miracle when it first came out. Now science knows that it contains a lethal non-biodegradable poison that is causing the extinction of many organisms in the food-chain of life. You all know the story of the coal miners using live canaries to warn them of the presence of poisonous gases in the mines. O.K. The osprey, the eagle, the pelican and many other birds are trying to tell us the same thing now as they approach complete extinction. They are trying to warn us of our own impending doom.

XUM

All these things and others have happened because we have failed to take the time to study the ecological consequences of our technological discoveries before adopting them. Until recently, therefore, no one could point the finger of blame. But—now that we know our mistakes—somebody had better start doing something constructive or a lot of heads will roll.

We were momentarily heartened recently when President Nixon appointed a board to study our conservation problems. Then we saw who was on the board. Besides himself and the Vice-President, the appointees are all members of his Cabinet. Conservationists? Ecologists? Just one, Dr. Lee A. DuBridge. Thus, despite the fact that 70% of the air pollution comes from gasoline powered automobiles, the President just the other day magnanimously recommended the expenditure of 2½ million dollars for the development of of a non-pollutant engine. Big deal! Why Bill Lear has already spent 4 million dollars of his own money and has committed 6 million more to the development of such an engine. He puts up 10 million of his own money, Uncle Sam 2½. I am really thrilled!

Also, despite Congress' authorization of a billion dollars for water purification over a year ago, both the Johnson and Nixon Administrations have asked for only 214 million—just a little more than one-fifth of what was required as of a year ago. We must stop water pollution, but more important, it seems to me, we must quit building these damn dams and quit re-cycling water that has already passed through incalculable numbers of relatives, friends and enemies.

Dr. Jay Lehr, the Executive Director of the National Water Well Association, tells me that 97% of our treasure of pure, unpolluted, fresh water in America is located underground, anywhere from just below the surface to less than a mile. Despite this, we insist upon re-cycling our surface water. In fact, approximately 85% of the water used by Americans is surface water from the polluted lakes and rivers and streams and run through highly inefficient purification plants. Dr. Lehr tells me that even if we Americans continue to use fresh water at the same rate that we do today, there is enough water stored in our aquifers to last 7,900 years. Therefore, we could double the use and still be safe for nearly 4,000 years even if it didn't rain another drop!

I am no longer enchanted with our great technology. I have seen what unchecked technology has done to the environment of this planet. I sense we have let machines get ahead of people. The computer is beating us to death.

We have created a gaudy illusion about air travel, for instance, thanks to the creative art of advertising. I say we—because I helped do it—since 'way back in the days when Juan and Rick and CR and Pat Patterson were pioneering. The walls and files of my office are jammed with trophies and awards and kudos and thank you's dating from the first broadcast ever done from an air-liner. Captain Eddie Rickenbacker and I did it together in his first DC-3.

Little did I dream that travelling by air would become a teeth-grinding challenge to passengers. Fighting traffic to the airport . . . parking space . . . reservations that disappear . . . wrong flight information . . . cramped seating . . . dismal food . . . airways traffic delays . . . prolix ticket people chattering away unreadably on the PA system . . . grueling hikes down long corridors of stifling airports. To be followed by more ground delays, with baggage that is lost or strayed . . . and five and ten dollar hauls by taxis—when available—to the center of town.

So now what's new? The 747, the jumbo jet, and the SST. I see where President Nixon recommends an expenditure of nearly a billion dollars to develop the SST. One billion for supersonic aircraft—2½ paltry million for non-polluting engine development.

Which has the priority—the incredible snarl and stick on the ground . . . or an aircraft which to me—whatever color you paint it—is still an increasingly large bottle, with the same small neck. And who needs the SST? The very rich and very bored jet set that want to be sure to get to Paris for cocktails tonight. That's who!

I can't help but think of the genius who built the magnificent boat in his basement and can't get it out.

We are committing fortunes to the creation of these new aircraft, and the powers that be cite the economy, and international competition and world trade. That's going to be a great airplane, that 747, I have no doubt, and may make a buck or two for the stockholders—if they don't smash one of them up too soon. Oh, they'll crack a couple of 'em up; maybe three before we're through. I never heard of a new model that didn't sooner or later cross up the designers, did you? And don't forget, no matter what systems and back-ups we can dream up, they are nothing but little black boxes in the last analysis and it is still the imperfect human being who has the ultimate responsibility. Which reminds me: aviation better hold on to some of the old-timers who are reaching the retirement age! These big planes are gonna need lore and experience—and lots of it!

And where in the world does anyone get the idea that the 747 is going to solve any traffic problems? Sure, they'll haul 500 passengers to the coast or overseas. And what will we do with the planes they'll replace? Junk 'em? Of course not. They'll be sold to smaller airlines for use in the same areas and over the same routes. And just wait till we see the ground traffic at the airports. What's the average? Two point something people come out to see papa off and two point something more to greet his return? And you think it's hard to get your baggage now?

If that sounds cynical, so be it. It is my considered judgment after 40 years of flying, and 14-thousand some odd hours as a command pilot. Instead of developing bigger and greater monstrosities, why not use some of that money to modernize our traffic control systems? How about, for instance, an inexpensive transponder for light aircraft? For a couple of hundred dollars such a device could be made standard equipment on all light aircraft. It would be turned on automatically when the pilot turns on the ignition switch. He would have no control over it except that it would be set barometrically to operate below a certain altitude—say 1,500 feet—thus enabling traffic controllers to recognize the blip on the radar screen indicating the presence of a light aircraft *below* the big commercial carriers going to and from airports. If such a piece of equipment had been available, that horrible, fateful collision in Indiana the other day could have been avoided.

And let's get real brave and stop this stupid private automobile jam that goes on for 20 hours out of every 24 here and in all big cities! Let us provide fast, electric or steam buses on all avenues and all streets and ban all private cars and taxi-cabs and tell the trucks to get rid of their stinking diesels and gas engines and switch to electric or steam or get out.

Let's require tertiary treatment for all sewage and chemical toilets for all water craft. No more raw sewage in the harbors and rivers, lakes and oceans. Let's quit building dams and "developing" estuaries. Let's find some other ways of building monuments to engineers than at the expense of the environment.

Instead, let's start using—wisely—under ecological control—the vast treasure of 47 billion acre feet of pure water now lying untapped in the nation's aquifers.

But most important of all, let's face up to the fact that the real cause of our entire dilemma is simply people. Teeming billions of people—human beings—the most destructive, the most thoughtless, the most careless, the most vicious of all of earth's animals. Fancying himself with absurd and naive ego, created in the image of omnipotent deity, he has ruthlessly trampled most of this paradisaical planet underfoot. Where loving, grateful stewardship should have been his guideline, he has preferred the role of tyrannical despot. He has ridden roughshod insensitively over all opposition. He has "conquered" the wilderness, asking with incredible hypocrisy, for Divine blessing and guidance all along the way, even when engaged in the murder of millions of his own kind! But, where as in ancient times (and for 2½ million years!) nature always handled any runaway situations with dispatch (with plagues, pestilences, floods and fires) man with his developing technology has defeated her—temporarily—on every front. For the better part of a century—the blink of an eye-lid in the aeons of timeless history—man has been sailing blithely along completely unaware of his course and speed.

The destruction of his environment by his own greedy hand, will be his ultimate undoing. Extremely sober, highly respected ecologists predict utter catastrophe before the turn of the century—within 30 short years! This is the heritage we are leaving our children—no future at all! And they know it.

Well, I would be less than honest if I failed to tell you of those frightening truths, but I would also be less than human if I didn't hope. I am a dedicated volunteer for survival. Will you join me?

WORLD BANK CAMPAIGN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Mr. RARICK. Mr. Speaker, on Monday of this week, I commented on the manifesto which came out of the World Bank Convention here in the District of Columbia—see CONGRESSIONAL RECORD, October 6, page 28736.

Itemizing the international bankers' programs, I suggested that no Member, to the knowledge of his constituents, would vote for such proposals.

I further remarked that if the same objectives were written in palatable language, thinly disguised, and labeled as "progressive," "mature," flexible," and "humanitarian," many would feel constrained to so vote.

Past experience proves that the international bankers use their full power to confuse, persuade, and maneuver the American people to accomplish international aims.

The internationalists erupted into operation almost immediately. Yesterday, I received a leatherbound volume entitled "Economic Foreign Cooperation" which even bears my name, stamped in gold, on the cover. The book explained that underdeveloped nations do not like the word "aid," and henceforth the word "cooperation" should be used when referring to "our economic foreign programs." The book is illustrated with cartoons and written in a vocabulary and style addressed to about 10-year-olds—apparently the intelligence level that the senders must regard Members of Congress as possessing.

XUM

The World Bank coterie, through its former president has also recommended an inducement to Hanoi to end the war earlier; the "inducement" being a cool $1 billion foreign aid package to Southeast Asia. What Congressman could vote against a billion dollar expenditure—not called "ransom" or "blackmail," but for "peace through economic cooperation?"

The former World Bank head indicates that North Vietnam might be interested in joining international organizations—the Asian Bank, the World Bank.

Mr. Speaker, it becomes more and more imperative that our colleagues become alerted to crafty promotions if they are to continue representing their constituents rather than the predetermined programs of the powerful World Bank cartel.

I insert a news clipping from the Christian Science Monitor:

SOUTHEAST ASIAN AID PACKAGE URGED AS INDUCEMENT TO HANOI

(By William C. Selover)

While President Nixon is concentrating on finding an end to the Vietnam war, Eugene R. Black, former World Bank president, has come up with what he thinks is an "inducement" to Hanoi "to end the war earlier."

This "inducement" is a cool billion-dollar aid package to Southeast Asia, designed to spearhead economic development in the area.

Ironically, Mr. Black makes his report, "Alternative in Southeast Asia," published by Praeger, at a time when he is no longer a part of the administration, when public enthusiasm for massive foreign-aid programs is at an all-time low, and when his voice remains largely unheeded.

He started his thankless task back in April, 1965, when President Johnson appointed him special adviser and asked him to come up with a plan for postwar development.

JOHNSON ROLE RECALLED

In his now-famous Johns Hopkins University speech, Mr. Johnson called on Mr. Black to devise a grand plan: "The task is nothing less than to enrich the hopes and the existence of more than a hundred million people," Mr. Johnson said.

He sent Mr. Black and a task force tramping throughout Southeast Asia with a few specific suggestions, spelled out in typical Johnsonian superlatives:

"The vast Mekong River can provide food and water and power on a scale to dwarf even our own TVA.

"The wonders of modern medicine can be spread through villages where thousands die every year from lack of care.

"Schools can be established to train people in the skills that are needed to manage the process of development."

Mr. Black believes that the American presence in Asia must be reduced dramatically following the war. He believes Mr. Nixon's suggestions for postwar Asian policy are valid.

WHAT SUGGESTION MEANS

"In the wake of a cessation of hostilities in Vietnam," he reports, "I think we will have to substitute for an overwhelming American presence a multilateral framework for a policy of regional cooperation."

In other words, he suggests that Americans concentrate on bolstering regional unity—in an area which could thirve on such unification—and at the same time renounce what he calls "our present policy of overinvolvement in the affairs of Southeast Asia."

While such pronouncements are common on Capitol Hill these days, representatives of international finanee have not been heard to take such a clear line.

"Everybody's tired of the war," Mr. Black says in his soft Georgia accent. "Businessmen would like to see it over."

He added: "Financial people are worried that we are spending this much money; they would like to see it spent in this country."

In every country Mr. Black visited in East and Southeast Asia, leaders asked the American banker if the United States would lose interest in the area following the war.

REGIONAL COOPERATION

Mr. Black assured them he would be very much surprised if it did. But he hoped continued interest would be in the form of contributions to regional banks and investments in developing projects.

Already, study of the postwar task has resulted in several examples of regional cooperation, including the Asian Development Bank which was an outgrowth of this program. The Mekong committee, according to Mr. Black, is also "extremely active" in making plans for long-term development.

Mr. Black is particularly interested in involving Japan in future regional economic pacts, as well as the Soviet Union, and even North Vietnam. "It is quite possible North Vietnam could benefit from the aid," he says.

"North Vietnam might be interested in joining international organizations, the Asian Bank, the World Bank—they might come in on a multilateral basis."

Furthermore, he said, they might "get power from the Mekong power plants."

But he also warns that it would be a great "setback" to regional cooperation if the Communists won the war. He agrees with the Nixon attempts to gain peace in the area. The lack of support for Mr. Nixon in this country, he says, "is going to make it very difficult to make peace." Those advocating deadlines for unilateral withdrawal, he says, "are playing into the hands of the North Vietnamese."

MORE TRIALS IN IRAQ

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1969

Mr. BIAGGI. Mr. Speaker, beginning in December 1968, the Government of Iraq has held a series of so-called spy trials, in which they subject innocent victims to an Iraqi inquisition.

In February 1969, a horrified world witnessed the display in the public squares of the city of Baghdad of the mutilated and murdered bodies of the first of the "alleged spies." Since then, the total number of the tortured victims of the Iraqi barbarians has reached 54.

Many of those killed by the Iraqi executioners have been Jews, who were sacrificed for no other reason than the fact that they were Jews. The action by the Government of Iraq in holding these "kangaroo trials" and the imposition of the harshest penalty for the alleged crimes is a flagrant violation of every human standard of decency and a direct rejection of every human right.

This mockery of justice continues in spite of pleas from the highest authorities—Presidents, Prime Ministers, officials of the United Nations, the Pope, respected leaders from every nation and from every institution in the civilized world.

I call upon the Secretary of State, William Rogers, to make every effort to intervene with the rulers in Baghdad to put an end to these charades of justice and to free these innocent people from their torment. The United States should seek every available avenue of redress in the United Nations, and prompt that international body to apply to the prisoners of Iraq the protection of human rights accorded to every other member of the world society.

HON. JOSEPH RESNICK

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1969

Mr. SCHEUER. Mr. Speaker, I join with my colleagues in expressing my sadness at the passing of Joe Resnick. I extend my sincere condolences to his wife.

Joe was a warm and ebullient friend and a Congressman of the old school, an individualist to the core. He cared deeply for what was right. He cared less for party, and institutions and not a whit for those whose noses might be out of joint because of his actions.

He followed the road where his instincts took him, with a bulldog determination, and his instincts were right and sound.

And he followed the road as a pro. He knew his stuff. He did his homework.

It was this combination of bulldog tenacity, courage, and instinct for what was right and decent, along with Joe's high professionalism that made him such a significant Member of this body, and leaves us with such a sense of loss.

9

ic
he
he
n,
as

e-
re
he
on
ng
i-
l-
of
a

in
i-
li-
e-
nd
ed

e,
to
to
ce
om
ld
ess
at
is-
an
per

s

oin
ad-
ex-
ife.
end
an
ply
for
hit
of

in-
er-
ght

He

dog
hat
oe's
uch
and

XUM